

PROPOSED

C2018-0881
ATTACHMENT 4

BYLAW NUMBER 45P2017

BEING A BYLAW OF THE CITY OF CALGARY TO AMEND THE SOUTH SHEPARD AREA STRUCTURE PLAN BYLAW 10P2013

WHEREAS it is desirable to amend the South Shepard Area Structure Plan Bylaw 10P2013, as amended;

AND WHEREAS Council has held a public hearing as required by Section 692 of the Municipal Government Act, R.S.A. 2000, c.M-26, as amended:

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the “South Shepard Area Structure Plan Amendment Number 1 Bylaw.”
2. The South Shepard Area Structure Plan attached to and forming part of Bylaw 10P2013, as amended, is hereby further amended as follows:
 - (a) In Table of Contents, Part 2: Appendices to the South Shepard Area Structure Plan, delete “APPENDIX H: LANDFILL POLICY REVIEW AREA REMOVAL APPROACH.....A59” and replace with “APPENDIX H: BACKGROUND INFORMATION FOR THE NON-OPERATING LANDFILL.....A59”.
 - (b) In Executive Summary, in the third paragraph, in the first sentence, delete the word “the” before “South Shepard” and the word “Community” after “South Shepard”.
 - (c) In the Executive Summary, in the third paragraph, in the first sentence, delete the word “Community” after “provide the” and replace with “Plan Area”.
 - (d) In Section 1.0 Introduction, in the first paragraph, in the first sentence, delete the word “the” before “South Shepard” and the word “Community” after “South Shepard”.
 - (e) In Section 1.0 Introduction, in the first paragraph, in the second sentence, add the word “South” before the word “Shepard”.
 - (f) In Section 1.0 Introduction, in the first paragraph, in the fourth sentence, delete the words “a great Community” and replace with “great communities”.
 - (g) In Section 1.3.1 Vision, in the first paragraph, in the first sentence, replace the words “South Shepard Community” with “Plan Area”.
 - (h) In Section 1.3.1 Vision, in the first paragraph, in the third sentence, replace the words “Complete Community with a distinct identity” with “place that provides eight distinct neighbourhoods”.

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- (i) In Section 1.3.1 Vision, in the first paragraph, in the fourth sentence, delete the words “ensure a culturally enriched, safe, inclusive, diverse, easily accessible and resource efficient Community” and replace with “ensure culturally enriched, safe, inclusive, diverse, easily accessible and resource efficient communities”.
- (j) In Section 1.3.1 Vision, in the second paragraph, in the second sentence, delete the word “Community” and replace with “Plan Area”.
- (k) In Section 1.3.1 Vision, in the third paragraph, in the first sentence, delete the word “Community” and replace with “Plan Area”.
- (l) In Section 1.3.2 Objectives, subsection 1, Complete Community, in the first paragraph, in the first sentence, delete “of a vibrant, diverse and attractive Community” and replace with “of vibrant, diverse and attractive communities”.
- (m) Delete Map 3 entitled “Plan Area Attributes” and replace with revised Map 3 entitled “Plan Area Attributes”, attached hereto as Schedule A.
- (n) In Section 2.2 Natural and Cultural Features, in the second paragraph, bullet point 1, in the second sentence, delete “Community” and replace with “Plan Area”.
- (o) In Section 2.9 Non-Operating Landfill Site, in the first paragraph, after the second sentence, insert the following new sentence:

“In 2017, Alberta Environment and Parks confirmed that the site owner has met the landfill closure requirements set out in the Code of Practice for Landfills in Alberta.”
- (p) In Section 2.9 Non-Operating Landfill Site, in the first paragraph, in the last sentence, after “Map 3: Plan Area Attributes” insert the words “(see Appendix H for additional background on the non-operating landfill site).”
- (q) In Section 2.13 Electric Substation Area, in the first paragraph, in the first sentence, delete “)” and replace with “)”.
- (r) In Section 3.1 Complete Community Policies, in the first paragraph, delete the first sentence “To promote a compact, walkable and accessible Complete Community, the Plan Area will be organized by a series of distinct Neighbourhoods.” and replace with “The Plan Area will include two Complete Communities and eight distinct Neighbourhoods.”
- (s) In Section 3.1 Complete Community Policies, in the second paragraph, in the first sentence, delete the words “will comprise one Complete Community and” after “The Plan Area”.
- (t) In Section 3.1 Complete Community Policies, subsection 1, delete the words “The South Shepard Community and the Neighbourhoods within it” and replace with “The Plan Area’s Communities and Neighbourhoods”.
- (u) In Section 3.1 Complete Community Policies, subsection 2, delete the words “Community” and replace with “Plan Area”.

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- (v) Delete Map 4 entitled “Community and Neighbourhood Concept” and replace with revised Map 4 entitled “Community and Neighbourhood Concept”, attached hereto as Schedule B.
- (w) Delete Map 5 entitled “Land Use & Transportation Concept” and replace with revised Map 5 entitled “Land Use & Transportation Concept”, attached hereto as Schedule C.
- (x) In Section 3.2 Land Use & Transportation Concept, in the first paragraph, in the second sentence, delete the word “Community” and replace with “Plan Area”.
- (y) In Section 3.2 Land Use & Transportation Concept, in the first paragraph, in the fourth sentence, delete the words “for two sites”.
- (z) In Section 3.2 Land Use & Transportation Concept, in the second paragraph, in the first sentence, delete the words “South Shepard Community” and replace with “Plan Area”.
- (aa) In Section 3.3 Neighbourhood Areas, in the second paragraph, in the second sentence, delete the words “South Shepard Community” and replace with “Plan Area”.
- (bb) In Section 3.3 Neighbourhood Areas, in the second paragraph, in the third sentence, delete the word “Community” and replace with “Plan Area”.
- (cc) In Section 3.3 Neighbourhood Areas, in the third paragraph, in the first sentence, delete the words “create a Sustainable Community” and replace with “create Sustainable Communities”.
- (dd) In Section 3.6 Neighbourhood Corridor, in the first paragraph, in the second sentence, delete the words “wider South Shepard Community” and replace with “Plan Area”.
- (ee) Delete Section 3.6 Neighbourhood Corridor, subsection 1.b:

“See Section 3.9 for information on the Policy Review Area that applies to a portion of the Neighbourhood Corridor.”
- (ff) In Section 3.9 Policy Review Area, in the first paragraph, in the first sentence, delete the words “for two areas” and the words “*Map 3: Plan Area Attributes and*”.
- (gg) Delete Section 3.9 Policy Review Area, subsections 1, 2, and 3 and replace with:

“The PRA shown on Map 5: Land Use & Transportation Concept includes the triangular shaped piece of land in the northeast of the Plan Area, which is bounded by the CPR tracks, the Shepard Wetland Complex and a proposed cemetery site, as well as the quarter section to the south of it.

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Any application for land use redesignation and/or development permit should not be supported by The City for these lands until the PRA has been removed. Removal of the PRA may occur at such time as negotiations between The City and the owners of the triangular shaped piece of land have concluded and there is an integrated land use and servicing strategy for the PRA which is capable of being developed in the near term (the near term being less than 5 years), to the satisfaction of The City.”

- (hh) In Section 3.10 Redevelopment and Intensification, in the first paragraph, in the second sentence, delete the word “Community” and replace with “Plan Area”.
- (ii) In Section 3.10 Redevelopment and Intensification, in subsection 1.d, delete the word “Community” and replace with “Plan Area”.
- (jj) In Section 4.5 Reserve Policies, in the first paragraph, in the first sentence, delete the word “Community” and replace with “Plan Area”.
- (kk) In Section 4.6 Open Space and Regional Pathway System, subsection 1b Social Function, delete the word “Community” and replace with “Plan Area”.
- (ll) In Section 5.3 Pedestrian & Bicycle Circulation, in subsection 3.e, delete the word “Community” and replace with “Plan Area”.
- (mm) In Section 5.4 Transit Service, in the first paragraph, in the second sentence, delete the word “Community” and replace with “communities”.
- (nn) Delete Map 9 entitled “Transportation” and replace with revised Map 9 entitled “Transportation”, attached hereto as Schedule D.
- (oo) In Section 6.1 Green Infrastructure Policies, in subsection 1, delete the word “Community” and replace with “Plan Area”.
- (pp) In Section 8.11 Intensity/Density, in subsection 2, delete the word “Community” and replace with “Plan Area”.
- (qq) In Section 8.11 Intensity/Density, Table 5: Intensity/Density Requirements by Area, delete the words “This includes an entire Community” in the first row under “Description” and replace with “This is Community A and Community B as identified within the Plan Area. Community B with a smaller developable area is not required to achieve the intensity/ density target independently but is required to demonstrate how it can contribute to the overall intensity/ density target of the Plan Area when integrated with Community A.”
- (rr) In Part 2: Appendices to the South Shepard Area Structure Plan, table of content, delete the words “APPENDIX H: LANDFILL POLICY REVIEW AREA REMOVAL APPROACH.....A59” and replace with “APPENDIX H: BACKGROUND INFORMATION FOR THE NON-OPERATING LANDFILL.....A59”.

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- (ss) In Part 2, Appendix A, Table A.1: MDP Typologies and Intensity/Density Thresholds, delete the words “The entire Community as identified within the Plan.” in the first row under “Description” and replace with “This is Community A and Community B as identified within the Plan Area. Community B with a smaller developable area is not required to achieve the intensity/ density target independently but is required to demonstrate how it can contribute to the overall intensity/ density target of the Plan Area when integrated with Community A.”
- (tt) Delete “APPENDIX H: LANDFILL POLICY REVIEW AREA REMOVAL” and replace with revised “APPENDIX H: BACKGROUND INFORMATION FOR THE NON-OPERATING LANDFILL”, attached hereto as Schedule E.

3. This Bylaw comes into force on the date it is passed.

READ A FIRST TIME ON _____

READ A SECOND TIME ON _____

READ A THIRD TIME ON _____

MAYOR

SIGNED ON _____

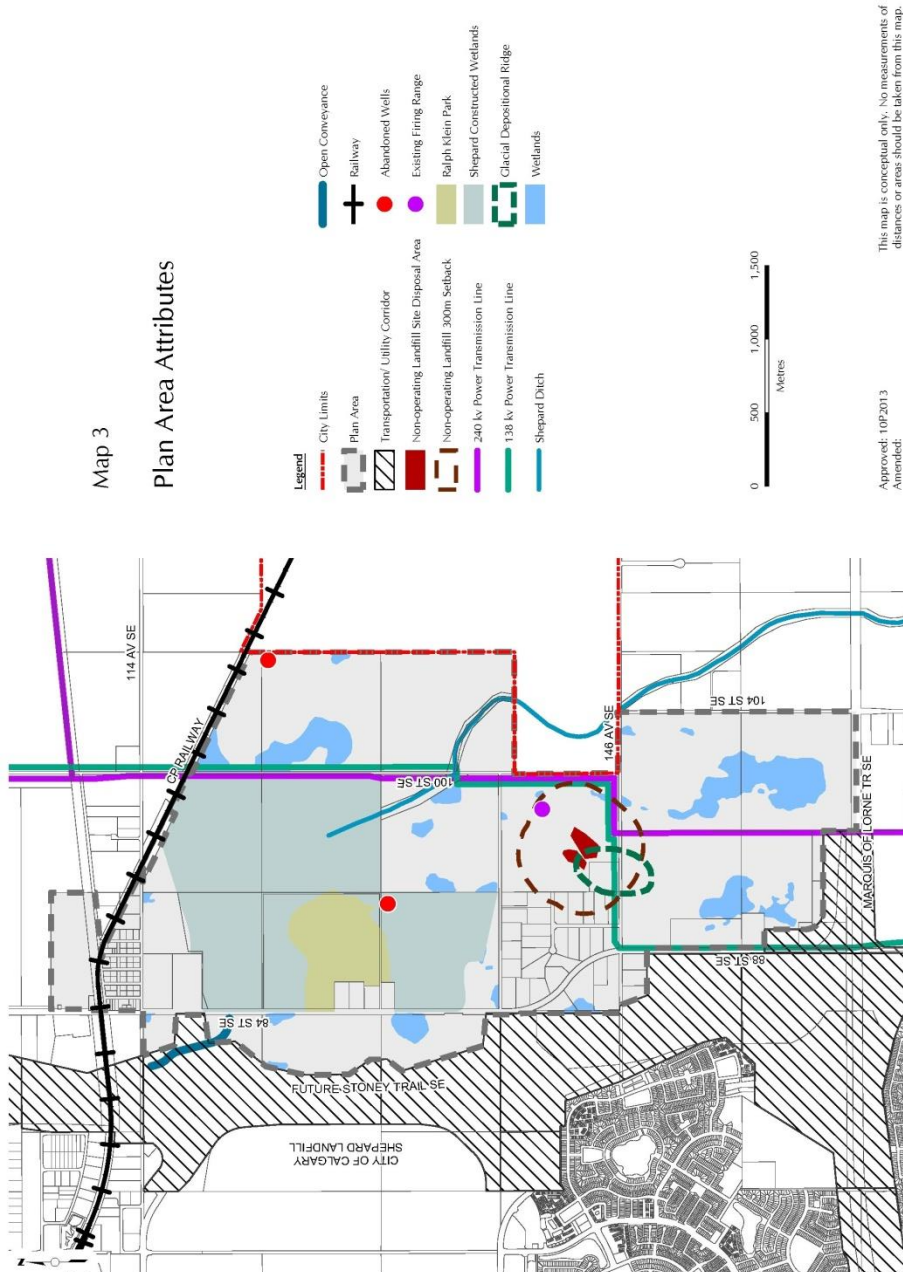
CITY CLERK

SIGNED ON _____

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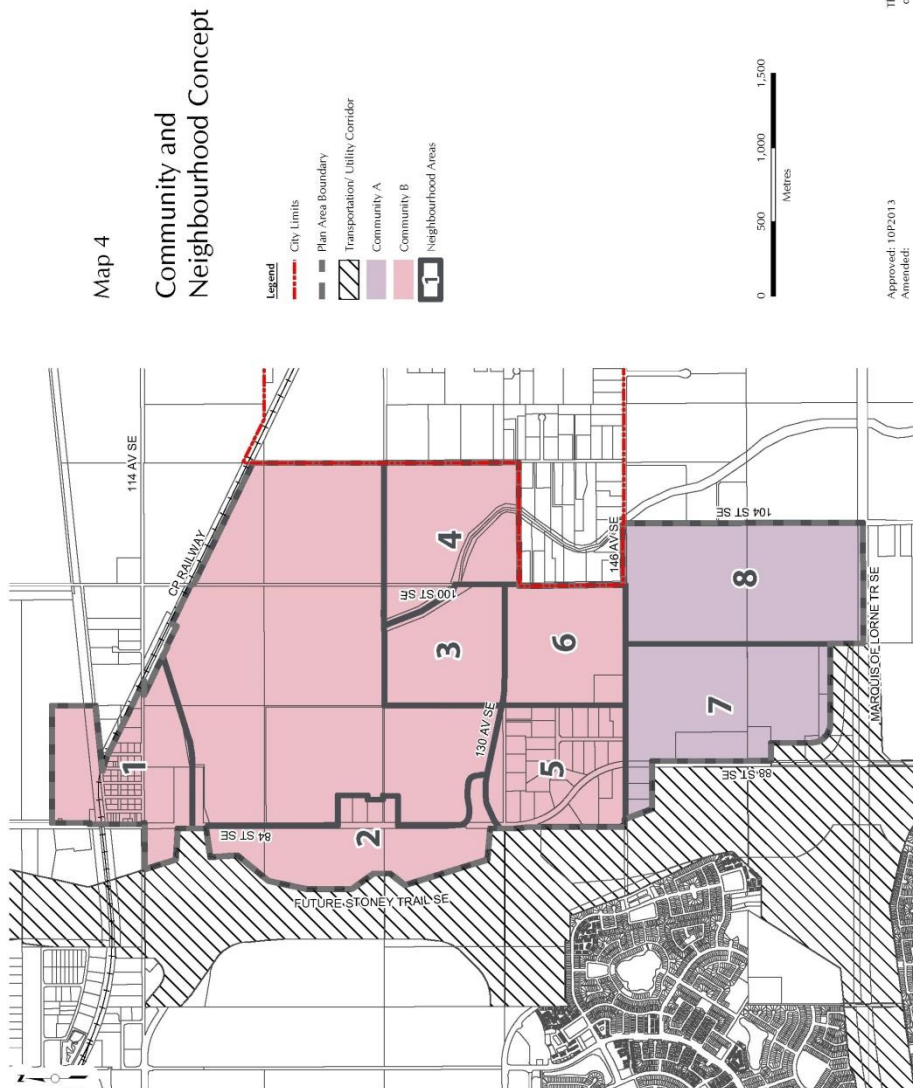
SCHEDULE A



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SCHEDULE B



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SCHEDULE C

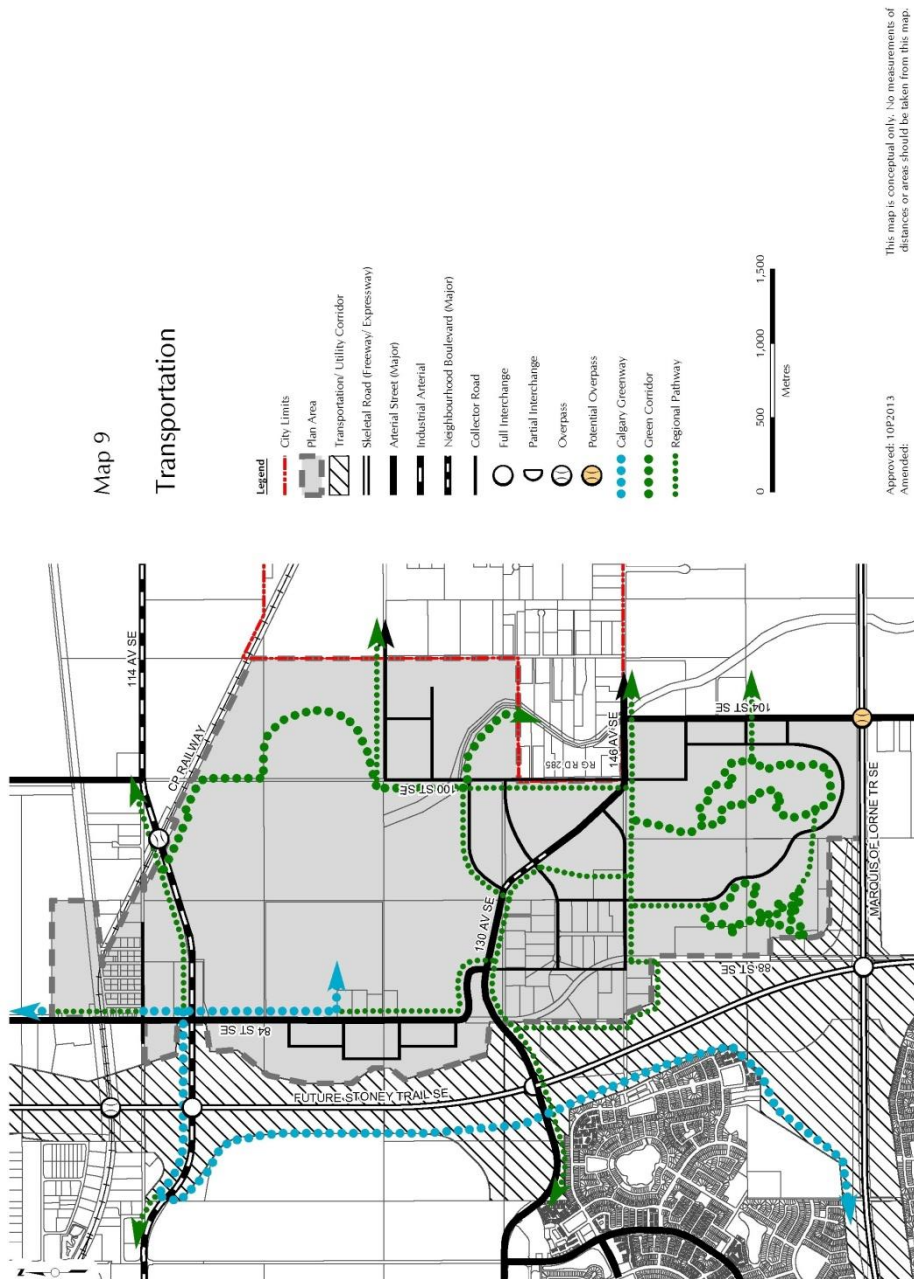
Map 5
Land Use &
Transportation Concept



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SCHEDULE D



SCHEDULE E

Appendix H: Background Information for the Non-Operating Landfill

APPENDIX H: BACKGROUND INFORMATION FOR THE NON-OPERATING LANDFILL

The former Foster landfill operated from 1965 to 1978 in Section SE 06-23-28 W4M within The City of Calgary, and consisted of a main cell, previously operated by the County of Rockyview, and a secondary unauthorized cell operated by a previous landowner. The landfill is conceptually illustrated on the Map H: Foster Landfill and 300 metre Setback.

At the time of the approval of the South Shepard Area Structure Plan (2013), the environmental conditions and the regulatory status of the landfill were not clear. Although environmental assessments had been completed, the landfill had not been confirmed closed by Alberta Environment and Parks (AEP). To address concerns about the development potential of the adjacent land and given the available environmental information at the time, a Policy Review Area (PRA) corresponding to the 300 metre closed landfill setback was included in the ASP.

In 2010 through consultation with AEP, a series of environmental assessments of the landfill were initiated by the landowner to assess soil and groundwater conditions and to characterize the landfill waste. Inert materials including ash, glass, metal, wood, and some plastic were identified. The assessments did not identify any contamination risks to human health or impacts that would prevent the development of the surrounding area. One area of concern was the lack of a proper cap on the landfill. On November 13, 2013, AEP issued letters to the landowner and Rocky View County outlining their requirements for landfill closure. In response, the landowner commissioned additional work including the design and construction of a clay cap to meet the current Code of Practice for Landfills. Capping of the landfill was completed in October 2016 and in early 2017 AEP confirmed that the landfill was considered closed and that no further environmental monitoring is required. A copy of AEP's letter dated January 24, 2017 is included in this Appendix.

As a result of the environmental assessments and AEP's confirmation that the landfill is considered closed, the PRA has been removed from the South Shepard ASP. Note that per the Municipal Government Act – Subdivision & Development Regulation, a 300 metre setback to restricted uses is applicable to this non-operating landfill.

Map H

Foster Landfill and 300m Setback



SUPPORTING INFORMATION

Appendix H: Background Information for the Non-Operating Landfill

SUPPORTING INFORMATION



Operations
South Saskatchewan Region
2nd Floor, 2938 – 11 Street NE
Calgary, AB T2E 7L7
Telephone: 403-297-7605
Fax: 403-297-2749
www.asp.alberta.ca

January 24, 2017



Dear [REDACTED]

**RE: Capping of Former Landfill Cells Located on [REDACTED]
Site location SE 6-23-28 W4M, SE Calgary**

Thank you for the Landfill Closure Report, dated November 1, 2016, prepared by Athena Environmental Consultants Ltd. on the capping and closure of the two landfill cells located on your property. One landfill cell was formerly operated by the previous landowner (Foster) and the bigger landfill cell was leased and operated by the Rocky View County Municipal District.

The Landfill Closure Report submitted has been prepared well and the cap design details as constructed meets the Code of Practice for Landfills in Alberta for a cultivated land use. The cap is satisfactory to Alberta Environment and Parks.

As per section 6.3 of the *Standards for Landfills* in Alberta, post-closure monitoring of a landfill is required for 25 years following the final landfill closure, with monitoring starting 30 days following the submission of the final landfill closure report. In this case we are suspending these conditions based on the following:

- the landfills ceased operation in 1978;
- a partial cap has existed since circa 1978; and
- environmental assessments in the past few years have shown only minimal impacts to the groundwater.

If new information comes to light regarding any contaminants that would put the surrounding environment at risk, Environment and Parks may require further monitoring as per the *Standards for Landfills*. The groundwater monitoring wells at the site need to be retained, protected, and maintained in case monitoring is necessary in the future. These groundwater monitoring wells may also be needed to help support any applications for setback variances. In particular, we note that the pathway for fresh water aquatic life for groundwater has not been completely addressed.

If you have any questions regarding this letter, please do not hesitate to contact Mr. Matt Haghighi at (403) 297-7878.

Sincerely;

Dave Gower, M.Sc.
Designated Director under the Act

cc: Paul Leong, City of Calgary
Cole Nelson, Rocky View County
Wendy Thorne, Athena
Matt Haghighi, AEP
Kim Kinillo, AEP
James Jorgenson, AEP