

# Waskasoo Community Association Board of Directors

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## Honourable Mayor and City Councilors

We would like to thank the City, and particularly Mr. Girardin, for your work on the Land Use Bylaw and for creating a “made in Red Deer” solution for the Residential, Commercial, and Industrial zones. It is a daunting and complex task. However, there is one change to the PS Zone, a zone that was not a part of this phase of the Bylaw review process, that is significant and can have immediate and lasting impacts on Public Service land in general and Waskasoo in particular.

At the end of the April 29 Bylaw Review Public Hearing, one of our Board members approached Councilor Barnstable with our concerns. He first suggested we wait until the proposed bylaws are passed and then request an amendment. Once the immediacy was explained, however, he suggested we write to Council before the May 13<sup>th</sup> Council Meeting. Therefore, we are writing to demonstrate the following:

- **If the proposed Bylaws are passed, the Public Service zone will now include seniors independent living complexes as a Discretionary Use, which is a significant Use change to the PS zoning**
- **The change in use in the PS zone has not had full public consultation and will proceed without guiding regulations**
- **This is urgent for Waskasoo because a second application to build a seniors independent living facility at 4240 59 St is imminent, and the change to the PS Use will negate the need for a rezoning application AND alter the intent of the Waskasoo Area Redevelopment Plan without community consultation**
- **There may be solutions that can be implemented through an amendment at the May 13<sup>th</sup> Council Meeting that will address the situation without slowing the Bylaw Review process**

## 1. SIGNIFICANT CHANGE TO THE PS LAND USE

The Public Service zone of the Land Use Bylaw is slated for public review in the next phase of the Bylaw update, yet in the zone as it is proposed, the Assisted Living Use has been replaced with the Supportive Living Accommodation Use. Assisted Living is currently discretionary in PS and is defined as:

Assisted Living means a building or a portion of a building operated for the purpose of providing live in accommodation for six or more persons with chronic or declining conditions requiring professional care or supervision or ongoing medical care, nursing or homemaking services or for persons generally requiring specialized care but may include a secured facility as an accessory component of an assisted living facility. An assisted living facility does not include a temporary care facility.

This has been replaced with supportive living accommodation which is defined as:

Supportive Living Accommodation means a use that is intended for the (sic) permanent Residential living where an operator also provides or arranges for on the Site services to assist residents to live independently or to assist residents requiring full-time care.

*With the switch to this new definition, seniors independent living complexes will become a discretionary use on Public Service land. We argue below that this change is both significant and urgent to Waskasoo, that it has been made without full transparency, public review, and regulations to guide its use, and will alter the intent of the Waskasoo Area Redevelopment Plan without community consultation.*

## **2. WHY THIS CHANGE IS SIGNIFICANT AND URGENT FOR WASKASOO**

As Council will recall, a few months ago, East Lincoln Properties proposed to build a 120+ unit 55+ independent living complex on PS land at 4240 59 Street in Waskasoo. Because the City determined that this Use did not fit the PS zone, East Lincoln Properties had to apply to amend the Waskasoo Area Redevelopment Plan and to have their lot rezoned to multi-family R3. Those applications resulted in over 175 letters of opposition from citizens, environmental bodies such as the Red Deer River Naturalists and Red Deer River Watershed Alliance, and experts including a Canadian Geographic Fellow. They also triggered an 8-hour public hearing attended by approximately 100 residents who raised concerns over the impacts of the rezoning on the Waskasoo Area Redevelopment Plan, trust in the municipal government, traffic on already overburdened school routes, wildlife corridors, the trail and park system, and on environmentally sensitive land along the outside curve of the river. It was also noted that East Lincoln Properties purchased the property knowing it was zoned PS and with the Waskasoo Area Redevelopment Plan and character statements already in place.

In the end, Council voted unanimously against both the amendments to the Area Redevelopment Plan and the rezoning with Council members' comments tending to focus on:

- the intent of the ARP,
- the community consultation, negotiation, and resources that went into the ARP
- the ARP's statement that the lot *shall* remain PS,
- that citizens should be able to trust government to uphold agreements, and
- the Strategic Plan's emphasis on trust in government and citizen engagement.

Further, as Mayor Johnston summarized at the hearing: "The PS designation still allowed for development, still allowed for owner rights, and still allowed for community consultation and comment." (Transcriptions of portions of the comments can be found in Appendix B.)

Since that application, a representative from East Lincoln Properties met with the past WCA President and made it clear that East Lincoln is not interested in developing the property within the uses of the current PS Zone, does not want to involve community members in its plans, and intends to bring back an application for a senior independent living complex at 4240 59 Street.

**If these revised Bylaws are passed with the definition changes incorporated into the PS zone, a Use that had triggered a rezoning application will become discretionary and will technically comply with the Waskasoo ARP's statement that the lot *shall* remain PS. The imminent second application to build a 55+ independent living complex will sidestep the intention of both the Waskasoo ARP and Council's May 2023 decision that the lot be developed in a way that is compatible with the current PS zoning. In other words, the PS zone in the Land Use Bylaw is being altered in a way that will have urgent and serious implications on the Waskasoo ARP and Environmental Character Area without public review and without any consultation with the Waskasoo community.**

As a Discretionary Use, it will side-step Council yet again because the application will be heard instead by the Municipal Planning Commission. Most alarmingly, *it may even sidestep the Planning Commission since no one seems to know what the role of MPC will be or whether it will even exist in the very near future.*

In summary, in the few months since the Public Hearing for the rezoning from PS to R3, a Land Use (seniors independent living) that did not previously appear in the bylaws has been attached to the Assisted Living Use to create what is called Supportive Living Accommodation. This new Use has then been inserted into the PS zone without review by simply swapping definitions. In our opinion, the fact that seniors independent living on PS land previously required a zoning change indicates that this shift from Assisted Living to Supportive Living Accommodation is a material and substantive change in the PS Zone. The fact that it previously required an amendment to the ARP indicates it has immediate material implications for Waskasoo. As outlined below, this change has been made without community consultation or a full public review.

### 3. PS ZONE HAS NOT YET BEEN REVIEWED

The PS Zone has not been fully and transparently reviewed because of the phased approach to the bylaw update and the lack of clarity around the impact of definition changes on zones slated for future phases.

#### A. Phased Approach

We respectfully ask Council to think back to mid-March when the proposed bylaws were first presented in their entirety. Did Council members carefully review the Parks, Environmental Control, Direct Control, and PS zones, or did members focus on the Residential, Commercial, and Industrial Uses and regulations? We are guessing that, like us, Council did the latter. If Council had examined PS closely, we are confident members would have noticed that primary schools were no longer listed as a use and yet gambling was. These were understandable mistakes, but the fact that no one caught them until one of our Board members pointed them out in a letter to Legislative Services after First Reading demonstrates that **no one** has carefully reviewed the PS zone even though significant changes have been made.

This absence of careful review has resulted from the phased approach being used for the Bylaw update. A phased approach makes sense in such a complex document; however, **over the last few years, it has been clearly and repeatedly stated that changes to zones outside the Residential, Commercial, and Industrial districts being covered in phase 1 would be made and reviewed in phases 2 and 3.** For example, the March 6, 2023, Council Meeting Packet lists what will be covered in phase one, which does not include PS, and states, “The remaining parts of the bylaw will continue to come forward as smaller amendment packages as time and resources permit.” Then, the “What We Heard Report” from the March 4, 2024, Council Packet, states:

This project, it has been broken up into the following different stages:

- **Phase 1 (we are here):**

We are currently on this stage, and this is the focus of our public engagement. In this stage, we are reviewing and updating the following components:

- All Residential Zones and Related Regulations
- All Commercial Zones and Related Regulations
- All Industrial Zones and Related Regulations
- Definitions
- Defined Use Regulations
- General Regulations, limited to the following:
  - Parking
  - Landscaping
  - Accessory Buildings


- **Phase 2:**

In 2024, we will begin work on reviewing and updating other components of the Land Use Bylaw. Public engagement will continue when we enter this phase. Some of the other parts of the Land Use Bylaw that will be updated in the future include:

- General Regulations
- Overlays and **other districts**, such as Parks and Environmental Preservation
- Direct Control Districts and Site Exceptions.

PS is one of the “other districts” clearly scheduled for phase 2 in the above screenshot.

Finally, in the agenda packet for the Land Use Review Public Hearing, it states, “Phases 2 & 3 will come forward to Council in subsequent years after a review, rewrite, and public engagement have occurred for the sections that have not yet had a comprehensive review.” That PS is one of those sections is made clear in the following chart:

<p>PS Public Service (Institutional or Government District)*          PSI Post-Secondary Institution District*          PSR Public Service Residential*          Capstone Taylor Drive District (CAP-TD)*          Capstone Primarily Residential District (CAP-PR)*          Capstone Commercial District (CAP-C)*          Direct Control Zones*          Overlays*</p>	<p>Special Use &amp; Other*</p> 	<p>Examples:          - Capstone          - Red Deer          Polytechnic          - Parkvale Overlay</p>	<p>Public Service (Institutional or Government) Zone: PS          Post-Secondary Institution Zone: PS-I          Public Service Residential Zone: PS-R          Capstone Taylor Drive Zone: CAP-TD          Capstone Primarily Residential Zone: CAP-PR          Capstone Commercial Zone: CAP-C          Direct Control Zones          Overlays</p>
<p>* These land use categories have not undergone a comprehensive review. A full review of these Zones will be completed in a later phase of the Land Use Bylaw project.</p>			

The point is yet again emphasized here:

Administration will also commence working on Phase 2 of the LUB Review Project, which continues the comprehensive review of the parts of the bylaw that have not yet received a comprehensive review. The improvements from Phase 2 will come forward to Council when the amendments are ready and public engagement has been undertaken.

The work plan for Phases 2 & 3 includes the comprehensive reviews of the following parts of the new Zoning Bylaw:

- Phase 2
  - Part 3 - General Regulations
  - Part 9 - Other Zones
  - Part 11 - Direct Control Zones
- Part 12 - Overlays, Modifiers, and Character Statements
- Part 13 - Site Specific Exceptions & Exemptions
- Review of all Zoning Maps
- Website & GIS improvements
- Continued general document improvements.
- Phase 3
  - Part 1 - Purpose & Definitions (excluding definitions)
  - Part 2 - Development Process & Administration (Partial review)
  - Part 4 - Regulations for Specific Uses & Activities (Part 4)
  - A cursory review of previously amended Parts 5-8 & 10

Because it was made clear that its review would happen later, it is not surprising that no one looked carefully at the PS district, including the W.C.A. While it is true that the proposed bylaw

has been given its legally required two weeks public notice, the public review of material changes to the PS Uses was neither transparent nor full.

Adding to the urgency surrounding 4240 59 St is the fact that, if the bylaw is passed as it is proposed, **a Use that includes independent living facilities will be added without any Land Use regulations to guide it on PS land.** In the residential and commercial zones, which have been fully reviewed, there are regulations that have also been reviewed regarding number of dwellings, setbacks, coverage, height, landscaped area, and loading spaces. Until phase 2 of the review, *which could take years*, PS land will be left with nothing for regulations. (See Appendix A for copies of the current and proposed PS Bylaws.)

If passed, the independent living portion of the Supportive Living Accommodation Use will also be added to PS without any discussion and agreement over what “independent living” means. Will a barber dropping by every 6 weeks or an onsite bistro be enough to qualify for this Use? Does it have to offer homemaking and health and medical services to some degree? Must there be staff onsite, or will an app where residents can order food and book appointments be enough? What criteria define who needs help to live independently?

#### **B. Use Definitions**

It could be said that there was ample time to review the Use definitions; however, **the impact of the new definitions on the portions of the bylaw yet to be reviewed was never clearly stated** in a way that the average citizen would understand.

The changes to the definitions were sent to the public through a series of emailed updates. In the case of Assisted Living, the definition remains basically unchanged in the first three public updates. In update 4, “Residential District Use Review,” Supportive Living and Care is added, and it is also stated that it was “previously assisted living facility.” It is defined as:

buildings or units in buildings that are intended for the (sic) permanent residential living where an operator also provides or arranges for services in order to assist residents to live as independently as possible. This use also provides for respite and adult day care facilities where users are not permanent residents.

Described as one of the “non-residential uses proposed to be included in the residential districts” and containing nothing about chronic conditions and full-time care, the definition appears to propose replacing assisted living with independent living *in the residential districts* not to combine the two uses in all districts. Further indicating that Supportive Living and Care is relevant to residential only, in the following update, “Update 5: Permitted and Discretionary Uses in Industrial Districts,” the definitions attached include the term Assisted Living with its original definition.

In Update 6, “Residential Regulations,” Supportive Living Care is replaced with Supportive Living Accommodation, and it is now defined as:

Buildings or units in buildings that are intended for the permanent residential living (sic) where an operator also provides to arrange for on-site services to assist residents to live as independently as possible or *to assist residents requiring full time care*. (emphasis added)

With the addition of the final phrase, this definition now includes both independent and assisted living. However, the update emphasizes that Supportive Living Accommodation is part of the residential regulations, discusses the Use only in relation to R-L, R-N, R-MH, R-D, and R-H, and states that the only key change to the Use is that it now includes hospices which currently fall under temporary care.

Supportive Living Accommodation is then used throughout the rest of the updates but the updates always emphasize the definitions are focused on the zones addressed in Phase 1 only. For example, Update 8, “Developed Areas Regulations,” states that the discussion “contains a review of the *residential* land use districts” (emphasis in the original). The same can be said of the public open houses.

Finally, a second edition of the Land Use Bylaw Definitions is presented with Update #10, “Industrial Land Use Regulations,” circulated the day before the rezoning public hearing in May 2023. It includes Supportive Living Accommodation but is prefaced with: “Several new definitions have been created. These are proposed stemming from the review of the existing residential, commercial, and industrial districts and regulations.” Again, there is no mention of the impact to—and no allowance for review of—the other zones, nor was the proposed change to PS Uses brought up over the following two days at the Public Hearing to amend the Waskasoo ARP and change the zoning of 4240 59 St.

The definitions and other changes to the zones other than Residential, Commercial, and Industrial are finally addressed in the Council Agenda Packet for the Public Hearing. The changes that have been made to them are described as:

- *Minor* operational changes in Phase 1, *comprehensive review planned for Phase 2*.
- Made *like-for-like* permitted and discretionary use *adjustments*.
- Made *various minor tweaks* to terminology and formatting to be consistent with the update. (emphasis added)

Terms such as “like-for-like,” “adjustments,” “minor tweaks,” and “minor operational changes” underplay the gravity of how the new definitions impact Public Service lands, especially in Waskasoo. After following the discussion of the phases of the Land Use Review and the process undergone to alter the Use definitions, it is no wonder it was not noticed that Gaming and Gambling Establishments were inadvertently allowed in the PS Zone.

The Proposed Land Use Bylaws is a large and complex document worked on by many people. We do not bring the above summary of updates to Council's attention to point out fault but merely to show how the changes to the definition of Assisted Living could have been missed by any reasonable person. As important as the PS zone is to hundreds of residents in Waskasoo, even we did not catch the change until Mr. Girardin pointed out in his presentation at second and third reading that the change in definition from Assisted Living to Supportive Living had implications for 4240 59 St in Waskasoo. We are grateful that he did so, but the preamble at second and third reading was too late for Waskasoo residents to respond to the changes.

#### **4. POSSIBLE SOLUTIONS**

We reiterate that we do not want to hold up the Bylaw process. If Council agrees that there has been a significant and urgent change to the PS zone and that the change should be fully reviewed before the Bylaws are passed by Council, we sincerely hope that we can find a solution that can be made by an amendment at the May 13<sup>th</sup> Council Meeting without triggering a public hearing.

We are by no means experts but offer the following possibilities as starting points:

##### **Possibility 1:**

Divide the Supportive Living Accommodation Use back into its two narrow uses: independent and assisted living. For example:

**Supportive Living Accommodation** is a use that is intended for the permanent Residential living where an operator also provides or arranges for on the Site services to assist residents to live independently.

**Assisted Living Facility** is a use that is intended for live in accommodation for persons with chronic or declining conditions requiring professional care or supervision or ongoing medical care, nursing or homemaking services or for persons generally requiring specialized care.

Then, in the fully reviewed zones of the Bylaw, list both Uses, and in the Public Service zone, list only Assisted Living until a full review of the zone is complete and regulations are established.

##### **Possibility 2:**

Replace Supportive Living Accommodation in the PS zone with Assisted Living Facility, and because this would be the only place in the Bylaws where Assisted Living appears, define it in context *OR* in the Use definitions in Section 1.60 of the Bylaws. Again, this would be a temporary fix until a full review is completed.

##### **Possibility 3:**

As is done in many of the Direct Control zones, list the closest Use and then state parts of that use which are excluded in that zone. For example, Bylaw 11.60.2.8 for one of the Direct Control Zones states "Merchandise Sales and Rentals, *excluding agricultural and Industrial vehicles or*



*machinery, food store, pharmacy or drug store.” This could be modified for the unreviewed PS zone to state: “Supportive Living Accommodation *excluding independent living.*”*

#### **Possibility 4:**

Add a site exception for the lot in Waskasoo in a way that is similar to Bylaw 13.20.6.16 in the proposed bylaws, which states: “Commercial Service Facility limited to massage therapy and Health and Medical Services limited to physical therapy, on Lot 23, Block 5, Plan 052 0190 (7575 Edgar Industrial Drive).” Perhaps the wording could be something like “Supportive Living Facility limited to a facility for residents requiring full time care at 4240 59 Street.” This would be a targeted change to the specific lot in Waskasoo until a full review of the PS zone.

## **CONCLUSION**

The shift from Assisted Living to Supportive Living is not a simple one-to-one, or like-to-like, shuffling of terminology. Depending on how the Use is defined, a highly profitable commercial use such as independent living facilities could quickly take up all PS land that comes to market. Land set aside for education, recreation, and some of our most vulnerable citizens could be eaten up by expensive rental apartments with private services. In our opinion, these types of facilities belong exactly where they have so far been built: in high density residential or mixed use commercial areas. In these areas, they are also closer to transit, shopping, and professional services.

**What we are asking for is simply the opportunity to be a part of what is decided for PS zoning. After full review, we may very well end up back with the PS zone as it is being proposed here. However, we will have had the opportunity to be heard and to be present when that decision is made.**

Council’s Strategic Plan emphasizes public trust and public engagement. Knowing how important this issue is to Waskasoo and not giving citizens the opportunity to take part in these changes will result in an absolute loss of public trust. Also at risk is the importance of public engagement and the perception of transparent and accountable decision making where citizens have a positive impact on decisions. Many citizens who had never done so before wrote letters and took part in the Public Hearing regarding the rezoning and amendments to the Waskasoo ARP. Even children attended the hearing and wrote letters to Council. If the proposed Bylaws are passed with the unreviewed changes made to PS, what does that say to those citizens about their voices, the importance of being engaged in their community, and about Council’s stated desire for an Engaged and Connected City?

According to the *Red Deer Advocate*, Mr. Girardin stated that “most public land is owned by the city or other public bodies, which can use their discretion regarding the type of projects that can

be developed there” and stressed “few Public Service parcels are in private hands.” We ask then, why rush into this? Why not wait for a full and transparent review before allowing unregulated independent living complexes on PS land?

Our Board is available to answer questions or to meet with Council members at your convenience and can be reached at 403 358 2646 or at [secretary@waskasoo.info](mailto:secretary@waskasoo.info).

**Please note that we have not asked for letters of concern from the Waskasoo community. If, however, Council feels such letters would be helpful, please let us know.**

Thank you for your continued and careful consideration.

Sincerely,  
The WCA Board

Brenda Garrett – President  
John Bouw – Vice President  
Linda Cullen-Saik – Secretary  
Susan Jensen – Treasurer  
Joanne White  
Kristin Steenbergen  
William Weiswasser  
Tiffany Priebe  
Darcy Garrett  
Brock Priebe  
Alandra Aucoin  
Renea Sinclair  
Kristine Abramoff  
Jason Scheyen  
Kaisa Nadeau

Below, please find:

**APPENDIX A:**  
**Current and Proposed PS Zone Bylaws**

**APPENDIX B:**  
**May 4, 2023, Comments from Council Regarding Amendments to the Waskasoo ARP**

## APPENDIX A Current and Proposed PS Zone Bylaws

### CURRENT BYLAW

#### 7.4 PS Public Service (Institutional or Government) District

**PS**

##### <sup>21</sup>General Purpose

The general purpose of this District is to provide land for those uses that are Public and Quasi-Public in nature.

##### <sup>22</sup> DELETED

#### 1. PS Permitted and Discretionary Uses Table

<b>(a) Permitted Uses</b>	
(i)	Any use for National Defence purposes which does not prejudice the character or value of the surrounding property.
(ii)	At the Westerner Exposition Site situate upon the following lands namely Lot 5, Block 1, Plan 882 2274, and Plan 615 L.Z, the holding of the annual Westerner Exposition Fair or Exhibition and any use in conjunction with or incidental thereto, agricultural, animal, machinery, automotive shows, rodeos, circuses, concerts, racing and sporting events, the rental of facilities for banquets, weddings, meetings and events.
(iii)	<sup>23</sup> Building Sign
(iv)	<sup>24</sup> Freestanding Sign
(v)	Recreation and sport activities operated or sponsored by a governmental body or agency for the participation of the public at large.
(vi)	<sup>25</sup> DELETED
<b>(b) Discretionary Uses</b>	
(i)	<sup>26</sup> Assisted living facility.
(ii)	At the Westerner Exposition Site situated upon the following lands namely Lot 5, Block 1, Plan 882-2274, and Plan 615 L.Z.: (1) any use similar to the uses permitted at the Westerner site, (2) any uses which are accessory to any of the approved uses, provided that they are consistent with the theme of such use, or provide a directly related service to such use. (3) Gaming establishment.
(iii)	<sup>27</sup> DELETED
(iv)	Concession booths for the sale of food or beverages to members and guests of a group approved under this table.

<sup>21</sup> 3357/S-2018

<sup>22</sup> 3357/I-2021

<sup>23</sup> 3357/B-2018

<sup>24</sup> 3357/B-2018

<sup>25</sup> 3357/A-2017, 3357/B-2018

<sup>26</sup> 3357/C-2007

<sup>27</sup> 3357/S-2018

(v)	Campground.
(vi)	Day care facilities.
(vii)	<sup>28</sup> Dynamic Fascia Sign on Sites over 13.1 hectares in size;
(viii)	<sup>29</sup> Dynamic Freestanding Sign on Sites over 13.1 hectares in size;
(ix)	<sup>30</sup> Electronic Message Fascia Sign; and
(x)	<sup>31</sup> Electronic Message Freestanding Sign.
(xi)	<sup>32</sup> DELETED
(xii)	<sup>33</sup> DELETED
(xiii)	<sup>34</sup> Institutional service facility
(xiv)	Offices for community oriented groups which have recreation as part of their programs.
(xv)	Parking ancillary to any permitted or discretionary use.
(xvi)	Private clubs or organizations.
(xvii)	<sup>35</sup> Retail sales of goods, excluding Cannabis Retail Sales, required in connection with a use approved under this table.
(xviii)	<sup>36</sup> Temporary care facility.
(xix)	Utilities.
(xx)	<sup>37</sup> Deleted.
(xxi)	<sup>38</sup> Accessory Building, subject to Section 3.5 Accessory Building Regulations.

## 2. PS Public Service (Institutional or Government) District Regulations

### (a) Table 7.3 PS Regulations

Regulations	Requirements
Floor Area Minimum	Not applicable, except for a unit in assisted living residence or retirement home 23.0 m <sup>2</sup>
Front Yard Minimum	Subject to <sup>39</sup> Development Authority approval
Side Yard Minimum	Subject to <sup>40</sup> Development Authority approval
Rear Yard Minimum	Subject to <sup>41</sup> Development Authority approval
Landscaped Area	Subject to <sup>42</sup> Development Authority approval

<sup>28</sup> 3357/B-2018

<sup>29</sup> 3357/B-2018, 3357/S-2022

<sup>30</sup> 3357/B-2018, 3357/S-2022

<sup>31</sup> 3357/B-2018

<sup>32</sup> 3357/G-2016, 3357/B-2018

<sup>33</sup> 3357/B-2018

<sup>34</sup> 3357/C-2007

<sup>35</sup> 3357/L-2018

<sup>36</sup> 3357/C-2007

<sup>37</sup> 3357/I-2009 and 3357/F-2011

<sup>38</sup> 3357/A-2017

<sup>39</sup> 3357/C-2022

<sup>40</sup> 3357/C-2022

<sup>41</sup> 3357/C-2022

<sup>42</sup> 3357/C-2022

Regulations	Requirements
Parking Spaces	Subject to sections 3.1 & 3.2
Loading	Subject to <sup>43</sup> Development Authority approval

### 3. Site Development

- (a) Within the PS Public Service District the site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision and architecture of landscaped open space, and the parking layout, shall be subject to approval by the Development Authority.

# PROPOSED BYLAW

## 9.40 Public Service (Institutional or Government) Zone: PS

### Key Information

9.40.1 This Zone provides land for uses that are public and quasi-public in nature.

#### 9.40.2 Permitted Uses

- 9.40.2.1 Any use for National Defence purposes which does not prejudice the character or value of surrounding Sites
- 9.40.2.2 At the Westerner Exposition Site situated upon the following lands namely Lot 5, Block 1, Plan 882 2274, and Plan 615 L.Z, the holding of the annual Westerner Exposition Fair or Exhibition and any use in conjunction with or incidental thereto, agricultural, animal, machinery, automotive shows, rodeos, circuses, concerts, racing and sporting events, the rental of facilities for banquets, weddings, meetings, and events.
- 9.40.2.3 Building Sign
- 9.40.2.4 Freestanding Sign
- 9.40.2.5 Indoor Recreation Facility
- 9.40.2.6 Outdoor Recreation Facility

#### 9.40.3 Discretionary Uses

- 9.40.3.1 Accessory Building
- 9.40.3.2 At the Westerner Exposition Site situated upon the following lands namely Lot 5, Block 1, Plan 882 2274, and Plan 615 L.Z.:
  - 9.40.3.2.1 Any use similar to the uses permitted at the Westerner Site
  - 9.40.3.2.2 Any uses which are accessory to any of the approved uses, provided that they are consistent with the theme of such use, or provide a directly related service to such use
- 9.40.3.3 Campground
- 9.40.3.4 Concession booths for the sale of food or beverages to members and guests of a group approved under this table
- 9.40.3.5 Cultural Facility

9.40.3.6	Day Care Facility
9.40.3.7	Detention and Correction Services
9.40.3.8	Dynamic Fascia Sign, on Sites over 13.1ha in size
9.40.3.9	Dynamic Freestanding Sign, on Sites over 13.1ha in size
9.40.3.10	Electronic Message Fascia Sign
9.40.3.11	Electronic Message Freestanding Sign
9.40.3.12	Gaming or Gambling Establishment
9.40.3.13	Government Services
9.40.3.14	Health and Medical Services
9.40.3.15	Hospital
9.40.3.16	Merchandise Sales and Rentals, excluding Cannabis Retail Sales, required in connection with a use approved under this table.
9.40.3.17	Public Assembly
9.40.3.18	Secured Facility
9.40.3.19	Supportive Living Accommodation
9.40.3.20	Temporary Care Facility

## Regulations

9.40.4 PS Regulations Table	
Category	Regulations
Floor Area	Supportive Living Accommodation minimum: 23.0m <sup>2</sup> per unit
Front Yard Setback	Subject to Development Authority approval
Side Yard Setback	Subject to Development Authority approval
Rear Yard Setback	Subject to Development Authority approval
Landscaped Area	Subject to Development Authority approval
Loading Spaces	Subject to Development Authority approval

9.40.5 The Site Plan, relationship between Buildings, structures and Open Space, architectural treatment of Buildings, provision and architecture of landscaped Open Space, and Parking layout will be subject to Development Authority's approval.



## **APPENDIX B:**

### **May 4, 2023, Comments from Council Regarding Amendments to the Waskasoo ARP**

**Councilor Higham:** “The ARP ... is a significant planning document that has to mean something in terms of honoring the efforts, the resources, the community input, the visioning, and the expense of the ARP process.”

**Councilor Wyntjes:** “It is about the Area Structure Plan and about the zoning to which council gave approval back in 2016 .... I personally have to look at the words of our Strategic Plan. We talk about public trust, and we talk about involving people in the community. Based upon what we heard from the community .... I believe we must stand firm with all the work and community consultation that went in with the Area Structure Plan .... We must also recognize there are opportunities for other building on the site.”

**Councilor Barnstable:** “I too heard from what the community had to say in regards to the ARP that was built less than ten years ago and the faith they put in government, the faith that they put in our City, that this would be a document that they could trust .... I think that the community saw that they wanted to keep it as PS and they voiced that concern ten years ago and they thought that was a victory and they expected that to be a victory today. Now, in saying that, the developer still owns the land....They have full right to develop what it is zoned for.”

**Councilor Doerksen:** “In the end, I am impressed with the knowledge of the Waskasoo residents about the Area Redevelopment Plan ... This community knows because they were there in 2016 and built this and that’s what I respect.”

**Councilor Lee:** “The challenge in this one is, though, that when you have a neighbourhood in a statistically significant number come and speak against something, who are we to argue around this table about the impact from a planning perspective.”

**Councilor Dawe:** “It [the ARP] is a relatively recent decision that was the result of an awful lot of discussion and compromise and community consultation...”

**Councilor Buruma:** “It is regrettable that this subdivision happened to begin with, and I think that has created some of the challenges, and here we are today ... Given the Area Restructuring Plan and the sentiments of our community ... I appreciate that this is not compatible with the community. But I do say as well...we cannot forget that it is still currently zoned as Public Service and there still are opportunities.”

**Councilor Jeffries:** “I too regret that this subdivision took place in the first place, so we find ourselves in kind of a unique situation.... With respect to the ARP several citizens talked about the trust that they put in that document ... 2016 was not that many years ago ... They entered

into the ARP process and finished that process with expectations and understandings, and I think we need to honor and uphold the commitment that was made through the ARP. I also think it is important for citizens to believe that they can trust in government...”

**Mayor Johnston:** “What was the intent of the Area Redevelopment Plan ... what did it set out to design to do... This particular lot carries a zoning which allows development, and there has been development in Waskasoo since the ARP was introduced. .... I satisfied myself that there wasn’t a compatibility between the intent of the ARP and the zoning that was proposed, realizing, of course, that the PS designation still allowed for development, still allowed for owner rights, and still allowed for community consultation and comment.”