

THE LOCAL AUTHORITIES BOARD

ORDER No. 11879

File No. 46(A)5

Before:
The Local Authorities Board
for the Province of Alberta

In the matter of The Municipal Govern-
ment Act:

And in the matter of an application by the
Council of the Town of Calmar petitioning
to annex certain territory lying immediately
adjacent thereto, and for the separation of
the said territory from the County of Leduc
No. 25.

Pursuant to section 20 of The Municipal Government Act, a petition was made by the Council of the Town of Calmar, in the Province of Alberta, to the Local Authorities Board for the annexation of that territory set forth in Schedule "B" attached to this Order (hereinafter called "the said territory") to the Town of Calmar and thereby its separation from the County of Leduc No. 25, and in respect to which the Board held a public hearing on May 22, 1979.

Representing the Town of Calmar were Mayor N. Felske, R. F. Park, Town Administrator, S. Rose and J. Tomeszski, Councillors, and R. E. Siddle, Planner.

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

The position of the Edmonton Regional Planning Commission was submitted by B. Clark, staff member.

Representing owners were J. W. K. Shortreed, Q.C., on behalf of Markstrom Construction; D. Gillis on behalf of the estate of Mary Hayduk; S. Sereda on behalf of her mother, Anne M. Thomas; and B. Zolner on behalf of his mother, Mary Zolner. Other owners were present in person but made no representations. The Board was informed that all the owners supported the annexation of their respective lands to the Town of Calmar.

The Town of Calmar is located some nine miles west of the Town of Leduc on Highway No. 39 and the Canadian Pacific Railway. Established as a local farm service community, it received a considerable impetus in growth during the Leduc oil fields development in the 1970's. This population dropped as oil field developments were completed, stabilizing in recent years at around a population of 800 persons. With the development of the Edmonton International Airport and the Nisku Industrial Park, more people were desirous of locating in the Town of Calmar and commuting to work. The population had accordingly risen to over 1,100 persons and was projected to reach a population of 2,000 persons by the year 2000. Limiting factors to growth in the past, it was submitted, were the lack of land within the town and the absence of a proper water supply.

The said territory, consisting of some 728.18 acres, more or less, lies roughly in four areas around the Town of Calmar, namely, the west (233.12 acres); the north west (140.65 acres); the north east (252.09 acres) and south of the town and across the Canadian Pacific Railway right-of-way (64.20 acres). The topography is relatively flat with a slight drainage pattern to the north and west. The Conjuring Creek runs from south to north through the west and north west areas and carries normal storm waters of the town by surface runoff. The soils are classified in the Canada Land Inventory of Classes of Soils as Class 1 and are presently all in agricultural use. There are some twelve individual landowners, including the town and the Alberta Housing Corporation.

The Town of Calmar stated that it saw an opportunity to grow and become again a viable developing community. To do so, it would have to encourage industrial, commercial and residential growth within the community, and for these purposes, it would require additional lands. While all the said territory would not be required for urban purposes, its inclusion now within the town's boundaries would permit it to do long term planning of land uses and utilities. Those lands not required for urban uses would remain in agricultural production.

It was proposed that those areas to the west, the north west and portions to the north east would be used for residential purposes. This would include provision for single family,

multi-family, mobile homes, schools, parks and exhibition and fair grounds. Two areas were designated for institutional uses in the west and north east areas. A site near the creek in the west area was suggested as being a prime location for a future hospital and senior citizens lodge.

Commercial uses were proposed for those portions of the said territory which extend along Highway No. 39. Industrial uses were proposed for portions of the north east area and in the south area where it could receive the services of the Canadian Pacific Railway. Access to this area could be achieved from Secondary Highway No. 795 as it runs south from the town.

The Town of Calmar presently obtains its water supply from wells located south of the town. Tests indicated a sufficient source of water to supply a population up to 4,000 persons. After this population is attained, the Edmonton Regional Utilities Study concludes that water should be supplied from the Leduc Strathcona Water Board's line to Leduc by means of a ten-inch supply line.

There is presently a water reservoir with a capacity of 200,000 imperial gallons in the Town of Calmar. In addition, there is a storage tower with a capacity of 40,000 imperial gallons. Additional storage is required to meet fire and future population demands and a second storage reservoir, with capacity to serve a population of 3,000 persons, has been recommended.

The Town of Calmar's sanitary sewer system has its treatment lagoons located to the north west of the town (N½ of Section 36-49-27-W4). Discharges are made into the Conjuring Creek which discharges into the North Saskatchewan River. The existing plant has a limited capacity capable of serving only 1,120 persons. Improvements to the plant system are being considered by the town, which, if adopted, would increase the size of the sanitary sewer system to a capacity capable of serving a population of 3,000 persons.

Storm sewer facilities are limited to one avenue (50th Avenue being Highway No. 39) with the remaining areas served by surface runoff and open ditches. Three storm water catchment areas are created by the inclusion of the said territory into the Town of Calmar. Tentative plans have been proposed to solve any storm water disposal problems which may be created upon development of the said territory.

The Town of Calmar submitted that there was a critical need for industrial lands, as it has received a number of inquiries on the availability of suitable serviced industrial sites in the town. Commercial developments would be attracted by having good access and exposure to the highway traffic from Highway No. 39 and Secondary Road No. 795. Such developments, it was submitted, would provide the town with a better balanced tax base. Further, by providing local employment, it would reduce the number of the work force who must now commute out of the community to other employment areas in the Edmonton region, thus helping the Town to overcome its growing dormitory role. This, it was suggested, would contribute to making the Town of Calmar a more viable community.

The County of Leduc No. 25 advised that it had no objection to the annexation of the said territory to the Town of Calmar, subject to certain conditions. These conditions were consented to by the town, including the deletion of the north-south road west of the north west 25-49-27-W4 from the application.

On May 2, 1979, the Edmonton Regional Planning Commission considered the application and after reviewing its staff report passed a resolution opposing the annexation of the whole of the said territory to the Town of Calmar, and specifically to those lands in the north east area (S½ of Section 31-49-26-W4) not within the town.

Concern was expressed by the Commission that the Town of Calmar would develop into a dormitory community which would conflict with the Commission's policy and its draft regional plan. Concern was expressed also of the loss of prime agricultural lands for urban purposes prior to the reasonable projections of municipal growth.

The staff's report to the Commission pointed out that the Town of Calmar had been identified as a natural resource base and service centre and should have a balanced growth to avoid the development as a residential dormitory centre. The said territory was seen as providing sufficient lands to accommodate six to ten times the current population, of which the majority in the work force would be employed elsewhere. The limited water and sewage treatment plant capacities were referred to.

Alberta Transportation, by letter to the Board dated April 12th, 1979, made the following observations:

"It is noted that the proposed annexation includes a section of Highway 39 both east and west of the existing town boundary and also a section of Secondary Road 795 south of the town boundary. The need for additional right-of-way for Highway 39 future improvements should be considered by the town when developing land use or subdivision plans for the new areas. Access location and spacing on Highway 39 will need to be reviewed by this department to ensure that a safe highway operation is maintained to the greatest extent possible. The provision of a buffer for noise attenuation may be required adjacent to the primary highway route depending on the type of development planned. Similarly, in planning for the land use and development of the annexation area involving S.R. 795, future widening needs and some degree of access control should be considered so as to maintain the efficient operation and function of this through-type roadway.

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

1. That the Town of Calmar, being part of the Edmonton Metropolitan Region, in close proximity to a number of employment areas, has the potential to grow in population and development.
2. That additional lands are required to meet the future residential, commercial and industrial needs of the Town of Calmar.
3. That the inclusion of the said territory within the Town of Calmar, while in excess of the town's residential requirements to the year 2001, will permit the town to more readily plan its utility services and road systems in an economical and logical fashion and will provide for competition in land prices within the Town.
4. That the said territory has few, if any, topographical restraints to development, may be readily serviced with existing or planned utility plant capacity and is a logical area for the town's expansion.
5. That while the said territory contains top agricultural soils, if the Town of Calmar is to grow in any direction, such soils will necessarily be affected, and it is anticipated that those lands not required for immediate urban uses will be retained in agricultural production until so required.
6. That the application should be granted in full with variations proposed with respect to the north-south road allowance west of the town.

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 Calmar, in the Province of Alberta, and thereupon be separated from the County of Leduc No. 25 that territory described in Schedule "C" 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 Leduc No. 25 as at December 31, 1979, in respect of the aforementioned properties shall transfer to and become payable to the Town of Calmar together with any lawful penalties and costs levied thereon in respect of any such taxes; however, upon the Town of Calmar 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 Calmar shall, for taxation purposes in the year 1980, 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 Calmar, 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 1980, 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 Calmar, 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, 1980.

Dated and signed at the City of Edmonton, in the Province of Alberta, this 16th day of August, 1979.

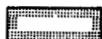
Certified a true copy,
B. CLARK, Secretary.

LOCAL AUTHORITIES BOARD
D. BANCROFT, Chairman.
T. LAUDER, Member.
J. HAMMOND, Member.

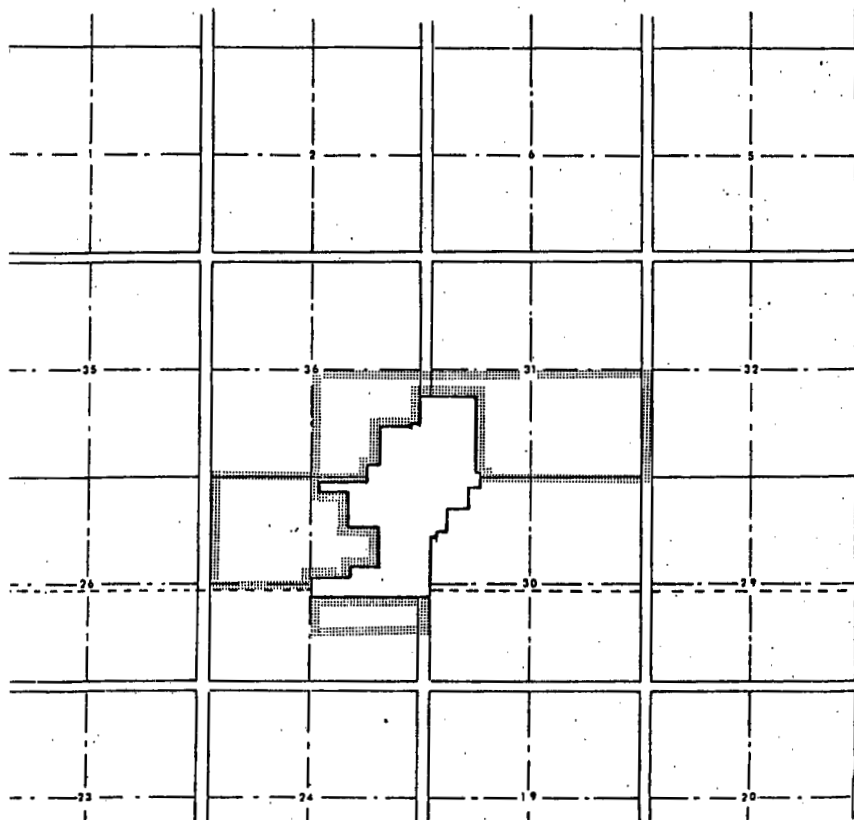
SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE
AREAS AFFECTED BY BOARD ORDER No. 11879

EFFECTIVE DATE: JANUARY 1, 1980



AFFECTED AREA(S)



SCHEDULE "B"

A DETAILED DESCRIPTION OF TERRITORY
SOUGHT FOR ANNEXATION BY THE TOWN OF
CALMAR, ALBERTA.

All that portion of the north-east quarter of section 30, township 49, range 26, west of the fourth meridian, contained in Road Plans 3692 J. and 257 J.Y.

All that portion of the north-west quarter of section 30, township 49, range 26, west of the fourth meridian, not within the Town of Calmar and contained in Road Plans 3692 J. and 257 J.Y.

South-east quarter of section 31, township 49, range 26, west of the fourth meridian.

All that portion of the south-west quarter of section 31, township 49, range 26, west of the fourth meridian, not within the Town of Calmar.

All that portion of the south-east quarter of section 25, township 49, range 27, west of the fourth meridian, not within the Town of Calmar and described as follows:

(A) Lot one (1), Plan of Subdivision 782-3403

(B) that portion of Road Plan 4235 R.S. which lies north of the production easterly across the said road plan of the south limit of Plan of Subdivision 782-3403.

All that portion of the north-east quarter of section 25, township 49, range 27, west of the fourth meridian, not within the Town of Calmar.

North-west quarter of section 25, township 49, range 27, west of the fourth meridian.

All that portion of the south-west quarter of section 25, township 49, range 27, west of the fourth meridian, which lies north of the northerly limit of the land taken for right-of-way of the Lacombe and North Western Railway as shown on Railway Plan 3274 E.O.

All that portion of the south-east quarter of section 36, township 49, range 27, west of the fourth meridian, not within the Town of Calmar.

All that portion of the south-west quarter of section 36, township 49, range 27, west of the fourth meridian, contained in Road Plan 317 J.Y.

All government road allowances, intervening and adjoining the above described lands.

SCHEDULE "C"

A DETAILED DESCRIPTION OF TERRITORY
ANNEXED TO THE TOWN OF CALMAR, ALBERTA

✓ All that portion of the north-east quarter of section 30, township 49, range 26, west of the fourth meridian, contained within Road Plans 3692 J. and 257 J.Y.

✓ All that portion of the north-south government road allowance adjoining the west boundary of the north-west quarter of section 29, township 49, range 26, west of the fourth meridian, lying north of the production east and west across the said road allowance of the south limit of Road Plan 257 J.Y.

✓ All that portion of the north-west quarter of section 30, township 49, range 26, west of the fourth meridian, contained in Road Plans 3692 J. and 257 J.Y. and not within the Town of Calmar.

All that portion of the south-west quarter of section 30, township 49, range 26, west of the fourth meridian, contained in Road Plan 4235 R.S. which lies north of the production easterly of the south limit of Plan of Subdivision 782-3403.

All that portion of the north-south government road allowance adjoining the west boundary of the south-west quarter of section 30, township 49, range 26, west of the fourth meridian which lies north of the production east across the said road allowance of the south limit of Plan of Subdivision 782-3403 and not within the Town of Calmar.

The south-east quarter of section 31, township 49, range 26, west of the fourth meridian.

That north-south government road allowance adjoining the west boundary of the south-west quarter of section 32, township 49, range 26, west of the fourth meridian.

All that portion of the south-west quarter of section 31, township 49, range 26, west of the fourth meridian, not within the Town of Calmar.

All that portion of the north-south government road allowance adjoining the west boundary of the south-west quarter of section 31, township 49, range 26, west of the fourth meridian, not within the Town of Calmar.

All that portion of the south-east quarter of section 25, township 49, range 27, west of the fourth meridian, lying north of the south limit of Plan of Subdivision 782-3403 and its production easterly throughout, not within the Town of Calmar.

All that portion of the north-east quarter of section 25, township 49, range 27, west of the fourth meridian, not within the Town of Calmar.

— The north-west quarter of section 25, township 49, range 27, west of the fourth meridian.

✓ All that portion of the south-west quarter of section 25, township 49, range 27, west of the fourth meridian, which lies north of the northerly limit of the land taken for right-of-way of the Lacombe and North Western Railway as shown on Railway Plan 3274 E.O.

All that portion of the south-east quarter of section 36, township 49, range 27, west of the fourth meridian, not within the Town of Calmar.

All that portion of the south-west quarter of section 36, township 49, range 27, west of the fourth meridian, contained in Road Plan 317 J.Y.

(p. 3400)
