

# TOWN OF WAINWRIGHT

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Board Order No. 14918

File No. 196(A)4

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 council of the Town of Wainwright to annex certain territory lying immediately adjacent thereto, and thereby its separation from the Municipal District of Wainwright No. 61.

Pursuant to section 20 of the Municipal Government Act, the council of the Town of Wainwright, in the Province of Alberta, petitioned the Local Authorities Board for annexation to the town all that territory described as follows:

All that portion of the south east quarter of section 32, township 44, range 6, west of the fourth meridian, being block X, as shown on plan of subdivision 5101 A.H. Excepting thereout road plans 1307 R.S. and 802 1686.

(hereinafter called "the said territory")

which lies immediately adjacent to the town, and thereby its separation from the Municipal District of Wainwright No. 61, and in respect to which the board held a public hearing into the matter on September 17, 1981.

Representing the Town of Wainwright were Mayor A.C. Coleman, Councillor B. Iverson, E.N. Bouchard, Administrator and R. Hogg, Development Officer.

Reeve J.R. Christensen, Councillor G. Vellau and H.A. McDonogh, Administrator, appeared on behalf of the Municipal District of Wainwright No. 61.

W. Symons, Planner, presented the position of the Planning Services Division of Alberta Municipal Affairs.

Owners, Robert W. Enstrom and Marilyn E. Enstrom, did not make a presentation but the board was advised that they have consented to have their property annexed to the Town of Wainwright.

The said territory, containing 155.6 acres, is located to the east of the Town of

Wainwright. To the north is located a quarter section of town territory (NE  $\frac{1}{4}$  32-44-6-W4) for which there is an approved outline plan and is proposed for industrial and commercial land uses. To the east and abutting the said territory is Highway No. 41. On the south border is the main access road to the town from Highway No. 41. The said territory abuts a residential development to the west. The said territory was proposed for residential development with some highway commercial uses fronting upon Highway No. 41. Servicing would be achieved by the extension of water and sanitary sewer lines from the residential development to the west. Evidence was received that there is sufficient capacity within the respective utility plants to accommodate any projected growth within the said territory. The topography of the said territory is level with few, if any, constraints to the development of the land in a readily and economical manner for the uses projected. The Town of Wainwright proposed to purchase the said territory and to develop it itself.

The Town of Wainwright, servicing a large farming community, has grown steadily from a population of 3,833 in 1975 to 4,462 in 1981. With a growing number of institutional, commercial and other amenities, growth was projected to continue to a population of 6,000 by the year 1990. Two factors contributing to the town's past development have been Camp Wainwright located nearby, and the region's heavy oil deposits. Both of these could be factors in future growth.

To meet its projected growth requirements the Town of Wainwright, with a total area of 1,840 acres, still has land as yet undeveloped. The town submitted that a number of factors detracted from the early development of these lands. In close vicinity to the said territory was an 80 acre parcel (Bevans property) which is under an outline plan. However, it has fragmented ownership and is difficult to develop. To the north east, an area known as Tory Heights (SW  $\frac{1}{4}$  5-45-6-W4) is also under an approved outline plan. Most of this land was proposed for industrial uses. To develop this area the town would have to construct major service trunk mains.

There are some 160 acres of land proposed for residential development (N  $\frac{1}{2}$  of S  $\frac{1}{2}$  6-45-6-W4) to the north of Highway No. 14, but this also would require the extension of service trunk lines and the area lacked school facilities and other urban infrastructure. It would require a longer time period for planning and greater expenditures to bring it under development.

It was explained that the Town of Wainwright was unable to grow to the west due to the Canadian National Railway and Highway No. 14. To the west is also located the town's sanitary sewer lagoon system and Bush Head Lake. The railway creates a natural barrier to the southern expansion of residential development, with this area being low and expensive to service with utilities. To the south west of the town is located Camp Wainwright.

It was suggested that the said territory was a logical extension to the Town of Wainwright. Highway No. 41 provided a natural boundary. Further, the lands could be readily and economically developed to meet the immediate requirements of the town.

The Municipal District of Wainwright No. 61 approved the annexation of the said territory to the Town of Wainwright. Concern was expressed that those lands immediately to the north had not been developed for industrial purposes, but it was appreciated that it was not owned by the town and beyond its control. Control of surface water was requested so as to not increase the run off rate and affect lower lying lands within the Municipal District.

The Planning Services Division of Alberta Municipal Affairs, by letter to the board dated July 13, 1981, advised in part, as follows:

"We have reviewed this proposal and wish to make the following observations:

— the parcel is slightly rolling and presently in agricultural use. Intended use is residential with highway commercial along Highway No. 41 and secondary commercial along First Avenue. The parcel is bounded by the Town on the north (proposed industrial use) the Town on the west (residential) the M.D. of Wainwright to the south (agricultural use) and Highway 41 to the east.

— the General Plan for the Town was prepared in 1976 and did not consider expansion or use of land beyond the boundaries of the Town at that time. This Plan is considerably out of date and no longer relevant to the Town's situation.

— while there is the potential of growing residentially to the north or the east, the preferred direction is to the east as:

— it can be easily serviced by an extension of the present utility system while a northerly expansion requires a new trunk sewer line.

— it is an integral part of the community and its facilities and services whereas the northern area is not large enough to justify a separate school and residents would have to cross Highway 14 to access virtually all facilities.

— building permits issued by the Town in the last 5 years have been as follows:

YEAR	SINGLE-FAMILY	DUPLEX	APARTMENT
1976	46	-	-
1977	39	4	92
1978	43	12	-
1979	24	2	18
1980	40	2	-

If the Town continues to issue 35-45 permits a year for single-family and duplex lots, land in the east of Town is sufficient for 10-15 years. However, with the completion of the SW 32-44-6-4, which is Town owned, remaining lands south of Highway 14 are under fragmented ownership and will be difficult to develop.

— the agricultural rating of soils to the east and north is of a similar high quality (C.L.I. 2 9/C 6 1/W).

— Highway 41 is a logical limit to growth in an easterly direction.

It is the view of this Section that on balance, while the agricultural quality of the soil is high it is equally so in the remaining development direction and, while there is some question as to the immediate need for the land, this is a logical growth direction and Highway 41 is a logical limit to this expansion. This Section supports the proposed annexation."

It was pointed out at the hearing that the annual population growth rate for the Town of Wainwright was between 3% and 4% which is above the overall provincial growth average. This growth is projected to be maintained.

Alberta Transportation, by letter to the Board dated August 25, 1981, made the following comment:

"When land use development plans are being formulated for this area, efforts should be made to orient access along the access road and development should be compatible with the adjacent land use and the operation and future planning

of the highway. Consideration should also be given to the need for additional highway right-of-way, access control, service road, buffering and noise attenuation where necessary."

The position of Alberta Agriculture was made to the board by a letter dated July 27, 1981:

"The CLI rating of the land in question is 2 9/C 6 1/W. The Municipal Farmland Assessment is \$3,409 on 146 ac. (av. \$23.30 ac). Productivity of these lands is in the 80% range.

Other available lands adjoining the town are of equal agricultural value. The development of these lands will represent the alienation of prime agricultural lands."

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

1. That the Town of Wainwright being a well established farm service community serving a large agricultural area, being in close proximity to Camp Wainwright, with the potential for further development in its regions heavy oil deposits, having lifestyle conducive to family development and with a growing number of urban amenities, will continue to grow in population and development, probably at current rates.
2. That, while the said territory is in excess of the Town of Wainwright's immediate requirements, the developable lands within the town's jurisdiction are subject to a number of constraints which makes their early development for urban purposes difficult, not economically viable or unable to be brought "on stream" in time to meet the town's current requirements.
3. That with Highway No. 41 providing a natural boundary and being adjacent to the Town of Wainwright's boundaries on its west and north, the said territory is a logical expansion of the town's jurisdiction. Further, the said territory has few, if any constraints to development and may be readily and economically serviced with utilities and roadways by the natural extension of such facilities from the urban development immediately to the west.
4. That it is to be regretted that the annexation of the said territory to the Town of Wainwright will mean the urbanization of excellent agricultural soils. However, if the town is to grow, because its directions of growth are limited, it will mean the intrusion onto such better soils. It is noted that those lands which are within the town but not used for urban purposes remain in agricultural production. This is expected to continue, offsetting the more immediate development of the said territory.
5. That the application by the council of the Town of Wainwright to annex the said territory 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 Wainwright, in the Province of Alberta, and thereupon be separated from the Municipal District of Wainwright No. 61, the following described territory:

All that portion of the south east quarter of section 32, township 44, range 6, west of the fourth meridian, being block X, as shown on plan of subdivision 5101 A.H. Excepting thereout road plans 1307 R.S. and 802 1686.

(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 Wainwright No. 61 as at December 31, 1981, in respect to the aforementioned properties, shall transfer to and become payable to the Town of Wainwright together with any lawful penalties and costs levied thereon in respect of any such taxes; however, upon the Town of Wainwright collecting any or all of such taxes, penalties or costs, such collection shall forthwith be paid by the town to the Municipal District of Wainwright No. 61.

III. That the assessor for the Town of Wainwright shall, for taxation purposes commencing in the year 1982, 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 Wainwright, 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 1982, 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 Wainwright 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 January 1, 1982.

Dated and signed at the City of Edmonton, in the Province of Alberta, October 2, 1981.

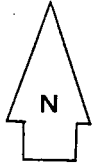
Certified a True Copy:  
B. Clark, Secretary.

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. 14918

EFFECTIVE DATE: JANUARY 1, 1982



AFFECTED AREA(S)

