

## TOWN OF ROCKY MOUNTAIN HOUSE

ORDER No. 13583

FILE No. 156(A)2

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 Rocky Mountain  
House, in the Province of Alberta, to annex  
certain territory lying immediately adjacent  
thereto in Improvement District No. 10.

Pursuant to section 20 of The Municipal Government Act, the Council of the Town of Rocky Mountain House, 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 set forth and described in Schedule "B" attached hereto (hereinafter called "the said territory") and thereby separation of the said territory from Improvement District No. 10 and in respect to which the board held public hearing on September 4, 1980.

The Town of Rocky Mountain House was represented by Mayor P.L. Soppit, P.D. Lyster, Town Manager, and T. Paisley, technician.

Appearing on behalf of Improvement District No. 10 were S. Forsyth, Chairman of the Advisory Council, R. Anderson, Assistant Manager and C. Skoedopole.

The Red Deer Regional Planning Commission did not take a position on the matter but did have available staff members C. Dack, planning adviser to the town and R. White, planning adviser to Improvement District No. 10.

Owners making representations at the hearing were L.H. Roth, E. Wilson, P. Jarvis, and N. Beno. S. Nelson appeared on behalf of the Rocky Mountain Gas Co-op.

The Town of Rocky Mountain House is located on the east bank of the North Saskatchewan River, approximately 54 miles west of the City of Red Deer on Highway No. 11. While historically the town dates back 180 years, it was in 1911, with the coming of the Canadian National Railway to service the coal mines in the west, that a community was established at the present townsite. The town was originally established to service the local farming community and forest developments to the west. This role has changed in recent years to include the servicing of large resource developments in this region, particularly in oil and gas, with the additional potential of coal development foreseen. With the recent development of the David Thompson Highway (Highway No. 11) tourism is gaining in importance as an industry for the town and surrounding areas.

Potential is foreseen for growth in all these areas, with a continuing impact on the town. As urban development is lacking to the west, urban growth it was suggested, would be concentrated in the town.

From 1921 to 1955 the growth in population of the Town of Rocky Mountain House averaged between 2 and 4 percent per year. This accelerated in the period to 1961, averaging 5 percent, with a declining rate following thereafter. The population rate has since escalated with a population in 1975 of 3,360 increasing to 4,467 in 1980. The town projected its future growth rate to average 5 percent per annum (a population of 12,000 by the year 2000) and the Red Deer Regional Planning Commission estimated the town would have a population of 17,000 by the year 2000. To meet the demands in residential, industrial and commercial land uses, it was claimed that the town required additional territory. It was estimated that for a population of 12,000, the town would require 495 acres for residential purposes and 150 acres for commercial-industrial uses. The town currently has 30 acres which are designated for residential purposes.

The Town of Rocky Mountain House recently conducted a utility engineering study which included the said territory within the study area. The town obtains its raw water from the North Saskatchewan River. The system includes a one million gallon underground treatment water reservoir and 300,000 gallon water tower, from where water is distributed throughout the town. An additional one million gallon reservoir is recommended for the industrial area east of Highway No. 11.

Treatment of the Town of Rocky Mountain House's sanitary sewage is provided by four anaerobic ponds and two aerobic storage cells. A sanitary trunk sewer has been completed which provides for future extensions to service the industrial area east of Highway No. 11. Some problems have occurred due to sandstone being located at shallow depths throughout the town. The system includes two lift stations which will require additional pumps. The existing system has a design capacity to service approximately 4000 persons, and improvements, to bring its capacity to 12,000 persons, have been recommended. The estimated cost of such improvements is one million dollars. It was anticipated that most of these costs would be recovered through off-site cost levies against future developments, and Provincial Government assistance.

The Town of Rocky Mountain House is bisected by a high ridge that runs in a north westerly direction with a major portion of the existing town draining to the south west of this ridge. Four major pipe systems drain storm waters from the main portion of the town, with some portions drained by open ditches. Recommendations have been made for improvements which would service the said territory. In the new areas the cost would be partially recovered by off-site levies.

The said territory, containing approximately 1,631 acres, lies in four sectors, to the south, the north and east of the Town of Rocky Mountain House. It was estimated that, because of muskeg, pipelines, roadways, and railways, approximately 469 acres are not developable. Of the remaining 1,162 developable acres, 634 acres were designated for residential uses and 528 acres for commercial and industrial purposes. For ease of description, each sector, starting in the south and proceeding clockwise will be dealt with individually.

#### *Sector 1 (NW<sup>1</sup>/<sub>4</sub> Sec. 14)*

This sector is bisected by the north south Highway No. 11 and the east west Canadian National Railway curving through the south portion. Four small holdings exist in the north west corner. It was proposed that this sector be used in part for highway commercial, for which, it was claimed, there was an immediate demand. The remaining lands would be utilized for industrial purposes.

#### *Sector 2 (Ptn. S<sup>1</sup>/<sub>2</sub> and NW<sup>1</sup>/<sub>4</sub> of Sec. 22, Ptn. E<sup>1</sup>/<sub>2</sub> of Sec. 21)*

This sector lies to the east of the east bank of the North Saskatchewan River, south of the Canadian National Railway and within which, along the north south section line, is located Secondary Road No. 752. In that portion of the sector contained in the north-east quarter of section 21 is located a hamlet known locally as the "Old Town". This area is subdivided into a number of blocks and small lots, and is serviced with private wells and septic sewer systems. Improvement District No. 10 stated that water and sanitary sewer are to be provided to the "Old Town" and paid out of a "trust fund" established for this purpose. The south-east quarter of section 22 and portions of the south-west quarter contain poorly drained muskeg areas which in the past have hindered development. Drainage schemes were now proposed which would make development feasible. This sector was suggested for residential development.

#### *Sector 3 (Ptn. of E<sup>1</sup>/<sub>2</sub> of 33 and NE<sup>1</sup>/<sub>4</sub> of Sec. 28, lying East of North Saskatchewan River, N<sup>1</sup>/<sub>2</sub> of NW<sup>1</sup>/<sub>4</sub> of Sec. 27, SW<sup>1</sup>/<sub>4</sub> of and Ptn. NW<sup>1</sup>/<sub>4</sub> of Sec. 34).*

This sector lies to the north of the Town of Rocky Mountain House and to the east of the North Saskatchewan River. Except for two parcels, one owned by the town (84 acres) on which is located its sanitary sewer treatment facilities, and one owned by the Crown (23 acres), the majority of the sector lies to the west of Highway No. 11. That portion to the west of Highway No. 11 is in small holdings, the largest being 62 acres, with the smallest approximately 3 acres. Constraints to development are the river, Highway No. 11, and the 1000 foot set back from the sanitary sewage lagoon. That portion affected by the sanitary sewage lagoon is proposed for industrial uses, while highway commercial uses would be developed along Highway No. 11. The remaining portion is proposed for residential development. While there are low lying lands along the North Saskatchewan River, and in particular the north portion, the sector is serviceable.

*Sector 4 (E½ of Sec. 23, Ptn. of SW¼ and all of SE¼ of Section 26)*

This sector lies east of Highway No. 11, and, with the exception of the south-east quarter of section 26 which now contains eight country residential holdings, was designated for industrial uses. This was in keeping with adjoining land uses now in the Town of Rocky Mountain House. The country residential use in the south-east quarter of section 26 represented an anomaly as the town had attempted to keep all residential development to the west of Highway No. 11. The inclusion of these lands would give the town a logical boundary and include, in the town, land uses that were urban in nature. Within the south portion of the south-east quarter is located the Canadian National Rail line. This quarter section also contains a large water body and low lying lands, and is intersected by four pipelines, all providing constraints to development.

As portions of the said territory are designated for "long term development", and as such portions include a number of farm residential sites with farm buildings, the Town of Rocky Mountain House requested that the board give consideration to providing such lands within the said territory with assessment considerations. It was stated by the town that inclusion into the town's jurisdiction of such lands now, would permit planning for long term land uses and enable the town to design its utility plants and roadways in a more efficient manner so as to more economically develop such lands when required for urban purposes in the future.

The Advisory Council to Improvement District No. 10 supported the annexation of the said territory to the Town of Rocky Mountain House, and suggested that the said territory should have included a portion of the north-east quarter of section 15 cut off by the Canadian National Railway.

While they could not justify the inclusion of the south-east quarter of section 26 (containing country residential holdings) the staff of the Red Deer Regional Planning Commission concurred with the annexation of the remaining said territory to the Town of Rocky Mountain House. It was pointed out that the application conformed to the town's earlier general plan, currently under review, and that the said territory was considered in the engineering utility study prepared for the town.

Of the one hundred and thirty-one owners within the said territory (including the Town of Rocky Mountain House), submissions, oral and written were received from fifteen owners, of whom nine were against the annexation of their respective properties to the town. The main concern given was the anticipation of increases in property taxation. In reply to this concern R. McDonald, the assessor for both the Improvement District No. 10 and the town, advised that from a study of four properties, it would appear that the property taxes would change very little. The loss of busing privileges was also of concern to parents of school children. In this regard, by letter to the town dated May 15, 1980, the Rocky Mountain School Division No. 15 advised:

"Further to your letter of April 25, 1980 I would like to confirm that the Board of Rocky Mountain School Division No. 15 will not change any of its busing procedure because of annexation and we would also like to inform that we will not increase the service beyond what is presently being done within and around the Town of Rocky Mountain House."

Alberta Agriculture, by letter to the board dated May 15, 1980, advised it did not object to the annexation. Alberta Transportation, by letter to the board dated May 27, 1980, expressed the following concerns:

"It is noted that the proposed annexation area includes approximately a one mile section of Highway 11 and that a considerable and large portion of the land area to be annexed lies east of the highway and opposite most of the presently developed area of the town. Since this roadway is a major primary route which must adequately and safely accommodate substantial through-traffic volumes, it is considered important that future urban growth does not cause undue restrictions or hindrance to the highway operation. From a highway operation standpoint there is concern about development of the magnitude indicated on the easterly side of the highway because of the increase in demand for cross-traffic interaction with development on the westerly side of the highway. However, if there are a number of other planning reasons which outweigh the highway concerns then every effort will have to be made to accommodate the above conditions.

The need for additional right-of-way for future highway widening and other improvements, access locations and spacing, buffer requirements for noise attenuation dependent on land use, etc., are requirements that will need careful consideration during the land use planning stage for the areas adjacent to the highway.

This department will be pleased to review the town's plans for this area in relation to the highway requirement at such time that these 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 Rocky Mountain House, as a farm services community, with its proximity to a number of resource developments in its region, its potential to service a growing tourist industry, and with its established amenities and infrastructure, will continue to grow in population and development, probably at current rates.
2. That in order for the Town of Rocky Mountain House to meet its projected requirements for residential, commercial and industrial purposes, additional territory shall be required by the town.
3. That, while development to the east of Highway No. 11 is not the most desirable, such developments have already occurred. The Town of Rocky Mountain House has wisely designated the area for highway-commercial and industrial uses, and the area is a logical area for such development. The country/residential development in south-east quarter of section 26 now exists, and being urban in character, should be included in the town's jurisdiction.
4. That the portions of the said territory to the north and south of the Town of Rocky Mountain House are logical extensions to the town for the uses proposed, may be economically serviced with utilities within the town's existing or planned plant capacity, and will bring within the town's jurisdiction existing urban uses.
5. That objections given to the annexation of certain properties to the Town of Rocky Mountain House will be more than compensated by the benefits derived from being included into the town's jurisdiction.
6. That the said territory, while required by the Town of Rocky Mountain House to meet its twenty year planning time frame, is in excess of its immediate needs. It is anticipated that those lands not immediately required for urban purposes will remain in agricultural production until so required. The request to provide farm buildings on such lands, for a fixed term, with assessment considerations, is not unreasonable.
7. That the application by the Council of the Town of Rocky Mountain House to annex the said territory and thereby its separation from Improvement District No. 10 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 Rocky Mountain House, in the Province of Alberta, and thereupon be separated from the Improvement District No. 10 the territory set forth and described in Schedule "B" attached hereto.

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

- II. That any taxes owing to the Improvement District No. 10 as at December 31, 1980, in respect of the aforementioned properties shall transfer to and become payable to the Town of Rocky Mountain House together with any lawful penalties and costs levied thereof in respect of any such taxes: however, upon the Town of Rocky Mountain House collecting any or all of such taxes, penalties or costs, such collection shall forthwith be paid by the town to the Improvement District No. 10.

- III. That the assessor for the Town of Rocky Mountain House shall for taxation purposes in the year 1981 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 Rocky Mountain House and the provisions of The Municipal Taxation Act regarding the assessment role shall *mutatis mutandis* apply to such assessment.

IV. (A) That the assessor for taxation purposes, shall assess any buildings located on a parcel of land annexed by this order to the Town of Rocky Mountain House, which, if located in the Improvement District No. 10 would be classified as "farm buildings" pursuant to The Municipal Taxation Act, and he shall classify such buildings as "farm buildings".

(B) That such "farm building" classification shall be given to such buildings only for the calendar years 1981, 1982, and 1983, after which time such classification shall immediately terminate; provided however:

- (i) that if the said parcel on which buildings classified as "farm buildings" are located, subsequent to this Order, is subdivided, Clause IV(A) shall, upon the registration of the plan of subdivision, cease to have effect in respect to that parcel and the classification of "farm buildings" shall immediately terminate:
- (ii) that if the buildings located on the said parcel are pursuant to Clause IV(A) above, classified by the assessor for the Town of Rocky Mountain House, as being no longer "farm buildings", even if they had been located in the Improvement District No. 10, then such classification of "farm buildings" shall immediately terminate in respect to the said parcel; or
- (iii) that if the Council of the Town of Rocky Mountain House, by resolution, makes an application to the board and establishes before the board, that, for good and sufficient reason, the provisions of Clause IV(A) should be varied prior to the date established in Clause IV(B), the board may, by order, reduce the time such classification as "farm buildings" shall remain.

(C) The owner of a parcel annexed by this order, or other interested person, may apply to the board for an extension of the time limit for the classification of "farm buildings" as established in Clause IV(B) and the board may, for good and sufficient reason, order the provisions of Clause IV be varied, extended or rescinded.

V. 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 1981, re-assess or revalue 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 Rocky Mountain House, 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, 1981.

Dated and signed at the City of Edmonton, in the Province of Alberta, this 25th day of September, 1980.

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

LOCAL AUTHORITIES BOARD,  
C.I. SHELLEY, Chairman.  
J.A. HAMMOND, Member.

SCHEDULE "B"

A DETAILED DESCRIPTION OF LANDS  
ANNEXED TO THE TOWN OF  
ROCKY MOUNTAIN HOUSE, ALBERTA

1. All that portion of the north-east quarter of section 14, township 39, range 7, west of the fifth meridian, contained within branch road as shown on plan 3725 J.Y. and road as shown on road plan 655 B.M.
2. The north-west quarter of section 14, township 39, range 7, west of the fifth meridian.
3. All that portion of the east half of section 21, township 39, range 7, west of the fifth meridian, lying easterly of the right bank of the North Saskatchewan River and not within the Town of Rocky Mountain House.
4. All that portion of the south-east quarter of section 22, township 39, range 7, west of the fifth meridian not within the Town of Rocky Mountain House.
5. All that portion of the west half of section 22, township 39, range 7, west of the fifth meridian not within the Town of Rocky Mountain House.
6. The east half of section 23, township 39, range 7, west of the fifth meridian.
7. The most westerly seventeen (17), feet of the south-west quarter of section 25, township 39, range 7, west of the fifth meridian.
8. The south-east quarter of section 26, township 39, range 7, west of the fifth meridian.
9. All that portion of the south-west quarter of section 26, township 39, range 7, west of the fifth meridian not within the Town of Rocky Mountain House.
10. All that portion of the north-west quarter of section 27, township 39, range 7, west of the fifth meridian lying easterly of the right bank of the North Saskatchewan River and not within the Town of Rocky Mountain House.
11. All that portion of the north-east quarter of section 28, township 39, range 7, west of the fifth meridian lying easterly of the right bank of the North Saskatchewan River.
12. All that portion of the east half of section 33, township 39, range 7, west of the fifth meridian lying easterly of the right bank of the North Saskatchewan River.
13. The south-west quarter of section 34, township 39, range 7, west of the fifth meridian.
14. All that portion of the north-west quarter of section 34, township 39, range 7, west of the fifth meridian lying south westerly of the south westerly limit of road plan 5248 P.X.
15. All government road allowances and government road allowance intersection intervening and adjoining the above-described lands. Excepting thereout that east west government road allowance and government road allowance intersection adjoining the north boundary of the north-east quarter of section 33, the north-west quarter of section 34, and the north-west corner of the north-west quarter of section 34 respectively, all within township 39, range 7, west of the fifth meridian.

GOVERNMENT NOTICES

SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE  
AREAS AFFECTED BY BOARD ORDER No. 13583

EFFECTIVE DATE: JANUARY 1, 1981



AFFECTED AREA(S)

