

# Town of Pincher Creek

## Area Structure Plan Process

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### OVERVIEW

An Area Structure Plan (ASP) is a statutory plan which is a comprehensive planning policy document that provides a strategy to manage future growth in a particular area of the municipality. An ASP must comply with the Town's Municipal Development Plan (MDP), a higher-level statutory plan, and must be approved by Council as a bylaw. An ASP generally outlines how development will proceed in an area and it will include, but is not limited to, the type and locations of different land uses, the probable layout of infrastructure, the method by which it will be serviced, how storm water will be managed, the location of transportation networks, parks and public utilities, and includes various engineering reports to support the proposal.

### APPLICABILITY - WHEN IS AN ASP REQUIRED?

An ASP is generally required when a landowner or developer wants to develop a large parcel of undeveloped (and previously unplanned for) land. New ASPs are typically developed for the Town's 'Urban Fringe' or 'Transitional/Urban Reserve' districts or existing undeveloped areas where no previous ASP was prepared. The Town's MDP also contains some policy direction on when ASPs may be required and what they may need to address.

### PROCESS

#### 1. Pre-Application Meeting with Town Staff:

The applicant (proponent) is to meet with Town staff to generally discuss the proposal, explain the basic vision for their ASP, and review the steps of the approval process. Town staff will assist the applicant by reviewing municipal requirements, help determine any issues that may affect the proposal, and try to share information on any known potential constraints before the preparation and submission of a plan. Staff will provide a copy of the ASP Application Requirements to the applicant and the planning description list of the ASP Content Requirements to be addressed.

If Town administration feels it is warranted, the applicant may be advised to present to Council as a delegation their idea and general intent for the lands subject of the ASP. The applicant should be prepared to explain to Council how the proposal aligns with the various goals, master plans, land use bylaw, and statutory plans of the municipality and how it will benefit the community.

#### 2. Plan Preparation:

Using feedback and comments from the Pre-Application Meeting, the applicant will prepare the Area Structure Plan (ASP) for submission. All ASPs must be prepared by qualified professionals (i.e., Planner, Engineer, Architect, or combination thereof).

The plan must address the provincial policy directives of the South Saskatchewan Regional Plan (SSRP) and comply with the Municipal Government Act (MGA). It must also address and align with the Town's planning and policy documents. This could include the MDP, the Intermunicipal Development Plan (with the MD of Pincher Creek), Council's Strategic Plan, Recreation Master Plan, Infrastructure Master Plan, and the Land Use Bylaw (amongst others). It is the applicant's responsibility to review these municipal documents in detail. Town staff will provide guidance and a list of relevant planning and infrastructure policies documents to the applicant in advance.

The applicant should highlight any areas of the proposed plan that they anticipate will not be able to meet the Town's municipal infrastructure requirements or comply with any relevant statutory or non-statutory document. The applicant must be prepared to provide an explanation on why they are unable to meet these municipal matters and how they plan to mitigate or address the items.

### **3. Plan Review:**

#### **a. Submission and Review Fee Payment:**

The applicant will pay any applicable municipal ASP Review fees and submit the initial draft of the ASP for a preliminary review by Town staff. The applicant must provide the draft document to the Town in both a digital PDF format and 5 hard print copies for initial municipal review.

#### **b. Internal Circulation:**

Town staff will circulate the completed draft of the ASP internally and review the plan and corresponding documents that have been submitted. If the Town feels it is warranted, the ASP may also be circulated to external agencies and departments at their discretion. Any comments and/or requests for revisions by the Town will be provided to the applicant.

#### **c. Public Consultation:**

At any stage in the plan preparation process, the applicant may engage stakeholders to provide input or feedback on specific elements to assist in ensuring the community's needs or concerns are considered. However, after the completion of the draft plan the applicant, at their expense, will facilitate a form of public consultation as instructed or agreed to by the Town as deemed appropriate for the proposal. In most cases an Open House will be required at a suitable location which will be open to the public. The applicant will present their proposal and address any questions or concerns that community members may have. Depending on the type of plan proposed and lands being developed, targeted stakeholder discussions or on-line media forums may also be an acceptable form of public consultation if agreed to by the Town.

- Any feedback, positive or negative, provided to the applicant by the public will be shared with the Town in the form of a summary of the commentary made. If surveys or comment sheets are used for feedback, copies of those submissions must be provided to the Town.
- Any subsequent revisions incorporated by the applicant into the draft ASP as a result of the feedback shall be outlined and provided to the Town.
- Additional public consultation may be required if there have been major policy or design changes resulting from the review and initial public process, there are aspects of the plan that are particularly controversial, and/or a significant amount of time has passed between the initial Open House and the scheduled Public Hearing. More targeted stakeholder discussions can also be used as an engagement step after the Open House.

### **4. Formal Application Submission:**

#### **a. Application and Fee:**

The applicant will pay the municipal ASP Bylaw Application fee and submit the ASP application and a final copy of the plan for consideration of First Reading by Town Council. (The format and number of copies is outlined on the application form.)

#### **b. Application Completeness:**

Town staff will review the ASP application, and if necessary, meet with the applicant to determine the submitted application package is complete. The application will only be accepted if all elements included on the municipal application checklist are found in the application package. If any element is missing the application will not be accepted and Town staff will advise the applicant of the outstanding items. A

subsequent application completeness meeting may then be scheduled for a future date when the full application is ready for review.

## **5. Adoption Process:**

### **a. First Reading:**

Town Council will be presented with the proposed ASP as a bylaw. At First Reading of the adopting bylaw, the date for the Public Hearing will be scheduled.

### **b. Advertisement & Notification:**

Town staff will advertise the proposed ASP once a week for 2 consecutive weeks in accordance with the MGA and the Town's Public Hearing and Public Participation policies. Town staff will also notify the applicant, any affected persons, utility companies, and government departments or agencies. The plan will be circulated a minimum of 21 days. An applicant may anticipate that there will typically be at least a minimum of 30 days between First Reading and the Public Hearing scheduled date.

### **c. Public Hearing:**

A Public Hearing will be held by Town Council and the applicant should be prepared to attend and be available to answer any questions of Council. Any affected persons, agency or member of the public may address the proposed ASP and present to Council on the matter.

### **d. Second and Third Reading/Adoption:**

After the Public Hearing, Town Council will discuss the proposed ASP bylaw and either:

- defeat the bylaw,
- request amendments to be made and a revised ASP brought back to Council for future consideration, or
- give Second and Third Reading to adopt the ASP bylaw proposal.

Prior to Second and Third Reading Town Council may also make a motion to include some minor or specific amendments based on information provided at the hearing, and then proceed to give Second and Third Reading as amended.

If after the Public Hearing Council asked for further amendments to made and a revised ASP brought back for Council consideration prior to Second and Third Reading, Town Staff will present a detailed report to Council explaining how any concerns that either arose at the Public Hearing or were highlighted by Council have been addressed. Staff will also note whether there are any municipal concerns that continue to be outstanding.

The ASP will be adopted after the bylaw has received Second and Third Reading from Town Council.

If the ASP bylaw is passed, the applicant/developer may move forward with the next steps of the development (potentially a rezoning, subdivision application, and engineering detail design).

If the ASP bylaw is defeated and not passed by Council, the applicant may reapply in the future in accordance with the land use bylaw.