

To: Her Worship Mayor McKortoff and Members of Council
From: Shannon Duong, Planner
Date: April 28, 2026
Subject: Agricultural Land Reserve (ALR) Block Exclusion Proposal
Tracker No: AI-698

Recommendation:

THAT Administration submit an application to the Agricultural Land Commission (ALC) for the exclusion of approximately 178.11 hectares of land from the Agricultural Land Reserve (ALR).

CAO Comments:

Approved for Council consideration.

Executive Summary:

The purpose of this report is to seek Council's direction with respect to the proposed exclusion of approximately 178.11 ha of land from 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.

In response to the above-noted requirements, the Town has undertaken the following means of notification:

- Notification of the application in the April 16th and 23rd issues of the Times Chronicle;
- Provided a copy of the draft application to the Osoyoos Indian Band (OIB) and Regional District of Okanagan-Similkameen on April 14th, 2026;
- Erected a total of 12 notification signs in strategic locations throughout the Town as identified via consultation with Agricultural Land Commission (ALC) staff.

In addition to the notification requirements under the ALC Act and ALR General Regulation, the Town:

- Mailed notices of the initiation of the project as well as the public hearing to the owners of the subject properties;
- Distributed an electronic notice of the public hearing through the Town's mass notification system;
- Mailed notices to those owners of land which had been identified as currently receiving a school tax exemption due to meeting specified exemption criteria under the *School Act* to inform them of potential implications of the proposed exclusion, if successful; and,
- Created a project webpage on the Town's website with information regarding the proposal.

Background:

Under the Town's OCP Bylaw No. 1375, 2021, 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; NOTE: only a portion of Property #7 received ALC "consent" for its non-agricultural designation).

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 (NOTE: One of the listed parcels was originally listed twice, referencing two portions of the same parcel, and Attachment No. 1 shows the corrected list of subject properties), and directed staff to give notice of the application and to schedule and give notice of a public hearing for April 28, 2026 in accordance with the *ALC Act*, *ALR General Regulation* and *Local Government Act*.

At its meeting of March 24, 2026, Council further resolved to include, as part of the block exclusion proposal, the properties legally described as:

- 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.

Council also directed staff to give notice of the revised application and the April 28, 2026, public hearing in accordance with the *ALC Act*, *ALR General Regulation* and *Local Government Act*.

All comments received to date in relation to this proposal are included with this report.

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.

Should Council resolve to direct staff to submit the application to the ALC, an application fee of \$750.00 is required to be paid to the ALC (NOTE: there will be additional costs associated with obtaining all other required supporting application materials).

Options:

1. THAT Council direct Administration to submit an application to the Agricultural Land Commission (ALC) for the exclusion of approximately 178.11 hectares of land from the Agricultural Land Reserve (ALR).
2. THAT an application for the exclusion of approximately 178.11 hectares of land from the Agricultural Land Reserve (ALR) not be submitted to the Agricultural Land Commission (ALC).

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
 - In addition to costs already paid in association with the required notification of the application and public hearing, the Town would be required to pay a \$750.00 application fee, as well as any costs associated with obtaining all other required supporting application materials.
- 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)
4. Draft ALC Application ID 107144
5. Representations