

BEFORE THE: LOCAL AUTHORITIES BOARD

IN THE MATTER OF THE "Municipal Government Act":

AND IN THE MATTER OF THE "County Act":

AND IN THE MATTER OF an application by the Council of the Town of Sundre, in the Province of Alberta, to annex certain territory lying immediately adjacent thereto and thereby its separation from the County of Mountain View No. 17.

Pursuant to Section 20 of the Municipal Government Act, the Council of the Town of Sundre, 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 described as follows:

ALL THAT PORTION OF THE NORTH HALF OF THE NORTH WEST QUARTER OF SECTION THIRTY-THREE (33), TOWNSHIP THIRTY-TWO (32), RANGE FIVE (5), WEST OF THE FIFTH MERIDIAN, NOT WITHIN THE TOWN OF SUNDRE

ALL THAT PORTION OF THE NORTH SOUTH GOVERNMENT ROAD ALLOWANCE ADJOINING THE WEST BOUNDARY OF THE NORTH HALF OF THE NORTH WEST QUARTER OF SECTION THIRTY-THREE (33), TOWNSHIP THIRTY-TWO (32), RANGE FIVE (5), WEST OF THE FIFTH MERIDIAN, NOT WITHIN THE TOWN OF SUNDRE

ALL THAT PORTION OF THE SOUTH WEST QUARTER OF SECTION FOUR (4), TOWNSHIP THIRTY-THREE (33), RANGE FIVE (5), WEST OF THE FIFTH MERIDIAN, NOT WITHIN THE TOWN OF SUNDRE EXCEPTING THEREROUT ROAD PLAN 861 0295

ALL THAT PORTION OF THE NORTH WEST QUARTER OF SECTION FOUR (4), TOWNSHIP THIRTY-THREE (33), RANGE FIVE (5), WEST OF THE FIFTH MERIDIAN, LYING SOUTH OF A LINE DRAWN FROM A

POINT ON THE WEST BOUNDARY OF THE SAID QUARTER SECTION 295 METRES SOUTHERLY FROM THE NORTH WEST CORNER OF THE SAID QUARTER SECTION TO A POINT ON THE EAST BOUNDARY OF THE SAID QUARTER SECTION 395 METRES SOUTHERLY FROM THE NORTH EAST CORNER OF THE SAID QUARTER SECTION EXCEPTING THEREOUT ROAD PLAN 861 0295

ALL THAT PORTION OF THE SOUTH EAST QUARTER OF SECTION NINE (9), TOWNSHIP THIRTY-THREE (33), RANGE FIVE (5), WEST OF THE FIFTH MERIDIAN CONTAINED WITHIN ROAD PLANS 775 H.P. and 538 L.K.

ALL THAT PORTION OF THE SOUTH WEST QUARTER OF SECTION TEN (10), TOWNSHIP THIRTY-THREE (33), RANGE FIVE (5), WEST OF THE FIFTH MERIDIAN LYING WESTERLY OF THE LEFT BANK OF THE RED DEER RIVER AND NOT WITHIN THE TOWN OF SUNDRE, EXCEPTING THEREOUT:

a) PLAN 4529 J.K.

b) THAT PORTION OF THE SAID QUARTER SECTION WHICH LIES SOUTH WESTERLY OF THE SOUTH WESTERLY LIMIT OF ROAD PLAN 538 L.K. AND NORTH OF THE NORTH LIMIT OF PLAN 4529 J.K.

ALL THAT PORTION OF THE NORTH SOUTH GOVERNMENT ROAD ALLOWANCE ADJOINING THE WEST BOUNDARY OF THE SOUTH WEST QUARTER OF SECTION TEN (10), TOWNSHIP THIRTY-THREE (33), RANGE FIVE (5), WEST OF THE FIFTH MERIDIAN, LYING NORTHERLY OF THE PRODUCTION SOUTH EASTERLY AND NORTH WESTERLY OF THE SOUTH WESTERLY LIMIT OF ROAD PLAN 538 L.K.

THE ABOVE DESCRIBED LANDS CONTAIN ONE HUNDRED FIFTY-THREE AND SEVENTY-NINE HUNDREDTHS (153.79) HECTARES, (380.03 ACRES), MORE OR LESS

(hereinafter called "the said territory")

which lies immediately adjacent to the Town of Sundre, and thereby its separation from the County of Mountain View No. 17, and in respect to which the Board held a public hearing into the matter on November 15, 1988.

The Town of Sundre was represented by Harvey Doering, Town Administrator, and Vernon Sentis, Engineer.

Lyle Craven, Development Officer, represented the County of Mountain View No. 17.

The Red Deer Regional Planning Commission was represented by Alan Ward, Senior Planner, and Don Phillips, Associate Planner responsible for the Town of Sundre.

Geoff Lemon appeared on behalf of Parkland Oilfield Construction (1983) Ltd.

Other landowners who had submitted briefs were the Moore Farming Co. Ltd., David Elder and Ellen Demers.

Alberta Agriculture, Alberta Environment and Alberta Transportation and Utilities submitted written briefs to the Board.

The said territory consists of three separate parcels identified as Blocks 1 to 3 for ease of description.

Block 1 is a rectangular shaped area comprising approximately 80 acres located to the south and west of the Town. The Block is bounded by 6th Street S.W. on the east, Main Avenue (Highway No. 27) on the north, includes Highway No. 22 on the west, and by tree covered land on the south. The entire parcel is owned by Parkland Oilfield Construction (1983) Ltd., except for a one acre lot owned by Ellen Demers. The Canada Land Inventory (CLI) agricultural capability rating for the Block is 5C and the thin, grey wooded soil covers an old river bottom gravel bar. The area is fairly flat and no longer subject to 1:100 year flooding due to the channelization and dyking along Bearberry Creek. The Block is bisected by Nova and Foothills natural gas pipelines.

Block 2 is a near rectangular shaped area comprising approximately 200 acres located to the west of the Town. The Block is bounded by 6 Street N.W. on the east, the Town corporate limits on the south, Highway No. 22 on the west and the toe of Snake Hill to the north. Approximately 165 acres is owned by David Elder, the remainder being the channelized Bearberry Creek bed and rights of way for the dyking works. The agricultural capability, soils, topography and drainage characteristics of the Block are similar to Block 1. The Block is also bisected by the same pipelines with the southeastern portion bisected by the spring fed Prairie Creek, which forms an environmentally sensitive wetlands subject to flooding.

Block 3 is a wedge shaped parcel comprising approximately 100 acres excluding the road right of way located to the north of the Town. The Block is bounded by the Red Deer River on the east, the Town on the south, includes the James River Bridge Road on the west and by farmland on the north. The land is owned by Moore Farming Co. Ltd. except for approximately 5 acres owned by the Town of Sundre. The Town owned parcel is the former sewage lagoon site reclaimed by Alberta Environment. The land's capability is similar to the other Blocks but is still being actively farmed.

The Town of Sundre informed the Board that the Town is experiencing a substantial increase in the value of development permits. To date the 1988 value had more than doubled over the 1987 value. Further expansion including a \$600 million gas processing plant west of Town, a \$40 million sulphur extraction plant and a chip board plant are all expected to put considerable demand on the Town's limited inventory of residential, commercial and industrial lands. Block 1 will be developed immediately for highway commercial along Highway No. 27 with the balance designated for industrial uses. Block 2, west of the pipeline easement, will be developed for industrial purposes. East of the pipeline easement, the land will be designated for residential use including mobile homes. Block 3 will be developed as required for residential use.

The Town of Sundre and the County of Mountain View No. 17 have recently adopted a joint general municipal plan and are in general agreement with the proposed uses. The proposed commercial-industrial subdivision for Block 1 has already been approved by the appropriate subdivision approving authorities subject to annexation. The town has already upgraded utility services and extended main lines in anticipation of these developments. The Town is also negotiating a development agreement with the developers, Calgary based Parkland Oilfield Construction (1983) Ltd. At the September 26, 1988, meeting Council for the Town of Sundre approved a motion requesting annexation of the said territory.

The Town of Sundre, after review, also requested that any portion of Highway No. 22 abutting the said territory be included in the annexation order. At present, approximately 1/6 mile is within the Town, 1/4 mile on the west boundary of Block 1 is being requested for annexation and approximately 2/3 mile abutting Block 2 had not been included in

the application. Although the Town did not hold this view strongly, the Town of Sundre believed that inclusion/exclusion should be dealt consistently and stated a preference that Highway No. 22 be included.

The Town of Sundre also submitted that annexation of the said territory would increase the Town's assessment by approximately 2.6% and raise approximately \$12,550 in additional revenues based on present use. The agricultural and residential properties within the said territory would not be significantly impacted. The commercial and industrial properties would experience a substantial tax decrease without further development.

The Town of Sundre concluded that impending regional developments necessitated an urgent response to the Town's growth needs.

The County of Mountain View No. 17 advised that the County is not opposed to the annexation but requested that the Order be made effective December 31, 1989, as a decision late in the spring would adversely affect the 1989 budget. The additional \$18,443.49 in taxes would assist the County in defraying 1988 maintenance, planning and negotiating costs already expended.

The County of Mountain View No. 17 had also requested that the south facing escarpment lands on Snake Hill not be included as the lands are too steep for development. The County also requested that Highway No. 22 be excluded from annexation as Alberta Transportation's maintenance program is believed to be superior in rural areas. The County's primary concern regarding Highway No. 22 however is consistency, either all in or all out.

The Red Deer Regional Planning Commission confirmed the need for residential industrial and commercial lots in the Town of Sundre due to the significant growth pressures emanating from the Caroline Swan Hills Gas Field developments and from Sunpine Forest Products' local developments. The 1987 total value of development permits was \$679,605, whereas the figure for January to September 1988 was already \$1,121,967.

The said territory may accommodate approximately 1,600 persons, which would almost double the Town's current population of 1,732. The Planning Commission projected that this increase in population could take place during the next 20 years.

The Planning Commission submitted that there are no municipally serviced highway commercial or industrial lots available in the Town of Sundre. Annexation would provide the Town with twenty-one highway-commercial and seventy industrial lots over the next 20 to 25 years. The subdivision plans for Block 2 have already been referred to Alberta Transportation and Utilities and access to the Block will be via the Town's internal street system.

The Town's sewer and water facilities can accommodate a total population of approximately 4,500 and can, if required, be readily expanded. Engineering studies to extend services to the said territory are presently underway.

Approximately 70 acres, including the pipeline right of way, Bearberry Creek and Prairie Creek are unsuitable for development and will be left as open space. The Nova natural gas pipelines will be upgraded, at Nova's and the developer's expense, to a Class 3 CSA standard to accommodate urban developments.

The Planning Commission noted that the application conformed with the Commission's annexation policy and the Sundre and Fringe Area Joint General Municipal Plan and as such supported the annexation subject to:

- 1) the southern boundary of Block 1 be consistent with the approved subdivision application 26/1378,
- 2) the northern boundary of Block 2 be in accordance with a registered surveyor's plan defining the toe of Snake Hill, and
- 3) Highway No. 22 be located totally within either municipality but not split as proposed by the application.

Parkland Oilfield Construction (1983) Ltd., confirmed that the subdivision application for Block 1 had been conditionally approved pending approval of the annexation application. Parkland, or purchasers of the subdivided lots, would be responsible for servicing costs. The terms regarding servicing costs are contained within a development agreement between Parkland and the Town of Sundre. Parkland concluded that in light of imminent developments west of the Town, there is an immediate demand for serviced highway commercial and industrial lots.

Other landowners had submitted consent forms expressing unconditional consent or conditional consent subject to retaining the current agricultural land assessment. Only one landowner, Ellen Demers, who owns a one acre lot in Block 1 objected.

Alberta Agriculture confirmed the low agricultural capability of the lands and had no objection to the annexation.

Alberta Environment confirmed that the Town's water treatment and sewage disposal facilities are adequate to service a population of approximately 4,500 people. Alberta Environment also confirmed that channelization and dyking along Bearberry Creek had rendered the lands in Blocks 1 and 2 safe from flooding during a 1:100 flood event. Alberta Environment advised that the Department had no major environmental concerns regarding the annexation, but did suggest that water table and soil testing should be undertaken on Blocks 1 and 2 prior to development and that 60 metre development setbacks from the 1:100 year floodplain on the Red Deer River should be established. The Department also advised that the Town's reclaimed sewage lagoon lands are subject to a land use agreement caveat obligating the Town to reimburse the Minister of Environment a proportional amount of the reclamation cost.

Alberta Transportation and Utilities stated that the Department had no objections to the annexation application, but reserved the right to review development plans with respect to highway access. The Department expressed the position that due to the large cuts and fills on Highway No. 22, there is no likelihood of Block 2 obtaining safe legal access. The Department requested that the Board require that provisions be made to ensure that the portion of NW 4-33-5-W5, excluded from the application (Snake Hill), is provided with legal and safe access.

The Board, having considered the evidence received at the hearing, has reached the following conclusions:

1. That the Town of Sundre will continue to serve as a regional service centre and that imminent energy and forestry related developments will impose an immediate demand on the community for commercial and industrial lands.
2. That the said territory is within the needs of the Town's projected growth over 20 to 25 years.
3. That Blocks 1 and 2 are suitable for development and protected from flooding by the flood control works along Bearberry Creek but that Alberta Environment's request for water table and soil testing should be undertaken.

4. That the request by Alberta Transportation and Utilities to ensure legal, safe access to the excluded portion of NW 4-33-5-W5 be undertaken by the Red Deer Regional Planning Commission.
5. That the request by the Town, the County and the Planning Commission to treat Highway No. 22 consistently deserves the Board's attention. Since the Board does not have the authority to separate or annex lands on its own motion, the Board believes that it would be more expedient to annex that portion of Highway No. 22 west of Block 2 under the authority provided in Section 22 of the Municipal Government Act. The Board is of the view that the entire roadway adjacent to the Town of Sundre should be in the Town's jurisdiction rather than in the County's to provide for continuity in administrative policy emanating from intensified activity as a result of urban land use and traffic requirements.
6. That the landowners' request to retain the agricultural land assessment can be adequately accommodated by the Town of Sundre as virtually no improvements are located thereon. The Town's evidence demonstrated that in three cases out of four, the taxes on non-commercial and non-industrial land and improvements would be less in the Town. Only on the Demers land, would there be an insignificant increase of \$5.71 equivalent to approximately a 0.3% increase.
7. That the County of Mountain View No. 17's request to have the 1989 taxes assigned to the County on the premise that it be compensated for 1988 maintenance, planning and negotiating costs are without merit under the circumstances described.
8. That the said application to annex the said territory by the Town of Sundre 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 Sundre, in the Province of Alberta, and thereupon be separated from the County of Mountain View No. 17 the following described territory:

ALL THAT PORTION OF THE NORTH HALF OF THE NORTH WEST QUARTER OF SECTION THIRTY-THREE (33), TOWNSHIP THIRTY-TWO (32), RANGE FIVE (5), WEST OF THE FIFTH MERIDIAN, NOT WITHIN THE TOWN OF SUNDRÉ

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THE ABOVE DESCRIBED LANDS CONTAIN ONE HUNDRED FIFTY-THREE AND SEVENTY-NINE HUNDREDTHS (153.79) HECTARES, (380.03 ACRES), MORE OR LESS

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

II. That any taxes owing to the County of Mountain View No. 17 as at December 31, 1988, in respect of the aforementioned properties shall transfer to and become payable to the Town of Sundre together with any lawful penalties and costs levied thereon in respect of any such taxes; however, upon the Town of Sundre collecting any or all of such taxes, penalties or costs, such collection shall forthwith be paid by the Town to the County of Mountain View No. 17.

III. That the assessor for the Town of Sundre shall, for taxation purposes in the year 1989, reassess 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 Sundre, 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 1989, reassess 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 Sundre,

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 Thirty-first (31st) day of December, 1988.

DATED and signed at the City of Edmonton, in the Province of Alberta, this 2nd day of December, 1988.

LOCAL AUTHORITIES BOARD

CERTIFIED A TRUE COPY

(SGD.) BRYAN T. CLARK,  
ACTING CHAIRMAN

RAY MYRONIUK,  
ACTING SECRETARY

(SGD.) HENRY W. THIESSEN, MEMBER

# SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE  
AREAS AFFECTED BY BOARD ORDER No. 18867

EFFECTIVE DATE: DECEMBER 31, 1988



 AFFECTED AREA(S)

