

LOCAL AUTHORITIES BOARD

ORDER NO. 8344

File: C-20(A)8

Before:

The Local Authorities Board for
the Province of Alberta

In the matter of The Municipal
Government Act:

And in the matter of an applica-
tion by the majority of the regis-
tered owners of certain territory
lying north westerly and immedi-
ately adjacent to the City of Ed-
monton, Alberta, petitioning for
annexation of the said territory to
the said City.

Pursuant to an application by the majority of the registered owners of the territory described at schedule "B" attached to this Order and which territory lies immediately adjacent to the City of Edmonton, Alberta, petitioning for annexation of the said territory to the City of Edmonton, in the Province of Alberta, and its separation from the County of Parkland No. 31, the Board held a public hearing of the matter in the City of Edmonton on Tuesday, October 28, 1975.

The petitioners, being Daon Development Corporation, who were authorized to act on behalf of the property owners, were represented by

Solicitor, T. W. Gallant of Ogilvie and Company, Barristers and Solicitors; Mr. K. Berndtsson, General Manager of Daon Development Corporation of Edmonton District; F. A. Greif, Principal of Frank A. Greif and Associates Ltd.; and Mr. W. F. Bruyer of Renton, Bruyer and Partners Consulting Engineers.

The City of Edmonton was represented by Mr. H. Wilson, City Solicitor; Mr. D. O'Neil, Director of Long Range Planning and Research with the City and Mr. W. Walchuk, Director of Administration with the City Planning Department.

The County of Parkland No. 31 was represented by Reeve L. Miller, Councillor Mann and Secretary-treasurer O. Schuster.

The Edmonton Regional Planning Commission was represented by Executive Director, N. Giffen.

Alberta Environment did not respond to notification of the annexation hearing nor were they represented at the hearing.

Alberta Transportation was not present to make representation at the hearing but responded by memo dated October 14, 1975, signed by R. H. Cronkhite, Deputy Minister of Construction, stating that the proposed annexation does not affect existing highway facilities, however, the 118th Avenue - 125th Avenue connection for the Yellowhead Route does affect the northern area of the proposed annexation. The memo also pointed out that the 118th Avenue - 125th Avenue facility is ultimately intended as a limited access road and that provisions should be made for right-of-way and the location of interchanges with right-of-way for same.

Daon Development Corporation Ltd., through its representatives, submitted that:

(1) Economic growth in the Edmonton region is creating an urgent need for fully serviced industrial land and pointed out that statistics issued by the city show only 34 acres of industrial land being available in north-west Edmonton as of April 1975.

(2) The future use of the proposed annexation area has been established as industrial in the north-west industrial outline plan prepared by and adopted by the City of Edmonton and the Edmonton Regional Planning Commission.

(3) The soil classification in the proposed annexation area was over 85% 3W, "3" denoting rather limited agricultural land and "W" denoting water or low lying properties.

(4) The location is excellent with respect to existing and proposed road and rail facilities.

(5) The utility servicing requirements of the area can be met by extension of the city systems but cannot be provided by the County of Parkland.

(6) The area proposed for annexation is not affected by the restricted development area adopted by Alberta Environment.

(7) Opening of the proposed annexation area for immediate development would assist in maintaining a competitive land market in the north-west industrial outline plan area.

The City of Edmonton, by resolution passed by Council on October 15, 1975 stated that "City Council support the application by a majority of land owners for annexation of land adjacent to the north-west boun-

daries of the City of Edmonton and that this support be conveyed to the Local Authorities Board". The city also stated in a brief presented to the Board at the annexation hearing that any development proceed on the basis of the concepts and guidelines established by the city's north-west industrial area outline plan, and also requested that the Board include as a condition of approval of the annexation that the registered property owners within the annexation area be required to sign a development agreement with the city.

The County of Parkland expressed a concern that negotiations presently being carried on with the City of Edmonton regarding the loss of assessment and taxation might be prejudiced in some way should the Board issue an Order prior to completion of these negotiations. The county also expressed the concern that should the annexation be granted that jurisdiction over the road allowance running north and south for one mile on 170th Street would remain within the county but have no access other than through City of Edmonton road allowances or M.D. of Sturgeon road allowances.

The Edmonton Regional Planning Commission submitted the following:

(1) That the Commission was on record as supporting the north-west outline plan prepared by the City of Edmonton and this plan included the proposed annexation area.

(2) The application conforms for all intents and purposes with the Commission's annexation guidelines.

(3) In respect to the Regional and Metropolitan Land Use viewpoint, this land will not affect the Edmonton region growth study nor is there anticipation that any possible regional plan should be affected by this land use, the area represents a logical land use extension by virtue of the surrounding land uses and the rail boundary on the north, the site can and apparently will be fully serviced from the standpoint of storm sewer drainage and sanitary sewerage, and there appears to be a market for fully serviced industrial land which only the City of Edmonton can provide in this vicinity at this time.

(4) The application, in effect, is contrary to the Commission's recently endorsed policy on urban expansion into agricultural land, however, in this instance the Commission has recognized other dominating land use factors in the area which have come about by prior decisions of the Commission and the municipalities and, therefore, has supported the principle of accepting industry as the higher and better use.

After considering all the evidence that was presented to it, the Board has reached the following conclusions:

(1) A need has been demonstrated for industrial land in north-west Edmonton and the proposed annexation area is within the north-west industrial outline plan prepared by the City of Edmonton and accepted in principle by the Edmonton Regional Planning Commission.

(2) The area is easily accessible by both road and rail, and may be serviced by extension of existing city systems.

(3) The proposed area is approximately 85% in the 3W soil classification which indicates water problems and limited agricultural use and, therefore, prime land is not being removed from production.

(4) The Board is aware that negotiations are currently being conducted between the County of Parkland and the City of Edmonton re-

garding taxation and assessment as they relate to future changes in jurisdiction along their common boundary, but the Board chooses not to impose its authority in relation to these negotiations.

(5) The Board recognizes that annexation of the proposed area will create an isolated stretch of road being one mile of 170th Street north from the northern most boundary of the City of Edmonton to the southern boundary of the M.D. of Sturgeon, access to which will be available to the county only by travelling over road allowances through the Town of St. Albert and the M.D. of Sturgeon or through the road allowance to the south in the City of Edmonton. While this is not a new problem and the Board appreciates the concern of the county in this matter, it does not, however, feel that this access problem can be dealt with through this annexation procedure, being a matter entirely within the competence and jurisdiction of the municipal governments affected and might, therefore, become a matter for negotiation among the four municipalities concerned with a view to alleviating the county's concerns.

It is ordered, therefore, as follows:

I. That there be annexed to the City of Edmonton, in the Province of Alberta, and thereupon be separated from the County of Parkland No. 31, the territory described on schedule "B" attached and forming a part of this Order.

(A sketch showing the general location of the annexed lands is attached as schedule "A" to this Order.)

II. That any taxes owing to the County of Parkland No. 31 as at December 31, 1975, in respect of the aforementioned annexed property shall transfer to and become payable to the City of Edmonton together with the amount of any lawful penalties and costs levied thereon in respect of such taxes; however, upon the City of Edmonton collecting any or all of the said taxes, penalties or costs, such collections shall forthwith be paid by the City of Edmonton to the County of Parkland No. 31.

III. That the assessor for the City of Edmonton shall for taxation purposes in the year 1976 re-assess or re-value the annexed lands and assessable improvements thereon so that the assessment or valuation thereof shall be fair and equitable with other related lands and assessable improvements in the city.

IV. That the assessor for the City of Edmonton shall for taxation purposes in the years 1976 and 1977 re-assess any buildings located on a parcel of land annexed to the city by this Order, and which if they were located on lands remaining in the County of Parkland No. 31 would qualify as "farm buildings" in the county pursuant to The Municipal Taxation Act, and such buildings shall be exempted as "farm buildings" provided that—

- (a) if the said parcel of land or part thereof is, subsequent to this Order, subdivided, clause IV shall cease to have effect, and
- (b) if the city, by resolution of Council, or the owner or other interested person, in writing establishes before the Board that for good and sufficient reason the provisions of clause IV should be varied or rescinded, application may be made to the Board for an Order to implement such a change.

V. 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 1976 re-assess or re-value, as the case may be, all properties that are assessable or subject to valuation under the terms of The Electric Power and Pipe Line As-

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 Edmonton, so that the assessment or valuation shall be fair and equitable with properties of a similar nature.

VI. That the effective date of this Order shall be the 1st day of January, 1976.

Dated and signed at the City of Edmonton, in the Province of Alberta, this 22nd day of December, 1975.

Certified a true copy,

B. CLARK, Secretary.

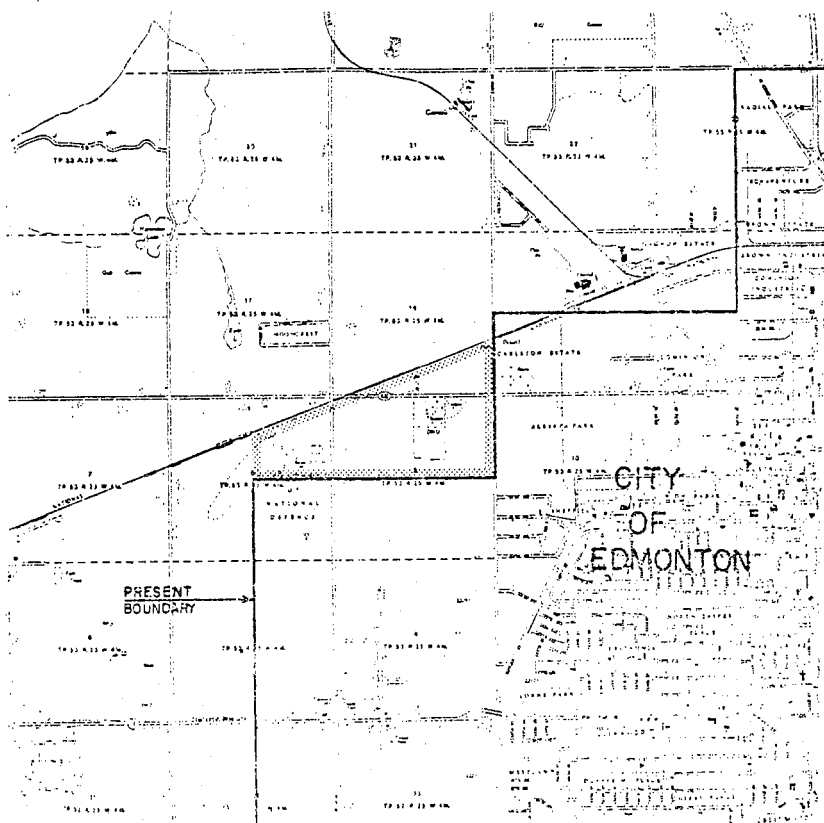
LOCAL AUTHORITIES BOARD,
D. A. BANCROFT, Chairman,
I. MORRIS, Member,
E. POWELL, Member.

SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION
OF THE AREAS AFFECTED BY ORDER No. 8344

EFFECTIVE DATE: JANUARY 1, 1976

 AFFECTED AREA(S)



Schedule "B" to Board Order No. 8344

A detailed description of territory sought for annexation; and annexed to the City of Edmonton, Alberta, pursuant to Local Authorities Board Order No. 8344.

Firstly: That portion of the north-east quarter of section 8, township 53, range 25, west of the fourth meridian which lies south of the southerly limit of the railway as shown on plan 3383 C.L.

Secondly: The north-east quarter of section 9, township 53, range 25, west of the fourth meridian.

Thirdly: That portion of the north-west quarter of section 9, township 53, range 25, west of the fourth meridian which lies south of the southerly limit of the railway as shown on plan 3383 C.L.

Fourthly: That portion of the south half of section 16, township 53, range 25, west of the fourth meridian which lies south of the southerly limit of the railway as shown on plan 3383 C.L.

Fifthly: All government road allowances intervening and adjoining the above described lands.