

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7908-0291-00

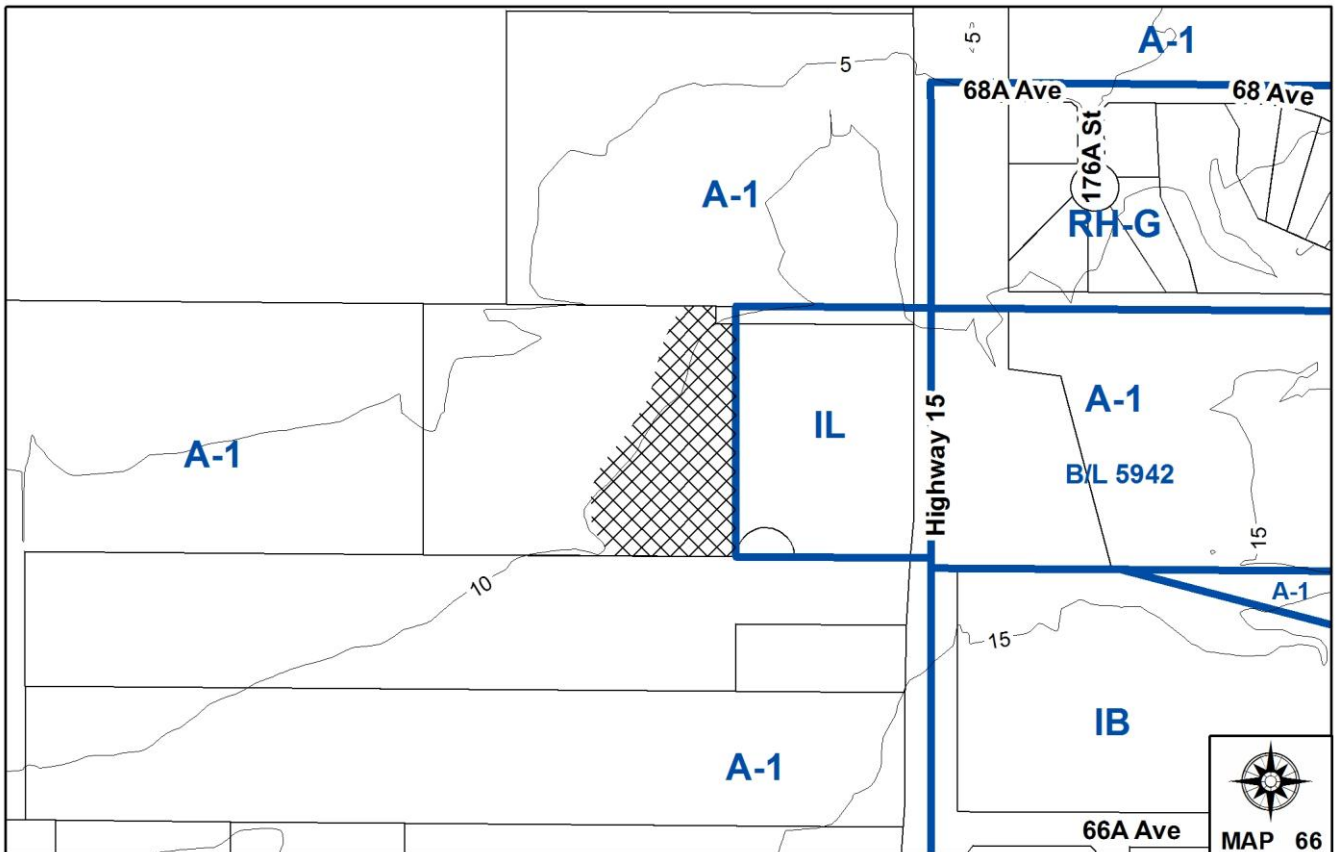
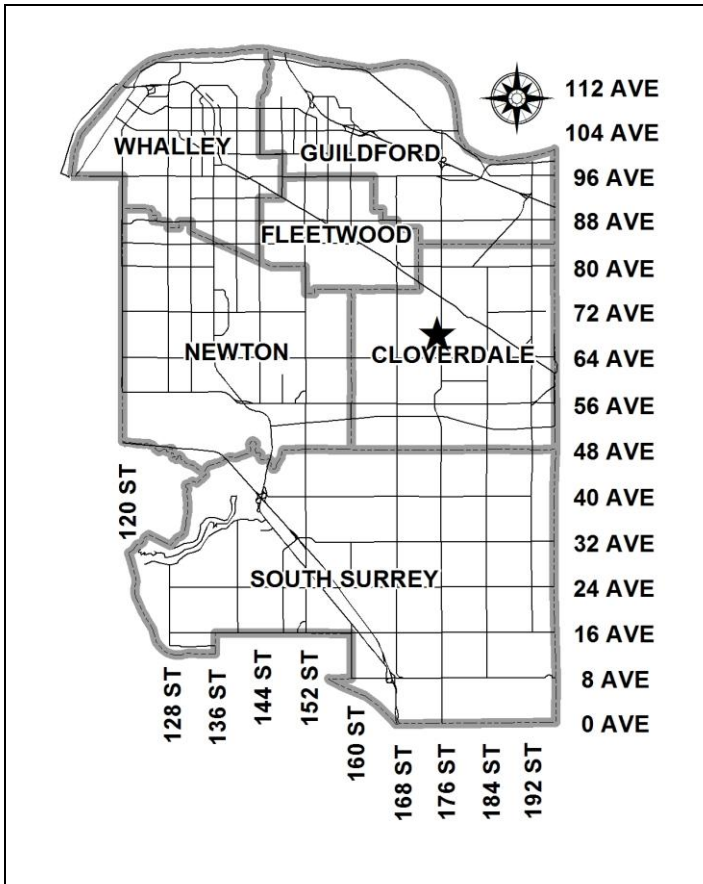
Planning Report Date: June 15, 2009

PROPOSAL:

- **ALR - Non-Farm Use**
- **OCP Amendment**
- **Temporary Industrial Use Permit**

in order to legalize the expansion of an existing truck parking operation, into the ALR.

LOCATION: Portion of 6739 - 176 Street
OWNER: AR-Way Enterprises Ltd.
ZONING: IL/A-1
OCP DESIGNATION: Industrial/Agricultural
LAP DESIGNATION: Industrial/Agricultural



RECOMMENDATION SUMMARY

- Denial.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Contrary to a recently-approved recommendation in Corporate Report No. R069 (May 4, 2009) to not support, in principle, commercial truck parking in the Agricultural Land Reserve (ALR) (RES. R09-785).
- The commercial truck parking on the portion of the property that lies within the ALR is contrary to the Sustainability Charter and contrary to the agricultural policies within the OCP to protect the agricultural land base to produce food for current and future generations.

RATIONALE OF RECOMMENDATION

- Does not comply with the Agricultural designation in the Official Community Plan (OCP).
- Allowing truck parking on ALR lands creates an economic disadvantage to truck parking operations that conform to the City by-laws, that are required to purchase higher cost land to operate their business.

RECOMMENDATION

The Planning & Development Department recommends that this application be denied.

REFERRALS

Engineering:	Should the application be approved to proceed, Engineering will be requested to provide comments with respect to the proposal.
Agricultural Advisory Committee (AAC):	On May 7, 2009, the Agricultural Advisory Committee (AAC) reviewed the proposal and recommended the application be denied.
BC Hydro:	Should the application be approved to proceed, BC Hydro will be requested to provide comments with respect to this proposal.
Ministry of Transportation & Infrastructure (MOTI):	MOTI was sent a letter on March 31, 2009 concerning this proposal. To date, they have not provided their comments.

SITE CHARACTERISTICS

Existing Land Use: BC Hydro transmission lines and yellow coded water course along the rear property line. Easterly portion of the site, licensed truck park. Westerly portion of the lot, unauthorized truck park expansion and western-most portion of lot, fallow agricultural land, both areas within the ALR.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Agricultural operation with single family dwelling and farm outbuildings in the ALR with an access right-of-way connecting to 68A Avenue.	Agricultural	A-1
East (Across Highway No. 15/176 Street):	Fields, pond, single family dwelling with farm outbuildings, significantly encumbered by BC Hydro right-of-way.	Suburban	A-1 (By-law No. 5942)
South:	Single family dwelling.	East portion - Industrial West portion - Agricultural	A-1
West:	Vacant land in the ALR under cultivation.	Agricultural	A-1

DEVELOPMENT CONSIDERATIONS

- The subject site is located at 6739 - 176 Street and is 4 hectares (10 acres) in area. The parcel is split-zoned, with the easterly 1.5 hectares (3.7 acres) being zoned "Light Impact Industrial Zone" (IL) and designated Industrial in the OCP, and the westerly 2.5 hectares (6.3 acres) being zoned "General Agricultural (A-1)", is designated "Agricultural" in the OCP, and within the Agricultural Land Reserve.
- AR-Way Enterprise Ltd. has held a business license for truck parking on the IL-zoned portion of the site since November 2002.
- In July 2008, a by-law investigation was initiated for the illegal depositing of fill on the westerly portion of the property which is zoned "General Agriculture Zone (A-1)" and is located within the Agricultural Land Reserve (ALR). The area where the fill was placed accommodated the illegal expansion of the existing truck parking operation. Investigations from both the City By-law Enforcement and Licensing staff and the Agricultural Land Commission (ALC) by-law officer have been initiated, but enforcement actions have been held in abeyance pending the decision of City Council on this current application.
- The owner is requesting a non-farm use and a Temporary Industrial Use Permit for the approximately 0.86 hectare (2.1 acres) of property located to the west of the permitted truck parking in order to legalize the expansion of the business into the area that is located within the Agricultural Land Reserve (ALR). The remaining 4.2 acres of the subject lot within the ALR is not affected.
- The applicant has requested approval for a "non-farm use" under Section 20(3) of the Agricultural Land Commission Act (the ALC Act) to permit truck parking on the site. Under the ALC Act the property owner's non-farm use application must first be considered by the local government authority. The local government has the option to either authorize the application to proceed to the Agricultural Land Commission (ALC) for their consideration or to deny the application and advise the ALC accordingly.

Truck Parking Policy Initiatives

- In recent years concerns have been raised over the growing number of heavy trucks registered in the City and the limited number of parking spaces that are available for parking these trucks when they are not in use. Complaints have been received concerning overweight vehicles parking on residential streets, on residential lots and on sites within the ALR.
- The City retained a consultant to explore truck parking issues and to develop some measures that could potentially provide some solutions. Based on the consultant's findings, Council recommended that three initiatives be undertaken:
 - Explore making changes to the Zoning By-law, Business Licence By-law and other City policies to allow truck parking in the "Light Industrial (IL) Zone" as an interim use on undeveloped sites or as a permanent "third party" use on developed sites;
 - Develop a pilot on-street parking project in industrial areas;

- Hire a truck parking coordinator to promote and coordinate the provision of truck parking facilities in the City.
- In 2008, a truck parking coordinator was hired. The on-street parking pilot project was unsuccessful for various reasons. Efforts on making it easier for trucks to park on existing industrial sites (IL, IL-1 and IH-zoned sites) are on-going. The TUP process is being stream-lined and is expected to make the provision of parking through the TUP process more efficient.
- The applicant has requested approval for a "non-farm use" under Section 20(3) of the Agricultural Land Commission Act (the "ALC Act") to permit truck parking on the site. Under the ALC Act the property owner's non-farm use application must first be considered by the local government authority. The local government has the option to either authorize the application to proceed to the Agricultural Land Commission (ALC) for their consideration or to deny the application and advise the ALC accordingly.

A-1 Zone Truck Parking Provisions

- The A-1 Zone permits, for non-farm operations, the parking of one vehicle over 5,000 kilograms (11,023 lbs.), provided that:
 - The use of the vehicle is ancillary to the permitted residential use on the lot;
 - The vehicle is owned or operated by the owner or occupant of the lot;
 - The vehicle shall not be parked within the required building setbacks for uses permitted under Section B.1 of the A-1 Zone; and
 - Only 1 such vehicle is permitted to be parked on a lot.
- Based on the above conditions, the parking of more than one commercial vehicle for non-farm use is not permitted. The A-1 Zone does, however, permit the parking of more than one vehicle over 5,000 kilograms (11,023 lbs.), provided that the vehicles are only used for the operation of the farm. The westerly A-1-zoned portion of the subject property is currently not being used for agricultural or horticultural purposes.

Unauthorized Truck Parking in the ALR

- In recent years there has been an increase in truck parking within ALR lands. The ALC and the Surrey By-law Enforcement staff recently (December 2008 and March 2009) sent letters to a number of landowners within the ALR who have truck parking facilities on their properties, advising the landowners that truck parking is not a permitted use within the ALR.
- In March 2009, the Planning & Development Department received 6 applications, including the subject application, for a non-farm use within the ALR to legalize existing unauthorized truck parking operations. These 6 applications are all being forwarded to the June 15, 2009 Regular Council - Land Use meeting in order that this key policy issue can be considered comprehensively.

- On May 25, 2009 Corporate Report No. R069 "Update on Actions to Address Truck Parking in Surrey" was approved by Council. The Report advised Council of these 6 non-farm use applications and requested that Council approve the recommendation to instruct staff to inform prospective applicants that Council does not in principle support truck parking on ALR lands in Surrey.
- Subsequently, staff advised the applicant of Council's position.

Applicant's Rationale

- The applicant acquired the subject lot for the purpose of a truck parking facility on the 3.7-acre portion that is not within the ALR.
- The easterly 115-metre (377 ft.) or approximately 3.7-acre portion of the subject lot, which is outside the ALR, was rezoned to IL on October 15, 2002 (Application No. 7901-0307-00). A Development Variance Permit was also approved to relax the paving and landscaping requirements.
- Planning staff have estimated that the approved truck park can accommodate approximately 80 trucks and approximately 68 additional trucks can be accommodated on the 2.1-acre portion within the ALR.
- The applicant has stated that he has a waiting list and is under pressure from the truckers, to expand his truck parking facility.
- The majority of trucks using the facility are reefer units (.i.e. refrigerator trailer units) which reportedly mainly haul farm products. Therefore, the applicant contends the proposed expansion of the truck parking facility is important to the farming activity..
- Furthermore, the applicant refers to the site being an excellent location for a truck park, with direct access through a right-of-way on the lot to the north to a controlled intersection at Highway No. 15 (176 Street) and 68A Avenue.

EVALUATION

- Surrey has undertaken a significant number of initiatives to encourage truck parking on industrial land. These efforts are on-going and over time may alleviate the unauthorized truck parking problem.
- Allowing commercial truck parking sites to operate within the ALR contravenes the City's Sustainability Charter and the agricultural policies within the Official Community Plan (OCP), which stress the importance of retaining the agricultural land base for future generations.
- The proposed use will result in the loss of agricultural land, and has the potential for speculative pressures on ALR lands.
- ALC staff advise that it would be very unlikely for the ALC to approve a "non-farm use" to allow for truck parking operations on land within the ALR.

- Based on the above information, the Planning and Development Department recommends that this application be denied.
- If, however, Council authorizes the application to proceed to the ALC and the ALC subsequently approves the non-farm use, staff will prepare the necessary OCP amendment and Temporary Industrial Use Permit.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Map Showing ALR Boundary and OCP Designations
Appendix III.	Aerial Showing Access to 68A Avenue
Appendix IV.	Aerial Showing Extent of Truck Parking, April 2008
Appendix V.	AAC Minutes

Jean Lamontagne
General Manager
Planning and Development

LAP/kms

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Information for City Clerk

Legal Description and Owners of all lots that form part of the application:

1. (a) Agent: Name: AR-Way Enterprises Ltd.
 Address: 6323 - 187 Street
 Surrey, BC
 V3S 7W2
 Tel: 604-576-2002

2. Properties involved in the Application
 - (a) Civic Address: Portion of 6739 - 176 Street

 - (b) Civic Address: Portion of 6739 - 176 Street
 Owner: AR-Way Enterprises Ltd., Inc. No. 228443
 Portion of PID: 002-317-028
 Lot 10 Except: Firsly Part on Plan BCP1922, Secondly, Part on Plan
 BCP21372 Section 18 Township 8 New Westminster District Plan 23678

3. Summary of Actions for City Clerk's Office