

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
February 12, 2020**

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

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

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I	9:00 A.M.	SDAB-D-20-018	Continue to operate a Cannabis Retail Sales use and to construct interior alterations  10279 – Jasper Avenue NW Project No.: 287607590-006
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II	10:30 A.M.	SDAB-S-20-002	REVISION to conditionally approved tentative plan of subdivision to create 73 single detached residential lots, 66 semi-detached residential lots, one (1) non-credit Municipal Reserve lot, and one (1) multi-unit housing (MHL) lot from Lot B, Plan 2310 TR located south of Mayday Lane SW and west of 91 Street SW; THE ORCHARDS AT ELLERSLIE  3304 - 91 Street SW Project No.: 168014476-001
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**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-20-018

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 287607590-006

APPLICATION TO: Continue to operate a Cannabis Retail Sales use and to construct interior alterations

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 16, 2020

DATE OF APPEAL: January 17, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10279 – Jasper Avenue NW

LEGAL DESCRIPTION: Plan NB Blk 2 Lot 76

ZONE: (CCA) Core Commercial Arts Zone

OVERLAY: Special Area Downtown

STATUTORY PLAN: Capital City Downtown Plan

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***Grounds for Appeal***

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

The original SDAB decision was for a Cannabis Retail development permit application. We have been granted a decision last year that has approved development at this location. However, due to licensing constraints from the AGLC, we were unable to allocate resources to this particular development until the licensing was lifted. Only now have we been able to recover from the setback and begin assigning builders. Based on information from the development authority of Edmonton our SDAB decision will lapse on February 29, 2020. We already have applied for a building permit and are being assigned a file manager. Our projected date of completion for this location will be close to the date that our SDAB approval is will elapse.

Due to the aforementioned facts, we would like to formally request that we be granted 2 weeks grace period to have our development finished, inspected, and licensed city side. This application is also to express that we are choosing to extend the permit, rather than renew the permit for another year. We believe that since the completion date is close, it will be easier to apply for an extension rather than an all out renewal.

Thank you for reading we appreciate your time.

<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.

**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, [...]

**Hearing and Decision**

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

...

- (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 clauses (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 910.5(2)(e), **Cannabis Retail Sales** is a **Permitted Use** in the **(CCA) Core Commercial Arts Zone**.

Under section 7.4(9), **Cannabis Retail Sales** means:

development used for the retail sale of Cannabis that is authorized by provincial or federal legislation. This Use may include retail sales of Cannabis accessories. This Use does not include Cannabis Production and Distribution.

Under section 6.1, **Cannabis** means:

a cannabis plant and anything referred to in subsection (a) of this definition but does not include anything referred to in subsection (b) of this definition:

- a. Cannabis includes:
  - i. any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not, other than a part of the plant referred to in subsection (b) of this definition.
  - ii. any substance or mixture of substances that contains or has on it any part of such a plant;
  - iii. any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.
- b. Notwithstanding subsection (a) of this definition, Cannabis does not include:
  - i. a non-viable seed of a cannabis plant;
  - ii. a mature stalk, without any leaf, flower, seed or branch, of such plant;
  - iii. fibre derived from a stalk referred in subsection (b)(ii) of this definition; and
  - iv. the root or any part of the root of such a plant.

Section 910.5(1) states that the **General Purpose** of the **(CCA) Core Commercial Arts Zone** is:

to provide a Zone for a variety of high density and quality development that accommodates office, retail, service, institutional, residential, arts and entertainment Uses and meet the Use objectives for the Commercial Cultural Core. The intent is to further strengthen the Downtown's central area by providing continuous retail at ground level, enhancing arts and entertainment activities, accommodating Residential Uses and making the Core more pedestrian friendly.

Section 910.1 states that the **General Purpose** of the **Downtown Special Area Zoning Regulations** is:

to designate the Downtown area as a Special Area and to adopt the following land use regulations to achieve the objectives of the Capital City Downtown Plan.

***Section 70 – Cannabis Retail Sales***

1. Any Cannabis Retail Sales shall not be located less than 200 m from any other Cannabis Retail Sales. For the purposes of this subsection only:
  - a. the 200 m separation distance shall be measured from the closest point of the Cannabis Retail Sales Use to the closest point of any other approved Cannabis Retail Sales Use;
  - b. A Development Officer shall not grant a variance to reduce the separation distance by more than 20 m in compliance with Section 11; and
  - c. The issuance of a Development Permit which contains a variance to separation distance as described in 70(1)(b) shall be issued as a Class B Discretionary Development.
  
2. **Any Site containing Cannabis Retail Sales shall not be located less than:**
  - a. **200 m from any Site being used for a public library, at the time of the application for the Development Permit for the Cannabis Retail Sales; and**
  - b. 100 m from any Site being used for Community Recreation Services Use, a community recreation facility or as public lands at the time of application for the Development Permit for the Cannabis Retail Sales.
  
3. For the purposes of subsection 2:
  - a. separation distances shall be measured from the closest point of the subject Site boundary to the closest point of another Site boundary, and shall not be measured from Zone boundaries or from the edges of structures;
  - b. the term “public library” is limited to the collection of literary, artistic, musical and similar reference materials and learning resources in the form of books, electronic files, computers, manuscripts, recordings and films for public use, and does not include private libraries, museums or art galleries.
  - c. the term “community recreation facilities” means indoor municipal facilities used primarily by members of the public to participate in recreational activities conducted at the facilities, as per the Municipal Government Act; and
  - d. the term "public lands" is limited to Sites zoned AP, and Sites zoned A.

4. Subsection 105(3) of the Gaming, Liquor and Cannabis Regulation, is expressly varied by the following:

- a. any Site containing a Cannabis Retail Sales shall not be located less than:

***Public or private education***

- i. 200 m from a Site being used for public or private education, at the time of the application for the Development Permit for the Cannabis Retail Sales;

***Provincial health care facility***

- ii. 100 m from a Site being used for a provincial health care facility at the time of the application for the Development Permit for the Cannabis Retail Sales; and

***School reserve or municipal and school reserve***

- iii. 100 m from a Site designated as school reserve or municipal and school reserve at the time of the application for the Development Permit for the Cannabis Retail Sales.

***Measurement of Separation Distances***

- b. For the purposes of this subsection, separation distances shall be measured from the closest point of the subject Site boundary to the closest point of another Site boundary, and shall not be measured from Zone boundaries or from the edges of structures.

***Sites Greater than Two Hectares***

- c. For Sites that are greater than 2.0 ha in size and zoned either CSC or DC2, that do not contain a public library at the time of application for the Development Permit for the Cannabis Retail Sales:

- i. Subsection 70(2), and 70(4)(a) shall not apply; and
- ii. the distances referred to in Subsection 105(3) of the *Gaming, Liquor and Cannabis Regulation* shall be expressly varied to 0 m.

- d. For the purposes of subsection 70(4)(a)(i), the term "public or private education" means a school as defined in subsection (1)(y)(i) and (1)(y)(ii) of the *School Act (as amended from time to time)*.

5. Notwithstanding Section 11 of this Bylaw, a Development Officer shall not grant a variance to subsection 70(2), 70(3)(a) or 70(4).



**Design Requirements**

6. Cannabis Retail Sales shall include design elements that readily allow for natural surveillance to promote a safe urban environment, where applicable and to the satisfaction of the Development Officer, including the following requirements:
  - a. customer access to the store is limited to a storefront that is visible from the street other than a Lane, or a shopping centre parking lot, or mall access that allows visibility from the interior of the mall into the store;
  - b. the exterior of all stores shall have ample transparency from the street;
  - c. Any outdoor lighting shall be designed to ensure a well-lit environment for pedestrians and illumination of the property; and
  - d. Landscaping shall be low-growing shrubs or deciduous trees with a high canopy at maturity to maintain natural surveillance.

**Development Officer’s Determination**


**The proposed Cannabis Retail Sales does not comply with the minimum setback requirement from a public library (Edmonton Public Library - Enterprise Square Branch) (Section 70.2):**

**Required Setback: 200 m  
 Proposed Setback: 31 m  
 Deficient by 169 m**

**Under Section 70.5 of the Zoning Bylaw, the Development Officer is prohibited from granting a variance to the minimum setback to allow for the proposed Cannabis Retail Store. [unedited]**

***Previous Subdivision and Development Appeal Board Decision***

<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
SDAB-D-19-012	To change the Use of a General Retail Store to a Cannabis Retail Store	February 13, 2019; Appeal allowed. Decision of the Development Officer Revoked. The Development is Approved.

	Project Number: <b>287607590-006</b> Application Date: DEC 05, 2019 Printed: January 16, 2020 at 11:21 AM Page: 1 of 2			
<h2 style="margin: 0;">Application for Major Development Permit</h2>				
This document is a Development Permit Decision for the development application described below.				
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 10279 - JASPER AVENUE NW Plan NB Blk 2 Lot 76			
	<b>Specific Address(es)</b> Suite: 101, 10275 - JASPER AVENUE NW Entryway: 10275 - JASPER AVENUE NW Building: 10275 - JASPER AVENUE NW			
<b>Scope of Application</b> To continue to operate a Cannabis Retail Sales use and to construct interior alterations.				
<b>Permit Details</b>				
Class of Permit: Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: Downtown			
I/We certify that the above noted details are correct. Applicant signature: _____				
<b>Development Application Decision</b> Refused  <b>Issue Date:</b> Jan 16, 2020 <b>Development Authority:</b> WELCH, IMAI  <b>Reason for Refusal</b> The proposed Cannabis Retail Sales does not comply with the minimum setback requirement from a public library (Edmonton Public Library - Enterprise Square Branch) (Section 70.2):  Required Setback: 200 m Proposed Setback: 31 m Deficient by 169 m  Under Section 70.5 of the Zoning Bylaw, the Development Officer is prohibited from granting a variance to the minimum setback to allow for the proposed Cannabis Retail Store.				
<b>Rights of Appeal</b> The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.				
<b>Fees</b>				
	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Major Dev. Application Fee	\$0.00			
<b>THIS IS NOT A PERMIT</b>				



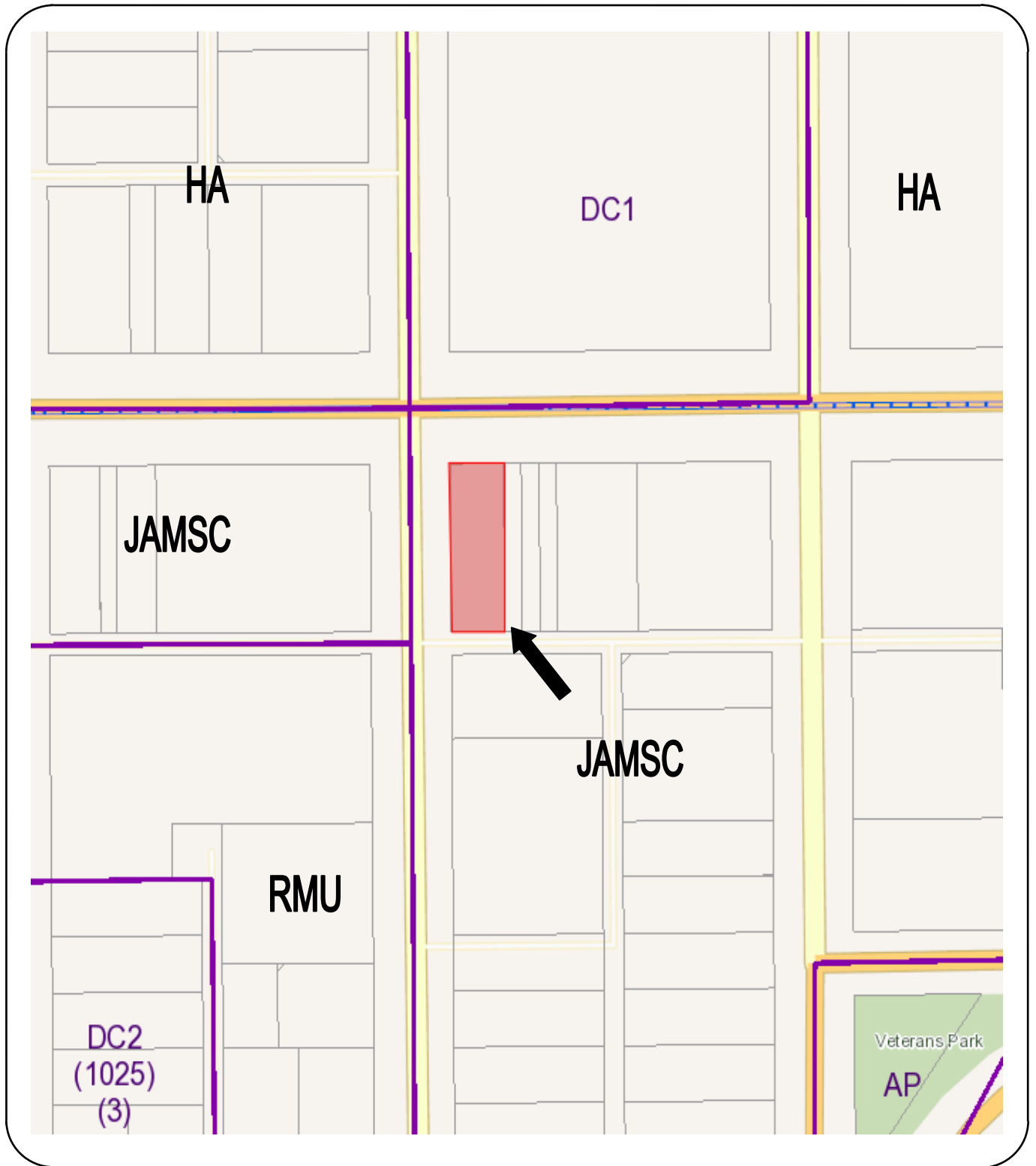
## Application for Major Development Permit

Project Number: **287607590-006**  
Application Date: DEC 05, 2019  
Printed: January 16, 2020 at 11:21 AM  
Page: 2 of 2

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Total GST Amount:	\$0.00			
Totals for Permit:	\$0.00	\$0.00		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-20-018



ITEM II: 10:30 A.M.

FILE: SDAB-S-20-002

AN APPEAL FROM THE DECISION OF THE SUBDIVISION AUTHORITY

APPELLANT:

APPLICATION NO.: 168014476-001

APPLICATION TO: REVISION to conditionally approved tentative plan of subdivision to create 73 single detached residential lots, 66 semi-detached residential lots, one (1) non-credit Municipal Reserve lot, and one (1) multi-unit housing (MHL) lot from Lot B, Plan 2310 TR located south of Mayday Lane SW and west of 91 Street SW; THE ORCHARDS AT ELLERSLIE

DECISION OF THE SUBDIVISION AUTHORITY: Approved with conditions

DECISION DATE: January 9, 2020

DATE OF APPEAL: January 21, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 3304 - 91 Street SW

LEGAL DESCRIPTION: Plan 2310TR Lot B

ZONE(S): (AP) Public Parks Zone  
(RA7) Low Rise Apartment Zone  
(RF4) Semi-Detached Residential Zone  
(RSL) Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN(S): Ellerslie Area Structure Plan  
The Orchards at Ellerslie Neighbourhood Structure Plan

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***Grounds for Appeal***

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

-On behalf of Carrington Orchards Development Ltd. (Owner), we are appealing Clause II (Item No. 13) which states the following: "that a Final Acceptance Certificate (FAC) for storm sewers will not be issued until such time as the downstream permanent storm sewer systems are completed and operational to the satisfaction of Subdivision and Development Coordination"

-We are requesting that this clause being re-worded to state the following "that a Final Acceptance Certificate (FAC) for storm sewers will not be issued until such time as the downstream INTERIM storm sewer systems are completed and operational to the satisfaction of Subdivision and Development Coordination.

-Justification for appeal: The "downstream permanent storm sewer system" for which the current clause is referring to, requires the full build out of Basin 18 SWMF, and the installation of approximately 850m of Storm Sewer. Since 2017, Carrington Orchards Development and Rohit Land at Summerside Orchards (Developers for Stage 20/22) have been unable to complete these listed improvements due to a Non-Cooperating landowner to the West of Orchards Stage 22, who is preventing these installations to occur through their land. Select Engineering has been in discussions with the City since 2017 on this very issue, and through much dialogue, the City has recently approved a "Redline" drawing submission for an INTERIM Storm Sewer System for Orchards Stage 20/22. This eliminates the requirement for Rohit/Carrington to complete the full Basin 18 SWMF Build Out and Interconnecting Pipe installation as part of their Servicing Agreement obligations with the City.

- On a meeting between Select Engineering, Carrington Development, Rohit Communities, the City of Edmonton (Drainage Planning, Development Engineering and Drawing Review, Development Coordination), it was requested by Select Engineering the City issue an FAC on the Interim SWMF once the CCC warrantee period has expired, thus relieving Rohit/Carrington of ongoing maintenance for this facility. The City responded as follows: "This requires further discussion with EPCOR Drainage if they agree with issuing FAC as they would ultimately be responsible for ownership and maintenance"

-To our knowledge, Clause II (Item No. 13) of LDA15-0099 was made by the City of Edmonton without EPCOR Drainage consultation, and is restricting Carrington (and all other Developers in the Basin) from obtaining an FAC on the "Sanitary and Storm Sewer System" until the permanent Storm Sewer System is constructed and fully operational.....which is completely out of the Developers control. Furthermore, the City of Edmonton Transportation department will not issue an FAC for the "Roads, Sidewalk, Curb and Gutter" until such time that the Sanitary and Storm Sewers have been FAC'd. This will restrict each Developer from be able to have the requires Securities reduced for every development within the Basin.

-We request that EPCOR Drainage be consulted, and Clause II (Item No. 13) be re-worded as per above.

***General Matters***

**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 Municipal Government Board
  - (i) if the land that is the subject of the application is within the Green Area as classified by the Minister responsible for the Public Lands Act,
  - (ii) if the land that is the subject of the application 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, or

- (iii) in any other circumstances described in the regulations under section 694(1)(h.2),

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), “adjacent land” and “owner” have the same meanings as in section 653.

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

- (a) must act in accordance with any applicable ALSA regional plan;
- (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.

**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.

***Previous Subdivision and Development Appeal Board Decision***

<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
SDAB-S-17-006	To create 99 single detached residential lots, 168 semi-detached residential lots, two (2) Municipal Reserve (non-credit) lots, one (1) multiple family residential lot and three (3) Public Utility Lots	November 30, 2017; The appeal was denied and the decision of the Subdivision Authority Confirmed. The subdivision is Granted as approved by the Subdivision Authority, subject to conditions.



Subdivision Authority

7th Floor, Edmonton Tower  
10111 – 104 Avenue NW  
Edmonton, Alberta T5J 0J4

January 9, 2020

File No. LDA15-0099

RE: REVISION to conditionally approved tentative plan of subdivision to create 73 single detached residential lots, 66 semi-detached residential lots, one (1) non-credit Municipal Reserve lot, and one (1) multi-unit housing (MHL) lot from Lot B, Plan 2310 TR located south of Mayday Lane SW and west of 91 Street SW; **THE ORCHARDS AT ELLERSLIE**

This application has revised the number of single detached residential lots from 97 to 106. This is the first revision to this subdivision. Since the original approval, Orchards Stage 22A (Phase I), containing 33 single detached residential lots, 102 semi-detached residential lots, one (1) Municipal Reserve (non-credit) lot, and three (3) Public Utility lots has been registered. Please note that the original approval described 99 single detached residential lots in the subject line. The correct amount was 97.

**I The Subdivision by Plan is APPROVED on January 9, 2020, subject to the following conditions:**

1. that the owner provide money in place of Municipal Reserve (MR), in the amount of \$357,125.00 representing 0.689 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 LDA19-0412 to amend the Edmonton Zoning Bylaw shall be approved prior to the endorsement of the plan of survey;
5. 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 walkway, as shown on the "Conditions of Approval" map, Enclosure I; and
6. 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:**

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 shall submit redline revisions or resubmit engineering drawings, subject to the extent of the proposed revisions, to the satisfaction of Development Servicing Agreements;
8. that the engineering drawings include a driveway plan for the side driveways to the flanking road, to the satisfaction of Subdivision and Development Coordination, as shown on the "Conditions of Approval" map, Enclosure I;
9. that the owner constructs a 3 m hard surface shared use path with "Shared Use" signage, lighting, and bollards, within the non-credit MR lot, to the satisfaction of Subdivision and Development Coordination, as shown on the "Conditions of Approval" map, Enclosure I;
10. that the owner constructs a 1.8 m concrete sidewalk with lighting, and bollards, within the walkway, to the satisfaction of Subdivision and Development Coordination, as shown on the "Conditions of Approval" map, Enclosure I;
11. 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;
12. that the owner remove, level, topsoil, and seed the closed portion of the 91 Street SW government road allowance with Phase 2, to the satisfaction of Subdivision and Development Coordination;
13. that a Final Acceptance Certificate (FAC) for storm sewers will not be issued until such time as the downstream permanent storm sewer systems are completed and operational to the satisfaction of Subdivision and Development Coordination;
14. that the owner is responsible for the disposal of any stormwater flow generated from the proposed development, at their own cost, until such time that the ultimate Orchards Storm

Outfall and interconnected pipe is completed and operational to the satisfaction of Subdivision and Development Coordination;

15. 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
16. that the owner is responsible for the landscape design and construction within the non-credit Reserve lot, road rights of way, and walkway to the satisfaction of City Departments and affected utility agencies.

Enclosure I is a map of the subdivision identifying major conditions of this approval.

The owner will provide money in place of Municipal Reserve (MR), in the total amount of \$840,294.00, representing 1.62 ha pursuant to Section 666 and Section 667 of the Municipal Government Act.

Municipal Reserve (MR) for Lot B, Plan 2310 TR in the amount of \$483,169.00, representing 0.932 ha, was provided by money in place with Phase 1 of this subdivision.

Municipal Reserve (MR) for Lot B, Plan 2310 TR in the amount of \$357,125.00, representing 0.689 ha, will be provided by money in place with Phase 2 of this subdivision. Money in place may change dependent upon final plan of survey.

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).

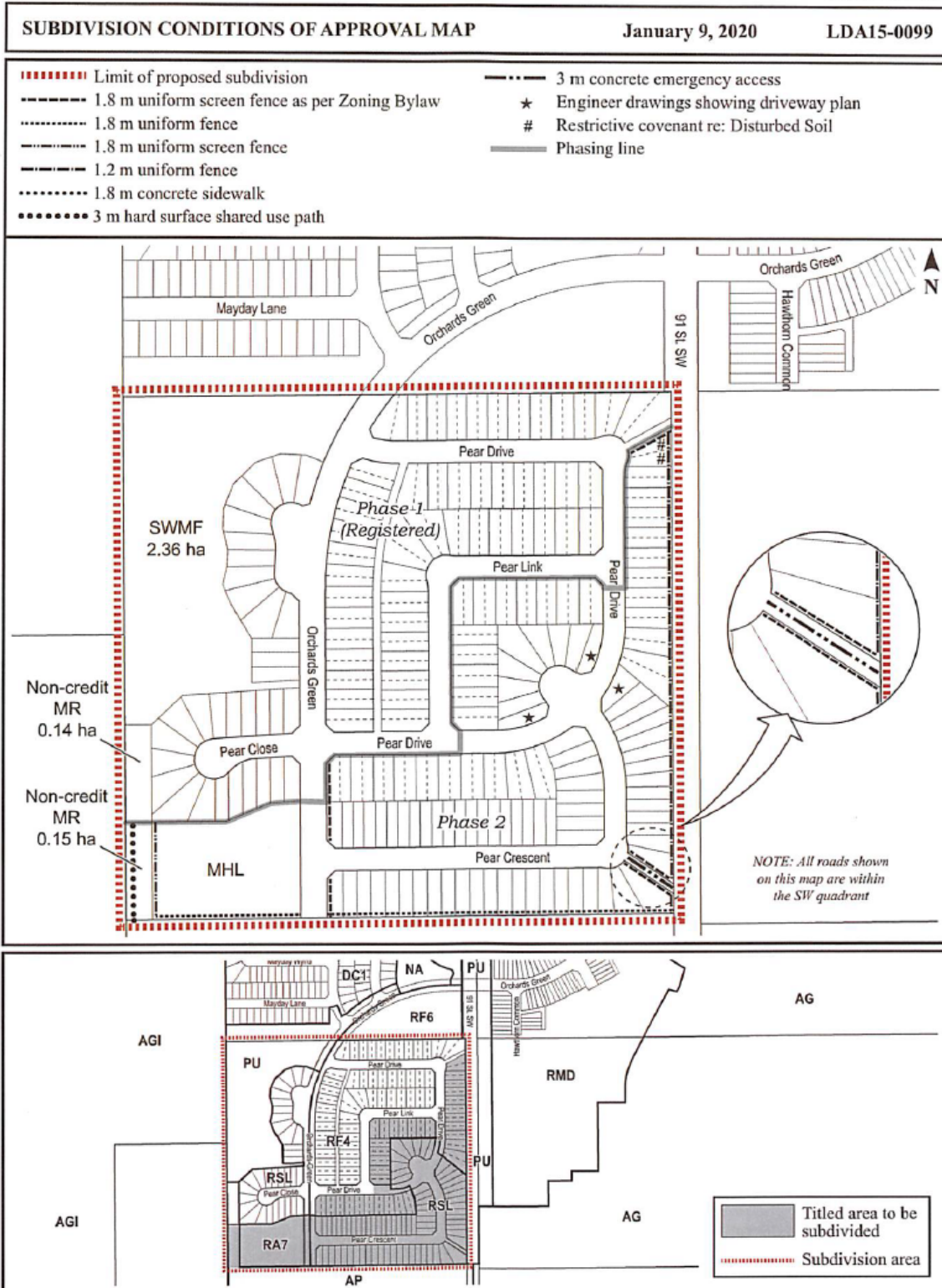
Regards,

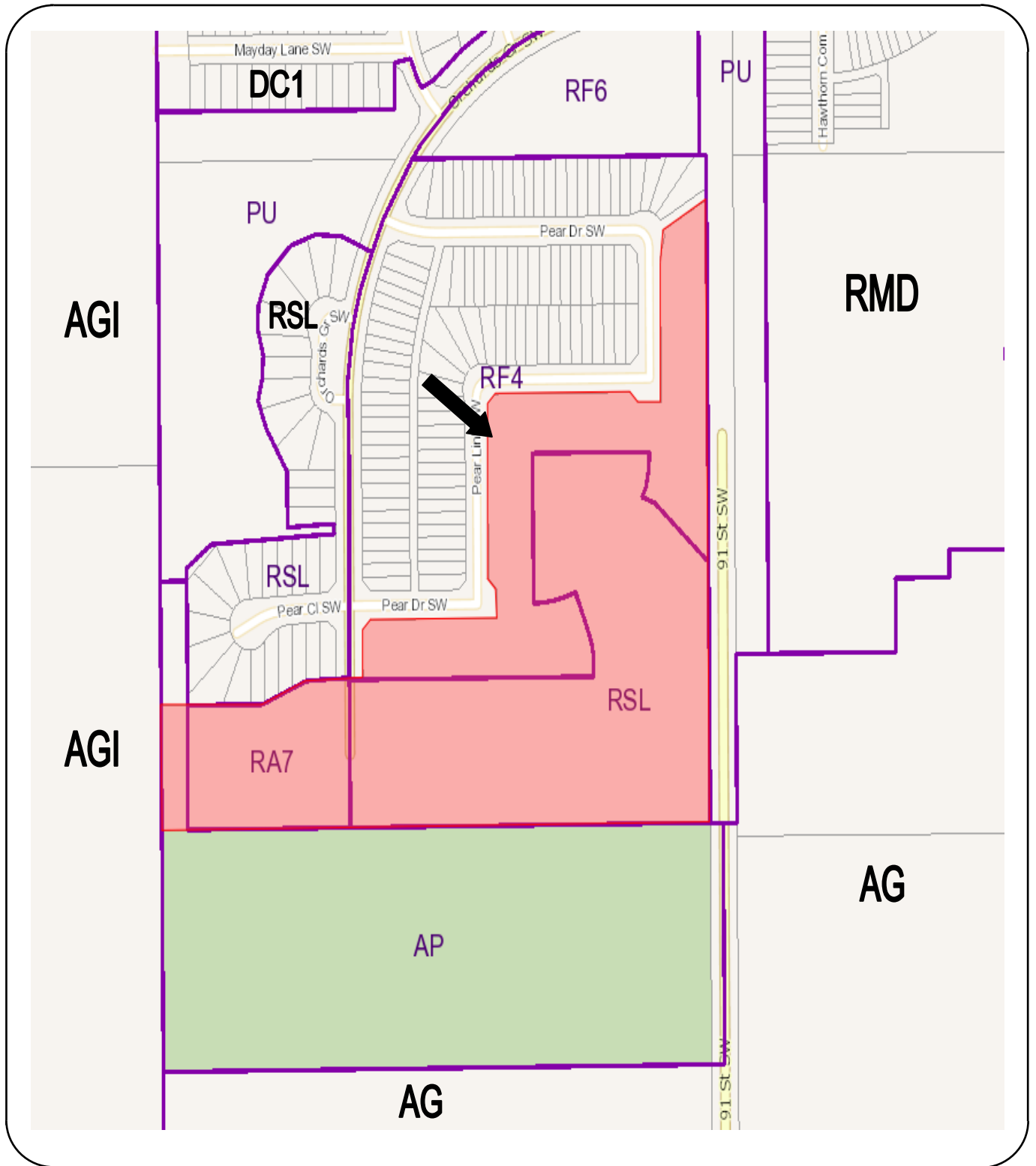


Blair McDowell  
Subdivision Authority

BM/tn/Posse #168014476-001

Enclosure(s)





**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-S-20-002

