The meeting of the Municipal Planning Commission was called to order by Chairperson Kreil at 11:19 a.m. on October 26, 2017 in the Council Chambers of the Lacombe County Administrative Office.

Present: Chairperson Dana Kreil; Commission Members Paula Law, Brenda Knight, Barb Shepherd, Keith Stephenson, Ken Wigmore and John Ireland; Manager of Corporate Services Tim Timmons; Manager of Planning Services Dale Freitag; Planner/Development Officer Cajun Paradis; Planner/Development Officer Peter Duke and Recording Secretary Allison Noonan.

Fred Belt was also present.

MPC 63/17
Agenda

Moved by Mr. Ireland that the agenda be approved as presented.

Carried Unanimously.

MPC 64/17
Minutes

Moved by Mr. Stephenson that the minutes of the October 12, 2017 Municipal Planning Commission meeting be approved.

Carried Unanimously.

MPC 65/17
DPA 160/17
Midnight Sun Farms
SE 28-39-01-W5M

Development Permit Application No. 160/17 submitted by Midnight Sun Farms Ltd. for permission to operate an existing riding and boarding stable known as Midnight Sun Farms Ltd. and a major home based business known as Alberta Veterinary Centre on SE 28-39-01-W5M, north of Sylvan Lake on Highway 20. This property is zoned Agricultural “A” under the County’s Land Use Bylaw.

Cajun Paradis addressed the Commission and confirmed that this business has been operating since 2006 without a development permit. Ms. Paradis reported that activities on site include horse pasturing, horse raising, horse boarding and artificial insemination. Ms. Paradis explained that the Alberta Veterinary Centre has a main office in Red Deer, but uses this site as a reproduction facility including artificial insemination, embryo transfer and semen cryopreservation.

Ms. Paradis explained that the business includes the use of existing buildings and parking spaces on site. The facility includes a main barn, indoor riding arena, hay shed and horse shelters. Ms. Paradis also advised that there is an existing sign at the driveway entrance indicating the site is the Alberta Veterinary Centre Reproduction Facility. Furthermore, Ms. Paradis explained that the business has two resident and one non-resident employees and traffic generated is expected to be an average of eight vehicles and one horse trailer a day. As well, at peak times, there may be up to three horse trailers per day and on exceptional days, there may be an additional four hay trucks. Ms. Paradis confirmed that there is a gated entrance and there is no admittance prior to 9:00 a.m. or after 9:00 pm.

Ms. Paradis confirmed that the application was pre-circulated to Alberta Transportation who first advised that the applicant would be required to obtain a Roadside Development Permit from their office. Ms. Paradis advised that upon receipt of the Roadside Development Permit from the applicant, further comments were provided. Ms. Paradis explained that Alberta Transportation advised that due to the volume of traffic generated, the highway access would likely require an upgrade from a Type I intersection to a Type II intersection. Furthermore, Ms. Paradis advised that Alberta Transportation requested that the County consider incorporating relevant approval conditions with respect to their requirements for intersection upgrades and the need for a Traffic Impact Assessment.

Discussion was held regarding jurisdiction and the requirement for the County to enforce provincial standards for intersections and the requirement of a Traffic Impact Assessment. In conclusion, Ms. Paradis advised that the proposed business is an agricultural operation in nature, which is compatible with surrounding land uses and will generate minimal traffic; therefore, staff believe the facility to be a suitable use of the lands.

Ms. Paradis recommended approval of the application with conditions.

Moved by Mr. Stephenson that the Municipal Planning Commission approve Development Permit Application No. 160/17 submitted by Midnight Sun Farms Ltd. for permission to operate an existing riding and boarding stable known as Midnight Sun Farms Ltd. and a major home based business known as Alberta Veterinary Centre on SE 28-39-01-W5M, north of Sylvan Lake on Highway 20, subject to the following conditions:
1. term of Development Permit to be for three (3) years
2. no persons other than one resident of the property and two non-
residents to work on-site at the business
3. this approval shall be subject to an annual review by the Development
Officer. Failure to comply to the conditions of the Development Permit
may result in the permit being suspended or revoked
4. business activities at the site shall adhere to the description of the
business and site plan provided with the Development Permit
Application. A further Development Permit Application is required for any
changes to the business, including any new buildings or additions to
existing structures
5. business to be operated at all times in a manner that does not cause
nuisance for surrounding residents due to noise, excessive traffic, or
anything else of dangerous or objectionable nature as determined by and
at the sole discretion of Lacombe County
6. site is to be kept at all times in a neat and tidy condition
7. a habitable residence to be maintained for as long as the major home
based business operates at the site
8. no changes to the sign or location of the same, with what has been
outlined in the development application unless prior approval has been
obtained from Lacombe County
9. sign to be maintained in proper state of repair
10. if not kept in acceptable condition, sign must be removed or repaired by
applicant within seven (7) days of receiving notice of deficiency.
Otherwise sign will be removed by county at applicant's expense

It is important to note that since the property is located within ½ mile of
Highway 20, approval is also required from Alberta Transportation pursuant
to the Alberta Public Highways Development Act and the Highway
Department Control Regulations. For more information, please contact the
Department at (403) 340-5166.

Carried Unanimously.

MPC 66/17
DPA 138/17
Julie Hemmingson
7621861;9 (Milton)

Development Permit Application No. 138/17 submitted by Julie Hemmingson
for permission to construct a 2,240 ft² tarp structure on property legally described as
Lot 9 Plan 762 1861, Pt. SE 15-41-26-W4M, located in the Milton Area north of
Lacombe. This property is zoned Country Residential “R-CR” under the County’s
Land Use Bylaw.

Peter Duke confirmed that tarp/canvas covered buildings are prohibited in
all residential districts with the exception of Country Residential “R-CR” where they
may be considered if it is specifically designed and approved by a professional
engineer. Mr. Duke advised that the County has not received confirmation from
Ms. Hemmingson that the structure has been engineered; however, BIE
Engineering did submit a letter to the County indicating that they have been
contracted to perform the work.

Mr. Duke confirmed that if the structure were to be damaged by weather
elements, the County can take enforcement procedures to ensure the structure
does not create an unsightly nuisance to neighbors. Mr. Freitag confirmed to the
Commission that it is in their jurisdiction to impose a condition that the structure has
to be maintained in a proper state of repair.

Mr. Duke recommended approval of the application with conditions.

Moved by Mrs. Law that the Municipal Planning Commission approve
Development Permit Application No. 138/17 submitted by Julie Hemmingson
for permission to construct a 2,240 ft² tarp structure on property legally
described as Lot 9 Plan 762 1861, Pt. SE 15-41-26-W4M, located in the Milton
Area north of Lacombe, subject to the following conditions, as amended:
1. prior to the issuance of a development permit the applicant shall submit
proof that the structure has been designed and approved by a
professional engineer;
2. the proposed tarp structure shall be located in accordance with the site
plan submitted with the development permit application;
3. the covering of the tarp structure to be maintained in property state of
repair, if not kept in acceptable condition, it shall be replaced or repaired by
the applicant in a timely manner; and
4. no further additions or buildings are permitted without prior approval from
the County.

It is the responsibility of the applicant(s) to ensure that the proposed
development meets the requirements of the Safety Codes Act and the
associated Regulations. For more information on what permits may be required, contact one of the safety service agencies listed on the attached sheet.

Carried Unanimously.

Development Permit Application No. 155/17 submitted by Procor Limited for permission to construct Phase II of their rail car maintenance facility on Lot 2 Block 1 Plan 992 4793, Pt. SW 09-39-25-W4M, west of Joffre. This property is zoned Heavy Industrial “I-HI” under the County’s Land Use Bylaw.

Mr. Duke confirmed that Procor Limited recently received rezoning approval from Lacombe County in order to proceed with Phase II of the planned rail yard expansion. Mr. Duke advised that Phase II includes additional rail lines, a new 34 to 36 stall parking lot and the relocation of a flare stack. Mr. Duke explained that the business conducts light mechanical repairs for tank and freight cars, as well as washing and minor interior coating repairs. Mr. Duke advised that the additional rail lines will allow for a greater number of rail cars to be washed and serviced. This increase will be approximately 2 – 3%.

Mr. Duke advised that the County’s Operations Department has no issues with the expansion and Alberta Transportation indicated they have no concerns; however, advised that further development may require that additional studies be completed in the future.

Mr. Duke confirmed that this development represents an expansion to an established rail yard in an area that is identified for industrial development. Mr. Duke confirmed that there have not been any recorded complaints since the flare stack was permitted in 1993; however, due to the increase in rail traffic/storage, there may be an increase in the sound generated from the site. Mr. Duke confirmed that the application is required, under DPA 62/17, to develop and implement a rail yard noise abatement program to ensure that the sound levels remain at current levels.

Mr. Duke confirmed that this development represents an expansion to an established rail yard in an area that is identified for industrial development. Mr. Duke confirmed that there have not been any recorded complaints since the flare stack was permitted in 1993; however, due to the increase in rail traffic/storage, there may be an increase in the sound generated from the site. Mr. Duke confirmed that the application is required, under DPA 62/17, to develop and implement a rail yard noise abatement program to ensure that the sound levels remain at current levels.

Mr. Duke recommended approval of the application with conditions.

Moved by Mrs. Shepherd that the Municipal Planning Commission approve Development Permit Application No. 155/17 submitted by Procor Limited for permission to construct Phase II of their rail car maintenance facility on Lot 2 Block 1 Plan 992 4793, Pt. SW 09-39-25-W4M, west of Joffre, subject to the following conditions:
1. applicant to provide confirmation from a qualified professional that the Mitigation and Monitoring Recommendations outlined in the Biophysical Assessment report undertaken by Millennium EMS Solutions Ltd. dated April 25, 2017 have been complied with;
2. applicant shall develop and implement a Rail Yard Noise Abatement Program which shall be reviewed by the County. This program will include noise data monitoring and evaluation and implementation of reasonable noise mitigation options;
3. proposed development to be constructed and located in accordance with the site plan submitted with the development permit application;
4. activities at the site shall adhere to the description of the business provided with the development application. A further application is required for any changes to the operation, including new buildings, additions to existing structures or additional employees;
5. the applicant shall ensure that the business does not cause any nuisance to surrounding property owners due to noise, dust or excessive traffic, or anything else of a dangerous or objectionable nature, as determined by the County at its sole discretion.

Carried Unanimously.

Development Permit Application No. 140/17 submitted by Fred Belt for permission to operate an agricultural service business on Pt. NE 15-40-27-W4M, south of Lacombe on property owned by 1144756 Alberta Ltd. This property is zoned Agricultural “A” under the County’s Land Use Bylaw.

Mr. Duke advised the Commission that the proposed business offers dugout reclamation and expansions, access road construction, drainage ditch construction, and tree and land clearing. Mr. Duke confirmed that the proposed use for the site is primarily for storage of equipment which includes excavators, crawlers, tractor trailers, a gravel truck, a skid steer, a grader, sea cans, and a farm tractor. Mr. Duke explained that the proposed storage yard is approximately 0.86
hectares (2.1 acres) and is gated and surrounded by mature trees. Mr. Duke explained that there are no on-site employees other than those travelling to the site to pick up equipment as all work is done off site. Mr. Duke advised that traffic generated from the site is expected to include daily passenger vehicles and tractor trailers 2 to 3 times a week and the hours of operation are proposed to be between 8:00 a.m. to 5:00 p.m.

Mr. Duke confirmed that in 2014 the applicant had applied for a contractor business which included the construction of a 14,000 ft² shop and a 74,000 ft² fabrication and storage shop; however, this application was refused by the Municipal Planning Commission at the time due to its non-conformance with the Highway 2A Urban Corridor Area Structure Plan as well as criteria regarding minor business or trades listed in the County’s Land Use Bylaw. Mr. Duke further confirmed that this property has been subject to enforcement action since July, 2017 and a stop order remains on title for the unauthorized storage of equipment.

Mr. Duke explained that Policy ECON 5.4.4 of the County’s Municipal Development Plan requires that a residence must be constructed before a business is approved in the Agricultural “A” District. Mr. Duke advised that a development permit was issued for a single detached dwelling with attached garage on DPA 23/14; however, no construction of this residence has started to date.

Mr. Duke confirmed that the applicant has identified the business as an “Agricultural Service Facility”, as he considers the work that the business conducts to be “agriculturally oriented services to the rural community”. Mr. Duke explained that road construction and excavation work are not “agriculturally oriented services” as they are components of the construction industry, regardless of whom the services are rendered to. Mr. Duke further advised that industrial services are specifically prohibited within the definition of an Agricultural Services Facility and the typical uses indicated within the definition (retailing, servicing and/or repairing of agricultural implements and goods such as but not limited to farm machinery dealers, grain elevators and fertilizer sales) do not fit with what the applicant is proposing. Therefore, the description of the business does not comply with the definition of an Agricultural Service Facility.

Mr. Duke confirmed that the application was pre-circulated to the City of Lacombe, CP Rail, Alberta Environment and Parks, Alberta Transportation and the County’s Operations Department. The City of Lacombe commented that they have no objection to the proposed development. The County’s Operations Department commented that the residential approach will require upgrading to an industrial standard, including paving; furthermore, the applicant would require to pay their share of the road improvements for Range Road 27-1 and that sightline issues may exist for trucks leaving the site due to the treed nature of the site and finally, current drainage patterns into Whelp Creek cannot be altered.

Mr. Duke recommended refusal of the application as the proposed business does not meet the definition of “Agricultural Service Facility” as defined in the County’s Land Use Bylaw.

Fred Belt addressed the Commission requesting permission to utilize the property for outdoor storage only for equipment for his business with no residence on the property. Mr. Belt argued that the site is not suitable for a residence due to the flare stack that exists on the neighboring property owned by Tru-Kare. Furthermore, Mr. Belt explained that he has spent months cleaning up the property to make it more acceptable to the County and does not believe he should be required to upgrade the access since he is proposing outdoor storage only and will not be utilizing the property when the ground is dry.

Mr. Belt confirmed that the equipment that is stored on the property is owned by his company and further confirmed that the equipment is stored behind the existing trees on the property to screen them from the road. Mr. Belt also confirmed that he is not aware of any investigation that Alberta Environment and Parks is conducting regarding potential contamination on this property.

Discussion was held regarding possible rezoning of this property and options available should the property be rezoned. Mr. Freitag advised that this property is identified for Highway Commercial “H-C” or Recreation “P-R” under the Highway 2A Urban Corridor Area Structure Plan. Furthermore, Mr. Freitag confirmed that should an approval be granted, there are a number of conditions that the Development Authority would recommend, including the requirement that the Applicant pay his portion of the Range Road 27-1/Range Road 27-2 road improvement costs which would be $11,354.27 and providing security in the amount of $10,000 to ensure the approach be upgraded to County standards.
Mr. Belt confirmed that he is seeking temporary approval for a period of one year with an option to renew, to operate his business on this property without constructing a residence, upgrading the access, installing additional landscaping or paying the road improvement costs. Mr. Freitag explained to the Commission that all permits are temporary and the road improvement costs are a requirement for any business that chooses to operate in this plan area.

Moved by Mr. Wigmore that the Municipal Planning Commission approve Development Permit Application No. 140/17 submitted by Fred Belt for permission to operate an agricultural service business on Pt. NE 15-40-27-W4M, south of Lacombe on property owned by 1144756 Alberta Ltd for a period of three years with no conditions imposed.

Motion Lost.

Next Meetings

The next meetings are scheduled for November 8, 2017 and November 23, 2017.

MPC 69/17 Adjoin

Moved by Mr. Wigmore that the meeting adjourn.
Time: 12:41 p.m.

Carried Unanimously.

Chairperson

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Secretary