

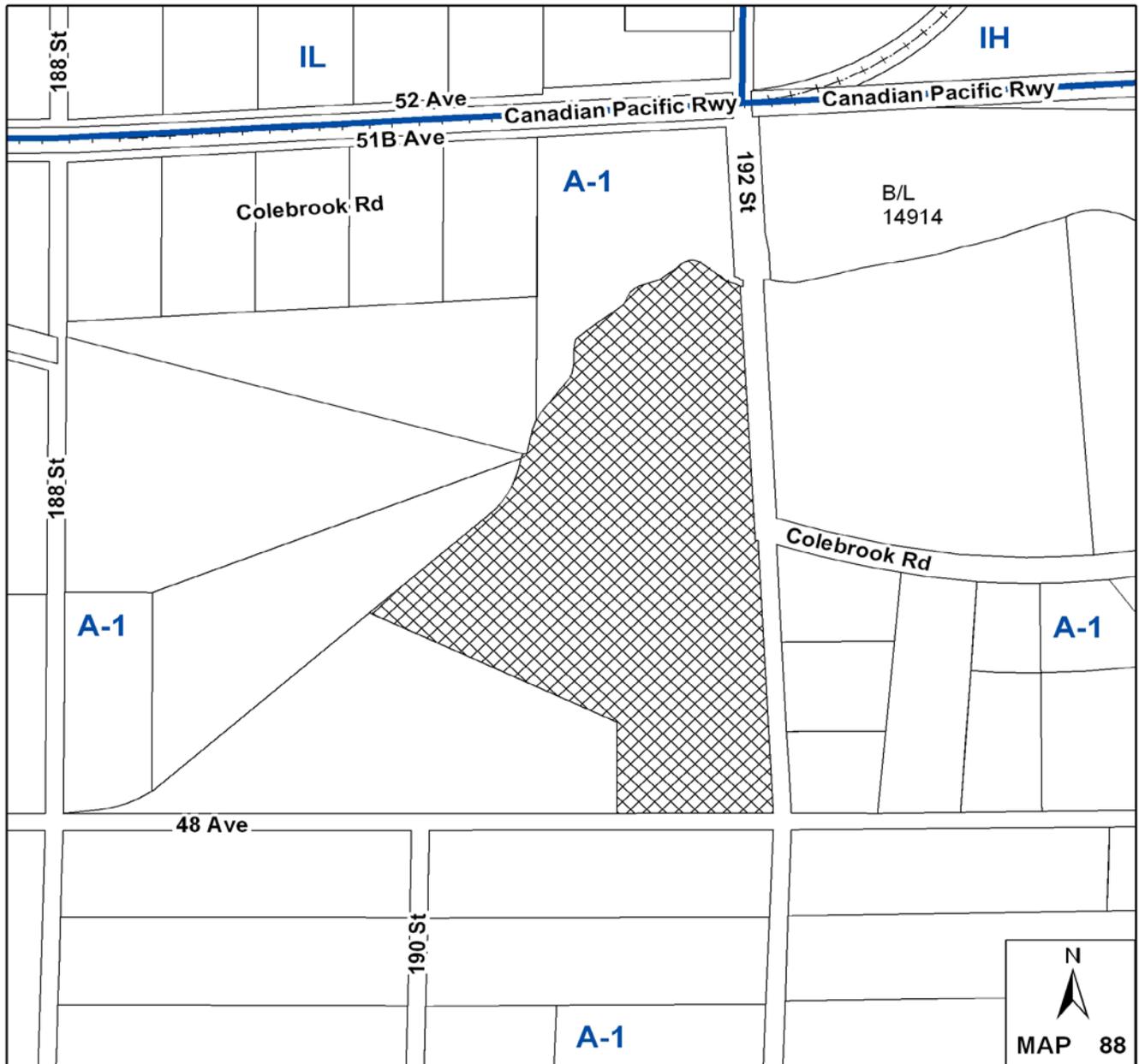
Proposal: Non-farm use application in the Agricultural Land Reserve. Rezone from A-1 to CD to allow a golf driving range, mini golf and related uses on a portion of the site and a retail garden nursery and agricultural uses on the balance of the site.

Recommendation: Approval to Proceed

Location: 4947 - 192 Street **Zoning:** A-1

OCP Designation: Agricultural/TUP Area No. 4

Owners: Cho Kwang Kim & Hae Sook Kim



PROJECT TIMELINE

Completed Application Submission Date: January 11, 2006
Planning Report Date: July 10, 2006

PROPOSAL

The applicant is proposing:

- a non-farm use under Section 20(3) of the *Agricultural Land Commission (ALC) Act*; and
- a rezoning from A-1 to CD

in order to permit a golf driving range, miniature golf and accessory uses on the area currently regulated by Temporary Commercial Use Permit No. 7906-0017-00 and a retail garden nursery and agricultural uses on the balance of the property. The non-farm use includes the golf driving range, miniature golf and retail garden nursery.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council authorize referral of the application to the Agricultural Land Commission.
2. a By-law be introduced to rezone the property from "General Agriculture Zone (A-1)" (By-law No. 12000) to "Comprehensive Development Zone (CD)" (By-law No. 12000).
3. Council instruct staff to resolve the following issues prior to final adoption:
 - (a) ensure that all engineering requirements and issues including restrictive covenants and rights-of-way where necessary, are addressed to the satisfaction of the General Manager, Engineering;
 - (b) approval from the Agricultural Land Reserve for the proposed non-farm uses; and
 - (c) satisfactorily address the heritage protection of the Hycrest Nursery Barn in consultation with the Heritage Advisory Commission.

REFERRALS

Engineering: The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as identified in the attached (Appendix IV).

Agricultural Advisory
Committee (AAC)

The proposal to rezone the subject property to allow the golf driving range, a mini-golf and accessory uses was initially reviewed by the AAC on June 1, 2006. The AAC expressed some concern with respect to rezoning the entire property and the permanent non-farm use. The AAC recommended that a Comprehensive Development Zone be created which restricts the uses on the site by way of a block plan which would identify the uses that could be supported. The draft CD Zone was reviewed and found generally acceptable by the AAC on July 6, 2006 and was received as information (Appendix V).

SITE CHARACTERISTICS

- **Existing Land Use** Temporary golf driving range on the north portion and retail nursery and pasture lands on the south portion of the property.
- **Significant Site Attributes** The northern portion of the site is located within the floodplain of the Nicomekl River and is subject to flooding on an annual basis. The site slopes from south to north with a steeply sloped portion at 49 Avenue (Colebrook Road).
- **East:** Across 192 Street, agricultural land within the Agricultural Land Reserve, zoned A-1, designated Agricultural.
- **South:** Across 48 Avenue, agricultural land within the Agricultural Land Reserve, zoned A-1, designated Agricultural.
- **West:** Nicomekl River and agricultural land within the Agricultural Land Reserve, zoned A-1, designated Agricultural.
- **North:** Nicomekl River and agricultural land within the Agricultural Land Reserve, zoned A-1, designated Agricultural.

PLAN AND POLICY COMPLIANCE

OCP Designation: Requires referral to the ALC as a non-farm use application.

DEVELOPMENT CONSIDERATIONS

Background

- The subject property has a site area of 16.16 hectares (39.9 acres) and is zoned "General Agriculture Zone (A-1)". It is located within the Agricultural Land Reserve (ALR).
- Temporary Commercial Use Permit No. 7904-0088-00 was issued on June 11, 2004 to allow a 12-hectare (29.6 acre) portion of the site to be used for a 35-tee golf driving range on a temporary basis. As the subject site is in the Agricultural Land Reserve, the proposed driving range had to be first approved by the Agricultural Land Commission (ALC). The ALC approved the temporary driving range on May 21, 2004. A Building Permit was issued in June, 2004, and construction of the temporary driving range has since been completed and has been in operation for approximately one year.

- Improvements on the site include a tee box structure with 35-tee boxes with a partially enclosed walkway, and a metal roof covering the walkway and tee-boxes. In addition, there are three connected portable buildings containing an office, storage area, washrooms, pro shop and coffee shop. There is a covered deck around the portables with metal roofing over the deck.
- Temporary Commercial Use Permit (TUP) No. 7904-0088-00 expired on June 12, 2006.
- Earlier this year, the applicant submitted a rezoning application to operate the driving range and accessory uses on a permanent basis and to permit a mini-golf course as part of the driving range operation.
- As additional time would have been required to satisfy the conditions of approval for the proposed rezoning should this application be granted approval to proceed, the applicant requested a two-year extension of TUP No. 7904-0088-00.
- Council considered a Planning Report on the proposed TUP extension on June 12, 2006 and subsequently approved a further two-year extension with the issuance of Temporary Commercial Use Permit No. 7906-0017-00 on June 26, 2006.

Current Proposal

- The current proposal is to permit the existing golf driving range and accessory uses as well as a mini-golf course as permanent non-farm uses in the ALR and to rezone the subject property from A-1 to a Comprehensive Development Zone (CD).
- The applicant was unaware that the mini-golf course was not specifically permitted under the Temporary Commercial Use Permit and has already constructed the mini-golf to the west of the tee boxes of the driving range. City staff were unaware of the mini-golf course until the applicant applied for a business license as a building permit is not required for a mini-golf course. It should be noted that the mini-golf is located in the area approved by the ALC for non-farm uses for the temporary driving range and does not encroach into the floodplain area.
- The proposal also entails a small expansion of the area previously approved by the ALC for a non-farm use for the temporary golf driving range to include the existing barn which houses an existing retail nursery store. The rezoning application also requests the inclusion of the retail garden nursery as a permitted use in the proposed CD Zone.

Planning Rationale

- The subject property is defined by a number of site-specific characteristics that support the applicant's request for a permanent non-farm use.
- The soils on the subject property have a Soil Capability Rating of Class 4, which indicates that the soil is of lower quality, subject to flooding and with risk of crop failure because of soil conditions and flooding. The soil rating, however, indicates that crops can be produced if special methods are employed. The applicant has stated that the costs of these methods are prohibitive based on the expected yield achieved from the land.

- The Engineering Department has acquired a statutory right-of-way in favour of the City for the "right to flood" the northern portion of the property as a component of the City's floodplain strategy. This statutory right-of-way makes agricultural uses difficult as the low-lying portion of the subject property is flooded during periods of the year. The flooding of this property, however, has improved the farming viability for the adjoining and downstream farms as they are less susceptible to flooding.
- The subject property has relatively well-defined boundaries with the Nicomekl River to the north and west, 48 Avenue to the south, and 192 Street to the east. 192 Street is a designated arterial road. These physical boundaries will assist in preventing the encroachment of non-farm uses to the adjoining Agricultural designated lands.
- The primary vehicular access to both the driving range and retail garden nursery are from 192 Street. As such, the proposal will have little, if any conflicts, with farm vehicles on local roads within the agricultural area.
- There is an existing a barn on the site which is located to the south-east of the driving range. This barn is used as a retail nursery and is on the City's Heritage Register as the Hycrest Nursery Barn.
- The nursery sells seasonal bedding plants, tropical plants, and Christmas trees as well as assorted decorating items. The spirit of the farm use is kept with the sale of plants and gardening supplies. However, the floor area for the retail sales at 464.5 square metres (5,000 sq. ft.) exceeds the maximum 93 square metres (1,000 sq. ft.) permitted under the A-1 Zone. Furthermore, some of the items sold from the business are not limited to agricultural and/or horticultural products, and include decorating and gift items. The applicant has requested to include the barn as part of the permanent non-farm use.
- The establishment of the driving range on a temporary basis has not detracted from the overall farming operations currently being undertaken in the area. To make this a permanent use on the site should not adversely detract or discourage adjoining farm operations. Similarly, the retail garden nursery has been operating at this location for a number of years and has not negatively impacted adjoining farm operations.
- The Agricultural Land Commission approved the golf driving range use on the property on a temporary basis, and advised that they expected an application to make the temporary driving range a permanent use to be presented for their review during the time period of the TUP

Proposed CD By-law

- There are two separate areas of the subject property, one for a non-farm use, and one for a farm use. Under Surrey Zoning By-law, split zoning of a property is not permitted, however, a Comprehensive Development Zone with a block plan can be used to define the permitted uses and density permitted within each block of land.

- Proposed Block A contains the golf driving range, and accessory uses, such as eating establishment, a pro-shop and miniature golf. The Agricultural Advisory Committee (AAC) was concerned about ensuring there are adequate restrictions on the overall development in the non-farm use area.
- To respond to AAC's request, the golf driving range and the accessory uses to the golf driving range have been limited to a maximum floor area of 1,000 square metres (10,764 sq. ft.), and 3,010 square metres (32,400 sq. ft.) of lot area for the miniature golf.
- Block B allows for similar uses and density of the General Agriculture Zone (A-1), with the exception of the limitation of the retail floor area and types of products available for sale. The A-1 Zone limits the maximum floor area for the display and sale of products to 93 square metres (1,000 sq. ft.). The floor area is further limited by requiring at least 50% of the floor area be for the sales and display of products produced by the farm operation. The remaining floor area is limited to agricultural and/or horticultural products.
- The retail operation on this property occurs within the existing heritage barn, which is approximately 465 square metres (5,000 sq. ft.) in floor area. There is an additional sales area located under a roof structure on the south side of the barn.
- The retail sales inside the barn include decorating and gift products, seeds, fertilizers gardening implements, as well as seasonal items such as natural and man-made Christmas trees.
- To reflect the existing uses on the site, the accessory uses under Block B have been increased to allow for a maximum 465 square metres (5,000 sq. ft.) of retail sales of other than agricultural and horticultural products.

Procedures

- There are two major components to the processing of this application:
 - Referral to the Agricultural Land Commission (ALC) - In accordance with the *ALC Act*, non-farm use applications must be referred to the ALC by City Council for review.
 - Rezoning to a CD By-law to define the proposed uses on the site.
- The purpose of this report is to request Council's authorization to refer the application to the Agricultural Land Commission (ALC) and to introduce a by-law to rezone the property to a CD By-law.
- The required Public Hearing will be scheduled and held if the non-farm use is approved by the ALC. Should Council subsequently grant Third Reading to the rezoning by-law after the Public Hearing, staff will work with the applicant, in consultation with the Heritage Advisory Commission to determine appropriate means to ensure the long-term heritage protection of the Hycrest Nursery Barn.

PRE-NOTIFICATION

Pre-notification letters were sent on February 6, 2006 concerning the rezoning proposal and non-farm use. Staff received two letters and one telephone call expressing the following concerns:

- The proposal will result in a serious erosion of land in the agricultural land reserve. There may be additional impacts as a result of odors associated with farm use.

(The subject property has limited farming capability due to the quality of the soils and the registered right-of-way to allow for a right to flood over the lower portion of the site. The southern portion of the site is higher in elevation, and is currently being farmed with tree and nursery stock. The flooding allows for the adjoining properties to remain useable during the winter months and improves the agricultural opportunities on these lands.)

- The lighting added to the roofline of the driving range structure is bright and it is dangerous driving south on 192 Street during the winter evening hours.

(The applicant has advised that the lights are in operation for a couple of hours during the evening during the winter. They have had an electrical contractor change the direction of the lights and provide shading in order to reduce the glare created by the lights. There is no record of the property owner located on the north side of the Nicomekl River complaining about the lights.)

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Contour Map
Appendix III.	Site Plan
Appendix IV.	Engineering Summary
Appendix V.	Agricultural Advisory Committee Minutes (Draft)
Appendix VI.	Proposed CD By-law
Appendix VII.	Survey Plan for the Non-Farm Use

INFORMATION AVAILABLE ON FILE

- Detailed Engineering Comments dated May 2, 2006.

How Yin Leung
Acting General Manager
Planning and Development

CONTOUR MAP FOR SUBJECT SITE

