



LOCAL AUTHORITIES BOARD

BOARD ORDER No. 20508

FILE: DIDS/T-5

IN THE MATTER OF THE "Municipal Government Act":

AND IN THE MATTER OF THE "County Act":

AND IN THE MATTER OF an application by the Council of the Town of Didsbury, in the Province of Alberta, 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 the annexation to the Town of all that territory described as follows:

THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION THIRTEEN (13), TOWNSHIP THIRTY-ONE (31), RANGE TWO (2), WEST OF THE FIFTH MERIDIAN, AND THAT EAST WEST GOVERNMENT ROAD ALLOWANCE ADJOINING THE SOUTH BOUNDARY THEREOF

THE ABOVE DESCRIBED LANDS CONTAIN THIRTY-THREE AND EIGHTEEN HUNDREDTHS (33.18) HECTARES, (82.00 ACRES), MORE OR LESS

(hereinafter called "the said territory")

which lies immediately adjacent to the Town of Didsbury, 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 November 25, 1992.

Representing the Town of Didsbury were E.M. Storey, Chief Administrative Officer, and L. Swallow, Councillor.

The County of Mountain View No. 17 was represented by K. Taylor, Development Officer.

Dennis Shewfelt, Planner, represented the Red Deer Regional Planning Commission.

Alberta Transportation and Utilities, Alberta Agriculture and the Energy Resources Conservation Board all made written submissions.

The Town of Didsbury is located within the Edmonton/Calgary Corridor, approximately fifty kilometres north of the City of Calgary. The Town is serviced by the Canadian Pacific Railway, Highways No. 2 and 2A and Secondary Highway No. 582. As a residential base for the area gas plants the Town has experienced moderate growth over the past ten years which can be expected to continue in the future.

The Town of Didsbury receives treated water from the Anthony Henday Water Plant located to the north, near Innisfail. The water is piped to the Town's storage facilities which has a current capacity of half a million gallons. The system is near capacity during periods of peak demand and the Town is presently preparing a feasibility study to upgrade the storage capacity.

The sanitary sewage treatment facility is also near capacity and construction is scheduled to commence in 1993 on an upgraded system designed for a population of 4,200 with provision for expansion to a population of 5,200. The upgraded system will have increased storage capacity to allow once a year discharge in keeping with new environmental standards.

The territory proposed for annexation is a parcel of approximately eighty acres located to the southwest of the Town. The territory is bounded on the north and east by residential development and on the south by an east/west government road allowance which is included in the annexation proposal. The Town of Didsbury is proposing annexation in order to ensure that future development would be a continuation of the low density residential district located to the north and east. To service the existing residential development the Town oversized the sanitary sewer trunk line to accommodate development in the said territory.

The County of Mountain View No. 17 supports the annexation subject to the condition that the County continue to receive the taxes generated by the said territory until such time as urban development commences. A further condition is that the east/west road allowance located to the south continue to be maintained to a specific standard.

The Town in response to the County's conditions submitted that it is their intent to protect the parcel from incompatible development. Further the Town and County have corresponded regarding the taxes on this property. In regard to the road the Town realizes the importance of this road to the residents of the region and agrees to maintain the standards adopted by the County.

Mr. Calvin Dick, owner of the parcel, also supports annexation subject to the condition that his taxes remain at the County level until development commences.

The Annexation Committee of the Red Deer Regional Planning Commission reviewed the proposal and adopted the following motion:

"That the Annexation Committee, on behalf of the Red Deer Regional Planning Commission, support the annexation of lands to the Town of Didsbury as petitioned by the Town."

In addition, the Annexation Committee made the following recommendations:

- "(1) If the annexation application is approved, the Town should use a land use designation on the area which will maintain the agricultural use of the land until residential development occurs.
- (2) Communication and preparation should be resumed between the Town and County aimed at adoption of a Joint General Municipal Plan to guide rural non-agricultural development and urban expansion, or a mutual planning agreement which may also be satisfactory, and
- (3) The Town should, at its earliest convenience, review its General Municipal Plan, as it was last amended prior to ratification of the Regional Plan in 1986."

Alberta Transportation and Utilities and Alberta Environment reviewed the annexation and advised the Board there are no objections to the proposal.

Alberta Agriculture, having reviewed the annexation proposal, submitted the following comments:

- "1. The proposed parcel is located on Canada Land Inventory for Agriculture Class 2 and 4. Class 2 soils are considered better agricultural.
2. The Town of Didsbury is surrounded by Class 1 and 2 soils, with small coulees of Class 4 land.
3. If included, the approximately 80 acre parcel will straighten the town boundary along a quarter section line.
4. There appear to be areas within the current town boundaries that are still available for residential and commercial expansion.

As the Town has little opportunity to expand into lower class land, Alberta Agriculture has no objections to the proposed annexation, provided the L.A.B. is satisfied that the community requires these lands."

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

1. That while the Town of Didsbury has not met the growth expectations of the 1980's, the Town has experienced a low order of growth that can be expected to continue.
2. That while the Town of Didsbury appears to have sufficient land to accommodate growth, the available land is not in an area of Town planned and developed for low density residential uses. In order to continue such development and make use of the existing capacity in the sanitary sewer trunk lines, it would appear that the said territory is a logical area for expansion.
3. That the Town of Didsbury and County of Mountain View No. 17 should consider the adoption of a Joint General Municipal Plan which would make annexation as now proposed by the Town unnecessary. Defining an urban fringe area within a Joint General Municipal Plan would protect future growth areas from incompatible development and allow planning for the future without infringing on the land base of the rural municipality until actually needed for urban uses. Such action would ensure the future land supply of the Town without the necessity of tax transfers and the need to address concerns over road maintenance.

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

THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION THIRTEEN (13), TOWNSHIP THIRTY-ONE (31), RANGE TWO (2), WEST OF THE FIFTH MERIDIAN, AND THAT EAST WEST GOVERNMENT ROAD ALLOWANCE ADJOINING THE SOUTH BOUNDARY THEREOF

THE ABOVE DESCRIBED LANDS CONTAIN THIRTY-THREE AND EIGHTEEN HUNDREDTHS (33.18) HECTARES, (82.00 ACRES), MORE OR LESS

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

- II. That any taxes owing to the County of Mountain View No. 17 as at December 31, 1992, in respect of 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 in the year 1992, reassess the annexed lands and assessable improvements thereon, which are by this Order annexed to the Town of Didsbury 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 1992, 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 Didsbury, so that the assessment or valuation shall be fair and equitable with properties of a similar nature.

VI. That the effective date of this Order is the 31st day of December, 1992.

Dated and signed at the City of Edmonton, in the Province of Alberta, this 30th day of December, 1992.

LOCAL AUTHORITIES BOARD

(SGD.) ARCHIE R. GROVER
CHAIRMAN

(SGD.) BRYAN T. CLARK
VICE CHAIRMAN

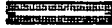
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BOARD SECRETARY

SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE
AREAS AFFECTED BY BOARD ORDER NO. 20508

EFFECTIVE DATE: DECEMBER 31, 1992



AFFECTED AREA(S)

