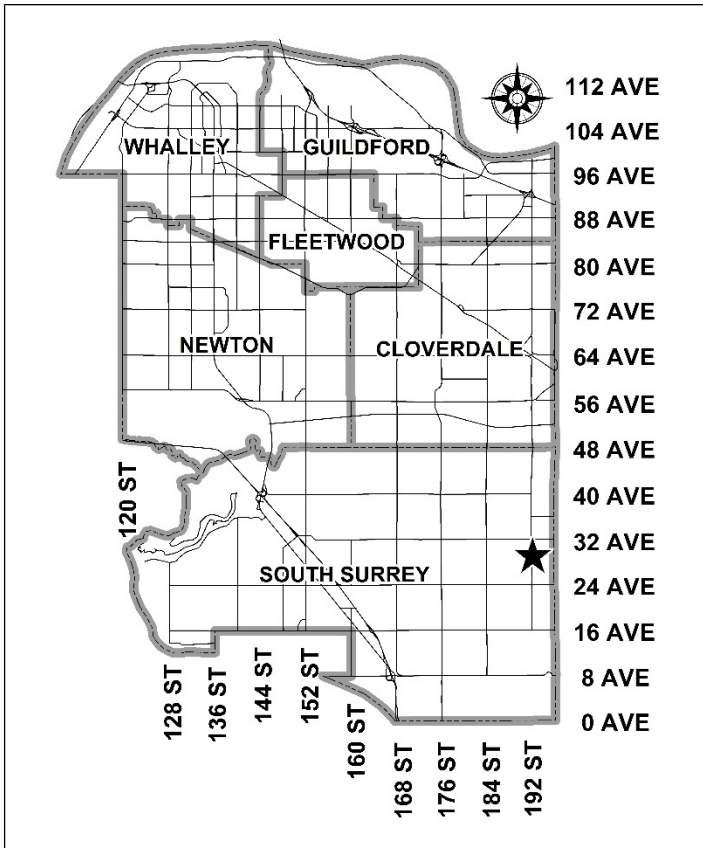


City of Surrey
PLANNING & DEVELOPMENT REPORT

Application No.: 7920-0106-00

Planning Report Date: June 15, 2020



PROPOSAL:

- **Temporary Use Permit**

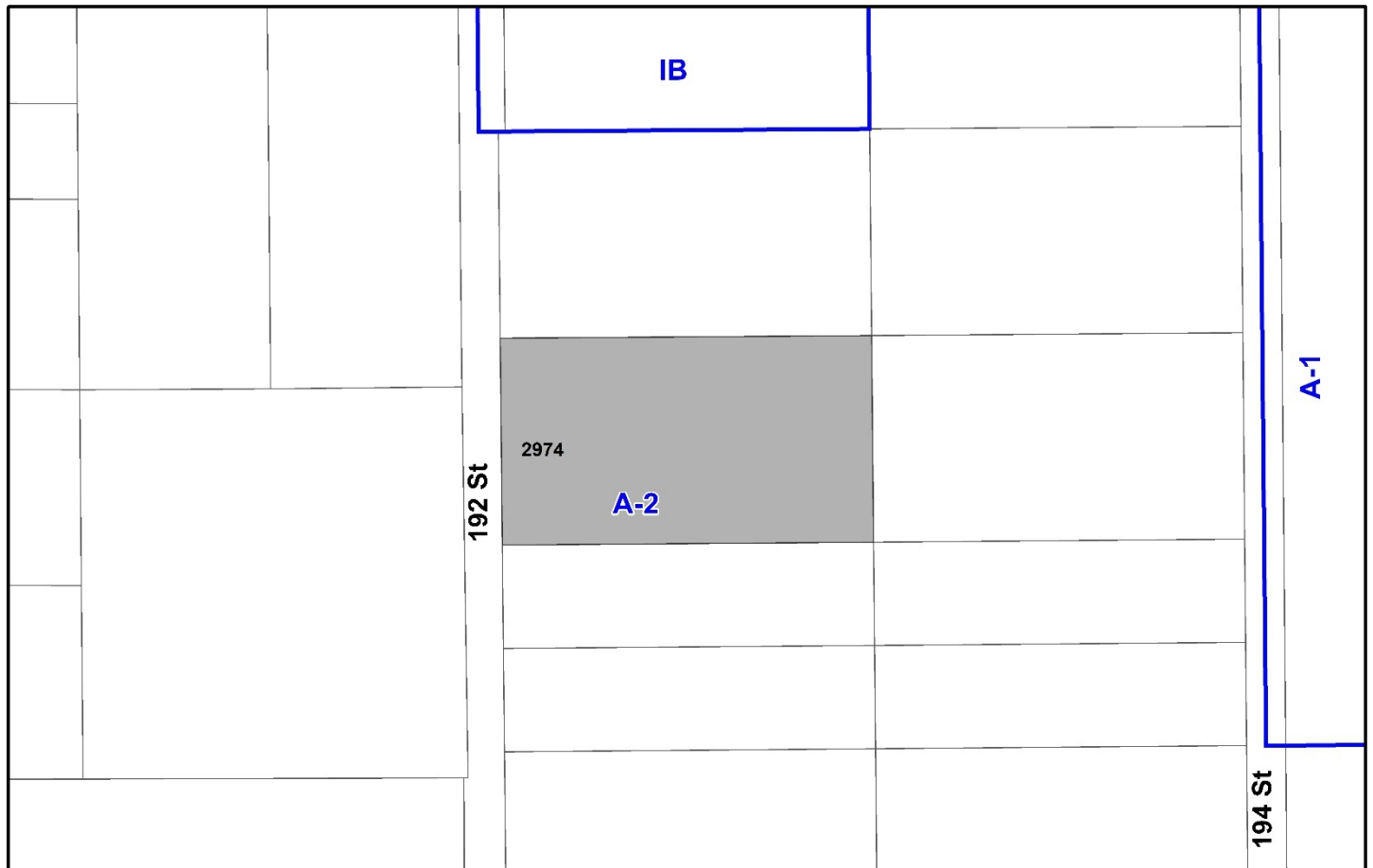
to permit a temporary outdoor storage facility for cargo equipment for a period not to exceed 3 years.

LOCATION: 2974 - 192 Street

ZONING: A-2

OCP DESIGNATION: Mixed Employment

LAP DESIGNATION: Business Park and Landscaping Strips



RECOMMENDATION SUMMARY

- The Planning & Development Department recommends that this application be referred back to staff in order to work with the applicant to propose a development that complies with the "Business Park" and "Landscaping Strips" land use designations in the Campbell Heights Local Area Plan (LAP).

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The proposal does not comply with the "Mixed Employment" land use designation in the Official Community Plan (OCP) or the "Business Park" and "Landscaping Strips" land use designations in the Campbell Heights Local Area Plan (LAP).

RATIONALE OF RECOMMENDATION

- The proposal does not contribute to the development of Campbell Heights in a manner consistent with the Official Community Plan or Local Area Plan.
- Approval of this application may lead to more requests for similar temporary use proposals in Campbell Heights that are inconsistent with the adopted Local Area Plan and the pattern of development, which may further stall re-development of the area. This site is within the Latimer Lake Detention Pond drainage catchment area, and significant off-site drainage servicing requirements are required for any ultimate development in the catchment to occur. The granting of a temporary use permit within this catchment may hinder ultimate development as envisioned in the Campbell Heights Local Area Plan as TUP's are not required to contribute to the substantial funding required to service the catchment.
- In the recent past, Council has denied a number of similar applications for temporary truck and outdoor storage in Campbell Heights.
- The subject property is also located within an area of Campbell Heights that is known to have vulnerable aquifers resulting from unconsolidated material, as per the "Vulnerable Aquifers Map (Schedule I)" in the Zoning By-law. Generally, this area contains an unconfined aquifer that is recharged by direct infiltration of surface water and precipitation. The aquifer also provides base flow for many streams that emanate from the flanks of the plateau including the Little Campbell River and Nicomekl lowland watercourse and is a source of potable water for local residents.
- Every effort should be made to manage the flow and quality of water within this aquifer whereby the concern is heightened for cargo storage and its non-conforming land use. Additional on-site improvements would likely be required that would be similar to those required as part of a rezoning application to "Business Park 1 Zone (IB-1)" and, therefore, may negate the purpose of granting the application a Temporary Use Permit (TUP).

RECOMMENDATION

The Planning & Development Department recommends that this application be referred back to staff to work with the applicant to propose a development that complies with the "Business Park" and "Landscaping Strips" land use designations in the Campbell Heights Local Area Plan (LAP).

SITE CONTEXT & BACKGROUND

Direction	Existing Use	LAP Designation	Existing Zone
Subject Site	Vacant residential/agricultural property.	Business Park and Landscaping Strips	A-2
North:	Residential on agricultural property.	Business Park and Landscaping Strips	A-2
East:	Residential on agricultural property.	Business Park	A-2
South:	Residential on agricultural property.	Business Park and Landscaping Strips	A-2
West (Across 192 Street):	Residential/agricultural uses.	Business Park and Landscaping Strips	A-2

Context & Background

- The subject site is approximately 2 hectares in area and located on the east side of 192 Street between 28 Avenue and 32 Avenue. The property is designated "Mixed Employment" in the Official Community Plan (OCP), "Business Park" and "Landscaping Strips" in the Campbell Heights Local Area Plan (LAP), and zoned "Intensive Agriculture Zone (A-2)".
- This application is being considered in conjunction with Development Application No. 7920-0107-00, located at 3037 – 194 Street. Both applications (7920-0106-00 & 7920-0107-00) propose a Temporary Use Permit to permit a temporary outdoor storage facility for cargo equipment, for the applicant, Seven Horses Transport Ltd. ("Seven Horses").
- Seven Horses also proposes a third TUP at 6661 – 176 Street (Development Application No. 7920-0025-00) in Cloverdale.
- Before applying for the current TUP applications (No. 7920-0106-00 and 7920-0107-00) in Campbell Heights on the subject properties at 2974 – 192 Street and 3037 – 194 Street, Seven Horses applied in October 2016 for a TUP to operate a truck parking and cargo equipment storage facility on a different site in Campbell Heights, located at 19283 – 28 Avenue (Development Application No. 7916-0531-00).

- A concurrent Development Application for Rezoning and Development Permit on the same property at 19283 – 28 Avenue was submitted on January 4, 2017 (7917-0002-00). The proposal was to rezone the property to an appropriate industrial zone to allow construction of a permanent industrial warehouse facility to house Seven Horses equipment and operations.
- In July of 2017, Seven Horses secured a contract in Alberta's oil and gas sector, which required an expansion of their trucking fleet and operations. As a result, 19283 – 28 Avenue was no longer deemed of sufficient size to meet the demands of their operations. Subsequently, Seven Horses decided to sell 19283 – 28 Avenue and find another location for their planned warehouse building.
- In the meantime, Council issued Temporary Use Permit No. 7916-0531-00 on September 11, 2017 to permit a truck parking and industrial laydown facility at 19283 - 28 Avenue, for a period not to exceed one year. The TUP was to be an interim measure to allow Seven Horses to operate their transportation business from the site while undertaking development of a new industrial warehouse facility to accommodate their operations on the subject site they purchased at 3338 – 194 Street and 19437 – 32 Avenue.
- In November 2017 Development Application No. 7917-0529-00 (located at 3338 – 194 Street and 19437 – 32 Avenue) was submitted to rezone the property to "Business Park 1 Zone (IB-1)", to consolidate the properties, and a Development Permit for a 19,661 square metre multi-tenant industrial building, of which Seven Horses would lease a portion.
- Seven Horses was actively working on resolving the servicing issues associated with Development Application No. 7917-0529-00 at 3338 – 194 Street and 19437 – 32 Avenue, including completion of a Storm Water Management Plan and modifications to the Latimer Lake Storm Water Detention Facility. As these requirements were taking some time to address, Seven Horses applied for a new TUP application (7917-0002-00) to allow the continued operation of Seven Horses' industrial laydown facility at 19283 – 28 Avenue for a period of six months to coincide with the expiry of the lease that Seven Horses had with the owner of 19283 – 28 Avenue.
- In April of 2019, staff forwarded Planning Report No. 7917-0002-00 to Council for the TUP to permit an industrial laydown facility for a period not to exceed six months, together with the Rezoning and Development Permit to permit a multi-tenant industrial building.
- At the April 1, 2019 Regular Council – Land Use Meeting, Council denied the TUP application for the industrial laydown facility but did support the Rezoning and Development Permit for the multi-tenant industrial building. Consequently, Seven Horses were no longer permitted to operate the temporary industrial laydown facility at 19283 – 28 Avenue.
- In the intervening months of Council's denial of TUP application No. 7917-0002-00, and following the City's investigation by By-law Enforcement staff, a new unpermitted truck parking and outdoor cargo storage facility was found to be operating at 3338 – 194 Street and 19437 – 32 Avenue, the site of Development Application No. 7917-0529-00.
- Seven Horses subsequently submitted a Temporary Use Permit (TUP) application (Development Application No. 7919-0309) on November 4, 2019 following an investigation by By-law Enforcement staff of the unauthorized truck parking and outdoor storage of cargo equipment.

- At the December 2, 2019 Regular Council – Land Use Meeting, staff forwarded Planning Report No. 7919-0309-00 to Council for the TUP proposing a truck parking facility and outdoor storage of cargo equipment with a recommendation that the application be denied.
- At the December 2, 2019 meeting, Council referred the TUP application No. 7919-0309-00 back to staff to work with the applicant on the requirements to be resolved to support a Temporary Use Permit.
- At the February 10, 2020 Regular Council – Land Use Meeting, staff forwarded Additional Planning Comments Report No. 7919-0309-00 to Council that outlined the requirements needing to be met by the applicant in order to support a TUP not to exceed one year, from the date of that report.
- The applicant has now completed all requirements and staff are forwarding a request to Council at the Regular Council – Land Use meeting of June 15, 2020 to confirm that all requirements related to the TUP have been met and that it is now in order to issue Temporary Use Permit No. 7919-0309-00, which is valid until February 10, 2021.
- In May 2020, staff were notified by By-law & Enforcement staff that a new unauthorized outdoor cargo storage facility had begun operations at 19518 and 19590 – 32 Avenue. The unauthorized operation includes the following violations that to-date have been identified by staff:
 - soil (fill) has been placed in excess of 15 cubic metres without a soil deposition permit in contravention of the City of Surrey Soil Conservation and Protection By-law, 2007, No. 16389 and the "Erosion and Sediment Control By-law, 2006 No. 16138";
 - unpermitted removal and damage to Bylaw protected trees on the properties in contravention of the City of Surrey's Tree Protection By-law, 2006, No. 16100;
 - unpermitted fill and storage pad located within the Provincial Riparian Areas Protection Regulation (RAPR) setbacks, and removal of native trees, shrubs and soil from a Green Infrastructure Network (GIN) Corridor, which, subject to more detailed review by a Qualified Environmental Professional (QEP), may be in contravention of the Federal *Fisheries Act*, the Provincial *Water Sustainability Act (WSA)* and *Riparian Areas Protections Regulation (RAPR)*, in addition to the City of Surrey's Zoning By-law, 1993, No. 12000, as amended, given the location of the works adjacent a stream; and
 - As the properties are currently zoned "General Agriculture Zone (A-1)", the standalone outdoor storage of cargo equipment is in contravention of the City of Surrey's Zoning By-law, 1993, No. 12000, as amended.
- The unauthorized outdoor cargo storage facility at 19518 and 19590 – 32 Avenue is understood to be operated by Seven Horses Transport Ltd.

- Seven Horses will need to vacate 3338 – 194 Street and 19437 – 32 Avenue, the site of their TUP No. 7919-0309-00 (which is to be considered for issuance by Council at the June 15 Council Meeting) once development of those properties proceeds under Development Application Nos. 7917-0529-00 and 7918-0144-00. The applicant proposes to relocate the storage equipment currently located on 3338 – 194 Street, 19437 – 32 Avenue, and 19518/19590 - 32 Avenue to the three new properties under consideration for Temporary Use Permits (Development Application Nos. 7920-0106-00 and 7920-0107-00 in Campbell Heights and Development Application No. 7920-0025-00 in Cloverdale).

DEVELOPMENT PROPOSAL

Planning Considerations

- The applicant proposes a Temporary Use Permit (TUP) to permit a temporary outdoor storage facility for cargo equipment for a period not to exceed three years.
- This proposal is in conjunction with Development Application No. 7920-0107-00 located at 3037 – 194 Street, which also proposes a TUP to permit storage of cargo equipment for a period not to exceed three years. Together, these two properties are proposed to be connected via a working easement across 2999 – 194 Street with the permission of that owner.
- The applicant also proposes a third TUP at 6661 – 176 Street (Development Application No. 7920-0025-00) in Cloverdale. Together, these three TUPs are meant to accommodate the temporary truck parking and outdoor storage of cargo equipment required for Seven Horses.
- The applicant proposes to store the following materials onsite:
 - rebar;
 - steel beams;
 - steel pipes;
 - lumber;
 - galvanized posts; and
 - machines and equipment.

	Proposed
Lot Area	
Gross Site Area:	2 hectares
Road Dedication:	n/a
Undevelopable Area:	n/a
Net Site Area:	n/a

Referrals

Engineering: The Engineering Department will provide Engineering servicing requirements if this application proceeds further for consideration.

Transportation Considerations

- In conjunction with Development Application No. 7920-0107-00 (3037 – 194 Street), the applicant proposes one-way truck access from 194 Street by utilizing the existing driveway on 3037 – 194 Street, with trucks moving through 2999 – 194 Street in order to access 2974 - 192 Street.
- The applicant proposes to maintain driveway access onto 192 Street by utilizing the existing driveway.
- Access through 2999 – 194 Street would need to be secured through a working easement approved by the owner of 2999 – 194 Street.

Parkland and/or Natural Area Considerations

- Parks and Environmental staff will provide requirements if this application proceeds further for consideration.

Sustainability Considerations

- If this application proceeds, the applicant will be required to meet all sustainability requirements.

POLICY & BY-LAW CONSIDERATIONS

Regional Growth Strategy

- The subject site is designated "Mixed Employment" in the Regional Growth Strategy (RGS).
- The proposed TUP does not comply with the RGS land use designation for the site.

Official Community Plan

Land Use Designation

- The subject site is designated "Mixed Employment" in the Official Community Plan.
- The proposed TUP does not comply with the OCP land use designation for the site.

Themes/Policies

- E1.20 – Encourage the continued expansion of high-tech, research and development and light manufacturing to locate within Mixed Employment areas that are accessible to major transportation corridors and/or frequent transit services.

(The proposed development is not compatible with the Mixed Employment designation and does not reflect the intended development vision for the employment lands in Campbell Heights).

- E1.31 – Support and encourage the high quality, environmentally responsible, sustainable development of employment lands.

(The property is located in an area with vulnerable aquifers resulting from unconsolidated material, as per the "Vulnerable Aquifers Map (Schedule 1)" in the Zoning By-law. The proposed development may negatively impact groundwater, soils, and trees in the area).

Secondary Plans

Land Use Designation

- The subject site is designated "Business Park" and "Landscaping Strips" in the Campbell Heights Local Area Plan (LAP). The proposed TUP does not comply with the land use designation for the site.

Zoning By-law

- The applicant proposes a Temporary Use Permit under the existing "Intensive Agriculture Zone (A-2)". The proposal would permit the temporary use to operate on the property, as the proposed uses are not permitted under the A-2 Zone.

DISCUSSION

Temporary Use Permit Applications in Campbell Heights

- Recently, staff have taken by-law enforcement action within the Campbell Heights area against numerous other properties with non-conforming and unauthorized businesses, many of which are operating without business licenses. The enforcement will ultimately result in the owners submitting TUP applications.
- The unauthorized and non-conforming uses occurring throughout Campbell Heights include outdoor storage, outdoor recreational vehicle storage, outdoor passenger vehicle storage, outdoor truck parking as well as outdoor container storage, some of which are associated with unauthorized businesses operating from these locations.
- A total of nine (9) TUP applications for these unauthorized and non-conforming uses within the Campbell Heights area have been received in the recent past, with the majority being denied by Council, as summarized in the table below:

Project No.	Address	Council Decision
7913-0108-00	3086 190 Street	<u>Denied</u> at the April 14, 2014 Land Use meeting.

Project No.	Address	Council Decision
7913-0135-00	3093 194 Street	<u>Denied</u> at the February 24, 2014 Land Use meeting.
7913-0293-00	3338 194 Street	<u>Denied</u> at the February 24, 2014 Land Use meeting.
7914-0093-00	19370 32 Avenue	<u>Denied</u> at the October 2, 2017 Land Use meeting.
7916-0078-00	2957 194 Street	<u>Denied</u> at the May 8, 2017 Land Use meeting.
7916-0531-00	19283 28 Avenue	Council <u>supported</u> a 1-year TUP at the April 3, 2017 Land Use meeting. This TUP was issued at the September 11, 2017 Land Use meeting.
7917-0124-00	2820 192 Street	<u>Denied</u> at the May 8, 2017 Land Use meeting.
7917-0002-00	19283 28 Avenue	<u>Denied</u> at the April 1, 2019 Land Use meeting.
7919-0309-00	3338 194 Street/19437 32 Avenue	<u>Referred back to staff</u> at the December 2, 2019 Land Use meeting; Supported by Council at the February 10, 2020 Land Use meeting provided requirements are completed.

- By-law prosecutions have been initiated against four properties in Campbell Heights, with three of those four property owners pleading guilty to the by-law infractions.
- The subject proposed outdoor cargo equipment storage facility is not consistent with the "Business Park" land use designation in the Campbell Heights Local Area Plan (LAP).
- The outdoor storage of cargo equipment is not a permitted use in the A-1 Zone and is only permitted under the "Light Impact Industrial Zone (IL)" or as part of a permitted business operation in the "Business Park 2 (IB-2 Zone)", which permits limited outside storage of materials in conjunction with the business operations associated with a business park building.
- In Campbell Heights, outdoor storage of cargo equipment is not considered an appropriate stand-alone use. Rather, the storage of cargo materials is generally associated with large-scale warehouse facilities and distribution centres which include appropriate buildings as well as suitable landscape buffers, proper screening, storm water control and drainage facilities.
- Approval of this application may lead to other similar temporary use proposals in Campbell Heights that are inconsistent with the adopted Local Area Plan and the pattern of development, which may hinder desired Business Park development of the area.

- Furthermore, the existing unauthorized outdoor storage facility operating at 19518 and 19590 - 32 Avenue understood to be under the same ownership as the applicant of this proposal has an unfair competitive advantage over other businesses who are in compliance with City by-laws in the City of Surrey.

Applicant's Rationale

- The applicant indicates that there has been a significant slow-down in economic activity due to COVID-19, and as a result, many of their clients require increased storage area for their equipment while demand for materials remains low.
- Seven Horses has contractual obligations to receive, store, and transport materials identified in contacts with their clients, but due to the economic slow-down, many of these materials are remaining in storage for longer periods of time than anticipated.
- In total, there is approximately 18,000-20,000 tonnes of materials needing to be stored, requiring at minimum 10 acres of land.

PUBLIC ENGAGEMENT

- Pre-notification letters were sent on May 29, 2020 and the Development Proposal Signs were installed on June 1, 2020. Staff received no responses from neighbouring residents.

CONCLUSION

The proposed outdoor cargo storage facility is not consistent with the OCP and LAP land use designations for the property and the proposal does not reflect the intended development vision for the employment lands in Campbell Heights. The applicant (Seven Horses) has contravened City by-laws on a number of properties (3338 - 194 Street, 19363/19437/19518 and 19590 - 32 Avenue) and is actively operating unauthorized outdoor cargo material storage at 19518/19590 - 32 Avenue.

Furthermore, approval of this application may lead to requests for similar temporary use proposals in Campbell Heights that are inconsistent with the adopted Local Area Plan and the pattern of development, which may further delay re-development of the area. For these reasons, and given that Council has generally denied TUP applications in Campbell Heights, staff recommend this application be referred back to staff to work with the applicant to propose a development that complies with the "Business Park" and "Landscaping Strips" land use designations in the Campbell Heights Local Area Plan (LAP).

INFORMATION ATTACHED TO THIS REPORT

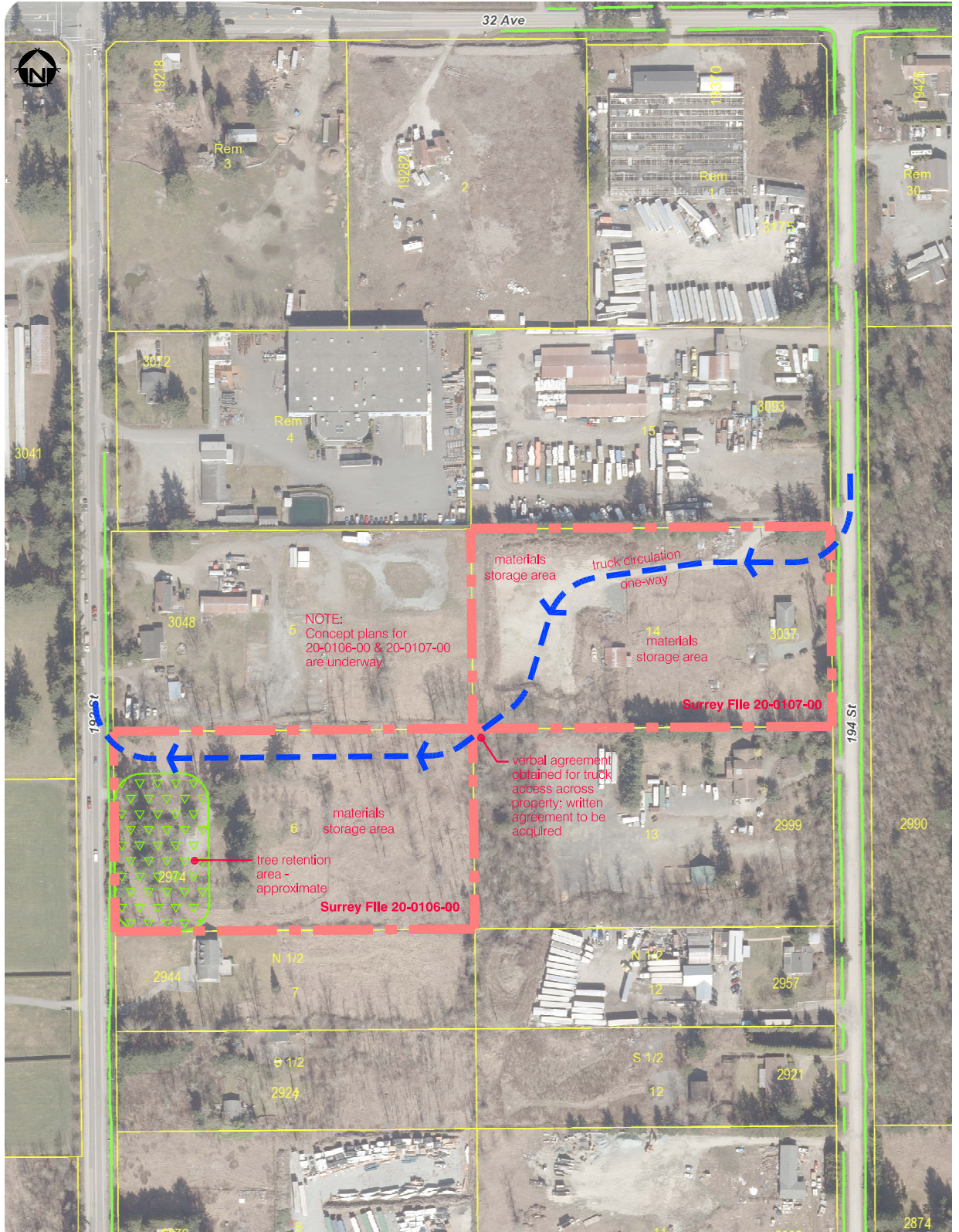
The following information is attached to this Report:

- Appendix I. Site Plan
- Appendix II. Aerial Photo
- Appendix III. Map of TUP Applications in Campbell Heights

approved by Shawn Low

Jean Lamontagne
General Manager
Planning and Development

KS/cm



Seven Horses Transport Ltd.
 Temporary Use Permit
 2974 192 St & 3037 194 St, Surrey

SITE LOCATION

2974 192 Street
 LEGAL DESCRIPTION
 PID 012-217-158
 Lot 6, Section 22, Township 7, New
 Westminster District, Plan 1467

EXISTING DESIGNATIONS
 OCP: Mixed Employment
 LAP: Business Park / Landscape Strips
 Zoning: A-2

GROSS SITE AREA
 2.9 hectares / 5.0 acres

3037 194 St Street
 LEGAL DESCRIPTION
 PID 012-217-204
 Lot 14, Section 22, Township 7,
 New Westminster District, Plan
 1467

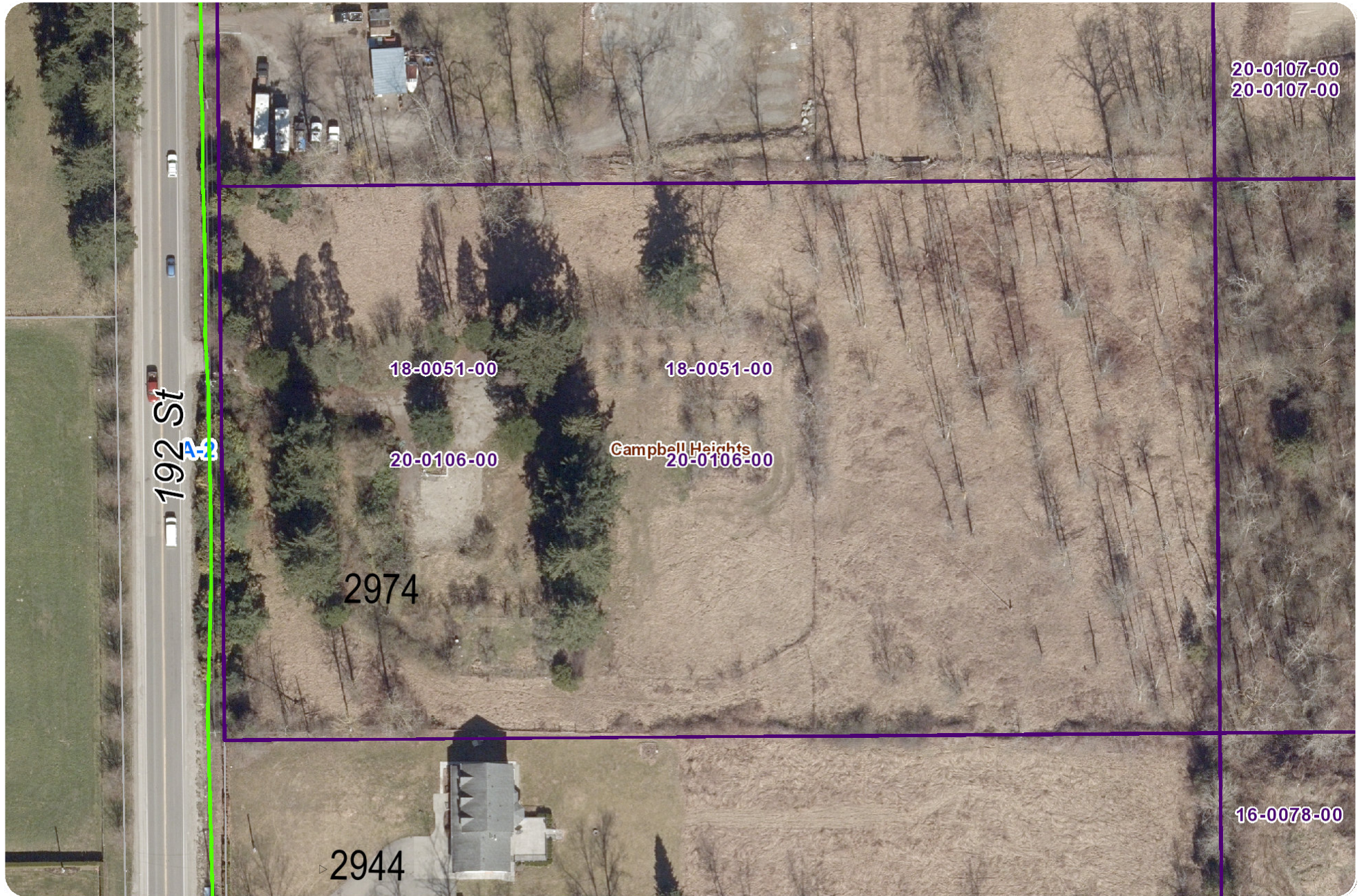
EXISTING DESIGNATIONS
 OCP: Mixed Employment
 LAP: Business Park
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GROSS SITE AREA
 2.9 hectares / 5.0 acres



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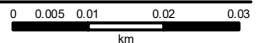
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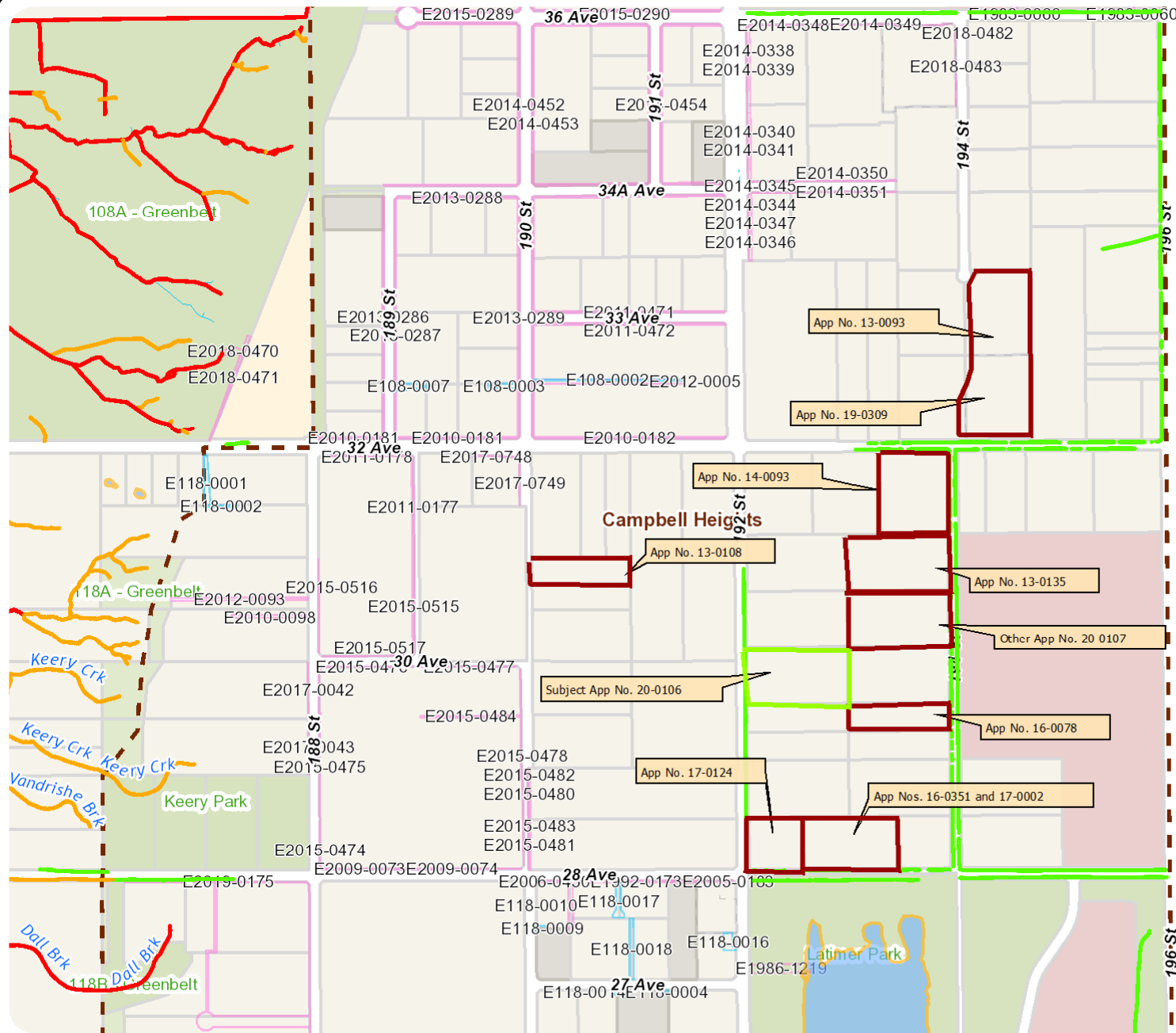
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