

# AAC COMMITTEE REPORT



**Date:** July 10, 2025  
**To:** Agricultural Advisory Committee  
**From:** Development Planning  
**Address:** 3496 Fitzgerald Rd  
**File No.:** A25-0004  
**Zone:** A1 – Agriculture

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## **1.0 Purpose**

To consider an application to the Agricultural Land Commission (ALC) for a Non-Adhering Residential Use Permit to convert 83.06 m<sup>2</sup> of the existing dwelling into a secondary residence on the subject property.

## **2.0 Development Planning**

The subject property, located on Pooley Rd with access from Fitzgerald Rd, spans 5.6 hectares (13.87 acres). The applicant is seeking permission to convert part of the existing residence into a permitted second residence. The existing farmhouse, moved to the property in 1952, measures 102 m<sup>2</sup>. The owners plan to convert 83.06 m<sup>2</sup> of the original farmhouse into a second residence, leaving the remaining 18.94 m<sup>2</sup> for farm storage and a seasonal office. A dividing wall will be constructed to separate the uses.

The property is actively farmed, with approximately 12 acres planted with cherries (Skeena, Sweetheart, Staccato, and Sentennial). Previously, the orchard grew apples, which were replaced by cherries in 2003.

If the proposal is supported by Council and approved by the Agricultural Land Commission (ALC), a Farm Residential Footprint covenant must be registered on Title before issuing a new Building Permit. The covenant area will encompass the residential uses, including both dwellings and all residential accessory buildings. There is an existing 2,000 m<sup>2</sup> farm footprint covenant encompassing the existing dwelling already on Title, however, there is an additional 1,000 m<sup>2</sup> covenant area permitted and required for the secondary residence.

## **3.0 Subject Property & Background**

### **3.1 Site Context**

The subject property is located on Pooley Rd and Fitzgerald Rd. The property has access to Fitzgerald Rd through an access easement with the neighbouring property to the East. The surrounding area is primarily agriculture.

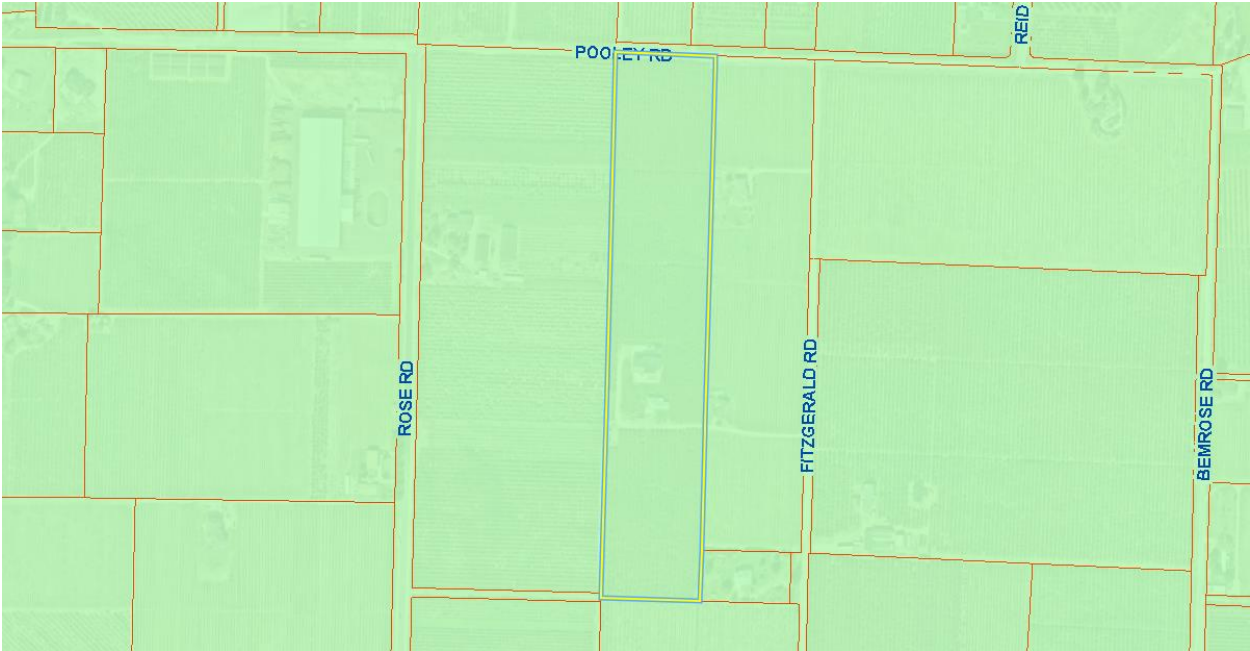
Zoning and land use adjacent to the property are as follows:

Orientation	Zoning	ALR	Land Use
North	A1 – Agriculture	Yes	Agriculture
East	A1 – Agriculture	Yes	Agriculture
South	A1 – Agriculture	Yes	Agriculture
West	A1 – Agriculture	Yes	Agriculture

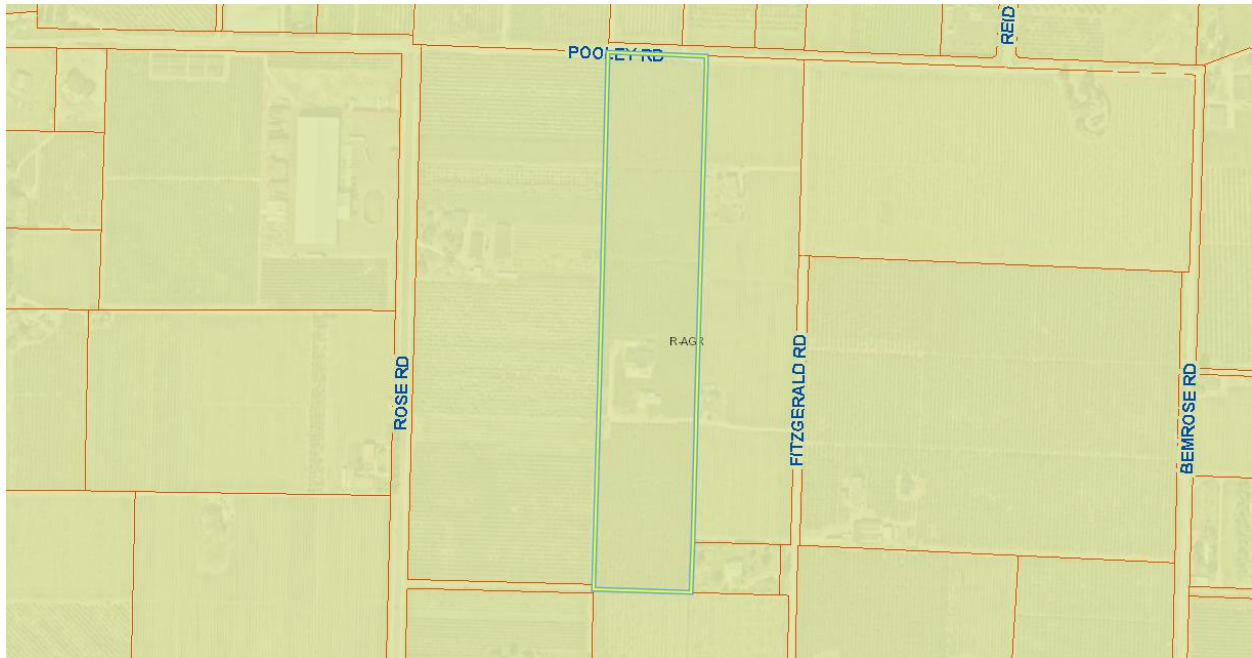
Subject Property Map



ALR Map



## Future Land Use Map



### 3.2 Background

A previous Non-Adhering Residential Use Permit Application (A20-0002) was supported by Council on May 11th, 2020, and subsequently approved by the ALC. The proposal allowed the owners to reside in the existing dwelling while constructing the main dwelling, with plans to convert the existing dwelling into a fruit stand and farm storage.

The Building Permit (BP64343) for the construction of a new residence was issued on November 24th, 2020. As of today, the building has not received final occupancy because the existing residence has not been converted into a fruit stand or storage, and the required dedication on Pooley Road has not been completed. Additionally, there are two other open Building Permits (BP20-064585 and BP21-067850) for a delayed demolition and a basement renovation, which remain incomplete.

The current Non-Adhering Residential Use Permit Application to allow part of the existing residence to remain as a secondary residence would provide a solution for the owners to retain the existing residence and obtain final occupancy for the new residence.

#### 4.0 Current Development Policies

##### 4.1 Kelowna Official Community Plan (OCP)

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 location of the new dwelling is in close proximity with the existing dwelling, which creates a Homeplate and reduces the impact to active agriculture.</i>
Objective 8.4. Stop urban sprawl into Rural Lands	
Policy 8.4.3. Housing in Agricultural Areas.	Discourage additional residential development (both expansions and new developments) in areas surrounded by ALR and non-ALR agricultural lands. Secondary suites may be permitted in a permitted primary dwelling. Carriage houses may be considered on Rural Residential lands where the property is 1.0 hectares or greater and where proposal is consistent with the Farm Protection Guidelines outlined in Chapter 22: Farm Protection Development Permit Area.
	<i>The subject property is over 1.0 ha, and if approved, the secondary residence would be below the allowable total floor area of a carriage house at 90 m<sup>2</sup>.</i>

**Report prepared by:** Tyler Caswell, Planner Specialist  
**Reviewed by:** Alex Kondor, Development Planning Manager  
**Approved for Inclusion:** Nola Kilmartin, Development Planning Department Manager

**Attachments:**

Attachment A – ALC Application File No: [103177]  
Attachment B – Site Plan  
Attachment C – Floor Plan  
Attachment D – Applicant's Rationale  
Attachment E – Development Engineering Memorandum