

Planning & Development Report to
Calgary Planning Commission
2018 July 26

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CPC2018-0863
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Policy Amendments – Southeast Industrial Area Structure Plan (Ward 12), M-2018-001

EXECUTIVE SUMMARY

This report discusses Administration-initiated amendments to the *Southeast Industrial Area Structure Plan* (ASP) to:

- remove the 400 metre setback from the decommissioned Phosphogypsum Stack Two; and
- add a 450 metre setback to the disposal area of operating hazardous waste management facilities.

The ASP amendment was initiated by Administration as a result of ongoing applications affected by the setbacks and to align with recent amendments to the *Municipal Government Act* (MGA).

ADMINISTRATION RECOMMENDATION(S):

That Calgary Planning Commission recommend that Council hold a Public Hearing: and

1. **ADOPT**, by bylaw, the proposed amendments to the Southeast Industrial Area Structure Plan (Attachment 1); and
2. Give three readings to the proposed bylaw.

PREVIOUS COUNCIL DIRECTION / POLICY

None.

BACKGROUND

On 2015 October 05, Council approved minor amendments to the *Southeast Industrial Area Structure Plan* to remove the 400 metre setback from the decommissioned Phosphogypsum Stack One (CPC2015-178).

The decommissioning of Phosphogypsum Stack One and removal of the 400 metre setback allowed for development of schools, hospitals, food establishments, or residential uses within the previous 400 metre setback area.

Phosphogypsum Stacks (drying ponds)

In 2017, Viterra Inc completed decommissioning and capping of Phosphogypsum Stack Two. Similar to Stack One, a Risk Management Plan (RMP), has been accepted by Alberta Environment. The City of Calgary Parks department will govern its long term management.

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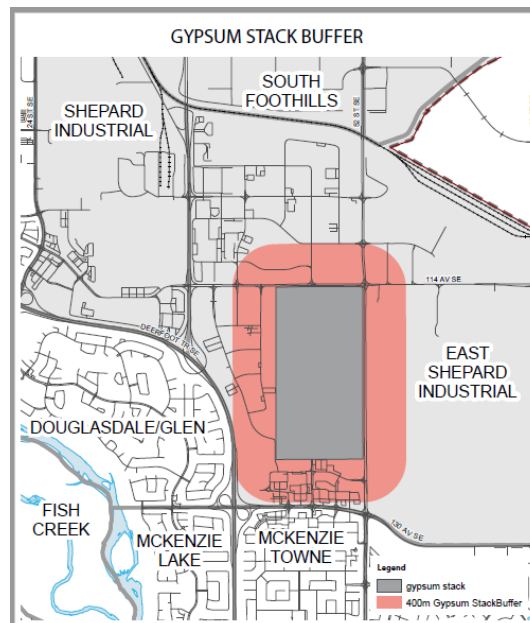
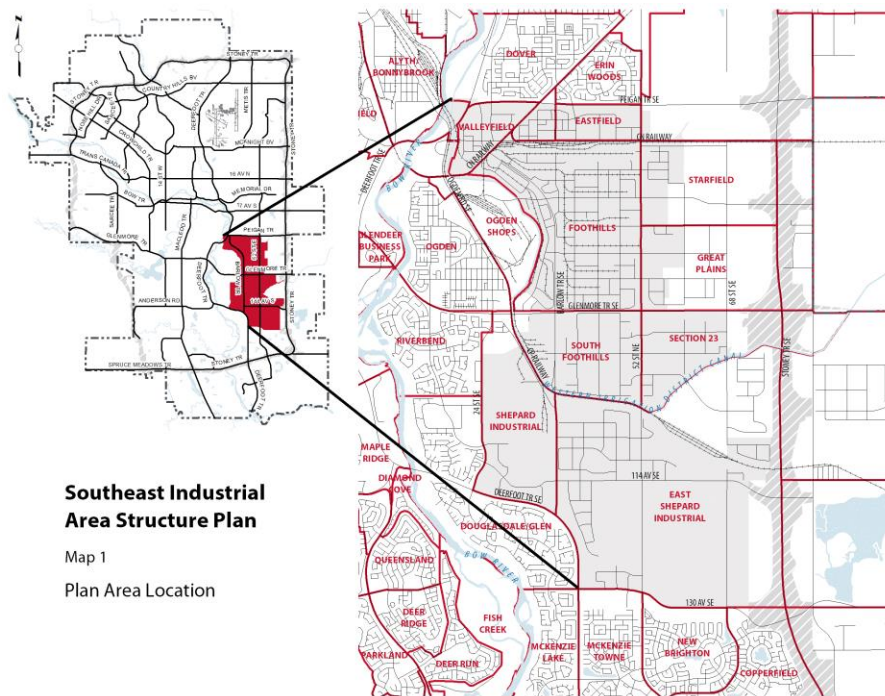
While operational, and throughout decommissioning and capping of the phosphogypsum stacks, a setback prohibited development of schools, hospitals, food establishments and residential uses within 400 metres of the property line of the stacks. The setback is no longer required and the proposed amendments to the ASP will allow the previously restricted uses.

Hazardous Waste Management Facilities

Changes to the MGA in 2017 require a 450 metre setback from the disposal area of operating hazardous waste management facilities. The setback prohibits the development of schools, hospitals, food establishments and residential uses within the setback area. To align with amendments to the MGA, Administration is proposing amendments to the *Southeast Industrial ASP* to identify and delineate the setbacks. Refer to Schedule P of the *Southeast Industrial ASP* for Hazardous Waste Management Facility setback.

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Location Maps



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Site Context

The *Southeast Industrial ASP* covers a land area of approximately 3,763 hectares (9,299 acres) in size, comprising primarily industrial uses, with limited commercial uses. The Plan Area is bounded by Peigan Trail SE to the north, Deerfoot Trail SE to the west, Deerfoot Trail SE and 130 Avenue SE to the south and Stoney Trail SE to the east.

The decommissioned phosphogypsum stack site is located at 12525 – 52 Street SE, 12655 and 12655R - 52 Street SE and 12725 – 52 Street SE. The four parcels total approximately 130 hectares (320 acres) in size.

The hazardous waste management facilities are located at 9611 – 44 Street SE, 10905 – 48 Street SE, 7905 – 46 Street SE, 5366 – 55 Street SE and 10501 Barlow Trail SE.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

The proposed amendments to the *Southeast Industrial ASP* would align the policy with MGA requirements and the recent decommissioning of the phosphogypsum stack and hazardous waste management facilities setback.

Infrastructure

Transportation Networks

Transportation networks in the ASP are not affected by the proposed amendments.

Utilities and Servicing

Utilities and servicing are not affected by the proposed amendments.

Stakeholder Engagement, Research and Communication

In keeping with Administration's standard practices, the ASP amendment to allow for additional uses within the 400 metre stack setback was circulated to adjacent landowners. A website on www.calgary.ca was created to inform the public of the amendment and included project information and an overview of the planning process.

Hazardous waste setbacks automatically apply around any hazardous waste management facility as regulated by the Subdivision and Development Regulation of the MGA. This setback is mandatory with or without the ASP therefore Administration did not send a letter to adjacent landowners.

Commission's recommendation and the date of the Public Hearing will be advertised.

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Engagement

No citizen comments or comments from landowners circulated were received. No public meetings were held by Administration. There is no community association in the plan area.

Strategic Alignment

South Saskatchewan Regional Plan (Statutory, 2014)

The sites are located within the 'City, Town' area as identified on Schedule C: South Saskatchewan Regional Plan Map in the *South Saskatchewan Regional Plan (SSRP)*. While the SSRP makes no specific reference to these sites, the proposal is consistent with policies on Land Use Patterns.

Municipal Development Plan (Statutory, 2009)

The sites, are located within the 'Standard Industrial Area of the *Municipal Development Plan* (MDP). The applicable MDP policies encourage a broad variety of industrial uses and intensities that support business in Calgary.

The proposed amendments to the ASP are in keeping with relevant MDP policies.

Municipal Government Act – Subdivision and Development Regulation (43/2002):

The Municipal Government Act – Subdivision and Development Regulation specifies that a Development Authority shall not approve an application for school, hospital, food establishment or residential use or building site proposed for a school, hospital, food establishment or residence within 450 metres of the disposal area of an operating or non-operating hazardous waste management facility.

Southeast Industrial Area Structure Plan (Statutory, 1996)

The current *Southeast Industrial ASP* identifies a setback within 400 metres of Phosphogypsum Stack Two. The proposed amendments to remove reference of the setback on stack two and all references to the phosphogypsum stack are supported by Administration.

The current policy of the *Southeast Industrial ASP* does not identify a setback of 450 metres to operating hazardous waste management facilities. The proposed amendment to add the setback to the identified parcels and references to hazardous waste management facilities in the plan area is supported by Administration.

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Social, Environmental, Economic (External)

Phosphogypsum Stack Two has been decommissioned and Alberta Environment and Parks has accepted the Risk Management Plan, therefore the 400 metre setback can be removed.

Amendments to the *Municipal Government Act*, to include a setback from active hazardous waste management facilities, have been accepted by the Government of Alberta, therefore, the 450 metre setback to hazardous waste management facilities will be added.

Financial Capacity

Current and Future Operating Budget:

There are no known impacts to the current and future operating budgets at this time.

Current and Future Capital Budget:

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

Risk Assessment

There are no significant risks associated with this proposal.

REASON(S) FOR RECOMMENDATION(S):

The proposed amendments to the *Southeast Industrial ASP* aligns the policy with the current status of Phosphogypsum Stack Two and recent changes to the *Municipal Government Act*.

ATTACHMENT(S)

1. Proposed amendments to the Southeast Industrial Area Structure Plan