

## ADMINISTRATIVE REPORT



**TO:** Board of Directors

**FROM:** J. Zaffino, Chief Administrative Officer

**DATE:** March 6, 2025

**RE:** Agricultural Land Commission Referral (Non-Farm Use) – Electoral Area “I” (I2025.004-ALC)

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### Administrative Recommendation:

**THAT the RDOS Board “authorize” the application to allow for a home industry as a non-farm use on the parcel located at 149 Bobcat Road (Lot 3, Plan KAP32106, District Lot 191, SDYD) to proceed to the Agricultural Land Commission.**

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Purpose: To allow for a home industry use on the property. Folio: I-02009.150

Civic: 149 Bobcat Road Legal: Lot 3, Plan KAP32106, DL 191, SDYD Zone: Agriculture Three (AG3)

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### Proposed Development:

An application has been submitted to the Agricultural Land Commission (ALC) under Section 20 of the *Agricultural Land Commission Act* (the Act), and referred to the Regional District, in order to allow for a home industry as a non-farm use within the Agricultural Land Reserve (ALR).

Specifically, the applicant is seeking the Commission’s approval to allow for the home industry use to be in the form of an approximately 223m<sup>2</sup> welding and fabrication shop.

In support of this proposal, the applicant has stated that:

*I am looking to build a shop for my small fabrication business ... There is suitable site on our property that could accommodate a shop to run my business out of with myself and one additional employee. The proposed location for the shop is an already flat and cleared part of land, the majority of the property is on a steep slope and forested. The site is not appropriate for agriculture and farming activities as it is rocky ground and receives a small amount of sunlight.*

### Statutory Requirements:

Under Section 34.1(2) of the *Agricultural Land Commission Act*, the Regional District of Okanagan-Similkameen (RDOS) must “review the application, and ... forward to the commission the application together with [its] comments and recommendations”, unless Section 25(3) applies wherein the Board has the ability to refuse to “authorise” an application.

Under Section 25(3) of the Act, formal “authorization” by the Regional District Board is only required for applications that apply to land that is zoned by bylaw to permit farm use, or requires an amendment to an official community plan or a zoning bylaw.

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In this instance, Section 25(3) is seen to apply as the property “is zoned by bylaw to permit [an] agricultural or farm use” and an amendment Okanagan Valley Zoning Bylaw will be required in order for the development to proceed.

**Site Context:**

The subject property is approximately 4.0 ha in area and is situated on the south side of Bobcat Road, approximately 10.0 km southwest of the boundary with the city of Penticton. It is understood that the parcel is comprised of a single detached dwelling.

The surrounding pattern of development is generally characterised by similarly sized residential parcels that have been developed with single detached dwellings.

**Background:**

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on July 2, 1981, while available Regional District records indicate that a building permit for a single detached dwelling (1989) have previously been issued for this property.

Under the Electoral Area “I” Official Community Plan (OCP) Bylaw No. 2683, 2016, the subject property is currently designated Agriculture (AG), and is the subject of a Watercourse Development Permit (WDP) Area designation.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2025, the property is currently zoned Agriculture Three (AG3), which allows for “home industry” as a permitted accessory use, subject to a number of regulations, including a maximum floor area of 200.0 m<sup>2</sup>.

Under Section 10.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with an unnamed Creek and compliance with the Floodplain Regulations may be required before building a structure.

The property is within the Agricultural Land Reserve (ALR) and has been classified as “Residential” (Class 01) by BC Assessment.

**Analysis:**

In considering this proposal, Administration notes that an objective of the Agriculture (AG) designation includes support for the agricultural and rural economy by encouraging secondary, value-added uses such as limited forms home occupations and industries provided they are compatible with surrounding land uses.

The location of the proposed structure is within a previously disturbed section of the property near the existing single detached dwelling and does not appear to be in a location that has previously been utilized for agricultural production.

Administration notes that the clustering of the structures on a farm parcel *generally* limits the space required for additional parking and driveways.

The proposed shop, although slightly over the 200.0 size limitations set out in the Zoning Bylaw, is consistent with the home industry use, and is considered to be in accessory to the single detached dwelling and the current residential use on the property.

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**Alternative:**

Conversely, administration notes that the OCP supports protecting agricultural activities and minimizing conflicts between non agricultural and agricultural uses. A home industry use on an AG3 property within the Agricultural Land Reserve (ALR) may reduce or deter future agricultural uses on the property.

**Summary:**

In summary, the siting and intensity of the proposed use and structure are not seen to significantly alter the opportunity or viability of agricultural uses to take place on the property.

As an aside, should the Board “authorize this application to proceed to the ALC and it is subsequently approved by the Commission, the property owner will be required to obtain an zoning bylaw amendment approved by the Regional District prior to undertaking the use.

**Financial Implications:**

Financial implications have been considered and none were found.

**Communication Strategy:**

No communication strategy is proposed as the Regional District has been referred this application by the Agricultural Land Commission (ALC), and the Commission is seeking the Regional District’s input on compliance with applicable land use bylaws. Administration considers any communication required in relation to this proposal to be within the purview and responsibility of the ALC.

**Alternative:**

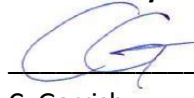
1. THAT the RDOS Board not “authorize” the application to allow for a home industry as a non-farm use on the parcel located at 149 Bobcat Road (Lot 3, Plan KAP32106, District Lot 191, SDYD) to proceed to the Agricultural Land Commission.

**Respectfully submitted:**

Colin Martin

Colin Martin  
Planner I

**Endorsed By:**



C. Garrish  
Senior Manager of Planning

**Endorsed By:**



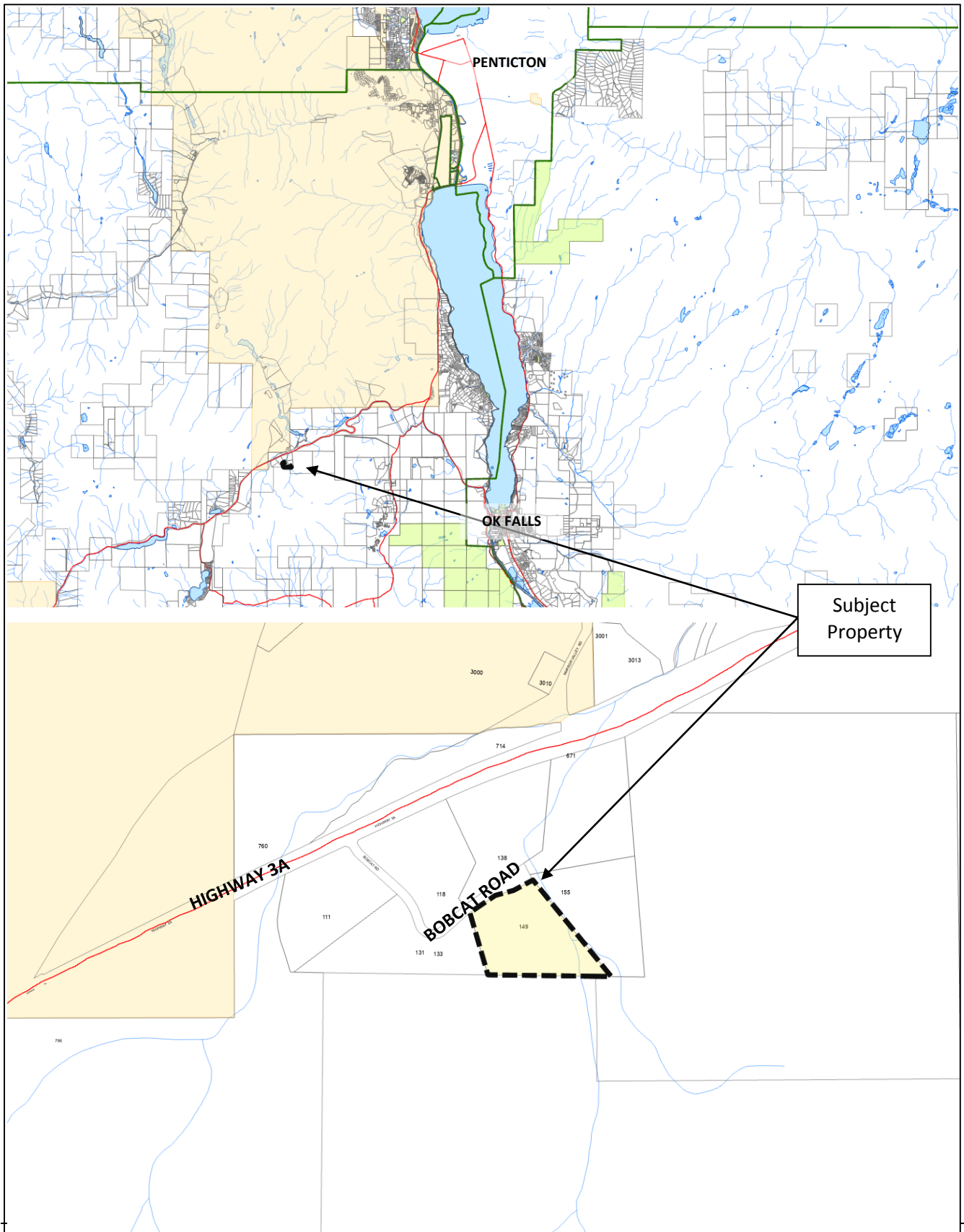
A. Fillion  
Managing Director, Dev. & Infrastructure

**Attachments:** No. 1 – Context Maps

No. 2 – Applicant’s Site Plan

No. 3 – Aerial Photo

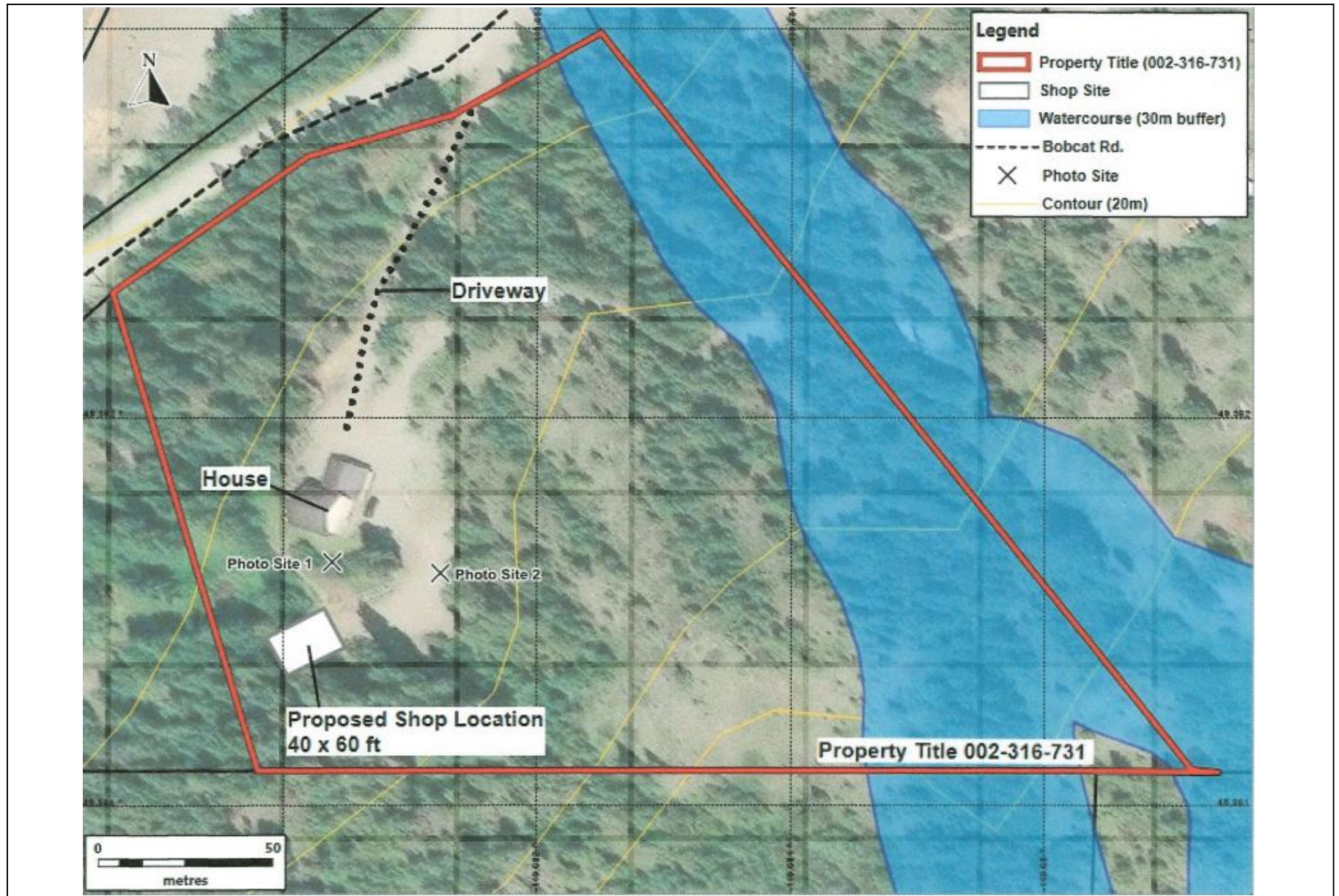
Attachment No. 1 – Context Maps



File No: 12025.004-ALC



Attachment No. 2 – Applicant's Site Plan





Attachment No. 3 – Aerial Photo

