

To: Her Worship Mayor McKortoff and Members of Council
From: Shannon Duong, Planner
Date: June 9, 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's 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:

- for the April 28, 2026 Public Hearing, notification of the application in the April 16th and 23rd, 2026 issues of the Times Chronicle;
- for the June 9, 2026 Public Hearing, notification of the application in the May 28th and June 4th, 2026 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 April 28th & June 9th public hearings to the owners of the subject properties;
- distributed an electronic notice of the April 28th & June 9th public hearings 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:

- in instances where transportation connections are required and;*
- 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*.

On April 28th, 2026, a public hearing was held in hybrid fashion, in-person in Council Chambers at 8707 Main Street, Osoyoos, BC, and online via video conference system (i.e., Zoom), and was attended by approximately 21 members of the public.

Following the public hearing, at its meeting of April 28th, 2026, Council resolved that the proposed application be referred back to the Committee of the Whole.

At the Committee of the Whole meeting of May 12th, 2026, staff provided information on the potential tax implications of the proposed exclusion, if successful. Council subsequently resolved that staff give notice of the proposed exclusion application and directed staff to give notice of a public hearing scheduled for June 9, 2026 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.
- Properties which are not classified as farm and are currently receiving tax exemptions under Section 130(1)(b) of the *School Act* would no longer qualify for these tax exemptions should the exclusion be successful.

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

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/PRs	REC	Golf course / 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

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

26.		4610 44th Ave	006-094-074	RS1	LR	Residential, low density
27.		5005 Lakeshore Dr (Lakefront)	N/A	CT2	TC	Lakefront
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	Gas Station

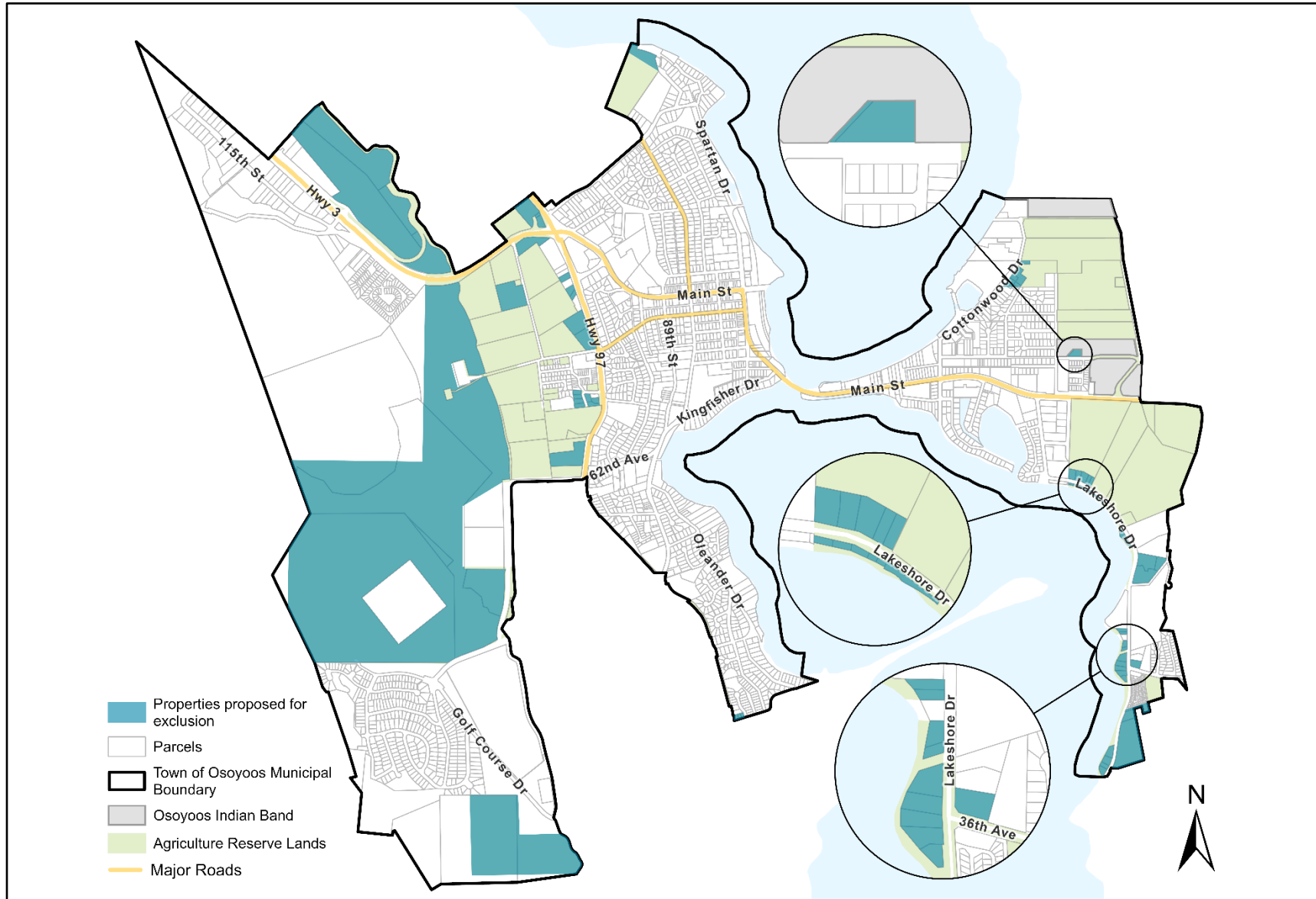
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38.		9912 Highway 3	025-181-980	C1	GC	Visitor centre
39.	19375			C1	GC	Parking Area
40.		8404 97th St	008-875-979	C1	GC	Bowling alley and fitness facility
41.		8210 97th St	010-707-689	RS1	LR	Residential, low density
42.		8016 97th St	004-272-404	RS1	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
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.			008-682-194	CA	ENV	Crown land
55.		10800 Highway 3	010-591-711	AP	AP	Airport
56.	19573			CA	ENV	Crown land
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
62.		5 Wren Pl	003-157-164	RS1	LR	Residential, low density
63.		6/8 Wren Pl	004-562-623	RS1	LR	Residential, low density

64.		7 Wren Pl	004-562-526	RS1	LR	Residential, low density
65.		9 Wren Pl	004-562-551	RS1	LR	Residential, low density
66.		10 Wren Pl	004-562-607	RS1	LR	Residential, low density
67.		11 Wren Pl	004-562-585	RS1	LR	Vacant
68.		6806 97 th St	007-329-938	RS1	LR	Residential, low density
69.		9425 87 th Street (Partial)	031-968-082	AG	AG	Agriculture/Vacant

Attachment No. 2 – Map of Parcels Proposed for Exclusion



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

