

ADMINISTRATIVE REPORT



TO: Advisory Planning Commission

FROM: J. Zaffino, Chief Administrative Officer

DATE: September 2, 2025

RE: Zoning Bylaw Amendment – Electoral Area “I”

Purpose: To allow for a home industry with a maximum floor area over 200 m². Folio: I-02009.150

Civic: 149 Bobcat Road Legal: Lot 3, Plan KAP32106, District Lot 191, SDYD

OCP: Agriculture (AG) Zone: Agriculture Three (AG3)

Proposed Development:

This application is seeking to amend the zoning of the subject property in order to allow for a home industry with a maximum floor area over 200 m² in the form of a welding and fabrication business.

In order to accomplish this, the applicant is proposed to amend the zoning of the property under the Okanagan Valley Zoning Bylaw No. 2800, 2022, from Agriculture Three (AG3) to Agriculture Three Site Specific (AG3), with the site specific regulation to allow for a maximum floor area for a home industry of 223 m².

In support of the rezoning, the applicant has stated, amongst other things, that:

- *I am looking to build a shop for my small fabrication business, Six west welding and Fabrication Ltd.*
- *The proposed variance complies with all other zoning regulations under Zoning Bylaw No. 2800, Section No 7.6.*
- *I am requesting this variance to build a larger shop than is currently regulated to allow for the company to grow and to ensure all operations occur within the building.*
- *This small addition of space would allow for storage and more room to work at safe distances.*
- *The proposed location of the shop is hidden from all road sight lines and all adjacent homes and neighbours.*

Site Context:

The subject property is approximately 4.05 ha in area and is situated on the south side of Bobcat Road, approximately 10 km southeast of the boundary of 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 development with single detached dwellings and Crown Land to the south.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on January 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, 2022, the property is currently zoned Agriculture Three (AG3) which does allow for home industry subject to Section 7.6. Section 7.6.2 limits the maximum floor area utilized for home industry to 200.0 m². However, the proposed structure and use appears to be consistent with the rest of Section 7.6.

The presence of a watercourse on the property means that Under Section 10.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property may be within a floodplain. Future development on the property may require compliance with Section 10.0.

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

A Non-Farm Use Application was submitted to the Agricultural Land Commission (ALC) and Resolution #414/2025 provided conditional approval to the 223 m² shop while refusing the use of 250 m² of parking and outdoor storage. The conditions of the approval are that:

1. Siting of the non-farm use in accordance with Schedule A [of the ALC decision].
2. Approval for non-farm use is granted for the sole benefit of the Applicant and is non-transferable.
3. 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 [of the ALC decision] and ensuring that the non-farm use is limited to the Fabrication Business.
4. Construction of the 223 m² shop must begin within three years of the date of release of this decision.

Analysis:

In considering this proposal, Administration notes that limitations to home industry uses exist to limit the expansion of the use to not surpass the principal use of the property, while still allowing for additional, value-added uses on properties.

149 Bobcat Road is twice the area of the 2.0 ha minimum parcel size requirement for home industry uses. The proposed shop is to be located towards the rear of the property in the southwest corner, away from the watercourse and well within the minimum setback requirements. The nearest parcel line is approximately 25 metres away from the proposed structure and the nearest neighbour’s dwelling approximately 125 metres from the structure.

The size of the property and the distance from neighbouring parcels and dwellings reduces the likelihood of conflict with neighbours and the predominantly residential uses in the neighbourhood.

Moreover, as home industry is already a permitted use, the increased size is not seen to exacerbate potential conflict with neighbouring parcels.

Limitations to the maximum floor area are to maintain the subordinate nature of a home industry as an accessory use to the principal use, which is the single detached dwelling in this case. The approximately 12% increase in floor area is not a significant increase from the existing regulations and is unlikely to disrupt the hierarchy of the uses on the property.

Potential future expansions of the proposed shop would be subject to a new rezoning application and a new application to the ALC, alleviating concerns of inappropriate expansions of the use.

The Area "I" OCP encourages preserving agricultural designations and maintaining agriculturally viable land for agricultural purposes. The proposed property, while located within the ALR, and designated as AG, is not being used for agricultural activities, as is the case with most properties on Bobcat Road.

The ALC indicated in Resolution #414/2025 that 70% of the property was identified as Class 7RT, meaning that the land with this classification has no capability for soil bound agriculture due to bedrock near the surface and its topographical limitations.

The presence of the shop is not seen to restrict the potential for future agricultural use on the property. The proposed location of the shop is in an already disturbed area and near the existing dwelling preserving space on the property. Furthermore, there is potential for the shop to be used as storage for potential agricultural uses in the future.

Alternatively:

Conversely, Administration recognises that, while the agricultural capabilities of the land are limited, there are still options to use the land for agricultural purposes.

Additionally, increasing the size of buildings used for home industries could create conflict with neighbouring residential uses and challenge the principal uses on the subject property in extreme cases.

Summary:

In summary, the proposal is not seen to negatively impact neighbouring residential uses, remove viable farmland or limit potential future agricultural uses.

Administrative Recommendation:

THAT the Okanagan Valley Zoning Amendment Bylaw No. 2800.58, 2025, be supported.

Options:

1. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved.
2. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved with the following conditions:
 - i) *TBD*

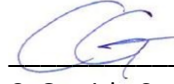
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3. THAT the APC recommends to the RDOS Board of Directors that the subject development application be denied.

Respectfully submitted:

Colin Martin

Colin Martin, Planner I

Endorsed By:



C. Garrish, Senior Manager of Planning

Attachments: No. 1 – Context Maps

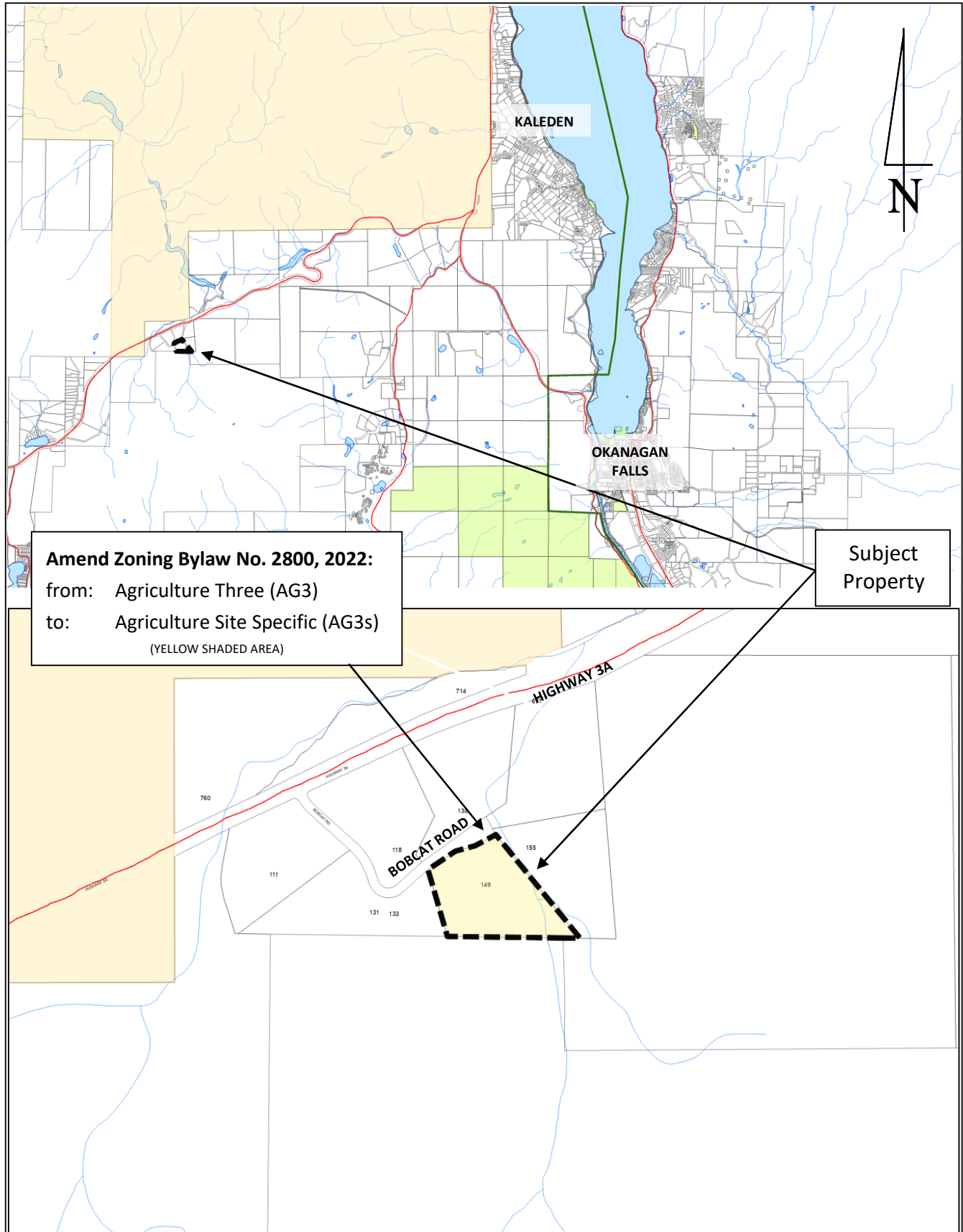
No. 2 – Applicant's Site Plan

No. 3 – Applicant's Floor Plan

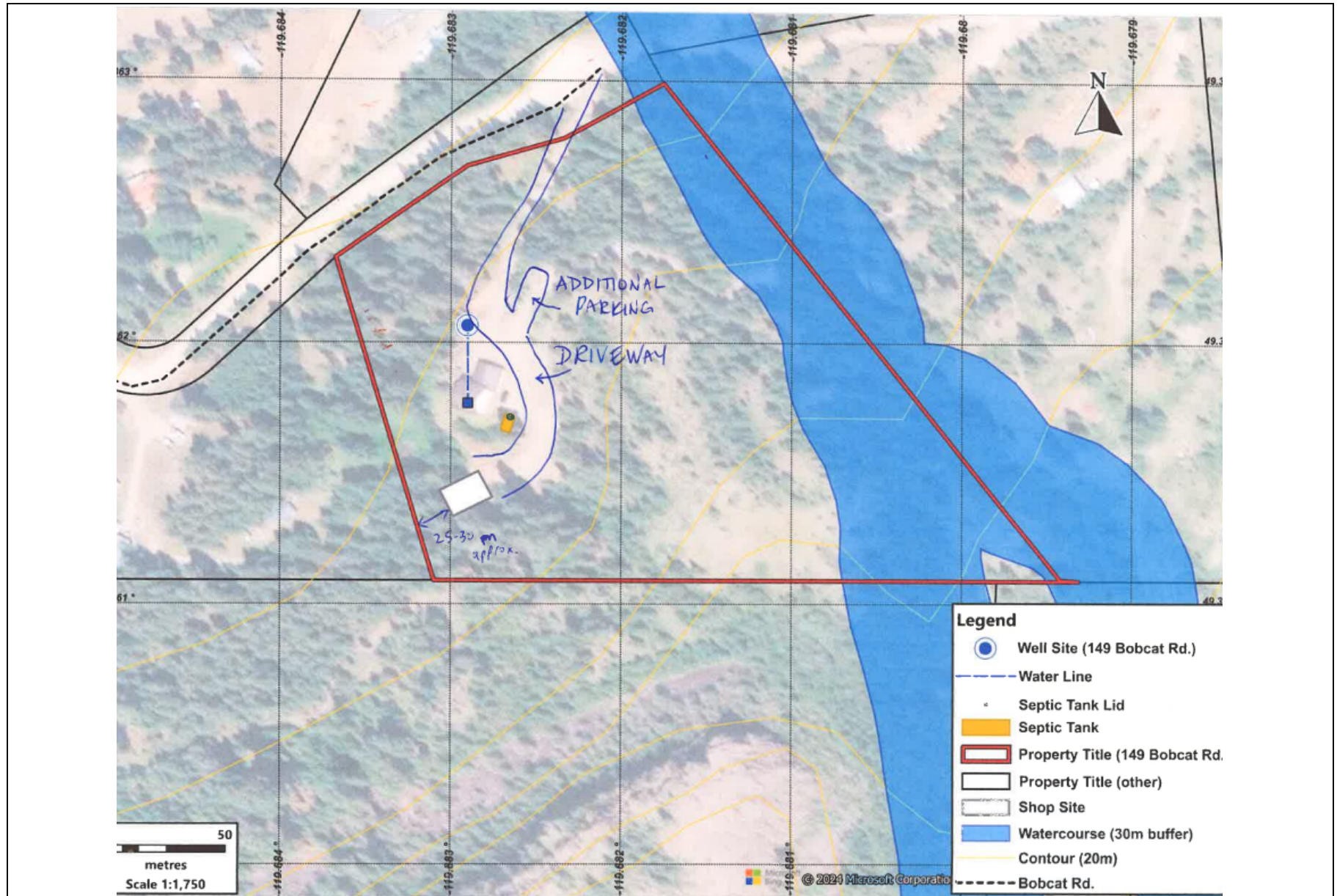
No. 4 – Applicant's Building Elevations

No. 5 – Site Photo (Google Earth)

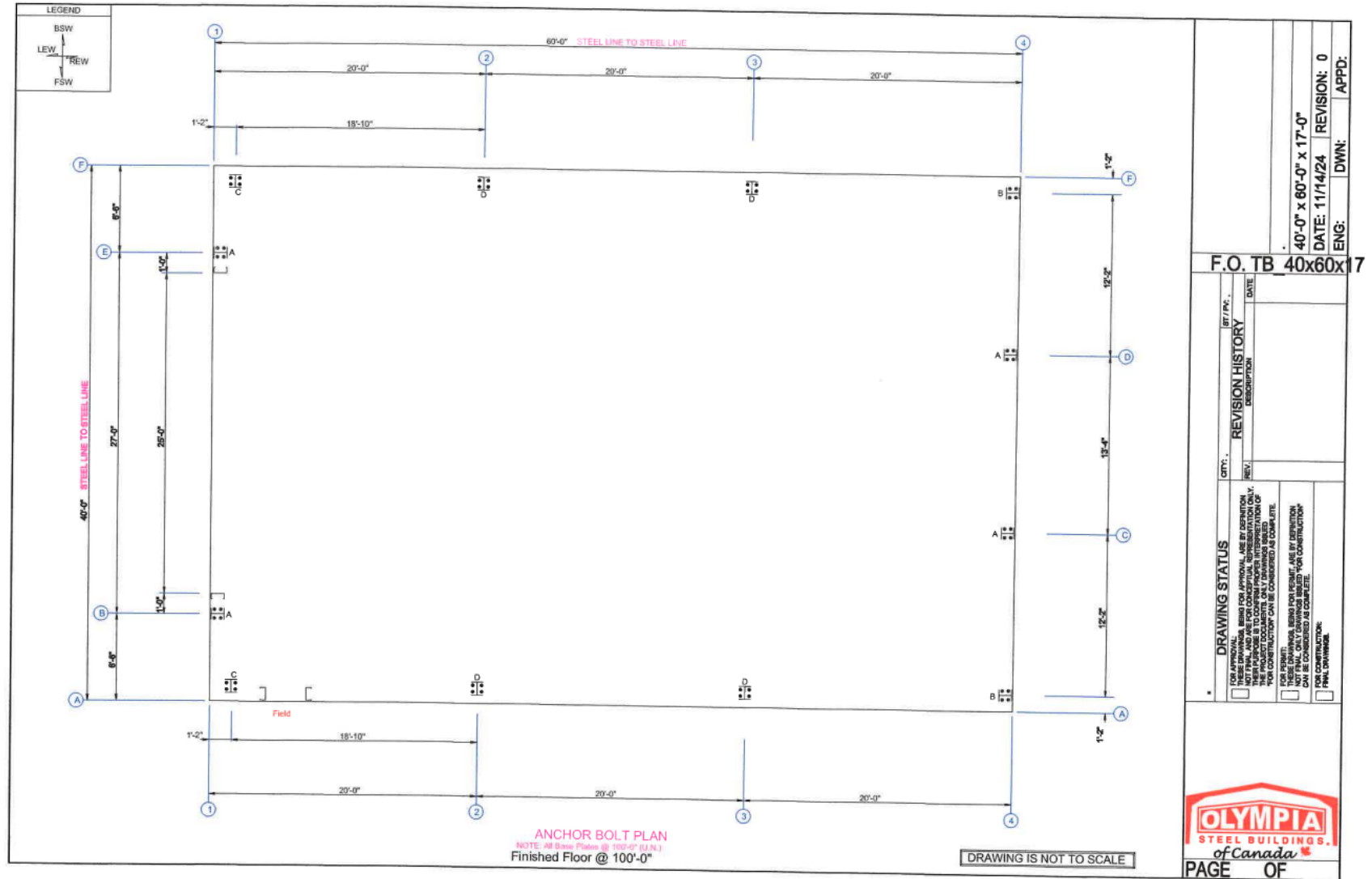
Attachment No. 1 – Context Maps



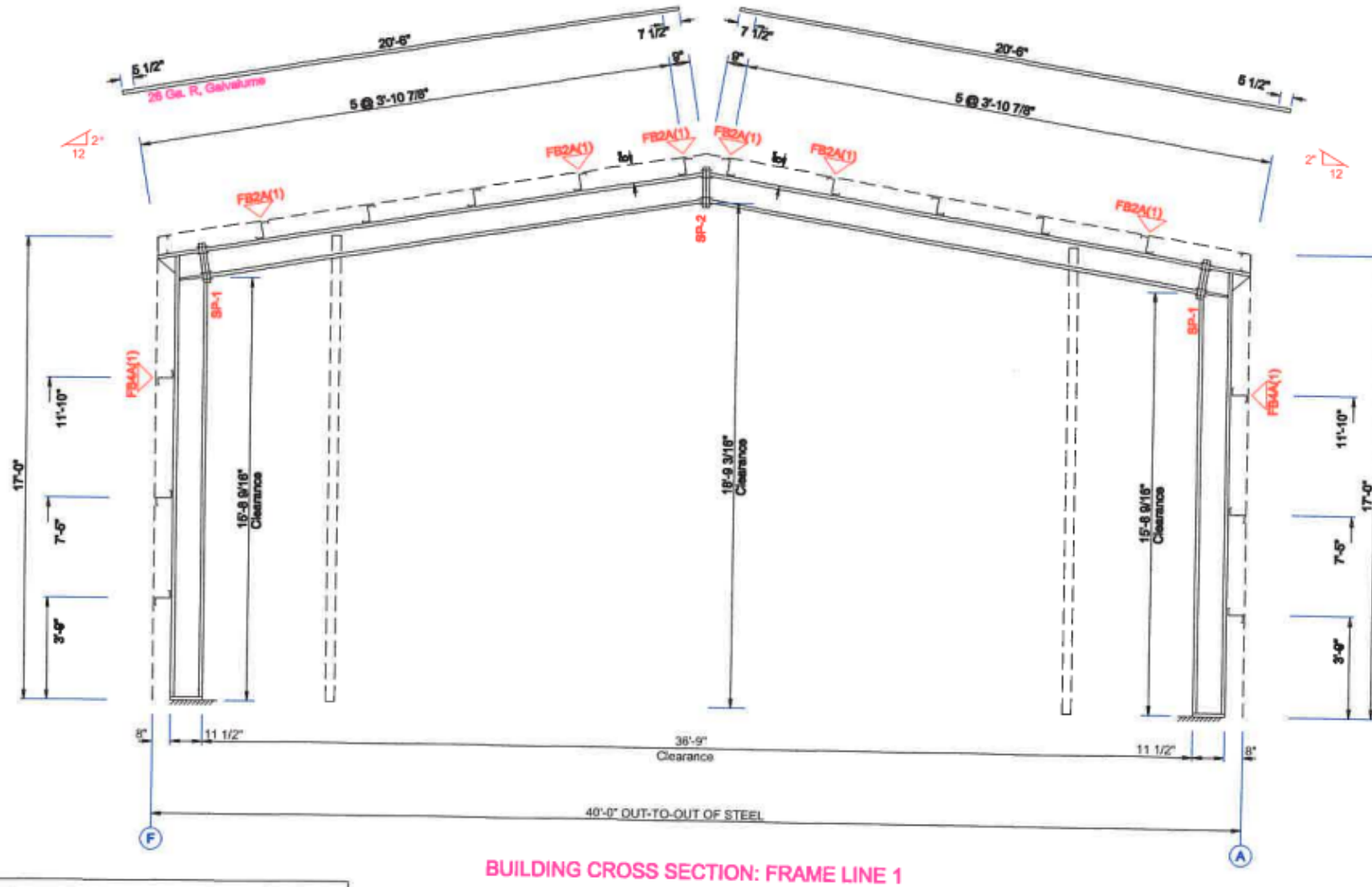
Attachment No. 2 – Applicant's Site Plan



Attachment No. 3 – Applicant's Building Floor Plan



Attachment No. 4 – Applicant’s Building Elevations



Attachment No. 5 – Site Photo (Google Earth)

