

Before:

The Local Authorities Board for  
the Province of Alberta.

In the matter of The Local  
Authorities Board Act:

And in the matter of an appli-  
cation by Fred and Irma L.  
Dusdal of Olds, Alberta petition-  
ing for separation of Block "D",  
Plan 4735 H.B. from the Town  
of Olds, Alberta.

Pursuant to an application from Fred and Irma L. Dusdal of Olds  
in the Province of Alberta petitioning for the separation of all of Block  
"D", Plan 4735 H.B., containing twenty-two and twelve hundredths

(22.12) acres, more or less, being a part of the north half of section 31, township 32, range 1, west of the fifth meridian, as described in Certificate of Title No. 132-W-129, the Board conducted a public hearing of the matter in the Town of Olds on February 5, 1973.

The applicants were represented by their Counsel L. W. Yuzda, B.A. L.L.B. who had in attendance Mr. and Mrs. Dusdal as witnesses.

The Town of Olds was represented by William McPhee, town manager.

The County of Mountain View No. 17 was represented by Councillor Earl Dodd and County Commissioner F. J. Dawley.

Mr. Gordon Arthur represented the Red Deer Regional Planning Commission.

The applicants represented generally that the parcel should be separated from the town because:

- (a) the lands are not required by the town for industrial or residential uses.

The town has within its present limits, exclusive of Parcel "D", sufficient lands for these purposes.

- (b) the lands, being divided by a creek into which the town's out-fall storm sewer empties, is not readily developable and is best suited to "open space" use, its present use — a non-urban use.
- (c) the lands containing twenty-two and twelve-hundredths (22.12) acres are farmed as a unit along with eighty (80) acres of pasture land rented in the same quarter section (from Belida). The owners operate a livestock-raising, trucking and small trading (of "junk") operation, which combine to provide them with a living. (Board note: At the time of the hearing, the principal income was stated to be from the livestock (farming) operation.)

The operation of the farm unit comprising one hundred and two (102) acres suffered a severe and unjust increase in taxation in 1972 by reason of a large increase in the assessment of the twenty-two (22) acre farm parcel "D" 's land assessment from \$4500 in 1971 to \$13,140 in 1972.

Separation of the parcel to the rural municipality should be granted or failing this, the parcel should be protected by Board Order from urban assessment and taxation and be assessed and taxed as part of a rural farm unit for the years 1973, 1974 and 1975, subject to right to apply for extension on application.

The Town of Olds opposed the separation of Parcel "D" primarily on the grounds that it had a very limited supply of sizeable property remaining within its limits which fronted Highway No. 27 and thus had a need of the lands within its limits.

The County of Mountain View No. 17 also opposed the separation of Parcel "D" and the included Block "F" of Plan 4735 H.B. from the Town of Olds generally because:

- (a) the separation of Block "D" alone would create an "island" of Block "F", an unsatisfactory situation.
- (b) the town, in due course, will have need of Block "D" and adjoining undeveloped lands for urban expansion purposes.

The Red Deer Regional Planning Commission representative also spoke in favour of retention of Block "D" (and "F") in the town in case of need for future highway-type of development.

After considering all the evidence that has been placed before it, the Board has decided that the application for separation should not be granted for the following substantial reasons:

(1) separation of Block "D", which would entail the arbitrary separation by the Board of Block "F" to avoid creation of an "island" of county administrative jurisdiction within the town limits, would leave an undesirable wedge of county land jutting into the town's western extremities.

(2) the north-east quarter of section 31, township 32, range 1, west of the fifth meridian is highly fragmented and is viewed as having certain industrial portions immediately east of Parcel "D", and a strip of residential development along its remaining eastern limits, with the possibility of highway commercial uses along No. 27 and residential reserve in the balance of the quarter.

The Board deems these to be lands reasonably needed by the town over the next several years.

(3) in refusing the separation, the Board is prepared to include in its Order a "farm unit clause" similar to that sought by the applicant; however, the Assessor, for the Town of Olds shall determine the applicability of the Board's conditional Order to the Dusdal's property in each or any year.

If in each year cited in the Order, Parcel "D" is assessed as farm land and used along with the adjoining rented eighty (80) acres of pasture land in connection with "the raising of livestock . . .", and the Dusdals derive from that activity thereon an income sufficient to provide a livelihood, the applicants should under terms of the Order, not suffer a taxation hardship.

It is ordered, therefore, as follows:

I. That the application of Fred and Irma L. Dusdal of Olds in the Province of Alberta for separation of Block "D", Plan 4735 H.B., being a part of the north half of section 31, township 32, range 1, west of the fifth meridian, containing twenty-two and twelve-hundredths (22.12) acres, more or less, as described in Certificate of Title No. 132-W-129, from the Town of Olds, Alberta and its annexation to the County of Mountain View No. 17 be and is hereby refused.

II. That the assessor for the Town of Olds shall for taxation purposes in the years 1973, 1974 and 1975 re-assess the parcel of land described at Clause I comprising a "farm unit" as referred to in The Municipal Taxation Act, and the farm improvements thereon used in connection with the raising or production of crops or livestock or both, or in connection with fur production or beekeeping, on the same basis of assessment as would be applicable to them had such land and farm improvements been situate in the County of Mountain View No. 17, provided, however, that if:

- (a) the said land, or a part thereof is further subdivided; or if
- (b) the town, by resolution of council, or the owners or other interested person, in writing establishes before the Board that for other good and sufficient reason the provisions of Clause II should be varied or rescinded,

application may be made to the Board for an Order to implement such a change.

III. That the Town of Olds shall tax the aforescribed Parcel "D", Plan 4735 H.B. for the years 1973, 1974 and 1975 at the appropriate mill rates in effect in the town.

IV. That the effective date of this Order shall be the 1st day of January, 1973.

Dated and signed at the City of Edmonton, in the Province of Alberta, this 14th day of August, 1973.

LOCAL AUTHORITIES BOARD,  
I. MORRIS, Member.

Certified a true copy,  
B. CLARK, Secretary.

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