

**To:** Mayor and Council  
**From:** Paul Gipps, CAO

**Meeting Date:** March 4, 2025  
**Meeting Type:** Regular Council Meeting

**Prepared by:** Sheeja Vimalan, Planner  
**Department:** Planning and Development

**Title:** Temporary Use Permit | TUP00095 | 5325 Todd Road  
**Description:** Application to allow operation of home-based automotive and equipment repair shop on a property within the Agricultural Land Reserve.

**RECOMMENDATION**

THAT Temporary Use Permit TUP00095 (Attachment A to the report dated March 4, 2025) for the property located at 5325 Todd Road, legally described as LOT 1 DL7 ODYD PLAN KAP16648 PID 008-555-575, to allow operation of a home-based automotive and equipment repair shop, be approved for a 3-year term expiring on March 4, 2028.

**EXECUTIVE SUMMARY**

The applicant proposes a Temporary Use Permit (TUP) authorizing an automotive and equipment repair shop on the subject property. The applicant has benefited from Temporary Use Permits in the past including TP2013-005 and TP2019-003. The applicant intends to continue the use of the property for mechanical, electrical and maintenance repair; both mobile and shop-based services would be offered.

The subject property (0.29 ha/0.72 ac) is zoned A1 – Agriculture, within the Agricultural Land Reserve (ALR) and is accessible by Todd Road and East Hill Road.

Staff recommend authorizing an automotive and equipment repair shop through a Temporary Use Permit on the subject property.

**BACKGROUND**

Property Information			
<b>Application Type</b>	Temporary Use Permit	Application Date: 2022-05-26	
<b>Folio/Roll #:</b>	9269.000		
<b>PID &amp; Legal Description</b>	PID: 008-555-575; LOT 1 DISTRICT LOT 7 OSOYOOS DIVISION YALE DISTRICT PLAN KAP16648		
<b>Civic Address:</b>	5325 Todd Road		
<b>Applicant:</b>	Neil Love	<b>Owner:</b>	Neil Love
<b>OCP Designation:</b>	Agricultural		
<b>Zoning Designation:</b>	A1– Agriculture 1		
<b>Land Use Contract</b>	N/A		
<b>ALR:</b>	Yes		
<b>Parcel Size:</b>	0.29 ha/0.72 ac		
<b>Development Permit Areas:</b>	Drainage Hazard Development Permit Area		
<b>Water Supply:</b>	Municipal		
<b>Sewer:</b>	Private		

Site Summary:	Zoning:	Use:
North:	A1 – Agriculture 1	Residential, Agriculture
East:	A1 – Agriculture 1	Agriculture
South:	A1 – Agriculture 1	Agriculture
West:	A1 – Agriculture 1	Residential, Agriculture

## ANALYSIS

The subject property was created in 1966 (before the 1972 creation of the Agricultural Land Reserve). The applicant resides on the subject property and operates a 38m<sup>2</sup> mechanics shop inside an 88 m<sup>2</sup> (960 sq. ft) accessory building (Attachment B). The total area of the accessory building (88m<sup>2</sup>) is over the allowable area for a Country Residential Home Occupation (s.10.5.4). However, the area used for automotive repair use is only 38 m<sup>2</sup> which is within the allowable parameters. The applicant intends to continue operating an orchard that currently has 45 apple trees and may switch to berries in the future.

The applicant has provided the following information:

- Mobile repair;
- Shop repair – maximum of 2 vehicles at a time (no customer vehicles left on site for extended time);
- Use of an existing accessory building for business purposes;
- No welding services provided;
- Repair to vehicles, farm equipment, quads, dirt bikes, watercraft, motorcycles, and any mechanical equipment;
- Organization and cleanliness are very important to the applicant.
- May employ a part-time or student helper in the future, which is permitted by the Country Residential Home Occupation regulations.

A temporary use permit can be issued for a 3-year period and can carry certain conditions, such as size of operation, hours of operation or provision of buffering. The owner of the business has abided by the conditions set under previous Temporary Use Permits including TP2013-005 and TP2019-003 and there were no associated Bylaw complaints with the previous permits.

As per section 10.5.7, the proposed use (automotive repair) is prohibited as a Country Residential Home Occupation hence the temporary use application. The proposal is consistent with the *Local Government Act (s. 493)*, the District's Official Community Plan (OCP) section 23.6, the Zoning Bylaw A1 - Agriculture 1(s.12.1.4) and the *Agricultural Land Commission Act – Agricultural Land Reserve Use Regulation (s.24)*.

District staff are supportive of the proposed Temporary Use Permit as it adheres to the OCP objectives and policies.

### Agricultural Advisory Committee

The District's Agricultural Advisory Committee (AAC) reviewed this application on February 10, 2025. The AAC supported the application.

### Agricultural Land Reserve

Agricultural Land Reserve Use Regulation, Home occupation use outlines the following regulations:

- 24 (1) The use of agricultural land for a commercial or similar use within a structure is permitted, but may be prohibited as described in section 20, if all of the following conditions are met:
- (a) the structure is accessory to and located on the same parcel as a residence;
  - (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 m<sup>2</sup>.
- (2) The conditions set out in subsection (1) do not apply to a type of use referred to in any other provision of this regulation.

**FINANCIAL IMPLICATIONS**

None       Budget Previously Approved     Other (see below)

**COMMUNICATION**

Internal and External referrals were sent out on April 29, 2024. The referral comments came back were no concerns or no comments.

**ALTERNATE RESOLUTION OPTIONS**

- A. THAT Temporary Use Permit TUP00095 (Attachment A to the report dated March 4, 2025) for the property located at 5325 Todd Road, legally described as LOT 1 DL7 ODYD PLAN KAP16648 PID 008-555-575, to allow operation of a home-based automotive and equipment repair shop for a 2-year term expiring on March 4, 2027.
- B. THAT Temporary Use Permit TUP00095 (Attachment A to the report dated March 4, 2025) for the property located at 5325 Todd Road, legally described as LOT 1 DL7 ODYD PLAN KAP16648 PID 008-555-575, to allow operation of a home-based automotive and equipment repair shop for a 3-year term expiring on March 4, 2028, not be approved.
- C. THAT Temporary Use Permit TUP00095 (Attachment A to the report dated March 4, 2025) for the property located at 5325 Todd Road, legally described as LOT 1 DL7 ODYD PLAN KAP16648 PID 008-555-575, to allow operation of a home-based automotive and equipment repair shop for a 3-year term expiring on March 4, 2028, be deferred pending receipt of additional information as identified by Council.

Respectfully Submitted,  
**Sheeja Vimalan, Planner**

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**Report Approval Details**

Document Title:	Temporary Use Permit - TUP00095 - 5325 Todd Road.docx
Attachments:	- Attachment A-TUP00095-Draft Temporary Use Permit.pdf - Attachment B-TUP00095-Location Map and Site Plan.pdf
Final Approval Date:	Feb 27, 2025

This report and all of its attachments were approved and signed as outlined below:

**Steven Gubbels, Development Engineering Manager - Feb 24, 2025 - 9:55 AM**

**Carie Liefke, Manager of Current Planning - Feb 24, 2025 - 10:02 AM**

**Jeremy Frick, Director of Development Approvals - Feb 26, 2025 - 4:39 PM**

**Reyna Seabrook, Director of Corporate Services - Feb 27, 2025 - 8:55 AM**

**Task assigned to Paul Gipps, Chief Administrative Officer was completed by workflow administrator Reyna Seabrook, Director of Corporate Services**

**Paul Gipps, Chief Administrative Officer - Feb 27, 2025 - 10:49 AM**

**Makayla Ablitt, Legislative & FOI Coordinator - Feb 27, 2025 - 11:28 AM**