

The meeting of the Municipal Planning Commission was called to order by Chairperson Kreil at 10:34 a.m. on April 9, 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; Planner/Development Officer Peter Duke; Jr. Planner/Development Officer Florian Goetz and Recording Secretary Allison Noonan.

Paul Den Oudsten and Herman Scholing were also present.

**MPC 20/20  
Agenda**

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

***Carried Unanimously.***

**MPC 21/20  
Minutes**

***Moved by Mr. Wigmore that the minutes of the March 12, 2020 Municipal Planning Commission meeting be approved.***

***Carried Unanimously.***

Development Permit Application No. 19/20 submitted by Paul and Megan Den Oudsten and Herman and Betty Scholing for permission to construct and operate a 4,800 ft<sup>2</sup> community facility on Pt. NE 11-41-26-W4M, northeast of the City of Lacombe. This property is zoned Agricultural "A" District under the County's Land Use Bylaw.

Peter Duke addressed the Commission and explained that the maximum capacity for the proposed venue will be 300 and the operating hours proposed are 10:00 a.m. to 1:00 a.m. seven days a week, with most bookings on weekends and holidays. Mr. Duke advised that the business would employ two resident on-site employees and two non-resident on-site employees. Furthermore, expected traffic is up to 100 vehicle trips per day, with the heaviest traffic on weekends or event days. Mr. Duke confirmed that the applicants will be constructing a new access into the property to service the event venue, and confirmed that there is ample parking space available on the property for vehicles. No signage is proposed for the business at this time.

Mr. Duke advised that the application was pre-circulated to Lacombe County's Operations Department and Lacombe County's Fire Chief for comments. Lacombe County's Operation's Department has no issues with the proposed development at this location. The applicant will be responsible to install a STOP sign on property line for exiting traffic. Designated traffic route will be between Milton Road and the venue on Range Road 26-1. If deemed necessary by Lacombe County, the applicant will be responsible for dust control/road stabilization on designated route to the satisfaction of Lacombe County.

Lacombe County's Fire Chief also provided comments, as follows:

- As this is a newly installed structure the applicant will be required to comply with all pertinent safety code requirements including, but not limited to, the *2019 National Building Code – Alberta Edition* and *2019 National Fire Code – Alberta Edition*. One area of particular concern in this specific application is: NFC (AE)-2019 Section 2.5.1 – Access to Buildings which states:  
  
*Fire department vehicles shall have direct access to at least one face of every building by means of a street, yard or roadway in conformance with the NBC (AE).*
- Some improvements will be needed to the site in order to comply with this particular section as pertains to the roadway access to building. In the event the applicants construct a new driveway to the venue it will need to be constructed in such a way that emergency vehicles can access the site at all times that it is occupied.
- An Emergency Response Plan will be required for this venue. As a result of its location, consideration for evacuation of buildings, control of crowds and maintenance of access for emergency vehicles should be considered in this plan. As well, an inspection of the site and venues shall be performed by the County Fire Chief or a qualified Fire Safety Codes inspector prior to

occupancy of the venue to ensure compliance to Fire Code.

In the application, the applicants mention a potentially unfinished kitchen space. This will need to be approved by Alberta Health Services if food preparations take place on site, and any future improvements to the kitchen area will be required to comply with the most recent edition of the 2019 *National Fire Code – Alberta Edition*.

Mr. Duke advised the Commission regarding changes made to the *Municipal Government Act* affecting to the appeal period of discretionary applications during the COVID-19 pandemic. A discussion was held regarding the pre-circulation requirements for this application. Mr. Duke explained that the application was not pre-circulated to affected landowners; however, landowners within one-half mile of the property would be advised of the decision made by the Municipal Planning Commission and their right to appeal the decision.

Mr. Duke recommended approval of the application with conditions.

Paul Den Oudsten confirmed that he spoke to neighbors regarding his proposal and advised that no major concerns were raised; however, Mr. Den Oudsten explained that an additional access to the property would be constructed for the proposed business use and emergency access. Questions were also answered regarding the proposed use and required permits for the kitchen in the facility.

**MPC 22/20  
Motion**

***Moved by Mrs. Law that Development Permit Application No. 19/20 submitted by Paul and Megan Den Oudsten and Herman and Betty Scholing for permission to construct and operate a 4,800 ft<sup>2</sup> community facility on Pt. NE 11-41-26-W4M, northeast of the City of Lacombe, be deferred until such a time that the County pre-circulate the proposal to affected landowners for comments and mitigation.***

A discussion was held regarding County policy on pre-circulation of community facility applications prior to submission to the Municipal Planning Commission for consideration.

**MPC 23/20  
Motion Withdrawn**

***Mrs. Law withdrew her previous motion to defer the decision on Development Application No. 19/20.***

**MPC 24/20  
DPA 19/20  
Den Oudsten &  
Scholing  
Pt. NE 11-41-26-W4M**

***Moved by Mrs. Law that the Municipal Planning Commission approve Development Permit Application No. 19/20 submitted by Paul and Megan Den Oudsten and Herman and Betty Scholing for permission to construct and operate a 4,800 ft<sup>2</sup> community facility on Pt. NE 11-41-26-W4M, northeast of the City of Lacombe, subject to the following conditions:***

- 1. term of the development permit approval 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. prior to the issuance of a development permit, a payment of \$139.65 including taxes to be provided to the County for a rural addressing sign to be installed on the property by the County***
- 4. prior to the issuance of a development permit, the applicant shall be required to provide proof of the insurance policy obtained for the events held on the property. The insurance policy must be to the satisfaction of Lacombe County***
- 5. prior to the issuance of a development permit, the applicant shall submit an emergency response plan to be reviewed and approved by the County***
- 6. prior to occupancy of the building, the applicant shall retain an accredited safety codes officer to inspect any occupied building for compliance with the National Building Code (2019 Alberta Edition) and National Fire Code (2019 Alberta Edition) for the intended use. The written correspondence (including any applicable permits pursuant to the National Building Code (2019 Alberta Edition)) from an accredited safety codes agency/officer shall be provided to the County, confirming that the buildings are compliant with the National Building Code (2019 Alberta Edition) and National Fire Code (2019 Alberta Edition) for the intended use***
- 7. the access to the property is to be built to the satisfaction of the County. Please contact James Pruden, Inspections Officer, at (403) 391-0779***
- 8. the applicants shall install a STOP sign for traffic leaving the proposed site. The sign is to be placed on private property and not within the County right-of-way***
- 9. 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***

- 10. the applicant/operator shall ensure that the business does not cause any nuisance to surrounding property owners due to noise, excessive traffic or anything else of a dangerous or objectionable nature, as determined by the County in its sole discretion***
- 11. if, in the opinion of the County, traffic generated by the event venue on this site causes dust problems or other safety concerns, the owners may, at their sole cost, be required to provide dust control and/or upgrade Range Road 26-1 to the access into the event venue, to a standard directed by and to the satisfaction of the County***
- 12. maximum two (2) resident employees and two (2) non-resident employees may work on-site, unless prior approval is received from the County***
- 13. events held on the property shall abide by Lacombe County's Community Standards Bylaw 1153/12***
- 14. a habitable dwelling to be maintained for as long as the business operates at the site***
- 15. no signage is permitted without prior approval from the County***
- 16. the development permit will be issued once the appeal period established by the Municipal Government Act, as amended or extended by the Ministerial Order and any further or amending order, has expired.***

***Please note that a permit may be required by the Regional Health Authority for the kitchen. For more information, call Alberta Health Services Central Zone, (403) 356-6366.***

***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.***

***Please note that Lacombe County has passed Bylaw 1153/12 - Community Standards Bylaw for the prohibition of certain public disturbances. Attached is a copy of this Bylaw.***

***Carried Unanimously.***

Paul Den Oudsten and Herman Scholing withdrew from the meeting.

Jon Motz, Brandon Motz, Stewart Latwaitis and Beth Latwaitis entered the meeting.

Development Permit Application No. 16/20 submitted by Jonathan Motz for permission to expand the existing grain storage business, known as C9 Inc., on property legally described as Lot 4 Block 1 Plan 172 1203, Pt. SW 34-40-26-W4M and Pt. NW 27-40-26-W4M, east of Lacombe on property owned by One Tree Ltd. and Living Water Inc. This property is zoned Agricultural "A" District under the County's Land Use Bylaw.

Mr. Duke advised that the expansion request is to facilitate an additional 7,500 metric tonnes of commodity storage, additional traffic, additional employees and longer operating hours. The applicant has also requested no fixed term on the development approval. Mr. Duke explained that C9 Inc. is an agricultural business that supports the farming community in Central Alberta. Operations include the handling and processing of grains and other agriculture products and commodities. This may include shipping, receiving, buying, selling, storing, cleaning, packaging, drying, transportation, and performing value added processes to commodities and other agricultural related products. The grain storage business will utilize existing grain bins, grain processing and handling equipment, grain storage equipment, grain trucks, and tractors.

Mr. Duke explained the business employs three resident on-site employees, 20 non-resident on-site employees, and four non-resident off-site employees. The hours of operation are to be from Monday to Friday from 7:00 a.m. to 6:00 p.m., with occasional extended hours as required. Mr. Duke advised that the facility is expected to generate an average of 25-vehicle trips spread throughout the day and may include vehicles, trucks, and farm equipment. Mr. Duke confirmed that C9 Inc. makes calcium available for neighbors under Lacombe County guidelines and signs prohibiting engine brakes on Range Road 26-3 have been installed, and signs "slow children at play" on Range Road 26-3 have been installed. There is no business signage proposed.

Mr. Duke advised that the applicant pre-circulated the application to landowners within one-half mile of the site. Four responses were received, which included:

- Adjacent landowner, Lori McCrea, outlined concerns regarding the condition and upkeep of the traffic route, enforcement of the signage, hours of operation, and garbage on the traffic route.
- Adjacent landowners, Stewart and Beth Latwaitis, outlined concerns regarding the type of facility, industrial nature of the use, the term of approval, the storage volume, number of employees, traffic volumes, dust, road conditions, and surrounding property values.
- Adjacent landowner, Ron Williams, outlined concerns with hours of operation, traffic speeds and noise, road conditions, dust, traffic volumes, term of approval, business noise, and industrial nature of the use.
- Adjacent landowner, Lori McCrea, sent a second submission, and outlined concerns regarding the condition and upkeep of the traffic route, hours of operation, enforcement of the signage, and industrial nature of the use.

Mr. Duke advised that the application was circulated to the City of Lacombe and the County's Operations Department for comments. The City of Lacombe did not provide any comments regarding the application. The County's Operations Department has no issues with the proposed development at this location. Access is adequate. The proposed traffic generated by the business may affect the surrounding infrastructure, therefore Operations would prefer the business traffic route only be only south from the access on Range Road Range Road 26-3 to Highway 12. Mr. Duke advised that the County's Operations Department conducted a second inspection of the property to consider an alternate access point slightly north of the current access and had commented that the applicant would be responsible for installing "truck turning" signs 250m north and 250m south of the access. As well, the applicant would be responsible to install a STOP sign on the property line for existing traffic.

Mr. Duke confirmed the proposed application is an expansion to an existing business, which is a compatible use in the Agricultural "A" District and a support to surrounding agricultural operators. Neighbouring landowners outlined many issues in the pre-circulation responses. The additional traffic generated by the business and associated dust may impact some of the residences. The applicant has made an effort to minimize traffic impacts by offering dust control to neighbors, which should address these concerns. If the traffic route is further limited to Operations preference, this would eliminate traffic in front of residences north of the business. A term of approval is a standard condition of approval considered by the Municipal Planning Commission, and applied to agricultural service facilities. By terming approvals, the County ensures that applicants are operating businesses in accordance with the business activities described in the application submitted to the County for consideration. Mr. Duke also confirmed that Alberta Transportation was not contacted for comment on this application, as the property lies outside of the circulation area.

The Commission held a discussion to clarify the proposed routes the trucks must travel, the need for dust mitigation on the roads, stress the proposed expansion would have on existing infrastructure and the possible upgrade of the road.

Jon Motz addressed the Commission and requested any time limit imposed on approval of the development, be removed as it hinders the company's ability to receive funding from banking institutions for large equipment purchases. Mr. Motz argued that an annual review would ease the concerns of the County and neighboring landowners regarding operation of the business. Furthermore, Mr. Motz further requested a wording change on proposed Condition No. 5 to read "Accessory Structures" so they can have flexibility on what structure can be constructed without further approval from the County. As well, Mr. Motz raised concerns with the proposed truck route for local traffic, and the possible requirement to upgrade the truck route and the intersection at Range Rd. 26-3 and Highway 12.

Mr. Freitag explained to the Commission that the County requires that any business operating in the Agricultural "A" District obtain a development permit for accessory buildings, as this allows Planning Services to monitor any possible expansion to the approved business. As well, term approvals for approved businesses are standard to ensure that businesses do not operate outside of the scope of approval.

Neighboring landowners, Stewart and Beth Latwaitis, addressed the Commission and raised concerns regarding the proposed expansion and how it would negatively affect the surrounding infrastructure, and increase the possibility of

accidents at the intersection of Range Rd. 26-3 and Highway 12. Mr. Latwaitis argued that by not imposing a term on the development approval, it would allow the applicants to expand without public consultation or consequences.

Further discussion was held regarding the flow of traffic, the proposed expansion and the requirement of an annual community consultation meeting between the applicant and affected landowners.

RECESS

Chairperson Kreil called a recess to the meeting.  
Time: 12:08 p.m.

RECONVENE

Chairperson Kreil reconvened the meeting with Bill Cade, Director of Operations present.  
Time: 12:14 p.m.

Mr. Cade confirmed that the Operations Department has received complaints regarding the truck traffic and maintenance on Range Road 26-3. Mr. Cade also confirmed that the Operations Department can direct the applicant to upgrade the road, at their expense, should the truck traffic generated by the business cause degradation to the infrastructure of the road. As well, if it is found that the business is causing safety issues at the intersection of Range Road 26-3 and Highway 12, Alberta Transportation can direct the business to upgrade the intersection at their expense.

Mr. Duke recommended approval of the application with conditions.

MPC 23/20  
DPA 16/20  
C9 Inc.  
172 1203;1;4

***Moved by Mrs. Law that the Municipal Planning Commission approve Development Permit Application No. 16/20 submitted by Jonathan Motz for permission to expand the existing grain storage business, known as C9 Inc., on property legally described as Lot 4 Block 1 Plan 172 1203, Pt. SW 34-40-26-W4M and Pt. NW 27-40-26-W4M, east of Lacombe on property owned by One Tree Ltd. and Living Water Inc., subject to the following conditions, as amended:***

- 1. term of the development permit to be for five (5) 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. this approval is for a total site size of 9 acres (3.6 hectares), with a total grain storage capacity of 15,000 mts***
- 4. applicant is required to direct all traffic directly south on Range Road 26-3 to Highway 12. No other route shall be used for traffic to and from the business, unless permission is received in writing from the County***
- 5. business activities at the site shall adhere to the description of the business provided with the development application and the site plan. A further development application is required for any changes to the business, including additional grain storage capacity, any signage, new buildings or additions to existing buildings. Buildings exclude grain storage and processing bins***
- 6. business to be operated at all times in a manner that does not cause nuisance for surrounding property owners due to noise, dust, excessive traffic, or anything else of dangerous or objectionable nature, as determined by Lacombe County at its sole discretion***
- 7. dust control shall be provided by the applicant to those neighbours impacted by the traffic route, to the satisfaction of the County at its sole discretion***
- 8. if, in the opinion of the County, traffic generated by the business on this site causes other safety concerns, the owners may, at their sole cost, be required to upgrade Range Road 26-3 to the access into the business, to a standard directed by and to the satisfaction of the County. These upgrades may include intersectional upgrades of Highway 12, if deemed necessary by Alberta Transportation***
- 9. parking and loading of grain trucks to occur within the subject site, no parking shall be permitted on County road right-of-ways***
- 10. no more than three (3) resident on-site employees, and twenty (20) non-resident on-site employees may work at the business, unless prior approval is received from the County***
- 11. the applicant will be required to install truck turning signs 250m north and 250m south of the access, and a stop sign on the property line for existing traffic***
- 12. no signage permitted, unless prior approval received from County***
- 13. the site to be kept at all times in a neat and tidy condition***

- 14. the development permit will be issued once the appeal period established by the Municipal Government Act, as amended or extended by the Ministerial Order and any further or amending order, has expired**
- 15. the applicant is responsible for conducting an annual community consultation with all landowners within one-mile radius of the facility. A summary report of all concerns and actions taken to mitigate those concerns is to be submitted to the County.**

**Carried Unanimously.**

Jon Motz, Brandon Motz, Stewart Latwaitis, Beth Latwaitis, Peter Duke, and Bill Cade withdrew from the meeting.

Planning Update

Florian Goetz presented the Planning Services update for March, 2020.

Next Meetings

The next meetings are scheduled for April 23, 2020 and May 14, 2020.

**MPC 24/20  
Adjourn**

**Moved by Mr. Wigmore that the meeting adjourn.  
Time: 12:34 p.m.**

**Carried Unanimously.**

---

Chairperson