

MUNICIPAL DISTRICT OF BIGHORN NO. 8

MUNICIPAL PLANNING COMMISSION MEETING

HELD JANUARY 19, 2011 AT THE MUNICIPAL OFFICE IN EXSHAW

PRESENT: AMANDA KELLY MPC MEMBER
CAROLYN MONTGOMERY MPC MEMBER (Council)
MIKE MILNE MPC MEMBER

ABSENT: GRAHAM LOCK MPC MEMBER (Chairman)
PAUL RYAN MPC MEMBER (Council)

STAFF: JANICE THOMPSON DEVELOPMENT OFFICER
ULRIKA GILLESPIE MANAGEMENT ASSISTANT,
PLANNING & DEVELOPMENT

GUESTS: None

I. CALL TO ORDER

In the absence of a Chairman, Development Officer Janice Thompson called the meeting to order at 9:02 a.m. She asked the MPC members present to select a Chairperson for the meeting. Following discussion, Mike Milne was appointed to be Chairman, who accepted and assumed the chair.

II. APPROVAL OF AGENDA

Chairman Milne asked the members and staff if there were any additions or deletions proposed for the agenda. None were requested by MPC members, but Janice Thompson stated that there is one deletion being proposed. She said it had to do with Item VIII. 3 – MPC Procedures. She said that given two members were absent today that it was thought that this item should be removed and would be instead placed on the February 23rd agenda when all MPC members would be in attendance for the discussion.

MOTION 01.01.11 KELLY THAT

the Municipal Planning Commission approve the agenda with the following deletion:

VIII. 3 MPC Procedures

CARRIED UNANIMOUSLY

III. APPROVAL OF MINUTES

Chairman Milne asked the MPC members if there were any errors or omissions to the submitted December 21, 2010 regular minutes. No errors or omissions were noted by either the MPC members or by staff.



MOTION 02.01.11 MONTGOMERY THAT

the Municipal Planning Commission approve the minutes of the December 21, 2010 meeting as presented.

CARRIED UNANIMOUSLY

V. DEVELOPMENT APPLICATIONS

A. APPLICATIONS REFERRED TO MUNICIPAL PLANNING COMMISSION

1. DP Application No. 59/10

Ms. Thompson outlined the background information as per the Development Officer's Report. She reiterated that the application is for the renewal of an existing home-based business (major). She said that the home business is that of vehicle body work with an associated office. She said that the property is located near Highway #40, located just west of the Ghost River Subdivision. Ms. Thompson stated that the permit expired on December 16, 2010 but that the applicants had submitted the renewal application prior to this expiry. She said that in terms of timing the application could not be placed on the December, 2010, agenda as that package was in the process of being sent out. Ms. Thompson continued to explain that home-based businesses are listed as Discretionary Uses in the Agriculture Conservation District of which the property is designated. Ms. Thompson provided some history outlining that there is an existing Quonset on the property that the home-based business is operated within. She said that back when the original application for the home business was submitted, it included modifications to this existing Quonset to accommodate the vehicle body work, such as accommodating the spray booth and paint storage. She said that mainly the landowner does antique car restoration and hires one employee, which is provided for in the Land Use Bylaw. Ms. Thompson stated that the business has been in operation for approximately 15 years and that staff were not aware of any complaints with respect to the business. Ms. Thompson continued stating that special requirements must be met in terms of paint storage, such as the type of containment structure and that the Alberta Building Code addressed this as well as the spray booth. She said that, as required in the previous development approval, a fire inspection had been conducted by Bighorn's Exshaw District Fire Chief and no concerns noted. Ms. Thompson stated that since the last renewal of this business there is a new requirement. She said this had to do with the Alberta Motor Vehicle Industry Council (AMVIC). She said that this Council is responsible for administering and enforcing the legislation for the automotive industry. She said that the applicants are now required to obtain a license from AMVIC for the business and that the staff recommendation deals with this license requirement as well as the need for a copy of this license to be provided to the MD once obtained. She said that the applicants have been made aware of this requirement and that AMVIC was copied with the correspondence advising the landowners of this. Ms. Thompson ended with stating that the LUB allows for home-based businesses to be renewed for a period of up to three years and that this is what the applicants are requesting. She outlined that the staff recommendation was for approval subject to the outlined conditions.

Chairman Milne asked MPC members if there were any questions. Amanda Kelly stated that the background information says that the business is for vehicle body work but the first condition in the staff recommendation quotes approval for antique car restoration and she wondered if this was conflicting or limiting what the applicant could do. Ms. Thompson responded that in the beginning vehicle body work was what was described and approved but a later renewal outlined antique car restoration. She said that it would be a good idea to clarify this in any decision. Ms.

Kelly then suggested that staff recommendation No. 1 be reworded. Carolyn Montgomery added that the applicants had requested approval for "auto restoration" in the application so that is the wording that should be used. The members agreed that this would avoid any misunderstanding. Following a discussion of the wording, Ms. Thompson then read out loud a revised clause that removed the words "antique car restoration" as well as the word "associated" and in place added "automobile restoration and vehicle body work". The members indicated their satisfaction with this.

Mike Milne noted that the LUB allows for only a three year renewal permit and thought that given the mature business and being in existence for some 15 years that was too bad the LUB didn't allow for a longer period for these types. Ms. Montgomery commented that it is actually good to keep renewal time frames to three years so that if there are complaints, they can be dealt with at renewal. There was a brief discussion on three year renewals vs. five year renewals.

There was clarification as to the re-wording of staff recommendation No. 1 as provided by Ms. Thompson earlier in the discussion.

MOTION 03.01.11 KELLY THAT

the Municipal Planning Commission **APPROVE** Development Permit Application No. 59/10 subject to the following amended conditions:

1. The home-based business shall be limited to automobile restoration and vehicle body work as well as associated office-type uses that generally take place at a desk and include telephone, computer, mail, scheduling, book-keeping or similar activities.
2. The home-based business shall be operated in accordance with the Alberta Building Code and the Alberta Fire Code, and any other Provincial or Federal regulation that applies.
3. The home-based business shall not create nuisance by way of dust, noise, odour, smoke or traffic generation and be limited to those activities which do not interfere with the rights of other residents to quiet enjoyment of their neighbourhood, and shall be incidental and subordinate to the principal residential use.
4. **Within six months of the issuance of this Development Permit**, the landowner shall provide the MD of Bighorn with either a copy of a licence obtained from the Alberta Motor Vehicle Industry Council for the antique car restoration business or written confirmation from that Council that a licence is not required.
5. There shall be no burning of debris or waste material on-site without the prior written approval of Alberta Environment. Waste material and products shall be disposed of at an approved government facility and in no case shall paint wastes be disposed of at MD of Bighorn waste transfer sites.
6. Any and all solvents are to be stored in an approved cabinet complete with a secondary containment area to hold 110% of the stored volume.
7. Any signs advertising this home-based business shall be the subject of a separate development approval.
8. The home-based business shall be operated in accordance with Section 4.3 of the M.D. of Bighorn No. 8 Land Use Bylaw (attached).
9. The home-based business shall be operated by the permanent residents of the dwelling and may employ no more than one (1) person in addition to the residents.



10. All outdoor storage of goods, materials and equipment shall be adequately screened from adjacent lands and kept in a tidy state.
11. The landowner shall allow random fire inspections of the development by Bighorn's Fire Safety Codes Officers at least annually in order to ensure that the home-based business is operated in accordance with the Alberta Fire Code.
12. This development permit may be revoked or a stop order issued if the operator of the home-based business has violated any provisions of the Land Use Bylaw or any conditions within this development permit.
13. This home-based business approval shall be subject to consideration for renewal but shall otherwise expire on **December 16, 2013**.

CARRIED UNANIMOUSLY

VIII. NEW BUSINESS

1. Council Minutes – December 14, 2010
The MPC members accepted the submitted Council minutes as information.
2. Committee Conduct Policy
The MPC members accepted the submitted Council policy as information.

Chairman Milne noted that item VIII. 3 had been deleted from the agenda and Ms. Thompson stated this discussion would be placed on the February 23, 2011 agenda. There was a brief discussion on the MPC procedures and what the discussion would involve, notification to the public of MPC agendas, minutes and newspaper notifications, and the MD's website.

IX. ADJOURNMENT

MOTION 04:01.11 MONTGOMERY THAT
the Municipal Planning Commission meeting adjourn at 9:34 a.m.

CARRIED UNANIMOUSLY



CHAIR



DESIGNATED OFFICER

