



Request for Decision

To: Council

Staff Contact: Megan Williams, Planner III

Date Prepared: October 31, 2022

Meeting Date: December 14, 2022

SUBJECT: Sea Can Open House Results and Proposed Land Use Bylaw 14-11 Amendments

RECOMMENDATION: Information for Council.

STRATEGIC PRIORITIES:



Affordable
Housing



Climate
Resiliency



Community
Development



Community
Wellness



Economic
Development



Financial
Sustainability

HOW THE STRATEGIC PRIORITIES ARE MET:

The Open House presented an opportunity for business owners in Strathmore to provide feedback on the new sea can section of the Land Use Bylaw. Administration has discussed the comments received and will be bringing forward another land use bylaw update that aims to keep the safety aspects implemented without creating unnecessary obstacles for business owners.

SUSTAINABILITY

ECONOMIC SUSTAINABILITY:

N/A

SOCIAL SUSTAINABILITY:

N/A

ENVIRONMENTAL SUSTAINABILITY:

N/A

IMPLICATIONS OF RECOMMENDATION:

GENERAL:

N/A

ORGANIZATIONAL:

N/A

OPERATIONAL:

N/A

FINANCIAL:

N/A

POLICY:

Land Use Bylaw 14-11
Strathmore Fire Department - Levels of Service Policy 2301
Standard Operating Guidelines 2.09.10

IMPLEMENTATION:

Administration will draft a Land Use Bylaw amendment bylaw and bring it for first reading in Q1 of the new year.

BACKGROUND:

Following the May 18th public hearing for Bylaw 22-01, being an amendment to the Land Use Bylaw 14-11, Council directed Administration to undertake education, awareness, and dialogue regarding Sea Cans used for storage with stakeholders and seek potential alternative solutions.

Administration put together an FAQ, information sheet, and hosted an open house on August 30th, 2022. This report provides information on sea cans used as storage, summarizes the feedback received during the open house, and outlines next steps.

KEY ISSUE(S)/CONCEPT(S):

There is a growing trend of using sea cans for long-term storage. The items stored range from dry goods to hazardous materials.

The adoption of the 2014 Land Use Bylaw contained a definition for sea cans which restricted them to industrial and commercial districts and labelled them as 'movable accessory buildings'. In 2016 an amendment to the Land Use Bylaw was adopted that clarified that sea cans were considered a discretionary use, thus requiring a development permit.

As more businesses turn to sea cans as a cost-effective, quickly placed, and secure method to store product, so increases the risk to the Town's first responders and residents. In response to this, the Fire and Planning Departments have been working together to improve safety around sea cans. The first step was to amend the Land Use Bylaw 14-11. The attached Land Use Bylaw Section 3.35 is the consolidated version of these amendments, the new regulations include:

- New setbacks from buildings and parking lots,
- Prohibiting the storage of hazardous materials,
- Prohibiting sea can placement on parcels adjacent to residential districts, and
- Requiring vents be installed in all sea cans used for storage.

We received a number of comments from business owners during the public hearing process, leading Council to direct Administration to conduct education, awareness, and dialogue sessions regarding Sea Cans used for storage with stakeholders and seek potential alternative solutions.

Administration created an FAQ addressing the more common questions and made it available on the Town website. An open house was organized, and a letter was sent to every landowner with property designated M1 – Light Industrial or M2 – Industrial districts, 85 total. These are the two land use districts most heavily impacted by the land use bylaw changes and where the majority of the sea cans in Town are concentrated. Within those letters was information regarding the approved changes as well as the invitation to come to the open house to provide feedback.

The open house had 12 attendees. The format of the open house evolved from educating and asking for feedback on a set of specific items, to having one-on-one conversations with attendees regarding their specific situation. The floor then opened up for attendees to ask questions and to voice their opinions as a group.

The common threads of the discussion were

- Cost of the applications,
- Whether there would be any exemptions for hazardous materials, either the type and/or volume,
- Concerns around vandalism and safety,
- Setbacks from parking, buildings, and residential districts.

Based on the discussions held during the open house, internal discussions, and discussions with safety code officers, Administration has some proposed changes. These proposed changes take into consideration the concerns raised by local businesses, while aligning with

the *Strathmore Fire Department - Levels of Service Policy 2301*, working to improve everyone's safety.

The first proposed change is to the development permit fee for accessory buildings. Currently the fee is \$262.50 per building. Administration is proposing to change it to \$262.50 for the first building, and \$100 for every subsequent building on a single development permit application. Additionally, the fees bylaw directs staff to double the application fees for a development that has started without obtaining the appropriate permits. Administration is proposing to waive this for the time being to encourage sea can owners to come forward and obtain the appropriate permits. The fee adjustment is proposed to be included in the next batch of fee bylaw updates.

The second and third proposed changes are to the Land Use Bylaw. We are proposing to remove the hazardous materials restriction and venting requirements. The regulations under Alberta Building Code, setback requirements in the Land Use Bylaw, expanded fire inspection scope, new sea can registry, and updated Standard Operating Guidelines (2.09.10) will work together to improve safety around sea cans. The latter three items are operational in nature and do not require an amendment be brought before Council; meaning we can implement them immediately. These proposed changes do not remove the requirements under Building Code for sea cans to obtain a building permit. Nor do they remove the venting requirements under Building and Fire Code, which states buildings that are storing hazardous materials, including vehicles, are to be vented. Compressed Gases shall not be permitted to be stored in sea cans.

The operational changes noted above fall under the Fire Department's jurisdiction. They will be expanding the scope of their annual fire inspections to include sea cans, noting the contents of the sea can. The expanded inspection service will include an education portion where, if non-compliant, the business owner will be taught how to bring their sea can into compliance. The Fire Department is working with our Geographic Information System (GIS) Specialist on the sea can registry. Parcels containing a sea can that require/have a building permit will be in the registry. This registry will exclude sea cans that have been placed temporarily, for moving purposes for example. Administration is investigating how best to define 'temporary'.

The registry contains:

- The owners name,
- The Address that the sea can is located,
- The year the sea can was placed on the property,
- If there is a valid Development and Building Permit,
- If there a Fire Safety Plan submitted with the Town,
- Emergency Contact Information,
- If there is storage of Dangerous or Hazardous materials,
- If there are Dangerous or Hazardous materials, whether the sea can meets NFPA 68 (standard in explosion protection by deflagration venting),
- Whether the sea can have a UN placard easily accessible by first responders,
- Whether there are compressed gases stored

Once this information is gathered it will be used in the sea can Fire Inspection. A representative from the Fire Department will contact the owner to setup a time to attend the property and ensure that the sea can meets all of the specified criteria of the Fire Code, Building Code, and Town Bylaws. This information will be stored in the Fire Departments pre-incident plan software in perpetuity. Sea cans will be subject to inspection every two (2) years.

Administration also received comments on the new setback requirements. Planning and Development have the ability to grant setback variances up to 100% for accessory buildings. We will review each variance request on a case-by-case basis; circulating the request to the Fire Department for comment before issuing a decision. It will also be explained to the applicant that decreasing the setbacks will impact how the Fire Department responds to their property if there is an incident.

In the new year, Planning will be bringing forward a land use bylaw amendment that captures the aforementioned changes. Until that time, the Fire Department will implement their updated and new Sea Can Standard Operating Guidelines, the sea can registry, and the expanded fire inspection services. Until the changes to the Land Use Bylaw regarding sea cans have been settled, Planning will not initiate enforcement on the unpermitted sea cans.

DESIRED OUTCOMES:

N/A

COMMUNICATIONS:

Administration has informed open house attendees of this COTW meeting, and the proposed changes. When we bring forward the land use bylaw amendment bylaw with the proposed changes, we will again notify them. The public hearing notice will be circulated in the usual manner: newspaper, utility insert, Facebook with the addition of mailing the people who own M1 and M2 designated land within the Town.

ALTERNATIVE ACTIONS/MOTIONS:

N/A

ATTACHMENTS:

[Attachment I: Open House presentation](#)

[Attachment II: Land use Bylaw Section 3.35](#)

[Attachment III: Sea Can Info sheet](#)

David Sturgeon, Fire Chief

Approved
- 15 Nov
2022

Chuck Procter, Manager of Development Services

Approved
- 15 Nov
2022

Jamie Dugdale, Director of Infrastructure, Operations, and Development Services

Approved
- 17 Nov
2022

Chris Willms, Legislative Services Officer

Approved
- 06 Dec
2022

Johnathan Strathdee, Manager of Legislative Services

Approved
- 07 Dec
2022

Kevin Scoble, Chief Administrative Officer

Approved
- 07 Dec
2022



Sea Can Open House

August 30, 2022 4:00PM – 6:00PM



When do I need a Permit?

If you're using the sea can for long-term storage (right now, 'long-term' is 10 days or more).

We're looking for feedback on when a sea can changes from temporary storage to long-term storage. Make sure to indicate your opinion on one of the boards!

Why do I need a Permit?

Safety, Safety, Safety!

If a sea can is used for storage without upgrading the vents, they become an explosive hazard. Putting yourself, our emergency crews, and residents at risk.

The permitting process ensures the proposed sea can location will meet all the other regulations regarding set backs and storage. It will notify the fire department that a change to the site has been made, and they may need to review and update their fire response plan.

What can't I store in my sea can?

We prohibit the storage of hazardous materials. This includes items that contain hazardous materials in small amounts such as a lawnmowers, gas containers, or propane tanks.

There have been fires involving sea cans where such items were stored that resulted in the sea can failing catastrophically, injuring and killing first responders.

Where can I put my sea can?

Right now, we prohibit the placement of sea cans used for storage on a parcel adjacent to a residential site. 'Adjacent' includes a parcel that would be directly adjacent if not for a road, lane, water body, park, or utility right of way.

We're looking for feedback on this! Please provide your opinion on one of the boards.

Sea cans must be

- 3 metres from another building/structure,
- 6 metres from the exits, windows, and unprotected openings of another building/structure, and
- 15 metres from a parking area.

What if I already have a sea can?

Strathmore has required permitting for sea cans used for storage since 2016.

If your sea can used for storage was on your property **before 2016**, and hasn't been moved, it is considered non-conforming and **does not** require a permit. If you want to move or modify your sea can, you will need to **apply for a permit**.

If it was placed on your property **after 2016** and you obtained permits, it is also considered non-conforming and **does not** need to conform to the current regulations. If you want to move or modify your sea can, you will need to **apply for a permit**.

If it was placed on your property **after 2016** and you **did not** obtain permits, it **does** need to obtain permits and it must conform to the current regulations.

Thank you for coming!

Please enjoy the snacks and drinks and make sure to provide us your opinion!

**SECTION 3.35****SEA CANS**

1. A Sea Can must comply with the regulations in the Accessory Buildings and Uses Section. The Approving Authority may substitute requirements or otherwise ensure that
 - (a) A Sea Can used for storage is screened from public view from an adjoining street other than a lane; and
 - (b) The Sea Can is located to the satisfaction of the Approving Authority.
2. A Sea Can used for storage shall only be located on a parcel where there is an existing principal use.
3. The Approving Authority may require that a Sea Can be clad, painted, or covered to ensure that its appearance is compatible with the surrounding area.
4. After a dwelling unit on a site in a residential district has been occupied, a Sea Can may be located on that site for no longer than 10 consecutive days to enable temporary storage or moving of goods, materials or equipment. The Approving Authority may require that the Sea Can be located to their satisfaction.
 - (a) The Approving Authority must be notified prior to the Sea Can being located on site.
5. Subject to sub-section 4 above, Sea Cans are not allowed in a residential district and the Development Officer
 - (a) may require the removal of a Sea Can on a parcel in a residential district within a specified period of time and may prohibit a Sea Can on a parcel in a residential district; and
 - (b) must notify the owner of the parcel in writing if the Development Officer requires the removal of a Sea Can from that parcel.
6. A Sea Can must be set back a minimum of 3.0 m from another building/structure, and a minimum of 6.0 m from the exits, windows, and unprotected openings of another building/structure.
7. Sea Cans used for storage shall not be placed within 15 m of a parking area.
8. Sea Cans used for storage are only permitted in the rear or side yards.
 - (a) Sea Cans in the side yard must meet the side yard setback of the applicable Land Use District.
9. Prior to issuing a decision on a Development Permit application for a Sea Can used for storage, the Fire Department is to complete a site inspection with the applicant to review the proposed location of the Sea Can.
10. Prior to use as a storage unit, a Sea Can must have the following features put in place:
 - (a) One ventilation opening must be added within 150 mm of the floor in the Sea Can door primarily used for opening.
 - (b) One ventilation opening must be added within 150 mm from the top of the Sea Can on the opposite end of the doors for cross ventilation.
 - (c) The top ventilation opening cannot be directly venting toward any structure.



- (d) Neither ventilation opening can be obstructed by storage and shall be kept clean of internal and external debris.
 - (e) The additional ventilation opening must be constructed based upon the following minimums:
 - i. Two – 0.3 m x 0.3 m openings for Sea Cans 6 m long or less
 - ii. Two – 0.5 m x 0.5 m openings for Sea Cans over 6 m long.
 - (f) Alternate approved engineering solutions for ventilation and explosion protection will be considered.
 - (g) A placard containing the name of the company, persons responsible, and emergency contact number placed on the side of the Sea Can and visible from 10 m.
11. Sea Cans may not be used for the storage of hazardous materials, including but not exclusively gasoline, propane, and tools that use the same.
 12. Sea Cans shall not be used for advertising purposes.
 13. Sea Cans shall not be used as a Dwelling Unit.

Sea Cans used for Storage

What is a Sea Can?

Sea Cans (also called shipping containers, intermodal containers, or C-Cans) are weatherproof metal boxes made of corrugated steel meant to be used to transport goods on a ship, train, or truck. Their construction makes them secure from theft and weather, ideal for storage.

I have a shipment of materials coming to my property. It's only temporary, can I keep them in the sea can? Do I need to get a permit?

We do not require a development or building permit for sea cans placed temporarily on your property. We consider the sea can 'temporarily' on your property if it there for 10 days or fewer. However, if there are any hazardous materials stored in the sea can, we ask that you notify the local fire department so they can be made aware of the risk. They may require a site visit to help you place the sea can in the safest location. They may also require a placard that states what's stored in the sea can, and who to contact in the case of an emergency.

You can contact the fire department at 403-934-3022.

I'd like to use a sea can for storage. Can I?

It depends on what you would like to store. Long term storage of hazardous materials is strictly prohibited. This means no chainsaws, lawnmowers, gas containers, propane, etc.

Anything else can be stored in the sea can. You will need to apply for a development and building permit. When you submit a development permit application you will need to include a site plan that shows the sea can is at least:

- 3 metres from another building/structure.
- 6 metres from the exits, windows, and unprotected openings of another building/structure.
- 15 metres from a parking area.

Sea cans used for storage must have vents installed. The vents must meet the following regulations:

- One vent must be within 150mm of the floor, in the sea can door
- One vent must be within 150mm from the top of the sea can, on the opposite side.
- The top vent cannot vent towards a structure.
- The vents must remain unobstructed and kept clean of internal and external debris.
- Sea cans 6 metres long or less require two 0.3m x 0.3m vents
- Sea cans over 6 metres long require two 0.5m x 0.5m vents.
 - o Alternative engineered solutions for ventilation and explosion protection will be considered.

Sea cans cannot be placed on properties adjacent to a residential property.

Part of the development permit process includes a site visit by the fire department to inspect the proposed location for the sea can. They will discuss any concerns or recommended changes with you.

Once you have obtained a development permit, your building permit application will be processed.

Why do we need to install vents? That defeats the purpose of using a sea can.

We are planning for worst case scenario. The aspects of sea cans that make them so attractive for storage, also make them the most dangerous. The very limited ventilation they have could result in a catastrophic failure if they are involved or adjacent to a fire. There have been several incidents involving sea cans that have resulted in serious injury and death. By making larger vent openings, more air will be able to circulate in the sea can, cooling it down, and decreasing the internal pressure. It will also allow smoke to escape, providing a visual cue that something is not right.

If you have further questions regarding sea cans, you can reach out to the Planning and Development Department at development@strathmore.ca or 403-934-3133.

Strathmore.ca



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