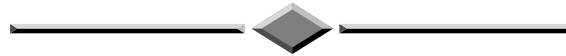




A G E N D A



FOR THE *REGULAR MEETING OF RED DEER CITY COUNCIL*

TO BE HELD IN

THE COUNCIL CHAMBERS, CITY HALL

MONDAY, October 19, 2009

COMMENCING AT 3:00 P.M.



- (1) Confirmation of the Minutes of the Regular Meeting of Monday, October 5, 2009
- (2) **UNFINISHED BUSINESS**
 1. Legislative and Administrative Services Manager and Parkland Community Planning Services - *Re: Land Use Bylaw Amendment 3357/L-2009 - Escarpment Areas*
(Consideration of First Reading of the Bylaw) ..1
 2. Legislative and Administrative Services Manager and Parkland Community Planning Services - *Re: Land Use Bylaw Amendment 3357M-2009 - Updating of HP Historical Preservation Overlay District to Reflect Designation of St. Luke's Anglican Church and North Cottage School as Municipal Historic Resources* ..22
(Consideration of Third Reading of the Bylaw)

3. Legislative & Administrative Services Manager and Public Works Manager and Engineering Services Manager – *Re: 2009 Off-Site Levy Rates Bylaw 3426/2009* ..30
(Consideration of Second and Third Readings of the Bylaw)

(3) **PUBLIC HEARINGS**

1. Parkland Community Planning Services – *Re: Land Use Bylaw Amendment 3357/FF-2009 – Oxbows Off Leash Dog Park Closed Landfill Site (NE 33-37-27-4)* ..52
(Consideration of Second & Third Readings)
2. Parkland Community Planning Services – *Re: Riverside Meadows*
 - a. *Bylaw 3261/A-2009 to Adopt Riverside Meadows Area Redevelopment Plan*
(Consideration of Second & Third Readings)
 - b. *Land Use Bylaw Amendment 3357/U-2009 – To Implement Land Use Recommendations from the Riverside Meadows Area Redevelopment Plan*
(Consideration of Second and Third Readings)
 - c. *Riverside Meadows Community Plan and Residential Design Criteria (See Attachment “B”)* ..59

(4) **REPORTS**

1. Recreation, Parks & Culture Manager & Parks Planning & Technical Services Supervisor, *Re: Heritage Ranch 2009 Concept Plan* ..94
2. Waste Management Superintendent and Environmental Services Manager, *Re: Waste Management Facility – Aggregate Recycling Pad* ..97

3. Legislative & Administrative Services Manager - *Re: Recommencement of Expropriation* ..100
4. Director of Community Services and Director of Development Services - *Re: East Hill Town Centre* ..101
5. Legislative & Administrative Services Manager - *Re: New Committees Bylaw 3341/2009 and Appeal Roles / Addition of New Committees* - Adoption of the following new bylaws: .. 104
 - a) *Bylaw No. 3431/2009 - The Committees Bylaw*
(Consideration of 3 Readings of the Bylaw)
 - b) *Bylaw No. 3433/2009 - The Assessment Review Board Bylaw* (Consideration of 3 Readings of the Bylaw)
 - c) *Bylaw No. 3432/2009 - The Subdivision & Development Appeal Board Bylaw* (Consideration of 3 Readings of the Bylaw)

Amendment of the following bylaws:

- a) *Bylaw 3194/A-2009 - The Alarm Bylaw*
(Consideration of 3 Readings of the Bylaw)
- b) *Bylaw 3332/A-2009 - The Drinking Establishment Bylaw*
(Consideration of 3 Readings of the Bylaw)
- c) *Bylaw No. 3319/A-2009 - The Escort Services Bylaw*
(Consideration of 3 Readings of the Bylaw)
- d) *Bylaw No. 3409/A-2009 - The Firearms Bylaw*
(Consideration of 3 Readings of the Bylaw)
- e) *Bylaw 3357/X-2009 - The Land Use Bylaw*
(Consideration of 3 Readings of the Bylaw)
- f) *Bylaw 3159/A-2009 - The License Bylaw*
(Consideration of 3 Readings of the Bylaw)
- g) *Bylaw 3394/A-2009 - The Limousine & Sedan Bylaw*
(Consideration of 3 Readings of the Bylaw)
- h) *Bylaw 3358/A-2009 - The Procedure Bylaw*
(Consideration of 3 Readings of the Bylaw)
- i) *Bylaw 3282/A-2009 - The Taxi Bylaw*
(Consideration of 3 Readings of the Bylaw)
- j) *Bylaw 3215/A-2009 - The Utility Bylaw*
(Consideration of 3 Readings of the Bylaw)

(5) **CORRESPONDENCE**

(6) **PETITIONS AND DELEGATIONS**

(7) **NOTICES OF MOTION**

(8) **ADMINISTRATIVE INQUIRIES**

(9) **BYLAWS**

1. **3357/L-2009** – Land Use Bylaw Amendment – *Escarpment Areas* ..109
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2. **3357/M-2009** – Land Use Bylaw Amendment - *Updating of HP Historical Preservation Overlay District to Reflect Designation of St. Luke's Anglican Church and North Cottage School as Municipal Historic Resources* ..176
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3. **3261/A-2009** – Area Redevelopment Plan - *to Adopt the Riverside Meadows Area Redevelopment Plan* ..178
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4. **3357/U-2009** – Land Use Bylaw Amendment – *To Implement Land Use Recommendations from the Riverside Meadows Area Redevelopment Plan* ..179
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5. **3357/FF-2009** – Land Use Bylaw Amendment - *Oxbows Off Leash Dog Park Closed Landfill Site (NE 33-37-27-4)* ..189
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6.	3436/2009 - 2009 Off Site Levy Rates Bylaw (2 nd & 3 rd Readings)	..191 ..30
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10.	3194/A-2009 - Amendment to the Alarm Bylaw / <i>Revision to Section 21 - Appeal of Revocation of Permit to Red Deer Appeal & Review Board</i> (3 Readings)	..252 ..104
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12.	3319/A-2009 - Amendment to The Escort Services Bylaw / <i>Revision to Sections 41 - 44 / Appeal to Red Deer Appeal & Review Board</i> (3 Readings)	..254 ..104
13.	3409/A-2009 - Amendment to The Firearms Bylaw / <i>Revisions to Section 8 (b) / Appeal to the Red Deer Appeal & Review Board</i> (3 Readings)	..255 ..104
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|-----|--|-------|
| 15. | 3159/A-2009 – Amendment to the License Bylaw / <i>Revisions to Section 8 (1) – Appeal to the Red Deer Appeal & Review Board</i>
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| 16. | 3394/A-2009 –Amendment to the Limousine & Sedan Bylaw / <i>Revisions to Section 12 “Appeal”, Appeal to the Red Deer Appeal & Review Board</i>
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| 17. | 3358/A-2009 – Amendment to the Procedure Bylaw / <i>Revisions to Section 4, Appeal to the Red Deer Appeal & Review Board</i>
..259
(3 Readings) | ..104 |
| 18. | 3282/A-2009 – Amendment to The Taxi Bylaw / <i>Revisions to Section 55, “Appeal” , Appeal to the Red Deer Appeal & Review Board</i>
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| 19. | 3215/A-2009 – Amendment to The Utility Bylaw / <i>Revisions to Sections 33, 42, 44, 45, 92, - Appeal to the Red Deer Appeal & Review Board</i>
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(3 Readings) | ..104 |

(10) **COMMITTEE OF THE WHOLE**

1. City Solicitor – *Re: Land Matter*
2. Director of Community Services – *Re: Human Resource Matter*

That the Recommendations, Reports 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: October 16, 2009
TO: City Council
FROM: Elaine Vincent, Legislative & Administrative Services Manager
SUBJECT: Land Use Bylaw Amendment 3357L-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. At the Monday, September 21, 2009 Council meeting, Land Use Bylaw Amendment 3357/L-2009 was again tabled to the Monday, October 19, 2009 Council Meeting.

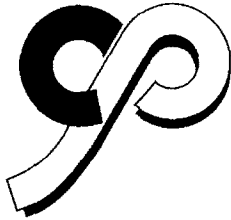
Recommendation:

That Council consider

- 1) Passing a resolution lifting from the table consideration of Land Use Bylaw Amendment 3357/L-2009; and
- 2) First reading of Land Use Bylaw Amendment 3357/L-2009.

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

Elaine Vincent
Manager



**PARKLAND
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PLANNING
SERVICES**

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DATE: October 2, 2009

TO: Elaine Vincent, Manager, Legislative and Administrative Services

FROM: Tara Lodewyk, Planner

RE: *Land Use Bylaw* amendment 3357/L-2009, Map 5/2009
Escarpment Areas

Background

Parkland Community Planning Services (PCPS) has been working with Engineering Services to review the requirements of the *Land Use Bylaw* pertaining to escarpment areas. These requirements set out the process and regulations around development permit applications for developments, redevelopments, and clearing or grading in city escarpment areas. An escarpment area includes sites within or adjacent to an escarpment or slope which could be affected by slope instability.

Existing Land Use Bylaw Regulations

Currently in the *Land Use Bylaw* there are escarpment areas identified on the land use constraint maps. These were first put in place over five years ago using a standard setback of 50 metres from the escarpment or slope.

If a property owner is developing, redeveloping, and grading or clearing within the escarpment setback area they are required to provide cross sections of the slope and a geotechnical study or other satisfactory evidence showing the soil is suitable for development to the satisfaction of Engineering Services. If this was not enough information a full geotechnical study report could be requested by Engineering Services.

Engineering Services felt the current regulations could be improved in several areas. They found that the current standard setbacks were sometimes excessive on flatter slopes and not enough on steeper slopes because the standard setback distance does not factor in the height of the slope or condition of the slope. They also found that in some cases the public did not submit information that was verified by a qualified surveyor which created obstacles in applying the information and concerns with liability.

The current bylaw requires a permit if you are redeveloping, developing or clearing or grading in the escarpment area. This does not include adding fill or excavating which could affect stability.

The current regulations are also unclear as to which permit applications require Indemnity agreements. Currently, the Municipal Planning Commission (MPC) can only make an indemnity agreement a condition of the development permit.

Lastly, the information required with a permit application did not include the option of asking for a landscaping plan so Engineering Services could determine if other alterations were planned that would affect the slope stability such as underground sprinklers, planting shrubs that require heavy water, building retaining walls, etc.

Land Use Bylaw Amendment 3357/L-2009**Page 2 of 3**

Proposed Amendment

The objectives of the proposed *Land Use Bylaw* (LUB) amendment are to:

1. adopt an escarpment area setback that takes into consideration slope condition and height,
2. indemnify The City in approving all development permit applications in escarpment areas where a geotechnical assessment or investigation is required,
3. add the requirement of a legal survey or historical survey data of the slope by a qualified surveyor for inclusion in the development permit application,
4. add that a development permit is also required for excavating or adding fill in an escarpment area; and
5. add the option for Engineering Services to request a landscaping plan with a development permit application.

1. Site Specific Setback

Parkland Geotechnical Consulting Ltd. has recently prepared a document entitled *City of Red Deer Guidelines for Development Adjacent to Slopes (Guidelines)*. These are attached to the report. This document will be used by Engineering Services to determine safe setback distances for development when reviewing development permits for sites in escarpment areas. The Guidelines also establish the escarpment area setbacks on the proposed land use constraint maps. These proposed setbacks are varied throughout the city based on site specific observations of the local slope condition and height. A summary map of the proposed changes to the escarpment areas is attached as the amendment affects 66 land use constraint maps in the *Land Use Bylaw*.

The proposed amendment also removes Figure 1 in the *Land Use Bylaw* because the escarpment areas are shown on the land use constraint maps in a larger and more detailed format. The information contained on Figure 1 is difficult to read in detail because it shows the whole city on one map.

2. Indemnity Agreement

The proposed amendment adds a section to the *Land Use Bylaw* that clearly states forthright that an indemnity agreement is signed by land owners in an escarpment area where a geotechnical assessment or investigation is required with their development permit application. These are slopes, identified in the *Guidelines*, are typically higher than 20 metres or in an active toe or former slide area. An indemnity agreement causes the land owner to be responsible for their actions and state that The City is not responsible for losses associated with any subsequent slope movement.

3. Legal survey

For all development permit applications in an escarpment area, the proposed amendment requires a legal survey or historical survey data completed by a qualified surveyor to verify the slope height and provide accurate cross sections. This data is needed by Engineering Services to apply the *Guidelines for Development Adjacent to Slopes*. The data is also used to confirm the slope condition and height has not recently changed with such actions as deforestation, heavy watering, heavy rainfall, etc.

The proposed amendment provides Engineering Services with the authority to ask for a geotechnical assessment or investigation by a qualified engineer. This is required when the slope height and condition are examined using the assessment matrix in the *Guidelines* and the recommendation is further assessment or investigation of the slope or escarpment. These are sites where there is a steep or high slope, active toe erosion, or former slide area. As well applicants who want to vary from the default setback distance in the *Guidelines* will also be asked to complete an investigation supporting their proposed setbacks.

Land Use Bylaw Amendment 3357/L-2009Page 3 of 3

4. Excavating or Filling in an Escarpment Area

The proposed amendment adds the requirement for land owners in an escarpment area to obtain a development permit if they wish to excavate or add fill. This is in addition to needing a development permit for development, redevelopment, clearing or grading in an escarpment area.

5. Landscaping Plan

There are several landscaping actions that could affect slope stability such as underground sprinklers, shrubs that require heavy watering, building retaining walls, etc. Engineering Services would like the option of requiring a landscaping plan with the development permit application. This would typically be on escarpment area sites where a new home is being built or the yard is being redone as a result of a major redevelopment.

Consultation

The amendment has been circulated to City administration and City solicitors. It has their support.

Those parcels which were previously not included in the escarpment area were sent a letter explaining the change and requesting comment. Of the fifty two (52) letters sent, six people called requesting further information and/or explanation of the changes. There were no objections to the proposed changes.

The amendment was presented to the Environmental Advisory Committee for comment on September 30. They support the changes to the bylaw and feel these changes are an improvement from the existing regulations. The committee wanted to stress how important the escarpment areas are within the city and our growth areas. They look forward to providing input on further plans and policies that relate to the escarpment areas.

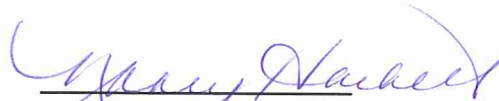
Planning Analysis

The proposed amendment further refines and improves the current *Land Use Bylaw* regulations. The escarpment area setbacks have been tailored using data verified by a qualified geotechnical engineer. They are a better assessment of the risk associated with development in each escarpment area. The *Guidelines* will standardize and clarify the internal process for processing permit applications in escarpment areas. Property owners will know forthright what information is required, who can provide that information and that the City will not be responsible for losses associated with development in higher risk escarpment areas.

Recommendation

That City Council proceed with the first reading of Land Use Bylaw Amendment 3357/L-2009.

Sincerely,


Tara Lodewyk ACP, MCIP
Planner
Nancy Hackett ACP, MCIP
City Planning Manager

cc. Colleen Jensen, Paul Goranson, Brian Johnson, Frank Colosimo, Rebecca Clark, Tom Warder, Mark Brotherton

CITY OF RED DEER

**Guidelines for Proposed Development
Adjacent to Slopes**

**CITY OF RED DEER
GUIDELINES FOR PROPOSED DEVELOPMENT
ADJACENT TO SLOPES**

June 2008

Prepared by:

Parkland Geotechnical Consulting Ltd., Red Deer, AB

CITY OF RED DEER

**Guidelines for Proposed Development
Adjacent to Slopes**

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CITY OF RED DEER**Guidelines for Proposed Development
Adjacent to Slopes****1.0 INTRODUCTION****1.1 GENERAL OVERVIEW**

The City of Red Deer has several steep valley banks and sloped areas within the present City boundaries and perimeter areas which will conceivably join with the City in the future. These slopes include river valley escarpments, creek valley escarpments, low and high river banks, natural landforms, cut-slopes and man-made embankments. The City has commissioned development of a systematic method or Decision Matrix for assessing risk associated with development near slopes.

1.2 REGULATORY BACKGROUND

The present regulatory framework governing development adjacent to slopes was developed by Alberta Environment in the 1990's and is discussed in the following documents:

"Environmental Reference Manual for the Review of Subdivisions in Alberta", November 1996

"Interim Guidelines for the Subdivision of Land Adjacent to Steep Valley Banks", 1994

The guidelines in these documents have been almost universally adopted by several of the municipalities in the area including the City of Red Deer. The basic two points are:

1. The primary definition of a slope is an area with a slope of more than 15 percent (8.53 degrees or 6.7H:1V). To put this in perspective, the typical side slope for a full basement house with a rear walk out would be about 15 percent. This definition was clearly meant as a threshold to "flag" sites for more specific analysis in order to identify geotechnical issues and provide geotechnical recommendations for the proposed development. Any sites flatter than this is classified as suitable for development without further slope review. This guideline was never intended to be an absolute restriction against development.
2. The default recommendation for a top-of-slope setback is 30 m from the crest for development. This is a relatively loose guideline since it does not take into account several important factors, most importantly the height of the slope. For example, a 30 m setback for a 2 to 3 m high slope is probably far too restrictive; but in other cases such as Oriole Park West, Riverview Estates (Red Deer County) and east above Gaetz Lakes site specific slope assessments have recommended setbacks in excess of 30 m. Most municipalities allow for this setback guideline to be relaxed on the basis of a site specific slope assessment study performed by a qualified geotechnical engineer.

CITY OF RED DEER**Guidelines for Proposed Development
Adjacent to Slopes**

In recent years AENV has advocated the assessment of slopes areas for setbacks to private property lines in new subdivisions. It was pointed out that, even if a structure such as a house was safe from slope movement, the loss of undeveloped yard areas and temporary structures such as gazebos, decks, etc. would still be a cause for concern and might result in possible devaluation of property. Clearly this would not apply to private property such as farms or older developments with established property lines near slopes.

The City of Edmonton follows a couple of policies and practices which are of interest and have been adopted in practice by the writer. There is an understanding with geotechnical consultants in Edmonton that the City will only accept slope assessment reports which have an actual surveyed slope profile or contour survey and include documentation of a manual or computer modelled stability analysis. The City of Edmonton also has a policy to differentiate between the development and structural setback requirements. The level of risk between an area of undeveloped private property and a permanent structure on the property are different, with the risk to structures being more of a concern. The differences are discussed later in Section 2.2. Therefore two setback lines are requested in a slope assessment report: a Development Restriction Line which is closest to the crest and would apply to property lines and a Building Restriction Line which would be the closest allowable point within the property for permanent structures.

1.3 PURPOSE OF THE DECISION MATRIX

The purpose of Slope Assessment Matrix outlined in this document is to provide a standardized tool that can be used by the City of Red Deer to assess a reasonable default setback limit for development near the toe and crest of slopes within the City. The City policy at the time of writing in 2006 was to apply a setback of 50 m, but this type of precaution clearly doesn't apply to some of the smaller and flatter slopes within the City; and it may not be sufficient for some of the more significant local slopes and high river banks.

The second purpose of the Matrix tool is also to give development proponents a clear understanding of the level of geotechnical work expected in the development proposal to support any proposed relaxation of the default setback.

1.4 LIABILITY

It must be clearly understood that the proponent is responsible for the stability of the proposed development relative to the adjacent slope. The default set-back distances provided in the Decision Matrix were developed for City of Red Deer use and are only provided to the public for general information purposes. If the proponent chooses to adopt these set-back distances for his development, it must be understood this decision is taken at his own risk. For this reason the City strongly suggests that a qualified geotechnical engineer be consulted for any development near a slope.

CITY OF RED DEER**Guidelines for Proposed Development
Adjacent to Slopes****2.0 GENERAL COMMENTS**

Landslides are a naturally occurring process along river valley slopes, creek valley, ravines and river banks; as well as improperly designed man-made cut-slopes and embankment fills. Instabilities can range from minor on-going surficial ravelling of soil and vegetation to large earth movements associated with shear planes at greater depth in the slope profile. The more massive movements can involve relatively large slide blocks or rotational failures that can lead to significant regression of crest areas. The combination of natural and man-made factors which can lead to instabilities include:

- river erosion at the toe of the slope;
- planes of weakness in the subsoil or bedrock;
- increased groundwater levels, due to irrigation, leaking facilities or swimming pools, removal of vegetation, etc.;
- blockage of natural springs or surface drainage courses;
- grading/fill placement on or near the slope; and/or
- natural softening processes due to weathering, deforestation, freeze/thaw effects, etc.

The typical local slope failure is a series of regressive slumps. A steepened slope will slump back over time and the slide mass will run down the slope face to establish a stable slope profile for the existing soil and groundwater conditions. Over time the factor of safety of the slope will increase slightly, as vegetation is established on the slope face to protect the soil from weathering. If the toe area is subject to erosion, slumping and regression will continue, because the slope is not allowed to establish a stable profile. As a general rule, mature vegetated slopes in an area which are not subject to ongoing disturbance or erosion provide an indication of stable long-term slope angles for local materials of similar geology. Land along the crest of a steepened slope can experience cracking and shifting of the ground that can damage structures or lead to loss of property if located too close to the slope.

2.1 SLOPE STABILITY

The purpose of a slope assessment is to assess slope stability relative to the risk to the top of slope development, not to answer the question of is the slope stable or not. For example; what impacts would a small slide halfway down a slope face have on an existing house above the crest of the slope? In this example the slope is not stable, but the instability has no impact on the house. Slope stability is also a relative concept which is dependent on many factors. Under the present conditions most of the slopes within the City of Red Deer are stable despite some relatively steep slope angles. This is considered short term stability. However, possible impacts from changes in the slope's governing conditions such as deforestation, heavy watering, heavy rainfall or a nearby

CITY OF RED DEER**Guidelines for Proposed Development
Adjacent to Slopes**

water main break could cause instabilities some of the steeper slopes. If a slope is flat enough that the internal strength of soils can support slope face under a relatively wet condition, this is considered long term stability; and it is long term stability which is used to assess development risks.

Therefore, the development concern is verifying whether a proposed development is at an acceptable risk relative to possible slope movements. For example, if a slope failed and caused a 5 m strip of crest area to slide down the slope, what impact would this slide have on a structure either 6 or 50 m away from the old crest? The answer to both distances is no impact. However, the sight of a landslide 1 m away from the structure would be cause for much more concern than a slide 45 m away. Geotechnical engineers typically deal with this risk by suggesting a specific set-back distance for development from the crest to protect the development from impacts of slope movement.

For developments with significant slopes, a top-of-bank development setback is typically established to minimize risk of damage to structures and property due to slope movements. For development adjacent to natural river slope, the top-of-bank setback should be based on an assessment of factors including, but not limited to: slope height and inclination, surface conditions, subsurface stratigraphy, groundwater conditions, slope vegetation and toe erosion. Establishing the setback involves a reasonable degree of judgement since cost effective investigations can only provide limited knowledge of subsurface and surface erosion conditions. The setback is a line beyond which the risk of slope movement is judged to be low. Structures located in front of the setback line, may not necessarily experience slope movement or failure, but they are judged to be subject to a level of risk higher than what is conventionally acceptable.

For developments in the toe areas of significant slopes, a similar development setback should also be considered to minimize risk of damage to structures and property due to the run-out of the slide mass on the slope face and into the toe area. Toe area setbacks are more complicated to estimate than crest area regressions, because potential for run-out is more variable and present models have a high level of uncertainty. Therefore establishing setbacks for toe areas involves an even higher degree of judgement based on experience than crest set-backs.

2.2 ACCEPTED STABILITY CRITERIA

Slope stability analysis needs to be conducted to assess potential sensitivity of the local slopes to potential development in the upland area. Slope stability is described in terms of a factor of safety (FS) against slope failure which is the ratio of total forces promoting failure divided by the sum of forces resisting failure. In general, a FS of less than 1 indicates that failure is expected and a FS of more than 1 indicates that the slope is stable. A steepened slope will slump back over time to establish a stable profile for the existing soil and groundwater conditions. The FS of a slope will increase slightly as vegetation is established on the face to protect the sub grade soil from weathering. Given the possibility of soil variation, groundwater fluctuation, erosion and other factors, slopes with FS ranging between 1.0 and 1.3 are considered to be marginally stable and a "long term" stable slope is considered to have a FS of over 1.3.

CITY OF RED DEER**Guidelines for Proposed Development
Adjacent to Slopes**

For top-of-bank development a FS of at least 1.3 is desired for the critical failure surface which is the failure surface with the lowest calculated FS intersecting the proposed structure or private development. Structures generally represent a higher risk and potential for loss of investment, therefore a FS of at least 1.5 is recommended for the slope or the proposed structure is "set back" a distance from the crest to provide this factor of safety. The crest is defined as the line where there is a distinct break in the grade at the top of the slope as determined by the intersection of the slope angle with the extension of upland surface grade. The set-back provides a buffer zone which might be subject to slope movement, but will provide warning to the Owner before the structure is impacted.

For land development above non-stable slopes ($FS < 1.3$), the recommended practice is to provide set back limits. The upland point above the crest at which the $FS > 1.5$ would apply to the location of permanent structures on private property (i.e. Building Restriction Line). The upland point above the crest at which the $FS > 1.3$ would apply to private property lines in proposed developments near slopes (i.e. a Development Restriction Line). This two set-back line practice recognizes that top of bank movements could result in loss of useable property, but allows less risk sensitive development such as yard landscaping and temporary structures (decks, gazebos, etc.) between the Building and Development Restriction Lines, subject to conditions (eg. height of new fill for terraced walls). Under this system it must be accepted these yard features will be subject to a higher risk of movement than the house.

2.3 INFLUENCES ON SLOPE STABILITY

Two soil characteristics which are important for assessing slope stability are texture and soil strength. Texture is a terms used to describe soil particle size distribution. Fine grained soils are generally weaker and more susceptible to erosion. Coarse sands and gravels require substantially higher flows to create erosion than fine grained sands, silt and clays. Soils strength is provided by a combination of friction, cohesion and pore pressure.

- Friction is the measure of strength derived from inter-particle friction and is described as an angle which represents the natural angle of repose for the material (eg. picture the side slopes on a pile of sand).
- Cohesive strength is a measure of inter-soil particle attraction caused by factors such as chemical bonding, oxidation and suction caused by adhesion of water between clay particles in unsaturated soils (negative pore-pressure). Cohesion between clay particles can be reduced by wetting, weathering or increasing pore pressure between clay particles. Cohesion can be increased by natural drying of the soil, but significant drying may lead to desiccation and cracking which may allow future surface water to penetrate deeper into the soil. Freezing of fine clays causes drying and desiccation, while thawing usually causes softening. Cohesion is the strength component which allows clay soils to stand a steep slopes and be more resistant to short term erosion than silts or fine sands.

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- Pore pressure is the measure of water pressure in the void spaces between soil particles. In unsaturated soils the water clings to soil particles and the adhesion of the water causes suction or negative pore pressure. Introduction of plant roots also creates inter-particle suction by drawing water from the surrounding soil. In saturated soils, the void space is filled with water which reduces negative pore pressure and cohesion, so the strength of the soil is dependent on inter-particle friction. In the short-term there may be some residual cohesion, but it will diminish over time if the soil remains saturated. In severe cases, if free water in saturated soil cannot dissipate, pore pressure may build up and force soil particles apart reducing inter-particle contact and friction.

Sand gravel is non plastic soils which derive almost all strength from the physical interaction of friction between soil particles. Clay and silt-clay mixtures are plastic soils which behave like a clay and derive strength from both cohesion and friction in an unsaturated condition.

3.0 LOCAL SLOPE CONDITIONS

3.1 GEOLOGY

In simplified terms, the surface geology in the Red Deer area is has been formed by three main geologic events.

1. The Pre-glacial Red Deer River channel crosses the City on an alignment similar to the present river. This feature incised a channel into the bedrock formation and laid down a layer blanket of coarse alluvial gravel which basically covers the downtown Red Deer area and underlies some of the upland area till deposits along the toe of the north hill area.
2. The glacial period laid down a thick layer of very stiff glacial clay (till) throughout the area except for a long narrow basin aligned north south through the footprint of Red Deer roughly parallel to Highway 2 between Ponoka and Innisfail. This basin was filled by Glacial Lake Red Deer which was created by melt water from the receding glaciers and resulted in a thick layer of silty lacustrine clay being deposited on top of the till generally between Highway 2 and 30th Avenue. The areas outside of these limits typically have shallow till.
3. In the post glacial period, the present Red Deer River formed and cut a river valley through the centre of Red Deer. The river is an incised meandering channel which swings from side to side in a wide river valley causing erosion at the toe of the river valley walls on the outside bends and creating a shallow terraced flood-plain at the inside bends and transitional stretches through the river valley. The loops of the river translate downstream over time resulting in stepped terraces and ox-bow lakes, which are historical channels of the river which have been cut-off within old flood-plain terraces. The two Gaetz Lakes are examples of ox-bow lake formations. Mature river channels like the present Red Deer River become more stable and translate downstream at a slower rate.

The Red Deer is fed by Waskasoo and Piper Creek from the south. These two creeks have formed their own valleys which meet near the toe of the south hill near Rotary Park and empty into the Red Deer River west of River Glen School.

Through the City the normal Red Deer River surface slopes down moving west east from 854 m to 850 m (i.e. 1.4 m drop); and the 1:100 flood stage has a height of about 3.5 m above the normal level. The river valley of the downtown area is mainly above the flood plain with a typical elevation of about 860 m. The upland areas have a general range of elevation from 880 to 890 m with a gentle grade towards the river valley. In some of the outside bends of the river the high river bank varies from 24 to 30 m high.

The typical upland soil profile is 8 to 15 m of silty lacustrine clay, overlying silty, sandy clay till to an elevation of about 855 to 860 m. The till is underlain by a pre-glacial gravel layer (near the river) and/or silt-stone and clay shale bedrock. The downtown soil profile is 2 - 5 m of fine alluvial silt, sand and clay, overlying dense coarse sand & gravel and bedrock which is typical found at 854 m \pm . The toe areas along the river are characterized in some areas by a few localized shallow terraces which are typically till.

The static groundwater levels in the upland area are typically 3 to 5 m below grade, but the groundwater level drop in elevation near crest areas of the valley escarpments. The static groundwater levels in the downtown area are also 3 to 5 m below grade, but these elevations vary considerably with the river and creek surfaces due to the hydraulic connection through the highly permeable gravel in the downtown area. The upland and river valley groundwater levels are considered to be hydraulically connected, but in cases of peak precipitation springs may be created in the valley walls if the groundwater levels rise to intercept the slope surface or preferential pathways such as sandy layers in the slope face.

3.2 VEGETATION AND RESERVE AREA

Much of the upland and river valley areas have been developed and areas which have not been developed are either park or farmland, which was the historic land use for the area in the past century. There is a significant area reserve land or natural park along the river and creek escarpments. Most of the reserve areas are moderately to heavily wooded with mature spruce and poplar trees. On the slope face the thickness of undergrowth is generally light and the forest floor is often matted with leaves and pine needles with some grassed clearings. Developed upland and toe areas typically are landscaped. Some clearings, including former slide areas, are now covered with new growth trees.

3.3 RIVER SHORE AND BED

The Red Deer River shore typically consists of a narrow beach with a shallow slope of exposed coarse gravel. This gravel is considered to be a combination of river bed deposits and coarse grained colluvium from landslides which was too heavy for the present river flows to carry away. This gravel beach extended about 1 m above the river surface at the tie of this study. Ice patches along the shoreline indicate that the winter river levels were near the top of the gravel. Based on observations and past experience at the CP Rail, Taylor Drive and 67th Street bridges, the typical river bed consists of a

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thin layer of gravel overlying bedrock.

3.4 RIVER EROSION

Historical aerial photographs indicate that river erosion is causing toe erosion in the order of up to 0.5 m per year average in some of the outside bends of the river which has created high river banks. The erosion rates slow considerably on straighter reaches of the river. The river erosion appears to be event related and not continuous over time, so major erosion is expected after periods of extensive flooding. River erosion is capable of causing major landslides, such as the one observed in east Red Deer across the river from Three Mile Bend Park. The high river banks on the outside bends of the Red Deer River are over-steepened due to past or ongoing toe erosion and generally considered to be unstable ($FS < 1$).

3.5 TYPICAL MATURE SLOPE ANGLES

The typical slope face for mature slopes that are not subject to ongoing erosion forces on the face or at the toe are a good indicator of typical stable slope angles. Based on local slope observations in the Red Deer area:

- the lacustrine silty clay slopes typically have angles of 3.5H to 4H:1V. Localized slope areas in silty clay steeper than 3.5H:1V, were considered to be susceptible to potential shallow surficial slumping under very adverse wet conditions.
- The till or bedrock in the lower slope is typically considered to be capable of standing protected at the present slope angles of 1.5 to 2H:1V.

Many very steep, and in some cases near vertical areas of lacustrine clay are present within the City. These steep slope faces are indicative of favorable short-term conditions which result in higher cohesive strength in the clay. Some local clay is estimated to be capable of standing vertical to heights of up to 5 m as long as favorable conditions exist. The fact that a clay slope is very steep should not be mistaken for long-term stability, since clay soils lose cohesion upon wetting or weathering and will eventually regress to a stable slope angle more in line with the frictional strength of the soil. In many cases the main factor holding the top part of the vertical clay face to the slope is the organic cover and tree roots.

3.6 REVIEW OF COMMON LOCAL SLOPE FAILURE CONFIGURATIONS

Several slope failure configurations have been known to occur in the Red Deer area. Each local slope failure is slightly different, but most can be roughly categorized as one of six basic types.

1. The most common slope movements in the Red Deer area have occurred in areas where slopes have been created or modified by man-made crest or slope face activity. In most cases these slope modifications were made with common deficiencies including, but not limited to: use of poor quality materials; placement of fill on poor quality or organic soils and other debris; placement fill to unstable angles; and placement of fill over springs without proper sub-drainage. Slope

CITY OF RED DEER**Guidelines for Proposed Development
Adjacent to Slopes**

failures of these areas have ranged from minor slumps and slow moving creeps to major landslides. A recent example of this type of failure was the 1998 landslide on the City Barrett Park area west of 44th Avenue Close near Springbett Drive.

2. In areas of natural or cut slopes in native soils the typical slope failure is a small to moderate sized shallow slump on the slope face where a tension crack opens a scarp area on the upslope side of the slump and the slide mass rotates and runs out onto the lower slope face. The slide mass in most slump cases does not run-out past the toe of the slope. These slump failures are most common in wet lacustrine clay soils, especially cut-slope areas which are slightly steeper than long range soil strength would allow under wet conditions. Typical examples of small slumps are the cut slope failures along the 1991 CP Rail alignment near Highway 2.
3. There are several slightly larger slope failures in slopes that are not subject to toe erosion where slightly steepened upper lacustrine soils have failed at the crest or slightly back from the crest due to some change in slope condition like over-watering or deforestation. This type of failure results in a crest regression. The typical slide configuration is a rotational or block slide shape where a tension crack opens a scarp area at the crest and the slide mass rotates and runs out over the steeper lower slope area. In some of the larger local slides the run-out has flowed out into the toe area. Based on observations the typical slide deposits colluvium on the slope face and the run-out barely makes it past the toe of the slope. In the worst cases the run-out may be much as roughly 1 to 1.5 times the height of the slope. An example of this type of failure was the 1998 landslide on the City parkland west of 43A Avenue Close near Ross Street.
4. There are a couple of cases of large deep slope failures that have extended below the upper lacustrine soils into the underlying till deposits. The scarp areas are usually located at the crest or slightly back from the crest and are caused by some change in slope condition like over-watering or deforestation. This type of failure also results in potential crest regression. The typical slide configuration is a rotational or block slide shape where a tension crack opens a scarp area at the crest and the slide mass rotates and rolls or runs out over the steeper lower slope area. In some of the larger local slides the run-out has flowed out into the toe area. Based on observations this type of slide deposits colluvium with a run-out that could extend out the height of the slope. An example of this type of failure was the south area landslide on the City parkland west of Spruce Drive overlooking Piper Creek which occurred in 2007.
5. In areas of active toe erosion, like the outside bends of the river, relatively steep and in some cases high river bank slopes are created. Toe erosion along the outside bends of the Red Deer River is usually minor with occasional high erosion events tied to local river flooding. The toe regression caused by major flood events creates localized steepening of the toe area. After the floods recede, the lower portion of the slope above the new river shore flattens back to an angle in keeping with the short term strength of the slope material (soil or bedrock) which is generally between 1H and 1.5H:1V. The crest location usually

CITY OF RED DEER**Guidelines for Proposed Development****Adjacent to Slopes**

remains constant as the slope below flattens and this create a steepening of the toe area. Ultimately, this area will steepen to a point where the profile exceeds the short term strength capabilities of the soil within the slope. At this point the crest area experiences a series of narrow slumps of near vertical clay soil near the top of the slope and the occasional larger block slides which will be in the order of 3 to 10 m wide at the crest. In summary, this type of slope is formed by a toe erosion event followed by a period of slope flattening. Therefore, the crest regression lags behind the toe erosion usually by a period years. Examples of this type of ongoing failure are below Oriole Park West and Riverview Park subdivision.

When larger block slides occur in high river banks, it is usually the slope profile in the upper lacustrine soils which fail. The slide mass of lacustrine soils flows out over the lower slope face into the river to be washed away. Over time the river will remove the slide mass or colluvium and re-establish the original shoreline, but in the short term the colluvium actually protects the shoreline from erosion. The largest example of this type of historical failure is the river valley escarpment opposite the southeast corner of Three Mile Bend Recreation Area.

6. The least common type of slope movement in the Red Deer area is a deep seated failure which extends down through the overburden soils into weak layers which may be present within the bedrock formation. These landslides are generally ancient slides which can be remobilized under certain adverse conditions. Deformations at the crest and the toe of these very large slides can cause substantial damage even though the movements are relatively small on a comparative scale to the slope area affected. There are no known slides areas of this nature within the City of Red Deer. However, there is a large ancient slide on the south river valley escarpment of the Blindman River about 3 km west of the City that was re-activated during residential development of the area in the 1990's.

3.7 DEVELOPMENTS IMPACTS

Development impacts on slopes include roads embankments, commercial developments and local residential development backing and in some areas encroaching into the crest areas and onto slopes. Older residences are generally closer than newer structures. Even when private lots do not extend to the crest reserve land is often used by the local residents to extend their yards. Other historically observed development impacts of note include: underground sprinklers; temporary structures such as sheds; PVC pipe and flexible weeping tile discharging roof run-off or pool/hot tub water into the crest area; and organic debris such as grass clippings, leaves and tree branches dumped onto the slope face. A great number of the historical landslides within Red Deer can be attributed to man-made activities, especially improper infilling and lot grading along crest areas.

CITY OF RED DEER**Guidelines for Proposed Development
Adjacent to Slopes****4.0 ASSESSMENT MATRIX**

The proposed assessment matrix process is essentially a preliminary slope assessment to define a reasonable, but still conservative default setback distance for various areas around the City of Red Deer, based on several general conditions which govern slope stability and risk, namely:

1. Height of Slope broken into four groups (0 -8m; 8-15m; 15-20m and >20m)
2. General slope angle broken into four groups (>6H:1V; 4-6H:1V; 2-4H:1V and <2H:1V)
3. Areas of toe erosion due to river or creek action.
4. Areas of known slides where residual soil strengths will govern.

The following table outlines the default setback criteria and any special conditions which apply regarding investigation requirements.

RECOMMENDED DEFAULT SET-BACK DISTANCE
SLOPE CONDITION v.s. SLOPE HEIGHT

	H = 0 - 8 m	H = <8 - 15 m	H = <15 - 20 m	H > 20 m
>4H:1V Rel. Gentle	5m	1H	1H	1H
2H to 4H:1V Moderate	1.5H	1.5H	2H	Investigation (30 m Min)
<2H:1V Steep	2H	2H	2.5H	Investigation (30 m Min)
Active Toe Erosion	Assessment	Investigation	Investigation	Investigation
Former Slide Area	Assessment	Investigation	Investigation	Investigation

An Escarpment Plan has been prepared by the City providing a quick reference to illustrate the default set-back distances which apply around the City, based on the governing slope conditions identified in the Matrix table above. The Map was developed for reference purposes only. The key variables of height and existing angle of the slope for a specific slope must be verified by accurate historical or site specific survey information. The default set-back requirements given above are considered to be applicable to both the crest area and the toe.

CITY OF RED DEER**Guidelines for Proposed Development****Adjacent to Slopes**

The setback distance given is considered be for the Development Restriction line between the crest property line. It is acknowledged that existing properties may not meet this requirement. In the case of a property or existing property up for redevelopment near a slope, a distance of $0.5H$ should be added to the set-backs above to determine the Structural Restriction Line.

5.0 DEVELOPMENT PROPOSAL REQUIREMENTS

The City of Red Deer Land Use Bylaw (3357/2006) stipulates minimum requirements for proposed development, redevelopment, clearing or grading within an escarpment area. As part of the application for a development permit, the proponent for any development near a slope within the City of Red Deer must include accurate survey documentation to identify the governing case in terms of slope angle and height for the adjacent slope(s); and verify the default set-back distance for the development. The proposed development plan must show a representative cross-section of the slope in the escarpment area both prior to the development and following development and final grading.

The proponent is required to provide evidence to the satisfaction of the City that the site is suitable for the proposed development. The decision matrix provided in Section 4.0 is a systematic tool or method to help the Development Officer assess the risk associated with development near slopes and guide developers to provide the appropriate level of assessment required to satisfy the City that the site is suitable for the proposed development. Assessment using the Decision Matrix will result in one of four typical recommendations

1. A proposed development which meets with the applicable recommended default set-back distances provided in the preceding table will be considered to be acceptable to the City.
2. For an adjacent slope that is 8.0 m high or less, if the proposed development does not meet with the recommended default conditions in the preceding table, the developer is required to commission a qualified geotechnical engineer to perform a slope assessment to develop site specific geotechnical recommendations for the development including recommendations for the proposed Development Restriction set-back and Structural Restriction set-back.
3. For an adjacent slope that is greater than 8.0 m high, if the proposed development does not meet with the recommended default conditions outlined in the preceding section, the developer is required to commission a qualified geotechnical engineer to perform a detailed slope investigation study to develop site specific geotechnical recommendations for the development including recommendations for the proposed Development Restriction set-back and Structural Restriction set-back.
4. In the case where the default set-back in the Decision Matrix states "Investigation" or "Assessment", a site specific assessment or detail investigation report is required regardless of the slope geometry.

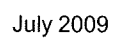
In the case where a slope assessment is required, the assessment must be performed by a qualified geotechnical engineer and the assessment should include as a minimum:

- documentation of a site visit to observing slope conditions;
- representative slope profiles in accordance with the Bylaw;
- any other relevant information required to support the slope assessment; and,
- geotechnical recommendations for development including development (property line) set-backs and structural set-backs if required.

In the case where a detailed investigation is required, the detailed slope assessment should be performed by a qualified geotechnical engineer. The investigation program must include as a minimum:

- a historical review of aerial photographs;
- a site visit for observing slope conditions;
- a survey profile(s) or detailed contours;
- site specific subsurface information for the slope (soil and groundwater);
- documentation of slope stability modeling; and,
- geotechnical recommendations for development including development (property line) set-backs and structural set-backs if required.

In terms of qualifications, the geotechnical engineer must be a professional engineer registered to practice in Alberta. The geotechnical engineer or the consulting firm employing the engineer should have suitable professional liability insurance coverage. Any documentation or report provided by the proponent's geotechnical engineer must include a clear statement to the effect that it is understood and accepted that their report will be submitted to the City of Red Deer as part of the development permit review for the proposed development.

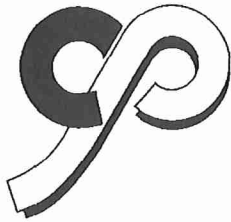


Comments:

We support the recommendation of Parkland Community Planning Services and that Council consider first reading of Land Use Bylaw Amendment 3357/L-2009. A Public Hearing will be held on Monday, November 16, 2009 at 6:00 p.m. in Council Chambers during Council's regular meeting.

"Morris Flewwelling"
Mayor

"Craig Curtis"
City Manager



**PARKLAND
COMMUNITY
PLANNING
SERVICES**

ORIGINAL

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DATE: October 2, 2009
TO: Elaine Vincent, Manager, Legislative and Administrative Services
FROM: Tara Lodewyk, Planner
RE: *Land Use Bylaw* amendment 3357/L-2009, Map 5/2009
Escarpment Areas

Background

Parkland Community Planning Services (PCPS) has been working with Engineering Services to review the requirements of the *Land Use Bylaw* pertaining to escarpment areas. These requirements set out the process and regulations around development permit applications for developments, redevelopments, and clearing or grading in city escarpment areas. An escarpment area includes sites within or adjacent to an escarpment or slope which could be affected by slope instability.

Existing Land Use Bylaw Regulations

Currently in the *Land Use Bylaw* there are escarpment areas identified on the land use constraint maps. These were first put in place over five years ago using a standard setback of 50 metres from the escarpment or slope.

If a property owner is developing, redeveloping, and grading or clearing within the escarpment setback area they are required to provide cross sections of the slope and a geotechnical study or other satisfactory evidence showing the soil is suitable for development to the satisfaction of Engineering Services. If this was not enough information a full geotechnical study report could be requested by Engineering Services.

Engineering Services felt the current regulations could be improved in several areas. They found that the current standard setbacks were sometimes excessive on flatter slopes and not enough on steeper slopes because the standard setback distance does not factor in the height of the slope or condition of the slope. They also found that in some cases the public did not submit information that was verified by a qualified surveyor which created obstacles in applying the information and concerns with liability.

The current bylaw requires a permit if you are redeveloping, developing or clearing or grading in the escarpment area. This does not include adding fill or excavating which could affect stability.

The current regulations are also unclear as to which permit applications require Indemnity agreements. Currently, the Municipal Planning Commission (MPC) can only make an indemnity agreement a condition of the development permit.

Lastly, the information required with a permit application did not include the option of asking for a landscaping plan so Engineering Services could determine if other alterations were planned that would affect the slope stability such as underground sprinklers, planting shrubs that require heavy water, building retaining walls, etc.

Proposed Amendment

The objectives of the proposed *Land Use Bylaw* (LUB) amendment are to:

1. adopt an escarpment area setback that takes into consideration slope condition and height,
2. indemnify The City in approving all development permit applications in escarpment areas where a geotechnical assessment or investigation is required,
3. add the requirement of a legal survey or historical survey data of the slope by a qualified surveyor for inclusion in the development permit application,
4. add that a development permit is also required for excavating or adding fill in an escarpment area; and
5. add the option for Engineering Services to request a landscaping plan with a development permit application.

1. Site Specific Setback

Parkland Geotechnical Consulting Ltd. has recently prepared a document entitled *City of Red Deer Guidelines for Development Adjacent to Slopes (Guidelines)*. These are attached to the report. This document will be used by Engineering Services to determine safe setback distances for development when reviewing development permits for sites in escarpment areas. The Guidelines also establish the escarpment area setbacks on the proposed land use constraint maps. These proposed setbacks are varied throughout the city based on site specific observations of the local slope condition and height. A summary map of the proposed changes to the escarpment areas is attached as the amendment affects 66 land use constraint maps in the *Land Use Bylaw*.

The proposed amendment also removes Figure 1 in the *Land Use Bylaw* because the escarpment areas are shown on the land use constraint maps in a larger and more detailed format. The information contained on Figure 1 is difficult to read in detail because it shows the whole city on one map.

2. Indemnity Agreement

The proposed amendment adds a section to the *Land Use Bylaw* that clearly states forthright that an indemnity agreement is signed by land owners in an escarpment area where a geotechnical assessment or investigation is required with their development permit application. These are slopes, identified in the *Guidelines*, are typically higher than 20 metres or in an active toe or former slide area. An indemnity agreement causes the land owner to be responsible for their actions and state that The City is not responsible for losses associated with any subsequent slope movement.

3. Legal survey

For all development permit applications in an escarpment area, the proposed amendment requires a legal survey or historical survey data completed by a qualified surveyor to verify the slope height and provide accurate cross sections. This data is needed by Engineering Services to apply the *Guidelines for Development Adjacent to Slopes*. The data is also used to confirm the slope condition and height has not recently changed with such actions as deforestation, heavy watering, heavy rainfall, etc.

The proposed amendment provides Engineering Services with the authority to ask for a geotechnical assessment or investigation by a qualified engineer. This is required when the slope height and condition are examined using the assessment matrix in the *Guidelines* and the recommendation is further assessment or investigation of the slope or escarpment. These are sites where there is a steep or high slope, active toe erosion, or former slide area. As well applicants who want to vary from the default setback distance in the *Guidelines* will also be asked to complete an investigation supporting their proposed setbacks.

4. Excavating or Filling in an Escarpment Area

The proposed amendment adds the requirement for land owners in an escarpment area to obtain a development permit if they wish to excavate or add fill. This is in addition to needing a development permit for development, redevelopment, clearing or grading in an escarpment area.

5. Landscaping Plan

There are several landscaping actions that could affect slope stability such as underground sprinklers, shrubs that require heavy watering, building retaining walls, etc. Engineering Services would like the option of requiring a landscaping plan with the development permit application. This would typically be on escarpment area sites where a new home is being built or the yard is being redone as a result of a major redevelopment.

Consultation

The amendment has been circulated to City administration and City solicitors. It has their support.

Those parcels which were previously not included in the escarpment area were sent a letter explaining the change and requesting comment. Of the fifty two (52) letters sent, six people called requesting further information and/or explanation of the changes. There were no objections to the proposed changes.

The amendment was presented to the Environmental Advisory Committee for comment on September 30. They support the changes to the bylaw and feel these changes are an improvement from the existing regulations. The committee wanted to stress how important the escarpment areas are within the city and our growth areas. They look forward to providing input on further plans and policies that relate to the escarpment areas.

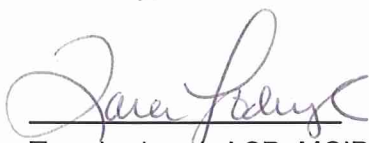
Planning Analysis

The proposed amendment further refines and improves the current *Land Use Bylaw* regulations. The escarpment area setbacks have been tailored using data verified by a qualified geotechnical engineer. They are a better assessment of the risk associated with development in each escarpment area. The *Guidelines* will standardize and clarify the internal process for processing permit applications in escarpment areas. Property owners will know forthright what information is required, who can provide that information and that the City will not be responsible for losses associated with development in higher risk escarpment areas.

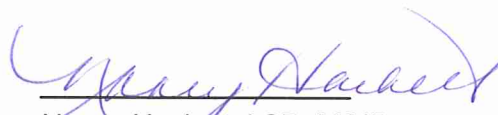
Recommendation

That City Council proceed with the first reading of Land Use Bylaw Amendment 3357/L-2009.

Sincerely,



Tara Lodewyk ACP, MCIP
Planner



Nancy Hackett ACP, MCIP
City Planning Manager

cc. Colleen Jensen, Paul Goranson, Brian Johnson, Frank Colosimo, Rebecca Clark, Tom Warder, Mark Brotherton

CITY OF RED DEER
GUIDELINES FOR PROPOSED DEVELOPMENT
ADJACENT TO SLOPES

June 2008

Prepared by:

Parkland Geotechnical Consulting Ltd., Red Deer, AB

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1.0 INTRODUCTION

1.1 GENERAL OVERVIEW

The City of Red Deer has several steep valley banks and sloped areas within the present City boundaries and perimeter areas which will conceivably join with the City in the future. These slopes include river valley escarpments, creek valley escarpments, low and high river banks, natural landforms, cut-slopes and man-made embankments. The City has commissioned development of a systematic method or Decision Matrix for assessing risk associated with development near slopes.

1.2 REGULATORY BACKGROUND

The present regulatory framework governing development adjacent to slopes was developed by Alberta Environment in the 1990's and is discussed in the following documents:

"Environmental Reference Manual for the Review of Subdivisions in Alberta", November 1996

"Interim Guidelines for the Subdivision of Land Adjacent to Steep Valley Banks", 1994

The guidelines in these documents have been almost universally adopted by several of the municipalities in the area including the City of Red Deer. The basic two points are:

1. The primary definition of a slope is an area with a slope of more than 15 percent (8.53 degrees or 6.7H:1V). To put this in perspective, the typical side slope for a full basement house with a rear walk out would be about 15 percent. This definition was clearly meant as a threshold to "flag" sites for more specific analysis in order to identify geotechnical issues and provide geotechnical recommendations for the proposed development. Any sites flatter than this is classified as suitable for development without further slope review. This guideline was never intended to be an absolute restriction against development.
2. The default recommendation for a top-of-slope setback is 30 m from the crest for development. This is a relatively loose guideline since it does not take into account several important factors, most importantly the height of the slope. For example, a 30 m setback for a 2 to 3 m high slope is probably far too restrictive; but in other cases such as Oriole Park West, Riverview Estates (Red Deer County) and east above Gaetz Lakes site specific slope assessments have recommended setbacks in excess of 30 m. Most municipalities allow for this setback guideline to be relaxed on the basis of a site specific slope assessment study performed by a qualified geotechnical engineer.

In recent years AENV has advocated the assessment of slopes areas for setbacks to private property lines in new subdivisions. It was pointed out that, even if a structure such as a house was safe from slope movement, the loss of undeveloped yard areas and temporary structures such as gazebos, decks, etc. would still be a cause for concern and might result in possible devaluation of property. Clearly this would not apply to private property such as farms or older developments with established property lines near slopes.

The City of Edmonton follows a couple of policies and practices which are of interest and have been adopted in practice by the writer. There is an understanding with geotechnical consultants in Edmonton that the City will only accept slope assessment reports which have an actual surveyed slope profile or contour survey and include documentation of a manual or computer modelled stability analysis. The City of Edmonton also has a policy to differentiate between the development and structural setback requirements. The level of risk between an area of undeveloped private property and a permanent structure on the property are different, with the risk to structures being more of a concern. The differences are discussed later in Section 2.2. Therefore two setback lines are requested in a slope assessment report: a Development Restriction Line which is closest to the crest and would apply to property lines and a Building Restriction Line which would be the closest allowable point within the property for permanent structures.

1.3 PURPOSE OF THE DECISION MATRIX

The purpose of Slope Assessment Matrix outlined in this document is to provide a standardized tool that can be used by the City of Red Deer to assess a reasonable default setback limit for development near the toe and crest of slopes within the City. The City policy at the time of writing in 2006 was to apply a setback of 50 m, but this type of precaution clearly doesn't apply to some of the smaller and flatter slopes within the City; and it may not be sufficient for some of the more significant local slopes and high river banks.

The second purpose of the Matrix tool is also to give development proponents a clear understanding of the level of geotechnical work expected in the development proposal to support any proposed relaxation of the default setback.

1.4 LIABILITY

It must be clearly understood that the proponent is responsible for the stability of the proposed development relative to the adjacent slope. The default set-back distances provided in the Decision Matrix were developed for City of Red Deer use and are only provided to the public for general information purposes. If the proponent chooses to adopt these set-back distances for his development, it must be understood this decision is taken at his own risk. For this reason the City strongly suggests that a qualified geotechnical engineer be consulted for any development near a slope.

2.0 GENERAL COMMENTS

Landslides are a naturally occurring process along river valley slopes, creek valley, ravines and river banks; as well as improperly designed man-made cut-slopes and embankment fills. Instabilities can range from minor on-going surficial ravelling of soil and vegetation to large earth movements associated with shear planes at greater depth in the slope profile. The more massive movements can involve relatively large slide blocks or rotational failures that can lead to significant regression of crest areas. The combination of natural and man-made factors which can lead to instabilities include:

- river erosion at the toe of the slope;
- planes of weakness in the subsoil or bedrock;
- increased groundwater levels, due to irrigation, leaking facilities or swimming pools, removal of vegetation, etc.;
- blockage of natural springs or surface drainage courses;
- grading/fill placement on or near the slope; and/or
- natural softening processes due to weathering, deforestation, freeze/thaw effects, etc.

The typical local slope failure is a series of regressive slumps. A steepened slope will slump back over time and the slide mass will run down the slope face to establish a stable slope profile for the existing soil and groundwater conditions. Over time the factor of safety of the slope will increase slightly, as vegetation is established on the slope face to protect the soil from weathering. If the toe area is subject to erosion, slumping and regression will continue, because the slope is not allowed to establish a stable profile. As a general rule, mature vegetated slopes in an area which are not subject to ongoing disturbance or erosion provide an indication of stable long-term slope angles for local materials of similar geology. Land along the crest of a steepened slope can experience cracking and shifting of the ground that can damage structures or lead to loss of property if located too close to the slope.

2.1 SLOPE STABILITY

The purpose of a slope assessment is to assess slope stability relative to the risk to the top of slope development, not to answer the question of is the slope stable or not. For example; what impacts would a small slide halfway down a slope face have on an existing house above the crest of the slope? In this example the slope is not stable, but the instability has no impact on the house. Slope stability is also a relative concept which is dependent on many factors. Under the present conditions most of the slopes within the City of Red Deer are stable despite some relatively steep slope angles. This is considered short term stability. However, possible impacts from changes in the slope's governing conditions such as deforestation, heavy watering, heavy rainfall or a nearby

water main break could cause instabilities some of the steeper slopes. If a slope is flat enough that the internal strength of soils can support slope face under a relatively wet condition, this is considered long term stability; and it is long term stability which is used to assess development risks.

Therefore, the development concern is verifying whether a proposed development is at an acceptable risk relative to possible slope movements. For example, if a slope failed and caused a 5 m strip of crest area to slide down the slope, what impact would this slide have on a structure either 6 or 50 m away from the old crest? The answer to both distances is no impact. However, the sight of a landslide 1 m away from the structure would be cause for much more concern than a slide 45 m away. Geotechnical engineers typically deal with this risk by suggesting a specific set-back distance for development from the crest to protect the development from impacts of slope movement.

For developments with significant slopes, a top-of-bank development setback is typically established to minimize risk of damage to structures and property due to slope movements. For development adjacent to natural river slope, the top-of-bank setback should be based on an assessment of factors including, but not limited to: slope height and inclination, surface conditions, subsurface stratigraphy, groundwater conditions, slope vegetation and toe erosion. Establishing the setback involves a reasonable degree of judgement since cost effective investigations can only provide limited knowledge of subsurface and surface erosion conditions. The setback is a line beyond which the risk of slope movement is judged to be low. Structures located in front of the setback line, may not necessarily experience slope movement or failure, but they are judged to be subject to a level of risk higher than what is conventionally acceptable.

For developments in the toe areas of significant slopes, a similar development setback should also be considered to minimize risk of damage to structures and property due to the run-out of the slide mass on the slope face and into the toe area. Toe area setbacks are more complicated to estimate than crest area regressions, because potential for run-out is more variable and present models have a high level of uncertainty. Therefore establishing setbacks for toe areas involves an even higher degree of judgement based on experience than crest set-backs.

2.2 ACCEPTED STABILITY CRITERIA

Slope stability analysis needs to be conducted to assess potential sensitivity of the local slopes to potential development in the upland area. Slope stability is described in terms of a factor of safety (FS) against slope failure which is the ratio of total forces promoting failure divided by the sum of forces resisting failure. In general, a FS of less than 1 indicates that failure is expected and a FS of more than 1 indicates that the slope is stable. A steepened slope will slump back over time to establish a stable profile for the existing soil and groundwater conditions. The FS of a slope will increase slightly as vegetation is established on the face to protect the sub grade soil from weathering. Given the possibility of soil variation, groundwater fluctuation, erosion and other factors, slopes with FS ranging between 1.0 and 1.3 are considered to be marginally stable and a "long term" stable slope is considered to have a FS of over 1.3.

For top-of-bank development a FS of at least 1.3 is desired for the critical failure surface which is the failure surface with the lowest calculated FS intersecting the proposed structure or private development. Structures generally represent a higher risk and potential for loss of investment, therefore a FS of at least 1.5 is recommended for the slope or the proposed structure is "set back" a distance from the crest to provide this factor of safety. The crest is defined as the line where there is a distinct break in the grade at the top of the slope as determined by the intersection of the slope angle with the extension of upland surface grade. The set-back provides a buffer zone which might be subject to slope movement, but will provide warning to the Owner before the structure is impacted.

For land development above non-stable slopes ($FS < 1.3$), the recommended practice is to provide set back limits. The upland point above the crest at which the $FS > 1.5$ would apply to the location of permanent structures on private property (i.e. Building Restriction Line). The upland point above the crest at which the $FS > 1.3$ would apply to private property lines in proposed developments near slopes (i.e. a Development Restriction Line). This two set-back line practice recognizes that top of bank movements could result in loss of useable property, but allows less risk sensitive development such as yard landscaping and temporary structures (decks, gazebos, etc.) between the Building and Development Restriction Lines, subject to conditions (eg. height of new fill for terraced walls). Under this system it must be accepted these yard features will be subject to a higher risk of movement than the house.

2.3 INFLUENCES ON SLOPE STABILITY

Two soil characteristics which are important for assessing slope stability are texture and soil strength. Texture is a terms used to describe soil particle size distribution. Fine grained soils are generally weaker and more susceptible to erosion. Coarse sands and gravels require substantially higher flows to create erosion than fine grained sands, silt and clays. Soils strength is provided by a combination of friction, cohesion and pore pressure.

- Friction is the measure of strength derived from inter-particle friction and is described as an angle which represents the natural angle of repose for the material (eg. picture the side slopes on a pile of sand).
- Cohesive strength is a measure of inter-soil particle attraction caused by factors such as chemical bonding, oxidation and suction caused by adhesion of water between clay particles in unsaturated soils (negative pore-pressure). Cohesion between clay particles can be reduced by wetting, weathering or increasing pore pressure between clay particles. Cohesion can be increased by natural drying of the soil, but significant drying may lead to desiccation and cracking which may allow future surface water to penetrate deeper into the soil. Freezing of fine clays causes drying and desiccation, while thawing usually causes softening. Cohesion is the strength component which allows clay soils to stand a steep slopes and be more resistant to short term erosion than silts or fine sands.

- Pore pressure is the measure of water pressure in the void spaces between soil particles. In unsaturated soils the water clings to soil particles and the adhesion of the water causes suction or negative pore pressure. Introduction of plant roots also creates inter-particle suction by drawing water from the surrounding soil. In saturated soils, the void space is filled with water which reduces negative pore pressure and cohesion, so the strength of the soil is dependent on inter-particle friction. In the short-term there may be some residual cohesion, but it will diminish over time if the soil remains saturated. In severe cases, if free water in saturated soil cannot dissipate, pore pressure may build up and force soil particles apart reducing inter-particle contact and friction.

Sand gravel is non plastic soils which derive almost all strength from the physical interaction of friction between soil particles. Clay and silt-clay mixtures are plastic soils which behave like a clay and derive strength from both cohesion and friction in an unsaturated condition.

3.0 LOCAL SLOPE CONDITIONS

3.1 GEOLOGY

In simplified terms, the surface geology in the Red Deer area is has been formed by three main geologic events.

1. The Pre-glacial Red Deer River channel crosses the City on an alignment similar to the present river. This feature incised a channel into the bedrock formation and laid down a layer blanket of coarse alluvial gravel which basically covers the downtown Red Deer area and underlies some of the upland area till deposits along the toe of the north hill area.
2. The glacial period laid down a thick layer of very stiff glacial clay (till) throughout the area except for a long narrow basin aligned north south through the footprint of Red Deer roughly parallel to Highway 2 between Ponoka and Innisfail. This basin was filled by Glacial Lake Red Deer which was created by melt water from the receding glaciers and resulted in a thick layer of silty lacustrine clay being deposited on top of the till generally between Highway 2 and 30th Avenue. The areas outside of these limits typically have shallow till.
3. In the post glacial period, the present Red Deer River formed and cut a river valley through the centre of Red Deer. The river is an incised meandering channel which swings from side to side in a wide river valley causing erosion at the toe of the river valley walls on the outside bends and creating a shallow terraced flood-plain at the inside bends and transitional stretches through the river valley. The loops of the river translate downstream over time resulting in stepped terraces and ox-bow lakes, which are historical channels of the river which have been cut-off within old flood-plain terraces. The two Gaetz Lakes are examples of ox-bow lake formations. Mature river channels like the present Red Deer River become more stable and translate downstream at a slower rate.

The Red Deer is fed by Waskasoo and Piper Creek from the south. These two creeks have formed their own valleys which meet near the toe of the south hill near Rotary Park and empty into the Red Deer River west of River Glen School.

Through the City the normal Red Deer River surface slopes down moving west east from 854 m to 850 m (i.e. 1.4 m drop); and the 1:100 flood stage has a height of about 3.5 m above the normal level. The river valley of the downtown area is mainly above the flood plain with a typical elevation of about 860 m. The upland areas have a general range of elevation from 880 to 890 m with a gentle grade towards the river valley. In some of the outside bends of the river the high river bank varies from 24 to 30 m high.

The typical upland soil profile is 8 to 15 m of silty lacustrine clay, overlying silty, sandy clay till to an elevation of about 855 to 860 m. The till is underlain by a pre-glacial gravel layer (near the river) and/or silt-stone and clay shale bedrock. The downtown soil profile is 2 - 5 m of fine alluvial silt, sand and clay, overlying dense coarse sand & gravel and bedrock which is typical found at 854 m \pm . The toe areas along the river are characterized in some areas by a few localized shallow terraces which are typically till.

The static groundwater levels in the upland area are typically 3 to 5 m below grade, but the groundwater level drop in elevation near crest areas of the valley escarpments. The static groundwater levels in the downtown area are also 3 to 5 m below grade, but these elevations vary considerably with the river and creek surfaces due to the hydraulic connection through the highly permeable gravel in the downtown area. The upland and river valley groundwater levels are considered to be hydraulically connected, but in cases of peak precipitation springs may be created in the valley walls if the groundwater levels rise to intercept the slope surface or preferential pathways such as sandy layers in the slope face.

3.2 VEGETATION AND RESERVE AREA

Much of the upland and river valley areas have been developed and areas which have not been developed are either park or farmland, which was the historic land use for the area in the past century. There is a significant area reserve land or natural park along the river and creek escarpments. Most of the reserve areas are moderately to heavily wooded with mature spruce and poplar trees. On the slope face the thickness of undergrowth is generally light and the forest floor is often matted with leaves and pine needles with some grassed clearings. Developed upland and toe areas typically are landscaped. Some clearings, including former slide areas, are now covered with new growth trees.

3.3 RIVER SHORE AND BED

The Red Deer River shore typically consists of a narrow beach with a shallow slope of exposed coarse gravel. This gravel is considered to be a combination of river bed deposits and coarse grained colluvium from landslides which was too heavy for the present river flows to carry away. This gravel beach extended about 1 m above the river surface at the tie of this study. Ice patches along the shoreline indicate that the winter river levels were near the top of the gravel. Based on observations and past experience at the CP Rail, Taylor Drive and 67th Street bridges, the typical river bed consists of a

thin layer of gravel overlying bedrock.

3.4 RIVER EROSION

Historical aerial photographs indicate that river erosion is causing toe erosion in the order of up to 0.5 m per year average in some of the outside bends of the river which has created high river banks. The erosion rates slow considerably on straighter reaches of the river. The river erosion appears to be event related and not continuous over time, so major erosion is expected after periods of extensive flooding. River erosion is capable of causing major landslides, such as the one observed in east Red Deer across the river from Three Mile Bend Park. The high river banks on the outside bends of the Red Deer River are over-steepened due to past or ongoing toe erosion and generally considered to be unstable ($FS < 1$).

3.5 TYPICAL MATURE SLOPE ANGLES

The typical slope face for mature slopes that are not subject to ongoing erosion forces on the face or at the toe are a good indicator of typical stable slope angles. Based on local slope observations in the Red Deer area:

- the lacustrine silty clay slopes typically have angles of 3.5H to 4H:1V. Localized slope areas in silty clay steeper than 3.5H:1V, were considered to be susceptible to potential shallow surficial slumping under very adverse wet conditions.
- The till or bedrock in the lower slope is typically considered to be capable of standing protected at the present slope angles of 1.5 to 2H:1V.

Many very steep, and in some cases near vertical areas of lacustrine clay are present within the City. These steep slope faces are indicative of favorable short-term conditions which result in higher cohesive strength in the clay. Some local clay is estimated to be capable of standing vertical to heights of up to 5 m as long as favorable conditions exist. The fact that a clay slope is very steep should not be mistaken for long-term stability, since clay soils lose cohesion upon wetting or weathering and will eventually regress to a stable slope angle more in line with the frictional strength of the soil. In many cases the main factor holding the top part of the vertical clay face to the slope is the organic cover and tree roots.

3.6 REVIEW OF COMMON LOCAL SLOPE FAILURE CONFIGURATIONS

Several slope failure configurations have been known to occur in the Red Deer area. Each local slope failure is slightly different, but most can be roughly categorized as one of six basic types.

1. The most common slope movements in the Red Deer area have occurred in areas where slopes have been created or modified by man-made crest or slope face activity. In most cases these slope modifications were made with common deficiencies including, but not limited to: use of poor quality materials; placement of fill on poor quality or organic soils and other debris; placement fill to unstable angles; and placement of fill over springs without proper sub-drainage. Slope

failures of these areas have ranged from minor slumps and slow moving creeps to major landslides. A recent example of this type of failure was the 1998 landslide on the City Barrett Park area west of 44th Avenue Close near Springbett Drive.

2. In areas of natural or cut slopes in native soils the typical slope failure is a small to moderate sized shallow slump on the slope face where a tension crack opens a scarp area on the upslope side of the slump and the slide mass rotates and runs out onto the lower slope face. The slide mass in most slump cases does not run-out past the toe of the slope. These slump failures are most common in wet lacustrine clay soils, especially cut-slope areas which are slightly steeper than long range soil strength would allow under wet conditions. Typical examples of small slumps are the cut slope failures along the 1991 CP Rail alignment near Highway 2.
3. There are several slightly larger slope failures in slopes that are not subject to toe erosion where slightly steepened upper lacustrine soils have failed at the crest or slightly back from the crest due to some change in slope condition like over-watering or deforestation. This type of failure results in a crest regression. The typical slide configuration is a rotational or block slide shape where a tension crack opens a scarp area at the crest and the slide mass rotates and runs out over the steeper lower slope area. In some of the larger local slides the run-out has flowed out into the toe area. Based on observations the typical slide deposits colluvium on the slope face and the run-out barely makes it past the toe of the slope. In the worst cases the run-out may be much as roughly 1 to 1.5 times the height of the slope. An example of this type of failure was the 1998 landslide on the City parkland west of 43A Avenue Close near Ross Street.
4. There are a couple of cases of large deep slope failures that have extended below the upper lacustrine soils into the underlying till deposits. The scarp areas are usually located at the crest or slightly back from the crest and are caused by some change in slope condition like over-watering or deforestation. This type of failure also results in potential crest regression. The typical slide configuration is a rotational or block slide shape where a tension crack opens a scarp area at the crest and the slide mass rotates and rolls or runs out over the steeper lower slope area. In some of the larger local slides the run-out has flowed out into the toe area. Based on observations this type of slide deposits colluvium with a run-out that could extend out the height of the slope. An example of this type of failure was the south area landslide on the City parkland west of Spruce Drive overlooking Piper Creek which occurred in 2007.
5. In areas of active toe erosion, like the outside bends of the river, relatively steep and in some cases high river bank slopes are created. Toe erosion along the outside bends of the Red Deer River is usually minor with occasional high erosion events tied to local river flooding. The toe regression caused by major flood events creates localized steepening of the toe area. After the floods recede, the lower portion of the slope above the new river shore flattens back to an angle in keeping with the short term strength of the slope material (soil or bedrock) which is generally between 1H and 1.5H:1V. The crest location usually

remains constant as the slope below flattens and this create a steepening of the toe area. Ultimately, this area will steepen to a point where the profile exceeds the short term strength capabilities of the soil within the slope. At this point the crest area experiences a series of narrow slumps of near vertical clay soil near the top of the slope and the occasional larger block slides which will be in the order of 3 to 10 m wide at the crest. In summary, this type of slope is formed by a toe erosion event followed by a period of slope flattening. Therefore, the crest regression lags behind the toe erosion usually by a period years. Examples of this type of ongoing failure are below Oriole Park West and Riverview Park subdivision.

When larger block slides occur in high river banks, it is usually the slope profile in the upper lacustrine soils which fail. The slide mass of lacustrine soils flows out over the lower slope face into the river to be washed away. Over time the river will remove the slide mass or colluvium and re-establish the original shoreline, but in the short term the colluvium actually protects the shoreline from erosion. The largest example of this type of historical failure is the river valley escarpment opposite the southeast corner of Three Mile Bend Recreation Area.

6. The least common type of slope movement in the Red Deer area is a deep seated failure which extends down through the overburden soils into weak layers which may be present within the bedrock formation. These landslides are generally ancient slides which can be remobilized under certain adverse conditions. Deformations at the crest and the toe of these very large slides can cause substantial damage even though the movements are relatively small on a comparative scale to the slope area affected. There are no known slides areas of this nature within the City of Red Deer. However, there is a large ancient slide on the south river valley escarpment of the Blindman River about 3 km west of the City that was re-activated during residential development of the area in the 1990's.

3.7 DEVELOPMENTS IMPACTS

Development impacts on slopes include roads embankments, commercial developments and local residential development backing and in some areas encroaching into the crest areas and onto slopes. Older residences are generally closer than newer structures. Even when private lots do not extend to the crest reserve land is often used by the local residents to extend their yards. Other historically observed development impacts of note include: underground sprinklers; temporary structures such as sheds; PVC pipe and flexible weeping tile discharging roof run-off or pool/hot tub water into the crest area; and organic debris such as grass clippings, leaves and tree branches dumped onto the slope face. A great number of the historical landslides within Red Deer can be attributed to man-made activities, especially improper infilling and lot grading along crest areas.

4.0 ASSESSMENT MATRIX

The proposed assessment matrix process is essentially a preliminary slope assessment to define a reasonable, but still conservative default setback distance for various areas around the City of Red Deer, based on several general conditions which govern slope stability and risk, namely:

1. Height of Slope broken into four groups (0 -8m; 8-15m; 15-20m and >20m)
2. General slope angle broken into four groups (>6H:1V; 4-6H:1V; 2-4H:1V and <2H:1V)
3. Areas of toe erosion due to river or creek action.
4. Areas of known slides where residual soil strengths will govern.

The following table outlines the default setback criteria and any special conditions which apply regarding investigation requirements.

RECOMMENDED DEFAULT SET-BACK DISTANCE
SLOPE CONDITION v.s. SLOPE HEIGHT

	H = 0 - 8 m	H = <8 - 15 m	H = <15 - 20 m	H > 20 m
>4H:1V Rel. Gentle	5m	1H	1H	1H
2H to 4H:1V Moderate	1.5H	1.5H	2H	Investigation (30 m Min)
<2H:1V Steep	2H	2H	2.5H	Investigation (30 m Min)
Active Toe Erosion	Assessment	Investigation	Investigation	Investigation
Former Slide Area	Assessment	Investigation	Investigation	Investigation

An Escarpment Plan has been prepared by the City providing a quick reference to illustrate the default set-back distances which apply around the City, based on the governing slope conditions identified in the Matrix table above. The Map was developed for reference purposes only. The key variables of height and existing angle of the slope for a specific slope must be verified by accurate historical or site specific survey information. The default set-back requirements given above are considered to be applicable to both the crest area and the toe.

The setback distance given is considered be for the Development Restriction line between the crest property line. It is acknowledged that existing properties may not meet this requirement. In the case of a property or existing property up for redevelopment near a slope, a distance of $0.5H$ should be added to the set-backs above to determine the Structural Restriction Line.

5.0 DEVELOPMENT PROPOSAL REQUIREMENTS

The City of Red Deer Land Use Bylaw (3357/2006) stipulates minimum requirements for proposed development, redevelopment, clearing or grading within an escarpment area. As part of the application for a development permit, the proponent for any development near a slope within the City of Red Deer must include accurate survey documentation to identify the governing case in terms of slope angle and height for the adjacent slope(s) ; and verify the default set-back distance for the development. The proposed development plan must show a representative cross-section of the slope in the escarpment area both prior to the development and following development and final grading.

The proponent is required to provide evidence to the satisfaction of the City that the site is suitable for the proposed development. The decision matrix provided in Section 4.0 is a systematic tool or method to help the Development Officer assess the risk associated with development near slopes and guide developers to provide the appropriate level of assessment required to satisfy the City that the site is suitable for the proposed development. Assessment using the Decision Matrix will result in one of four typical recommendations

1. A proposed development which meets with the applicable recommended default set-back distances provided in the preceding table will be considered to be acceptable to the City.
2. For an adjacent slope that is 8.0 m high or less, if the proposed development does not meet with the recommended default conditions in the preceding table, the developer is required to commission a qualified geotechnical engineer to perform a slope assessment to develop site specific geotechnical recommendations for the development including recommendations for the proposed Development Restriction set-back and Structural Restriction set-back.
3. For an adjacent slope that is greater than 8.0 m high, if the proposed development does not meet with the recommended default conditions outlined in the preceding section, the developer is required to commission a qualified geotechnical engineer to perform a detailed slope investigation study to develop site specific geotechnical recommendations for the development including recommendations for the proposed Development Restriction set-back and Structural Restriction set-back.
4. In the case where the default set-back in the Decision Matrix states "Investigation" or "Assessment", a site specific assessment or detail investigation report is required regardless of the slope geometry.

CITY OF RED DEER
Guidelines for Proposed Development
Adjacent to Slopes

In the case where a slope assessment is required, the assessment must be performed by a qualified geotechnical engineer and the assessment should include as a minimum:

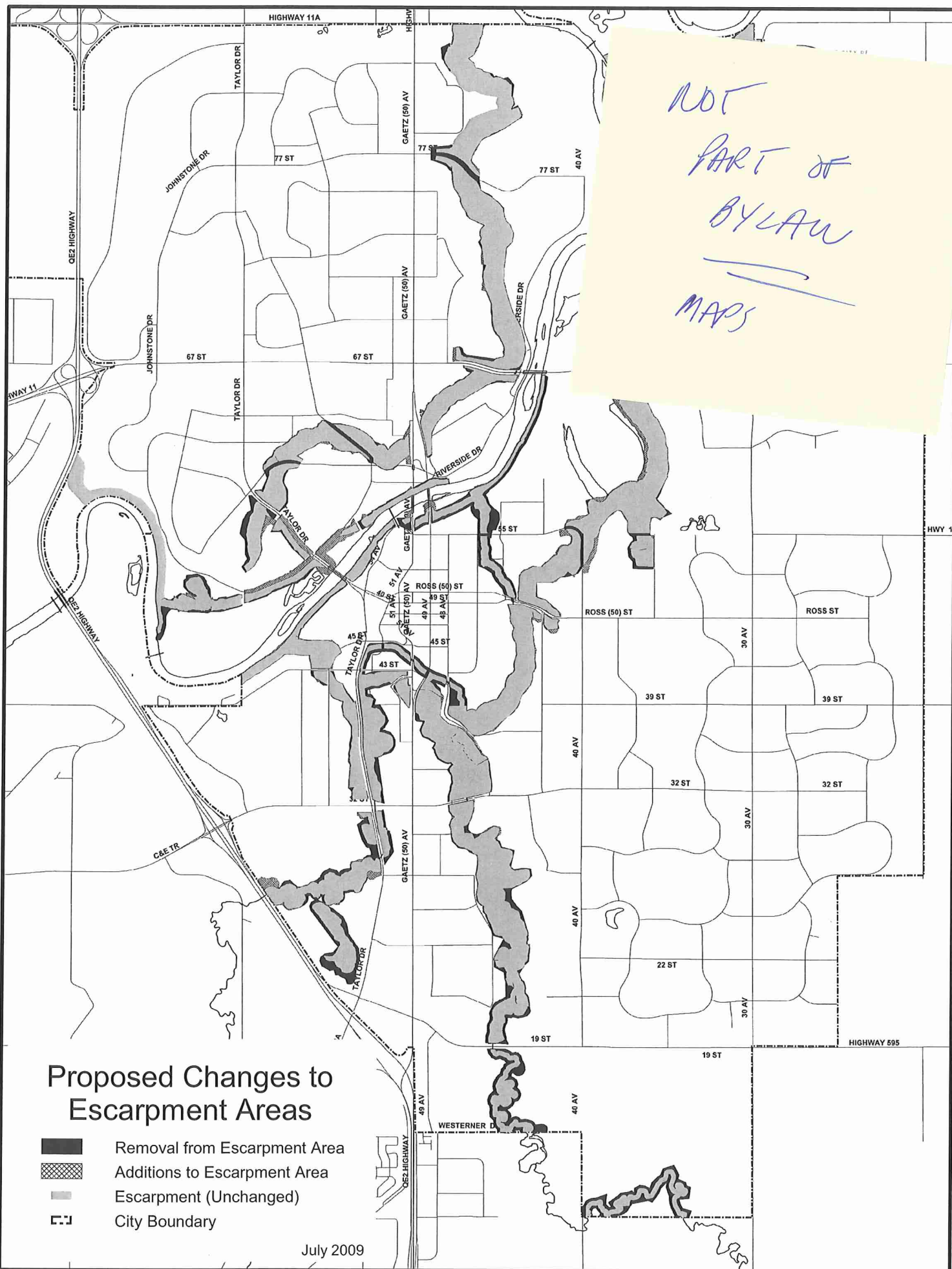
- documentation of a site visit to observing slope conditions;
- representative slope profiles in accordance with the Bylaw;
- any other relevant information required to support the slope assessment; and,
- geotechnical recommendations for development including development (property line) set-backs and structural set-backs if required.

In the case where a detailed investigation is required, the detailed slope assessment should be performed by a qualified geotechnical engineer. The investigation program must include as a minimum:

- a historical review of aerial photographs;
- a site visit for observing slope conditions;
- a survey profile(s) or detailed contours;
- site specific subsurface information for the slope (soil and groundwater);
- documentation of slope stability modeling; and,
- geotechnical recommendations for development including development (property line) set-backs and structural set-backs if required.

In terms of qualifications, the geotechnical engineer must be a professional engineer registered to practice in Alberta. The geotechnical engineer or the consulting firm employing the engineer should have suitable professional liability insurance coverage. Any documentation or report provided by the proponent's geotechnical engineer must include a clear statement to the effect that it is understood and accepted that their report will be submitted to the City of Red Deer as part of the development permit review for the proposed development.

NOT
PART OF
BYLAW
MAPS





Request: Report for Inclusion on a Council Agenda

Requests to include a report on a Council Agenda must be received by 4:30pm on Monday (5 business days) prior to the scheduled meeting.

PLEASE NOTE: If reports are not received by Monday (5 business days) prior to the scheduled meeting/hearing the report may be moved to the next Agenda.

CONTACT INFORMATION			
Name of Report Writer:	TARA LODENYK		
Department & Telephone Number:	PCPS - 343-3394		
REPORT INFORMATION			
Preferred Date of Agenda:	OCTOBER 19, 2009		
Subject of the Report (provide a brief description)	CHANGES TO ESCARPMENT REGULATIONS IN THE LAND USE BYLAW		
Is this Time Sensitive? Why?	YES, ITEM TABLED TO OCTOBER 19.		
What is the Decision/Action required from Council?	FIRST READING LUB AMEND 3357/L-2009		
Please describe Internal/ External Consultation, if any.	STANDARD REFERRAL PROCESS OUTLINED IN REPORT PLUS EAC, SMT		
Is this a Committee of the Whole item?	NO		
How does the Report link to the Strategic Plan? BE STRATEGIC			
Has Legal Counsel been consulted? Are there any outstanding issues? Please describe. YES, NO ISSUE			
Has Financial Services been consulted? Are there any budget implications? Please describe. NO, NO BUDGET IMPLICATIONS			
Presentation: (10 Min Max.)	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Presenter Name and Contact Information: TARA LODENYK
COMMUNITY IMPACT			
Should External Stakeholder(s) be advised of the Agenda item? (e.i. Community Groups, Businesses, Community Associations) If Yes, please provide the Contact Information for the External Stakeholder(s)		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
External Stakeholder(s) Contact Information: (please provide, name, mailing address, telephone number and e-mail address)			
LEGISLATIVE & ADMINISTRATIVE USE ONLY			
Has this been to SMT / Topics/ Committees: MPC, EAC, CPAC			(Please circle those that apply)
SMT When/describe: _____	Topics When/Describe: _____	Board(s) / Committee(s) When/Describe: _____	
Do we need a Media Release?		<input type="checkbox"/> YES	<input type="checkbox"/> NO

Please return completed form, along with report and any additional information to Legislative & Administrative Services.

* I AM WORKING WITH JEN M. FROM COMMUNICATIONS ON A NOTIFICATION LETTER
TO GO OUT AFTER 1ST READING.

Christine Kenzie

From: Tara Lodewyk
Sent: October 13, 2009 8:54 AM
To: Christine Kenzie
Subject: Escarpment Maps

Follow Up Flag: Follow up
Flag Status: Red

Hi Christine,

The escarpment maps are too large to email. I am placing them in transfer files.

\\Chfile2\Data\Transfer Files\PCPS\For Christine Kenzie

✓ DSW/E

Let me know if you have troubles.

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

BACKUP INFORMATION
NOT SUBMITTED TO COUNCIL

Kim Woods

From: Tara Lodewyk
Sent: September 11, 2009 10:44 AM
To: Kim Woods
Subject: RE: Escarpment 3357/L-2009 is due before Council on Monday Sep 21

Table further please-4 weeks so we don't have to do it again.

Thanks,
Tara

BACK UP INFORMATION
NOT SUBMITTED TO COUNCIL

From: Kim Woods
Sent: September 11, 2009 9:59 AM
To: Tara Lodewyk
Subject: Escarpment 3357/L-2009 is due before Council on Monday Sep 21

Do you have an updated report or I will have to table further.

Kim

Kim Woods

Council Services Coordinator
The City of Red Deer
Legislative & Administrative Services
Phone: 403.342.8201
Email: kim.woods@reddeer.ca
Website: www.reddeer.ca

Kim Woods

From: Frieda McDougall
Sent: August 27, 2009 1:30 PM
To: Kim Woods
Subject: FW: Escarpment Area Bylaw

BACKUP INFORMATION
NOT SUBMITTED TO COUNCIL

fyi

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

From: Craig Curtis
Sent: August 27, 2009 6:54 AM
To: Tara Lodewyk; Elaine Vincent
Cc: Frieda McDougall; Frank Colosimo; Brian Johnson; Colleen Jensen; Nancy Hackett
Subject: RE: Escarpment Area Bylaw

looks good

From: Tara Lodewyk
Sent: August 26, 2009 4:34 PM
To: Elaine Vincent
Cc: Frieda McDougall; Frank Colosimo; Brian Johnson; Colleen Jensen; Craig Curtis; Nancy Hackett
Subject: Escarpment Area Bylaw

Hi Elaine,

The escarpment area bylaw is almost ready to go forward except for comments from the Environmental Advisory Committee. I thought we could have comments from the committee via email but they would like this item presented at their September 30 meeting. See email thread below.

This item was tabled on August 24 until September 8. It will require further tabling until after their Sept 30 meeting. It looks like an October 19 Council meeting as I am away October 5. I do apologize.

Frank please advise if you are unable to make the October 19 meeting.

Please give me a call if you have questions.

Regards,
Tara Lodewyk

Planner, ACP, MCIP
Parkland Community Planning Services
Suite 404, 4808 Ross Street
Red Deer, AB T4N 1X5

2009/08/27

Ph: 403.343.3394
Fax: 403.346.1570


From: Pam Vust
Sent: August 25, 2009 8:24 AM
To: Emily Damberger; Tara Lodewyk
Cc: 'Don Wales'; 'Evan Bedford'; 'Grant Johnson'; 'Grant Johnson hotmail'; 'Kyla Therrien'; Larry Pimm; Lauren Maris; 'Linda Cassidy'; Paul Goranson; 'Ross Towers'; Sanja Milinovic; Tara Veer; Tara Veer; Tom Warder; 'Wayne Pander'
Subject: FW: Escarpment Area Bylaw

Hi Guys. Wayne has requested that we bring the escarpment bylaw change to the next EAC meeting. Our meeting is on September 30, so I'm sorry Tara, but we'll have to delay taking this forward to Council. Please call me and we can discuss this further.

Cheers!

Pam Vust

Environmental Initiatives Coordinator
City of Red Deer
Phone: 403-342-8751
Fax: 403-309-2695
email: pam.vust@reddeer.ca

 Please consider the environment before printing this email.

From: Wayne Pander [mailto:wpander1@shaw.ca]
Sent: August 24, 2009 3:02 PM
To: Pam Vust
Subject: Re: Escarpment Area Bylaw

Pam;

Interesting discussion, & I believe it should go to an EAC meeting .

Wayne

+++++

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

From: Pam Vust
To: Tom Warder ; Don & Marie ; Evan Bedford ; Grant Johnson ; Grant Johnson hotmail ; Kyla Therrien ; Larry Pimm ; Lauren Maris ; Linda Cassidy ; Paul Goranson ; Ross Towers ; Sanja Milinovic ; Tara Veer ; Tara Veer ; Wayne Pander
Cc: Tara Lodewyk ; Lauren Maris ; Brian Johnson
Sent: Friday, August 21, 2009 3:25 PM
Subject: RE: Escarpment Area Bylaw

Thanks for the discussion guys. Don - Do you still want this to come to an EAC meeting, or have your concerns been addressed?


Cheers!

Pam Vust

Environmental Initiatives Coordinator
City of Red Deer
Phone: 403-342-8751

2009/08/27

Fax: 403-309-2695

email: pam.vust@reddeer.ca Please consider the environment before printing this email.

From: Tom Warder**Sent:** August 21, 2009 1:14 PM**To:** 'Don & Marie'; Pam Vust; 'Evan Bedford'; 'Grant Johnson'; 'Grant Johnson hotmail'; 'Kyla Therrien'; Larry Pimm; Lauren Maris; 'Linda Cassidy'; Paul Goranson; 'Ross Towers'; Sanja Milinovic; Tara Veer; Tara Veer; 'Wayne Pander'**Cc:** Tara Lodewyk; Lauren Maris; Brian Johnson**Subject:** RE: Escarpment Area Bylaw

The setback really identifies an area that is potentially subject to instability. If the landowner wishes to develop in this area, he must demonstrate (Geotechnical investigation) that the area is safe to build on. The setback identified in the bylaw may be a bit conservative, so detailed investigations may allow the developer to reduce the setback somewhat. The slope area and a nominal buffer along the top of the slope can be taken as environmental reserve, but the rest of the setback could be designated for other land uses provided they meet the geotechnical report requirements (e.g. no permanent structures). For new development areas, the setback area has typically been designated ER and MR through the Neighborhood Area Structure Plan process - this is a public process. For existing developments, redevelopment applications would go through MPC.

Tom Warder, P. Eng.

Environmental Services Manager

City of Red Deer

tom.warder@reddeer.ca

403.342.8755

BACKUP INFORMATION
NOT SUBMITTED TO COUNCIL

From: Don & Marie [<mailto:donmarie@telusplanet.net>]**Sent:** August 21, 2009 12:56 PM**To:** Tom Warder; Pam Vust; 'Evan Bedford'; 'Grant Johnson'; 'Grant Johnson hotmail'; 'Kyla Therrien'; Larry Pimm; Lauren Maris; 'Linda Cassidy'; Paul Goranson; 'Ross Towers'; Sanja Milinovic; Tara Veer; Tara Veer; 'Wayne Pander'**Cc:** Tara Lodewyk; Lauren Maris**Subject:** RE: Escarpment Area Bylaw

Hi Tom

Thanks for the clarification. That is an exciting prospect. Would the 50 meters (more or less) be classified as environmental reserve or would it be a combination of environmental and municipal reserve, or something else ?. Regardless, this setback will pay dividends in the future if we don't have to fish houses and backyards out of the river valley. Don

From: Tom Warder [<mailto:Tom.Warder@reddeer.ca>]**Sent:** Friday, August 21, 2009 11:47 AM**To:** Don & Marie; Pam Vust; Evan Bedford; Grant Johnson; Grant Johnson hotmail; Kyla Therrien; Larry Pimm; Lauren Maris; Linda Cassidy; Paul Goranson; Ross Towers; Sanja Milinovic; Tara Veer; Tara Veer; Wayne Pander**Cc:** Tara Lodewyk; Lauren Maris**Subject:** RE: Escarpment Area Bylaw

Hi Don,

FYI, the setback is measured from the top of the escarpment. The bylaw will contain a map showing all affected properties.

Tom Warder, P. Eng.

Environmental Services Manager

City of Red Deer

tom.warder@reddeer.ca

403.342.8755

From: Don & Marie [mailto:donmarie@telusplanet.net]**Sent:** August 21, 2009 11:31 AM**To:** Pam Vust; 'Evan Bedford'; 'Grant Johnson'; 'Grant Johnson hotmail'; 'Kyla Therrien'; Larry Pimm; Lauren Maris; 'Linda Cassidy'; Paul Goranson; 'Ross Towers'; Sanja Milinovic; Tara Veer; Tara Veer; Tom Warder; 'Wayne Pander'**Cc:** Tara Lodewyk; Lauren Maris**Subject:** RE: Escarpment Area Bylaw

Hi Pam

I realize I am beyond the deadline of Aug 14 for feedback into the escarpment area bylaw. I definitely think this should go to the Environmental Advisory Committee for discussion. When I read "standard setback of 50 meters" I am unsure of whether this means set back from the water's edge or setback from the top of the escarpment. I suspect it means from the river/creek edge. In the future I hope we can extend the top of escarpment setback through dedication of a combination of environmental and municipal reserve. For example, the Garden Heights NASP has recommended a 25 meter setback from the top of the river escarpment and from the steeper sections of the Mackenzie ravine. In RDRN's feedback to that NASP we were pleased with that recommendation but considered it a minimum despite what the geotechnical report recommends. As mentioned in the attachment, the geotechnical report can identify unstable substrate layers and the probability of slope failure but it cannot predict weather factors like intensive rain events or snow melt as well as excessive watering and landscape alterations that could destabilize the slope. For example, just north of the escarpment at Garden Heights is a slump that I estimate to be 30-40 meters wide. The attachment is a copy of a section of a Draft Watershed Management Proposal I (we at RDRN) am working on and that I had mentioned to you the last time we met. Don

From: Pam Vust [mailto:Pam.Vust@reddeer.ca]**Sent:** Tuesday, July 28, 2009 2:29 PM**To:** Don Wales; Evan Bedford; Grant Johnson; Grant Johnson hotmail; Kyla Therrien; Larry Pimm; Lauren Maris; Linda Cassidy; Paul Goranson; Ross Towers; Sanja Milinovic; Tara Veer; Tara Veer; Tom Warder; Wayne Pander**Cc:** Tara Lodewyk; Lauren Maris**Subject:** FW: Escarpment Area Bylaw

Hello Committee members.

As a follow up to my previous email, this amendment will change the existing escarpment area contained within the Land Use Bylaw and is the first of two projects that PCPS is currently processing which may be of interest to the EAC.

The current escarpment area includes a standard setback of 50 m. However, The City's Engineering Dept has recently completed a geotechnical study to look at the actual ground conditions along the escarpment area. The recommended setbacks included in this proposed Bylaw amendment are based on slope stability as determined by this study. In some instances the 50 m setback has increased and in some cases it has decreased. This amendment will incorporate new recommended setbacks into the bylaw.

This proposed Land Use Bylaw amendment is scheduled to go to Council on August 24, so your comments must be submitted by August 14 to be incorporated into PCPS's report. If you have any questions, or feel that this is something that would be more appropriately discussed at an EAC meeting, please let me know.

Cheers!

Pam Vust

Environmental Initiatives Coordinator

City of Red Deer

Phone: 403-342-8751

Fax: 403-309-2695

2009/08/27

email: pam.vust@reddeer.ca

 Please consider the environment before printing this email.

BACKUP INFORMATION
NOT SUBMITTED TO COUNCIL

From: Tara Lodewyk
Sent: July 24, 2009 3:13 PM
To: Environmental Advisory Committee
Subject: Escarpment Area Bylaw

Environmental Advisory Committee,

At the request of Engineering Services, Parkland Community Planning Services (PCPS) has been working on a Land Use Bylaw amendment affecting the permitting process for those property owners situated in an escarpment areas in the city. An escarpment area includes sites within or adjacent to an escarpment or slope which could be affected by slope instability. The Land Use Bylaw maps are also being amended based on the *Guidelines for Development Adjacent to Slopes* that has been prepared by a geotechnical engineer. The guidelines resulted in being able to better define the setbacks based on the actual height and condition of the slope. In some cases the setback has increased and in other areas it decreased.

The proposed amendment is explained in the attached report and the proposed *Land Use Bylaw* amendment and summary map is attached for your review.

Please let me know if the Environmental Advisory Committee has comments on the proposed LUB amendment. Please give me a call at 403-343-3394 if you need clarification or would like further information.

Regards,

Tara Lodewyk

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

<<SKMBT_C45109072414040.pdf>>

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DATE: October 20, 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 October 16, 2009
Parkland Community Planning Services, dated October 2, 2009

Bylaw Readings:

At the Monday, August 24, 2009 Council Meeting Land Use Bylaw Amendment 3357/L-2009 was tabled for four weeks to the Monday, September 21, 2009 Council Meeting. At the Monday, September 21, 2009 Council Meeting, Land Use Bylaw Amendment 3357/L-2009 was further tabled to the Monday, October 5, 2009 Council Meeting. At the Monday, October 19, 2009 Council Meeting Land Use Bylaw Amendment 3357/L-2009 received first reading.

Report Back to Council: Yes – Monday, November 16, 2009.

Comments/Actions:

A Public Hearing will be held for Land Use bylaw Amendment 3357/L-2009 on Monday, November 16, 2009 at 6:00 p.m. in Council Chambers during Council's regular meeting. Our office will now proceed with advertising Land Use Bylaw Amendment 3357/L-2009. Land Use Bylaw Amendment 3357/L-2009 is proposed to further refine and improve the current *Land Use Bylaw* regulations. The escarpment areas have been tailored using data verified by a qualified geotechnical engineer. They are a better assessment of the risks associated with development in each escarpment area. The Guidelines will standardize and clarify the internal process for processing permit applications in escarpment areas. Property owners will know forthright what information is required, who can provide that information and that the City will not be responsible for losses associated with development in higher risk escarpment areas.

Prior to first reading of the Land Use Bylaw Amendment Frank Colosimo, Engineering Services Manager committed to review with Parkland Community Planning Services all roadways to ensure the

escarpment impact on all of the roadways are consistently shown throughout the Land Use Bylaw Amendment.



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



Unfinished Business Item No. 2

DATE: October 16, 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. Advertisements were placed in the Red Deer Advocate on July 24, 2009 and July 31, 2009. Third reading of Land Use Bylaw Amendment 3357/M-2009 was tabled at the Monday, August 10, 2009 Council Meeting, to allow additional time to receive the Waiver of Compensation for the North Cottage School.

At the Monday, September 21, 2009 Council Meeting, third reading of Land Use Bylaw Amendment 3357/M-2009 was tabled for an additional four weeks to the Monday, October 19, 2009 Council Meeting to again allow time to receive the Waiver of Compensation for the North Cottage School. The Waiver of Compensation still has not been received.

Recommendation:

That Council consider:

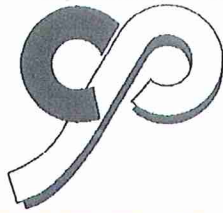
- 1) Passing a resolution lifting from the table Land Use Bylaw Amendment 3357/M-2009 and;
- 2) Passing a resolution to table third reading of Land Use Bylaw Amendment 3357/M-2009 for up to six months.

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

Elaine Vincent
Manager

City of Red Deer Council Meeting August 10 2009

Page 11



**PARKLAND
COMMUNITY
PLANNING
SERVICES**

Originally presented
to Council at the
Monday July 13
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 3, 2009

TO: Elaine Vincent, Legislative and Administrative Services Manager

FROM: Tara Lodewyk, Planner

RE: 1) Designation of Municipal Historic Resources under the *Alberta Historical Resources Act*
(a) Bylaw 3425/2009
St. Luke's Anglican Church, 4929 54 Street (Lot 9-11, Block 14, Plan K)

(b) Bylaw 3426/2009
North Cottage School, 5704 60 Street (Lot S, Block 4596NY)

2) Land Use Bylaw Amendment 3357/M-2009

Background

On April 1, 2009 the Province of Alberta discontinued the registered historic resource category of designation under the *Alberta Historical Resources Act*. This means that North Cottage School and St. Luke's Anglican Church, which are currently registered historic resources, will no longer be protected or able to apply for grants from the Province.

The process began in March to designate these sites as municipal historic resources under the *Alberta Historical Resources Act* with City Council issuing Notices of Intent to designate. Under the Act, after 60 days has passed and prior to 120 days from the date of serving the Notice of Intent to designate a municipal historic resource, Council can then pass a bylaw to designate the site. A designation bylaw for each of the sites and corresponding *Land Use Bylaw* amendment are proposed for Council's approval.

St. Luke's Anglican Church, 4924 54 Street

Council issued the Notice of Intent on March 23, 2009 to designate St. Luke's Anglican Church as a municipal historic resource. The Notice was served to the owners, Church of England Parish of St. Luke, on March 30, 2009. An advertisement was placed in the *Red Deer Advocate* advising the public of the Notice of Intent to designate. The 60 day waiting period expired on May 22, 2009.

North Cottage School, 5704 60 Street

Council issued the Notice of Intent on April 6, 2009 to designate North Cottage School as a municipal historic resource. The notice was served to the owners, Red Deer Public School District, on April 9, 2009. An advertisement was placed in the *Red Deer Advocate* advising the public of the Notice of Intent to designate. The 60 day waiting period expired on June 9, 2009.

Process

Since the passing of the Notice of Intent, PCPS has updated and reformatted the 2004 Statement of Significance (SOS) for each of the sites. The updated Statements of Significance are attached. These will be used by PCPS in evaluating any changes to the site and will also be submitted to the Provincial Registrar for placement on the Alberta and Canadian Registers of Historic Places (<https://hermis.alberta.ca/ARHP/>). Listing on the register is the final step that allows access to available funding programs from the provincial and federal governments.

**Bylaws to Designate St. Luke's Anglican Church and North Cottage School
as Municipal Historic Resources
Page 2 of 2**

Places listed on the register must meet criteria of significance and integrity as determined by the province.

PCPS has also worked with the city solicitors and property owners to sign a waiver of compensation. The *Alberta Historical Resources Act* says that an owner is entitled to compensation if the municipal historic resource designation is proven to have decreased the value of the site. Council, under the Act, must then provide the owner with compensation for the decrease in value. The waivers are signed by the owners of the sites waiving their right to any compensation from Council.

The City has not received any objections to the designation of St. Luke's Anglican Church or North Cottage School as a municipal historic resource.

Bylaws

Three separate bylaws are proposed:

1) Designation Bylaw 3425/2009

Bylaw 3425/2009 designates St. Luke's Anglican Church a Municipal Historic Resource under the *Alberta Historical Resources Act*. This bylaw is registered on the title of the property.

2) Designation Bylaw 3426/2009

Bylaw 3426/2009 designates North Cottage School a Municipal Historic Resource under the *Alberta Historical Resources Act*. This bylaw is registered on the title of the property.

3) Land Use Bylaw Amendment 3357/M-2009

With the passing of designation bylaws 3425/2009 and 3426/2009, the *Land Use Bylaw* HP-Historical Preservation Overlay District needs to be updated to reflect the designation of St. Luke's Anglican Church and North Cottage School as a municipal historic resources. This is accomplished with *Land Use Bylaw Amendment 3357/M-2009*.

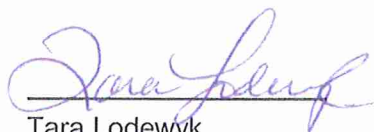
Recommendation

That City Council pass Bylaw 3425/2009 to designate St. Luke's Anglican Church, 4929 54 Street (Lots 9, 10 & 11, Block 14, Plan K) as a Municipal Historic Resource under the *Alberta Historical Resources Act*.

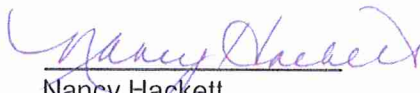
That City Council pass Bylaw 3426/2009 to designate North Cottage School, 5704 60 Street (Lot S, Block 4596NY), as a Municipal Historic Resource under the *Alberta Historical Resources Act*.

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

Sincerely,



Tara Lodewyk
Planner, ACP, MCIP



Nancy Hackett
City Planning Manager, ACP, MCIP

cc. Janet Pennington, Cody McClintock, Tom Ashton

The North 'Cottage' School**5704 60 Street****Description of the Historic Place**

The 1911 North Cottage School is a two-storey, wood frame, four-square school house with a full length front covered porch. The school and surrounding school yard are located in historic North Red Deer known today as the neighbourhood of Riverside Meadows.

Heritage Value

North Cottage School is significant for its four square architectural style and association with the founding of North Red Deer. It exemplifies both the practicality and the aspirations of early settlers in the region.

Red Deer's earliest citizens viewed public education as a priority in developing culture and community spirit. In 1887, the first school between Calgary and Edmonton was constructed at the Crossing. In 1894, a permanent two-room brick building was constructed in the new town of Red Deer. By the turn of the century, this structure did not meet classroom needs and a new eight-room school was erected in 1907. With the peak of the immigration boom between 1910 and 1913, classroom space once again proved to be inadequate and the Red Deer Protestant School Board decided to build two identical cottage schools on either side of the river. The North Cottage School in Red Deer was constructed in 1911 and officially opened in January 1912. The Village of North Red Deer was founded in 1911 illustrating the importance of education in early community development.

North Cottage School was built according to a standard plan developed for the Department of Education by Mr. C.A. Sharman. Actual construction was undertaken by Baird and McKenzie, of North Red Deer at a cost of 3,925.00 dollars. Like most cottage schools, the North Red Deer School was designed to serve as a temporary structure until the local school age population grew large enough to justify a larger and more permanent

school. The North Cottage School consisted of two large rooms on two floors and it was initially planned to be convertible into a family residence when no longer required as a school building. The larger more permanent school was not built until 1954.

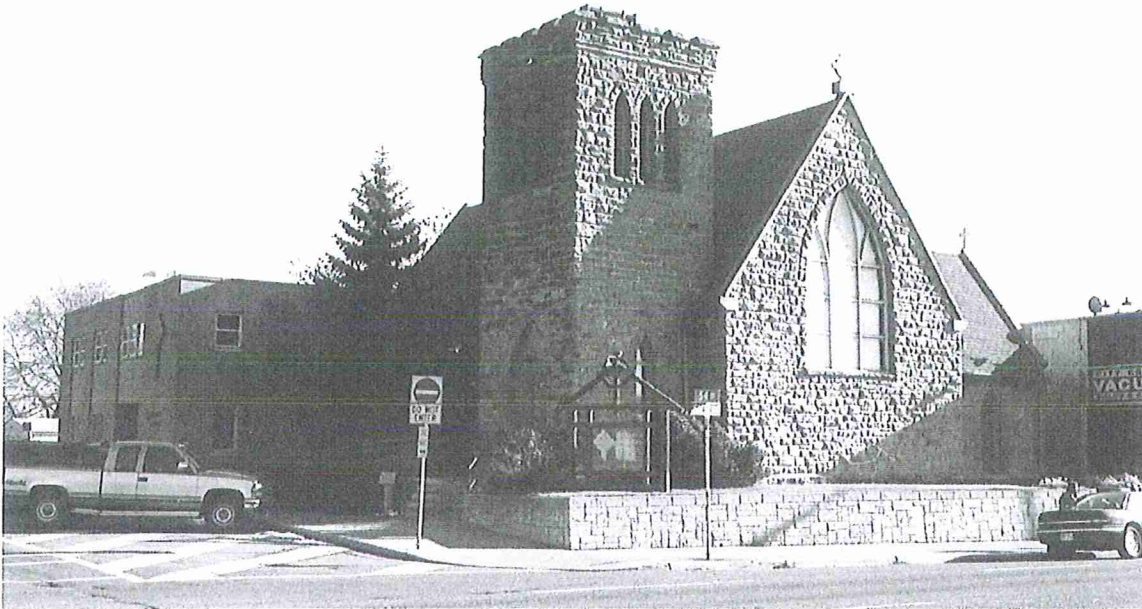
Architecturally, North Cottage School is the best example of four-square style in Red Deer. Of the two identical Cottage Schools building in Red Deer in 1911, only the North Cottage School remains and continues to operate as a school.

The Red Deer cottage schools were low-cost, wood frame buildings much like the temporary, pre-war cottage schools erected in Edmonton and Calgary. C.A. Sharman adapted the simple two-storey design to meet local requirements. The facade featured two doors: a central one to the main floor classroom, and a second one to the stairway, which led to the second floor. The Cottage School style is featured in the hipped roofs with turned wood posts, fret work, lattice screen, clapboard siding and roofed porch that ran the full length of the facade with hipped roofed. The North Red Deer School was renovated to its original condition in 1989.

Character Defining Elements

The character defining elements as expressed in the four square form, massing, and materials of the 1911 period of significance including:

- prominent signage in front dormer;
- pyramidal roof structure;
- full length porch with hipped roofs, fret work and turned wood posts;
- lattice screen;
- pattern and style of all windows;
- clapboard siding with corner boards;
- wooden shakes in gables;
- covered side entry.

St. Luke's Anglican Church**4929 54 Street****Description of the Historic Place**

St. Luke's Anglican Church is a single story church building constructed of locally-quarried sandstone in the Gothic Revival style. Built between 1898 and 1906, the church features an irregularly shaped foot print with a prominent battlemented tower. It is located on the corner of Gaetz Avenue and 54 Street in downtown Red Deer.

Heritage Value

St. Luke's Anglican Church is significant for its Gothic Revival architectural style and association with Rev. Joshua Hinchcliffe and Rev. William H. Fanning-Harris.

St. Luke's Anglican Church, the oldest active church building in Red Deer, is an architectural landmark exemplifying the Gothic Revival style highlighted by a battlement tower and high pitched gable roofs. Locally-quarried, rusticated local sandstone was used in the construction and it is one of the few buildings in the Red Deer region made of this stone.

The church was constructed by the first Anglican parishioners, over an eight year period, under the direction of Rev. Joshua Hinchcliffe. The foundation was laid in 1898, the first section was completed in 1899, a second section in 1900 and an addition of a choir vestry and battlemented tower to the west end during 1905-1906. The latter addition was designed by local architect C.A. Julian-Sharman.

The association of the church with the Rev. Joshua Hinchcliffe is significant. As an architect, appointed rector of St. Luke's parish in 1898, Hinchcliffe played an instrumental role in the planning and design of the church in conjunction with a prominent firm of Edmonton architects Edmiston and Johnson. Prior to that, Hinchcliffe had worked extensively on the Blackfoot and Peigan reserves. He established St. Luke's as a vital part of the growing community. He was a military chaplain during World War I, and later a member of the British Columbia Legislature. He was admitted to the bar in 1932.

St. Luke's Anglican Church is also historically significant for its association with Rev. Webster Henry Fanning-Harris, a former rector who was the first Canadian chaplain killed in World War I, and to whom the church's 1920 central stained glass window is dedicated.

Character Defining Elements

The character defining elements as expressed in the form, massing, and materials of the 1898-1906 period of significance:

Gothic Revival elements including:

- high pitched gable roofs;
- pointed windows and entries;
- pattern, style and construction of all windows especially the large nave windows and grouped trinity windows;
- flush eaves and verges;
- battlemented tower;
- finials.

Interior features including:

- exposed ornate wood roof trusses;
- stained glass windows;
- wooden pews;
- furnishes;
- finishes.

Comments:

We support the recommendation of Administration.

“Morris Flewwelling”
Mayor

“Craig Curtis”
City Manager

DATE: October 16, 2009
TO: City Council
FROM: Frieda McDougall, Deputy City Clerk
SUBJECT: Land Use Bylaw Amendment 3357/M-2009
Designation of Municipal Historic Resources
North Cottage School

In order for Council to proceed with third reading of Land Use Bylaw Amendment 3357/M-2009 a Waiver of Compensation for North Cottage School is required.

The Waiver of Compensation was received at Legislative & Administrative Services offices late Thursday, October 15, 2009. A copy of the Waiver is attached for your information.

Recommendation:

That Council consider:

- 1) Passing a resolution lifting from the table consideration of Land Use Bylaw Amendment 3357/M-2009
- 2) Proceeding with third reading of Land Use Bylaw Amendment 3357/M-2009.



Frieda McDougall
Deputy City Clerk

/attach.

IN THE MATTER OF The Intention of The CITY OF RED DEER
To Designate NORTH COTTAGE SCHOOL
A MUNICIPAL HISTORIC RESOURCE
Pursuant to the HISTORICAL RESOURCES ACT.
RSA 2000, Ch. H-6, Section 26

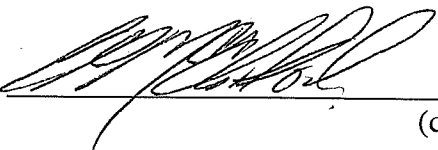
WAIVER OF COMPENSATION

The Board of Trustees of Red Deer Public School Board District No. 104, being the registered owner of the North Cottage School located in the City of Red Deer, Alberta at on land legally described legally described as Plan 4596NY, Lot S does hereby agree to waive any claim to compensation under Section 28(1) of the *Historical Resources Act, RSA 2000, cH-9* from the City of Red Deer for any decrease in the economic value of the said School and land resulting from a bylaw enacted by the City of Red Deer pursuant to Section 26(1) of the *Historical Resources Act, RSA, 2000, cH-9* designating the North Cottage School and land as a Municipal Historic Resource.

DATED this 14th day of October, 2009.

**BOARD OF TRUSTEES OF
RED DEER PUBLIC SCHOOL DISTRICT NO. 104**

Per: 

Per:  (c/s)

ORIGINAL.

IN THE MATTER OF The Inter
To Designate NORTH
A MUNICIPAL HI
Pursuant to the HISTOF
RSA 2000, CI

WAIVER OF

The Board of Trustees of Red Deer Public School District No. 104, hereinafter referred to as the Board, is the legal owner of the North Cottage School located in the City of Red Deer, Alberta at 4596NY, Lot S does hereby agree to waive any claim to compensation under Section 28(1) of the *Historical Resources Act, RSA 2000, cH-9* from the City of Red Deer for any decrease in the economic value of the said School and land resulting from a bylaw enacted by the City of Red Deer pursuant to Section 26(1) of the *Historical Resources Act, RSA, 2000, cH-9* designating the North Cottage School and land as a Municipal Historic Resource.

DATED this 14th day of October, 2009.

**BOARD OF TRUSTEES OF
RED DEER PUBLIC SCHOOL DISTRICT NO. 104**

Per: 

Per:  (c/s)



October 15, 2009

Parkland Community Planning Services
Suite 404, 4808 Ross Street
Red Deer, Alberta
T4n 1X5

Attention: T. Lodewyk, Planner

Dear Tara,

I am enclosing two original copies of the Waiver of Compensation related to the Designation of North Cottage School as a Municipal Historic Resource.

I trust you will keep us advised with respect to the status of this matter.

Thank you for all your assistance.

Yours truly,

C.G. McClintock
Associate Superintendent, Business Services



Christine Kenzie

To: Elaine Vincent
Subject: FW: Waiver of Compensation for North Cottage School

FYI

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

BACKUP INFORMATION
NOT SUBMITTED TO COUNCIL

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

From: Don Simpson
Sent: October 13, 2009 9:13 AM
To: Christine Kenzie
Cc: Tara Lodewyk
Subject: RE: Waiver of Compensation for North Cottage School

The wording is to be modified and we are waiting to receive the signed Waiver back from the School Board.

Don Simpson
Chapman Riebeek LLP
Barristers and Solicitors
300, 4808 Ross Street
Red Deer, AB T4N 1X5
TEL: 403-346-6603
FAX: 403-340-1280

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

From: Christine Kenzie
Sent: Tue 2009/10/13 8:55 AM
To: Don Simpson
Subject: Waiver of Compensation for North Cottage School

Just wondering if you have heard anything regarding the Waiver of Compensation for North Cottage School ---- This item is to be brought back to the October 19th Council Meeting.

Let me know before Noon today. Thanks.

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



Council Decision – October 19, 2009

DATE: October 20, 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-2009
Designation of Municipal Historic Resources under the *Alberta Historical Resources Act*

- a) Bylaw 3425/2009 – St. Luke's Anglican Church, 4929-54 Street (Lot 9-11, Block 14, Plan K)
- b) Bylaw 3426/2009 – North Cottage School, 5704-60 Street (Lot S, Block 4596NY)

Reference Report:

Legislative and Administrative Services Manager, dated October 16, 2009
Parkland Community Planning Services, dated July 3, 2009

Bylaw Readings:

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. Advertisements were placed in the Red Deer Advocate on July 24, 2009 and July 31, 2009. Third reading of Land Use Bylaw Amendment 3357/M-2009 was tabled at the Monday, August 10, 2009 Council Meeting to allow additional time receive the Waiver of Compensation for the North Cottage School

At the Monday, September 21, 2009 Council Meeting, third reading of Land Use Bylaw Amendment 3357/M-2009 was tabled for an additional four weeks to the Monday, October 19, 2009 Council Meeting to again allow time to receive the Waiver of Compensation for the North Cottage School.

The Waiver of Compensation was received Thursday, October 15, 2009 and was presented to Council at the Monday, October 19, 2009 Council Meeting. At the Monday, October 19, 2009 Council Meeting, Land Use Bylaw Amendment 3357/M-2009 received third reading. A copy of the Bylaw is attached.

Report Back to Council: No



Elaine Vincent
Legislative and Administrative Services Manager
/attach.

cc: Development Services Director
Corporate Services Director
Community Services Director

Engineering Services Manager

LAS File

Inspections & Licensing Manager
Inspections & Licensing Supervisor
Land & Economic Development Manager

FILE COPY

The City of Red Deer
Bylaw Readings

Moved by Councillor:

Veer

Seconded by Councillor:

(1st) Watkinson-

Watkinson-Zimmer.

That Land Use Bylaw Amendment No. 3357/M-2009

(2nd + 3rd)

Pimm.

BE READ A FIRST TIME THIS

13th

DAY OF

July

, 2009.

BE READ A SECOND TIME THIS

10th

DAY OF

August

, 2009.

BE READ A THIRD TIME THIS

19th

DAY OF

October

, 2009.

REMINDER FOR COUNCIL MEMBERS: YOU MUST BE IN
ATTENDANCE AT ALL OR A PORTION OF THE PUBLIC HEARING IN
ORDER TO PARTICIPATE IN DEBATE AND VOTE ON 2ND AND 3RD
READINGS OF THIS BYLAW.



Unfinished Business Item No. 3

DATE: October 16, 2009
TO: City Council
FROM: Elaine Vincent, Legislative & Administrative Services Manager
SUBJECT: 2009 Off Site Levy Rates Bylaw 3436/2009

History:

At the Monday, September 21, 2009 Council Meeting, 2009 Off-Site Levy Rates Bylaw 3436/2009 received first reading.

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 the areas.

The 2009 Off-Site Levy Bylaw 3436/2009 is proposing an increase for the 2009 Water, Sanitary, Storm and Roadway off-site levy rates, to \$174,875 per hectare.

Public Consultation Process:

Although this is not a Public Hearing, submissions can be presented to Council. The 2009 Off-Site Levy Bylaw 3436/2009 was advertised in the Red Deer Advocate on October 2, 2009 and October 9, 2009. There were no submissions received with regard to Bylaw 3436/2009.

Recommendation:

That Council consider second and third reading of Off Site Levy Rates Bylaw 3436/2009.

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

Elaine Vincent
Manager



Originally presented to Council
at the Monday, September 21,
2009 Council Meeting

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

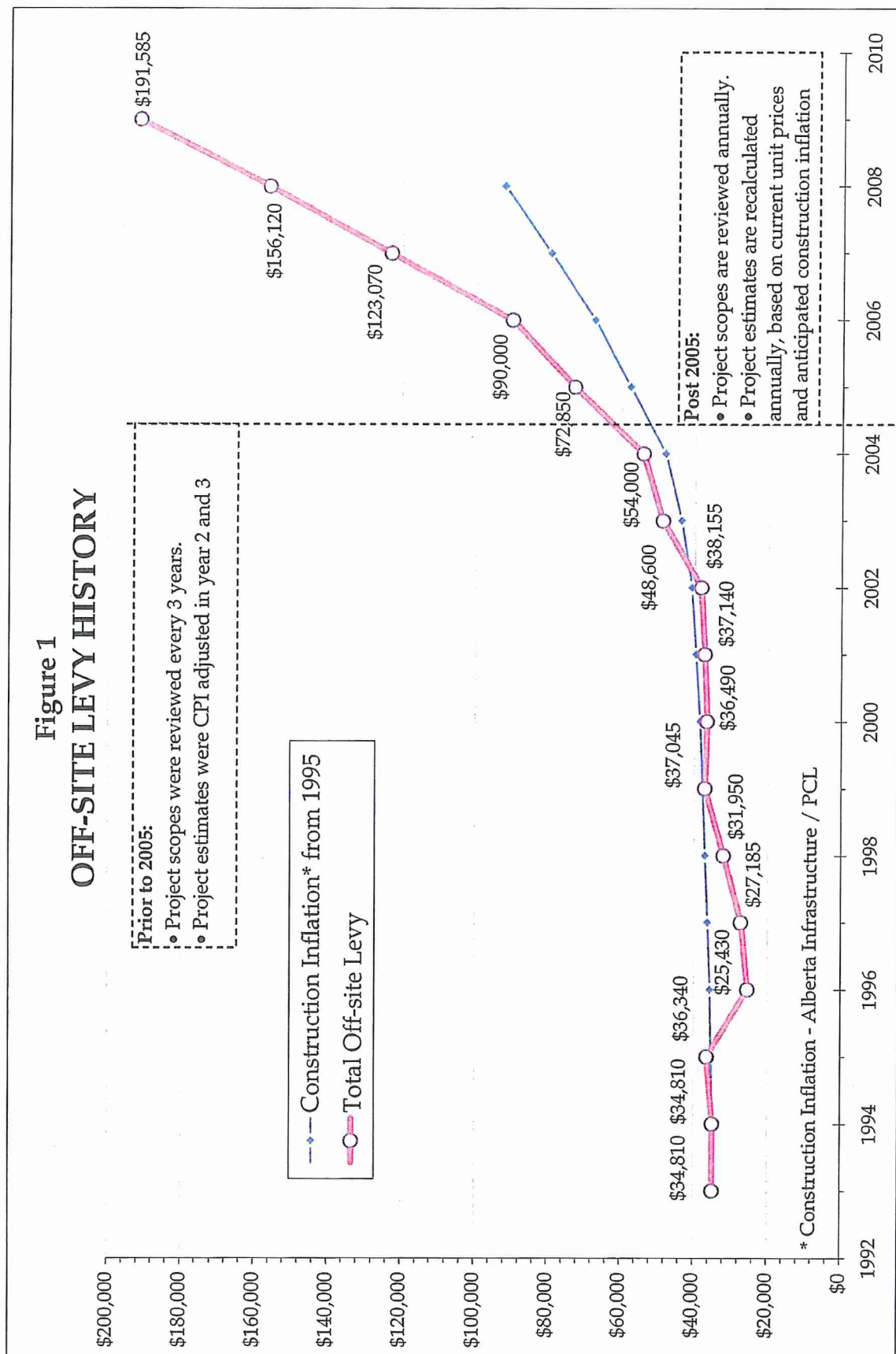
0% inflation (2009 unit prices = 2008 unit prices)

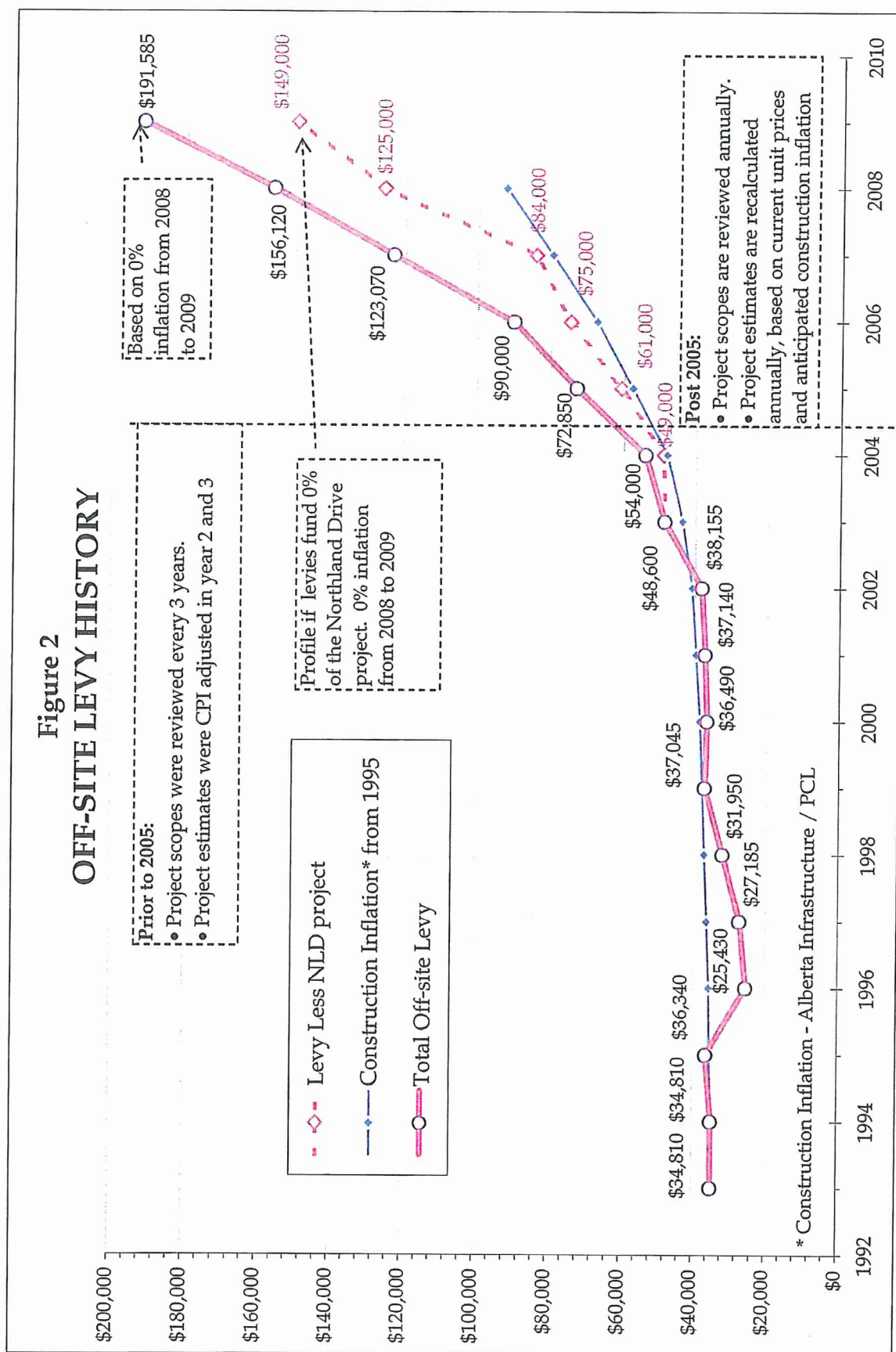
Funding 50% Grants, 25% City, 25% Development

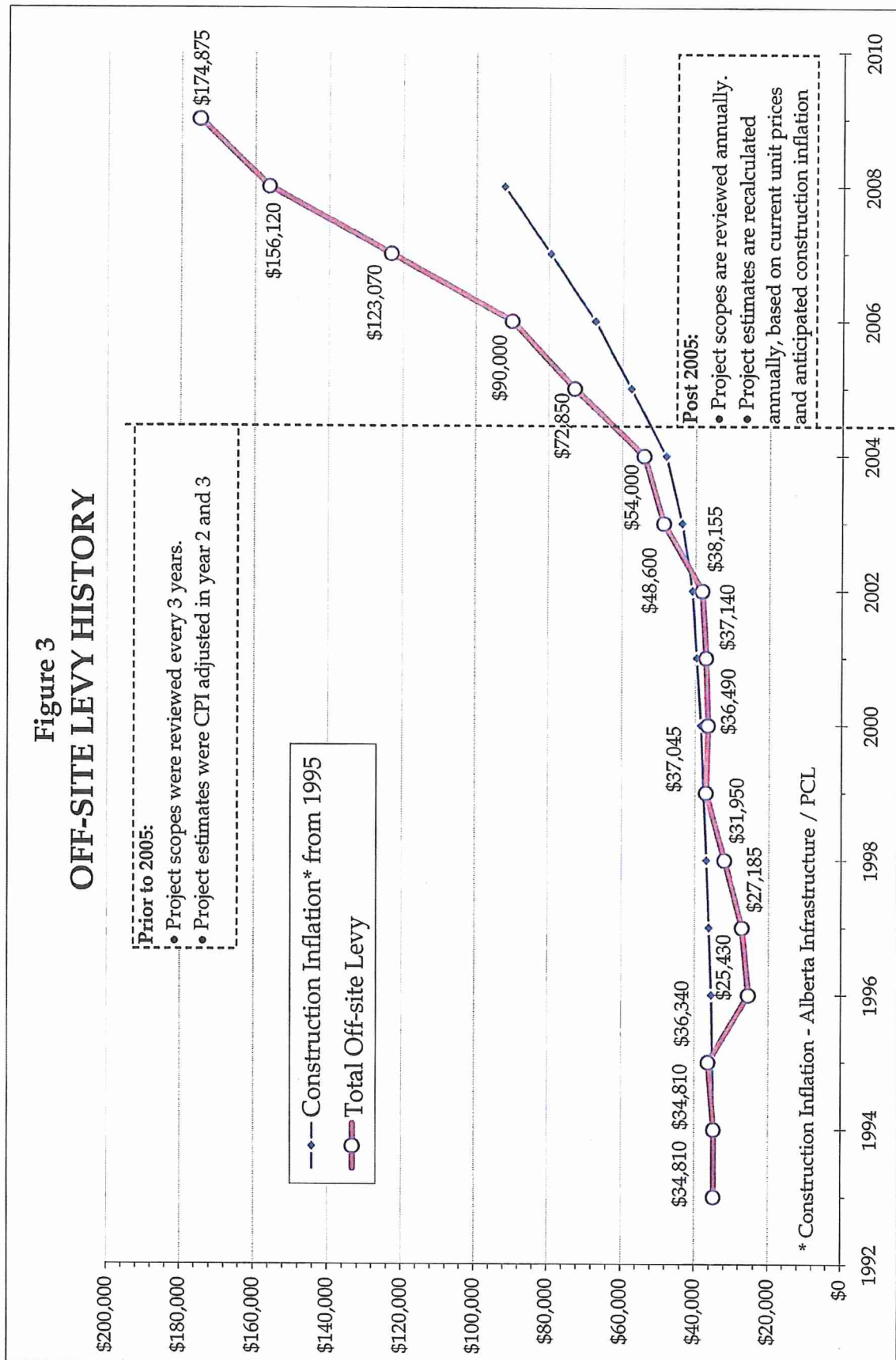
		Water	Sanitary	Storm	Roads	Totals
ESTIMATED EXPENDITURES AND REVENUES TO DATE						
Net Balance at Beginning of Year	January 1, 2008	\$680,574	(\$139,365)	(\$848,198)	(\$4,293,953)	(\$4,600,941)
Estimated 2008 Expenditures		\$6,705,329	\$3,826,485	\$7,408,681	\$927,334	\$18,867,830
Estimated 2008 Revenues		(\$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%

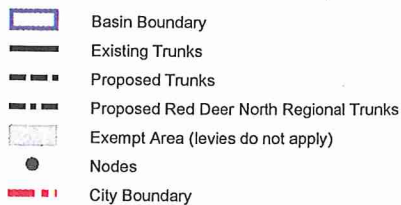
1 QBP (if = 1, includes Queens Industrial Lands in Levy Calculations. if = 0, excludes Queens Industrial Lands in Levy Calculations)

75 NHC (% funding from Grants and City towards Phase 1 of North Highway Connector)



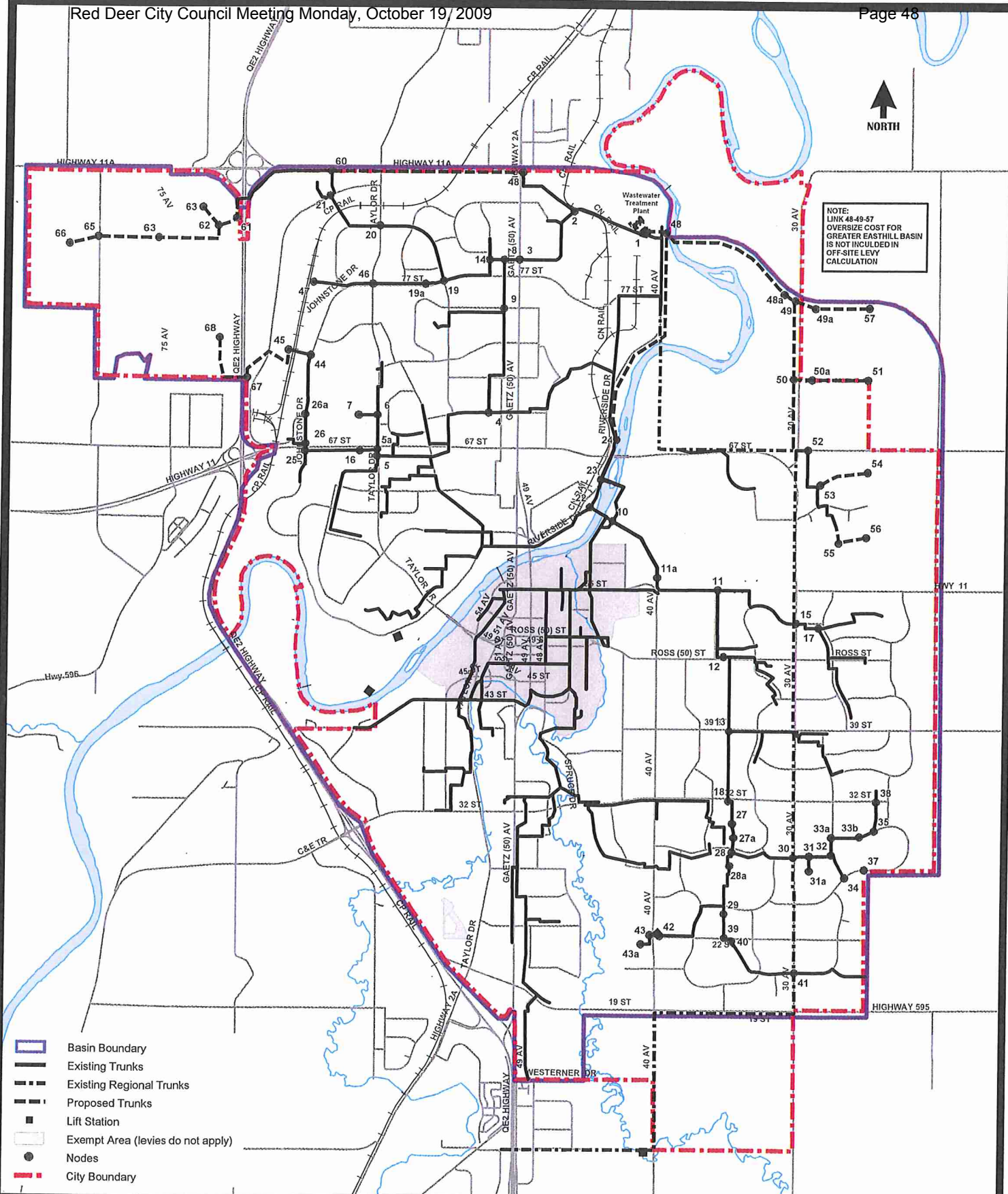






August 2009

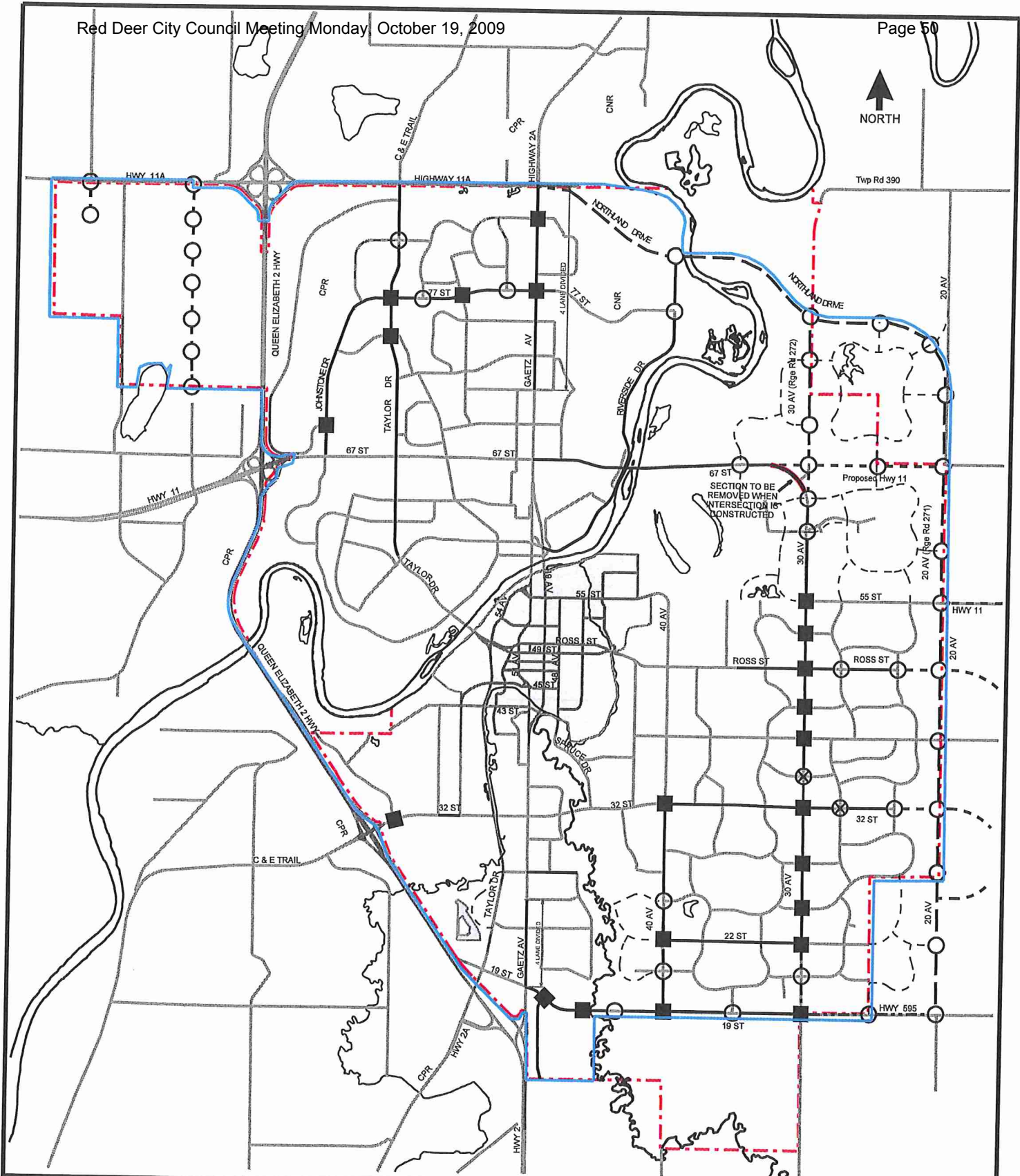
**OFF-SITE LEVY
BYLAW 3436 / 2009
SCHEDULE "A"**





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 that Council give second and third readings 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.

"Morris Flewwelling"
Mayor

"Craig Curtis"
City Manager



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.

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



Council Decision – October 19, 2009

DATE: October 20, 2009

TO: Rebecca Clarke, Acting Engineering Manager
Greg Sikora, Public Works Manager

FROM: Elaine Vincent, Legislative & Administrative Services Manager

SUBJECT: 2009 Off Site Levy Rates Bylaw 3436/2009

Reference Report:

Legislative and Administrative Services Manager, dated October 16, 2009, 2009
Publics Works Manager and Engineering Services Manager, dated September 11, 2009

Bylaw Readings:

At the Monday, September 21, 2009 Council Meeting, 2009 Off-Site Levy Rates Bylaw 3436/2009 received first reading. At the Monday, October 19, 2009 Council Meeting Off-Site Levy Rates Bylaw 3436/2009 received second and third readings. A copy of the Bylaw is attached.

Report Back to Council: No

Comments/Actions:

The 2009 Off-Site Levy Bylaw 3436/2009 is proposing an increase for the 2009 Water, Sanitary, Storm and Roadway off-site levy rates, to \$174,875 per hectare. The 2009 Off-Site Levy Bylaw 3436/2009 was advertised in the Red Deer Advocate on October 2, 2009 and October 9, 2009.

A handwritten signature in purple ink, 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
UDI Chapter Chairman, Mr. S. Banack

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

Bylaw 3436/2009
2009 Off Site Levy Bylaw

DESCRIPTION: Proposed increase of the Off-Site Levy Rate to \$174,875 /ha. For 2009

FIRST READING: September 21, 2009

FIRST PUBLICATION: September 25, 2009

SECOND PUBLICATION: October 2, 2009

PUBLIC HEARING & SECOND READING: October 19, 2009

THIRD READING: October 19, 2009

LETTERS REQUIRED TO PROPERTY OWNERS: YES ☐ NO ☒

DEPOSIT: YES ☐ \$ _____ NO ☒

COST OF ADVERTISING RESPONSIBILITY OF: CITY

ACTUAL COST OF ADVERTISING:

\$ _____ X 2 **TOTAL:** \$ _____

MAP PREPARATION: \$ _____

TOTAL COST: \$ _____

LESS DEPOSIT RECEIVED: \$ _____

AMOUNT OWING / (REFUND): \$ _____

INVOICE NO.: _____

BATCH NO.: _____

(Advertising Revenue to 180.5901)

2009 OFF-SITE LEVY BYLAW
3436/2009

Red Deer City Council proposes to pass Bylaw 3436/2009, the 2009 Off-Site Levy Bylaw which provides for the proposed increase of the Off-Site Levy rate to: \$174,875 / ha. The City charges off-site levy on new development lands within the City to cover the cost of extending the trunk water, sanitary, and storm mains, arterial roadways, and associated facilities.

The public may inspect the proposed bylaw amendment at Legislative & Administrative Services, 2nd Floor of City Hall during regular office hours.

The electors may submit a petition calling for a vote of the electors to determine whether the proposed bylaw should be passed. The petition must meet the formal requirements of sections 221-226 of the Municipal Government Act and be filed with the Legislative & Administrative Services Manager within 15 days after the last date the proposed bylaw is advertised. The last date of advertisement for this bylaw is October 2, 2009. Any petition will be public information. If you have any questions regarding the petition process or the use of the petition please contact the Legislative & Administrative Services Manager at 342-8132.

Advertising Dates: September 25, 2009 & October 2, 2009

The City of Red Deer
Bylaw Readings

Moved by Councillor:

Penn

Seconded by Councillor:

Buchanan

That Bylaw No. 3436/2009

BE READ A FIRST TIME IN OPEN COUNCIL this

21

day of

September 2009.

BE READ A SECOND TIME IN OPEN COUNCIL this

19

day of

October 2009.

BE READ A THIRD TIME IN OPEN COUNCIL this

19

day of

October 2009.

REMINDER FOR COUNCIL MEMBERS: YOU MUST BE IN ATTENDANCE AT ALL OR A PORTION OF THE PUBLIC HEARING IN ORDER TO PARTICIPATE IN DEBATE AND VOTE ON 2nd AND 3rd READINGS OF THIS BYLAW.

Tabled Sept 8. to Sept 21

- BACK OCT 19TH



Public Hearings Item No. 1

DATE: October 16, 2009
TO: City Council
FROM: Elaine Vincent, Legislative & Administrative Services Manager
SUBJECT: Land Use Bylaw Amendment 3357/FF-2009
Oxbows Off Leash Dog Park – Closed Landfill Site

History:

At the Monday, September 21, 2009 Council Meeting, Land Use Bylaw Amendment 3357/FF-2009 received first reading.

Land Use Bylaw Amendment 3357/FF-2009 provides for the rezoning of the closed landfill site located south west of the intersection of 19th Street (Delburne Road) and 40th Avenue (NE 33-37-27-4) from A1 Future Urban Development to P1 Parks and Recreation, for the development of an off leash dog park.

Public Consultation Process:

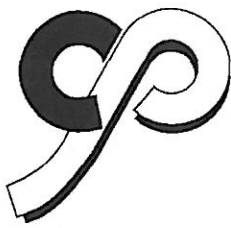
A Public Hearing has been advertised for the above noted bylaw to be held on Monday, October 19, 2009. Advertisements were placed in the Red Deer Advocate on October 2, 2009 and October 9, 2009.

Recommendation:

That following the Public Hearing, Council consider second and third readings of Land Use Bylaw Amendment 3357/FF-2009.

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

Elaine Vincent
Manager



**PARKLAND
COMMUNITY
PLANNING
SERVICES**

Originally presented Council at the
Monday, September 21, 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: 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.

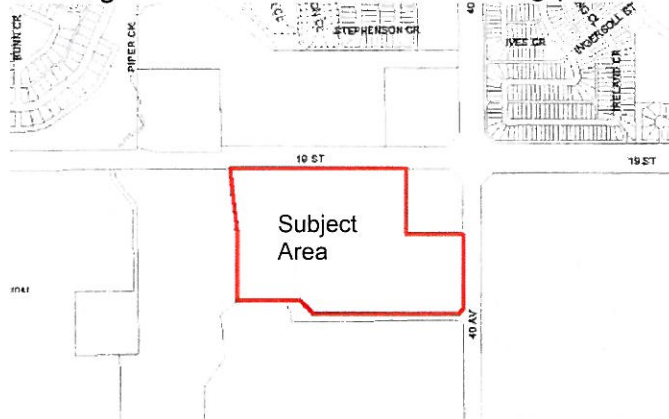
The plan contains an April 6, 1998 City Council decision by resolution to permit the Westerner to lease the closed landfill area under numerous conditions, one of them being that the site would be subject to the Westerner and the Recreation, Parks and Culture Department concluding a mutually satisfactory 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.





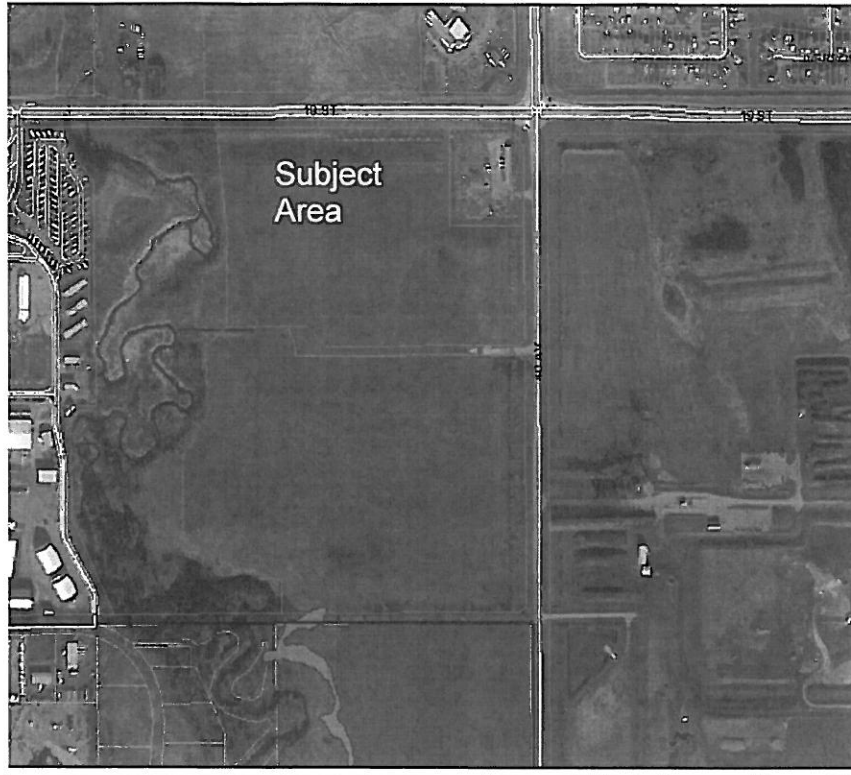
Though an off leash dog park is a “park” use, city solicitors suggest for clarity of types of uses to be considered in a park that “off leash dog park” be added as a discretionary use to the P1 land use district. The proposed bylaw amendment directs off leash dog park to be added to the discretionary 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.

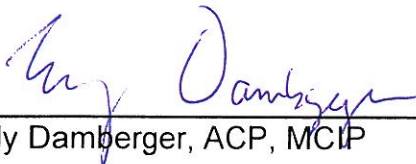
Planning Analysis

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.

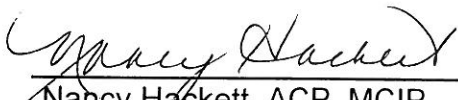
As per the Westerner Park Strategic Development Plan, an agreement between the Westerner Association and The City of Red Deer is in the process of being finalized that will allow the dog park to operate on the old landfill site.

Recommendation

That Council of the City of Red Deer proceeds with first reading of Land Use Bylaw amendment 3357/FF-2009.



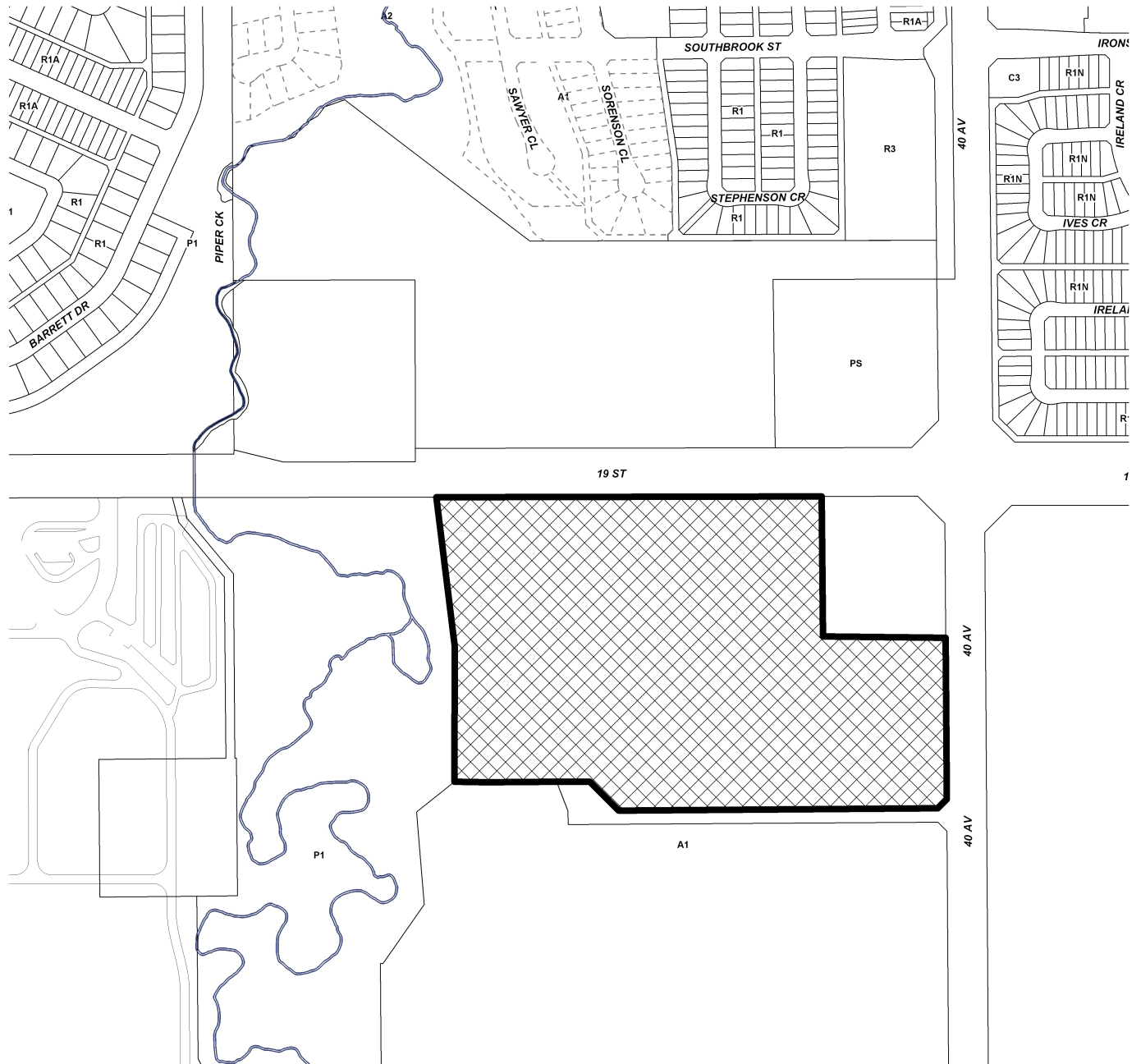
Emily Damberger, ACP, MCIP
Planner



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

FILE COPY

D/F



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 purple ink, appearing to read 'Elaine Vincent'.

Elaine Vincent

Legislative and Administrative Services Manager
/attach.

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

**3357/FF-2009 LUB Amendment Oxbows Off Leash Dog Park
(NE 33-37-27-4) (Closed Landfill Site)**

DESCRIPTION: Rezoning of the closed landfill site located west of the intersection of 19th Street (Delburne Road) and 40th Avenue (NE 33-37-27-4) from A1 Future Urban Development to P1 Parks and Recreation for the development of an off leash dog park.

FIRST READING: September 21, 2009

FIRST PUBLICATION: October 2, 2009

SECOND PUBLICATION: October 9, 2009

PUBLIC HEARING & SECOND READING: October 19, 2009

THIRD READING: OCTOBER 19, 2009

LETTERS REQUIRED TO PROPERTY OWNERS: YES ☒ NO ☐

DEPOSIT: YES ☐ \$ _____ NO ☒

COST OF ADVERTISING RESPONSIBILITY OF: CITY

ACTUAL COST OF ADVERTISING:

\$ _____ X 2 **TOTAL:** \$ _____

MAP PREPARATION: \$ _____

TOTAL COST: \$ _____

LESS DEPOSIT RECEIVED: \$ _____

AMOUNT OWING/ (REFUND): \$ _____

INVOICE NO.: _____

BATCH NO.: _____

(Advertising Revenue to 180.5901)

Land Use Bylaw Amendment 3357/FF -2009
Oxbows Off Leash Dog Park
19th Street and 40th Avenue

City Council proposes to pass Land Use Bylaw Amendment 3357/FF-2009, which proposes to rezone the closed landfill site located south west of the intersection of 19th Street (Delburne Road) and 40th Avenue (NE 33-37-27-4) from A1 Future Urban Development to P1 Parks and Recreation for the development of an off leash dog park. The proposed dog park use conforms to the recreational uses considered by the 1999 Landfill Reclamation Concept Plan.

***Map* Doc 883918**

The proposed bylaw may be inspected at Legislative & Administrative Services, 2nd Floor City Hall during regular office hours or for more details, contact Parkland Community Planning Services at 403-343-3394.

City Council will hear from any person claiming to be affected by the proposed bylaw at a Public Hearing on **Monday, October 19, 2009** at 6:00p.m. in Council Chambers, 2nd Floor at City Hall. If you want your letter or petition included on the Council agenda you must submit it to the Manager, Legislative & Administrative Services by **Tuesday October 13, 2009**. Otherwise, you may submit your letter or petition at the Council meeting or you can simply tell Council your views at the Public Hearing. Council's Procedure Bylaw indicates that each presentation is limited to 10 minutes. Any submission will be public information. If you have any questions regarding the use of this information please contact the Manager, Legislative & Administrative Services at 403-342-8132.

(Publication Dates: October 2, 2009 and October 9, 2009)



FILE COPY

LEGISLATIVE & ADMINISTRATIVE SERVICES

September 23, 2009

NON-DENOMINATIONAL LIVING
STONES CHURCH OF RED DEER
2020 40 AVE
RED DEER
AB T4N 5E3

Dear Sir/Madam:

**Re: Land Use Bylaw Amendment 3357/FF-2009
Oxbows Off Leash Dog Park
19th Street and 40th Avenue**

Red Deer City Council is considering a change to the Land Use Bylaw. Land Use Bylaw Amendment 3357/FF-2009 proposes to rezone the closed landfill site located southwest of the intersection of 19th Street (Delburne Road) and 40th Avenue (NE 33-37-27-4) from A1 Future Urban Development to P1 Parks and Recreation for the development of an off leash dog park. The proposed dog park use conforms to the recreational uses considered by the 1999 Landfill Reclamation Concept Plan.

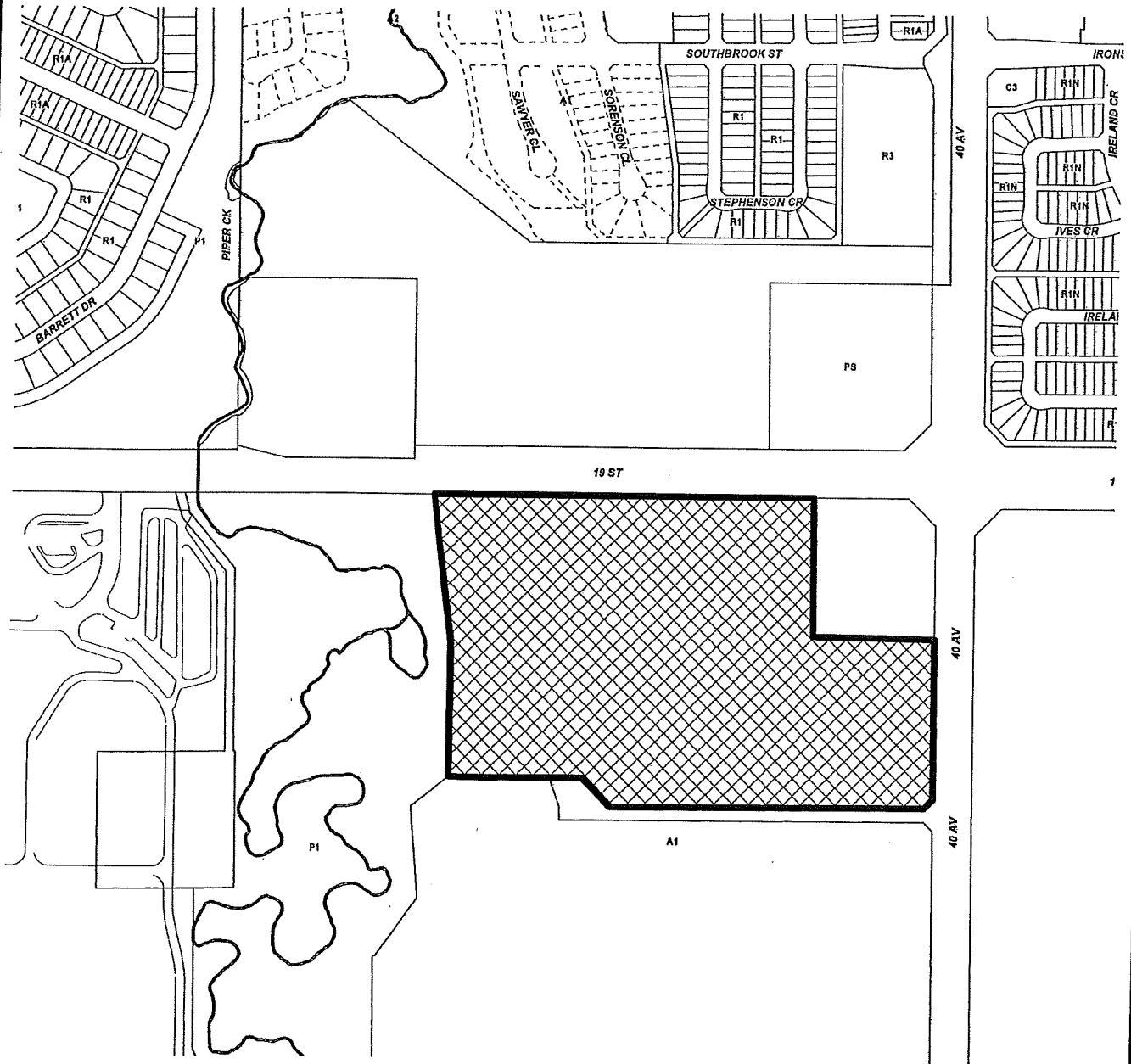
As a property owner in the area of proposed changes you have an opportunity to ask questions about the intended use and to let Council know your views. The proposed Bylaw may be inspected at Legislative & Administrative Services, 2nd Floor City Hall. For more details contact the city planners at Parkland Community Planning Services at 403.343.3394.

City Council will hear from any person claiming to be affected by the proposed bylaw at a Public Hearing on **Monday, October 19, 2009** at 6 p.m. in Council Chambers, 2nd floor City Hall. If you would like a letter or petition included on the Council agenda it must be submitted to our office by **Tuesday, October 13, 2009**. You may also submit your letter or petition at the Public Hearing, or you can simply tell Council your views at the Public Hearing. Council's Procedure Bylaw indicates that each presentation is limited to 10 minutes and any submission will be public information. If you have any questions regarding the use of this information, please contact Legislative & Administrative Services at 403.342.8132.

Yours truly,

Elaine Vincent
Legislative & Administrative Services Manager

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:

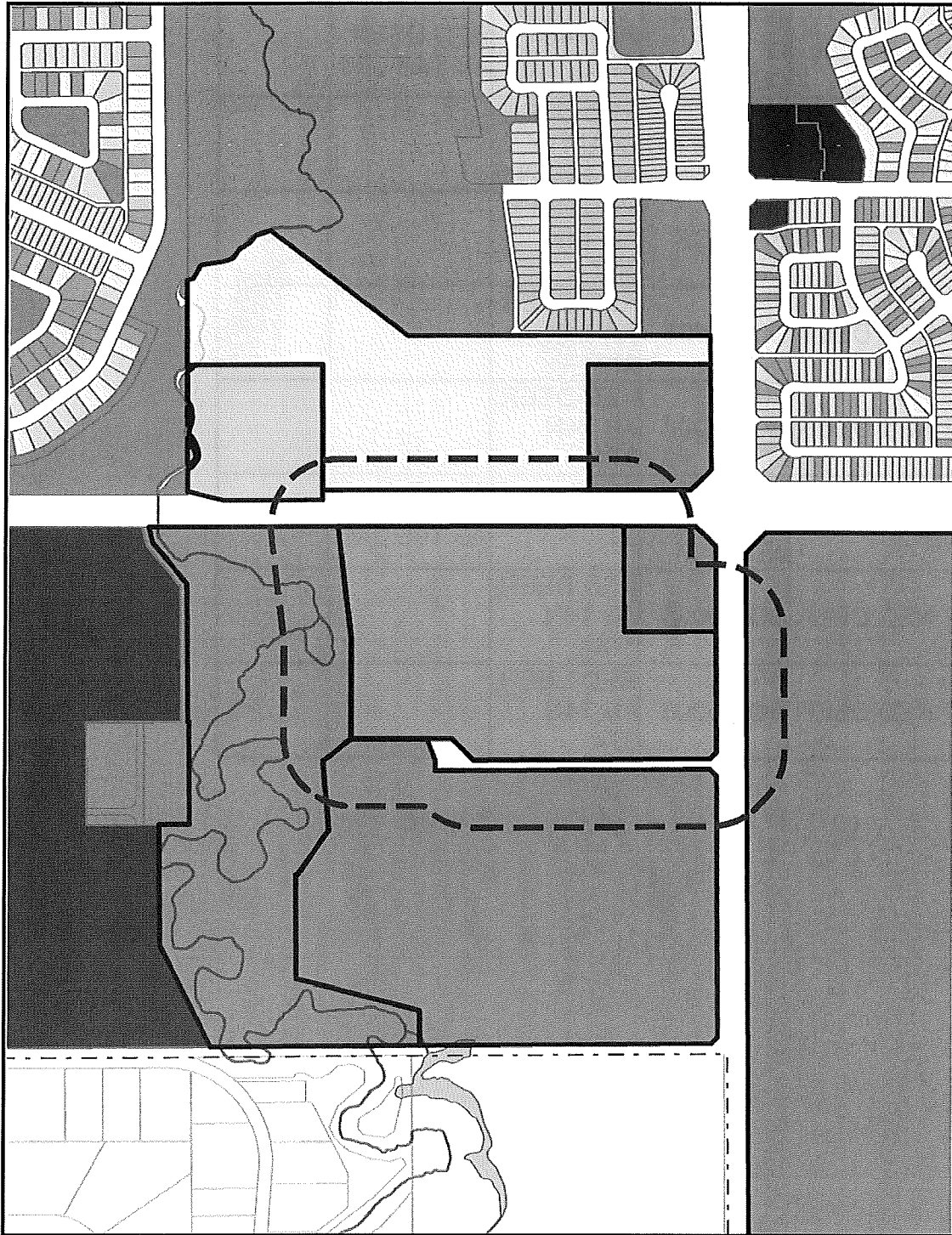


A1 to P1

Proposed Amendment

Map: 19/2009

Bylaw: 3357/FF-2009



 Export Data To Excel

Parcels Touching The Buffer Zone 100 Meters Around					
Address	Prime Owner Name	Owner Address 1	Owner Address 2	Owner Address 3	Owner Address 4
		STONES			

DM 884913
885446
M82637
MOVE DATA FILE
TO DM

August 13, 2009

Prime Owner Name
Owner Address 1
Owner Address 2

Dear Sir/Madam:

**Re: Land Use Bylaw Amendment 3357/FF-2009
Oxbows Off Leash Dog Park
19th Street and 40th Avenue**

Red Deer City Council is considering a change to the Land Use Bylaw. Land Use Bylaw Amendment 3357/FF-2009 proposes to rezone the closed landfill site located southwest of the intersection of 19th Street (Delburne Road) and 40th Avenue (NE 33-37-27-4) from A1 Future Urban Development to P1 Parks and Recreation for the development of an off leash dog park. The proposed dog park use conforms to the recreational uses considered by the 1999 Landfill Reclamation Concept Plan.

As a property owner in the area of proposed changes you have an opportunity to ask questions about the intended use and to let Council know your views. The proposed Bylaw may be inspected at Legislative & Administrative Services, 2nd Floor City Hall. For more details contact the city planners at Parkland Community Planning Services at 403.343.3394.

City Council will hear from any person claiming to be affected by the proposed bylaw at a Public Hearing on **Monday, October 19, 2009** at 6 p.m. in Council Chambers, 2nd floor City Hall. If you would like a letter or petition included on the Council agenda it must be submitted to our office by **Tuesday, October 13, 2009**. You may also submit your letter or petition at the Public Hearing, or you can simply tell Council your views at the Public Hearing. Council's Procedure Bylaw indicates that each presentation is limited to 10 minutes and any submission will be public information. If you have any questions regarding the use of this information, please contact Legislative & Administrative Services at 403.342.8132.

Yours truly,



Elaine Vincent
Legislative & Administrative Services Manager



Council Decision – October 19, 2009

DATE: October 20, 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/FF-2009 – Oxbows Off Leash Dog Park Closed
Landfill site (NE 33-37-27-4)

Reference Report:

Legislative & Administrative Services Manager, dated October 16, 2009
Parkland Community Planning Services, dated September 14, 2009

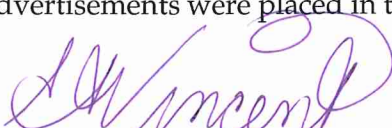
Bylaw Reading:

At the Monday, September 21, 2009 Council Meeting, Land Use Bylaw Amendment 3357/FF-2009 received first reading. At the Monday, October 19, 2009 Council Meeting, Land Use Bylaw Amendment 3357/FF-2009 received second and third readings. A copy of the Bylaw is attached.

Report Back to Council: No

Comments/Actions:

Land Use Bylaw Amendment 3357/FF-2009 provides for the rezoning of the closed landfill site located south west of the intersection of 19th Street (Delburne Road) and 40th Avenue (NE 33-37-27-4) from A1 Future Urban Development to P1 Parks and Recreation, for the development of an off leash dog park. Advertisements were placed in the Red Deer Advocate on October 2, 2009 and October 9, 2009.


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

FILE COPY

The City of Red Deer
Bylaw Readings

Moved by Councillor: BUCHANAN Seconded by Councillor: P. M. M.

That Land Use Bylaw Amendment No. 3357/FF-2009

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

BE READ A SECOND TIME IN OPEN COUNCIL this 19th day of OCT 2009.

BE READ A THIRD TIME IN OPEN COUNCIL this 19th day of OCT 2009.

REMINDER FOR COUNCIL MEMBERS: YOU MUST BE IN ATTENDANCE AT ALL OR A PORTION OF THE PUBLIC HEARING IN ORDER TO PARTICIPATE IN DEBATE AND VOTE ON 2nd AND 3rd READINGS OF THIS BYLAW.



Public Hearings Item No. 2

DATE: October 16, 2009

TO: City Council

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

History:

At the Monday, September 21, 2009 Council Meeting, Bylaw 3261/ A-2009 and Land Use Bylaw Amendment 3357/U-2009 received first readings. The following resolution was also passed:

“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

Administrative Comments:

The attached report from Parkland Community Planning Services, dated October 2, 2009, indicates proposed changes to Riverside Meadows Area Redevelopment Plan Bylaw 3261/ A-2009, the Riverside Meadows Community Plan and Residential Design Criteria, and Land Use Bylaw Amendment 3357/U-2009.

Public Consultation Process:

A letter was sent to residents of Riverside Meadows on September 28, 2009 introducing the amendments to the bylaws. In response to questions from the public, a subsequent letter was sent out on October 8, 2009 which provided residents with a copy of the Riverside Meadows Area Redevelopment Plan Bylaw 3261/ A-2009. Public Hearings have been advertised for the above noted bylaws to be held on Monday, October 19, 2009 at 6:00 P.M. in Council Chambers, during Council’s regular meeting. Both bylaws were advertised in the Red Deer Advocate on October 2 , 9, and 16, 2009.

Page 2
October 16, 2009
Riverside Meadows

Recommendation:

That following the Public Hearings, Council consider

- 1) Passing a resolution to amend Bylaw 3261/A-2009 to Adopt the Riverside Meadows Area Redevelopment Plan,
- 2) Second and third readings of Bylaw 3261/A-2009, as amended, to Adopt the Riverside Meadows Area Redevelopment Plan
- 2) Passing a motion to lift from the table consideration of the Riverside Meadows Community Plan and Residential Design Criteria
- 3) Passing resolutions to amend and then adopt the Riverside Meadows Community Plan and Residential Design Criteria as a planning tool.
- 4) Passing a resolution to amend Land Use Bylaw Amendment 3357/U-2009,
- 4) Second and third readings of Land Use Bylaw Amendment 3357/U-2009, as amended.

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

Elaine Vincent
Manager

LETTERS RECEIVED

FROM THE PUBLIC

RE: RIVERSIDE MEADOWS

**BYLAW 3261/A-200- TO ADOPT RIVERSIDE MEADOWS
AREA REDEVELOPMENT PLAN**

LAND USE BYLAW AMENDMENT 3357/U-2009

**RIVERSIDE MEADOWS COMMUNITY PLAN AND
RESIDENTIAL DESIGN CRITERIA**

5 October 2009

City Council c/o Legislative & Administrative Services
City Hall
Box 5008
Red Deer, AB T4N 3T4

Re: Land Use Bylaw Amendment 3357/U-2009

To the members of Red Deer City Council:

I am writing today regarding the proposed changes to the Riverside Meadows Area Redevelopment Plan and land use bylaw amendment 3357/U2009. We currently own a property in the affected area – a duplex where the zoning is slated to be changed to DC(13).

I would like to state for the record our **strong support** for the proposed amendment and redevelopment plan. As a professional property management and acquisition company, we have seen firsthand the substantial value offered by redevelopments similar to this one. City government has an ideal opportunity to foster economic growth and positive neighborhood change through rezoning actions such as this.

While some members of the public may instinctively react to a proposal like this with concern and hesitance, we welcome it enthusiastically. Redevelopment is good for communities and cities; it improves the quality of life of citizens, fosters civic pride, and improves the livability of our neighborhoods. I encourage citizens of Red Deer to look to other prominent redevelopment efforts that have been met with great success – Garrison Woods in Calgary is a perfect example of this.

I hope that the members of council choose to adopt this worthy proposal. To do so would be in the benefit of all residents, present and future.

Sincerely,



Elias Haska



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

From: Kirk Sisson, J. [mailto:Kirk.Sisson@albertacourts.ca]

Sent: October 8, 2009 11:42 AM

To: PCPSReception

Cc: Legislative Services

Subject: Attn: Tara Lodewyk - Re: Riverside Meadows Area Redevelopment Plan (Also Elaine Vincent, Legislative & Administrative Services Manager)

Good Morning Ms. Lodewyk.

I am unable to attend the Public Hearing on October 19.

I have no concerns as long as the apartment building at 5726 - 57A Street, which is more than 2 stories, is a permitted use and does not become a legal but non-conforming use or some other lesser use.

Please do not push reply to respond to this email as I am not confident that it will get here. Please reply to kirk.sisson@albertacourts.ca

Thank you.

Kirk Sisson

From: Moji Taiwo [mailto:Moji.Taiwo@gov.ab.ca]
Sent: Wednesday, October 14, 2009 10:39 AM
To: Elaine Vincent
Subject: Riverside Meadows Area Redevelopment Plan

Good Morning Elaine,

We are the owners of 5833 59th Street, Red Deer, Ab. (Adeola Holdings Ltd).

We have received and reviewed all the documents regarding the Redevelopment Plan for Riverside Meadows.

As we are unable to attend the public hearing on October 19th, we are expressing our support for the plan through this medium.

Thank you and have a great day.

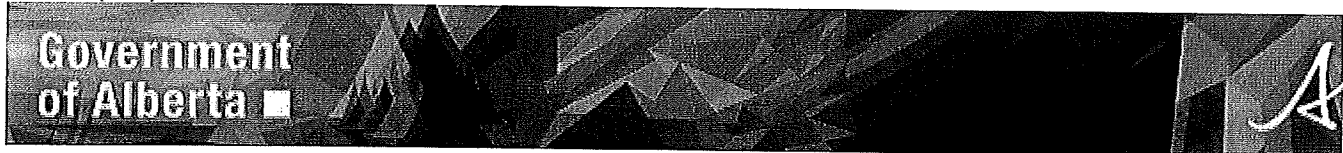
Moji Taiwo

Deputy Director

Calgary Young Offender Centre

Phone: (403) 662-3500

Fax: (403) 297-4523



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2009/10/14



SEND Letter of
Support -

Oct 13 / 2009

To Elaine Vincent
From Kim Schmitt

Please be advised we support
the change from R1A to R2 associated
with 5920-51 Ave. / our property.

Regards
Kim Schmitt

September 28, 2009

KIM & GAIL F SCHMITT
121 WILTSHIRE BLVD
RED DEER, AB T4N 6B4

Dear Sir/Madam:

Re: Riverside Meadows Area Redevelopment Plan (ARP) 3261/A-2009
Land Use Bylaw Amendment 3357/U-2009

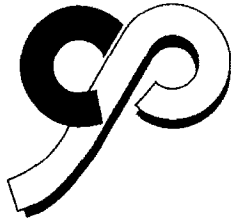
Red Deer City Council is considering a change to the Riverside Meadows Area Redevelopment Plan and proposes to pass Riverside Meadows Area Redevelopment Plan (ARP) 3261/A-2009 and Land Use Bylaw Amendment 3357/U-2009. The Riverside Meadows Area Redevelopment Plan 3261/A-2009 contains policies that address proposed land uses, planned densities, building forms, utilities and transportation systems. Land Use Bylaw Amendment 3357/U-2009 includes several amendments some of which include implementation of residential design criteria, modification of existing Direct Control District 13, expanding Direct Control District 13 to 59th Street and to sites along 54 Avenue, and creation of an exception to allow back to back duplexes on lots that have frontage on to two streets.

As a property owner in the area of proposed changes you have an opportunity to ask questions about the intended use and to let Council know your views. The proposed Bylaw may be inspected at Legislative & Administrative Services, 2nd Floor City Hall. For more details contact the city planners at Parkland Community Planning Services at 403.343.3394.

City Council will hear from any person claiming to be affected by the proposed bylaw at a Public Hearing on Monday, October 19, 2009 at 6 p.m. in Council Chambers, 2nd floor City Hall. If you would like a letter or petition included on the Council agenda it must be submitted to our office by Tuesday, October 13, 2009. You may also submit your letter or petition at the Public Hearing, or you can simply tell Council your views at the Public Hearing. Council's Procedure Bylaw indicates that each presentation is limited to 10 minutes and any submission will be public information. If you have any questions regarding the use of this information, please contact Legislative & Administrative Services at 403.342.8132.

Yours truly,

Elaine Vincent
Legislative & Administrative Services Manager



**PARKLAND
COMMUNITY
PLANNING
SERVICES**

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

DATE: October 2, 2009

TO: Elaine Vincent, Legislative and Administrative Services

FROM: Tara Lodewyk, Planner

RE: Bylaw 3261/A-2009 *Riverside Meadows Area Redevelopment Plan*
and
Land Use Bylaw Amendment 3357/U-2009

Background

The *Riverside Meadows Area Redevelopment Plan* (ARP) Bylaw 3261/A-2009 and Land Use Bylaw Amendment 3357/U-2009 received first reading on September 21, 2009 by City Council.

At this meeting City Council also tabled the adoption of the *Riverside Meadows Community Plan and Residential Design Criteria* (CP) as a planning tool until final readings of the ARP.

Parkland Community Planning Services (PCPS) was requested to clarify or make changes regarding the lot regulations in DC13 district, lot width design criteria and back to back duplexes. These changes are outlined in the following report.

Comment and Response

1) Lot Regulations in DC13

It was suggested that the minimum lot widths, depths and areas proposed for addition to DC13 in ARP1.4 be removed because there are so many different types of uses allowed in this district. Different regulations should apply for different types of uses, and should be at the discretion of the Development Authority.

Rather than adding lot minimums to the regulations for commercial and for each of the different types of residential uses, planning staff agree that this should be left up to the discretion of the Development Authority. Reference to lot depth, width and area for properties within the DC13 district has been removed from ARP1.4 and in the *Land Use Bylaw* amendment. Based on the same principle, planning staff have also removed the minimum landscaped area.

2) Lot Width Design Criteria

Design criteria 1 in the *Community Plan and Residential Design Criteria* refers to minimum single family lot widths. It says that "to maintain the character and larger lots in the neighbourhood, no subdivision in a single family district shall result in a minimum lot width relaxed to less than 11 metres (36 ft) unless located in the area east of 54 Avenue and west of Gaetz Avenue than no subdivision shall result in a minimum lot with less than 10m (32.8 ft)."

A suggestion has been made to remove this criterion as it creates lots that are smaller than the 10.5 metres that is currently allowed in the R1N district.

A R1 district has a minimum lot width of 12m. As a standard rule of thumb, the development authority may relax this by 10%. This would equate to a 10.8 metre lot. The intent of the criterion is to maintain the larger character lots west of Kerry Wood Drive and encourage redevelopment

Revisions to Riverside Meadows ARP & Riverside Meadows CP**Revisions to LUB Amendment 3357/U-2009****Page 3**

Existing back to back duplex in Riverside Meadows
5826 58 Street



5827 58A Street

The 2000 ARP (pg 32) recommended that *"in order to take advantage of the unique situation whereby there is street frontage at both the front and rear yard, front and back duplexes are to be developed as opposed to side by side duplexes."* This ARP is continuing this policy.

Allowing back to back duplexes is not completely new in the city, there is an example in Parkvale on 45A Avenue as well as the one existing in Riverside Meadows. One of the objectives of the updated ARP is to *"encourage the integration of a variety of residential and commercial uses that are well designed and compatible with the neighbourhood."* By providing the option of developing back to back duplexes, the ARP is encouraging a variety of residential types and uses.

Back to back duplexes in this location would provide street frontage on both sides creating a more pedestrian friendly streetscape on 58 and 58A Street since they would address both streets. The front yards are large and can be delineated with hedges or fencing. While the units will not have back yards, there are many types of residential units that do not have backyards (e.g. fourplexes). In addition, providing choice related to housing type, yard style or layout is one way to help meet a variety of housing preferences and needs.

Each unit would be required to provide two on site parking stalls. These could be provided with a wide front driveway and/or attached garage in the side yard. Garbage pick up would be from the front. The current 40 metre lot depth does not provide enough room to incorporate a lane.

A 6 metre minimum front yard setback and standard side yard setbacks would continue to apply as regulated in the R1A district. A rear yard setback would not be applicable and the minimum lot depth would have to be relaxed to 20 metres from 30 metres. The 40% maximum site coverage will be close-fitting.

Property owners who choose not to build a back to back duplex with two frontages will be required to front the new home on to 58A Street to match the existing properties. There is no sidewalk along the north side of 58 Street.

The revised pages for the Area Redevelopment Plan, Community Plan and Design Criteria and Land Use Bylaw are attached.

Revisions to Riverside Meadows ARP & Riverside Meadows CP

Revisions to LUB Amendment 3357/U-2009

Page 4

Recommendation

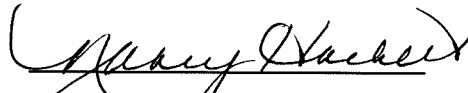
It is recommended that City Council proceed with final readings of the revised Bylaw 3261/A-2009 to adopt the *Riverside Meadows Area Redevelopment Plan*; and that City Council proceed with final readings of the revised Land Use Bylaw Amendment 3357/U-2009.

It is further recommended that City Council adopt the *Riverside Meadows Community Plan and Residential Design Criteria* as a planning tool.

Respectfully Submitted,



Tara Lodewyk, ACP, MCIP
Planner



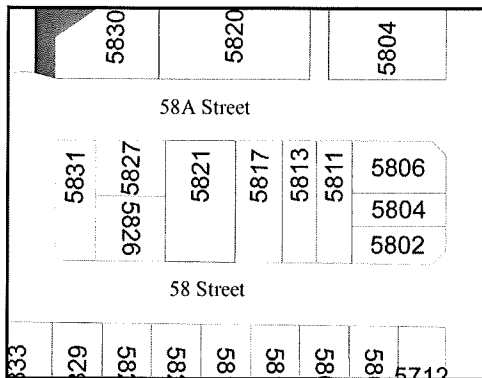
Nancy Hackett, ACP, MCIP
City Planning Manager

cc. Colleen Jensen, Riverside Meadows ARP Steering Committee

Riverside Meadows

Area Redevelopment Plan

modified Policy



An illustration of the block where back to back duplexes would work due to the depth of the lots and access to two streets

ARPI.9 Back to Back Semi-Detached Housing

The depth of the lots between 58A Street and 58th Street create an opportunity to achieve attractive frontages on both streets similar to the duplex located on 5826 58th Street and 5827 58A Street. An exception shall be created for properties fronting 58th Street and 58A Street to provide developers with an option of semi-detached housing with a common rear wall (back to back) as a discretionary use. The lots shall be divided east west with 50% of the site to the north and 50% to the south. A rear yard setback will not be applicable and the minimum lot depth shall require relaxation by the Development Authority. Adequate parking will need to be provided on site.

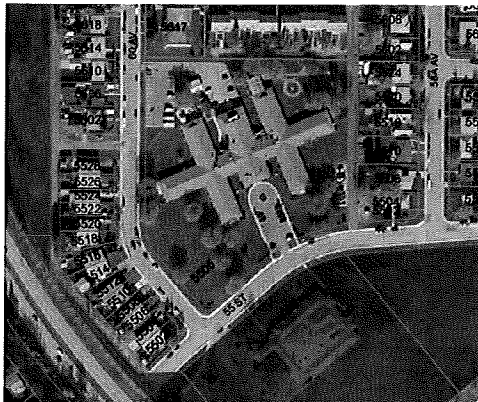
To ensure attractive frontages on both streets, sites redeveloped as single family homes shall be required to front 58A Street. They shall also have equal architectural treatment on elevations that front 58A Street and 58 Street, including rear garages. As the block redevelops a sidewalk will be needed along the north side of 58 Street.

ARPI.10 School Sites

The two schools sites are a vital part of the community's fabric. The community strongly encourages the School Districts to continue to use these sites as schools. If other uses are proposed this ARP and the *Land Use Bylaw* shall require amendments which includes a public consultation process.

ARPI.11 Valley Park Manor

The Riverside Meadows Community Association and The City shall maintain a relationship with Alberta Health Services to discuss future plans for the site. The plan supports creating a direct control district in the *Land Use Bylaw* for this site. A nursing home, designated seniors supportive living, physical rehabilitation centre, seniors lodge, children's day care facility, school, single detached dwellings, duplexes and townhouses are acceptable uses. The maximum height is 2 storeys (10 metres).



Aerial photo of Valley Park Manor site

Any proposed redevelopment on the site is referred to property owners located within 100 metres of the site and the community association. If other uses are proposed this Plan and the *Land Use Bylaw* shall require amendments which includes a public consultation process.

Low density residential is conducive to this site because it is located across from a school, along a local roadway, in the interior of the neighbourhood, adjacent to medium density residential and traffic is currently an issue. The direct control district supports a mix of housing types that minimize traffic conflicts.

At the time of redevelopment reconfiguring the intersection of 60th Avenue and 55th Street shall be explored. Access to the residential area

Riverside Meadows

Area Redevelopment Plan

The regulations for the district shall be:

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 of the LUB

*

All development must comply with the *Riverside Meadow Area Redevelopment Plan* and design regulations provided in the Riverside Meadows Overlay District.

The Development Authority is the approving authority for all uses and development in this district. Parking relaxations may be appropriate as an incentive for redevelopment and help encourage the use of alternate transportation modes where the developer can demonstrate that parking will not overflow in to or cause problems with the adjacent residential land uses. The area is well served by transit. Parking shall not be visible from the river front.

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.

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.

Direct Control District 13 (DC 13) shall be extended to the areas listed below to encourage redevelopment.

- 1) **Area between 59th Street and 58th Street east of 53 Avenue and west of Gaetz Avenue.** This shall create a critical mass of commercial and residential for economic stability and establish a destination area.
- 2) **5816 53 Avenue.** This site shall be rezoned to DC 13 from R2-Medium Density to encourage redevelopment to create a landmark three or four storey residential structure with commercial on the main floor that would take advantage of the river views and trail access.

deleted minimum lot width,
lot depth, lot area and
landscaping requirement

Riverside Meadows

IV. Residential Design Criteria

IV. Residential Design Criteria

This section of the plan is implemented through an amendment to the *Land Use Bylaw*. The design criteria contain “shall”, “should” and “may” statements. “Shall” statements are those which must be followed. “Should” statements mean compliance to the principle is required but the Development Authority has some discretion based on the circumstances of the specific case. “May” statements indicate that the Development Authority determines the level of compliance that is required.

All Residential Development

Intent: To create a variety of sizes, styles and types of residential units that have a small town ‘village in a city’ feel and appeal to a variety of demographic groups. Residential development shall have well identified individual entries with verandahs, porches, and creative design features to reflect the location on the edge of the downtown and desire to create a non-suburban feel. New development shall not come at the expense of excellence in urban design.

* deleted Criteria 1: Lot width

Criteria 1: Building Width

The maximum building width shall be 15 metres (50 feet) to be compatible with the scale and mass of typical homes in the neighbourhood.

Criteria 2: Front Yard Setback

Front yards shall provide separation from the street/sidewalk. The front yard setback shall be consistent with existing buildings on the same block as the proposed development. On corner properties, the front yard shall be in the same direction as front yards on the remainder of the block.

Criteria 3: Front Fencing

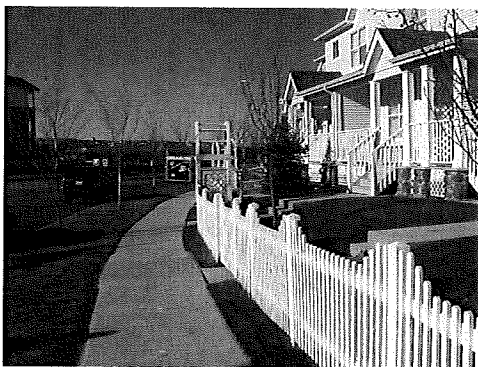
Vertical walls, railings, hedges, gates or decorative fences in the front yard shall not exceed .9 metres (3 feet) in height unless of an open design that does not impede site lines.

Criteria 4: Multi-attached Units

There shall be no more than 6 multi-attached units in one building block to reduce the mass and scale of the building and promote pedestrian circulation.



A street with a small town ‘village in a city’ feel. This was the highest ranked image in the community image survey.



An example of an acceptable front yard fence.

BYLAW NO. 3357/U-2009

Original Bylaw Submitted
September 21, 2009 With
Proposed Changes

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

- 10 Add new section 8.22 (1) (v) as follows:

- (v) On the sites listed below, semi-detached housing with a common rear wall (back to back duplex) shall be added to the list of discretionary uses set out in the applicable land use district:

Lot	Block	Plan	Street Address
1-2	2	934AJ	5831 58A Street
6-8	2	934AJ	5821 58A Street
21, 22	2	8721703	5826 & 5827 58A Street (if both developed concurrently)
9-10	2	934AJ	5817 58A Street
23	2	0727482	5813 58A Street
24	2	0727482	5811 58A Street

- 11 The "Land Use District Map L16 and K16" and "Land Use Constraint Maps L15, L16, K15, K16 and K17" contained in "Schedule A" of the Land Use Bylaw is hereby amended in accordance with Map 11/2009 attached hereto and forming part of the bylaw.

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

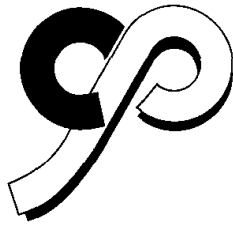
READ A SECOND TIME IN OPEN COUNCIL this day of 2009.

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



PARKLAND COMMUNITY PLANNING SERVICES

Originally presented
to Council at the
Monday, September
21, 2009 Council
Meeting

Suite 404, 4808 Ross Street
Red Deer, Alberta, T4N 1X5
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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.

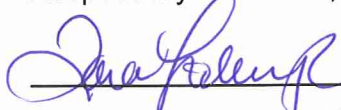
For these reasons, planning staff support approval of the *Riverside Meadows Area Redevelopment Plan*, *Riverside Meadows Community Plan and Residential Design Criteria*, and Land Use Bylaw Amendment 3357/U-2009.

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.
Rezone 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.	
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.	Townhouses are similar density to duplexes. No change. 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.	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.
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 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,

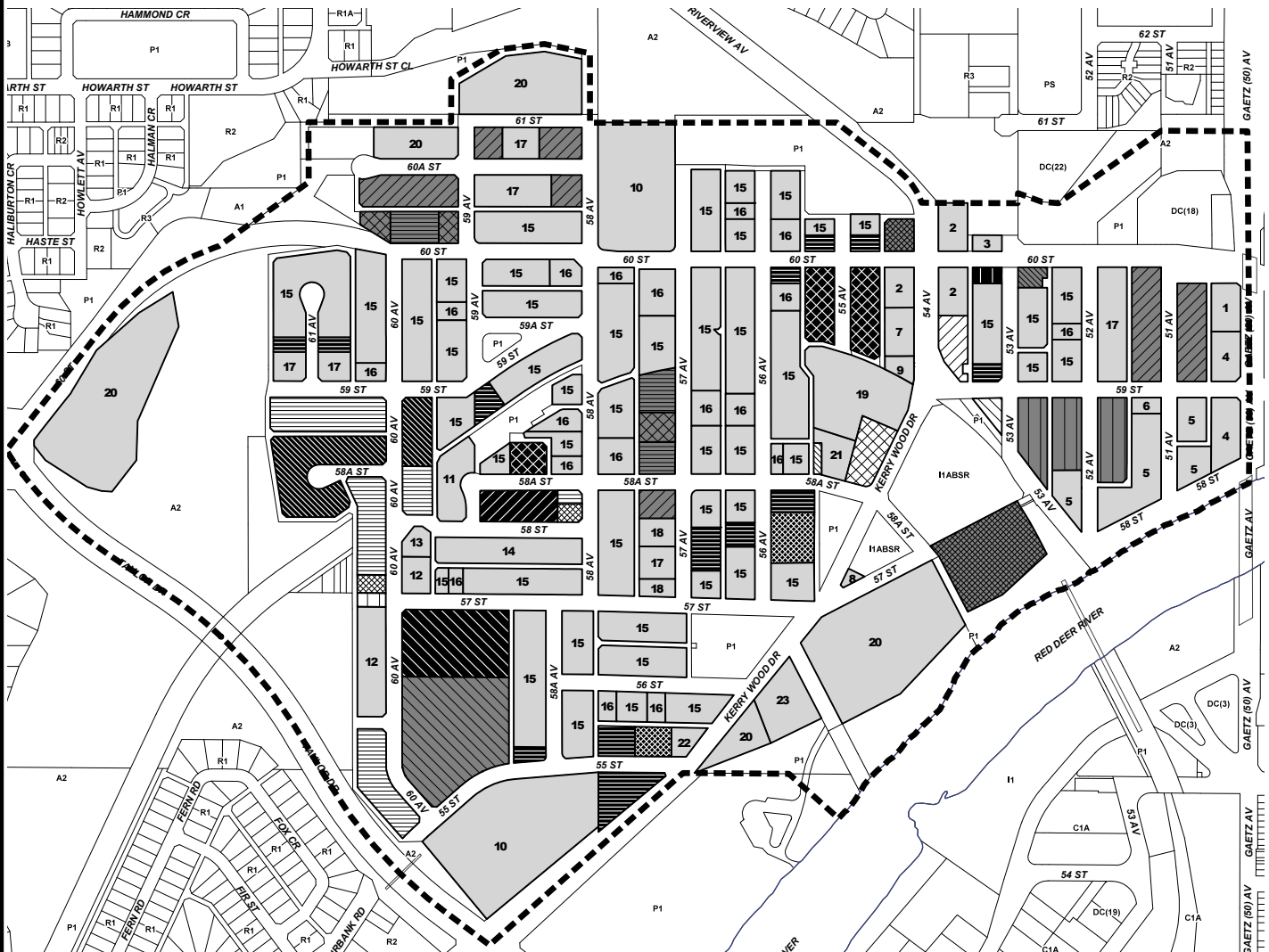
A handwritten signature in black ink that reads 'Morris Flewwelling'. The signature is written in a cursive, flowing style.

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



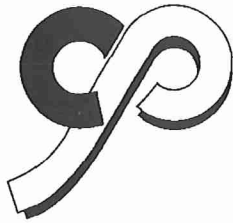
North
Not to Scale



Proposed Amendment

Map: 11/2009

Bylaw: 3357/U-2009

**PARKLAND
COMMUNITY
PLANNING
SERVICES**

Originally presented to
Council at the
Monday, 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".

Riverside Meadows ARP and Riverside Meadows CP**Page 3**

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.

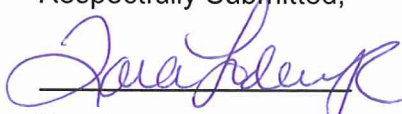
A neighbourhood public meeting was held in May 2009 to gather comments from the public on the proposed plan. The neighbourhood was invited with a flyer delivered to each household and a direct mail to the non-resident landowners. A notice was also in the community association newsletter. 37 people attended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

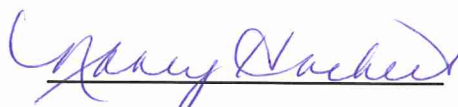
Recommendation

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.



**PARKLAND
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ORIGINAL

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Red Deer, Alberta, T4N 1X5
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FAX: (403) 346-1570
E-mail: pcps@pcps.ab.ca

DATE: October 19, 2009

TO: Elaine Vincent, Legislative and Administrative Services

FROM: Tara Lodewyk, Planner

RE: Recent Revisions to
Bylaw 3261/A-2009 *Riverside Meadows Area Redevelopment Plan*
and
Land Use Bylaw Amendment 3357/U-2009

A notice of amendment and public hearing for Riverside Meadows Area Redevelopment Plan (ARP) and Land Use Bylaw Amendment 3357/U-2009 was sent to all property owners affected by the change. As a result of the public response and request for clarification, there are two minor revisions proposed prior to final readings.

1) ARP1.4 5303 60 Street

Parkland Community Planning Services (PCPS) has received a great deal of response since first reading with over 30 phone calls asking for clarification of the proposed changes. The response has been very positive with only one concern raised by the resident of 5920 53 Avenue who is adjacent to a site that is proposed to be rezoned from R1 to DC13. Her complete email explaining her concerns of privacy, noise, safety, aesthetics, and property devaluation with a possible commercial development on the neighbouring property is attached.

The owner of property proposed for the rezoning is in support of the rezoning of his property.

To address the concerns of the adjacent landowner, planning staff are proposing a change to the ARP. ARP1.4(3) 5303 60 Street should be amended to read as follows:

- 3) **5303 60th Street.** This site shall be rezoned from R1 single family to DC 13 because the higher topography and access points link the site to 60th Street rather than 53 Avenue. Redevelopment of this site will require special consideration and consultation with adjacent residential properties. Privacy, noise, access, height, type of use and hours of operation will need to be considered by the development authority to minimize the impact on 53 Avenue residents.

The amended page 8 of the ARP is attached for your review and will be discussed further in the presentation to Council.

2) ARP1.12 5503 58A Street Public Service Site

Questions were asked by a Council member at first reading as to the unique site located at 5503 58A Street which is current zoned as PS-Public Service and proposed for rezoning to R3-Multi-Family residential to match the adjacent R3 apartment building. Further investigation in to the subdivision history of the PS site located at 5503 58A Street has been completed. Grace Fellowship Church owns the parcel. There is an encumbrance on the title of this property saying that the City has first right of refusal to purchase the land for one dollar if the church no longer requires it for overflow parking. In light of this encumbrance planning staff recommend leaving the parcel as PS-public service. Should The City and the church reach an arrangement in the future

and another use is desired the site could be considered for rezoning. At this time, it is recommended that a sentence be added to the ARP saying that either a residential or a public use such as a park or garden plots would be acceptable under the plan and that an ARP amendment would not be required to change to a land use district that allows these types of uses. Revised ARP 1.12 is now proposed to read as follows:

ARPI.12 5503 58A Street Public Service Site

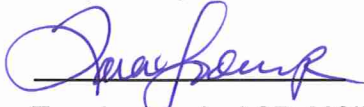
A narrow (approximately 10m by 40m) lot is zoned PS-Public Service district and located off 58A Street adjacent to an apartment building zoned R3-Multi-Family Residential district. Currently the site is perceived to be part of the lawn for the adjacent apartment. It is owned by the place of worship located at 5850 Kerry Wood Drive and was created specifically for overflow parking. The City has first right of refusal if the place of worship no longer requires the site for parking. Future acceptable uses are residential or for public use such as a park or garden plots. A change in the land use district to allow these types of uses would not require an amendment to the area redevelopment plan.

The amended ARP page 11 and Map 3: Proposed Land Use is attached for your review. The revised Land Use Bylaw Amendment Map 11/2009 is also attached.


Recommendation

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

Respectfully Submitted,



Tara Lodewyk, ACP, MCIP
Planner



Nancy Hackett, ACP, MCIP
City Planning Manager

cc. Colleen Jensen, Riverside Meadows ARP Steering Committee

Tara Lodewyk

From: Tanya Hackman [tanya.hackman@gmail.com]
Sent: October 16, 2009 2:29 PM
To: Tara Lodewyk
Subject: Concerns of proposed re-zoning R1 to DC13 5900 block 53rd ave
Attachments: Attached property.JPG; City property-60th thru way.JPG; Driveway.JPG; From bathroom window.JPG; My view.JPG; Property elevation.JPG; Property Line.JPG

Hi Tara,

As per our conversation Oct 16, my concerns to be presented are listed below:

By the proposed re-zoning of the property connected to mine from R1 to DC13 I fully believe it would leave me open to a multitude of negative factors. First and foremost would be the lack of privacy and relative quiet that I have enjoyed in the two years I have owned my home at 5920-53Ave. With the attached property in question, the portion connected to my driveway in front and side of my home is elevated several feet over my property, any kind of building beyond one storey would loom and allow complete visual and auditory access to my yard and home. By allowing a commercial building or a multi residence to be built with this re-zoning I will be subject to constant noise and movement just from the fact that my house is only feet from the property line that connects us. The garbage already that I am forced to clean blowing into my yard from the derelict house and the commercial businesses already in the area is significant. And not only for the above stated reasons but it would also present a huge safety issue with vehicles that could possibly overshoot any parking or drive way and crash into my home or onto my vehicles from the property in question due to it's elevation.

I had paid this summer to have the brush and trees cut back and debris cleaned from what I've now been informed was city property and not the neighboring property in question, just so I could have full access to my driveway. Included in the proposed re-zoning is the top portion of 60th that could allow to have 53rd ave turned from a cul de sac into a thru way. Not only would this make it now extremely dangerous to exit my own driveway, it would turn my street into a busy and extremely noisy road.

The house on the property in question being abandoned and uncared for during the two years I have been a resident and has been an issue already. Besides squatters taking up residence the first year I lived here, to the yard being turned into a dump site the last year I understand the re-zoning may motivate the owner into doing something with the property. My concern is that while it may be beneficial to the owner and community, personally I will suffer a significant devaluation of my property. One of the reasons I chose to invest what I've worked for my whole life for and buy a home in Riverside Meadows was directly due to the revitalization of the area. I'm excited and support the ARP excepting for this one property in question being re-zoned. I can not in anyway see that my property value, privacy or quality of life won't be lost and devalued other then the property remaining R1 and the owner being made to be responsible for it. While I understand it is a busy corner, there is safe access thru the alley way to the home and it is set back from 60th enough a proper fence would allow for privacy. It could be cleaned up and made livable again with no negative impact but to the owner who allowed it to degrade into the condition it is now in. I should not be forced to suffer for their gain.

Attached pictures.

Thank you,
Tanya Hackman
5920-53rd Ave.

Home:(403)986-5751
Cell:(403)358-2073

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

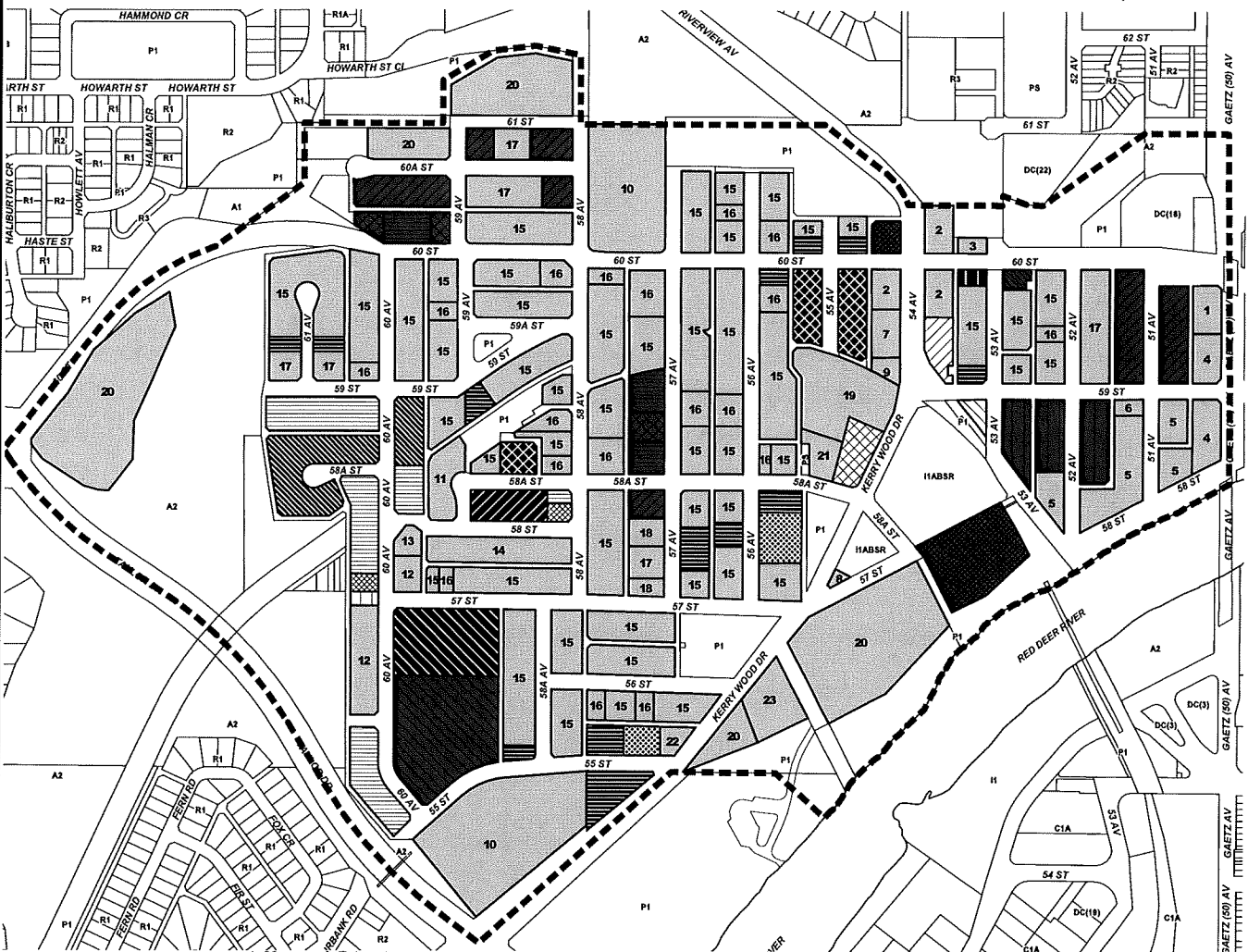
[Please consider the environment before printing this e-mail.]

2009/10/16

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)(f) to C3		IIA/BSR(e(i)(j)) to IIA/BSRo(f)		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)(i)(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

- 3) **5303 60th Street.** This site shall be rezoned from R1 single family to DC 13 because the higher topography and access points link the site to 60th Street rather than 53rd Avenue. Redevelopment of this site will require special consideration and consultation with adjacent residential properties. Privacy, noise, access, height, type of use and hours of operation will need to be considered by the development authority to minimize the impact on 53 Avenue residents.
- 4) **5903, 5905, 5909 and 5913 54th Avenue.** These sites shall be rezoned from DC 17 to DC 13 to create a broader range of options for these sites that are situated along a high traffic thoroughfare in the neighbourhood.
- 5) **5850 Kerry Wood Drive.** This site shall be rezoned from DC 14 to DC 13 to create a broader range of options for this site.
- 6) **6002 54 Avenue.** This site shall be rezoned from R2-medium density residential to DC 13 to create an opportunity for commercial at all four corners of the intersection while still allowing a residential use.

Deleted: 4



An example of an apartment building on 56th Avenue where the land use district was changed to R1 Single Family in the 2000 ARP. A redevelopment exception shall be added to this site to redevelopment to the same height (2 storey) and gross floor area in compliance with the design criteria.

ARPI.5 Redevelopment Exception

Properties have been identified with uses that do not comply with the land use district. As an example there are existing apartment buildings in single family residential land use districts. A site specific exception shall be created in the *Land Use Bylaw* and added to these sites to allow them to redevelop, as a discretionary use, multi-family residential with the following requirements:

- To the same gross floor area as the existing structure to a maximum height of 2 storeys or 10 metres measured from the average of the lot grade;
- Comply with the residential infill design criteria described in section IV of the *Riverside Meadows Community Plan* and *Residential Design Criteria* and as regulated in the *Riverside Meadows Overlay District* of the *Land Use Bylaw*; and
- Comply with the setback regulations of the underlying land use district in an effort to maintain continuity and encourage compatibility with existing development.

As an example if an apartment building in a R1 Single Family land use district with this exception had a gross floor area of 500 sq. m. and 5 units, the owner would be allowed to redevelop as an apartment building to a maximum of 500 sq. m. with the same number, fewer, or more units with a maximum height of 2 storeys or 10 m. The minimum setbacks as regulated in a single family district would be as follows: front yard 6 m, side yard 1.5 m, and rear yard 7.5 m.

Area Redevelopment Plan



Aerial photo of 5503 58A Street

off of 60th Avenue is preferred to further reduce traffic conflicts with the school.

The mature elm trees on the Valley Park Manor site should be preserved with redevelopment.

ARPI.12 5503 58A Street Public Service Site

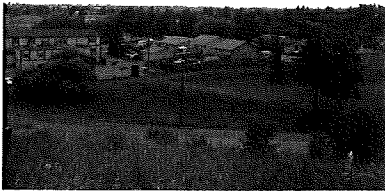
A narrow (approximately 10m by 40m) lot is zoned PS-Public Service district and located off 58A Street adjacent to an apartment building zoned R3-Multi-Family Residential district. Currently the site is perceived to be part of the lawn for the adjacent apartment. It is owned by the place of worship located at 5850 Kerry Wood Drive and was created specifically for overflow parking. The City has first right of refusal if the place of worship no longer requires the site for parking. Future acceptable uses are residential or for public use such as a park or garden plots. A change in the land use district to allow these types of uses would not require an amendment to the area redevelopment plan.

Deleted: Due to the proximity to Kerry Wood Drive and other multi-family developments, the PS site located at 5503 58A Street shall be rezoned to R3 Multi-Family Residential district.¶

ARPI.13 Community Garden Plots

Community garden plots shall be explored as a way of developing a sense of community, retaining green areas and helping families meet their food needs. In addition to residents, an invitation should be extended to neighbourhood schools, Valley Park Manor and Loaves and Fishes to participate in the community garden plot program.

The open space area along 54th Avenue north of Loaves and Fishes is an area where a community garden would be a great way to enhance the area, develop community pride, increase safety and foster new relationships. The identification of additional locations in the community would not require a plan amendment. As a proactive measure a CPTED evaluation should be completed as part of the site development to ensure proper site lines and to discourage vandalism.



Proposed location for community garden plots north of Loaves and Fishes.



The community working together at a community garden plot.

CITY OF RED DEER Riverside Meadows Area Redevelopment Plan

MAP 3 Proposed Land Use Concept



0 35 70
1:9,000

NOTE: The Riverside Meadows Design Criteria Overlay District shall apply to all lands within the ARP area.

PLAN BOUNDARY

CLOSED LANDFILL SETBACK - 300m

FORMER LANDFILL SITE

A2 - ENVIRONMENTAL PRESERVATION

C1 - COMMERCIAL (CITY CENTRE)

C3 - COMMERCIAL (NEIGHBOURHOOD CONVENIENCE)

C4 - COMMERCIAL (MAJOR ARTERIAL)

DC (13) - RESIDENTIAL, SMALL-SCALE COMMERCIAL

DC (18) - RESIDENTIAL

DC (26) - RESIDENTIAL

HABSR - INDUSTRIAL (LIGHT INDUSTRIAL AND BUSINESS SERVICE - RESIDENTIAL)

P1 - PARKS AND RECREATION

PS - PUBLIC SERVICE (INSTITUTIONAL OR GOVERNMENTAL)

R1 - RESIDENTIAL (SINGLE-FAMILY)

R1A - RESIDENTIAL (SEMI-DETACHED DWELLING)

R2 - RESIDENTIAL (MEDIUM DENSITY)

R3 - RESIDENTIAL (MULTIPLE FAMILY)

EXCEPTION 1: Allowed to redevelop to the same floor area and not exceeding 2 storeys or 10 m in height.

EXCEPTION 2: Back-to-back duplexes allowed as a discretionary use.

EXCEPTION: As per the Land Use Bylaw

As per ARP text 1.12

TRAFFIC IMPROVEMENT AREA

EXISTING TRAIL

PROPOSED TRAIL



DATE: October 2, 2009

TO: Elaine Vincent, Legislative and Administrative Services

FROM: Tara Lodewyk, Planner

RE: Bylaw 3261/A-2009 *Riverside Meadows Area Redevelopment Plan*
and
Land Use Bylaw Amendment 3357/U-2009

Background

The *Riverside Meadows Area Redevelopment Plan* (ARP) Bylaw 3261/A-2009 and Land Use Bylaw Amendment 3357/U-2009 received first reading on September 21, 2009 by City Council.

At this meeting City Council also tabled the adoption of the *Riverside Meadows Community Plan and Residential Design Criteria* (CP) as a planning tool until final readings of the ARP.

Parkland Community Planning Services (PCPS) was requested to clarify or make changes regarding the lot regulations in DC13 district, lot width design criteria and back to back duplexes. These changes are outlined in the following report.

Comment and Response

1) Lot Regulations in DC13

It was suggested that the minimum lot widths, depths and areas proposed for addition to DC13 in ARP1.4 be removed because there are so many different types of uses allowed in this district. Different regulations should apply for different types of uses, and should be at the discretion of the Development Authority.

Rather than adding lot minimums to the regulations for commercial and for each of the different types of residential uses, planning staff agree that this should be left up to the discretion of the Development Authority. Reference to lot depth, width and area for properties within the DC13 district has been removed from ARP1.4 and in the *Land Use Bylaw* amendment. Based on the same principle, planning staff have also removed the minimum landscaped area.

2) Lot Width Design Criteria

Design criteria 1 in the *Community Plan and Residential Design Criteria* refers to minimum single family lot widths. It says that "to maintain the character and larger lots in the neighbourhood, no subdivision in a single family district shall result in a minimum lot width relaxed to less than 11 metres (36 ft) unless located in the area east of 54 Avenue and west of Gaetz Avenue than no subdivision shall result in a minimum lot with less than 10m (32.8 ft)."

A suggestion has been made to remove this criterion as it creates lots that are smaller than the 10.5 metres that is currently allowed in the R1N district.

A R1 district has a minimum lot width of 12m. As a standard rule of thumb, the development authority may relax this by 10%. This would equate to a 10.8 metre lot. The intent of the criterion is to maintain the larger character lots west of Kerry Wood Drive and encourage redevelopment

with smaller lots east of Kerry Wood Drive where there is good access to arterials, close proximity to commercial and the downtown.

A Council member suggested that this design criterion be removed because it allows lots to be narrower than the R1N-Narrow Lot Residential land use district allows. R1N allows single family lots to be a minimum of 10.5 metres.

In reviewing subdivision plans east of 54 Avenue, there are only *three* lots on the east side of 52 Avenue that are R1 single family residential and 20 metres wide. The remainder of the R1 single family lots east of 54 Avenue are less than 20 metres or zoned for a more intensive use (R1A or R2 or R1 with the redevelopment exception) which would encourage redevelopment.

The affect east of Kerry Wood Drive is a matter of a 20 cm difference between 11m and 10.8m lot width under the current standard.

The current criterion has a minimal overall affect on the character of the neighbourhood. It will simplify the regulations and leave more discretion to the Development Authority in making decisions based on a case by case basis. Planning staff are removing design criteria 1 from the *Community Plan and Residential Design Criteria* and Riverside Meadows Overlay District regulations in the Land Use Bylaw amendment proposed.

3) Back to back duplexes

ARP 1.9 supports adding a site exception to the block that fronts both 58A and 58 Street to give property owners the option of building a back to back duplex. This is the block outlined in red in the photo below. Council questioned how deep are these lots? Is the creation of an east west lane possible? How would parking, setbacks, and access be handled?

A back to back duplex exists at 5827 and 5826 as shown in yellow. It was built in 1987. The lot depth is currently 40m (131 feet). There were no concerns expressed during the public consultation process about the existing back to back duplex or the concept proposed.





Existing back to back duplex in Riverside Meadows
5826 58 Street



5827 58A Street

The 2000 ARP (pg 32) recommended that *"in order to take advantage of the unique situation whereby there is street frontage at both the front and rear yard, front and back duplexes are to be developed as opposed to side by side duplexes."* This ARP is continuing this policy.

Allowing back to back duplexes is not completely new in the city, there is an example in Parkvale on 45A Avenue as well as the one existing in Riverside Meadows. One of the objectives of the updated ARP is to *"encourage the integration of a variety of residential and commercial uses that are well designed and compatible with the neighbourhood."* By providing the option of developing back to back duplexes, the ARP is encouraging a variety of residential types and uses.

Back to back duplexes in this location would provide street frontage on both sides creating a more pedestrian friendly streetscape on 58 and 58A Street since they would address both streets. The front yards are large and can be delineated with hedges or fencing. While the units will not have back yards, there are many types of residential units that do not have backyards (e.g. fourplexes). In addition, providing choice related to housing type, yard style or layout is one way to help meet a variety of housing preferences and needs.

Each unit would be required to provide two on site parking stalls. These could be provided with a wide front driveway and/or attached garage in the side yard. Garbage pick up would be from the front. The current 40 metre lot depth does not provide enough room to incorporate a lane.

A 6 metre minimum front yard setback and standard side yard setbacks would continue to apply as regulated in the R1A district. A rear yard setback would not be applicable and the minimum lot depth would have to be relaxed to 20 metres from 30 metres. The 40% maximum site coverage will be close-fitting.

Property owners who choose not to build a back to back duplex with two frontages will be required to front the new home on to 58A Street to match the existing properties. There is no sidewalk along the north side of 58 Street.

The revised pages for the Area Redevelopment Plan, Community Plan and Design Criteria and Land Use Bylaw are attached.

Recommendation

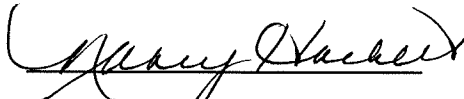
It is recommended that City Council proceed with final readings of the revised Bylaw 3261/A-2009 to adopt the *Riverside Meadows Area Redevelopment Plan*; and that City Council proceed with final readings of the revised Land Use Bylaw Amendment 3357/U-2009.

It is further recommended that City Council adopt the *Riverside Meadows Community Plan and Residential Design Criteria* as a planning tool.

Respectfully Submitted,



Tara Lodewyk, ACP, MCIP
Planner



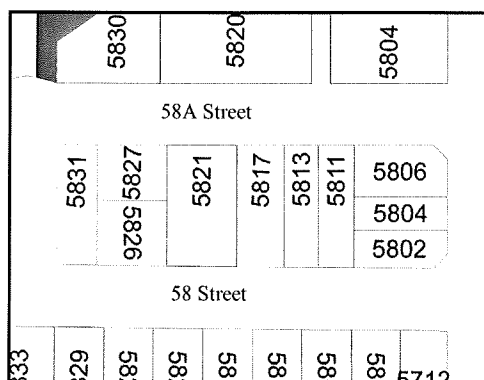
Nancy Hackett, ACP, MCIP
City Planning Manager

cc. Colleen Jensen, Riverside Meadows ARP Steering Committee

Riverside Meadows

Area Redevelopment Plan

modified Policy



An illustration of the block where back to back duplexes would work due to the depth of the lots and access to two streets

ARPI.9 Back to Back Semi-Detached Housing

The depth of the lots between 58A Street and 58th Street create an opportunity to achieve attractive frontages on both streets similar to the duplex located on 5826 58th Street and 5827 58A Street. An exception shall be created for properties fronting 58th Street and 58A Street to provide developers with an option of semi-detached housing with a common rear wall (back to back) as a discretionary use. The lots shall be divided east west with 50% of the site to the north and 50% to the south. A rear yard setback will not be applicable and the minimum lot depth shall require relaxation by the Development Authority. Adequate parking will need to be provided on site.

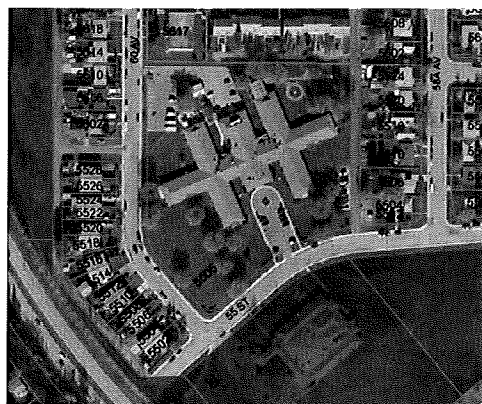
To ensure attractive frontages on both streets, sites redeveloped as single family homes shall be required to front 58A Street. They shall also have equal architectural treatment on elevations that front 58A Street and 58 Street, including rear garages. As the block redevelops a sidewalk will be needed along the north side of 58 Street.

ARPI.10 School Sites

The two schools sites are a vital part of the community's fabric. The community strongly encourages the School Districts to continue to use these sites as schools. If other uses are proposed this ARP and the *Land Use Bylaw* shall require amendments which includes a public consultation process.

ARPI.11 Valley Park Manor

The Riverside Meadows Community Association and The City shall maintain a relationship with Alberta Health Services to discuss future plans for the site. The plan supports creating a direct control district in the *Land Use Bylaw* for this site. A nursing home, designated seniors supportive living, physical rehabilitation centre, seniors lodge, children's day care facility, school, single detached dwellings, duplexes and townhouses are acceptable uses. The maximum height is 2 storeys (10 metres).



Aerial photo of Valley Park Manor site

Any proposed redevelopment on the site is referred to property owners located within 100 metres of the site and the community association. If other uses are proposed this Plan and the *Land Use Bylaw* shall require amendments which includes a public consultation process.

Low density residential is conducive to this site because it is located across from a school, along a local roadway, in the interior of the neighbourhood, adjacent to medium density residential and traffic is currently an issue. The direct control district supports a mix of housing types that minimize traffic conflicts.

At the time of redevelopment reconfiguring the intersection of 60th Avenue and 55th Street shall be explored. Access to the residential area

The regulations for the district shall be:

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 of the LUB

*

All development must comply with the *Riverside Meadow Area Redevelopment Plan* and design regulations provided in the Riverside Meadows Overlay District.

The Development Authority is the approving authority for all uses and development in this district. Parking relaxations may be appropriate as an incentive for redevelopment and help encourage the use of alternate transportation modes where the developer can demonstrate that parking will not overflow in to or cause problems with the adjacent residential land uses. The area is well served by transit. Parking shall not be visible from the river front.

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.

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.

Direct Control District 13 (DC 13) shall be extended to the areas listed below to encourage redevelopment.

- 1) **Area between 59th Street and 58th Street east of 53 Avenue and west of Gaetz Avenue.** This shall create a critical mass of commercial and residential for economic stability and establish a destination area.
- 2) **5816 53 Avenue.** This site shall be rezoned to DC 13 from R2-Medium Density to encourage redevelopment to create a landmark three or four storey residential structure with commercial on the main floor that would take advantage of the river views and trail access.

deleted minimum lot width,
lot depth, lot area and
landscaping requirement

IV. Residential Design Criteria

This section of the plan is implemented through an amendment to the *Land Use Bylaw*. The design criteria contain “shall”, “should” and “may” statements. “Shall” statements are those which must be followed. “Should” statements mean compliance to the principle is required but the Development Authority has some discretion based on the circumstances of the specific case. “May” statements indicate that the Development Authority determines the level of compliance that is required.

All Residential Development

Intent: To create a variety of sizes, styles and types of residential units that have a small town ‘village in a city’ feel and appeal to a variety of demographic groups. Residential development shall have well identified individual entries with verandahs, porches, and creative design features to reflect the location on the edge of the downtown and desire to create a non-suburban feel. New development shall not come at the expense of excellence in urban design.

* deleted Criteria 1: Lot width

Criteria 1: Building Width

The maximum building width shall be 15 metres (50 feet) to be compatible with the scale and mass of typical homes in the neighbourhood.

Criteria 2: Front Yard Setback

Front yards shall provide separation from the street/sidewalk. The front yard setback shall be consistent with existing buildings on the same block as the proposed development. On corner properties, the front yard shall be in the same direction as front yards on the remainder of the block.

Criteria 3: Front Fencing

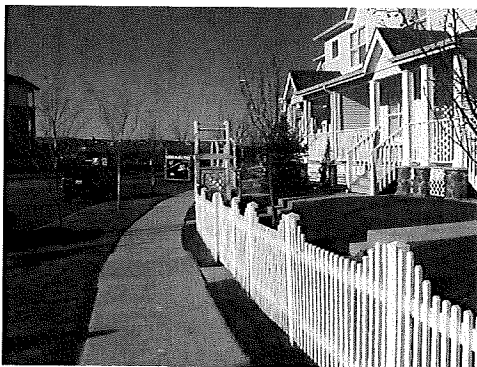
Vertical walls, railings, hedges, gates or decorative fences in the front yard shall not exceed .9 metres (3 feet) in height unless of an open design that does not impede site lines.

Criteria 4: Multi-attached Units

There shall be no more than 6 multi-attached units in one building block to reduce the mass and scale of the building and promote pedestrian circulation.



A street with a small town ‘village in a city’ feel. This was the highest ranked image in the community image survey.



An example of an acceptable front yard fence.



Request: Report for Inclusion on a Council Agenda

Requests to include a report on a Council Agenda must be received by 4:30pm on Monday (5 business days) prior to the scheduled meeting.

PLEASE NOTE: If reports are not received by Monday (5 business days) prior to the scheduled meeting/hearing the report may be moved to the next Agenda.

CONTACT INFORMATION			
Name of Report Writer:	TARA LODENYK		
Department & Telephone Number:	PCPS 343-3394		
REPORT INFORMATION			
Preferred Date of Agenda:	OCTOBER 19, 2009		
Subject of the Report (provide a brief description)	FINAL READING RIVERSIDE MEADOWS ARP+CP AND LAND USE BYLAW		
Is this Time Sensitive? Why?	YES, PUBLIC HEARING DATE		
What is the Decision/Action required from Council?	FINAL READING BYLAW 3261/A-2009 AND LAND USE BYLAW 3357/U-2009, ADOPT COMMUNITY PLAN + DESIGN CRITERIA AS A PLANNING TOOL		
Please describe Internal/ External Consultation, if any.			
Is this a Committee of the Whole item?	NO		
How does the Report link to the Strategic Plan? BE AUTHENTIC - DISTINCTIVE CHARACTER + COMMUNITY RELATIONSHIPS			
Has Legal Counsel been consulted? Are there any outstanding issues? Please describe. YES, NO ISSUES			
Has Financial Services been consulted? Are there any budget implications? Please describe. NO, THERE WILL BE BUDGET IMPLICATIONS WHEN/IF CITY CHOOSES TO IMPLEMENT SOME POLICIES. IMPLICATIONS EXPLORED AT THIS TIME			
Presentation: (10 Min Max.)	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Presenter Name and Contact Information: TARA LODENYK, PCPS - 343-3394	
COMMUNITY IMPACT			
Should External Stakeholder(s) be advised of the Agenda item? (e.i. Community Groups, Businesses, Community Associations)		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
If Yes, please provide the Contact Information for the External Stakeholder(s)		ALREADY DONE	
External Stakeholder(s) Contact Information: (please provide, name, mailing address, telephone number and e-mail address)			
LEGISLATIVE & ADMINISTRATIVE USE ONLY			
Has this been to SMT / Topics/ Committees: MPC, EAC, CPAC (Please circle those that apply)			
SMT	Topics	Board(s) / Committee(s)	
When/describe: _____	When/Describe: _____	When/Describe: _____	
Do we need a Media Release?		<input type="checkbox"/> YES	<input type="checkbox"/> NO

Please return completed form, along with report and any additional information to Legislative & Administrative Services.

Christine Kenzie

BACKUP

From: Tara Lodewyk
Sent: October 19, 2009 9:51 AM
To: Christine Kenzie
Subject: FW: Riverside Meadows Area Redevelopment Plan

BACKUP INFORMATION
NOT SUBMITTED TO COUNCIL

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

From: Kirk Sisson, J. [mailto:Kirk.Sisson@albertacourts.ca]
Sent: October 16, 2009 9:23 AM
To: Tara Lodewyk
Subject: RE: Riverside Meadows Area Redevelopment Plan

Good morning Ms. Lodewyk.

Thank you for your response. I apologize for providing you with the wrong address for the building. You are correct, it is 5726 57th Ave.

You have more than satisfactorily addressed my concerns.

Thank you for your help.

Kirk Sisson

>>> "Tara Lodewyk" <Tara.Lodewyk@pcps.ab.ca> 10/16/2009 08:46 AM >>>
Hi Kirk,

I apologize. I was under the impression that another colleague had responded while I was away. I am so sorry.

The building located at 5726 57 Avenue is currently zoned as R1A (i)(j). (I could not find 5726 57A Street) The R1A-semi-detached residential district only allows a duplex as its highest use. We are proposing to 'call it like we see it' and rezone your property to R2-medium density residential. This district allows a three storey apartment building to be built once again if you were to redevelop. You would be a legal conforming use. A complete listing of uses allowed in this district can be found on the City's website in the Land Use Bylaw.

We are also putting in place design criteria. For a new apartment the biggest change would be that every unit on the main floor has an individual entry so it is more street friendly. I have attached a picture of a building in Calgary that would comply as an example. A full listing of the design criteria is found in the Riverside Meadows Community Plan and Residential Design Criteria, page 36, from the link below.

<http://www.reddeer.ca/City+Government/City+Services+and+Departments/City+Planning/Community+Development+Plans/default.htm>

I hope this explains your question. Please give me a call at 403-343-3394 if you have questions.

Regards,
Tara Lodewyk
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

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

From: Darlene Schmidt On Behalf Of PCPSReception
Sent: October 16, 2009 8:28 AM
To: Tara Lodewyk
Subject: FW: Riverside Meadows Area Redevelopment Plan

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

From: Kirk Sisson, J. [mailto:Kirk.Sisson@albertacourts.ca]
Sent: October 15, 2009 5:55 PM
To: PCPSReception
Cc: Legislative Services
Subject: Re: Riverside Meadows Area Redevelopment Plan

Attn: Tara Lodewyk at Parkland Planning & Elaine Vincent, City of Red Deer

On October 8, I wrote and advised that I would be unable to attend the October 19 Public Hearing and that I had no concerns as long as the apartment building at 5726 - 57A Street, which is more than 2 stories, is a permitted use and does not become a legal but non-conforming use or some other lesser use.

I have not heard back, and still do not know if a submission is required.

Please respond.

Thanking you in advance, I remain

Yours truly,

Kirk Sisson

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

Christine Kenzie

From: Elaine Vincent
Sent: October 14, 2009 11:37 AM
To: Christine Kenzie
Subject: FW: Riverside Meadows Area Redevelopment Plan

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: Moji Taiwo [mailto:Moji.Taiwo@gov.ab.ca]
Sent: Wednesday, October 14, 2009 10:39 AM
To: Elaine Vincent
Subject: Riverside Meadows Area Redevelopment Plan

Good Morning Elaine,
We are the owners of 5833 59th Street, Red Deer, Ab. (Adeola Holdings Ltd).
We have received and reviewed all the documents regarding the Redevelopment Plan for Riverside Meadows.
As we are unable to attend the public hearing on October 19th, we are expressing our support for the plan through this medium.
Thank you and have a great day.

Moji Taiwo
Deputy Director
Calgary Young Offender Centre
Phone: (403) 662-3500
Fax: (403) 297-4523



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2009/10/14

ORIGINAL



5 October 2009

City Council c/o Legislative & Administrative Services
City Hall
Box 5008
Red Deer, AB T4N 3T4

Re: Land Use Bylaw Amendment 3357/U-2009

To the members of Red Deer City Council:

I am writing today regarding the proposed changes to the Riverside Meadows Area Redevelopment Plan and land use bylaw amendment 3357/U2009. We currently own a property in the affected area – a duplex where the zoning is slated to be changed to DC(13).

I would like to state for the record our **strong support** for the proposed amendment and redevelopment plan. As a professional property management and acquisition company, we have seen firsthand the substantial value offered by redevelopments similar to this one. City government has an ideal opportunity to foster economic growth and positive neighborhood change through rezoning actions such as this.

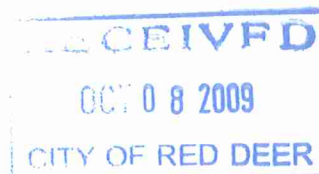
While some members of the public may instinctively react to a proposal like this with concern and hesitance, we welcome it enthusiastically. Redevelopment is good for communities and cities; it improves the quality of life of citizens, fosters civic pride, and improves the livability of our neighborhoods. I encourage citizens of Red Deer to look to other prominent redevelopment efforts that have been met with great success – Garrison Woods in Calgary is a perfect example of this.

I hope that the members of council choose to adopt this worthy proposal. To do so would be in the benefit of all residents, present and future.

Sincerely,

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

Elias Haska



ORIGINAL

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

From: Kirk Sisson, J. [mailto:Kirk.Sisson@albertacourts.ca]

Sent: October 8, 2009 11:42 AM

To: PCPSReception

Cc: Legislative Services

Subject: Attn: Tara Lodewyk - Re: Riverside Meadows Area Redevelopment Plan (Also Elaine Vincent, Legislative & Administrative Services Manager)

Good Morning Ms. Lodewyk.

I am unable to attend the Public Hearing on October 19.

I have no concerns as long as the apartment building at 5726 - 57A Street, which is more than 2 stories, is a permitted use and does not become a legal but non-conforming use or some other lesser use.

Please do not push reply to respond to this email as I am not confident that it will get here. Please reply to kirk.sisson@albertacourts.ca

Thank you.

Kirk Sisson

Christine Kenzie

From: Elaine Vincent
Sent: October 08, 2009 2:23 PM
To: Christine Kenzie
Subject: FW: Attn: Tara Lodewyk - Re: Riverside Meadows Area Redevelopment Plan (Also Elaine Vincent, Legislative & Administrative Services Manager)

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

BACKUP INFORMATION
NOT SUBMITTED TO COUNCIL

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

From: Alison Relkov On Behalf Of Legislative Services
Sent: Thursday, October 08, 2009 1:47 PM
To: Elaine Vincent
Subject: FW: Attn: Tara Lodewyk - Re: Riverside Meadows Area Redevelopment Plan (Also Elaine Vincent, Legislative & Administrative Services Manager)

Elaine,
This e-mail was sent to the LAS mailbox attention you and Tara Lodewyk. I have already forwarded a copy to Tara.

Ali

Alison Relkov
The City of Red Deer
Legislative & Administrative Services
403-346-3359
alison.relkov@reddeer.ca

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

From: Kirk Sisson, J. [mailto:Kirk.Sisson@albertacourts.ca]
Sent: October 8, 2009 11:42 AM
To: PCPSReception
Cc: Legislative Services
Subject: Attn: Tara Lodewyk - Re: Riverside Meadows Area Redevelopment Plan (Also Elaine Vincent, Legislative & Administrative Services Manager)

Good Morning Ms. Lodewyk.

I am unable to attend the Public Hearing on October 19.

I have no concerns as long as the apartment building at 5726 - 57A Street, which is more than 2 stories, is a permitted use and does not become a legal but non-conforming use or some other lesser use.

Please do not push reply to respond to this email as I am not confident that it will get here. Please reply to kirk.sisson@albertacourts.ca

Thank you.

Kirk Sisson

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

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

Christine Kenzie

To: Tara Lodewyk
Cc: Nancy Hackett; Elaine Vincent
Subject: Land Use Bylaw Amendment 3357/U-2009 - Riverside Meadows

Attachments: Letter from Linden Properties re 3357 U 2009.pdf



Letter from Linden
Properties ...

BACKUP INFORMATION
NOT SUBMITTED TO COUNCIL

Attached, for your information, is a letter from the public received in today's mail regarding LUB Amendment 3357/U-2009 - Riverside Meadows. This letter will be put on the open agenda (with LUB 3357/U-2009) for the October 19th Council Meeting.

Christine Kenzie

Council Services Coordinator

Legislative & Administrative Services

City of Red Deer

Phone: 403.356.8978 Fax: 403.346.6195

christine.kenzie@reddeer.ca

FILE COPY

B/f



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."

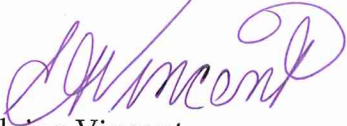
MOTION CARRIED

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

Christine Kenzie

From: Tara Lodewyk
Sent: October 19, 2009 9:52 AM
To: Christine Kenzie
Subject: FW: Concerns of proposed re-zoning R1 to DC13 5900 block 53rd ave

From: Tanya Hackman [mailto:tanya.hackman@gmail.com]
Sent: October 16, 2009 3:29 PM
To: Tara Lodewyk
Subject: Re: Concerns of proposed re-zoning R1 to DC13 5900 block 53rd ave

Again, my deepest gratitude.

I am going to try and rearrange my schedule so that I may attend the meeting Monday.
I appreciate either way you presenting the information and concerns I've provided at council as already stated and your proposed modifications.

Regards,
Tanya

BACKUP INFORMATION
NOT SCHEDULED FOR COUNCIL

On Fri, Oct 16, 2009 at 3:18 PM, Tara Lodewyk <Tara.Lodewyk@pcps.ab.ca> wrote:
Hello,

I have forwarded the information on to Inspections and Licensing, Parks and Engineering for a response. I will let you know what they say. This is the first step.

Thanks,
Tara

From: Tanya Hackman [mailto:tanya.hackman@gmail.com]
Sent: October 16, 2009 2:51 PM
To: Tara Lodewyk
Subject: Re: Concerns of proposed re-zoning R1 to DC13 5900 block 53rd ave

Hi Tara,
I would appreciate any assistance. Please use the photo's and information as requested.

Again thank you very much for listening and your time.

Regards,
Tanya

On Fri, Oct 16, 2009 at 2:47 PM, Tara Lodewyk <Tara.Lodewyk@pcps.ab.ca> wrote:
Hi Tanya,

Thanks for the letter and especially the photos. They are shocking.

Would you be OK with me forwarding this letter on to Inspections and Licensing Department who may be able to deal with the unkept yard issues under our Community Standards Bylaw? They keep the persons name who did the complaining confidential. As well I would like to forward this to the Parks and Engineering department to see if there is some additional maintenance that can be done.

I understand that your preference is to have the site remain as R1. I will pass this on to council in my presentation on Monday night. I will share photos as well if that is OK.

My response to your concerns in my presentation will be to modify ARP1.4(3) to say the following:

3) **5303 60th Street.** This site shall be rezoned from R1 single family to DC 13 because the higher topography and access points link the site to 60th Street rather than 53 Avenue. Redevelopment of this site will require special consideration and consultation with adjacent residential properties. Privacy, noise, access, height, type of use and hours of operation will need to be considered by the development authority to minimize the impact on 53 Avenue residents.

Council will make the final decision and may choose to leave the site as R1 or proceed with the modification.

What are your thoughts?

Thanks,
Tara Lodewyk

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

From: Tanya Hackman [<mailto:tanya.hackman@gmail.com>]
Sent: October 16, 2009 2:29 PM
To: Tara Lodewyk
Subject: Concerns of proposed re-zoning R1 to DC13 5900 block 53rd ave

Hi Tara,

As per our conversation Oct 16, my concerns to be presented are listed below:

By the proposed re-zoning of the property connected to mine from R1 to DC13 I fully believe it would leave me open to a multitude of negative factors. First and foremost would be the lack of privacy and relative quiet that I have enjoyed in the two years I have owned my home at 5920-53Ave. With the attached property in question, the portion connected

to my driveway in front and side of my home is elevated several feet over my property, any kind of building beyond one storey would loom and allow complete visual and auditory access to my yard and home. By allowing a commercial building or a multi residence to be built with this re-zoning I will be subject to constant noise and movement just from the fact that my house is only feet from the property line that connects us. The garbage already that I am forced to clean blowing into my yard from the derelict house and the commercial businesses already in the area is significant. And not only for the above stated reasons but it would also present a huge safety issue with vehicles that could possibly overshoot any parking or drive way and crash into my home or onto my vehicles from the property in question due to it's elevation.

I had paid this summer to have the brush and trees cut back and debris cleaned from what I've now been informed was city property and not the neighboring property in question, just so I could have full access to my driveway. Included in the proposed re-zoning is the top portion of 60th that could allow to have 53rd ave turned from a cul de sac into a thru way. Not only would this make it now extremely dangerous to exit my own driveway, it would turn my street into a busy and extremely noisy road.

The house on the property in question being abandoned and uncared for during the two years I have been a resident and has been an issue already. Besides squatters taking up residence the first year I lived here, to the yard being turned into a dump site the last year I understand the re-zoning may motivate the owner into doing something with the property. My concern is that while it may be beneficial to the owner and community, personally I will suffer a significant devaluation of my property. One of the reasons I chose to invest what I've worked for my whole life for and buy a home in Riverside Meadows was directly due to the revitalization of the area. I'm excited and support the ARP excepting for this one property in question being re-zoned. I can not in anyway see that my property value, privacy or quality of life won't be lost and devalued other then the property remaining R1 and the owner being made to be responsible for it. While I understand it is a busy corner, there is safe access thru the alley way to the home and it is set back from 60th enough a proper fence would allow for privacy. It could be cleaned up and made livable again with no negative impact but to the owner who allowed it to degrade into the condition it is now in. I should not be forced to suffer for their gain.

Attached pictures.

Thank you,
Tanya Hackman
5920-53rd Ave.

Home:(403)986-5751
Cell:(403)358-2073

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Proposed Amendment

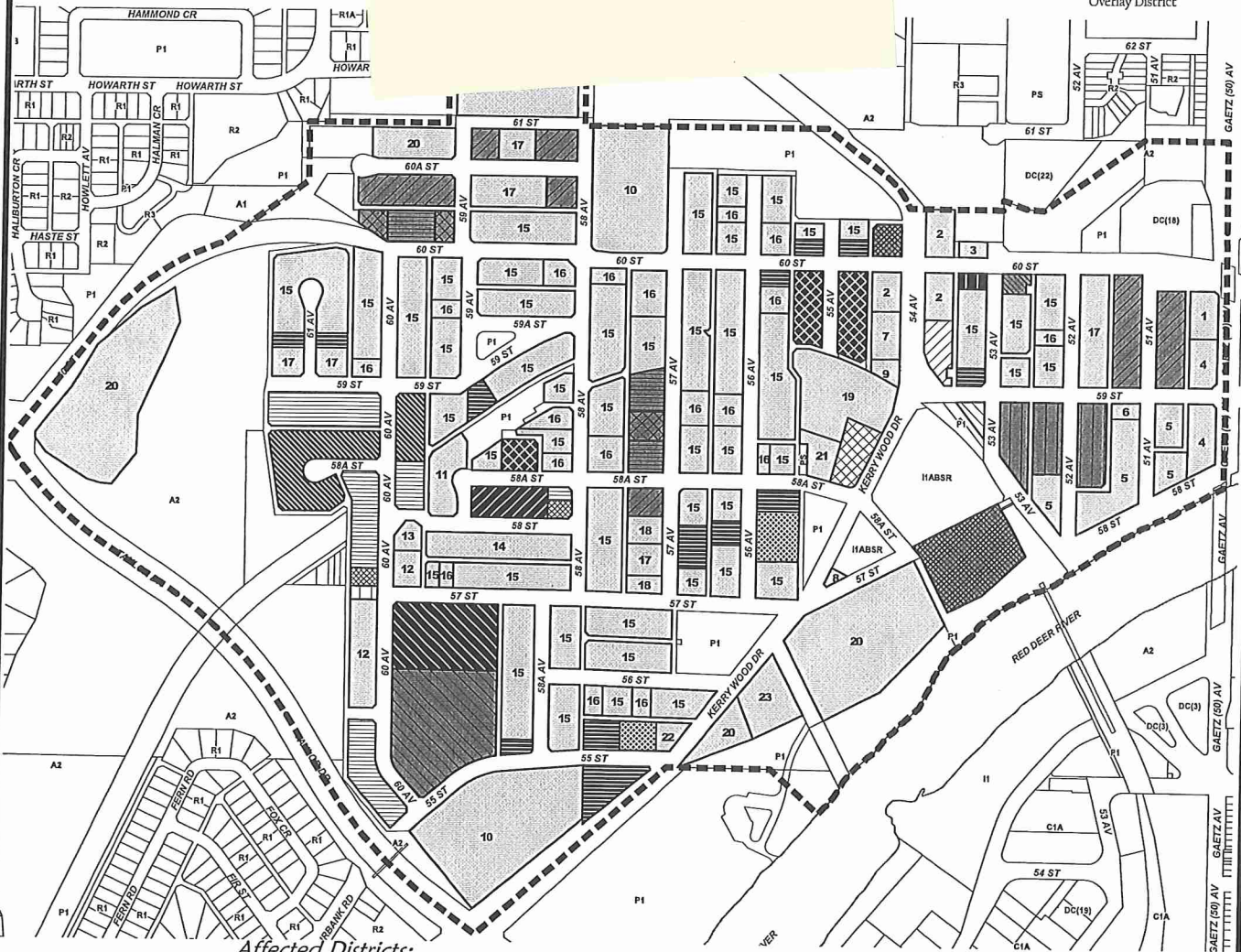
Bylaw 3357/2006

Revision
MAP 11/2009
3357/U-2009

Change District from:

1	C1(i) to C1	7	R1(i)(j) to R2
2	C3(i) to C3	8	R1(i)(j) to DC(13)
3	C3(i)(j) to C3	9	R1(i)(j) to P1
4	C4(i) to C4	10	R1A(i) to P1
5	DC(13)(i)(j) to DC(13)	11	IA(i)(j) to DC(13)
6	DC(13)(i)(j)e(ii) to DC(13)e(ii)	12	IA(i)(j) to R1
7	DC(14)(i)(j) to DC(13)	13	IA(i)(j) to R1(u)
8	DC(17)(i)(j) to DC(13)	14	IA(i)(j) to R1A
9	R3(i)(j) to R2	15	A(i)(j) to R1A(u)
10		16	A(i)(j) to R2
11		17	
12		18	
13		19	
14		20	
15		21	
16		22	
17		23	

R1(i)(j) to R2	24	R2(i)(j) to DC(13)
R1(i)(j) to R2(u)	25	R2(i)(j) to P1
R1A(i) to P1	26	R2(i)(j) to R2
IA(i)(j) to DC(13)	27	R3(i)(j) to DC(26)
IA(i)(j) to R1	28	R3(i)(j) to R3
IA(i)(j) to R1(u)	29	R3D58(i)(j) to R3D58
IA(i)(j) to R1A	30	R3D69(i)(j) to R3D69
A(i)(j) to R1A(u)	31	R3D95(i)(j) to R3D95
A(i)(j) to R2	32	Riverside Meadows Overlay District



Affected Districts:

- C1 - Commercial (City Centre) District
- C3 - Commercial (Neighbourhood Convenience) District
- C4 - Commercial (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
- IA/BSR - (Light Industrial and Business Services-Residential) District



North
Not to Scale



Proposed Amendment
Map: 11/2009
Bylaw: 3357/U-2009

Proposed Amendment to Land Use Bylaw 3357/2006

Change District from:

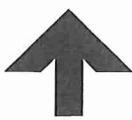
1	C1(i) to C1	7	I1A/BSR(i)(j) to I1A/BSR	15	RI(h)(i)(j) to R1A	23	R2(i)(j) to DC(13)
2	C3(i) to C3	8	I1A/BSR(i)(p) to I1A/BSR(p)	16	RI(h)(i)(j) to R1A/BSR	24	R2(i)(j) to P1
3	C3(i)(j) to C3	9	I1A/BSR(o(i))(j) to I1A/BSR(o(i))	17	RI(i)(j) to R2	25	R2(i)(j) to R2
4	C4(i) to C4	10	PS(i) to PS	18	RI(i)(j) to R3	26	R3(i)(j) to DC(26)
5	DC(13)(i)(j) to DC(13)	11	PS(i)(j) to R3	19	RI(h)(i) to R1	27	R3(i)(j) to R3
6	DC(13)(i)(j)e(ii) to DC(13)e(ii)	12	RI(h)(i) to R1	20	RI(h)(i)(j) to P1	28	R3D58(i)(j) to R3D58
7	DC(14)(i)(j) to DC(13)	13	RI(h)(i)(j) to R1	21	RI(h)(i)(j) to R1	29	R3D69(i)(j) to R3D69
8	DC(17)(i)(j) to DC(13)			22	RI(h)(i)(j) to R1(u)	30	R3D95(i)(j) to R3D95
9	R3(i)(j) to R2					31	Riverside Meadows Overlay District

Revised
MAP 11/2009
3357/u-2009



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
- I1A/BSR - (Light Industrial and Buisness Services-Residential) District



North
Not to Scale



Proposed Amendment
Map: 11/2009
Bylaw: 3357/U-2009

Bylaw 3261/A-2009
Riverside Meadows Area Redevelopment Plan
Land Use Bylaw Amendment 3357/U-2009

DESCRIPTION: Bylaw 3261/A-2009 is to adopt the Riverside Meadows Area Redevelopment Plan and Land Use Bylaw Amendment 3357/U-2009 implements the land use recommendations from the ARP

FIRST READING: September 21, 2009

FIRST PUBLICATION: October 2, 2009

SECOND PUBLICATION: October 9, 2009

PUBLIC HEARING & SECOND READING: October 19, 2009

THIRD READING: October 19, 2009

LETTERS REQUIRED TO PROPERTY OWNERS: YES ☐ NO ☐

DEPOSIT: YES ☐ \$ _____ NO ☒

COST OF ADVERTISING RESPONSIBILITY OF: _____

ACTUAL COST OF ADVERTISING:

\$ _____ X 2

TOTAL: \$ _____

MAP PREPARATION: \$ _____

TOTAL COST: \$ _____

LESS DEPOSIT RECEIVED: \$ _____

AMOUNT OWING/ (REFUND): \$ _____

INVOICE NO.: _____

BATCH NO.: _____

(Advertising Revenue to 180.5901)

Riverside Meadows Area Redevelopment Plan (ARP) 3261/A -2009
Land Use Bylaw Amendment 3357/U-2009
Riverside Meadows Community Plan and Residential Design Criteria

City Council proposes to pass Riverside Meadows Area Redevelopment Plan (ARP) 3261/A-2009, Land Use Bylaw Amendment 3357/U-2009 and adopt the Riverside Meadows Community Plan and Residential Design Criteria.

The Riverside Meadows Area Redevelopment Plan 3261/A-2009 contains policies that address proposed land uses, planned densities, building forms, utilities and transportation systems. Land Use Bylaw Amendment 3357/U-2009 includes several amendments some of which include implementation of residential design criteria, modification of existing Direct Control District 13, expanding Direct Control District 13 to 59th Street and to sites along 54 Avenue, and creation of an exception to allow back to back duplexes on lots that have frontage on to two streets. The Riverside Meadows Community Plan and Residential Design Criteria includes a description of the planning process, history of the neighbourhood, implementation strategies and residential design criteria and will be adopted as a planning tool.

Map DM#881856

The proposed bylaw may be inspected at Legislative & Administrative Services, 2nd Floor City Hall during regular office hours or for more details, contact Parkland Community Planning Services at 343-3394.

City Council will hear from any person claiming to be affected by the proposed bylaw at a Public Hearing on ~~Tuesday~~, ^{Monday} ~~October 13~~, ¹⁹ 2009 at 6:00p.m. in Council Chambers, 2nd Floor at City Hall. If you want your letter or petition included on the Council agenda you must submit it to the Manager, Legislative & Administrative Services by ~~Monday~~, ^{TUESDAY} ~~October 19~~, ¹³ 2009. Otherwise, you may submit your letter or petition at the Council meeting or you can simply tell Council your views at the Public Hearing. Council's Procedure Bylaw indicates that each presentation is limited to 10 minutes. Any submission will be public information. If you have any questions regarding the use of this information please contact the Manager, Legislative & Administrative Services at 342-8132.

(Publication Dates: October 2 , 2009 and October 9 , 2009)



LEGISLATIVE & ADMINISTRATIVE SERVICES

September 28, 2009

Prime Owner Name
Owner Address 1
Owner Address 2

Dear Sir/Madam:

Re: Riverside Meadows Area Redevelopment Plan (ARP) 3261/A-2009
Land Use Bylaw Amendment 3357/U-2009

Red Deer City Council is considering a change to the Riverside Meadows Area Redevelopment Plan and proposes to pass Riverside Meadows Area Redevelopment Plan (ARP) 3261/A-2009 and Land Use Bylaw Amendment 3357/U-2009. The Riverside Meadows Area Redevelopment Plan 3261/A-2009 contains policies that address proposed land uses, planned densities, building forms, utilities and transportation systems. Land Use Bylaw Amendment 3357/U-2009 includes several amendments some of which include implementation of residential design criteria, modification of existing Direct Control District 13, expanding Direct Control District 13 to 59th Street and to sites along 54 Avenue, and creation of an exception to allow back to back duplexes on lots that have frontage on to two streets.

As a property owner in the area of proposed changes you have an opportunity to ask questions about the intended use and to let Council know your views. The proposed Bylaw may be inspected at Legislative & Administrative Services, 2nd Floor City Hall. For more details contact the city planners at Parkland Community Planning Services at 403.343.3394.

City Council will hear from any person claiming to be affected by the proposed bylaw at a Public Hearing on Monday, October 19, 2009 at 6 p.m. in Council Chambers, 2nd floor City Hall. If you would like a letter or petition included on the Council agenda it must be submitted to our office by Tuesday, October 13, 2009. You may also submit your letter or petition at the Public Hearing, or you can simply tell Council your views at the Public Hearing. Council's Procedure Bylaw indicates that each presentation is limited to 10 minutes and any submission will be public information. If you have any questions regarding the use of this information, please contact Legislative & Administrative Services at 403.342.8132.

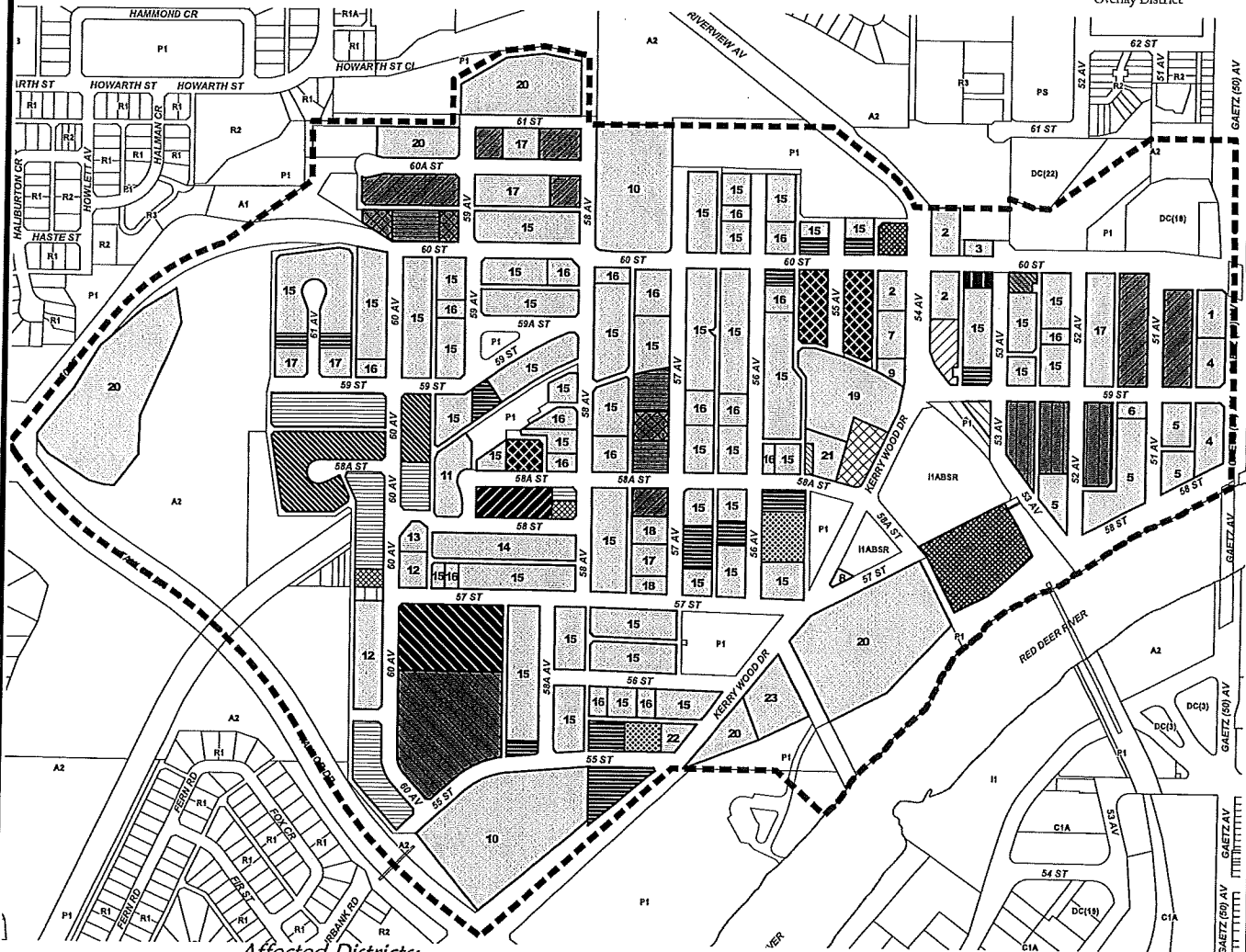
Yours truly,

Elaine Vincent
Legislative & Administrative Services Manager

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



LEGISLATIVE & ADMINISTRATIVE SERVICES

October 8, 2009

Dear Sir/Madam:

Re: Riverside Meadows Area Redevelopment Plan (ARP) Bylaw

Recently you received a letter from The City of Red Deer advising you that Red Deer City Council is considering a change to the Riverside Meadows Area Redevelopment Plan and the land use districts (zoning) within the neighbourhood. Following the distribution of the letter, a number of residents expressed some confusion with regard to the intent of the Plan and zoning and how it affects them. As a result, we would like to provide additional information. Enclosed for your information is the proposed Riverside Meadows Area Redevelopment Plan that is being considered by Council. It includes background on the purpose of the plan, the goals of the plan, and colour maps which illustrate the zoning changes proposed under the plan. In addition, we have included a larger, revised black and white map showing the specific land use district amendments and amendments to exceptions under the Land Use Bylaw which are being proposed for properties in Riverside Meadows. We are also including a question and answer page providing information related to commonly asked questions.

The proposed Riverside Meadows Area Redevelopment Plan works towards the community's vision for the neighbourhood and is the result of significant consultation with the Riverside Meadows Community Association and the public. An area redevelopment plan (ARP) is adopted by Council in the form of a bylaw. Going forward to Council in the future will be a community plan and a set of design guidelines that will support the ARP and provide more guidance for ongoing revitalization of the neighbourhood.

To implement the land use changes described in the ARP, amendments (zoning changes) are proposed to the Land Use Bylaw for some properties in Riverside Meadows. Council will consider both the adoption of the revised ARP and the amended land use districts (zoning) at their upcoming council meeting.

If you require additional information or clarification please contact the city planners at Parkland Community Planning Services at 403.343.3394.

over...

As a property owner in the area you have an opportunity to ask questions and to let Council know your views. City Council will hear from any person claiming to be affected by the proposed bylaw at a Public Hearing on Monday, October 19, 2009 at 6 p.m. in Council Chambers, 2nd floor City Hall. Council's Procedure Bylaw indicates that each presentation is limited to 10 minutes and any submission will be public information. For information on Council meeting processes please contact Legislative & Administrative Services at 403.342.8132.

Yours truly,

A handwritten signature in cursive script, appearing to read "Elaine Vincent". The signature is written in dark ink and is positioned below the "Yours truly," text.

Elaine Vincent
Legislative & Administrative Services Manager

FILE COPY



Council Decision – October 19, 2009

DATE: **October 20, 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:

Legislative & Administrative Services Manager, dated October 16, 2009.

Parkland Community Planning Services, dated October 2, 2009

Resolution:

“Resolved that Council of the City of Red Deer having considered the report from the Legislative & Administrative Services Manager, dated October 16, 2009, and Parkland Community Planning Services, dated October 2, 2009, re: Bylaw 3261/A-2009 Riverside Meadows Area Redevelopment Plan and Land Use Bylaw Amendment 3357/U-2009 hereby agrees to amend Bylaw 3261/A-2009 Riverside Meadows Area Redevelopment Plan as follows:

“Resolved that Council of the City of Red Deer having considered the report from the Legislative & Administrative Services Manager, dated October 16, 2009, and Parkland Community Planning Services, dated October 2, 2009, re: Bylaw 3261/A-2009 Riverside Meadows Area Redevelopment Plan and Land Use Bylaw Amendment 3357/U-2009 hereby agrees to amend Bylaw 3261/A-2009 Riverside Meadows Area Redevelopment Plan as follows:

1. Replace Pages 7 and 10 of Bylaw 3261/A-2009 Riverside Meadows Area Redevelopment Plan with the revised Pages 7 and 10, as submitted to Council on October 19, 2009.
2. Replace Pages 8 and 11 and Map 3 – Proposed Land Use Concept, of Bylaw 3261/A-2009 Riverside Meadows Area Redevelopment Plan with the revised

Pages 8 and 11 and Map 3 – Proposed Land Use Concept, as submitted to Council on October 19, 2009.”

MOTION CARRIED

“Resolved that Council of the City of Red Deer having considered the report from the Legislative & Administrative Services Manager, dated October 16, 2009 and Parkland Community Planning Services, dated October 2, 2009, re: Bylaw 3261/A-2009 Riverside Meadows Area Redevelopment Plan, Land Use Bylaw Amendment 3357/U-2009 and Riverside Meadows Community Plan and Residential Design Criteria, hereby amends the Riverside Meadows Community Plan and Residential Design Criteria by replacing page 36 with the revised page 36 as submitted to Council on October 19, 2009.”

MOTION CARRIED

“Resolved that Council of the City of Red Deer having considered the report from the Legislative & Administrative Services Manager, dated October 16, 2009 and Parkland Community Planning Services, dated October 2, 2009, re: Bylaw 3261/A-2009 Riverside Meadows Area Redevelopment Plan, Land Use Bylaw Amendment 3357/U-2009 and Riverside Meadows Community Plan and Residential Design Criteria, hereby adopts the revised Riverside Meadows Community Plan and Residential Design Criteria as a planning tool as submitted to Council on October 19, 2009.”

MOTION CARRIED

“Resolved that Council of the City of Red Deer having considered the report from the Legislative & Administrative Services Manager, dated October 16, 2009 and Parkland Community Planning Services, dated October 2, 2009, re: Bylaw 3261/A-2009 Riverside Meadows Area Redevelopment Plan, Land Use Bylaw Amendment 3357/U-2009 and Riverside Meadows Community Plan and Residential Design Criteria, hereby amends Land Use Bylaw amendment 3357/U-2009 as follows:

1. Removing from Item (4) Residential Redevelopment the following in its entirety:
 - (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.
- and renumbering the sections that follow accordingly.

2. Removing from Item (2) DC(13) Regulations – Table 8.4.1 DC (13 Regulations the following in its entirety.

Lot Depth	30 metre minimum
Frontage (lot width)	10 metres minimum
Lot Area	300 metres ² minimum
Landscaped area	minimum 35% of site area

3. Replacing Map 11/2009 with the revised Map 11/2009 as presented to Council on October 19, 2009."

MOTION CARRIED

Bylaw Readings:

At the Monday, September 21, 2009 Council Meeting Bylaw 3261 / A-2009 and Land Use Bylaw Amendment 3357 / U-2009 received first readings. At the Monday, October 5, 2009 Council Meeting, Bylaw 3261 / A-2009 and Land Use Bylaw Amendment 3357 / U-2009 received second and third readings. A copy of the bylaws are attached.

Report Back to Council: No

Comments/Actions:

Bylaw 3261 / A-2009 and Land Use Bylaw Amendment 3357 / U-2009 propose changes to the development of the Riverside Meadows Area.



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

FILE COPY

The City of Red Deer
Bylaw Readings

Moved by Councillor:

Veer

Seconded by Councillor:

(1st)
Watkinson-Zimmer
(2nd + 3rd) Mulder.

That Bylaw No. 3261/A-2009

BE READ A FIRST TIME IN OPEN COUNCIL this

21st day of September 2009.

BE READ A SECOND TIME IN OPEN COUNCIL this

19th day of October 2009.

BE READ A THIRD TIME IN OPEN COUNCIL this

19th day of October, 2009.

REMINDER FOR COUNCIL MEMBERS: YOU MUST BE IN ATTENDANCE AT ALL OR A PORTION OF THE PUBLIC HEARING IN ORDER TO PARTICIPATE IN DEBATE AND VOTE ON 2nd AND 3rd READINGS OF THIS BYLAW.

FILE COPY

The City of Red Deer
Bylaw Readings

Moved by Councillor: Muecke Seconded by Councillor: Wong

That Land Use Bylaw Amendment No. 3357/U-2009

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

BE READ A SECOND TIME IN OPEN COUNCIL this 19th day of Oct 2009.

BE READ A THIRD TIME IN OPEN COUNCIL this 19th day of Oct 2009.

REMINDER FOR COUNCIL MEMBERS: YOU MUST BE IN ATTENDANCE AT ALL OR A PORTION OF THE PUBLIC HEARING IN ORDER TO PARTICIPATE IN DEBATE AND VOTE ON 2nd AND 3rd READINGS OF THIS BYLAW.

Reports Item No. 1

RECREATION, PARKS & CULTURE

Document # 889976

DATE: October 6, 2009

TO: Elaine Vincent, Legislative and Administrative Services Manager

FROM: Greg Scott, Recreation, Parks & Culture Manager
Dave Matthews, Parks Planning & Technical Services Supervisor

SUBJECT: Heritage Ranch 2009 Concept Plan

BACKGROUND

Heritage Ranch was developed as one of the primary park nodes during the creation of the Waskasoo Park system in the early 1980's. In 2005, as part of the Waskasoo Park Special Gathering Places Study, recommendations were made to update the facilities and services at the Ranch; however, not all of the recommendations were supported by the public or City Council. As a result, the 2009 Heritage Ranch Concept Plan recommends a number of enhancements to the site, while maintaining those traditional features identified by the public as being important.

PLANNING SUMMARY

ISL Engineering & Land Services, the consultant responsible for completing the 2005 Waskasoo Park Special Gathering Places Study, was hired in the Spring of 2008 to revise the Heritage Ranch component of the Study as per public and City Council feedback.

As part of the process of completing the current version of the Heritage Ranch Concept Plan, a draft version was presented to the public at an open house held on September 23rd. Approximately 40 people attended. Fifteen attendees filled out the questionnaire that was provided and others indicated they would be submitting written comments by mail, email, or fax. Overall, comments were very positive. A summary of the results from the questionnaire have been included in the attached Heritage Ranch Concept Plan.

The current concept plan maintains the equestrian theme and activities at the site while encouraging more family participation. The primary enhancements to the park that are being proposed break into three categories:

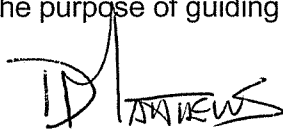
1. Park Enhancements including a regional playground, day use facilities, group use facilities, a Waskasoo Park Entry node feature, trail enhancements, and additional landscaping.
2. Site Servicing for Heritage Ranch and the Alberta Sports Hall of Fame Building including upgrading of the water and sanitary services to City standards (includes upgrading of both the Alberta Sports Hall of Fame and the Tourism Red Deer facility)

3. Heritage Ranch Buildings and Operational Improvements including, expansion and renovations of the existing Heritage Ranch Visitor Centre to help enhance program delivery, additional parking, and repairs and upgrades to the onsite operator's residence.

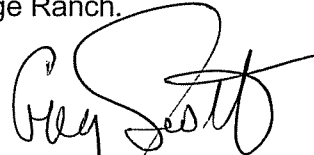
These enhancements are consistent with recommendations put forward in the 2005 Waskasoo Park Special Gathering Places Study, as well as the feedback and direction received from the public and City Council. A copy of the Heritage Ranch 2009 Concept Plan has been attached for your review.

RECOMMENDATION

That Red Deer City Council approves the Heritage Ranch 2009 Concept Plan as a planning tool for the purpose of guiding future development at Heritage Ranch.



Dave Matthews
Parks Planning & Technical Services Supervisor



Greg Scott
Recreation, Parks & Culture Manager

Attachment

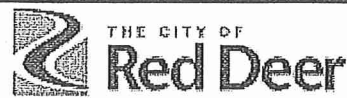
cc: Trevor Poth, Parks Superintendent
Kay Kenny, Recreation Superintendent
Steve Davison, Parks Amenities Supervisor
Deb Comfort, Neighbourhood Facilities & Community Development Supervisor
Jerry Hedlund, Projects Coordinator
Randy Heaps, ISL Engineering & Land Services

Comments:

We support the recommendation of Administration that the Heritage Ranch 2009 Concept Plan be approved as a planning tool subject to two issues out of scope: the highway access to link with the Tourism Board Office and the site servicing.

“Morris Flewwelling”
Mayor

“Craig Curtis”
City Manager



Request: Report for Inclusion on a Council Agenda

Requests to include a report on a Council Agenda must be received by 4:30pm on Monday (5 business days) prior to the scheduled meeting.

PLEASE NOTE: If reports are not received by Monday (5 business days) prior to the scheduled meeting/hearing the report may be moved to the next Agenda.

CONTACT INFORMATION			
Name of Report Writer:	Dave Matthews, Greg Scott		
Department & Telephone Number:	Recreation, Parks & Culture 403-314-5853, 403-342-8165		
REPORT INFORMATION			
Preferred Date of Agenda:	October 19, 2009		
Subject of the Report (provide a brief description)	Heritage Ranch 2009 Concept Plan		
Is this Time Sensitive? Why?	Yes. Budget Implications. Council presentation has been postponed for a number of months already.		
What is the Decision/Action required from Council?	Requesting Approval of the plan as a planning tool.		
Please describe Internal/ External Consultation, if any.	Internal Steering Committee. Involvement of Stakeholders. Public Open House.		
Is this a Committee of the Whole item?	No		
How does the Report link to the Strategic Plan?			
Goal: Be Authentic Distinctive Character: Create a sense of place and belonging that reflects community priorities and our vision while respecting future generations. Objective: #3 Ensure our recreation and culture facilities and programs are key elements defining our distinctive character and quality of life. #4 Ensure green spaces and park systems are core to our distinctive character.			
Has Legal Counsel been consulted? Are there any outstanding issues? Please describe.			
Yes. No direct outstanding issues, however servicing of the area is related to ongoing negotiations with residents along Cronquist Drive.			
Has Financial Services been consulted? Are there any budget implications? Please describe.			
Yes. No, not directly as this document is brought to Council to be approved as a planning tool only; however, if approved, the RPC Dept. will be requesting funding through its annual budget process to support implementation of the plan. There are 2010/2011 implementation dollars identified in the RPC capital budget.			
Presentation: (10 Min Max.)	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Presenter Name and Contact Information: Randy Heaps, ISL Consulting, 780-438-9000
COMMUNITY IMPACT			
Should External Stakeholder(s) be advised of the Agenda item? (e.i. Community Groups, Businesses, Community Associations) If Yes, please provide the Contact Information for the External Stakeholder(s)	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	
External Stakeholder(s) Contact Information: (please provide, name, mailing address, telephone number and e-mail address)			

LEGISLATIVE & ADMINISTRATIVE USE ONLY			
Has this been to SMT / Topics/ Committees: MPC, EAC, CPAC		(Please circle those that apply)	
SMT	Topics	Board(s) / Committee(s)	
When/describe: _____	When/Describe: _____	When/Describe: _____	
Do we need a Media Release?		<input type="checkbox"/> YES	<input type="checkbox"/> NO

Please return completed form, along with report and any additional information to Legislative & Administrative Services.



THE CITY OF
Red Deer

Request: Report for Inclusion on a Council Agenda

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Name of Report Writer:	Dave Matthews, Greg Scott		
Department & Telephone Number:	Recreation, Parks & Culture 403-314-5853, 403-342-8165		
REPORT INFORMATION			
Preferred Date of Agenda:	October 19, 2009		
Subject of the Report (provide a brief description)	Heritage Ranch 2009 Concept Plan		
Is this Time Sensitive? Why?	Yes. Budget Implications. Council presentation has been postponed for a number of months already.		
What is the Decision/Action required from Council?	Requesting Approval of the plan as a planning tool.		
Please describe Internal/ External Consultation, if any.	Internal Steering Committee. Involvement of Stakeholders. Public Open House.		
Is this a Committee of the Whole item?	No		
How does the Report link to the Strategic Plan?			
Goal: Be Authentic Distinctive Character: Create a sense of place and belonging that reflects community priorities and our vision while respecting future generations. Objective: #3 Ensure our recreation and culture facilities and programs are key elements defining our distinctive character and quality of life. #4 Ensure green spaces and park systems are core to our distinctive character.			
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Presentation: (10 Min Max.)	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Presenter Name and Contact Information: Randy Heaps, ISL Consulting, 780-438-9000
COMMUNITY IMPACT			
Should External Stakeholder(s) be advised of the Agenda item? (e.i. Community Groups, Businesses, Community Associations) If Yes, please provide the Contact Information for the External Stakeholder(s)	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	
External Stakeholder(s) Contact Information: (please provide, name, mailing address, telephone number and e-mail address)			

NOTE →

Kim Woods

From: Kim Woods
Sent: August 27, 2009 9:46 AM
To: Dave Matthews
Subject: Reviewing for September Council Meetings

BACKUP INFORMATION
NOT SUBMITTED TO COUNCIL

Hi Dave:

I was reviewing my folders for September Council meetings and noted that the Heritage Plan may be coming in September to Council. Is this still the plan? Any update you may provide me will help with planning.

Thank you,

Kim

Kim Woods

Council Services Coordinator

The City of Red Deer

Legislative & Administrative Services

Phone: 403.342.8201

Email: kim.woods@reddeer.ca

Website: www.reddeer.ca

Kim Woods

From: Elaine Vincent
Sent: July 21, 2009 12:33 PM
To: Kim Woods; Sanja Milinovic
Cc: Lorraine Poth
Subject: FW: Heritage Ranch

BACK UP INFORMATION
NOT SUBMITTED TO COUNCIL

For future council....

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: Dave Matthews
Sent: Tuesday, July 21, 2009 11:25 AM
To: Elaine Vincent
Cc: Colleen Jensen
Subject: RE: Heritage Ranch

Hi Elaine,
We won't be taking the plan to Council until at least September, as we still need to have a public open house - hopefully in early September, as long as the servicing issue with Riverview Park residents has been dealt with satisfactorily.
Thanks,
Dave M.

From: Elaine Vincent
Sent: July 21, 2009 11:19 AM
To: Dave Matthews
Cc: Colleen Jensen
Subject: Heritage Ranch

Did you want this on July 27th open council agenda or August 10th?

I would recommend the 10th as we need finance to review the budget implications but we can try and move forward if you need it sooner.

Would need report to Council by COB today if we want to pursue the 27th.

Let me know.

Thanks,

Elaine

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

Kim Woods

From: Elaine Vincent
Sent: September 01, 2009 8:56 AM
To: Kim Woods
Subject: FW: Q Report: La Plante site
Attachments: Riverside Meadows development

BACKUP INFORMATION
NOT SUBMITTED TO COUNCIL

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: Howard Thompson
Sent: Wednesday, August 26, 2009 6:56 PM
To: Craig Curtis
Cc: Elaine Vincent; Paul Goranson
Subject: RE: Q Report: La Plante site

Craig,
Please see attached email to Gord Bontje with dates, expectations, etc. We're expecting Gord to submit his new DP application by Sept. 8th at the latest to process through to MPC by the end of Sept. before Al's original DP expires. At some point Elaine says we need to approve the assignment in open council, possibly Sept. 21, so let me know if you have a preference for the order of when this happens. Please note that I'll be away at a conference/holiday from the 16th – 23rd.



Riverside Meadows
development ...

Howard Thompson
Land & Economic Development Manager
City of Red Deer
Ph. 403.342.8364
Fax 403.342.8260
www.reddeercorridor.com

From: Craig Curtis
Sent: August 26, 2009 11:19 AM
To: Howard Thompson
Cc: Elaine Vincent
Subject: FW: Q Report: La Plante site

When is this coming to Council?

From: Craig Curtis
Sent: July 14, 2009 6:18 AM
To: Paul Goranson

Kim Woods

From: Dave Matthews
Sent: August 28, 2009 2:10 PM
To: Kim Woods
Cc: Greg Scott; Trevor Poth
Subject: RE: Reviewing for September Council Meetings

BACKUP INFORMATION
NOT SUBMITTED TO COUNCIL

Hi Kim,

It's not likely that we will be going to Council in Sept, as we need to hold a public meeting prior to presenting to Council, and that has yet to be organized. Can you put us on the October 5th agenda and we'll aim at 3rd or 4th week of Sept for the public meeting.

Thanks,
Dave M.
5853

From: Kim Woods
Sent: August 27, 2009 9:46 AM
To: Dave Matthews
Subject: Reviewing for September Council Meetings

Hi Dave:

I was reviewing my folders for September Council meetings and noted that the Heritage Plan may be coming in September to Council. Is this still the plan? Any update you may provide me will help with planning.

Thank you,

Kim

Kim Woods

Council Services Coordinator
The City of Red Deer
Legislative & Administrative Services
Phone: 403.342.8201
Email: kim.woods@reddeer.ca
Website: www.reddeer.ca

Kim Woods

BACKUP INFORMATION
NOT SUBMITTED TO COUNCIL

From: Elaine Vincent
Sent: July 29, 2009 10:07 AM
To: Greg Scott
Cc: Trevor Poth; Dave Matthews; Colleen Jensen; Charity Dyke; Kim Woods
Subject: RE: Heritage Ranch Study Report to Council

Sorry for the delay in replying....

Have confirmed with Greg that we are fine with this approach. I apologize for not capturing correctly in the minutes, as both Craig and I missed the subtleties regarding the need for resolution of the servicing prior...

Thanks for clarifying.

Kim, this will likely be October before it can come back to Council.

Thanks everyone.

Elaine

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 24, 2009 7:53 AM
To: Elaine Vincent
Cc: Trevor Poth; Dave Matthews; Colleen Jensen; Charity Dyke
Subject: Heritage Ranch Study Report to Council

Hi Elaine,

I just wanted to confirm with you the process forward. It was my understanding that having been to Topics and sharing with Council the study and Riverview Drive servicing information, or lack thereof, our plan in moving forward was the following:

* finalize the servicing issues

* Organize two public meetings, back to back, one to discuss the servicing and one for the study. Take the feedback related to the study and modify the report if required then head back to Council for formal review and hopeful support.

Let me know if this works for you.

Greg Scott, Manager
Recreation, Parks and Culture
City of Red Deer
Box 5008, 4814-48 Ave.
Red Deer, AB T4N 3T4
403.342.8165
greg.scott@reddeer.ca
www.reddeer.ca



Legislative & Administrative Services

CONFIDENTIAL

DATE: July 21, 2009

TO: Colleen Jensen, Director of Community Services
Dave Matthews,

FROM: Elaine Vincent, Legislative & Administrative Services Manager

SUBJECT: July 20, 2009 City Manager's Topics for Discussion – Directives

REMINDER:

The following action item is for you to follow up on:

1. Heritage Ranch 2009 Concept Plan

City Manager's Directives: To be scheduled for open Council on either July 27th or August 10th.

Elaine Vincent
Manager

end Sept.

Christine Kenzie

From: Dave Matthews
Sent: September 28, 2009 2:46 PM
To: 'Randy Heaps'
Cc: Christine Kenzie
Subject: RE: Heritage Ranch Council Date

BACKUP INFORMATION
NOT SUBMITTED TO COUNCIL

Thanks Randy,
Dave

From: Randy Heaps [mailto:rheaps@islengineering.com]
Sent: September 28, 2009 2:43 PM
To: Dave Matthews
Subject: RE: Heritage Ranch Council Date

Dave,

Since we are adding and appendix with the comments I think it is easiest just to do up the report rather than creating a separate Exec summary report. We will prepare the 40 copies of the report.

Randy

Randy Heaps, CSLA, LEED® AP | Landscape Architect / Manager, Edmonton Office
ISL Engineering and Land Services Ltd.

From: Dave Matthews [mailto:Dave.Matthews@reddeer.ca]
Sent: Monday, September 28, 2009 11:55 AM
To: Randy Heaps
Subject: RE: Heritage Ranch Council Date

Randy,
Council items are due 1 week prior to Council meetings, but because of Thanksgiving I will need the report by Friday, October 9th. Hopefully this provides you with enough time. Can you please include the summary of the comments from the Public meeting as an Appendix in the report. I don't think Council needs the entire report, but because it's not that long I will leave it to you to decide whether you provide copies of the full report or if it would be easier or more appropriate to submit a executive summary to Council and just have a few copies of the full report available for anyone who wished to review it. What ever you decide, we will need 40 copies (if it's the executive summary, we will also need 10 copies of the full report). We can also do this in house if that would be easier and cheaper.

I will complete a Council report as well, which you will get a copy of prior to the Council meeting.

Give me a call if you would like to discuss.

Thanks,

Dave
403-314-5853

From: Randy Heaps [mailto:rheaps@islengineering.com]

2009/09/28

Sent: September 25, 2009 10:13 AM
To: Dave Matthews
Cc: Deb Comfort; Dan Parker
Subject: RE: Heritage Ranch Council Date

Dave,

Yes that would work – what are we sending to Council – the report? How many copies and when do you need them in advance of the 19th?

Attached are the summarized comments from the Open House – we can add additional comments as we receive them. Key things that we heard:

- Add a gate so that there is access to one small parking lot after hours
- Link to ft normandeua for horses
- Add a warm up hut in the lower lands for x-country skiing
- Trail signage to be improved

Also to be addressed still as requested from our SMT presentation

- Group 2 to determine cost of removing the columns from the main meeting room

Anything else that you heard that we should perhaps include??

Randy

Randy Heaps, CSLA, LEED® AP | Landscape Architect / Manager, Edmonton Office
ISL Engineering and Land Services Ltd.

From: Dave Matthews [mailto:Dave.Matthews@reddeer.ca]
Sent: Thursday, September 24, 2009 3:15 PM
To: Randy Heaps
Subject: Heritage Ranch Council Date

Hi Randy,

I think we need to push the Council meeting to October 19th, as we require all info to be prepared and submitted by this coming Tuesday morning at the latest in order to make the October 5th, and I've had some inquiries since our meeting last night, including requests to still provide comments. Would this new date work for you?

Thanks,

Dave Matthews

Parks Planning & Technical Services Supervisor

Recreation, Parks & Culture Department

City of Red Deer

Phone: 403-314-5853

2009/09/28

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

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FILE COPY



Council Decision – October 19, 2009

DATE: October 20, 2009

TO: **Greg Scott, Recreations Parks & Culture Manager**
Dave Matthews, Parks Planning & Technical Services Supervisor

FROM: Elaine Vincent, Legislative & Administrative Services Manager

SUBJECT: Heritage Ranch 2009 Concept Plan

Reference Report:

Recreation Parks & Culture Manager and Parks Planning & Technical Services Supervisor,
dated October 6, 2009

Resolution:

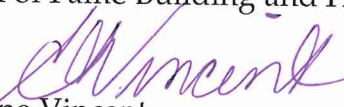
"Resolved that Council of the City of Red Deer having considered the report from the Recreation, Parks & Culture Manager and Parks Planning & Technical Services Supervisor, dated October 6, 2009, re: Heritage Ranch 2009 Concept Plan, hereby approves the Heritage Ranch 2009 Concept Plan, as presented to Council on October 19, 2009, as a planning tool for the purpose of guiding future development at Heritage Ranch."

MOTION CARRIED

Report Back to Council: No

Comments/Actions:

The current concept plan maintains the equestrian theme and activities at the site while encouraging more family participation. The primary enhancements to the park that are being proposed are: Park Enhancements, Site Servicing for Heritage Ranch and the Alberta Sports Hall of Fame Building and Heritage Ranch Buildings and Operational Improvements.


Elaine Vincent
Legislative and Administrative Services Manager

cc: Director of Community Services
Parks Superintendent
Recreation Superintendent
Parks Amenities Supervisor
Projects Coordinator

Neighbourhood Facilities & Community
Development Supervisor

Reports Item No. 2

Date: October 9, 2009

To: Elaine Vincent, Legislative and Administrative Services Manager

From: Janet Whitesell, Waste Management Superintendent
Tom Warder, Environmental Services Manager

Re: Waste Management Facility - Aggregate Recycling Pad

Background

The Aggregate Recycling Pad was initiated to provide an alternative to disposal for inert items such as concrete, asphalt and dirt. This material was previously disposed of in Riverside Industrial where fill was required to stabilize the river escarpment. This slope stabilization project will be completed in 2009, requiring an alternate disposal location.

The Aggregate Recycling Pad capital project consists of constructing a pad at the Waste Management Facility which will be used to store concrete, asphalt and dirt generated by City construction projects until it can be recycled. The concrete and asphalt will be crushed and the crushed material can be used in place of new gravel in some City construction projects.

We are also expanding the Salvage Pad at the Waste Management Facility in 2009, to provide additional space to divert materials such as drywall. Though the Salvage Pad Expansion is a separate capital project it was tendered with the Aggregate Recycling Pad for efficiency.

Discussion

The impending closure of the slope stabilization project made it necessary for the Aggregate Recycling Pad to be constructed this year. The alternative was disposing of this material in the landfill, which would have a significant cost implication to City construction projects. Additionally, disposing of inert and recyclable materials in the landfill would not be a good use of landfill capacity.

We are proceeding with the construction of the Aggregate Recycling Pad, however due to budget constraints some components of the work had been removed, such as fencing and surfacing the pad with asphalt millings. In order for the Aggregate Recycling Pad to more fully meet our needs, these items should

October 9, 2009
Legislative & Administrative Services Manager
Page 2 of 2

be completed. The additional cost of these items totals \$100,000, which can be funded from the Salvage Pad Expansion project, since its tender price was approximately \$100,000 under budget.

Recommendation

We respectfully request that Council approve the transfer of \$100,000 from the Salvage Pad Expansion capital job to fund the additional costs to construct the Aggregate Recycling Pad.



Tom Warder, P. Eng.
Environmental Services Manager

Janet Whitesell, P. Eng.
Waste Management Superintendent

- c. Director of Development Services
Financial Services Manager

Comments:

We support the recommendation of Administration.

“Morris Flewwelling”
Mayor

“Craig Curtis”
City Manager

ORIGINAL



Date: October 9, 2009

To: Elaine Vincent, Legislative and Administrative Services Manager

From: Janet Whitesell, Waste Management Superintendent
Tom Warder, Environmental Services Manager

Re: Waste Management Facility - Aggregate Recycling Pad

Background

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We are also expanding the Salvage Pad at the Waste Management Facility in 2009, to provide additional space to divert materials such as drywall. Though the Salvage Pad Expansion is a separate capital project it was tendered with the Aggregate Recycling Pad for efficiency.

Discussion

The impending closure of the slope stabilization project made it necessary for the Aggregate Recycling Pad to be constructed this year. The alternative was disposing of this material in the landfill, which would have a significant cost implication to City construction projects. Additionally, disposing of inert and recyclable materials in the landfill would not be a good use of landfill capacity.

We are proceeding with the construction of the Aggregate Recycling Pad, however due to budget constraints some components of the work had been removed, such as fencing and surfacing the pad with asphalt millings. In order for the Aggregate Recycling Pad to more fully meet our needs, these items should

be completed. The additional cost of these items totals \$100,000, which can be funded from the Salvage Pad Expansion project, since its tender price was approximately \$100,000 under budget.

Recommendation

We respectfully request that Council approve the transfer of \$100,000 from the Salvage Pad Expansion capital job to fund the additional costs to construct the Aggregate Recycling Pad.



Tom Warder, P. Eng.
Environmental Services Manager

Janet Whitesell, P. Eng.
Waste Management Superintendent

- c. Director of Development Services
 Financial Services Manager



Request: Report for Inclusion on a Council Agenda

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PLEASE NOTE: If reports are not received by Monday (5 business days) prior to the scheduled meeting/hearing the report may be moved to the next Agenda.

CONTACT INFORMATION			
Name of Report Writer:	Janet Whitesell		
Department & Telephone Number:	Environmental Services, 314-5877		
REPORT INFORMATION			
Preferred Date of Agenda:	Oct 19, 2009		
Subject of the Report (provide a brief description)	Funding transfer between capital projects, for Aggregate Recycling Pad at the Waste Management Facility		
Is this Time Sensitive? Why?	Yes, construction schedules		
What is the Decision/Action required from Council?	Approve funding transfer		
Please describe Internal/ External Consultation, if any.	n/a		
Is this a Committee of the Whole item?	No		
How does the Report link to the Strategic Plan?			
The Aggregate Recycling Pad will allow recycling of construction materials (concrete, asphalt, dirt) from City construction projects, increasing the sustainability of City construction and extending the life of the landfill.			
Has Legal Counsel been consulted? Are there any outstanding issues? Please describe.			
n/a			
Has Financial Services been consulted? Are there any budget implications? Please describe.			
Transfer of funds within Waste Management Utility – no net funding impact to utility, reserves or tax base.			
Presentation: (10 Min Max.)		<input type="checkbox"/> NO	Presenter Name and Contact Information:
COMMUNITY IMPACT			
Should External Stakeholder(s) be advised of the Agenda item? (e.i. Community Groups, Businesses, Community Associations) If Yes, please provide the Contact Information for the External Stakeholder(s)			<input type="checkbox"/> NO
External Stakeholder(s) Contact Information: (please provide, name, mailing address, telephone number and e-mail address)			
LEGISLATIVE & ADMINISTRATIVE USE ONLY			
Has this been to SMT / Topics/ Committees: MPC, EAC, CPAC			(Please circle those that apply)
SMT	Topics	Board(s) / Committee(s)	
When/describe: _____	When/Describe: _____	When/Describe: _____	
Do we need Communications Support?		<input type="checkbox"/> YES	<input type="checkbox"/> NO

Please return completed form, along with report and any additional information to Legislative & Administrative Services.

Christine Kenzie

To: Elaine Vincent
Subject: FW: Council Item

Attachments: Council - Aggregate Pad.doc; Aggregate Pad - agenda.DOC

For your information....

Christine Kenzie
Council Services Coordinator

BACKUP INFORMATION
NOT SUBMITTED TO COUNCIL

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

From: Leita Kelly
Sent: October 13, 2009 9:29 AM
To: Christine Kenzie
Cc: Janet Whitesell; Dean Krejci; Mary Bovair
Subject: FW: Council Item

Hi Christine,

I have been asked to review the request for a transfer of funds from the Salvage Pad Expansion Project to the Aggregate Recycling Pad Project (attachments below).

Because the amount that is being requested for transfer exceeds 10 percent of the approved budget from the Salvage Pad Expansion project, the approval may not be done by the City Manager and must go to Council for approval.

We have reviewed the request and FS is in agreement with the transfer.

Have a great day,

Leita Kelly
City of Red Deer
Capital Asset Accountant
Phone: 403-342-8205
E-mail: leita.kelly@reddeer.ca

From: Dean Krejci
Sent: October 09, 2009 7:56 PM
To: Leita Kelly
Subject: FW: Council Item

Leita,

Please have a look at this and determine if it can be done by a City Manager approval as opposed to having to go to Council. If it does have to go to Council then make sure the transfer makes sense and advise LAS if FS is in agreement or not. Thanks.

Dean
8204

From: Brenda Moore
Sent: October 09, 2009 10:55 AM
To: Elaine Vincent; Dean Krejci
Subject: Council Item

Tom Warder asked me to send these to you electronically. The paper copies are in today's mail.

Brenda Moore, Relief Clerk
Environmental Services
403-342-8750



Council - Aggregate Pad.doc (7...



Aggregate Pad - agenda.DOC (64...

FILE COPY



Council Decision – October 19, 2009

DATE: October 20, 2009
TO: Janet Whitesell, Waste Management Superintendent
Tom Warder, Environmental Services Manager
FROM: Elaine Vincent, Legislative & Administrative Services Manager
SUBJECT: Waste Management Facility – Aggregate Recycling Pad

Reference Report:

Waste Management Superintendent and Environmental Services Manager, dated October 9, 2009

Resolution:

“Resolved that Council of the City of Red Deer having considered the report from the Waste Management Superintendent and the Environmental Services Manager, dated October 9, 2009 re: Waste Management Facility – Aggregate Recycling Pad, hereby approves the transfer of \$100,000 from the Salvage Pad Expansion capital job to fund the additional costs to construct the Aggregate Recycling Pad.”

MOTION CARRIED

Report Back to Council: No

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

Elaine Vincent
Legislative and Administrative Services Manager

cc: Director of Development Services
Financial Services Manager



DATE: October 16, 2009

TO: City Council

FROM: Elaine Vincent, Legislative & Administrative Services Manager

SUBJECT: Re-commencement of Expropriation

Council is being asked to consider the following resolution:

"WHEREAS Council for the City of Red Deer previously authorized the taking by way of expropriation of certain portions of the Lands legally described as:

Plan 8622248
Block A
Excepting Thereout All Mines and Minerals
Area 2.61 hectares (6.45 acres) more or less
(the "said Lands")

AND WHEREAS the owner of the said Lands has filed an objection to the proposed taking on the basis that the City should acquire the remainder of the said Lands;

THEREFORE, pursuant to its authority under the *Municipal Government Act* and the *Expropriation Act*, and in addition to the areas of land previously approved for expropriation, Council for the City of Red Deer further resolves to take by way of expropriation, an interest in fee simple in all of the said Lands.

City Administration is hereby authorized to comply with all necessary steps required under the *Municipal Government Act* and the *Expropriation Act*, including the issuance of an amended Notice of Intention to Expropriate, if required."

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

Elaine Vincent
Manager

Christine Kenzie

From: Nick Riebeek
Sent: October 02, 2009 12:00 PM
To: Elaine Vincent; Ken Haslop; Craig Curtis
Cc: Don Simpson; Michelle Baer; Jennifer Carver; Frieda McDougall; Christine Kenzie
Subject: RE: EXPROPRIATION OF GARY NORTHY PROPERTY

It isn't that urgent so the next council meeting would be fine from my point of view.

thank you

Nick Riebeek

Chapman Riebeek LLP
Barristers & Solicitors
300, 4808 Ross Street
Red Deer, Alberta
T4N 1X5
Phone: (403) 346-6603
Fax: (403) 340-128
Nick.Riebeek@reddeer.ca

From: Elaine Vincent
Sent: Thu 2009/10/01 4:39 PM
To: Nick Riebeek; Ken Haslop; Craig Curtis
Cc: Don Simpson; Michelle Baer; Jennifer Carver; Frieda McDougall; Christine Kenzie
Subject: RE: EXPROPRIATION OF GARY NORTHY PROPERTY

If its not critical Nick, could I recommend my preference of placing it on the October 5th council agenda... We have agenda out for next week already.

If from a time perspective it is urgent let me know and I can have it placed as an additional agenda item tomorrow.

Let me know your urgency.

Thanks,

Elaine

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

2009/10/05

From: Nick Riebeek
Sent: Thursday, October 01, 2009 10:02 AM
To: Ken Haslop; Elaine Vincent; Craig Curtis
Cc: Don Simpson; Michelle Baer; Jennifer Carver
Subject: EXPROPRIATION OF GARY NORTHY PROPERTY

Hello Everyone,

Now that we appear to have concluded the expropriation of the Doris Northey land (subject to land title confirmation of transfer to the City and of course compensation issues) I would like to proceed with the Gary Northey portion.

This will proceed on a Sec.30 basis, i.e. by agreement on the taking, but we need to re-commence the process given that we are now taking the entirety of the titled land.

I can have the Notice of Intention and Resolution for Council ready for the meeting on Monday, would this work for everyone or is the preference for the following Council meeting?

It is a very short item, but I am not certain how critical the extra two weeks is or how this would fit for Monday.

Please advise

thank you

Nick Riebeek

Chapman Riebeek LLP
Barristers & Solicitors
300, 4808 Ross Street
Red Deer, Alberta
T4N 1X5
Phone: (403) 346-6603
Fax: (403) 340-128
Nick.Riebeek@reddeer.ca

DATE: October 20, 2009
TO: City Solicitor
FROM: Elaine Vincent, Legislative & Administrative Services Manager
SUBJECT: Recommencement of Expropriation – Garry Northey

Reference Report:

Legislative & Administrative Services Manager, dated October 16, 2009

Resolution:

WHEREAS Council for the City of Red Deer previously authorized the taking by way of expropriation of certain portions of the Lands legally described as:

Plan 8622248
Block A
Excepting Thereout All Mines and Minerals
Area 2.61 hectares (6.45 acres) more or less
(the "said Lands")

AND WHEREAS the owner of the said Lands has filed an objection to the proposed taking on the basis that the City should acquire the remainder of the said Lands;

THEREFORE, pursuant to its authority under the *Municipal Government Act* and the *Expropriation Act*, and in addition to the areas of land previously approved for expropriation, Council for the City of Red Deer further resolves to take by way of expropriation, an interest in fee simple in all of the said Lands.

City Administration is hereby authorized to comply with all necessary steps required under the *Municipal Government Act* and the *Expropriation Act*, including the issuance of an amended Notice of Intention to Expropriate, if required"

MOTION CARRIED

Report Back to Council: No

Comments/Action:

Attached is a signed copy of the Notice of Intention to Expropriate.

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

Elaine Vincent
Legislative and Administrative Services Manager
/attach.

cc: Director of Development Services

THE EXPROPRIATION ACT
R.S.A. 2000, CHAPTER E-13
(Section 8)

"Be it resolved that:

WHEREAS Council for the City of Red Deer previously authorized the taking by way of expropriation of certain portions of the Lands legally described as:

Plan 8622248
Block A
Excepting Thereout All Mines and Minerals
Area 2.61 hectares (6.45 acres) more or less
(the "said Lands")

AND WHEREAS the owner of the said Lands has filed an objection to the proposed taking on the basis that the City should acquire the remainder of the said Lands;


THEREFORE, pursuant to its authority under the *Municipal Government Act* and the *Expropriation Act*, and in addition to the areas of land previously approved for expropriation, Council for the City of Red Deer further resolves to take by way of expropriation, an interest in fee simple in all of the said Lands.

City Administration is hereby authorized to comply with all necessary steps required under the *Municipal Government Act* and the *Expropriation Act*, including the issuance of an amended Notice of Intention to Expropriate, if required."

Motion Carried

The City of Red Deer

Per:


City Clerk (c/s)

THE EXPROPRIATION ACT
RSA 2000, Ch. E-13
(Section 8)

NOTICE OF INTENTION TO EXPROPRIATE

1. TAKE NOTICE that the City of Red Deer as expropriating authority intends to expropriate all of the lands legally described as:

Plan 8622248
Block A
Excepting Thereout All Mines and Minerals
Area 2.61 hectares (6.45 acres) more or less
2. The nature of the interest in the lands intended to be expropriated is: **fee simple**
3. The work or purpose for which the interest in the land is required is:
 - (i) for road in connection with the construction of the extension of Northlands Drive, including approaches and area for berms; and
 - (ii) to accommodate utility trunk services for the East Hill.
4. Section 6 of the Act provides that:

“6(1) No person may in any proceedings under this Act dispute the right of an expropriating authority to have recourse to expropriate.

(2) In any proceedings under this Act the owner may question whether the taking of the land, or the estate or interest in it, is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority.”
5. Section 10 of the Act provides that:

“10(1) An owner who desires an inquiry shall serve the approving authority with a notice of objection,

(a) in the case of an owner served in accordance with section 8(2), within 21 days after service on the owner of the notice of intention; and

(b) in any other case, within 21 days after the first publication of the notice of intention

(2) The notice of objection shall state

- (a) the name and address of the person objecting;
 - (b) the nature of the objection;
 - (c) the grounds on which the objection is based; and
 - (d) the nature of the interest of the person objecting.”
6. A person affected by the proposed expropriation does not need to serve an objection to the expropriating authority in order to preserve his right to have the amount of compensation payable determined by the Land Compensation Board or the Court, as the case may be.
7. The approving authority with respect to this expropriation is the Council of the City of Red Deer, City Hall, P.O. Box 5008, Red Deer, Alberta, T4N 3T4

Dated at the City of Red Deer, Alberta this ____ day of October, 2009

THE CITY OF RED DEER

Per: _____

City Clerk

(c/s)



COMMUNITY SERVICES

DATE: October 8, 2009

TO: Elaine Vincent, Legislative and Administrative Services Manager

FROM: Colleen Jensen, Director of Community Services
Paul Goranson, Director of Development Services

SUBJECT: East Hill Town Centre

BACKGROUND

With the commencement of development in the Timberlands/Clearview North subdivisions consideration has been given to proposals for the development of C5 and C6 Town Centre districts within these areas. Since first contemplated in the Neighbourhood Area Structure Plans, the overall economic environment and anticipated development for these areas has changed.

Responding to the changing environment, Red Deer City Council at its meeting of September 8, 2009 withdrew consideration of the bylaw amendment for the proposed C5 and C6 Town Centre districts for Timberlands/Clearview North in the East Hill area.

DISCUSSION

When the original Town Centre vision was developed it was based in part on a market analysis concerning commercial opportunities and needs in Red Deer. Because of current market changes further analysis is important prior to moving forward with the work that will be necessary for the East Hill Town Centre site.

Council has indicated a desire to revisit the original vision and do some further work to ensure that what is prepared for the East Hill Town Centre site meets current and future needs.

RECOMMENDATION

It is recommended that Council for The City of Red Deer:

1. Direct administration to initiate the update of the commercial market analysis completed with respect to the demand and need for commercial land in Red Deer. This will include looking at the need for commercial land, the types of commercial lands potentially required and recommendations as to locations in the city where commercial might be needed. Impact on commercial land in the rest of the city should also be considered.

2. Further, that subsequent to the completion of the commercial market analysis, administration be directed to prepare for a workshop to determine the overall philosophy and principles to support a future direction for the current Town Centre site particularly related to commercial development and to determine if further detailed visioning will be required before preparation of a new bylaw amendment.
3. Approve the expenditure of \$75,000 for the updated market analysis with the funding sources allocated as follows:
 - \$25,000 from the PCPS Dividend Fund
 - \$25,000 from the Land Bank
 - \$25,000 from the GDAP Fund

Colleen Jensen
Director of Community Services

Paul Goranson
Director of Development Services

cc: Nancy Hackett, PCPS
Emily Damberger, PCPS
Tony Lindhout, PCPS
Howard Thompson, Land and Economic Development

Comments:

We support the recommendation of Administration. As this affects private developers as well as The City, we recommend moving as quickly as possible to resolve all outstanding issues on this site.

“Morris Flewwelling”
Mayor

“Craig Curtis”
City Manager



Request: Report for Inclusion on a Council Agenda

Requests to include a report on a Council Agenda must be received by 4:30pm on Monday (5 business days) prior to the scheduled meeting.

PLEASE NOTE: If reports are not received by Monday (5 business days) prior to the scheduled meeting/hearing the report may be moved to the next Agenda.

CONTACT INFORMATION			
Name of Report Writer:	Colleen Jensen and Paul Goranson		
Department & Telephone Number:	Community Services (8323) and Development Services (8162)		
REPORT INFORMATION			
Preferred Date of Agenda:	October 19, 2009		
Subject of the Report (provide a brief description)	East Hill Town Centre		
Is this Time Sensitive? Why?	Yes. Council's Directive		
What is the Decision/Action required from Council?	Approval of recommendation		
Please describe Internal/ External Consultation, if any.	None		
Is this a Committee of the Whole item?	No		
How does the Report link to the Strategic Plan?			
N/A			
Has Legal Counsel been consulted? Are there any outstanding issues? Please describe.			
See Previous CoW			
Has Financial Services been consulted? Are there any budget implications? Please describe.			
N/A			
Presentation: (10 Min Max.)	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	Presenter Name and Contact Information:
COMMUNITY IMPACT			
Should External Stakeholder(s) be advised of the Agenda item? (e.i. Community Groups, Businesses, Community Associations) If Yes, please provide the Contact Information for the External Stakeholder(s)		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
External Stakeholder(s) Contact Information: (please provide, name, mailing address, telephone number and e-mail address)			
Guy Pelltier – Melcor – 403-343-0817			
LEGISLATIVE & ADMINISTRATIVE USE ONLY			
Has this been to SMT / Topics/ Committees: MPC, EAC, CPAC		(Please circle those that apply)	
SMT	Topics	Board(s) / Committee(s)	
When/describe: _____	When/Describe: _____	When/Describe: _____	
Do we need a Media Release?		<input type="checkbox"/> YES	<input type="checkbox"/> NO

Please return completed form, along with report and any additional information to Legislative & Administrative Services.

Christine Kenzie

From: Elaine Vincent
Sent: October 14, 2009 9:56 AM
To: Christine Kenzie
Subject: FW: East Hill Towne Centre

BACKUP INFORMATION
NOT SUBMITTED TO COUNCIL

Can you update report from Colleen as per below.....

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: Elaine Vincent
Sent: Wednesday, October 14, 2009 7:11 AM
To: Dean Krejci
Subject: FW: East Hill Towne Centre

Looks like we will need to look into this fairly quickly.... It is for Monday's council meeting and we are needing to finalize agenda today.... Sorry Dean.

Elaine

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: Craig Curtis
Sent: Wednesday, October 14, 2009 6:44 AM
To: Colleen Jensen
Cc: Paul Goranson; Lorraine Poth; Elaine Vincent
Subject: RE: East Hill Towne Centre

I agree.Good suggestion.
Craig

From: Colleen Jensen
Sent: October 13, 2009 2:53 PM
To: Craig Curtis
Cc: Paul Goranson
Subject: FW: East Hill Towne Centre

Please see below....what is your suggestion? I am fine with Paul's approach.
cj

From: Paul Goranson
Sent: October 13, 2009 2:40 PM
To: Colleen Jensen
Cc: Craig Curtis; Howard Thompson; Linda Rehn
Subject: RE: East Hill Towne Centre

Colleen,

It could likely be from three sources as they will all be using the results from the study:

- City planning as a whole: PCPS dividend
- Timberlands Towne Centre: Land Bank
- Riverlands - GDAP, for commercial market portion of ARP.

If we went \$25 k from each that would make sense to me.

Craig, would have to approve the use of the GDAP fund.

Paul A. Goranson, P.Eng., MBA
Director of Development Services

403-342-8162
paul.goranson@reddeer.ca

From: Colleen Jensen
Sent: October 13, 2009 2:19 PM
To: Paul Goranson
Subject: FW: East Hill Towne Centre

Any thoughts Paul? Does Howard have any from Land Bank? We could probably use some from the PCPS Dividend. We are going to be asking for \$42,000 from there to finish the River Valley and Tributaries Plan. There is about \$224,000 in there. I would not want to totally deplete the reserve.
cj

From: Elaine Vincent
Sent: October 13, 2009 11:24 AM
To: Paul Goranson; Colleen Jensen
Cc: Howard Thompson; Christine Kenzie
Subject: East Hill Towne Centre

Reviewed the report at agenda prep. For the second part of the resolution, we need to identify the source of funds for the \$75,000 commercial market analysis/study.

Have you identified a source of funds? Can you let me know so we can amend the wording... thanks.

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

Christine Kenzie

From: Elaine Vincent
Sent: September 22, 2009 1:07 PM
To: Frieda McDougall; Christine Kenzie
Subject: FW: towne centre

BACKUP INFORMATION
NOT SUBMITTED TO COUNCIL

Has implications for future council meetings...

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

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

From: Howard Thompson
Sent: Tuesday, September 22, 2009 12:20 PM
To: Colleen Jensen; Craig Curtis; Paul Goranson; Nancy Hackett; Tony Lindhout
Cc: Nick Riebeek; Elaine Vincent; Arminnie Good
Subject: RE: towne centre

Colleen

Who is responsible for moving task 2 forward and how funded?
Howard

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

From: "Colleen Jensen" <Colleen.Jensen@reddeer.ca>
To: "Craig Curtis" <Craig.Curtis@reddeer.ca>; "Paul Goranson" <Paul.Goranson@reddeer.ca>;
"Howard Thompson" <Howard.Thompson@reddeer.ca>; "Nancy Hackett"
<Nancy.Hackett@pcps.ab.ca>; "Tony Lindhout" <Tony.Lindhout@pcps.ab.ca>
Cc: "Nick Riebeek" <Nick.Riebeek@reddeer.ca>; "Elaine Vincent" <Elaine.Vincent@reddeer.ca>
Sent: 21/09/2009 12:03 PM
Subject: towne centre

Hi all.

In terms of the Towne Centre, as follow up to the meeting that Craig, Paul and I had last Friday morning, I want to clarify my understanding of the proposed process from here.

1. Initiate a meeting between Morris and Craig and Melcor to discuss the situation and the process to date. Craig's email will serve as the foundation for that discussion, with re-building of relationships being very important. We need to try and get them to continue to work with us, rather than put forward a zoning application on their own. PCPS had requested to be part of the meeting, however, I am not sure Craig and Morris' thoughts on this. The meeting needs to happen ASAP.
2. Initiate the update of the market analysis that had previously been completed with respect to the need for commercial land and development opportunities in Red Deer. This will include not only looking generally at the need for commercial, but also at what type of commercial is lacking (or too much of) and also locations of the city that might be lacking (or saturated). The whole environment has changed with the completion of the GDAP, Riverlands work. Southpoint Junction and Gasoline Alley. This needs to happen ASAP.
3. Nancy Hackett and Emily Damberger have prepared a report that will be put on the October 5 Committee of the Whole Agenda, as it will have legal opinion discussion concerning our process to date and a go forward basis.
4. Paul and Colleen to prepare a brief report for the Oct 19 open Council agenda that will lay out the process from here. This will be based on the above discussions, but will likely be two steps, with Step One being a meeting of Council to determine the overall philosophy of what we want for that commercial site. Step One will not occur until the market analysis is complete. Step 2 will be determined once, step one is complete as we are not sure at this time if we need more visioning or not.

I hope this reflects what our discussion was Craig...let me know if you agree.
cj



DATE: October 9, 2009

TO: City Council

FROM: Legislative & Administrative Services Manager

SUBJECT: New Committees Bylaw No. 3431/2009
Appeal Board Roles / Addition of New Committees

Background

Council directed administration to amend the Committees Bylaw to more clearly articulate appeal processes under various City bylaws. Additionally, recommendations were presented for the addition of a number of new committees as well as some changes to existing committees. As these changes would result in a significant rewrite of the bylaw, a new bylaw has been drafted for Council's consideration. The report as follows provides discussion/recommendations in two parts: Appeal Board Changes and Other Committee Changes.

Appeal Board Changes

The City currently has three appeal boards: the Assessment Review Board, the Drinking Establishment Licensing Bylaw Appeal Committee, and the Subdivision & Development Appeal / Licensing Appeal Board.

The Assessment Review Board is mandated under the Municipal Government Act to hear appeals on property assessments. Procedures for submitting appeals and conducting hearings are outlined in the regulations and are distinct from other appeal processes.

The Drinking Establishment Licensing Bylaw Appeal Committee was established in 2001 and has heard only one appeal since its inception. Its purpose is to hear appeals under the Drinking Establishment Licensing Bylaw and its appeal processes were established to parallel those of the Subdivision & Development Appeal Board.

The Subdivision & Development Appeal / Licensing Appeal Board conducts between eight and 12 hearings each year relating to subdivision or development decisions. In 2008 its mandate was expanded to include appeals under the License Bylaw but to date no appeals have been heard.

In addition to the above noted formal appeal boards, The City has many bylaws that include appeal processes. These are:

- Alarm Bylaw
- Committees Bylaw
- Dog Bylaw
- Drinking Establishment Licensing Bylaw
- Escort Services Bylaw
- Firearms Bylaw
- Land Use Bylaw
- License Bylaw
- Limousine & Sedan Bylaw
- Procedures Bylaw
- Taxi Bylaw
- Utility Bylaw

It is important to note that while the appeal processes are available within these bylaws, in very few instances are appeals ever filed. However, the ability to appeal a decision is an important right of citizens.

Issues

In examining the processes for appeal outlined in each of the bylaws it was noted that some appeals needed to be commenced within 14 days while others were within 30 days, some stipulated appeal to the City Manager and others to Council, some required a decision be made within 30 days and some had no timeline at all for the rendering of a decision.

An important consideration in these appeal processes is that Council was the originator of the legislation under appeal, and then in many instances is the body to rule on an appeal. Moving the appeal processes to an appointed board distances the decision-making body (Council) from the appeal process.

Council therefore provided direction to administration specifically in regards to creation of an 'Appeals & Review Board' that would be mandated to include a variety of appeal processes identified in multiple City bylaws.

Impacts

In order for one appeal board to respond to various appeals as identified above, each bylaw will require amendment, as follows:

- The Committees Bylaw will be repealed in its current format and a new bylaw created to:
 - delete the Assessment Review Board and create an Assessment Review Board Bylaw
 - delete the Drinking Establishment Licensing Bylaw Appeal Committee

- delete the Subdivision & Development Appeal /Licensing Appeal Board and create a Subdivision & Development Appeal Bylaw
- establish an Appeal & Review Board mandated to hear appeals as indicated above
- Alarm, Dog, Drinking Establishment Licensing, Escort Services, Firearms, Land Use, License, Limousine & Sedan, Procedure, Taxi and Utility Bylaws will require amendments to the appeal processes

Other Committee Changes

The updating of a bylaw provides the opportunity for review of content. As a result of the bylaw review the following changes to the Committees Bylaw are proposed to be incorporated in the new bylaw:

- That the membership of the Gaetz Lakes Sanctuary be amended by deleting the representative of the Community Services Division as the division is well represented by the Parkland Community Planning Services and Recreation, Parks & Culture representatives and reinstating wording to reflect a mandate extending beyond the Sanctuary itself; and
- That the membership of the Municipal Planning Commission be amended by deleting the Planning Director of the Parkland Community Planning Services, or designate member and allowing that role to be represented in an advisory capacity to the Commission.

It is also recommended that the following three committees be added to the Committees Bylaw:

- The Community Housing Advisory Board
This committee has been an ad hoc committee since 2000. The issues of affordable housing and homelessness and the management of funds under various provincial and federal initiatives require the establishment of an ongoing committee
- The Heritage Preservation Committee
Currently a sub-committee of the Museum Society, this committee will fulfill an important role in the community in identify, promoting and preserving heritage features in Red Deer
- The Municipal Features Naming Committee
As parks, recreation facilities, trails, bridges and natural features continue to be developed, a process for naming should be established. This committees role would be to establish criteria for the naming of municipal features and for making specific recommendations for the name of facilities

Ad Hoc Committees

Currently, the only Ad Hoc Committee is the Greater Downtown Action Plan Committee, though it is anticipated that a Committee responding to safety and security in the downtown will be established at the next Organizational Meeting. As Ad Hoc

Committees are established by Council resolution to respond to a specific need for a specific period of time they are not included in the Committees Bylaw and are not a subject of this report.

Recommendation

That Council of The City of Red Deer adopts:

1. The following new bylaws:
Bylaw No. 3431/2009 The Committees Bylaw (encompassing the changes and additions noted above)
Bylaw No. 3433/2009 The Assessment Review Board Bylaw
Bylaw No. 3432/2009 The Subdivision & Development Appeal Board Bylaw; and
2. The following amending bylaws:
Bylaw 3194/ A-2009 The Alarm Bylaw
Bylaw No. 3332/ A-2009 The Drinking Establishment Bylaw
Bylaw No. 3319/ A-2009 The Escort Services Bylaw
Bylaw 3409/ A-2009 The Firearms Bylaw
Bylaw 3357/X-2009 The Land Use Bylaw
Bylaw 3159/ A-2009 The License Bylaw
Bylaw 3394/ A-2009 The Limousine & Sedan Bylaw
Bylaw 3358/ A-2009 The Procedure Bylaw
Bylaw 3282/ A-2009 The Taxi Bylaw
Bylaw 3215/ A-2009 The Utility Bylaw.

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

Elaine Vincent
Legislative & Administrative Services Manager

/attach.

Comments:

We support the recommendation of Administration.

“Morris Flewwelling”
Mayor

“Craig Curtis”
City Manager

The City of Red Deer
Bylaw Readings

FILE COPY

Moved by Councillor: Pimm Seconded by Councillor: Buchanan

That Bylaw No. 3431/2009

BE READ A FIRST TIME IN OPEN COUNCIL this 19 day of Oct 2009.

BE READ A SECOND TIME IN OPEN COUNCIL this 19 day of Oct 2009.

BE READ A THIRD TIME IN OPEN COUNCIL this 19 day of Oct 2009.

REMINDER FOR COUNCIL MEMBERS: YOU MUST BE IN ATTENDANCE AT ALL OR A PORTION OF THE PUBLIC HEARING IN ORDER TO PARTICIPATE IN DEBATE AND VOTE ON 2nd AND 3rd READINGS OF THIS BYLAW.



Council Decision – October 19, 2009

DATE: October 20, 2009
TO: Frieda McDougall, Deputy City Clerk
FROM: Elaine Vincent, Legislative & Administrative Services Manager
SUBJECT: New Committees Bylaw 3341/2009 and Appeal Roles / Addition of New Committees

Reference Report:

Legislative & Administrative Services Manager, dated October 9, 2009

Bylaw Reading:

At the Monday, October 19, 2009 Council Meeting :

The following new bylaws received second and third readings:

- Bylaw 3431/2009 – The Committees bylaw
- Bylaw 3433/2009 – The Assessment Review Board Bylaw
- Bylaw 3432/2009 – The Subdivision & Development Appeal Board Bylaw

The follow amending bylaws received second and third readings:

- Bylaw 3194/A-2009 – The Alarm Bylaw
- Bylaw 3332/A-2009 – The Drinking Establishment Bylaw
- Bylaw 3319/A-2009 – The Escort Services Bylaw
- Bylaw 3409/A-2009 – The Firearms Bylaw
- Bylaw 3159/A-2009 – The License Bylaw
- Bylaw 3394/A-2009 - The Limousine & Sedan Bylaw
- Bylaw 3358/A-2009 – The Procedure Bylaw
- Bylaw 3282/A-2009 – The Taxi Bylaw
- Bylaw 3215/A-2009 – The Utility Bylaw

The follow Land Use Bylaw Amendment received first reading:

- Bylaw 3357/X-2009 – The Land Use Bylaw

Report Back to Council: Yes – Land Use Bylaw 3357/X-2009, November 16, 2009.

Comments/Actions:

We will distribute copies of the bylaws and amend the consolidated copies of the bylaws noted above.

A Public Hearing will be held on Monday, November 16, 2009 at 6:00 p.m. in Council Chambers during Council's regular meeting. This office will now proceed with advertising Land Use Bylaw Amendment 3357/X-2009.



Elaine Vincent
Legislative and Administrative Services Manager

cc: Legislative Assistant, Sanja Milinovic

BYLAW 3357/L-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 The definition of Escarpment Area in Section 1.3 is deleted and replaced with the following new definition:

“Escarpment Area means a Site, any part of which lies within the areas identified on the Land Use Constraint Maps in Schedule A and includes any site which contains or is adjacent to an escarpment or slope which in the reasonable opinion of the Development Officer could be affected by soil instability.”

- 2 Section 2.2 (4) is deleted and replaced with the following new subsection (4):

(4) Notwithstanding anything in this bylaw, no development, redevelopment, clearing or grading, excavating or adding fill is permitted in an escarpment area as identified on the Land Use Constraint Maps in Schedule A without a development permit.

- 3 Section 2.4 (6) is deleted and replaced with the following new subsection (6):

”(6) Notwithstanding the foregoing, in the case of a proposed development, redevelopment, clearing or grading, excavating or adding fill within an Escarpment Area, as identified on the Land Use Bylaw Constraint Maps in Schedule A, the applicant shall provide as part of the development permit application:

- (a) the proposed development plan showing slope setback distances;
and
- (b) representative cross-sections of the slope in the Escarpment Area both before and after development and final grading. The height and existing angle of the slope shall be verified by accurate historical survey data or site specific survey information completed by a qualified surveyor.
- (c) if required by the City Engineering Services Department, a geotechnical assessment or investigation prepared by a qualified geotechnical engineer.
- (d) if required by the City Engineering Services Department, a landscaping plan.

- 4 New Section 3.24 is added as follows:

“3.24 Escarpment Areas– Indemnity Agreement

Whether expressly stated or not, it is deemed to be a condition of every development within an Escarpment Area in respect of which a geotechnical assessment or investigation is required, that the land owner shall enter into an Indemnity Agreement with the City in a form satisfactory to the City Solicitor.

- 5 In Section 2, Figure 1 - Escarpment Area is deleted.
- 6 The Land Use Constraint Maps attached in Schedule A show which Escarpment Areas are removed and added. The following Land Use Constraint Maps will be replaced to match the revised Escarpment Areas set out in Land Use Constraint Map 5/2009, a copy of which is attached: H16, I14, I15, I16, J14, J15, J16, K11, K12, K14, K15, K16, K17, L10, L11, L12, L13, L14, L15, L16, L17, M9, M10, M11, M12, M13, M14, M15, M16, M17, M18, M19, M20, M21, N9, N10, N11, N12, N13, N14, N15, N16, N17, N18, N19, N20, N21, N22, O7, O8, O15, O16, O17, O18, O19, O21, P7, P8, P16, P18, P19, P20, P21, Q20, Q21, and Q22.

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

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

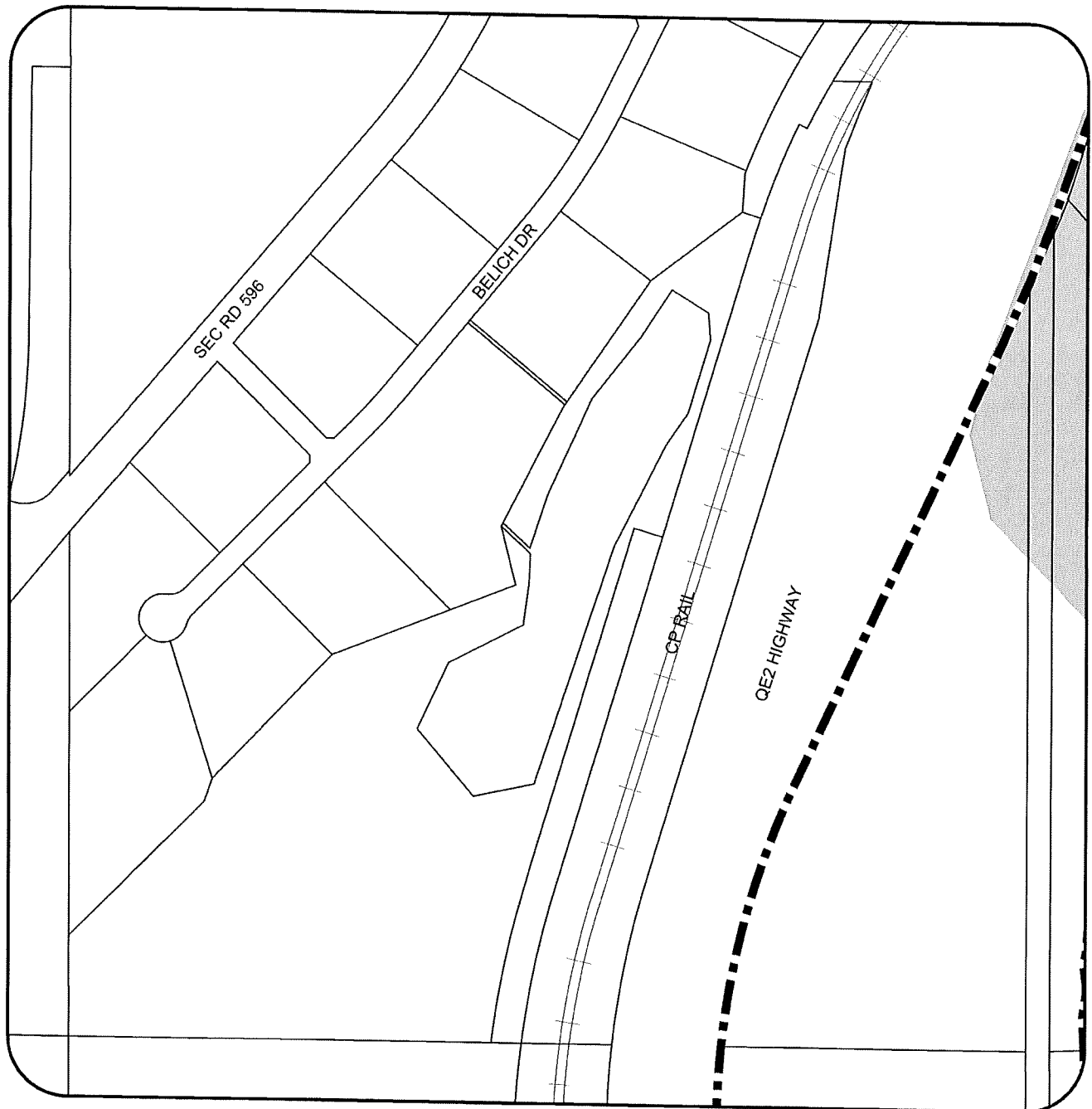
READ A THIRD TIME IN OPEN COUNCIL this day of 2009.

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

MAYOR

CITY CLERK

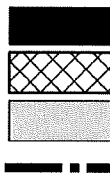
Land Use Bylaw Amendment L/2009, Map 5 (H16)/2009



North

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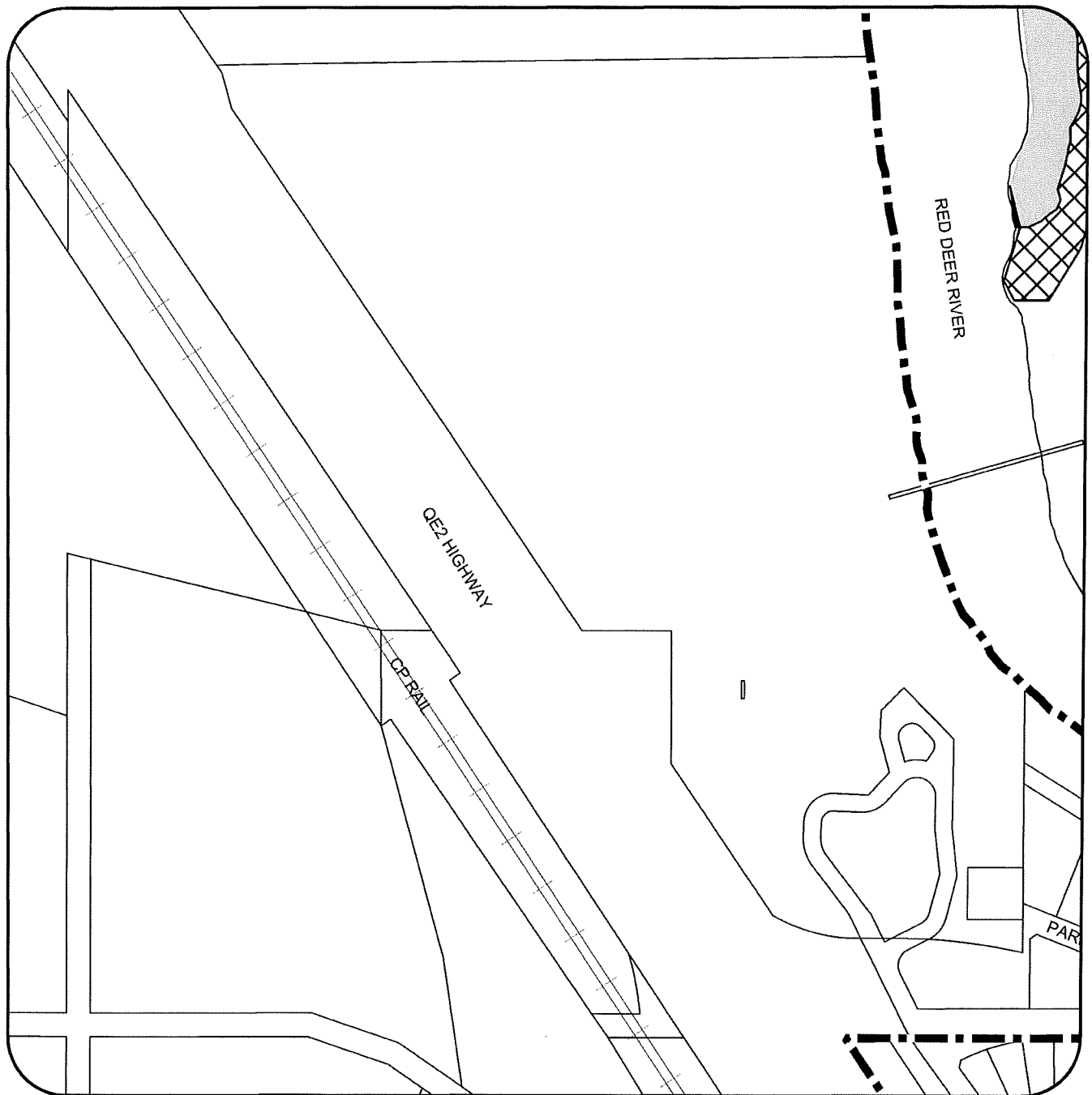
Additions to Escarpment Area

Removal from Escarpment Area

Escarpment Area (unchanged)

City Boundary

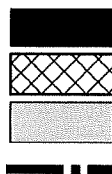
Land Use Bylaw Amendment L/2009, Map 5 (114)/2009



North

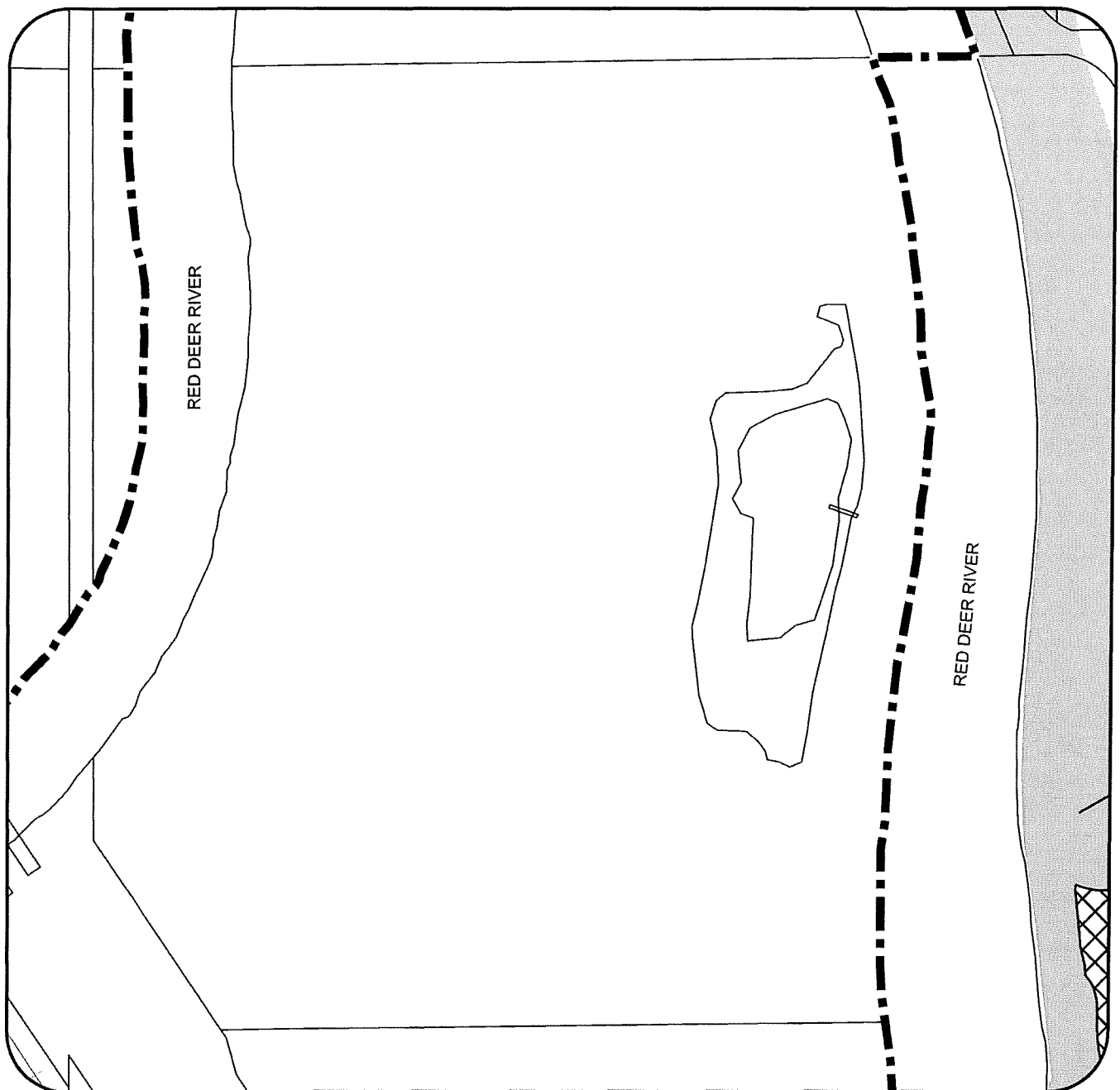
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Additions to Escarpment Area
Removal from Escarpment Area
Escarpment Area (unchanged)
City Boundary

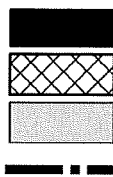
Land Use Bylaw Amendment L/2009, Map 5 (115)/2009



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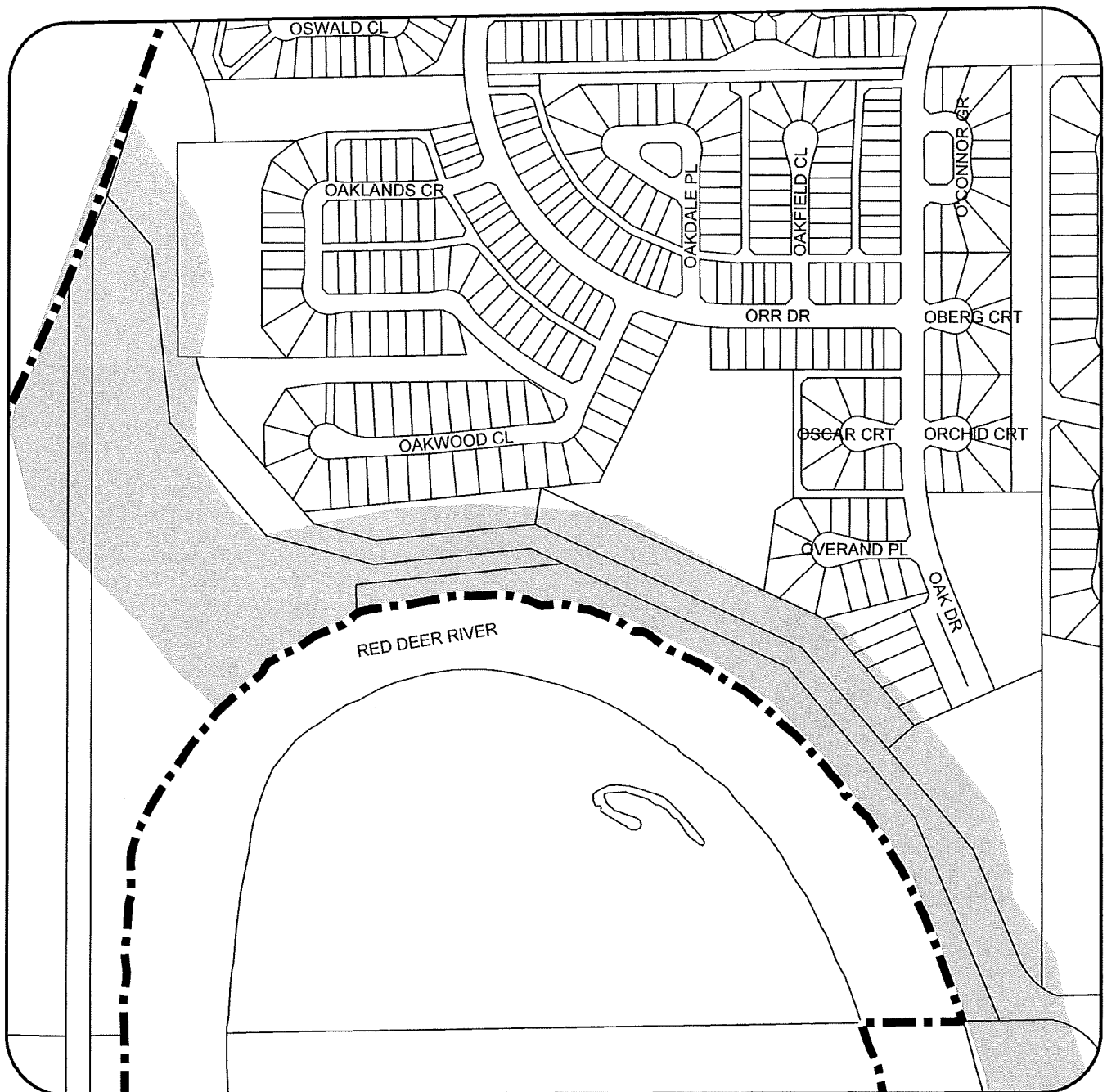
Additions to Escarpment Area

Removal from Escarpment Area

Escarpment Area (*unchanged*)

City Boundary

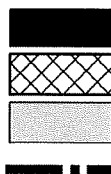
Land Use Bylaw Amendment L/2009, Map 5 (116)/2009



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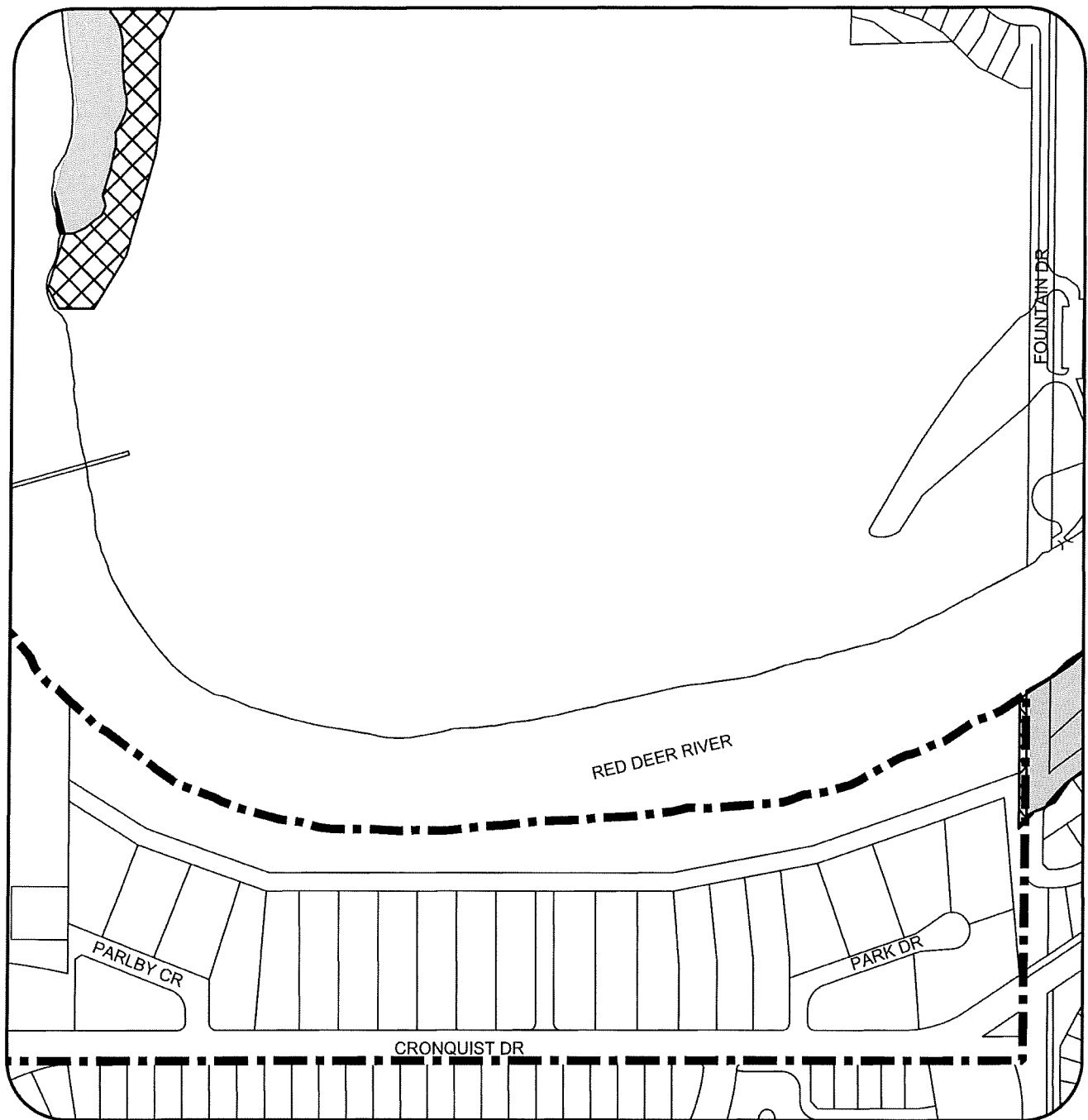
Additions to Escarpment Area

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Escarpment Area (*unchanged*)

City Boundary

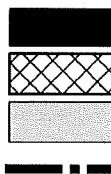
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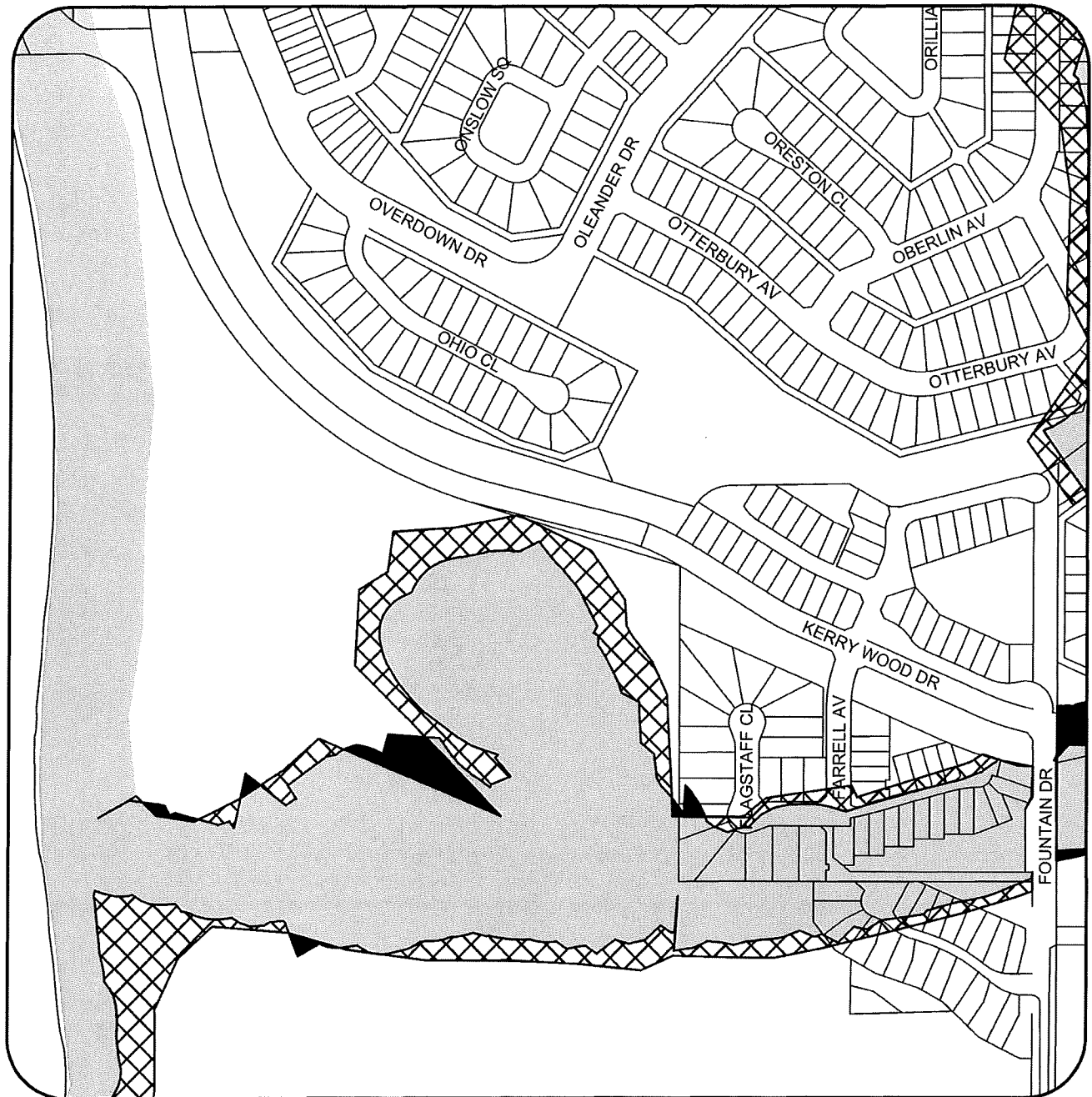
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Additions to Escarpment Area
 Removal from Escarpment Area
 Escarpment Area (*unchanged*)
 City Boundary

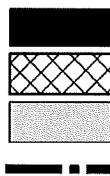
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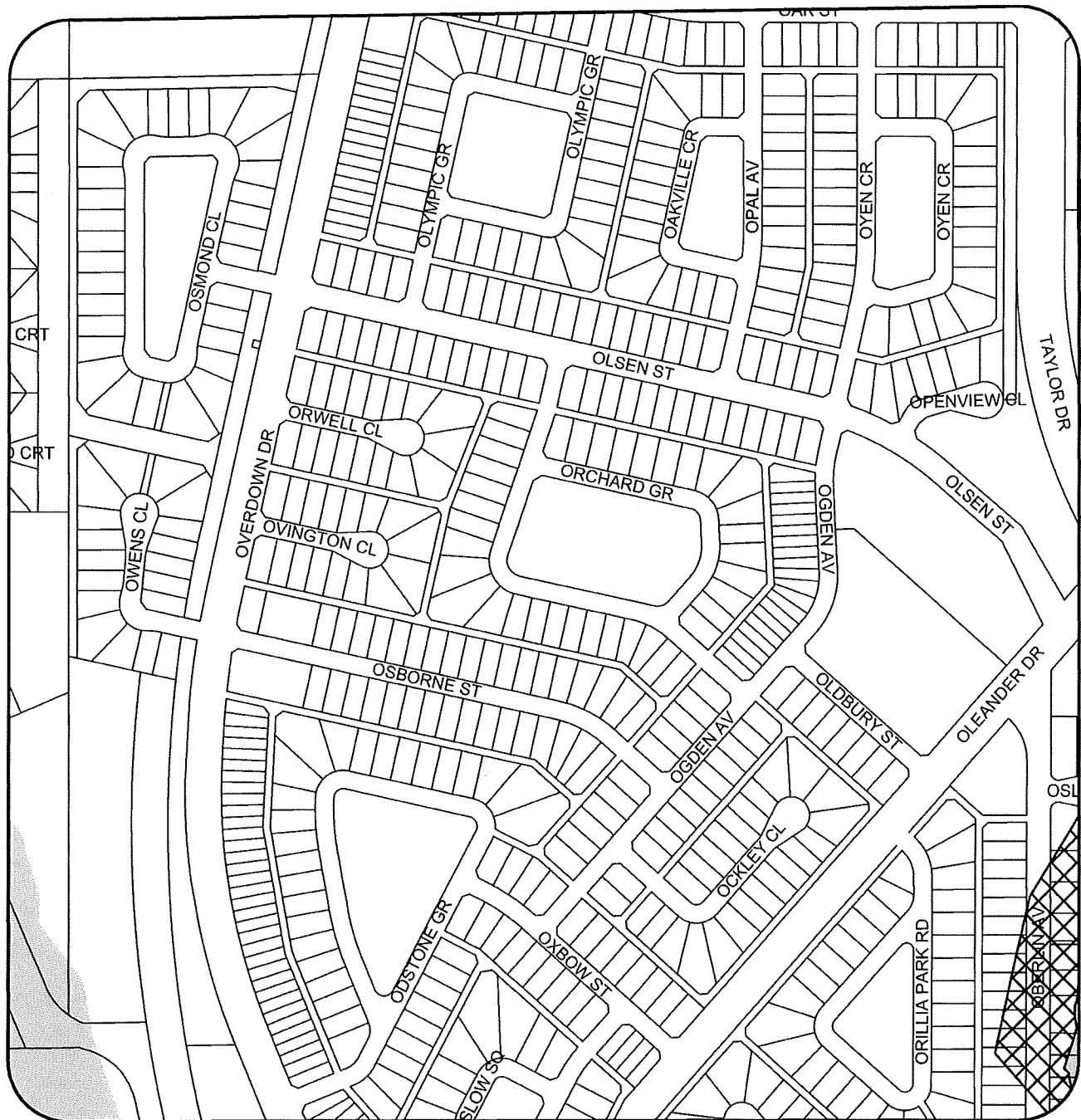
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Additions to Escarpment Area
 Removal from Escarpment Area
 Escarpment Area (unchanged)
 City Boundary

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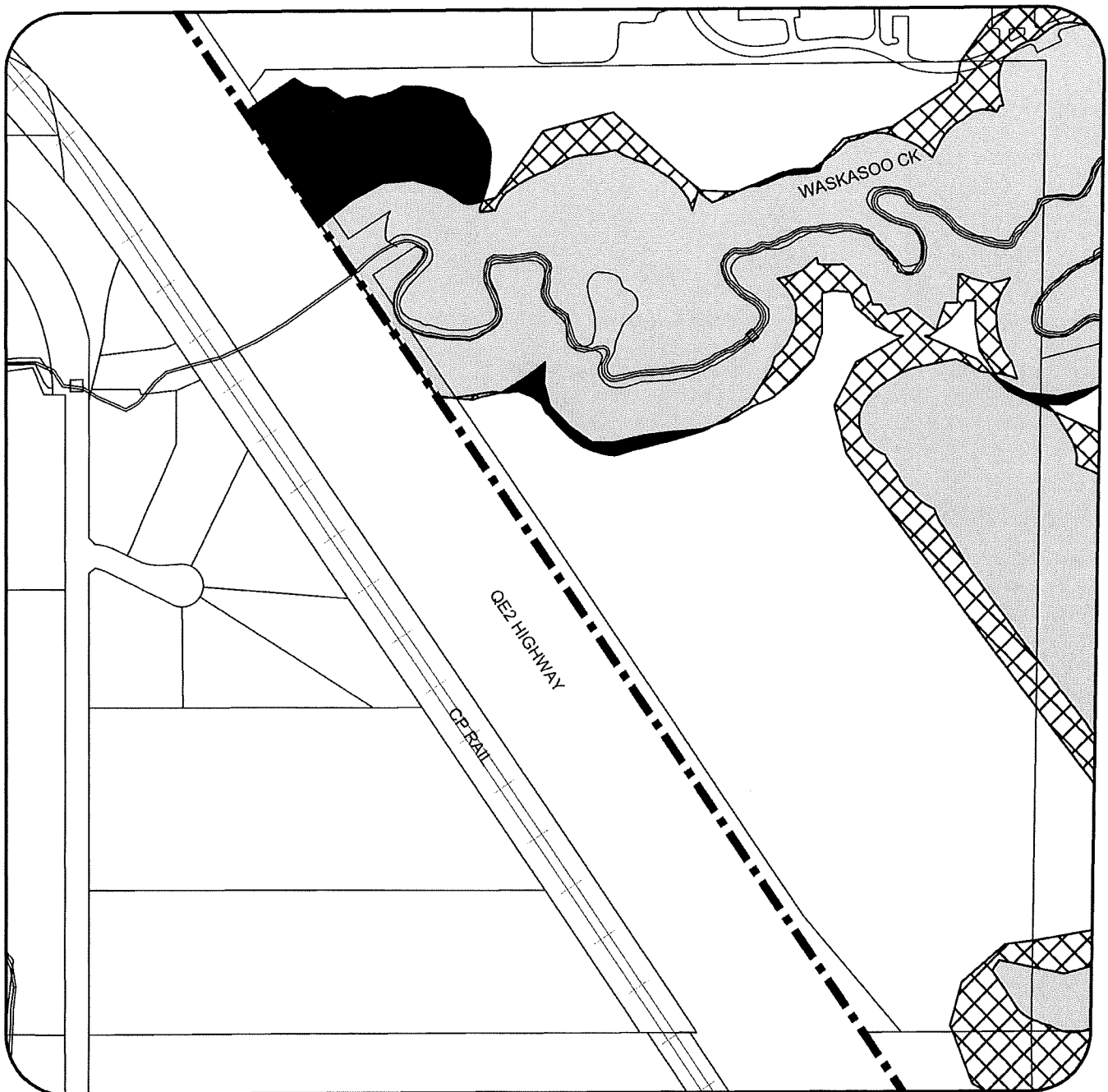
Additions to Escarpment Area

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Escarpment Area (*unchanged*)

City Boundary

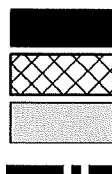
Land Use Bylaw Amendment L/2009, Map 5 (K11)/2009



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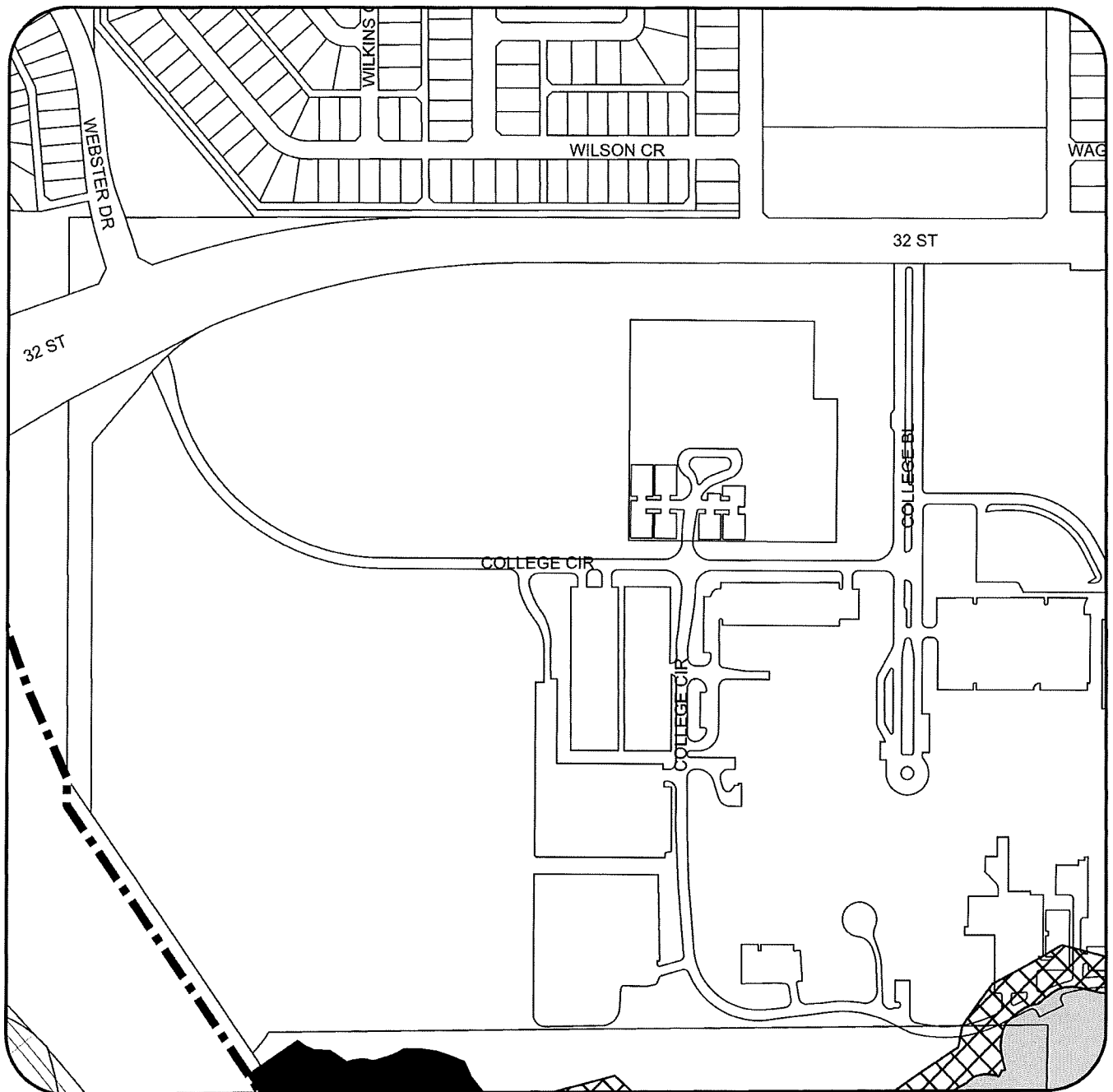
Additions to Escarpment Area

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Escarpment Area (*unchanged*)

City Boundary

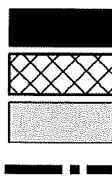
Land Use Bylaw Amendment L/2009, Map 5 (K12)/2009



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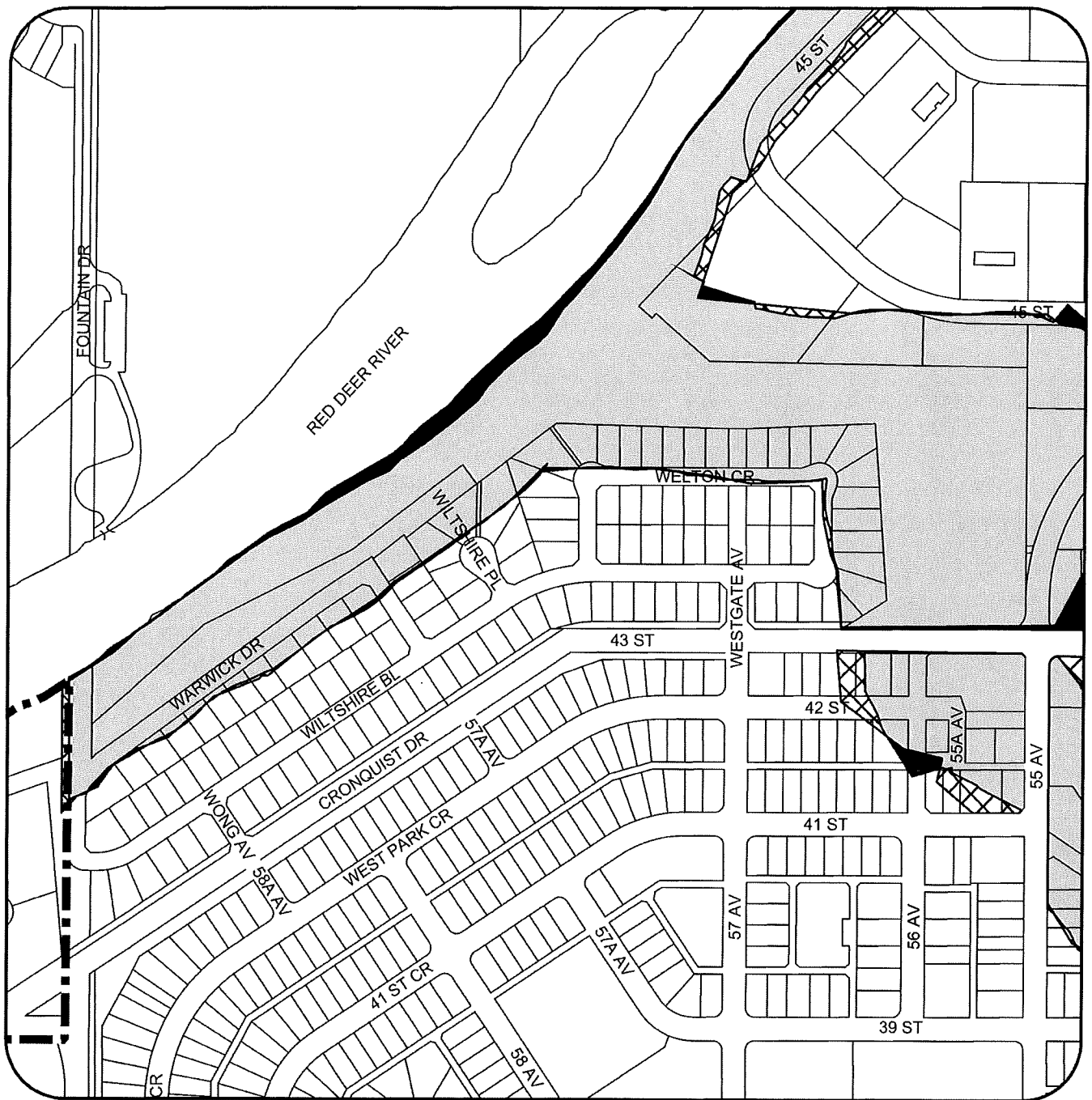
Additions to Escarpment Area

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Escarpment Area (unchanged)

City Boundary

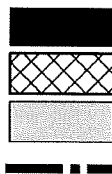
Land Use Bylaw Amendment L/2009, Map 5 (K14)/2009



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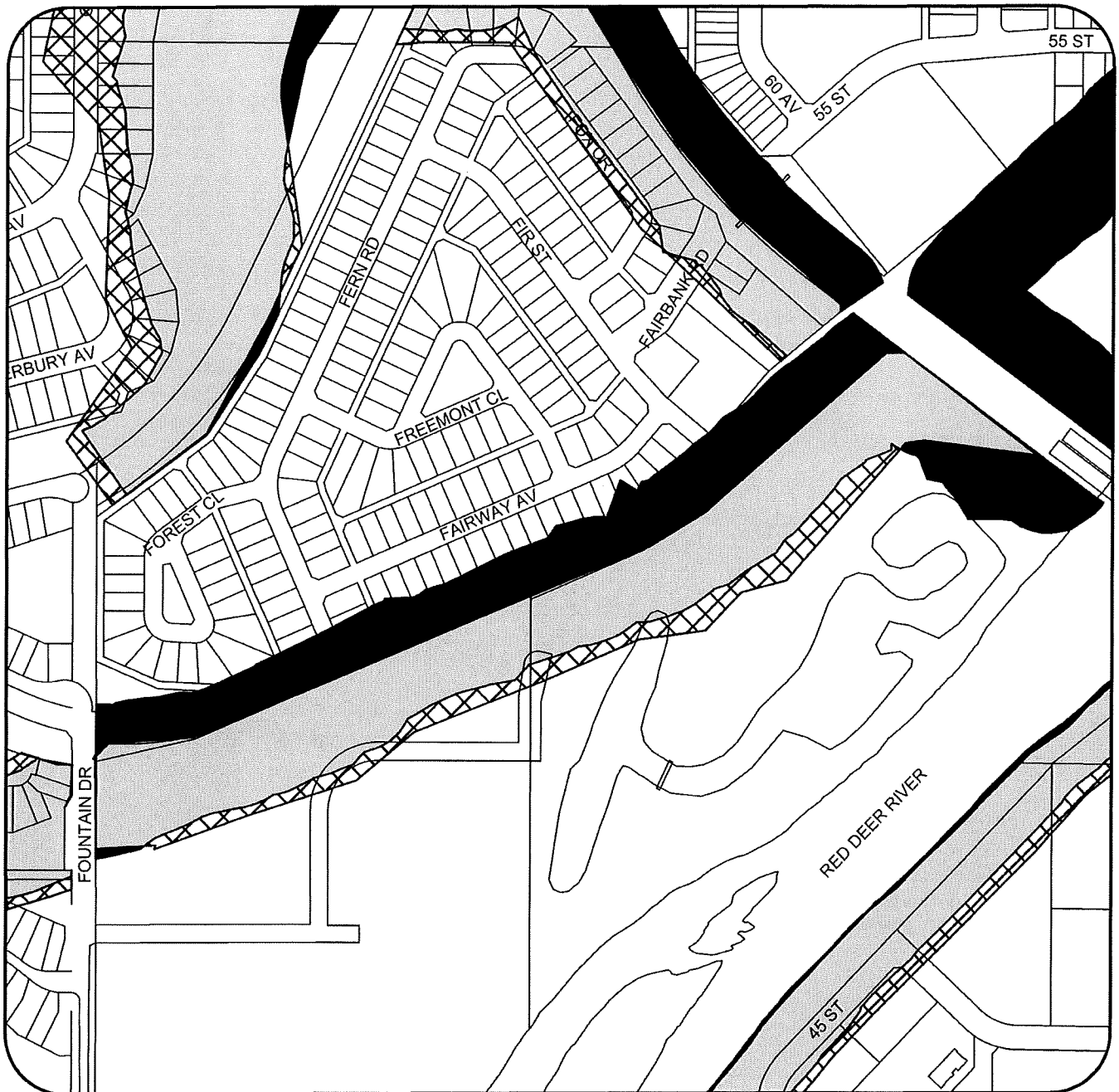
Additions to Escarpment Area

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Escarpment Area (unchanged)

City Boundary

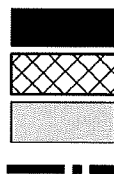
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Additions to Escarpment Area
Removal from Escarpment Area
Escarpment Area (unchanged)
City Boundary

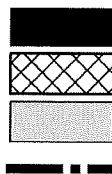
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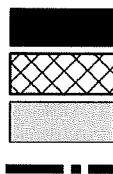
Additions to Escarpment Area

Removal from Escarpment Area

Escarpment Area (*unchanged*)

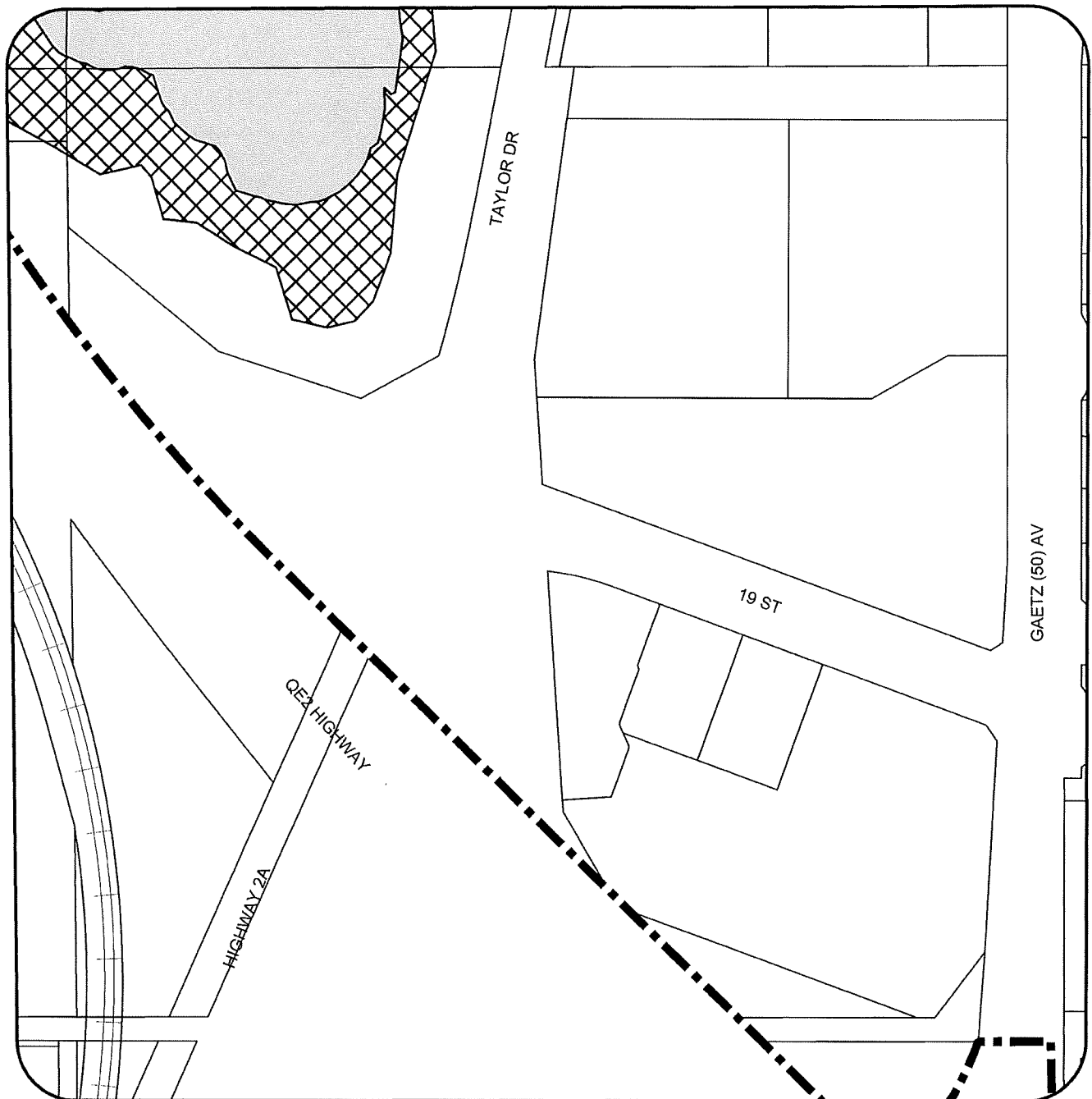
City Boundary

This is a detailed street map of a residential neighborhood. The map shows a grid of streets including Taylor Dr, Hewson Av, Hamilton Dr, Holt St, Horn St, Hammond Cr, Howarth St, and 61 St. It also features several cul-de-sacs like Hazlett Cl, Humber Cl, Hepworth Cl, and 66 St Cl. A large, irregularly shaped area in the bottom right corner is shaded gray, representing a park or undeveloped land. The map is oriented with North at the top.



City Boundary

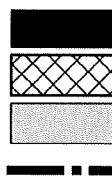
Land Use Bylaw Amendment L/2009, Map 5 (L10)/2009



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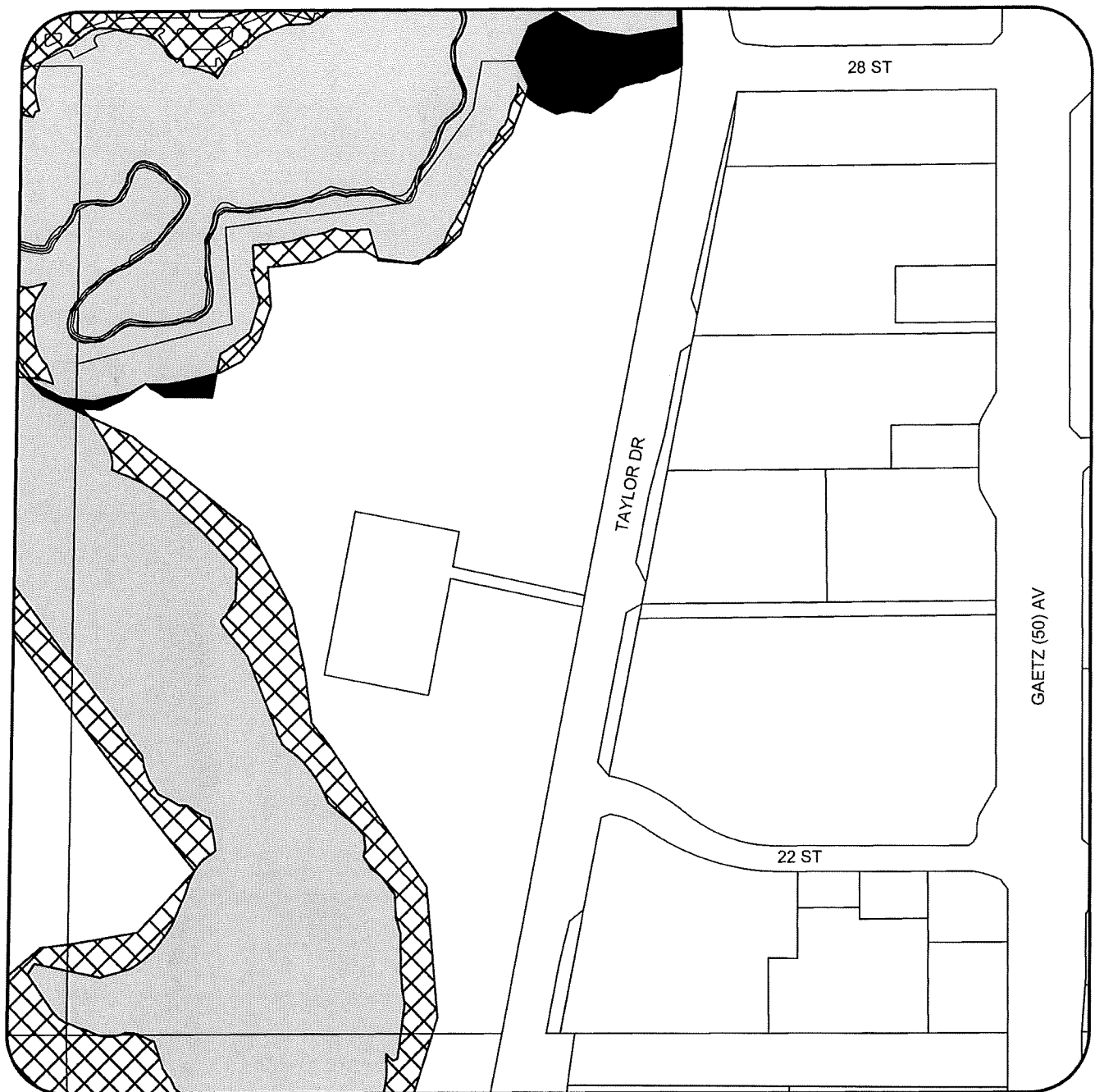
Additions to Escarpment Area

Removal from Escarpment Area

Escarpment Area (*unchanged*)

City Boundary

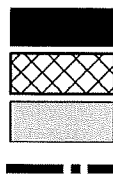
Land Use Bylaw Amendment L/2009, Map 5 (L11)/2009



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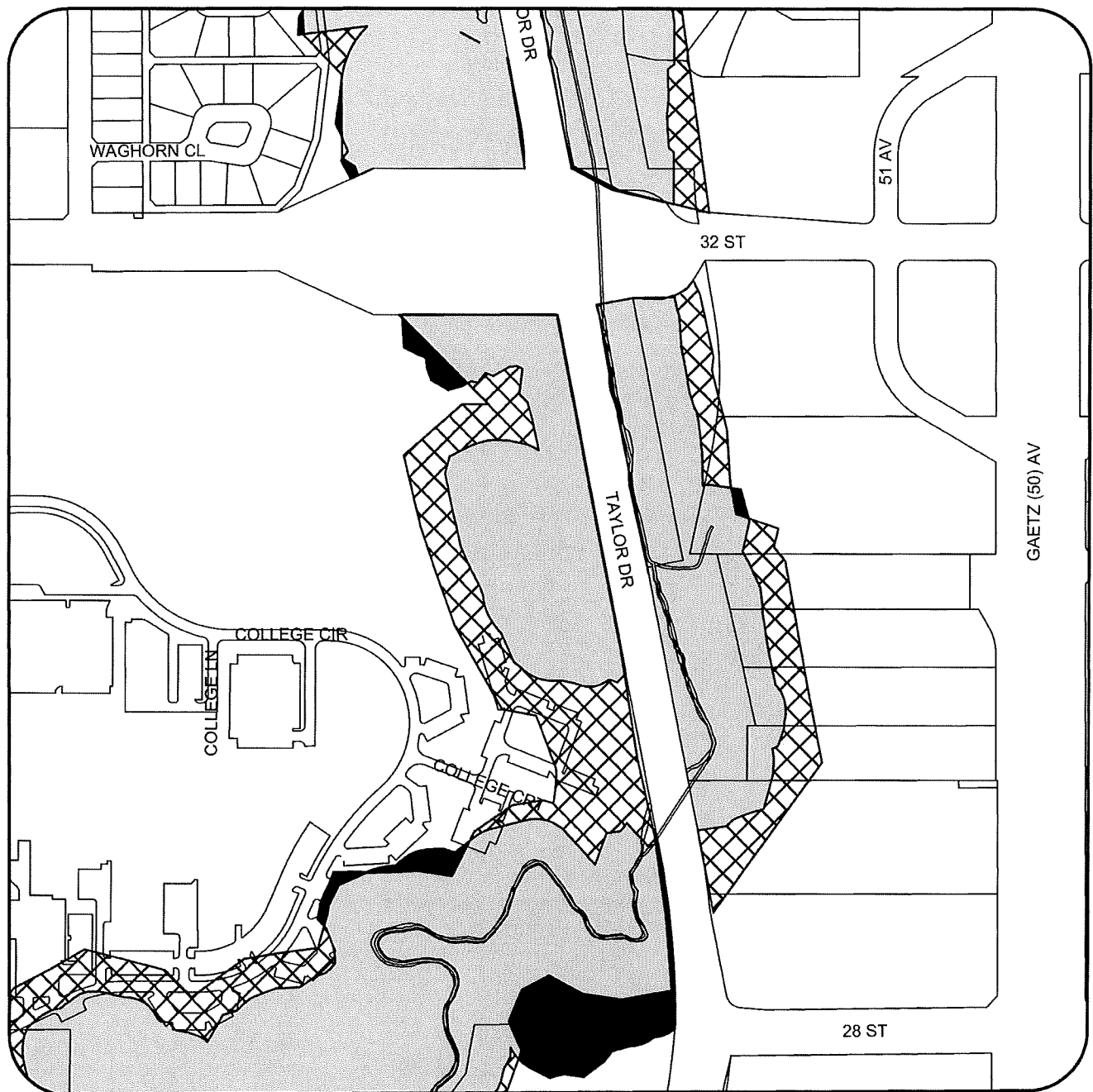
Additions to Escarpment Area

Removal from Escarpment Area

Escarpment Area (*unchanged*)

City Boundary

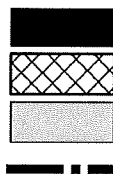
Land Use Bylaw Amendment L/2009, Map 5 (L12)/2009



North

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Additions to Escarpment Area

Removal from Escarpment Area

Escarpment Area (unchanged)

City Boundary

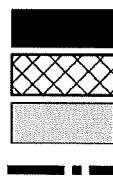
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Additions to Escarpment Area

Removal from Escarpment Area

Escarpment Area (*unchanged*)

City Boundary

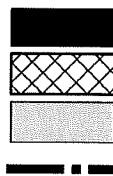
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Additions to Escarpment Area

Removal from Escarpment Area

Escarpment Area (*unchanged*)

City Boundary

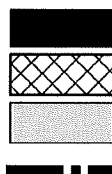
Land Use Bylaw Amendment L/2009, Map 5 (L15)/2009



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Additions to Escarpment Area
 Removal from Escarpment Area
 Escarpment Area (unchanged)
 City Boundary

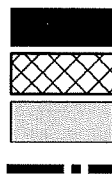
Land Use Bylaw Amendment L/2009, Map 5 (L16)/2009



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Additions to Escarpment Area
Removal from Escarpment Area
Escarpment Area (unchanged)
City Boundary

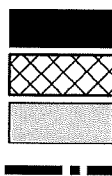
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North

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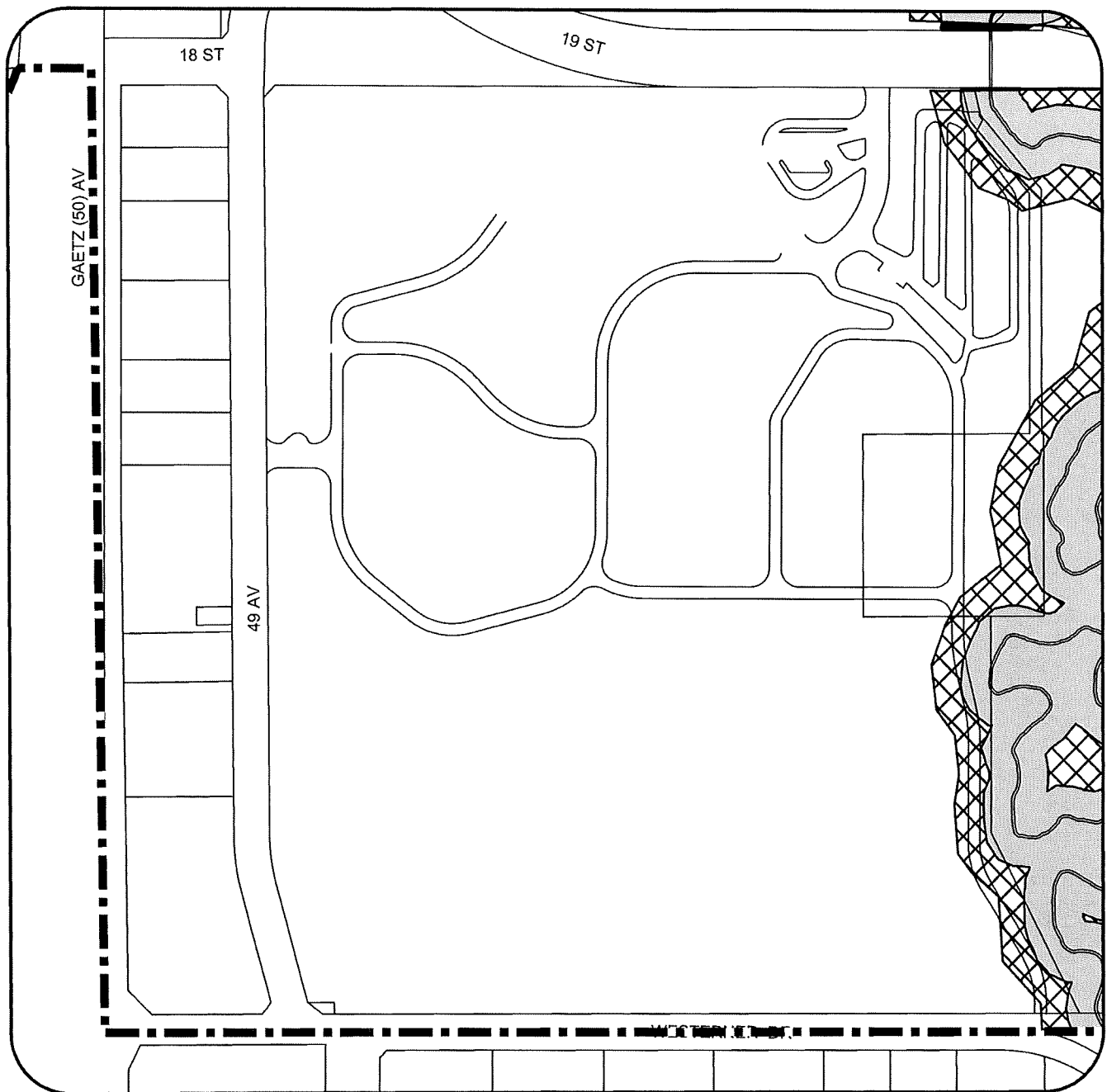
Additions to Escarpment Area

Removal from Escarpment Area

Escarpment Area (unchanged)

City Boundary

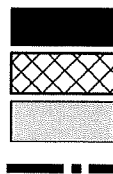
Land Use Bylaw Amendment L/2009, Map 5 (M9)/2009



North

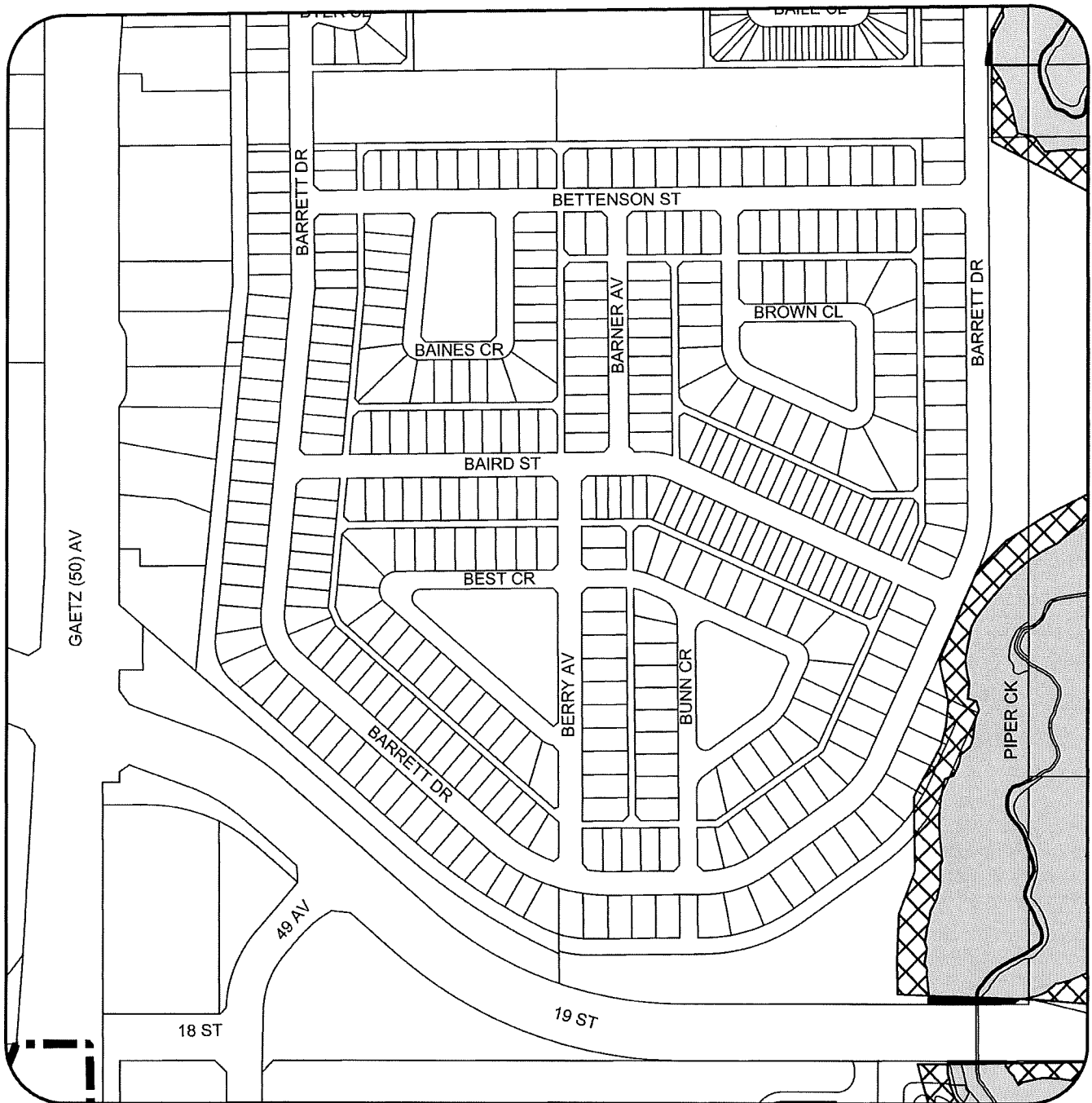
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Additions to Escarpment Area
 Removal from Escarpment Area
 Escarpment Area (unchanged)
 City Boundary

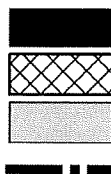
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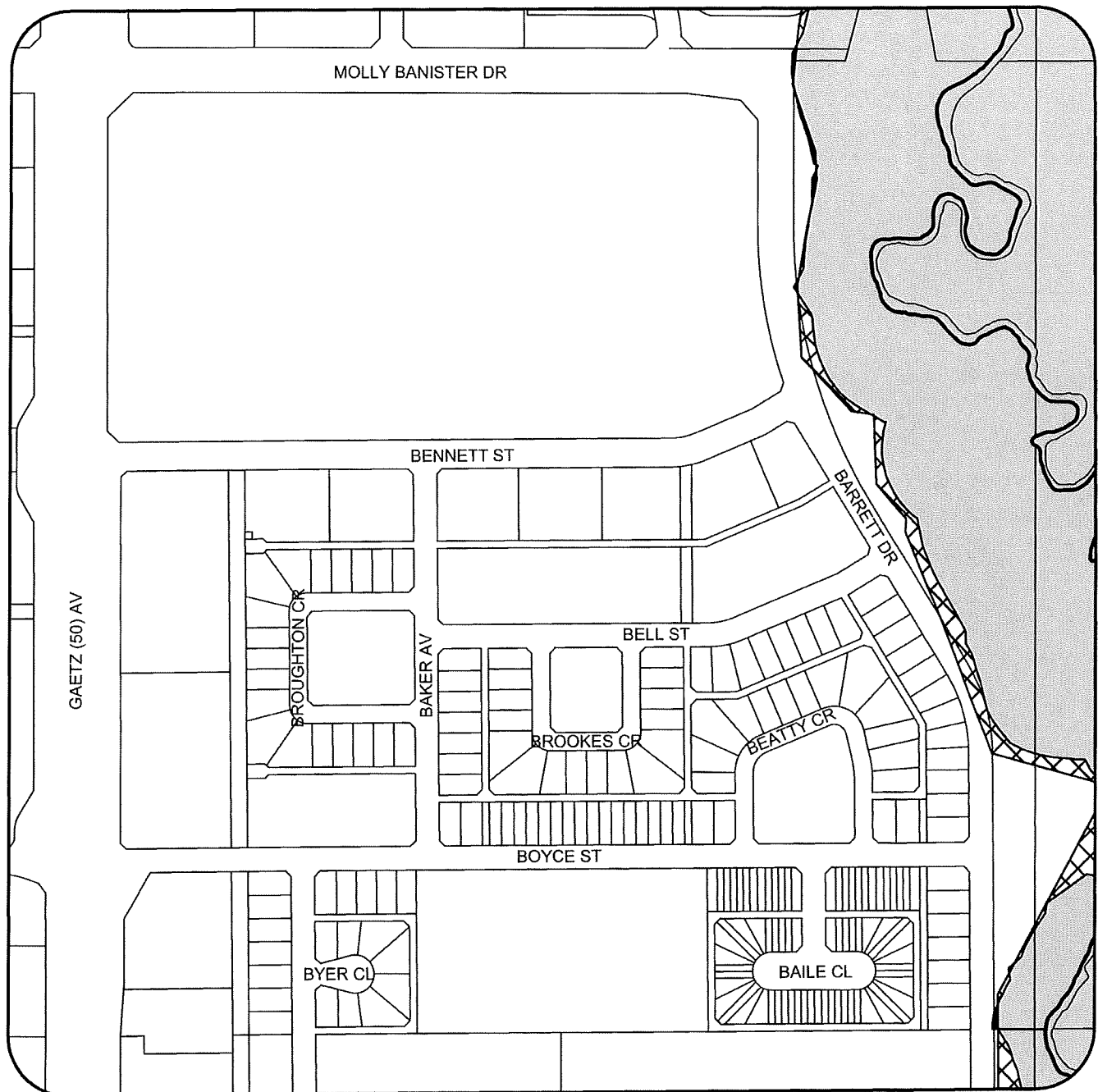
Additions to Escarpment Area

Removal from Escarpment Area

Escarpment Area (unchanged)

City Boundary

Land Use Bylaw Amendment L/2009, Map 5 (M11)/2009



North

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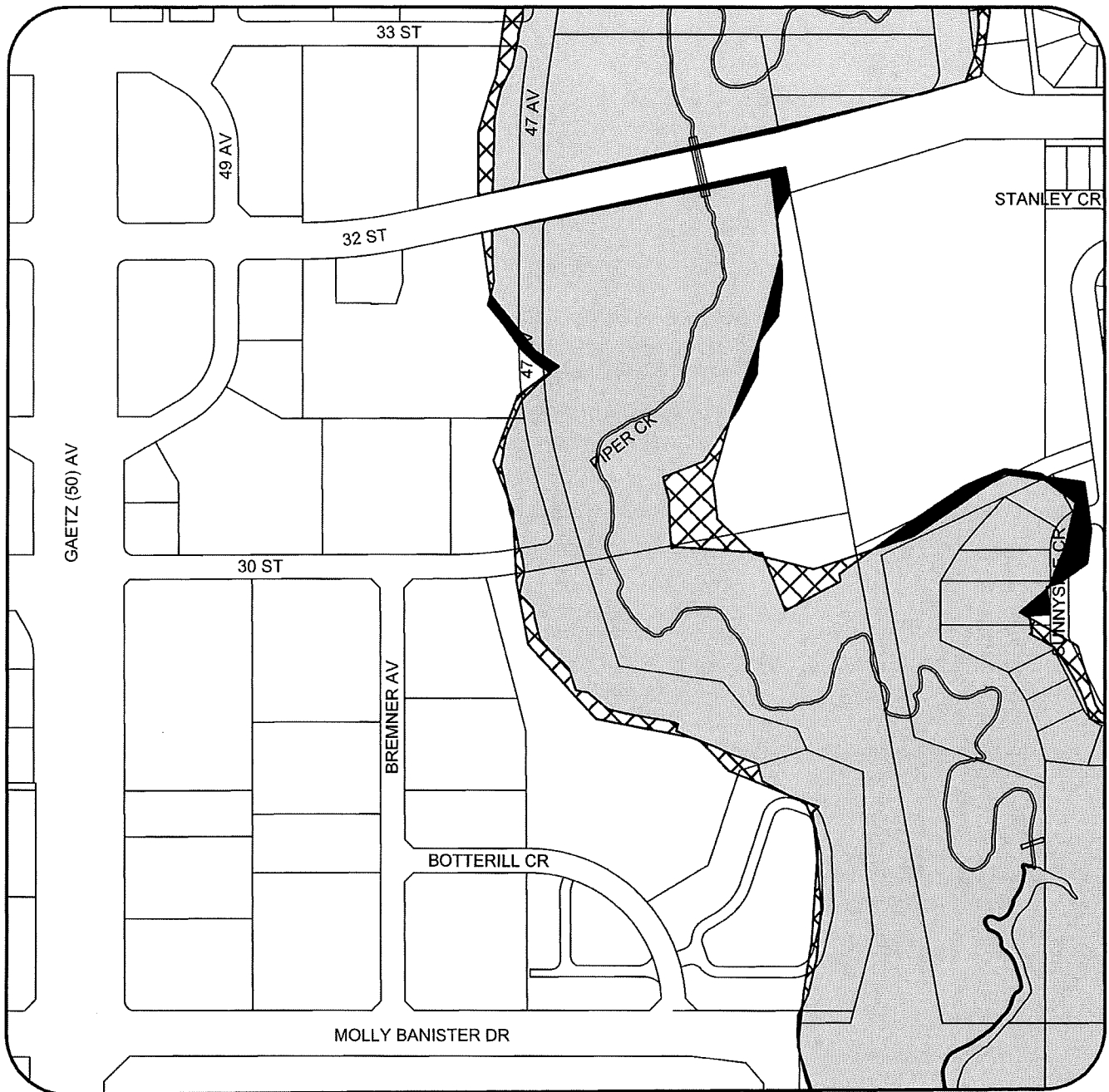
Additions to Escarpment Area

Removal from Escarpment Area

Escarpment Area (unchanged)

City Boundary

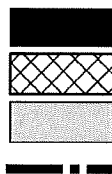
Land Use Bylaw Amendment L/2009, Map 5 (M12)/2009



North

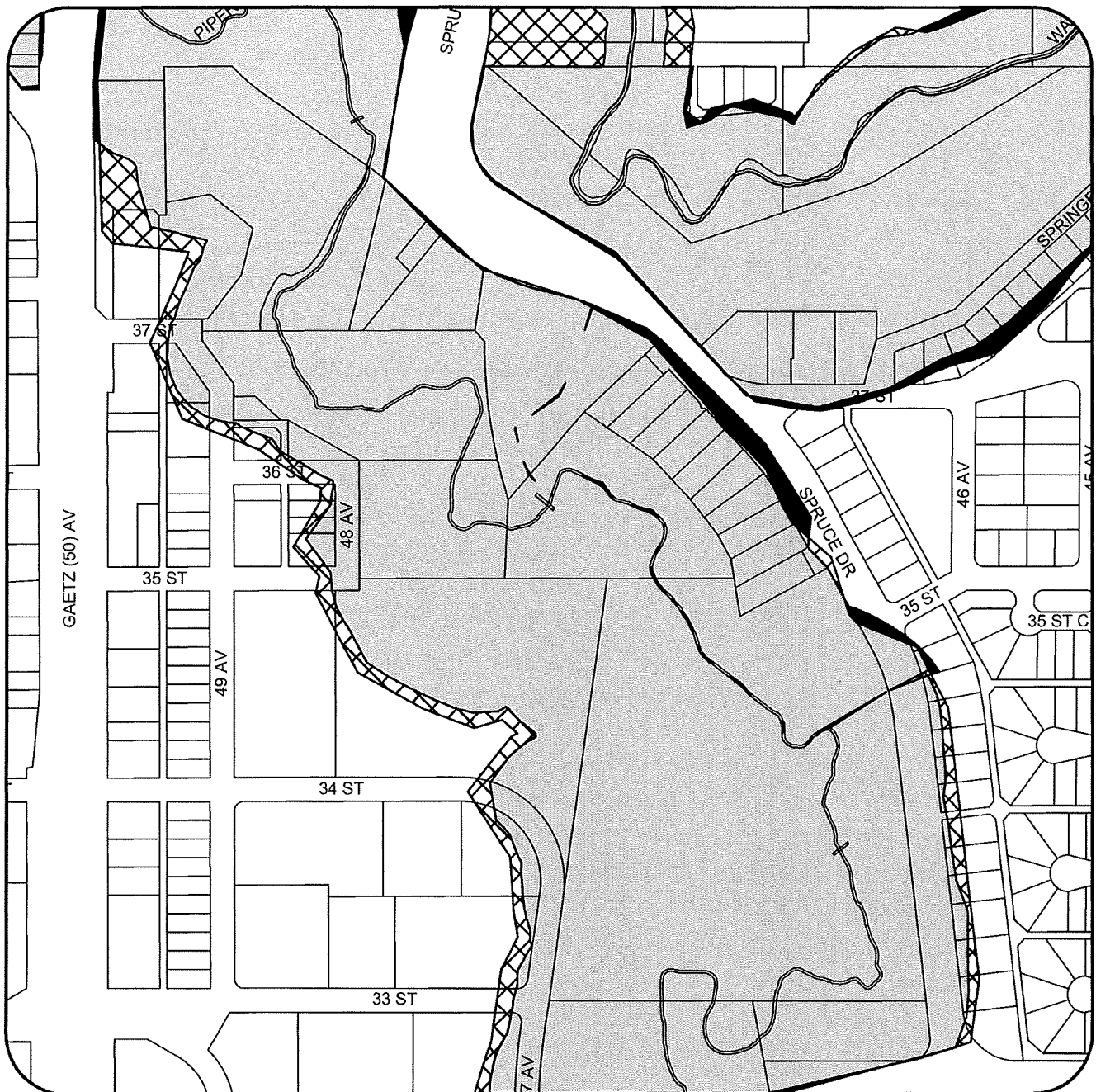
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Additions to Escarpment Area
 Removal from Escarpment Area
 Escarpment Area (unchanged)
 City Boundary

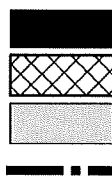
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North

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Additions to Escarpment Area

Removal from Escarpment Area

Escarpment Area (unchanged)

City Boundary

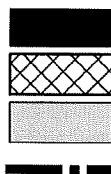
Land Use Bylaw Amendment L/2009, Map 5 (M14)/2009



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Additions to Escarpment Area

Removal from Escarpment Area

Escarpment Area (*unchanged*)

City Boundary

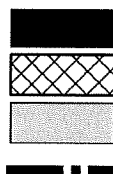
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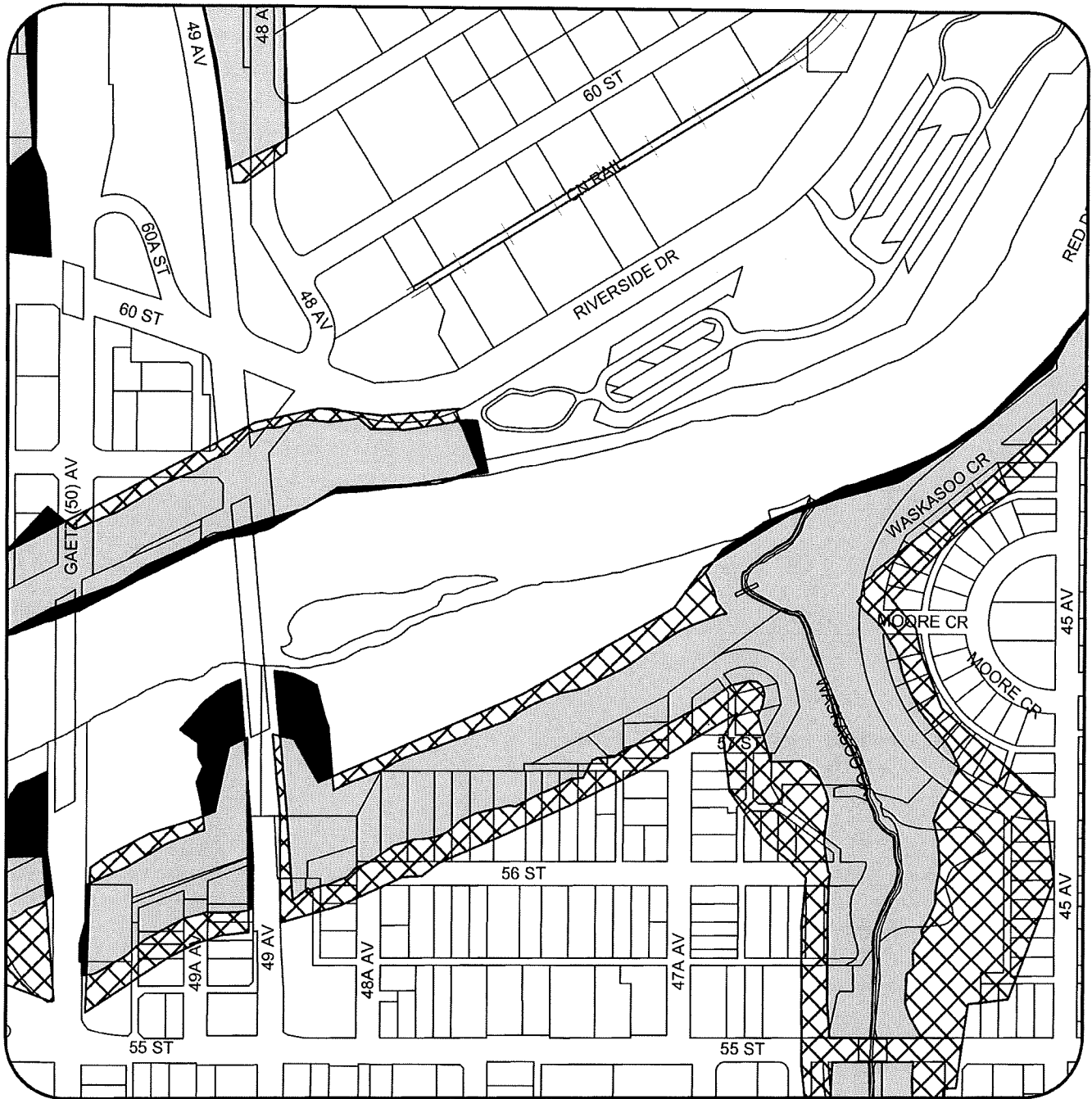
Additions to Escarpment Area

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City Boundary

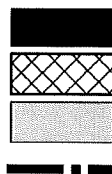
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Additions to Escarpment Area
Removal from Escarpment Area
Escarpment Area (unchanged)
City Boundary

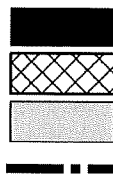
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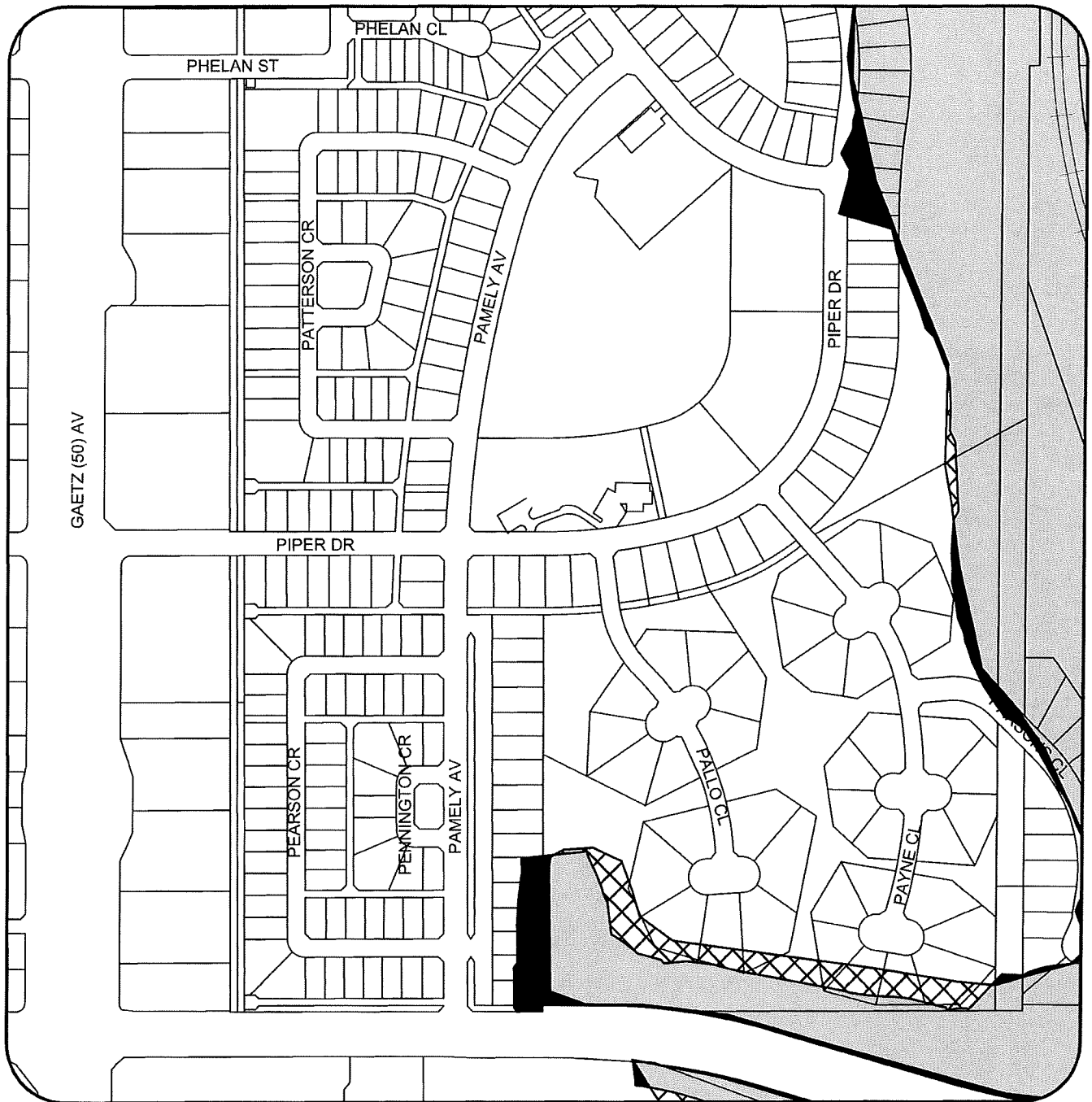
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Additions to Escarpment Area
Removal from Escarpment Area
Escarpment Area (*unchanged*)
City Boundary

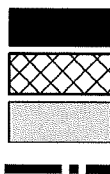
Land Use Bylaw Amendment L/2009, Map 5 (M18)/2009



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Additions to Escarpment Area
 Removal from Escarpment Area
 Escarpment Area (unchanged)
 City Boundary

Land Use Bylaw Amendment L/2009, Map 5 (M19)/2009



North

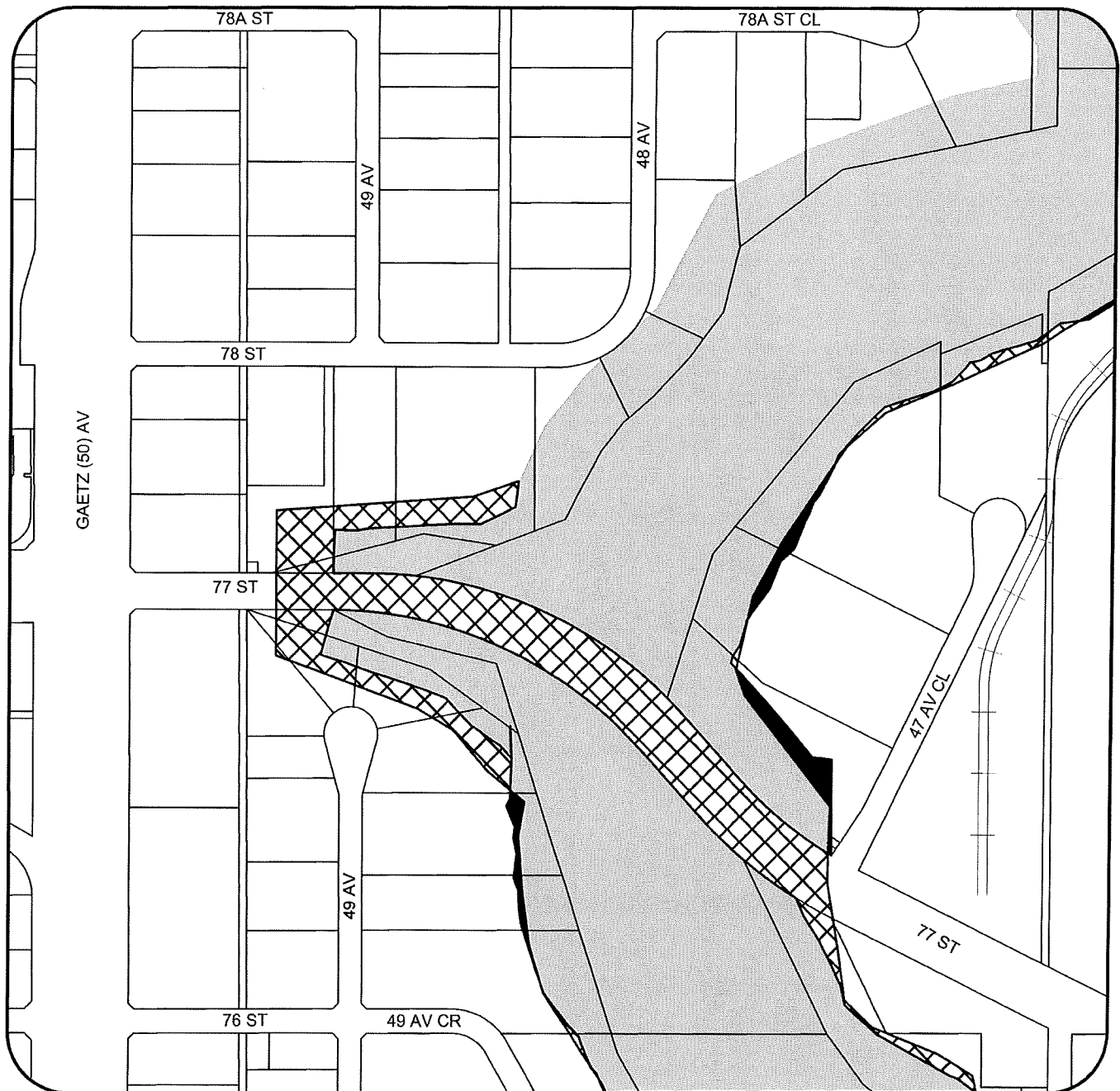
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Additions to Escarpment Area
 Removal from Escarpment Area
 Escarpment Area (*unchanged*)
 City Boundary

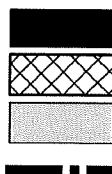
Land Use Bylaw Amendment L/2009, Map 5 (M20)/2009



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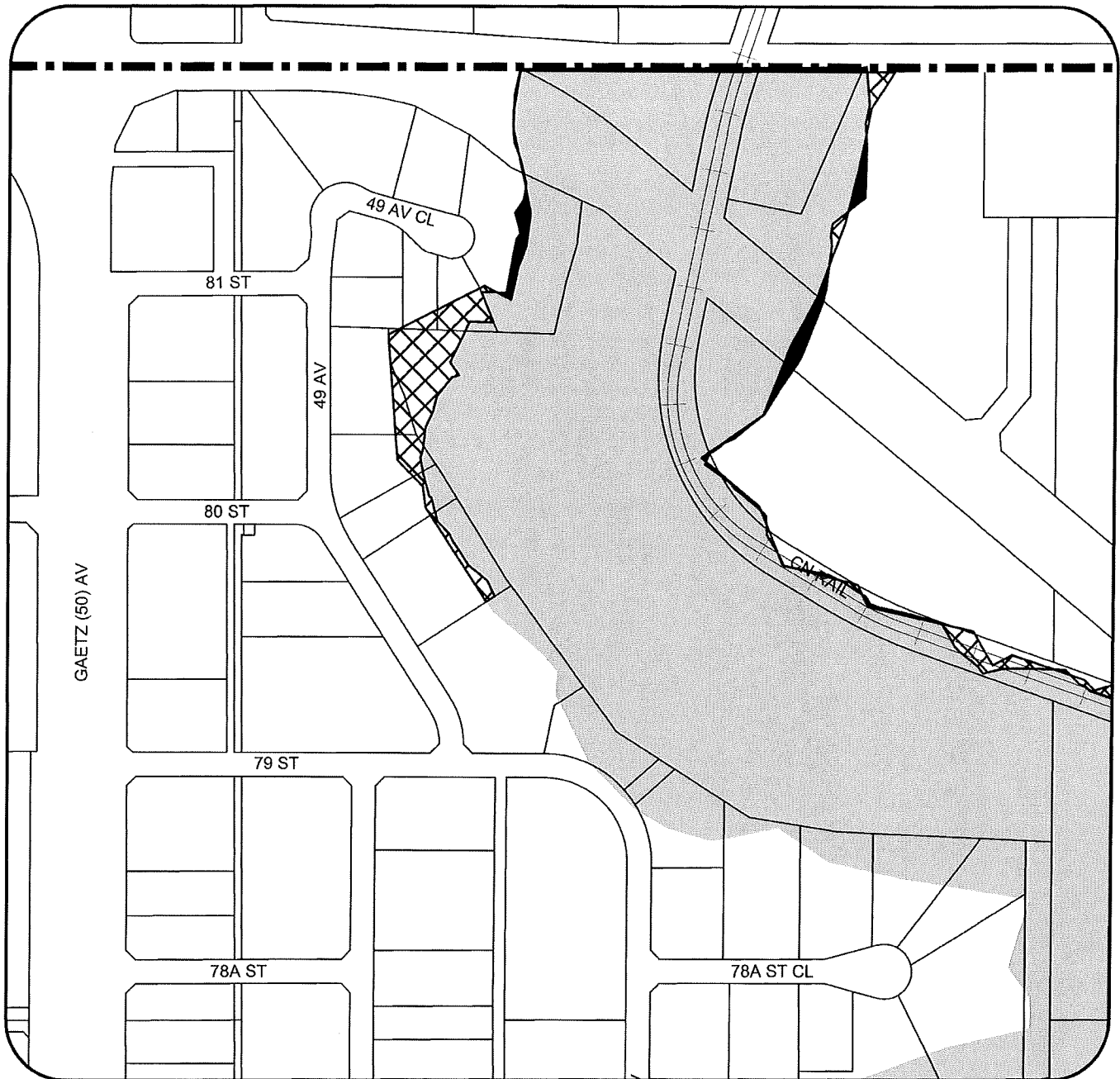
Additions to Escarpment Area

Removal from Escarpment Area

Escarpment Area (*unchanged*)

City Boundary

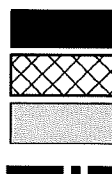
Land Use Bylaw Amendment L/2009, Map 5 (M21)/2009



North

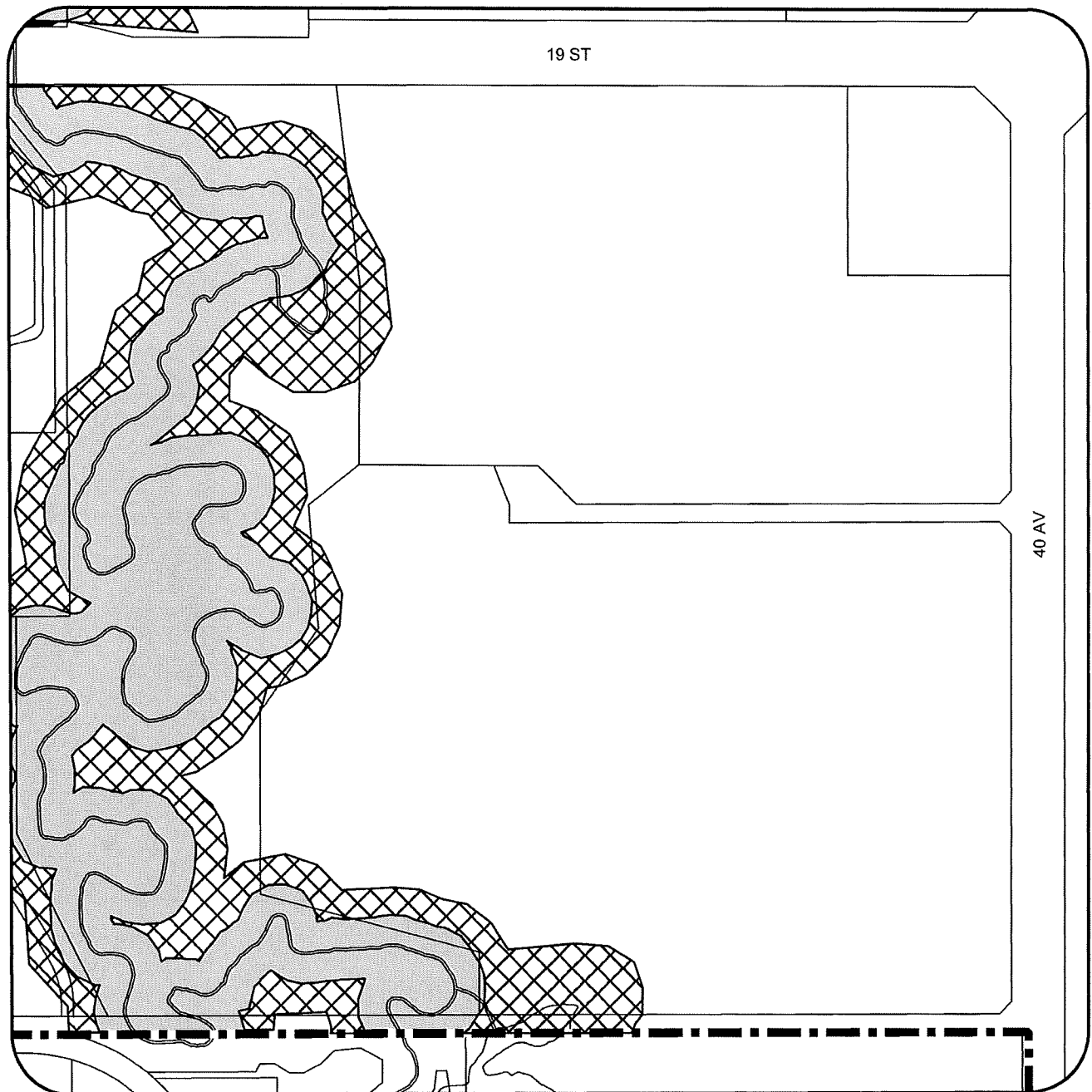
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Additions to Escarpment Area
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Escarpment Area (*unchanged*)
City Boundary

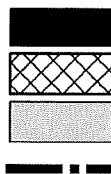
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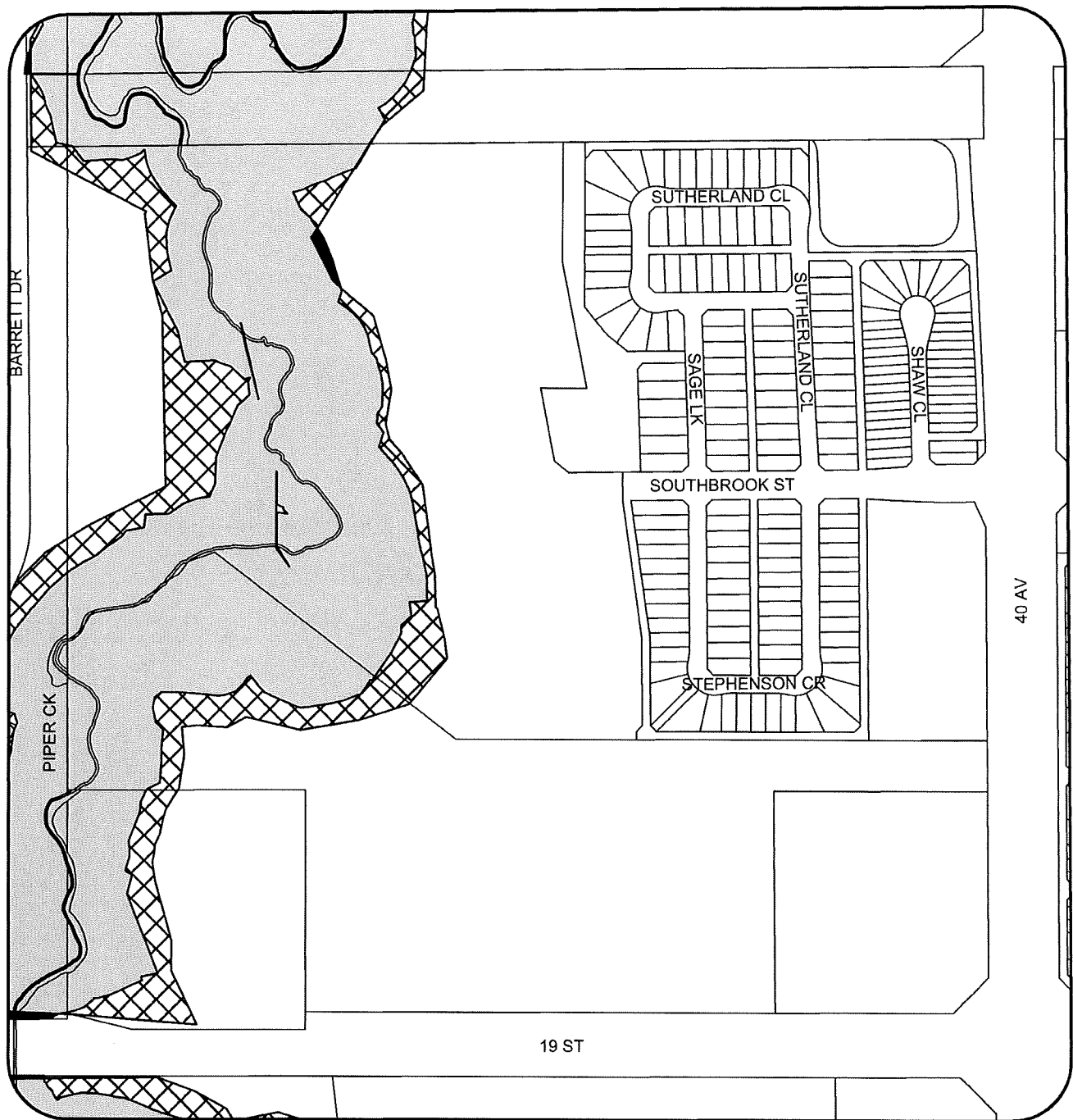
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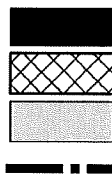
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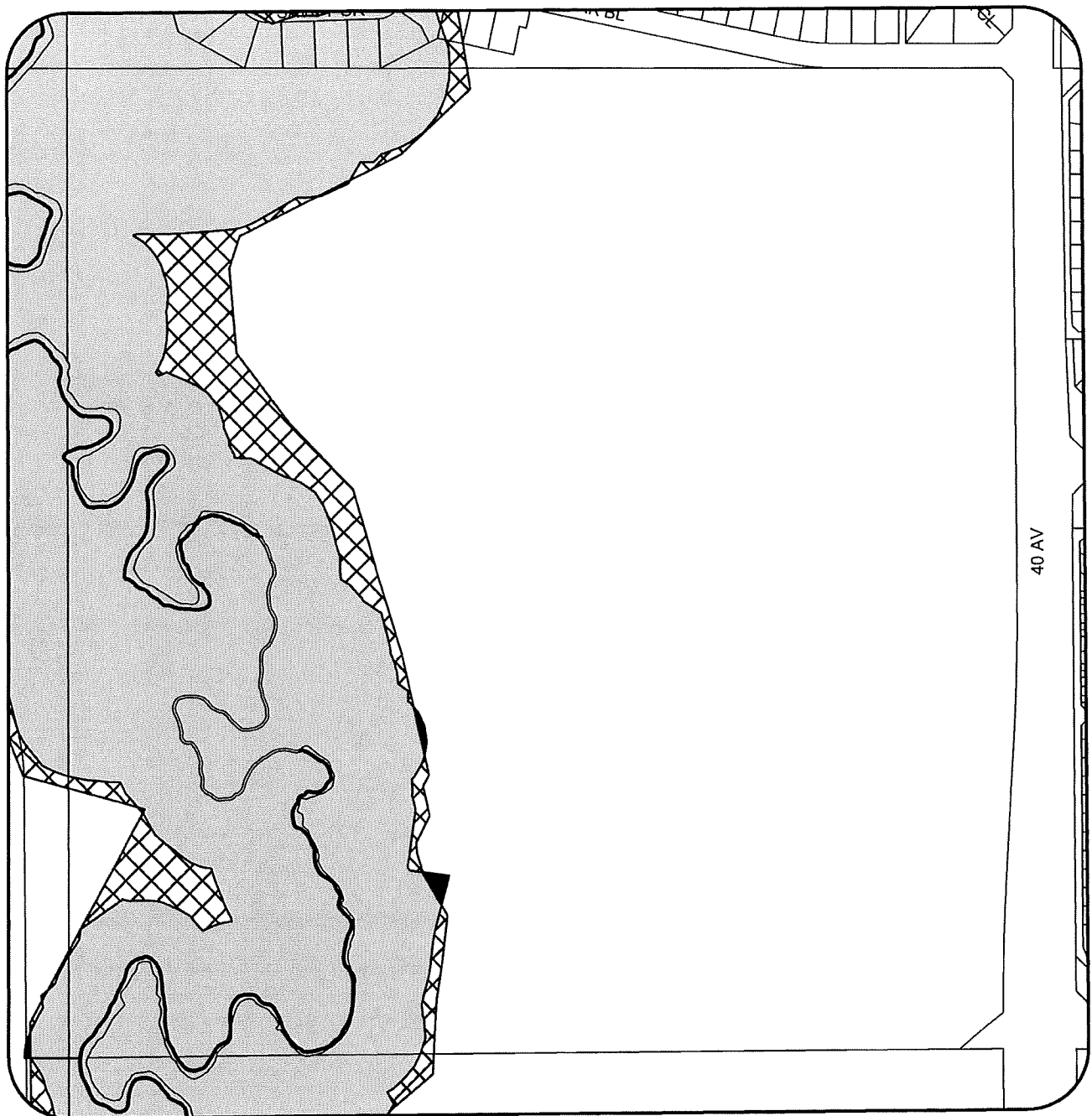
Additions to Escarpment Area

Removal from Escarpment Area

Escarpment Area (*unchanged*)

City Boundary

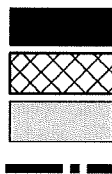
Land Use Bylaw Amendment L/2009, Map 5 (N11)/2009



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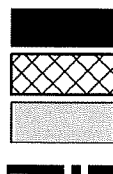
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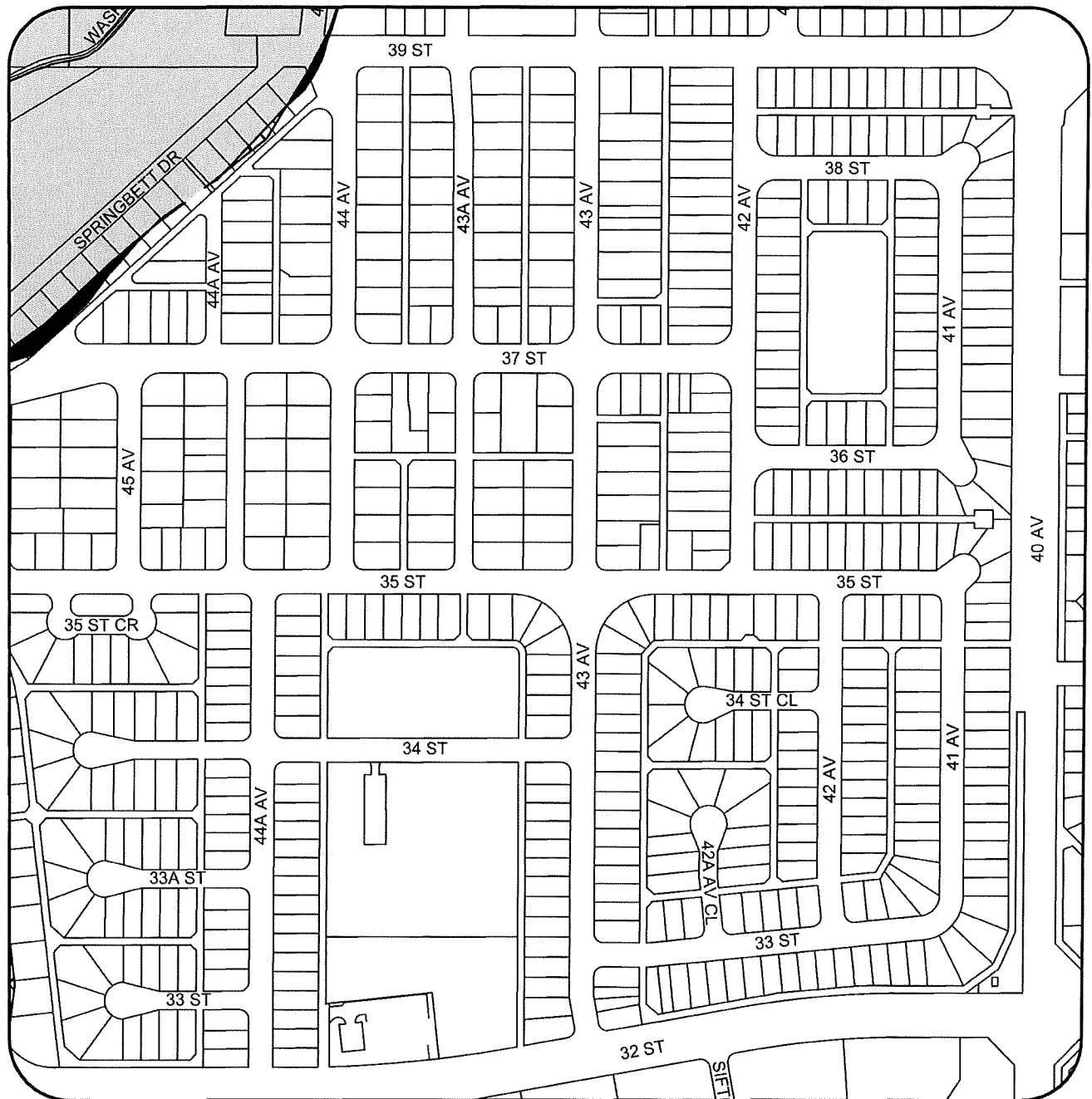
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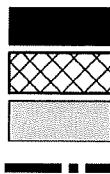
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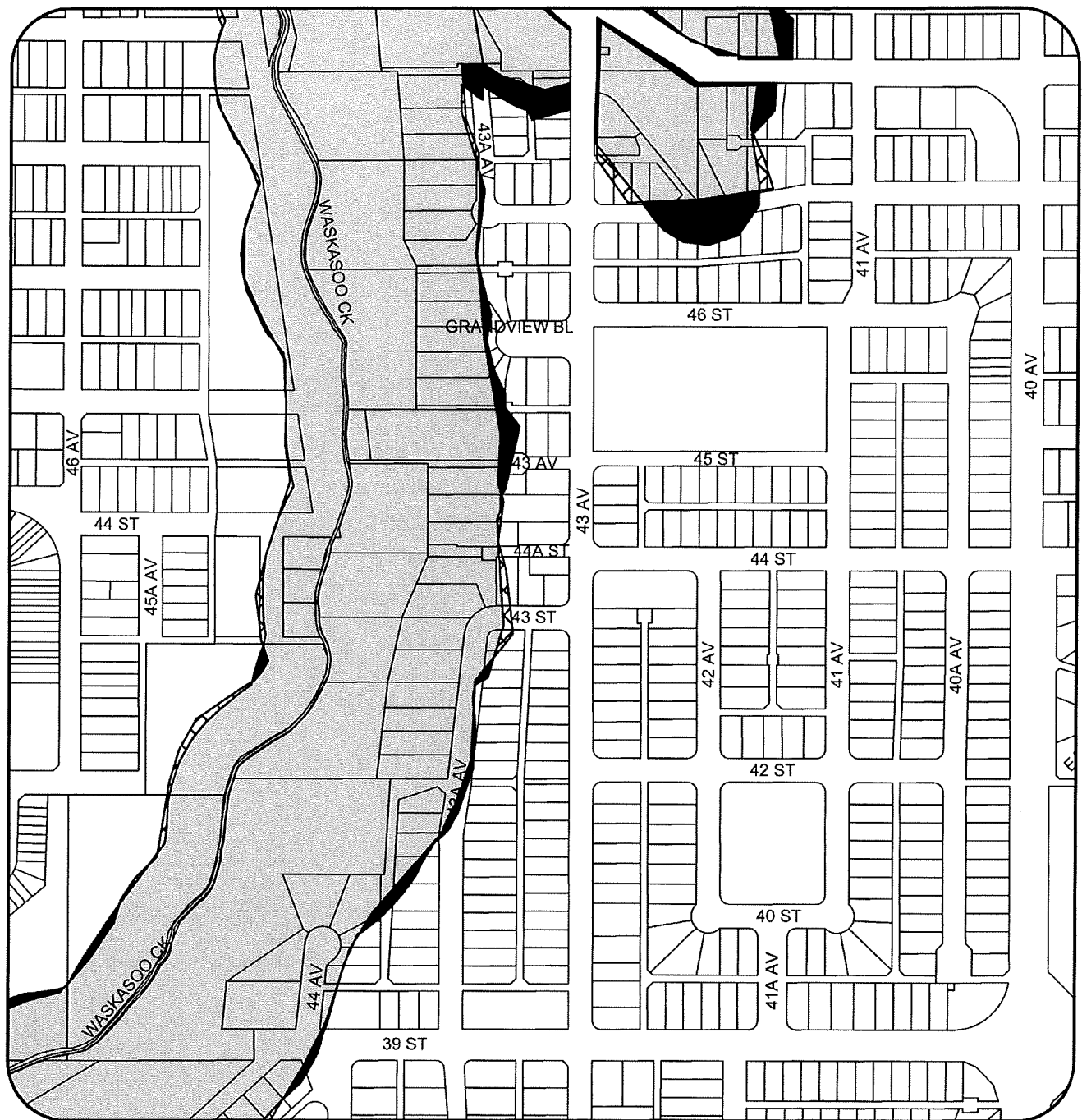
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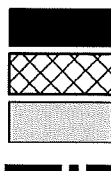
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Additions to Escarpment Area

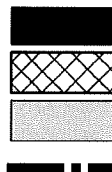
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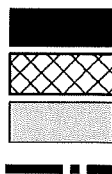
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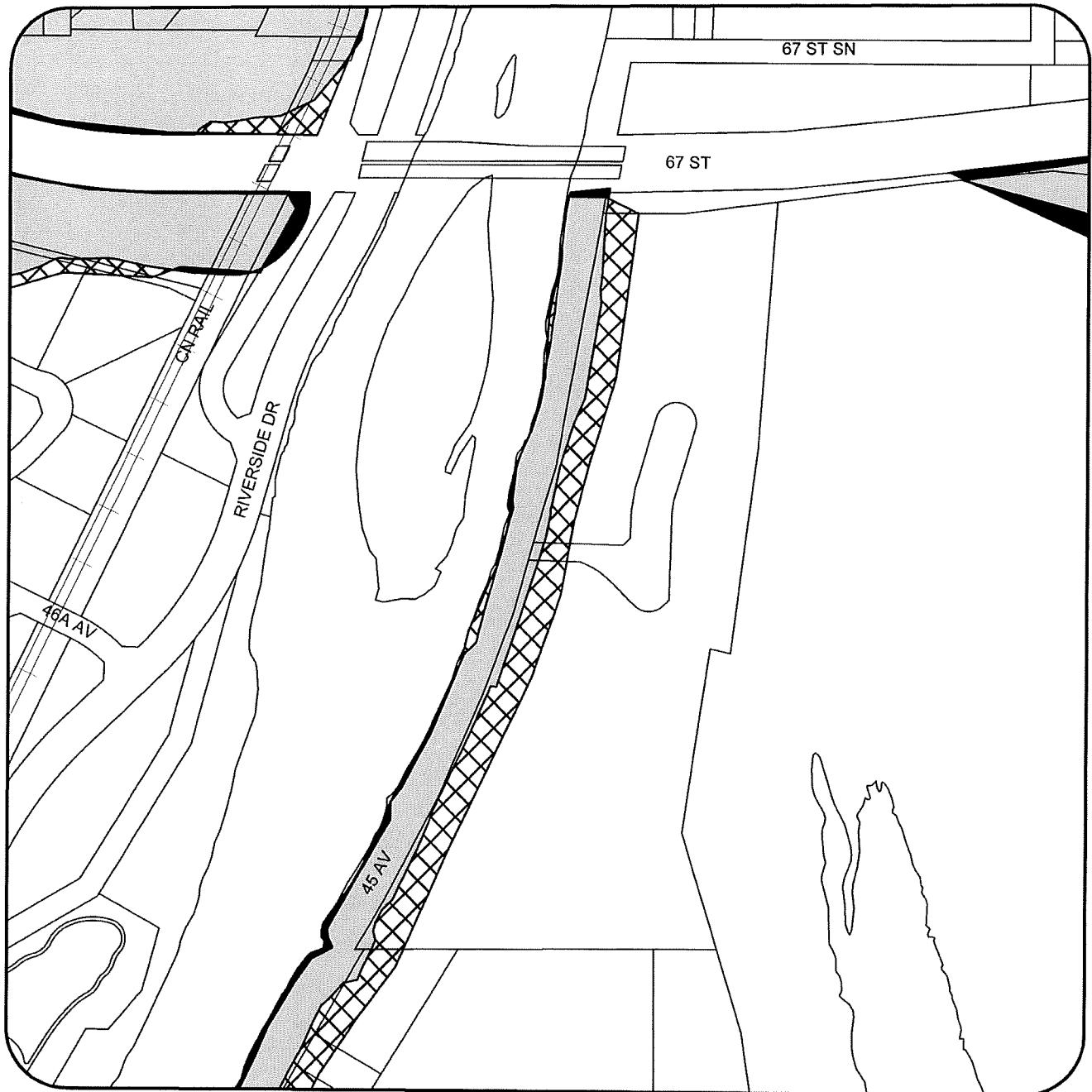
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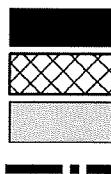
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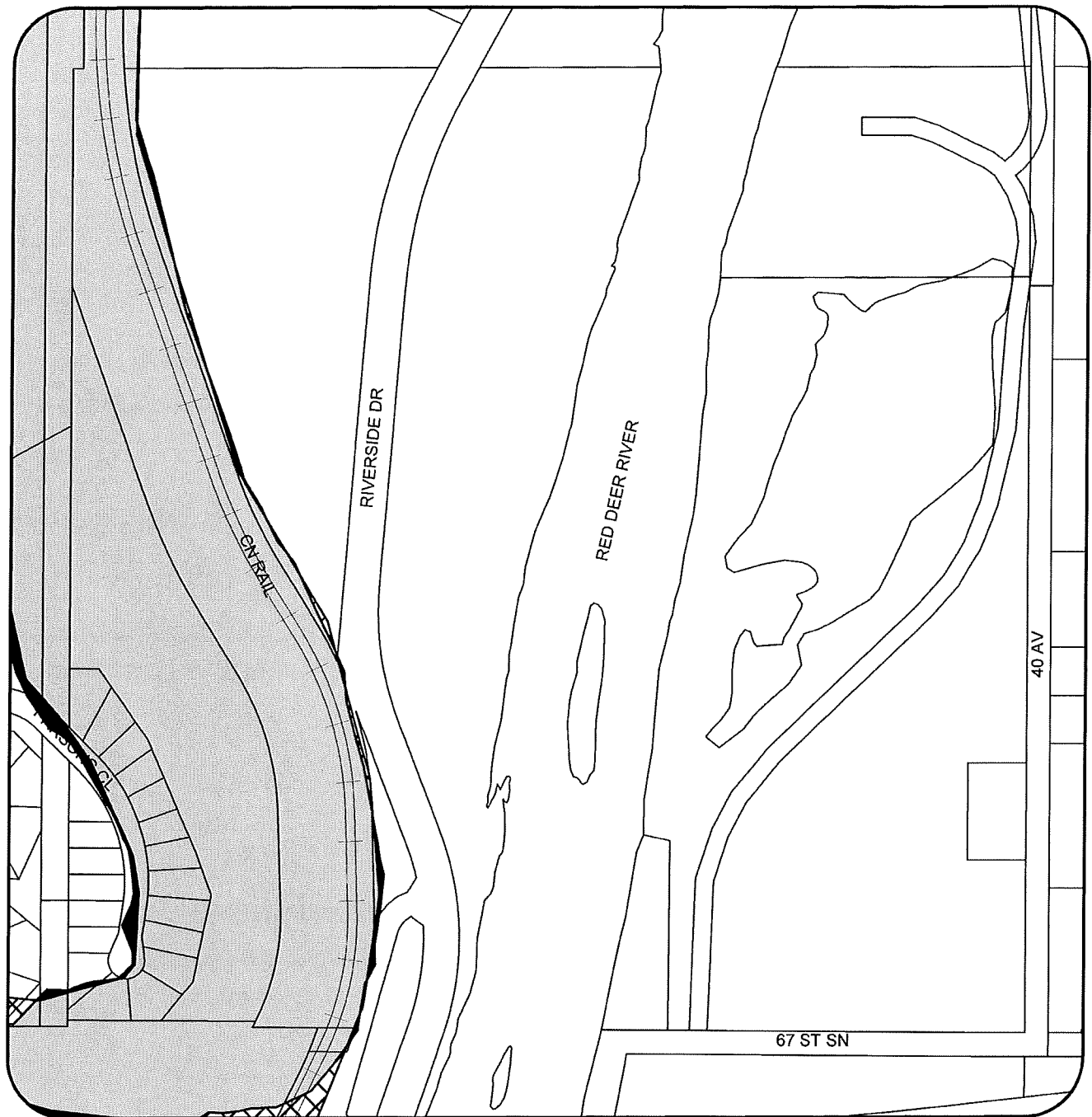
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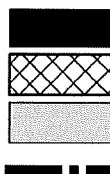
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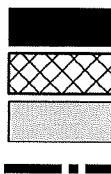
Land Use Bylaw Amendment L/2009, Map 5 (N19)/2009



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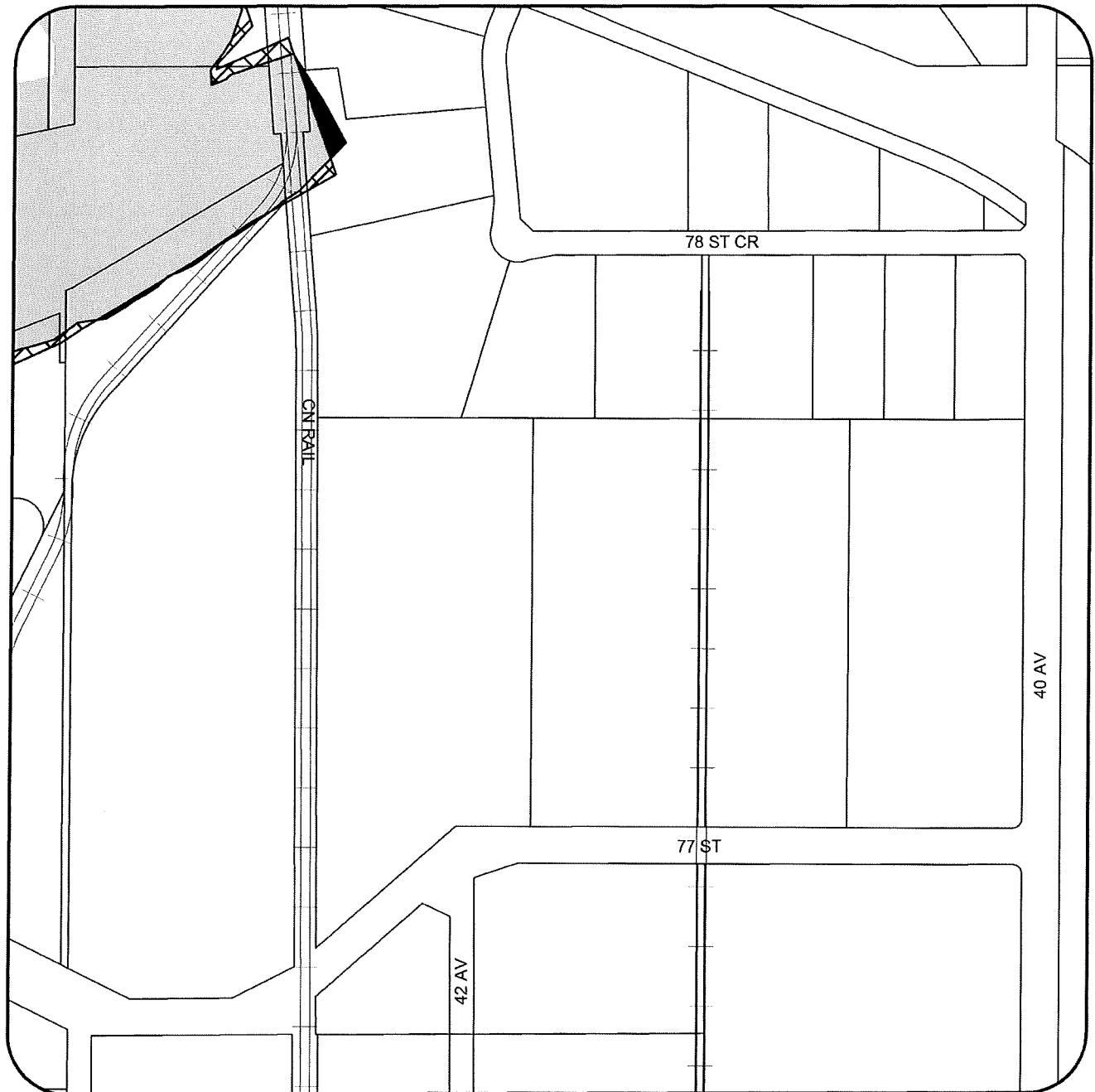
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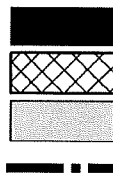
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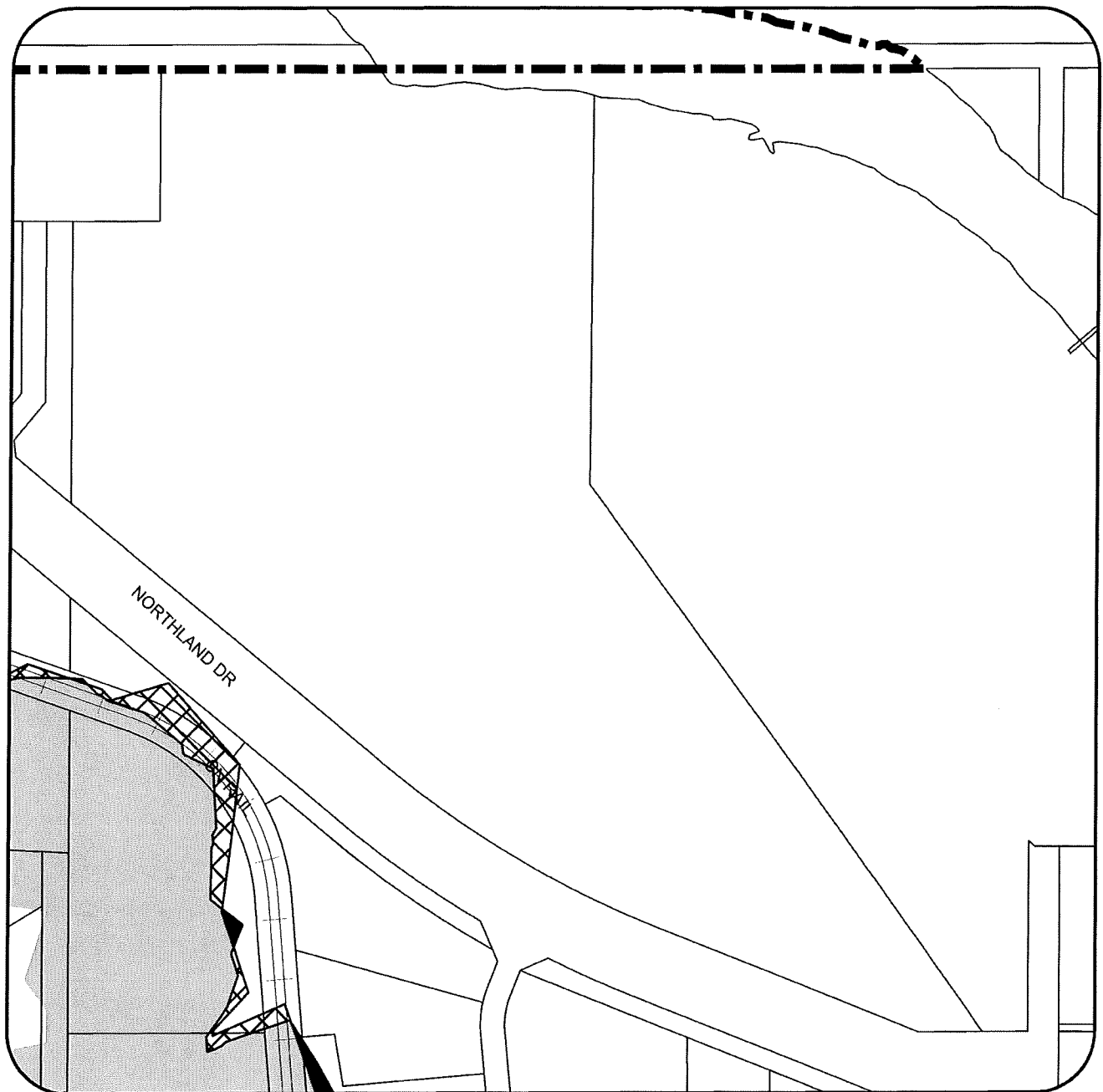
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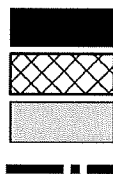
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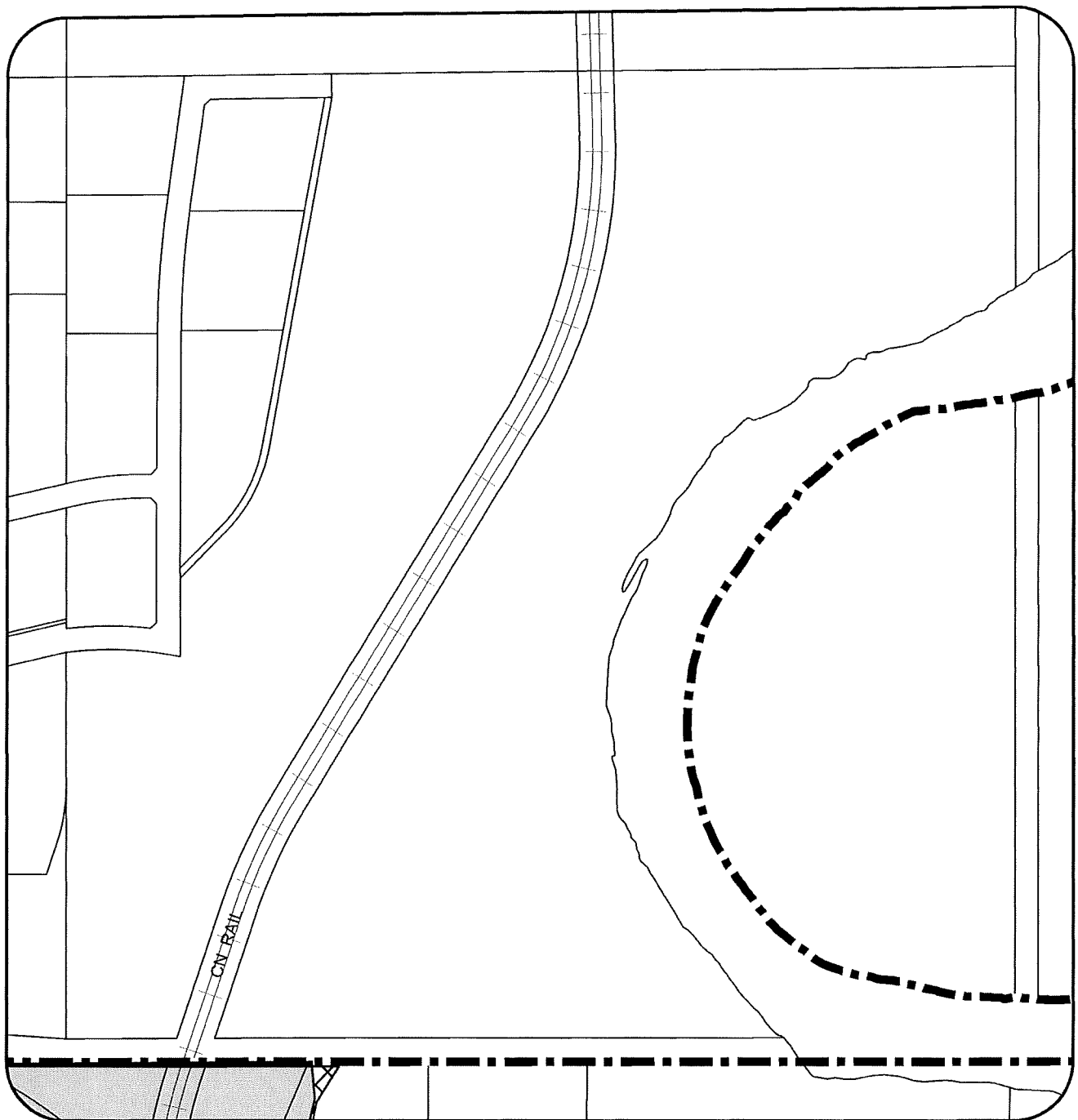
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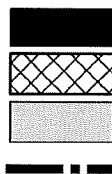
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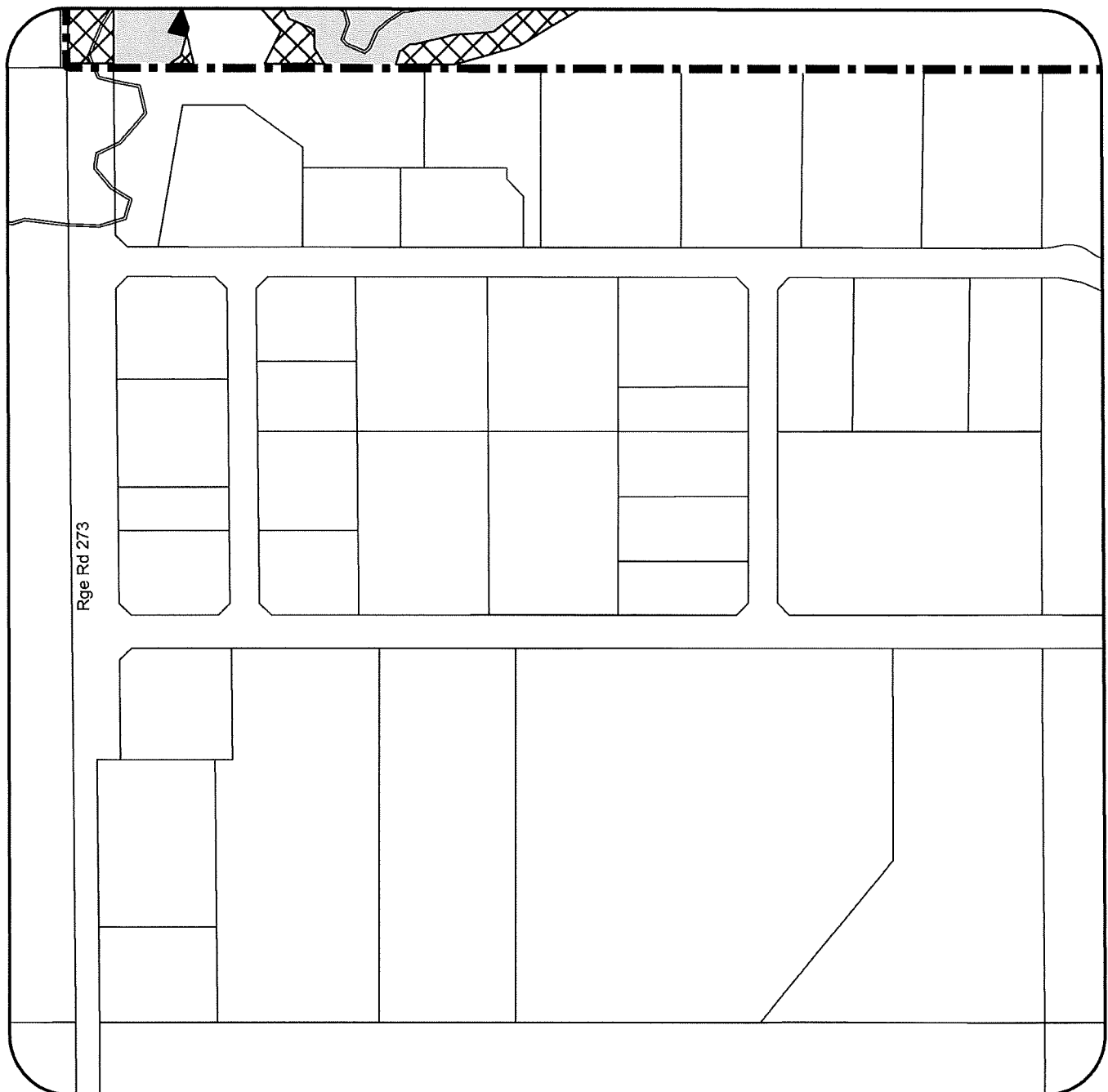
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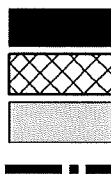
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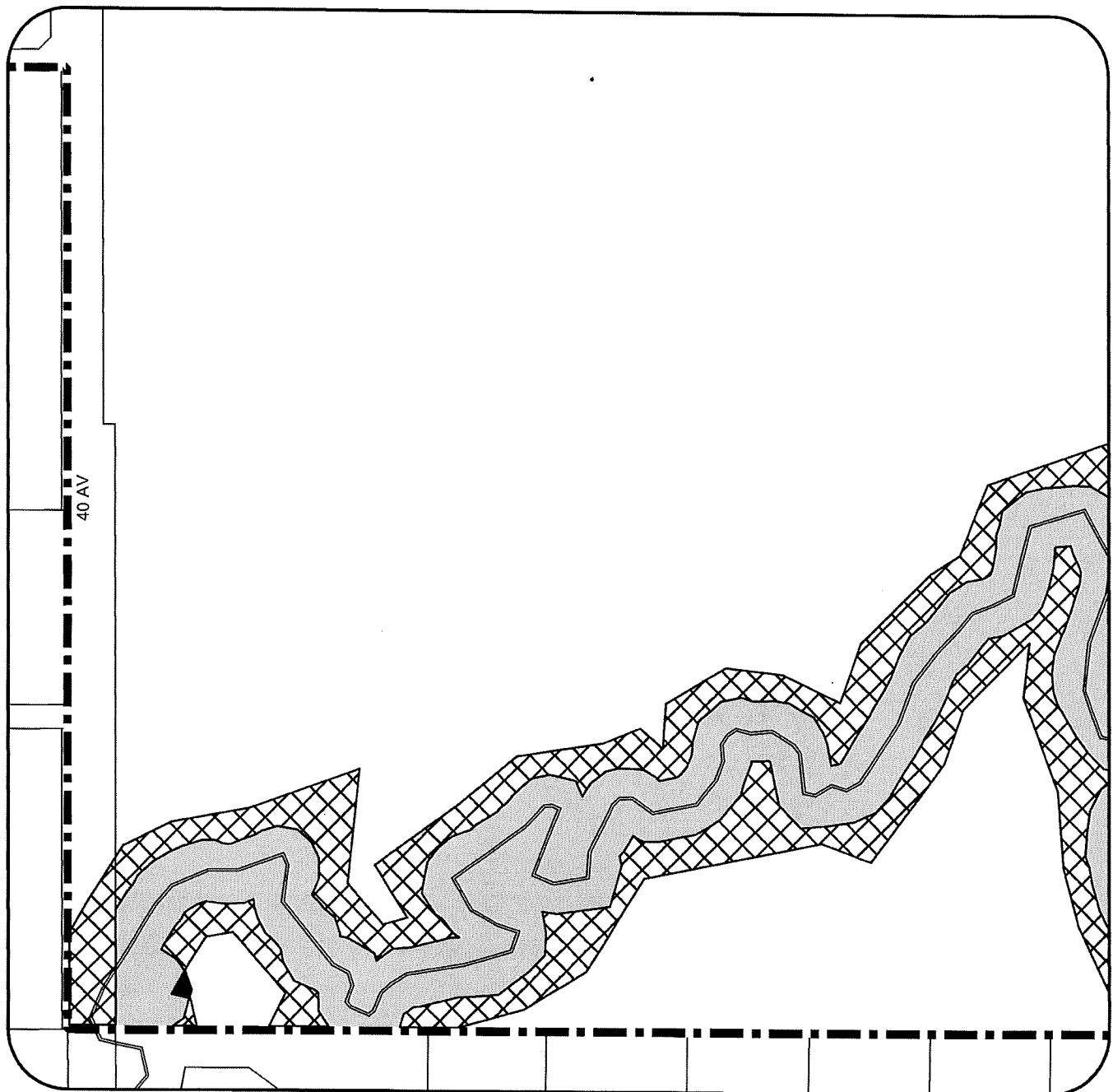
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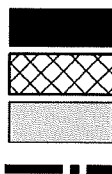
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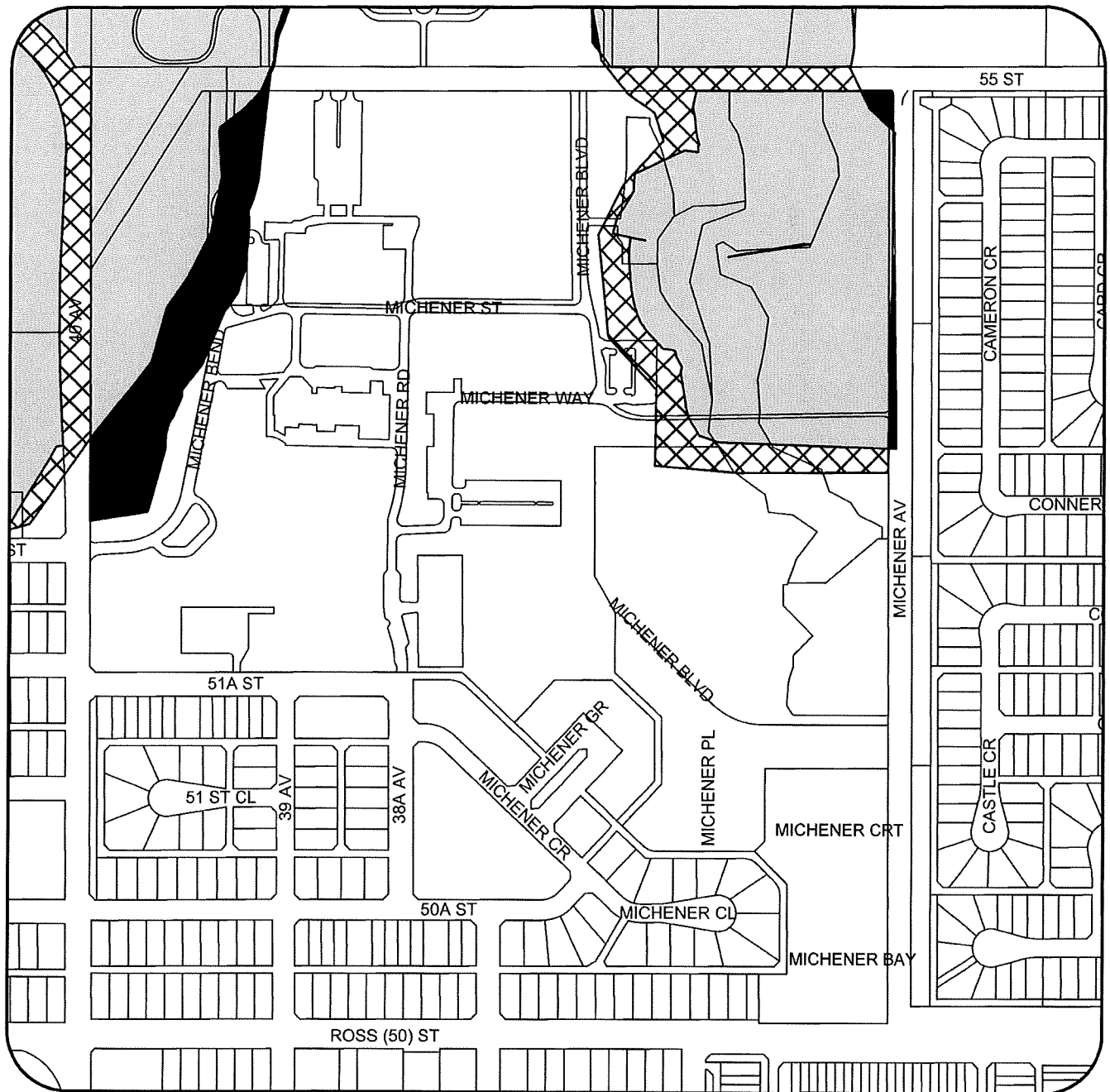
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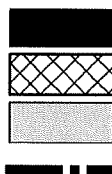
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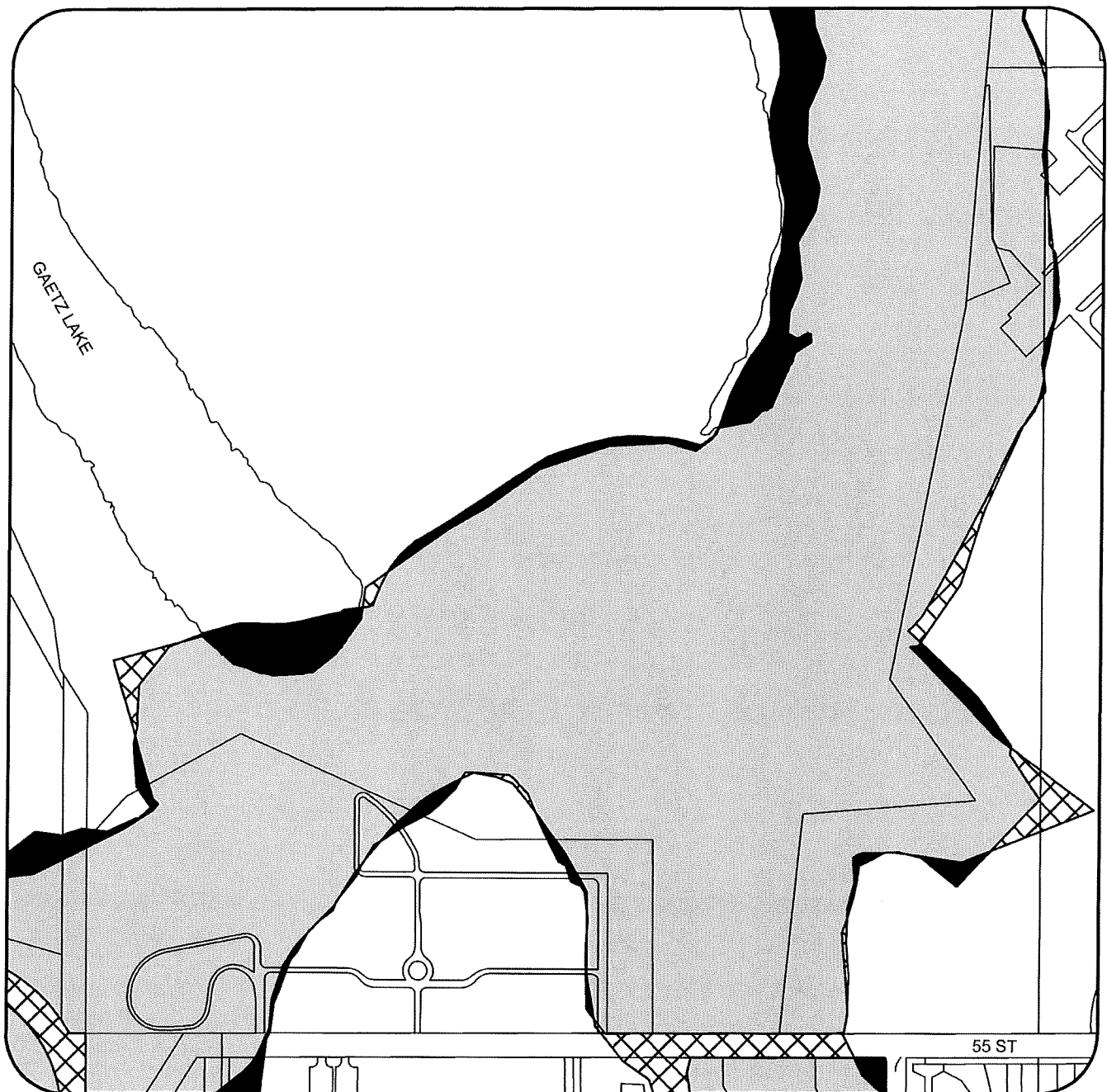
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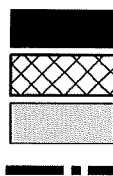
Land Use Bylaw Amendment L/2009, Map 5 (O16)/2009



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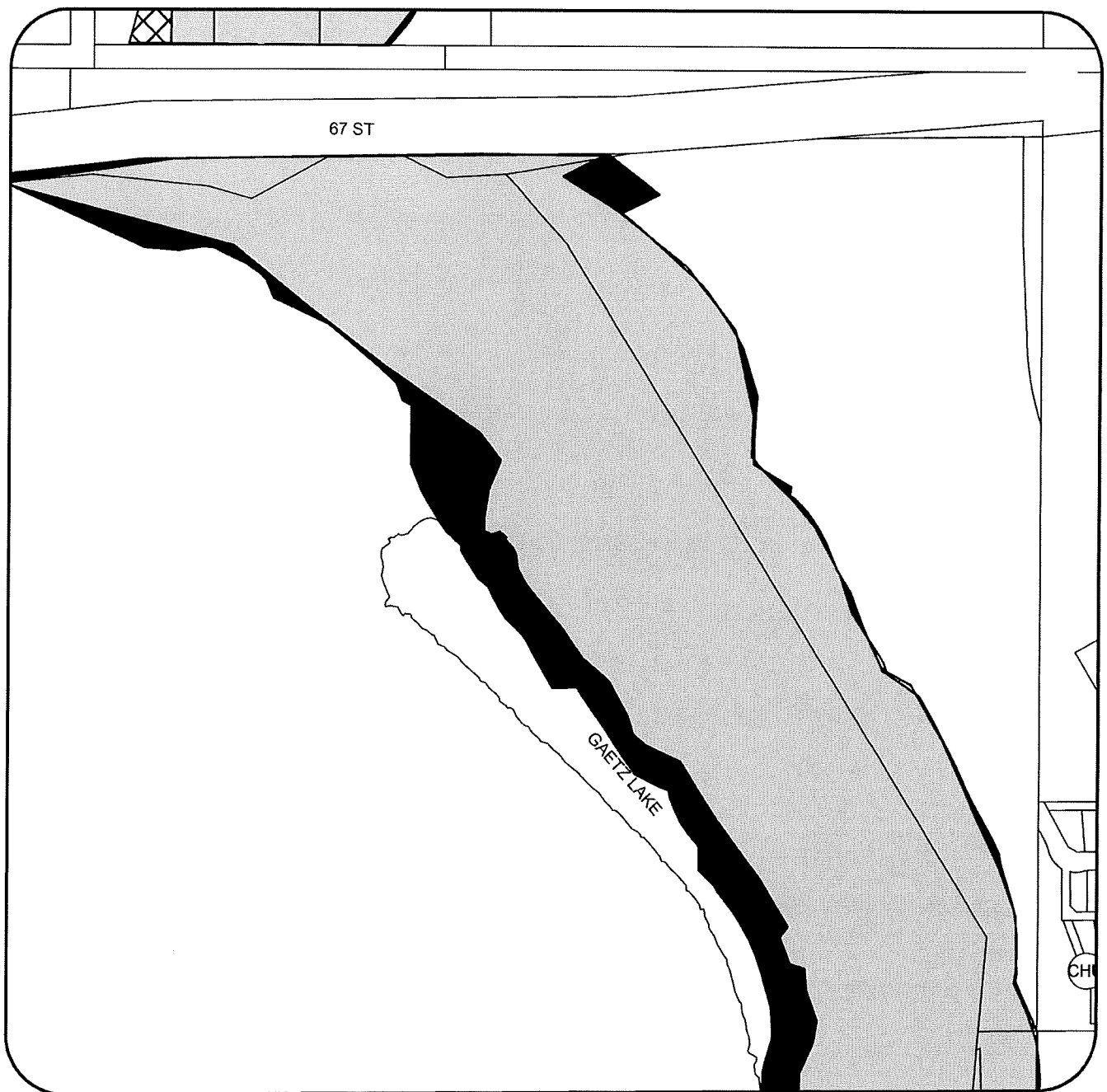
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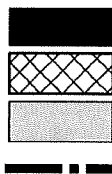
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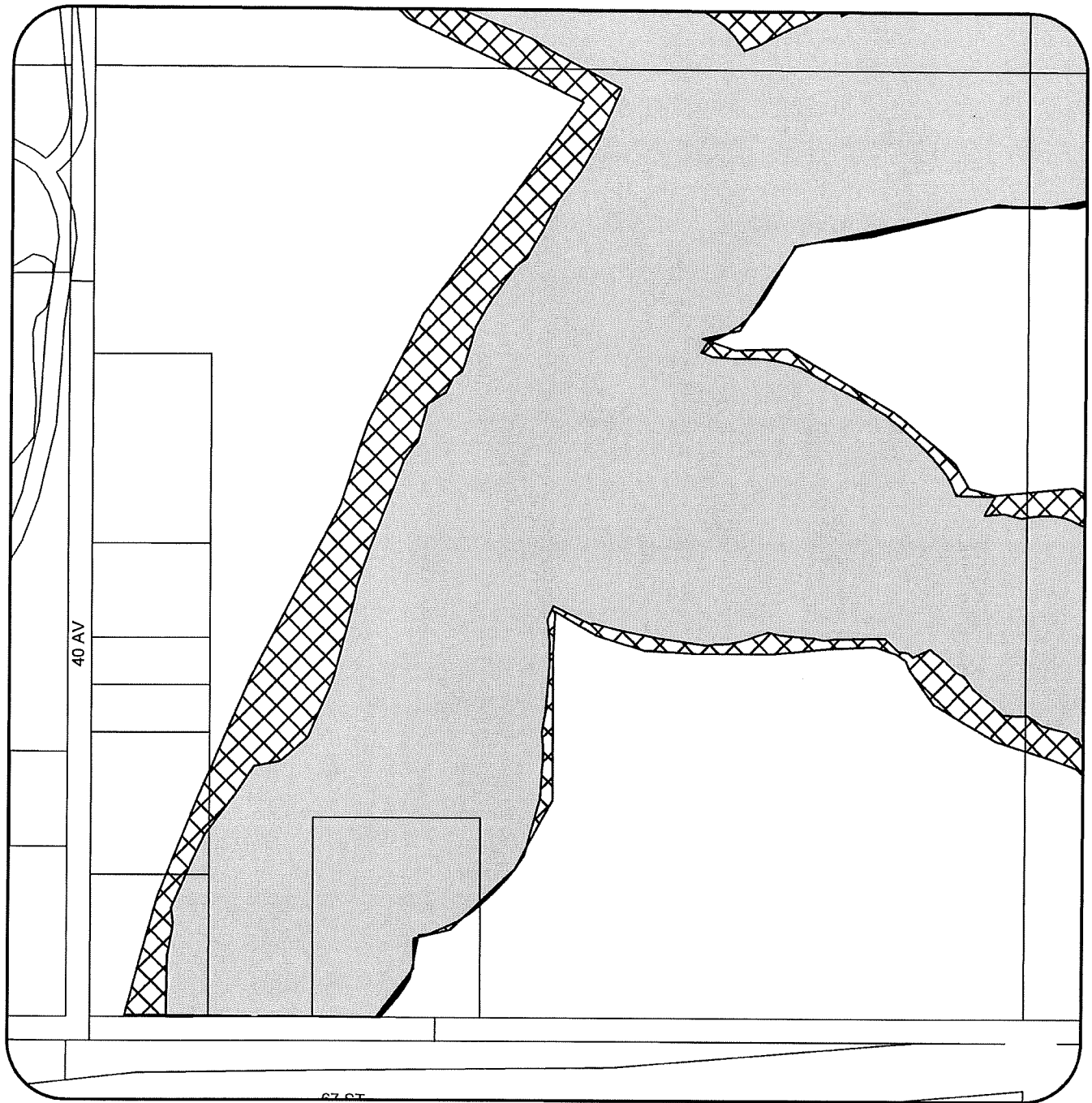
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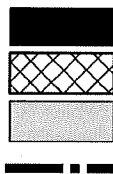
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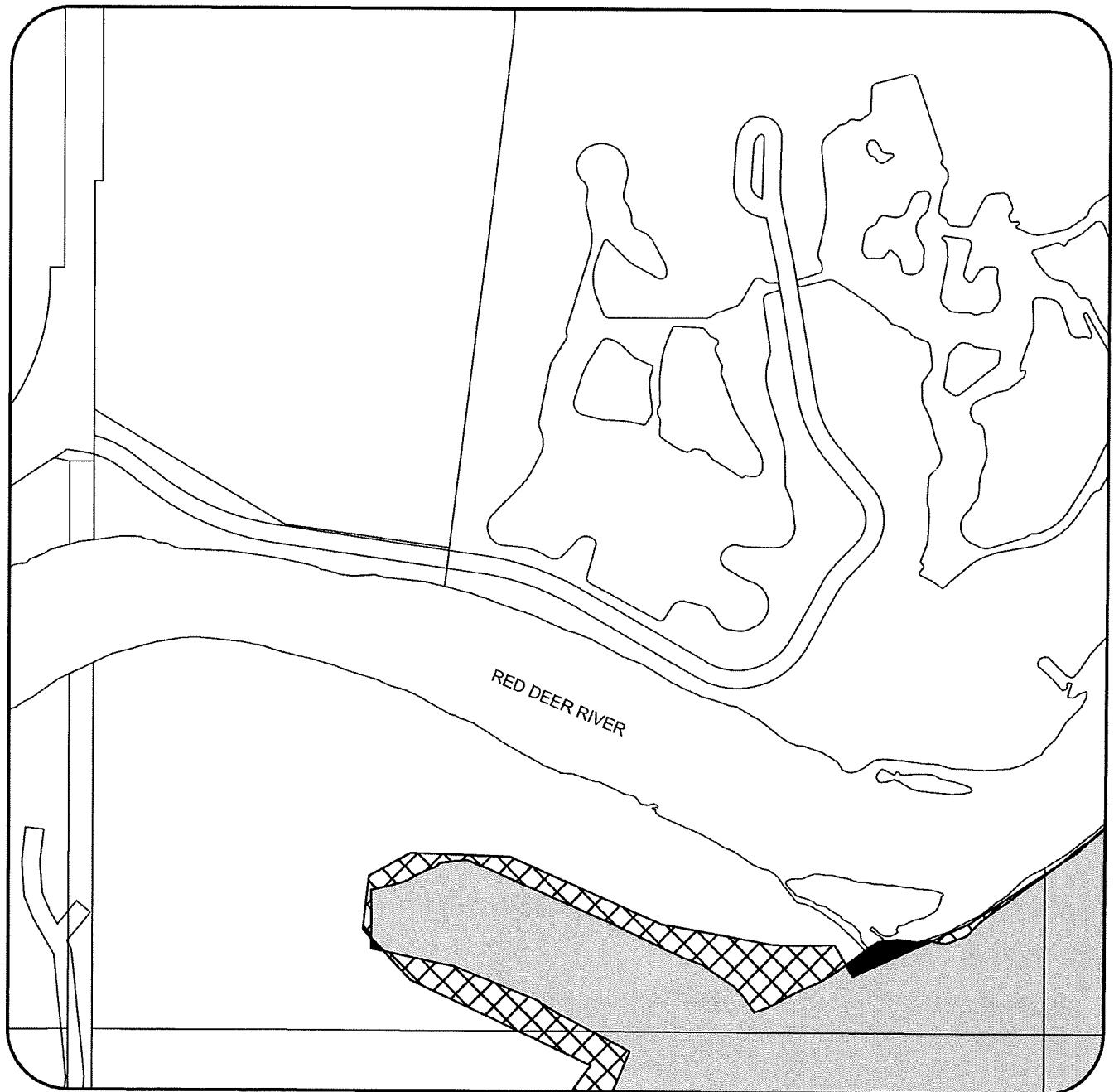
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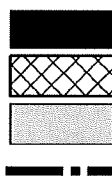
Land Use Bylaw Amendment L/2009, Map 5 (O19)/2009



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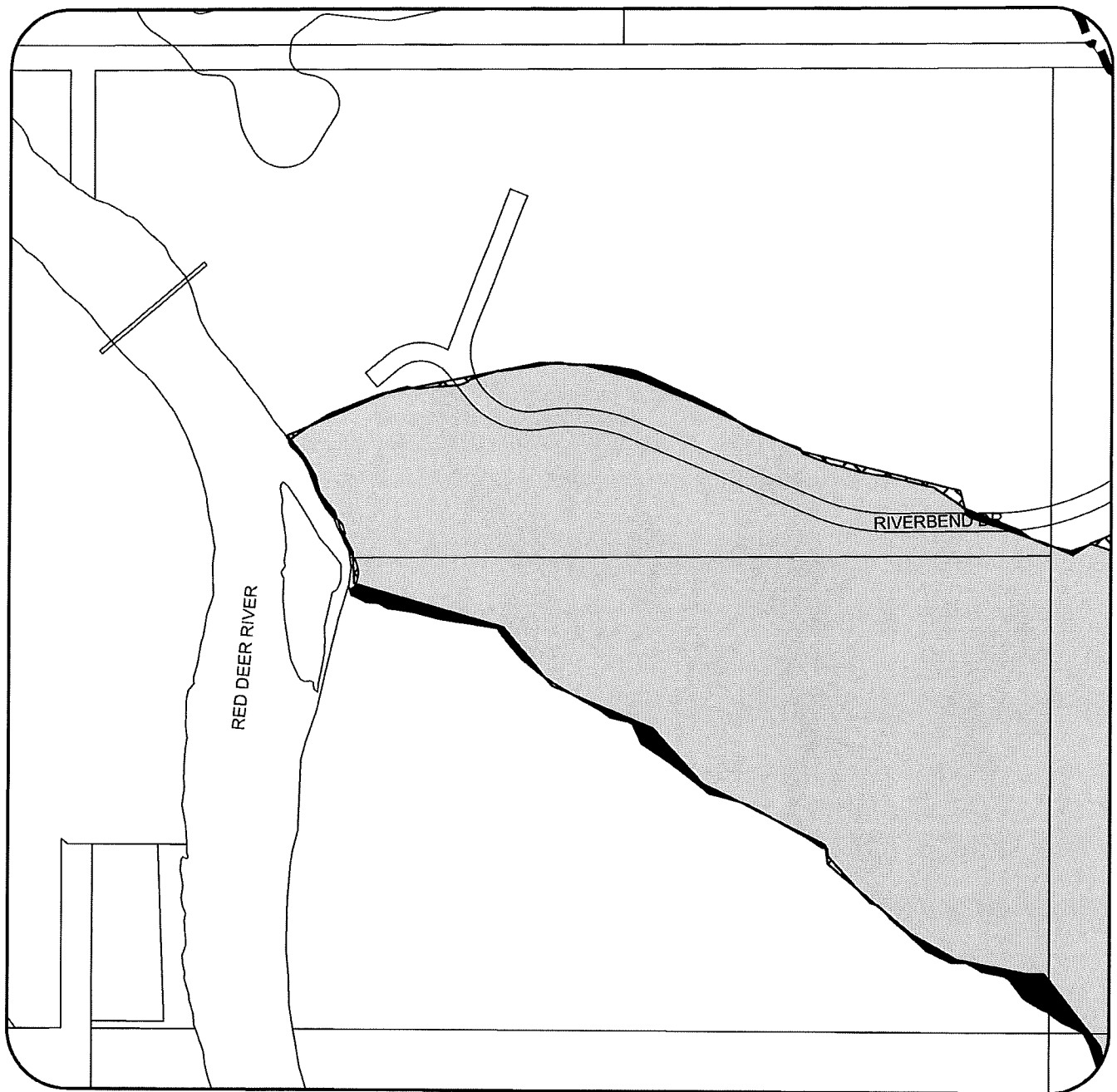
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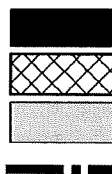
Land Use Bylaw Amendment L/2009, Map 5 (O21)/2009



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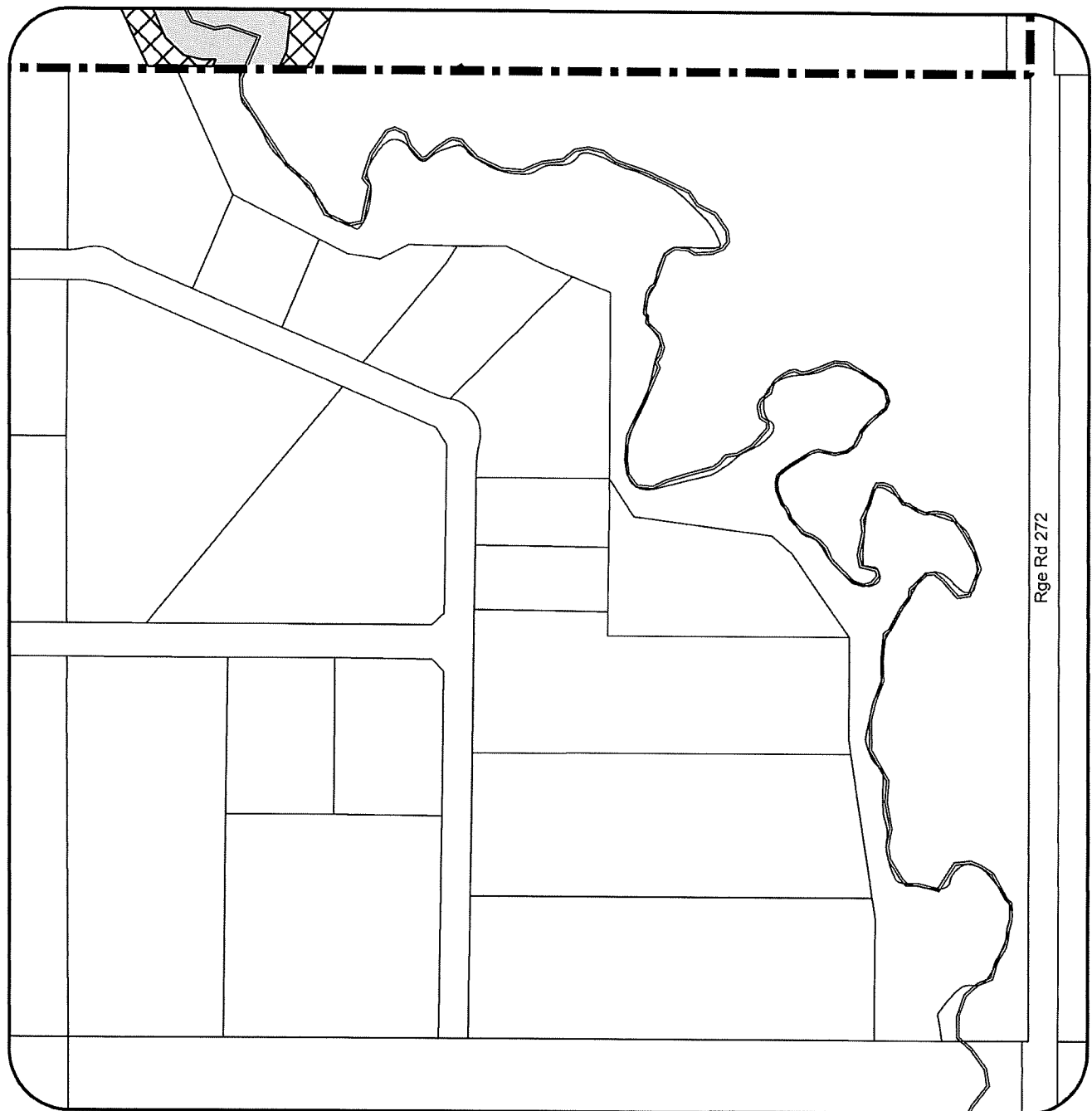
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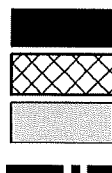
Land Use Bylaw Amendment L/2009, Map 5 (P7)/2009



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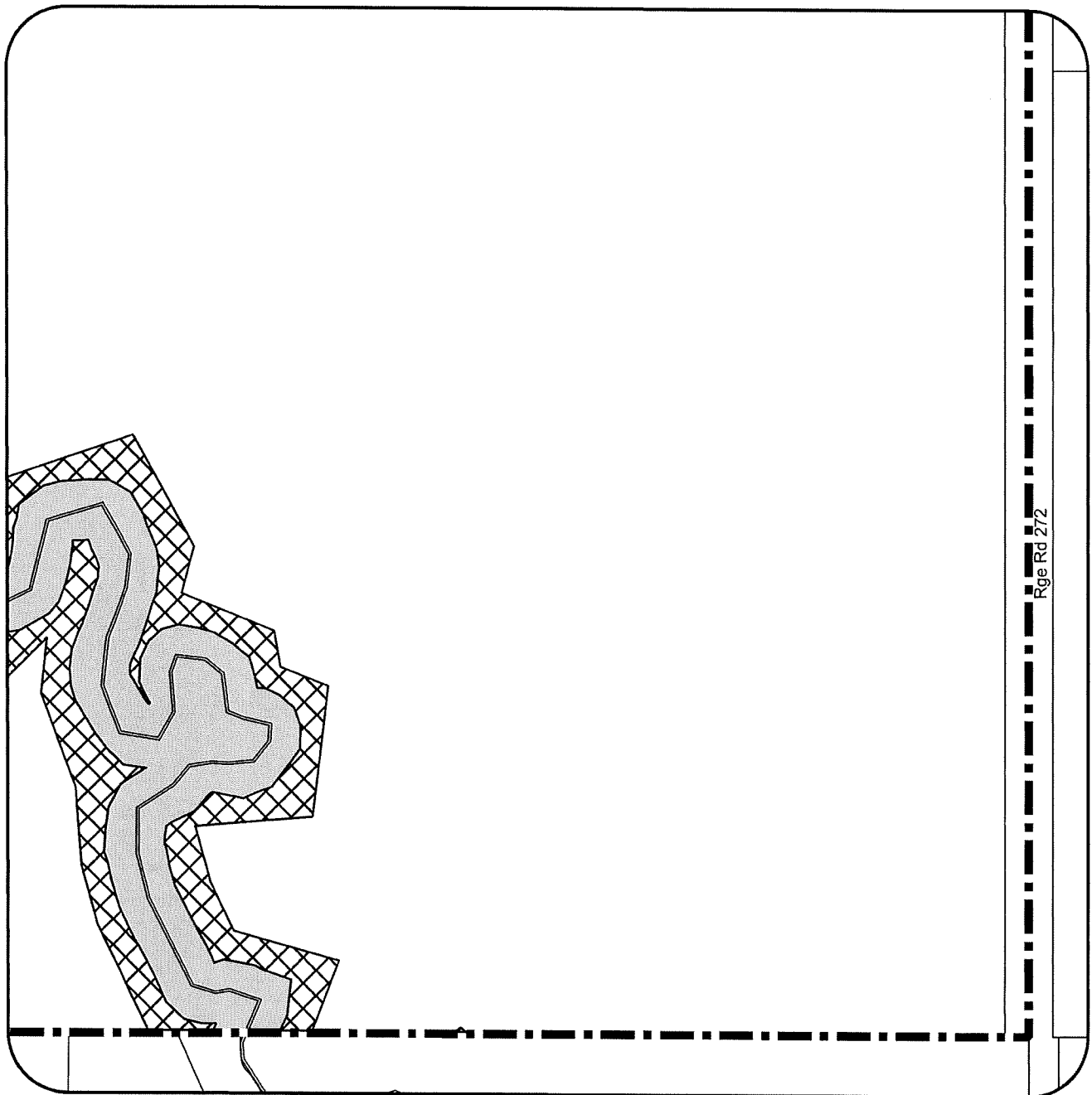
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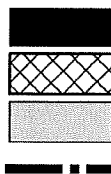
Land Use Bylaw Amendment L/2009, Map 5 (P8)/2009



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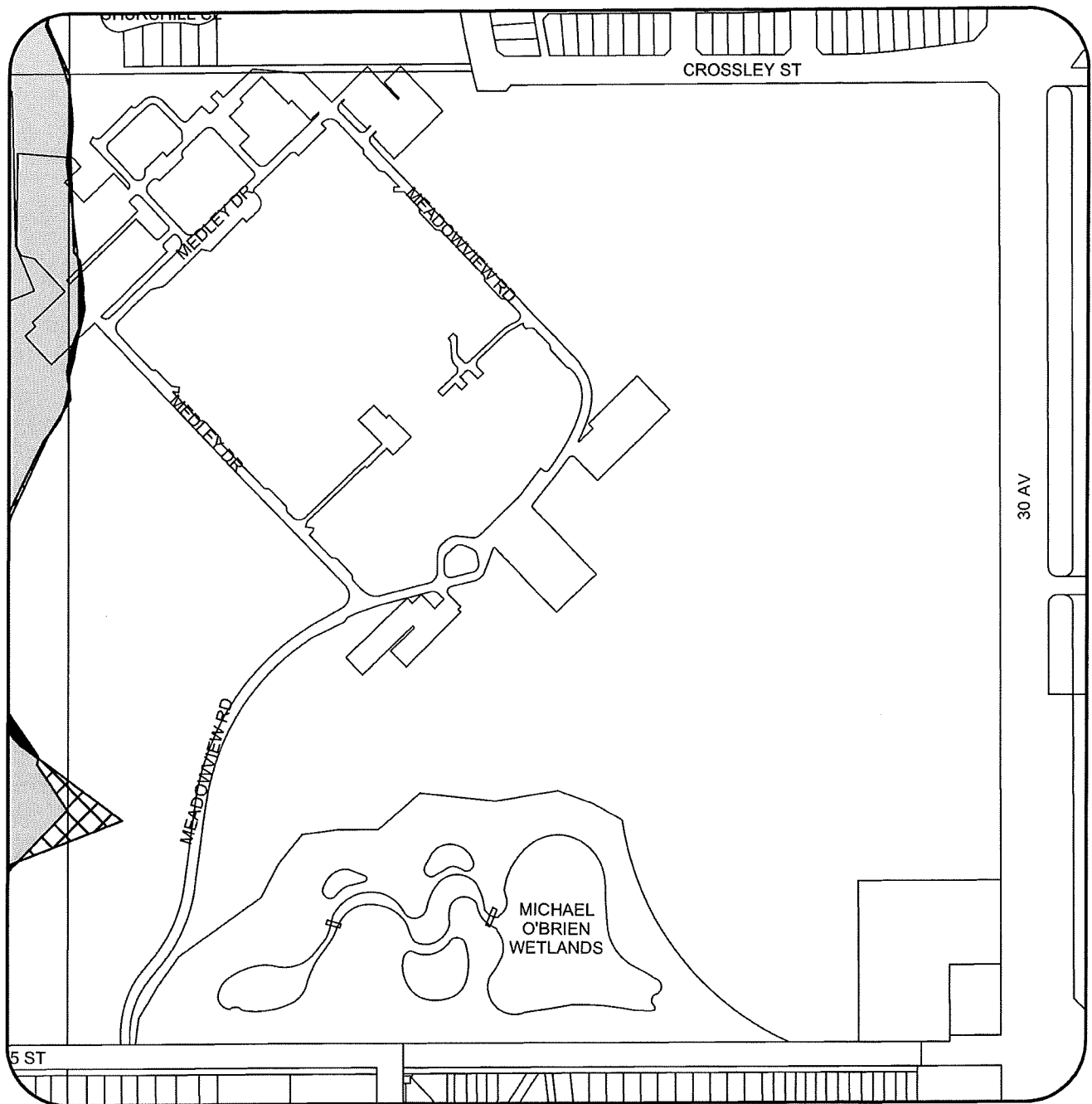
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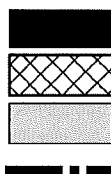
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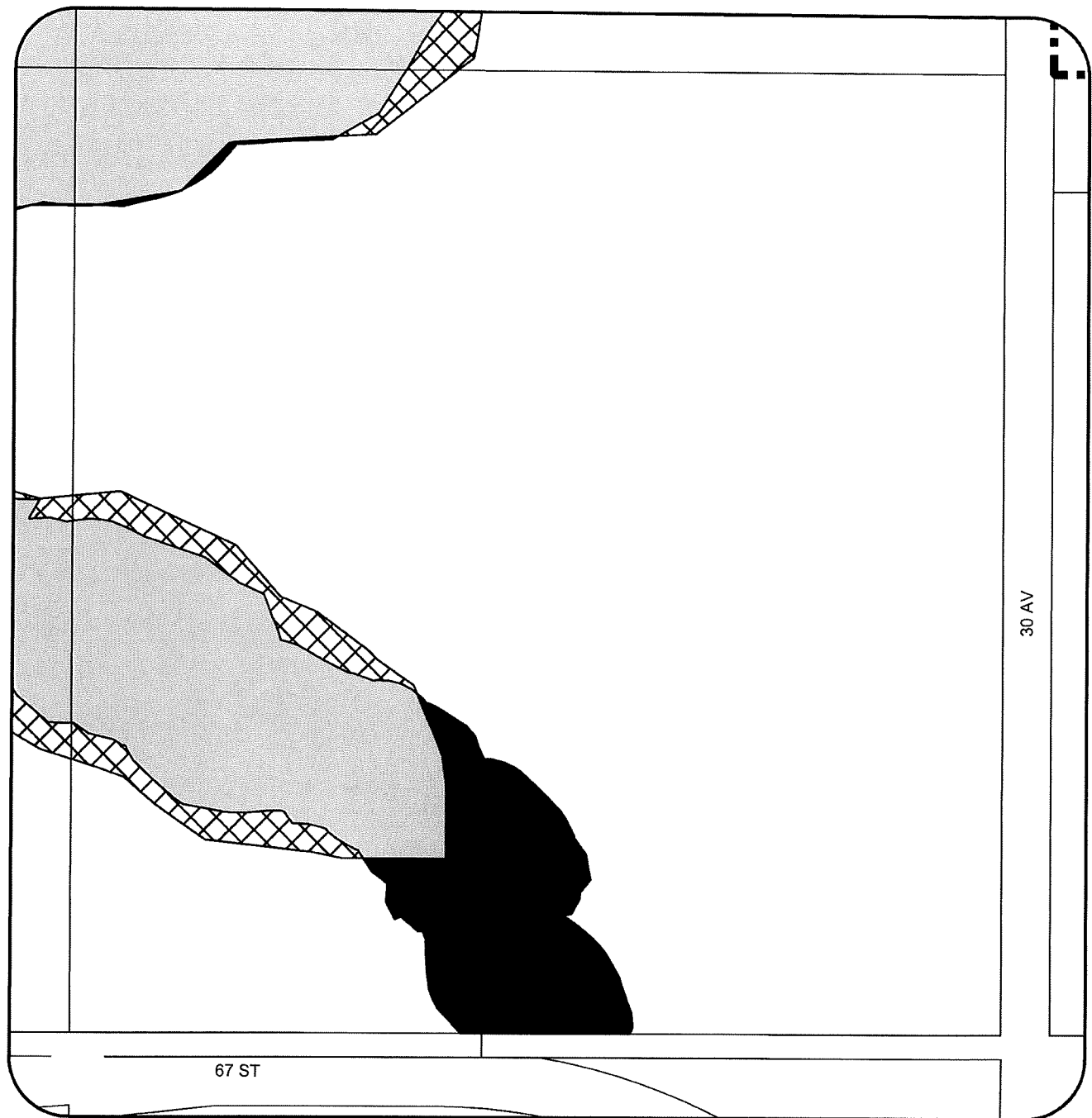
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Additions to Escarpment Area
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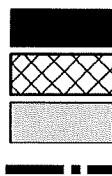
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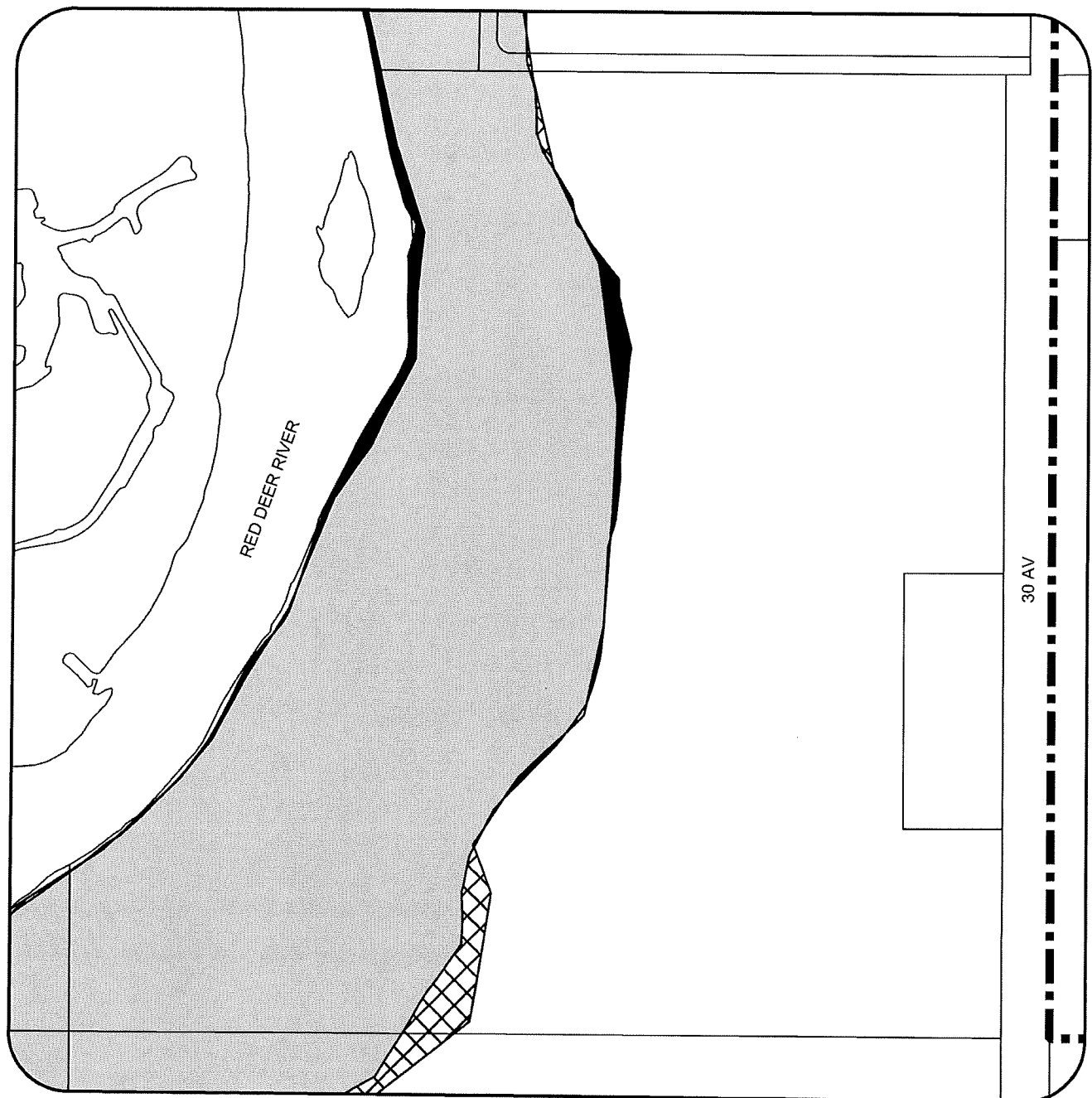
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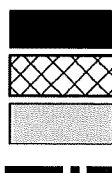
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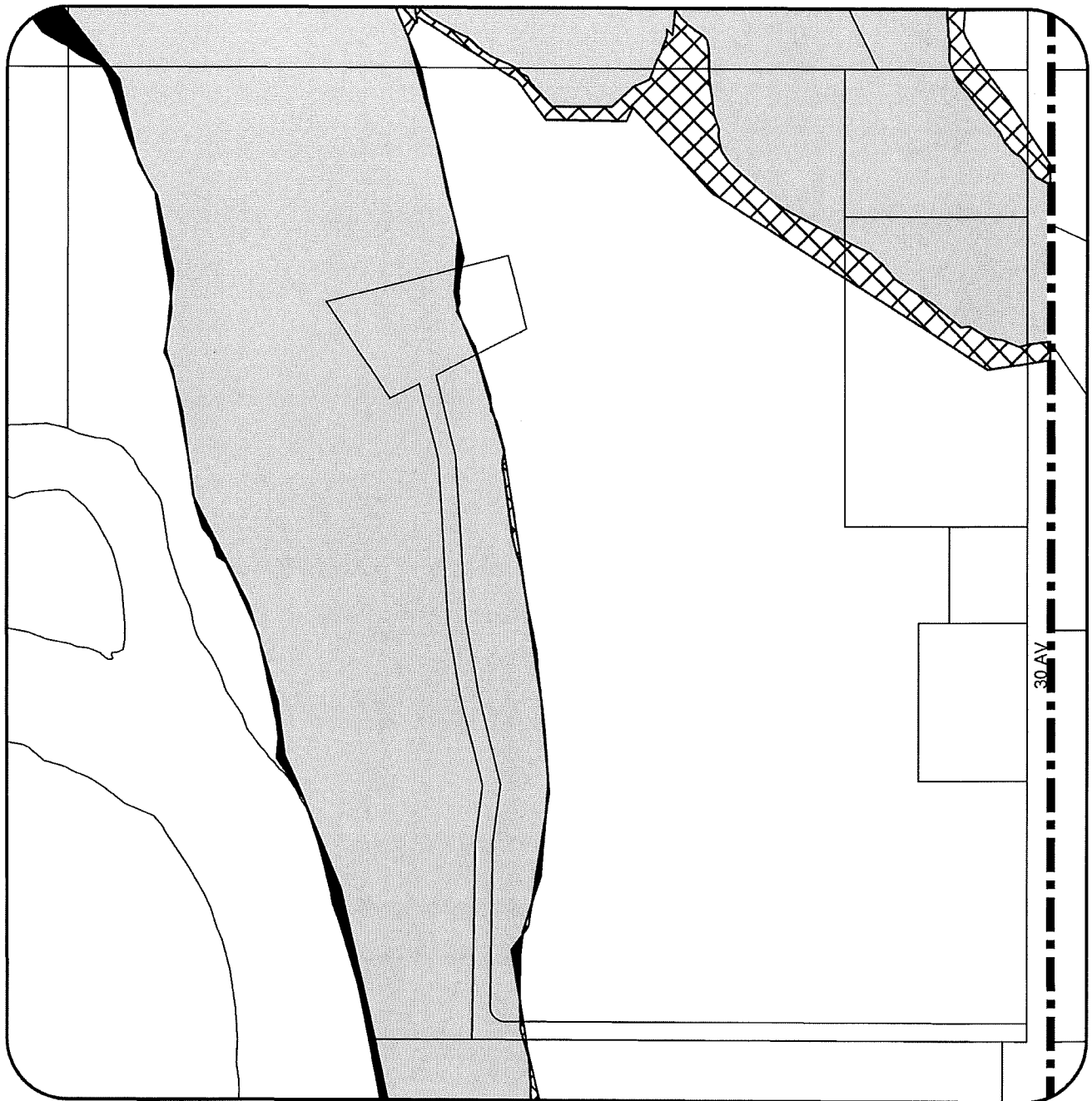
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City Boundary

Land Use Bylaw Amendment L/2009, Map 5 (P20)/2009



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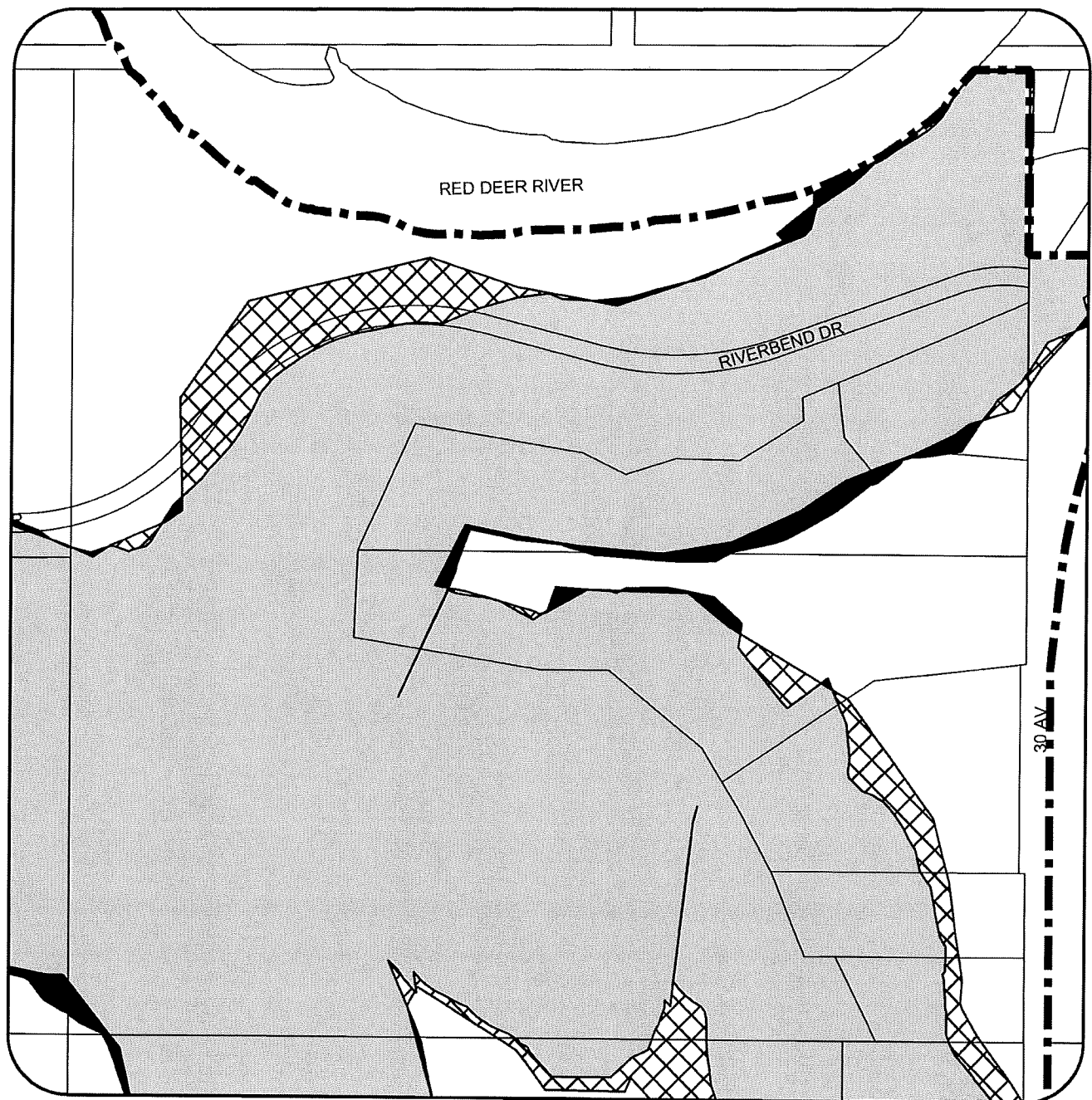
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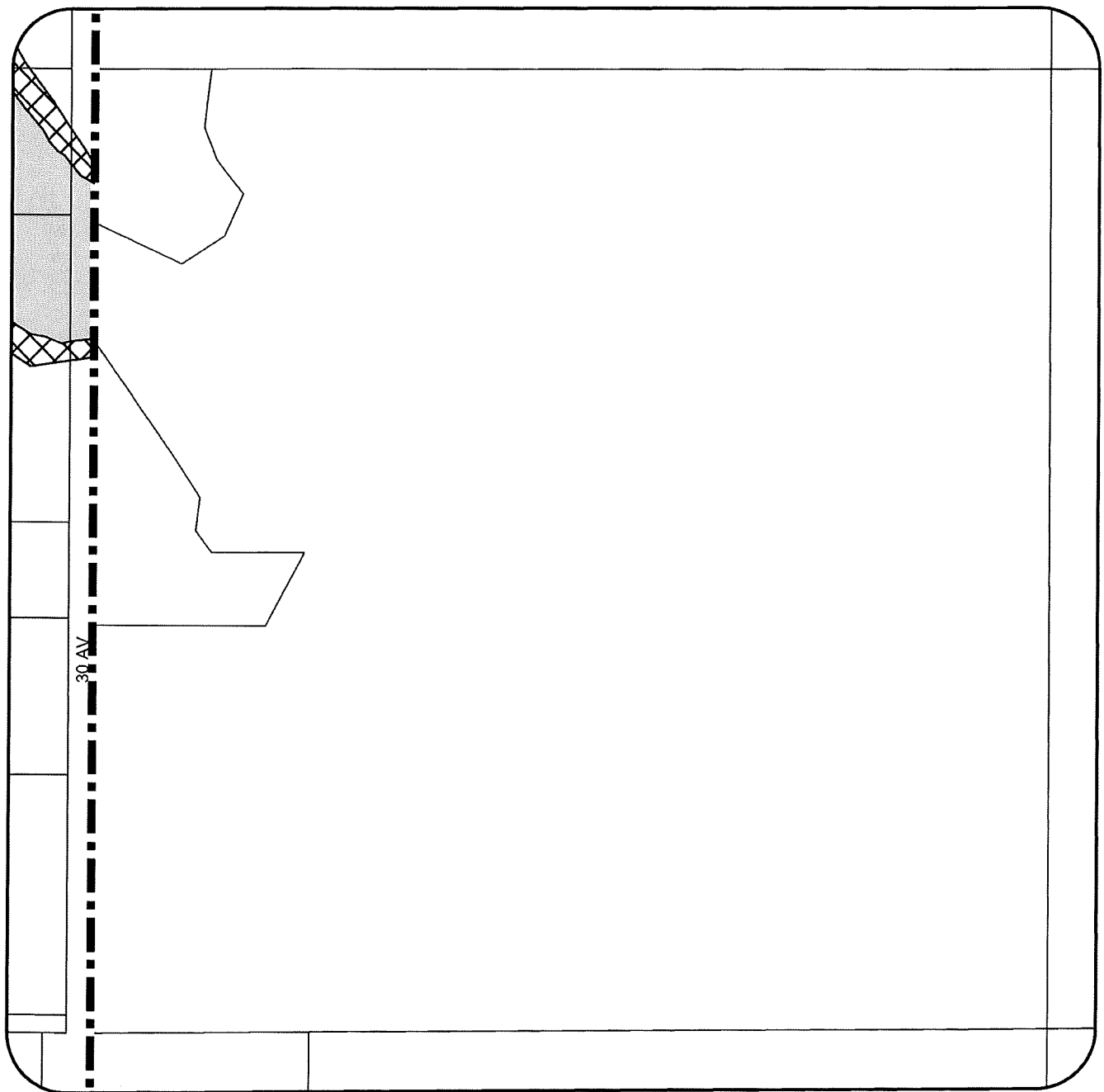
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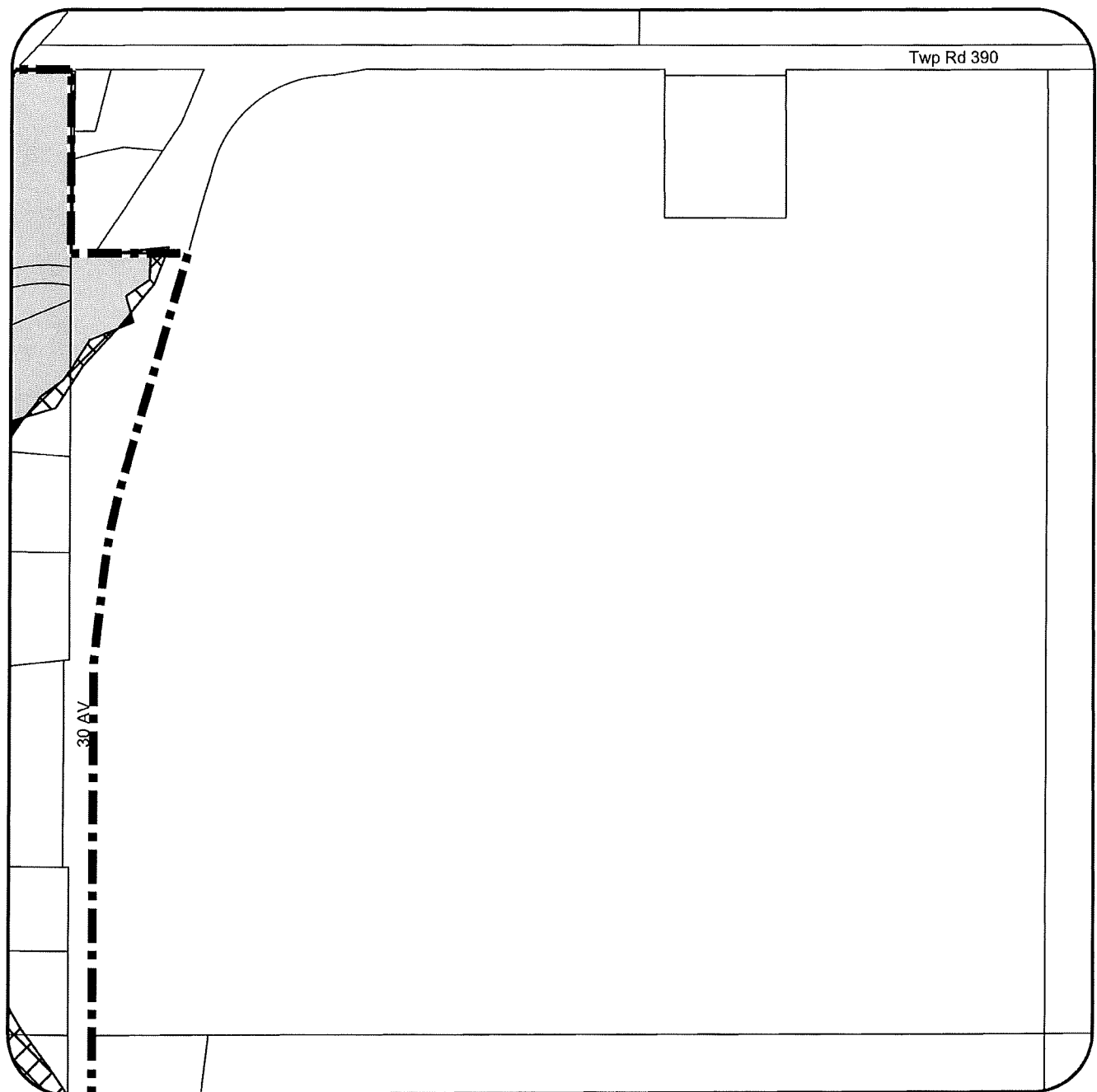
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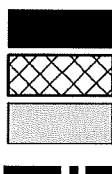
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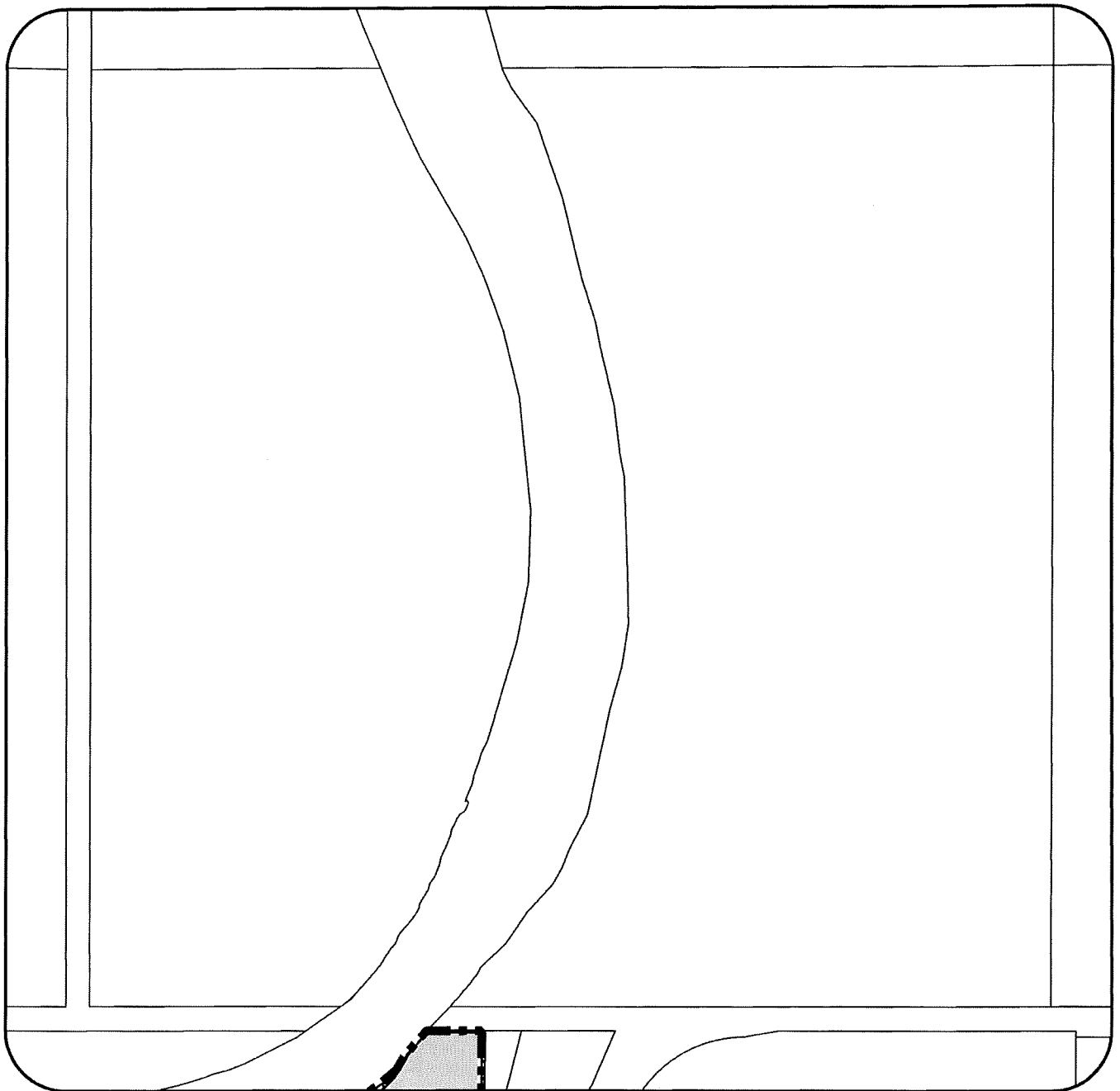
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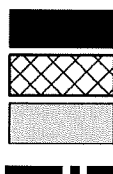
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City Boundary

Bylaws Item No. 2

BYLAW NO. 3357/M-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 ENACTS AS FOLLOWS:

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

- 1 The listing of Historical Preservation Buildings and Sites contained in section 7.5(3) is deleted and replaced with the listing in the chart attached hereto to reflect the designation of St. Luke's Anglican Church HP-3 and North Cottage School HP-5 as Municipal Historic Resources.

READ A FIRST TIME IN OPEN COUNCIL this 13th day of July 2009.
READ A SECOND TIME IN OPEN COUNCIL this 10th day of August 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

7.5 (3) Historical Preservation Building and Sites

Property Number	Building or Site	Municipal Address	Legal Description	Designation
HP - 1	Old Court House	4836 Ross Street	Lots 1-4, Block 28, Plan K	Provincial
HP - 2	C.P.R. Station	5000 - 51 Avenue	Lot 19, Plan 952 4241	Provincial/ Municipal
HP - 3	St. Luke's Anglican Church	4929 - 54 Street	Lots 9-11, Block 14, Plan K	Municipal/ Registered
HP - 4	Allen Bungalow	6316 - 45 Avenue	NE 1/4 21-38-27-4 which lies east of Road Plan 1264 ET	Municipal/ Registered
HP - 5	North Cottage School	5704 - 60 Street	Lot S, Plan 4596 NY	Municipal/ Registered
HP - 6	Parsons House	4801 - 49 Street	Lots 42 & 43, Block 26, Plan 982-1122	Municipal/ Registered
HP - 7	C. P. R. Rail Bridge	Red Deer River	SE of Plan 952 3190	Municipal/ Registered
HP - 8	Cronquist House	Great Chief Park	Lot 1MR, Block 1, Plan 832 2386	Municipal
HP - 9	Red Deer Armoury (Fire Hall No. 1)	4905 - 49 Street	Lot 1, Block 27, Plan 1339 RS	Municipal
HP - 10	Presbyterian Ladies College	3909 - 55 Street	Lot 3, Block 10, Plan 0624309	Municipal
HP - 11	J.J. Gaetz House	3504 - 55 Street	Lot 3, Block 1, Plan 792 1758	Municipal
HP - 12	Clarke Residence	4757 - 56 Street	Lot 27, Block A, Plan K1	Municipal
HP - 13	McIntosh House	4631 - 50 Street	Lots 38-40 Block A, Plan K8	Municipal
HP -14	Gaetz Library, Presbyterian Church Steeple, and Stevenson Hall Block	Heritage Square	Lot 1, Block C, Plan 842 2027	Municipal
HP - 15	Scott House	4743 - 56 Street	Lot 20, Block A, Plan K1	Municipal

Note: Provincial and registered designations are assigned by the Province of Alberta to provincially significant historic resources.

Bylaws Item No. 3

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 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

Refer to separate attachment - Appendix "A"
for a copy of the Riverside Meadows Area
Redevelopment Plan

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) The maximum building width shall be 15 metres for a single family home.
- (i) 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.
- (j) There shall be no more than 6 units in one building block of multi-attached residential.
- (k) 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.
- (l) Multi-attached residential with more than four units shall have an enclosed garbage area.

- (m) Side windows and balconies shall respect privacy of neighbours by minimizing direct views into existing neighbouring windows and yards.
- (n) Semi-detached residential façade design shall treat each unit with distinction to give the appearance of two separate units.
- (o) 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.
- (p) 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.
- (q) 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.
- (r) 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

- (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

10 Add new section 8.22 (1) (v) as follows:

- (v) On the sites listed below, semi-detached housing with a common rear wall (back to back duplex) shall be added to the list of discretionary uses set out in the applicable land use district:

Lot	Block	Plan	Street Address
1-2	2	934AJ	5831 58A Street

6-8	2	934AJ	5821 58A Street
21, 22	2	8721703	5826 & 5827 58A Street (if both developed concurrently)
9-10	2	934AJ	5817 58A Street
23	2	0727482	5813 58A Street
24	2	0727482	5811 58A Street

- 11 The "Land Use District Map L16 and K16" and "Land Use Constraint Maps L15, L16, K15, K16 and K17" contained in "Schedule A" of the Land Use Bylaw is hereby amended in accordance with Map 11/2009 attached hereto and forming part of the bylaw.

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.

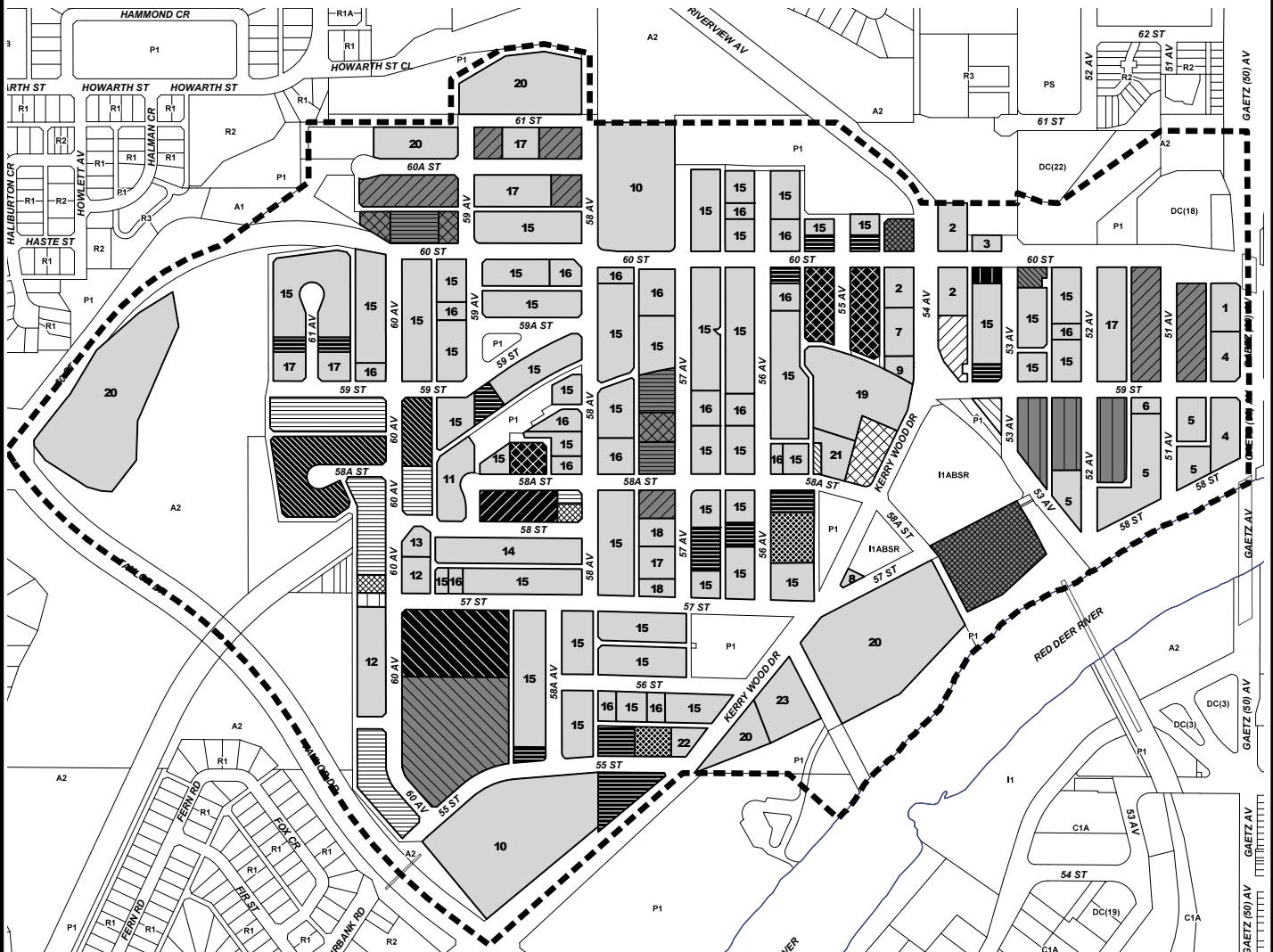
MAYOR

CITY CLERK

Proposed Amendment to Land Use Bylaw 3357/2006

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. 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 21st day of September 2009.

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

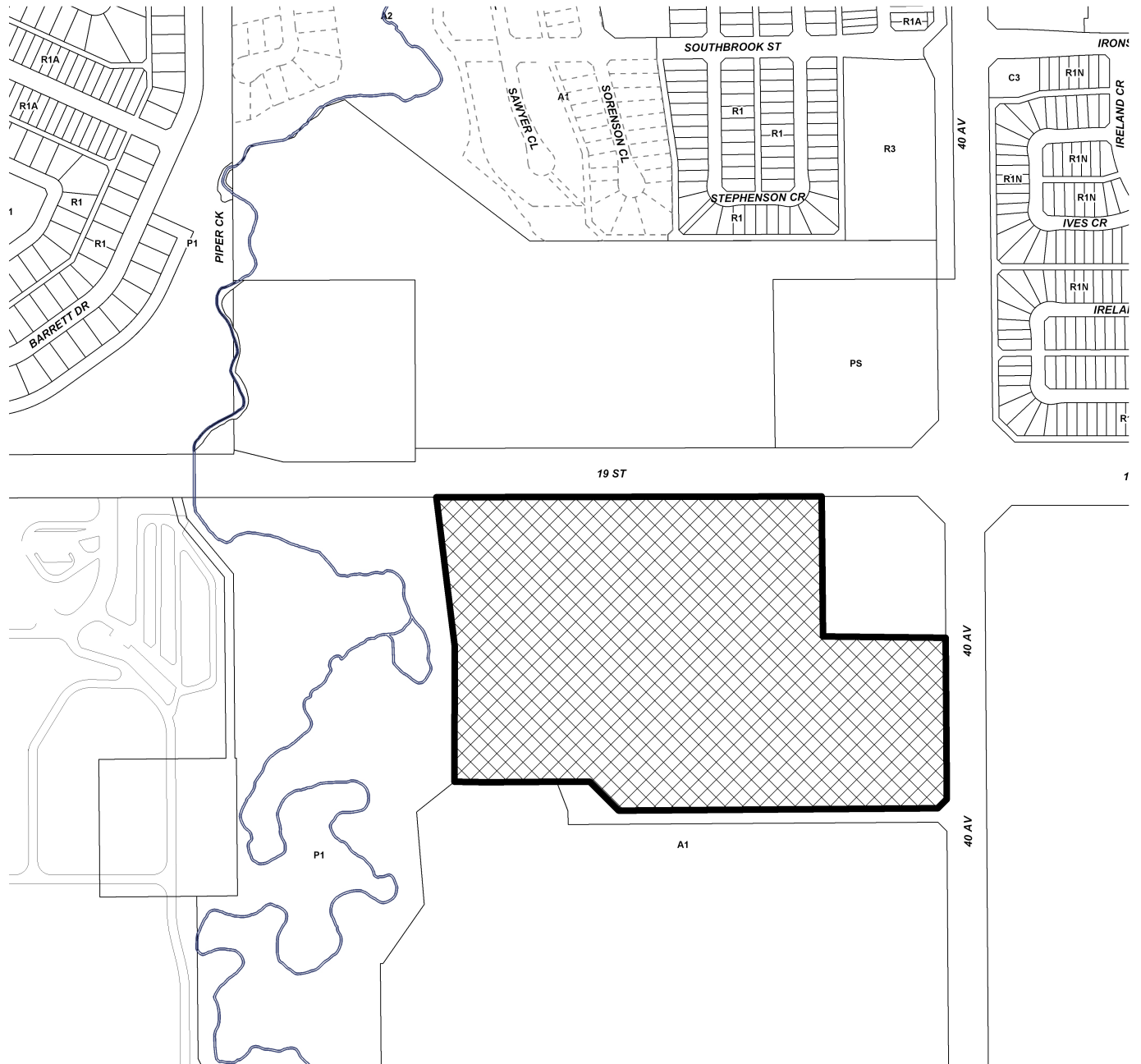
READ A THIRD TIME IN OPEN COUNCIL this day of 2009.

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

Bylaws Item No. 6

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

Bylaw No. 3436/2009

- (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:

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 21st day of September 2009.

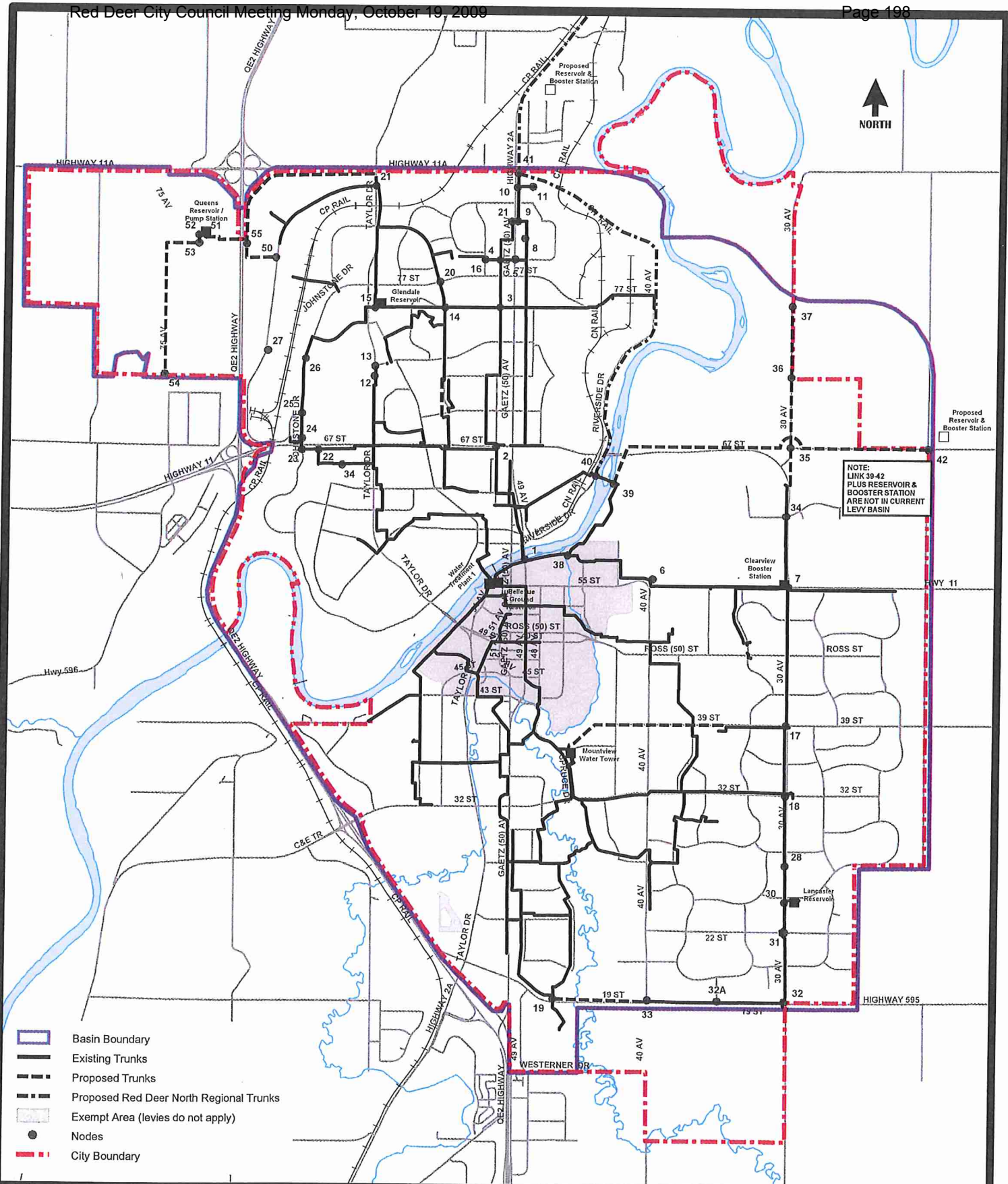
READ A SECOND TIME IN OPEN COUNCIL this day of 2009.

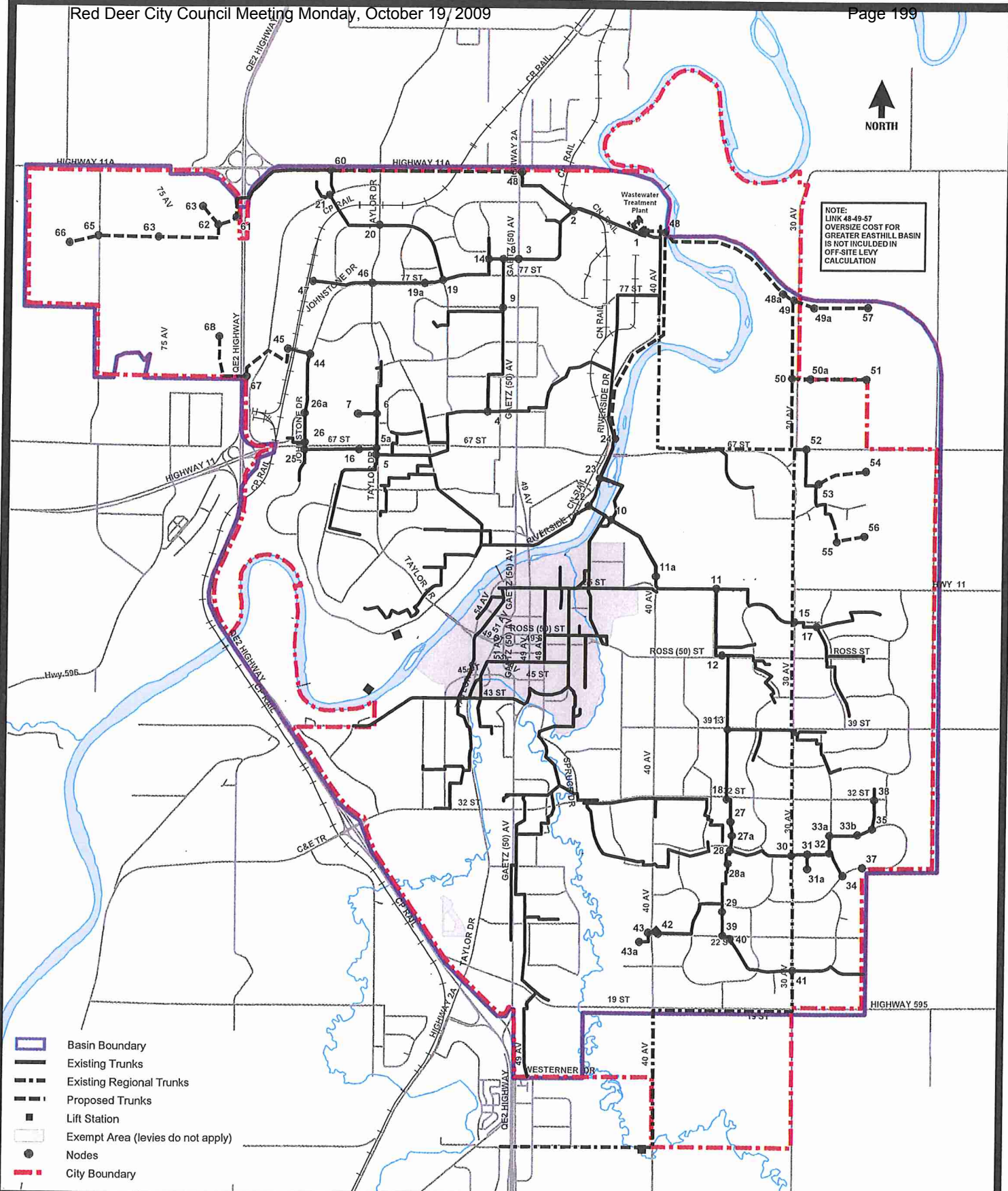
READ A THIRD TIME IN OPEN COUNCIL this day of 2009.

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

MAYOR

CITY CLERK

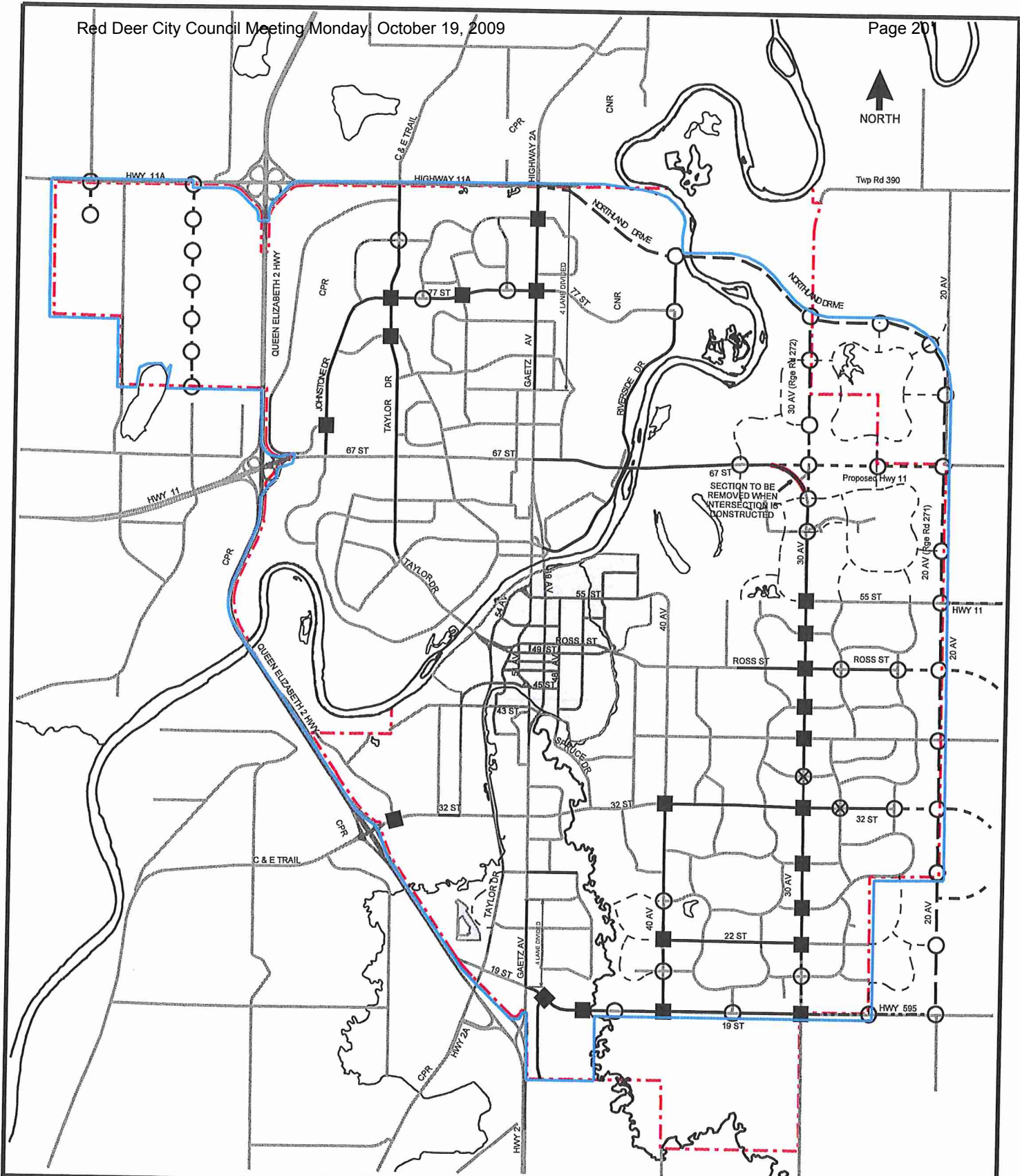






Not to Scale

**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
- ⊗ Not funded by Levy

MAJOR THOROUGHFARE LEVY

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

Not to Scale

August 2009

Bylaws Item No. 7

BYLAW NO. 3431/2009

Being a bylaw of The City of Red Deer to establish Council committees.

COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

Short Title

1. The short title of this bylaw is the "The Committees Bylaw".

Definitions

2. (1) In this bylaw:
 - (a) "Citizen-at-large" means a person appointed by Council who does not represent a specific organization. A citizen-at-large need not be a resident of the City;
 - (b) "Committee" means a committee, commission, board or other body established by Council; and in a section of this bylaw relating to a specific committee, means that specific committee.
 - (c) "MGA" means the Municipal Government Act of Alberta, RSA 2000, Ch. M-26.
 - (d) "Member" means a member of a Committee;
 - (e) "Organizational Meeting" means the organizational meeting of Council;

Establishment of Committees

3. (1) The following committees are established:
 - (a) Audit Committee
 - (b) Community Housing Advisory Board
 - (c) Crime Prevention Advisory Committee
 - (d) Emergency Management Agency
 - (e) Emergency Management Committee
 - (f) Environmental Advisory Committee

- (g) Gaetz Lakes Sanctuary Committee
 - (h) Heritage Preservation Committee
 - (i) Mayor's Recognition Awards Committee
 - (j) Municipal Features Naming Committee
 - (k) Municipal Planning Commission
 - (l) Nominations Review Committee
 - (m) Red Deer Appeal & Review Board
- (2) Unless otherwise provided for in this bylaw, committee members are appointed by Council resolution.
- (3) Where a committee has a Council representative, the Mayor may assign, for a specified period of time, an alternate councillor to a committee should the regular representative be unable to attend.

Ad Hoc Committees

4. (1) Council may establish, by resolution, ad hoc committees for the purpose of reviewing a specific issue or issues;
- (2) The composition of an ad hoc committee is at the discretion of Council;
- (3) An ad hoc committee is disbanded at the next Organizational Meeting unless otherwise approved by Council.

Terms of Appointment

5. Unless otherwise stated in this bylaw members are appointed at the Organizational Meeting of Council as follows:
- (1) Councillors are appointed for one-year terms.
- (2) All Members, other than Councillors are appointed for two year terms, except in the initial year where a majority of Citizens-at-Large are appointed for two year terms and the remainder of Citizens-at-Large are appointed for one year term;
- (3) Where a Committee position is left vacant for any reason, Council may appoint a replacement for the remainder of that term.

- (4) A Member may be re-appointed to a Committee at the expiration of the Member's term.
- (5) A Member may resign from a Committee at any time by giving written notice to the City Clerk.
- (6) Council may remove any Member from a Committee at any time on the recommendation of the Mayor and City Manager.
- (7) A chairperson will be chosen annually from among the voting members.
- (8) A vice-chairperson may be chosen annually from among the voting members.
- (9) Council may alter the terms of appointment of any member.

Attendance at Meetings

- 6. Any member who is absent from three consecutive regular meetings of the Committee, automatically ceases to be a Member as of the date of the third meeting unless such absence is authorized by resolution of the Committee. Any person who ceases to be a Member due to unauthorized absence is eligible for re-appointment in the future but not for the unexpired portion of the term forfeited. This does not apply to Members appointed as alternate members.
- 7.
 - (1) The time and place of regular meetings shall be determined by each Committee at its first meeting following the Organizational Meeting of Council each year, and may be changed by each Committee as required.
 - (2) Special meetings of committees may be called on 24 hours verbal notice by the chairperson of the committee, or upon 24 hours verbal notice at the request of any three members of the committee.
 - (3) Public notice of a Committee meeting will be given in the manner approved by Council, and in compliance with section 195 of the MGA.

Proceedings

- 8.
 - (1) The proceedings and deliberations of a Committee must be conducted in public except where the Committee deals with information protected from disclosure under the provisions of the *Freedom of Information and Protection of Privacy Act*.
 - (2) When a meeting is closed to the public, no resolution may be passed at the meeting, except a resolution to revert to a meeting held in public.

Quorum and Voting

9. (1) A majority of members constitutes a quorum.
- (2) All members, including the chairperson, must vote on all matters before the committee unless a pecuniary interest or conflict of interest is declared.
- (3) The majority vote of those members present and voting constitutes the decision of any committee.

Minutes

10. The City Manager will ensure that minutes of each committee are recorded.

Administrative Liaisons

11. (1) The City Manager may provide an administrative liaison(s) for each committee to assist the committee in fulfilling its mandate. The City Manager will provide for the duties of the liaison(s).
- (2) A recording secretary will be provided by Legislative & Administrative Services when required.

Rules of Procedure

12. Committees may establish their own rules of procedure but in doing so, they shall have due regard for the principles of procedural fairness.

Subcommittees

13. A committee may establish a subcommittee to review a specific issue or issues and make recommendations back to the committee.

Conflict of Interest

14. (1) Where a Member is of the opinion that he or she has a conflict of interest in respect of a matter before the Committee, the Member must absent himself or herself from Committee proceedings while that matter is being discussed, provided that prior to leaving the meeting, the Member:
 - (a) declares that he or she has a conflict of interest; and
 - (b) describes in general terms the nature of the conflict of interest.

- (2) The recording secretary shall cause a record to be made in the Minutes of the Member's absence and the reasons for it.
- (3) For the purposes of this provision, a Member has a conflict of interest in a respect of a matter before the Committee when he or she is of the opinion that:
 - (a) he or she has a personal interest in the matter which would conflict with his or her obligation as a Member to fairly consider the issue; or
 - (b) in the opinion of the Member, substantial doubt as to the ethical integrity of the Member would be raised in the minds of a reasonable observer, if that Member were to participate in the consideration of that issue.

Pecuniary Interest

- 15. (1) The provisions of section 14 of this Bylaw and the provisions of the MGA, Part 5, Division 6, Pecuniary Interest apply to the Members proceedings of all Committee meetings all Members.
- (2) Committee members shall identify any potential or actual conflict of interest concerning any matter before the Committee and withdraw from discussions of the matter, if necessary.

Power of Authority

- 16. No committee or Member has:
 - (a) power to pledge the credit or course of action of The City or enter into any agreement on behalf of the committee or The City;
 - (b) power to authorize any expenditure to be charged against The City without prior approval by Council;
 - (c) authority to act administratively.

The “Audit Committee”

17. (1) The committee will consist of four members as follows:
- (a) The Mayor;
 - (b) Three Councillors (two-year terms, staggered);
- (2) The City Manager and the Director of Corporate Services are non-voting members of the committee.
- (3) The committee may call on non-voting external resources as required.
- (4) A quorum of the committee is two members.
- (5) The voting Members may meet privately with the City’s External Auditor at the request of the External Auditor or the Chairperson.
- (6) The committee will:
- (a) recommend to Council the people who should be appointed as External Auditors.
 - (b) review the following with Management and the External Auditors:
 - (i) Audit Plan
 - (ii) Additional areas of concern, if applicable
 - (iii) Audit Fee Review
 - (iv) Engagement Letter
 - (c) review the following reports from the External Auditor:
 - (i) Audit Report
 - (ii) Management Letter
 - (iii) Management’s Response to Management Letter
 - (d) review the Annual Financial Reports prior to submission to City Council such as:
 - (i) Financial Statements
 - (ii) Significant Operating and Capital Budget Variances
 - (iii) Reserve Report
 - (iv) Financial Information Report

- (e) review reports from the City Manager and/or Director of Corporate Services such as:
 - (i) Annual Audit Plan Review
 - (ii) Audit Report(s)
 - (iii) Financial Matters
 - (iv) Review of Internal Controls
 - (v) Risk Management Issues
- (f) prepare reports and make recommendations to Council on the preceding items as required.

The Community Housing Advisory Board

18. (1) The Community Housing Advisory Board consists of:
- (a) two Members of Council
 - (b) six Citizens-at-Large
 - (c) two representatives of the Aboriginal Community
- (2) The Chairperson is chosen annually by Members, but cannot be a Councillor.
- (3) The Board will report to City Council.
- (3) The purpose of the Board is to:
- (a) act as a partner in ending homelessness and striving to ensure that there are adequate affordable housing options within the community.
 - (b) advise The City in accountability of planning documents and allocation of funding as required by other orders of government in the areas of affordable housing and homelessness.
 - (c) upon request, provide input into planning processes to create community planning documents.
 - (d) provide input into community priority-setting when necessary.
 - (e) provide input into application processes for agencies, organizations, businesses and individuals in the community who wish to apply for funding as provided by the federal and provincial governments, and other sources, to address homelessness, housing and related support issues in Red Deer.
- (4) The Board will, in relation to affordable housing and programming to end homelessness within the corporate limits of The City of Red Deer:
- (a) act in an advisory role to Council on affordable housing, homelessness housing, services/activities related to the goal of ending homelessness, and funding allocation referred to the Board by Council or administration;

- (b) act in an advisory role to administration, when administration brings forward issues for consideration on affordable housing, homelessness housing, services/activities related to the goal of ending homelessness that may impact the development, implementation or administration of policy; and
 - (c) provide a mechanism for citizens and groups to present issues and ideas concerning affordable housing or ending homelessness to Council and administration.
- (5) The duties of the Board include, but are not limited to:
 - (a) provide input, upon request, into development of *EveryOne's Home* and other community plans or planning processes;
 - (b) work with administration to develop annual service delivery plans, multi-year plans and other housing related plans as required by other orders of government as a condition of funding;
 - (c) provide input in the development of community reports on affordable housing and ending homelessness;
 - (d) support the community implementation of strategies included in such plans as *EveryOne's Home* and other planning documents including City department service plans;
 - (e) communicate to and with the public, community agencies, private sector through various methods (e.g. report cards, public forums, presentations);
 - (f) reference current community documents such as community plans, demographic information and identified social-economic trends to establish the priorities and/or set criteria outlined for funding calls and allocations;
 - (g) follow the criteria as outlined through the funding source being managed through the City of Red Deer for optimal benefit to residents;
 - (h) evaluate the impact of government policy decisions and advise Council on potential advocacy opportunities.
- (6) The Administrative Liaison (Liaison) for the Board will be the Social Planning Program Coordinator – Housing or designate.

- (7) The Liaison will provide comments and technical advice in regard to municipal legislative, regulatory, policy and procedural processes involving other City staff as required. The Liaison shall coordinate departmental involvement as necessary. Any request by the Committee for information or action by other City staff shall be directed by the City Manager.
- (8) Referral Process
 - (a) Council
 - (i) Council may refer items to the Board and will provide reasonable time limits for the Board to consider issues. If the Board requires additional time, a request must be made to Council and reasons for the extension provided.
 - (b) Administration
 - (i) Administration may refer items to the Board through the two liaisons and will provide reasonable time limits for the Board to consider issues. Items will be put forward in writing, with the appropriate background for inclusion on the agenda.
 - (c) Public
 - (i) Public requests for consideration of issues, concerns or presentations may be put forward, in writing to either of the liaisons, for consideration by the Board. The Chair, in consultation with the liaisons, will determine if the item will be added to a future agenda.
- (9) The Board will meet at such a time and place as needed in order to align with planning timelines, funding timelines, and/or issues or opportunities as they may arise in the community and through expectations from other orders of government.
- (10) Meeting agendas items will be determined by the Chair and the liaison and are subject to amendment as required. A copy of the agenda and any relevant information packages will be distributed by Legislative & Administrative Services to members and support staff in advance of the meeting date.
- (11) Meetings will be held at such time and place as determined by the committee in discussion with administration.

- (12) In addition to the Liaisons, Resource Groups will assist in facilitating opportunities for integrated problem solving. The Resource Groups may include other City departments and government departments. Resource group members may be asked to attend meetings dependant on the agenda content.

The “Crime Prevention Advisory Committee”

19. (1) The Committee consists of:
 - (a) two members of Council;
 - (b) up to seven Citizens-at-Large, a majority of whom will have experience with the issues that would be considered by the Committee.
- (2) The Chairperson is chosen annually by Members, but cannot be a Councillor.
- (3) The Committee will report to City Council.
- (4) The purpose of the Committee is to use a cooperative, multi-pronged approach to make recommendations to the City:
 - (a) to create a greater sense of individual, neighborhood and community safety and security;
 - (b) to enhance citizen engagement through greater participation in crime prevention; and
 - (c) to enhance public confidence in The City and its approach to crime prevention.
- (5) The Committee will:
 - (a) act in an advisory role to Council on crime prevention and policing policy issues and on bylaws on matters referred to the Committee by Council or Administration;
 - (b) act in an advisory role to Administration, when Administration brings forward issues for consideration on crime prevention and policing issues that may impact the implementation or administration of policy; and
 - (c) provide a mechanism for citizens and groups to present issues and ideas concerning crime prevention to Council and Administration.
- (6) The duties of the Committee include, but are not limited to:
 - (a) provide input into development of a yearly plan of priorities and strategies for municipal crime prevention and to put forward recommendations for consideration in the applicable department annual Service Plan (this will not be limited to Policing);

- (b) provide input in the development of an annual report to the community on crime prevention;
 - (c) support the community implementation of recommendations in the Crime Prevention and Policing Strategy, and in related goals of the respective Service Plans;
 - (d) advise on the interests and concerns of the public to the Officer in Charge, City Administration and Council; and
 - (e) evaluate the impact of government policy decisions and advise Council on potential advocacy opportunities.
- (7) The Administrative Liaisons (the 'Liaisons') for the Committee are:
 - (a) Officer in Charge of the City of Red Deer RCMP Detachment ('OIC'); and
 - (b) Crime Prevention Coordinator, designate of Community Services
- (8) The Liaisons will provide comments and technical advice in regard to municipal legislative, regulatory, policy and procedural processes involving other City staff as required. The Liaisons shall coordinate departmental involvement as necessary. Any request by the Committee for information or action by other City staff, shall be directed by the City Manager.
- (9) Referral Process
 - (a) Council
 - (i) Council may refer items to the Committee and will provide reasonable time limits for the Committee to consider issues. If the Committee requires additional time, it must make a request to Council and provide reasons for the extension.
 - (b) Administration
 - (i) Administration may refer items to the Committee through the two liaisons and will provide reasonable time limits for the Committee to consider issues. Items will be put forward in writing, with the appropriate background for inclusion on the agenda.

(c) Public

- (i) Public requests for consideration of issues, concerns or presentations may be put forward, in writing to either of the liaisons, for consideration by the Committee. The Chair, in consultation with the liaisons, will determine if the item will be added to a future agenda.
- (10) The Committee will meet no less than quarterly, but more frequently if required. The Chair may call special meetings to address specific issues.
- (11) Meeting agendas will be prepared by the Chair and the two Liaisons and are subject to amendment as required. A copy of the agenda and any relevant information packages will be distributed to members and support staff in advance of the meeting date.
- (12) Meetings will be held at such time and place as determined by the committee at its organizational meeting.
- (13) In addition to the Liaisons, Resource Groups will assist in facilitating opportunities for integrated problem solving. The Resource Groups may include other City departments and government departments. Resource group members may be asked to attend meetings dependant on the agenda content.

The “Emergency Management Agency”

20. (1) The Emergency Management Agency shall consist of the following members or their designates:
- (a) City Manager
 - (b) Director of Community Services
 - (c) Director of Corporate Services
 - (d) Director of Development Services
 - (e) Assessment and Taxation Manager
 - (f) Communications and Strategic Planning Manager
 - (g) Electric, Light and Power Manager
 - (h) Emergency Management Coordinator
 - (i) Emergency Services Manager
 - (j) Engineering Services Manager
 - (k) Environmental Services Manager
 - (l) Financial Services Manager
 - (m) Human Resources Manager
 - (n) Information and Technology Services Manager
 - (o) Inspections and Licensing Manager
 - (p) Land and Economic Development Manager
 - (q) Legislative and Administrative Services Manager
 - (r) Public Works Manager
 - (s) RCMP Detachment – Officer in Charge
 - (t) Recreation, Parks and Culture Manager
 - (u) Social Planning Manager
 - (v) Transit Manager

Organization and Procedure

- (2) The following provisions of this Bylaw do not apply to the Agency: Sections 3(2), 5, 6, 7, 8, 10, and 12.

Meetings

- (3) The Committee shall meet annually or more frequently as determined by the Director, and may meet on less than 24 hours notice notwithstanding section 7. The Committee may meet by telephone or electronic means of communication.

Duties of Agency

- (4) The Agency shall be responsible for the direction and control of the City's response to emergencies. In particular, the Agency may authorize the taking of any action necessary to respond to an emergency.
- (5) The Agency shall have the authority to exercise the City's powers under

section 24 of the Act, and in particular shall:

- (a) cause any emergency plan or program to be put into operation;
- (b) exercise any power given to the Minister under section 19(1) in relation to the part of the municipality affected by the declaration; and
- (c) authorize any persons at any time to exercise, in the operation of an emergency plan or program, any power given to the Minister under section 19(1) in relation to any part of the municipality affected by a declaration of a state of local emergency.

Director

- (6) The City Manager is the Director of Emergency Management and the Chairperson of the Agency (the "Director").
- (7) The Director shall:
 - (a) appoint a person to act as the Director and Chairperson in the absence of the City Manager;
 - (b) determine the procedure to be followed by the Agency in its deliberations.
 - (c) act as the Director of emergency operations on behalf of the Agency;
 - (d) ensure the preparation and coordination of emergency plans and programs; and
 - (e) ensure the submission of an annual report to the Committee on the status of emergency plans and programs in the municipality.
- (8) The Director may delegate responsibilities to any member(s) of the Agency to assist in the preparation and co-ordination of emergency plans and programs.
- (9) The Director may consult with or permit other stakeholders or interested parties who can advise or assist the Agency in the preparation and implementation of emergency plans and programs, to participate in meetings of the Agency or any of its subcommittees.

The "Emergency Management Committee"

21. (1) The Emergency Management Committee shall consist of:
- (a) the Mayor; and
 - (b) two Councillors appointed by Council, or their alternates
- (2) The Mayor is the Chairperson of the Committee.

Meetings

- (3) The Committee shall meet annually or more frequently as required and may meet on less than 24 hours notice notwithstanding section 7. The Committee may meet by telephone or electronic means of communication.

Responsibilities and Authority

- (4) The Committee shall be responsible to advise the City on the development of emergency plans and programs for The City.
- (5) The Committee shall have the authority to make, renew and terminate a declaration of a state of local emergency.
- (6) The Committee may enact a bylaw which is not advertised, to borrow, levy, appropriate and expend all sums required for the operation of the municipal emergency management agency.
- (7) The Committee may, notwithstanding section 15 of this bylaw, enter into agreements with and make payments or grants, or both, to persons or organizations for the provision of services in the development or implementation of emergency plans or programs.
- (8) Where the Committee is not able to meet promptly, the powers in subsections (5), (6) and (7) may be exercised by the Mayor acting alone or, in the absence of the Mayor, by the Deputy Mayor.

The “Environmental Advisory Committee”

22. (1) The Environmental Advisory Committee consists of:
- (a) two members of Council;
 - (b) up to seven Citizens-at-Large, a majority of whom will have experience with the issues that would be considered by the Environmental Advisory Committee.
- (2) The Chairperson is chosen annually by members of the Committee, but cannot be a Councillor.
- (3) The purpose of the Environmental Advisory Committee is:
- (a) to recognize the importance of the environmental issues that Council and the community share;
 - (b) to enhance citizen engagement and decision making on environmental issues; and
 - (c) to enhance Council confidence in establishing environmental priorities and their impact on a vibrant, healthy and sustainable Red Deer.
- (4) The Committee will, in relation to environmental issues in Red Deer:
- (a) act as a representative cross section of the community and provide a balanced viewpoint when reviewing environmental issues and priorities;
 - (b) act in an advisory role to Council on environmental policy issues as referred by Council;
 - (c) provide a mechanism for citizens to present environmental issues to Council and Administration;
 - (d) act in an advisory role to City Administration on issues that may impact the implementation or administration of policy when requested by Administration or referred by Council; and
 - (e) make recommendations on environmental issues outside Red Deer when The City has a direct interest, as referred by Council.

- (5) The duties of the Environmental Advisory Committee include the following:
- (a) to review and make recommendations to Council and/or Administration on environmental policy, plans and bylaws;
 - (b) to provide suggestions to Council and/or Administration for new environmental programs in response to public feedback;
 - (c) to review and makes recommendations on environmental issues that affect the community of Red Deer and/or The City of Red Deer as an organization, as referred to it by Council and/or Administration;
 - (d) to solicit public input and facilitates consultation and community outreach activities on environmental issues when requested by Council;
 - (e) to participate in public consultation events when invited by Administration or Council;
 - (f) to provide input into yearly planning of priorities and strategies for environmental initiatives and provide recommendations for consideration in the applicable departments' Service Plans; and
 - (g) to provide input in the development of an annual report on the Committee's activities.
- (6) Liaisons
- (a) the Environmental Initiatives Coordinator shall act as the Administrative Liaison ('Liaison') between Administration and the Committee and will provide comments and technical advice in regard to municipal legislative, regulatory, policy and procedural processes.
 - (b) the Liaison will coordinate departmental involvement as necessary. Any request by the Committee for information or action by other City staff, shall be directed by the City Manager.
 - (c) in addition to the Liaison, Resource Groups will assist in facilitating opportunities for integrated problem solving. The Resource Groups may include other City departments and government departments such as Alberta Environment and Alberta Health Services. Resource Group members would be asked to attend meetings dependent on the agenda content. The Committee will also utilize the Resource Group or additional City staff as required to provide technical advice on specific issues.

(7) Referral Process

a) Council

- (i) Council may refer items to the Committee and will provide reasonable time limits for the Committee to consider issues. If the Committee requires additional time, it must request an extension, providing reasons.

(b) Administration

- (i) Administration may refer items to the Committee through the Liaison and will provide reasonable time limits for the Committee to consider issues. Items will be put forward in writing, with the appropriate background for inclusion in the agenda.

(c) Public

- (i) Public requests for consideration of issues, concerns or presentation may be put forward, in writing to the Liaison for consideration by the Committee. The Chair, in consultation with the liaison, will determine if the item will be added to a future agenda.

- (8) The Committee will meet not less than quarterly, but more frequently if required. The Chair may call special meetings to address specific issues.

- (9) Meeting agendas will be set by the Chair and the Liaison and are subject to amendment as required. A copy of the agenda and any relevant information packages will be distributed to members and support staff in advance of the meeting date.

- (10) Meetings will be held at such time and place as determined by the Committee at its organizational meeting.

The "Gaetz Lakes Sanctuary Committee"

23. (1) The Committee consists of seven members selected by the following organizations:
- (a) one representative from Alberta Environment in Red Deer;
 - (b) one representative from the Red Deer River Naturalists Society;
 - (c) one representative from the City Planning Section of Parkland Community Planning Services;
 - (d) one representative from the Recreation, Parks & Culture Department;
 - (e) one representative from the Red Deer Fish and Game Association;
 - (f) one representative from the Red Deer Public School District No. 104.
- (2) Appointment of each member to the committee is done by the particular organization each represents. Council ratification is not required.
- (3) The committee will:
- (a) ensure that the terms of the agreement between the Government of Alberta and The City dated August 17, 1983, and between the Board of Trustees of the Red Deer School District and The City, dated June 29, 1984, reached as part of the sale by the Province and School Board of the Gaetz Lakes lands to The City are complied with.
 - (b) make recommendations regarding the development and management of the Sanctuary and the surrounding area that may affect the Gaetz Lakes Sanctuary.
 - (c) advise City Council if the committee believes that any City actions may be in violation of the terms of the agreement and provide a report and recommendation, through Legislative & Administrative Services, in this regard.
 - (d) present an annual report to the Council members and the City Manager on its activities.

The “Heritage Preservation Committee”

24. (1) The Heritage Preservation Committee consists of:
- (a) one member of Council;
 - (b) six citizens-at-large;
 - (c) one representative of the Red Deer District Museum & Art Gallery or designate;
 - (d) one representative of the Waskasoo Environmental Education Society;
 - (e) one representative of the Red Deer County; and
 - (f) one representative of the Central Alberta Historical Society.
- (2) The purpose of the committee is to:
- (a) identify, educate, promote, preserve and maintain human and heritage features in and around Red Deer;
 - (b) present an annual report to the Council members and the City Manager on its activities.
- (3) The Committee will, in relation to heritage preservation issues within the City of Red Deer:
- (a) honor the principles of the Alberta Historical Resources Act, Standards and Guidelines for the Conservation of Historic Places in Canada, and any other relevant plans, bylaws, acts, or statutes when considering administrative recommendations when making recommendations to Council.
 - (b) act as a representative cross section of the community and provide a balanced viewpoint when reviewing heritage issues and priorities;
 - (c) act in an advisory role to Council on heritage policy issues as referred by Council;
 - (d) provide a mechanism for citizens to present issues relating to heritage to Council and Administration;
 - (e) act in an advisory role to City Administration on issues that may impact the implementation or administration of policy when requested by Administration or referred by Council; and

- (f) make recommendations on heritage issues outside Red Deer when The City has a direct interest, as referred by Council.
 - (g) assist in the implementation of a general long-term plan for the designation and preservation of historically significant resources in the City of Red Deer and Red Deer County;
 - (h) investigate the use / adaptive reuse and plans for designated buildings and sites;
 - (i) endeavor to protect, recognize or preserve heritage resources as an important part of the community;
 - (j) encourage and support projects which identify historic resources in the community and seek their preservation;
 - (k) recommend whether proposed heritage projects are appropriate and to make recommendations on locations;
 - (l) organize and promote a Heritage Recognition Awards Program;
 - (m) consider requests from and make recommendations to the Museum Society, The City of Red Deer Council, the Municipal Planning Commission and Red Deer County Council on matters relating to designation, preservation and interpretation of heritage sites.
- (4) The Administrative Liaisons (the 'Liaisons') for the Committee are:
- (a) the Heritage & Archives Coordinator; and
 - (b) one representative of Parkland Community Planning Services
- (5) Referral Process:
- (a) Council
 - (i) Council may refer items to the Committee and will provide reasonable time limits for the Committee to consider issues. If the Committee requires additional time, a request must be made to Council and reasons for the extension provided.
 - (b) Administration
 - (i) Administration may refer items to the Committee through the administrative liaison and will provide reasonable time limits for the Committee to consider issues. Items will be put

forward in writing, with the appropriate background for inclusion in the agenda.

(c) Public

- (i) Public requests for consideration of issues, concerns or presentation may be put forward, in writing to the staff liaison for consideration by the Committee. The Chair, in consultation with the liaison, will determine if the item will be added to a future agenda.
- (6) The Committee will meet no less than quarterly, but more frequently if required. The Chair may call special meetings to address specific issues.
- (7) Meeting agendas will be prepared by the Chair and the Liaisons and are subject to amendment as required. A copy of the agenda and any relevant information packages will be distributed to members and support staff in advance of the meeting date.
- (8) Meetings will be held at such time and place as determined by the committee at its organizational meeting.
- (9) The Liaisons will provide comments and technical advice in regard to municipal legislative, regulatory, policy and procedural processes involving other City staff as required. The Liaisons shall coordinate departmental involvement as necessary. Any request by the Committee for information or action by other City staff shall be directed by the City Manager.
- (10) In addition to the Liaisons, Resource Groups will assist in facilitating opportunities for integrated problem solving. The Resource Groups may include other City departments and government departments. Resource group members may be asked to attend meetings dependant on the agenda content.

The "Mayor's Recognition Awards Committee"

25. (1) The following definitions apply specifically to the Mayor's Recognition Awards Committee:
- (a) "Volunteer" means a person who provides a service for which no salary is paid, but who may recover out-of-pocket expenses;
- (2) The City Manager will appoint one City employee to serve as the program coordinator for the Mayor's Recognition Awards Program.
- (3) The committee consists of five members appointed by the Mayor.
- (4) Membership on the committee will remain anonymous.
- (5) Members will be appointed for a one-year term.
- (6) A member may resign at any time upon sending written notice to the Mayor. The Mayor may remove any member from the committee.
- (7) Candidates for membership on the committee will be residents of the city of Red Deer and any member who ceases to be a resident will be disqualified from membership.
- (8) The committee has the following responsibilities with regard to the Mayor's Recognition Awards:
- (a) receive from the program coordinator the nominations that have been submitted by the public;
 - (b) ensure that achievements and dedications are appropriately recognized under four categories:
 - (i) Athletics;
 - (ii) Fine and Performing Arts;
 - (iii) Citizenship:
 - (a) Continuous Voluntary Service Award
 - (b) Distinguished Voluntary Service Award
 - (iv) Mayor's Special Award.
 - (c) review all nominations and select award recipients by March 31st of each year. The committee reserves the right to assign a nomination

to an alternate category provided one nominator agrees to the reassignment. Subject to the discretion of the committee, a span of three years shall elapse before a previous Mayor's Recognition Award recipient will be considered for an additional award;

- (d) seek ratification by the Mayor of candidate(s) for the Mayor's Special Award;
 - (e) notify the program coordinator of recipients' names and provide a brief written description of the nature of the achievement,
 - (f) return all award documentation to the program coordinator.
- (9) Decisions of the committee regarding the selection of award recipients will be final.
- (10) Posthumous nominations will not be accepted except for the Mayor's Special Award in the category "An act of heroism or bravery".
- (11) The criteria for the four categories are:

(a) **Athletics Award**

1 Purpose:

To recognize an individual or team placing first in a national event or competition or first, second or third in an international event or competition and which event or competition has been sanctioned by the respective national or international governing body of the particular sport.

2 General Guidelines:

- (i) Candidates may have competed at an amateur or professional level.
- (ii) Candidates will be considered for an award only in the year immediately following the year in which the achievement occurred. Nominations for a specific achievement will not be considered in any other year.
- (iii) Candidates in the *Individual* category will attain a higher standing in an event or competition in a given sport to be eligible for subsequent awards.
- (iv) Nominations will be considered only on the basis of standing in an event or competition as opposed to

achievement or service to the sport.

- (v) There is no limit to the number of awards that may be presented in this category in a given year.
- (vi) Achievement must have enhanced the image of the community of Red Deer.

3 Categories:

(i) **Individual**

- (a) individual event: A single activity contest (example: a 50 m free style swim).
- (b) individual competition: A multiple activity contest made up of more than one event (example: a swim meet).

(ii) **Team**

- (a) team event: A single activity contest with two or more participants (example: a 200 m free style relay swim).
- (b) team competition: A multiple activity contest with two or more participants made up of more than one event (example: a hockey tournament).

(b) **Fine and Performing Arts Award**

1 Purpose:

To recognize an individual or group gaining national or international acceptance or recognition of outstanding achievement in one or more of the arts. The recognition may be for:

- (i) Specific achievement;
- (ii) A series of accomplishments over time.

It is the intent of this award to recognize individuals and groups of individuals as opposed to institutions, organizations or programs in which they may be participating.

2 General Definitions:

- (i) Arts: For the purpose of this award, includes literary, visual, performing, film, video and architectural arts.
- (ii) Group: Two or more individuals assembled together and having some common purpose (example: Barbershop Quartet).

3 General Guidelines:

- (i) Candidates may hold amateur or professional status; however, the achievement must have enhanced the image of the community of Red Deer.
- (ii) Candidates may be considered for an award:
 - (a) in the year immediately following the year in which the specific achievement occurred; or
 - (b) in recognition of a series of accomplishments over time.
- (iii) Nominations will be considered on the basis of acceptance or recognition of outstanding achievement in one or more of the arts.
- (iv) There is no limit to the number of awards that may be presented in this category in a given year.

(c) **Citizenship Award**

1 Purpose

To recognize:

- (i) Distinguished Voluntary Service that has had a significant impact in the community of Red Deer, or
- (ii) Continuous Voluntary Service of fifteen years or more that has an identifiable benefit to the community of Red Deer. This service must be continuous and may have occurred with more than one organization in Red Deer.

2 General Guidelines

- (i) Candidates will be individuals.

(d) **Mayor's Special Award**

1 Purpose

To recognize an individual whose service or achievement at the local, provincial, national or international level has been of singular significance, has enhanced the image of the community of Red Deer, and whose accomplishments are not adequately described within the framework of the criteria for the Athletics, Fine and Performing Arts or Citizenship categories.

The Mayor's Special Award is the highest possible recognition from The City of Red Deer.

2 General Guidelines

- (i) Nominees will be individuals who have demonstrated any of the following:
 - (a) humanitarianism;
 - (b) exceptional achievement in a profession, sport or the arts;
 - (c) an act of heroism or bravery. Posthumous nominations are allowed in this category only.
- (ii) The Mayor's Special Award will not necessarily be presented each year. Where special circumstances warrants, more than one award may be presented in a given year.

The “Municipal Features Naming Advisory Committee”

26. (1) For the purpose of this section:
- (a) ‘municipal features’ include buildings, sites, parks, bridges, trails, recreational facilities and natural features;
- (2) The Municipal Features Naming committee consists of members as follows:
- (a) one member of Council;
 - (b) three (3) Citizens-at-large.
- (3) The purpose of the Municipal Features Naming Committee is to provide a formal process to evaluate proposals for the naming or renaming of buildings, parks, trails, recreational facilities, etc.
- (4) The Committee will:
- (a) establish principles for the naming of municipal features;
 - (b) provide a formal process to evaluate proposals for the naming or renaming of municipal features;
 - (c) review all requests for municipal feature naming, evaluate each request in accordance with established criteria and provide recommendations to Council.
- (4) The Municipal Features Naming Committee, in relation to its purpose, will present an annual report to the Council members and the City Manager on its activities.
- (5) The Administrative Liaisons (the ‘Liaisons’) for the Committee are:
- (a) a representative from the Red Deer & District Archives; and
 - (b) a representative from Parkland Community Planning Services.
- (6) Referral Process:
- (a) Council
 - (i) may refer items to the Committee and will provide reasonable time limits for the Committee to consider issues. If the Committee requires additional time, a request must be made to Council and reasons for the extension provided.

(b) Administration

- (ii) may refer items to the Committee through the liaison and will provide reasonable time limits for the Committee to consider issues. Items will be put forward in writing, with the appropriate background for inclusion in the agenda.

(c) Public

- (iii) requests for consideration of issues, concerns or presentation may be put forward, in writing to the liaison for consideration by the Committee. The Chair, in consultation with the liaison, will determine if the item will be added to a future agenda.
- (7) The Committee will meet no less than quarterly, but more frequently if required. The Chair may call special meetings to address specific issues.
 - (8) Meeting agendas will be prepared by the Chair and the Liaisons and are subject to amendment as required. A copy of the agenda and any relevant information packages will be distributed to members and support staff in advance of the meeting date.
 - (9) Meetings will be held at such time and place as determined by the committee at its organizational meeting.
 - (10) The Liaisons will provide comments and technical advice in regard to municipal legislative, regulatory, policy and procedural processes involving other City staff as required. The Liaisons shall coordinate departmental involvement as necessary. Any request by the Committee for information or action by other City staff shall be directed by the City Manager.

The "Municipal Planning Commission"

27. (1) The MPC consists of seven members as follows:
- (a) Two members of Council, one of whom is the Mayor;
 - (b) The City Manager or his designate;
 - (c) The Director of Development Services or his designate;
 - (d) Three citizens-at-large.
- (2) Council will also appoint one councillor as an alternate member of the MPC, who, if the regular councillor is unable to participate in a meeting, will serve in his/her place.
- (3) The Mayor is chairperson of the MPC.
- (4) In the absence of the Mayor, the councillor will act as chairperson. If a member of Council is not present or must leave the meeting, the City Manager or his designate, will assume the position of chairperson for the interim.
- (5) The MPC shall not be bound to follow any formal rules of evidence.
- (6) The Development Authority of The City will be:
- (a) the Development Officer and any employee of The City to whom the City Manager has delegated authority to carry out the duties or functions of a Development Officer;
 - (b) the Municipal Planning Commission ('MPC') in respect of any matter assigned to it under the Land Use Bylaw, by Council or referred to it by the Development Officer.
- (7) MPC is the subdivision authority for the City.
- (8) The City Planning Manager of Parkland Community Planning Services or designate ('City Planning Manager') is authorized to sign decisions of MPC on subdivision applications and is the signing authority for subdivision instruments and amendments to them.
- (9) When a registrable instrument is submitted for endorsement, the City Planning Manager is authorized to accept minor modifications to lot lines, provided:
- (a) no more than one additional lot is created;

- (b) municipal, school or environmental reserve does not change;
 - (c) roadway standards of The City are not compromised; and
 - (d) such adjustments comply with City bylaws with the exception that minor changes to the Land Use Bylaw standards may be included as provided for in section 654(2) of the Municipal Government Act.
- (10) The Subdivision Authority has the power to:
 - (a) extend the time within which a Plan of Subdivision is required to be submitted to the Subdivision Authority for endorsement; and
 - (b) following endorsement, extend the time within which a plan of subdivision or other instrument pertaining to a subdivision is required to be submitted to the Registrar of Land Titles for registration.
- (11) The MPC has the following responsibilities pertaining to subdivision and development issues:
 - (a) act in an advisory role to Council on policy issues;
 - (b) act in an advisory role to City administration on issues that may impact the implementation or administration of policy;
 - (c) have the powers and perform all the duties prescribed for it in the Municipal Government Act and City bylaws;
 - (d) decide on all matters referred to it by the Development Officer;
 - (e) decide on all matters referred to The City by the Energy Resources Conservation Board;
- (12) Decisions of the MPC and any reasons given will be mailed to the applicant and to other persons the MPC considers are affected.
- (13) After hearing all applicable submissions to any meeting of the MPC, it may deliberate and reach its decision in private, meeting as committee of the whole.
- (14) The Inspections & Licensing Department and the Parkland Community Planning Services act as a resource to the MPC and provide comments and technical advice in regard to matters before the MPC.

The “Nominations Review Committee”

28. (1) The committee consists of three members of Council.
- (2) The committee will:
- (a) review all nominations received for committees of Council;
 - (b) annually recommend to Council appointments to committees of Council;
 - (c) act in an advisory role to Council and The City administration on issues that may impact the operations of the committees of Council.

The "Red Deer Appeal & Review Board"

29. (1) In this section, the following words and terms are defined as follows:
- (a) "Appellant" means a person who has served a Notice of Appeal in the form established by the Board from time to time.
 - (b) "Applicant" means a person who made the initial application upon which an appeal is based or authorized person acting on his behalf;
 - (c) "Board" means the Red Deer Appeal & Review Board.

Membership

- (2) The board consists of five members as follows:
 - (a) one councillor; and
 - (b) four citizens-at-large;
 - (c) one councillor and one citizen-at-large as alternate members.
- (3) The alternate councillor and the alternate citizen-at-large will serve respectively in the place of a regular councillor or citizen-at-large who is unable to participate in a hearing.
- (4) The remuneration and expenses payable to each member shall be the amounts set by Council resolution.
- (5) The Chair:
 - (a) will preside over and be responsible for the conduct of the meeting;
 - (b) may limit a submission if it is determined to be repetitious or in any manner inappropriate;
 - (c) will vote on matters submitted to the board.
 - (d) will have a second or casting vote in the event of a tie;

Rules of Procedure

- (6) The board will make procedural rules for those matters that are not governed by statutory provisions or this bylaw. Where there are no statutory or bylaw provisions in respect of a procedural issue, the board shall follow the principles of the Procedure Bylaw to the extent that they apply.

Duty and Purpose

- (7) The duty and purpose of the Red Deer Appeal and Review Board is to hear and to make decisions on appeals arising under the following bylaws:
- (a) Alarm Bylaw;
 - (b) Dog Bylaw;
 - (c) Drinking Establishment Licensing Bylaw;
 - (d) Escort Services Bylaw;
 - (e) Firearms Bylaw;
 - (f) Land Use Bylaw (Home Occupations);
 - (g) License Bylaw;
 - (h) Limousine & Sedan Bylaw;
 - (i) Taxi Bylaw.
- (8) In addition, the Board shall exercise the power of council in respect of applications for review arising under s. 547 MGA.

Appeals

- (9) An appeal is commenced by:
- (a) mailing or delivering to the secretary of the board at City Hall a notice of appeal in the form established by the board from time to time; and
 - (b) by paying an appeal fee of seventy-five (\$75.00) dollars;
 - (c) by paying an advertising fee of seventy-five (\$75.00) dollars.
- (10) The notice of appeal must be received by the secretary of the board at City Hall within 14 days of the date of the decision appealed from.
- (11) Notice of a public hearing shall be given by the board in such form as it shall determine from time to time and shall include the following information:
- (a) name and address of the person to whom the notice is directed;
 - (b) the appeal number;
 - (c) the date, time and location of the appeal hearing;
 - (d) the substance of the decision being appealed.

- (12) When considering the merits of an appeal or a review, the Board shall have regard to:
 - (a) the need to maintain the integrity of the policies which the applicable bylaw and statutes are intended to promote;
 - (b) the potential cost implications to the City of the decision of the Board; and
 - (c) the need to fairly treat the persons affected by the order or decision under appeal.
- (13) Where in the opinion of the Board an appeal or a request for review under section 547 of the MGA involves a matter of significant public policy or potential substantial cost to the City, the Board shall refer the appeal or review to Council.
- (14) After a hearing of an appeal, the secretary of the board shall:
 - (a) Prepare minutes of the hearing including the particulars of the appeal, the decision and the reasons for the decision; and
 - (b) Within fifteen (15) days, provide a copy of the decision to the appellant, the applicant, any necessary authority and all parties who appeared before or submitted a letter to the board in respect of the appeal.
- (15) The secretary of the board will maintain board minutes at the Legislative & Administrative Services department for public inspection at all reasonable times.
- (16) The Board may in its discretion grant adjournments of a hearing for such purposes as it feels necessary to ensure proper consideration of the issues before it, including:
 - (a) allowing a party to obtain additional information;
 - (b) allowing the board to obtain a legal opinion or other professional guidance; or
 - (c) to allow a viewing by the board of the site in respect of which the appeal is being made.
- (17) An adjournment may be granted on approval of the Chair without the need to convene the Board.

- (18) An order, decision, or approval made, given or issued by the board shall be signed by the person presiding at the hearing or by the Legislative & Administrative Services Manager or designate.

Repeal

29. Bylaw 3265/2000 is repealed.

Transitional

30. (1) The existing terms of membership of committee members shall continue in accordance with Council appointments made prior to the passing of this bylaw.
- (2) This bylaw will come into force on October 19, 2009.

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

Bylaws Item No. 8

BYLAW NO. 3433/2009

Being a bylaw of The City of Red Deer to establish as Assessment Review Board.

COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

Short Title

1 The short title of this bylaw is the "The Assessment Review Board Bylaw".

Definitions

2 (1) In this bylaw:

- (a) "Appellant"/"Complainant" means a person who has served a written Notice of Complaint as set out in Division 1 or Part 11 of the Municipal Government Act;
 - (b) "Board" means the Assessment and Review Board ("ARB");
 - (c) "Member" means a member of the ARB.
 - (d) "Organizational Meeting" means the organizational meeting of Council;
 - (e) "MGA" means the Municipal Government Act of Alberta, RSA 2000, Ch. M-26, as amended.
 - (f) "Resident" means a resident of the City of Red Deer.
- (2) The titles or headings used in this bylaw are inserted for convenience of reference only and will not affect the interpretation or construction of this bylaw.

Membership

3 The Board will consist of three members as follows:

- (a) one councillor; and
- (b) two citizens-at-large.

Terms of Appointment

- 4 (1) Council shall establish the term of appointment of each member at the time the member is appointed.
- (4) A member may be re-appointed at the expiration of his or her term.
 - (5) A member may resign at any time on written notice to the Legislative &

Administrative Services Manager.

- (6) Council may remove a member at any time on the recommendation of the Mayor and City Manager.
- 5 The Mayor may appoint a replacement member to fill a vacancy on the Board, for a specified period of time.

Chairperson

- 6 The Chairperson shall be chosen by the members and:
- (a) will preside over and be responsible for the conduct of meetings;
 - (b) may limit a submission if it is determined to be repetitious or in any manner inappropriate;
 - (c) will vote on matters submitted to the Board unless otherwise disqualified;
 - (d) will have a second or casting vote in the event of a tie vote.

Attendance At Meetings

- 7 Any member absent from three consecutive regular meetings of the Board, unless such absence is authorized by resolution of the Board, will automatically forfeit his/her membership as of the date of the third consecutive meeting. Any member forfeiting his/her membership may be eligible for re-appointment in the future but not for the unexpired portion of the term forfeited.

Meetings

- 8
- (1) Regular meetings will be held at such time and place as determined by the Board at the first meeting following the Organizational Meeting of Council each year, and may be changed as required.
 - (2) Special meetings of the Board may be called on 24 hours verbal notice by the Chairperson, or upon 24 hours verbal notice at the request of any two members of the Board.
 - (3) Public notice of a Board meeting will be given in the manner approved by the Council.
 - (4) The proceedings and deliberations of the Board must be conducted in public except where the Board deals with information protected from disclosure under the provisions of the *Freedom of Information and Protection of Privacy Act*.

Remuneration

- 9 The remuneration and expenses payable to each member shall be established by Council resolution.

Quorum and Voting

- 10 (1) A majority of members constitutes a quorum.
- (2) All members must vote on all matters before the Board unless a pecuniary interest or conflict of interest is declared.
- (3) The majority vote of those members present and voting constitutes the decision of the Board.

Administrative Liaisons

- 11 The City Manager shall provide a recording secretary (clerk) for the Board and may provide an administrative liaison(s) (Liaison) to assist the Board in fulfilling its mandate. The City Manager will provide for the duties of the liaison(s).

Rules of Order

- 12 The Board will make procedural rules for those matters that are not governed by the Municipal Government Act and the Procedure Bylaw.

Conflict of Interest

- 13 (1) Where a Member is of the opinion that he or she has a conflict of interest in respect of a matter before the Board, the Member may absent himself or herself from Board proceedings while that matter is being discussed, provided that prior to leaving the meeting, the Member:
- (a) declares that he or she has a conflict of interest; and
- (b) describes in general terms the nature of the conflict of interest.
- (2) The recording secretary shall cause a record to be made in the Minutes of the Member's absence and the reasons for it.
- (3) For the purposes of this provision, a Member has a conflict of interest in a respect of a matter before the Board when he or she is of the opinion that:
- (a) he or she has a personal interest in the matter which would conflict with his or her obligation as a Member to fairly consider the issue; or
- (b) substantial doubt as to the ethical integrity of the Member would be raised in the minds of a reasonable observer, if that Member were to participate in the consideration of that matter.

Pecuniary Interest

- 14 (1) The Pecuniary Interest provisions of the MGA apply to all members of the Board while attending meetings of the Board, as though they were councillors.
- (2) A Board member who fails to declare a pecuniary interest in a matter before the Board, or fails to absent himself or herself from proceedings dealing with such a matter, ceases to be a member of the Board.

Duty and Purpose

- 15 The Board has the authority to hear and decide upon complaints about any assessment or tax matter filed under Section 460 of the MGA, and to make decisions as required under the Act.

Commencement of Appeal

- 16 An appeal is commenced by mailing or delivering to the Clerk of the Board at City Hall a notice of appeal in the form established by the Board from time to time.

Adjournments

- 17 (1) The Board may in its discretion grant adjournments of a hearing for such purposes as it feels necessary to ensure proper consideration of the issues before it, including:
- (a) allowing a party to obtain additional information or plans;
 - (b) allowing the Board to obtain a legal opinion or other professional guidance; or
 - (c) to allow a viewing by the Board of the site in respect of which the appeal is being made.
- (2) Where the parties to an appeal consent to an adjournment of the hearing, such adjournment may be granted by the Chairperson after consultation with the members individually (whether in person, by telephone or by email) without the need to convene a formal meeting. In such a case, the Board is deemed to have convened and the hearing is deemed to have commenced as of the date of such consultation.

Minutes and Notice of Decisions

- 18 (1) After the Board has made its decision in respect of a matter, the secretary shall:
- (a) under the direction of the Chairperson, prepare Minutes of the hearing including the particulars of the appeal, the decision or order of the Board and the reasons for the decision (if applicable); and

- (b) arrange for the order or decision of the Board to be signed by the Chairperson.
- (2) Within 15 days of the conclusion of the hearing, the designated officer (see MGA s. 469) shall mail a copy of the decision or order of the Board (with reasons for the decision, if applicable) to the municipality, the complainant and to other affected parties as provided for in the MGA.
- (2) The secretary will maintain Board minutes at City Hall for public inspection at all reasonable times.

Transitional

- 19 (1) Board members holding office at the date this bylaw comes into force shall continue to hold office until the expiry of their terms in accordance with their appointment under Committees Bylaw 3265/2000 or until new members are appointed under this Bylaw.
- (2) This bylaw will come into force on October 19, 2009.

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

Bylaws Item No. 9

BYLAW NO. 3432/2009

Being a bylaw of The City of Red Deer to establish a Subdivision & Development Appeal Board.

COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

Short Title

- 1 The short title of this bylaw is the "The Subdivision & Development Appeal Board Bylaw".

Definitions

- 2 (1) In this bylaw:
- (a) "Appellant" means a person who has served a written Notice of Appeal as set out in Division 10 of Part 17 of the Municipal Government Act;
 - (b) "Applicant" means a person who made the initial application upon which an appeal is based or authorized person acting on behalf of the Applicant;
 - (c) "Board" means the Subdivision and Development Appeal Board;
 - (d) "Citizen-at-large" means a person appointed by Council who does not represent a specific organization. Council may appoint a citizen-at-large who is not a resident;
 - (e) "MGA" means the Municipal Government Act of Alberta, RSA 2000, Ch. M-26, as amended;
 - (f) "Organizational Meeting" means the organizational meeting of Council;
 - (g) "Resident" means a resident of the City of Red Deer;
- (2) The titles or headings used in this bylaw are inserted for convenience of reference only and will not affect the interpretation or construction of this bylaw.

Membership

- 3 (1) The board consists of five members as follows:
- (a) one councillor;

- (b) four citizens-at-large;
 - (c) one councillor and one citizen-at-large as alternate members.
- (2) The alternate councillor and citizen-at-large will serve respectively in the place of the regular councillor or a citizen-at-large who is unable to participate in a hearing.

Remuneration

- 4 The remuneration and expenses payable to each member shall be established by Council resolution.

Terms of Appointment

- 5 Unless otherwise stated, members are appointed at the Organizational Meeting as follows:
 - (1) councillors are appointed for one-year terms.
 - (2) all members, except councillors, are appointed for two-year terms.
 - (3) should a vacancy on the Board occur at any time, Council may appoint a new person to fill the vacancy for the remainder of that term.
 - (4) A member may be re-appointed to the Board at the expiration of his/her term.
 - (5) A member may resign from the Board at any time on written notice to the Legislative & Administrative Services Manager to that effect.
 - (6) Council may remove a member at any time on the recommendation of the Mayor and City Manager.
 - (7) Council may alter the terms of appointment of any member.

Chairperson

6 The Chairperson will be selected by the members and:

- (1) will preside over and be responsible for the conduct of meetings;
- (2) may limit a submission if it is determined to be repetitious or in any manner inappropriate;
- (3) will vote on matters submitted to the Board unless otherwise disqualified
- (4) will have a second or casting vote in the event of a tie.

Attendance at Meetings

7 Any member absent from three consecutive meetings of the Board, unless such absence is authorized by resolution of the Board, will automatically forfeit his / her membership as of the date of the third consecutive meeting. Any member forfeiting his / her membership may be eligible for re-appointment in the future but not for the unexpired portion of the term forfeited.

Meetings

8 (1) Meetings will be held at such time and place as determined by the Board.

(2) Special meetings of the Board may be called on 24 hours verbal notice by the chairperson of the committee, or upon 24 hours verbal notice at the request of any three members of the Board.

(3) Public notice of a board meeting will be given in the manner provided for in the MGA.

(4) The proceedings and deliberations of the Board must be conducted in public except where the Board deals with information protected from disclosure under the provisions of the *Freedom of Information and Protection of Privacy Act*.

Quorum and Voting

9 (1) A majority of members constitutes a quorum.

(2) All members, must vote on all matters before the committee unless a pecuniary interest or a conflict of interest is declared.

(3) The majority vote of those members present and voting constitutes the decision of the Board.

Administrative Liaisons

- 10 The City Manager shall provide a recording secretary for the Board and may provide administrative liaison(s) to assist the Board in fulfilling its mandate. The City Manager will provide for the duties of the liaison(s).

Rules of Order

- 11 The Board will make procedural rules for those matters that are not governed by the MGA and the Procedure Bylaw.

Conflict of Interest

- 12 (1) Where a member of the Board is of the opinion that he or she has a conflict of interest in respect of a matter before the Board, the member may absent himself or herself from board proceedings while that matter is being discussed, provided that prior to leaving the meeting, the Member:
- (a) declares that he or she has a conflict of interest; and
 - (b) describes in general terms the nature of the conflict of interest.
- (2) The recording secretary shall cause a record to be made in the Minutes of the Members absence and the reasons for it.
- (3) For the purposes of this provision, a Member has a conflict of interest in a respect of a matter before the Board when he or she is of the opinion that:
- (a) he or she has a personal interest in the matter which would conflict with his or her obligation as a Member to fairly consider the issue; or
 - (b) substantial doubt as to the ethical integrity of the Member would be raised in the minds of a reasonable observer, if that Member were to participate in the consideration of that matter.

Pecuniary Interest

- 13 (1) The Pecuniary Interest provisions of the MGA apply to all members of the Board while attending meetings of the Board, as though they were councillors.
- (2) A Board member who fails to declare a pecuniary interest in a matter before the Board, or fails to absent himself or herself from proceedings dealing with such a matter, ceases to be a member of the Board.

Duties and Purpose

- 14 The Board has the authority to hear and decide upon appeals from the decisions of the Development Authority in respect of development or subdivision matters, in accordance with the provisions of the MGA.
- 15 The Subdivision and Development Appeal Board shall also act as the Red Deer Appeal and Review Board in accordance with the Committees Bylaw.

Commencement of Appeals

- 16 (1) A subdivision or development is commenced by:
- (a) Mailing or delivering to the secretary of the Board at City Hall a notice of appeal in the form established by the Board from time to time, within the time specified in the MGA; and
 - (b) By paying the applicable fee:
 - i. Where the Appellant is also the Applicant; Seventy-Five (\$75.00) dollars; and
 - ii. When required by the Board to be advertised, Seventy-Five (\$75.00) dollars; or
 - iii. Where a person may be affected by the subdivision or development but does not have a legal or equitable claim in the site, or is not the agent of the person having such interest there is no fee.
- (2) Notice of a public hearing may be given by the board in such form as it shall determine from time to time and shall include the following information:
- (a) name and address of the person to whom the notice is directed;
 - (b) the appeal number;
 - (c) the date, time and location of the appeal hearing,
 - (d) the substance of the decision being appealed.
- (3) The board may in its discretion grant adjournments of a hearing for such purposes as it feels necessary to ensure proper consideration of the issues before it, including:

- (a) Allowing a party to obtain additional information or plans;
 - (b) Allowing the board to obtain a legal opinion or other professional guidance; or
 - (c) To allow a viewing by the board of the site in respect of which the appeal is being made.
- (4) Where the parties to an appeal consent to an adjournment of the hearing, such adjournment may be granted by the Chairperson after consultation with the members individually (whether in person, by telephone or by email) without the need to convene a formal meeting. In such a case, the Board is deemed to have convened and the hearing is deemed to have commenced as of the date of such consultation.

Minutes and Notice of Decisions

- 17 (1) After a hearing of an appeal by the board, the secretary of the board shall:
- (a) under direction of the Chairperson, prepare Minutes of the hearing including the particulars of the appeal, the decision or order of the board and the reasons for the decision; and
 - (b) arrange for the order or decision of the Board to be signed; and
 - (c) within 15 days of the conclusion of the hearing, mail a copy of the decision of the Board and the reasons for the decision to the appellant, the applicant, the Subdivision or Development authority and all parties who appeared before the Board or submitted a letter to it in respect of the appeal.
- (2) The secretary will maintain board minutes at City Hall for public inspection at all reasonable times.

General Authority

- 18 No board member has authority to:
- (1) pledge the credit or course of action of the City or enter into any agreement on behalf of the Board or the City;
 - (2) power to authorize any expenditure to be charged against the City without prior approval by Council;
 - (3) authority to act administratively except as delegated by the City Manager.

Transitional

- 19 (1) Board members holding office at the date this bylaw comes into force shall continue to hold office until the expiry of their terms in accordance with their appointment under the Committees Bylaw or until new members are appointed under this bylaw.
- (2) This bylaw will come into force on October 19, 2009.

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

Bylaws Item No. 10**BYLAW NO. 3194/A-2009**

Being a Bylaw to amend Bylaw No. 3194/98 The Alarm Bylaw of the City of Red Deer.

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

Bylaw No. 3194/98 is hereby amended as follows:

1. Section 21, Appeal of Revocation of Permit, is deleted in its entirety and replaced with the following new Section 21:

“21 A Permittee whose permit has been revoked has the right to appeal that decision to the Red Deer Appeal & Review Board within 14 days of the date of revocation, in accordance with the relevant procedures as outlined in The City of Red Deer Committees Bylaw.”

Transitional

2. This bylaw comes into force on October 19, 2009.

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

Bylaws Item No. 11

BYLAW NO. 3332/A-2009

Being a Bylaw to amend Bylaw No. 3332/2004 The Drinking Establishment Bylaw of the City of Red Deer.

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

Bylaw No. 3332/2004 is hereby amended as follows:

1. In Section 10(e) the words “Public Order Bylaw” are deleted and replaced with the words “Community Standards Bylaw”.
2. Section 14 is deleted in its entirety and replaced with the following new section:

“14 A Licensee may appeal:

- (a) a condition of its license;
- (b) the proposed suspension or revocation of its license; or
- (c) a refusal to issue or renew a license

by filing an appeal with Legislative & Administrative Services, within 14 days of the date it receives notice of the condition, the suspension or revocation or the refusal, in accordance with the relevant procedures as outlined in The City of Red Deer Committees Bylaw.”

3. Section 15, is deleted in its entirety.
4. In Section 16, the words “Appeal Committee” are deleted and replaced with the words “Red Deer Appeals & Review Board”.
5. Section 17 is deleted in its entirety.

Transitional

6. This bylaw comes into force on October 19, 2009.

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

Bylaws Item No. 12**BYLAW NO. 3319/A-2009**

Being a Bylaw to amend Bylaw No. 3319/2003 The Escort Services Bylaw of the City of Red Deer.

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

Bylaw No. 3319/2003 is hereby amended as follows:

1. Sections 41 to 44 inclusive are deleted in their entirety and replaced with the following new Section 41:

“41 An applicant may appeal the License Inspector's decision to the Red Deer Appeal & Review Board in writing within 14 days after the license has been refused, revoked, or suspended, in accordance with the relevant procedures as outlined in The City of Red Deer Committees Bylaw.”

Transitional

2. This bylaw comes into force on October 19, 2009,

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

Bylaws Item No. 13**BYLAW NO. 3409/A-2009**

Being a Bylaw to amend Bylaw No. 3409/2008 The Firearms Bylaw of the City of Red Deer.

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

Bylaw No. 3409/2008 is hereby amended as follows:

1. Section 8 (b) is deleted in its entirety and replaced with the following new Section 8 (b):

“8 (b) The applicant may appeal a refusal to issue a permit, to the Red Deer Appeal & Review Board within 14 days of the refusal, in accordance with the relevant procedures as outlined in The City of Red Deer Committees Bylaw.”

Transitional

2. This bylaw comes into force on October 19, 2009.

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

Bylaws Item No. 14**BYLAW NO. 3357/X-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:

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

1. Section 4.7 (8) (i) is deleted in its entirety and replaced with the following new Section 4.7 (8) (i):

“(i) Pursuant to the License Bylaw, the revocation of a home occupation license by the License Inspector is appealable to the Red Deer Appeal & Review Board, in accordance with the relevant procedures as outlined in Committees Bylaw.”

Transitional

2. This bylaw comes into force on October 19, 2009.

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

Bylaws Item No. 15**BYLAW NO. 3159/A-2009**

Being a Bylaw to amend Bylaw No. 3159/96 The License Bylaw of the City of Red Deer.

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

Bylaw No. 3159/96 is hereby amended as follows:

1. Section 8 (1) is deleted in its entirety and replaced with the following new Section 8 (1):

“8 (1) If the Manager refuses to grant or renew a license or revokes or suspends a license, the applicant or Licensee may appeal the decision to the Red Deer Appeal & Review Board in accordance with the relevant procedures as outlined in The City of Red Deer Committees Bylaw.”

Transitional

2. This bylaw comes into force on October 19, 2009.

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

Bylaws Item No. 16**BYLAW NO. 3394/A-2009**

Being a Bylaw to amend Bylaw No. 3394/2007 The Limousine & Sedan Bylaw, of the City of Red Deer.

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

Bylaw No. 3394/2007 is hereby amended as follows:

1. Section 12, "Appeal", is deleted in its entirety and replaced with the following new Section 12:

"12 APPEAL

A decision of the License Inspector made pursuant to Sec. 9 (1), (b), (c), or (d) of this bylaw may be appealed to the Red Deer Appeal & Review Board, in accordance with the procedures as outlined in The City of Red Deer Committees Bylaw."

Transitional

2. This bylaw comes into force on October 19, 2009.

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

Bylaws Item No. 17**BYLAW NO. 3358/A-2009**

Being a Bylaw to amend Bylaw No. 3358/2006 The Procedure Bylaw of the City of Red Deer.

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

Bylaw No. 3358/2006 is hereby amended as follows:

1. Section 4, Subsection (4)(ii) is deleted in its entirety and replaced with the following new Subsection (4)(ii):

“(ii) “Review Hearing” means a review by the Red Deer Appeal & Review Board or an Order to Remedy under the provisions of section 547 of the MGA, in accordance with the relevant procedures as outlined in The City of Red Deer Committees Bylaw and includes a referral of such a matter to Council.”
2. Section 4, Subsection (5) is deleted and replaced with the following new subsection :

“(5) Subsections (6) through (16) apply to a Review Hearing referred to Council by the Red Deer Appeal & Review Board.”

Transitional

3. This bylaw comes into force on October 19, 2009.

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

Bylaws Item No. 18**BYLAW NO. 3282/A-2009**

Being a Bylaw to amend Bylaw No. 3282/2001 The Taxi Bylaw of the City of Red Deer.

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

Bylaw No. 3282/2001 is hereby amended as follows:

1. Section 55, "Appeal", is deleted in its entirety and replaced with the following new section:

 "(55) Any decision of the License Inspector under section 50 of this bylaw may be appealed to the Red Deer Appeal & Review Board by the broker, licensee, or driver, in accordance with the relevant procedures as outlined in The City of Red Deer Committees Bylaw."

Transitional

2. This bylaw comes into force on October 19, 2009.

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

Bylaws Item No. 19

BYLAW NO. 3215/A-2009

Being Bylaw to amend Bylaw No. 3215/98, the Utility Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

Bylaw No. 3215/98 is hereby amended as follows:

1. Section 33 is deleted and replaced with the following new section:

“33 Notwithstanding any other provision of this bylaw of the Rate Schedules forming part hereof, any customer who feels aggrieved in respect of rates charged to that customer under this bylaw on the grounds that such rates are unfair, unreasonable or discriminatory may, appeal such rates to the Red Deer Appeal & Review Board, by a notice specifying the grounds of the complaint submitted in accordance with the provisions outlined in the Committee Bylaw.”
2. Section 42 is amended by deleting the words “60 days” and substituting the words “one year”.
3. Section 44 is amended by deleting the words “60 days” and substituting the words “one year”, and by deleting the words “180 days” and substituting the words “two years”.
4. Section 45 is deleted and replaced with the following:

“45 A person who has been directed to connect their building to the water system shall have the right to appeal the direction to the Red Deer Appeal & Review Board by a notice submitted within 14 days of the date that the direction to connect has been served, in accordance with the provisions outlined in the Committee Bylaw. On hearing such appeal, the Board may vary, suspend or rescind such direction on such terms as it deems appropriate.”
5. New Section 45 (1) is added as follows:

“45(1) No person may connect to the water system until such time as a local improvement tax bylaw has been passed in respect of the cost of construction of the water supply works (including carrying charges) to serve the land owned or occupied by that person, or until such person has made other arrangements satisfactory to the City to pay that person’s proportionate share of those costs.”
6. Section 92 (3) is amended by deleting the words “60 days” and substituting the words “one year”.
7. Section 92 (4) is deleted and replaced with the following:

"92(4) Notwithstanding the foregoing, the Director shall have discretion to extend the period of time within which the connection to the sanitary main must be made up to a maximum of two years after a sewer service becomes available."

8. Section 92 (5) is deleted and replaced with the following:

"92(5) A person who has been directed to connect their building to the sewer system shall have the right to appeal the direction to the Red Deer Appeal & Review Board by a notice submitted within 14 days of the date that the direction to connect has been served, in accordance with the provisions outlined in the Committees Bylaw. On hearing such appeal, the Board may vary, suspend or rescind such direction on such terms as it deems appropriate."

9. The new section 92 (6.1) and 92 (6.2) are added as follows:

"92(6.1) At such time as the owner connects to the sanitary main, the owner shall also open a utility account and pay all application fees and deposits that may be required under this bylaw."

"92(6.2) No person may connect to the sewer system until such time as a local improvement tax bylaw has been passed in respect of the cost of construction of the sewer supply works (including carrying charges) to serve the land owned or occupied by that person, or until such person has made other arrangements satisfactory to the City to pay that person's proportionate share of those costs."

Transitional

10. This bylaw comes into force on October 19, 2009.

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