

TOWN OF STONY PLAIN

BOARD ORDER No. 13797

FILE No. 169(A)7

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
majority of owners to annex certain territory
to the Town of Stony Plain lying immediate-
ly adjacent thereto in the County of Parkland
No. 31.

Pursuant to section 20 of The Municipal Government Act, the majority of owners of that territory described as:

The north west quarter of section 24, township 52, range 1, west of the fifth meridian not within the town of Stony Plain excepting thereout that north south government road allowance adjoining the west boundary thereof.

(hereinafter called "the said territory")

petitioned the Local Authorities Board for the Province of Alberta for annexation of the said territory to the Town of Stony Plain, in the Province of Alberta, and thereby its separation from the County of Parkland No. 31, and in respect to which the board held a public hearing on November 20th, 1980.

Owners petitioning for the annexation of their respective lands to the Town of Stony Plain were All State Equities Limited and Urban Holdings Limited, the purchasers of the said territory by way of an agreement for sale. Representing the petitioning owners were J.A. Agrios, solicitor; K. MacKenzie and O. Lovatt, planners; and R. Donald, engineer.

The Town of Stony Plain was represented by Mayor H. Kotscherofski; and W.V. Anderson, town manager.

No written or oral presentation was made by the County of Parkland No. 31.

Presenting the position of the Edmonton Regional Planning Commission was staff member, B. Clark.

The registered owners, Carl P. and Norma Baron, appeared at the hearing and explained that, while they did not desire urban development of good soils, they did not oppose the application at this time.

The said territory is located to the south west of the Town of Stony Plain and contains 160 acres of class 2T (Canada Land Inventory) soils. The said territory was part of the territory contained in an application for annexation by the council of the Town of Stony Plain heard by

the board on September 20, 1979. This resulted in board order No. 12328 which contained the following comment:

"Carl and Norma Baron, owners of the north west quarter of section 24, township 52, range 1, west of the fifth meridian, opposed the annexation of their lands to the Town of Stony Plain suggesting a northward and westward direction of growth instead."

The board, in its findings, stated as follows:

"That, in view of the reservations expressed by R. Unterschultz, G. Schoepp, C. Baron, Nora Albrecht and others, and the proposed timing of future developments, certain additional lands should not be annexed to the Town of Stony Plain at this time."

It was stated by the applicants that Carl and Norma Baron, at the time of the hearing, had entered into an agreement for sale with the applicant, and therefore were not in a position to oppose the annexation of the said territory to the Town of Stony Plain. It was suggested that there had been a misunderstanding which had created the opposition. As the true owners did not oppose, and had now applied for its annexation, it was argued it was only right that the said territory be annexed to the town at this time.

In respect to the said territory being required for residential purposes, it was pointed out that the Town of Stony Plain had been designated by the Edmonton Regional Planning Commission as a satellite industrial centre and it was estimated it would reach a population of 15,000 by the year 1996 and 18,000 by the year 2000. Because of certain constraints to other lands within the town, and because the said territory was located within a major storm water drainage basin now under study, it was better suited for more immediate development than some of the other lands now within the town's jurisdiction. If the planning for the drainage basin was to be done efficiently and designed to serve the said territory, it was essential the said territory be brought within the town's jurisdiction now.

Reference was made to a proposed metropolitan arterial roadway which would be extended west from the City of Edmonton to the west boundary of the Town of Stony Plain. This was suggested to be a logical boundary for the town, and by being in the said territory, would permit the town to design the extension of the town's existing sanitary and storm sewer lines from developments now within the town and north of the said territory. Together with lands to its north and east, it was argued, that the said territory composed part of a logical planning unit.

The Town of Stony Plain did not oppose the annexation of the said territory to the town. It had been included in the planning area of the town's general municipal plan, and had been part of its own major annexation application which had resulted in board order No. 12328. The town had sufficient utility capacity to service the area without creating a burden upon the town's residents. The town abuts the north and east borders of the said territory and is responsible for maintaining the east-west road immediately to the north, making the said territory a logical extension of the town's jurisdiction. While the town's growth pattern, in the past, had been at a rate of between 8.6 and 8.7 percent, in 1979 it had exceeded 10 percent. If this rate continued, the said territory would be required for urban development prior to earlier projections, and not later than 15 years. The said territory was not included in the present service studies as it was not in the town, but would be, if annexed.

The staff of the Edmonton Regional Planning Commission made the following recommendations to the Commission:

1. The Town of Stony Plain has more than ample area necessary to fulfill its role in regional development.
2. No information has been provided in justification of this application.
3. The town has no plans for the use of this land.
4. Urban designation for the use of these lands is not consistent with E.R.P.C policy on the use of prime agricultural land."

A motion to oppose the annexation of the said territory to the Town of Stony Plain was carried by the commission, with the representative from the County of Parkland No. 31 voting against the motion.

Alberta Agriculture, by letter to the Board dated October 20, 1980, made the following comments:

"The proposed parcel is for the most part classed 2T Canada Land Inventory, having good drainage and of medium texture.

It is currently used for cereal and oilseed production with excellent production. The land is well suited to root crop and potato production. The town has recently annexed a very large parcel of land which will accommodate residential and industrial development for the foreseeable future.

For these reasons, Alberta Agriculture is opposed to this annexation."

Alberta Transportation, by letter to the Board dated October 27, 1980, saw no conflicts with roadways under its jurisdiction and did not oppose the application.

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

1. That the Town of Stony Plain, designated a satellite industrial centre in the Edmonton metropolitan region by the Edmonton Regional Planning Commission is, and will continue to be, a growth centre. This established growth rate in population and development could easily escalate, eclipsing projections previously made. If this should occur, or if unforeseen constraints to development of residential lands now in the town occurred, it could easily result in short falls of developable lands within the jurisdiction of the town.

2. That the said territory, while it does contain top soils for agricultural production, does readily fit within a natural topographical drainage basin for utility planning, and, as it abuts the Town of Stony Plain on its north and east borders, is logically located in a projected land use planning scheme for the area.

3. That, other than for the concerns expressed by Alberta Agriculture and by the Edmonton Regional Planning Commission, there is no objection to the annexation of the said territory to the Town of Stony Plain.

4. That, while the said territory is not required by the Town of Stony Plain to meet its immediate, or even medium term land use requirements for residential purposes, because it logically fits within the town and shall eventually be required, it is reasonable that it be annexed at this time so its future development may be planned to proceed in a logical and economical fashion.

5. That the application to annex the said territory to the Town of Stony Plain should be granted in full.

Therefore, subject to the Lieutenant Governor in Council approving this order, or prescribing conditions that this 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 Stony Plain, in the Province of Alberta and thereupon be separated from the County of Parkland No. 31 the following described territory:

The north west quarter of section 24, township 52, range 1, west of the fifth meridian not within the Town of Stony Plain excepting thereout that north south government road allowance adjoining the west boundary thereof.

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

II. That any taxes owing to the County of Parkland No. 31 as at December 31, 1980, in respect to the aforementioned properties shall transfer to and become payable to the Town of Stony Plain together with any lawful penalties and costs levied thereon in respect of any such taxes; however, upon the Town of Stony Plain collecting any or all of such taxes, penalties and costs, such collection shall forthwith be paid by the town to the County of Parkland No. 31.

III. That the assessor for the Town of Stony Plain shall for taxation purposes commencing in the year 1981 re-assess the annexed lands and assessable improvements in the Town of Stony Plain, 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 1981, 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 Stony Plain 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 18th day of December, 1980.

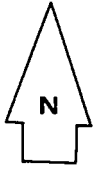
Certified a True Copy:
B. CLARK, Secretary.

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

SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE
AREAS AFFECTED BY BOARD ORDER No. 13797

EFFECTIVE DATE: JANUARY 1, 1981



 AFFECTED AREA(S)

