

ORDER NO. 5040

FILE. L.A. 73-A

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 Town of Olds for annexation of certain territory lying adjacent thereto in the County of Mountain View No. 17.

Pursuant to an application by the Town of Olds petitioning for annexation of (1) all of the south-east quarter of section 6, township 33, range 1, west of the fifth meridian together with all of Highway No. 27 which adjoins the south boundary of the said quarter section and (2) all of legal subdivision 8 of section 32, township 32, range 1, west of the fifth meridian; the Board conducted a public hearing of the matter in the said town on September 14th, 1970.

Representing the Town of Olds were Secretary Frank Colvin and Town Superintendent McPhee. Mayor Edgar and Councillor McGillivray also attended the hearing.

The County of Mountain View No. 17 was represented by Reeve Bagnall, Assessor Reg Baldwin, Councillor Earl Dodd and Secretary-Treasurer Frank Dawley.

Red Deer Regional Planning Commission was represented by Geoffrey Harris and Gordon Arthur.

Counsel W. O'Neill appeared for Olds Auction Mart Limited, owners of lands in legal subdivision 8 of section 32, township 32, range 1, west of the fifth meridian.

Murray Alm, owner of farm lands in legal subdivision 8 of section 32 appeared on his own behalf.

Clark Owens appeared on behalf of Bill and Albert Owens as well as on his own behalf. The Owens own properties outside the annexation territory.

John Kearney appeared in connection with the trailer court development in the south-east quarter of section 6, township 33, range 1, west of the fifth meridian.

The town represented generally that the two areas should be annexed to the town for the following general reasons:

(a) Legal subdivision 8 of section 32, township 32, range 1, west of the fifth meridian is required for the initial stage or phase of the town's proposed industrial park tentatively designed for development in legal subdivisions 1, 2, 3, 7 and 8 of section 32.

The town has need of increased industrial development and the lands in legal subdivision 8 are suitable for this purpose due to their topography, lack of fragmented development, economical utility servicing from the town's existing utilities, access to Highway 2A and easy servicing by spur rail lines from the existing railroad in legal subdivisions 3 and 7 of section 32.

The town has not a sufficient supply of acreage lots for potential industrial development, the town's industrial area to the north-east (south-east quarter of section 5, township 33, range 1, west of the fifth meridian) being largely developed.

The town provides sewer and water services and road services to the Auction Mart in legal subdivision 8 fronting the town's 7th Street and should be annexed to the town in order that the property could be assessed for future street improvement plans.

The remaining undeveloped lands in the south half of section 5, township 33, range 1, west of the fifth meridian west of the tracks should not be developed for industrial purposes, the lands being suitable for future residential, park, playground use when new sewer and water mains become available.

(b) the south-east quarter of section 6, township 33, range 1, west of the fifth meridian is suitable for establishment of a trailer court which will require the town's utility services.

The landowner (E. A. Spreeman) consents to the proposed annexation of the south-east quarter of section 6 to the town.

The town's sewer and water utilities lie adjacent to legal subdivision 2 of section 6.

The County of Mountain View agreed to the annexation of the south-east quarter of section 6, township 33, range 1, west of the fifth meridian to the town but opposed the annexation of legal subdivision 8 of section 32, township 32, range 1, west of the fifth meridian on the following general grounds:

(a) the town has an adequate supply of undeveloped lands without annexation of legal subdivision 8.

"Excess" residentially zoned lands could be re-zoned for industrial use if required.

The south-east quarter of section 6, township 33, range 1, west of the fifth meridian would be suitable for Highway Commercial and industrial development.

(b) Legal subdivision 8 is already developed for auction mart, farm headquarters and residence.

These uses are rurally oriented and should not be prejudiced by annexation and urban-type by-laws.

Legal subdivision 8 will provide little area for a proposed industrial park.

(c) Since the County has a development control by-law and an agreement with the Town of Olds through the Red Deer Regional Planning Commission to refer all developments within one mile of the town boundaries to the town for approval, the town has no need of legal subdivision 8 for development control.

(d) the annexation of legal subdivision 8 will result in increased taxation to the developments therein contained — auction mart, farm headquarters and residence.

(e) increased traffic should not be generated on Highway 2A from legal subdivision 8.

The Red Deer Regional Planning Commission staff submitted generally that the town had need of additional highway commercial and industrial sites and residential trailer site. The staff suggested that the south half of the south-east quarter of section 6, township 33, range 1, west of the fifth meridian would provide the trailer site and some highway commercial sites but that an additional (to legal subdivision 8) and larger area in south-east quarter of section 32, township 32, range 1, west of the fifth meridian would be desirable for development of the

proposed Olds Industrial Park for which the Commission staff had prepared a design sketch. Only Stage I of the proposal could be accommodated in legal subdivision 8 — that for light industry warehousing and manufacturing.

Counsel for the Olds Auction Mart represented that legal subdivision 8 of section 32 should not be annexed to the town for the following general reasons:

(a) the town has not adopted a general plan for the development of legal subdivision 8 and adjoining lands in the south-east quarter of section 32, township 32, range 1, west of the fifth meridian.

(b) development of legal subdivision 8 for further industrial uses is in conflict with the present development policy to place such developments to the north-east of the town.

(c) legal subdivision 8 is already developed for auction mart, farm headquarters and residence and would provide nothing for an industrial park development without other lands.

(d) the town, in effect, has development control over legal subdivision 8 by agreement with the county and Planning Commission; and thus has no need to annex legal subdivision 8.

(e) annexation of the Auction Mart to the town would result in its operation being adversely affected by:

- (1) increased taxes
- (2) restrictive urban by-laws
- (3) sharing the town's debt burden
- (4) a diminution in the value of the Mart as an operating business oriented to rural needs

After considering all the evidence placed before it, the Board has reached the following substantial conclusions:

(1) the annexation of legal subdivision 8 of section 32, township 32, range 1, west of the fifth meridian to the town should not be granted at this time, since the town has not adopted a plan of development for legal subdivision 8 and adjoining lands and does not appear to have consent to the proposal from the landowners — the farm landowner who originally consented to the annexation proposal having later set conditions to agreement with the town's proposal.

The Board appreciates the town's concern respecting distribution of frontage charges which may originate by the town improving its 7th Street in front of the Auction Mart which facility presently enjoys the town's sewer, water and other services, but does not consider this annexation factor as a compelling one in the circumstances.

(2) the annexation of the south-east quarter of section 6, township 33, range 1, west of the fifth meridian should be granted for the purposes outlined in the application.

The site is serviceable and its southerly development will aid in the eventual residential development eastward into the north half of the south-east quarter of section 5, township 33, range 1, west of the fifth meridian already within the town's limits.

It is ordered therefore as follows:

I. That all of the south-east quarter of section 6, township 33, range 1, west of the fifth meridian, together with all of Highway No. 27 which adjoins the south boundary of the said quarter section, shall be annexed to the Town of Olds, Alberta and thereupon be separated from the County of Mountain View No. 17.

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

II. Any taxes owing to the County of Mountain View No. 17 as at December 31st, 1970 in respect of the aforementioned annexed properties shall transfer to and become payable to the Town of Olds, together with the amount of any lawful penalties and costs levied thereon in respect of such taxes; however, upon the Town of Olds collecting any or all of the said taxes, penalties or costs, such collections shall forthwith be paid by the Town to the County of Mountain View No. 17.

III. The assessor for the Town of Olds shall for taxation purposes commencing in the year 1971, re-assess or re-value, the lands and assessable improvements thereon which are by this Order annexed to the town so that the assessment or valuation thereof shall be fair and equitable with other lands and assessable improvements in the town.

IV. 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 1971, 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 Olds, so that the assessment or valuation shall be fair and equitable with properties of a similar nature.

V. The effective date of this Order shall be the 1st day of January, 1971.

Dated and signed at the City of Edmonton, in the Province of Alberta, this 21st day of January, 1971.

Certified a true copy,

W. C. ELLIOTT (Secretary).

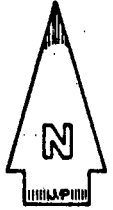
LOCAL AUTHORITIES BOARD,
C. G. MACGREGOR (Chairman).

SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION
OF THE AREAS AFFECTED BY ORDER No. 5040
EFFECTIVE DATE - JANUARY 1, 1971



AFFECTED AREA(S)



OLDS

