

# The Alberta Gazette

PART I

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*MUNICIPAL GOVERNMENT ACT*

LOCAL AUTHORITIES BOARD ORDER

(O.C. 545/86)

Approved and Ordered,  
W. HELEN HUNLEY,  
Lieutenant Governor.

Edmonton, September 4, 1986

Upon the recommendation the Minister of Municipal Affairs, the Lieutenant Governor in Council, pursuant to section 21 of the Municipal Government Act, approves the Local Authorities Board Order No. 17823 dated June 12, 1986, annexing to the City of Airdrie certain territory, effective December 31, 1986, pursuant to the petition by the Council of the City of Airdrie.

Don R. Getty(Chairman)

CITY OF AIRDRIE

Order No. 17823

File No. 3(A)9

Before: The Local Authorities Board for the Province of Alberta

In the matter of the Municipal Government Act

AND IN THE MATTER OF an application by the Council of the City of Airdrie, in the Province of Alberta, to annex certain territory lying immediately adjacent thereto and thereby its separation from the Municipal District of Rocky View No. 44.

Pursuant to Section 20 of the Municipal Government Act, the Council of the City of Airdrie, in the Province of Alberta, petitioned the Local Authorities Board for the Province of Alberta, for the annexation to the City of all that territory described as follows:

SECTION TWO (2), TOWNSHIP TWENTY-SEVEN (27), RANGE ONE (1), WEST OF THE FIFTH MERIDIAN EXCEPTING THEREOUT ROAD PLAN 4209 E.Z.

THE EAST WEST AND NORTH SOUTH GOVERNMENT ROAD ALLOWANCES ADJOINING THE SOUTH AND WEST BOUNDARIES, RESPECTIVELY, OF SECTION TWO (2), TOWNSHIP TWENTY-SEVEN (27), RANGE ONE (1), WEST OF THE FIFTH MERIDIAN.

SECTION THIRTY-SIX (36), TOWNSHIP TWENTY-SIX (26), RANGE ONE (1), WEST OF THE FIFTH MERIDIAN EXCEPTING THEREOUT ALL THAT PORTION SHOWN AS MAIN ROAD ON ROAD PLAN 620 L.K.

THE NORTH SOUTH GOVERNMENT ROAD ALLOWANCE ADJOINING THE WEST BOUNDARY OF SECTION THIRTY-SIX (36), TOWNSHIP TWENTY-SIX (26), RANGE ONE (1), WEST OF THE FIFTH MERIDIAN.

SECTION TWENTY-FIVE (25), TOWNSHIP TWENTY-SIX (26), RANGE ONE (1), WEST OF THE FIFTH MERIDIAN, EXCEPTING THEREOUT ROAD PLAN 620 L.K.

THAT NORTH SOUTH GOVERNMENT ROAD ALLOWANCE ADJOINING THE WEST BOUNDARY OF SECTION TWENTY-FIVE (25), TOWNSHIP TWENTY-SIX (26), RANGE ONE (1), WEST OF THE FIFTH MERIDIAN, AND THAT PORTION OF THE EAST WEST GOVERNMENT ROAD ALLOWANCE ADJOINING THE SOUTH BOUNDARY OF SAID SECTION TWENTY-FIVE (25) WHICH LIES WEST OF THE PRODUCTION SOUTH OF THE WEST LIMIT OF ROAD PLAN 620 L.K.

THE ABOVE DESCRIBED TERRITORY CONTAINS SEVEN HUNDRED EIGHTY-TWO AND EIGHTY-FIVE HUNDREDTHS (782.85) HECTARES (1,934.47 ACRES), MORE OR LESS.

(hereinafter called "the said territory")

which lies immediately adjacent to the City, and thereby its separation from the Municipal District of Rocky View No. 44, and in respect to which the Board held a public hearing into the matter on May 12, 1986.

Representing the City of Airdrie were Mayor R.J. Davidson; D. Kloster, City Manager; J. Lindsay, Acting City Treasurer; J.R. Plastiras, Supervisor of Planning; G.N. Brown, Planning Consultant; W.K. Chapman, Agricultural/Environmental Consultant; C. Van Bussel, Servicing Consultant; B. Brander, Transportation Specialist and Mel F. Belich, Solicitor, who also represented the interested landowners supporting the application.

The Municipal District of Rocky View No. 44 was represented by W. Fairbrother, Acting Director of Planning.

P. Mercer, Supervisor, Regional Planning Services and L. Pesowski, Planner, presented the position of the Calgary Regional Planning Commission.

R.J. Tedham, Vice-President, Nu-West Developments, made a presentation in favour of the annexation.

The City of Airdrie, second in size to the City of Calgary in the Calgary region, was incorporated as a Village in 1909 with an estimated population of 200 persons and after rapid growth in population, development, utility and transportation facilities became a Town in 1974 with a population of 1,294 persons. Between 1979 and 1985 the population grew from 3,879 to 10,431, representing a yearly average of 24%, one of the fastest growth's in the Province. This was due to the excellent geographic location of the City, bisected by Highway No. 2 and the Canadian Pacific Railway line and in close proximity to the City of Calgary and the Calgary International Airport with accessibility to centres north of Calgary, including Red Deer and Edmonton. As a result of said growth, the Town of Airdrie was incorporated as a City on January 1, 1985.

The Airdrie Growth Study prepared in August, 1984, endorsed by the City of Airdrie, the Municipal District of Rocky View No. 44 and the Calgary Regional Planning Commission, projected a yearly provincial growth rate of 1.5% to 2.9% between 1986 and 1991 and 1.5% to 3.0% between 1991 and 2011. Airdrie's population is estimated to grow to between 16,903 and 26,616 by the year 2015 based on the Airdrie/Province percentage projection and between 23,235 and 60,208 based on the Airdrie/Calgary ratio method. By using the high growth scenario projection of 60,208 persons, it is estimated that the City would require an additional 4.1 sections of land for residential and 2.5 sections of land for industrial purposes beyond that presently within the City limits.

Currently there are 1,339 net acres of vacant residential and 309 acres of vacant industrial land within the City's boundaries. The performance density of 13.2 persons per net acre for residential use and 31 net acres per 1,000 population for industrial consumption were used as realistic figures, which are anticipated to continue into the future.

The said territory consists of three sections of land. Section 2 generally slopes towards the City boundary, is adjacent to a planned residential area, has lower agricultural capability (CLI 4 and 5) and is well suited for residential development. There are no conflicts with the airport or major transportation routes. Sections 25 and 36 have two topographic highs and the Nose Creek meanders through them collecting storm water from the lands sloping toward it. The agricultural capability of the two sections is reduced by the Creek, Highway No. 2, the railway line and shallow topsoil conditions. Their best use is for industrial expansion. One producing gas well and associated pipelines exist within Section 2, considered by the Energy Conservation Board as a "Level 1 facility", with an estimated remaining life of ten years. No oil and gas facilities exist on Sections 25 and 36. The major advantages of developing these two sections are the easy servicing afforded by the major utility services and the sufficient size and physical character of the land to form complete development areas.

The City of Airdrie obtains its water supply from the City of Calgary by two feeder mains. A 350 mm. diameter water main is part of the "Mountain View Regional System" and a 900 mm. line has been recently constructed to serve an ultimate population of 50,000 persons. All three sections of land sought for annexation can be serviced with water by extending the existing watermain.

The City directs all sanitary sewage to the City of Calgary using a pumping system and two forcemains. In 1982 the connection was upgraded with the installation of a second line to Calgary. Both lines run through Sections 25 and 36 and can handle a population of 20,000 persons and, with further improvements, 50,000 people. Section 2 can be serviced by draining it to the east and then via the existing Airdrie central lift station to the Calgary treatment plant. Nose Creek is currently used for stormwater drainage, which meets Alberta Environment guidelines. The majority of Nose Creek within Calgary and Airdrie has been channelized and same exists within a portion of the said territory.

It was stated that the 1982 Transportation Study recommended only one major transportation improvement affecting the said territory, namely the upgrading of the Highway No. 2/Big Hill Springs interchange. Other improvements recommended are the upgrading of 8th Street West, south of the Big Hill Springs Road, to provide access to the industrial lands and the redevelopment of 208 Avenue south of the site, which includes an interchange at Highway No. 2. The development of the said territory will result in minimal requirements for additional transportation infrastructure.

It was also stated that considerable financial benefits will be gained by the City through development of the said territory, with no appreciable costs prior to its development. The acreage assessment payments of the future developed areas will help to reduce the cost of municipal services already financed by the City. At the time of development, the additional revenue generated will offset any operational costs relating to municipal services.

The Municipal District of Rocky View No. 44, by Resolution of Council of February 26, 1986, advised that the Municipal District "...is not opposed to the annexation by the City of Airdrie of Section 2-27-1-W5M and Sections 25 and 36-26-1-W5M".

The Calgary Regional Planning Commission at their April 11, 1986, meeting adopted the following resolution:

- "(i) The Local Authorities Board be advised that the proposed annexation to the City of Airdrie of the lands described in the application is supported by the Calgary Regional Planning Commission.
- (ii) That the Commission adopt the Staff Report."

The Staff Report identified the advantages and disadvantages of the land selected for the annexation as follows:

"	<u>ADVANTAGES</u>	<u>DISADVANTAGES</u>
SECTION 2 (Residential)	<ul style="list-style-type: none"><li>- forms a logical extension to the existing City Boundary</li><li>- forms a complete development area</li><li>- land is suited for urban development</li><li>- generally poorer quality agricultural land</li><li>- would provide a 10 year residential land supply for the City</li><li>- can be easily serviced</li></ul>	<ul style="list-style-type: none"><li>- contains a level 1 sour gas facility</li></ul>
SECTION 36 (Industrial)	<ul style="list-style-type: none"><li>- contiguous to existing City boundary</li><li>- can be easily serviced</li><li>- supplements diminishing supply of industrial land within Airdrie</li><li>- good transportation access from #2 and municipal roads</li><li>- forms a complete development area</li></ul>	<ul style="list-style-type: none"><li>- much of the section is capability agricultural land</li></ul>

SECTION 25 (Industrial)	<ul style="list-style-type: none"><li>- can be easily serviced</li><li>- provides the desired 30 year industrial land supply</li><li>- forms a complete development area</li><li>- supplements diminishing supply of industrial land</li><li>- good transportation access</li></ul>	<ul style="list-style-type: none"><li>- the area contains a significant amount of good agricultural land</li><li>- the area is contiguous with only Section 36 and forms a panhandle south of Airdrie</li><li>- the proposal would eliminate any additional industrial annexation options for the next 30 years</li><li>- exclusion of this section still leaves the City with some 20 years of industrial land supply."</li></ul>
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The Staff Report also stated that the applicable provisions of the Calgary Regional Plan were satisfied when the annexation application was reviewed and accordingly recommended to the Commission to support the proposed annexation.

By memorandum to the Board dated February 17, 1986, Alberta Agriculture submitted the following comments in respect to the annexation proposed by the City of Airdrie:

- "1. Canada Land Inventory (CLI) agricultural capability ratings for the parcels under consideration are:

Section 2-27-1-W5

Predominantly CLI class 5<sup>W</sup> lands. Soils with this classification are capable of producing native or tame species of perennial forages and are not capable of sustained production of annual field crops. Limitations affecting this parcel include excess water and salinity. This parcel is not defined as better agricultural land.

Section 26 and 35-26-1-W5

Approximately 70 percent CLI 3T (or better) and 30 percent CLI 5N. Soils with CLI class 3 capability have fair to moderately high productivity for a fair range of crops under good management. Based on Alberta Hail and Crop Insurance data, for lands under cultivation, these parcels have a productivity rating of 90-94 percent. As such, these parcels are defined as better agricultural lands. CLI class 5 lands' capability is discussed above.

2. All of the lands under consideration are capable of either crop or livestock production. Apart from eighty acres on section 2-27-1-W5 which are used for country residential purposes, all of the lands are currently used for agricultural purposes. Potential impacts on the rural community would be the loss of productive crop, hay and pasture land.

It is the Department's policy not to support the conversion of prime (CLI class 1 and 2 soils with 85-89 percent productivity ratings) agricultural lands to irreversible non-agricultural developments - without justification. A critical part of this justification must be the absence of lower capability agricultural lands. As the area under consideration represents some of the lowest quality lands around Airdrie, Alberta Agriculture has no objections to this proposal. Further, Alberta Agriculture supports urban expansion which is directed away from the more agriculturally productive lands east of the City."

Alberta Environment, in a letter addressed to the Board, dated March 5, 1986, expressed the following comments in regard to the territory proposed for annexation:

"Section 25-26-1-W5M

The majority of the area within section 25 would appear to be well drained and should be suitable for urban development. We would indicate, however, that a relatively large slough/low lying area is located along the western boundary of this section. In addition, Nose Creek extends across the eastern portion of the property between the C.P.R. line and Highway 2. Based on the above, it is anticipated that significant areas in both the western and eastern parts of the section could be subject to periodic flooding and/or high water table levels.

The C.L.I. rating for the area located west of the C.P.R. line is predominantly class 1 and 3 soil. The area situated to the east of the C.P.R. line is rated as class 5 soil.

Section 36-26-1-W5M

Apart from a few localized depressions, the majority of the area located to the west of the C.P.R. line would appear to be well drained. A significant portion of the area located along the east side of the C.P.R. line would appear to be developable, however, Nose Creek crosses this particular portion of the property in a north-south direction. Part of this property would be subject to flooding given a major flood along Nose Creek.

The C.L.I. rating for the area located west of the C.P.R. line is predominantly class 2 and 3 soil. Most of the area situated to the east of the C.P.R. line is rated as class 5 soil. A small area located within the north-east corner of the section is rated as class 2 soil.

Section 2-27-1-W5M

A significant portion of section 2 would appear to be subject to seasonally high water table levels and/or ponding. In addition to the above, we would indicate that three small tributaries of Nose Creek cross this particular section.

The C.L.I. rating for section 2 is predominantly class 5 soil. This rating reflects the high water table conditions which currently exist on the property.

Summary

Although our Department would question why an additional 1920+ acres needs to be annexed to the City of Airdrie, from an environment point of view it is conceivable that the problems associated with high water table levels/flooding could be properly addressed at the subdivision/development stage. Should this application be considered for approval, it would result in the eventual removal of a considerable amount of good agricultural land."

By memorandum to the Board dated February 13, 1986, Alberta Transportation advised as follows:

"The Department's major interest is with the planning of future development and its transportation needs in the narrow, two-mile strip along Highway 2 between the C.P.R. rail line and the highway. Planning in this sensitive area will have to consider highway access, which now exists only at the Big Springs interchange. The closest additional future interchange and access to this multiple land freeway section of Highway 2 is likely to be at or in the vicinity of 208th Avenue. Other planning factors would include impacts on the Nose Creek water course and crossings of the railway.

It is also considered that this annexation will enhance the potential for future additional annexation across Highway 2, and the city should, therefore, keep the potential need for its development of fly-over connections across the highway in mind.

The department will eventually require additional lands in the southwest quadrant of the Big Springs Road interchange for its future upgrading.

The Airdrie Transportation Study included a review of long range transportation issues, and it is recommended that transportation planning for the lands proposed to be annexed should consider the City's long range planning as described in this document."

Out of the fifteen landowners within the said territory, twelve supported the annexation of their respective lands, two had no objection and one expressed no opinion.

The Board, having considered the submission presented at the hearing, reached the following conclusions:

1. That the City of Airdrie, due to its close proximity to the City of Calgary, situated within the Calgary-Edmonton development corridor; having the capacity to service up to 50,000 persons, may grow in population and development, most likely in excess of the Provincial average growth.
2. That while the City of Airdrie has undeveloped lands within its jurisdiction to meet the short term residential and industrial requirements, the City wishes to maintain a 20 year residential land supply and a 30 year industrial land supply, which is not unreasonable. The annexation of the said territory into the City's jurisdiction at this time will permit proper planning.
3. That the said territory has no known constraints to development, may be readily serviced with utilities, has ready access to and from the City, is within the recommended development area outlined in the Airdrie Growth Study and is a logical area for extension of the City's boundaries.
4. That while it is regrettable that the annexation and development of the said territory will result in the removal of good agricultural land, it is expected that lands not immediately required for development and presently used for agricultural production will be retained for the same use until urban developments take place.
5. That the City's desire, expressed in Council Resolution No. 5067, relative to the assessment and taxation of the said territory, may be achieved by Council implementing Section 106 of the Municipal Taxation Act without the Board setting terms and conditions on any basis or principle of assessment.
6. That the application of the City of Airdrie petitioning to annex to the City the said territory, and thereby its separation from the Municipal District of Rocky View No. 44, should be GRANTED IN FULL.

THEREFORE, subject to the Lieutenant Governor in Council approving this Order, or prescribing conditions that the Order is subject to and approving the Order subject to those conditions, or varying the Order and approving the Order as varied, IT IS ORDERED AS FOLLOWS:

- I. That there be annexed to the City of Airdrie, in the Province of Alberta, and thereupon be separated from the Municipal District of Rocky View No. 44 the following described territory:

THE ALBERTA GAZETTE, SEPTEMBER 30, 1986

SECTION TWO (2), TOWNSHIP TWENTY-SEVEN (27), RANGE ONE (1), WEST OF THE FIFTH MERIDIAN EXCEPTING THEREOUT ROAD PLAN 4209 E.Z.

THE EAST WEST AND NORTH SOUTH GOVERNMENT ROAD ALLOWANCES ADJOINING THE SOUTH AND WEST BOUNDARIES, RESPECTIVELY, OF SECTION TWO (2), TOWNSHIP TWENTY-SEVEN (27), RANGE ONE (1), WEST OF THE FIFTH MERIDIAN.

SECTION THIRTY-SIX (36), TOWNSHIP TWENTY-SIX (26), RANGE ONE (1), WEST OF THE FIFTH MERIDIAN EXCEPTING THEREOUT ALL THAT PORTION SHOWN AS MAIN ROAD ON ROAD PLAN 620 L.K.

THE NORTH SOUTH GOVERNMENT ROAD ALLOWANCE ADJOINING THE WEST BOUNDARY OF SECTION THIRTY-SIX (36), TOWNSHIP TWENTY-SIX (26), RANGE ONE (1), WEST OF THE FIFTH MERIDIAN.

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THE ABOVE DESCRIBED TERRITORY CONTAINS SEVEN HUNDRED EIGHTY-TWO AND EIGHTY-FIVE HUNDREDTHS (782.85) HECTARES (1,934.47 ACRES), MORE OR LESS.

- II. That any taxes owing to the Municipal District of Rocky View No. 44 as at December 31, 1986, in respect of the aforementioned properties shall transfer to and become payable to the City of Airdrie together with any lawful penalties and costs levied thereon in respect of any such taxes; however, upon the City of Airdrie collecting any or all of such taxes, penalties or costs, such collection shall forthwith be paid by the City to the Municipal District of Rocky View No. 44.
- III. That the assessor for the City of Airdrie shall, for taxation purposes in the year 1987, reassess the annexed lands and assessable improvements thereon, which are by this Order annexed to the City so that the assessment thereof shall be fair and equitable with other lands and assessable improvements in the City of Airdrie, and the provisions of the Municipal Taxation Act regarding the assessment roll shall mutatis mutandis apply to such assessment.
- IV. That the Chief Provincial Assessor, appointed pursuant to the provisions of the Municipalities Assessment and Equalization Act, shall, for taxation or grant purposes commencing in the year 1987, reassess or revalue, as the case may be, all properties that are assessable or subject to valuation under the terms of the Electric Power and Pipe Line Assessment Act and the Municipal and Provincial Properties Valuation Act, and which lie within the areas that are by this Order annexed to the City of Airdrie, so that the assessment or valuation shall be fair and equitable with properties of a similar nature.
- V. That the effective date of this Order is the Thirty-first (31st) day of December, 1986.

DATED and signed at the City of Edmonton, in the Province of Alberta, this 12th day of June, 1986.

LOCAL AUTHORITIES BOARD

(SGD.) C.I. SHELLEY  
CHAIRMAN

CERTIFIED A TRUE COPY

  
SECRETARY

### SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE  
AREAS AFFECTED BY BOARD ORDER No.17823

EFFECTIVE DATE: DECEMBER 31, 1986



 AFFECTED AREA(S)

