



Corporate Report

NO: R069

COUNCIL DATE: May 4, 2009

REGULAR COUNCIL

TO: Mayor & Council DATE: April 30, 2009
FROM: General Manager, Engineering FILE: 5480-01
General Manager, Planning & Development
SUBJECT: Update on Actions to Address Truck Parking in Surrey

RECOMMENDATION

The Engineering Department recommends that Council:

1. Receive this report as information;
2. Approve amendments to "Surrey Official Community Plan By-law, 1996, No. 12900, Text No. 29 Amendment By-law, 2002, No. 14743" as amended (the "OCP By-law") as documented in Appendix I to this report, to bring into effect the amendments to the requirements related to the approval and issuance of a temporary use permit for a truck parking lot;
3. Authorize the City Clerk to bring forward the related OCP amendment by-law for the required readings and to set a date for the related public hearing; and
4. Instruct staff to inform prospective applicants that City Council does not in principle support commercial truck parking on ALR lands in Surrey.

INTENT

This report provides an update to Council on the actions being taken to address truck-parking needs within the City and seeks Council approval of key strategies to better manage truck parking in Surrey.

BACKGROUND

On November 3, 2008, Council considered Corporate Report No. R216, titled "Update on Actions to Address Truck Parking in Surrey", and approved its recommendations. Priority items from that report on which staff have been focusing are:

- Improving the Temporary Use Permit (TUP) process;
- Facilitating third party truck parking on “IL” and “IH” properties; and
- Developing a strategy to remove truck parking from the ALR that satisfies the expectations of the ALC.

DISCUSSION

Improving the Temporary Use Permit (TUP) Process

The new requirements approved by Council for Truck Parking TUPs address the primary concerns of truck owners who park their trucks in these facilities with regard to the quality of the parking facility. However, these changes did not look at improving the process TUP applicants, with a view to encouraging new applications and the expedient completion of in-stream applications. Staff has reviewed the process and is implementing the following changes:

Implementation of Pre-Servicing Approval Stage

The introduction of this step to the TUP process will act to reduce the length of time projects remain in the processing phase as well as provide a mechanism to ensure that the completed project meets the quality standards as set by the City.

Once the TUP application has been through the public notification stage, Council may grant the application Pre-Servicing Approval. With this approval, the applicant will be required to complete all the necessary site work requirements prior to Council approving the TUP. Site works typically include grading, surface material, stall delineation, driveway paving, landscaping and placement of portable washrooms.

The Pre-servicing Approval approach will eliminate the current problem where applicants operate parking lots on a long term unauthorized basis while little action is being taken to complete the related “in stream” application. Pre-servicing Approval will be valid for a period of 3 to 6 months, depending upon specific servicing requirements of the application. If the applicant does not complete the requirements within the time period specified, the application will be closed and the By-Law Enforcement Section will take action to address the unauthorized parking on the related property.

Elimination of Landscaping and Site Restoration Securities

The costs of providing a security to the City in relation to the completion of the parking lot in accordance with the approved design is a deterrent to prospective parking lot applicants. Landscaping securities are normally required to ensure that plantings are completed in accordance with the approved design drawings. In addition security deposits are normally required as part of the TUP approval process to ensure that the site is restored to its original state upon expiration of a TUP.

The introduction of the Pre-servicing Approval stage will ensure that the approved landscaping will be completed prior to approval of the TUP, obviating the need for a landscaping bond. Further the on-site works associated with a truck parking lot can

typically be utilized in relation to future redevelopment of the lot and thus no site restoration is necessary at the expiry of the TUP. As a result, a security bond for restoration purposes is not required.

Elimination of Restrictive Covenant (RC)

An RC will no longer be required to restrict certain activities on the site, as these will now be listed as conditions on the TUP. This will achieve similar results, while reducing the complexity of the process and will save the applicant time and money.

To bring the above modifications into effect, an OCP By-law amendment is necessary as documented in Appendix I.

Recent Actions to Facilitate Third Party Truck Parking on “IL” and “IH” Properties

Contacting Owners

An information package was prepared that explained how an owner of a developed IL-zoned or IH-zoned lot can introduce “third party” truck parking as an accessory use on the site. This information included a description of the approval process. Approximately 6,000 packages have been mailed to the owners and/or occupants of IL- and IH-zoned properties in the City with a letter encouraging them to consider introducing the opportunity for such truck parking on their lot.

The Truck Parking Coordinator is actively assisting interested parties with the approval process.

Bridgeview Industrial Sites

The City has received interest in potentially large truck parking sites on the industrial lands that the City has been selling in the Bridgeview area. These lands have been planned for higher order uses as opposed to truck parking and thus have covenants prohibiting the use of the site for parking as the principal use (i.e., requiring the construction of buildings on the site with minimum site coverage of 10,000 sq. ft. per acre). However, given the current economic climate, Temporary Use Permits for truck parking on these sites are considered reasonable as an interim until the sites are redeveloped to the permanent long-term industrial use.

Truck Parking Website

An enhanced webpage is being developed that includes information on the process to establish a truck parking facility (both “permanent” and “temporary”), a map of truck parking facilities that are available in Surrey as well as all other trucking industry-related information. This site will consolidate information in a single, convenient location with a simplified web address allowing truckers, residents and business owners to find information efficiently. The site will be promoted through newspaper and radio advertising.

Strategy to Address Truck Parking on Agricultural Land

The management of truck parking within the City requires finding suitable solutions to increase the supply of truck parking spaces while addressing unauthorized truck parking, particularly in agricultural areas.

Over the course of the last few years, the City has seen an increase in commercial truck parking on agricultural-zoned properties. Commercial truck parking on agricultural land is not permitted by the City's Zoning By-law. This unauthorized practice is attractive due to the financial benefits to both the landowner and the truck owners. The owner of the land is able to provide parking at a lower rate than "legal" truck parking facilities as land values and property taxes and initial investments are significantly lower. This reduces the incentive for the private sector to develop legitimate parking facilities. The City has received complaints from residents, the Agricultural Advisory Committee and the Agricultural Land Commission (ALC) about unauthorized truck parking lots in the Agricultural Land Reserve.

Agricultural Land Commission (ALC) Actions

Due to the increasing prevalence of illegal truck parking within the ALR in Surrey, the ALC has now initiated enforcement action in relation to ALR land being used for truck parking. Currently several property owners have been given formal notices from the staff of the ALC, as shown in the sample letter attached as Appendix II. The letters indicate an expectation that the City will take action to eliminate these illegal truck-parking sites.

As a result of the ALC enforcement action, a number of property owners have submitted applications to the City for approval of a "Non-Farm Use" application to the ALC for the purpose of truck parking on ALR land. These applications, if approved by Council, would require ALC approval and would also require either a Temporary Use Permit or rezoning by the City for the truck parking lot to be legalized.

The City has received 6 "Non-Farm Use" applications as a result of the ALC enforcement action. Staff is in the process of reviewing each application against existing policies and referral to the Agricultural Advisory Committee. They will be submitted to Council for consideration in the near future.

Allowing commercial truck parking sites to operate within the ALR contravenes the City's Sustainability Charter and policies, which stress the importance of retaining the agricultural land base to produce food needed by current and future generations. On this basis, it is recommended that Council instruct staff to inform prospective applicants that Council does not in principle support commercial truck parking on ALR lands in Surrey.

To eliminate the unauthorized trucks and trucking businesses operating on agricultural land, City staff is assisting the ALC staff in the development of an enforcement strategy.

CONCLUSIONS

Based on the above, it is recommended that Council:

- Approve amendments to “Surrey Official Community Plan By-law, 1996, No. 12900, Text No. 29 Amendment By-law, 2002, No. 14743” as amended (the "OCP By-law") as documented in Appendix I to this report, to bring into effect the amendments to the requirements related to the approval and issuance of a temporary use permit for a truck parking lot;
- Authorize the City Clerk to bring forward the related OCP amendment by-law for the required readings and to set a date for the related public hearing; and
- Instruct staff to inform prospective applicants that Council does not in principle support commercial truck parking on ALR lands in Surrey.

Vincent Lalonde, P.Eng.
General Manager, Engineering

Jean Lamontagne
General Manager
Planning and Development

VL/JB/RJS:kd/brb

Appendix I Proposed Amendments to OCP By-law
Appendix II Agricultural Land Commission Letter

APPENDIX I

Proposed Amendments to “Surrey Official Community Plan By-law, 1996, No. 12900, Text No. 29 Amendment By-law, 2002, No. 14743” as amended (the "By-law")

That the By-law be further amended as follows:

Division A. Schedule B Temporary Use Permit Areas, is hereby amended by deleting Temporary Industrial Use Permit Area No. 10 in its entirety and replacing it with the following:

Temporary Industrial Use Permit Area No. 10 Temporary Truck Parking Facilities

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

Location: In Light Impact Industrial (IL) zones and High Impact Industrial (IH).

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 modified to allow the use of other surfacing materials suitable for truck traffic as approved by the General Manager of Engineering.

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;
- (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; and
- (d) The City’s Landscape Architect will inspect the site, or require inspection of the site by a registered landscape architect, to ensure the work is completed and to approve the landscaping prior to issuance of a Temporary Use Permit.

3. Environmental Considerations

If the site contains a creek, or is in proximity to a creek on an adjoining property, creek protection areas as defined in the Land Development Guidelines are required. Should the applicant wish to relax these requirements, an application is required to the Environmental Review Committee for its consideration.

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;
- (e) An area of asphalt or concrete paving shall be provided on the site in the area where its driveway meets the fronting road to prevent tracking of dirt or mud onto the public street, to the satisfaction of the General Manager, Engineering; and
- (f) City Staff to perform a site inspection to ensure that all site requirements have been met prior to issuance of a Temporary Use Permit.

5. Planning Requirements

- (a) Sealed engineering or architectural drawings and related information are to be provided to the satisfaction of the General Manager of Planning and Development related to the layout of the site including any buildings or structures on the site, site access, drive aisles, parking stall layout, signage and landscaping, demonstrating that the layout as proposed will allow for adequate space for manoeuvring and parking of all vehicles on site in an orderly manner up to the full capacity of the parking lot;
- (b) The parking spaces in the truck parking lot are to be visually delineated at all times to the satisfaction of the General Manager of Planning and Development so as to assist in ensuring the orderly parking of vehicles on the site at all times; and
- (c) Adequate washroom facilities are to be provided on site to the satisfaction of the General Manager of Planning and Development but in any case there shall be a minimum of one such facility on site.

6. Outside Agency Requirements

The Ministry of Transportation and Infrastructure is required to comment on all applications which front a Provincial Highway.

7. General Requirements

- (a) The following activities are prohibited on the lot: truck washing, vehicle maintenance truck fuel storage or refuelling, storage of waste petroleum fluids, parking or storage of vehicles containing Dangerous Goods as defined by the *Transport of Dangerous Goods Act*. This requirement shall be placed as a condition in the Temporary Use Permit; and
- (b) 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.

APPENDIX II



March 3, 2009

Agricultural Land Commission
133 - 4940 Canaan Way
Burnaby, British Columbia V5G 4K8
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

Reply to the attention of Ron MacLeod
ALC File# 40-38541

PROVINCIAL AGRICULTURAL LAND COMMISSION

MAR 13 2009

212008 - 003638

Registered Mail

Dear Landowner:

Re: Contravention of the Agricultural Land Commission Act at:

Civic: 15389 66 avenue, Surrey, BC

**Legal: Lot 1, Plan LMP28221, Part NW1/4, Section 14, Township 2, New
Westminster Land District**

**PID: 023-415-673
(The "Property")**

It has been noted that the above mentioned property is being used for the purposes of parking commercial trucks without authorization from the Agricultural Land Commission (ALC)

Please be advised that section 20 of the *Agricultural Land Commission Act* states "A person must not use agricultural land for a non-farm use unless permitted by this Act, the regulations or an order of the commission "

As the registered owner of the property, the Commission holds you liable for the noted activity. Based on all the information currently available the above use is considered a "Non-Farm Use" and as a result you are in contravention of the Agricultural Land Commission Act. I have previously spoken to you with respects to this issue. Please respond by April 03, 2009 as to how you will be bringing your property into compliance with the Act. Your plan should include any details and timelines that you will need in order to address this issue and remediate the problem.

Furthermore, it is my understanding that this use may also be in contravention of the City of Surrey's bylaws. By way of this letter, we will be advising the City of Surrey to assist them in bringing the property in compliance with their bylaws and zoning regulations.

Sincerely;

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read "Ron MacLeod".

Ron MacLeod
Agricultural Compliance and Enforcement Officer

CC: City of Surrey, Ed Warzel, Senior Bylaw Enforcement Officer & Bill Smith
RM/