

The meeting of the Municipal Planning Commission was called to order by Chairperson Kreil at 1:00 p.m. on May 23, 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 and John Ireland; County Manager Tim Timmons; Director of Community Services Keith Boras; Director of Planning Services Dale Freitag; Senior Planner Anita O'Driscoll and Recording Secretary Allison Noonan.

Jim and Deborah Murray, Christopher Souster, Lindsay Blackett, Cathy Sherba, Jim Lawton, Logan Lawton, Laurie Eliuk, Russ and Sandra McKenzie and Jesse Eliuk were also present.

**MPC 30/19  
Agenda**

***Moved by Mrs. Shepherd that the agenda be approved as presented.***

***Carried Unanimously.***

**MPC 31/19  
Minutes**

***Moved by Mr. Stephenson that the minutes of the May 9, 2019 Municipal Planning Commission meeting be approved.***

***Carried Unanimously.***

Development Permit Application No. 41/19 submitted by Jim Murray for permission to operate a cannabis production facility and construct eight greenhouses and two buildings for administration and storage on SE 34-40-04-W5M northwest of Eckville on property owned by Brian and Cathy Sherba. This property is zoned Agricultural "A" District under the County's Land Use Bylaw.

Anita O'Driscoll addressed the Commission and confirmed that the property is a full quarter section with the cannabis production facility to encompass a five-acre portion of the property located on the northeast corner of the quarter section. Ms. O'Driscoll confirmed that the applicant submitted a landscaping plan to adequately screen the business as per the requirements of the County's Highways and County Main Roads Overlay District.

Ms. O'Driscoll confirmed that there is an existing dwelling and accessory buildings located at the centre of the quarter section. Ms. O'Driscoll explained that the development application submitted proposes to construct eight greenhouses which total 5,202.5 m<sup>2</sup> (56,000 ft<sup>2</sup>) in size, an 83 m<sup>2</sup> (899 ft<sup>2</sup>) storage building and an electrical and mechanical room as well as a 44.61 m (480 ft<sup>2</sup>) office building. All growing of cannabis and cannabis related activities are completely contained within the greenhouses as per Health Canada regulations.

Ms. O'Driscoll reported that the proposal outlines that the administration portion of the business will operate from Monday to Friday from 8:00 a.m. to 5:00 p.m. and the greenhouse maintenance staff will work from 8:00 a.m. to 5:00 p.m. seven days a week. Ms. O'Driscoll advised that the employees in the business would consist of two resident onsite employees and 10 to 12 non-resident onsite employees. Expected traffic to the site will consist of the employee vehicles and delivery services, and is expected to be a maximum of 14 vehicle round trips per day and there is sufficient parking onsite. Ms. O'Driscoll confirmed that no signage is proposed as part of this application.

Ms. O'Driscoll confirmed that the application was pre-circulated to property owners within one mile of the proposed development. Ms. O'Driscoll advised that the applicant received and responded to one response letter from Roger Ost and also received a letter of support from Brian and Cathy Sherba. Ms. O'Driscoll advised that the County received numerous objection letters from Jim Lawton, Tanner Lawton, Kesler Lawton, Logan Lawton, Dave Watt, Nancy Watt, Laurie Eliuk and Chris Andersen regarding safety issues, increased traffic, reduced air quality, concerns over water quality and contaminants, potential for criminal activity, smell and noise concerns.

Ms. O'Driscoll advised that the application was also pre-circulated to the County's Operations Department and the County's Fire Chief for comments. The Operations Department advised that the applicant would be required to construct an access to County standards and that the proposed traffic generated by the business should not affect the surrounding infrastructure. The County's Fire Chief outlined a number of requirements including submission of a Fire Safety Plan that complies with the Alberta Fire Code and a required inspection of the facility upon final

construction.

Ms. O'Driscoll confirmed that the proposed buildings are agricultural in nature and the storage and office buildings are located on the west side of the property and would be adequately screened from Range Road 4-2 by the proposed landscaping. Furthermore, traffic to the site is not excessive and would not have an adverse impact on the surrounding infrastructure or neighbours and the applicants will be required to provide dust control in front of any residence who requests it to mitigate any potential negative impact. There is adequate parking on site to accommodate the proposed employees. Ms. O'Driscoll also confirmed that the applicant has advised that the business is going to use blackout curtains on the greenhouses to negate light pollution at night and carbon filters to reduce the smell. All wastewater will be accommodated in a septic tank and hauled away periodically as required.

Ms. O'Driscoll explained that staff consider this application for a cannabis production facility a suitable and appropriate use of the lands; therefore, recommends approval of the application with conditions.

Discussion was held regarding the new regulations being implemented by Health Canada and Alberta Environment and Parks relating to the licensing of cannabis production facilities. Ms. O'Driscoll confirmed that the lease agreement between the applicant and the landowner is a civil matter and does not affect the application process.

Christopher Souster and Lindsay Blackett addressed the Commission and advised that their consulting firm has been hired by the applicants to assist them in the process of obtaining the required permits and licenses to operate their facility. Mr. Souster explained that development approval from the County is one of the first steps in the process to obtain federal licensing. Mr. Souster explained that the proposed facility is a closed loop system and confirmed that it will meet all regulations required by Health Canada; including, security requirements, criminal background checks of all employees, dark-sky principles, fire suppression systems, odour emissions, noise emissions and waste management.

Discussion was held regarding potential criminal activity and the potential decrease of property values due to the development. Mr. Blackett focused on the positive elements of the development citing employment opportunities and job creation in the community. Mr. Blackett confirmed that this development is for production only and confirmed that no product would be sold from this site.

Deborah Murray spoke to her application and confirmed that they are prepared to adhere to all conditions imposed by both the County and Health Canada to ensure compliance. Mrs. Murray confirmed that the development will encompass five acres that they are leasing from Brian and Cathy Sherba.

Cathy Sherba addressed the Commission and offered her support of the development. Mrs. Sherba stated that she is confident this development will follow Health Canada regulations and feels that the potential odour created will be less of a nuisance than the smell of livestock.

Jim Lawton and Logan Lawton addressed the Commission and voiced their concerns with allowing a development of this nature into the community. Jim Lawton argued that the development is a commercial business and should not operate in an agricultural area. Logan Lawton expressed his concerns with the potential increase of crime to the area, potential decrease in property values, the potential odour elimination from the business and questioned how the County will enforce any problems caused by the development. Jim Lawton expressed his concern over the potential increase in traffic and how it will affect the people and livestock in the community.

Further discussion was held regarding the amount of water used by the greenhouse, where the water is obtained and if it will be recycled and reused, what, if any, chemicals would be used in the business and how waste will be disposed of. Logan Lawton also expressed his concern on how this development will affect the private airstrip located within two km of the proposed site and how the odour could potentially affect the pilots.

Laurie Eliuk requested clarification on where the final product will be prepared for shipment once harvested.

Russ McKenzie addressed the Commission and expressed his opposition to this development. Mr. McKenzie expressed that he is not in favour of the legalization of cannabis.

Sandra McKenzie spoke in opposition to the development.

Jesse Eliuk questioned if all employees had to pass a criminal record check, what the plans for expansion are, if there was signage allowed. Mr. Eliuk is also concerned about discussion the development with his children.

Recess

Chairperson Kreil called a recess to the meeting.  
Time: 2:35 p.m.

Reconvene

Chairperson Kreil reconvened the meeting.  
Time: 2:45 p.m.

Mr. Souster addressed the concerns raised by the neighbors regarding the airstrip and confirmed that the height of the greenhouses will not impede the airstrip or adversely affect the pilots due to any odour emissions. Mr. Souster also confirmed that there is a zero tolerance policy when it relates to background criminal checks and employment in the business. Discussion was held regarding the need for education of the business to dispel the apprehension/fears of the community regarding cannabis.

Mr. Murray addressed the Commission and committed to ensuring that the greenhouses and associated buildings would be built to provincial safety codes, no harsh chemicals would be used in the growing of the product and the storage building will be constructed of reinforced concrete.

A lengthy discussion was held regarding County enforcement policies, water management plan requirements, water usage and consumption, plant growth, tax revenue, dust control, greenhouse design, the experience and background of the applicants, public consultation performed by the County prior to the legalization of cannabis, location of the development, fire suppression, length of permit, odour control system and potential decreased land values.

Point of Order

A request was made regarding the background experience of the applicant. Mrs. Law expressed a point of order stating that the background experience of the applicants is not a valid request as this is not required of any other applicant or application brought before the Municipal Planning Commission.

**MPC 32/19  
DPA 41/19  
Jim Murray  
SE 34-40-04-W5M**

***Moved by Mrs. Knight that the Municipal Planning Commission approve Development Permit Application No. 41/19 submitted by Jim Murray for permission to construct and operate a cannabis production facility on SE 34-40-04-W5M northwest of Eckville on property owned by Brian and Cathy Sherba, subject to conditions.***

Questions were raised and discussion was held regarding the need for a yearly community consultation to ensure that the concerns of neighboring property owners were being addressed and mitigated and the need for air quality monitoring.

**MPC 33/19  
Motion**

***Moved by Mrs. Kreil that a condition of approval be added to require the applicants provide air quality monitoring.***

***Motion Lost.***

**MPC 32/19  
DPA 41/19  
Jim Murray  
SE 34-40-04-W5M**

***Moved by Mrs. Knight that the Municipal Planning Commission approve Development Permit Application No. 41/19 submitted by Jim Murray for permission to construct and operate a cannabis production facility on SE 34-40-04-W5M northwest of Eckville on property owned by Brian and Cathy Sherba, subject to the following conditions, as amended:***

- 1. Term of the development permit shall be three (3) years.***
- 2. This approval shall be subject to an annual review by the Development Officer. Failure to comply with the conditions of the development permit may result in the permit being suspended or revoked.***
- 3. All buildings to be located and built in accordance with the site plan and drawings submitted with the Development Permit Application unless otherwise approved by the County.***
- 4. Prior to occupancy of the buildings for use as a cannabis production facility, the applicant/operator shall provide to the satisfaction of the County confirmation of application for, and compliance with the requisite federal license.***

5. ***Cannabis production facility shall at all times comply with federal and provincial legislation and regulations, failure to do so will result in the immediate termination of this development approval.***
6. ***Prior to occupancy of the building for use as a cannabis production facility, a fire safety plan to be submitted to the satisfaction of the County's Fire Chief.***
7. ***Prior to occupancy of the building, applicants to arrange for the County's Fire Chief to carry out an inspection of the premises to ensure compliance with the Alberta Fire Code (AFC). Please note, periodic inspections may occur through your development permit approval term.***
8. ***Any lighting to comply with the County's Dark Sky Guidelines and Crime Prevention Through Environmental Design Principles.***
9. ***Access to be constructed to the satisfaction of the County's Operations Department. Please contact James Pruden, the County's Inspections Officer to fill out a 'Request to Construct and Access Form' at (403) 391-0779.***
10. ***Applicants to provide dust control where required, to the frequency and satisfaction of Lacombe County.***
11. ***Applicants to install a STOP sign at the access point for exiting traffic on the property to the satisfaction of the County.***
12. ***Applicants must also enter into a Landscaping Agreement, to be caveated on the title of the property, respecting the approved landscaping plan.***
13. ***Landscaping to be completed within one (1) year of the development permit being issued.***
14. ***Business activities at the site shall adhere to the description of the business provided with the development permit application. A further development permit application is required for any changes to the business.***
15. ***The applicant/operator shall ensure that the business does not cause any nuisance to surrounding property owners due to noise, light, odour or excessive traffic or anything else of a dangerous or objectionable nature, as determined by the County in its sole discretion.***
16. ***A habitable dwelling to be maintained for as long as the business operates at the site.***
17. ***Maximum two (2) resident onsite employees and 12 non-resident employees may work on-site, unless prior approval is received from the County.***
18. ***Site to be kept in a neat and tidy condition.***
19. ***No incineration permitted on the site.***
20. ***No signage is permitted without prior approval from the County.***
21. ***Annual meeting to be held with residents located at least one (1) mile from the cannabis facilities to address community concerns that may arise. Minutes of the meeting to be submitted to the County no more than seven (7) days after the meeting was held.***

***It is the responsibility of the applicant 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.***

***Please note that the cannabis production facility will require a Water Act Approval from Alberta Environment and Parks.***

***Carried.***

Next Meetings

The next meetings are scheduled for June 13, 2019 and June 27, 2019.

***MPC 34/19  
Adjourn***

***Moved by Mrs. Law that the meeting adjourn.  
Time: 3:47 p.m.***

***Carried Unanimously.***

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Chairperson