

Before:

The Local Authorities Board  
for the Province of Alberta

In the matter of the Municipal  
Government Act:

And in the matter of the  
Local Authorities Board Act:

And in the matter of an appli-  
cation for annexation of territory  
from the Summer Village of Ed-  
monton Beach to the County of  
Parkland No. 31 petitioned by  
the majority of registered owners  
of said territory.

A petition signed by twenty-eight out of fifty-two registered owners of a certain territory described briefly as Beachview Estates and being part of the north-west quarter of section 30, township 52, range 1,

west of the fifth meridian and lying within the limits of the Summer Village of Edmonton Beach has been filed with the Local Authorities Board. A full description of the territory which is the subject of the application for annexation is attached to this Order as schedule "A".

The petition cited reasons for the request for annexation to the County of Parkland No. 31 and withdrawal from the Summer Village of Edmonton Beach as follows:

- (a) The petitioners are year-round residents and not summer residents of the summer village.
- (b) The petitioners find that certain by-laws of the summer village have a stifling effect on the lives of year-round residents.
- (c) There existed a certain hostility between the residents of the village proper and the acreages.
- (d) The petitioners make reference to an inability of the council to carry out council's functions correctly.
- (e) The petitioners claim their taxes in the summer village in support of a small population are comparatively higher than they would be outside the village.

The Local Authorities Board conducted a public hearing on the application for annexation in the town office of the Town of Stony Plain, Alberta on Wednesday, June 25, 1975 commencing at 9.30 a.m. The petitioners were represented by Mr. A. B. Leeuwenburgh who was one of the property owners and a signer of the petition. Several of the other petitioners were in the public meeting audience but did not participate directly in the hearing. For the Summer Village of Edmonton Beach the representation was headed by Mr. Howard Irving, a solicitor, and supported by Secretary-treasurer Mrs. C. G. McElroy, Mayor G. Wall and Councillor Dwayne Spooner. Reeve Les Miller of the County of Parkland No. 31, Secretary-treasurer Otto Schuster and Mr. George Miller represented the county. There was no representation attending the hearing from the Alberta Department of Transportation although a letter from the department expressing "no objection" had been filed with the Local Authorities Board. The Edmonton Regional Planning Commission, the Provincial Department of Environment and the Environment Conservation Authority were not represented and although they had been notified of the proposed annexation had not responded with positions of their own relative to the proposal.

Mr. Leeuwenburgh presented to the hearing and filed with the Board additional supplementary material to the petition requesting the annexation of territory from the summer village to the County of Parkland and spoke of specific complaints which the petitioners had and which constituted their objection to remaining in the Summer Village of Edmonton Beach. As to taxation and a comparison of taxes in the County of Parkland and the Summer Village of Edmonton Beach Mr. Leeuwenburgh observed a difference from 41 mills in the county to 79 mills in the summer village. It was further suggested by Mr. Leeuwenburgh that the Village of Edmonton Beach taxpayers were at a disadvantage compared to County of Parkland and Town of Stony Plain taxpayers in respect of the application of the School Foundation Program Fund requisitions and grants.

The residents of the Beachview Estates, which is the location of the properties of most of the petitioners, felt at a disadvantage as compared with other ratepayers in the village inasmuch as they were a minority in the total population of the village, they were permanent

residents in the village, and were somewhat isolated from the main village activities of the summertime residents. The annual by-laws of the village imposed certain restrictions to the keeping of animals within the village boundaries which the permanent residents regarded as too limiting and discriminatory. There was further complaint that the village office was located in the City of Edmonton and council meetings were held in Edmonton with the result that permanent residents of the village had difficulty in communicating with the council and the office. The petitioners were concerned that in provision of financial support for the operating budget of the summer village the Beachview Estates properties contributed more than a fair share of the total. Finally, it was anticipated that if the petitioners were annexed back to the County of Parkland they would have some representation on the Parkland County School Committee which at present being residents of the summer village they did not have. In subsequent examination of Mr. Leeuwenburgh's comments it was brought out that the village by-laws restricted the development of a permanent population in the village through restrictions on converting summer residences to year-round residential properties. This further limited the effective power of permanent residents to influence the village council in its determination of village policies.

Mr. Irving representing the summer village attempted to clarify the grounds of the petitioners requesting the change of jurisdiction and to put the complaints in more specific terms. He observed that some of the objections of the petitioners had been dealt with in recent months by the council having amended its annual by-laws. He observed further that since the last municipal election the permanent residents of the summer village and Beachview Estates community were well represented in the village council. Mayor Wall of the summer village provided the hearing with more complete information on the operations of the village and attempts made in the past several years to serve the permanent residents and especially the Beachview Estates area of the village. He further observed that the village had acquired equipment and facilities to service the needs of the village of over 200 population and some 60 to 70 residents and that a separation of the petitioned areas from the village would leave it substantially over-equipped and less able to finance its on-going operations at the current level of expenditures. Councillor Dwayne Spooner also offered some explanation of problems the council had had in dealing with complaints from certain parts of the village. Road construction and maintenance and provision of adequate drainage to the Beachview Estates area had been a source of some problems over the past several years. Such problems were being dealt with by the village council and in Mr. Spooner's opinion were being resolved slowly, generally to the satisfaction of the residents. Mrs. McElroy under questioning by Mr. Irving provided further details on the assessment and financing of the village. Statements of the financial accounts of the village and of inspectors reports for the past several years were filed with the Board. Some of the financial problems which arose from changes in Provincial Grant programs were outlined by Mrs. McElroy. The last witness offered by Mr. Irving to be questioned at the public hearing was Councillor Waters who had twelve continuous years service on the council and a substantial experience to offer to the hearing. None of the interested parties in attendance took advantage of this opportunity to question Mr. Waters.

Mr. Les Miller, Reeve of the County of Parkland provided a statement to the hearing as to the county's reaction, both in respect of its function as the school authority for the summer village and with respect

to the county's municipal jurisdiction over the subject area should it be annexed back to the county. He pointed out that the county had neither supported nor opposed the application and had not been involved in the initiation or promotion of the request. He observed, however, that should the Local Authorities Board annex these territories back to the county the county municipal services would be extended and should not likely meet serious difficulty in that regard. As to the school function he suggested that the residents of the subject area already would have access to representation on the school committee through the members of that committee although they were not directly responsible to the petitioning residents. Mr. Miller also observed that the county is presently servicing other country residence and summer residence properties in the vicinity of Edmonton Beach and that similar services and representation could be extended to the subject area. In provision of road access from the county it would be possible to provide an additional access road from the subdivided area onto county roads and to adequately service the region in that way.

Mr. Cornelissen an owner of one of the parcels in the subject area and one of the petitioners expressed his private concerns about the tax burden being suffered by the residents in the summer village and he was concerned about the restriction on keeping of animals within the village limits.

Mr. Ewachniuk another owner of a parcel in the area explained some of the problems met by the residents of Beachview Estates in obtaining satisfactory representation in the village council.

The Local Authorities Board also examined resolutions of the County of Parkland passed under the development control by-law of the county and in particular resolution No. 8 dealing with livestock regulations. The Board notes that the county by-laws would be no more lenient in the matter of permitting livestock on small holdings of less than three acres than the summer village regulations would be. On holdings of three to twenty acres in the county there would perhaps be some greater allowance for the keeping of livestock but only under controlled conditions. Similarly with mobile homes on parcels of less than twenty acres in the county there would be no more freedom permitted than in the case of the summer village. In general the county has made overall provision for the control of development and keeping of animals similar to those which would obtain in an urban municipality under the same conditions of plot size. To the extent that the county's rules would affect the area which is the subject of this annexation application the residents would not find appreciably greater freedom in the county and in some instances would be subject to more stringent rules.

The Local Authorities Board finds that there is a distinction to be made between the summer residents and the year round residents and the application of municipal by-laws to the respective groups. However, as to the petitioners concerns with restrictions under the so-called cabin by-laws, any hostility between residents of the village proper and other acreages, and the ability of council to fulfill its purposes, the matters are regarded as irrelevant to the question of municipal jurisdiction as it may be affected by annexation and separation. The tax situation in the village would not appear to be out of line with taxation and financial systems generally prevalent in small urban communities throughout the Province and that condition would become more difficult if a substantial part of the tax base were removed from the jurisdiction of the village. The School Foundation Program of the Province has been designed to deal equitably with various types of municipalities and their

ratepayers. The adjustments affected through the equalized assessment, in the absence of evidence to the contrary, should be assumed to fairly portion the Provincial assistance under the Foundation Program. The Board finds that the issues of location of the village office, the efficiency of the managing council as regarding local works and undertakings and representation for school purposes are not pertinent to the question of annexation and separation in this case and should be given no weight in the decision of the Board. It is the conclusion of the Board that none of the three groups of residents (a) in the county, (b) in the summer village, or (c) in the petitioned area would be served with a better arrangement for their self-government if the proposal of the petitioners were granted than if it were refused. The Board further observes that substantial increased financial burden would fall upon some of the members of the three groups if the annexation were granted. The majority of the complaints of the petitioners are matters which by and large can be dealt with in their own jurisdiction at the local level.

It is ordered, therefore, that the petition for annexation of territory to the County of Parkland No 31 and separation of said territory from the Summer Village of Edmonton Beach be and the same is hereby refused.

Dated and signed at the City of Edmonton, in the Province of Alberta, this 4th day of November, 1975.

LOCAL AUTHORITIES BOARD  
D. A BANCROFT, Chairman.  
E. POWELL, Member.

Certified a true copy,  
B. CLARK, Secretary.

#### SCHEDULE "A"

The north-east quarter of section 30, township 52, range 1, west of the fifth meridian.

*Firstly:* All those portions subdivided under plans 4552 R.S. and 6019 R.S.

*Excepting thereout* — All that portion of Waters Drive as shown on plan 6019 R.S. which lies south of the production easterly of the south boundary of lot 22 as shown on said plan

*Secondly:* Lot R-1 in block 5 as shown on plan 2219 C.L.

*Excepting thereout* — All that portion subdivided under plan 6019 R.S.

*Thirdly:* All that portion of the unnamed avenue as shown on plan 2219 C.L. which lies east of a straight line drawn from the intersection of the south limit of the said unnamed avenue with the easterly limit of the unnamed boulevard all as shown on said plan 2219 C.L. to the south-west corner of lot 8 as shown on plan 4552 R.S.

The north-west quarter of section 30, township 52, range 1, west of the fifth meridian.

*Firstly:* Legal subdivisions 13 and 14 and the north-west quarter of legal subdivision 11 all of section 30, township 52, range 1, west of the fifth meridian and all that portion of legal subdivision 12

of said section lying north of the north limit of that portion of Pine Avenue as shown on plan 1199 E O having a bearing of east as shown on said plan and its production easterly throughout

*Excepting thereout* — All those portions of said legal subdivisions covered by the water of Cottage Lake as shown on a plan of survey of the said township signed at Ottawa on the 30th day of August, 1912.

*Secondly* All that portion of the original government road allowance adjoining the west boundary of the north-west quarter of section 30, township 52, range 1, west of the fifth meridian and presently within the limits of the Summer Village of Edmonton Beach which lies north of the production westerly of that north limit of Pine Avenue as shown on plan 1199 E O having a bearing of east.