

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 majority of registered
: owners of certain territory lying
: west and immediately adjacent to
: the City of Edmonton, Alberta,
: petitioning for annexation of the
: said territory to the City of
: Edmonton.

Pursuant to an application by the majority of the registered owners of the territory described on Schedule "B" attached to this Order 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 5th and Wednesday, October 6th, 1976.

Representing the petitioners was their Counsel Mr. H.I. Shandling, of Edmonton, who had in attendance Mr. R.B. Siddle, Planner, Mr. Frank J. Dusel, P. Engineer, Mr. A. Nawata, P. Engineer consultants to the applicant. The petitioners were further supported by Mr. John Soprovich, an Edmonton area developer.

The City of Edmonton was represented by the City Solicitor, Mr. H. Wilson.

The County of Parkland No. 31 was represented by their Counsel, Mr. Farmer by the Reeve of the County, Mr. Les Miller, Mr. A.R. Myhre, Superintendent of Schools and by Mr. O.W. Schuster, Secretary Treasurer of the County.

The Edmonton Regional Planning Commission was represented by the Executive Director, Mr. Norm Giffen.

The following agencies of the Government of Alberta although notified, were not represented at the hearing: Alberta Transportation, Alberta Environment, Environment Conservation Authority and Utilities and Telephones.

The Board received written representation from Alberta Transportation which indicated "the road network associated with access to the ring road should be incorporated in any overall plan developed for this area. In particular provision will have to be made for the extension of 79th Avenue (Whitemud Freeway) and right-of-way requirements at interchange locations." Alberta Transportation further indicated "Residential areas should be buffered from major arterial roads."

The Board received a letter from Triple A Ranches Ltd. which read in part "I wish to either have my name withdrawn from the petition or have assurance that the taxes would remain to be computed as they are now done, by the County of Parkland."

The position of the City of Edmonton as put forth by Mr. H. Wilson, the City Solicitor, indicated that the City of Edmonton would neither oppose nor support the application. Mr. Wilson did, however, submit in evidence a certified copy of City of Edmonton resolution which read "That this Council give instruction to the administration that at the Local Authorities Board hearing they make representation that if annexation is granted that there be no restriction on the City's right to tax the land." This resolution provided the entire City of Edmonton position regarding the proposed annexation.

For purposes of convenience and reference the applicants have designated the proposed annexation area as "Parkland".

In his testimony the first witness for the petitioners, Mr. Siddle described the method of selection of proposed boundaries. The western boundary would include the Winterburn Road which would provide a regular boundary. The Winterburn Road is also the demarkation line between the Stony Plain Indian

Reserve and private lands to the east. The northern boundary is approximately one half mile south of Highway 16. This boundary was selected to exclude existing country residential development and possible commercial development on the south side of Highway 16. The southern boundary was likewise selected to exclude present country residential areas which have been subdivided. In summary the boundaries were selected primarily to exclude existing country residential estates and to form a well defined demarkation line on the west. Mr. Siddle further indicated that the original plans for the Parkland project were revised when information was received regarding the Restricted Development Area which cut through the proposed annexation area. Mr. Siddle indicated that the developable acreage after deducting some 1400 acres which is restricted development area would be approximately 2400 acres. Mr. Siddle indicated that the proposed annexation area is readily serviceable as it generally slopes from west to east toward the North Saskatchewan River. Servicing for sanitary and storm sewers would be reasonably efficient. The area is also in reasonable proximity to the City of Edmonton's new E.L. Smith Water Treatment Plant and would likely receive its water from a main emanating from this source.

Mr. Siddle further indicated that the City of Edmonton has evidently sized various roads to handle development beyond the City's present western boundary. The investigation by the witness Mr. Siddle, further went into soil classifications and indicated that the annexation area contains soils numbered 1, 2, 3, 5, 6 and Zero (Zero being organic soil). These classifications are in accordance with the rating for agricultural use by the Canada Land Inventory System. The witness indicated that although the proposed annexation area would encompass a certain amount of numbers 1 and 2 soils (best soils) the natural growth of the City would eventually encompass these areas in any event. The witness indicated that the time from annexation to provision of actual housing was approximately five years; and that the institution of the Restricted Development Area and the probable realignment of the ring road from the west end of Edmonton into the Restricted Development Area would make available a two year supply of developable land in Edmonton.

The preliminary planning done by Mr. Siddle on behalf of the developer indicated that approximately 650 acres of the 2400 not included in the Restricted Development Area and proposed for annexation would be used for circulation and transportation purposes. The 2400 acres of land was divided into eight basic residential areas and would provide space for residential, commercial and institutional purposes, schools and open space, and would have this space used at an overall density of approximately 20 persons per gross acre or 35 persons per net residential acre.

The planner anticipated a requirement of some eight public elementary schools, three public junior high schools, one public senior high school, three separate elementary schools, two separate junior high schools, and one separate senior high school. The planning also indicated in each neighbourhood there would be a small commercial centre for the use of the residents who live in that area. These commercial centres would be combined with school and open space elements for each neighbourhood to reinforce the sense of community belonging. The population envisaged by the planner to use these facilities would be 48,000 persons.

Mr. John Soprovich appeared on behalf of the applicants and submitted in evidence several letters from west-end builders indicating that their requirements over the next year would be approximately 1500 lots. The revision of the ring road alignment in west Jasper Place would provide sufficient land for approximately 1000 lots.

The planning done by Mr. Siddle and his associates took into consideration the requirements and restrictions regarding oil wells and pipelines. The pipelines which traverse the proposed annexation area would be contained in proposed open space areas of the development and therefore were not a serious deterrent to development.

The feasibility of servicing the Parkland area was studied by Mr. Frank Dusel, P. Eng. The prime servicing considerations were the sanitary sewage

system, storm sewer system and the waterworks. Mr. Dusel indicated that the City of Edmonton had under construction a ring feeder main from the City's E.L. Smith Water Treatment Plant which will run along the present western boundary of the City of Edmonton and will connect to the north part of the City and the Rosslyn Reservoir. Servicing for water purposes for the proposed annexation area would be available through this feeder main. Mr. Dusel also investigated the compatibility of their planning with the City of Edmonton's requirements as they apply to water systems and indicated that the proposal for the Parkland area was compatible with the City of Edmonton's requirements. He did, however, indicate that at full development it would be necessary to provide additional storage in the study area and proposed a half-million gallon reservoir at the north end of the development and a two million gallon storage reservoir in the south end of the development. The estimated cost of these off site water service requirements was approximately \$1.6 million.

The evidence provided regarding sanitary sewage indicated that the City of Edmonton system had limited capacity to receive additional flow from the proposed development area. This problem could be alleviated by the construction of holding tanks which would release their flow in off peak hours. This proposal would be a reasonable solution to the problem which would otherwise be created at full development in the proposed annexation area. The flow equalization tanks could be located either in the Restricted Development Area or west of it. The sanitary sewer system would also require a lift station. Total cost of the off-site facilities for sanitary sewer would be approximately \$2.6 million.

The study of storm sewer requirements indicated that the probable location of storm sewer trunk mains would be along the proposed ring road alignment and thus following to the river bottom. The cost of providing outfalls to the river was approximately \$2.7 million.

In summation Mr. Dusel indicated that the off-site costs for waterworks would be approximately \$1.6 million, for sanitary sewer approximately \$2.6 million and for storm sewer approximately \$2.7 million, for a total estimated cost of \$6.9 million. A breakdown of the cost per acre in the proposed development area of Parkland amounts to \$2,875.00 per acre. On an equivalent lot basis this cost is approximately \$766.00 per lot for off-site costs. Mr. Dusel indicated that in other areas of the City in which his firm is working costs are similar and thus the costs in the proposed annexation area are not inordinately high.

When questioned about the additional cost of traversing the Restricted Development Area, Mr. Dusel indicated that this construction would not significantly increase the per lot cost as compared to other areas of the City.

The applicants for the annexation next dealt with the feasibility of transportation in the proposed area. Mr. A. Nowata appeared to give evidence in this field. Mr. Nowata dealt with the existing roadway system, proposed extensions to the existing roadway system and the possibility of rapid transit extensions toward the proposed annexation area. Mr. Nowata indicated that the City propose to upgrade 125th Avenue from the Beverly interchange across the north edge of the main downtown area and ultimately connect with the proposed ring road. He also indicated that 118th Avenue would become a main east west highway link which would be extended and also ultimately intersect with the proposed ring road as would 111th Avenue and 107th Avenue. At present the main penetrator route to downtown Edmonton is the alignment of the present Highway No. 16. There is some confusion about the development of a McKinnon Ravine Freeway. The City of Edmonton transportation plan considers this route and ultimately a connecting link to the outer ring road. South of Highway 16 the main penetrators and arterial feeder routes might be upgraded along 95th Avenue 87th Avenue, 79th Avenue, 69th Avenue, 62nd Avenue and 49th Avenue. These routes when upgraded would provide excellent transportation facilities for the proposed annexation area.

- 4 -

The study of transportation indicated that at present consideration is being given to the extension of rapid transit facilities into the Jasper Place area in the subdivision of Meadowlark Park. These routes are not protected by the City of Edmonton and have not in fact been approved but are under consideration. The internal roadway system for the proposed area indicates a main spine running parallel to the proposed ring road alignment which would be intersected by the extension of arterial roads from the present main arterial alignments in use in the City of Edmonton. The study of traffic generation in the Parkland area indicated that approximately 1700 vehicles per peak hour would emanate from or be destined for the Parkland development. Other traffic in the area would be dispersed by the ring road and tertiary ring road systems and because of their diverse destinations would not seriously affect the traffic entering the downtown area. The City of Edmonton had however, studied the possibilities of upgrading the existing roadway systems to accommodate increased traffic. These possibilities include the widening of 107th Avenue to a six lane divided facility, the widening of 100th Avenue connecting to Stony Plain Road to a six lane undivided roadway, the possibility of widening 103rd Avenue to a four lane undivided highway connecting to Stony Plain Road, the widening of 104th Avenue to a four lane divided highway and the possible alternative of the McKinnon Ravine arterial road to six lane arterial road standards. The City of Edmonton had also considered the possibility of a two lane transit bus route through the McKinnon Ravine Freeway with the possibility of ultimately converting this to high speed rail type rapid transit. Extending rapid transit facilities into the area however, was expected to take some 15-20 years.

The applicant submitted certain figures indicating the order of magnitude of economic effect on the Edmonton area should the proposed annexation go forward. These figures indicated \$583 million worth of residential construction, \$60 million worth of commercial construction, institutional construction which would reach approximately \$45 million and approximately \$100 million in utilities construction would be required as a result of the annexation of this proposed area.

The County put forth the position that "It makes little sense to suggest the construction of new schools when a neighbourhood school at Winterburn would be reduced to 79% of its rated capacity." The County further expressed concern for the students and possible detrimental effect on their education.

The County indicated that in the provision of municipal services the County's road maintenance equipment would have to deadhead across City of Edmonton territory to reach the southeastern part of its jurisdiction and that fire protection which was provided by fire units from Winterburn would have to travel south through City of Edmonton controlled territory to reach the southern extremities outside of the proposed annexation area. The County expressed a concern about the City of Edmonton maintaining properly cleared roads to allow school buses and other transport to move freely to serve the County's territory while passing through City of Edmonton jurisdiction.

The County argued that the City of Edmonton had not indicated a need for land within the County of Parkland and had not approached the County with this request. The County indicated "It is the County of Parkland's submission that the approval of this application for annexation would result in a return to the situation which existed prior to 1972 and would result in a return to irregular boundaries to the West. This, in turn, would result in inefficiency, confusion and the failure to make maximum use of municipal and school facilities."

The Board has considered the application by the majority of registered owners, the letters and briefs filed with the Board, the oral argument and evidence presented at the hearing held by the Board into the proposal, and has come to the following general conclusions:

1. That additional land for a future supply of low cost residential subdivision lots in west Edmonton is needed.
2. Servicing the proposed area is feasible without inordinately high cost.

- 5 -

3. Providing transportation facilities to and from the proposed annexation area is feasible.
4. The territory constitutes a logical extension of the City of Edmonton's jurisdiction.
5. The change of municipal boundaries need not obstruct access to any land by any property owner or by the County authority within territories under its jurisdiction.
6. The number of students currently attending the County of Parkland School system who would be disrupted by the change of jurisdiction would be small.

The Board is of the opinion, therefore, that the application should be granted in full.

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 in Schedule "B" attached.

(A sketch showing the general location of the annexed lands is attached as Schedule "A")

- II. That any taxes owing to the County of Parkland No. 31 as at December 31, 1977 in respect of the aforementioned properties shall transfer to and become payable to the City of Edmonton, together with any lawful penalties and costs levied thereon, in respect of any such taxes; however, upon the City of Edmonton collecting any or all of such taxes, penalties or costs, such collections shall forthwith be paid by the City to the County of Parkland No. 31.

- III. That the assessor for the City of Edmonton shall for taxation purposes in the year 1978 re-assess 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 Edmonton.

- 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 1978, re-assess or revalue as the case may be, all properties that are assessable or subject to valuation under the terms of the Electric Power and Pipeline 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.

- V. That the effective date of this Order is the First (1st) day of January, 1978.

Dated and signed at the City of Edmonton, in the Province of Alberta this First (1st) day of February, A.D., 1977.

CERTIFIED A TRUE COPY

LOCAL AUTHORITIES BOARD
(SGD.) D. A. BANCROFT

CHAIRMAN
(SGD.) E. POWELL

MEMBER

SECRETARY



LOCAL AUTHORITIES BOARD

SCHEDULE "B"

A DETAILED DESCRIPTION OF TERRITORY SOUGHT
FOR ANNEXATION; AND ANNEXED TO THE CITY OF
EDMONTON PURSUANT TO BOARD ORDER NO. 9241.

The North East Quarter of Section Seven (7), Township Fifty-Two (52),
Range Twenty-Five (25), West of the Fourth Meridian.

The South West Quarter of Section Eight (8), Township Fifty-Two (52),
Range Twenty-Five (25), West of the Fourth Meridian excepting thereout
a) those lands subdivided under Plan of Subdivision 1113 R.S.
b) road as shown on Road Plan 1067 R.S.

The North West Quarter of Section Eight (8), Township Fifty-Two (52),
Range Twenty-Five (25), West of the Fourth Meridian.

The West Half of Section Seventeen (17), Township Fifty-Two (52),
Range Twenty-Five (25), West of the Fourth Meridian.

Section Eighteen (18), Township Fifty-Two (52), Range Twenty-Five (25),
West of the Fourth Meridian.

Section Nineteen (19), Township Fifty-Two (52), Range Twenty-Five (25),
West of the Fourth Meridian.

The West Half of Section Twenty (20), Township Fifty-Two (52), Range
Twenty-Five (25), West of the Fourth Meridian.

The West Half of Section Twenty-Nine (29), Township Fifty-Two (52),
Range Twenty-Five (25), West of the Fourth Meridian.

Section Thirty (30), Township Fifty-Two (52), Range Twenty-Five (25),
West of the Fourth Meridian.

The South Half of Section Thirty-One (31), Township Fifty-Two (52),
Range Twenty-Five (25), West of the Fourth Meridian.

The South West Quarter of Section Thirty-Two (32), Township Fifty-Two
(52), Range Twenty-Five (25), West of the Fourth Meridian.

All Government Road Allowances intervening and adjoining the above
described lands.