

To: Her Worship Mayor McKortoff and Members of Council
From: Shannon Duong, Planner
Date: March 24, 2026
Subject: Agricultural Land Reserve (ALR) Block Exclusion – Additional Parcels for Inclusion in Block Exclusion Proposal
Tracker No: AI-698

Recommendation:

THAT the following properties be included as part of an application to the Agricultural Land Commission (ALC) to exclude non-agricultural parcels from the Agricultural Land Reserve (ALR) that was initiated by Council on December 9, 2025:

- Lots 1, 2, 3, 4, 5, 6, District Lot 2450S, SDYD, Plan KAP28375 (being 5, 6/8, 7, 9, 10, and 11 Wren Place);
- Lot 3, District Lot 2450S, SDYD, Plan KAP21683 (being 6806 97th Street); and
- an approximately 0.9 ha portion of the property described as Lot 1, District Lot 2450S, SDYD, Plan EPP128166 (being 9425 87th Street) immediately adjacent to Osoyoos Lake and Braeburn Place.

AND THAT staff give notice of this revised 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 staff give notice of the April 28, 2026 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 inclusion of additional parcels to a proposal to exclude non-agricultural lands within the Agricultural Land Reserve (ALR) which was originally initiated by Council on December 9, 2025.

This report also intends to facilitate Council's consideration as to whether to include a portion of the property at 9425 87th Street in its proposed block exclusion proposal. In support of this, the agent of the property owners has submitted that:

The northeastern edge of the 9425 87th Street (subject property) is situated in a location where the former KVR Railway used to be located. That lower elevation portion of the property is disconnected from the balance of the western portion of the property by a steep escarpment

that was created when the railway excavated material from the area in the 1940's for the construction of the rail bed.

Prior to the land being included in the Town ... discussions were held with the RDOS planning staff in 2017 regarding an ALR exclusion of the northeastern portion of the subject property for residential use. The RDOS staff advised that they would not support the RDOS application ... [and] suggested that the property be included in the Town of Osoyoos boundaries as it was contiguous to the Town's boundary, and development could then be considered within the context of an urban area...

In 2018 the owner submitted a request to the Town of Osoyoos for a boundary expansion to the have the agricultural subject property included into the Town boundaries, for the sole purpose of being able to have the northeast portion of the subject property considered for ALR exclusion and development within an urban setting context.

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:

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.

Previous Council Consideration

At its meeting of December 9, 2025, Council had resolved to initiate an application to the ALC to exclude 62 non-agricultural parcels from the ALR.

Analysis:

Through day-to-day work, staff have identified that several parcels were unintentionally excluded from the original exclusion proposal considered by Council at its meeting of December 9, 2025.

Specifically, this includes the properties at 5, 6/8, 7, 9, 10, and 11 Wren Place and 6806 97th Street (see Attachment No. 4). These properties are designated under the OCP Bylaw and Zoning Bylaw for low density residential purposes and have been developed accordingly.

Similar to the original list of properties proposed for exclusion, 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.

Property Owner Request:

Recently, a request has been submitted to the Town to have Council consider the exclusion of a portion of the property at 9425 87th Street (see Attachment No. 5).

It is understood that this request follows the previous inclusion of the property into the Town’s municipal boundaries in 2021, and that the area proposed for exclusion encompasses an area which the agent has indicated is the “...the location of the former KVR rail bed and does not have any agricultural capability.”

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An Agrologist's report has been submitted and indicates that "a soils assessment of the site [has been conducted] and concluded that the lower northeastern portion of 9425 87th Street does not contain any topsoil and is not suitable for agriculture."

In reviewing this property, staff note that the entirety of the parcel is designated under the OCP Bylaw and Zoning Bylaw for Agriculture, and that a portion of the proposed exclusion area appears to contain lands which are used for agricultural purposes.

Though the property owner has not provided details of development plans if the lands are excluded, it is noted that the property owners' original request to be included in the Town's previous boundary expansion in 2021 had indicated that the property could be used for future residential development.

Staff recognize that the request area contains lands with topographical challenges (see Attachment No. 6), and that the extent of the request area would potentially be capable of supporting additional residential development, given its size and proximity to municipal services at Braeburn Place.

Conversely, staff recognize that during the 2021 boundary extension process, a Ministry of Municipal Affairs Memorandum was sent to the Town which detailed comments received from the ALC, amongst other affected parties. As it relates to the property, the memo indicated that:

The ALC did not endorse the property as a future growth area or as a municipal extension area because the property is in agricultural production. While the boundary extension may help support the farm operation by providing access to water and sewer, it may also encourage future development, particularly given the landowners intention to subdivide the property for development purposes.

In this regard, it appears that the ALC did not support the inclusion of the property into the Town's boundaries and had concerns with respect to future development of the property.

Despite this, it is noted that this memo indicated that while the Town was, at the time, not intending on rezoning the property (and other agricultural properties on 45th Street) from its current agricultural status, "there may be an opportunity in the future to rezone and form developable parcels of land, specifically to the north of the 87th Street property". Importantly, Council ultimately supported the inclusion of the property into the Town's boundaries.

If Council is supportive of including the subject properties to the proposed ALR block exclusion request, it is anticipated that the additional signage requirements would equate to approximately \$661.00. In total, this would equate to a minimum total cost of approximately \$4,911.00 for the entirety of the exclusion proposal.

Options

1. THAT the following properties be included as part of an application to the Agricultural Land Commission (ALC) to exclude non-agricultural parcels from the Agricultural Land Reserve (ALR) that was initiated by Council on December 9, 2025:
 - Lots 1, 2, 3, 4, 5, 6, District Lot 2450S, SDYD, Plan KAP28375 (being 5, 6/8, 7, 9, 10, and 11 Wren Place);

- Lot 3, District Lot 2450S, SDYD, Plan KAP21683 (being 6806 97th Street); and
- an approximately 0.9 ha portion of the property described as Lot 1, District Lot 2450S, SDYD, Plan EPP128166 (being 9425 87th Street) immediately adjacent to Osoyoos Lake and Braeburn Place.

AND THAT staff give notice of this revised 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 staff give notice of the April 28, 2026 public hearing in accordance with the requirements of the *Local Government Act*.

2. THAT the properties located at 5, 6/8, 7, 9, 10, and 11 Wren Place, 6806 97th Street, and an approximately 0.9 ha portion of the property at 9425 87th Street not be included as part of an application to the Agricultural Land Commission (ALC) to exclude non-agricultural parcels from the Agricultural Land Reserve (ALR) which was initiated by Council on December 9, 2025.

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: the inclusion of the properties in the ALR block exclusion application is anticipated to result in an additional cost of approximately \$661.00, which would equate to a minimum total of approximately \$4,911.00 for the entirety of the exclusion proposal.
- d) Significant Dates: a public hearing is to be held on April 28, 2026.
- e) Sustainability: N/A

Attachments:

1. Summary of Parcels Proposed for Exclusion
2. Map of Parcels Proposed for Exclusion – Updated
3. Current ALR Boundaries (Map 3 of OCP Bylaw No. 1375, 2021)
4. Additional Properties Proposed for Inclusion in ALR Block Exclusion Request
5. 9425 87th Street – Proposed Exclusion Area
6. 9425 87th Street – Proposed Exclusion Area – Topographic Site Plan

Attachment No. 1 – Summary of Parcels Proposed for Exclusion (Proposed Additional Parcels in Blue)

	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	Multiple	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	Multiple	CT4	TC	Strata Resort

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26.		4610 44th Ave	006-094-074	RS1	LR	Residential, low density
27.		5005 Lakeshore Dr	Multiple	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
50.		5225 Lakeshore Dr	002-211-114	RS1	LR	Residential, low density

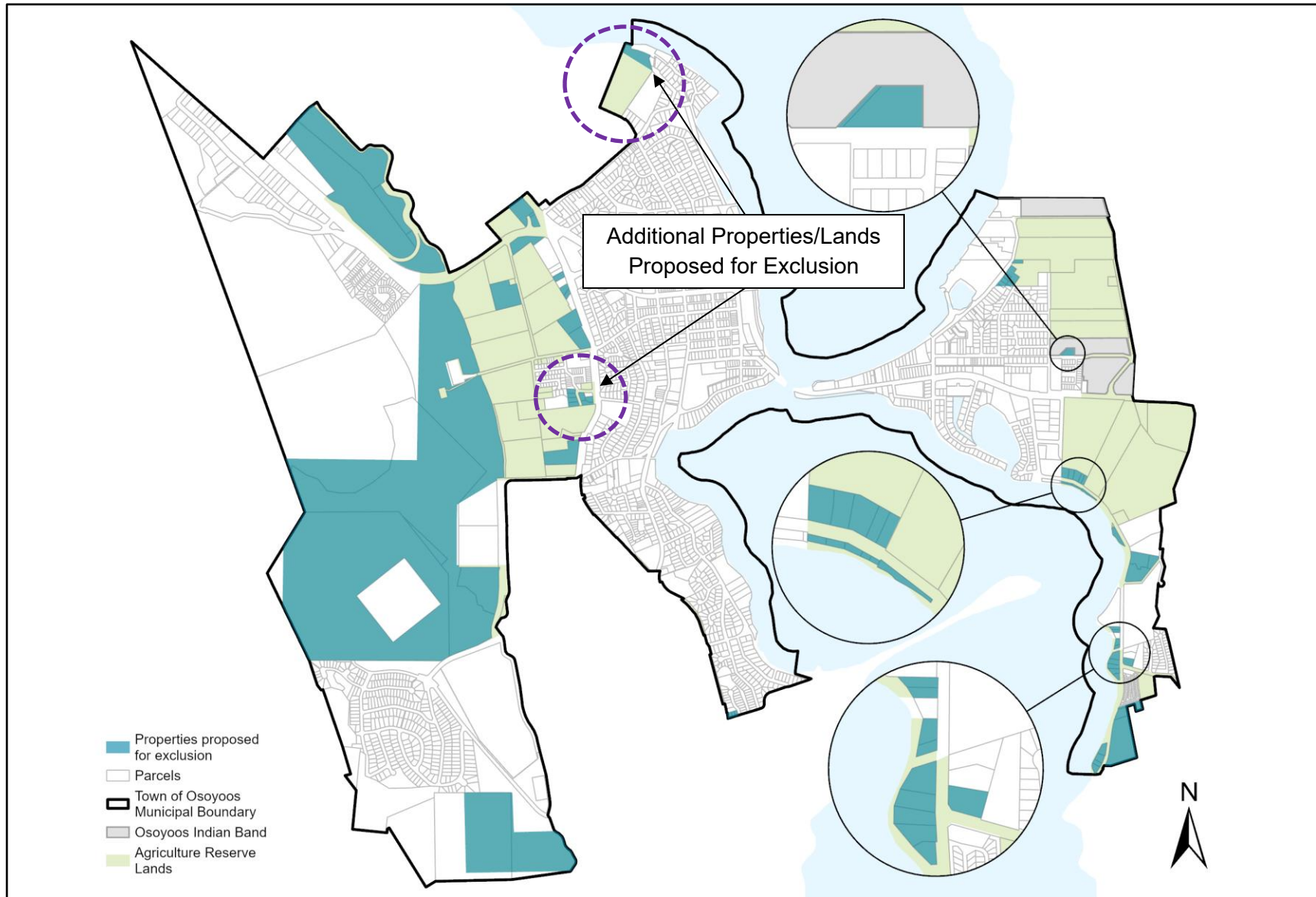
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51.		5227 Lakeshore Dr	002-209-926	RS1	LR	Residential, low density
52.		5229 Lakeshore Dr	018-116-248	RS1	LR	Residential, low density
53.		5231 Lakeshore Dr	018-116-230	RS1	LR	Residential, low density
54.	22050			PR/PRs	REC	Golf course
55.			008-682-194	CA	ENV	Crown land
56.		10800 Highway 3	010-591-711	AP	AP	Airport
57.	19573			CA	ENV	Crown land
58.	5801			CA	ENV	Crown land
59.		3013 Lakeshore Dr	001-733-940	CT1	LR	Residential, low density
60.			011-382-171	RS1	LR	Lakefront
61.		4906 Cedar Ln	003-215-342	RS1	LR	Residential, low density
62.		8214 Meadowlark Dr	008-351-279	AG	AG	Auto yard
63.		5 Wren PI	003-157-164	RS1	LR	Residential, low density
64.		6/8 Wren PI	004-562-623	RS1	LR	Residential, low density

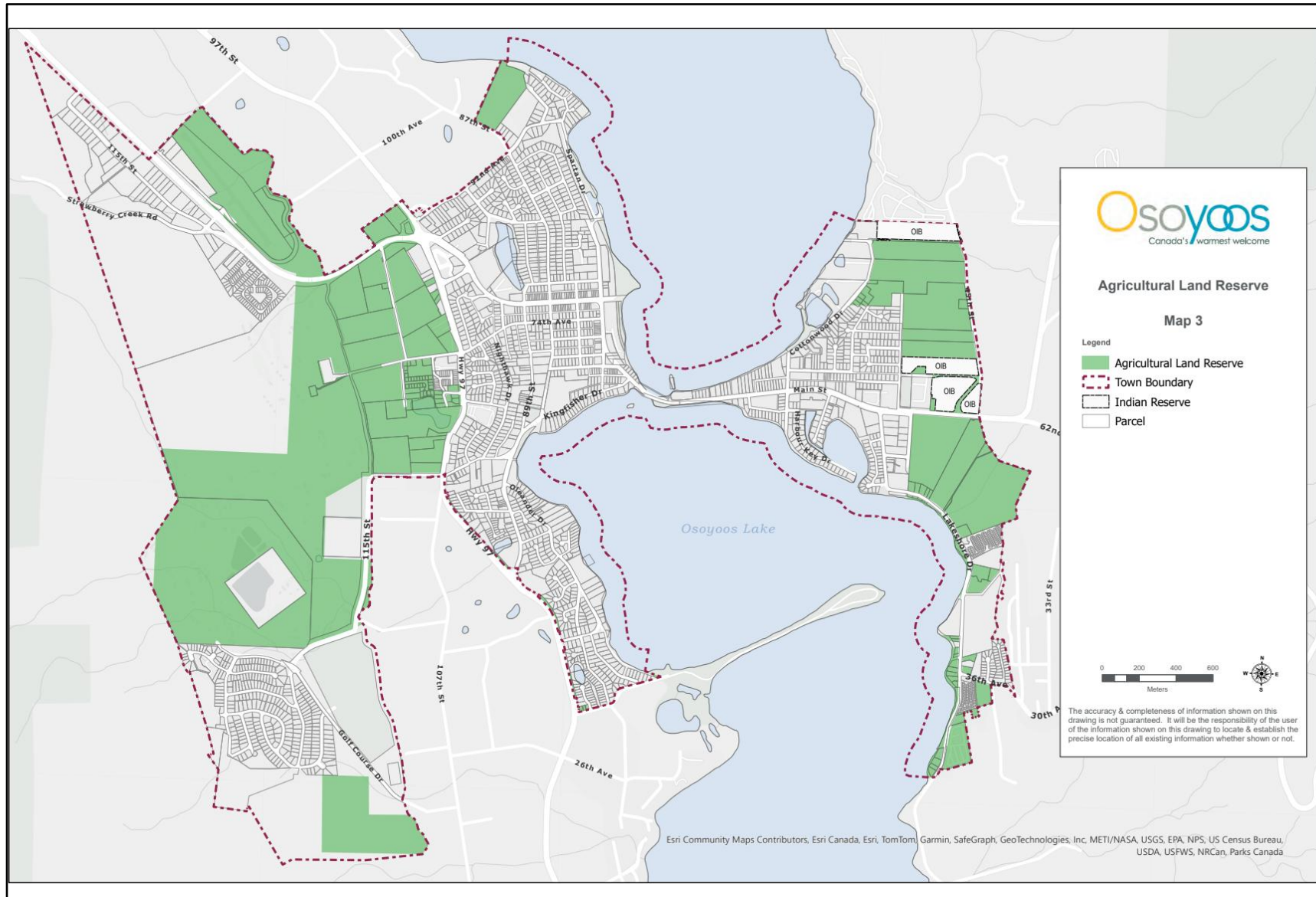
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65.		7 Wren Pl	004-562-526	RS1	LR	Residential, low density
66.		9 Wren Pl	004-562-551	RS1	LR	Residential, low density
67.		10 Wren Pl	004-562-607	RS1	LR	Residential, low density
68.		11 Wren Pl	004-562-585	RS1	LR	Vacant
69.		6806 97 th St	007-329-938	RS1	LR	Residential, low density
70.		9425 87 th Street (Partial)	031-968-082	AG	AG	Agriculture/Vacant

Attachment No. 2 – Map of Parcels Proposed for Exclusion – Updated



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



Attachment No. 4 – Additional Properties Proposed for Inclusion in ALR Block Exclusion Request



Attachment No. 5 – 9425 87th Street – Proposed Exclusion Area



Attachment No. 6 – 9425 87th Street – Proposed Exclusion Area – Topographic Site Plan

