

**LAND USE AMENDMENT
SHEPARD INDUSTRIAL (WARD 12)
24 STREET SE AND QUARRY PARK BOULEVARD SE
BYLAW 80D2015**

MAP 16SE

EXECUTIVE SUMMARY

This land use application proposes the redesignation of a ±0.52 hectare (±1.30 acre) parcel in Shepard Industrial in the city's southeast from its existing Special Purpose – Future Urban Development (S-FUD) District to a DC Direct Control District based on S-FUD to:

- 1) Allow for the potential expansion of a Dry Waste Disposal and Treatment Facility and/or Materials Recovery Facility uses on this parcel which is located adjacent to an existing approved Dry Waste Disposal Facility (Class III Landfill);
- 2) Establish maximum development permit approval time limits for the two aforementioned uses whereby their active operations may cease or be restricted in conjunction with future redevelopment in the area including, but not limited to public transit infrastructure; and
- 3) Allow for select additional discretionary uses including a Natural Area, Park and Tree Farm which may be viable alternate uses for the Dry Waste Disposal and Treatment Facility in post-closure care or as alternative uses if the expansion of a Dry Waste Disposal and Treatment Facility or a Materials Recovery Facility on the parcel is not realised.

This parcel, formerly a portion of a spur track rail right-of-way, was unintentionally omitted from recent Council approval of Bylaws 31D2015 and 8P2015 - a land use redesignation and supporting policy amendment of the adjacent parcels to the west and southwest of the site to allow for a Dry Waste Disposal and Treatment Facility and/or Materials Recovery Facility uses. As such, this proposed direct control district replicates Bylaw 31D2015. An amendment to the Southeast Industrial Area Structure Plan (ASP) is not required in support of this proposal.

PREVIOUS COUNCIL DIRECTION

None.

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ADMINISTRATION RECOMMENDATION(S)

2015 April 9

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 80D2015; and

1. **ADOPT** the proposed redesignation of 0.52 hectares ± (1.30 acres ±) located at 10116R - 28 Street SE (Plan RW543, RLY, 23) from Special Purpose – Future Urban Development (S-FUD) District to DC Direct Control District to accommodate a Dry Waste Disposal and Treatment Facility, Materials Recovery Facility, Natural Area, Park and Tree Farm, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 80D2015.

REASON(S) FOR RECOMMENDATION:

The proposal is in keeping with applicable City policies and would allow the operator of the existing adjacent Dry Waste Disposal Facility to pursue other Municipal and/or Provincial permits that may be required for a proposed expansion of Dry Waste Disposal and Treatment Facility and/or Materials Recovery Facility uses on this parcel. It should be noted that while this land use would allow for the consideration of these two aforementioned uses, it does not constitute a development approval.

Given the nature of a landfill and landfill related uses and the site's proximity to the approved LRT alignment of the future Green Line Southeast Transitway, the proposed land use also allows for select additional alternate uses if a Dry Waste Disposal and Treatment Facility or Materials Recovery facility is not realized. Development approval time limit provisions have also been incorporated in the proposed district to ensure the option to cease such operations, if and when deemed appropriate as the surrounding area redevelops.

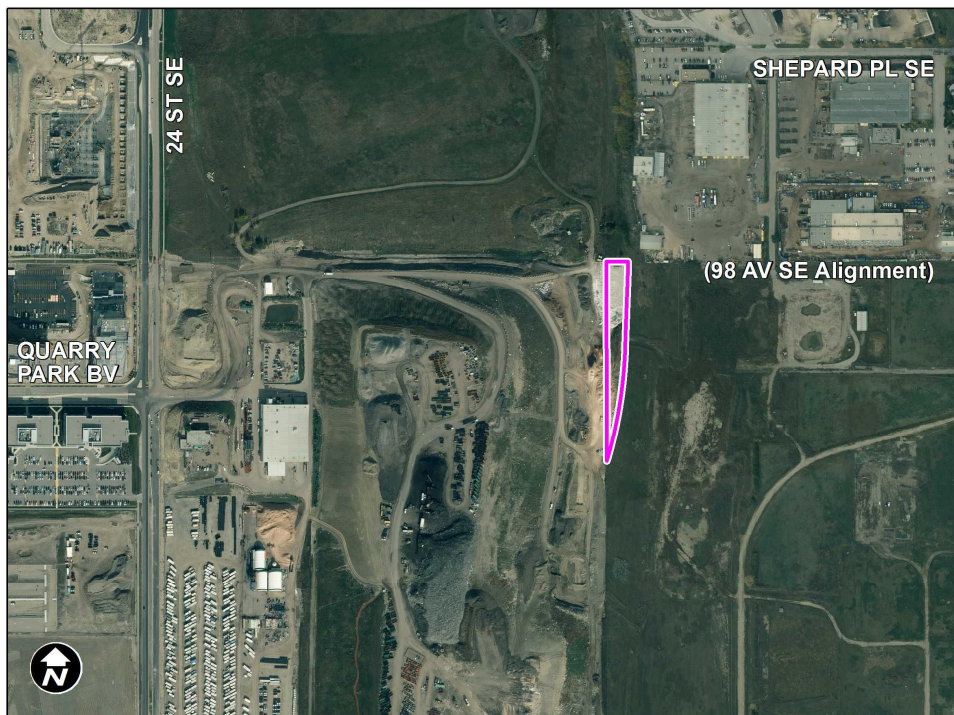
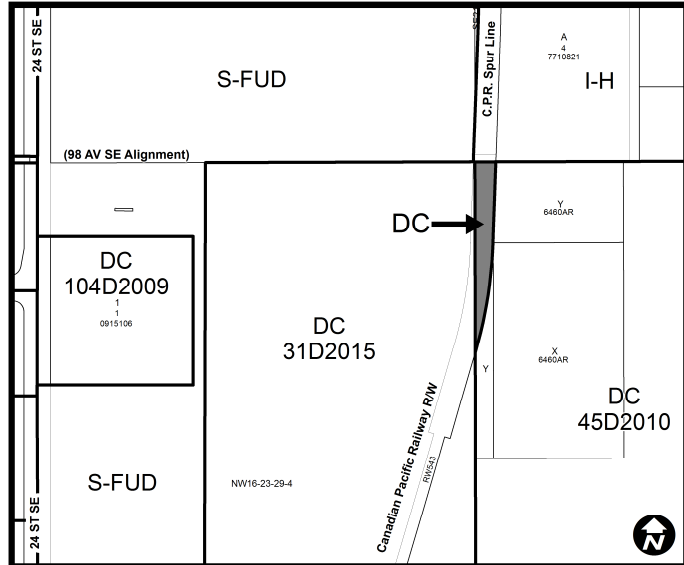
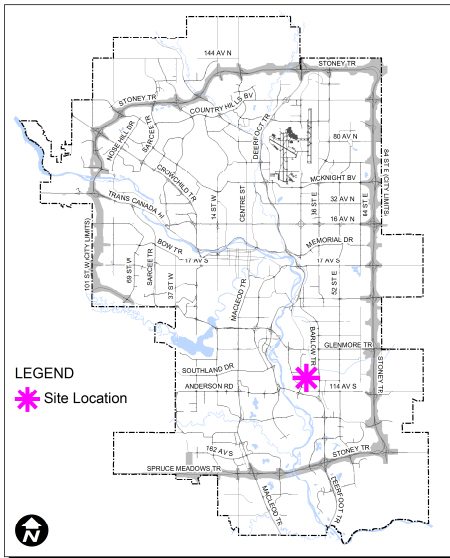
ATTACHMENT

1. Proposed Bylaw 80D2015

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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 0.52 hectares ± (1.30 acres±) located at 10116R - 28 Street SE (Plan RW543, RLY, 23) from Special Purpose – Future Urban Development (S-FUD) District to DC Direct Control District to accommodate a Dry Waste Disposal and Treatment Facility, Materials Recovery Facility, Natural Area, Park and Tree Farm with guidelines (APPENDIX II).

Moved by: R. Wright

Carried: 5 – 0

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Applicant:

Citytrend

Landowner:

594943 Alberta Ltd (Lorne Paperny)
 594962 Alberta Ltd (Philip Libin, Mark Zivot)

Planning Evaluation Content	*Issue	Page
Density <i>Is a density increase being proposed.</i>	No	N/A
Land Use Districts <i>Are the changes being proposed housekeeping or simple bylaw amendment.</i>	No	6
Legislation and Policy <i>Does the application comply with policy direction and legislation.</i>	Yes	8
Transportation Networks <i>Do different or specific mobility considerations impact this site</i>	Yes	10
Utilities & Servicing <i>Is the site in an area under current servicing review and/or has major infrastructure (water, sewer, storm and emergency response) concerns.</i>	No	11
Environmental Issues <i>Other considerations eg. sour gas or contaminated sites</i>	Yes	11
Growth Management <i>Is there growth management direction for this site. Does the recommendation create capital budget impacts or concerns.</i>	No	12
Public Engagement <i>Were major comments received from the circulation</i>	No	12

*Issue - Yes, No or Resolved

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PLANNING EVALUATION

SITE CONTEXT

The parcel is located in Shepard Industrial in southeast Calgary. Since 1994, a privately owned and operated dry waste disposal facility with Provincial approval as a Class III Landfill has operated on the adjacent parcels to the west and southwest. This parcel is owned by two numbered companies and leased to ECCO Recycling and Energy Corporation (ECCO) - the operator of the adjacent dry waste disposal facility. ECCO leases three other adjacent parcels from the same owners and owns one parcel adjacent to 24 Street SE where their Construction and Demolition Materials Recovery Facility and administrative offices exist.

One of ECCO's business objectives is to convert waste into usable products. This is achieved by the identification and acceptance of construction, demolition and manufacturing non-hazardous dry waste; determination of all products that can be recycled from this waste; recycling and sale of these products; and finally, storage of any residuals in the landfill for later processing if and when feasible. As such, ECCO's current operations take place and are dependent upon facilities on the parcel under their ownership and the adjacent leased parcels including the parcel subject to this application.

The site is in a predominantly industrial setting. The City owned Ogden Landfill which is a Class III landfill in post-closure care exists to the north of the parcel with an S-FUD district land use designation. Rugby fields and the Calgary Rugby Union clubhouse exist on the north-eastern portion of these City lands. Industrial developments on Industrial – Heavy (I-H) District designated lands exist to the northeast of the parcel. Lands directly to the east of the site are owned by Western Cooperative Fertilizers Limited with a direct control district designation based on I-H with the additional use of a fertilizer plant.

Quarry Park exists to the west of 24 Street SE and consists of medium scale commercial office developments, retail and consumer services, an approved City recreational facility, open space and a residential component at its western periphery. The residential communities of Riverbend exist to the northwest and Douglasglen to the southwest.

The Green Line Southeast Transitway future LRT alignment is currently approved across the adjacent parcel to the west of the site with the proposed Quarry Park LRT Station location also located on a portion of the adjacent parcel (APPENDIX III).

LAND USE DISTRICTS

The proposed land use is a direct control district based on the S-FUD district with the additional discretionary uses of a: Dry Waste Disposal and Treatment Facility, Materials Recovery Facility, Natural Area, Park and Tree Farm.

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As identified in the Applicant's submission statement (APPENDIX I), this parcel was unintentionally omitted from recent a recent land use redesignation application and supporting policy amendment approved by Council on 2015 March 09 on the adjacent ECCO leased lands for the same purposes (Bylaw 31D2015 and 8P2015). The purpose of this land use proposal is to:

- 1) To allow for an expansion of the existing Dry Waste Disposal Facility use (now proposed Dry Waste Disposal and Treatment Facility use) to be considered on the parcel via a development permit and Provincial approvals process. And;
- 2) To allow for Materials Recovery Facility uses on the parcel. The activities associated with this use are anticipated to be similar to ECCO's Construction and Demolition Materials Recovery Facility use activities on their owned parcel where non-hazardous, non-organic inert waste materials are received, sorted, stockpiled, processed by crushing, grinding, compacting and similar processes and/or packaged to end user manufacturers.

In order to meet these immediate land use objectives as well as longer term objectives for the area the following elements have been incorporated in the proposed direct control district:

- 1) Definitions for the uses of Dry Waste Disposal and Treatment Facility and Materials Recovery Facility. In recognition of the site's relative proximity to developments in Quarry Park, surrounding residential communities and future LRT and transit oriented development opportunities in the area, operations will be limited to only allow for inert materials in their common form to be received at the adjacent Materials Recovery Facility and that only a Class III Landfill be considered on the site.
- 2) Incorporation of maximum development permit approval time limits for the Dry Waste Disposal and Treatment Facility and Materials Recovery Facility uses. At the 2015 January 15 Calgary Planning Commission meeting for LOC2013-0043 a motion was carried to amend the maximum approval period from 2026 December 31, with three year maximum approvals thereafter to 2034 December 31, with five year maximum approvals thereafter. The direct control district with the amended timelines was approved by Council on 2015 March 09. As such, this proposed district has been adjusted to be consistent with the Council approved time limits of 2034 December 31 and five year maximum approvals thereafter. The incorporation of timelines are intended to reflect the desired temporal nature of these uses and their ultimate active termination in conjunction with anticipated timing of future LRT redevelopment in the area; and
- 3) Incorporation of additional alternative discretionary uses for the site which may be appropriate if a Dry Waste Disposal and Treatment Facility or a Materials Recovery Facility expansion of these uses is not viable or once Dry Waste Disposal and Treatment Facility uses and/or Materials Recovery uses have ceased and the site is in post-closure care and monitoring.

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LEGISLATION & POLICY

Municipal Development Plan (MDP) (Statutory - 2009)

The parcel is located within a Standard Industrial Area in the MDP (Map 1: Urban Structure). Standard Industrial Areas are existing planned industrial areas that contain a mix of industrial uses at varying intensities. As these areas offer considerable capacity for a broad range of industrial uses, the MDP encourages the overall maintenance and retention of their industrial character as redevelopment occurs. While uses that support the industrial function of these areas and that cater to the day-to-day needs of area businesses and their employees may also be supported, the encroachment of non-industrial uses including residential, office and retail uses is discouraged (Section 3.7.1).

Industrial lands located in proximity to the south of the parcel are identified as an Industrial – Employee Intensive Area. These areas are intended to allow for manufacturing, warehousing and mixed industrial/office developments that have high labour concentrations and that require access to the Primary Transit Network. While these areas should contain predominantly industrial uses, other uses that support industrial functions may also be allowed. These areas may emerge as part of redevelopment and intensification of Standard Industrial Areas at transit stops and along corridors served by the Primary Transit Network (Section 3.7.2).

The lands to the west of the site across 24 Street SE commonly known as Quarry Park are identified as a Community Activity Centre (CAC). CAC's are typically located central to a number of residential communities or business areas, on moderately sized land bases, often on existing shopping centre sites or around a specific employment area. CAC's may be located at transit stations or stops on the Primary Transit Network and may accommodate a broad mix of uses. CAC's are appropriate locations for a mix of medium and higher density employment and residential uses as well as retail, recreation facilities, sport, cultural facilities, open space and community and protective services that support concentrations of jobs and population (Section 3.3.3).

While the parcel's location, proposed uses and direct control district design is believed to be compatible and appropriate within a Standard Industrial Area; any future planning and development on the site should also take the MDP's various objectives for this part of the city into consideration.

Southeast Industrial Area Structure Plan (ASP) (Statutory - 1996)

The Southeast Industrial ASP identifies the site as a Private Dry Waste Landfill. In general, this ASP recognizes the area's overall ability to accommodate a range of heavy and light industrial uses including landfills. With respect to land use planning in proximity to landfill sites and their associated development setback requirements, the ASP utilises the Municipal Government Act's Subdivision and Development Regulations for direction. The ASP also identifies a future LRT alignment and potential LRT station locations in proximity to the site as well.

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Minor textual and map amendments to the ASP were recently approved (Bylaw 8P2015) in support of LOC2013-0043, and as such, are not required in support of this redesignation application.

Barlow Area Structure Plan (ASP) (Statutory 1980)

While the site is not within this ASP's plan area, its boundary is located adjacent to 24 Street SE. The ASP identifies the lands commonly known as Quarry Park to be suitable for high standard office park/light industrial and commercial development and for park space and public recreation facilities.

Transit Oriented Development Guidelines (Non-Statutory 2004)

The Transit Oriented Development Policy Guidelines are intended to provide direction for the development of areas typically within 600 metres of a Transit Station - an existing LRT station or BRT station where an LRT station will eventually develop. This type of development is intended to create higher density, walkable, mixed-use environments within station areas to optimize use of existing transit infrastructure, create mobility options for citizens, and benefit local communities and city-wide transit riders alike. Six key policy objectives for these areas are: to ensure transit supportive land uses, increase density around transit stations, create pedestrian oriented design, make each station a place, manage parking, bus and vehicle traffic and plan in context with local communities.

As the future Green Line Southeast Transitway alignment and proposed Quarry Park LRT Station are anticipated to be located in close proximity to the site, detailed transit oriented development planning for the area is warranted and may ultimately inform future amendments to the local area plan. While certain uses will not (or may never) be allowed on the site or in proximity to the site due to landfill setback restrictions, efforts to limit non-transit supportive uses from locating in immediate proximity to a station area where there will likely be greater pedestrian activity and bus traffic should still be aspired to. Non-transit supportive uses may, however, be considered towards the edge of a station planning area where higher intensity uses may not be feasible, or as part of a larger comprehensive transit-supportive development. Irrespective, a key TOD guideline is that future development in station areas should provide services and amenities needed by local communities.

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

The MGA's Subdivision and Development Regulations restricts schools, hospitals, food establishments and or residential uses within certain minimum setback distances from the disposal and working areas of landfill and waste sites. As such, a subdivision authority shall not approve an application for subdivision or development for school, hospital, food establishment or residential use if the application would result in the creation of a building or building site for

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any of those uses within 450 metres of the working area of an operating landfill and within 300 metres of the disposal area of an operating or non-operating landfill.

A subdivision authority shall not approve an application for subdivision, and a development authority shall not issue a permit, for the purposes of developing a landfill, hazardous waste management facility or storage site unless the working area of a landfill is situated at least 450 metres and the disposal area of a landfill is situated at least 300 metres from the property line of a school, hospital, food establishment or residence or a building site proposed for a school, hospital, food establishment or residence.

A detailed review of existing uses within the expanded setback area will be completed at the development permit stage. From an initial analysis, an expanded setback is not anticipated to capture additional parcels, only encroach further into parcels already affected by the 450 metre setback from the existing working landfill.

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 Dry Waste Disposal Facility on the adjacent parcels site are classified and have approval as a Class III Landfill. A 'Class III Landfill' means a landfill for the disposal of inert waste. 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, and includes, but is not limited to demolition debris, concrete, asphalt, glass, ceramic materials, scrap metal and dry timber or wood that has not been chemically treated.

The proposed direct control district's use definition of a Dry Waste Disposal and Treatment Facility was designed specifically to ensure that only inert waste may be collected or disposed and treated on the site. Rationale for this design was that it would be consistent with the adjacent approved Dry Waste Disposal Facility's Class III Landfill classification and that it would limit the ability for any Class I or Class II landfills to be considered on the parcel.

Standards for Landfills in Alberta (Alberta Environment and Water - 2010)

The Alberta Standards for Landfills apply to disposal activities at new landfills, new cells at existing landfills, and lateral expansions at existing landfills and are intended to outline the minimum requirements for development, operation, monitoring, closure and post-closure of Class I, Class II and Class III landfills. The Standards are intended to provide public assurance regarding the protection of groundwater and surface water, and the appropriate management of nuisances associated with landfill development.

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TRANSPORTATION NETWORKS

A Transportation Impact Assessment and parking study were not required at this stage. There is no direct vehicle access to or from this site. Vehicle access is currently obtained via the adjacent parcel to the west which has vehicle access from 24 Street SE. Future access to this parcel will be determined and (potentially constructed) as a requirement of any future development application for this site. Access shall be located, designed and constructed to the satisfaction of Transportation Planning.

Green Line Southeast Transitway

Between 1987 and 2012, Calgary Transit completed functional planning studies for the future Southeast Light Rail Transit. These studies examined existing transit service, identified the need for LRT based on future demand and established the future LRT horizontal and vertical alignment, station locations, high-level land requirements and costs.

On 2009 November 30, Council approved a Transportation Department Report to the Special Committee on Land Use, Planning and Transportation (LPT2009-72) which recommended a revised Southeast LRT alignment between 86 Avenue and 107 Avenue SE including a station at Quarry Park Boulevard SE and directed Administration to begin acquiring lands to achieve this objective. As identified in APPENDIX III, the revised LRT alignment in this area is located parallel and approximately 200 metres to the east of 24 Street SE bisecting the parcel adjacent to the site.

The Southeast LRT Compendium of Functional Planning Studies developed in 2010 and provides detailed drawing sets showing plan and profile views of the current alignment and station details, including those for the future Quarry Park LRT Station.

Transportation Planning has established a project team to conduct detailed planning and development for this future line. It is anticipated that detailed station area planning work for Quarry Park will begin in 2015 and may include a public engagement component and investigation of potential re-alignments. It is anticipated that an initial (stage 1) Busway associated with the line may be completed in 2021 with LRT conversion along the entire line possibly by 2035.

UTILITIES & SERVICING

The site is not serviced. Water and sanitary servicing is not required for the anticipated future development.

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ENVIRONMENTAL ISSUES

An environmental site assessment was not required. Detailed environmental analysis may be required at a future planning stage. If the expansion of a Dry Waste Disposal and Treatment Facility and/or Materials Recovery Facility uses is proposed, a detailed assessment of the proposal, including an analysis of the MGA's Subdivision and Development Regulations for minimum required setbacks and restricted uses from a landfill will be conducted to determine feasibility.

ENVIRONMENTAL SUSTAINABILITY

An aspect of ECCO's business activities is the recycling of inert waste materials. These activities may be in keeping with MDP objectives for waste management and waste diversion from City landfills in lieu of recycling (MDP Section 2.6.6. p. 2-55).

GROWTH MANAGEMENT

This land use proposal does not require additional capital infrastructure investment and therefore, no growth management concerns have been identified at this time. The proposal is in alignment with the MDP references associated with growth management.

PUBLIC ENGAGEMENT

Community Association Comments

Not required as 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

We propose the redesignation of a 0.526 hectare parcel from a Special Purpose – Future Urban Development (S-FUD) District to Direct Control District. This parcel should have been included in the application for LOC2013-0043, but was regrettably omitted.

This application seeks to redesignate the subject lands from S-FUD to a Direct Control district in order to accommodate an existing Waste Disposal and Treatment Facility (dry waste landfill) and associated dry waste materials treatment, recycling, processing and storage. A Direct Control (DC) land use district is the only district in the Calgary Land Use Bylaw 1P2007 that will accommodate a “waste disposal and treatment facility” use (section 21(3) 1P2007).

This land use redesignation has the following merits:

- The subject site is an appropriate location for a landfill considering the existing landfill on the site and proximity to industrial uses;
- The subject site should have been included in LOC2013-0043 but was omitted. Administration has recommended approval of that application;
- The subject site and adjacent landfill currently handles most of the construction and demolition waste in the City of Calgary. Continued operation of the landfill is vital for the City of Calgary to be able to manage construction and demolition waste on a city wide basis;
- The landfill, including the expansion into subject site has been authorized by Alberta Environment and undergoes continual monitoring as per Alberta Environment regulations.

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APPENDIX II

PROPOSED DC DIRECT CONTROL GUIDELINES

Purpose

- 1 This Direct Control District is intended to:
- (a) allow for a **Dry Waste Disposal and Treatment Facility**;
 - (b) allow for **Materials Recovery Facility uses** throughout the site; and
 - (c) allow for future redevelopment of the site.

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 a reference to the section as it existed on the date of passage of this Bylaw.

Defined Uses

- 4 In this Direct Control District,
- (a) “**Dry Waste Disposal and Treatment Facility**” means a *use*:
 - (i) where inert waste is collected or disposed and treated;
 - (ii) where such materials do not include organic, hazardous, radioactive, oilfield, domestic wastewater, biomedical or putrescent wastes;
 - (iii) where waste may be stored permanently in piles open to the air or in pits covered with earth;
 - (iv) where waste may be stored temporarily in piles or inside structures before being transported to another location for treatment;
 - (v) where waste may be treated in **buildings** and structures or open to the air;
 - (vi) where there may be a **building** for the administrative functions of the *use*;
 - (vii) that does not require **motor vehicle parking stalls**; and

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- (viii) that does not require *bicycle parking stalls – class 1 or class 2*.
- (b) “**Materials Recovery Facility**” means a *use*:
 - (i) where inert waste materials are received, sorted, stockpiled, processed by crushing, grinding, compacting and similar processes and/or packaged for marketing to end user manufacturers,
 - (ii) where such materials do not include organic, hazardous, radioactive, oilfield, domestic wastewater, biomedical or putrescent wastes; and
 - (iii) that does not require *motor vehicle parking stalls, loading stalls, or bicycle parking stalls class 1 or class 2*.

Permitted Uses

- 5 The *permitted uses* of the Special Purpose - Future Urban Development (S-FUD) District of Bylaw 1P2007 are the *permitted uses* of this district.

Discretionary Uses

- 6 The *discretionary uses* of the Special Purpose - Future Urban Development (S-FUD) District of Bylaw 1P2007 are the *discretionary uses* in this Direct Control District with the addition of:

- (a) **Dry Waste Disposal and Treatment Facility;**
- (b) **Materials Recovery Facility;**
- (c) **Natural Area;**
- (d) **Park;** and
- (e) **Tree Farm.**

Bylaw 1P2007 District Rules

- 7 Unless otherwise specified, the rules of the Special Purpose - Future Urban Development (S-FUD) District of Bylaw 1P2007 apply in this Direct Control District.

Term of Development Permits

- 8 (1) Subject to subsection (2) a *development permit* for a **Dry Waste Disposal and Treatment Facility** or a **Materials Recovery Facility** must not be issued for a term extending beyond 2034 December 31.
- (2) After 2034 December 31, a *development permit* for a **Dry Waste Disposal and Treatment Facility** or a **Materials Recovery Facility** must not be issued for any term exceeding five (5) years.

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APPENDIX III

EXISTING COUNCIL APPROVED LRT ALIGNMENT AND
QUARRY PARK LRT STATION LOCATION

