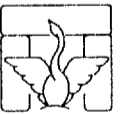


**NORTHEAST
PINCHER
CREEK
AREA
STRUCTURE
PLAN**

BYLAW NO. 1427

AUGUST 1989

OLDMAN RIVER REGIONAL PLANNING COMMISSION



BY-LAW NO. 1427
of the
TOWN OF PINCHER CREEK

**A BY-LAW OF THE MUNICIPALITY OF THE TOWN
OF PINCHER CREEK, IN THE PROVINCE OF ALBERTA,
FOR THE PURPOSE OF ESTABLISHING THE
NORTHEAST PINCHER CREEK AREA STRUCTURE PLAN**

Pursuant to the Planning Act, RSA 1980, as amended, the Council of the Town of Pincher Creek adopts the following:

A. INTENT AND APPLICATION

1. The intent of this Area Structure Plan (By-law No. 1427) is to provide a framework for subdivision and development of northeast Pincher Creek.
2. This Area Structure Plan (By-law No. 1427) applies to the lands as shown on Map 1, and as outlined on Map 2 of Appendix A.

B. GOAL AND OBJECTIVES

Goal

To provide a framework for the orderly, economic and beneficial development of northeastern Pincher Creek which takes into account the needs and desires of the town and its residents, the ultimate users of various lands, and good planning practices.

Objectives

LAND USE

1. To provide, where appropriate, the opportunity for bona fide highway commercial development to locate in close proximity to Highway 6.
2. To conserve good highway commercial lands for bona fide highway commercial use.
3. To provide an opportunity for industrial development to locate at appropriate locations within the area.
4. To provide sufficient land use flexibility along the south side of the east-west leg of Highway 6 so that mutually compatible uses could be accommodated in an acceptable manner.
5. To ensure that land use and development in the SE¼ of Section 26, and along Pincher Creek, is consistent with the environmental and other constraints in this location.
6. To rationalize irregular lot and parcel configurations in order to allow more appropriate and efficient use of land.

TRANSPORTATION and ACCESS

7. To ensure safe traffic flow to and from Highway 6 by limiting access points from individual lots to appropriate locations, and by avoiding direct access onto the highway.
8. To protect the integrity of Highway 6 and to ensure that this highway remains the principal north-south thoroughfare through the town.
9. To provide, through this area structure plan, a co-ordinated and rational circulation system based on the hierarchy-of-roads concept.

AESTHETICS and FUNCTIONAL CONSIDERATIONS

10. To ensure that lands along Highway 6, the main entrance to the town, are developed in an aesthetically pleasing manner.
11. To ensure that aesthetic and functional considerations are given adequate attention along Pincher Creek and in the proposed highway commercial and industrial areas.

PHASING and SERVICING

12. To provide a phasing plan which has an adequate degree of flexibility, while ensuring that roadways and services are provided in the newly developing area, or in successive subdivisions, in a cost-effective and rational manner.

ENVIRONMENTAL CONSIDERATIONS and CONSTRAINTS

13. To ensure, as far as possible, that environmental considerations and constraints are given full attention.

IMPLEMENTATION

14. To ensure that this plan remains a viable, up-to-date document which reflects the community's needs, as well as good planning practice.
15. To ensure that the policies and recommendations of this plan are carried out by making the necessary changes to the land use by-law and other documents and procedures, as appropriate.

C. POLICIES

1. DEFINITIONS

- 1.1 **Act** means the Planning Act, Chapter P-9, RSA 1980, and all subsequent amendments thereto.
- 1.2 **Council** means the council of the Town of Pincher Creek.
- 1.3 **Environmental Reserve** means the land specified as environmental reserve in accordance with the Act.
- 1.4 **Highway Commercial** means:
 - (a) in respect to a use or development, a use or development that provides goods and services to the travelling public, or commercial traffic; and
 - (b) in respect to a land use district in a land use by-law, a district which is intended to accommodate highway commercial uses or development, to the satisfaction of council;
- 1.5 **May** means, within the context of a policy, that the action is discretionary.
- 1.6 **Municipal Planning Commission (MPC)** means the Municipal Planning Commission as established by by-law.
- 1.7 **Municipal Reserve** means the land specified as municipal reserve in accordance with the Act.
- 1.8 **Shall** means, within the context of a policy, that the action is mandatory or obligatory.
- 1.9 **Should** means, within the context of a policy, that the action is advised in order to attain the goal and objectives of this Area Structure Plan.
Unlike the mandatory "shall", "should" is not mandatory or obligatory, but simply indicates a course of action that is recommended.

2. AREA STRUCTURE PLAN GUIDE MAP

- 2.1 Subdivision and development of the lands affected by this plan shall, as far as possible, be in accordance with the Area Structure Plan Guide Map, Map 1, which forms part of this by-law.
- 2.2 Subject to the policies of this plan, land use district designations in the land use by-law, land use by-law amendments, proposed roadways, and development and subdivision applications should not be approved unless they are in accordance with Map 1.

3. APPENDICES

- 3.1 Council recognizes that Appendix A and B are not binding or obligatory, but council endorses:
- (a) Appendix A and the maps, recommendations and suggestions contained therein;
 - (b) The implementation of the recommendations and suggestions contained in Appendix A; and
 - (c) The lot sizes, dimensions and configurations suggested in Appendix B.

4. ACCESS AND CIRCULATION

- 4.1 The provision of new roads and the extension of existing roads should result:
- (a) in a co-ordinated and rational circulation system; and
 - (b) in a hierarchy of roads which is comprised of, and distinguishes, Highway 6, major and minor collector roads, and local streets according to their location, width and function.
- 4.2 Council shall ensure that, if the present alignment of Highway 6, as shown on Map 1, is changed, a review and amendment of this plan shall be undertaken.
- 4.3 The future roadway pattern should be in accordance with the roadway network as shown on Map 1, recognizing that Highway 6 may be changed.
- 4.4 Council and the Municipal Planning Commission shall ensure that direct access from individual lots to and from Highway 6 is discouraged whenever possible.
- 4.5 Access to and from Highway 6 shall be indirect via the service roadways and the service road access points as shown on Map 1, and as set out in Section 2.2 of Appendix A.
- 4.6 Council endorses opening Elizabeth Street onto Highway 6 in the foreseeable future.
- 4.7 Access to and from the south side of Highway 6 to the highway shall be indirect via the proposed east-west leg of Wentworth Avenue to either the Hewetson Avenue intersection or the proposed Wentworth Avenue intersection.
- 4.8 The proposed east-west leg of Wentworth Avenue, presently a closed road allowance, and the proposed north-south leg of Wentworth Avenue, a portion of which is presently a utility right-of-way, shall be established or re-established as a public roadway, in accordance with Map 1.

5. PHYSICAL AND ENVIRONMENTAL CONSIDERATIONS

- 5.1 Council or the Municipal Planning Commission should ensure that the banks adjoining Pincher Creek are monitored, in consultation with Alberta Environment, to determine the rate and degree of erosion. If necessary, bank stabilization measures should be considered for this area.
- 5.2 Environmental reserve shall be dedicated whenever the lands adjacent to Pincher Creek are subdivided. Specifically, a minimum 6-m strip of land adjacent to the creek and any flood-prone areas identified by Alberta Environment in the Pincher Creek Floodplain Study, 1980, should be dedicated as Environmental Reserve.
- 5.3 A strip of land, at least 10 m to 15 m in width abutting the top of the bank of Pincher Creek, should be dedicated as Environmental Reserve or as Municipal Reserve whenever the lands adjoining the creek are subdivided. The precise width of this strip of land should be determined at the time of subdivision with the assistance of Alberta Environment and, if necessary, with the assistance of geo-technical soils investigations and/or slope stability evaluations.
- 5.4 The Municipal Planning Commission, in consultation with Alberta Environment, shall ensure that no buildings are constructed:
 - (a) on the site of the old sewage lagoons,
 - (b) on the site of the old garbage dump or gravel pit, or
 - (c) in the general vicinity of the dump or gravel pit,unless such construction is in accordance with the recommendations of professional geo-technical studies which have been prepared in consultation with, and to the satisfaction of, Alberta Environment.
- 5.5 Any geo-technical soils investigations conducted in respect to the locations specified in Policy 5.4 above, should address the potential for methane gas migration from the old garbage dump, and other matters as identified in Appendix A.
- 5.6 Council should request Alberta Environment to prepare the necessary studies to determine the precise areal extent of the old garbage dump and, if possible, the old gravel pit.

6. UTILITIES

- 6.1 Council endorses the recommendations contained in Section 2.4 of Appendix A, respecting the location or re-location of ICG gas lines, AGT telephone lines, and TransAlta Utilities electric-power lines, and Council endorses the implementation of these recommendations.
- 6.2 Council endorses the location of new trunk sewers and water main connections as shown on Map 5 in Appendix A.
- 6.3 Council shall ensure that an easement shall be registered in respect to portions of right-of-way Plan 7711596 to protect the existing sanitary and storm sewer lines which are described by this right-of-way since the establishment or re-establishment of Wentworth Avenue, in accordance with Policy 4.8, will not completely secure these sewer lines.
- 6.4 Council or the Municipal Planning Commission, as appropriate, should consider requiring the re-location of the storm and sanitary sewer lines east of the north-south leg of Wentworth Avenue described by Right-of-Way Plan 7510184 before the lot, which these sewer lines traverse, is developed.

7. LAND USE AND LAND USE DISTRICT DESIGNATION

- 7.1 Land use, and land use district designation in the land use by-law shall conform to the prescribed land use as shown on Map 1, subject to the policies of this plan and the recommendations in Appendix A.
- 7.2 The timing of land use district designation in the land use by-law should be in accordance with the policies of this plan and in accordance with the recommendations in Appendix A.
- 7.3 Lands to the north of the east-west leg of Highway 6 in the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ -26-30-W4 should be designated Transitional in the land use by-law until they are subdivided in accordance with the policies of this plan. At the time of subdivision, the lands which are the subject of the subdivision application shall be designated C-5 Highway Commercial, Industrial or Recreation and Open Space in accordance with Map. 1.
- 7.4 Lands to the north of the east-west leg of Highway 6 which front onto the proposed service roadway as shown on Map 1, shall be developed for highway commercial purposes, as far as possible, and non-highway commercial development shall be discouraged in accordance with the recommendations in Appendix A.
- 7.5 The area along the south side of Highway 6, north of the east-west leg of Wentworth Avenue, between the A & W Restaurant and the proposed north-south leg of Wentworth Avenue, should be developed for highway commercial purposes. Highway commercial designation of the easterly portion of this area should be dependent on:
- a subdivision application which complies with this plan and the recommendations contained in Appendix A, or
 - an alternative method which complies with this plan and the recommendations contained in Appendix A.
- 7.6 The area bounded by Mill Avenue and the proposed north-south and east-west legs of Wentworth Avenue should be considered for residential development. To allow alternative land uses, including highway commercial development, a portion of the area should be designated direct control, and the remainder should remain in a residential designation and developed for residential purposes in accordance with Map 1 and the recommendations contained in Appendix A.
- 7.7 Council or the Municipal Planning Commission, as appropriate, should ensure that the direct control area referred to in Policy 7.6 above, is developed in a manner which:
- is extremely sensitive to existing and future development, and
 - avoids land use conflicts with existing and future development.
- 7.8 The area lying to the west of the autobody shop and to the east of the proposed north-south leg of Wentworth Avenue should be designated direct control in the land use by-law. In the event that the sewer lines which traverse this area are relocated, council should consider retaining the direct control designation to allow a degree of land use flexibility, but council may consider a highway commercial designation for this area provided that the sewer lines have been relocated and the northward extension of Wentworth Avenue has been registered as a public roadway.
- 7.9 Council recently reclassified the area, bounded by Elizabeth Street on the south, Highway 6 on the east, and the cemetery and mobile home park on the west, from Residential R-2 to Highway Commercial C-5. In the event that the curve on Highway 6 is modified or replaced with an intersection, Council or the MPC, as appropriate, shall ensure that an outline plan is prepared for this lot and that the land use classification is reviewed to ensure suitable and appropriate land uses for the area. Alternatively, in the event that the highway's curve is not modified, the land use classification for this lot should be reviewed in accordance with the recommendations in Appendix A.

- 7.10 The lands designated for industrial development on Map 1 in SE $\frac{1}{4}$ -26-30-W4 should be designated Industrial in the land use by-law concurrent with the subdivision or replot of these lands. The remaining lands should be reserved for parks and open space, and the transitional designation in the land use by-law should be retained in respect of any privately-owned lands, unless the town is prepared to purchase these lands.
- 7.11 Block A, Plan 113LK in the NE $\frac{1}{4}$ -23-6-30-W4 should be designated for industrial use in the land use by-law as soon as possible, but the remaining lands in this quarter section should be designated industrial concurrent with the re-subdivision or replot of this area and the adjoining lands in the SE $\frac{1}{4}$ -26-6-30-W4 in accordance with the policies of this plan and the recommendations in Appendix A.
- 7.12 Block 5, Plan 8410214, the small triangular lot northeast of the Highway 6 curve, should be designated C-5 Highway Commercial after satisfactory access has been provided to the lot, and the lot has been enlarged in accordance with Map 1 and the recommendations in Appendix A.

8. PHASING OF SUBDIVISION AND DEVELOPMENT

- 8.1 The phasing and sequence of development and subdivision should generally be in accordance with the recommendations in Section 4.1 of Appendix A.
- 8.2 Unless otherwise required by council or the Municipal Planning Commission, each subdivision application, on registration, shall dedicate the necessary roadways to ensure that the roadway and circulation system is adequately looped to the satisfaction of council or the Municipal Planning Commission.

9. AESTHETIC AND FUNCTIONAL GUIDELINES

- 9.1 Council generally endorses the Aesthetic and Functional Guidelines contained in Section 4.2 of Appendix A, and council encourages the implementation of these guidelines by:
- (a) amending the land use by-law where possible and appropriate;
 - (b) ensuring that these guidelines are addressed in the development agreements which accompany subdivision approvals, where possible and appropriate;
 - (c) ensuring that subdivision applications are approved in accordance with the policies of this plan and, where appropriate, the guidelines; and
 - (d) ensuring that these guidelines are addressed at the time of development approval.

10. LAND USE BY-LAW

- 10.1 The land use by-law shall be amended to incorporate a new industrial district and this district should:
- (a) incorporate the recommendations respecting minimum lot size and dimensions as recommended in Section 4.3 of Appendix A;
 - (b) address the types of uses that may be allowed in the industrial district in accordance with Section 4.3 of Appendix A; and
 - (c) incorporate, where possible, provisions respecting the Aesthetic and Functional Guidelines contained in Section 4.2 B of Appendix A.

- 10.2 The land use by-law shall be amended to incorporate one or more direct control districts, and these districts shall be for the purpose of developing lands designated as direct control on Map 1, in accordance with the policies of this plan and in accordance with the recommendations in Appendix A.
- 10.3 The Aesthetic and Functional Guidelines contained in Section 4.2 of Appendix A should be addressed in the land use by-law by amending the land use by-law where necessary.
- 10.4 Council should discourage a land use by-law amendment which would have the effect of:
- (a) introducing non-highway commercial uses into the C-5 Highway Commercial district; and
 - (b) land use designations which would conflict with Policy 7.4.

11. LIAISON, COORDINATION, AND MANDATORY REFERRALS

- 11.1 Council endorses the suggestions or recommendations respecting liaison and coordination contained in Section 5.1 of Appendix A.
- 11.2 Council or the Municipal Planning Commission shall solicit and consider the comments of the staff of the Oldman River Regional Planning Commission before:
- (a) council considers an amendment to this area structure plan by-law; and
 - (b) council considers an amendment to the land use by-law affecting the area that is subject to this area structure plan.

12. FOLLOW-UP STUDIES

- 12.1 Council endorses conducting the studies referred to in Section 5.2 of Appendix A.

13. REPLOT

- 13.1 The extreme southwest corner of the SE $\frac{1}{4}$ -26-6-30-W4 and portions of the adjoining NE $\frac{1}{4}$ -23-6-30-W4 should be replotted or re-subdivided for industrial use in accordance with the policies of this plan and the recommendations in Appendix A.

14. DEVELOPMENT AGREEMENTS

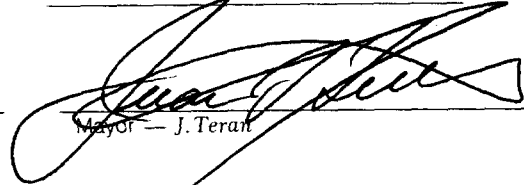
- 14.1 Subject to Policy 14.2 below, development agreements which accompany subdivision approvals should address, to council's satisfaction:
- (a) the matters referred to in Section 5.6 of Appendix A; and
 - (b) the guidelines respecting development agreements contained in Section 4.2, Aesthetic and Functional Guidelines, of Appendix A.
- 14.2 Development agreements at the time of development approval should be used only where necessary, and such agreements should generally not be used as a substitute for agreements at the time of subdivision.

15. AREA STRUCTURE PLAN REVIEW AND AMENDMENT

- 15.1 This area structure plan should be:
- (a) reviewed whenever it becomes necessary to do so;
 - (b) reviewed at least once every five years from the date of its adoption by by-law; and
 - (c) amended whenever it becomes necessary to do so, in accordance with the Act.

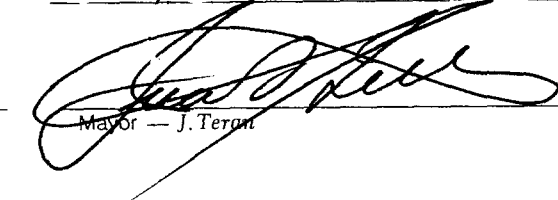
READ a **first** time this 26th day of June, 19 89


Town Manager — M. Christensen


Mayor — J. Teran

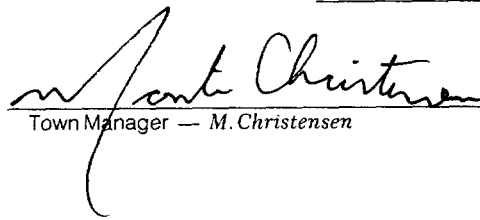
READ a **second** time this 21st day of August, 19 89

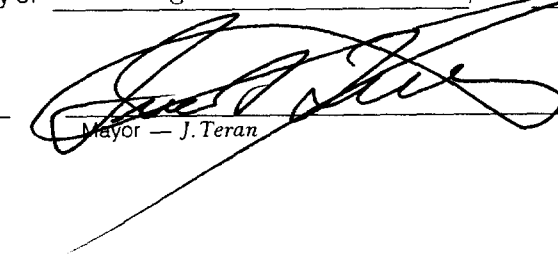

Town Manager — M. Christensen


Mayor — J. Teran

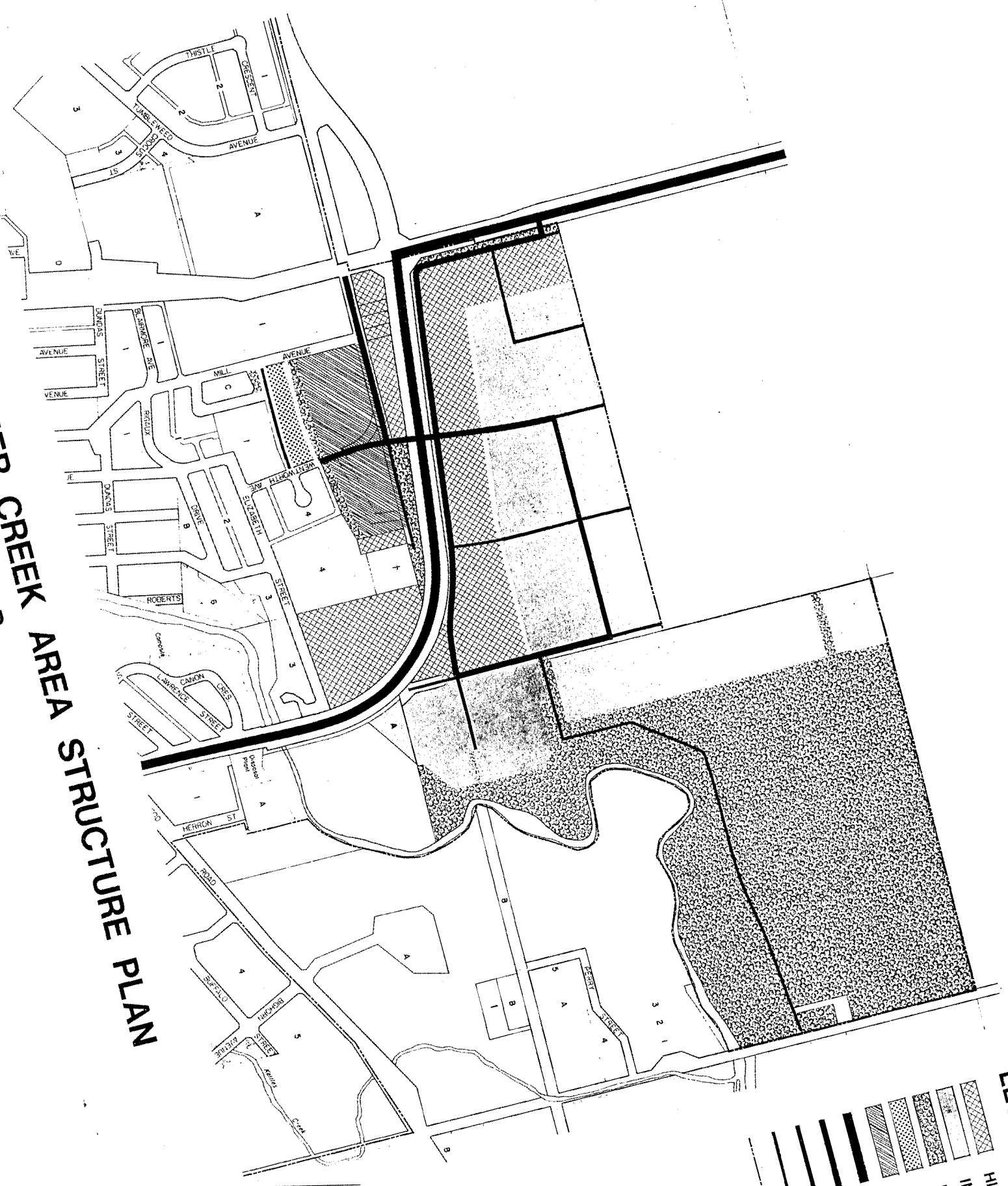
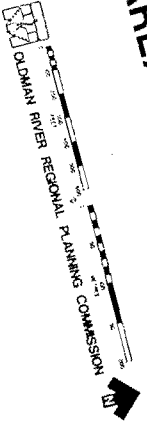
READ a **third** time and finally PASSED

this 21st day of August, 19 89


Town Manager — M. Christensen


Mayor — J. Teran

NORTHEAST PINCHER CREEK AREA STRUCTURE PLAN
AREA STRUCTURE PLAN GUIDE MAP



- LEGEND**
- HIGHWAY COMMERCIAL
 - INDUSTRIAL
 - PARKS & OPEN SPACE
 - RESIDENTIAL
 - DIRECT CONTROL
 - ARTERIALS (HWY. 6)
 - MAJOR COLLECTORS
 - MINOR COLLECTORS
 - LOCAL STREETS
 - TOWN BOUNDARY

MAP 1

APRIL, 1989

TABLE OF CONTENTS

	Page
POLICIES	
Map 1	
APPENDIX A	
1.0 INTRODUCTION	1
1.1 Location	1
1.2 Purpose of the Area Structure Plan	1
1.3 Goal	2
1.4 Objectives	2
2.0 EXISTING CONDITIONS AND CONCERNS	5
2.1 Land Ownership	5
2.2 Access and Circulation	6
2.3 Physical and Environmental Constraints	9
2.4 Utilities	11
2.5 Existing Land Use	13
2.6 Land Use Considerations	14
3.0 AREA STRUCTURE PLAN GUIDE MAP	23
3.1 Introduction	23
3.2 Description of the Area Structure Plan Guide Map	23
3.3 Sanitary Sewers and Domestic Water Supply	25
4.0 PHASING AND DEVELOPMENT	27
4.1 Sequence of Development	27
4.2 Aesthetic and Functional Guidelines	28
4.3 Land Use By-law Considerations	38
5.0 IMPLEMENTATION	43
5.1 Liaison and Coordination	43
5.2 Follow-Up Studies	43
5.3 Land Use By-law	43
5.4 Land Use Reclassification	44
5.5 Replot	44
5.6 Roadways, Services and Development Agreements	45
5.7 Amendment and Review	45
MAPS	
Map 2: Location	
Map 3: Ownership	
Map 4: Existing Conditions	
Map 5: Water and Sewer	
APPENDIX B	
Map 6: Detailed Development Plan	

APPENDIX A

1.0 INTRODUCTION

1.0 INTRODUCTION

1.1 LOCATION

This area structure plan deals with approximately 89 ha (220 acres) of land in the extreme northeastern portion of the Town of Pincher Creek. This area may for present purposes be divided into four smaller areas:

- (a) **Area North of Highway 6** Containing approximately 28 ha (70 acres), this area lies north and east of Highway 6 and is comprised of the S 1/2 of the SW 1/4-26-6-30-W4th. This area was annexed to the Town in 1987.
- (b) **Area South of Highway 6** Containing approximately 11 ha (27 acres), this area is comprised of the northerly portion of the NW 1/4-23-6-30-W4th, lying south of the new Highway 6 alignment constructed in 1987. This area is partially developed at present and has been a part of the Town since 1973.
- (c) **SE 1/4 - 26** The northeastern area, containing approximately 46 ha (114 acres), lies north and west of the creek in the SE 1/4-26-6-30-W4th. This portion contains the now reclaimed sewage lagoons and garbage dump and has been part of the Town since 1981.
- (d) **NE 1/4 - 23 and Adjoining Area** This area, containing approximately 3 1/2 ha (8.5 acres) is comprised of a small triangular lot (Lot 1, Block 5, Plan 8410214) as well as that portion of the NE 1/4-23-6-30-W4th lying north and west of the creek, excluding the Sleepy Hollow Campground. This area was annexed to the Town in 1981.

1.2 PURPOSE OF THE AREA STRUCTURE PLAN

Early in 1987, the Town of Pincher Creek requested the staff of the Oldman River Regional Planning Commission (ORRPC) to prepare an Area Structure Plan (ASP) for the "Northeast Pincher Creek Area". Following a number of discussions, a study area was established, which included the lands identified in the previous section, plus the N 1/2 of the SW 1/4 - 26.

Both the Town and the ORRPC planners agreed that an area structure plan was badly needed to ensure that subdivision and development in the northeastern area of Town would occur in an orderly, rational and co-ordinated manner while providing a degree of certainty for landowners, developers and others. More specifically, the area structure plan was prepared to address the following concerns:

1. The Town had initially requested the planners to prepare an industrial concept plan for some 8 ha (20 acres) of Town-owned land directly north of the old sewage lagoons in the SE 1/4 - 26. With the relocation of the sewage lagoons to a site just east of Pincher Station and the subsequent reclamation of the old lagoon site, the Town felt that the 8 ha (20 acres) just north of the old lagoons could be subdivided and developed for industrial purposes. To ensure that access, servicing, phasing and adjoining land use were given proper attention, the study area was expanded well beyond the initial 8 ha (20 acres).
2. The Town had made application to annex that portion of the S 1/2 of the SW 1/4 - 26 not already within the Town. The purpose of the annexation was to provide the Town with additional lands for highway commercial and industrial development. Because this area north of the highway was an agricultural quarter, an area structure plan for this area was essential.

3. A decision had been made by Alberta Transportation to redesign the Highway 6 intersection north of the Co-op Shopping Center. Because construction of this intersection was imminent in 1987, the implications of the redesign needed addressing.
4. An up-to-date area structure plan for the lands south of the east-west leg of Highway 6 was needed to rationalize land use, access, servicing and other matters, because the old outline plan for the area was obsolete. Lands directly to the east in the NE 1/4 - 23 were also included for essentially the same reasons, although these lands had not been addressed in an earlier outline or concept plan.
5. The Pincher Creek Transportation Study (1981) had proposed a number of important changes to the arterial roadway network in the northeastern area of town. An important aspect of this area structure plan was to incorporate the recommended roadway networks into the overall plan for the area, and to determine whether or not the recommended roadway networks were still acceptable to the Town.

It is notable that the study area for the "Northeast Pincher Creek Area" included some (32.4 ha (80 acres) of land which are located in the Municipal District of Pincher Creek, notably the N 1/2 of the SW 1/4 - 26. Although lands outside the Town are not a part of the area structure plan, the study area included this 32.4 ha (80 acre) piece because it was logical to do so having regard to a number of considerations. These considerations included the servicing of adjoining areas, natural drainage and topography as well as roadway networks and access. The latter alone demanded that a larger area be examined because of the implications of the 1981 Transportation Study, the need for logical access to the SE 1/4 - 26 and Alberta Transportation's restrictions on direct access from Highway 6. However, inclusion of the N 1/2 of the SW 1/4 - 26 should not be seen as a basis for future annexation, subdivision or development north of the current Town boundaries. ORRPC planners recommend that any future annexation should only be considered when all the Town's urban expansion options have been fully explored and addressed. Further annexation will not be needed in the foreseeable future.

1.3 GOAL

The main goal of this area structure plan is to provide a framework for the orderly, economic and beneficial development of northeastern Pincher Creek, which takes into account the needs and desires of the Town and its residents, the ultimate users of various lands and good planning practices.

1.4 OBJECTIVES

Land Use

1. To provide, where appropriate, the opportunity for bona fide highway commercial development to locate in close proximity to Highway 6.
2. To conserve good highway commercial lands for bona fide highway commercial use.
3. To provide an opportunity for industrial development to locate at appropriate locations within the area.
4. To provide sufficient land use flexibility along the southside of the east-west leg of Highway 6 so that mutually compatible uses could be accommodated in an acceptable manner.

5. To ensure that land use and development in the SE 1/4 - 26 and along Pincher Creek is consistent with the environmental and other constraints in this location.
6. To rationalize irregular lot and parcel configurations in order to allow more appropriate and efficient use of land.

Transportation and Access

7. To ensure safe traffic flow to and from Highway 6, by limiting access points from individual lots to appropriate locations and by avoiding direct access onto the Highway.
8. To protect the integrity of Highway 6 and to ensure that this highway remains the principal north-south thoroughfare through the Town.
9. To provide, through this area structure plan, a co-ordinated and rational circulation system based on the hierarchy of roads concept.

Aesthetics and Functional Considerations

10. To ensure that lands along Highway 6, the main entrance to the Town, are developed in an aesthetically pleasing manner.
11. To ensure that aesthetic and functional considerations are given adequate attention along Pincher Creek and in the proposed highway commercial and industrial areas.

Phasing and Servicing

12. To provide a phasing plan which has an adequate degree of flexibility while ensuring that roadways and services are provided in the newly developing area, or in successive subdivisions, in a cost effective and rational manner.

Environmental Considerations and Constraints

13. To ensure, as far as possible, that environmental considerations and constraints are given full attention.

Implementation

14. To ensure that this plan remains a viable, up-to-date document which reflects the community's needs as well as good planning practice.
15. To ensure that the policies and recommendations of this plan are carried out by making the necessary changes to the land use by-law and other documents and procedures, as appropriate.

2.0 EXISTING CONDITIONS AND CONCERNS

2.0 EXISTING CONDITIONS AND CONCERNS

2.1 LAND OWNERSHIP

A. Area North of Highway 6

The land ownership patterns north of the east-west leg of Highway 6 pose few problems to urban development and subdivision since this area is virtually unsubdivided at present and contains only two separately titled areas of lands. The larger area is presently owned by the Hutterian Brethren Church of Pincher Creek and comprises almost all of the SW 1/4 - 26. The smaller parcel, a triangular piece, located directly north of the A & W restaurant is largely comprised of a portion of the old Highway 6 right-of-way. This piece poses no problems to subdivision or development since it has been incorporated with an adjoining area, and resubdivided for highway commercial use. This subdivision has not been finalized to date.

B. Area South of Highway 6

The area south of Highway 6 poses significant problems to urban subdivision and development since the area is badly fragmented with multiple landowners and several irregularly shaped lots. These problems are aggravated by existing physical constraints, adjoining and existing land use as well as landowner expectations. Given these problems there is little doubt that the rationalization of land use and lot configurations in this area will be problematic and long term.

C. SE 1/4 - 26

Multiple landowners and fragmentation pose relatively few problems in the SE 1/4 - 26, north of the creek, since most of the area is owned by only two landowners. The town owns a large 22.69 ha (56.07 acre) lot, which prior to reclamation, contained the old sewage lagoons. Most of the remaining area, some 20.9 ha (51.64 acres), is owned by K. Dickie. The two remaining lots are much smaller. One of these is owned by the Town, and the other by the provincial government. The Town's lot contains the existing roadway access to the area, while the provincial government's triangular lot contains a warehouse.

D. NE 1/4 - 23 and Adjoining Area

The NE 1/4 - 23 contains only three lots. Two of these are owned by Miklo Holdings Ltd. while the other, a triangular lot, comprises Larry's Radiator Inc. and an accompanying mobile home. Miklo's smaller lot containing 0.46 ha (1.14 acres) is a closed road allowance, while the larger adjoining 2.2 ha (5.5 acre) lot contains a residence.

A small triangularly-shaped lot (Lot 1, Block 5, Plan 8410214) in the NW 1/4 - 23, owned by D. and A. McRae and comprising only 0.16 ha (0.4 acres) lies directly west of Miklo Holdings' lands.

If the lands in the NE 1/4 - 23 and the extreme northwestern corner of the SE 1/4 - 26 are to be developed and/or subdivided for urban uses, then several problems need addressing. Three of the lots in this area are quite sizeable, notably Dickie's, the provincial government's and Miklo Holdings' larger lot, however, three lots are effectively quite small and irregular in

shape. These lots include McRae's triangular lot, Miklo Holdings' closed road allowance, and the Town's lot which serves as an access road to the sewage pumping station. A key concern with these three lots is that their size and configuration virtually precludes any use of these lots.

Lot size and configuration in this area is compounded by other factors. Access to the area is poor, and proximity to the creek effectively reduces the useable portion of Dickie's lot and Miklo Holdings' larger lot. All of these problems effectively preclude further subdivision and development of this area, especially for industrial or highway commercial use. Should an individual landowner attempt to further subdivide or develop, it is notable that the landowner cannot resolve these problems independently. Rather, a coordinated approach involving resubdivision or "replot" of all the affected lands is the only way that these problems can be resolved in a comprehensive manner. A replot would enable the landowner to have useable and marketable lots for highway commercial or industrial purposes with suitable access.

2.2 ACCESS AND CIRCULATION

Given the largely undeveloped nature of the N.E. Pincher Creek area, new roads will be required as subdivision and development proceeds. The provision of new roads and the extension of existing ones should occur in a manner which will result in a coordinated and rational circulation system. In doing so, the circulation network should incorporate, wherever possible, both the existing pattern of legal and proposed roadways as well as the relevant recommendations of the Town of Pincher Creek Transportation Study (Stanley Associates Engineering Ltd., 1981).

In addition, considering the size of the area and in keeping with good planning practices a hierarchy of roads should be developed in the N.E. Pincher Creek area. The range of roads recommended should include:

- arterials, such as the highway, which are main thoroughfares;
- collectors which convey traffic from the local streets to the arterials; and
- local streets which provide access to adjacent lots and are not intended for through traffic.

The circulation system should also take into consideration future connections west of the highway as well as future expansion into the north half of SW 1/4 - 26 and in the very long term into the NW 1/4 - 26.

As indicated on Map 3 there are presently several types of "roads" in the area:

- Highway No. 6, a primary highway;
- developed 16.76 m and 20 m road allowances;
- undeveloped road allowances;
- sewer line rights-of-way in what were, at one time, intended as the location of future roads; and
- Block 2, Plan 2060 J.K. in SE 1/4 - 26 which, though not a road, functions as an access road into the sewage forcemain pump house.

Of these, the highway is the main thoroughfare and influence on access in the N.E. Pincher Creek area. Indeed the construction of the new four-way intersection at Hewetson Ave. and Highway 6 was a major factor in prompting this area structure plan.

Until the recent annexation the highway formed the northern boundary of the town. Now it tends to divide the N.E. Pincher Creek area into two parts, each of which presents a different development situation. The large area north and east of Highway 6 is for the most part undeveloped. Here the circulation system must incorporate the highway, a few developed and

undeveloped roads, and provide an alternative to the present unsafe highway access at the curve. In contrast, in the much smaller area south of the highway new development must fill in between the highway and existing development. Creation of a circulation system for this area must both take into account several developed, undeveloped and proposed roads as well as satisfy the constraints posed by the highway.

Since much of this anticipated development will border the highway, it is important to ensure that there is safe and adequate access to and from the highway. This entails balancing the adjacent highway commercial development's desire for easy, frequent access against the functional requirements of the highway as a through route. The two principle means of accomplishing this are: constructing service roads; and restricting direct access to the highway.

Service roads will be required on both sides of the highway wherever possible. Normally these would be located immediately adjacent to the highway right-of-way. However, directly south of the highway this is precluded by the A & W restaurant and Lunn's Equipment Contracting which are situated on a wedge of land lying between the highway and Wentworth Avenue. As a result of this existing development it is recommended that Wentworth Avenue be developed as the service road. It is further recommended that:

- (a) Wentworth Avenue be completed between Mill Avenue and the north/south portion of Wentworth Avenue;
- (b) the north/south portion of Wentworth Avenue be continued north to give access to the highway; and
- (c) the lots between Highway 6 and Wentworth Avenue be allowed access from Wentworth Avenue only and not directly from the highway.

Limiting highway access to only a few service road access points also contributes to the smooth functioning of the highway. Ideally these access points should be spaced approximately 400 m (1,312 feet) apart, preferably with one at each end of a service road. In the N.E. Pincher Creek situation three service road access points are recommended for Highway 6:

- (d) on the east/west leg a four-way intersection mid-way between Hewetson Avenue and the curve to permit the continuation of Wentworth Avenue north into the SW 1/4 - 26; and
- (e) on the north/south leg two access points, one 280 m (918.6 feet) north of the Hewetson Avenue/Highway 6 intersection, and a future one just south of the quarter-section line.

Each such access point should be developed so that there is a stacking distance of several car lengths between the highway and the service road.

For two locations in the N.E. Pincher Creek area, the SE 1/4 - 26 and the lands in the vicinity of the highway curve, access is severely constrained as a result of a combination of several factors. Access currently to the SE 1/4 - 26 is via either the M.D. road on the east which runs through an existing residential area, Lowland Heights, or an unsafe, unregistered highway access and Block 2. Since both routes are in poor condition, a number of improvements are recommended:

- (f) Block 2 requires registration as a road, proper connection to the service road and highway as well as widening and upgrading.
- (g) The M.D. road also needs major upgrading including a new bridge.

As discussed in greater detail in Section 2.3, the SE 1/4 - 26 has poor soil conditions. These conditions make the area less attractive for development thereby effectively reducing the need for roads. More importantly, because the poor soil conditions necessitate additional excavation and expense, the construction of new roads in this part of the N.E. Pincher Creek area should be kept to a minimum.

Access to the area in the vicinity of the highway curve is also affected by a number of interrelated factors. The lands affected are:

- . on the north side of the highway Block 5 (McRae's), Block A (Larry's Radiator) and an undeveloped road allowance; and
- . on the south side a closed road allowance, Block 4 (McRae's) and an undeveloped portion of Elizabeth Street.

Although all of these lands about the highway, Alberta Transportation has indicated that it will not, at this time, allow direct access from either lots or roadways to the highway due to:

- (a) safety concerns regarding sight lines around the curve;
- (b) the possibility of creating "hidden" driveways and/or intersections;
- (c) safety concerns regarding the proximity of the bridge abutment both to the curve and especially to Elizabeth Street;
- (d) safety, visibility and construction difficulties arising from the superelevation of the highway; and
- (e) the potential additional interruptions to smooth highway traffic flow.

Unfortunately, indirect access via service roads, which would be the usual solution to such unsafe direct access, is also very problematic in this location. While parallel service roads on either side of the highway could have one access point at Wentworth Avenue, that access is rather distant from the properties which it would be serving. By far the most serious problem with service roads around the curve is that given the safety concerns about direct access, there are no suitable locations for safe access onto the highway at the southern end of the curve.

There are in addition several other problems. On the north side a service road would eliminate much of Block 5 and would be at a lower elevation than the highway. South of the highway east of Wentworth Avenue a service road could be created simply by reopening the closed road allowance. However, extending this roadway around the cemetery to serve Block 4 would likely entail utilizing a portion of the highway right-of-way since the distance between the edge of the right-of-way and the cemetery narrows to 14.2 m (46.58 feet).

Even if this problem were to be resolved there remains the additional drawback that this service road would then terminate at Elizabeth Street. Since there currently is no direct access from Elizabeth Street to the highway, commercial traffic would have to follow existing residential streets in order to get back to the highway. The alternative would be to open Elizabeth Street onto the highway, assuming that the safety concerns were satisfied. This is an option which the Town very much favours because it provides both improved access to McRae's property and more importantly an access to and from Waterton Avenue for the residential area north of the creek. In particular, it is seen as being a much more convenient route, than what presently exists, between this neighbourhood and the industrial park.

Opening Elizabeth Street is dependent upon measures being taken to rectify the safety concerns about access in the vicinity of the curve. As indicated in the Transportation Study, the recommended solution to access in this area would be to replace the curve with an intersection.

In addition it should be noted that the specific configuration of the access at Elizabeth Street may differ somewhat from what now appears on the legal base for the Town. For example, a service road going north from Elizabeth Street would probably require bulbing for stacking distance similar to the other service road access points. Also the Transportation Study shows Elizabeth Street realigned northward.

However, these and several other recommendations from the Transportation Study after review and discussion appeared not to be applicable at this time and for that reason were not included in the area structure plan. Replacing the curve with an intersection, the subsequent provision of access at Elizabeth Street, and the timetable for such work is still the subject of negotiations between the Town and Alberta Transportation. Extending the east/west leg of the highway east to the M.D. road was considered to be very far in the future and hence not feasible in the context of this area structure plan. Extending Waterton Avenue north from this intersection as a long range alternative alignment for the highway was included in the preliminary versions of the area structure plan. Following much discussion this option was omitted because it was felt that to provide for the future realignment of the highway would only undermine a key intention of this area structure plan which is the creation of new highway commercial lots along the present highway alignment.

Although it is not a part of the area structure plan, the Sleepy Hollow campground directly south of the plan area also has some bearing on the access considerations. Currently the campground's only access is via a very steep driveway to/from the highway slightly south of Elizabeth Street. While this access is subject to all of the aforementioned safety concerns, it is still permitted because it is both an existing and the only access to the property. It impacts upon the area structure plan in two ways. Firstly, its presence complicates the concerns about direct highway access in the vicinity of the curve. Secondly, considering the grades involved, alternative access would most likely have to come from the north. Though desirable, this is not a pressing need at the moment but certainly should be taken into account whenever the lands to the north are replotted.

2.3 PHYSICAL AND ENVIRONMENTAL CONSTRAINTS

The land under consideration in this area structure plan is primarily CLI Class 2 agricultural land with Class 6 land in the creek valley. Most of the area north and south of Highway 6 is relatively even terrain which slopes slightly to the northeast. There are, however, some fairly steep slopes to the highway in the vicinity of Elizabeth Street.

In the SE 1/4 - 26 north of the creek the topography is considerably more complicated. Much of this land has been disturbed as a result of the location here of the former town sewage lagoons, former town dump and an abandoned gravel pit (see Fig. 1). As well the top of the bank of the creek valley runs through the area dividing it into a fairly flat area in the west and steep slopes and the valley floor on the south and east. Since there appears to be some evidence of erosion of the bank near the lagoon site, bank stabilization measures may be required in the near future or prior to development. In addition, development should be set back from the top of the bank.

Pincher Creek is, of course, the major drainage course. It is recommended that there be a buffer strip similar to that along Kettles Creek between Pincher Creek and adjacent development so that there is adequate room for the creek to scour. The specific details of such a buffer strip are discussed in greater detail in Section 4.2 Aesthetic and Functional Guidelines. Surface drainage in the area generally flows northeast into a major drainage course just north of the SW 1/4 - 26. A minor drainage course runs northeast in the SW 1/4 - 26 and joins the major one north of the

sewage lagoons. From here the drainage course skirts around the lagoon site to the creek. The surface drainage pattern should be incorporated in the overall plan for the area.

The major physical and environmental limitations on development relate to the area north of the creek in SE 1/4 - 26. As mentioned above sewage lagoons, a dump and a gravel pit were all previously located in this area. Their approximate locations are indicated on Figure 1. Each of these surface disturbances has its own characteristics, constraints on development and mitigation measures. There are also additional concerns which arise from their juxtaposition. Further complicating the matter is the fact that the exact extent of the disturbance from both the gravel pit and the garbage dump is unknown.

The area which was used for the garbage dump poses the most serious constraints for future development. As organic material in the dump continues to decompose, subsidence and the generation of methane gas could occur. The limitations for development are twofold:

- (a) potentially unstable soil due to the subsidence; and
- (b) a possible danger to public safety should methane gas enter a structure.

Therefore it is recommended that no development other than recreational, with no buildings, be considered for the garbage dump site.

The development constraints associated with the sewage lagoon site are somewhat less severe and have to do with the reclamation of the lagoons. The lagoons have recently been reclaimed to an agricultural standard with Alberta Environment's assistance. This process, which entails draining the lagoons and leveling the berms, results in a layer of generally loose and poorly compacted soil and fill material. In addition, Alberta Environment placed a caveat against the title on April 29, 1986 which restricts the sale and development of the land for ten years. This allows time for both the soil to settle as well as to curb land speculation. Discussions with Alberta Environment personnel have indicated, however, that should the lagoon site be developed or subdivided at any time (even after the expiry of the caveat), a proper geotechnical investigation should first be undertaken. Provided that the soils prove suitable and the caveat is discharged, the former lagoon site would be suitable for either recreational or industrial development.

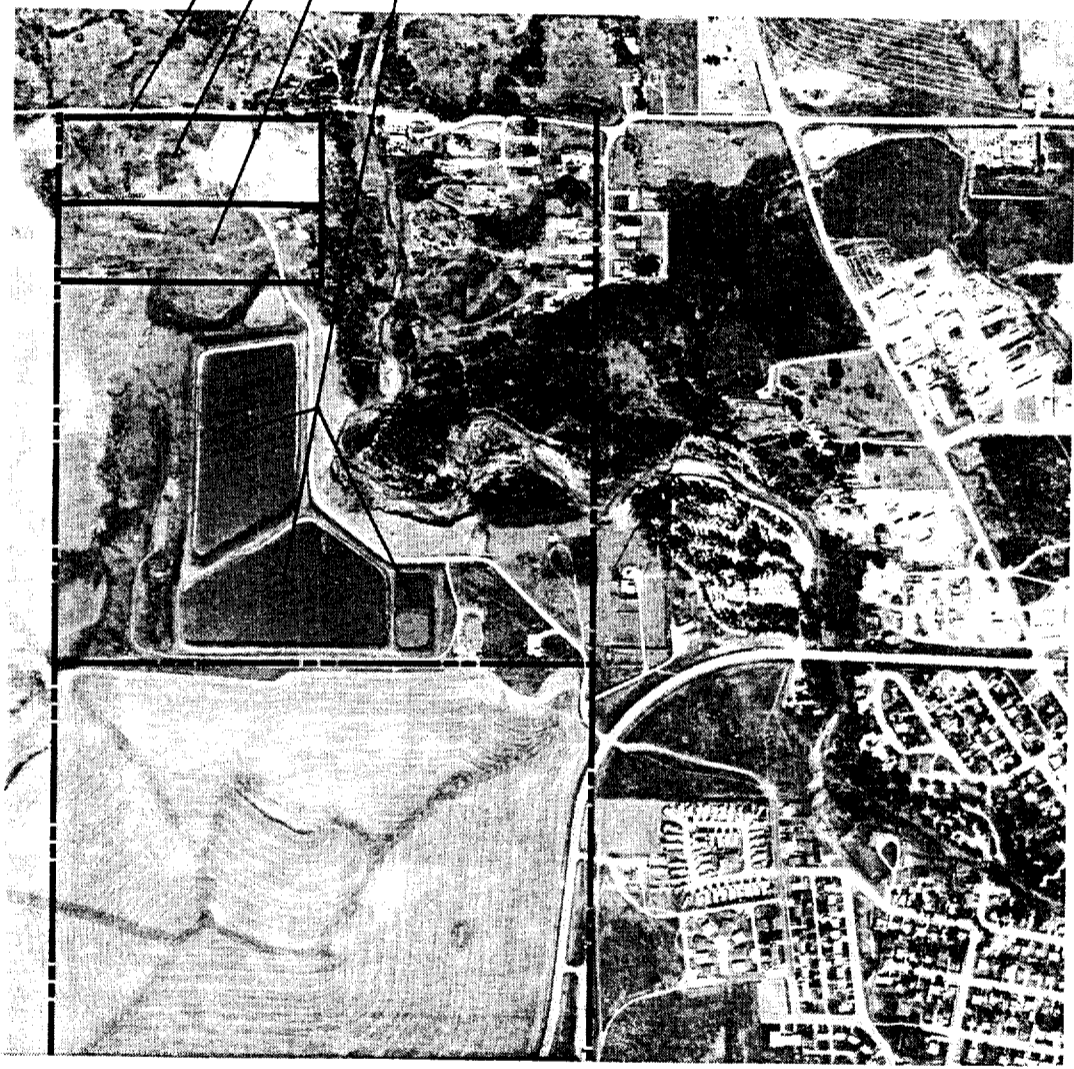
The gravel pit area has perhaps the fewest limitations for future development. Its main problems are:

- very uneven terrain;
- loose, uncompacted soil and fill material; and
- a probable lack of topsoil.

These may be compounded by a high water table given the proximity of the creek. As with the lagoon site, given a suitable water table and soils, this area is recommended for recreational or industrial development.

The juxtaposition of the three surface disturbances should not present major problems as long as they remain in their present state. However, since the garbage dump is situated between the other two disturbances, problems could arise if development were to be considered for either the sewage lagoons or the gravel pit. Specifically the problem is that methane gas generated in the old garbage dump could migrate laterally into the lagoon site or the gravel pit fairly easily.

For the lands in the SE 1/4 - 26 a number of tests and mitigation measures are recommended prior to any development taking place. Among the tests suggested are:





1/4 SECTION LINE - - - - -
 M.D. ROAD
 FORMER GRAVEL PIT
 FORMER TOWN DUMP
 FORMER SEWAGE LAGOONS

NOTE:

- 1. ALL LOCATIONS ARE APPROXIMATE.
- 2. EXTENT OF DUMP SITE PROVIDED BY TOWN SUPERINTENDENT.

NORTHEAST PINCHER CREEK AREA STRUCTURE PLAN
FIGURE 1: DISTURBED LANDS


 NOT TO SCALE 

OLDMAN RIVER REGIONAL PLANNING COMMISSION

- soil tests to define more precisely the extent of the garbage dump and the gravel pit;
- geotechnical studies to establish the top of the bank, soil stability and groundwater conditions; and
- monitoring of noxious gases such as methane.

The mitigation measures recommended would depend upon both the problems discovered and the type of development being proposed. For example, development adjacent to the garbage dump may require an impervious berm to seal off any potential noxious gas. Generally, in the disturbed areas, excavation to below the disturbed materials will be necessary for any development including the construction of roads and most utilities.

2.4 UTILITIES

There are a number of utility easements and rights-of-way in the N.E. Pincher Creek area. These will have to be accommodated as development occurs. Several of the utilities, notably an Alberta Government Telephones line, an ICG high-pressure gas line and a TransAlta 25 kV transmission line, are the main feeder lines into Pincher Creek and accordingly any relocation of these lines would be expensive and should be kept to a minimum. Unfortunately the AGT and ICG lines both were constructed prior to the new highway intersection and parallel the old curve. Consequently, a portion of each of these lines will likely have to be relocated in order to better integrate them into development immediately northeast of the intersection. Each of the power, gas and telephone distribution systems will have to be expanded as development progresses.

The various existing utilities are illustrated on Map 4. They could be incorporated into new development in the following manner:

- (a) ICG (gas)
 - (i) Retain the existing metering station in the extreme northwest of the SW 1/4 - 26 in its present location.
 - (ii) Where the gas line was angled to accommodate the former highway curve, relocate as necessary to better fit into the new pattern of development based on the highway intersection.
 - (iii) Generally, absorb the existing gas lines into the overall gas distribution system.
 - (iv) Maintain a 10 m (33 feet) building setback from the high-pressure gas line.
- (b) Alberta Government Telephones
 - (i) Where the easement ran parallel to the former highway curve, relocate as needed to fit into a new development pattern which is based upon the highway intersection.
 - (ii) Generally, incorporate into roads, utility parcels or open space.
- (c) TransAlta Utilities
 - (i) Leave the existing 25 kV lines in their present locations if at all possible.
 - (ii) Generally, incorporate electric power lines onto road allowances.

(d) Others

- (i) Incorporate into roads, utility parcels or open space.

Similarly, water mains and sewer lines will have to be extended as development progresses. Specifically, the existing water mains in Hewetson and Wentworth Avenues could be extended north; and new trunk sewer lines in the SW 1/4 - 26 could connect into the existing force main in the SE 1/4 - 26. The existing water and sewer lines are shown on Map 5.

It should be noted that existing sanitary and storm sewers severely constrain development in the area south of Highway 6 between Mill Avenue and the cemetery. These lines were constructed in the 1970's in accordance with an outline plan which had been adopted for the area. Since this plan called for residential development, the sewer lines were placed in what were intended to be residential streets (see Figure 2).

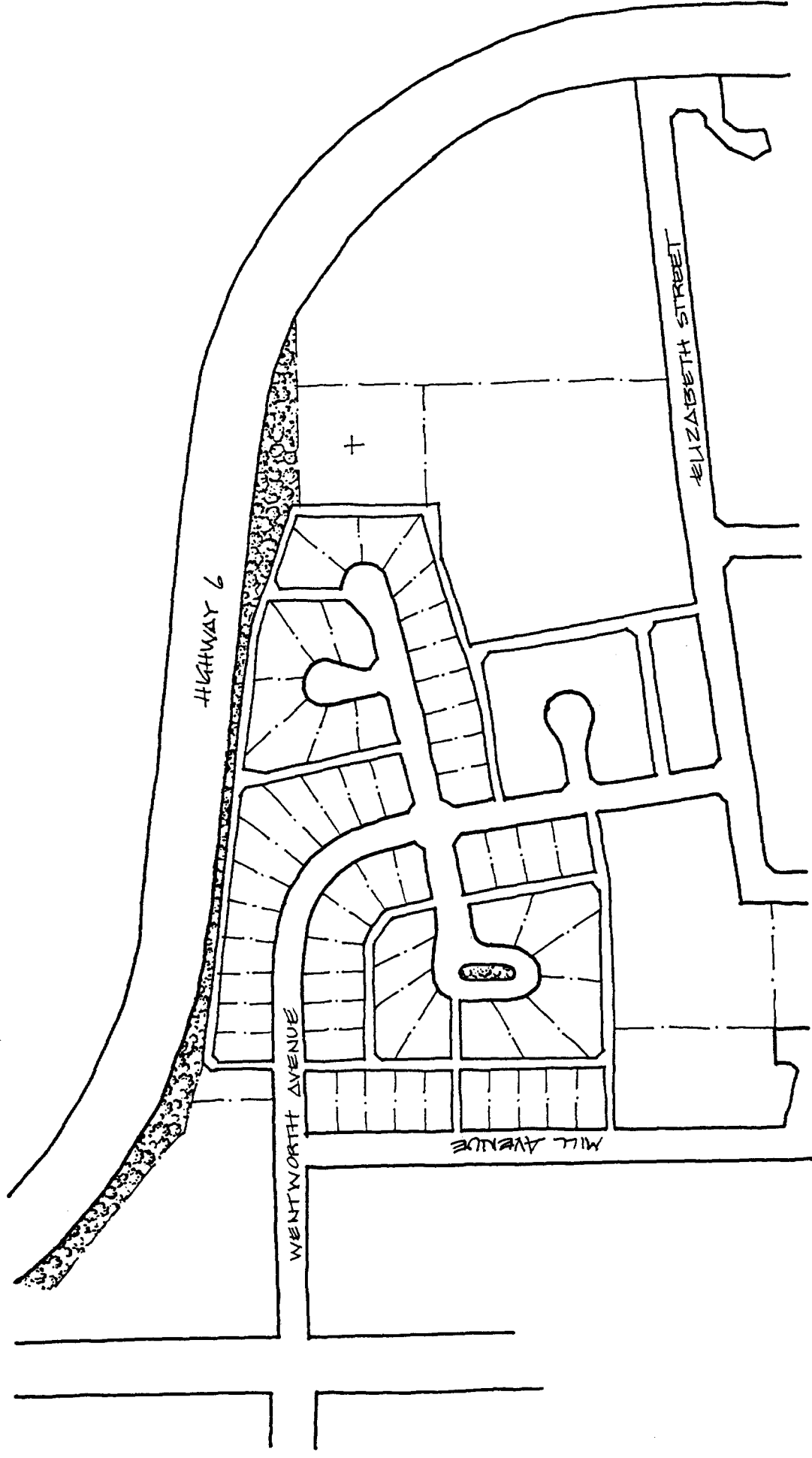
The constraints which these lines pose are twofold. Firstly, although plans of right-of-way have been prepared for these lines, only one has been properly registered as an easement on the title of the property in which it is situated. Thus the Town's interest in the other sewer lines is not protected. Therefore, it is recommended that the existing storm sewer and sanitary sewer from Wentworth Avenue to the highway should also be properly registered.

The second constraint is that the location of two of the sewer lines has considerable impact on the developability of the lands which they traverse. As can be seen from Map 5 one sanitary sewer line curves south to link the two "legs" of Wentworth Avenue. This line could be left in place provided it were to be incorporated in either a roadway or easement. However, the other two sewer lines bisect the land between Wentworth Avenue and the cemetery into two irregularly-shaped pieces. Unless residential development is pursued in this area, basically in keeping with the old outline plan (in which case the sewer lines' present location poses no obstacle), there are essentially two options facing the Town and any prospective developer regarding these two lines.

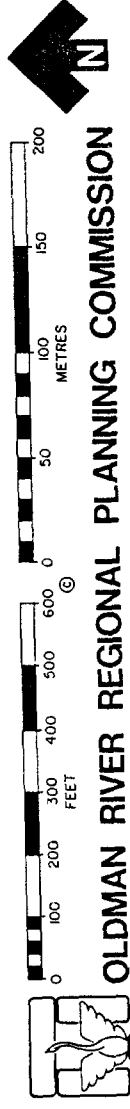
On the one hand, the lines could simply be relocated. This would then create a large, unencumbered lot available for development. It is potentially a very costly measure. Indeed, it is likely that only a high order of development, such as a major highway commercial use, could afford it and even then the Town might still be approached to underwrite some of the costs.

On the other hand, the lines could be left as is, and the lands developed so as not to encroach upon the easement. This option would depend upon the developer accepting both the inherent limitations on building placement and the possibility of major disruptions to the property and business(es) every time repairs to these lines are needed. The Town, for its part, might then be expected to compensate landowners for lost business and property damage arising from work on the sewer lines. The land use implications of these two alternatives are discussed in Section 2.6.

It should be noted that utility companies and municipalities usually require developers to bear a portion or all of the cost of line relocation, expansion and additional connections. The exact terms of the utilities' requirements and the specifics regarding location and installation normally are dealt with at the time of subdivision.



NORTHEAST PINCHER CREEK AREA STRUCTURE PLAN
FIGURE 2: OUTLINE PLAN, ADOPTED 1977



APRIL, 1989

2.5 EXISTING LAND USE

Most of the lands addressed by this plan are in agricultural use or they are vacant. Developed or partially developed lands include the following uses:

- (a) South of Highway 6
 - A & W Restaurant
 - Equipment Contractor and Warehousing
 - Auto Body Shop
- (b) NE 1/4 - 23
 - Double-wide Mobile Home with Attached Garage
 - Radiator Repair Shop and Single-wide Mobile Home
- (c) SE 1/4 - 26
 - Warehouse
 - Sewage Lift Station

Table 1 below summarizes existing land use and ownership for the lands addressed by this plan. Comments are provided where appropriate.

**TABLE 1
EXISTING LAND USE**

TITLE NO.	OWNER	LAND USE	COMMENTS
761150261	Hutterian Brethren Church	Extensive Agriculture	Portion tentatively subdivided for Highway Commercial use
861102761	W. Chesley	Vacant/Highway 6	Major portion of lot used for new Highway 6 alignment
851167069A	Colwood Investments Ltd.	A & W Restaurant	
871121972	Provincial Government (Minister of Transportation and Utilities)	Vacant Lot width of 75 ft.	Presently zoned C-2. insufficient for C-2 uses
871121973	Provincial Government (Minister of Transportation and Utilities)	Vacant	Same as above
871121974	Provincial Government (Minister of Transportation and Utilities)	Vacant	Same as above. Also affected by Plan 8310349, an ICG gas pipeline R.O.W.
105 K 148	H. Lunn	Warehousing and Equipment Contractor	Several buildings

781104501	Town of Pincher Creek	Vacant	Closed road allowance
751045254	M & M Svabb Enterprises	Vacant	Affected by URW Plan 7510184, a storm and sanitary sewer R.O.W.
811168416	D. Brown	Autobody Shop	Presently zoned C-2
841030020D	D & A McRae	Vacant	Sizeable 8.3 acre lot presently zoned R-2
841030020E	D & A McRae	Vacant	Presently zoned Transitional. Small (0.4 ac) triangular lot
861100461	Larry's Radiator Inc.	Radiator Shop and Single-wide Mobile Home	Residence incompatible with proposed land use
891064273	Miklo Holdings Ltd.	Double-wide Mobile Home	Residence incompatible with proposed land use
891064273	Miklo Holdings Ltd.	Vacant	Closed road allowance
811046224	K. Dickie	Extensive Agriculture/Vacant	Reclaimed garbage dump and gravel pit
131 M 128A	Town of Pincher Creek	Roadway	Access road to sewage lift station. This is a lot, (Block 2, Plan 2060 J.K.), not a roadway.
761093353	Provincial Government (Minister of Government Services/Forestry Lands and Wildlife)	Warehouse	Unsatisfactory legal access
131 M 128	Town of Pincher Creek	Vacant	Reclaimed sewage lagoons site

2.6 LAND USE CONSIDERATIONS

A. Area North of Highway 6

Proposed land uses for the S 1/2 of the SW 1/4 - 26 lying north of Highway 6 had been essentially established at the time the Town made application to annex these lands. The Town's decision to annex these lands in 1987 was largely based on two considerations:

- (a) Good quality, vacant highway commercial land was becoming relatively scarce in the community;
- (b) The town wanted additional areas for industrial development.

Annexation of the S 1/2 of the SW 1/4 - 26 met both objectives because this piece of land offered considerable frontage along Highway 6, for highway commercial purposes, while the remaining area was considered suitable for industrial purposes. It is notable that the lands to the east in the SE 1/4 of section 26 were designated for future industrial development in 1980 General Municipal Plan.

B. Area South of Highway 6

In the early 1970's, ORRPC planners prepared an "outline plan", which was subsequently adopted by Council, for the lands south of the east-west leg of Highway 6. This plan envisaged that these lands would be subdivided and developed for residential purposes. There were essentially three reasons why residential development was proposed for the area at that time:

- The town had a sufficient supply of highway commercial land along Waterton Avenue; it had discussed the possibility of expanding the downtown to accommodate more commercial development, including selected highway commercial development in the downtown, and; there were some concerns about strip commercial development extending along the highway.
- The lands along the south side of Highway 6 were not well-suited for highway commercial development given the access constraints posed by the two curves on the highway, and the prospect of additional residential development to the south.
- Considerable residential construction was occurring at that time and there were fears that a shortage of raw residential land within the town boundaries might develop.

For over half a decade, efforts were made to implement the outline plan; or, to keep it up to date with appropriate amendments. The area was zoned Residential R-2, a street was closed, residential subdivisions were approved, and basic services were installed in accordance with the outline plan. It is notable that during the same period of time, the new hospital was constructed at the western edge of the area. Beginning in the early 1980's however, three significant events provoked a re-examination of the outline plan:

- (a) The Pincher Creek Transportation Study, completed in 1981 recommended realigning the east-west leg of Highway 6 by constructing a 4-way intersection at each end of the leg. Although only the westerly intersection at Hewetson Avenue was constructed in 1987, its construction facilitated access to the south side of Highway 6 to some extent, with the attendant implications for highway commercial development.
- (b) By the early 1980's there was no shortage of vacant residential land within the Town, following the annexation of the lands west of the Co-op Shopping Center and the approval of subdivisions on the north and south hill. Shortly thereafter, there was a severe decline in the residential market, reflecting the downturn of the provincial economy. Because there was no immediate demand for residential lots, landowners and developers east of the hospital began to consider alternate uses for their residential land, notably highway commercial and perhaps other forms of commercial development.

- (c) In the early 1980's council rezoned the corner of Hewetson Avenue and Highway 6 from R-2 Residential to C-2 Drive-in Commercial to allow the A & W Restaurant. This area was subsequently subdivided into five lots. Later, in 1988, Council rezoned the autobody shop west of the cemetery from R-2 to C-2, to make it a conforming use.

These three factors have, to a large extent, precipitated a re-examination of the land use options for the lands south of Highway 6. Following a series of meetings and discussions with the Municipal Planning Commission and directly affected landowners, the Commission suggested the following land uses for these lands:

- (i) Highway commercial development along the highway frontage between Hewetson Avenue and the proposed northerly extension of Wentworth Avenue.
- (ii) Highway commercial development between Mill and Wentworth Avenues.
- (iii) Highway commercial development between Wentworth Avenue and the cemetery.
- (iv) Either highway commercial or residential development east of the cemetery and mobile home park. Highway commercial development would depend on whether access and other problems could be adequately resolved.
- (v) Residential development south of the highway commercial area between Mill and Wentworth Avenues.

Because of the various demands and expectations placed on the planning process, there are several issues, concerns or implications arising from these suggestions:

1. Because the lands along the highway frontage west of Wentworth Avenue are good highway commercial lands, they should be developed for bona fide highway commercial development. This will involve reclassifying these lands to Highway Commercial C-5, thereby making an existing use non-conforming.
2. The Municipal Planning Commission and the landowner have requested that a sizeable area, some 2.1 ha (5.23 acres) be designated for highway commercial development, directly east of the hospital, between Mill and Wentworth Avenues. Potential highway commercial development at this location presents two problems:
 - (a) The area is not directly visible from Highway 6. This problem may inhibit bona fide highway commercial development, or alternatively, encourage other forms of development such as other forms of commercial development, or residential or public and institutional development.
 - (b) The area is directly east of the hospital and in close proximity to a well established residential area. Highway commercial development at this location could lead to acute land use conflicts, unless such development is handled with utmost care.

These two problems suggest that highway commercial is not the best land use for the subject area and that other uses, notably residential, public and institutional or a use relating more directly to the hospital, would be more preferable.

ORRPC planners believe that if highway commercial development, or any other type of potentially conflicting land use is to be developed at this location, then the best way to accommodate such uses would be via a direct control district in the land use by-law. A C-5 Highway Commercial district or a C-2 Drive-in Commercial district designed to facilitate highway commercial development should be avoided for the following reasons:

- (i) If the area were designated C-5 Highway Commercial, and pressures arose for other types of development, including other types of commercial development, there is an acute danger that the C-5 district may be amended to allow such uses. Such an amendment would set an undesirable precedent elsewhere where the district had been applied. It would also undermine the specific purpose of the district which is to facilitate bona fide highway commercial development, namely development which caters to the highway and the travelling public. The implications of allowing inappropriate uses in a highway commercial district are further discussed in Section 4.3 Land Use By-law Considerations.
- (ii) Given that highway commercial development east of the hospital could lead to land use conflicts with the hospital or residential development, the most appropriate zoning for the area is one which allows any potential conflicts to be fully addressed so that development could be approved with the necessary restrictions or refused. Neither the C-5 Highway Commercial, nor the C-2 Drive-in Commercial districts are intended as a vehicle for evaluating highway commercial development in relation to other development. Rather both districts, particularly the C-5 district, is intended to facilitate highway commercial development. Most uses in the C-5 district are permitted uses with the result that these uses must be approved, with few restrictions if they comply with the land use by-law. The C-2 district presents even more problems since it contains more uses which could pose problems for adjoining development while containing almost minimal development standards.

Direct control districts, and their benefits are discussed in more detail in Section 4.3 Land Use By-law Considerations.

3. The Municipal Planning Commission and the landowner have suggested that the area between the proposed northward extension of Wentworth Avenue and the autobody shop should be designated for highway commercial development. Although this area is setback some distance from Highway 6, this is not considered to be the major constraint to highway commercial development. Rather, the existing storm and sanitary sewer, which roughly bisects the area in an east-west fashion is the major constraint.

These services were installed in accordance with the old outline plan for the area, as shown on Figure 2, which envisaged a residential cul-de-sac in the same location as the existing sewer line right-of-way. This plan also proposed the relocation of the existing autobody shop and redevelopment of this site for residential use. Figure 3 shows a revised version of this outline plan, incorporating the northward extension of Wentworth Avenue to Highway 6.

Two events provoked a reconsideration of the old outline plan. First, the residential lot market deteriorated and later the autobody shop was reclassified from residential to C-2 Drive-in Commercial to make it a conforming use. These events seem to have influenced the landowner and the MPC to request highway commercial use for this area.

ORRPC planners recommend that the existing sewer lines should be relocated before the area is reclassified in the land use by-law for highway commercial use. As an alternative, the area could be designated direct control. This would serve to warn any prospective developer that there are problems with the site, while allowing the sewer line issues to be addressed at the development application stage or before. A direct control district could also serve to keep land use options more flexible. Regardless of whether the area is designated direct control or highway commercial, ORRPC planners believe that sewer line relocation would be in the best interests of the Town. Even if no building is constructed over these lines, leaving them in place may invite compensation requests by the landowner should the

town ever find it necessary to do maintenance work. Under no circumstances should a building be allowed to locate on or in close proximity to the existing sewer line right-of-way.

4. The area north of Elizabeth Street lying between the highway and the cemetery and mobile home park seems ideally suited for highway commercial development given its prominent location. Although the landowner of this area has expressed a specific interest in a highway commercial zoning, ORRPC planners were reluctant to support a highway commercial classification at this time because there are a number of outstanding issues which need to be addressed:
 - (a) The only legal access to this lot is via Elizabeth Street from the west. Because this street does not legally connect with Highway 6, access for highway commercial purposes would be circuitous and impractical.
 - (b) Alberta Transportation has indicated that it will not at this time allow direct access onto Highway 6 from this lot, nor will the Department allow direct access onto the highway from Elizabeth Street given the highway's curve, superelevation and other problems. These problems are discussed in greater detail in Section 2.2 Access and Circulation. Although the lot is extremely prominent, without direct access to the highway or some form of indirect access which is reasonably close to the lot, its attractiveness for highway commercial development is severely diminished. Highway commercial development must not only be located at highly visible locations; it must be readily accessible to the travelling public or at least be perceived as being readily accessible. If such access is so remote as to be imperceptible to the travelling public, then it undermines the site's suitability for highway commercial use.
 - (c) The area of the lot is quite substantial. At 3.35 ha (8.3 acres) it is almost 2 1/2 times as large as the 1.36 ha (3.4 acre) lot of the Heritage Inn. Since a lot of this size could accommodate several highway commercial developments or one very large development, good access to the highway is essential. The lot's size also raises the prospect of land use conflicts with adjoining residential development if it were developed for highway commercial uses.
 - (d) Given the size of the Town in relation to larger centers, the lot's substantial size would suggest that it is too large for most highway commercial uses. Although its size would seem to invite further subdivision, its shape and dimensions raise an additional problem; namely, if the lot were further subdivided it is doubtful whether all the resulting lots would have direct highway frontage.

It seems likely that the access constraints to highway commercial development could be largely resolved if the highway curve were replaced with an intersection as discussed in Section 2.2. This option was ruled out early in the preparation of this plan but it has re-surfaced recently. As indicated in Section 2.2, the Town and Alberta Transportation are currently negotiating the opening of Elizabeth Street as well as alternatives to the existing curve on Highway 6.

In view of the various constraints and uncertainties which affect this lot at the present time, ORRPC staff believe that the least problematic land use is residential. It is notable that the lot, until very recently, was designated Residential R-2. A possible residential layout for the area is shown in Figure 3.

- (d) Consideration should be given to paving the service roadway, access points to Highway 6 and ingress and egress driveways to the adjoining lots. Paving of the latter often facilitates their identification. Responsibilities respecting the paving of service roads and access points to the highway should be addressed in the development agreement which accompanies subdivision approval. Driveway paving should be addressed as a condition of development approval, or if necessary, in a development agreement which accompanies the development approval.
- (e) Consideration should be given to installing curbs and gutters in the highway commercial area. The most appropriate vehicle for addressing this matter is the development agreement which accompanies subdivision approvals.
- (f) Signs, parking areas and the display or storage of vehicles, goods or equipment frequently encroach onto the public right-of-way. This tends to create a degree of visual disorder and may inhibit landscaping and aesthetic improvements on adjoining properties. Where private uses are allowed to encroach onto public lands for an extended period of time, this often becomes an accepted practice. Public and private spaces along highway commercial areas should be clearly defined by landscaping or other means to help in the delineation of maintenance responsibility. Careful review of development applications and the accompanying site plans, together with appropriate conditions of development approval, minimize encroachment problems.

2. Major Intersections and Prominent Locations

- (a) Corner lots at major intersections and other prominent sites such as high points or hillsides are often the most visible locations in a highway commercial area. Design guidelines* typically suggest that such prominent locations should be occupied by building intensive uses such as restaurants, hotels or motels instead of land intensive uses such as car sales lots. This policy could be implemented by means of one or more policies in the area structure plan which specify specific land uses for specific lots. A complementary land use district such as direct control would also be needed.
- (b) Building and use setbacks on corner lots should be sufficient to allow perimeter landscaping. However, buildings should not be setback so far as to create a "dead space"; rather building mass should be used to identify, define and enhance a corner lot and the attendant intersection. This guideline can be implemented by the land use by-law and by careful review of the site plan which accompanies development applications.

3. Parking

- (a) Off-street parking in highway commercial areas are commonly characterized by large uninterrupted expanses of parking situated between buildings and the street. Parking is seldom provided at the rear and/or side of the building. Poorly conceived building setbacks in the land use by-law can often exacerbate this situation. Although a minimum building setback from the street or service roadway is essential, the area structure plan, the land use by-law and the MPC should encourage parking areas to be located at the rear and/or side of a building.

*See for example "Design Guidelines Highway Commercial Areas", Community Improvement Series, Volume 5, Ministry of Municipal Affairs, Ontario.

- Members of council or the MPC have expressed some concerns about the Town's existing highway commercial area along Waterton Avenue. Although these concerns deal mainly with functional considerations, many functional considerations have an aesthetic dimension. Poorly defined access driveways, for example, can lead to traffic conflicts but they also tend to be unsightly. Similarly, cluttered signage can be not only distracting and difficult for the motoring public to read, but aesthetically such signage is often one of the worst features of a highway commercial area.

The guidelines which follow, while they are neither comprehensive nor exhaustive, attempt to ensure that the new highway commercial area will be as attractive and functional as possible. Some of these guidelines address issues which are not in evidence at the present time, and as such, should be treated as supportive of the Town's existing by-laws, policies and programs. It is notable that some of the guidelines cannot be implemented directly by this area structure plan. If they are to be implemented, some will be implemented through the land use by-law, some by conditions of development approval, while others will be incorporated into the development agreements which may accompany subdivision and development approvals.

1. Public Right-of-Way

- (a) Consideration should be given to the preparation and implementation of a concept plan which addresses landscaping:
 - (i) in the right-of-way of the service roadway which borders the proposed highway commercial area;
 - (ii) in the proposed buffer strip which adjoins the north-south service roadway at the western perimeter of the subject area; and
 - (iii) in the right-of-way of Highway 6, if possible.

Such a concept plan should also address the existing "Pioneer turnout" on Highway 6. The preparation of any such concept plan would require full consultation with Alberta Transportation.

- (b) Overhead electricity, telephone or cable TV lines frequently contribute to the cluttered image of many highway commercial areas. In some cases, these interfere with the visibility of existing signage. At the present time, in accordance with the General Municipal Plan, council may require underground wiring in industrial and commercial areas. Consideration should be given to mandatory underground wiring in the new highway commercial area. The most appropriate vehicle for addressing underground wiring is the development agreement which accompanies subdivision approvals. Where necessary, this matter may also be addressed in the development agreements which accompany development approvals.
- (c) Street lighting in the new highway commercial areas should be considered, but old-fashioned wooden street light poles should be avoided. This issue should be addressed in the development agreements which accompany subdivision approvals, and, where necessary, in the agreements which accompany development approvals.

Within the confines of the area structure plan the lands in the SE 1/4 - 26 will most likely be the last to be developed. There are a variety of reasons for this. Conditions of the reclamation of the sewage lagoons will postpone any development there for approximately ten years. Development of the area immediately northeast of the highway curve entails a replot. Consequently the timing of such development is entirely at the discretion of the landowners involved. In addition, the needed improvements in access to the SE 1/4 - 26 may be many years in the future. Improvements to Block 2, as well as access to the former lagoon site, are largely dependent upon construction of a proper highway access at Wentworth Avenue and of a service road and part of an additional road. Upgrading of the M.D. road on the east will likely be a lengthy process because there is no other need for this road at this time, the terrain will mean expensive construction, and the road passes through Lowland Heights, an existing area of development.

It is anticipated that as the land within the area structure plan, and in particular in the SW 1/4 - 26, becomes fully developed, there will be increasing development pressures on the northerly 32.4 ha (80 ac) of the SW 1/4 - 26. It is for this reason that this area structure plan has addressed extending the road and land use pattern into the north half of SW 1/4 - 26 (See Appendix B). It is also for this reason that it is recommended that detailed planning, subdivision and development proposals in the south half of SW 1/4 - 26 take into account possible northward expansion.

4.2 AESTHETIC AND FUNCTIONAL GUIDELINES

Although virtually any aspect of the study area could be discussed in the context of aesthetic and functional considerations, discussions between the Town's Municipal Planning Commission and ORRPC planners suggested that there were three topics which especially merited such discussion. These three topics are listed below and will be discussed under their respective headings:

- A. Town Entry and Highway Commercial Area
- B. Industrial Area
- C. Lands Along Pincher Creek

A. TOWN ENTRY AND HIGHWAY COMMERCIAL AREA

The question of how to ensure an attractive entrance to a community and how to ensure an attractive and functional highway commercial area are closely related in Pincher Creek, because the main entrance to the Town will be bordered by a new highway commercial area on implementation of this area structure plan. Aesthetic considerations pertaining to this highway commercial area are an essential component of this document for the following reasons:

- A town's entrance often creates the first impression that many people have of a community and it is often perceived as being indicative of the overall economic well-being and pride of the community. According to most economic development and planning literature, it is desirable to develop favourable first impressions for the benefit of visitors, tourists, investors and residents.
- Although highway commercial development is a relatively recent phenomenon, dating back to the late 1940's, highway commercial areas are often the most unattractive and dysfunctional parts of a community.

4.0 PHASING AND DEVELOPMENT

4.1 SEQUENCE OF DEVELOPMENT

This area structure plan pertains to 89 ha (220 acres) within the town with consideration also being given to a further 32.4 ha (80 ac) immediately adjacent. Owing to its considerable size, it is anticipated that development will occur incrementally over a span of many years. While development in some parts of the area could happen independently, other parts are quite dependent upon a sequence of development to provide them with the necessary access and servicing.

Generally development on either the north or south side of Highway 6 could occur independently of each other. The only bearing that they have on each other is the recommendation that Wentworth Avenue north and south of the highway should line up where it intersects the highway.

For the area south of the highway the following sequence of development is suggested:

- (a) Development of the row of residential lots and the adjoining street could occur at any time.
- (b) Development of the highway commercial lots between Mill and Wentworth Avenues should coincide with or follow the extension of Wentworth Avenue east from Mill Avenue to the proposed access onto Highway 6.
- (c) Since development of a direct control district is subject to approval by council of the proposed development scheme, it is expected that development of the two direct control areas may be some years in the future. Therefore it is anticipated that they will constitute the second (and possibly third) phase of development south of Highway 6.
- (d) Development of the highway commercial block north of Elizabeth Street and east of the cemetery would be dependent upon resolution of the associated access difficulties to the mutual satisfaction of the landowner, the Town and Alberta Transportation.

In the SW 1/4 - 26 an application to subdivide the row of highway commercial lots from the town boundary to the proposed highway access at Wentworth Avenue is currently underway. This subdivision will, in effect, comprise the first phase of development north of the highway. It will establish much of the service road and fix the access points onto Highway 6. As well it will necessitate construction of the full length of the proposed trunk sewer.

From there development can proceed incrementally east and north as the local market for industrial and highway commercial lots dictates. If the demand is primarily for highway commercial land then it is expected that the development activity will be concentrated along the service road with the industrial lots filling in later. On the other hand, should the demand be mostly for industrial lots then development could be expected to move gradually eastward along the trunk sewer. In either scenario, because there are only two access points from the highway into this area it is especially important that subsequent phases of development provide adequate and safe access. Therefore, road construction in each phase should preferably strive to complete a loop of the overall circulation system. Indeed, the north-south road east of Wentworth, while not necessary for traffic flow, was deliberately included to facilitate the phasing of development in the SW 1/4 - 26 at the Town's request.

3.0 AREA STRUCTURE PLAN GUIDE MAP

3.0 AREA STRUCTURE PLAN GUIDE MAP

3.1 INTRODUCTION

Generally, the intention of an area structure plan is to guide future subdivision and development within the plan area. It is a vehicle for achieving coordinated, rational subdivision and development while at the same time giving landowners, developers and others a degree of certainty about the municipality's intentions with respect to the area. Therefore, rather than constraining future subdivision and development it seeks to provide a framework within which individuals can make subdivision and development decisions. The specific purpose, goals and objectives of this area structure plan are set out in Sections 1.2-1.4.

In preparing the area structure plan guide map, criteria were drawn from the existing conditions and concerns. (See Sections 2.1 - 2.6). These coupled with good planning practices were used to generate a circulation and land use pattern. The primary land uses are highway commercial and industrial with recreational and some residential uses where appropriate. Although the northern 32.4 ha (80 acres) of the SW 1/4 - 26 is not within the current town boundaries, this area was included in the planning stages in order to ensure that the pattern of development for the adjacent areas south and east could eventually be logically extended into this area.

3.2 DESCRIPTION OF THE AREA STRUCTURE PLAN GUIDE MAP

The layout shown on the area structure plan guide map (Map 1), as noted above, is intended to act as the guideline for future subdivision and development of the plan area. Consequently, the areas of specific land uses as well as the alignment of roads are to a degree approximate and may be subject to minor modification as subdivision and development occurs. Similarly, certain information such as individual lot lines, cul-de-sacs, and lanes are not included as being too detailed for this stage of the planning process. These are included for reference on Map 6 in Appendix B, however.

The main framework for the plan is the circulation pattern. Within it there is a hierarchy of roads comprised of:

- Highway 6 which is the arterial route;
- four major collectors which are the two service roads, Wentworth Avenue, and a north-south collector along the eastern edge of the SW 1/4 - 26;
- several local roads; and
- lanes.

The road pattern itself is primarily shaped by the major collectors. These extend north into the north half of the SW 1/4 - 26 and potentially into the NW 1/4 - 26. Wentworth Avenue also connects south into the existing development. Since the Town indicated that it wanted lanes only between the highway commercial and industrial land uses, the streets are spaced accordingly.

In keeping with the concerns and conclusions set out in Section 2.6 there are several land uses shown in the area. The three principle ones are: highway commercial, industrial and recreational.

- (a) The highway commercial lands front onto the service roads along the east and north sides of Highway 6 within the SW 1/4 - 26. In addition, south of the highway the wedge of land bounded by Highway 6, Hewetson Avenue and Wentworth Avenue and the block east of the cemetery and north of Elizabeth Street are intended for highway commercial use.
- (b) Industrial development occupies the interior of the SW 1/4 - 26. Assuming that soil conditions on the former sewage lagoons are proven satisfactory, a row of industrial lots are also indicated along the western edge of the adjacent quarter-section. It should be noted that as shown on the guide map, the TransAlta transmission line would cross the front yard of these lots. For that reason it may be preferable to reserve this location for somewhat larger lots.

The guide map also shows industrial development in the area immediately northeast of the highway curve. As discussed in Section 2, such development would depend upon a replot in this vicinity in order to improve access and create lots suitable in size and shape for industrial purposes. As illustrated on the guide map, and in greater detail on Map 6, such a replot should also address environmental reserve along the creek, access to that environmental reserve, a setback from the top of the bank and a second access to the Sleepy Hollow campground.

- (c) Owing primarily to its poor soil conditions, but also to the access difficulties and the large portion which is already Town-owned, the remainder of the SE 1/4 - 26 north and west of Pincher Creek is set aside as a major open space and recreation area overlooking the creek valley. In keeping with its recreational purposes, access is primarily via an upgraded road which follows closely the old alignment along Block 2. A possible future northwest access could be incorporated in the design for the north half of the SW 1/4 - 26. A long-term proposal would be to create pedestrian and/or bicycle connections from this area to the creek valley walkway system and the nearby Bobbie Burns Fish Pond and ball diamonds developments south of the creek.

It should be noted that there are several other land use designations within the plan area.

- (d) Two areas south of Highway 6 are designated direct control in order to better resolve the numerous constraints affecting their subdivision and development. Although for both of these properties the landowner's preference is for highway commercial use, in each case this could result in serious conflicts with the adjacent residential land uses. Subdivision and development is further limited by the following specific constraints:
 - (i) the block east of the hospital between Mill Avenue and Wentworth Avenue is affected by its proximity to the hospital and as a potential highway commercial site has poor visibility from the highway;
 - (ii) the area between Wentworth Avenue and the autobody shop is bisected roughly diagonally by major sewer lines; and

The ease with which these constraints could be dealt with could depend considerably upon the nature of the development proposed. Additionally neither of the sites would be well served by being dealt with in a piecemeal fashion. Therefore the areas were placed in direct control in order to allow the most sensitivity and flexibility in responding to proposals for their development.

- (e) For the area contained in the area structure plan, it is assumed that municipal reserve will generally be taken in the form of cash-in-lieu. However, some reserve is shown as being taken as land in the form of landscaped buffer strips. These are situated as follows:
 - (i) between the north-south service road and Highway 6 to provide a more attractive appearance along the entry to the Town;
 - (ii) directly south of the highway between Wentworth Avenue, the service road and the cemetery; and
 - (iii) also south of the highway between the residential and direct control areas.
- (f) There is a small amount (one row of lots) of residential development between Mill Avenue and Wentworth Avenue directly north of the existing residential area.

Some of the general features of the plan are as follows:

- (a) designates land for 12.09 ha (31.97 ac) of highway commercial uses*, 24.94 ha (61.72 ac) of industrial uses**, 37.31 ha (92.35 ac) of recreation and open space, .72 ha (1.79 ac) of residential uses, and 4.4 ha (8.85 ac) in direct control.
- (b) illustrates the possible creation of 36 highway commercial lots ranging in size from .16 ha to .81 ha (.40 ac to 2.0 ac), 39 industrial lots of between .202 ha and .81 ha (.50 ac and 2.0 ac), and 10 single-family residential lots.
- (c) the above uses are interconnected by approximately 4563 m (14,970 ft.) of roadways excluding the highway.
- (d) transportation connections are provided to the existing portion of town.
- (e) incorporates existing land uses and developed areas.

3.3 SANITARY SEWERS AND DOMESTIC WATER SUPPLY

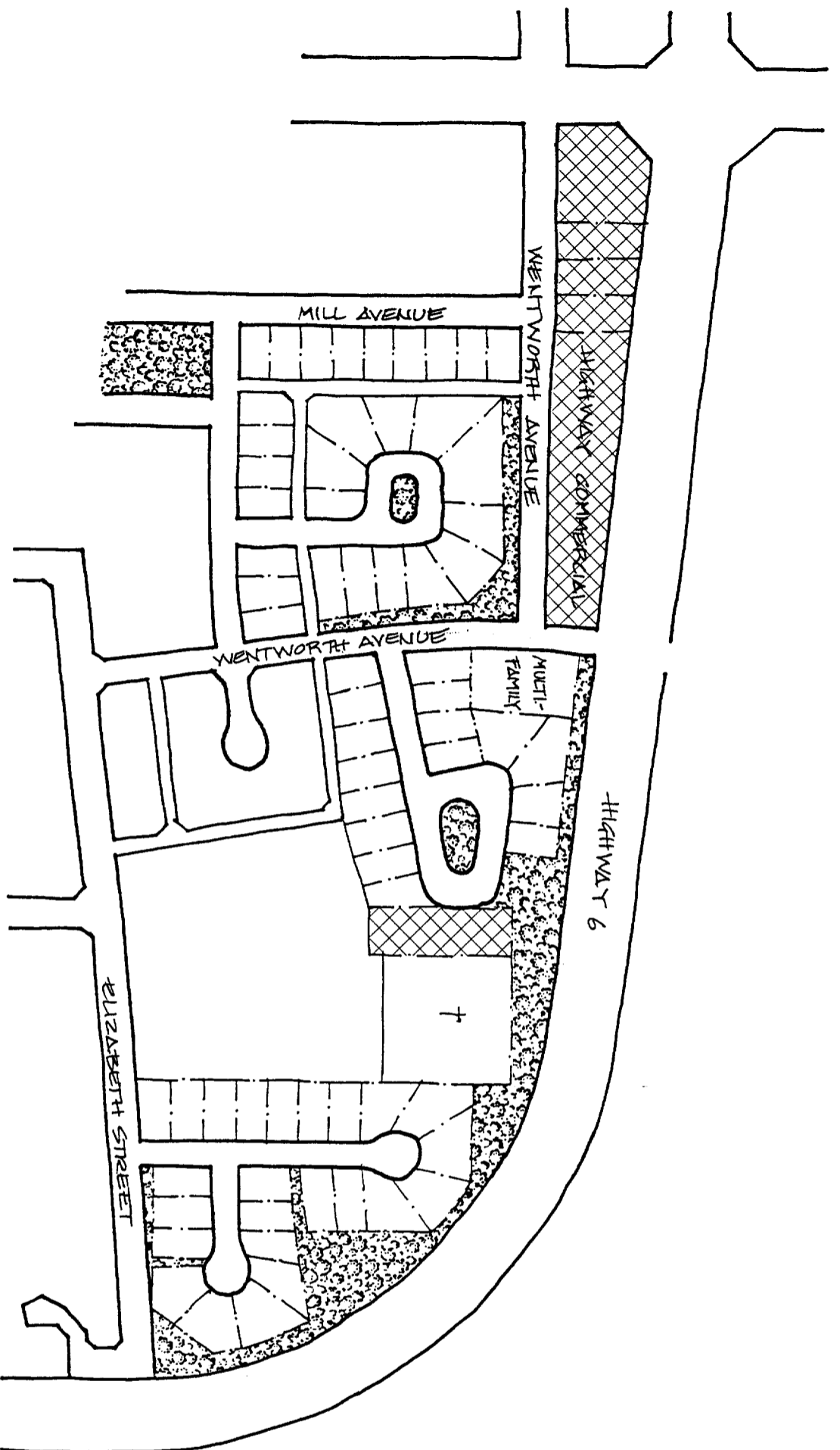
The area south of the highway can be served by gravity sewers which are already in place in Wentworth Avenue and the utility right-of-way. Two new trunk sewers will be required to serve the SW 1/4 - 26, one in the south half and one in the north half. Both trunks will run east-west, and tie into an existing 15" trunk in the SE 1/4 - 26. The possibility exists that these two lines could eventually be extended to serve the area west of the highway. A service road situation such as in SW 1/4 - 26 usually results in servicing for the frontage lots being single loaded. In order to minimize the amount of excess sewer line it is intended to serve these lots from the lane.

The water supply system can be extended north of Highway 6 by tying into a 12" water main south of the highway. Water supply to the area south of Highway 6 is already available.

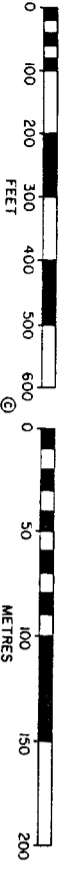
The existing and proposed sanitary sewers and main water feeders are indicated on Map 5.

*includes the A & W and the autobody shop which are existing uses.

**includes Larry's Radiator which is an existing use.



NORTHEAST PINCHER CREEK AREA STRUCTURE PLAN
FIGURE 3: REVISED OUTLINE PLAN



OLDMAN RIVER REGION PLANNING COMMISSION



APRIL 1989

4.0 PHASING AND DEVELOPMENT

- (i) The SE 1/4 - 26 appears remote given the overall pattern of residential development in the community. This, however, may be somewhat of a perceived problem because the extreme southwest corner of the quarter section is just over 1.6 km (1 mile) from the Post Office and just over 2.5 km (1.5 miles) from Canyon School.
- (ii) Access to the area, particularly access from Highway 6, is less than desirable although this problem can be and should be ameliorated.
- (iii) The Town does not appear to have addressed the need for a major municipal park in its rather dated General Municipal Plan, 1980, or in any of its recreation planning documents. It is recommended that the need for such a park be investigated in some detail with the assistance of ORRPC staff and the Town's Parks and Recreation staff. Depending on the results of such an investigation, alternative locations for such a park should be evaluated. An evaluation of alternative locations should include areas of land which will likely be dedicated as environmental reserve, as well as areas which could be dedicated as municipal reserve in the undeveloped portions of the community.

Considering existing and proposed land uses in the vicinity, as well as the General Municipal Plan 1980, it is proposed that lands in the NE 1/4 - 23 and the adjoining lands in the extreme SE 1/4 - 26 should be used for industrial purposes. Block 5, the small triangular piece which adjoins Highway 6 should be considered for highway commercial use. In view of access considerations, existing lot size and existing lot configurations, a resubdivision or replot of this area will be needed before this area can be developed for industrial and highway commercial purposes. Such a replot should create lots that are suitable in size and shape for industrial or highway commercial development while providing acceptable, indirect access to Highway 6 via a service roadway. Access to proposed Environmental Reserve lands along the creek should also be provided, and consideration given to providing an alternate access for the Sleepy Hollow campground.

The above discussion regarding proposed land uses assumes that Highway 6 will remain in its present alignment. If the highway curve is modified or replaced with an intersection it will be essential to review proposed land uses in the general vicinity of the existing curve.

D. Summary of Proposed Land Uses

The foregoing discussion suggests the following:

- (a) Land use in the S 1/2 of the SW 1/4 - 26 can be established with a high degree of certainty, namely highway commercial use along the highway and industrial elsewhere.
- (b) Land use south of the east-west leg of Highway 6 cannot be established to the same degree of certainty as in the SW 1/4 - 26. Although Lunn's lands along Highway 6 should be designated for highway commercial development after the northward extension of Wentworth Avenue is secured, the remaining lands owned by Svabb should be designated Direct Control, to allow alternative land uses and to ensure that the peculiar characteristics of these lands can be adequately addressed. Specifically:

- (i) The lands directly east of the hospital are not directly visible from the highway. Although they could be developed for highway commercial and residential purposes, other uses including other commercial uses may be equally or more acceptable. Given this area's proximity to the hospital and nearby residential areas and the juxtaposition of potentially incompatible uses, development of this area will need to be handled with the utmost care. This can be accomplished best by Direct Control.
 - (ii) The area between Wentworth Avenue and the cemetery could be developed for highway commercial purposes but it is presently bisected by a sewer pipeline right-of-way. Direct control serves to warn prospective developers of this constraint. A highway commercial designation could be considered if the sewer lines have been relocated.
- (c) Given its size, access problems and the potential for land use conflicts, the area east of the cemetery seems best suited for residential development at this time. Although a highway commercial designation is not recommended given problems and uncertainties, Council reclassified this area for highway commercial purposes in anticipation of the realignment of the Highway 6 curve and the opening of Elizabeth Street onto Highway 6. In the event that the realignment and opening proceed, land use in this area will need to be re-evaluated. A re-evaluation will be needed even if Highway 6 remains in its present alignment.
- (d) Lands in the SE 1/4 - 26 and the NE 1/4 - 23 are proposed for industrial development and recreation and open space. An adjoining area, Block 5, Plan 8410214 is proposed for highway commercial development.

Proposed highway commercial and industrial development in this area was largely influenced by existing land use, adjacent proposed land use and in the case of highway commercial development by proximity to the highway. Proposed recreation and open space was largely influenced by the fact that much of the area cannot be used for alternate urban purposes. It is also expected that the Town will require a major municipal park in the foreseeable future.

If the curve on Highway 6 is modified or replaced with an intersection and/or Elizabeth Street is opened to Highway 6, the area in the general vicinity of the curve will need to be re-evaluated.

- (b) Although a large portion of the SE 1/4 - 26 is vacant or in agricultural use at present, it used to contain the old sewage lagoons, a garbage dump and a gravel pit. As noted in Section 2.3 Physical and Environmental Constraints, although the old sewage lagoon site and gravel pit could be developed for industrial purposes or a use involving a building, given adequate mitigation work, the old dump is assumed to be unbuildable given the extent of reclamation work that will likely be needed. Considering the cost of such mitigation work, much of the area could be left in agricultural use in the foreseeable future, or could be used for recreation and open space since the latter typically involves fewer buildings than conventional urban development. If the area is used for open space and recreation the site of any associated buildings would still require careful selection and/or mitigation measures.
- (c) Lands along the creek in the flood prone areas should be designated Environmental Reserve in accordance with Section 98 of the Planning Act as they become available through the subdivision process. Where the creek banks are steep and/or unstable, a strip of land at least 10 m to 15 m (33 to 49 feet) in width along the top of the bank should be designated environmental or municipal reserve as it becomes available.
- (d) The Town presently lacks a sizeable area in the order of 20 to 25 ha (49 to 62 acres) for use as a large municipal or regional park. Although the Rodeo Grounds at the west end of Canyon Drive presently functions as the Town's major park, this function could be compromised as the Town continues to grow for the following reasons:
- The Rodeo Grounds site is modestly sized at 7.17 ha (17.73 acres) and opportunities for expansion appear extremely limited.
 - Land use conflicts with the adjacent residential area could become more common if increasing use is made of the site, particularly for intense activities.
 - There is a danger that overuse could threaten the integrity of existing ground cover and vegetation.

It is notable that the Town retains ownership of the old sewage lagoon site comprising 22.7 ha (56.07 acres). Coupled with the adjoining dump and gravel pit sites, this area provides a sizeable area for recreation and open space.

- (e) Although the preferred location for many recreation uses is close to residential areas, many large scale recreation uses, particularly large stadiums, arenas, racetracks and sportsfields can create acute land use conflicts if they are located in close proximity to residential areas. The SE 1/4 - 26 lying north and west of the creek is one possible location for such uses because it is sufficiently removed from any residential area.
- (f) Developing a portion of this area for open space and recreational uses, instead of industrial uses, would be more compatible with existing recreational and residential development along the south side of Pincher Creek, notably the Bobby Burns Fish Pond, the baseball diamond complex and residential development in the Hamlet of Lowland Heights. Over the long term, it is likely that additional recreational lands will be made available along the south side of the creek as these lands are subdivided and unbuildable areas, especially flood prone areas, are designated Environmental Reserve, in accordance with the Act.

The above discussion suggests that most of the SE 1/4 - 26 should be used for open space and recreation. At least three drawbacks to this proposal may be identified. These drawbacks, and their significance are discussed in the following:

In view of the landowner's wishes and ongoing negotiations with Alberta Transportation, the MPC and council, in its deliberations has concluded that highway commercial development, possibly in conjunction with other uses, on the lot cannot be ruled out at this time. Council therefore reclassified this area to Highway Commercial C-5, in the land use by-law. In the event that Elizabeth Street is opened to Highway 6 and the highway curve is modified, it is essential to re-evaluate land use on this lot and in the general vicinity of the curve. Similarly, if the highway remains in its current alignment, land use should also be re-evaluated.

It is notable that one of the land use options that the MPC considered for this lot was large lot residential, where each lot would average approximately 0.2 ha (1/2 acre) in area. One constraint to such a proposal is the substantial servicing costs that each lot must bear. A related problem is that subsequent landowners may attempt to further subdivide their lots in order to avoid frontage charges or related costs. These two problems suggest that the large lot residential proposal is impractical.

C. SE 1/4 - 26, NE 1/4 - 23 and Adjoining Area

As noted in the Introduction, this area structure plan grew in part out of a request by the Town for ORRPC planners to prepare an outline plan for a town-owned piece of land, comprising about 8 ha (20 acres), in the extreme northwestern corner of the SE 1/4 - 26. The proposed land use for this area was industrial in accordance with the General Municipal Plan 1980.

Following a preliminary investigation, which coincided with the Town's decision to annex the S 1/2 of the SW 1/4 - 26, it was concluded that although this area could be used for industrial purposes, there were several significant drawbacks. These drawbacks included the following:

- The area was located a considerable distance from existing services and it had no satisfactory physical access. Constructing such access and providing services would prove extremely costly relative to the lot yield provided by the 8 ha area. A more logical approach would be to develop some or all of the S 1/2 of SW 1/4 - 26 first, thereby extending access and services in the process to the SE 1/4 - 26.
- It was premature and undesirable to prepare an outline plan for a remote piece of land without considering adjoining land use and servicing.

Although the 1980 General Municipal Plan indicated that the SE 1/4 - 26 and the NE 1/4 - 23 lying north of the creek should be developed for industrial purposes, this area structure plan proposes only a limited amount of industrial land. The remainder is proposed for recreation and open space. There are several reasons for this proposal:

- (a) The total amount of industrial land which is presently available, or which will be made available on the adoption of this plan is more than adequate to fulfill the Town's needs in the foreseeable future. In addition to the industrial lands proposed by this document, there were about 44.5 gross ha (110 gross acres)* of industrial land in the Town's existing industrial park south of MacLeod Road, as of August 1988.

*Gross hectares or gross area includes the area which may be used for lots as well as the area which may be utilized for roads, lanes and reserve.

Where large parking areas are located in front of, or to the side of a building, selective landscaping of the parking lot can provide effective visual relief. Similarly, landscaping can be used to divide large parking lots into smaller areas. Where two parking areas on abutting lots adjoin, the apparent size of the parking area can be reduced by intermittent or continuous landscaping along the common property boundary. These matters should be addressed at the development application stage by careful review of the site plan. Conditions of development approval and/or a revised site plan can be used to remedy these problems. Consideration should also be given to including policies which address these matters in the land use by-law and/or area structure plan as appropriate.

- (b) Where possible, consideration should be given to screen parking areas from the service roadway and adjoining lots. Where parking areas directly abut a public right-of-way, in the absence of landscaping, vehicles often encroach or overhang the right-of-way. Where on-site sidewalks are provided, vehicles frequently overhang them. Curb stops and/or wider sidewalks can be used to alleviate the latter problem. Although these issues are commonly addressed at the development application stage, consideration should be given to including policies which address these matters in the land use by-law and/or area structure plan, as appropriate.
- (c) Consideration should be given to paving and curbing parking lots and delineating parking stalls and maneuvering aisles. Paved parking areas, with marked parking stalls are not only more efficient, but they tend to be more attractive and easier to maintain than gravelled parking areas. Curbing helps to define parking areas, maneuvering aisles and landscaped areas. Although these matters are normally addressed at the development application stage, policies which address these matters could be included in the land use by-law and/or area structure plan as appropriate.
- (d) Loading zones and garbage containers should be confined to the rear of buildings where possible. If loading zones or garbage containers are located on the side of a building, they should be adequately screened. Where a building occupies a corner lot, or where two buildings on a lot create a quasi-double frontage situation, the location and/or screening of loading zones and garbage containers needs special attention.

The rear location and screening of garbage containers can be readily addressed in the land use by-law and administered at the development application stage. Corner lots and quasi-double frontage situations however, require careful consideration and review at the development application stage.

- (e) Access to parking areas should be via clearly defined driveways and, where possible and appropriate, common or mutual driveways should be encouraged to reduce curb cuts and pavement. These issues should be addressed in the land use by-law.

4. Landscaping

- (a) Minimum landscaping requirements should be established for new highway commercial development. Consideration should be given to ensure that at least some of the front yard area is landscaped and that at least 10 percent of the entire lot area is landscaped. Requiring landscaping as a total percentage of the lot allows developers some flexibility in the location of landscaping. Landscaping requirements should be addressed in the land use by-law.

5. Buildings

- (a) Unnecessarily large setbacks should be avoided in a highway commercial corridor to minimize the perceived width and poor definition of the corridor. Where possible, there should be some reasonable uniformity in building setbacks to:
 - (i) ensure that earlier buildings are not screened by more recent buildings;
 - (ii) help avoid large exposed blank walls; and
 - (iii) help define the highway commercial corridor.

Building setbacks should be addressed in the land use by-law and administered at the development application stage.

6. Pedestrian Movement

- (a) Pedestrian movement is often given limited, if any, consideration when new highway commercial areas are designed and developed, especially where these new areas are located on the outskirts of a community. As highway commercial areas mature and become more integrated with the community, pedestrian issues such as sidewalks, crosswalks and lighting frequently need attention. Because Pincher Creek's new highway commercial area will rely on vehicular access, pedestrian issues are not a major concern at this time. However, some consideration should be given to ensure that:
 - (i) new development does not inhibit pedestrian access among commercial establishment in the highway commercial area; and
 - (ii) on-site pedestrian circulation is addressed before new highway commercial developments are approved.

These issues should be addressed in the land use by-law and at the development application stage.

7. Signs

- (a) The size, height, type and location of all signs in a highway commercial area should be regulated in a comprehensive manner in the land use by-law, because the resultant clutter from unregulated signs frequently detracts from the area. In extreme cases, this in turn may detract from business.
- (b) The number of signs per commercial establishment should be limited only to those which are absolutely necessary. Where several commercial establishments occupy a site, or where several signs have been allowed to locate on a site, a single consolidated free-standing sign should be considered. This issue should be addressed in the land use by-law.

- (c) Many municipalities prohibit, or attempt to prohibit, billboards in highway commercial areas and elsewhere for the reason that these signs often detract from the general appearance of an area. Vacant sites regularly tend to attract billboards because they provide the landowner with some revenue. Unfortunately, billboards on vacant sites typically detract from the appearance of a highway commercial area and, in some cases, become permanent features even after a vacant site is developed. This issue can be addressed in the land use by-law by prohibiting billboards outright, subjecting them to temporary development approvals, or ensuring that they are removed at the time a development permit is issued for the principal or permanent development.

B. INDUSTRIAL AREA

Small urban communities, unlike their larger counterparts are seldom overly concerned with aesthetics in new or existing industrial areas. Their attitude towards industrial areas and development may, with some risk, be outlined by two basic premises:

- A key objective of almost any small community is to attract industrial development. Municipal policies should therefore be aimed at facilitating this objective. Planning requirements which deal with aesthetics in industrial areas are sometimes regarded as merely another impediment to the entrepreneur.
- Industrial areas are intended for industrial uses hence their appearance is less important than the appearance of a residential or a commercial area.

Although these premises reflect prevalent attitudes, it should be acknowledged that:

- (a) Industrial areas in smaller communities are often more closely linked to the remainder of the community than industrial areas in large urban centers. Many, if not most residents of Pincher Creek, will at some time work, visit, shop or simply drive through the industrial area.
- (b) Aesthetic and functional considerations in many cases are closely linked. Paved parking areas, for example, tend to be more attractive than gravelled parking areas but they also reduce maintenance and the incidence of windblown dust. Similarly, landscaping can be used to screen outdoor storage, demarcate access points, reduce wind velocity and improve the appearance of an industrial area.

The guidelines which follow are intended as minimum standards to ensure:

- (i) that new industrial development along the major collector roadways, as shown on Map 1, is both functional and attractive, and
- (ii) that functional and aesthetic matters are given some consideration throughout the remainder of the industrial area.

The guidelines propose higher standards of development along the major collector roadways in the new industrial area and thereby endeavour to lend a degree of attractiveness to the overall area. Since the guidelines propose lesser standards of development at other locations they afford the opportunity for more modest development at less prominent or visible locations. Since neither the higher standard nor the lower standard guidelines are comprehensive or exhaustive, the Town could also apply the higher standard guidelines to the whole of the industrial area if it wishes to do so.

Most of the guidelines cannot be implemented directly via this area structure plan. Most will be implemented in the land use by-law in a new industrial district and applied at the time of development approval. Some of the guidelines will need to be addressed at the time of subdivision approval.

1. Building Intensive and Land Extensive Uses

Building intensive uses are those uses which involve relatively large buildings and minimal outdoor storage for any given lot or area of land. Conversely, land extensive uses are uses which involve extensive outdoor storage with relatively small buildings.

As a general rule, building intensive uses should be encouraged to locate along the major collector roads which service the industrial area. Land extensive uses, since they tend to be less attractive than building intensive uses, should be located in less prominent locations.

Given the broad distinction between building intensive and land extensive uses, the implementation of this guideline must be handled in a judicious manner. Not all land intensive uses are unsightly and some, such as farm equipment dealerships, which tend to involve outdoor display rather than outdoor storage should be accommodated in the more prominent locations within the industrial park. It is notable that the John Deere dealership in the Town's existing industrial area east of Waterton Avenue is perhaps the best landscaped and certainly one of the most-attractive industrial uses within that industrial area. Unsightly land intensive uses such as autowreckers, scrap yards, concrete batching plants and similar uses should, however, always be located at comparatively inconspicuous locations.

The simplest method of ensuring that land extensive uses are properly located, is to make them discretionary uses in an industrial land use district. Appropriate provisions in the district may be used to guide the location of these uses.

2. Noxious or Hazardous Industrial Uses

Noxious or hazardous industrial uses may be described as uses which:

- (a) may be detrimental to public health, safety or welfare beyond the boundaries of the site, parcel or lot on which the use is situated; or
- (b) may be incompatible with highway commercial, residential or other development, including other industrial development because of toxic gases, noxious smells, wastes, noise, dust or smoke emissions which are not confined to the site, parcel or lot on which the industrial use is situated.

Common noxious or hazardous industries include, but are not limited to, slaughterhouses, rendering plants, alfalfa processing plants, anhydrous ammonia storage facilities, fertilizer or explosives storage or manufacturing facilities, gas processing plants, petrochemical industries or refineries and secondary metals industries.*

*Secondary metals industries (or non-ferrous metals industries) are distinguished from primary or ferrous metals industries because the former typically involve hazardous metals or substances in the casting, processing, fabricating or recycling of non-ferrous metals. Fumes, dusts, smoke emissions, and waste by-products are typically the items that potentially create environmental problems beyond the site on which these industries are located.

Noxious or hazardous industries should be carefully located having regard to adjoining and nearby land uses including land uses in the general vicinity. Although there may be some merit in locating hazardous industries along the major or minor collector roads which serve the industrial park, having regard to firefighting considerations, noxious industries such as abattoirs and similar uses should, if possible be located at less prominent locations.

Noxious or hazardous industries should be listed as discretionary rather than permitted uses in an industrial land use district, to facilitate the proper location of these uses. Such a district may also contain provisions respecting the location of these uses.

3. Landscaping

A landscaped strip not less than 3 m (9.8 feet) in width should be provided adjacent to the front property boundary of each interior lot in the new industrial area, where that lot adjoins a major collector roadway. Should the Town consider it desirable to do so, this landscaped strip could be made a standard requirement throughout the entire industrial area on both corner and interior lots.

Corner lots with a principal and a secondary front property boundary* should provide a 3 m landscaped strip along the one or more front property boundaries which abut a major collector roadway, regardless of whether or not the landscaped strip is implemented as a standard requirement throughout the entire industrial area. Should the Town consider waiving the landscaped strip along the principal or secondary front property boundary, ORRPC planners recommend:

- (a) that the landscaped strip be retained along the principal front property boundary where that boundary adjoins a major collector roadway; and
- (b) that the landscaped strip be retained along the secondary front property boundary from the point where the two front property boundaries intersect, to the point which coincides, perpendicularly, with the rear wall of the principal building, provided that the remainder of the secondary front property boundary is adequately screened to a height of not less than 1.8 m (5.9 feet).

Should the Town consider applying the suggested landscaping requirements to the whole of the new industrial area, the landscaped strip should always be retained along the principal front property boundary and waived, if necessary, in accordance with 3(b) above whether or not either boundary abuts a major collector roadway.

Landscaping requirements should be addressed in the land use by-law and administered at the development application stage.

*All corner lots have at least two front property boundaries. The principal front property boundary is normally defined by the main orientation of the building. It is typically the narrower of the two front property boundaries and it normally abuts the front property boundary on the adjoining interior lot. The secondary front property boundary typically parallels the side of a building and it is often the wider of the two.

4. Loading Zones and Loading Doors

Locating loading zones so that they are at the rear of a building is a simple, effective and common way to improve the aesthetics of an industrial area. Where loading doors face a front yard area an unsightly condition often arises because the loading zone tends to attract temporary or permanent storage of goods, vehicles, equipment, refuse and garbage containers.

Building configuration and location on an industrial lot is typically governed by two key considerations; namely, the needs of the initial occupant and by the minimum building setbacks established in the land use by-law. Where loading zones are located in a front yard, the adjoining public roadway may be blocked at times when larger vehicles maneuver into the loading space. While this is seldom a problem where the building was designed for, and still occupied by the original owner or tenant, circulation problems can and do arise if the building and its location is less than ideally suited to successive occupants or, if inadequate consideration was given to on-site circulation at the outset.

An effective and expedient solution to on-site circulation problems and the aesthetic impact of front-facing loading doors is to ensure, where possible, that loading doors and the attendant loading zone is located so that it faces the rear of the building or, where necessary, the side of a building. Street-facing loading doors on interior lots, as well as corner lots, should be avoided wherever possible.

Provisions respecting the orientation and location of loading zones and loading doors should be addressed in the land use by-law.

5. Garbage Containers and Enclosures

Garbage containers associated with industrial developments should, with few or no exceptions, be located in a rear yard. To ensure compliance with this guideline, development applications should be carefully reviewed with respect to the proposed location of both the service entrance and the garbage container. Consideration should also be given to including this guideline as a standard condition on all approved development applications within the industrial area.

The Town may also wish to consider screening all industrial garbage containers by means of a garbage container enclosure. Such an enclosure is typically a solid or semi-solid fence ranging from 1.8 m (5.9 ft.) to 2.0 m (6.6 ft.) in height. Its main purpose is to screen garbage containers from public view, reduce wind blown refuse and to minimize any risk of container upset or movement due to high winds.

If it is necessary to locate a garbage container in a front yard or a side yard, the provision of a garbage container enclosure should be a standard requirement of any development permit. All industrial garbage container enclosures should be provided with gates in order to provide a complete screen on all four sides.

The location and provision of garbage containers as well as the provision and design of garbage container enclosures should be addressed in the land use by-law.

6. Storage of Goods, Materials and Equipment

Any discussion concerning outdoor storage should distinguish between storage and display although in practice, this is difficult to do. Bona fide display of goods, materials and equipment should be permitted in the front yard of an industrial lot, where the display of these items is clearly warranted. However, the danger of permitting unscreened display in a front yard area is that it is difficult in some cases to identify which items clearly warrant display and which items do not. If inappropriate items are displayed over time, or if a precedent is established which allows the display of inappropriate items, the screening of outdoor storage tends to lapse regardless of whether or not specific provisions concerning screening are contained in the land use by-law, or in the conditions of development approval pertaining to a specific development.

Wherever possible, the Town should encourage the storage of goods, materials and equipment on an industrial lot so that they are located in the rear yard. Goods, materials and equipment should, under no circumstances, be stored in the front yard. If such items are stored in a front yard, such storage should be to the side of the building and screened by a solid or semi-solid fence, or landscaping not less than 1.8 m (5.9 ft.) in height. Chain-like security fences are not an effective screening material.

7. Parking Areas and Driveways

Development applications should be carefully reviewed to ensure that all access points from an industrial lot to a public roadway are clearly defined by a driveway. Random or informal access with no clearly defined driveways should be avoided for safety and aesthetic reasons. If the major collector roadways are paved, consideration may be given to paving any driveways to these roadways. Consideration could also be given to paving any parking areas where these are located in the front yard area. If these roadways will be paved, driveway and parking lot paving requirements could be addressed in the land use by-law, but the manner of administering of such requirements would likely be influenced by the timing of roadway paving. If roadway paving has been completed or is imminent, paving requirements could be addressed as a condition of development approval. If roadway paving is not imminent, paving requirements could be addressed in a development agreement and such paving could be carried out when roadway paving has been completed.

C. LANDS ALONG PINCHER CREEK

Since the early 1980's, the Town has been constructing or extending a creek-bank walkway along Pincher Creek. At present, the walkway essentially terminates at the public campground just west of Waterton Avenue. ORRPC planners believe that there would be considerable merit in extending this walkway to the east of Highway 6, thereby eventually connecting it to the existing and proposed recreation development south of the creek in the NE 1/4 - 23 and to the envisaged recreation development north of the creek in the SE 1/4 - 26.

Perhaps the most practical and certainly the cheapest way to ensure that lands are provided for the construction of a public walkway is to require the dedication of environmental reserve and, where appropriate, municipal reserve, whenever lands adjacent to the creek are subdivided or replotted. The recommendations which follow indicate the manner in which environmental and municipal reserve should be dedicated and some of the additional benefits which result from the dedication of such reserve.

- (a) A minimum 6 m (20 ft.) strip of land should be dedicated directly adjacent to the creek. The dedication of an "environmental reserve" strip, as provided by the Planning Act, is primarily for public access purposes.
- (b) As a general rule, any lands that are subject to flooding should be dedicated as environmental reserve. Floodprone lands are identified in the Pincher Creek Floodplain Study.* Dedicating these lands as environmental reserve ensures that these lands will not be developed for conventional urban uses. The attendant risks and costs of such development in floodprone areas is thereby avoided.
- (c) Any steep or unstable slopes adjacent to the creek should be dedicated as Environmental Reserve. In addition, a strip of land at least 10 m (33 ft.) to 15 m (49 ft.) wide, adjacent to the top of a steep or unstable slope, should be dedicated either as municipal or environmental reserve. This strip fulfills two important functions. First, it provides access adjacent to the creek where the creek directly abuts a steep bank while linking other public access strips at lower elevations. Second, such a strip protects, as far as possible the adjoining slope from surface disturbances and surface runoff from adjacent land use. The strip, in effect, ensures that all lots and any development on such lots is setback at least 10 m to 15 m from the top or break of the slope. It is notable that the precise width of this strip should be established at the time of subdivision, after detailed geotechnical soils investigations have been conducted. ORRPC planners believe, however, that in most cases a 10 m to 15 m strip of land should be sufficient to minimize any risk of slumping or erosion due to adjacent land use activities. It should be noted that if additional public lands are required adjacent to the Creek or its banks, then municipal reserve dedication in land rather than cash could be used to provide such lands.

4.3 LAND USE BY-LAW CONSIDERATIONS

The satisfactory implementation of this area structure plan demands that a new industrial district and one or more direct control districts are incorporated into the land use by-law. Under normal circumstances a new highway commercial would also be required. However, it has already been incorporated into the land use by-law as the "Highway Commercial C-5" district since there was an immediate need for such a district. The C-5 district was adopted in advance of this area structure plan because a highway commercial subdivision was approved before this plan was adopted. The new highway commercial district was needed to facilitate this subdivision.

The C-5 Highway Commercial district was needed, and a new industrial district is needed, largely because the existing districts in the land use by-law are obsolete and, in some cases dysfunctional. One or more direct control districts are also needed, because several areas of land within this area structure plan would benefit from such zoning.

One or more direct control districts are needed because they differ from conventional districts in two respects. They can either be designed to permit maximum land use flexibility, while retaining a strong measure of control, or they can be custom-tailored for a specific area of land, development or subdivision. Unlike conventional zoning, which tends to be rigid, direct control is a contemporary version of development control and hence it is flexible and discretionary. For this reason direct control is used where there is uncertainty with respect to the best use of a piece of land and/or where development needs to be handled with utmost care and sensitivity.

*See Pincher Creek Floodplain Study, Alberta Environment, 1980.

This section provides recommendations on the nature and content of the new industrial district as well as the existing C-5 Highway Commercial district. Although it may seem unnecessary to highlight the features of the latter, the rationale behind the C-5 district is important to outline, since this could prove useful when land use by-law amendments are proposed. No guidelines concerning the nature or content of one or more direct control districts is necessary at this time, since these districts can be as specific or general as circumstances warrant.

A. HIGHWAY COMMERCIAL (C-5) DISTRICT

1. Land Use

Good quality, serviced highway commercial land is a scarce resource, and like any other limited resource, its utilization merits careful consideration. As far as possible, only bona fide highway commercial uses should be permitted to locate in a highway commercial district since the main purpose of such a district is to facilitate the development of those highway or auto-oriented uses which provide necessary services to the motoring public or commercial traffic. In addition, most highway commercial districts are intended to accommodate automotive or auto-oriented uses which require highway exposure. ORRPC planners believe that the town has addressed this matter in an exemplary manner in the new C-5 district, since all the uses in this district are highway commercial uses.

When non-highway commercial uses are allowed to locate in a highway commercial area, other uses frequently follow. Over time, this can change the essential character of the area while leading to the extension, or the development of new commercial areas elsewhere with the attendant costs. Once a highway commercial area has developed into a mixed-use commercial area with the attendant congestion, highway by-pass or highway relocation pressures may arise. It seems that highway relocation pressures are less likely to occur if the highway commercial area adjacent to a highway, remains highway commercial in character and function.

2. Minimum Lot Size and Dimensions

Minimum lot sizes and minimum lot dimensions in a highway commercial district should be designed to accommodate highway commercial development. The smallest highway commercial lot should be at least 1115 m² (12,002 sq. ft.) in area, with a minimum length and width of 30 m (100 ft.). Most lots should be larger than these minimums.

Traditional two-bay service stations are rarely constructed at present, but these facilities and the modern gas bar, with very few exceptions, occupy the smallest lots in a highway commercial area. Detailed investigations by ORRPC staff indicate that gas bars and traditional service stations very rarely are located on lots with a width or length of less than 30 m or an area of 1115 m². In fact, about one-half of all oil companies which retail gasoline have indicated that they would prefer slightly larger lots in the order of 1393 m² (approximately 15,000 sq. ft.) to 1672 m² (approximately 18,000 sq. ft.) to allow greater flexibility and to allow for on-site car washes and convenience stores.

ORRPC planners acknowledge that an occasional subdivision application may propose to subdivide a lot with a narrower dimension, or perhaps a smaller area than the recommended minimum. Such applications should be dealt with on the basis of their merits where the proposed lot and its residual involves existing or proposed buildings. However, the subdivision of vacant lots should be avoided where no development proposal has been made and where the proposed lot area and dimensions are less than those recommended above. Substandard highway commercial lots typically create one or more problems. In some cases they precipitate requests for by-law waivers (e.g. parking requirements, setbacks, etc.) at the development application stage, while in others they create pressures for non-highway commercial development. Alternatively, such lots may remain undeveloped for long periods of time.

B. NEW INDUSTRIAL DISTRICT

1. Minimum Lot Size and Dimensions

A new land use district for the proposed industrial area should ensure that all industrial lots remain at least 1400 m² (15,070 sq. ft.) in area, with a minimum width of 30 m (98.4 ft.) and a minimum depth of 46 m (151 ft.). A major weakness of the present Industrial I-1 district is that the minimum lot size is only 550 m² (5920 sq. ft.), with no minimum length or width requirements. In practice however, the smallest industrial lots east of Waterton Avenue, are typically 18.2 m (60 ft.) in width and 30.5 m (100 ft.) in depth.

Small industrial lots in the order of 550 m² to 930m² (5,920 to 10,010 sq. ft.) can accommodate only the smallest industrial concerns, with limited outdoor storage. Industrial expansion on such lots is usually impossible and future industrial use of such lots is often extremely limited. In many cases, older industrial buildings on such lots are converted to commercial use. Larger industrial lots not only avoid these problems, but provide room for an industrial use to expand. In many cases larger industrial lots afford more efficient land use. Multi-tenant industrial buildings or industrial condominiums greatly reduce the need for individual access driveways to the rear yard, while reducing the need for building setbacks from side property boundaries. Depending on the size and the occupancy of a multi-tenant building interior partitions can be adjusted in accordance with the needs of the tenants.

In recommending a minimum lot area of 1400 m², it should be acknowledged that an occasional subdivision application may propose a smaller area or, dimensions less than the recommended dimensions. Rather than reduce the minimum lot size in a new industrial district to the least area possible, such applications should be dealt with on their merits, where the proposed lot involves an existing or proposed building. The subdivision or resubdivision of vacant lots should however, be avoided where no development proposal is pending and where the area and dimensions are less than those recommended since most industrial development will require lots substantially larger than the recommended 1400 m² minimum.

2. Land Use

A new industrial district should address, define and include as many industrial uses as possible and desirable. The present Industrial I-1 district is not only ambiguous, but it excludes a number of industrial uses. If a conscious decision is made to expressly include or exclude certain uses, then such a decision should be readily evident in the district.

ORRPC planners also recommend that a number of specific uses or types of use should be addressed in the new industrial district, namely:

(a) Mobile Home Parks

Mobile home parks should not be allowed in any new industrial area or district. As a legitimate form of single-family housing, mobile homes should not be relegated to second-class locations in industrial areas.

(b) Retail Uses

Many municipalities discourage retail facilities in industrial areas given land use and "fairness" considerations. Retail commercial development in an industrial area can lead to land use conflicts while compromising other municipal objectives such as the maintenance or strengthening of existing shopping areas or the downtown. Fairness issues may arise if a municipality subsidizes servicing, land or holding costs in an industrial area without comparable or similar programs in a commercial area. Such issues may also arise if a comparable business in a commercial area pays more taxes than a comparable business in an industrial area.

Since the Town allows retail uses in its existing industrial park on a discretionary basis, the Town should decide whether such uses will be allowed in the new industrial area, and under what circumstances, if any. ORRPC planners suggest that a more concentrated pattern of retail development would seem to be in the best interests of the Town, its residents, businesses and the surrounding rural community. A more concentrated pattern would involve, for example, development and expansion of the downtown and further development of the Co-op Shopping Center. Although it may not be possible or desirable to rule out retail uses in the existing industrial area or in the new industrial area altogether, indiscriminate development and/or dispersal of commercial facilities in industrial areas and elsewhere should be avoided.

(c) Noxious and Hazardous Industrial Uses

The siting of noxious and hazardous industrial uses should be addressed in the new industrial land use district. Given the likelihood that recreational development will occur on the lands to the east of the new industrial area the Town should consider whether it would be preferable to locate noxious industrial uses in the area directly east of the existing industrial area.

5.0 IMPLEMENTATION

5.0 IMPLEMENTATION

5.1 LIAISON AND CO-ORDINATION

The main purpose of an area structure plan, as stated in the Planning Act is to provide a framework for subsequent subdivision and development of an area of land. As such, an area structure plan is a "statutory plan" which is adopted by by-law. An area structure plan's mandatory and obligatory policies are binding on not only the landowner or developer, but on the agencies or organizations which directly or indirectly administer them. The three groups which are most directly involved in the administration of an area structure plan are the Town's Council and Municipal Planning Commission, together with the Town's administrative staff, as well as the Oldman River Regional Planning Commission. The latter functions as the subdivision approving authority and its staff are the Town's planning advisors.

Although the area structure plan provides an explicit framework for development and subdivision, its success is critically dependent, albeit implicitly, on the co-ordinated action of the actors involved. It is therefore essential not only to recognize the need for good liaison and co-ordinated action, but to ensure that they are carried out on an ongoing basis.

5.2 FOLLOW-UP STUDIES

The following studies should be prepared as a follow-up to this area structure plan:

- (a) A concept plan which addresses landscaping and the existing "Pioneer turnout" along the eastern boundary of the north-south leg of Highway 6.
- (b) Geotechnical and related studies which address the old sewage lagoons, and the location and areal extent of the old garbage dump and gravel pit together with any associated methane migration in the SE 1/4 - 26. Although such studies are not required in the near future they should be conducted well in advance of anticipated development to allow for sufficient lead time.
- (c) A study which identifies and addresses potential open space lands in the remainder of the community.

5.3 LAND USE BY-LAW

The implementation of this area structure plan will require the preparation of a new industrial land use district and one or more direct control districts. It is anticipated that a comprehensive review of the present land use by-law will be undertaken upon adoption of this area structure plan. This review will afford the opportunity to prepare these districts while incorporating the recommendations contained in Section 4.2 Aesthetic and Functional Guidelines and Section 4.3 Land Use By-law Considerations.

5.4 LAND USE RECLASSIFICATION

Lands north of the east-west leg of Highway 6 in the SW 1/4 - 26 should be designated "Transitional" in the land use by-law until the time of subdivision. At that time, in accordance with each subdivision application, the lands should be designated industrial or "Highway Commercial C-5" in accordance with Map 1, the Area Structure Plan Guide Map. The industrial designation would involve the new industrial district, referred to in Section 4.3, Land Use By-law Considerations.

This area structure plan envisages residential, highway commercial and possibly other forms of development south of the east-west leg of Highway 6. Immediately before, or concurrent with reclassifying H. Lunn's lot from R-2 Residential to C-5 Highway Commercial the Town should ensure that the northward extension of Wentworth Avenue to Highway 6, and the narrow triangular sliver to the east of northward extension, are secured by the Town. Given the need for additional access to Highway 6 and the existing R-2 zoning, the Wentworth extension and reclassification should be of fairly high priority. Because the Wentworth Avenue extension will also involve M. Svabb's lands directly to the south, the partial reclassification of these lands from R-2 to direct control could occur simultaneously with the reclassification of Lunn's lands. It is notable, that in securing the necessary right-of-way for the northward extension of Wentworth Avenue, care should be taken to avoid creating a privately-owned triangular cut-off southwest of the intersection of the north-south and east-west legs of Wentworth. Council has already reclassified D. McRae's lot east of the cemetery to C-5 Highway Commercial. This classification should be reviewed in the event that the curve on Highway 6 is or is not modified.

The triangular lot occupied by Larry's Radiator Inc. should be reclassified from Transitional to Industrial as soon as the new industrial district has been adopted. Such a reclassification will affect the conformity of the existing residence by making it a non-conforming use. Miklo Holdings Ltd.'s land could also be reclassified to Industrial when the new industrial district is adopted, thereby affecting the conformity of the existing residence, and precluding any additional ones. While such an action may enhance the likelihood that the proposed replot will be executed in the future, it may also compromise the Town's ability to secure reserve lands along the creek. For this reason it would seem desirable to leave this area in its Transitional designation, until the replot involving adjoining lands is carried out. The area could then be reclassified to Industrial concurrent with the resubdivision or replot. The small triangular lot owned by D. McRae directly to the west of Miklo Holdings' lands should be reclassified from Transitional to C-5 Highway Commercial once this lot has been enlarged and satisfactory physical and legal access has been provided.

There is no immediate need to reclassify lands in the SE 1/4 - 26. The southwest corner of the SE 1/4 - 26 should be reclassified from Transitional to Industrial when this area is replotted with the lands in the NE 1/4 - 23. Similarly, the proposed industrial lands in the SE 1/4 - 26 should be reclassified when these lands are subdivided. Although the Town-owned lands, intended for open space and recreation uses could be designated Recreation and Open space in the land use by-law, designation of the privately-owned land for such uses should be avoided unless the Town is prepared to purchase these lands.

5.5 REPLOT

As indicated in 5.4 above, the lands in the southwest corner of the SE 1/4 - 26 and in the NE 1/4 - 23 will need to be replotted or resubdivided. The objectives of this replot are discussed in Section 2.6, Land Use Considerations. It is anticipated that existing land use and landowner expectations, as well as the Town's commitment to this proposal, will be a crucial factor in the successful implementation of the replot.

5.6 ROADWAYS, SERVICES AND DEVELOPMENT AGREEMENTS

Most of the roadways envisaged by this area structure plan will be dedicated at the time of subdivision. The construction of these roadways, as well as the provision of services to the newly subdivided areas will, in the vast majority of cases, be pursuant to development agreements which accompany subdivision approval. Although the municipality may require a development agreement as a condition of issuing a development permit, such agreements should only be used where necessary. They should not, as a general rule, be used as a substitute for a development agreement at the time of subdivision.

Development agreements are extremely important documents because they specify not only the developer's responsibility with respect to road construction and utility installation or relocation, but they also specify the standards and details of construction. These standards and details have direct implications on cost; aesthetics and functional considerations. The guidelines which follow are intended as a basic checklist of items which should be addressed in development agreements pertaining to the lands contained in this area structure plan. Most of these items are discussed in greater detail in Section 4.2.

(a) Highway Commercial and Residential Areas

Development agreements pertaining to the proposed highway commercial areas as well as any residential areas should address all the basic services, namely, road construction, storm and sanitary sewers, water, gas, electricity, and telephone. Consideration should also be given to paving residential streets and service roadways, curb and gutter, underground electrical services, streetlighting, cable television as well as sidewalks in residential areas. In the event that curb and gutter are installed in advance of residential or commercial construction, grouped driveways and/or curb cuts should also be addressed in the agreement.

(b) Industrial Area

Although industrial areas are often provided with less elaborate services than commercial or residential areas, industrial development agreements should address all the basic services identified above. Considerations could also be given to paved roadways, underground services and street lighting, especially along the major collector roadways which service the proposed industrial area.

5.7 AMENDMENT AND REVIEW

As indicated in Section 5.1, an area structure plan, on adoption by by-law, is a statutory plan that is binding on the landowner or developer, Council, the Municipal Planning Commission and the Oldman River Regional Planning Commission. If a proposed roadway, a land use district reclassification, a development or subdivision application conflicts with or does not comply with the policies of the area structure plan, then that application must be:

- (a) refused, or
- (b) amended so that it complies with the plan, or
- (c) approved with the necessary conditions so that it complies with the plan.

In some cases the area structure plan may be amended to allow the application or proposal.

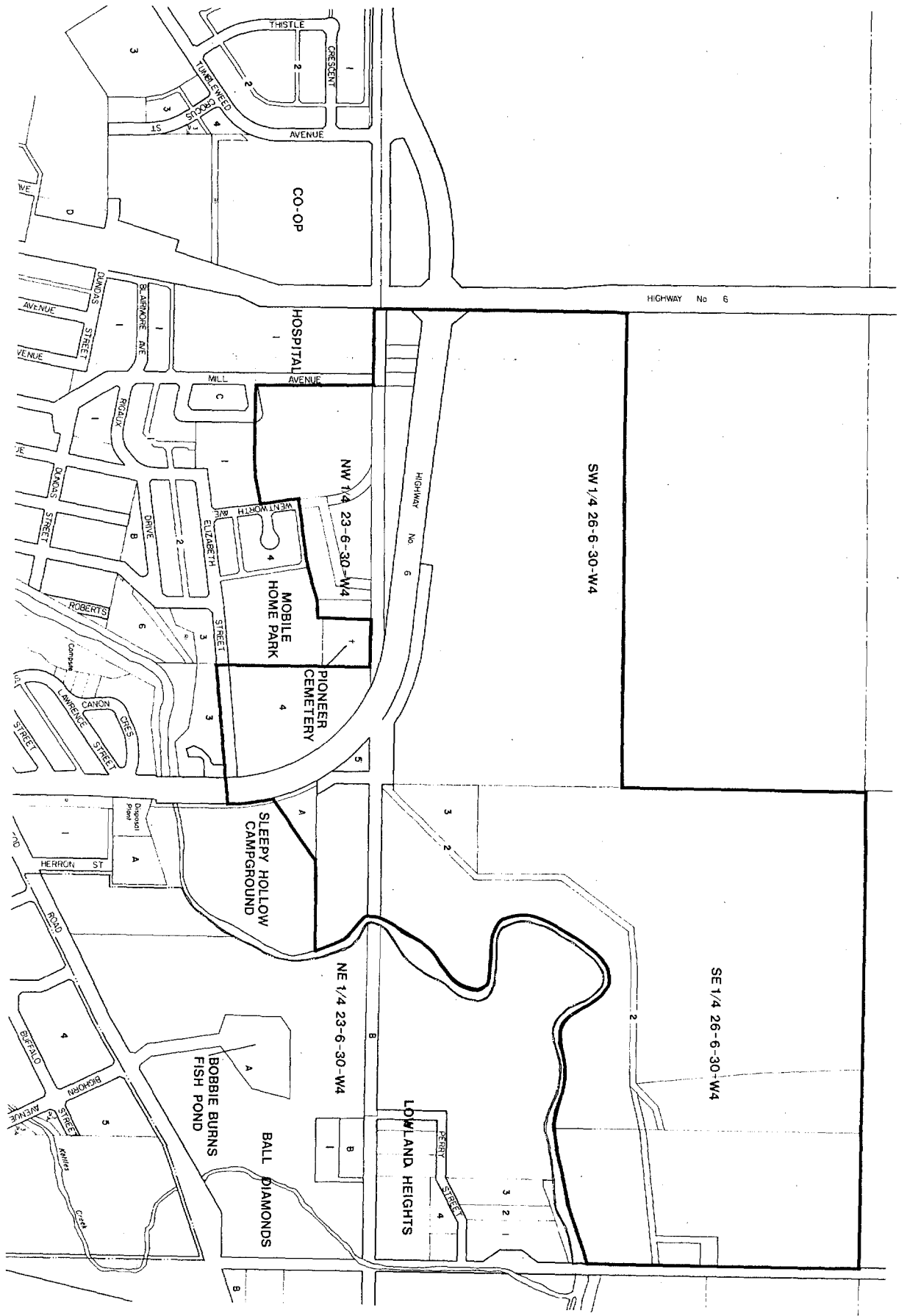
As a framework for subdivision and development in the northeastern portion of Pincher Creek, this area structure plan is not intended to be a static document. As circumstances and conditions change it will likely become necessary and desirable to amend it. The procedures for amending an area structure plan are outlined in Section 139 of the Planning Act, R.S.A. 1980, as amended.

To ensure that the plan remains current and relevant, it will be necessary periodically, to undertake formal indepth reviews of this document with its attendant amendments. Although it is difficult to foresee at this time when such reviews be undertaken, it is recommended that they be conducted whenever necessary, and at least once every five years.

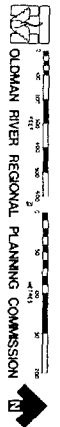
MAPS

LEGEND

- STUDY AREA BOUNDARY
- TOWN BOUNDARY



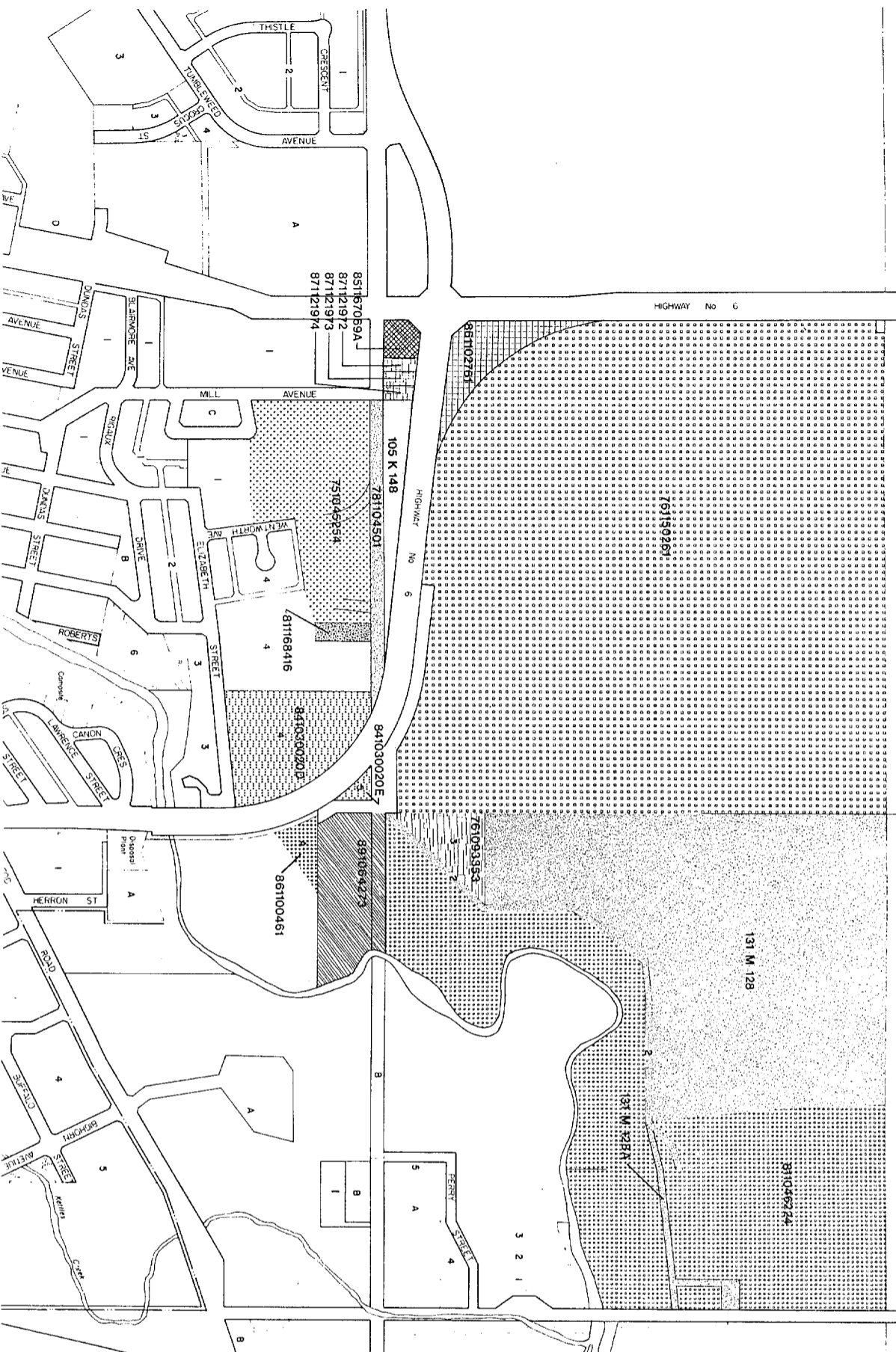
**NORTHEAST PINCHER CREEK AREA STRUCTURE PLAN
LOCATION OF THE STUDY AREA**



OLDMAN RIVER REGIONAL PLANNING COMMISSION

MAP 2

APRIL, 1989



LEGEND

OWNER	TITLE NO.
HUTTERAN BRETUREN CHURCH	76150261
W. CHESLEY	861102761
COLWOOD INVESTMENTS LTD.	851167069A
PROVINCIAL GOVERNMENT	871121972 871121973 871121974 761093353
H. LUNN	105 K 148
TOWN OF PINCHER CREEK	781104501 131 M 128 131 M 128A
M. & M. SVAB ENTERPRISES	751045254
D. BROWN	81168416
D. & A. McRAE	841030020D 841030020E
LARRY'S RADIATOR	861100461
MIKLO HOLDINGS, LTD.	891064273
K. DICKIE	811046224

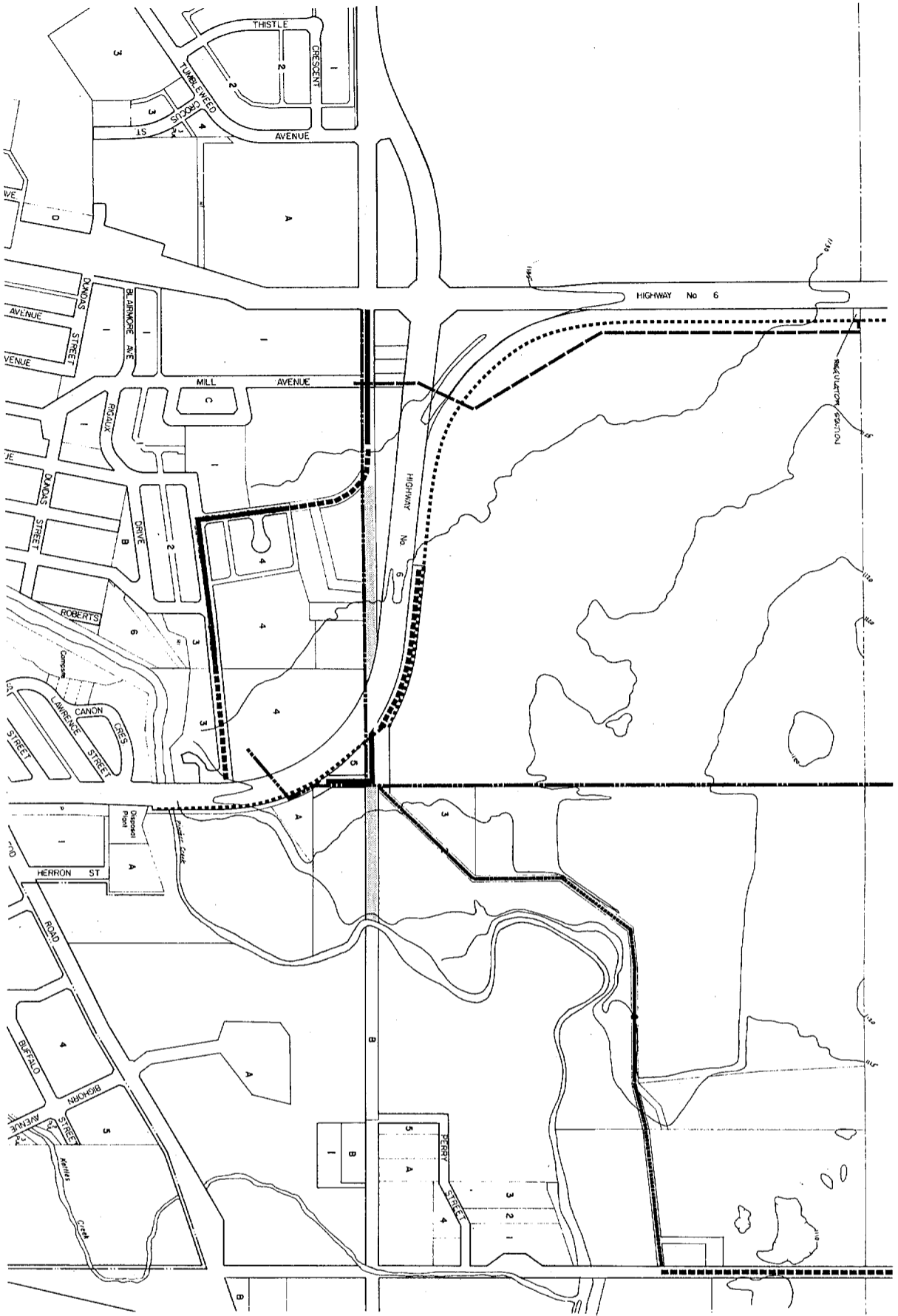
NORTHEAST PINCHER CREEK AREA STRUCTURE PLAN OWNERSHIP

MAP 3



APRIL, 1989

OLDMAN RIVER REGIONAL PLANNING COMMISSION



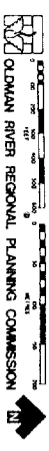
LEGEND

- DEVELOPED ROADS
- - - UNDEVELOPED ROADS
- CLOSED ROADS
- UNREGISTERED ROAD (BLOCK 2)
- TRANSALTA UTILITIES
- ICG UTILITIES
- ALBERTA GOVERNMENT TELEPHONES
- 5m CONTOURS

NOTE: CONTOURS ARE APPROXIMATE & PREDATE THE NEW HIGHWAY INTERSECTION & RECLAMATION OF THE SEWAGE LAGOONS.

**NORTHEAST PINCHER CREEK AREA STRUCTURE PLAN
EXISTING CONDITIONS**

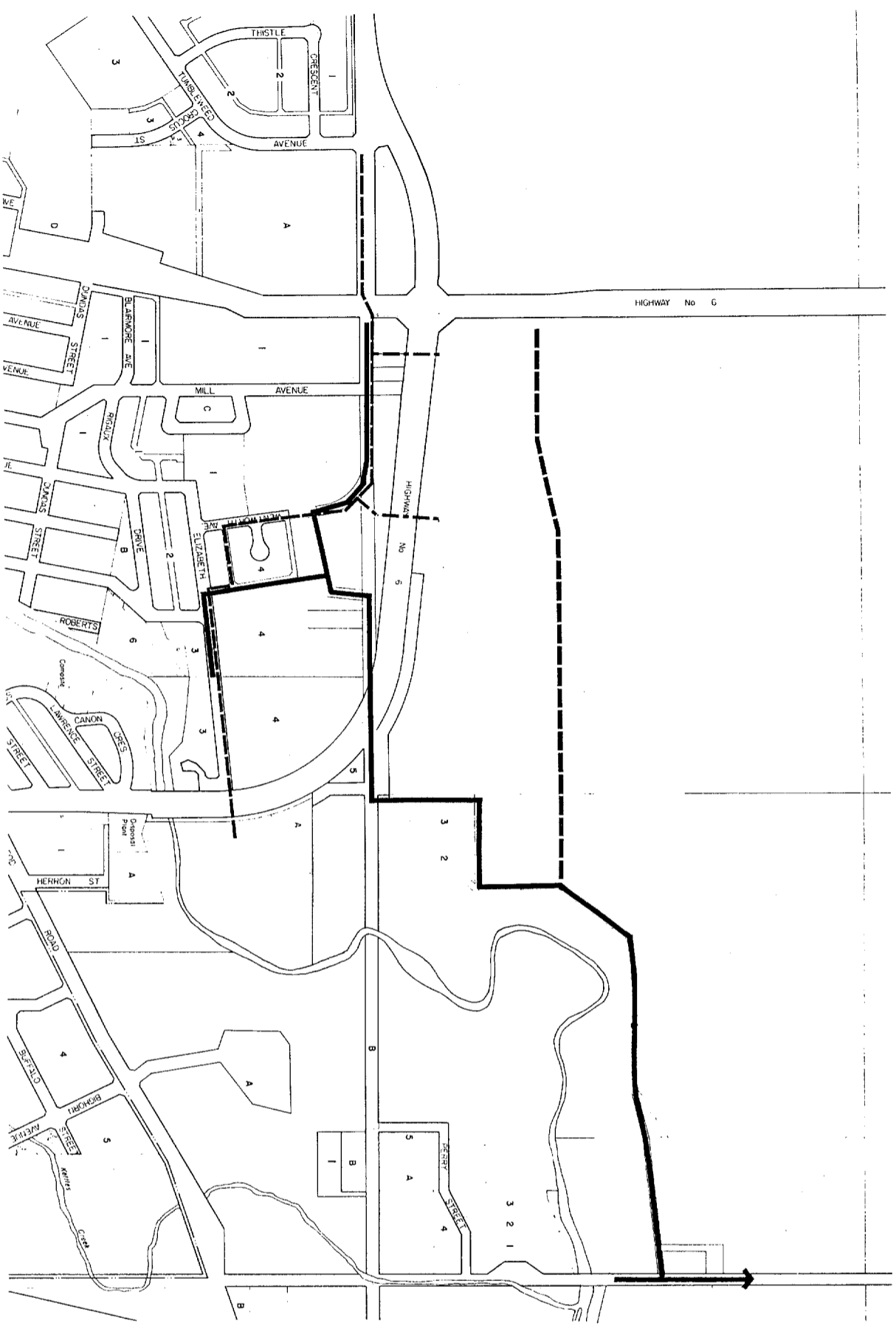
MAP 4



APRIL, 1989

LEGEND

- EXISTING WATER MAIN
- - - FUTURE WATER CONNECTION
- EXISTING SANITARY SEWER
- FUTURE TRUNK SEWER



**NORTHEAST PINCHER CREEK AREA STRUCTURE PLAN
WATER & SEWER**

MAP 5



APRIL, 1989

OLDMAN RIVER REGIONAL PLANNING COMMISSION

APPENDIX B



NORTHEAST PINCHER CREEK AREA STRUCTURE PLAN DETAILED DEVELOPMENT PLAN



- LEGEND**
- HIGHWAY COMMERCIAL
 - INDUSTRIAL
 - PARKS & OPEN SPACE
 - RESIDENTIAL
 - DIRECT CONTROL
 - ARTERIALS (HWY. 6)
 - MAJOR COLLECTORS
 - MINOR COLLECTORS
 - LOCAL STREETS
 - FUTURE MAJOR COLLECTORS
 - FUTURE LOCAL STREETS
 - TOWN BOUNDARY

NOTE : ALL AREAS ARE IN HECTARES

MAP 6

APRIL, 1989