

Lesley Gibbons

From: ALC Referrals ALC:EX <ALC.Referrals@gov.bc.ca>
Sent: July 31, 2025 4:51 PM
To: Colin Martin
Subject: RE: Bylaw Referral - Zoning amendment - 149 Bobcat Road | File No. I2025.010-ZONE
Attachments: 103206d1 (Carpenter).pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Colin,

Thank you for forwarding the zoning amendment referral to the ALC for review. As the rezoning is to facilitate the 223m2 welding and fabrication business on the property that was approved by ALC Resolution #414/2025, ALC staff have no further comments.

ALC staff do note that approval was subject to conditions that the Applicant must fulfill within 120 days of the date of the decision, specifically the registration of a covenant. ALC Resolution #414/2025 is attached for reference.

Sincerely,



Claire Buchanan, MRM (she/her)
Regional Planner – Okanagan & Interior | Agricultural Land Commission
201 – 4940 Canada Way, Burnaby, BC, V5G 4K6
T 236.468.2034 | F 604.660.7033
Claire.Buchanan@gov.bc.ca | www.alc.gov.bc.ca

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From: Colin Martin <cmartin@rdos.bc.ca>
Sent: Thursday, July 31, 2025 2:20 PM
To: 'FBClands@fortisbc.com' <fbclands@fortisbc.com>; 'sd67@sd67.bc.ca' <sd67@sd67.bc.ca>; ALC Referrals ALC:EX <ALC.Referrals@gov.bc.ca>
Cc: Lesley Gibbons <lgibbons@rdos.bc.ca>
Subject: Bylaw Referral - Zoning amendment - 149 Bobcat Road | File No. I2025.010-ZONE

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Re: Project No. I2025.010-ZONE
Zoning Bylaw Amendment application

Please find attached a Referral sheet for a Zoning Bylaw Amendment application, along with a link to our web page with the relevant documentation.

Please review and if you have any questions contact Colin Martin, file manager.

If you could forward your comments/concerns to planning@rdos.bc.ca by September 1, 2025.

Kind Regards,



Colin Martin (he/him) • Planner I
Regional District of Okanagan-Similkameen
101 Martin Street, Penticton, BC V2A 5J9
p. 250.490.4239 • tf. 1.877.610.3737 • f. 250.492.0063
www.rdos.bc.ca • cmartin@rdos.bc.ca

I acknowledge that I work within the traditional, unceded territory of the syilx people in the Okanagan Nation.

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June 23, 2025

ALC File: 103206

Garrett Jones
Delivered by e-mail

Dear Garrett Jones:

Re: Reasons for Decision - ALC Application 103206

Please find attached the Reasons for Decision of the Okanagan Panel for the above noted application (Resolution #414/2025).

Please note that the submission of a \$150 administrative fee may be required for the administration, processing, preparation, review, execution, filing or registration of documents required as a condition of the attached Decision in accordance with section 11(2)(b) of the ALR General Regulation.

Under section 33.1 of the *Agricultural Land Commission Act* ("ALCA"), the Chair of the Agricultural Land Commission (the "Commission") has 60 days to review this decision and determine if it should be reconsidered by the Executive Committee in accordance with the ALCA. You will be notified in writing if the Chair directs the reconsideration of this decision. The Commission therefore advises that you consider this 60 day review period prior to acting upon this decision.

Under section 33 of the ALCA, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. A request to reconsider must meet the following criteria:

- No previous request by an affected person has been made, and
- The request provides either:
 - Evidence that was not available at the time of the original decision that has become available, and that could not have been available at the time of the original decision had the applicant exercised due diligence, or
 - Evidence that all or part of the original decision was based on evidence that was in error or was false.

The time limit for requesting reconsideration of a decision is one year from the date of the decision's release, as per ALC Policy P-08: Request for Reconsideration.

Please refer to ALC Information Bulletin 08 – Request for Reconsideration for more information.

Please direct further correspondence with respect to this application to
ALC.Okanagan@gov.bc.ca.

Yours truly,

A handwritten signature in black ink, appearing to read "J. Walton", written in a cursive style.

Jennifer Walton, Land Use Planner

Enclosure: Reasons for Decision (Resolution #414/2025)

cc: Regional District of Okanagan Similkameen (File: I2025.004-ALC). Attention: Colin Martin

103206d1



Agricultural Land Commission File 103206
Reasons for Decision of the Okanagan Panel

Non-Farm Use Application Submitted Under s.20(2) of the *Agricultural Land
Commission Act*

Applicants:

Taylor Carpenter
Garrett Jones

Agent:

Garrett Jones

Property:

Parcel Identifier: 002-316-731
Legal Description: Lot 3 District Lot 191
Similkameen Division Yale District Plan 32106
Civic: 149 Bobcat Road, Kaleden, BC
Area: 4.1 ha (entirely within the ALR)

Panel:

Joe Deuling, Okanagan Panel Chair
Erin Carlson
Tony DiMaria

OVERVIEW

- [1] The Property is located within the Agricultural Land Reserve ("ALR") as defined in section 1 of the *Agricultural Land Commission Act* ("ALCA").
- [2] The Applicants are applying to the Agricultural Land Commission (the "Commission" or "ALC") under s. 20(2) of the ALCA to use a total of ~473 m² of the Property for the operation of a welding and fabrication business called Six West Welding and Fabrication Ltd. (the "Fabrication Business"), which would include the construction of a ~223 m² shop and a ~250 m² area for work vehicle parking and outdoor storage to support the business (the "Proposal").
- [3] The Proposal was considered in the context of the purposes and priorities of the Commission set out in section 6 of the ALCA:
 - 6 (1) The following are the purposes of the commission:
 - (a) to preserve the agricultural land reserve;
 - (b) to encourage farming of land within the agricultural land reserve in collaboration with other communities of interest; and,
 - (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of land within the agricultural land reserve and uses compatible with agriculture in their plans, bylaws and policies.

- (2) The commission, to fulfill its purposes under subsection (1), must give priority to protecting and enhancing all of the following in exercising its powers and performing its duties under this Act:
- (a) the size, integrity and continuity of the land base of the agricultural land reserve;
 - (b) the use of the agricultural land reserve for farm use.

EVIDENTIARY RECORD

- [4] The Proposal, along with related documentation from the Applicants, Agent, local government, and Commission is collectively referred to as the "Application". All documentation in the Application was disclosed to the Agent in advance of this decision.

BACKGROUND

- [5] The Applicants purchased the Property in September 2024.
- [6] The Property has an OCP designation of Agriculture (AG) under the Electoral Area "I" Official Community Plan Bylaw No. 2683, 2016 (the "OCP") and a zoning designation of Agriculture Three (AG3) under the Okanagan Valley Zoning Bylaw No. 2800, 2022 (the "Zoning Bylaw").
- [7] Section 24(1) of the Agricultural Land Reserve Use Regulation (the "ALR Use Regulation") permits home occupation on ALR land if (a) the structure is accessory to and located on the same parcel as a residence and (b) the

structure occupies an area that does not exceed (i) the limit specified in an applicable local government enactment or first nation government law, or (ii) if subparagraph (i) does not apply, 100 m².

[8] The RDOS Administrative Report dated March 6, 2025 (the “RDOS Report”) states that the AG3 zone allows for home industry as a permitted accessory use subject to the regulations outlined under section 7.6 of the Zoning Bylaw. Section 7.6 of the Zoning Bylaw outlines that the maximum floor area utilized for a home industry, including the indoor or outdoor storage of materials, commodities or finished products associated with the home industry shall not exceed 200 m².

[9] The Application initially requested a 223 m² shop, which the RDOS notes is only slightly larger than its home industry size provisions. However, the Applicants later stated that they would require additional space of approximately 250 m² for outdoor storage and work vehicle parking. As such, the Applicants are requesting to use a total area of 473 m² inside and outside for the Fabrication Business, and therefore the Fabrication Business exceeds a home occupation permitted in the ALR and a non-farm use application is required.

ANALYSIS AND FINDINGS

[10] The Application material states that the Property has a flat, cleared site that could accommodate a 223 m² shop and a 250 m² outdoor storage and work vehicle parking area for the operation of the Agent’s Fabrication

Business, which the Applicants wish to relocate to the Property. The Application states that the Fabrication Business would be operated by the Agent and one additional employee.

- [11] Applications to the Commission are considered within the context of the purposes of the Commission under section 6 of the ALCA which are to preserve the agricultural land reserve; to encourage the farming of land within the ALR in collaboration with other communities of interest; and to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of land within the ALR and uses compatible with agriculture in their plans, bylaws, and policies. To fulfill its purposes under section 6, the Commission must give priority to protecting and enhancing the size, integrity and continuity of the land base of the ALR and the use of the ALR for farm use.
- [12] The Application states that the majority of the Property is forested and on a steep slope and that the Proposal area is not suitable for agriculture due to its rocky soil and the small amount of sunlight it receives, since its northwest facing and blocked by a steep cliffside and trees. The Application states that while the Proposal may not directly support agriculture, should agricultural activities occur on the Property at a later date, the proposed shop could provide storage space for agricultural equipment.

[13] To assess agricultural capability on the Property, the Panel referred to agricultural capability ratings. The ratings are identified using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system. The current agricultural capability ratings applicable to the Property are Class 5MT improvable to Class 3MT, Class 7RT, and 70% Class 6TR and 30% Class 7RT. According to the CLI 'Soil Capability Classification for Agriculture' system, the current agricultural capability ratings applicable to the Proposal area are Class 7RT and 70% Class 6TR and 30% Class 7RT.

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

Class 6 - land is important in its natural state as grazing land. These lands cannot be cultivated due to soil and/or climate limitations.

Class 7 - land has no capability for soil bound agriculture.

The limiting subclasses associated with this parcel of land are M (soil moisture deficiency), R (bedrock near the surface), and T (topographic limitations).

- [14] Based on the agricultural capability ratings, the Panel finds that the Proposal area has limited agricultural capability for soil bound agriculture. Although areas of the Property may have limitations for certain soil bound agriculture, the Panel finds that the Property's agricultural capability does not preclude areas of the Property from being used for non-soil bound agricultural uses permitted in the ALCA and ALR Use Regulation.
- [15] The proposed location of the 223 m² shop for the Fabrication Business would be on a raised plateau and against the steep hillside, and the 250 m² outdoor storage and work vehicle parking is proposed to be located on flat, cleared areas of the Property behind the principal residence towards the southwestern corner of the Property.
- [16] The Panel considered that relocating an existing commercial/industrial business to use 473 m² of the ALR is not consistent with the Commission's purposes or its priority to maintain and enhance the size, integrity, and continuity of ALR land and its use for farming. Commercial and industrial uses are more appropriate outside of the ALR in areas zoned specifically for those uses. The introduction of commercial and industrial uses into the ALR disrupts the continuity of the agricultural integrity of the ALR. However, in consideration of the Property's specific topography and agricultural limitations (although not limited to all agricultural use), the Panel is willing to consider a smaller non-farm use area that slightly varies from the RDOS home industry size. This way, the Applicant may

undertake their business, but not at the expense of the Property's character and designation for agricultural priority. The Panel is amenable to the originally proposed 223 m² shop that slightly varies from the RDOS home industry size limitation of 200 m²; however, the Panel finds that 250 m² of additional outdoor storage space and parking is excessive, would establish the primary use of the Property as a commercial use and discourage its use for agriculture. Therefore, the Panel does not approve the 250 m² outdoor parking area.

- [17] The Panel understands from the Application material that the Fabrication Business would be operated by the Agent and one additional employee and that the employee will be driving to the Property for work and parking on the Property during business hours. Section 7.6 of the Zoning Bylaw permits one vehicle parking space per each non-resident employee of a home industry use. The Panel finds that the work vehicle parking for the Fabrication Business can be adequately covered by the Zoning Bylaw, which would allow a parking space for the additional employee.

DECISION

- [18] For the reasons given above, the Panel refuses use of 250 m² of parking and outdoor storage, but approves construction of a 223 m² shop to operate a welding and fabrication business on the Property subject to the following conditions:

General Conditions

- (a) Siting of the non-farm use in accordance with Schedule A; and
- (b) Approval for non-farm use is granted for the sole benefit of the Applicant and is non-transferable.

Due By October 21, 2025 – Restrictive Covenant

- (c) The registration of a restrictive covenant on title and in favour of the Commission, within 120 days of the date of this decision, for the purpose of restricting the Fabrication Business to the area shown in Schedule A and ensuring that the non-farm use is limited to the Fabrication Business.

Due By June 23, 2028 – Commencement of Construction

- (d) Construction of the 223 m² shop must begin within three years of the date of release of this decision.

- [19] Should the above conditions of approval not be completed to the satisfaction of the ALC within the timeframes specified, the approval will expire and a new application may be required.
- [20] 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.
- [21] These are the unanimous reasons of the Panel.



[22] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(3) of the ALCA.

[23] Resolution #414/2025
Released on June 23, 2025

A handwritten signature in black ink, appearing to read 'Joe Deuling', is positioned above the printed name.

Joe Deuling, Panel Chair

On behalf of the Okanagan Panel

Enclosure(s): Schedule A: Decision Map



ALC FILE NO:

103206

RESOLUTION NO:

414/2025

MAP PRODUCED:

June 23, 2025

MAP SCALE:

1:2,500

DATA SOURCES & NOTES:

ALC, BCGW and ESRI / Maxar.
Contains information licensed under
Open Government License - British
Columbia.

Map for reference only. Accuracy not
guaranteed.



Conditionally Approved Shop (~223 m²)



Subject Property



Agricultural Land Reserve

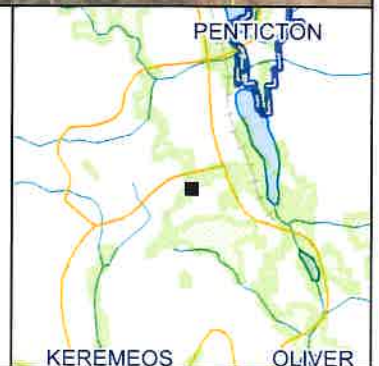


PMBC Parcel Cadastre

0 25 50 75 100 125



Metres



Lesley Gibbons

From: Danielson, Steven <Steven.Danielson@fortisbc.com>
Sent: August 22, 2025 4:47 PM
To: Planning
Subject: Bobcat Rd, 149, RDOS (I2025.010-ZONE)

With respect to the above noted file,

Land Rights Comments

- There are no immediate concerns or requests for additional land rights, however there may be additional land rights requested stemming from changes to the existing FortisBC Electric ("FBC(E)") services, if required.

Operational & Design Comments

- There are FortisBC Electric ("FBC(E)") primary distribution facilities along Bobcat Road
- All costs and land right requirements associated with changes to the existing servicing are the responsibility of the applicant.
- The applicant and/or property owner are responsible for maintaining safe limits of approach around all existing electrical facilities within and outside the property boundaries.
- For any changes to the existing service, the applicant must contact an FBC(E) designer as noted below for more details regarding design, servicing solutions, and land right requirements.

In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). Please have the following information available in order for FBC(E) to set up the file when you call.

- Electrician's Name and Phone number
- FortisBC Total Connected Load Form
- Other technical information relative to electrical servicing

For more information, please refer to FBC(E)'s overhead and underground design requirements:

FortisBC Overhead Design Requirements

<http://fortisbc.com/ServiceMeterGuide>

FortisBC Underground Design Specification

<http://www.fortisbc.com/InstallGuide>

If you have any questions or comments, please contact us at your convenience.

Best Regards,

Steve Danielson, AACI, SR/WA
Contract Land Agent | Property Services | FortisBC Inc.
2350 Benvoulin Rd
Kelowna, BC V1W 2E3

Mobile: 250.681.3365
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