

TOWN OF GIBBONS

Board Order No. 16053

File No. 79(A)10

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 council of the Town of Gibbons to annex certain territory lying immediately adjacent thereto, and thereby its separation from the Municipal District of Sturgeon No. 90.

Pursuant to section 20 of the Municipal Government Act, the council of the Town of Gibbons in the Province of Alberta, petitioned the Local Authorities Board for the Province of Alberta, for the annexation to the town of all that territory described as follows:

1. All that portion of the north east quarter of section 10, township 56, range 23, west of the fourth meridian contained within road plan 1451 P.X.
2. The north west quarter of section 11, township 56, range 23, west of the fourth meridian.
3. All that portion of the south west quarter of section 14, township 56, range 23, west of the fourth meridian, contained within road plan 5345 N.Y.
4. All that portion of the south east quarter of section 15, township 56, range 23, west of the fourth meridian, lying southerly of the production westerly of the northerly limit of road plan 5345 N.Y. and not within the Town of Gibbons.
5. All government road allowances intervening and adjoining the above described land.

The above described lands contain 180 acres, more or less.

(hereinafter called "the said territory")

which lies immediately adjacent to the town, and thereby its separation from the Municipal District of Sturgeon No. 90, and in respect to which the board held a public hearing into the matter on November 10, 1982.

Representing the Town of Gibbons were Mayor R.E. Austin, Deputy Mayor L. Fraser, M. Metrunc, municipal secretary, B. Usenik and A. Estgaard, engineers, D. Drackley, planner and L. Burgess, lawyer.

Reeve G.J. Crozier and G.J. Boddez, administrator appeared on behalf of the Municipal District of Sturgeon No. 90.

B. Clark, planner presented the position of the Edmonton Metropolitan Regional Planning Commission.

No owners were present, but written consents to have their respective properties annexed were received from Clara L. Williams and Marlo Properties Ltd.

The Town of Gibbons is located at the junction of Highways No. 28 and 37, to the south east of the Sturgeon River and 25 miles northeast of the City of Edmonton. Growing from a population of 1,078 in 1976 to 2,592 in 1982, for an average annual growth rate of 23 per cent, the town has evolved as a residential community. The citizens mainly commute to work elsewhere primarily to the City of Edmonton and to industrial areas in the Municipal District of Sturgeon No. 90. This is reflected in its assessment with residential assessment making up almost 80 per cent of the tax base. The town wished to develop a more diversified tax base, and specifically, by attaining industrial development. This move will also provide local employment, thus reducing the commuting.

It was suggested that the Town of Gibbons was positioned to attract industry. It is located on main industrial transportation routes, has available a stable labour force, is in close proximity to existing and planned petrochemical complexes and would have industrial sites available for development at a cost competitive with other competing communities in the Edmonton Metropolitan Region.

While the Town of Gibbons does have within its jurisdiction a large area (SW  $\frac{1}{4}$  of section 14) that has been designated for industrial development since 1978, the sole owner has not proceeded with development. This has occurred even though a number of parties looking for industrial sites in town have been referred to the owner. As a result, the town is unable to respond to requests made of its office or to promote the town's potential for this type of development.

It was estimated that by the year 2001 the Town of Gibbons would require between 80 and 360 acres of land for industrial purposes. This was dependent upon population growth, availability and price of industrial land in the region as compared to that in the town. To permit the town to more readily respond to the town's industrial land use requirements it has entered into an agreement to purchase the most easterly 75 acres of the said territory, which would be developed for industrial purposes once annexed to the town.

The said territory is contained primarily within the northeast quarter of section 11 and includes the abutting portions of Highway No. 37 to the west, and Secondary Road 643 to the north. To its immediate north are those lands which have been designated for industrial use but not developed. It was anticipated that servicing the said territory would encourage development of the northern site, as it was possible that the sanitary sewer trunk line to the treatment plant could be constructed through the private industrial lands to the north, thus providing benefits to both parties.

The said territory is relatively flat with a slight slope to the northwest. There is a farmstead located in the northeast corner and the lands are in agricultural production with the soils classified as 4S, according to the Canada Land Inventory of soil classifications. No constraints to development are evident. The said territory may be

readily and economically serviced with utilities within the existing water and sanitary plant capacities.

The Municipal District of Sturgeon No. 90 had no objections to the annexation of the said territory to the Town of Gibbons. The concern expressed by the municipal district in respect to the maintenance of the abutting portion of Secondary Highway No. 643 when the industrial lands to the north were annexed, was not seen as a factor now and could be resolved by the two municipalities.

The staff of Edmonton Metropolitan Regional Planning Commission made the following recommendation to the commission.

**\*\*Recommendation**

That the E.M.R.P.C. indicate to the Local Authorities Board that it supports the proposed annexation of N.W. 11-56-23-W.4th for industrial development with the following observations:

1. That annexation of one quarter of industrial land to increase competition does not conflict with regional growth management and industrial land use policies.
2. That the annexation will permit the town to develop industrial land thereby satisfying certain objectives and policies found in their general municipal plan and increasing local competition and supply of industrial land.
3. That while there is an adequate supply of industrial land regionally, local land development problems have created a local shortage which will be resolved by this annexation and municipal land banking and industrial development.
4. The land is suitable and serviceable for the intended uses and does not adversely impact on prime agricultural land resources.
5. The design of access to the quarter is of concern relative to protecting the primary highway and use of Secondary Road 643.
6. Alberta Transportation and the M.D. of Sturgeon will have to participate in resolving access issues relative to these lands prior to development and how this issue is resolved will materially affect the location and relationship between the proposed land uses.

On a motion by Mrs. Abdurahman and Mr. Bell it was moved that the commission supports the proposed annexation of N.W. 11-56-23-W.4th and per staff recommendations."

By letter to the board dated August 24, 1982, Alberta Transportation made the following comments on the proposed application:

"As the proposed annexation area includes a half-mile section of Highway 37, it should be noted that the department will continue to control access along the highway regardless of the location of the town's boundaries, pursuant to the Public Highways Development Act.

The department has been in discussion with the town regarding the town's future development plans and the related transportation concerns. It was recognized that urban expansion of the town on the easterly side of Highway 37 should be maintained as a free-flowing facility and its operation should not be jeopardized by abutting development. The town should be prepared to accept the responsibility

as a local taxing authority for providing a connection joining the portions of town on either side of the highway for inter-urban vehicular and pedestrian traffic when required, without impeding the free-flowing function of Highway 37.

The subject site is located at the south-east quadrant of the Highway 37 - Secondary Road 643 junction, which has been established as a future interchange location. If the proposed annexation proceeds, it would be essential for subdivision plans for this area to make provision for necessary right-of-way to allow installation of the interchange and widening of Highway 37 to a multi-lane facility. Consideration should also be given to the noise and aesthetic factors when development plans are being formulated for areas adjacent to this heavily travelled corridor.

The department will be pleased to discuss any transportation concerns with the town."

Alberta Agriculture, in a letter to the board dated September 14, 1982 expressed the following observations:

"Alberta Agriculture has reviewed the Town of Gibbons proposed annexation. The following comments relate to the aforementioned proposal.

1. The parcel under consideration, N.W. 11-56-23-W.4, has good drainage, flat to gently rolling topography, and is currently utilized for cereal crop production and some pasture.
2. The Canada Land Inventory (CLI) agricultural capability rating is 4S; the "S" limitation denoting an undesirable soil structure and/or low permeability. CLI Class 4 lands have low to fair levels of productivity for a fair range of crops, and may have a high level of productivity for specially adapted crops. The productivity rating, based on Alberta Hail and Crop Insurance data is 85%.
3. The CLI Class 4 lands are one of the lower quality agricultural lands in the vicinity of Gibbons.

The Town of Gibbons proposed annexation will remove CLI class 4 lands currently in agricultural production. However, no lower quality alternative sites exist. Therefore, Alberta Agriculture has no objections to the proposed annexation."

Owners, Marlo Properties Ltd. and Clara L. Williams gave written consent to have their respective properties annexed to the Town of Gibbons.

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

1. That, the Town of Gibbons, being well located within the Edmonton Metropolitan Region to serve the region's industrial growth, with a growing urban infrastructure while maintaining the "small town" style of living, will continue to grow in population and development.
2. That, the Town of Gibbons lacks sufficient industrial development within its jurisdiction to provide it with a healthy ratio of residential to non-residential assessment and employment opportunities within the community.
3. That, while the Town of Gibbons does have lands within its jurisdiction that have been designated for industrial uses, such lands are in private ownership and have not been developed. The result is the town has missed opportunities for industrial development within its community. The town has an opportunity to acquire title to a portion of the

said territory, and, if annexed to the town, it would permit the town to develop these lands and have them available as serviced industrial sites.

4. That, there are few if any constraints to the urban development of the said territory which may be readily and economically serviced with utilities, it contains poorer class soils and is located adjacent to industrial lands now within the jurisdiction of the Town of Gibbons permitting economics of scale in development.

5. That, there are no objections to the annexation of the said territory to the Town of Gibbons.

6. That, the application by the Town of Gibbons petitioning to annex to it the said territory and thereby its separation from the Municipal District of Sturgeon No. 90, 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 Town of Gibbons, in the Province of Alberta, and thereupon be separated from the Municipal District of Sturgeon No. 90 the following described territory:

✓  
1. All that portion of the north east quarter of section 10, township 56, range 23, west of the fourth meridian, contained within road plan 1451 P.X.

✓  
2. The north west quarter of section 11, township 56, range 23, west of the fourth meridian.

✓  
3. All that portion of the south west quarter of section 14, township 56, range 23, west of the fourth meridian, contained within the road plan 5345 N.Y.

✓  
4. All that portion of the south east quarter of section 15, township 56, range 23, west of the fourth meridian, lying southerly of the production westerly of the northerly limit of road plan 5345 N.Y. and not within the Town of Gibbons.

✓  
5. All government road allowances intervening and adjoining the above described land.

The above described lands contain 180 acres, more or less.

(A sketch showing the general location of the annexed lands is attached as Schedule "A".)

II. That any taxes owing to the Municipal District of Sturgeon No. 90 as at December 31, 1982, 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 1983, 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 provisions of the Municipalities Assessment and Equalization Act, shall for taxation or grant purposes commencing in the year 1983, 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 January 1, 1983.

Dated and signed at the City of Edmonton, in the Province of Alberta, November 18, 1982.

Certified a True Copy:  
B. Clark, Secretary:

Local Authorities Board,  
C.I. Shelley, Chairman.  
J.A. Hammond, Member.

### SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE  
AREAS AFFECTED BY BOARD ORDER No. 16053

EFFECTIVE DATE: JANUARY 1, 1983



 AFFECTED AREA(S)

