



# Provincial Agricultural Land Commission - Staff Report

## Application: 52588

**Applicant:** Dejan & Mihaela Rasovic  
**Local Government:** City of Kelowna

**Proposal:** To construct a second suite in a detached structure on the subject 1.2 ha property.

### BACKGROUND INFORMATION

The subject property was part of a larger application for exclusion in 2007 based on the claim that the land was non-arable. The ALC refused the exclusion, but granted the owner a four lot subdivision. The rezoning to RR3 and four lot subdivision were finalized earlier this year. The result is four estate lots of relatively small size.

### PROPERTY INFORMATION

**PID:** 028-632-231  
**Legal Description:** Lot 3 Section 3 Township 26 Osoyoos Division Yale District Plan EPP9487  
**Property Area:** 1.2 ha  
**ALR Area:** 1.2 ha  
**Purchase Date:** August 16, 2011  
**Location:** 3985 Fairwinds Crt  
**Owner:** Dejan & Mihaela Rasovic

**Total ALR Area:**

### LAND USE

#### Current Land Use:

The property is currently used for rural residential purposes. There is a principal dwelling, garage, pool and accessory building located on the eastern property line. The accessory building is proposed to contain a garage along with a secondary suite. There is no agriculture occurring on the property.

#### Surrounding Land Uses:

North: Rural Residential  
East: Agricultural  
South: Agricultural  
West: Rural Residential

### PROPOSAL DETAILS

**Non- Farm Use Area:** 1.2 ha  
**Non- Farm Use Type:** Residential: Additional Dwelling(s)

#### Agricultural Capability:

The majority of the area under application is rated as: Secondary

**Source:** BCLI

**Mapsheet:** 82E.084

## PREVIOUS APPLICATIONS

**Application ID:** 44187

**Legacy #:** 37532

**Applicant:** 703941 BC Ltd

**Proposal:** To exclude the 4.8 ha subject property from the Agricultural Land Reserve to facilitate a 4-lot residential subdivision of approximately 1.2 ha parcels.

**Decision:**

Resolution #	Decision Date	Decision Description
490/2007	September 20, 2007	Refused as proposed. However, the Commission would allow the subdivision of the property into four lots.

## LOCAL GOVERNMENT INFORMATION

**Official Community Plan:**

**Designation:** Resource Protection Area

**OCP Compliance:** No

**Zoning:**

**Zoning Bylaw Name:** Zoning Bylaw 8000

**Zoning Designation:** Rural Residential 3

**Minimum Lot Size:** 2.0 ha

**Zoning Compliance:** No

**Comments and Recommendations:**

**Agricultural Advisory Committee**

The AAC did not recommend support for the detached secondary suite. The members felt that the application does not have any net benefit to agriculture. The application proposes significant coverage of the lands and the secondary suite will not be used for farm help.

**Board/Council**

Recommends approval.

**Planning Staff**

The local planning staff does not recommend support for the additional detached suite as it not consistent with current development policies for land designated as Resource Protection Area.

## ALC STAFF COMMENTS

Staff has the following comments:

- As noted, the subject property was part of a larger request for exclusion in 2007 based on the grounds that the land is non-arable. The ALC refused the exclusion, but granted the owner a four lot subdivision. The subject property is one of the four lots created.
- The proposed accessory building to contain the secondary suite and garage may be occupied by a family member.
- There is no agricultural activity occurring on the subject property.

## ATTACHMENTS

52588\_ContextMap20k.pdf

52588\_AgCapabilityMap.pdf

52588\_AirphotoMap5k\_HR.pdf

52588CityRep.pdf

52588AACRep.pdf

## END OF REPORT

**Prepared by:** Ron Wallace, March 6, 2012