

REPORT TO COUNCIL

ALR APPLICATION



Date: May 5, 2025
To: Council
From: City Manager
Address: 131 Mail Rd
File No.: A25-0003
Zone: A1 – Agriculture

1.0 Recommendation

THAT Agricultural Land Reserve Application No. A25-0003 for Lot A Section 3 Township 23 ODYD Plan 22315, located at 131 Mail Road, Kelowna, BC for a Non-Adhering Residential Use Permit pursuant to Section 25 of the *Agricultural Land Commission Act*, be supported by Council;

AND THAT the Council directs Staff to forward the subject application to the Agricultural Land Commission for consideration.

2.0 Purpose

To support an application to the Agricultural Land Commission for a Non-Adhering Residential Use Permit to live in an existing dwelling, while a new residence is being constructed.

3.0 Development Planning

Staff support the Non-Adhering Residential Use Permit application to allow for the owners to live in the existing dwelling, while a new residence is being constructed. The existing dwelling will be demolished prior to final occupancy of the new residence, and by allowing the delayed demolition, the owners can remain on the subject property during the construction. The proposed location of the new dwelling meets policies in the OCP surrounding homeplating.

If the proposal is approved by Council and the Agricultural Land Commission (ALC), a Farm Residential Footprint covenant is required to be registered on title prior to the issuance of a new Building Permit. The covenant area would homeplate the residential uses including the dwelling, and all residential accessory buildings. Prior to final Building Permit occupancy of the new principal dwelling, a Demolition Building Permit will be required to be completed. This will ensure that the current dwelling unit is removed prior to final occupancy, and the property will eventually conform with ALC guidelines. The maximum size for a principal dwelling is 500 m² total floor area.

4.0 Subject Property & Background

4.1 Subject Property Map



The subject property is located on Mail Rd near the intersection with Sexsmith Rd. The surrounding area is primarily agriculture.

Zoning and land use adjacent to the property are as follows:

Orientation	Zoning	ALR	Land Use
North	A1 – Agriculture	Yes	Agricultural
East	A1 – Agriculture	Yes	Agriculture
South	A1 – Agriculture	Yes	Agriculture / Rural Residential
West	A1 – Agriculture	Yes	Agriculture

5.0 Project Description

The subject property, located on Mail Rd near the intersection with Sexsmith Rd, is 1.07 hectares (2.65 acres) in size. The applicant seeks permission to occupy the existing dwelling while constructing a new one. The current dwelling, built around 1930, measures 139 m² and will be demolished before the new dwelling's final occupancy. The proposed new principal dwelling will be 499.9 m², just under the permitted maximum size of 500 m². It will be situated directly behind the existing home, utilizing the same driveway to minimize the impact on farmable land.

The property features an active agroforestry operation with approximately 1,800 Christmas trees planted across the site. The north side of the parcel includes five varieties of fir in a 0.5-hectare area and an additional 0.1 hectares of fir and spruce saplings. Since acquiring the property in 2023, the applicant has planted 500 additional fir saplings and installed irrigation.

6.0 Current Development Policies

Objective 8.1. Protect and preserve agricultural land and its capability.	
Policy 8.1.10. Homeplating.	Locate buildings and structures, including farm help housing and farm retail sales areas and structures, on agricultural parcels in close proximity to one another and where appropriate, near the existing road frontage.
	<i>The proposed location of the new dwelling will be in close proximity to the existing dwelling. These are not adjacent to the road frontage but are accessed via a driveway that runs parallel with the south property line away from the active agriculture.</i>

7.0 Application Chronology

Application Accepted: February 7, 2025
 Neighbour Notification Received: N/A

8.0 Agricultural Advisory Committee

Agricultural Advisory Committee April 10, 2025

THAT the Committee recommends that Council support the application to the Agricultural Land Commission (ALC) for a Non-Adhering Residential Use Permit to live in the existing dwelling on the subject property while a new residence is being constructed.

Report prepared by: Tyler Caswell, Planner Specialist
Reviewed by: Alex Kondor, Development Planning Manager
Reviewed by: Nola Kilmartin, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning, Climate Action & Development Services

Attachments:

Attachment A – ALC Application File No: 103148
 Attachment B – Site Plan
 Attachment C – Conceptual Drawing Package

For additional information, please visit our Current Developments online at www.kelowna.ca/currentdevelopments.