

"That staff review the matter of Temporary Use Permits for temporary truck parking facilities in the "Light Impact Industrial" (IL) Zone in terms of public notification and public hearing".

This report responds to Council's direction.

BACKGROUND

On October 2, 2000, after considering Corporate Report No. R220 (Appendix I to Appendix "A") regarding temporary truck parking facilities, Council determined that it would adopt a policy (using the Development Variance Permit provision of the **Local Government Act**) that would allow Council to consider, on a case-by-case basis, waiving the requirements of the IL zone, including building construction, drainage improvements and hard surfacing, to allow temporary truck parking facilities to be established on sites zoned "Light Impact Industrial Zone (IL)". This action was taken to respond to concerns that heavy trucks were being parked on residential properties throughout the City because there was a deficiency of authorized parking lots to accommodate heavy commercial trucks and that the owners of IL-zoned sites (where truck parking is a permitted use) were not prepared to construct truck parking lots, due to the fact that these parking lots were not economic to construct and operate by virtue of the onerous requirements in the City's Zoning By law, related to building construction, drainage and hard-surfacing the parking lot. This Development Variance Permit ("DVP") approach was utilized until mid-2002.

On March 25, 2002, Council requested that staff explore options to include a time limit (sunset clause) on DVPS issued to waive Zoning By-law requirements in relation to temporary truck parking lots.

Corporate Report No. R136 (copy attached as Appendix "A"), that was considered by Council at its Regular meeting on June 24, 2002, advised that it was not legally possible to include an expiry date in a DVP and recommended, if Council wanted to include a limited time period during for which variances for temporary truck parking lots would remain in effect, then it would be appropriate to use Temporary Use Permits ("TUPs") instead of DVPS. A TUP may be used to vary the requirements of an industrial or commercial zone to allow a temporary use for a period of up to two years and can be extended by Council approval for a further two year period after the expiry of the first two year period. Council, on that date, chose to approve the TUP approach and adopted an appropriate amendment to the temporary truck parking policy. Staff is currently processing applications for temporary truck parking lots using this policy.

At the Regular Council meeting on January 13, 2003, Council adopted a motion that staff review the public notification and Public Hearing process associated with the use of TUPs to allow temporary truck parking lots to be established on lots zoned "Light Impact Industrial" (IL). Concern was voiced by some members of Council that there may be inadequate opportunities for public input on specific TUP applications under the current approach.

DISCUSSION

The changes to City policy outlined in Corporate Report No. R136 were recommended as a mechanism to establish an "expiry date" for temporary truck parking facilities on IL zoned lots in the City where the parking lot does not meet the full requirements of the Zoning By-law. The current TUP procedure provides Council with the opportunity to reconsider the temporary truck parking use on a bi-annual basis when each "two year TUP term" expires. It should be noted that the former DVP approach for allowing temporary truck parking lots did not include any requirement for a Public Hearing as part of the DVP approval process.

Temporary Industrial Use Permit Area No. 10 (2002)

As a result of Council adopting the recommendations of Corporate Report No. R136, By law No. 14743 was introduced to amend the Official Community Plan ("OCP") By law to include "Temporary Industrial Use Permit Area No. 10". Temporary Industrial Use Permit Area No. 10 applies to all properties in Surrey that are zoned "Light Impact Industrial (IL)". This OCP By-law amendment was adopted on July 22, 2002 following the Public Hearing held on that same date. The effect of this OCP amendment was that applications for a TUP, to allow temporary truck parking on IL-zoned lots, do not require a Public Hearing, since all IL-zoned lots are designated a TUP for truck parking purposes. This was done to decrease the costs and time for the applicant in establishing a temporary truck parking lot, since the construction of such parking lots was deemed to be in the City's best interests. Prior to such truck parking lots being established, the City's By-law Enforcement staff was faced with frequent complaints regarding unauthorized parking of commercial heavy trucks in single-family residential neighbourhoods in most areas of the City.

Current Public Notification Process for Temporary Use Permits for Truck Parking Lots on IL-zoned Lots

All applications for temporary truck parking lots on IL-zoned lots (i.e., that fall under Temporary Industrial Use Permit Area No. 10 in the OCP) proceed through the following public notification process:

- Upon receipt of an application, the applicant is required to erect a Development Notice Sign on the subject property that is to remain in place until after the application has been either approved or denied by Council. The sign contains basic information about the purpose of the application, the name of the applicant and a contact name and phone number at City Hall, at which additional information is available to the public about the application;
- After appropriate staff review of the merits of the application, a planning report on the application is prepared by the Planning and Development Department, incorporating input from other Departments and agencies, as appropriate, for submission to City Council at a Regular Council - Land Use meeting. The report will either recommend that Council authorize the application to proceed to public notification or that the application be denied;
- If Council determines that the application should proceed to public notification, the Legislative Services Division prepares a notice letter and a map containing basic information about the application that is distributed to all owners of properties within 100 metres (300 feet) of the proposed TUP site. This is the same radius of notification as for full rezoning applications. The notice advises the recipients that they may obtain more information regarding the application at City Hall, that they have a two-week period in which to submit, in writing, any concerns or comments regarding the application and that their concerns and comments will be conveyed to City Council;
- At the next Regular Council meeting after the two week public notification period expires, the written concerns and comments from the public, along with the TUP application, are forwarded to Council for consideration.

The notification area for a TUP application is larger than for a DVP application. The notification radius for a DVP application is circulated to owners of properties within 10 metres (30 feet) of the site on which the variance is sought (i.e., owners of abutting properties only). The requirements for DVP and TUP applications are compared in the following table:

Comparison of Application /Public Notification Requirements for TUP and DVP Applications:

	Development Variance Permit (former approach for accommodating truck parking lots)	Typical Temporary Use Permit (including OCP Amendment)	Temporary Use Permit on IL-zoned lots

			(TUP Area No. 10)
Development Sign	No	Yes	Yes
Public Notification	Yes- adjacent lots only	Yes- Properties within a 100 metre radius	Yes – Properties within a 100 metre radius
OCP Amendment Required	No	Yes	No*
Public Hearing	No	Yes	No*
Application Costs	\$870	\$1,810	\$1,100 *

* For truck parking on IL-zoned sites, an amendment to the OCP is not required, as TUP Area #10 in the OCP established all IL Zones as TUP areas for truck parking purposes. Therefore, a Public Hearing is not required and the \$710 Public Hearing fee is not charged.

The public notification process, in relation to allowing for the establishment of a temporary truck parking lot by way of a TUP, currently includes both the posting of a development sign on the site and the sending of official notices regarding the application to the owners of all properties located within 100 m (300 ft.) of the site. To date, this process has not given rise to complaints from the public about inadequate notification.

Optional Approaches With Respect to Public Notification/Public Input Regarding Temporary Use Permits for Truck Parking Lots

The purpose underlying Council's decision to adopt a temporary truck parking lot policy was to encourage and facilitate the interim use of industrial zoned (IL) land for truck parking lots by reducing the costs and time associated with implementing such parking lots. Truck parking is a permitted use in the Light Impact Industrial (IL) Zone. The reason a TUP is necessary, in relation to temporary truck parking lots on IL-zoned lots, is to waive specific requirements of the IL Zone that were viewed by prospective parking lot developers as excessive in relation to the temporary nature of the proposed use.

The following is a description and evaluation of each of three options available to Council in relation to enhancing public notification/public input for TUP applications, related to temporary truck parking lots.

Option 1: Maintain the Status Quo

Under this option, the City would continue with the current approach for establishing temporary truck parking lots using TUPs and will not further enhance the public notification process, as described previously in this report:

Pros:

- Processing time from receipt of application to approval of the TUP is less than Option 2;
- Application costs to the applicant are lower than Option 2 which is an advantage from the perspective of encouraging property owners to establish legal temporary truck parking lots that reduce the propensity for truck owners to park illegally in residential areas, creating nuisance and resulting in City by-law enforcement action;
- Property owners potentially most affected by each proposed parking lot have an opportunity to comment on the application through the normal written public notification process;
- The posting of a development sign on the site assists in alerting the public to a truck parking lot proposal; and
- The public has raised no significant concerns about the current approach since its inception.

Cons:

- Since no Public Hearing is required, the general public is not made aware of the application through public hearing advertisements in the local newspapers. This has not generated significant concerns from the public, to date.

Option 2: Amend the OCP By-law by Deleting TUP Area No. 10

Under this option, Council would amend the OCP by eliminating Temporary Use Permit Area No. 10 from the OCP By-law. This would result in the requirement for an OCP By law amendment, with a related Public Hearing, each time a property owner applied to the City for a TUP to establish a temporary truck parking lot on an IL-zoned lot.

Pros:

- Public notification, regarding proposed temporary truck parking lots, is enhanced through the holding of a formal Public Hearing before Council, including the normal newspaper advertisements in the local newspapers in advance of the Public Hearing; and
- There is enhanced certainty that the City understands the public's concerns before approving a TUP application.

Cons:

- Increased application processing time in comparison to Option 1 and Option 3, due to the legislated time lines around setting a date for, notifying the public about and holding a Public Hearing;
- Increased cost to the applicant for the Public Hearing fee (\$710) which may discourage property owners from pursuing the establishment of a temporary truck parking lot; and
- An OCP amendment by-law and related Public Hearing is required for each TUP application regardless of the application's complexity.

Option 3: Augment the Current Approach with a Public Information Meeting in the Form of a Public Hearing Where Deemed Necessary by Council

Under this approach Council would amend the current policy to include a direction to the effect "that where Council, in considering an application for a TUP to allow for the establishment of a temporary truck parking lot, deems it appropriate, Council may direct that a Public Information Meeting be held in the form of a Public Hearing to allow the public to speak directly to Council regarding their concerns or comments related to the TUP application". This is a similar approach to the approach that Council uses for receiving comments and concerns from the public, prior to Council submitting comments to the Liquor Control Board on liquor license applications.

Pros:

- Council can decide, based on input received through the normal TUP written public notification process, when it will require a Public Information Meeting to allow the public an additional opportunity to provide comments directly to Council on a particular TUP application;
- In those circumstances where Council does not require a Public Information Meeting, the application for a TUP will require less processing time and administration than Option 2; and
- All of the other advantages of Option 1 remain.

Cons:

- In circumstances where Council determines that it is necessary to hold a Public Information Meeting, the processing time will be increased and this may act to discourage individuals from pursuing the implementation of a temporary truck parking lot.

Results of Evaluation:

Based on the relative merits of the three options, if Council wishes to further enhance the public input process for TUP applications for temporary truck parking lots, Council should amend the truck parking lot policy to incorporate the approach documented in Option 3 above. This will permit Council to hold a Public Information Meeting that will be equivalent to a Public Hearing for those TUP applications where it deems such action to be appropriate and necessary, but will not unnecessarily encumber all TUP applications with this requirement. If Council adopts this approach, the Planning report for each TUP application will include a recommendation for Council's consideration, with regard to whether such a Public Information Meeting is considered appropriate.

Other Issues Relating to Temporary Use Permits for Truck Parking Lots

In some circumstances staff has been faced with reviewing TUP applications for truck parking lots on properties that appear to have insufficient physical dimensions to accommodate larger semi-trailer-type commercial trucks. In these circumstances, it has occasionally been difficult to convince the applicant to provide a site layout drawing that accurately illustrates how the parking lot will be configured and what maximum size of commercial trucks can be accommodated on the site. To address this matter, it is recommended that the policy be amended to require the applicant to provide a properly designed and dimensioned parking lot layout drawing as part of the application to demonstrate how vehicles will manoeuvre within the proposed parking lot, the maximum size of the vehicles that can be accommodated on the parking lot and how the parking lot will be provided with access from the adjacent streets. It is further recommended that, if due to the design of the proposed parking lot, all sizes of commercial trucks cannot be accommodated, then the policy include a requirement that a Restrictive Covenant be placed on the title of the property, which documents the maximum size of vehicles that will be permitted on the parking lot.

CONCLUSION

The current policy regarding temporary truck parking, was adopted by Council on June 24, 2002. The policy and related procedures rely upon a TUP application process to limit the term of these temporary truck parking lots. The TUP approach provides an opportunity for property owners to operate these facilities in Surrey, as an interim industrial use, while providing an opportunity for Council to review these uses on a regular bi-annual basis. Applications for TUPs require, as part of the review process, that all property owners within 100 metres (300 feet) of the subject site be notified of the proposal and be given an opportunity to provide written comments and concerns about the application to Council. This ensures that the owners of properties most directly affected by the proposed truck parking lot are made aware of the application and have reasonable opportunities to make their concerns known to Council prior to approval of the application.

If Council wishes to further enhance the public input component of the TUP process, related to temporary truck parking lots, it is recommended that the approach documented as Option 3 in this report be adopted.

It is further recommended that applicants for temporary truck parking lots be required to provide a properly designed and dimensioned parking lot layout drawing as part of the TUP application to demonstrate how vehicles will manoeuvre within the proposed parking lot, the maximum size of the vehicles that can be accommodated on the parking lot and how the parking lot will be provided with access from the adjacent streets. It is further recommended that if, due to the design of the proposed parking lot, all sizes of commercial trucks cannot be accommodated, then the policy be amended to include a requirement that a Restrictive Covenant be placed on the title of the property, which documents the maximum size of vehicles that will be permitted on the parking lot.

Murray Dinwoodie
General Manager

Planning and Development

BACKGROUND

On October 2, 2000 Council considered a Corporate Report No. R220 (copy attached as Appendix I) on truck parking facilities and adopted the recommendations of that report, which was to approve a policy that included the use of a Development Variance Permit ("DVP") process to allow certain variances to the Zoning By-law and Subdivision and Development By-law requirements related to the establishment of truck parking facilities in the City and, thereby, to encourage the development of such facilities by removing some of the financial impediments. The variances upon which the current policy focuses are related to the following requirements:

- construction of a building on the site of the parking lot;
- surfacing the parking lot with asphalt surfacing material; and
- construction of a full range of Engineering works and services on the site's frontage.

The DVP approach is based upon the expectation that truck parking facilities are an interim use on Light Industrial (IL) Zoned land and that, over time, the owner will be motivated by market conditions to redevelop the site to a higher and better use.

The current policy has been in effect for the last year and a half and has had the effect of increasing the number of legally operated truck parking facilities in the City. It has also encouraged owners of unauthorized truck parking facilities to take action to legalize their operations.

At the Regular Council-Land Use meeting on March 25, 2002, Council requested that staff review the advisability and legal basis for introducing a time limit (i.e., a sunset clause) on variances in relation to truck parking lots. Concern was expressed that under the current DVP approach, once the DVP is issued, the truck parking facility can operate indefinitely as long as the conditions of the DVP are met. As the properties in the vicinity of any truck parking lot develop or redevelop, the variances related to the truck parking lot may become problematic in relation to the other uses in the vicinity of the parking lot. This report addresses the matter of introducing a time limit on variances for truck parking facilities.

DISCUSSION

Legal Services was requested to review whether current legislation would allow the City to include, as a condition of a DVP, a date at which the DVP would expire. Legal Services has advised that there are no provisions in the **Local Government Act** that allow a time limitation to be placed on the permission granted by a DVP, provided that the owner proceeds within two years of the DVP approval to construct the project. If the project is not constructed the DVP expires two years after the date of Council approval of the DVP.

Temporary Use Permit

Legal Services has further advised that the temporary use permit provisions in Section 921 of the **Local**

Government Act provide an alternative mechanism for enabling the establishment of temporary (i.e., time limited) land uses such as commercial truck parking facilities that do not otherwise meet the requirements of the Zoning By-law.

Normally a Temporary Use Permit ("TUP") is issued to permit a commercial or industrial use that is not permitted by the underlying zoning. The objective of a commercial vehicle parking lot TUP would be to permit the use of the property in accordance with the uses permitted under the Zoning By law, but where such uses would be barred in the absence of compliance with the requirements of the Zoning By-law, such as the construction of an on-site building or asphalt surfacing of the parking lot. Therefore, a TUP permitting a commercial truck park without the construction of on-site facilities varies the provisions of the Zoning By-law and in effect is issued "despite a Zoning By-law".

OCP and Zoning By-law Amendments Necessary to Use Temporary Use Permits for the Establishment of a Truck Parking Facilities

To use a TUP as the basis for allowing variances to the Zoning By-law requirements for truck parking facilities, several minor amendments need to be made to the OCP. Specific wording needs to be included in the OCP to allow a TUP to be issued for the development and operation of truck parking facilities in the Light Impact Industrial (IL) zone without the need to fully comply with the standards stipulated for such a use in that zone. The wording should be generalized to all properties in the IL zone so as to avoid the need to undertake an individual OCP amendment for each specific site. Council would still retain control over which IL sites are used for truck parking through the TUP approval process. The necessary amendments to the OCP are documented in Appendix II.

Once the OCP amendments are adopted, each individual application for a TUP would follow a similar process to a DVP application, except that the notification radius in the case of a DVP involves only the abutting properties and the properties immediately across any road abutting the DVP site, while a TUP application involves notifying owners of properties within a 100m (300 ft.) radius of the TUP site (i.e., the same radius of notification as for public hearings related to rezoning applications). In addition, the application fee for a TUP is \$1100 while the application fee for a DVP is \$870. The general process for a TUP application is as follows:

1. The property owner, or a designated agent on behalf of the property owner, submits a TUP application to the Planning and Development Department, together with the application fee;
2. Staff review the application and dialogue with the applicant, as necessary, to finalize the application and the conditions upon which it can be supported. Staff prepare a report to Council regarding the application;
3. The report is included on a Regular Council – Land Use agenda. The report documents the details of the application and makes recommendations regarding the application and whether Council should authorize staff to proceed to public notification;
4. If Council authorizes staff to proceed to public notification, a letter and related information regarding the application is distributed to the owners of properties within 100m (300 ft.) of the TUP site and a two week period of time is provided for those notified to submit comments to the City;
5. At the expiry of the two week notification period, any comments received by staff, together with the TUP application, are included on the next Regular Council meeting agenda at which meeting Council considers the comments that are received, whether to approve the TUP and the conditions to be attached to such approval.

Merits of Using a Temporary Use Permit Approach in Comparison to a Development Variance Permit Approach for Truck Parking Facilities

Advantage

- The TUP is limited to a maximum of a two year time period and a two year extension, subject to Council approval of such extension. Therefore, Council has an opportunity at least every two years, to decide whether to allow the truck parking lot to continue to operate without fully complying with the requirements of the Zoning By-law.

Disadvantage

- The two year period of time, which is the maximum effective period for a TUP without further approval by City Council, may not be a sufficient payback period for the investment that property owners would be required to make in establishing a truck parking lot. As such, the TUP approach may discourage property owners from legally establishing truck parking lots and the City may be faced with increased enforcement action related to unauthorized truck parking in the City.

It is recommended that the Council adopted policy regarding the establishment of truck parking facilities in the IL Zone, as documented in Corporate Report No. R220 (copy attached), be amended to reflect the use of TUPs in place of DVPs and that the City Clerk be authorized to bring forward the necessary OCP amendment by-law for Council's consideration.

The Deputy City Solicitor has reviewed this report.

CONCLUSION

The existing DVP approach for facilitating the development and operation of truck parking facilities in Light Impact Industrial (IL) Zones has been effective in encouraging the development and operation of additional truck parking facilities in the City. However, the DVP approach does not allow the City to place a time limit on the variances to the Zoning By-law that the DVP allows. This lack of a time limit may have longer term ramifications to the potential development/redevelopment of properties in the vicinity of such parking lots.

It is recommended that Council approve amendments to the OCP, as documented in Appendix I, which will facilitate the use of TUPs in place of DVPs for the purpose of varying by-law requirements for truck parking facilities in the Light Impact Industrial (IL) Zone and that the Council-adopted policy related to the establishment of truck parking facilities be amended to reflect the use of TUPs in place of DVPs. The use of a TUP ensures that any truck parking facility that is approved for construction to a standard that is inconsistent with the Zoning By-law will come before Council for consideration. Council has authority to approve such a TUP for any period up to a maximum of two years. Legislation allows the owner to apply for an extension to the TUP of up to two years after the original term of the TUP expires. Such application for an extension must be approved by Council. If the extension is granted and the owner wants to continue the operation of the temporary truck parking lot beyond that point, the owner would need to make application for a new TUP which would also come before Council for consideration.

Original Signed By:

Murray D. Dinwoodie
General Manager
Planning and Development Department

GG/kms/saw

Attachments

Appendix I Corporate Report R220
Appendix II Proposed OCP Amendments

Corporate

NO: R220

Report

COUNCIL DATE: Oct. 24/02

APPENDIX "I"

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **September 28, 2000**
FROM: **General Manager, Planning & Development** FILE: **0023-001**
SUBJECT: **Truck Parking Facilities**

RECOMMENDATION

It is recommended that Council:

1. Receive this report as information;
2. Endorse Option 2 in this report as the basis for encouraging the establishment of truck parking facilities in the City;
3. Direct the By-law Enforcement and Licensing Section staff to enforce the Zoning By law regulations in such cases where a Surrey Business License has not been issued to an operating truck parking facility and where the owner/operator of such facility is not actively pursuing the legalization of such a business operation with the City; and
4. Authorize staff to forward a copy of this report to Mr. Brian Skazlic who appeared before Council on September 5, 2000 regarding concerns related to an unauthorized truck parking operation in his neighbourhood.

INTENT

The intent of this report is to review options and seek Council direction in relation to facilitating the establishment and licensing of truck parking facilities in Surrey.

BACKGROUND

Heavy trucks being parked in residential areas of the City where such parking is not permitted under the provisions of the Zoning By-law, is a one of the high incidence complaints experienced by the City's By-law Enforcement staff. In taking action against those truck owners who park illegally in residential areas, City staff are consistently faced with comments from the offending truck owners that the reason they are forced to park illegally in residential areas (i.e., near their home) is that "there is no other place in the City for them to safely and legally park their truck" and that they are concerned about leaving their trucks in areas where the truck could be vandalized. There is only one legal commercial truck parking facility operating in the City, which accommodates approximately 100 trucks. The magnitude of the need for truck parking facilities in the City can be extrapolated from information provided by the By-law Enforcement Section. The total number of complaints received by the City regarding illegally parked heavy

trucks in residential areas over the last 2 years is in the range of approximately 1,200 to 1,500 complaints.

Currently, staff is aware of 10 truck parking facilities operating in Surrey. However, as mentioned above, only one of these is operating legally by virtue of having a Surrey Business License. This facility is located at 12579 - 82 Avenue and has been operating for over 10 years. It has an area of approximately 3.6 acres and can park up to 100 trucks. The operators of the 9 unlicensed truck parking facilities have each submitted a Business License application to the City. All of these facilities are located on land zoned Light Impact Industrial (IL). The operation of off-street truck parking facilities and the parking of vehicles exceeding 5,000 kilograms [11,023 lbs.] G.V.W. is a permitted use in the Light Industrial Zone (IL) under the Surrey Zoning By-law subject to certain conditions which will be discussed later in this report. The following lists the locations of the truck parking businesses for which business license applications have been received by the City but for which a business license has not yet been issued:

<u>Business Name</u>	<u>Application Status</u>	<u>Address</u>	<u>Lot Size (Acres)</u>
Security Truck Park	Pending	12487 - 82 Avenue	2.0
SBT Trucking	Pending	12403 Old Yale Rd.	5.0
Langley Weigh Station	Pending	18995 - 98 Ave	0.9
Big Rig Truck Park	Pending	8620 - 128 Street	5.2
Super Park	Pending	13733- 116 Avenue	4.7
Best Automotive	Pending	8642 - 128 Street	0.3
TNT Truck Park	Pending	12950 - 87 Avenue	4.4
Key West Asphalt Ltd.	Pending	12671 - 80 Avenue	4.3
Comber Way Truck Parking	Pending	13378 Comber Way	<u>1.3</u>
Total Acres:			<u>28.1</u>

None of these truck parking facility owner/operators has completed the requirements which are necessary to clear the way for City staff to issue a Business License. Staff understand that the primary reason is that the development requirements in the Zoning By-law, and the Subdivision and Development By-law, are too financially onerous if fully applied to justify the operation of the parking lots.

Delegation to Council:

On September 5, 2000 Mr. Brian Skazlic appeared before Council-in-Committee to express his neighbourhood's concerns about the non-licensed truck parking facility at 80 Avenue and 126A Street (listed above as Key West Asphalt Ltd.). The concerns about the truck parking facility included issues related to truck noise, truck lights, dirt/dust, contamination and the general aesthetics of the site.

DISCUSSION

There are two primary issues facing the City with respect to truck parking. These are:

1. The inadequacy of the current parking facilities to accommodate the parking demand which exists in relation to trucks owned and/or operated by Surrey residents (as evidenced by the high incidence of illegal truck parking in residential areas); and
2. The unauthorized operation of truck parking lots which are causing a nuisance in the neighbourhood by virtue of the general manner in which they are being operated (as evidenced by the concerns expressed by the recent delegation to Council-in-Committee).

To address these issues, the City needs to take action to encourage the establishment of properly managed truck parking facilities in the City with sufficient capacity to accommodate the demand.

Existing Truck Parking Facility Regulations

Surrey Zoning By-law No. 12000 stipulates that no use on any industrial zoned lot shall take place unless there is a building on that lot that exceeds 100 square metres (1,076 sq. ft.) in area and which contains washroom facilities. In addition, the Zoning By-law requires that all parking areas be surfaced with asphalt, concrete, or similar pavement so as to provide a surface that is dust free. The Zoning By-law also requires that parking lots be graded and drained so as to properly dispose of all surface water.

The requirement for a building containing washroom facilities and the drainage and grading requirements can trigger Development Cost Charges (DCCs) through the Building Permit process where the estimated construction value of the building and improvements exceeds \$50,000. Current DCCs for Industrial-zoned land are \$42,470 per acre.

In addition to DCCs, the provision of Engineering “works and services” (i.e., water, sewer, road construction, and storm drainage) on the street fronting the parking lot can significantly increase the start-up costs for truck parking businesses. The Subdivision and Development By-law requires the construction of “works and services” on the fronting street where the construction value of a project on the adjacent site exceeds \$400,000. In most circumstances, however, this requirement would not be triggered by the construction of a parking lot.

The requirement to properly grade and drain a paved parking lot may require the construction of off-site storm sewers both on the frontage of the property and a connection to an appropriate outlet away from the site all of which can be very expensive to construct.

Operators of unlicensed truck parking facilities in Surrey have indicated that the requirements of the Zoning By-law and Subdivision and Development By-law are too onerous to justify the continued operation of the parking facilities.

Current Interim Approach to Facilitating Licensed Truck Parking Facilities

In May 1998, to facilitate the licensing of off-street truck parking facilities, the Engineering Department agreed to consider reducing the DCCs for truck parking facilities to better reflect their impact on the City's infrastructure. Specifically, it was generally acknowledged that these parking facilities had little impact on the City's sanitary sewer and water systems and, as such, the development cost charges related to these systems were eliminated. It was also proposed, as an interim measure, that the Business Licensing process could be facilitated by encouraging each truck parking lot operator to apply for a Development Variance Permit (DVP) in relation to the Zoning By-law requirements as follows:

1. To eliminate the Zoning By-law requirement for a 100 sq. m. (1076 sq. ft.) building containing washroom facilities; and
2. To vary the paving requirements for truck parking facilities as contained in the Zoning By-law to permit the parking area to be surfaced with a granular surface material acceptable to the General Manager of Engineering.

Evaluation of the DVP Approach Used on an Interim Basis

The DVP approach has been in effect for over two years and only one truck parking facility operator has applied to the City for a DVP during this time. The limited response to the DVP approach may be due to:

- the degree of uncertainty that still exists about the probable outcome of the DVP process; and
- the fact that City staff have been hesitant to pursue closure of these facilities in consideration of the truck parking problems in the residential areas of the City.

Options to Facilitate the Licensing of Off-Street Truck Parking Facilities

Two options to facilitate the establishment of licensed off-street truck parking facilities in Surrey have been considered. The description of each option, along with its “pros” and “cons”, is documented below.

Option 1: Amend Existing Zoning By-law and Development Cost Charge By-law Regulations

Under this Option, the Zoning By-law provisions for truck parking facilities would be amended to:

- exempt truck parking facilities from the requirement for an on-site permanent building but in its place a requirement for portable washroom facilities on the site would be added; and
- modify the parking lot surface treatment requirement from asphalt or concrete to a material satisfactory to the

General Manager, Engineering Department, which does not create a dust or mud tracking problem.

Further, the Development Cost Charge By-law would be amended to eliminate DCCs for truck parking lots subject to a Restrictive Covenant being registered on the title of the lot on which the truck parking facility is located to ensure that Development Cost Charges are payable when the site redevelops to another use. On-site drainage, access, fire protection, landscaping and noise mitigation on the boundaries of the parking area to mitigate impacts on any adjacent residential development would still be required.

The following are the pros and cons of this option:

- Pros:**
- Provides a consistent approach for the establishment of truck parking facilities throughout the City.
 - Will reduce the current start-up cost impediments and facilitate the licensing of off-street truck parking facilities which will serve a community need by providing legal facilities for truck owners.
 - No DCCs would be payable for truck parking lots until future redevelopment of the site.
- Cons:**
- These by-law amendments would remove to some extent the City's control over the number and location of truck parking facilities in Surrey. A prospective truck parking lot operator could proceed directly to the construction stage if the property proposed for the parking lot is zoned Light Impact Industrial (IL). This in some circumstances could lead to problems in relation to nuisance caused by the parking facility to nearby residential and other sensitive developments.
 - The costs associated with off-site drainage works and waterworks to provide fire flow to IL standards could still be significant.

Option 2: Development Variance Permit (DVP) Approach

This option is simply an enhancement of the approach which has been in place for the last couple of years where the prospective owner/operator could apply for a DVP to:

- waive the Zoning By-law requirement for the construction of a permanent building, including washroom facilities, with a minimum area of 100 square meters (1,076 sq. ft.), and
- vary the Zoning By-law requirement for paving the parking area with asphalt, concrete or other similar pavement to a lower cost surfacing material acceptable to the General Manager, Engineering.

Eliminating the requirement for the construction of a building would eliminate the trigger for the collection of DCCs and eliminate the frontage Engineering works and services requirements of the Subdivision and Development By-law. Varying the parking lot surfacing requirements of the Zoning By-law would allow for the use of a less costly surfacing material which would also act to reduce up-front expenditures for the facility owner/operator.

This approach views truck parking facilities as an interim use of a site.

DCCs would be collected and Engineering Works and Services completed in full at such time as the site is redeveloped. A Restrictive Covenant would be registered on title of the lot as notification that Development Cost Charges are payable when the site redevelops to another use.

The owner/operator may still be required to provide some area of asphalt or concrete paving on the site near its driveway to the fronting road to eliminate the potential for tracking of dirt or mud onto the public street. In addition,

landscaping and, in some circumstances, noise mitigation may be necessary on the boundaries of the parking area to mitigate impacts on any adjacent development. Further, off-site drainage works may be necessary to deal with the storm run-off created by the parking lot and some watermain work may be necessary to satisfy fire flow requirements.

- Pros:**
- Provides clarity and consistency in the processing of DVP applications for truck parking facilities.
 - Provides for neighbourhood input through the DVP notification process.
 - Will encourage the establishment of truck parking facilities which serves a community need.
 - Provides the City with some control over the location and number of truck parking facilities licensed in Surrey.
 - Amendments to the Zoning and Subdivision and Development By-laws are not required.
 - The City will collect the full amount of DCCs with future redevelopment of the site and the City's interests would be protected with a Restrictive Covenant placed on title.
 - Most of the Engineering Works and Services on the frontage of each parking facility would be deferred until the site is redeveloped.

- Cons:**
- The time and cost associated with the DVP application process along with the element of uncertainty related to the outcome of such a process may discourage applications.
 - Costs for the construction of off-site drainage and water works could be a financial impediment to facility owners/operators for sites which do not front adequately sized storm drainage and water systems.

Evaluation

Based on the “pros” and “cons” listed above, *Option 2* is considered to be the most reasonable approach to facilitate the establishment of truck parking facilities in the City. This option achieves reduced “start up” costs while offering neighbours who would potentially be affected by the parking lot an opportunity to provide input prior to Council making a decision on any site. The DVP notification process allows the adjacent property owners an opportunity to express any concerns they may have about the application. Currently, the notification of property owners is limited to those owners of properties immediately adjoining the proposed parking lot site. Council may wish to direct staff to expand the notification area for truck parking facilities to provide for broader neighbourhood input in some circumstances. Concerns submitted by neighbouring residents/owners would be reviewed with the applicant as part of the DVP review process and would be included in summary form for Council's consideration as part of the DVP approval process.

In general terms, the Zoning By-law requirement for a building with washrooms could be varied to require the owner/operator to provide portable toilets on the site. Similarly, the site paving requirement could in some circumstances be varied to allow for a granular surface with hard surfacing only near the entrance to the site to eliminate potential mud tracking problems on the fronting street. Further, the owner/operator could be required by way of a Restrictive Covenant registered on title to use an appropriate dust inhibitor on the site. The works and services requirement of the Subdivision By law would not, in most circumstances, be triggered except for off-site drainage and in some cases water works. The costs for constructing off-site drainage and water works could be substantial in some cases depending on the proximity of the parking facility to these off-site services.

All 9 unlicensed truck parking facilities in the City are eligible to proceed under this option since they are all located in the IL industrial zone which permits the truck parking use.

By-law Enforcement Action

For Option 2 to be fully effective, it is considered important that the owners/operators of unlicensed truck parking lots be motivated to pursue legalization. On this basis, it is recommended that Council direct the By-law Enforcement and Licensing Section to communicate with the owners/operators of these facilities providing them with a copy of this report, Council's direction resulting from this report, and giving them a specific period of time within which to obtain a Business Licence or be faced with the City taking directed steps to have the parking facility closed. Subject to Council giving this direction, if the owners/operators of each of these facilities do not take appropriate action to demonstrate their intent to actively pursue legalization, City staff will proceed with action to have the facility brought into compliance with the City's By-laws or to have the facility closed.

If by-law compliance action is not taken by the City to motivate the owners/operators of the illegal facilities to pursue legalization, the City will likely continue to be faced with complacency on the part of the owners/operators in relation to legalization of their facilities and continued complaints/concerns regarding these illegal facilities such as those raised by Mr. Skazlic documented earlier in this report.

SUMMARY

This report outlines options for facilitating the establishment of legal truck parking facilities in the City. It is recommended that Council endorse *Option 2* that proposes the continued use of the DVP process to facilitate the establishment of truck parking facilities in the City. This option addresses the needs and the requirements of both the City and the truck parking facility owners/operators and provides for neighbourhood input to the decision making process. Subject to Council's adoption of the recommendations of this report, truck parking lot owner/operators with pending Business License applications will be advised of Council's decision and of the actions which they must take to legalize their operations. The By-law Enforcement & Licensing Section staff will take action to enforce the Zoning By-law regulations where the owner/operator of any truck parking facility does not actively pursue the legalization of their business operation.

Original Signed By:

Murray D. Dinwoodie
General Manager,
Planning and Development

GS/kms

Appendix II

Proposed Official Community Plan Amendments

1. Amend Schedule B. – Temporary Use Permit Areas as follows:
 - a. Delete the phrase..."which are not otherwise allowed by an Official Community Plan designation or a zone in the Zoning By-law" from the first sentence under the Introduction Section of Schedule B. The revised sentence will read as follows:

"In those areas designated for Temporary Use Permits, Council has the authority by resolution to issue Temporary Use Permits to allow temporary uses on specific properties."

2. Insert the following as **Temporary Commercial Use Permit Area No. 6** immediately after **Temporary Commercial Use Permit Area No. 5** on page 219.

"Temporary Commercial Use Permit Area No. 6

Temporary Truck Parking Facilities

Purpose

To allow the development and operation of temporary truck parking facilities.

Location

In Light Impact Industrial (IL) zones.

Conditions

1. Zoning By-law Requirements

- (a) The Zoning By-law requirement for the construction of a permanent building, including washroom facilities, with a minimum area of 100 square meters (1,076 sq. ft.) is waived; and
- (b) The Zoning By-law requirement for paving the parking area with asphalt, concrete or other similar pavement is waived and the use of other surfacing material, acceptable to the General Manager of Engineering, is allowed.

2. Landscaping Requirements

- (a) The boundaries of a truck parking facility located, adjacent to uses other than a residential use, shall be landscaped and/or buffered to the City specifications to mitigate visual and noise impacts on adjacent developments; and
- (b) The boundaries of a truck parking facility located adjacent to residential designated area shall provide increased landscaping and other buffering and/or additional noise attenuation measures to be determined, on a case by case basis, by the City to mitigate visual and noise impacts on adjacent developments.
- (c) All required landscaping works and planting materials must be maintained for the life of the Temporary Use Permit. A security deposit may be held by the City to ensure the maintenance of the landscaping.

3. Environmental Considerations

Where the lot contains a creek or has other significant natural environmental features, the Department of Fisheries and Oceans and the Provincial Department responsible for the environment must approve the use and any conditions set by these Departments must be satisfied.

4. Engineering Services Requirements

- (a) A storm water servicing concept and lot grading plan must be submitted to the City's Engineering Department for review and approval;
- (b) The street fronting the property must be constructed to a structural and width standard to accommodate trucks to the satisfaction of the General Manager, Engineering;
- (c) All other engineering requirements such as rights-of-way where necessary must be addressed to the satisfaction of the General Manager, Engineering;
- (d) The parking area shall be designed to support the anticipated vehicle load in order to prevent dirt from being tracked onto the City roadway; and
- (e) Some area of asphalt or concrete paving shall be provided on the site near its driveway to the fronting road to prevent tracking of dirt or mud onto the public street.

5. General Requirements

- (a) A Restrictive Covenant shall be registered on the title of the lot and shall include a notification that truck washing, truck fuel storage or refuelling, storage of waste petroleum fluids and vehicle maintenance onsite are prohibited;
- (b) A security deposit, as specified in the Temporary Use Permit, is to be held by the City to ensure the subject lands are restored to their predevelopment state, within a specified period of time after expiry of the Temporary Use Permit, as specified in the Temporary Use Permit; and
- (c) The subject lands are to be used in accordance with the provisions of the Temporary Use Permit.

Expiration

The Temporary Use Permit shall stay in effect until:

- (a) The date that the permit expires; or
- (b) Two years after the permit was issued;

whichever occurs first."