VILLAGE OF HINES CREEK

Order No. 18107 File No. 311(A)2

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 Hines Creek, in the Province of Alberta, to annex certain territory lying immediately adjacent thereto and thereby its separation from Improvement District No 21.

Pursuant to section 20 of the Municipal Government Act, the Council of the Village of Hines Creek, in the Province of Alberta, petitioned the Local Authorities Board for the Province of Alberta, for the annexation to the Village of 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 Improvement District No. 21, and in respect to which the Board held a public hearing into the matter on November 12, 1986.

Representing the Village of Hines Creek were Mayor L Rimmer, Councillors E Kuryluk, J Smith, E Brauer and D Pope, H Dowe, Municipal Administrator, T Baldwin, Planner, and D Schuler, Engineering Technologist

Councillors C. Ewing and I McAllister and T Broome, Manager, represented Improvement District No 21

G Thomas, Director, appeared on behalf of the Mackenzie Regional Planning Commission

G Zavisha appeared and made representation on behalf of Zavisha Sawmills Ltd

G Gravel appeared on behalf of Alberta Transportation

The Village of Hines Creek is located at the junction of Highway No 64 and Secondary Road No 685, approximately 80 kilometres west of the Town of Peace River The Canadian National Railway runs south from the Village of Hines Creek to Fairview, then east to Peace River Some of the early settlers in the Hines Creek region were ranchers attracted to the area's grassy meadows and natural pastures The Village was

established in 1951, with a population of approximately 340 Over the past 35 years the population has increased to the present 529 While a decline in population was experienced between 1982 and 1986, it is expected that the future growth rate will be higher due to the influence of oil and gas drilling, forestry, the possible development of the Clear Hills iron ore deposit north of the Village and some spin-offs from the Dunvegan Hydro Power Project It is estimated that a population target of 700 to 1,200 could be achieved during the next 20 years as a result of either limited or accelerated economic activities The current economic base of the Village is tied directly to agriculture and agriculture related industries and the labour force is employed in those industries and retail businesses Also approximately 100 people are employed by North Canadian Forest Industries The Village is located in one of the Province's popular tourist areas, with big game hunting, boating, fishing and camping popular activities

The Village's water comes from the Jack Creek and the supply and treatment system consists of raw water pumping facilities, two raw water storage reservoirs, a treatment plant and a treated water reservoir The latter two, constructed in 1983, were designed for a population of 1,200 people The reservoir's capacity is 150,000 imperial gallons. A sewage lagoon was constructed in 1976 which consists of four anaerobic cells, with capacity for a population of 1,200 persons The existing lift station and forcemain were upgraded in 1985 Most lands are presently serviced with a gravity system

The Village currently has 34 vacant residential lots as well as 46 94 hectares (116 acres) of vacant land with a development potential of 365 lots The constraints to full development of the vacant land are the topography, engineering difficulties, the possible future expansion of the school and historical park and finally, land ownership

Twenty-eight lots are available for commercial development within the built-up area, but due to the present configuration of the Village there are no possibilities for highway commercial development, except for a few vacant lots along the Secondary Road The Village has 19 42 hectares (48 acres) of industrial land subject to constraints

Using 4 5 lots per acre, 2 5 persons per dwelling unit, the Village would require an additional residential land supply of 6 07 hectares (15 acres) for the 700 population target or 43 30 hectares (107 acres) for a population of 1,200 Accordingly, the existing vacant area within the Village could basically accommodate the 700 population target

The said territory, containing 128 02 hectares (316 34 acres), is located in four sectors adjoining the Village, namely towards the northwest (identified as A), the northeast (B), the east (C), and towards the southwest (D)

Area A is situated on both sides of the Canadian National Railway line and consists of 32 38 hectares (80 acres) The Village of Hines Creek owns 7 07 hectares (17 46 acres), the Crown 2 94 hectares (7 26 acres) and the remainder is owned by John Syrnyk, who supported the annexation of his lands The Village intends to develop this area for residential use due to the existing land use pattern and the closeness to community facilities The agricultural capability of the area is CLI 4T, low Disadvantages are the probability of costly site work and some wetland

Area B lies west of Highway No 64, consists of 26 16 hectares (64 65 acres) of which the Village owns 12 87 hectares (31.81 acres) The remainder of the area is owned by E R Easter, the estate of R D Sumner and Smith Honey Farms Ltd J Sumner, representing the estate of R D Sumner, did not support the annexation of the 1 54 hectare (3 8 acres) parcel Area B also has a low 4T agricultural capability rating and was selected for its potential for community related and/or residential, highway commercial and light industrial development The development constraints are the

same as for Area A, but Area B provides highway frontage, good access and the Village already owns part of it

Area C contains 37 10 hectares (91 69 acres) and also lies west of Highway No 64 and is bisected by Secondary Road No 685 The triangle to the north of the Secondary Road is owned by the Village, the portion to the south by Adrian Erickson Line Cleanup Ltd , who supported the annexation of their land The Village intends to develop this area for highway commercial uses Constraints to development are minimal although a sewer lift station and force main may be required. The area's agricultural capability is 4T and organic, and is absent of sloughs or wetlands

Area D is located west of the Canadian National Railway line and consists of 32 38 hectares (80 acres), owned by Zavisha Sawmills Ltd., who originally opposed the annexation as not economically practical to develop At the hearing, Mr Zavisha reversed the views of Zavisha Sawmills Ltd. and consented to the annexation of the lands. As this area is close to the railway line, the Village of Hines Creek wishes to annex the land to provide the Village with an industrial land use option that has rail access

The Village of Hines Creek concluded their application with the following·

1. The proposed annexation will provide the Village with long term residential, highway commercial, community and industrial growth options,

2 The Village will be able to better exploit its location in relation to Highway No 64,

3 Additional land with rail access will be available for industrial development,

4. The proposed annexation is consistent with the goals, objectives and policies of the Village's General Municipal Plan;

5 There will be minimal impact on the neighbouring rural municipality, Improvement District No 21,

6 The proposed annexation constitutes a logical extension to the existing and established land use pattern for the Village,

7 The servicing of the area proposed for annexation was deemed reasonable and available,

8 There is a diversity of land ownership,

9 The loss of land good for agricultural pursuits will be minimal,

10 The need for additional land to accommodate the growth of the Village was deemed necessary,

11 The boundaries of the proposed annexation are simply and clearly defined,

12 The proposed annexation poses no conflict with the environment or any natural resources,

13 The need to establish a well balanced tax base should be enhanced by the annexation of land,

14 Additional opportunity for community development will be available within the boundaries of the Village, and

15 The future planning of these lands will be guided by local planning documents already adopted and in place

Improvement District No 21 informed the Board that the Advisory Council at its meeting held on November 10, 1986, adopted a resolution supporting the Village's application Said resolution still had to be confirmed at the next meeting of the Advisory Council The Improvement District requested that those lands assessed as farmlands continue to be assessed and taxed in the same manner until development takes place

The Mackenzie Regional Planning Commission fully debated the proposed annexation at its meeting of November 6, 1986, and unanimously resolved that the Commission supports the annexation of the said territory to the Village of Hines Creek The Staff Report stated that the proposed annexation meets all the criteria adopted by the former Peace River Regional Planning Commission and still used by the Mackenzie Regional Planning Commission The Village adopted its General Municipal Plan in 1982 and a joint General Municipal Plan has been adopted in consultation with Improvement District No 21.

Alberta Agriculture, in a memorandum dated November 4, 1986, informed the Board that Parcels A, B and 60% of C are considered better quality agricultural lands, but that the proposed annexation avoids higher quality lands to the north-east In conclusion, Alberta Agriculture stated that

> "Alberta Agriculture has no objection to the proposed annexation provided the L A B are satisfied the lands are required by the Village "

By letter dated November 4, 1986, Alberta Transportation made the following comments

> "The Alberta Department of Transportation has the following concerns regarding the above subject.
>
> I PRESENT SITUATION
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> In Annexing portions "B" and "C" the area of the Village fronting the Primary Highway 64 will be increased from 100 metres to 1 6 kilometres within the S W. 5-84-4-W6 Two roadways connect the present Village with Highway 64. Secondary Road 685 and the north-south road allowance connecting with Highway 64 approximately 1 6 kilometres northwesterly of the secondary road intersection. Both intersections mentioned above have had intersectional treatments for the introduction of acceleration and deceleration lanes
>
> II. ACCESS
>
> Control of access is a primary consideration Since Highway 64 operates as a rural high speed highway and is a controlled access highway, as are all primary highways in the Province, special consideration is necessary in planning Village lands adjacent to the highway in order to minimize the impact of future urbanization for the safe and effective operation of the highway
>
> III AREA STRUCTURE PLAN
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> For all lands adjacent of the highway proximity wide planning; such as, outlined plans or area structure plans would be preferable to an isolated piecemeal planning."

Alberta Environment, by letter dated October 7, 1986, informed the Board that:

> "The Department of Environment has reviewed this proposed 4 parcel annexation application for the Village of Hines Creek, and based on information that we have on file and air photo interpretation, we submit the following comments and/or concerns for your consideration
>
> In general, we offer no major objections to the annexation, however, there are certain areas of Section A and D that require special attention On the tentative plan, we note that on Section A that there is both a nuisance grounds and sewage lagoon Both these areas have been reclaimed in recent years by the Land Reclamation of Environment Therefore, prior to any construction or the establishment of any permanent structures in either of these areas, proper testing would be required to determine the soil suitability Also, the Department of Environment has placed a caveat on the area covered by the nuisance grounds and sewage lagoon sites. Either a discharge of caveat or approval from this Department would be required prior to subdivision of the land taking place
>
> Examination of air photos show that a substantial portion of Section D is subject to either standing water or high water table levels Development potential would appear to be severely limited in this area Prior to any construction and/or development taking place in this area, we would recommend the standing water/high water table problem be properly addressed "

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

1 That the Village of Hines Creek may be expected to grow in population, especially if the anticipated resource development materializes

2 That while the Village of Hines Creek has sufficient vacant territory within its jurisdiction, the development of same is subject to severe constraints, both man made and natural, but mainly topographical If the Village is to have developable land for residential, highway commercial, industrial and recreational purposes to meet the Village's projected growth requirements for the next 20 years, additional territory shall have to be annexed to the Village for the stated purposes The said territory does not seem to be excessive for the projected time span of 20 years

3 That the Improvement District's concerns relating to the taxation of farmlands between the time of annexation and development of such lands may be best resolved by implementation of section 106 of the Municipal Taxation Act

4. That since Improvement District No 21, the Mackenzie Regional Planning Commision, three Provincial Departments and the majority of owners of the said territory supported its annexation or did not object to it, the application of the Village of Hines Creek to annex into the Village's jurisdiction the said territory and thereby its separation from Improvement District No 21 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 annex to the Village of Hines Creek, in the Province of Alberta, and thereupon be separated from Improvement District No 21 the territory described 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 Improvement District No 21 as at December 31, 1986, in respect of the aforementioned properties shall transfer to and become payable to the Village of Hines Creek together with any lawful penalties and costs levied thereon in respect of any such taxes, however, upon the Village of Hines Creek collecting any or all of such taxes, penalties or costs, such collection shall forthwith be paid by the Village to Improvement District No 21

III That the assessor for the Village of Hines Creek shall, for taxation purposes in the year 1987, reassess 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 Hines Creek, 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 1987, 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 Village of Hines Creek, 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 December 31, 1986.

Dated and signed at Edmonton, Alberta, November 17, 1986

Local Authorities Board
Certified a True Copy B Clark, Secretary

(S G D) C I Shelley, Chairman

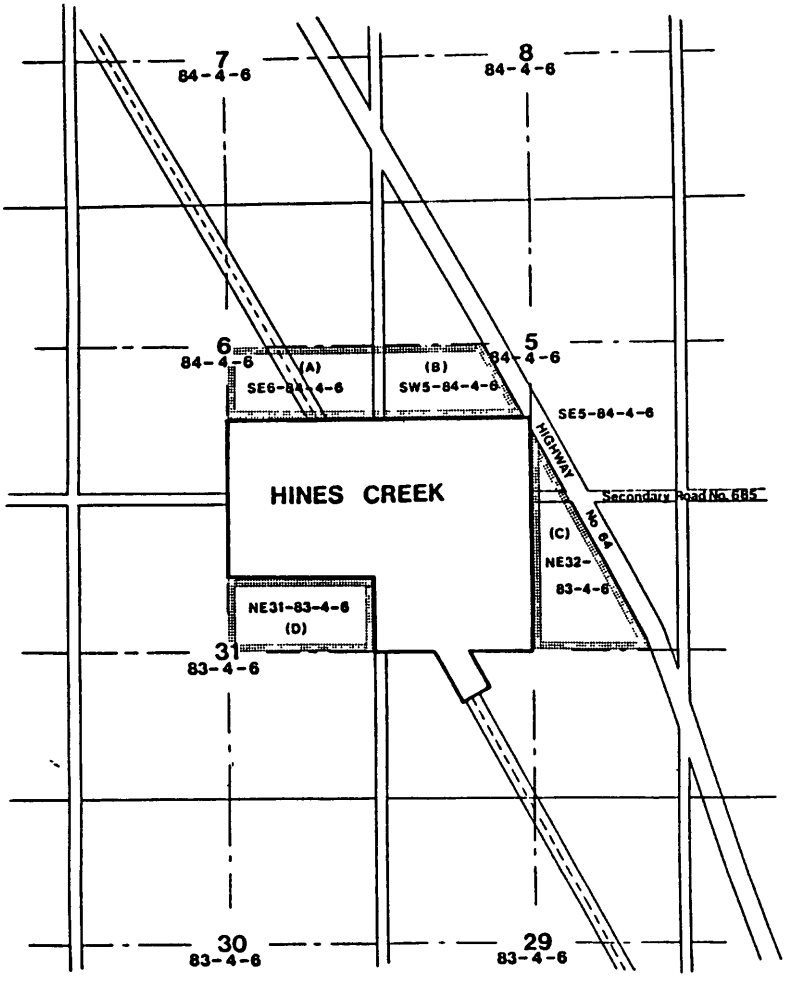
(S G D) J A Hammond, Member

SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE AREAS AFFECTED BY BOARD ORDER No. 18107

EFFECTIVE DATE: DECEMBER 31, 1986

AFFECTED AREA(S)



SCHEDULE "B"

DETAILED DESCRIPTION OF THE LANDS SOUGHT FOR AND ANNEXED TO THE VILLAGE OF HINES CREEK

All that portion of the north east quarter of section 31, township 83, range 4, west of the sixth meridian not within the Village of Hines Creek

All that portion of the north east quarter of section 32, township 83, range 4, west of the sixth meridian lying westerly of the southwesterly limit of road plan 1474 P X.

All that portion of the south east quarter of section 5, township 84, range 4, west of the sixth meridian lying westerly of the southwesterly limit of the main highway and its production southeasterly throughout, all as shown on road plan 822 0891

All that portion of the east west government road allowance adjoining the south boundary of the south east quarter of section 5, township 84, range 4, west of the sixth meridian which lies west of the production southeasterly of the southwesterly limit of the main highway as shown on road plan 822 0891

All that portion of the south west quarter of section 5, township 84, range 4, west of the sixth meridian lying westerly of the southwesterly limit of road plan 822 0891 and not within the Village of Hines Creek

All that portion of the north south government road allowance adjoining the west boundary of the south west quarter of section 5, township 84, range 4, west of the sixth meridian not within the Village of Hines Creek

All that portion of the south east quarter of section 6, township 84, range 4, west of the sixth meridian not within the Village of Hines Creek

The above described lands contain 128 02 hectares (316 34 acres), more or less