

ORDER No. 11439

FILE: NO: 123(A)9

Before:

The Local Authorities Board for  
the Province of Alberta

In the Matter of The Municipal Govern-  
ment Act:

And in the matter of an application by  
the Council of the Town of Mayerthorpe  
to annex certain territory lying immedi-  
ately adjacent to the boundaries of the Town  
in the County of Lac Ste. Anne No. 28.

Pursuant to an application by the Council of the Town of Mayerthorpe in the Province of Alberta petitioning the Local Authorities Board for the Province of Alberta to annex to it certain territory as described in Schedule "B" attached to this Order (hereinafter called "the said territory") and thereby to separate the said territory from the County of Lac Ste. Anne No. 28, the Board conducted a public hearing into the matter, in the Town of Mayerthorpe, on Thursday, the 23rd day of November, 1978.

In attendance at the hearing and representing the Town of Mayerthorpe was Mayor, J. S. Jackson; Municipal Secretary, W. Palmer; Robert E. Mayne, Planner; and K. Korchinski, Engineer.

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 at the hearing and consenting to the annexation of their respective lands to the Town of Mayerthorpe were Paul F. Buxton, Ellis B. Granley, B. Buckler and Richard B. Granley. Written consent was also given by Alberta Housing. No owner opposed the application.

Historically, the Town of Mayerthorpe served mainly as a service centre to the surrounding agricultural region. More recently, with the establishment of petroleum and lumber resource developments in its region, the Town has had to increase the housing and serviced lands available to cope with the increasing demands. Continued growth of resource related developments in the region served by the Town was projected.

While population growth in the past had been slow, it had been steady, reaching a 1976 population of 1,020 people. During recent years, however, there had been more rapid growth. In the ten years prior to 1971 the annual rate of growth had been 4½ percent. This growth rate slowed between 1971 and 1976 with an actual loss of 18 people during this period. However, in the last two years there had been a growth rate of 12.1 percent per year, which had brought the present population for the Town of Mayerthorpe to 1,280 people.

Mayerthorpe has been identified by the Edmonton Regional Planning Commission as a "Natural Resource Based and Service Centre" and the population has been projected to reach 1,725 people by the year 1986. Consultants for the Town, making certain assumptions based on past trends and future developments in the region, projected the population for the Town in the year 2001 to be 3,080 people, or a further increase of 1,800 people over the next 23 years. Using a density ratio of 15 persons per acre and considering open space and school land needs, between 140 and 160 acres of residential lands would be required. There were now some 55 acres within the Town which could be used for these purposes, thus leaving a further minimum requirement of about 100 acres which should be annexed.

It was submitted that the Town of Mayerthorpe does not have available land for industrial uses, particularly larger sites for agricultural equipment sales and service. Lacking also, was highway commercial land, and specifically land with exposure to Highway 43. There was a considerable demand for this land use for motels, restaurants, service stations, and similar businesses. It was estimated the Town required approximately 30 acres for this purpose and a further 40 to 70 acres for industrial purposes.

The North half of section 21 in the said territory lies immediately south of the Town of Mayerthorpe, being intersected at an angle by Highway No. 43. Secondary Highway 755 forms the western boundary with the north-east corner touching the Canadian

National Railway. The lands are classified in the Canada Land Inventory as Class 3T, soils and are presently in agricultural use. The area is relatively level with a gentle slope in the north easterly direction. Natural depression presently carries storm waters toward the north-eastern corner of north-east quarter of section 21, and beyond this point towards the Paddle River. There is residential development in the Town on lands adjacent the north half of section 21 to the immediate north. Development is restricted on lands immediately north of Highway 43 by the Peace River Pipeline right of way, which parallels Highway 43 in the north-east quarter of section 21, and then angles across the northeast corner of the northwest quarter.

A proposed outline plan for the north half of section 21 was presented showing the highway commercial and residential developments to be between Highway 43 and the town boundary. Industrial uses were proposed for those lands located south of Highway 43. The Town of Mayerthorpe planned to land bank some 160 acres with the Alberta Housing Corporation for these purposes.

It was pointed out that the Town was now planning to construct utilities to serve residential developments in an adjacent area immediately north of section 21, and needed to know the disposition of its application in order that utility oversizing could be provided to service the said territory.

Utility servicing for the Town of Mayerthorpe was reviewed. The Town is presently in the planning stages for a water supply improvement project. The Town is considering the Paddle River as a source, it being more dependable than the nearby Little Paddle River to the immediate north of the Town. In conjunction with the water system improvements there would be the construction of a new clearwater storage reservoir and pump station. For design purposes, a population level of 5,000 persons is to be used.

Servicing of the north half of section 21 was reviewed, with the use of 12-inch water feeder mains and smaller laterals, with looping from other (residential) areas back to the pumphouse.

In 1977, the Town of Mayerthorpe upgraded its sewer system by the construction of a new lagoon, which has a capacity for 2,500 people and is expandable. A new sewage pump station has a capacity for up to 2,000 people, with outfall lines having a capacity for 4,000 people. Servicing the said territory can be achieved by tying into an existing 8-inch sanitary sewer and 15-inch trunk line.

It was proposed to utilize a natural depression which presently carries storm waters to the Little Paddle River, into an overall drainage plan. Initially, storm sewer collectors would discharge into the depression, until further development required alternative methods of control.

The other two parcels in the annexation proposal, namely in the north-west quarter of section 28 and the south-east quarter of section 29 were reviewed, and their serviceability illustrated. The latter parcel was proposed for immediate development for an automotive dealership while the other was proposed for residential uses.

The problems of the Town of Mayerthorpe expanding across Highway 43 to the south were reviewed. Discussions had been conducted between the Town and Alberta Transportation on an interchange between Highways 43 and 755, accesses and service roads. It was the Town's contention that the type of industrial development which would take place in this area (south of Highway 43) would not likely generate traffic volumes which would create problems. The Town pointed to other problems in accommodating such development — the desire for highway exposure by farm machinery dealerships, — the limitations on expanding north across the Little Paddle River, — and the lack of sufficient area within the existing Town to accommodate the desired growth plans of those businesses wishing to relocate.

The County of Lac Ste. Anne No. 28 considered the application of the Town at its meeting of September 14, 1978, and consented to the Town of Mayerthorpe annexing to it all of the said territory lying to the north of Highway 43. It objected to the annexation of the lands to the south of Highway 43 "... as same is considered poor planning. Similar situations have occurred in the past creating problems in the future."

A resolution was passed by the Edmonton Regional Planning Commission "that the land for annexation to the north of Highway No. 43 be supported." The staff had pointed

out to the Commission the following:

"The highway commercial-light industrial area south of the highway apparently is developable and serviceable. However, crossing the highway raises a number of long-range land use and urban form issues which the Town, and the Commission, have as yet not fully addressed. Recently the Town has been developing in a linear pattern parallel to Highway No. 43. If the Town is going to continue to develop in this pattern crossing the highway is a break with this trend and thus becomes questionable. If linear growth is to be sustained industrial areas north of the Canadian National Railway or in proximity to another access point to Highway No. 43 would have to be considered. If the Town is going to break with the linear development pattern and focus concentric growth around the existing core, the future interchange area plans will have to be prepared to indicate how existing and future developments can be related to each other and tied back to a single major access point at the interchange."

By letter to the Board, and presented at the hearing, dated October 24th, 1978, Alberta Transportation made the following comments:

"The department appreciates the Town's wish to accommodate the need for development. Since Highway 43 is one of the major trans-provincial traffic arteries, it is considered vital that development plans should not in any way cause restriction in the free flow of traffic on the highway. It is important that such aspects as access control, service roads and noise attenuation requirements are provided for as well as provision for future highway expansion."

"In this regard at a recent meeting with town officials, there appeared to be no disagreement with respect to these matters. No provisions can be made for additional intersections which will involve cross traffic or left turning movements, nor access or egress on the south side of the highway. The plans for the future grade separation to provide free-flow access to the Town was also discussed, and it is hoped that these may be finalized shortly. It will be necessary to widen Highway 43 to a four-lane standard in the near future, and it is essential that any development along the highway arising from the annexation fully recognizes this."

"From a highway operations standpoint, there is concern about development south of the highway which will increase demand for cross traffic interaction with the Town and its development north of the highway. Nevertheless, 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 the above conditions."

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 is, and will continue to serve resource developments and agriculture in the region, serving an increasing trading area, and the Town will continue to grow in population and in commerce.
2. That the Town of Mayerthorpe will require additional lands to meet its residential, commercial and industrial needs of the next 15 to 20 years.
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.
4. That the said remaining territory is a logical expansion to the Town of Mayerthorpe and may be economically serviced with utilities within the Town's plant capacity.

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 territory described in Schedule "C" attached to this order.

(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, 1978, 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 1979, 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.

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 1979, re-assess or re-value, as the case may be, all properties that are assessable or subject to variation under the terms of The Electric Power and Pipe Line Assessment Act and 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, 1979.

Dated and signed at the City of Edmonton, in the Province of Alberta, this 12th day of February, 1979.

Certified a true copy,

B. CLARK, Secretary.

LOCAL AUTHORITIES BOARD,

D. A. BANCROFT, Chairman,

TOM LAUDER, Member,

JOHN A. HAMMOND, Member.

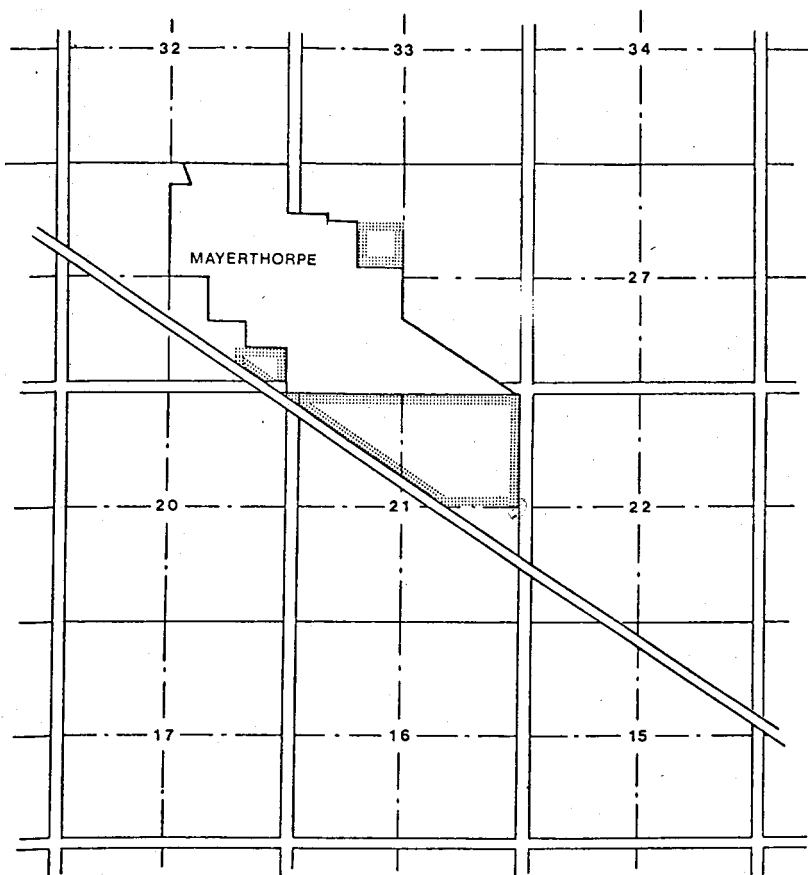
## SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE  
AREAS AFFECTED BY BOARD ORDER No. 11439

EFFECTIVE DATE: JANUARY 1, 1979



AFFECTED AREA(S)



## SCHEDULE "B"

## TERRITORY PROPOSED FOR ANNEXATION

The north half of section 21, township 57, range 8, west of the fifth meridian, excepting thereout the right of way of the Peace River Branch of the Canadian Northern Western Railway as shown on Railway Plan 6618 B.F.

That north-south government road allowance adjoining the west boundary of the northwest quarter of section 21, township 57, range 8, west of the fifth meridian.

All that portion of the southeast quarter of section 29, township 57, range 8, west of the fifth meridian lying to the north of the road as shown on Plan 2191 J.Y., and lying to the south of the south boundary and its extension westerly of lot 3, block 7, Plan 772-1456 and of the south boundary of 46th (4th) Avenue as shown on plans 2301 E.T. and 8371 E.T. and lying to the east of a line drawn parallel to the west boundary of the road as shown on Plan 1350 K.S. and 1418.25 feet perpendicularly distant westerly therefrom.

All that portion of the northwest quarter of section 28, township 57, range 8, west of the fifth meridian bounded as follows:

On the north by a line drawn parallel to the north boundary of the said quarter section through a point on a line drawn parallel to the west boundary of the said quarter section and eleven hundred and fifty-one and five tenths (1151.5) feet perpendicularly distant easterly therefrom, said point being eleven hundred and eighty-five and four tenths (1185.4) feet north of the point of intersection of the said secondly described parallel line and the northerly boundary of Block (A) Plan 373 C.L. on the west by the east boundary of plans 4264 N.W., 637 H.W. and 2706 H.W., on the south by the north boundaries of plans 2706 H.W. and 772-1186 and on the east by the east boundary of the said quarter section.

## SCHEDULE "C"

## TERRITORY ANNEXED BY THIS ORDER

That portion of the north half of section 21, township 57, range 8, west of the fifth meridian, which lies to the northeasterly of the highway as shown on Road Plan 2191 J.Y., excepting thereout the right-of-way of the Peace River branch of the Canadian Northern Western Railway as shown on Railway Plan 6618 B.F.

That portion of that north-south government road allowance adjoining the west boundary of the northwest quarter of section 21, township 57, range 8, west of the fifth meridian which lies northerly of the production northwesterly and southeasterly across the road allowance of the northeasterly limit of Road Plan 2191 J.Y.

All that portion of the southeast quarter of section 29, township 57, range 8, west of the fifth meridian lying northerly of the northeasterly limit of the road as shown on Road Plan 2191 J.Y., and lying to the south of the south boundary and its extension westerly of lot 3, block 7, plan 772-1456, and the south boundary of 46th (4th) Avenue as shown on plans 2301 E.T. and 8371 E.T. and lying to the east of a line drawn parallel to the west boundary of the road as shown on Plan 1350 K.S. and one thousand, four hundred and eighteen and twenty-five hundredths (1418.25) feet perpendicularly distant westerly therefrom.

All that portion of the northwest quarter of section 28, township 57, range 8, west of the fifth meridian bounded as follows:

On the north by a line drawn parallel to the north boundary of the said quarter section through a point on a line drawn parallel to the west boundary of the said quarter section and eleven hundred and fifty-one and five tenths (1151.5) feet perpendicularly distant easterly therefrom, said point being eleven hundred and eighty-five and four tenths (1185.4) feet north of the point of intersection of the said secondly described parallel line and the northerly boundary of block (A), Plan 373 C.L. on the west by the east boundary of plans 4264 N.W., 637 H.W. and 2706 H.W., on the south by the north boundaries of plans 2706 H.W. and 772-1186 and on the east by the east boundary of the said quarter section.