

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
August 17, 2017**

**Hearing Room No. 3
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 3**

I 9:00 A.M. SDAB-D-17-147

Develop a Minor Impact Utility Service
(Compost Curing Pad, Storm Water Retention
Pond and fence enclosure) as a Temporary
Development (maximum of 5 years), Edmonton
Waste Management Centre, Horsehills Site

25104 - 50 Street NW
Project No.: 242253884-001

NOTE: *Unless otherwise stated, all references to “Section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-17-147

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY AN ADJACENT PROPERTY OWNER

APPELLANT:

APPLICATION NO.: 242253884-001

APPLICATION TO: Develop a Minor Impact Utility Service (Compost Curing Pad, Storm Water Retention Pond and fence enclosure) as a Temporary Development (maximum of 5 years), Edmonton Waste Management Centre, Horsehills Site

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: July 6, 2017

DATE OF APPEAL: July 25, 2017

NOTIFICATION PERIOD: July 11, 2017 through July 25, 2017 (Reference page 3 of Permit)

RESPONDENT: City of Edmonton

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 25104 - 50 Street NW

LEGAL DESCRIPTION: NE-35-54-24-4

ZONE: AG Agricultural Zone

OVERLAY: N/A

STATUTORY PLAN: Edmonton Energy and Technology Park Area Structure Plan

Grounds for Appeal

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

It is our understanding that we will be impacted by this Compost Site, in regards to noise, air quality, visual effects and property value.

General Matters

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.

685(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.

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 within 14 days,

...

- (b) in the case of an appeal made by a person referred to in section 685(2), after the date on which the notice of the issuance of the permit was given *in accordance with the land use bylaw*. [emphasis added]

(2) ...

(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.

The *Edmonton Zoning Bylaw 12800* provides as follows:

20. Notification of Issuance of Development Permits

20.2 Class B Development

1. Within seven days of the issuance of a Development Permit for a Class B Discretionary Development, the Development Officer shall dispatch a written notice by ordinary mail to all relevant parties listed below that are wholly or partially within 60.0 m of the boundaries of the Site which is the subject of the Development Permit:
 - a. each assessed owner of the Site or a part of the Site of the development;
 - b. each assessed owner of land;
 - c. the President of each Community League; and
 - d. the President of each Business Revitalization Zone.
2. The notice shall describe the development and state the decision of the Development Officer, and the right of appeal therefrom.
3. Within 10 days of the issuance of a Development Permit for Class B Discretionary Development, the Development Officer shall cause to be published in a daily newspaper circulating within the City, a notice describing the development and stating their decision, and the right to appeal therefrom.
4. Where, in the opinion of the Development Officer, a proposed development is likely to affect other owners of land beyond 60.0 m, the Development Officer shall notify owners of land at such additional distance and direction from the Site as, in the opinion of the Development Officer, may experience any impact attributable to the development.

The decision of the Development Officer is dated July 6, 2017. Notice of the development was published in the *Edmonton Journal* on July 11, 2017. The Notice of Appeal was filed on July 25, 2017.

Determining an Appeal

The *Municipal Government Act* states the following:

Hearing and decision

687(3) In determining an appeal, the subdivision and development appeal board

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

- (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*:

Section 610.1 states that the **General Purpose** of AG Agricultural Zone is “to conserve agricultural and rural Uses”.

Under Section 610.3(5), **Minor Impact Utility Services** is a **Discretionary Use** in the AG Agricultural Zone.

Section 7.7(7) states:

Minor Impact Utility Services means development for public utility infrastructure purposes which is likely to have some impact on the environment or adjacent land Uses by virtue of its appearance, noise, size, Traffic Generation or operational characteristics. Typical Uses include vehicle, equipment and material storage yards for utilities and services; telephone exchanges; wire centres; switching centres; snow dumping sites; Transit Centres; transit depots and transfer facilities; water towers; hydrospheres; water treatment plants; power terminals and distributing substations; communication towers and gate stations for natural gas distribution.

Landscaping

Subsection 55.3(1)(b) states, in part:

[F]or new development consisting of... Basic Services Use Classes... the number of trees and shrubs provided shall be determined on the basis of the following:

- i. one tree for each 25 m² and one shrub for each 15 m² of Setback;
- ii. one tree for each 20 m² and one shrub for each 10 m² of parking area islands, as determined by subsection 54.2(3); and
- iii. in no case shall there be less than one tree per parking area island;

Development Officer's Determination

Landscaping - Waive the requirement to provide landscaping in the required Front (abutting 50 St.) , Rear and Side (abutting 259 Ave.) Setbacks (Section 55.3) [unedited]

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. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.

	Project Number: 242253884-001 Application Date: MAR 01, 2017 Printed: July 6, 2017 at 1:14 PM Page: 1 of 3		
Major Development Permit			
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.			
Applicant	Property Address(es) and Legal Description(s) 25104 - 50 STREET NW NE-35-54-24-4		
Scope of Permit To develop a Minor Impact Utility Service (Compost Curing Pad, Storm Water Retention Pond and fence enclosure) as a Temporary Development (maximum of 5 years), Edmonton Waste Management Centre, Horsehills Site.			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Class of Permit: Class B Gross Floor Area (sq.m.): 0 New Sewer Service Required: N Site Area (sq. m.): 34580 </td> <td style="width: 50%; border: none;"> Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: 0 Stat. Plan Overlay/Annex Area: (none) </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq.m.): 0 New Sewer Service Required: N Site Area (sq. m.): 34580	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: 0 Stat. Plan Overlay/Annex Area: (none)
Class of Permit: Class B Gross Floor Area (sq.m.): 0 New Sewer Service Required: N Site Area (sq. m.): 34580	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: 0 Stat. Plan Overlay/Annex Area: (none)		
I/We certify that the above noted details are correct. Applicant signature: _____			
Development Permit Decision Approved			
The permit holder is advised to read the reverse for important information concerning this decision.			



Project Number: **242253884-001**
 Application Date: MAR 01, 2017
 Printed: July 6, 2017 at 1:14 PM
 Page: 2 of 3

Major Development Permit

Subject to the Following Conditions

- 1) This permit is valid for a maximum of 5 years from the Issuance date.
- 2) All activities or operations of the proposed development shall comply to the standards prescribed by the Province of Alberta pursuant to the Environmental Protection and Enhancement Act and the regulations pertaining thereto.
- 3) All access locations and curb crossings shall have the approval of the City Transportation and Streets Department prior to the start of construction. Reference Section 53(1).
- 4) The proposed 10 m culvert crossing access, located approximately 434 m from the north property line, is acceptable to City Planning and must be constructed to meet current City of Edmonton standards, as shown on the Enclosure. The access must be designed to direct vehicle travel to/from the south on 50 Street and prevent vehicles generated by this site from using the 50 Street – Highway 37 intersection. In addition to the access design, traffic signage must be installed to prevent vehicles from travelling to/from the site from the north on 50 Street.
- 5) 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 removals shall be at the expense of the owner/applicant.
- 6) 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:
http://www.edmonton.ca/transportation/on_your_streets/on-street-construction-maintenance-permit.aspx
- 7) This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)

Notes:

- i) 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.
- ii) Signs require separate Development Applications.
- iii) A Building Permit is Required for any construction or change in use of a building. For a building permit, and prior to the

The permit holder is advised to read the reverse for important information concerning this decision.



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Major Development Permit

PLANS EXAMINATION review. You require construction drawings and the payment of fees. Please contact the 311 Call Centre for **Variations**

Landscaping - Waive the requirement to provide landscaping in the required Front (abutting 50 St.), Rear and Side (abutting 259 Ave.) Setbacks (Section 55.3)

Rights of Appeal

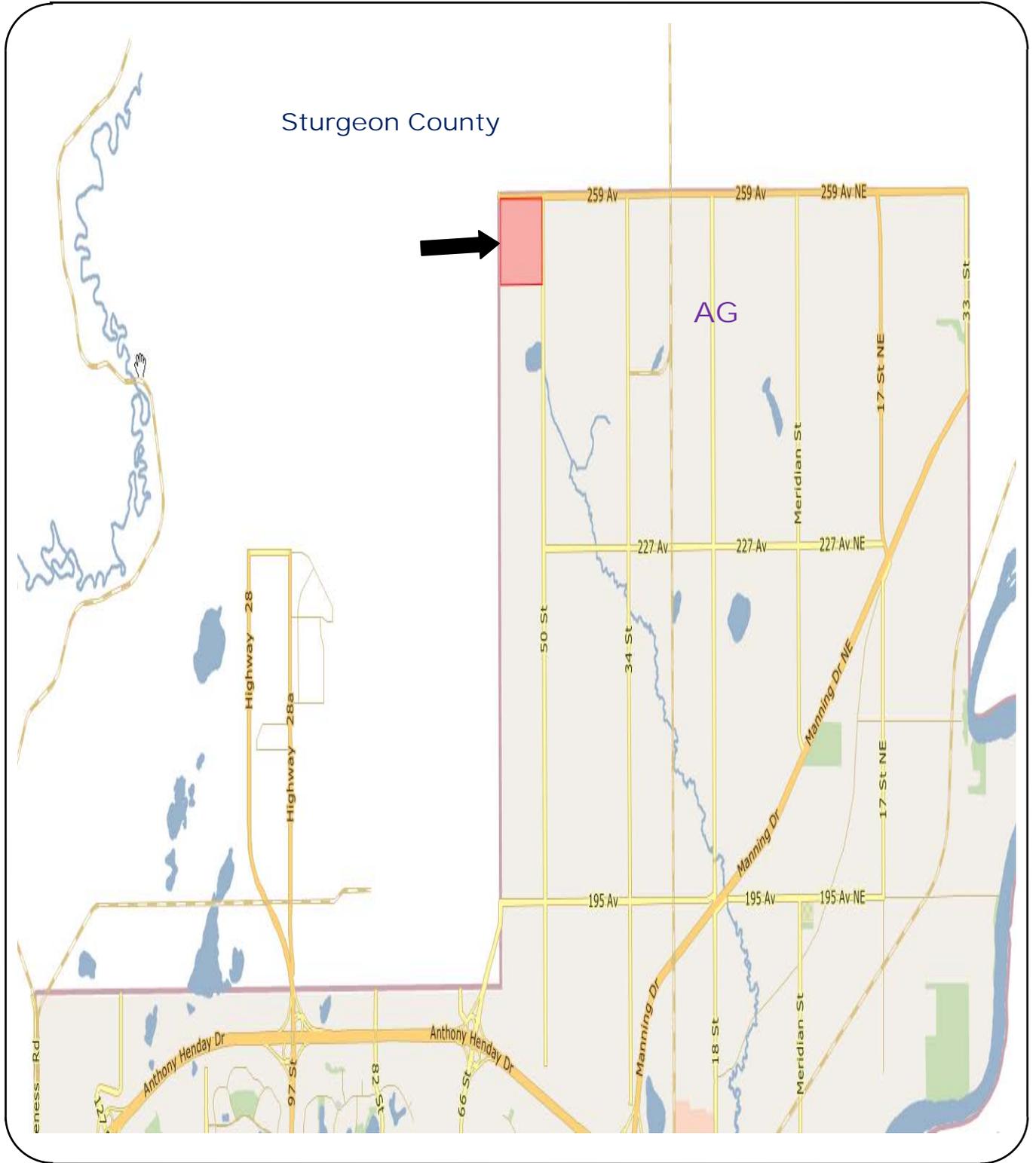
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Jul 06, 2017 **Development Authority:** KOWAL, PAUL **Signature:** _____
Notice Period Begins: Jul 11, 2017 **Ends:** Jul 25, 2017

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$500.00	\$500.00	by MCA#920649872	Mar 06, 2017
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	<u>\$500.00</u>	<u>\$500.00</u>		

The permit holder is advised to read the reverse for important information concerning this decision.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-147

