

TOWN OF DIDSBURY

Board Order No. 14507

File No. 63(A)3

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 Didsbury to annex certain territory lying immediately adjacent thereto, and thereby its separation from the County of Mountain View No. 17.

Pursuant to section 20 of The Municipal Government Act, the council of the Town of Didsbury, in the Province of Alberta, petitioned the Local Authorities Board for the Province of Alberta, for annexation to the town of all that territory described as follows:

All that portion of the south west quarter of section 19, township 31, range 1, west of the fifth meridian, lying westerly of the westerly limit of the right-of-way, shown on plan R.Y. 9, not within the Town of Didsbury.

All that portion of the south east quarter of section 24, township 31, range 2, west of the fifth meridian, contained in road plan 7564 J.K., not within the Town of Didsbury.

(hereinafter called "the said territory")

which lies immediately adjacent to the town, and thereby its separation from the County of Mountain View No. 17, and in respect to which the board held a public hearing into the matter on June 16, 1981.

Representing the Town of Didsbury was Mayor R. L. Shantz, who was supported by Councillor W. Ward; R. Martin of the Didsbury Chamber of Commerce; and C. Dack of the Red Deer Regional Planning Commission.

F. J. Dawley, Commissioner, appeared on behalf of the County of Mountain View No. 17.

Allan Ward presented the position of the Red Deer Regional Planning Commission and also acted as planning advisor to the County of Mountain View No. 17.

Owner, T. T. Morris, was present, and was supported in his position in favour of annexation of the said territory to the town by K. Rawley, Realtor.

The Town of Didsbury is located within the developing Edmonton-Calgary growth corridor, approximately 50 miles north of the City of Calgary. The town is served by the Canadian Pacific Railway, Highway No. 2A and Secondary Highway No. 582. Highway No. 2 is located a short distance to the east. While established as a farm service community to the surrounding agriculture industry, more recently the town has served as a residential base to five gas plants in the vicinity. The town's population has grown from 1,995 in 1975 to 2,866 in 1980, for an average annual growth rate of 4.5 percent for the past 10 years. The growth rate for 1980 was 6.5 percent. By using a straight line annual growth rate of 3 percent the town's population was projected to reach 5,000 by the year 2,000, and at a 5 percent growth rate, a population of 7,500. For these populations, and using a factor of 2 acres per 100 persons, it was

projected the town would require between 45 and 70 acres to meet its future industrial demands.

While communities to the north and south of the Town of Didsbury have been successful in attracting industrial development, the town has not. The major reason for this was seen in the shortage of available industrial lands within the community.

While the Town of Didsbury did have some 350 acres of undeveloped lands within its jurisdiction, the majority of these lands have been designated for residential and recreational purposes. One parcel in the north east corner of the town contains approximately 32 acres designated for industrial use. However the owner, while desiring to sell, was asking a high price. This quarter section (SW1/4 section 20) is traversed from the south east to the north west by a melt water channel, which in the bottom areas, contained poorly drained soils, and has steep slopes to the escarpment above. Servicing costs would be high, and there would be no access to the railway. There are a limited number of industrial sites along the railway station grounds, but these are not for sale and the annual rental charged is high. There are some small industrial sites within the built up area of the town, but these are individually owned and limited in their use.

The Town of Didsbury reported it had sufficient capacity within its water and sanitary sewer utility systems to service the said territory. Service lines could be readily extended into the said territory from a residential development immediately to the south.

The said territory, containing approximately 63.47 acres is located to the north of the Town of Didsbury. The Canadian Pacific Railway forms the east border of the said territory, while the west border is formed by the north south road allowance. A spur line to the natural gas processing plant cuts along the north border. Secondary Highway No. 582 traverses from east to west through the southern portion of the said territory, cutting off approximately 10 acres to the south of the roadway. The topography is flat, slightly sloping to the north east. The lands are in agricultural production, with the soils, as reported in the Canada Land Inventory of Soil Classifications as Class No. 1. The said territory was once contained in the jurisdiction of the Town of Didsbury, but was separated in 1922.

The Town of Didsbury proposed that the said territory, when annexed, be utilized for medium and long term industrial development, with some highway commercial development to the south of Secondary Highway No. 582. The advantages to the said territory being utilized for such purposes was given as follows:

- there is little or no conflict with existing developed residential areas of Town,
- there are no limitations due to pipeline easements, and other rights-of-way,
- potential access to the railway could be made available,
- access exists to a paved Secondary Road No. 582, the Didsbury By-pass,
- the parcel is of adequate size and configuration to permit a comprehensive industrial park design to be made."

It was submitted that the Town of Didsbury could attract industrial development to the community because it could provide serviced lands at a price more attractive than competing communities within the region. The town has an attractive lifestyle preferred by many industries, and possesses excellent transportation facilities. Industrial development in the town would stimulate commercial development, now stagnant,

broaden the tax base of the community, and provide employment opportunities to its citizens, thus reducing the numbers who must now commute to places of employment. By annexing the said territory, the town would be able to provide sites of varying sizes. Some businesses now located within the established area of the town cannot expand because of limited available lands and if these businesses were to be relocated, commercial development lands would become available on the abandoned sites.

The County of Mountain View No. 17 opposed the annexation of the said territory to the Town of Didsbury at this time, claiming it was premature. Secondary Highway No. 582 was originally rerouted around the town to provide a safe route for hazardous goods, and if the said territory were annexed and developed, cross traffic could occur which may defeat this purpose. Reference was made to lands previously annexed in 1976 and 1978, which have not been developed. Further, some 83 acres the town had designated as "Reserved for future development" in the north east corner could be zoned for industrial purposes. The town's past record of industrial development has been weak with only approximately 26 acres developed. The county submitted that the present inventory of 32 acres of undeveloped industrial lands within the town should be first developed before new industrial lands are annexed. The county did consent to the annexation to the town of that portion of the said territory that lies to the south of Secondary Road No. 582.

The Red Deer Regional Planning Commission, in a 5 to 4 vote, voted not to support the application of the Town of Didsbury to annex the said territory. The staff pointed out that the said territory had been considered in By-law No. 81-2 of the Town of Didsbury, dated April 21, 1981, which adopted the Didsbury General Plan. In setting forth the town's industrial development policies, the following was stated:

"6.2(c) Short term industrial growth will be directed to vacant industrial land located immediately east of the station grounds and adjacent to the ring road.

(d) Annexation of S.W. 19-31-1-5 will be considered to secure sufficient land for medium and long term industrial development.

(e) The town will endeavour to maintain a supply of serviced industrial land above and beyond anticipated need. Estimates of land requirements will be reviewed from time to time."

Thomas Morris, the owner of the majority of the said territory (other than the road and railway lands) supported the annexation of the said territory to the Town of Didsbury. He had operated a dairy farm on the lands in the past, but now felt there was a better use in the town. He had been approached by a party who would purchase and develop the lands at an early date for industrial and commercial purposes and promote the town as a community in which industry should locate.

Alberta Transportation, by letter to the board dated May 14, 1981 advised as follows:

"The proposed annexation area includes a section of Secondary Road 582. Development of subdivision plans adjoining Secondary Road 582 should give consideration to the need for additional right-of-way for future improvements, access control, buffer requirements, and noise attenuation where necessary."

In a letter to the board, dated May 19, 1981, Alberta Agriculture made the following comments:

"The soil is CLI 1. However, given the isolation of the parcel from other lands due to roads and tracks, Alberta Agriculture has no concerns to raise regarding this application.

However, as a general principle, we would recommend that the town expand to the west onto less productive land."

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

1. That the Town of Didsbury, being within the Calgary-Edmonton growth corridor, with excellent transportation facilities, having sufficient utility plant capacities to meet future anticipated demands, providing increasing institutional, commercial, recreational and other amenities, and with a lifestyle conducive to family development has the potential of other similar communities within the said growth corridor and if they can provide a comparative, the town will grow in population and development probably in excess of established rates.
2. That, in the past, the Town of Didsbury has failed to take advantage of the development potentials available to it; a major reason being it lacked a developed industrial park to provide a variety of sites for interested parties.
3. That, while the Town of Didsbury does have lands within its jurisdiction that may be utilized for industrial development, such lands because of size, price, servicing difficulties topography and other constraints are limited in potential.
4. That the said territory may be readily serviced with utilities, is readily accessible to highways and railway and may provide parcels of varying sizes and service standards for industrial development. Other industrial lands within the town should provide competition in the market, and variety in site locations.
5. That, while the said territory does contain excellent soils, it is anticipated that the development of the said territory will be staged in such a manner as to permit the agricultural use to be continued on those lands not immediately required for urban purposes.
6. That the Town of Didsbury has satisfied the board that additional territory is required by the town to meet its future highway-commercial and industrial requirements.
7. That the application by the council of the Town of Didsbury to annex to the town the said territory should be granted in full.

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 Didsbury, in the Province of Alberta and thereupon be separated from the County of Mountain View No. 17 the following described territory:

All that portion of the south west quarter of section 19, township 31, range 1, west of the fifth meridian, lying westerly of the westerly limit of the right-of-way, shown on plan R.Y. 9, not within the Town of Didsbury.

All that portion of the south east quarter of section 24, township 31, range 2, west of the fifth meridian, contained in road plan 7564 J.K., not within the Town of Didsbury.

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

II. That any taxes owing to the County of Mountain View No. 17 as at December 31, 1981, in respect to the aforementioned properties shall transfer to and become payable to the Town of Didsbury together with any lawful penalties and costs levied thereon in respect of any such taxes; however, upon the Town of Didsbury collecting any or all of such taxes, penalties or costs, such collection shall forthwith be paid by the town to the County of Mountain View No. 17.

III. That the assessor for the Town of Didsbury shall for taxation purposes commencing in the year 1982 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 Didsbury, 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 1982, 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 Didsbury 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 January 1, 1982.

Dated and signed at the City of Edmonton, in the Province of Alberta, July 8, 1981.

Certified a True Copy:  
B. Clark, 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. 14507

EFFECTIVE DATE: JANUARY 1, 1982



AFFECTED AREA(S)

