

## Public Questions and Concerns raised about the proposed Area Structure Plan/Bylaw 1621-17.

The Town of Pincher Creek Council and Administration would like to address and clarify concerns and questions that were raised at the Public Hearing on August 14, 2017.

**Town Support for Area Structure Plan proposal** – The Town is required to receive a proposal provided by any local land owner and exercise due diligence to follow it through to ensure that it meets the requirements of the Municipal Government Act, and to ensure that the interests of both the applicant/landowner and the area and Town's residents are considered and addressed in a fair and transparent process. That being said, the MGA and FOIP regulations allow and direct when certain items come to Council that should be discussed as in camera, being confidential information. Land issues, particularly privately held are always discussed in camera. However any related resolutions (motions) of Council must be made in the public portion of the meeting, following the in camera discussion.

The proposed Area Structure Plan has considered the Town's Municipal Development Plan, Bylaw # 1518-13 as shown on page 4, planning context; including community growth in accordance with MDP policies 4.1, 4.2, 4.3, 4.5, etc. In addition, the proposed ASP is a continuation of the Bylaw 1313, area structure plan, no. 1 (area west of Hewetson Ave.); under staging of development, Stage D encompasses the direction for a future Area Structure Plan, on land known as Hillcrest Meadows.

To this end, administration met with the applicant's agent to review the proposal and made several recommendations regarding local concerns. Council had a presentation explaining the geotechnical studies on the property related to hillside stability, and the Town engaged another independent geotechnical engineer for a review and opinion. Both opinions were also related to the proposed water management plan. In the end both experts supported the proposed water management plan as an enhancement to the area surface and underground water management and to the future land development as long as the required setbacks were adhered to.

This is not a Town plan, but a Developer's Area Structure Plan which provides for a systematic process of subdivision and development, including phasing of development, proposed land use, density of population and the infrastructure and transportation routes.

**Cost of Area Structure Plan, Subdivision and Future Development** – is completely at the cost of the applicant/developer. Future maintenance of streets and infrastructure falls to the Town after a warranty period (usually two years). The maintenance of the dry pond would eventually fall to the Town, similar to the park in the Castleview area. However the original pond and drainage proposal was amended to allow for the pond development to drain by way of the natural grade north and easterly into the Town's stormwater management system, with no

additional costs for lift station pumping. The development of the proposed park would also be at the cost of the developer.

**Necessity of Proposed Development** – a landowner/applicant has every right to determine if and when he or she may wish to develop their own property. A question was raised by many people present as to the timing and necessity of more housing relative to the empty lots in the North Hill Castleview Development. If a landowner determines they have something to provide to the community, the market place will determine the need. This is not the Town's decision to make.

The Town's Housing plans do not include what may or may not happen on private property. Housing Committee minutes are available upon request.

The original geotechnical land report is the property of the landowner, and not the Town's to share. However, the report provided by the Town's independent geotechnical engineer is available upon request, and subject to third party authorization.

**Pecuniary Interests** – an excerpt from the MGA, S. 170 was presented as to what constitutes a Pecuniary Interest, however had the presentation gone a little further to S. 172 the process of disclosing a pecuniary interest and how to avoid a conflict is explained in full detail. Review of any Council minutes, will show that the process in S. 172 has been followed diligently.

**When the Mayor May Vote** – As per S.154(1) MGA – A chief elected official, in addition to performing the duties of a council, must .... followed by S.183(1) – A councilor attending a council meeting must vote on a matter put to a vote at the meeting, unless the councilor is required or permitted to abstain from voting under this or any other enactment.

**Three potential concerns raised by Town and local residents** – Multi family residential zone – removed from application and would revert to single family residential zoning; proposed road connection on west side of development to Foxborough Lane – removed from plan, and any reference to the Environment Reserve would be amended to read Environmental Reserve Easement, which would ensure ownership and liability remains with property owner and not the Town.

**Other proposals for housing development** – other locations for a housing development were proposed at the public hearing – both the land east of the hospital and south of Broadview St. are privately owned, and again at the discretion of the property owner to determine if and when they may wish to develop the land and for what use.

**Would the proposed development setback of 30 m. be maintained by the Town** – the Town development personnel are very aware of the sensitive nature of development in this location, and would strictly adhere to the recommended setbacks.

**Is the development needed** – the development of privately owned property is at the discretion of the property owner.

**Provincial policies, Land Use and Town procedural bylaw** – all provincial and local policies and bylaws were adhered to including adjacent and public notification and land use. All related issues were also reviewed by the Town’s legal counsel, and ORRSC (Oldman River Regional Services Commission) to ensure that all legal requirements and planning due diligence were met. There is no requirement under provincial regulations to consult with local jurisdictions that are not adjacent to the property proposed for future development. The land in question is zoned residential and is not “fragmented agricultural land”.

**Development style restrictions** - architectural controls were proposed as part of the Area Structure Plan, and would have been included in a future development agreement. Neighborhood views are not regulated in the MGA but may have been considered by the applicant. In addition there are no regulations regarding endangered species, wildlife habitat or light pollution for this urban parcel size.

**Emergency Services access and traffic congestion** – a Calgary density study was consulted by the Town’s planner relative to subdivision access requirements. It was determined that a future second access to the area be provided when density levels reach between 101 and 600. The combined anticipated full buildout would provide approximately 300 housing units. The second access has been planned and regulated, and will be constructed as development in the North Hill subdivision proceeds.

The Town’s water and wastewater systems are built to handle a population and associated development between 11,000 and 13,000 residents. Additional homes and businesses within the community bring extra costs in maintenance and upkeep, but they also provide for a more vibrant and diverse community with an enhanced tax base. Well planned growth and choice is usually considered to be beneficial to a community and the economic diversity.

For additional information, please contact the Town Office and or Town Council members.

We have nothing to hide and are committed to the welfare of Pincher Creek.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Don Anderberg', written over the word 'Sincerely,'.

Mayor Don Anderberg, and Pincher Creek Town Council