

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 owners of certain territory lying
immediately adjacent to the City of
Edmonton, Alberta petitioning for the
annexation of the said territory to the City
of Edmonton.

Pursuant to an application by the majority of owners of the territory described on Schedule "B" attached to this Order, hereinafter called "The Said Territory", which territory lies immediately adjacent to the City of Edmonton, Alberta, petitioning for the annexation of the said territory to the City of Edmonton, in the Province of Alberta, and thereupon its separation from the Municipal District of Sturgeon No. 90, the Board held a public hearing of the matter in the City of Edmonton, commencing on October 24, 1978.

Acting as Counsel for the applicants was Solicitor Mr. John Butler, who was assisted in the presentation of the case by Jeanne Burch. The consultants in attendance were Mr. K.C. Mackenzie, Mr. R.B. Cook and Mr. L.O. Spencer. These consultants dealt generally with land use, housing demand and planning. Mr. A. Vandertol dealt with the transportation aspects of the application, including traffic and roadway requirements. Mr. G. Maxwell, P.Eng., presented evidence regarding the feasibility of servicing the proposed annexation area. Mr. Ron Eberley presented certain findings of the Urban Development Institute as applied to housing need, land development and the supply and demand factors affecting these two vital areas.

The City of Edmonton was represented by Counsel, Mr. A.O. Ackroyd and Planner, Mr. D. Podmore.

The Municipal District of Sturgeon No. 90 was represented by Mr. A. Lefever while the Edmonton Regional Planning Commission was represented by Mr. B. Clark.

The Owner of Block Y, Plan 8474 AH, Mr. J.W. Arial attended the hearing to make representations on his own behalf.

The area sought for annexation in this application consists of approximately two thousand, three hundred and twenty (2,320) acres situated adjacent to the corporate limits of the City of Edmonton on the north east and is bounded generally as follows: to the west, 66th Street, to the south, 153rd Avenue, and to the north and east by southerly limit of the Restricted Development Area north and east of the City of Edmonton. The area is traversed by two major transportation facilities, one being the Canadian National Railway right-of-way, and the other Provincial Highway No. 15 (the Manning Freeway).

Mr. R.B. Cook presented evidence indicating that, in the City of Edmonton, land is being subdivided at an average rate of 1,620 acres per year, and that the City has approximately 5,855 acres of land remaining available for residential subdivision in the approved district outline plan areas. This acreage would therefore represent a supply which would last approximately 3.6 years, based on the current rate of subdivision. Mr. Cook further pointed out that the amount of time required from the time of an annexation application through annexation approval, district outline plan, neighbourhood outline plan, tentative plan of subdivision and registered plan of subdivision would be from three to five years.

Mr. Cook presented the Board with the results of his analysis of the supply and demand for residential subdivision in North Edmonton. This analysis indicated that only a two-year supply remained in the Northeast sector, thus projecting a more critical need for additional land in this area than in the city generally.

Mr. Cook indicated that the City's housing demand would be approximately 7,100 units per year until 1988 and 6,200 units per year from 1988 to 1998.

Mr. Cook concluded that the requirement for an increased supply of residential land within the City of Edmonton is urgent, and the requirement in the north east sector is critical.

Mr. L.O. Spencer introduced a Land Use Study for the north-east Edmonton area and pointed to the several intrusions into the planning area. These included the Calgary Power right-of-way which proceeds through the planning area and has an east-west orientation, the Manning Freeway and the right-of-way of Canadian National Railways. These intrusions may be viewed as obstacles to development, or, with careful planning, may become valuable to the area by providing for the movement of the residents, for servicing an industrial development and by providing open green space within the development.

The prime factors involved were the existing land use, the existing and proposed transportation facilities, pipeline and utility corridors, the noise contours created by the Canadian Forces Base, Edmonton, the crash hazard area, and the Namao Airport vicinity protection area. These factors caused an approximate split of 60% for residential and associated uses, and 40% for industrial and transportation uses.

Mr. A. Vandertol introduced a study entitled "Transportation Impact Analysis for North-East Sector, Edmonton Annexation Proposal". This study reviewed the existing roadways which could be used to service the area. These included 50th Street, 66th Street north of 149th Avenue, 82nd Street north of 149th Avenue, the Manning Freeway/Fort Road interchange, and 125th Avenue/Santa Rosa Road. The study further considered the four options for development which had been presented by Mr. Spencer and their associated travel requirements. Trip distribution estimates were based on P.M. Peak-hour trip Volumes. The City of Edmonton design criteria require roadways to provide a minimum level of service. The analysis also assumed that 40% of traffic from the annexation area would use Transit. The transportation analysis also took into consideration the road and transit improvements which were contained in the City of Edmonton's current 5-year Capital Improvement program. At present, the City of Edmonton north-east road network study is also under way, and it considers possible future developments — a major transportation corridor, transportation links and a major east-west arterial roadway connecting into the outer ring road to be located in the Restricted Development Area. Mr. Vandertol stated in summary "the traffic volume generated by the subject lands can be accommodated on the existing or planned road system for the north east." The proximity of the subject lands to the existing and approved Light Rail Transit system and a proposed extension of the L.R.T. from the Claireview Town Centre will ensure that a large portion of the trips, especially those to the downtown area, will be accommodated by public transit.

A report entitled "North East Edmonton, an Engineering Report on Major Municipal Servicing Requirements", was presented by Mr. G. Maxwell. This report dealt with the three major municipal servicing concerns, namely water supply, sanitary sewer facilities, and storm drainage.

The existing water system in the north area of the City of Edmonton does not have sufficient capacity to serve the needs of the study area at ultimate development. To satisfy the future water demands, it will be necessary to extend a large diameter supply main from the source of supply to the study area. The main proposed by this study would provide a capacity equal to the peak day demand. The Engineering Report recommends that at ultimate development when a second supply main will be required to serve the area's needs, oversizing of the second supply main to supply treated water to adjoining municipalities and communities should be considered. This second supply main would run through the Restricted Development Area. The proposed on-site storage facility is to be located on the west half of section 35. This reservoir would provide for greater than peak day demands and fire flow requirements.

Sanitary sewage flows originating outside the proposed annexation area, partly from Castle Downs Phase I, and partly from Castle Downs Phase II will be transmitted through the area, and therefore the collection system must have sufficient capacity to cope with this added territory. Sewage will be collected and flow by gravity to a lift station located west of 66th Street along the Calgary Power right-of-way. The Goldbar sewage treatment plant would receive the sewage. A sanitary sewer tunnel running north-easterly from the Goldbar treatment plant, it is proposed, will ultimately redirect the sewage flow from the north-east interceptor sewer to the Goldbar plant. Plant expansion, when complete, will have sufficient capacity to provide treatment for the entire north east expansion area of the City of Edmonton including the annexation area.

The proposed annexation area is divided into two storm water drainage basins, which are formed by a slight ridge running north to south in the westerly part of the proposed annexation area. Storm waters collected in the westerly basin will be conveyed into the storm drainage system proposed for Castle Downs Phase II. This, in turn, will drain into existing trunks to the south. The easterly drainage basin will have a storm interceptor which will have a common alignment with the sanitary interceptor, beginning in the north-west quarter of section 36 and continuing through the study area, into the Claireview storm water drainage system, and ultimately to the North Saskatchewan River via the Existing Claireview tunnel.

The review of storm drainage problems in the proposed annexation area indicated that certain economies could be realized through the implementation of storm detention ponds, permitting a reduction in the size of trunk lines. The intent of the storm water detention system will be to ensure that storm runoff will be no greater following development than had no development occurred.

Engineering studies indicated that it is feasible to service the area with water, sanitary sewage and storm drainage. While additional mains will be required for water servicing, these would be required for development of land currently within the City of Edmonton. The addition of the proposed lands would merely provide greater economy.

The data provided by the applicant's consultants were summarized by Mr. Mackenzie who concluded, that Edmonton's potential residential expansion areas in north Edmonton, which included Castle Downs Phase II, are interdependent with one another regarding the provision of major trunk utility facilities. Water would be provided from the west, while sanitary sewers would be provided from the east. The storm drainage system proposed is also independent one area with the other, as storm water from parts of Castle Downs will flow through the proposed annexation area and surface water from a portion of the proposed annexation area will flow southerly through Castle Downs. Mr. Mackenzie further stated that the annexation of the north-east area would simplify the planning of both Castle Downs and the proposed annexation area through the integration of many of the required facilities in the two sectors. Aside from these interdependencies, Mr. Mackenzie stated that the need for land in the north-east sector of Edmonton is urgent to supplement the supply of land for middle and low income housing in the City of Edmonton. Further the application is consistent with any identifiable metropolitan development policies which now exist.

The position of the Edmonton Regional Planning Commission was put forward by Mr. B. Clark. Mr. Clark reviewed the application in light of the Regional Planning Commission's annexation guidelines. The growth studies prepared by the Regional Planning Commission recognized the dominant role of the City of Edmonton in accommodating regional growth. The proposal did not inherently conflict with the regional objectives for Edmonton, and the residential component was located conveniently to centres of employment which would minimize long distance commuting. Mr. Clark noted that while there are critical problems in the internal transportation system of the City of Edmonton the proposal included an industrial/commercial component which may have the effect of offsetting traffic flows in critical areas. The Edmonton Regional Planning Commission noted that Edmonton City Council policy had endorsed annexation out to the Restricted Development Area, although no documentation on this policy had been communicated to the Commission. Mr. Clark further stated that the area appeared to be suitable for urban expansion, and could be part of a coordinated expansion of the currently planned communities in north-east Edmonton. Mr. Clark also observed that the land is rated as class 2 and class 3 capability for agriculture under the Canada Land Inventory method of classification. Further the territory is fragmented into a variety of small parcels which makes it difficult to use the land for agricultural purposes. Mr. Clark stated that he felt the Commission's annexation guidelines were satisfied and that the area represented a logical expansion of the City of Edmonton. Further, he noted that if the land is to be developed for urban purposes, it must be serviced by the City of Edmonton. The final point made by Mr. Clark on behalf of the Edmonton Regional Planning Commission, was that no case had been presented for the immediate need of the said territory being annexed to Edmonton.

The Municipal District of Sturgeon No. 90, represented by Counsel Mr. A. Lefever, maintained that urgency had not been established. Mr. Lefever contended there is an eleven to thirteen year supply of land available in Edmonton. Services are not available for the annexation area. The matter of land supply is not as urgent as the applicant's presentation would indicate, as may be inferred from the submission that the easterly portion of the proposed annexation area should be used for industrial development. The Municipal District of Sturgeon suggested that there was no indication of need for additional industrial land in Edmonton that the land requested in this application to the east of the Manning Freeway should not be granted.

Mr. A.O. Ackroyd represented the City of Edmonton and called as a witness, Mr. D. Podmore, the Director of the City of Edmonton's annexation project. Mr. Podmore reviewed the City's annexation history and briefly outlined the submissions made by the City of Edmonton for territorial expansion in the past. Mr. Podmore also described the City's program currently under way to determine what the City's future annexation and expansion policy will be. The City of Edmonton is opposed to this annexation at this time as the City's consultants have not yet completed their studies, the results of these studies have not been presented to the Council of the City of Edmonton for determination of the City's position.

Mr. Joseph Arial appeared on his own behalf and posed several questions to the applicant's consultants regarding the position of land owners within the area. Mr. Arial finally stated that he was not opposed to the annexation of his lands, but was concerned about his ownership rights and the zoning restrictions which may be applied following annexation.

From consideration of the application by the majority of owners, the letters and briefs filed with the Board, the oral argument and evidence brought forth at the sessions held by the Board into the proposed annexation, the Board has come to the following general conclusions:

1. That the lands proposed for annexation can feasibly be developed for residential and industrial purposes.
2. That servicing of the area with storm, sanitary sewer and water systems can be accomplished by utilizing the natural features of the land, the existing facilities, and that the installation of such other services as may be needed will benefit adjacent areas already lying within the City of Edmonton's boundaries. The provision of these services will be at a competitive cost with other newly developing areas within the City of Edmonton.

3. Providing transportation to and from the proposed annexation area is feasible with existing roadways or those already planned.
4. The proposed annexation territory constitutes a logical extension of the City of Edmonton's jurisdiction and will be needed within the near future.
5. Inclusion of this territory within the City of Edmonton will permit continuity of development and planning schemes.
6. The annexation of these lands will serve to alleviate a foreseeable residential land supply shortfall in the near future.
7. A jurisdictional certainty will be provided for the City of Edmonton through the inclusion of these lands within the City and will permit long range planning of municipal services.
8. That the application to annex the proposed territory to the City of Edmonton 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 Edmonton, in the Province of Alberta, and thereupon be separated from the Municipal District of Sturgeon No. 90, the territory described in Schedule "B" attached to this order. (A sketch showing the general location of the annexed lands is attached as Schedule "A").

II. THAT any taxes owing to the Municipal District of Sturgeon No. 90 as at December 31st, 1978 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 to the Municipal District of Sturgeon No. 90.

III. THAT the Assessor for the City of Edmonton, shall, for taxation purposes in the year 1979, re-assess the annexed lands and assessable improvements thereon, which are, by this Order, annexed to the City of Edmonton 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 1979, 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 Pipe Line Assessment Act and The Municipal and Provincial Properties Valuation Act, 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 shall be the first day of January, 1979.

Dated and signed at the City of Edmonton, in the Province of Alberta, this 12th day of February, 1979.

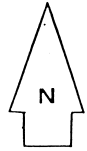
Certified a true copy
B. CLARK, Secretary.

LOCAL AUTHORITIES BOARD
D. A. BANCROFT, Chairman.
TOM LAUDER, Member.
JOHN A. HAMMOND, Member.

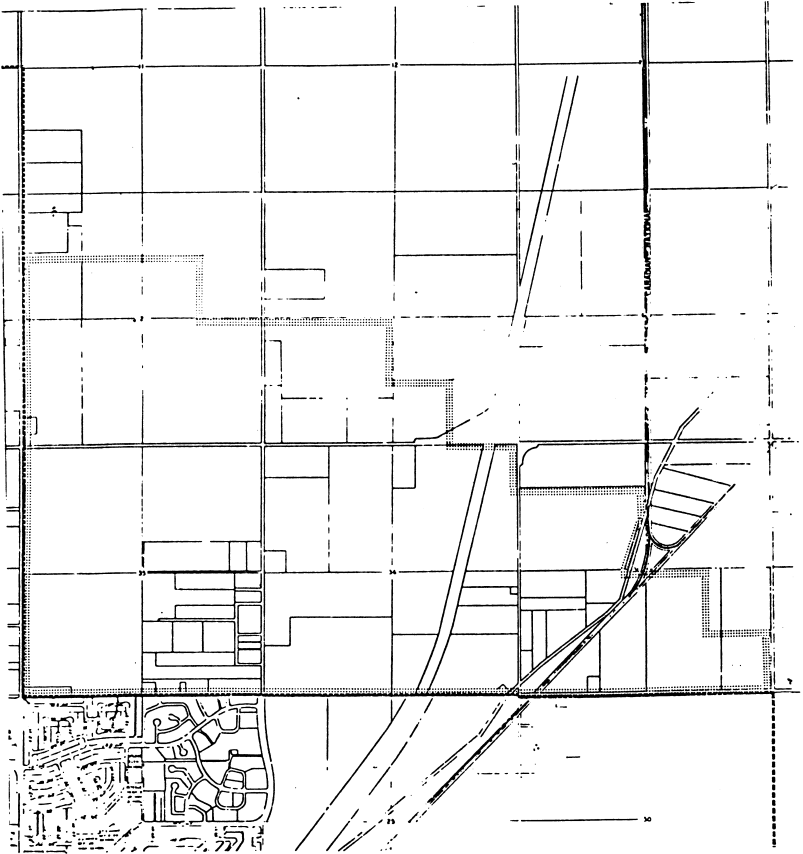
SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE
AREAS AFFECTED BY BOARD ORDER No. 11428

EFFECTIVE DATE: JANUARY 1, 1979



 AFFECTED AREA(S)



SCHEDULE "B"

A DETAILED DESCRIPTION OF TERRITORY SOUGHT FOR, AND ANNEXED
TO THE CITY OF EDMONTON, ALBERTA

The legal subdivisions 1, 2, and 7 of section 31, township 53, range 23, west of the fourth meridian;

The south-west quarter of section 31, township 53, range 23, west of the fourth meridian;

All that portion of the north-west quarter of section 31, township 53, range 23, west of the fourth meridian which lies south of the northerly boundary of Block "A" as shown on Plan of Subdivision 4344 H.W. and its production easterly and westerly throughout, and west of the easterly limits of unnamed street as shown on said Plan 4344 H.W. and Road Plan 3344 R.S.;

Section 35, township 53, range 24, west of the fourth meridian;

Section 36, township 53, range 24, west of the fourth meridian;

Legal subdivision 2 of section 1, township 54, range 24, west of the fourth meridian;

South-west quarter of section 1, township 54, range 24, west of the fourth meridian;

South half of section 2, township 54, range 24, west of the fourth meridian;

Legal subdivisions 10, 11, and 12 of section 2, township 54, range 24, west of the fourth meridian.