

ORDER No. 11440

Before:

The Local Authorities Board for
the Province of Alberta

ALBERTA GAZ.

Mar. 31, 1979

FILE No. 62 (A) 4

In the matter of The Municipal Govern-
ment Act:

And in the matter of an application by
the Council of the Town of Devon to
annex certain territories lying immediately
adjacent to the boundaries of the Town in
the County of Leduc No. 25.

1012

Pursuant to an application by the Council of the Town of Devon, in the Province of Alberta, petitioning for the annexation to the Town that territory described on Schedule "B" attached to this Order (hereinafter called "the said territory"), and thereby its separation from the County of Leduc No. 25, the Local Authorities Board, for the Province of Alberta, held a public hearing into the matter on November 22, 1978, in the Town of Devon.

In attendance at the hearing and representing the Town of Devon were Mayor, D. Fisher, Councillors H. Van Delden and B. D. Stover, and A. W. Weinhandl, Town Manager.

Representing the County of Leduc was Development Officer, K. Pinkoski.

Presenting the position of the Edmonton Regional Planning Commission was staff member, B. Clark.

Owners appearing or being represented at the hearing were Alberta Housing, Stanton Developments Ltd., and Alldritt Development Limited. The Board was informed that Fred Hannas had given his consent to the annexation of his lands to the Town.

The said territory consists of two separated areas and one half mile of Highway 60. The north area, bounded on its east by the Town of Devon, is cut off to the north and west by the North Saskatchewan River. While a river flood plain exists south of the river in the south-east quarter of section 3, in the main, the north parcel is defined by the steep high banks of the river, and a plateau extending back south and east from the river. Highway 60, on its east, divides the north area from the Town of Devon, while to the south are farm lands. The top lands are gently rolling with some slough and wooded areas. The soils have been classified in the Canada Land Inventory as

(6)
 5T, 4^sS, 2^s X
 (S)

20% Class 2, 20% Class 4, and 60% Class 5.

The second area is south of the Town with its westerly boundary being the west boundary of Highway 60. The land is relatively flat, with Class 2 soils as classified in the Canada Land Inventory. Both north and south areas are presently in agricultural production and are subject to having producing oil and gas wells located at 40 acre spacings, with their respective service roads and well sites. Further, there are pipe line gathering and transmission systems. A further restraint exists in that the River Valley is in a Restricted Development Area and the northern lands are subject to these restrictions. The said territory, including both parts, contains approximately 695 gross acres.

The Regional Growth Studies prepared by the Edmonton Regional Planning Commission has designated the Town of Devon as a "Natural Resource Based and Service Centre". From a 1977 population of 2786 persons, the study projects a population of 4900 persons for Devon by 1986, and a total population of 10,000 persons by the year 2000. A General Municipal Plan for Devon is now under process, and this growth projection is consistent with what has been proposed in the Plan.

The Town of Devon submitted that there is presently a shortage of lands within the Town's boundaries for development. While there are some residential lands, there are none available for light industry, commercial or institutional uses. There is a recent announcement that the Town is to receive the Coal Research Centre. This, it was suggested, will create a certain amount of spin-off industrial growth which, together with growing local demands, has made the need for industrial lands in the Town critical. Such developments, it was submitted, in turn, will create increased demands for residential developments as well.

It was pointed out that virtually all urban centres within the Edmonton Metropolitan Area were originally created to provide services to one or more natural resource based activities. The viability of these communities has varied with the natural resource industries. As a result, particularly in proximity to the inner metropolitan area, these communities often have assumed a subsidiary dormitory role which, in some cases, has exceeded the original natural resource service function. With the upgrading of the Nisku

road, and the proximity of the Nisku and other Industrial Parks, and because of existing Town amenities and established infrastructure, it was projected that the dormitory role would be increased in the Town of Devon.

In respect to the 320 acre area to the south of the Town, the Board was informed that the Town had land-banked this with Alberta Housing. A 45 acre commercial-institutional area was planned in the most northerly portion abutting a residential area. South of there, sites had been designated for the Coal Research Station, a new hospital and a senior citizen home. It was anticipated the designs would be such as to blend and be compatible with adjoining residential uses.

Immediately to the south of the commercial-institutional lands, a 107 acre residential development was proposed, while the south quarter section of land would be designated for industrial uses. It was submitted that the south quarter section would be ideal for this industrial use as it was adjacent to Highway 60 on its west and to the Nisku Road, soon to be upgraded, on its south. Initially, a 60 acre industrial subdivision was proposed which would meet the current needs.

Servicing to this land was reviewed, illustrating that it would be economically and readily achieved by the extension of existing utility lines and roads from the established residential developments to its north.

The north area, being west of the existing Town of Devon, across Highway 60, would provide approximately 130 acres of residential land for development. The Town, in the anticipation of such a use of this area, had for some time, planned its utilities with oversizing through existing developments to accommodate the development as and when it took place. The area has a strong relationship to the North Saskatchewan River Valley, and residential development would be able to utilize this asset.

The Town of Devon did not see the problems created by the oil wells, production sites, service roads and pipe lines as being insurmountable. These problems had been encountered in the existing Town site, and had been successfully designed around.

The Town of Devon, with minor alterations, will have the capacity of providing potable water to a population of 6000. Recent expansion has been made to the Town's sewage treatment plan which permits it to accommodate a similar population. Design studies are currently under way for a 1,100,000 Imperial gallon water storage facility which would accommodate the Town's water demands for the next 20 years.

J. Agrios informed the Board that, on behalf of his client, Stanton Developments Ltd., respecting the north-west quarter of section 33, he had obtained from the Provincial Planning Board, Board Order 1543-77 dated January 6, 1978, which in effect, permitted subdivision and possible development, though not within 200 feet of the River Bank. Further, he had obtained from Alberta Environment, Ministerial consent to the separation of approximately 85.45 acres from the Restricted Development Area which had been placed on the north-west quarter of section 33. His client supported the annexation application.

No information was received as to the planned disposition of Mr. Hannas' lands located between the North Saskatchewan River and Highway 60 in the south-east quarter of section 3.

Mr. Cox advised that Alldritt Developments Ltd. had been in the development of housing in Devon for a number of years, saw the need for additional lands for residential development, and supported the application.

C. Pickering advised that Alberta Housing was in favour of annexation of its lands.

The County of Leduc No. 25 supported the annexation of the said territory to the Town of Devon.

The Edmonton Regional Planning Commission considered the application in some depth, and passed a resolution to support the Town of Devon's application to annex the said territory.

By letter, dated September 7, 1978, Alberta Transportation informed the Board of its concerns "... to protect the operation of Highway 60 and achieve access control necessary to maintain the free flow of traffic and high safety standards". The Board was

informed at the hearings that discussions had taken place with the Town in the anticipation that, upon development taking place, traffic problems could be solved.

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

1. That the Town of Devon, because of its established natural resource base, its agricultural setting, and proximity to the City of Edmonton and developing industrial parks in the Edmonton Region, will continue to be a growth centre. The Board recognizes the Edmonton Regional Planning Commission's designation for the Town of Devon, as developed from the Regional Growth Studies, as a "Natural Resource Based and Service Centre", and the population projection of 4,900 persons for the Town of Devon by the year 1986.

2. That the Town of Devon has satisfied the Board that additional land is required for the future residential, industrial, and commercial-institutional needs of the Town.

3. That each territorial sector applied for, may be readily and economically serviced with utilities and transportation and provide for the logical expansion of the Town.

4. That the difficulties created by the said territory being in an active gas and oil producing field may be overcome with innovative planning. The problems created by the Town of Devon crossing Highway 60 may be solved through development design and cooperation between the Town and Alberta Transportation.

5. That the Town of Devon's application to annex the said territory 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 Devon, in the Province of Alberta, and thereupon be separated from the County of Leduc No. 25 the territory set forth in Schedule "B" attached.

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

II. That any taxes owing to the County of Leduc No. 25 as at December 31, 1978, in respect of the aforementioned properties shall transfer to, and become payable to the Town of Devon, together with any lawful penalties and costs levied thereon in respect of any such taxes; however, upon the Town of Devon collecting any or all of such taxes, penalties or costs, such collection shall forthwith be paid by the Town to the County of Leduc No. 25.

III. That the assessor for the Town of Devon 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 Town so that the assessment thereof shall be fair and equitable with other lands and assessable improvements in the Town of Devon.

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 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 Devon, 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, 1979.

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

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

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

SCHEDULE "B"

A DETAILED DESCRIPTION OF TERRITORY SOUGHT FOR, AND ANNEXED TO THE TOWN OF DEVON, ALBERTA.

West half of section 27, township 50, range 26, west of the fourth meridian.

That north-south government road allowance adjoining the west boundary of the west half of section 27, township 50, range 26, west of the fourth meridian.

That east-west government road allowance adjoining the south boundary of the south-west quarter of section 27, township 50, range 26, west of the fourth meridian.

That government road allowance intersection adjoining the south-west corner of the south-west quarter of section 27, township 50, range 26, west of the fourth meridian.

All that portion of the east half of section 28, township 50, range 26, contained in Road Plan 2153 R.S.

All that portion of the east-west government road allowance adjoining the south boundary of the south-east quarter of section 28, township 50, range 26, west of the fourth meridian which lies east of the production southerly of the westerly limit of Road Plan 2153 R.S. across the said road allowance.

All that portion of the south-east quarter of section 33, township 50, range 26, west of the fourth meridian contained in Road Plan 2153 R.S.

All that portion of the north-east quarter of the section 33, township 50, range 26, west of the fourth meridian not within the Town of Devon.

All that portion of the north-west quarter of section 33, township 50, range 26, west of the fourth meridian which lies easterly of the right bank of the North Saskatchewan River.

All that portion of the north-south government road allowance adjoining the west boundary of the north-west quarter of section 33, township 50, range 26, west of the fourth meridian which lies southerly of the right bank of the North Saskatchewan River.

All that portion of the south-west quarter of section 2, township 51, range 26, west of the fourth meridian which lies southerly of the right bank of the North Saskatchewan River and not within the Town of Devon — *superfluous statement*

All that portion of the south half of section 3, township 51, range 26, west of the fourth meridian which lies south and east of the right bank of the North Saskatchewan River.

All that portion of the east-west government road allowance adjoining the south boundary of the south half of section 3, township 5, range 26, west of the fourth meridian which lies easterly of the right bank of the North Saskatchewan River.

*See gaz, dated
28 Feb 1950.*

SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE
AREAS AFFECTED BY BOARD ORDER No. 11440

EFFECTIVE DATE: JANUARY 1, 1979

 AFFECTED AREA(S)

