

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 Elk Point, in the Province of Alberta, to annex certain territory lying immediately adjacent thereto and thereby its separation from the County of St. Paul No. 19.

Pursuant to Section 20 of the Municipal Government Act, the Council of the Town of Elk Point, 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 WEST QUARTER OF SECTION SIX (6), TOWNSHIP FIFTY-SEVEN (57), RANGE SIX (6), WEST OF THE FOURTH MERIDIAN NOT WITHIN THE TOWN OF ELK POINT.

ALL THAT PORTION OF THE SOUTH WEST QUARTER OF SECTION SEVEN (7), TOWNSHIP FIFTY-SEVEN (57), RANGE SIX (6), WEST OF THE FOURTH MERIDIAN NOT WITHIN THE TOWN OF ELK POINT.

THE ABOVE DESCRIBED TERRITORY CONTAINS NINETY-SIX AND SIX HUNDREDTHS (96.06) HECTARES (237.36 ACRES), MORE OR LESS.

(hereinafter called "the said territory")

which lies immediately adjacent to the Town of Elk Point, and thereby its separation from the County of St. Paul No. 19, and in respect to which the Board held a public hearing into the matter on February 26, 1986.

Representing the Town of Elk Point were Mayor E. Buck and P. Vincent, Municipal Administrator.

No one appeared on behalf of the County of St. Paul No. 19, but by letter to the Board dated August 19, 1985, the County of St. Paul No. 19 advised that Council "approved of the application on the following conditions:"

- "(a) All taxes payable on the effective date of the annexation order are to be paid to the County of St. Paul.
- (b) The road located south of the proposed annexation is to be included, if not already included, by previous Board Order #12042, dated July 30th, 1979."

R. Denboer, Planner, presented the position of the Planning Branch, Planning Services Division, Alberta Municipal Affairs.

H. J. Congdon, an Assessor with Alberta Municipal Affairs, appeared as a resource person.

The Town of Elk Point is located approximately 250 kilometres northeast of the City of Edmonton, adjacent to the Canadian National Railway and bisected by Highway No. 41. Located some 3 kilometres to the south of the Town are the sites of Buckingham House and Fort George, early fur trading posts located on the banks of the North Saskatchewan River. From the river bank, the lands slope gently towards the north, with the escarpment located to the north of the Town of Elk Point. This slope provides a natural southern drainage that discharges into the Atimoswe Creek. This Creek also serves as the source for the Town's raw water.

Established to service the agricultural community in the region, the Town of Elk Point has managed to maintain its viability over the years in spite of competition from the larger centres of St. Paul, Bonnyville, Vermilion and Lloydminster. It is estimated that the Town of Elk Point has a service area of 7,120 square kilometres containing a population of 3,000 persons. While

competition with the larger communities is increasing, the recent emphasis on the Lindbergh Field heavy oil development is having an impact on the Town's growth. Between 1951 and 1979, the population grew from 453 persons to 1,012 and has since grown to a population of 1,208 persons, with the 1985 growth being 8.54 per cent.

Concern regarding the increased activity in the oil fields resulted in the Elk Point and District Community Impact Study being commissioned and completed in January 1985 by Nichols Applied Management, Economic and Management Consultants. The study pointed out that six resource companies are actively involved in the Lindbergh Field and that the Town of Elk Point is well situated to take advantage of these activities, particularly as the companies are promoting a policy of having their employees reside close to the work sites. The study projected that the resource extraction work force living in the Town of Elk Point may increase from the present 100 employees to 500 persons by the year 2000 and that the Town's total population is projected to increase to between 1,400 and 3,000 persons by the year 2000.

Approximately two quarter sections of land were annexed to the Town of Elk Point in 1977 and 1979 for residential uses, the majority of which remain undeveloped and are sufficient for some time.

However, the Council of the Town of Elk Point is concerned about the lack of land available within the Town's jurisdiction for industrial and highway commercial uses. In 1982, in conjunction with Alberta Housing Corporation, the Town established a 27.52 hectare industrial park on lands to the east of Highway No. 41. Most of these lands have since been purchased by either the oil companies or by companies servicing the oil fields, to where only 10.52 hectares now remain. If the current development trends continue, the remaining lands are only sufficient for 2.5 years.

To estimate the total industrial land required by the Town of Elk Point, the Alberta average of 2.3 hectares per 100 persons was accepted. For the year 2000, when a population of 3,000 is projected, the Town will require 69.20 hectares.

The said territory is contained within the South West Quarter of Section 7 abutting Highway No. 41 and the east half of the North West Quarter of Section 6, with the west half of the Quarter Section containing the Town's industrial park. The topography is even, with the north half of the South West Quarter of Section 7 being flat. Because of its height, special provisions for water storage and pumping will have to be provided to this area to maintain water pressure. The remaining lands slope gently to the south and may readily be serviced with water and sanitary sewage utilities and transportation facilities by the extension of and within the capacity of existing utility plants and roadways. The south portion of the said territory is close to the Canadian National Railway which, if a need is established, could be extended by a spur line to service a business or businesses. It is also proposed that the portion abutting Highway No. 41 be developed for highway commercial purposes. The Highway is to be widened to four lanes through the Town.

The Planning Branch, Planning Services Division, Alberta Municipal Affairs, by memorandum to the Board dated August 15, 1985, established the following position on the proposed annexation:

"This application proposes to annex two properties with a combined land area of approximately 96.1 ha. The purpose of the annexation, according to the Town of Elk Point, is to ensure an adequate long term supply of industrial land within the community.

The economic and population growth prospects for Elk Point appear very positive. According to a recently completed community impact study, which based its assumptions on anticipated oil development projects and subsequent expansion phases, Elk Point has the potential to increase from its present population of 1208 to about 3000 people by the year 2000. Since 1983, the Town's population has risen by approximately 15 percent.

From a planning perspective, it is the Branch's position that the land being annexed represents a logical expansion of existing development and land uses. The properties can be readily serviced since they are adjacent to the Town's sewer and water systems. Elk Point's General Municipal Plan indicates that the subject properties are appropriate for future industrial and highway commercial usage. Approximately 9.0 ha. in the SW7-57-6-W4 has been designated by the GMP for future use as highway commercial. It should be noted that the General Municipal Plan, which was originally adopted in 1980, is currently under review by the Town.

Although it is difficult to project future industrial land absorption rates, demand for industrial land in Elk Point has been very steady during the past two years. Should this absorption rate continue, Elk Point's supply of industrial land could become depleted in less than three years.

In conclusion, the Town of Elk Point has demonstrated its commitment towards long-range planning through its participation in the Community Impact Study, Alberta Housing Land Banking Programs and recent review of its General Municipal Plan. The Town is fully aware of its growth potential and appears very proactive in terms of preparing for future growth and economic development. This office supports the subject annexation proposal and offers no objections with regard to any subsequent approval."

Alberta Environment, in a letter to the Board dated November 1, 1985, made the following comments in regard to the annexation proposal:

"The majority of the area intended to be annexed has been cleared and is currently being utilized for agricultural purpose (i.e. cereal grains and grasses). According to the C.L.I. map, the agricultural capability for this particular area is high. Most of the property has been rated as class 2C soil with the remaining portion as class 3T soil.

All of the land in question slopes southward towards the town and/or the low lying agricultural land south of the C.N.R. line. Should this area be developed for residential, commercial or industrial use, careful consideration will have to be given to the control of stormwater runoff. Post-development runoff rates should not exceed pre-development rates.

No problems are anticipated with regard to servicing (i.e. water and sanitary sewer). The existing water and sewage systems have design capacities for 2,000 and 1,500 people respectively. The current population for the Town of Elk Point is approximately 1,113 (1984 census).

In summary, our Department would have no major environmental concerns with regard to the proposed annexation. It is anticipated that any problems relating to the control of stormwater runoff could be satisfactorily resolved at the subdivision/development stage. We would indicate, however, that the approval of this application would result in the eventual loss of good agricultural land."

In a letter to the Board dated August 6, 1985, Alberta Transportation advised that as the said territory is adjacent to Highway No. 41 and a widening of the Highway proposed, annexation "will have an impact." Alberta Transportation further advised that prior to any final land changes, the Department should be contacted.

Alberta Agriculture reviewed the the proposal and by memorandum to the Board dated August 30, 1985, made the following comments:

- "1. Canada Land Inventory (CLI) agricultural capability ratings for the Parcel under consideration is primarily class 2C (90%), with some class 3<sup>9</sup>0<sup>1</sup> (10%). Soils in this class are moderately high to high in productivity for a fairly wide range of crops. Hail and Crop Insurance Corporation productivity ratings, for land under cultivation, is 65-69%. As such, these lands are considered better agricultural lands.
2. The land is primarily improved and has better than average capability for crop production for the area. The land ranges from depressionnal, to level, to gently rolling. The SW 7-57-6-W4 is a well drained Dark Grey soil currently in grain production. The E 1/2 NW 6-57-6-W4 is primarily Black soil with some depressionnal areas including a slough and is currently used for both crop production and pasture.

Unfortunately, Elk Point is effectively surrounded by better agricultural lands. The only lower quality alternative lands (organic soils) lie towards Lac Dufresne in the southwest. Considering the quality of land being considered and the absence of lower quality alternatives, Alberta Agriculture has no objections to this application provided the LAB are satisfied the lands are required by the Town."

Owners' Larry and Donna Babcock by letter to the Town of Elk Point dated July 29, 1985, advised that they gave their "unconditional consent to the application for annexation of the SW 1/4 7-57-6-W4 by the Town of Elk Point." Peter Andrishak, the owner of the east half of the North West Quarter of Section 6, by letter to the Town of Elk Point dated July 29, 1985, also gave his "unconditional consent" to the annexation of his property to the Town of Elk Point. However, Mr. Andrishak also advised that "...my wife, Joanne Andrishak, objects to the proposed annexation as she has Dower Rights on the property." It was explained that the Andrishaks do have their residence and farm buildings on this parcel and while subject to a dispute, this parcel can be most readily serviced and is a logical area for an industrial park to be located.

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

1. That the Town of Elk Point, while traditionally being a farm service community to the local agricultural industry, with some resource development in its region, now has the opportunity to service the heavy oil developments in the Lindbergh Field to the southeast of the Town. The Town of Elk Point has not been subject to the "boom-bust" cycle of other resource communities and is developing at a steady, moderate pace, with utilities and other urban infrastructure in place to respond to any demands on the community. It is anticipated that because of the proximity to the resource developments in the region and the growing recreational, institutional and commercial amenities, the Town of Elk Point may continue to grow in population and development.
2. That the Town of Elk Point has been and will continue to be chosen by oil and oil service companies as the base for their operations servicing the resource developments in the region. Accordingly, there may be a continual demand for industrial and highway-commercial land.
3. That at the current rates of utilization, the Town of Elk Point has only a short term supply of industrial land and the annexation of additional lands to the Town for industrial and highway commercial uses is warranted.

4. That the said territory is a logical extension to the Town of Elk Point, may be readily and economically serviced by and within the existing plant capacity of the Town's utilities and roads, and while in excess of the Town's immediate and medium term requirements, may be developed in such a way that until urban use is imminent, good agricultural lands may remain in production.
5. That other than the objection of Joanne Andrishak, which arises out of a private matter, all parties to the hearing support the annexation of the said territory to the Town of Elk Point.
6. That the application by the Council of the Town of Elk Point petitioning to annex to the Town the said territory, and thereby its separation from the County of St. Paul No. 19, 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 Elk Point, in the Province of Alberta, and thereupon be separated from the County of St. Paul No. 19 the following described territory:

ALL THAT PORTION OF THE NORTH WEST QUARTER OF SECTION SIX (6), TOWNSHIP FIFTY-SEVEN (57), RANGE SIX (6), WEST OF THE FOURTH MERIDIAN NOT WITHIN THE TOWN OF ELK POINT.

ALL THAT PORTION OF THE SOUTH WEST QUARTER OF SECTION SEVEN (7), TOWNSHIP FIFTY-SEVEN (57), RANGE SIX (6), WEST OF THE FOURTH MERIDIAN NOT WITHIN THE TOWN OF ELK POINT.

THE ABOVE DESCRIBED TERRITORY CONTAINS NINETY-SIX AND SIX HUNDREDTHS (96.06) HECTARES (237.36 ACRES), MORE OR LESS.

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

- II. That any taxes owing to the County of St. Paul No. 19 as at December 31, 1986, in respect of the aforementioned properties shall transfer to and become payable to the Town of Elk Point together with any lawful penalties and costs levied thereon in respect of any such taxes; however, upon the Town of Elk Point collecting any or all of such taxes, penalties or costs, such collection shall forthwith be paid by the Town to the County of St. Paul No. 19.
- III. That the assessor for the Town of Elk Point 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 Elk Point so that the assessment thereof shall be fair and equitable with other lands and assessable improvements in the Town of Elk Point, 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 Elk Point, 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 6th day of March, 1986.

LOCAL AUTHORITIES BOARD

CERTIFIED A TRUE COPY

(SGD.) C. I. SHELLEY  
CHAIRMAN

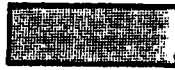
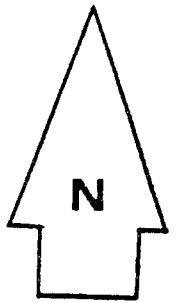
SECRETARY

(SGD.) J. A. HAMMOND  
MEMBER

# SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE  
AREAS AFFECTED BY BOARD ORDER No. 17667

EFFECTIVE DATE: DECEMBER 31, 1986



AFFECTED AREA(S)

