

ADMINISTRATIVE RECOMMENDATION:

To conditionally approve the amendments to the Development Permit 09-D-370A for sand extraction and landfilling on SE-02-53-26-W4M as follows:

- a) Allow operations to continue until October 31, 2015; and,
- b) Approve the modified stormwater management plan and post-closure reclamation plan, and increase to height to a maximum of 721.2m amsl.

To conditionally approve the amendment to the Development Permit 09-D-370B for wood recycling on SE-02-53-26-W4M as follows:

- a) Allow operations to continue until October 31, 2015

DISCUSSION:

Northland Material Handling Inc. and Northland Recycling Inc. have been operating sand extraction, landfilling and wood recycling on the subject site since 1994 and 2007, respectively.

On March 12, 2010, the landfilling and wood recycling activities were approved to continue operations until December 31, 2011, with a restricted maximum height of 716.5m amsl. This approval mirrored the request of the applicant at that time.

Subsequently, the Applicant submitted a request to amend the Development Permits to allow for an extension to the operating time frame to June 30, 2018, and allow an increased elevation to 721.2m amsl. The applicant asserts that this change in height is necessary due to a revised stormwater management plan and post-closure reclamation plan already approved by Alberta Environment, the re-opening of the Cholla landfill to the south of this property, as well as the changing economy.

On February 22, 2011, Parkland County Council chose to approve a time extension to December 31, 2012, however, did not approve changes to the overall height, stormwater management plan and post-closure reclamation plan.

The applicant is now in a position of conflicting approvals for height and topography between the two regulatory bodies: Alberta Environment and Parkland County.

This current application is requesting approval for the following:

1. Allow the existing uses of the property to continue until June 30, 2018, to match the expiry date of the Applicant's approval from Alberta Environment.
2. Revise the stormwater management plan from a hilly topography with ditches and swales, to sheet flow drainage (more suitable for post-landfilling uses). This revised plan includes increasing the height to a maximum final elevation of 721.2m amsl from the formerly approved maximum of 716.5m amsl.

The applicant has also indicated that without this requested amendment, the height of the Cholla landfill to the south will create an unbalanced topography, as it will be significantly higher than the Northlands site. Cholla's conditions of approval state a maximum overall height of 725m. It should be noted that the surrounding lands north of Highway

16A are naturally lower than the hilly lands south of Highway 16A. Therefore, this site's compatibility with adjacent lands on the north side of 16A should be of higher consequence.

This application was referred to the following internal and external departments and agencies:

City of Edmonton

The City of Edmonton has approved the changes to the stormwater management plan proposed. The City of Edmonton does not support a time extension to 2018, however, will support a time extension to October 31, 2015; mirroring the end date of the Cholla landfill to the south. In discussions with the Applicant, the City of Edmonton proposed that the Applicant shall either enter into a maintenance agreement with respect to 231 Street, or remove this access. The Applicant chose to remove the access from 231 Street. As such, the conditions of approval reflect the requirement for all traffic to utilize the "right-in/right-out" access on Highway 16A.

Alberta Transportation

The department has responded with no concerns respecting this application.

Alberta Environment

Alberta Environment has not responded to this current referral, however, previously indicated their approval of the plans submitted.

Parkland County Engineering Services

Engineering Services responded with no concerns, however requested the conditions of approval to include the up to date storm water management plan, and address site access. These comments have been captured in the proposed conditions of approval.

Status of Current Development Permit Approvals

The existing development permits were approved on February 22, 2011. This approval allows the current activities to continue until December 31, 2012. All conditions of approval have been met by the Applicant.

Administrative Discussion and Recommendation

Administration supports the changes to the stormwater management plan and post-closure reclamation plan. These plans have already received approval from Alberta Environment and The City of Edmonton.

Administration does not support extending the life of these operations until December 31, 2018. As stated with the previous application that came before Council on February 22, 2011, Administration recommends extending the operations to October 31, 2015. This is consistent with the approval for the Cholla lands to the south, as well as the request of the City of Edmonton.

Policy and/or Legislative Implications:

Municipal Development Plan Bylaw 37-2007

The Municipal Development Plan broadly recognizes the importance of resource extraction, which would include sand extraction, however does not specifically address land fill activity.

The subject property is identified on the 2007 MDP Map 2, Land Use Concept Map, as being within the "fringe" area. As such, the City of Edmonton has been consulted during the referral process.

Acheson Industrial Area Structure Plan

The subject site is acknowledged as within a Direct Control District as well as within those lands intended for Commercial/Industrial Use.

Land Use Bylaw 20-2009

The subject site is located within a Direct Control District. The underlying land use district is Industrial Reserve.

The current and proposed land use remains a Waste Management Facility-Minor. A Waste Management Facility-Minor is a discretionary use in the underlying land use district, Industrial Reserve, and is contemplated within the Acheson Industrial Area Direct Control District Regulations (DC Area 1).

The Acheson Industrial Area Direct Control District Regulations (DC Area 1) states that as part of its decision making process, Council shall hold at least one (1) public meeting to obtain comment and input from any interested or affected party.

Section 12.18 provides direction with respect to conditions of an approved development permit:

- a) requirements of an Industrial Haul Agreement with the County accompanied by such security as considered necessary by the County;
- b) limitations on the years, months, weeks, days and/or hours of operation;
- c) requirement to provide and maintain sufficient dust control to the satisfaction of the County as established in the Industrial Haul Agreement;
- d) posting of adequate signage, including company name and emergency phone numbers, to warn of possible site or operational hazards and dangers;
- e) requirement to identify and/or number trucks or equipment involved in any hauling aspects of the development;
- f) limitations on the height of the landfill development;
- g) any stripping, filling, excavation and grading associated with a landfill development to be subject to the provisions of Subsection 11.8.;
- h) landfill development to be subject to all provincial requirements and approvals; and
- i) a business license.

Subdivision and Development Regulations of the Municipal Government Act

The Subdivision and Development Regulations form part of the Municipal Government Act as Alberta Regulation 43/2002.

Section 13 addresses setbacks from landfill waste sites. Subsection 13(4) states that a development authority shall not issue a permit, for the purposes of developing a landfill unless the working area of the landfill is located 450 meters; the disposal area of the landfill is located 300 meters; respectively, from the property line of a school, hospital, food establishment or residence or building site proposed for these uses.

Subsection 13(5) states that these setback requirements may be varied by the development authority with the written consent of the Deputy Minister of Environment.

Alberta Environment previously indicated that since the amendments do not affect setbacks to residences from active landfilling areas, ministerial consent is not required for this amendment.