

February 26, 2018

To: His Worship the Mayor
And Members of City Council

Re: Discretionary Use Application (17-DU-15) Proposed Hazardous Material Storage - 750
Park Street

RECOMMENDATION

**RECOMMENDATION OF THE REGINA PLANNING COMMISSION
– FEBRUARY 1, 2018**

That the Discretionary Use Application for a proposed “Hazardous Material Storage” use located at 750 Park Street, being Block/Parcel D, Plan 102025303 Ext 0, Industrial Ross Subdivision, be approved, and that a Development Permit be issued subject to the following conditions:

- a) The development shall be consistent with the plans attached to this report as Appendix A-3.1 to A-3.3 inclusive, prepared by J. Norton for Petro Canada, dated September 15 and 18, 2017, and by Scatliff + Miller + Murray, dated October 3, 2017.
- b) The applicant shall submit a building permit for approval by the Development Officer; the review of which will focus on the site development to ensure compliance with all applicable standards.
- c) The development shall comply with all applicable standards and regulations in *Regina Zoning Bylaw No. 9250*, including but not limited to, the Performance Regulations for Low Sensitivity Aquifer Protection Overlay Zone in Table 10.3 of the *Regina Zoning Bylaw No. 9250*.
- d) Prior to the issuance of the building permit (as per condition 1b), the applicant shall provide documentation/letter from the Saskatchewan Ministry of Environment and/or federal regulatory authority for approval to construct, alter, expand, operate and decommission a hazardous substance and/or waste dangerous goods facility.
- e) Consolidation of Parcel D with the property located at 535 E 1st Avenue shall be required prior to the building permit approval.

REGINA PLANNING COMMISSION – FEBRUARY 1, 2018

The following addressed the Commission:

- Anna Stilwell, representing Suncor Energy/Petro-Canada; and
- Glen Hill, representing Colliers International.

The Commission adopted a resolution to concur in the recommendation contained in the report.

Recommendation #2 does not require City Council approval.

Councillors: Mike O'Donnell (Chairperson), Bob Hawkins and Barbara Young; Commissioners: David Bale, Frank Bojkovsky, Andre Kroeger, Adrienne Hagen Lyster, Robert Porter and Steve Tunison were present during consideration of this report by the Regina Planning Commission.

The Regina Planning Commission, at its meeting held on February 1, 2018, considered the following report from the Administration:

RECOMMENDATION

- 1) That the Discretionary Use Application for a proposed "Hazardous Material Storage" use located at 750 Park Street, being Block/Parcel D, Plan 102025303 Ext 0, Industrial Ross Subdivision, be approved, and that a Development Permit be issued subject to the following conditions:
 - a) The development shall be consistent with the plans attached to this report as Appendix A-3.1 to A-3.3 inclusive, prepared by J. Norton for Petro Canada, dated September 15 and 18, 2017, and by Scatliff + Miller + Murray, dated October 3, 2017.
 - b) The applicant shall submit a building permit for approval by the Development Officer; the review of which will focus on the site development to ensure compliance with all applicable standards.
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 - d) Prior to the issuance of the building permit (as per condition 1b), the applicant shall provide documentation/letter from the Saskatchewan Ministry of Environment and/or federal regulatory authority for approval to construct, alter, expand, operate and decommission a hazardous substance and/or waste dangerous goods facility.
 - e) Consolidation of Parcel D with the property located at 535 E 1st Avenue shall be required prior to the building permit approval.
- 2) That this report be forwarded to the February 26, 2018 meeting of City Council for approval.

CONCLUSION

The applicant proposes to develop 10 above ground petroleum storage tanks with a range in size from 80 kiloliters (KL) to 135 kiloliters (KL). The subject property is proposed as an extension of the existing Petro Canada facility located at 535 E 1st Avenue and is being consolidated with that property.

The subject property is currently zoned IB - Medium Industrial Zone, where a Hazardous Material Storage is a discretionary use. The subject property is located within the Industrial Ross Subdivision.

The proposal complies with the development standards and regulations contained in *Regina Zoning Bylaw No. 9250* (Zoning Bylaw) and is consistent with the policies in *Design Regina: The Official Community Plan Bylaw No. 2013-48* (OCP). Accordingly, the Administration recommends approval.

BACKGROUND

This application is being considered pursuant to the Zoning Bylaw, the OCP, and *The Planning and Development Act, 2007* (Act).

The applicant proposes an extension, immediately to the south of, of the existing facility located at 535 E 1st Avenue. The existing facility at 535 E 1st Avenue was approved by City Council on May 29, 2000, through the discretionary use process (CR00-104).

Pursuant to subsection 56(3) of the Act, City Council may establish conditions for discretionary uses based on: nature of the proposed site (including its size, shape and proposed size, shape and arrangement of buildings) and certain aspects of site design (such as site access and traffic patterns, landscaping, screening, parking and loading areas), but not including the colour, texture or type of materials and architectural details.

DISCUSSION

The applicant proposes to develop a bulk fuel storage facility (fuel storage tanks) on the subject property. The proposal is an extension, immediately to the south of, an existing facility located at 535 E 1st Avenue. The applicant's current proposal is to construct 10 above ground storage tanks ranging in size from 80 KL to 135 KL to store a total capacity of one million liters of diesel fuel and gasoline, which will be transported off-site in trucks. The proposal also includes four parking stalls for petroleum hauling trucks.

The proposed tanks would be located on the western portion of the subject property (Parcel D – Appendix A-2). The applicant is currently in the process of purchasing this land and is required to consolidate with the property at 535 E 1st Avenue as a condition of this approval. The consolidation must be complete prior to the issuance of the building permit.

Based on the type of material (bulk fuel) and volumes proposed to be stored, the proposal is classified as a Hazardous Material Storage. As part of the process to establish this bulk fuel storage facility, the applicant is required to register with, and obtain approval from, the Saskatchewan Ministry of the Environment and the Federal agency (National Energy Board) if required. Documentation of this approval is required prior to the issuance of a building permit as reflected in the conditions of approval.

The land use and zoning related details are summarized in the following table:

Land Use Details	Existing	Proposed
Zoning	IB - Medium Industrial	IB - Medium Industrial
Land Use	Vacant	Hazardous Material (Petroleum) Storage Facility
Building Area	328.51	328.51

Zoning Analysis	Required	Proposed
Number of Parking Stalls Required	8	10
Minimum Lot Area (m ²)	2000	15414.96
Minimum Lot Frontage (m)	7.5	75.6 (along Park Street)
Maximum Building Height (m)	15	7.4
Maximum Floor Area Ratio	2.0	0.05
Maximum Coverage (%)	75%	4%

The surrounding land uses include a range of industrial uses (zoned IB - Medium Industrial) to the east, north and west of the subject property and a Canadian National rail line to the south.

The subject property is currently zoned IB - Medium Industrial Zone, where Warehousing/Processing of Hazardous Materials/Wastes is a discretionary use.

The proposed development is consistent with the purpose and intent of the IB - Medium Industrial Zone with respect to providing a wide range of manufacturing, processing, assembly, distribution, service and repair activities that carry out some of their operations outdoor or require outdoor storage.

RECOMMENDATION IMPLICATIONS

Financial Implications

The subject area currently receives a full range of municipal services, including water, sewer and storm drainage. The applicant will be responsible for the cost of any additions or changes to existing infrastructure that may be required to directly or indirectly support the development, in accordance with City of Regina (City) standards and applicable legal requirements.

Environmental Implications

The subject property is located within the Low Sensitivity Aquifer Protection Overlay Zone. The proposal is required to comply with the applicable performance standards before obtaining a building permit. The performance standards address the following:

- Excavations shall not exceed 6 metres in depth. If excavations/piles are being proposed past this depth, a geotechnical report would be required to demonstrate that there is no negative impact on the aquifer.
- All above ground storage tanks shall have secondary containment with dykes, impervious liners/equivalent, leak detection and/or a monthly statistical inventory reconciliation analysis system. In addition, each tank shall have an over-fill or spill prevention system.
- Industrial onsite runoff containment ponds shall be constructed to minimize any seepage into any underlying aquifers.
- All development applications shall be accompanied by plans to detect contamination of the aquifer.
- All facilities handling and/or storing hazardous materials of any type shall provide annual soil test reports and/or other early contamination detection measure reports to the City and federal and provincial agencies having jurisdiction.

The *National Building Code of Canada* does not have requirements regarding storage tanks. As a result the building permit review will focus on the development of the site and is subject to any requirements of the Saskatchewan Ministry of Environment. Demonstration of approval of the Saskatchewan Ministry of Environment and the Federal approving (National Energy Board) authority prior to the issuance of a building permit is required.

Policy/Strategic Implications

The proposal is consistent with the policies contained within Part A of the OCP with respect to:

Section D2: Environment

Goal 3- Water Protection

Maintain the integrity of Regina's aquifers, surface and groundwater resources.

- 4.9 Work with stakeholders to establish Aquifer Management Framework that protects Aquifer water quality.

Section D5: Land Use and Built Environment

Goal 4- Employment Areas

Provide appropriate locations and development opportunities for a full range of industrial, commercial and institutional activities.

Other Implications

None with respect to this report.

Accessibility Implications

None with respect to this report.

COMMUNICATIONS

Communication with the public is summarized below:

Public notification signage posted on	October 23, 2017
Letter sent to immediate property owners	October 23, 2017
Public Open House Held	N/A
Number of Public Comments Sheets Received	0

There were no public comments received on this application.

This application was not circulated to the community association as there is no community association for this area. The application was circulated to the Saskatchewan Ministry of Environment and Canadian National Railway Company (CN). Following the circulation, CN responded without any concerns. Saskatchewan Ministry of Environment did not respond to the circulation.

The applicant and other interested parties will receive a copy of the report and notification of the meeting to appear as a delegation in addition to receiving a written notification of City Council's decision.

DELEGATED AUTHORITY

City Council's approval is required, pursuant to Part V of *The Planning and Development Act, 2007*.

Respectfully submitted,

REGINA PLANNING COMMISSION



Elaine Gohlke, Secretary