

# Waste Management Facility and Setback Variance Guide



## Publishing information

**Title**

Waste Management Facility Setback Variance Guide

**Author**

The City of Calgary

**Status**

Adopted April 2021

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# 1

## Introduction

This document helps guide City of Calgary staff, businesses and their consultants work through municipal application processes for waste management facilities or on properties that are affected by waste management facilities.

Whereas the **Subdivision and Development Regulation** is a regulation, this guide is a non-statutory document, accepted by the City of Calgary Executive Leadership Team and may be amended from time to time. Where this document conflicts with any federal, provincial and/or municipal statutory document, the statutory document takes precedence over this document.

The excerpts and definitions from provincial regulations embedded in this document were retrieved on January 08, 2021 and may change from time to time.

In applying this document, The City of Calgary shall not be construed or deemed to have assumed the ownership, charge, management, control, or responsibility for any contaminating substances resulting from a waste management facility or any long term risk management, monitoring, or mitigation measures required to support a new waste management facility, waste management facility expansion and/or **Subdivision and Development Regulation** setback variance.

The intent of this document is to provide better corporate alignment and for The City of Calgary to make consistent interpretations, follow consistent processes, and make consistent decisions related to development and waste management facilities. Meanwhile, this document will help ensure that applications are reviewed based on sound environmental, public health, safety, nuisance, and regulatory assessment principles.

# 2

## The Subdivision and Development Regulation

The Subdivision and Development Regulation (AR 43/2002) is a provincial regulation, forming part of the **Municipal Government Act**, which regulates aspects of subdivision and development permit applications. Subsections 12 and 13 of the **Subdivision and Development Regulation** state:

### *12. Distance from wastewater treatment*

1. *In this section, “working area” means those areas of a parcel of land that are currently being used or will be used for the processing of wastewater.*
2. *Subject to subsection (5), a subdivision authority shall not approve an application for subdivision for school, hospital, food establishment or residential use unless*
  - a. *the property line of the proposed lot for school, hospital, food establishment or residential use is 300 metres or more from the working area of an operating wastewater treatment plant, or*
  - b. *on considering the matters referred to in section 7, each proposed lot includes a suitable building site for school, hospital, food establishment or residential use that is 300 metres or more from the working area of an operating wastewater treatment plant.*
3. *(3) Subject to subsection (5), a development authority shall not issue a development permit for a school, hospital, food establishment or residence within 300 metres of the working area of an operating wastewater treatment plant nor may a school, hospital, food establishment or residence be constructed if the building site is within 300 metres of the working area of an operating wastewater treatment plant.*
4. *Subject to subsection (5),*
  - a. *a subdivision authority shall not approve an application for subdivision for the purposes of developing a wastewater treatment plant unless the working area of the wastewater treatment plant is situated at least 300 metres from the property line of an existing or a proposed lot for any school, hospital, food establishment or residential use, and*
  - b. *a development authority shall not issue a permit for the purposes of developing a wastewater treatment plant unless the working area of the wastewater treatment plant is situated at least 300 metres from the building site for an existing or a proposed school, hospital, food establishment or residence.*
5. *The requirements contained in subsections (2) to (4) may be varied by a subdivision authority or a development authority with the written consent of the Deputy Minister of Environment and Sustainable Resource Development.*
6. *A consent under subsection (5) may refer to applications for subdivision or development generally or to a specific application. AR 43/2002 s12;31/2012;170/2012;188/2017*

### 13. Distance from landfill, waste sites

1. In this section,
  - a. "disposal area" means those areas of a parcel of land
    - i. that have been used and will not be used again for the placing of waste material, or
    - ii. where waste processing or a burning activity is conducted in conjunction with a hazardous waste management facility or landfill;
  - b. "working area" means those areas of a parcel of land
    - i. that are currently being used or that still remain to be used for the placing of waste material, or
    - ii. where waste processing or a burning activity is conducted in conjunction with a hazardous waste management facility, landfill or storage site.
2. Subject to subsection (5), a subdivision authority shall not approve an application for subdivision for school, hospital, food establishment or residential use if the application would result in a property line of a lot created by subdivision for any of those uses being located
  - a. within 450 metres of the working area of an operating landfill,
  - b. within 300 metres of the disposal area of an operating or non-operating landfill,
  - c. within 450 metres of the working area or disposal area of a non-operating hazardous waste management facility,
  - c.i. within 450 metres of the working area or disposal area of an operating hazardous waste management facility, or
  - d. within 300 metres of the working area of an operating storage site.
3. Subject to subsection (5), a development authority shall not issue a development permit for a school, hospital, food establishment or residence, nor may a school, hospital, food establishment or residence be constructed if the building site
  - a. is within 450 metres of the working area of an operating landfill,
  - b. is within 300 metres of the disposal area of an operating or non-operating landfill,
  - c. is within 450 metres of the working area or disposal area of a non-operating hazardous waste management facility,
  - c.i. is within 450 metres of the working area or disposal area of an operating hazardous waste management facility, or
  - d. is within 300 metres of the disposal area of an operating storage site.
4. Subject to subsection (5), 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
  - a. the working area of a landfill is situated at least 450 metres,
  - b. the disposal area of a landfill is situated at least 300 metres,
  - c. the working or disposal area of a hazardous waste management facility is situated at least 450 metres, and
  - d. the working area of a storage site is situated at least 300 metresfrom the property line of a school, hospital, food establishment or residential use or building site proposed for a school, hospital, food establishment or residence.
5. The requirements contained in subsections (1) to (4) may be varied by a subdivision authority or a development authority with the written consent of the Deputy Minister of Environment and Parks.
6. A consent under subsection (5) may refer to applications for subdivision or development generally or to a specific application.

## 2.1 Waste Management Facilities

Subsections 12 and 13 of the **Subdivision and Development Regulation** state of the refer to four categories of waste management facilities: wastewater treatment plant, landfill, hazardous waste management facility and storage site. The definitions for these categories of waste management facilities come from the **Wastewater and Storm Drainage Regulation** (AR 119/93) and the **Waste Control Regulation** (AR 192/96).

A map of all waste management facilities and their setbacks is available at [calgary.ca/pda/pd/landfill-setbacks.html](http://calgary.ca/pda/pd/landfill-setbacks.html)

### 2.1.1 Wastewater Treatment Plant

As per the **Wastewater and Storm Drainage Regulation**:

*“wastewater” means domestic wastewater and may include industrial wastewater.*

*“wastewater treatment plant” means any structure, thing or process used for physical, chemical, biological or radiological treatment of wastewater and includes a structure, thing or process used for*

- *wastewater storage,*
- *treated wastewater use and disposal, and*
- *sludge treatment, storage and disposal.*

*Hydrovac waste facilities are considered hazardous waste management facilities or storage sites and are not considered wastewater treatment plants.*

### 2.1.2 Landfill

As per the **Waste Control Regulation**:

*“landfill” means a waste management facility at which waste is disposed of by placing it on or in land, but does not include a land treatment facility, a surface impoundment, a salt cavern or a disposal well.*

### 2.1.3 Hazardous Waste Management Facility

As per the **Waste Control Regulation**:

*“hazardous waste” means waste that has one or more of the properties described in Schedule 1 of the Waste Control Regulation, but does not include those wastes listed in Schedule 2 of the Waste Control Regulation.*

*“hazardous waste management facility” means a facility for the collection, storage, treatment or disposal of hazardous waste, but does not include an on-site facility.*

### 2.1.4 Storage Site

As per the **Waste Control Regulation**:

*“storage site” means a waste management facility, where waste, other than hazardous waste, is*

- *stored,*
- *sorted, compacted, shredded, ground or processed, or*
- *collected and held for removal to another waste management facility.*

## 2.2 School, Hospital, Food Establishment and Residence Uses

Sections 12 and 13 of the **Subdivision and Development Regulation** require a minimum separation distance (also known as a “setback”) between waste management facilities and four categories of uses: school, hospital, food establishment and residence.

Uses that are not school, hospital, food establishment, nor residence uses are not prohibited within the setback area, and therefore lands in the setback area are therefore not sterilized for development.

### 2.2.1 School

There is no definition of “school” in the **Subdivision and Development Regulation**.

### 2.2.2 Hospital

There is no definition of “hospital” in the **Subdivision and Development Regulation**.

### 2.2.3 Food Establishment

As per the **Subdivision and Development Regulation**:

*“food establishment” means food establishment as defined in the Food Regulation (AR 31/2006), but does not include a food establishment to which that Regulation does not apply pursuant to section 2(2) of that Regulation.*

As per the **Food Regulation**:

*“food” means any substance, including water and ice, intended for use in whole or in part for human consumption, but does not include a drug, medication or health related product regulated under the Pharmaceutical Profession Act or the Food and Drugs Act (Canada).*

*“food establishment” means a place where food is handled.*

*“handle” means, in relation to food, the supply, sale, offering for sale, processing, preparation, packaging, providing, display, service, dispensing, storage or transportation of any food that is intended for public consumption.*

### 2.2.4 Residence

There is no definition of “residence” in the **Subdivision and Development Regulation**.

## 2.3 Setbacks

The setbacks between waste management facilities and school, hospital, food establishment and residence uses have different distances depending on the type of waste management facility and its operational status.

The waste management facility can be determined to be non-operating by Alberta Environment and Parks. A facility can be considered non-operating if:

1. the facility has been formally recognized as reclaimed by Alberta Environment and Parks;
2. the Alberta Environment and Parks authorization for the site only allows facility reclamation/decommissioning activities (i.e. the facility is no longer approved to receive or process waste and the site is under post closure care);
3. in the case of an operating landfill, portions can be considered non-operating if those areas will no longer accept waste to be deposited and those areas will not be used to process waste; or
4. a hazardous waste management facility or storage site is no longer receiving waste.

If all the waste from a landfill, hazardous waste management facility, or storage site was removed from the site, then the waste management facility setback is no longer applicable.

### 2.3.1 Setback Distance and Measurement

The setback distance is based on the type of waste management facility that exists or is proposed and its operational status.

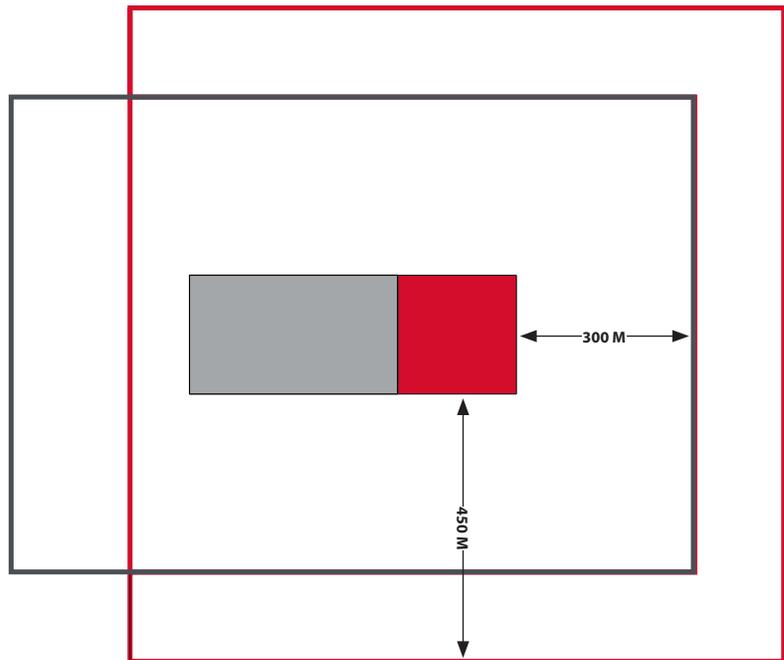
**Table 1: Setback Distances**

Waste Management Facility	Setback Distance	Measured From
Operating wastewater treatment plant	300 metres	Working area
Operating landfill	450 metres	Working area
Operating landfill	300 metres	Disposal area
Non-operating landfill	300 metres	Disposal area
Operating hazardous waste management facility	450 metres	Working area or disposal area
Non-operating hazardous waste management facility	450 metres	Working area or disposal area
Operating storage site	300 metres	Working area

Refer to the text embedded in section 2 of this document for the different definitions of “working area” and “disposal area” in sections 12 and 13 of **Subdivision and Development Regulation**.

**Figure 1: Disposal Area and Working Area Setbacks**

For subdivision and development permit applications for school, hospital, food establishment and residence uses, the measurements are taken from the edge of the disposal area and/or working area of the existing waste management facility to the building that is proposed to house the use. The term "building site" in the **Subdivision and Development Regulation** is interpreted to mean the location of the building that is proposed to house a use, and includes all units and common areas in that building.

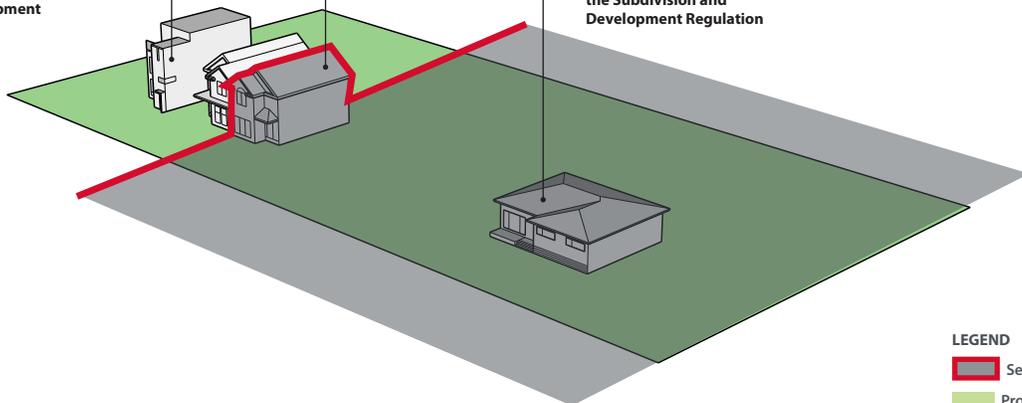


- LEGEND**
-  Disposal area setback
  -  Working area setback
  -  Disposal area
  -  Working area

**Figure 2: Buildings on Parcels Partially in Setbacks**

Prohibited uses in this building do not require written Provincial consent for variance from the Subdivision and Development Regulation

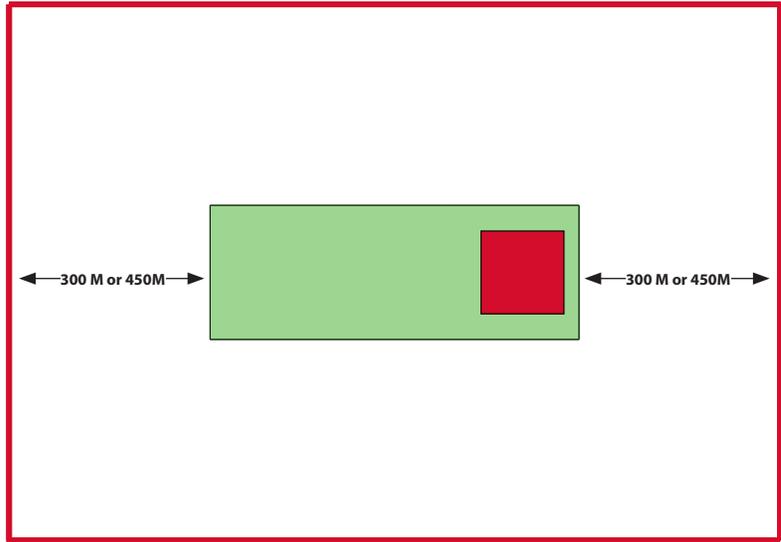
Prohibited uses in these building require written Provincial consent for variance from the Subdivision and Development Regulation



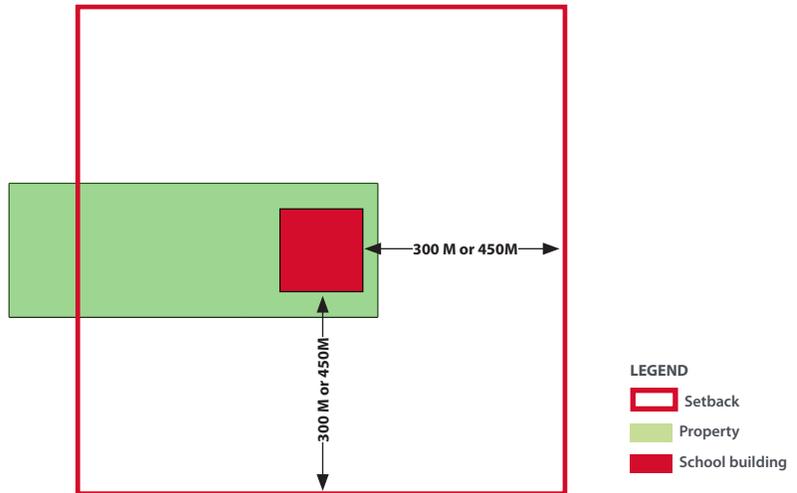
- LEGEND**
-  Setback area
  -  Property

**Figure 3: School, Hospital, Food Establishment and Residence Use Setbacks**

For development permit applications for new landfills, hazardous waste facilities and storage sites, the measurements are taken from the edge of the working area to the property line of the parcel that houses the existing school, hospital, food establishment and residence use.



For development permit applications for new wastewater treatment plants and expansions, the measurements are taken from the edge of the working area to the building of the parcel that houses the existing school, hospital, food establishment and residence use.



# 3

## Land Use Bylaw 1P2007 and the Subdivision and Development Regulation

### 3.1 Land Use Bylaw 1P2007 Waste Management Facility Uses

The definitions of waste management facilities are inconsistent between the **Subdivision and Development Regulation** and **Land Use Bylaw 1P2007**.

Waste management facilities can only be classified as one of two **Land Use Bylaw 1P2007** uses:

- Sewage Treatment Plant
- Waste Disposal and Treatment Facility

#### 3.1.1 Land Use Bylaw 1P2007 Land Use Districts for Waste Management Facilities

The only **Land Use Bylaw 1P2007** district where Sewage Treatment Plant and Waste Disposal and Treatment Facility uses operated by, or on behalf of, the City, can be approved is the Special Purpose – City and Regional Infrastructure (S-CRI) District.

Privately-operated waste management facilities require direct control land use districts, which are land use districts that apply to only one specific area of the city. Subsection 21(3) of **Land Use Bylaw 1P2007** states, “The following uses must only be listed as a use on a parcel that has been designated Direct Control:

- (r.1) Sewage Treatment Plant when not operated by, or on behalf of, the City;
- (u.1) Waste Disposal and Treatment Facility when not operated by, or on behalf of, the City.”

## 3.2 School, Hospital, Food Establishment and Residence Uses

The definition of school, hospital, food establishment and residence uses are inconsistent between the **Subdivision and Development Regulation, Land Use Bylaw 1P2007**, and **Business License Bylaw 32M98**.

Some developments do not require a develop permit, as per section 25 of **Land Use Bylaw 1P2007**, if the conditions of section 24 are met. Subsection 24(d) of **Land Use Bylaw 1P2007** states, "A development listed in section 25 will only be exempt from the requirement to obtain a development permit if it is not subject to any restrictions imposed by the **Subdivision and Development Regulation**. As a result, some types of developments that would typically be exempt from needed a development permit, are required to obtain a development permit if they are in a waste management facility setback.

### 3.2.1 Land Use Bylaw 1P2007 School, Hospital, Food Establishment and Residence Uses

The following **Land Use Bylaw 1P2007** uses may contain school, hospital, food establishment and residence uses:

#### 1. Schools

- Child Care Service
- Home Based Child Care – Class 1
- Home Based Child Care – Class 2
- Instructional Facility (if it handles food)
- Place of Worship – Large (if it contains Child Care Service)
- Place of Worship – Medium (if it contains Child Care Service)
- Place of Worship – Small (if it contains Child Care Service)
- School – Private
- School Authority – School
- School Authority Purpose – Major
- School Authority Purpose – Minor
- Special Function – Class 1 (if it contains a school)

#### 2. Hospitals

- Hospital

### 3. Food establishments

- Accessory Food Service
- Accessory Liquor Service
- Adult Mini-Theatre (if it handles food)
- Amusement Arcade (if it handles food)
- Auction Market – Other Goods (if it handles food)
- Bed and Breakfast (if it handles food)
- Billiard Parlour (if it handles food)
- Brewery, Winery and Distillery
- Building Supply Centre (if it handles food)
- Bulk Fuel Sales Depot (if it handles food)
- Campground (if it handles food)
- Cannabis Counselling (if it handles non-cannabis food)
- Cannabis Facility (if it handles non-cannabis food)
- Cannabis Store (if it handles non-cannabis food)
- Car Wash – Multi Vehicle (if it handles food)
- Car Wash – Single Vehicle (if it handles food)
- Catering Service – Major
- Catering Service – Minor
- Child Care Service (if it handles food)
- Cinema (if it handles food)
- Community Recreation Facility (if it handles food)
- Computer Games Facility (if it handles food)
- Conference and Event Facility (if it handles food)
- Convenience Food Store
- Counselling Service (if it handles food)
- Cultural Support (if it handles food)
- Dinner Theatre
- Distribution Centre (if it handles food)
- Drinking Establishment – Large
- Drinking Establishment – Medium
- Drinking Establishment – Small
- Drive Through (if it handles food)
- Emergency Shelter (if it handles food)
- Extensive Agriculture
- Firing Range (if it handles food)
- Fitness Centre (if it handles food)
- Food Kiosk
- Food Production
- Freight Yard (if it handles food)
- Funeral home (if it handles food)
- Gaming Establishment – Bingo (if it handles food)
- Gaming Establishment – Casino (if it handles food)
- Gas Bar (if it handles food)
- General Industrial – Heavy (if it handles food)
- General Industrial – Light (if it handles food)
- General Industrial – Medium (if it handles food)
- Health Services Laboratory – With Clients (if it handles food)
- Home Based Child Care – Class 1 (if it handles food)
- Home Based Child Care – Class 2 (if it handles food)
- Home Occupation – Class 1 (if it handles food)
- Home Occupation – Class 2 (if it handles food)
- Hospital
- Hotel (if it handles food)
- Indoor Recreation Facility (if it handles food)
- Instructional Facility (if it handles food)
- Intensive Agriculture
- Inter-City Bus Terminal (if it handles food)
- Jail
- Library (if it handles food)
- Liquor Store (if it handles food)
- Live Work Unit (if it handles food)
- Market (if it handles food)
- Medical Clinic (if it handles food)
- Motion Picture Filming Location (if it handles food)
- Motion Picture Production Facility (if it handles food)
- Motorized Recreation (if it handles food)
- Museum (if it handles food)
- Night Club
- Office (if it handles food)
- Outdoor Café
- Outdoor Recreation Area (if it handles food)
- Park (if it handles food)
- Performing Arts Centre (if it handles food)
- Place of Worship – Large (if it handles food)
- Place of Worship – Medium (if it handles food)
- Place of Worship – Small (if it handles food)

- Post-Secondary Learning Institution (if it handles food)
- Printing, Publishing and Distribution (if it handles food)
- Public Transit System (if it handles food)
- Race Track (if it handles food)
- Radio and Television Studio (if it handles food)
- Restaurant: Food Service Only – Large
- Restaurant: Food Service Only – Medium
- Restaurant: Food Service Only – Small
- Restaurant: Licensed – Large
- Restaurant: Licensed – Medium
- Restaurant: Licensed – Small
- Restaurant: Neighbourhood
- Retail Garden Centre (if it handles food)
- Retail and Consumer Service (if it handles food)
- School – Private (if it handles food)
- School Authority – School (if it handles food)
- School Authority Purpose – Major (if it handles food)
- School Authority Purpose – Minor (if it handles food)
- Seasonal Sales Area (if it handles food)
- Service Organization (if it handles food)
- Slaughter House
- Social Organization
- Special Function – Class 1 (if it handles food)
- Special Function – Class 2 (if it handles food)
- Specialized Industrial (if it handles food)
- Specialty Food Store
- Spectator Sports Facility (if it handles food)
- Storage Yard (if it handles food)
- Supermarket
- Take Out Food Service
- Temporary Residential Sales Centre (if it handles food)
- Tree Farm (if it handles food)
- Urban Agriculture
- Vehicle Rental – Major (if it handles food)
- Vehicle Rental – Minor (if it handles food)
- Vehicle Sales – Major (if it handles food)
- Vehicle Sales – Minor (if it handles food)
- Zoo (if it handles food)

#### 4. Residences

- Addiction Treatment
- Assisted Living
- Backyard Suite
- Bed and Breakfast
- Campground
- Contextual Semi-detached Dwelling
- Contextual Single Detached Dwelling
- Cottage Housing Cluster
- Custodial Care
- Custodial Quarters
- Duplex Dwelling
- Dwelling Unit
- Emergency Shelter
- Hotel
- Jail
- Live Work Unit
- Manufactured Home
- Manufactured Home Park
- Military Base
- Multi-Residential Development
- Multi-Residential Development – Minor
- Place of Worship – Large (if it contains residences)
- Place of Worship – Medium (if it contains residences)
- Place of Worship – Small (if it contains residences)
- Post-Secondary Learning Institution (if it contains residences)
- Residential Care
- Rowhouse Building
- Secondary Suite
- Self-Storage (if it contains residences)
- Semi-detached Dwelling
- Single Detached Dwelling
- Temporary Residential Sales Centre
- Temporary Shelter
- Townhouse
- Residential Care

### 3.2.2 Business License Bylaw 32M98 School, Hospital, Food Establishment and Residence Uses

The following **Business License Bylaw 32M98** businesses may contain school, hospital, food establishment or residence uses:

#### 1. Schools

- School (Commercial, Vocational, Driver's Education)

#### 2. Hospitals

- None

#### 3. Food Establishments

- Adult Mini-Theatre
- Alcohol Beverage Manufacturer
- Alcohol Beverage Sales
- Amusement Arcade
- Cannabis Facility
- Cannabis Store
- Carnival / Circus
- Cinema
- Concert Facility
- Entertainment Establishment
- Extended Dance Event
- Food Service - No Premise
- Food Service - Premise
- Fuel Sale/Storage
- Full Service Food Vehicle
- Hotel/Motel
- Liquor Store
- Market
- Outdoor Patio
- Pushcart Vendor
- Retail Dealer - No Premises
- Retail Dealer - Premises
- Tobacco Retailer
- Trade Show

#### 4. Residences

- None

### 3.2.3 School, Hospital, Food Establishment and Residence Use Exemptions

#### 1. Food Establishment Exemptions

Some types of food establishments are exempt from the **Subdivision and Development Regulation**, as per the **Food Regulation**.

The **Subdivision and Development Regulation**, through the **Food Regulation**, states that the following are not considered "food establishments":

- *a bake sale,*
- *a restricted function,*
- *a potluck,*
- *a private dwelling where food is handled for consumption by the residents of the dwelling and their guests,*
- *a social care facility that provides care to no more than 10 people,*
- *a vending machine that dispenses pre-packaged food or food supplied by a commissary or depot that warehouses food for vending machines and which is identified on a food handling permit,*
- *a dairy manufacturing plant licensed under the Dairy Industry Act,*
- *a facility subject to licensing or inspection under the applicable meat inspection legislation, including an abattoir,*
- *a business that exclusively sells liquor or liquor related products, excluding ice that is not pre-packaged, under a licence [sic] issued under the Gaming, Liquor and Cannabis Act,*
- *any portion of a business that sells cannabis or cannabis accessories, but no other food, under a licence [sic] issued under section 90.02 of the Gaming, Liquor and Cannabis Act,*
- *any business whose activities are authorized under a licence [sic] or permit issued under section 62 of the Cannabis Act (Canada),*
- *a farm selling unprocessed horticultural products, when the products come from a farmer's farm and the sale is conducted by the farmer from the farm,*
- *a place registered with the Canadian Food Inspection Agency,*

- *a business that provides customers with complimentary low risk foods but is not otherwise engaged in food handling, or*
- *any other operation or event that is specified by the Minister in writing.*

The City of Calgary does not consider private kitchens for use by the workers of that business to be food establishments.

## 2. Residence Exemptions

### Development Permit Exemptions

Some residential properties are within waste management facility setbacks. Where these residential properties exist, no retroactive permissions are required. However, subdivision approvals and development permit approvals for new developments and additions will require variances if any living quarters are in a waste management facility setback. However, The City of Calgary is not required to obtain written consent for variance to the **Subdivision and Development Regulation** from Alberta Environment and Parks to approve development permits for changes to existing residence uses that do not increase the living quarters in a dwelling unit, such as:

- Air conditioning unit
- Deck
- Patio
- Fence
- Pool
- Garage
- Shed

### Subdivision Exemptions

For subdivision applications for creating new residential lots, if in the subdivision application plans, each proposed residential lot includes a suitable building site for a residence use that is 300 metres or more from the working area of an operating wastewater treatment plant, then written consent for variance to the **Subdivision and Development Regulation** from Alberta Environment and Parks is not required.

# 4

## Application Review Considerations

This section outlines the considerations involved when reviewing applications for waste management facilities and school, hospital, food establishment and residence uses in waste management facility setbacks. The flowcharts in this section only depict applications that move forward towards approval based on the completeness of applications and acceptability of the responses to the detailed reviews issued to the applicant. If the applicant is unable to complete the steps in the flowcharts to the satisfaction of The City of Calgary, then the application will not move forward through the approvals process.

There are also non-waste management facility-related matters that must be addressed on every application. Those matters will also need to be addressed for the application to proceed through the review processes.

### 4.1 New and Expanding Waste Management Facilities

It is beneficial to have waste management facilities within the City of Calgary because they serve a critical functional need, create employment opportunities, and reduce the distance that waste needs to travel in order to be processed. Nevertheless, it is recognized that waste management facilities may potentially impact their surroundings. These potential impacts include environmental, hazard, nuisance and regulatory risks. The City of Calgary's decision on whether to support the development or expansion of a waste management facility must be based on achieving a balance between protection of the waste management facilities as a resource as well as the risks towards the public.

Some uses may have more impact or may be more sensitive to impacts than others and may result in more short- and/or long-term risk to public health and the environment. As such, each waste management facility, school, hospital, food establishment and residence must be treated as a unique entity and it must be recognized that uses may evolve over time. For that reason, each application must be evaluated on its own merits.

It is the applicant's responsibility to perform due diligence to assess and confirm that the proposed use is suitable for its location and that steps are taken to limit conflicts between uses. The City of Calgary is responsible for confirming that the proper due diligence was performed. The operator is responsible for ensuring waste management facilities are operating in accordance with all municipal and provincial authorizations, plans, agreements and regulations.

### 4.1.1 Soil, Groundwater and Vapour Contamination Risks

Soil, groundwater and vapour contamination risks are potential impacts associated with the actual or potential release of any waste management facility-related contaminants into the soil and/or groundwater that may materially affect or interfere with the use of the subject or nearby properties.

Factors taken into consideration of assessment of soil, groundwater and vapour contamination risks may include:

- Types of waste and operational practices of the waste management facility
- Past operational practices of the waste management facility
- School, hospital, food establishment and residence activity
- Topography
- Geography
- Distance between uses
- On- and off-site soil, groundwater and vapour conditions
- Risk assessment
- Risk mitigation and/or management measures

Items that The City of Calgary may request to address soil, groundwater and vapour contamination risks may include:

- Phase I environmental site assessment
- Phase II environmental site assessment
- Risk assessment
- Risk mitigation plan
- Risk management plan
- Emergency response plan

### 4.1.2 Hazard Risks

Hazard risks are potential impacts to life safety, critical infrastructure, property and sociocultural and/or economic systems resulting from an emergency event triggered by the release or mismanagement of hazardous materials, resulting in a significant disruption of daily life to the surrounding area. Hazard risks include:

- Fire
- Explosion
- Vapour release
- Industrial accidents
- Hazardous material accidents
- Critical infrastructure failure or disruption

Factors taken into consideration of assessment of hazard risks may include:

- Risk mitigation and/or management measures
- Surrounding uses, specifically sensitive uses
- Egress of site and surrounding area for emergency response and evacuation
- Materials being managed (e.g. hazardous waste, chemicals)

Items that The City of Calgary may request to address hazard risks may include:

- Risk assessment
- Risk mitigation plan
- Risk management plan
- Emergency response plan

Key areas of impact following major events:

- Economy
- City and Administrative Services (e.g. reputation, fiscal, time, people)
- Social
- People
- Environment

### 4.1.3 Nuisance Risks

Nuisance risks are potential impacts of ongoing interference with a nearby property's use and enjoyment of their land. These may include:

- Odour
- Noise
- Vibration
- Waste, dust, erosion, sediment spread from subject site
- Truck traffic
- Animals (e.g. insects, birds, rodents, predators)

Factors taken into consideration of assessment of nuisance risks may include:

- Municipal development policy of the surrounding area
- Local area policy of the surrounding area
- Land use designations of the surrounding area
- Long-term viability of uses in the surrounding area
- Potential for the use to be located elsewhere

Items that The City of Calgary may request to address nuisance risks may include:

- Nuisance assessment
- Targeted nuisance mitigation and/or management measures
- Erosion and sediment control plan
- Risk mitigation plan
- Risk management plan

### 4.1.4 Regulatory Risks

Regulatory risks are potential impacts of increased regulation related to a waste management facility on the subject and nearby properties. These may include:

- **Subdivision and Development Regulation setbacks**
- Local area policy

Factors taken into consideration of assessment of regulatory risks may include:

- Impact on approvals timelines for development permit and subdivision applications in new setback areas
- nearby municipal development policy of the surrounding area
- Local area policy of the surrounding area
- Land use designations of the surrounding area
- Long-term viability of uses in the surrounding area

## 4.2 Variances from the Subdivision and Development Regulation

City of Calgary subdivision authorities and development authorities have the discretion to vary the setbacks set out in the **Subdivision and Development Regulation** at the time of subdivision application or development permit application. Nevertheless, a City of Calgary approval authority cannot vary the **Subdivision and Development Regulation** setbacks unless written consent is granted by Alberta Environment and Parks.

The City of Calgary must submit a request to Alberta Environment and Parks to obtain a written consent to vary the **Subdivision and Development Regulation** setback. The City of Calgary has discretion over whether or not to submit a request for written consent to vary the **Subdivision and Development Regulation** in support of a subdivision or development permit application, based on the matters outlined in the following subsections.

### 4.2.1 Variance Considerations by The Province of Alberta

There are different information requirement lists for applications related to different types of waste management facilities. Each of these information requirement lists identifies different items needed in support of a request for written consent to vary the **Subdivision and Development Regulation** setback. Information requirement documents are available at: <https://www.alberta.ca/waste-facilities-setbacks.aspx>

**Table 2: Which Information Requirement to Use**

Waste Management Facility	Information Requirement
Operating wastewater treatment plant	Waste Storage Sites
Operating landfill	Operating Landfill
New operating landfill	New or Expanding Landfill to Development
Non-operating landfill	Non Operating Landfill
Operating hazardous waste facility	Waste Storage Sites
Non-operating hazardous waste facility	Waste Storage Sites
Working area of operating waste management storage site	Waste Storage Sites
Hydrovac waste facility	Waste Storage Sites

Whereas it is the City of Calgary Community Planning file manager's responsibility to assemble the submission package for the request to vary the **Subdivision and Development Regulation** setback, The City of Calgary and the applicant are responsible for providing different items listed in the information requirement. The following table lists all items on all information requirements, and therefore some items might not be relevant to every application.

**Table 3: Information Requirement Item Responsibility**

Item	The City of Calgary	Applicant
A covering letter from the subdivision or development authority requesting a variance.	✓	✗
Written consent for the encroachment from persons who own land within the setback distance including information that they understand the implications of the development to future use of their property.	✗	✓
When the waste management facility is a municipal waste management facility, a letter of consent from the City of Calgary land steward consenting to the encroachment.	✓	✗
In all other cases, a letter of consent from the landfill owner consenting to the encroachment.	✗	✓
A letter from the proponent stating the reasons the site must encroach within the setback and the alternatives if the variance is not granted.	✗	✓
Details of the type of development within the setback (reference to approval amendment applications or landfill applications submitted to AEP is acceptable or including proposed design, water supply, wastewater and stormwater systems, topography, location of proposed residences, schools, etc.).	✗	✓
Department of Health Permit Number or Alberta Environment and Sustainable Resource Development approval or registration number of the landfill being encroached upon.	✓	✗
The approval or registration number of the landfill being encroached upon.	✓	✗
The notification number (i.e. to ensure the department has the site and operations plan for the facility for risk evaluation) of the waste storage site being encroached.	✓	✗
The recommended setback distance for encroachment.	✓	✗
An engineering report, completed by a professional registered with APEGGA. Refer to the information requirement for more details.	✗	✓
Documentation from the Alberta Health Services that they have provided or refused the variance to construct a private water well within the 450-metre setback as per the Public Health Regulations, if applicable. (Water wells also have a setback requirement under Public Health jurisdiction. Any development with a water well will require both waivers before it can proceed.)	✓	✗
Documentation on how the subdivision or development authority will deal with potential complaints from the residents within the setback.	✓	✗
Documentation on how the subdivision or development authority will convey information on the setback variance to existing and successive property owners.	✓	✗
A letter from Alberta Health Services confirming that they have no concerns with the proposed development.	✓	✗

## 4.2.2 Variance Considerations by The City of Calgary

In addition to the items identified in the information requirement, The City of Calgary may request additional items to demonstrate that proper due diligence has been performed.

Some uses may have more impact or may be more sensitive to impacts than others and may result in more short- and/or long-term risk to public health and the environment. As such, each waste management facility, school, hospital, food establishment and residence must be treated as a unique entity and it must be recognized that uses may evolve over time. For that reason, each application must be evaluated on its own merits.

It is the applicant's responsibility to perform due diligence to assess and confirm that the proposed use is suitable for its location and that steps are taken to limit conflicts between uses. The City of Calgary is responsible for providing the scope of analysis for any reports, confirming that the proper due diligence was performed and for evaluate the due diligence performed by the applicant. The City of Calgary has discretion when deciding on the scope of analysis and in the evaluation of the due diligence that was performed. The operator is responsible for ensuring waste management facilities are operating in accordance with all municipal and provincial authorizations, plans, agreements, and regulations.

The City of Calgary's decision on whether to vary the **Subdivision and Development Regulation** must achieve a balance between protection of the waste management facility as a resource and the public interest. The City of Calgary must consider three categories of potential impacts: environmental impacts, nuisance impacts, and hazard impacts

### 1. Soil, Groundwater, and Vapour Contamination Risks

Soil, groundwater, and vapour contamination risks are potential impacts associated with the actual or potential release of any waste management facility-related contaminants into the soil and/or groundwater that may materially affect or interfere with the use of the properties within the **Subdivision and Development Regulation** setback.

Factors taken into consideration of assessment of soil, groundwater and vapour contamination risks may include:

- Types of waste and operational practices of the waste management facility
- Past operational practices of the waste management facility
- School, hospital, food establishment and residence activity
- Topography
- Geography
- Distance between uses
- On- and off-site soil, groundwater and vapour conditions
- Risk assessment
- Risk mitigation and/or management measures

Items that The City of Calgary may request to address soil, groundwater and vapour contamination risks may include:

- Phase I environmental site assessment
- Phase II environmental site assessment
- Risk assessment
- Risk mitigation plan
- Risk management plan
- Emergency response plan

## 2. Hazard Risks

Hazard risks are potential impacts to life safety, critical infrastructure, property, and sociocultural and/or economic systems resulting from an emergency event triggered by the release or mismanagement of hazardous materials, resulting in a significant disruption of daily life to the properties within the **Subdivision and Development Regulation** setback. Hazard risks include:

- Fire
- Explosion
- Vapour release
- Industrial accidents
- Hazardous material accidents
- Critical infrastructure failure or disruption

Factors taken into consideration of assessment of hazard risks may include:

- Risk mitigation and/or management measures
- Surrounding uses, specifically sensitive uses
- Egress of site and surrounding area for emergency response and evacuation
- Materials being managed (e.g. hazardous waste, chemicals)

Items that The City of Calgary may request to address hazard risks may include:

- Risk assessment
- Risk mitigation plan
- Risk management plan
- Emergency response plan

Key areas of impact following major events:

- Economy
- City and Administrative Services (e.g. reputation, fiscal, time, people)
- Social
- People
- Environment

## 3. Nuisance Risks

Nuisance risks are potential impacts of ongoing interference with a property within a **Subdivision and Development Regulation** setback's use and enjoyment of their land. These may include:

- Odour
- Noise
- Vibration
- Waste, dust, erosion, sediment spread from subject site
- Truck traffic
- Animals (e.g. insects, birds, rodents, predators)

Factors taken into consideration of assessment of nuisance risks may include:

- Municipal development policy of the surrounding area
- Local area policy of the surrounding area
- Land use designations of the surrounding area
- Long-term viability of uses in the surrounding area
- Potential for the use to be located elsewhere

Items that The City of Calgary may request to address nuisance risks may include:

- Nuisance assessment
- Targeted nuisance mitigation and/or management measures
- Erosion and sediment control plan
- Risk mitigation plan
- Risk management plan

## 4.2.3 Request for Written Consent to vary the Subdivision and Development Regulation Process

Applications for written consent to vary the **Subdivision and Development Regulation** setback by Alberta Environment and Parks can only be submitted by the file manager at the time of subdivision application or development permit application review. The file manager should use the template for submissions when preparing the application package.

Only The City of Calgary file managers and approval authorities can submit a request for written consent to vary the **Subdivision and Development Regulation** to Alberta Environment and Parks. Requests for written consent to vary **Subdivision and Development Regulation** setbacks from landowners, developers and business owners will not be reviewed by Alberta Environment and Parks.

### 1. Compiling Materials

The file manager with City of Calgary Community Planning is responsible for compiling the application package that accompanies the request for consent to vary the **Subdivision and Development Regulation** setback. In order to assemble the application package, the file manager assembles some items on their own and requests other items from the applicant, as outlined in the **Table 3: Information Requirement Item Responsibility** chart.

In addition to the items identified in the information requirement, The City of Calgary may request additional items to demonstrate that proper due diligence has been performed. Refer to the Variance Considerations sections above for more details on what information the Province of Alberta and The City of Calgary seek to determine whether a proposal is acceptable.

### 2. City of Calgary Review of Materials

The file manager confirms the acceptability of all materials submitted by the applicant with:

- City of Calgary Community Planning
- City of Calgary Development Engineering
- City of Calgary Emergency Management Agency
- City of Calgary Environmental and Safety Management
- City of Calgary Fire Department

The City of Calgary may request amendments to the materials to address any issues. Only after all City of Calgary stakeholders are satisfied with the submitted materials, the file manager can send the draft application package to Alberta Health Services.

### 3. Alberta Health Services Review of Materials

The file manager then sends the complete draft application package to Alberta Health Services and requests that they respond with a letter confirming that they have no concerns with the proposed development. Alberta Health Services may request amendments to the materials, via the file manager, to address any issues. If Alberta Health Services responds with a letter confirming that they have no concerns with the proposed development is received, then the file manager sends the request with the complete application package to Alberta Environment and Parks.

**chr.landapplications@ahs.ca** is the email address for requesting letters of no concern from Alberta Health Services.

#### 4. Alberta Environment and Parks Review of Materials

The file manager then sends the complete application package to Alberta Environment and Parks and requests that they respond with a letter that grants consent for The City of Calgary approval authority to vary the **Subdivision and Development Regulation** setback. Alberta Environment and Parks may request amendments to the materials, via the file manager, to address any issues. If Alberta Environment and Parks responds to the City of Calgary file manager with a letter of consent for The City of Calgary approval authority to vary the **Subdivision and Development Regulation** setback, then the approval authority may vary the setback, at their discretion.

The email address for submitting requests for written consent for variance from the **Subdivision and Development Regulation** to Alberta Environment and Parks is [AEP.EPEAapprovCal@gov.ab.ca](mailto:AEP.EPEAapprovCal@gov.ab.ca). The text "Setback Variance or Setback Request" must be in the subject line of the email.

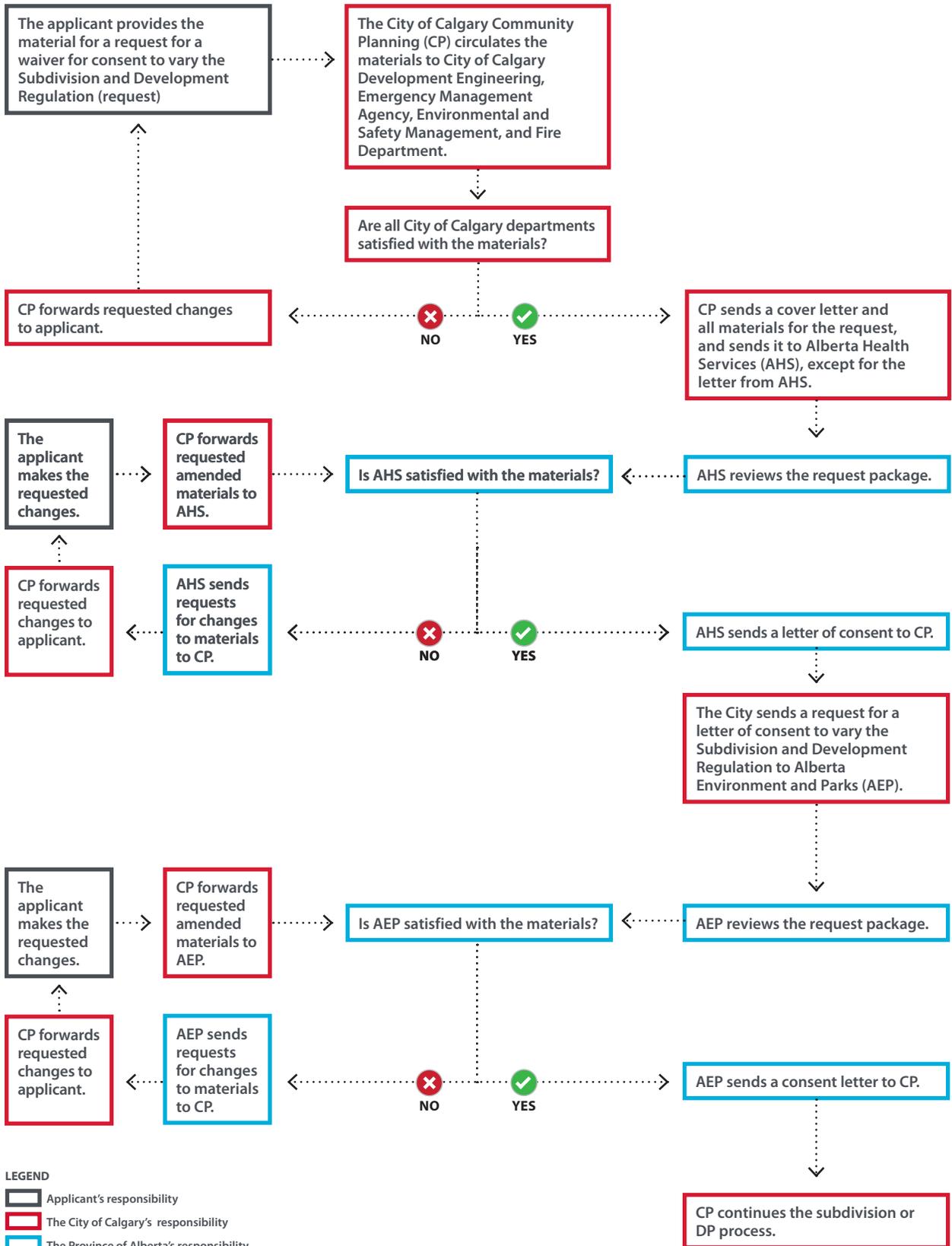
The flowcharts in this section are colour-coded by who performs what action:

The grey boxes are the applicant's responsibility.

The red boxes are The City of Calgary's responsibility

The blue boxes are the Province of Alberta's responsibility.

### Provincial Consent for Variance Process



# 5

## Application Instructions, Conditions, Comments and Process

This section identifies who must be circulated on applications by City of Calgary Community Planning and Development Engineering.

Standard Community Planning condition and comment templates for each file type are included in this section. Development Engineering conditions and comments will be tailored to specific applications.

City of Calgary Community Planning is responsible for circulations to:

- City of Calgary Development Engineering
- Alberta Health Services
- Alberta Environment and Parks

City of Calgary Development Engineering is responsible for circulations to:

- City of Calgary Emergency Management Agency
- City of Calgary Environmental and Safety Management
- City of Calgary Fire Department
- City of Calgary Waste & Recycling Services
- City of Calgary Water Resources

This section also outlines the process towards approvals for waste management facilities and school, hospital, food establishment and residence uses in waste management facility setbacks. The flowcharts in this section only depict applications that move forward towards approval based on the completeness of applications and complete and acceptable responses to the detailed reviews issued to the applicant. If the applicant is unable to complete the steps in the charts to the satisfaction of The City of Calgary, then the application will not move forward through the approvals process.

There are also non-waste management facility-related matters that must be dealt with on every application. Those matters will also need to be addressed to move forward through the application review process.

The flowcharts in this section are colour-coded by who performs what action:

The grey boxes are the applicant's responsibility.

The red boxes are The City of Calgary's responsibility.

The blue boxes are the Province of Alberta's responsibility.

## 5.1 Pre-Application Enquiry

### 5.1.1 For All Uses in Waste Management Facility Setbacks

#### Stakeholders to Circulate

- None

#### Advisory Comments

- The site is in the waste management facility setback of [INSERT NAME OF FACILITY] at [INSERT ADDRESS]. Section [INSERT EITHER 12 OR 13] of the **Subdivision and Development Regulation** prohibits subdivision and development permit approvals for school, hospital, food establishment and residence uses within waste management facility setbacks, unless written consent for variance of the **Subdivision and Development Regulation** is granted by Alberta Environment and Parks to City of Calgary Community Planning. For more information, refer to the **Waste Management Facility and Setback Variance Guide**.

### 5.1.2 For School, Hospital, Food Establishment and Residence Uses in Waste Management Facility Setbacks

#### Stakeholders to Circulate

- None

#### Advisory Comments

- A development permit is required for development of the proposed use.
- The site is in the waste management facility setback of [INSERT NAME OF FACILITY] at [INSERT ADDRESS]. Section [INSERT EITHER 12 OR 13] of the **Subdivision and Development Regulation** prohibits subdivision and development permit approvals for school, hospital, food establishment and residence uses within waste management facility setbacks, unless written consent for variance of the **Subdivision and Development Regulation** is granted by Alberta Environment and Parks to City of Calgary Community Planning. For more information, refer to the **Waste Management Facility and Setback Variance Guide**.  
At the time of subdivision and/or development permit application reviews, to enable the City of Calgary subdivision and/or development authority to submit a request to Alberta Environment and Parks for written consent to vary the setback, as per subsection [INSERT EITHER 12(5) OR 13(5)] of the **Subdivision and Development Regulation**, provide the following items in the [INSERT NAME OF INFORMATION REQUIREMENT]

- a. [LIST ITEMS]

The City of Calgary may require items in addition to the requirements of the Province of Alberta in its consideration of whether a request for variance is appropriate.

## 5.1.3 For Waste Management Facilities

### Stakeholders to Circulate

- None

### Advisory Comments

- Analysis of land use redesignation, subdivision and development permit applications may be based on a [INSERT EITHER 300 or 450] metre waste management facility setback.
- Subsection 21(3) of **Land Use Bylaw 1P2007** states, “The following uses must only be listed as a use on a parcel that has been designated Direct Control:  
(r.1) Sewage Treatment Plant when not operated by, or on behalf of, the City;  
(u.1) Waste Disposal and Treatment Facility when not operated by, or on behalf of, the City.”
- A land use redesignation to a direct control land use district that allows for a waste management facility use is required to approve a development permit for a waste management facility.
- A development permit is required for the proposed development of a waste management facility.

If there are any parcels that contain school, hospital, food establishment or residence uses within 300 and/or 450 metres of the subject site, depending on the proposed type of waste management facility.

- The site is in the school, hospital, food establishment or residence setback of [INSERT NAME OF FACILITY] at [INSERT ADDRESS]. Section [INSERT EITHER 12 OR 13] of the **Subdivision and Development Regulation** prohibits subdivision and development permit approvals for waste management facilities within school, hospital, food establishment and residence use setbacks, unless written consent for variance of the **Subdivision and Development Regulation** is granted by Alberta Environment and Parks to City of Calgary Community Planning. For more information, refer to the **Waste Management Facility and Setback Variance Guide**.

At the time of development permit application review, to enable the City of Calgary development authority to submit a request to Alberta Environment and Parks for written consent to vary the setback, as per subsection [INSERT EITHER 12(5) OR 13(5)] of the **Subdivision and Development Regulation**, provide the following items in the [INSERT NAME OF INFORMATION REQUIREMENT]

- a. [LIST ITEMS]

The City of Calgary may require items in addition to the requirements of the Province of Alberta in its consideration of whether a request for variance is appropriate.

## 5.2 Land Use Redesignation, Outline Plan and Road Closure

### 5.2.1 For All Uses in Waste Management Facility Setbacks

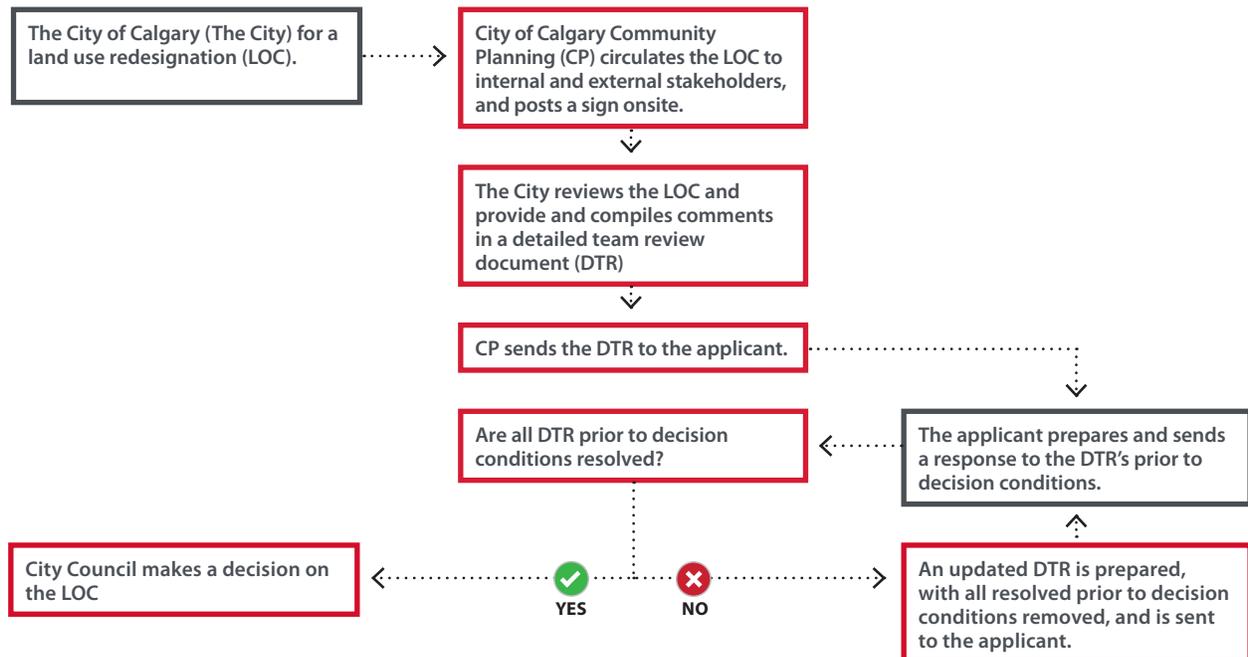
#### Stakeholders to Circulate

- City of Calgary Development Engineering
- City of Calgary Emergency Management Agency
- City of Calgary Environmental and Safety Management
- City of Calgary Fire Department
- If in a City of Calgary wastewater treatment plant setback: City of Calgary Water Resources
- If in a City of Calgary landfill setback: City of Calgary Waste & Recycling Services
- Alberta Environment and Parks
- Alberta Health Services

#### Advisory Comments

- The site is in the waste management facility setback of [INSERT NAME OF FACILITY] at [INSERT ADDRESS]. Section [INSERT EITHER 12 OR 13] of the **Subdivision and Development Regulation** prohibits subdivision and development permit approvals for school, hospital, food establishment and residence uses within waste management facility setbacks, unless written consent for variance of the **Subdivision and Development Regulation** is granted by Alberta Environment and Parks to City of Calgary Community Planning. For more information, refer to the **Waste Management Facility and Setback Variance Guide**.

#### Land Use Redesignation Process For All Uses in Waste Management Facility Setbacks



#### LEGEND

- Applicant's responsibility
- The City of Calgary's responsibility
- The Province of Alberta's responsibility

## 5.2.2 For School, Hospital, Food Establishment and Residence Uses in Waste Management Facility Setbacks

### Stakeholders to Circulate

- City of Calgary Development Engineering
- City of Calgary Emergency Management Agency
- City of Calgary Environmental and Safety Management
- City of Calgary Fire Department
- If in a City of Calgary wastewater treatment plant setback: City of Calgary Water Resources
- If in a City of Calgary landfill setback: City of Calgary Waste & Recycling Services
- Alberta Environment and Parks
- Alberta Health Services

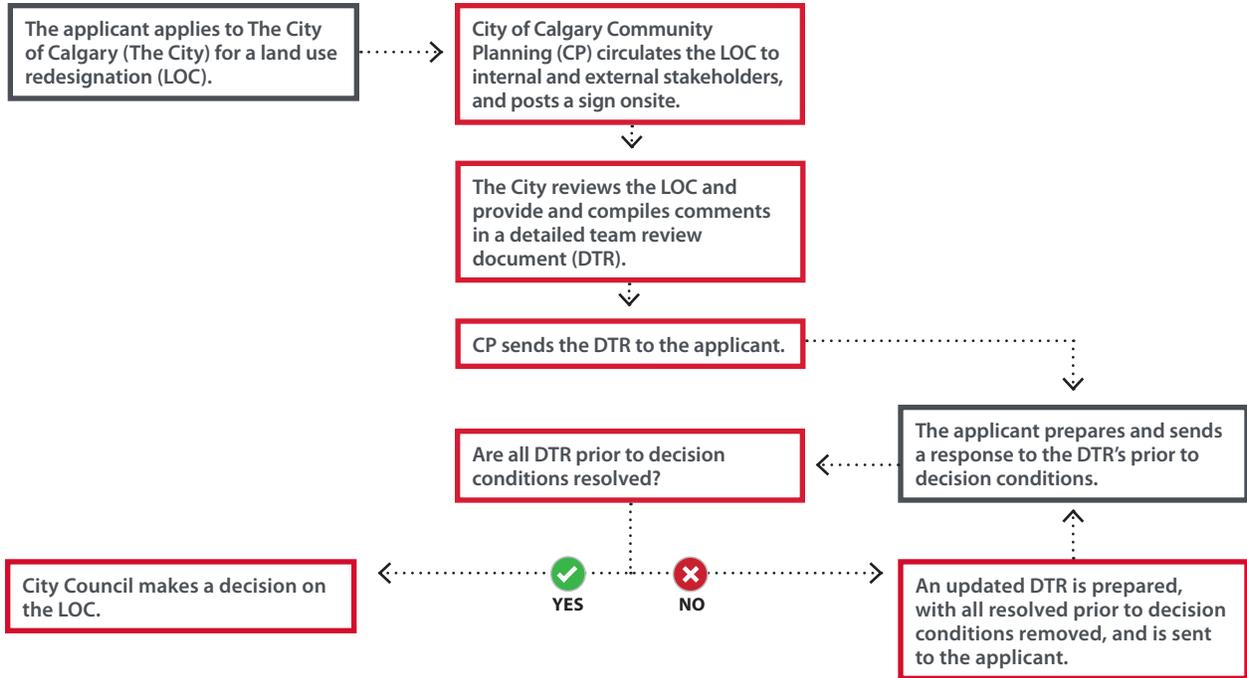
### Advisory Comments

- The site is in the waste management facility setback of [INSERT NAME OF FACILITY] at [INSERT ADDRESS]. Section [INSERT EITHER 12 OR 13] of the **Subdivision and Development Regulation** prohibits subdivision and development permit approvals for school, hospital, food establishment and residence uses within waste management facility setbacks, unless written consent for variance of the **Subdivision and Development Regulation** is granted by Alberta Environment and Parks to City of Calgary Community Planning. For more information, refer to the **Waste Management Facility and Setback Variance Guide**. At the time of subdivision and/or development permit application reviews, to enable the City of Calgary subdivision and/or development authority to submit an application to Alberta Environment and Parks for written consent to vary the setback, as per subsection [INSERT EITHER 12(5) OR 13(5)] of the **Subdivision and Development Regulation**, provide the following items in the [INSERT NAME OF INFORMATION REQUIREMENT]

- a. [LIST ITEMS]

The City of Calgary may require items in addition to the requirements of the Province of Alberta in its consideration of whether a request for variance is appropriate.

### Land Use Redesignation Process For School, Hospital, Food Establishment, and Residence Uses in Waste Management Facility Setbacks



**LEGEND**

- Applicant's responsibility
- The City of Calgary's responsibility
- The Province of Alberta's responsibility

## 5.2.3 For Waste Management Facilities

### Stakeholders to Circulate

- City of Calgary Development Engineering
- City of Calgary Emergency Management Agency
- City of Calgary Environmental and Safety Management
- City of Calgary Fire Department
- Alberta Environment and Parks
- Alberta Health Services

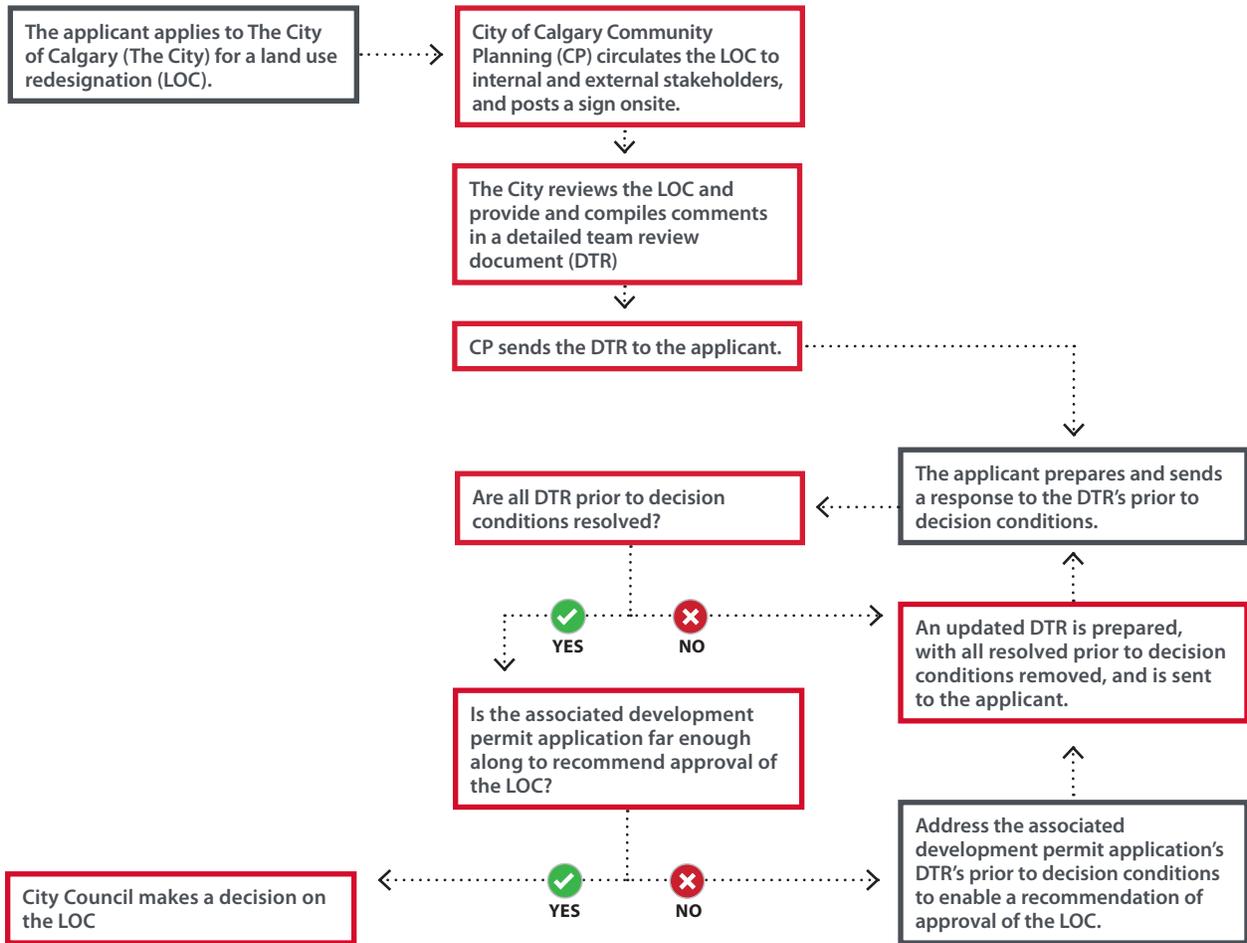
### Prior to Decision

- Subsection 21(3) of **Land Use Bylaw 1P2007** states, “The following uses must only be listed as a use on a parcel that has been designated Direct Control:  
(r.1) Sewage Treatment Plant when not operated by, or on behalf of, the City;  
(u.1) Waste Disposal and Treatment Facility when not operated by, or on behalf of, the City.”
- A land use redesignation to direct control land use district that allows for a waste management facility use is required to approve a development permit for a waste management facility.
- Submit a development permit application for the proposed development and resolve its prior to decision conditions, apart from the prior to decision condition requiring land use redesignation of the site.

### Advisory Comments

- Analysis of this application is based on a potential [INSERT EITHER 300 and/ or 450] metre waste management facility setback.
- A development permit is required for the proposed development of a waste management facility.
- If there are any parcels that contain school, hospital, food establishment or residence uses within 300 and/ or 450 metres of the subject site, depending on the proposed type of waste management facility.
- The site is in the school, hospital, food establishment or residence setback of [INSERT NAME OF FACILITY] at [INSERT ADDRESS]. Section [INSERT EITHER 12 OR 13] of the **Subdivision and Development Regulation** prohibits subdivision and development permit approvals for waste management facilities within school, hospital, food establishment and residence use setbacks, unless written consent for variance of the **Subdivision and Development Regulation** is granted by Alberta Environment and Parks to City of Calgary Community Planning. For more information, refer to the **Waste Management Facility and Setback Variance Guide**.

Land Use Redesignation Process For Waste Management Facilities



LEGEND

- Applicant's responsibility
- The City of Calgary's responsibility
- The Province of Alberta's responsibility

## 5.3 Subdivision

### 5.3.1 For School, Hospital, Food Establishment and Residence Uses in Waste Management Facility Setbacks

#### Stakeholders to Circulate

- City of Calgary Development Engineering
- City of Calgary Emergency Management Agency
- City of Calgary Environmental and Safety Management
- City of Calgary Fire Department
- If in a City of Calgary wastewater treatment plant setback: City of Calgary Water Resources
- If in a City of Calgary landfill setback: City of Calgary Waste & Recycling Services
- Alberta Environment and Parks
- Alberta Health Services

#### Prior to Decision

- Amend the plans by depicting the [300 and/or 450] metre waste management facility setback from [INSERT NAME OF FACILITY] at [INSERT ADDRESS], as per section [INSERT EITHER 12 OR 13] of the **Subdivision and Development Regulation**. [INSERT MAP, NAME OF WASTE MANAGEMENT FACILITY, AND ADDRESS]
- The site is in the waste management facility setback of [INSERT NAME OF FACILITY] at [INSERT ADDRESS]. Section [INSERT EITHER 12 OR 13] of the **Subdivision and Development Regulation** prohibits subdivision and development permit approvals for school, hospital, food establishment and residence uses within waste management facility setbacks, unless written consent for variance of the **Subdivision and Development Regulation** is granted by Alberta Environment and Parks to City of Calgary Community Planning. For more information, refer to the **Waste Management Facility and Setback Variance Guide**. To enable the City of Calgary subdivision authority to submit an application to Alberta Environment and Parks for written consent to vary the setback, as per subsection [INSERT EITHER 12(5) OR 13(5)] of the **Subdivision and Development Regulation**, provide the following items in the [INSERT NAME OF INFORMATION REQUIREMENT]

#### a. [LIST ITEMS]

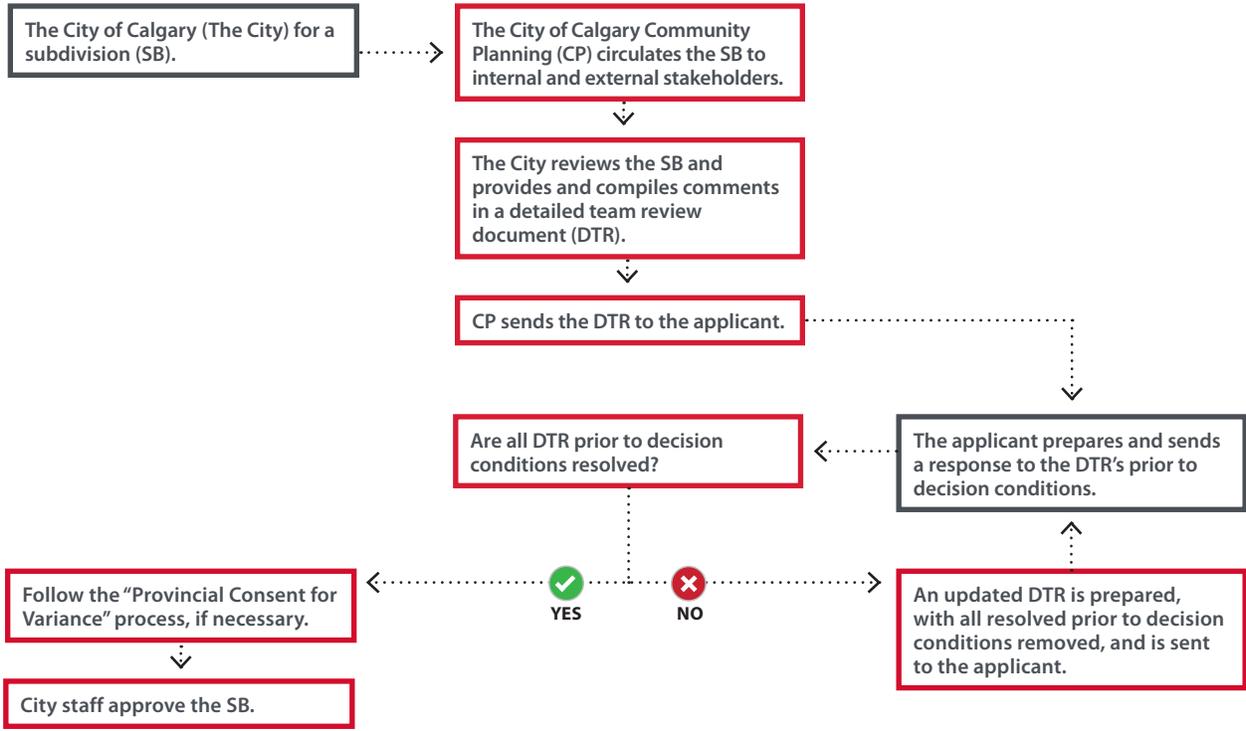
The City of Calgary may require items in addition to the requirements of the Province of Alberta in its consideration of whether a request for variance is appropriate.

- Wait for the City of Calgary subdivision authority obtain written consent to vary the **Subdivision and Development Regulation** setback from Alberta Environment and Parks, as per subsection [INSERT EITHER 12(5) OR 13(5)] of the **Subdivision and Development Regulation**.

#### Advisory Comments

- The site is in the waste management facility setback of [INSERT NAME OF FACILITY] at [INSERT ADDRESS]. Section [INSERT EITHER 12 OR 13] of the **Subdivision and Development Regulation** prohibits subdivision and development permit approvals for school, hospital, food establishment and residence uses within waste management facility setbacks, unless written consent for variance of the **Subdivision and Development Regulation** is granted by Alberta Environment and Parks to City of Calgary Community Planning. For more information, refer to the **Waste Management Facility and Setback Variance Guide**.

### Subdivision Process For All Uses in Waste Management Facility Setbacks



**LEGEND**

- Applicant's responsibility
- The City of Calgary's responsibility
- The Province of Alberta's responsibility

## 5.4 Development Permit

### 5.4.1 For All Uses in Waste Management Facility Setbacks

#### Stakeholders to Circulate

- City of Calgary Development Engineering
- City of Calgary Emergency Management Agency
- City of Calgary Environmental and Safety Management
- City of Calgary Fire Department
- If in a City of Calgary wastewater treatment plant setback: City of Calgary Water Resources
- If in a City of Calgary landfill setback: City of Calgary Waste & Recycling Services
- Alberta Environment and Parks
- Alberta Health Services

#### Prior to Decision Conditions

- Amend the plans by depicting the [300 and/or 450] metre waste management facility setback from [INSERT NAME OF FACILITY] at [INSERT ADDRESS], as per section [INSERT EITHER 12 OR 13] of the **Subdivision and Development Regulation**. [INSERT MAP, NAME OF WASTE MANAGEMENT FACILITY, AND ADDRESS]
- If no school, hospital, food establishment or residence uses are proposed, submit a signed letter stating that no school, hospital, food establishment or residence uses are proposed as part of this development permit application.

#### Permanent Conditions

##### For All Uses

- This development permit does not allow for school, hospital, food establishment, nor residence uses, as per the **Subdivision and Development Regulation**.
- This development permit does not allow for food handling, as defined by the **Food Regulation**. The operator must not supply, sell, offer for sale, process, prepare, package, provide, display, service, dispense, store or transport any food that is intended for public consumption, except as permitted under subsection 2(2) of the **Food Regulation**.

##### For Cannabis Uses

- This development is within a **Subdivision and Development Regulation** setback. The business can only sell cannabis products. If the business wants to handle any food, as defined by the **Food Regulation**, a new development permit and written consent of the Deputy Minister of Environment and Parks, in accordance with the **Subdivision and Development Regulation**, will be needed.
- This development is within a **Subdivision and Development Regulation** setback and as per Ministerial Order 626/2019. If the cannabis operations are not licensed under section 62 of the Cannabis Act or section 90.02 of the Gaming, Liquor and Cannabis Act, a new development permit and written consent of the Deputy Minister of Environment and Parks, in accordance with the **Subdivision and Development Regulation**, will be needed.

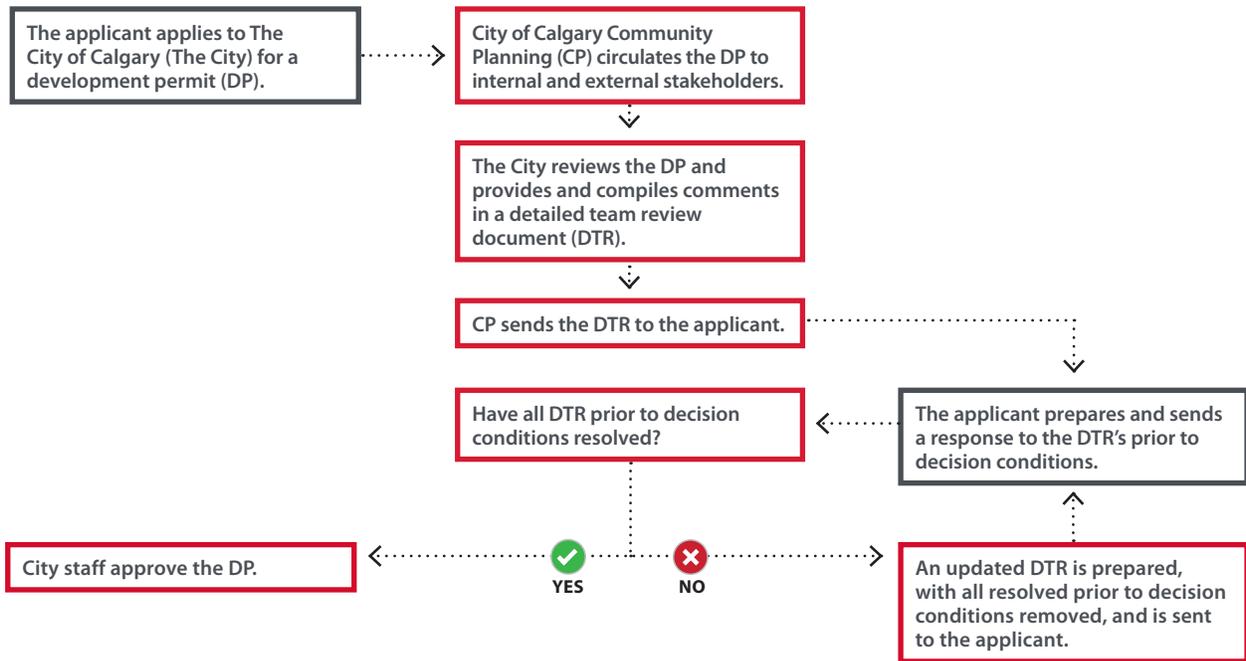
For Liquor Stores

- This development is within a **Subdivision and Development Regulation** setback. The business can only sell liquor or liquor related products, excluding ice that is not pre-packaged, under a licence issued under the Gaming Liquor and Cannabis Act. If the business wants to sell any food, as defined by the **Food Regulation**, it will need a new development permit and written consent of the Deputy Minister of Environment and Parks, in accordance with the **Subdivision and Development Regulation**, will be needed.

**Advisory Comments**

- The site is in the waste management facility setback of [INSERT NAME OF FACILITY] at [INSERT ADDRESS]. Section [INSERT EITHER 12 OR 13] of the **Subdivision and Development Regulation** prohibits subdivision and development permit approvals for school, hospital, food establishment and residence uses within waste management facility setbacks, unless written consent for variance of the **Subdivision and Development Regulation** is granted by Alberta Environment and Parks to City of Calgary Community Planning. For more information, refer to the **Waste Management Facility and Setback Variance Guide**.

**Development Permit Process For All Uses in Waste Management Facility Setbacks**



**LEGEND**

- Applicant's responsibility
- The City of Calgary's responsibility
- The Province of Alberta's responsibility

## 5.4.2 For School, Hospital, Food Establishment and Residence Uses in Waste Management Facility Setbacks

### Stakeholders to Circulate

- City of Calgary Development Engineering
- City of Calgary Emergency Management Agency
- City of Calgary Environmental and Safety Management
- City of Calgary Fire Department
- If in a City of Calgary wastewater treatment plant setback: City of Calgary Water Resources
- If in a City of Calgary landfill setback: City of Calgary Waste & Recycling Services
- Alberta Environment and Parks
- Alberta Health Services

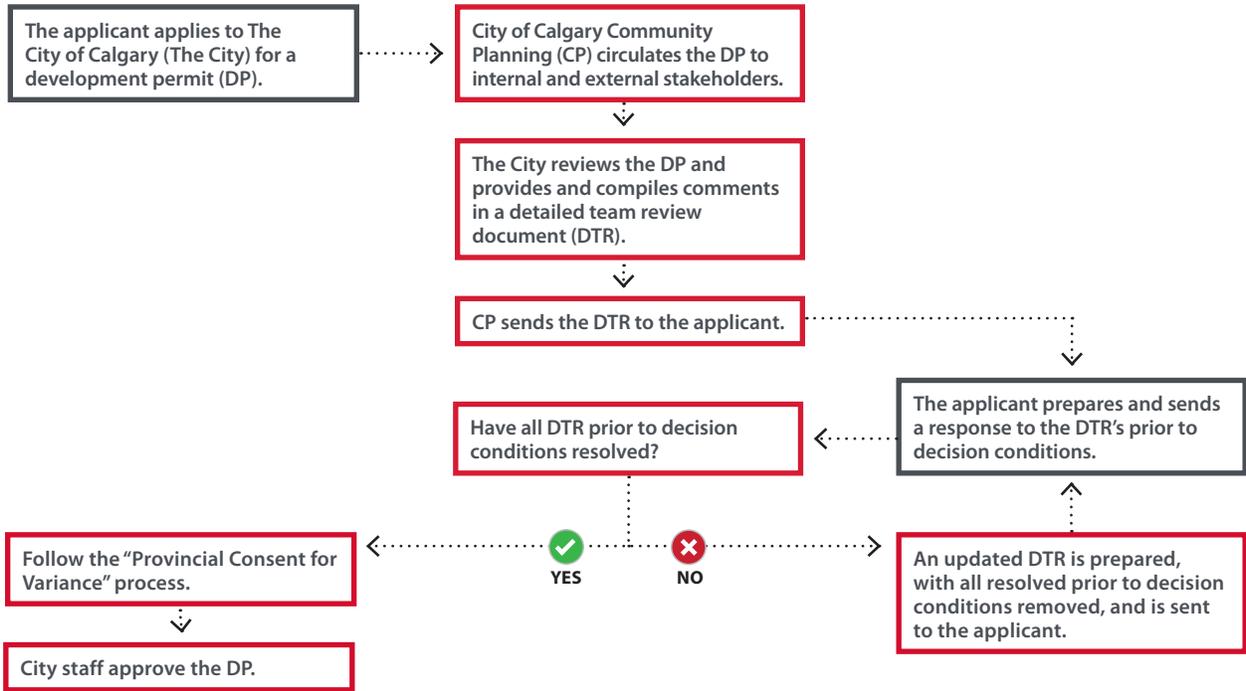
### Prior to Decision Conditions

- Amend the plans by depicting the [300 and/or 450] metre waste management facility setback from [INSERT NAME OF FACILITY] at [INSERT ADDRESS], as per section [INSERT EITHER 12 OR 13] of the **Subdivision and Development Regulation**. [INSERT MAP, NAME OF WASTE MANAGEMENT FACILITY AND ADDRESS]
- The site is in the waste management facility setback of [INSERT NAME OF FACILITY] at [INSERT ADDRESS]. Section [INSERT EITHER 12 OR 13] of the **Subdivision and Development Regulation** prohibits subdivision and development permit approvals for school, hospital, food establishment and residence uses within waste management facility setbacks, unless written consent for variance of the **Subdivision and Development Regulation** is granted by Alberta Environment and Parks to City of Calgary Community Planning. For more information, refer to the **Waste Management Facility and Setback Variance Guide**. To enable the City of Calgary development authority to submit an application to Alberta Environment and Parks for written consent to vary the setback, as per subsection [INSERT EITHER 12(5) OR 13(5)] of the **Subdivision and Development Regulation**, provide the following items in the [INSERT NAME OF INFORMATION REQUIREMENT]
  - a. [LIST ITEMS]The City of Calgary may require items in addition to the requirements of the Province of Alberta in its consideration of whether a request for variance is appropriate.
- Wait for the City of Calgary development authority obtain written consent to vary the **Subdivision and Development Regulation** setback from Alberta Environment and Parks, as per subsection [INSERT EITHER 12(5) OR 13(5)] of the **Subdivision and Development Regulation**.

### Advisory Comments

- The site is in the waste management facility setback of the [INSERT NAME OF FACILITY] at [INSERT ADDRESS]. Section [INSERT EITHER 12 OR 13] of the **Subdivision and Development Regulation** prohibits subdivision and development permit approvals for school, hospital, food establishment and residence uses within waste management facility setbacks, unless written consent for variance of the **Subdivision and Development Regulation** is granted by Alberta Environment and Parks to City of Calgary Community Planning. For more information, refer to the **Waste Management Facility and Setback Variance Guide**.

Development Permit Process For School, Hospital, Food Establishment, and Residence Uses in Waste Management Facility Setbacks



LEGEND

- Applicant's responsibility
- The City of Calgary's responsibility
- The Province of Alberta's responsibility

### 5.4.3 For Waste Management Facilities

#### Stakeholders to Circulate

- City of Calgary Development Engineering
- City of Calgary Emergency Management Agency
- City of Calgary Environmental and Safety Management
- City of Calgary Fire Department
- Alberta Environment and Parks
- Alberta Health Services

#### Prior to Decision Conditions

- Subsection 21(3) of **Land Use Bylaw 1P2007** states, “The following uses must only be listed as a use on a parcel that has been designated Direct Control:

(r.1) Sewage Treatment Plant when not operated by, or on behalf of, the City;

(u.1) Waste Disposal and Treatment Facility when not operated by, or on behalf of, the City.”

Submit an application for and obtain approval for a land use redesignation to a direct control land use district that allows for the proposed waste management facility use.

- Provide a written explanation of how waste will be received, tested, processed, stored and removed from site.
- Provide a written statement whether any hazardous waste, as defined by the **Waste Control Regulation**, will be accepted onsite.
- Provide a written explanation of whether any processed water or other materials is planned to go into the municipal sanitary water system and whether separated water or other process material either onsite or offsite. An industrial wastewater disposal permit is required in either scenario. For wastewater treatment plants, if there are any parcels that contain school, hospital, food establishment or residence uses within 300 and/or 450 metres of the subject site, depending on the proposed type of waste management facility.
- Amend the plans by depicting the [300 and/or 450] metre school, hospital, food establishment and residence setback from the building that contains the school, hospital, food establishment and residence, as per section 12 of the **Subdivision and Development Regulation**.

[INSERT MAP, NAME OF BUSINESS AND ADDRESS]

For landfills, hazardous waste management facilities and storage sites, if there are any parcels that contain school, hospital, food establishment or residence uses within 300 and/or 450 metres of the subject site, depending on the proposed type of waste management facility.

- Amend the plans by depicting the [300 and/or 450] metre school, hospital, food establishment and residence setback from the property line of the site that contains the school, hospital, food establishment and residence, as per section 13 of the **Subdivision and Development Regulation**.

[INSERT MAP, NAME OF BUSINESS, AND ADDRESS]

If there are any parcels that contain school, hospital, food establishment or residence uses within 300 and/or 450 metres of the subject site, depending on the proposed type of waste management facility.

- The site is in the school, hospital, food establishment or residence setback of [INSERT NAME OF FACILITY] at [INSERT ADDRESS]. Section [INSERT EITHER 12 OR 13] of the **Subdivision and Development Regulation** prohibits subdivision and development permit approvals for waste management facilities within school, hospital, food establishment and residence use setbacks, unless written consent for variance of the **Subdivision and Development Regulation** is granted by Alberta Environment and Parks to City of Calgary Community Planning. For more information, refer to the **Waste Management Facility and Setback Variance Guide**. To enable the City of Calgary [INSERT EITHER subdivision OR development] authority to submit an request to Alberta Environment and Parks for written consent to vary the setback, as per subsection [INSERT EITHER 12(5) OR 13(5)] of the **Subdivision and Development Regulation**, provide the following items in the [INSERT NAME OF INFORMATION REQUIREMENT]

b. [LIST ITEMS]

The City of Calgary may require items in addition to the requirements of the Province of Alberta in its consideration of whether a request for variance is appropriate.

- Wait for the City of Calgary development authority obtain written consent to vary the **Subdivision and Development Regulation** setback from Alberta Environment and Parks, as per subsection [INSERT EITHER 12(5) OR 13(5)] of the **Subdivision and Development Regulation**.

#### Prior to Release Conditions

- Provide a copy of a notification, registration, or approval from Alberta Environment and Parks for the proposed development.

#### Permanent Conditions

If the approval is for non-hazardous waste:

- The only type of waste permitted on the subject property is non-hazardous waste.

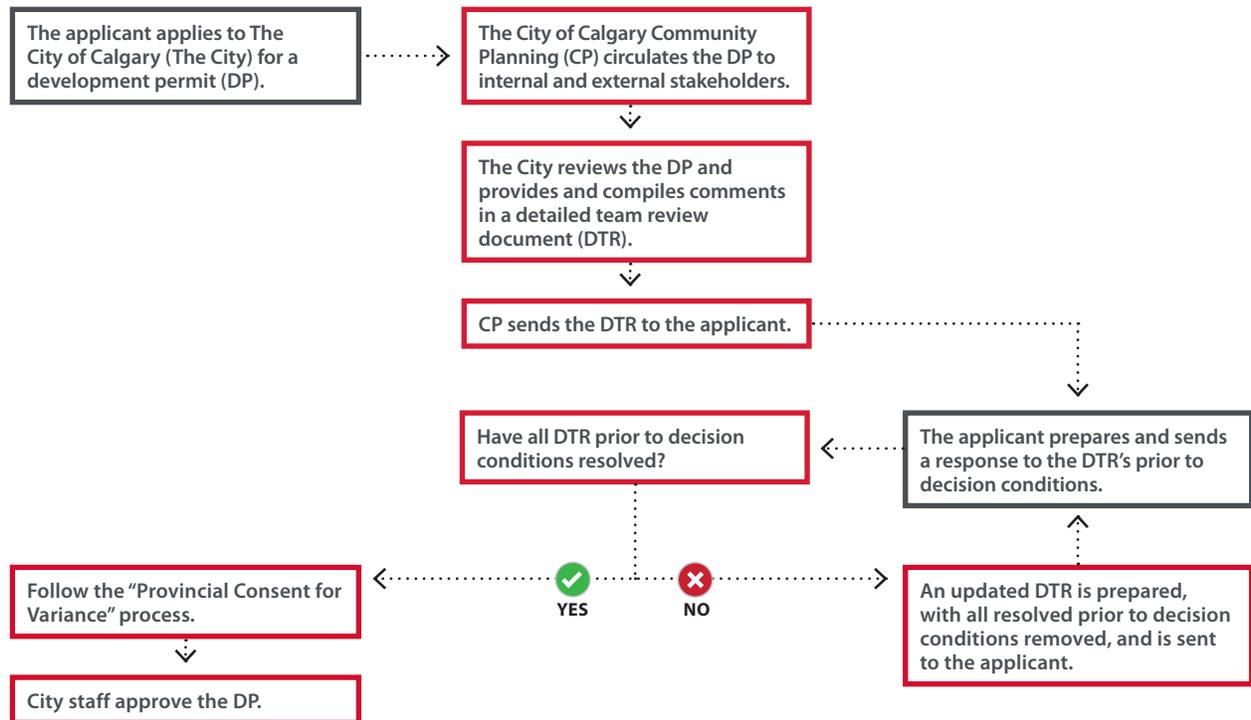
If the approval is for non-hazardous waste:

- Hazardous waste is prohibited within the subject property. Receipt and handling of hazardous waste requires a new development permit and may require a separate written consent for variance of the **Subdivision and Development Regulation** from Alberta Environment and Parks to City of Calgary Community Planning.

#### Advisory Comments

- Analysis of this applications is based on an [INSERT 300 and/or 450] metre waste management facility setback.
- The proposal is for a waste management facility. The **Subdivision and Development Regulation** prohibits creating or expanding setbacks that would cause schools, hospitals, food establishments and residences to be within a waste management facility setback, unless written consent for variance of the **Subdivision and Development Regulation** is granted by Alberta Environment and Parks to City of Calgary Community Planning. For more information, refer to the **Waste Management Facility and Setback Variance Guide**.
- The site is in the school, hospital, food establishment or residence setback of [INSERT NAME OF FACILITY] at [INSERT ADDRESS]. Section [INSERT EITHER 12 OR 13] of the **Subdivision and Development Regulation** prohibits subdivision and development permit approvals for waste management facilities within school, hospital, food establishment and residence use setbacks, unless written consent for variance of the **Subdivision and Development Regulation** is granted by Alberta Environment and Parks to City of Calgary Community Planning. For more information, refer to the **Waste Management Facility and Setback Variance Guide**.

Development Permit Process For Waste Management Facilities



LEGEND

- Applicant's responsibility
- The City of Calgary's responsibility
- The Province of Alberta's responsibility

## 5.5 Tenancy Change

### 5.5.1 For All Uses in Waste Management Facility Setbacks

#### Instruction for File Managers

- If no school, hospital, food establishment or residence uses are proposed, request a signed letter from the new tenant stating that no school, hospital, food establishment or residence uses are proposed as part of this development permit application. Use the declaration letter template. The file manager may need to adapt the letter to reflect the proposal.

### 5.5.2 For School, Hospital, Food Establishment and Residence Uses in Waste Management Facility Setbacks

#### Instruction for File Managers

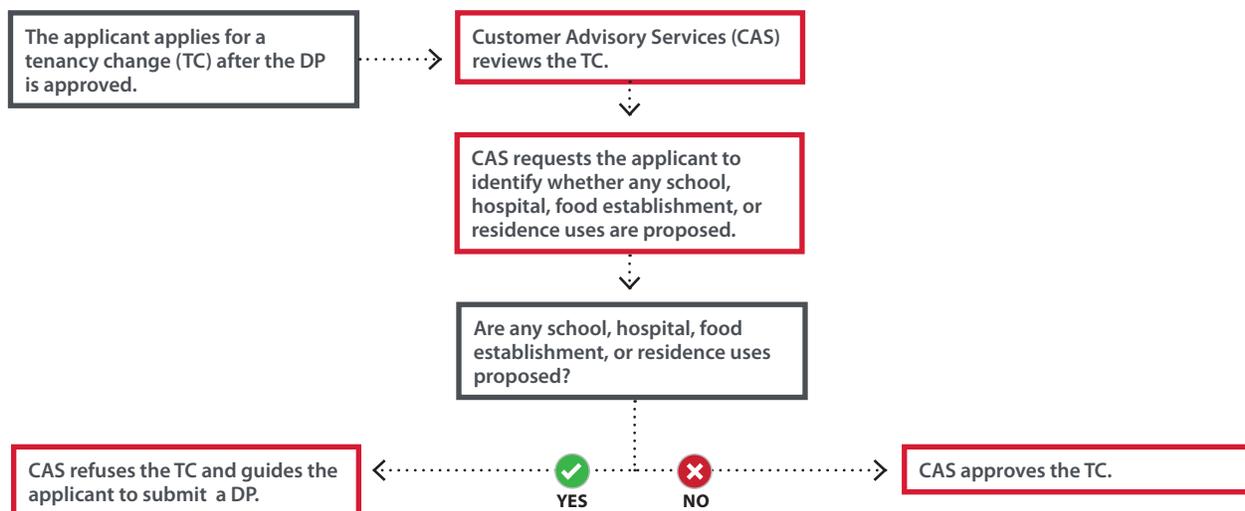
- Refuse the application and inform the applicant that a development permit application is required for the proposed change of use.

### 5.5.3 For Existing School, Hospital, Food Establishment and Residence Uses in Waste Management Facility Setbacks

#### Instruction for File Managers

- If the continuation of a school, hospital, food establishment or residence uses by a new tenant is proposed, and no changes to operations will occur, request a signed letter from the new tenant stating that there will be no changes to operations of the existing school, hospital, food establishment or residence use.
- If changes to the operations are proposed, refuse the application and inform the applicant that a development permit application for the proposed change of use.

#### Tenancy Change Process



#### LEGEND

- Applicant's responsibility
- The City of Calgary's responsibility

## 5.6 Business License

### 5.6.1 For All Uses in Waste Management Facility Setbacks

#### Instructions for File Managers

- Confirm that there is a recent development permit or tenancy change to enable the proposed business.

#### Business Licence & Inspections Process



#### LEGEND

-  Applicant's responsibility
-  The City of Calgary's responsibility

# 6

## Notifications to Affected Parties

The City of Calgary provides information on all land use redesignation applications and Council public hearings through on-site signage, mail to immediate neighbouring landowners and through [calgary.ca/DevelopmentMap](http://calgary.ca/DevelopmentMap).

The City of Calgary provides information on all development permit applications through [calgary.ca/DevelopmentMap](http://calgary.ca/DevelopmentMap) and weekly listings of discretionary permits that were approved in the past week and that may be appealed to the Subdivision and Development Appeal Board on its website.

# 7

## Existing Uses in Setbacks

There have been instances where a development was incorrectly approved without proper municipal and/or provincial authorization. Where these uses exist, the Province of Alberta and The City of Calgary do not retroactively grant authorization. Proper authorizations may be required if changes to the existing use are proposed.

# 8

## Resources

### 8.1 Acts and Regulations

- Dairy Industry Act
- Food and Drug Act
- Food Regulation
- Gaming, Liquor, and Cannabis Act
- Meat Inspection Act (Alberta)
- Meat Inspection Act (Canada)
- Municipal Government Act
- Pharmacy and Drug Act
- Subdivision and Development Regulation
- Waste Control Regulation
- Wastewater and Storm Drainage Regulation

### 8.2 Maps

- [calgary.ca/pda/pd/landfill-setbacks.html](http://calgary.ca/pda/pd/landfill-setbacks.html)

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