

## SUMMER VILLAGE OF CHESTERMERE LAKE

---

Order No. 18918

File No. CHES/SV-9

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 Summer Village of Chestermere Lake, in the Province of Alberta, to annex certain territory lying immediately adjacent thereto and thereby its separation from the Municipal District of Rocky View No. 44.

Pursuant to Section 20 of the Municipal Government Act, the Council of the Summer Village of Chestermere Lake, in the Province of Alberta, petitioned the Local Authorities Board for the Province of Alberta, for the annexation to the Summer Village of all that territory described as follows:

ALL THAT PORTION OF THE EAST HALF OF SECTION TEN (10), TOWNSHIP TWENTY-FOUR (24), RANGE TWENTY-EIGHT (28), WEST OF THE FOURTH MERIDIAN, NOT WITHIN THE SUMMER VILLAGE OF CHESTERMERE LAKE

ALL THAT PORTION OF SECTION FIFTEEN (15), TOWNSHIP TWENTY-FOUR (24), RANGE TWENTY-EIGHT (28), WEST OF THE FOURTH MERIDIAN, LYING EAST AND SOUTH OF THE EASTERLY LIMIT OF ROAD PLAN 1565 L.K. AND NOT WITHIN THE SUMMER VILLAGE OF CHESTERMERE LAKE

ALL THAT PORTION OF THE EAST WEST GOVERNMENT ROAD ALLOWANCES ADJOINING THE SOUTH BOUNDARY OF SECTION FIFTEEN (15), TOWNSHIP TWENTY-FOUR (24), RANGE TWENTY-EIGHT (28), WEST OF THE FOURTH MERIDIAN, WHICH LIES EAST OF A STRAIGHT LINE

DRAWN FROM I.R. 12A TO I.R. 12B, BOTH AS SHOWN ON ROAD PLAN 1565 L.K. AND NOT WITHIN THE SUMMER VILLAGE OF CHESTERMERE LAKE

THE ABOVE DESCRIBED LANDS CONTAIN ONE HUNDRED THIRTY FOUR AND EIGHTY-FIVE HUNDREDS (134.85) HECTARES, (332.32 ACRES), MORE OR LESS

(hereinafter called "the said territory")

which lies immediately adjacent to the Summer Village of Chestermere Lake, and thereby its separation from the Municipal District of Rocky View No. 44, and in respect to which the Board held a public hearing into the matter on February 7, 1989.

Representing the Summer Village of Chestermere Lake were Deputy Mayor Elaine Peake, Municipal Administrator Barbara Berg, Ian Cope, Planner with the Calgary Regional Planning Commission responsible for the Summer Village, and Ken Till, Manager of the Civil Engineering Division of Reid Crowther & Partners Limited.

The Municipal District of Rocky View No. 44 was represented by Councillor Jean Isley, Ken Kelly, Director of Planning and Engineering, and Peter Kvisto, Treasurer.

The Calgary Regional Planning Commission was represented by Diane Pomeroy, Planner.

The two major registered landowners, the Hodgsons and the McIvors, had given their written unconditional consent to the annexation and authorized the Summer Village to act on their behalf. Transalta Utilities Corporation had also advised that the Corporation had no objection to the annexation.

The holders of an option to purchase a portion of the said territory, Lakeside Greens Inc. and 385223 Alberta Limited, were represented by Gary Cork, Project Manager and Bob Iverach respectively.

Alberta Agriculture, Alberta Environment, Alberta Transportation and Utilities as well as the Energy Resources Conservation Board submitted written briefs to the Board prior to the hearing.

The Chestermere-Conrich Regional Recreation Board was represented by Helga Dressel, Chairperson.

The said territory is an irregular shaped parcel of land contiguous to the Summer Village of Chestermere Lake's western boundary and for ease of description will be identified as Blocks 1 and 2.

Block 1 is a triangular shaped area comprising 229.93 acres. The Block is bounded on the east by the Summer Village's West Chestermere Drive, on the northwest by Highway No. 1A and on the south by the south limit of a municipal road known locally as Centre Avenue. The majority of the Block is owned by John Everett Hodgson and Joyce Elaine Hodgson. The remainder of the Block is comprised of three parcels; two of 27.04 acres and 3 acres in size, owned by the Municipal District of Rocky View No. 44 and one of 4.8 acres in size, owned by the Crown. The 27.04 acre parcel has been leased to the Chestermere Community Association for a period of fifty years. A par 3 golf course and a regional community recreation complex consisting of a community hall, four curling sheets, a hockey arena, a cafeteria, senior citizens' lounge, tennis courts, and a ball diamond are located on the leased parcel. The soils within the Block are predominantly Class 2T under the Canada Land Inventory (CLI)

agricultural rating system with some Class 5W. The topography is moderately rolling with some low lying drainage sites in the westerly portion.

Block 2 is also a triangular shaped area comprising 102.39 acres. The Block is bounded on the east by West Chestermere Drive, on the west by agricultural land and on the north by Centre Avenue. All the land except for a 10.88 acre Transalta Corporation transmission line right of way along the west side of the Block is owned by Gladys Vivian McIvor and Donald Hart McIvor. The soils and topography of the Block are similar to those described in Block 1, although some of the soils are Class 3T as well. The lands are presently under agricultural production.

The Summer Village was incorporated in 1977 upon the request of the cabin owners who leased land from the Western Irrigation District adjoining Chestermere Lake and the irrigation canal. Since incorporation the Summer Village has not increased in area but the population has increased due to redevelopment, infilling and subdivision of the larger two acre lots. At present the Summer Village has forty-nine undeveloped lots, plus approximately 85 acres of agricultural land available for future residential development. The 600 permanent residents of the Summer Village have consistently opposed industrial and commercial development, opting instead for low density residential and recreational uses.

The Summer Village submitted the results of a comprehensive survey undertaken during a revision of the General Municipal Plan. The results of the survey indicated that the residents favour moderate growth, provided that the Summer Village retains the single family, recreation oriented lifestyle. The survey supported permanent residences and those commercial outlets required for a continuation of this lifestyle such as a food store and marina. The survey also favoured enhancement of the recreation facilities through the development of a golf course, pathways and open green spaces. The municipal services most desired by the respondents to the survey are water and improvements to the roadways. The majority of respondents concluded that a permanent population of 1,000 to 3,000 is reasonable and that full Village status should only be sought if there are financial benefits to the residents.

The Summer Village has provided sewage collection service to the residents via the City of Calgary's regional sewer system. The collection system can accommodate a population of 3,000 without any further modification and can be expanded to accommodate a population of 6,000 through the installation of a storage reservoir and continuous pumping.

The Summer Village is now negotiating with Alberta Transportation and Utilities to qualify for a 50% capital grant to construct a water distribution system capable of providing a population of approximately 3,000 with potable water and full fire protection. The engineering report prepared by Reid Crowther & Partners Limited estimates that this could be achieved by tapping into an existing City of Calgary water main. Approximately 9 km of 300 mm diameter feeder main and 8.9 km of 250 mm diameter distribution system would be required. The cost is estimated at between \$2.9 and \$3.4 million.

Presently domestic water is provided by several wells ranging in depth from 150 to 300 feet or by a combination of hauling and storage cisterns. The well water is high in mineral content and generally not suitable for drinking. 84% of the residents responding to a survey have supported the need for a municipal water distribution system.

The Summer Village also introduced a letter from the Minister of Transportation and Utilities advising that the upper limit for funding based on the Alberta Municipal Water Supply and Sewage Treatment Grant Program is \$1,278,900. The Minister did commit

to further funding based on a 50/50 cost sharing arrangement provided that there is a commitment to the local share and a firm implementation schedule. The Minister also confirmed that funding is available in the 1988-1989 budget if the community wishes to proceed immediately.

The Summer Village of Chestermere Lake advised that the Summer Village is negotiating a development agreement relating to Block 1 with Lakeside Greens Inc. under which the company would be responsible for one half the water system's design costs plus \$1.3 million for the capital costs or \$3,209.88 per approved dwelling unit, whichever is the lesser. The Summer Village would be responsible for any additional amount required to meet the 50% share. The development agreement is contingent upon the Board approving the annexation on or before March 31, 1989.

The Summer Village expressed the view that the said territory would be adequate to house a projected total population of approximately 3,000 which would make servicing the community's transportation needs more efficient. Similar savings are also expected in the operation of the sewer system. The Summer Village does not anticipate that the provision of water to the said territory will result in an additional financial burden as the developer of Block 1 will be prepaying all off-site levies and also be responsible for the subdivision costs. Furthermore, the provincial grant will allow the installation of water lines to the existing residents, with the residents being responsible for their own on-site installation costs. The proposed development of Block 1 and the installation of a water distribution system is not expected to result in increased costs to either the Summer Village or its existing residents.

In conclusion the Summer Village advised that an annexation agreement had been entered into with the Municipal District of Rocky View No. 44 which provided that the two parcels owned by the Municipal District would remain, subject to the direction of the Minister of Municipal Affairs, under ownership of the Municipal District. Furthermore, for a period of thirty years following annexation, the said territory would be assessed as if situated in the Municipal District unless sold, subdivided, reclassified in use or improved. The agreement also anticipated that the 1989 taxes would be levied by the Municipal District, on the assumption that a Board Order would not be issued until after tax notices had been issued in June 1989.

The Municipal District of Rocky View No. 44 confirmed that the Municipal District had executed an annexation agreement with the Summer Village which included support of the proposed annexation. The Municipal District advised that a request was made to the Minister of Municipal Affairs to direct that the two parcels owned by the Municipal District not be transferred to the Summer Village. The 27.04 acre parcel was leased to the Chestermere Community Association for a period of fifty years commencing November 1, 1980, and the Municipal District has and continues to support the Community Association. The Association overwhelmingly expressed the desire to continue the relationship with the Municipal District. Lakeside Greens Inc. is negotiating with the Municipal District for the sale of the three acre parcel. If the ownership of the two parcels does not remain with the Municipal District, then annexation would not be supported. The Municipal District also advised that the thirty year tax shelter is an attempt to protect the landowner in Block 2 and that the shelter would have little impact on Block 1 as the land would be subject to higher taxes as soon as the subdivision application is approved.

The Calgary Regional Planning Commission provided a staff report confirming that the said territory is within the Summer Village of Chestermere Lake's Urban Fringe Boundary ratified on December 15, 1987. The staff report also confirmed the Summer Village's evidence pertaining to the existing sewer services and negotiations relative to the water services. The staff report stated that a projected population of 2,800 to 3,000 within a thirty year period is a reasonable forecast and that the Summer Village's

inventory, plus the developable lands within the said territory, is sufficient to provide the estimated 211 acres required.

The staff report concluded need has been demonstrated and that the said territory is a logical extension within a defined urban growth corridor. As the Municipal District of Rocky View No. 44 is supporting the annexation and the said territory can be serviced by sewer and water, the staff report recommended that the annexation be approved. The Calgary Regional Planning Commission, at its meeting of January 13, 1989, accepted the recommendation contained in the staff report.

Lakeside Greens Inc. confirmed the option to purchase the Hodgson lands in Block 1 as well as the negotiations to purchase the 3 acre parcel from the Municipal District of Rocky View No. 44. To facilitate a widening of Highway 1A a portion of the acquired land would be exchanged for the Crown's parcel. Lakeside Greens Inc. will be entering into a development agreement with the Summer Village for the payment of up to \$1.3 million as off-site water levies for the proposed 405 dwelling units, 18 hole golf course and recreational complex. Although subdivision approval had not been undertaken, Lakeside Greens Inc. estimated golf course construction would begin in 1989 and be completed in 1990. Housing construction would commence in 1990 and be phased in over a five year period. The housing would provide a "middle class" adult community setting and eventually meet 25% of the Summer Village's residential requirements. Lakeside Greens Inc. estimated that the population increase of approximately 900 persons would not place a great burden on the Community and that the development will contribute approximately \$486,000 annually in municipal taxes.

Alberta Agriculture, in a written brief, advised the Board that the Department had no objection to the annexation proposal.

Alberta Environment also advised the Board that the Department had no objection to the annexation.

Alberta Transportation and Utilities confirmed that the Department had no objection to the annexation application and is in communication with the Summer Village with respect to future multi-laning of Highway No. 1A and access thereto. The Summer Village confirmed that tentative agreement had been reached by the consulting engineer, Lakeside Greens Inc. and the Department.

The Energy Resources Conservation Board advised the Board that a sour gas well and sour gas pipeline are located slightly more than one mile west of Block 2 and that setback distances pursuant to the Planning Act Regulations would apply to any developments. The Planner for the Summer Village assured the Board that the level of intensity and proximity of location would not have a negative bearing on any proposed developments in the said territory.

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

1. That the Summer Village has provided a sewer system as of 1983 and is now planning the construction of a water distribution system subject to receiving confirmation of a provincial grant and commitment of shared costs by the developer.
2. That Lakeside Green's proposal to fund 50% of the cost of a water system would appear to place a heavier off-site levy on the development proposed for Block 1 than would normally be the case, but this provides an opportunity to meet the servicing needs of the existing residents.

3. That the Summer Village will continue to grow in population, due to the close proximity to the City of Calgary, and especially if the requisite municipal services including sewer, water and outdoor land and water based recreational amenities are provided.

4. That the Summer Village, the Municipal District of Rocky View No. 44 and the Calgary Regional Planning Commission have all cooperated in identifying the urban fringe and, in anticipation of continued growth, support the annexation.

5. That there is merit in the Municipal District of Rocky View No. 44's request that the Municipal District retain ownership of those lands on which the regional recreational complex is situated. The Municipal District's objective of continuing to provide the ratepayers with recreational services following annexation is reasonable.

6. That the inter-municipal agreement on tax sheltering becomes inapplicable upon redesignation and subdivision of the Block 1 lands and has little bearing on the unimproved agricultural lands in Block 2.

7. That the said application to annex the said territory by the Summer Village of Chestermere Lake 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 Summer Village of Chestermere Lake, in the Province of Alberta, and thereupon be separated from the Municipal District of Rocky View No. 44 the following described territory:

ALL THAT PORTION OF THE EAST HALF OF SECTION TEN (10), TOWNSHIP TWENTY-FOUR (24), RANGE TWENTY-EIGHT (28), WEST OF THE FOURTH MERIDIAN, NOT WITHIN THE SUMMER VILLAGE OF CHESTERMERE LAKE

ALL THAT PORTION OF SECTION FIFTEEN (15), TOWNSHIP TWENTY-FOUR (24), RANGE TWENTY-EIGHT (28), WEST OF THE FOURTH MERIDIAN, LYING EAST AND SOUTH OF THE EASTERLY LIMIT OF ROAD PLAN 1565 L.K. AND NOT WITHIN THE SUMMER VILLAGE OF CHESTERMERE LAKE

ALL THAT PORTION OF THE EAST WEST GOVERNMENT ROAD ALLOWANCES ADJOINING THE SOUTH BOUNDARY OF SECTION FIFTEEN (15), TOWNSHIP TWENTY-FOUR (24), RANGE TWENTY-EIGHT (28), WEST OF THE FOURTH MERIDIAN, WHICH LIES EAST OF A STRAIGHT LINE DRAWN FROM I.R. 12A TO I.R. 12B, BOTH AS SHOWN ON ROAD PLAN 1565 L.K. AND NOT WITHIN THE SUMMER VILLAGE OF CHESTERMERE LAKE

THE ABOVE DESCRIBED LANDS CONTAIN ONE HUNDRED THIRTY FOUR AND EIGHTY-FIVE HUNDREDS (134.85) HECTARES, (332.32 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 Municipal District of Rocky View No. 44 as at December 31, 1988, in respect of the aforementioned properties shall transfer to and become payable to the Summer Village of Chestermere Lake together with any lawful penalties and costs levied thereon in respect of any such taxes, however, upon the Summer Village of Chestermere Lake collecting any or all of such taxes, penalties or costs, such collection shall forthwith be paid by the Summer Village to the Municipal District of Rocky View No. 44.

III. That the assessor for the Summer Village of Chestermere Lake shall, for taxation purposes in the year 1989, reassess the annexed lands and assessable improvements thereon, which are by this Order annexed to the Summer Village so that the assessment thereof shall be fair and equitable with other lands and assessable improvements in the Summer Village of Chestermere Lake, 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 the 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 Summer Village of Chestermere Lake, so that the assessment or valuation shall be fair and equitable with properties of a similar nature.

V. That all property, assets and liabilities of the following described lands owned by the Municipal District of Rocky View No. 44 shall not be subject to Section 25(1) of the Municipal Government Act:

PARCEL "A" AS SHOWN ON PLAN 7840 E.U. CONTAINING ELEVEN AND TWO TENTHS (11.2) HECTARES (27.79 ACRES) MORE OR LESS EXCEPTING THEREOUT SEVENTY-SEVEN THOUSANDTHS (0.077) OF A HECTARE (0.19 ACRE) MORE OR LESS AS SHOWN ON ROAD PLAN 5444 J.K. AND TWO HUNDRED TWENTY-SEVEN THOUSANDTHS (0.227) OF A HECTARE (0.56 ACRE) MORE OR LESS AS SHOWN ON ROAD WIDENING PLAN 20137.

ALL THAT PORTION OF THE SOUTH WEST QUARTER OF SECTION FIFTEEN (15), IN TOWNSHIP TWENTY-FOUR (24), RANGE TWENTY-EIGHT (28), WEST OF THE FOURTH MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE NORTH WESTERLY LIMIT OF A PUBLIC SURVEYED ROADWAY AS SAID ROADWAY IS ON PLAN IRR. 86, DISTANT NINETEEN HUNDRED AND TWENTY-EIGHT (1928) FEET SOUTH WESTERLY FROM THE EASTERLY LIMIT OF SAID QUARTER SECTION, THENCE SOUTH EASTERLY AND AT RIGHT ANGLES TO LAST MENTIONED COURSE FIVE HUNDRED AND NINETY-FOUR (594) FEET, THENCE SOUTH WESTERLY AND PARALLEL WITH THE SAID NORTH WESTERLY LIMIT OF SAID ROADWAY TWO HUNDRED AND FORTY-SEVEN AND FIVE TENTHS (247.5) FEET, THENCE NORTH WESTERLY AND AT RIGHT ANGLES TO LAST MENTIONED COURSE FIVE HUNDRED AND NINETY-FOUR (594) FEET MORE OR LESS TO THE NORTH WESTERLY LIMIT OF SAID ROADWAY, THENCE NORTH EASTERLY ALONG SAID NORTHERLY LIMIT OF SAID ROADWAY TWO HUNDRED AND FORTY-SEVEN AND FIVE TENTHS (247.5) FEET MORE LESS TO THE POINT OF COMMENCEMENT. EXCEPTING THEREOUT THE SAID ROADWAY, CONTAINING THREE (3) ACRES MORE OR LESS.

VI. 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 13th day of March, 1989.

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. 18918

EFFECTIVE DATE: DECEMBER 31, 1988



AFFECTED AREA(S)

