

ORDER No 11611

File No 35(A)3

**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  
Council of the Town of Barrhead to annex  
certain territories lying immediately adja-  
cent to the boundaries of the Town in the  
County of Barrhead No. 11.

Pursuant to an application by the Council of the Town of Barrhead, in the Province of Alberta, petitioning for the annexation to the Town of the territory described on Schedule "B" attached to this Order, (hereinafter called 'the said territory'), and thereby its separation from the County of Barrhead No. 11, the Local Authorities, Board, for the Province of Alberta, held a public hearing into the matter on Thursday, January 25, 1979 in the Town of Barrhead.

Presenting the application of the Town of Barrhead were Mayor D. Schulz and J. Sawka, Municipal Administrator.

Representing the County of Barrhead No. 11 were Deputy Reeve E. Wimmer and A. W. Charles, Secretary-treasurer.

Owners present at the hearing were B Kuropatwa, H Proft, B P Proft, Walter E Waddle, R M Petruchik, W G Robinson, H Bohn, C Pess, J Cudmore, A Frohlich, N Wahl, R G Koberstein, W E Simon, E M Nadeau, L H Lesko, J G Stocking, Bessie Kuhn, G W Kirstein and D Stoik

Mr E Nicol represented the Barrhead Rural Electrification Association which presently services the said territory with electricity

No representation was made by the Provincial Planning Division of the Department of Municipal Affairs

Barrhead lies approximately 80 miles northwest from the City of Edmonton, on the banks of the Paddle River, within the water sheds of the Pembina and Athabasca Rivers. Approximately a mile to the north of its north boundary runs Highway No. 18 between Swan Hills and the Town of Westlock. Passing south through the Town of Barrhead is Highway 33, connecting with Highway No. 43 at Gunn. The Town is surrounded by a large mixed farming community with forest products produced from the large timber resources to its north and west. Oil and gas fields to the Town's north and west form part of the service trading area of the Town of Barrhead. Within commuting distances are the potential coal developments at Judy Creek. The Town is well endowed to service its trading area with health, professional, educational, recreational, commercial services and auto and farm machinery outlets. The population has grown at a steady rate of 6.8 per cent annually, from a 1948 population of 1100 persons to the present population (June 1978) of 3332. A population of 10,000 persons was projected for the year 2001.

It was pointed out that while the Town of Barrhead had in the past been mainly a service town to the farming community, this role was changing. Recent years had seen the location in the Town of two lumber mills, a feed plant, an alfalfa processing plant, a Northern Alberta Dairy Pool dairy and numerous other industries. Three regional offices of the Provincial Government had been located in the Town. With the potential of further developments in the oil, gas and coal resources in the area, the Town could accelerate its rate of growth.

The Town of Barrhead, because of the past growth, had seen its inventory of available land for residential development decline to where there was only a 3- to 4-year supply available. Some 78 lots are available for development, with 95 lots being serviced. There remained land available for a further 240 lots for a total of 413 lots. In 1975, 51 residential units were developed, in 1976 — 57 units, in 1977 — 55 units, and in 1978 — 77 units. For multiple dwelling development there remained some 5 or 6 acres.

The Town of Barrhead had acquired some 160 acres in 1966 for industrial and commercial purposes. To date, some 102 lots have been sold, leaving 49 acres available for further subdivision. Based on the number of sales made over the past 5 years, it was projected that the Town had only sufficient lands for 3 years or less for these purposes.

The Town of Barrhead has recently upgraded its water supply system, adding one million gallons of treated water storage, pumping and fire protection facilities, capable of serving a population of 4,245 persons. This capacity may be increased by improvements to the water treatment plant and provision of raw water storage. If this is done a population of between 5,000 to 6,000 people could be serviced.

The present sewage lagoon, completed in 1974, was designed to service a population of 4,500 persons. Land is available to provide for future expansion to accommodate a population of 8,000 persons. The existing sewage lift station, with pumps installed in 1974, will accommodate a population in the order of 5,500 persons, at which time the existing station would require upgrading.

Sanitary trunk facilities were constructed in 1975, 1976 and 1977 to permit growth in the northern portions of the Town of Barrhead west of Highway No. 33. These sewers have the capacity to serve an additional 100 acres outside the Town, within the said territory.

In 1978, a 42-inch and 54-inch diameter storm sewer line was extended west of Highway No. 33 to the Town's west boundary. This intercepts surface run off from that portion of the Town west of Highway No. 33 and is designed to service areas of the said territory.

The said territory, containing approximately 940 acres, is located basically in three sectors namely, to the north, the west, and to the south of the Town. The north lands, containing three quarter sections, provide for a half mile extension of the Town of Barrhead boundaries towards the junction between Highways No. 18 and No. 33. Being off the main route to Swan Hills, the Town saw the eventual expansion to the junction to be in its interest. Further, as two quarter sections abut Highway No. 33, this would provide the Town with land for potential Highway-Commercial uses. However, the same two quarters, with the exception of that utilized for Highway-Commercial uses, would be utilized for residential purposes.

The sector to the west of the Town contains the balance of a half section of land (SW-29 and NW-20) not now within the Town. There is evidence of urban intrusion through the development of small residential subdivision and the construction of a water reservoir storage site. The portion of the southwest quarter of section 29 not within the Town has been further subdivided into a number of small holdings and especially along the north-south road allowance on its west boundary. The northwest quarter of section 20 is divided north and south by the Northern Alberta Railway right-of-way which runs from the east slightly to the south west. Other than for the water reservoir site, these lands have not been subdivided and remain in agricultural use.

The lands in the south sector contain roughly those lands not now within the Town of Barrhead, which are within the southeast quarter of section 20 and the southwest quarter of section 21. Basically, the Town's boundary now follows the north boundary of the Paddle River. Both quarters have been subdivided, and it is evident that the boundaries of a number of the parcels have been dictated by topographic considerations.

Evidence was given as to the serviceability of the said territory with water, storm and sanitary sewer services, and specifically, to those lands in the west and north.

It was argued by the Town of Barrhead that the said territory was required in order that it may provide long range planning of land uses and utilities. With the proposed annexation, the Town could provide for orderly development in an economical manner. If potential resource developments occurred within the region, the Town desired to be in a position to quickly respond to the growth demands created and could do this best by having sufficient territory within its jurisdiction. Further, the inclusion now of the said territory would permit the land uses to be considered within the context of a "Land Use By-law", now being prepared.

The County of Barrhead No. 11 "reluctantly approved" the application of the Town of Barrhead to annex the said territory, requesting that the southeast quarter of section 32 and the southwest quarter of section 33 (on the north) be deleted. The County argued that the remaining territory described within the application would be sufficient lands "for many years to come".

A number of points were raised by the various owners affected, if annexation of the said territory to the Town of Barrhead was obtained. E. Nicol, as a representative of the Barrhead Rural Electrification Association, questioned who would service its farm customers if their lands were annexed. W. J. Robinson inquired if the Town's by-laws would affect his livestock operation. B. Kuropatwa wanted to know if his feed lot and cattle buying operations could continue. J. Cudmore pointed out the County of Barrhead now provided a school bus service for his children and wondered if this would continue once annexed. G. W. Kirstein requested information on property taxation, and, if there was an increase upon annexation, requested protection. B. H. Proft carried on a garage business and wondered if he would be able to continue, or would he be "chased into the industrial park". W. Waddle inquired as to when water and sanitary sewer services would be made available to small holdings. If this was reasonably soon, he would favor annexation.

W. Simon favoured the application, seeing annexation as providing increased fire and police protection, and garbage pickup. H. Proft was against the application because school busing would not be provided for his children. D. Stoik had asked the Town to annex his 80 acres, but requested tax considerations until his lands were subdivided. C. Pess advised the Board he did not oppose the application if his lands could remain agricultural, and requested tax considerations. M. Nadeau, opposed the application, pointing out that the County of Barrhead now snow-plowed, oiled and gravelled the road, and this was not

assured by the Town L H Lesko opposed the application as they now have all the necessary services and thus no benefits were to be gained B Kuhn saw utility services not being extended to service her lands for a number of years, and therefore opposed the application

R G Koberstein was in favour of the application with increased benefits occurring, namely an increase in land values and saleability J G Stocking favoured the application

Alberta Transportation, by letter to the Board dated January 19, 1979, advised

"It is noted that the proposed annexation areas include either Highway 18 or 33 It will be important to maintain the operation and safety of these highways through the urban area by providing for additional right-of-way for future expansion as required and by maintaining a reasonable degree of access control The provision of a buffer for noise attenuation may be required along the highway routes depending upon the type of abutting land use

"It is recommended that if annexation proceeds, the Town contact this Department with regard to development plans for these areas This would ensure that the above noted highway concerns are considered and a comprehensive plan is jointly developed "

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

- 1 That the Town of Barrhead, because of its large trading area, servicing both agricultural and natural resource based industries, with its established services and amenities, will continue to grow in population and development
- 2 That the Town of Barrhead has established that, additional land is required to meet the future residential, industrial, and commercial needs of the Town
- 3 That each territorial sector applied for may be readily and economically serviced with utilities and transportation and provide for the logical expansion of the Town The southwest quarter of section 29, specifically, has taken on an urban character by reason of small holdings
- 4 That in considering whether the said territory applied for is in excess of the Town of Barrhead's foreseeable 20-year requirements, the Board appreciates that the Town of Barrhead has yet to adopt a "Land Use By-law" Allocations of land to various uses have not been made, and, appreciating that certain lands may not be developable because of topographical or other considerations or, because a land owner does not desire to develop his land, the addition of 340 acres to the Town's land residential inventory is not excessive Further, that 10 acres per year, or 200 acres for industrial uses, and the balance for commercial, institutional and other needs, appears reasonable and consistent with the position of the municipalities involved
- 5 That the inclusion of the said territory within the Town of Barrhead's jurisdiction now will permit the planning and coordination of servicing of the said territory with utilities, roads, and municipal infrastructure
- 6 That certain lands within the said territory are not planned for immediate development and therefore should be granted tax relief in respect to "farm buildings"
- 7 That the application 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 Barrhead, in the Province of Alberta and thereupon be separated from the County of Barrhead No 11, the territory in Schedule "B" attached to this Order

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

II That any taxes owing to the County of Barrhead No 11 as at December 31, 1978, in respect of the aforementioned properties shall transfer to and become payable to the Town of Barrhead, together with any lawful penalties and costs levied thereon in respect of any

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such taxes, however, upon the Town of Barrhead collecting any or all of such taxes, penalties and costs, such collection shall forthwith be paid by the Town to the County of Barrhead No 11

III That the assessor for the Town of Barrhead shall, for taxation purposes in the year 1979, re-assess the annexed lands and assessable improvements thereon, which are by this Order annexed to the Town so that the assessment thereof shall be fair and equitable with other lands and assessable improvements in the Town of Barrhead, 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 taxation purposes, shall assess any buildings located on a parcel of land annexed by this Order to the Town of Barrhead, which if located in the County of Barrhead No 11 would be classified as "farm buildings" pursuant to The Municipal Taxation Act, such buildings shall be classed as "farm buildings" in the Town

(B) That such "farm building" classification shall be given to such buildings only for the calendar years 1979, 1980 and 1981, at which time such classification shall terminate, provided however

- (i) that if the said parcel on which are located buildings classified as "farm buildings", is, subsequent to this Order subdivided, Clause IV(A) shall upon the registration of the Plan of Subdivision, cease to have effect and the classification of "farm buildings" shall immediately terminate in respect to that parcel, or
- (ii) that if the buildings located on the said parcel are, pursuant to Clause IV(A), reclassified by the assessor for the Town of Barrhead as being no longer "farm buildings", even if they had been located in the County of Barrhead No 11, then such classification of "farm buildings" shall immediately terminate, or
- (iii) that if the Council of the Town of Barrhead, by resolution, makes an application to the Board and establishes before the Board that, for good and sufficient reason, the provisions of Clause IV(A) should be varied prior to the date established in Clause IV(B) above, the Board may, by Order, reduce the time such classification as "farm buildings" shall remain

(C) The owner of a parcel annexed by this Order or other interested person, may apply to the Board for an extension of the time limit for the classification of "farm buildings" as established in Clause IV(B), and the Board may, for good and sufficient reasons, order the provisions of Clause IV(B) be varied, extended 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 1979, 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 Town of Barrhead, so that the assessment shall be fair and equitable with properties of a similar nature

VI. That the effective date of this Order is the 1st day of January, 1979.

Dated and signed at the City of Edmonton, in the Province of Alberta, this 22nd day of March, 1979.

B. CLARK, Secretary

LOCAL AUTHORITIES BOARD

D. A. BANCROFT, Chairman

TOM LAUDER, Member

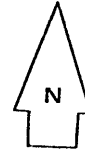
JOHN A. HAMMOND, Member

SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE  
AREAS AFFECTED BY BOARD ORDER No 11611

EFFECTIVE DATE JANUARY 1 1979

 AFFECTED AREA(S)



SCHEDULE "B"

A DETAILED DESCRIPTION OF TERRITORY SOUGHT FOR, AND ANNEXED TO  
THE TOWN OF BARRHEAD, ALBERTA

All that portion of the Southwest quarter of section 21, township 59, range 3, west of the fifth meridian not within the Town of Barrhead

All that portion of the east half of section 20, township 59, range 3, west of the fifth meridian not within the Town of Barrhead

All that portion of the northwest quarter of section 20, township 59, range 3, west of the fifth meridian not within the Town of Barrhead

All that portion of the southwest quarter of section 29, township 59, range 3, west of the fifth meridian not within the Town of Barrhead

Northeast quarter of section 29, township 59, range 3, west of the fifth meridian

Southeast quarter of section 32, township 59, range 3, west of the fifth meridian

Southwest quarter of section 33, township 59, range 3, west of the fifth meridian

All Government road allowances and government road allowance intersections intervening and adjoining the above described lands

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