

## VILLAGE OF COALHURST

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Board Order No. 15061

File No. 256(A)1

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 Village of Coalhurst to annex certain territory lying immediately adjacent thereto, and thereby its separation from the County of Lethbridge No. 26.

Pursuant to section 20 of the Municipal Government Act, the council of the Village of Coalhurst, in the Province of Alberta, petitioned the Local Authorities Board for the annexation to the village all that territory described in Schedule "B" attached hereto, hereinafter called "the said territory", which lies immediately adjacent to the village, and thereby its separation from the County of Lethbridge No. 26, and in respect to which the board held a public hearing into the matter on October 29, 1981.

Representing the Village of Coalhurst were Mayor R.J. McLaren, Councillor B. Humphries and E. Ferguson, Administrator.

T. Golden, Planner, presented the position of the Oldman River Regional Planning Commission.

None of the owners were present, but E. Loxton who leased certain lands in the said territory, expressed concern about the possibility of having to pay higher property taxes if those lands were annexed to the Village of Coalhurst.

The community of Coalhurst dates back to 1910 when it was created to service the local coal mine. The community grew until 1935 when a mine explosion brought an end to the mine's operation. This, together with the depression of the 1930's, led to the village's decline. In recent years the community, while retaining the status of a hamlet until 1979 when incorporated as a village, has grown primarily as a bedroom community to the City of Lethbridge. In 1978, it had a population of 669; in 1980 a population of 801 and in 1981 the population reached 881. It was projected that by the year 1996, if the population grew by a rate of 4 percent per year, Coalhurst would reach a population of 1,492.

There were a number of anticipated factors which could assist the Village of Coalhurst in meeting its growth objectives. The relocation of the marshalling yards from the

City of Lethbridge to a location at Kipp, a short distance to the west, was seen as a stimulation to industrial development in the community, and the relocation of some of the railway workers to the village would occur.

A revival of the coal mining industry was projected with two of the mines to be located in close proximity to the village. If this occurred, it was anticipated there would be direct impacts upon the village with demands for land for residential, commercial, institutional and industrial uses. While the village did possess vacant lands for development, it was argued that there is insufficient developable territory within the village to meet its long term land use requirements.

The said territory, containing 89.2 acres, is contained in two parcels; Parcel "A" to the west, and Parcel "B" to the east of the Village of Coalhurst. Parcel "A" is located within a railway "Y" with the main Canadian Pacific lines to the southwest, and the two connections to the Turin railway line, which are to the east and north of the parcel. This parcel contains some 25.2 acres and is used for two industrial sites and a pasture. It was proposed that this parcel would be utilized for industrial purposes. Parcel "B" is in two separate land holdings. The north holding, containing 24.06 acres, contains a slag heap and slopes to the north and east. This area was proposed for industrial, residential and some commercial land uses. One industrial site is in operation.

The second land holding, containing 39.93 acres is to the south and east of the south east corner of the Village of Coalhurst. The topography is sloped from the north to the south and east. This area was proposed mainly for residential with some commercial land uses.

It was pointed out that the Village of Coalhurst presently lacked a commercial area and had only limited commercial services available, a single general store, to serve the needs of the local residents. Interest had been shown in constructing a small shopping centre but no lands were available. This would be achieved within Parcel "B".

If the Village of Coalhurst is to achieve a balanced growth and a better tax base, industrial development would be required. With the resource development in its area and the railway relocation it was suggested that now was an opportune time to achieve such a base, and for these purposes there must be lands available within the village. For this use the village only had 10 acres remaining.

Evidence was received that the Village of Coalhurst had within the sanitary sewer system sufficient plant capacity to service a population of 2,500. The water utility plant is presently at capacity and its upgrading has been recommended to the council. Transportation studies have been conducted which recommend the closing of the present access to Highway No. 3 from the village. A new access route to the village is proposed which, if constructed, would cut through a portion of Parcel "B". While the servicing of Parcel "A" with utilities was not reviewed, Parcel "B" could readily and economically be serviced with sanitary sewer as the sewage treatment lagoons are located immediately to the east of this parcel.

The County of Lethbridge No. 26 by letter to the board dated September 16, 1981, advised it had no objection to the annexation of the said territory to the Village of Coalhurst.

The Oldman River Regional Planning Commission supported the application of the Village of Coalhurst to annex the said territory. The commission had prepared a report entitled "Coalhurst Preliminary Development Policy" for the village council. While this had been discussed it had not been formally adopted by the village. This report recommends the annexation of the said territory by the village.

In respect to population growth, the commission staff found it hard to project as the impact of the resource developments upon the village were unknown. The Village of Coalhurst could "again stagnate or explode."

Alberta Transportation, by letter to the board dated September 23, 1981 advised "... there is no objections to this proposal providing it is not intended to access Highway No. 3."

The Canadian Pacific Railway by letter to the Village of Coalhurst, dated July 13, 1981, advised it had "... no objection."

David A. Veres, the owner of the north portion of Parcel "B" in a letter to the Village of Coalhurst dated June 17, 1981, requested the village annex his property. In a letter to the Village of Coalhurst dated July 2, 1981, 85190 Holdings Ltd. requested the village to annex the south portion of Parcel "B", owned by the company.

The board, having considered the evidence, both oral and written, presented at the hearing, has reached the following conclusions:

1. That the Village of Coalhurst, due to its close proximity to certain proposed resource and railway developments, has the potential to grow in population and development, making it possible for the community to improve and acquire more urban amenities.
2. That there is insufficient undeveloped territory within the jurisdiction of the Village of Coalhurst to permit it to respond positively to any demand made upon it for undeveloped lands for industrial, commercial and residential uses.
3. That the Village of Coalhurst, even if development was limited to its present territory, will have to upgrade and enlarge its water utility plant. It is anticipated that contributions to the cost of such improvements shall be made by the developers of the said territory thus easing the burden upon the present residents of the village. With such utility developments being completed the said territory may be readily and economically serviced with utilities.
4. That industrial and commercial development within the Village of Coalhurst will provide the village with a better tax base, and its citizens with an alternative place of employment.
5. There being no opposition, the application by the Village of Coalhurst petitioning 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 Village of Coalhurst, in the Province of Alberta, and thereupon be separated from the County of Lethbridge No. 26, the territory described in Schedule "B" attached to this order. (A sketch showing the general location of the annexed lands is attached as Schedule "A".)

II. That any taxes owing to the County of Lethbridge No. 26 as at December 31, 1981, in respect of the aforementioned properties shall transfer to and become payable to the Village of Coalhurst together with any lawful penalties and costs levied thereon in respect of any such taxes; however, upon the Village of Coalhurst collecting any or all of such taxes, penalties or costs, such collection shall forthwith be paid by the village to the County of Lethbridge No. 26.

III. That the assessor for the Village of Coalhurst shall, for taxation purposes in the year 1982, re-assess the annexed lands and assessable improvements thereon, which are by this order annexed to the village so that the assessment thereof shall be fair and equitable with other lands and assessable improvements in the Village of Coalhurst, 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 Village of Coalhurst, 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, November 16, 1981.

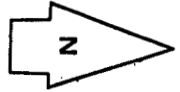
Certified a True Copy:  
B. Clark, Secretary.

Local Authorities Board,  
C.I. Shelley, Chairman.  
J.A. Hammond, Member.

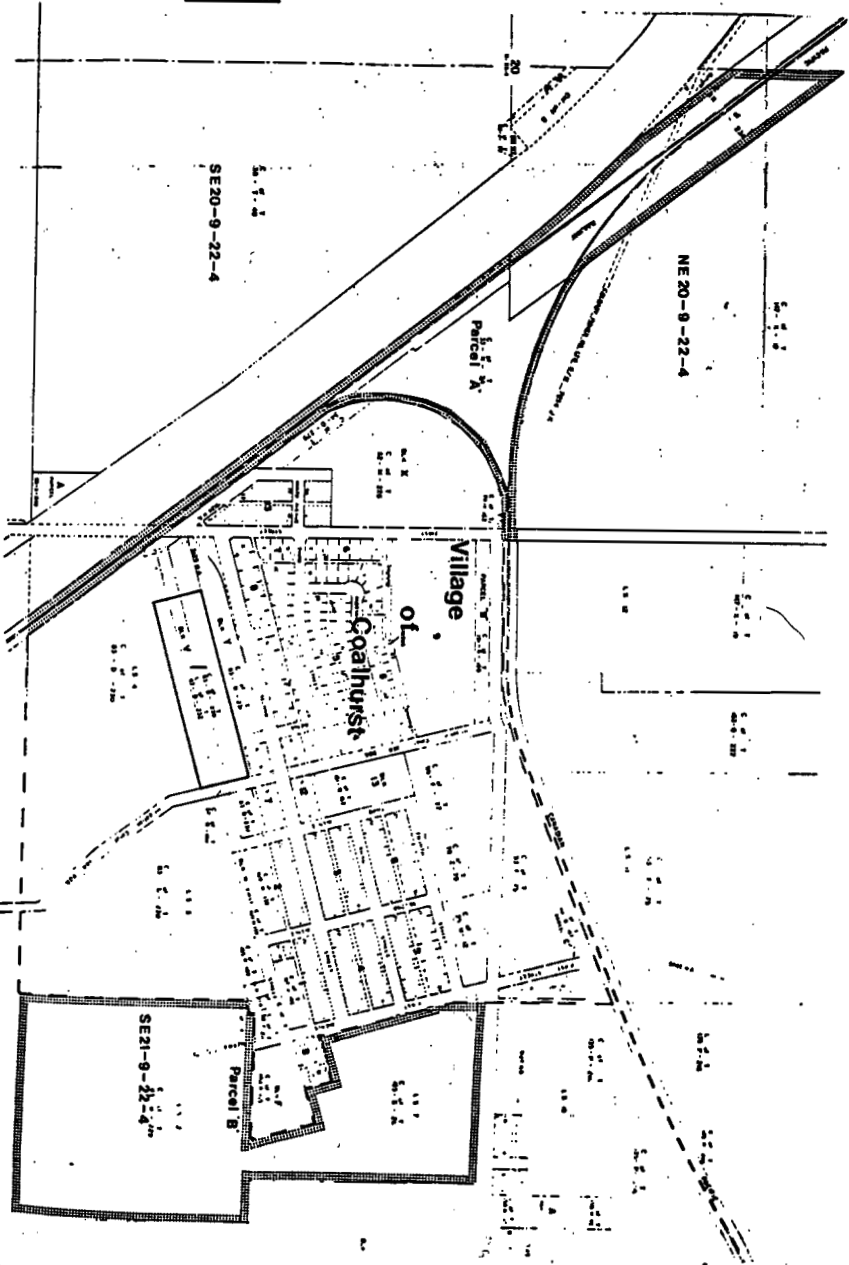
# SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE  
AREAS AFFECTED BY BOARD ORDER No. 15061

EFFECTIVE DATE: JANUARY 1, 1982



AFFECTED AREA(S)



SCHEDULE "B"

DESCRIPTION OF TERRITORY SOUGHT FOR  
AND ANNEXED TO THE VILLAGE OF COALHURST

1. All that portion of the north east quarter of section 20, township 9, range 22, west of the fourth meridian, described as follows:
    - a. which lies between two lines parallel with and one of the said lines being 250 feet distance north easterly and the other being 150 feet distance south westerly from the centre line of the Crows Nest Branch of the Canadian Pacific Railway right-of-way, as said centre line is shown on plan R.Y. 157. Excepting thereout plan 741 0291.
    - b. right-of-way and wye, as shown plan R.W. 189.
  2. All that portion of the south east quarter of section 20, township 9, range 22, west of the fourth meridian, lying north easterly of the south westerly limit of the Crows Nest Branch of the Canadian Pacific Railway right-of-way, as shown on plan R.Y. 157 and not within the Village of Coalhurst.
  3. All that portion of the south west quarter of section 21, township 9, range 22, west of the fourth meridian, contained in the right-of-way of the Crows Nest Branch of the Canadian Pacific Railway, as shown on Plan R.Y. 157.
  4. All those portions of the north south government road allowance adjoining the west boundary of the west half of section 21, township 9, range 22, west of the fourth meridian, which lies between two lines parallel with and one of the said lines being 50 feet distance northerly and the other being 35 feet southerly from the centre line of the Canadian Pacific Railway right-of-way, as said centre line is shown on plan R.W. 189.
  5. All that portion of legal subdivisions 2 and 7, within the south east quarter of section 21, township 9, range 22, west of the fourth meridian, not within the Village of Coalhurst: Excepting thereout:
    - a. the most easterly 260 feet throughout of legal subdivision 7.
    - b. plans of survey 3136 B.M. and 6259 J.K.
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