

GAZ: June 15/79

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
majority of owners petitioning for the
annexation of certain territory to the Town
of Ponoka and thereby its separation from
the County of Ponoka No. 3.

Pursuant to an application by the majority of owners of that territory described as follows:

All that portion of the northwest quarter of section 5, township 43, range 25, west of the fourth meridian not within the Town of Ponoka. Excepting thereout that portion which lies north of a line drawn parallel with the north boundary of the said quarter section from a point on the west boundary of the said quarter section 1947 feet north of the intersection of the said west boundary with the north limit of Road Plan 138K and west of a line drawn parallel with the said west boundary 330 feet easterly therefrom, (Hereinafter called "the said territory")

which said territory lies immediately adjacent to the Town of Ponoka, Alberta, petitioning for the annexation of the said territory to the Town of Ponoka, and thereby its separation from the County of Ponoka No. 3, the Local Authorities Board, for the Province of Alberta, held a public hearing in the matter on the 24th day of January, 1979 in the said Town.

Applicant owners, Gerald Haseloh and Guy B. Wilders were represented by H. J. Noble, Solicitor. Appearing on behalf of the Town of Ponoka was Municipal Manager, D. L. Saunders and Councillor N. Basarsky. As the Staff Member designated to assist the Town of Ponoka with its planning, Roy Heilman of the Battle River Regional Planning Commission, also appeared on behalf of the Town. No one formally appeared to represent the County of Ponoka, although Councillor I. Ashton was present and advised that the County Council had no objection to the annexation application.

The said territory lies to the west of the Town of Ponoka, touching the Town's boundaries on the east and south, where Highway No. 53 enters the Town. The said territory consists of two parcels; the largest containing 93.36 acres owned by G. Haseloh.

and a 14.75 acre parcel belonging to G. B. Wilders. To the west of the said territory across the north-south road allowance, is the Town-owned cemetery. To the east is residential development, with limited Highway commercial development on lands abutting Highway No. 53 to the south. The lands are presently in agricultural use with the exception of a machine repair business on Highway No. 53.

With the exception of a small parcel containing 5.25 acres in the northwest corner, and a narrow road widening reserve to the south of the Wilder property, this application would, with previous annexation, complete the annexation to the Town of Ponoka of the whole of the northwest quarter of section 5. The Canada Land Inventory classes the land as Class 3 soils.

Plans were under way for residential developments on adjacent lands in the southeast (Lot A) and to the east (Lot E). In these developments, water and sanitary sewer services were being designed with capacity sufficient to accommodate development of the said territory. Although Mr. Wilder did not presently have any plans to develop his lands, he informed the Board, that he had signed the petition on the request of Mr. Haseloh.

It was submitted that the Town of Ponoka's general plan, currently being revised, contemplated the inclusion of the said territory within the Town's jurisdiction. The applicants argued it was a logical expansion of the Town's westward growth. While there were other areas within the Town designated for residential development; there were a limited number of residential lots available for building on in the west portion of the Town. The residential development of these lands would not only provide a choice of area where one may desire to live, but also competition. Further, the lands were found poor for agricultural uses, producing poor crops, and were best used for urban purposes.

The Council of the Town of Ponoka supported the application, but subject to the inclusion of all the remaining portions of the quarter section and the north-south road allowance to the west. Evidence was given of the Town's capacity to service the area with water and sanitary sewer services. A one million gallon water reservoir was currently being constructed in the area. Further, a deep storm sewer would be constructed to the south of Highway No. 53 in 1979, which would accommodate the development of the said territory. A 16-inch sanitary sewer line was being constructed in industrial lands to the south. While conceding that the Town of Ponoka may now have within its boundaries sufficient lands for residential development to meet the projected population growth to the year 2001, it did lack land in this area of the Town. Further, some of the other areas were designated for higher class residences, and this, when developed, would cater to the lower cost housing needs for a segment of the population, thus providing a variety of choice.

Mr. Heilman suggested that the inclusion of the said territory within the boundaries of the Town of Ponoka would contribute to the orderly and sound planning of the community. A population of 10,000 people was projected for the Town by the year 2001, versus a current population of approximately 4,600 people. As the northwest sector of the Town would soon be developed, the said territory would permit a choice of areas for residential development.

Alberta Transportation, by letter to the Board, dated November 23, 1978, advised "... The proposed annexation is adjacent to Highway No. 53. Additional right of way may be required for future expansion of the highway facility, and if needed, should be incorporated into the Town's subdivision or outline plans at such time that these are developed.

"Access from the Highway to the proposed annexation area will be controlled by the Department. The approval of additional access locations to serve the proposed annexation area will be governed by highway geometrics and anticipated traffic volumes. Special treatment of the highway intersections serving the proposed annexation area may be deemed necessary if there will be a significant increase in concentrations of traffic. The cost for this requirement would be the responsibility of the Town, and/or the owner or developer of the land.

"The provision of a buffer strip and/or noise attenuation devices may be required along the Highway route depending on type of abutting land use and development.

"The Department will be pleased to review and discuss the Town's development plans relative to the Highway in this area."

The Board, having considered the evidence presented to it at the hearing, has reached the following conclusions:

1. That the Town of Ponoka, being located in the fast-developing Calgary-Edmonton corridor, its trading area containing a population of 20,000 persons, and because of its established services and amenities, will continue to grow in population and development.
2. That, while additional lands are not necessarily required to meet the future residential needs of the Town of Ponoka, there is an absence of residential lands in the west and north sector of the Town, and that the said territory is a logical area for the Town's expansion.
3. That the Town of Ponoka has sufficient plant capacity to service the said territory, both readily and economically, with water, storm and sanitary sewer.
4. That any problem related to Highway No. 53 and development of the said territory may be solved through negotiations.
5. That the application to annex the said territory to the Town of Ponoka should be granted in full, with the problem of areas and roads not included being left for the Town to deal with, perhaps making its own application for annexation.

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 Ponoka, in the Province of Alberta, and thereupon be separated from the County of Ponoka No. 3 the following described territory:

All that portion of the northwest quarter of section 5, township 43, range 25, west of the fourth meridian not within the Town of Ponoka. Excepting thereout that portion which lies north of a line drawn parallel with the north boundary of the said quarter section from a point on the west boundary of the said quarter section 1947 feet north of the intersection of the said west boundary with the north limit of Road Plan 138K and west of a line drawn parallel with the said west boundary 330 feet easterly therefrom.

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

- II. That any taxes owing to the County of Ponoka No. 3 as at December 31, 1978, in respect of the aforementioned properties shall transfer to and become payable to the Town of Ponoka together with any lawful penalties and costs levied thereon in respect of any such taxes; however, upon the Town of Ponoka collecting any or all of such taxes, penalties or costs, such collection shall forthwith be paid by the Town to the County of Ponoka No. 3.

- III. That the assessor for the Town of Ponoka 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 Ponoka, 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 1979, 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 Ponoka, so that the assessment or valuation shall be fair and equitable with properties of a similar nature.

