



City of Delta
COUNCIL REPORT
Regular Meeting

c.

To: **Council**

File No.:

LU009807

From: **Development Department**

Date: **May 6, 2025**

Application Date: **January 31, 2025**

**Proposed Non-Farm Use in the Agricultural Land Reserve at 2601 56 Street
(BKS Enterprises Ltd., Inc. No. 358673 and Baydal)**

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.

The purpose of this report is to present a non-farm use application at 2601 56 Street within the Provincial Agricultural Land Reserve (ALR) for Council's consideration. The large structure currently under construction is the subject of Provincial Agricultural Land Commission (ALC) enforcement action, and ALC staff have advised the owners that an ALC decision is required for the building and associated fill. A location map and an aerial photo are provided in Attachment A.

▪ **BACKGROUND:**

Site Description and Context:

The 34.4 ha (85 ac) property contains a residence and two farm buildings in the southern corner. The remainder of the property is planted in blueberries. The property is listed on the City's heritage inventory, including the Holmbeck/Wright residence, constructed in the 1880s. Given the age of the building, building permit drawings are not available, however the house appears to have a footprint of approximately 150 m² (1,615 ft²). The surrounding area is designated for agricultural uses and is actively farmed.

In June 2024, the City issued a building permit BP021006 to construct an 830 m² (8,934 ft²) u-shaped barn with a central courtyard in the northwest corner of the site. The permit application drawings indicate the barn is to be used for storage of farm machinery and materials. Based on the building permit 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, 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 farm vehicles, equipment and supplies. The owners are therefore requesting permission from the ALC to finish construction of the barn and keep the structure for farm purposes.

In support of their request, the owners have submitted a field inventory detailing the operations of BKS Enterprises, which includes 34 owned and leased agricultural properties in the Lower Mainland, totaling 247 ha (611 ac) of blueberries. Lists detailing 59 pieces of machinery and 37 vehicles owned by BKS Enterprises have also been provided.

Analysis:

The owners consider that an 830 m² (8,934 ft²) barn is necessary for farm business. The owners field inventory identifies nine parcels in Delta totaling 131 ha (324 ac) owned or leased by BKS Enterprises. The documents do not provide a breakdown of which equipment is used or stored on which site. The owners have indicated that several pieces of equipment currently stored in the fabric tent structure on site, or stored on other properties in the region, would be moved to the barn for secure storage in the future. 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. 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 and design 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 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 830 m² (8,930 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.

D. Mayhew

Doreann Mayhew, P.Eng
General Manager, Development

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