

**Municipal District of Pincher Creek No. 9
MUNICIPAL PLANNING COMMISSION**

Virtual via Microsoft Teams

October 4th, 2023

6:30 pm

Agenda

- 1. Adoption of Agenda**
- 2. Minutes**
 - a. Meeting Minutes of September 5th, 2023
- 3. Closed Meeting Session**
- 4. Unfinished Business**
 - a. Telecommunication Siting Protocol Application (Rogers Communication) within SW 14-6-2 W5
- 5. Development Permit Applications**
- 6. Development Reports**
 - a. Development Officer's Report
 - Report for September 2023
- 7. Correspondence**
- 8. New Business**
- 9. Next Regular Meeting – November 7th 2023**
- 10. Adjournment**

**Meeting Minutes of the
Municipal Planning Commission
September 5th, 2023 6:30 pm
Council Chambers**

ATTENDANCE

Commission: Chairman Jim Welsch, Councillors Harold Hollingshead and John MacGarva, Tony Bruder and Dave Cox

Staff: CAO Roland Milligan and Development Officer Laura McKinnon

Planning
Advisor: ORRSC, Senior Planner Diane Horvath

Absent: ORRSC, Senior Planner Gavin Scott, Member at Large Jeff Hammond,

Chairman Jim Welsch called the meeting to order, the time being 6:40 pm.

1. ADOPTION OF AGENDA

Councillor Dave Cox 23/048

Moved that the agenda for September 5th, 2023, be approved as presented.

Carried

2. PUBLIC MEETING – Telecommunication Siting Protocol Application (Rogers Communications Inc) within SW 14-6-2 W5

a. Public Meeting Called to Order

Chairman Jim Welsch called the Public Meeting to Order

b. Advertising Requirement

This Public Meeting has been advertised in accordance with Land Use Bylaw 1298-18, as well as circulated to all adjacent landowners within a 1 mile (1.6km) radius, as well as the Beaver Mines Community Association.

c. Presentations:

Laura McKinnon, Development Officer, gave overview of the proposed Telecommunication Siting Protocol Application from Rogers Communications Inc. Via LandSolutions Inc.

VERBAL:

Loralee Parker

- Wants zoned land to stay at what it's zoned for
- Needs answers on where cell phone service is lacking – thus why is it needed

MINUTES
Municipal Planning Commission (MPC)
Municipal District of Pincher Creek No. 9
September 5, 2023

- Value the natural beauty of the area
- There are not enough studies on the environmental impact of the towers
- Is the tower even wanted or needed
- This is a tourism area, it will be impacted

Tom Judd

- Upset about the timelines set on landowner response
- Went and got legal opinions
- Observations made about the decisions of the MPC
- Building of the sewer systems – are their alternatives
- Forced into decisions with short term thinking – do we need it?
- We've polluted every corner of this country
- Understanding 5G and potential impacts on generational farm

Larry Bartsloff

- Got a canned response from Rogers regarding concerns
- Beaver Mines is the equivalent of the Burnis Tree. Wouldn't want tower next to that
- Tower is placed in the lowest spot – wants alternative spots
- Is there going to be coverage to the Gladstone and west of Beaver Mines

Garry Marchuk

- Wants acknowledgement of the petition that was signed by local ranchers and residents of Beaver Mines
- Wants to hear a response from Councillor Cox and the MPC

Councillor Dave Cox

- Takes phone calls & messages from residents seriously and always returns the call
- Wants to listen to everyone

Jim Parker

- Very opposed to the tower
- Is the service supposed to reach West Castle? Heard it was going to be for the Town of Pincher Creek
- Thinks it should piggy back on other towers or find a better solution
- They have fought to keep the area pristine
- Its an ag based community and tourism is also good for the area
- Wants to know the impact on the environmental area and wildlife
- Needs to stay protected for tourism

Diane Horvath

- Gave overview of experience with Telecommunications towers

Chairman Jim Welsch asked once more for any last speakers. Then thanked everyone for coming and concluded the Public Meeting portion.

3. **ADOPTION OF MINUTES**

Councillor Tony Bruder 23/049

Moved that the Municipal Planning Commission Meeting Minutes for July 4th, 2023 be approved as amended.

Carried

4. **CLOSED MEETING SESSION**

Reeve Rick Lemire 23/050

Moved that the Municipal Planning Commission close the meeting to the public, under the authority of the *Municipal Government Act*, Section 197(2.1), the time being 7:20 pm.

Carried

Reeve Rick Lemire 23/051

Moved that the Municipal Planning Commission open the meeting to the public, the time being 7:55 pm.

Carried

5. **UNFINISHED BUSINESS**

6. **DEVELOPMENT PERMIT APPLICATIONS**

a. Telecommunications Siting Protocol Application (Rogers Communications Inc)

Councillor Dave Cox 23/052

Moved to direct Administration to draft a letter to Rogers Communications Inc, regarding various concerns and investigate on potential other locations.

Carried

**b. Development Permit Application No. 2022-42
Breanna Morrison
NE 20-6-1 W5
Recreational Accommodation Units – 3 Silos**

Councillor John MacGarva 23/053

Moved that Development Permit No. 2023-42, for 3 Silo Units for Recreational Accomodation Use, be approved as presented.

Condition(s):

MINUTES
Municipal Planning Commission (MPC)
Municipal District of Pincher Creek No. 9
September 5, 2023

1. That this development meets the minimum provisions as required in Land Use Bylaw 1289-18.
2. That if required, dust suppression be supplied by the applicant on Twp Rd 6-4A
3. That all garbage be contained in bear proof containers
4. That a pet policy must be formed, and attached to this development permit to mitigate potential pet issues
5. That adequate signage be placed on property such as, but not limited to, trespassing, garbage and river usage.

Carried

7. DEVELOPMENT REPORT

- a. Development Officer's Report

Councillor Dave Cox

23/053

Moved that the Development Officer's Report, for the period July & August 2023, be received as information.

Carried

8. CORRESPONDENCE

9. NEW BUSINESS

None

10. NEXT MEETING – October 3rd, 2023; 6:30 pm.

11. ADJOURNMENT

Councillor Harold Hollingshead

23/054

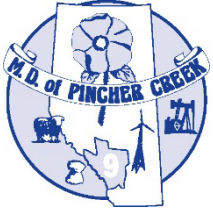
Moved that the meeting adjourn, the time being 8:15 pm.

Carried

Chairperson Jim Welsch
Municipal Planning Commission

Development Officer
Laura McKinnon
Municipal Planning Commission

Recommendation to Municipal Planning Commission

TITLE: Proposed Telecommunication Tower – 2023-01-T Applicant: Rogers Communications Inc. (Via LandSolutions) Location SW 14-6-2 W5 Division: 3 Size of Parcel: 63.97 ha (158.09 Acres) Zoning: Agriculture - A Development: Telecommunications Tower	
PREPARED BY: Laura McKinnon	DATE: September 28, 2023
DEPARTMENT: Planning and Development	
Signature: _____	ATTACHMENTS: 1. September 25 2023 Letter to LandSolutions Inc. 2. September 27 2023 Response from LandSolutions Inc. 3. Development Permit Application – Telecommunications with Public Notification Package 4. GIS Site Plan 5. Land Use Bylaw 1289-18 Telecommunications Siting Protocol Section 6. Tower Coverage Map
APPROVALS:	
_____	_____
Department Director	Roland Milligan
Date	CAO
Date	Date

RECOMMENDATION:

That municipal non-concurrence be issued for proposed Telecommunications Tower 2023-01-T on SW 14-6-2 W5 for the following reason(s):

Reason(s):

1. That the proposed development would unduly interfere with the amenities of the neighborhood and materially interfere with the use, enjoyment or value of neighboring parcels
2. The proposed development will detract from the character or appearance of the general development in the area

BACKGROUND:

- September 28 2023 update
- At the September 5 2023 MPC meeting, the commission advised administration to write a letter requiring further information (*Attachment No. 1*). LandSolutions Inc responded back, answering required information (*Attachment No. 2*).

Recommendation to Municipal Planning Commission

- On July 18 2023, the MD accepted Application No. 2023-01-T from applicant LandSolutions Inc (on behalf of Rogers Communications Inc.) which included the notification package to adjacent landowners (*Attachment No. 3*).
- The application is to allow for placement of a 60m tall telecommunications tower on an Agricultural parcel (*Attachment No. 4*).
- This application is being placed in front of the MPC because:
 - The Telecommunications Siting Protocol, as stated in Land Use Bylaw 1289-18, requires the MD of Pincher Creek Development Authority to issue concurrence or non-concurrence.
- In accordance with Land Use Bylaw 1289-18 a public meeting was called, as well as notifying all adjacent landowners within a 1 mile (1.6km) radius, including circulation to the Beaver Mines Community Association. The application will also have to be circulated to Alberta Transportation for approval.
- According to Land Use Bylaw 1289-18, the application complies with the Telecommunications Siting Protocol Requirements at the time of writing this report (*Attachment No. 5*).
- LandSolutions Inc supplied a coverage map for the telecommunications tower (*Attachment No. 6*).



1037 Herron Ave.
PO Box 279
Pincher Creek, AB
T0K 1W0
p. 403.627.3130
f. 403.627.5070

info@mdpincercreek.ab.ca
www.mdpincercreek.ab.ca

September 25, 2023

Sent Via Email: KSchmidt@landsolutions.ca

LandSolutions Inc.
Municipal Affairs Specialist
1420 333 11th Ave SW
Calgary AB T2R 1L9

Attn: Kristina Schmidt, Municipal Affairs Specialist

RE: Letter Requesting Further Information

Rogers File: W6378

Legal Land Description: SW 14-6-2 W5

Coordinates: Lat: N 49° 46' 7295", Long: W -114° 17' 2206"

This letter is in regards to the above mentioned telecommunications facility.

Based upon the information provided by LandSolutions Inc., on behalf of Rogers Communications Inc., the Municipal District of Pincher Creek No. 9 is requesting further information.

Based on the landowner responses and further discussion, the Municipal Planning Commission is requesting that LandSolutions Inc provide further detail regarding the following;

- Any co-location facilities available beyond the 800m radius that would still provide the coverage required
- Consideration of a location with less visual impact to the surrounding landowners and motorists on Hwy 507
- Alternate site with increase in elevation to obtain better coverage
- Aesthetic concerns regarding lighting
- Provide dropped call logs for the area

Trusting this is satisfactory, if you have any questions in regards to this matter please do not hesitate to contact the undersigned at 403 627 3130 for clarification.

Regards,

Laura McKinnon,

Development Officer

Laura McKinnon
Development Officer
MD of Pincher Creek
Box 279, 1037 Herron Avenue
Pincher Creek, AB T0K 1W0
admindevasst@mdpincercreek.ab.ca

Dear Ms. McKinnon,

Further to the Municipal District of Pincher Creek No. 9 Municipal Planning Commission's letter from September 25, 2023, LandSolutions Inc., on behalf of Rogers Communications Inc. (Rogers) is providing the following additional information for the review and issuance of Concurrence for the proposed 60m self-support telecommunications facility within SW 14-6-2 W5M.

- **Any co-location facilities available beyond the 800m radius that would still provide the coverage required**
 - Unfortunately, there are no possible co-location opportunities in the area that would still provide the required coverage for Rogers. There are no significant tower structures greater than 15m tall within a 6km radius, and the closest wireless communications tower is owned by TELUS, and is greater than 7km to the north towards Highway 3. The main objective for Rogers is to cover Beaver Mines and Highways 507/22 and 774 and the proposed location meets that objective.
- **Consideration of a location with less visual impact to the surrounding landowners and motorists on Hwy 507**
 - To meet the required coverage objective, relocating the tower facility further away from Beaver Mines and the intersection of Highways 507 and 774, would not be an option. The search area designed by Rogers' Planning Dept was targeted to meet coverage requirements. With the area topography, access to power and willingness of landowners to lease required space, the proposed location is the most suitable for Rogers, to provide required and enhanced service to the community. As well, wireless services are based on "line-of-sight" technology and in rural communities, towers are required and, in most cases, are elevated to provide service. This does mean that the facilities are visible, however this is a requirement to ensure adequate service is provided.
 - Please note, that there were several concerns raised regarding lighting on the proposed tower and the visual impact of lighting. It needs to be noted that Rogers has obtained approval from Transport Canada to operate this facility without aeronautical obstruction lights or markings, which we anticipate will appease the concerns related to visual impact.
- **Alternate site with increase in elevation to obtain better coverage**
 - As noted above, the main objective for Rogers is to cover Beaver Mines and Highways 507/22 and 774 and the proposed location meets that objective. The search area designed by Rogers' Planning Department was targeted to meet coverage requirements. With the area topography, access to power and willingness of landowners to lease required space, the proposed location is the most suitable for Rogers, to provide required and enhanced service to the community.
- **Aesthetic concerns regarding lighting**
 - Rogers has obtained approval from Transport Canada to operate this facility without aeronautical obstruction lights and markings, which we anticipate will appease the concerns related to visual impact from lighting.

- **Provide dropped call logs for the area**

- Unfortunately, Rogers is not able to provide data related to service levels, dropped calls or customer experiences related to a specific area. This information is proprietary, and Rogers would not want that data to be widely available. Please note, Rogers undertakes network development seriously and focuses on providing needed service in communities that require enhanced, or in some cases, new service. Network development, including new towers, is very costly, and Rogers would not be looking to provide enhanced services within the MD unless they felt customers, residents and the traveling public would benefit from the service.

Coverage maps have been included below to assist in providing a visual understanding of the before and after benefiting areas of service with the proposed telecommunications facility.

Further, the proposed facility is in the most suitable location for improving wireless service and has been designed with consideration to current and proposed land uses. When complete, the facility will provide continuous wireless coverage and added cellular capacity for the surrounding area.

Sincerely,

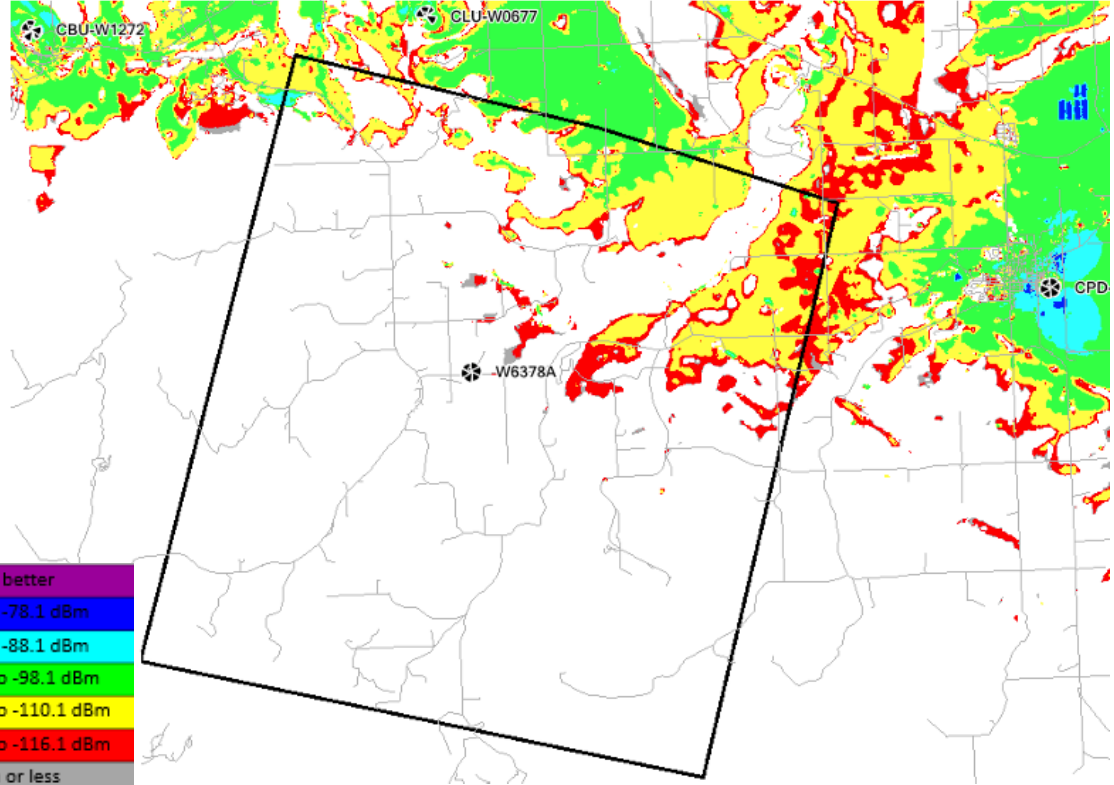
LandSolutions Inc. on behalf of Rogers Communications Inc.



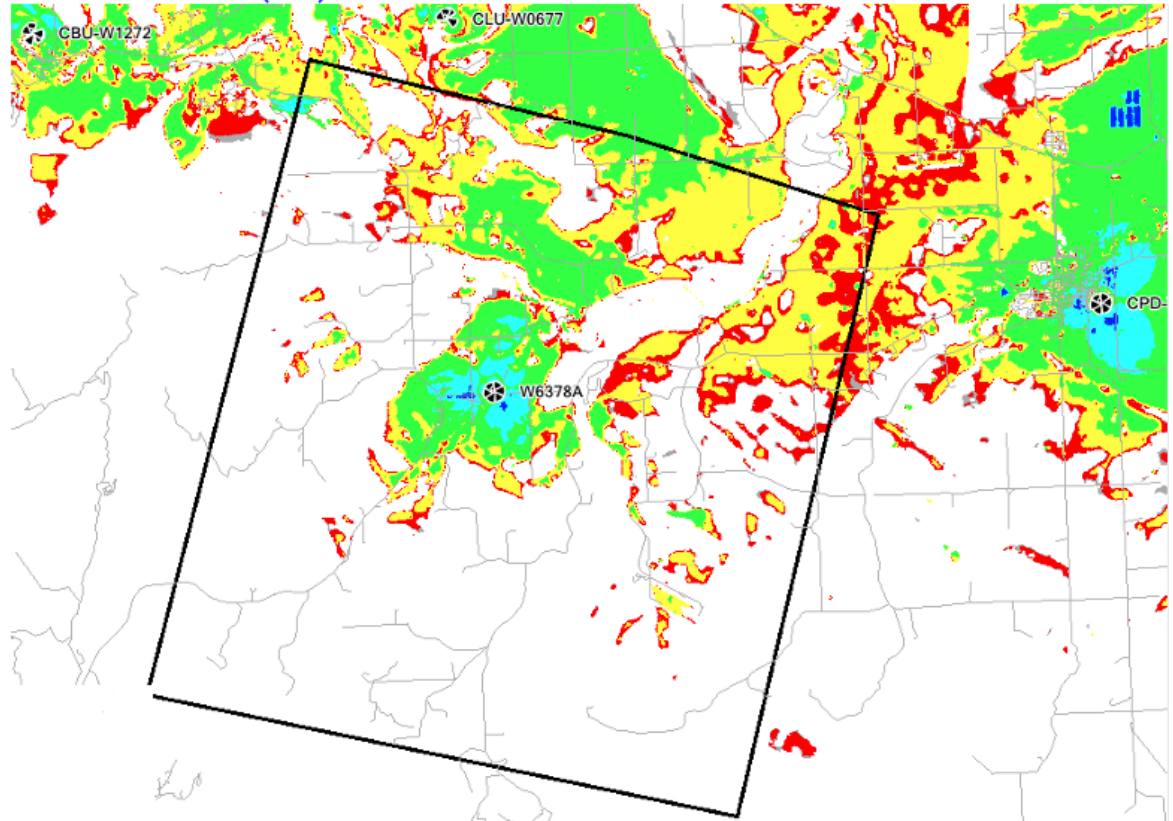
Kristina Schmidt, MCIP
Municipal Affairs Specialist
LandSolutions Inc.
1420, 333 11th Avenue SW
Calgary, Alberta, T2R 1L9
T: (403) 290-0008
F: (403) 290-0050
E: comments@landsolutions.ca

Coverage Maps – Before and After the Installation of the Proposed Telecommunications Facility

Indoor LTE 2100 – RSRP (Before)



Indoor LTE 2100 – RSRP (After)





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TELECOMMUNICATION SITING PROTOCOL APPLICATION & CHECKLIST

For Office Use Only:	Date application received:	Date deemed complete:	Land Use District (zoning):	Development permit application also required:
	18/07/23	25/07/23	Ag	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Application No:

PART 1 – APPLICANT INFORMATION

Name of Applicant (please print): LandSolution Inc. (Kristina Schmidt) **Phone (primary):** 403-930-4664

Mailing Address: 1420, 333 11 Avenue SW **Phone (alternate):** _____

Calgary, AB **Fax:** _____

_____ **Email:** kschmidt@landsolutions.ca

Postal Code: T4R 2L9 Check this box if you would like to receive documents through email.

As applicant, are you the owner of the property? Yes No

↓
IF "NO" please complete box below

Name of Owner: <u>Ryan Douglas McClelland,</u>	Phone (primary): <u>403-627-7328</u>
<u>Douglas McClelland and</u>	Phone (alternate): <u>403-627-7328</u>
<u>Leona McClelland.</u>	Applicant's interest in the property:
Mailing Address: _____	<input checked="" type="checkbox"/> Agent
<u>PO Box 1992</u>	<input type="checkbox"/> Antenna proponent/developer
<u>Pincher Creek, Alberta</u>	<input type="checkbox"/> Contractor
Postal Code: <u>T0K 1W0</u>	<input type="checkbox"/> Tenant
	<input type="checkbox"/> Other _____

PART 2 – PROPERTY INFORMATION

Municipal Address: N/A

Legal Description: All/Part SW ¼ Section 14 Twp 6 Range 2 W5M

Lot(s) _____ Block _____ Plan _____

Parcel size/area: 160 acres.



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TELECOMMUNICATION SITING PROTOCOL APPLICATION & CHECKLIST

What is the existing use on the parcel?

Agricultural grazing land and natural tame grasses.

PART 3 – DETAILS OF THE PROPOSED DEVELOPMENT

What currently exists on the parcel? (i.e. buildings, structures, improvements) Single family residence for landlord, farm outbuildings, storage buildings and animal shelters as required.

What will the antenna / tower be used for? Telecommunications signal transmission to local customers.

Are there any roads or approaches on the parcel? (THIS DOES NOT INCLUDE OIL/GAS FACILITY ACCESSES) Yes, existing access road to farm operations and landlords buildings with trails at various locations.

Are there any other antenna towers located within 800 metres of the subject proposal? (If yes, describe what the tower is used for and who the operator is along with providing a map identifying the location.) No.

Is Co-utilization with existing antenna systems proposed? Unavailable at this location.


Describe the proposed finish/color and if lighting or any markings are proposed for the antenna. Self- Support

TOWER SIZE

Overall tower height 60 m ft Commencement Date: TBD

DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.


 APPLICANT

REGISTERED OWNER (if not the same as applicant)

Please note that all information that you provide will be treated as public information in the course of the municipality's consideration of the development application pursuant to the MGA RSA 2000 Chapter M-26 and the Land Use Bylaw. By providing this information, you are deemed to consent to its public release. Information you provide will only be used for purposes related to the evaluation and consideration of the development application. Questions about information can be directed to the FOIPPA Coordinator.



LETTER OF AUTHORIZATION

Date: March 24, 2023
To: WHOM IT MAY CONCERN
Legal Description: Ptn. SW 14-6-2 W5M

I/We, **RYAN DOUGLAS MCCLELLAND, DOUGLAS MCCLELLAND and LEONA MCCLELLAND**, as Joint Tenants, as owners of the above-mentioned property, hereby give Rogers Communications Inc. and its agents permission to act as our agent to acquire the necessary permits, drawings and/or buildings structural blue-prints, hydro information from the public utility and information from the municipality or other authorities concerned, needed to approve the construction of the telecommunications site at the address indicated above.

Sincerely,

DocuSigned by:

6168E0B27271462

RYAN DOUGLAS MCCLELLAND

DocuSigned by:

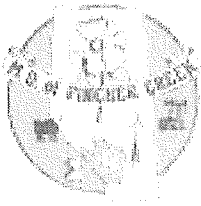
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DOUGLAS MCCLELLAND

DocuSigned by:

77C72EC3F8C4E7

LEONA MCCLELLAND



MD of Pincher Creek No. 9
P.O Box 279
1037 Herron Avenue
Pincher Creek Alberta T0K 1W0
(403) 627-3130
Website: www.mdpinchercreek.ab.ca
Email: info@mdpinchercreek.ab.ca

LandSolutions Inc.

PAYMENT RECEIPT

Receipt Number:	59616
Date:	7/25/2023
Initials:	SLM
GST Registration #:	10747347RP

Receipt Type	Roll/Account	Description	QTY	Amount	Amount Owing
General	DEVE	Development Application Fees	N/A	\$150.00	\$0.00

Subtotal:		\$150.00
Discount:		\$0.00
GST:		\$0.00
Total Receipt:		\$150.00
Visa:		\$150.00
Total Amount Received:		\$150.00

July 25, 2023



**Public Notification Package for
Proposed Wireless Communications Installation
SW 14-6-2 W5M
Rogers Site: W6378**

Rogers Communications Inc.: 2400 32nd Ave NE, Calgary, AB T2E 9A7

1. Introduction

Rogers Communications is proposing to construct a new wireless communications installation at SW 14-6-2 W5M (the “Proposed Installation”) in order to fill significant wireless coverage gaps in the area and meet the rising demand for wireless voice and data services.

This notification package sets out the pertinent details about the Proposed Installation and invites the public to submit their written comments and concerns about the Proposed Installation by August 28, 2023

2. Purpose of Proposed Installation and Site Selection

Based on recent feedback we have received from subscribers, as well as data we have collected on dropped calls and call quality in the area, we have determined that there are significant wireless coverage deficiencies within the area. The Proposed Installation will correct these deficiencies and allow us to provide much better service to our subscribers, including people in residences, businesses, schools, government agencies and emergency first responders.

Designing a wireless network would be similar to assembling a 3D jigsaw puzzle. Cell towers and antenna installations must be located near one another so that they are able to provide contiguous service without any holes or gaps in coverage. They must also be set at elevations that are high enough to deliver the signals to a wide service area.

Following a survey of the area, we identified the Proposed Installation - currently an agricultural lot - as the most viable candidate to meet our network coverage requirements. It will provide connectivity for an area that is currently experiencing below-average service levels and cannot be served by existing antenna sites as they are too distant and overloaded.

The location for the Proposed Installation offers technical and operations advantages, including proximity to roads for viable access for construction and maintenance, hydro connections, etc., thus reducing the need for further impact on the area. The Proposed Installation will not result in any interference or impact to the current use of the property.

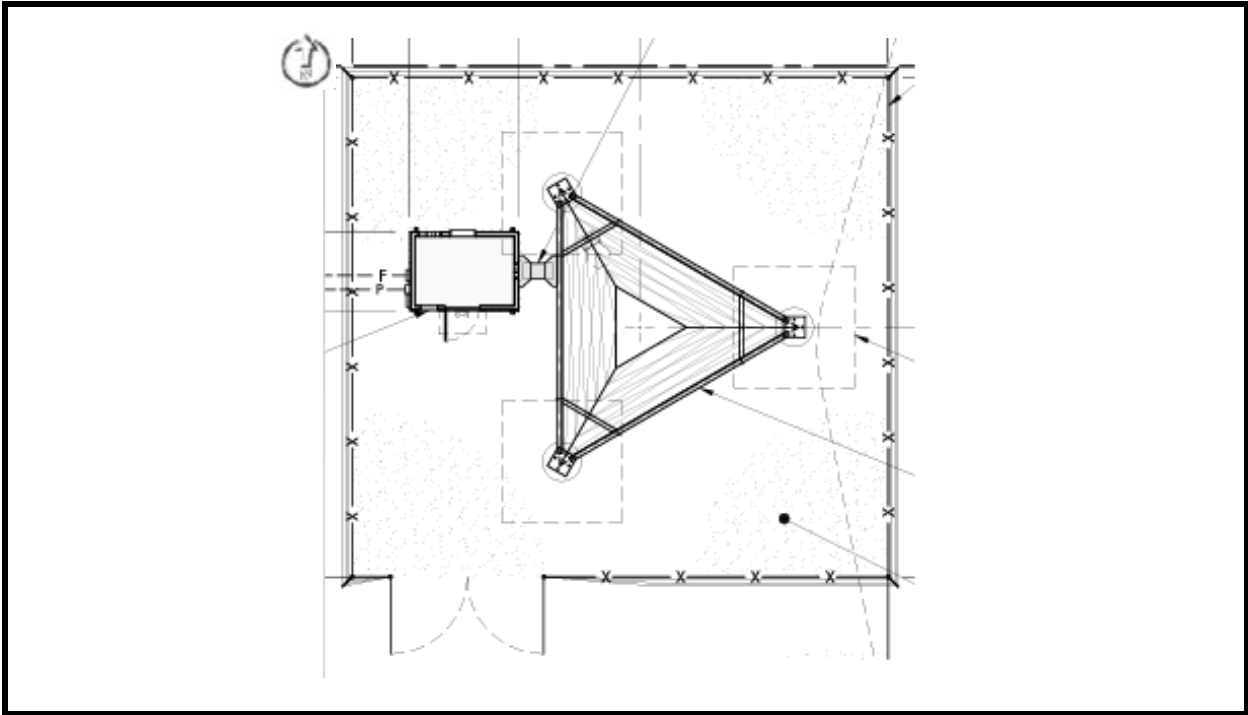
3. Location of Proposed Installation

The location of the Proposed Installation is described below:

Legal description: SW 14-6-2 W5M
Geographic coordinates: 49.467295°, -114.172206°

The Proposed Installation is shown on the drawings below. The Land Use Zoning is: Agricultural.

Drawing showing Proposed Installation Compound Layout



Aerial photograph showing Proposed Installation Location



4. Description of Proposed Antenna System

(a) Structure

The underlying structure for the Proposed Installation is a 60m self-support tower, operating at 700 - 2100Mhz frequencies.

(b) Antenna system

The antenna system will initially include nine (9) initial antennas, one (1) GPS antenna and one (1) microwave antenna, with provisions for future technology services. The diagram/photo below illustrates how the antennas will look when mounted on the tower.

(c) Premises

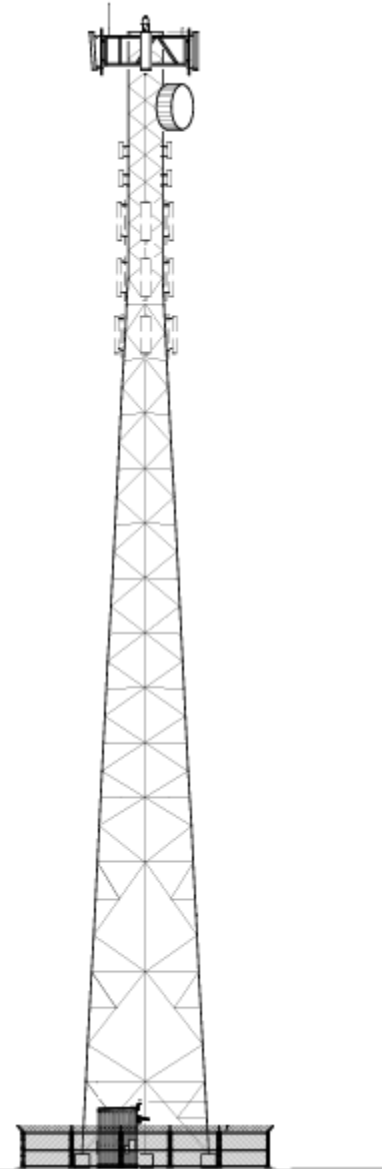
To minimize the impact on the property's current use as well as the visual impact on surrounding properties, the physical ground premises area will be located at SW 14-6-2 W5M.

The Proposed Installation will occupy a ground premises area of 20m x 20m and will include an alarmed and electronically monitored walk-in equipment cabinet surrounded by a 1.8 m high chain link security fence with a locked gate access point. The compound will also contain backup battery power, maintenance tools, manuals and first aid supplies.

It is not anticipated that tree removal will be required for the construction of the Proposed Installation. Shown on the above aerial view is the approximate location of the compound. Additional landscaping will be provided as in accordance with the direction of the MD of Pincher Creek, if required.

(d) Areas accessible to the public and measures to control public access.

The site will be surrounded by a 1.8 m high chain link security fence with barbed wire along the top and a locked gate at the access point.



5. Innovation, Science and Economic Development Canada (ISED) Authority and Requirements

(a) *Rogers is regulated by Innovation, Science and Economic Development Canada (ISED)*

As a federal undertaking, Rogers is regulated by Innovation, Science and Economic Development Canada (ISED) under the *Radiocommunication Act*. While the MD of Pincher Creek has a significant role to play in the approval of a tower or antenna installation, the ultimate decision to approve a tower or antenna systems lies with Innovation, Science and Economic Development Canada (ISED).

Because wireless services are federally regulated, the Municipal Government Act, and municipal by-laws and regulations that purport to govern the location and operation of cell towers and antenna systems do not apply. However, Innovation, Science and Economic Development Canada (ISED) has established a clear set of rules which wireless carriers must follow when seeking to install or modify a tower or antenna system (the “Innovation, Science and Economic Development Canada (ISED) Rules”).¹

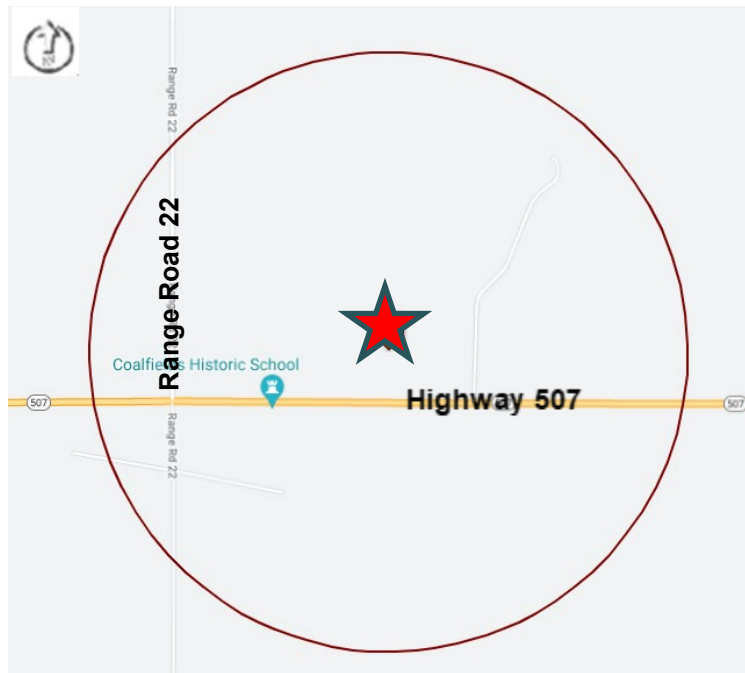
(b) *Consider Sharing Existing Structures*

Under the Innovation, Science and Economic Development Canada (ISED) Rules, before proposing a new tower or antenna installation, a wireless carrier must first look at locating its antennas on existing towers or other structures that are located within the specific geographical area and have sufficient height and structural integrity to allow the additional equipment.

In the case of the Proposed Installation, it was determined that there were no nearby towers or structures within 800m radius before conclusively determining the importance of pursuing the Proposed Installation at this location.

¹ CPC-2-0-03 - *Radiocommunication and Broadcasting Antenna Systems*.

Co-Location Review



Furthermore, Rogers accepts to receive any colocation and tower sharing requests made by other licensed carriers. Rogers could, to the extent where the equipment installed by any third-party carrier does not create any interference or technical constraint with its equipment, agree to share the proposed site.

(c) Consult with the Municipality

The Innovation, Science and Economic Development Canada (ISED) Rules also require us to contact the applicable municipality to understand its local consultation requirements and any preferences it may have for tower-siting and/or design. The MD of Pincher Creek concerns, preferences and suggestions are important elements to be considered when planning a new tower or antenna system.

On September 28, 2022, Rogers corresponded with the MD of Pincher Creek to discuss the location of the Proposed Installation and to understand the MD of Pincher Creek's preliminary concerns prior to submitting our formal application for approval.

6. Public Consultation

The MD of Pincher Creek has established its own tower-siting protocol entitled Telecommunication Siting Protocol with the Land Use Bylaw 1289-18 (the "Protocol") which sets out, among other things, the requirements for Rogers to engage and consult with public about the Proposed Installation.

In accordance with the Protocol, we are providing this information package to all property owners located within a radius of 1.6km from the base of the Proposed Installation. A

notice in the local community newspaper to notify the public about the Proposed Installation will also be published.

Copies of this Notification Package, as well as any correspondence between Rogers and the public, will be provided to the MD of Pincher Creek and ISED.

We will acknowledge receipt of any communications we receive from a member of the public within 14 days, and then provide a formal response within 60 days. After that, the public commentor will have a further 21 days to provide a reply.

After the public consultation process has been completed and we have addressed and resolved all reasonable and relevant concerns (and the public has not provided further comment within the 21 days), we will forward a final report setting out the details of the public consultation to the MD of Pincher Creek and Innovation, Science and Economic Development Canada (ISED). It is at this point that we will request that MD of Pincher Creek to provide its concurrence to allow the Proposed Installation to proceed.

7. Other Regulatory Requirements

(a) Safety Code 6

Rogers attests that the radio antenna system for the Proposed Installation will be installed and operated on an ongoing basis to comply with Health Canada's *Safety Code 6* limits as it may be amended from time to time, for the protection of the general public, including any combined effects of additional carrier co-locations and nearby installations within the local radio environment.²

(b) Environmental Assessment

Rogers attests that the Proposed Installation is not located within federal lands nor is it incidental to, or form part of, projects that are designated under the *Regulations Designating Physical Activities* or by the Minister of the Environment as requiring an environmental assessment. Therefore, in accordance with the Impact Assessment Act (S.C. 2019, c. 28, s. 1), Rogers confirms that the Proposed Installation is excluded from environmental assessment.

Detailed information on the Impact Assessment Act (S.C. 2019, c. 28, s. 1) can be found at: <https://laws-lois.justice.gc.ca/eng/acts/I-2.75/page-1.html>

² Additional information is available at the following Government of Canada's websites:
<http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf11467.html>
http://www.hc-sc.gc.ca/ewh-semt/pubs/radiation/radio_guide-lignes_direct-eng.php
<http://www.ic.gc.ca/towers>

(c) *Aeronautical Obstruction Marking Requirements*

Rogers attests that the Proposed Installation will be installed and operated on an ongoing basis in compliance with Transport Canada and NAV Canada aeronautical safety requirements. No lighting or markings are required as per Transport Canada and NAV Canada, pursuant to the *Canadian Aviation Regulations Standard 621 - Obstruction Markings and Lighting*.

Rogers will submit the necessary applications to the appropriate parties to obtain required approvals.³

(d) *Engineering Practices*

Rogers attests that the radio antenna system for the Proposed Installation will be constructed in compliance with the *National Building Code* and the Canadian Standard Association, and will respect good engineering practices, including structural adequacy.

8. Innovation, Science and Economic Development Canada (ISED)'s Spectrum Management

For information on the Innovation, Science and Economic Development Canada (ISED) Rules, please consult Innovation, Science and Economic Development Canada (ISED) at: www.ic.gc.ca/epic/site/smt-gst.nsf/en/sf08777e.html or contact the applicable local office of Innovation, Science and Economic Development Canada (ISED):

ISED - Southern Alberta District Office
220 - 4th Avenue SE, Suite 478
Calgary AB T2G 4X3
p. 1-800-267-9401
e. ic.spectrumcalgary-calgaryspectre.ic@canada.ca

General information relating to antenna systems is available on Innovation, Science and Economic Development Canada (ISED)'s Spectrum Management and Telecommunications website:

www.ic.gc.ca/epic/site/smt-gst.nsf/en/home

³ For additional detailed information, please consult Transport Canada at: <https://tc.canada.ca/en/corporate-services/acts-regulations/list-regulations/canadian-aviation-regulations-sor-96-433>

9. Invitation for Public Comment

Members of the public are invited to provide their comments to LandSolutions Inc. on behalf of Rogers about the Proposed Installation by mail, email or phone.

To be considered part of this consultation, members of the public are invited to provide their comments by email or mail to LandSolutions Inc. on behalf of Rogers by close of business day on August 31, 2023.

LandSolutions Inc. Attn: Kristina Schmidt, MCIP Municipal Affairs Specialist 1420, 333 11 Avenue SW Calgary, AB T2R 1L9 p. 403-290-0008 e. comments@landsolutions.ca	MD of Pincher Creek Attn: Laura McKinnon Development Officer Box 279 Pincher Creek, AB T0K1W0 p. 403-627-3130 e. AdminDevOfr@mdpincercreek.ab.ca
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All comments and questions received will form part of a report of consultation provided to the MD of Pincher Creek in accordance with the Protocol and the Innovation, Science and Economic Development Canada (ISED) Rules.



SW14 6-2-5

Proposed Tele. Comm Site

Distance: 112.17 m

UNKNOWN

HWY507

HWY507

HWY507

7927 HT

7927 HT



- (e) a site suitability analysis including but not limited to, topography; soils characteristics and classification; storm water collection; accessibility to a road; availability of water supply, sewage disposal system and solid waste disposal if applicable; compatibility with surrounding land uses; potential impacts to agricultural land, operations and pursuits; potential visual impacts, and consistency with the policies of the Municipal Development Plan;
- (f) preliminary grading/drainage plan;
- (g) any impacts to the local road system including required approaches from public roads having regard to Municipal District of Pincher Creek No. 9 standard;
- (h) post-construction reclamation plan and decommissioning plan detailing how the developed lands will be returned to as natural a state as possible, including removal of subsoil structures;
- (i) if required by the Development Authority, an Environmental Assessment Review prepared by a qualified professional or other studies and reports to demonstrate site suitability and impact mitigation;
- (j) an application shall be submitted for each titled parcel;
- (k) prior to a decision being made, the applicant shall hold a public meeting in order to solicit the views of the public in regard to the application and report the information received to the Development Authority;
- (l) the applicant shall forward to the Municipal District of Pincher Creek No. 9 copies of all regulatory and utility permits, approvals, and conditions prior to commencement of construction.

59.9 In the “Agriculture – A”, “Wind Farm Industrial – WFI” and “Urban Fringe – UF” land use districts, applicants shall consider the following when selecting sites:

- (a) use of the lowest productive land, dry corners, and poor agricultural land with Canada Land Inventory (CLI) soil classification of 4 through 7, is preferred;
- (b) to the extent possible, use of irrigated land, native prairie grassland and high quality agricultural soils with a CLI classification of Class 1 through 3, is not preferred.

SECTION 60 TELECOMMUNICATION SITING PROTOCOL

60.1 PURPOSE

This section serves as the protocol for the installation and modification of telecommunication, radiocommunication and broadcasting antenna systems (antenna systems) in the MD of Pincher Creek. The protocol establishes the procedural standard for public participation and consultation that applies to proponents of antennas systems and identifies the MD of Pincher Creek’s preferred development and design standards.

60.2 APPLICABILITY

The federal Minister of Industry is the approval authority for the development and operation of antenna systems, pursuant to the Radiocommunication Act. Innovation, Science and Economic Development (ISED) Canada recognizes the importance of considering input from local Land Use Authorities and the public regarding the installation and modification of antenna systems and encourages Land Use Authorities to establish a local protocol to manage the process of identifying and conveying concerns, questions



and preferences to the proponent of an antenna system and Innovation, Science and Economic Development (ISED) Canada.

The local protocol established in this Section applies to any proposal to install or modify a telecommunication, radiocommunication or broadcast antenna system within the MD of Pincher Creek which is not excluded from the consultation requirements established by Innovation, Science and Economic Development (ISED) Canada in Client Procedures Circular CPC-2-03 [or subsequent/amended publications]. Proponents of excluded antenna systems are nevertheless encouraged to contact the MD of Pincher Creek to discuss the proposal and identify any potential issues or concerns and give consideration to the development and design standards in Section 60.5.

(a) Antenna Systems Siting Protocol Exclusion List:

Innovation, Science and Economic Development (ISED) Canada has determined that certain antenna structures are considered to have minimal impact on the local surroundings and do not require consultation with the local Land Use Authority or the public. Innovation, Science and Economic Development (ISED) Canada's publication, Radiocommunication and Broadcast Antenna Systems CPC-2-0-03 lists the types of antenna installations exempted from the requirement to consult with the local Land Use Authority and the public. The installations listed in CPC-2-03 are therefore excluded from the MD of Pincher Creek Land Use Bylaw and include:

- (i) maintenance of existing radio apparatus including the antenna system, transmission line, mast, tower or other antenna-supporting structure;
- (ii) addition or modification of an antenna system (including improving the structural integrity of its integral mast to facilitate sharing), the transmission line, antenna-supporting structure or other radio apparatus to existing infrastructure, a building, water tower, etc. provided the addition or modification does not result in an overall height increase above the existing structure of 25% of the original structure's height;
- (iii) maintenance of an antenna system's painting or lighting in order to comply with Transport Canada's requirements;
- (iv) installation, for a limited duration (typically not more than 3 months), of an antenna system that is used for a special event, or one that is used to support local, provincial, territorial or national emergency operations during the emergency, and is removed within 3 months after the emergency or special event; and
- (v) new antenna systems, including masts, towers or other antenna-supporting structure, with a height of less than 15 metres above ground level.

Proponents, who are not certain if their proposed structure is excluded, or whether consultation may still be prudent, are advised to contact the MD of Pincher Creek or Innovation, Science and Economic Development (ISED) Canada for guidance.

60.3 MUNICIPAL REVIEW AND ISSUANCE OF CONCURRENCE OR NON-CONCURRENCE

- (a) The MD of Pincher Creek Development Authority shall be responsible for reviewing and issuing municipal concurrence or non-concurrence for all antenna system proposals within the MD of Pincher Creek which are not excluded under Section 60.2.



- (b) Concurrence with a proposal will be measured against the requirements of the applicable land use district within which the antenna system is proposed, the development and design standards in Section 60.5, applicable policies of the MD of Pincher Creek Municipal Development Plan, and consideration of comments received during the public consultation process (section 60.7) and any other matter deemed relevant by the Development Authority:
 - (i) when a proposal is given a concurrence decision, the proponent will receive a letter of concurrence from the Development Authority documenting its decision;
 - (ii) when a proposal is given a non-concurrence decision, the proponent will receive a letter of non-concurrence from the Development Authority describing the reasons for the decision.
- (c) Municipal concurrence does not constitute approval of uses, buildings and structures which require issuance of a development permit under the Land Use Bylaw. A proposal which includes uses, buildings or structures in addition to the antenna system, is required to obtain development permit approval for such uses, buildings and structures in accordance with the provisions of the Land Use Bylaw.

60.4 MUNICIPAL REVIEW PROCESSING PERIOD

- (a) Except as provided in subsection 60.4(b), the Development Authority will issue a decision of either concurrence or non-concurrence within 40 days of receiving a complete application package.
- (b) The 40-day processing time period may be extended by the proponent or the MD of Pincher Creek, through mutual consent.

60.5 DEVELOPMENT AND DESIGN STANDARDS

The MD of Pincher Creek requests that the following antenna systems development and design standards be adhered to:

(a) Co-utilization

Co-utilization of existing antenna systems is the preferred option within the MD of Pincher Creek and is encouraged whenever feasible. The MD of Pincher Creek recognizes that while this is the preferred option, co-utilization of existing antenna systems is not always possible.

(b) Public Roadway Setbacks

Rural:

- (i) In order to facilitate future widening/service road dedication and reduce potential snow drifting/sight restrictions, an antenna system (excluding any guy wires or similar support mechanisms) should be placed no closer than 30.0 metres (98.4 ft.) from the property line abutting a rural road. A lesser setback may be considered at the discretion of the Development Authority on a site-specific basis.

Hamlet:

- (ii) An antenna system (including any guy wires or similar support mechanisms) proposed within a hamlet should be placed no closer than 7.62 metres (25 ft.)



from the property line abutting the public road. A lesser setback may be considered at the discretion of the Development on a site-specific basis.

- (c) Locational Criteria
 - (i) Antenna systems should maintain an adequate setback from hazard lands, as required in Part VII, Section 35.
 - (ii) Proponents should consult the MD of Pincher Creek Municipal Development Plan, to determine whether the proposed location of the antenna system is within an environmentally significant area. If the proposed site of the antenna systems is located within an identified environmentally significant area, the proponent should submit documentation to the Development Authority demonstrating site suitability.
 - (iii) The Pincher Creek Airport (CZPC) is vital to fighting forest fires in the region and integral to future economic development. Further, the Cowley aerodrome (CYYM) is integral to recreational glider aircraft. It is the preference of the MD of Pincher Creek that no telecommunication antenna systems be developed within 4000m of either runway to help minimize aeronautical hazard.
- (d) Lighting Signage and Appearance
 - (i) Antenna structures shall be lit with Transport Canada approved lighting;
 - (ii) Proponents for antenna structures which are visible from higher density residential areas may be requested to employ innovative design measures to mitigate the visual impact of these structures. The proponent shall provide stealth structure options when requested by the Municipality. Stealth structure options will be based on an evaluation of the massing, form, colour, material, and other decorative elements, that will blend the appearance of the facility into and with the surrounding lands.
 - (iii) The placement of signage on antenna systems is not permitted, except where required by applicable federal agencies.

60.6 APPLICATION SUBMITTAL REQUIREMENTS

- (a) Proponents are encouraged to contact the MD of Pincher Creek in advance of making their submission to obtain information about this Protocol and identify any preliminary issues or concerns.
- (b) The following application package shall be submitted to the MD of Pincher Creek for consideration of a proposed antenna system:
 - (i) a completed Telecommunication Antenna Siting Protocol application, including site plan;
 - (ii) the prescribed fee;
 - (iii) a description of the type and height of the proposed antenna system and any guy wires or other similar support mechanisms (e.g. support cables, lines, wires, bracing);
 - (iv) the proposed lighting and aeronautical identification markings for the antenna and any supporting structures;
 - (v) documentation regarding potential co-utilization of existing towers within 800 metres (0.5 miles) of the subject proposal; and



- (vi) any other additional information or material the Development Authority determines to be necessary and appropriate to properly evaluate the proposed submission.
- (c) Proposals for freestanding telecommunication antennas shall not be required to obtain a development permit unless buildings or structures are also proposed in addition to the antenna system and supporting structures. For such proposals, the following shall be submitted in addition to the requirements of 60.6(b):
 - (i) a completed development permit application;
 - (ii) the prescribed fee.

60.7 NOTIFICATION AND PUBLIC CONSULTATION PROCESS

- (a) Upon receipt of an application package, the Development Authority shall review the application for completeness and, if deemed complete, will:
 - (i) schedule a date for a public development meeting to be held by the Development Authority, at which the proposal will be reviewed and comment received regarding the proposal;
 - (ii) notify the proponent and/or representative of the antenna system of the development hearing date;
 - (iii) post a notice of the development hearing in a newspaper in accordance with Section 19 of the Land Use Bylaw; and
 - (iv) notify by mail persons likely to be affected by the proposal of the development hearing date, including:
 - a. landowners within 1.61 km (1 mile) of the proposed antenna system;
 - b. any review agencies deemed affected, as determined by the Development Authority;
 - c. any other persons deemed affected, as determined by the Development Authority;
 - d. The notifications must be sent 19 days prior to the public meeting date.
- (b) The proponent or a representative should attend the development hearing and be prepared to explain all aspects of the proposal including the siting, technology, and appearance of the proposed antenna system.

SECTION 61 CANNABIS PRODUCTION FACILITY

- 61.1 The owner or applicant must provide as a condition of development a copy of the current license for all activities associated with Cannabis production as issued by Health Canada.
- 61.2 The owner or applicant must obtain any other approval, permit, authorization, consent or license that may be required to ensure compliance with applicable federal, provincial or other municipal legislation.
- 61.3 The development must be done in a manner where all of the processes and functions are fully enclosed within a stand-alone building.
- 61.4 The development shall not operate in conjunction with another approved use.



DEVELOPMENT OFFICER REPORT

September 2023

Development / Community Services Activities includes:

- Sept 5 Municipal Planning Commission Meeting
- Sept 12 Council & Committee Meeting
- Sept 15 Meeting with South Canadian Rockies (Visitor Guide)
- Sept 18 Town of PC Meeting
- Sept 19-22 Alberta Development Officers Association Conference (Leduc)
- Sept 26 Council & Committee Meeting

PLANNING DEPARTMENT STATISTICS

Development Permits Issued by the Development Officer for September 2023

No.	Applicant	Division	Legal Address	Development
2023-44	Peter & Cindy Seberg	5	Lot 2, Block 1, Plan 2310212 within NW 26-7-2 W5	Single Detached Residence
2023-45	Dave & Sandra McGrath	4	Lot 3, Block 7, Plan 815791 within Castle View Estates	Single Detached Residence

Development Permits Issued by Municipal Planning Commission September 2023

2023-43	Breanna Morrison	3	NE 20-6-1 W5	Recreational Accommodation Units – 3 Silos
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Development Statistics to Date

DESCRIPTION		2023 To date (Sept)	2022	2021	2020
Dev Permits Issued	3 – September	42 26 -DO 16 -MPC	48 29 – DO 19 - MPC	68 46-DO 19-MPC	67 57-DO 10-MPC
Dev Applications Accepted	3 – September	47	49	70	67
Utility Permits	3 – September	29	12	31	27

Issued					
Subdivision Applications Approved	4 – September	5	8	20	18
Rezoning		0	5	0	0
DESCRIPTION		2023 to Date (September)	2022	2021	2020
Compliance Cert	2 – September	17	32	41	24

RECOMMENDATION:

That the report for the period ending August 31, 2023, be received as information.

Prepared by: Laura McKinnon, Development Officer

Date: September 28, 2023

Respectfully Submitted to: Municipal Planning Commission