



City of Delta
COUNCIL REPORT
Regular Meeting

To: **Council**

File No.:

LU009800

From: **Development Department**

Date: **May 7, 2025**

Application Date: **January 20, 2025**

Proposed Non-Farm Use in the Agricultural Land Reserve at 2720 56 Street (Kular)

The following report has been reviewed and endorsed by the City Manager's Office.

▪ **RECOMMENDATION:**

THAT the application for a non-farm use at 2720 56 Street be forwarded to the Provincial Agricultural Land Commission for consideration.

▪ **PURPOSE:**

The purpose of this report is to present a non-farm use application at 2720 56 Street within the Provincial Agricultural Land Reserve (ALR) for Council's consideration. The large structure currently under construction is the subject of Agricultural Land Commission (ALC) enforcement action, and ALC staff have advised the owner that an ALC decision is required for the building and associated fill. A location map and aerial photo are provided in Attachment A.

▪ **BACKGROUND:**

Site Description and Context:

The 50 ha (124 ac) property contains a 135 m² (1,453 ft²) residence and a 232 m² (2,497 ft²) accessory residential structure located in the northwest corner of the property. The remainder of the property is planted in blueberries. The surrounding area is designated for agricultural uses and is actively farmed.

In January 2024, the City issued a building permit BP020531 to construct an 832 m² (8,956 ft²) u-shaped barn with a central courtyard. The application drawings indicate the barn is to be used for machinery storage, blueberry grading, storage and a workshop. Based on the application drawings, the area that required backfill was limited to the building footprint. The building is currently under construction. See Attachment B for a site plan and Attachment C for photographs of the partially completed barn.

Council Policy:

The Official Community Plan (OCP) designation for the property is Agricultural (A), which is intended for general and intensive agricultural uses. The following policies are highlighted as they relate to the subject application:

- Recognize farming as the primary use of agricultural land (Section 2.6.1); and
- Use assessments to quantify the impacts of non-farm use on the ALR and farmland, and require mitigation for possible impacts (Section 2.6.5).

ALC Policy:

Section 18 of the *ALC Act* states that an approving body (City of Delta) may only approve a building in the ALR that will be used for a farm use. ALC authorization, through either a Notice of Intent (NOI) or Soil/Fill Use application, is also required for the placement of fill or soil for the construction of a farm use structure or a principal residence that involves more than 1,000 m² (10,764 ft²), or for the placement of fill or soil of any amount for a non-farm use.

When reviewing an ALC application for non-farm use on land zoned for agriculture, Council may:

- Pass a resolution supporting the proposal and referral of the application to the ALC for their consideration;
- Pass a resolution refusing the application. The application would not be referred to the ALC and the application would be refused; or
- Pass a resolution to refer the proposal to the ALC for their decision, with or without comments from Council.

Enforcement History:

On November 22, 2024, ALC Compliance and Enforcement issued a stop work order for the property (Attachment D). Based on the size and design of the building and associated unauthorized fill, the ALC considered that the building may be a commercial structure rather than a farm structure. Additionally, the ALC identified that fill amounts greater than 1,000 m² (10,764 ft²) were placed on site without approval.

■ DISCUSSION:**Proposal:**

As required by ALC staff, the owners have applied to the ALC for a non-farm use application, in order to have the ALC consider their building and associated fill. The application indicates that the barn is required for storage of machinery and farm vehicles and storage of blueberry tubs during harvest season. The owners are therefore requesting permission from the ALC to finish construction of the barn and keep the structure for farm purposes.

Analysis:

The owners consider that an 832 m² (8,956 ft²) barn is necessary for farm business. They have not provided any analysis or supporting documents on the size or scale of equipment and storage areas required for their on-site blueberry operations. The owners' written brief is provided as Attachment E.

At the time of Building Permit application, staff reviewed the barn proposal, and considered that it met all relevant zoning, building code and ALC requirements before issuance. The proposed plans did not include any washrooms, or a second storey. Neither a NOI or Soil/Fill Use application was submitted to the ALC for the structure at the time, as the footprint was below 1,000 m² (10,764 ft²) and the owners submitted that no additional materials were needed to be brought on to the property to construct the farm building.

The ALC has expressed concerns with the size of the structure and fill amount and questioned its necessity as a farm building. The ALC requires that this non-farm use application be forwarded to them by Council, in order to continue their evaluation of the building and associated fill. The recommendation from staff is to forward the application to the ALC for their consideration. Forwarding this application does not imply either support or opposition for retention of the structure and fill. Should Council wish to provide additional comments for the ALC to consider, they may amend the referral recommendation.

Implications:

Financial Implications – There are no financial implications to the City related to this application.

Intergovernmental Implications – The structure is subject to a Stop Work Order from the ALC and requires further evaluation and approval from the ALC prior to completing construction and retention of the deposited fill.

▪ **CONCLUSION:**

The owners are requesting permission to finish construction of the 832 m² (8,860 ft²) barn and use the structure for farm business. As the concern with the size and design of the barn and amount of associated fill was originally identified by the ALC, staff recommend that Council forward the application to the ALC for their consideration.



Doreann Mayhew, P.Eng
General Manager, Development

Department submission prepared by: Janet Zazubek, Planner
JZ/rl

This report has been prepared in consultation with the following listed department.

Concurring Department		
Department	Name	Signature
Property Use & Compliance	Dave Schaefer	C.Moffatt

▪ **ATTACHMENTS:**

- A. Location Map and Aerial Photo
- B. Site plan
- C. Photos
- D. Letter from the Agricultural Land Commission
- E. Owners' Written Brief