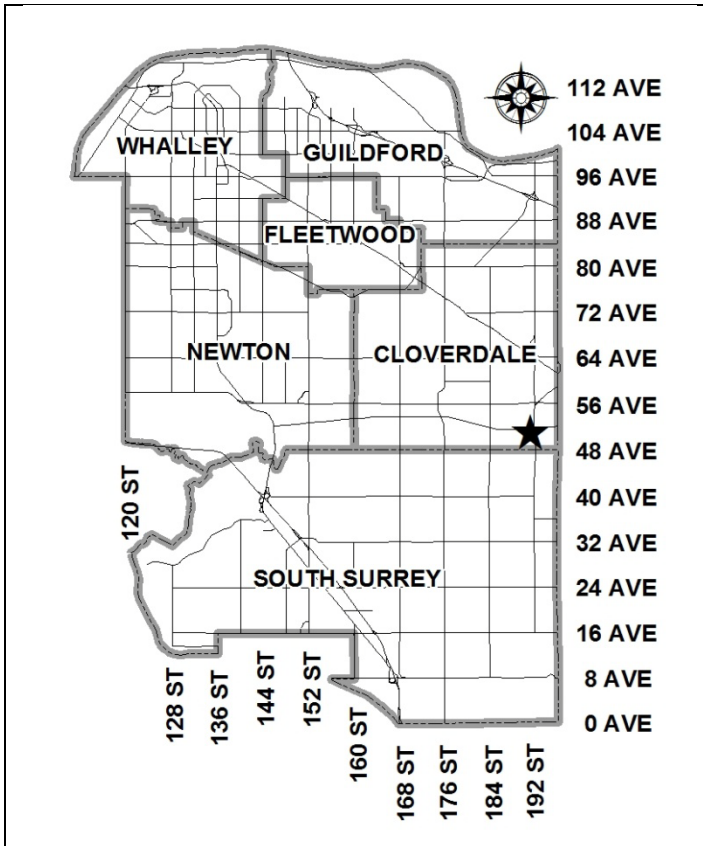


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7911-0213-00

Planning Report Date: May 28, 2012

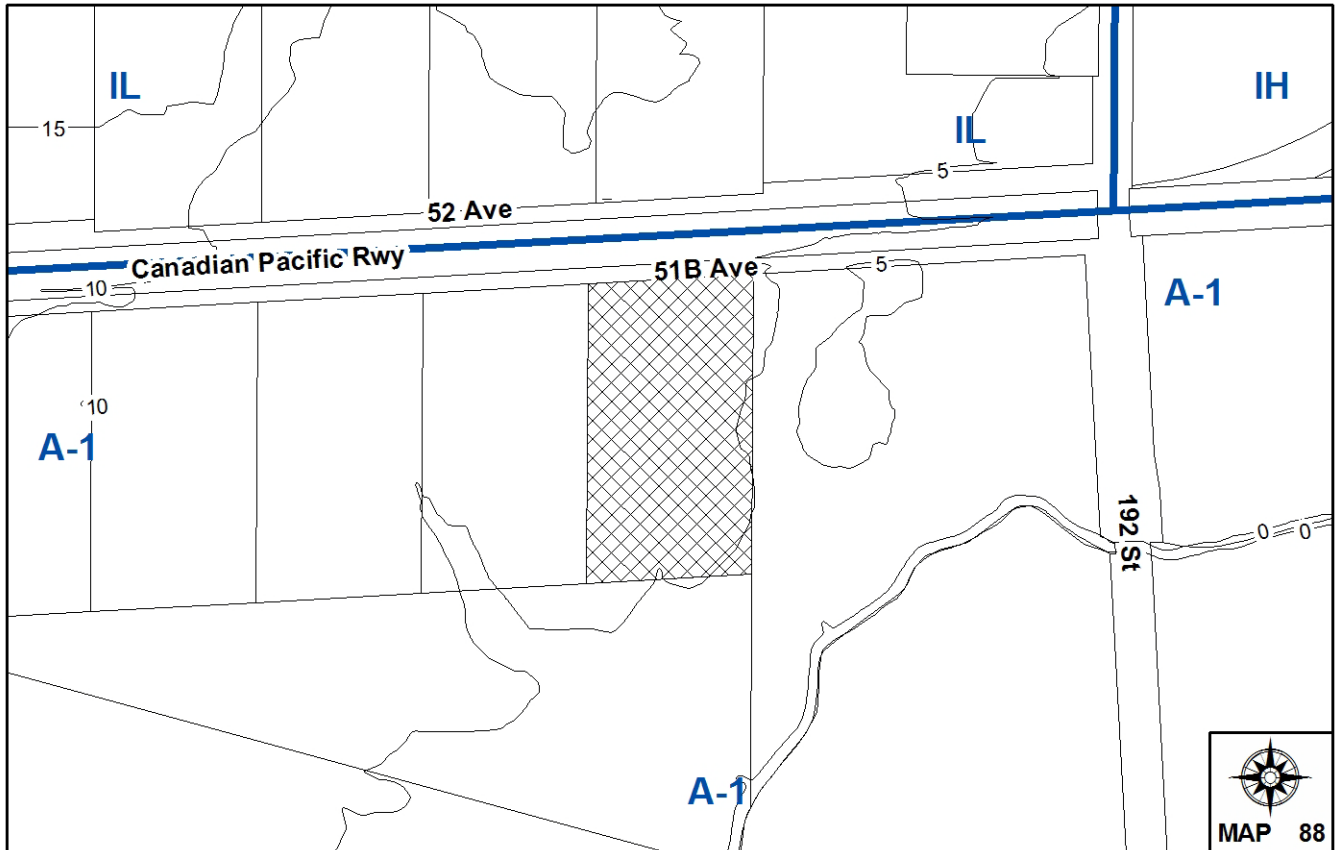


PROPOSAL:

- ALR – Non-Farm Use
- OCP Text Amendment
- Temporary Industrial Use Permit

in order to permit the continuation of a non-conforming landscape supply business within the Agricultural Land Reserve for a two-year period.

LOCATION: 19070 – 51B Avenue
OWNER: Carol Lalonde "In Trust"
ZONING: A-1
OCP DESIGNATION: Agricultural



RECOMMENDATION SUMMARY

1. Refer the proposed non-farm use to the Agricultural Land Commission (ALC).
2. Council instruct staff, should approval from the ALC be forthcoming, to bring forward a subsequent Planning Report with associated conditions of approval, including the following:
 - (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) submission of an acceptable site reclamation plan and cost estimate prepared by a Professional Engineer;
 - (b) submission of adequate security to ensure the site is restored in accordance with the reclamation plan, upon expiration of the proposed Temporary Industrial Use Permit;
 - (c) the applicant engage a fire protection engineer to confirm that the above-ground fuel tanks conform to the BC Fire Code; and
 - (d) the applicant enter into a Good Neighbour Agreement with the City of Surrey.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- A landscape construction and fencing operation within the Agricultural Land Reserve is contrary to the policies in the Official Community Plan of protecting agricultural areas.

RATIONALE OF RECOMMENDATION

- The expanding plant nursery component of the business is suitable in the ALR
- The applicant has advised he has approximately 100 employees in the peak months.
- The proposed Temporary Industrial Use Permit and Non-Farm Use would provide the applicant with sufficient time to find a new, appropriate site for the existing business, vacate the subject site, and convert the subject site to a nursery operation in compliance with the current A-1 zoning.
- The applicant has started converting the subject site to growing nursery stock, a permitted agricultural use, according to the applicant's proposed timeline shown in Appendix II and the Temporary Industrial Use Permit will allow the applicant time to complete the conversion.
- The applicant will be required to post a bond to ensure the removal of the temporary use and to require that the land be reclaimed to a state that it can be used in accordance with the uses permitted in the General Agriculture Zone (A-1).

RECOMMENDATION

The Planning & Development Department recommends that Council authorize referral of the application to the Agricultural Land Commission.

REFERRALS

Engineering: The Engineering Department has no objection to the project.

Agriculture and Food Security Advisory Committee (AFSAC): At the January 12, 2012 Agriculture and Food Security Advisory Committee meeting, the Committee approved a motion to recommend that Council approve the Temporary Use Permit for Application No. 7911-0213-00, without an option for extension or renewal, and that Council recommend to the Agricultural Land Commission that suitable bonding be imposed to ensure the land remediation process is carried through in an appropriate time frame.

SITE CHARACTERISTICS

Existing Land Use: Unauthorized landscape supply business with associated office use and outdoor storage.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 51B Avenue and Canadian Pacific Railway):	Industrial buildings and poultry farm.	Industrial	IL
East:	Fallow farmland with single family house.	Agricultural in the ALR	A-1
South:	Fallow farmland and Nicomekl River.	Agricultural in the ALR	A-1
West:	Fallow farmland with single family house.	Agricultural in the ALR	A-1

DEVELOPMENT CONSIDERATIONSBackground

- The subject site is located in South Cloverdale, on 51B Avenue, just to the west of 192 Street. The land is located within the Agricultural Land Reserve (ALR).
- The subject property is designated Agricultural in the Official Community Plan (OCP). The OCP designation surrounding the subject site to the south, west and east is

Agricultural, although these lands do not appear to be farmed. The OCP designation to the north of the subject site, across 51B Avenue and the railway line, is Industrial.

- The subject site is 1.9 hectares (4.9 acres) in size. A narrow portion of the site, along the east property line, is within the 200-year floodplain of the Nicomekl River.
- Blue Pine Enterprises, a landscaping construction and fencing business, currently operates on the subject site. Blue Pine Enterprises has been operating at this site since 2006, initially under a home-based business license.
- Blue Pine Enterprises currently employs approximately 100 staff, and has outgrown its home-based business license. Services this business offers include commercial and residential landscaping and design, fencing, retaining wall and paving stone installation, erosion control, irrigation, demolitions, asbestos abatement, snow clearing and salting.
- Since 2009, both the City and the ALC have been aware of the current non-farm use on the site and both the City and the ALC have begun by-law enforcement. By-law enforcement action is currently suspended while the owner applies for the appropriate permits.
- The front (north) 1.4 hectares (3.5 acres) of the subject site is currently dedicated to the landscape construction and fencing business, which is contrary to the A-1 Zone. The rear 0.5 hectare (1.2 acres) portion of the site has recently been converted from fallow land to a gravel pad for a plant nursery operation, which complies with the A-1 Zone.
- The 1.4 hectares (3.5 acres) used for the landscape construction and fencing component of the business is predominantly occupied by surface parking, outdoor storage, and farm buildings that have been converted to industrial and office use (see photos in Appendix V).
- The applicant's goal is to continue operating the landscape business on this site while expanding the nursery operation while searching for a new suitable location for the industrial component of the business.
- The proposed nursery operation is complementary to the landscaping business. The intent is for the plant nursery to supply the appropriate vegetative materials for the landscaping business. Any excess supply will be sold as wholesale. The site would not be open to the public.

Current Proposal

- The applicant has applied for a Temporary Industrial Use Permit (TUP) and a non-farm use in the ALR in order to continue their landscaping business on the subject site for up to 2 years while they find a suitable site which they can relocate their business.
- The landscape construction and fencing component of the business is not a permitted use within the A-1 Zone or within the ALR. This current industrial use is encroaching into an existing riparian area and the 200-year floodplain of the Nicomekl River.

- Should ALC support and Council approve the proposed Temporary Use Permit, the applicant would be responsible for preparing and executing a remediation plan, which would include addressing the encroachment into the 200-year floodplain and riparian area.
- Should the applicant remediate the site and convert it to soil-based agriculture, the soil-based agricultural use is permitted to encroach into riparian areas. Should the site be converted to non-soil based agricultural use, an appropriate environmental assessment would be required to determine the appropriate setbacks from the watercourse.
- The applicant retained an agrology consultant, Bruce McTavish of McTavish Resource & Management Consultants Ltd. who proposed two options on how to convert the site to agricultural use over a 3- to 6-year period. The two recommended options were: (1) convert the site into a plant nursery operation; or (2) convert the site into a u-pick blueberry farm. Of the two options, the applicant feels a nursery is the most feasible.
- The consultant subsequently prepared a business plan for the conversion of the whole site to a plant nursery by 2016.
- The applicant has converted the rear 0.5 hectare (1.2 ac.) portion of the site to a nursery operation, and intends to convert the eastern portion of the site to nursery use in autumn 2012.
- On May 21, 2012, the applicant submitted a revised plan to accelerate the conversion to a nursery operation within 2 years, by 2014 (Appendix II). The applicant suggests that it would be difficult for the company to find a new industrial site, vacate the current site and convert the current site to a plant nursery in less than 2 years without severe financial hardship.
- To maximize the space available for the nursery use, the applicant's consultant has recommended the removal of the existing large conifer tree line that parallels the west property line and recommends the extension of the nursery beds as close as possible to the property line on the west. To screen the existing single family dwelling on the adjacent lot to the west, the consultant recommends the installation of a cedar hedge along the west property line.
- A tree cutting permit would be required for the removal of any trees protected by the Tree Protection By-law.
- The applicant has agreed to enter into a Good Neighbour Agreement, which is a tool that assists in addressing impacts on the surrounding properties by securing the owner's commitment to responsible business practices. Failure to abide by the terms of the Agreement would constitute grounds for Council to consider suspending or revoking the business license for the operation or imposing new conditions on the business license.
- The Good Neighbour Agreement would address items such as
 - Noise;
 - Maximum permitted vehicle weight;
 - Hours of operation; and
 - Cleanliness.

Project Evaluation:

Cons:

- The applicant has been operating on this site since 2006, and the operation has been under by-law investigation since 2009. During this time, the applicant has not fully addressed the by-law infractions.
- The existing landscape construction and fencing operation is not consistent with Official Community Plan Policy F-1.2.4 “Maintain Agricultural Activities”. This policy is to ensure that all land uses within the Agricultural Land Reserve conform to the policies and regulations of the Agricultural Land Commission Act and the Farm Practices Protection Act.
- Allowing this business on ALR lands creates an economic disadvantage for similar operations that conform to the City by-laws that are required to purchase higher priced, appropriately zoned land on which to operate their business.
- Approving this site as a TUP area for a landscape construction and fencing operation will likely further delay the remediation of this site and does not support the goal of maintaining agricultural activities within agricultural areas.

Pros:

- The applicant has been operating on this site since 2006. According to the applicant, the business has grown to over 100 employees. The TUP would allow the applicant to continue the landscaping business and retain staff for up to 2 years while they find a suitable site to relocate their business.
- The applicant suggests that it would be difficult for the company to find a new industrial site, vacate the current site and convert the current site to farming in less than 2 years without severe financial hardship.
- The applicant has prepared a nursery conversion plan, which will bring the site into compliance with the zone and the permitted uses within the Agricultural Land Reserve.
- The applicant has already demonstrated their intention to convert to a plant nursery, by bringing the rear 0.5 hectare (1.2 ac.) portion of their property into nursery production.
- The applicant’s conversion plan is consistent with Official Community Plan Policy F-1.3.1 “Enhance Agricultural Viability”. This policy is to support and encourage agricultural, livestock and horticultural uses in the City and the processing, production, distribution and sale of locally grown products.

- On January 12, 2012, the Agriculture and Food Security Advisory Committee recommended that Council approve the Temporary Use Permit for Application No. 7911-0213-00, without an option for extension or renewal, and that Council recommend to the Agricultural Land Commission that suitable bonding be imposed to ensure the land remediation process is carried through in an appropriate time frame.
- The applicant has agreed to enter into a Good Neighbour Agreement to regulate the use on the site, and to bond for remediation of the land.

Procedures

- There are two components to the processing of this application for consideration:
 1. 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.
 2. Adoption of an Official Community Plan text amendment, declaring the site a TUP area, and the associated issuance of the Temporary Industrial Use Permit, to allow the continuation of the existing business for a period of two years.
- The purpose of this report is to request Council's authorization to refer the application to the Agricultural Land Commission (ALC).
- Should the ALC be supportive of the proposed use, staff will write a subsequent report to Council, requesting that:
 - a By-law be introduced to amend the OCP by declaring the subject site a Temporary Industrial Use Permit Area and a date for Public Hearing be set;
 - Council approve Temporary Industrial Use Permit No. 7911-0213-00 to proceed to Public Notification (see Appendix IV for a draft of the proposed TUP);
 - the applicant enter into a Good Neighbour Agreement with the City of Surrey; and
 - Council direct staff to bring forward this application 5 months from the date of approval to proceed for the TUP component, for consideration of filing if the conditions have not been adequately fulfilled by the applicant.

PRE-NOTIFICATION

Pre-notification letters were mailed on October 7, 2011, and the development proposal sign was erected on October 16, 2011. Staff have been in communication with one area resident, who has the following concerns:

- This resident has lived next door to the subject site for over 25 years, and has observed Blue Pine Enterprises develop into a substantial landscaping business that includes a fleet of several vehicles including large dump trucks.

(The subject business has had a home-based business license at this location since 2006. The number of employees recorded on the business license has since grown to 100 employees. Given the scale of the current business, the applicant is requesting a TUP in order to have sufficient time to relocate the industrial component of the business without significant disruption to the business.)

- This resident has significant concerns about the noise from the subject site, which operates from 6:00 am to 7:00 pm Monday to Saturday, and occasionally on Sunday. The noise is reportedly loud, continuous and frequent. Some of the typical noises include trucks accessing the site and loading equipment and material onto the trucks.

(The applicant has informed staff that the typical hours of operation for the non-nursery component of the business from November 1st to June 30th are 7:00 am to 7:00 pm Monday to Friday, and from July 1st to October 31st are 7:00 am to 7:00 pm Monday to Friday and 8:00 am to 4:00 pm on Saturdays. The applicant has informed staff that typical business activities include surface parking for employees, work trucks and landscape equipment, outdoor storage of construction materials such as lumber, bricks, blocks, and fencing materials. Only employees access the site; it is not open to the public.

As a condition of the Temporary Use Permit, the applicant has agreed to limit the hours of operation from November 1st to June 30th to 7:00 am to 7:00 pm Monday to Friday, and limit the hours of operation from July 1st to October 31st to 7:00 am to 7:00 pm Monday to Friday and 8:00 am to 4:00 pm on Saturdays. The applicant has also agreed to ensure that noise emissions from the non-farm use do not disturb surrounding residents, and do not violate Surrey Noise Control Bylaw.)

- The resident has concerns about the size of the vehicles accessing the site, and the degradation of the pavement along this section of 51B Avenue.

(As a condition of the Temporary Use Permit, the applicant has agreed to restrict the size of vehicles accessing the site to be less than 15,000 kilograms (33,000 lbs.), and that all staff and clients of the non-farm use must comply with the BC Motor Vehicle Act, and the Surrey Highway and Traffic By-law.

Furthermore, the applicant has agreed to enter into a Good Neighbour Agreement, which would address items such as noise, vehicle weight, hours of operation, and cleanliness of the site.)

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Site Plan with Proposed Conversion Timeline
Appendix III.	Agriculture and Food Security Advisory Committee Minutes for January 12, 2012
Appendix IV.	Draft Proposed Temporary Industrial Use Permit No. 7911-0213-00
Appendix V.	Photos of the Subject Site

INFORMATION AVAILABLE ON FILE

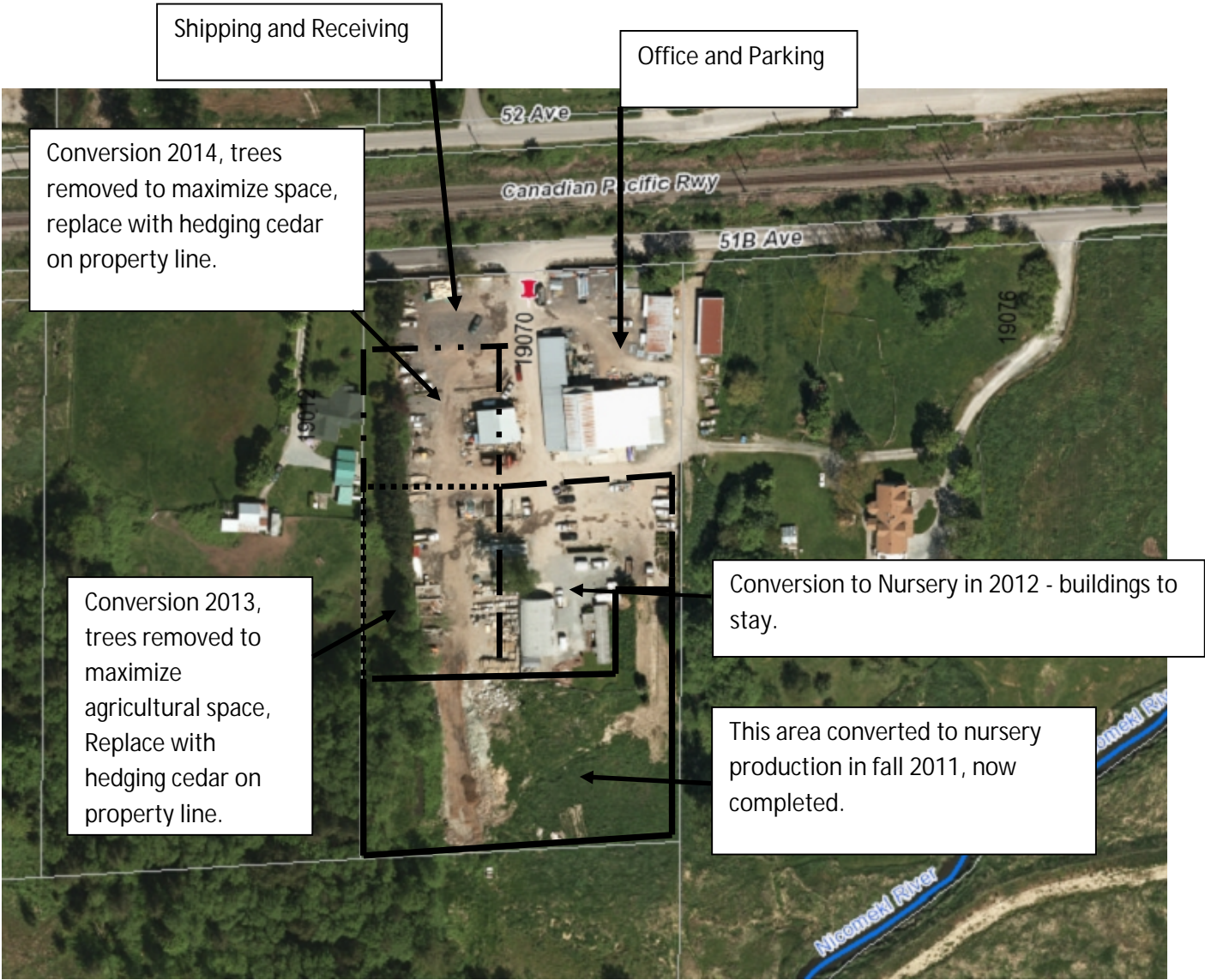
- Agricultural Assessment Prepared by McTavish Resource & Management Consultants Ltd. dated August, 20 2011
- Container Nursery Business Development Plan Prepared by McTavish Resource & Management Consultants Ltd. dated August, 20 2011

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

SAL/kms

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Agriculture and Food Security Advisory Committee Minutes

Present:

Cllr. Linda Hepner - Chair
D. Arnold
M. Bose
P. Harrison
M. Hilmer
J. Sandhar
B. Sandhu
K. Thiara
S. VanKeulen

Regrets:

T. Pellett, Agricultural Land
Commission

Environmental Advisory**Committee Representative:**

B. Stewart

Staff Present:

R. Dubé, Engineering
C. Stewart, Planning & Development
M. Kischnick, Planning & Development
L. Anderson, Legislative Services

Agency Representative:

K. Zimmerman, Ministry of Agriculture

Guest Observers:

Mike Lalonde, President, Blue Pine Enterprises
Bruce McTavish, McTavish Resource & Management Consultants
Grant Rice
Michael Steele

...

D. NEW BUSINESS**1. Proposed Temporary Use Permit (TUP) and Non-Farm Use Within the ALR
19070 51B Avenue
File No. 7911-0213-00**

S. Long, Associate Planner, was in attendance to review her memo, dated January 6, 2012, regarding the above subject application and to receive feedback from the Committee. Comments were as follows:

- The land is located within the ALR in Cloverdale on 51B Avenue, west of 192 Street, and designated Agricultural in the OCP.
- The OCP designation surrounding the property is also Agricultural to the south, west and east and Canadian Pacific Railway and Industrial use to the north.
- The subject site is 4.9 acres, of which the front 3.5 acres are currently dedicated to a landscape construction and fencing business, operating since 2006 (initially under a home based business license), and predominantly occupied by surface parking, outdoor storage and farm buildings that have been converted to industrial and office use. The remaining 1.2 acres were recently converted from fallow land to a gravel pad for a nursery operation.
- The operation expanded quite quickly and as a result, since 2009, both the City and the ALC have been aware of the current non-farm use on the site and have begun by-law enforcement.

- The applicant has applied for a TUP and Non-Farm Use in order to continue their landscaping business for up to 3 years while they find a suitable site to relocate their business.
- The applicant hired an agrologist to make recommendations on how to convert the site back to agricultural use (attached to the information provided to the Committee) over a 3-year period. Two recommended options were to convert the site into a nursery operation, or to convert the site into a u-pick blueberry farm. Of the two options, the nursery appears to be most feasible.
- The intent of this application is for a nursery, with retention of the existing buildings.

The business plan for the conversion of the site to a nursery, as prepared by the consultant, McTavish Resource & Management Consultants, was reviewed. It was noted that the applicant has begun to convert the rear 1.2 acre portion of the site and intends to convert the eastern portion of the site by spring 2012. Staff further noted that the applicant recently submitted a revised plan to accelerate the original full conversion to a nursery operation from 2016 to 2014 and that an earlier timeline for the company to vacate, find a new site and convert the land faster than this, without severe financial hardship, would be difficult.

The Committee commented as follows:

- The business is non-conforming and seeking approval after the fact.
- To convert the site to a container nursery means there will be gravel brought in. It is important, if approved, that proper geotextile barrier material be used under the gravel in order to facilitate the remediation of the land when taking gravel out to reclaim.
- Potential options could be:
 - Recommend denial of the application and request there be a significant financial bond held until the gravel, etc. is removed and the property has been returned to a farmable state; or
 - Recommend conditional approval of the TUP to include any/all of the following:
 - a legal survey, a copy of which to be provided to the City and neighbouring properties (to help reduce any conflict);
 - a financial bond posted to the City to cover the cost of the removal of any gravel and asphalt that hasn't been removed;
 - notification to the City's Licensing department that there be no additional business licenses issued for the business unless it is on land outside of the ALR;
 - to meet the criteria, as provided in the information to the Committee, to use the same sand and gravel materials to convert the lands as that which was used for the portion done in 2011, including a geotextile barrier under the gravel.
 - a fill permit, possibly to include monthly reports submitted from a P.Ag. to confirm meeting the standards as identified in the plan; and
 - a cedar hedge along the property line.
- The intention is to grow potted plants, etc., and sell any excess to trade retailers, not the public.
- Not opposed to the transition time and allowing time to clean up the site and find a new move to a new site, but not in favour of a TUP as that allows

another 3 years, which could lead to an extension for a further 3 years, etc. It is tricky because there needs to be time allowed for the transition. This is a business that has to continue, they just need time.

- At the same time, it is a business that didn't follow the proper steps. A bond should be in place to ensure remediation of the land.
- There should be testing of the soils beneath the existing asphalt to make sure there isn't any contamination.
- The ALC have the mechanism for substantial bonding in this regard.

It was

Moved by D. Arnold

Seconded by S. Van Keulen

That the Agriculture and Food Security

Advisory Committee recommends to the G.M. Planning and Development that instead of a Temporary Use Permit for Application No. 7911-0213-00, the Applicant apply for the development of a ground based nursery and be granted:

1. an extension of time, with sufficient financial bonding to remediate the land (including ground water testing), so as to make the land suitable for a nursery business; or
2. transitional time, without interference from By-law Enforcement, to allow, under the ALC guidelines for bonding, for the placement of a nursery business.

Discussion ensued:

- The nursery is an agricultural business. Anything trucked in requires an ALC permit. The placing of the gravel for an ALC application requires a permit.
- The information received doesn't suggest there is any need to go to the ALC other than an application for the gravel. Using the TUP allows the City to control the use of the site more and monitor requirements of the Permit.
- Without the issuance of a Temporary Use Permit (TUP), the site would remain in contravention of the bylaw for the non-conforming (non-farm) use of the Site.
- The mechanism of the TUP is the optimal method to allow the City to set the time frame for business to move to another site (up to 3 years), allow the collection of securities, and specify the conditions under which the existing non-farm use will be transitioned off the site.
- Part of the AFSAC recommendation should be that Council that no extensions to the TUP will be granted. Council can take this recommendation into consideration and decide which way they want to proceed. If the applicant does come back, it will be noted already that an extension was not recommended.
- We want to provide the application enough time to transition smoothly so as not to interrupt the viable, operating business that is currently there.
- It is a positive move for agriculture, reclaiming land and turning it into something viable.

Before the motion was put:

It was

Moved by M. Hilmer

Seconded by M. Bose

That the Agriculture and Food Security

Advisory Committee recommend that Council approve the Temporary Use Permit for Application No. 7911-0213-00, without an option for extension or renewal, and that Council recommend to the Agricultural Land Commission that suitable bonding be imposed to ensure the land remediation process is carried through in an appropriate time frame.

Carried

CITY OF SURREY

(the "City")

TEMPORARY INDUSTRIAL USE PERMIT

NO.: 7911-0213-00

Issued To: CAROL LALONDE "IN TRUST"

("the Owner")

Address of Owner: 18121 - 73 Avenue
Surrey, BC
V4N 3G5

1. This temporary use permit is issued subject to compliance by the Owner with all statutes, by-laws, orders, regulations or agreements, except as specifically varied by this temporary use permit.
2. This temporary use permit applies to that real property including land with or without improvements located within the City of Surrey, with the legal description and civic address as follows:

Parcel Identifier: 007-502-702
Lot 5 Section 4 Township 8 New Westminster District Plan 1485

19070 - 51B Avenue

(the "Land")

3. The Land has been designated as a Temporary Industrial Use Permit Area in Surrey Official Community Plan, 1996, No. 12900, as amended.
4. The temporary use permitted on the Land shall be:
 - (a) Landscape supply and fencing business, with associated office use, outdoor storage and surface parking.
5. The temporary use shall be carried out according to the following conditions:
 - (a) The appearance and location of the non-farm use, access and parking, as well as the phased conversion to a nursery operation, shall be as shown on Schedule A which is attached hereto and forms part of this permit;
 - (b) The phased conversion to a nursery operation shall be in accordance with all City of Surrey By-laws and the Agricultural Land Commission Act;

- (c) Vehicles accessing the site for the non-farm use are restricted to weighing less than 15,000 kilograms [33,000 lbs.] GVW;
 - (d) The parking surface for the non-farm use shall be of a dust-free material such as crushed gravel;
 - (e) The noise emissions from the non-farm use do not disturb surrounding residents, and do not violate Surrey Noise Control Bylaw, 1982, No. 7044;
 - (f) The non-farm use only operates:
 - i. from November 1 to June 30, between the hours of 7:00 a.m. to 7:00 p.m., Monday to Friday; and,
 - ii. from July 1 to October 31, between the hours of 7:00 a.m. to 7:00 p.m., Monday to Friday, and between the hours of 8:00 a.m. to 4:00 p.m. on Saturdays;
 - (g) Upon the termination of this Temporary Use Permit, the non-farm use shall be removed and the land restored to a condition that the land can be used according to Section B Permitted Uses of Part 10 General Agriculture Zone (A-1) of Surrey Zoning By-law, 1993, No 12000 as amended; and,
 - (h) This Temporary Use Permit is requested by the owner to enable the owner to move the non-farm use portion of the business off the land within two (2) years.
6. As a condition of the issuance of this temporary use permit, Council is holding security set out below (the "Security") to ensure that the temporary use is carried out in accordance with the terms and conditions of this temporary use permit. Should the Owner fail to comply with the terms and conditions of this temporary use permit within the time provided, the amount of the Security shall be forfeited to the City. The City has the option of using the Security to enter upon the Land and perform such works as is necessary to eliminate the temporary use and bring the use and occupancy of the Land into compliance with Surrey Zoning By-law, 1993, No. 12000, as amended (the "Works"). The Owner hereby authorizes the City or its agents to enter upon the Land to complete the Works. There is submitted accordingly:
- An Irrevocable Letter of Credit, in a form acceptable to the City, in the amount of \$ (TBD)
7. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this temporary use permit. This temporary use permit is not a building permit.
8. An undertaking submitted by the Owner is attached hereto as Appendix I and forms part of this temporary use permit.
9. This temporary use permit is not transferable.

10. This temporary use permit shall lapse on or before two years from date of issuance

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE DAY OF , 20 .

ISSUED THIS DAY OF , 20 .

Mayor – Dianne L. Watts

City Clerk – Jane Sullivan

DRAFT

IN CONSIDERATION OF COUNCIL'S APPROVAL OF THIS TEMPORARY USE PERMIT AND OTHER GOOD AND VALUABLE CONSIDERATION, I/WE THE UNDERSIGNED AGREED TO THE TERMS AND CONDITIONS OF THIS TEMPORARY USE PERMIT AND ACKNOWLEDGE THAT WE HAVE READ AND UNDERSTOOD IT.

Authorized Agent: Signature

OR

Name (Please Print)

Owner: Signature

Name: (Please Print)

DRAFT

TO THE CITY OF SURREY:

I, CAROL LALONDE "IN TRUST" (Name of Owner)

being the owner of Lot 5 Section 4 Township 8 New Westminster District Plan 1485
(Legal Description)

known as 19070 - 51B Avenue
(Civic Address)

hereby undertake as a condition of issuance of my temporary use permit to:

- (a) demolish or remove all buildings and/or structures that are permitted to be constructed pursuant to the temporary use permit issued to me; and
- (b) restore the land described on the temporary use permit to a condition specified in that permit;

all of which shall be done not later than the termination date set out on the temporary use permit.

I further understand that should I not fulfill the undertaking described herein, the City or its agents may enter upon the land described on the temporary use permit and perform such work as is necessary to eliminate the temporary use and bring the use and occupancy of the land in compliance with Surrey Zoning By-law, 1993, No. 12000, as amended, and that any securities submitted by me to the City pursuant to the temporary use permit shall be forfeited and applied to the cost of restoration of my land as herein set out.

This undertaking is attached hereto and forms part of the temporary use permit.

(Owner)

(Witness)

Photos of subject site

December 2011: container nursery area, south portion of site



December 2011: surface parking and buildings



December 2011: outdoor storage and buildings



December 2011: outdoor storage



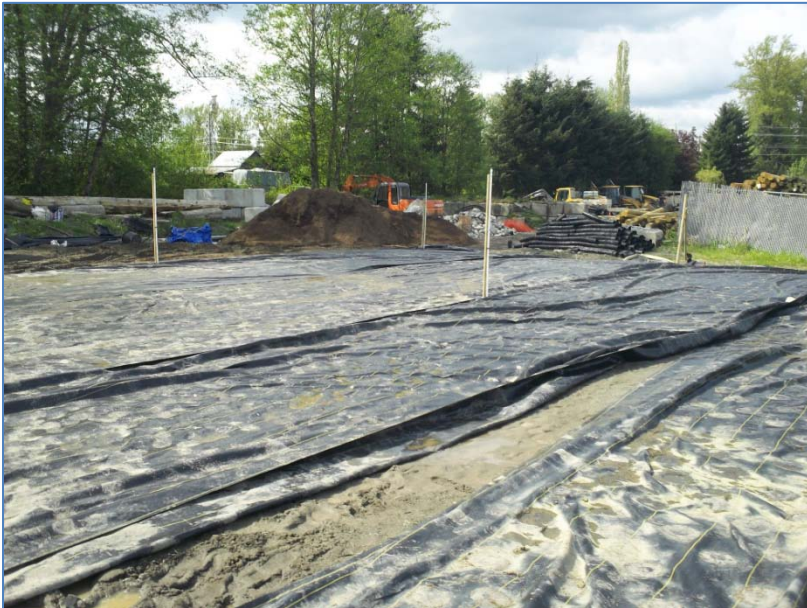
December 2011: outdoor vehicle and machine storage



December 2011: outdoor vehicle and machine storage



April 2012: nursery area at south portion of site



April 2012: nursery area at south portion of site



April 2012: nursery area at south portion of site



April 2012: outdoor storage



April 2012: machine shop



April 2012: parking and outdoor storage

