



A leading voice for a healthy and environmentally sustainable community

Box 383 Lethbridge AB T1J 3E9

21 November 2014

Lethbridge City Council
City Hall
910 – 4 Ave. S., Lethbridge AB
Attn: City Clerk, council@lethbridge.ca

Dear Honorable Mayor and Councillors:

**Re: Bylaw 5894, Proposed Amendment to the City of Lethbridge Bylaw 5700
Portion of 1410 and 1520 – 24 Ave. S. (20-21-8-W4), Tudor Estates Neighbourhood**

SAGE (Southern Alberta Group for Environment), a non-profit society established in 1984, is a leading voice for a healthy and environmentally sustainable community through informing citizens, participating in public processes and supporting sound environmental initiatives and actions. We have informed ourselves about the proposed change in land use classification to allow residential development on the edge of the Oldman River valley adjacent to Tudor Estates Neighbourhood. We provide the following comments for your consideration in making a decision regarding the above application for rezoning.

Current Ownership, Zoning and Use of the Land

Although the Notice of Public Hearing is not clear about ownership, we are informed that the western half of the land proposed for rezoning (1.78 ha/4.40 ac) is public land, acquired by the City in 2001 as part of a 25-acre parcel. This 4.4-acre parcel is a narrow peninsula jutting westward and flanked on three sides by steep-sided coulees of the Oldman River valley. This scenic parcel of public land is grassland and used extensively for outdoor recreation by residents of Tudor Estates and beyond, as evidenced by the network of informal trails that run through it.

It is our understanding that when purchased the parcel was zoned Urban Reserve in *Land Use Bylaw 4100* and that all parcels with that zoning in the previous bylaw were arbitrarily switched to Future Urban Development (FUD) when *Land Use Bylaw 5700* was instituted in 2011. It is also our understanding that at that time detailed consideration was not given to the most appropriate zoning and use of individual parcels of land designated as FUD under *Land Use Bylaw 5700*.

According to *Land Use Bylaw 5700*, FUD is “for the control of subdivision and development until the required municipal services are available, area structure or area redevelopment

plans are approved, and more appropriate alternative districts are applied". The City-owned parcel and the private land being considered for rezoning to Low Density Residential (R-L) are not part of an area structure plan or area redevelopment plan. Noteworthy is that the City-owned parcel is flanked on three sides by lands zoned as Valley District (V) and subject to the *River Valley Area Redevelopment Plan (Bylaw 5277)*.

In an *in-camera* meeting on July 7, 2014, City Council entered into a conditional land sale with Douglas J. Bergen and Associates Ltd. of Coaldale that would exchange this 4.4-acre parcel of public land for \$8,500 and a 1.95-acre parcel that would form part of the right-of-way for a proposed future crossing of the Oldman River valley, should a third crossing be built in future. The sale is conditional on rezoning the land to Low Density Residential (R-L) on or before December 31, 2014 and on the developer subdividing the parcel by December 31, 2015. There was not public notice associated with the conditional land sale agreement.

This appears to be the first opportunity for openly assessing the environmental aspects, alternative uses and appropriate zoning for these public lands.

Essential Municipal Services

We have been informed that thirty-seven houses are proposed for the development, twenty of these on City land. It is our understanding that municipal stormwater and wastewater utilities serving Tudor Estates are already stressed and there is not an easy fix. Hence, it is doubtful that the required municipal services are available in the Tudor Estates area to allow a change to zoning that would lead to a residential subdivision of this size.

We suggest a full assessment of the costs versus the benefits to taxpayers is needed to inform a decision regarding municipal investment in major infrastructure upgrades such as would be required to accommodate the proposed development. We have not seen such an assessment.

River Valley Setback and Slumping Risk

The City-owned parcel is adjacent to the Valley District and therefore subject to development setback as per the *River Valley Area Redevelopment Plan (Bylaw 5277)*. We are informed that a geotechnical study was commissioned by the proponent, although it has not been made public at the time of preparation of this submission.

A walk along the tops of coulees adjacent to Tudor Estates and northward to Chinook Heights and Park Royal Estates provides ample visual evidence of natural slumping as well as accelerated slumping attributable to residential developments on adjacent uplands. Minimum legal setbacks do not appear to be sufficient. It is probable that the City-owned parcel on the narrow peninsula flanked by steep-walled coulees has geology similar to the areas experiencing accelerated slumping to the north and south.

We suggest a decision to rezone the lands needs to be informed by a detailed geotechnical study and risk assessment specific to the site. Such a study would involve drilling and monitoring to acquire the information on subsurface geology, drainage and factors that result in accelerated rates of slumping. Experience has shown that a desktop study that establishes a minimum setback is not sufficient to provide confidence that Lethbridge taxpayers will avoid major liability should the development proceed and there is subsequent loss of private property to slumping, such as occurred at Stafford Coulee.

Integrated Community Sustainability Plan/Municipal Development Plan Policies

SAGE is familiar with the *Integrated Community Sustainability Plan/Municipal Development Plan (2010)* having participated in its preparation. Our view is that the proposed rezoning and subsequent residential development is inconsistent with the policies set out in the *ICSP/MDP*. Of particular relevance is:

Section 6.5.1 Lethbridge's River Valley is the Primary Open Space System.

"Policy 3) Restrict development on or near to hazardous lands in the river valley"

Hazardous lands include "...lands with slopes over 15%, and lands characterized by extensive slumping, drainage or erosion problems." Our view is that the City lands that are the subject of this application are near to hazardous lands and therefore development must be restricted.

"Policy 4) Ensure the River Valley is accessible to all residents"

"Policy 5) Incorporate strategically located view corridors adjacent to the river valley"

"Policy 6) Increase accessibility to the river valley by requiring linear open space along the valley crest"

"Policy 7) Create a continuous pathway throughout and along the top of river valley"

We suggest that development of a subdivision with 20 residences on such a narrow peninsula would exclude recreational users and violate the above policies. Should the rezoning and development proceed, a well-established trail along the north side of the parcel would be interrupted and built upon and there would be insufficient space for a public trail along the south side of the development. Squeezing a trail between backyards and the coulee edge would create the potential for conflict between homeowners and trail users. Well-used green space along the valley crest would be lost as would the opportunity for a continuous pathway along the top of river valley extending from Lethbridge College north to the Sugar Bowl that is part of the recommended future pathway development indicated in Figure 7.2 of the *City of Lethbridge Bikeways & Pathways Master Plan (2007)*. A more appropriate zoning for the parcel, currently zoned Future Urban Development, is Park and Recreation (P-R) or River Valley (V).

Summary

In summary, we recommend that City Council deny the application to change the land use classification on a portion of 1410 and 1520 – 24 Ave. S. (20-21-8-W4) from Future Urban Development (FUD) to Low Density Residential (R-L). The land in question is in an area that has experienced accelerated slumping following residential development on adjacent uplands and insufficient information has been provided to demonstrate residential development on the narrow peninsula flanked by steep-sided coulees would not be at risk of accelerated slumping. Current municipal services, particularly wastewater and stormwater infrastructure, are reportedly inadequate to accommodate additional residential development and thus to justify rezoning. Much of the land (4.4 ac) is owned by the City and receives extensive recreational use.

We suggest the City Council deny the application for rezoning and vote to retain these lands in public ownership. Proceeding with proposed development of a public pathway along the top of river valley would be consistent with the *Integrated Community Sustainability Plan/Municipal Development Plan (2010)* and the *City of Lethbridge Bikeways & Pathways Master Plan (2007)*. We suggest a more appropriate zoning for these public lands, currently zoned Future Urban Development (FUD), is River Valley (V) or Park and Recreation (P-R).

Yours Sincerely

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

Braum Barber, Chair