

LAND USE AMENDMENT  
STARFIELD (WARD 9)  
53 AVENUE SE AND 55 STREET SE  
BYLAW 70D2015

MAP 35SE

**EXECUTIVE SUMMARY**

This is a proposed Land Use Amendment for a 0.54 hectares  $\pm$  (1.34 acres  $\pm$ ) site south of 50 Avenue SE. The intent is to accommodate a small-scale wastewater treatment plant within an existing structure that would connect to The City's wastewater system. 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 March 12

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 70D2015; and

1. **ADOPT** the proposed redesignation of 0.54 hectares  $\pm$  (1.34 acres  $\pm$ ) located at 5572 – 53 Avenue SE (Plan 1110661, Block 38, Lot 43) from Industrial – General (I-G) District to DC Direct Control District to accommodate wastewater treatment plant, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 70D2015.

**REASON(S) FOR RECOMMENDATION:**

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

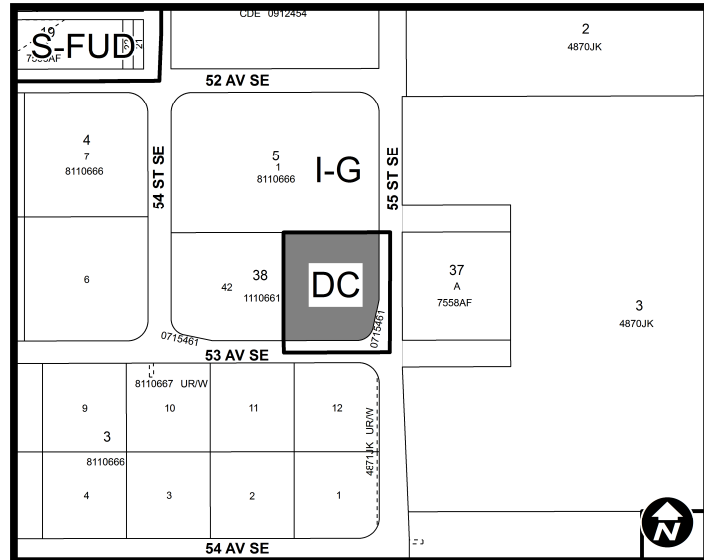
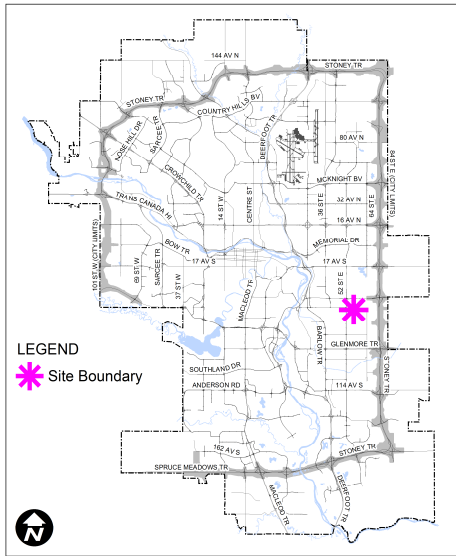
**ATTACHMENT**

1. Proposed Bylaw 70D2015

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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 0.54 hectares  $\pm$  (1.34 acres  $\pm$ ) located at 5572 – 53 Avenue SE (Plan 1110661, Block 38, Lot 43) from Industrial – General (I-G) District **to** DC Direct Control District to accommodate wastewater treatment plant with guidelines (APPENDIX II).

**Moved by: M. Wade**  
Absent: S. Keating

**Carried: 7 – 0**

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**Applicant:**

Municipal Counsellors, Barristers and  
 Solicitors (K Hugh Ham)

**Landowner:**

564381 Alberta Ltd (Sean Ross)

Planning Evaluation Content	*Issue	Page
<b>Density</b> <i>Is a <b>density increase</b> being proposed.</i>	No	6
<b>Land Use Districts</b> <i>Are the changes being proposed <b>housekeeping</b> or <b>simple bylaw amendment</b>.</i>	No	6
<b>Legislation and Policy</b> <i>Does the recommendation create <b>capital budget</b> impacts or concerns.</i>	No	9
<b>Transportation Networks</b> <i>Do different or specific <b>mobility considerations</b> impact this site</i>	No	9
<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>	Yes	5
<b>Environmental Issues</b> <i>Other considerations eg. sour gas or contaminated sites</i>	No	9
<b>Growth Management</b> <i>Does this site have the appropriate <b>growth management</b> direction.</i>	Yes	10
<b>Public Engagement</b> <i>Were <b>major comments</b> received from the circulation</i>	No	10

\*Issue - Yes, No or Resolved

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## **PLANNING EVALUATION**

### **INTRODUCTION**

This application is proposing a land use that will accommodate a dewatering facility that would process septage. A dewatering facility is a type of wastewater treatment plant. This application is proposing to send the solids produced to a sanitary landfill and to discharge the treated water into The City's sanitary sewer system (leading to the Fish Creek Wastewater Treatment Plant). Ultimately, The City is responsible to Alberta Environment and Sustainable Resource Development (AESRD) for the wastewater leaving City-operated treatment plants, and it is therefore The City's Operating Approval that will be at risk if a substance enters the system from the proposed facility that causes an adverse effect, such as a plant upset or excess of restricted substances being released into the environment. Due to the variability of content collected, there is an increased risk to the infrastructure versus an operator that is releasing constant and known substances. Administration believes that the regulatory process described below addresses these risks.

### **SITE CONTEXT**

#### Application History:

The application history described below is a broad outline only.

- 2010 - A Development Permit for a light industrial building is released on the subject lands. Following discussion between the City and the applicant, Administration recommended that the applicant submit a Land Use Amendment Application.
- 2011 August - Land-Use Amendment Application for a dewatering facility (wastewater treatment plant) was received by CPAG, and then forwarded to the specialists.
- 2011 October - After the City reviewed the application (including extensive review by various Water Resources groups) the Detailed Team Review (DTR) was sent to the Applicant. Administration did not support of the application based on risks to municipal infrastructure.
- 2012 April - The Applicant provided a response to the DTR, however issues and concerns remained unresolved.
- 2012 August - The City outlined the information that would be required to effectively evaluate the application.
- 2012 August to 2014 August - The Land-Use Amendment process was put on hold while the Applicant, Water Resources, and PDA clarified details about the proposed facility and solidified the preventative and mitigation planning steps required to operate it. A new Wastewater bylaw was also adopted in 2012.
- 2014 August - The Applicant provided new supporting information.
- 2015 January - The City supported of the application following review of the supporting information.

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Adjacent Uses:

The subject site sits within an industrial area of the city and is situated at the northwest corner of the intersection of 53 Avenue SE and 55 Street SE. Surrounding development consists of general industrial uses under the I-G, including wholesalers, warehousing, storage, transport and vehicle service. There is one known food establishment (Frank's European Bakery) just within 300 metres of the property line of the subject site, but not necessarily within 300 meters of the proposed wastewater treatment plant. Administration has determined that the proposed wastewater treatment plant is 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 use of a wastewater treatment plant. This change in land use is to add a use to an existing structure and therefore does not represent an increase in density. Administration recognizes that direct control districts must only be used for the purpose of providing for developments that require specific regulation unavailable in other land use districts; and further, must not be used in substitution of any other land use district in the Bylaw that could achieve the same result. The only standard district in the Land Use Bylaw that allows a wastewater treatment plant is Special Purpose – City and Regional Infrastructure (S-CRI) District, which is suitable for civic uses. 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 wastewater treatment plant:

1. Land Use Amendment Approval
2. Prior to Development Permit Decision
  - a. Concurrent AESRD Operating Approval and Setback Variance (reduction)
  - b. Wastewater Bylaw Agreement
3. Development Permit Approval  
Applicant must meet Approval Conditions
4. Development Permit Release
5. Building Permits

Administration believes that through the aforementioned approvals and agreements the risks associated with this application will be addressed and managed.

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## Provincial Regulations and Requirements

### Operating Approval

A dewatering facility falls under the definition of a 'Wastewater System' within the *Environmental Protection and Enhancement Act* (EPEA). The *Activities Designation Regulation* (276/03) establishes the activities for which approvals are necessary and a dewatering facility falls under the definition of 'wastewater treatment plant' (in the Regulation) which would require Alberta Environment and Sustainable Resource Development (AESRD) approvals. The *Approvals and Registrations Procedure Regulation* (113/93) details application requirements.

In accordance with the *Wastewater and Storm Drainage Regulation* (119/93) a wastewater system will be designed so that it meets, as a minimum, the performance standards and design requirements set out in the *Standards and Guidelines for Municipal Waterworks, Wastewater and Storm Drainage Systems*, published by AESRD. In situations where released substances from the activity enter another party's wastewater collection system, it must be demonstrated that they will be allowed to release to that wastewater collection system.

Provided that City Council approves the Land Use Amendment, The City will require the Applicant to obtain an Operating Approval from AESRD prior to decision on a Development Permit for a wastewater treatment plant.

### Setback Variance

The *Subdivision and Development Regulation* (SDR) under the *Municipal Government Act* also regulates setbacks from wastewater treatment plants. The setback between the working area of a wastewater treatment plant and schools, hospitals, food establishments or residential uses (called 'restricted uses' below) is 300 metres. The development authority cannot approve restricted uses in that setback from an existing wastewater treatment plant. The development authority also cannot approve a wastewater treatment plant 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 Environment and Sustainable Resource Development. The Province has a policy, *Consent to Variance of Setback from Wastewater Treatment Facilities*, which outlines their requirements to approve a variance. The Applicant will be required to fulfill the requirements of that policy through the Development Permit process.

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The following setbacks from wastewater systems are regulated:

**TABLE 3.7  
 SETBACK DISTANCES FROM MECHANICAL TREATMENT  
 PLANTS INCLUDING AERATED LAGOONS**

Minimum setback distance (m) from the "working area" <sup>*</sup> of the operating mechanical treatment plants or aerated lagoon to:	
The property line of the land where the operating mechanical treatment plant or aerated lagoons is located	30
The designated right-of-way of a rural road or railway	30
The designated right-of-way of a primary or secondary highway	100
A "building site" <sup>**</sup> for school, hospital, food establishment or residential use	300

\* "Working area," means, those areas of a parcel of land that are currently being used or will be used for the processing of wastewater.

\*\* "Building site" means a portion of the land on which a building exists, or can or may be constructed

From the Standards and Guidelines for Municipal Waterworks,  
 Wastewater and Storm Drainage Systems:  
 Part 3 Wastewater Systems Standards for Performance and Design  
 Section 3.4.3.2 (Design Considerations)

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 wastewater treatment plant. The variance will reduce the setback so that it is a shorter distance than 300 metres and 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.

**Wastewater Bylaw**

The *Wastewater Bylaw* applies to this type of facility. A dewatering facility fits under the definition of "wastewater treatment facility". It will require approval from the Director of Water Resources and must be operated in accordance with any conditions set by the Director. These conditions are established in a wastewater agreement pursuant to the *Wastewater Bylaw*. Prohibited and restricted substances are defined by the Bylaw and releases must be reported.



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The Director can disconnect any premise that is releasing a substance that may have an adverse effect on the wastewater system and charge them for any damage done. The provisions within the wastewater agreement will address adverse impacts to City infrastructure.

Provided that City Council approves the Land Use Amendment, The City will require the Applicant to enter into a wastewater agreement prior to decision on a Development Permit for a wastewater treatment plant.

**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 setback will be required. High quality light industrial uses will be provided within the study area. A wastewater treatment facility that is fully enclosed and 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**

All required services are available for the proposed land use. Existing servicing can accommodate the proposed development without the need for upgrades or adjustments to the existing infrastructure. The additional use proposed will discharge treated water into The City's sanitary sewer system (leading to the Fish Creek Wastewater Treatment Plant). The parameters of this will be established in a wastewater agreement pursuant to the Wastewater Bylaw. This agreement will ensure that the risks associated with this application are addressed and that operations are monitored for compliance on an ongoing basis.

**ENVIRONMENTAL ISSUES**

The approvals process will ensure that the wastewater treatment plant is designed and built in a way that prevents and mitigates environmental impacts.

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## **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 no letters were received.

### **Public Meetings**

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

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**APPENDIX I**

**APPLICANT'S SUBMISSION**

5572 53rd Avenue SE is currently a vacant lot designated as Industrial General (I-G). The owner and applicant, L & K tire Inc., proposes to redesignate this parcel to Direct Control, essentially maintaining the I-G characteristics but adding "wastewater treatment plant" as a permitted use. Such use would be subject to approval by Alberta Environment and to conditions protecting neighbouring properties.

The applicant proposes to use the site to pre-treat domestic and non-hazardous industrial wastewater. Solids will be removed and brought to a landfill approved for this purpose and the water will be discharged into Calgary's wastewater system. Calgary's wastewater treatment facilities have limited capacity which can be extended by removing solids in this manner. The applicant's proposal is similar to the system Calgary recommends for food and animal processing plants.

The wastewater pre-treatment will take place in one segregated bay of a large warehouse, the remainder of which will be used for storage and routine maintenance of the applicant's vacuum trucks.

This redesignation is supported by the goals and policies of the Municipal Development Plan, the Transportation Plan, and the applicable Area Structure Plan.

The proposed use will not conflict with adjacent land uses, all of which are industrial in nature. While setbacks are required between wastewater treatment facilities and certain other uses, there are no such uses within the setback area which would be affected. Further, this setback area was set in the context of older wastewater treatment facilities, and as technology has improved these facilities have had less and less impact on adjacent properties. Alberta Environment has even varied the setback requirements and approved such facilities within the setback area of the East Calgary Landfill expansion, but the proposed use is not the type to which the setback requirement applies.

Any dangers associated with the proposed use have been minimized. The applicant has constructed an underground tank from which leaks are very unlikely, and the nature of the material is such that small leaks seal themselves. The tank will be buried in heavy clay soil with low porosity. In the highly improbable event of a tank failure, the applicant's business is such that the equipment is available to remove the wastewater. Further, since wastewater is trucked in rather than delivered by pipeline, in the event of any problems the supply of wastewater can be stopped immediately.

The Calgary Land Use Bylaw only provides for the use "sewage treatment plant" in districts which allow uses operated by various levels of government: it does not consider privately owned or operated wastewater treatment facilities. Therefore, to allow the proposed use to proceed, a Direct Control land use district is necessary.

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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 a **Wastewater Treatment Facility** of non-contaminated **septage**; and
  - (b) allow enclosed storage of **biosolids**.

**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) "**septage**" means wastewater removed from a cesspool, septic tank system, privy vault or privy pit, chemical toilet, portable toilet, or other wastewater holding structure; and
  - (b) "**biosolids**" means solids or semi-solid substances produced by wastewater treatment processes.

**Defined Uses**

- 5 In this Direct Control District,
- (a) "**Wastewater Treatment Facility**" means a fully enclosed facility that stores and treats **septage** then disposes of treated wastewater and **biosolids**.

**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.

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**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) **Wastewater Treatment Facility.**

**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.

**Rules for Wastewater Treatment Facility**

9 *Biosolids* must be safely managed to avoid impacts to human health and stored in a fully enclosed space with odour control.