

ORDER NO. 7827

File C-46(A)

Before:

The Local Authorities Board  
for the Province of Alberta

In the matter of The Local  
Authorities Board Act:

And in the matter of The  
Municipal Government Act:

And in the matter of an appli-  
cation by the City of Camrose  
petitioning for annexation of cer-  
tain territories lying immediately  
adjacent thereto, into the City of  
Camrose and thereby separation  
of said territories from the  
County of Camrose No. 22.

The City of Camrose, in the Province of Alberta, having planned a major growth and development proposal for the city according to its city plan and development policies and in accordance with anticipated and planned extension of residential, industrial, highway and public use requirements, has assembled an annexation proposal to provide for the city's growth. The Local Authorities Board, being satisfied that the city's intentions were clear and sufficiently advanced as to permit an effective exchange of information among all interested parties conducted a public hearing on the petition at Camrose in the conference room of the Provincial Building on Wednesday, February 19th, 1975 commencing at 10:00 a.m.

Attending the hearing to represent the City of Camrose were several officers and advisers led by Mayor Rudy Swanson, supported by City Manager Wally Johnson, City Clerk Roy Mackwood, Assessor Glen Lowes and Superintendent of Engineering and Planning John Timinski. Mr. Bob Botham, Director of the Battle River Regional Planning Commission represented the Regional Commission and also provided expert testimony on the city's municipal plans and planning studies. The County of Camrose No. 22 was represented by Mr. Rene Cote, assessment and development officer of the county. Landowners with interests in the area proposed for annexation, who were in attendance at the opening of the hearing included Mr. Roy Phillips (who would also represent Douglas Phillips, another owner, not in attendance), Mr. P. Funk, Mr. A. W. Nundahl, Dr. H. J. Sheppard (represented by his solicitor Mr. Allan Fielding), Mr. F. D. Lofgren, Mr. Tom Duggan, Mr. A. J. Sunderman, Mr. Dennis Mohler, Mr. Joe Duggan and Mr. Walter Byers.

Mayor Swanson of the City of Camrose presented the city's proposal, referring to an application to the Local Authorities Board in the form of a letter from Mr. Russell H. Smith, city clerk, dated July 24, 1974, and a supplementary position paper dated February 1975 and signed by the mayor.

The City of Camrose makes use of a general plan for the city in guiding its development. The plan is prepared for the city by the Battle River Regional Planning Commission and is updated from time to time. A new revised plan is due in 1976 to update the current one dated 1971. The General Plan Vol. II dealing with *Proposals and Recommendations* was placed in exhibit by the city. There is in the background of the City's application an impressive preparation of planning studies and land use and urban development projections. Extensive evaluations of

alternatives for growth of the city and its economic base had preceded the application. Regional planners, the other municipality and land-owners had been consulted at least tentatively in the process of preparing the application.

Justification for the annexation requested by the city was held to be provided in the city's intention as to expansion and development of the new area and what appeared to the city to be tacit agreements as to those intentions from the county, the landowners and other interested parties and authorities. It was also argued by the city that intensive development of the subject land was inhibited until it became part of the city due to the effect of a franchised city water supply which prevented extension of the system beyond the city boundaries. This effect was cited as a reason for the large scale of the annexation proposal, it being necessary to keep the boundaries beyond the demand for water services at all times, unless serious delays and restrictions on development were to occur.

Land for industrial development on the east and north east of the city's industrial area was needed. The city proposed to add N.E. 35-46-20-4, W  $\frac{1}{2}$  1-47-20-4, S.W. 35-46-20-4 and N.E. 27-46-20-4 to its industrial land; all said lands being serviced by rail and highway connections.

Residential expansion to the west and south of existing residential zones was expected as the present trend of residential development continued. Land for this need would include W  $\frac{1}{2}$  27 and E  $\frac{1}{2}$  and N.W. 28, E  $\frac{1}{2}$  32 all in township 46, range 20, west of the fourth meridian, and the S.E. 4-47-20-4. Where the Provincial Highway No. 13 passed between sections 4-47-20-4 and 32-46-20-4 there was a demand for development of highway commercial services which would be best controlled through city planning and orderly development measures.

Three quarter sections on the north side of the city were included in the proposed annexation for future residential extensions and possibly some industrial uses near the airport. These parcels are described as N.W. 3, S.E. 10 and S.W. 11 in 47-20-4.

Lastly, on the extreme south of the proposed territory to be added, the city requested that the sewer lagoon and disposal area including E  $\frac{1}{2}$  21 and W  $\frac{1}{2}$  22 in 46-20-4 should also be annexed. The city had previously acquired title to these lands.

There was no objection from the county, the regional planning commission or from other parties, as to the scale of these proposed changes in jurisdictional area of the City of Camrose. Objections or reservations that were presented dealt with specific concerns of interested residents and the transfer of responsibilities for taxation and public services.

The Alberta Department of Highways and Transport was not represented at the hearing and by letter dated August 30, 1974 had expressed "no special comments" but observed that as the department was actively participating in the transportation study and the examination of transportation corridors and design standards for the system the department assumed that Highway No. 13 and alternatives would be protected. In a similar letter to the city the department expressed its satisfaction that the agreement between Camrose and the department was adequate to provide highway corridor protection.

The County of Camrose No. 22, represented by Mr. Rene Cote approved the plan of annexation as proposed. Certain communication

between the county and the city, exhibited at the hearing demonstrated that the county has considered the matter, had offered specific additions and clarifications and had approved the final submission. The proposed new boundaries would satisfactorily separate the areas of jurisdiction as between city and county.

Mr. Bob Botham of the Battle River Regional Planning Commission provided comments to clarify some of the matters referred to in communications between the city and the county and explained the regional commission's role in advising and confirming the understandings of the two municipalities. The regional commission also approved the proposal as submitted in full and held that the proposed new boundaries were well placed so as to place jurisdiction over public areas in the municipality which had most responsibility for them; and also to provide reasonable areas for urban expansion and development. Mr. Botham also observed that he was involved in the transportation study and supported the use of that study in presenting the city's case for annexation. The annexation, largely as proposed, would be in the interests of regional planning for the larger area.

Some of the landowners present at the hearing, by general and specific questioning of the city's advisers attempted to determine what the annexation and the supplementary land planning and transportation alternatives would mean to them. Mr. Phillips expressed concern about highways and railways on his lands in section 27-46-20-4 but he was satisfied with plans for water and sewer extensions as those alternatives were explained. On balance Mr. Phillips was in favour of the annexation of his land into the city.

Through another exchange of questions and explanations Mr. P. Funk required information as to sewer extensions, school busing and property assessment and taxation, and city by-laws as relating to keeping of dogs and licensing of dogs. Again, on balance, Mr. Funk expressed satisfaction that his interests would receive consideration by the city, if his lands and his home were annexed, although he retained certain reservations on some particular consequences of annexation. Mr. Funk's parcel of some eighteen (18) acres is in N.W. 27-46-20-4.

Mr. Dennis Mohler, owner of part of W ½ 1-47-20-4 was especially concerned about the assessment and taxation of his farm lands and farm buildings. The city assessor, Mr. Lowes, reiterated the attitude of the City of Camrose as expressed in the petition for annexation, where in paragraph 9 the city proposed that farm lands should continue to be assessed as farm lands, as if they were still in the county, until such time as they are used for purposes other than farming. Mr. Mohler raised the matter of his farm buildings and inquired if these would continue to be treated as farm buildings in the same manner as they would be treated in the county. Mr. Lowes responded that, at least to the extent that city policy and discretion could apply, the city would attempt to do that. It is noted that the city's application recommends to the Local Authorities Board that such a condition be attached to the annexation order if annexation is to follow. The Board took notice of these representations.

Representing Dr. H. J. Sheppard, an owner of approximately six (6) acres in a strip of land parallel to the Canadian National Railway in the N.W. 1-47-20-4 was Mr. Allan Fielding. Dr. Sheppard opposed the proposal for annexation because of the fear of a rise in taxation of the land which could force him to either sell the land or apply it to a more intensive use than he presently does. He wishes to continue using the land for a small scale grazing use and requests that, if annexed, his

taxes should not be raised above what they would be if he were left in the county. The present use should not be curtailed. He does not ask specifically for treatment as "farm land" but only that the assumption as to use in the appraisal of the land should remain as it is at present under the county jurisdiction, at least until the land is applied to a higher and better use than is now the case. The Board and Mayor Swanson took note of Mr. Fielding's remarks.

Mr. F. D. Lofgren, owner of a small triangular parcel in S.W. 1-47-20-4, lying between the railway and Highway No. 26 east of the city, which is within the proposed annexation territory, inquired if the city would provide his parcel with a direct approach onto the highway. Apparently Mr. Lofgren has not succeeded in obtaining a highway access from Department of Highways while his parcel was in the county. Further, if urban water and sewer services were extended to his property Mr. Lofgren was concerned about the charges for the extension and other costs which might be levied against him. Except for those concerns Mr. Lofgren was in favour of the annexation.

Another small parcel in the proposed annexation territory on the north side of N.W. 27-46-20-4 and amounting to some seven and two-tenths (7.2) acres was owned by Mr. Adolph Nundahl. Mr. Nundahl intended to continue using this land for hay production and expected that his land assessment would continue to be based on a farm land basis. This owner had no objection to the annexation.

The three quarter sections on the west side of the city included in the territory requested by Camrose were all owned by Joseph Duggan, a farmer and cattle feeder. The land is described as E ½ 32-46-20-4 and S.E. 4-47-20-4; it is farm land and the owner intends to continue the farming use; and further the owner anticipates that assessment of the land will continue to be based on the agricultural rates. A farmstead located on the N.E. 32 is treated as an exempt assessment by the county. It is the owner's understanding that this exemption would and should continue, even if annexation occurs, for as long as the land remains in farming. Mr. Duggan approves the proposed annexation though he expects to have tax protection and to be given time to phase out any objectionable farming operations being conducted on the land.

The position of Alfred Sunderman on the annexation proposal is favourable. His land is the S.E. 10-47-20-4; the land is farm land and the improvements in the form of a country residence are assessed. Some concerns that Mr. Sunderman had related to whether he and other country residence owners would lose certain freedoms they enjoyed in the county. They had private septic tank systems, they used fire arms, and they had a style of life which was little affected by nuisance and safety by-laws and controls. Some part of these elements of privacy and freedom were likely to be lost on annexation. Such a loss was not an unreasonable price to pay for the advantages accruing with annexation and Mr. Sunderman wished only to minimize the losses.

The remaining northern parcel proposed for annexation is S.W. 11-47-20-4 which lies west of the airport and is owned by Byers Flour Mills Ltd. who were represented by Mr. Walter Byers. As regarding the annexation question Mr. Byers' principle concern was that his farm land should continue to be assessed as farm land until development was to occur. The presence of the airport immediately east of the Byers land and possible expansion of the airport in the future, though concerns expressed, were deemed to be not relevant to the matter of the proposed annexation.

The question of transferring good agricultural land from a rural jurisdiction to an urban one and the consequent likelihood of the land then being removed from agricultural production and applied to certain types of development was raised by the Local Authorities Board. Mr. Bob Botham summarized the views of certain persons who responded to this concern. He observed that the urban centre provides many support and complementary services to agriculture and to the use of agricultural land. Urban centres are essential. The most effective and efficient way to make use of land for urban purposes is to do it intensively. High density development for urban uses in urban centres does much less to remove land from agriculture than low density development and fragmentation and long term transitional development would do. Therefore, when urban developments are required in a region it is better to control them and confine them to well planned cities and towns than to permit scattered small parcels throughout a region to be transformed. The point was made by several of the farmers that when their locations were ripe for development, then it should be permitted and it should be done in an orderly manner. A quick transition when the change becomes inevitable would be best. In the interim period the land should remain in agricultural production with limited interference from nuisance and land use controls and from prohibitive taxation.

The Local Authorities Board having considered all these representations is convinced of the need for additional territorial jurisdiction for the City of Camrose. The city has studied its future needs, the alternatives of growth as against no-growth, and the alternative directions and plans for growth. It has acquired land for its public needs for sewer and waste disposal and for development. Local, regional and provincial authorities have been consulted and their interests have been recognized. In granting approval in full to the application for annexation of territory to the City of Camrose, the Board will establish certain protections for the farm buildings in the annexed areas. These protective measures are for a certain term but may be extended by the Board on application made during the term of their operation.

It is ordered, therefore, as follows:

I. 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 territory described 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 Camrose No. 22 as at December 31, 1975 in respect of the aforementioned and annexed properties shall transfer to and become payable to the City of Camrose together with the amount of any lawful penalties and costs levied thereon in respect of such taxes; however, upon the city collecting any or all of the said taxes, penalties or costs, such collections 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 1976, re-assess 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 related lands and assessable improvements in the City of Camrose.

IV. That the assessor for the City of Camrose shall for taxation purposes in the years 1976 to 1980 inclusive, re-assess any buildings which were at the date of February 19, 1975 located on a parcel of land annexed to the city by this Order and which if they were located on

lands remaining in the county would qualify as "farm buildings" in the county pursuant to The Municipal Taxation Act, and such buildings shall be assessed as "farm buildings" provided that —

- (a) if the said parcel of land or a part thereof is further subdivided after February 19, 1975, clause IV shall cease to have effect respecting that parcel; and
- (b) if the city, by resolution of council, or the owner or other interested person, in writing establishes before the Board that for good and sufficient reason the provisions of clause IV should be varied or rescinded, with respect to any parcel, application may be made to the Board for an order to implement such a change.

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 1976, 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 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 shall be the 1st day of January, 1976.

Dated and signed at the City of Edmonton, in the Province of Alberta, this 22nd day of May, 1975:

LOCAL AUTHORITIES BOARD

D. A. BANCROFT, Chairman.

E. POWELL, Member.

Certified a true copy,

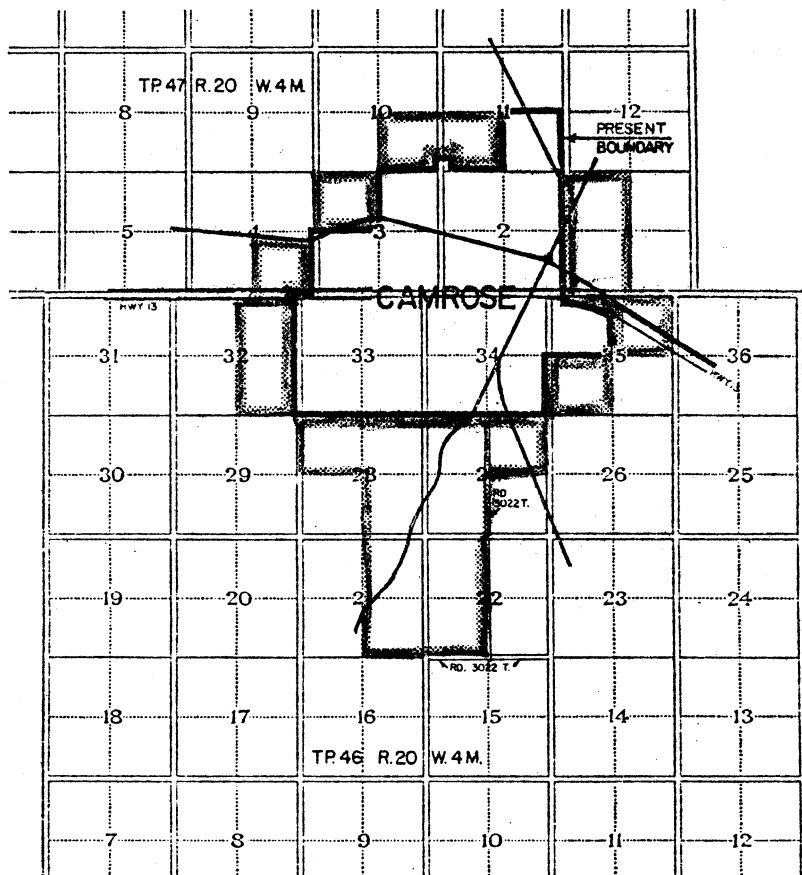
B. CLARK, Secretary.

# SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION  
OF THE AREAS AFFECTED BY ORDER No. 7827

EFFECTIVE DATE: JANUARY 1, 1976

 AFFECTED AREA(S)



## SCHEDULE "B"

The east half of section 21, township 46, range 20, west of the fourth meridian.

All that portion of the north-west quarter of section 22, township 46, range 20, west of the fourth meridian lying west of the west limit of the road as shown on plan 3022 T.

The south-west quarter of section 22, township 46, range 20, west of the fourth meridian excepting thereout (a) the road as shown on plan 3022 T., and (b) the road as shown on plan 3031 E.T.

All that portion of the north-south government road allowance adjoining the west boundary of the west half of section 22, township 46, range 20, west of the fourth meridian lying north of the production westerly across the said road allowance of the north limit of the road as shown on plan 3022 T.

The north-east quarter of section 27, township 46, range 20, west of the fourth meridian.

The north-west quarter of section 27, township 46, range 20, west of the fourth meridian.

The south-west quarter of section 27, township 46, range 20, west of the fourth meridian.

That portion of the south-east quarter of section 27, township 46, range 20, west of the fourth meridian taken for road as shown on plan 3022 T.

All that portion of the east-west government road allowance adjoining the south boundary of the south-east quarter of section 27, township 46, range 20, west of the fourth meridian lying west of the production south across the said road allowance of the east limit of the road as shown on plan 3022 T.

The east-west government road allowance adjoining the south boundary of the south-west quarter of section 27, township 46, range 20, west of the fourth meridian.

The north-south government road allowance adjoining the west boundary of the west half of section 27, township 46, range 20, west of the fourth meridian.

That government road allowance intersection adjoining the south-west corner of the south-west quarter of section 27, township 46, range 20, west of the fourth meridian.

The east half of section 28, township 46, range 20, west of the fourth meridian.

The east-west government road allowance adjoining the south boundary of the south-east quarter of section 28, township 46, range 20, west of the fourth meridian.

The north-west quarter of section 28, township 46, range 20, west of the fourth meridian.

The north-south government road allowance adjoining the west boundary of the north-west quarter of section 28, township 46, range 20, west of the fourth meridian.

The south-east quarter of section 32, township 46, range 20, west of the fourth meridian.



The north-east quarter of section 32, township 46, range 20, west of the fourth meridian, excepting thereout that portion of the road as shown on plan 2183 P.X. lying west of the production south across the said road of the west boundary of the south-east quarter of section 4, township 47, range 20, west of the fourth meridian.

The north-east quarter of section 35, township 46, range 20, west of the fourth meridian excepting thereout that portion of the road as shown on plan 5295 P.X. lying east of the production south across the said road of the east boundary of the south-west quarter of section 1, township 47, range 20, west of the fourth meridian.

That portion of the north-west quarter of section 35, township 46, range 20, west of the fourth meridian lying generally north of the southerly limit of the road as shown on Plan 5295 P.X.

The south-west quarter of section 35, township 46, range 20, west of the fourth meridian.

The north-south government road allowance adjoining the west boundary of the south-west quarter of section 35, township 46, range 20, west of the fourth meridian.

The south-west quarter of section 1, township 47, range 20, west of the fourth meridian.

The east-west government road allowance adjoining the south boundary of the south-west quarter of section 1, township 47, range 20, west of the fourth meridian.

The north-west quarter of section 1, township 47, range 20, west of the fourth meridian.

The north-south government road allowance adjoining the west boundary of the west half of section 1, township 47, range 20, west of the fourth meridian.

That government road allowance intersection adjoining the south-west corner of the south-west quarter of section 1, township 47, range 20, west of the fourth meridian.

That portion of the south-east quarter of section 4, township 47, range 20, west of the fourth meridian lying south of the south limit of the railway as shown on railway plan No. C. & E. No. 10.

The east-west government road allowance adjoining the south boundary of the south-east quarter of section 4, township 47, range 20, west of the fourth meridian.

The north-west quarter of section 3, township 47, range 20, west of the fourth meridian.

The north-south government road allowance adjoining the west boundary of the north-west quarter of section 3, township 47, range 20, west of the fourth meridian.

The south-east quarter of section 10, township 47, range 20, west of the fourth meridian.

All that portion of the south-west quarter of section 11, township 47, range 20, west of the fourth meridian contained within subdivision plans 3310 A.P. and 8145 E.T.

The north-south government road allowance adjoining the west boundary of the south-west quarter of section 11, township 47, range 20, west of the fourth meridian excepting thereout the most southerly three hundred and thirty (330) feet of the said government road allowance.