



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

October 12, 2006

Reply to the attention of Gordon Bednard
ALC File #O-36864

Joe and Sue Kim
765 – 172nd Street
Surrey, BC V4B 5A8

Dear Sir/Madam:

Re: Application for Non-Farm Use in the Agriculture Land Reserve
ALC File #O-36864

Please find attached the Minutes of Resolution # 499/2006 outlining the Commission's decision as it relates to the above noted application.

Please note that the allowance for an extension of the temporary use of the property is subject to compliance with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment. The Commission suggests you contact the City of Surrey at your earliest convenience.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: City of Surrey Attn: George Fujii (7906-0017-00)
John Kim, 4955 – 192 Street, Surrey, BC V3S 0L5

GB/lv/Enclosure: Minutes
36864d1

Finally, the Commission took note of the recommendation of Surrey's Agricultural Advisory Committee that the temporary use area be defined. The Commission concurs that it would be entirely appropriate for the applicants to engage a surveyor to define the actual area being used for the golf facilities, including the mini-golf, the driving range and the parking and driveway areas.

IT WAS

MOVED BY: Commissioner Lorne Seitz

SECONDED BY: Commissioner Sue Irvine

That the application for permanent use of the northern \pm 12 ha of the subject property for a golf driving range and mini-golf facility be refused. However, the Commission agree to grant the continued temporary use of the existing golf driving range, mini-golf facility and ancillary facilities subject to the applicants first providing a survey drawing defining the area currently being used for those facilities.

Continued use of those facilities thereafter would be subject to:

- the Council of the City of Surrey, at its sole discretion, extending or reissuing the temporary use permit for another year,
- the City of Surrey advising the Commission when joint planning for flood abatement in the Nicomekl River floodplain has formally been agreed upon and providing information as to the effect of that planning on the subject property, and
- the Commission at that time considering on the basis thereof whether the golf uses should be allowed on a permanent basis or whether the golf facilities should be given a deadline for removal and the land rehabilitated for agricultural use.

This decision is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



Staff Report
Application # O – 36864
Applicant: Joe & Sue Kim

Agent: John Kim

DATE PREPARED: August 17, 2006

TO: Chair and Commissioners – South Coast Panel

FROM: Gordon Bednard, Regional Research Officer

PROPOSAL: To permit a golf driving range, miniature golf and accessory uses for a retail garden nursery. The driving range exists as a temporary use allowed by the Commission under Resolution # 203/04. The miniature golf course has been constructed without Commission approval but lies within the area encompassed by the temporary permit for the driving range.

This application is made pursuant to section 20(3) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

Local Government:

City of Surrey

Legal Description of Property:

PID: 023-202-980

Lot 1, Section 4, Township 8, New Westminster District, Plan LMP25004

Purchase Date (m/d/y):

01/01/1997

Location of Property:

4947 - 192 Street

Size of Property:

16.1 ha (The entire property is in the ALR).

ALR Area under application:

12 ha

Present use of the Property:

Driving range and garden centre

Surrounding Land Uses:

WEST: Horse Breeder, river
SOUTH: Chicken Farm
EAST: Residential
NORTH: Residential, hobby farms and river

Agricultural Capability:

Data Source: Agricultural Capability Map # 92G/2b
The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

OCP Designation: Agricultural

Zoning Bylaw and Designation:

Zoning Bylaw No. 12000
Designation: Zoned A-1 proposed to be CD
Minimum Lot Size: 16 ha

PREVIOUS APPLICATIONS:

Application #24404-0

Applicant: Robinson, Donald & June

Decision December 03, 1990

Date:

Proposal: deposit 250,000 m³ of clean fill up to a maximum depth of 190 cm

Decision: refused

Application #33710-0

Applicant: Kim, Joe & Sue

Decision June 07, 2001

Date:

Proposal: To obtain a Temporary Use Permit (max. 4 years) to build a family oriented Driving Range over 12 ha of the 16.1 ha property.

Decision: Allow as proposed.

Application #33710-1

Applicant: Kim, Joe & Sue

Decision March 23, 2004

Date:

Proposal: The original proposal was to obtain a Temporary Use Permit (max. 4 years) from the City of Surrey to build a Driving Range over 12 ha of the 16.1 ha property. This was allowed July 10, 2001 for a 4 year period.

June 16, 2003 the City of Surrey requested the Commission's confirmation that proposed amendments which included the installation of temporary tents/awning over the tees, and the placement of modular structures to provide for equipment storage, washrooms and an office, on temporary foundations, still complied with the terms of the Commission's decision.

Commission staff determined that provided the facilities could still be removed at the end of the approved time period and Surrey had required security for that purpose it was felt that the proposal could be accommodated within the terms of the earlier decision. This was conveyed to Surrey.

Since then the applicant has again amended his proposal to place a concrete pad 15 ft x 350 ft to accommodate the modular structures and the tees and intends to side the modulars for appearance, construct a deck around them and construct a roof structure over the modulars, the tee area and the deck.

As this has substantially increased the applicant's investment in the facility which was to be a temporary operation and only has 2 years remaining on its Temporary Use Permit, staff felt it was appropriate to get the Commission's confirmation that this proposal is acceptable to it.

Decision: Refuse as proposed. Commission reconfirms previous decision.

Application #33710-2

Applicant: Kim, Joe & Sue

Decision May 11, 2004

Date:

Proposal: Commission approved temporary use of a 12 ha portion of the 16.1 ha property the property as a golf driving range. The applicants have requested the Commission reconsider the application and allow construction of golf driving range facilities as per drawings submitted with previous reconsideration request.

Decision: Allowed as requested.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Allow as requested

Agricultural Advisory Committee: non-farm use portion of the property should be delineated

STAFF COMMENTS:

The original concept in allowing the driving range as a temporary use was that once the local governments had worked out flood control in the lowland portion of the property, the land could become more agriculturally productive, as soils mapping indicates the major limitation to the land becoming prime capability is excess water. To allow permanent use of the land for the existing non-farm use would preclude the land being used for agriculture in the future.

Staff suggests the Commission consider a fixed term for the golf facility, following which, the opportunity to drain the land be re-assessed.

The Commission also should consider what to do about the un-approved minigolf which appears to be located at least partially outside the area previously approved for the golf facility.

PLANNING COMMENT:

Historically the lowland portion of this site was traversed by an active railway carrying freight and passenger trains to the interior. After the railway was abandoned, the grade was removed and the property was improved for agriculture. More recently, increased runoff to the Nicomekl River from urban development in the Langley area has resulted in flooding, diminishing the agricultural potential for the time being. The City of Surrey has invited the City and Township of Langley to engage in constructive dialogue with a view to resolving flooding problems along the Nicomekl River. In the meantime, it is acknowledged that the subject property will be flooded from time to time.

The original application was submitted at a time when the principal use of the site was a nursery and garden centre. That application stated that the property was not self-sufficient in its present

state and offered an agricultural benefit: that the driving range would help draw in customers to the nursery and garden centre. After flooding problems were resolved, the property could revert to productive agricultural use throughout.

The original approval allowed for a pro shop with a coffee shop. The applicants have built the pro shop but instead of a pro-shop-related coffee shop have installed a separate, licensed, full-service restaurant.

It is suggested that the Commission ask the applicants to demonstrate the extent to which the presence of the driving range has assisted the nursery and garden centre. It is also suggested that the principle of ultimate re-conversion of the golf facility to agricultural use be retained at least until the three Nicomekl River local governments have worked out a joint flood management plan.

ATTACHMENTS:

**ALR Map
Airphoto of Property
Plan showing area approved by Resolution # 351/2001
Plan of all existing and proposed facilities**

END OF REPORT



Signature

Date

