



Agricultural Land Commission

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May 4, 2012

Reply to the attention of Tony Pellett
File 36864 (Application ID 43359)

John Kim
4947 · 192 Street
SURREY BC V3S 0L5

Re: Application to continue a non-farm use within the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 169/2012 outlining the Commission's decision as it relates to the above noted application. As agent for your family, it is your responsibility to notify them accordingly.

You will also need to contact the City of Surrey, as the Commission's refusal relates to the application to make the golf facility permanent. Any existing approval issued by Surrey for temporary golf use of the property may still be carried through to completion, after which it will be necessary to begin a process of removing the golf facilities and under the guidance of an agrologist rehabilitating the site for future agricultural use. Depending on the advice you receive from the agrologist it may be necessary to restore the drainage ditch which was filled in to accommodate the driving range.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'B Underhill', is written over the 'Per:' label. The signature is fluid and cursive, with a long, sweeping tail that extends downwards and to the right.

Brian Underhill,
Executive Director

Enclosure: Minutes

cc: City of Surrey (7906-0017-00)

TP/
36864d2



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 22, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Tony Pellett Regional Planner

APPLICATION ID: #43359 (Legacy file 36864)

PROPOSAL: To allow permanent use of 12 ha of the subject land for the golf facility which has been in place since 2004 on a temporary basis.
(Application submitted pursuant to section 25(1) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

Owners: Cho Kwang ("Joe") Kim and Hae Sook ("Sue") Kim
Date of Acquisition: January 30, 1997
Parcel ID: 023-202-980
Title No. BL35601
Legal Description: Lot 1 Sec.4 Tp.8 NWD Plan LMP25004
Civic Addresses: 4947 · 192 Street, Surrey
Size: 16.1 ha
Area in ALR: 16.1 ha
Current Land Use: Farm use on 4.1 ha; golf facility with eating establishment on 12.0 ha
Farm Classification: Yes No
(BC Assessment)

COMMISSION CONSIDERATION:

Context

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission as: (1) to preserve agricultural land; (2) to encourage farming on agricultural land in collaboration with other communities of interest; and (3) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

Agricultural Capability

Based on the information contained in Map 92G/2b (Scale 1:25,000) of the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system, the agricultural capability rating of the three distinct parts of the site is identified as being:

Farmed area unimproved rating: 7:4AW 2:4WA 1:5W Improved rating: 7:2AD 3:2WA

Staging area unimproved rating: 4:AT Improved rating: (3TA)

Golf range area unimproved rating: 6:5WI 4:4W Improved rating: 6:3WD 4:2DW

Class and Subclass Descriptions

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

A	soil moisture deficiency	T	topography
D	undesirable soil structure or low perviousness		
I	inundation	W	excess water

Agricultural Suitability

The Commission assessed whether external factors such as recurrent flooding of the Nicomekl River and the establishment by Surrey of a "right to flood" covenant have caused or will cause the land to become unsuitable for agriculture. Notwithstanding the crop insurability report provided by Jason Klassen and Tom Baumann, the Commission does not believe flood issues render the land totally unsuitable for agricultural use. The Commission also noted that there are no issues with encroaching non-farm development other than by the applicants' golf facility.

Assessment of Potential Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission acknowledged the fact that an area at the north end and east side of the property cannot be flood-proofed. The Commission also acknowledged the owners' contention that the site cannot be developed for the hothouses they had envisaged building when they first acquired the land. The Commission concluded that with the possible exception of the extreme northeastern part of the land, the property can be returned to an agricultural future.

Other Factors

In 2008 the Commission, in reviewing the status of the application and of the expiry of the 2006 conditional approval by Resolution #499/2006, believed that permanent use of the property as a golf facility would be inappropriate; however the Commission was aware that the applicants had requested crop insurance information believed to be pertinent to their contention that the site of the golf facility is unsuited to agriculture. The Commission has now reviewed the April 3, 2008 crop insurance report. The Commissioners noted above, other than Commissioner Pranger, were not involved in any prior consideration of this matter; therefore those Commissioners were provided with a summary of all previous meetings and with the complete file materials, thereby establishing their eligibility to vote.

CONCLUSIONS:

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application has some suitability for agricultural use.
3. That the proposal will not have a positive impact on agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Jennifer Dyson
SECONDED BY: Commissioner Gordon Gillette

THAT the proposal to allow the temporary golf use to continue be refused;

AND THAT the applicants be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration:

- S.33 (1) *On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that*
- (a) *evidence not available at the time of the original decision has become available,*
 - (b) *all or part of the original decision was based on evidence that was in error or was false.*
- (2) *The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

CARRIED
Resolution # 169/2012