

TOWN OF CROSSFIELD

CROSSFIELD

Order No. 17668

File No. 59(A)4

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 Crossfield, in the Province of Alberta, to annex certain territory lying immediately adjacent thereto and thereby its separation from the Municipal District of Rocky View No. 44.

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

ALL THAT PORTION OF THE NORTH SOUTH GOVERNMENT ROAD ALLOWANCE ADJOINING THE WEST BOUNDARY OF THE NORTH WEST QUARTER OF SECTION TWENTY-FIVE (25), TOWNSHIP TWENTY-EIGHT (28), RANGE ONE (1), WEST OF THE FIFTH MERIDIAN WHICH LIES WESTERLY OF THE WESTERLY LIMIT OF ROAD PLAN 1395 E.Z. AND NOT WITHIN THE TOWN OF CROSSFIELD.

ALL THAT PORTION OF THE SOUTH EAST QUARTER OF SECTION THIRTY-FIVE (35), TOWNSHIP TWENTY-EIGHT (28), RANGE ONE (1), WEST OF THE FIFTH MERIDIAN WHICH LIES SOUTH WESTERLY OF THE NORTH EASTERLY BOUNDARY OF THE RIGHT OF WAY OF THE CALGARY AND EDMONTON RAILWAY COMPANY AS SHOWN ON PLAN R.Y. 9 AND NOT WITHIN THE TOWN OF CROSSFIELD.

ALL THAT PORTION OF THE SOUTH WEST QUARTER OF SECTION THIRTY-SIX (36), TOWNSHIP TWENTY-EIGHT (28), RANGE ONE (1), WEST OF THE FIFTH MERIDIAN WHICH LIES WESTERLY OF THE WESTERLY LIMIT OF ROAD PLAN 1395 E.Z. AND NOT WITHIN THE TOWN OF CROSSFIELD.

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THE ABOVE DESCRIBED LANDS CONTAIN THREE AND SEVEN HUNDREDTHS (3.07) HECTARES (7.59 ACRES), MORE OR LESS.

(hereinafter called "the said territory"),

which lies immediately adjacent to the Town of Crossfield, and thereby its separation from the Municipal District of Rocky View No. 44, and in respect to which the Board held a public hearing into the matter on March 5, 1986.

Representing the Town of Crossfield were Councillor K. Adams and W. Ryder, Town Manager.

W. Wray, Planning Director, presented the position of the Municipal District of Rocky View No. 44.

Paul Messier, Supervisor, Regional Planning Services, presented the position of the Calgary Regional Planning Commission, while N. Makale, a staff member with the Calgary Regional Planning Commission, as Planning Advisor to the Town of Crossfield, appeared in support of the Town's submission.

Owner, the Canadian Pacific Railway, as successor to the Calgary and Edmonton Railway Company, by letter to the Town of Crossfield dated November 13, 1985, advised that the Company "...neither agrees nor disagrees with the proposed annexation, subject to CP's taxes not being affected."

The said territory consists mainly of the Canadian Pacific Railway as it curves slightly along the east boundary of the Town of Crossfield. Also within the said territory is a portion of the north-south road allowance, which has now been incorporated into Whitfield Avenue. At the 1972 hearing of the Town of Crossfield's application to annex the South East Quarter of

Section 35, the Calgary Regional Planning Commission advised both the Town of Crossfield and the Board that "... it would appear reasonable to amend the application so that the easterly limit of the annexed area in the S.E. 1/4 of Section 35, Township 28, Range 1, W/5th be the west limit of the Canadian Pacific Railway's right of way where it traverses the quarter." Accordingly, the said territory and the lands lying easterly thereof were not included in the territory annexed by Board Order No. 6477, dated July 20, 1973. A situation has developed since 1973 whereby the Town has found it necessary to build and maintain a portion of Whitfield Avenue, which although considered within the Town, remains legally under the jurisdiction of the Municipal District of Rocky View No. 44.

A major concern of the Municipal District of Rocky View No. 44 is a railway crossing on an east west roadway, which now forms a portion of Secondary Highway No. 574. Because of the location of the Town's east boundary, jurisdiction over the crossing is now split between the two municipalities. Immediately to the east of the railway crossing is a major intersection of Secondary Highway No. 574 with the north south Highway No. 2A. The integrity of the intersection is protected by stop signs for traffic originating from the north, east and south. The railway crossing is protected by flashing lights and bells which warn of approaching trains. At present, trains also blow their whistles upon approaching the crossing.

Residential development has taken place in the South East Quarter of Section 35, and some homes are only a short distance from the point where southbound trains commence sounding a continuous warning whistle for the crossing. With between 8 to 10 trains per day, this noise has created a large number of complaints from the residents of the area. There is also a tendency for the railway to shunt its cars in the area of the crossing, blocking it for long periods, rather than using a "Y" intersection now available to the south. If the railway portion of the said territory would be in the jurisdiction of the Town of Crossfield, Council could pass by-laws, pursuant to Section 165 of the Municipal Government Act, to regulate both the blocking of the crossing and the blowing of whistles. Concern was also expressed about the control of weeds along the railway right of way and since there are playgrounds in the vicinity, the Town also wishes to ensure the proper fencing of the railway right of way. All these matters could best be dealt with if the said territory is within the Town's jurisdiction.

In opposing the annexation of the said territory to the Town of Crossfield, the Municipal District of Rocky View No. 44 submitted the following in support of their position:

- "1. The annexation is not based upon a comprehensive study of the Town's future growth requirements.
2. The subject lands lie within the Town of Crossfield urban fringe part of the Calgary Regional Plan. The purpose and intent of the urban fringe part is contained in Section 4.11.1 of the Calgary Regional Plan which states:

The purpose of the urban fringe part is to protect future long term growth options for urban municipalities and to act as a buffer between certain types of rural uses and urban development, which may be incompatible.

In view of the purpose and intent of the urban fringe part of the Regional Plan, it should be noted that the proposed annexation is in conflict with the urban fringe provision.

3. The proposed annexation is considered by the municipality to be piece-meal and is not required for future urban development.
4. Correspondence between the Town of Crossfield and the municipality has indicated that the annexation is merely to control the blowing of the train whistle.
5. The blowing of the train whistle was made necessary by the location of the rail-serviced industrial park approved by the council of Crossfield. (Shunting of box cars.)
6. Due to the vehicular traffic generation at the main east/west intersection of Secondary Road 574, the council of the Municipal District of Rocky View No. 44 deems it vital that the control remain with the rural municipality.
7. Rail accidents in Alberta are a major concern and this particular line has a history of accidents. At this location accidents are bound to occur in view of the large traffic volumes.
8. That the application before the Board is premature in view of the Town's inability to support the annexation by not including the lands required for future urban expansion."

The Municipal District of Rocky View No. 44 made an attempt to determine the number of vehicle crossings at this particular railway crossing and found that in a specific 24 hour period, there were 99 vehicle crossings between 6 p.m. and 6 a.m. and a further 231 vehicle crossings recorded between 6 a.m. and 6 p.m.

The Calgary Regional Planning Commission, at its meeting of February 14, 1986, after considering the matter, passed the following resolution:

- "(i) The Local Authorities Board be advised that the proposed annexation to the Town of Crossfield of the lands described in the application is supported by the Calgary Regional Planning Commission.
- (ii) The Staff Report be adopted.

CARRIED"

The Staff Report of the Calgary Regional Planning Commission made the following observations, conclusions and recommendation:

"Purpose of the Application: The Town of Crossfield has three reasons for wishing to annex the subject lands. Firstly, a portion of the application is to annex a roadway that passes out of the Town's boundaries for a few hundred feet, and then curves back into the Town. This segment of road is an integral part of the internal road network and the Town would like to have all the road which it maintains within its own boundaries. Secondly, the railway right-of-way also passes out of the Town's boundary cutting diagonally through the level crossing at Limit Avenue. This leaves the crossing half inside and half outside the Town, and Council wishes to have complete municipal control of this crossing. And finally, Crossfield's Council is considering the adoption of a bylaw to control whistle noise from trains as they proceed through the Town.

Calgary Regional Plan Provisions: - 4.10.15

Annexation to urban municipalities should include areas of land sufficient in size to form complete development areas, or should constitute a logical extension of a development area.

The subject lands are immediately adjacent to the existing Town boundary and constitute a logical extension. Therefore, provision 4.10.15 is met.

Staff also note that the application is for jurisdictional control of a relatively small area, and the proposal does not conflict with 4.10.14.

Discussion: The Canadian Pacific Railway (C.P.R.) line runs north-south along the east side and through the Town of Crossfield. There are a minimum of four trains running north and south through Crossfield daily. The Town would like to adopt an anti-whistle bylaw to prevent the C.P.R. trains from blowing their whistles through Town. It is mandatory for all trains to blow their whistles continuously 1/4 mile from each crossing until the first engine passes the crossing. There are three railway crossings in the Town of Crossfield, and the trains blow their whistles as they approach all three.

In order for Crossfield to adopt an anti-whistle bylaw, they must apply to the Canadian Transport Commission, who has the authority to order C.P.R. to eliminate the whistles through the Town. The Canadian Transport Commission assesses each application on its own merits. They evaluate the grade of the railway line of the area in question, the speed of the trains, the number of accidents at the crossings, the current protection of the crossings, and the potential hazards. To date at the Limit Avenue crossing there has been one accident as well as near misses reported.

In a 1983 Transportation Study completed for the Town of Crossfield by the GCG Engineering Partnership, the three roads which cross the C.P.R. are classified as arterial roads. Arterial roads are defined as major through routes within the community. Limit Avenue is the most northerly of these roads. Of the three major access points to the Town, the intersection of Limit Avenue and the C.P.R. carries the largest volume of vehicle traffic. This is likely to increase in the future as land proposed for residential use is developed. At some point in the Town's growth, in order to minimize the traffic problems, it may be desirable to close the railway crossing at Limit Avenue and relocate it one mile to the north.

Conclusions: The Regional Plan provisions which apply to this annexation application have been satisfactorily met. The subject area constitutes a logical extension to the Town. The Town's desire to control noise is a valid one and approval of this application is the first step prior to applying to the Canadian Transport Commission. Staff note that this decision will be based on the merits of the application. As well, staff feel that the Town's first reason for the application -- control of the roadway which it maintains -- is also valid. In any event, the annexation, if approved, will have minimal impact on the M.D. of Rocky View. The subject lands have no development potential.

Recommendation:

- (a) That the Local Authorities Board be advised that the proposed annexation to the Town of Crossfield of the lands described in the application is supported by the Calgary Regional Planning Commission.
- (b) That the Commission adopt this staff report and recommendation."

Alberta Agriculture, by memorandum to the Board dated December 23, 1985, and Alberta Environment, by letter to the Board dated January 13, 1986, offered no objections to the proposal of the Town of Crossfield to annex the said territory.

In its memorandum to the Board dated January 15, 1986, Alberta Transportation made the following comments in respect to the proposed annexation:

"The department has no concerns with the proposal and expects that Crossfield will continue to liaise(sic) and consult with the department(sic) concerning access and safety related matters that may arise relative to the adjacent highway 1A(sic)."

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

- 1. That the Town of Crossfield, having been successful in past applications to annex land into its jurisdiction, has sufficient territory to meet the

Town's long term land use requirements. Accordingly, a further application for a comprehensive annexation of additional territory cannot be expected for some time.

2. That the question of railway crossing safety is within the jurisdiction of the Canadian Transport Commission and accordingly, the Board does not consider this to be a matter for its consideration. Further, if the crossing is within the Town, the Municipal District of Rocky View No. 44 may still appear before the Commission to express its concerns on the elimination of any crossing whistle.
3. That the roadway within the said territory comprising part of Whitfield Avenue should logically be within the Town of Crossfield's jurisdiction. That the questions of shunting, weeds and fencing are of sufficient municipal concern to the Town to warrant the petition for the inclusion of the railway within the Town of Crossfield so that any problems may be rectified.
4. That the said territory is a logical extension to the Town of Crossfield, clarifies both the Town's boundary and the question of municipal jurisdiction, all of which will provide for better administration.
5. That the application by the Town of Crossfield to annex the said territory into its jurisdiction and thereby its separation from the Municipal District of Rocky View No. 44 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 Crossfield, in the Province of Alberta, and thereupon be separated from the Municipal District of Rocky View No. 44 the territory described as follows:

ALL THAT PORTION OF THE NORTH SOUTH GOVERNMENT ROAD ALLOWANCE ADJOINING THE WEST BOUNDARY OF THE NORTH WEST QUARTER OF SECTION TWENTY-FIVE (25), TOWNSHIP TWENTY-EIGHT (28), RANGE ONE (1), WEST OF THE FIFTH MERIDIAN WHICH LIES WESTERLY OF THE WESTERLY LIMIT OF ROAD PLAN 1395 E.Z. AND NOT WITHIN THE TOWN OF CROSSFIELD.

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THE ABOVE DESCRIBED LANDS CONTAIN THREE AND SEVEN HUNDREDTHS (3.07) HECTARES (7.59 ACRES), MORE OR LESS.

- II. That any taxes owing to the Municipal District of Rocky View No. 44 as at December 31, 1986, in respect of the aforementioned properties shall transfer to and become payable to the Town of Crossfield together with any lawful penalties and costs levied thereon in respect of any such taxes; however, upon the Town of Crossfield collecting any or all of such taxes, penalties or costs, such collection shall forthwith be paid by the Town to the Municipal District of Rocky View No. 44.

- III. That the assessor for the Town of Crossfield shall, for taxation purposes in the year 1987, reassess the annexed lands and assessable improvements thereon, which are by this Order annexed to the Town of Crossfield so that the assessment thereof shall be fair and equitable with other lands and assessable improvements in the Town of Crossfield, 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 1987, 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 Crossfield, 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, 1986.

DATED and signed at the City of Edmonton, in the Province of Alberta, this 13th day of March, 1986.

LOCAL AUTHORITIES BOARD

CERTIFIED A TRUE COPY

(SGD.) C. I. SHELLEY
CHAIRMAN

Beaul.
SECRETARY

(SGD.). J. A. HAMMOND
MEMBER

SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE
AREAS AFFECTED BY BOARD ORDER No 17668

EFFECTIVE DATE: DECEMBER 31, 1986



AFFECTED AREA(S)

