

To: Her Worship Mayor McKortoff and Members of Council
From: Shannon Duong, Planner
Date: December 9, 2025
Subject: Agricultural Land Reserve (ALR) Block Exclusion
Tracker No: AI-698

Recommendation:

THAT an application to the Agricultural Land Commission (ALC) to exclude 61 non-agricultural parcels from the Agricultural Land Reserve (ALR) be initiated;

AND THAT staff give notice of the application in accordance with s. 29(2)(a) of the *Agricultural Land Commission Act* and s. 15 of the *Agricultural Land Reserve General Regulation*;

AND THAT a public hearing be scheduled in accordance with s. 29(2)(b) of the *Agricultural Land Commission Act* for February 10, 2026;

AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.

CAO Comments:

Approved for Council consideration.

Executive Summary:

The purpose of this report is to seek Council direction with respect to the proposed exclusion of non-agricultural lands within the Agricultural Land Reserve (ALR).

Statutory Requirements:

Under Section 29(1) of the *Agricultural Land Commission Act*, only a local government or First Nation may apply to the ALC to have land excluded from the ALR.

Under Section 14 of the *Agricultural Land Reserve General Regulation*, a local government that is applying to exclude land from the Reserve must do all of the following:

- a) *give notice of the application not less than 3 days and not more than 10 days before the date of the public hearing;*
- b) *give a copy of the application to the following:*
 - i) *if the land that is the subject of the application is adjacent to an area over which a different local government or first nation government has jurisdiction, that different local government or first nation government;*
 - ii) *each local government or first nation government whose interests, the local or first*

nation government applicant believes, will be affected by the application;

c) *include with the application:*

- i) *a report of the public hearing and any additional public comments, and*
- ii) *any other supporting material the commission may require;*

d) *post a sign, in a form and manner acceptable to the commission, on the land that is the subject of the application.*

In addition, the Exclusion request must be accompanied by a resolution from Council.

Background:

Administration has identified approximately 61 properties that are currently within the Agricultural Land Reserve (ALR) but no longer appear to be used for agricultural purposes and would benefit from exclusion from the ALR. These include:

- Golf course and surrounding Crown lands;
- Airport and surrounding Crown lands;
- Visitor centre lands;
- Various residential lots;
- Various commercial and tourist accommodation lots; and,
- Various administrative and institutional lots.

A list of the subject properties, along with their zoning and Official Community Plan (OCP) designations and current uses can be found at Attachment No. 1, and a visual representation of the subject properties can be found at Attachment No. 2.

Official Community Plan (OCP) Bylaw:

Under the Town's OCP Bylaw No. 1375, 2022, Council has expressed its support for the ALC's mandate to preserve agricultural land and to encourage farming within the ALR by discouraging further land exclusions from the ALR except in the following circumstances:

- i) *in instances where transportation connections are required and;*
- ii) *for ALR parcels less than 0.8 hectares in size being used for non-farm purposes that were issued title on or prior to December 21, 1972, with confirmation from the ALC.*

Agricultural Land Commission (ALC) Decisions:

When the (former) Town of Osoyoos Official Community Plan (OCP) Bylaw No. 1050, 1996, was being prepared, the Town engaged with the Agricultural Land Commission (ALC) in accordance with the (then) *Municipal Act*.

As part of this engagement process, the ALC reviewed a draft of OCP Bylaw No. 1050, 1996, and provided a number of comments in relation to its contents, including the land use designations for those lands within the Agricultural Land Reserve (ALR).

The Commission, as part of ALC Resolution #799/96, “consented” to the non-agricultural OCP designations that were proposed to apply to a number of parcels throughout the Town which historically were not being used for agricultural purposes (Parcels 1 – 53 on Attachment No. 1). Despite this, these lands have remained in the ALR, and a successful exclusion application is required in order to remove the parcels from the ALR.

Analysis:

Administration is supportive of the proposed exclusion of the subject properties on the basis that the lands have historically not been used for agricultural purposes (i.e., residential, commercial, administrative, recreation, etc.), which is generally reflected in their non-agricultural OCP designations, and are unlikely to be reverted to farmland based on current and historic development/uses.

Although some parcels proposed for exclusion have agricultural zoning and OCP designations, most of these lands are similarly not being used for agriculture (e.g., residential, auto yard), with the exception of a portion of the property at 6210 Highway 97, which currently contains the Osoyoos Baptist Church. If excluded from the ALR, the property may continue to be used for agricultural activities on that portion zoned Agriculture (AG).

The primary goal of the proposed exclusion of the subject lands from the ALR is to provide clearer direction to and remove unnecessary administrative burdens from property owners which may unknowingly own or acquire non-agricultural ALR parcels within the Town.

If Council is supportive of initiating the exclusion applications, the Town would be required to pay the associated application fees and undertake all public notice requirements in relation to the required public hearings (i.e., newspaper advertisements, public notification signage, etc.). It is anticipated that the exclusion application would incur a minimum cost of approximately \$4,250.00.

Options

1. THAT an application to the Agricultural Land Commission (ALC) to exclude 61 non-agricultural parcels from the Agricultural Land Reserve (ALR), be initiated;

AND THAT staff give notice of the application in accordance with s. 29(2)(a) of the *Agricultural Land Commission Act* and s. 15 of the *Agricultural Land Reserve General Regulation*;

AND THAT a public hearing be scheduled in accordance with s. 29(2)(b) of the *Agricultural Land Commission Act* for February 10, 2025;

AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.

2. THAT the proposed application to the Agricultural Land Commission (ALC) to exclude 61 non-agricultural parcels from the Agricultural Land Reserve (ALR), not be initiated.

Implications:

a) Community

- The exclusion of non-agricultural parcels from the ALR is seen to benefit those current owners or potential future purchasers by removing ambiguity regarding permitted uses of those lands. Additional benefits would include the removal of administrative burdens to undertake uses currently permitted by zoning.

b) Organizational

- If the properties are excluded, it is anticipated that the Town would receive fewer ALC referrals.

c) Budget

- An exclusion application is anticipated to cost approximately \$4,250.00, at minimum.

d) Significant Dates

- N/A

e) Sustainability

- N/A

Attachments:

1. Summary of Parcels Proposed for Exclusion
2. Map of Parcels Proposed for Exclusion
3. Current ALR Boundaries (Map 3 of OCP Bylaw No. 1375, 2021)

Attachment No. 1 – Summary of Parcels Proposed for Exclusion

	Primfolio	Civic Address	Parcel Identifier	Zoning Designation	OCP Designation	Current Use
1.	9625			CA	ENV	Crown land
2.	9631			CA	ENV	Crown land
3.		12300 Golf Course Dr	008-487-341	PRs	REC	Golf course
4.	19323			PRs	REC	Golf course
5.	14590			PRs	REC	Golf course
6.	19324			AG	AG	Municipal sewage lagoon bladders
7.	22050			PR	REC	Sports field parking
8.			003-776-735	CA	ENV	Golf course
9.		9320 32 nd Ave	031-522-963	RS1	LR	Residential, low density
10.		9308 32 nd Ave	031-522-971	RS1	LR	Residential, low density
11.		9506 32 nd Ave	003-425-355	RS1	LR	Residential, low density
12.		2412 Lakeshore Dr	030-919-819	RS1	LR	Residential, low density

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13.		2414 Lakeshore Dr	030-919-801	RS1	LR	Residential, low density
14.		2418 Lakeshore Dr	027-251-128	CT4	MR	Strata Resort
15.		3404 Lakeshore Dr	008-044-082	RS1	LR	Residential, low density
16.		3408 Lakeshore Dr	002-220-083	RS1	LR	Residential, low density
17.		3414 Lakeshore Dr	008-939-586	RS1	LR	Residential, low density
18.		3604 Lakeshore Dr	008-939-578	RS1	LR	Residential, low density
19.		3612 Lakeshore Dr	009-515-941	RS1	LR	Residential, low density
20.		3804 Lakeshore Dr	008-384-487	RS1	LR	Residential, low density
21.		3808 Lakeshore Dr	010-276-297	RS1	LR	Residential, low density
22.		3818 Lakeshore Dr	007-841-078	RS1	LR	Residential, low density
23.		3820 Lakeshore Dr	006-133-011	RS1	LR	Residential, low density
24.		4350 Lakeshore Dr	026-235-986	RM1	MR	Vacant
25.		4300 44th Ave	026-924-960	CT4	TC	Strata Resort

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26.		4610 44th Ave	006-094-074	RS1	LR	Residential, low density
27.		5005 Lakeshore Dr	026-311-461	CT2	TC	Campground
28.		7401 Cottonwood Dr	011-354-372	AI	INST	Utilities facility
29.		7413 Cottonwood Dr	004-084-519	RS1	LR	Residential, low density
30.		7237 Cottonwood Dr	005-824-397	RS1	LR	Residential, low density
31.		7227 Cottonwood Dr	007-294-719	RS1	LR	Residential, low density
32.		7225 Cottonwood Dr	007-294-701	RS1	LR	Residential, low density
33.		7013 Cottonwood Dr	007-294-689	RS1	LR	Residential, low density
34.		7012 Maple Dr	004-252-942	RS1	LR	Residential, low density
35.		7014 Maple Dr	004-252-951	RS1	LR	Residential, low density
36.		9913 Highway 3	017-453-640	C1	TC	Tourist accommodations and restaurant
37.		9206 Highway 97	024-721-212	CS1	GC	Visitor centre
38.		9912 Highway 3	025-181-980	C1	GC	Visitor centre

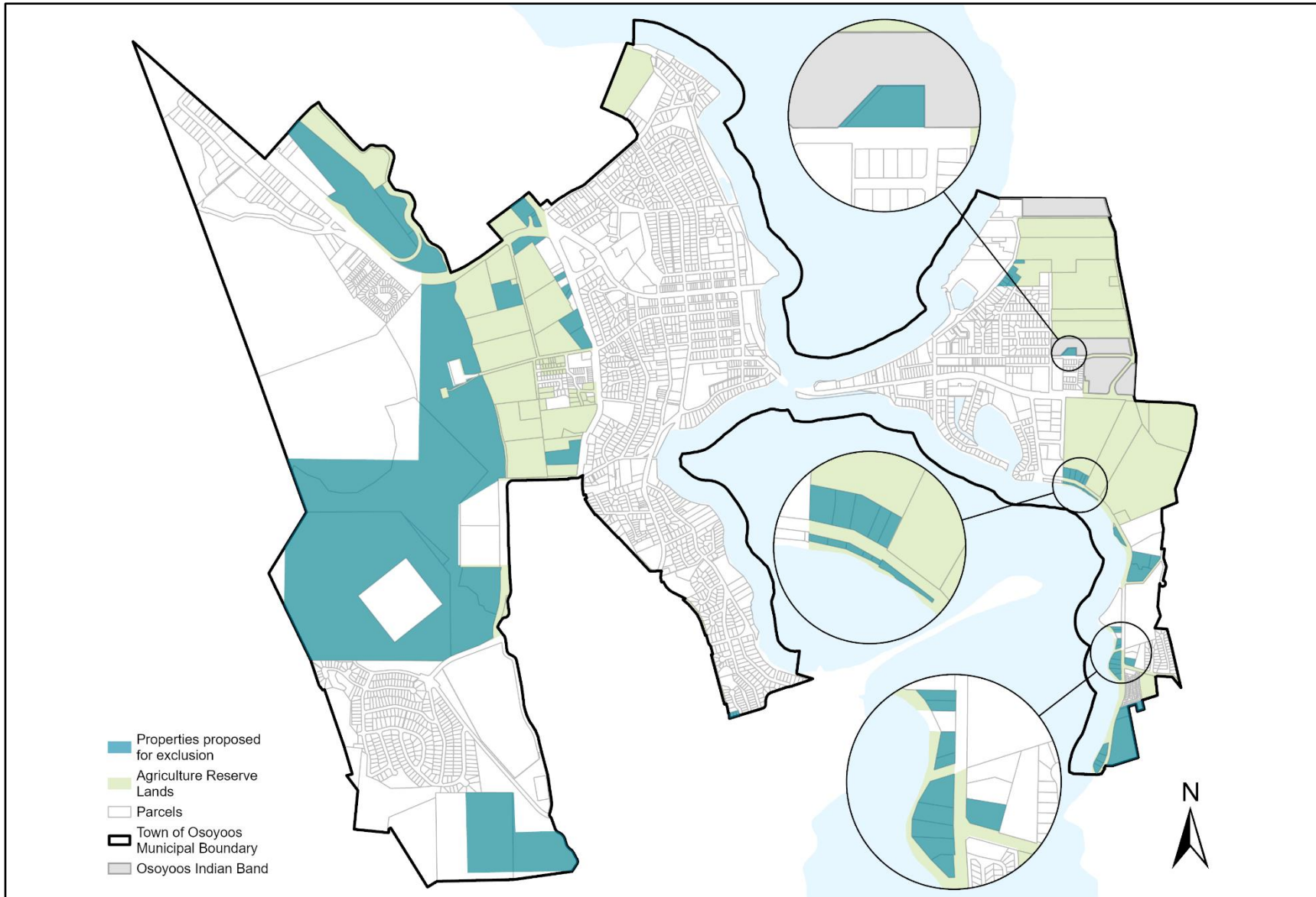
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39.	19375			C1	GC	Visitor centre
40.		8404 97th St	008-875-979	C1	GC	Bowling alley and fitness facility
41.		8210 97th St	010-707-689	RS1	LR	Residential, low density
42.		8016 97th St	004-272-404	RS1	LR	Residential, low density
43.		7612 97th St	008-197-911	RSM	MR	Residential, mobile home park
44.		7414 97th St	011-195-011	RSM/C1	MR	Tourist Accommodations and residential, mobile home park
45.		6210 Highway 97	004-450-124	AG/AI	AG/INST	Church, agriculture
46.		2801 Lakeshore Dr	003-997-979	CT2	TC	Campground
47.		2615 Lakeshore Drive	024-861-545	CT2	TC	Campground
48.		4306 36th Dr	012-758-591	RS1	LR	Residential, low density
49.		5223 Lakeshore Dr	002-211-131	RS1	LR	Residential, low density

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50.		5225 Lakeshore Dr	002-211-114	RS1	LR	Residential, low density
51.		5227 Lakeshore Dr	002-209-926	RS1	LR	Residential, low density
52.		5229 Lakeshore Dr	018-116-248	RS1	LR	Residential, low density
53.		5231 Lakeshore Dr	018-116-230	RS1	LR	Residential, low density
54.	22050			PR/PRs	REC	Golf course
55.			008-682-194	CA	ENV	Crown land
56.		10800 Highway 3	010-591-711	AP	AP	Airport
57.	5801			CA	ENV	Crown land
58.		3013 Lakeshore Dr	001-733-940	CT1	LR	Residential, low density
59.			011-382-171	RS1	LR	Lakefront
60.		4906 Cedar Ln	003-215-342	RS1	LR	Residential, low density
61.		8214 Meadowlark Dr	008-351-279	AG	AG	Auto yard

Attachment No. 2 – Map of Parcels Proposed for Exclusion



Attachment No. 3 – Current ALR Boundaries (Map 3 of OCP Bylaw No. 1375, 2021)

