

ORDER No. 10453

FILE: 10(A)14

Before:

The Local Authorities Board for
the Province of Alberta

In the matter of The Municipal Govern-
ment Act:

And in the matter of an application by
the majority of owners to annex certain
territories lying immediately adjacent
thereto to the City of Edmonton from the
Municipal District of Sturgeon No. 90.

Pursuant to an application by the majority of owners petitioning the Local Authorities Board pursuant to section 20 of The Municipal Government Act, to annex certain territory, as described in Schedule "A" attached to this Order, to the City of Edmonton, the Local Authorities Board conducted a public hearing into the matter in the City of Edmonton commencing on the 18th day of October, 1977.

In attendance at the hearing and representing the majority of owners were L. Desrochers, solicitor for the applicants; K. C. Mackenzie and L. O. Spence, planners; G. R. Maxwell, engineer; Dr. H. Harries, economist; and J. Swelin, assessor.

The Municipal District of Sturgeon No. 90 was represented by its Reeve, W. Flynn; its solicitor, A. Lefevre; R. H. Savage, engineer; N. S. Trough, land development consultant; and its assessors, P. Macyk and Mr. Jenkins.

The City of St. Albert was represented by its city manager, R. Byron. Mrs. L. Hole, as chairman, appeared on behalf of the Sturgeon School Division No. 24. The Edmonton Regional Planning Commission's position at the hearing was put forth by R. N. Giffen and B. Clarke.

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

The territory applied for by annexation abuts the City of Edmonton on 137th Avenue, being west of 127th Street, east of St. Albert Trail and south of the Restricted Development Area. Contained within are approximately 2,200 acres. Of the 101 owners, some 63 owners, representing 1,500 acres, were in favour of annexation.

In demonstrating the need for additional territory by the City of Edmonton, Mr. Mackenzie referred to its Planning Department's report entitled "City of Edmonton and the Sub-Region Population". This projects a population of 1,074,000 people living in the Edmonton subregion by the year 2001. He estimated this population would require, at the rate of 2.6 people per housing unit, some 413,000 housing units, or 219,000 units over the existing 1976 stock. This would mean 9,500 new household units per year until 1986 and then 8,400 units per year to the year 2001. He compared this to other estimates ranging from 7,400 to 11,000 units per year. Of these, he estimated that 80 percent of the housing units would be located in the City of Edmonton, or an average of 6,260 housing units per year. Of these, he predicted that between 70 to 80 percent would occur in new housing developments, representing between 4,100 to 5,600 units per year.

At this rate of growth he estimated the City of Edmonton has now an inventory of lands for new housing which could accommodate its estimated demands for between 13 and 18 years. He pointed to time delays in bringing land onstream for housing and to other difficulties. He argued that the City of Edmonton should have a minimum of a 20-year supply of land on hand to meet the future demands, as and when they occur.

In the northern sector of the City of Edmonton, he contended that the Castle Downs area had only a 5 year supply of land remaining. He emphasized the need for competition within the building industry. He stressed that the annexation of the territory applied for to Edmonton would provide "certainty" of jurisdiction to provide for long term planning of utilities, transportation and land control.

Mr. Mackenzie's associate, Mr. Spence, reviewed the methods by which the proposed territory could be developed, together with the factors which would have to be considered. On the question of the development using Class 1 and 2 soils, he argued that as Edmonton would grow if lands for expansion were available, and as the City has now had considerable investment in physical infrastructuring and social capital which would be the nucleus for future growth, and as it has limited viable alternative-expansion areas

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for growth, it was inevitable that the use of prime agriculture soils to provide for the future expansion would happen. Transportation problems, he argued, could only be solved by bringing the territory within the jurisdiction of the City of Edmonton, making it solely responsible for the problems.

Mr. Maxwell reviewed how the territory may be serviced with utilities, explaining that a large diameter water supply main together with water storage reservoirs would be required. Sanitary sewage could be accommodated within the spare capacity of the existing City of Edmonton collection system and by gravity with the exception of the north-east quarter of section 31, which would require a lift station. Spare capacity in the City of Edmonton's storm drainage system could only handle a portion of the territory, requiring detention ponds in the other areas.

The economic impact of annexation was reviewed by Dr. Harries. The effect on Edmonton, he argued, would be minimal with annual capital expenditures in the initial stage of approximately \$5,000,000.00. He felt the Municipal District of Sturgeon would be affected very little with the territory in question having an assessment of \$1,970,000.00. This, it was contended by his associate, Mr. Swelin, was more than offset by territory the Municipal District gained recently from the County of Thorhild No. 7.

Reference was made to the effect of the "pocket" which would be created by annexation of the territory. This portion of the Municipal District of Sturgeon would be isolated west of St. Albert Trail and abutts the three municipalities of Edmonton, County of Parkland and St. Albert. Evidence was given that even though "isolated", the area could be effectively serviced by the Municipal District of Sturgeon.

The City of Edmonton, through its solicitor, Mr. Wilson, submitted a resolution of its council supporting the application for annexation, subject to certain reservations, including:

- “(b) if annexation takes place the future uses would then have to be resolved and the normal city requirements would apply;
- (c) some resolution must be found for the fragmented area of the Municipal District of Sturgeon;
- (d) that this annexation proposal be considered only in the context of the comprehensive boundary adjustments provided by City Council in September, 1977, and presented to the Cabinet of Alberta”.

Reeve Flynn stated the Municipal District of Sturgeon opposed the the annexation, pointing out that this was the sixth applicant requesting to annex territory from its jurisdiction in the last two years with more pending. He contended that these losses of territory and assessment would not be replaced by the Thorhild addition. This was supported by the evidence of the Municipal District's assessor.

Transportation was reviewed by Mr. Savage who pointed out the high capital costs to be anticipated to service the proposed territory for annexation with satisfactory traffic capacity.

The Edmonton Regional Planning Commission's position on the application was put forth by its Director, R. N. Giffen. It opposed the application for annexation, stating that the need for additional lands for residential and industrial lands by the City of Edmonton had not been shown. Further, it was a premature use of prime agricultural lands, no regional transportation agreement had been arrived at, and there would be a sizeable loss of assessment to the Municipal District of Sturgeon, who would be left with an isolated area west of St. Albert Trail which it could not efficiently or effectively service.

A written submission was made by the Sturgeon School Division No. 24. It pointed out that if the application for annexation were granted, a portion of its Division to the west of Highway No. 2 would be isolated. This, besides higher costs, would make it difficult to bus the students located there. A loss of approximately \$1,600,000.00 worth of assessment would occur, which, because of the gradual shifting of more of the burden of educational costs from provincial sources to the local ratepayer, and notwithstanding the Thorhild additions, it could not afford to lose.

Mr. A. Falconberg, one of the owners and farmers in the territory, requested that if

the territory applied for be annexed, he be protected so his property tax remained on the same basis as if his lands were kept in the Municipal District of Sturgeon. He did not object otherwise to the annexation application.

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

1. That if the City of Edmonton is to meet the demands of its future projected populations, it is necessary that it have within its boundaries sufficient territory to plan for the physical and social needs of these future citizens.

2. That the territory applied for is a logical extension of the boundaries of the City of Edmonton and may be readily and economically serviced with utilities. Within the territory, transportation may be planned to serve not only the residents of the territory, but the City of Edmonton's hinterlands.

3. That the said territory, if annexed to the City of Edmonton would result in creating an island pocket of Municipal District territory to the west of St. Albert Trail bounded by the City of Edmonton, the County of Parkland and the City of St. Albert, together with a narrow corridor within the Restrictive Development Area to the north of the annexed area. This, besides creating a distortion to the logical boundary of the Municipal District of Sturgeon, could create servicing and jurisdictional problems for it and for the territories in question. The resolution of this problem was not demonstrated.

THEREFORE, IT IS ORDERED that the application by the majority of owners of the territory described in Schedule "A" attached to this Order, petitioning for annexation of the said territory to the City of Edmonton and its separation from the Municipal District of Sturgeon No. 90, BE REFUSED.

Dated and signed at the City of Edmonton, in the Province of Alberta, this 21st day of April, 1978.

Certified a true copy,
B. CLARK, Secretary.

LOCAL AUTHORITIES BOARD
D. A. BANCROFT, Chairman,
T. J. LAUDER, Member,
J. A. HAMMOND, Member.