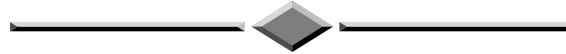


## A G E N D A



FOR THE *REGULAR MEETING OF RED DEER CITY COUNCIL*

TO BE HELD IN

THE COUNCIL CHAMBERS, CITY HALL

*MONDAY, September 14, 2009*

COMMENCING AT 6:00 P.M.



### 1) UNFINISHED BUSINESS

1. Parkland Community Planning Services and Legislative and Administrative Services Manager – *Re: Southpointe Junction Neighbourhood Area Structure Plan (NASP): Bylaw 3217/E-2009* ..1  
(Consideration of Third Reading)

### 2) PUBLIC HEARINGS

### 3) REPORTS

1. City Solicitor and Legislative and Administrative Services Manager– *Re: Report on Northey Expropriation* ..12

### 4) CORRESPONDENCE

### 5) PETITIONS AND DELEGATIONS

### 6) NOTICES OF MOTION

**7) ADMINISTRATIVE INQUIRIES**

**8) BYLAWS**

- |    |  |             |
|----|--|-------------|
| 1. | <b>3217/E-2009</b> - Southpointe Junction Neighbourhood Area |             |
|    | Structure Plan Bylaw Amendment                               | <b>..1</b>  |
|    | (3 <sup>rd</sup> Reading)                                    | <b>..53</b> |

**9) COMMITTEE OF THE WHOLE**





**DATE:** September 9, 2009

**TO:** City Council

**FROM:** Elaine Vincent, Legislative & Administrative Services Manager

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

---

*History:*

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

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

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

MOTION CARRIED

*Page 2*

*Southpointe Junction Neighbourhood Area Structure Plan*

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

***Recommendation:***

Council consider:

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

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

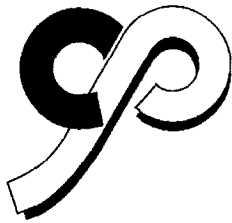
Elaine Vincent  
Manager

*Comments:*

We support the recommendation of administration.

“Morris Flewwelling”  
Mayor

“Craig Curtis”  
City Manager



**PARKLAND  
COMMUNITY  
PLANNING  
SERVICES**

Originally presented at the  
Monday September 8 2009  
Council Meeting

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

---

**DATE:** August 28, 2009

**TO:** Elaine Vincent, Legislative Services Manager

**FROM:** Haley Horvath, Planner

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

---

**Background**

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

**1) Land Use Changes**

**Private Road Located in NE Corner of Plan Area**

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

**Private Road Located in SW Corner of Plan Area**

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

**2) Changes to figures**

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

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

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

**Revisions to Bylaw Amendment 3217/E-2009**

**Page 2**

---

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

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

**3) Changes to text**

**Changes to page 23:**

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

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

**Changes to Page 24 Table 1:**

- Under Commercial – added DC(C2A/C3)

**Changes to Page 25 Table 2:**

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

**Changes to Page 26:**

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

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

**Changes to Page 43:**

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

**Changes to Page 51:**

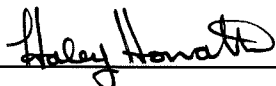
- 2<sup>nd</sup> paragraph, 16<sup>th</sup> line, removed last portion of sentence "....are to be considered ***therefore a reduced road ROW is being proposed.***"

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

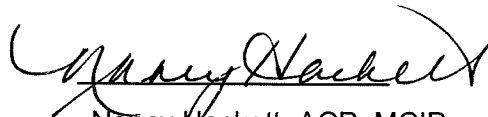
**Recommendation**

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

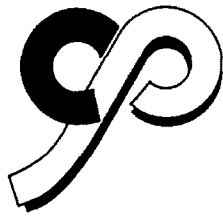
Respectfully Submitted,



Haley Horvath, ACP, MCIP  
Planner



Nancy Hackett, ACP, MCIP  
City Planning Manager



**PARKLAND  
COMMUNITY  
PLANNING  
SERVICES**

Originally submitted at the  
Monday August 10 2009  
Council Meeting

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

---

**DATE:** July 30, 09

**TO:** Elaine Vincent, Legislative Services Manager

**FROM:** Haley Horvath, Planner

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

---

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

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

### **BACKGROUND**

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

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

### **DEVELOPMENT CONCEPT**

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

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

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

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

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

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

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

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

### **NASP CIRCULATION**

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

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

### **NEIGHBOURHOOD MEETING**

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

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

### **MUNICIPAL PLANNING COMMISSION MEETING**

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

### **SUMMARY and PLANNING ANALYSIS**

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

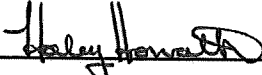
The City of Red Deer Municipal Development Plan identifies the area covered by the NASP as a mixed use and intensification opportunity area. The MDP describes mixed use a combination of different uses, such as, but not limited to, residential, office commercial, retail commercial, public, or entertainment,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

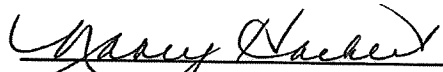
The proposed Southpointe neighbourhood includes a mix of uses within the larger Plan area as well as within some of the individual parcels and as such, it achieves the objectives outlined for this area in the MDP. From a planning and land use perspective, planning staff support the approval of the Southpointe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



**RECOMMENDATION**

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

  
\_\_\_\_\_  
Haley Horvath, ACP, MCIP  
Planner

  
\_\_\_\_\_  
Nancy Hackett, ACP, MCIP  
City Planning Manager

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

Feedback on NASP for Southpointe Junction

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

My interest in Southpointe Junction is three fold:

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

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

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

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

Thank you for the opportunity to comment.



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

THE CITY OF RED DEER  
Legislative & Administrative Services

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

MAY 5, 2000

SOUTHPOINTE NASP

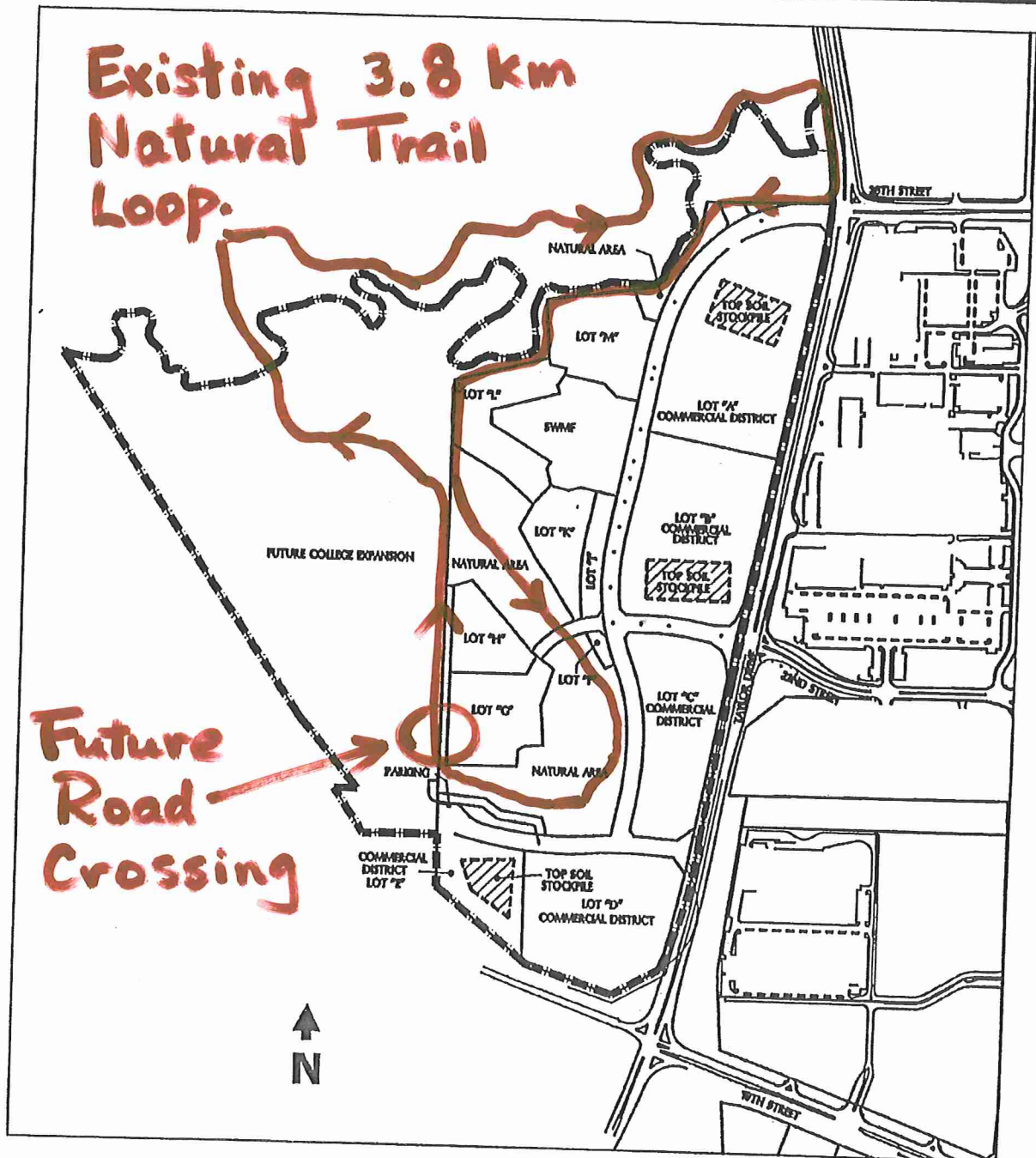


FIGURE 19: TOPSOIL STOCKPILE LOCATIONS

Source: City of Red Deer



**Council Decision – September 14, 2009**

**DATE:** September 15, 2009

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

**FROM:** Elaine Vincent, Legislative and Administrative Services Manager

**SUBJECT:** Southpointe Junction Neighbourhood Area Structure Plan (NASP): Bylaw 3217/E-2009

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***Reference Report:***

Legislative and Administrative Services Manager, dated September 9, 2009  
Parkland Community Planning Services, dated August 28, 2009

***Bylaw Readings:***

At the Monday, August 10, 2009 Council Meeting Southpointe Junction Neighbourhood Area Structure Plan Bylaw 3217/E-2009 received first reading. At the Tuesday, September 8, 2009 Council Meeting, Southpointe Junction Neighbourhood Area Structure Plan Bylaw 3217/E-2009 received second reading and was tabled to the Monday, September 14, 2009 Council Meeting.

***Resolution:***

*“Resolved that Red Deer City Council table the Southpointe Junction Neighbourhood Area Structure Plan Bylaw Amendment 3217/E-2009 to the Monday, September 21, 2009 Regular Council Meeting.”*

**MOTION CARRIED**

***Report Back to Council:*** Yes, September 21, 2009



Elaine Vincent  
Legislative & Administrative Services Manager

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



Reports Item No. 1

**DATE:** September 9, 2009  
**TO:** City Council  
**FROM:** Elaine Vincent, Legislative & Administrative Services Manager  
**SUBJECT:** Report on Northey Expropriation

---

*History:*

At the Monday, June 29, 2009 Council Meeting the following motions were introduced and passed:

“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”)

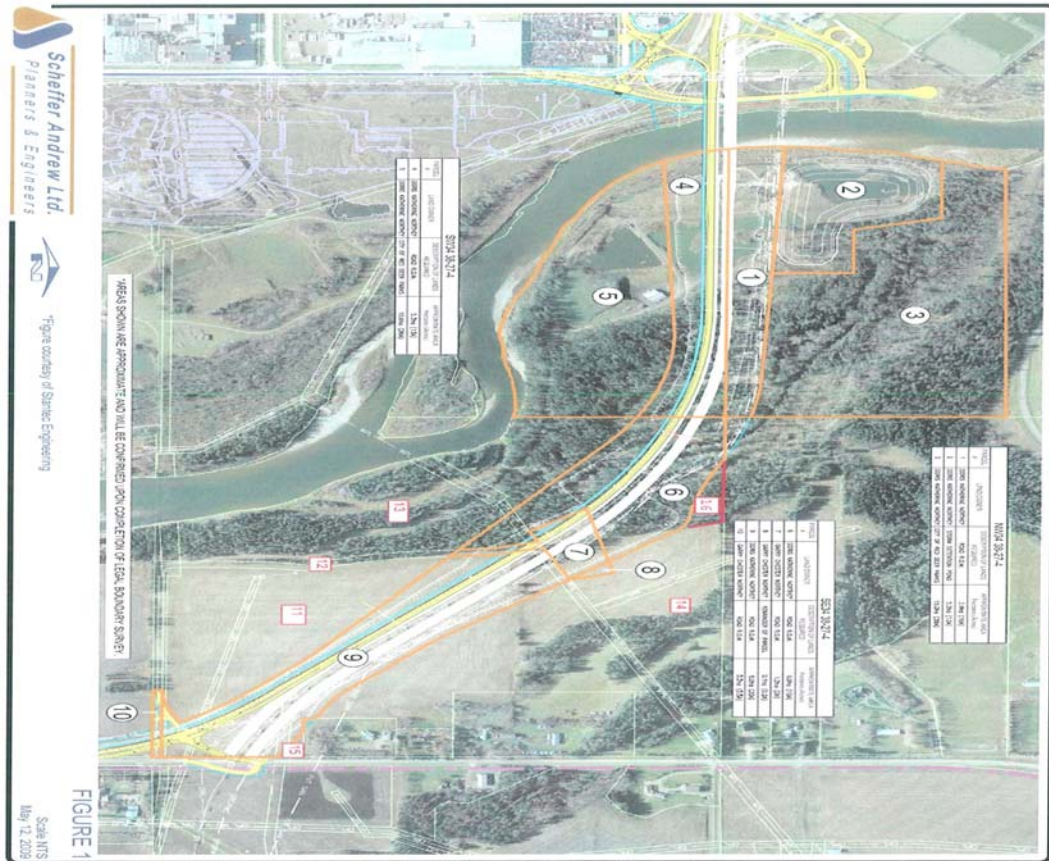
AND WHEREAS the owner of the said Lands has filed an objection to the proposed taking on the basis that the City should acquire the remainder of the said Lands;

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

Page 2  
Report on Northey Expropriation



Page 3  
Report on Northey Expropriation

"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 **SE 34-38-27W4**, the full legal description of which is set out in Schedule A attached;

AND WHEREAS the owner of the said lands has filed an objection to the proposed taking on the basis that the City should acquire additional portions 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, for road purposes, an interest in fee simple in the following additional portions of the said Lands, namely:

- (a) Approximately \_\_ hectares (\_\_ acres) more or less, in the location identified as **Area 15** on the sketch attached as Schedule B hereto, in the lands legally described as SE 34-38-27W4.

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

***Recommendation:***

That Council consider passing a resolution authorizing the expropriation as recommended in the Report of the Inquiry Officer, dated September 9, 2009;

A handwritten signature in black ink, appearing to read "Elaine Vincent". The signature is stylized with a large, circular flourish at the end.

Elaine Vincent  
Manager

*Comments:*

We support the recommendation of Legal Counsel to proceed with expropriation as originally approved by Council.

"Morris Flewwelling"  
Mayor

"Craig Curtis"  
City Manager



# CHAPMAN RIEBEEK LLP

Barristers & Solicitors

NICK P. W. RIEBEEK\*  
LORNE E. GODDARD, Q.C.  
SUZANNE M. ALEXANDER-SMITH

DONALD J. SIMPSON\*  
NANCY A. BERGSTROM\*  
MICHELLE A. BAER\*\*

GARY W. WANLESS\*  
GAYLENE D. BOBB\*  
JENNIFER L. CARVER\*\*

\*Denotes Professional Corporation

\*\*Denotes Student-at-Law

Your file:

Our file:

Direct Email: [nriebek@chapmanriebeek.com](mailto:nriebek@chapmanriebeek.com)

September 1, 2009

City of Red Deer  
Box 5008  
Red Deer, AB T4N 3T4

Dear Mayor Flewelling and Members of Council:

**RE: Report on Northey Expropriation**

**Expropriation of Lands of Doris Katherine Northey Lands**

This will confirm the August 26<sup>th</sup> hearing of this matter of the City's Notice of Intention to Expropriate lands for the construction of the North Highway Connector Project, including those required for road right of way, trunk services, storm ponds and future park preservation area.

For easy reference of everyone, I attach hereto the map which contains both numbers which are circled and numbers which have squares highlighting them. The City's Notice of Intention to Expropriate with respect to the Doris Northey lands encompassed circled areas 1-6, and 9. In her Objection, Doris Northey asked that Area 15, Area 16 and Area 13 also be expropriated by the City.

In the course of negotiations the City agreed to purchase by way of addition to the expropriation Area 15, Doris Northey withdrew her request relative to Area 16, and accordingly the key issue before the Inquiry Officer was whether to recommend that the City also acquire Area 13.

Area 13 is approximately 26 acres. It is located within the river escarpment, and consists of undeveloped and undevelopable land within which no industrial, commercial or other activity has heretofore taken place. The City did not wish to acquire it for municipal purposes and accordingly it did not form part of our original Notice of Intention to Expropriate.

The City's position at the Hearing was as follows:

1. The Inquiry Officer has no jurisdiction to hear the objection relative to Area 13, since this is a request by a land owner to **add** land to an expropriation rather than a request to take less; a significant distinction which is unprecedented and not permitted by statute;

---

300, 4808 Ross Street Red Deer, Alberta T4N 1X5

Telephone: (403) 346-6603

Fax: (403) 340-1280

Email: [info@chapmanriebeek.com](mailto:info@chapmanriebeek.com)

2. Area 13 is not required as part of a construction of the North Highway Connector;
3. Acquiring it by expropriation at this time would be contrary to City Park's Acquisition Policies;
4. The City may not have financial resources to purchase or acquire through expropriation this parcel, as the City cannot acquire all lands identified as future park but must use a criteria based on numerous factors, including, whether a parcel may be subject to dedication as environmental or municipal reserve, and whether a particular parcel has significant risk of environmental or other deterioration;
5. And that applying the test of Fair, Sound and Reasonably Necessary, it is in fact not fair, sound and reasonably necessary for the City to take this parcel and indeed in an expert report provided, promotes that the land owners own expert could say was "it would likely benefit both parties if parcel 13 were purchased by the City as part of the overall acquisition", and opinion and comment that falls far short of the test of Fair, Sound and Reasonably Necessary.

Having heard these submissions, and those of the counsel for the land-owner, the Inquiry Officer in his report dated September 3, 2009 found the intended expropriation to be fair, sound and reasonably necessary in the achievement of the objectives of the City.

Accordingly, we recommend that City Council as Approval Authority approve the takings referred to in the attached map by the following numbers: 1, 2, 3, 4, 5, 6, 9 and 15, and with respect to the Doris Northey property decline to approve the taking of any additional lands.

### **Expropriation of Lands of Garry Northey - Update**

A Notice of Intention was filed on April 22, 2009 to expropriate Areas 7, 8, and 10 of Garry Northey's lands. A Notice of Objection was received and through negotiations the City agreed to take the balance of Garry Northey's land (Areas 7, 8, 10 and 12).

On Monday June 29, 2009 Council passed a resolution authorizing the taking by way of expropriation all of Garry Northey's lands legally described as:

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

Given that there is no provision by which to amend a Notice to Expropriate, we consider it appropriate to abandon the expropriation as originally proposed and re-commence expropriation of the entire parcel through the filing of a new Notice of Intention. The solicitor for Garry

Page 3

September 1, 2009

City of Red Deer

Attention: Craig Curtis, City Manager

Northey has indicated that Mr. Northey will consent to the acquisition of land subject to the condition that compensation be determined by the Board. This process is permitted by section 30 of the Expropriation Act.

As such, no further resolution from Council is required at this point pertaining to the Garry Northey parcel.

Yours truly,

**CHAPMAN RIEBEEK LLP**

Per:   
**MICHELLE A. BAER**

NPR/hcj

Encl.



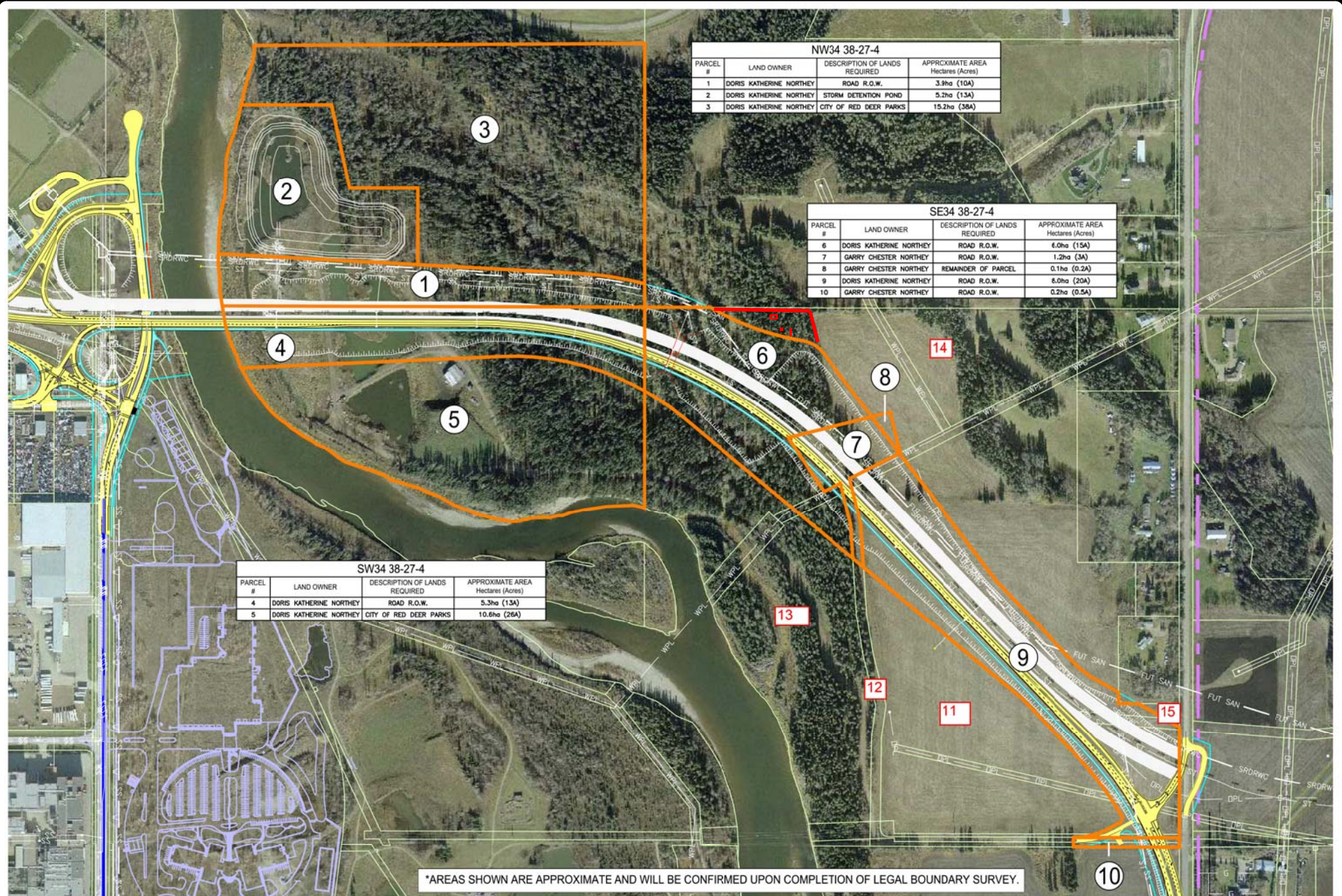


FIGURE 1





**McLENNAN ROSS** LLP  
LEGAL COUNSEL

Our File Reference: 292351

**Graham McLennan, Q.C.**  
Direct Line: (780) 482-9221  
e-mail: gmclennan@mross.com

**Gabriele Wilkinson, Assistant**  
Direct Line: (780) 482-9255

Fax: (780) 482-9100  
PLEASE REPLY TO EDMONTON OFFICE

September 3, 2009

**VIA E-MAIL and COURIER**

Chapman Riebeek LLP  
Barristers and Solicitors  
300, 4808 Ross Street  
Red Deer AB T4N 1X5

Prowse Chowne LLP  
Solicitors for the Objectors  
1300, 10020 – 101A Avenue  
Edmonton AB T5J 3G2

**Att: Mr. Nicolaas Riebeek**

**Att: Mr. Donald P. Mallon, Q.C.**

Dear Sirs:

**Re: City of Red Deer and Doris Northey Expropriation Inquiry**

Please find enclosed the Report of the Inquiry Officer.

With the consent of counsel for the Objector, we return with this letter to counsel for the City of Red Deer the original exhibits from the Expropriation Inquiry, as all parties have copies.

Yours truly,

**GRAHAM McLENNAN**

gw  
Encl.  
H:\AWDocs\292351\99859627.DOC

cc: Mr. R. Neil Dunne, Q.C. (encl.)

**Edmonton Office**  
600 West Chambers  
12220 Stony Plain Road  
Edmonton, AB T5N 3Y4  
p. 780.482.9200  
f. 780.482.9100  
tf. 1.800.567-9200

**Calgary Office**  
1600 Stock Exchange Tower  
300 – 5<sup>th</sup> Avenue S.W.  
Calgary, AB T2P 3C4  
p. 403.543.9120  
f. 403.543.9150  
tf. 1.888.543.9120

**Yellowknife Office**  
802 Precambrian Building  
4920 – 52<sup>nd</sup> Street  
Yellowknife, NT X1A 3T1  
p. 867.766.7677  
f. 867.766.7678  
tf. 1.888.836.6684

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

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

- a) Approximately 3.9 hectares (10 acres) more or less, in the location identified as Area 1 on the sketch attached as Schedule A hereto, in the lands legally described as set out in Schedule B hereto (NW 34-38-27-W4M);
- b) Approximately 5.3 hectares (13 acres more or less), in the location identified as Area 4 on the sketch attached as Schedule A hereto, in the lands legally described as set out in Schedule C hereto (SW 34-38-27-W4M);
- c) Approximately 14.0 hectares (35 acres) more or less, in the locations identified as Areas 6 and 9 on the sketch attached as Schedule A hereto, in the lands legally described as set out in the Schedule D hereto (SE 34-38-27-W4M);
- d) Approximately 5.2 hectares (13 acres) more or less, in the location identified as Area 2 on the sketch attached as Schedule A hereto, in the lands legally described as set out in Schedule B hereto (NW 34-38-27-W4M);
- e) Approximately 15.2 hectares (38 acres) more or less, in the location identified as Area 3 on the sketch attached as Schedule A hereto, in the lands legally described as set out in Schedule B (NW 34-38-27-W4M); and
- f) Approximately 10.6 hectares (26 acres) more or less, in the location identified as Area 5 on the sketch attached as Schedule A hereto, in the lands legally described as set out in Schedule C (SW 34-38-27-W4M);

Excepting thereout all mines and minerals.

(the "Lands")

AND IN THE MATTER OF the Notice of Objection to the said intended expropriation filed by Doris Katherine Northey by her solicitor, Donald P. Mallon, Q.C.;

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

---

**REPORT OF INQUIRY OFFICER  
GRAHAM McLENNAN, Q.C.  
September 3, 2009**

---

Mr. Nicolaas Riebeek  
Michelle Baer, Student-at-law  
Jennifer Carver, Student-at-law  
Chapman Riebeek LLP  
Counsel for the City of Red Deer  
300, 4808 Ross Street  
Red Deer AB T4N 1X5

Mr. Donald P. Mallon, Q.C.  
Natasha Dube, Student-at-law  
Prowse Chowne LLP  
Counsel for the Objector  
1300, 10020 – 101A Avenue  
Edmonton AB T5J 3G2

## TABLE OF CONTENTS

INTRODUCTION .....	1
<i>Preliminary Objection</i> .....	2
SUMMARY OF EVIDENCE.....	6
<i>Exhibits</i> .....	6
EVIDENCE OF THE CITY .....	6
<i>Mr. Ken Haslop</i> .....	6
<i>Cross-Examination of Mr. Haslop</i> .....	7
<i>Mr. Greg Scott</i> .....	8
<i>Cross-Examination of Mr. Scott</i> .....	10
<i>Re-Examination of Mr. Scott</i> .....	11
<i>Mr. Trevor Poth</i> .....	12
<i>Cross-Examination of Mr. Poth</i> .....	12
<i>Mr. Orlando Toews</i> .....	13
<i>Cross-Examination of Mr. Toews</i> .....	14
EVIDENCE OF THE OBJECTOR .....	15
<i>Mr. Robert Northey</i> .....	15
<i>Cross-Examination of Mr. Northey</i> .....	18
<i>Mr. John Andrew</i> .....	18
<i>Cross-Examination of Mr. Andrew</i> .....	21
REBUTTAL EVIDENCE OF THE CITY .....	21
<i>Re-Examination of Mr. Haslop</i> .....	21
<i>Cross-Examination on Rebuttal Evidence of Mr. Haslop</i> .....	22
SUMMARY OF ARGUMENT .....	22
<i>Submissions on Behalf of the City</i> .....	22
<i>Submissions on Behalf of the Objector</i> .....	23
FINDINGS OF FACT.....	25
OPINION ON THE MERITS OF THE INTENDED EXPROPRIATION AND REASONS THEREFOR .....	27
APPENDIX 1 – LIST OF EXHIBITS .....	30

## INTRODUCTION

The Expropriation Inquiry was held on Wednesday, August 26, 2009, at the Black Knight Inn, 2929 – 50 Avenue, Red Deer, Alberta. The expropriating authority, the City of Red Deer (“City”), was represented by Mr. Nicolaas Riebeek of Chapman Riebeek LLP. The Objector, Doris Katherine Northey (the “Objector”), was represented by Donald P. Mallon, Q.C., of Prowse Chowne LLP.

This Inquiry concerns the intended expropriation of a portion of the Objector's lands for the purpose of a road and bridge in connection with the construction of the extension of Northland Drive, including approaches and area for berms, to accommodate utility trunk services for the East Hill, for a storm drainage detention pond, and for parks and natural areas as part of the Waskasoo Park system (“Project” or “North Highway Connector Project”). Counsel for the City and counsel for the Objector agreed that all appointments, notices, filings and registrations with respect to the intended expropriation, the objections and this Inquiry have been properly performed. Further, all such documents, by agreement, need not be made exhibits of this Inquiry.

Counsel for the Objector advised that an Objection had been filed on behalf of Garry Northey. However, a Section 30 Agreement had been agreed to in principle, and the Objection filed by Garry Northey was withdrawn.

There was discussion amongst counsel as to whether the only basis for the Objection of Doris Northey related to land Area 13 as identified on Exhibit 1, p. 5. The Expropriation Officer ruled that any issue as to whether further grounds for the Objection are going to be advanced, and whether those are properly set forth in the Notice of Objection, will be addressed at the time any such evidence is led by counsel for the Objector and presumably objected to by counsel for the City.

Evidence was given under oath.



***Preliminary Objection***

Mr. Riebeek, on behalf of the City, advised he had a preliminary objection to the jurisdiction of the Inquiry Officer to hear the Objection filed on behalf of Doris Northey, the Objector.

Ms. Baer presented this argument on behalf of the City. Ms. Baer noted that the Objection filed on behalf of the landowner, Doris Northey, objects to the expropriation primarily on the grounds that the City should acquire Parcel 13, in addition to the Lands being acquired by expropriation. Ms. Baer noted that the Lands are required by the City for construction of the North Highway Connector Project. These Lands are required for the road right-of-way, trunk services, storm ponds, and for preservation of future parkland and natural areas. The land is a partial taking and the City is not looking to expropriate all of Doris Northey's lands. Ms. Baer noted that the Objector does not take any issue with the land that is proposed to be taken by the City. Rather, the Objector has requested a recommendation from the Inquiry Officer, pursuant to the Notice of Objection, that the City be directed to take a greater portion of the Objector's lands including the land which is described as Parcel 13. Ms. Baer indicated that the City does not require Parcel 13 for any municipal purpose at this time, and has therefore elected not to expropriate the same.

Ms. Baer further submitted that an inquiry officer cannot recommend that an expropriating authority expropriate a larger portion than it requires to achieve its objective. Further, an inquiry officer does not have the authority or jurisdiction to hear an objection on the basis that an objector wishes the expropriating authority to take more land than what is proposed by the expropriating authority.

Ms. Baer made reference to sections 14 and 15 of the *Municipal Government Act*. Section 14 indicates that, if Council decides to acquire an interest in land for a *bona fide* municipal purpose, it may acquire the interest by expropriation under the *Expropriation Act*. Further, the *Expropriation Act* defines expropriation as **taking of land** without the consent of the owner by an expropriating authority in the exercise of its statutory powers. Reference was also made to section 3 of the *Expropriation Act*. Ms. Baer noted that it references **the taking** of any estate or any lesser interest therein from the land. Further, it was noted that section 6.2 of the

*Expropriation Act* states that an owner may question **the taking** of land as to whether it is fair, sound, and reasonably necessary in the achievement of the objectives of the expropriating authority, and section 15 sets out the duties of the inquiry officer.

Ms. Baer submitted that the *Municipal Government Act* and the *Expropriation Act* set out a complete code for expropriations by a municipality. Further, the statutes must be strictly construed and the powers of the municipality or the expropriating officer must be expressly conferred on them by statute. Ms. Baer quoted Rogers, *The Law of Canadian Municipal Corporations*, at p. 1081. Ms. Baer noted that the case of *Costello v. Calgary*, found in the Objector's brief, supports the proposition that the power given by statute to the municipal government to expropriate land must be strictly construed.

Ms. Baer advised that they have not been able to find a case specifically on point where the basis of an objection is that the landowner wants further lands taken by the expropriating authority.

Ms. Baer submitted that the key elements in the definition of expropriation are "taking" and "without consent". The objection regarding Parcel 13 is not a taking without the consent of the owner. Rather, the owner is urging further lands be expropriated by the expropriating authority. In addition, referring to section 14(2) of the *Municipal Government Act*, Ms. Baer submitted that the City must make a decision to expropriate. That decision cannot be foisted upon the City. In fact, the taking of land by expropriation, which is beyond that land which is required for a municipal purpose, would be *ultra vires* the municipality under the *Municipal Government Act*.

Ms. Baer noted that section 14 of the *Municipal Government Act* makes express reference to authorizing a municipality to obtain a larger portion of land than may be required, where the municipality can obtain a more reasonable price, or other advantage, by acquiring the larger portion of any parcel of land. Further, she submitted that the *Act* would have expressly provided for a situation where a landowner may object that the proposed partial taking is not large enough, and no such provision is found in the *Municipal Government Act*. Further, general statutory interpretation principles require that authority be express, not implied, unless it is

- 4 -

absolutely clear that such authority or power is required to perform an expressly authorized statutory duty.

Ms. Baer also submitted that there are strong public policy reasons in support of the City's position. She submitted that the City cannot and should not be forced to consider taking of land that it neither requires nor desires, at the instigation of individual landowners.

In conclusion, Ms. Baer argued that the Objection filed by Doris Northey is invalid and therefore the Inquiry Officer does not have jurisdiction to consider it, because the sole basis of that Notice of Objection is a request for a recommendation that the City take additional lands.

Mr. Mallon responded to the preliminary objection from the City.

Mr. Mallon noted that the task of the inquiry officer is set forth in section 15(8) of the *Expropriation Act*. Mr. Mallon noted that the jurisdiction of the inquiry officer has been commented upon, and referred to the text by Eric C.E. Todd, *The Law of Expropriation and Compensation in Canada*, second edition (Carswell, 1992), at pp. 48 and 49, which includes statements that:

...the provincial inquiry officer is required to give his or her opinion on the merits of the application for approval with reasons therefor.

...inquiry officers (have) a wide discretion as to how to carry out their function.

Mr. Mallon acknowledged that the *Municipal Government Act* and the *Expropriation Act* do create a complete code for municipal expropriations, as argued by the City. However, it is a code that is strictly interpreted against the municipality. The case of *Dell Holdings Ltd. v. Toronto Area Transit Operating Authority* [1997] 1 S.C.R. 32, notes that the *Expropriation Act* is a remedial statute and must be given broad and liberal interpretation consistent with its purpose to adequately compensate those whose lands are taken to serve the public interest. The power to expropriate should be strictly construed in favour of those whose rights have been affected. Mr. Mallon also made reference to the case of *Laidlaw v. The Municipality of Toronto*, to support the proposition that the *Expropriation Act* should be read in a broad and purposive manner to comply with the aim of the *Act* to fully compensate the landowner whose property has been taken.

Mr. Mallon submitted that the City argues that there is no jurisdiction to “direct” or “force” the City to take more land than they are seeking in the expropriation process. Mr. Mallon acknowledges that the City cannot be forced to take land. However, the inquiry officer has no power to force anyone to do anything because the decision of the inquiry officer is simply a recommendation which is not binding on the expropriating authority. The purpose of the inquiry officer, according to Mr. Mallon, is to act as a sort of sober second look at what the expropriating authority is planning to do and provide an opinion on the proposed expropriation.

Mr. Mallon again quoted from Todd (at p. 47), and a quote from the McRuer Report, where it expressly mentions the inquiry officer looking at related issues, such as: the feasibility of, or the modification of, the expropriation plan; alternative sites or routes; or the taking of a lesser estate or interest in land. Further, Mr. Mallon submitted that it is not uncommon, where an inquiry officer is hearing evidence from an expropriating authority and from an objector, that changes in the amount of land to be expropriated are at issue. For example, where different routes are proposed, it is often the case that one route has more or less land required to be taken than another route. Mr. Mallon has no recollection of anyone taking the position that an inquiry officer does not have jurisdiction to consider an objection—for example, taking of a different route—simply because that may result in more land being required to be expropriated.

In conclusion, Mr. Mallon argued that the broad interpretation of the authority of an inquiry officer and the broad test of fair, sound, and reasonably necessary would include the ability of the inquiry officer to consider that the expropriating authority ought to take more land than is proposed in the Notice of Expropriation.

Mr. Riebeek responded to Mr. Mallon’s submissions on behalf of the City.

Mr. Riebeek submitted that Mr. Mallon did not address the specific issue in his submissions. He made reference to p. 47 of Todd that the main issue at the hearing should be the fairness and soundness of taking a particular piece of property and stressed the phrase, “taking of a lesser estate or interest” as being one of the matters considered by an inquiry officer. Mr. Riebeek noted that the inquiry officer cannot grant himself jurisdiction based on a broad interpretation of the phrase, “fair, sound, and reasonably necessary”.

- 6 -

Mr. Riebeck repeated that the City submits the inquiry officer does not have jurisdiction to consider an objection where the landowner objects on the basis that a greater part of a parcel should be expropriated.

In response to questions by the Inquiry Officer, Mr. Mallon and Mr. Riebeck advised that they have evidence to lead on the question of whether Parcel 13 should be included in the lands to be taken by the City.

Given that both parties have evidence to call on the issue of whether Parcel 13 should be part of the expropriation intended by the City, the Inquiry Officer reserved decision on the preliminary objection and directed that evidence be led by the parties.

### **SUMMARY OF EVIDENCE**

#### ***Exhibits***

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

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

### **EVIDENCE OF THE CITY**

#### ***Mr. Ken Haslop***

Mr. Haslop advised that he has a Bachelor of Science degree in Civil Engineering from the University of Alberta in 1971. He received his Professional Engineering designation in 1973, and is currently a member in good standing of the Association of Professional Engineers of Alberta.

Mr. Haslop is an employee of the City and his current title is Major Projects Engineer.

Mr. Haslop has worked in the field of transportation, both for private consulting firms and the City, for more than 25 years.

- 7 -

Mr. Haslop is familiar with the Project that is the subject of these proceedings and the intended expropriation. His current role is to provide project management for the City relative to the planning, design, and construction of the Project.

Mr. Haslop gave evidence that the Project is primarily a major transportation project that will be developed over the next several years. It is approximately 24 kilometers in length, which runs from the intersection of what is known today as Gaetz Avenue and Highway 11A, and proceeds eastward through the Northey lands and ultimately across to 20<sup>th</sup> Avenue to what is now known as the "McKenzie Roadway".

Mr. Haslop referred to Exhibit 1, Map #2, in describing the general proposed path of the North Highway Connector Project.

Mr. Haslop advised he is familiar with the Lands that are the subject matter of this Inquiry. Referring to Exhibit 1, Map #5, Mr. Haslop identified "Area 13 or Parcel 13" on Map #5. He advised that Area 13 was not necessary for any of the roadway construction for this Project.

In reference to Exhibit 1, Map #4, Mr. Haslop identified Parcels 1 and 2 which are to be taken and used for parkland or possible parkland areas by the City.

In reference to Exhibit 1, Map #6, Mr. Haslop described the topographical features of Area 13. He advised that Area 13 is escarpment area and flood fringe/flood plain area.

Mr. Haslop advised that, if the City does not expropriate Area 13, then the City can provide access in a couple of different ways to the Area 13 property. One option is a roadway following the yellow line at the bottom of Exhibit 1, Map #4.

***Cross-Examination of Mr. Haslop***

Mr. Mallon had Mr. Haslop confirm that he is presently employed by the City.

Mr. Haslop confirmed that he has been involved in this Project going back as far as 1976. Further, the most recent transportation plan that has been developed by the City for this

Project was in 2003. Mr. Haslop agreed, referring to Exhibit 1, Map #4, that Areas 1 and 2 were not required for the roadway construction which is proposed.

Mr. Haslop confirmed that yellow lines on Exhibit 1, Map #4, depict the first phase of the Project, and the white lines outline an eventual six-lane expressway as a plan for the future expansion of the roadway for the Project. He confirmed that the proposed taking of the right-of-way with respect to the roadway includes the area that is intended for a future six-lane expressway, designated on the maps as "the ultimate right-of-way".

Mr. Mallon referred Mr. Haslop to the draft Northland Drive Functional Design, which was marked as Exhibit 2. Mr. Haslop confirmed that the ultimate design was planned with a 188,000 population horizon for the City of Red Deer. The existing intersection depicted is an at-grade lighted intersection. The inset design of the Ultimate Intersection Layout calls for an underpass/overpass at the intersection. Mr. Haslop marked on Exhibit 2 reference to a red line and an orange line. He testified that the red line so marked would be the land required if there was a grade separated intersection. He further noted that it was estimated the City of Red Deer may reach the population of 188,000 somewhere around the years of 2035-2040.

He confirmed that the access road being proposed is dependent upon the City completing the expropriation of Garry Northey's property. The City had not established whether access would be a private easement road or the creation of a public road. Mr. Haslop discussed with Mr. Mallon the issue of whether an access road would be paved or gravel, or subject to road bans. Mr. Haslop confirmed that it would be up to Red Deer City Council's discretion to determine the nature of any access road that will be developed.

***Mr. Greg Scott***

Mr. Scott advised that he was an employee with the City in the position of Manager of Recreation, Parks, and Culture Department. He has been employed with the City for approximately 30 years.

Mr. Scott has a Physical Education degree from the University of Alberta, and has worked in the Recreation or Parks Department of the City for over 25 years.

Mr. Scott advised that he was generally aware of the Project. Further, he was generally aware of the Northey Lands and the role they may play in the development of the City's parkland.

Mr. Scott advised that the City performs natural area and ecological evaluations to determine possible parkland within the City of Red Deer. Part of this includes preservation of certain areas from development or further development. Mr. Scott described a "park node" as a gathering place that includes natural space but, as well, some developed areas for the public to gather.

Mr. Scott advised that Area 13 has been identified as a natural area corridor, that at some point in the future would be valuable for the City to have as a connector area for a trail connecting with the McKenzie Trail system.

Mr. Scott contrasted Areas 1 and 2 to Area 3 (also referred to as Area 13, which will be subsequently referred to herein as Area 13 for consistency) on Exhibit 1, Map #4. Mr. Scott advised that Areas 1 and 2 are suitable for becoming a park node, whereas Area 13, being an escarpment area, is more suitable for remaining as a natural area, other than to have a trail running through it connecting with other trails in the Red Deer park system.

Mr. Scott indicated that he is familiar with the subject Lands, although his staff would be more familiar with the Lands. Mr. Scott advised that a staff member took photographs of Area 13 recently, and these photographs were marked as Exhibit 3. Mr. Scott described the three photographs which constitute Exhibit 3. Further, he advised that he would not consider Area 13 to be a developable area, because it is an escarpment.

Mr. Scott advised that the City is proceeding with the expropriation process regarding Areas 1 and 2. The reasons for this include the fact that these areas could probably not be secured through dedication and that the areas are indicated as desired to be used for recreational or park space by the City.

Mr. Scott advised that his understanding was that there had been some mining activity in Areas 1 and 2 (gravel extraction).



Mr. Scott advised that the City considered there may be an opportunity in the future to acquire Area 13, if the adjacent area was subdivided, through an environmental reserve dedication. Acquiring parkland through dedication can be a cost-effective option for the City, given that there is always more parkland desired than finances to acquire the parkland. Nonetheless, even if the City could not acquire Area 13 by dedication, this would not change Mr. Scott's position that Areas 1 and 2 should be acquired now and Area 13 is not required at the present time. Mr. Scott advised that he was not able to project when in the future the City may choose to acquire, or obtain by dedication, Area 13.

***Cross-Examination of Mr. Scott***

Mr. Scott confirmed that he did not take the photographs which are found in Exhibit 3. The person who took the photographs is Trevor Poth, a Parks Superintendent with the City.

However, Mr. Scott agreed that land adjacent to the island in the river of Area 13 is flatter land. Mr. Scott agreed that Exhibit 3, photograph #2, does not show the island at all. Further, it does not show any of the flatter portions of Area 13. Mr. Scott could not give precise evidence about the photographs in Exhibit 3.

Mr. Scott agreed with Mr. Mallon that land to the south of Area 13 is a continuous, natural wooded area and that the City has identified that land as land it would like to preserve for a natural area corridor. Accordingly, Mr. Mallon suggested that the statement in the City's submissions to the effect that there is no adjoining parkland to the south is not really accurate.

Mr. Scott indicated that one of the reasons for the City wanting to take Areas 1 and 2 is that there has been some mining on those areas. Mr. Scott does not know any of the details of that mining activity.

Mr. Mallon referred Mr. Scott to a statement in the written submissions filed on behalf of the City, which indicates that Area 13 does not contain gravel deposits of significance. Mr. Mallon suggested that there were significant gravel deposits within Area 13. Mr. Scott was not sure if there was or was not, but stated that it would not change his position that Area 13 is

not presently required by the City for park development. Further, even if selective logging was to take place in Area 13, that would not change the position of the City that Area 13 is not required at the present time for parkland.

Mr. Mallon asked about access to Areas 1 and 2 which were intended to be developed into park nodes. Mr. Scott replied that there would be some type of access from the north, although no specific planning of access routes had yet been completed.

***Re-Examination of Mr. Scott***

Mr. Scott explained that the City has a parkland preservation strategy that is guided through the Municipal Development Plan and other corporate policy documents. It is a projection out ten years. Annually, the City looks at that Plan, reviews it at City Council, and discusses funding for acquiring land for preservation as park areas. Purchasing land and municipal reserve dedications are looked as methods to acquire land for park/recreation uses.

Mr. Scott advised Mr. Riebeek that the information he brings to bear on Area 13 is based on what is provided to him by his staff. Part of that staff would be Trevor Poth, Parks Superintendent.

Mr. Scott confirmed that, in the City planning documents, there is a desire to connect the McKenzie Trail area with the parkland that is described in Areas 1 and 2. However, the City has no current plans to acquire the connecting land, including Area 13.

Mr. Scott confirmed that he recommended acquiring Areas 1 and 2 but not Area 13 at this time based on recommendations of Mr. Scott's staff. Mr. Scott is not aware of any further environmental studies done by anyone on behalf of the City, other than the ones done for his Department of Parks/Recreation.

The Inquiry Officer asked Mr. Scott whether he was able to provide further evidence to orient photographs found in Exhibit 3. Mr. Scott advised that he would rather not answer the question because he was not sure.

***Mr. Trevor Poth***

Mr. Poth advised he was employed by the City of Red Deer as Parks Superintendent. Generally, he leads the Parks section which has three components: Parks Planning & Technical Services, Parks Landscaping Services, and Parks Amenities Services. He is familiar with the Northey Lands.

Mr. Riebeek asked Mr. Poth to look at Exhibit 1, Map #4. Mr. Poth described the photographs that he had taken which had been marked as Exhibit 3. He also identified, referencing Exhibit 1, Map #4, the location of those photographs. Mr. Poth described that he was standing across the river from Parcel 13. He took photographs looking at the southern most part of Parcel 13 and moving his camera angle slightly to the north for photographs 2 and 3 of Exhibit 3.

Mr. Poth described Parcel 13 as featuring an escarpment with land that was generally covered with mountain spruce forest. Mr. Poth added that there was "benching" found on Parcel 13. These could also be described as miniature plateaus as you head from the top of the escarpment down to the river on Area 13. Mr. Poth believed that the tree line was really the top of the escarpment, which is the eastern border of Area 13.

Mr. Poth noted that there was a roadway through approximately the middle of Area 13, but generally the area is in its natural state and quite well preserved.

Mr. Poth testified that his group works with the planning section of the Department to try and prioritize areas for parkland. They try to assess areas to be designated as parkland in the future, which are at the highest risk of development, which would make them less desirable as parkland. It is a simple matter of economics that the City cannot afford to acquire all areas that have been designated as desirable future parkland.

***Cross-Examination of Mr. Poth***

In cross-examination by Mr. Mallon, Mr. Poth agreed that the three photographs that he took of Area 13 (Exhibit 3) depict the southern portion of Area 13, not the middle or northern area of Parcel 13.

Mr. Poth confirmed that, if there was negative activity taking place on land which had potential for preservation as parkland versus no activity taking place, then that would be one factor commending a higher prioritization for acquiring the land for parkland. Further, he agreed that another consideration is whether the City can acquire the lands through dedication or environmental reserve, as opposed to having to purchase the lands. Mr. Poth advised that, for the last eight years, the City has paid for parcels of land, that were probably developable lands, for the purposes of preserving them for parkland.

Mr. Poth agreed with Mr. Mallon that if potential parkland could be acquired by environmental reserve, then that may change the City's priorities with respect to acquisition of land.

Mr. Poth was not aware of the fact that there may have been an extensive history of negotiation for the purchase of all the areas of the Northey family's lands that are under discussion. He confirmed that he was not part of any negotiations in the 1980s.

***Mr. Orlando Toews***

Mr. Toews advised that he is a Land Use Planner with Parkland Community Planning Services. This is an agency which provides planning advice to a number of municipalities who are members, including the City of Red Deer. Mr. Toews advised that he prepares area structure plans, deals with bylaw amendments, and re-zonings, and processes subdivision applications on behalf of the City. Mr. Toews has been involved in the subdivision process for a number of years and would have processed hundreds of subdivision applications over the last several years.

Mr. Toews testified that he was familiar with the nature of the proceedings of an inquiry officer and he is generally familiar with the issues as they pertain to Area 13.

Mr. Toews explained the concept of an environmental reserve. Under the *Municipal Government Act*, there can be either municipal reserves or environmental reserves. At the time of a subdivision, a municipality may acquire environmental reserves that would consist of swamp, gully, ravine, cooling, natural drainage courses or land that was subject to flooding. A municipal reserve has a limit of 10% of the land that can be taken, whereas an environmental

- 14 -

reserve does not have that requirement. It is really the type of land that is relevant in determining in whether it can be an environmental reserve.

Based on the photographs and information seen by Mr. Toews, he believed that Area 13 has the potential of being dedicated as environmental reserve by the City. The trigger for looking at Area 13 as an environmental reserve would be an application for subdivision of lands adjacent to Area 13. If subdivision does not occur, then the City who desires the property, such as Area 13, would have to negotiate with the landowners to purchase it or donate it or some other mechanism.

Mr. Riebeek asked Mr. Toews to comment upon the expert report by Mr. Andrew, which was obtained by the Objector. In particular, Mr. Toews was asked to comment upon section 4.3.1 of Mr. Andrew's report which addresses the subject of whether Area 13 could be separately titled, other than through a subdivision process. Mr. Toews expressed the opinion that he has not experienced a process of creation of new titled property without subdivision approval. Specifically, Mr. Toews did not believe that section 652 of the *Municipal Government Act* would allow a separate title to be issued for Parcel 13. Mr. Toews explained that, in his opinion, an application to obtain separate titles involves filling out a form and submitting it to the Land Titles Office, who is the final arbiter of whether a separate title would be issued.

#### ***Cross-Examination of Mr. Toews***

By agreement of counsel, the expert report of Mr. Andrew dated August 15, 2009, referred to by Mr. Toews, was entered as Exhibit 4.

Mr. Toews explained that Parkland Community Planning Services works for the municipalities who are members of that agency. However, it does occasionally do private work and work with other municipalities, where it does conflict with the primary responsibilities to the member municipalities. Mr. Toews advised that his work for the City essentially occupies all his time.

Mr. Toews agreed with Mr. Mallon that, if Area 13 is separately titled, then there is no mechanism for the municipality to obtain that land through environmental reserve dedication, unless someone attempts to subdivide the lands.

Mr. Toews agreed that there are ways to subdivide land without going through a subdivision authority approval process. Such subdivision procedures are set forth in the *Municipal Government Act*, for example, section 618.

Mr. Toews agreed that, when the City expropriates lands from the Northey family, they will subdivide the lands through the creation or registration of a road plan and the City will not have to go through a subdivision authority.

Mr. Mallon then asked Mr. Toews to look at section 652 of the *Municipal Government Act*. Mr. Toews agreed with Mr. Mallon that section 652(2)(e) would allow for separate title to be issued without going through the subdivision process where boundaries are created which are shown and delineated on a plan of subdivision. Further, Mr. Toews agreed that, once the Northey lands are expropriated, there will be plans of subdivisions filed for both a road plan and a subdivision plan which border the boundaries of Parcel 13.

Mr. Toews has not done a historical examination of the titles of the Northey lands. He was not aware of whether or not, subsequent to 1950, there were changes to titles to the Northey lands.

Mr. Toews did not prepare a written report for the purposes of the hearing before the Inquiry Officer. In addition, he did not speak to the Land Titles Office.

### **EVIDENCE OF THE OBJECTOR**

#### ***Mr. Robert Northey***

Mr. Northey advised that he is giving evidence and speaking on behalf of his mother, Doris Northey, who is the registered owner of the lands that include Parcel 13. Mr. Northey advised that he farms the land in the vicinity of Parcel 13.

Mr. Northey advised that he took a post-secondary program in management at NAIT. He spent a number of years involved with the Alberta Wheat Pool and working for other grain companies in western Canada. Mr. Northey has also had experience sitting as a public member of the Municipal Planning Commission for the County of Red Deer, three years on the

Subdivision Appeals Board for the County of Red Deer, and is presently a member of the Joint County City Subdivision Appeals Board.

Mr. Northey advised that the land in question has been owned by his family for approximately 114 years. His great grandfather settled on these lands in 1898. The land has provided for five generations of the Northey family and has provided an agricultural base for farming operations over the years, producing crops and livestock. In addition, the lands have provided lumber, oil and gas revenue, and gravel reserves. The Northey family has enjoyed the land for recreational purposes. The Northey family is saddened that the property will now be expropriated, although they recognize this is a necessary result of the expansion of the City.

Mr. Northey described the registered owners of the properties. Doris Northey owns areas designated on Exhibit 1, Map #5: Area 1, Area 2, Area 3, Area 4, Area 5, Area 6, Area 9, Area 15, part of Area 10, and Area 13. Mr. Northey leases from his mother Areas 11, 14, 9, 15, and part of Area 10. He also farms Area 8 and part of Area 7, which belong to his brother, Garry Northey. Garry Northey owns Areas 7, 8, 12, and part of 10.

Mr. Northey advised that his brother, Garry Northey, operates a business of gravel, mining, storage of black dirt and other products on Areas 3, 5, 2, 4, 1, and part of Area 13. Mr. Northey advised that these lands are important to his brother's gravel business.

Mr. Northey was provided with a copy of a document, Northey Gravel Pit Assessment by Parkland Geotechnical Consulting Ltd., which was marked as Exhibit 5.

Mr. Northey reviewed Exhibit 5 and described the location of various test pits and bore holes that are noted in Figure 11 of Exhibit 5. He compared these with the map found in Exhibit 1, Map #5. Mr. Northey explained his understanding of the notations with respect to overburden and sand and gravel deposits that are recorded for the various test pit numbers and bore hole numbers.

Mr. Northey advised that his family also mined sand from the Northey lands. Further, he believes gravel pits were originally approved back in the mid 1980s. When the land was annexed by the City of Red Deer, the gravel operations were grandfathered as part of the

annexation process. These provincial approvals are still in place, to Mr. Northey's knowledge (none of the permits was provided in evidence).

With respect to the state of the titles to the various properties, Mr. Northey advised that, when he first looked into it, there was just one title for all three areas on Exhibit 1, Map #5 (Areas 1, 2, and 13). In 2002 or 2003, Mr. Northey separated the titles into individual titles. So, Mr. Northey believes that now there are three separate titles to the lands which include those designated on Exhibit 1, Map #5, as Areas 1, 2, and 13 (none of the titles was provided in evidence). In addition, Mr. Northey testified this was done without going through the subdivision approval process.

Mr. Northey advised that his mother is 81 years old, and this entire expropriation process has been very stressful for her. Although she has objected to losing any of the homestead land, she realizes that the family cannot stand in the way of road systems required by the City of Red Deer.

The main objection of the Northeys is the fact that the City is not taking Parcel 13, leaving it an orphan parcel separated from the remainder of the lands with no legal access to it. The City has, on a number of occasions through the years, expressed its desire to have Parcel 13 included in the Waskasoo Park system. Since 1984, there have been discussions with respect to the City acquiring property from the Northeys, and these discussions have become serious in the last three years or so. The parties have not been able to agree on a price, even though offers have been made by the City to acquire Area 13. Mr. Northey is of the view that it does not make sense for the City to go through another expropriation procedure in the near future and that they should take Parcel 13 at this time, as the City has clearly expressed a desire to acquire the property and use it as part of the park system and the McKenzie Trail system. Mr. Northey noted that having parks to the north and the south of Parcel 13 would likely create issues with respect to trespass and consequent liability issues for the Northeys.

A further expropriation proceeding, and the cost associated with that, in the near future commends to Mr. Northey the proposition that the City should acquire Parcel 13 at the present time. It seems to him to be in the best interests of both the City and his family. Mr. Northey testified that the same logic applies to the parcel of land identified as #16 on



Exhibit 1, Map #5, and the areas between the red and orange lines on Exhibit 2. This additional land will likely be required by the City in the future to develop the "Ultimate Intersection Layout". Therefore, it should be taken at the present time by expropriation by the City of Red Deer to avoid going through the expropriation process a second time in the future.

Mr. Northey advised that his family intends to obtain a separate title for Parcel 13 and, hopefully, continue the mining operation with perhaps some selective logging of timber.

***Cross-Examination of Mr. Northey***

Mr. Northey agreed with Mr. Riebeek that only TP 9 and TP 1 fall within Parcel 13. In addition, the gravel thickness for TP 9 is 5.69 metres and, for TP 1, it is 3.37 metres.

Mr. Northey advised that TP stands for test pit, that the test pits were dug with a track hoe, and that the pit area was approximately 15 feet x 15 feet. Further, Mr. Northey testified that for TP 9 the overburden is approximately 0.5 metre and, for TP 1, the overburden of top soil, silt, and sand is about 1.9 metres. Further, the topography at the location of TP 1 and TP 9 is flat.

Mr. Northey confirmed to Mr. Riebeek that the Northeys believe it is economical to operate as a single proprietor gravel pit.

Mr. Northey confirmed that in Area 13, at the present time, there are no mining activities ongoing. In Areas 3 and 5 on Exhibit 1, Map #4, there is gravel that is being stockpiled, as well as continuing activity to reclaim gravel pits.

Mr. Northey was not sure whether the provincial or municipal licences to mine or log extend to Area 13. However, as he understood it, the process for obtaining Alberta Environment permits begins with granting permits to work in one area and then you make application to work in another area. The Northeys initially had permits to work in the southwest and northwest, and have worked their way in an easterly direction for permits over the years.

***Mr. John Andrew***

Mr. Andrew identified his report which had been marked as Exhibit 4.

Mr. Andrew advised that he is a Professional Planner, and that his *curriculum vitae* is accurately set forth in Exhibit 4. The highlights include a Masters in Environmental Studies, with a specialty in Urban Land Use Planning from York University in 1997. Mr. Andrew has worked in various consulting and public sector positions on area structure plans, land use bylaw amendments, municipal development plans, and similar activities for more than 30 years.

Mr. Andrew has no connection, other than this assignment, with the Northey lands or with the Northey family.

Mr. Mallon tendered Mr. Andrew as an expert Professional Planner, qualified to give opinion evidence in respect of planning matters. Mr. Riebeek had no issues with Mr. Andrew being so qualified.

Mr. Andrew advised that he was asked to review the potential impact of the Project right-of-way through the Northey lands and to look at the implications of that Project for the remainder of the lands outside of the proposed right-of-way.

Mr. Andrew reviewed the East Hill Major Area Structure Plan adopted by the City. He also referenced the *Municipal Government Act*, the City of Red Deer Land Use Bylaw, and had discussions with representatives of the Land Titles Office.

Mr. Andrew advised that he assumed that the East Hill Major Area Structure Plan accurately sets out the information with respect to the City's plans for this area. Further, he has treated all of the Northey lands as owned by one entity.

Mr. Andrew discussed the proposed right-of-way taking by the City and compared that to the "Ultimate Intersection Layout" for the Project, as depicted on Exhibit 2. It was his opinion that, although some of the drawings or aerial photograph overlays are only of conceptual quality, it appears that the City is not taking sufficient lands in the area of 30<sup>th</sup> Avenue where the proposed Northland Drive intersects with it and where a proposed interchange will be built in the future. He suggested that the City consider whether it would not be more appropriate to take an additional portion of land to allow the Ultimate Intersection development.

Taking that land now would seem to make more sense than waiting for the construction of the Ultimate Intersection and then taking further expropriation proceedings. By that point in time, there may be development around the area marked as Parcel 16 in Exhibit 1, Map #5. This would make any such future expropriation more costly.

Mr. Andrew opined that there would be no direct access to individual parcels of the Northey lands from Northland Drive, it being designed as an expressway with very limited or restricted access.

Mr. Andrew reviewed a number of parcels that the City has agreed they will acquire.

Mr. Andrew then discussed Parcel 13. He advised that that area is clearly designated by the City as a park area in the East Hill Area Structure Plan. Further, once the right-of-way is taken and lands expropriated as desired by the City, Parcel 13 can be subdivided from the rest of the quarter section. Further, it is his opinion that a separate title will be issued pursuant to section 652 of the *Municipal Government Act*, without the approval of any subdivision authority to create a separate title for Parcel 13. If that occurs, then any subdivision of Parcel 11 or Parcel 14 would not give the City the opportunity to take environmental reserve from Parcel 13, as it would be under a separate title. Therefore, Mr. Andrew opined it would be sensible for the City to acquire Parcel 13 at this time, as there is no future expectation of obtaining it without compensation.

Mr. Riebeek objected to Mr. Andrew testifying about his office's discussion with the Land Titles Office concerning Parcel 13. Mr. Riebeek correctly objected that this is hearsay evidence. The Inquiry Officer ruled that he would hear Mr. Andrew's evidence in this regard, but it would not establish or provide proof of anything concerning Land Titles' opinions, views, or procedures, simply that Mr. Andrew contacted Land Titles and obtained information which formed part of the basis for Mr. Andrew's opinions. Mr. Andrew then testified that someone on his staff called the Land Titles Office, "described the situation", and allegedly was told that Parcel 13 could be provided a separate title without subdivision approval.

***Cross-Examination of Mr. Andrew***

Mr. Riebeek referenced Mr. Andrew to p. 10, section 4.3, of Mr. Andrew's report, Exhibit 4. Mr. Andrew confirmed his written report that Parcel 13 had no development potential, below the top of the bank. Mr. Andrew then qualified his written report saying that there would not be potential for housing development, but there may be potential for recreational use. Ultimately, Mr. Andrew agreed that there would not be any residential, commercial, industrial, or major roadway development potential. Mr. Riebeek then asked Mr. Andrew why a person would want to create a separate title for it, given that it was not developable? Mr. Andrew responded that he had heard of people wanting separate titles for mortgage purposes.

Mr. Andrew agreed with Mr. Riebeek that the East Hill Major Area Structure Plan is a relatively high level document. It is conceptual in nature, as opposed to a specific planning document.

Mr. Andrew agreed that, generally speaking, major area structure plans do not have specific timelines for development. At best, they have stages of development.

**REBUTTAL EVIDENCE OF THE CITY*****Re-Examination of Mr. Haslop***

The Objector had no opposition to recalling Mr. Haslop to discuss evidence regarding whether more land should be taken in connection with the future requirement for an above-grade intersection, described during the course of the hearing as the "Ultimate Intersection Layout" and depicted on Exhibit 2.

Mr. Riebeek asked Mr. Haslop to comment on Figure 3 of Exhibit 4 and, specifically, the difference between the orange lines and the red lines. Mr. Haslop reiterated his evidence that additional land would only be required to accommodate a future grade separation intersection at 30<sup>th</sup> Avenue and the proposed Northland Drive. Further, any such upgraded intersection would be long into the future. It is projected that this may be required when the Red Deer population level reaches 188,000, which could be somewhere between 2025 and 2040. Accordingly, Mr. Haslop advised that the City thought it sufficient at this time to take the right-

of-way for the proposed Northland Drive as depicted with the orange line, with the red line being considered, if necessary, well into the future (as depicted in Exhibit 4, Figure 3). In conclusion, Mr. Haslop testified that a requirement for extra land at this point in time is speculative.

***Cross-Examination on Rebuttal Evidence of Mr. Haslop***

Mr. Haslop agreed with Mr. Mallon that, when an application for subdivision is made, that application is shared with a number of departments within the City for comments. Further, when an application for a subdivision of Parcels 11 and 14 is made, that process would be followed. Mr. Haslop noted that a tentative plan or area structure plan needs to be prepared for those areas first.

Mr. Haslop stated that it would be speculation on his part as to what the City may respond if a subdivision application is received with respect to these lands, and there is proposed use for the lands that are found between the orange line and the red line on Figure 3 of Exhibit 4. Mr. Mallon stated that the options are either the City will respond that development should not occur in that area or, if development occurs in that area in the future, the land may be required to be expropriated for the roadway expansion. Mr. Haslop agreed that these are the two options.

**SUMMARY OF ARGUMENT**

***Submissions on Behalf of the City***

Mr. Riebeek indicated that he was going to focus his submissions on the Area 13 issue and he will not be addressing the red/orange line highway right-of-way issue.

The City submits that the Area 13 land is not required for the highway development which is set forth, amongst other places, on Exhibit 1, Map #1.

Mr. Riebeek advised that the land that the City is intending to expropriate is required for either the highway right-of-way, drainage, retention pond, or related development. In addition, the expropriation for the highway has triggered an assessment with respect to acquiring parkland. Therefore, the City has decided to acquire areas for parkland including Areas 3 and 5 noted on Exhibit 1, Map #5.

Mr. Riebeek submitted that the City does not see Area 13 as having the same environmental sensitivity or environmental danger, and therefore the City's decision is that Area 13 is not required for parkland/recreational land at this time. There appears to be no mining activity or logging activity on Parcel 13.

Mr. Riebeek submitted that it cannot be fair, sound, and reasonably necessary to require the taxpayers of the City of Red Deer to acquire property that the City does not wish to acquire at this time. All of the evidence, according to Mr. Riebeek, relating to Parcel 13 simply amounts to it being designated on the East Hill Major Area Structure Plan as future park/recreation land. However, that is a futuristic document and there is no present intention to acquire and so designate Parcel 13.

Mr. Riebeek submitted that the separate title of Parcel 13 issue is almost a red herring because, if it is separately titled, you cannot log it without a permit given that it is within the City of Red Deer boundaries, and you cannot mine it without a permit. Given the evidence that it is not a developable piece of property, then Mr. Riebeek suggested there is nothing the landowner could do with that parcel, other than leave it as a natural area. Further, the City could acquire Parcel 13 in the future by way of dedication for some type of tax benefit or tax relief.

Whether the City can acquire Parcel 13 in the future, and what it may have to pay, does not affect the present intention of the City to not acquire that land at this time.

Mr. Riebeek also noted the City's submission that the Objection filed by the Objector is outside the jurisdiction of the Inquiry Officer, as argued earlier in this hearing.

#### ***Submissions on Behalf of the Objector***

Mr. Mallon referred to the *St. Mary River Irrigation* case. That case stands for the proposition that an inquiry officer must look at whether the proposed taking was fair. Mr. Mallon suggested that it was fair and reasonably necessary for the City to acquire Parcel 13, given all of the other parcels that are being acquired by the City at this time.

Mr. Mallon submitted that the evidence of Robert Northey was that a gravel permit is in place, which includes Parcel 13.

Mr. Mallon submitted that the evidence indicates that new titles were created this decade and therefore section 652 of the *Municipal Government Act* applies to enable the Objector to obtain separate title for Parcel 13, once the City has proceeded with its expropriation and filing of the associated road and subdivision plans.

Mr. Mallon submitted that Mr. Andrew was the only qualified independent expert. He provided us with an opinion that, pursuant to section 652, Parcel 13 can be separately titled and that can be accomplished without proceeding through the subdivision process.

Mr. Mallon submitted that a reading of section 652 establishes that, if a parcel of land is described in the existing title, if boundaries of the part are shown and delineated on a plan or plans of subdivision, then separate title can be issued. Parcel 13 can be issued a separate title because there is a plan of subdivision by which Garry Northey had his residential acreage defined. Further, a northern boundary will be defined by the road plan and the other two boundaries are defined by the river and the quarter section line. Further, the exceptions to the exceptions found in section 652(4) of the *Municipal Government Act* do not apply. Therefore, it is clear that separate title can be issued for Parcel 13.

Mr. Mallon noted that Parcels 3 and 5 (as depicted on Exhibit 1, Map #5) were expropriated for the purposes of establishing a natural parkland and incorporation into the trail system. It is submitted that it would be reasonable for the City to acquire Parcel 13 now and incorporate it as part of the park system to the north and the park system to the south. Otherwise, the City will continue to pursue Parcel 13 in the future and presumably commence expropriation proceedings at some future point, which will engage this process once again.

With respect to the red/orange line issue, as depicted on Exhibit 4, Figure 3, Mr. Mallon submitted that the City should expropriate the larger delineated property at the present time. He submitted that this is only sensible, given that a separated grade intersection is planned and this land will be required for that "Ultimate Intersection Layout". Again, the Objector submitted that the City will need this land in the future, and proceeding with further expropriation proceedings in the future is not in the interests of either the City or the Objector.

Mr. Mallon referred to pages from *Planning Law and Practice in Alberta*, third edition, Frederick A. Laux, Q.C., pp. 11-5 to 11-8, in support of the Objector's interpretation of section 652 of the *Municipal Government Act*.

### FINDINGS OF FACT

The objective of the City is to construct the North Highway Connector Project, including a road right-of-way, trunk services, storm pond, and future park preservation areas. This objective of the City can only be accomplished with the expropriation of the Objector's Lands. Expropriation of Area 13, or the area between the red and orange lines of Exhibit 4, Figure 3, is not required for the Project.

The Objector, or her family, have been the registered owners of the Lands for many years.

Separate title was issued for some of the Lands in the 2003 time frame without the subdivision approval process. This was done on application to the Land Titles Office by the Northey family.

The Northeys carry on a sand and gravel mining business on the Lands, although that activity does not appear to be occurring on Parcel 13, at the present time. It is not clear whether any permits extend to Parcel 13.

The Lands have been in the Northey family for more than a hundred years. It is a very sad day for the Northey family to have to lose their land to the City for reasons of development. However, they are resigned to this being a necessary aspect of growth and progress for the City.

It appears that, once road plans and other subdivision plans are filed at Land Titles in connection with the proposed expropriation, the Objector will be able to obtain separate title to Parcel 13 pursuant to section 652 of the *Municipal Government Act*.

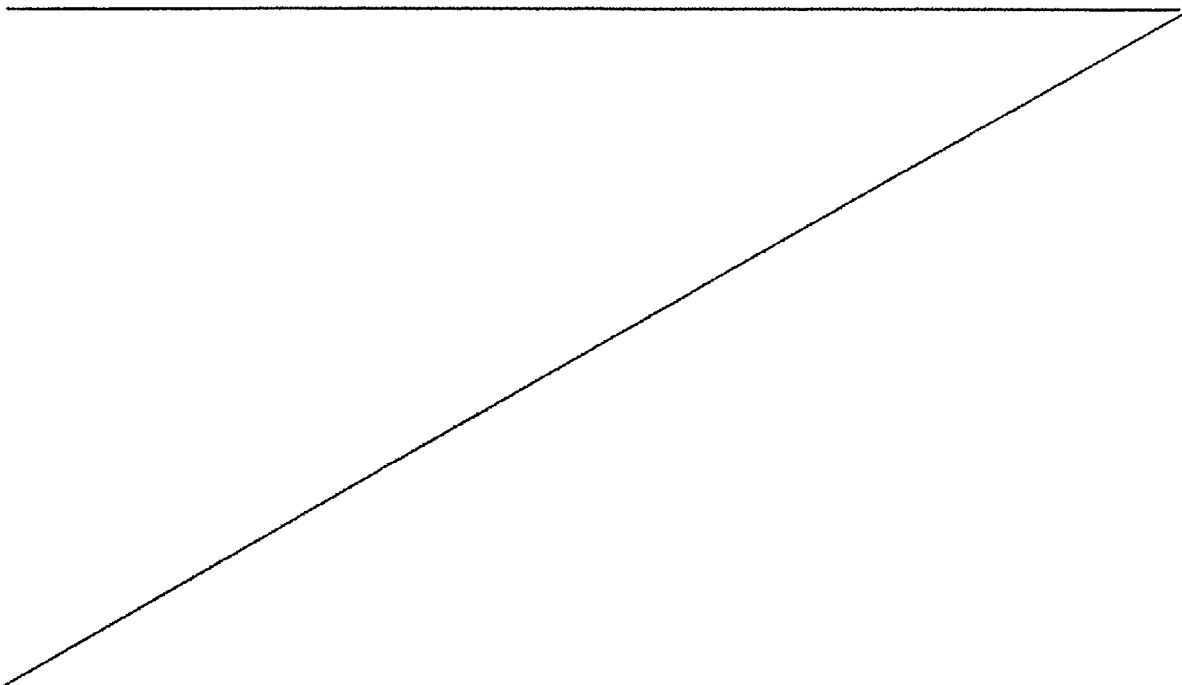


The City has clearly designated Parcel 13 as part of the development of a future parks/recreation area. Further, it is planned that trails be connected, through Parcel 13, with existing or planned recreational trails in the City.

It does not appear as though Parcel 13 is developable land for any economic use other than as park/recreation land. It is unclear whether mining or logging could take place on Parcel 13 now or in the foreseeable future.

The Objector has agreed with the City that all of the Lands which the City desires to expropriate, will be expropriated. The sole basis for an Objection being filed is because the Objector desires that the City also expropriate Parcel 13, and the areas between the orange lines and red lines on Exhibit 4, Figure 3.

The City will need to expropriate further land in the future, should it decide to develop the "Ultimate Intersection Layout" as depicted in Exhibit 2. Further, it appears as though the City will need to expropriate Parcel 13, in the future, as it will likely be separately titled and there will be no other way for the City to acquire Parcel 13 for recreation/parkland, other than by expropriation.



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

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

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

In my opinion, the intended expropriation is fair, sound, and reasonably necessary in the achievement of the objectives of the City. Indeed, the Objector does not really take issue with this proposition. Rather, the Objector simply states that the City should, in addition, take Parcel 13, and the additional areas between the red lines and the orange lines set forth on, amongst other drawings, Exhibit 4, Figure 3.

The intended expropriation is fair, sound, and reasonably necessary because the Lands are required to build the Northland Drive Connector Project and related development. Further, the intended expropriation of the Lands is required to create additional parkland/recreational land by the City.

The Objector is correct that there have been raised in previous hearings held by this Inquiry Officer issues such as alternate routes for roadways, which incidentally have the effect of the proposed expropriation being of a larger area of land than proposed by an expropriating authority. Indeed, in such situations in the past, there has not been any objection raised by the expropriating authority that alternate routes could not be considered, because they require a larger area to be taken, or a different and larger area of land to be taken.

Notwithstanding the above, in this case the Objector argued, as the sole basis for the Objection, that the City should acquire additional lands that are clearly not required, at the present time, by the City to meet its objectives. The City argued that there is no jurisdiction for the Inquiry Officer to entertain the argument/evidence proposed to be brought forward by the Objector, where the only basis of their Objection is a request that the City take these additional parcels of land. Accordingly, the City raised a preliminary objection and advanced the jurisdictional argument that is described above.

I conclude that there is jurisdiction to hear the Objector's case, both legal argument and evidence, even though it is based solely on the submission that the City ought to take additional lands at this time as part of the expropriation process. [However, as an aside, I note that it is hard to imagine that any such argument would have much chance of success, unless the additional land required is incidental to another argument, such as an alternate route (as mentioned above).] As the Expropriation Officer's Report is solely a recommendation, it cannot constitute a direction, nor can it result in "forcing the City" to acquire land it prefers not to acquire at the present time. Rather, the Inquiry Officer's Report is simply a recommendation for the City to consider. Many of the City's "jurisdictional" arguments were based on the false premise that the Inquiry Officer's report could "force" the City to take land it did not want to expropriate. Many scenarios could be envisioned where it would be appropriate for the Inquiry Officer to conclude and recommend that additional land ought to be included in an expropriation. Therefore, I conclude that I do have jurisdiction to hear the Objector's legal and factual positions.

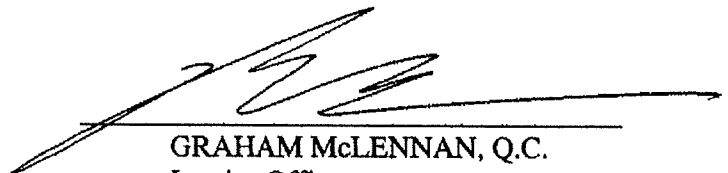
In this case, the Objector's arguments in connection with Parcel 13 and the red/orange line property are not accepted. Clearly, the City can choose to expropriate land for parkland/recreational development over time in whatever manner it thinks appropriate. The fact that Parcel 13 is designated as future parkland, or that it lies between parkland to the north and parkland to the south and a trail system, cannot be a basis upon which I can recommend that the City ought to spend money now to expropriate further land for park development. Similarly, the Objector's argument that the City should be obliged to expropriate additional land, demarcated by the orange line and the red line, because these lands may be required if the Ultimate Intersection is developed 15-25 years from now, must be rejected. The City has provided coherent reasons why this development is so far in the future, and remains speculative, that acquisition of these additional lands, at this time, is not in the City's best interest.

It does appear as though the Objector will be able to obtain separate title to Parcel 13. However, this appears to be irrelevant to the analysis to be performed by me. It appears it will only impact the cost of the City acquiring Parcel 13 in the future, if it decides to do so.

In summary, I find the intended expropriation of the Lands to be fair, sound, and reasonably necessary in the achievement of the objectives of the City to construct the North Highway Connector Project, including the road right-of-way, trunk services, storm ponds, and related construction, as well as the development of future park preservation areas. Although I have jurisdiction to hear the legal and factual arguments advanced by the Objector with respect to additional land to be expropriated, I reject those arguments for the reasons given.

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

DATED at the City of Edmonton, in the Province of Alberta, this 3<sup>rd</sup> day of September, 2009.



GRAHAM McLENNAN, Q.C.

Inquiry Officer

#600, 12220 Stony Plain Road

Edmonton AB T5N 3Y4

Phone: (780) 482-9221

Fax: (780) 482-9100

TO: Mr. Nicolaas Riebeek  
Chapman Riebeek LLP  
Counsel for the City of Red Deer  
300, 4808 Ross Street  
Red Deer AB T4N 1X5

AND TO: Mr. Donald P. Mallon, Q.C.  
Prowse Chowne LLP  
Counsel for Doris Katherine Northey  
1300, 10020 - 101A Avenue  
Edmonton AB T5J 3G2

**APPENDIX 1 – LIST OF EXHIBITS**

**Exhibit**

1. Aerial photographs, pages 1-7
2. Northland Drive Functional Design, October 2008
3. Three photographs of the subject Lands described as Area “13” or, alternatively, Area “3”
4. Expert Report by Scheffer Andrew Ltd.
5. Excerpts from Parkland Geotechnical Consulting Ltd. Report, August 2008

## Kim Woods

---

**From:** Nick Riebeek  
**Sent:** August 19, 2009 3:19 PM  
**To:** Frank Colosimo; Rick Elm; Ken Haslop  
**Cc:** Paul Goranson; Craig Curtis; Elaine Vincent; Kim Woods  
**Subject:** NORTHEY FILING TIMELINES -SURVEYS

BACKUP INFORMATION  
NOT SUBMITTED TO COUNCIL

Hello Everyone,

At the moment these are the timelines.

LAST day for filing the Certificate of Approval - Sept. 24th. which must have either a complete title or if a portion of title then ***the Survey attached.***

The Inquiry Officer must have his decision to us by Sept. 4th.

Given that Council is the Approval Authority I would like to have the Approval Certificate before Council on Sept. 8th. At that time we don't need the title or Survey Certificate these can come later, but of course prior to filing.

It takes a few days to get matters to and through the land titles process. It is always good to have an extra day or so in case land titles, who tend to be very fussy, have an issue to be dealt with.

So hopefully surveys can be done in time. I can certainly prepare any certificate of approval and a brief report if necessary but that likely cannot be done until the actual day of the Council meeting so I hope this can be accomodated.

Please provide comments or conerns, if any.

Thank you,

nick

**Kim Woods**

---

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So hopefully surveys can be done in time. I can certainly prepare any certificate of approval and a brief report if necessary but that likely cannot be done until the actual day of the Council meeting so I hope this can be accomodated.

Please provide comments or conerns, if any.

Thank you,

nick



**Kim Woods**

---

**From:** Michelle Baer  
**Sent:** September 10, 2009 11:50 AM  
**To:** Kim Woods  
**Cc:** Nick Riebeek; Elaine Vincent  
**Subject:** RE: Resolutions - September 14

BACKUP INFORMATION  
NOT SUBMITTED TO COUNCIL

Thanks Kim,

I have reviewed with Nick and advise as follows:

- Amend the second resoltuion by inserting after the words "area 13" the following: " in addition to those area contained in the Notice of Intent to Expropriate."
- As well, I suggest we add the following sentence to the end of EACH resolution: Council authroizes the signing of the Approval Certificate by the City Clerk.

Thanks  
Michelle

---

**From:** Kim Woods  
**Sent:** Thu 2009/09/10 11:40 AM  
**To:** Michelle Baer  
**Subject:** FW: Resolutions - September 14

---

**From:** Kim Woods  
**Sent:** September 10, 2009 11:21 AM  
**To:** Nick Riebeek  
**Cc:** Elaine Vincent  
**Subject:** Resolutions - September 14  
**Importance:** High

***"Resolved*** that Council of the City of Red Deer after considering the report from the City Solicitor dated September 1, 2009 Re: Report on Northey Expropriation, as approving authority hereby authorizes the expropriation as recommended in the Report of the Inquiry Officer, dated September 3, 2009 Re: City of Red Deer and Doris Northey Expropriation Inquiry, as presented in the Monday September 14, 2009 Council Agenda"

***"Resolved*** that Council of the City of Red Deer after considering the report from the City Solicitor dated September 1, 2009 Re: Report on Northey Expropriation, as approving authority hereby authorizes the expropriation to include Area 13 as presented on the attached map title: Figure 1."

Please review and change accordingly.

Thanks for you help this morning Nick.

2009/09/10

Kim

***Kim Woods***

Council Services Coordinator

The City of Red Deer

Legislative & Administrative Services

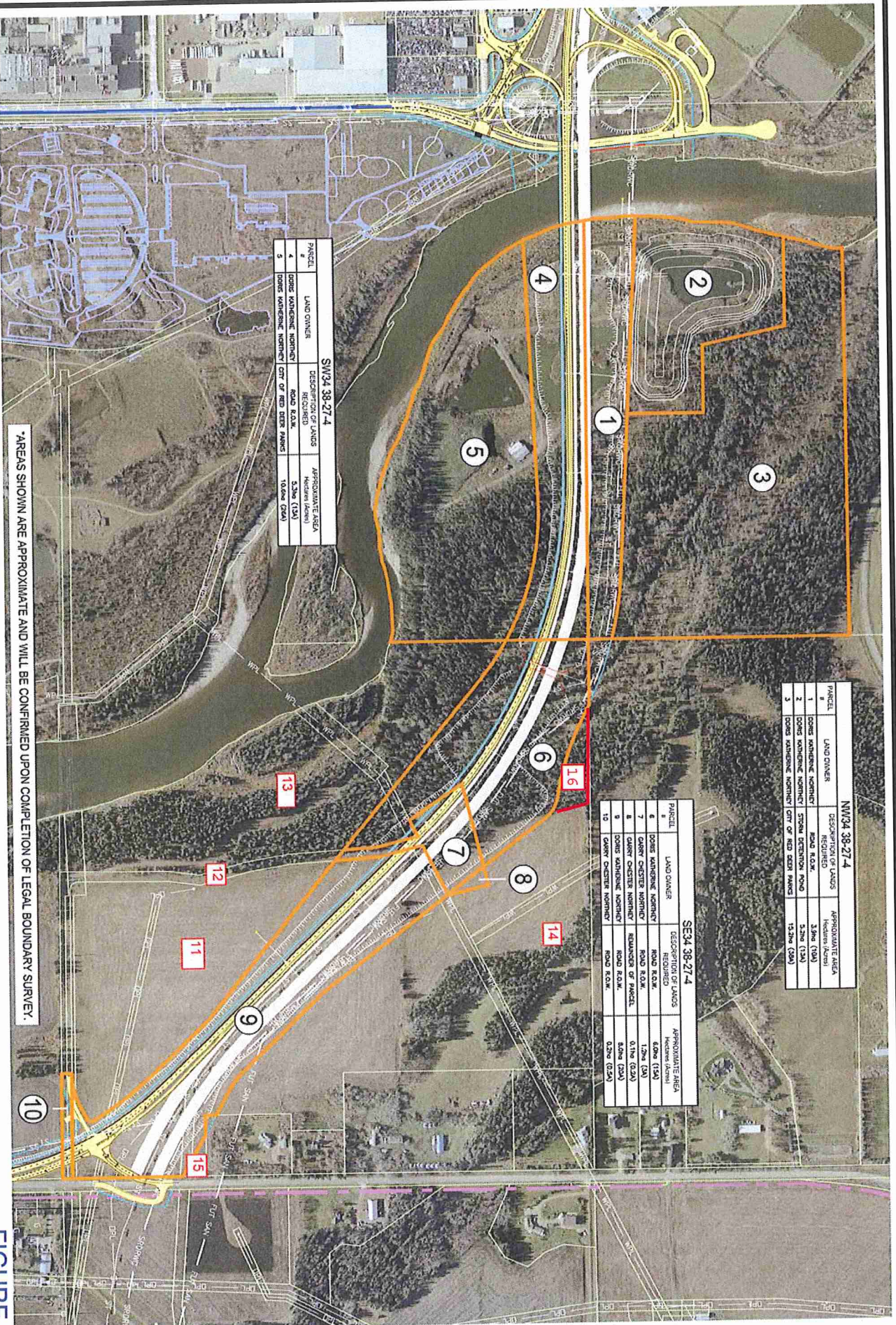
Phone: 403.342.8201

Email: [kim.woods@reddeer.ca](mailto:kim.woods@reddeer.ca)

Website: [www.reddeer.ca](http://www.reddeer.ca)



ORIGINAL



\*AREAS SHOWN ARE APPROXIMATE AND WILL BE CONFIRMED UPON COMPLETION OF LEGAL BOUNDARY SURVEY.

FIGURE 1



**M I N U T E S**

**of the REGULAR MEETING of RED DEER CITY COUNCIL  
held on Monday, June 29, 2009  
in the Council Chambers of City Hall,  
commenced at 3:04 p.m.**

**Present:**

Mayor Morris Flewwelling

Councillor Buck Buchanan  
Councillor Cindy Jefferies  
Councillor Lynne Mulder  
Councillor Gail Parks  
Councillor Larry Pimm  
Councillor Tara Veer  
Councillor Lorna Watkinson-Zimmer  
Councillor Frank Wong

City Manager, Craig Curtis  
Director of Community Services, Colleen Jensen  
Acting Director of Corporate Services, Joanne Parkin  
Acting Director of Development Services, Frank Colosimo  
Legislative & Administrative Services Manager, Elaine Vincent  
Council Service Coordinator, Kim Woods  
City Solicitor, Don Simpson  
Recreations, Parks & Culture Manager, Greg Scott  
Parkland Community Planning Services Manager, Nancy Hackett  
Parkland Community Planning Services, Haley Hovarth  
Land Services Specialist, Liz Soley  
Land Coordinator, Rick Elm  
Culture Community Development Coordinator, Wendy Meeres  
Social Planning Supervisor – Resource & Capacity Development, Linda Boyd  
Major Projects Planner, Angus Schaffenburg  
Collicutt Supervisor, Barb McKee

## MINUTES

Moved by Councillor Pimm, seconded by Councillor Mulder

*“Resolved* that the Minutes of the Monday, June 1, 2009 Regular Council meeting be approved as transcribed.”

IN FAVOUR: Councillors Buchanan, Jefferies, Mulder, Parks, Pimm, Veer, Watkinson-Zimmer, Wong, and Mayor Flewwelling

MOTION CARRIED

## POINT OF INFORMATION

Councillor Jefferies attended The Annual General Meeting of the Red Deer River Watershed Alliance. The City of Red Deer was presented with a certificate. Paul Goranson, Development Services Director was re-elected to the Red Deer River Watershed Alliance Board. Also, Mr. Bill Shaw retired after 10 years with the Board. Councillor Jefferies expressed appreciation for his service to the community.

Mayor Flewwelling thanked Councillor Jefferies for her comments and stated the Red Deer River Watershed Alliance does very important work.

Councillor Wong stated five Councillors attended the recent Federation for Canadian Municipalities (FCM). There was information at the conference on upcoming 2010 Olympics and Para-Olympic games. Councillor Wong noticed on the list a significant percentage of athletes have been from Central Alberta and Red Deer in particular. The Olympics and Para-Olympics have a website for people wanting to make donations to help with funding for the athletes. The donation amount is \$20.10.

Councillor Parks was in Edmonton recently at the ICLEI Conference and met an individual who knew Mayor Flewwelling. Councillor Parks presented Mayor Flewwelling with the individual's card so Mayor Flewwelling could correspond with him.

The Attendees spoke about the ICLEI Conference and about how they will make a presentation to Council in the near future.

Mayor Flewwelling attended the Making Cities Liveable Conference in Portland, Oregon. A report will be coming from the Attendees.

**UNFINISHED BUSINESS**

Council considered the report from the Legislative and Administrative Services Manager, dated June 17, 2009 **Re: Unfinished Business: Dog Bylaw 3429/2009 and Council policy 4416-C**. The following motions were introduced and passed:

Moved by Councillor Jefferies, seconded by Councillor Parks

*“Resolved* that Council of the City of Red Deer after considering the report from the Legislative and Administrative Services Manager dated June 17, 2009 Re: Unfinished Business Dog Bylaw 3429/2009 and Council Policy 4416-C, hereby lifts the Dog Bylaw 3429/2009 and Council Policy 4416-C from the table.”

IN FAVOUR:

Councillors Buchanan, Jefferies, Mulder, Parks,  
Pimm, Veer, Watkinson-Zimmer, Wong, and Mayor  
Flewwelling

MOTION CARRIED

Moved by Councillor Wong, seconded by Councillor Watkinson-Zimmer

*“Resolved* that Council of the City of Red Deer after considering the report from the Legislative and Administrative Services Manager dated June 17, 2009 Re: Unfinished Business Dog Bylaw 3429/2009 and Council Policy 4416-C, hereby tables the Dog Bylaw 3429/2009 and Council Policy 4416-C for an additional two weeks to the Monday July 13, 2009 Council Meeting.”

IN FAVOUR: Councillors Buchanan, Jefferies, Mulder, Parks,  
Pimm, Veer, Watkinson-Zimmer, Wong, and Mayor  
Flewwelling

MOTION CARRIED

#### PETITIONS AND DELEGATIONS

Council considered the report from the Engineering Services Manager, dated June 11, 2009 **Re: Proposed Construction of a Paved Lane as a Local Improvement Project Inglewood Drive and Illingworth Close**. Following discussion, the following motion was introduced and passed:

Moved by Councillor Pimm, seconded by Councillor Mulder

*“Resolved* that Council of the City of Red Deer having considered the petition Re: Lane Paving Inglewood Drive to Illingworth Close, hereby agrees that Administration prepare a Local Improvement Plan for the proposed construction of paved lanes in the areas specified.”

IN FAVOUR: Councillors Buchanan, Jefferies, Mulder, Parks,  
Pimm, Veer, Watkinson-Zimmer, Wong, and Mayor  
Flewwelling

MOTION CARRIED



## REPORTS

Council considered the report from the Financial Services Manager, dated April 21, 2009 **Re: Capital Project Information Report – For Year Ended December 31, 2008.** Following discussion, Council introduced and passed the following motion:

Moved by Councillor Parks, seconded by Councillor Mulder

*“Resolved* that Council of the City of Red Deer after considering the report from the Financial Services Manager dated April 21, 2009 **Re: Capital Project Information Report – For Year Ended December 31, 2008** hereby approves the transfer of \$4,731 from the Tax Stabilization Reserve to fund the balance of job 70074 – Legislative and Administrative Services/Corporate Services Renovations.”

IN FAVOUR: Councillors Buchanan, Jefferies, Mulder, Parks, Pimm, Veer, Watkinson-Zimmer, Wong, and Mayor Flewwelling

MOTION CARRIED

Council considered the report from the Legislative and Administrative Services Manager, dated June 25, 2009 **Re: Special Joint Red Deer County and City of Red Deer Meeting.** Following discussion, the following motion was introduced and passed:

Moved by Councillor Veer, seconded by Councillor Jefferies

*“Resolved* that Council of the City of Red Deer after considering the report from the Legislative and Administrative Services Manager, dated June 25, 2009 **Re: Special Joint Red Deer County and City of Red Deer Meeting,** hereby reschedules this meeting from July 7, 2009 to Monday July 27 and/or Tuesday July 28, 2009.”

IN FAVOUR: Councillors Buchanan, Jefferies, Mulder, Parks, Pimm, Veer, Watkinson-Zimmer, Wong, and Mayor Flewwelling

MOTION CARRIED

Council considered the report from the Traffic Engineer, dated June 24, 2009 **Re: Revision to Council Policy: 4317-C Pedestrian Crosswalk Delineation.** Following discussion, the following motion was introduced and passed:

Moved by Councillor Pimm, seconded by Councillor Buchanan

“Resolved that Council of the City of Red Deer after considering the report from the Traffic Engineer, dated June 22, 2009 Re: Revision to Council Policy 4317-C Pedestrian Crosswalk Delineation, hereby adopts the amended Policy: 4317-C Pedestrian Crosswalk Delineation.”

IN FAVOUR: Councillors Buchanan, Jefferies, Mulder, Parks,  
Pimm, Veer, Watkinson-Zimmer, Wong, and Mayor  
Flewelling

MOTION CARRIED

## BYLAWS

### 3357/W-2009

Moved by Councillor Parks, seconded by Councillor Jefferies

FIRST READING: That Land Use Bylaw Amendment 3357/W-2009 be read a first time. (Application from Asset Builders Corporation to redesignate a 669m<sup>2</sup> parcel in West Park from R1 Residential (Low Density) District to R1A Residential (Semi-Detached Dwelling) District.)

OPPOSED: Councillors Buchanan, Jefferies, Mulder, Parks,  
Pimm, Watkinson-Zimmer, Veer, Wong, and Mayor  
Flewelling

MOTION DEFEATED

## REPORTS

Stacey Carmichael, Coordinator for Community Leadership Initiatives with the Red Deer and District Community Foundation spoke and presented to this item. Council considered the report from the Program Coordinator – Housing Social Planning, dated June 17, 2009 **Re: Community Service Delivery Plan – 2009**. Following discussion, the following motion was introduced and passed:

Moved by Councillor Mulder, seconded by Councillor Wong

*“Resolved* that Council of the City of Red Deer after considering the report from the Program Coordinator – Housing Social Planning dated June 17, 2009 Re: Community Service Delivery Plan – 2009, hereby adopts the Community Service Delivery Plan – Housing and Homeless Operations 2009/2010 included in the Monday June 29, 2009 Council Agenda Page 53, as a planning tool.”

IN FAVOUR: Councillors Buchanan, Jefferies, Mulder, Parks, Pimm, Veer, Watkinson-Zimmer, Wong, and Mayor Flewwelling

MOTION CARRIED

Council considered the report from the Program Coordinator – Housing Social Planning Department, dated June 17, 2009 **Re: Community Advisory Board: Housing Recommendations for Funding: 1. Homelessness Partnering Strategy (Government of Canada) 2. Homelessness Plan Fund (Government of Alberta) 3. Interest.** Following discussion the following motion was introduced.

Moved by Councillor Pimm, seconded by Councillor Jefferies

*“Resolved* that Council of the City of Red Deer after considering the report from the Program Coordinator – Housing , Social Planning dated June 17, 2009 Re: Community Advisory Board: Housing Recommendations for Funding: 1. Homelessness Partnering Strategy (Government of Alberta) / 2. Homeless Plan Fund / 3. Interest, hereby allocates funding from the Homelessness Partnering Strategy, the Homelessness Plan Fund and interest, as attached.”

TABLE 1  
RECOMMENDATIONS TO RED DEER CITY COUNCIL  
COMMUNITY ADVISORY BOARD: HOUSING (CAB)  
CAB MEETING - JUNE 8 - 9, 2008

Total Funding Available:		\$2,006,884
1) Federal:	Homesense Partnering Strategy - Aboriginal & Designated	\$ 843,056
2) Provincial:	Homesense Plan Fund	\$ 1,100,000
3) Interest:	Borrowed For 800F - December 8008	\$ 63,828

Applicant Organizations	Projects	Total Requests: Two Time Periods	APRIL 1, 2007 TO MARCH 31, 2010			APRIL 1, 2010 TO MARCH 31, 2011			Total Approved	Balance Not Funded
			Federal	Provincial	Interest	Federal	Provincial	Interest		
			Available:	Available:	Available:	Available:	Available:	Available:		
			\$ 416,039	\$1,100,000	\$ 41,843	\$ 427,017	\$ -	\$ 21,885		
City of Red Deer	Administration Fee - Federal	\$ 57,196	\$28,628	\$0	\$0	\$28,628	\$0	\$0	\$57,196	\$ -
City of Red Deer	Administration Fee - Provincial	\$ 22,000	\$0	\$22,000	\$0	\$0	\$0	\$0	\$22,000	\$ -
Central Alberta's Safe Harbour Society	Safe Harbour Society Housing Support	\$ 298,345	\$145,000	\$0	\$0	\$153,345	\$0	\$0	\$298,345	\$ -
Central Alberta Women's Outreach Society	Coordinated Community Outreach Team	\$ 478,939	\$23,822	\$150,648	\$31,345	\$342,824	\$0	\$0	\$478,939	\$ -
Central Alberta Women's Outreach Society	Follow-up support services	\$ 43,250	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$ 43,250
Community Information and Referral Society	Red Deer Rapid Housing	\$ 325,258	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$ 325,258
Parkland Youth Homes Society	Housing Support Project	\$ 81,157	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$ 81,157
Portem Hands Development Limited	Affordable Housing Projects - Property Tax Relief	\$ 208,660	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$ 208,660
Portem Hands Ministries	Manager - Provision of meals	\$ 48,876	\$18,739	\$0	\$4,087	\$2,152	\$0	\$21,885	\$48,876	\$ -
Red Deer Youth and Volunteer Center	Youth Winter Inn-Housing Support	\$ 185,005	\$125,235	\$0	\$0	\$0	\$0	\$0	\$125,235	\$ 60,771
Shihha Mountains Living Community Services	Wichhamawew - Women's Residency Support Team	\$ 100,495	\$44,640	\$0	\$0	\$0	\$0	\$0	\$44,640	\$ 55,855
Canadian Mental Health Association	Buffalo Housing First Project	\$ 584,750	\$0	\$584,750	\$0	\$0	\$0	\$0	\$584,750	\$ -
Central Alberta's Safe Harbour Society	Harbour Housing First Project	\$ 342,402	\$0	\$342,402	\$0	\$0	\$0	\$0	\$342,402	\$ -
<b>TOTAL</b>		<b>\$2,789,325</b>	<b>\$416,039</b>	<b>\$1,100,000</b>	<b>\$35,442</b>	<b>\$427,017</b>	<b>\$0</b>	<b>\$21,885</b>	<b>\$2,006,884</b>	<b>\$788,942</b>
Balance of Grants after Allocations:			\$0	\$0	\$9,201	\$0	\$0	\$0		

At this time it was agreed that the following resolution be severed for the Buffalo Housing First Project in the sum of \$584,750.00.

Moved by Councillor Parks, seconded by Councillor Veer

*“Resolved* that Council of the City of Red Deer after considering the report from the Program Coordinator – Housing , Social Planning dated June 17, 2009 Re: Community Advisory Board: Housing Recommendations for Funding: 1. Homelessness Partnering Strategy (Government of Alberta) / 2. Homeless Plan Fund / 3. Interest, hereby severs the funding item: Canadian Mental Health Association: Buffalo Housing First Project in the amount of: \$584,750.”

IN FAVOUR: Councillors Buchanan, Watkinson-Zimmer, Veer, and Parks

OPPOSED: Councillor Pimm, Mulder, Wong, Jefferies and Mayor Flewwelling.

MOTION DEFEATED

Voting resumed on the original Motion; as set out below:

*“Resolved* that Council of the City of Red Deer after considering the report from the Program Coordinator – Housing , Social Planning dated June 17, 2009 Re: Community Advisory Board: Housing Recommendations for Funding: 1. Homelessness Partnering Strategy (Government of Alberta) / 2. Homeless Plan Fund / 3. Interest, hereby allocates funding from the Homelessness Partnering Strategy, the Homelessness Plan Fund and interest, as attached.”

TABLE 1  
RECOMMENDATIONS TO RED DEER CITY COUNCIL  
COMMUNITY ADVISORY BOARD: HOUSING (CAB)  
CAB MEETING - JUNE 8 - 9, 2009

RECOMMENDATIONS TO RED DEER CITY COUNCIL  
COMMUNITY ADVISORY BOARD: HOUSING (CAE)  
CAB MEETING - JUNE 8 - 9, 2008

Total Funding Available:		\$1,008,654
1) Federal:	Homelessness Prevention Strategy - Aboriginal & Designated	\$ 843,056
2) Provincial:	Homeless Plan Fund	\$ 1,100,000
3) Interest:	Bonded For 2007 - December 2008	\$ 82,028

Applicant Organizations	Projects	Total Requested: Year Time Periods	APRIL 1, 2009 TO MARCH 31, 2010			APRIL 1, 2010 TO MARCH 31, 2011			Total Approved	Balance Not Funded
			Federal Available:	Provincial Available:	Interest Available:	Federal Available:	Provincial Available:	Interest Available:		
City of Red Deer	Administration Fee - Federal	\$ 57,196	\$28,598	\$0	\$0	\$28,598	\$0	\$0	\$57,196	\$0
City of Red Deer	Administration Fee - Provincial	\$ 22,000	\$0	\$22,000	\$0	\$0	\$0	\$0	\$22,000	\$0
Central Alberta's Safe Harbour Society	Safe Harbour Society Housing Support	\$ 258,345	\$145,000	\$0	\$0	\$153,340	\$0	\$0	\$258,345	\$0
Central Alberta Women's Outreach Society	Coordinated Community Outreach Team	\$ 478,939	\$53,822	\$150,848	\$31,265	\$242,824	\$0	\$0	\$478,939	\$0
Central Alberta Women's Outreach Society	Follow-up support services	\$ 40,250	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$40,250
Community Information and Referral Society	Red Deer Rental Housing	\$ 325,258	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$325,258
Parland Youth Homes Society	Housing Support Project	\$ 81,157	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$81,157
Porters Heads Development Limited	Affordable Housing Projects - Property Tax Relief	\$ 208,650	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$208,650
Porters Heads Ministries	Manager - Provision of meals	\$ 48,876	\$19,739	\$0	\$4,087	\$2,155	\$0	\$21,685	\$48,876	\$0
Red Deer Youth and Volunteer Center	Youth Worker Intake/Support	\$ 185,005	\$125,235	\$0	\$0	\$0	\$0	\$0	\$125,235	\$59,770
Shining Mountains Living Community Services	Woolmanawew - Women's Residency Support Team	\$ 100,495	\$44,640	\$0	\$0	\$0	\$0	\$0	\$44,640	\$55,855
Canadian Mental Health Association	Buffalo Housing Pilot Project	\$ 584,750	\$0	\$584,750	\$0	\$0	\$0	\$0	\$584,750	\$0
Central Alberta's Safe Harbour Society	Harbour Housing Pilot Project	\$ 342,402	\$0	\$342,402	\$0	\$0	\$0	\$0	\$342,402	\$0
TOTAL		\$2,789,325	\$418,039	\$1,100,000	\$35,442	\$427,017	\$0	\$21,685	\$2,000,383	\$788,942
	Balance of Grants after Allocations:		\$0	\$0	\$5,291	\$0	\$0	\$0		

IN FAVOUR:

Councillor Jefferies, Mulder, Pimm, Veer, Watkinson-Zimmer, Wong, and Mayor Flewwelling

OPPOSED:

Councillor Buchanan, and Councillor Parks

MOTION CARRIED

Council considered the report from the Culture Superintendant, dated June 23, 2009 **Re: Public Art Projects**. Following discussion, the following motion was severed and voted on individually.

Moved by Councillor Watkinson-Zimmer, seconded by Councillor Mulder

*“Resolved* that Council of the City of Red Deer after considering the report from the Culture Superintendent, dated June 23, 2009 Re: Public Art Projects, hereby approves:

- 1) Artwork “Navigating Histories” by Ingrid Koivukangas for installation at the RCMP Building, and;
- 2) Artwork “Stepping Up” by Ron Baird for installation at 67 Street RCMP/Emergency Services, and;
- 3) Artwork “Tell me a Story” by Ann Cunningham for installation at the Golden Circle, and;
- 4) Artwork “Rise” by Blake Williams for installation at the Emergency Services Station #5.”

MOTION SEVERED / ITEMS VOTED ON INDIVIDUALLY

At this time it was agreed that the resolution be severed into four resolutions, as follows:

Moved by Councillor Pimm, Seconded by Councillor Veer

*“Resolved* that Council of the City of Red Deer after considering the report from the Culture Superintendent, dated June 23, 2009 Re: Public Art Projects, hereby approves:

Artwork “Navigating Histories” by Ingrid Koivukangas for installation at the RCMP Building.”

IN FAVOUR:                      Councillor Jefferies, Mulder, Pimm, Watkinson-Zimmer, Wong and Mayor Flewwelling

OPPOSED:                      Councillor Buchanan, Parks, and Veer

MOTION CARRIED

Moved by Councillor Jefferies, seconded by Councillor Mulder

*“Resolved* that Council of the City of Red Deer after considering the report from the Culture Superintendent, dated June 23, 2009 Re: Public Art Projects, hereby approves:

Artwork “Stepping Up” by Ron Baird for installation at 67 Street RCMP/Emergency Services, and;

IN FAVOUR: Councillor Jefferies, Mulder, Pimm, Watkinson-Zimmer, Wong and Mayor Flewwelling

OPPOSED: Councillor Buchanan, Parks, and Veer

MOTION CARRIED

Moved by Councillor Watkinson-Zimmer, seconded by Councillor Jefferies

*“Resolved* that Council of the City of Red Deer after considering the report from the Culture Superintendent, dated June 23, 2009 Re: Public Art Projects, hereby approves:

Artwork “Tell me a Story” by Ann Cunningham for installation at the Golden Circle.”

IN FAVOUR: Councillors Buchanan, Jefferies, Mulder, Parks, Pimm, Veer, Watkinson-Zimmer, Wong, and Mayor Flewwelling

MOTION CARRIED

Moved by Councillor Mulder, seconded by Councillor Wong

*“Resolved* that Council of the City of Red Deer after considering the report from the Culture Superintendent, dated June 23, 2009 Re: Public Art Projects, hereby approves:

Artwork “Rise” by Blake Williams for installation at the Emergency Services Station #5.”

IN FAVOUR: Councillors Buchanan, Jefferies, Mulder, Parks, Pimm, Veer, Watkinson-Zimmer, Wong, and Mayor Flewwelling

MOTION CARRIED



Council considered the report from the Recreation, Parks and Culture Manager, and the City Liaison to VANOC Committee, dated June 22, 2009 **Re: 2010 Olympic Torch Relay Funding Request**. Following discussion, the following motion was introduced and passed:

Moved by Councillor Pimm, seconded by Councillor Parks

“Resolved that Council of the City of Red Deer after considering the report from the Recreation, Parks & Culture Manager and the City Liaison to VANOC Committee, dated June 22, 2009 Re: 2010 Olympic Torch Relay Funding Request, hereby supports the allocation of \$35,900 in cash or services towards the Olympic Torch Relay Community Celebration.”

IN FAVOUR: Councillors Buchanan, Jefferies, Mulder, Parks, Pimm, Veer, Watkinson-Zimmer, Wong, and Mayor Flewwelling

MOTION CARRIED

Council considered the report from the Neighbourhood Facilities and Community Development Supervisor, the Recreation Superintendent, and the Recreation, Parks and Culture Manager, dated June 5, 2009 **Re: ACE (Active, Creative, Engaged) Communities Application**. Following discussion, the motion as set out below was introduced and passed.

Moved by Councillor Jefferies, seconded by Councillor Parks

“*Resolved* that Council of the City of Red Deer after considering the report from the Neighbourhood Facilities & Community Development Supervisor and Recreation Superintendent and Recreation, Parks & Culture Manager, dated June 5, 2009 Re: ACE (Active, Creative, Engaged) Communities Application, hereby endorses the City of Red Deer’s application to become an ACE Community, by providing a letter of support.”

IN FAVOUR: Councillors Buchanan, Jefferies, Mulder, Parks, Pimm, Veer, Watkinson-Zimmer, Wong, and Mayor Flewwelling

MOTION CARRIED

Council recessed at 5:12 p.m.

Council reconvened at 6:30 p.m.

## **PUBLIC HEARING**

Mayor Flewwelling declared the Public Hearing for Road Closure Bylaw 3430/2009 and Land Use Bylaw Amendment 3357/P-2009 be opened. As there was no one to speak for or against the proposed bylaw, Mayor Flewwelling declared the Public Hearing closed for Road Closure Bylaw 3430/2009 and Land Use Bylaw Amendment 3357/P-2009.

Council considered the report from the Legislative and Administrative Services Manager, dated June 17, 2009 **Re: Land Use Bylaw Amendment 3357/P-2009 Gaetz Avenue 32 Street Intersection Rezoning of Closed Portion of Road. Road Closure Bylaw 3430/2009.** Council also considered the report from the Parkland Community Planning Services Planning Assistant, dated April 9, 2009 **Re: Land Use Bylaw Amendment 3357/P-2009 Gaetz Avenue / 32 Street Intersection Rezoning of Closed portions of Road. The City of Red Deer.** Following discussion, the following motion was introduced and passed:

Moved by Councillor Veer, seconded by Councillor Mulder

*“Resolved* that Council of the City of Red Deer after considering the report from the Legislative and Administrative Services Manager, dated June 17, 2009 **Re: Land Use Bylaw Amendment 3357/P-2009 Gaetz Avenue 32 Street Intersection Rezoning of Closed Portion of Road / Road Closure Bylaw 3430/2009** hereby amends Road Closure Bylaw 3430/2009 by deleting: “5009KS, 3237 NY, 737 HW and 782 1412 all”.*”*

IN FAVOUR:

Councillors Buchanan, Jefferies, Mulder, Parks, Pimm, Veer, Watkinson-Zimmer, Wong, and Mayor Flewwelling

MOTION CARRIED

**BYLAWS****3430/2009**

Moved by Councillor Jefferies, seconded by Councillor Wong

**SECOND READING:** That Road Closure Bylaw 3430/2009 be read a second time. (Road Closure Bylaw 3430/2009 – Gaetz Avenue and 32 Street)

**IN FAVOUR:** Councillors Buchanan, Jefferies, Mulder, Parks, Pimm, Veer, Watkinson-Zimmer, Wong, and Mayor Flewwelling

MOTION CARRIED

Moved by Councillor Jefferies, seconded by Councillor Wong

**THIRD READING:** That Road Closure Bylaw 3430/2009 be read a third time.

**IN FAVOUR:** Councillors Buchanan, Jefferies, Mulder, Parks, Pimm, Veer, Watkinson-Zimmer, Wong, and Mayor Flewwelling

MOTION CARRIED

**3357/P-2009**

Moved by Councillor Mulder, seconded by Councillor Wong

**SECOND READING:** That Land Use Bylaw Amendment 3357/P-2009 be read a second time. (Gaetz Avenue and 32 Street Intersection Rezoning of Closed Portion of Road).

**IN FAVOUR:** Councillors Buchanan, Jefferies, Mulder, Parks, Pimm, Veer, Watkinson-Zimmer, Wong, and Mayor Flewwelling

MOTION CARRIED

Moved by Councillor Mulder, seconded by Councillor Wong

**THIRD READING:** That Land Use Bylaw Amendment 3357/P-2009 be read a third time.

**IN FAVOUR:** Councillors Buchanan, Jefferies, Mulder, Parks, Pimm, Veer, Watkinson-Zimmer, Wong, and Mayor Flewwelling

**MOTION CARRIED**

Mayor Flewwelling declared the Public Hearing for Road Closure Bylaw 3428/2009 and Land Use Bylaw Amendment 3357/S-2009 be opened.

## **PUBLIC HEARING**

The Executive Director of Ronald McDonald House spoke to this item. It was explained that there was a great need for this facility and that it is fortunate that it is so close to the hospital. Mayor Flewwelling thanked Ronald McDonald House for their initiative.

As there was no one else present to speak for or against the proposed bylaw, Mayor Flewwelling declared the Public Hearing closed for for Road Closure Bylaw 3428/2009 and Land Use Bylaw Amendment 3357/S-2009.

## **BYLAWS**

### **3428/2009**

Moved by Councillor Buchanan, seconded by Councillor Pimm

**SECOND READING:** That Road Closure Bylaw 3428/2009 be read a second time. (Road Closure Bylaw – Ronald McDonald House Central Alberta. Closure of an Unconstructed Lane Along West Boundary of 3902, 3906 and 3908-50<sup>th</sup> Avenue.)

**IN FAVOUR:** Councillors Buchanan, Jefferies, Mulder, Parks, Pimm, Veer, Watkinson-Zimmer, Wong, and Mayor Flewwelling

**MOTION CARRIED**

Moved by Councillor Buchanan, seconded by Councillor Pimm

**THIRD READING:** That Road Closure Bylaw 3428/2009 be read a third time.

**IN FAVOUR:** Councillors Buchanan, Jefferies, Mulder, Parks, Pimm, Veer, Watkinson-Zimmer, Wong, and Mayor Flewwelling

MOTION CARRIED

**3357/S-2009**

Moved by Councillor Veer, Seconded by Councillor Watkinson-Zimmer

**SECOND READING:** That Land Use Bylaw Amendment 3357/S-2009 be read a second time. (Allowing Ronald McDonald House as a permitted use and rezoning to R2 Residential Medium Density District with exception.)

**IN FAVOUR:** Councillors Buchanan, Jefferies, Mulder, Parks, Pimm, Veer, Watkinson-Zimmer, Wong, and Mayor Flewwelling

MOTION CARRIED

Moved by Councillor Veer, Seconded by Councillor Watkinson-Zimmer

**THIRD READING:** That Land Use Bylaw Amendment 3357/S-2009 be read a third time.

**IN FAVOUR:** Councillors Buchanan, Jefferies, Mulder, Parks, Pimm, Veer, Watkinson-Zimmer, Wong, and Mayor Flewwelling

MOTION CARRIED

## REPORTS

Council considered the report from the City Manager, dated June 19, 2009 **Re: Civic Offices. Miscellaneous Renovations.** Following discussion, the following motion was introduced and passed:

Moved by Councillor Mulder, seconded by Councillor Watkinson-Zimmer

*“Resolved that Council of the City of Red Deer after considering the report from the City Manager, dated June 19, 2009 Re: Civic Offices Miscellaneous, hereby approves the transfer of surplus funds in the amount of: \$100,000 from the ATCO Capital Project Budget to the City Hall Capital Project Budget.”*

IN FAVOUR: Councillors Buchanan, Jefferies, Mulder, Parks,  
Pimm, Veer, Watkinson-Zimmer, Wong, and Mayor  
Flewwelling

MOTION CARRIED

Council considered the Report from the City Manager, dated June 25, 2009 **Re: Civic Centre/Parkade: Removal of Electrical Duct in Lane.** Following discussion, the following motion was introduced and passed:

Moved by Councillor Buchanan, Seconded by Councillor Veer

*“Resolved that Council of the City of Red Deer after considering the report from the City Manager, dated June 25, 2009 Civic Centre/Parkade: Removal of Electrical Duct in Lane, hereby approves the expenditure of \$42,000 from the Civic Centre Project to relocate the electrical services between the proposed parkade and the Civic Centre Annex Building on the site of the existing RCMP Building located at 4811-49 Street.”*

IN FAVOUR: Councillors Buchanan, Jefferies, Mulder, Parks,  
Pimm, Veer, Watkinson-Zimmer, Wong, and Mayor  
Flewwelling

MOTION CARRIED

## COMMITTEE OF THE WHOLE

The following motion was passed agreeing to convene to Committee of the Whole.

Moved by Councillor Pimm, seconded by Councillor Mulder.

*“Resolved* that Council of the City of Red Deer agrees to enter into Committee of the Whole on Monday, June 29, 2009 at 6:47 p.m. and hereby agrees to exclude the following:

- all members of the media; and
- all members of the Public.

IN FAVOUR:                      Councillors Buchanan, Jefferies, Mulder, Parks,  
Pimm, Veer, Watkinson-Zimmer, Wong, and Mayor  
Flewwelling

MOTION CARRIED

The following motion was passed agreeing to revert to an open meeting of Council:

Moved by Councillor Veer, seconded by Councillor Mulder.

*“Resolved* that Council of the City of Red Deer agrees to revert to an open meeting of Council on Monday, June 29, 2009 at 7:07 p.m.

IN FAVOUR:                      Councillors Buchanan, Jefferies, Mulder, Parks,  
Pimm, Veer, Watkinson-Zimmer, Wong, and Mayor  
Flewwelling

MOTION CARRIED

## REPORTS:

Council considered the report from the Legislative and Administrative Services Manager, dated June 25, 2009 **Re: Proposed Expropriation**. Following discussion the following motion was introduced and passed:

Moved by Councillor Parks, seconded by Councillor Buchanan

“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.

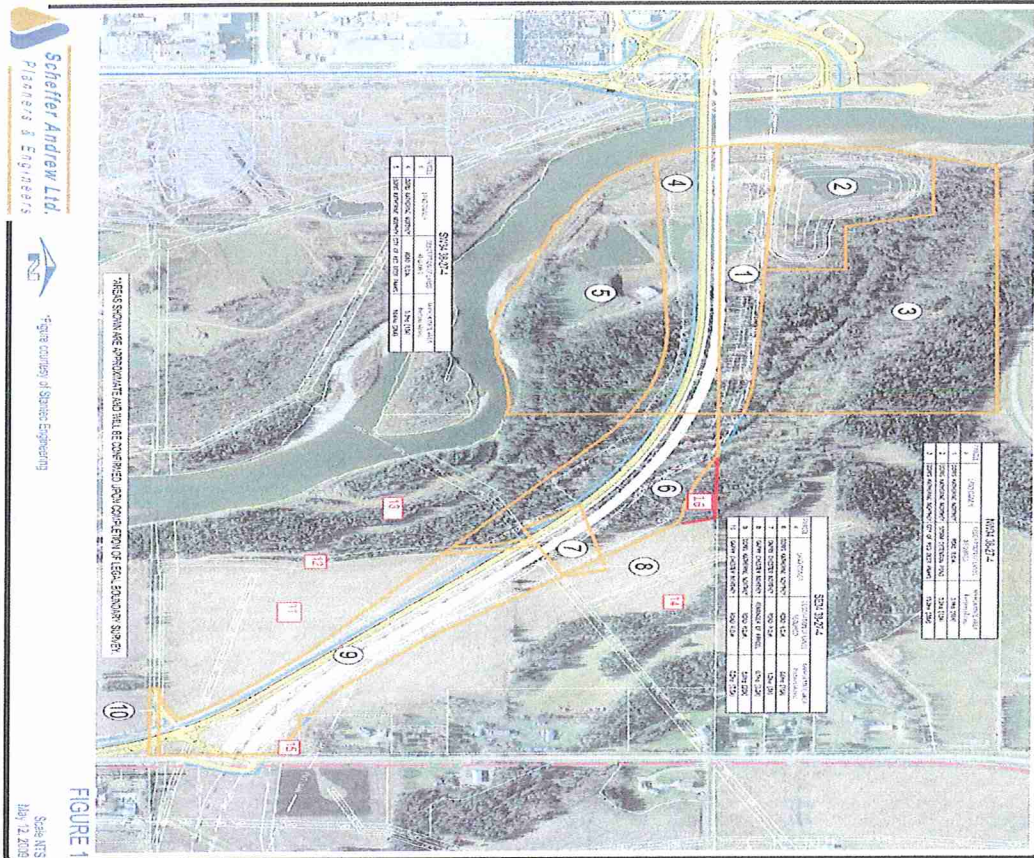
City Administration is hereby authorized to comply with all necessary steps required under the *Municipal Government Act* and the *Expropriation Act*, including the issuance of an amended Notice of Intention to expropriate, if required.”

IN FAVOUR:

Councillors Buchanan, Jefferies, Mulder, Parks,  
Pimm, Veer, Watkinson-Zimmer, Wong, and Mayor  
Flewwelling

MOTION CARRIED





Council considered the report from Parkland Community Planning Services, dated June 22, 2009 and the report from the Legislative and Administrative Services Manager, dated June 25, 2009 **Re: Bill 36 – Alberta Land Stewardship Act.**

Moved by Councillor Veer, seconded by Councillor Mulder.

*“Resolved* that Council of the City of Red Deer after considering the report from the Legislative and Administrative Services Manager dated June 25, 2009 Re: Bill 36 – Alberta Land Stewardship Act hereby:

- 1) Nominates Nancy Hackett as the representative to the proposed Red Deer Regional Advisory Council and;
- 2) An advocacy plan be developed with regard to Land Stewardship by the City of Red Deer.”

N. Hackett presented Bill 36 to Council. Following discussion, the motion was voted on:

IN FAVOUR:	Councillors Buchanan, Jefferies, Mulder, Parks, Pimm, Veer, Watkinson-Zimmer, Wong, and Mayor Flewwelling
------------	---

MOTION CARRIED

Council considered the report from the Legislative and Administrative Services Manager, dated June 25, 2009 **Re: Proposed Expropriation.** Following discussion, the following motion was introduced and passed:

Moved by Councillor Mulder, seconded by Councillor Jefferies

“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 **SE 34-38-27W4**, the full legal description of which is set out in Schedule A attached;

AND WHEREAS the owner of the said lands has filed an objection to the proposed taking on the basis that the City should acquire additional portions 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, for road purposes, an interest in fee simple in the following additional portions of the said Lands, namely:

(a) Approximately \_\_\_\_ hectares (\_\_\_ acres) more or less, in the location identified as **Area 15** on the sketch attached as Schedule B hereto, in the lands legally described as SE 34-38-27W4.

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.”

IN FAVOUR:

Councillors Buchanan, Jefferies, Mulder, Parks,  
Pimm, Veer, Watkinson-Zimmer, Wong, and Mayor  
Flewwelling

MOTION CARRIED

Prior to consideration of the below noted item, Council introduced and passed the following motion:

Moved by Councillor Pimm, seconded by Councillor Parks

“Resolved that Council of the City of Red Deer after considering the report from the Acting Human Resource Manager, dated June 29 2009 Re: City and IBEW Union Reach Agreement hereby adds the item to the Monday June 29, 2009 Council Agenda.”

IN FAVOUR: Councillors Buchanan, Jefferies, Mulder, Parks,  
Pimm, Veer, Watkinson-Zimmer, Wong, and Mayor  
Flewwelling

MOTION CARRIED

After consideration of the report from the Acting Human Resource Manager, dated June 29, 2009 **Re: City and IBEW Union Reach Agreement** the following motion was introduced and passed:

Moved by Councillor Jefferies, seconded by Councillor Buchanan.

“Resolved that Council of the City of Red Deer after considering the report from the Acting Human Resource Manager, dated June 29 2009 Re: City and IBEW Union Reach Agreement hereby supports the mediators recommended terms of settlement for resolution of the negotiations with IBEW Local 254.”

IN FAVOUR: Councillors Buchanan, Jefferies, Mulder, Parks,  
Pimm, Veer, Watkinson-Zimmer, Wong, and Mayor  
Flewwelling

MOTION CARRIED

**ADJOURNMENT**

Moved by Councillor Parks, seconded by Councillor Wong

*“Resolved* that the Monday, June 29, 2009, regular meeting of the City of Red Deer Council be adjourned at 7:31 p.m.”

IN FAVOUR: Councillors Buchanan, Jefferies, Mulder, Parks, Pimm, Veer, Watkinson-Zimmer, Wong, and Mayor Flewwelling

MOTION CARRIED

“ Morris Flewwelling”

“Elaine Vincent”

---

MAYOR

---

CITY CLERK

**FILE COPY**



## Council Decision – September 14, 2009

**DATE:** September 15, 2009  
**TO:** City Solicitor  
**FROM:** Elaine Vincent, Legislative and Administrative Services Manager  
**SUBJECT:** Report on Northey Expropriation

---

**Reference Report:**

Legislative and Administrative Services Manager, dated September 9, 2009  
City Solicitor, September 1, 2009

**Resolution:**

*"Resolved* that Council of the City of Red Deer after considering the report from the City Solicitor dated September 1, 2009 Re: Report on Northey Expropriation, as approving authority hereby authorizes:

1. the expropriation as recommended in the Report of the Inquiry Officer, dated September 3, 2009 Re: City of Red Deer and Doris Northey Expropriation Inquiry, as presented in the Monday September 14, 2009 Council Agenda and;
2. The signing of the Approval Certificate by the City Clerk."

MOTION CARRIED

*Report Back to Council: No*

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

Elaine Vincent  
Legislative & Administrative Services Manager

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

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

**Bylaws Item No. 1****BYLAW NO. 3217/E-2009**

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

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

- 1 Bylaw No. 3217/98 containing the City of Red Deer Neighbourhood Area Structure Plans is hereby amended by adding thereto the *Southpointe Neighbourhood Area Structure Plan* attached as Appendix 'A' hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 10<sup>th</sup> day of August 2009.

READ A SECOND TIME IN OPEN COUNCIL this 8<sup>th</sup> day of September 2009.

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

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

---

Mayor

---

City Clerk



# SOUTHPOINTE

## NEIGHBOURHOOD AREA STRUCTURE PLAN

RED DEER



DRAFT REPORT  
SEPTEMBER 2009

*InterPLAN* strategies inc.



SEPTEMBER 2009

SOUTHPOINTE NASP

# SOUTHPOINTE NEIGHBOURHOOD AREA STRUCTURE PLAN

PLANNING TEAM:



AECOM



*InterPLAN* strategies inc.  
Land Planning Services

PREPARED FOR:

QUALICO®



THE BOWER FAMILY

SUBMITTED BY:

*InterPLAN* strategies inc.

September 2009

## NOTE

The Neighbourhood Area Structure Plan for Southpointe is a planning document prepared for adoption by City Council under the provisions of the Municipal Government Act. The Supporting Information contained in the provided Appendices are for information purposes only and are not adopted by Bylaw.

SEPTEMBER 2009

SOUTHPOINTE NASP

## TABLE OF CONTENTS

1.0	LOCATION AND PURPOSE .....	1
1.1	LOCATION .....	1
1.2	PURPOSE .....	2
2.0	NEIGHBOURHOOD AREA STRUCTURE PLAN OBJECTIVES .....	3
3.0	POLICY FRAMEWORK .....	4
3.1	INTERMUNICIPAL DEVELOPMENT PLAN .....	4
3.2	MUNICIPAL DEVELOPMENT PLAN .....	4
3.3	CITY OF RED DEER LAND USE BYLAW .....	8
3.4	CITY OF RED DEER NEIGHBOURHOOD PLANNING GUIDELINES AND STANDARDS .....	8
3.5	RED DEER TRAILS MASTER PLAN .....	10
3.6	COUNCIL DIRECTION AUGUST 2007 .....	10
3.7	ENTRANCE CORRIDOR GUIDELINES .....	10
4.0	SITE CHARACTERISTICS .....	12
4.1	LEGAL DESCRIPTION AND OWNERSHIP .....	12
4.2	PLAN AREA .....	15
4.3	HISTORY OF SITE .....	15
4.4	CURRENT LAND USE CONTEXT .....	15
4.5	LAND FORM .....	17
4.6	ECOLOGICAL PROFILE .....	17
4.7	CURRENT ACCESS .....	18
4.8	VEGETATION .....	18
4.9	ENVIRONMENTAL SITE ASSESSMENT CONSIDERATIONS .....	18
4.10	EXISTING STRUCTURES .....	19
4.11	GEOTECHNICAL CONSIDERATIONS .....	19
4.12	SITE SERVICING .....	20
5.0	DEVELOPMENT CONCEPT .....	21
5.1	LAND USE .....	21
5.2	OPEN SPACE AND MUNICIPAL RESERVE .....	27
5.2.1	PEDESTRIAN TRAILS AND LINKAGES .....	31
5.2.2	ANIMAL CONNECTIONS .....	33
5.2.3	RECREATION OPPORTUNITIES .....	34
5.3	WASKASOO NATURAL AREA .....	34
5.4	BOWER NATURAL AREA .....	36
5.5	RED DEER COLLEGE SOUTH LANDS .....	36
5.6	SOUTHPOINTE JUNCTION .....	38
5.6.1	RESIDENTIAL COMPONENT .....	39
5.6.2	COMMERCIAL AND OFFICE COMPONENT .....	41
5.6.3	MAIN STREET COMPONENT .....	44
5.6.4	CENTRAL PLAZA AND CONSTRUCTED WETLAND AND DRYPOND .....	44
5.6.5	DISTRICT ENERGY FACILITY .....	47

SEPTEMBER 2009

SOUTHPOINTE NASP

6.0	TRANSPORTATION.....	48
6.1	TRANSPORTATION NETWORK.....	48
6.2	TRAFFIC IMPACT ANALYSIS.....	52
6.3	PUBLIC TRANSIT.....	54
7.0	SERVICING SCENARIO.....	56
7.1	STORM WATER MANAGEMENT .....	56
7.1.1	EXISTING STORM WATER CHARACTERISTICS.....	56
7.1.2	SOUTHPOINTE STORM WATER MANAGEMENT STRATEGIES .....	56
7.2	SANITARY SEWER .....	58
7.3	WATER SUPPLY .....	58
7.4	SHALLOW UTILITIES .....	58
7.5	SITE GRADING .....	58
7.6	WASTE DISPOSAL .....	61
8.0	DEVELOPMENT STAGES.....	63
9.0	PUBLIC CONSULTATION.....	63
10.0	PLAN SUMMARY .....	65
APPENDIX A	.....	66

## LIST OF FIGURES

FIGURE 1:	LOCATION.....	1
FIGURE 2:	EXISTING LAND USE.....	9
FIGURE 3:	RED DEER TRAILS MAP.....	11
FIGURE 4:	AIR PHOTO.....	13
FIGURE 5:	SITE TOPOGRAPHY .....	14
FIGURE 6:	LAND USE CONTEXT .....	16
FIGURE 7:	LAND USE CONCEPT PLAN .....	22
FIGURE 8:	OPEN SPACE CONCEPT .....	28
FIGURE 8A:	NATURAL AREAS TO BE DISTURBED OR REMOVED (SP JUNCTION) .....	29
FIGURE 9:	PROPOSED TRAIL SYSTEM .....	32
FIGURE 10:	SOUTHPOINTE CONCEPT PLAN .....	35
FIGURE 11:	CONCEPT PARCELS .....	39
FIGURE 12:	CONSTRUCTED WETLAND CONCEPT PLAN .....	45
FIGURE 13:	TRANSPORTATION NETWORK.....	49
FIGURE 14:	LOCAL COLLECTOR STANDARD .....	50
FIGURE 15:	PUBLIC TRANSIT .....	55
FIGURE 16:	STORM WATER.....	57
FIGURE 17:	SANITARY SEWER.....	59

FIGURE 18: WATER .....	60
FIGURE 19: TOPSOIL STOCKPILE LOCATIONS .....	62
FIGURE 20: DEVELOPMENT STAGES .....	64

---

## LIST OF TABLES

TABLE 1: LAND USE ALLOCATION FOR WASKASOO SOUTH NEIGHBOURHOOD .....	24
TABLE 2: LAND USE STATISTICS FOR WASKASOO SOUTH .....	25
TABLE 3: LAND USE STATISTICS FOR SOUTHPOINTE JUNCTION .....	25
TABLE 4: DIRECT CONTROL COMPONENT OF SOUTHPOINTE JUNCTION.....	26
TABLE 5: ANTICIPATED POPULATION OF SOUTHPOINTE JUNCTION ..	26
TABLE 6: DEVELOPMENT SUMMARY FOR ROAD NETWORK OPTION ..	52
TABLE 7: NET DIFFERENCE TO TIA FROM REVISED CONCEPT .....	53

SEPTEMBER 2009

SOUTHPOINTE NASP

## 1.0 LOCATION AND PURPOSE

### 1.1 LOCATION

Southpointe Neighbourhood Area Structure Plan (The Plan) (**Figure 1**) is located in the southern part of The City of Red Deer between the Queen Elizabeth II Highway (formally Highway #2) and Taylor Drive, south of Waskasoo Creek and north of 19<sup>th</sup> Street.

The Southpointe Neighbourhood Area Structure Plan boundary was delineated by City of Red Deer Administration.

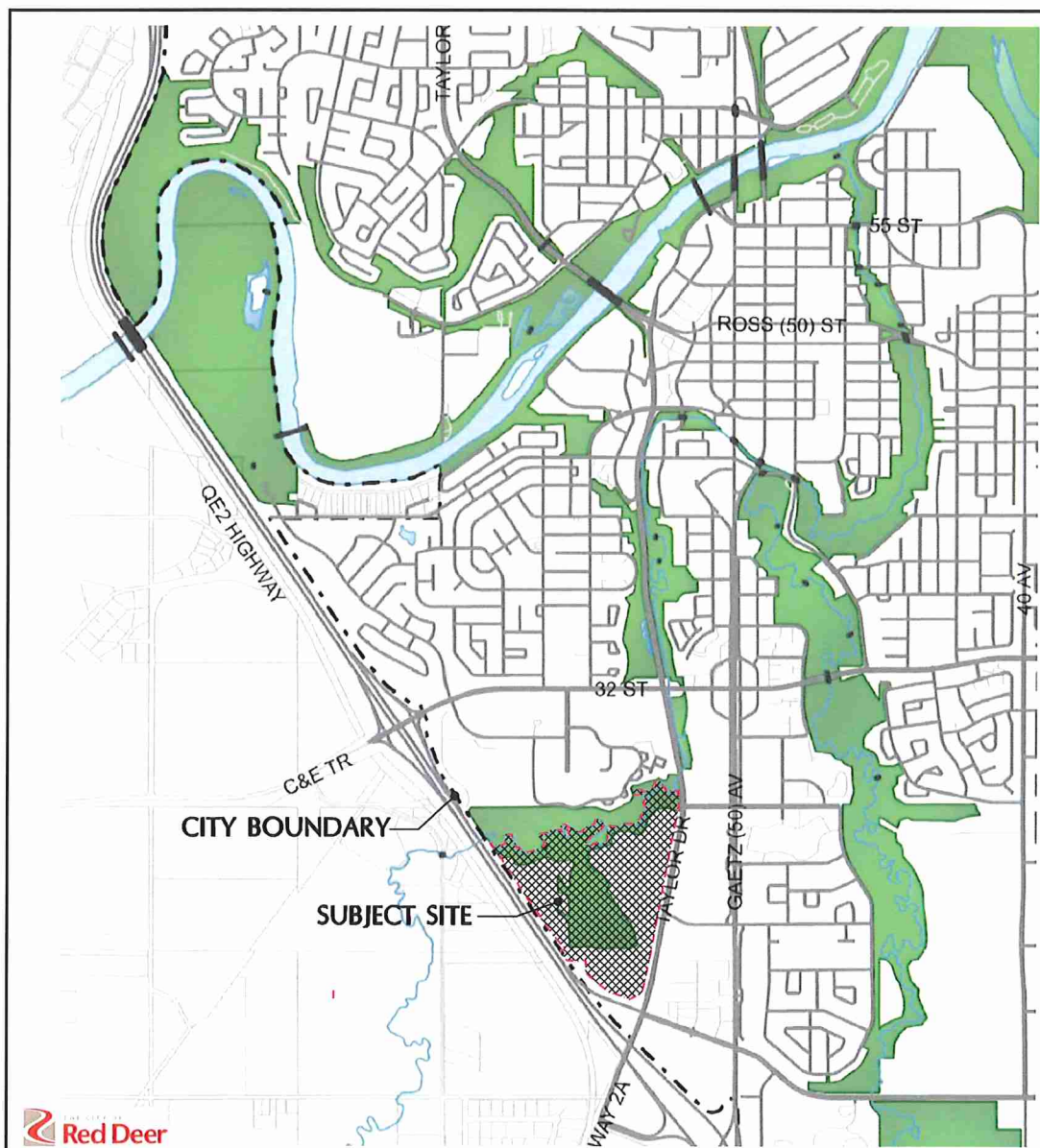


FIGURE 1: LOCATION



## 1.2 PURPOSE

The Neighbourhood Area Structure Plan (NASP) for Southpointe is intended to provide a foundation for subdivision and development. In preparation of this Neighbourhood Area Structure Plan, careful attention was paid to the edge conditions on all sides and the policies and objectives set forth in The City of Red Deer Municipal Development Plan (Bylaw 3404/2008), the Neighbourhood Planning Guidelines and Standards, the Red Deer Trails Master Plan and Council direction of August 13, 2007.

The NASP describes how  $\pm 157.0$  acres ( $\pm 63.54$  hectares) of vacant land will be developed in an efficient and orderly manner. Included in the NASP are four distinct areas:

1. The Waskasoo Creek Natural Area south of the creek;
2. The natural area (referred to as the Bower Natural Area) which lies near the centre of the area;
3. The lands belonging to the Red Deer College which have been planned by the College according to their own Master Plan; and
4. A  $95 \text{ acre} \pm$  ( $38.44 \text{ ha} \pm$ ) parcel, referred to as Southpointe Junction (SP Junction), being proposed by Qualico for the development of a mixed use urban village incorporating residential, retail, office, open space and a potential location for a hotel/convention facility.

As part of the NASP, the developer, Qualico, on behalf of the landowner, has negotiated an agreement with The City Of Red Deer regarding the preservation of a portion of a natural area referred to as the Bower Natural Area that will run north south along the middle of part of the NASP

area and link with the Waskasoo Creek Natural Area to the north.

INTERPLAN has prepared, on behalf of Qualico and Red Deer College, a Neighbourhood Area Structure Plan for Southpointe.

The following sections of this report are intended to discuss the NASP objectives, policy framework, site characteristics, proposed development concept and land uses, municipal reserve and open space requirements, transportation and access, proposed site servicing and implementation strategy.



View looking north west from east side of subject site

---

## 2.0 NEIGHBOURHOOD AREA STRUCTURE PLAN OBJECTIVES

The following is a list of objectives for the Neighbourhood Area Structure Plan for Southpointe:

- To establish a comprehensive Neighbourhood Area Structure Plan that describes uses and strategies for appropriate development of the Plan area;
- To provide a policy framework consistent with the provisions of the relevant City of Red Deer policies for guiding development and subdivision of the plan area;
- To create the opportunity for potential development that meets the needs of The City of Red Deer and is accepted by local residents;
- To illustrate the physical characteristics of the plan area and describe the proposed development;
- To identify any constraints on the plan area and how these will be addressed in the proposed development, and
- To address the servicing, transportation and open space requirements associated with the proposed development.



### 3.0 POLICY FRAMEWORK

#### 3.1 INTERMUNICIPAL DEVELOPMENT PLAN

The NASP area is situated outside of the legislative framework of the Intermunicipal Development Plan.

combination of Open Space, Major, Commercial, Residential and Public Service. The area is further identified as a mixed use area under 'Intensification and Mixed Use Opportunities'.

The MDP defines Mixed Use as: *"A combination of different uses, such as, but not limited to, residential, office commercial, retail commercial, public or entertainment, which are horizontally integrated (i.e. uses located on the same site beside on another) and/or vertically integrated (i.e. uses located on different floors in the same building) within a single compact form of urban development. The mixes of uses are to be compatible, mutually beneficial, and integrated into the community, for example, live/work in the same complex. Mixed use also relates to a range of dwelling types that could provide residences to a diversity of living arrangements and incomes"*

#### 3.2 MUNICIPAL DEVELOPMENT PLAN

The City of Red Deer Municipal Development Plan was adopted by City Council as Bylaw 3404/2008 in May 2008 concurrent with the preparation of this NASP. The role of the MDP is identified as: *"guides and directs future growth and development for Red Deer, ensuring orderly, economical and beneficial development while balancing the environmental, social and economic needs and desires of the community."*

It is the requirement of the NASP to comply with the MDP. The "Generalized Land use Concept" Map in the Municipal Development Plan shows the land use for the Southpointe NASP site as a

The NASP complies with all relevant principles in the MDP, the following chart outlines the more specific sections of the MDP and how the goals and/or principles contained are reflected in NASP.

MDP Section #	Principle/Goal/Objective	Southpointe NASP
<b>Section 3.0: Vision and Guiding Principles</b>	<b>3.1 A Vision for the Future</b> <ul style="list-style-type: none"> <li><i>"...a community with a unique natural environment preserved and enhanced by careful community planning;</i></li> <li><i>A community which reflects high standards in terms of quality of life;</i></li> <li><i>A caring community with a strong volunteer ethic;</i></li> <li><i>A community which offers a wide range of opportunities for employment, education, recreation and culture"</i></li> </ul>	Maintains a portion of the natural environment in balance with a need for urban development to sustain growth and to provide high quality and varied opportunities for living and working environments.

SEPTEMBER 2009

SOUTHPOINTE NASP

MDP Section #	Goal / Principle	Southpointe NASP
<b>Section 3.0: Vision and Guiding Principles</b>	<b>3.2.3:</b> "Ensure the efficient use of land for urban purposes by encouraging integration of uses, increased densities and innovative designs"	Adheres to all 16 overall guiding principles listed but focuses most specifically on the key principles listed here. Ensures efficient use of land.
	<b>3.2.4:</b> "Sustain the natural environment and protect natural systems by paying attention to site resources (hydrology, terrain, geology, biodiversity of vegetation and wildlife) while providing a climate for community and economic growth."	Promotes community and economic growth to occur while allowing the City, Red Deer College, and the Developer to protect natural systems through careful consideration and stewardship of site resources.
	<b>3.2.10:</b> "Build vibrant, attractive and safe neighbourhoods that provide for a range of housing choices, access to services, local employment, recreation, and open space."	Offers a range of housing choices, access to services, local employment, recreation, and open space.
<b>Section 5.0: Growth Management and Urban Form</b>	A stated Goal is: "Ensure the efficient utilization of lands and infrastructure, while encouraging a greater mix of uses and socio-economic activities in both new and established areas."	Fulfills this goal
	<b>5.0(b)</b> "Encourage growth in locations and patterns that can utilize existing or planned infrastructure capacity and reduce overall travel demands;"	Location along existing major transportation routes and adjacent to existing infrastructure. Employment and residential opportunities in the same location thereby potentially reducing the need for travel.
	<b>5.0(d)</b> "Minimize conflicts between efficient urban growth, the preservation of ecologically important natural areas,..."	Attains a balance between development and the preservation of a significant and ecologically important natural area.
	<b>5.0(e)</b> "Encourage a compact and efficient urban form;"	Provides higher density residential developments contained in a smaller footprint.
	<b>Policy 5.7</b> "The City should ensure new development is contiguous to the existing built-up area."	Provide for sequential development from east to west.

SEPTEMBER 2009

SOUTHPOINTE NASP

MDP Section #	Goal / Principle	Southpointe NASP
<b>Section 5.0: Growth Management and Urban Form</b>	<p><b>Policy 5.9</b></p> <p><i>"The City shall seek to reduce travel demands by seeking to locate:</i></p> <ul style="list-style-type: none"> <li><i>• Appropriate employment opportunities in or adjacent existing and future residential areas.</i></li> <li><i>• New residential areas adjacent to existing and future employment opportunities:</i></li> <li><i>• Appropriate commercial and community services in proximity to residential areas."</i></li> </ul>	Includes a variety of uses including Public Service, Commercial, Office and Residential and makes it an ideal example of how to reduce travel demands.
<b>Section 7.0: Urban Design</b>	<p><b>Goal:</b> <i>"To create a physical environment that is attractive, safe, functional, vibrant and a source of community pride, where residents and visitors experience a strong sense of place."</i></p>	Provides for an attractively designed, pedestrian oriented mixed use urban node focusing on a central main street and open space.
<b>Section 9.0 Environmental and Ecological Management</b>	<p><b>Goals:</b></p> <p><i>"To preserve and integrate significant natural areas into the open space system.</i></p> <p><i>To foster the creation and maintenance of attractive, clean and ecologically responsible natural and built environments.</i></p> <p><i>To recognize and promote environmentally sustainability initiatives and trends in land development."</i></p>	Design facilitates the preservation, through a City land acquisition, of a significant component of the existing natural area and directs development to incorporate environmentally sustainable initiatives.
<b>Section 10.0 Housing and Neighbourhood Design</b>	<p><b>10.0(b)</b> <i>"Provide for a mix of housing types to meet a variety of lifestyles, special needs, life cycle demands and market preferences;"</i></p> <p><b>10.0(e)</b> <i>"Promote the efficient utilization of land by achieving increased residential densities"</i></p>	Provides different housing products, including live work units, intended for varied demographics in increased densities.
	<p><b>10.4 Housing Form</b></p> <p><i>"The City shall encourage the creation of a wide variety of housing forms. This may include dwelling units in combination with compatible non-residential uses, live-work units and secondary suites."</i></p>	Provides opportunities for live-work units and secondary suites in varied housing types.
<b>Section 12.0: Commercial Development</b>	<p><b>12.0(b)</b> <i>"Ensure the quality and aesthetics of development along major commercial corridors;</i></p> <p><b>12.0(c)</b> <i>Recognize emerging trends in retailing and commercial land use, including the creation of mixed use town centres where appropriate; and</i></p> <p><b>12.0(d)</b> <i>Promote commercial development that generates opportunities for local employment;"</i></p>	Commits to innovative and quality commercial development and provides for a Mixed Use Area, with commercial, residential, office and public service uses and opportunities for local employment.

SEPTEMBER 2009

SOUTHPOINTE NASP

MDP Section #	Goal / Principle	Southpointe NASP
<b>Section 14.0: Parks, Recreation and Culture</b>	<b>Policy 14.3 Trails and Pathways</b> <i>"Trails and pathways shall be designed and constructed in accordance with the direction provided through the Trails Master Plan, as amended from time to time"</i>	Provides for trails designed in accordance with the Trails Master Plan.
	<b>Policy 14.4 Open Space Connections</b> <i>"As new areas are planned and developed, The City shall ensure the design of the parks and open space system provides:</i> <ul style="list-style-type: none"> <li><i>• Linkages to the major open space,...</i></li> <li><i>• Linear corridors and pedestrian connections within and between neighbourhoods; and</i></li> <li><i>• Consideration of continuous wildlife corridors and key wildlife habitat..."</i></li></ul>	Provides clear linkages between the open space systems both within the NASP area and connections to outside systems.
	<b>Policy 14.8 Gathering Spaces</b> <i>"In conjunction with streetscapes and other public realm areas, parks and open space shall be designed to be easily accessible to pedestrians and create opportunities for area residents to gather and interact wherever possible"</i>	Provides for an open space system with gathering places and easy access.
<b>Section 16.0: Transportation</b>	<b>Goal:</b> <i>"Provide for the safe and efficient movement of people and goods within and through Red Deer. Encourage the use of alternate means of transportation to the private automobile. Concentrate the planning of land use and transportation."</i>	Provides an efficient road network, an opportunity for a well situated transit service, and the provision of an extensive selection of pedestrian and bicycle pathways.
<b>Section 17.0 Utilities</b>	<b>Goal:</b> <i>"Provide environmentally responsible, safe, efficient and reliable utility systems to serve the City"</i>	Meets or exceeds all City of Red Deer engineering standards.

Policy 12.2 of the MDP establishes a hierarchy of commercial places. The commercial uses in the NASP will be a mixture of Arterial Commercial and District Commercial as defined in the MDP.

It is the intention of the NASP to concentrate the office use permitted in the commercial area into a central location within the NASP. The rationale behind this is to provide the opportunity for office development to occur within the development near

or on the main street. If deemed appropriate by the developer, a market analysis may be conducted to rationalize an application for higher than the permitted floor area of office space.

In an Administration report to Council on May 5th, 2008, Attachment "A" (Document #: 753507) has acknowledged the NASP area *"...as having great potential for mixed use residential, commercial, and institutional development both in single*

*purpose and multi-purpose buildings. The Administration sees this as a good candidate for a mixed use area, which could be treated uniquely due to the circumstances of geography and the surrounding uses."* The response goes on to add, *"Should the developer come forward with an acceptable plan calling for and substantiating a town centre or other designation, then a supporting amendment could be considered concurrently with the adoption of the neighbourhood area structure plan."*

The NASP has been prepared in accordance with the Municipal Development Plan.

### 3.3 CITY OF RED DEER LAND USE BYLAW

The City of Red Deer Land Use Bylaw 3357/2006 establishes the land use districts in The City of Red Deer and their associated permitted and discretionary uses and regulations. The current land use for the NASP area is divided into three districts: PS Public Service (Institutional or Governmental) District throughout the Waskasoo Creek area and north; P1 (Parks and Recreation) District in the west portion of the site; and A1 (Future Urban Development) District in the eastern and southern part of the parcel (see **Figure 2**).

The City of Red Deer Land Use Bylaw Constraints Map conceptually identifies a number of constraints on the subject site including floodway, flood fringe, escarpment, and major entry areas. These constraints have been reviewed with Administration and are addressed in the NASP. In summary:

- Both the floodway and the flood fringe along Waskasoo Creek have been examined, modeled, and refined by the Developer and relevant City

Departments. Results of these efforts are reflected in the design concept and accompanying reports to the NASP. All proposed development in the flood fringe, as identified, will comply with both the land use bylaw and the building code requirements for flood proofing.

- Extensive examination of the escarpment areas has taken place during both an Environmental Site Assessment and the Geotechnical Investigation. The investigations concluded that the slopes are stable and suitable for development. The investigations also provide recommendations and measures for development.
- Because Taylor Drive is identified as a major entry area, architectural guidelines, landscaping, and other design elements will be addressed at the development permit and detailed design stage to ensure that the interface with Taylor Drive is complementary with existing development to the east and to the satisfaction of the Approving Authority.

### 3.4 CITY OF RED DEER NEIGHBOURHOOD PLANNING GUIDELINES AND STANDARDS

The City of Red Deer Neighbourhood Planning Guidelines and Standards adopted by City Council on December 16, 2002 (revised November 30, 2006) provide "*guidelines and standards for the planning and design of neighbourhoods including parks and public facilities/amenities in The City of Red Deer.*" The Neighbourhood Planning Guidelines and Standards define a neighbourhood as "A predominately residential area, which is usually a quarter section (65 hectares or 160 acres) in size."



SEPTEMBER 2009

SOUTHPOINTE NASP

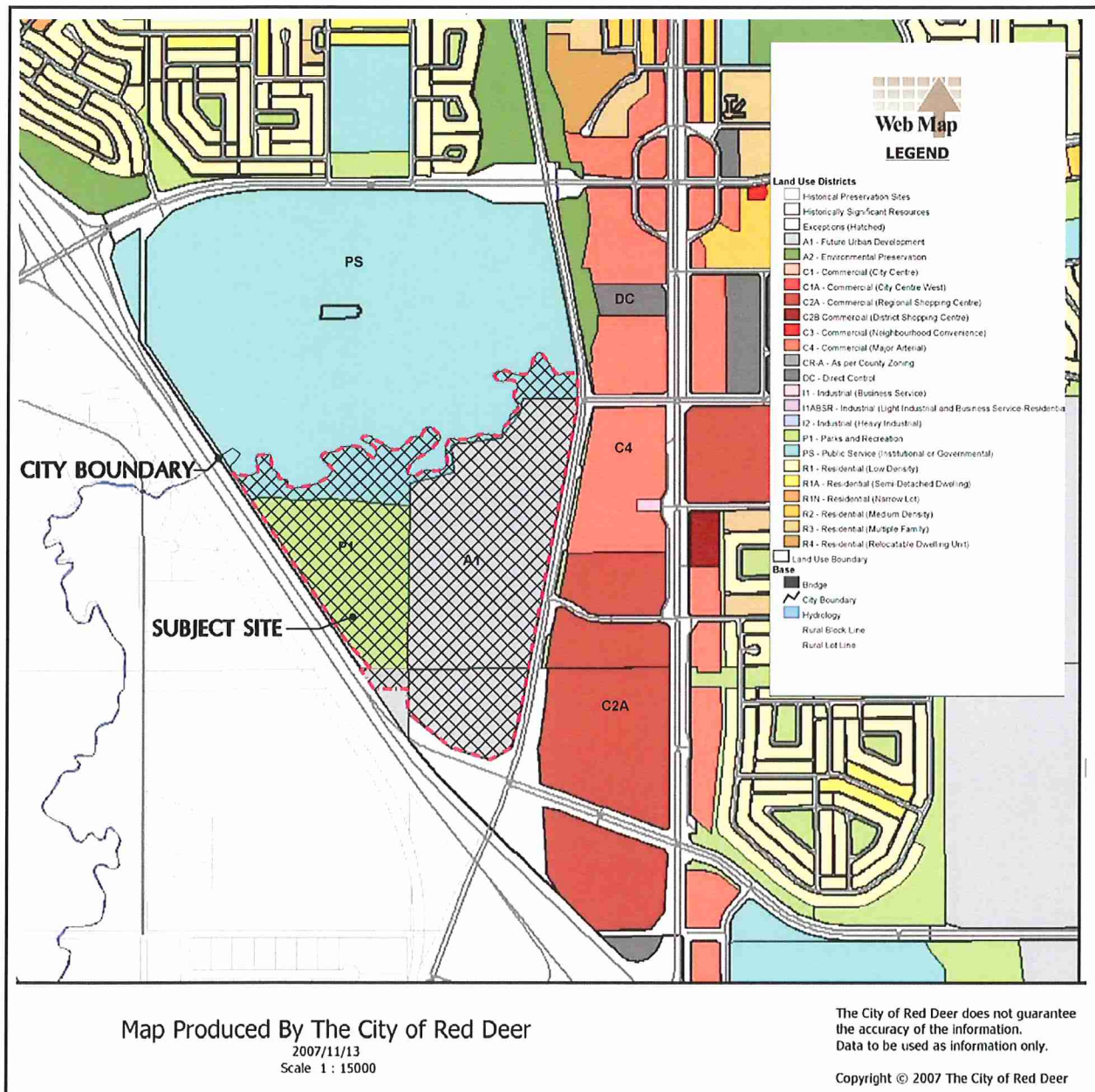


FIGURE 2: EXISTING LAND USE

The Southpointe NASP is not a typical quarter section neighbourhood and does not contain predominantly residential uses, however the NASP has given careful consideration to these and additional guidelines and standards outlined in the Neighbourhood Planning Guidelines and Standards. The NASP strives to follow all relevant guidelines and standards outlined as well as the following General Design Considerations.

*"A. Neighbourhood planning and design in The City of Red Deer strives to create desirable and sustainable places for healthy living, learning, working and recreation for families and individuals of all ages and with varying needs, interests and desires.*

*B. Community development calls for people-friendly streets and a sense of place. Developers are encouraged to incorporate considerations and elements which*

*enhance the sensed quality of the built environment. The street and block layout should create opportunities to integrate sidewalks, trails, parks, squares, transit stops and large residential, commercial and public or semi-public buildings into a coherent whole rather than unrelated individual parts. This may include design considerations such as siting, orientation, visual sequences, viewpoints, spatial connotation, proportion and scale."*

### 3.5 RED DEER TRAILS MASTER PLAN

Map 3.0 of the Red Deer Trails Master Plan approved by City Council on October 11, 2005 identifies the future trail network for the NASP and surrounding areas. The relevant section of the map is shown in **Figure 3**.

The NASP complies with the intent of the future trail network outlined in the Red Deer Trails Master Plan. The proposed future Waskasoo Trail will be accommodated through the site by linking to the North College lands across the existing concrete bridge and then extending south along the east edge of the wooded area before linking east and south to the arterial trail located along Taylor Drive. The Proposed Future Bikeway can be accommodated along the edge of the proposed collector road running north south through the centre of the eastern portion of the site or along the arterial trail along Taylor Drive. Nature Trails as shown in the Master Plan will be maintained or realigned to accommodate development.

### 3.6 COUNCIL DIRECTION AUGUST 2007

At The City of Red Deer Council meeting on August 13<sup>th</sup>, 2007 the following motion was introduced and passed:

*"Resolved that Council of the City of Red Deer having considered the report from the Recreation, Parks & Culture Manager, dated August 7, 2007, re: Southpointe Junction Concept Development, Bower Natural Area Preservation, hereby agrees in principal to the amount of area and location of the open space and natural area design and directs Administration to develop an agreement with the developer and land owner to:*

- 1. Purchase +/- 12.26 acres of treed escarpment,*
- 2. Purchase the additional noted 2.76 acres of open space for \$1.00,*

*Direct the additional 1.95 acres of owned municipal reserve to be applied to the natural treed area and Waskasoo Creek for the purpose of preserving additional amounts of natural environment and current natural trail connections."*<sup>1</sup>

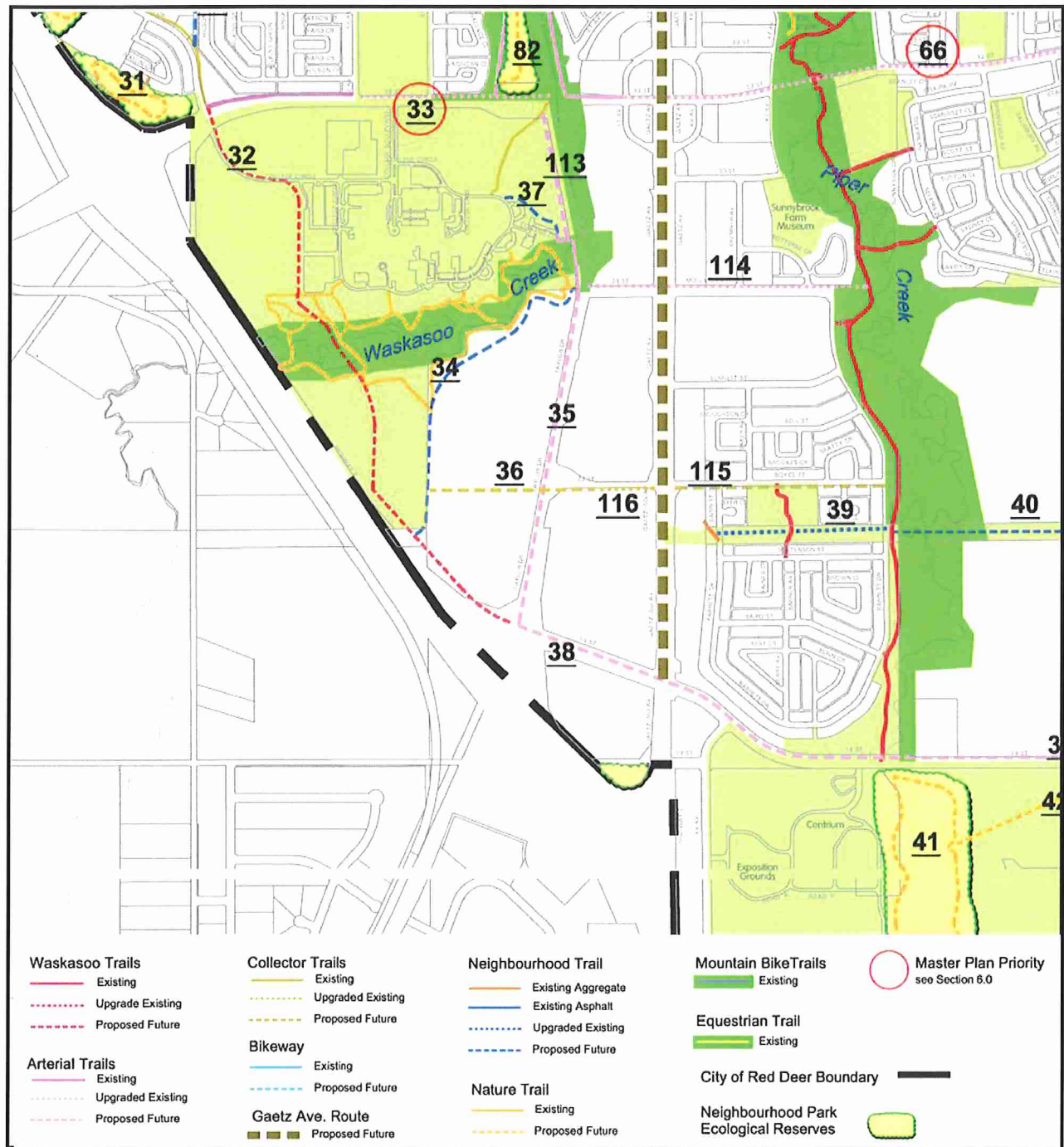
### 3.7 ENTRANCEWAY CORRIDOR GUIDELINES

A draft version of the Entranceway Corridor Guidelines was prepared for the City of Red Deer and Red Deer County in February 2009. Consideration will be given to the final version of this study for all areas within the proposed overlay district at the time of detailed design.

<sup>1</sup> Since this agreement was made, it has been determined by The City and the developer that there is no reserve owing on the Southpointe Junction portion of the lands (A Subdivision by Re-plotting, approved Nov. 20, 1969).

SEPTEMBER 2009

SOUTHPOINTE NASP

**FIGURE 3: RED DEER TRAIL MAP**

Source: Red Deer Trails Master Plan



## 4.0 SITE CHARACTERISTICS

An air photo and a topographic map of the NASP area are illustrated in **Figures 4** and **5** respectively.

### 4.1 LEGAL DESCRIPTION AND OWNERSHIP

The legal description and land ownership for the subject site are indicated below. The site is currently divided into five legal entities.

#### 1) Red Deer Junior College

- Title Number: 012 370 530
- All that portion of the NW ¼ Section 5, TWP 38, Range 27, W of 4 which lies east of the north easterly and south easterly limits of the road.
- Containing 34.2 hectares (84.43 acres) more or less (including lands outside the NASP area)
- Excepting thereout:
  - 0.174 hectares (0.43 acres) more or less for creek diversion
  - Plan 0125532 – Road (1.245 hectares / 3.08 acres more or less)

#### 2) The Red Deer College

- Title Number: 012 027 698
- A portion of the SE ¼ Section 7, TWP 38,



View looking south east from north side of subject site.

Range 27, W of 4 which lies south of Waskasoo Creek.

- Containing 3.05 hectares (7.53 acres) more or less

#### 3) AltaLink Management Ltd.

- Title Number: 022 202 207 +1
- A portion of the SW ¼ Section 5, TWP 38, Range 27, W of 4 : Plan 5003NY
- Excepting thereout:
  - Plan 8922991:
    - Road (0.221 hectares / 0.55 acres more or less)
    - Railway (0.220 hectares / 0.54 acres more or less)

#### 4) Her Majesty the Queen in Right of Alberta\*

- Title Number: 932 133 824
- Plan 9321221: Storm Detention Pond within NE ¼ Section, TWP 38, Range 27, W of 4
- Containing 1.375 hectares (3.40 acres) more or less

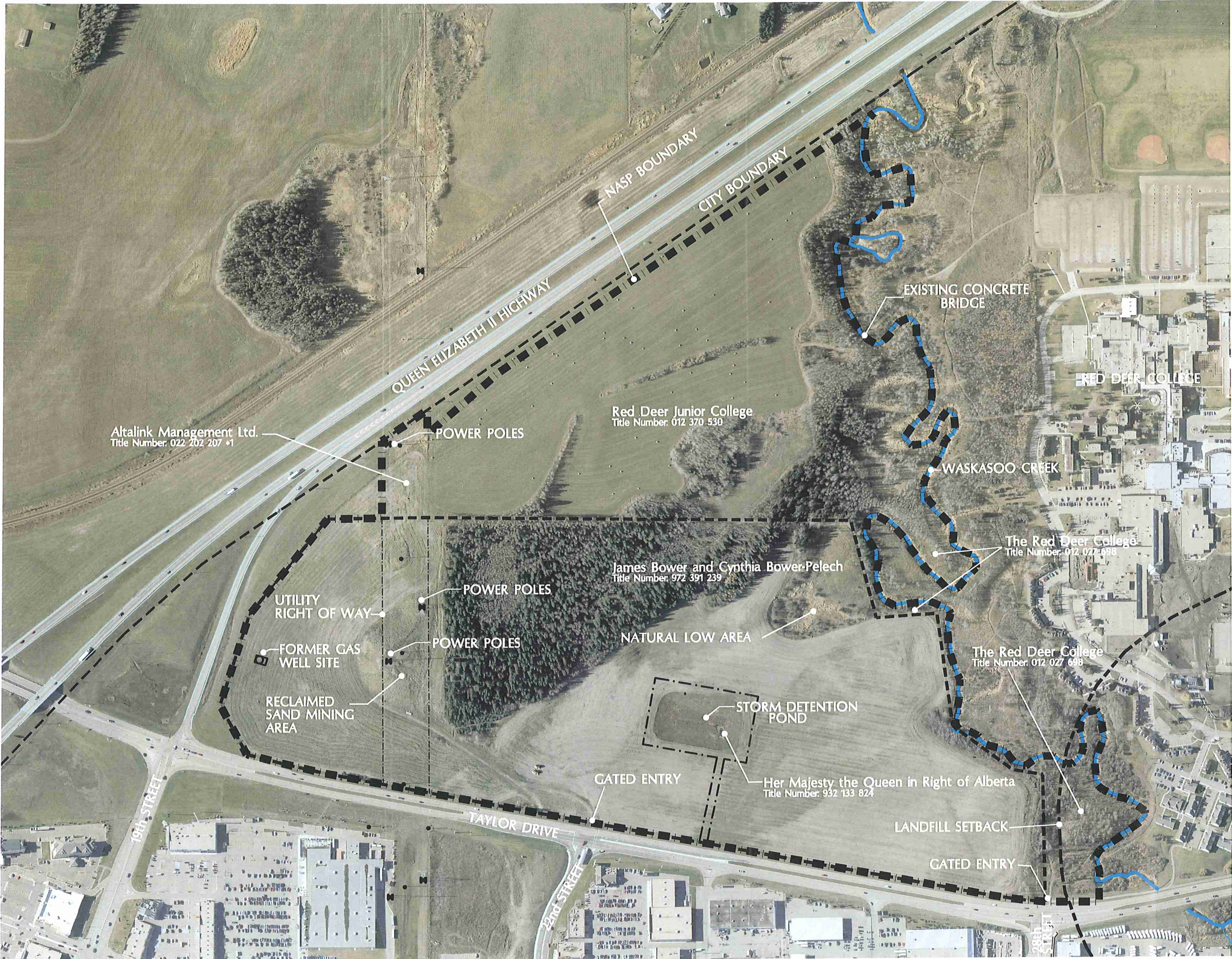
#### 5) James Bower and Cynthia Bower-Pelech

- Title Number: 972 391 239
- Plan 977RS, Block B, within E ½ Section 5, TWP 38, Range 27, W of 4
- Containing 42.4 hectares (104.67 acres) more or less
- Excepting thereout:
  - Plan 9222024: Road (3.894 hectares / 9.62 acres more or less)
  - Plan 9321221: Public Work (1.375 hectares / 3.40 acres more or less)

The legal parcels are shown on **Figure 4**.

**\*Note:** Agreement with Alberta Transportation at the time of Expropriation 3(d) "The Detention Pond may be relocated at the Owner's discretion in future at the Owner's expense in accordance with good engineering practice."

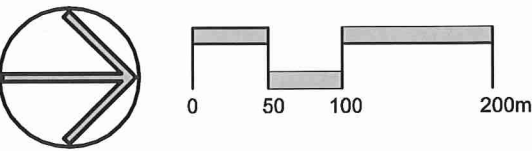




SOUTHPOINTE  
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FIGURE 4  
AIR PHOTO  
& LEGAL  
DESCRIPTIONS

DATE: September 2009

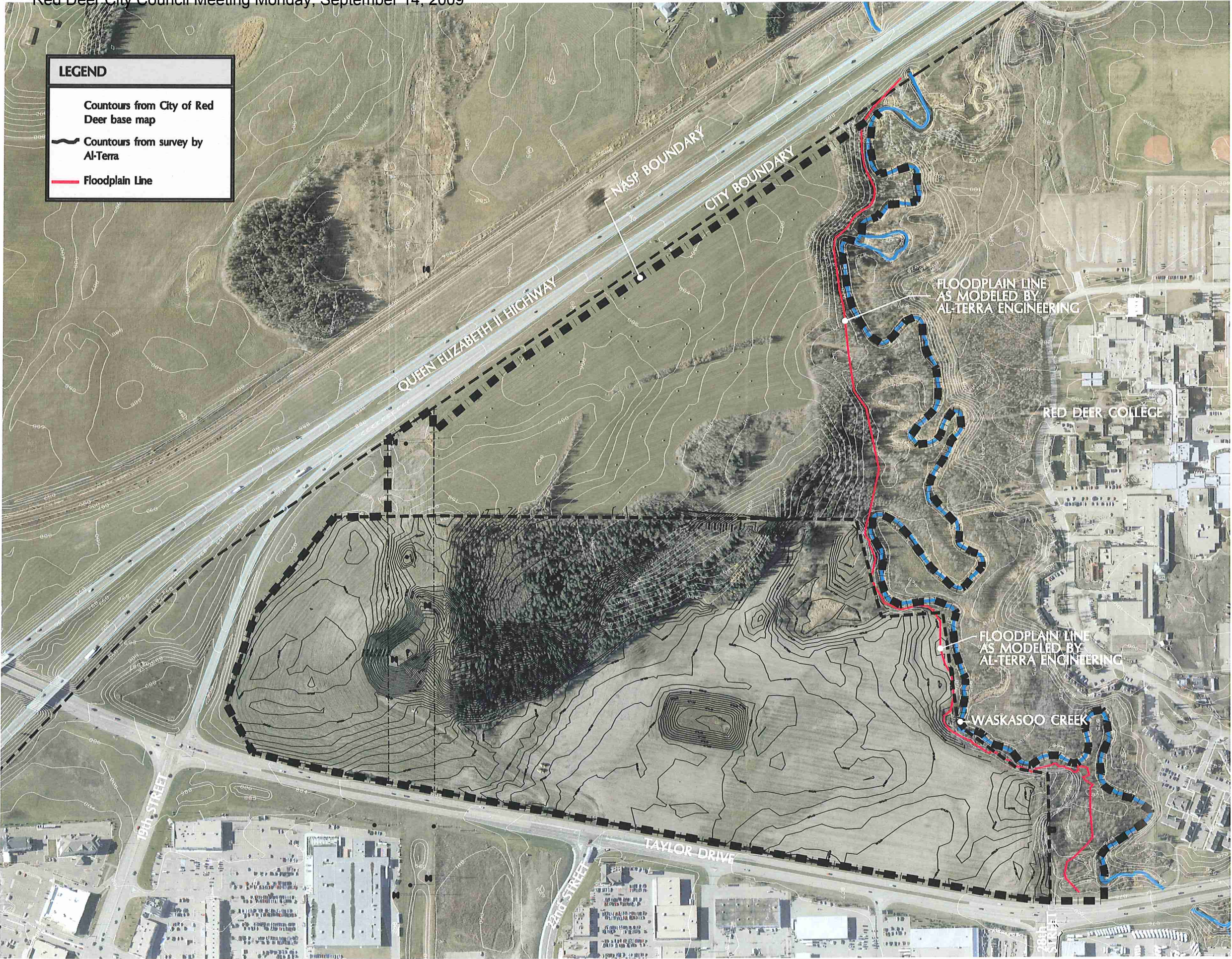


DRAWING BY: Group 2/Al-Terra

**Group2** architecture  
engineering **AL-TERRA**  
ENGINEERING LTD.

*InterPlan* strategies inc.  
Land Planning Services

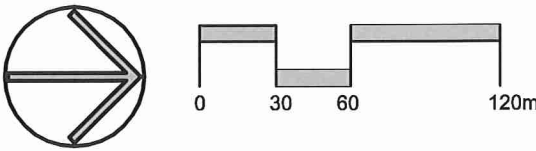




SOUTHPOINTE  
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FIGURE 5  
SITE  
TOPOGRAPHY

DATE: September 2009



DRAWING BY: Group 2/Alterra

**Group2** architecture  
engineering     **AL-TERRA**  
ENGINEERING LTD.

*InterPlan* strategies inc.  
Land Planning Services



SEPTEMBER 2009

SOUTHPOINTE NASP

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#### 4.2 PLAN AREA

The subject site contains approximately 157 acres (63.54 ha) more or less.

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#### 4.3 HISTORY OF SITE

Prior to settlement, the land was largely comprised of small treed hills and valleys and small meadows. The Bower family acquired the east parcel in the mid 1920's and proceeded to farm the meadows and run cattle in the wooded areas. Gradual clearing occurred in both the east and west parcels as the treed areas were used as wood lots. The sand mining operation was initiated with the construction of Highway 2 in the early 1960's and clearing occurred for the power line installation around the same time. In the later part of the 1960's the land to the west was purchased by Red Deer College from the original farmer, Lawrence Banting, and further clearing of that portion occurred to make way for more farm land.

During this period additional sand mining occurred on the east portion of the site, slightly north of where the existing storm pond is located. A then existing hill was used for fill, initially for developments to the east and later for the hospital site. The 1990's saw the construction of Taylor Drive and further sand extraction was used for the project. In the mid 1990's a joint project with Alberta Transportation and the City of Red Deer saw the purchase and development of the existing storm pond.

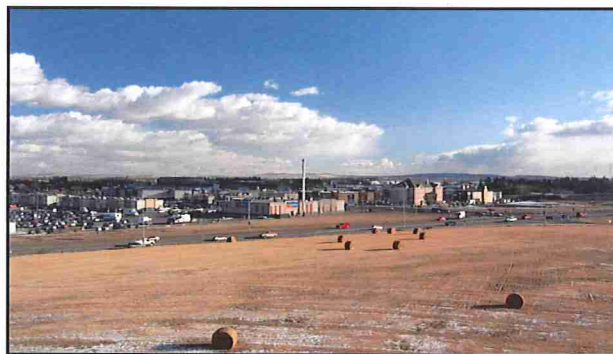
The sand mining operation was ended approximately six years ago. The remainder of the two portions of land have been farmed through their post settlement history with the exception of the wooded parcel.

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#### 4.4 CURRENT LAND USE CONTEXT

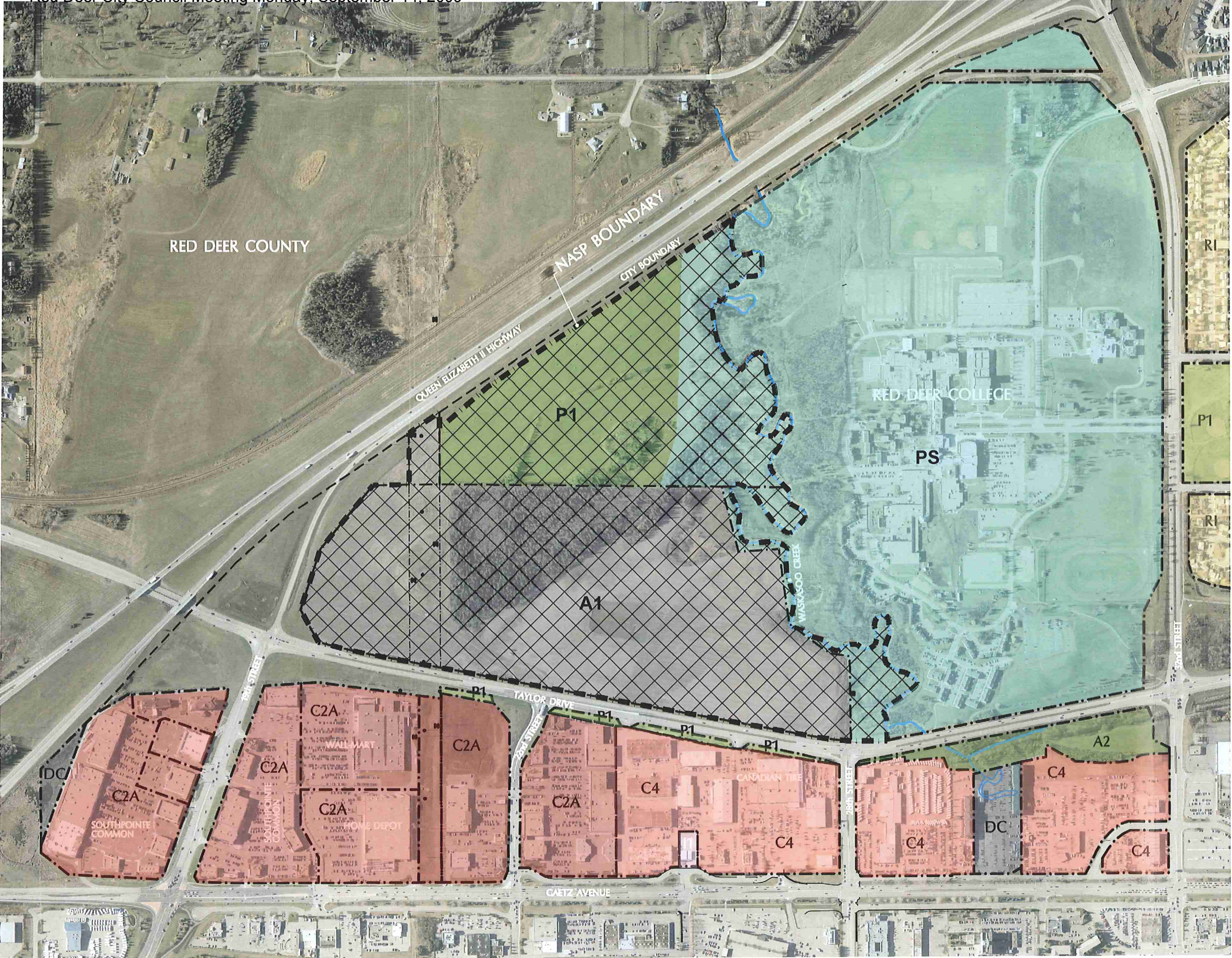
The lands to the north of Southpointe NASP are designated as PS Public Service (Institutional or Governmental) District and include the Waskasoo Creek Natural Area and the Red Deer College Lands (Figure 6). The lands immediately to the west are outside of The City of Red Deer boundary and are currently owned by Alberta Transportation for QE II Highway. Agricultural uses occur further to the west in Red Deer County. The lands to the east include a small strip along the east side of Taylor Drive that are designated P1 (Parks and Recreation) District and then a combination of C4 Commercial (Major Arterial) District to the north and C2A Commercial (Regional Shopping Centre) District to the south. The lands to the east are developed with the exception of a parcel at the south east corner of 22<sup>nd</sup> Street and Taylor Drive which is under construction. South of 22<sup>nd</sup> Street is Southpointe Common, a commercial area containing a range of commercial tenants including Wal-Mart as well as two hotels. North of 22<sup>nd</sup> Street are a combination of commercial uses such as Petland and Michael's, restaurants and several commercial buildings offering rear bays.

The lands within the subject site proposed for future development are currently designated as A1 (Future Urban Development) District to the east and P1 (Parks and Recreation) District to the west.



Southpointe Common

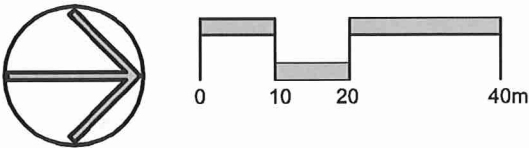




SOUTHPOINTE  
NASP

FIGURE 6  
LAND USE  
CONTEXT

DATE: September 2009



DRAWING BY: Group 2/Al-Terra

**Group2** architecture  
engineering  
**AL-TERRA** ENGINEERING LTD.  
EDMONTON RED DEER

*InterPlan* strategies inc.  
Land Planning Services



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#### 4.5 LAND FORM

The majority of the site has been used as farmland and is gently undulating. A heavily treed area runs north south through the centre of the NASP area linking to the Waskasoo Creek Natural Area. The south east end of this treed area is steeply sloped and at the south end the rise has been partially removed by sand mining operations. This can be seen in the aerial photo shown in **Figure 4** and the site topography map in **Figure 5**. There is an overall downward slope in the eastern portion of the site towards the existing storm detention pond located near the center of the open area to the east of the trees.

Two natural low areas also exist on the site, both at the north end of the treed Bower Natural Area and south of Waskasoo Creek.

**Figure 5** also shows the floodplain line south of the creek as modeled by Al-Terra Engineering.

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#### 4.6 ECOLOGICAL PROFILE

An ecological evaluation of the natural area that runs north south through the centre of the NASP area as well as a portion of the Waskasoo Creek Natural Area was initially carried out in November 2004 by Al-Terra Engineering Ltd. and The City of Red Deer, Recreation Parks and Culture Department. The Waskasoo Creek Natural Area and the Red Deer College portion of the NASP was evaluated again in November 2007 by Al-Terra Engineering Ltd., Red Deer College, and The City of Red Deer, Recreation Parks and Culture Department. Both of these evaluations have been included under separate cover with the NASP submittal.



Existing path in Bower Natural Area

The evaluations of the major natural features included an evaluation of the tree types and locations, established path systems, wetland areas, ridges, and established a boundary delineating the natural areas. This boundary helps in establishing the natural areas to be protected or maintained during development and is reflected in the Concept Plans.

The initial ecological evaluation helped to determine the outline of the portion of lands to be designated as the Bower Natural Area as well as the placement of proposed future wetlands.

The subsequent evaluation identified the need to accommodate a 2.5 metre pathway adjacent to the west side of the treed edge on the Red Deer College side of the NASP. It was determined the area to be preserved would extend 2.5 metres into the current crop area. Also two linear treed hedges were identified, one located near the middle of the College South Lands and the other closer to the south end of the College South Lands, and were determined and agreed to by attending

SEPTEMBER 2009

SOUTHPOINTE NASP

representatives of the City of Red Deer Parks Department to be "*preserved at the discretion of Red Deer College*"<sup>2</sup>

Further recommendations by the City included that plant material from these two hedges could be salvaged and used elsewhere should eventual development determine that they cannot be preserved. Red Deer College will also consider offering equitable green space in their eventual final plan to compensate for these hedge areas should they be removed.

#### 4.7 CURRENT ACCESS

There is an existing access road entering the south eastern portion of the site directly across from the intersection of Taylor Drive and 22<sup>nd</sup> Street. This entrance is gated and was used to access the sand mining area at the south end of the site. A second gated entrance is located across from 28<sup>th</sup> Street into the natural area. **Figure 4** shows these access points. Alternate access is through the network of pathways that traverse the site from the Waskasoo Creek Natural Area and an existing concrete bridge that crosses the Creek. The bridge is currently used for pedestrian traffic and agricultural equipment crossing to farm the south College lands.

#### 4.8 VEGETATION

In addition to the treed area discussed in **Section**

**4.6** the remainder of the subject site is largely cultivated farmland. The treed area is predominantly spruce and aspen forest with some pine and poplar. In addition to the manufactured storm retention pond on the east side of the site, there are two low areas between Waskasoo Creek and the majority of the treed area to the south which support the associated vegetation.



View of eastern side of subject site looking north.

#### 4.9 ENVIRONMENTAL SITE ASSESSMENT CONSIDERATIONS

A Phase I Environmental Site Assessment (ESA) for the subject site, a copy of which is submitted under separate cover, was performed by Parkland Geotechnical Consulting Ltd. in May 2006 for the eastern portion of the site including the area referred to as the Bower Natural area. The primary objectives of the Phase 1 ESA were to identify environmental issues associated with the subject property and to determine whether any identified issues required a detailed site investigation or other action.

The Assessment identified a number of potential issues which are shown on **Figure 4**:

"A former Canadian Fina Oil Ltd. Well was located on the subject property at LSD 07-05-38-27-W4. There was

2 Ecological Profile: Assembled in November 2007 by AL-Terra in conjunction with City of Red Deer, Recreation, Parks and Culture Department.



SEPTEMBER 2009

SOUTHPOINTE NASP

*no visual indication of contamination or environmental impacts from this site. The area was also mined so the potential for residual surface contamination from the reclaimed site is very low. If any indication of hydrocarbon contamination is detected during site grading and preparation, further investigation may be required to determine the nature and extent of the contaminants.*

*Two former City landfill sites are located north of the subject property at SE 8-38-27-4. The landfills are both down-gradient and over 300 m from the subject property. Therefore the potential for environmental impact on the property is negligible. The subject property meets the existing planning setback of 300 m from a closed landfill so there are no regulatory restrictions to property development.*

*The EUB reported a release of crude oil relating to activities from a former oil well on the adjacent quarter to the west of the subject property at LSD 14-05-38-27-W4. Due to the distance from the subject property and the cross gradient position of the well, this facility is not expected to pose significant adverse environmental impacts."*

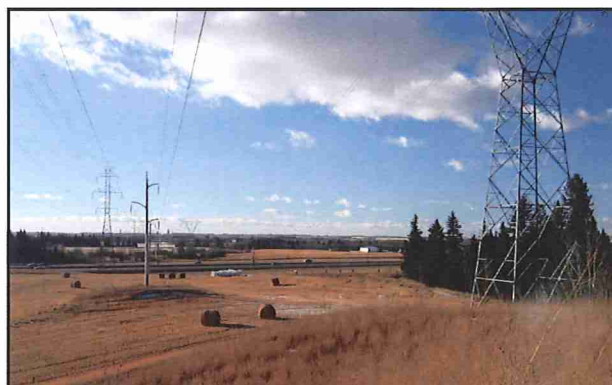
*In conclusion, the assessment stated that "...the subject property is considered to have a "low" rating in terms of environmental risk....No other additional site investigation is recommended at this time."*

In November 2007 Parkland Geotechnical Consulting Ltd. conducted a further Phase 1 Environmental Site Assessment on behalf of Red Deer College for the lands on the west side of the subject property. Based on the information gathered the report made the following conclusion:

*"In summary, no environmental issues were identified during this assessment. Parkland GEO considers the level of environmental risk associated with the subject property to be low. The level of information for this property is considered to be sufficient at this time for the assessment of the site. No further investigation is required at this time."*

#### 4.10 EXISTING STRUCTURES

There is an AltaLink power line running east west through the southern part of the site. As shown in **Figure 4**, AltaLink own the portion of the R.O.W. directly east of the QE II Highway, the remainder of the R.O.W. is under the ownership of the Bowers. Towers supporting this line are located at the southern end of the forested area in the existing Utility Easement. AltaLink has been consulted with and acknowledges that there are no particular issues at this stage. Specific development related issues will be reviewed with AltaLink at the time of detailed design stage.



View west under the AltaLink power line.

The concrete bridge described in **Section 4.6** is also located partly on the NASP site. In addition there is a constructed storm water pond located in the centre of the cultivated portion of the NASP area on the east side of the trees. These structures are shown on the aerial in **Figure 4**.

#### 4.11 GEOTECHNICAL CONSIDERATIONS

Parkland Geotechnical Consulting Ltd. completed a Geotechnical Investigation, submitted under separate cover, for the eastern portion of the



SEPTEMBER 2009

SOUTHPOINTE NASP

subject site in August 2006. The investigation generally concluded that *"The soil conditions at the site are considered to be suitable for the proposed development..."*. The evaluation goes on to list several geotechnical issues that may impact site development. The report provides geotechnical recommendations *"...with respect to design, development layout and installation of underground services, general foundation conditions, roadway subgrades and flexible pavement design for proposed roads."*

In conclusion the report states *"it is recommended that on-site inspection and testing be performed to verify that actual site conditions are consistent with assumed conditions which meet or exceed design criteria."*

An addendum to the Geotechnical Investigation was completed in April 2007 by Parkland Geotechnical Consulting Ltd. to review slope development issues. This investigation concluded that *"... slope issues will not be a significant obstacle to safe construction of residences and commercial developments on this property provided reasonable design and construction practices are followed."* The investigation provided some general recommendations in order to minimize potential disturbance to slopes in the

NASP area. This addendum is also included under separate cover.

The City of Red Deer has advised that the College lands will not require a specific Geotechnical Investigation until detailed servicing drawings are being prepared, therefore it is not a requirement of this NASP.

---

#### 4.12 SITE SERVICING

Sanitary and water servicing of the site will be accomplished by extending the existing city system into the development. Storm water servicing will be accomplished by discharging into the Waskasoo Creek.

A Development Agreement will be required for payment of off-site levies and other development charges as well as for construction of roadway and utility improvements.

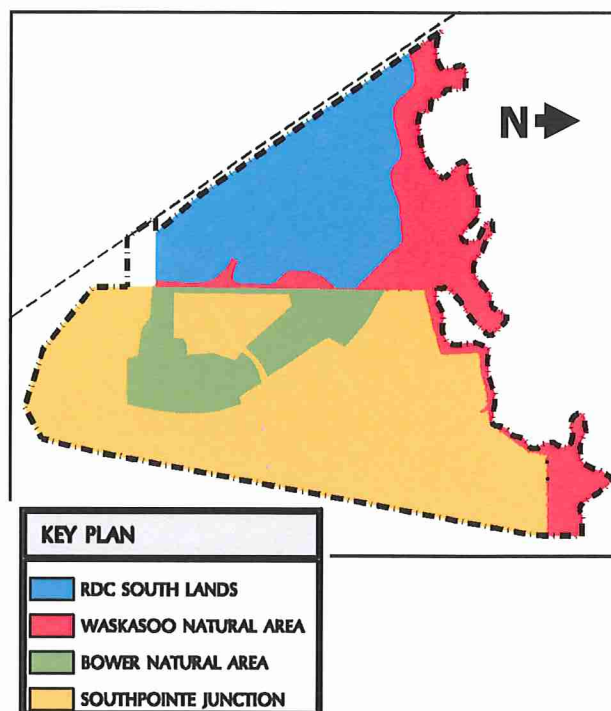


Existing Storm Detention Pond.

## 5.0 DEVELOPMENT CONCEPT

Based upon The City of Red Deer policies, market considerations and site characteristics, a Development Concept has been prepared for the entire  $\pm 157.00$  acre ( $\pm 63.54$  ha) site as illustrated in **Figure 7**. The Southpointe NASP incorporates four distinctive areas (see Key Plan):

- 1) The South Red Deer College Lands (west of the Bower Natural Area and south of Waskasoo Creek Natural Area);
- 2) The proposed Bower Natural Area located along the centre of the NASP area and oriented north south;
- 3) The Waskasoo Creek Natural Area south of the creek; and
- 4) The east and south portion of the lands referred to as Southpointe Junction (SP Junction).



Concept plans have been developed based on anticipated future use for both SP Junction and the South College Lands and include retaining and incorporating portions of the Bower and Waskasoo Natural Areas. A figure illustrating this conceptual layout is included in **Appendix A**.

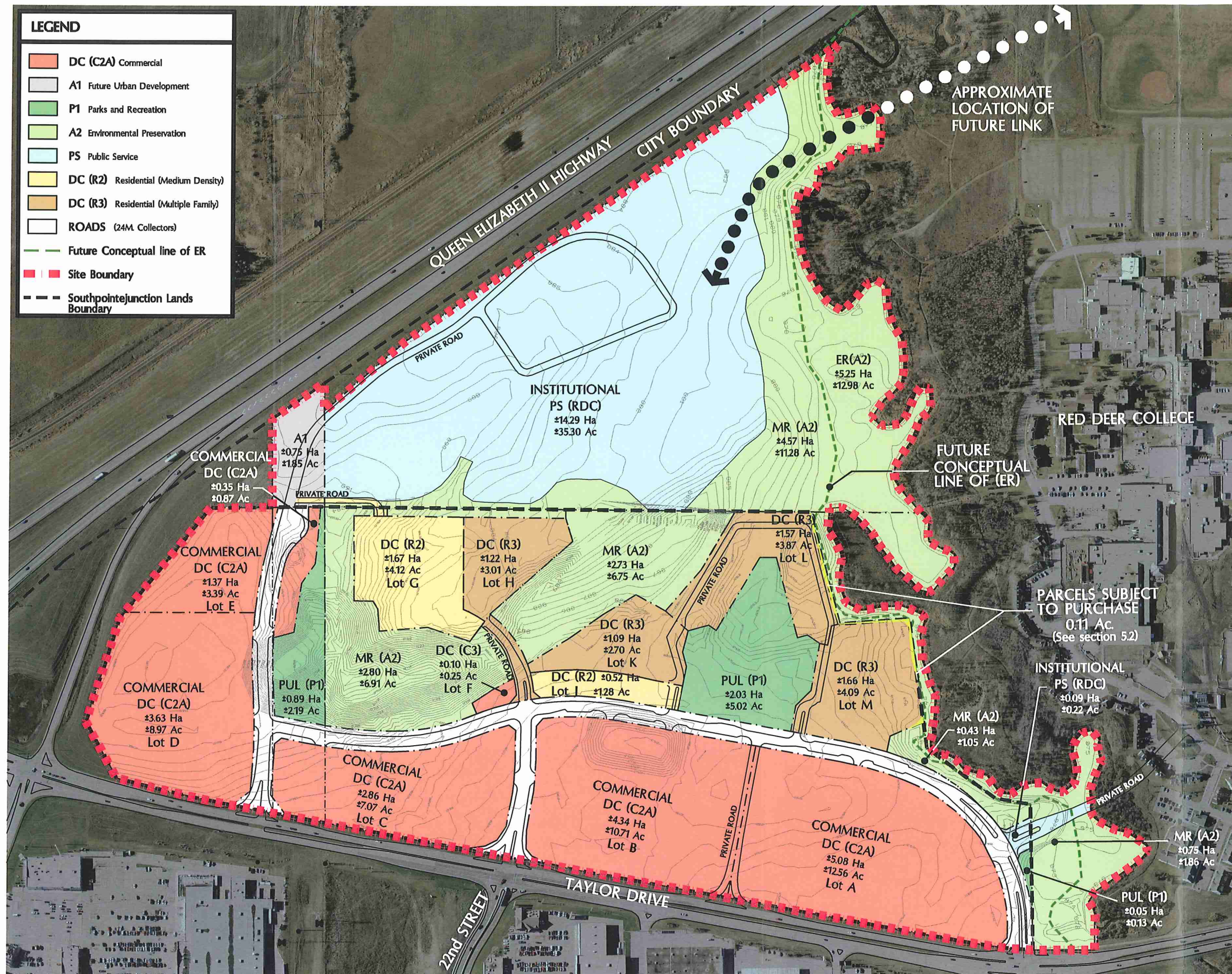
A more detailed description of the development concept will follow in **Sections 5.1** to **Section 5.6** and will discuss Land Use, Open Space, and more detail on the four areas described above.

### 5.1 LAND USE

The Southpointe Neighbourhood Area Structure Plan proposed land uses are shown in **Figure 7: Land Use Concept Plan**. The proposed development will see the land delineated into a combination of Land Uses.

The Red Deer College South Lands, including the Waskasoo Creek Natural Area currently under Red Deer College ownership, will, at the time of future subdivision, be comprised of a combination of PS (Public Service) District ( $\pm 35.28$  acres / 14.28 ha) and A2 (Environmental Preservation) District ( $\pm 24.89$  acres / 10.07 ha). Based upon the ecological survey of the lands in November 2007 (discussed in **Section 4.5**), a conceptual boundary of these designations has been established. South of Waskasoo Creek to the conceptual boundary will be designated as A2. The



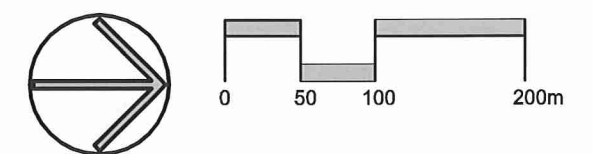


# SOUTHPOINTE NASP

# FIGURE 7 LAND USE CONCEPT PLAN

**NOTE: All private roads will have a Public Access Easment.**

**DATE: September 2009**



**DRAWING BY: Group 2 / Al-Terra**

**Group2**  
architecture  
engineering

**AL-TERRA**  
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remainder of the south College lands would be designated as PS to allow for future development with the exception of several pockets of natural area along the eastern edge of the College South lands and connected to the Bower Natural Area.

Based on the ecological profile described in **Section 4.6**, a line delineating the conceptual future division of ER (Environmental Reserve) and MR (Municipal Reserve) is shown on **Figure 7**. This line is subject to change at the time of Subdivision of the College Lands. As will be explained in more detail in **Section 5.5**, Red Deer College is in the early stages of visioning and planning the south lands.

Retained areas of the Bower Natural area will be designated a combination of P1 and A2 as determined by The City, as will a portion of natural area south of Waskasoo Creek within the SP Junction lands.

The land to the east, which encompasses SP Junction, would be designated a mixture of commercial, residential and P1 districts. All commercial and residential parcels are to be designated DC Districts. The purpose of DC Districts *"...is to provide for innovative developments, which in the opinion of Council, require specific regulations unavailable in other land use districts."* The commercial parcels will be based primarily on the C2A (Commercial (Regional Shopping Centre) District *"...to facilitate the development of a regional trade centre, which also include services, offices and dwelling units as secondary functions..."*.

The SP Junction proposal includes six parcels under two residential direct control districts based on R2 (Residential (Medium Density) District and R3 (Residential (Multiple Family) District. The DC (R3) component comprises approximately  $\pm 13.68$  acres ( $\pm 5.53$  ha) and is intended to accommodate medium and high density residential development

in Lots H, K, L and M. The DC(R2) District comprises  $\pm 5.41$  acres ( $\pm 2.19$  ha) in Lot G and Lot J. The DC designation is intended to facilitate the opportunity to create an urban context for the proposed neighbourhood by accommodating a denser, pedestrian-oriented, mixed-use environment. The general guidelines of the Residential DC Districts are described in more detail in **Section 5.6.1**. The location of these residential parcels is shown in **Figure 7**.

The commercial portion of the proposal (including Lot F) comprising  $\pm 43.84$  acre ( $\pm 17.74$  ha) is proposed as DC (Direct Control). The DC designation is necessary to facilitate more concentrated office space in the NASP area. The SP Junction commercial component allows for a maximum of  $636,603 \text{ ft}^2$  ( $\pm 59,142 \text{ m}^2$ ) of floor area (based on  $17.74$  ha of commercial area). According to the C2A district Bylaw, a maximum 10% of the gross leasable area can be office which totals approximately  $63,660 \text{ ft}^2$  ( $\pm 5,914 \text{ m}^2$ ). The entire commercial area is comprised of five lots, the intention is that through the DC designation, the office space from these five lots could be concentrated in one or two of these lots.

In addition, a DC designation would provide an opportunity to vary setback depths of commercial buildings along the "main street" collector road. Setback depths will be determined with the DC guidelines at detailed design stage. The general guidelines for the Commercial DC parcels is included in **Section 5.6.2**.

Lot F of the SP Junction portion of the concept is proposed as DC(C3) to provide a opportunity for a District Energy Facility ( $\pm 0.25$  acres ( $\pm 0.10$  ha). At this time, the Developer is assessing the feasibility of this proposed use. However it is the intent of the Developer to conduct more detailed discussions with the City, as well as the relevant

SEPTEMBER 2009

SOUTHPOINTE NASP

provincial authorities and regulatory bodies, should they decide to proceed with this concept. A more detailed explanation of the District Energy Facility is included in **Section 5.6.5**.

Should the need for this use not materialize, the intent is for Lot F to revert to PS District land use. If the Facility goes through as intended, provision of a social care site in the SP Junction development is envisioned as a leasing opportunity

within one of the commercial buildings being proposed, and would be held for a minimum of six months, after which, if there is no interest, the property would revert to commercial uses.

All proposed districts will be designed to otherwise adhere, where applicable, to Part 3: General Regulations Applicable to All Districts in the Land Use Bylaw. The proposed Land Use Allocation for the neighbourhood is summarized in **Table 1**.

TABLE 1 :

## LAND USE ALLOCATION FOR SOUTHPOINTE NEIGHBOURHOOD \*

	±Area (ha)	% of Gross Plan Area
<b>Gross Plan Area*</b>		
Southpointe NASP Boundary	63.54	100
Gross Plan Area less		
Red Deer College Lands (PS)	14.28	22.5
Red Deer College Lands (P1)	10.07	15.8
AltaLink (A1)	0.75	1.2
<b>Net Developable Area for Southpointe (SP) Junction</b>	<b>38.44</b>	<b>60.5</b>
Residential Uses		
Multi Family Dwelling Units DC(R2)	2.19	3.4
Multi Family Dwelling Units DC(R3)	5.53	8.7
Open Space		
Municipal Reserve (Lands Subject to Purchase)	5.96	9.4
Possible Future Environmental Reserve (Lands Subject to Purchase)	0.04	0.06
Public Utility Lot	2.97	4.7
Transportation		
Collector Roadways	3.92	6.2
Commercial		
Commercial Regional District DC(C2A/C3)	17.74	27.9
Other Uses		
Institutional (RDC)	0.09	0.14

\*Note: Gross plan area is the entire Southpointe Neighbourhood

SEPTEMBER 2009

SOUTHPOINTE NASP

The proposed land uses for the Neighbourhood Area Structure Plan boundary are summarized in

**Table 2.** The proposed land uses for SP Junction are summarized in **Table 3.**

TABLE 2 :

## LAND USE STATISTICS FOR SOUTHPOINTE

Land Use	Acres±	Hectares±	Percent
PS (Public Service)	35.50	14.37	22.6
P1 (Parks and Recreation)	7.46	3.02	4.8
A2 (Environmental Preservation)	39.58	16.02	25.2
A1 (Future Urban Development)	1.85	0.75	1.2
DC (R3)(Residential (Multiple Family))	13.68	5.53	8.7
DC (R2)(Residential (Medium Density))	5.41	2.19	3.4
DC (C2A/C3)(Commercial)	43.84	17.74	27.9
Roads <sup>1</sup>	9.68	3.92	6.2
<b>Total</b>	<b>157.00</b>	<b>63.54</b>	<b>100</b>

<sup>1</sup>Roads include: All public roads as shown on Figure 7

TABLE 3

## LAND USE STATISTICS FOR SOUTHPOINTE JUNCTION

Land Use	Acres±	Hectares±	Percent
P1 (Parks and Recreation) <sup>1</sup>	7.46	3.02	7.8
A2 (Environmental Preservation) <sup>2</sup>	14.71	5.95	15.5
DC (R3) (Residential (Multiple Family))	13.68	5.53	14.4
DC (R2) (Residential (Medium Density))	5.41	2.19	5.7
DC (C2A/C3) Commercial	43.84	17.74	46.2
Roads <sup>3</sup>	9.68	3.92	10.2
PS (Public Service)	0.22	0.09	0.2
<b>Total</b>	<b>95.00</b>	<b>38.44</b>	<b>100</b>

<sup>1</sup>P1 includes the land subject to purchase within PUL lots.

<sup>2</sup>A2 includes the land subject to purchase.

<sup>3</sup>Roads include: All public roads as shown on Figure 7.

SEPTEMBER 2009

SOUTHPOINTE NASP

The proposed land uses for the Direct Control (DC) component of SP Junction are summarized in **Table 4**. Conceptual plans for the commercial areas shown as DC are based primarily on the bylaws for a C2A (Commercial Regional (Shopping Centre)) Land Use District.

The anticipated population for Southpointe Junction is outlined in **Table 5**.

**TABLE 4**  
**DIRECT CONTROL (C2A/C3) COMPONENT OF SOUTHPOINTE JUNCTION**

<b>Total DC Area (±acres/ha)</b>	<b>% of Site Area (Max) area</b>	<b>Max. Allowable Floor Area (m<sup>2</sup> / ft<sup>2</sup>) based on 33% of total</b>	<b>Max. % of DC Floor Area for Office</b>	<b>Max. anticipated Office Space (m<sup>2</sup> / ft<sup>2</sup>)</b>
43.84/ 17.74	33%	59142 / 636,620	10%	5914 / 63,662

**TABLE 5**  
**ANTICIPATED POPULATION OF SOUTHPOINTE JUNCTION**

<b>Lot</b>	<b>Proposed Land Use</b>	<b>Maximum # of Units</b>	<b>Persons per Unit</b>	<b>Anticipated Population</b>	<b>Area (ha)</b>	<b>Density Per Net Residential ha</b>
<b>Lot G</b>	DC R2 (D52)*	86	3.2	275	1.67	52 units/ha
<b>Lot H</b>	DC R3 (D99)	120	2.2	264	1.22	99 units/ha
<b>Lot J</b>	DC R2 (D58)	30	3.2	96	0.52	58 units/ha
<b>Lot K</b>	DC R3 (D107)	116	2.2	255	1.09	107 units/ha
<b>Lot L</b>	DC R3 (D115)	180	2.2	396	1.57	115 units/ha
<b>Lot M</b>	DC R3 (D102)	168	2.2	369	1.66	102 units/ha
<b>Total</b>		<b>700</b>		<b>1655</b>	<b>7.73</b>	<b>91 units/ha</b>

\* D x area = the maximum number of units

## 5.2 OPEN SPACE AND MUNICIPAL RESERVE

**Figure 8** shows the distribution of open space envisioned for the NASP area and includes the natural areas, public open space, and public utility lots. The natural areas, as shown, are comprised of two distinct but connected areas: the Waskasoo Creek Natural Area along Waskasoo Creek and the College South Lands, and; the proposed Bower Natural Area. **Figure 8a** shows the natural areas to be disturbed or removed. FireSmart and grading plans at detailed design stage will further refine the boundaries of these areas.

Pursuant to Section 666 of the Municipal Government Act, The City of Red Deer, as the Approving Authority, may require the owner of a parcel of land that is the subject of a proposed subdivision to provide up to ten (10) percent of the parcel as:

1. *land for municipal reserve, school reserve or municipal and school reserve,*
2. *money in place of municipal reserve, school reserve or municipal and school reserve, or*
3. *a combination of land or money.*

The area of the NASP identified as the lands owned by the Bowers and Her Majesty the Queen in Right of Alberta (**Section 4.1**) comprises a total area of  $\pm 95.0$  acres ( $\pm 38.4$  ha). The 10% of MR from this portion has been previously dedicated through a prior agreement between The City and the landowner (A Subdivision by Re-plotting, approved Nov. 20, 1969).

At the time of future subdivision, the Red Deer College south lands (including parcels north of the Waskasoo Creek NASP boundary) will have to accommodate 13.21 acres (5.35 ha) of MR as per the above mentioned 1969 agreement, in addition to the standard 10% required. A letter stating

agreement to these terms from the College to the City has been included in **Appendix B**. Refer to **Figure 8** for a clarification of the lands that will be included when the owed MR is dedicated.

The City has identified that a significant portion of the treed natural area, referred to as the Bower Natural Area (see **Figure 8**) be preserved. The developer, Qualico, and the land owner, the Bower Family, have entered into negotiations with The City of Red Deer regarding the preservation, through municipal purchase, of this portion of the Southpointe NASP. This land, though privately owned, has long been utilized by both the College and the public and contains a network of trails and is considered by The City to be a valuable part of the regional open space system in and around Red Deer.

Therefore, at The City of Red Deer Council meeting on August 13<sup>th</sup>, 2007 the following motion was introduced and passed:

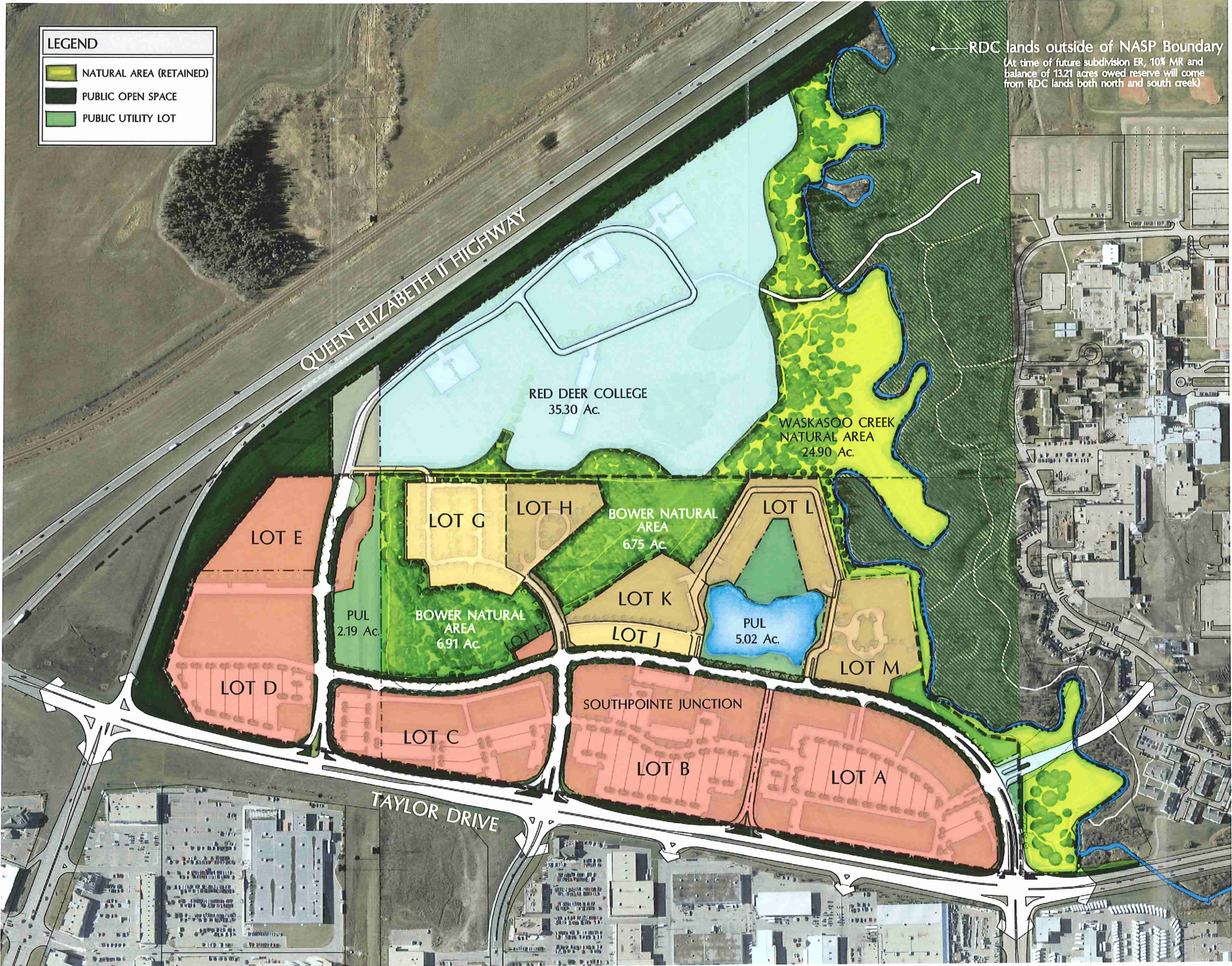
*"Resolved that Council of the City of Red Deer having considered the report from the Recreation, Parks & Culture Manager, dated August 7, 2007, re: Southpointe Junction Concept Development, Bower Natural Area Preservation, hereby agrees in principal to the amount of area and location of the open space and natural area design and directs Administration to develop an agreement with the developer and land owner to:*

1. *Purchase +/- 12.26 acres of treed escarpment,*
2. *Purchase the additional noted 2.76 acres of open space for \$1.00,*
3. *Direct the additional 1.95 acres of owned municipal reserve to be applied to the natural treed area and Waskasoo Creek for the purpose of preserving additional amounts of natural environment and current natural trail connections."*<sup>1</sup>

The Bower Natural Area shown as MR/A2 (see

<sup>1</sup> As already discussed, since this agreement was made, it has been determined by The City and the developer that there is no reserve owing on the Southpointe Junction portion of the lands (A Subdivision by Re-plotting, approved Nov. 20, 1969).

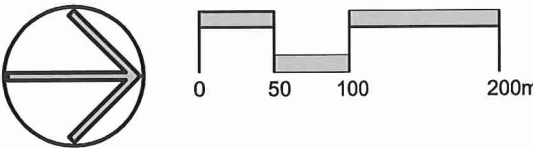




# SOUTHPOINTE NASP

FIGURE 8  
OPEN SPACE  
CONCEPT

DATE: September 2009



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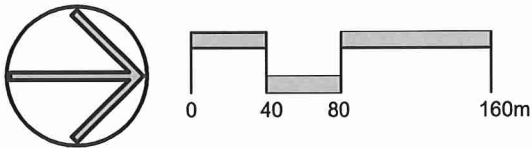


SOUTHPOINTE  
NASP

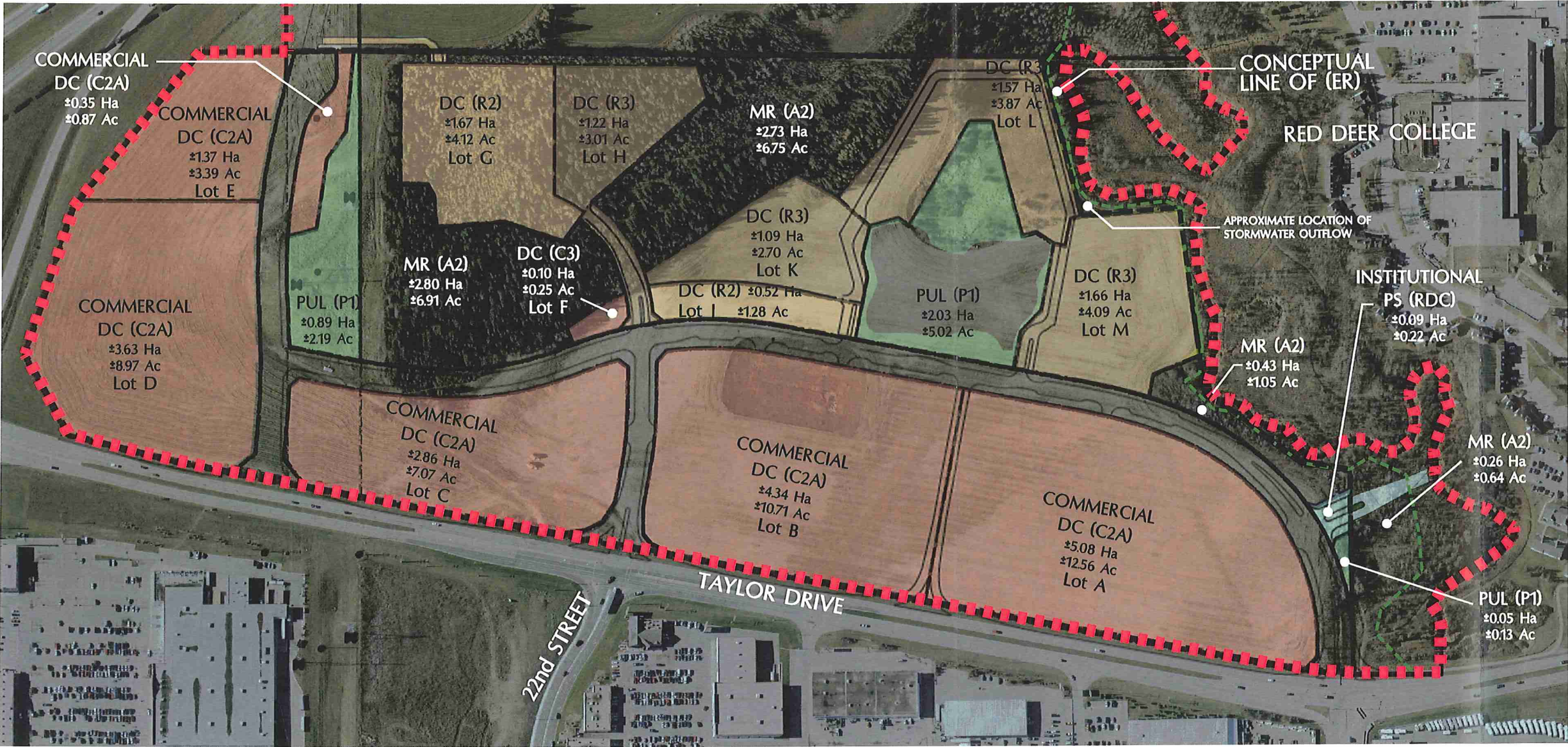
FIGURE 8A  
NATURAL  
AREAS TO BE  
DISTURBED OR  
REMOVED  
( SP JUNCTION )

NOTE: Conceptual plan only. To be  
finalized at detailed design phase.

DATE: September 2009



DRAWING BY: Group 2 / Al-Terra



Group2 architecture engineering

AL-TERRA ENGINEERING LTD.

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SEPTEMBER 2009

SOUTHPOINTE NASP

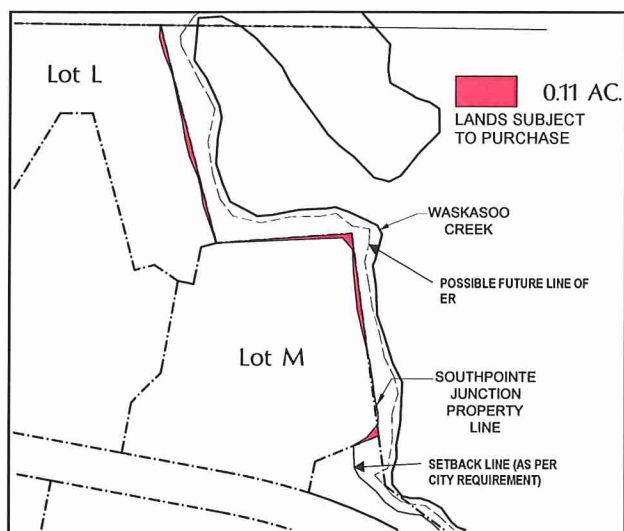
**Figure 7)** totals  $\pm 16.94$  acres ( $\pm 6.85$  ha). This area will be purchased by The City based on Council resolution on August 13, 2007 and is comprised of:

- $\pm 13.66$  acres (5.53 ha) in the Bower Natural Area\*
- $\pm 2.19$  acres (0.89 ha) of open space in the utility ROW south of the woods\*\*, and;
- $\pm 1.05$  acres (0.43 ha) south of Waskasoo Creek.\*\*

\*Note: Due to concept refinement, this area is greater than the  $\pm 12.26$  acres discussed at Council in August 2007.

\*\*Note: These portions will be sold by the developer to The City for \$1.00, the value in excess will be recognized as a tax deductible donation.

In May 2008 a further agreement was made for the purchase (under the same conditions as the Bower Woods Agreement - see \* above) of three additional parcels of land located at the north end of SP Junction and totaling  $\pm 0.11$  acres ( $\pm 0.04$  ha) (see detail below). These will be used by The City to facilitate efforts to maintain the path system on the south side of the creek.



Detail of north property line.

The Waskasoo Creek Natural Area, with the exception of the small strips of land shown above and the  $\pm 1.05$  acre parcel east of Lot M, is under the control and ownership of the College.

The Red Deer College Master Plan lists a number of principles for the Waskasoo Creek Natural Area that will guide its future maintenance and preservation:

- "Preservation of the central core of the natural area should be an overriding goal.
- Facilitate greater management and monitoring.
- Integration of natural and developed areas.
- Maintain current uses of the natural area (education, recreation, habitat, wildlife corridor).
- Acknowledge need to link the areas north and south of the creek, but in the least obtrusive way.
- Minimize impact on natural area through proper management of storm water, utilities, roads and pathways.
- Facilitate access for the General Public."

As discussed above and illustrated in **Figures 7 and 8**, a portion of the natural lands south of the creek are being retained as the Waskasoo Creek Natural Area.

All pathway connections to both the Waskasoo Creek and Bower Natural Areas from the proposed development will be maintained or realigned as discussed in **Section 5.2.1 Pedestrian Trails and Linkages**.

The open space, shown in **Figure 8**, includes the constructed wetland and the public spaces to the north, south, west and east of it. In addition there will be a naturalized open space beneath the existing power lines in the utility ROW. These are shown as Public Utility Lots (PUL). Also part of the public open space realm is the streetscape along the collector roads.

The private open space will be identified at the detailed design stage and will include significant green space in SP Junction on both residential and commercial sites and will contribute to the visual appeal of the development. Both soft and hard landscaping is envisioned for these areas in order to enhance pedestrian use and overall aesthetics.

The private open space in the Red Deer College lands will eventually be developed to reflect their guiding principles as outlined in the Red Deer College Master Plan;

*"Landscape designs will express a park-like setting that unifies the campus while stimulating social interactions among community members, offering comfort and security and reflecting the college's environmental consciousness."*

It should be noted that not all existing vegetation can be preserved but effort will be made to retain existing trees where possible and have them incorporated as a development feature.

### 5.2.1 PEDESTRIAN TRAILS AND LINKAGES

The proposed trail system and linkages in the NASP area are illustrated in **Figure 9** and follow the recommendations of the Red Deer Trails Master Plan.

As illustrated in **Figure 9**, there will be a hierarchy of trails in both the natural and urban areas which will connect both the existing retained trails, proposed trails, and the elements of the plan. One pedestrian gathering place has been identified on the SJ Junction side of the NASP at the plaza on the constructed wetland. Barrier free pedestrian links can be accommodated in developed urban areas wherever considered necessary at the detailed design stage.

Development along the north south collector road in SP Junction is intended to create an inviting pedestrian environment and as such, poses some design challenges. There are considerable distances between public road intersections and driveway locations have yet to be finalized. Due to the distances between intersections, the need may occur to provide mid-block crossings to facilitate pedestrian movements. Should a mid-block crossing be appropriate, design elements will be included at the detailed design stage to ensure pedestrian safety and vehicle flow (ie. marked and signed crossings, bump outs, pavement texture/colour change).

The legend on **Figure 9** more fully explains the proposed trail/sidewalk sizes and materials. Existing trails that fall within the Bower and Waskasoo Creek Natural Areas will be retained, and may over time be rehabilitated or upgraded by The City. Due to the density of the vegetation within the Natural Areas, the existing trails could not be located using GPS. All trail locations within vegetated areas are estimated only and final realignment, where required, will have to be undertaken in the field during detailed design and/or construction by The City.

An above grade pedestrian crossing will be provided where the Bower Natural Area trails cross the private residential connector road into lots G and H (see **Figure 9**). This crossing will help maintain the continuity of the path system in this area. The actual bridge design and location will be determined at a future stage of development however, some description of what is intended follows.

The pedestrian bridge will be developed to carry walkers, joggers, and cross country skiers and the occasional quad used by the park staff. As per discussions with Parks staff, the bridge will not be

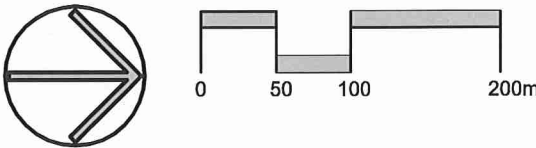




SOUTHPOINTE  
NASP

FIGURE 9  
PROPOSED  
TRAIL SYSTEM

DATE: September 2009



DRAWING BY: AECOM

AECOM Group2  
architecture  
engineering

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required to support a maintenance vehicle such as a truck nor does it need to be totally enclosed. The bridge may be of weathered steel with the top rail and decking clad in wood. The weathered steel will provide a more natural feel to the structure and allow it to blend into the site. A photo of a similar bridge design is included below. In order to retain the site as natural as possible the trail grades and alignments leading up to the bridge will be field fit to provide ready access to the bridge.



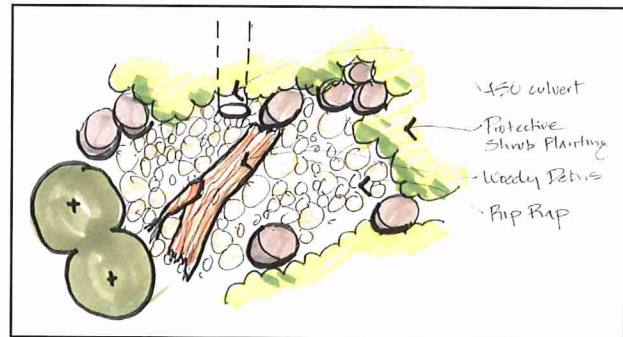
Example of pedestrian bridge design

Funding for the pedestrian bridge will be provided by the developer, however, should any City funds remain in the recreation amenity fund planned for this development, the City has agreed that these could be directed to offset the bridge cost.

Trails in the Waskasoo Creek Natural Area north of the creek are outside the NASP area but their connections with the south side are relevant to the NASP trails and linkages. The Red Deer Trails Master Plan, Section 4.3.1 (pg 55) deals specifically with the standards desired for the Waskasoo Trails.

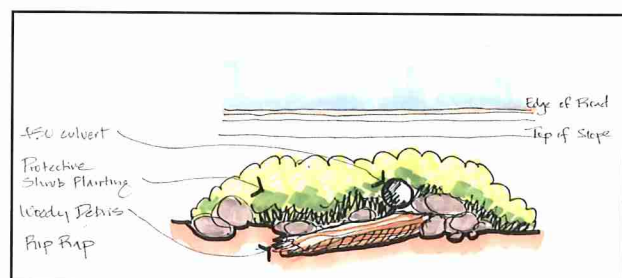
### 5.2.2 ANIMAL CONNECTIONS

Animal crossings were also considered in the preparation of the NASP open space and trails system. The intent is to provide connections for large and small animals now found on, or moving through, the site. This is particularly relevant where the private access road to residential Lots G and H crosses the Bower Natural Area and where the north south road linking the north Red Deer College lands and SP Junction crosses Waskasoo Creek. A more detailed description of these roadway designs is included in **Section 6.1.**



Conceptual wildlife crossing plan.

Efforts will be made to minimize road widths in the Bower Natural Area, while the possibility of an enlarged culvert accommodating Waskasoo Creek and serving as a wildlife/pedestrian crossing where the proposed easterly road link is located will be explored at the detailed engineering and design stage. The Red Deer College Master Plan does indicate that the crossing at this location will be at grade.



Conceptual wildlife crossing section.

### 5.2.3 RECREATION OPPORTUNITIES

There will be a diverse range of recreational amenities available in the NASP area. The existing trail system in the Bower and Waskasoo Creek natural areas provide an opportunity for both passive and active recreation with walking, running, cycling and cross-country skiing as potential activities.

The strong link between the community and Red Deer College will also offer additional opportunities in several different ways. The College offers non-credit courses for the public in a variety of areas, including culture and fitness. The varied fitness facilities on campus are available for rent or for use through a community membership and include racquet courts, playing fields, weight training facilities and gymnasiums. Future plans for the South Campus may include additional facilities. Child care facilities, arts and culture events and a public library are also offered at the College.

### 5.3 WASKASOO CREEK NATURAL AREA

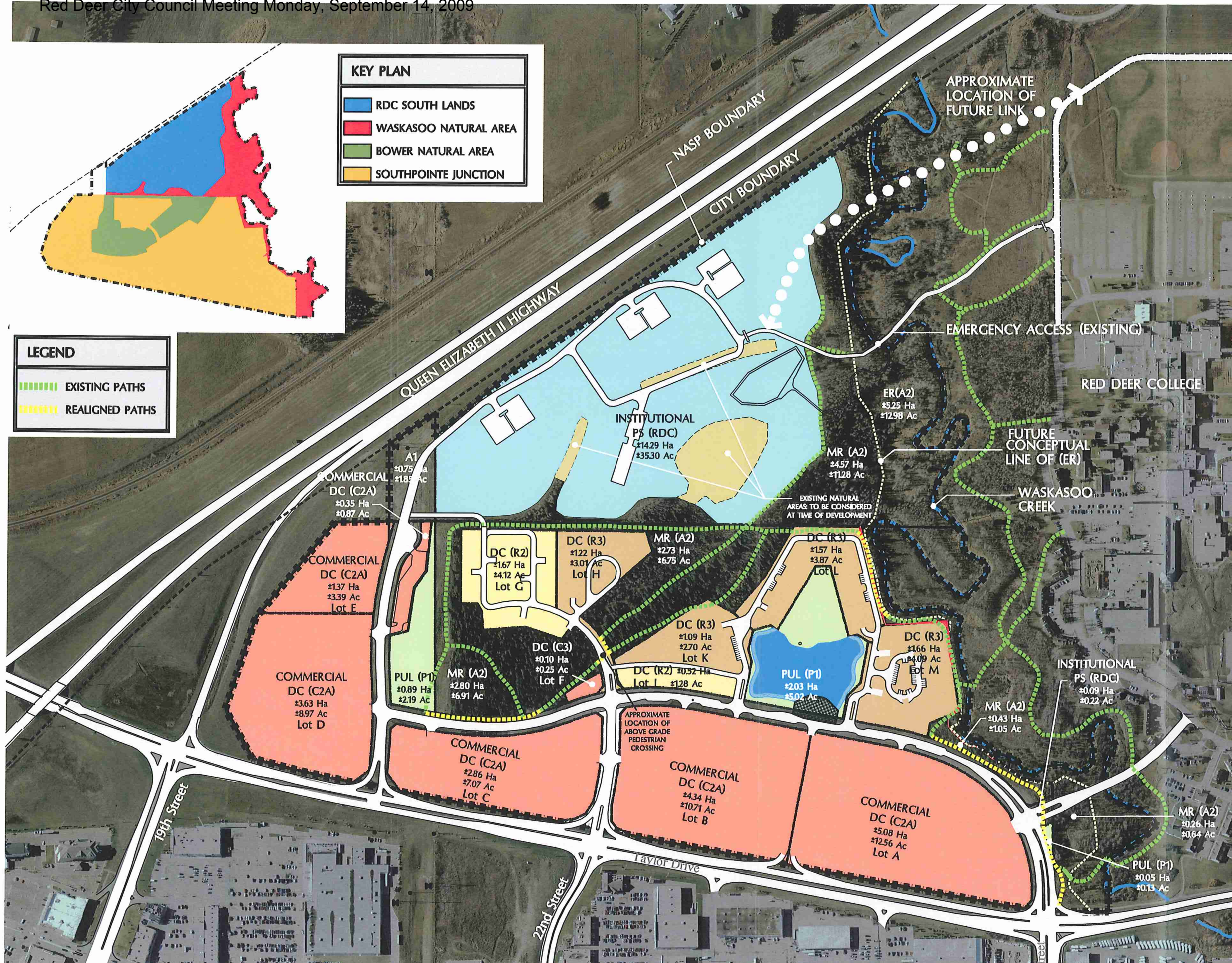
The area described as the Waskasoo Creek Natural Area is shown in the Key Plan on **Figure 10**. Only the area south of Waskasoo Creek is included in the NASP, however the natural area should be considered in the overall context of the entire Waskasoo Creek open space system. The Waskasoo Creek Natural Area, in combination with the proposed Bower Natural Area, has been functioning as a significant open space within The City of Red Deer. A large portion of the Waskasoo Creek Natural Area between the QE II and Taylor Drive is owned and maintained by the Red Deer College (grounds staff and volunteers).

The vision for this portion of the NASP is to maintain and protect the natural aspects of this area. It has been recognized by the College and The City that pedestrian and vehicular links across this natural area are, and will be, necessary as development of both the College and SP Junction lands proceeds. In order to mitigate the possible negative impact these crossings may have on the creek and surrounding area, the intent is to introduce pedestrian and vehicular crossings as close to the east and west fringes as possible.

Both The City and the College have identified the need for a transportation corridor linking the campus core and the proposed development to the south east. As seen in **Figure 10**, a proposed access road is shown across the creek just west of the intersection of Taylor Drive and 28<sup>th</sup> Street. In addition, it is recommended that an emergency access road and creek crossing would be incorporated farther west where an existing concrete service bridge is located. This bridge is currently used for pedestrian access across the creek as well as farm equipment, from the north, to service the agricultural land currently leased by Red Deer College to a local area farmer. As the Red Deer College South Lands become developed, it is anticipated that future studies will indicate the need for another vehicular north south link at the west boundary of the creek. Should this become a necessity, it is proposed that the approximate location of the future road link occur next to the QE II Highway right-of-way, thereby reducing its impact on the natural area.

The NASP recognizes the importance of the Waskasoo Creek Natural Area and addresses maintaining the system of pedestrian and bike pathways in and through the area as well as introducing new links to both the existing College Campus and the proposed future development to

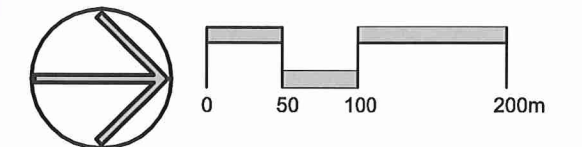




# SOUTHPOINTE NASP

FIGURE 10  
SOUTHPOINTE  
CONCEPT  
PLAN

DATE: September 2009



DRAWING BY: Group 2

**Group2**  
architecture  
engineering

**AL-TERRA**  
ENGINEERING LTD.

**ziola newstudio**  
architecture inc.

**RDC**



the south. This will in part be accomplished by a negotiated sale of lands south of the creek at the north end of SP Junction as discussed and shown in more detail in **Section 5.2**.

#### 5.4 BOWER NATURAL AREA

The establishment of the Bower Natural area will be an attribute for both The City of Red Deer and the Southpointe NASP. As outlined in **Section 5.2** Open Space, the area includes  $\pm 2.19$  acres (0.89 ha) in the Utility R.O.W. at the south end and  $\pm 13.66$  acres (5.53 ha) of the treed area.

The negotiations to formalize this natural area will continue during the NASP, zoning and subdivision process. The overall success of these negotiations rests largely on the success of these processes, and the achievement of the Developer and The City in reaching agreements for several key components of the proposed development as well as the financial obligations, which were outlined in **Section 5.2**.

Additionally, discussions on the limit of disturbance into the Bower Natural Area during the construction phases of Lots G and H are ongoing and will be addressed at the detailed design stage. All vegetation removal will be done in accordance with City of Red Deer urban forestry best practices and will include consultation with urban forestry staff. Accommodation of grade differences and meeting the FireSmart requirements for the clearing of underbrush within the surrounding natural area will be dealt with at detailed design stage. Initial examinations of the FireSmart requirements have been made and a draft plan delineating the areas affected is included in **Appendix C**.

The proposed boundary for the Bower Natural

Area is shown in the key plan for **Figure 10**.

#### 5.5 RED DEER COLLEGE SOUTH LANDS

Red Deer College developed a Land Use Master Plan in June 2003 which illustrates how the College proposes to guide future development on its lands. The Master Plan includes a Demonstration Plan (see **Appendix A**) showing conceptual road layout and building locations in the south lands. This is conceptual only, but the general road layout is included in the NASP Concept Plan in order to show the potential links between the developable areas in the NASP and the College lands to the north.

The Master Plan describes its vision for development as follows: "...it:

1. recognizes the educational mandate of the College as paramount
2. acknowledges that the College land is a trust and the College is the steward of this trust
3. reflects the College's relationship with the larger community and surroundings
4. supports mutually beneficial partnerships
5. promotes a strong identity and visible presence within the larger community
6. provides integrated design contributing to a strong sense of place
7. manages long-term development needs in a sustainable manner"

In the Master Plan, the College lands have been described as being divided into Precincts (see **Section 5 Precinct Analysis**, page 45 of the Land Use Master Plan). Those lands included in the Southpointe NASP are divided into two precincts: Precinct 5 (Natural Area) and Precinct 6 (South Lands). Although the Bower Natural Area is not part of the College lands, Precinct 5 of the Master Plan includes the Bower Natural Area and assumes that it will remain as is. However, the document



deals more specifically with the natural area around Waskasoo Creek. The recommendations for Precinct 5 are as follows:

*"In response to the stewardship commitment in the "Vision for Land Development Master Plan" discussed to in chapter 3, the natural area is depicted as being effectively untouched. To minimize future impact, vehicular access through the natural area is kept to the fringe areas. A new road access to the college core (Precinct 1) is recommended, but is kept as close to Taylor Drive as possible. A low-impact vehicular access (for emergency and service vehicles only) located within the western portion of the natural area is recommended (complete with access control gates at each end), which would link the Campus Core (Precinct 1) to the South Land (Precinct 6). The existing, concrete service bridge would be incorporated into this route. The major use of this road would be pedestrians and cyclists. A more formal path system (i.e. paved or graveled) is proposed for the perimeter of the natural area. An analogy is the sea wall at Stanley Park where the perimeter of the park is well defined by a formal path system with natural / low impact paths branching off into the natural area. Vehicle parking would be incorporated at the trailhead to provide a convenient access point to the Natural Area trails.*

*For planning purposes, the assumption is made that the natural lands on Bower property will be set up as a natural reserve and continue to be an integral part of the college natural lands, in a consolidated cluster. A joint management strategy for the natural area needs to be developed between the College, the Bower family and The City of Red Deer. The proposal is to develop a core reserve system which identifies priority areas for minimal activity (scientific / educational study) and includes buffer zones that help to maintain the naturalness and ecological function of the priority areas while providing for human use and enjoyment ..."*

The South Lands, as identified by the report, include the area south of Waskasoo Creek, east and north of QE II Highway and west of the Bower Natural Area. This area is referred to as Precinct 6 and several potential uses and opportunities for

this area have been identified by the College:

- *"Centre for Sustainable Development including applied research / partnerships, interpretive / conference centre*
- *Recreation, sports fields*
- *Family housing along easterly edge*
- *Public / Private partnerships"*

As with Precinct 5, the following recommendations are made for Precinct 6:

*"This area has been divided into two zones. The zone in the west area, with excellent visual exposure to Highway 2 is depicted as Private / Public Partnership land use, where long-term land leases would be incorporated. The building forms would be developed into three or four clusters along the highway with a prominent landscape buffer. The access road (and utility service corridor) would be routed through the Bower Lands from the south. The road would parallel Highway 2 and loop back. No major road linkage is proposed to connect to the College lands to the north.\* An existing service bridge across Waskasoo Creek is proposed to be upgraded and utilized for emergency and service vehicle access that will also serve as a pedestrian / bike path.*

*The pocket of land nestled between the highway zone land use and the natural area is depicted as a low-impact land use zone. Uses that could be considered are a center for sustainable development, in conjunction with demonstration projects, an interpretive center and possibly a small-scale conference center. This type of activity is deemed appropriate because of its visual isolation from Highway 2 and adjacency to the natural area."*

\*Although the 2003 Land Use Master Plan does not depict a north/south link in the westerly region for regular vehicles, a potential future road link could be built very close to the QE II Highway to facilitate better connectivity and functionality between college activities on both sides of Waskasoo Creek. Final alignment of this potential road would be determined at the time of

subdivision in consultation with affected stakeholders.

The Master Plan goes on to discuss the relevancy of the Bower Lands and their impact on the connectivity of the north and south College lands:

*"This area is not within the control of the college, yet the future development will influence the college in a number of ways. Any transportation linkage from the south into the north college lands would have to be through the Bower lands. Furthermore, the college's South Lands would require transportation and service linkage from the south and other portions of the Bower land. The timing of the development of Bower lands will likely dictate the college development of the South Land. A perimeter pedestrian / bicycle path system, as described in the Natural Area Precinct, hopefully, would be included in the future development of the Bower Lands."*

Figure 10 illustrates three natural areas within the plan that have been identified. Though included in the potential future development area, efforts will be made to retain the areas or at minimum, relocate the vegetation to a more suitable location.

## 5.6 SOUTHPOINTE JUNCTION

The east and south portion of the NASP area are being planned by Qualico and this portion of the NASP area is called Southpointe Junction (SP Junction). A concept plan of the proposed development is shown in Figures 7 and 10 and in more detail in Appendix A.

SP Junction is envisioned as a Mixed Use Urban Village incorporating residential, retail, office, recreation amenities, and potentially, hotel / convention facilities, within the confines of a ±95 acre (±38.44 ha) site (including the Bower Natural

Area). The goal of Qualico is to create an environment that attains many of the principles of smart growth and sustainability by: including a variety of housing choices; offering a broad spectrum of employment opportunities and services; and by providing for both active and passive recreation; all within walking distance of a village centre. SP Junction intends to achieve the balance of uses required to offer and create a multi dimensional live-work-play community.

The focal point of the village will be a constructed wetland / dry pond / public gathering place centrally located in the village. This central area would feature a series of pathways connecting the hard surfaced public realm to the trail system of the Bower Natural Area and the Waskasoo Natural Area. Placed around this wetland is a combination of residential uses in the form of higher density apartment buildings and townhouses.



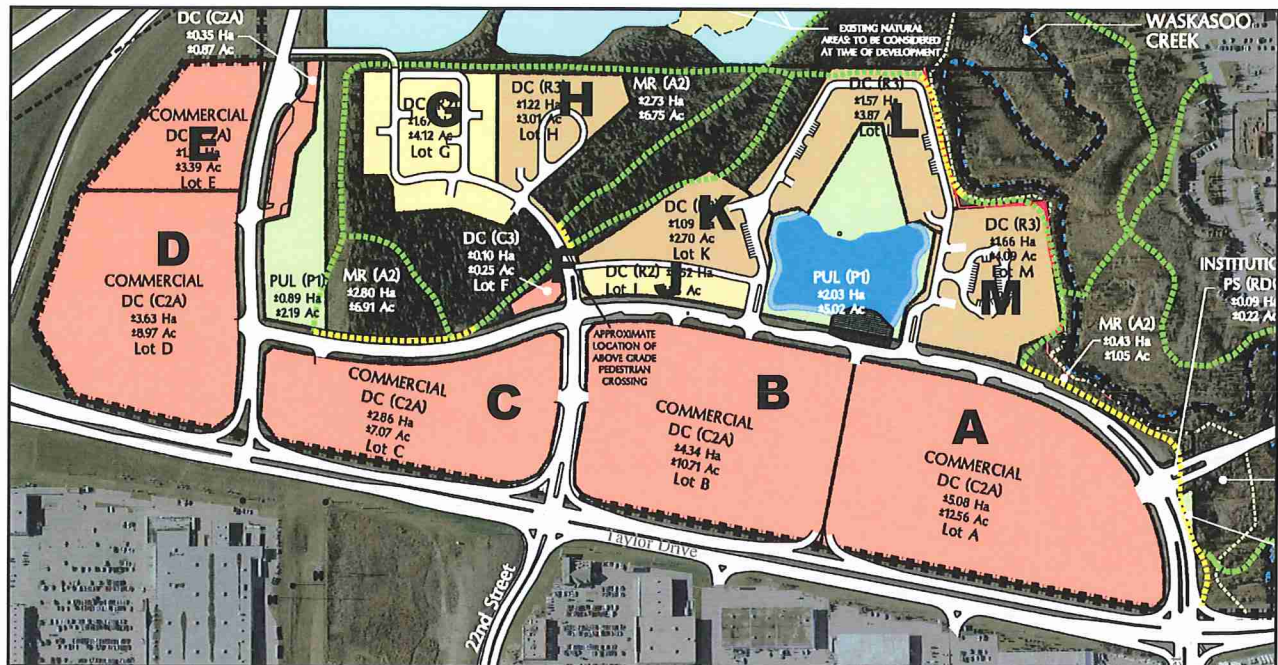
Conceptual view of constructed wetland looking north east.

The main road running through this live-work-play urban village will contain a pedestrian orientated section with a main street feel. In the pedestrian section, the built forms will be sensitive to the street including strong architectural detailing and elements of pedestrian orientated functionality. The office component of the development could be located in this part of the development. The remaining commercial development will be between the internal road



SEPTEMBER 2009

SOUTHPOINTE NASP



running north south and Taylor Drive, as well as west along the south end of the site.

The following sections explain and illustrate the separate components of this concept plan in more detail.

### 5.6.1 RESIDENTIAL COMPONENT

The residential component of the plan is to be located west of the internal north south road and borders with the proposed Bower Natural Area and the Waskasoo Creek Natural Area thereby taking full advantage of the opportunity provided by these natural areas.

As illustrated in **Figure 11**, SP Junction is divided up into a series of parcels reflecting their proposed land use. The residential parcels are identified as lots G, H, J, K, L and M and collectively constitute  $\pm 19.09$  acres ( $\pm 7.72$  ha). The current vision for these developments is outlined below but are subject to change based on market demand and future approvals.

**FIGURE 11: CONCEPT PARCELS**

The proposed buildings for Lots K, L and M (shown conceptually in plan in **Appendix A**) are all located around the focal point of the proposed village concept which is the constructed wetland and dry pond. These buildings are envisioned as four story apartment condo units with balconies which will offer views of either the natural areas to the west and north or the urban open space system envisioned in this area. The architectural design style will be specifically reviewed, developed and resolved to compliment the development of both the residential as well as the commercial components of the proposed



Conceptual view of wetland, central plaza and Lot L.

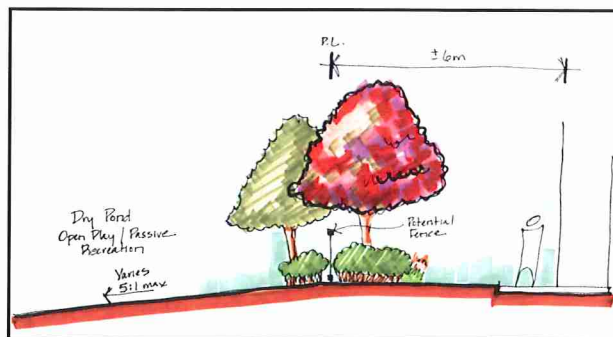


SEPTEMBER 2009

SOUTHPOINTE NASP

development. It is envisioned that this will develop a cohesive and strong aesthetic for the entire community. Each building could include such amenities as underground parking, a fitness and wellness centre and car wash facilities.

The buildings located in Lot M will also include an elevation along the north south collector road. Careful attention to a relationship with the street will be included in the eventual design of this building. The building located in Lot L will embrace the dry pond planned for this area and be separated from the public realm by a fenced private garden which will be landscaped to compliment the views of the residents as well as the views from the opposite side of the wetland.

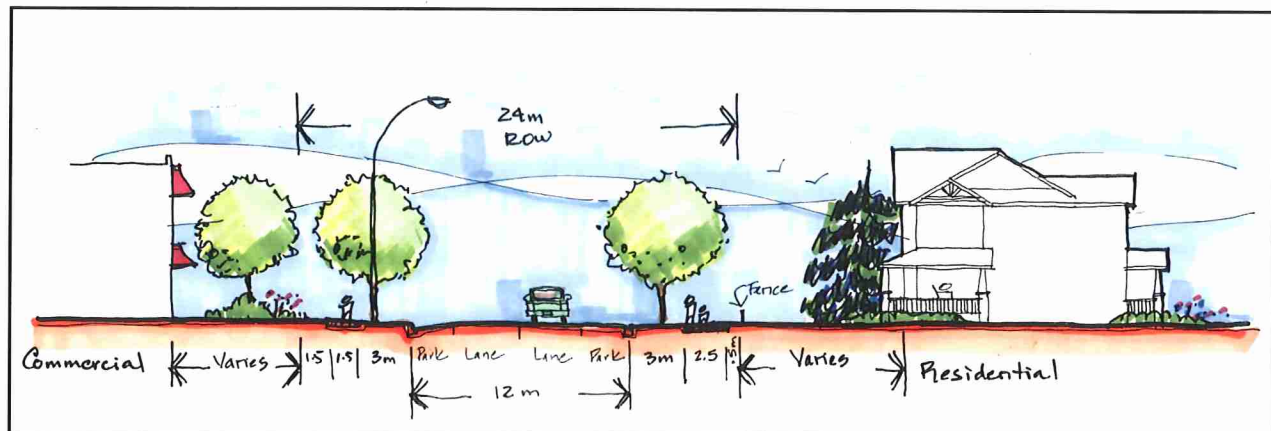


Conceptual section from building L to the dry pond.

To the south of the wetland and located along the major north south road is Lot J. The residential

component in this parcel is envisioned as three two storey townhouse blocks. Parking and vehicle access to these units will be from a rear service road. These units offer an exciting opportunity to live in between natural and urban amenities. Especially important to these units will be their relation to the vibrant streetscape envisioned for this section of the north south collector road. Each unit would boast its own fenced front yard opening to the street which will contribute to the visual diversity of the streetscape. Also envisioned for this development is the opportunity to offer "Live Work Units". These are units where the resident can incorporate their business establishment into their dwelling based on a set of guidelines for acceptable uses.

Lots G and H, as shown in **Figure 11**, will be accessed by private roads bridging the natural area. The first, labeled lot H would contain a building similar in design to the four storey apartment condos described above. Market demand will ultimately determine the details of this development, but there is a possibility of offering a 55 plus building either here or in one of the other apartment condos. Additional amenities for a 55 plus building could include private facilities for a games room, an internet café, a small theatre, a library and sitting room and possibly guest suites.

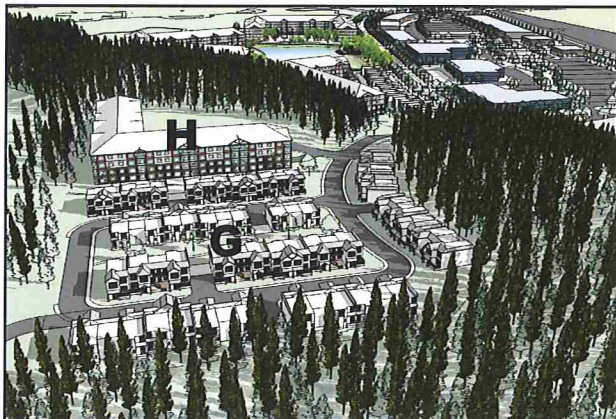


Section through collector between Lots J and B.



SEPTEMBER 2009

SOUTHPOINTE NASP



Conceptual view of Lots G and H looking north.

The buildings envisioned for Lot G are townhouses ranging in size from 700 ft<sup>2</sup> (bachelor units) to 1800 ft<sup>2</sup> (3 bedroom units). Parking for residents could be contained in underground parking structures immediately accessible to the units thereby removing a majority of the parking from the landscape of the neighbourhood. Specific unit designs are at an early stage but could offer shared open space amenities that would be professionally managed and maintained.

Townhouse units contained in lots J and G may be designed with the opportunity to provide varied unit widths in the building blocks to accommodate housing options such as in-law suites, student housing and expansion possibilities.

In order to achieve the Developer's vision for these residential parcels, all proposed residential blocks will be zoned as DC Districts, based on either R2 or R3 Land Use Districts as explained in **Section 5.1**. The intent of the DC zoning is to reinforce the creation of an urban-context for the proposed neighbourhood by committing to a denser, pedestrian oriented, mixed-use environment in smaller footprints, thereby preserving, protecting, and invigorating the natural and public areas. The general intent of the DC Residential Districts is summarized below. This list is to serve as a summary only and includes, but is

not limited to, the design elements envisioned for these developments.

#### General Principles for DC (R2) and DC (R3)

- Increased densities to properly complement the adjacent commercial areas with an increased emphasis on walkability.
- Reduced setbacks to maintain close proximity and access to sidewalks and improve the pedestrian realm; and/or accentuate the proximity to the natural areas.
- Unit types allowing for a variety of living styles within the same neighbourhood.
- Potential for "Live Work Units", particularly along the collector road.
- Varied unit widths in the townhouse blocks to provide housing options such as in-law suites, student housing and expansion possibilities.
- Pedestrian oriented frontages along the collector road to increase the "Main Street" feel and increase street access.
- Landscaping offering a visual continuity with both the urban and natural areas.

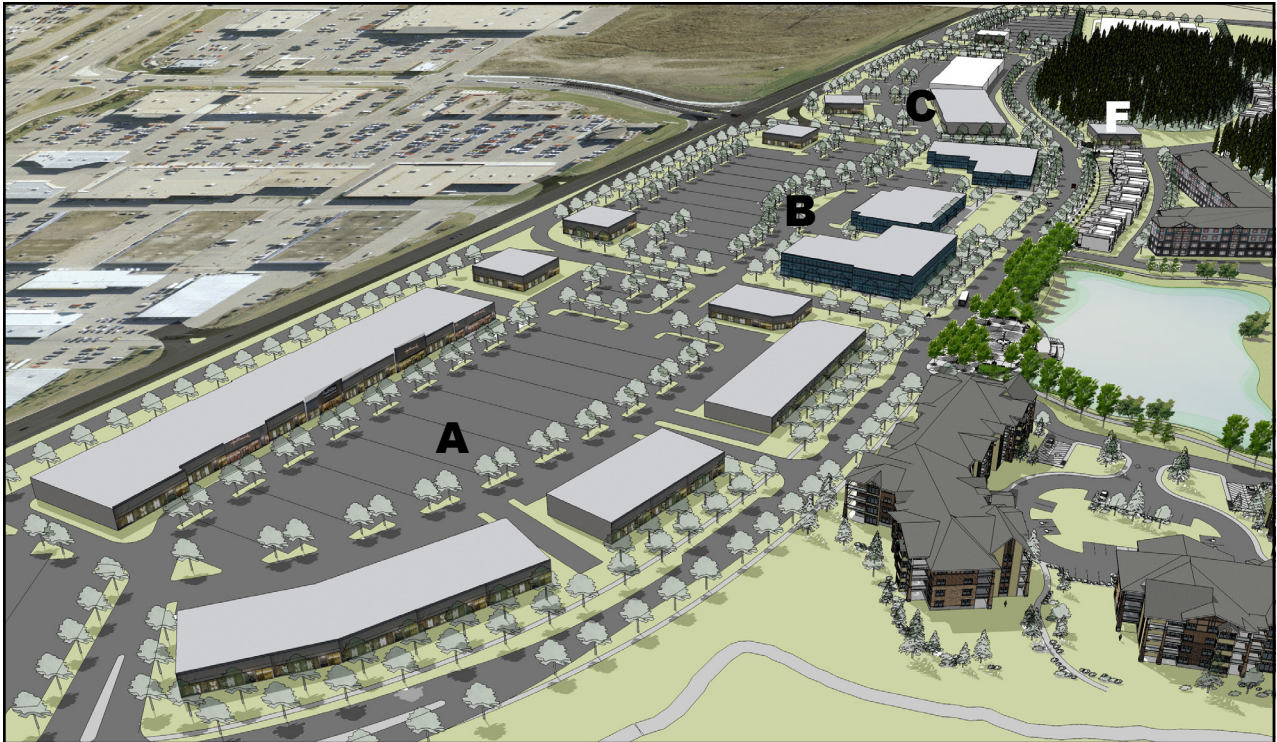
The DC Guidelines will be part of the Land Use Bylaw Amendment Application.

#### 5.6.2 COMMERCIAL AND OFFICE COMPONENT

As indicated, the intent of the NASP for SP Junction is to allow for the planning of a full spectrum live-work-play community. An important component of this concept is the commercial and office uses planned on the easterly side of the NASP area. By providing a mix of residential, commercial (both service and retail), and office development, the proposed development will have a broader appeal to both potential residents and businesses looking to locate in this district, and will contribute to the underlying goal of achieving a

SEPTEMBER 2009

SOUTHPOINTE NASP



Conceptual view of commercial component looking south.

sustainable node.

The proposed commercial and office components of the concept plan, shown in the parcels labeled A, B, C, D and E in **Figure 11**, total  $\pm 43.84$  acres ( $\pm 17.74$  ha). The parcels have been planned to accommodate a range of commercial uses, including big box style development to the south (Lot D), and smaller retail and service uses accommodated in parcels A, B and C. Lot E is envisioned as an opportunity for the development of a hotel and conference facility. In addition, Lot F is proposed to house a district energy facility. A more detailed description of this proposed use is included in **Section 5.6.5**.

It is envisioned that the office component be consolidated in Lots A and B. The buildings proposed along the western boundary of these Lots would vary in height and would be encouraged to contain a component of ground floor retail orientated towards the street. The development envisioned in Lots A and B are expected to have a higher degree of interface with

the residential development to the west and would be designed to encourage a pedestrian friendly environment. Lots D and E will have a different type of commercial development and effective pedestrian access will only be provided along the north boundary and into the site development. Care will also be taken to ensure that the facades along the freeway will have aesthetic treatment. Lot C forms a transition zone between the pedestrian and vehicular oriented commercial uses and will be designed to reflect this. In particular the intersection of 22nd Street and the internal collector road will demand corner treatments of the commercial buildings in both Lots C and B that will be both visually appealing and user friendly for pedestrians.

The level of detailing and design on the buildings in Lots C, D and E will be somewhat reliant on the setbacks that are eventually achieved. Smaller setbacks will lead to increased building detailing, while larger setbacks will provide an alternative of a greater degree of landscaping and screening.



Ultimately the market will dictate the viability of this component of the development. If the developer feels that the market demand exceeds the standard 10% of office permitted, a market analysis can be conducted and presented to The City. As outlined in **Section 3.2**, Administration may support an amendment to the NASP should the developer be able to supply adequate supporting information. Should office uses in this location be deemed by the market not to be desirable, then it could either be relocated in SP Junction or revert to a more conventional retail form.

Both soft and hard landscaping will be employed within the commercial areas to enhance the visual appeal and facilitate pedestrian connections. The vision for the ultimate design of SP Junction's commercial and office components is to offer a visually cohesive, high quality range of buildings that include interesting design features and offer easy pedestrian and vehicular accessibility and ample parking for users.

In order to achieve the developers vision for these commercial parcels, all proposed commercial blocks will be zoned DC Districts, based primarily on C2A land uses as explained in **Section 5.1**. The intent of the DC zoning is to facilitate the creation of a vibrant mixed use retail and office centre as part of a pedestrian oriented area that relates to the neighbouring residential and recreational uses. The intent of the DC Commercial Districts is summarized below. This list is to serve as a summary only and includes, but is not limited to, the design elements envisioned for these developments.

#### **General Principles for DC (C2A/C3)**

- Facilitate the concentration of the allowable maximum of 10% Office component from all commercial parcels in SP Junction in one or

more of the proposed commercial parcels. Once the 10% allocation has been achieved, no further office space will be granted in SP Junction without an amendment to the NASP.

- Allow for variable setbacks to enhance the relationship of buildings to the streetscape, increase pedestrian accessibility, safety and offer protection from the elements.
- Taylor Drive is identified as a Major Entry and, as such, all development along this corridor will be given special consideration and will compliment the existing development along the east side of Taylor Drive.
- Ensure that development is visually attractive and is safe for pedestrian and vehicular traffic.
- Special attention will be given to the pedestrian precinct along the collector road to achieve a pedestrian and transit friendly environment. This will include, but not be limited to, the following:
  - i. Setbacks along the collector road will be varied to a minimum of 1.6m.
  - ii. Careful consideration will be given to frontage treatments as well as access configurations. Building infrastructure to allow for double frontages will be incorporated where appropriate in Lots A and B.
  - iii. Encourage commercial uses at ground floor level through the DC District permitted and discretionary uses.
  - iv. Include pedestrian scale street lighting.
  - v. Shop front composition within the pedestrian precincts will reflect the following principles.
    - Have a human scale
    - Offer a variety of architectural detailing compatible with the overall architectural theme.

All of the commercial and office parcels would be designed using The City of Red Deer Land Use

Bylaws and other relevant guidelines as a base.

### 5.6.3 MAIN STREET COMPONENT

Particularly important to the vision of this development is the establishment of a Main Street component along the north south collector road. The treatment of the street in this area is important to the success of the Urban Village concept. As described in **Section 5.6.1**, the residential units that face this collector road will be designed to be sensitive to this relationship.

The proposed commercial and office building designs in lots A and B along this collector road would also include design elements that address the street, provide a facade and definition of edge, as well as introduce activity and interest. This would include such elements as varied street front depths, awnings or other overhangs to provide protection from the weather, and pedestrian scaled lighting. Road and sidewalk design could incorporate width variations to accommodate bus stops and parking, and corner bulbing could be added to mark pedestrian crossing areas.



Conceptual view of 'main street' looking north.

Extensive hard and soft landscaping will be used in this segment of the collector road to define the main street. Street tree planting and creative applications of paving patterns will add visual

interest as well as providing opportunities for seating and gathering.

Central to this main street component is the constructed wetland, dry pond, and public plaza envisioned for this area.

### 5.6.4 CENTRAL PLAZA, CONSTRUCTED WETLAND AND DRY POND

The constructed wetland and dry pond will perform a number of tasks in the plan beyond their function as a stormwater retention facility. A conceptual plan view is shown in **Figure 12**.

The west side of the area is a public space but is bounded by private space and the proposed building located in Lot L, whereas the eastern portion will be surrounded by public spaces offering a range of recreational opportunities to both residents and visitors of the area. The dry pond to the west will be developed with landscaped edges encompassing undulating side slopes. Landscaping in the dry pond will add visual interest and offer opportunities for passive recreation. A garden in front of building 'L' would provide a private green space between the building and the public realm and would be planted with colourful trees and shrubs to further improve the backdrop. An ornamental fence will separate yet provide clear views between the



Conceptual view of the dry pond.



SEPTEMBER 2009

SOUTHPOINTE NASP

public and private lands.

The east side of the open space would contain a constructed wetland with a controlled water level to maintain a minimum level during dryer periods as well as being developed to improve water

quality. The shallow waters would be planted with emergent vegetation known to actively improve water quality. Deeper areas may contain submergent vegetation also to assist with cleaning the water. A deeper section of open water would be located near the plaza in order to provide

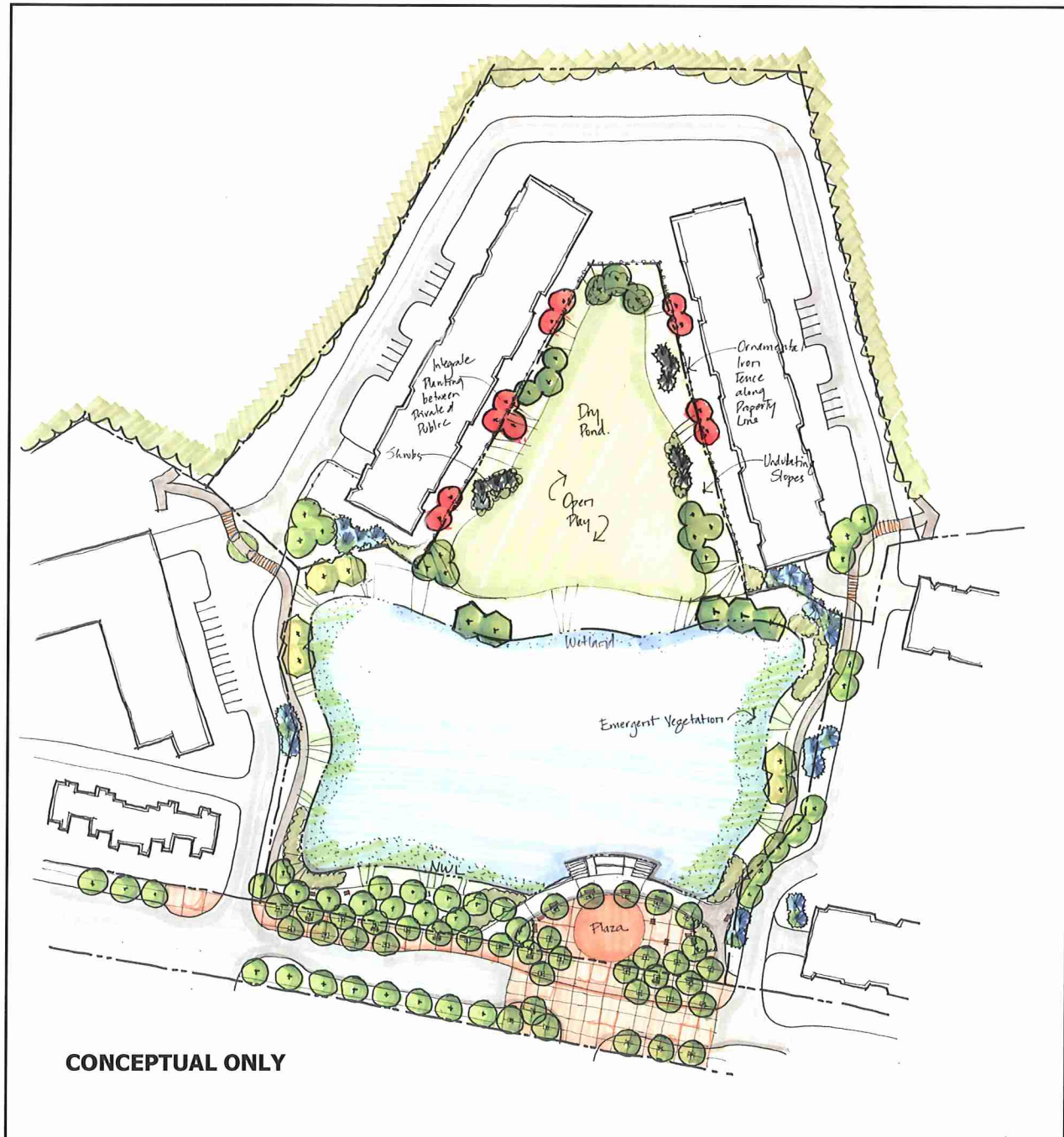


FIGURE 12: CONSTRUCTED WETLAND CONCEPT PLAN

SEPTEMBER 2009

SOUTHPOINTE NASP

potential for leisure skating opportunities in the winter months.

The north, south and west sides of the wetland are envisioned as relatively natural with viewing areas alongside and pathways along the north and south sides. These would be planted with native riparian species that can withstand water fluctuations due to storm events. The east side of the wetland would be directly tied to the streetscape and the public realm with a public plaza. The plaza would incorporate two connected levels. The lower level would be a concrete boardwalk ramped down to the water in order to provide closer interaction with the water, offering visual access to the water for school studies, seating and gathering and physical access for winter skating. This boardwalk would potentially be flooded during major storm events. Further design refinements including lighting and



Conceptual view of main plaza.

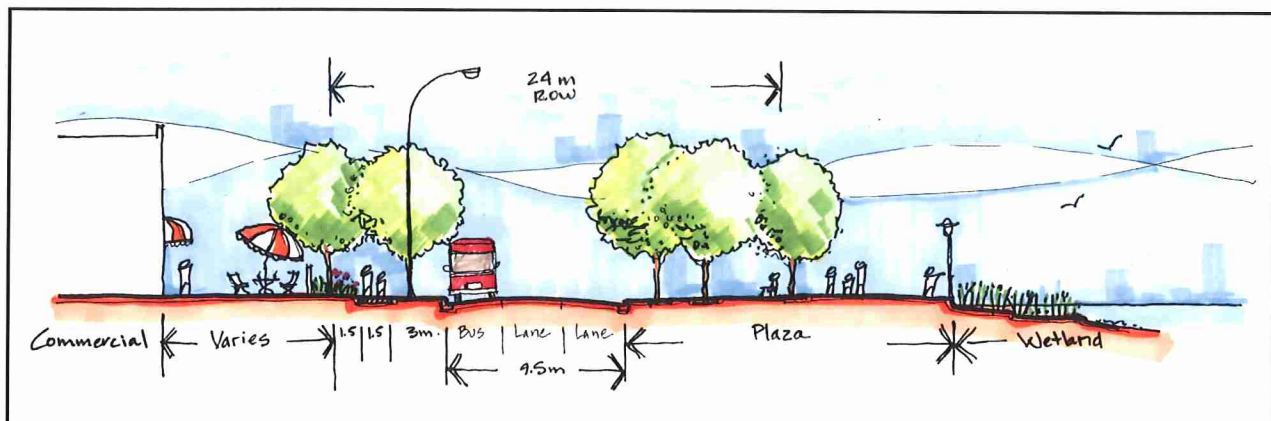
maintenance equipment access will be addressed at the detailed design stage.



Conceptual view of main plaza from east.

The second level, above the high water level of the wetland, would be the main plaza. This plaza will incorporate the pedestrian walk along the collector road. It will be framed to the east by a series of trees planted within a hard surface area. Other features of the plaza area could include benches, waste receptacles, and picnic tables. A further design element could be the inclusion of a labyrinth in the paving pattern to offer additional visual interest.

The plan provides for a raised patterned crosswalk linking the plaza to the commercial area to the east. As a natural meeting and gathering place, this plaza will serve both the immediate area and The City as a whole.



Section through collector road and plaza.

### 5.6.5 DISTRICT ENERGY FACILITY

The Developer is investigating the inclusion of a District Energy Facility in Lot F of SP Junction. The following is a summary of the nature of the Facility.

The District Energy Facility is envisioned to be a private co-generation unit, producing a supply of hot water within centrally located boilers which is then piped through heat exchange transfer units to heat domestic hot water and hot water heating systems within individual residential buildings. A spin-off benefit from the operation of the District Energy Facility's hot water boilers is the creation of surplus electrical energy which is also fed into the buildings or sold to the electrical grid. The potential to include a cooling function within the District Energy Facility is also being investigated.

At this stage, only the multi-family residential buildings are proposed to be connected to this system although the potential to link one or more commercial / office buildings is being investigated. The District Energy Facility is intended to be owned and operated by Qualico in partnership with an experienced energy management company. The parties would construct the facility, commission the equipment, and operate the facility on property owned by Qualico. The City would not be involved other than as the approving body for matters which fall within the municipal mandate (e.g. planning, land use, engineering design specs, etc.) The facility is intended to be set up as a showcase of "environmental sustainability" in reducing greenhouse gases.

An additional aspect of this concept is the possibility of tying in the proposed facility with the recreation areas through trails, a shelter and/or some interpretive materials. Lot F is designated as DC (C3) and the DC guidelines would reflect those

included in **Section 5.6.3.**

The intent by the Developer is to perform a fiscal analysis on the proposed facility to ensure its viability. Following a satisfactory analysis, the process will be to conduct more detailed discussions with the City, as well as the relevant provincial authorities and regulatory bodies, should they decide to proceed with this concept.



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## 6.0 TRANSPORTATION

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### 6.1 TRANSPORTATION NETWORK

**Figure 13** shows the proposed road system for the NASP. The internal and external roadway plan provides for both the continued expansion of the Red Deer College Campus (both the north eastern and South Lands precincts) as well as the proposed land uses within the SP Junction Lands. Intersection configurations and driveway locations as shown are conceptual only and are subject to change at detailed design stage.

Access to the NASP area is restricted to primarily the east side of the area due to the lands location east and north of the QE II Highway and the Waskasoo Creek and Red Deer College to the north.

Four access points are proposed off Taylor Drive. The first access will be provided at the intersection of Taylor Drive and 28<sup>th</sup> Street at the northern end of the SP Junction Lands. A future proposed north south connection next to Taylor Drive between the Red Deer College North and SP Junction will intersect at the north end of this entrance road and will facilitate additional access to the Red Deer College Lands as well as serving as an equally important alternative to 32<sup>nd</sup> Street.

The second access at 22<sup>nd</sup> Street and Taylor Drive is an all turns access near the centre of the proposed development. The third is a right-in, right-out access off Taylor Drive, proposed between 22<sup>nd</sup> and 28<sup>th</sup> Streets.

The fourth access point is proposed as a signalized intersection with Taylor Drive at the south end of SP Junction. This access is critical for the future development of the Red Deer College South Lands and the SP Junction south development as it

provides the most functional and direct link opportunity available. The intersection design is intended to be a right-in/ right-out / left-in. The final configuration of the intersection will be to the satisfaction of the Alberta Ministry of Transportation and the City of Red Deer.

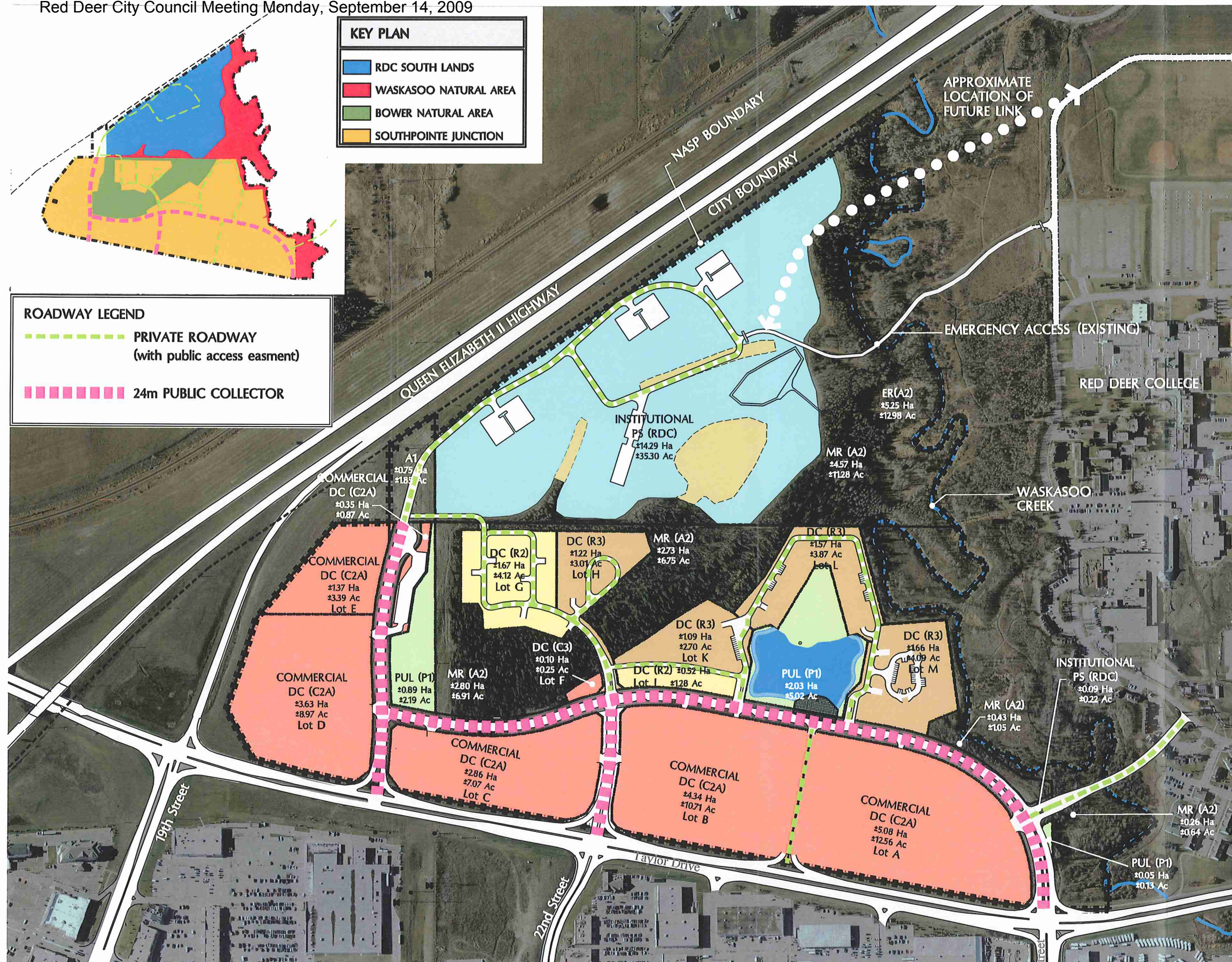
A summary of the Traffic Impact Assessment completed for these lands is included in **Section 6.2**.

The eventual development of the Red Deer College south lands may signify a need for a further north south vehicular link at the west end of Waskasoo Creek and connecting north to 32<sup>nd</sup> Street. The approximate location of the future roadway is conceptually located as shown immediately adjacent to the QE II Highway across Waskasoo Creek. This location would reduce the potential fragmentation of the Waskasoo Creek Natural Area. The roadway may be constructed when improvements to QE II take place. Limited mitigation measures will likely be required at that time in order to accommodate both the QE II road widening and the north south connection for Red Deer College.

The internal roadway system is designed to access Taylor Drive at three intersections effectively creating a separation of traffic within the NASP Area. The Red Deer College South Lands will have access from Taylor Drive at the south intersection, the Central Commercial Lands access at the south access road, 22<sup>nd</sup> Street and 28<sup>th</sup> Street and the North East College Lands access to/from 28<sup>th</sup> Street.

All roads are designed and located to handle traffic in a balanced and efficient manner.

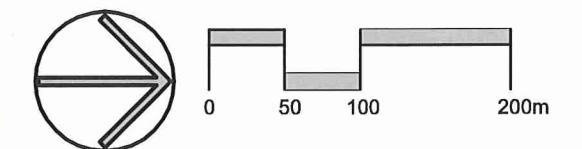




# SOUTHPOINTE NASP

## FIGURE 13 TRANSPORTATION NETWORK

DATE: September 2009



DRAWING BY: Group 2, AL-TERRA, INTERPLAN

**Group2** architecture engineering  
**AL-TERRA** ENGINEERING LTD.

**RDC** InterPlan strategies inc. Land Planning Services



SEPTEMBER 2009

SOUTHPOINTE NASP

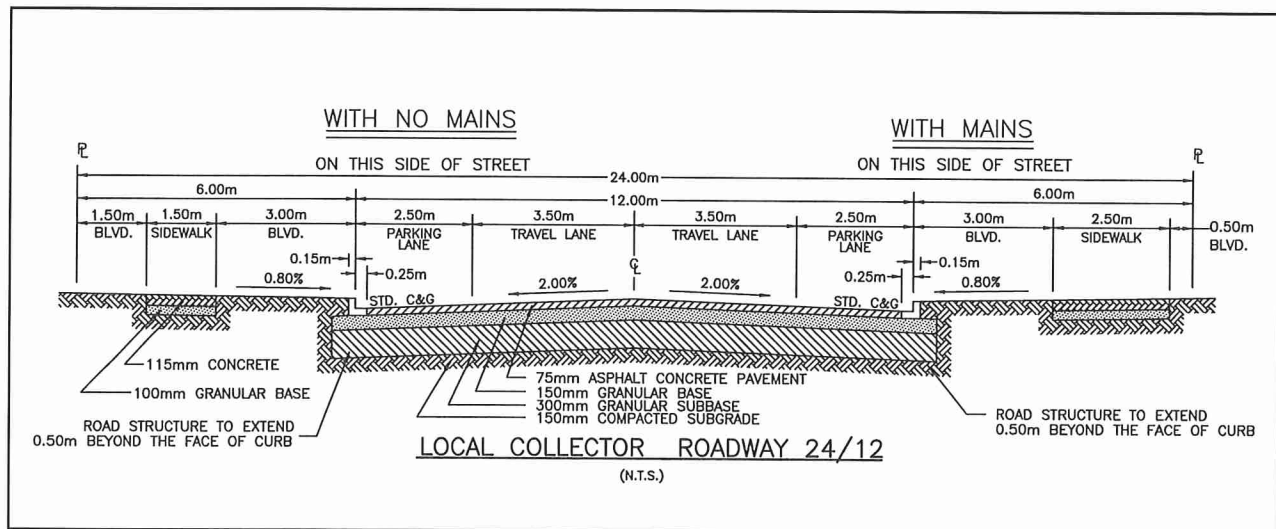


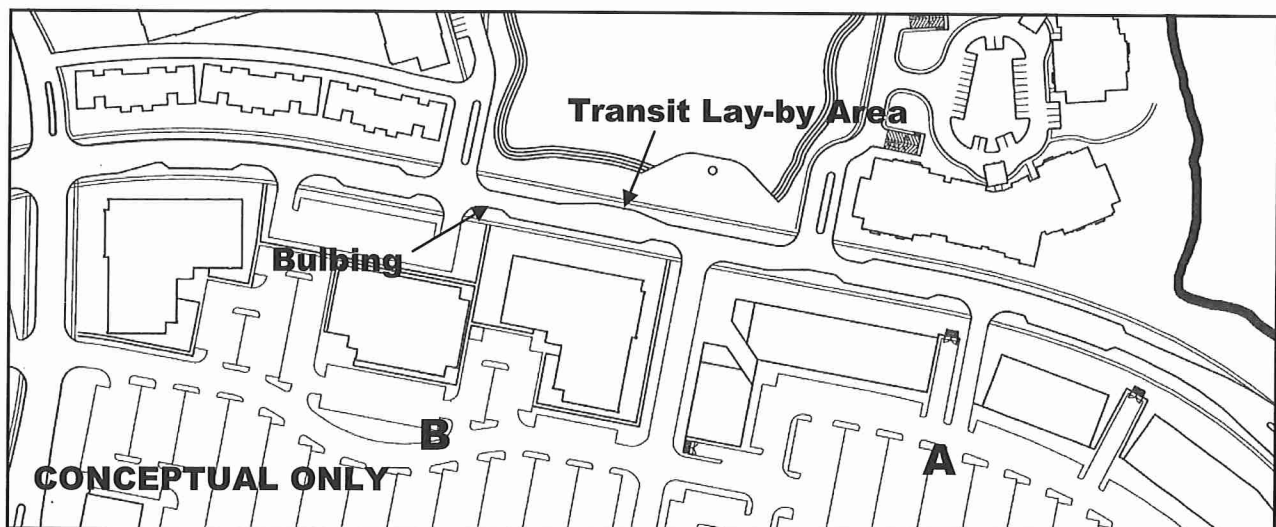
FIGURE 14: LOCAL COLLECTOR STANDARD

Source: City of Red Deer Design Guidelines, Figure 5.07

The internal public roads shown in the Waskasoo South NASP have been designed based on The City of Red Deer standards with some exceptions. Figure 13 indicates the hierarchy of road standards proposed. These include the 24 metre ROW Collector Roadway running from the intersection of Taylor drive and 28<sup>th</sup> Street and south through to the entrance into Lot D. The entrance from Taylor Drive and 22<sup>nd</sup> Street is also proposed to be 24m as is the southern entrance leading west into the NASP area and through to

the College South lands. The entrance road between 28<sup>th</sup> and 22<sup>nd</sup> Streets is private. Figure 14 shows the standard road section for The City of Red Deer 24 m Collector Roadway.

The variation to this standard is a portion of the north south collector road along Lots A and B where crosswalk bulbing, transit lay-by areas and varying building setbacks are recommended to add interest and improve the pedestrian friendliness and safety of the roadway. The illustration below



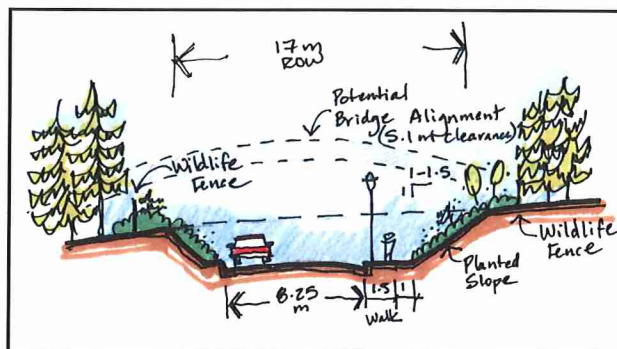
Collector road concept.

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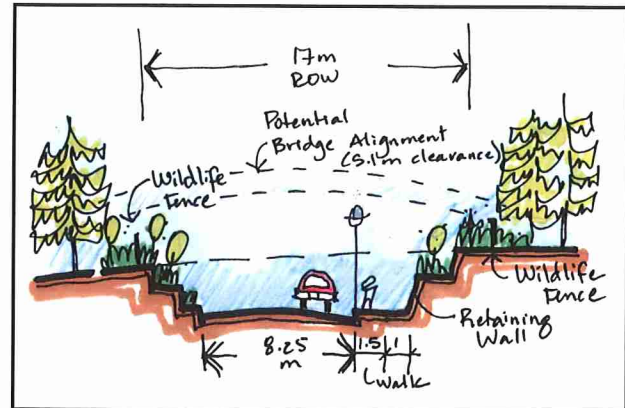
shows the intent for this section of road. Final configuration of this section of the collector road will be designed and reviewed during the servicing study process.

The residential roads in this plan are private roads with a public access easement, and, with one exception, will be 7.3 metres wide (see Figure 17). All private roads will be posted as "Local Traffic Only" and have a public access easement. The roadway that extends from 22<sup>nd</sup> Street through the proposed Bower Natural Area from the internal north south collector to the residential Lots G and H is also intended to be a private road. This road is recognized as an important link between the residential lots and the rest of the development envisioned for Southpointe Junction. At the same time the road will cross a significant natural area and efforts to reduce its impact on the natural environment are to be considered. The proposed roadway configurations are shown in section and plan in the following pages. Two alternatives are shown for the road edge condition.



Non Standard Residential Road through Bower Natural Area  
Option 1: Section

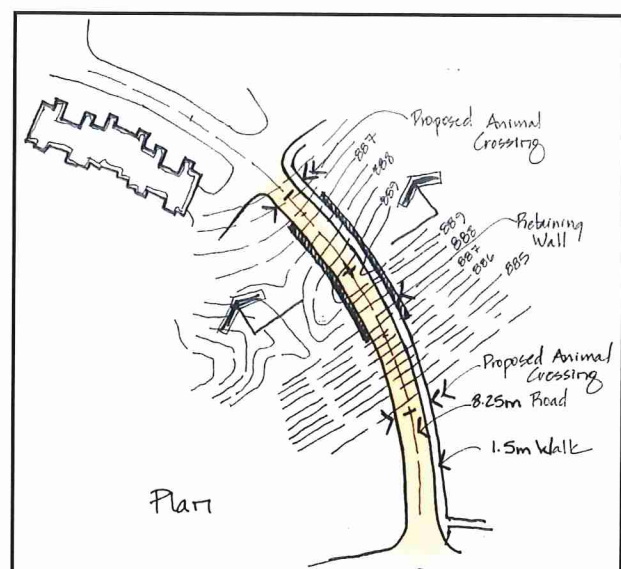
The proposed travel lanes would be 8.25 metres wide in total (verses 7.3 m) with a single 1.5 metre sidewalk on the north side. There would be no parking on this portion of the road. Options for the ROW would be retaining walls or planted slopes on the sides with a wildlife fence at the top



Non Standard Residential Road through Bower Natural Area  
Option 2: Section

of the slope to prevent animal crossings other than in established crossing areas. One above grade pedestrian crossing is proposed on this road to allow for pathway connections through the Bower Natural Area and was described in more detail in Section 5.2.1.

Should the eventual development of the South College lands lead to an issue of shortcutting through Lots G and H, traffic calming measures will be implemented and ultimately, if necessary, either the south west or east private entrance roads can be modified to accommodate a gate allowing for local and emergency traffic only.



Non Standard Residential Road through Bower Natural Area  
Plan View



The roadway proposed from the 28<sup>th</sup> Street entrance north to the College lands is a private road and would be designed to be accommodated within a 32 metre right-of-way. This road will bridge Waskasoo Creek, possibly using an enlarged culvert.

The loop road through the College lands is proposed to be the 24 metre standard to the edge of the College lands. From there, the road becomes a private road.

## 6.2 TRAFFIC IMPACT ANALYSIS

A Traffic Impact Analysis (TIA) for the Plan area was completed by Morasch Transportation Consultants Ltd. in April 2007. The complete report is submitted under separate cover.

The City of Red Deer had requested that two road network options be evaluated, Option A: an all-turns access between 22 Street and 19<sup>th</sup> Street (Delburne Road) and Option B: a right-in/right-out access between 22 Street and 19<sup>th</sup> Street (Delburne Road). The NASP is using a modified Option A which is supported by the subsequent TIA information submitted in support of the plan in this document. **Table 6** summarizes the land use concepts for the preferred road network.

TABLE 6:

### DEVELOPMENT SUMMARY FOR ROAD NETWORK OPTION

<i>Use</i>	<i>Road Network Option A**</i>
<i>Multi-Family Residential</i>	<i>687 units</i>
<i>Office</i>	<i>165,000 ft<sup>2</sup> gross floor area (GFA)</i>
<i>Commercial</i>	<i>324,000 ft<sup>2</sup> GFA</i>
<i>Hotel / Convention Facility</i>	<i>200 rooms</i>

\*RDC Research Park

250,000 ft<sup>2</sup> GFA

\*Source: Bower West Lands, Traffic Impact Assessment, Section 4.1.1

\*\*Concept numbers have altered since the TIA was produced. Please see below for clarification.

Due to concept refinement, the numbers listed in the above table have been altered. The now confirmed numbers related to the most recent concept (supplied by the Developer) indicate a revised land use plan with the following divisions:

Residential	700 units
Hotel and Convention	200 rooms
Office	63,662 ft <sup>2</sup>
Commercial	372,958 ft <sup>2</sup>



SEPTEMBER 2009

SOUTHPOINTE NASP

**Table 7** illustrates a comparison of the original and revised land uses in terms of AM/PM Trip Numbers for the development.

TABLE 7:

## NET DIFFERENCE TO TIA FROM REVISED CONCEPT

	Total Trips AM	Total Trips PM
<b>Multi Family</b>		
Original (687 Units)	234	350
Revised (700 Units)	238	357
Difference	+4	+7
<b>Hotel / Convention Facility</b>		
Unchanged	12	118
<b>Office</b>		
Original (165,000 ft <sup>2</sup> )	248	248
Revised (63,662 ft <sup>2</sup> )	96	96
Difference	(-152)	(-152)
<b>Commercial</b>		
Original (324,000 ft <sup>2</sup> )	324	1620
Revised (372,958 ft <sup>2</sup> )	373	1865
Difference	+49	+245
<b>Net Difference</b>	<b>(-99)</b>	<b>+100</b>

The net overall traffic for the AM and PM are insignificant relative to the overall volumes compared to the original project TIA. In percentage terms the AM trips are reduced by 10.8 % while the PM trips are increased by 4.2 %.

roadway network and provide a good level of surplus capacity for additional future development.

In addition, roadway infrastructure improvements arising from the proposed development will significantly improve the overall capacity of the

---

### 6.3 PUBLIC TRANSIT

The proposed transit service for the NASP area is illustrated in **Figure 15**. With the development of SP Junction a two directional transit route may be possible on the main north south collector road. With the additional development of the College South lands, a further bus route or extension may be added to connect with the College.

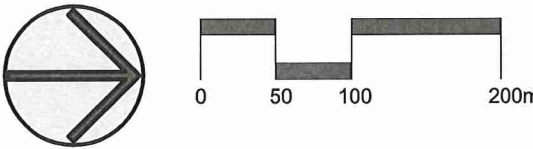
Transit stops would be located to accommodate the maximum walking distance standard of 400 metres.



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FIGURE 15  
PUBLIC  
TRANSIT

DATE: SEPTEMBER 2009

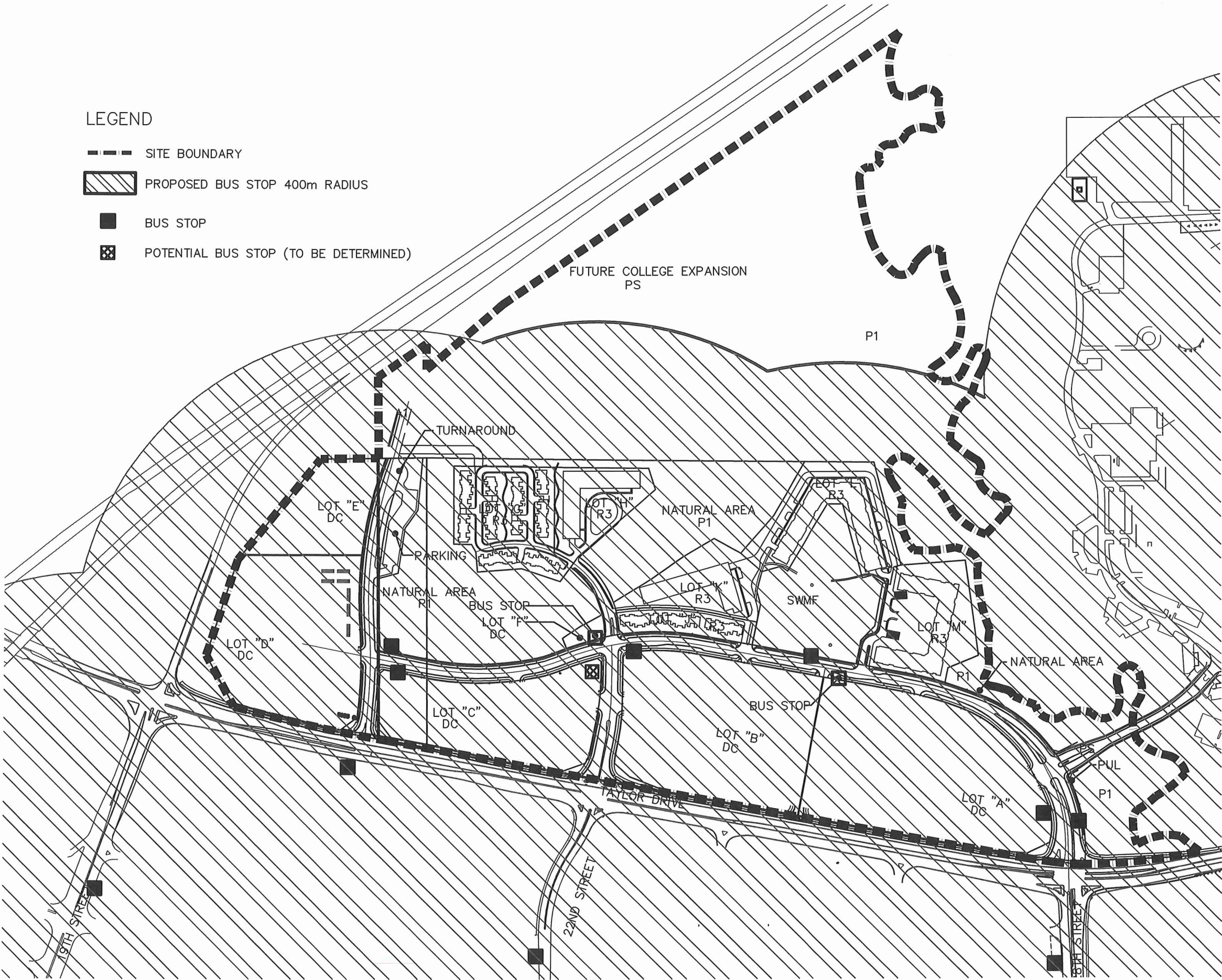


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## 7.0 SERVICING SCENARIO

The servicing scenario developed for the NASP will support all conceptual planning for the NASP.

Sanitary and water servicing of the site will be accomplished by extending the existing city system into the development. Storm water servicing will be accomplished by discharging into the Waskasoo Creek. Alternative construction methods for the water and sanitary main extensions into the west quarter section will be evaluated during detailed design.

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### 7.1 STORM WATER MANAGEMENT

Storm water management will be based on both a piped (minor) and overland (major) systems.

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#### 7.1.1 EXISTING STORM WATER CHARACTERISTICS

All storm water management shall be in accordance with the Best Management Practice outlined within the Alberta Environment Standards and Guidelines for Storm Water Management for the Province of Alberta. **Figure 16** illustrates the existing and proposed piped storm sewer system.

The current flows from the site travel overland and discharge into the Waskasoo Creek at the north side of the site. The City of Red Deer currently operates a storm water management facility in the form of a dry storm water detention pond on the site. It is located on the east side of the site and connected to the storm line along Taylor Drive. The facility currently operates off-line and provides relief to the down stream storm line during an intense or prolonged rainfall event.

As explained in **Section 4.1**, an existing agreement permits the current owner to relocate the pond.

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#### 7.1.2 SOUTHPOINTE STORM WATER MANAGEMENT STRATEGIES

Runoff from storms up to a one in five year event will be handled via a gravity piped system. The piped system will consist of catch basins and catch basin manholes to collect runoff and route the runoff to a storm water management facility and then to Waskasoo Creek. The design will be completed in accordance with City of Red Deer Design Guidelines. Due to site grading and ownership, the site will utilize two storm water detention ponds, one for each the east and west side of the NASP area. Both will discharge to the Waskasoo Creek.

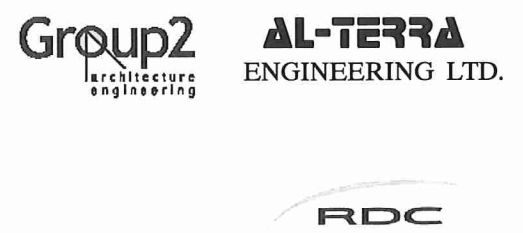
It is currently anticipated that the creek outlet can be constructed within a 10 metre wide construction area. Detailed alignment will be done in consultation with the Parks Department.

Storm water runoff that is routed to the existing pond will be routed to the future east pond. A volume equal to the existing pond will be allocated in the new pond to allow for continued service of the Taylor Drive storm line. The future east pond will also be designed to service the proposed development.

In areas serviced by the underground storm water conveyance system, runoff from storms larger than 5 year event will be routed via the roadways.

To accommodate this situation, roads will be

## FIGURE 16 STORM WATER





designed to route the majority of the overland flow runoff to either of the north storm detention ponds. Some ponding will occur within the roads and parking areas. The detailed design process will ensure that the major overland drainage system is designed in accordance with The City of Red Deer Design Guidelines. Routing of the major storm system and the 100 year flood event can be seen in **Figure 16**. Outlet design, including erosion control and creek bank protection, will be determined during the detailed design stage.

The north east storm water pond will contain manmade wetlands, **Figure 12** in **Section 5.6.4** shows the concept plan for this constructed wetland. This will provide enhanced quality to the runoff prior to being discharged into Waskasoo Creek.

The storm water management system within the Plan area shall be in accordance with the Storm Water Management Plan and to the satisfaction of The City of Red Deer and Alberta Environment. The Storm Water Management Report will also address erosion and sediment control measures.

7.2 SANITARY SEWER

The sanitary sewer system will be extended at two locations, one located at 22<sup>nd</sup> Street and Gaetz Avenue, and a south connection located within the AltaLink right of way.

The north connection will be a 150 mm forced main with a lift station located at the north side of the northwest quarter. Due to downstream limitations, the lift station will operate during off peak hours. Approximately 60% of the site area will utilize this connection.

The remainder of the site will be serviced by a 300

millimeter gravity sanitary main located at the AltaLink right of way. **Figure 17** illustrates the conceptual layout.

7.3 WATER SUPPLY

The water distribution system required to service the subject lands is a direct extension of the water distribution system along Taylor Drive. Three connections to the existing system will be made:

- A 250 mm diameter water main located along 28<sup>th</sup> Street.
- A 250 mm diameter water main located at 22<sup>nd</sup> Street
- A 300 mm diameter water main located south of the AltaLink right of way.

The water mains will be connected to form a loop within the subject lands. Computer Modeling will be utilized to evaluate the actual water mains sizes within the subject quarter section. **Figure 18** illustrates the conceptual layout.

7.4 SHALLOW UTILITIES

Electrical, telephone, cable TV and natural gas utilities will be extended into the plan area by The City of Red Deer Electric Light and Power, Telus, Shaw and Atco.

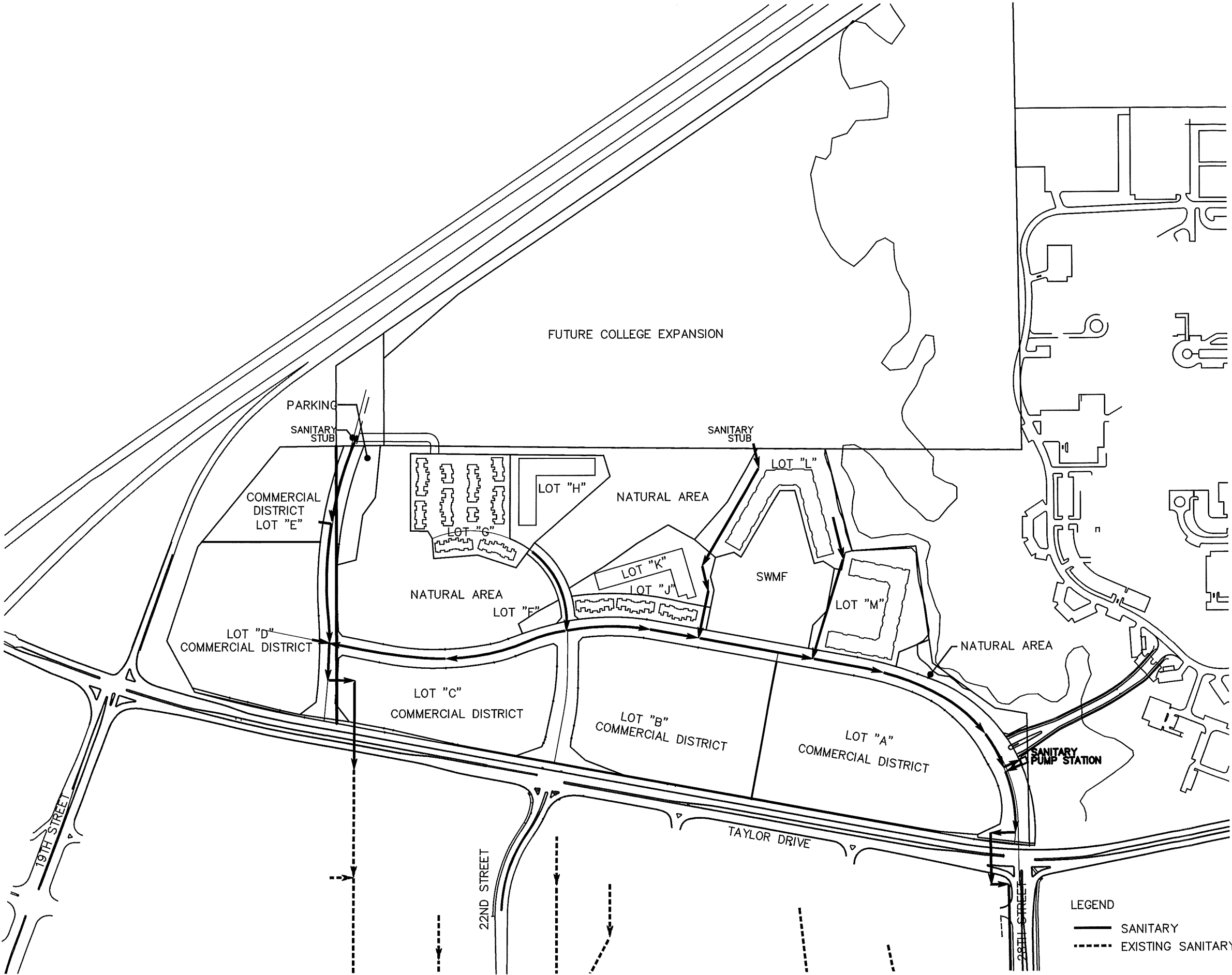
7.5 SITE GRADING

Proposed road grades and drainage courses will take into consideration the existing topography to minimize grading requirements over the Plan area.

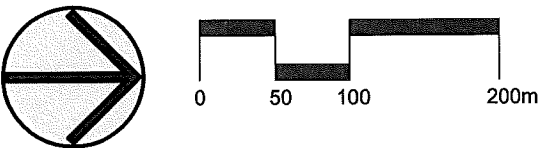


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FIGURE 17  
SANITARY  
SEWER



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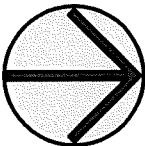
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FIGURE 18  
WATER



DATE: SEPTEMBER 2009



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Site grading will be completed using conventional excavation equipment and techniques for the Red Deer area. All erosion and sedimentation measures required will be in place prior to the commencement of grading and topsoil stripping. Detailed information regarding erosion and sedimentation measures while working within the area will be included with the Stripping and Grading Permit application. Efforts will be made to minimize damage to vegetation along slopes. Transitioning grades will be addressed at the time of detailed design on a site specific basis. Transitioning may include retaining walls, bioengineering or other methods as determined during detailed design.

All vegetation removal for both grading and FireSmart protection will be done in accordance with City of Red Deer urban forestry best practices and will include consultation with urban forestry staff.

For the proposed locations of the topsoil stockpiles, refer to **Figure 19**. Note that a majority of the stripped topsoil will be disposed of off-site.

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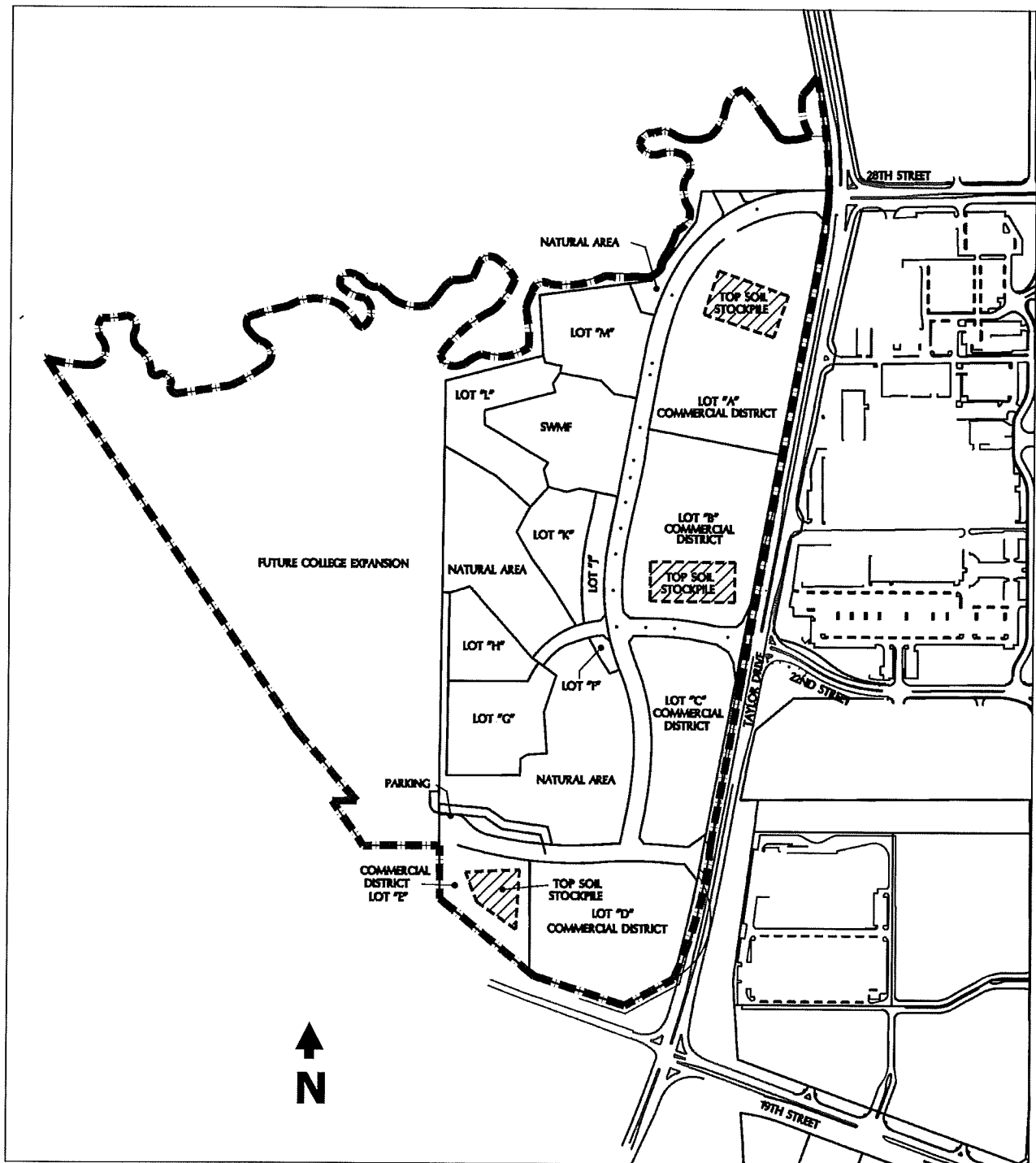
## 7.6 WASTE DISPOSAL

Access to bins or individual home pick-up will be required to be provided for waste disposal to the satisfaction of The City of Red Deer.



SEPTEMBER 2009

SOUTHPOINTE NASP

**FIGURE 19: TOPSOIL STOCKPILE LOCATIONS**

Source: City of Red Deer

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## 8.0 DEVELOPMENT STAGES

The NASP area is proposed to develop in several stages as illustrated in **Figure 20**. The staging boundaries are shown conceptually and may vary from those shown when redistricting and subdivision applications are made. As well, portions of separate phases may be developed concurrently if there is sufficient demand and/or if the municipal servicing is made more efficient.

Upon subdivision of the subject lands, the ownership of the open space will transfer, as agreed, to The City of Red Deer. Maintenance, upgrading and development of pathways in these areas will be the responsibility of the appropriate

City departments. For the remaining trail system and linkages as shown in **Figure 9** within SP Junction and eventually the Red Deer College South lands, construction will occur concurrently with the land development. Where and when development interrupts existing public trails, the developer agrees to replace and/or repair disturbed portions as necessary. Temporary linkages to facilitate construction may also be provided if necessary.

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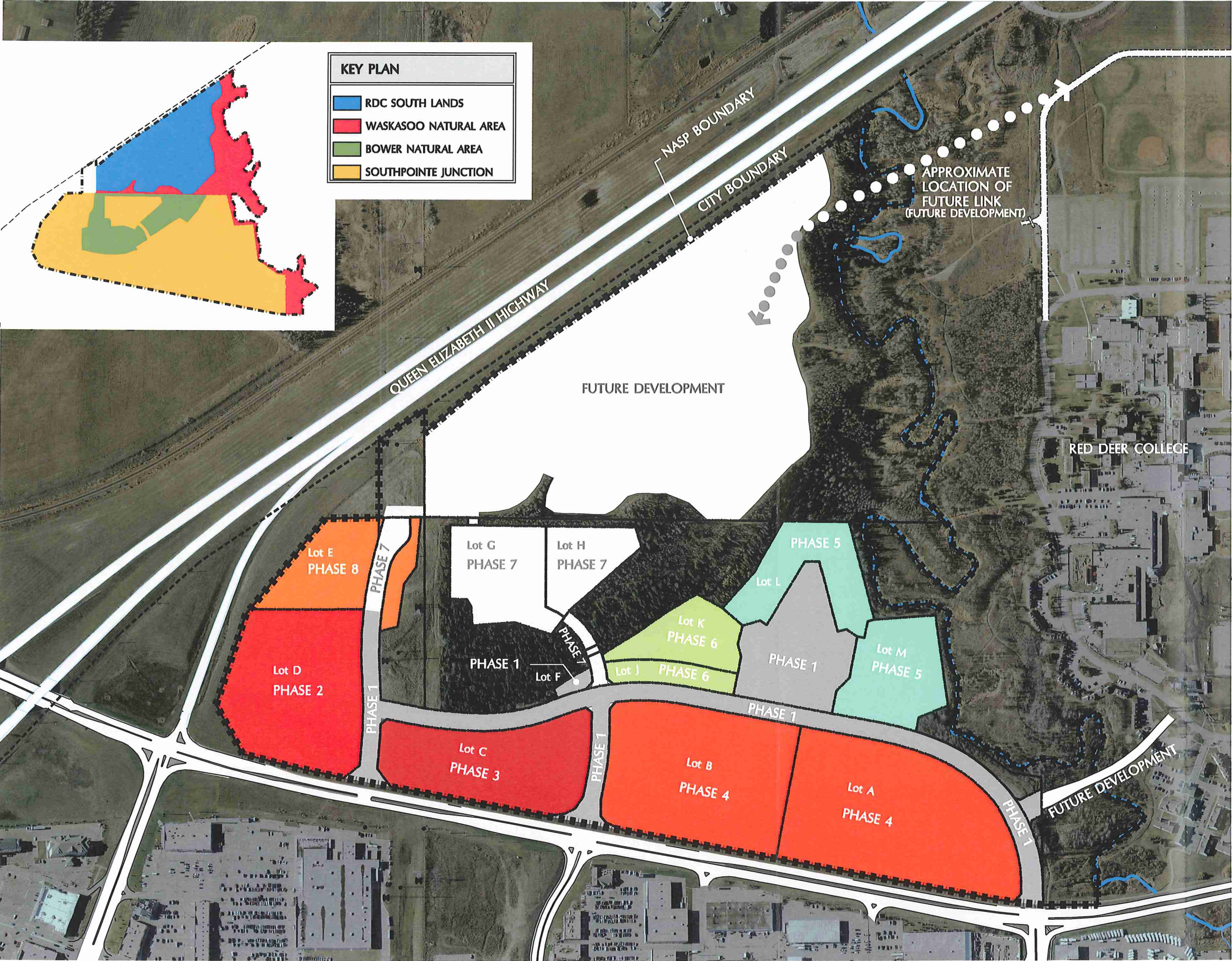
## 9.0 PUBLIC CONSULTATION

A public meeting of Council was held in Council Chambers on August 13, 2007 relating to the preservation of the treed portion of Southpointe Junction (Bower natural area). Several options were presented to Council and the public by The City of Red Deer Recreation, Parks and Culture. Presentations were also made by the developer, the landowner and numerous members of the public. After all parties were heard Council supported a framework for the preservation of trees in the Bower natural area which included the ultimate purchase of a significant portion of the natural area. The proposed Waskasoo South NASP reflects the framework and direction for the preservation of trees established by Council at the public meeting.

A public Open House was held on January 28th,

2009 following the circulation and review of the NASP by administration. One person from the public attended and submitted supportive comments.

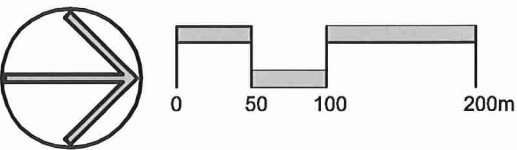




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FIGURE 20  
DEVELOPMENT  
STAGES

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engineering  
*InterPlan strategies inc.*  
Land Planning Services

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SOUTHPOINTE NASP

## 10.0 PLAN SUMMARY

THE SOUTHPOINTE  
NEIGHBOURHOOD AREA  
STRUCTURE PLAN COMPLIES  
WITH THE INTENT AND POLICIES  
OF:

CITY OF RED DEER MUNICIPAL  
DEVELOPMENT PLAN BY:

- *Providing a range of residential developments that are innovative, compact, efficient and attractive, and are integrated with open space, recreation, employment opportunities, have access to services, and reflect contiguous development;*
- *Providing commercial developments that reflect emerging trends in retailing and that function as a community focal point while offering local and regional employment and service opportunities;*
- *Preserving as many natural features and existing vegetation as possible, while maintaining a system of pathways.*

CITY OF RED DEER LAND USE  
BYLAW BY:

- *Providing for suitable land use districts to accommodate the intended land uses,*
- *Adhering to the provisions of the Land Use Bylaw.*

RED DEER TRAILS MASTER PLAN  
BY:

- *Acknowledging the existing trails in the NASP area to the extent possible,*
- *Providing for trail systems that reflect the proposed future trails of the Red Deer Trails Master Plan.*

ECOLOGICAL PROFILE OF THE  
NATURAL AREAS BY:

- *Preserving the area in the centre portion of the NASP thereby protecting the existing tree stand and natural area;*
- *Directing the storm water from the proposed development to the constructed wet lands;*
- *Where possible, and within reason, preserve existing trees;*
- *Considering a conceptual site plan for Southpointe that acknowledges the edge condition with the Reserve areas of the proposed Bower and Waskasoo Natural Areas;*
- *Providing for residential development that takes advantage of the nearby natural amenities.*

THE RED DEER COLLEGE LAND  
USE MASTER PLAN (2003) BY:

- *Identifying the Natural Areas to be preserved and maintained;*
- *Providing opportunities for future transportation links to the south lands;*
- *Providing sufficient developable land for the College to locate potential uses in the future.*

THE SOUTHPOINTE  
NEIGHBOURHOOD AREA  
STRUCTURE PLAN:

- ***Fits within an overall context,***
- ***Does not unduly compromise the development of adjacent lands, and***
- ***Addresses the intent and aspirations of The City of Red Deer.***

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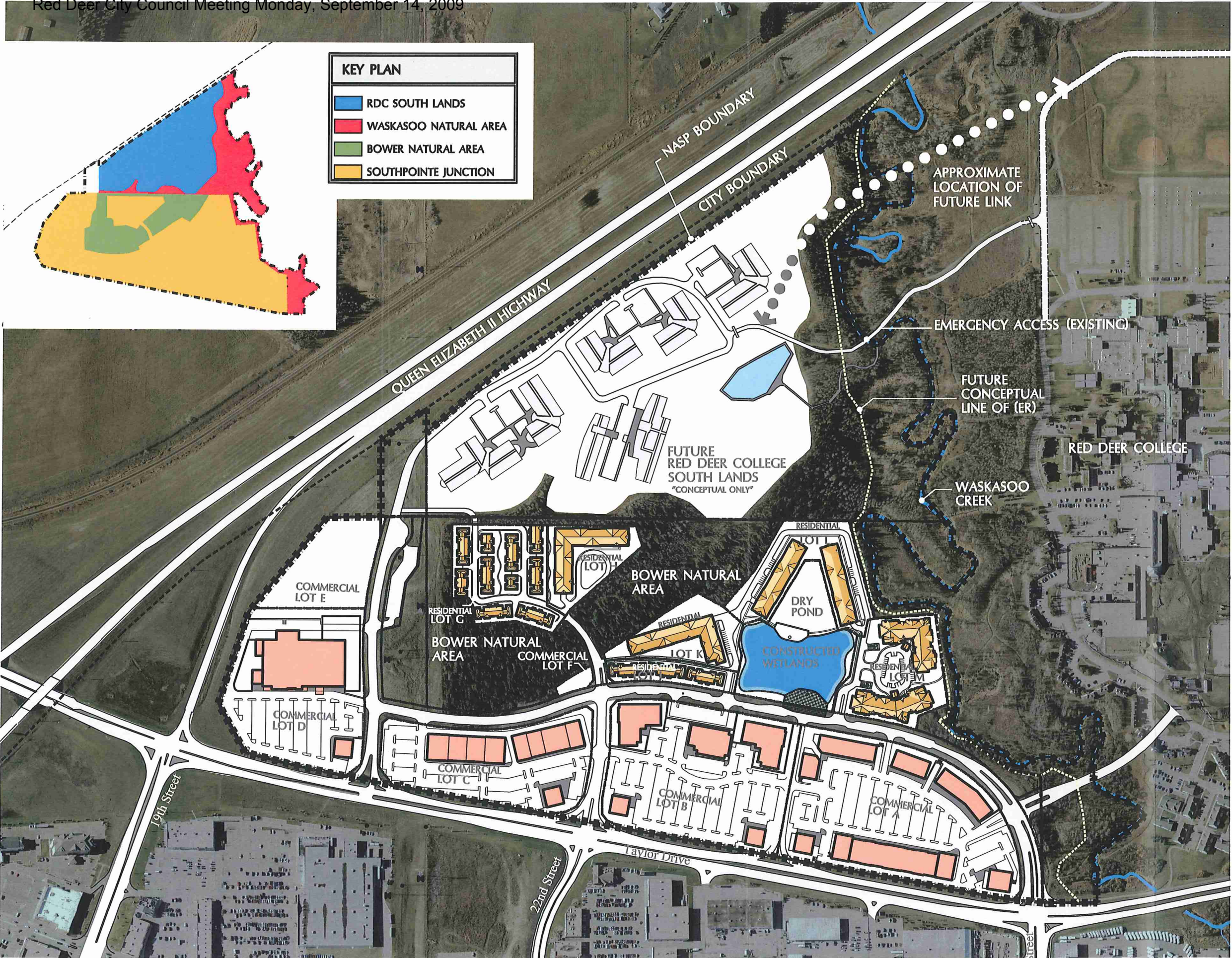
## APPENDIX A

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### PRELIMINARY DEVELOPMENT CONCEPT

Please Note: The development concept included in this Appendix is included for illustration purposes only and is subject to change.



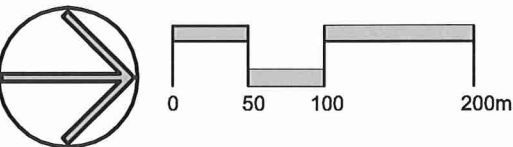


# SOUTHPOINTE NASP

## DEVELOPMENT CONCEPT

Note: Building Layout is conceptual only and is subject to change.

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**ziola.newstudio**  
architecture inc.

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