



IN THE MATTER OF THE "Municipal Government Act":

AND IN THE MATTER OF THE "County Act":

AND IN THE MATTER OF an application by the Council of the City of Spruce Grove, in the Province of Alberta, to annex certain territory lying immediately adjacent thereto and thereby its separation from the County of Parkland No. 31.

Pursuant to Section 20 of the Municipal Government Act, the Council of the City of Spruce Grove, 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:

EAST HALF OF SECTION THIRTY-TWO (32), TOWNSHIP FIFTY-TWO (52), RANGE TWENTY-SEVEN (27), WEST OF THE FOURTH MERIDIAN

EAST HALF OF SECTION FIVE (5), TOWNSHIP FIFTY-THREE (53), RANGE TWENTY-SEVEN (27), WEST OF THE FOURTH MERIDIAN

THAT EAST WEST GOVERNMENT ROAD ALLOWANCE ADJOINING THE SOUTH BOUNDARY OF THE SOUTH EAST QUARTER OF SECTION FIVE (5), TOWNSHIP FIFTY-THREE (53), RANGE TWENTY-SEVEN (27), WEST OF THE FOURTH MERIDIAN

WEST HALF OF SECTION FIVE (5), TOWNSHIP FIFTY-THREE (53), RANGE TWENTY-SEVEN (27), WEST OF THE FOURTH MERIDIAN EXCEPTING THEREOUT ROAD PLAN 802 2789 AND THE NORTH SOUTH GOVERNMENT ROAD ALLOWANCES ADJOINING THE WEST BOUNDARY OF THE SAID SECTION

ALL THAT PORTION OF SECTION EIGHT (8), TOWNSHIP FIFTY-THREE (53), RANGE TWENTY-SEVEN (27), WEST OF THE FOURTH MERIDIAN WHICH LIES SOUTH OF THE SOUTHERLY LIMIT OF THE MAIN HIGHWAY AS SHOWN ON PLAN 812 0573 EXCEPTING THEREOUT THE NORTH SOUTH GOVERNMENT ROAD ALLOWANCES ADJOINING THE WEST BOUNDARY OF THE SAID SECTION

THE ABOVE DESCRIBED LANDS CONTAIN SIX HUNDRED THIRTEEN AND TWENTY-FOUR HUNDREDTHS (613.24) HECTARES (1,515.36 ACRES), MORE OR LESS

(hereinafter called "the said territory")

which lies immediately adjacent to the City of Spruce Grove, and thereby its separation from the County of Parkland No. 31, and in respect to which the Board held a public hearing into the matter on April 16, 1991.

Appearing on behalf of the City of Spruce Grove were Mayor Bill Steinburg, City Manager John Cosgrove, Director of Engineering Ernie Koshuta, Director of Finance and Administration Randy Dubord, Manager of Planning and Development Neil Connelly and Kim C. Mackenzie of Mackenzie Associates Consulting Group Ltd.

The County of Parkland No. 31 was represented by Reeve Peter Woloshyn, Councillors Esther Fitzgerald and Bertram Johnston, and Treasurer Del Dyck.

Town Manager Don Howden appeared on behalf of the Town of Stony Plain.

Appearing on behalf of the Edmonton Metropolitan Regional Planning Commission were Peter Dickson, Manager, Strategic Planning, and Senior Planners Greg Scerbak and Ctibor Skoda.



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The said territory consists of approximately two and one half sections of land abutting the west boundary of the City of Spruce Grove. The north boundary of the said territory is defined by the south limit of Highway No. 16X and the west boundary by Boundary Road and abuts the east boundary of the Town of Stony Plain for approximately one half mile. Highway No. 16 bisects the said territory one mile north of the south boundary. The topography of the said territory is generally level. The northwest corner is intersected by Atim Creek and the natural drainage pattern is toward the Creek. The said territory is primarily Class 1 soil under the Canada Land Inventory Classification system and is currently in agricultural production.

The City of Spruce Grove, formerly a small agricultural service centre with a population of 465 in 1961, has developed into a major satellite community within the Edmonton Metropolitan Region with a present population of 12,408. The current status of the community is highlighted by a relatively balanced growth between the residential and employment functions. A well developed commercial area exists along Highway No. 16 which bisects the City in an east/west direction. Industrial development is concentrated to the south of the highway to take advantage of a transportation network consisting of the highway and the Canadian National Railway which roughly borders the highway. Residential development is to the north of Highway No. 16 and is now limited in its northward expansion by Highway No. 16X. Highway No. 16X is designed as a limited access major highway intended to convey a large volume of through traffic at highway speeds.

The Town of Stony Plain, located one mile to the west of the present boundaries of the City of Spruce Grove, has developed in contrast to the City with the residential development south of Highway No. 16 and the employment functions to the north of the highway. Given the contrasting development patterns, management of what has been referred to as the "corridor lands" has become an integral part of the future land use planning of both communities.

Given the potential impact the corridor lands have on the two communities of Spruce Grove and Stony Plain, the County of Parkland No. 31 having jurisdictional control over the land has exercised development controls that have maintained the rural character pending resolution of its long term future use. The three municipalities have jointly recognized that the said territory is a logical extension of the City and that the City may best assume responsibility for planning the future development pattern.

The City of Spruce Grove is requesting annexation of the corridor lands at this time to exercise planning control and to meet the long term growth requirements of the community. Based on the past thirty years the City has estimated a yearly growth rate of between 3.5% and 4.5% per year. Given the assumed rates of growth over a forty year period, the City has projected a population of 49,100 to 72,100 by the year 2030. Over a somewhat shorter period of thirty years a population of 34,800 to 46,500 is predicted. Based upon either scenario, the City stated that there is insufficient territory within the present boundaries to meet the projected growth.

The City currently has an inventory of 1,432 acres of designated residential land and an estimated unused capacity within the developed areas to accommodate an additional population of 1,500 persons. Based upon the lower projected rate of growth, the City will require an additional 450 acres over the thirty year period and 1,700 additional acres over a forty year period. At the higher projected growth rate of 4.5% an additional 1,500 acres over thirty years, or 3,800 acres over forty years will be required to meet the residential demand.



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The City submitted that the central commercial area is fully developed and unless additional lands are provided existing residential uses will have to be displaced to meet the projected demand. In the existing commercial area abutting Highway No. 16 there are 26 acres of vacant land available for development. Based upon the projected population growth over thirty to forty years, the City will require between 48 and 102 acres for future commercial uses.

The City of Spruce Grove currently has 100 acres of vacant serviced industrial land and 1,043 acres of developable unserviced industrial land. The City submitted that while the substantial supply of industrial land will meet the future needs, all the land is located south of the current highly developed industrial area which is in close proximity to Highway No. 16 and the railway. Industrial development is closely tied to either direct or close access to the two major transportation facilities. As a result of the existing development pattern, the City is not in a position to offer potential development sites with either direct rail or highway access. Annexation to the west of the City and south of Highway No. 16 will provide the necessary access and frontage to enable the present development pattern to continue and also enable the possible construction of a spur line to increase the development potential of the more southerly lands.

The City also advised that it is their intent to review the General Municipal Plan in the near future and would, in the event annexation is granted, prefer to include the said territory in that review. Therefore, the City requested that annexation be made effective as soon as possible. In respect to the impact annexation would have on the County's budgetary process at this late date, the City suggested that the taxes remain with the County until the new year. In addressing the issue of the assessment of the said territory upon annexation, the City requested that rural assessment practises continue until the land is converted to urban uses.

The Staff Report of the Edmonton Metropolitan Regional Planning Commission considered the annexation proposal of the City of Spruce Grove and submitted that while the Regional Plan generally supports the growth of urban communities, need beyond a twenty-five year time frame must be demonstrated. Without a demonstrated need for an extended time frame, the staff limited analysis of the City's land requirements to twenty-five years. The Commission staff established three scenarios based upon the high and low population projections of the City of Spruce Grove and a third projection of 3.0% per year based on a new report titled "Population Projections Edmonton Metropolitan Region 1986-2011", dated February 1991 which assign lower growth projections for the Region. Based on a population growth projection of 4 to 5% per year, an additional 823 acres of residential land will be required over the twenty-five year period, 48 acres at 3.5% per year and no additional land at the new forecast of 3.0% per year.

The staff of the Commission accepted the future commercial requirements of the City as justified. However, in respect to the industrial land requirements, the staff concluded that the City currently has an adequate supply of land.

In addressing the issue of the unique situation developing regarding the lands lying between the two municipalities of Spruce Grove and Stony Plain, the staff recognized the pressures for urbanization of the corridor lands and accepted the need for a long term municipal responsibility to be defined well in advance of urbanization and that annexation would provide a desirable degree of jurisdictional certainty in the subregion. Finally the staff recommended that due to the potential conflicting land use problems associated with the two municipalities, Spruce Grove and Stony Plain enter into a Joint General Municipal Plan to resolve the situation prior to it becoming a reality.



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In conclusion, the Staff Report, which supported annexation, was considered by the Edmonton Metropolitan Regional Planning Commission at its regular meeting of April 3, 1991, and the Commission adopted the following resolution:

- "1. the attached report and recommendations be adopted and serve as the Commission's position with respect to the proposed annexation petition by the City of Spruce Grove, and,
2. staff present the Commission's position to the Local Authorities Board at its hearing on April 16, 1991 in Spruce Grove, and,
3. a Joint GMP be prepared subsequent to annexation to resolve the potential conflicting land use problems."

The County of Parkland No. 31 was represented at the hearing and, while the County did not make a formal presentation, did advise the Board that in accordance with the agreement reached by the County, the City of Spruce Grove and the Town of Stony Plain, the County supported the annexation of the said territory to the City.

Alberta Transportation and Utilities, Alberta Agriculture, Alberta Environment and the Energy Resources Conservation Board all reviewed the annexation proposal and submitted written submissions. The Energy Resources Conservation Board advised of the locations of possible abandoned well sites and advised of the proper capping procedures. Alberta Agriculture expressed concern regarding the conversion of prime agricultural lands to urban uses and objected to the past practise within the City of stripping the topsoil well in advance of the land's conversion to urban uses. Alberta Transportation and Utilities, in advising of future highway plans, did not raise any objections to the annexation. Alberta Environment did not have any environmental concerns with the annexation proposal.

The City of Spruce Grove, in response to the issue raised by Alberta Agriculture, advised that a permit is required to strip topsoil and it is a requirement that at least one foot of topsoil must remain. Further, those lands that have been subject to stripping are still in agricultural production.

The Board, having considered the evidence presented to it at the hearing, has reached the following conclusions:

1. That due to the potential conflicting land uses which could develop in the corridor between the City of Spruce Grove and the Town of Stony Plain, there is merit in annexing the land to the City to ensure that future development is compatible with the existing urban structure of Spruce Grove.
2. That the municipalities of Spruce Grove, Stony Plain and the County of Parkland No. 31 are to be commended for recognizing the potential for conflicting land uses and resolving the issue by an agreement that is cognizant of the need to effectively manage the transition to urban uses.
3. That the thirty to forty year time frame used by the City of Spruce Grove to justify need for the land is inappropriate. The longer the term, the more inaccurate the projections become, more so when there is a difference of opinion regarding the expected average yearly growth. Such a projection can not take into consideration the numerable factors which can influence and impact upon the growth of a

community over an extended period of time. It is the Board's experience that the maximum time frame for projecting the future land needs of a municipality is twenty-five years. The Board, however, recognizes that there are unique situations that require a deviation from the norm and in this instance annexation is not to meet the perceived long term requirements of one municipality but to respond to the needs of three jurisdictions to ensure that the transition is effectively managed by the jurisdiction which will ultimately be responsible for the urban growth.

4. That due to the contrasting development of residential and industrial land uses in the City of Spruce Grove and the Town of Stony Plain there is merit in the two municipalities and, if necessary, the County of Parkland No. 31 to enter into a Joint General Municipal Plan. For the corridor land such a planning arrangement will not only offer protection to existing and future land uses, it would also ensure that the close working relationship developed by the three municipal jurisdictions would continue in the future to the benefit of the entire sub-region.
5. That development of the corridor lands is hindered by the existence of abandoned wells which may not be abandoned in the proper manner. It is recommended that all abandoned wells be located and plugged or capped in the manner prescribed by the Energy Resources Conservation Board prior to any development in the corridor.
6. That the application to annex the said territory to the City of Spruce Grove and thereby its separation from the County of Parkland No. 31 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 Spruce Grove in the Province of Alberta, and thereupon be separated from the County of Parkland No. 31 the following described territory:

EAST HALF OF SECTION THIRTY-TWO (32), TOWNSHIP FIFTY-TWO (52), RANGE TWENTY-SEVEN (27), WEST OF THE FOURTH MERIDIAN

EAST HALF OF SECTION FIVE (5), TOWNSHIP FIFTY-THREE (53), RANGE TWENTY-SEVEN (27), WEST OF THE FOURTH MERIDIAN

THAT EAST WEST GOVERNMENT ROAD ALLOWANCE ADJOINING THE SOUTH BOUNDARY OF THE SOUTH EAST QUARTER OF SECTION FIVE (5), TOWNSHIP FIFTY-THREE (53), RANGE TWENTY-SEVEN (27), WEST OF THE FOURTH MERIDIAN

WEST HALF OF SECTION FIVE (5), TOWNSHIP FIFTY-THREE (53), RANGE TWENTY-SEVEN (27), WEST OF THE FOURTH MERIDIAN EXCEPTING THEREOUT ROAD PLAN 802 2789 AND THE NORTH SOUTH GOVERNMENT ROAD ALLOWANCES ADJOINING THE WEST BOUNDARY OF THE SAID SECTION

ALL THAT PORTION OF SECTION EIGHT (8), TOWNSHIP FIFTY-THREE (53), RANGE TWENTY-SEVEN (27), WEST OF THE FOURTH MERIDIAN WHICH LIES SOUTH OF THE SOUTHERLY LIMIT OF THE MAIN HIGHWAY AS SHOWN ON PLAN 812 0573 EXCEPTING THEREOUT THE NORTH SOUTH GOVERNMENT ROAD ALLOWANCES ADJOINING THE WEST BOUNDARY OF THE SAID SECTION

THE ABOVE DESCRIBED LANDS CONTAIN SIX HUNDRED THIRTEEN AND TWENTY-FOUR HUNDREDTHS (613.24) HECTARES (1,515.36 ACRES), MORE OR LESS.

(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, 1991, in respect of the aforementioned properties shall transfer to and become payable to the City of Spruce Grove together with any lawful penalties and costs levied thereon in respect of any such taxes; however, upon the City of Spruce Grove collecting any or all of such taxes, penalties or costs, such collection shall forthwith be paid by the City to the County of Parkland No. 31.
- III. That the assessor for the City of Spruce Grove shall, for taxation purposes in the year 1992, reassess the annexed lands and assessable improvements thereon, which are by this Order annexed to the City of Spruce Grove so that the assessment thereof shall be fair and equitable with other lands and assessable improvements in the City of Spruce Grove, and the provisions of the Municipal Taxation Act regarding the assessment roll shall mutatis mutandis apply to such assessment.
- IV. (A) That the assessor for the City of Spruce Grove shall, for taxation purposes, classify and assess any farm land, farm residences and farm buildings, annexed by this Order to the City of Spruce Grove, as if the land, residences and buildings were farm land, residences or buildings located in a rural municipality, and which if located in the County of Parkland No. 31 would be classified as farm land, residences and buildings pursuant to the Municipal Taxation Act.
- (B) That such "farm land, residences and buildings" classification shall be given to such land, residences and buildings only for the years 1992 to 1996 inclusive after which time such classification shall immediately terminate; provided however:
- (i) that if the land or residences and buildings located on the said parcels are, pursuant to Clause IV (A) above, determined by the assessor for the City of Spruce Grove as being no longer "farm land, residences and buildings", even if they had been located in the County of Parkland No. 31 referred to in Clause IV (A), then such classification of "farm land, residences and buildings" shall immediately terminate in respect of the said parcels; or
- (ii) that if the Council of the City of Spruce Grove, by Resolution, makes an application to the Local Authorities Board and establishes before the Local Authorities Board that the provisions of Clause IV (A) should be varied prior to the date established in Clause IV (B), the Local Authorities Board may vary the time such classification as "farm land, residences and buildings" shall remain in effect.
- (C) The owner of a parcel described in Clause IV (A) may apply to the Local Authorities Board for an extension of the time limit for the classification of "farm land, residences and buildings" as it applies to that specific parcel and the Local Authorities Board may order that the provisions of Clause IV (B) be varied or rescinded.
- 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 1992, 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 Spruce Grove, so that the assessment or valuation shall be fair and equitable with properties of a similar nature.



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VI. That the effective date of this Order is the Thirtieth (30th) day of June, 1991.

DATED and signed at the City of Edmonton, in the Province of Alberta, this 16th day of May, 1991.

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B. CLARK  
VICE CHAIRMAN

EVA FRIES  
MEMBER

R.O. MYRONIUK  
MEMBER

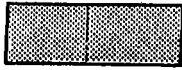
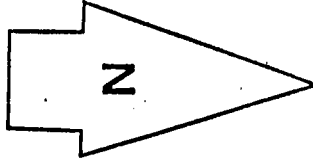
CERTIFIED A TRUE COPY:

BOARD SECRETARY

# SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE  
AREAS AFFECTED BY BOARD ORDER No. 19818

EFFECTIVE DATE: JUNE 30, 1991



AFFECTED AREA(S)

