

**LAND USE AMENDMENT
RESIDUAL SUB-AREA 14U (WARD14)
WALDEN BOULEVARD SE AND 194 AVENUE SE
BYLAW 74D2017**

MAP 13SS

EXECUTIVE SUMMARY

This land use amendment application seeks to redesignate a ±66.0 hectare (±163.1 acre) site, located in Residual Sub-Area 14U (east of Walden), from Special Purpose – Future Urban Development (S-FUD) District to a DC Direct Control District based on the Special Purpose – Recreation (S-R) District with the additional use of Non-Operating Landfill. The proposed land use would allow for the closure and post-closure care of the landfill as well as the long-term use of the site as naturalized open space with the potential for future recreation amenities.

PREVIOUS COUNCIL DIRECTION

None.

ADMINISTRATION RECOMMENDATION(S)

2016 December 15

That Calgary Planning Commission recommends **APPROVAL** of the proposed Land Use Amendment.

RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION

That Council hold a Public Hearing on Bylaw 74D2017; and

1. **ADOPT** the proposed redesignation of 66.00 hectares ± (163.09 acres ±) located at 1817 – 194 Avenue SE (N1/2 Section 13-22-1-5) from Special Purpose – Future Urban Development (S-FUD) District **to** DC Direct Control District to accommodate a non-operating landfill, passive outdoor recreation and natural areas only, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 74D2017.

REASON(S) FOR RECOMMENDATION:

This application supports the closure and post-closure care activities on the landfill site while providing assurance that the landfill will not be re-opened. The landfill operator is undertaking closure of the landfill. Currently, the landfill site has a land use designation that allows for waste disposal. By removing the option for waste disposal, the proposed DC District formalizes the intent to close the landfill from a Land Use Bylaw regulatory perspective. The proposed DC District is also consistent with the policies of the Municipal Development Plan (MDP) and the East Macleod Area Structure Plan (ASP).

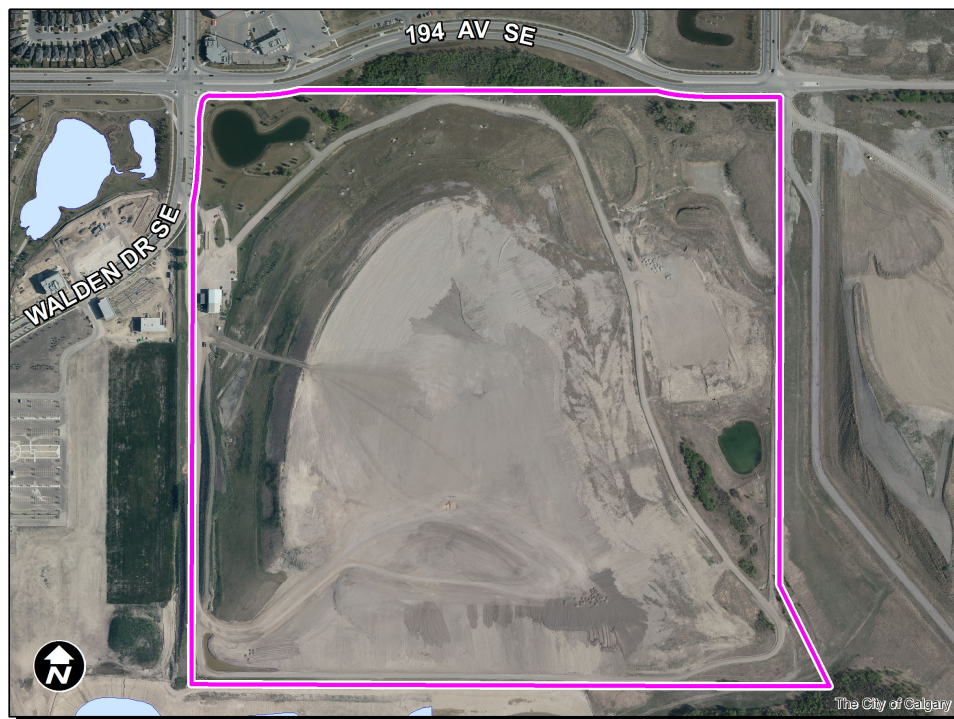
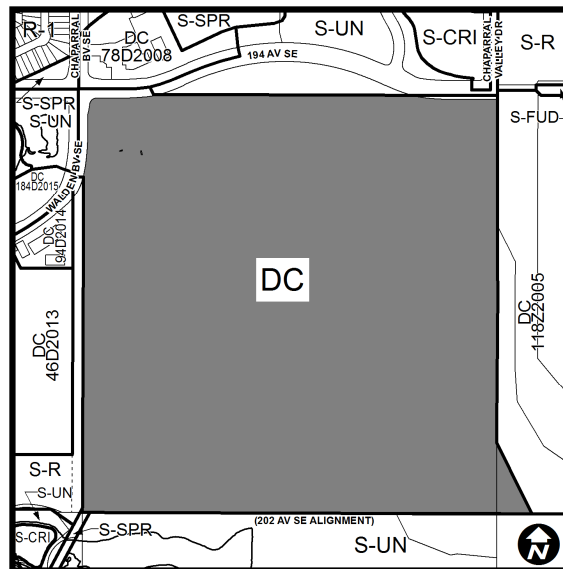
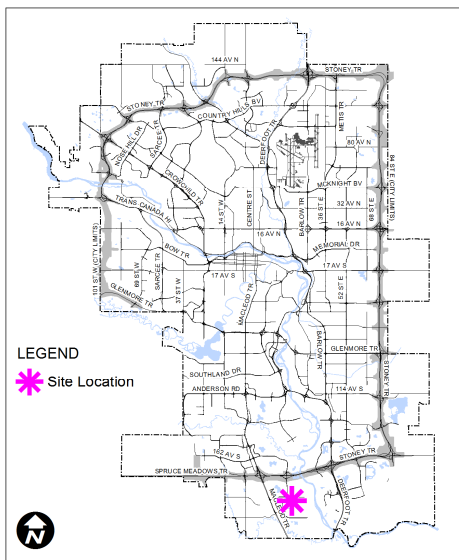
ATTACHMENT

1. Proposed Bylaw 74D2017

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LOCATION MAPS



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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 66.00 hectares ± (163.09 acres ±) located at 1817 – 194 Avenue SE (N1/2 Section 13-22-1-5) from Special Purpose – Future Urban Development (S-FUD) District **to** DC Direct Control District to accommodate a non-operating landfill, passive outdoor recreation and natural areas only with guidelines (APPENDIX II).

Moved by: D. Leighton

Carried: 9 – 0

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Applicant:

B&A Planning Group

Landowner:

Progressive Waste Solutions Canada Inc

PLANNING EVALUATION

SITE CONTEXT

The subject site is located in Residual Sub-Area 14U in the city's southeast and consists of two Special Purpose – Future Urban Development (S-FUD) District designated parcels.

General landfill timeline:

- The landfill began operations in 1986 - 1988 under Municipal District of Foothills jurisdiction.
- The lands were annexed into The City in 2005.
- The landfill was closed to accepting waste in December 2013.
- Since 2013, the landfill has been undergoing closure activities as prescribed by the Province.

To the north of the site is the community of Chaparral. To the east is a gravel extraction and processing area. To the west and south of the site is the community of Walden.

LAND USE DISTRICTS

The proposed land use is a DC Direct Control District based on the Special Purpose – Recreation (S-R) District with the additional discretionary use of a Non-Operating Landfill. As identified in the Applicant's submission statement (APPENDIX I), the purpose of this land use proposal is to:

1. Eliminate the allowable use of "Waste Disposal and Treatment Facility" on the subject lands.
2. Allow for closure and post-closure care of the non-operating landfill.
3. Allow for the eventual land uses of passive outdoor recreation and natural areas.

A DC District was required in support of this application because none of the standard districts allow for a non-operating landfill while also prohibiting an active landfill. The Special Purpose – City and Regional Infrastructure (S-CRI) District is the closest standard district available, but it allows for an active landfill and an objective of this application is to ensure that the landfill remains non-operational.

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The guidelines in the DC District allow for all of the beneficial land uses listed under the S-R District with the additional discretionary use of a Non-Operating Landfill. The DC District defines Non-Operating Landfill to include the activities that may need to occur as the landfill moves through the closure and post-closure care phases.

LEGISLATION & POLICY

The proposed DC District is consistent with the policies of the Municipal Development Plan (MDP) and the East Macleod Area Structure Plan (ASP). Also relevant to the application are the Provincial Subdivision and Development Regulation and the Waste Control Regulation.

South Saskatchewan Regional Plan (SSRP)

The recommendation by Administration in this report has considered and is aligned with the policy direction of the South Saskatchewan Regional Plan (SSRP).

Municipal Development Plan (MDP)

The subject site is within the Planned Greenfield with Area Structure Plan (ASP) typology of the MDP (Map 1). The MDP recognizes that ASPs in existence prior to approval of the MDP provide specific direction relative to the local context (MDP 1.4.4). The MDP also speaks to protecting the operational needs of landfills by reducing conflicts with incompatible uses (MDP 2.6.6.b). This application proposes land use that will meet the remaining operating needs of the landfill (closure and post-closure care) and a suitable end-use for the site (open space).

East Macleod Trail Area Structure Plan (ASP)

The subject lands are within the BFI Landfill Site and Landfill Restricted Area of the ASP (Map 3: Land Use Concept). The ASP protects the BFI Landfill Site from encroachment of incompatible uses. This application is supported by ASP policies (Section 6.10).

Municipal Government Act (MGA) – Subdivision and Development Regulation
(AR43/2002 – 89/2013)

The MGA's Subdivision and Development Regulations restricts schools, hospitals, food establishments and or residential uses within a 300 metre setback distances from the disposal area of landfills. This application will ensure that the current disposal area of the non-operating landfill does not change in the future.

Environmental Protection and Enhancement Act – Waste Control Regulation
(AR 192/1996 – 62/2013)

The Waste Control Regulation provides specific definitions and regulations for waste management. The existing disposal area on the site is a Class II Landfill. A 'Class II Landfill' means a landfill for the disposal of non-hazardous waste. As a Class II Landfill, the waste is not

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inert either. Inert waste, as defined in the regulations is solid waste that, when disposed of in a landfill or re-used, is not reasonably expected to undergo physical, chemical or biological changes to such extent as to produce substance that may cause an adverse effect.

TRANSPORTATION NETWORKS

The existing transportation network is able to accommodate the proposal. Any future upgrades will be determined at the development permit stage and will be at the expense of the developer.

UTILITIES & SERVICING

Available servicing is able to accommodate the proposal. Any future upgrades will be determined at the development permit stage and will be at the expense of the developer.

ENVIRONMENTAL ISSUES

The subject lands contain a non-operating landfill. Environmental issues on the site will be managed through the landfill closure and post-closure care requirements of the Province. The minimum post-closure care period for a landfill is 25 years.

GROWTH MANAGEMENT

The proposal does not trigger capital infrastructure investment and therefore there are no growth management concerns.

PUBLIC ENGAGEMENT

Community Association Comments

There is no area Community Association.

Citizen Comments

No comments were received by CPC report submission date.

Public Meetings

There were no public meetings held by the Applicant or Administration.

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APPENDIX I

APPLICANT'S SUBMISSION

As submitted and agreed to by BFI at the hearing of the Subdivision and Development Appeal Board, BFI, is submitting this application for a land use amendment under Land Use Bylaw 1P2007 to the General Manager of Planning Development and Assessment of The City of Calgary that will eliminate the allowable use of "Waste Disposal and Treatment Facility" on the subject lands. This application shall be pursued, maintained and remain active until such time City Council renders a decision on the application.

The proposed DC bylaw is required in Section 20(1) (2) (3) of Bylaw 1P2007 as there is no standard land use district for the few selected land uses of passive outdoor recreation and natural areas only.

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APPENDIX II

PROPOSED DIRECT CONTROL GUIDELINES

Purpose

- 1 This Direct Control District is intended to:
- (a) allow for the additional **use** of **Non-Operating Landfill**; and
 - (b) allow for post-closure care activities as required pursuant to a provincial approval to occur on the **parcel**.

Compliance with Bylaw 1P2007

- 2 Unless otherwise specified, the rules and provisions of Parts 1, 2, 3 and 4 of Bylaw 1P2007 apply to this Direct Control District.

Reference to Bylaw 1P2007

- 3 Within this Direct Control District, a reference to a section of Bylaw 1P2007 is deemed to be a reference to the section as amended from time to time.

General Definitions

- 4 In this Direct Control District:
- (a) **“AEP approval”** means an approval from Alberta Environment and Parks (AEP) that identifies the required landfill closure and post-closure care activities that establish and maintain the end-use condition of the landfill which include, but are not limited to, implementing leachate removal systems.

Defined Uses

- 5 In this Direct Control District:
- (a) **“Non-Operating Landfill”** means a **use** where:
 - (i) municipal solid waste was previously collected and disposed of but is no longer being accepted or disposed of; and
 - (ii) activities pursuant to an **AEP approval** may be undertaken.

Permitted Uses

- 6 The **permitted uses** of the Special Purpose – Recreation (S-R) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

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Discretionary Uses

7 The ***discretionary uses*** of the Special Purpose – Recreation (S-R) District of Bylaw 1P2007 are the ***discretionary uses*** in this Direct Control District with the addition of:

- (a) **Non-Operating Landfill.**

Bylaw 1P2007 District Rules

8 Unless otherwise specified, the rules of the Special Purpose – Recreation (S-R) District of Bylaw 1P2007 apply in this Direct Control District.

Rules for a Non-Operating Landfill

9 A **Non-Operating Landfill** does not require:

- (a) any ***motor vehicle parking stalls***; or
- (b) any ***bicycle parking stalls – class 1*** or ***bicycle parking stalls – class 2***.