

**SUBDIVISION**

**AND**

**DEVELOPMENT APPEAL BOARD**

**AGENDA**

**Thursday, 9:00 A.M.**  
**December 16, 2021**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

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I 9:00 A.M. SDAB-D-21-201

Demolish 3 General Industrial Use Buildings; to construct a new General Industrial Use building and exterior alterations (weigh scales) - Canadian Hydrovac Waste Solutions Ltd

5920 - 98 Street NW  
Project No.: 404732450-002

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II 1:30 P.M. SDAB-D-21-204

ACQUIRE a Development Permit for the General Industrial Use and the Exterior Alteration (altering existing grade) OR CEASE the current development of the site and REVERT the property back to its approved Use by December 2, 2021

10920 - Winterburn Road NW  
Project No.: 392184762-001

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**NOTE:** *Unless otherwise stated, all references to "Section numbers" in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-21-201

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 404732450-002

APPLICATION TO: Demolish 3 General Industrial Use Buildings; to construct a new General Industrial Use building and exterior alterations (weigh scales) - Canadian Hydrovac Waste Solutions Ltd

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: October 28, 2021

DATE OF APPEAL: November 23, 2021

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 5920 - 98 Street NW

LEGAL DESCRIPTION: Plan 3744MC Blk 11 Lot 16

ZONE: (IH) Heavy Industrial Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

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***Grounds for Appeal***

The Appellant provided the following reasons for appealing the decision of the Development Authority:

I represent Gellarne Holdings (2001) Ltd. (“Gellarne”), which owns property located at 3804 — 93 Street, which is in close proximity to the above site. As

such, Gellarne is an affected party and is appealing the above development permit.

The grounds of the appeal are as follows:

1. Although the site is zoned for heavy industrial, the uses on surrounding properties are closer to light or business industrial. Therefore, the proposed development (which is a heavy industrial use) is uncharacteristic of this neighbourhood and not appropriate for this site.
2. The proposed development will have a material undue impact on neighbouring properties, including but not limited to:
  - (a) The site is located in a cul-de-sac. The traffic associated with proposed development will result in congestion in the cul-de-sac interfere with access to and egress from neighbouring properties.
  - (b) The proposed development will cause environmental impacts on neighbouring properties that are uncharacteristic of this neighbourhood.
3. Such further and other grounds as may be raised at the hearing of the appeal.

<b><i>General Matters</i></b>
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**Appeal Information:**

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

**Grounds for Appeal**

**685(1)** If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

...

**(2)** In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision in accordance with subsection (2.1).

**Appeals**

**686(1)** A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board,

(a) in the case of an appeal made by a person referred to in section 685(1)

(i) with respect to an application for a development permit,

(A) within 21 days after the date on which the written decision is given under section 642, or

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

**Hearing and Decision**

**687(3)** In determining an appeal, the board hearing the appeal referred to in subsection (1)

...

(a.1) must comply with the land use policies;

(a.2) subject to section 638, must comply with any applicable statutory plans;

(a.3) subject to clause (a.4) and (d), must comply with any land use bylaw in effect;

(a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
  - (i) the proposed development would not
    - (A) unduly interfere with the amenities of the neighbourhood, or
    - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
  - and
  - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

**General Provisions from the *Edmonton Zoning Bylaw*:**

Under Section 430.2(1), the following is a **Permitted Use**:

**General Industrial Uses** that are characterized by one or more of the following features:

- a. large land requirements for storage, outdoor service, assembly, processing or fabricating operations;
- b. the creation of nuisances that extend beyond the boundaries of the Site and that may have a deleterious effect on other Zones due to their appearance, noise, or odour; and
- c. the use of materials or processing operations that requires separation from other developments, due to risk of toxic emissions or fire and explosion hazards.

Under Section 430.3(3), **General Industrial Uses**, other than those listed as Permitted Uses, is a **Discretionary Use** in the (IH) Heavy Industrial Zone.

Under Section 7.5(3), **General Industrial Uses** means:

development used principally for one or more of the following activities:

- a. the processing of raw materials;
- b. the making, manufacturing or assembling of semi-finished or finished goods, products or equipment;
- c. the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in Non-industrial Zones;
- d. the storage or transshipping of materials, goods and equipment;
- e. the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or to General Retail Stores or other sales Uses defined in this Bylaw for resale to individual customers; or
- f. the training of personnel in general industrial operations.

This Use includes vehicle body repair and paint shops and Cannabis Production and Distribution licensed and operating pursuant to provincial or federal legislation. This Use does not include Major Impact Utility Services and Minor Impact Utility Services or the preparation of food and beverages for direct sale to the public.

Section 430.1 states that the **General Purpose of (IH) Heavy Industrial Zone** is

to provide for industrial Uses that, due to their appearance, noise, odour, risk of toxic emissions, or fire and explosion hazards are incompatible with residential, commercial, and other land Uses. This Zone should normally be located on the interior of industrial or agricultural areas, such that it does not interfere with the safety, Use, amenity or enjoyment of any surrounding Zones.

<b><i>Site Area</i></b>
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Section 430.4(1) states the minimum Site Area shall be 1 hectares.

**Development Officer's Determination**

**1) A minimum Site Area for the proposed development is 0.575ha instead of 1.0ha. (Reference Section 430.4(1))**

[unedited]


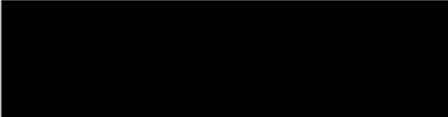
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Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.

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	Project Number: <b>404732450-002</b> Application Date: AUG 06, 2021 Printed: November 23, 2021 at 12:57 PM Page: 1 of 8		
<h2>Major Development Permit</h2>			
This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.			
<b>Applicant</b>  	<b>Property Address(es) and Legal Description(s)</b> 5920 - 98 STREET NW Plan 3744MC Blk 11 Lot 16  <b>Specific Address(es)</b> Entryway: 5910 - 98 STREET NW Entryway: 5920 - 98 STREET NW Building: 5910 - 98 STREET NW Building: 5920 - 98 STREET NW		
<b>Scope of Permit</b> To demolish 3 General Industrial Use Buildings; to construct a new General Industrial Use building and exterior alterations (weigh scales) - Canadian Hydrovac Waste Solutions Ltd.			
<b>Permit Details</b>  <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">                     Class of Permit: Class B                      Gross Floor Area (sq.m.): 648                      New Sewer Service Required:                      Site Area (sq. m.): 5756.93                 </td> <td style="width: 50%;">                     Contact Person:                      Lot Grading Needed?: Y                      NumberOfMainFloorDwellings:                      Stat. Plan Overlay/Amex Area: (none)                 </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq.m.): 648 New Sewer Service Required: Site Area (sq. m.): 5756.93	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: Stat. Plan Overlay/Amex Area: (none)
Class of Permit: Class B Gross Floor Area (sq.m.): 648 New Sewer Service Required: Site Area (sq. m.): 5756.93	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: Stat. Plan Overlay/Amex Area: (none)		
<b>Development Permit Decision</b> Approved <b>Issue Date:</b> Oct 28, 2021 <b>Development Authority:</b> SHAH, NIKHIL  <b>Subject to the Following Conditions</b> This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)  [A] TRANSPORTATION PLANNING CONDITION:  1. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the owner must enter into an Agreement with the City for the following improvements:  a. Removal of the existing approximate 54 m wide access, including hard surfacing, curb and gutter within road right-of-way along 98 Street adjacent to the site with reconstruction of the curb and gutter and restoration of the boulevard;  b. Construction of a 5 m (inbound) commercial crossing access to 98 Street located approximately 1 m from the north property line;  c. Construction of a 17.8 m commercial crossing access to 98 Street located approximately 1.8 m from the south property line; and  d. Modification/removal/replacement of the existing catch basin along 98 Street located immediately north of the proposed 17.8 m access.  The Agreement must be signed PRIOR to the release of the drawings for Building Permit review. Please email development.coordination@edmonton.ca to initiate the required Agreement. Following this, any further questions regarding this Agreement may be directed to Esther Anderson (780-944-7773) of the Development Servicing Agreements Unit.			

## Major Development Permit

This Agreement will require a deposit to act as security on this Agreement. The City requires a Security Deposit in the amount of \$50,000.00 to cover 100% of construction costs and 30 % for Engineering Drawing approval. However, based on the City's "GUIDELINES FOR ESTABLISHING SECURITY IN SERVICING AGREEMENT" the amount may be adjusted based upon the owner's previous development history with the City.

Engineering Drawings are required for the Agreement. The owner is required to have a Civil Engineer submit stamped engineering drawings for approval by the City of Edmonton.

The applicant must contact Trevor Singbeil of Development Inspections at 780-496-7019, 72 hours prior to removal or construction within City road right-of-way.

2. The operation of the one-way 5 m wide inbound access must be clearly signed. All signs must be located on private property.
3. The proposed concrete sidewalk connector located between the 2 accesses and in front of the proposed building is acceptable. No curb cuts or curb ramps are permitted to 98 Street at this sidewalk connector location.
4. Permanent objects including concrete steps, railings, planters, etc. must NOT encroach into or over/under road right-of-way. Any proposed landscaping for the development must be provided entirely on private property.
5. All large truck turning maneuvers must be accommodated on site. Subdivision Planning will not permit the backing up of vehicles onto or off of a public roadway
6. There is an existing fire hydrant along 98 Street south of the proposed most southerly access. The proposed access must maintain a minimum clearance of 1.8 m from the existing fire hydrant.
7. There is an existing power pole along 98 Street that is proposed to be removed by the applicant/owner. The applicant must contact EPCOR Customer Engineering at ces@epcor.com for more information. All costs associated with removal or relocation of the power pole must be borne by the owner/applicant. Subdivision Planning recognizes that the existing power pole does not impact proposed access to the site.
8. There may be utilities within road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Alberta One-Call (1-800-242-3447) and Shaw Cable (1-866-344-7429; www.digshaw.ca) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removal shall be at the expense of the owner/applicant.
9. Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. OSCAM permit applications require Transportation Management Plan (TMP) information. The TMP must include:
  - the start/finish date of project;
  - accommodation of pedestrians and vehicles during construction;
  - confirmation of lay down area within legal road right of way if required;
  - and to confirm if crossing the sidewalk and/or boulevard is required to temporarily access the site.
 It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at:  
[https://www.edmonton.ca/business\\_economy/oscam-permit-request.aspx](https://www.edmonton.ca/business_economy/oscam-permit-request.aspx)
10. Any sidewalk, or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Development Inspections, as per Section 15.5(f) of the Zoning Bylaw. All expenses incurred for repair are to be borne by the owner.

### Transportation Advisement:

1. The City's Coronet Industrial Area Rehabilitation 2021 project was recently completed along 98 Street.

### [B] DRAINAGE ASSESSMENT CONDITIONS:

## Major Development Permit

DP# 404732450-002 To demolish 2 General Industrial Use Buildings, to construct a new General Industrial Use building (main building), and to relocate an existing General Industrial Use building (office trailer for weighing scale) within the site. File No. 51-013-040-173 (Coronet Industrial)

The Development Servicing Agreements unit of City Planning has no objection to the captioned Development Permit for the property located at 5920 - 98 STREET NW (Plan 3744MC Blk 11 Lot 16;Coronet Industrial), subject to the following conditions:

### CONDITIONS

#### Development Assessments

The assessment area is 0.5149 ha. The assessment area is obtained from the City's information computer program called POSSE.

1. Permanent Area Contribution (PAC) - Storm and sanitary PACs are not applicable, since the property is not within any active PAC basins.
2. Expansion Assessment (EA) - Expansion Assessment is not applicable, since the property is outside the current Expansion Assessment area.
3. Arterial Roadway Assessment (ARA) - Arterial Roadway Assessment is not applicable, since the property is outside the current ARA Catchment Area.
4. Sanitary Sewer Trunk Charge (SSTC) - Based on our record, this property was partially assessed for 0.0609 ha under DP#273767609-001. SSTC is applicable to the 0.5149ha (0.5758ha-0.0609ha) but deferred under the current DP#361226358-002. However, SSTC will be assessed at the future application of subdivision, development permit, or servicing connection application.

#### Additional Notes

The above assessment is made based on information currently available to our Department. Should such information change in the future, a new assessment may be made.

In addition to the above items, the applicant/owner may need to pay for the installation cost of sewer services to the property line. For details, please contact EPCOR Drainage.

More information about the above charges can be found on the City of Edmonton's website:

oPermanent Area Contributions

[https://www.edmonton.ca/city\\_government/utilities/permanent-area-contributions.aspx](https://www.edmonton.ca/city_government/utilities/permanent-area-contributions.aspx)

oSanitary Servicing Strategy Expansion Assessment

[https://www.edmonton.ca/city\\_government/utilities/expansion-assessment-charge-ea.aspx](https://www.edmonton.ca/city_government/utilities/expansion-assessment-charge-ea.aspx)

oArterial Roadway Assessment

[https://www.edmonton.ca/projects\\_plans/roads/design\\_planning/arterial-roadway-assessments.aspx](https://www.edmonton.ca/projects_plans/roads/design_planning/arterial-roadway-assessments.aspx)

oSanitary Sewer Trunk Charge

[https://www.edmonton.ca/city\\_government/utilities/sanitary-sewer-trunk-charge-sstc.aspx](https://www.edmonton.ca/city_government/utilities/sanitary-sewer-trunk-charge-sstc.aspx)

### [C] FIRE RESCUE SERVICES CONDITIONS:

Upon review of the noted development application, Edmonton Fire Rescue Services has no objections to this proposal however, has the following advice for your implementation and information.

Prior to the commencement of construction, alteration or demolition operations, a fire safety plan, accepted in writing by the fire department and the authority having jurisdiction, shall be prepared for the site.



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### Construction Site Fire Safety Plan Template

[https://www.edmonton.ca/programs\\_services/fire\\_rescue/fire-safety-planning-for-const.aspx](https://www.edmonton.ca/programs_services/fire_rescue/fire-safety-planning-for-const.aspx)

A formal submission of your Fire Safety Plan will be required for a Building Permit to be issued (please do not forward your Fire Safety Plan at this time).

If you have any questions please contact Technical Services at [cmsfpts@edmonton.ca](mailto:cmsfpts@edmonton.ca).

Reference: NFC(2019-AE) 5.6.1.3. Fire Safety Plan

Ensure that the hydrant(s) servicing the site are fully functional prior to construction and remain accessible and unobstructed during construction.

Reference: NFC(2019-AE) 5.6.3.6. Hydrant Access

1) Hydrants on construction, alteration, or demolition site shall

- a) be clearly marked with a sign,
- b) be accessible, and
- c) have an unobstructed clearance of not less than 2 m at all times.

Ensure that the travel distance (not radius) from principal entrance to fire hydrant does not exceed 90 meters (non-sprinklered building)

Reference: NBC(2019-AE) 3.2.5.5. Location of Access Routes

2) Access routes shall be provided to a building so that

- b) for a building not provided with a fire department connection, a fire department pumper vehicle can be located so that the length of the access route from a hydrant to the vehicle plus the unobstructed path of travel for the firefighter from the vehicle to the building is not more than 90m, and
- c) the unobstructed path of travel for the firefighter from the vehicle to the building is not more than 45m.

Ensure that the Fire Alarm Annunciator panel is located in close proximity to the building entrance that faces a street or emergency access route.

Reference: NBC(2019-AE) 3.2.4.8 Annunciator and Zone Indication

1) The Fire Alarm Annunciator Panel shall be installed in close proximity to a building entrance that faces a street or an access route for fire department vehicles.

Kind regards,  
Karen Faryna  
FSCO Group B, Level II

Please send ALL FRS DP review inquiries to [cmsfpts@edmonton.ca](mailto:cmsfpts@edmonton.ca)

### [D] LANDSCAPING CONDITIONS:

1. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Development Permit Inspection Fee of \$528.00 (this can be paid by phone with a credit card - 780-442-5054).
2. Landscaping shall be in accordance with the approved Landscape Plan, and Section 55 of the Zoning Bylaw, to the satisfaction of the Development Officer.
3. Any changes to an approved Landscape Plan require the approval of the Development Officer prior to the Landscaping being installed.
4. Landscaping shall be installed within 18 months of receiving the Final Occupancy Permit. Landscaping shall be maintained in a healthy condition for a minimum of 24 months after the landscaping has been installed, to the satisfaction of the Development Officer.
5. A Landscape Security shall be provided to the City of Edmonton at the time of initial Landscape Inspection, to the satisfaction of



## Major Development Permit

the Development Officer. The initial Landscape Inspection shall be requested within 14 days of the Landscape installation being completed ([www.edmonton.ca/landscapeinspectionrequest](http://www.edmonton.ca/landscapeinspectionrequest)).

6. Upon determination that landscaping has been installed in compliance with the approved Landscape Plan, 20% of the full Landscape Security value as determined by the Development Officer shall be collected. The Landscape Security shall be retained for a period of 24 months from the date of the initial Landscape Inspection.

7. Sites that are not completed or are not compliant with approved Landscape Plans at the initial Landscape Inspection shall, in addition, be required to submit a Security for incomplete work; up to the full value of the Landscape Security, as determined by the Development Officer.

### [E] EPCOR WATER CONDITIONS:

1. To meet the requirements of City of Edmonton Design and Construction Standards Volume 4 (Water), the applicant/owner is required to construct approximately 230m of new water main and one (1) new municipal hydrant on 98 Street NW more or less as shown in the attachment (DP404732450-002\_EPCOR Water Enclosure) at their expense. This work can be undertaken under a City of Edmonton Servicing Agreement ([Development.Coordination@edmonton.ca](mailto:Development.Coordination@edmonton.ca)).

2. Any party proposing construction involving ground disturbance to a depth exceeding 2m within 5m of the boundary of lands or rights-of-way (ROW) containing EPCOR Water facilities is required to enter into a Facility Proximity Agreement with EWSI, prior to performing the ground disturbance. Additional information and requirements can be found in the City of Edmonton Bylaw 17698 (EPCOR Water Services and Wastewater Treatment). The process can take up to 4 weeks. More information can be requested by contacting [waterlandadmin@epcor.com](mailto:waterlandadmin@epcor.com).

### EPCOR Water Advisement:

1. The site is currently serviced by one (1) 50mm copper service located at 28.1m south of the north property line of Lot 16. If this service will not be utilized for the planned development, it must be abandoned back to the water main prior to any on-site excavation. The applicant is to contact EPCOR's Water Meter Inspector at 780-412-4000 a minimum of four weeks prior to commencing any work on the site including demolition, excavation or grading for direction on the correct process to follow to have the service isolated and meter removed.

2. The existing service may not be of sufficient size for the proposed development. The owner/applicant must review the total on-site water demands and service line capacity with a qualified engineer to determine the size of service required and ensure adequate water supply to the proposed development.

3. A new water service must be constructed for this lot directly off EPCOR's 250mm water main on 98 Street NW adjacent to the subject site.

4. For information on service abandonments and the provisioning of a new water service contact EPCOR Infill Water and Sewer Servicing (IWASS) at [wass.drainage@epcor.com](mailto:wass.drainage@epcor.com) or at 780-496-5444.

5. The applicant must submit bacteriological test results to EPCOR Water Dispatch and must have a water serviceman turn on the valve. Contact EPCOR Water Dispatch at 780-412-4500 for more information on how to provide the test results. EPCOR Water Dispatch can provide information on the tie-in and commissioning procedure.

6. There is a deficiency in municipal fire protection adjacent to the property. According to City of Edmonton Design and Construction Standards Volume 4 (Water), the required fire flow is 300L/s and the maximum allowable spacing between fire hydrants is 90m for the zoning. The fire flows in the area are below the required fire flow rate. The hydrant spacing adjacent to the site is approximately 121m (actual spacing) which does not meet the municipal requirement.

7. EPCOR water must review and accept all proposed water infrastructure upgrade designs.



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8. Edmonton Fire Rescue Services' (EFRS), Fire Protection Engineer may be able to perform an Infill Fire Protection Assessment (IFPA) at development permit application to potentially alter or lessen on-street fire protection infrastructure upgrades assuming certain criteria are met. The applicant may request that the Development Officer initiate this review.

9. The depth of the site means that municipal fire protection will be unable to provide coverage over the complete site area. The applicant is advised to contact Fire Rescue Services for additional on-site fire protection requirements.

10. No contractor or private developer may operate any EPCOR valves and only an EPCOR employee or EPCOR authorized agent can remove, operate or maintain EPCOR infrastructure.

11. The advisements and conditions provided in this response are firm and cannot be altered.

Should you require any additional information, please contact Myra Cruz at [MCruz@epcor.com](mailto:MCruz@epcor.com).

### [F] ENVIRONMENTAL REVIEW CONDITIONS:

PRIOR TO THE RELEASE OF THE DRAWINGS FOR BUILDING PERMIT APPLICATION REVIEW, except for permits for signage, demolition, excavation, and shoring, the applicant/owner shall submit a final remediation report and any other reports required as a result of the remediation report, conducted by a professional environmental consultant, to the satisfaction of the Development Officer in consultation with the Environmental Planner.

#### Environmental Review Advisement:

An approved development permit only means that the proposed development has been reviewed against the requirements of the Edmonton Zoning Bylaw. The approval of the development permit should not be considered compliance with, nor does it remove any obligations to comply with, other municipal bylaws including the Edmonton Safety Codes Permit Bylaw, other legislation including the Municipal Government Act or the Environmental Protection and Enhancement Act, the ERCB Directive 079, or any caveats, covenants, easements or other instruments that might be attached to or registered on title to the Site.

### [G] ZONING BYLAW CONDITIONS:

The development shall be constructed in accordance with the stamped and approved drawings.

The development shall comply with the performance standards for the IH District of the Edmonton Zoning Bylaw.

No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a Setback (Reference Section 430.4(4)).

Immediately upon demolition/ alterations of the building, the site shall be cleared of all debris.

Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices (Reference Section 51).

All provided Vehicle Parking space and loading spaces shall be clear of any obstructions, including access driveways, aisles, ramps, columns, signs, pedestrian passageways, building door swing area, and other similar obstructions. It shall not be used for Driveways, entrances or exits, commercial repair work, display, sale, or storage of goods of any kind (Reference Section 54.1(5)).

All designated barrier-free Vehicle Parking stalls shall be constructed and identified in accordance with the applicable building code (Reference Section 54.2(4)).



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Loading spaces shall be designed to safely accommodate the dimensions of a standard delivery vehicle. a standard delivery vehicle shall be determined by consideration of the vehicle length and frequency of trips that are anticipated to meet the need of the development, such as a: delivery van, semi-tractor-trailer truck, or tenant moving box truck (Reference Section 54.6(3)).

All outdoor trash collection areas shall be located and screened from view from any public roadway other than a Lane, and from adjacent Sites, to the satisfaction of the Development Officer in accordance with Sections 55.

The design and use of exterior finishing materials shall be as far as reasonably practicable, that materials shall be used that ensure that the standard of the proposed buildings and structures shall be similar to, or better than, the standard of surrounding development and to the satisfaction of the Development Officer (Reference Section 57)

### ADVISEMENT:

This Development Permit is not a Business Licence. A separate application must be made for a Business Licence. You may require Building permit approvals prior to issue a Business Licence.

Any proposed Signs shows under this development permit applications, if any, are not reviewed or approved. Signs require separate Development Applications. A separate application must be made for all types of Signs. You must require Development and Building permit approvals prior to installing /construct any Signs.

An approved Development Permit means that the proposed development has been reviewed against the provisions of this Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the ERCB Directive 079, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site. (Reference Section 5.2)

The Development Permit shall not be valid unless and until the conditions of approval, save those of a continuing nature, have been fulfilled; and no notice of appeal from such approval has been served on the Subdivision and Development Appeal Board within the time period specified in subsection 21.1 (Reference Section 17.1).

A subject development permit will expire in accordance with the provision of Section 22 of the Edmonton Zoning Bylaw 12800 as amended.

A Building Permit is required for any construction or change in the use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre (780-442-5311) for further information.

The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews.

The City of Edmonton, in issuing this Development Permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.

The applicant/property owner is strongly encouraged to comply with the security management guidelines contained within subsection 3.1 of the Design Guide for a Safer City.

Unless otherwise stated, all the above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800 as amended.

### Variances

- 1) A minimum Site Area for the proposed development is 0.575ha instead of 1.0ha. (Reference Section 430.4(1))



Project Number: **404732450-002**  
 Application Date: AUG 06, 2021  
 Printed: November 23, 2021 at 12:57 PM  
 Page: 8 of 8

## Major Development Permit

**Rights of Appeal**

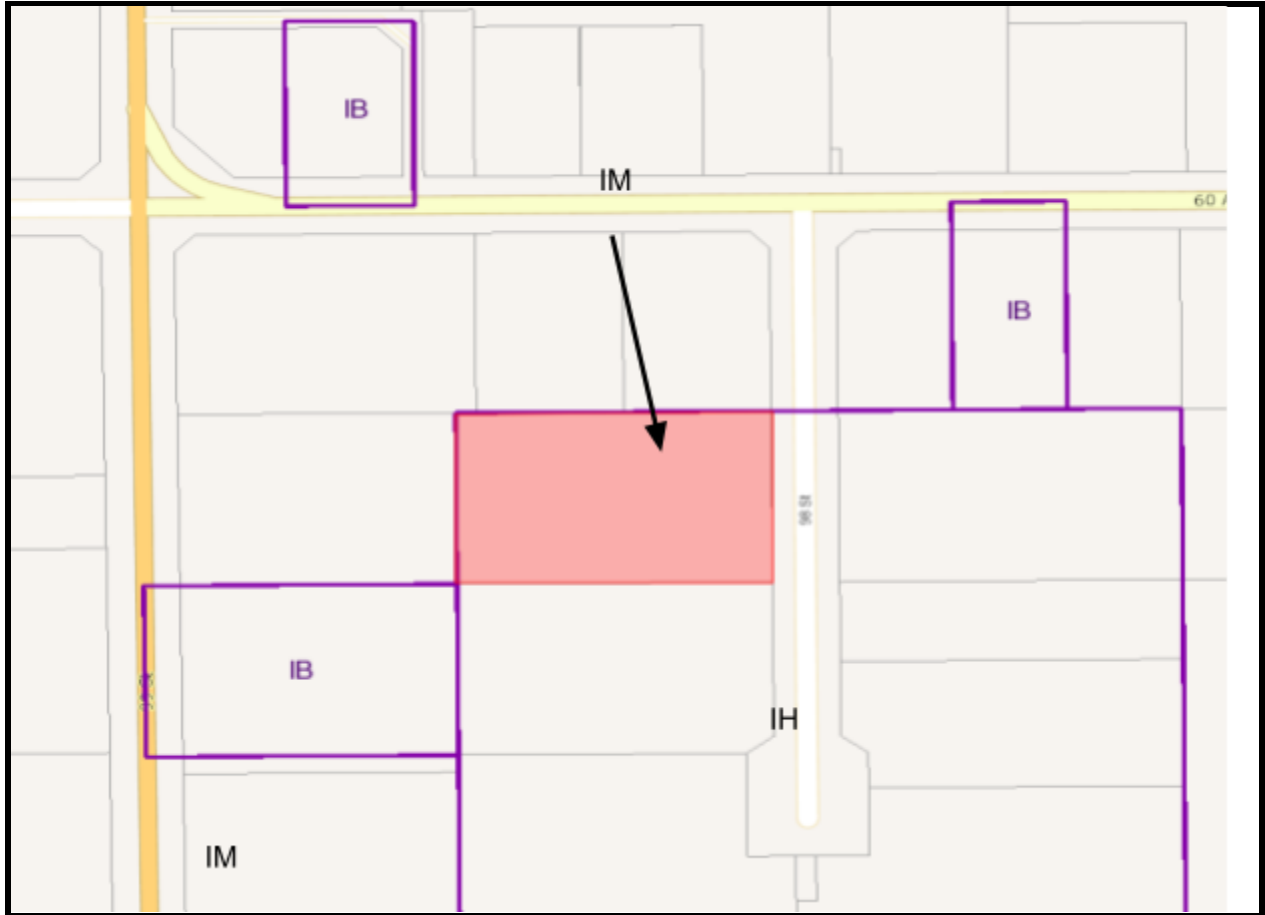
This approval is subject to the right of appeal to the Subdivision and Development Appeal Board (SDAB) as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.

**Notice Period Begins:** Nov 04, 2021      **Ends:** Nov 25, 2021

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Lot Grading Fee	\$240.00	\$240.00	07229223	Sep 03, 2021
Major Dev. Application Fee	\$1,080.00	\$1,080.00	07229223	Sep 03, 2021
Dev. Application Fee for GFA	\$110.00	\$110.00	07229223	Sep 03, 2021
Development Permit Inspection Fee	\$528.00	\$528.00	07229223	Sep 03, 2021
Total GST Amount:	\$0.00			
<b>Totals for Permit:</b>	<b>\$1,958.00</b>	<b>\$1,958.00</b>		





**SURROUNDING LAND USE DISTRICTS**

Site Location ←

▲  
**N**

File: SDAB-D-21-201

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT COMPLIANCE OFFICER

APPELLANT:

APPLICATION NO.: 392184762-001

ORDER TO: ACQUIRE a Development Permit for the General Industrial Use and the Exterior Alteration (altering existing grade) OR CEASE the current development of the site and REVERT the property back to its approved Use by December 2, 2021

DECISION OF THE DEVELOPMENT AUTHORITY: Order Issued

**DECISION DATE: November 3, 2021**

**DATE OF APPEAL: November 29, 2021**

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10920 - Winterburn Road NW

LEGAL DESCRIPTION: Plan 3589MC Blk B1

ZONE: (IM) Medium Industrial Zone

OVERLAY: N/A

STATUTORY PLAN: Winterburn Industrial Area Structure Plan

***Grounds for Appeal***

The Appellant provided the following reasons for appealing the decision of the Development Authority:

This site has been a junk yard since 1954. We just took the ownership of this property recently and trying to clean up the property. The purpose of the fill material on the property is to fill in some holes where garbage was buried so that the water does not pool in those areas. Rubble will be placed

on the roadway on the property to make a all weather road on the property to control dust and keep the neighbors happy. We are consulting with some people as to what to build on this property, everyone suggested that we clean the property first then plan for future development. We are doing a study right now as what type of development to do on this property as the study is complete we will be moving forward with that.

<b><i>General Matters</i></b>
-------------------------------

**Appeal Information:**

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

**Stop order**

**645(1)** Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

- (a) this Part or a land use bylaw or regulations under this Part, or
- (b) a development permit or subdivision approval,

the development authority may act under subsection (2).

**(2)** If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

- (a) stop the development or use of the land or building in whole or in part as directed by the notice,
- (b) demolish, remove or replace the development, or
- (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

**(2.1)** A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

(3) A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

**Permit**

**683** Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

**Grounds for Appeal**

**685(1)** If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

...

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision in accordance with subsection (2.1).

**Appeals**

**686(1)** A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board,

- (a) in the case of an appeal made by a person referred to in section 685(1)
  - (i) with respect to an application for a development permit,
    - (A) within 21 days after the date on which the written decision is given under section 642, or
    - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

**Hearing and Decision**

**687(3)** In determining an appeal, the board hearing the appeal referred to in subsection (1)

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
  - (i) the proposed development would not
    - (A) unduly interfere with the amenities of the neighbourhood, or
    - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

**General Provisions from the *Edmonton Zoning Bylaw*:**

Under section 420.2(6), a **General Industrial Use** is a **Permitted Use** in the **(IM) Medium Industrial Zone**.

Under Section 7.5(3), **General Industrial Uses** means:

development used principally for one or more of the following activities:

- a. the processing of raw materials;
- b. the making, manufacturing or assembling of semi-finished or finished goods, products or equipment;
- c. the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in Non-industrial Zones;
- d. the storage or transshipping of materials, goods and equipment;
- e. the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or to General Retail Stores or other sales Uses defined in this Bylaw for resale to individual customers; or
- f. the training of personnel in general industrial operations.

This Use includes vehicle body repair and paint shops and Cannabis Production and Distribution licensed and operating pursuant to provincial or federal legislation. This Use does not include Major Impact Utility Services and Minor Impact Utility Services or the preparation of food and beverages for direct sale to the public.

Under section 6.1, **Accessory** means “when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.”

Section 420.1 states that the **General Purpose** of the **Medium Industrial Zone (IM)** is

to provide for manufacturing, processing, assembly, distribution, service and repair Uses that carry out a portion of their operation outdoors or

require outdoor storage areas. Any nuisance associated with such Uses should not generally extend beyond the boundaries of the Site. This Zone should normally be applied on the interior of industrial areas adjacent to collector and local industrial public roadways such that Uses are separated from any adjacent residential areas by a higher quality Industrial or Commercial Zone.

***Requirement for a Development Permit***

Section 5.1 states:

1. No person shall commence, or cause or allow to be commenced, a development without a Development Permit issued in accordance with Section 12 of this Bylaw.
2. No person shall carry on, or cause or allow to be carried on a development without a Development Permit issued in accordance with Section 12 of this Bylaw.

***Offences***

Section 23.1(6) states “Notwithstanding subsection 23.1(2), it is an offence to undertake development of, or addition to, an Accessory building, other than a Garden Suite, without a valid and approved Development Permit when a Development Permit is required.”

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Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.

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City of Edmonton  
Development and Zoning Services  
Development Compliance & Inquiries

5<sup>th</sup> Floor  
10111 - 104 Ave NW  
Edmonton, AB T5J 0J4  
Canada  
[edmonton.ca/developmentcompliance](http://edmonton.ca/developmentcompliance)



November 3, 2021

Our File: 392184762-001



**MUNICIPAL GOVERNMENT ACT ORDER**

Dear Sir/Madam:

An Alberta Land Titles search identifies you as the registered owner(s) of the property located at 10920 - WINTERBURN ROAD NW in Edmonton, Alberta, legally described as Plan 3589MC Blk B1.

This Property was inspected by Development Compliance Officer Justin Hogberg, on October 26, 2021. City of Edmonton Development Compliance Officers have the authority to conduct site inspections and exercise development powers under Section 542 of the Municipal Government Act.

**ZONING BYLAW INFRACTION:**

This property is zoned (IM) Medium Industrial Zone in accordance with Section 420 of Edmonton Zoning Bylaw 12800. Our investigation revealed three issues on-site. A **General Industrial Use** (stockpiling of concrete, dirt) without a Development Permit, **exterior alteration of the existing grade** and the removal of a 6m wide landscaped buffer (trees).

The City of Edmonton has not issued a Development Permit to develop a General Industrial Use or to alter the existing grade on site, which is contrary to Section 5.1 of Edmonton Zoning Bylaw 12800, and Section 683 of the Municipal Government Act.

Section 5.1 of Edmonton Zoning Bylaw states:  
Requirement for a Development Permit

1. No person shall commence, or cause or allow to be commenced, a development without a Development Permit issued in accordance with Section 12 of this Bylaw.
2. No person shall carry on, or cause or allow to be carried on a development without a Development Permit issued in accordance with Section 12 of this Bylaw.



City of Edmonton  
Development and Zoning Services  
Development Compliance & Inquiries

5<sup>th</sup> Floor  
10111 - 104 Ave NW  
Edmonton, AB T5J 0J4  
Canada  
[edmonton.ca/developmentcompliance](http://edmonton.ca/developmentcompliance)



**ORDER:**

Pursuant to Section 645 of the Municipal Government Act, R.S.A. 2000, you are hereby ordered to:

1. **ACQUIRE** a Development Permit for the General Industrial Use and the Exterior Alteration (altering existing grade) by December 2, 2021.

OR

2. **CEASE** the current development of the site and **REVERT** the property back to its approved Use by December 2, 2021.

**CONSEQUENCES FOR NON-COMPLIANCE:**

The property will be inspected after December 2, 2021 to determine compliance with this Order.

In the event that a person fails to comply with this Order issued under Section 645, Section 646 of the Municipal Government Act authorizes the City to enter the land and take any action necessary to carry out the Order. Section 646 authorizes the City to register a caveat under the Land Titles Act.

Section 553(1)(h.1) of the Municipal Government Act provides that the costs and expenses of carrying out an order may be added to the tax roll of the property and Section 566(1), subject to 566(2), a person who is found guilty of an offence under this Act is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.

Affected persons may appeal this Order by filing within the prescribed time to the Subdivision and Development Appeal Board. Visit the website at <https://sdab.edmonton.ca> or call 780-496-6079 for more information on how to file an appeal.

Following are Sections 553, 645, 646, 683, 685 and 686 of the Municipal Government Act, R.S.A. 2000, c.M-26.1, which provides you with the right to appeal this Order and enables the City to add all costs associated with this action to the tax roll of the property.

If you have any questions in regards to this matter, please contact the writer.

Regards,

City of Edmonton  
Development and Zoning Services  
Development Compliance & Inquiries

5<sup>th</sup> Floor  
10111 - 104 Ave NW  
Edmonton, AB T5J 0J4  
Canada  
[edmonton.ca/developmentcompliance](http://edmonton.ca/developmentcompliance)



Justin Hogberg  
Development Compliance Officer  
780-405-0062  
[justin.hogberg@edmonton.ca](mailto:justin.hogberg@edmonton.ca)

**Adding Amounts  
Owing to tax roll**

- 553(1)** A council may add the following amounts to the tax roll of a parcel of land:
- (a) unpaid costs referred to in section 35(4) or 39(2) relating to service connections of a municipal public utility that are owing by the owner of the parcel;
  - (b) unpaid charges referred to in section 42 for a municipal utility service provided to the parcel by a municipal public utility that are owing by the owner of the parcel;
  - (c) unpaid expenses and costs referred to in section 549(3), if the parcel's owner contravened the enactment or bylaw and the contravention occurred on all or a part of the parcel;
  - (d), (e) repealed 1999 c11 s35;
  - (f) costs associated with tax recovery proceedings related to the parcel;
  - (g) if the municipality has passed a bylaw making the owner of a parcel liable for expenses and costs related to the municipality extinguishing fires on the parcel, unpaid costs and expenses for extinguishing fires on the parcel;
  - (g.1) if the municipality has passed a bylaw requiring the owner or occupant of a if the municipality has passed a bylaw requiring the owner or occupant of a parcel to keep the sidewalks adjacent to the parcel clear of snow and ice, unpaid expenses and costs incurred by the municipality for removing the snow and ice in respect of the parcel;
  - (h) Unpaid costs awarded by a composite assessment review board under section 468.1 or the Municipal Government Board under section 501, if the composite assessment review board or the Municipal Government Board has awarded costs against the owner of the parcel in favour of the municipality and the matter before the composite assessment review board or the Municipal Government Board;
  - (h.1) the expenses and costs of carrying out an order under section 646;
  - (i) any other amount that may be added to the tax roll under an enactment.

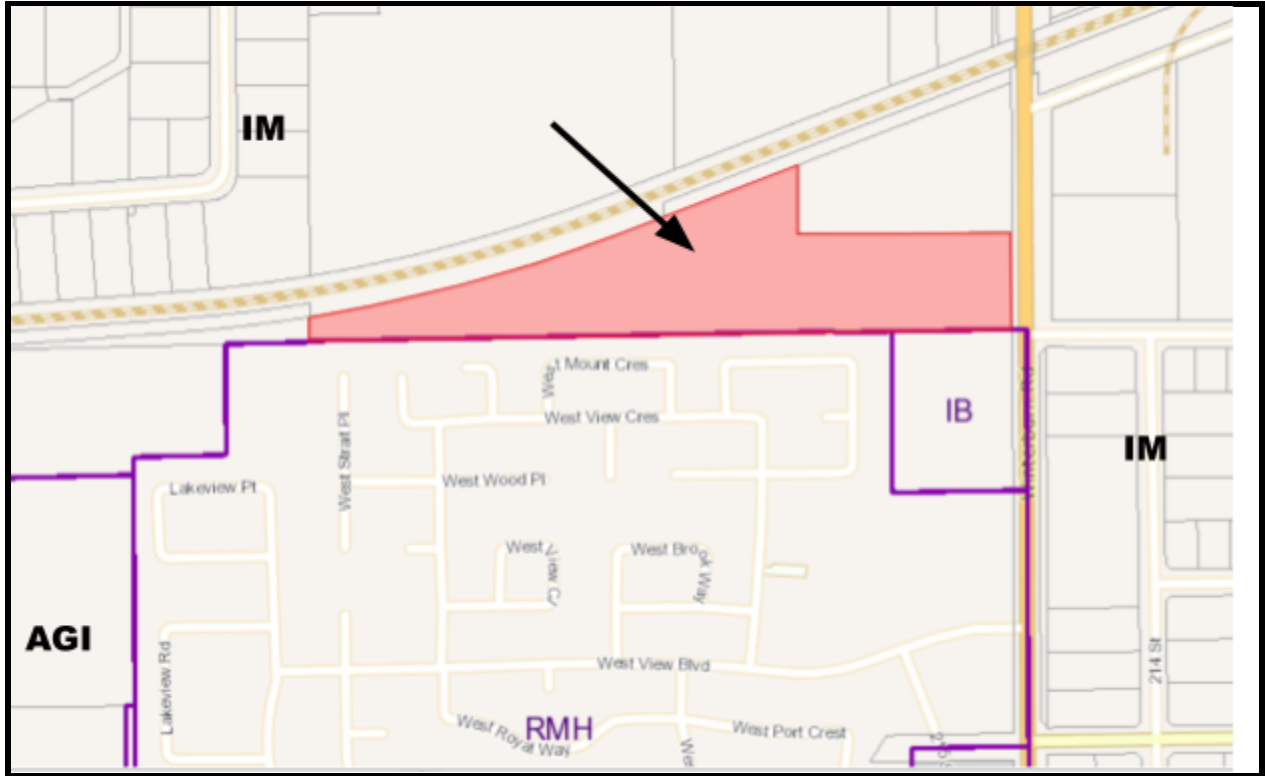
**Stop order**

- 645(1)** Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with
- (a) this Part or a land use bylaw or regulations under this Part, or
  - (b) a development permit or subdivision approval,
- the development authority may act under subsection (2).
- (2)** If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to
- (a) stop the development or use of the land or building in whole or in part as directed by the notice,
  - (b) demolish, remove or replace the development, or
  - (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,
- within the time set out in the notice.
- (2.1)** A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.
- (3)** A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

<b>Enforcement of stop order</b>	<p><b>646(1)</b> If a person fails or refuses to comply with an order directed to the person under section 645 or an order of a subdivision and development appeal board under section 687, the municipality may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.</p> <p>(2) A municipality may register a caveat under the Land Titles Act in respect of an order referred to in subsection (1) against the certificate of title for the land that is the subject of the order.</p> <p>(3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the order has been complied with.</p>
<b>Permit</b>	<p><b>683</b> Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.</p>
<b>Grounds for appeal</b>	<p><b>685(1)</b> If a development authority</p> <ul style="list-style-type: none"> <li>(a) fails or refuses to issue a development permit to a person,</li> <li>(b) issues a development permit subject to conditions, or</li> <li>(c) issues an order under section 645,</li> </ul> <p>the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.</p> <p>(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.</p> <p>(3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).</p> <p>(4) Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district</p> <ul style="list-style-type: none"> <li>(a) is made by a council, there is no appeal to the subdivision and development appeal board, or</li> <li>(b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.</li> </ul>
<b>Appeals</b>	<p><b>686(1)</b> A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board</p> <ul style="list-style-type: none"> <li>(a) in the case of an appeal made by a person referred to in section 685(1) <ul style="list-style-type: none"> <li>(i) with respect to an application for a development permit, <ul style="list-style-type: none"> <li>(A) within 21 days after the date on which the written decision is given under section 642, or</li> <li>(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,</li> </ul> </li> </ul> </li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>(ii) with respect to an order under section 645, within 21 days after the date on which the order is made,</li> </ul>

or

- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.
- (2)** The subdivision and development appeal board must hold an appeal hearing within 30 days after receipt of a notice of appeal.
- (3)** The subdivision and development appeal board must give at least 5 days notice in writing of the hearing
  - (a) to the appellant,
  - (b) to the development authority whose order, decision or development permit is the subject of the appeal, and
  - (c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.
- (4)** The subdivision and development appeal board must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including
  - (a) the application for the development permit, the decision and the notice of appeal, or
  - (b) the order under section 645.
- (4.1)** Subsections (1)(b) and (3)(c) do not apply to an appeal of a deemed refusal under section 683.1(8).
- (5)** In subsection (3), "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.



**SURROUNDING LAND USE DISTRICTS**

**Site Location** ←                      **File: SDAB-D-21-204**                      ▲  
**N**