

(O.C. 398/81)

Approved and Ordered,
F. LYNCH-STAUTON,
Lieutenant Governor.

Edmonton, April 15, 1981

Upon the recommendation of the Honourable the Minister of Municipal Affairs, the Lieutenant Governor in Council, pursuant to section 20.1 of The Municipal Government Act, approves the Local Authorities Board Order No. 13969 dated March 6, 1981, annexing to the TOWN OF HINTON certain territory, effective January 1, 1981, pursuant to the petition of the majority of owners of certain territory lying immediately adjacent to the Town of Hinton.

PETER LOUGHEED (Chairman)

TOWN OF HINTON

BOARD ORDER No. 13969

File No. 96(A)2

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:

South east quarter of section 13, township 51, range 25, west of the fifth meridian.
All that portion of the west half of section 13, township 51, range 25, west of the fifth meridian lying south easterly of the north westerly limit of road plan 3152 J.Y.
All that portion of the north east quarter of section 13, township 51, range 25, west of the fifth meridian lying south easterly of the north westerly limit of road plan 3152 J.Y.
All government road allowances and government road allowance intersections adjoining the above described lands.

(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 21st, 1981.

Owners petitioning to have their respective lands annexed to the Town of Hinton were Arthur Edward Downton, Southridge Properties (1975) Limited, E.J.V. Developments Limited, and Serge N. Borys. The petitioning owners were represented by D. Drackley, planner, J.D. Robertson and R.B. Brander, engineers; L.J. Knapik, pedologist; and B. Benson, consultant.

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

R.H. Hanson, manager appeared on behalf of Improvement District No. 14.

D. Simpson, principal of the Hinton Forest Technology School, presented the position of the Department of Renewable Resources in respect to Crown lands.

The Town of Hinton is located some 182 miles west of the City of Edmonton on Highway No. 16 (Yellowhead Highway) and the main line of the Canadian National Railway. The town lies within the Athabasca River valley and the foothills of the Rocky Mountains, and has, to a large extent, grown in response to resource development within its region. More recently, tourism has been a factor in growth. Forest development has evolved around the St. Regis Pulp Mill, established in 1955, which employs over 900 people. More recently saw the development of a saw mill. Gas fields are also being developed to the south of the town.

However, in recent years, it is the growth in the region's coal industry which has had the greatest impact upon the community. The following coal mining developments and the labour force projections, are slated for early development in the town's immediate region:

1. Gregg River Resources Limited	600 permanent employees
2. Obed Marsh Coal Project	330 permanent employees
3. Manalta Coal Limited	375 permanent employees
4. Denison Mines Limited	350 permanent employees
5. Cardinal River Expansion	150 permanent employees

In addition, there were four other companies proposing coal developments in the area for which the manpower projections were not yet available. Census studies show that in the Town of Hinton for every basic (resource-related) employee there were 1.33 non-basic employees. The 1980 census further showed that the town had an average of 3.5 persons per household. In limiting the projections to the above developments, there would be 1,897 permanent basic employees and 2,521 secondary employees. Because the Town of Hinton was the major urban centre in its region, it is logical that these employees would reside within the community, increasing the town's population by between 13,250 (3.0 persons per household) and 15,550 (3.5). To house this increased population, it was projected that a further 4,400 housing units would be required. The 1976 Hinton General Plan projected a low population of 11,600, and a high population of 18,000 for the Town of Hinton by the year 1991.

There are currently within the Town of Hinton, approximately 1,090 acres of developable residential land which could accommodate approximately 3,400 housing units. Some 394 acres of these undeveloped lands lie in the north east sector of the town, but the town has been unsuccessful in getting the owners to develop the lands for residential purposes. In 1980 the town annexed to it some 640 acres in the south west section of the town. The council of the Town of Hinton have since been presented with a number of concerns about those lands; for example, the cost of servicing with utilities, the amount of developable lands, the elongation of the town and the problem of extending a main sanitary sewer main to this section from the sanitary sewage treatment facility located in the north east sector of the town. There were a further 94 acres applied for annexation in the town's Hillcrest neighbourhood, of which 47 acres were planned for residential development. This could be serviced, and, if annexed, would help alleviate the short-term demand for residential lots. The town did have another site (Eaton Estates) which was proposed for redevelopment and this would provide a limited number of lots. It was argued that the Town of Hinton was poorly prepared to cope with the anticipated demands to be made upon it to supply the urban requirements of the region's resource industries. Further, the number of known coal-related projects would create a demand for housing which would exceed the amount of available developable residential land within the town's existing boundaries.

The said territory, containing approximately 570 acres, is the portion of that area described in the 1976 general plan of the Town of Hinton, as "The proposed Thompson Lake Neighbourhood". It is located in the east sector of the town, south and east of the existing town boundary and south of Highway No. 16. In the south west corner of the said territory is a water body of approximately 30 acres, locally known as Thompson Lake, now of limited use. The said territory generally slopes in an undulating to gentle fashion from the south east to the north west towards Highway No. 16. The topography is a ridged moraine plain bisected by the Hardisty Creek, which runs northward roughly along the north-south quarter line of section 13. The southern portion of the said territory provides a constant slope from the south border to mid-portion of the said territory. This mid-portion levels off forming a wide plateau, traversing the said territory from east to west. A second slope occurs to the north west of the plateau down to the highway. A height difference of 320 feet occurs between the south east and the north west areas of the said territory. Two small bogs are located within the area, with the majority of the said territory being well drained. With the exception of the Hardisty Creek ravine, which is class 7, the soils, as classified in the Canada Land Inventory, are classes 5 and 6. The majority of the said territory is covered with native vegetation of aspen and balsam poplar, lodgepole pine and white spruce forests. The lower wetter areas are dominated by larch, black spruce and moss. It was estimated that 34 percent of the said territory is suitable for development, 36 percent had moderate limitations because of better than 10 percent slopes and potential high water tables, and 30 percent of the area had severe limitations.

The said territory is subject to two further considerations. Contained in the said territory (SE¼ of section 13) is a portion of the Cache Percotte Forest lands used by the Forest Technology School as a study and research area. Secondly, it was proposed that Highway No. 16 would be rerouted to the south of the Town of Hinton. Portions of the said territory could be affected.

In 1979, the Town of Hinton had an engineering study done on its future utility requirements. At present, the town has an agreement with the St. Regis Pulp Mill to supply the town with potable water, and for the treatment of sanitary sewer wastes. Capacities are not defined but it is suggested that the facilities can, or would, be enlarged to accommodate any population level within the town. The report recommends that a new 500 mm water supply main be installed by the town from the water treatment plant along Switzer Drive (located approximately ½ mile west of the said territory). If this was done there would be an adequate water supply to service the said territory and other future growth areas within the town. A booster pump and a 300 mm main to the said area would be required, together with a storage reservoir.

The existing sanitary sewage main to the sewage treatment facility is now at capacity and cannot be used to service the said area. A new trunk line along Switzer Drive has been proposed from which a lateral would extend to service the said territory.

It was emphasized that one advantage the said territory had over other areas within the town was the relative shorter distance the utility trunk lines would have to be constructed, as the treatment facilities for these utilities were also in the north east sector of the town.

It was proposed that Hardisty Creek would provide a natural outlet to carry storm water run off from the said territory. Storm water management practices would be utilized to eliminate any detrimental downstream effects due to increased run off from development.

The owners presented a proposed development plan for the said territory. A traffic study projected that the said territory would accommodate a population of 6,355 and proposed a road design to accommodate the anticipated traffic generated. As sedimentary rock did not outcrop in the area, and the slopes were stable, no problems were foreseen in servicing the said territory with utilities, roads, and the other urban infrastructures.

The Town of Hinton strongly supported the application by the majority of owners to annex the said territory. The town would otherwise find itself short of developable lands within its jurisdiction if all the projected resource developments took place. Additional residential developments would provide competition to keep the price of housing down and a choice of housing style and location. The town, in its "1976 Hinton General Plan" considered the said territory and made the following comment:

"The 'Thompson' neighbourhood has been proposed as a new major expansion area on both the 1967 and 1972 General Plans, thus it has the added advantage of being recognized as a growth area. Because of this recognition, Alberta Transportation has made provision for two interchanges across Highway No. 16 bypass to link Thompson with the Valley development as well as with the Hill area. The Thompson subdivision is approximately three times the size of Hillcrest and may house 10,000 to 15,000 people in a variety of housing types and still provide sufficient space for schools, parks, local commercial and community facilities. This area has an added feature in that it borders a small but attractive lake which should be made the centre of community, social and recreational facilities. In view of the fact that this land may be needed by 1980 it is strongly recommended that planning commence in the spring of 1976."

The annexation of the said territory would permit the Town of Hinton to now implement a portion of its long-term plans. The town projected it would require some 4,400 housing units to serve the residential requirements of the resource developments in its area for the next 10 years. There were serviced lands now available in the town for 100 single family and 80 multi-family units. The said territory would be able to meet the short-term requirements of the town and give it some breathing space to bring other lands "on stream" for the long term. The town was planning to make its own application to annex additional lands in the near future.

Improvement District No. 14 approved the annexation of the said territory to the Town of Hinton. It was pointed out that the Town of Edson was claiming that it, too, would be the urban service community to a number of the same resource developments claimed by the Town of Hinton.

The Municipal Planning Section of Alberta Municipal Affairs, by letter to the board dated January 19th, 1981, made the following comments:

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

1. The intended use of the subject parcel is primarily residential.
2. The lands are part of the recommended expansion area according to the 1976 General Plan and form a key part of an overall plan for annexation.

The concerns we have with this application are twofold. Firstly, while ultimate development of these lands will likely accommodate thousands of people, development at this time appears premature. The linkages with the Hilltop and Valley areas are not clearly established at present and in essence a third separate community within the townsite would be created. Secondly, the annexation of these lands will require future annexations of lands primarily west of the subject area, for infilling purposes and continuity and consistency of Town development. We are reluctant to support this application as we do not favour a piecemeal approach to annexation. To present an overall planning scheme and strategy, and to reduce the number of future annexation hearings for infilling purposes we recommend a unitary annexation application of lands south up to the proposed new highway alignment (see attached map)."

Alberta Transportation, by letter to the board dated November 24th, 1980, advised as follows:

"It is noted that the proposed annexation area is located in an area presently under study by this Department for the future relocation of Highway No. 16 south of the Town. Discussions have been held between staff from this Department and the Town staff for purposes of defining the best possible route for the proposed high standard highway facility. The ultimate relocated facility is planned to be a multi-laned divided roadway with limited access via interchanges. There is a likelihood of an interchange facility being located immediately east of the proposed annexation area at the junction of the new alignment and existing Highway No. 16. Preliminary plans established to date have the new alignment crossing through the SE¼ 13-51-25-W5th, which means a small portion of the area will be severed by the future highway. If the annexation does proceed, the Town should recognize the need for highway right-of-way, access limitations to the area and buffer requirements dependent on adjacent land use."

By letter to the board dated October 27th, 1980, Alberta Agriculture advised it "has no serious concerns."

In a letter to the applicants dated January 5th, 1981, the Deputy Minister of Renewable Resources, in opposing annexation of that portion of the said territory described as the south east quarter of section 13, expressed the following concerns:

"Our concern is over the inclusion of the SE¼ 13-51-25-W5th in the proposal. The SE¼ 13-51-25-W5th is Crown land and part of the Cache Percotte Forest. This land is unsuitable for development because it comprises a steep hillside with a water discharge area along its base. An old logging road on the east bank of Hardisty Creek traverses this property and a narrow band of attractive building sites exist immediately adjacent to this road. However, this band of developable land is probably no larger than 20 acres. This area is also isolated from the major block of developable land in the Thompson Subdivision by a wide band of muskeg.

The second and possibly more important reason for our opposition of the annexation is our understanding that the Town of Hinton is in the final stages of developing a master plan for the Town expansion. Because the Cache Percotte Forest is small, any reduction in its size would have substantial impact on the Forest. It would seem logical that when the Town of Hinton has completed their plans for future expansion, a long-term agreement between the Town and our Department could be negotiated. This would eliminate the need for continually responding to piece-meal requests and would allow the Cache Percotte Forest to be able to plan for its future.

Therefore, we would strongly recommend that this annexation proposal including the SE¼ 13-51-25-W5th be rejected."

There was no objection to the annexation to the Town of Hinton of the remaining portion of the said territory.

The Cache Percotte Forest, of which the south east quarter of section 13 forms approximately one quarter of the total area, was established by Order in Council, and was to remain as an uninterrupted forest for up to a 100 years. The proposed by-pass road, as suggested by Alberta Transportation, would cut off approximately one third from the south east corner of these lands. It was suggested that if this did occur, those portions to the north and west of the new alignment may be released for urban purposes.

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 lands within the town, requires territory which will permit it to quickly respond to the growth demands projected.
3. That the said territory, because of its location in relation to the Town of Hinton's utility treatment facilities, may be more readily developed than some other lands within the town's jurisdiction, internally, has few constraints to development for residential purposes, is a logical area to expand the town's jurisdiction, and when developed, will aid the town in meeting its land use requirements, provide competition within the housing market and a choice in variety and location.
4. That the annexation of the south east quarter of section 13 of the said territory to the Town of Hinton has been strongly opposed, and it is doubtful, if it is not divided by the rerouting of Highway No. 16, if these lands will ever be utilized for any other use than the use now being made even if these lands were in the urban setting of the Town of Hinton. While it may be awkward to obtain the urban development of the remaining said territory without access to this portion, there was no evidence that it can not be done. Further, this portion of the said territory may be included in the long range planning of the Town of Hinton's utilities, transportation, and other urban infrastructure on the understanding that the annexation to the town of this portion of the said territory may be achieved upon it being established that an urban use of these lands may be achieved.
5. That the application by the majority of owners petitioning the annexation of the said territory to the Town of Hinton, and thereby its separation from Improvement District No. 14, should be granted in part.

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 west half of section 13, township 51, range 25, west of the fifth meridian lying south easterly of the north westerly limit of road plan 3152 J.Y.

All that portion of the north east quarter of section 13, township 51, range 25, west of the fifth meridian, lying south east of the north westerly limit of road plan 3152 J.Y.

All that portion of the south east quarter of section 24, township 51, range 25, west of the fifth meridian lying south easterly of the north westerly limit of road plan 3152 J.Y.

All government road allowances and government road allowance intersections adjoining the above described lands.

(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 6th day of March, 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. 13969

EFFECTIVE DATE: JANUARY 1, 1981



AFFECTED AREA(S)

