

TOWN OF HINTON

ORDER No. 12771

FILE No. 96(A)1

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 to the boundaries of the town, in 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 the Province of Alberta, for annexation to the town of all that territory described as:

The north-west quarter of section 3, township 51, range 25, west of the fifth meridian.

Section 4, township 51, range 25, west of the fifth meridian.

All government road allowances and government road allowance intersections intervening and adjoining the above-described lands. Excepting thereout that north-south government road allowance and intersection adjoining the east boundary and south-east corner of the south-east quarter of section 4, township 51, range 25, west of the fifth meridian, (hereinafter called "the said territory")

and thereby, the separation of the said territory from Improvement District No. 14 and in respect to which the board held a public hearing on March 13, 1980.

In attendance at the hearing and representing the Town of Hinton were Mayor F.T. McArdell; D.B. O'Connell, Town Manager; H.K. Driver, planner; and Lorne Stadnick, engineer.

Owners having a leasehold interest in lands within the said territory and making a presentation were J. Barber, L. Karlowich, E. Maldoon, H.S. Hughes, L.M. Bennett and B. McKinney.

The said territory, containing approximately 800 acres, lies to the west and south of the Town of Hinton, and slopes north west towards the Athabasca River. Features which are prominent in the said territory are a large gravel pit and gravel piles in the northwest quarter of section 4, hills, ridges and wet areas. Highway 16 is a physical barrier between the west and east area of section 4. Northwest of the highway there is a ridge that parallels the highway. The land below the ridge gently undulates and is relatively flat. There is one small wet area at the boundary of the northwest quarter of section 4 just at the base of the ridge.

Southeast of Highway 16 there is a hollow, then a ridge which also runs parallel to the highway. At the north end of the ridge the slope steepens to an elevation of 1068 metres. From the ridge to the base of the hills in the southeast quarter of section 4 and northwest quarter of section 3 the land is relatively flat or gently undulating.

From the base of the hills the rise in elevation is from 1087 m to an elevation of 1126 m on the hill in the southeast quarter of section 4 and to 1141 m on the hill in the northwest quarter of section 3. Slopes greater than 10 per cent within the said territory occur.

There are small drainage courses within this area, as well as some wet sites. Drainage in this area is split between Maskuta Creek to the west and Happy Creek to the east, all of which run northwest into the Athabasca River.

The soils are severely limited for agriculture or grazing purposes due to adverse climatic conditions and stoniness of the terrain. The majority of the soils are classified in the Canada Land Inventory of soil classifications as the Hinton Association soils, with some classified within the Fickel Complex. While limited in agricultural use, the soils generally appear favourable for engineering work, and with the bed rock being close to the surface, soil stability is maintained.

The Town of Hinton is located in the upper foothills section which is a boreal forest region. The north-west area of the said territory, north of Highway No. 16, has a relatively sparse tree cover with poplar the dominant species. The area south east of Highway No. 16 contains spruce, pine, balsam and some poplar. Forest production would not be affected due to low productivity of timber for commercial purposes in the said territory.

All lands within the said territory are Crown-owned, but subject to a number of short term leases for grazing. Highway No. 16 cuts at an angle from the north-east corner of the north-west quarter of section 4, south west through the west half of section 4. A Trans-Mountain Pipeline parallels Highway No. 16 on its south side. The Town of Hinton proposed to purchase the said territory if annexed and, specifically the area south east of Highway No. 16, to develop it for residential purposes.

The Town of Hinton is situated on Highway No. 16, 276 kilometres west of Edmonton and 23 kilometres east of Jasper National Park gate. The economic health of the town is primarily dependant upon forestry operations and coal extraction activities, with tourism a growing industry. Specific resource development proposals anticipated in the 1980's, both new and additions, and the number of employment opportunities created, are estimated as follows:

|   |                         |
|---|-------------------------|
| (1) B.C. Forest Products                | 400 direct jobs         |
| (2) Expansion of Cardinal River Coals   | 150 direct jobs         |
| (3) Gregg River Resources Mine Proposal | 385 direct jobs         |
| (4) Obbeh-Marsh Strip Mine Proposal     | 300 direct jobs         |
|   | <u>1235 direct jobs</u> |

In addition, it was estimated that for each direct employment opportunity, .6 indirect employment opportunities would be created, or a total of 740 indirect jobs. Assuming an average household size of 3.7 persons, this would result in a projected population increase of 7,307. In respect to total population projections, the following estimates were made:

| Year | Low    | Medium | High   |
|------|--------|--------|--------|
| 1981 | 9,459  | 11,625 | 13,747 |
| 1986 | 10,492 | 12,897 | 15,550 |
| 1991 | 11,638 | 14,309 | 18,241 |

It was argued that, depending on the rate of growth in basic employment in such operations as coal and the timber industries, the population of 18,200 by the year 1991 was a probability.

It was pointed out that due to the high demand in the past two years of an average of 200 lots per year, the Town of Hinton was suffering from a lack of serviced residential land. Approximately 140 lots remained, which were anticipated to be exhausted in 1980. Approximately a further 80 acres is available and suitable for further development immediately. This would provide for approximately 380 to 400 housing units. While there were other areas of vacant land within the boundary of the Town of Hinton, totalling approximately 400 acres, all were subject to constraints to development, including servicing, development suitability, and problems of land ownership. It was argued that the said territory was the best area in that it had fewer restraints, and could be placed "on stream" at an earlier date.

It was estimated that to accommodate a population 18,000 by the year 1991, there would be required between 1,455 and 3,242 housing units, which, in turn, would require between 180 and 400 net acres of land. Normally this would represent 60 per cent of the gross land acres, but because of the Town of Hinton's more difficult terrain, it was estimated that between 450 and 1,000 gross acres would be required.

The water supply and treatment facilities and the sewage treatment facilities are supplied to the Town of Hinton by the St. Regis Paper Company, and in this respect, an agreement was recently entered into. Under the terms of the agreement the company supplied the town with 1.5 million gallons of potable water daily. It also received the town sanitary sewage effluent, which is subjected to primary and secondary treatment prior to being discharged into the Athabasca River.

Evidence was received as to how the said territory may be serviced with utilities. A sanitary sewer main would have to be extended from the said territory to the sewage treatment

plant. It was anticipated servicing costs would be recovered through the sale of the serviced lots by the town. As the Town of Hinton had prior experience in developing residential subdivisions, no problems were anticipated.

The Deputy Minister of Alberta Municipal Affairs, by letter dated July 16, 1979, to the Town of Hinton, advised:

"I have now received the comments of the Advisory Council in which they "agree to the proposed annexation subject to any compensation for any existing improvements as determined by Alberta Municipal Affairs." In this latter regard, at this time, we know of only an old dry water well and pumphouse that could be construed as an existing improvement. These are located in Cecilia Park. As far as I can see they have no value and, consequently, I would advise that the department has no conditions it would wish to impose on the lands suggested for annexation."

The Director of Improvement Districts Administration, by letter to the board dated November 16, 1979, expressed concern about a change from an original request for 8 quarters. The Town of Hinton, in reply, stated the present limited application was designed to expedite matters, and that a further annexation application was anticipated which would include the 3 quarters in question.

The Planning Services Division of Alberta Municipal Affairs, by letter to the board dated November 30, 1979, made the following comments:

- "1. The 1979 population of Hinton was 7,412 and is growing at an average rate of 6% per annum. It is likely to continue to grow at this rate due to coal developments in the region, but could inflate due to possible expansion of the mill.
2. The land in question is largely Crown-owned.
3. The proposed uses are residential and, along the existing highway, highway commercial. The Hillcrest subdivision has approximately 140 lots remaining to be developed and it is anticipated that they will all be developed during 1980. There is some land available in the valley section of town but the multiplicity of land owners and coordination problems has impeded development. Negotiations are underway to resolve the development blockage but the amount of developable land may only be enough to meet Hinton's needs for the short term.
4. Alberta Transportation and the town are studying the ultimate relocation of Highway 16. While the preliminary realignment of the highway will swing south of nearly all of the proposed annexation area, the exception being a portion of SW ¼ 4, rights-of-way and buffer requirements and access constraints will have to be dealt with in the overall planning for the area and adjacent land.
5. The Hinton General Plan 1979 identifies the proposed annexation area as the best expansion area to develop in terms of topography and soil conditions. It is capable of being serviced, but will be expensive initially due to extending service lines across undeveloped land not within the town's boundaries or applied for annexation (S ½ 10-51-25-W5). Once serviced, though, it will be easier to build on due to the reasons stated above.

Based on the above information, the Municipal Planning Section supports the annexation application in full. The proposed uses in the application are consistent with and a logical extension of the development of the town."

Alberta Transportation, by letter to the Board dated November 20, 1979, advised as follows:

"It is noted that the proposed annexation is located in an area presently under study by this department for future relocation of Highway 16. 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. It should be noted that the planned facility would be an ultimate multilaned divided roadway with limited access, with the likelihood of an interchange facility at the junction of Highways 16 and 40. Preliminary alignments that have been established would leave a portion of section 4 on the opposite side of the town's developed area. If annexation does proceed, then it will

be essential for the town to recognize the right-of-way needs for the basic roadway and associated facilities, buffer requirements and access constraints in the overall planning of the adjacent land use and development.

Also of more immediate concern is the gravel pit area in N.W. 4-51-25-5. This department has a lease on the W  $\frac{1}{2}$  and N.E.  $\frac{1}{4}$  of L.S.D. 12 and the S  $\frac{1}{2}$  of L.S.D. 13 for gravel removal for use in road gravelling and paving in the area. A gravel lease is also being arranged for the N  $\frac{1}{2}$  of L.S.D. 13. It is recommended that these areas be removed from the annexation so that the gravel operation may continue under its present status for as long as it is required.

This department will be pleased to discuss highway related requirements with the town at such time that their outline plans are being developed for this area."

Alberta Agriculture by letter to the board, dated November 28, 1979, advised it had no objection to the annexation of the said territory to the Town of Hinton.

The leasehold owners within the said territory expressed concern about the loss of their respective leases, which were presently used for pasturing of horses. It was argued there were no alternative sites available in the vicinity of the Town of Hinton, and if annexed and purchased by the town, alternative provisions should be provided.

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 or enlargements of existing ones, and being the logical urban centre to service such developments, will continue to grow in population and development.
2. That the Town of Hinton, because of constraints to development of lands currently within the town, requires additional territory to accommodate its projected growth in population.
3. That the said territory is a logical expansion to the Town of Hinton, may be readily and economically serviced with utilities, and will permit the town to meet any early demands for serviced residential lots.
4. That problems anticipated in respect to the inclusion of the gravel pit area, or by losses of grazing leases, are not insurmountable and should be easily resolved.
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 the Improvement District No. 14, the following described territory:

The north-west quarter of section 3, township 51, range 25, west of the fifth meridian.

Section 4, township 51, range 25, west of the fifth meridian.

All government road allowances and government road allowance intersections intervening and adjoining the above-described lands. Excepting thereout that north-south government road allowance and intersection adjoining the east boundary and south-east corner of the south-east quarter of section 4, township 51, range 25, west of the fifth meridian.

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

- II. That any taxes owing to the Improvement District No. 14 as at December 31, 1979 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 the Improvement District No. 14.

III. That the assessor for the Town of Hinton 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 Hinton, and in 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 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, 1980.

Dated and signed at the City of Edmonton, in the Province of Alberta this 31st day of March, 1980.

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

LOCAL AUTHORITIES BOARD,  
C. SHELLEY, Chairman.  
J. HAMMOND, Member.

## SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE  
AREAS AFFECTED BY BOARD ORDER No. 12771

EFFECTIVE DATE: JANUARY 1, 1980



AFFECTED AREA(S)

