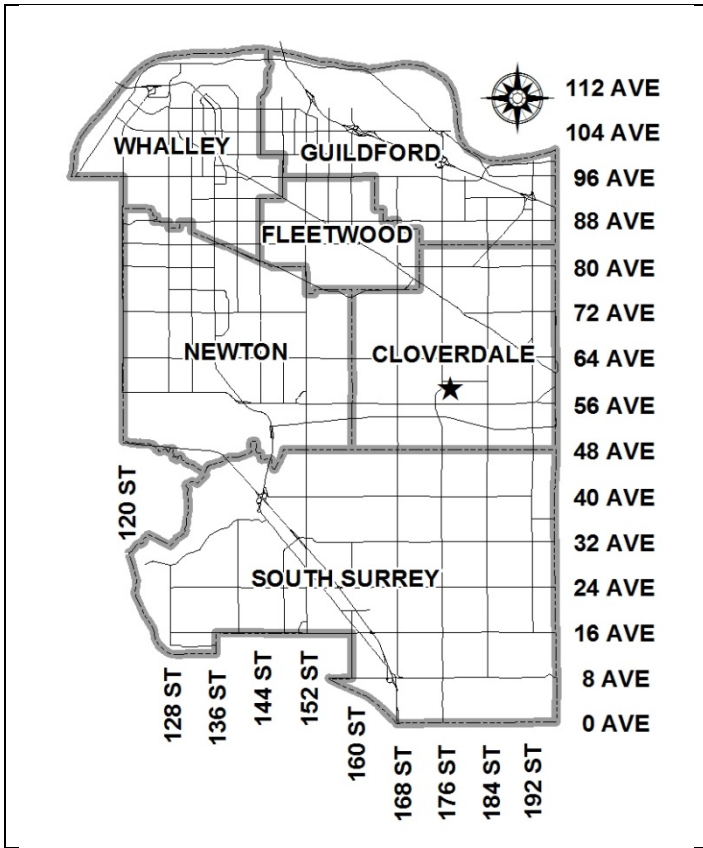


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7914-0143-00

Planning Report Date: July 7, 2014



**PROPOSAL:**

- OCP Text Amendment
- Temporary Commercial Use Permit

in order to allow for the temporary sale of firearms and ammunition during a 3-day event at the Cloverdale Fairgrounds.

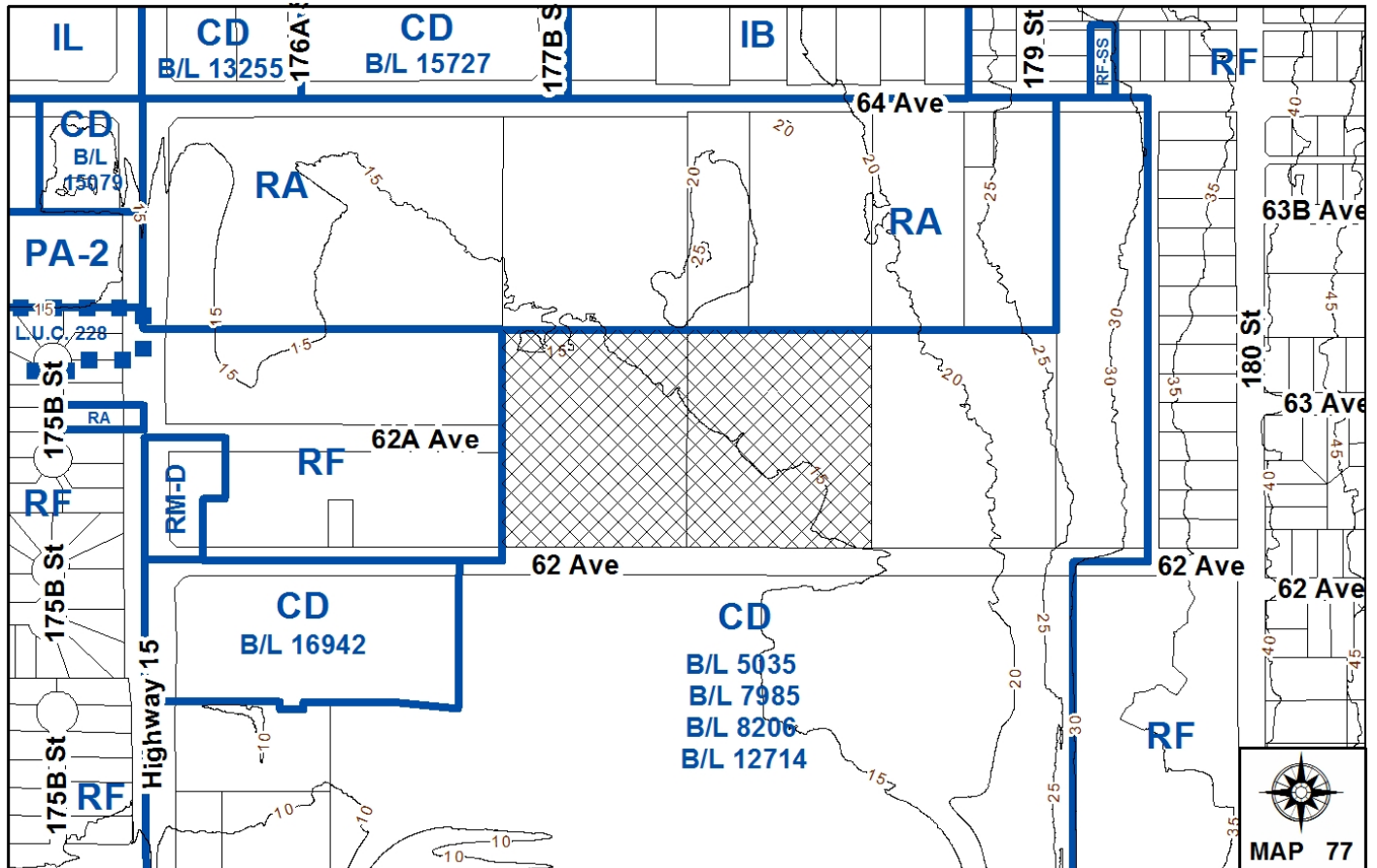
**LOCATION:** 17835 - 62 Avenue  
 17763 - 62 Avenue

**OWNER:** City of Surrey

**ZONING:** CD By-law No. 5035, as amended by  
 By-law Nos. 7985, 8206 and 12714

**OCP DESIGNATION:** Urban

**LAP DESIGNATION:** Recreational



### RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for the OCP Text Amendment.
- Approval for Temporary Commercial Use Permit to proceed to Public Notification.

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The Zoning By-law prohibits the sale of new and used firearms and ammunition.

### RATIONALE OF RECOMMENDATION

- The applicant proposes a Temporary Commercial Use Permit (TUP) to allow the sale of new and used firearms and ammunition for a limited 3-day period to accommodate an outdoor exhibition (rod and gun show) at the Cloverdale Fairgrounds.
- The sale of firearms and ammunition is prohibited in the Zoning By-law and therefore a TUP has been requested for such sales during the 3-day event.
- The sale of new and used firearms and ammunition is only a small portion of the outdoor exhibition being organized by the applicant, and will only be permitted under the terms of the Temporary Commercial Use Permit for the duration of the 3-day event.
- The sale, transportation and if required registration of firearms and ammunition is regulated by Federal legislation (Firearms Act).

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to amend the OCP by declaring the subject site a Temporary Commercial Use Permit Area and a date for Public Hearing be set.
2. Council determine the opportunities for consultation with persons, organizations and authorities that are considered to be affected by the proposed amendment to the Official Community Plan, as described in the Report, to be appropriate to meet the requirement of Section 879 of the Local Government Act.
3. Council approve Temporary Commercial Use Permit No. 7914-0143-00 (Appendix III) to proceed to Public Notification.

REFERRALS

Engineering:	The Engineering Department has no objection to the project.
Surrey RCMP:	The National Weapons Enforcement Support Team (NWEST) was contacted to provide comments regarding the proposed sale of firearms and ammunition at the outdoor exhibition. They expressed no concerns and advised that any decision regarding this matter rests with City Council.
Festival and Event Support Team (FEST):	If the TUP is granted approval to proceed, FEST will review the logistics of the event at their next meeting.

SITE CHARACTERISTICS

Existing Land Use: Cloverdale Agriplex

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	City-owned treed lot, and Cloverdale skateboard park	Urban	RA

Direction	Existing Use	OCP Designation	Existing Zone
East:	City-owned detention pond, and treed lot	Urban	CD By-law No. 5035 as amended by By-law Nos. 7985, 8206 and 12714
South (Across 62 Avenue):	City-owned lot with horse barns	Urban	CD By-law No. 5035 as amended by By-law Nos. 5035, 7985, 8206 and 12714
West:	City-owned parking lot and Bill Reid Millennium Amphitheatre	Urban	RA

### DEVELOPMENT CONSIDERATIONS

#### Background:

- With the adoption of Surrey Zoning By-law No. 12000 in 1993, the manufacture and sale of firearms and ammunition were specifically prohibited in all Zones in Surrey (Sub-sections C.1(b) and (c) of Part 4 General Provisions).
- The Cloverdale Fairgrounds are located on City-owned land north of the Cloverdale Town Centre. The leasing of these facilities is prescribed under an operating agreement between the City and the Lower Fraser Valley Exhibition Association, which is valid from January 1, 2014, through December 31, 2016.
- The operating agreement details the rights and obligations of both parties. Specific to the matter before Council is that the agreement specifies the following conditions with respect to the rental of the facility:
  - Section 3.1: the lands and all improvements are to be used by the Operator for cultural, recreational uses, community events, livestock shows and trade shows as approved by the City (but specifically excludes extreme martial arts);
  - Section 11.5 Booking and Advertising: All events that are likely to involve two hundred and fifty or more persons attending the event shall be referred to the City's Festival and Event Support Team (FEST) for comment prior to the leasing of the facilities; and
  - Section 19.2 Codes and By-laws: the Operator will provide the Services in full compliance with all applicable laws and regulations.
- The applicant, Clover Ventures Ltd, wishes to lease the Cloverdale Fairgrounds in order to hold an outdoor exhibition from September 5 through 7, 2014. As a requirement of holding this event, the applicant must obtain a business license.
- Upon submission of the business license request, the applicant was advised that a business license could not be issued as the exhibition includes the sale of firearms and ammunition,

which is strictly prohibited within the City.

Current Proposal:

- The applicant has requested a Temporary Commercial Use Permit for the period between September 5 through 7, 2014 to allow an outdoor exhibition at the Cloverdale Fairgrounds which includes the sale of new and used firearms and ammunition.
- The sale of new and used firearms as well as the purchase of ammunition is regulated under federal legislation, specifically, the Firearms Act. There are additional federal regulations under the Storage, Display and Transportation of Firearms and Other Weapons by Businesses Regulations which further addresses the conditions that businesses have to satisfy with respect to the display, securing, storage and transportation of firearms. These federal regulations would apply to the vendors at rod and gun shows.
- Everyone who possesses or wishes to acquire a firearm (non-restricted, restricted or prohibited) or purchase ammunition must be licensed to do so. An individual must first complete a firearms safety training course which is overseen by the RCMP Canadian Firearms Program and teaches students how to safely handle, use and store firearms.
- Upon completion of the course, an individual completes an application for a Personal and Acquisition License (PAL) through the local RCMP detachment. This license authorizes the owner for the purchase and sale of firearms and ammunition, and is renewable every five years.
- Restricted and prohibited weapons require additional licensing (Personal Acquisition Restricted License) and also require an Authorization to Transport (ATT) between the location where the firearms are stored and the rifle range.
- Planning staff discussed the proposal with the Chief Firearms Officer (CFO). Provided that the CFO is advised of the dates of the outdoor exhibition, they will endeavor to have staff available to issue new ATT's to accommodate the transfer of restricted and prohibited firearms between parties, and to allow for the transport of those firearms from the event to the purchaser's home.
- The proposed TUP application was forwarded to Surrey RCMP Cloverdale District Policing Station to provide their comments. They discussed this proposal with the National Weapons Support Team (NWEST) that advised that the approval of this proposed outdoor show, including the sale of firearms and ammunition is within City Council's jurisdiction. They expressed no concerns with this event.
- The applicant has advised that this outdoor exhibition will cater to patrons who are interested in pursuing outdoor adventures such as camping, fishing and hunting. This includes new and used fishing gear, tents, campers, boats, ATV's and themed home décor items in addition to new and used firearms and ammunition. The applicant is proposing to market this as a family event.
- The proposed Temporary Commercial Use Permit will allow for the sale of firearms and ammunition at an outdoor exhibition in accordance with the Firearms Act for a limited three-

day period.

### PRE-NOTIFICATION

In accordance with Council policy, a development proposal sign was erected on the property and pre-notification letters were mailed on June 17, 2014. To date, staff have not received any correspondence or telephone calls about the proposed Temporary Commercial Use Permit.

### PUBLIC CONSULTATION PROCESS FOR OCP AMENDMENT

Pursuant to Section 879 of the Local Government Act, it was determined that it was not necessary to consult with any persons, organizations or authorities with respect to the proposed OCP amendment, other than those contacted as part of the pre-notification process.

No other agencies and organizations are considered to be affected by the proposed OCP Amendment that requires specific consultation.

### INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II	OCP Text Amendment By-law
Appendix III	Temporary Commercial Use Permit No. 7914-0143-00

*original signed by Judith Robertson*

Jean Lamontagne  
General Manager  
Planning and Development

LAP/da

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Information for City Clerk

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

1. (a) Agent: Name: Clover Ventures Ltd.

Address: 17667 - 57 Avenue  
Surrey, BC V3S 1H1  
Tel: (604) 536-4058  
Fax: (604) 576-8866

2. Properties involved in the Application

(a) Civic Addresses: 17835 - 62 Avenue  
17763 - 62 Avenue

(b) Civic Address: 17835 - 62 Avenue  
Owner: City Of Surrey  
PID: 007-557-035  
Lot 15 Section 8 Township 8 New Westminster District Plan 4506

(c) Civic Address: 17763 - 62 Avenue  
Owner: City Of Surrey  
PID: 007-559-909  
Lot 16 Section 8 Township 8 New Westminster District Plan 4506

3. Summary of Actions for City Clerk's Office

- (a) Introduce a By-law to amend the Official Community Plan Text Amendment Bylaw to designate the site a Temporary Commercial Use Permit Area.
- (b) Proceed with Public Notification for Temporary Commercial Use Permit No. 7914-0143-00 and bring the Temporary Use Permit forward for issuance and execution by the Mayor and City Clerk.

CITY OF SURREY

BY-LAW NO.

A by-law to amend the provisions of Surrey Official  
Community Plan By-law, 1996, No. 12900, as amended

.....

THE CITY COUNCIL of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

- 1. Surrey Official Community Plan By-law 1996, No. 12900, as amended, is hereby further amended as follows:

Division A. Schedule B *Temporary Use Permit Areas*, under the heading *Temporary Commercial Use Permit Areas*, by adding the following section immediately following Temporary Commercial Use Permit Area No. \_\_\_\_

Temporary Commercial Use Permit Area No. \_\_\_\_

**Rod and Gun Show**

Purpose: To allow the sale of new and used firearms and ammunition in conjunction with an outdoor exhibition.

Legal Description: 007-5579-035  
Lot 15, Section 8 Township 8 New Westminster District Plan 4506

007-559-909  
Lot 16 Section 8 Township 8 New Westminster District Plan 4506

Location: 17835 and 17763 – 62 Avenue

Conditions: The sale and transport of all firearms and ammunition are to be in accordance with the Firearms Act.

Expiration: The Temporary Commercial Use Permit will remain in effect until the earlier of the following:

- (a) The date specified in the Temporary Commercial Use Permit.



2. This By-law shall be cited for all purposes as "Surrey Official Community Plan By-law, 1996, No. 12900, Text No. \_\_\_\_Amendment By-law, 2014, No. "

PASSED FIRST AND SECOND READING on the, day of

PUBLIC HEARING HELD thereon on the, day of

PASSED THIRD READING on the day of

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the day of ,

\_\_\_\_\_ MAYOR

\_\_\_\_\_ CLERK

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## CITY OF SURREY

(the "City")

## TEMPORARY COMMERCIAL USE PERMIT

NO.: 7914-0143-00

Issued To: CITY OF SURREY  
("the Owner")

Address of Owner: 13450 – 104 Avenue  
Surrey BC V3T 1V8

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: 007-557-035

Lot 15 Block 1 North West Quarter Section 8 Township 8 New Westminster District Plan 4506  
17835 62 Avenue

Parcel Identifier: 007-559-909

Lot 16 Block 1 North West Quarter Section 8 Township 8 New Westminster District Plan 4506  
17763 62 Avenue

(the "Land")

3. The Land has been designated as a Temporary Commercial Use Permit Area in Surrey Official Community Plan, 1996, No. 12900, as amended.
4. The temporary use permitted on the Land shall be for the sale of new and used firearms and ammunition in conjunction with an outdoor exhibition from September 5<sup>th</sup> through September 7<sup>th</sup>, 2014.
5. The temporary use shall be carried out according to the following conditions:
  - The sale of new and used firearms and ammunition shall be in accordance with the Firearms Act.

- 6. 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.
- 7. An undertaking submitted by the Owner is attached hereto as Appendix I and forms part of this temporary use permit.
- 8. This temporary use permit is not transferable.
- 9. This temporary use permit shall lapse on or before September 8, 2014.

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

ISSUED THIS      DAY OF      , 20 .

\_\_\_\_\_  
Mayor – Dianne L. Watts

\_\_\_\_\_  
City Clerk – Jane Sullivan

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

**NICHOLAS RAWCLIFFE**  
Manager Realty Services

\_\_\_\_\_  
Name: (Please Print)

TO THE CITY OF SURREY:

I, Nicholas Rawcliffe (Name of Owner)

being the owner of Lots 15 & 16, NW 1/4 Sec 8 T8 NWD Plan 4506  
(Legal Description)

known as 17763 + 17835 - 62 AVE.  
(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.

  
**NICHOLAS RAWCLIFFE**  
 Manager Realty Services  
 \_\_\_\_\_  
 (Owner)

  
 \_\_\_\_\_  
 (Witness)