Local Authorities Board

ORD\OR No. 11833

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 Canmore to annex certain territories lying immediately adjacent to the boundaries of the Town in Improvement District No. 8.

Pursuant to section 20 of The Municipal Government Act, an application was made by the Council of the Town of Canmore, in the Province of Alberta, for the annexation to the town all that territory described in Schedule "B" attached to this Order, thereafter called "the said territory"), and thereby its separation from Improvement District No. 8, and in respect to which the Board held a public hearing on April 4th. 1979.

Representing the Town of Canmore was Mayor P. Byrne.

Improvement District No. 8 was represented by H.W. Glidden.

To present the position of the Calgary Regional Planning Commission was staff member B. Hurlock.

Owner, Canada Cement Lafarge Ltd., was represented by G. Langford.

The Town of Canmore is within that portion of the Bow River drainage basin called the Canmore corridor. To its west is the Banff National Park, to the east the Stoney Indian Reserve, and on its north and south is the Forest Reserve. While there are other existing communities within the corridor, being associated with resource development (coal, limestone, electric power), major expansion to these communities (Exshaw, Secbe, Spray, Lac des Arcs and Harvie Heights) were limited because of either the lack of communal utility services or of developable land. Currently, the Town of Canmore is the only major community with the capacity for major expansion. Presently it is the corridor's major service centre providing retail, municipal, protective, health and educational services to residents of the area.

Factors influencing future growth with the Town of Canmore include the revival of the coal industry and the growing demand for cement within Western Canada. Being in close proximity to Calgary, the Banff National Park and the Kananaskis Provincial Park, tourism and recreational growth have resulted in demands for additional facilities within the town. Further, federal policies restrict development within the Banff National Park, and may become even more restrictive, thus placing a demand on Canmore to receive additional population and development. This could increase further the town's development as a "bedroom" community accommodating employees working within the Banff National Park and the resource industries within the corridor.

Growth in population has been steady in the Town of Canmore. The 1975 population was 1,712 people; 1976 - 1,888 people; 1977 - 2,161 people and in June 1978, 2,884 people, or approximately a 10 per cent yearly growth rate. If this growth rate was to continue, the town may expect a population of 7,000 persons by the year 1987. Presently within the town boundaries are sufficient residential lands to accommodate approximately a further 1,850 persons, or at current growth rates, sufficient lands for 3 to 4 years of development.

The Town of Canmore's rapid growth, in the past few years, has resulted in an even more rapid escalation in the prices of residential property. The town planned to land bank a portion of the said territory, and to see it developed to provide, not only competition, but also a variety of land uses, including a mobile home housing development.

The Town of Canmore pointed out that it presently had little or no industrial land available for development (16 acres) and none for sale. The town wished to attract light industry and diversify its economy. It saw the town as being the logical location for local service industries, because of constraints on the future growth of the Banff townsites and the physical constraints on the growth of hamlets within the corridor, in Improvement District No. 8. Highway-commercial was proposed in the western portion of the said territory along Highway No. 1.

The said territory, totalling 1,335 acres, including a small triangle to the west of Highway No. 1 in the north-east quarter of section 28, lies north and east of the east boundary of the Town of Canmore. Running in a north west direction from the south-east corner, and, in the most part.

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The said territory is relatively level along Highway No. 1, but back, approximately one half mile, it rises steeply, to again level off to form bench lands. It was on these bench lands the town proposed to develop its residential subdivision.

While other areas existed to the south of the Town of Canmore, along the Bow River, they possessed limitations in access, a high water table, all were within a single ownership and there was the need for flood control devices on the river. To the west was the Banff National Park and the topography of the Bow Valley itself, imposed limitations on development. The Town of Canmore had had an engineering study done on the feasibility of servicing the said territory. It emphasized the said territory as being the most economical and readily serviced. Eventually, the necessity was seen of a connection by an overpass — or fly-over, of Highway No. 1, to connect the two portions of the town more closely.

Access could now be gained by crossing over Highway No. 1 at the Harvie Heights subdivision to the north, and under Highway No. 1, via Highway IA, at the south end.

The Town of Canmore saw its immediate need as being for industrial lands, with residential lands being required in 3 to 4 years time. The need for highway-commercial lands was more of a long term requirement.

The Town of Canmore had capacity within its sanitary sewage treatment plant (constructed in 1966), to service a population of 16,000 people, although it was acknowledged that, because of infiltration, a population level of 8,000 persons may be more realistic. The said territory could be serviced with gravity sewer lines. Water was received from the Rundle Mountain, where a storage reservoir had been constructed. Because of its height, it provided adequate pressure for the said territory, but a new line may be required, to permit sufficient volumes. A storage reservoir was proposed on the said territory to handle peak demands.

The Board was informed that Improvement District No. 8 did not object to the annexation of the said territory to the Town of Canmore.

Owner, Canada Cement Lafarge Ltd., supported the annexation of its property, within the said territory, to the Town of Canmore.

Calgary Regional Planning Commission, adopted its staff report, and supported the Town of Canmore's application to annex the said territory. The staff's report included the following comments:

"In part, these lands are considered attractive for urban development because they can be economically serviced, are not subject to surface or groundwater flooding, and they can be visually screened from the highway. In addition, by comparison to other areas south of the town, these lands received a considerable amount of sunlight during the winter season. The proposed industrial area can be screened from the highway. It is downwind from the present developed area and it is served by good road access. Potentially this area can be linked to the railway with a short spur line.

"Presently, the subject lands are generally unpatented or subject to grazing permit. As well, there is a cemetery, nuisance ground and a maintenance yard in the area. Most of the land is owned by the Province of Alberta, Parks Canada and Canada Cement Lafarge Ltd., also own land in the area. Parks Canada and the Province are not objecting if the area is to be developed exclusively for residential purposes."

By letter to the Board, dated March 2nd, 1979, Alberta Transportation made the following comments:

"It is noted that almost all of the proposed annexation area is on the easterly side of Highway 1 whereas the present town area is all on the westerly side. Since Highway 1 is a major trans-provincial artery it is considered essential that its present freeway status with full access control be maintained through this area. From a highways operation point of view, further development on the easterly side of Highway 1 may create a need for additional or expanded interchange facilities for providing highway access. Also it is very likely that a centrally located flyover may be required to permit both vehicular and pedestrian cross movements between the two areas of the town to occur without restricting the free flow operation of the highway. However, if in the overall development plan for the town, expansion to the east is considered most viable then provisions for accommodating the additional traffic movements will have to be undertaken."
"If the annexation proceeds and further development is permitted, the town will have to consider the access problems and the associated costs to overcome these problems in developing land use plans for the area. Buffers for noise attenuation may be required along the highway route depending upon the type of adjacent land use."

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

1. That the Town of Canmore, because of its established natural resource base, as a "bedroom" community servicing the Canmore corridor of the Bow River, its proximity to the tourist and recreational facilities of the Banff National Park and the Kananaskis Provincial Park, and because of the limitations to growth of other urban communities within the region, will continue to grow in population and development.

2. That additional land is required by the Town of Canmore, for the sake of the town and region, to meet the future residential, highway-commercial and industrial needs of the town and vicinity.

3. That while the said territory, in total, is in excess of the Town of Canmore's immediate demands for developable lands, the inclusion of such territory now in the town's jurisdiction, will permit the town to plan, for the economical development of utilities within the said territory, and for their long term land uses.

4. That the said territory may be readily and economically serviced with utilities and transportation, and because of topography and servicing limitations elsewhere, provides for the logical expansion of the town.

5. That the Town of Canmore's application to annex 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 Canmore in the Province of Alberta and thenceforth be separated from the Improvement District No. 8 that territory described 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 Improvement District No. 8 as at December 31, 1979, in respect of the aforementioned properties shall transfer to and become payable to the Town of Canmore together with any lawful penalties and costs levied thereon in respect of any such taxes; however, upon the Town of Canmore collecting any or all of such taxes, penalties or costs, such collection shall forthwith be paid by the Town to the Improvement District No.8.

III. That the assessor for the Town of Canmore 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 Canmore, 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 Canmore, 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 14th day of June, 1979.

Certified a true copy
B. CLARK, Secretary.

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

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SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE
AREAS AFFECTED BY BOARD ORDER No. 11833
EFFECTIVE DATE: JANUARY 1, 1980

AFFECTED AREA(S)

CANMORE
SCHEDULE "B"

A DETAILED DESCRIPTION OF LAND SOUGHT FOR
AND ANNEXED TO THE TOWN OF CANMORE

(1) West half of the north-west quarter of section 27, township 24, range 10, west of the fifth meridian.

(2) North-east quarter of section 28, township 24, range 10, west of the fifth meridian.

(3) All that portion of the north-east quarter of section 32, township 24, range 10, west of the fifth meridian, not within the Town of Canmore.

(4) All that portion of section 33, township 24, range 10, west of the fifth meridian, not within the Town of Canmore.

(5) West half of the west half of section 34, township 24, range 10, west of the fifth meridian.

(6) The most westerly 1328.8 feet of the south-west quarter of section 3, township 25, range 10, west of the fifth meridian.

(7) South half of section 4, township 25, range 10, west of the fifth meridian.

(8) All that portion of the south-east quarter of section 5, township 25, range 10, west of the fifth meridian, not within the Town of Canmore.

(9) All government road allowances and government road allowance intersections intervening and adjoining the above described lands.