

LOCAL AUTHORITIES BOARD

ANNEXATION OF LANDS
(The Municipal Government Act)

TOWN OF MAYERTHORPE

ORDER No. 12713

FILE No. 123(A)11

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 Mayerthorpe, to annex certain territory lying immediately adjacent to the boundaries of the town, in the County of Lac Ste. Anne No. 28.

Pursuant to section 20 of The Municipal Government Act, the Council of the Town of Mayerthorpe, 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:

All that portion of the north half of section 21, township 57, range 8, west of the fifth meridian, which lies to the south west of the north easterly limit of the highway as shown on road plan 2191 J.Y., together with that north south government road allowance lying westerly thereof.

(hereinafter called "the said territory")

and thereby the separation of the said territory from the County of Lac Ste. Anne No. 28, and in respect to which the board held a public hearing on March 4, 1980.

In attendance at the hearing and representing the Town of Mayerthorpe, were Mayor J.S. Jackson; Councillor R. Chaput, W. Palmer, Municipal Secretary; R.E. Mayne, planner; J.P. Van Praet, engineer; and M. Turfus, solicitor.

Presenting the position of the County of Lac Ste. Anne No. 28 was A.R. Koberstein, County Commissioner.

The Edmonton Regional Planning Commission was represented by its staff member, B. Clark.

Owners present or represented were G. Thews and Big Country Machinery Ltd., both of which expressed support for the annexation of their respective lands to the Town of Mayerthorpe. The other owner, Alberta Transportation, advised by letter it did not object.

The said territory lies south of the Town of Mayerthorpe, with the bulk of it containing approximately 67 acres, to the south of Highway No. 43, which cuts at an angle from the south to the north. To its west is the abutting Highway No. 22. Portions of the territory have been used for storage of materials during the upgradings of Highway No. 22, which has limited its agricultural capability. The soil is classed in the Canada Land Inventory as Class 3T in capability for agriculture.

The said territory was included within a petition of the Town of Mayerthorpe to annex certain lands, which was heard by the board on November 23, 1978. In respect to the said territory, the board, in Board Order No. 11439, reached the following conclusion:

"3. That for the Town of Mayerthorpe to cross a major highway, such as Highway No. 43, with all the resultant problems and expenses which may be created, it should illustrate that no other alternatives are available. With possible alternative sites to the east or west of the town, the possible utilization of the pipeline easements and adjacent areas, and through innovative planning, the inclusion of those lands south of the highway into the Town have not been illustrated and should be excluded until needed."

It was the Town of Mayerthorpe's argument that the best alternative the town had, was to expand southward across Highway No. 43. The Little Paddle River limited growth of the town to the north. The owner of the lands to the immediate northeast of the town had expressed reservations about his property being annexed to the town. To expand to the west would be to create a linear community between Highway No. 43 and the Canadian National Railway line. This would mean growth would be developed further away from the established infrastructure and amenities, creating difficulties.

The Town of Mayerthorpe was projected to continue its recent rates of rapid growth, and to reach a population of 3,000 persons by the year 2000. Reference was made to the regional resource developments in the petroleum and forest industries. While competing with the Town of Whitecourt to service these industries, the town was seen to have a different base—namely agriculture. It was to cater to the farm community and to serve its needs, specifically in respect to farm machinery dealerships, that the town desired the said territory. For farm machinery needs, area farmers now were required to travel to Barrhead, Drayton Valley and Edmonton. A number of farm machinery dealerships in the town needed room to expand. There were also indications that other dealerships would locate in the town if land was available. In this way, the town hoped to strengthen its commercial base, and in town, attract related services, making a more viable community. It was not proposed that the said territory be utilized for highway commercial developments as this use was to be located north of Highway No. 43, within the town's present boundaries.

Evidence was received that the long term intersection configuration for Highways No. 43 and No. 22 had been the subject of extensive study by Alberta Transportation, the town, and its consultants. A design was proposed which would assist traffic movements across Highway No. 43 in a safe and efficient manner.

Servicing of the said territory was reviewed showing that it may be done readily by the extension of existing utility lines located north of the highway. The proposed plan of development of the said territory indicated that access would be limited and from Highway No. 22. The said territory could provide some 15 to 20 lots ranging between 1 to 3 acres in size. Besides farm machinery dealerships, other light-industrial activities anticipated were warehousing, garages, equipment storage and servicing.

The County of Lac Ste. Anne opposed the annexation of the said territory to the Town of Mayerthorpe. It was claimed that the town had not demonstrated a "need", and it was not convinced that there were no alternative sites north of Highway No. 43 which could be utilized for light industrial purposes. Concern was expressed about the increase in traffic across Highway No. 43 that the development of the said territory would create.

The staff report to the Edmonton Regional Planning Commission supported the application of the Town of Mayerthorpe to annex the said territory to the town. It pointed to the lack of light industrial lands within the town, and the difficulty in obtaining alternative areas for these purposes. If annexed, it projected the said territory would provide sufficient lands for projected industrial growth in the Town of Mayerthorpe to the year 2001.

The staff recommendations to the commission were as follows:

"That the commission indicate to the Local Authorities Board that it does not oppose the proposed annexation with the following observations concerning land use:

- (1) A lack of alternative sites and direction for industrial expansion has been demonstrated by the town.
- (2) Development south of Highway 43 will increase highway crossing movement which could decrease highway safety until such time as an interchange is built."

At its meeting of February 6, 1980, the commission passed the following resolution:

"On a motion by Mrs. Bakker and Mr. Lehman, it was moved that the commission not support the annexation since

- (1) annexation of these lands could set a pattern for future growth of the town prior to consideration of a long term growth plan by the town;
- (2) development south of Highway No. 43 would create additional highway crossing movements which would decrease highway safety until such time as an interchange is constructed;

- (3) lands are of good agricultural capability and conversion to urban uses should be avoided until there is a demonstration of need for such lands in the town.

Carried."

Alberta Transportation, by letter to the board dated November 27, 1979, made the following comments:

"It is noted that the annexation area is on the opposite side of the presently incorporated and developed area of the town. From a highway operation standpoint, there is concern about development south of the highway which will increase demand for cross-traffic interaction with the existing town development. However, if in the overall community plan, it is considered desirable to extend urban development south of the highway, then every effort will have to be made to accommodate it.

Such factors as access control, service roads and noise attenuation requirements will need careful consideration in planning the development of the area if the annexation proceeds. Since Highway 43 is one of the major trans-provincial routes, there are plans for expanding the existing roadway to 4 lanes and for providing an interchange at the junction of Highway 22. It will also be important that the planning for this area recognize the need for the additional highway right-of-way for proposed improvements as well as the access restrictions that will be necessary to maintain free flow traffic conditions.

This department will be pleased to discuss highway related requirements with the town at such time that their land use or subdivision plans are being formulated."

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

1. That the Town of Mayerthorpe, because of its proximity to resource developments in its region, servicing a growing agricultural community, with its established amenities and past growth pattern, will continue to grow in population and development.
2. That the Town of Mayerthorpe will require additional lands to provide for its industrial requirements of the next twenty years.
3. That the Town of Mayerthorpe is limited as to the directions it may grow in an economical manner.
4. That the conflicts anticipated with cross-traffic of Highway No. 43 appear, with the cooperation of Alberta Transportation, to be solvable. With development limited to light-industrial within the said territory, Highway No. 43 should not act as a divisive factor upon the community. That the said territory is of limited agricultural value, and may be economically and readily serviced with utilities.
5. That the application to annex the said territory to the Town of Mayerthorpe 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 Mayerthorpe, in the Province of Alberta and thereupon be separated from the County of Lac Ste. Anne No. 28 the following described territory:

All that portion of the north half of section 21, township 57, range 8, west of the fifth meridian, which lies to the south west of the north easterly limit of the highway as shown on road plan 2191 J.Y., together with that north south government road allowance lying westerly thereof.

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

- II. That any taxes owing to the County of Lac Ste. Anne No. 28 as at December 31, 1979, in respect of the aforementioned properties shall transfer to and become payable to the Town of Mayerthorpe together with any lawful penalties and costs levied thereon in respect of any such taxes; however, upon the Town of Mayerthorpe collecting any or all of such taxes, penalties or costs, such collection shall forthwith be paid by the town to the County of Lac Ste. Anne No. 28.

III. That the assessor for the Town of Mayerthorpe 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 Mayerthorpe, 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 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 Mayerthorpe, 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 17th day of March, 1980.

Certified a true copy,
R. MYRONIUK, Acting 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.12713

EFFECTIVE DATE: JANUARY 1, 1980



AFFECTED AREA(S)

