

APRIL 15/75

Before:

The Local Authorities Board for
the Province of Alberta

In the matter of The Municipal
Government Act:

And in the matter of The Local
Authorities Board Act:

And in the matter of a petition
by the Council of the Town of
Rocky Mountain House, in the
Province of Alberta, requesting
annexation of certain territory
lying immediately adjacent there-
to.

Pursuant to an application by the Town of Rocky Mountain House
to annex territory then lying within Improvement District No. 10; and
passed by resolution of the town council dated the 6th day of August,
1974, the Local Authorities Board conducted a public hearing at the
town office council chambers on Monday, February 10th, 1975 at 11:00
a.m.

It is noted by the Board that a general plan for the town based on earlier reports of 1956 and a preliminary general plan of 1968 by the Red Deer Regional Planning Commission, was completed in 1973 with forward projections to 1988.

The Town of Rocky Mountain House was represented by the town manager Mr. Pat Lyster who spoke for the application and the mayor Mr. W. T. Teskey who responded to certain questions about the application. Mr. Lyster explained that the territory requested for annexation on the north contained approximately one hundred and twenty-two (122) acres of which some fifty-four and three hundredths (54.03) acres were held under title by the town. Those fifty-four (54) or more acres would provide land for immediate future development and growth of the town; they were suitably located for extension of town services and could reasonably be supplied with water and sewer facilities from the existing systems. The entire territory of some one hundred and twenty-two (122) acres should probably satisfy the town's needs for additional residential extensions for ten to fifteen years. Very limited amounts of land remained within the town which was suitable for residential development although there was some and there were some parcels suitable for and zoned for industrial uses. It was observed that certain extensions of the town in an easterly direction, at some time in the future, would permit development of an industrial area to the east and north of Provincial Highway Number 11 in the south half of section 26, township 39, range 7, west of the fifth meridian.

Mayor Teskey provided additional comments on the position of the town council as regarding possible future expansion of the town to the north and to the east and emphasized the difficulty and the anticipated costs of providing water and sewer extensions to other areas at this time.

Mr. R. W. McKinnon, a professional planner, associated with the Red Deer Regional Planning Commission offered professional opinions to support much of the town's representations. He cited expert opinion that the sanitary sewer could be economically extended to the territory requested, and observed that other areas adjacent to the town, would be much more costly to service. The claim of the land based on the need for more residential land was fully supported by Mr. McKinnon using population projections and certain other data found in the town's general plan. As to conforming with the general plan and accepted planning guidelines respecting proximity to schools, distance from sewage lagoons and conversion of agricultural lands to certain uses, there were no planning objections to the proposed annexation and further residential development in the designated area.

Certain landowners of the proposed area offered representation in their behalf. The application was agreed to without objection in letter from John MacDonald of Calgary respecting lot A, plan 2154 M.C. (approximately two and six hundredths (2.06) acres). Donald D. Ritchey, the owner of lot B, plan 2154 M.C. (approximately two and eighty-one hundredths (2.81) acres) who resided on the parcel, and lot C, plan 4175 R.S. (approximately eighty-two hundredths (0.82) acres), attended the hearing and spoke of certain reservations about full approval to the proposed annexation. He generally favoured annexation of his two parcels but was concerned about substantial tax increases, the provision of sewer services and the availability and cost of actual gas service. Mr. Robert G. Tittford, by handwritten note on the face of a letter addressed to him by the town requesting his comments, expressed opposition to the annexation of his parcel of approximately twenty and ninety-seven hundredths (20.97) acres which lies in the north-west quarter of section 27, township 39, range 7, west of the fifth meridian.

Mr. Titford's objection made reference to "the taxation structure" but did not expressly declare how he felt the matter of taxation was involved. A fourth owner of lands in the territory, the estate of Doreen Ethel Church (deceased) and Helge Rasmussen of Rocky Mountain House, was represented by the executor of the estate, Mr. Charles Brooke of Calgary, by letter signed by Robert D. Kerr, apparently a solicitor acting for Mr. Brooke in the matter of the estate. The owners in this case agreed to the annexation provided that there is no increase in the assessment or taxation and no additional costs to the owners who intended to continue the existing farming operation on the land. This land is in the north-east quarter of section 27, township 39, range 7, west of the fifth meridian and includes a part within the territory proposed for annexation as well as the part north and east of the Provincial Highway (plan 5248 P.X.) which is outside the proposed territory. It is noted by the Board that the area proposed for annexation in the estate's title comprises in excess of twenty (20) acres which when subdivided to become a separate titled parcel would possibly qualify as "farm land" under The Municipal Taxation Act.

Mr. Stuart McAlpine, representing the Improvement District No. 10, and expressing the position of the advisory committee for the improvement district strongly recommended that should this annexation be approved, that the town should also annex all of legal subdivisions 4 and 5 (the westerly half of the south-west quarter of section 26, township 39, range 7, west of the fifth meridian). In the view of the advisory committee the several residents on holdings on the west side of L.S.D. 4 and 5 are in danger of having their water supplies polluted by sewage and should be safeguarded with supply of safe water from the town system. Mr. McAlpine represented that there were five certificates of title to parcels in L.S.D. 4 and 5 outside the town and one parcel (owned by Alberta Forest Service) which was possibly serviced by the town water system, within the boundaries of the town. The inclusion of all of L.S.D. 4 and 5 would have the effect of regularizing the boundary and would anticipate further expansion eastward when additional industrial lands are required. The Board is sensitive to these representations.

Alberta Highways and Transport advised the Board by letter through Chief Engineer Mr. R. H. Cronkhite, that the department had no objection to the annexation proposed in the application but that the department would administer access control to Highway No. 11 for safety and efficiency of travel.

The Local Authorities Board accepts that a reasonable case has been made on the basis of need by the town and with positive plans for the development and servicing of the annexation territory, and has determined that the application should be approved. The Board finds justification in the reservations of some landowners regarding the future taxes on their properties, should annexation be ordered and proposes to set certain safeguards which the town had admitted it feels might be warranted in the circumstances. The Board also finds value in the recommendations of the improvement district advisory committee and particularly that committee's concern for the safety of water supply to residents in L.S.D. 4 and 5 of section 26 east of and adjacent to the present town boundaries. Although the town is not prepared at this time to request annexation of L.S.D. 4 and 5, it would seem to be a move that eventually will occur and in the interim the residents should be protected and the development of these lands should be controlled. Some of the responsibility for the protection and control should be borne by the town. The Board recognizes that there are several measures which could be taken, involving the town, in part, and that,

should no such action be taken then an annexation to the town to firmly establish the jurisdictional responsibilities, would be a reasonable request. The Board will not order annexation of L.S.D. 4 and 5 at this time but expects that other satisfactory measures will be taken by the town and other interested parties.

It is ordered, therefore, as follows:

I. That there be annexed to the Town of Rocky Mountain House in the Province of Alberta and thereupon be separated from Improvement District No. 10, the following described territory:

All that portion of the north-east quarter of section 27, township 39, range 7, west of the fifth meridian lying south west of the south westerly limit of the road as shown on road plan 5248 P.X.

All that portion of the north-west quarter of section 27, township 39, range 7, west of the fifth meridian lying south of the south limit and the production west of the said south limit of the land subdivided under plan 1014 M.C. and lying east of the right bank of the North Saskatchewan River.

All that portion of the north-south road allowance adjoining the west boundary of the north-west quarter of section 27, township 39, range 7, west of the fifth meridian lying south of the production westerly across the said road allowance of the south limit of the land subdivided under plan 1014 M.C. and lying north of the right bank of the North Saskatchewan River.

(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, 1974 in respect of the aforementioned annexed property shall transfer to and become payable to the Town of Rocky Mountain House together with the amount of any lawful penalties and costs levied thereon in respect of such taxes; however, upon the Town of Rocky Mountain House collecting any or all of the said taxes, penalties or costs, such collections shall forthwith be paid by the town to the Improvement District No. 10 accounts of the Minister of Municipal Affairs.

III. That the assessor for the Town of Rocky Mountain House shall for taxation purposes commencing in the year 1975, re-assess or re-value, the lands herewith annexed and the improvements thereon, other than the improvements described in clause IV hereunder, so that the assessment or valuation thereof shall be fair and equitable with other related lands and assessable improvements in the Town of Rocky Mountain House.

IV. That the assessor for the Town of Rocky Mountain House shall for taxation purposes in the years 1975, 1976 and 1977 re-assess any buildings, which are at the effective date of this Order located on a parcel of land annexed to the town by this Order and which if they were located on lands remaining in the improvement district would qualify as "farm buildings" in the improvement district pursuant to The Municipal Taxation Act, and such buildings shall be assessed as "farm buildings" provided that

(a) if the said parcel of land or a part thereof is further subdivided after February 12, 1975, clause IV shall cease to have effect, and

(b) if the town, by resolution of council, or the owner or other

interested person, in writing establishes before the Board that for good and sufficient reason the provisions of clause IV should be varied or rescinded, application may be made to the Board for an Order to implement such a change.

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 1975, 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 Rocky Mountain House, so that the assessment or valuation shall be fair and equitable with properties of a similar nature.

VI. That the effective date of this Order shall be the 1st day of January, 1975.

Dated and signed at the City of Edmonton, in the Province of Alberta, this 14th day of March, 1975.

LOCAL AUTHORITIES BOARD
D. A. BANCROFT, Chairman.

Certified a true copy,
B. CLARK, Secretary.

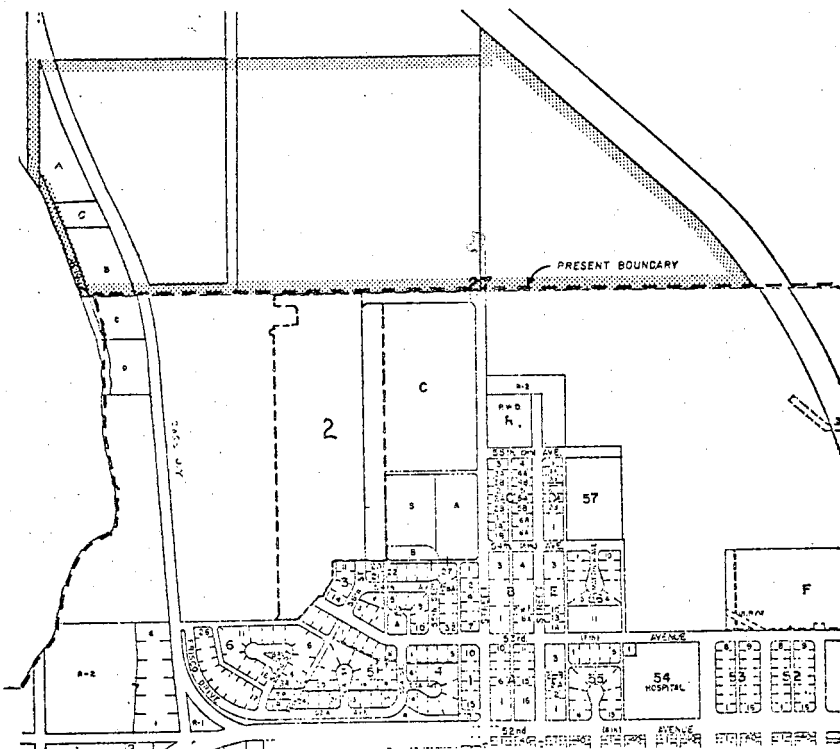
SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION
OF THE AREAS AFFECTED BY ORDER No. 7704

EFFECTIVE DATE: JANUARY 1, 1975



AFFECTED AREA(S)



ROCKY MOUNTAIN HOUSE

TP. 39 R. 7 W. 5 M.