

**LAND USE AMENDMENT  
STARFIELD (WARD 9)  
52 AVENUE SE AND 55 STREET SE  
BYLAW 159D2015**

**MAP 35SE**

**EXECUTIVE SUMMARY**

This is a proposed Land Use Amendment for a 1.67 hectares  $\pm$  (4.13 acres  $\pm$ ) site south of 50 Avenue SE. The intent is to accommodate a small-scale sludge stabilization facility and hazardous waste management facility on the subject site. The application is supported by applicable policy and the regulatory process will address risks associated with the proposed facility.

**PREVIOUS COUNCIL DIRECTION**

None

**ADMINISTRATION RECOMMENDATION(S)**

2015 August 13

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 159D2015; and

1. **ADOPT** the proposed redesignation of 1.67 hectares  $\pm$  (4.13 acres  $\pm$ ) located at 5525 - 57 Street SE (Plan 4870JK, Lots 2 and 3) from Industrial General (I-G) District to DC Direct Control District to accommodate a Sludge Stabilization Facility and a Hazardous Waste Management Facility, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 159D2015.

**REASON(S) FOR RECOMMENDATION:**

This proposal is in conformance with the applicable policies of the Municipal Development Plan (MDP) and Southeast Industrial Area Structure Plan (ARP) (the applicable local area plan). The proposed land use district was designed to enable and effectively regulate the proposed uses. The overall approvals process for the use should prevent negative external impacts. The uses are also consistent with the industrial character of the area.

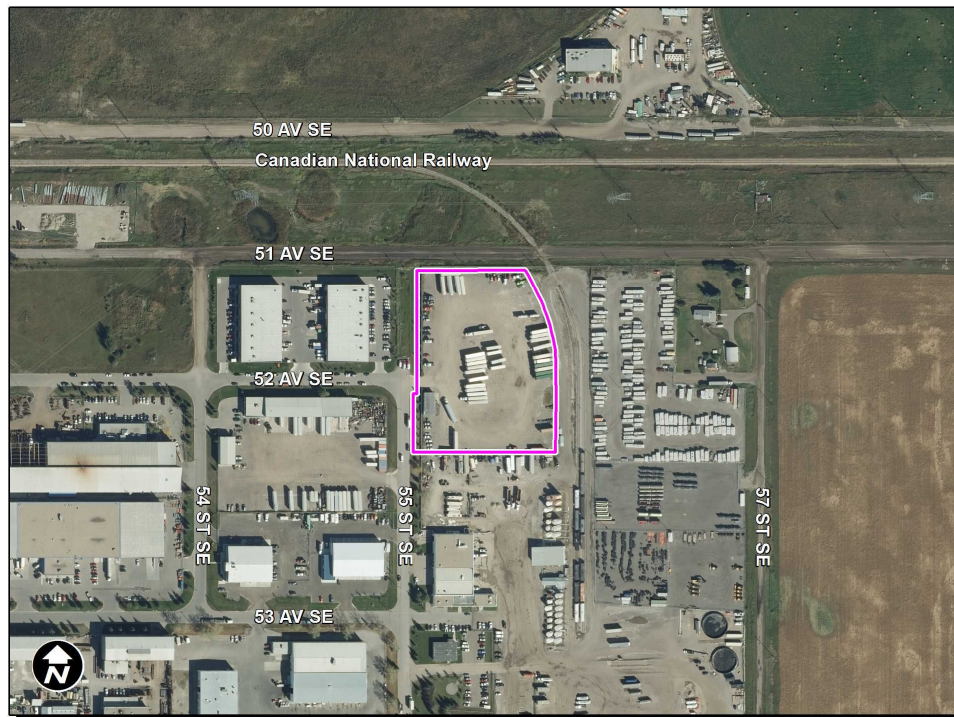
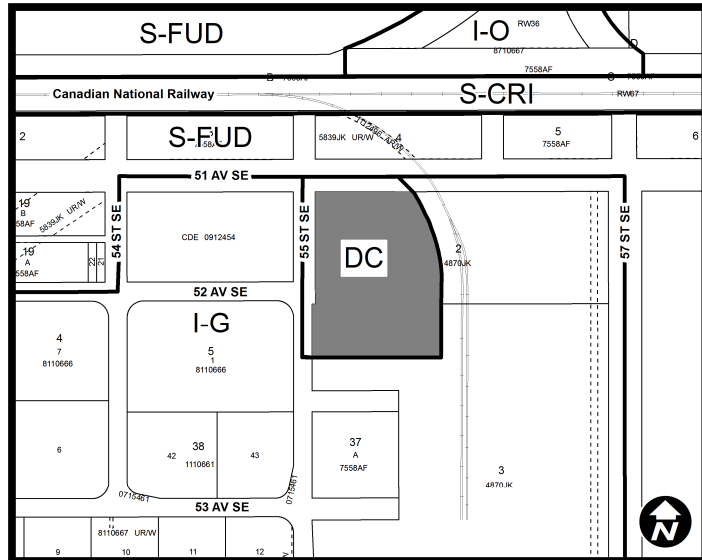
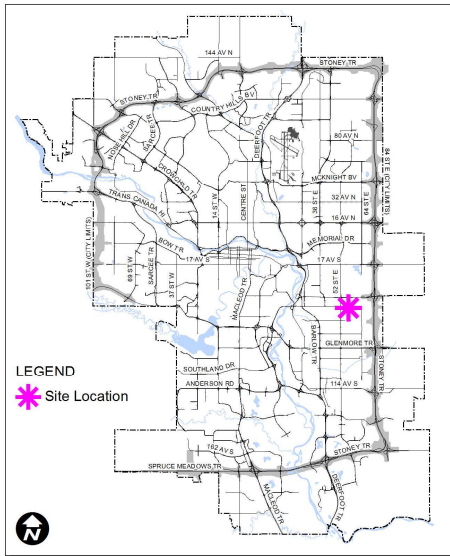
**ATTACHMENT**

1. Proposed Bylaw 159D2015
2. Public Submission

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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 1.67 hectares  $\pm$  (4.13 acres  $\pm$ ) located at 5525 - 57 Street SE (Plan 4870JK, Lots 2 and 3) from Industrial General (I-G) District to DC Direct Control District to accommodate a Sludge Stabilization Facility and a Hazardous Waste Management Facility with guidelines (APPENDIX II).

**Moved by: M. Wade**

**Carried: 6 – 2**

Opposed: G. Morrow and  
R. Honsberger

Reasons for Opposition from Mr. Honsberger:

- I believe locating a Hazard Waste facility in an existing developed industrial area will result in a negative encroachment upon existing adjacent uses.
- Also concerned in regards of transportation to the site (Hazardous Goods Route) though existing industrial area with hazardous goods.
- Not a compatible use in a light industrial area and will adversely impact surrounding land uses.

Reasons for Opposition from Mr. Morrow:

- This use only works on this site if we can reduce the 300/450 metre setbacks normally required for this use. To reduce these setbacks without any evidence of the potential impact on the surrounding uses seems irresponsible (There is a reason why these setbacks are in place). This use should be in a more remote location.

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**Applicant:**

Chesapeake Uncommon Design

**Landowner:**

Mountainview Terminals Ltd

Planning Evaluation Content	*Issue	Page
<b>Density</b> <i>Is a <b>density increase</b> being proposed.</i>	No	5
<b>Land Use Districts</b> <i>Are the changes being proposed <b>housekeeping</b> or <b>simple bylaw amendment</b>.</i>	No	5
<b>Legislation and Policy</b> <i>Does the recommendation create <b>capital budget</b> impacts or concerns.</i>	No	5
<b>Transportation Networks</b> <i>Do different or specific <b>mobility considerations</b> impact this site</i>	No	7
<b>Utilities &amp; Servicing</b> <i>Is the site in an area under <b>current servicing</b> review and/or has <b>major infrastructure</b> (water, sewer and storm) concern.</i>	No	7
<b>Environmental Issues</b> <i>Other considerations eg. sour gas or contaminated sites</i>	No	8
<b>Growth Management</b> <i>Does this site have the appropriate <b>growth management</b> direction.</i>	Yes	8
<b>Public Engagement</b> <i>Were <b>major comments</b> received from the circulation</i>	No	8

\*Issue - Yes, No or Resolved

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**PLANNING EVALUATION**

**SITE CONTEXT**

The subject site sits within an industrial area of the city and is situated southeast of the intersection of 52 Avenue SE and 55 Street SE. Surrounding development consists of general industrial uses under the I-G and DC Districts, including wholesalers, warehousing, storage, transport, vehicle service and another dewatering facility. There is one known food establishment within 450 metres of the property line of the subject site. Administration has determined that the proposed sludge stabilization facility and hazardous waste management facility are compatible with development in the area.

**LAND USE DISTRICTS**

The proposed land use is a DC Direct Control District based on the Industrial General (I-G) District, with the additional uses of a sludge stabilization facility and a hazardous waste management facility. This change in land use is to add industrial uses to an industrial district without altering floor-area ratio restrictions and therefore does not represent an increase in density.

Administration recognizes that direct control districts must only be used for development proposals that require specific regulation unavailable in other land use districts. The only standard district in the Land Use Bylaw that allows for wastewater treatment plants and hazardous waste management facilities is the Special Purpose – City and Regional Infrastructure (S-CRI) District. S-CRI is suitable for civic uses but does not offer a good range of uses for private industry. Given that this parcel is an industrial use in an industrial area, the DC with an I-G base approach was taken in order to (1) ensure compatibility with adjacent industrial lands and ensure and (2) ensure beneficial industrial uses are available on the parcel in the case of site redevelopment.

**LEGISLATION & POLICY**

Generally, the following is the sequence of review stages required for a sludge stabilization facility and hazardous waste management facility:

1. Land Use Amendment Approval
2. Prior to Development Permit Decision:  
Concurrent AESRD Operating Approval and Setback Variance  
(setback reduction, if applicable)
3. Development Permit Approval  
Applicant must meet Approval Conditions

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4. Development Permit Release

5. Building Permits

Administration believes that this process will address and manage the risks associated with this application.

**Provincial Regulations and Requirements**

Operating Approval

Sludge Stabilization Facility:

The proposed sludge stabilization facility that would process potentially contaminated slurry. It is classified as a type of wastewater treatment plant under Provincial legislation. A 300 metres setback from the edge of the sludge stabilization facility is required by Provincial legislation/regulation that prohibits development of the following restricted uses: residences, schools, hospitals and food establishments (unless that setback is reduced through a variance). This application is proposing to send the solids produced to a landfill and to send the processed water elsewhere (the parcel has direct rail access).

Hazardous Waste Management Facility:

The proposed hazardous waste management facility would involve activities such as:

- Trans-loading of bulk chemicals from truck or railcars into storage.
- Storage of bulk liquids commodities (chemicals, drill fluids, etc) in storage tanks, drums etc.
- Transfer and storage of bulk used oils, oily waters and mixed fuels.
- Drum storage
- Filter crushing
- Bulk storage of liquid wastes

A hazardous waste management facility is classified as a type of landfill under Provincial legislation/regulation. A 450 metre setback from the edge of the hazardous waste management facility is required by Provincial legislation/regulation that prohibits restricted uses (unless that setback is reduced through a variance).

Provided that City Council approves the Land Use Amendment, The City will require the Applicant to obtain an Operating Approval from Alberta Environment and Parks prior to decision on a Development Permit for a sludge stabilization facility or a hazardous waste management facility.

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Setback Variance

The *Subdivision and Development Regulation* (SDR) under the *Municipal Government Act* also regulates setbacks from wastewater treatment plants and landfills. The development authority cannot approve restricted uses in that setback. The development authority also cannot approve a sludge stabilization facility or hazardous waste management facility where there would be restricted uses within its setback. The setback can be varied by a subdivision/development authority with the written consent of the Deputy Minister of Alberta Environment and Parks. The Applicant will be required to fulfill the requirements to obtain a variance.

Provided that City Council approves the Land Use Amendment, The City will require the Applicant to obtain a setback variance prior to decision on a Development Permit for a a sludge stabilization facility or hazardous waste management facility. The variance will reduce the setback so that it will apply to fewer (or no) adjacent parcels.

**Municipal Development Plan (MDP)**

The application is located within the Standard Industrial typology of the MDP (Map 1) and is consistent with the policies for the Standard Industrial typology.

**Southeast Industrial Area Structure Plan (ASP)**

The subject application falls under the General Light Industrial Area within the Southeast Industrial ASP. The purpose of the General Light Industrial Area is to provide for a range of light industrial and associated uses that are compatible with each other and do not adversely affect surrounding non-industrial uses. This is one reason why a variance to the setbacks will be required. High quality light industrial uses will be provided within the study area. An enclosed wastewater treatment facility and hazardous waste management facility that contains odours and solids resulting from operations would fit this policy. The proposed land use amendment is consistent with the policies of the Southeast Industrial Area Structure Plan.

**TRANSPORTATION NETWORKS**

The application does not present any concerns with regard to the existing transportation network.

**UTILITIES & SERVICING**

Servicing is available to the parcel with the exception of stormwater management. The subject site already has on site stormwater management in the form of a pond.

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**ENVIRONMENTAL ISSUES**

The approvals process will ensure that the sludge stabilization facility and hazardous waste management facility are designed and built in a way that prevents or mitigates environmental impacts.

**GROWTH MANAGEMENT**

The proposed amendment does not trigger capital infrastructure investment and therefore there are no growth management concerns at this time.

**PUBLIC ENGAGEMENT**

**Community Association Comments**

Not required as there is no Community Association in this area.

**Citizen Comments**

The application was circulated to the adjacent landowners and one letter was received.

**Public Meetings**

No City-led public meetings were held for this application.



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## **APPENDIX I**

### **APPLICANT'S SUBMISSION**

#### **Site Context**

The intent of the project is to maintain the existing mix of potential industrial uses for the site while incorporating the allowance of a "Dewatering Facility". This facility is intended for the processing, stabilization and recycling/disposal operations of sand/sludge, water, or other materials potentially contaminated by petroleum hydrocarbons. These potentially contaminated liquefied wastes are vacuumed from car-wash pits, manholes, oil-water separator units, bulk fuel storage facilities, and hydrovac slurries. The material to be received at the facility can be hazardous or non-hazardous waste depending on the location from which it was generated. Once the slurries are dumped into the containment system, the material is dewatered and stabilized with a binding agent (i.e. sawdust). The bound material is then tested to pass a paint filter test and slump test before being sent to a Class 1 or Class 2 landfill for disposal and cover. The waste water pulled from the dewatering process is either recycled or disposed through an approved facility. The dewatering facility is designed with multiple cells to receive clean slurries and impacted slurries in an effort to avoid cross contamination or dilution. The functions of the dewatering facility are compatible with and complimentary to the other anticipated collection, storage, recycling and disposal efforts of oil and barrel waste allowable within the existing I-G land use designation. The combination of these uses allows for an efficient operation to deal with these types of waste making use of a shared facility and access to transportation resources to bring in the waste and remove the stabilized products for disposal.

#### **Proposed Land-Use**

The existing general industrial (I-G) land use allows for all of the intended operations on the site with the exception of the dewatering facility. At this time no other existing land use designation allows the intended mix of uses for this site. The proposed Direct Control (DC) land use would maintain all of the regulations and uses of the existing I-G designation with the addition of the permitted use as dewatering facility.

#### **Conclusions**

For the reasons outlined above, we believe the proposed re-designation of this site allowing for the proposed dewatering facility is complimentary and compatible with the existing allowed uses and the surrounding industrial community. The addition of this use would improve the functionality of the site, making excellent use of the available transportation infrastructure and improving the efficiency of the proposed waste management, recycling and disposal efforts. This combination of uses will provide a site capable of providing an essential variety of recycling and disposal services to the surrounding community. For these reasons it is proposed that this land use re-designation is warranted.

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## APPENDIX II

### PROPOSED DIRECT CONTROL GUIDELINES

#### Purpose

- 1 This Direct Control District is intended to allow for the additional **uses** of a **Sludge Stabilization Facility** and a **Hazardous Waste Management Facility**.

#### 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, "**hazardous wastes**" means any material specifically listed as a hazardous waste in the *Waste Control Regulation (AR 192/96)*, as amended.

#### Defined Uses

- 5 In this Direct Control District:
  - (a) "**Sludge Stabilization Facility**" means a **use** where sludge or wet mud may be stored temporarily to allow solids to settle out of suspension before being transported to another location for further treatment or disposal.
  - (b) "**Hazardous Waste Management Facility**" means a **use** where **hazardous waste** is collected, treated, or stored temporarily before being transported to another location.

#### Permitted Uses

- 6 The **permitted uses** of the Industrial-General (I-G) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

#### Discretionary Uses

- 7 The **discretionary uses** of the Industrial-General (I-G) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District with the addition of:
  - (a) **Sludge Stabilization Facility**; and
  - (b) **Hazardous Waste Management Facility**.

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**Bylaw 1P2007 District Rules**

- 8 Unless otherwise specified, the rules of the Industrial-General (I-G) District of Bylaw 1P2007 apply in this Direct Control District.

**Building Setback**

- 9 The minimum ***building setback*** for a **Sludge Stabilization Facility** or a **Hazardous Waste Management Facility** from a ***property line*** is 30.0 metres.

**Storage of Waste**

- 10 ***Hazardous Wastes*** and recyclables must be stored in a place that allows for safe handling and is prepared for emergencies. The storage site must:
- (a) Prevent access by unauthorized persons;
  - (b) Not store wastes permanently;
  - (c) Be posted as a hazardous waste/recyclables storage area;
  - (d) Have proper equipment to handle emergency situations;
  - (e) Have proper secondary containment for liquids; and
  - (f) Be designed and maintained to ensure run-off cannot enter the secondary containment system.