

Utility Easement in City Environmental Reserve Parcel - 4500 Parliament Avenue

Date	April 7, 2021
To	Regina Planning Commission
From	City Planning & Community Development
Service Area	Planning & Development Services
Item No.	RPC21-31

RECOMMENDATION

Regina Planning Commission recommends that City Council:

1. Authorize the granting of an easement allowing for the construction, installation and maintenance of a private storm sewer line under the dedicated environmental reserve lands legally described as Surface Parcel #202988582, Blk/Par ER11 Plan 1021633081, for the benefit of those lands legally described as Surface Parcel #203368484, Blk/Par Z3 Plan 102256185, pursuant to section 202 of *The Planning and Development Act, 2007*.
2. Authorize the registration of an interest against the title with respect to the dedicated lands, based on the said easement.
3. Approve these recommendations at its meeting on April 14, 2021.

ISSUE

The applicant and property owner of 4540 Parliament Avenue, Dream Asset Management Corporation, proposes to run a storm sewer line from their property, through the subject property at 4500 Parliament Avenue to discharge storm water into the existing Lewvan drainage ditch located to the west of Lewvan Drive. The alternative storm water drainage outlet results from the unique challenges faced by 4540 Parliament Avenue and the height restrictions imposed on their site by the Regina International Airport's future runway extension. 4500 Parliament Avenue is owned by the City of Regina and is dedicated as an Environmental Reserve (ER 11).

Pursuant to Section 202(1)(iii) of the *Planning and Development Act, 2007*, City Council (if the lands are owned by the municipality) may authorize the construction, installation or maintenance of a private storm sewer line through dedicated environmental reserve lands and the registration of an easement on the property title.

IMPACTS

Financial Impact

The applicant will be responsible for the cost of constructing the storm sewer outlet in ER 11 including the cost of construction of protective works to prevent erosion of the drainage ditch bank and drainage spot from stream flow, in accordance with City of Regina (City) standards and applicable legal requirements.

Upon authorization by City Council, the property owner of 4540 Parliament Avenue will be charged \$1,600 for the right to install the storm sewer line in City property, and be required to obtain all necessary agreements and cover any associated cost related to the future construction, operation and maintenance of the works located within the easement.

Infrastructure Impact:

The ER 11 partially serves as the maintenance access for the western portion of the Lewvan drainage ditch. It is part of the storm channel system that runs through Harbour Landing and extends north, ultimately connecting to Wascana Creek. As the storm sewer line will be located several metres below the surface, there are no anticipated impacts on the ER 11 and existing utilities within the parcel identified at this time.

Environmental Impact

An Environmental Impact Assessment (EIA) was completed by Stantec in 2006 for the Harbour Landing Concept Plan area, which concluded that there are no protected or endangered species residing within the area. ER 11 is a human-constructed drainage system that is not deemed to be environmentally sensitive. As such, there are no anticipated energy or greenhouse gas impacts as a result of this proposal.

Policy/Strategic Impact

The proposed development supports the following *Design Regina: Official Community Plan 2013-48* (OCP) goals/policies:

- Section D4, Goal 1, 6.1 Design, construct and operate infrastructure to comply with relevant legislative and regulatory requirements.

Authorization of the utility easement will allow for the property owners of 4540 Parliament Avenue to access storm sewer connection in alignment with existing bylaws and legislation.

- Section D4, Goal 3, 6.6.3 *Optimize use of existing infrastructure to minimize financial and environmental impacts of growth.*

OTHER OPTIONS

An alternative option would be:

1. Refer back to Administration. If City Council has specific concerns with the proposal, it may be referred back to Administration for further review and direct that the request be brought back to Regina Planning Commission or to City Council for reconsideration following such review. Referral of the report back to Administration will delay the development until requested information has been gathered or changes to the proposal have been made.
2. Refusal. Refusing to authorize the easement would prohibit the development of a private storm sewer line as proposed and the applicant would be required to determine an alternate solution to provide storm sewer service to its property.

COMMUNICATIONS

The proposal was circulated internally and to external utility stakeholders for any concerns with respect to the proposed easement. No objections were received.

DISCUSSION

Proposal

The applicant and property owner of 4540 Parliament Avenue, Dream Asset Management Corporation, requests that City Council authorize the granting of an easement allowing the applicant to develop a private storm sewer connection under the City-owned Environmental Reserve (ER 11) at 4500 Parliament Avenue. The easement will be for the benefit of the 4540 Parliament Avenue property to discharge the storm sewer run-off from their site into Lewvan drainage ditch as shown in Appendix A-2.

The proposal results from the unique challenges faced by 4540 Parliament Avenue and the height restrictions imposed on their site by the Regina International Airport's future runway extension.

Background

The development of the Lewvan drainage ditch was first initiated around 1999 on the west side of Lewvan Drive as part of a multi-phase project to support drainage initiatives for farmlands located south of Regina. The Lewvan drainage ditch was later incorporated into the storm channel design for the approved Harbour Landing Concept Plan area in 2008. The subject property was dedicated as an Environmental Reserve (ER 11) in 2014 and partially functions as maintenance access for the Lewvan drainage ditch.

In accordance with *The Planning and Development Act, 2007* (the Act), Environmental Reserves are generally intended to support natural drainage, habitat, protection for flooding, bodies of water and erosion of soil. Several uses may be permitted within these lands, including utilities, public infrastructure and public park spaces, but otherwise should be left in its natural state.

Subdivision Bylaw No. 7780, 14(1) also states “Where land to be subdivided contains ravines, swamps, natural or manmade drainage courses or other areas that in the opinion of the City are unsuitable for building sites or other private uses, these lands shall be dedicated as environmental reserve”.

Consideration

The subject property at 4500 Parliament Avenue is currently dedicated as an Environmental Reserve (Appendix A-1). Based on the review of available information, the ER 11 was dedicated as an environmental reserve for its partial function as maintenance access to the Lewvan drainage ditch. The surface parcel remains in a naturalized state to support surface water drainage to the Lewvan drainage ditch. The parcel is not intended for public access nor contains any buildings or structures above ground. A number of utility easements by SaskPower and SaskTel currently exist within the parcel.

The surface of the proposed utility easement will be rock-based to support surface drainage and prevent soil erosion while the proposed storm sewer outlet within the easement will be located several metres below the surface. No anticipated impact on the functionality of the existing easements has been identified as a result of granting the easement.

The abutting property at 4540 Parliament Avenue is currently vacant; however, has been approved through administrative processes to accommodate a future commercial building. To proceed with the development, the applicant requires a connection to storm sewer services. Typically, a property would connect with a pre-existing servicing pipe (stub). The site faces a unique challenge in that the Regina International Airport’s future runway extension has imposed restrictions on the building heights in the vicinity of the airport. In order to fulfill the building height requirement and adhering to the airport restrictions noted above at the same time, the developer has limited option but to lower the surface grade at 4540 Parliament Avenue and concurrently install a storm sewer network within the property at a lower elevation. Consequently, the available servicing stub on the west of the applicant’s property is redundant due to being comparatively on a higher elevation.

Several alternative options were discussed jointly with the City and the Developer to accommodate stormwater services to the site. Including extending existing city storm sewer mains, developing a private pump station, and significant regrading of the site at 4540 Parliament Avenue. It was determined that this is the most viable and cost effective solution.

The option to construct a storm sewer outlet through the existing ER 11 lands is recommended as no other alternate options were deemed to be a technically appropriate or cost-effective solution given the constraints faced by 4540 Parliament Avenue. The challenges to storm service connection for the site are unique. The proposed servicing solution is recommended for this specific site and will not set a precedent.

The ER 11 is zoned PS - Public Service Zone under *Zoning Bylaw No. 2019-19*, in which a privately owned storm sewer connection is permitted under the land use “Utility, General”. The approved Harbour Landing Concept Plan does not identify the subject property as part of the community’s park/open space network. There are no anticipated land-use changes or impacts identified as part of this proposal.

Surrounding land uses include, the Regina International Airport to the north, Lewvan Drive and the Lewvan drainage ditch to the east, and a mix of commercial and office development to the south and west.

Upon authorization by City Council to locate the storm sewer in ER 11, the applicant is required to enter into a three-way agreement with the City to complete the work as well as register a utility easement agreement on title. Construction, operation and maintenance of the infrastructure within the easement will be the responsibility of the property owner of 4540 Parliament Avenue.

DECISION HISTORY

City Council's authorization is required pursuant to *The Planning and Development Act, 2007*.

Respectfully Submitted,



Fred Scarle, Director, Planning & Development Services

3/30/2021

Respectfully Submitted,



Diana Hawryluk, Executive Director, City Planning & Community Dev.

3/30/2021

Prepared by: Linda Huynh, City Planner II

ATTACHMENTS

Appendix A-1 (Subject Property)

Appendix A-2 (Proposed Easement Plan)