

TOWN OF ATHABASCA

Order No 16903

File No. 32(A)7

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 Town of Athabasca, in the Province of Alberta, to annex certain territory lying immediately adjacent thereto and thereby its separation from the County of Athabasca No. 12. .

Pursuant to Section 20 of the Municipal Government Act, the Council of the Town of Athabasca, in the Province of Alberta, petitioned the Local Authorities Board for the Province of Alberta, for the annexation to the Town of all that territory described as follows:

ALL THAT PORTION OF LOTS THREE (3), FOUR (4), FIVE (5) AND SIX (6), BLOCK FIFTEEN (15), AS SHOWN ON PLAN OF SUBDIVISION 2878 A.I. LYING WESTERLY OF THE EASTERLY LIMIT OF ROAD PLAN 2799 AND EASTERLY OF THE EASTERLY LIMITS OF FAIRVIEW AVENUE AND SURVEYED ROAD, BOTH AS SHOWN ON SAID PLAN 2878 A.I.

THE ABOVE DESCRIBED LANDS CONTAIN SIXTY AND NINETY-ONE HUNDREDTHS (60.91) HECTARES (150.51 ACRES) MORE OR LESS.

(hereinafter called "the said territory")

which lies immediately adjacent to the Town, and thereby its separation from the County of Athabasca No. 12, and in respect to which the Board held a public hearing into the matter on May 31, 1984.

Representing the Town of Athabasca were Mayor A. J. Schinkinger, Councillor J. Brown and C.M. Sawatzky, Secretary-Treasurer.

No one appeared on behalf of the County of Athabasca No. 12 but by letter to the Board dated April 12, 1984, the County advised that Council "...would have no objections".

G. Pigat, Planner, presented the position of the Planning Services Division of Alberta Municipal Affairs.

Owner, V. Lewis, was present and made a submission.

The Town of Athabasca explained that it has found itself in a quandary in that 52 per cent of the people working in the Town live mainly on small holdings in the County of Athabasca No. 12. It was explained that there is an abundance of scenic marginal agricultural and recreational land in the area that is suitable for acreages. Many of these small holding residents make use of the Town's services such as the solid waste facilities and the sanitary sewage lagoon for their pump out septic tanks. While the Town does have some 95 serviced lots available for development, it was claimed that this trend to acreages would continue outside of the Town until land is made available for this type of life style within its own jurisdiction.

The Town of Athabasca, with the upcoming relocation of the Athabasca University, has witnessed a fluctuating growth with a present population of 1,862 people. It is evident that considerable redevelopment and upgrading has taken place within the Town, particularly in the main business areas. The Town and the County of Athabasca No. 12 are promoting industrial development and there is hope that an all season road will be developed northward towards Athabasca and the potential resource development areas. The potential for growth in the Town is seen as positive with a projected population of 5,000 persons by the year 2001. To meet the projected demands, the Town has developed its sanitary sewage capacity to serve a population of 4,500 people and, with some improvements, its water capacity will soon be able to meet a like demand.

The said territory, containing 60.91 hectares (150.51 acres), is located in the extreme northeast of the Town of Athabasca and abuts the Town's boundaries

with its east and south borders. To the west is located the Athabasca River with the river banks extending eastward into the western portion of the said territory. However the main portion of the said territory is not involved with the slumping action that occurs in other areas along the river banks.

It was stated that the said territory is now in agricultural use, but of the total area only the eastern 32.37 hectares (80 acres), located on the flat table lands, may be cultivated. The sloping portions to the west are treed and would remain so for soil stability. It is proposed that the portion of the said territory remaining, after escarpment setback requirements are met, would be subdivided into 3/4 or 1 acre lots with limited servicing. Most of the lots would have pump out septic tanks and their own water source. Utilities would only be provided once sanitary sewer and water lines have been extended to other lands in close proximity to the said territory. It was pointed out that the Town's sanitary sewage treatment lagoons are located near the southwest corner of the said territory.

The owner expressed the desire that the said territory be annexed to the Town of Athabasca. He is unable to economically farm the lands and is planning to sell the property to a land developer who has indicated that he would proceed with the project. Because of the said territory's close proximity to the Town's developed areas and having a flat terrain, the residents would be easily serviced with school busing and garbage collection.

The Planning Services Division of Alberta Municipal Affairs, in a letter to the Board dated May 23, 1984, stated that:

"All directly affected parties are in support of the annexation proposal. Therefore if local municipal desires (political and economic) are to be considered as well, then the annexation of Lots 3 to 6 could be viewed favourably. It is our recommendation that the Local Authorities Board consider approval of the annexation proposal."

Alberta Environment, in a letter to the Board dated April 12, 1984, expressed the following concerns:

"The Department has some concern with the future development capability of the subject lands. The Athabasca River Valley wall passes through the area and is characterized by slumping of a historical and recent nature (see attached maps).

Small localized modifications to soil conditions within an old slope failure can result in rapid initiation of slope movements on large slope segments. Of particular concern in this regard is the initiation of future slumping by urban development at or near the top or base of the valley wall (side).

Further geotechnical and groundwater regime studies would need to be undertaken in the future to determine the relationship between bank instability and urban development. Prevention of ponded water on slopes is essential and service trenches for sewer and water must drain freely.

Strict guidelines would have to be established for cuts and fills, erosion control, vegetation removal and the handling of stormwater drainage and sewage. Full municipal servicing of the area should be considered.

Our concerns with slope stability result from work prepared by J. D. Mollard and Associates Limited in 1981 for our Department, documented in a report entitled "Airphoto and Field Reconnaissance Study of Slope Stability Conditions - Vicinity of Town of Athabasca" dated November 16, 1981.

Our purpose in detailing these concerns now is to inform the Town of Athabasca that the proposed annexation area will require stringent development guidelines and control to limit excessive development and maintenance costs.

Conceptually, the Department does not object to the proposed annexation."

By letter to the Board dated May 23, 1984, Alberta Transportation advised that the Department "...has no objections to the proposal."

Alberta Agriculture, in a memorandum to the Board dated May 28, 1984, advised that "...should the L.A.B. determine that the identified lands are required by the town(sic), Alberta Agriculture has no objections to the proposed annexation."

The Board, having considered the evidence received at the hearing, has arrived at the following conclusions:

1. That the Town of Athabasca, as a service centre to a growing agricultural area, together with the region's potential for recreational development, the developing educational centre and its strategic location to service the possible natural resource development in the region to the north, may continue to grow in population and development, probably at current rates.
2. That while the Town of Athabasca has sufficient territory within its jurisdiction to meet its urban growth requirements, much of its territory is restricted for development because of topography, engineering problems and economics.
3. That because of a number of factors, a large percentage of residential growth that would normally occur in an urban setting is taking place in the rural areas around the Town of Athabasca. The annexation and proposed development of the said territory is a practical response to this problem.
4. That, there being no opposition, the application by the Town of Athabasca to annex to it 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 Athabasca, in the Province of Alberta, and thereupon be separated from the County of Athabasca No. 12 the following described territory:

ALL THAT PORTION OF LOTS THREE (3), FOUR (4), FIVE (5) AND SIX (6), BLOCK FIFTEEN (15), AS SHOWN ON PLAN OF SUBDIVISION 2878 A.I. LYING WESTERLY OF THE EASTERLY LIMIT OF ROAD PLAN 2799 AND EASTERLY OF THE EASTERLY LIMITS OF FAIRVIEW AVENUE AND SURVEYED ROAD, BOTH AS SHOWN ON SAID PLAN 2878 A.I.

THE ABOVE DESCRIBED LANDS CONTAIN SIXTY AND NINETY-ONE HUNDREDTHS (60.91) HECTARES (150.51 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 Athabasca No. 12 as at December 31, 1984, in respect of the aforementioned properties shall transfer to and become payable to the Town of Athabasca together with any lawful penalties and costs levied thereon in respect of any such taxes; however, upon the Town of Athabasca collecting any or all of such taxes, penalties or costs, such collection shall forthwith be paid by the Town to the County of Athabasca No. 12.

- III. That the assessor for the Town of Athabasca shall, in 1984, for taxation purposes in the year 1985, reassess the annexed lands and assessable improvements thereon, which are by this Order annexed to the Town of Athabasca so that the assessment thereof shall be fair and equitable with other lands and assessable improvements in the Town of Athabasca, 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 1985, 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 Town of Athabasca, 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 First (1st) day of January, 1985.

DATED and signed at the City of Edmonton, in the Province of Alberta, this Fourteenth (14th) day of June, 1984.

LOCAL AUTHORITIES BOARD

(SGD.) C.I. SHELLEY  
CHAIRMAN

(SGD.) J.A. HAMMOND  
MEMBER

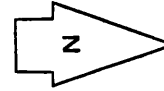
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SECRETARY

**SCHEDULE "A"**

A SKETCH SHOWING THE GENERAL LOCATION OF THE  
AREAS AFFECTED BY BOARD ORDER No 16903

EFFECTIVE DATE JANUARY 1, 1985



 AFFECTED AREA(S)

