

SUMMARY OF COMMENTS/RECOMMENDATIONS

PROPONENT: Paterson Grain (a Division of Paterson Global Foods Inc.) - Municipality of Two Borders
PROPOSAL NAME: Crop Inputs NE Section of 22-3-27 WPM
CLASS OF DEVELOPMENT: 1
TYPE OF DEVELOPMENT: Bulk Materials Handling Facility
CLIENT FILE NO.: 5795.00

OVERVIEW:

The proposal was filed by Paterson Grain (a division of Paterson Global Foods Inc.) for the construction, operation and development of a bulk materials handling facility including a crop protection products warehouse, granular fertilizer, liquid fertilizer and anhydrous ammonia to be located at NE ¼ of Section 22-3-27 WPM in the Municipality of Two Borders. The development will consist of a 267 square meter (m²) administrative office, 833 m² crop protection chemical warehouse, 2000 metric tonne (MT) bulk seed facility, 267 m² bagged seed facility, 2000 MT dry fertilizer facility, 2800 MT liquid fertilizer facility and 100 MT anhydrous ammonia facility.

The Proposal was advertised in the Melita New Era on Friday October 9, 2015. Copies of the proposal were placed in the Public Registries at the Legislative Library, 200 Vaughan St., Winnipeg; Millennium Public Library, 4th Floor, 251 Donald St., Winnipeg; and the Online Registry. The proposal was distributed to the Technical Advisory Committee (TAC) on October 9, 2015. The closing date for TAC and public comments was on November 9, 2015.

COMMENTS FROM THE PUBLIC:

No public responses were received.

COMMENTS FROM THE TECHNICAL ADVISORY COMMITTEE:

Following is a summary of TAC comments received pertaining to the Proposal. Copies of the original comments from TAC are available in the Public Registries.

Manitoba Conservation and Water Stewardship – Air Quality Section

The proposal is not expected to have any significant impact on air quality.

Manitoba Conservation and Water Stewardship – Crown Lands Branch

No concerns/comments.

Manitoba Conservation and Water Stewardship – Office of Drinking Water

Reviewed the above noted EAP and found no cause for concern in it respecting drinking water quality or safety.

Manitoba Conservation and Water Stewardship – Parks and Protected Spaces Branch

Parks and Protected Spaces Branch has reviewed the proposal submitted pursuant to the *Environment Act* for Request for review/comment - Paterson Global - CPW - File: 5795.00. The Branch has no comments or concerns to offer as it does not affect any provincial parks, park reserves, ecological reserves, areas of special interest or proposed protected areas.

Manitoba Conservation and Water Stewardship – Water Use Licensing

No concerns.

Manitoba Conservation and Water Stewardship – Water Control Works and Drainage Licensing Section

Any water control works (drains, culverts, dykes, dams, etc.) associated with this project will require licensing under the *Water Rights Act* – an application is attached for the proponent's convenience. Any inquiries in this regard may be directed to the local *Water Resource Officer*. Their contact information may be found at:

http://www.gov.mb.ca/conservation/waterstewardship/licensing/pdf/officer_areas_of_focus_30mar2015.pdf

Disposition: Forwarded as information to the proponent.

Manitoba Conservation and Water Stewardship – Wildlife Branch

No wildlife related concerns.

Manitoba Health

No comments.

Manitoba Infrastructure and Transportation

MIT has reviewed the proposal under the Environment Act noted above and we offer the following comments:

The proposed project will require a permit for the new structures. Under the Highways Protection Act, a permit will be required from Highway Traffic Board for PTH's. A permit may also be required for:

- o Any construction (above or below ground level) within 38.1 m (125 ft);
- o Any plantings within 15.2 m (50 ft) from the edge of the right of way of PTH 3;
- or
- o Discharge of water or other liquid materials into the ditch on PTH 3.

For permit applications, please contact Ashley Beck at (204) 726-7000 or at

Ashley.Beck@gov.mb.ca.

Disposition: Information provided to the proponent.

Manitoba Municipal Government

1. The subject +/- 18 acre parcel of land located in Pt.N.E. ¼ SEC. 22-3-27 WPM in Two Borders Municipality is designated “RURAL POLICY AREA” according to the Southwest Planning District Development Plan By-law No. 1-2004 and is zoned “AG” Agricultural General Zone according to the RM of Edward Zoning By-law No. 3-2005. The “Crop Protection Warehouse” being proposed in a use which may be allowed in the Rural Policy Area and “AG” Agricultural General Zone. Table 4.1 (below) from the RM of Edward Zoning By-law sets out the minimum use and bulk requirements for a crop protection warehouse which is considered a conditional use in the “AG” Agricultural General Zone. As a crop protection warehouse is a conditional use, the proponent shall be responsible for applying to and being granted a conditional use order by Council following a required Public Hearing

“TABLE 4-1: “AG” AGRICULTURAL GENERAL ZONE – USE & BULK TABLE

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (Acres)	Site Width (feet)	Front Yard (feet)	Side Yard (feet) (a)	Rear Yard (feet)
CONDITIONAL USES					
<i>Establishments for the sales, storage or distribution of agricultural supplies, equipment or structures (e)</i>	2 (f)	200	125 (d)	25 (d)	25 (d)

Footnotes forming part of Table 4.1 (above)

(a) Yards Adjacent to Roadways

- (i) *Where a side site line is adjacent to a government road allowance or other municipal road, the minimum required side yard shall be 125 feet.*
- (ii) *Where a rear site line is adjacent to a government road allowance or other municipal road, the minimum required rear yard shall be 125 feet.*

(b) Siting of Apiaries

Apiaries shall be considered as a conditional use when proposed to be located within one-quarter (1/4) mile of a residence when the owner of the residence has not consented to such a location.

(c) ***Livestock Operation Application Information Requirements***

Applications to establish new or expand existing livestock operations as a permitted or as a conditional use must be made on the forms prescribed by Council and provide information required under Part 5 of this By-law.

(d) ***Anhydrous Ammonia***

Anhydrous ammonia storage facilities shall be set back 330 feet from any public roadway, and shall be separated by a distance of 2,640 feet from any individual residence and shall be separated by a distance of 2,640 from the boundaries of any designated or zoned residential area such as a village or town.

(e) ***Agri-Commercial and Industrial Uses***

These types of uses may be allowed in the “AG” AGRICULTURAL GENERAL ZONE only if Council is satisfied that no suitable site is available in a community, in accordance with the policies of the Southwest Planning District Development Plan.

(f) ***Maximum Site Area***

The maximum site area for non-farm dwellings shall be ten (10) acres, unless physical features of the site (such as natural drains, shelterbelts, etc.) would indicate that a larger site would, in the opinion of Council, be appropriate.”

2. Please be further advised that according to the Environment Act Application File No. 5795:00, the proposed facility does not satisfy all of the siting and setback requirements of the RM of Edward Zoning By-law. In particular,

PART 5 - HAZARDOUS MATERIALS STORAGE, Section 5.16 of the RM of Edward Zoning By-law 3-2005, as amended states the following:

“5.16 Unless the listed distances are varied by Council, no bulk farm chemical supply warehouse, inland grain terminal, bulk fuel or fertilizer storage, or anhydrous ammonia storage facility shall be located within:

- (a) *2,640 feet of a building used for human habitation;*
- (b) *2,640 feet of a “GD” General Development Zone or incorporated community;*
- (c) *330 feet of a municipal road or provincial highway, water wells, surface water bodies and source water protected areas.*
- (d) *Or on sites which are subject to flooding (see Part 6 of this By-law).”*

Concluding Remarks:

Based on my review of Environment Act Application No.5795:00 and Schedule 6 therein, in order for the proposed development to proceed in a manner that is consistent with the requirements of the RM of Edward Zoning By-law No. 3-2005 which is in effect for this portion of Two borders Municipality, the proponent will be required to apply for and obtain from Council both a conditional use order and a variation order granting relief from the minimum setbacks set out in PART 4, Table 4.1 (footnote (d) and (f) and PART 5, Section 5.16 of the RM of Edward Zoning By-law. As both of these orders (i.e. a conditional use order and variation order) require Council to hold a Public Hearing, if they so choose, they can combine both and hold a consolidated public in accordance with the requirements of the Planning Act to receive representations from the public in respect of either or both the conditional use and or the variation order.

Disposition:

Proponent confirmed the subject land is located in now amalgamated Municipality of Two Borders. Further, confirmed:

1. Conditional Use Order No. 6/2015 and Variation Order No. 6/2015 were both issued by the RM of Two Borders subsequent to a July 21, 2015 public hearing. Please find attached hereto copies of these documents for your records.
2. With respect to the variation order for the site's set-backs, we have discussed this matter with the RM of Two Borders. Accordingly, we will secure the variation order and provide a copy once received. We do not anticipate an issue as the RM has issued the development and building permit with informed knowledge of the site plan.

Office of the Fire Commissioner

The Office of the Fire Commissioner recommends that the applicant obtain a building permit prior to construction of the new building.

Disposition: Forwarded as information to the proponent.

PUBLIC HEARING:

A public hearing is not recommended.

CROWN-INDIGENOUS CONSULTATION:

The Government of Manitoba recognizes it has a duty to consult in a meaningful way with Indigenous communities when any proposed provincial law, regulation, decision or action may infringe upon or adversely affect the exercise of a treaty or Indigenous rights of that community.

The proposal involves the handling and distribution of agricultural products in a facility in an established agricultural area. Adverse effects on surface water or habitat for wildlife or fisheries are not anticipated.

Since resource use is not affected by the project, it is concluded that Crown-Indigenous consultation is not required for the project.

RECOMMENDATION:

All comments received have been addressed through additional information, or can be addressed through licence conditions. 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 of the Environmental Compliance and Enforcement Branch.

PREPARED BY:

Krystal Penner
Environmental Approvals Branch
November 25, 2015
Updated: March 9, 2016
Telephone: (204) 945-7107 / Fax: (204) 945-5229
E-mail Address: krystal.penner@gov.mb.ca