

TOWN OF BLACKFALDS

ORDER No. 13076

FILE No. 22(A)5

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 a majority of owners for the annexation of certain territory to the Town of Blackfalds and thereby its separation from the County of Lacombe No. 14.

Pursuant to section 20 of The Municipal Government Act, the majority of the owners of that territory described as:

All that portion of the south-west quarter of section 26, township 39, range 27, west of the fourth meridian not within the Town of Blackfalds.

All that portion of the east-west government road allowance adjoining the south boundary of the south-west quarter of section 26, township 39, range 27, west of the fourth meridian not within the Town of Blackfalds.

(hereinafter called "the said territory")

which said territory lies immediately adjacent to the Town of Blackfalds, in the Province of Alberta petitioned for the annexation of the said territory to the Town of Blackfalds and thereupon its separation from the County of Lacombe No. 14 and in respect to which the Local Authorities Board, for the Province of Alberta, held a public hearing into the matter on May 8th, 1980.

The majority of the owners, namely N McLennan, D McLennan, G A Lewis, D Lewis, C N Bourbonnie, V M Bourbonnie, T Kummerfield and A F Stolz Holdings Ltd were represented by F A Grief, planner

The Town of Blackfalds was represented by Councillor W Totty and J Rogers, Municipal Administrator

The County of Lacombe No 14 was not represented at the hearing and by letter to the board, dated April 15th, 1980, advised that its council would " maintain a neutral position respecting the proposed annexation "

The Red Deer Regional Planning Commission took no position on the application, but did have staff member R McKinnon available to assist the town

The Town of Blackfalds is located in the central Alberta urban sub-region and in the Edmonton-Calgary transportation corridor The town, being situated approximately four miles north of the City of Red Deer, lies between Highways No 2 and 2A While originally established as a centre to service the surrounding farm community, its role is now changing to that of a bedroom community servicing the employment centres of Red Deer and surrounding resource developments The population has grown from 1,000 persons in 1975 to 1,325 persons in 1979, or a growth rate average for the past five years of 10 per cent per annum This growth precipitated the recent change in its status from a "village" to a "town" On January 1st, 1977, the then Village of Blackfalds had annexed approximately 220 acres of land along its north border, a small portion of which has been developed for residential purposes

Currently, there are some estimated 320 acres of land undeveloped within the town's jurisdiction A portion of this undeveloped land is restricted for urban use, as the owner neither desires to develop his land for urban purposes nor to sell it

The main portion of the said territory is located east of the Town of Blackfalds and Highway No 2A Three small parcels are subdivided out in the south portion, as it joins the east-west road allowance abutting the south boundary of the said territory The 90 34 acres east of Highway No 2A is undulating, with a steep southern slope along the south border At the top of the slope, it is mainly flat, with a slough and treed area midway along the east border In accordance with the Canada Land Inventory of Soil Classifications, the soils classifications are 2C and 3T, of which the Peace Hills Fine Sandy Loam makes up approx-

imately 60 per cent and the remaining 40 per cent is comprised of Penhold Fine Sandy Loam. There were no evident topographical restraints to development.

The applicants proposed that the portion east of Highway No. 2A be developed for industrial purposes, with some highway commercial development taking place along Highway No. 2A. In arguing its position, the applicants made the following points:

"The request for annexation of lands to be used for highway commercial and industrial development will result in the following benefits to the Village of Blackfalds:

- (1) Allow for the development of a comprehensive park which will ensure a continued supply of serviced land
- (2) Provide for the opportunity to relocate some of the industrial uses in the village to a more desirable location
- (3) Broaden both the economic and tax base for the overall community and avoid placing greater financial responsibility on the residential community
- (4) Assist the village in meeting its growth management policy of attempting to encourage industrial and commercial development
- (5) Provide for more work opportunities within the Village and reduce the amount of commuting to other employment centres
- (6) Avoid premature development or fragmentation of peripheral lands that could have implications for future expansion of the village
- (7) Develop lands to their highest and best use in recognition of policies contained in the General Municipal Plan
- (8) Provide a transportation system that will protect the primary highway (Highway No. 2A) and rationalize access location and intersection design
- (9) Increase the quantity of lower priced serviced industrial land and allow for more competition in the region
- (10) Allow for greater regionalization of the industrial growth potential as opposed to a concentration in the major urban centres
- (11) Reduce the pressure for development of industrial land on high quality agricultural soils in the region (i.e., Red Deer and Lacombe) "

It was suggested that the Town of Blackfalds' ability to attract industry to locate within its jurisdiction would depend, to a large extent, on having serviced industrial land available. As to the town's potential to attract such development, reference was made to developments projected for the Red Deer Region.

Evidence was received as to how the said territory may be serviced with utilities within the Town of Blackfalds' existing utility plant capacity. The town's sanitary sewer system, which has its sanitary sewage treatment lagoons located on lands immediately to the south of the said territory, has the capacity to service a population of 2,000 persons. The existing water works plant has sufficient capacity to serve between 1,700 and 2,000 persons. Both could be readily extended to service the said territory. It was proposed that storm water could be collected in a central retention pond and released at controlled rates. Access off Highway 2A would be limited to a location midway in the town.

The Town of Blackfalds supported the annexation of the said territory into its jurisdiction. On April 21st, 1980, the town had adopted a general plan (By-law No. 450) which designated the said territory for a possible long term future industrial use. Clauses 22 and 24 provide:

"22 Council will endeavor to attract industrial development to the town",

"24 If industrial development begins to expand in the town, Council will give consideration to annexation of peripheral lands to allow further expansion "

It was argued that the town needed this type of development now, to provide a better tax base and to provide employment opportunities. Presently, 45 per cent of the work force commute to places of employment outside the community and the town desires that this trend be reversed. While there are lands within the town now designated for industrial uses, they are held in private ownership and there is "little action" in getting such lands developed. The

town views this application as an opportunity to more readily achieve its goals, the applicants had stated their intention to develop their lands at an early date

Alberta Transportation, by letter to the board dated March 15th, 1980, made the following comments

"The proposed annexation includes a section of Highway 2A and an area of land to the east of the highway. Additional right-of-way on the easterly side will be required for improving Highway 2A in the future. This department has worked with the town and the Regional Planning Commission in identifying the highway requirements relative to growth on the easterly side for inclusion into their general plan. Such factors as highway standards, access locations, arterial connections and buffer requirements with respect to this area have been agreed upon. The department will be pleased to further review more detailed subdivision plans with the town as they are being developed for the areas adjacent to Highway 2A."

Alberta Agriculture, by letter to the board dated March 25th, 1980, made the following observations

"Part of SW 26-39-27-W/4. The C L I classification is 2C and 3T. It is well drained fine sandy loam [sic] and produces good yields of wheat and rapeseed. During dry seasons yields are below average because the soil has low water holding capacity.

Most of the land adjacent to the village is of similar quality.

There appears to be adequate residential land within the village and two parcels (40 acres) of privately-owned land are zoned industrial.

Agriculture questions the need for additional 80 acres of land, particularly land across Highway 2A.

There does not appear to be sufficient urban development pressure to justify annexation of this land at this time.

If, on the other hand, it could be established that making this land available for development at Blackfalds would reduce the pressure for development on better land at Red Deer and Lacombe, then Agriculture would have to support the annexation."

G Lewis, the owner of a 1.69 acre parcel within the said territory appeared at the hearing, and while he did sign the petition, expressed concern about the effect annexation to the Town of Blackfalds would have on his taxes, and whether the town's by-laws would prevent him from keeping horses or making use of his property as he does now.

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

1. That the Town of Blackfalds, being well located within the Red Deer region to take advantage of development related to resource development and developments within the City of Red Deer, with its established style of life, growing amenities and with competitive land values, will grow in population and development.
2. That if the Town of Blackfalds is to reverse the trend of becoming a "bedroom community" with its citizens being employed outside the community and if it is to improve the ratio of its tax base to one not so dependent on a residential assessment, it is essential that it increase the amount of commercial and industrial development within the town.
3. That due to constraints on development of lands currently within the Town of Blackfalds, such as present land uses and owner's refusal to develop for urban purposes, additional lands are required to meet the town's future commercial and industrial requirements to the year 2001.
4. That while the majority of the said territory lies to the south-east of Highway 2A, the proposed land use is of a nature which will only marginally increase cross traffic and it appears that any problems so created may be readily solved.
5. That the said territory has no topographical limitations to development, contains poorer class soils, may be readily and economically serviced with utilities, and is to be developed for industrial and highway-commercial purposes at an early date.
6. That the application by the majority of owners to annex the said territory of the Town of Blackfalds be granted in full.

Local Authorities Board

Therefore, subject to the Lieutenant Governor in Council approving this order or prescribing conditions that this 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 Blackfalds, in the Province of Alberta and thereupon be separated from the County of Lacombe No 14, the following described territory

All that portion of the south-west quarter of section 26, township 39, range 27, west of the fourth meridian not within the Town of Blackfalds

All that portion of the east-west government road allowance adjoining the south boundary of the south-west quarter of section 26, township 39, range 27, west of the fourth meridian not within the Town of Blackfalds

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

II That any taxes owing to the County of Lacombe No 14, as at December 31st, 1980, in respect to the aforementioned properties shall transfer to and become payable to the Town of Blackfalds, together with any lawful penalties and costs levied thereon in respect of any such taxes, however, upon the Town of Blackfalds collecting any or all of such taxes, penalties or costs, such collections shall forthwith be paid by the town to the County of Lacombe No 14

III That the assessor for the Town of Blackfalds shall for taxation purposes in the year 1981, 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 Blackfalds, 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 1981, 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 Blackfalds, 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, 1981.

Dated and signed at the City of Edmonton, in the Province of Alberta, this 24th day of June, 1980.

Certified a true copy,
R. MYRONIUK, Secretary

LOCAL AUTHORITIES BOARD
C.I. SHELLEY, Chairman
J. A. HAMMOND, Member

SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE
AREAS AFFECTED BY BOARD ORDER No. 13076

EFFECTIVE DATE JANUARY 1, 1981



AFFECTED AREA(S)

