

REPORT TO COUNCIL

ALR APPLICATION



Date: March 30, 2026
To: Council
From: City Manager
Address: 1425 McCurdy Rd East
File No.: A25-0016
Zone: A1 – Agriculture Zone

1.0 Recommendation

THAT Agricultural Land Reserve Application No. A25-0016 for Lot 2 Section 36 Township 26 ODYD Plan 23935 Except Plans KAP53090 and KAP84358 located at 1425 McCurdy Road East, Kelowna, BC for ALC Non-Adhering Residential Use Permit application No. 103850, pursuant to Section 25 of the *Agricultural Land Commission Act*, NOT be supported by Council;

AND THAT the Council directs staff NOT to forward the subject application to the Agricultural Land Commission for consideration.

AND THAT Agricultural Land Reserve Application No. A25-0016 for Lot 2 Section 36 Township 26 ODYD Plan 23935 Except Plans KAP53090 and KAP84358 located at 1425 McCurdy Road East, Kelowna, BC for ALC Non-Adhering Residential Use Permit application No. 104759, pursuant to Section 25 of the *Agricultural Land Commission Act*, NOT be supported by Council;

AND FURTHER THAT the Council directs staff NOT to forward the subject application to the Agricultural Land Commission for consideration.

2.0 Purpose

To Not support Agricultural Land Commission (ALC) applications to retroactively permit two additional residences on a parcel which has a principal residence that exceeds 500m²:

- ALC Application No. 103850: A 215m² additional residence (comprised of a 90m² dwelling within a 215m² accessory building).
- ALC Application No. 104759: A 32m² additional residence.

3.0 Development Planning

The subject property at 1425 McCurdy Road East is a 3.62-hectare A1 parcel, located outside the Permanent Growth Boundary, within the Agricultural Land Reserve (ALR) on the north side of McCurdy Road East. The applicants have sought Non-Adhering Residential Use (NARU) approvals for two structures built without permits on the subject property: a 215m² building containing a 90m² dwelling unit and a 3-bay garage, and a 32m² accessory building containing a dwelling unit.

Section 34.3 of the ALR Use Regulation allows for one additional residence on ALR parcels, if the total floor area (TFA) of the principal residence is 500m² or less, and the TFA of the additional residence is 90m² or less. As the property contains a 540m² principal residence¹, an additional residence would not typically be

¹ The 540 m² principal residence was permitted prior to the February 2019 updates to the Agricultural Land Commission Act and associated Zoning Bylaw amendments which introduced floor area restrictions of 500 m² for principal dwellings.

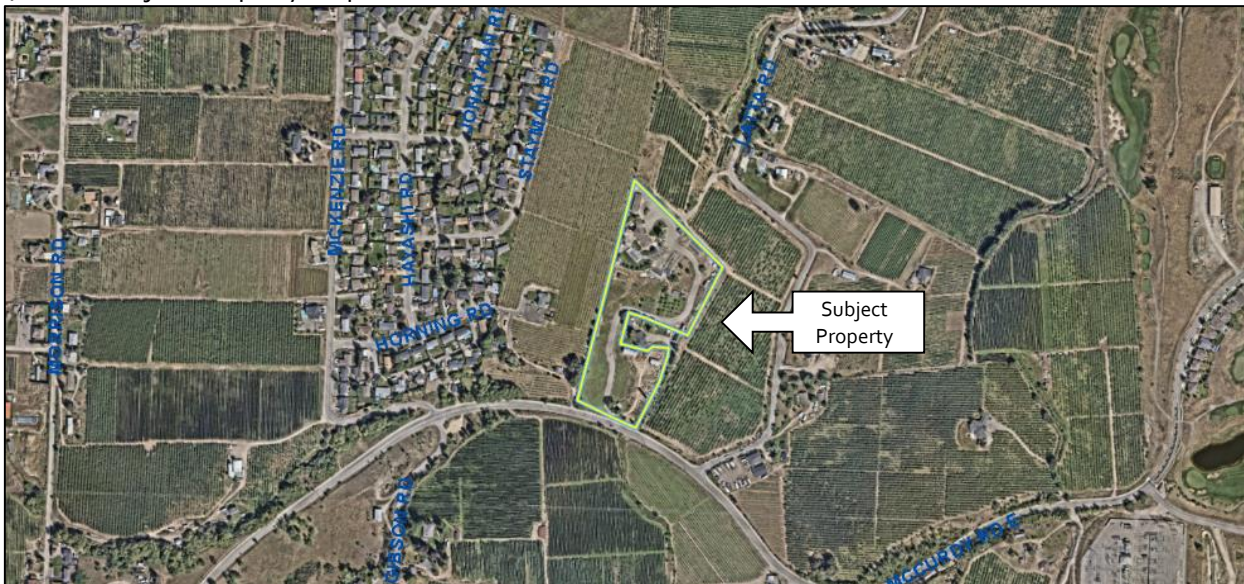
permitted unless it is deemed necessary for farm use (Agricultural Land Commission Act, section 21.1.1) and a NARU is approved.

The A1 Agriculture Zone regulations allow for one principal residence of up to 500m² GFA and one carriage house of up to 90m². For lots over 0.8 ha, a residential footprint (maximum 2,000m²) must be registered on title, and a second residential footprint (maximum 1,000m²) may be registered for carriage houses.

In addition to the agricultural activities described in the submitted applications, the applicants have explained that various permaculture, vermiculture and chicken rearing activities also take place at 1425 McCurdy Road. However, the applications have not clearly demonstrated that on-site housing for farm workers is necessary for the overall operation of the farm (OCP Policy 8.1.9), and the proposal does not align with OCP objectives to protect and preserve agricultural land and its capability, therefore staff recommend non-support for the application.

4.0 Subject Property & Background

4.1 Subject Property Map



4.2 ALR Map



4.3 Site Context

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

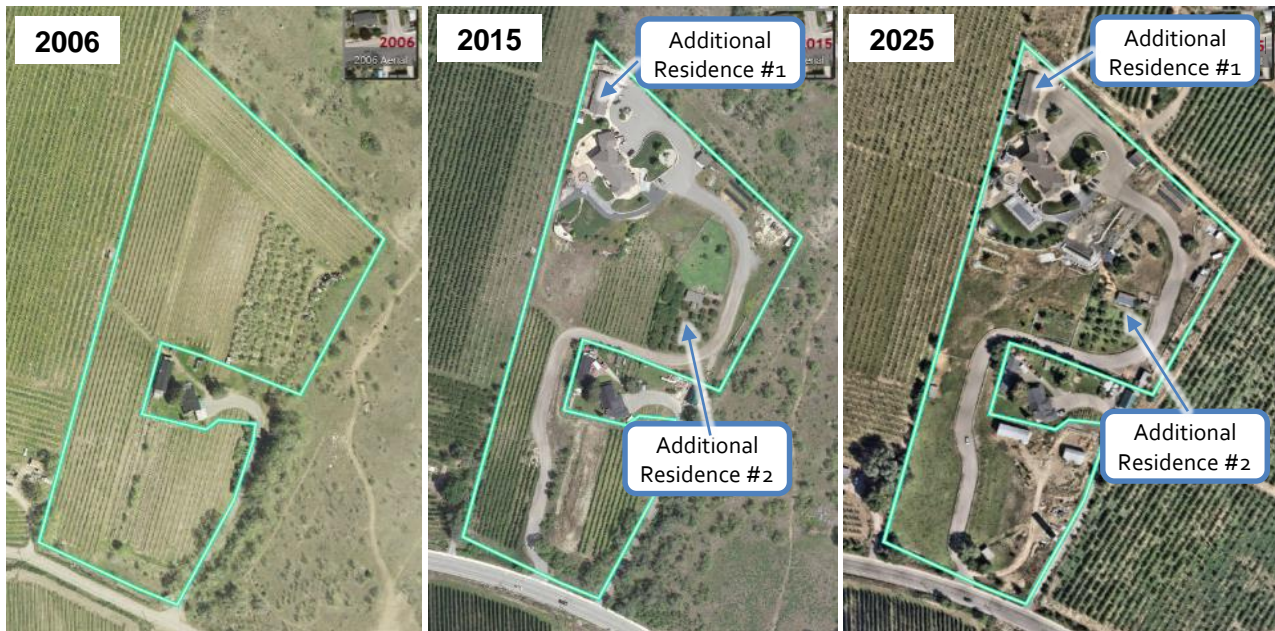
4.4 Property Background

The subject property was created by the homesite severance of 1485 McCurdy Road East in 2007, allowing the remainder parcel (1425 McCurdy Road East) to be developed with a new residence to support ongoing farming operations. Prior to the subdivision, the entire property was planted with grapes and apples. Following the subdivision, in the northwestern corner of the parcel, approximately 0.7-hectares was cleared for the development of the principal residence and accessory structures.

Portions of the orchards and vineyards were later removed (circa 2010) to create the driveway access to the residence, and the majority of the remaining apple trees were removed in 2015 due to codling moth. In 2016 the homeowners graded the property and installed irrigation lines, and a 2018 agrologist report noted the following agricultural uses on the property:

- 1,300m² (0.32 ac.) of mature orchard
- 1,150 m² (0.28 ac.) of vineyards
- 130 m² (1,400 sq. ft.) of raised garden beds (vegetables)
- Three beehives.

Agricultural uses noted in the current NARU applications are animal grazing, with berries and vegetables in the greenhouses. At the Agricultural Advisory Committee meeting on January 15, 2026, the applicants discussed the farm’s permaculture, greenhouse and chicken rearing operations and noted that these support activities on other properties that they own, which employ 16 full-time staff and 10 seasonal staff.



4.5 Additional Residence #1 Background (215m² building / 90m² dwelling)

Additional Residence #1 (ALC Application No. 103850) was originally designed as a 7-bay garage, however, inspections revealed that a dwelling unit had been installed in the building contrary to the initial Building Permit application and land use regulations. The landowner was required to apply for a ALC Non-Farm Use as an initial step towards legitimizing the additional residence.

Application [A09-0015](#) was presented to Council on January 11, 2010 with a recommendation of non-support from staff and the Agricultural Advisory Committee. Council ultimately supported the application, but it was subsequently refused by the ALC on June 15, 2010, and the associated building permit expired.

Despite the unpermitted use and the incomplete building permit, the property owner’s parents moved into the dwelling later in 2010 and the matter was referred to Bylaw Enforcement staff. A series of fines were issued for bylaw contraventions between 2011 and 2013, and on March 14, 2013, the property owner entered into a compliance agreement with the City, agreeing to decommission the dwelling.

The property owner’s parents continued to live in the unpermitted dwelling, and in May 2018 a new ALC Non-Farm Use application ([A18-0001](#) / ALC Application No. 57198) was submitted. This application was not supported by Council and was therefore not forwarded to the ALC for consideration. Bylaw enforcement staff have continued to take action against the property owners since 2018, resulting in fines being levied.

If the new NARU for Additional Residence #1 was supported by Council and the ALC, new building permit applications would be required, including a BC Building Code compliance review by a professional of record and a review of septic systems by a registered onsite wastewater practitioner. Additionally, Development Cost Charges would be payable, and a residential footprint covenant area would need to be registered for the principal and additional dwelling areas.

4.6 Additional Residence #2 Background (32m² building)

Additional Residence #2 (ALC Application No. 104759) was originally a chicken coop, built without approvals in 2011, but retroactively permitted in 2013 (BP46770). At some point after the initial permit, a kitchen, bedroom and bathroom was added, which according to the applicant, allows the building to be used as a 1st aid/muster station, a temporary day-use staff lounge, and occasionally as overnight farm worker accommodations. Staff have advised that the structure is unpermitted and does not comply with ALC or zoning regulations, therefore the residential elements must be decommissioned.

A NARU was submitted in September 2025, however the application does not include a summary of farming operations to justify why farm help housing is needed. At the Agricultural Advisory Committee meeting on January 15, 2026, the applicants described the farming activities taking place at 1425 McCurdy Road, but it was not clear whether the 32m² dwelling unit is necessary for farm operations, or how it benefits agriculture.

If the NARU for Additional Residence #2 was supported by Council and the ALC, in addition to the requirements described above for Additional Residence #1, a site-specific Zoning Bylaw text amendment would be needed to allow three dwelling units on the subject property.

5.0 **Current Development Policies**

5.1 City of Kelowna 2040 Official Community Plan Bylaw

Objective 8.1. Protect and preserve agricultural land and its capability.	
Policy 8.1.1. Protect Agricultural Land.	Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.
	<i>Comment: Since 2009, the land area dedicated to agricultural uses appears to have reduced and residential development appears to have taken precedence on</i>

	<p><i>the subject property. The applicants provided the Agricultural Advisory Committee with an overview of how permaculture and greenhouse operations have been developed in recent years, but supporting documentation has not been provided.</i></p>
<p>Policy 8.1.9. Farm Help Housing.</p>	<p>As a first option, encourage farm help housing to be located within the Permanent Growth Boundary, providing amenity for workers. As a second option, accommodation for farm help on agricultural land on the same farm unit, where approved by the ALC, will be considered only when:</p> <ul style="list-style-type: none"> • Agriculture is the principal use on the parcel; and • The applicant demonstrates that on-site housing for farm workers is necessary for the overall operation of the farm. The primary consideration is whether the scale of the farm operation is large enough that permanent help is deemed necessary. <p>Temporary farm worker housing, such as a bunkhouse accommodation on non-permanent foundations, is the preferred solution where farm worker housing is justified.</p> <p><i>Comment: The property is not within the Permanent Growth Boundary and both additional residences are on permanent foundations. The applications do not clearly demonstrate that on-site housing is necessary for the overall operation of the farm.</i></p>
<p>Policy 8.1.10. Homeplating.</p>	<p>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.</p> <p><i>Comment: The principal and additional residences are near the rear property boundary. Initially, after the subdivision, the principal dwelling was accessed via a driveway that crossed 1485 McCurdy Road, however this access was not protected by an easement agreement, and the landowner later had to develop a circuitous driveway disturbing a large amount of agricultural area.</i></p>

5.2 City of Kelowna Agricultural Plan

Appendix D of the 2017 Agricultural Plan identified several initiatives that were incorporated into Official Community Plan and Zoning Bylaw updates:

- 1.1a Restrict the expansion of residential development, and resulting potential edge conflicts, into farm areas by prohibiting additional density outside the Permanent Growth Boundary.
- 1.1c Restrict non-farm uses that do not directly benefit agriculture. Only support non-farm uses in farm areas that have a direct and ongoing benefit to agriculture or meet essential requirements of municipal government.
- 1.2c Only structures used exclusively for farm use, or have a direct and on-going benefit to agriculture, may be located outside the Residential Footprint.

6.o **Application Chronology**

Application Accepted: September 25, 2025
 Agricultural Advisory Committee: January 15, 2026

7.0 Agricultural Advisory Committee

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on January 15, 2026, and the following resolution was defeated:

THAT the Agricultural Advisory Committee recommend that Council approve applications to the Agricultural Land Commission (ALC) to retroactively permit two additional residences on a parcel which has a principal residence that exceeds 500m² on the subject property:

- ALC Application No. 103850: A 215m² additional residence (comprised of a 90m² dwelling within a 215m² accessory building)
- ALC Application No. 104759: A 32m² additional residence

The Committee was concerned with the number of residences on the property setting a precedent, given the misalignment with bylaws and policies, and the long-running compliance concerns.

8.0 Alternate Recommendation

THAT Agricultural Land Reserve Application No. A25-0016 for Lot 2 Section 36 Township 26 ODYD Plan 23935 Except Plans KAP53090 and KAP84358 located at 1425 McCurdy Road, Kelowna, BC for ALC Non-Adhering Residential Use Permit application No. 103850, pursuant to Section 25 of the Agricultural Land Commission Act, be supported by Council;

AND THAT the Council directs staff to forward ALC Non-Adhering Residential Use Permit application No. 103850 to the Agricultural Land Commission for consideration.

AND THAT Agricultural Land Reserve Application No. A25-0016 for Lot 2 Section 36 Township 26 ODYD Plan 23935 Except Plans KAP53090 and KAP84358 located at 1425 McCurdy Road, Kelowna, BC for ALC Non-Adhering Residential Use Permit application No. 104759, pursuant to Section 25 of the Agricultural Land Commission Act, be supported by Council;

AND FURTHER THAT the Council directs staff to forward ALC Non-Adhering Residential Use Permit application No. 104759 to the Agricultural Land Commission for consideration.

Report prepared by: Shaun O'Dea, Planner Specialist
Reviewed by: Carla Eaton, Development Planning Manager
Reviewed by: Nola Kilmartin, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

- Attachment A – Site Plan
- Attachment B – ALC Application File No: 103850 (Additional Residence #1)
- Attachment C – Additional Residence #1 Floor Plan
- Attachment D – Compliance agreement to decommission Additional Residence #1, March 2013
- Attachment E – ALC Application File No: 104759 (Additional Residence #2)
- Attachment F – Additional Residence #2 Description and Floor Plan

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