



COUNCIL REPORT

Report Date: September 26, 2024
Contact: Grant Murray
Contact No.: 604.873.7119
RTS No.: 16557
VanRIMS No.: 08-2000-20
Meeting Date: October 9, 2024
[Submit comments to Council](#)

TO: Standing Committee on City Finance and Services
FROM: Director of Legal Services
SUBJECT: Agricultural Land Reserve – Soil Deposit at 2999 West 53rd Avenue

Recommendation

THAT Council forward an application to deposit soil at 2999 West 53rd Avenue, Vancouver, BC (PID: 004-419-073, LEGAL DESCRIPTION: LOT B BLOCK 1 DISTRICT LOT 315 PLAN 9779) to the Agricultural Land Commission, in accordance with section 34.1 of the Agricultural Land Commission Act because the soil deposit is for an agricultural purpose.

Purpose and Executive Summary

This report supports an application by the owner of the property at 2999 W. 53rd Avenue (the "Property") to deposit soil in the Agricultural Land Reserve (ALR). The Agricultural Land Commission Act requires Council to approve the application before the Agricultural Land Commission (ALC) can consider it. Council can refuse to forward the application, but City staff consider the application to have merit.

Council Authority/Previous Decisions

Section 34.1 of the ALC Act requires Council to review and either refuse or forward all soil deposit applications regarding properties in the ALR. Council's involvement in this process has changed since 2019. This is the first soil deposit application Council has considered since the change. Council did consider and refuse a subdivision application in the ALR in 2021.

City Manager's Comments

The City Manager concurs with the foregoing recommendations.

Context and Background

The ALR is a provincial land use zone governed by the ALC Act, where agriculture is recognized as the priority use and non-agricultural uses are tightly regulated. There are approximately 235 parcels or properties within the ALR in Vancouver. These properties are located within the Southlands area of Vancouver and are predominantly zoned RA-1, with some CD-1 zoned sites. The intent of the RA-1 District Schedule is to encourage the semi-rural, equestrian and limited agriculture nature of the area.

In 1989, the Agricultural Land Commission (“ALC”) adopted General Order #291/89 (the “Order”), which allowed the City to approve subdivisions and issue permits for uses that were compliant with RA-1 zoning without seeking ALC approval. The Order permitted owners to apply directly to the City with requests for a use or a permit, and directly to the Approving Officer for a subdivision or strata title proposal.

In June 2019 City staff was advised that the ALC had rescinded General Order #291/89. As a result, ALR lands within Vancouver are no longer shielded by the Order. Approvals by the ALC are now required for non-adhering residential uses, non-farm uses, subdivision, inclusion, exclusion, soil or fill use and transportation, utility and recreational trail uses.

Property owners within the ALR have been informed of this change.

Administering this change has proven somewhat awkward because the City is not experienced with these applications. The application was submitted in February, 2024, but time was needed to understand and process it.

For the purposes of this report, the change means that the applicant requires Council to forward the soil deposit application to the ALC. Council can also refuse it, but because the application is for agricultural uses – staff sees no reason to oppose it. If approved, the application will allow the deposit of 17,000 m³ of soil over an area of 10,000 m² (1 hectare).

The application submitted to the ALC is attached as Appendix A. The Appendix includes all the documents submitted, other than the “Optional Documents”.

Although the property owner has submitted a development permit application, processing of that application is on hold until Council decides whether to forward the soil deposit application to the ALC. Issues may arise, including issues regarding the grade of the fill on the Property. These issues will be reviewed during development permit review and approval process. This report and recommended approval is only about the soil deposit application.

Financial Implications

There are no financial implications of this report and its recommendations.

Legal Implications

If the Recommendation in this report is approved, the soil deposit application will be forwarded to the ALC for its consideration. Future application will be subject to separate or distinct processes.

* * * * *



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 70245
Application Type: Placement of Fill within the ALR
Status: Under Review by L/FNG
Name: MCRAE VENTURES, INC., INC.NO. BC1171483
Local/First Nation Government: City of Vancouver

1. Parcel(s) Under Application

Parcel #1

Parcel Type Fee Simple
Legal Description LOT B, BLOCK 1, DISTRICT LOT 315, PLAN 9779
Approx. Map Area 1.4 ha
PID 004-419-073
Purchase Date Feb 15, 2022
Farm Classification No
Civic Address 2999 - West 53 Avenue, Vancouver, BC
Certificate Of Title TITLE-CA9717458-PID-004-419-073.pdf

Land Owner(s)	Organization	Phone	Email	Corporate Summary
null	MCRAE VENTURES, INC., INC.NO. BC1171483	(604) 999-9495	ralph@mcraegrou p.ca	Not Applicable

2. Other Owned Parcels

Do any of the land owners added previously own or lease other parcels that might inform this application process? No

3. Primary Contact

Type	Third-Party Agent
First Name	No Data
Last Name	No Data
Organization (If Applicable)	Colin Fry & Associates Consulting Ltd. Colin Fry
Phone	(604) 209-5359
Email	colin.fry.associates@gmail.com

4. Government

Local or First Nation Government: City of Vancouver

5. Land Use

Land Use of Parcel(s) under Application

Describe all agriculture that currently takes place on the parcel(s).

Located in the Southlands area of the City of Vancouver, the property has been used for stabling horses and equestrian activities for more than 70 years. In section 3 (Identify Parcels) it has been identified that the property currently does not have farm status. However, the property was classified as farm until this year when BC Assessment changed the designation. The Owner is appealing the change as the equestrian use of the property has not ceased and the owner is currently upgrading and modernizing the facility. The appeal hearing is set for February 7, 2024. An update will be provided when the BC Assessment appeal is determined.

Describe all agricultural improvements made to the parcel(s).

The owner is converting the property into a modern horse boarding facility, provide certified organic pasture/grazing areas, construct year-round competitive dressage, hunter/jumper and jumping arenas and grow certified organic vegetables. The Southlands area of Vancouver, within

which the property is located, lies in a recognized flood plain where the ground water rises and falls with the tides in the nearby Fraser River basin and runoff from precipitation.

Perimeter drainage improvements have been undertaken along the north, east and west property boundaries. Filling has been started in order to flood proof the land and proposed structures.

Describe all other uses that currently take place on the parcel(s).

None.

Land Use of Adjacent Parcels

	Main Land Use Type	Specific Activity
North	Residential	Residential lots
East	Residential	Rural Estate
South	Agricultural / Farm	West 53 Avenue, equestrian facility beyond
West	Residential	Rural Residential

6. Proposal

Has the ALC previously received an application or Notice of Intent for this proposal? No

What is the purpose of the proposal?

The placement of drainage and flood protection material to raise the elevation of the land will facilitate the planned agricultural improvements. I am concerned that when Application Type is selected, the Portal identifies the application as Placement of fill on ALR land for a non-farm use activity. This is misleading as the placement of material on the property is in aid of flood protection and agricultural improvements. It is important to note that on April 5, 1989 the ALC passed Resolution #291/89 granting the City of Vancouver permission to make subdivision and non-farm use decisions in the Southlands area. The properties to which these permissions applied are listed in Schedule A attached to the General Order (copy attached). The

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property that is the subject of this application is identified as Property 80 in Schedule A. The General Order remained in place for approximately 30 years until it was rescinded by the ALC citing 2019 changes to the Agricultural Land Commission Act as the reason for rescission. A copy of the City of Vancouver's Flood Plan Standards and Requirements has also been attached. The effective date of the documents was January 1, 2015 and as such, fill proposals intent on flood protection would have been the responsibility of the City under the General Order.

Placement of Fill Project Duration 12 months

Fill to be Placed

Volume 17000 m³
Area 10000 m²
Maximum Depth 3.7 m
Average Depth 3.7 m

Fill already Placed

Volume No Data
Area No Data
Maximum Depth No Data
Average Depth No Data

Describe the type of soil proposed to be removed. Clean fill.

What alternative measures have you considered or attempted before proposing to place fill? Please refer to the owner's August 18, 2023 letter to the ALC

What steps will be taken to reduce The Southlands area is within a designated floodplain. Please see the

impacts to surrounding agricultural land?

attached November 2, 2023 letter from the City of Vancouver providing a flood warning advisory and its advice to owners to protect their property and belongings. The purpose of this application is to do just that - to provide flood protection for the property and agricultural operation in the long term. To point out the potential severity of flood risk, a December 15, 2015 report, City of Vancouver Coast Flood Risk Assessment - Phase 2 has also been attached. Please refer to section 3.3.3 of the report. Figure 25 (Annual Probability of Inundation) notes that in 2015 the probability was approximately 5%, in 2024 the probability has increased to 30% and by the latter 2030s it is estimated that the probability of inundation will reach 100%. Clearly, the continued agricultural use of the property and the protection of the property depends on the fill as proposed.

Proposal Map / Site Plan

Site Plan & Sections.pdf

Cross Sections

Site Plan & Sections.pdf

Reclamation Plan

No Data

7. Optional Documents

Type	Description	File Name
Other files that are related	City Flood Plain Standards	CoV - Flood Plain Standards.pdf
Other files that are related	ALC General Order	General Order 291-89.pdf
Other files that are related	ALR Map	ALR map 1.jpg
Other files that are related	Owner Letter August 18, 2023	Owner Letter_August 18 2023.pdf
Professional Report	CVRA Flood Risk	CFRA-phase-2.pdf
Photo of the Application Site	Google Image	Google Image_Location Context 1.jpg
Other files that are related	City Letter- Nov 2, 2023	City Flood Warning Letter.pdf
Other files that are related	ALC Contravention Notice	2023 08 02 Contravention Notice.pdf
Other files that are related	Topographic Map	Topographic Map.pdf

TITLE SEARCH PRINT

2024-01-13, 13:26:07

File Reference:

Requestor: Colin Fry

Declared Value \$12800000

****CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN****

Land Title District	VANCOUVER
Land Title Office	VANCOUVER
Title Number	CA9717458
From Title Number	P31585
Application Received	2022-02-15
Application Entered	2022-02-26
Registered Owner in Fee Simple	
Registered Owner/Mailing Address:	MCRAE VENTURES, INC., INC.NO. BC1171483 2999 53RD AVENUE WEST VANCOUVER, BC V6N 3W2
Taxation Authority	Vancouver, City of
Description of Land	
Parcel Identifier:	004-419-073
Legal Description:	LOT B BLOCK 1 DISTRICT LOT 315 PLAN 9779
Legal Notations	
	THIS CERTIFICATE OF TITLE MAY BE AFFECTED BY THE LAND COMMISSION ACT SEE AGRICULTURAL LAND RESERVE PLAN NO. 3 ,DEPOSITED 18/06/1924. D.H.STURCH, REGISTRAR
Charges, Liens and Interests	NONE
Duplicate Indefeasible Title	NONE OUTSTANDING
Transfers	NONE
Pending Applications	NONE

AGENT AUTHORIZATION LETTER

McRae Ventures Inc.

(Hereinafter the "Owner")

Printed/typed name(s) of landowner(s)

hereby appoints Colin Fry of Colin Fry & Associates Consulting Ltd. to

Printed/typed name of Agent

Consult with, submit a Notice of Intent (NOI) to or make application to the Agricultural Land Commission as agent on behalf of the Owner with respect to the agricultural rehabilitation project on the following described parcel:

PID: 004-419-073

Lot B, Block 1, Plan VAP9779, District Lot 315, Group 1, New Westminster Land District

Civic Address: 2999 West 53rd Avenue, Vancouver BC

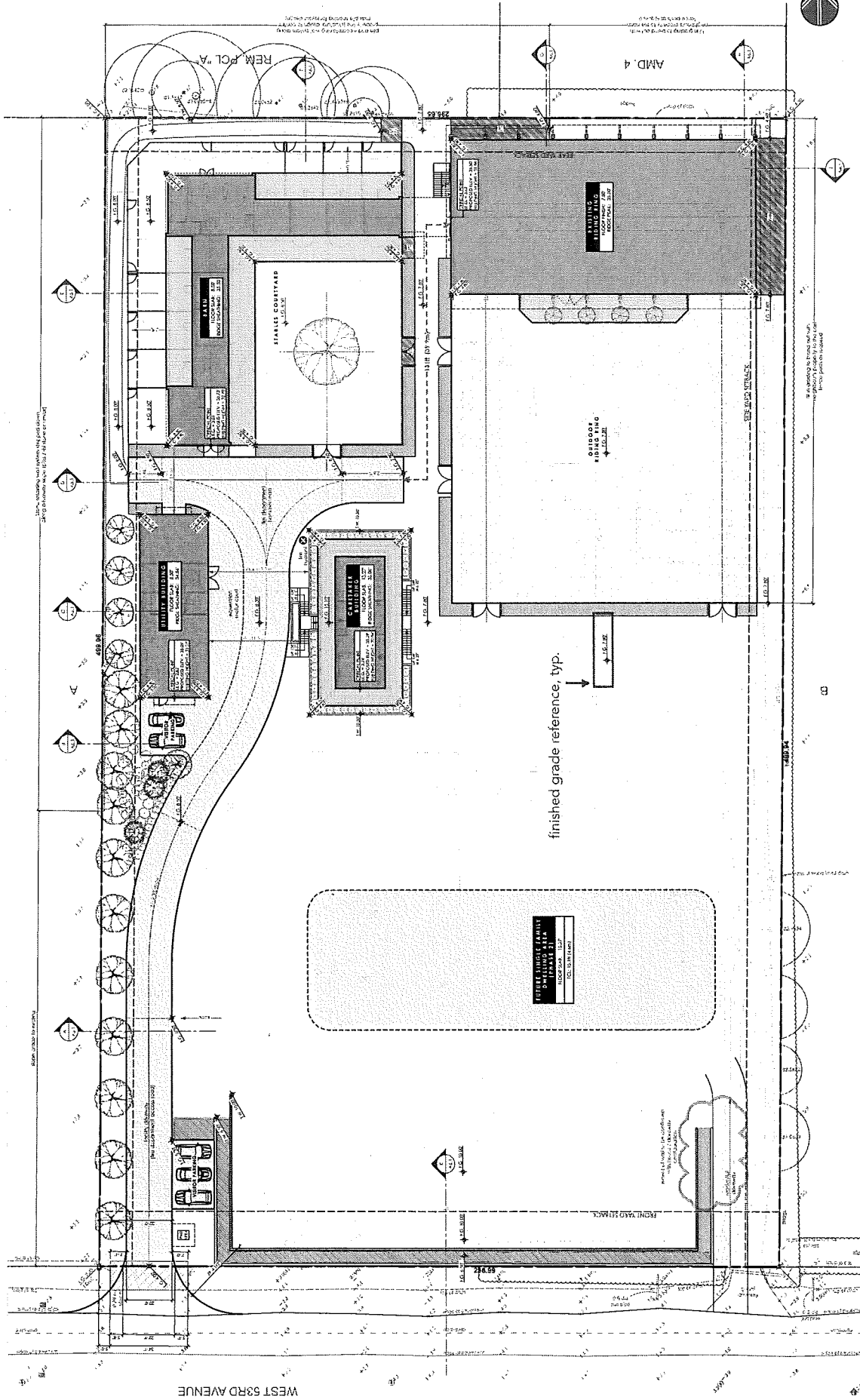
Colin Fry of Colin Fry & Associates Consulting Ltd. understands that as agent, I am required to ensure that all landowners are provided with information being submitted to, and received from, the Agricultural Land Commission.

Signatures(s) of Landowner(s)

McRAE VENTURES INC
Per

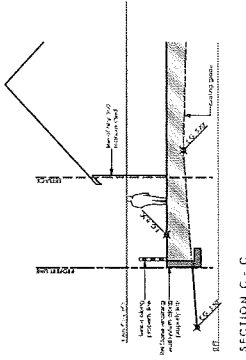
Signature

RAPH D. McRae, President AUG 19, 2023
Printed Name & Corporate Date
Designation

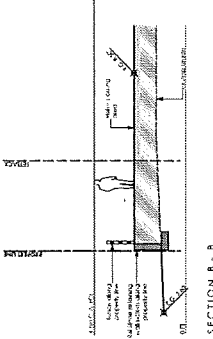




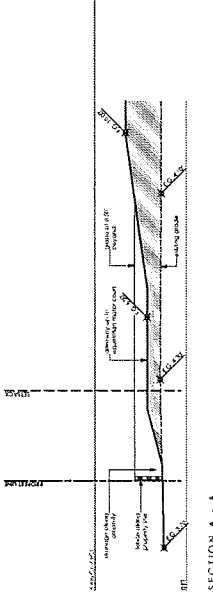
January, 2024
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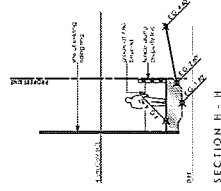
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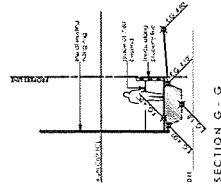
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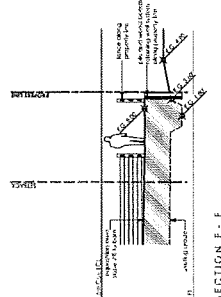
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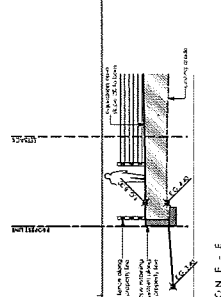
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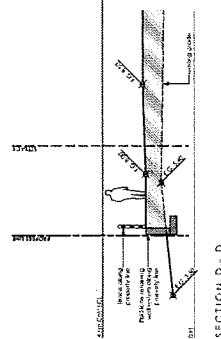
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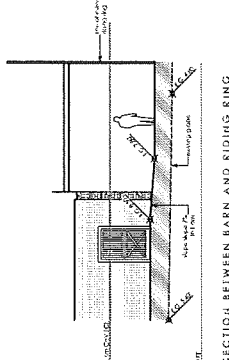
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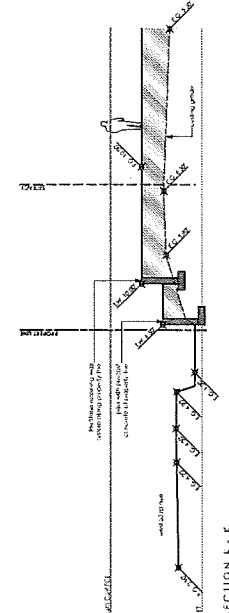
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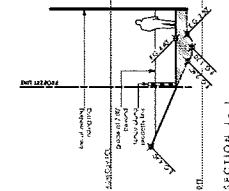
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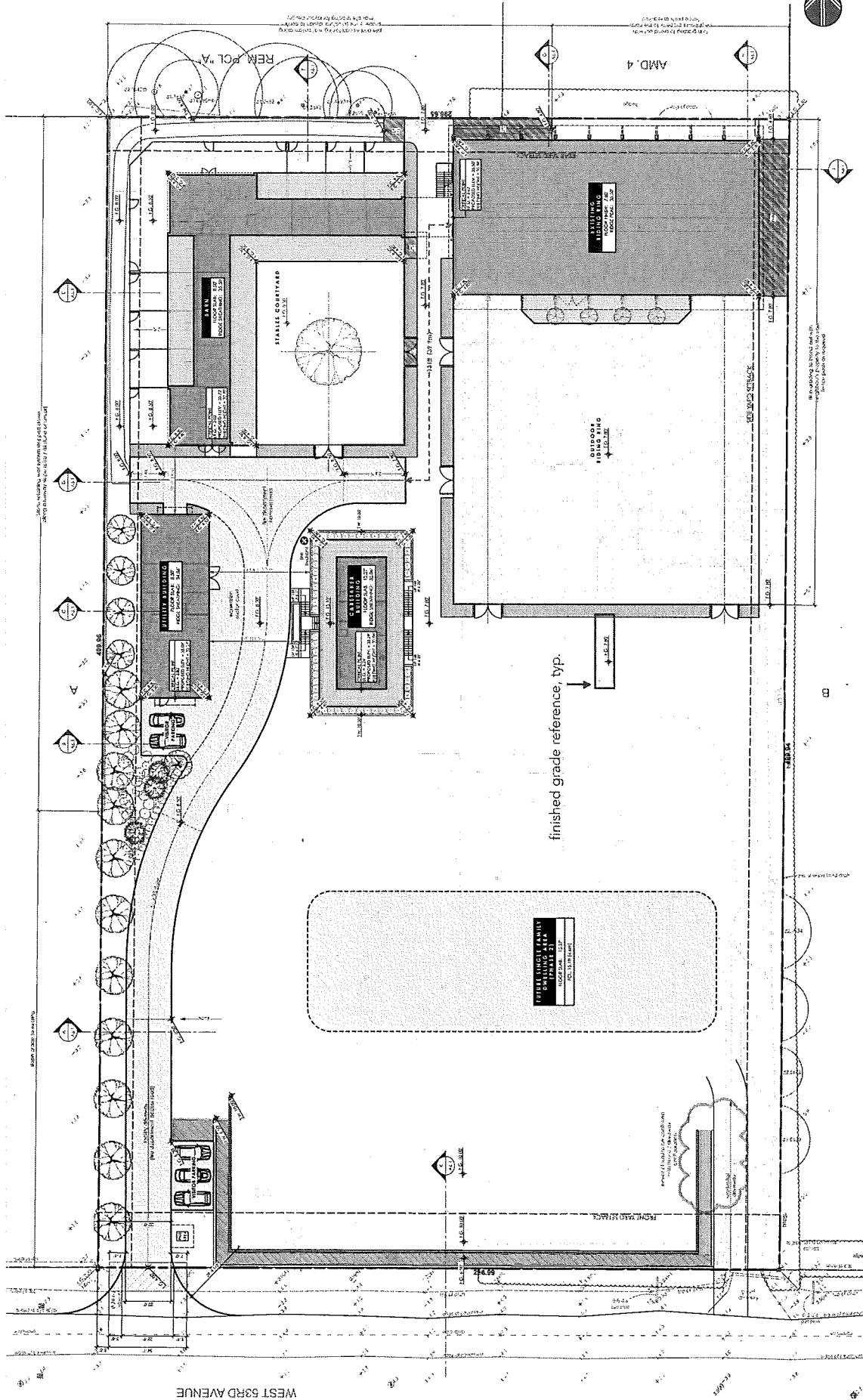
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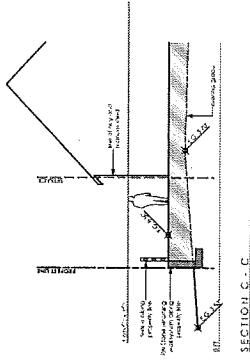
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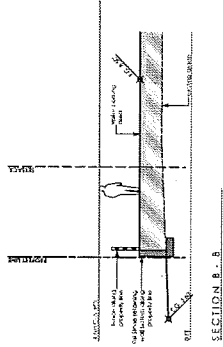
site plan
2999 west 53rd - dp application
January, 2024
A1.1



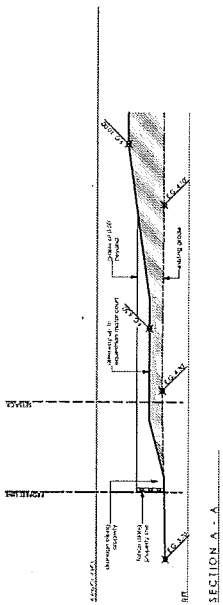
January, 2024
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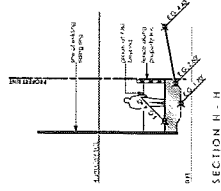
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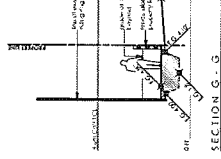
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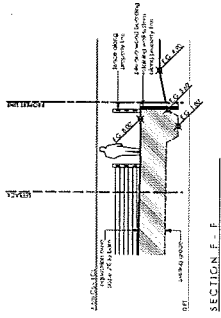
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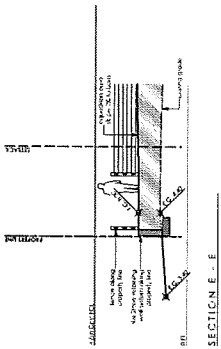
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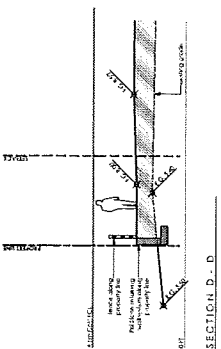
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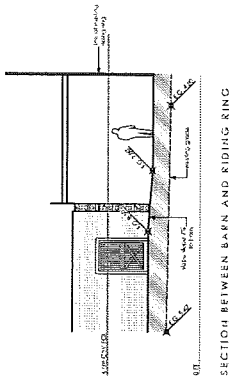
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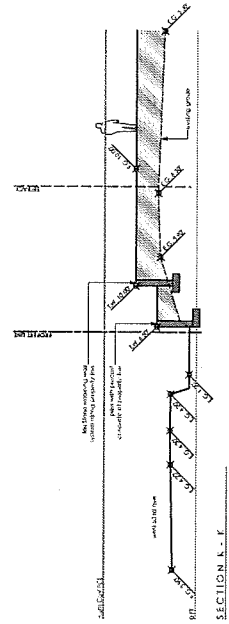
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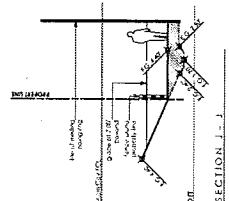
SECTION D - D



SECTION BETWEEN BARR AND RIDING RING



SECTION K - F



SECTION J - J

Property line sections
2999 west 53rd - dp application