



Agricultural Land Commission
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December 14, 2005

Reply to the attention of Martin Collins

Lynda Shykora
Administrator, Township of Spallumcheen
4144 Spallumcheen Way,
Spallumcheen, B.C. V0E 1B6

Dear Madam:

Re: Application # T-36288

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of the Township of Spallumcheen's application for non farm uses on the properties noted below containing existing businesses that exceed the area(s) permitted for Home Based Businesses in Bylaw 1584. The application was submitted pursuant to section 20(3) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission had opportunity to meet with the affected landowners and discuss their businesses and agricultural implications on Thursday, November 24, 2005.

The Commission advises that although sixteen businesses were referenced in the application, the following were not reviewed for the following reasons

- PID 004-861-337 **Big Valley Tractor**; upon contacting the applicant, the Commission was advised that the business had been discontinued.
- PID 003-367-789 **Danley Carriage and Wheel**, on the grounds the parcel is not subject to the ALC Act, (0.4 ha)
- PID 008-649-405 **Anchor Used Parts**, on the grounds the parcel is not subject to the ALC Act, (0.2 ha)
- **Spallumcheen Garbage Services, Federated Meats, and Rainbow Coach Conversions**, on the grounds the businesses were found to comply with the existing Home Based Business regulations

The Commission writes to advise that it approved the following properties for non farm uses, subject to the registration of a covenant against the titles of each property, restricting the non farm uses to the buildings and outside storage as noted below. The decision is also in compliance 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.

PID 017-883-911 Redline Recreation 622 sq meters indoors, 1073 sq meters outside
PID 006-282-512 Armstrong Roofing 257 sq meters indoors
PID 011-153-865 CM Manufacturing 302 sq meters indoors, 383 sq meters outside
PID 012-175-706 Arran Construction 260 sq meters indoors
PID 010-727-931 Gerry's Repair and Salvage 1,098 sq meters indoors and a 0.6 ha outside

Township of Spallumcheen

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PID 007-8989-941 Wood-n-Chick Furniture 483 sq meters indoors

PID 009-170-375 Brown International Services 890 sq meters indoors, unspecified outdoors

PID 010-276-041 Ipex Equipment Ltd. 174 sq meters indoors, 750 sq meters outside

PID 006-735-177 Blackwell Building Movers 75 sq meters indoors and 650 sq meters outside.

The Commission refused the use of the following property for home occupation uses beyond those permitted by Bylaw 1584, on the grounds the business did not appear to be well established, and the Commission does not wish to see an intensification of the business similar to that undertaken on PID 010-727-931 (Gerry's Repair and Salvage).

PID 005-363-691 Armstrong Towing

The decision noted above is recorded as Resolution # **655/2005**.

Please provide confirmation that covenants have been registered against the titles of the above noted properties, and a copy of the adopted bylaw (when available).

Please quote your application number in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of North Okanagan, Attention Rob Smailes
BC Assessment, Vernon

MC/lv

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Arran Construction – 11:15 – 11:30 am

- Commissioners Irvine & McCoubrey
- Staff : Martin Collins (Staff Planner)

Staff and Commissioners viewed the site, noting the custom woodworking shop. The proprietor was not available to discuss the development of the business.

Blackwell Construction – 11:30 – 12:00 pm

- Commissioners Irvine & McCoubrey
- Staff: Martin Collins (Staff Planner)
- Murray Blackwell (proprietor)

The Commissioners noted that the majority of the 2 ha property was used for the building moving business. A small area (0.4 ha) was used for raising alpacas.

Gerry's Repair and Salvage 1:00 pm – 1:30 pm

- Commissioners Irvine & McCoubrey
- Staff: Martin Collins (staff planner)
- Gerry Popoff (proprietor)

The Commissioners noted that about 1.2 ha was used for outside storage of cars and tires and other unspecified machinery. Two large metal structures and several smaller buildings were used for auto disassembly.

Wood-n-Chick Furniture 1:30 – 2 pm

- Commissioner Sue Irvine (Commissioner McCoubrey left the group and returned to UBC Okanagan)
- Staff: Martin Collins (staff planner)
- Bill Pothoven (proprietor)

It was noted that the large (483 sq meters) structure was used for both manufacturing and as a retail showroom.

Brown International Services 2:00 – 2:30 pm

- Commissioner Sue Irvine
- Staff: Martin Collins (staff planner)
- Al Brown, (proprietor)

Al Brown indicated that he had used the 1.2 ha property as a business for more than 20 years, after a series of heavy equipment dealerships he had managed had gone bankrupt. He did not believe that the property had any agricultural capability due to its small size, location and topographic limitations.

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Ipex Equipment Ltd. 2:30 – 2:45 pm

- Commissioner Sue Irvine
- Staff: Martin Collins (staff planner)
- Robert Anderson, (proprietor)

It was noted that this 19.4 ha property was a bare land parcel (with no homes or outbuildings) several years ago. The applicant has built a large home and machine shed. Although the shed is a legal size, the outside storage area exceeds what is allowed.

Armstrong Towing 2:45 – 3:00 pm

- Commissioner Sue Irvine
- Staff: Martin Collins (staff planner)

Gerry Popoff (proprietor) did not attend on this site visit. Four accessory buildings are used for towing and automotive repair shops. There was no noticeable business presence on this rural property (i.e. signage or visible tow trucks or cars).

Armstrong Roofing – 3:00 – 3:15 pm

- Commissioner Sue Irvine
- Staff: Martin Collins (staff planner)

The landowner started the business in 1974 and recently constructed a larger building for storing his roofing materials. Mr Haak grazes cattle for his own use on the remainder of the 1.2 ha property.

Commissioner Eligible to Vote

Commissioner Sharon McCoubrey was not present at all of the site inspections, but confirms that she is eligible to vote on the application as she was given a summary of the site inspection.

Commission Discussion

The Commission had no objection to all of the proposed non farm uses, with the exception of the Armstrong Towing proposal. The Commission believed that in general the businesses either occupied properties with marginal agricultural capability, or they had little impact on agricultural utility (the exception being Gerry's Salvage and Repair).

No commercial activity was observed on the Armstrong Towing property, either outside storage or within the partially open structures. However, all the buildings were not inspected. The Commission was not prepared to encourage non farm uses beyond those permitted in the bylaw.

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IT WAS

MOVED BY: Commissioner S. Irvine

SECONDED BY: Commissioner S. McCoubrey

THAT the staff report be received and the application for the following home based businesses be allowed on the grounds the businesses were longstanding enterprises, or had little, if any, impact on the agricultural utility of the parcels. As a condition of approval, the Commission requires that a covenant be placed against the title of each property, restricting the non farm uses to those permitted (as per Council's requirements).

PID 017-883-911 Redline Recreation 622 sq meters indoors, 1073 sq meters outside storage

PID 006-282-512 Amstrong Roofing 257 sq meters indoors

PID 011-153-865 CM Manufacturing 302 sq meters indoors, 383 sq meters outside storage

PID 012-175-706 Arran Construction 260 sq meters indoors

PID 006-735-177 Blackwell Building Movers 75 sq meters indoors and 650 sq meters outside storage

PID 010-727-931 Gerry's Repair and Salvage 1,098 sq meters indoors and a 0.6 ha outside storage

PID 007-8989-941 Wood-n-Chick Furniture 483 sq meters indoors

PID 009-170-375 Brown International Services 890 sq meters indoors, unspecified outdoors

PID 010-276-041 Ipex Equipment Ltd. 174 sq meters indoors, 750 sq meters outside storage

The Commission refused the use of the following property 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.

PID 005-363-691 Armstrong Towing

The approvals noted above are subject to compliance with all other enactments, legislation or decisions of any agency having jurisdiction.

CARRIED



Staff Report
Application # T – 36288
Applicant: Township of Spallumcheen
Location: Various sites throughout Spallumcheen

DATE PREPARED: November 14, 2005

TO: Chair and Commissioners – Okanagan Panel

FROM: Martin Collins, Planning Officer

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, many (but not all) of them within the ALR. These businesses were either unknown to District staff and Council, or deliberately ignored. A single high profile case located on Highway #97 - “Specialty Steel”, was investigated at length by the Commission in 2003. The landowner was urged by the Commission to make a non farm use application to legalize the business. He has not yet done so.

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. The Commissioners might recall its April/2004 meeting with J.O.B.S. (a local committee of landowners interested in expanding the zoning bylaw for the Home Occupation permitted on ALR lands). 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.

Presently the Commission’s Regulation #171/2002 - 3 (c) permits the following in the ALR;

“a home occupation use, that is accessory to a dwelling, of not more than 100 m² or such other area as specified in a local government bylaw, or treaty first nation government law, applicable to the area in which the parcel is located;”

The purpose of the application is for the Commission to review home based businesses in the ALR that exceed the Bylaw #1584 standards. They are:

- 100 sq meters on parcels less than (or equal to 2 ha)
- 175 meters on parcels between 2 and 4 ha
- 185 sq meters on parcels 4 ha or greater

This is the first of two "batch" applications.

A number of ancillary items are recommended by the application; such as the establishment of fencing for screening (where appropriate), and the registration of a covenant to reflect existing permitted non farm uses ensure that new landowners are aware that there is a limit to the permitted non agricultural uses of the property.

This application is made pursuant to section 22(1) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

None of these businesses have been the subject of a previous application.

Local Government:

The Corporation of the Township of Spallumcheen

Legal Description of Property:

1. Redline Recreation Ltd. – Jim Bing - 525 Pineridge Rd. (#1) (confirmed – 9:30 am)

PID: 017-883-911 – Lot 2, Section 12, Township 7, ODYD, Plan KAP47909

A small engine, motorcycle and snowmobile repair business occupies 622 sq meters in several buildings and 1,073 sq meters of outside storage on the 4 ha property. There is some forage production on the easterly portion of the property. The business was established in 1992.

2. Big Valley Tractor – R. Glaicar - 4729 South Grandview Flats Rd. (#2) (Cancelled – no longer in business)

PID: 004-861-337

Big Valley Tractor occupies 762 sq meters of inside space, and 483 sq meters of outside storage space on the 1.6 ha parcel

3. Armstrong Roofing – Arie Haak - 1609 Eagle Rock Rd. (# 3) (confirmed for the afternoon)

PID: 006-282-512 –Lot 2, Section 29, Township 4, ODYD, Plan 236

A roofing business occupies a 257 sq meter structure on the 1.2 ha property. The business was started in 1973/74

4. CM Manufacturing Ltd. K and S Topham - – 2012 Pleasant Valley Rd. (#4) (confirmed)

PID: 011-153-865 Lot 3, Section 31, Township 4, ODYD, Plan 620;

A business for the custom welding, fabrication of horse trailers and hitches and other farm equipment occupies 302.5 sq meters of structures and 383 sq meters of outside storage for a total of 685.5 sq meters. The business has been in operation since 1988

5. **Arran Construction – M. Rennison** - 141 Reiger Rd. (#5) (no one will be on site but can look around)

PID: 012-175-706 Lot 4, Section 31, Township 4, ODYD, Plan 620;

A custom woodworking shop occupies a 260 sq m. (in two accessory structures) on 1 ha lot. The business was started in 1994.

6. **Blackwell Building Movers - M. Blackwell** - 4160 Salmon River Rd. (#6)(confirmed late am)

Lot 4, Section 12, Twp. 35, ODYD Plan 22920

The 2 ha property is occupied by a building moving company within a 75 sq meter building and 650 sq meters of outside storage. The business was established in 2003.

7. **Gerry's Repair and Salvage - G. Popoff** - 1665 Whittaker Rd. (#7) (confirmed late morning)

PID: 010-727-931 Lot 3, District Lot 821, Township 17, Range 9, West of the 6th Meridian, Kamloops Division of Yale District, Plan 1605;

A vehicle repair and recycling operation occupy structures of 1,098 sq meters (within five accessory buildings) on the 12.6 ha property. There is also an extensive, but unspecified outside storage area. The remainder of the property is used for a cow/calf operation.

8. **Wood-n-Chick Furniture – Pothoven** - 3765 Creamery Rd. (#8) (confirmed early pm)

PID: 007-898-941 Lot 2, Section 4, Township 35, KDYD, Plan 2997 Except (1) Parcel A on Plan B5873 and (2) Plans 15433, 33559 and KAP58207;

The 10 ha property is occupied by a 483 sq meter furniture manufacturing business. The business was established in 1993

9. **Brown International Services - A. Brown** - 4274 Highway #97A (#9) (message)

PID: 009-170-375 Lot 1, District Lot 987, Township 17, Range 9, West of the 6th Meridian, Kamloops Division of Yale District, Plan 13753;

A heavy equipment sales and service company occupies the 1.2 ha property within structures totalling 890 sq meters. It is noted that the business appears to trespass onto the neighbouring property. The business has been in existence for at least 20 years.

10. **Ipex Equipment Ltd. – R. and K. Anderson** - 4830 Highway #97A (#10) (confirmed 2 pm)

PID: 010-276-041 Lot C, District Lot 91, Osoyoos Division of Yale District, Plan 5691

The used farm equipment business occupies a 174 sq meter building and a 750 sq meter outside storage area on the 19.4 ha property. The business was established in 2003.

11. **Armstrong Towing – G. Popoff** - 4975 Highway 97A (#11)

PID: 005-363-691 Lot 1, Section 22, Township 35, KDYD, Plan 2103;


Four accessory buildings totalling 642 sq meters on the 8.3 ha property are occupied by towing and automotive repair shops.

STAFF COMMENTS:

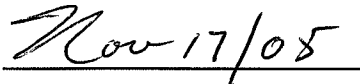
Some of the properties are quite large and are used for agriculture. The home based business is often located within an existing agricultural building. Other properties are rather small, ranging from 1-2 ha, and the principal use is the home based business, not agriculture.

Staff recommends that the Commission view the properties and speak with the landowners prior to making any decisions.

END OF REPORT



Signature



Date