

The meeting of the Municipal Planning Commission was called to order by Chairperson Kreil at 11:18 a.m. on July 11, 2019 in the Council Chambers of the Lacombe County Administrative Office.

Present

Present: Chairperson Dana Kreil; Commission Members Brenda Knight, Paula Law, Barb Shepherd, Ken Wigmore, Keith Stephenson and John Ireland; County Manager Tim Timmons; Director of Operations Bill Cade; Director of Planning Services Dale Freitag; Planner/Development Officer Peter Duke, Jr. Planner/Development Officer Florian Goetz and Recording Secretary Allison Noonan.

J.C. Gray and Dale Gray were also present.

**MPC 42/19
Agenda**

Moved by Mrs. Law that the agenda be approved as presented.

Carried Unanimously.

**MPC 43/19
Minutes**

Moved by Mr. Stephenson that the minutes of the June 13, 2019 Municipal Planning Commission meeting be approved.

Carried Unanimously.

Development Permit Application No. 22/19 submitted by J.C. Gray for permission to operate an excavation business, known as Grayson Excavating, on Pt. SE 21-39-26-W4M, east of Blackfalds. This property is zoned Agricultural "A" District under the County's Land Use Bylaw.

Mr. Duke addressed the Commission and advised that the proposed business will employ two resident and four non-resident, full time on-site staff; as well as 15 to 25 off-site staff. Mr. Duke advised that all staff attend the site once a month for staff meetings and the hours of operation proposed are 7:00 a.m. to 5:00 p.m., Monday to Friday. The business expects to generate five to ten vehicle trips per day.

Mr. Duke advised that the business provides earthmoving, underground piping, repairs and gravel preparation, all of which takes place off site. The work is seasonal in nature and layoffs occur for the winter months. During this time one to two employees will conduct repairs and maintenance to the equipment on site. Furthermore, Mr. Duke explained that approximately three acres of the site is proposed to be utilized for the business, which includes outdoor storage of equipment and materials. The equipment includes excavators, bulldozers, wheel loaders, compaction equipment, and transport trucks and trailers. The applicant is also proposing to house storage for aggregate in cement block bins, as well as two sea cans for additional storage. A 10 ft. x 60 ft. skid shack office trailer for the office staff is also part of the proposal.

Mr. Duke confirmed that there are three pipelines that run through the proposed storage yard, as well as a Fortis 3 phase overhead power line that runs parallel to Township Road 39-3. An access from Township Road 39-3 was constructed without County approval and site grading and tree clearing began prior to approval as well.

Mr. Duke advised that the application was pre-circulated to CN Rail for comment and CN Rail provided no comments regarding this application. The application was also pre-circulated to the County's Operations Department for review and comment. The County's Operations Department indicated that the access appears to be adequate and the proposed traffic generated from the business should not affect surrounding infrastructure. A new approach constructed without County approval has not been inspected to ensure proper construction or adequate drainage. In addition to including a provision for dust control, the County's Operations Department has asked that the following conditions be imposed, should this application be approved. They include:

- 1) If in the opinion of the County, the access impedes the flow of water in any way, the applicant shall be responsible for removing and / or reconstructing the approach to a standard acceptable to the County at the applicant's sole cost;
- 2) The applicant shall be responsible for installing a STOP sign for traffic leaving the property, and a "Trucks Turning" sign installed 100 m west of the rail crossing on Township Road 39-3 for the benefit of eastbound traffic; and
- 3) All business traffic shall be directed to use Township Road 39-3 to

Range Road 26-3 and then south to Highway 597.

Mr. Duke explained that the proposed business falls within the criteria for a minor business or trade, which is a discretionary use within the Agricultural "A" District. The proposed business is an existing, well established excavation company currently operating from an industrial park in the City of Lacombe. Typically, the County allows for businesses such as this to start out in the agricultural area at an incubation stage, with the eventual goal of having them grow to the point that they can move into one of the County's business industrial parks. This is why the County has implemented a cap on the number of employees that a minor business or trade can attain (6 non-resident, on-site employees). In this case, the business is already at the limit and will likely quickly outgrow this location. Furthermore, Mr. Duke advised that the site itself does not lend itself to the proposed use. There are three pipelines, which run east to west through the storage yard and thus, limits the placement of permanent structures and landscaping. An overhead power line also runs east to west along Township Road 39-3, which not only makes it difficult to place the required landscaping, but also has safety implications when moving heavy equipment under the lines each time they leave the site. The site is also bordered to the west by a CN rail line which crosses Township Road 39-3 at an acute angle.

Mr. Duke explained that the proposed skid shack office trailer does not meet the aesthetic requirements under Section 6.12 of the County's Land Use Bylaw, which regulates the design, character and appearance of buildings. This section requires that buildings be of new construction, that the design and exterior finishing of the building is of a high standard, and complimentary to the surrounding development. Mr. Duke advised that the landscaping plan submitted by the applicant is acceptable; however, the placement of these plantings will reduce the available yard space. This is due to the County's landscaping setback of 75 ft. from the centre of our right-of-way, as well as the Fortis recommended setback of 26 ft., and the pipeline right-of-way of 23 ft.

Mr. Duke further explained that the County's Land Use Bylaw directs that sea cans shall not be placed in a rear or a side yard unless suitably screened, and Section 6.14 of the County's Land Use Bylaw outlines the landscaping requirements for industrial and commercial lands, or other businesses which are deemed to have a negative visual impact by the development officer. There are also some issues with the access that was constructed, without prior approval from the County, including potential drainage implications. Mr. Duke explained that the layout of the site, as well as the size and nature of the business, leads staff to the conclusion that the proposed business would be more appropriately located in one of the County's business industrial parks.

Mr. Duke recommended refusal of the application for the following reason:

The scale and nature of the business, layout of the site, and location of surrounding infrastructure, all contribute to the conclusion that the chosen site is not compatible with the intended use, and that the proposal would be better suited in a commercial or industrial park, as per Policy 6.7 (5) Minor Business or Trade of the County's Land Use Bylaw.

Mr. Gray addressed the Commission and confirmed the intention to relocate the existing business to lower his overhead to remain competitive in today's economy and to facilitate his purchase of the business from his parents. Mr. Gray also addressed the concerns raised regarding the amount non-resident onsite employees and confirmed that should the business outgrow this location, the business would consider relocating to one of the County's established business or industrial parks.

Mr. Gray provided a copy "Request to Construct an Access" Form completed by James Pruden, Inspection Officer with Lacombe County confirming permission to construct the approach to his property. Mr. Gray also confirmed that he has been in contact with the owners of the pipelines that run under his property and explained that these companies do not have any concerns with the business. Mr. Gray explained that Fortis Alberta has a concern with large trees being planted underneath the power lines on his property and suggested alternative screening of the property.

Discussion was held regarding County standards regarding screening, size of business, enforcement procedures if the business expands beyond the permitted number of employees, the requirement of an additional application for the office and the requirement for providing dust control.

Pt. SE 21-39-26-W4M

Excavating, on Pt. SE 21-39-26-W4M, east of Blackfalds, subject to the following conditions:

- 1. term of the development permit to be for three (3) years**
- 2. prior to the issuance of a development permit, the applicant must enter into a development agreement and provide security equal to the value of the estimated cost of the proposed landscaping and fencing, returnable upon the completion of the improvements to the satisfaction of the County**
- 3. prior to the issuance of a development permit, the applicant shall submit a set of exterior elevation drawings of the proposed office building that meet the aesthetic requirements of Section 6.12 of the County's land Use Bylaw, to the satisfaction of the development officer.**
- 4. business activities at the site shall adhere to the description of the business provided with the development application. A further development application is required for any changes to the business, including any new buildings including storage facilities**
- 5. no more than six (6) non-resident employees may work on-site in the business unless prior authorization is received from the County**
- 6. 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**
- 7. if, in the opinion of the County, traffic generated by the business causes dust problems, the applicant may, at their sole cost, be required to provide dust control to the satisfaction of the County**
- 8. If in the opinion of the County, the access impedes the flow of water in any way, the applicant shall be responsible for removing and/or reconstructing the approach to a standard acceptable to the County at their sole cost.**
- 9. The applicant shall be responsible for installing a STOP sign for traffic leaving the property, and a "Trucks Turning" sign installed 100 m west of the rail crossing on Township Road 39-3 for the benefit of eastbound traffic.**
- 10. All business traffic shall be directed to use Township Road 39-3 to Range Road 26-3 and then south to Highway 597**
- 11. site to be kept at all times in a neat and tidy condition**

It is the responsibility of the applicants to ensure that the proposed development meets the requirements of the provincial 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.

JC Gray and Dale Gray withdrew from the meeting.

Planning Update

Florian Goetz presented the Planning and Development Department update for June, 2019 for information purposes.

Next Meetings

The next meetings are scheduled for August 8, 2019 and August 22, 2019

**MPC 45/19
Adjourn**

**Moved by Mr. Stephenson that the meeting adjourn.
Time: 12:19 p.m.**

Carried Unanimously.

Chairperson