

1984-1985  
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# Alberta

BOARD ORDER NO. 17072

BEFORE THE: LOCAL AUTHORITIES BOARD

FILE NO. 34(A)2

OK  
June

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 Beaumont, in the Province of Alberta, to annex certain territory lying immediately adjacent thereto and thereby its separation from the County of Leduc No. 25.

Pursuant to Section 20 of the Municipal Government Act, the Council of the Town of Beaumont, 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:

1. ALL THAT PORTION OF THE NORTH WEST QUARTER OF SECTION TWENTY-TWO (22), TOWNSHIP FIFTY (50), RANGE TWENTY-FOUR (24), WEST OF THE FOURTH MERIDIAN, CONTAINED IN ROAD PLAN 802 1108 AND LYING EASTERLY OF THE PRODUCTION SOUTHERLY OF THE WESTERLY LIMIT OF PLAN OF SUBDIVISION 792 1695.
2. ALL THAT PORTION OF THE SOUTH WEST QUARTER OF SECTION TWENTY-SEVEN (27), TOWNSHIP FIFTY (50), RANGE TWENTY-FOUR (24), WEST OF THE FOURTH MERIDIAN, LYING SOUTH OF THE SOUTHERLY LIMIT OF PLAN OF SUBDIVISION 792 1695 AND EASTERLY OF THE PRODUCTION SOUTHERLY OF THE WESTERLY LIMIT OF SAID PLAN 792 1695.
3. ALL THAT PORTION OF THE NORTH WEST QUARTER OF SECTION TWENTY-SEVEN (27), TOWNSHIP FIFTY (50), RANGE TWENTY-FOUR (24), WEST OF THE FOURTH MERIDIAN, SHOWN AS SEWAGE LAGOON SITE ON FILED PLAN 5153 T.R.
4. ALL THAT PORTION OF THE SOUTH WEST QUARTER OF SECTION THIRTY-FOUR (34), TOWNSHIP FIFTY (50), RANGE TWENTY-FOUR (24), WEST OF THE FOURTH MERIDIAN, SHOWN AS BLOCK ONE (1) ON PLAN OF SUBDIVISION 792 1122.
5. ALL GOVERNMENT ROAD ALLOWANCES INTERVENING AND ADJOINING THE ABOVE DESCRIBED LANDS.

THE ABOVE DESCRIBED TERRITORY CONTAINS SEVENTEEN AND THIRTY HUNDREDTHS (17.30) HECTARES, (42.76 ACRES), MORE OR LESS.

(hereinafter called "the said territory")

which lies immediately adjacent to the Town, and thereby its separation from the County of Leduc No. 25, and in respect to which the Board held a public hearing into the matter on September 19, 1984.

In attendance at the hearing and representing the Town of Beaumont were Councillor M. Plamondon, G. Stewart, Town Manager, and I. Royer, Secretary-Treasurer. Municipal Administrator trainee G. Shanahan attended as an observer.

The County of Leduc No. 25 was represented by K. Pinkoski, Development Officer.

B. Clark, Manager of Municipal Planning and H. Christie, Planner, represented the Edmonton Metropolitan Regional Planning Commission.

Owners Mr. and Mrs. K.G. Taylor attended the hearing and expressed their consent to the annexation of the land jointly owned by them and other parties.

The applicant submitted the rationale for the three separate parcels of land requested to be annexed. The first parcel is the most northerly, being a storm water detention pond which accommodates the developer of the adjacent residential subdivision and now the Town would like this pond within its boundaries for control of the utility system. The owner, Cairns Homes Limited, supported the annexation of the 2.46 hectare (6.08 acres) parcel.

The second parcel containing 6.38 hectares (15.77 acres), is owned by the Town and is a portion of the Town's sewage lagoon. The Town again reiterated preference to have control over its utility system. When the regional sewage system is in operation and the sanitary sewage discharged into the City of Edmonton's system, the parcel may be reclaimed and used for recreational purposes in accordance with the General Municipal Plan.

The third and most southerly parcel of approximately 8.46 hectares (20.91 acres) is indicated in the General Municipal Plan for future industrial use. The Town has no serviced industrial land and only a limited supply of commercial land. The non-residential assessment of the Town in relation to the total assessment amounts to 7.55%, an unusually low figure which the Town intends to increase by attracting industrial and commercial enterprise. In addition, the Town submitted that the development of the adjacent Town-owned parcel of land would be more practical if the said parcel would be annexed, thereby providing access to Secondary Highway No. 625.

This third parcel has no separate title and is jointly owned by the Taylors and other parties in conjunction with adjacent land to the west. It was pointed out that the annexation of this parcel is infringing upon the Board's policy and a separate title shall be obtained prior to further consideration.

The Town of Beaumont is in the middle of the Edmonton-Nisku-Leduc development area and 72% of the work force commutes to Edmonton, 28% to Nisku and the International Airport. The Town provides almost no employment opportunities. The Town's population grew from 1,045 in 1977 to 3,460 in 1984 representing an annual average increase of 33%; however this percentage has reduced to 8.3% during the past two years.

The Town is supplied with water by the Capital Region Southwest Water Services Commission and the Town's debentures in the amount of \$431,946 representing the cost of the waterlines were assumed by the Commission as of September 1, 1984. The Town has the capacity to provide water for a population of between 8,000 and 12,000.

The sanitary sewage lagoons can accommodate 4,000 persons but it is assumed that the lagoons will be abandoned when the sewage is discharged into the City of Edmonton's system.

The Town has its own voluntary fire department with 36 members, of whom 22 are on call during the night and 14, who are municipal staff members are on call during the day. Two pumpers are at their disposal.

The County of Leduc No. 25 supported the annexation. Council, at their meeting of February 16, 1984, adopted the following resolution:

"We would advise that Council support the annexation of the following lands and roadways:

- (1) Block 1, Plan No. 792 1122 (Pt. S.W. 34-50-24-W4th) containing 6.08 acres - storm water detention pond.
- (2) Plan No. 5153 T.R. (Pt. N.W. 27-50-24-W4th) containing 15.77 acres - existing sewage lagoon.
- (3) Pt. S.W. 27-50-24-W4th containing 18.06 acres - proposed for subdivision and annexation.
- (4) That portion of the east/west road allowance south of Block 1, Plan No. 792 1122.
- (5) That portion of Secondary Road 625 south of Pt. S.W. 27-50-24-W4th containing 18.06 acres."

The Edmonton Metropolitan Regional Planning Commission, at its meeting of August 1, 1984, unanimously adopted the following Staff recommendations:

"That the E.M.R.P.C. indicate to the Local Authorities Board that:

1. There is no conflict between the proposed annexations and the regional plan adopted by the Commission.

2. The Commission supports the annexations of Block 1 Plan 792 1122 and Plan 5153 TR.
3. While the Commission does not oppose the annexation of the area in S.W. 27-50-24-W4th south of Lot 1 Plan 792 1695, it recommends that a separate description of title be created for these lands prior to annexation.
4. The Commission recommends that the road allowance adjacent to the parcels annexed be included in the annexation."

Alberta Transportation in a memorandum dated May 30, 1984, and Alberta Environment in a letter of June 12, 1984, expressed no concerns or objections to the proposed annexation.

Alberta Agriculture, in a memorandum dated June 5, 1984, made the following comments:

- "1. All three of the sites under consideration; PT-S.W. 34-50-24-W4, PT-N.W. 27-50-24-W4, and PT-S.W. 27-50-24-W4 have Canada Land Inventory (CLI) Class 1 agricultural capability ratings. Soils in this class have no significant limitations for crop production and are moderately high to high in productivity for a wide range of field crops. Based on Alberta Hail and Crop Insurance Corporation data for lands under cultivation, these soils have a productivity rating of 85-89 percent. As such, these lands are considered prime agricultural land.
2. Lower quality agricultural lands, CLI Class 3T and 4<sup>a</sup><sub>T</sub><sup>3</sup><sub>T<sup>1</sup> are available for the future annexation east of Beaumont.</sub>
3. Of the three parcels under consideration; SW 27-50-24-W4 is currently used for cereal production. The remaining two are in non-agricultural uses, specifically a storm water retention pond and sewage lagoon.

Considering the current non-agricultural land uses, Alberta Agriculture has no objections to the annexation of parcels in SW 34 and NW 27-50-24-W4. However, Alberta Agriculture does not support the proposed annexation of the parcel in SW 27-50-24-W4 due to its prime agricultural characteristics, current agricultural use and the availability of lower quality alternative lands east of the town."

The Board, having considered the evidence presented to it orally at the public hearing and in written form, has reached the following conclusions:

1. That the Town of Beaumont, as part of the Edmonton Metropolitan Region and its close proximity to the City of Edmonton, the Town of Leduc, the Nisku Industrial Park and the Edmonton International Airport and having an established growth record, may continue to grow.
2. That if the Town of Beaumont is to become more than a dormitory community, it shall have to establish industrial and commercial developments within its jurisdiction. Such developments would provide a more favourable tax base.
3. That the request of the Town of Beaumont to annex the most southerly parcel of approximately 8.46 hectares (20.91 acres) for commercial and/or industrial use is not unreasonable, however the annexation of same cannot be considered by the Board until such time as the parcel is under a separate title.
4. That the annexation of the two remaining northern parcels are mainly for jurisdictional purposes and does not constitute a major expansion of the Town of Beaumont's boundaries.
5. That the application of the Town of Beaumont to annex the said territory should be GRANTED IN PART.

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 Beaumont, in the Province of Alberta, and thereupon be separated from the County of Leduc No. 25, the following described territory:

1. ALL THAT PORTION OF THE NORTH WEST QUARTER OF SECTION TWENTY-SEVEN (27), TOWNSHIP FIFTY (50), RANGE TWENTY-FOUR (24), WEST OF THE FOURTH MERIDIAN, SHOWN AS SEWAGE LAGOON SITE ON FILED PLAN 5153 T.R.
2. ALL THAT PORTION OF THE SOUTH WEST QUARTER OF SECTION THIRTY-FOUR (34), TOWNSHIP FIFTY (50), RANGE TWENTY-FOUR (24), WEST OF THE FOURTH MERIDIAN, SHOWN AS BLOCK ONE (1) ON PLAN OF SUBDIVISION 792 1122.

THE ABOVE DESCRIBED TERRITORY CONTAINS 8.84 HECTARES (21.85 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 Leduc No. 25 as at December 31, 1984, in respect of the aforementioned properties shall transfer to and become payable to the Town of Beaumont together with any lawful penalties and costs levied thereon in respect of any such taxes; however, upon the Town of Beaumont collecting any or all of such taxes, penalties or costs, such collection shall forthwith be paid by the Town to the County of Leduc No. 25.
- III. That the assessor for the Town of Beaumont shall, 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 Beaumont so that the assessment thereof shall be fair and equitable with other lands and assessable improvements in the Town of Beaumont, 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 Beaumont, 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 Thirty-first (31st) day of December, 1984.

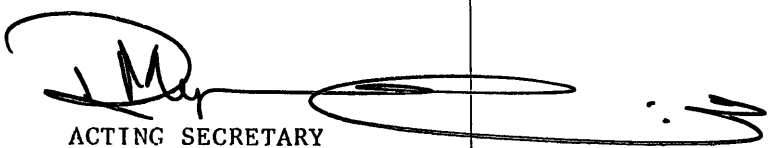
DATED and signed at the City of Edmonton, in the Province of Alberta, this Twenty-sixth (26th) day of September, 1984.

LOCAL AUTHORITIES BOARD

CERTIFIED A TRUE COPY

(SGD.) C.I. SHELLEY  
CHAIRMAN

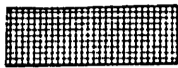
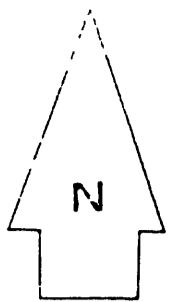
(SGD.) B.T. CLARK  
MEMBER

  
ACTING SECRETARY

# SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE  
AREAS AFFECTED BY BOARD ORDER No 17072

EFFECTIVE DATE DECEMBER 31, 1984



AREA ANNEXED



AREA APPLIED FOR BUT NOT ANNEXED

