

City of Surrey
PLANNING & DEVELOPMENT REPORT
File: 7909-0040-00

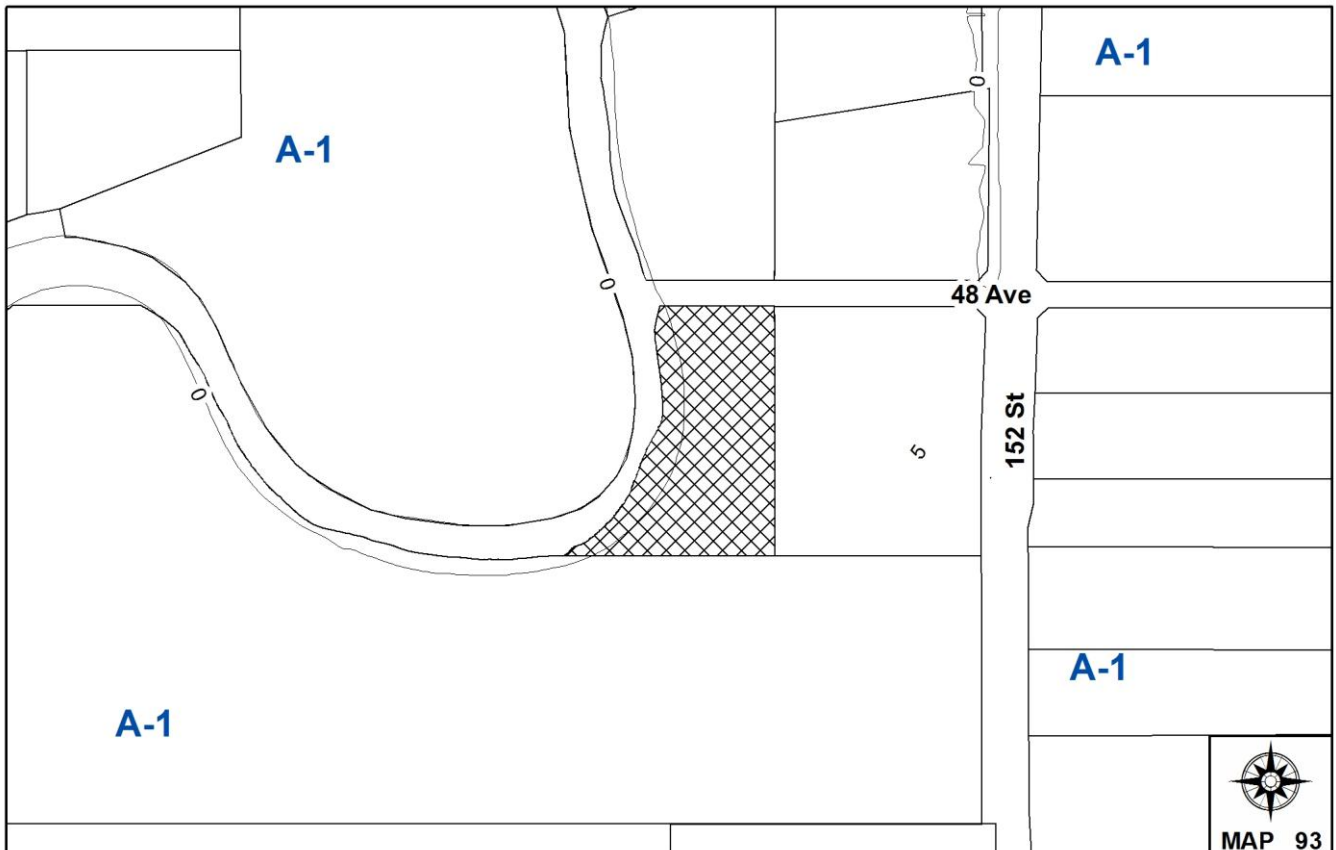
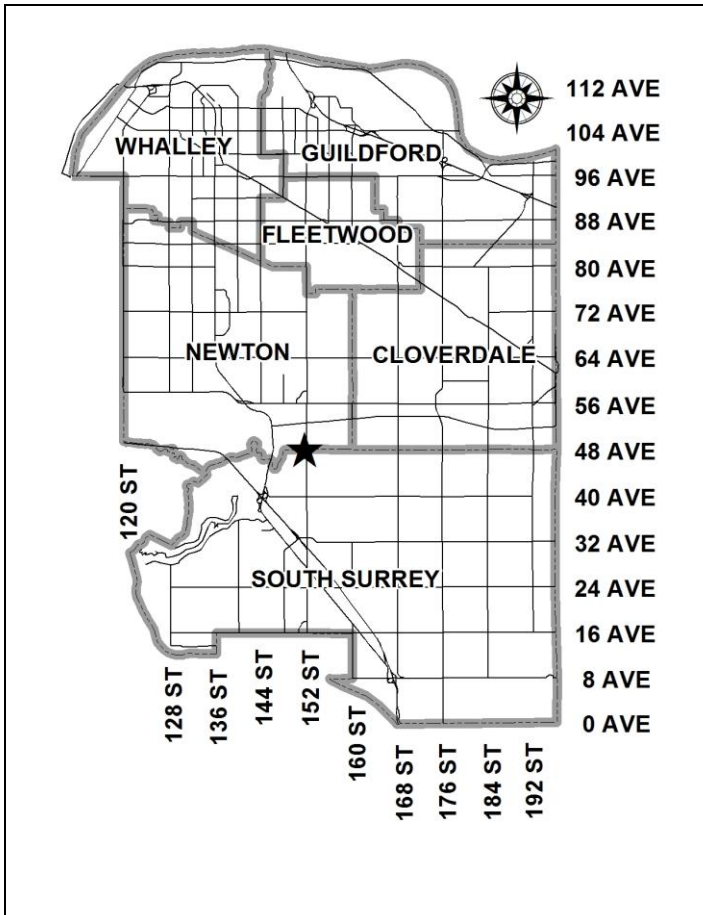
Planning Report Date: June 15, 2009

PROPOSAL:

- **Non-farm Use** under Section 20(3) of the ALC Act

in order to allow for truck parking.

LOCATION: 15086 - 48 Avenue
OWNER: Nirender and Sukhjit Pataria
ZONING: A-1
OCP DESIGNATION: Agricultural



RECOMMENDATION SUMMARY

- The Planning and Development Department recommend that this application be denied.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is proposing a truck parking use with the Agricultural Land Reserve (ALR), and this use is not permitted within the ALR.

RATIONALE OF RECOMMENDATION

- The proposal does not comply with OCP Designation or with the existing "General Agriculture Zone (A-1)".
- The subject property is one of six (6) similar proposals to legalize existing illegal truck parking uses on ALR land that have resulted from enforcement action taken by the City of Surrey and the Agricultural Land Commission (ALC).
- Truck parking is not a permitted use with the ALR. Truck parking is not an appropriate use of agricultural land because it negatively impacts the supply of agricultural land and degrades the soil quality by the use of fill to create parking areas.
- City Council reviewed the issue of truck parking supply in the City of Surrey under previous corporate reports, and recommended that truck parking not be supported in the ALR.

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): At their May 7, 2009 meeting, the AAC recommended that this "non-farm use" application be denied (Appendix III).

SITE CHARACTERISTICS

Existing Land Use: A single family dwelling with trucks parked on the site.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North, East, South (across Serpentine River) and West:	Agricultural land within the ALR.	Agricultural	A-1

DEVELOPMENT CONSIDERATIONS

- The subject site is located at 15086 – 48 Avenue and is 1.96 hectares (4.8 acres) in area. The parcel is zoned "General Agriculture Zone" (A-1), is designated "Agricultural" in the Official Community Plan (OCP) and is within the Agricultural Land Reserve (ALR).
- The subject site contains a house and a truck parking area that covers the entire site.
- The existing truck parking use is not permitted under the existing A-1 Zoning or under the ALR regulations. Recently, the City of Surrey and the Agricultural Land Commission (ALC) initiated enforcement on several such facilities within the ALR to have these operations removed. The owners have instead applied to have these facilities legalized.

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 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 develop some measures that could provide some potential 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 on "Light Industrial (IL) Zone" as an interim use on undeveloped sites or as a permanent "third party" use on developed properties;
 - 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 (both IL and IH-zoned sites) are on-going. The TUP process is being streamlined and is expected to make the provision of parking through the TUP process more efficient.

Truck Parking Application Requirements for ALR Properties

- The applicant has requested approval for a "non-farm use" under Section 20 (3) of the Agricultural Land Commission Act (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 ALC for their consideration or it can choose not to forward the application to the ALC, in which case the application is considered closed.
- Typically the applicant is also required to apply to either rezone or obtain a Temporary Use Permit (TUP) for the truck parking use, as well as amend the OCP. In this case, due to the significant policy implications of this proposal, staff are proceeding to Council with a preliminary policy report. Therefore rezoning and OCP amendment applications have not been submitted at this time. If Council authorizes the application to proceed to the ALC and the ALC subsequently approves the non-farm use, staff will direct the applicant to apply for either a rezoning/OCP amendment or a TUP/OCP amendment to accommodate the proposed truck parking use.

A-1 Zone 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.
- Under the above definition, the parking of more than one commercial vehicle for non-farm 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 farm operations.

- The existing truck parking use on the subject site involves parking of numerous trucks which are not used for agricultural purposes. It is also likely that some of the trucks are used by other operators and are parked on the site for a fee. This existing use therefore represents a violation of the site's zoning and the ALC Act.

Illegal Truck Parking Uses 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 Department recently (December 2008 and March 2009) sent letters to a number of landowners within the ALR who have truck parking occurring on their properties, advising the landowners that truck parking is not a permitted use within ALR lands.
- The Planning Department received 6 applications, including the subject site, to permit non-farm use within the ALR to legalize existing illegal truck parking operations (Appendix IV). Five (5) applications are for the most part identical with respect to the proposed use. The sixth non-farm use application (File No. 7908-0291-00) is in the North Surrey area. This application has other factors involved, but the application for non-farm use within the ALR for the purpose truck parking is common to all of the applications.
- On May 25, 2009 Corporate Report No. R069 "Update on Actions to Address Truck Parking in Surrey" was presented to Council. The Report advised Council of these 6 non-farm use applications and requested that Council instruct staff to inform prospective applicants that Council does not in principle support truck parking on ALR lands in Surrey.

EVALUATION

- 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.
- The Agricultural Advisory Committee (AAC) reviewed these non-farm use applications at their May 7, 2009 meeting and recommended that these applications be denied.
- Surrey has undertaken a number of initiatives to encourage truck parking on industrial land. These efforts are on-going and over time may alleviate the truck parking issue.
- Based on the above information, the Planning and Development Department recommends that this application be denied.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners, Action Summary and Project Data Sheets and Survey Plan
- Appendix II. Aerial Photo
- Appendix III. May 7, 2009 Agricultural Advisory Committee Minutes
- Appendix IV. Locations of Six Non-Farm Use Applications

Jean Lamontagne
General Manager
Planning and Development

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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: Goldy Pataria
 Address: 15986 - 48 Avenue
 Surrey, BC
 V3S 0L2
 Tel: 604-351-4141

2. Properties involved in the Application

(a) Civic Address: 15086 - 48 Avenue

(b) Civic Address: 15086 - 48 Avenue
 Owners: Nirender and Sukhjit Pataria
 PID: 011-161-922
 Lot 5 Section 34 Township 1 New Westminster District Plan 5697

3. Summary of Actions for City Clerk's Office