



# **Corporate** NO: R256

# **Report** COUNCIL DATE: December 10, 2001

## **REGULAR COUNCIL**

**TO: Mayor & Council** DATE: **December 6, 2001**

**FROM: General Manager, Planning & Development** FILES: **0065-012**  
**2152-17600**

**SUBJECT: Delegation by Mr. Jim Crawford of 6821 - 176 Street**

## **RECOMMENDATION**

The Planning & Development Department recommends that Council:

1. Receive this report as information; and
2. Authorize the Acting City Clerk to send a copy of this report to Mr. Jim Crawford of Hillside Farms Ltd., owner of 6821 - 176 Street, and Mr. Wayne Groome of Ar-Way Enterprises Ltd., owner of 6739 - 176 Street.

## **PURPOSE**

Mr. Jim Crawford, owner of the property at 6821 - 176 Street, appeared as a delegation at the Regular Council – Land Use meeting on September 17, 2001 to advise Council of his concerns regarding development on the adjacent property to the south known as 6739 - 176 Street and other noise concerns. Council referred the matter to staff for a report back to Council. This report responds to Council's request.

## **DISCUSSION**

Mr. Jim Crawford of Hillside Farms Ltd. owns the property at 6821 - 176 Street in Cloverdale. His property is designated Agriculture in the Official Community Plan (OCP) (see Appendix A) and is zoned General Agriculture (A-1) (Appendix B). The entire 4.05-hectare (10-acre) property is within the Agricultural Land Reserve (ALR), with the southern portion encumbered by a B.C. Hydro right-of-way. The site is being used as a farm operation. Mr. Crawford advised Council that his family has owned this land for over 52 years.

The property immediately to the south, at 6739 - 176 Street, is approximately 4.16 hectares (10.3 acres) in area. The easterly portion of the property (approximately 1.6 ha/4.0 acres) is designated Industrial in the OCP. The westerly portion of the property (approximately 2.56 ha/6.3 acres) is designated Agriculture and is within the Agricultural Land Reserve (ALR). The entire property is zoned General Agriculture (A-1) and the northern portion is encumbered by a B.C. Hydro right-of-way. The property has been owned by Ar-Way Enterprises Ltd. since April 2001.

Mr. Crawford advised Council of the following concerns regarding the activities on the property at 6739 - 176 Street:

- the use of the property for truck parking;
- dust nuisance created from trucks on that property;
- noise from trucks on that property; and
- placement of limestone on the property within the ALR portion of that site.

Mr. Crawford also expressed concerns regarding the noise generated by heavy trucks using engine brakes on 176 Street and the banging of garbage containers into garbage trucks related to businesses located to the south and east of his property in the Cloverdale Business Park area.

The following sections address each of Mr. Crawford's concerns individually.

### **Truck Parking Concern**

The easterly portion of the property at 6739 - 176 Street was redesignated from Suburban to Industrial under OCP Amendment By-law No. 13639 which was adopted by Council on February 15, 1999. The OCP redesignation was to implement the approved West Cloverdale Local Area Plan which proposed an industrial park on the west side of 176 Street between 64 Avenue and 68 Avenue, similar to the existing North Cloverdale Industrial Park across the street. Since the OCP redesignation, the Planning and Development Department has received a number of inquiries regarding the potential to implement truck parking facilities along this strip of land between 64 and 68 Avenues, west of 176 Street.

Under the current Agricultural A-1 zoning, truck parking is not permitted as a principal use. However, for non-farm operations, the owner is allowed to park a vehicle over 5,000 kilograms (11,023 lbs.) G.V.W., which may be a truck, truck trailer or semi-trailer, dump truck or other similar vehicle for transporting goods and materials provided that the vehicle is owned or operated by the owner or occupant of the lot and only one (1) such vehicle is permitted on the lot.

The City's By-law & Licensing Section responded to a complaint about two overweight vehicles being parked on 6739 - 176 Street, in contravention of the A-1 zoning. An infraction letter was issued to the owner, Mr. Wayne Groome of Ar-Way Enterprises Ltd., requiring the situation to be rectified. Recent site inspections by By-law Enforcement Officers have confirmed that no trucks were parked on the property.

Mr. Groome has inquired about developing his property as a truck parking facility. The City has advised Mr. Groome that a rezoning to Light Impact Industrial (IL) together with a Development Permit application, is required. Such a rezoning is supportable based on the OCP designation of Industrial. Further, since the property abuts 176 Street (Highway No. 15), approval from the Ministry of Transportation & Highways (MOTH) is required for the rezoning application and related driveway access.

Mr. Groome was also apprised of the rezoning process and advised that any rezoning application will be subject to a Public Hearing. On November 22, 2001, Mr. Groome submitted a rezoning application to rezone the easterly portion of the property at 6739 - 176 Street from A-1 to IL to allow a truck parking facility. Mr. Groome has advised City staff that he has approached the MOTH and has learned that they will require that road works be constructed on 176 Street if the site is rezoned to IL.

Mr. Crawford has advised Council and staff that he is opposed to a rezoning of the property at 6739 - 176 Street to allow a truck parking facility. However, Mr. Crawford indicated that he would have no objection to industrial development similar to the business park on the east side of 176 Street in the same area.

### **Dust Nuisance and Encroachment of Limestone into the ALR Portion of the Property**

In July 2001, Mr. Crawford wrote to the City complaining that, for the past few months, the adjoining owner, Mr. Groome, had been altering the dirt on the property at 6739 - 176 Street by depositing approximately 100 loads of limestone and widening 68 Avenue near its intersection with 176 Street.

Mr. Groome undertook some earthwork on a portion of the property at 6739 - 176 Street, which straddles across the ALR boundary, during the early summer, 2001. The purpose of this work was to alter the topography to create less slope in the easterly portion of the property. No approval from the City of Surrey or the Land Reserve Commission is necessary for this type of on-site work. Upon completion of the earthmoving project, Mr. Groome applied to the City for a soil-depositing permit to apply a capping layer of granular fill over the disturbed soil east of (outside of) the Land Reserve boundary to facilitate a potted Christmas tree farm on the non-ALR portion of the site.

A soil deposition permit was issued by the City on July 25, 2001 to deposit approximately 1,000 cubic metres of crushed limestone on the easterly portion of the property (approximately 0.75 hectares/1.8 acres in area).

All of the works on the property have proceeded in an orderly fashion, with permits as required. However, the limestone material encroaches into the Agricultural Land Reserve area by approximately 15 metres (50 ft.). For this reasons, City staff visited the site with staff from the Land Reserve Commission on October 24, 2001. Based on that site visit, it was determined that Mr. Groome would need to address the limestone encroachment in one of the following three ways:

1. Make an application pursuant to the *Soil Conservation Act* to obtain permission to leave the soil on site; or
2. Make an application pursuant to the *Agricultural Land Reserve Act* for a non-farm use for this area; or
3. Remove the capping material from the portion of the property within the Agricultural Land Reserve.

City staff will continue to follow-up with Mr. Groome to ensure the encroachment of the capping material into the ALR area is properly addressed. Should Mr. Groome decide to make an application under the *Soil Conversation Act* or the *Agricultural Land Reserve Act*, such application will be handled by the Land Reserve Commission staff.

The dust nuisance was associated with the original earthworks. After the limestone material had been placed, City staff did not receive any further complaints regarding dust nuisance from the property at 6739 - 176 Street.

## Noise Nuisance

According to the City's By-law & Licensing Services Division, there have been no noise complaints regarding truck parking on the property at 6739 - 176 Street. The noise complaint that Mr. Crawford identified was related to early morning garbage pick-up (around 4:00 a.m.) at the industrial complex in the 6500 to 6600 block of 176 Street (across 176 Street from Mr. Crawford's property). The complaint has been investigated by By-law Enforcement staff who confirmed that there was no violation of the City's noise regulations. Mr. Crawford was advised accordingly.

There are residences directly across 176 Street from the industrial complex referenced by Mr. Crawford. Mr. Crawford's property is more than 145 metres (475 ft.) to the north of the complex. The By-law Enforcement Section has received no other complaints from other property owners in the vicinity regarding noise from garbage pick-up in the area.

The Engineering Department advises that the City deals solely with residential garbage and recycling pick-up. The City's contractor is Canadian Waste Services. As per the contract agreement, Canadian Waste Services is not permitted to commence pick-up services earlier than 7:30 a.m. for residential garbage.

With respect to the noise generated by heavy trucks using engine brakes, since Highway No. 15 (176 Street) is under the MOTH jurisdiction, Mr. Crawford should contact MOTH directly to have "use of engine brake not permitted" signs installed, should MOTH consider them warranted on this section of Highway No. 15 (176 Street).

## CONCLUSION

Staff have investigated Mr. Crawford's concerns and are taking action where necessary to gain compliance with City by-laws and regulations.

It is recommended that Council receive this report as information and authorize the Acting City Clerk to forward a copy of this report to Mr. Jim Crawford, owner of 6821 - 176 Street and to Mr. Wayne Groome, owner of 6739 - 176 Street.

Murray D. Dinwoodie

General Manager

Planning & Development Department

GK/kms/saw

Appendix A - Current OCP Designations

Appendix B - Current Zoning Map

c.c. - Manager, By-law & Licensing Services