



Agricultural Land Commission
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March 28, 2006

Reply to the attention of Brandy Ridout
ALC File #T-36288

Gerry and Sandy Popoff
1665 Whitaker Road
Armstrong, BC V0E 1B8

Dear Mr. and Mrs. Popoff:

Re: Request for Reconsideration

This is further to your letter of January 10, 2006 in which you asked the Provincial Agricultural Land Commission to reconsider Resolution #655/2005.

The Commission has reconsidered the matter and has attached the Minutes of Resolution #78/2006 outlining its latest decision.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Township of Spallumcheen, 4144 Spallumcheen Way, Spallumcheen, BC V0E 1B6
(Attention: Lynda Shykora)
Regional District of North Okanagan (Attention: Rob Smailes)

BR/lv/Enclosure: Minutes
36288d2.

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 2, 2006 at the Ministry of Agriculture and Lands office located at 4607 - 23rd Street, Vernon, BC.

PRESENT:	Sue Irvine	Chair, Okanagan Panel
	Sharon McCoubrey	Commissioner
	Sid Sidhu	Commissioner
	Brandy Ridout	Staff
	Martin Collins	Staff

For Consideration

A letter from Gerry and Sandy Popoff was received requesting that the Commission reconsider its decision recorded as Resolution # 655/2005. The Commission had refused the use of their property (PID 005-363-691 - Armstrong Towing) for home occupation uses beyond that permitted by the zoning bylaw on the grounds the business did not appear to be well established and the Commission did not want to encourage further intensification.

Application # T-36288

Applicant(s) Township of Spallumcheen

Proposal The application is for eleven (11) non farm uses within the ALR in Spallumcheen. By way of background, the application arose from a home occupation "amnesty" program initiated by the District of Spallumcheen. Over the years a number of "non conforming" home occupation businesses sprang up on properties throughout the District. These businesses were either unknown to District staff and Council, or deliberately ignored.

In an attempt to address the problem the District initiated a bylaw review, the purpose of which was to expand the home occupation footprint and bring many on the non conforming home occupation uses into compliance with a new community standard. Although an amended bylaw increased the size of the home occupation footprint from the previous standard of 100 sq meters to maximum of 185 sq meters, many businesses still exceeded this threshold. As a compromise, the District intends to specifically reference those remaining non conforming home based businesses directly in the bylaw (to "grandfather" them as they are now). This means that any expansion of the business would require both the ALC's approval and a zoning amendment.

Site Inspection

A site inspection was conducted on March 1, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey, and Sid Sidhu
- Staff: Brandy Ridout and Martin Collins
- Landowner: Gerry Popoff

Discussion

As Gerry Popoff did not attend the November 24, 2005 site visit, the Commission was not able to enter the buildings the four buildings used for towing and automotive repair shops or ask questions of the landowner. At that time the Commission noted that there was no noticeable business presence on this rural property (i.e. signage or visible tow trucks or cars).

However, during the March 1, 2006 site inspection and meeting with Mr. Popoff, the Commission noted that one of the storage buildings had been retrofitted to store car parts, the main shop was used to park tow trucks when not in use, and the shop garage was also used to store cars.

IT WAS

MOVED BY: Commissioner Irvine
SECONDED BY: Commissioner McCoubrey

THAT the home based business be allowed on the grounds the business was an established enterprise and had little impact on the agricultural utility of the parcel. As a condition of approval, the Commission requires that a covenant be placed against the title of the property restricting the non-farm uses to those permitted (as per Council's requirements).

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED

RESOLUTION #78/2006