

LOCAL AUTHORITIES BOARD

ORDER NO. 5008

FILE: C-20-A

THURSDAY—THE THIRD DAY OF DECEMBER, 1970

Before:

The Local Authorities Board for
the Province of Alberta,

In the matter of The Municipal
Government Act:

And in the matter of an appli-
cation by the majority of the
registered owners of a certain
territory lying adjacent to the
City of Edmonton, requesting
annexation of the said territory
lying in the Municipal District of
Sturgeon No. 90 to the said city.

Pursuant to an application by a majority of the registered owners of the hereinafter described lands (the "Applicant"), petitioning for an Order to annex the said territory to the City of Edmonton, the Board conducted a public hearing of the matter in the City of Edmonton on May 19, 20, 21 and 22, 1970.

Firstly: All of sections 29, 30, 31, 32, 33 and 34 and all of the original Government Road Allowances adjoining the south, west and east boundaries of the said section 29, the south and west boundaries of the said section 30, the north and west boundaries of the said sections 31, 32 and 33, the north, west and east boundaries of the said section 34 and including the intersections of the said road allowances at the south-west and south-east corners of the said section 29, the south-west corner of the said section 30, the north-west corners of the said sections 31, 32 and 33 and the north-west and north-east corners of the said section 34, all in township 53, range 24, west of the fourth meridian in the Province of Alberta.

Secondly: All of section 3, the south halves of sections 4 and 5, all that portion of the north half of the said section 4 and the south half of section 9 which lies east of the easterly limit of the road as shown on Road Plan 6037 L.Z., all of the south half of section 10 and all of the original Government Road Allowances adjoining the west and east boundaries of the said section 3, the west boundaries of the said south halves of the said sections 4 and 5, the west and east boundaries of the said south half of the said section 10, all in township 54, range 24, west of the fourth meridian in the Province of Alberta.

Thirdly: All that portion of the east half of section 25, range 25, township 53, west of the fourth meridian in the Province of Alberta taken for road widening as shown on Road Plan 53 R.S. and all that portion of the original Government Road Allowance adjoining the south boundary of the said section 25 which lies to the east of the southerly production of the westerly limit of the said Plan 53 R.S.

Counsel, witnesses and spokesmen appearing for the "Applicant", municipal and school authorities and interested landowners included:

For B.A.C.M. Limited and 155 supporting landowners, "Applicant":
Counsel Peter M. Owen, Q.C., with W. M. Wintermute; Witnesses:
Victor S. G. Lewis, P. Eng.; Frank Marlyn, M.T.P.I.C.

For Municipal District of Sturgeon No. 90: Counsel Alan M. Brownlee, Q.C.; Witnesses: Lawrence Kluthe, Reeve; Alphonse Nobert, Secretary-Treasurer; Douglas C. Stewart, C.A.; Duson L. Makale, M.T.P.I.C.; Peter Edwards M.T.P.I.C.

For Sturgeon School Division No. 24; Counsel Alan M. Brownlee, Q.C.; Witnesses: Alvin E. Kunst, B.A., B.Ed., Superintendent of Schools with Frank Robinson, B.Ed., Assistant Superintendent of Schools

For City of Edmonton: Counsel Alan F. Macdonald, Q.C.

For Town of St. Albert: Counsel J. W. K. Shortreed, Q.C.

For Calgary Power Limited: Counsel C. D. O'Brien

For Alldritt Construction Company Limited; King's Gate Development Limited; Quality Construction Edmonton, Limited; Base Holdings Limited; Southern Heights Limited: Counsel W. H. Hurlburt, Q.C.

For Planrite Development Company Limited: Counsel Julian Koziak.

For Zottenberg *et al*—(certain landowners in south half of section 25, township 53, range 25, west of the fourth meridian); Counsel H. I. Shandling.

For Fred Cresswell, John Schounenburg, G. Moore, K. D. Porter and Bruce A. Porter, farmers: Witness Bruce A. Porter, spokesman.

The undernoted persons filed briefs or letters with the Board but did not speak to them at the public hearing:

Vera Danard (lot 6, plan 6215 V.) — Pt. S.W. 33-53-24-4

Robert C. and Agnes C. Huff — Pt. N.E. 32-53-24-4

Herbert and G. A. Manweiler — Description of property not available

Frank A. Omasta — Pt. N.E. 34-53-24-4

A list of Exhibits filed with the Board during the course of the hearing is appended hereto as Schedule "B".

I. The "Applicants" being B.A.C.M. Limited together with one hundred and fifty-five (155) supporting landowners and some twenty-nine (29) additional owners — representing, in all over eighty per cent (80%) of the total of some two hundred and twenty-six (226) affected landowners — submitted that the territory should be annexed to the City of Edmonton for the following general reasons:

(a) the territory forms a natural well-defined planning unit for the future expansion of the city.

It may be serviced economically through extensions to existing City water, sanitary sewer and storm sewer systems, the problem of storm sewer drainage in the area having been solved by current B.A.C.M. engineering studies.

A ground reservoir (artificial lake) to be constructed in the west area of the territory will allow controlled disposal of the area's surface water into the city's present and contemplated storm sewer lines, and will provide a park area capable of development for recreational purposes.

(b) the territory is suitable for residential development and its use for this purpose is supported by City Council.

The area is not encumbered by extensive existing urban-type developments.

The proposed buffer zone to the west — providing at least fifteen hundred (1500) feet separation from the noise-generating Speedway Park (an international auto racing circuit and complex) — with intervening berming and roadways, is deemed to provide adequate noise protection to the residents of the development area.

The territory lies outside the flight paths of Namao military airport to the north as they are foreseeably predicted by the Canadian authorities of the Department of National Defence and the Department of Transport. The developer's (B.A.C.M.) building plans provide for a buffer zone against aircraft noise that is considerably in excess of that deemed necessary by the Federal authority.

The location of Namao airport near the city (two and one-half (2½) miles north of the present city limits) prevents its development as an international airport. The Edmonton International Airport, some twenty (20) miles to the south-west of the City, already provides an adequate facility.

Development plans for the annexation territory are subject to approval of planning authorities before residential construction may commence, ensuring adequate safeguards for the residents from noise or other pollution hazards.

- (c) the city has need of additional lands for residential development.

Due to a shortage of building land in the city raw land prices at from \$7,000 to \$11,000 per acre, are out of reach of the average potential home owner. Raw lands priced at not over \$3,000 to \$3,500 per acre are needed for this market.

Land purchased at the higher prices is held for its optimum use and is not available to meet the demand for low or medium priced single family dwelling lots.

City Council's endorsement of annexation of this north territory, even though considerable additional lands are to be made available for low cost housing to the south-east of the city (Mill Woods), is evidence of need for additional lands in the city to combat the high lot prices.

- (d) Development of the B.A.C.M. area in conjunction with development of the new Athabasca University site lying about one and one-half (1½) miles to the north-west of the area proposed for annexation, will lead to efficient planning of traffic arteries running in both north-south and east-west directions.

The appropriate Namao airport "noise cone" provides a buffer zone to separate city development from university and the Town of St. Albert.

- (e) While the loss by the Municipal District of Sturgeon of federal grants in amount of some \$74,000.00, due to the proposed annexation of Griesbach Military Base to the city, may cause a temporary loss of revenue to the municipal district, the district may well recoup some of such losses from the expected increase in population and activity at the new university.

The Board may decide on some transfer of Federal (Griesbach) grant revenues (from the city to the municipal district) for a three or four year period, as a transitional measure.

In any event, section 20(6) of The Municipal Government Act provides the municipal district with an avenue to remove any financial hardship which it may suffer as a result of the granting of the annexation application.

- (f) any financial and administrative problems that Sturgeon School Division No. 24 may have are due to loss of territory, function and enrolment over a period of years. Its high school program is cancelled.

The annexation, now proposed, is not the cause of the division's impending demise, and should not deter the granting of the present annexation application.

II. *The Municipal District of Sturgeon No. 90* submitted that the application should not be granted, for the following general reasons:

- (a) the desire of the landowners in the territory to make a profit by sale of agricultural land is not a proper ground for granting the application.

B.A.C.M. Limited led the desire to profit from the urban development of the lands in the territory and the overwhelming majority of the private landowners therein followed the company's proposals for development of the area.

- (b) there is no need for a residential development in this north annexation territory.

There is an ample supply of residential land in the city and in the proposed south-east development area, sufficient to take care of reasonable housing demands over the next thirty (30) years. There is no land famine in the city.

- (c) the annexation territory is not suitable for residential development because of:

- (1) the noise pollution from Namao Airport and Speedway Park, and
- (2) the crash hazard potential from Namao Airport.

Namao Airport — a military base — could generate greatly increased military activity and hence expansion and, in event of closure of the city's Industrial Airport, a heavy civilian use of the Namao base could be envisaged. Such increased use and expansion of Namao could pollute large portions of the annexation territory.

The territory was not contemplated in the city's General Plan.

The Edmonton Regional Planning Commission's Preliminary Plan (metro part), or the M.E.T.S. Report as suitable for accommodating one hundred thousand (100,000) persons and it is not in the general public interest to entertain such a drastic change in the General Plan.

Development of the B.A.C.M. territory will interfere with future residential growth patterns envisaged in the long-range metro plans.

- (d) City support of the B.A.C.M. annexation and development proposals has been influenced by the excess dedication of land by B.A.C.M. Limited — a private business corporation.

This private enterprise development proposal should not be allowed to disrupt the organization and operation of member municipalities in the metropolitan area.

- (e) Annexation of the territory to the city will result in serious financial hardship for the Municipal District of Sturgeon.

The loss of territory effective on January 1, 1971 with attendant loss of assessment base, net tax revenues and grant revenues is estimated by the Municipal District to necessitate an eleven (11) mill increase — basis 1969 — over the remaining area of the municipal district, an excessive and intolerable burden.

- (f) The granting of the annexation application will create undesirable narrow wedges of municipal district lands to the west and east of the B.A.C.M. territory.

East-west road communication to link the wedges will be through the proposed B.A.C.M. (city) residential development, an undesirable administrative and operational situation.

III. *Sturgeon School Division No. 24* opposed the granting of the annexation application on the general grounds that the presently "hard-pressed" division would experience further educational, financial and administrative problems with loss of the territory.

IV. *The City of Edmonton* supported the landowners' application for annexation for the following general reasons:

- (a) the adjustment of boundaries and development will provide the greatest good for the greatest number.
- (b) addition of the territory will materially assist in meeting the city's immediate and long-range needs for lower cost housing.

Extensions to the city's sewer and water utilities to serve the west portion of the area (section 30) will be undertaken by the developer (B.A.C.M. Limited) at the lowest cost to city taxpayers, since the city will be relieved of financing these heavy development costs.

The road systems in the area will fit in with the long-range road plans for servicing the Edmonton metropolitan area.

The land is suitable for residential development and the Namao Airport should not affect or hinder sequential development of the acreage proposed for development. Correspondence from the Department of National Defence and the Base Commander, Namao, which has been filed as evidence, confirmed this conclusion.

- (c) the city has need of additional lands to meet its residential growth requirements.

City growth should be in all directions and be under annexation rather than by development of fringe communities which cannot avoid heavy development and operational costs, and which in time must seek the city's water and some other utilities.

Agricultural land adjoining the city must sooner or later be put to its most suitable and best use. Urban-type development in this area's best long-range use.

The city's General Plan, which is subject to review each five years, is flexible. The within residential plan as well as the south-east development area plan is radical but in no way an undesirable departure from the General Plan.

- (d) a municipal district should be able to adjust to losses of territory and diminution in revenue for the urban growth needs of a city.

It is the duty of the Provincial Government — and the Board — to provide boundaries and a tax base that will allow municipalities which are adverse in interest to co-exist.

- (e) rezoning of the lands for urban uses must be considered by the Edmonton Regional Planning Commission, after annexation — and could be done in stages, as demand dictates.

V. *The Town of St. Albert* submitted generally that its primary concern in the matter was to ensure that the autonomy of the Town of St. Albert would be protected.

The town suggested that the annexation should not be granted until the Board is satisfied that the lands are needed and suitable for the urban purposes for which they are intended.

VI. *Calgary Power Limited*, an owner of land in the annexation territory, submitted generally that it was not opposed to the annexation proposal, but that any Order that the Board may issue in this regard should contain the following general conditions:

- (a) that the city does not serve electric power and energy to consumers in the areas set forth in the Fringe Area Exchange Agreement dated January 1st, 1961 between the city and Calgary Power Limited which Agreement is validated by Chapter 27 of the Statutes of Alberta, 1967.
- (b) that any developer in the annexation territory lying outside the area of the Fringe Area Exchange Agreement should be at liberty to negotiate for supply of electric power and energy with Calgary Power pursuant to Board of Public Utility Commissioner's Order No. 10352 or with the City, pending a ruling from a Court of competent jurisdiction on the rights flowing from Permissive Orders.

Calgary Power further submitted that the exercise of service rights by Calgary Power under the Fringe Area Exchange Agreement is jeopardized by the stand adopted by the Council of the City of Edmonton in its Motion of October 23, 1969 in which Council made it a condition of its support of the "B.A.C.M. application" that the developer "... agree to utilize the services of all available city utilities in servicing the annexed area".

VII. *Robert C. and Agnes C. Huff*, R. R. 4, Edmonton, owners of some eighteen and forty-two hundredths (18.42) acres of land in the north-east quarter of section 32, township 53, range 24, west of the fourth meridian, filed a written brief dated May 12, 1970 requesting that in event of the granting of the "B.A.C.M." application, their land should

continue to be assessed on the same basis of assessment as it had been assessed in the rural municipality for a period of at least seven years, and subject to extension of the said assessment provisions for a further period if urban development is then not imminent.

The Huffs represented that they were in the farming business and leased an additional twelve hundred (1200) acres for farming purposes. The location of the leased lands was not filed with the Board.

VIII. *Frank A. Omasta*, Hope, B.C., an owner of some twenty-six (26) acres of land in the north-east quarter of section 34, township 53, range 24, west of the fourth meridian, filed a written brief with the Board opposing the annexation on the general grounds that:

- (a) the petition probably did not represent the views of the majority of the interested owners.
- (b) the annexation is premature and too extensive.
- (c) the annexation will bring higher taxation for the landowners, who will be forced to sell to developers at the expense of the original owners and the final homeowners.
- (d) the annexation will disrupt the lives of the community members who have enjoyed a harmonious administration in the Sturgeon Municipality.

IX. *Bruce A. Porter, et al.*, owners of five (5) farm units in the area, supported the annexation proposal on the following general grounds:

- (a) the area is socially and economically related to the city.
- (b) outward growth of the city has forced land values in the area to a level that limits expansion of farm operations.
- (c) subdivision is difficult to obtain and will be co-ordinated under the urban administration.
- (d) the area is suitable for development, with the relatively few landowners, and its generally south-easterly drainage.
- (e) the rural municipality should be able to adjust or obtain adjustment of any "loss of assessment" problems. The now substantial number of small acreage holdings in the area has led to higher than normal school, servicing and administrative costs.
- (f) annexation will provide the landowners with the greatest potential use of their lands for the best interests of all concerned.

X. *Vera Danard*, an owner of a five-acre lot in the south-west quarter of section 33, township 53, range 24, west of the fourth meridian opposed the application because of the fear of increased taxation on her property.

XI. *Board Findings and Conclusions*

After consideration of the evidence presented to it at the public hearing and filed with it in respect of the annexation petition, the Board has decided that the application should be granted in full, for the following substantial and compelling reasons:

Firstly: The petitioners established to the Board's satisfaction that this additional area along with other lands, was needed by the City of Edmonton to induce a reduction in land prices through providing an increased supply of raw land suitable for development of medium and low cost family residences.

Evidence was presented to show that raw residential lands in the present city limits were priced at from \$7,000 to \$11,000 per acre — a too-high cost to enable the developer to market a good supply of single family dwellings thereon for the medium and low income consumer. The area is also well within the limits of an expansion area which City Council subscribed to when it adopted the Hanson Report in May, 1968.

The developer told the Board that raw land must be made available at not over \$3,000 to \$3,500 per acre to fill the need for readily marketable medium and low cost homes in the city, and that their plans were proceeding to develop the area sequentially from the west as the defined market demanded.

The city supported the developer's proposals on the basis that the development would provide the needed housing in the city and at the lowest possible cost.

Secondly: The area, on the basis of evidence presented to the Board, is largely suitable for development for urban residential purposes.

It is economically serviceable, by reason of its general topography which will allow surface drainage and sanitary sewer hookups to the city's systems.

Drainage, heretofore, deemed to be a major economic problem to servicing the western area, has been solved by the developer's engineering studies which indicate construction of a reservoir (artificial lake) which will allow controlled disposal of area flood waters to the existing city storm sewer systems.

The area, being relatively free from building structures or topographical obstructions, presents an economical planning unit.

The area is free from obnoxious industries, immediately adjoins City residential developments, and is a logical extension thereto.

The possibility of excessive noise from Speedway International auto racing circuit lying to the west, and Namao Military Airport lying to the north, polluting the proposed residential development has been considered in depth by the Board, on the basis of the exhaustive studies and reports made available to it as exhibits.

On the evidence at hand the development of residences at a distance from Speedway circuit of some fifteen hundred (1500) feet — and with intermediate berming and roadways — will not disqualify the lands from residential development in accordance with plans that must, in any event, be submitted to the responsible planning authorities for approval.

Respecting possible noise pollution from Namao Airport as it now operates and as it may foreseeably develop, the Board must give heavy weight to the opinions of the governing authorities — Department of National Defence and Base Commander, Namao in particular — who were advised of the specific proposed residential development and asked for comment thereon.

The drawing (Exhibit No. 29) showing the composite noise rating (C.N.R.) profile of foreseeable future air operations at Namao as supplied by the Deputy Minister of the Department of National Defence shows no appreciable area (perhaps one hundred and fifty (150) acres in the north-east quarter of section 3 and the south-east quarter of section 10, township 54, range 24, west of the fourth meridian) in the proposed annexation territory in which noise pollution would exceed the "zero annoyance level" for residential use. i.e. 95 C.N.R. or lower.

Exhibit No. 4, a map prepared by the applicants to show the estimated outline of Namao's aircraft composite noise rating zones in the foreseeable future, and as adopted by the applicants after consideration of aircraft noise and crash hazard studies relating to Namao and metropolitan Edmonton (Exhibits No. 29, 23, 30 and 4) and Calgary (Exhibit No. 31) and Central Mortgage and Housing Corporation Site Planning Handbook (Exhibits No. 8 and 9) makes a considerable extra buffer allowance for noise pollution over that judged by the Department of National Defence in Exhibit No. 29 to be a reasonable projection for a noise cone.

The Board considers that the exhaustive studies advanced by Sturgeon Municipal District No. 90 (Exhibit No. 26 — Toronto International Airport — (Malton); Exhibit No. 22 — Detroit Metropolitan Wayne County Airport; Exhibit No. 25 — Tulsa Metropolitan Airport) — as criteria for establishing land use around Namao, including the annexation territory, cannot be accepted as compelling anti-annexation consideration when viewed against the "local studies" referred to at Exhibits No. 4, 23, 29 and 30.

The aircraft crash hazard pollution zones as advanced by the municipal district in Exhibits No. 21 and 24 as relating to the annexation territory, show a basically limited hazard in the west portion of the territory only, with such long range prediction being on the basis of Namao extending its "out-of-wind" runway (the relatively little used runway No. 02-20) at some future time and vastly increasing the traffic on such runway. The airport operator — Department of National Defence — makes no such predictions, and the Board on the basis of the evidence presented to it does not accept that the annexation territory should largely be sterilized from residential development by reason of the aircraft crash hazard potential which some day might come from Namao — particularly runway number 02-20.

In any event, the planning authorities who are charged with approving development plans of the annexation territory, will have every opportunity of giving consideration to all pollution hazards that may relate to future residents of the area.

Thirdly: Any financial or administrative problems that the Municipal District of Sturgeon No. 90 and Sturgeon School Division No. 24 may suffer as a result of the annexation being granted are solvable by the authorities themselves or with complementary action at the level of the Lieutenant Governor in Council (section 20(6) of The Municipal Government Act) in respect to municipal financial difficulties and by the Minister of Education in respect to school financial and administrative difficulties, and should not obstruct anticipated municipal and school developments aimed at providing the greatest good to the greatest number.

(A.) The Board has studied the financial impact on the municipal district of the granting of the annexation application on the basis of the evidence presented to it and makes the following comments thereon.

Section 20(6) of The Municipal Government Act, provides that a municipality which suffers a financial hardship as the result of a Board annexation order, may apply to the Lieutenant Governor in Council for redress.

In view of the governing legislation recited, the Board is of the opinion that it does not have jurisdiction to take measures to remove any financial hardship that may come to exist as a result of the annexation.

Expenditures — Exhibit No. 16

The analysis presented by the Municipal District at Schedule I, suggests that on base year 1969, the loss of the annexation territory would have resulted in an eight and four-tenths (8.4) mill increase for municipal purposes in the remaining area of the municipal district; an eight-tenths (0.8) mill increase in Sturgeon Hospital District mill rate; with an one-tenths (0.1) mill decrease in respect of The Alberta Hospitals Act requisition.

In 1970, the Provincial Hospital requisition was discontinued, thus eliminating the demand on the municipal district for payment of a requisition totalling some \$99,789 in 1969 — or, an amount equivalent to four (4) mills on equalized assessment or five and one-tenths (5.1) mills at the levy rate.

Also, in 1970, the municipal district discontinued the granting of discounts for early payment of current taxes. This expenditure reduction in amount of some \$48,961 — basis 1969 — represents the equivalent of about two and four-tenths (2.4) mills on normal taxable assessment totalling about \$20,222,430.

The Board finds that the general government expenditure related at Schedule 3 of Exhibit No. 16, is inflated due to inclusion therein of about \$18,000 of non-recurring general assessment costs. This amount is equivalent to about three-quarters of one mill.

Revenues — Exhibit No. 16

The Board agrees with the municipal district that annual grant revenues in approximate amount of \$150,000 (\$75,000 Provincial Municipal Assistance Act and \$75,000 Federal Griesbach Base) — basis 1969 — will be lost to the municipal district through annexation of the Griesbach Base to the city; however, it appears to the Board that as these grants are chiefly of an "unearned" nature, they should accrue to the city after annexation as justifiably as they accrued to the municipal district before annexation.

Assets and Liabilities Distribution

Section 23 of The Municipal Government Act provides that the Minister of Municipal Affairs may deal with distribution of assets and liabilities between municipal authorities.

While no argument or discussion of this matter was presented to the Board at the public hearing, it may well be that the Honourable Minister would consider such matters at any time that the government was deciding an application dealing with any claimed financial hardship resulting from the annexation order.

(B.) The Board has reviewed the evidence presented to it respecting the financial impact and the administrative and organizational problems facing Sturgeon School Division No. 24 as a result of annexation.

An annexation order issued by the Board only moves municipal boundaries and in no way alters school district boundaries and hence the status of Sturgeon School Division No. 24. The Board, in its opinion, has no jurisdiction over the school division's finances, administration or organization, these matters being within the competence of the Sturgeon School Board, the Department of Education and the Minister of Education.

XII. The Board has considered the representations of Calgary Power Limited and does not intend that the within annexation Order shall in any way affect any rights which Calgary Power Limited has under the Fringe Area Exchange Agreement ratified by chapter 27, Alberta Statutes 1967 or any rights that Calgary Power or other suppliers may presently have in the annexation area by reason of Permissive Orders or other authority.

Neither is the Board prepared to Order that the applicants shall only obtain electrical power from Edmonton Power in accordance with the "condition of support" understanding between B.A.C.M. Limited — developer and the City of Edmonton dated October 23, 1969. Section 21 of The Municipal Government Act, in the Board's view, deals adequately and specifically with the rights of utility suppliers in an annexation territory.

XIII. Since the present application for annexation to the city comes from a majority (80%) of the landowners in the specified territory, the Board would normally not include "protective-type" assessment and taxation conditions in its Order; however, in this instance, involving large areas of agricultural lands, some of which may not be "urbanized" for perhaps fifteen to twenty years, the Board deems it proper and advisable that *bona fide* farmers in the territory should not be placed at a disadvantage taxwise with their competing farmers operating outside the annexation territory. The Board will therefore include such "protective" conditions, with the right being extended to the city and the farmer to have the Board review the protective conditions at any time, for just cause.

XIV. IT IS ORDERED THEREFORE in respect to the annexation application that:

1. There shall be annexed to the City of Edmonton and thereupon be separated from the Municipal District of Sturgeon No. 90, the following described lands:

Firstly: All of sections 29, 30, 31, 32, 33 and 34 and all of the original Government Road Allowances adjoining the south, west and east boundaries of the said section 29, the south and west boundaries of the said section 30, the north and west boundaries of the said sections 31, 32 and 33, the north, west and east boundaries of the said section 34 and including the intersections of the said road allowances at the south-west and south-east corners of the said section 29, the south-west corner of the said section 30, the north-west corners of the said sections 31, 32 and 33 and the north-west and north-east corners of the said section 34, all in township 53, range 24, west of the fourth meridian in the Province of Alberta.

Secondly: All of section 3, the south halves of sections 4 and 5, all that portion of the north half of the said section 4 and the south half of section 9 which lies east of the easterly limit of the road as shown on Road Plan 6037 L.Z., all of the south half of section 10 and all of the original Government Road Allowances adjoining the west and east boundaries of the said section 3, the west boundaries of the said south halves of the said sections 4 and 5, the west and east boundaries of the said south half of the said section 10, all in township 54, range 24, west of the fourth meridian in the Province of Alberta.

Thirdly: All that portion of the east half of section 25, range 25, township 53, west of the fourth meridian in the Province of Alberta taken for road widening as shown on Road Plan 53 R.S. and all that portion of the original Government Road Allowance adjoining the south boundary of the said section 25 which lies to the east of the southerly production of the westerly limit of the said Plan 53 R.S.

(The general location of the annexed lands is shown on the attached sketch marked Schedule "A".)

2. Any taxes owing to the Municipal District of Sturgeon No. 90 as at December 31st, 1970 in respect of the aforementioned annexed properties 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 collecting any or all of the said taxes, penalties or costs such collections shall forthwith be paid by the city to the municipal district.

3. The assessor for the City of Edmonton shall for taxation purposes in the year 1971, re-assess or re-value the lands and assessable improvements thereon situate within the territory which is by this Order annexed to the city, other than those farm properties which are described in clause 5 hereunder, so that the assessment or valuation thereof shall be fair and equitable with other lands and assessable improvements in the City of Edmonton.

4. The properties described at clause 3 shall be taxed at the appropriate city mill rates commencing with the year 1971.

5. The assessor for the City of Edmonton shall for taxation purposes in the years 1971 to 1975, re-assess any annexed parcel of land comprising a farm unit, as referred to in The Municipal Taxation Act, and the farm buildings thereon used in connection with the raising or production of crops or livestock or both, or in connection with fur production or beekeeping, on the same basis of assessment as would be applicable to them had such lands and farm buildings remained in the Municipal District of Sturgeon No. 90 provided, however, that if:

- (a) the said land or a part thereof is subdivided; or if
- (b) the city, by resolution, or the owner, in writing, establishes before the Board that for other good and sufficient reason, the provisions of clause 5 should be varied, then application may be made to the Board for an Order to implement such variation as is deemed appropriate in the circumstances.

6. (a) The City of Edmonton, shall for taxation purposes in the years 1971 to 1975, and while the annexed farm lands remain unsubdivided and continue to be used for farm purposes as

outlined in clause 5, tax the said farm lands at the appropriate mill rates which are in effect in the applicable year in the city.

- (b) The City of Edmonton, or the owner of the lands comprising a farm unit, may before December 31st, 1974, apply to the Board for an extension in time of the provisions related in clause 5 and 6(a) herein.

7. 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 1971, 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 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.

8. The effective date of this Order shall be the 1st day of January, 1971.

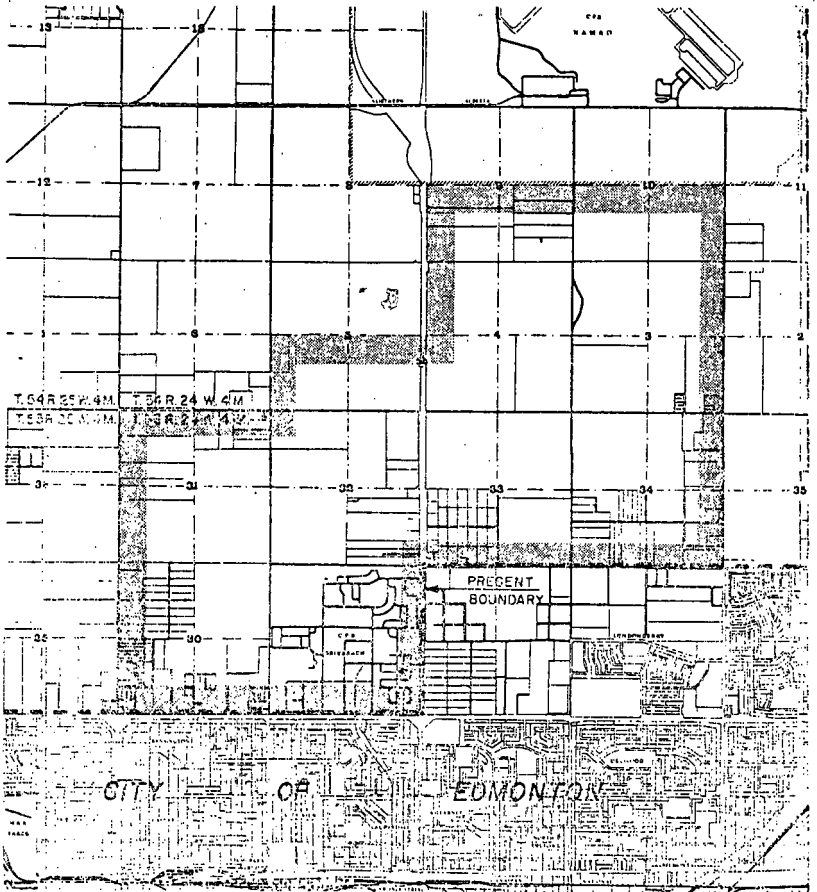
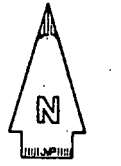
LOCAL AUTHORITIES BOARD,
C. G. MACGREGOR (Chairman).
I. MORRIS (Member).
A. B. WETTER (Member).

Certified a true copy,
W. C. ELLIOTT (Secretary):

SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION
OF THE AREAS AFFECTED BY ORDER No. 5008
EFFECTIVE DATE - JANUARY 1, 1971

 AFFECTED AREA(S)



SCHEDULE "B" TO BOARD ORDER NO. 5008

A LIST OF EXHIBITS FILED WITH THE LOCAL AUTHORITIES BOARD

AT A PUBLIC HEARING HELD IN EDMONTON
ON MAY 19, 20, 21 AND 22, 1970.

Exhibit No. 1 — Petition by B.A.C.M. Limited and majority of registered landowners requesting annexation of territory to the City of Edmonton.

Addendum to Exhibit No. 1 — An extract from City Commission Board's recommendation to City Council dated October 23, 1969, being clauses (a) to (h) inclusive in respect to annexation and development proposals.

Exhibit No. 2 — Preliminary District Plan Metropolitan Section Edmonton District Planning Commission — January, 1958.

Exhibit No. 3 — Preliminary District Plan Metropolitan Part — Map "A" Edmonton District Planning Commission — July, 1961.

Exhibit No. 4 — A large scale map showing factors delimiting the annexation area. (The same map as contained in Exhibit No. 1 as Map 2.)

Exhibit No. 5 — A large scale map showing major proposals for annexation territory. (The same map as contained in Exhibit No. 1 as Map 3.)

Exhibit No. 6 — Photocopy of extracts from minutes of Edmonton Regional Planning Commission's Meetings No. 232 and 233 of December 3, 1969 and January 7, 1970, respectively.

Exhibit No. 6a — Photocopy of an extract from *Edmonton Journal* — 20 May 1970 — headed "Council wants development of 10,000 low-cost lots".

Exhibit No. 7 — Photocopy of page 4, being an extract from B.A.C.M. Limited submission to City Council later entered in entirety as Exhibit No. 10.

Exhibit No. 8 — Site Planning Handbook — Central Mortgage and Housing Corporation — 1966.

Exhibit No. 9 — Photocopy of letter addressed by Branch Architect Planner, Central Mortgage and Housing Corporation, Edmonton, to Senior Research Planner, Planning Department, City Hall, Edmonton, in reference to Exhibit No. 8 and Namao Airport — Strip 02-20. Map attached.

Exhibit No. 10 — B.A.C.M. Industries Limited Land Development Proposal and Submission to The City of Edmonton — September, 1969.

Exhibit No. 11 — Sturgeon School Division No. 24 submission.

Addendum to Exhibit No. 11 — Sturgeon School Division No. 24 enrolments for month of March, 1970.

Exhibit No. 12 — Map of area of Sturgeon School Division No. 24.

Exhibit No. 13 — Letter addressed by Municipal District of Sturgeon to Field Hyndman dated November 28, 1969 — re: B.A.C.M. application.

Exhibit No. 14 — Copy of letter addressed by Field Hyndman to The Municipal District of Sturgeon dated November, 1969 — re: B.A.C.M. application.

Exhibit No. 15 — Copy of letter from Field Hyndman to Municipal District of Sturgeon dated January 13, 1970, re: B.A.C.M. Application.

Exhibit No. 16 — Municipal District of Sturgeon — Study of Financial Effect of Proposed B.A.C.M. Annexation.

Exhibit No. 17 — Report on Annexation Proposals as affecting the M.D. of Sturgeon No. 90.

Exhibit No. 18 — Copy of General Plan — City of Edmonton.

Exhibit No. 19 — Map — Edmonton Region Metropolitan Part — December, 1969.

Exhibit No. 20 — Map — Town of St. Albert Outline Plan. Edmonton Regional Planning Commission — March, 1970.

Exhibit No. 21 — Comparative Analysis of Airport's Environmental Effects — Namao Airport — May, 1970. Makale, Holloway & Associates Limited.

Exhibit No. 22 — Environs Study and Plan — Detroit Metropolitan Wayne County Airport May, 1964.

Exhibit No. 23 — Airport Study — Edmonton Regional Planning Commission March, 1969.

Exhibit No. 24 — Maps — Edmonton Regional Planning Commission Base Map — May, 1964 with two overlays of Malton Airport Crash Hazard and Noise Intensity Areas — related to Namao Airport and B.A.C.M. areas.

Exhibit No. 25 — 1975 Metropolitan Tulsa Airports and Their Relationship With Surrounding Land Uses — June, 1960.

Exhibit No. 26 — Letter addressed by Senior Planner, Official Plans Section, Community Planning Branch, Department of Municipal Affairs, Toronto, Ontario to D. Makale, Edmonton under date of May 13, 1970.

Exhibit No. 27 — Photocopy of a letter addressed by S. C. Rodgers, Director of Planning, City of Edmonton to Deputy Minister of National Defence and dated October 3, 1969.

Exhibit No. 28 — Photocopy of a letter addressed by S. C. Rodgers, Director of Planning, City of Edmonton to Base Commander, Canadian Forces Base (Namao), Edmonton, Alberta, and dated October 3, 1969.

Exhibit No. 29 — Photocopy of a letter dated 17 December 1969 and addressed by Deputy Minister of National Defence to Director of Planning, City of Edmonton, enclosing a composite noise rating profile map. Re: Namao.

Exhibit No. 30 — Photocopy of letter dated 17 October 1969 addressed by Base Commander, CFB Edmonton to Senior Research Planner, City of Edmonton.

Exhibit No. 31 — Calgary International Airport — Master Plan Report, Volume 3: Recommended Development. Acres Research and Planning Limited, April, 1968.

Exhibit No. 32 — Copy of Fringe Area Exchange Agreement dated January 1, 1961, between Calgary Power Limited and City of Edmonton.

Exhibit No. 33 — Photocopy of Board of Public Utility Commissioner's Order No. 10352 dated 24 September 1945 authorizing Calgary Power Company Limited to supply power in an area described therein.

Exhibit No. 34 — Letter dated May 11, 1970 and addressed by City Solicitor, City of Edmonton to Saucier, Jones, Peacock, Calgary, for attention C. D. O'Brien re: Calgary Power Limited utility corridor in B.A.C.M. annexation area.