



**SPECIAL MEETING OF COUNCIL
A G E N D A
Tuesday, August 30, 2022 @ 6:00 pm
COUNCIL CHAMBERS & ZOOM**

1. CALL TO ORDER
2. PUBLIC HEARING – None
3. ADDITIONS & AGENDA APPROVAL
4. NEW & UNFINISHED BUSINESS
 - 4.1 Development Permit 2022 - 1 – Review the Business Development report generated by Administration and Vicinia Planning & Engagement
5. NEXT MEETING: September 14, 2022 – 6:00 pm, Regular Meeting of Council
6. ADJOURNMENT

Town of Bashaw



Request For Decision

Meeting:	Regular Council
Meeting Date:	August 30, 2022
Originated by:	Theresa Fuller, Chief Administrative Officer
Agenda Item:	4.1 Development Permit No. 2022-1

Background/Proposal:

Development Permit No. 2022-1 is for a property located at 5340-51 A Street. The application is for the Bear Hills Family Wellness Centre. The application has been submitted by James Carpenter, Dr. Tony Mucciarone, Lucy Smolcic and Audrey Ward. Maskwacis First Nations have expressed support for the proposed project.

The property is designated as Direct Control as per the Town's Land Use Bylaw 780-2018. Land Use Bylaw 780-2018, Section 12.14 (2) states that the Development Authority in the Direct Control District shall be the Council.

The applicant began discussions with the Town regarding this application in November 2021. The Development Permit application was submitted on January 10, 2022.

A Complete Letter was issued on May 3, 2022.

May 16, 2022 Council discussed the application in detail, and Sargent Bruce Holiday was present for the discussion. Dr. Tony Mucciarone attended the meeting and was present for the discussion. Council also passed a motion to request Administration prepare a report summarizing the application for Council's consideration.

May 20, 2022 – Council sent a letter requesting additional information, requested a 90 day time extension to the 40 day Time period for the Development Authority to make a decision on the Development Permit and included reference to their motion directing administration to prepare a report summarizing the application for Council's consideration.

The June 14, 2022 Agenda Package includes the applicant response to Council's request for more information and the time extension.

June 14, 2022 – Mr. Wayne Moonias, Louis Bull Council presented at the Bashaw Regular meeting of Council. In attendance were: Mary Smolcic, Dr. Tony Mucciarone, Lucy Smolcic, Audrey Ward, James Carpenter, Ryan Emineskin, Shay Yellowbird, Dawn Mucciarone, and Kenzie Mucciarone, among other interested individuals.

Attached are the responses from Alberta Health Services, Camrose County, Bethany Group, and Battle River School Division. Bashaw RCMP attended the May 16, 2022 council meeting and shared concerns within the discussion. We received notification to remove Lucy Smolcic from the application on August 15, 2022; copy enclosed.

Also attached is Liz Armitage with Vicinia Planning and Engagement's report on the application for Council's consideration.

Discussion/Options/Benefits/Disadvantages:

n/a

Costs/Source of Funding (if applicable)

Discussion will determine the options and next steps.

Applicable Legislation:

MGA Section 685 – Subsection 4.

Land Use Bylaw - 780-2018, Section 12.14 (2)

This location does not have an Area Structure Plan – Section 633 MGA or Area

Redevelopment Plan – Section 634 and 635 MGA.

MGA Section 641- Designation of Direct control districts

Recommended Action:

Vicinia Planning & Engagement Inc. has provided a detailed report that is attached to this RFD. While the applicant contends that the proposed development fulfils and important need for this type of facility within the region, based on the information presented, it is Vicinia Planning and Engagement Inc.'s recommendation that Bashaw Town Council refuse this Development Permit as presented.

Reasons for refusal:

The applicant has not provided a clear understanding of what is proposed to occur in the facility and how the various uses will be safely accommodated within the building/site.

The application has not provided an on-site safety plan and off-site safety plan prepared by a qualified professional which was requested pursuant to section 12.4(4) of the Land Use Bylaw.

The proposed location directly adjacent to the residential community and in close proximity to the local school would unduly impact the use and enjoyment of the adjacent properties.

The size and scope of the facility exceeds what is typical of facilities of this nature.

Based on the information provided the proposed development would materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land (MGA section 640(6)(ii) and Land Use Bylaw 4.3(4)).

A Development permit for refusal has been drafted for Council's consideration.

Discussion Result:

Discussion will determine the options and next steps.



May 13, 2022

Community Planning Services, Bashaw

Attention: Development Officer/Planner

File No: Development permit # 2022-1

Name: Bear Hills Family Wellness Centre

Address: 5430 – 51A Street, Bashaw

The aforementioned application has been received by our office and we have no objections to the proposed development/business operation.

It is important to note that the proposed programs cut across different jurisdictions with different permitting/licensing requirements. As far as AHS-Environmental Public Health is concerned, the following programs fall within our jurisdiction (though not exclusively) and will require approval prior to the start of operations.

- Child and Youth Health/Wellness
- Nutrition Program
- Accommodation and senior care

If you have any questions or concerns regarding this application, please contact me.

Sincerely,

Dermian Ayalefac, CPHI(C)
Public Health Inspector/Executive Officer
Phone: 403-704-8349 | Fax: 403-783-3825
Email: dermian.ayalefac@ahs.ca



May 18, 2022

File: Bashaw

BY EMAIL ONLY: cao@townofbashaw.com

**RE: Development Application 2022-1
Family Wellness Centre
5430 – 51A Street, Bashaw**

Thank you for the referral of application 2022-1 in accordance with section 3.2.4.c of the Bashaw/Camrose Intermunicipal Development Plan.

Our Municipal Planning Commission reviewed the proposal at the May 18, 2022 meeting to determine if there would be any impact on County residents, infrastructure, or services. There appears to be no impact caused by the change in use on our community, so we have no comment on the proposal.

If you have any questions, please contact my office at (780) 678-3070 or planning@county.camrose.ab.ca.

Sincerely,

Camrose County

Tina Sroka,
Vice-Chair of the Municipal Planning Commission

/ALH

RECEIVED
MAY 20 2022

16 May 2022

RE: Development Application 2022-1, Family Wellness Centre

Theresa Fuller, CLGM
Chief Administrative Officer
Town of Bashaw

Dear Ms. Fuller,

Camrose and Area Lodge Authority (CALA) and The Bethany Group have reviewed the development application for a Family Wellness Centre at 5430-51A Street, Bashaw.

Upon review of the provided information, we have no concerns of negative impact to the services that we currently offer at Bashaw Meadows and would welcome the opportunity to further explore any future possibilities for collaboration.

On behalf of CALA and The Bethany Group, thank you for sharing this information and providing a forum for response.

Please feel free to contact me directly if you have any further questions.

Yours,



Carla Beck
Chief Executive Officer
The Bethany Group

CAO

From: Imogene Walsh <iwalsh@brsd.ab.ca>
Sent: May 5, 2022 7:28 AM
To: CAO
Cc: mhagel@brsd.ab.ca
Subject: Re: Development Application 2022 -1 for a Family Wellness Centre - Bashaw

Thank you Theresa for the opportunity to review this application and respond. We do not have any comments to provide.

Imogene Walsh, CPA, CGA, CSBO
Secretary-Treasurer
Battle River School Division
(780) 672-6131 ext. 5235

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed.

On Tue, May 3, 2022 at 2:41 PM CAO <cao@townofbashaw.com> wrote:

Dear Ms. Walsh and Ms. Hagel,

Bashaw Town Council is reviewing Development Application 2022 -1 for a Family Wellness Centre at 5430 – 51 A Street, Bashaw located in a Direct Control Zone. Bashaw Town Council has directed administration to circulate the application to relevant government agencies for a 14 day review period for comment, including: Alberta Health Services, Battle River School Division, Bashaw & District Support Services, Camrose and Area Lodge Authority, Camrose County and Bashaw RCMP.

The application in its entirety can be viewed at the link below: Start at page 16 - 1047

<https://townofbashaw.com/wp-content/uploads/2022/04/05.02.2022-AGENDA-PACKAGE.pdf>

Please provide your written response, if possible by May 16, 2022. Any questions, please contact CAO, Theresa Fuller.

Theresa Fuller, CLGM

Chief Administrative Officer

Town of Bashaw

(780) 372 – 3911

Fax: (780) 372 – 2335

cao@townofbashaw.com

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August 15, 2022

REMOVAL OF AUTHORIZED APPLICANT:

Please remove Ms. Lucy Smolcic from the Application. All communications from today and moving forward will remain to be sent to the 3 remaining Applicants.

1. Lucy Smolcic
Energy Developers
First Nations Structures
Executive Assistant
lucyenergydevelopers@gmail.com
403-869-7560

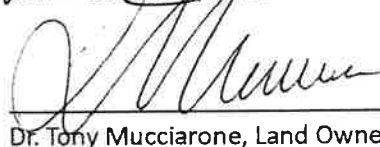
RE: 5430 51A Street
Bashaw, Alberta
Development Permit Application and all correspondence associated with the 'Bear Hills Family Wellness Centre'
Application, requests, proposal, communications

To: CAO, Theresa Fuller, Town of Bashaw; cao@townofbashaw.com
Town of Bashaw Council (via same email above)

This letter is to confirm that Ms. Lucy Smolcic will no longer continue to have authorization to communicate on our behalf regarding the entirety of this Development Permit Application regarding the "Bear Hills Family Wellness Centre", and any other related application to this proposal. Mr. James Carpenter is considered the main point of contact moving forward.


James Carpenter, Land Owner

Aug 16/22
Date


Dr. Tony Mucciarone, Land Owner

2022 AUG 16
Date

To: Chief Administrative Officer, Town of Bashaw, Theresa Fuller; cao@townofbashaw.com
Town of Bashaw (via same email above)

Cc: Audrey Ward



APPLICATION ANALYSIS: DEVELOPMENT PERMIT 2022-1

August 2022

Prepared by: Vicinia Planning & Engagement Inc.

Table of Contents

Table of Contents	1
Role of Vicinia Planning & Engagement Inc.	2
Application Overview	2
Development Permit Application Process Overview	2
Site Location.....	4
Site History	6
Development Permit Application Analysis.....	7
Proposal Overview	7
Government Agency Circulation Responses	9
Compliance with Bashaw Statutory Documents.....	9
Summary of Findings.....	12
Options.....	13
Option A	13
Option B	14
Recommendations	14

Role of Vicinia Planning & Engagement Inc.

Vicinia Planning & Engagement Inc. is a land use planning firm which specializes in work with rural municipalities throughout Alberta and is experienced working with First Nations. Elizabeth Armitage, RPP, MCIP, MEdes is the principal of the firm. Ms. Armitage is a Registered Professional Planner in the Province of Alberta and is a Member of the Canadian Institute of Planners in good standing.

Vicinia Planning & Engagement Inc. has a long-standing relationship with the Town of Bashaw – in 2017 Vicinia Planning & Engagement completed the Town of Bashaw Municipal Development Plan (MDP) 781-2018 and the Town of Bashaw Land Use Bylaw 780-2018 (LUB) Update. Thus, the consulting firm is very familiar with the planning regulations which pertain to the land use application presented within the Town of Bashaw.

Vicinia Planning & Engagement has been retained on behalf of the Town of Bashaw to provide Professional Land Use Planning reviews and recommendations regarding planning and development matters within the Town.

In November 2021, the Town of Bashaw requested Vicinia Planning & Engagement provide review and recommendations on behalf of the Town regarding the submission of Development Permit Application DP2022-1 Bear Hills Wellness Centre.

Application Overview

Development Permit Application Process Overview

A development permit application was submitted by Bear Hills Wellness Centre to the Town of Bashaw on January 10, 2022. The application was to repurpose an existing building/site with a number of different land uses. The application has been submitted by James Carpenter, Dr. Tony Mucciarone, Lucy Smolcic and Audrey Ward. Lucy Smolcic and Audrey Ward were provided with authorization from the landowners to act on their behalf. Lucy Smolcic appears to be the main point of contact for the applicant group.

Maskwacis First Nations, including Ermineskin Cree Nation, Montana First Nation, Louis Bull Tribe and Samson Cree Nation, have expressed support for the proposed project.

There has been substantial commentary posted on community social media in response to the application in question. The review included in this report does not address these social media posts and/or conversations as they are outside of the Development Permit application process as required by the *Municipal Government Act* and Town's Land Use Bylaw. Community conversations were held by the applicant group in 2021 on social media platforms, however no engagement report prepared by a professional community engagement specialist was included in the submission and Vicinia Planning & Engagement Inc. was not involved in these meetings. As a result, no commentary will be provided relating to the meetings.

In accordance with the *Municipal Government Act* and the Town of Bashaw's Land Use Bylaw, the application was reviewed for completeness and seven (7) letters deeming the application incomplete were issued on the follow dates:

- January 11, 2022
- January 19, 2022
- February 10, 2022
- February 24, 2022
- March 3, 2022
- March 15, 2022
- April 19, 2022

The application was deemed complete by the Town of Bashaw Council on May 3, 2022 and a letter confirming this was sent to the applicant on the same day.

Council reviewed the application at a Public Council Meeting on May 16, 2022. Vicinia Planning & Engagement Inc. was present at the May 16, 2022 Council Meeting. Dr. Tony and Dawn Mucciaroni were in attendance in-person at the meeting on behalf of the applicant.

Additional motions were passed by Council on May 16, 2022 requesting further information from the applicant. The additional motions were:

MOVED by Councillor McIntosh to request the applicant provide additional information in writing, in hard copy and digital format and acknowledge the materials will be released publicly by June 8, 2022. Additional information should reflect the Council discussion held on May 16, 2022 and should include greater details on:

- a. More details regarding each use including numbers of users, type of care required for guests, etc.
- b. More details regarding how each bed will be utilized and confirmation of mandatory stays or not.
- c. More details regarding the interactions of uses within the site.
- d. Clarity indicating site access points and how access will be monitored/limited.
- e. On-site safety plan prepared by a qualified professional which at minimum addresses interaction of uses within the site, outdoor activities, involvement of RCMP and EMS, emergency situations, restriction of illicit drugs and weapons, detailed supervision plans, lock-down hours, visitor access, consequences of not following the safety plan, managing out-patient safety, curfews, missing persons, etc.
- f. Off-site safety plan prepared by a qualified professional which at a minimum addresses crime and safety of neighbouring residents, RCMP involvement, out-patient access, etc.
- g. Collaboration of guests and visitors with the Bashaw community, specifically addressing interaction with neighbouring landowners and existing community services providers (i.e. recreation and social services).
- h. Environmental public health review to confirm that the building is fit for habitation including but not limited to items such as mold and asbestoses.
- i. Confirmation of relationship with medical professionals when required and contingency plans in event local doctor is unavailable.
- j. Clarification on local Alberta Health Services connections and communications with Bashaw area existing supports.

MOTION #111-2022

CARRIED

MOVED BY Councillor McIntosh to request the applicant submit a written acknowledgement of a 90 day time extension to the 40 day time-period for the Development Authority to make a decision on the Development Permit.

MOTION #112-2022

CARRIED

MOVED by Councillor McIntosh to request administration prepare a report summarizing the application for Council's consideration.

MOTION #113-2022

CARRIED

[Site Location](#)

The development site is located at 5430 – 51A Street Bashaw, AB, legally described as Lot A Block 40 Plan 2533 NY and will be referred to as the "Subject Site".

The subject site is designated as DC – Direct Control and is surrounded by the following land use districts and uses:

- North: IPU – Institutional and Public Uses (heavily treed lands)
- South: R1 – Low Density Residential
- West: R1 – Low Density Residential
- East: UX – Urban Expansion (heavily treed lands)

The site is currently not fenced, allowing visitors and area residence open access to the naturally treed area on the land.

The site is accessed using Fairview Ave or from 52 Street to the northwest.



Figure 1, Subject Site

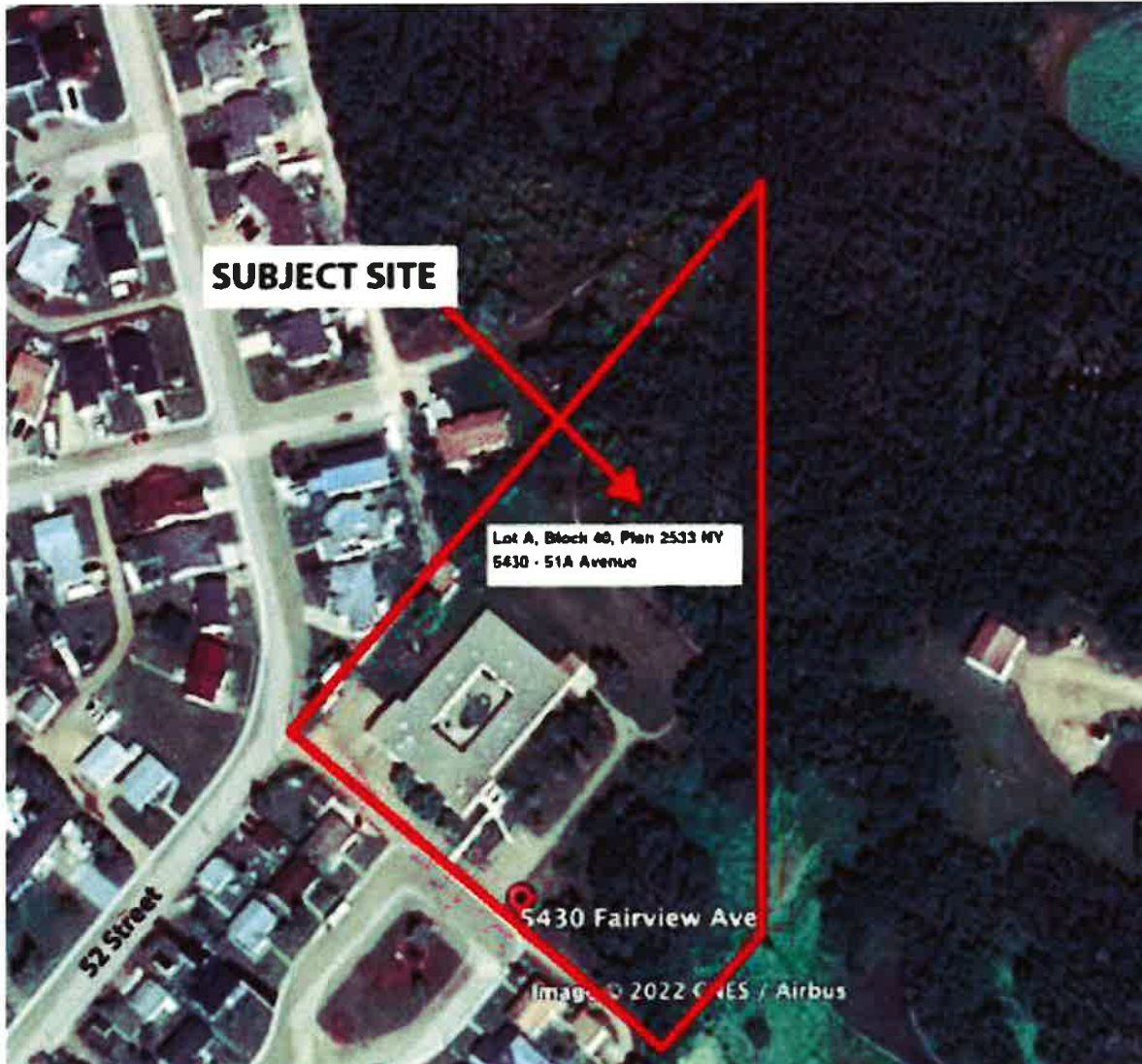


Figure 2. Subject Site Aerial

Site History

The main building located on the subject site was previously the Bashaw Valley Lodge, a seniors housing development owned by the Camrose and Area Lodge Authority. In 2014 the building was sold to Bashaw Retreat Centre Inc. Bashaw Retreat Center Inc. is owned by James Carpenter and Dr. Tony Mucciarone (both listed as applicants on the development permit application in question) and they continue to own the building presently.

The facility is currently utilized as the Buffalo Lake Events Centre, with previously approved Development Permits in place for the Buffalo Lake Events Centre. This report will not provide an analysis of the previous Development Permits.

Development Permit Application Analysis

Proposal Overview

Due to vague descriptions, ambiguity and contradictory statements presented within the application materials, Administration, Council and Vicinia Planning and Engagement Inc. have struggled to determine exactly what is proposed to occur within the Bear Hills Wellness Centre proposal. The following is a summary of significant materials contained in the submission materials provided by the applicant throughout the administrative review process. For a complete copy of all application submission materials a request may be made to the Town of Bashaw.

A review of the various application materials indicates that the following activities may occur on site:

- The materials submitted on January 13, 2022, January 24, 2022 and February 10, 2022 indicate “Some services to be offered at the Centre include, but not limited to:
 - Seniors’ hygiene and self care services
 - Senior’ mentorship opportunities
 - Seniors/daycare support services
 - Seniors’ nutrition and meal planning services
 - Cultural teaching and elder teaching
 - Medicine wheel teaching
 - The matrix teaching on drug/alcohol abuse
 - Personal health and wellness care
 - Life skills financial/ budgeting planning
 - Family planning and relationship building/rebuilding
 - Alcoholics Anonymous (AA) Program including 12 steps
 - NNADAP (National Native Alcohol and Drug Abuse Program)
 - AADAC
 - Al-Anon Program
 - Family Counselling
 - Individual Counselling
 - Couples Counselling
 - Core value teaching will be incorporated into the curriculum, they are as follows:
 - Respect
 - Empathy
 - Genuineness
 - Understanding
 - Honesty
 - Compassion
 - Love
 - Kindship
 - Acceptance
 - Responsibility
 - Patience
 - Independence

- Sharing
 - Reciprocity
- The materials submitted on April 1, 2022 and April 20, 2022 indicate the following uses may be included:
 - Providers and general information with teachings
 - Elder
 - Cultural teaching
 - Cultural safety
 - Holistic health / wellness
 - Individual and group counselling
 - Child and youth health and wellness
 - Intergenerational trauma / transgenerational trauma / residential schools
 - Life skills / personal development
 - Traditional medicines and healers
 - Indigenous knowledge
 - Addictions, self harm, suicide awareness and prevention
 - Medicine wheel
 - Nutrition
- The April 20, 2022 materials also indicate the following:
 - Additional uses including:
 - Daycare
 - Outpatient programs
 - 38 rooms available containing 50 beds with the capacity to sleep 96 people, with an average of 30-40 individuals utilizing the centre at any given time.
 - Clients would be attending a voluntary 90-day program.
 - Overnight stays would be considered mandatory.
 - Some staff may live in the facility, with 2 staff being present and wake at all time.
 - An average of approximately 6 staff members during days and/or evenings
 - The ages of attendees would range between 0-99 years of age.
 - Visitors do not require supervision. All visitors will be required to check in at the main entrance
- June 2, 2022 materials also indicated the following:
 - On-site safety plan and off-site safety plan prepared by a qualified professional were not provided at this time and the applicant indicated that they would prefer these documents be required as conditions of a Development Permit and would prepare them after Council provides approval for the application.
 - A recent Environmental Public Health review was not provided.
 - Details regarding the uses within the Centre will be arranged and organized once they begin to set up the centre, and were not provided at this time.
 - Type of care would be similar to providing hotel rooms to support the program overnight.

Government Agency Circulation Responses

The application was circulated for response from the following agencies (responses are summarized below):

- Alberta Health Services
 - Noted that Alberta Health approval will be required before occupancy for programs related to child and youth health/wellness, nutrition programs, accommodation and senior care
 - Provided no other comments or concerns related to the development proposal
- Camrose County
 - Presented the development proposal at Planning Commission on May 18, 2022 and provided no comments or concerns regarding the development proposal
- The Bethany Group (Camrose Area Lodge Authority)
 - Felt the development application would complement services currently offered at Bashaw Meadows and expressed interest in future collaboration
 - No other comments or concerns provided regarding the development proposal
- Battle River School Division
 - Provided no comments or concerns regarding the development proposal

In addition, Sergeant Bruce Holiday with the RCMP attended the May 16, 2022 Council meeting. Below is a paraphrased summary of his remarks:

- Concerns regarding the proposed mix of uses on the site.
- Concern regarding the mix of ages on the site.
- Both an on-site safety plan and off-site safety plan are typical requirements for facilities of this nature and there are qualified professionals who are able to develop these for private facilities.
- Potential liability for the owners, service delivery agencies and Council regarding safety on the site.
- While the applicant has indicated that they will utilize RCMP services in Maskwacis, the RCMP process does not allow individuals to determine who they call and who is dispatched. As such local Bashaw RCMP would be responsible for attending to all calls.
- Facilities such as the one proposed are typically located in municipalities with 24-hour access to medical services for emergency situations. Bashaw does not have 24-hour medical services.

Compliance with Bashaw Statutory Documents

All developments within any municipality in Alberta, including the Town of Bashaw, must comply with approved Statutory Documents and the Land Use Bylaw. The statutory documents within the Town of Bashaw is the Municipal Development Plan. The site is not subject to any Area Structure Plans / Area Redevelopment Plans. The following presents a summary of compliance with the Municipal Development Plan and the Land Use Bylaw.

Municipal Development Plan 781-2018 Review

In accordance with the *Municipal Government Act*, all municipalities within the Province of Alberta are required to have a Municipal Development Plan (MDP).

The Municipal Development Plan denotes the subject land as Direct Control (DC) on map 3: Future Land Use Concept.

While assessing and providing recommendations related to the development proposal, Section 3.2 (8) within the MDP was considered:

The Town should give consideration to the following matters when reviewing proposed developments and/or amendments to the Land Use Bylaw:

- a. The goals and policies of this and other applicable statutory and non-statutory plans and/or non-statutory policies adopted by Council;*
- b. The views of the public;*
- c. The physical characteristics of the subject and adjacent land;*
- d. The use of other land in the vicinity;*
- e. The availability of and possible impact on public and private utilities;*
- f. Access to and possible impact on the transportation systems;*
- g. The overall design; and*
- h. Any other matters which, in the opinion of Council, are relevant.*

In accordance with Section 3 of the MGA and Section 3.2(8) of the MDP, throughout the review of this application, Vicinia Planning & Engagement Inc., Administration and Council has expressed that the following items are of particular concern:

- Views of Bashaw residents
- The physical characteristics of the subject site and adjacent land
- The use of other land in the vicinity
- Access to and possible impact on the transportation system
- User safety (as other matters which, in the opinion of Council, are relevant)
- Community safety (as other matters which, in the opinion of Council, are relevant)

Land Use Bylaw 780-2018 Review

All municipalities in the Province of Alberta are required to have a Land Use Bylaw (LUB) in accordance with Section 632 of the *Municipal Government Act*.

Land Use Bylaws are the primary tool used to regulate development and use of land within each municipality. All Development Permits for both new developments and uses, must meet the requirements of the Land Use Bylaw.

Upon review of the Town of Bashaw's LUB the subject site is districted Direct Control. The designation of direct control district in the Land Use Bylaw appears to be in accordance with the Section 641 of the *Municipal Government Act*.

As per the Town of Bashaw LUB, the subject site is located within the Direct Control (DC) land use district, which is intended to provide control over the use and development of land or buildings for which Council has determined that, because of unique land use characteristics, innovative ideas, or special environmental concerns, such development could not be effectively accommodated under any other land use district in the Land Use Bylaw.

As the proposal is within a Direct Control district, in accordance with LUB 12.14 (2)(a), the Development Authority in the DC district shall be Council. Therefore, Council is responsible to act as the development authority regarding land use decisions for all lands designated within the DC District.

In order to support Council in their role of Development Authority for Direct Control Districts, Administration shall provide recommendations to Council regarding development proposals submitted, taking into account the proposal and its impacts on adjacent land uses in accordance with the *Municipal Government Act*, Municipal Development Plan and Land Use Bylaw.

Council as the Development Authority in a Direct Control district is not bound by a list of permitted and discretionary uses and therefore, Council is not bound by the uses are defined in the Land Use Bylaws. However, it is worth noting that no use is defined in the Land Use Bylaw that appears to fully capture myriad of uses listed by the applicant. Per section 4.3(3) of the Land Use Bylaw where a proposed use is not identified as a use in the Land Use Bylaw the development authority may determine that such use is similar in character and purpose to the definition of a permitted or discretionary use prescribed for a particular District.

The closest uses listed in the Land Use Bylaw are:

- **"family care facility"** means a development which provides resident care service in a dwelling unit to six (6) or fewer individuals. These individuals may be handicapped, aged, disabled, or in need of adult supervision and are provided service and supervision in accordance with their individual needs. Family care facilities include boarding homes for children and group homes;
- **"group home"** means a building and/or site use in a residential setting for individuals who require supervision because of their age, disability, or need for rehabilitation, and where qualified staff are present at all times;
- **"medical clinic"** means a building used for the provision of physical and mental health services on an outpatient basis. Such services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative or counselling nature. Health services may include dental offices, physical therapy, pharmacy, counselling, doctor's offices, chiropractic offices and medical cannabis clinics;
- **"Residential Care Facility"** means a private or publicly funded seniors lodge, nursing home, extended or congregate care facility.
- **"Child Care Facility"** means a development intended to provide care, educational activities and supervision for groups of seven or more children under thirteen (13) years of age during the day or evening, but does not include overnight accommodation, and is intended to be operated for at least twelve (12) consecutive weeks each year. This includes daycares, preschools, out-of-school care, and other programs where the primary purpose is the care of children.

Given the ambiguity of the submission materials and the vast number of uses proposed, the similar provision of the LUB should not be applied. Typically, in cases where uses proposed by an applicant are NOT listed within the land use bylaw and cannot be considered a similar use, the standard practice undertaken is for the submission of a Land Use Bylaw amendment application to add the specific use(s). This must occur prior to the development permit application process. As the applicant has not retained a professional planner to assist in the preparation of this application, no specific uses have been proposed

for addition to the current land use bylaw, and thus, no research has been provided to support the proposed uses and their place within the land use regulations in force in the Town of Bashaw.

In a Development Permit application of this nature, it is incumbent on the applicant to provide clear description of how each physical space will be used and how the uses will be located inside the building while providing details to enable a thorough review of the merits of an application. To this end, Section 4.3(5)(d) of the Land Use Bylaw enables the Development Authority to request additional information required to support the review of the proposed development. Request for additional information was done on seven (7) occasions by way of incomplete letters issued to the applicant in accordance with the *Municipal Government Act* and Land Use Bylaw. The incomplete letters consistently indicated the requirement for the following documentation, prepared for submission by qualified professionals:

- Confirmation of exact uses to be included on the site, including detailed description of each use / activity.
- Confirm the number of beds to be utilized for overnight guests and their reasons/rational for the use of the overnight stay.
- Confirm the age of guests, duration of stay, ratio of guests to supervisors, and type of supervision provided for guests and visitors.
- Business Plan / Operation Plan.
- Building Access Plan.
- On-Site Safety Plan.
- Off-site / Community Safety.
- Capacity of existing medical infrastructure in the Town of Bashaw.
- Confirmation of providers and governance structure for health care related services and childcare related services.
- Collaboration of guests and visitors with the existing Bashaw community.
- Traffic Impact Assessment.
- Environmental Public Health review.

While the applicant appeared to attempt to provide answers on numerous elements of the requirements, they did not provide sufficient materials to enable Vicinia Planning & Engagement Inc., Administration and/or Council to develop a clear understanding of the proposal and the implications on the surrounding neighbourhood. The ambiguity within the application materials submitted to date has made it challenging for Vicinia Planning & Engagement Inc., to understand the application details in accordance with the Land Use Bylaw requirements and regulations.

Summary of Findings

Given the uncertainty/variability of uses listed within the application, it is challenging for the municipality to approve a proposal of this nature given the regulatory requirements of a Land Use Bylaw. While it is understood that flexibility is required, a development permit cannot be issued without a clear understanding as to the changing use of the facility and the proposed impacts on the use and enjoyment of the surrounding properties.

It is specifically worth noting that the ambiguity within the application materials has resulted in unknowns regarding the exact nature of how the site will be used. As such, the potential mix of uses

(for instance a daycare with other uses supporting addictions treatment, and self harm and suicide awareness and prevention) raises concerns that are not adequately addressed by the applicant/application.

The applicant did not provide an on-site safety plan or an off-site safety plan with the development permit submission and stated in their June 2, 2022 submission that they would prefer these documents be required as conditions of a Development Permit. While these documents could be a condition of approval, allowing this provides the potential for a costly enforcement process on behalf of the municipality should the applicant not comply with the requirement, possibly resulting in a stop order and intervention by legal council. In addition, the RCMP has provided comment that the provision of these plans are a typical requirement and that the absence of their submission poses a significant safety concern especially with the mix of ages and uses proposed within the facility. Furthermore, without the submission of a safety plan (on site and off-site) the Town is unable to evaluate the proposed development in terms of its compliance with this Bylaw.

The development proposal is located within an urban area, flanked on two sides by R1 – Low Density Residential development and within close proximity of the local elementary school. The uncertainty/variability and the potential cumulative impact of the proposed uses pose a concern to the existing residential uses adjacent to the site. As currently proposed, access to the site is by way of local roads through the existing residential community. Without specificity of uses the Traffic Impact Assessment provided by the applicant was unable to be properly evaluated. And therefore, the Town is unable to properly evaluate the proposed development in terms of its compliance with the LUB.

The scale of the proposal seems to be much larger than is typical in the context of similar facilities in the province of Alberta. While most facilities have 10 beds or fewer, the development proposal allows for up to 50 beds. The proposal's overall and cumulative impact to existing services within the community will increase – and without specificity, impact cannot be adequately evaluated.

Options

It is the opinion of Vicinia Planning & Engagement Inc. that the application does not meet professional planning standards and has significant deficiencies which do not enable the Development Authority to make an informed decision. As such, the Development Authority may wish to consider two (2) possible options for next steps:

- Option A – Refuse the application, citing reasons.
- Option B – Request additional information.

Option A

Refuse the Application based on the following reason:

1. The applicant has not provided a clear understanding of what is proposed to occur in the facility and how the various uses will be safely accommodated within the building/site.

2. The application has not provided an on-site safety plan and off-site safety plan prepared by a qualified professional which was requested pursuant to section 12.14(4) of the Land Use Bylaw.
3. The applicant has not provided an Environmental Public Health review which was requested pursuant to section 12.14(4) of the Land Use Bylaw.
4. The proposed location directly adjacent to the residential community and in close proximity to the local school would unduly impact the use and enjoyment of the adjacent properties.
5. The size and scope of the facility exceeds what is typical of facilities of this nature.
6. Based on the information provided the proposed development would materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land (MGA section 640(6)(ii) and Land Use Bylaw 4.3(4)).

Option B

While Council, as the Development Authority has requested additional information on multiple occasions through incomplete letters and motions, Council may choose to request additional information from the applicant. It is worth noting that there are no limits on how many times Council can request information they deem relevant to support their review of a Development Permit application.

In order to, proceed with this option, the following would need to occur:

1. The required application materials must be prepared by an appropriate professional.
2. Council should reiterate the requests made in Motion #111-2022. These items, if prepared by the appropriate professionals, should enable Council to make an informed decision.
3. Depending on the time required for the applicant to obtain the required information, the applicant and Council may need to agree in writing to an additional time extension. It must be noted that should the applicant not choose to provide an additional time extension, the application will be deemed refused in accordance with the Municipal Government Act and Land Use Bylaw.

Recommendations

While the applicant contends that the proposed development fulfils and important need for this type of facility within the region, based on the information presented, it is Vicinia Planning and Engagement Inc.'s recommendation that Bashaw Town Council refuse this Development Permit as presented.

The suggested reasons for refusal are:

1. The applicant has not provided a clear understanding of what is proposed to occur in the facility and how the various uses will be safely accommodated within the building/site.

2. The application has not provided an on-site safety plan and off-site safety plan prepared by a qualified professional which was requested pursuant to section 12.4(4) of the Land Use Bylaw.
3. The applicant has not provided an Environmental Public Health review which was requested pursuant to section 12.14(4) of the Land Use Bylaw.
4. The proposed location directly adjacent to the residential community and in close proximity to the local school would unduly impact the use and enjoyment of the adjacent properties.
5. The size and scope of the facility exceeds what is typical of facilities of this nature.
6. Based on the information provided the proposed development would materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land (MGA section 640(6)(ii) and Land Use Bylaw 4.3(4)).

Should Town Council choose to proceed with refusing the application, further recommendations for consideration include:

1. Should there be interest of all parties, Bashaw Town Council, the applicant and Maskwacis may work together to develop an alternative site proposal. Specifically, it is recommended that together the Town Council and Maskwacis representatives work together to select a site that would function more cohesively with the Town of Bashaw's existing urban fabric. Ideally a site should be located further away from residential development and the proposed number of beds would be much fewer. In addition, the municipality and Maskwacis may seek grant funding to assist in the development of a custom-built facility.
2. The Bashaw Regional Wellness Hub has a strong history of collaborating with regional municipalities and there appears to be an opportunity to collaboration between this service provider and Maskwacis. There may be grants available to support the two groups efforts to develop and deliver services jointly.
3. There appears to be a communication gap between the landowners/applicant and the municipality regarding how the Town is required to complete reviews and process development permit applications in accordance with the *Municipal Government Act*. Should the applicant choose to proceed with a new application, a few strategies to help support a more collaborative approach to the application are:
 - a. The Town may wish to consider recommending that the applicant applies to amend the land use bylaw prior to submission of a new development permit application to include clear definition(s) in the standard Land Use Bylaw format, which accommodates the uses within the building/site. At this time, there is no appropriate uses listed in the Land Use Bylaw and having such definitions may help clear up the perceived misunderstandings. It is recommended that the Town note that the Land Use Bylaw amendment process must be done in accordance with the *Municipal Government Act* and the Town's Land Use Bylaw,

and this process will require a Public Hearing. Furthermore, Council is not bound to approve a Land Use Bylaw amendment and as such, there are no guarantees that an application will be approved. Lastly, while a Land Use Bylaw Amendment may be perceived as adding additional time to the process, the benefits of ensuring both parties are comfortable with the definitions to be applied to a future Development Permit are likely worth going through the exercise.

- b. Under Section 4.3(5)(d) of the Land Use Bylaw the Town may wish to request that the applicant proactively seek stakeholder input to develop and refine their proposal. A Public Engagement Plan (or similar) with a 'What We Heard Report' prepared by an IAP2 trained professional should be submitted with any development proposal for the subject site. The feedback provided through the public participation process will provide the Development Authority additional information to assist in the review of the suitability of a development permit application.
 - c. The applicant should consider hiring a Registered Professional Planner (RPP) with a specialization in First Nation development to assist in the preparation of their application which will ease the perceived communication gap. A RPP will be able to assist in the preparation of a complete development permit application which meets the requirements of the municipality while respecting the First Nation processes and requirements.
4. As this Development Permit review has been a significant undertaking for the Town of Bashaw, it has required a significant use of Administrative and Council resources, including costs for third party reviews by Vicinia Planning & Engagement Inc. These costs have been significantly higher than a typical Development Permit. As such, Town Council may wish to consider implementing a new fee structure which shifts the responsibility of these costs onto the applicant prior to a review, rather than the community.



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Email: cao@townofbashaw.com

Bashaw Development Permit		Roll# 004000	Application #: 2022-1
Legal:	Lot: A	Block: 40	Plan: 2533 NY
Physical Location:	5430 – 51A Street	Bashaw, AB, T0B0H0	Zoning: Direct Control (DC)

You are hereby notified that Development Permit Application No. 2022 -1 for the purpose of
Ambiguously described Wellness Facility (see report for applicants' full description)
has been **REFUSED** for the following reasons:

1. The applicant has not provided a clear understanding of what is proposed to occur in the facility and how the various uses will be safely accommodated within the building/site.
2. The application has not provided an on-site safety plan and off-site safety plan prepared by a qualified professional which was requested pursuant to section 12.14(4) of the Land Use Bylaw.
3. The applicant has not provided an Environmental Public Health review which was requested pursuant to section 12.14(4) of the Land Use Bylaw.
4. The proposed location directly adjacent to the residential community and in close proximity to the local school would unduly impact the use and enjoyment of the adjacent properties.
5. The size and scope of the facility exceeds what is typical of facilities of this nature.
6. Based on the information provided the proposed development would materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land (MGA section 640(6)(ii) and Land Use Bylaw 4.3(4)).

Appeal Advisory:

1. The Development Authority in the Direct Control shall be the Council. MGA Section 685(4)a; there is no appeal to the Subdivision and Development Appeal Board.

Date of Decision: _____, 2022

Development Authority, Mayor Rob McDonald on behalf of Bashaw Town Council

Date: _____