

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPOSER: Redfern Farm Services Ltd.
PROPOSAL NAME: Crop Protection Warehouse - R.M. of Shoal Lake
CLASS OF DEVELOPMENT: One
TYPE OF DEVELOPMENT: Bulk Handling - Crop Protection Warehouse
CLIENT FILE NO.: 5409.00

OVERVIEW:

The Proposal was received on April 30, 2009. It was dated April 30, 2009. The advertisement of the proposal was as follows:

“A proposal has been filed by Redfern Farm Services Ltd. for the construction and operation of a crop protection warehouse and distribution facility to be located on a site formerly used by Shell Canada Ltd., adjacent to PTH 42, northwest of the Town of Shoal Lake.”

The Proposal was advertised in the Crossroads this Week (Shoal Lake) and the Brandon Sun on May 9 2009. It was placed in the Main, Millennium Public Library, Eco-Network and Western Manitoba Regional Library (Brandon) public registries and the RM of Shoal Lake as a public registry. The Proposal was distributed to Technical Advisory Committee (TAC) members on May 6, 2009. The closing date for comments from members of the public and TAC members was June 9, 2009.

COMMENTS FROM THE PUBLIC:

Rural Municipality of Shoal Lake

Resolution Form
Rural Municipality of Shoal Lake

No. 222/09

Date: May 27, 2009

“Whereas Redfern Farm Services has submitted a proposal to Manitoba Conservation in accordance with the Environment Act for the installation of a Crop Protection Warehouse on PT. N.E. 8-17-23WPM.

Therefore be it resolved that the applicant be required to obtain a Conditional Use permit and a Building/Development permit from the R.M. of Shoal Lake for the proposed crop protection warehouse.”

CARRIED

Disposition:

Comments were forwarded to the proponent for information.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Parks and Natural Areas Branch No comments.

Pollution Prevention Branch No comments.

Sustainable Resource & Policy Management Branch No concerns.

Manitoba Health and Healthy Living, Assiniboine and Brandon Regional Health Authorities

1. Environment License clauses should address the following:
 - i. please ensure that containment measures meet applicable guidelines
 - ii. maintain current chemical inventory lists in designated areas
 - iii. availability for review of emergency response plan
 - iv. prevention of wastewaters from entering municipal ditch systems
 - v. adequate surface and groundwater protection
 - vi. sound and dust emission control and monitoring
 - vii. ensure appropriate diesel storage meet applicable guidelines

Disposition:

Comments can be addressed via licence conditions.

Manitoba Water Stewardship

- *The Water Rights Act* indicates that no person shall control water or construct, establish or maintain any “water control works” unless he or she holds a valid licence to do so. “Water control works” are defined as any dyke, dam, surface or subsurface drain, drainage, improved natural waterway, canal, tunnel, bridge, culvert borehole or contrivance for carrying or conducting water, that temporarily or permanently alters or may alter the flow or level of water, including but not limited to water in a water body, by any means, including drainage, OR changes or may change the location or direction of flow of water, including but not limited to water in a water body, by any means, including drainage. If a proposal advocates any of the aforementioned activities, an application for a Water Rights Licence to Construct Water Control Works is required. Application forms are available from any office of Manitoba Water Stewardship.
- The proponent needs to be informed that if the proposal in question advocates any construction activities, erosion and sediment control measures should be implemented until all of the sites have stabilized.

- As outlined in the Description of the Proposed Development section of the *Environment Act* Proposal, the Proponent must ensure that the operational warehouse meets or exceeds the guidelines of the Agrichemical Warehousing Standards Association (AWSA) for certification.
- The *Environment Act* Proposal states that the proposed warehouse will have a secondary containment with a gated control mechanism. This gated control mechanism must remain in the closed position unless authorized by Manitoba Conservation. No potentially contaminated water must leave the proponent's property unless authorized by Manitoba Conservation. Where there is a concern that accumulated water is contaminated, the liquid should be sampled prior to release.
- Potentially contaminated water cannot be released until such time as Manitoba Conservation receives and reviews water sample results from a laboratory accredited by the Canadian Association for Laboratory Accreditation Inc. (CALA). Water samples must be taken from any source on the Proponent's property, or adjacent properties that might have been contaminated by fire fighting efforts or spillage.

Disposition:

Comments can be addressed via licence conditions.

Historic Resources Branch

No concerns with regard to this project's potential

to impact heritage resources.

If at any time however, significant heritage resources are recorded in association with these lands during development, the Historic Resources Branch may require that an acceptable heritage resource management strategy be implemented by the developer to mitigate the affects of development on the heritage resources.

Disposition:

Comments were forwarded to the proponent for information.

Mines Branch

No concerns.

Energy, Climate Change and Green Strategy Initiatives

No comments.

Highway Planning and Design Branch

Some components of the proposed development are located adjacent to PTH 42. As such, the proponent should be informed that any new, modified or relocated access connections to this highway or its service roads (including the change in the use of an existing driveway) will require a permit from the Highway Traffic Board. A permit will also be required for any change in the use of the land, or to place, construct or alter any structures within 38.1 m (125 ft). In addition, secure a permit from the Department of Manitoba Infrastructure and Transportation (MIT) for any plantings within 15.2 m (50 ft) from the edge of PTH 42 right-of-way.

If additional information or clarifications on these requirements are needed, the applicant can contact [Contact given] or [Contact given].

Disposition:

Comments can be addressed via licence conditions and were forwarded to the proponent for information.

Community Planning Services Branch

SHOAL LAKE DEVELOPMENT PLAN BY-LAW NO. 4-2003 (came into effect on June 21, 2004)

The facility is located within an area designated “**M**” - **RURAL INDUSTRIAL AREA** and according to the information provided in the proposal, the site was previously operated as a “bulk fuel stationary storage and sales” facility by Shell Canada. The proposed use is generally consistent with the goals, objectives and policies for this designation. In particular, Part 3, Section 3.3.6 (.1), (.3) and (.5) of the Plan states the following:

- .1 *Agro-commercial and industrial developments which support the agricultural sector, or commercial and industrial uses that require larger land parcels, do not require piped municipal services, or which may be better suited to a rural environment, may be established in any of the three distinct types of Agriculture/Rural Policy Areas and will be considered conditional uses in the RM of Shoal Lake Zoning By-law or should be directed to lands designated **Rural Industrial Area** in **Appendix “A” Development Plan Map 3**. Other commercial and industrial developments should be directed to designated urban communities.*
- .3 *Commercial and industrial developments will ideally be sited in clusters along one side of a provincial highway, provincial road or municipal road. When necessary, frontage roads may be utilized to control access onto the provincial highway system. A member municipality is responsible for any frontage road constructed.*
- .5 *Uses which may involve the storage and transfer of hazardous chemicals shall have regard for and compliance with applicable provincial regulations as well as all siting and setback requirements contained in a member municipality’s zoning by-law.*

RM SHOAL LAKE ZONING BY-LAW NO. 1-2005 (came into effect on August 24, 2005)

The Rural Municipality of Shoal Lake Zoning by-law identifies the subject lands as being located in an area zoned “**MR**” **Rural Industrial Zone**. PART 6, Table 6-5 of the by-law (not shown herein) identifies “Fertilizer and Farm Supplies, sales and storage” uses as being a conditional use in this zone.

According to PART 6, Table 6-6 of the RM of Shoal Lake Zoning By-law, the following use and site requirements apply to the “Fertilizer and Farm Supplies, sales and storage” use as follows:

TABLE 6-6: INDUSTRIAL RURAL BULK TABLE

PERMITTED OR CONDITIONAL USES	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (acres)	Site Width (feet)	Front Yard (feet) (a)	Side Yard (feet) (b)	Rear Yard (feet) (b)
All other permitted and conditional uses in the “MR” Zone	2	200	50	25	25
ACCESSORY USES, BUILDINGS AND STRUCTURES	-	-	(d)	20	20

From my review of the site plan included with the proposal, it appears the proposed “crop protection warehouse” will be sited on the parcel in accordance with the minimum front, side and rear yard setbacks set out in Table 6-6 (above). Further PART 2, Section 2. Subsection 2.2.1 of the RM of Shoal Lake Zoning By-law which deals with Existing Use, Buildings and Structures (including permitted accessory structures) states the following:

2.2.1 An existing use, building or structure which is classified as a permitted use, building or structure in this By-law shall be allowed to continue to exist, and may be enlarged or expanded, may be changed to another permitted use, or may be replaced if destroyed.

(a) All legally erected buildings and structures existing at the effective date of this By-law are deemed to conform to the bulk requirements of the zone in which the buildings or structures are situated, and

(b) The enlargement, expansion, change in use, or replacement shall be subject to the issuance of a development permit, and shall conform to all requirements of this By-law.

CONCLUDING REMARKS

Based on the preceding discussion and my review of information contained in the Environment Act Proposal, it appears that the proponent will be required to obtain from Council a “conditional use” order for the proposed “Crop Protection Warehouse” following a required Public Hearing. In addition, the proponent will be required to obtain a Building/Development Permit from the RM of Shoal Lake for the proposed crop protection warehouse.

Finally, I note from information contained in the Environment Act Proposal that the proponent is intending to utilize two existing 5000 litre diesel fuel storage tanks dating from 1992. I recommend the proponent consult with Manitoba Conservation to ensure said fuel tanks comply with all applicable provincial regulatory requirements.

I trust the attached information has been of assistance. Should you have questions or concerns, please feel free to call me at [Contact given]

Disposition:

Comments were forwarded to the proponent for information.

Canadian Environmental Assessment Agency

I have completed a survey of federal departments with respect to determining interest in the project noted above. I can confirm that the project information that was provided has been reviewed by all federal departments with a potential interest. Based on the responses to the survey, application of the *Canadian Environmental Assessment Act* (the Act) will not be required for this project.

ADDITIONAL INFORMATION:

No additional information is required to address TAC comments.

PUBLIC HEARING:

No requests were received for a public hearing. Accordingly, a public hearing is not recommended.

RECOMMENDATION:

All provincial comments received on the Proposal can be addressed as licence conditions, or have been forwarded to the Applicant's representative for information. Therefore, it is recommended that the Development be licensed under The Environment Act subject to the limits, terms and conditions as described on the attached Draft Environment Act Licence. It is further recommended that enforcement of the Licence be assigned to the Western Region.

PREPARED BY:

Holly Poklitar

Environmental Assessment and Licensing - Environmental Land Use Section

June 15, 2009; updated July 6, 2009

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