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|               | <h2 style="text-align: center;">Municipality of Crowsnest Pass Procedures</h2>   |
| <p>Procedure Category:<br/>Worksite:<br/>Approval Date:<br/>Revision Date:<br/>Department:</p> | <p>Area Structure Plan Applications Procedure<br/>Office<br/>October 20, 2015<br/>September 27, 2023<br/>Development, Engineering and Operations</p> |

### 1.0 Definitions

**“Area Structure Plan (ASP)”** - a statutory plan pursuant to the Municipal Government Act and the Municipal Development Plan that provides information regarding land uses, public roadways, and public utilities over which the Municipality will assume direction, control and management, density and staging proposed for an undeveloped area of land in the Municipality, for the purpose of providing a framework for the subsequent subdivision and servicing of the area of land.

**“Council”** - the Council of the Municipality of Crowsnest Pass in the Province of Alberta.

**“Developer”** - a landowner or a person acting pursuant to the consent of a landowner who, in the context of this policy, makes an application to the Municipality for an area structure plan or a subsequent subdivision.

**“Development Agreement”** - a contractual agreement between the Municipality and a Developer as a condition of subdivision approval pursuant to s. 655 of the Municipal Government Act, that specifies the public roadways, public utilities, other public and franchised services, and the guarantees, securities, and associated payments to be provided by the Developer to the Municipality.

**“Geotechnical Report”** - a comprehensive site analysis and report with recommendations prepared by a Professional Engineer.

**“Multi-lot Subdivision”** - two or more contiguous parcels in a proposed plan of subdivision.

**“Land Use Bylaw”** - the bylaw that has been adopted by the Municipality for the purpose of regulating and controlling the use and development of land and buildings within the Municipality of Crowsnest Pass.

**“Municipal Development Plan (MDP)”** - a statutory plan adopted by bylaw in accordance with the Municipal Government Act.

**“Municipality”** - the municipal corporation of the Municipality of Crowsnest Pass, or the area contained within the Municipality boundaries, as the context requires.

**“Professional Engineer”** - an engineer who has been licensed to practice the profession of engineering by the Association of Professional Engineers and Geoscientists of Alberta (APEGA).

**“Subdivision”** - the division of land into separate certificates of title by a plan of subdivision pursuant to the Municipal Government Act, and "subdivide" has a corresponding meaning.

**“Responsible Department”** - the office or department that develops and administers a particular policy and procedures and is accountable for the accuracy of its subject matter, issuance and timely updating.

## **2.0 Procedure**

### **A. Process of Preparing an Area Structure Plan**

#### **2.1 Terms of Reference and Design Requirements**

Before beginning the process of preparing an Area Structure Plan (ASP), the Developer should discuss the following with the Municipality’s Development and Trades Department in conjunction with the Subdivision Authority:

- a. Outline of the Plan Area: The Plan Area must include only full parcels of land, even if only portions of a parcel are being proposed for development. The Developer must have ownership or written consent for each parcel of land within the Plan Area.
- b. Overall vision for development: The Developer is encouraged to provide a clear description of the proposed development. This can help clarify how the proposal will tie into existing development in the area and other existing plans or proposed plans in the area. This must include at least a conceptual land use framework, population density, sequencing of development, Municipal and Environmental Reserve dedication requirements, engineering standards, major public utility servicing requirements (conceptual design), the major public transportation network and intersections (conceptual design), and other relevant aspects.
- c. Draft Terms of Reference: A description of the proposed plan contents, procedures for plan preparation, and key dates. Administration will advise the Developer on what type of public consultation process is expected.

#### **2.2 Notification of ASP Process and Initial Stakeholder Consultation**

Pursuant to the requirements of the Municipal Government Act, the Developer shall notify the following stakeholders of the intent to prepare an ASP, and request any initial input that they may have:

- Plan Area and adjacent landowners,
- government agencies who may have an interest in the Plan Area or are required to be notified by legislation [i.e. Alberta Government departments responsible

for transportation, environment, public lands, and historic resources, the Alberta Energy Regulator (as may be required under legislation), and applicable federal government agencies],

- affected public utility companies,
- the licensee of an oil or gas well or an abandoned well in or adjacent to the Plan Area,
- the board of directors of an affected irrigation district,
- local and regional area school boards, and
- adjacent municipalities, Indian Bands, and Metis Settlements).

While this is a legislated requirement for a new ASP but not for an amendment to an existing ASP, the Municipality may require that an amendment to an ASP shall comply with this requirement, based on the nature of the proposed amendment.

### **2.3 Information Gathering**

The Developer is responsible for conducting research and collecting background data relevant to the proposed ASP or amendment. This includes previous planning studies, civil engineering studies, survey work, geotechnical studies, traffic impact assessments, and legislative, policy and other planning documents. The Municipality may release required data upon request however, a fee will be charged for staff time to package the information for release. A signed data sharing agreement will be required from the Developer, and portions of documents may have to be redacted to comply with FOIPP.

### **2.4 Formal Application Submission**

After completing the terms of reference, design requirements, notification / initial stakeholder consultation, and the background data collection process, the developer may make a formal application for an ASP, or an amendment, and demonstrate how input received during the initial consultation stages was incorporated into the draft ASP to the Municipality's satisfaction.

### **2.5 Application Review**

The Municipality will review the draft ASP, or amendment, and provide comments to the Developer with suggested changes. The review and comment process may have several iterations until the Municipality is satisfied with the ASP content. Once the Developer has made the required changes, the draft ASP can proceed to formal public consultation.

### **2.6 Public and Agency Consultation**

- a. The Developer shall circulate the proposed draft ASP (and when required by the Municipality, an amendment to an ASP) to the stakeholders referenced in par. 2.2, pursuant to the requirements of the Municipal Government Act (30-day period).

- b. The Developer is required to host a minimum of one public open house.
  - i. Additional open houses may be required depending on the nature of the public concerns with the draft ASP. If significant public opposition is noted at the mandatory first open house, a second open house will be required to show how the concerns are being addressed through revisions to the ASP.
- c. The Developer will be responsible for holding the open house(s) mentioned above, including all advertising and venue costs.
  - i. All adjacent landowners must be notified by direct mail at least two weeks prior to the open house. The Municipality may be able to assist in the mailing of the notification.
  - ii. An advertisement in the local newspaper must be placed at least two weeks prior to the open house.
  - iii. The Municipality will post notices of the open house(s) on its website.
- d. Open houses will not be held on statutory holidays. Open houses during the months of July and August should be avoided, if possible.
- e. The Developer must provide:
  - i. a written summary of the comments received at the open house(s);
  - ii. sign-in sheet indicating the number of attendees;
  - iii. a digital copy of any poster boards/information provided at the open house; and
  - iv. a copy of the template adjacent landowner letter and the newspaper advertisement.

## **2.7 Design Review**

Based on the feedback from the public and agency consultation, the Developer and Administration will review, provide comments for, and find consensus on revisions to the draft ASP to address the input received. The review of the draft ASP will involve consideration of several items, including:

- a. conformity to the Municipality of Crowsnest Pass higher order statutory plans, policies and bylaws;
- b. land use;
- c. compatibility with adjacent uses;
- d. transportation impacts;
- e. park and school requirements;

- f. environmental impacts;
- g. servicing requirements and costs; and
- h. public and agency feedback.

## **2.8 Further Public Consultation**

A second open house(s) may be required to provide feedback to and gather input regarding revisions from the public, adjacent landowners and other stakeholders who may be impacted by the ASP.

## **2.9 Review and Changes**

Based on the feedback from the public and area landowners, Administration will review and provide comment for revisions to the draft ASP. The Developer is required to incorporate all comments and may prepare the final draft ASP for consideration of first reading of a bylaw by the Municipal Council.

## **2.10 First Reading**

The final draft ASP is given a bylaw number and is presented to the Municipal Council, who will give first reading of the proposed ASP bylaw and will schedule a public hearing.

## **2.11 Advertisement and Public Hearing**

Following first reading of the bylaw, Council must hold a public hearing prior to second reading. The public hearing provides a formal opportunity for the public, adjacent landowners and other stakeholders to provide input directly to Council. Notice of the public hearing is given by an advertisement in the local newspaper for two weeks and by mailing/delivering the notice to owner(s) of the subject parcel and to adjacent landowners. If significant concerns about the ASP are raised at the public hearing, Council may require the Developer to make revisions to the ASP before considering second reading of the bylaw.

## **2.12 Second Reading**

If Council is satisfied that further revisions to the ASP are not required, Council may consider second reading of the proposed ASP bylaw. This step may occur on the same day as the Public Hearing or may be at a later date if Council requests additional time to consider the merits of the ASP.

## **2.13 Approval from Ministry of Alberta Transportation**

If the Plan Area is within 1.6 km (one mile) of a Provincial Highway, the proposed ASP may have to be submitted to the Alberta Ministry of Transportation for approval, prior to being given third reading, depending on the referral comments received from the Ministry earlier in the review process.

## **2.14 Third and Final Reading**

The proposed ASP bylaw is given third reading and formally adopted as a Municipal Bylaw, pursuant to the Municipal Government Act.

## **B. Contents of an Area Structure Plan**

### **2.15 Planning and Technical Overview of the Plan Area**

The ASP text should provide an assessment of the physiography, developability and serviceability of the Plan Area in the context of the proposed development by qualified professionals. If applicable, special studies and reports that were deemed necessary to make such an assessment may be attached as an appendix to the ASP.

Planning and servicing design at the ASP stage is typically conceptual and does not require detailed design. Unless it is deemed necessary by the qualified professionals, or required by the Municipality in a specific context, it is not required that an ASP involve the preparation of detailed studies that are typically completed as part of a subdivision application or a development permit application. The following reference of the types of studies that may be relevant, will provide some context of when special studies may be required:

- a. Environmental Site Assessment (ESA): A Phase I ESA is a tool to identify sources of environmental contamination, the presence of infrastructure and other relevant information within or adjacent to the Plan Area. It is in the Developer's best interest to complete such an assessment early in the process however, this is a voluntary document for the ASP stage unless the Municipality is aware of such sources, in which case the ASP shall include a Phase 1 ESA report. Otherwise, the Developer should prepare such a study at the subdivision or development permit stage. Depending on the findings and recommendations of a Phase I ESA, subsequent Phase II and Phase III ESAs may be required.
- b. Geotechnical Assessment, Soil Percolation Testing and Groundwater Quantity and Quality Analysis: Reports by qualified professionals to confirm the feasibility of servicing the Plan Area with on-site household groundwater wells and Private Sewage Disposal Systems (PSDS) and to determine foundation requirements are typically required for a Plan Area located outside of the Municipality's serviced urban area, and at the subdivision or development permit stages. The ASP must include a policy that addresses the requirement for such studies at the subdivision or development permit stage, as follows:
  - i. A Groundwater report analysing water tables and aquifers in terms of quantity and quality of groundwater for household wells if the proposed subdivision cannot be serviced with Municipal infrastructure.

- ii. Percolation testing to identify high water tables that could restrict development or require specialized construction design and practices. This report will also assess the suitability of the Plan Area for specific types of PSDS if the proposed subdivision cannot be serviced with Municipal infrastructure.
  - iii. An assessment of slope stability and subsurface conditions for foundations in the Plan Area, and recommendations to ensure suitable building sites.
  - iv. An assessment of stormwater management strategies and erosion control requirements.
- c. Wastewater Management: When the Plan Area is located within the Municipality's serviced urban area, the ASP must include information on Municipal infrastructure capacity and a conceptual design to collect and move wastewater from the Plan Area to the Municipal wastewater treatment plant. When the Plan Area is located outside of the serviced urban area, the ASP must include a policy that requires, at the subdivision stage, an assessment of the Plan Area or of each parcel in a plan of subdivision for the suitable method(s) of wastewater management by PSDS or, when applicable, as may be approved by Alberta Environment, for disposal and treatment within the Plan Area. For this purpose, the assessment shall apply "*The Model Process for Subdivision Approval and Private Sewage – the Suitability and Viability of Subdivisions Relying on Private Sewage Systems*" (prepared by The Alberta Association of Municipal Districts & Counties in Partnership with Alberta Municipal Affairs, February 1, 2011).
- d. Stormwater Management: Regardless of its location within or outside the serviced urban area, the ASP must include a conceptual design for the management of stormwater runoff and erosion control. The conceptual stormwater design will be refined into a detailed design at the subdivision or development permit stage.
- e. Potable and Fire Protection Water Supply: When the ASP Plan Area is located within the Municipality's serviced urban area or within proximity to it such that Municipal water servicing of the Plan Area is feasible, the ASP must include information on Municipal infrastructure capacity and a conceptual design to move sufficient water into the Plan Area to service it. When the Plan Area is located outside of the serviced urban area such that Municipal water servicing is not feasible, the ASP must include a description of the proposed potable water supply, whether by individual or communal household groundwater wells, or cisterns. If potable water is proposed to be provided by individual or communal groundwater wells, and the ASP proposes a subdivision that will result in six or more parcels per quarter section (including

existing subdivisions), the ASP must include a policy that requires, at the subdivision stage, the preparation of a report pursuant to Section 23 of the Water Act and to the Municipality's satisfaction.

The ASP shall include a policy relative to water requirements for fire protection [see section i].

- f. Transportation: The ASP shall provide a conceptual design of major transportation routes and intersections, and shall include a policy that requires the detailed assessment of the traffic impact of the proposed subdivision or development by a qualified transportation engineer, at the subdivision or development permit stage. If the proposal is within 1.6 km (one mile) of a provincial highway, the ASP will be reviewed by Alberta Transportation, who may require additional information (along with a Traffic Impact Assessment), road or intersection upgrades, etc.

In addition to building an internal road system, the Developer may be required to upgrade roads leading to the development at no cost to the Municipality or provide a contribution toward future upgrades. The ASP must include information and policies to address these requirements in a conceptual manner.

Unless the proposed subdivision or development is intended to be a condominium property, road design must meet the specifications in the Engineering and Development Standards and accommodate stormwater runoff and provide for erosion control [see section d], emergency vehicles, household waste removal vehicles and school buses to the Municipality's satisfaction.

- g. Biophysical Assessment: The ASP must include any known information and relevant policies to ensure that the biophysical aspects of the Plan Area are assessed, protected or preserved when subdivision or development occurs. At the subdivision or development permit stage, the Municipality may require that a qualified professional produce a Biophysical Assessment when the Plan Area and/or surrounding area is known to be environmentally sensitive, in terms of the cumulative effect of impacts on or as a result of wildlife habitat and movement corridors, potential contamination from previous or adjacent land uses, or potential effects on nearby lands (within one kilometre of the subject lands), proposed land uses, water bodies or groundwater tables that are expected as a result of the proposed subdivision or development.
- h. Environmental and Municipal Reserves: The ASP shall provide policies that require at the subdivision stage that Environmental Reserve shall be dedicated to the Municipality in any portion of the Plan Area where land is of an environmentally sensitive nature, adjacent to a water course or water body, or undevelopable (e.g. due to steep slopes or unstable ground

conditions), and that Municipal Reserve shall be dedicated to the Municipality in the amount of 10% of the total Plan Area excluding the area dedicated as Environmental Reserve. Cash-in-lieu of Municipal Reserve may be considered at the discretion of the Municipality. At the time of subdivision, the Developer shall conduct a land value assessment in order to calculate the cash-in-lieu contribution for approval by the Subdivision Authority.

The Municipal Government Act contains several options for providing environmental and conservation reserves and easement.

- i. Wildland-urban interface: if the Plan Area cannot be connected to Municipal water infrastructure for fire protection, the ASP shall include a policy relative to provisions for fire protection and suppression, including the absence thereof when such is the case. When the Plan Area is within a distance from an existing Municipal fire hydrant that is acceptable to the Fire Chief, the preference is that fire protection shall occur by way of shuttle tank instead of other methods (e.g. a dry hydrant(s) tied into a natural or man-made water source, or buried water cisterns).

The ASP shall provide details of measures to mitigate the impact of the proposed subdivision on wildlife habitats and movement corridors. The Miistakis Institute has developed a web-based “Connectivity Risk Assessment Tool” to help determine how a proposed development might impact the ecological corridors in Crowsnest Pass.

- j. Community identification name, street names and civic addressing: the ASP may address details of the proposed community name, signage, and street names and if not, this information shall be provided at the subdivision stage.
- k. Fencing: the ASP may address details of the location and type of fencing proposed for the Plan Area.
- l. Existing and Proposed Land Uses and Population Density: In reference to the proposed land use concept map which will be included as part of the document, the ASP shall include a section detailing the existing and proposed land uses in the Plan Area and adjacent lands, and outlining any conflicts that may arise as a result of the proposed subdivision, and providing measures to mitigate these conflicts. The ASP shall provide the number of proposed parcels or condominium units in the Plan Area, the types of dwelling unit to be developed, the proposed land use districts, approximate parcel sizes, and an estimate of the population density that is expected in the Plan Area.
- m. Historic Resource Impact Assessment: In accordance with the Alberta Historical Resources Act, the Minister may require that any proposed activity likely to threaten the integrity of a historic resource shall be preceded by a Historic Resources Impact Assessment (HRIA).

The ASP shall include an overview of known historical resource values in the Plan Area and shall include policies that require the Developer to conduct the HRIA as part of the subdivision or development permit stage, or provide a letter of clearance from the Ministry.

- n. Phasing: The ASP shall provide a tentative phasing schedule for the subdivision of the Plan Area.

## **2.16 Maps**

Area Structure Plan maps shall be professionally designed and shall contain, at a minimum, the following components:

- legend,
- scale,
- title,
- legal lot line boundaries, and
- Municipal boundaries (if applicable).

Maps shall be created in a digital format that can be imported into the Municipality's GIS system (e.g. shapefile, AutoCAD).

The ASP proposal must consist of a number of maps, including the following:

- a. Natural Areas: A map of the physiographic features of the Plan Area and, where applicable, surrounding lands. This map shall identify topographical features, including natural drainage, steep slopes, near surface water tables, and sensitive natural areas, and shall include an orthographic aerial photo overlay.
- b. Existing Land Use: This map shall identify existing land uses within and adjacent to the Plan Area, e.g. confined feeding operations, sour gas installations, electric transmission corridors, abandoned wells, oil and gas facilities, country residential development, urban development, provincial parks and recreational areas, and any other existing land uses which may affect the Plan Area or be affected by the proposed ASP.
- c. Boundaries of Adjacent Municipalities: The Plan shall identify the location of the adjacent Municipalities, which may require specific design considerations and referral to those Municipalities pursuant to current Intermunicipal Development Plans.
- d. Transportation and Servicing Concepts: These maps shall identify existing and proposed roads conceptually and shall provide conceptual designs for water and wastewater servicing and stormwater management.
- e. Municipal and Environmental Reserves: Proposed Municipal and Environmental Reserve dedication shall be identified on a map and the approximate area calculations shall be provided.

- f. Land Use Concept: The ASP shall contain a land use concept with the level of detail at the block scale. It is not necessary to provide the level of detail at the individual lot scale, which would be required for a tentative plan of subdivision. The plan shall include the proposed density in the Plan Area and an approximation of lot sizes (if that level of detail is known).
- g. Subdivision or Development Phasing: The land use concept shall include any proposed phasing of subdivision or development and a timeline of the completion of the project.

### **2.17 Additional Information**

- a. Further Studies or Detailed Investigation: The review of the above noted aspects of the ASP by the Municipality may indicate that further, more detailed or additional assessments or evaluations are required, as well as possible mitigation measures. Any additional studies shall be completed by the Developer at no cost to the Municipality.
- b. Documents Submitted: In addition to paper copy submissions (the number of copies will be provided by the Municipality), the Developer is required to submit digital documents.
- c. Council's Option to Waive: The requirement for an ASP or any of the requirements of this Procedure may be waived by resolution of Council when, in the sole discretion of Council, no purpose would be served by preparing an Area Structure Plan or by completing any specific requirement stated in this Procedure.
- d. Associated Costs: There are several costs involved in the preparation of an ASP and subsequent subdivision or development permit application. While this list is not exhaustive, the following items are generally the major costs associated with the ASP and subdivision or development permit process.
  - i. Professional Fees (planner, engineer, environmental expert, surveyor, lawyer). The Municipality has experienced that it is in the best interest of a Developer to involve professionals from the start of the process.
  - ii. Application Fees.
  - iii. Costs associated with holding an open house and public hearing.
  - iv. Development Agreement and Security Deposit for Municipal Improvements and Third-Party Infrastructure (at the subdivision stage or development permit stage).
- e. Additional Contacts: The preparation of an ASP may require contact with outside agencies. If the plan is being prepared by a professional planner,

engineer, or surveyor, they will likely have all the required information. If not, the following agencies may need to be contacted:

- i. Alberta Environment
- ii. Alberta Transportation
- iii. Alberta Municipal Affairs (Safety Codes)
- iv. Alberta Health & Wellness

### 3.0 Approval

Department Manager: Johan van der Bank Date: September 27, 2023  
(print name)



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(signature)

### 4.0 End