

BOARD ORDER NO. 18865

FILE NO RYCR/V-3

IN THE MATTER OF THE "Municipal Government Act"

AND IN THE MATTER OF an application by the Council of the Village of Rycroft in the Province of Alberta, to annex certain territory lying immediately adjacent thereto and thereby its separation from the Municipal District of Spirit River No. 133.

Pursuant to Section 20 of the Municipal Government Act, the Council of the Village of Rycroft, 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 as follows:

ALL THAT PORTION OF THE SOUTH WEST QUARTER OF SECTION FIFTEEN (15), TOWNSHIP SEVENTY-EIGHT (78), RANGE FIVE (5), WEST OF THE SIXTH MERIDIAN WHICH LIES NORTH OF THE NORTH LIMIT OF ROAD PLAN 2436 J Y AND NOT WITHIN THE VILLAGE OF RYCROFT, EXCEPTING THEREOUT ROAD PLAN 1701 L Z

THE ABOVE DESCRIBED LAND CONTAINS THIRTY-FIVE AND SIXTY HUNDREDTHS (35 60) HECTARES, (87 97 ACRES), MORE OR LESS

(hereinafter called "the said territory")

which lies immediately adjacent to the Village of Rycroft, and thereby its separation from the Municipal District of Spirit River No. 133, and in respect to which the Board held a public hearing into their 8, 1988.

The Village of Rycroft was represented by Mayor Pat Sydoruk, Councillor Robert Babuik and Village Administrator Gerald Beach

Reeve Frank Zahara represented the Municipal District of Spirit River No 133

The South Peace Regional Planning Commission was represented by John Simpson, Planner, and Harold Stanley, Planner for the Village of Rycroft

Don Tymchuk, Development Officer, Region 6, represented Alberta Transportation and Utilities

Barry Lazoruk, Manager of Crossroads Development Corporations Ltd , represented the landowner

Alberta Agriculture, Alberta Environment and Alberta Transportation and Utilities had submitted briefs to the Board prior to the hearing

The said territory is a wedge shaped parcel of land situated to the north east of the Village, bounded on the west by Highway No 2 and on the south by Highway No 49 The Canada Land Inventory agricultural rating for this parcel is Class 2C The soils of the said territory are deep and rich, topography is level to undulating with good drainage The parcel's agricultural productivity is rated 85-89% and is considered better agricultural land It is currently used for clover seed production Similar soils surround the community

The Village of Rycroft submitted that an attempt to annex the said territory had been refused in 1976 due to opposition from the Municipal District of Spirit River No 133 and some of the landowners. The Board, in its Order No. 8681, had concluded that there was a lack of planning and insufficient inter-municipal consultation with respect to the said territory. The Board had also concluded that the vacant lands in the southeastern part of the Village should first be developed prior to annexation of vacant agricultural lands.

Since that time, the Village of Rycroft had successfully participated in a joint General Municipal Plan with the Municipal District of Spirit River No 133. The Village had upgraded its sewer facilities to accommodate 1,000 people and water facilities to service a population of 1,500. The Village had constructed a large raw water reservoir which could be pump filled to protect against shortages during dry periods. The Village's population of approximately 675 absorbed 3 to 5 lots annually. The sixty residential lots presently available should provide a 10 to 15 year supply.

Furthermore, the Village stated that the Morningside subdivision in the southeast, which was being developed for motel, shopping centre and restaurant uses, left the Village with no highway commercial lands and only three acres of industrial land. The owner of river lot 39 to the north had no intention of developing at this time.

The Village concluded that their annexation application met with the Planning Commission's annexation policy. The infrastructure had sufficient capacity to provide the required municipal services, the land is required for continued industrial growth, the Municipal District had been consulted and that, therefore, the annexation application should be granted.

The Municipal District of Spirit River No 133 advised that it did not object to the application. The Municipal District is not opposed to the proposed industrial development as it preferred to see such development concentrated rather than scattered development at the highway entrances. The Municipal District had permitted several seed clearing and fertilizer plants to locate to the south of Highway No 49 and the said territory.

The only concern expressed by the Municipal District is the intersection and potential safety problem that might be caused by additional local traffic crossing Highway No. 2. The Municipal District of Spirit River No 33 stated the opinion that Alberta Transportation and Utilities is expected to satisfactorily contend with the problem.

The South Peace Regional Planning Commission stated that the application is consistent with the Commission's annexation policy, the regional plan, joint general municipal plan and both jurisdictions supported annexation. The said territory is more suitable for the proposed development than other options and is a logical extension of present land use. The Planning Commission is aware of Alberta Transportation's views, but they had not been acted upon. Although the area might exceed the Village's 20 year demand, the ownership, legal boundaries and servicesability suggested that the entire area should be annexed at this time. The Commission report recommended support of this application.

Crossroads Development Corporations Ltd advised that in their view, the Village could better supply the sewer and water facilities, fire protection and road maintenance. Crossroads Development Corporations Ltd had originally requested these services from the rural municipality, however the Municipal District was unable to supply them. Crossroads also advised the Board that it had bona fide proposals for the development of a truck stop, a 40 unit motel and further interest from a local contracting company. Crossroads Development Corporations Ltd also advised the village that they intended to develop a 4-5 acre site in the subdivision as a cultural park dedicated to the hard work and perseverance of the local pioneers.

Municipal services would be extended from the Courtesy Corner location, immediately west of the said territory, which Crossroads Development Corporations Ltd owns and is within the Village. Highway access to the said territory would be via the Courtesy Corner's site so that no further access would be required to either highway. Servicing costs would be borne by the landowner, consequently no additional costs would be imposed on the Village or its taxpayers.

Alberta Agriculture confirmed the soil productivity and capability. Since no lower class land surrounded the Village, the Department did not object to the proposal.

Alberta Environment informed the Board that it had no objections to the annexation.

Alberta Transportation and Utilities stated that the Department is not opposed to development but expressed concern primarily regarding the potential safety problem arising from intra-village traffic crossing Highway No. 2. In the past the Reeve of the Municipal District of Spirit River No. 133 had advised the Minister of Transportation and Utilities that highway safety would be compromised at this intersection upon annexation of this territory. The Department's primary concern is with, not so much access, but controlling traffic speed at the intersection. Uncontrolled speed would inevitably lead to a higher frequency of accidents with the increased number of vehicle movements. Secondary concerns of not being properly consulted with respect to the application or developers' plans were also raised.

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

- 1 That the Village of Rycroft fulfills a useful service in providing regional service needs to the surrounding community.
- 2 That the said territory may be excessive to the community's needs but that ownership and configuration warrants full rather than partial annexation.
- 3 That, except for the transportation issue, the Village has undertaken the necessary inter-municipal planning necessary for this annexation application.
- 4 That the Board is concerned that adequate attention has not been given to proper transportation planning by either the Village, the Municipal District, the Planning Commission or the developer to maintain the integrity and safety of Highway No. 2 at the intersection.
- 5 That the Village of Rycroft, the Municipal District of Spirit River No. 133, the South Peace Regional Planning Commission and Crossroads Development Corporations Ltd. consult with Alberta Transportation and Utilities in planning the necessary traffic safeguards at this location.
- 6 That the said application to annex the said territory by the Village of Rycroft 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 Village of Rycroft, in the Province of Alberta, and thereupon be separated from the Municipal District of Spirit River No 133 the following described territory.

ALL THAT PORTION OF THE SOUTH WEST QUARTER OF SECTION FIFTEEN (15), TOWNSHIP SEVENTY-EIGHT (78), RANGE FIVE (5), WEST OF THE SIXTH MERIDIAN WHICH LIES NORTH OF THE NORTH LIMIT OF ROAD PLAN 2436 J Y AND NOT WITHIN THE VILLAGE OF RYCROFT, EXCEPTING THEREOUT ROAD PLAN 1701 L Z

THE ABOVE DESCRIBED LAND CONTAINS THIRTY-FIVE AND SIXTY HUNDREDTHS (35 60) HECTARES, (87 97 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 Spirit River No 133 as at December 31, 1988, in respect of the aforementioned properties shall transfer to and become payable to the Village of Rycroft together with any lawful penalties and costs levied thereon in respect of any such taxes, however, upon the Village of Rycroft collecting any or all of such taxes, penalties or costs, such collection shall forthwith be paid by the Village to the Municipal District of Spirit River No 133

III That the assessor for the Village of Rycroft shall, for taxation purposes in the year 1989, 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 Rycroft, 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 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 Village of Rycroft, 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 the Thirty-First (31st) day of December, 1988.

DATED and signed at the City of Edmonton, in the Province of Alberta, this 2nd day of December, 1988

LOCAL AUTHORITIES BOARD

CERTIFIED A TRUE COPY

(SGD)BRYAN 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 18865

EFFECTIVE DATE: DECEMBER 31, 1988



AFFECTED AREA(S)

