

The meeting of the Municipal Planning Commission was called to order by Chairperson Kreil at 1:00 p.m. on June 11, 2020 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 Planning Services Dale Freitag; Senior Planner Cajun Paradis; Planner/Development Officer Peter Duke and Recording Secretary Allison Noonan.

**MPC 31/20
Agenda**

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

Carried Unanimously.

**MPC 32/20
Public Participation**

Dale Freitag presented information regarding public participation in Municipal Planning Commission meetings by electronic means during the COVID-19 pandemic.

Moved by Mr. Ireland that the public be authorized to participate in Municipal Planning Commission meetings by electronic means during the COVID-19 pandemic.

Carried Unanimously.

**MPC 33/20
Minutes**

Moved by Mr. Wigmore that the minutes of the May 14, 2020 Municipal Planning Commission meeting be approved.

Carried Unanimously.

Jacquie Halpin and Corrine Gordon entered the meeting.

JoAnna Skukan (Scott Telecom Services) joined the meeting via ZOOM.

Development Permit Application No. 32/20 submitted by Scott Telecom Services Ltd., on behalf of TELUS Communications Inc., for permission to construct a 30-metre tall self-supported communication tower on Pt. SE 21-40-28-W4M, west of Lacombe near the Summer Village of Gull Lake. This property is zoned Agricultural "A" District under the County's Land Use Bylaw.

Cajun Paradis advised the Commission that the proposed tower is meant to improve TELUS' coverage in the surrounding area, near the Summer Village of Gull Lake, just south of the Ebeling subdivision. Ms. Paradis explained that the proposed tower is to be located on a 0.174 hectare (0.43 acre) leased area on the property, between two windrows of existing spruce trees. The subject property is adjacent to Highway 12 on its south side, and adjacent to CP Rail and Highway 12A on the north side.

Ms. Paradis explained that the tower compound will be approximately 15 metre x 15 metre secured with a chain-link fence with barbed wire. The compound space consists of a locked gate not accessible by the public. All of the equipment necessary to operate this facility will reside within an approximate 8 metre x 10 metre equipment shelter. Access to the tower will be via an existing approach off Range Road 28-3. Innovation, Science and Economic Development Canada's (ISED) (formerly Industry Canada) requires all wireless carriers to operate in accordance with Health Canada's safety standards. TELUS attests that the installation described in the notification package will be installed and operated on an ongoing basis to comply with Health Canada's *Safety Code 6*.

Ms. Paradis confirmed that, as required by Section 6.20 of the County's *Land Use Bylaw*, Scott Telecom prepared public notification packages and circulated to all property owners within a one-mile radius of the subject property. Scott Telecom received 14 responses during the circulation period, four of which were in support of the tower. Ms. Paradis explained that 10 responses commented on why the tower was relocated from a previous application, health and safety concerns, aesthetics and proximity to the provincial park. Ms. Paradis advised that the application was also circulated to Alberta Transportation, CP Rail, the Summer Village of Gull Lake, and Lacombe County's Operations Department for comment. The County's Operations Department has no issues with the proposed development. Access is adequate,

and the proposed traffic generated by the development should not affect the surrounding infrastructure. Due to the proximity to the rail line and highway, Lacombe County will require traffic accommodation plans if an oversized load is entering the site for construction.

Ms. Paradis explained that the proposed tower is meant to improve and expand TELUS' coverage near the Summer Village of Gull Lake. Scott Telecom has identified one communication tower located within a 4 kilometre (2.5 mile) radius of the proposed new tower; however, Scott Telecom attests the existing structure is incapable of meeting the coverage objectives of this proposal. Ms. Paradis confirmed that TELUS has indicated that the proposed tower will be installed and operated to comply with Health Canada's *Safety Code 6*. Health Canada's *Safety Code 6* regulates the exposure to radiofrequency fields by telecommunications facilities. This code limits the levels of exposure to radiofrequency fields emitted from telecommunications facilities, in order to protect both workers in the telecommunications field and the general population. It is important to note that the radiofrequency fields this tower will be operating at will be at significantly lower levels than the limits established by *Safety Code 6*. Scott Telecom has advised that typically a fully-loaded communications tower would produce less than 2% of the *Safety Code 6* limit.

Ms. Paradis recommended approval of the application with conditions.

JoAnna Skukan addressed the Commission and confirmed that they are unable to co-locate on the existing tower in the area as it does not meet Telus' coverage objective, as it is not tall enough or have adequate space available. Furthermore, Ms. Skukan confirmed that the proposed tower will meet all *Safety Code 6* regulations and confirmed there are no plans for this tower to be a "5G Tower".

Affected landowner, Jacquie Halpin, addressed the Commission objecting to the location of the proposed tower. Ms. Halpin argued that the proposed tower would negatively affect property values in the area, have potential health effects to residents in the area and, how the proposed tower would affect migratory birds and wildlife in the provincial park. Ms. Halpin raised concerns regarding the pre-circulation and application process and inaccurate information received regarding this development.

Discussion was held regarding pre-circulation requirements, inaccurate information provided, public consultation and environmental impact assessment requirements regarding the proposed tower. Dale Freitag confirmed that Industry Canada has jurisdiction to approve or refuse communication towers in Canada.

Affected landowner, Corrine Gordon, addressed the Commission and argued that incorrect information received led to confusion over the proposed tower and further argued that there was not enough time given to respond to the development during the pre-circulation period. Ms. Gordon advised that there is a desire for a tower in the area; however, suggested that the location chosen is not suitable and would cause a decrease in the property values in the area and will cause long term negative affects to people that live in the area.

Further discussion was held regarding setback requirements and height restrictions on towers. Ms. Paradis confirmed that Industry Canada instructs companies to consult the municipality for approval; however, Industry Canada has the final jurisdiction to approve or refuse any communication tower.

MPC 34/20
DPA 32/20
Scott Telecom
Pt. SE 21-40-28-W4M

Moved by Mrs. Shepherd that the Municipal Planning Commission approve Development Permit Application No. 32/20 submitted by Scott Telecom Services Ltd., on behalf of TELUS Communications Inc., for permission to construct a 30-metre tall self-supported communication tower on Pt. SE 21-40-28-W4M, west of Lacombe near the Summer Village of Gull Lake, subject to the following conditions:

- 1. proposed communication tower to be located and constructed in accordance with the site plan and information submitted with the development permit application***
- 2. the applicant shall ensure that the proposed communication tower does not cause any nuisance to surrounding property owners due to noise or anything else of a dangerous or objectionable nature, as determined by the County at its sole discretion***
- 3. the proposed communication tower shall allow for co-location of any suitable communications equipment associated with any similar subsequent applications. In addition, as per Industry Canada guidelines 25 and 26 of CPC-2-0-17, elevations reserved for future use are only exempted from co-location if TELUS Communications Inc. proves that they have plans to install equipment on that elevation within 18 months of the***

- Preliminary Information Package (PIP) request***
- 4. proposed communication tower to adhere to Transport Canada Aviation Regulations – Part VI Standard 621 Obstructing Marking and Lighting, and a shield located on the base of the lighting apparatus is required to reflect the light away from the ground***
 - 5. no light fixture shall be installed above a height of 5 metres (16.4 feet) on the proposed communication tower, except for those prescribed by Transport Canada***
 - 6. stability/support structures associated with the proposed communication tower must be delineated or finished with all-weather reflective material a minimum length of 7.62 metres (25 feet) perpendicular from grade***
 - 7. fencing to be installed around the proposed communication tower's base and all associated buildings and structures. Fencing to be installed to the satisfaction of the County***
 - 8. access easement to be registered for maintaining legal access to the proposed communication tower site***

All portions of the proposed communication tower must comply with the setback requirements of the Agricultural 'A' District of the County's Land Use Bylaw. The Agricultural 'A' District regulations direct that no buildings or structures shall be located within 7.62 metres (25 feet) from all other property boundaries.

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.

Jacquie Halpin and Corrine Gordon withdrew from the meeting. Joanne Skukan signed out of the ZOOM meeting.

Jamie Adair entered the meeting

Development Permit Application No. 43/20 submitted by Pidherney's Inc. for the renewal and expansion of an existing sand pit on NW 18-39-26-W4M, south of Blackfalds on property owned by 674451 Alberta Ltd. This property is zoned Agricultural "A" District under the County's Land Use Bylaw.

Ms. Paradis addressed the Commission and advised that Pidherney's Inc. is seeking to renew their previous approval, with the addition of 0.79 hectares (1.95 acres) active pit area and is requesting to disturb a total 4.99 hectares (12.33 acres). Pidherney's Inc. has indicated the operations will only include dry pit excavation and excavation to a depth of 4 metres (13.12 feet). No groundwater was encountered in test holes. The life span of the pit is projected to be approximately 5 years. The estimated volume of material to be removed from the site is 50,000 tonnes.

Ms. Paradis advised that proposed sand hauling will occur from Monday to Saturday from 7:00 a.m. to 7:00 p.m. during the summer, and from 7:00 a.m. to 6:00 p.m. in the winter, with no hauling on Sundays or holidays. Ms. Paradis advised that truck traffic generated will be no more than 20 truckloads per day on busy months and the proposed haul route is east out of the pit on Burbank Road (Township Road 39-3) then east to Highway 597. The proposed land use after reclamation is agricultural (pasture), with no end pit waterbodies.

Ms. Paradis confirmed that the application was pre-circulated Pidherney's Inc. has advised property owners within one mile of the sand pit site of the renewal, including the expanded excavation area. No responses were received during the pre-circulation. The application was also circulated to Alberta Transportation, the Town of Blackfalds, Red Deer County, CN Rail, and Lacombe County's Operations Department. Alberta Transportation offered no objection in principle, but did provide comments on a preliminary basis. A Roadside Development Application is required from Alberta Transportation as the proposed development is located within the Department's development control zone. Alberta Transportation recommended a condition of approval addressing if the number of vehicles exceeds 20 vehicles a day and that Alberta Transportation and Lacombe County be consulted to ensure the number of trucks accessing the site does not cause a hazard to the intersection with the highway. The Town of Blackfalds and Red Deer County have no objection to the extension of the previous approval. Lacombe County's Operations Department has no issues with the proposed development renewal at this location.

Access is adequate, and the proposed traffic generated by the business renewal should not affect the surrounding infrastructure. All previous operating conditions should continue to apply.

Ms. Paradis confirmed that there is no history of any complaints on file regarding operation of this sand pit. Ms. Paradis also confirmed that if the operator would need to contact the County for permission to operate outside of the approved hours of operation.

Ms. Paradis recommended approval of the application with conditions.

**MPC 35/20
DPA 43/20
Pidherney's Inc.
NW 18-39-26-W4M**

Moved by Mrs. Shepherd that the Municipal Planning Commission approve Development Permit Application No. 43/20 submitted by Pidherney's Inc. for the renewal and expansion of an existing sand pit on NW 18-39-26-W4M, south of Blackfalds on property owned by 674451 Alberta Ltd, subject to the following conditions:

- 1. term of development permit to be for five (5) years**
- 2. this approval shall be subject to annual review by the Development Officer. Failure to comply to the conditions of development permit may result in the permit being suspended or revoked**
- 3. this approval is for a dry pit excavation only. Further approval is required from the County for any additional activities**
- 4. the pit size is to be no larger than 4.99 hectares (12.33 acres). The pit size includes all excavation areas where sand is being removed, areas where reclamation material has been salvaged and stockpiled, and areas determined to be infrastructure (e.g., access road, stockpiles, processing equipment, weigh scales)**
- 5. prior to a development permit being issued, the operator shall submit a progressive reclamation plan to the County's satisfaction**
- 6. prior to a development permit being issued, the operator to enter into a development agreement with the County respecting the operation. A caveat respecting the agreement shall be registered against the title of the property. All terms and conditions of the development agreement shall be met to the satisfaction of the County**
- 7. prior to a development permit being issued, the operator shall also enter into a sand haul agreement with the County. All terms and conditions of the sand haul agreement shall be met to the satisfaction of the County**
- 8. applicant is required to direct all haul traffic east on Burbank Road (Township Road 39-3), to Highway 597. No other route shall be used for haul traffic, unless permission is received in writing from the County**
- 9. hours of operation for the sand pit shall be Mondays to Saturdays, 7:00 a.m. to 7:00 p.m. from May 1st to October 31st, and 7:00 a.m. to 6:00 p.m. from November 1st to April 30th, with no hauling on Sundays or holidays**
- 10. appropriate noise abatement measures will be required to reduce nuisance impact on adjacent residents, and the County reserves the right to further restrict the hours of operation at its sole discretion**
- 11. applicant to ensure that there is ongoing communication with surrounding property owners and other residents that advises them of extended or non-typical operations, including the timing and duration of major hauls**
- 12. if extended hours of operation are required beyond those outlined in condition 9, the operator shall ensure surrounding property owners and other residents are notified at least seven (7) days prior to the proposed date of the proposed extended hours of operations. Please note that if concerns are raised by surrounding property owners and other residents, the operator will be required to limit all operations to those outlined in condition 9**
- 13. applicant to ensure all gravel trucks used in the operation are registered with the provincial central truck registry. Written evidence of the same is to be provided to the County**
- 14. a 3 metre (10 foot) wide buffer to be maintained for excavation from property lines with a minimum 3:1 slope ratio**
- 15. cut and fill slopes to be no steeper than 4:1 for the final design when adjacent to a road, and 3:1 when adjacent to a property line**
- 16. no new topsoil, overburden or granular material to be piled over 2 metres (6.56 feet) in height within 30.0 metres (98.42 feet) from a property line**
- 17. applicant to satisfy all requirements of Alberta Environment and Parks for the sand pit operation**

It is important to note that since the property is located within ½ mile of Highway 597, 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.

Please note that Lacombe County has passed Bylaw 1261/17 which authorizes the collection of a community aggregate payment from all sand and gravel operations in the County. Attached is a copy of the Bylaw.

Carried Unanimously.

Cajun Paradis and Jamie Adair withdrew from the meeting

Peter Duke entered the meeting.

Planning Update

Peter Duke presented the Planning Services update for May 2020.

Next Meeting

The next meeting is scheduled for June 25, 2020.

**MPC 36/20
Adjourn**

**Moved by Mr. Stephenson that the meeting adjourn.
Time: 2:17 p.m.**

Carried Unanimously.

Chairperson