

CITY COUNCIL

AGENDA

Tuesday, September 3, 2019 – Council Chambers, City Hall

Call to Order: 1:30 PM
Recess: 5:00 PM to 6:00 PM

I. IN CAMERA MEETING (to last approximately 1 hour)

I.1. Motion to In Camera

I.1.a. Human Resource Matter - FOIP 24(1)(b)(i) - Advice from officials

I.1.b. Advocacy Update - FOIP 21(1)(a)(ii) - Disclosure harmful to intergovernmental relations

I.1.c. Council Appointments - FOIP 24(1)(a) and 24(1)(b)(ii) - Advice from officials

I.2. Motion to Revert to Open Meeting

2. MINUTES

2.1. Confirmation of the Minutes of the August 19, 2019 Council Meeting
(Agenda Pages 1 – 8)

3. POINTS OF INTEREST

4. REPORTS

4.1. Council Representative on the Alberta Urban Municipalities Association
(AUMA)

(Agenda Pages 9 – 10)

5. BYLAWS

- 5.1. Road Closure Bylaw Amendment - 3625/2019
Land Use Bylaw Amendment - Redistricting Bylaw 3357/W-2019
(Agenda Pages 11 – 19)
 - 5.1.a. Consideration of First Reading of Bylaw 3625/2019
 - 5.1.b. Consideration of First Reading of Bylaw 3357/W-2019

- 5.2. Land Use Bylaw Amendment 3357/V-2019:
Financial Services and Office Site Exception
(Agenda Pages 20 – 47)
 - 5.2.a. Motion to Table

- 5.3. Bylaw 3357/Z-2019
Land Use Bylaw Amendment for a Site Exception
"Office" as a discretionary use at 20 Sharpe Avenue (formerly 4718-19 Street)
(Agenda Pages 48 – 63)
 - 5.3.a. Consideration of First Reading of the Bylaw

- 5.4. Appeal Boards Bylaw Amendment 3619/A-2019
(Agenda Pages 64 – 83)
 - 5.4.a. Consideration of Second Reading of the Bylaw
 - 5.4.b. Consideration of Third Reading of the Bylaw

- 5.5. Fireworks Bylaw 3626/2019
(Agenda Pages 84 – 113)
 - 5.5.a. Consideration of Second Reading of the Bylaw
 - 5.5.b. Consideration of Third Reading of the Bylaw

6. ADJOURNMENT



UNAPPROVED - M I N U T E S

**of the Red Deer City Council Regular Meeting
held on, Monday, August 19, 2019
commenced at 2:30 P.M.**

Present: Mayor Tara Veer
Councillor Buck Buchanan
Councillor Michael Dawe
Councillor Tanya Handley
Councillor Vesna Higham
Councillor Ken Johnston
Councillor Lawrence Lee
Councillor Frank Wong
Councillor Dianne Wyntjes

City Manager, Allan Seabrooke
Director of Communications & Strategic Planning, Julia Harvie-Shemko
Acting Director of Community Services, Shelley Gagnon
Acting Director of Corporate Services, Dean Krejci
Director of Development Services, Kelly Kloss
Director of Human Resources, Kristy Svoboda
Director of Planning Services, Tara Lodewyk
Director of Protective Services, Paul Goranson
City Clerk, Frieda McDougall
Deputy City Clerk, Samantha Rodwell
Corporate Meeting Administrator, Amber Senuk
Corporate Meeting Support, Jennifer Hankey
Associate City Solicitor, Natasha Wirtanen
HR Team Leader – Programs, Greg Leblanc



I. IN CAMERA MEETING

I.1. Motion to In Camera

Moved by Councillor Buck Buchanan, seconded by Councillor Dianne Wyntjes

Resolved that Council of The City of Red Deer hereby agrees to enter into an In-Camera meeting of Council on Monday, August 19, 2019 at 2:30 p.m. and hereby agrees to exclude the following:

- All members of the media; and
- All members of the public; and
- All non-related staff members

to discuss a Human Resource Matter – FOIP 24(1)(b)(i) Advice from officials

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

I.1.a. Human Resource Matter - FOIP 24(1)(b)(I) - Advice from officials

The following people were in attendance as the topic under discussion related to their position within the organization.

Mayor Tara Veer, Councillor Buck Buchanan, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

City Manager Allan Seabrooke, Director of Human Resources Kristy Svoboda, HR Team Leader – Programs, Greg Leblanc, City Clerk Frieda McDougall

Director of Human Resources Kristy Svoboda, HR Team Leader – Programs, Greg Leblanc and City Clerk Frieda McDougall left Council Chambers at 3:00 p.m. and returned to the In Camera meeting at 3:40 p.m.



1.2. Motion to Revert to Open Meeting

Moved by Councillor Tanya Handley, seconded by Councillor Ken Johnston

Resolved that Council of The City of Red Deer hereby agrees to enter into an open meeting of Council on Monday, August 19, 2019 at 3:44 p.m.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

Council recessed at 3:44 p.m. and reconvened at 3:50 p.m.

2. MINUTES

2.1. Confirmation of the Minutes of the July 22, 2019 Council Meeting

Moved by Councillor Lawrence Lee, seconded by Councillor Michael Dawe

Resolved that Council of The City of Red Deer hereby approves the Minutes of the July 22, 2019 Regular Council Meeting.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

3. REPORTS

3.1. Regional and Local Tourism Direction 2019 - 2022

Chair of Tourism Red Deer, JP Fortin responded to questions.



Moved by Councillor Tanya Handley, seconded by Councillor Dianne Wyntjes

Resolved that Council of The City of Red Deer having considered the report from Land & Economic Development dated July 10, 2019 re: Regional and Local Tourism Direction 2019 – 2022 hereby adopts the Tourism Joint Venture as a guide for working with Tourism Red Deer and that administration provide Council with an annual review on the implementation and report on membership model review being done by Tourism Red Deer.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

4. **BYLAWS**

4.1. **Appeal Boards Bylaw Amendment 3619/A-2019**

Moved by Councillor Michael Dawe, seconded by Councillor Buck Buchanan

Resolved that Council of The City of Red Deer hereby agrees to lift from the table consideration of first reading of Bylaw 3619/A-2019.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION TO LIFT FROM THE TABLE CARRIED

The original motion, as introduced on April 1, 2019, was then on the floor.

Moved by Councillor Lawrence Lee, seconded by Councillor Dianne Wyntjes



FIRST READING: That Bylaw 3619/A-2019 (a bylaw to amend the Appeal Boards Bylaw to change the board membership) be read a first time.

Prior to consideration of the Bylaw, the following motion to amend was introduced.

Moved by Councillor Frank Wong, seconded by Councillor Michael Dawe

Resolved that Council of The City of Red Deer having considered the Appeals Boards Bylaw 3619/A-2019 hereby agrees to amend the bylaw as follows:
- Section 1(a) by deleting “2 alternate Citizen Representatives” and replacing it with “1 alternate Citizen Representative”

IN FAVOUR: Councillor Frank Wong

OPPOSED: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Dianne Wyntjes

MOTION TO AMEND DEFEATED

The original motion was then on the floor.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

Councillor Dianne Wyntjes left chambers at 5:11 p.m. and returned at 5:19 p.m.

Council recessed at 5:12 p.m. and reconvened at 5:19 p.m.



5. ADD TO THE AGENDA

Moved by Councillor Buck Buchanan, seconded by Councillor Frank Wong

Resolved that Council of The City of Red Deer hereby agrees to add consideration of a Human Resource Matter – FOIP 24(1)(b)(i) – Advice from Officials as discussed In Camera, to the August 19, 2019 City Council Agenda.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION TO ADD TO THE AGENDA CARRIED

Moved by Councillor Buck Buchanan, seconded by Councillor Dianne Wyntjes

Resolved that Council of The City of Red Deer having considered Human Resource Matter – FOIP 24(1)(b)(i) – Advice from Officials hereby endorses the revised recommendation as discussed in camera and agrees that the contents of the report will remain confidential as protected by the Freedom of Information and Protection of Privacy Act, Section 24(1)(b)(i).

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

6. BYLAWS - continued

6.1. Fireworks Bylaw 3626/2019

Council recessed at 5:57 p.m. and reconvened at 6:09 p.m.



Moved by Councillor Michael Dawe, seconded by Councillor Vesna Higham

FIRST READING: That Bylaw 3626/2019 (a bylaw to regulate the sale, possession and use of Fireworks within the city for the safety and well-being of the community) be read a first time.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong

OPPOSED: Councillor Dianne Wyntjes

MOTION CARRIED

The following motions were introduced.

Moved by Councillor Dianne Wyntjes, seconded by Councillor Lawrence Lee

Resolved that Council of The City of Red Deer having considered Fireworks Bylaw 3626/2019 hereby directs administration bring back potential amendments on the following at second reading:
- Section 3(h) to add location criteria and principles in determining acceptable locations within the city of Red Deer for the discharge of fireworks in accordance with Fireworks Bylaw 3626/2019.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

Moved by Councillor Dianne Wyntjes, seconded by Councillor Ken Johnston

Resolved that Council of The City of Red Deer having considered Fireworks Bylaw



3626/2019 hereby directs administration bring back potential amendments on the following at second reading:

- Schedule B - Failure to comply with a Fireworks permit by deleting "\$10,000.00" and replacing with "\$5,000.00"

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Michael Dawe, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

OPPOSED: Councillor Tanya Handley, Councillor Vesna Higham

MOTION CARRIED

7. ADJOURNMENT

Moved by Councillor Buck Buchanan, seconded by Councillor Ken Johnston

Resolved that Council of The City of Red Deer hereby agrees to adjourn the Monday, August 19 Regular Council Meeting of Red Deer City Council at 6:56 p.m.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

MAYOR

CITY CLERK



August 9, 2019

Council Representation on the Alberta Urban Municipalities Association (AUMA)

Legislative Services

Report Summary & Recommendation:

To support Council's goal of developing strong partnerships with other levels of government it is recommended that Council support members of Council allowing their names to stand for the AUMA Board of Directors and/or AUMA Committees.

As per Council's policy, representation on external committee's should be formally endorsed by resolution

Proposed Resolution:

Resolved that Council of The City of Red Deer having considered the report from Legislative Services dated August 9, 2019 re: Council Representation on the Alberta Urban Municipalities Association (AUMA) hereby endorses the nomination of _____ for the appointment to a Committee.

Background:

The Alberta Urban Municipalities Association was founded in 1905 and represents Alberta's 272 urban municipalities including cities, towns, villages, summer villages, and specialized municipalities, as well as Associate and Affiliate members.

Our goal is to develop a strong partnership between all three levels of government through a shared vision with long term planning that would facilitate social and economic growth, a strategic and stable funding matrix for capital projects, vital emergency and social services as well as implementation and coordination in the delivery of these services to ensure the sustainability of the Alberta Advantage.

Red Deer's Recent AUMA History:

Board of Directors:

2017/2018: Councillor Buck Buchanan

2016/2017: Councillor Buck Buchanan

Committees:

2018/2019: Councillor Dianne Wytjies



2017/2018: Councillor Dianne Wyntjes

2016/2017: Councillor Dianne Wyntjes and Councillor Lawrence Lee

Discussion:

AUMA has a board of directors and a variety of committees and The City of Red Deer has a solid tradition of participating on both the Board and committees. Committees of the AUMA include:

Audit & Finance

Infrastructure & Energy

Investment Advisory

Municipal Governance

Safe & Healthy Communities

Small Communities

Sustainability & Environment

AUMA requires Council's endorsement of Directors positions, Council's practice is to endorse appointments to both the Board and committees.

The 2019 Convention will be held in Edmonton, Alberta.



Council Decision – September 3, 2019

DATE: September 5, 2019
TO: Samantha Rodwell, Deputy City Clerk
FROM: Frieda McDougall, Legislative Services Manager
SUBJECT: Council Representative on the Alberta Urban Municipalities Association (AUMA)

Reference Report:

Legislative Services, dated August 9, 2019

Resolution:

At the Tuesday, September 3, 2019 Regular Council Meeting, Council passed the following Resolution:

Resolved that Council of The City of Red Deer having considered the report from Legislative Services dated August 9, 2019 re: Council Representation on the Alberta Urban Municipalities Association (AUMA) hereby endorses the nomination of Councillor Dianne Wyntjes and Councillor Buck Buchanan for the appointment to a Committee.

Report back to Council:

No.

Comments/Further Action:

None.

A handwritten signature in blue ink that reads 'Frieda McDougall'.

Frieda McDougall
Manager

- c. Director of Corporate Services
Council Administrative Assistant



September 3, 2019

Road Closure Bylaw Amendment- Bylaw 3625/2019

Land Use Bylaw Amendment- Redistricting Bylaw 3357/W-2019

Planning Department

Report Summary & Recommendation

Land and Economic Development has initiated a proposed road closure and rezoning for a 0.199 hectare city-owned area within the SE ¼ Sec 20; 38-27-W4M adjacent to the water treatment plant. The road closure and rezoning from road to I1 Industrial (Business Service) District will facilitate the consolidation of the road and the water treatment plant lands which are currently zoned I1.

Administration recommends Council support First Reading of Road Closure Bylaw 3625/2019 and Land Use Bylaw Amendment 3357/W-2019.

Proposed resolution

That Bylaw 3625/2019 and Bylaw 3357/W-2019 be read a first time. If first reading is given, these bylaws will be advertised for two consecutive weeks with a joint public hearing to be held on Monday, September 30, 2019 at 6:00 p.m. in Council Chambers.

Analysis

1. Compatible with adjacent land uses

The proposal is compatible with the adjacent land use of I1 Industrial (Business Service) District.

2. Facilitate consolidation

Rezoning the strip of road to I1 will allow the land to be easily consolidated with the adjacent water treatment plant property.

Discussion

Background

The subject road is adjacent to The City's water treatment plant and currently contains The City's Residuals Management Facility (Figure 1). The property falls within the Greater Downtown Action Plan (GDAP) and the Land Use Bylaw amendment has no impact on the GDAP. The existing buildings on the site will be demolished and replaced with new water treatment facilities. Once closed and consolidated, the road will remain as a private driveway for the water treatment plant site.

Figure 1: Subject Property and road.



Consultation

The application was circulated to various City departments for review. There were no concerns regarding land use bylaw and road closure regulations.

An information package and comment sheets, were sent to 29 landowners within 100 metres of the subject site. Administration did not receive any landowner comments regarding this application.

Recommendation

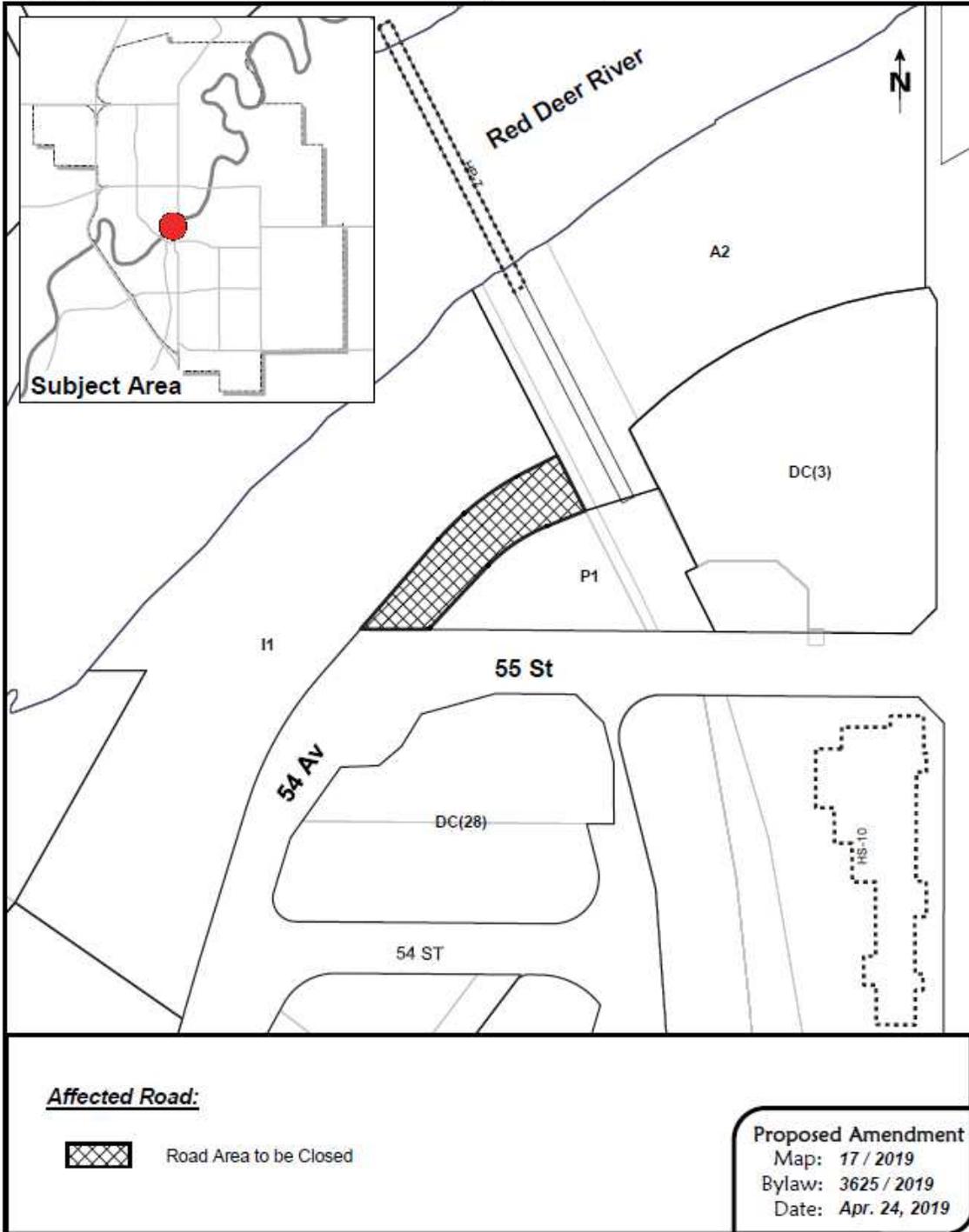
Administration recommends Council support First Reading of Road Closure Bylaw 3625/2019 and Land Use Bylaw Amendment 3357/W-2019.

Appendices

- Appendix A- Road Closure Bylaw 3625/2019
- Appendix B- Land Use Bylaw Amendment 3357/W-2019
- Appendix C- Context Map



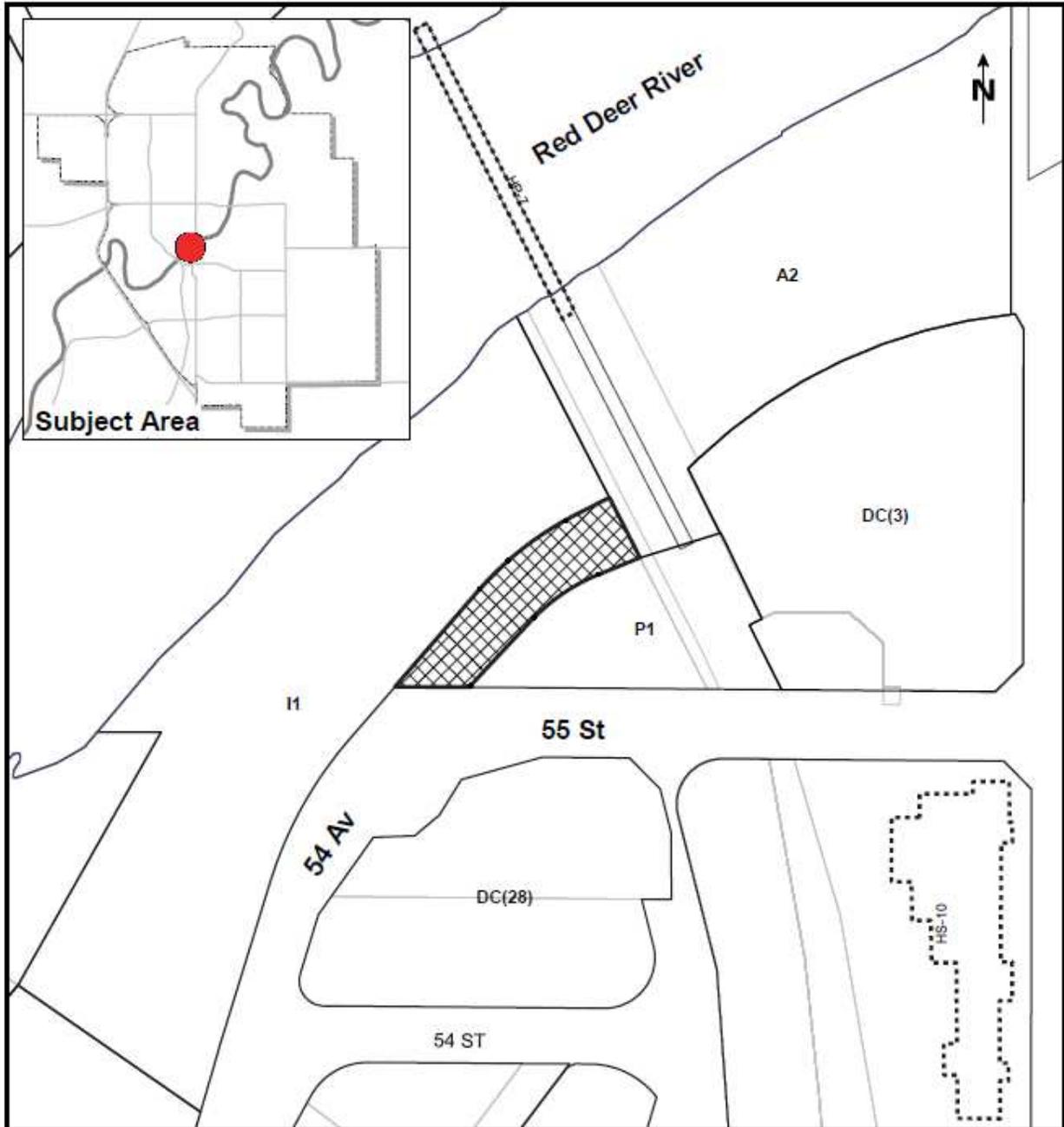
Road Closure Bylaw 3625/2019



Schedule "A"



Proposed Amendment to Land Use Bylaw 3357/2006



Change District:



Road to I1 - Industrial (Business Service) District

Proposed Amendment

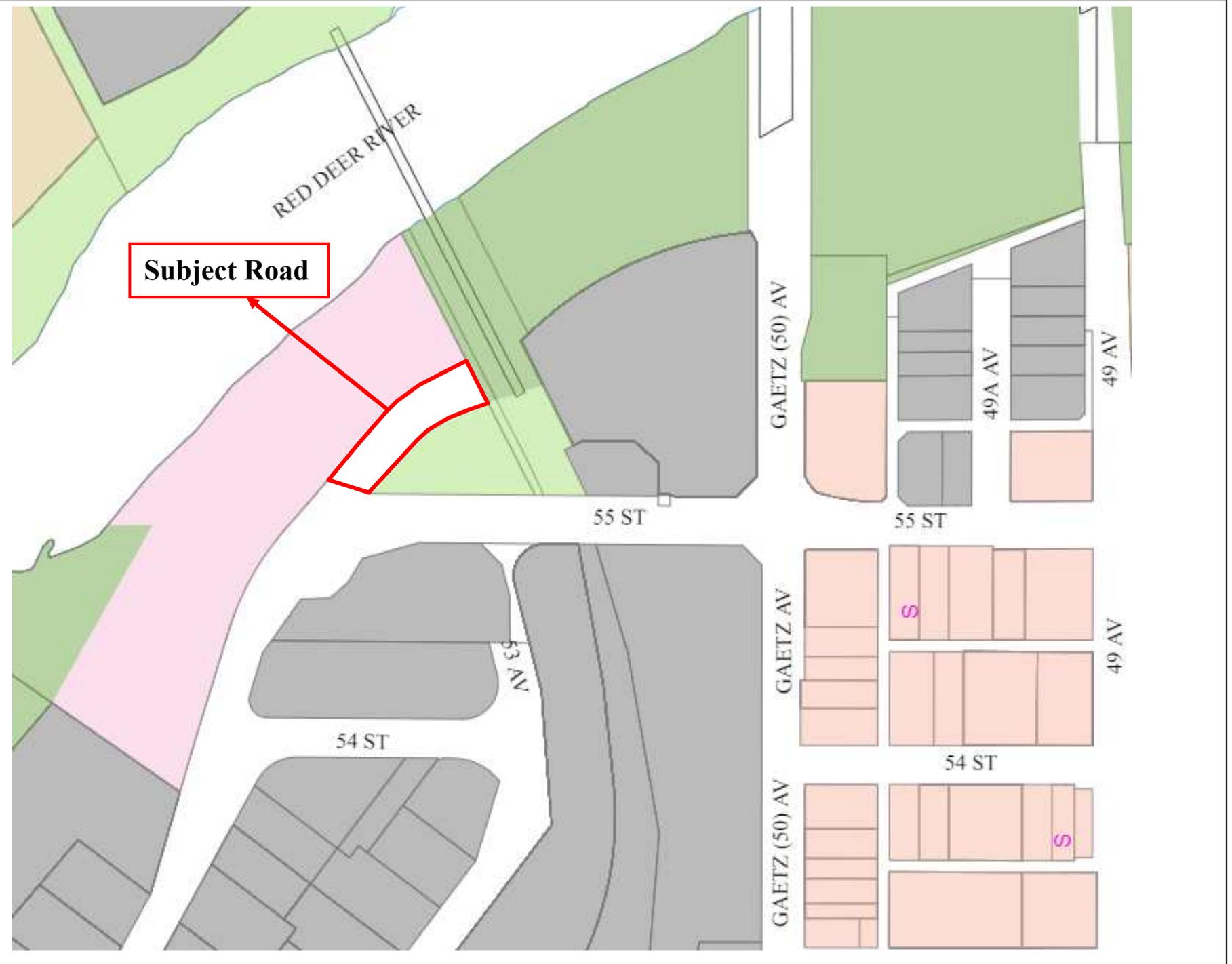
Map: 16 / 2019

Bylaw: 3357 / W-2019

Date: Jul. 09, 2019

Appendix C

Context Map



Subject Road

RED DEER RIVER

55 ST

54 ST

53 AV

GAETZ (50) AV

GAETZ AV

GAETZ (50) AV

49 AV

55 ST

49 AV

49 AV

54 ST

S



Council Decision – September 3, 2019

DATE: September 5, 2019
TO: Kimberly Fils-Aime, Planner
FROM: Frieda McDougall, Legislative Services Manager
SUBJECT: Road Closure Bylaw 3625/2019
Land Use Bylaw Amendment 3357/W-2019

Reference Report:

Planning Department, dated September 3, 2019

Bylaw Reading:

At the Tuesday, September 3, 2019 Regular Council Meeting, Council gave first reading to the following Bylaws:

Bylaw 3625/2019- a road closure bylaw for a 0.199 hectare city-owned area within the SE ¼ Sec 20; 38-27-W4M adjacent to the water treatment plant.

Bylaw 3357/W-2019 – an amendment to the Land Use Bylaw to rezone a 0.199 hectare city-owned area within SE ¼ Sec 20; 38-27-W4M adjacent to the water treatment plant from Road to II Industrial (Business Service) District.

Report back to Council:

Yes.

Comments/Further Action:

This office will advertise for a Public Hearing to be held on Monday, September 30, 2019 at 6:00 p.m. during Council's regular meeting.

A handwritten signature in blue ink that reads 'Frieda McDougall'.

Frieda McDougall
Manager

- c. Director of Planning Services
Planning Services Manager
Corporate Meeting Administrator



Council Decision – September 3, 2019

DATE: September 5, 2019
TO: Kimberly Fils-Aime, Planner
FROM: Frieda McDougall, Legislative Services Manager
SUBJECT: Land Use Bylaw Amendment 3357/V-2019
Financial Services & Offices Site Exception

Reference Report:

Planning Services, dated September 3, 2019

Bylaw Reading:

At the Tuesday, September 3, 2019 Regular Council Meeting, Council gave first reading to the following Bylaws:

Bylaw 3357/V-2019 – an amendment to the Land Use Bylaw for a site exception to allow for consideration of Financial Services and Office, not exceeding 4000 ft² as a discretionary use at #8, 4608-62 Street in the Riverside Light Industrial Park.

Report back to Council:

Yes.

Comments/Further Action:

This office will advertise for a Public Hearing to be held on Monday, September 30, 2019 at 6:00 p.m. during Council's regular meeting.

A handwritten signature in blue ink that reads 'Frieda McDougall'.

Frieda McDougall
Manager

- c. Director of Planning Services
Planning Services Manager
Corporate Meeting Administrator



September 3, 2019

Land Use Bylaw Amendment 3357/V-2019: Financial Services & Office Site Exception

Planning Services

Report Summary & Recommendation

Administration has received a Land Use Bylaw Amendment for a site exception to allow for consideration of Financial Services and Office as discretionary uses at #8 4608 62 Street (Lot 8, Plan 922 2540) in the Riverside Light Industrial Park. The parcel is currently designated as *I1 Industrial (Business Service) District*.

Following a 2015 study of the Riverside Light Area, the Planning Department is proposing a new mixed use commercial and industrial land use district in the area, coming to Council for review in Q1 2020.

Administration recommends that Council select Option 1 to table the proposed amendment until March 30 2020 allowing Council consideration of the new land use district for Riverside Light Industrial.

Proposed resolution

Resolved that Council of The City of Red Deer having considered the report from Planning Services, dated September 3, 2019 re: Land Use Bylaw Amendment 3357/V-2019: Financial Services & Office Site Exception hereby agrees to table consideration of Bylaw 3357/V-2019 to Q1 of 2020 to allow administration time to propose a new mixed use commercial and industrial land use district in the area, to come to Council for review in Q1 2020.

Rationale for Recommendation

1. City policy framework encourages the location of Office in the Greater Downtown and the preservation of industrial land for industrial uses.

The proposal is not consistent with the current principles and standards of the Municipal Development Plan (MDP). The MDP contains policies that support the location of Office primarily in the Greater Downtown and the preservation of industrial land for industrial uses.

2. Administration is working on a new mixed use commercial and industrial district for consideration in Riverside Light Industrial. Administration is currently working on a new mixed use commercial/industrial district that council will consider in Q1 2020.

Discussion

Background

The subject parcel is situated at Bay 8 4608 62 Street (Lot 8, Plan 922 2540) in the Riverside Light Industrial Park. Previous uses on site included a land surveyor and environmental consultant, both uses were Industrial Support Services.

Riverside Light Industrial area was studied in 2015 for review of future potential land uses. Council has provided direction to further explore a new land use district for the area contemplating commercial and industrial uses. The district consideration will be before Council in Q1 of 2020.

The applicant is requesting a Land Use Bylaw amendment site exception to allow Financial Services and Office on the property (See Appendix B definitions). The applicant has indicated that the property has remained vacant for several years unable to attract industrial tenants. The applicant wishes to expand the uses considered on the property in order to fill the existing vacancy. The applicant has indicated that the property's configuration is designed to be suitable for office like uses (See Appendix E) and desires additional use options.

Financial Services is not a use that is directly listed in the Land Use Bylaw. It is a sub use of Commercial Service Facility and Industrial Support Service (See Appendix B). The I1 District has Industrial Support Services listed as a permitted use. However, Industrial Support Services are intended to specifically serve only industrial clients. The site exception would allow the Financial Services use to be available to all clients with no limitations to industrial clients.

Analysis

LUB

There are various districts throughout the city that allow the location of Office and/or Financial Services (as part of Commercial Service Facility) (See Appendix D). Given the opportunities currently available to locate these types of development throughout the city, industrial land supply should be maintained for industrial uses until further reviews have been conducted to consider the expansion of these uses into additional districts. Through the Industrial Support Services definition and use within I1, Financial Services are permitted as long as they are supporting industrial services.

MDP

The *Municipal Development Plan (MDP)* contains policies that encourage the location of office in the Greater Downtown and the preservation of industrial land (See Appendix F).

Strategic Plan

Council has recently adopted the 2019-2022 Strategic Direction. One of the four statements is that The City of Red Deer is an economic leader.

Administration is currently undergoing a review of both the Municipal Development Plan policies and the Land Use Bylaw regarding Strategic Plan economic development initiatives. Administration is also exploring a new mixed use land use district in the Riverside Light Industrial Area. Administration has determined this application is premature as it relates to the two review topics.

Dialogue

The application was circulated to various City departments for review. All concerns/comments provided by departments have been reviewed and considered by the Planning Department.

An information package and comment sheet was sent to 49 landowners within 100 metres of the subject site, 3 responses were received. A summary of feedback and Administrative response is provided in Appendix A.

Recommendation

Administration has reviewed three options and is recommending Option 1 to table the proposed amendment. The three options were considered by Administration as viable courses of action in its review of the proposed Land Use Bylaw amendment.

Option 1- Table the Amendment -

Following a study of the Riverside Light Area, the Planning Department is proposing a new mixed use commercial and industrial land use district in the area, coming to Council for review in Q1 2020.

Option 2– Approve Financial Services and Office Site Exception -

A Financial Services and Office site exception limited to 10% of the gross floor area in the existing building of the subject property could be considered in order to maintain the industrial integrity of the I1 District. The 10% limit is similar to the office limitations within the commercial C5 district used in Timberlands.

Option 3– Defeat first reading of Financial Services and Office Site Exception

The Land Use Bylaw provides several opportunities to locate Financial Services and Offices in districts throughout the city. Office uses are currently encouraged in the downtown area and industrial lands are encouraged to be maintained for industrial uses.

Appendices

- Appendix A- Application, Landowner Comments and Administrative Response
- Appendix B- Land Use Bylaw Definitions
- Appendix C- I1 District Guidelines
- Appendix D- Commercial Service Facility and Office in LUB Districts
- Appendix E- Subject Property Site Plan
- Appendix F- Office and Industrial Land Supply MDP Policies
- Appendix G- Option 2- Bylaw 3357-V-2019

Appendix A

Application, Landowner Comments and Administrative Response



**LAND USE BYLAW AND
PLAN AMENDMENT
APPLICATION**

All of the information requested in the application and attached checklist is necessary to complete a thorough evaluation and timely decision on your application. All material submitted must be clear, legible and precise; staff will only accept complete applications.

Type of amendment(s) requested: (please circle those that apply)

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Land Use Bylaw | <input type="checkbox"/> Neighbourhood Area Structure Plan | <input type="checkbox"/> Industrial Area Structure Plan |
| <input type="checkbox"/> Major Area Structure Plan | <input type="checkbox"/> Municipal Development Plan | <input type="checkbox"/> Area Redevelopment Plan |

Registered Owner of Land that is the Subject of the Proposed Amendment(s):

Name / Company: 942586 ab ltd / 467344 ALBERTA LTD.

Contact Person: Bill Westman

Street Address: _____

Mailing Address: _____

Province: _____

Postal Code: _____

Phone Number: _____

Fax Number: _____

E-Mail Address: _____

Applicant (if different from the Registered Owner)

Name / Company: _____

Contact Person: _____

Address: _____

Province: _____

Postal Code: _____

Phone Number: _____

Fax Number: _____

E-Mail Address: _____

Landowner Authorization (this section to be completed by Landowner)

I (We), Bill Westman Rob Gette
(Print Full Name)

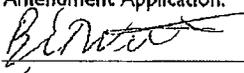
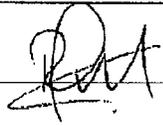
hereby certify that I am (we are) the registered owner(s) of the land that is subject of this application, and that the information given on this form is full and complete, and is, to the best of my (our) knowledge, a true statement of the facts relating to this Amendment Application.

Planning Department 4914-48 Avenue Phone: 403-406-8700 Fax: 403-342-8200 Email: planning@reddeer.ca

The City of Red Deer 560003 - Red Deer, AB T4N 3L1 www.reddeer.ca

Authorization to Act on Behalf of the Registered Owner: (if applicable)

I (we) hereby authorize Bill Westman to act on my (our) behalf on matters pertaining to this Amendment Application.

Landowner Signature(s):  

Date: March 6/19

Description of Land Proposed for Amendment:

Lot(s): 8 Block(s): 0 Plan(s): 9222540

Municipal Address(s): #8 4608 62 street Red Deer

Land Area: _____ hectares, m².

Amendment Proposed (Land Use Bylaw Re-designation Amendment only)

Existing Land Use Designation: _____

Proposed Land Use Designation: _____

Applicant's Rationale

Please provide your rationale for requesting the proposed amendment. You may use the space below or prepare a separate statement and attach it to this application. This submission will be included in any reports presented to The City of Red Deer Municipal Planning Commission (MPC) and to City Council. (Attach additional pages if necessary).

We make application to add "office" and "financial services"
to the approved usage of bay #8 4608 62 st
Red Deer. The bay is currently I1 but was developed with upscale
offices years ago making it difficult for use as industrial
support. It has been vacant for 3 years causing financial
hardship. We currently have interest from financial service
companies and feel they would be a great fit for the
area and will keep them from moving to RD
county

The personal information on this form is collected under the authority of section 617 of the Municipal Government Act and section 33(c) of the Freedom of Information and Protection of Privacy Act. This information will be used to facilitate contact between the parties and to determine the location of the subject property. A summary of the amendment proposal and identity of the subject property's owner may be issued to adjacent land owners. If you have any questions regarding the collection, use or protection of this information, please contact the Director of the Planning Services Division at 403-406-8700. Planning Services is located on the third floor of City Hall, 4914-48 Avenue, Red Deer, Alberta.

Landowner Comment regarding site exception	Administration's Response/Comment
The area should remain light industrial	The application is for a site exception to add an accountant Office and expand the Financial Services uses that can be located on the property. The II District will remain.
Will create a precedent for other non-industrial uses	While Administration may look to existing land uses to exemplify differing scenarios, current land use decisions do not set precedence for future decisions. Administration must conduct a full comprehensive review of each individual application it receives.
Traffic increase concerns	The application was circulated to the Engineering Department for review. Outside of banks, Financial Services and Office are not anticipated to generate significant additional traffic. Banks, however, have a higher trip generation rate than other financial services providers and would require a Traffic Impact Assessment. The applicant is currently not looking to locate a bank on the premise. The need for a T.I.A. will be determined at the Development Permit stage once the exact nature of the business occupying the space is known.
Financial services does not belong in a light industrial area- will create conflict (non-industrial may complain about noise & dirt, etc)	Financial Services is a use that is currently listed under Industrial Support Services (ISS). ISS is a permitted use in the II District. This site exception aims to expand the definition of Financial Services to serve clients outside of industry.
There are other areas where this use can be located	Financial Services is a use listed under Commercial Service Facility. There are several district within the city where this use can be located (Appendix D)
Parking concerns	All applicants are required to meet applicable parking standards outline in Part 3 of the Land Use Bylaw.
Other Landowner Comments	Administration's Response/Comment
Riverside area is experiencing high vacancy rate	Q4 2018 Solomons Commercial report indicates that the vacancy rate for Riverside Light is 11.23%. The average vacancy rate for industrial parks in Red Deer is 11.27%
Riverside light buildings no longer meet the requirements that industrial building users are currently seeking	Alberta Building Code requirements are dependent on the proposed industrial use.

Comment Sheet

We invite you to provide feedback regarding the proposed plan amendment/ subdivision application. Your feedback is very important to us. Please be sure to specify which application you are responding to by indicating the address of the subject application, and the name of the planner on the file.

Collection & Release of Your Information: The City is collecting your information as part of the referral process that is described in Section 2.19(5) of The City of Red Deer Land Use Bylaw. The personal information on this form is collected under the authority of the Municipal Government Act Section 3 and is protected under the provisions of the Freedom of Information & Protection of Privacy (FOIP) Act. The City will seek to balance the dual objectives of open government and protection of privacy. If you have questions about the collection and use of this information, please contact the Manager of Planning at The City of Red Deer, 4914-48 Ave, Red Deer, AB 403-406-8700.

Please check the box below which applies:

- Land Use Bylaw Amendment
- Subdivision Application
- Plan Amendment
- Other

Amendment/Subdivision Address/ Bylaw #:

LUB Bylaw 3357/1-2019

Name of Planner (Working on the Application):

Kimberly Fils-Arne

Contact Information

Your contact information allows administration to respond as needed.

Name: Ray Fress

Mailing Address: _____ Postal Code: _____

Phone #: _____ Cell Address: _____

General Comments

Subject = # 4608-628T

This area is for ("light industrial) use. It should stay that way.

If you allow this business in then in a year or two someone else will say that they should be allowed to open another non-industrial business because you ~~not~~ have already allowed this company in. Then soon you will have complaints that there is too much noise, dirt or whatever in the area and it is interfering with the new business owners to conduct their business. ~~For~~ ^{For} more traffic

April 29, 2019
Page 8 of 392

will occur. There is already a lot of traffic. The roads are narrow with the present vehicle types used. If you want to improve the area require the present businesses to clean up their properties. Get the Police to patrol the area on a regular basis so we do not have to wonder if our businesses will get through another night intact.

NO to non-light industrial use.

Jay Kraess

Comment sheet may be submitted using the following options:

- Return, by mail to: City of Red Deer Planning Department, Box 5008, Red Deer, Alberta, T4N 3T4; or
- Drop off at the Planning Department counter on the 3rd floor of City Hall at 4914 - 48 Avenue; or
- Fax to the Planning Department at 403.342.8200; or
- Email to kimberly.fils-aime@reddeer.ca

Thank you for your input!

Comment Sheet

We invite you to provide feedback regarding the proposed plan amendment/ subdivision application. Your feedback is very important to us. Please be sure to specify which application you are responding to by indicating the address of the subject application, and the name of the planner on the file.

Collection & Release of Your Information: The City is collecting your information as part of the referral process that is described in Section 2.19(5) of The City of Red Deer Land Use Bylaw. The personal information on this form is collected under the authority of the Municipal Government Act Section 3 and is protected under the provisions of the Freedom of Information & Protection of Privacy (FOIP) Act. The City will seek to balance the dual objectives of open government and protection of privacy. If you have questions about the collection and use of this information, please contact the Manager of Planning at The City of Red Deer, 4914-48 Ave, Red Deer, AB 403-406-8700.

Please check the box below which applies:

- Land Use Bylaw Amendment
- Subdivision Application
- Plan Amendment
- Other

Amendment/Subdivision Address/ Bylaw #:

Bylaw 3357/V-2019

#8, 4608 62 Street

Name of Planner (Working on the Application):

Contact Information

Your contact information allows administration to respond as needed.

Name: Randy + Brenda McMullen

Mailing Address: _____ Postal Code: _____

Phone #: _____ E-mail Address: _____

General Comments

Re: Amendment/Subdivision Address/Bylaw#

Bylaw 3357/V-2019

#8, 4608 62 Street

We are opposed to the Financial Service operation moving into 4608 – 62 Street for the following reasons:

- 1). A financial service operation does not belong in a light industrial area. This area is zoned to provide an environment where manufacturing, processing, distribution, repair, servicing and or rental of articles is the norm. The activities occurring in this area will not create the atmosphere conducive to conducting financial services . That being said, it can lead to complaints from the financial office asking that the surrounding environment be changed to suit them better. Let's avoid any possible conflict by not allowing them into the area. There are many other places in Red Deer where they can set up shop without having to get this exception.
- 2). We believe that parking could be an issue. If there are sufficient clients at this office and parking is full at their complex, then customers will find parking close by at other condo units.
- 3). Once an exception is made for this office what prevents a multitude of exceptions in the future?

We believe that there is enough suitable rental space in Red Deer available to this operation, that requesting this exception is not necessary.

Thank- you for your time,

1292301 Alberta Ltd.

Comment Sheet

We invite you to provide feedback regarding the proposed plan amendment/ subdivision application. Your feedback is very important to us. Please be sure to specify which application you are responding to by indicating the address of the subject application, and the name of the planner on the file.

Collection & Release of Your Information: The City is collecting your information as part of the referral process that is described in Section 2.19(5) of The City of Red Deer Land Use Bylaw. The personal information on this form is collected under the authority of the Municipal Government Act Section 3 and is protected under the provisions of the Freedom of Information & Protection of Privacy (FOIP) Act. The City will seek to balance the dual objectives of open government and protection of privacy. If you have questions about the collection and use of this information, please contact the Manager of Planning at The City of Red Deer, 4914-48 Ave, Red Deer, AB 403-406-8700.

Please check the box below which applies:

- Land Use Bylaw Amendment
- Subdivision Application
- Plan Amendment
- Other

Amendment/Subdivision Address/ Bylaw #:

Bylaw #3357-V-2019

Name of Planner (Working on the Application):

Kimberly Fils-Arme

Contact Information

Your contact information allows administration to respond as needed.

Name: Allan Hough - Triple A Developments Ltd.

Mailing Address: _____ Postal Code: _____

Phone #: _____ E-mail Address: _____

General Comments

We would encourage council to approve the site exception application and allow financial services at #8 - 4608 - 62 Street.

The Riverside Light Industrial Park is an area which has many buildings which no longer meet the requirements that industrial building users are currently seeking. The Riverside area is experiencing a high vacancy rate. This area needs some flexibility with regards to the type of users that will be allowed.

Our City has seen a tremendous exodus of businesses whether closing down or relocating to the County of Red Deer. Council should be concerned about this trend and ultimately be as accomodating as reasonably possible to retain and attract more businesses.

Appendix B
Land Use Bylaw Definitions

Financial Services means the provision of services related to financial matters, including the deposit or lending of money, the sale of financial investments and the provision of financial planning services.

Office means a development that provides professional, management, administrative, consulting, and health care services, such as the offices of doctors, lawyers, accountants, engineers, architects, clerical, secretarial, employment, telephone answering and similar office support services.

Industrial Support Service means a Development whose principal use is to provide support services to industrial clients. Typical uses include, but are not limited to, duplicating, photocopying and blueprinting services, building security, cleaning or maintenance services, engineering (with dangerous goods), industrial drafting, land surveyors, laboratories, oilfield services, project design and management services, construction trade, information technology support services, financial and insurance service outlets and construction contractors, and exclude Offices. Any retail sales, display or Office areas shall be accessory to the principal Industrial Support Service use. Does not include Cannabis Retail Sales.

Commercial Service Facility means a facility in which services are provided commercially to individuals, and without limiting the generality of the foregoing, may include:

- (a) services related to the care and appearance of the body such as a massage business, beauty shop, barber shop, tanning salon or fitness centre,
- (b) cleaning and repair of personal effects such as shoe repair, dry cleaning or laundering outlet, (c) care of small animals such as a small animal veterinary clinic or dog grooming salon, or
- (d) financial or insurance services outlet, real estate agency, travel agency, commercial school or day care but does not include Office, Funeral Home, or Crematorium.”
- (e) Does not include Cannabis Retail Sales

Appendix C

11 District Guidelines

City of Red Deer Land Use Bylaw 3357/2006

6.1 II Industrial (Business Service) District**II**

General Purpose

The general purpose of this District is to provide for a limited range of light industrial, warehousing, storage, and industrial support services within the performance standards of section 6.4(2)(a), the operation of which do not create or emit noises, odours, dust, fumes or other factors which are regarded as nuisances. In addition, this district will provide for certain other businesses which are incompatible in commercial districts.

1. II Permitted and Discretionary Uses Table

(a) Permitted Uses	
(i)	Accessory buildings or uses excluding sales subject to section 3.5.
(ii)	Accessory sales related to manufacturing, processing, and/or distribution of any article.
(iii)	Accessory sales of used trucks, used automobiles and used holiday trailers, providing that collectively there are not more than three units for sale on the site at any one time.
(iv)	¹ Building Sign; and
(v)	² Freestanding Sign.
(vi)	Industrial support services.
(vii)	³ DELETED
(viii)	Manufacture, processing, distribution, repair, servicing, and/or rental of any articles.
(ix)	Service stations.
(x)	⁴ Warehousing.
(xi)	⁵ Outdoor storage.
(b) Discretionary Uses	
(i)	Above ground storage tanks for motor fuel products including propane and used oil.
(ii)	Animal services.
(iii)	Auction marts (excluding livestock).
(iv)	⁶ Billboard Sign;

¹ 3357/B-2018² 3357/B-2018³ 3357/B-2018⁴ 3357/E-2006⁵ 3357/E-2006⁶ 3357/B-2018

City of Red Deer Land Use Bylaw 3357/2006

(b) Discretionary Uses <i>continued</i>	
(v)	¹ DELETED
(vi)	² DELETED
(vii)	³ Dynamic Fascia Sign; and
(viii)	⁴ Dynamic Freestanding Sign.
(ix)	Crematorium
(x)	Dangerous goods occupancy.
(xi)	Restaurant.
(xii)	⁵ Sale of large trucks over 10,000 Kg, Manufactured Homes, heavy construction equipment and machinery
(xiii)	Sale of horse, stock, and light flatdeck and cargo trailers.
(xiv)	⁶ DELETED
(xv)	Transportation, communication or utility facility.
(xvi)	⁷ Industrial trade schools (maximum capacity of 60 persons).
(xvii)	⁸ Accessory outdoor display or sale of goods
(xviii)	⁹ Pet Crematorium
(xix)	¹⁰ Alternative/Renewable Energy Facility on sites designated in an Eco Industrial Park Overlay District.
(xx)	¹¹ Uses that produce waste materials, outputs, or by-products that may be used as inputs for an industrial operation within the Eco Industrial Park Overlay District. This use does not include Cannabis Retail Sales.
(xxi)	¹² Uses that may consume waste materials, outputs, or by-products that are produced by an industrial operation within an Eco Industrial Park Overlay District. This use does not include Cannabis Retail Sales.

2. II Industrial (Business Service) District Regulations

(a) Table 6.1 II Regulations

Regulations	Requirements
Floor Area Minimum	n/a
Building Height	n/a

¹ 3357/G-2016, 3357/B-2018
² 3357/G-2016, 3357/B-2018
³ 3357/B-2018
⁴ 3357/B-2018
⁵ 3357/E-2016
⁶ 3357/B-2018
⁷ 3357/L-2011
⁸ 3357/E-2006
⁹ 3357/M-2008
¹⁰ Correction 38
¹¹ 3357/L-2018
¹² 3357/L-2018

 City of Red Deer Land Use Bylaw 3357/2006

Regulations	Requirements
Maximum	
Front Yard Minimum	6.0 m, except Edgar Industrial Drive “and I1 ¹ zoned lands located within an Eco Industrial Park Overlay District” which is 9 m
Side Yard Minimum	6.0 m one side
Rear Yard Minimum	3.0 m
Landscaped Area	40 % of minimum front yard
Parking Spaces	Subject to section 3.1 and 3.2
Loading Space	Subject to section 3.7
Site Area Minimum	929.0 m ²
Frontage Minimum	22.0 m

- (b) I1 District is subject to any applicable industrial regulations listed within section 6.4.
- (c) Notwithstanding section 6.1(2)(a) Table 6.1, buildings on properties abutting a major arterial or abutting a service road adjacent to a major arterial shall be constructed at least 18.0 m from the said arterial or service road. The building on Lot 10A, Block A, Plan 782 0258 (2404 - 50 Avenue) shall be exempted from this regulation, but shall have a minimum front yard setback of 15.0 m.

Appendix D

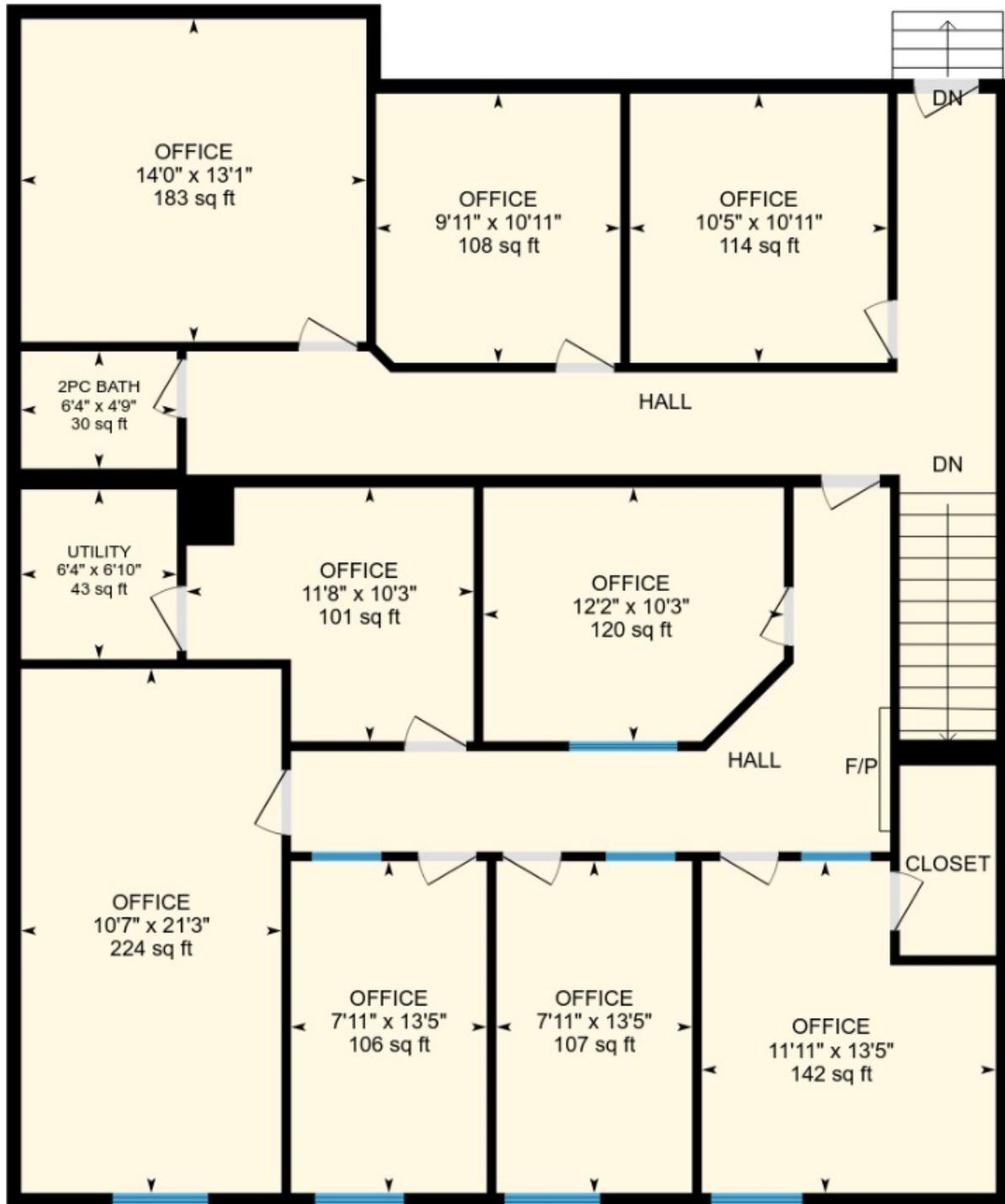
Commercial Service Facility (Financial Services) and Office in LUB Districts

Commercial Service Facility (Financial Services)	
Permitted Use	Discretionary Use
C1	C3
C1A	C5
C2B	DC1
C4	DC3
I1A/BSR	DC13
DC6	DC28
DC12	RL-TD
DC20	
DC25	
DC27	
RL-C	

Office	
Permitted Use	Discretionary Use
C1	C3- Office – medical (serving the neighbourhood only).
C1A	C5 Office in total not to exceed 10% of the gross commercial floor area of the site on which it is located.
C2A- Office in total not to exceed 10% of the gross leasable area of the whole shopping centre.	I1A/BSR Offices (professional and medical).
I1A/BSR Dwelling units above the ground floor with one of the following located on the ground floor: (1) office,	DC1
PSR Offices ancillary to an on-site use	DC25 Office on the ground floor not to exceed 10% of the gross leasable floor area maximum of the whole shopping centre
DC3	DC27
DC6	DC28 Office on the ground floor
DC12	RL-TD
DC20	DC 13
DC25 Office on the second floor and above not to exceed 10% of the gross leasable floor area maximum of the whole shopping centre	
DC28 Office above the ground floor.	
DC31	
RL-TD	
RL-C	
RL-PR Mixed Use Commercial/Office with Dwelling Units	

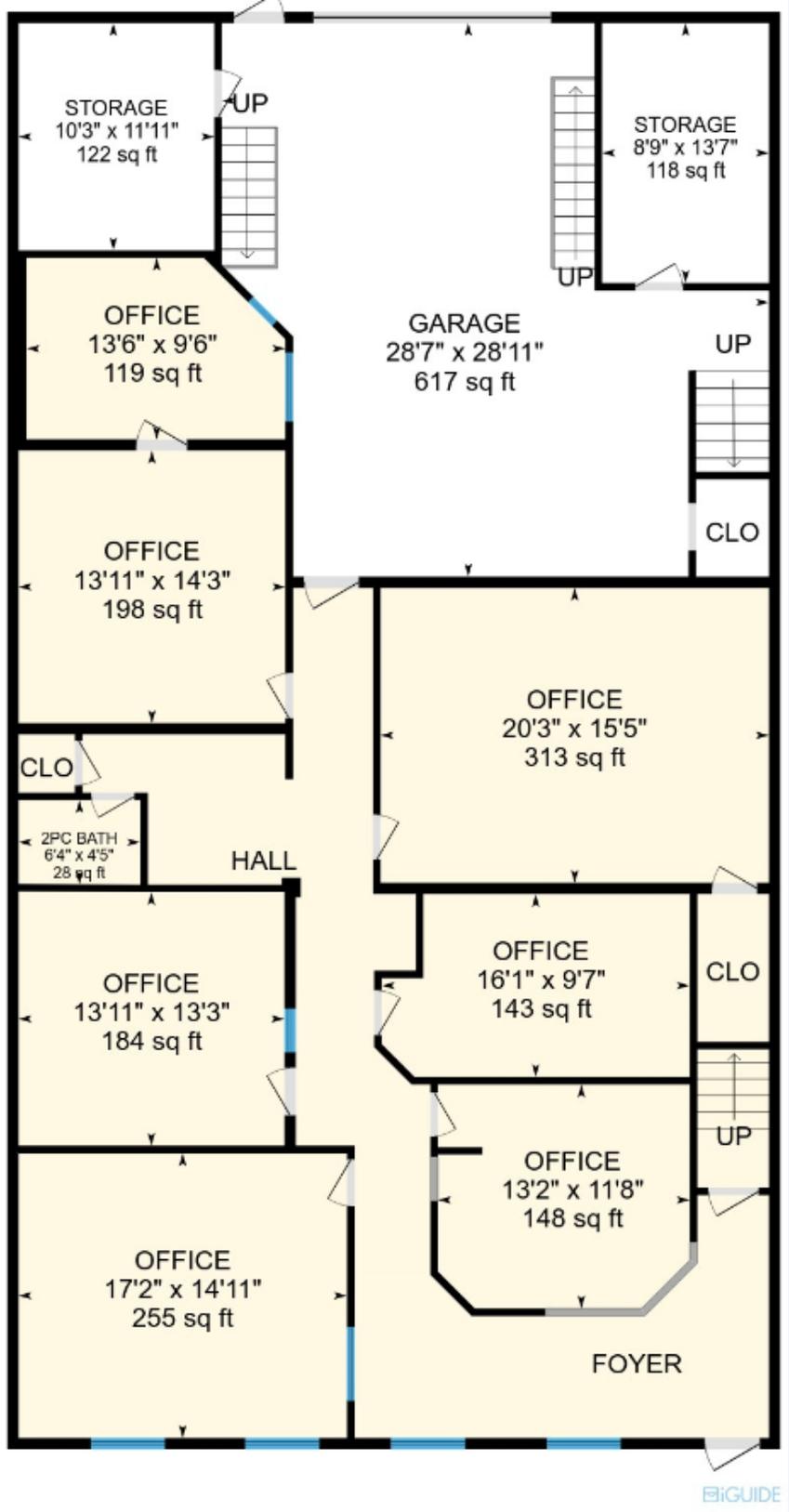
Appendix E
Subject Property Site Plan

Main Floor



iGUIDE

Second Floor



Appendix F

Office and Industrial Land Supply MDP Policies

11.3 Location of Office Development

The City shall continue to promote Greater Downtown Red Deer as the primary location for office space, subject to policy 12.6, including actively encouraging other orders of government to regard Greater Downtown as the focus of their activities.

12.4 Location of Office Development – Downtown

The City shall continue to promote Greater Downtown as the primary location for office space, including actively encouraging other orders of government to regard Greater Downtown as the focus of their activities.

12.6 Location of Office Development – Planned Major Nodes

Notwithstanding policy 11.3 and policy 12.4, office space/use shall be allowed outside of the Greater Downtown in the town centres as shown on the Generalized Land Use Concept map subject to the following:

- (a) The maximum amount of office space which may be allowed in each town centre shall be 125,000 square feet of gross leasable area;
- (b) Office use shall be limited to a total of four floors in any single building; and
- (c) The floor area of office use within any single building shall not exceed 50,000 square feet of gross leasable area.

13.2 Maintaining an Adequate Supply of Industrial Land

The City should maintain and/or facilitate an adequate inventory of serviced industrial sites of various lot sizes and type (light and heavy) to meet the needs of business and industry.

Appendix G

Option 2- Bylaw 3357-V-2019

BYLAW NO. 3357/V – 2019

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

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

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

- 1. Section **8.22** is amended is amended by adding the following subsection **8.22(1)(e)(xiii)(1)**

Financial Services and Office not exceeding 10% of the gross industrial floor area on:

Lot 8, Plan 922 2540 (#8 4608 62 Street)

- 2. The “Land Use District Map M17” contained in “Schedule A” of the Land Use Bylaw is hereby amended in accordance with the Land Use District Map 19/ 2019 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this day of 2019.

READ A SECOND TIME IN OPEN COUNCIL this day of 2019.

READ A THIRD TIME IN OPEN COUNCIL this day of 2019.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2019.

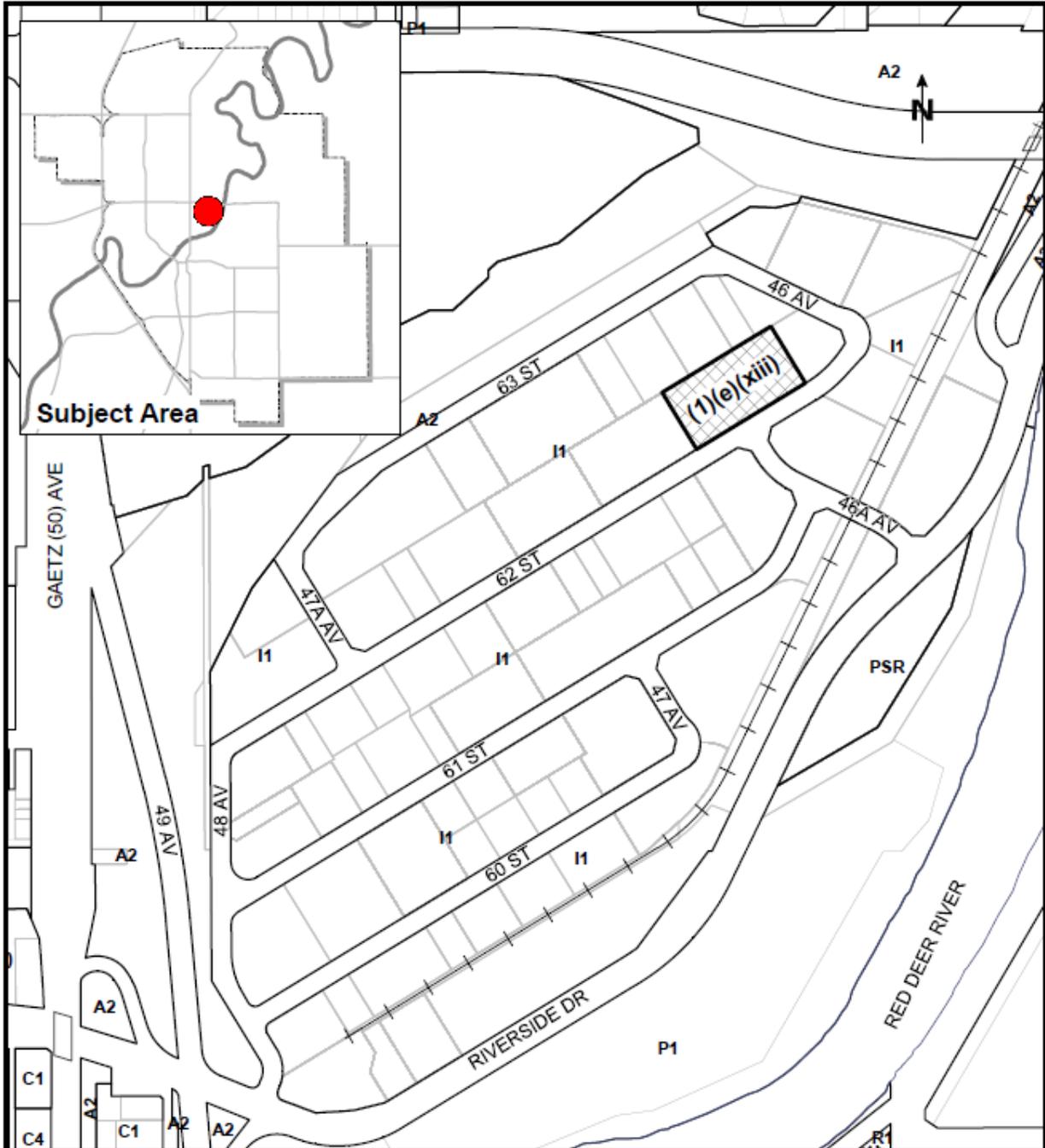
MAYOR

CITY CLERK

Schedule "A"



Proposed Amendment to Land Use Bylaw 3357/2006



Site Exception:



I1 to I1 - Industrial (Business Service) District, exception (1)(e)(xiii)

Proposed Amendment
Map: 19 / 2019
Bylaw: 3357 / V-2019
Date: May 31, 2019



August 16, 2019

Bylaw 3357/Z-2019:

Land Use Bylaw Amendment for a Site Exception

“Office” as a discretionary use at 20 Sharpe Avenue (formerly 4718 – 19 Street)

Planning Services

Report Summary and Recommendation

The Planning department has received an application from the developer of a *C4 – Commercial (Major Arterial) District* zoned commercial site for a Land Use Bylaw amendment that proposes to add a maximum 40,000 square feet of Office as a discretionary use site exception at 20 Sharpe Avenue (formerly 4718 – 19 Street) in the Sunnybrook South commercial area. The applicant has indicated that the intended office use is an accounting firm.

Administration recommends Council give First Reading to Bylaw 3357/Z-2019 (Appendix A).

Proposed Resolution

That Bylaw 3357/Z-2019 be read a first time. If first reading is given, this bylaw will be advertised for two consecutive weeks with a Public Hearing to be held on Monday, September 30, 2019 at 6:00 p.m. in Council Chambers.

Rationale for Recommendation

The rationale for Administration’s recommendation is as follows:

- 1. The inclusion of limited Office, 40,000 square feet, as a discretionary use is compatible with surrounding land uses.** In December 2017 a development permit was issued for a Commercial Service Facility for an insurance business on a portion of this site.
- 2. Several commercial land use districts consider Office uses based on the location of the district.** Six out of the seven commercial land use districts and ten Direct Control Districts have office listed as a discretionary or permitted use.

- 3. Municipal Development Plan considers limited office development outside of the Downtown** (see Appendix D). The site exception limits the office use to 40,000 square feet.

Discussion

Background

The subject parcel, zoned *C4 – Commercial (Major Arterial) District*, is located along 19 Street within a larger area identified in the Sunnybrook South NASP for commercial development (see Appendix B). Development of a “Commercial Service Facility” is underway; specifically an insurance business, on a portion of the subject site. The site is limited in uses due to the landfill setback in the area (See Appendix F).

Analysis

The Municipal Development Plan says “*The City shall promote the Greater Downtown as the primary location for office space, including actively encouraging other orders of government to regard Greater Downtown as the focus of their activities.*” It also says that office space/use shall be allowed outside the Greater Downtown and further clarifies that any single building shall not exceed 50,000 square feet of gross leasable area. The site exception square footage limit is under this amount. Refer to Appendix D for full policy listing.

Office is currently a limited use within commercial districts (See Appendix G). Six out of the seven commercial land use districts and ten direct control districts have Office listed as a discretionary or permitted use. Some have additional limitations such as square footage. The applicant is proposing a maximum of 3,716 m² (40,000 sq. ft.) of office floor space as a portion of the larger commercial area.

While the C4 district does not include “Office” as a use it does allow for “Commercial Service Facility”, which is a broad land use (see Appendix C) that covers services provided commercially to individuals. Examples include: beauty and barber shops, fitness centres, shoe repair, dry cleaning, small animal veterinary clinics, financial or insurance services outlets, real estate agencies, travel agencies, and commercial school or day care. Office uses are similar to some Commercial Service Facility uses, especially “financial or insurance services outlets”. The applicant has indicated that the intended office use is an accounting firm.

From a land use perspective, there is not substantial impact to traffic generation, infrastructure, and adjacent land uses with the addition of 40,000 square feet of office. Therefore it is reasonable from a land use perspective to allow offices as a use at this location.

Dialogue

The proposed LUB amendment was referred to five landowners within 100 metres of the site (See Appendix E); no written comments were received.

The proposal was also referred to relevant city departments and all concerns/comments provided by departments have been reviewed and considered by the Planning Department.

Appendices

Appendix A – Bylaw 3357 / Z - 2019

Appendix B – Location Context

Appendix C – Selected Land Use Bylaw Definitions

Appendix D – MDP Policies re “Offices”

Appendix E – 100 Metre Landowner Location and Referral Package

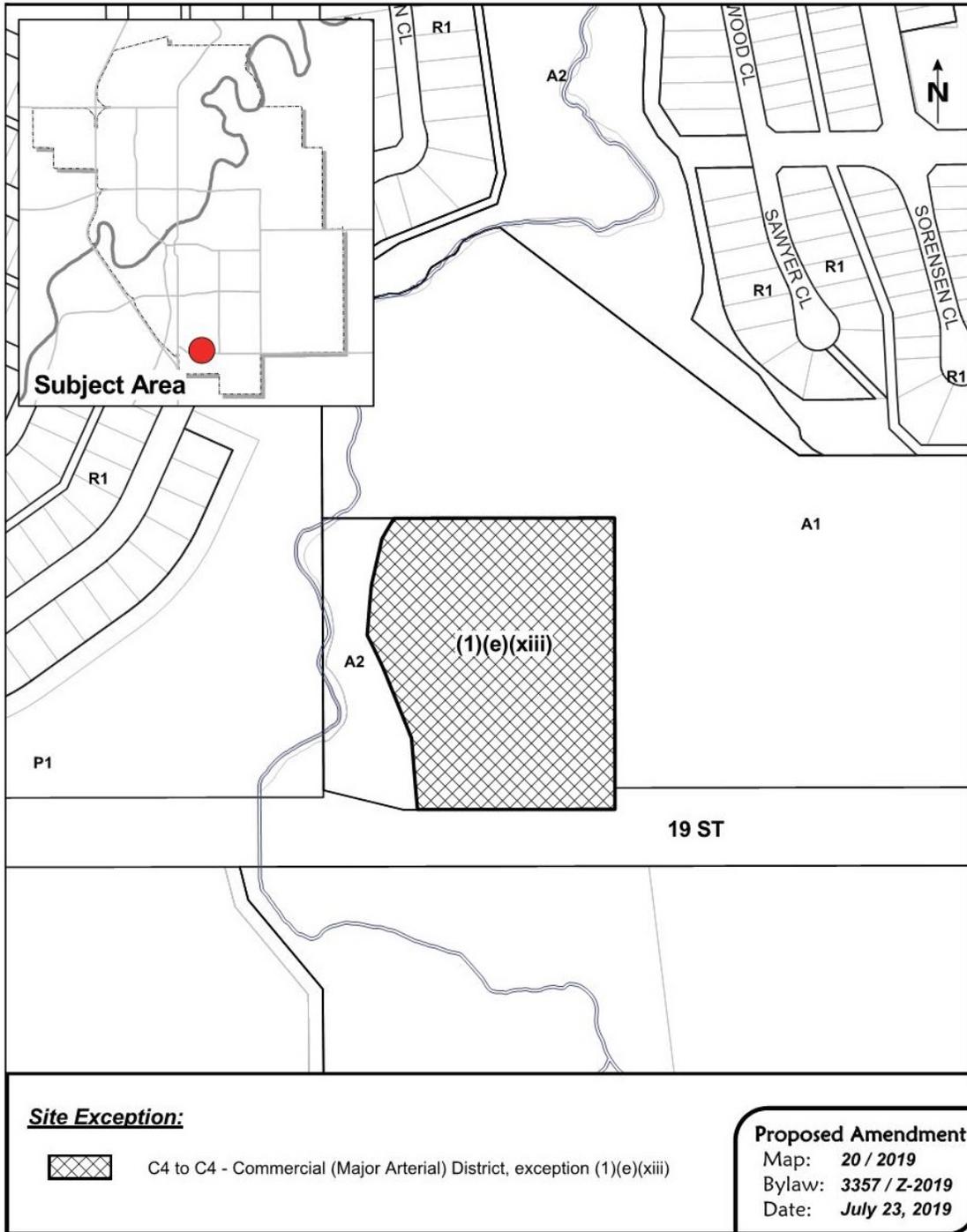
Appendix F – 300 Metre Setback from Non-Operating Landfill

Appendix G – Districts that Allow for “Commercial Service Facility” and “Office” Uses

Appendix A – Bylaw 3357/Z-2019

Schedule "A"

 **Red Deer** Proposed Amendment to Land Use Bylaw 3357/2006



Appendix C – Selected Land Use Bylaw Definitions

Commercial Service Facility means a facility in which services are provided commercially to individuals, and without limiting the generality of the foregoing, may include:

- (a) services related to the care and appearance of the body such as a massage business, beauty shop, barber shop, tanning salon or fitness centre,
- (b) clean and repair of personal effects such as shoe repair, dry cleaning or laundering outlet,
- (c) care of small animals such as a small animal veterinary clinic or dog grooming salon, or
- (d) financial or insurance services outlet, real estate agency, travel agency, commercial school or day care, but does not include Office, Funeral Home, or Crematorium.
- (e) does not include Cannabis Retail Sales

Health and Medical Services means a development used for services related to the physical or mental health of individuals on an out-patient basis. Services may be preventative, diagnostic, treatment, therapeutic, rehabilitative in nature or may consist of treatment or counselling. Uses may include but are not limited to medical clinics, dental clinics, optometrists, chiropractic and psychiatric or medical counselling services.

Office means a development that provides professional, management, administrative, consulting, and health care services, such as the offices of doctors, lawyers, accountants, engineers, architects, clerical, secretarial, employment, telephone answering and similar office support services.

Appendix D – MDP Policies re “Offices”

- | | |
|--|---|
| 11.1 Role of Downtown | The City shall support the ongoing redevelopment and revitalization of the Greater Downtown as the centre and heart of the city and region and as a unique mixed use area for administrative, civic, retail, office, residential, institutional, and cultural and entertainment facilities. In acting on this policy, The City acknowledges that Greater Downtown provides opportunities to accommodate a variety of social and cultural services and facilities that can serve the needs of the community and provision should be made to accommodate such activities in suitable locations. |
| 11.3 Location of Office Development | The City shall continue to promote Greater Downtown Red Deer as the primary location for office space, subject to policy 12.6, including actively encouraging other orders of government to regard Greater Downtown as the focus of their activities |
| 12.4 Location of Office Development – Downtown | The City shall continue to promote Greater Downtown as the primary location for office space, including actively encouraging other orders of government to regard Greater Downtown as the focus of their activities. |
| 12.6 Location of Office Development – Planned Major Nodes | <p>Notwithstanding policy 11.3 and policy 12.4, office space/use shall be allowed outside of the Greater Downtown in the town centres as shown on the Generalized Land Use Concept map subject to the following:</p> <ul style="list-style-type: none"> (a) The maximum amount of office space which may be allowed in each town centre shall be 125,000 square feet of gross leasable area; (b) Office use shall be limited to a total of four floors in any single building; and (c) The floor area of office use within any single building shall not exceed 50,000 square feet of gross leasable area. |



Date: June 21, 2019

«Prime_Owner_Name»

«Owner_Address_1»

«Owner_Address_2»

**Re: Proposed Land Use Bylaw Amendment 3357/Z-2019
An Amendment to add a Site Exception for "Office (Accountant) up to 3,716 m²
(40,000 sq. ft.) floor area" as a discretionary use at 4718 – 19 Street (20 Sharpe
Avenue)**

Why have you received this letter?

As part of the City's overall evaluation process for proposed amendments to the Land Use Bylaw, landowners within 100 metres of a subject site are provided an opportunity to review and comment on the proposed amendment. You are being notified of this Land Use Bylaw amendment because you are a landowner within 100 metres of the subject area, 4718 – 19 Street.

You are invited to review and provide comments by **4:30 PM, July 5, 2019.**

What is being proposed?

The subject site is zoned *C4 - Commercial (Major Arterial) District*, and the Planning Department has received an application for a Land Use Bylaw amendment that proposes a site exception to add "Office (Accountant) up to 3,716 m² (40,000 sq. ft.) floor area" as a discretionary use at 4718 – 19 Street.

Do I have to provide comments?

It is optional to provide comments. If you would like to submit comments, please do so by **4:30 PM, July 5, 2019.** Methods for submitting comments are outlined on the attached comment sheet.

What will happen if I submit comments?

Any comments received will be reviewed by Planning staff and will be incorporated into the planning report that will be forwarded to Council when considering First Reading of the proposed amendment.



What is the next step for this amendment?

It is anticipated that the proposed bylaw will be presented to Council for consideration in the coming months. If Council gives First Reading to the proposed amending bylaw, Council must hold a Public Hearing prior to considering Second and Third Reading (adoption) of the proposed bylaw. Public Hearings are advertised in the Friday edition of the Red Deer Advocate and all landowners within 100 metres of the site will also receive written notification of the Public Hearing, which is an opportunity for the public to speak directly to Council about any concerns they may have with the proposed bylaw.

Thank you for your consideration in this matter. Please contact me if you have any questions.

Sincerely,

Orlando Toews
 Senior Planner
 403-406-8704
orlando.toews@reddeer.ca

Location of Subject Site: 4718 – 19 Street (20 Sharpe Ave)



Appendix G

Districts that Allow for “Commercial Service Facility” and “Office” Uses

District that Include "Commercial Service Facility" as a Use		
	Permitted	Discretionary
C1 - Commercial (City Centre) District	Yes	No
C1A - Commercial (City Centre West) District	Yes	No
C2A - Commercial (Regional Shopping Centre) District	Yes	No
C2B - Commercial (District Shopping Centre) District	Yes	No
C3 - Commercial (Neighbourhood Convenience) District	No	Yes
C4 - Commercial (Major Arterial) District	Yes	No
C5 - Commercial (Mixed Use) District	No	Yes
I1A/BSR (Light Industrial and Business Service-Residential) District	Yes	No
DC1 - Direct Control District No. 1	No	Yes
DC3 - Direct Control District No. 3	No	Yes
DC6 - Direct Control District No. 6	Yes	No
DC12 - Direct Control District No. 12	Yes	No
DC13 - Direct Control District No. 13	No	Yes
DC20 - Direct Control District No. 20	Yes	No
DC25 - Direct Control District No. 25	Yes	No
DC27 - Direct Control District No. 27	Yes	No
DC28 - Direct Control District No. 28	No	Yes
Riverlands Taylor Drive District (RL-TD)	No	Yes
Riverlands Commercial District (RL-C)	Yes	No
Districts that Include "Office" as a Use (may have specific restrictions)		
	Permitted	Discretionary
C1 - Commercial (City Centre) District	Yes	No
C1A - Commercial (City Centre West) District	Yes	No
C2A - Commercial (Regional Shopping Centre) District (up to 10% floor area)	Yes	No
C2B - Commercial (District Shopping Centre) District	Yes	No
C3 - Commercial (Neighbourhood Convenience) District	No	Yes
C4 - Commercial (Major Arterial) District	No	No
C5 - Commercial (Mixed Use) District (up to 10% floor area)	No	Yes
I1A/BSR (Light Industrial and Business Service-Residential) District	Yes	Yes
DC1 - Direct Control District No. 1	No	Yes
DC3 - Direct Control District No. 3	Yes	No
DC6 - Direct Control District No. 6	Yes	No
DC12 - Direct Control District No. 12	Yes	No
DC13 - Direct Control District No. 13	No	Yes
DC20 - Direct Control District No. 20	Yes	No
DC25 - Direct Control District No. 25	Yes	Yes
DC27 - Direct Control District No. 27	No	Yes
DC28 - Direct Control District No. 28	Yes	Yes
DC 31 - Direct Control District No. 31	Yes	No
Riverlands Taylor Drive District (RL-TD)	Yes	Yes
Riverlands Commercial District (RL-C)	Yes	No
Riverlands Primarily Residential District (RL-PR)	Yes	Yes
RLW Residential (Live-Work) District	Yes	No



Council Decision – September 3, 2019

DATE: September 5, 2019
TO: Orlando Toews, Senior Planner
FROM: Frieda McDougall, Legislative Services Manager
SUBJECT: Land Use Bylaw Amendment 3357/Z-2019

Reference Report:

Planning Department, dated August 16, 2019

Bylaw Reading:

At the Tuesday, September 3, 2019 Regular Council Meeting, Council gave first reading to the following Bylaw:

Bylaw 3357/Z-2019 – an amendment to the Land Use Bylaw to add a maximum of 40,000 square feet of Office as a discretionary use site exception at 20 Sharpe Avenue in the Sunnybrook South commercial area.

Report back to Council:

Yes.

Comments/Further Action:

This office will advertise for a Public Hearing to be held on Monday, September 30, 2019 at 6:00 p.m. during Council's regular meeting.

A handwritten signature in blue ink that reads 'Frieda McDougall'.

Frieda McDougall
Manager

- c. Director of Planning Services
Planning Services Manager
Corporate Meeting Administrator



August 21, 2019

Appeal Boards Bylaw – 3619/A-2019

Legislative Services

Report Summary & Recommendation:

The attached report is being brought forward from the Monday, August 19, 2019 City Council meeting.

Recommendation:

That Council considers second and third readings of the bylaw.

Background:

At the April 1, 2019 Council Meeting, Council considered Bylaw 3619/A-2019, a bylaw to amend the Appeal Boards Bylaw to change the board membership. Council tabled first reading and agreed to defer consideration of this bylaw until the Nomination Committee had an opportunity to review process enhancements to support Committee membership recruitment.

At the August 19, 2019 Council Meeting, Council passed first reading of Bylaw 3619/A-2019.

Proposed Resolution:

That Bylaw 3619/A-2019 be read a second and third time.



July 19, 2019

Originally Submitted to the August
19, 2019 Council Meeting

Appeal Boards Bylaw – 3619/A-2019

Legislative Services

Report Summary & Recommendation:

The attached report is being brought forward from the Monday, April 1, 2019 City Council meeting.

Recommendation:

That Council lifts from the table consideration of first reading of Bylaw 3619/A-2019, a bylaw to amend the Appeal Boards Bylaw to change the board membership.

That Council considers first reading of the bylaw. Second and Third Readings of the bylaw will come back to the September 3, 2019 Council Meeting.

Background:

At the April 1, 2019 Council Meeting, Council considered Bylaw 3619/A-2019, a bylaw to amend the Appeal Boards Bylaw to change the board membership. Council tabled first reading and agreed to defer consideration of this bylaw until the Nomination Committee had an opportunity to review process enhancements to support Committee membership recruitment.

A supplementary report outlining the Nomination Committee's review is attached.

Proposed Resolution:

Resolved that Council of The City of Red Deer hereby agrees to lift from the table consideration of first reading of Bylaw 3619/A-2019.

The following motion is then back on the floor:

Moved by Councillor Lawrence Lee, seconded by Councillor Dianne Wyntjes

FIRST READING: That Bylaw 3619/A-2019 (an amendment to the Appeal Boards Bylaw to change the board membership) be read a first time.

That Bylaw 3619/A-2019 be read a first time.



August 6, 2019

Supplementary Report

Nomination Committee update: Committee Recruitment Processes

Legislative Services

Report Summary & Recommendation:

At the April 1, 2019 Council Meeting, Council tabled first reading of the Appeal Board Bylaw Amendment 3619/A-2019. At that meeting Council agreed to defer consideration of this bylaw until the Nomination Committee had an opportunity to review process enhancements to support Committee membership recruitment.

The Nomination Committee has made changes to its processes which are outlined within this report to provide information to Council in considering the Appeal Board bylaw amendment.

Recommendation:

This report is being provided for Council's information.



Discussion:

In early 2019 the Nomination Committee identified opportunities to strengthen the Committee recruitment/appointment process. Through a series of meetings and a review of other municipal recruitment practices, the Committee has agreed to the following process improvements that are being implemented immediately to support the upcoming fall recruitment:

- All committees and the respective committee liaisons were requested to provide a summary of the key attributes of a member to their respective committee. This will be done annually and will ensure recruitment is targeted to the required skill sets and attributes.
- Board chairs are requested annually to provide feedback on committee members who may seek reappointment. The Nomination Committee will use this to assess the member's participation and attendance and may influence potential reappointments.
- Individualized application forms developed for each committee. A more specific application form ensures the applicant speaks to skills and experience specific to that committee versus the more generic form used in the past. A citizen may still apply for more than one committee but will use a unique application form for each committee.
- Resumes, where available, are requested to be submitted with the application.
- A scoring matrix has been established based on the above identified attributes and the skills identified within each committee's terms of reference. Nomination Committee members individually score each application before meeting as in committee. Scores are combined and result in the clear identification of those candidates most suited to the appointment.
- Where scores, skill sets and experience are comparable and/or when further clarity to an application is required, a reference form has been adopted to enable reference checking. The need for reference checking will be determined by the Nomination Committee.
- All materials related to committee member recruitment are being revised to reflect the additional information being provided and sought, e.g. website pages, forms, advertising.

Further to the changes outlined above, the City Manager recently discussed with Council potential changes to streamline the process in making the actual appointments to Committees. This process change would result in the applications to committees being reviewed by the Nomination Committee only with the overall recommendations being brought to open Council and would eliminate duplication and inefficiency.

In discussing this change, the Nomination Committee identified benefit to outlining, In Camera, the names of selected applicants prior to introduction in open.



Analysis:

While these processes as outlined will result in additional work for the Nomination Committee, it is believed that the confidence in the appointment process will be enhanced and will help the Nomination Committee to clearly identify alignment between the committee's needs and the applicant's attributes.

Next steps of the Nomination Committee will include updates to its Committee procedures and recommendations to Council with respect to Committee Bylaw amendments that will support these processes.



Originally Submitted to the April 1, 2019 Council Meeting

March 20, 2019

Appeal Boards Bylaw

Consideration of Third Reading of Bylaw 3619/2019

Consideration of First Reading of Bylaw 3619/A-2019

Legislative Services

Report Summary & Recommendation:

Summary:

The attached report is being brought forward from the Monday, March 18, 2019 Council Meeting.

Recommendation:

That Council consider third reading of Bylaw 3619/2019.

Following third reading of Bylaw 3619/2019, it is recommended that Council consider first reading of Bylaw 3619/A-2019.

Background:

At the Monday, March 18, 2019 Regular Council Meeting, Council gave first and second reading to Bylaw 3619/2019. At this time several questions were posed, as follows:

- If the Conflict of Interest provisions are no longer within the bylaw where can they be found
- Can a preamble be reintroduced to the section related to the Red Deer Appeal Board to outline it's scope

Additionally, the following items were also requested to be reviewed with potential amendments to be brought back, as follows:

- Section 7(a): Mandate to uphold the integrity of the policies
- Section 8 – adding clarity with respect to the composition of panels of 5 Members (or 3 Members) as circumstances permit, shall be assigned to each hearing
- Section 10(3): CEO – including “in ex officio capacity”
- Section 12(b): remove will performed and replace will be assigned to perform
- Section 16(2): Delete the word “thing” and replace with the word “matter”
- Ensure the code of conduct is included within the role policy

Administration will bring a future report to respond to the above noted requests however, we have been able to confirm that conflict of interest provisions are embedded within the



Committee's policy on roles. Additionally, to respond to the questions of a preamble to the one section of the bylaw administration proposes that prior to third reading Council adopt the following amendment:

Inserting the following at s. 16

- (3) When considering the merits of an appeal or a review, the board shall have regard to:
 - (a) The need to maintain the integrity of the policies which the applicable bylaw and statutes are intended to promote;
 - (b) The potential cost implications to The City of Red Deer of the decision of the Board; and
 - (c) The need to treat fairly the persons affected by the order or decision under appeal.

Proposed Resolution:

Resolved that Council of The City of Red Deer hereby agrees to amend bylaw 3619/2019 by adding the following sub-section (3) to section 16:

- (3) When considering the merits of an appeal or a review, the board shall have regard to:
 - (a) The need to maintain the integrity of the policies which the applicable bylaw and statutes are intended to promote;
 - (b) The potential cost implications to The City of Red Deer of the decision of the Board; and
 - (c) The need to treat fairly the persons affected by the order or decision under appeal.

That Bylaw 3619/2019, as amended, be read a third time.

That Bylaw 3619/A-2019 be read a first time. If first reading is given, this bylaw will come back for second and third reading at the Monday, April 15, 2019 Council Meeting.



October 30, 2018

Your Worship and Members of Council;

I write to you today in support of the draft Appeal Boards Bylaw which incorporates several amendments identified by the SDAB. The administrative report you have before you itemizes and describes the amendments, however, I wanted to take the time to provide more information on one particular proposed amendment: Composition of the Board. The draft bylaw proposes to change the composition of the SDAB from four citizens and one member of Council to five citizens, without Council representation.

As you know, the SDAB is an independent, administrative tribunal established under part 17 of the MGA. The SDAB has powers and must follow procedures similar to those of a court. The expectation is that an SDAB will act as fairly and as impartially as a court of law.

Procedural fairness dictates that Citizens have the right to an unbiased appeal panel, this is known as the Rule Against Bias. Not only must SDAB Members have an open mind and be capable of being persuaded one way or another, they must also consider the perception of bias. The test to use when determining perception of bias is: *'whether a reasonable person, viewing the matter realistically and practically, and after having obtained the necessary information and thinking the matter through, would have a reasonable apprehension of bias'*. The existence of a perception of bias is enough to disqualify a board member from sitting on a hearing.

There is an additional consideration regarding a Councilor's appointment to the SDAB – that of institutional bias. Institutional bias is also known as 'built in' bias – the basic theory is that because Council is the authority that establishes the planning documents and bylaws on which appeals are based, it can be argued that impartiality cannot exist when appeal board member(s) also have a role on the governing body.

We already know that the SDAB will be considering challenges to the new cannabis regulations. Additionally, looking forward, it will likely have appeals related to the new (and pending) sign regulations as well as there may be an influx of subdivisions, and therefore subdivision appeals, as the pending annexation with Red Deer County proceeds. Due to the high profile nature of these - the chance of a Council member having a position (or being perceived as having a position) on the matter is increased.

The decisions of these Boards can be appealed to the Courts, if on appeal, a Council member who heard a matter is found to be biased, the decision of the Board would be quashed and the matter re-heard (minimum). Applications of this nature are costly (both in time and dollars) and their potential would be reduced greatly with Boards comprised solely of citizens.

Lack of volunteers and expertise are just two of the factors in smaller municipalities that result in Council members being appointed to their SDAB's. As Alberta's 3rd largest city, The City of Red Deer is well known for leading the way in administrative tribunal excellence as is evidenced by the membership in the Central Alberta Regional Assessment Review Board. On behalf of the SDAB, we believe this is an opportunity to further demonstrate your leadership in Municipal Government.

Respectfully submitted for your consideration,


Karen Howley
Chair, SDAB & RDA&RB

BYLAW NO. 3619/A-2019

Being a bylaw of The City of Red Deer, in the Province of Alberta, to amend the Appeal Boards Bylaw of The City of Red Deer.

WHEREAS on March 18, 2019 The City of Red Deer enacted Appeal Boards Bylaw 3619/2019 to establish the Subdivision and Development Appeal Board and the Red Deer Appeal and Review Board.

COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

- 1. Bylaw 3619/2019 is amended as follows:
 - (a) Section 8 is deleted in its entirety and replaced with:
 - “8. (1) Each Board consists of five Members as follows:
 - (a) 5 Citizen Representatives; and
 - (b) 2 alternate Citizen Representatives.”
- 2. This bylaw comes into effect on October 28, 2019.

READ A FIRST TIME IN OPEN COUNCIL this	day of	2019.
READ A SECOND TIME IN OPEN COUNCIL this	day of	2019.
READ A THIRD TIME IN OPEN COUNCIL this	day of	2019.
AND SIGNED BY THE MAYOR AND CITY CLERK this	day of	2019.

MAYOR

CITY CLERK

BYLAW NO. 3619/2019

Being a bylaw of The City of Red Deer to establish the Appeal Boards.

COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

**PART I
PROVISIONS APPLICABLE TO BOTH APPEAL BOARDS****Short Title**

1. The short title of this bylaw is “The Appeal Boards Bylaw”.

Interpretation

2. The headings in this bylaw are for reference purposes only.
3. References to enactments and bylaws in this bylaw include amendment and replacement enactments and bylaws, and regulations and orders made in accordance with them.

Definitions

4. (l) In this bylaw:
 - (a) “Advisory Committee” is a subcommittee of the Board and meets as necessary.
 - (b) “Appellant” means a person who has served a written Notice of Appeal as set out in the Municipal Government Act or subordinate legislation or authorized person acting on behalf of the Appellant.
 - (c) “Applicant” means a person who made the initial application upon which an appeal is based or authorized person acting on behalf of the Applicant.
 - (d) “Board” means either the Subdivision and Development Appeal Board or Red Deer Appeal and Review Board as established by Council, and in a section of this bylaw relating to a specific Board, means that specific Board.
 - (e) ‘Chief Elected Official’ means the Mayor for the City of Red Deer.
 - (f) “Citizen Representative” means a person appointed by Council who does not represent a specific organization;

- (g) “Designated Officer” means the designated officer appointed as the Clerk of the Subdivision and Development Appeal Board in accordance with section 627.1 of the MGA.
- (h) “Member” means a member of the Board;
- (i) “MGA” means the Municipal Government Act of Alberta, RSA 2000, Ch. M-26, as amended; and
- (j) “Resident” means a resident of the City of Red Deer;

Establishment of Boards

- 5. (1) The following Boards are established:
 - (a) Red Deer Appeal and Review Board; and
 - (b) Subdivision and Development Appeal Board.

Advisory Committees

- 6. (1) The Boards may act as an Advisory Committee for the purpose of collaborating with the Designated Officer on all matters affecting the Board including but not limited to:
 - (a) Board Member attendance at hearings;
 - (b) Developing policies regarding Board matters;
 - (c) Monitoring and evaluating Board performance.
- (2) When meeting in an advisory capacity, the Board shall convene and keep minutes as an Advisory Committee and the quorum and voting requirements in this Bylaw apply.

Conduct and Procedures

- 7. (1) The conduct of Members and the procedures of the Board will be in accordance with:
 - (a) The express provisions of the MGA and related regulations;

- (b) Principles of natural justice and procedural fairness; and
- (c) Policies and procedures of the Board.

Membership

~~8. (1) Each Board consists of five Members as follows:~~

- ~~(a) One Council Representative;~~
- ~~(b) Four Citizen Representatives;~~
- ~~(c) One alternate Council Representative; and~~
- ~~(d) One alternate Citizen Representative.~~

8. (1) Each Board consists of five Members as follows:

- (a) 5 Citizen Representatives; and
- (b) 2 alternate Citizen Representatives.

Quorum

- 9. (1) Quorum is a majority of Members.
- (2) The Board must not sit in even numbered panels.
- (3) The majority decision constitutes the decision of the Board.

Appointments

- 10. (1) In selecting Members, preference may be given to local residents; however, it is also recognized that non-residents who own property or have a business in the City also have a stake in the community.
- (2) Former Members, former Council Members, and former City employees may apply for appointment for either Board after a two year hiatus from that capacity, with exceptions to be made at the discretion of Council.
- (3) The Chief Elected Official is not a Member of the Board unless specifically appointed under this bylaw.

- (4) All Members are appointed for three-year terms and serve on hearings for appeals and/or reviews filed during their term.
- (5) Where a Board position is left vacant for any reason, Council may appoint a replacement for the remainder of that term. Council may also alter the terms of appointment of any Member.
- (6) A Member may be re-appointed to a Board at the expiration of the Member's term but may not serve more than two consecutive terms, with exceptions to be made at the discretion of Council;
- (7) A Member may resign from a Board at any time by giving written notice to the Designated Officer.
- (8) Council may remove any Member from a Board for cause or misconduct on the recommendation of the Designated Officer.

Hearings

11. (1) Hearings will be held at such time and place as determined by the Board.
- (2) Public notice of a Board hearing will be given in the manner provided for in the MGA and subordinate legislation.
- (3) The proceedings of the Board must be conducted in public. However, the Board may close to the public portions of a hearing in accordance with the MGA, the Freedom of Information and Protection of Privacy Act, and Policies of the Board.
- (4) The Board may deliberate and make its decisions in meetings closed to the public.

Chair and Vice Chair

12. (1) The Chair and Vice Chair will be:
 - (a) Chosen annually from among Members;
 - (b) The Chair will preside over and be responsible for the conduct of hearings. If the Chair is unable to perform the Chair's duties, the Vice Chair will perform them.
 - (c) Notwithstanding the above, the Chair may in his discretion delegate role of presiding over the conduct of a hearing to another Member.

Designated Officer

13. (1) The Designated Officer shall assign Members to hearings. Any Member assigned to and absent from three consecutive hearings to which the Member has been assigned, unless such absence is authorized by resolution of the Advisory Committee, will automatically forfeit his/her membership as of the date of the third consecutive hearing.
- (2) The Designated Officer may, at the request of the Chair sign orders, decisions and documents issued by the Board.
- (3) The Designated Officer may, at the request of the Chair sign documents issued by the Advisory Committee.
- (4) The Designated Officer will issue instructions to independent legal counsel for the Boards when required.

Remuneration

14. (1) Remuneration for Members and reimbursement of expenses, if any, will be set out in 'Schedule A'.

Fees

15. (1) Filing Fees payable by Applicants and/or Appellants will be set out in 'Schedule B'.
- (2) Fees and charges will be set out in 'Schedule B'.

PART II
RED DEER APPEAL AND REVIEW BOARD

16. (1) The functions and duties of the Red Deer Appeal and Review Board is to hear and to make decisions on appeals for which it is responsible under any City bylaw and in particular, arising under the following bylaws:
- (a) Alarm Bylaw;
 - (b) Business License Bylaw;
 - (c) Chicken Bylaw;
 - (d) Dog Bylaw;
 - (e) Escort Services Bylaw;
 - (f) Firearms Bylaw;
 - (g) Land Use Bylaw;
 - (h) Limousine and Sedan Bylaw;
 - (i) Taxi Bylaw;
 - (j) Utility Bylaw.
- (2) When the Board receives an appeal where the enabling bylaw is silent as to the Board's authority, the Board may confirm, deny or vary the thing being appealed.

Delegation of Authority

17. (1) In addition, under s. 203(1) of the MGA, the Board is given the authority and shall exercise the power of Council in respect of applications for review arising under s. 547 of the MGA
- (2) Where in the opinion of the Board, a Request to Review under section 547 of the MGA involves a matter of significant public policy to The City of Red Deer, the Board may refer the review to Council.

Filing an Appeal or Review

18. (1) An appeal or a review is commenced by mailing or delivering to the Designated Officer of the Board a Notice of Appeal or a Request to Review in the form established by the Board from time to time, with the applicable fee.

- (2) The Notice of Appeal or Request to Review must be received by the Designated Officer within the time frames set out in the MGA, the bylaw or thing that is being appealed. Where there is no time frame set out, the Notice of Appeal must be received within fourteen (14) days of the date the Appellant was notified of the issue to which an appeal is sought.

**PART III
SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

Functions and Duties

19. (1) The Subdivision and Development Appeal Board will perform the functions and duties of a subdivision and development appeal board in accordance with the MGA.

Training

20. (1) Members will meet the training requirements set out in the MGA to be qualified to participate in a hearing.

Designated Officer

21. (1) The Legislative Services Manager is the Designated Officer of the Board, and has the duties as set out in the MGA and this Bylaw.
- (2) The Designated Officer will meet the training requirements set out in the MGA and will perform the duties and functions as set out in the MGA.
- (3) A subdivision or development appeal is commenced by mailing or delivering to the Designated Officer a Notice of Appeal in the form established by the Board from time to time, within the time specified in the MGA with the applicable fee.

PART IV

Repeal

22. (1) Bylaw 3487/2012 is repealed.

Transitional

23. (1) Board Members holding office at the date this bylaw comes into full force shall continue to hold office until the expiry of their terms in accordance with their appointment under the Appeal Boards Bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 18 day of March 2019.

READ A SECOND TIME IN OPEN COUNCIL this 18 day of March 2019.

READ A THIRD TIME IN OPEN COUNCIL this day of 2019.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2019.

MAYOR

CITY CLERK

SCHEDULE A

REMUNERATION

1. Members receive the following remuneration when attending hearings and legislated training.

Up to 3 hours	3 to 6 hours	Over 6 hours
104.00	203.00	267.00

These amounts will increase to match the percentage salary increase granted to management staff, rounded up to the next dollar. (current as July 2017)

2. Members will be reimbursed for mileage when attending legislated training outside of the City of Red Deer, in accordance with The City's Expenses and Remuneration Policy.

SCHEDULE B

FEES:

1. Filing Fee: Seventy-Five (\$75.00) dollars
2. When required by the Board to be advertised: Seventy-Five (\$75.00) dollars
3. There is no fee for applications of the Red Deer Appeal and Review Board for a Review arising under s. 547 of the MGA.
4. Where a person may be affected by a subdivision or development but does not have a legal or equitable claim in the site, or is not the agent of the person having such interest: there is no fee.
5. Fees may be waived or refunded at the discretion of the Designated Officer.

CHARGES:

The following charges apply:

1. copy of the audio recording from a hearing: \$20 / each piece of digital equipment
2. transcript of the audio from a hearing: actual costs incurred
3. photocopies:

Black and white:	\$0.25/page
Color	\$0.35/page



Council Decision – September 3, 2019

DATE: September 5, 2019
TO: Samantha Rodwell, Deputy City Clerk
FROM: Frieda McDougall, Legislative Services Manager
SUBJECT: Appeal Boards Bylaw 3619/A-2019

Reference Report:

Legislative Services, dated August 21, 2019

Bylaw Reading:

At the Tuesday, September 3, 2019 Regular Council Meeting, Council gave second and third reading to the following Bylaw:

Bylaw 3619/A-2019 – an amendment to the Appeal Boards Bylaw to change the board membership.

Report back to Council:

No.

Comments/Further Action:

This office will amend the bylaw and distribute copies in due course.

A handwritten signature in blue ink that reads 'Frieda McDougall'.

Frieda McDougall
Manager

- c. Director of Corporate Services
Appeals Coordinator
Corporate Meeting Support



August 20, 2019

Supplementary Report Fireworks Bylaw 3626/2019 Consideration of Second and Third Reading of Bylaw Emergency Services

Report Summary & Recommendation:

On August 19th, 2019 the proposed bylaw was given first reading and two additional resolutions were passed.

Resolution #1:

Resolved that Council of The City of Red Deer having considered Fireworks Bylaw 3626/2019 hereby directs administration bring back potential amendments on the following at second reading:

- Section 3(h) to add location criteria and principles in determining acceptable locations within the city of Red Deer for the discharge of fireworks in accordance with Fireworks Bylaw 3626/2019.

Administration has reviewed the Federal Explosives Act and the Explosives Regulations, the National Fire Code 2019 – Alberta Edition, information and guidance documents provided by the Explosives Division of Natural Resources Canada, other municipal fireworks bylaws, and the City's past practices in regards to fireworks permit applications.

The findings of this review indicate that the acceptable locations for the use of Fireworks has been, and should be, determined by taking into consideration the types of Fireworks to be used (Consumer Fireworks, Display Fireworks or Pyrotechnics), the clearance requirements as determined by the manufacturer of each firework that will be used (e.g. mortars, comets, fountains, etc.) and as further set out within various manuals on safe firework use as published and required by Natural Resources Canada.

As a result, Administration has included wording for potential amendments that provides clarity to applicants and to the public on what the City will consider in determining if a proposed location is safe for the use of Fireworks.

The intent of this section is to address the concerns raised at Council regarding “where” fireworks, “may” be used under a permit within the City of Red Deer.

Administration supports revising the definition as follows:

- (h) “**Fireworks Permit**” means a permit granted by the City Manager ~~pursuant to this bylaw~~ that authorizes the permit holder to ~~possess, store, purchase or~~ Discharge



Fireworks ~~within~~ at a specified location, with the ~~City~~ consideration in determining the specified location for such Discharge based on:

- i. for Consumer Fireworks, the clearance requirements as recommended by the manufacturer of the Fireworks and as set out in the packaging of the Fireworks;
- ii. for Display Fireworks, the National Fire Code 2019 – Alberta Edition which requires conformance with the Natural Resources Canada 2010 “Display Fireworks Manual”, as may be amended;
- iii. for Pyrotechnics, the Natural Resources Canada 2014 “Special Effect Pyrotechnics Manual”, as may be amended; and
- iv. any other consideration that may be relevant to the safety of persons or property.

Resolution #2:

Resolved that Council of The City of Red Deer having considered Fireworks Bylaw 3626/2019 hereby directs administration bring back potential amendments on the following at second reading:

- Schedule B - Failure to comply with a Fireworks permit by deleting "\$10,000.00" and replacing with "\$5,000.00"

Council recommended that the fine for “Failure to comply with a Fireworks Permit” be reduced from a maximum of \$10,000.00 to a maximum of \$5,000.00

Administration supports revising Schedule “B” Fines as follows:

**SCHEDULE “B”
FINES**

14(a)	Failure to comply with a Fireworks Permit	\$500.00	\$2,000.00	\$10,000.00
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Should Council accept the changes as proposed the above admendments would be made.



Proposed Resolution

Resolved that Council of The City of Red Deer having considered the report from Emergency Services, dated August 20, 2019 re: Fireworks Bylaw 3626/2019 hereby agrees to amend the bylaw as follows:

- By deleting Section 3(h) in its entirety and replacing it with the following:
 - 3. (h) **“Fireworks Permit”** means a permit granted by the City Manager that authorizes the permit holder to Discharge Fireworks at a specified location, with the consideration in determining the specified location for such Discharge based on:
 - i. for Consumer Fireworks, the clearance requirements as recommended by the manufacturer of the Fireworks and as set out in the packaging of the Fireworks;
 - ii. for Display Fireworks, the National Fire Code 2019 – Alberta Edition which requires conformance with the Natural Resources Canada 2010 “Display Fireworks Manual”, as may be amended;
 - iii. for Pyrotechnics, the Natural Resources Canada 2014 “Special Effect Pyrotechnics Manual”, as may be amended; and
 - iv. any other consideration that may be relevant to the safety of persons or property.

Resolved that Council of The City of Red Deer having considered the report from Emergency Services, dated August 20, 2019 re: Fireworks Bylaw 3626/2019 hereby agrees to amend the bylaw as follows:

- Schedule B – Failure to comply with a Fireworks Permit by deleting the number “\$10,000” and replacing it with the number “\$5,000”.

That Bylaw 3626/2019 be read a second and third time.

Recommendation:

It is recommended that Council approve the amendments and give second and third reading to the Fireworks Bylaw 3626/2019.



Q&A

September 3, 2019

Distributed at the September 3, 2019
Council Meeting.

Proposed Fireworks Bylaw 3626/2019

The proposed Fireworks Bylaw is intended to ensure that fireworks are used safely and responsibly by persons with proper education and training relating to the use and sale of explosive materials.

1. Why is a bylaw required?

Since May 2019, The National Fire Code - 2019 Alberta Edition no longer provides regulations for the sale and use of fireworks as previous fire codes did. This means that a bylaw is required to regulate fireworks for the safety of residents.

The fireworks regulation will include display fireworks (used by professionals for events such as Canada Day), pyrotechnics (used for stage shows and movie effects), as well as consumer fireworks used by the public.

2. Why is this bylaw coming to Council?

On July 8, 2019, Emergency Services presented three options to City Council for direction. Council endorsed the option pertaining to the restricted sale and use of fireworks – replicating the practices that were in place in Red Deer for the previous 35 years.

The following information pertains to the proposed Fireworks Bylaw (3626/2019):**Buying and Using Fireworks****3. Does the Fireworks Bylaw put a ban on fireworks?**

No. The intent of the proposed Fireworks Bylaw is to ensure that fireworks are used safely and responsibly by qualified persons with proper training.

4. What types of fireworks are allowed?

The following are allowed for use in Red Deer:

- Consumer fireworks (low-hazard): a Fireworks Permit is required and will only be granted to qualified persons as per the Explosives Act.
- Pyrotechnics (Special Effects): a Fireworks Permit is required and will only be granted to qualified persons as per the Explosives Act.
- Display fireworks (high-hazard): a Fireworks Permit is required and will only be granted to qualified persons as per the Explosives Act.
- Sparklers: a permit is not required for private citizens to use sparklers.

Selling Fireworks**5. Are fireworks allowed to be sold?**

The sale of fireworks will be prohibited within the City as has been the practice for the past 35 years.

6. Does the public need a permit to use fireworks?

Permits will be required as follows:

- Display Fireworks and Pyrotechnics - A permit to purchase and discharge may be issued to qualified persons as per the Explosives Act for special events (for example: Canada Day, New Years, concerts, etc.)
- Consumer Fireworks - A permit to purchase and discharge may be issued to qualified persons as per the Explosives Act for a special event only (for example: wedding, anniversary, etc.)
- Sparklers - A permit is not required to purchase or discharge sparklers.
- Most permits are issued within two business days.

Permits**7. How do I get a permit?**

Requests for a permit can be submitted to Emergency Services - Fire Prevention Bureau at prevention@reddeer.ca.

Every person applying for a Fireworks Permit must provide:

- a completed application as per Natural Resources Canada "Display Fireworks Manual";
- any fees required;
- any additional required permits or approvals;
- any additional information required by The City.

8. What does a Fire Safety Codes Officer consider in regards to approval of a fireworks display?

Applicants should be aware that some of the conditions that Fire Safety Codes Officers consider can change up to the date of the event (fire bans, weather conditions, etc.). Other requirements can vary depending on the type of display. The following are typically considered with every application:

- Description of fireworks including type, size and quantity.
- Location and position of the fireworks ramp and mortars.
- Direction of firing.

- Fallout zone for the fireworks.
- Separation distances to the public and vulnerable features.
- Significant ground features, roads, public right of way, buildings or structures, overhead obstructions, parking areas and spectator viewing areas.
- Security personnel to control the fallout zone.
- Traffic control plans.
- Location of emergency vehicles.
- Qualifications of the operator.
- Permission of the landowner and proof of liability insurance.

9. Do I need a permit to sell sparklers?

No, a permit is not required to sell sparklers.

10. How much does a permit cost?

The following fees apply when applying for a permit to use fireworks:

Service	Fee
Per permit	\$58.25
Per inspection	\$116.50
Per inspection (after hours)	\$233.00

Safe use, storage and disposal

11. I want to report unsafe or illegal use of fireworks. Who should I contact?

If someone is using fireworks or firecrackers illegally or in an unsafe manner, please report to Red Deer Emergency Services by calling 9-1-1.

12. I have fireworks at home and did not know I was supposed to have a permit. What should I do?

Under the proposed bylaw, you may not store fireworks without a Fireworks Permit. If you have fireworks at home, the most important thing is to ensure they are disposed of safely. Fireworks are explosives and improperly storing fireworks could lead to serious problems in the event of a fire.

Please contact Red Deer Emergency Services at 403-346-5511 to enquire about dropping off your fireworks for safe disposal.



13. What happens if I do not follow the rules?

All reported unsafe or illegal activity with fireworks will be investigated. Education is the preferred means for compliance. Fines may be issued for repeat offenders and serious life safety concerns.

-end-

For more information, please contact:

Wes Van Bavel
Fire Marshal
The City of Red Deer
403-356-2457

Communications & Strategic Planning
The City of Red Deer
403-342-8147



Originally Submitted to the
August 19, 2019 Council
Meeting

August 2, 2019

Emergency Services Department Fireworks Bylaw 3626/2019

Consideration of First Reading of Bylaw

Emergency Services

Report Summary & Recommendation:

In May of 2019, the *National Fire Code - 2019 Alberta Edition* replaced the previous *Alberta Fire Code*. The intent of this new code was to harmonize the provincial fire regulations with the federal fire regulations. However, while the *Alberta Fire Code* regulated consumer fireworks and was enforced by the City's Fire Safety Codes Officers, the *National Fire Code* does not regulate consumer fireworks and so cannot be enforced by the City. This means that Alberta municipalities must enact a bylaw if they wish to continue to regulate and enforce fireworks.

At the Monday July 8th, 2019 Regular Council meeting, Council directed administration to prepare a bylaw that restricts the sale and use of fireworks and replicates the practices that have been in place in Red Deer for the past 35 years.

The attached Fireworks Bylaw 3626/2019 (the "Bylaw") has been prepared to reflect the direction made by Council on July 8th, 2019 and we recommend that Council approve 1st reading.

The proposed Bylaw does not ban all fireworks use within the City. It ensures that fireworks are used safely and responsibly by qualified persons. The proposed Bylaw has been simplified and updated.

Proposed Resolution

That Bylaw 3626/2019 be read a first time.



Report Details

Background:

Why is a bylaw required?

The manufacture, import, sale and use of fireworks is regulated by the federal *Explosives Act*. The fireworks that are regulated include fireworks used by professionals for events such as Canada Day or New Year's celebrations (display fireworks), fireworks used for stage shows and movies (pyrotechnics) as well as fireworks that are intended to be used for the private enjoyment of individuals (known as consumer fireworks but sometimes called family fireworks).

The *Explosives Act* is enforced by Federal Explosives Inspectors, not by the City. There are currently two inspectors assigned to an area that includes British Columbia, Alberta and the Northwest Territories. The Federal Explosives Inspectors generally do not respond to complaints regarding consumer fireworks, as their primary function is to deal with high hazard fireworks. The expectation, at the federal level, is that consumer fireworks should be regulated and enforced across Canada at a local level by individual municipalities.

For the past 35 years, the City has relied on the province's regulation of fireworks under the *Alberta Fire Code*, and has used its Fire Safety Code Officers for enforcement of the *Alberta Fire Code*. In May of 2019 the provincial regulation switched from the *Alberta Fire Code* to the *National Fire Code - 2019 Alberta Edition*. The reason for the switch was to harmonize the provincial fire regulations with federal fire regulations.

However, the switch in fire codes left the City without any consumer fireworks regulations to enforce. The City cannot enforce the federal *Explosives Act*, and the new fire code, the *National Fire Code - 2019 Alberta Edition*, no longer regulates consumer fireworks. If the City wishes to regulate fireworks in the same manner as it has done in the last 35 years, the City needs to pass a bylaw that regulates the sale and use of consumer fireworks. As the proposed bylaw is outside of the *Safety Codes Act*, it would be enforced by Bylaw Officers, not Fire Safety Code Officers.

Consumer Fireworks

Due to the explosive nature of fireworks, which elevates the risk of personal injury and damage to property, Emergency Services' past practice has prohibited the use of consumer fireworks apart from a permit. It is recommended that the City continue to regulate consumer fireworks in this manner, with an exception for the sale and use of sparklers that now, do not require a permit for consumer use.

Discussion:

On July 8th, 2019 Emergency Services presented 3 options to Council for direction, Council passed the following resolution:



Resolved that Council of The City of Red Deer having considered the report from Emergency Services dated June 24, 2019 re: Regulating Fireworks in Red Deer Discussion and Request for Direction from Council hereby endorses Option 3 (Restrict Sale and Use – replicate the practices that were in place in Red Deer for the previous 35 years (Fireworks bylaw and local enforcement). and directs Administration to prepare a bylaw that supports the intent of the option.

Following is a general description of the key components of the proposed Bylaw, and the impact of each.

Regulatory body:

The Bylaw will allow the City to regulate the sale and use of fireworks to Certified Fireworks Operators.

Enforcement:

The Bylaw will allow the City to regulate the use of fireworks which including safety plans for review and enforcement for non-compliance.

Schedule 'B' Fines for the City of Red Deer Bylaw 3626/2019 consistently fall within or under the parameters for fines as compared to other Alberta municipalities. See Appendix A.

Public Safety:

The Bylaw will help in keeping citizens safe by not allowing indiscriminate use of fireworks at any time. Fireworks will only occur in approved locations with proper fallout zones for public safety.

Consultation:

Red Deer Emergency Services (RDES) has promoted dialogue with the Canadian National Fireworks Association (CNFA) who advocate for the use of consumer fireworks by the general public. RDES has also engaged in conversations with the Fire Marshals Guild of Alberta including the City's municipal counterparts such as Medicine Hat, Airdrie, Sylvan Lake and Red Deer County.

Awareness of the City's intent to create a bylaw has arisen in the local media and has been displayed on the City's social media platform. Citizen concern letters have been received and answered in regards to safety and a bylaw.

Sale of fireworks:

The Bylaw will prohibit the sale of fireworks within the City.

Use of Fireworks:

Consumer fireworks can be used with a permit that ensures responsible use by a qualified person. This Bylaw would allow a certified fireworks operator to apply for events such as, but not limited to, weddings, anniversaries, and cultural events.



The City expects that a fireworks permit will be issued 2 business days after the City receives a completed fireworks permit application form.

Under the former *Alberta Fire Code*, fireworks were restricted in City limits at all times and could only be used with a permit. A bylaw was not necessary at that time as all fireworks were provincially regulated under the *Alberta Fire Code* which was enforced by the City using Safety Code Officers in the Fire Discipline.

Administration has followed Council's direction and has exempted sparklers from requiring a permit.

The Bylaw has been simplified, updated and is consistent with Council's direction.

A FAQ has been developed and prepared in consultation with Communications & Strategic Planning.

Recommendation:

It is recommended that Council give first reading to the attached *Fireworks Bylaw 3626/2019* which reflects Council's direction to prepare a bylaw that follows the intent of option #3 to restrict the sale and use of fireworks.

Attached:

City of Red Deer Bylaw No. 3626/2019

Appendix A– Municipal comparators of firework bylaw fines

BYLAW NO. 3626/2019

WHEREAS, pursuant to section 7 of the *Municipal Government Act*, RSA 2000, c M-26, a council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property and for any services provided by or on behalf of the municipality;

AND WHEREAS, pursuant to section 8 of the *Municipal Government Act* a council may pass bylaws to regulate or prohibit activities, industries or things and to establish a system of licenses, permit or approvals including the establishment of fees;

AND WHEREAS Council of the City of Red Deer recognizes that fireworks are explosive devices and the sale, possession and use of fireworks by Persons not properly trained and authorized creates an unacceptable risk to life, health, safety and property;

AND WHEREAS Council of the City of Red Deer has deemed it necessary for the safety and well-being of the community to regulate Fireworks within the City of Red Deer;

NOW THEREFORE COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

PART I – TITLE, PURPOSE AND DEFINITIONS**Title**

1. This bylaw may be referred to as the “Fireworks Bylaw”.

Purpose

2. The purpose of this bylaw is to regulate the sale, possession and use of Fireworks within the City for the safety and well-being of the community.

Definitions

3. In this bylaw, unless the context otherwise requires:
 - (a) “**Consumer Fireworks**” means fireworks which are designed for recreational use and are classified as low-hazard fireworks within the Explosives Act but does not include sparklers;
 - (b) “**Discharge**” means to fire, ignite, explode or set-off or cause to be fired, ignited, exploded or set-off;
 - (c) “**Display Fireworks**” means fireworks that are designed for professional use and are classified as high-hazard within the Explosives Act;
 - (d) “**Explosives Act**” means the *Explosives Act*, RSC. 1985, c. E-17, as amended;
 - (e) “**Fire Ban**” means a prohibition on all burning, including the Discharge of all Fireworks, issued by the City;
 - (f) “**Firecracker**” has the same meaning as in the National Fire Code 2019 – Alberta Edition;

- (g) **"Fireworks"** includes Consumer Fireworks, Display Fireworks and Pyrotechnics but does not include Firecrackers;
- (h) **"Fireworks Permit"** means a permit granted by the City Manager pursuant to this bylaw that authorizes the permit holder to possess, store, purchase or Discharge Fireworks within the City;
- (i) **"Fireworks Supervisor"** means a Person who has, at the minimum, a valid and subsiding fireworks operator certificate (display supervisor) issued pursuant to the Explosives Act;
- (j) **"Municipal Tag"** means a document alleging an offence issued pursuant to the authority of a bylaw of the City;
- (k) **"Person"** means an individual or a body corporate and includes a partnership or association unless the context explicitly or by necessary implication otherwise requires;
- (l) **"Prohibited Fireworks"** means Firecrackers and the items included on the most recent list of prohibited fireworks as published from time to time under the Explosives Act;
- (m) **"Provincial Fire Administrator"** means the Person who has authority under the Safety Codes Act to provide written confirmation on behalf of the Province for any matter governed within the fire discipline;
- (n) **"Provincial Offences Procedure Act"** means the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended;
- (o) **"Pyrotechnician"** means a Person who has, at the minimum, a valid and subsiding fireworks operator certificate (pyrotechnician) issued pursuant to the Explosives Act;
- (p) **"Pyrotechnics"** has the same meaning as special effects pyrotechnics in the *Explosives Regulations, 2013*, SOR/2013-2011;
- (q) **"Safety Codes Act"** means the *Safety Codes Act*, RSA 2000, c S-1, as amended; and
- (r) **"Violation Ticket"** has the same meaning as in the Provincial Offences Procedure Act, RSA 2000, c P-34, as may be amended.

PART II – REQUIREMENTS

Requirements

4. No Person shall sell, display, possess or Discharge any Prohibited Fireworks.
5. No Person may possess, store or Discharge Fireworks within the City without a Fireworks Permit.
6. No Person shall store, possess or Discharge Fireworks in an unsafe manner or in a manner that creates a nuisance, taking into account the noise, danger of fire and explosion and risk

of death, injury and damage to persons and property inherent in the storage, possession or Discharge of Fireworks.

7. No Person shall Discharge Fireworks on or into any highway, street, lane, park or any other public place within the City unless authorized to do so by a Fireworks Permit.
8. No Person shall display, offer for sale or sell Fireworks within the City.

PART III – FIREWORKS PERMIT

Permit Application

9. Every Person applying for a Fireworks Permit must provide, to the satisfaction of the City Manager:
 - (a) a completed Fireworks Permit application form;
 - (b) name and contact information of the proposed permit holder and confirmation that the proposed permit holder is a Fireworks Supervisor or Pyrotechnician, as applicable;
 - (c) name and contact information of the sponsoring organization, if applicable;
 - (d) written confirmation that the property owner/lessee/agent of the land where the event will occur consents to the Discharge of Fireworks on the land;
 - (e) a description of the Fireworks event and a site plan that includes all information as may be required by the City Manager;
 - (f) the fee in the amount as set out in Schedule “A”;
 - (g) liability insurance in a form and amount acceptable to the City Manager, naming the City as an additional insured;
 - (h) any additional required permits or approvals as determined by the City Manager; and
 - (i) any additional information required by the City Manager.

Issuance of Permit

10. The City Manager shall issue a Fireworks Permit only when all requirements under Section 9 have been met.
11. The City Manager may impose any terms and conditions on a Fireworks Permit as are deemed appropriate or necessary in the circumstances:
 - (a) to ensure compliance with the purpose and intent of this bylaw and any other legal requirements; and
 - (b) to take into consideration safety and environmental matters.

Refusal to Issue, Suspension or Cancellation

12. The City Manager may refuse to issue a Fireworks Permit or suspend or cancel a Fireworks Permit that has been issued, if:

- (a) there is a substantial risk to life, safety or property;
- (b) the requirements of Section 9 have not been met;
- (c) incorrect or insufficient information is submitted with respect to Fireworks Permit;
- (d) there is non-compliance with the Explosives Act or Safety Codes Act;
- (e) there is a contravention of any condition under which the Fireworks Permit was issued;
or
- (f) the Fireworks Permit was issued in error.

13. When the City Manager refuses to issue a Fireworks Permit, the City Manager shall provide written notice to the applicant within 10 calendar days after the application is denied. The notice shall include a statement of the reasons the application was denied.

Fireworks Permit Holder Obligations

14. A Person to which a Fireworks Permit has been issued must:

- (a) comply with the terms and conditions of the Fireworks Permit and any other related permit;
- (b) shall not Discharge Fireworks if there is a Fire Ban in place;
- (c) produce a copy, upon request, of the Fireworks Permit and all applicable fireworks operator certificates at the location of the Fireworks show; and
- (d) immediately notify the City of any change to any information provided to the City.

Fireworks Permit

15. A Fireworks Permit shall expire as per the terms and conditions on the permit.

Fireworks Permit Transfer

16. A Fireworks Permit is not transferable.

PART IV- INSPECTIONS**Inspections**

17. The City Manager may, at any reasonable hour of the day, and without prior notice to the permit holder, conduct an inspection of the event site.

18. In addition to all other rights of inspection granted to the City under any other legislation, the City Manager may:

- (a) require the production, for inspection purposes, of any document or anything relevant to the inspection;
 - (b) remove the document or anything relevant to the inspection for the purpose of making copies;
 - (c) alone or in conjunction with a Person possessing special or expert knowledge, make observations, examine, and review anything that pertains to any permit issued pursuant to this bylaw; and
 - (d) perform an inspection to investigate or respond to a complaint or inquiry.
19. The permit holder shall provide the City with free and clear access to the event site for inspections.
20. The City Manager may request that the permit holder pause or delay the Fireworks part of the event until the inspection is complete.
21. The City shall comply with any safety requirements or personal protection equipment required by the permit holder.
22. The City shall provide the results of the inspection to the permit holder upon written request.

PART V – FEES

Fees

23. The fees payable for any permit issued pursuant to this bylaw, or any other fees within this bylaw, shall be as set out in **Schedule “A”**.

PART VI – OFFENCES AND PENALTIES

Obstruction

24. No Person shall obstruct or hinder another Person in the exercise or performance of their duties or powers pursuant to this bylaw or other applicable legislation.

Offence

25. A Person who contravenes this bylaw, or authorizes or directs another Person to contravene this bylaw, is guilty of an offence.

Vicarious Liability

26. For the purposes of this bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the Person if the act or omission occurred in the course of the employee's employment with the Person, or in the course of the agent's exercising the powers or performing the duties on behalf of the Person.

Corporations

27. When a corporation commits an offence under this bylaw, every principal and director of the corporation who authorized the act or omission that constitutes the offence or assented to or

acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.

Fines and Penalties

28. Any Person who contravenes any provision of this bylaw is guilty of an offence and is liable, on summary conviction, to the fine set out in Schedule "B".
29. When a penalty is not specified under this bylaw, a Person who is guilty of an offence is liable to a fine not exceeding \$10,000.00.
30. A Person who is found guilty of an offence is liable to the imposition of a penalty for the offence that is in addition to a fine so long as the penalty relates to a fee, cost, rate, toll or charge that is associated with the conduct that gives rise to the offence.
31. If a Person is found guilty of an offence, the court may, in addition to any fine or other penalty imposed, order the Person to comply with this bylaw, a permit, an approval or other authorization issued under this bylaw, or a condition of any of them.

Continuing Offence

32. In the case of an offence that is of a continuing nature, a contravention constitutes an offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine of \$100.00 for each day the offence continues.

Municipal Tag

33. A Municipal Tag may be issued to any Person where there are reasonable and probable grounds to believe the Person has contravened any provision of this bylaw.
34. If a Municipal Tag is issued in respect of an offence the Municipal Tag must specify:
 - (a) the name of the Person;
 - (b) the offence;
 - (c) the fine amount;
 - (d) that the fine amount shall be paid within 14 days of the issuance of the Municipal Tag;
and
 - (e) any other information as may be required.

Payment in Lieu of Prosecution

35. Where a Municipal Tag is issued in respect of an offence, the Person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay the fine specified within the time period indicated on the Municipal Tag.

Violation Ticket

36. If a Municipal Tag has been issued and if the specified fine has not been paid within the prescribed time, a Violation Ticket may be issued pursuant to the *Provincial Offences Procedure Act*.

37. Despite Section 36, a Violation Ticket may be immediately issued to any Person where there are reasonable and probable grounds to believe that Person has contravened any provision of this bylaw.
38. If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
- (a) impose the specified penalty established by this bylaw for the offence and permit a Person to make a voluntary payment; or
 - (b) require a Person to appear in court without the alternative of making a voluntary payment.

Voluntary Payment

39. A Person who commits an offence and who wishes to plead guilty may:

- (a) if a Violation Ticket has issued in respect of the offence; and
- (b) if the Violation Ticket includes a specified penalty as established by this bylaw for the offence;

plead guilty to the offence by making a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.

PART VII – GENERAL

Powers of the City Manager

40. Without restricting any other power, duty or function granted by this bylaw, the City Manager may:

- (a) carry out any inspections to determine compliance with this bylaw;
- (b) take any steps or carry out any actions required to enforce this bylaw;
- (c) take any steps or carry out any actions required to remedy a contravention of this bylaw;
- (d) establish forms for the purposes of this bylaw;
- (e) refund or waive fees;
- (f) waive any application requirements;
- (g) require additional information, revised information, additional fees and/or a new application with respect to a change under Section 14(d);
- (h) alter or revoke the terms and conditions of a permit after it has been issued and approve the extension of the term of a permit;
- (i) impose new terms and conditions in a permit after it has been issued; and

**SCHEDULE "A"
FEES**

Service	Fee
Per Fireworks Permit	\$58.25
Per inspection of event site	\$116.50
Per inspection of the event site (after hours)	\$233.00

SCHEDULE "B"
FINES

SECTION	DESCRIPTION OF OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD AND SUBSEQUENT OFFENCE
4	Selling, displaying, possessing or Discharging prohibited Fireworks	\$250.00	\$500.00	\$1000.00
5	Discharging Fireworks without a Fireworks Permit	\$250.00	\$500.00	\$1000.00
6	Storage, possession or Discharge of Fireworks in an unsafe manner or manner that creates a nuisance	\$250.00	\$500.00	\$1000.00
7	Discharge of Fireworks on or into a highway, street, lane, park or any other public place	\$500.00	\$1000.00	\$5000.00
8	Unauthorized sale or display of Fireworks	\$250.00	\$500.00	\$1000.00
14(a)	Failure to comply with a Fireworks Permit	\$500.00	\$2,000.00	\$10,000.00

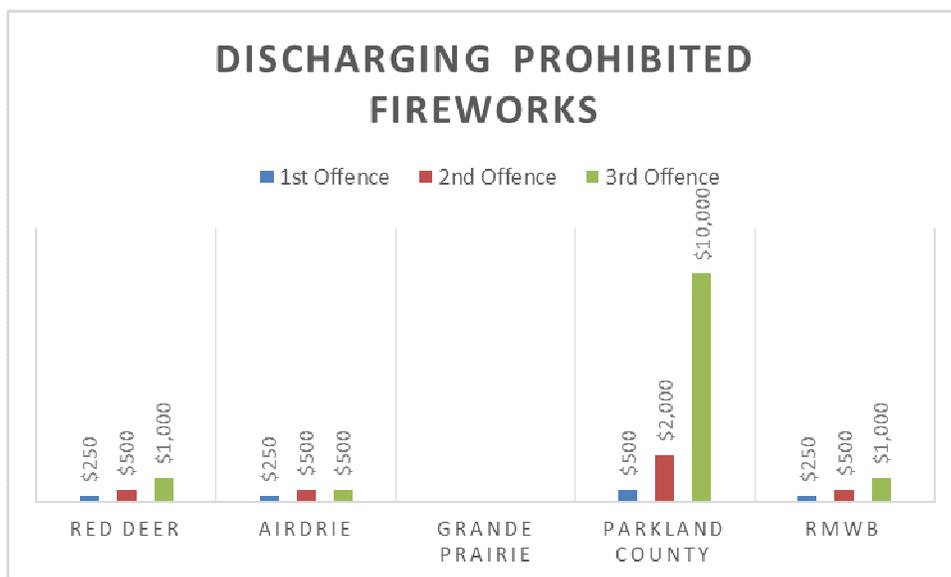
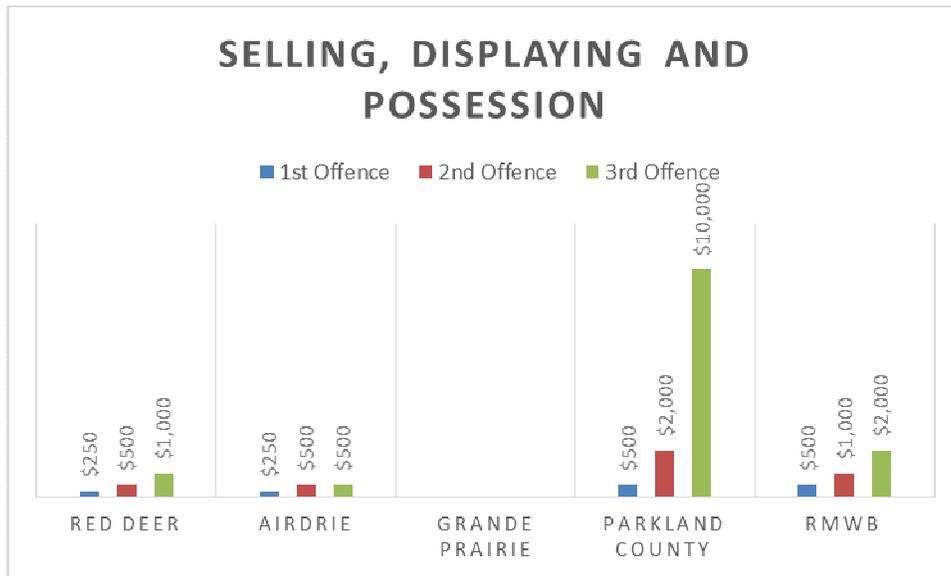


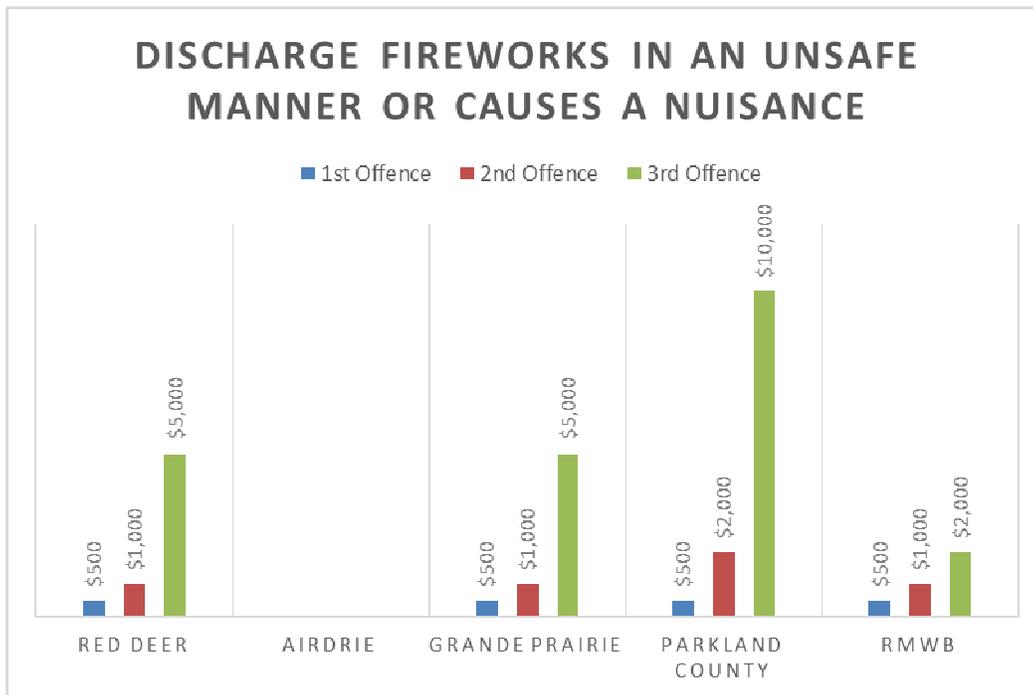
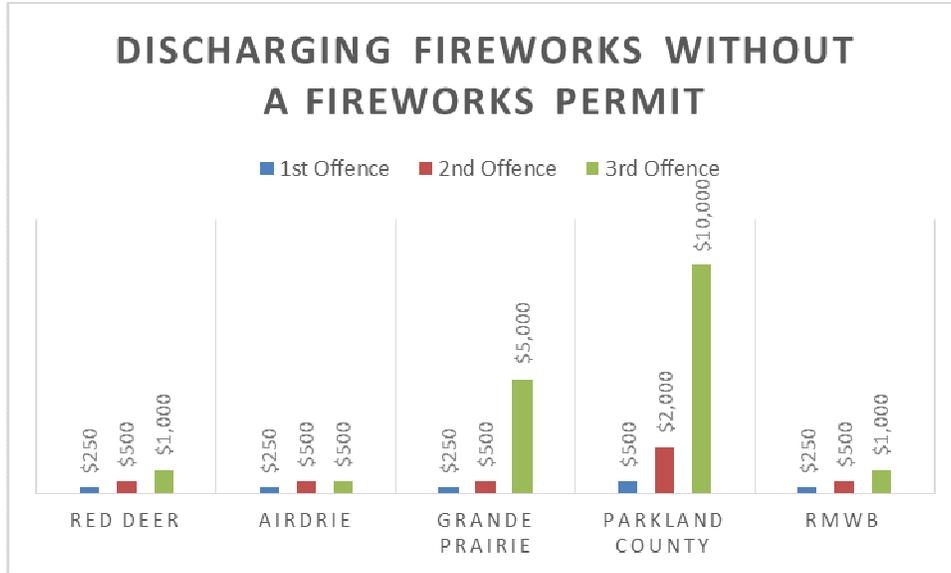
APPENDIX A

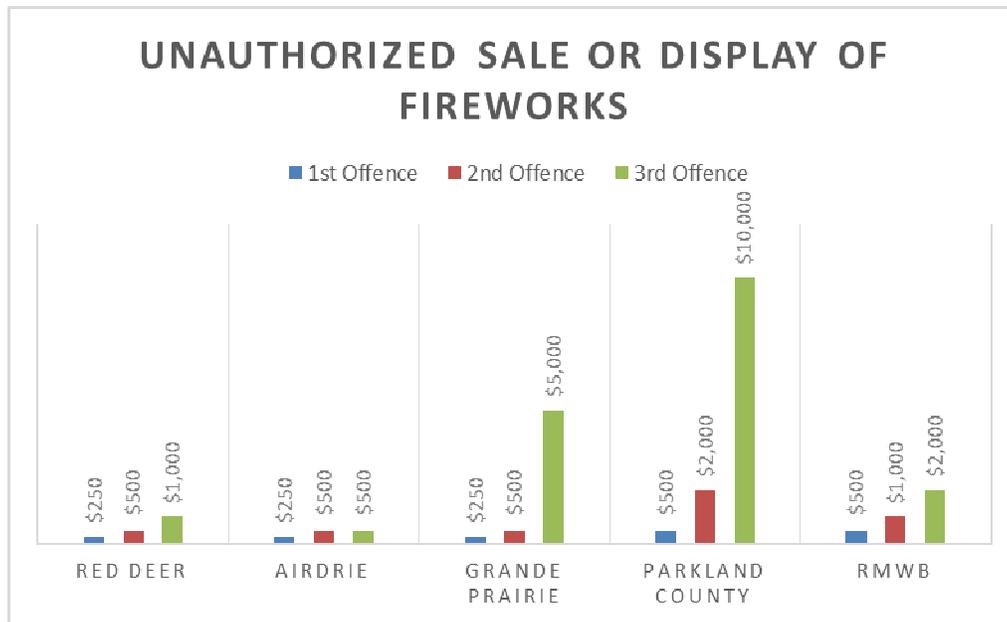
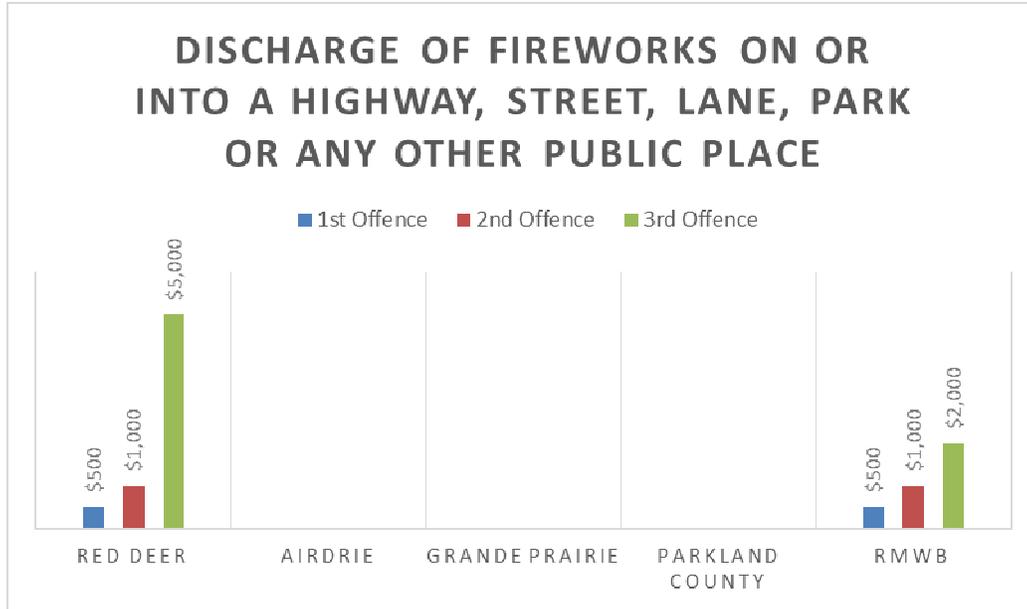
EMERGENCY SERVICES

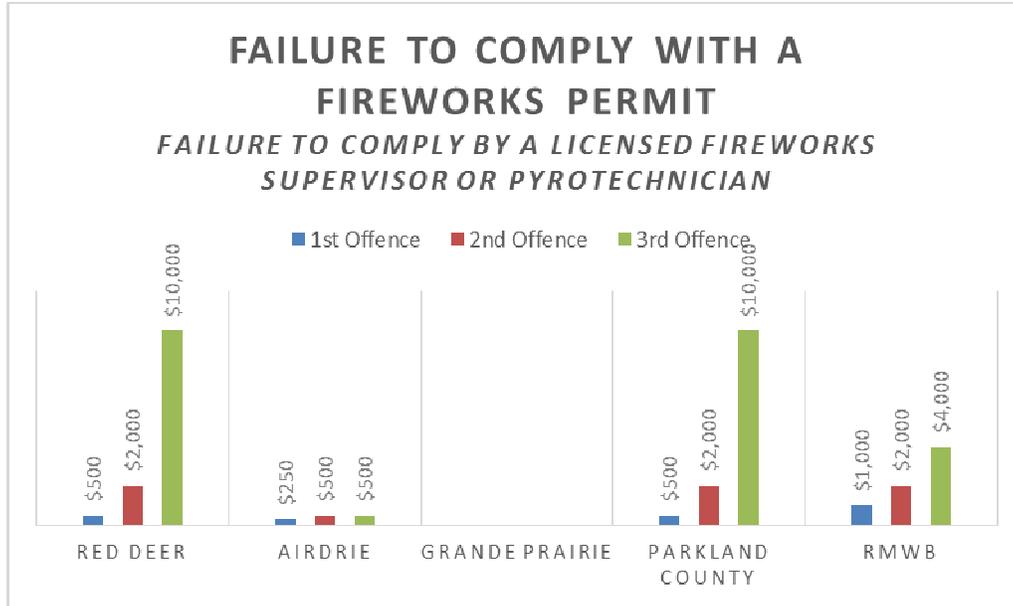
Comparators of fines from firework bylaw from The City of Red Deer, The City of Airdrie, The City of Grande Prairie, Parkland County and the Regional Municipality of Wood Buffalo (RMWB). Limited data is provided as many of these municipalities are still in the process of completing their bylaws for Council's final approval.

The City of Red Deer consistently falls within or under the fine parameters from other municipalities that have a firework bylaw in place.











August 13, 2019

Proposed Fireworks Bylaw 3626/2019

The proposed Fireworks Bylaw is intended to ensure that fireworks are used safely and responsibly by persons with proper education and training relating to the use and sale of explosive materials.

1. Why is a bylaw required?

Since May 2019, The National Fire Code - 2019 Alberta Edition no longer provides regulations for the sale and use of fireworks as previous fire codes did. This means that a bylaw is required to regulate fireworks for the safety of residents.

The fireworks regulation will include display fireworks (used by professionals for events such as Canada Day), pyrotechnics (used for stage shows and movie effects), as well as consumer fireworks used by the public.

2. Why is this bylaw coming to Council?

On July 8, 2019 Emergency Services presented three options to City Council for direction. Council endorsed the option pertaining to the restricted sale and use of fireworks – replicating the practices that were in place in Red Deer for the previous 35 years.

The following information pertains to the proposed Fireworks Bylaw (3626/2019):

Buying and Using Fireworks

3. Does the Fireworks Bylaw put a ban on fireworks?

No. The intent of the proposed Fireworks Bylaw is to ensure that fireworks are used safely and responsibly by qualified persons with proper training.

4. What types of fireworks are allowed?

The following are allowed for use in Red Deer:

- Consumer fireworks (low-hazard): a Fireworks Permit is required and will only be granted to qualified persons as per the Explosives Act.
- Pyrotechnics (Special Effects): a Fireworks Permit is required and will only be granted to qualified persons as per the Explosives Act.
- Display fireworks (high-hazard): a Fireworks Permit is required and will only be granted to qualified persons as per the Explosives Act.

- Sparklers: a permit is not required for private citizens to use sparklers.

Selling Fireworks

5. Are fireworks allowed to be sold?

The sale of fireworks will be prohibited within the City as has been the practice for the past 35 years.

6. Does the public need a permit to use fireworks?

Permits will be required as follows:

- Display Fireworks and Pyrotechnics - A permit to purchase and discharge may be issued to qualified persons as per the Explosives Act for special events (for example: Canada Day, New Years, concerts, etc.)
- Consumer Fireworks - A permit to purchase and discharge may be issued to qualified persons as per the Explosives Act for a special event only (for example: wedding, anniversary, etc.)
- Sparklers - A permit is not required to purchase or discharge sparklers.
- Most permits are issued within two business days.

Permits

7. How do I get a permit?

Requests for a permit can be submitted to Emergency Services - Fire Prevention Bureau at prevention@reddeer.ca.

Every person applying for a Fireworks Permit must provide:

- a completed application as per Natural Resources Canada "Display Fireworks Manual";
- any fees required;
- any additional required permits or approvals;
- any additional information required by The City.

8. Do I need a permit to sell sparklers?

No, a permit is not required to sell sparklers.

9. How much does a permit cost?

The following fees apply when applying for a permit to use fireworks:

Service	Fee
Per permit	\$58.25
Per inspection	\$116.50
Per inspection (after hours)	\$233.00

**Safe use, storage and disposal****10. I want to report unsafe or illegal use of fireworks. Who should I contact?**

If someone is using fireworks or firecrackers illegally or in an unsafe manner, please report to Red Deer Emergency Services by calling 9-1-1.

11. I have fireworks at home and did not know I was supposed to have a permit. What should I do?

Under the proposed bylaw, you may not store fireworks without a Fireworks Permit. If you have fireworks at home, the most important thing is to ensure they are disposed of safely. Fireworks are explosives and improperly storing fireworks could lead to serious problems in the event of a fire.

Please contact Red Deer Emergency Services at 403-346-5511 to enquire about dropping off your fireworks for safe disposal.

12. What happens if I do not follow the rules?

All reported unsafe or illegal activity with fireworks will be investigated. Education is the preferred means for compliance. Fines may be issued for repeat offenders and serious life safety concerns.

-end-

For more information, please contact:

Wes Van Bavel
Fire Marshal
The City of Red Deer
403-356-2457

Communications & Strategic Planning
The City of Red Deer
403-342-8147



Canadian National Fireworks Association
PO Box 1238
Aldergrove, BC
V4W 2V1

Tel: 604-853-2255
Toll Free: 1-855-652-CNFA (2632)
Fax: 604-852-3469
nationalfireworks.ca

July 23, 2019

Mayor Veer and Members of Council
The City of Red Deer
Box 5008
Red Deer, Alberta T4N 3T4

Re. Red Deer Fireworks By-law

Dear Mayor Veer and Members of Council,

As the leading voice in the fireworks industry, the Canadian National Fireworks Association (CNFA) advocates for its' members through government engagement. CNFA's mission is to promote fair access and safety in the sale and use of fireworks through public education, advocacy with regulators and membership compliance. My name is Perry Logan, Executive Director of the CNFA, and I attended the City Council meeting on July 8th, 2019 on behalf of our organization.

From our understanding, Council has directed Fire Chief McMullen to prepare a fireworks bylaw that endorses Option 3, as presented in your Council package. Option 3, essentially bans the use of federally approved and regulated legal fireworks. In preparation for the Council package, the CNFA collaborated with Chief McMullen to develop option 2 presented to Council, which would allow consumer fireworks to be used for two holidays and sold for a period of time leading up to each. CNFA has other solutions to offer to Council that can restrict but not ban the use of fireworks within city limits.

Banning any legal product in Canada creates confusion among users and has inherited risks for the jurisdictions who enact such bans. In our experience, banning bylaws do not eliminate the safety concerns of Council nor does it hinder users from accessing products through many means since they are in fact, legal Canadian products. The CNFA has a history of working with municipalities to address specific issues to find a solution that better addresses the concerns of Council. We feel there are industry specific questions we can help clarify by meeting to discuss these concerns.

CNFA requests a meeting with the Red Deer Council in advance of a first reading for your fireworks bylaw. CNFA was directed by City staff to work with Chief McMullen, which we will continue to do, but also believe a meeting can help satisfy your concerns by demonstrating how the association can provide public safety education, retailer certification courses and work with manufacturers on product packaging.



Canadian National Fireworks Association
PO Box 1238
Aldergrove, BC
V4W 2V1

Tel: 604-853-2255
Toll Free: 1-855-652-CNFA (2632)
Fax: 604-852-3469
nationalfireworks.ca

To celebrate this past Canada Day in Red Deer, retailers sold over 20,000 kilograms of firework products to meet consumer demand. Based on industry pricing it created over \$500,000 in new business and up to 3700 firework packages were sold legally within city limits. Our research shows there were no injuries reported.

Additionally, in April, a phone survey conducted in Red Deer indicated that 73% of Red Deer residents believe they should be able to purchase and celebrate with consumer fireworks for special events. In this survey residents were asked if they have ever used consumer fireworks within the city of Red Deer and 63% of the respondents said they had. The demand for regulated use of fireworks was shown through both the means of this survey, and the sales of fireworks over this past Canada Day in Red Deer.

I look forward to the opportunity to meet with you to provide you with the fireworks industry's perspective as it relates to the safe sale and use of fireworks in Canada. I am confident we will provide you and your Council colleagues all information needed to make your final decision. In the meantime, we will continue our conversations with Chief McMullen and assist as necessary.

I am available at your earliest convenience to arrange a time where we can discuss the information presented and I look forward to your response.

Sincerely,

Perry Logan

Perry Logan
Executive Director
Canada National Fireworks Association.



Council Decision – September 3, 2019

DATE: September 5, 2019
TO: Ken McMullen, Emergency Services Manager
FROM: Frieda McDougall, Legislative Services Manager
SUBJECT: Fireworks Bylaw 3626/2019

Reference Report:

Emergency Services, dated August 16, 2019

Resolution:

At the Tuesday, September 3, 2019 Regular Council Meeting, Council passed the following Resolutions:

Resolved that Council of The City of Red Deer having considered the report from Emergency Services, dated August 20, 2019 re: Fireworks Bylaw 3626/2019 hereby agrees to amend the bylaw as follows:

- By deleting Section 3(h) in its entirety and replacing it with the following:
 3. (h) **“Fireworks Permit”** means a permit granted by the City Manager that authorizes the permit holder to Discharge Fireworks at a specified location, with the consideration in determining the specified location for such Discharge based on:
 - i. for Consumer Fireworks, the clearance requirements as recommended by the manufacturer of the Fireworks and as set out in the packaging of the Fireworks;
 - ii. for Display Fireworks, the National Fire Code 2019 – Alberta Edition which requires conformance with the Natural Resources Canada 2010 “Display Fireworks Manual”, as may be amended;
 - iii. for Pyrotechnics, the Natural Resources Canada 2014 “Special Effect Pyrotechnics Manual”, as may be amended; and
 - iv. any other consideration that may be relevant to the safety of persons or property.

Resolved that Council of The City of Red Deer having considered the report from Emergency Services, dated August 20, 2019 re: Fireworks Bylaw 3626/2019 hereby agrees to amend the bylaw as follows:

- Schedule B – Failure to comply with a Fireworks Permit by deleting the number “\$10,000” and replacing it with the number “\$5,000”

Bylaw Reading:

At the Tuesday, September 3, 2019 Regular Council Meeting, Council gave second and third readings, as amended to the following Bylaw:

Bylaw 3626/2019 – a bylaw to regulate the sale, possession and use of Fireworks within the City for the safety and well-being of the community.

Report back to Council:

No.

Comments/Further Action:

This office will amend the bylaw and distribute copies in due course.



Frieda McDougall
Manager

- c. Director of Protective Services
Corporate Meeting Support

FILE COPY



Council Decision – September 3, 2019

DATE: September 5, 2019
TO: Kristy Svoboda, Director of Human Resources
FROM: Frieda McDougall, Legislative Services Manager
SUBJECT: Human Resource Matter – Exempt Salaries

Resolution:

At the Tuesday, September 3, 2019 Regular Council Meeting, Council passed the following Resolutions:

Resolved that Council of The City of Red Deer, having considered an In Camera item on September 3, 2019 re: Exempt Salaries; hereby agrees to a 0% cost of living increase for Exempt Salaries for 2019.

Report back to Council:

No.

Comments/Further Action:

No.

A handwritten signature in blue ink, appearing to read 'Frieda McDougall'.

Frieda McDougall
Manager