

Order No. 6634

File: L.A. 5114-A

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 Town of Sundre, Alberta for annexation of certain territory lying immediately adjacent thereto.

Pursuant to an application by the Town of Sundre in the Province of Alberta petitioning for the annexation of the following described territory which lies immediately adjacent to the limits of the said town, the Board conducted a public hearing of the matter in the said town on Thursday, April 26th, 1973:

Description of lands sought for annexation:

All that portion of the north-west quarter of section 34, township 32, range 5, west of the fifth meridian not presently within the limits of the Town of Sundre, Alberta.

The Town of Sundre was represented by secretary-treasurer Art Ogden.

The County of Mountain View No. 17 having consented to the town's proposal was not represented at the hearing.

The Red Deer Regional Planning Commission was represented by associate planner Gordon Arthur.

The Province's Department of Environment was represented by D. G. Mutter, P. Eng. of the River Engineering Support Services, assisted by G. W. Samide, P. Eng. of the same branch.

Mr. R. C. Ellithorpe, owner of the lands proposed for annexation by the town, was in attendance along with Mr. R. L. Ellithorpe, President of Mobile Home Paradise Park, which adjoins his father's land.

Mr. N. S. Ellithorpe attended the hearing as an interested citizen.

The town represented generally that the lands comprising some forty-two (42) acres, more or less, which adjoin the present trailer court facilities in the north-west quarter of section 34, township 32, range 5, west of the fifth meridian, should be annexed to the town to allow for extension of those facilities for which there is a considerable demand.

The town submitted that it had a limited supply of town-owned mobile home lots (21 lots at hearing date) and that it favoured the expansion of the existing trailer court in the north-west quarter of section 34, east of the Red Deer River to meet the steady demand for rental trailer space at Sundre which can't be met.

The town representative advised the board that council did not believe the area proposed for expansion would be in danger from flooding. Floods in the area had been rare and in his experience had not been dangerous or hazardous.

Mr. R. C. Ellithorpe, owner of the lands proposed for annexation, born and raised in the territory, who has lived on the east side of the Red Deer River at Sundre since 1927 advised the board that he had seen only one major flood — in 1915 — caused by log jamming — and that with the new bridge, dike and roads, there was no danger of serious flooding.

Mr. R. L. Ellithorpe represented that his father's land which adjoined the present 30-bay trailer court was a logical area into which to expand the trailer court since it could be serviced from the same owner-operated water and sewer systems.

Mr. Ellithorpe further stated that there was a steady demand for trailer sites which he could not accommodate due to lack of sufficient space. He also stated that he wished to "re-plot" his present court from 35 foot lots to 50 foot lots to accommodate the modern larger trailers and for this purpose he needed more area for his court.

The trailer court areas, he stressed, required fire protection service from the town through annexation, a major consideration to mobile home owners in insurance policy rates.

Mr. R. L. Ellithorpe advised the board that in his experience — having been born at Sundre — and having lived in his home at the trailer court for many years — flooding was not a serious problem. He had never had to move from his home because of floods, he stated and, he observed, mobile homes are three (3) feet off the ground and mobile.

The Department of Environment's River Engineering Branch's representative submitted generally that the department studies of the area had led them to recommend that development east of the Red Deer River in north-west 34 should be discouraged because of the possibility of flooding and because of the fact that diking — to control flooding tends to encourage development through confidence in the diking system; a breach in such a system can therefore become disastrous and flood levels may reach greater proportions than would normally occur.

After giving careful consideration to all the evidence that has been presented in connection with the application, the board has reached the following substantial conclusions:

- (a) the town established need of additional lands in the north-west quarter of section 34 to meet the requirements of an established trailer court business for additional space at the only logical adjoining site.

On-site expansion of management, sewer and water services seems basic to the success of this operation.

- (b) the owner of the annexation lands in north-west 34 and the trailer court operator (a father and son) stressed that the expanded facilities (area) of the trailer court must be within the town boundaries in order that trailer owners may enjoy reduced fire insurance premiums.
- (c) While the Red Deer Regional Planning Commission opposed the annexation application because of flood possibilities east of the river, the alternatives to annexation (and expansion) were an uneconomic split trailer court operation or its removal or a decline in its number of trailer bays.

These alternatives do not seem fair or realistic to the board in the circumstances.

- (d) While the Department of Environment's evidence is conclusive that flood waters could, on occasion, reach lands lying east of the Red Deer River at Sundre including north-west 34; we were also assured by testimony of the two most interested land owners (the trailer court operator and the owner of the annexation lands) who have both resided in the "flood area" east of the river for many years that any flooding that did occur was not severe or dangerous.

It seems to the board that a trailer standing some three (3) feet above ground level — even without its mobile factor — has some built in residential flood protection.

The Sundre Town Council also, on the basis of actual flood experiences, flood control measures that have been taken, proposed use of the north-west 34 for expansion of the trailer court operation, seems to the board to have made a valid and logical application which should be granted in full.

Authorization for development of the annexed property is not within the purview of our board; it may be that the annexed lands will remain restricted from subdivision or development after annexation.

It is ordered therefore 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-west quarter of section 34, township 32, range 5, west of the fifth meridian”

A sketch showing the general location of the annexed lands is attached as Schedule “A”.

II. Any taxes owing to the County of Mountain View No. 17 as at December 31, 1973, in respect of the aforementioned annexed properties shall transfer to and become payable to the Town of Sundre, together with the amount of any lawful penalties and costs levied thereon in respect of such taxes; however, upon the Town of Sundre collecting any or all of the said taxes, penalties or costs, such collections shall forthwith be paid by the town to the County of Mountain View No. 17.

III. The Assessor for the Town of Sundre shall for taxation purposes in the year 1974, re-assess or re-value the annexed lands and assessable improvements thereon, other than the properties described in clause IV hereunder, so that the assessment or valuation thereof shall be fair and equitable with other lands and assessable improvements in the Town of Sundre.

IV. The Assessor for the Town of Sundre shall for taxation purposes in the years 1974, 1975 and 1976 re-assess any annexed parcel of land comprising a farm unit or part thereof, as referred to in The Municipal Taxation Act, and the farm improvements thereon used in connection with the raising or production of crops or livestock or both, or in connection with fur production or beekeeping, on the same basis of assessment as would be applicable to them had such land and farm improvements remained in the County of Mountain View No. 17, provided however, that if:

- (a) the said land or a part thereof is subdivided; or if
- (b) the town, by Resolution of Council, or the owner or other interested person, in writing, establishes before the board, that for other 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. The Town of Sundre shall for taxation purposes in the years 1974, 1975 and 1976 tax the farm unit properties described at clause IV at the applicable town mill rates.

VI. 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 1974, 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.

VII. The effective date of this order shall be the 1st day of January, 1974.

Dated and signed at the City of Edmonton, in the Province of Alberta, this 30th day of October, 1973.

LOCAL AUTHORITIES BOARD,
C. G. MACGREGOR, Chairman,
I. MORRIS, Member.

Certified a true copy,
B. CLARK, Secretary.

SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION
OF THE AREAS AFFECTED BY ORDER No. 6634
EFFECTIVE DATE - JANUARY 1, 1974

 AFFECTED AREA(S)

