



Agricultural Land Commission

133 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

May 28, 2012

Reply to the attention of Ron Wallace
ALC File: 52588

Dejan & Mihaela Rasovic
PO Box 29028
Okanagan Mission RPO
Kelowna, BC V1W 4A7

Dear Mr. and Mrs. Rasovic:

Re: Application for a Secondary Suite in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 177/2012 outlining the Commission's decision as it relates to the above noted application. The Commission draws your attention to section 33 of the *Agricultural Land Commission Act*:

- 33(1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that
- (a) evidence not available at the time of the original decision has become available,
 - (b) all or part of the original decision was based on evidence that was in error or was false.

A revised proposal does not constitute new information and will not be considered by the Commission as a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Brian Underhill, Executive Director

Enclosure: Minutes

cc: City of Kelowna (AA-0011)
1435 Water Street, Kelowna, BC V1Y 1J4
Attention: Mr. Greg Sauer, Land Use Planner



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 22, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Sylvia Pranger	Vice-Chair
Jim Johnson	Commissioner

COMMISSION STAFF PRESENT:

Ron Wallace	Land Use Planner
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APPLICATION ID: #52588

PROPOSAL: To construct a secondary suite in a detached structure on the subject 1.2 ha property. (Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

COMMISSION CONSIDERATION:

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission are (1) to preserve agricultural land; (2) to encourage farming on agricultural land in collaboration with other communities of interest; and (3) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

After reviewing all file information the Commission concluded that there is no agricultural activity on the subject property to justify the need for a secondary suite in a structure that is detached from the principle dwelling. Section 3(1)(b) of BC Regulation 171/2002 (*Agricultural Land Reserve Use, Subdivision and Procedure Regulation*) provides:

- 3(1) The following land uses are permitted in an agricultural land reserve unless otherwise prohibited by a local government bylaw or, for lands located in an agricultural land reserve that are treaty settlement lands, by a law of the applicable first nation government:
 - (b) for each parcel,
 - (i) One secondary suite within a single family dwelling, and
 - (ii) One manufactured home, up to 9 m in width, for use by a member of the owner's immediate family.

The definition of "immediate family" means, with respect to an owner, the owner's

- a) parents, grandparents and great grandparents,
- b) spouse, parents of spouse and stepparents of spouse,
- c) brothers and sisters, and
- d) children or stepchildren, grandchildren and great grandchildren

The Commission believes the regulation provides the applicant with suitable options.

IT WAS

MOVED BY: Commissioner Bullock

SECONDED BY: Commissioner Dyson

THAT the application be refused as submitted.

CARRIED

Resolution # 177/2012