

**SUBDIVISION**  
**AND**  
**DEVELOPMENT APPEAL BOARD**  
**AGENDA**

**Wednesday, 9:00 A.M.**  
**December 8, 2021**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

---

**TO BE RAISED**

I 9:00 A.M. SDAB-S-21-006

Tentative plan of subdivision to create 113 single detached residential lots, one (1) non-credit Municipal Reserve lot, and four (4) Public Utility lots

611 - 167 Avenue NE  
Project No.: 354972909-001

---

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

**TO BE RAISED**

ITEM I: 9:00 A.M.

FILE: SDAB-S-21-006

AN APPEAL FROM THE DECISION OF THE SUBDIVISION AUTHORITY

APPELLANT:

APPLICATION NO.: 354972909-001

APPLICATION TO: Tentative plan of subdivision to create 113 single detached residential lots, one (1) non-credit Municipal Reserve lot, and four (4) Public Utility lots

DECISION OF THE SUBDIVISION AUTHORITY: Approved with Conditions

DECISION DATE: July 29, 2021

DATE OF APPEAL: August 19, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 611 - 167 Avenue NE

LEGAL DESCRIPTION: NW-33-53-23-4

ZONE(S): (AP) Public Parks Zone  
(PU) Public Utility Zone  
(RLD) Residential Low Density Zone

OVERLAY: N/A

STATUTORY PLAN(S): Horse Hill Area Structure Plan  
Horse Hill Neighbourhood 1A Neighbourhood Structure Plan

---

***Grounds for Appeal***

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

1 - Qualico is appealing their subdivision in the Marquis neighbourhood due to the conditions around Meridian Street. Since this appeal is in process, we have to be consistent with the Meridian Street conditions, and as such cannot agree to what is stated in our subdivision conditions at this time.

2 Regarding Multi Use Trails (MUT):

- a. The required multi use trails are outside of our subdivision boundary. The South trail was a condition on a previous development and as such cannot be put on our development as a condition to complete.
- b. the north MUT required is a requirement for cash to be built in the future, and as such this trail is not required to access our development. There is no benefit to our development if this trail does not get constructed for there is no imminent timing on this.

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

**The Subdivision and Development Appeal Board made and passed the following motion on October 20, 2021:**

**“That the appeal hearing be scheduled for December 8, 2021 at the request of the Appellant’s Legal Counsel and with the consent of the Subdivision Authority”.**

**The Subdivision and Development Appeal Board (the “Board”) made and passed the following motion on September 15, 2021:**

**“That the appeal hearing be scheduled on October 20, 2021 at the request of the Appellant and with the written consent of the Subdivision Authority”.**

**The Subdivision and Development Appeal Board (the “Board”) made and passed the following motion on August 26, 2021:**

**“That the appeal hearing be scheduled on September 29, 2021 or to a date agreed to by all parties, at the written request of the Subdivision Authority and with written consent from the Appellant.”**

**Appeal Information:**

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

**Appeals**

**678(1)** The decision of a subdivision authority on an application for subdivision approval may be appealed

- (a) by the applicant for the approval,
- (b) by a Government department if the application is required by the subdivision and development regulations to be referred to that department,
- (c) by the council of the municipality in which the land to be subdivided is located if the council, a designated officer of the municipality or the municipal planning commission of the municipality is not the subdivision authority, or
- (d) by a school board with respect to
  - (i) the allocation of municipal reserve and school reserve or money in place of the reserve,
  - (ii) the location of school reserve allocated to it, or
  - (iii) the amount of school reserve or money in place of the reserve.

**(2)** An appeal under subsection (1) may be commenced by filing a notice of appeal within 14 days after receipt of the written decision of the subdivision authority or deemed refusal by the subdivision authority in accordance with section 681

- (a) with the Land and Property Rights Tribunal
  - (i) unless otherwise provided in the regulations under section 694(1)(h.2)(i), where the land that is the subject of the application
    - (A) is within the Green Area as classified by the Minister responsible for the Public Lands Act,
    - (B) contains, is adjacent to or is within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site,

- (C) is the subject of a licence, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy RSA 2000 Section 679 Chapter M-26 MUNICIPAL GOVERNMENT ACT 437 and Utilities Board or Alberta Utilities Commission, or
- (D) is the subject of a licence, permit, approval or other authorization granted by the Minister of Environment and Parks, or
- (ii) in any other circumstances described in the regulations under section 694(1)(h.2)(ii), or (b) in all other cases, with the subdivision and development appeal board.

**(2.1)** Despite subsection (2)(a), if the land that is the subject-matter of the appeal would have been in an area described in subsection (2)(a) except that the affected Government department agreed, in writing, to vary the distance under the subdivision and development regulations, the notice of appeal must be filed with the subdivision and development appeal board.

**(3)** For the purpose of subsection (2), the date of receipt of the decision is deemed to be 7 days from the date the decision is mailed.

**(4)** A notice of appeal under this section must contain

- (a) the legal description and municipal location, if applicable, of the land proposed to be subdivided, and
- (b) the reasons for appeal, including the issues in the decision or the conditions imposed in the approval that are the subject of the appeal.

**(5)** If the applicant files a notice of appeal within 14 days after receipt of the written decision or the deemed refusal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board.

#### **Hearing and decision**

**680(1)** The board hearing an appeal under section 678 is not required to hear from any person or entity other than

- (a) a person or entity that was notified pursuant to section 679(1), and

- (b) each owner of adjacent land to the land that is the subject of the appeal,

or a person acting on any of those persons' behalf.

**(1.1)** For the purposes of subsection (1), “owner” has the same meaning as in section 653.

**(2)** In determining an appeal, the board hearing the appeal

- (a) repealed 2020 c39 s10(48);
  - (a.1) must have regard to any statutory plan;
  - (b) must conform with the uses of land referred to in a land use bylaw;
  - (c) must be consistent with the land use policies;
  - (d) must have regard to but is not bound by the subdivision and development regulations;
  - (e) may confirm, revoke or vary the approval or decision or any condition imposed by the subdivision authority or make or substitute an approval, decision or condition of its own;
  - (f) may, in addition to the other powers it has, exercise the same power as a subdivision authority is permitted to exercise pursuant to this Part or the regulations or bylaws under this Part.

**(2.1)** In the case of an appeal of the deemed refusal of an application under section 653.1(8), the board must determine whether the documents and information that the applicant provided met the requirements of section 653.1(2).

**(2.2)** Subsection (1)(b) does not apply to an appeal of the deemed refusal of an application under section 653.1(8).

...

#### **Approval of application**

**654(1)** A subdivision authority must not approve an application for subdivision approval unless

- (a) the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended,
- (b) the proposed subdivision conforms to the provisions of any growth plan under Part 17.1, any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided,
- (c) the proposed subdivision complies with this Part and Part 17.1 and the regulations under those Parts, and
- (d) all outstanding property taxes on the land proposed to be subdivided have been paid to the municipality where the land is located or arrangements satisfactory to the municipality have been made for their payment pursuant to Part 10.

**(1.1)** Repealed 2018 c11 s13.

**(1.2)** If the subdivision authority is of the opinion that there may be a conflict or inconsistency between statutory plans, section 638 applies in respect of the conflict or inconsistency.

**(2)** A subdivision authority may approve an application for subdivision approval even though the proposed subdivision does not comply with the land use bylaw if, in its opinion,

- (a) the proposed subdivision would not
  - (i) unduly interfere with the amenities of the neighbourhood, or
  - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (b) the proposed subdivision conforms with the use prescribed for that land in the land use bylaw.

**(3)** A subdivision authority may approve or refuse an application for subdivision approval.

---



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.

---



Subdivision Authority

7th Floor, Edmonton Tower  
10111 – 104 Avenue NW  
Edmonton, Alberta T5J 6J4

July 29, 2021

File No. LDA20-0113

RE: Tentative plan of subdivision to create 113 single detached residential lots, one (1) non-credit Municipal Reserve lot, and four (4) Public Utility lots from the NW 33-53-23-W4M, located south of 167 Avenue NE and east of Meridian Street; **RURAL NORTH EAST SOUTH STURGEON**

---

**I The Subdivision by Plan is APPROVED on July 29, 2021, subject to the following conditions:**

1. that the owner provide money in place of Municipal Reserve (MR), in the amount of \$185,816.94 representing 0.752 ha pursuant to Section 666 and Section 667 of the Municipal Government Act;
2. that the owner enter into a Servicing Agreement with the City of Edmonton pursuant to Section 655 of the Municipal Government Act;
3. that the owner prepare the necessary plans and documentation to grant new or carry forward existing easements and restrictive covenants in favour of the City of Edmonton, EPCOR Distribution & Transmission Inc., EPCOR Water Services Inc., and EPCOR Drainage Services, as required by the aforementioned agencies or shown on the engineering drawings that are deemed to be part of the Servicing Agreement;
4. that the owner dedicate, clear and level road right of way for the construction of Meridian Street between 153 Avenue and 167 Avenue, to the satisfaction of Subdivision and Development Coordination, as shown on the "Conditions of Approval" map, Enclosure II. The owner must register a road plan for any required road right-of-way. The owner must contact Christine Whalen (708-508-9248) of subdivision Planning for further information regarding the road plan registration. At the time of engineer drawing review, additional road dedication may not be required if the road upgrades can be accommodated through the existing road right of way along Meridian Street;
5. that the owner enter into a Maintenance Agreement with the City of Edmonton for the maintenance of Meridian Street between 153 Avenue and 167 Avenue until such time that Meridian Street is constructed to an urban arterial roadway. Details of the Agreement, including the responsibilities for each party, will be prepared and administered by City Operations (contact Sherron Hutchings at 780-496-6129 and/or sherron.hutchings@edmonton.ca);
6. that the property lines of the residential lots, flanking the emergency access walkway be modified should it be deemed necessary through the review of engineering drawings and

submission of a detailed Swept Path Analysis, to the satisfaction of Subdivision and Development Coordination, as shown on Enclosure I;

7. that the lots identified be withheld from registration until the temporary turnaround is no longer required as deemed by Subdivision and Development Coordination, as shown on the "Conditions of Approval" map, Enclosure I;
8. that Charter Bylaw 19740 (LDA21-0112) to amend the Edmonton Zoning Bylaw shall be approved prior to the endorsement of the plan of survey;
9. that the owner register a disturbed soil restrictive covenant in favour of EPCOR Water Services Inc. and EPCOR Drainage Services, against the lots flanking the walkways and PUL, as shown on the "Conditions of Approval" map, Enclosure I; and
10. that the owner pay all outstanding property taxes prior to the endorsement of the plan of survey.

**II The Servicing Agreement required in Clause I (2) shall contain, among other things, the following conditions:**

1. that the owner pay all servicing costs, assessments, roadway modification costs (including but not limited to sidewalk, shared use path and/or transit infrastructure), construction costs and inspection costs required by this subdivision;
2. that the owner pay all costs specified in the Servicing Agreement prior to endorsement of the plan of survey;
3. that the owner pay the Drainage Assessments applicable to this subdivision;
4. that the owner pay the Arterial Roadway Assessments applicable to this subdivision;
5. that the owner submits an Erosion and Sediment Control (ESC) Plan specific for this development and for implementation during and after construction in accordance with the City of Edmonton ESC Guidelines and Field Manual;
6. that the owner submits detailed engineering drawings and technical studies in accordance with the City of Edmonton Design and Construction Standards and to the satisfaction of the City Departments and affected utility agencies;
7. that the owner upgrade Meridian Street from 153 Avenue to 161 Avenue to an approved roadway cross section including the required base repair, to the satisfaction of Subdivision and Development Coordination, as shown on the "Conditions of Approval" map, Enclosure II;
8. that the owner upgrade 167 Avenue/Meridian Street to a full urban intersection including, but not limited to, all required turn bays, sidewalks, lighting, landscaping and any transitional improvements, to the satisfaction of Subdivision and Development Coordination, as shown on the "Conditions of Approval" map, Enclosure II;
9. that the owner construct a temporary 3 m shared use path including lighting on Meridian Street from 153 Avenue to 167 Avenue, to the satisfaction of Subdivision and Development Coordination, as shown on the "Conditions of Approval" map, Enclosure II;

10. that the owner provide cash in lieu for the future construction of a 3 m shared use path on the northside of 167 Avenue from the east to west boundary of the parent parcel. The developer must provide a cost estimate for shared use path construction with the submission of engineering drawings to be reviewed by Development Servicing Agreements;
11. that the owner constructs a temporary 12 m radius gravel surface turnaround with bollards or mini-barriers to the satisfaction of Subdivision and Development Coordination, as shown on the "Conditions of Approval" map, Enclosure I. This turnaround will be required prior to Construction Completion Certificate (CCC) for roads (or when required by Subdivision and Development Coordination);
12. that the owner pays for the installation of "no parking" signage on local roadways for emergency vehicle access to the satisfaction of Subdivision and Development Coordination and Fire Rescue Services, as shown on the "Conditions of Approval" map, Enclosure I;
13. that the owner constructs a 3 m hard surface shared use path within the west pipeline Public Utility Lot, with "Shared Use" signage, lighting, and bollards with connection to the sidewalk on 167 Avenue and the existing shared use path to the south of the subdivision, to the satisfaction of Subdivision and Development Coordination, as shown on the "Conditions of Approval" map, Enclosures I and II;
14. that the owner constructs a 3 m hard surface shared use path in the non-credit Municipal Reserve lot including bollards and lighting with connections to the shared use path in the Public Utility Lot, to the satisfaction of Subdivision and Development Coordination, as shown on the "Conditions of Approval" map, Enclosure I;
15. that the owner constructs a 3 m hard surface shared use path in the walkway south of the non-credit Municipal Reserve lot including bollards and lighting, to the satisfaction of Subdivision and Development Coordination, as shown on the "Conditions of Approval" map, Enclosure I;
16. that the owner constructs a 3 m concrete emergency access with lighting, and t-bollards to the satisfaction of Subdivision and Development Coordination, as shown on the "Conditions of Approval" map, Enclosure I. A Swept Path Analysis for fire trucks must be included in the submission of the engineer drawings to ensure functionality;
17. that the owner constructs an offsite sanitary sewer extension, to the satisfaction of EPCOR Water Services Inc., as shown on the "Conditions of Approval" map, Enclosure I;
18. that the owner construct all fences wholly on privately-owned lands, to the satisfaction of Subdivision and Development Coordination, as shown on the "Conditions of Approval" map, Enclosure I; and
19. that the owner is responsible for the landscape design and construction within the Public Utility lots, the non-credit Municipal Reserve lot, road rights of way, and walkways, to the satisfaction of City Departments and affected utility agencies.

Enclosure I and II are maps of the subdivision identifying major conditions of this approval.

Municipal Reserve for the NW 33-53-23-W4M in the amount of \$185,816.94, representing 0.752 ha, is being provided by money in place with this subdivision. Money in place may change dependent upon the final plan of survey.

Non-credit MR for the NW 33-53-23-W4M in the amount of 0.20 ha is being provided with this subdivision. It is determined to be non-credit since it is not developable, does not support any formal parks programming, and has limited ecological value.

Please be advised that the approval is valid for one (1) year from the date on which the subdivision approval is given to the application. An extension beyond that time may be granted by the City of Edmonton.

Please be advised that an appeal may be lodged in accordance to Section 678 of the Municipal Government Act with the Subdivision and Development Appeal Board, 10019 - 103 Avenue NW, Edmonton Alberta, T5J 0G9, within 14 days from the date of the receipt of this decision. The date of receipt of the decision is deemed to be seven (7) days from the date the decision is mailed.

If you have further questions, please contact [subdivisions@edmonton.ca](mailto:subdivisions@edmonton.ca).

Regards,



Blair McDowell  
Subdivision Authority

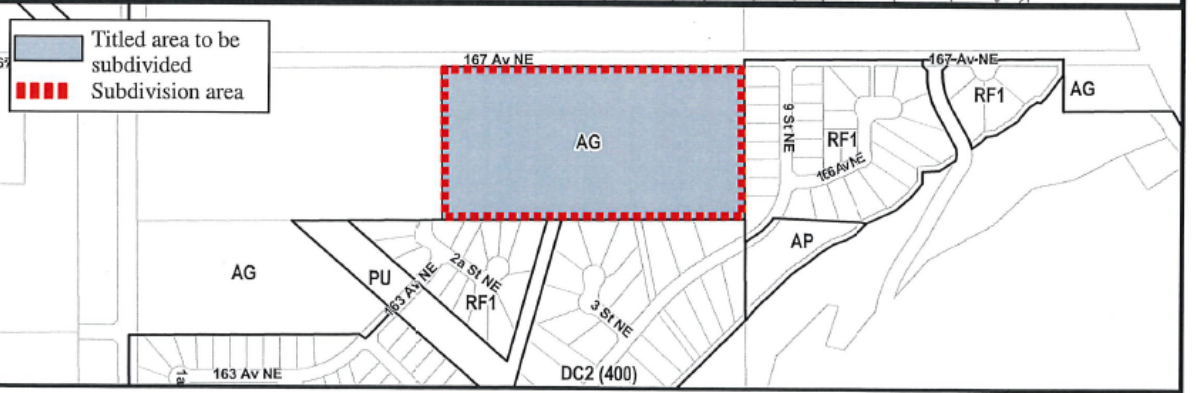
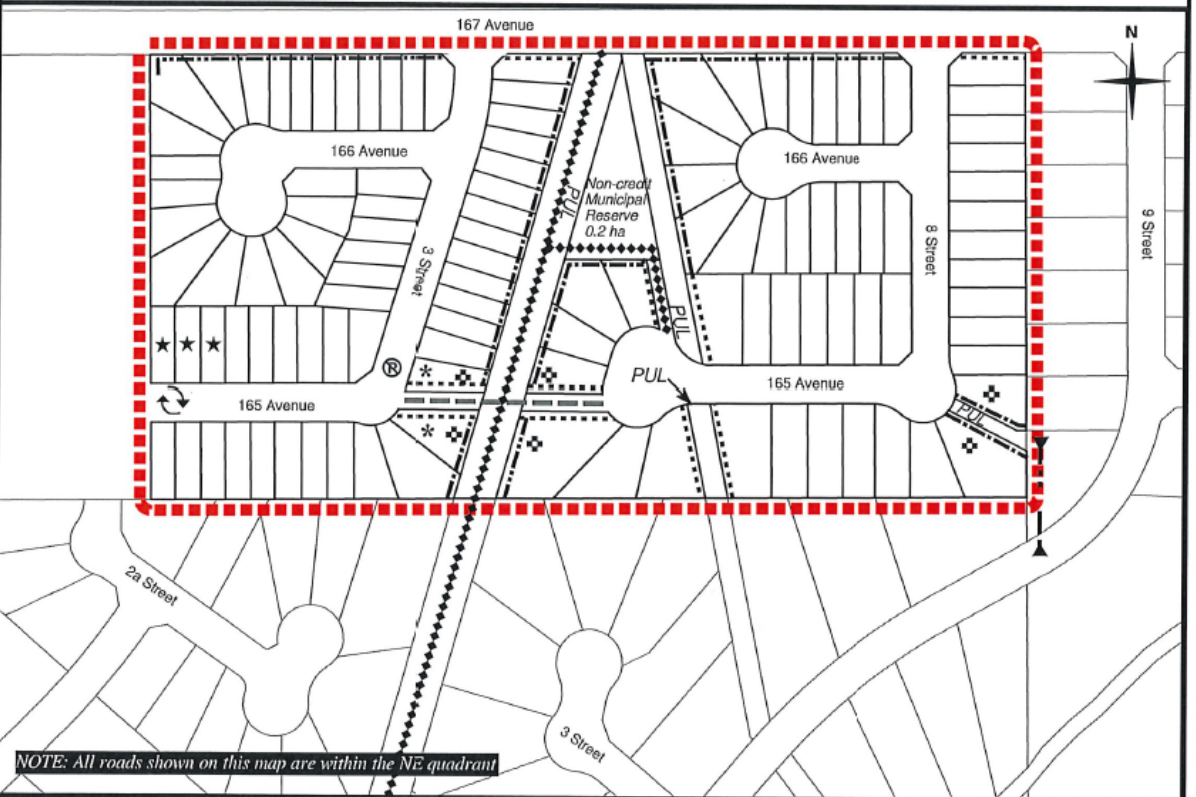
BM/sm/Posse #354972909-001

Enclosure(s)

ENCLOSURE I

SUBDIVISION CONDITIONS OF APPROVAL MAP July 29, 2021 LDA20-0113

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>■■■■ Limit of proposed subdivision</li> <li>— — — Emergency access walkway</li> <li>◆◆◆ 3 m hard surface shared use path</li> <li>■■■ 1.8 m uniform screen fence as per Zoning</li> <li>----- Bylaw 1.8 m uniform screen fence</li> </ul> | <ul style="list-style-type: none"> <li>----- 1.2 m uniform fence</li> <li>* Modify lots if necessary</li> <li>★ Withhold lots from registration</li> <li>Ⓡ No parking signage</li> <li>⊕ Restrictive covenant re: Disturbed Soil</li> <li>↻ Temporary 12 m radius turnaround</li> <li>— — — Sanitary sewer extension</li> </ul> |
|--|---|










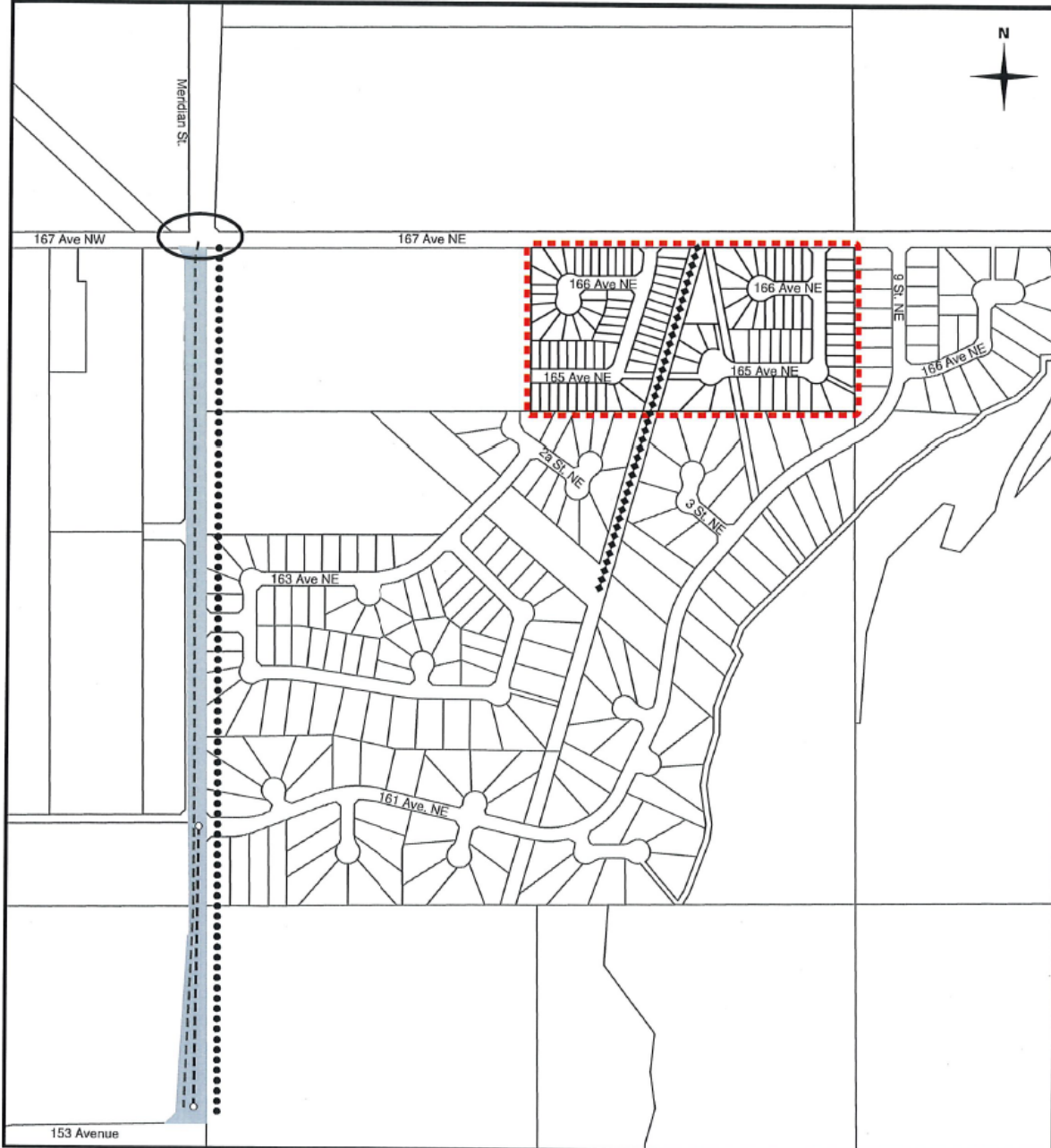
ENCLOSURE II

SUBDIVISION CONDITIONS OF APPROVAL MAP

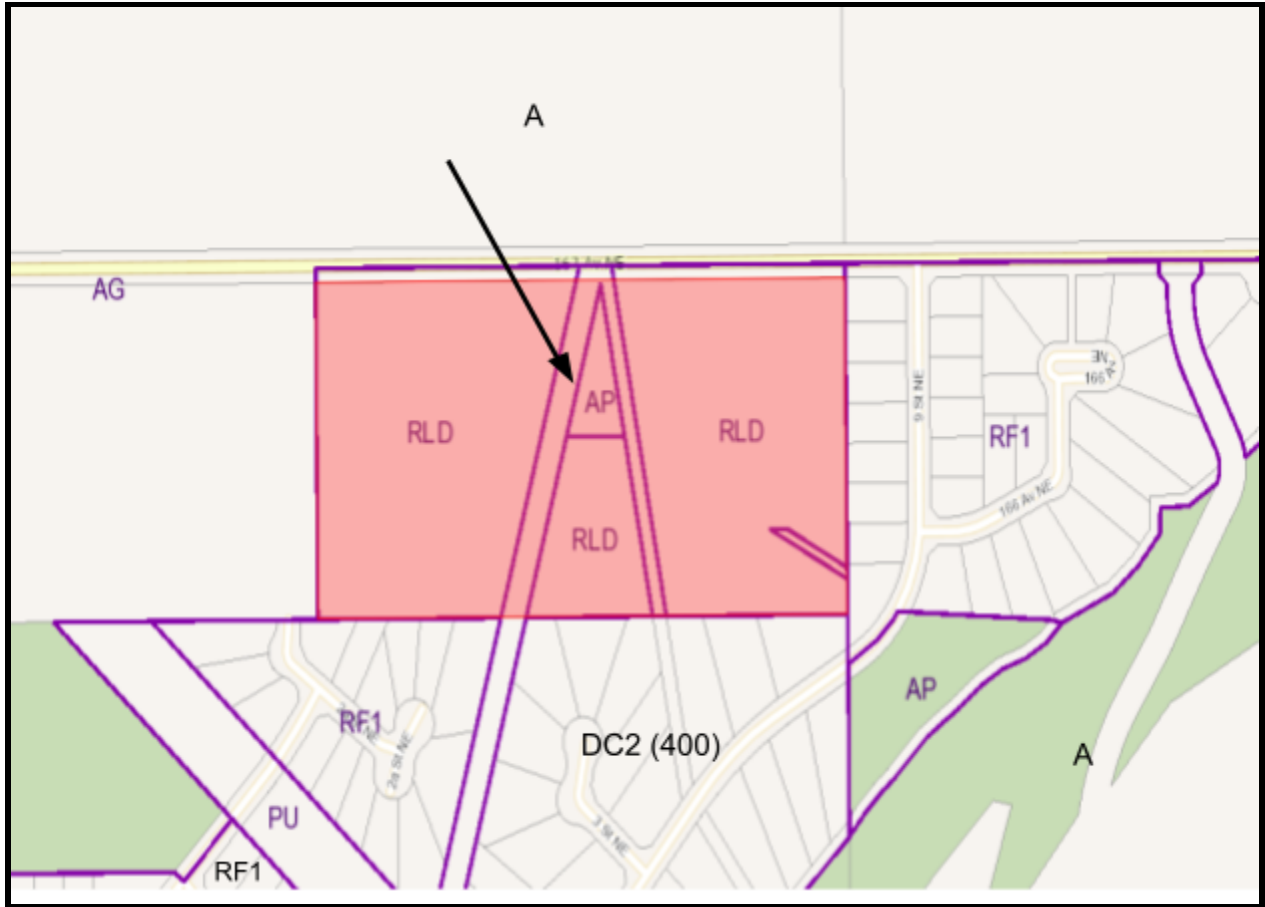
July 29, 2021

LDA20-0113

- |  |   |
|--|---|
|  Limit of proposed subdivision  |  3 m hard surface shared use path  |
|  Dedicate, clear and level road |  Temporary 3m shared use path and lighting                               |
|  Maintenance agreement          |  Full urban intersection upgrade including turn bays and traffic signals |
|  Upgrade to rural roadway       |   |







**SURROUNDING LAND USE DISTRICTS**

Site Location ←

▲  
**N**

File: SDAB-S-21-006