

IN THE MATTER OF "The Municipal Government Act, R.S.A., 1980":

AND IN THE MATTER OF an application by the Council of the Town of Taber to annex certain territory lying immediately adjacent thereto, and thereby its separation from the Municipal District of Taber No. 14.

Pursuant to Section 20 of The Municipal Government Act, the Council of the Town of Taber 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 in Schedule "B" attached hereto, (hereinafter referred to as the "said territory") which lies immediately adjacent to the Town, and thereby its separation from the Municipal District of Taber No. 14, and in respect to which the Board held a public hearing into the matter on October 4th, 1982.

Representing the Town of Taber were Mayor H.G. Meyer, J.E. Maddison, Town Manager and C.F. Schile, Municipal Administrator.

Reeve C.R. Wiest and A. Shaw, Municipal Administrator, appeared on behalf of the Municipal District of Taber No. 14.

G. Kuhl, Planner, represented the position of the Oldman River Regional Planning Commission.

Owners R. Sparks, H. Price, J. Enns, J. Sokac, J. Fallon and E. Jensen were present and made submissions opposing the annexation of their respective properties to the Town of Taber. M. Urano requested an adjournment of the hearing so his lawyer may make a presentation. He was granted a 30 day extension in which a written submission may be made to the Board.

The Town of Taber is an agricultural service community located on Highway No. 3, approximately 32 miles to the east of the City of Lethbridge. While there has been some regional resource development in coal, gas and petroleum, these developments in recent years have not had a major impact upon the community. However, the Town is well situated to serve the Taber Irrigation District with its specialty crops and intensive farming, and the dryland farming of the region. This has resulted in food processing industries being located within the Town together with service and commercial developments and some manufacturing. The Town also provides the main educational, health and other institutional services to its region. As evidence of its industrial-commercial development, of a total assessment of approximately \$116 million, some \$47 million is attributable to commercial-industrial assessment. It was planned that this ratio would continue.

The Town of Taber has grown in population from 1,400 persons in 1911 to a population of 5,988 persons in 1981 for an average annual growth rate of 4.68 per cent. Between 1975 and 1981 the growth rate per annum was 2.3 per cent. It was projected that the Town could be expected to annually grow within a range of between 3.2 and 4.35 per cent to populations between 11,243 or 14,032 persons by the year 2001. The Town of Taber Transportation Study - 1981 adopted a population of 12,000 persons by the year 2001 for its report.

To provide for the residential, industrial and other land use requirements for the projected population, it was estimated that the Town would require between 760 and 1,200 acres of undeveloped land within its jurisdiction. To meet these requirements the Town has now within its jurisdiction some 2,049 acres of which approximately 68 net acres of land are designated for future residential land uses. This acreage would be sufficient to supply residential demands for between 5 to 10 years. However, approximately one half this area is difficult and expensive to service. There are approximately 233 acres of land designated for industrial uses of which the Town owns approximately 77 acres. This supply was estimated sufficient to provide the Town with industrial lands for approximately 14 years. However, the Town

owned industrial lands would, if that was all that was available, be only a sufficient supply for a 5 year period. It was reported there is very little land available within the Town for commercial purposes.

The prospect for continued growth in population and development in the Town of Taber was seen as good. The irrigated acreage in the region was predicted to grow resulting in smaller, more intensive, farm units. This would increase the trading area population. There was the potential of further food processing plants being located in the Town of Taber, which, traditionally, acquired large holdings to accommodate future growth. There was also the potential of oil and gas discoveries in the region which could have an impact on the Town.

The said territory, containing approximately 1,811 acres, is located to the north and west of the Town of Taber, between the north-south alignments of Secondary Highway No. 864 on the west and Highway No. 36 on the east. The said territory touches the Banks of the Oldman River with its northwest corner in an area in which the Town's sanitary sewage treatment facilities are located. Almost every quarter section within the said territory has been subdivided resulting in some 45 land holdings of various sizes and uses held by some 23 individual or joint owners. The major owner of the said territory is the Town of Taber, which owns approximately forty per cent of the area.

The predominant land use in the said territory is agricultural including both extensive and intensive uses. Other uses include the Town of Taber's sanitary sewage treatment facility, cemetery and recreation grounds. There are a number of country residences, and some sites for industrial, utility and commercial uses.

The topography of the said territory is basically level with a minor slope north to the Oldman River, where the steep banks of the river occur. Development in the area of the river coulees would require a setback from the beginning of the 10 per cent slope. The sanitary sewer treatment plant would restrict development in that area. The said territory could be serviced readily and economically with utilities with most of the area capable of having the sanitary sewerage conveyed by gravity. Irrigation lateral canals provided some constraint to the development of the said territory. There were sufficient capacities within both the water and sanitary sewer plants to service future developing of the said territory.

The annexation of the said territory had been prompted by the lack of suitable and economical sites within the Town of Taber for institutional and governmental uses. Some of these were sites for a new hospital, a Provincial building, school, churches and exhibition grounds. Generally, residential uses were proposed for the western and north-west portion of the said territory, with industrial and some commercial uses located in the north-east portion. Breaking down the various land uses, it was estimated the said territory would provide each respective use with the following acreages:

<u>USE</u>	<u>AREA</u>
Residential	474.30
Industrial	374.05
Commercial	12.96
Institutional	137.94
Open Space	305.44
Roadways	447.96
Undevelopable	58.35
TOTAL....1,811.00 acres	

There has been a considerable amount of fragmented development within the said territory, much of which was urban in character. It was submitted, that while such developments within the fringe area around the Town of Taber are referred to the Town for approval prior to the development taking place, it would be better controlled if located within the Town and the Town's planning processes. The Taber General Plan Review has considered the said territory in

its terms of reference, as has recent utility and transportation studies. While the said territory would probably exceed the Town's 20 year land use requirements, it would permit the long term planning process to proceed. This would provide the basis on which future development could take place in a logical and economical fashion, with sufficient territory to provide flexibility and alternative choices.

The Municipal District of Taber No. 14 and the Town of Taber held meetings in respect to the annexation of the said territory to the Town. There had been a review of potential directions of growth for the Town and as the said territory contains poorer soils than lands to the south of the Town and was fragmented, it was the direction preferred. Accordingly, with the exception of one parcel the Municipal District did not object to the annexation of the said territory to the Town.

The Oldman River Regional Planning Commission's staff submission supported the annexation of the said territory to the Town of Taber, and pointed out that the Town had first contemplated an application for the annexation of some 3,375 acres to the Town.

Owners appearing or making written submissions were primarily concerned with the potential of increased taxation of their respective properties, if annexed into the Town. This question was difficult to answer as the Municipal District of Taber No. 14 is currently in the process of a general assessment, to be completed in 1984, which could vary assessments and taxes even within the Municipal District. Some concern was expressed on the effect of Town of Taber's current by-laws upon existing land use and specifically farm operations.

M. Urano requested that so long as his property remains as bonafide agricultural land and used as such, that said lands continue to be assessed and taxed as agricultural lands.

By letter to the Board dated September 14th, 1982, Alberta Agriculture made the following comments on the annexation of the said territory to the Town of Taber:

- "1. The Canada Land Inventory (CLI) agricultural capability ratings for the parcels under consideration are 4 (16%), 5 (64%), and 6 (20%). Adverse soil characteristics and topography are major soil limitations. CLI class 4 lands have limitations which restrict the range of crops which may be grown; CLI class 5 & 6 lands may be utilized for forage crop production or pasture. The Alberta Hail and Crop Insurance Corporation's soil productivity rating is 50-54%.
2. The soils for these parcels are generally sandy with an undulating topography. Some of the larger parcels are currently farmed under sprinkler irrigation.
3. No poorer quality agricultural alternatives exist, the lands identified by the proposed annexation are of poorer quality than lands directly south and east of Taber.

Alberta Agriculture has no objections regarding the Town of Taber's proposed annexation."

Alberta Transportation, in a letter to the Board dated September 9th, 1982, advised as follows:

"The proposal appears to include sections of Highways 3 and 36. It should be stressed that whether or not the highways fall within the Town limits, the Department will continue to control access along the highways pursuant to the Public Highways Development Act, in order to maintain an acceptable level of service and safety standards.

If this proposal proceeds, the Department would recommend that the recommendations of the recently completed Taber Transportation Study be used as a guideline for planning a hierarchy of internal road system to

relate mostly to protecting the integrity of the two primary highways, subdivision and development in the vicinity of the highways must be compatible with highway operations and consideration should be given to the need for additional right-of-way for highway widening, buffering and noise attenuation device.

The proposal also includes a section of Secondary Road 864 which runs along the west side of the proposed annexation area. It is recommended that a degree of access control be maintained along this arterial and right-of-way be protected for future widening.

In view of the amount of land covered by this proposal, the Department recommends that a proper pre-planning process be undertaken to define the land uses proposed for the area, described the sequence of development, and integrate future highway and land use planning. The Department would welcome the opportunity to participate in such pre-planning process with highway related inputs."

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

1. That, the Town of Taber, being a farm service community serving a diversified and growing regional agricultural industry that provides a sound, stable economic base to the community; with the Town's established industrial, commercial and institutional amenities and the potential to further such developments; with an established municipal infrastructure capable of meeting future growth demands in the community without becoming a burden upon its citizens; may grow in population and development, probably at current rates.
2. That, in order to meet its projected long term growth requirements the Town of Taber will require additional territory within its jurisdiction. Expansion to the west and north of the Town will mean the urbanization of mainly poorer soils that are badly fragmented as to parcel ownership with many of the uses being urban in character.
3. That, while the said territory is much in excess of the Town of Taber's immediate, and probably exceeds the long term, land use requirements, the inclusion now of such lands within the jurisdiction of the Town will permit the long term planning of land uses, utilities, transportation and other urban infrastructures in a logical and economical manner. Flexibility and competition in the land market will be attained by reasons of alternative areas of growth and the numerous land owners.
4. That, while the annexation of their respective properties to the Town of Taber may result in increased property taxes to some of the land owners within the said territory, this should be more than offset by the potential long term benefits to be gained by the planning process of land uses and utilities, and the demands of urban development. To delete from the said territory those properties belonging to objecting owners would create a highly irregular boundary and defeat the planning process. It is anticipated that current land uses within the said territory will be permitted to continue on a non-conforming basis and that the Town's applicable by-laws will be adjusted to permit the same. Further, that the current land use designations will remain until a change of use is instigated by the owners, thus permitting farm lands to be assessed and taxed as such until their respective use is changed.
5. That, other than by a minority of property owners, there is no objection to the annexation of the said territory to the Town of Taber. Therefore the application by the Town of Taber petitioning to annex the said territory to the Town, and thereby its separation from the Municipal District of Taber No. 14, 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 Taber, in the Province of Alberta, and thereupon be separated from the Municipal District of Taber No. 14, that territory set out 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 Municipal District of Taber No. 14 as at December 31st, 1982, in respect of the aforementioned properties shall transfer to and become payable to the Town of Taber together with any lawful penalties and costs levied thereon in respect of any such taxes; however, upon the Town of Taber collecting any or all of such taxes, penalties or costs, such collection shall forthwith be paid by the Town to the Municipal District of Taber No. 14.
- III. That the assessor for the Town of Taber shall, for taxation purposes in the year 1983, 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 Taber, 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 1983, 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 Taber, 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 First (1st) day of January, A.D., 1983.

DATED and signed at the City of Edmonton, in the Province of Alberta, this 12th day of November A.D., 1982.

LOCAL AUTHORITIES BOARD

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(SGD.) C. I. SHELLEY,
CHAIRMAN


(SGD.) J.A. HAMMOND
MEMBER

CERTIFIED A TRUE COPY:


SECRETARY.

SCHEDULE "B"

DESCRIPTION OF TERRITORY SOUGHT FOR AND ANNEXED
TO THE TOWN OF TABER

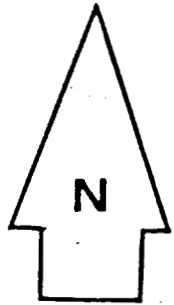
1. ALL THAT PORTION OF THE WEST HALF OF SECTION THIRTY-ONE (31), TOWNSHIP NINE (9), RANGE SIXTEEN (16), WEST OF THE FOURTH MERIDIAN, LYING NORTHERLY OF THE SOUTHERLY LIMIT OF HIGHWAY NO. 3, AS SHOWN ON ROAD PLAN 6987 J.K.
2. WEST HALF OF SECTION SIX (6), TOWNSHIP TEN (10), RANGE SIXTEEN (16), WEST OF THE FOURTH MERIDIAN.
3. SOUTH HALF OF SECTION SEVEN (7), TOWNSHIP TEN (10), RANGE SIXTEEN (16), WEST OF THE FOURTH MERIDIAN.
4. NORTH EAST QUARTER OF SECTION SEVEN (7), TOWNSHIP TEN (10), RANGE SIXTEEN (16), WEST OF THE FOURTH MERIDIAN.
5. ALL THAT PORTION OF THE NORTH WEST QUARTER OF SECTION SEVEN (7), TOWNSHIP TEN (10), RANGE SIXTEEN (16), WEST OF THE FOURTH MERIDIAN, DESCRIBED AS FOLLOWS: LEGAL SUBDIVISION ELEVEN (11) AND THAT PORTION OF LEGAL SUBDIVISION TWELVE (12), SHOWN AS THELMA STREET, AND BLOCKS TWO (2), THREE (3), FOUR (4) AND SIX (6), ALL AS SHOWN ON PLAN OF SUBDIVISION 7808 A.I., EXCEPTING THEREOUT ROAD PLAN 1692 J.K.
6. SECTION EIGHT (8), TOWNSHIP TEN (10), RANGE SIXTEEN (16), WEST OF THE FOURTH MERIDIAN.
7. ALL THAT PORTION OF THE WEST HALF OF SECTION NINE (9), TOWNSHIP TEN (10), RANGE SIXTEEN (16), WEST OF THE FOURTH MERIDIAN, CONTAINED IN ROAD PLAN 6650 G.T. AND NOT WITHIN THE TOWN OF TABER.
8. ALL THAT PORTION OF THE SOUTH EAST QUARTER OF SECTION EIGHTEEN (18), TOWNSHIP TEN (10), RANGE SIXTEEN (16), WEST OF THE FOURTH MERIDIAN, WHICH LIES TO THE SOUTH EAST OF THE OLDMAN (BELLY) RIVER. EXCEPTING THEREOUT THE EAST 750 FEET OF THE SOUTH 2,000 FEET OF THE SAID QUARTER SECTION.
9.  ALL GOVERNMENT ROAD ALLOWANCES AND GOVERNMENT ROAD ALLOWANCE INTERSECTIONS INTERVENING AND ADJOINING THE ABOVE DESCRIBED TERRITORY. EXCEPTING THEREOUT THAT NORTH SOUTH GOVERNMENT ROAD ALLOWANCE ADJOINING THE EAST BOUNDARY OF THE SOUTH EAST QUARTER OF SECTION EIGHTEEN (18), TOWNSHIP TEN (10), RANGE SIXTEEN (16), WEST OF THE FOURTH MERIDIAN.

THE ABOVE DESCRIBED LANDS CONTAINS ONE THOUSAND EIGHT HUNDRED ELEVEN (1,811) ACRES, MORE OR LESS.

SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE
AREAS AFFECTED BY BOARD ORDER No. 16028

EFFECTIVE DATE: JANUARY 1, 1983



AFFECTED AREA(S)

