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**TOWN OF HINTON**

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**BOARD ORDER No. 13885**

**FILE No. 96(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 majority of owners to annex certain territory to the Town of Hinton lying adjacent thereto in Improvement District No. 14.**

**Pursuant to section 20 of The Municipal Government Act, the majority of owners of that territory set forth and described as:**

**All that portion of the south east quarter of section 10, township 51, range 25, west of the fifth meridian which lies north of the northerly limit of the road on road plan 5114 P.X.**

Excepting thereout that portion described as follows: commencing at the north west corner of the said quarter section; thence southerly along the west boundary thereof 1200 feet; thence easterly and parallel to the north boundary thereof 422 feet; thence northerly and parallel to the said west boundary to the north boundary thereof; thence westerly thereon to the point of commencement.

(hereinafter called "the said territory")

petitioned the Local Authorities Board, for the Province of Alberta, for the annexation of the said territory to the Town of Hinton, in the Province of Alberta, and thereby its separation from Improvement District No. 14, and in respect to which the board held a public hearing on January 21, 1981.

Owners petitioning to have their respective lands annexed to the Town of Hinton were MCC Development Corporation; Western Acres Land Co-operatives Limited; Edgehill Investments Limited; all who claimed an interest by virtue of an agreement for sale; and Donald W. Crawford and Carline D. Crawford, the registered owners.

The first three petitioning owners were represented by D. Makale, planner; and G. Lindholm, engineer.

The Town of Hinton was represented by Mayor G.W. Tocher; H.K. Driver, and R. Essiambre, planners; and L. Stadnick, engineer.

The said territory, containing 92.49 acres, lies to the south of the Town of Hinton and immediately adjacent to a very successful residential subdivision (Hillcrest Subdivision) within the town. The original Hillcrest outline plan included a portion of the said territory, and provided the municipal infrastructure, including the capacity within the water, sanitary and storm water trunk lines to accommodate its eventual development. Because of this factor, the said territory was the most readily developable land adjacent to the town and would be able to meet early residential lot demands. It was estimated that the said territory would supply some 230 lots or less than two years of housing supply in a very popular residential area of the town. At an average of 3.6 persons per dwelling unit, it was estimated the said territory could accommodate a population of 835.

One constraint to development is the sanitary sewage system for West Hinton which includes the Hillcrest Subdivision. This is at capacity and no further connections to the system can be made. The construction of a 36 inch sanitary sewer trunk line has been recommended for 1981 to service the West Hinton area, which would include territory previously annexed (B.O. No. 12771) and territory planned for future annexation and eventual development.

Reference was made to the number of resource developments projected to occur within the region of the Town of Hinton and the impact these would have upon the town; specifically as related to housing demands. It was stated there is now a shortage of serviced residential lands within the present boundaries of the town, and the town could experience in 1981, 1982 and 1983 a critical shortage of serviced residential land. As the said territory could be readily serviced, and the planning process had proceeded through many of its stages, the said territory could be available at an early date for residential development.

The council of the Town of Hinton, at its meeting of January 13, 1981 passed the following resolution:

"WHEREAS MCC Developments has petitioned the Local Authorities Board to annex lands to the Town of Hinton, and

WHEREAS the annexation application is consistent with the Town strategy of eventually annexing eleven (11) quarter sections recommended within the Town 1976 General Municipal Plan, and

WHEREAS the land use is consistent with the Town's intended use for this area, and

WHEREAS the lands to be annexed are a logical extension to the 1974 Hillcrest Subdivision and were designed as such, and

WHEREAS the Town requires additional residential lots in 1981 and limited lands [sic] area available for developments within the Town, and

WHEREAS the proposed development is at the subdivision design stage and could provide the Town with additional residential lots in 1981, and

WHEREAS the servicing plans can extend services into this area.

NOW THEREFORE be it resolved that the Council of the Town of Hinton supports by adoption of this resolution the annexation of lands being within,

SE¼ Section 10-51-25-5"

The Town of Hinton stated that recent studies have shown that the town is in a poor position to meet the anticipated demands to be made upon it by the numerous resource developments projected to occur within its region. Those lands (800 acres) annexed to the town by Board Order No. 12771 on January 1, 1980, had been found remote for servicing, and servicing mains would have to be constructed. There were other lands owned by a private developer which could be developed but no action was being taken. The town is preparing its own application to annex additional territory to its jurisdiction in an effort to meet the projected longer term growth, and the said territory would permit it to meet its short term requirements.

Improvement District No. 14 expressed concern about the exclusion of the south west quarter of section 10. This land has not been annexed to the town, although it does contain a small residential subdivision. If the said territory was annexed to the town, this parcel would be completely surrounded by the town. Accordingly, the Improvement District had to oppose the annexation of the said territory to the town at this time.

The Municipal Planning Section of Alberta Municipal Affairs, by letter to the board dated January 19, 1981, advised as follows:

"This office has reviewed the above and we note the following:

1. The proposed use of the land is for residential;
2. The subject parcel is an extension of Town development known as Hillcrest Subdivision;
3. The area can be serviced quite easily with municipal services (water, sewer);
4. The 1976 General Plan recommends the area for annexation up to the proposed highway realignment, but this highway realignment has been shifted further south.
5. If the annexation is granted, the SW 10-51-25-W5th which is not in Town, will be surrounded on all four sides by the Town and become isolated.

From a planning point of view development of this area will be a logical extension of the Hillcrest Subdivision but we question whether the boundary created is sensible at this time. The piecemeal approach to annexation has resulted in the fragmentation of parcels and will lead to future annexation application for infilling. Until the revised General Municipal Plan is adopted and/or Highway 16 alignment realized, we find the boundaries created by this application too insensible. To better take into account total servicing requirements, transportation routings and phasing of developments, we recommend a unitary annexation application of lands south to the proposed highway alignment (see attached map)."

In response to the points raised in respect to the south west quarter of section 10, the Town of Hinton advised the parcel would be included within its application for annexation of additional territory to the town.

Alberta Agriculture, by letter to the board dated October 27th, 1980, advised it "has no serious concerns with (the) annexation(s)."

By letter to the board dated November 24th, 1980, Alberta Transportation made the following comments:

"It should be noted that the "Future Highway 16 Alignment" as noted on site plan you forwarded, is no longer valid. The Town requested that the future highway alignment be located further from the Town and we have agreed to shift the alignment approximately 1/3 of a mile further southward to the location as sketched on your plan and labelled as Alignment P-3. It should also be noted that access to the new Highway 16 route will be limited and this factor should also be considered in planning the land use and development of the area if annexation proceeds."

The board, having considered the evidence, both oral and written, presented at the hearing, has reached the following conclusions:

1. That the Town of Hinton, because of its proximity to a number of resource developments projected for early commencement, and being the logical urban centre to service such developments, will continue to grow in population and development, possibly in excess of current rates of growth.
2. That the Town of Hinton, because of constraints to development of land within the town, requires territory which will permit it to quickly respond to the growth demands projected.
3. That the said territory, forming a portion of an existing residential subdivision in which the majority of services have been designed to accommodate its development may be readily and economically serviced with utilities within existing or planned plant capacities, is a logical expansion to the Town of Hinton, and will permit the town to meet the projected early demand for residential lots.
4. That the board expresses concern in respect to the south west quarter of section 10 being isolated from Improvement District No. 14. However, the Town of Hinton having committed itself to apply for the parcel's early annexation, and there being considerable urgency in having the said territory available for development in 1981, the concern is waived.
5. That the application to annex the said territory to the Town of Hinton 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 Hinton, in the Province of Alberta, and thereupon be separated from Improvement District No. 14, the following described territory:

All that portion of the south east quarter of section 10, township 51, range 25, west of the fifth meridian which lies north of the northerly limit of the road on road plan 5114 P.X. Excepting thereout that portion described as follows: commencing at the north west corner of the said quarter section; thence southerly along the west boundary thereof 1200 feet; thence easterly and parallel to the north boundary thereof 422 feet; thence northerly and parallel to the said west boundary to the north boundary thereof; thence westerly thereon to the point of commencement.

(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, 1980, in respect to the aforementioned properties shall transfer to and become payable to the Town of Hinton together with any lawful penalties and costs levied thereon in respect of any such taxes; however, upon the Town of Hinton 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 Hinton shall, for taxation purposes, commencing in the year 1981, 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 Hinton, 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 1981, 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 Hinton 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, 1981.

Dated and signed at the City of Edmonton, in the Province of Alberta, this 9th day of February, 1981.

Certified a True Copy:  
R. MYRONIUK, Acting 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. 13885

EFFECTIVE DATE: JANUARY 1, 1981



AFFECTED AREA(S)

