

GAZ - Jan. 15, /80

ORDER No. 12329

File No. 67(A)6

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 majority of owners petitioning for the annexation of certain territory to the Town of Edson and thereby its separation from Improvement District No. 14.

Pursuant to section 20 of The Municipal Government Act, an application was made by the majority of owners of that territory described as:

All that portion of the south half of section 23, township 53, range 17, west of the fifth meridian lying northerly of the Canadian National Railway as shown on Plan 691 A.C.

All that portion of the north-east quarter of section 23, township 53, range 17, west of the fifth meridian lying northerly of the Canadian National Railway as shown on plan 691 A.C., excepting thereout road plan 5581 P.X.

All that portion of the north south government road allowance adjoining the west boundary of the south west quarter of section 23, township 53, range 17, west of the fifth meridian lying north of the production south westerly across the said road allowance of the northerly boundary of the Canadian National Railway as shown on plan 691 A.C.

(hereinafter called "the said territory")

which said territory lies adjacent to the Town of Edson, in the Province of Alberta, petitioning the Local Authorities Board for the Province of Alberta, for the annexation of the said territory to the Town of Edson and thereby its separation from Improvement District No. 14.

Owners who were signers of the petition were Cordijay Holdings Ltd., Frederick Miller, and James Rukavina. In presenting the matter to the Town of Edson for its approval, Council requested that the application be enlarged to include certain lands belonging then to Teodor T. Gornuwka. These lands have subsequently been purchased by the Town of Edson, who in turn have land banked this land with Alberta Housing Corporation. Alberta Housing Corporation and Teodor T. Gornuwka gave their respective consents. The position of the applicants and the Town of Edson was made by Murray V. Jones, planner and Gregory O'Laughan.

The Town of Edson had present Mayor James Watson, P. Serdiak, Secretary-treasurer, and Councillor K. Williams.

No one appeared on behalf of Improvement District No. 14 but by letter dated June 1, 1979, W.D. Isbister, Deputy Minister of Municipal Affairs advised the applicants there was no objection to the annexation of the said territory to the Town of Edson.

The said territory lies to the east of the Town of Edson, and includes part of the north-south road allowance known locally as "Bear Lake Road" (secondary road 748) which

is on the east boundary of the town. The Canadian National Railway right of way (Plan 691 A.C.) forms the south border while the north-south road allowance (undeveloped) on the east of section 23 forms the east border. As the north-east quarter of section 23 was not included (there being estate problems) the east and south borders of this quarter section form the remaining north and west borders of the said territory.

The said territory is currently in farm production, having a gentle slope rising to the north and west. Low areas exist in the vicinity of the railway, and it drains naturally to the south and east into the Poplar Creek. The Town of Edson sewer line right of way parallels the railway, and contains a 21 inch trunk sewer leading to sewage lagoons east of the said territory.

The Town of Edson's population had an increasing growth rate from 1951 to 1971. Then it decreased by 3.1 percent in the five year period between 1971 and 1976. Between 1976 and 1978 the population increased by 18.21 percent. These high growth rates were expected to continue until 1981, with growth estimates beyond 1981 of 10.7 percent based on five year periods. From a population in 1978 of 5,015 persons it was projected the town would have a population of 9,620 persons by 2001. Reasons given for this growth was the present and anticipated resource development in the region.

Until recently the demand for industrial land in the Town of Edson has been limited, being primarily located along the railway on main through-streets. In the last two years, because of the resource development, there had been a greatly increased demand. With the growth of the town, the construction trades and suppliers required land for expansion and to establish new businesses.

The General Municipal Plan, (which had not been formally adopted by the Town of Edson), prepared by the town's planner, recognized the need for larger sites in an area which would not conflict with other land uses. It recommends the town annex section 23 for these purposes, pointing to its access to rail and proposed roads slated for improvement.

It was pointed out that although there were sizeable areas within the Town of Edson designated for industrial purposes, these areas were restricted in development by the presence of muskeg and high water tables. To the west of the town there were airport restraints, and a replot was currently under way. Servicing costs were high in a number of areas.

The said territory which lies east was preferred as an area for industrial development. It was clear of trees, with limited areas of muskeg. Drainage was good and drained naturally to Poplar Creek which cuts across the south west corner of the property.

Servicing was reviewed. Water was obtained from wells which were fed from aquifers located south east of the Town of Edson. Two wells had recently been constructed, providing sufficient well water capacity to service a population of 6,000 people. Water storage reservoirs have been constructed with a capacity to service a population of 10,500 people, and to provide fire flow demand capacity. Distribution of water would require a new line within the town on 6th Avenue at a cost estimated at \$200,000.00. It would be extended throughout the said territory, and looped back into the town's system. Because of the height of land to the north, a booster pump would be required to overcome water pressure problems.

The Town of Edson is presently expanding its sanitary sewer lagoons, and when completed, will have the capacity to service a population of 10,000 persons. The town is fortunate in being close to the McLeod River (1½ miles), and if necessary a line from the treatment facilities can be extended to the river.

The 21 inch sanitary sewer main which runs through the said territory (parallel to the railway) has sufficient capacity to service a population of 10,000 persons. As the said territory slopes to the line, sewage from the collector lines can flow directly into the main.

Storm water sewers would be constructed, with storage ponds constructed to collect and discharge storm waters at a controlled rate into the Poplar Creek.

Access was available off the "Bear Lake Road". However, it intersected with Highway No. 16, at an angle, just after crossing the Canadian National Railway main line, at the extreme south east corner of the said territory, making an unsafe intersection, especially for truck traffic. It was proposed that this be modified, and the north-south road allowance to the east of the said territory be constructed as a by-pass route for truck traffic between Highway 16 and Secondary Road No. 748. Access would also be gained to the said territory from there. This was given as one of the reasons for the inclusion of the north-east quarter of 23 into the

proposal for annexation to the Town of Edson, so the town may commence negotiations.

The Town of Edson expressed support for the annexation of the said territory to the town. It was planning its own annexation application based on the recommendations contained in its general plan, now under consideration. While such an application would include the said territory, it would take some time to prepare the application, and by proceeding now, more immediate needs could be met.

The Town of Edson's planner, D.L. Makale, by letter to the town, dated October 1, 1979, made the following comments on the application:

"The Town of Edson until recently has not had any great need of industrial land. Increased exploration and development of resources in the area have created a strong demand by industries to locate in the town. The area proposed for annexation can satisfy this demand. It can be serviced with utilities and is adjacent to rail; therefore, it can be designed to accommodate various types of industry - from light industry and warehousing to open storage and heavy industry. Road access will be provided by a proposed truck by-pass on the eastern boundary of the land, connecting Highway 16 and Secondary Highway 748. This will allow for access between industry and the oil and gas fields without creating congestion in the commercial and residential areas of the town.

We are concerned that industry, if not provided with sites within the town, may continue to locate adjacent to the town, but on land that is not only not serviced but cannot be serviced. This has occurred recently on land south of the CNR tracks and north of Highway 16 on the east boundary. For this to continue on the fringes would be most detrimental to the town. Uncontrolled growth on the west boundary of the town has caused problems for many years. It would be most unfortunate if this was to be allowed to occur on the eastern boundary."

The Municipal Planning Section of Alberta Municipal Affairs by letter to the Board, dated June 19th, 1979, made the following comments on the annexation of the said territory to the Town of Edson.

"The following comments are based on the Edson Fringe Area Review, March 1979, prepared by the town's planning consultant and discussions with the town:

1. The town has light industrial sites available, but is in need of areas for heavy and medium type industry, particularly for open storage uses. The proposed annexation area is identified in the Edson Fringe Area Review as part of a larger area for general annexation to the Town of Edson. It was proposed, in this report, that industrial uses locate here and in fact, the town has optioned the east half of section 23 north of the tracks for such purposes. The fact the north-west quarter of 23 will remain as agricultural will act as a buffer between industrial and residential land uses.

2. Some industrial sites within the town's boundary south of the tracks are undevelopable due to muskeg and/or a high water table. Access to that area may also be difficult. The proposed annexation area is in a better location for access and has better topography for industrial development.

3. With respect to access provision, the town is concerned with Bear Lake Road on the west side of Section 23. This road is poorly aligned with Highway 16 and the town would like to limit the road to car traffic only. Truck traffic would be encouraged to use the road allowance on the east side of section 23. This road, however, is not developed at present, nor does a crossing exist over the railway tracks. Responsibility for construction and maintenance of this road will likely have to be negotiated between the town and the Improvement District."

Alberta Transportation, by letter to the board dated July 4th, 1979, made the following comments in respect to the annexation of the said territory to the Town of Edson:

"The destiny of the north-south leg of the S.R. 748 which includes the section on the westerly side of the proposed annexation is unknown at this time. This secondary road is presently under review by this department, however it will take some time to complete the study and its ultimate status may not be known for some time. The department will

likely have more information on the secondary road by the time subdivision plans are being developed for the area and will appreciate the opportunity to review the plans with the town at that time."

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

1. That the Town of Edson, being a resource centre serving a growing region will continue to grow in population and development.
2. That in order for the Town of Edson to have a balanced tax base, a strong economy and to prevent industrial development on its periphery outside the town, it will be necessary for the Town of Edson to provide for industrial development within the town. At present, the Town of Edson does not have sufficient territory within its jurisdiction that is suitable to meet its foreseeable industrial land use demands.
3. That the said territory is ideally suited for industrial development, may be readily and economically serviced and is a logical extension to the town.
4. That while the total amount of the said territory is in excess of the Town of Edson's immediate needs, and specifically the north quarter of section 23, its inclusion now will permit the long term planning of utility services, and specifically the planning of roadways to service the said territory and to act as a by-pass route between Highway No. 16 and Secondary Road 748.
5. That the application to annex the said territory to the Town of Edson 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 Edson, in the Province of Alberta and thereupon be separated from Improvement District No. 14 the following described territory:

All that portion of the south half of section 23, township 53, range 17, west of the fifth meridian lying northerly of the Canadian National Railway as shown on plan 691 A.C.

All that portion of the north-east quarter of section 23, township 53, range 17, west of the fifth meridian lying northerly of the Canadian National Railway as shown on Plan 691 A.C., excepting thereout road plan 5581 P.X.

All that portion of the north south government road allowance adjoining the west boundary of the south west quarter of section 23, township 53, range 17, west of the fifth meridian lying north of the production south westerly across the said road allowance of the northerly boundary of the Canadian National Railway as shown on plan 691 A.C.

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

- II. That any taxes owing to Improvement District No. 14 as at December 31, 1979, in respect of the aforementioned properties shall transfer to and become payable to the Town of Edson together with any lawful penalties and costs levied thereon in respect of any such taxes; however, upon the Town of Edson collecting any or all of such taxes, penalties or costs, such collection shall forthwith be paid by the town to Improvement District No. 14.

III. That the assessor for the Town of Edson 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 Edson, 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 Edson, 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 31st day of October, 1979.

Certified a true copy,
R. MYRONIUK, Acting Secretary.

LOCAL AUTHORITIES BOARD
D.A. BANCROFT, Chairman.
J. HAMMOND, Member.

SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE
AREAS AFFECTED BY BOARD ORDER No 12329

EFFECTIVE DATE: JANUARY 1, 1978



AFFECTED AREA(S)

