

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 annexa-
tion of certain territory to the Summer Village
of Norglenwold. and thereby its separation
from the County of Red Deer No. 22.

Pursuant to an application by the majority of owners of that territory being:

All that portion of the south-west quarter of section 5, township 39, range 1, west of the fifth meridian which lies south-west of the southwesterly limits of Grand Avenue as shown on Subdivision Plan 5116 A.E. and west and north-west of the lands subdivided under Plan 6376 M.C excepting thereout Road Plan 4376 J.Y.

(hereinafter called "the said territory")

which territory lies immediately adjacent to the Summer Village of Norglenwold, in the Province of Alberta, petitioning for the annexation of the said territory to the Summer Village of Norglenwold, and thereupon its separation from the County of Red Deer No. 23, the Local Authorities Board, for the Province of Alberta, held a public hearing in the matter on February 14, 1979.

Representing the owners, Thomas Gibson and Margaret G. Gibson, was D.L. Hardy, Solicitor.

The Summer Village of Norglenwold was represented by Mayor K.G. Pugh and H.A. Raymond, Administrator.

Appearing on behalf of the County of Red Deer No. 23 were Reeve W.S. Mills and R.J. Stonehouse, Municipal Secretary.

Senior Planner, W. Shaw, appeared to present the position of the Red Deer Regional Planning Commission.

The Summer Village of Norglenwold is located on the south shore of Sylvan Lake, and approximately two miles from the Town of Sylvan Lake. The majority of the Summer Village fronts onto the lake, running at an angle from south east to north west through the south-west quarter of section 5. A permanent population of 80 persons resides in the summer village, with an increase expected as more people retire and desire to make the site a permanent residence.

The said territory, containing 36.30 acres approximately, is located in the extreme south-west corner of the south-west quarter of section 5. A common road within the summer village, Grand Avenue, abuts the said territory on its north east. A small subdivision of the summer village abuts the east corner. To the south of the said territory, is located Highway No. 11 while on the west, is a north-south road allowance.

There presently exists a dwelling and farm outbuilding on the said territory. The soil is classified in the Canada Land Inventory as having a Class 3 rating for agriculture. Portions in the south-west corner were stripped and used for a "borrow pit" during the construction of Highway No. 11. The land drains to the south east, with the present residence having its own field and septic sewage system. Water is obtained from a well drilled on the said territory. The said territory has an excellent shelter belt around the farm residence site, and is bordered with a row of planted poplar and maple trees. Hay crops are presently being grown on the cleared portions.

The applicants submitted that the purpose of the application was to provide additional land for the Summer Village of Norglenwold which may be subdivided to provide much needed building lots for the construction of vacation and all-season family homes.

Mr. Gibson explained he had purchased the said territory in 1946 and had raised purebred hogs. With all the summer village building sites occupied, this use was now incompatible and would not now be permitted by Alberta Environment. The land had been sowed to pasture, and because of its small size and the absence of any farmers on the immediate vicinity desiring to farm it, it had become impossible for Mr. Gibson to make a viable agricultural use of the said territory. Subdivision and sale of the lands provided the only alternative.

Mr. Gibson had made a prior application to subdivide out of the said territory, some 5 acres on which was located his farmstead but this had been refused. He saw it would be impossible to subdivide and sell his land, unless it was within the Summer Village of Norglenwold.

The Summer Village of Norglenwold supported the application to annex the said territory to it. The addition to the summer village of the said territory was in keeping with the summer village's proposals to extend its boundaries for residential development. At present, the summer village was served by gas and electric power along Grand Avenue, which could also economically serve lots created in the abutting portion of the said territory. The residents in the Summer Village of Norglenwold now have their own water wells and septic tanks with fields. There was the potentiality of constructing extensions to the Town of Sylvan Lake Sanitary Sewer and Water Systems, if there was a sufficient demand to warrant the construction.

While there is direct access from Highway No. 11 to the building site on the said territory, any further access would be from the local internal road (Grand Avenue) which now serves the summer village.

Mayor Pugh explained there was a growing demand for residential sites within the summer village, often by people desiring to retire to such a setting. Because lots were not available, demand had pushed lot prices to extreme heights. The inclusion of the said territory within the jurisdiction of the summer village and its subsequent subdivision and development would alleviate some of this demand.

He argued that Highway No. 11 cut off the said territory from the County of Red Deer No. 23 and that as the lands were marginal, and best utilized for urban uses, they formed a logical extension to the Summer Village of Norglenwold. In the future, he predicted that the Town of Sylvan Lake would expand its boundaries to take within its jurisdiction the summer village and the said territory, and that the present application for annexation was a logical step in urbanization.

The Summer Village of Norglenwold desired to have control over the territory bordering its southern boundary to ensure that compatible uses be made of it. The boundary extension to include the said territory had been adopted by Council some years ago, being a Phase II of the Growth Plan and was a logical territorial addition to the summer village.

The County of Red Deer No. 23 opposed the annexation of the said territory to the Summer Village of Norglenwold. Having adopted the Sylvan Lake Management Plan, it supported curtailment of cottage subdivision as the number of cottage lots already existing around the lake has exceeded the desired maximum; and with further subdivision the provision of public recreation opportunities are limited. There were better sites around the Lake for such a development, it was contended.

Reference was made to an absence of a shoreline public reserve strip along the lake front in the Summer Village of Norglenwold. This meant that the only public access to the water's edge was by means of road allowances, which had physical restrictions. As such, it was argued, the urban design of the Summer Village of Norglenwold in the vicinity of the said territory, did not accommodate back land cottage subdivision without a significant conflict to the existing cottage area.

It was suggested that if annexed, and subdivided, that the said territory would see the construction of residences for year round dwelling, whereas normally a summer village is designed with minimal services to accommodate seasonal holidayers. Permanent residents generally require a higher level of services, and it was argued that these could be better provided within the urban setting of the Town of Sylvan Lake.

The county further pointed out that the said territory had been zoned Agricultural Amenity "AA" and has a good soil satisfactory for agriculture and should remain in the rural jurisdiction.

W. Shaw, of the Red Deer Regional Planning Commission, advised he was the author of the Sylvan Lake Management Plan. The Plan assumed that 1,092 cottages for Sylvan Lake was an acceptable total, while in actual fact there were 1,149 cottage lots, or a surplus of 57 now existing. Mr. Shaw pointed out that, with environmental controls, this number could be exceeded. He conceded also, that permanent residents were more environmentally concerned than other users of the lake.

Alberta Transportation, by letter to the Board, dated November 27, 1978, advised:

"It is noted that the proposed annexation is adjacent to Highway 11. Access to the annexation area from the Highway will be reviewed by the department at such time that subdivision plans are developed. The provision of a buffer for noise attenuation may be required along the highway route depending on the type of abutting land use."

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

1. That the role of the Summer Village of Norglenwold will continue to change from that of a summer resort, catering to the needs of temporary recreational residents, to those residents who will reside within the summer village on a permanent year-round basis.
2. That in order to meet the growing demands such permanent residents will make upon the Summer Village of Norglenwold for improved water, sanitary sewage treatment, recreational facilities and other amenities found within established urban communities, the summer village will require a large enough population in concentrated areas to afford such developments.
3. That urban development need not necessarily conflict with the Sylvan Lake Management Plan, any more than the Town of Sylvan Lake does now, provided proper planning and environmental practices are followed.
4. That the said territory, of limited agricultural use, being small in size, isolated from the County of Red Deer No. 23 by Highway No. 11, and abutting upon the Summer Village of Norglenwold, forms a natural extension to the summer village.
5. That the inclusion of the said territory within the boundaries of the Summer Village of Norglenwold, will permit the summer village to plan for its future land uses and utility services in an economical and efficient manner.
6. That the application to annex the said territory to the Summer Village of Norglenwold, and thereby its separation from the County of Red Deer No. 23 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 Summer Village of Norglenwold, in the Province of Alberta and thereupon be separated from the County of Red Deer No. 23 the following described territory:

All that portion of the south-west quarter of section 5, township 39, range 1, west of the fifth meridian which lies south-west of the southwesterly limits of Grand Avenue as shown on Subdivision Plan 5116 A.E. and west and north west of the lands subdivided under Plan 6376 M.C. excepting thereout Road Plan 4376 J.Y.

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

II. That any taxes owing to the County of Red Deer No. 23 as at December 31, 1979, in respect of the aforementioned properties shall transfer to and become payable to the Summer Village of Norglenwold together with any lawful penalties and costs levied thereon in respect of any such taxes; however, upon the Summer Village of Norglenwold collecting any or all of such taxes, penalties or costs, such collection shall forthwith be paid by the Summer Village to the County of Red Deer No. 23.

III. That the assessor for the Summer Village of Norglenwold shall for taxation purposes in the year 1980, re-assess the annexed lands and assessable improvements thereon, which are by this Order annexed to the summer village so that the assessment thereof shall be fair and equitable with other lands and assessable improvements in the Summer Village of Norglenwold, 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 1980, 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 Summer Village of Norglenwold, 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, 1980.

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

Certified a true copy
B. CLARK, Secretary,

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

SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE
AREAS AFFECTED BY BOARD ORDER No. 11809

EFFECTIVE DATE: JANUARY 1, 1980



AFFECTED AREA(S)

