

TOWN OF TABER

ORDER No. 12895

FILE No. 176(A)5

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 majority of owners petitioning for the annexation of certain territory to the Town of Taber, and thereby its separation from the Municipal District of Taber No. 14.

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

That portion of the south-west quarter of section 9, township 10, range 16, west of the fourth meridian, contained within block 5, and that portion of service road lying immediately westerly thereof, all as shown on Plan of Subdivision 751 0679, (hereinafter called "the said territory")

which said territory lies immediately adjacent to the Town of Taber in the Province of Alberta, petitioned for the annexation of the said territory to the Town of Taber and thereupon its separation from the Municipal District of Taber No. 14, and in respect to which the Local Authorities Board for the Province of Alberta held a public hearing into the matter on March 20, 1980.

Owners, R. Bassett and J. Chapman, were represented at the hearing by B. Blieske, planner, and N. Thompson, engineer.

The Town of Taber was represented by Mayor H.I. Wentz, and J.E. Maddison, Town Manager.

No one appeared at the hearing to represent the Municipal District of Taber No. 14, but by letter to the board, dated January 16, 1980, advised that the council was not in favour of the annexation "as the area in question is not required by the Town of Taber at the present time for development."

The Oldman River Regional Planning Commission had staff member F. Kuhl to present its position.

The said territory, containing approximately 76.40 acres, lies immediately adjacent to the Town of Taber's north-east boundary. Highway No. 36 abuts its west border and to the east is the St. Mary River Irrigation District's water reservoir known as Taber Lake. Industrial development has occurred on lands within the town to the south of the said territory.

Alberta Agriculture, by letter dated January 15, 1980, advised the board that it did not object to the annexation of the said territory to the town. It was observed that the land is classified in the Canada Land Inventory as "Number 4S" soil, and that it consists of sandy loam with approximately 35 per cent of the soil saline, due to the high water table. The said territory is currently being used for low producing pasture.

It was proposed by the owners that the said territory be used for industrial uses of a light to medium range, with some of it being of a quasi-industrial commercial nature. The owners had received, from some 19 business firms, statements of interest in development sites, and it was submitted that there was a demand for this type of industrial subdivision, namely one consisting of small lots. Most of the said territory has been allocated for development. Evidence was received on how the said territory may be economically serviced with utilities within the planned utility capacity of the Town of Taber.

The Council of the Town of Taber, at its regular meeting of February 4, 1980, passed a resolution in support. While the town did have a large inventory of industrial lands within its jurisdiction, it argued that much was owned by private owners who desired room for expansion and who could not be forced to utilize their excess holdings. The town is a thriving community servicing a large trading area, with a rich farm irrigation district surrounding it.

Recent resource discoveries in oil favoured development for the area. The population had maintained a steady growth of between 3 and 4 per cent per year and this was projected to continue. The said territory would also provide an alternative location and competition within the town, and "there was no reason it should not be annexed."

It was pointed out by the Oldman River Regional Planning Commission that there are presently within the Town of Taber some 610 acres of zoned industrial-commercial, of which approximately 270 are undeveloped. At an average rate of consumption of 14 acres per year this would provide a 50 year supply. It was submitted that the annexation of the said territory to the Town of Taber was premature.

Alberta Transportation, by letter to the board dated January 4, 1980, advised as follows:

"It is noted that the proposed annexation abuts the east side of Highway 36. Additional right-of-way from the annexation area may be required for future highway expansion. Highway access locations will need to be reviewed by this department to ensure its safe and efficient traffic operation. Buffers for noise attenuation may also be required depending on the ultimate land use adjacent to Highway 36.

This department will be pleased to discuss highway-related requirements with the town at such time that their land use or subdivision plans are being developed."

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

1. That the Town of Taber, with its established commercial and industrial base, as a farm service community and serving a large trading area, with its established amenities and the potential for resource development in its region, will continue to grow in population and development.
2. That, while the Town of Taber does have an excess of lands zoned for industrial uses, not all such lands are now or will become available for development, or are located in sites not conducive to the uses proposed.
3. That the said territory is of marginal agricultural value, may be economically serviced with utilities within the Town of Taber's existing or planned plant capacity, and is a logical area for expansion by the town.
4. That, as development is to take place upon the sites being made available, it is apparent that there must be a deficiency in land availability for such types of business within the town, or that other areas are poorly located, not available or not economically feasible.
5. That the application by the majority of owners to annex the said territory to the Town of Taber 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 described as:

That portion of the south-west quarter of section 9, township 10, range 16, west of the fourth meridian, contained within block 5, and that portion of service road lying immediately westerly thereof, all as shown on plan of subdivision 751 0679.

- II. That any taxes owing to the Municipal District of Taber No. 14 as at December 31, 1980, 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 such taxes; however, upon the Town of Taber collecting any or all of such taxes, penalties or costs, such collections shall forthwith be paid by the town of the Municipal District of Taber No. 14.

- III. That the assessor for the Town of Taber shall, for taxation purposes in the year 1981, re-assess 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.

Local Authorities Board

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 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 similiar 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 5th day of May, 1980.

Certified a true copy,
R. MYRONIUK, Acting Secretary.

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

SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE
AREAS AFFECTED BY BOARD ORDER No. 12895

EFFECTIVE DATE: JANUARY 1, 1981



AFFECTED AREA(S)

