

LOCAL AUTHORITIES BOARD

ORDER NO. 8681

File: L.A. 5006(A)

Before:

The Local Authorities Board
for the Province of Alberta

In the matter of The Municipal
Government Act:

And in the matter of a petition
by the Council of the Village of
Rycroft, in the Province of Al-
berta, requesting annexation of
certain territory lying immedi-
ately adjacent thereto and located
in the Municipal District of Spirit
River No. 133.

The Council of the Village of Rycroft, having petitioned to the Local Authorities Board for annexation of territory described in full on Schedule "B" attached to this Order and briefly described as the south-west quarter of section 15, township 78, range 5, west of the sixth meridian and part of river lot 38 to be annexed from the Municipal District of Spirit River to the Village of Rycroft, the Local Authorities Board arranged a public hearing of the matter to be conducted at the Village of Rycroft in the Council Chambers at 10:00 a.m., Wednesday, April 7, 1976.

The public hearing conducted by the Local Authorities Board was attended by representatives of the Village of Rycroft, the Municipal District of Spirit River No. 133, a planner from the Peace River Regional Planning Commission, and representatives of certain owners of lands which would be affected by the proposed annexation.

Representing the Village of Rycroft were Mr. Emil Persson, the municipal secretary-treasurer; Mayor Robert Babuik; councillors James Lazoruk, Mike Tkachuk and Wilham Peter Sandul.

From the Municipal District, Reeve William Zahara; councillors William Sandul, Nick Lewchuk and Gerald Wells; and Secretary-Treasurer Rosina Giles.

The owners of lands which may be affected were represented by Thomas Lazoruk for Courtesy Corner Tourist Service Ltd. and for farm land in the south-west quarter of section 15; Mr. William Guydash for Peace River Seed Co-op Ltd, accompanied by Mr. Ken Steinwand, manager; Mr. Henry Viercant for Central Peace Seed Cleaning Association Ltd., chairman of the association.

Mr. Persson, by reference to the resolution of the council of the Village of Rycroft at a regular meeting of July 8, 1975, explained the purpose and reason for the request for annexation of land. The village was already providing water and sewer and some other services to the service station and tourist facilities identified as Courtesy Corner Tourist Services Ltd. in Parcel "B" across Highway No. 2 from the village, and had received requests regarding services to parcel "A" in river lot thirty-eight (38) as well as from operators of light industrial facilities on railway trackage and provincial highway frontage extending into the south-west quarter of section 15. It is the view of the council that in order to properly provide services to these areas and commercial and industrial facilities, and to make provision for fire protection facilities and services and for planning control east of the present village proper, the land should be annexed and come under the gen-

eral jurisdiction of the village. It was further indicated by Mayor Babuik and Mr. Persson that the village had sufficient land within its present boundaries for residential development and that residential requirements in the distant future would probably be served by annexations and developments to the west of the village, while the present proposed annexation would be used for industrial and commercial future development. The village was asking that road allowances and other road surveys should be included in the annexation if the petition was approved by the Local Authorities Board.

Mayor Babuik also indicated that as a result of certain discussions held between the village and industrial operators in the south-west quarter of section 15, the extension of water and sewer facilities had been investigated and it had been found that in order to properly service the extreme east end of the area with sewer services, a lift station would be required and substantial costs would have to be met to provide same. The more westerly portions of the proposed annexation could be serviced by water and sewer from the existing village system.

Reeve William Zahara for the Municipal District and Mrs. Rosina Giles, secretary-treasurer, provided representation of the position taken by the municipal district council at a regular meeting dated May 8, 1975. The municipal district was opposed to the proposed annexation feeling that the Village of Rycroft had enough land at this time for future expansion and offering to consider annexation of lands in river lot 14 lying west of the present village boundaries for future expansion. Reeve Zahara was also concerned about extending municipal services across Highway No. 2 and Highway No. 49 in order to service all of the south-west quarter of section 15, and indicated that Alberta Highways had already expressed concern about the need to provide for vehicular and pedestrian traffic over these provincial highways.

There was concern of the Municipal District also that substantial industrial tax base would be removed from the Municipal District amounting to some \$103,000.00, yielding taxes on the order of \$9,180.00. in 1975. In that the industrial facilities located were farmer-oriented services, it was the view of the municipal district that the industrial plants should remain in the rural municipality. This comment was made with particular reference to the grounds and railway facilities comprising seed plants and feed mills along Highway No. 49 and the railway.

Mr. Zahara also observed that the village had not undertaken to discuss its proposed annexation plans with council of the municipal district, although the council had made counter proposals when it had received the notification of the present proposal from the village.

In regard to the position of Alberta Highways relative to the proposed annexation, a memo from Deputy Minister, R. H. Cronkrite, addressed to the Local Authorities Board, was read to the hearing:

"further to your memo concerning the above, there is some concern that the proposed annexation takes the town boundary across Highway 2. This highway will form a major barrier between the new and old areas of town and will create problems with vehicular and pedestrian movements across the highway. These factors should be taken into account when considering the desirability of annexation of these particular lands and others that might be annexed to the town, west of Highway 2.

If annexation proceeds, access control and buffering will be required on both Highways 2 and 49. In this regard it is requested that this Department be involved in the development of the outline plan for the area".

Mr. Clarke of the Peace River Regional Planning Commission testified that no position on the application for annexation had been taken by the commission, and that the commission in fact wished to remain neutral on the question. Mr. Clarke observed that it would be in the interests of all members of the Regional Commission to maintain strong urban communities, including the Village of Rycroft, and that in this regard there may be some need for financial transfers or joint agreements relative to planning control at some time in the future. At the present time, however, the planners of the Regional Commission did not have sufficient information and had not undertaken special studies, leading to the development of a position on the proposed annexation. There was no general plan for the Village of Rycroft and none was being developed at the present time. A regional preliminary plan had been established but it did not provide guidance in the matter of the question before the Local Authorities Board.

The owners of properties which would be affected by an annexation as proposed by the village had been canvassed by the village for their consents or opposition to the question. In written consents, Mr. Lazoruk agreed under certain conditions to be annexed to the village, Maple Leaf Mills agreed unconditionally; Northern Alberta Railway had no objection; and Central Peace Seed Cleaning Association Ltd. opposed the annexation as they felt that the extra cost involved would not be justified by benefits expected to accrue.

In oral testimony Mr. Viercant of Central Peace Seed Cleaning Association explained that there was an expectation of an increase in the taxes if their property became part of the Village of Rycroft, and that there would be no compensating additional services, such as sewer or water, afforded to their facility. For the Peace River Seed Co-op, Mr. Ken Steinwand, manager, presented the position of the co-op as opposing annexation of their territory to the Village of Rycroft. The reason for opposition was the expectation of increased taxes and the question of whether additional compensating services or benefits would be received by the Seed Co-op properties. Mr. Lazoruk, owner of the Courtesy Corner Service facility, indicated that he was in favour of annexation although he did not expect increased services immediately, he already enjoyed services extended by the village, and he would probably continue to pay for some of the road and snow clearing operations in the village as he had heretofore done in the municipal district. In time he hoped that some of these expenses would be borne by the urban municipality. Mr. Lazoruk also expressed some hope that at some time in the future he might be permitted to develop a motel or other tourist facility on some of the farm land he held in the south-west quarter of section 15 and that planning approval and municipal services might in part be available when this was done.

The Local Authorities Board finds a distinct lack of planning and of inter-municipal consultation in regard to growth and development in matters of mutual interest to the Village of Rycroft and the Municipal District of Spirit River. In the present application the village has only partially justified its proposed annexation and the municipal district has not satisfactorily opposed the arguments or provided justification for refusing the annexation. The owners of the various parcels involved take mixed positions and would appear to be satisfied with a resolution

of the matter which would leave them substantially no worse off financially, and in terms of the services to be expected than they have been in the past. The Board finds that the commercial/industrial/highway developments along the railway and Highway No. 49 although related to a rural agricultural enterprise are functionally the type of facility which normally is located, along with other urban facilities of an industrial, commercial and market type, within an urban municipality.

The Board appreciates that the proposed annexation would transfer a very sizeable portion of the municipal district's tax base to the Village of Rycroft and that probably an excess of \$9,000.00 of annual tax revenue would be diverted from the rural municipality to the urban. However, the amount of tax to be borne by the property owners, whether under municipal district jurisdiction or village jurisdiction, is not likely to vary greatly but only by the amount of difference in the mill rates of the two municipalities. This differential is expected to be only marginal.

If the village were to succeed in its application to annex the south-west quarter of section 15 and to then plan for residential and other developments in the area which would create traffic hazards and problems of access and control relating to the two highways, it should expect to precede such further development by proper planning and consultation with Provincial Highways, the other municipalities and the various owners involved. Prior to intensive development of the lands lying east, the village could proceed with subdivision and residential development of lands already contained within the village boundaries and further lands lying to the west and south of the present village built-up area.

The Local Authorities Board agrees that further industrial and commercial highway development should lie eastward rather than westward and that with proper control over access according to Alberta Highways requirements such growth could be accommodated. It is noted, however, that eastward expansion of industrial and commercial highway development would be severely limited within the present boundaries of the village.

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

1. The village has need of additional highway commercial land suitable for early development.
2. The crossroads of Highway 2 and 49 immediately adjoining the village on the east is a natural site for future highway development, but controls must be exercised, and preferably by a single municipal authority
3. The existing industrial commercial facilities located along Highway 49 and the railway in the south-west quarter of section 15 and the farm land in the same quarter section are not necessary to the village for immediate planning or development and should remain in the rural jurisdiction unless and until a clear need can be established in the interests of the village or the property owners.
4. At present the lands lying east of the Grande Prairie Feed Service Ltd. facility could not be serviced by village sewer drains.
5. The highway crossroads and the parcels owned by Shell Canada Limited, Courtesy Corner Tourist Service Ltd. and Thomas Lazoruk in the north-west, north-east and south-east sectors respectively of the crossroads should be annexed to the village.

It is ordered, therefore, 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 territory described in Schedule "C" 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 Municipal District of Spirit River No. 133 as at December 31, 1976, in respect of the aforementioned annexed territories shall transfer to and become payable to the Village of Rycroft, together with the amount of any lawful penalties and costs levied thereon in respect of such taxes; however, upon the Village of Rycroft collecting any or all of the said taxes, penalties or costs, such collections 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 commencing in the year 1977, re-assess the annexed lands and improvements thereon so that the assessment thereof shall be fair and equitable with other related lands and assessable improvements in the Village of Rycroft.

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 1977, re-assess 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 shall be the 1st day of January, 1977.

Dated and signed at the City of Edmonton, in the Province of Alberta, this 14th day of June, 1976.

LOCAL AUTHORITIES BOARD
D. A. BANCROFT, Chairman.

Certified to be a true copy,
T. LAUDER, For Secretary.

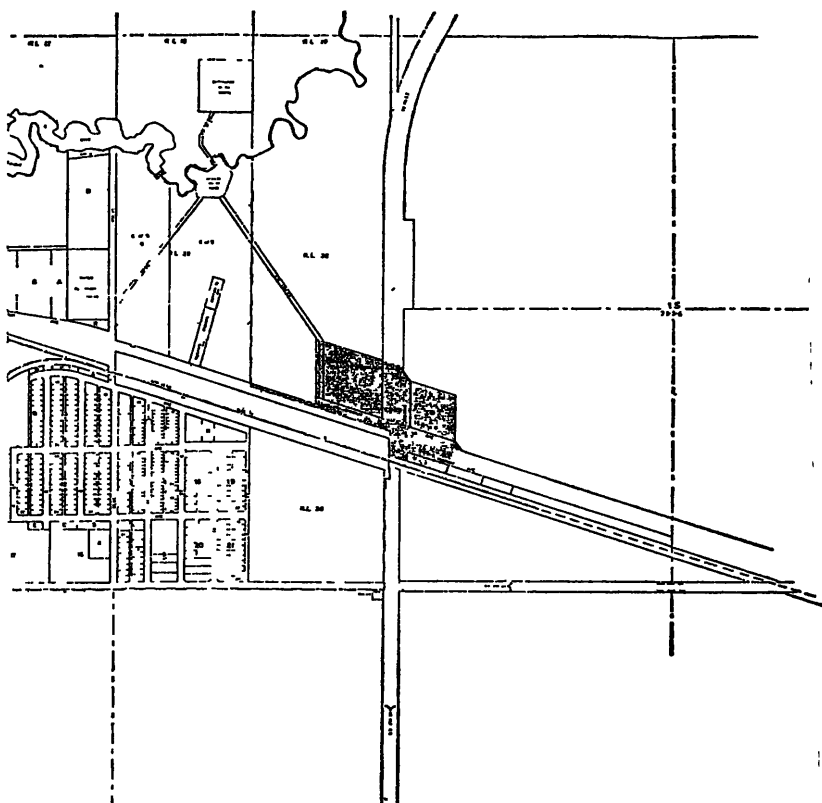
SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE
AREAS AFFECTED BY BOARD ORDER No 8681

EFFECTIVE DATE JANUARY 1, 1977



AFFECTED AREA (S)



SCHEDULE "B" TO BOARD ORDER NO. 8681

**A DETAILED DESCRIPTION OF TERRITORY SOUGHT FOR
ANNEXATION TO THE VILLAGE OF RYCROFT, ALBERTA.**

That portion of River Lot 38, township 78, range 5, west of the sixth meridian described as follows:

- (A) Those lands contained within plan of subdivision 2474 K.S.
- (B) That part of the road as shown on road plan 2436 J.Y. not presently within the boundaries of the Village of Rycroft.
- (C) All that portion of the road as shown on road plan 1701 L.Z. which lies south of the production south east across the said road of the north limit of plan 2474 K.S.

The south-west quarter of section 15, township 78, range 5, west of the sixth meridian excepting thereout:

- (A) All that portion of the road as shown on road plan 1701 L.Z. which lies north of the production south east across the said road of the north limit of plan 2474 K.S.

All that portion of the north-south Government road allowance adjoining the west boundary of the south-west quarter of section 15, township 78, range 5, west of the sixth meridian which lies south of the production south east across the said road allowance of the north limit of plan 2474 K.S.

The east-west Government road allowance adjoining the south boundary of the south-west quarter of section 15, township 78, range 5, west of the sixth meridian.

That Government road allowance intersection adjoining the south-west corner of the south-west quarter of section 15, township 78, range 5, west of the sixth meridian.

All that portion of the east west Government road allowance adjoining the south boundary of river lot 38, township 78, range 5, west of the sixth meridian not presently within the Village of Rycroft.

The most northerly seventeen and one half (17½) feet of the north-west quarter of section 10, township 78, range 5, west of the sixth meridian contained in road plan 2741 J.Y.

The most northerly seventeen and one half (17½) feet of the north-south Government road allowance adjoining the west boundary of the north-west quarter of section 10, township 78, range 5, west of the sixth meridian and road plan 2741 J.Y. within the north-east quarter of section 9.

SCHEDULE "C" TO BOARD ORDER NO. 8681

**A DETAILED DESCRIPTION OF TERRITORY ANNEXED TO
THE VILLAGE OF RYCROFT, ALBERTA PURSUANT TO
LOCAL AUTHORITIES BOARD ORDER NO. 8681.**

That portion of river lot 38, township 78, range 5, west of the sixth meridian described as follows:

- (A) Those lands contained in plan of subdivision 2474 K.S.
- (B) All that portion of the road as shown on road plan 2436 J.Y. not presently within the Village of Rycroft

- (C) All that portion of the road as shown on road plan 1701 L.Z. which lies south of the production south east across the said road of the north limit of plan 2474 K.S.

That portion of the south-west quarter of section 15, township 78, range 5, west of the sixth meridian described as follows:

- (A) All that portion of the road as shown on road plan 1701 L.Z. which lies south of the production south east across the said road of the north limit of plan 2474 K.S.
- (B) Those lands contained in plans of subdivision 3232 K.S., 1326 R.S. and 3750 T.R.
- (C) All that portion of road plan 2436 J.Y. and plan of subdivision 5430 M.C. which lies north west of the production north east across the said plans of the southeasterly limit of plan 3750 T.R.

All that portion of the north-south Government road allowance adjoining the west boundary of the south-west quarter of section 15, township 78, range 5, west of the sixth meridian which lies south of the production south east across the said road allowance of the north limit of plan 2474 K.S. and north of the production north west across the said road allowance of the north boundary of the Edmonton Dunvegan and British Columbia Railway as shown on railway plan 510 B.W.