

ORDER No. 12259

**REFUSED**

File No. 79(A)7

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 petitioning for the annexation of certain territory to the Town of Gibbons and thereby its separation from the Municipal District of Sturgeon No. 90.

Pursuant to section 20 of The Municipal Government Act, an application was made by the majority of owners of that territory described as follows:

The west half of section 11, township 56, range 23, west of the fourth meridian. Excepting thereout Road Plan 5345 N.W.

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.

All government road allowances intervening and adjoining the above described lands. (hereinafter called "the said territory.")

which said territory lies immediately adjacent to the Town of Gibbons, in the Province of Alberta, petitioning the Local Authorities Board for the annexation of the said territory to the Town of Gibbons, 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 September 18, 1979.

The owners and signers of the petition are Marlo Properties Ltd., (owner of west 80 acres) and Clara Williams (owner of the east 80 acres) both in the north-west quarter of section 11. Signing also were George and Marion Hutchings, owners of the south-west quarter of section 11, which is subject to an agreement for sale, granting an undivided one-half interest each to Marlo Properties Ltd. and Consor Builders Ltd. Present at the hearing and making a representation, were A. Mellish and D. McDougall, officers of Consor Builders Ltd.

The Town of Gibbons was represented by Mayor R.E. Austin.

G.J. Boddez, Municipal Secretary, and A. Lefever, solicitor, represented the Municipal District of Sturgeon No. 90.

Staff member B. Clark, submitted the position of the Edmonton Regional Planning Commission.

The said territory, excluding Highway No. 37, contains approximately 305 acres and lies to the east of the Town of Gibbons, and south of secondary Road No. 643. Highway No. 37 abuts the boundary of Gibbons on its east with the majority of the said territory lying to the east of the highway. The lands are relatively flat, with a slight rise about halfway through the said territory which establishes two separate drainage patterns. In the Canada Land Inventory, the lands have a Class 4 capability for agriculture. The lands are currently in agricultural production. The town's industrial lands as yet undeveloped, lie to the north.

The said territory was included in an application by the Town of Gibbons to annex certain territory. This matter was heard by the Board at hearings commencing December 13th, 1978, and was the subject of Local Authorities Board Order No. 11627. While some 480 acres of territory were annexed to the Town of Gibbons by Board Order No. 11627, the said territory was not. In doing so, the Board, together with other findings, made the following conclusions:

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."

The applicants saw the Town of Gibbons as having the potential for growth, in that the cost of new land in its immediate area was less, generally, when compared to other areas in the Edmonton Metropolitan region. Elsewhere, raw land prices have increased substantially, which, with the factors of supply and demand, had caused prices for serviced single family and duplex lots to escalate rapidly in the last year. Both Marlo Properties Ltd. and Consor Builders Ltd., and specifically, the builder shareholders who made up the latter company required building lots for their own use. In developing the said territory, it was argued, competition would be provided in the Town of Gibbons, thus helping in stabilizing lot prices.

As taxes on the said lands for 1979, totalled \$919.39, the loss of the said territory by the Municipal District, it was submitted, would not be significant.

The applicants pointed to various population growth forecasts for the Town of Gibbons for the next 20 years. The Edmonton Regional Planning Commission's study "Choice of Growth Management Strategies" of February, 1977, allocated a range between 2,570 and 6,070 persons. The "Edmonton Regional Utilities Study" of July 1978, prepared for Alberta Environment, projected a population of 10,000 persons. The Town of Gibbons General Municipal Plan projected a population of between 9,000 and 14,000 persons. The town had endorsed a moderate growth policy.

It was argued that the annexation of the said territory to the Town of Gibbons was in the best long term interest of the citizens of Gibbons. Long range planning could be facilitated, with the said territory providing a wider range of growth options. An alternative to the growth now directed to the south was necessary, it was argued, if the town was to have even limited control in respect to growth options. Growth south was seen to potentially weaken the town's existing commercial core.

It was submitted that there were no physical limitations on the development of the said territory. Highway No. 37 would be protected by buffering, and with the necessary land for road widening being reserved. While it was agreed that eventually fly-overs may be required, it was argued that these would, in any event, be required in order to serve the lands west of Highway No. 37. A safe and convenient grade separated pedestrian link would be necessary to connect the said territory with the existing commercial core and schools.

It was pointed out that the Town of Gibbon's general municipal plan had received second reading. It established the said territory as one of the logical first phases in the future residential development of the town. This addition to the town, it was suggested, would provide for a more compact and cohesive community.

It was suggested that a number of conditions had arisen since the last application for annexation of the said territory to the Town of Gibbons, which would affect the overall economics and general servicing scheme for the area. A major problem was the failure of the present sewage treatment facilities. The establishment of a regional sanitary sewage treatment facility was being proposed as an alternative.

It was proposed that the sanitary trunk system would commence at the sanitary treatment lagoons and proceed southward through the south-west quarter of section 14, now within the Town of Gibbons and designated for industrial uses. It would then continue through the said territory, where oversizing of the line would be provided to accommodate three of the quarter sections recently annexed to the town in section 3. Because there was only a minor height of land dividing the water courses in the said territory, deep ditching could be utilized permitting gravity feed to the north, thus relieving the need for a lift station. This would be more economical for the total area as the three quarter sections in section 3 (S 1/2, N.W. 1/4) could not, because of limited capacity, be serviced through the town's existing sanitary sewer main, which follows the Sturgeon River. The alternative would be to "twin" or duplicate the existing line. As there would be no other lands serviced by the twinned line, it was argued that it would be a more costly method. The existing sewage treatment facility has the capacity to service a population of about 3,000 persons. The population for the Town of Gibbons as of June 15th, 1979, was 1507 persons.

The Town of Gibbons now obtains its water supply from the north east water board through a 10 inch water supply line. This had a rated capacity of approximately 3 million gallons per day. With additional storage facilities and pumping stations, the town's water

supply could be adequate to support a population of 20,000 people. A recently constructed 750,000 gallon storage reservoir, will allow the existing town's water facilities to accommodate a population of 3,500 persons.

It was proposed that storm drainage systems for the north half of the said territory be extended north through the industrial area (S.W. ¼ section 14) to the Sturgeon River. The south half of the said territory could be drained by connecting to a proposed new storm sewer to service the north half of section 3 to the west, which would drain storm waters west to the Sturgeon River.

It was pointed out that there are in the Province of Alberta a number of communities which straddle both sides of provincial highways. In the case of Gibbons by use of controlled intersections, and eventual grade separations, it was argued that the Town of Gibbons would be even better able than it is now to provide for through traffic flows on Highway No. 37. It was submitted that Highway No. 37 functions were now restricted because of left hand turning movements of vehicle traffic to and from the town, and that future growth in traffic could be better accommodated by splitting these traffic volumes.

No physical or topographical restraints were seen to restrict the development of the said territory in an economic fashion.

Mayor R.E. Austin informed the Board that the Town of Gibbons supports the application to annex the said territory to the town. This would be in conformity with the proposed general plan of the town, and, in the opinion of the town, it represented a logical and desirable extension of the town's residential growth. When queried by the Board, he stated there had been little progress made in achieving industrial development for the town. An outline plan was in preparation of the area designated for industrial purposes. While he saw the Town of Gibbons' potential for industrial development to be great, there was nothing definite to date.

In respect to the sanitary sewer lagoon treatment facility, this had not been repaired, although some work had been done. The matter was now the subject of a legal action. The treatment plant would have to be enlarged to accommodate the potential population which could be housed on lands now in the town. Development was currently being restricted pending solutions to the sanitary sewage treatment facility.

The Municipal District of Sturgeon No. 90 considered the matter at its meeting of August 30, 1979, and passed a resolution not to support the application as a need for additional territory by the Town of Gibbons had not been shown. It specifically opposed the crossing of Highway No. 37, by the Town of Gibbons for it saw community problems for the town being created by such an expansion. Further, there was the possibility of the highway becoming used as an internal roadway, as in the City of St. Albert, rather than as a highway for through traffic. It was argued that the submissions made by the applicants was a "re-hash" of material presented at the prior hearing to annex the said territory (Board Order No. 11627) and as nothing new had been presented the application should be refused.

The Edmonton Regional Planning Commission, at its meeting September 5, 1979, supported the recommendations of its Metropolitan Committee, that the application be opposed because:

- "1. No need has been demonstrated for the annexation consistent with Gibbon's role in orderly regional growth and development.
2. Residential growth east of Highway No. 37 is not in the best interests of the protection of that highway as a primary regional facility.

Alberta Transportation, by letter to the Board dated September 26, 1978, advised:

"... Highway No. 37 will be expanded to 4 lane standards with additional right-of-way on the east of the existing highway. Interchanges are presently proposed at the north-west corner of section 11 and on the east-west of section 2.

An overpass may also be required eventually half way between these two interchange locations, at each site a temporary at grade intersection may be considered."

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

Local Authorities Board

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1. That conclusions 1 to 7 inclusive stated in Board Order No. 11627 which considered, at the hearing commencing December 13, 1978, the annexation of the said territory to the Town of Gibbons, still stand unchallenged and are hereby adopted.
2. That the Town of Gibbons has yet to solve its sanitary sewage problems which will have to be resolved prior to future growth. Further, there is little evidence that the town is any closer to providing itself with an industrial development base which may provide it with local employment opportunities, and a more balanced tax assessment.
3. That there is no urgency on the Town of Gibbons to acquire into its jurisdiction additional territory for development and any savings in utility servicing of the said territory now would be marginal.
4. 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.
5. That the application to annex the said territory to the Town of Gibbons should not be granted.

Therefore, it is ordered that the application by the majority of the owners of the said territory described as:

The west half of section 11, township 56, range 23, west of the fourth meridian. Excepting thereout Road Plan 5345 N.Y.

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.

All government road allowances intervening and adjoining the above described lands, which lies immediately adjoining the Town of Gibbons, Alberta, petitioning the Local Authorities Board for the annexation of the said territory to the said town and thereby its separation from the Municipal District of Sturgeon No. 90, be and is hereby refused.

Dated and signed at the City of Edmonton, in the Province of Alberta, this 5th day of October, 1979.

Certified a true copy,  
R. MYRONIUK, Acting Secretary.

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

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