

ORDER No. 11627

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
Town of Gibbons for annexation of certain
territory adjacent thereto in the Municipal
District of Sturgeon No. 90.

Pursuant to an application by the Council of the Town of Gibbons, in the Province of Alberta, petitioning the Local Authorities Board to annex to the Town certain territory described in Schedule "B" attached to this Order (hereinafter called "the said territory") and thereby to separate the said territory from the Municipal District of Sturgeon No. 90, the Local Authorities Board for the Province of Alberta conducted a public hearing into the matter in the Town of Gibbons, on Wednesday, December 13, 1978.

In attendance at the hearing and representing the Town of Gibbons were Mayor R. Austin; M. Metronic, Secretary-treasurer; L. Burgess, Solicitor; D. Makale, Planner; S. Nelson, Engineering and D. Drackley, Planner.

The Municipal District of Sturgeon No. 90 was represented by Reeve W. Flynn; A. Lefever, Solicitor and D. G. Brownlee, Development Officer.

Appearing on behalf of the Edmonton Regional Planning Commission were staff members G. Carphin and B. Clark.

Owners or their representatives appearing were L. Andrews on behalf of Great Harwood Properties Ltd. and the Estate of George William Steven Gibbons; R. D. Schachter on behalf of Citrust Developments Limited, G. Maxwell for Gibraltar Holdings Ltd. and the Gibbons Land Syndicate; George Fraser on behalf of Evelyn J. Fraser; and A. Mellish on behalf of Consor Builders Ltd. and Marlo Properties Ltd.

The said territory may be said to lie in three sectors. The first sector is that area lying to the immediate south of the Town of Gibbons, west of Highway 37 and east and south of the Sturgeon River (Section 3). The second sector lies partly south-east of the Town and east of Highway 37 and south of Secondary Highway 643 (W $\frac{1}{4}$ of sections 11 and 2). The third sector lies to the east of the Town and north of Secondary Highway 643 (S.E. $\frac{1}{4}$ of section 14). Over 1,280 acres are included in the said territory which, together with 900 acres now within the Town, would increase the Town of Gibbons area to a total of 2,200 acres if annexation took place.

The applicant reviewed the Town of Gibbons' potential for growth within the Edmonton Metropolitan Sub-region, projecting a sub-region population of between 1,000,000 and 1,100,000 persons by the year 2001. The Edmonton Regional Planning Commission's study entitled "Choice of Growth Management Strategies" of February, 1977, allocated the Town of Gibbons a population range of between 2,570 to 6,070 persons. This was questioned as the Town population had grown from 551 persons in 1971 to 1,500 persons in 1978, and the study time frame for growth was 43 years to the year 2020.

Reference was made to the Edmonton Regional Utility Study, July 1978, conducted by Alberta Environment, which projected a population for the Town of Gibbons by the year 2001 of 10,000 persons. The Town's General Plan (not yet adopted) suggested a population of between 9,000 and 14,000 by the year 2001. In suggesting that the larger population was the more probable, it was argued that the Town was ideally located geographically to serve the employment areas of the north-east sector of the Edmonton Metropolitan Sub-region. Further, the Town had excellent transportation facilities to these areas of employment via highways 28 and 37 and Secondary Highway 643. As such, it was argued, the Edmonton Regional Planning Commission's study on growth should have considered the Town of Gibbons' potential for growth as comparable with that of Stony Plain and Morinville, or that 2 percent of the additional sub-regional population growth limit of 500,000 persons should have been allocated to the Town. This would project a population of 13,600 persons by the year 2001, resulting in a demand for 3,950

additional dwelling units. The lower land and housing cost in Gibbons, as compared to housing costs in the major Edmonton Sub-regional urban centres, would contribute to growth. Using mathematical projections based on a uniform growth rate for the Town, and, alternatively an increasing rate of 1.5 percent being the Town of Gibbons' proportion of Sub-regional urban centres growth during the period between 1966 and 1976, and projecting these to the year 2001, it would show, under stable growth rates, a population of 4,800, and under increasing growth rates, a population of 8,500.

Using a projected population of 13,600 persons by the year 2001, and an average family size of 3 persons, and after deducting the present 426 housing units now in the Town of Gibbons, it was estimated that 3,490 new dwelling units would be required to meet the demand. By allocating an average density of 14.5 persons per acre, and estimating the present Town area capable of handling a population of 2,000 persons, it was estimated the Town of Gibbons would require an additional 690 acres of residential lands to meet its needs to the year 2001.

It was argued that confining the location of the Town of Gibbons to the west of Highway No. 37 would be detrimental to the Town as it would create a linear type of residential development requiring an additional urban core, thus, prematurely duplicating existing facilities. Further, it would cause excessive internal traffic and minimize the Town's cohesiveness.

By extending the Town of Gibbons to the east of Highway No. 37, it was suggested a more compact community would be maintained. While flyovers across Highway No. 37 would be required, it was argued that these would, in any event, be required to service lands to the west of Highway No. 37. In respect to the highway becoming a barrier to community development, examples were submitted of other communities, where, it was claimed, a division of the community had not occurred under similar situations.

By increasing the population of the Town of Gibbons, it was suggested that the Town would be able to attract a wide range of convenience services and facilities. Further, the said territory in each sector was of sufficient size to permit comprehensive planning.

The applicants submitted evidence regarding the servicing of the said land with utilities, and the potential capacities of the existing plants.

Water is now obtained by the Town of Gibbons from the North-East Water Board, who in turn, through the County of Strathcona No. 20, receives the water from the City of Edmonton's water plant system. The Town has a 10-inch line connecting to the North-East Board system. This has a potential capacity of three million gallons per day when all the projected pumps are installed. On the basis of peak daily flow of 150 gallons per capita, and with the construction of adequate storage of water and pump facilities, this water supply system would support a population of 20,000 persons. In this regard, the Town is constructing a 250,000 imperial gallon reservoir for potable water storage.

For sewage treatment facilities, the Town of Gibbons is presently served by a 14-inch sanitary trunk main with a capacity of serving a population of 7,500 persons, and a sewage lagoon. The sewage lagoon form of treatment is accomplished by means of four anaerobic pits, an aerobic cell and a storage cell, having a total treatment capacity for 3,000 persons. Discharge is to the Sturgeon River on a twice yearly basis, necessitating storage of the sewage effluent for a seven-month period. Land is available for one more aerobic cell, and by this means, and by the deepening of the existing storage cell, a total population of 7,000 persons could be accommodated.

When the population exceeds 7,000 persons, it would then be necessary for the Town of Gibbons to adopt an alternative treatment system. This would be to construct an outfall line from the sewage treatment plant south to the North Saskatchewan River. The lagoon would then be an aerated sewage lagoon system with a continuous discharge maintained to the river.

Storm drainage systems now exist only in the newer areas of the Town, with the older areas using surface drainage into the Sturgeon River. As none of the existing system has been oversized to accommodate future growth, each area of the said territory would be required to provide its own storm drainage system. A problem exists in that in some areas of the said territory to the south east, the ground waters don't flow into that portion of the Sturgeon River drainage basin which flows through the Town, but south and east. In these

areas drainage retention ponds would be required to be released in a manner such as not to increase rate of flow in the drainage channels leading to the Sturgeon River.

Servicing of the said territory in each respective area was reviewed to show the ease and economy of doing the same. Evidence was given to show that it was more economical to service that portion of the said territory which lies to the west of Highway No. 37, primarily because of utilities being immediately adjacent and because of local drainage patterns of storm water to the Sturgeon River.

Soils within the said territory vary as to location, being classed from 1 to 4 on the Canada Land Inventory on capability for agriculture. Lands located to the east of Highway No. 37, are classed as follows: The west half of Section 11 — Class 4; the west half of Section 2 — Classes 1 and 2; and the South-east Quarter of Section 14 is classed Classes 1 and 4. To the west of Highway 37, the south half of Section 3 is primarily Class 3, and the North-west Quarter of Section 3 is Class 2 and 3.

No evidence was given on the need for industrial lands, other than the Town of Gibbons was incurring difficulty in getting the developer of the present industrial site, recently annexed to the Town, to develop those lands for that purpose.

The Municipal District of Sturgeon No. 90 opposed the annexation to the Town of Gibbons of those lands in the said territory which lie to the east of Highway No. 37; but did not oppose the annexation to the Town of those lands within the said territory lying west of Highway No. 37 and south of the Town. It was pointed out that the General Plan of the Town had not yet been adopted, and may change upon the receipt of citizen input. The Municipal District argued that little or no evidence was submitted to support the annexation of (the south-east quarter of section 14) land designated for industrial use. Further, as no industrial development has occurred on the Quarter Section presently zoned for industrial purposes, it questioned if it would occur in the future. The population projections for the Town of Gibbons were questioned, and suggested to be excessive. Adopting a population of 10,000 persons by the year 2001 for the Town of Gibbons, the Municipal District argued that such a population could easily be accommodated on presently undeveloped lands in the Town and on lands approved by it for annexation west of Highway 37. Further, it was argued that the elongation of the Town from the Central Business District would not create as much of a divisive force as Highway No. 37, if the Town of Gibbons were to expand to the east of it. Reference was made to the Town's 1977 General Plan which had recommended not expanding east of Highway No. 37 with residential development.

The Edmonton Regional Planning Commission at its meeting of December 6, 1978, passed a resolution to oppose the application because:

1. No need had been demonstrated for the annexation consistent with Gibbons' role in orderly regional growth and development;
2. Residential growth east of Highway No. 37 is not in the best interest of the protection of that highway as a primary regional facility.

The Commission's staff, in reporting to it, pointed out that the Town of Gibbons had been identified in the "Urban Growth Policy" adopted by the Commission as a "Natural Resource Based and Service Centre" and projected a population of 2,550 persons by 1986, and the need, by the Town, of between 210 and 515 acres of additional land by the year 2001 in order to meet its growth requirements.

In respect to expansion of the Town of Gibbons' residential development to the east of Highway No. 37, the Commission's staff was of the opinion that "... the divisive impact of Highway No. 37 is at least as significant, if not more so, than the southward growth of the Town."

Owners, Citrus Developments Ltd., having an interest in lands in the said territory supported the application to annex the said territory to the Town of Gibbons. Mr. Fraser, on behalf of Evelyn I. Fraser, a widow, who owned some 4.5 acres in the north-east corner of the south-east quarter of section 3, was concerned with taxation, and saw the Municipal District of Sturgeon as having a better tax base potential.

G. Maxwell, on behalf of Gibbons Land Syndicate, composed of owners R.S.D. Gibbons, W.A. Gibbons and T.R. Gibbons, advised they supported the annexation of their

respective lands (S.W. ¼ of section 3) to the Town of Gibbons. He advised they planned to develop the lands if annexed. He suggested that in establishing priorities, this area should be considered for development prior to the lands located east of Highway No. 37. He pointed to the soils in section 3 being of a lower classification than the better agricultural lands to the east. Further, the area was more economical to service and could be accommodated within the Town's utility plant capacity.

A reference was made to the "Edmonton Regional Utility Study" which projected a population for the Town of Gibbons by the year 2000 of 10,000 persons. This population could, Mr. Maxwell argued, be accommodated fully on the west side of Highway No. 37. Further, it was argued that this would be within the sanitary sewage plant's capacity when upgraded. To handle a larger population the Town of Gibbons would be faced with large capital costs. The pipeline to the North Saskatchewan would cost in 1977 dollars \$1,000,000.00, he estimated, with pumping facilities a further \$350,000.00, plus the cost of easements. By keeping west of Highway No. 37 the drainage basin for storm waters would be kept within a single jurisdiction, and could be handled at lower costs.

Mr. A. Mellish, on behalf of Consor Builders Ltd., and Marlo Properties Limited, who had an interest in the west half of section 11 to the east of Highway No. 37, advised they favoured the annexation of those lands to the Town of Gibbons. It was argued that these lands were the "... logical first phase in future residential development of the Town" and would contribute to the achievement of a logical urban form for the Town of Gibbons, being "... well suited to residential development and certainly will assist to meet anticipated demands for building lots in the near future of the said Town of Gibbons."

Alberta Transportation, by letter dated April 11, 1978, addressed to the Municipal Secretary of the Town of Gibbons, a copy of which was filed as an exhibit, dealt in some detail with Highway No. 37 and the ramifications of the annexation of lands to its east to the Town.

"We note that development plans anticipate expansion on the easterly side of Highway 37. We have no objection to that as long as this highway can be maintained as a free-flowing through type of facility. We think that the magnitude of development on opposite sides of the highway, as anticipated by some of the plans, would make a vehicular and pedestrian separation with Highway 37 necessary, located somewhere near the centre of the expanded Town.

"It is recognized that it will probably be many years before all of these works associated with Highway 37 will be required, and normally the full highway development may go through several stages of construction, with widening to a multi-lane divided facility needed firstly. Access control in the form of interchanges and grade separations would be implemented as a final stage when at-grade access points no longer function safely and satisfactorily. Further, it is recognized that the Town's growth will take place by expanding its existing areas rather than jumping to a new area and leaving gaps in the middle. Consequently for a number of years, all urbanization will be north of the blind line or within one mile of Secondary 643. We would, therefore, see an initial saving in length of connecting streets if a temporary access point were established about 1 mile south of Secondary 643, and that remain in use until the Town expands south of that point or until interchanges are required on Highway 37, whichever event firstly occurs. If the Town will eventually want a fly-over joining the portions of the Town on either side of the highway, that location for the future fly-over would seem to be a logical location for the temporary access point to the highway.

"With current procedures and policy, this Department would be responsible for highway widening and some day constructing the two interchanges to provide for free-flow traffic conditions as well as reasonable local access.

"A vehicular and pedestrian separation in between the interchanges would essentially be of service to the community only, and the Town should anticipate full responsibility for that facility, and take it into account in the plans. Policy may change over the years, and I am simply stating the current situation regarding respective responsibilities.

"Several related factors also require resolution during the evaluation of development proposals. Widening of the highway and provision for interchanges requires

additional land, and we would like to at least have an agreement on these requirements prior to annexation, subdivision and rezoning, etc. Land use of areas immediately adjacent to heavily travelled corridors is of interest also because of noise and aesthetic factors."

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

1. That the Town of Gibbons, being a service community, geographically well located near employment creating industrial developments and thus to service the employees commuting thereto, will continue to grow in population.
2. That it is necessary, if the Town of Gibbons is to be other than an urban subdivision, that it develop first a commercial and industrial employment base, which to date it has failed to achieve.
3. That, before the Town of Gibbons assumes major additional capital expenditures, it would be to the advantage of the Town that it establish a substantial tax base, perhaps through the development of industrial and commercial developments within the Town.
4. That the Town of Gibbons may grow to a total population of 7,000 persons before it is required to make major capital utility expenditures.
5. That the Town of Gibbons has the opportunity to develop in an economical fashion, establishing the maturity, the infrastructure and experience in handling major developments and absorbing its new population into the community prior to taking on major commitments for expansion.
6. That the population of 7,000 may be accommodated within the Town and that portion of the said territory which lies to the west of Highway No. 37 in an area which utilizes the poorer soils and may be most economically serviced.
7. That the southward expansion of the Town, while creating problems, may be overcome with imaginative planning, and might be less divisive to the community than the problems created by crossing Highway No. 37.
8. That the expansion of the Town of Gibbons to the east of Highway No. 37 other than for industrial purposes, is premature at this time.
9. That the application to annex the said territory to the west of Highway No. 37 should be granted.

THEREFORE, subject to the Lieutenant Governor in Council approving this Order, or prescribing conditions that this 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 Town of Gibbons, in the Province of Alberta, and thereupon be separated from the Municipal District of Sturgeon No. 90 the following described territory:

South east quarter of section 3, township 56, range 23, west of the fourth meridian, excepting thereout Road Plan 1451 P.X.

West half of section 3, township 56, range 23, west of the fourth meridian;

That east-west government road allowance adjoining the south boundary of the south half of section 3, township 56, range 23, west of the fourth meridian;

All that portion of the north-south government road allowance adjoining the west boundary of the west half of section 3, township 56, range 23, west of the fourth meridian which lies south of the Sturgeon River;

That government road allowance intersection adjoining the south-west corner of the south-west quarter of section 3, township 56, range 23, west of the fourth meridian.

(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 31, 1979, in respect of the aforementioned properties shall transfer to and become payable to the Town of Gibbons, together with any lawful penalties and costs levied thereon in

respect of any such taxes; however, upon the Town of Gibbons collecting any or all of such taxes, penalties or costs, such collection shall forthwith be paid by the Town to the Municipal District of Sturgeon No. 90.

III. That the assessor for the Town of Gibbons shall, for taxation purposes in the year 1980, re-assess the annexed lands and assessable improvements thereon, which are by this Order annexed to the Town so that the assessment thereof shall be fair and equitable with other lands and assessable improvements in the Town of Gibbons, and the provisions of The Municipal Taxation Act regarding the assessment roll shall *mutatis mutandis* apply to such assessment.

IV. That the Chief Provincial Assessor, appointed pursuant to the provision of The Municipalities Assessment and Equalization Act shall, for taxation or grant purposes commencing in the year 1980, 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 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 Town of Gibbons, so that the assessment or valuation shall be fair and equitable with properties of a similar nature.

V. That the effective date of this Order is the 1st day of January, 1980.

Dated and signed at the City of Edmonton, in the Province of Alberta, this 27th day of March, 1979.

Certified a true copy

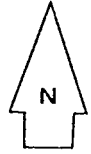
B. CLARK, Secretary.

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

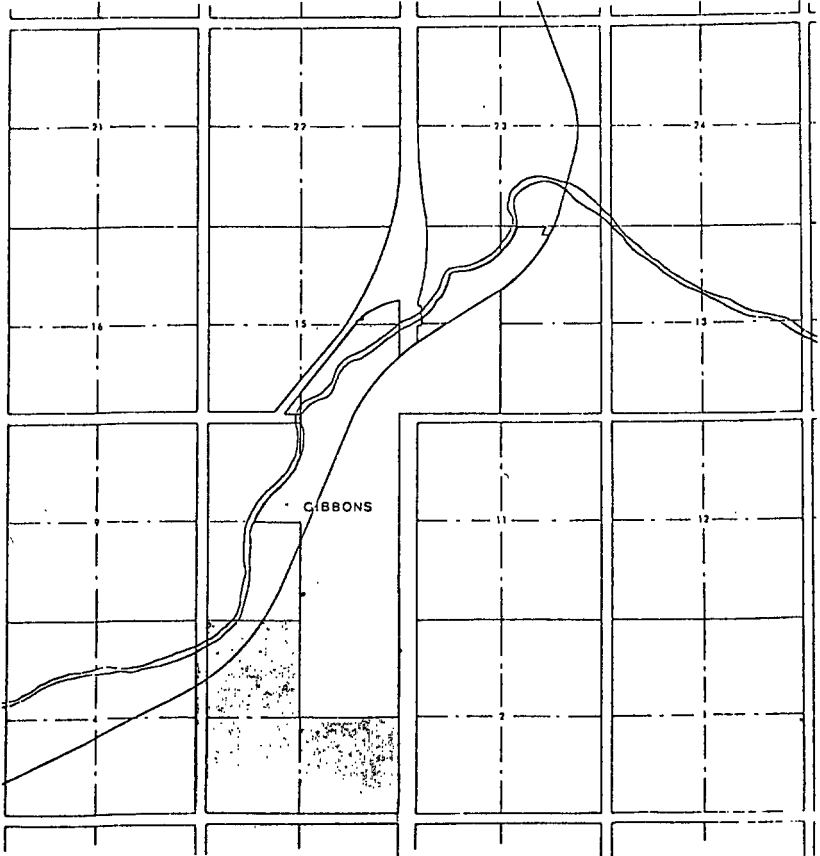
SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE
AREAS AFFECTED BY BOARD ORDER No. 11627

EFFECTIVE DATE: JANUARY 1, 1980



 AFFECTED AREA(S)



SCHEDULE "B"

**A DETAILED DESCRIPTION OF TERRITORY SOUGHT TO BE ANNEXED TO
THE TOWN OF GIBBONS, ALBERTA.**

West half of section 2, township 56, range 23, west of the fourth meridian;

That east-west government road allowance adjoining the south boundary of the south-west quarter of section 2, township 56, range 23, west of the fourth meridian;

That north-south government road allowance adjoining the west boundary of the west half of section 2, township 56, range 23, west of the fourth meridian;

That government road allowance intersection adjoining the south-west corner of the south-west quarter of section 2, township 56, range 23, west of the fourth meridian;

South-east quarter of section 3, township 56, range 23, west of the fourth meridian;

That portion of the north-east quarter of section 3, township 56, range 23, west of the fourth meridian contained in Road Plan 1451 P.X..

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West half of section 3, township 56, range 23, west of the fourth meridian;

That east-west government road allowance adjoining the south boundary of the south half of section 3, township 56, range 23, west of the fourth meridian;

All that portion of the north-south government road allowance adjoining the west boundary of the west half of section 3, township 56, range 23, west of the fourth meridian which lies south of the Sturgeon River;

That government road allowance intersection adjoining the south-west corner of the south-west quarter of section 3, township 56, range 23, west of the fourth meridian which lies south of the Sturgeon River;

That government road allowance intersection adjoining the south-west corner of the south-west quarter of section 3, township 56, range 23, west of the fourth meridian;

All that portion of the east half of section 10, township 56, range 23, west of the fourth meridian contained in Road Plan 1451 P.X.

West half of section 11, township 56, range 23, west of the fourth meridian;

That north-south government road allowance adjoining the west boundary of the west half of section 11, township 56, range 23, west of the fourth meridian;

All that portion of the north-east quarter of section 11, township 56, range 23, west of the fourth meridian contained in Road Plan 5345 N.Y.

The south-east quarter of section 14, township 56, range 23, west of the fourth meridian;

All that portion of the south-west quarter of section 14, township 56, range 23, west of the fourth meridian contained in Road Plan 5345 N.Y.

That east-west government road allowance adjoining the south boundary of the south half of section 14, township 56, range 23, west of the fourth meridian;

All that portion of the north-south government road allowance adjoining the west boundary of the south-west quarter of section 14, township 56, range 23, west of the fourth meridian which lies south of the production west across the said road allowance of the north limit of Road Plan 5345 N.Y.

That government road allowance intersection adjoining the south-west corner of the south-west quarter of section 14, township 56, range 23, west of the fourth meridian.