

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Friday, 9:00 A.M.
February 13, 2026**

**River Valley Room
City Hall, 1 Sir Winston Churchill Square**

SUBDIVISION AND DEVELOPMENT APPEAL BOARD
RIVER VALLEY ROOM

I 9:00 A.M. SDAB-D-26-028

To construct a Residential building (Supportive Housing with 60 Dwellings) with an underground parkade

10520 - 112 Avenue NW
Project No.: 619823658-002

II 10:30 A.M. SDAB-S-26-001

Tentative plan of subdivision to create one (1) "Other" lot and one (1) remnant lot from Lot 1, Plan 1423 RS, located south of 41 Avenue SW and east of 91 Street SW; EDMONTON SOUTH CENTRAL EAST

4105 - 91 Street SW
Project No.: 584694062-001

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-26-028AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 619823658-002

APPLICATION TO: Construct a Residential building (Supportive Housing with 60 Dwellings) with an underground parkade

DECISION OF THE
DEVELOPMENT AUTHORITY: Approved with ConditionsDECISION DATE: **December 15, 2025**DATE OF APPEAL: **January 15, 2026**

RESPONDENT:

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 10520 - 112 Avenue NW

LEGAL DESCRIPTION: Plan 686HW Blk 5A Lots 1-5

ZONE: RM - Medium Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: North Central District Plan

Grounds for Appeal

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

URGENT: REQUEST FOR LEAVE TO APPEAL OUT OF TIME

I respectfully request a two-day extension to file my appeal against the development at 10520 106 Street. The appeal deadline was January 13, 2025, and I acknowledge that this request is submitted on January 15, 2025. I apologize for the delay and provide the following reasons:

1. Difficulty in Obtaining Accurate Information from the Developer:

The parties responsible for the development refused to provide key documents, including the site plan and shadow studies. Without these, I was unable to fully assess the development's impact within the appeal period.

2. Delays in Accessing City Records:

I was advised by City staff that obtaining development plans through formal records requests would take approximately one montha timeline exceeding the standard appeal period. This made it impossible to rely on this official channel for timely information. As noted in Section 686 of theMGA, an appellant must state the reasons for the appeal. It was impossible to formulate proper reasons without access to the fundamental documents. This administrative processing time exceeds the standard appeal period, creating a practical impossibility for compliance.

3. Inconsistent and Incomplete Information from City Staff: In an effort to obtain site plan details, I contacted City Development Planner, Mr. Kirk Bacon, who initially provided certain building dimensions. However, in a follow-up call, he corrected one of these dimensions, the south portion of the building from 35 meters to 28 meters. Despite a request for clarification and additional measurements, I did not receive a callback.

4. Time Required to Independently Analyze Impacts: Given the lack of official documents, I relied on the information provided by Mr. Bacon to create a SketchUp model of the proposed 16-meter-tall structure to assess shadow impacts on my property at 11223 106 street. This process required additional time to research and obtain accurate sun azimuth and elevation data to calculate shadow lengths.

5. Holiday Closure of City Offices:

The Christmas holidays made it impossible to contact City staff or obtain assistance during a critical period, further compressing the already limited statutory appeal window.

Legal Grounds for Granting an Extension:

The Municipal Government Act, RSA 2000, c M-26, emphasizes fairness in municipal decision-making. Additionally, courts and tribunals often allow extensions where a party has been materially hindered by circumstances beyond their control, particularly where:

Information necessary to formulate the appeal was withheld or difficult to obtain;

The delay is minimal and does not prejudice the other party

The appeal raises serious issues of substance that are in the public interest to hear.

The appellant has acted diligently; and

There is a reasonable explanation for the delay.

Denying a hearing on a technicality would allow a development with potentially significant adverse impacts to proceed unchallenged, contrary to the public interest in proper planning and the protection of neighboring landowners' rights.

I humbly request that the SDAB:

Grant an extension of time to file this appeal.

Grant leave for the appeal to be heard on its merits.

Schedule a hearing for the substantive issues of shadow, privacy, and massing.

I respectfully ask the Board to exercise its discretionary authority to accept my appeal, which I include with this request to avoid any further delays.

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 the decision in accordance with subsection (2.1).

...

(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).

(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).

Appeals

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

(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 any applicable 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 Zoning Bylaw 20001:

Under section 2.40.2.2, a **Residential Use** is a **Permitted Use** in the **RM - Medium Scale Residential Zone**.

Under section 8.10, a **Residential Use** means:

a development where a building or part of a building is designed for people to live in. The building contains 1 or more Dwellings or 1 or more Sleeping Units.

This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

Under section 8.20, **Supportive Housing** means:

a building, or part of a building, containing 1 or more Sleeping Units or Dwellings that provide accommodations and on-Site or off-Site social, physical, or mental health supports to ensure an individual's daily needs are met.

Under section 8.20, **Dwelling** means:

a self-contained unit consisting of 1 or more rooms used as a bedroom, bathroom, living room, and kitchen. The Dwelling is not intended to be moveable, does not have a visible towing apparatus or visible undercarriage, must be on a foundation, and connected to utilities.

Section 2.40.1 states that the **Purpose of the RM - Medium Scale Residential Zone** is:

To allow for multi-unit Residential development that ranges from approximately 4 to 8 Storeys and may be arranged in a variety of configurations. Single Detached Housing, Semi-detached Housing, and Duplex Housing are not intended in this Zone unless they form part of a larger multi-unit Residential development. Limited opportunities for community and commercial development are permitted to provide services to local residents.

Landscaping - Minimum Plant Sizes and Ratio of Deciduous to Coniferous Plants

Section 5.60.6.1 states:

6.1. New trees and shrubs must comply with the following:

...

6.1.5. The proportion of deciduous to coniferous trees and shrubs must be as close to 50:50 as reasonably practicable.

...

Development Planner's Determination

1) **Proportion of deciduous to coniferous trees - approximately 28% of the required onsite trees are coniferous instead of approximately 50% (5.60.6.1.5).**

[unedited]

Landscaping for all Other Development

Section 5.40.4.1 states:

4.1. Trees and shrubs for all development not regulated in Subsection 3.1 must comply with Table 4.1:

Table 4.1. Minimum Trees and Shrubs

Subsection	Measure	Minimum Tree and Shrub Requirements
All development, excluding development:		
<ul style="list-style-type: none"> - regulated in Subsection 3.1 and Backyard Housing; - on a Site in the AG, AJ, FD, PS, or PSN Zone; or - on a Site in a River Valley Special Area Zone 		
4.1.1	Total Setback area, calculated based on the Setbacks at ground level	1 tree and 2 shrubs per 30.0 m ²

Under section 8.20, **Setback** means “the distance that a development, or a specified portion of a development, must be from a Lot line. A Setback is not a Yard. A Setback only applies to development on or above ground level.”

Development Planner's Determination

2) Landscaping within the Front Setback along 106 Street - zero trees and 40 shrubs are proposed within the Front Setback instead of a minimum of 3 trees and 7 shrubs (5.60.4.1.1).

[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.

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<h2 style="margin: 0;">Development Permit</h2>			
<p>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 Zoning Bylaw as amended.</p>			
Applicant	Property Address(es) and Legal Description(s) 10520 - 112 AVENUE NW Plan 686HW Blk 5A Lots 1-5		
Specific Address(es) Entryway: 10520 - 112 AVENUE NW Building: 10520 - 112 AVENUE NW			
Scope of Permit To construct a Residential building (Supportive Housing with 60 Dwellings) with an underground parkade.			
Details <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;"> Development Category: Discretionary Development Lot Grading Needed?: Y NumberOfMainFloorDwellings: 0 Site Area (sq. m.): 2852.23 </td> <td style="width: 50%; padding: 2px;"> Gross Floor Area (sq. m.): 5320.4 New Sewer Service Required: N Overlay: Statutory Plan: </td> </tr> </table>		Development Category: Discretionary Development Lot Grading Needed?: Y NumberOfMainFloorDwellings: 0 Site Area (sq. m.): 2852.23	Gross Floor Area (sq. m.): 5320.4 New Sewer Service Required: N Overlay: Statutory Plan:
Development Category: Discretionary Development Lot Grading Needed?: Y NumberOfMainFloorDwellings: 0 Site Area (sq. m.): 2852.23	Gross Floor Area (sq. m.): 5320.4 New Sewer Service Required: N Overlay: Statutory Plan:		
Development Permit Decision Approved Issue Date: Dec 15, 2025 Development Authority: BACON, KIRK			
Subject to the Following Conditions <ol style="list-style-type: none"> 1) This Development Permit is NOT valid until the notification period expires as specified Section 7.190. 2) This Development Permit authorizes the development of a Residential building (Supportive Housing with 60 Dwellings) with an underground parkade. The development shall be constructed in accordance with the stamped and approved drawings. 3) WITHIN 14 DAYS OF THE END OF THE NOTIFICATION PERIOD WITH NO APPEAL and prior to any demolition or construction activity, the applicant must post on-site a development permit notification sign (Subsection 7.160.2.2). 4) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Lot Grading Fee of \$490.00. 5) Outdoor lighting must: be arranged, installed, and maintained to minimize glare and excessive lighting, and to deflect, shade, and focus light away from surrounding Sites to minimize Nuisance; generally be directed downwards, except where directed towards the Site or architectural features located on the Site; be designed to provide an appropriately-lit environment at building entrances, outdoor Amenity Areas, parking facilities, and Pathways; and not interfere with the function of traffic control devices (Subsection 5.120.3). 6) Waste collection areas, open storage areas, and outdoor service areas, including loading, unloading, or vehicle service areas, must be screened from view from Abutting Streets with a Landscape Buffer that has a minimum Height of 1.8m (Subsection 5.60.4.7). 7) All mechanical equipment, except for Solar Collectors, must be concealed by screening in a manner compatible with the architectural character of the building or by incorporating it within the building (Subsection 5.120.1.1.2). 8) The Bicycle parking must be provided in accordance with Subsection 5.80.8. 			
<small>P0702003</small>			



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9) The rear parking area must be Hard Surfaced (Subsection 5.80.5.7).

Transportation:

10) The existing approximate 4.3m curb dropped to 112 Avenue located west of the north-south alley, must be removed with reconstruction of the curb and gutter and restoration of the grassed boulevard within the road right-of-way to the City of Edmonton Complete Streets Design and Construction Standards.

The owner/applicant must obtain a Permit to remove and fill in the private driveway access, available from Development Services, developmentpermits@edmonton.ca.

11) Removal of the existing sidewalk connector located approximately 17m south of the north property line on 106 Street must be removed and the boulevard restored;

12) Removal of the existing sidewalk connector located on 112 Avenue east of 106 Street must be removed and the boulevard restored;

13) The proposed access from the site to the north-south alley is acceptable to Subdivision Planning and Development Coordination. Any modification to this proposed access requires the review and approval of Subdivision and Development Coordination.

14) Any underground parking access card devices must be located on site, a minimum of 3m inside the property line.

15) The underground driveway ramp at a width of 7.5m must not exceed a slope of 10% for a minimum distance of 5m inside the property line and the ramp must be at grade at the property line.

16) The proposed retaining wall bordering the underground driveway/parkade ramp, must not exceed a height of 0.3m for a distance of 3m from the property line and no portion of the wall may encroach onto road right-of-way. Should the owner/applicant wish to increase this height, adequate sight line data must be provided to ensure vehicles can exit safely.

17) Onsite sidewalks must be developed as accessible and hard-surfaced and must connect the building entrances to the public sidewalks, shared use paths, transit stops, parking areas and public amenity areas and to meet Section 5.80 of Zoning Bylaw 20001.

18) Permanent objects including concrete steps, ramps, retaining walls, railings, fencing, 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.

19) Any alley, sidewalk or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Development Inspections, as per Subsection 7.150.5.6 of the Zoning Bylaw. All expenses incurred for repair are to be borne by the owner. The applicant is responsible to contact Trevor Singbeil of Development Inspections at 780-496-7019 for an onsite inspection 72 hours prior to and following construction of the access.

20) Prior to construction the project must apply for a Public Tree Permit for all trees on City of Edmonton property within 5m of the construction site or active haul route. These trees will require tree protection and possibly anti-compaction methods prior to construction as per Public Tree Bylaw 18825. For more information on City of Edmonton Tree Protection, please visit <https://www.edmonton.ca/treepermits>. If tree damage occurs, remediation or removal will be enforced and shall be covered by the proponent as per the Corporate Tree Management Policy (C456C) and Public Tree Bylaw 18825. This includes compensation for tree value on full or partial tree loss as well as operational and administrative fees.

21) Please be advised that Elm trees have been identified within proximity to the proposed project. Elm pruning is prohibited from April 1 to September 30, annually to prevent the spread of Dutch Elm disease as per the Community Standards Bylaw 14600. All pruning requests for these trees should be made from October 1 and March 31. Any pruning requests outside of October 1st - March 31st are subject to the approval of an Elm pruning permit. Elm wood should not be stored on site and disposed of properly as per the Agricultural pests ACT and pest and nuisance control regulations. More information can be found at <https://www.alberta.ca/dutch-elm-disease-responsibilities-and-authority>



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22) All costs associated with the removal, replacement, pruning, remediation or transplanting of trees shall be covered by the Proponent as per the Corporate Tree Management Policy (C456C). Forestry will schedule and carry out all required tree work involved with this project. Please contact 311 to be connected with Urban Forestry to arrange a meeting. Contact to Urban Forestry must be made a minimum 4 weeks in advance of the construction start date in order facilitate tree work. All trees must be protected until removal plans are approved and being actively coordinated by the project with Urban Forestry.

23) No new above-ground permanent structure shall be placed in such a way to limit a tree's structural root plate or the structural integrity of any tree that is existing within the intended construction work zone. A minimum distance of 3 metres must be initiated and maintained from any existing tree in relation to the placement of any above ground permanent structure, which includes ground disturbance for installation, driveways and sidewalk connectors.

23) Urban Forestry will not support the removal of large limbs if a significant portion of that tree is conditionally affected or lost because of the construction of the building (i.e. greater than 30% of its entire existing canopy or root zone). Please ensure that the proposed building footprint is reviewed in conjunction with the surrounding tree canopy to identify and mitigate these conflicts.

Epcor Water:

24) Prior to the release of drawings for Building Permit review (except for Building Permits for demolition, excavation, or shoring), an Infill Fire Protection Assessment (IFPA) conducted by Edmonton Fire Rescue, Fire Protection Engineer, must be completed.

- The proposed development must comply with any requirements identified in the IFPA.
- Should the IFPA determine that upgrades to the municipal fire protection infrastructure are required, the owner must enter into a Servicing Agreement with the City for construction of those improvements or alternatively the owner can contact EPCOR to explore the option of having EPCOR complete the work at the owner's expense. The Servicing Agreement with the City or EPCOR must be entered into prior to the release of drawings for Building Permit review.

25) There is an existing hydrant (H21195) located on the east side of 106 Street adjacent to the west property line of the subject site. This hydrant must be protected during construction as per Drawing WA-004-004 of the City of Edmonton Design and Construction Standards Volume 4 (April 2021) and access to the hydrant must not be impeded for firefighting purposes. Excavation cannot occur closer than 3m from back of hydrant in order to prevent compromising the existing thrust block. Contact EPCOR Water Asset Protection at waterassetprotection@epcor.com prior to commencing excavation and set up an on-site meeting to confirm the requirements to protect both the water infrastructure and the integrity of the excavation.

Landscaping:

26) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner must pay a Development Permit Inspection Fee of \$560.00 (this can be paid by phone with a credit card - 780-442-5054).

27) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, in accordance with Section 5.60 the applicant or property owner must provide a guaranteed security for \$61,914.74 to ensure 100% of the minimum landscaping is provided and maintained for two growing seasons. The Landscape Security may take the following forms:

- Cheque
- Irrevocable letter of credit
- Development bond

Please contact dplandscaping@edmonton.ca to submit the required Landscape Security.

28) Landscaping must be installed in accordance with the approved Landscape Plan, Section 5.60, and to the satisfaction of the Development Planner.

29) Any change to an approved Landscape Plan requires the approval of the Development Planner prior to the Landscaping being installed.

30) Landscaping must be installed within 12 months of receiving the Final Occupancy Permit. Landscaping must be maintained

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<p>in a healthy condition for a minimum of 24 months after the landscaping has been installed, to the satisfaction of the Development Planner (Section 5.60.9). To request a landscape inspection, visit www.edmonton.ca/landscapeinspectionrequest.</p> <p>31) If at the time of the first landscape inspection the required landscaping has been fully installed, up to 80% of the Landscape Security may be returned. 20% must be retained to ensure landscaping is maintained in a healthy condition for a minimum of 24 months (Section 5.60.10.3).</p> <p>32) If the landscaping is not completed in accordance with the approved Landscape Plan(s) within one growing season after completion of the development, or if the landscaping is not well maintained and in a healthy condition for a minimum of 24 months after completion of the landscaping, the City may draw on the security for its use absolutely (Section 5.60.10.9).</p> <p>Subject to the Following Advisements</p> <p>1) Signs require separate Development Applications.</p> <p>2) A Building Permit is Required for any construction or change in 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 for further information.</p> <p>3) An issued 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 Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site (Subsection 7.110.2.1).</p> <p>4) The Development Officer advises the applicant of and strongly encourages compliance with the security management guidelines contained within subsection 3.1 of the Design Guide for a Safer City. It is recommended that the walls and ceiling of the underground parkade be painted white or other light colour to enhance the efficiency of the the lighting.</p> <p>Lot Grading: 5) City of Edmonton Drainage Bylaw 18093 requires this site to obtain an approved lot grading plan prior to the construction of any buildings, additions to buildings, or alterations of surface drainage. A site mechanical plan stamped by a professional engineer showing water and sewer services, stormwater management calculations and the proposed lot grading design must be submitted to EPCOR Infill Water and Sewer Servicing for review. Following EPCOR's review, the grading plan is forwarded to Development Services for final review and approval. New plan submissions can be made via EPCOR's Builder and Developer web portal in My Account. Visit epcor.com/newconnection and click 'ONLINE APPLICATION' for instructions on the plan submission process. The lot must be graded in accordance with its approved lot grading plan. Any proposed change from the original approved lot grading plan must be submitted to lot.grading@edmonton.ca for review and approval.</p> <p>Transportation:</p> <p>6) Currently, this property is owned by the City of Edmonton. Any tree removals on-site shall not be removed or impacted until the land title has been transferred over to the new owner, where the trees will then be considered private property. Any tree removals on-site prior to the land title transfer will be subject to compensation as per the Corporate Tree Management Policy (C456C).</p> <p>7) There may be utilities within the 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. Utility Safety Partners (Online: https://utilitysafety.ca/wheres-the-line/submit-a-locate-request/) (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.</p> <p>8) Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and</p>	
P0702003	



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Maintenance) permit. OSCAM permit applications require Transportation Management Plan (TMP) information. The TMP must include:

- a. the start/finish date of project;
- b. accommodation of pedestrians and vehicles during construction;
- c. confirmation of lay down area within legal road right of way if required; and
- d. 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

Epcor Water:

9) A Caveat of Restrictive Covenant for Check Valve Installation must be registered on title. Check valves must be installed and maintained at the applicant's expense where looping of the water main back to the public system is planned or exists.

- a. Please contact waterlandadmin@epcor.com to initiate the restrictive covenant process.
- b. The "Caveat of Restrictive Covenant for Check Valve Installation" request email must include the following information:
 - The Development Permit application number
 - The site address
 - The reason for the request (Caveat of Restrictive Covenant for Check Valve Installation)
 - Recent Land Title Certificate (no older than 7 days from the date of request)

c. It is the owner's/applicant's responsibility to ensure that the abovementioned information is provided at the time of request. Once this information is received, this process can take up to 4 weeks.

OR

10) #9 may be satisfied by the abandonment of the existing services provided only one water service is planned for the site. The abandonment must be initiated prior to the release of drawings for building permit review. For information on service abandonments contact EPCOR Infill Water and Sewer Servicing (IWASS) at wass.drainage@epcor.com or at 780-496-5444.

- a. Provide an email to Sarah Chileen at schileen@epcor.com if the services will be abandoned as part of the water servicing application.

11) There is a 200mm PVC water main 1.2m east of the east property line of the subject site in the lane east of 106 Street. 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 19626 (EPCOR Water Services and Wastewater Treatment). The process can take up to 4 weeks. More information can be requested by contacting waterlandadmin@epcor.com.

12) The site is currently serviced by:

- a. A 20mm copper water service (N20997) located 9m north of the north property line of 112 Avenue off of the lane east of 106 Street
- b. A 20mm copper water service (N21000) located 18m north of the north property line of 112 Avenue off of the lane east of 106 Street
- c. A 20mm copper water service (N21001) located 36m north of the north property line of 112 Avenue off of the lane east of 106 Street
- d. A 20mm copper water service (N21002) located 50m north of the north property line of 112 Avenue off of the lane east of 106 Street
- e. A 20mm copper water service (N21003) located 59m north of the north property line of 112 Avenue off of the lane east of 106 Street
- f. If these services will not be used for the planned development, they 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.

13) EPCOR Water Services Inc. does not review on-site servicing. It is the applicant's responsibility to obtain the services of a



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professional to complete on-site water distribution design and to ensure the supply will meet plumbing code and supply requirements.

14) A new water service may be constructed for this lot directly off EPCOR's 200mm water main along the lane east of 106 Street adjacent to the subject site.

a. Note; connection to the 600mm water transmission main along 106 Street adjacent to the site will not be permitted.

15) For information on water and/or sewer servicing requirements, please contact EPCOR Infill Water and Sewer Servicing (IWASS) at wass.drainage@epcor.com or at 780-496-5444. EPCOR Strongly encourages all applicants to contact IWASS early in development planning to learn about site specific minimum requirements for onsite water and/or sewer servicing.

a. For information and to apply for a new water service please go to www.epcor.com/ca/en/ab/edmonton/operations/service-connections.html.

16) For information on service abandonments contact EPCOR Infill Water and Sewer Servicing (IWASS) at wass.drainage@epcor.com or at 780-496-5444.

17) For information on metering and inquiries regarding meter settings please contact EPCOR's Water Meter Inspector at EWInspections@epcor.com or 780-412-3850.

18) 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.

19) Multiple services are providing service to the subject site. As per the City of Edmonton Design and Construction Standards Volume 4 (April 2021) Section 1.9.1.6.2, a Caveat of Restrictive Covenant for Check Valve Installation must be registered on title where more than one service is provided to a single lot. Check valves must be installed and maintained at the applicant's expense where looping of the water main back to the public system is planned or exists.

20) Hydrant spacing adjacent to the site is 141m. Hydrant spacing does not meet the requirements based on Volume 4 of the City of Edmonton Design and Construction Standards. Edmonton Fire Rescue Services Engineering must be contacted to assess if Fire Protection of this site is adequate via Infill Fire Protection Assessment (IFPA).

NOTE: The IFPA dated August 5, 2025 has determined that upgrades to existing municipal on-street fire protection infrastructure are not required to support this Development Permit application.

21) Development engineering drawings including landscaping and hardscaping must meet Volume 1 (Table of Minimum Offsets) and Volume 4 (April 2021) of the City of Edmonton Design and Construction Standards.

22) Dimensions must be provided as part of the engineering drawing submission package where a tree or shrub bed is installed within 5.0m of a valve, hydrant or curb cock, as per 1.6.1.3 of City of Edmonton Design and Construction Standards Volume 4 (April 2021).

23) The applicant/owner will be responsible for all costs related to any modifications or additions to the existing municipal water infrastructure required by this application.

24) 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.

Fire Rescue Services:

25) The fire safety plan required for construction and demolition sites in accordance with Article 2.8.1.1. of Division B shall be accepted in writing by the fire department and the authority having jurisdiction. Edmonton Fire Rescue Services will review your plan at the initial construction site safety inspection upon commencement of construction.

Reference: NFC(2023-AE) 5.6.1.3. Fire Safety Plan

Have the plan ready for review in-person at the first construction site safety inspection by a Fire Safety Codes Officer (Fire SCO).



Project Number: **619823658-002**
 Application Date: JUL 18, 2025
 Printed: January 5, 2026 at 1:30 PM
 Page: 7 of 8

Development Permit

The applicant of a building permit declares that they are aware of the project team's responsibility to have an FSP prepared according to section 5.6 of the NFC(AE).

A Fire SCO may attend a site at any reasonable hour and will review the FSP. The owner or constructor must have the FSP in place and ready for review in accordance with section 5.6 of the NFC(AE).

You can locate a copy of the FSP guide for your reference here:

<https://www.edmonton.ca/sites/default/files/public-files/FireSafetyPlanGuide.pdf?cb=1692102771>

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

Reference: NFC(2023-AE) 5.6.3.6. Hydrant Access

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

- a) be clearly marked with a sign.,9
- b) be accessible, and
- c) have an unobstructed clearance of not less than 2 m at all times.

27) Please send ALL FRS DP review inquiries to cmsfpts@edmonton.ca

Waste Services:

28) Waste Services Bylaw 20363 notes that as a residential property, your development must receive waste collection from the City of Edmonton.

29) To help in planning and designing your development, please refer to Bylaw 20363 to review clauses related to:

- Access to containers and removal of obstructions.
- Container set out, and
- The responsibility for wear and tear or damages.

30) The property with 60 dwellings would receive Communal Collection. It requires 7.5 cubic yards of garbage service, 11.1 cubic yards of recycling service and 1.7 cubic yards of food scraps per week. Below shows the frequency, quantity and size of containers which will be provided.

Collection Location 1:

Garbage: 1 x 4 cubic yard container collected 2 times per week.

Recycle: 1 x 6 cubic yard container collected 2 times per week.

Food Scrap: 1 x 2 cubic yard container collected 1 time per week.

31) A minimum of 7.5m unobstructed overhead space is required above the collection area to allow proper servicing of the containers.

32) If the locations of the transformer and switching cubicles do not exactly match the approved drawings, Waste Services must be advised and reserves the right to make changes to the approved plan to ensure waste can still be collected safely and efficiently.

33) For developments with rear lanes, waste will only be collected from the rear lane for all dwellings in the development. It is the responsibility of the owner to ensure all residents have access to the rear lane for waste set out.

Variances

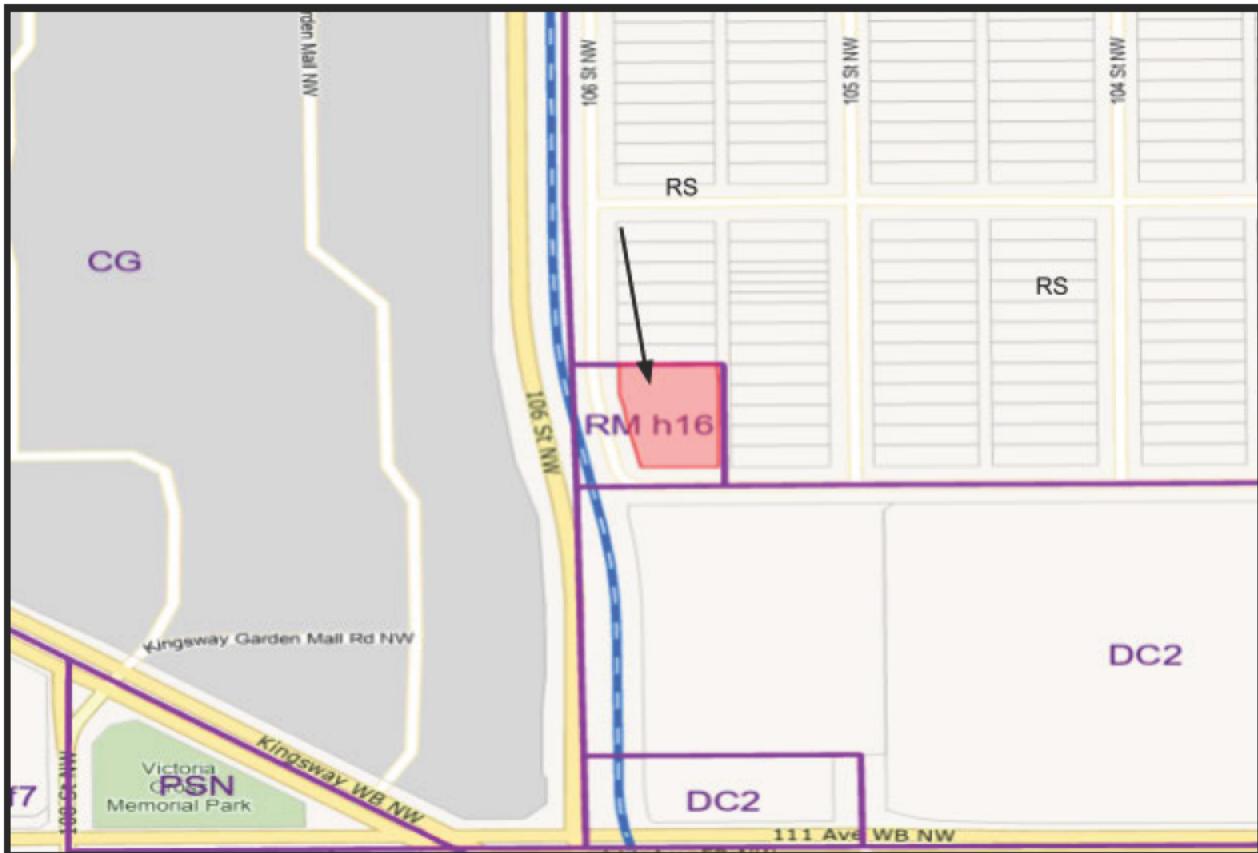
1) Proportion of deciduous to coniferous trees - approximately 28% of the required onsite trees are coniferous instead of approximately 50% (5.60.6.1.5).

2) Landscaping within the Front Setback along 106 Street - zero trees and 40 shrubs are proposed within the Front Setback instead of a minimum of 3 trees and 7 shrubs (5.60.4.1.1).

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.

Edmonton	Project Number: 619823658-002 Application Date: JUL 18, 2025 Printed: January 5, 2026 at 1:30 PM Page: 8 of 8																																									
Development Permit																																										
Notice Period Begins: Dec 23, 2025 Ends: Jan 13, 2026																																										
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-26-028



N

ITEM II: 10:30 A.M.FILE: SDAB-S-26-001AN APPEAL FROM THE DECISION OF THE SUBDIVISION AUTHORITY

APPELLANT:

APPLICATION NO.: 584694062-001

APPLICATION: Tentative plan of subdivision to create one (1) "Other" lot and one (1) remnant lot from Lot 1, Plan 1423 RS, located south of 41 Avenue SW and east of 91 Street SW; EDMONTON SOUTH CENTRAL EAST

DECISION OF THE
SUBDIVISION AUTHORITY: Refused

DECISION DATE: January 8, 2026

DATE OF APPEAL: January 13, 2026

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 4105 - 91 Street SW

LEGAL DESCRIPTION: Plan 1423RS Lot 1

ZONE: AES - Agricultural Edmonton South Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Ellerslie District Plan

Grounds for Appeal

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

The proposed subdivision seeks to create a parcel which aligns with the approved Development Permit and Servicing Agreement for the school, which is under construction. This is needed in order to transfer the site to the not-for-profit which will operate the school, from the shareholder group which currently owns the existing parcel. The shareholder group would retain ownership of the remnant lot.

The approved Development Permit and Servicing Agreement address all of the practical items identified in the City's subdivision refusal letter and it is acknowledged that no development of the remnant lot could occur without subsequent City approval.

We will present detailed responses and rationales for each of the points in the City's refusal letter at the meeting.

General Matters

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

Subdivision Appeals

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 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 Protected areas or the Minister of Forestry, Parks and Tourism, 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.

General Provisions from the *Zoning Bylaw 20001*:

Section 3.61.1 states that the **Purpose** of the **AES - Agricultural Edmonton South Zone** is:

To allow for larger Agricultural Operations and limited higher intensity agricultural activities on smaller Lots, while at the same time providing for limited residential and other Uses having a secondary role to agriculture. New Residential Lots created after passage of this Bylaw shall only be created to subdivide a farmstead from a previously unsubdivided quarter section, and shall be no larger than 2.0 ha (4.9 ac).

Section 3.61.6.1 states the following with respect to **General Regulations** of the **AES Zone**:

Despite the Purpose of this Zone, Subsections 3.1 and 3.2, an additional Subdivision May be granted from a previously subdivided quarter provided that the additional parcel to be subdivided is cut off from the rest of the parcel by a physical barrier to Agricultural Operations, and has legal, physical and safe access to a maintained public road.

Section 3.61.5 states the following with respect to **Site and Building Regulations** of the **AES Zone**:

5.1. The minimum Lot size for agricultural Lots is 32.4 ha.

5.2. The maximum Lot size for Residential Lots is 2.0 ha.

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

6th Floor, Edmonton Tower
10111 – 104 Avenue NW
Edmonton, Alberta T5J 0J4

January 8, 2026

File No. LDA25-0416

RE: Tentative plan of subdivision to create one (1) "Other" lot and one (1) remnant lot from Lot 1, Plan 1423 RS, located south of 41 Avenue SW and east of 91 Street SW; **EDMONTON SOUTH CENTRAL EAST**

The Subdivision by Plan is REFUSED on January 8, 2026, for the following reasons:

1. The proposed subdivision contributes to premature fragmentation.
 - a. Edmonton's Municipal Development Plan (MDP), *The City Plan*, directs:
 - i. Policy 5.3.1.4: "Prevent premature fragmentation and conversion of agricultural lands for residential and non-residential uses."
 - ii. Map 9 *Development Pattern Areas* identifies the subject land within Edmonton's "future growth" development area, located south of 41 Avenue SW. Land north of 41 Avenue SW is characterized as a "developing area." *The City Plan* strategically sets out growth priorities, in a sequenced approach, across Edmonton's development pattern areas. The future growth area is targeted for development at a population threshold of 1.5 million.
 - iii. Policy 2.3.2.3 "Require substantial completion of the developing area including service provision, amenities and infrastructure prior to authorizing the preparation of statutory plans for contiguous development of the future growth area." The proposed subdivision is within a vicinity that requires City Council's authorization to prepare new, statutory plans. Substantial completion of developing areas is required prior to opening future growth areas. Further subdivision can proceed once future plans that support contiguous development are authorized, establishing land use patterns.
 - b. This site is located within the Ellerslie District and future development is dictated, in part, by the Ellerslie District Plan. The plan does not provide a comprehensive planning framework to support subdivision decision making. Within the plan, the land is designated as a "Future Non-residential area". This area requires additional planning prior to the approval of any subdivision applications.

- i. The requirement for additional planning to occur prior to subdivision is supported by District Policy 2.5.1.7. The intent of this policy is to "Subdivide land only where this supports the intended outcomes of a statutory plan." As no statutory plan exists, subdivision is not supportable.
- ii. District Policy 4.1.1.2 encourages adherence to a Substantial Completion standard prior to development of future growth areas. It advocates for the City to "Implement the substantial completion standard for Districts containing Developing Area neighbourhoods and use the standard to recommend to City Council when the preparation of statutory plans of the Future Growth Area should begin."

2. The proposed Subdivision does not comply with the Agricultural Edmonton South (AES) Zone.

- a. The subdivision site is zoned Agricultural Edmonton South (AES) Zone and is subject to its subdivision regulations, under Section 3.61 of the City of Edmonton Zoning Bylaw 20001.
 - i. The Zone's purpose is "To allow for larger Agricultural Operations and limited higher intensity agricultural activities on smaller Lots, while at the same time providing for limited residential and other Uses having a secondary role to agriculture. New Residential Lots created after passage of this Bylaw shall only be created to subdivide a farmstead from a previously unsubdivided quarter section, and shall be no larger than 2.0 ha (4.9 ac)". The parent parcel (NW 10-51-24-W4M) was previously subdivided, making this proposal the quarter section's second subdivision.
 - 1. The NW 10-51-24-W4M was first subdivided to Lot 1, Plan 1423 RS (4105 - 91 Street SW), which was registered in 1969.
 - ii. Despite the restriction noted above, Section 3.61(6)(1) of the AES Zone allows for an additional subdivision to occur provided that it "is cut off from the rest of the parcel by a physical barrier to Agricultural Operations, and has legal, physical and safe access to a maintained public road."
 - 1. The site has no natural drainage courses and/or man-made barriers that divide the land as depicted on the Tentative Plan of Subdivision. There are no physical barriers to trigger this exemption.
 - iii. Sections 3.61(5)(1) and 3.61(5)(2) of the AES Zone speak to the minimum and maximum lot sizes permitted in the Zone. The minimum Lot size for agricultural Lots is 32.4 ha, whereas the maximum Lot size for Residential Lots is 2.0 ha.
 - 1. The area of proposed Lot 1 is estimated to be 7.97 ha. Although its intended use is neither agricultural or residential, this exceeds the maximum allowable parcel size (2.0 ha) for residential uses, while simultaneously falling beneath the minimum allowable parcel size (32.4 ha) for agricultural uses.

2. The area of the Remnant Lot is estimated to be 7.14 ha. Although its intended use is neither agricultural or residential, this exceeds the maximum allowable parcel size (2.0 ha) for residential uses, while simultaneously falling beneath the minimum allowable parcel size (32.4 ha) for agricultural uses.
3. The proposed subdivision does not account for future networks (transportation, drainage, water, open space and ecological) and therefore appropriate dedication of land cannot be accounted for.
 - a. The ultimate alignment and amount of road dedication of future 91 Street SW adjacent to this site is uncertain. Dedication of road right of way will be required to facilitate the widening of 91 Street SW and dedication can only be required with subdivision. Concept planning for 91 Street SW cannot occur in absence of the necessary statutory planning framework. Due to the lack of transportation network planning, it is unclear if additional dedication will be required on the remnant lot. As a permit has been issued for the site, further subdivision is unlikely to occur in the foreseeable future. Therefore, when the area is ready for subdivision, acquisition of the additional land dedication for road right of way will be challenging outside of expropriation.
 - b. The creation of an unserviced remnant lot (through subdivision) contravenes Bylaw 18093 (Drainage Bylaw), Bylaw 20865 (EPCOR Wastewater Services Bylaw), and Bylaw 19626 (EPCOR Water Services Bylaw) requirements. Extensive offsite upgrades would be required to meet Bylaw 18093, Bylaw 20865, and Bylaw 19626 requirements.
 - i. There are no existing sanitary or stormwater mains adjacent to the subdivision site. Newly subdivided parcels are required to have separate and independent service connections off of sanitary and stormwater mains. As such, offsite drainage connections are required to service this proposed subdivision. There are no stormwater or sanitary servicing plans for Edmonton South Central East and a Neighbourhood Design Report (NDR) is not in place for this site or the surrounding area.
 - ii. EPCOR Water Services will require the review and acceptance of planning documents, such as Area Structure Plans and Neighbourhood Structure Plans, along with the required technical reports (Water Servicing Report). This ensures that adequate water servicing and fire protection are extended, in alignment with those plans, to support subsequent development south of 41 Ave SW.
 - c. The open space and ecological network of the subject property and surrounding area can only be established through comprehensive area planning. Therefore, the requirements of municipal reserve dedication are unknown for the subject site.
4. The cost-sharing and recovery model for assessments and parkland acquisition in the future growth area is currently undefined.

- a. Arterial Roadway Assessments (ARA), Drainage Cost Assessments, and the Fire Hall Levy are collected as a condition of subdivision. They establish how developers will share the costs of the arterial roadway and drainage infrastructure. In the absence of any statutory plans, Drainage cost assessments, Arterial Roadway Assessments, and Fire Hall levies have not yet been developed for this area.
- b. In the absence of a comprehensive planning framework, determination of Municipal Reserve requirements is not possible. MGA Sec. 666(1)(b) allows for Money in Place of Municipal Reserves based on current land values. That value will not reflect true costs of land acquisition at the time of acquisition.

Enclosure I is a map of this subdivision refusal.

Please be advised that an appeal may be lodged in accordance with 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.

The Subdivision Authority did not receive comments from adjacent landowners and community members. The application does not comply with the regulations set out in the Edmonton Zoning Bylaw, the land is not serviceable, and the proposal does not advance a more compact urban form. The Subdivision Authority is of the opinion, after considering factors set out in Section 9 of the Matters Related to Subdivision and Development Regulation, that the land is not suitable for the purpose for which the subdivision is intended.

If you have further questions, please contact subdivisions@edmonton.ca.

Regards,



Blair McDowell
Subdivision Authority

BM/tv/Posse #584694062-001

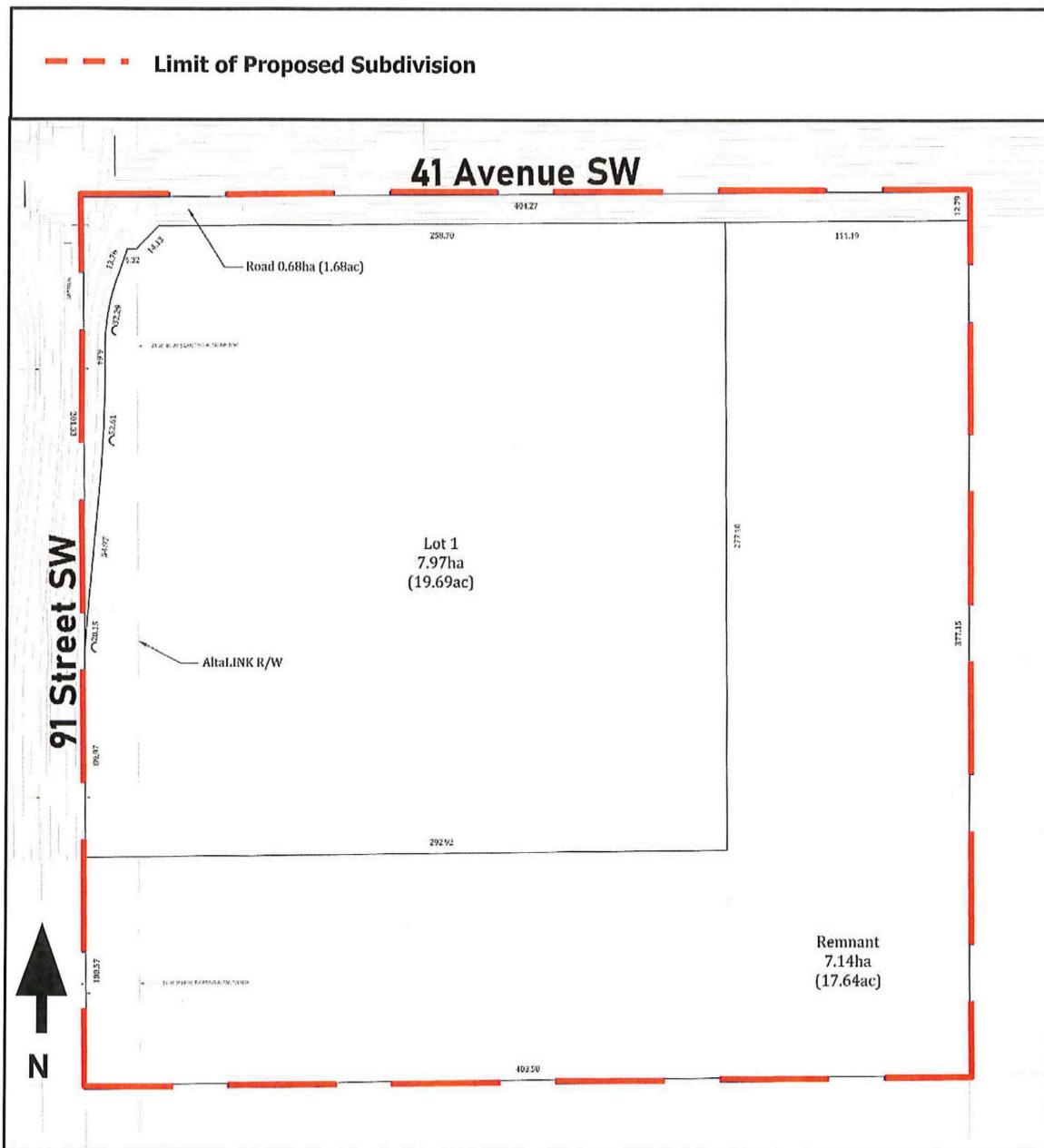
Enclosure

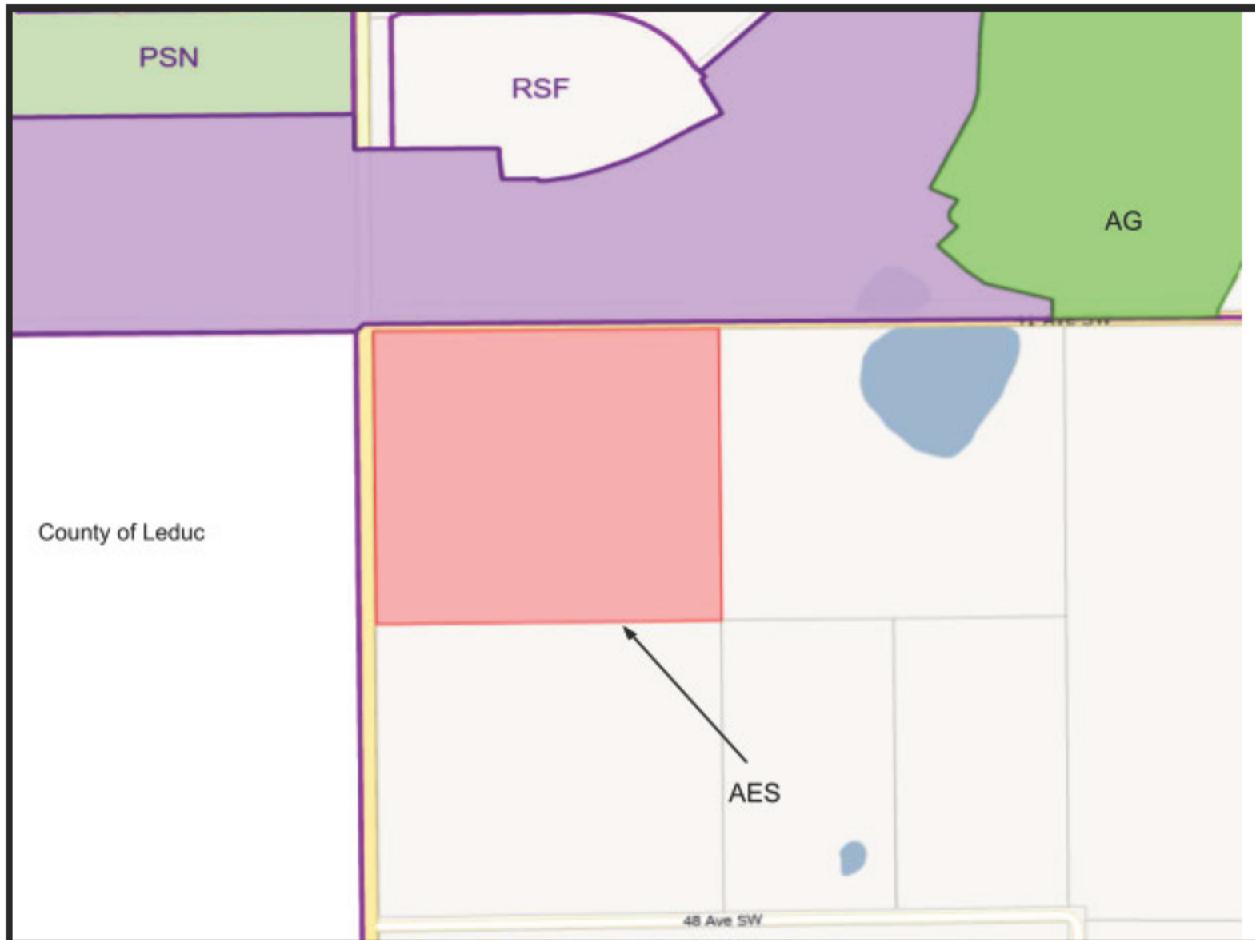
ENCLOSURE I

SUBDIVISION REFUSAL MAP

January 8, 2026

LDA25-0416





SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-S-26-001



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