



**Staff Report**  
**Application # V – 38616**  
**Applicant: Manuel and Felicidade Farinha**  
**Agent: Maria Farinha Nunes (daughter)**  
**Location: Osoyoos**

**DATE RECEIVED:** November 5, 2008

**DATE PREPARED:** March 17, 2009

**TO:** Chair and Commissioners – Okanagan Panel

**FROM:** Brandy Ridout, Land Use Planner

**PROPOSAL:** To subdivide a 0.2 ha lot from the 8 ha subject property under the *Homesite Severance Policy*.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

**Local Government:**

Regional District of Okanagan-Similkameen (RDOS)

**Legal Description of Property:**

Lot 1, District Lot 41, Similkameen Division Yale District, Plan 6022 (PID: 010-231-820)

**Purchase Date:**

A Right to Purchase was added to the title on December 16, 1966. The agreement for sale was paid out by the applicants on February 7, 1978 at which time they became the legal owners of the property and registered on title.

**Location of Property:**

7409 45<sup>th</sup> Street, Rural Osoyoos

**Size of Property:**

8 ha (The entire property is in the ALR).

**Present use of the Property:**

Single family dwelling, orchard (to change to vineyard in 2009), pickers' cabin

**Agricultural Capability:**

Data Source: Agricultural Capability Map #82E/03  
The majority of the property is identified as having Prime Dominant ratings.

**BACKGROUND INFORMATION (continued):**

**Surrounding Land Uses:**

**WEST:** ALR, orchard  
**SOUTH:** ALR, orchard  
**EAST:** ALR, vineyard  
**NORTH:** ALR, vineyard

**Official Community Plan and Designation:**

Electoral Area 'A' Osoyoos Rural Official Community Plan (OCP) Bylaw No. 2450 (2008)  
Designation: Agriculture

**Zoning Bylaw and Designation:**

Electoral Area 'A' Osoyoos Rural Zoning Bylaw No. 2451 (2008)  
Designation: Agriculture One (AG1), minimum lot size: 4 ha

**PREVIOUS APPLICATIONS:**

**Application #05962-0**

**Applicant:** Manuel and Felicidade Farinha  
**Decision Date:** February 23, 1978  
**Proposal:** To subdivide the 8 ha subject property into two 4 ha lots as the property is too hard to handle for two people.  
**Decision:** Refused on the grounds that the option for various agricultural operations is best served by maintaining the present parcel size.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**RDOS Board:** No comment, as per policy

**RDOS Planning Staff:** Considered the application on the assumption that the applicants did not qualify for consideration under the *Homesite Severance Policy* as they had not legally owned the property until 1978.

**STAFF COMMENTS:**

- A Right to Purchase registered on title before December 21, 1972 can be considered to meet the intent of the *Policy* regarding ownership.
- Information has been requested regarding occupancy of the property since 1972. In addition, it is unclear if the applicants currently reside on the property. This information will be added to the file when received.
- The proposed homesite lot is small, fronts a road, and is in a corner of the property.

**ATTACHMENTS:**

- ALC Context Map (1:50,000)
- ALC Context Map (1:20,000)
- Provincial Orthophoto (1:20,000)
- Airphoto showing proposal (1:1,750)

**END OF REPORT**

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**Signature**

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**Date**