

CITY OF CAMROSE

BOARD ORDER NO. 19657

FILE: CAMR/C-6

BEFORE: THE LOCAL AUTHORITIES BOARD FOR THE PROVINCE OF ALBERTA

IN THE MATTER OF THE "Municipal Government Act":

AND IN THE MATTER OF THE "County Act":

AND IN THE MATTER OF an application by the Council of the City of Camrose, in the Province of Alberta, to annex certain territory lying immediately adjacent thereto and thereby its separation from the County of Camrose No. 22.

Pursuant to section 20(2) of the Municipal Government Act, the Council of the City of Camrose, in the Province of Alberta, petitioned the Local Authorities Board for the Province of Alberta, for the annexation to the City of all that territory described as follows:

ALL THAT PORTION OF THE NORTH HALF OF SECTION SIXTEEN (16), TOWNSHIP FORTY-SIX (46), RANGE TWENTY (20), WEST OF THE FOURTH MERIDIAN, WHICH LIES SOUTH AND EAST OF THE SOUTHEASTERLY LIMITS OF THE CANADIAN NATIONAL RAILWAY RIGHT OF WAY AS SHOWN ON PLAN 337 T.R.

NORTH HALF OF SECTION TWENTY-SIX (26), TOWNSHIP FORTY-SIX (46), RANGE TWENTY (20), WEST OF THE FOURTH MERIDIAN

ALL THAT PORTION OF THE SOUTH WEST QUARTER OF SECTION TWENTY-EIGHT (28), TOWNSHIP FORTY-SIX (46), RANGE TWENTY (20), WEST OF THE FOURTH MERIDIAN, CONTAINED WITHIN ROAD PLAN 882 1680

NORTH EAST QUARTER OF SECTION TWENTY-NINE (29), TOWNSHIP FORTY-SIX (46), RANGE TWENTY (20), WEST OF THE FOURTH MERIDIAN

ALL GOVERNMENT ROAD ALLOWANCES OR PORTIONS THEREOF ADJOINING THE WEST BOUNDARIES OF THE ABOVE DESCRIBED LANDS

THE ABOVE DESCRIBED LANDS CONTAIN TWO HUNDRED NINETY-THREE AND TWENTY-THREE HUNDREDTHS (293.23) HECTARES, (724.58 ACRES), MORE OR LESS

(hereinafter called "the said territory")

which lies immediately adjacent to the City of Camrose, and thereby its separation from the County of Camrose No. 22, and in respect to which the board held a public hearing into the matter on September 18, 1990.

The City of Camrose was represented by City Manager Don L. Saunders, City Clerk Neil Brodie and City Planners John Timinski and Gary Gibeau.

The County of Camrose No. 22 was represented by Reeve Roland Bishop, Councillor Vern McKnight and Administrator W.R. Gartner.

The Battle River Regional Planning Commission was represented by Robert Botham, Executive Director.

Alberta Environment, Alberta Transportation and Utilities and the Energy Resources Conservation Board had submitted written briefs to the Board.

Landowners and interested parties included Irma Henderson, Sandra and Wayne Nelson, Darrell Rosland, shareholder in 390838 Alberta Ltd., and Betty Ann Leonhardt, tenant on the Nelson land. Carman Mason and Verlyn Olson had submitted written briefs to the City, which the City tendered as evidence.

The said territory consists of three separate and unconnected parcels of land contiguous generally to the south boundary of the City. For ease of description they will be identified as Blocks 1, 2 and 3.

Block 1 is a half section of land comprising approximately 320 acres. The Block is bounded on the east by Gravel Pit Road, on the north by Camrose Drive and the City, on the west by the City and on the south by open agricultural lands. The majority of the north east quarter section is owned by 390838 Alberta Ltd. with the balance held by Sandra and Wayne Nelson and TransAlta Utilities Ltd. Most of the northwest quarter section is owned by the Mason family with the balance of this quarter and a small portion of the former quarter owned by the City as right of way for Camrose Drive and access road. The soils within the Block are 80% Class 2S under the Canada Land Inventory (CLI) agricultural rating system with the remainder Class 4 and 6 due to drainage problems. The topography is relatively flat to undulating but sloping gently to the north. Some internal drainage depressions are evident. The land is used primarily for agricultural production and two residences are located within the Block.

Block 2 is an irregular shaped rectangle comprising 239.02 acres bounded on the east by Range Road 203, on the north by the City, on the west by the Canadian National Railway right of way and on the south by open agricultural land. All of the land is owned by the Crown and leased to the regional landfill authority operated by the City. The soils are 90% Class 2S with the remainder Class 4 due to surface drainage limitations. The topography is relatively flat. The Camrose Creek runs along the west side into the Battle River. Those portions of the land not currently used for landfill purposes are in agricultural production.

Block 3 is a quarter section bounded on the east and north by the City and on the west and south by open agricultural land. Block 3 also includes a narrow right of way for Camrose Drive extending one half mile east of the aforementioned quarter section. All of the Block, except for a 7.50 acre rural residential parcel owned by Norman and Irma Henderson, is owned by the City. The soils are 90% Class 2S with the remainder being Class 4W. The topography is relatively flat and the lands are predominantly in agricultural production.

The City of Camrose contends that Block 1 can be serviced and is needed to accommodate large industrial land use applications. The City acknowledged that the 990 acres of vacant industrial land within the City could accommodate up to 30 years of industrial growth based upon small holding requirements. But if large developments materialized, the land supply may only be adequate for 5 years. Furthermore, industrial users prefer to develop in a southeasterly direction away from the current inventory of industrial land. The City stated that it is currently in discussions with an unidentified industrial user that would use much of the Block if plans materialized. The City is prepared to withdraw the Nelson land from its application.

The City's reason for wishing to annex Block 2 is that it operated the regional landfill site. Most of the waste originates within the City and there is a possibility that a manufacturing plant may be located within the Block that would process household wastes and utilize City services.

The City suggested that Block 3 would add to the residential land supply, notwithstanding the current supply of 825 acres of vacant residential land which the City acknowledged is adequate for 30 years. The City however is prepared to withdraw the Henderson lands from the application.

The City concluded that it is not prepared to accept the County's condition that the two miles of road leading from the City to the regional landfill site also be annexed. The City acknowledged that the land use designation would not automatically change upon annexation and that the City is also prepared to maintain rural taxes for five years.

The County of Camrose No. 22 opposed the annexation of Block 1 except for those areas north of and including Camrose Drive. The County contends the City had not justified the need for additional industrial land and that the application is predicated on the proposed malting plant which is now to be located in Alix, Alberta. The County supported the annexation of Block 2 with the provision that the two mile access road be included since less than 1% of the total weight of the waste originates from the County. The County also supported the annexation of Block 3.

The Battle River Regional Planning Commission stated that it is Commission policy not to comment on annexations where both municipalities agree. The Commission staff took issue with Block 1; however this had not been discussed by the Commission because of inadequate time. The staff contend that although the Camrose General Plan supports the application, the annexation would be difficult to accommodate within the Regional Plan. There would be high servicing costs, difficult surface drainage and access problems. The staff concluded that only those lands north of and including Camrose Drive should be annexed. As a matter of policy, the staff supported the annexations of Blocks 2 and 3.

Alberta Environment and Alberta Transportation and Utilities raised no objections to the annexations. Alberta Agriculture did not provide any views. The Energy Resources Conservation Board did not submit an opinion but confirmed that there are no sour gas facilities or wells which would obstruct development.

Mrs. Henderson expressed concern regarding increased taxes and by-law restrictions affecting their trucking operation. Mrs. Henderson concluded that they would be prepared to reconsider their opposition if water services are provided.

Mr. Rosland, shareholder in 390838 Alberta Ltd., supported the annexation with the view that rural taxes should stay in effect until the lands are developed for industrial use. Solicitors, writing on behalf of 390838 Alberta Ltd., advised the City of support for the application on the assumption that rural tax assessments would prevail until industrial development took place.

The Nelsons expressed concern regarding the level of City services as they are satisfied with the County services. Although the Nelsons are undecided on the annexation, they expressed their opposition to future industrial zoning and development. Their tenant, Betty Ann Leonhardt, opposed the annexation application and the potential impact of industrialization.

Carman Mason supported the annexation application since their land is already subdivided into five parcels by the new roadways.

The Board, having considered the evidence received, has reached the following conclusions.

1. That the Board, due to legislative limitations, cannot entertain the County's request to include the unapplied for landfill access road, but recommends that the two municipalities review this matter to reach an intermunicipal agreement reflecting the nature and use of the roadway by the City.
2. That no evidence was presented by the City justifying the need for additional industrial land.
3. That even though the City has a 30 year supply of vacant residential land, the City owns nearly all of Block 3 which lies immediately adjacent to the City's southwest extremity of residential development.
4. That all of the undeveloped agricultural lands will continue to be used for agricultural use regardless of which municipality is the taxing authority.
5. That the application to annex the said territory by the City of Camrose should be GRANTED IN PART.

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:

1. That there be annexed to the City of Camrose, in the Province of Alberta, and thereupon be separated from the County of Camrose No. 22 the following described territory:

ALL THAT PORTION OF THE NORTH HALF OF SECTION SIXTEEN (16), TOWNSHIP FORTY-SIX (46), RANGE TWENTY (20), WEST OF THE FOURTH MERIDIAN, WHICH LIES SOUTH AND EAST OF THE SOUTHEASTERLY LIMITS OF THE CANADIAN NATIONAL RAILWAY RIGHT OF WAY AS SHOWN ON PLAN 337 T.R.

ALL THAT PORTION OF THE NORTH HALF OF SECTION TWENTY-SIX (26), TOWNSHIP FORTY-SIX (46), RANGE TWENTY (20), WEST OF THE FOURTH MERIDIAN WHICH LIES NORTHERLY AND WESTERLY OF THE SOUTHERLY AND EASTERLY LIMITS OF THE MAIN ROAD AND ACCESS ROAD RESPECTIVELY, BOTH AS SHOWN ON ROAD PLAN 882 3091.

THAT NORTH SOUTH GOVERNMENT ROAD ALLOWANCE ADJOINING THE WESTERLY BOUNDARY OF THE NORTH WEST QUARTER OF SECTION TWENTY-SIX (26), TOWNSHIP FORTY-SIX (46), RANGE TWENTY (20), WEST OF THE FOURTH MERIDIAN

ALL THAT PORTION OF THE SOUTH WEST QUARTER OF SECTION TWENTY-EIGHT (28), TOWNSHIP FORTY-SIX (46), RANGE TWENTY (20), WEST OF THE FOURTH MERIDIAN, CONTAINED WITHIN ROAD PLAN 882 1680

ALL THAT PORTION OF THE NORTH SOUTH GOVERNMENT ROAD ALLOWANCE ADJOINING THE WESTERLY BOUNDARY OF THE SOUTH WEST QUARTER OF SECTION TWENTY-EIGHT (28), TOWNSHIP FORTY-SIX (46), RANGE TWENTY (20), WEST OF THE FOURTH MERIDIAN WHICH LIES NORTH OF THE PRODUCTION WESTERLY OF THE SOUTHERLY LIMIT OF ROAD PLAN 882 1680.

THE ABOVE DESCRIBED LANDS CONTAIN ONE HUNDRED AND EIGHTY-SIX AND EIGHTY-FIVE HUNDREDTHS (186.85) HECTARES, (461.71 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 County of Camrose No. 22 as at December 31, 1990, in respect of the aforementioned properties shall transfer to and become payable to the City of Camrose together with any lawful penalties and costs levied thereon in respect of any such taxes; however, upon the City of Camrose collecting any or all of such taxes, penalties or costs, such collection shall forthwith be paid by the City to the County of Camrose No. 22.

III. That the assessor for the City of Camrose shall, for taxation purposes in the year 1991, reassess the annexed lands and assessable improvements thereon, which are by this Order annexed to the City so that the assessment thereof shall be fair and equitable with other lands and assessable improvements in the City of Camrose, and the provisions of the Municipal Taxation Act regarding the assessment roll shall mutatis mutandis apply to such assessment.

IV. (A) That the assessor for the City of Camrose shall, for taxation purposes, classify and assess any farm land, farm residences and farm buildings, annexed by this Order to the City of Camrose, as if the land, residences and buildings were farm land, residences or buildings located in a rural municipality, and which if located in the County of Camrose No. 22 would be classified as farm land, residences and buildings pursuant to the Municipal Taxation Act.

(B) That such "farm land, residences and buildings" classification shall be given to such land, residences and buildings only for the years 1991 to 1995 inclusive after which time such classification shall immediately terminate; provided however:

(i) that if the land or residences and buildings located on the said parcels are, pursuant to Clause IV (A) above, determined by the assessor for the City of Camrose as being no longer "farm land, residences and buildings", even if they had been located in the County of Camrose No. 22 referred to in Clause IV (A), then such classification of "farm land, residences and buildings" shall immediately terminate in respect of the said parcels; or

(ii) that if the Council of the City of Camrose, by Resolution, makes an application to the Local Authorities Board and establishes before the Local Authorities Board that the provisions of Clause IV (A) should be varied prior to the date established in Clause IV (B), the Local Authorities Board may vary the time such classification as "farm land, residences and buildings" shall remain in effect.

(C) The owner of a parcel described in Clause IV (A) may apply to the Local Authorities Board for an extension of the time limit for the classification of "farm land, residences and buildings" as it applies to that specific parcel and the Local Authorities Board may order that the provisions of Clause IV (B) be varied or rescinded.

V. 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 1991, reassess 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, and which lie within the areas that are by this Order annexed to the City of Camrose, so that the assessment or valuation shall be fair and equitable with properties of a similar nature.

VI. That the effective date of this Order is the Thirty-first (31st) day of December, 1990.

DATED and signed at the City of Edmonton, in the Province of Alberta, this 29th day of October, 1990.

LOCAL AUTHORITIES BOARD

(Sgd.) B. Clark
VICE CHAIRMAN

(Sgd.) H.W. THIESSEN
MEMBER

CERTIFIED A TRUE COPY:

RAY MYRONIUK
BOARD SECRETARY

SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE
AREAS AFFECTED BY BOARD ORDER No. 19657

EFFECTIVE DATE: DECEMBER 31, 1990



AFFECTED AREA(S)

