

Subject: **Bylaw 1895 & 1896 Land Use Bylaw Amendment to Direct Control Districts**  
 Meeting Date: Tuesday, May 14, 2024  
 Prepared By: Barb Hazelton, Manager of Planning & Development  
 Presented By: Barb Hazelton, Manager of Planning & Development






**RECOMMENDED MOTION:**

That Council move Second Reading of proposed Bylaw 1895 for the purpose of Amending Land Use Bylaw 1808 by redesignating the NE 2-29-24-W4, portions of the NW 2-29-24-W4, SE 2-29-24-W4 and SW 2-29-24-W4 from Agriculture District to Direct Control District 7.

That Council move Second Reading of proposed Bylaw 1896 for the purpose of Amending Land Use Bylaw 1808 by redesignating portions of the NW 2-29-24-W4 and the SW 2-29-24-W4 from Agriculture District & Local Rural Commercial District to Direct Control District 8.

Council may also consider Third Readings of Bylaw 1895 and Bylaw 1896.

**STRATEGIC PLAN ALIGNMENT: (Check all that apply)**

|   |                                     |   |                                     |   |                          |   |                                     |   |                                     |
|---|-------------------------------------|---|-------------------------------------|---|--------------------------|---|-------------------------------------|---|-------------------------------------|
|  | <input checked="" type="checkbox"/> |  | <input checked="" type="checkbox"/> |  | <input type="checkbox"/> |  | <input checked="" type="checkbox"/> |  | <input checked="" type="checkbox"/> |
| High Quality Infrastructure   |                                     | Economic Resilience   |                                     | Quality of Life   |                          | Effective Leadership  |                                     | Level of Service  |                                     |

**RELEVANT LEGISLATION:**

**Provincial (cite)-** Municipal Government Act, Environmental Protection and Enhancement Act, The Standards for Landfills in Alberta, Environmental Assessment Regulation, Water Act, Historical Resources Act, Matters Related to Subdivision & Development Regulation, Public Health Act, Wildlife Act, Weed Control Act

**Council Bylaw/Policy (cite)-** Strategic Plan, Municipal Development Plan, Land Use Bylaw 1808

**BACKGROUND/PROPOSAL:**

Waste Connection of Canada Inc. (WCC) proposes to develop a Class II Integrated Waste Management Facility (IWMF) in Kneehill County. The IWMF is privately operated and is a non-hazardous landfill facility that specializes in the collection, transportation, processing, recycling, treatment, and disposal of various types of waste generated by businesses, industry, commercial, institutional and agricultural operations, and residential communities.

The application is to redesignate lands from existing Agriculture and Local Rural Commercial districts to two Direct Control districts. If the redesignation is successful, a regulatory approval process will commence and if completed would presumably be followed by application for a Development Permit.

**DISCUSSION/OPTIONS/BENEFITS/DISADVANTAGES/OTHER CONSIDERATIONS:**

Under the Municipal Government Act (MGA), applications for the redesignation of lands require a public hearing to be held prior to adopting the bylaw creating the new district. First reading to these proposed bylaws was given on March 26, 2024. This is the mechanism to get an application in the queue.



All information and questions regarding the application were brought forward to the public hearing held on April 23, 2024. The public hearing process is a legislated process. As per the MGA, Council must hear any person, or group of persons who claim to be affected by the proposed bylaw. Any landowner who feels they will be impacted by a proposed development either positively or negatively had the opportunity to come and speak about the matter directly at the public hearing. Affected parties could also submit their comments in writing. These comments were included in the public hearing package for Council consideration. Administration received letters from 377 people prior to the deadline that were included in the public hearing information package available online. As Council reviews and discusses the content of the public hearing, they can approve, amend, or defeat the proposed bylaws.

Participating in the public hearing is the legislated method to provide comments to Council for consideration for applicants wanting to redesignate their lands. Once a public hearing is closed, no additional information should be considered in the decision-making process. Redesignations are about the proposed use. A redesignation establishes a land use district and is not a permit to develop. As such, the redesignation focuses on overall site suitability and not specific conditions of development.

Specific details regarding the development are required to be submitted with an application to develop. Direct Control Districts are managed differently during the approval process. If the redesignation is successful, Council will be the approving development authority for any development applications on these lands.

The following table outlines different possible processes for development.

| Discretionary Use (Ag)   | Industrial District  | Direct Control District   |
|--|--|---|
| MPC Decision   | Council Decision   | Council Decision  |
| ½ mile notification  | 1 mile notification  | 1 mile notification   |
| Written comments only  | Written & Verbal Comments  | Written & Verbal Comments   |
| No participation at MPC meeting<br>No Public Hearing                                       | Public Hearing   | Public Hearing  |
| Appealable by applicant or adjacent landowners   | No appeal of redesignation   | No appeal of redesignation  |
| Appeal to SDAB or LPRT   | Appeal to court on error in law or jurisdiction  | Appeal to court on error in law or jurisdiction   |
| Permitted uses shall be approved.<br>Discretionary uses could be considered.               | Changes uses applied to those lands – any Permitted use within Industrial District shall be approved.<br>Any Discretionary use could be considered                 | Council determines uses applied to zoned lands as outlined in the respective DC Bylaws. Permitted uses shall be approved.<br>Discretionary uses could be considered.      |
| <b>Legislated 40 day</b> decision timeframe. No further County permitting process required | Still require development permit process – discretionary: adjacent landowners notified - all permits go through MPC ( <b>legislated 40 day</b> decision timeframe) | Still require development permit process – adjacent landowners notified for discretionary - all permits go through Council ( <b>legislated 40 day</b> decision timeframe) |
| MPC can attach conditions  | MPC can attach conditions  | Council can attach conditions to permitted or discretionary uses  |



|   |  |   |
|---|--|---|
|   |  | as per the LUB and the respective DC Bylaws     |
| Discretionary use Development permit (or refusal) can be appealed by either the applicant or adjacent landowners. | Discretionary use Development permit appealable by applicant or adjacent landowner | No appeal for discretionary development permits |

Administration has noted that development of landfill infrastructure/facilities in principle is in alignment with the County’s current Strategic Plan and Municipal Development Plan.

The total Integrated Waste Management Facility (IWMF) site is 536.86± acres (217.23± ha) and is situated in Section 2-029-24-W4M north of Township Road 29-0 and east of Range Road 24-2. The majority of this section falls under the Agriculture District. However, a portion of the NW 2-029-24-W4 was designated Local Rural Commercial District in 2001. To facilitate this development, Waste Connections of Canada is seeking to redesignate the subject site into two Direct Control (DC) land use districts. The DC 7 District covers the portion of the site dedicated to the uses required to operate a landfill, consisting of this primary use and including the required critical infrastructure. The DC 8 District covers the remainder of the site. The uses in the DC 8 District may include some of the critical infrastructure, as well as the potential for some recycling and construction materials waste management.

The DC 8 District has been proposed as a separate bylaw as it is also intended to provide a buffer zone for the intended main landfill operation and help manage and mitigate impacts on site.

The technical side of this project goes through a multi-layered provincial approval process where the applicant must meet the requirements of several acts and regulations. These requirements apply to both the construction standards that must be met as well as the ongoing operation and closure of the site. Any landfill must go through this process. Waste management facilities are required to construct engineered liners, leachate collection systems, and landfill covers. Groundwater monitoring is mandatory and includes the requirement to report results annually. The provincial government also requires significant monetary surety be posted by the developer for the development, operation, and closure of the site. The majority of the applicable acts have been noted under the relevant legislation section of this Request for Decision.

The process for seeking a suitable site requires the evaluation of various criteria on the provincial side. The selected site must meet strict environmental and geological conditions as outlined in the *Environmental Protection and Enhancement Act, the Water Act, Standards for Landfills in Alberta, and the Waste Control Regulation*.

Developers also require suitable access/proximity to a highway; a willing landowner and they consider the planning documents of the host municipality. Ideal sites would be located away from residential uses, or at least in lower residential density areas.

A Class II, non-hazardous landfill handles solid waste, and typically includes municipal solid waste, and certain types of Industrial, Construction, Institutional waste and agricultural waste that is considered non-hazardous in accordance with provincial legislation. The waste the applicant is proposing to receive will be a combination of local waste and waste from private contracts.

The first step in the approval process is the redesignation of lands. If WCC are successful in this application, they will begin their application process with the provincial regulators. They will need to have their provincial approval prior to submitting a development permit application to the County. It should be



noted that there are several opportunities throughout the required provincial processes for public participation.

The proposed site is currently owned by three private landowners. These landowners have agreed to sell their land for this project. If successful in this redesignation, the lands will be reorganized and swapped to allow for the ownership of the contiguous 536.86± acres by WCC.

The developer will be required to upgrade the access road to the site as well as the intersection at highway 21.

Additional high-level information regarding this proposed development was provided through the public hearing process. Site specific details and any information required for Provincial approvals will be submitted and dealt with through the development permit process.

In order to facilitate the discussion Council would like to have, Administration has attached as an appendix containing an overview of the application and comments received in favour and in opposition that were noted by the speakers during the public hearing. There were 41 speakers following the presentations. As part of the discussion, Council should review all comments for and against and consider their level of relevance and validity to the proposal as well as if they are related to the redesignation or would be better addressed at the Development Permit stage, should the process reach that far.

**FINANCIAL & STAFFING IMPLICATIONS:**

The redesignation represents no financial implications to the operating budget at this time.

There are no additional staffing implications related to this application.

**RECOMMENDED ENGAGEMENT:**

Directive Decision (Information Sharing, One-Way Communication)

|        |                |        |  |
|--------|----------------|--------|--|
| Tools: | Public Hearing | Other: |  |
|--------|----------------|--------|--|

**ATTACHMENTS:**

- Bylaw 1895 & DC 7 District
- Bylaw 1896 & DC 8 District
- Appendix A – WCC Public Hearing
- Letter of Intent
- IWMF MSDP March 25, 2024
- R26-24 DC 7 and 8 Application
- A District – Land Use Bylaw 1808
- I District – Land Use Bylaw 1808

**COUNCIL OPTIONS:**

1. That Council move second reading of proposed Bylaw 1895 for the purpose of Amending Land Use Bylaw 1808 by redesignating the NE 2-29-24-W4, portions of the NW 2-29-24-W4, SE 2-29-24-W4 and SW 2-29-24-W4 from Agriculture District to Direct Control District 7 as presented or amended.



2. That Council move second reading of proposed Bylaw 1896 for the purpose of Amending Land Use Bylaw 1808 by redesignating a portion of the NW 2-29-24-W4 and the SW 2-29-24-W4 from Agriculture District & Local Rural Commercial District to Direct Control District 8 as presented or amended.
3. That Council consider further readings of Bylaw 1895 and 1896.
4. Council defer additional readings to another Council meeting.
5. That Council amend one or both bylaws. For example, Council may opt to add or remove areas for which future conditions could be imposed - such as those listed in Sections 6 and 7 of the respective bylaws - should a Development Permit be approved. Adding additional condition categories would allow for greater future control of the development. The reverse would be true if condition categories were removed. If this option was utilized, readings should be deferred until a later date to allow time for revision and review (potentially including legal review).

### **FOLLOW-UP ACTIONS:**

Administration will ensure that the applicant is aware of the outcome of this public hearing.

### **APPROVAL(S):**

Mike Haugen, Chief Administrative Officer

Approved-

