

TOWN OF HINTON

Board Order No. 14950,

File No. 96(A)4

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 council of the Town of Hinton to annex certain territory lying immediately adjacent thereto, and thereby its separation from Improvement District No. 14.

Pursuant to section 20 of the Municipal Government Act, the council of the Town of Hinton, in the Province of Alberta, petitioned the Local Authorities Board for annexation to the town all that territory described as follows:

West half of the north west quarter of section 18, township 51, range 24, west of the fifth meridian.

All that portion of the south west quarter of section 19, township 51, range 24, west of the fifth meridian, lying south easterly of the north westerly limit of road plan 2755 J.Y.

All that portion of the north west quarter of section 19, township 51, range 24, west of the fifth meridian, lying south easterly of the north westerly limit of road plan 2755 J.Y.

All that portion of the south east quarter of section 10, township 51, range 25, west of the fifth meridian, not within the Town of Hinton.

South west quarter of section 10, township 51, range 25, west of the fifth meridian.

South west quarter of section 11, township 51, range 25, west of the fifth meridian.

North east quarter of section 11, township 51, range 25, west of the fifth meridian. Excepting thereout legal subdivision 9.

North half of the north west quarter of section 12, township 51, range 25, west of the fifth meridian.

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

(hereinafter called "the said territory")

which lies immediately adjacent to the town, and thereby its separation from Improvement District No. 14, and in respect to which the board held a public hearing into the matter on September 24, 1981.

Representing the Town of Hinton were Councillor P. Steen; L. Stadnick, Town Engineer; D. King, Engineer and R.G. Essiambre, Planner.

Councillor M. Hryckowski appeared on behalf of Improvement District No. 14.

M. Sword, Planner, presented the position of the Municipal Planning Section of Alberta Municipal Affairs.

Owners George and Evelyn Pierce were present, but did not make a submission. Some fifteen owners of an area within the said territory known as "Cecilia Park" (SE $\frac{1}{4}$ of section 10) signed a petition opposing the annexation of their respective properties to the Town of Hinton. A written submission in opposition to the application was received from Marion and Robert Wingo, who also own property in "Cecilia Park".

The said territory, consisting of approximately 838.66 acres, is contained in three parcels, which lie to the south and east of the town. For purposes of reference they have, from the south west to the north east, been designated on Schedule "A" as Parcels "A", "B", and "C". With the exception of the "Cecilia Park" subdivision and a portion of the south west quarter of section 19, the majority of the land within the said territory is owned by the Crown.

The erosion pattern has resulted in the Town of Hinton being located on a series of terraces extending back from the Athabasca River. Further characteristics are the bands of ridges and steep slopes with an east-west orientation. At the top of the ridge are small plateaus. In several areas the slopes exceed 10 percent and are bisected by creeks and streams that carry the surface waters north easterly to the Athabasca River, providing good surface drainage. Most of the land is tree-covered and contain class 5 and 6 soils, as classified in the Canada Land Inventory. Some of these soils, while now stabilized by vegetation, are subject to erosion.

The Town of Hinton has been informed that, when conditions warrant its construction, Alberta Transportation plans to construct a by-pass route for Highway No. 16 to the south of the town. In anticipation of this location, the said territory was chosen so it would be to the north of the proposed route.

In 1981 the Town of Hinton annexed into its jurisdiction some 1,100 acres of new territory, to bring its total area to approximately 6,144 acres. The total available developable land area is 1,533.5 acres upon which approximately 5,930 housing units could be developed.

It was argued that the majority of the anticipated resource developments in the region would choose the Town of Hinton as the residential base for their employees. It was pointed out there would be insufficient housing units in the town to meet the projected growth. Coal extraction projects now under consideration (Gregg River - 672 employees; Obed and Cardinal River - 250; McLeod River - 900; Mercoal - 600; Robb and Foothill - 500; and Cardinal River - 250) would require 3,572 employees in primary employment by the year 1998. Using a multiplier of 1.33 (1980 census) it was estimated a further 4,752 persons would be involved in secondary employment.

By using an average household size of 3.6 persons, the town estimated the region would grow by a further population of 29,962. It was further estimated that there would be an annual natural growth of 6 percent, which would increase the population in the same time period by 18,534. A total regional population growth by the year 2000 was estimated to be 48,496. To accommodate this influx would require a further 13,472 housing units.

By working out various scenarios, it was estimated that between 50 to 90 percent of the primary work force would locate in the Town of Hinton. This could mean that the town would receive an additional population of between 33,500 and 45,500 by the year 2000 requiring between 9,300 and 11,375 new housing units to house the new population. Because of the constraints to development imposed by the terrain within the town's boundaries, an average of four housing units per acre was used. At this density, the town would require between 2,330 and 2,840 acres of land within its jurisdiction to meet its requirements for residential uses. With a present developable land supply of 1,533 acres, the town was projected to require between 840 and 1,300 additional acres to meet its requirements to the year 2000.

Parcel "A" was proposed for residential and recreational uses and is included in the Town of Hinton's "Terrace Heights Area Structure Plan". This plan includes an 18 hole golf course. Portions of this parcel (ptn. of section 10) are required to complete the golf course and the first phase of residential development.

This parcel also contains the residential subdivision known as "Cecilia Park". This subdivision has existed for some time. While located on the outskirts of the town, the residents provided their own water and sewer services. The owners argued there would be a high cost to extend these services to their property and that these costs would be burdensome on the owners. Increased taxes were also a major concern.

It was pointed out that under existing Alberta law such a residential subdivision would not be permitted. The sole service road into the subdivision was from the town and for all intents and purposes it was an integral part of the Hinton community. To bring into the town only the remaining portions of the parcel would be to isolate and cut-off the subdivision from Improvement District No. 14 and make development of the remaining portions difficult.

Parcel "B" is south of an area locally known as the "Eaton Area" for which the Eaton Area Structure Plan by-law is in process. These land use policies would be extended into Parcel "A" with the uses proposed being residential and institutional.

The Town of Hinton desired to create an institutional centre for the town which was centrally located. It would include portions of Parcel "B", some vacant lands (62 acres) in the Eaton area and both the Hinton Hospital and the Forest Technology School. The growth and anticipated growth in the town has created a demand for sites for public uses. These include a high school, provincial office building, a consortium complex for adult education classes, a new municipal building and possibly a federal office building.

Parcel "C" was required to permit the comprehensive planning of and development of the Thompson Lake area of the Town of Hinton. A draft structure plan has been submitted to council for the area. It would also permit, if annexed to the town, the construction of an important transportation link which would service the area.

It was submitted that the Town of Hinton had the basic sanitary sewer and water utility plant capacity in place or it is being expanded to accommodate the development proposed for the present town area and the said territory. Servicing the said territory would be by a logical extension of these services. As the said territory, through off-site charges, would bear a portion of the cost of the major facilities, the economics of servicing lands now in the town would be improved.

Improvement District No. 14 approved the annexation of the said territory to the Town of Hinton.

The Municipal Planning Section of Alberta Municipal Affairs in supporting the annexation of the said territory to the Town of Hinton found it to be "logical" and "necessary from a planning point of view". It was pointed out that the present policy of the Provincial Government was to encourage resource developments when feasible to utilize existing urban communities, rather than establishing new urban sites to service the individual developments.

Alberta Agriculture, in a letter to the board dated June 19, 1981, advised it had no concern as "the lands in the area have little potential for agriculture given soils and climate."

By letter to the board dated June 3, 1981, Alberta Transportation advised that the "Department is in the planning stages of developing a Highway No. 16 by-pass route which will skirt the Town of Hinton". Accordingly, it reported:

"In summary the Department has no objections in principle to the annexation proposal before you with the recommendation that some type of provision be made such that once the highway alignment has been established, lands southerly of the alignment will be withdrawn from the town."

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 potential resource developments, will continue to grow in population and development, possibly in excess of current rates of growth.
2. That if resource development takes place in the region of the Town of Hinton on the scale projected, and if the policy of no new urban centres to service such developments is maintained, the Town of Hinton will have insufficient lands within its jurisdiction to meet its future long term growth demands.
3. That each parcel of the said territory will be a logical extension of planned developments now within the Town of Hinton; may be readily serviced with utilities from such developments within existing or planned utility plant capacity, and will be within the town's side of any re-routing or by-pass road for Highway No. 16.
4. That those lands within the said territory known as "Cecilia Park" are an integral part of the community of Hinton, are urban in character, and if not incorporated into the Town of Hinton, will prevent the logical development of lands to its south and west. It was anticipated that the question of servicing the subdivision will be done amicably and that the benefits received by being incorporated into the town will offset any anticipated problems.
5. That the application by the council of the Town of Hinton petitioning for the annexation of the said territory to the town, and thereby its separation from Improvement District No. 14, 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

West half of the north west quarter of section 18, township 51, range 24, west of the fifth meridian

All that portion of the south west quarter of section 19, township 51, range 24, west of the fifth meridian, lying south easterly of the north westerly limit of road plan 2755 J Y

All that portion of the north west quarter of section 19, township 51, range 24, west of the fifth meridian, lying south easterly of the north westerly limit of road plan 2755 J Y

All that portion of the south east quarter of section 10, township 51, range 25, west of the fifth meridian, not within the Town of Hinton

South west quarter of section 10, township 51, range 25, west of the fifth meridian

South west quarter of section 11, township 51, range 25, west of the fifth meridian

North east quarter of section 11, township 51, range 25, west of the fifth meridian
Excepting thereout legal subdivision 9

North half of the north west quarter of section 12, township 51, range 25, west of the fifth meridian

All government road allowances and government road allowance intersections intervening and adjoining the above described territory

(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, 1981, 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 1982, 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 1982, 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 January 1, 1982

Dated and signed at the City of Edmonton, in the Province of Alberta, October 15, 1981

Certified a True Copy.
B Clark, Secretary.

Local Authorities Board,
C I Shelley, Chairman
J Hammond, Member

SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE
AREAS AFFECTED BY BOARD ORDER No 14950

EFFECTIVE DATE JANUARY 1, 1982



AFFECTED AREA(S)

