



LOCAL AUTHORITIES BOARD

BOARD ORDER No. 20515

FILE: BADL/MD-1

IN THE MATTER OF THE "Municipal Government Act":

AND IN THE MATTER OF THE "County Act":

AND IN THE MATTER OF an application by the Council of the Municipal District of Badlands No. 7, in the Province of Alberta, to annex certain territory lying immediately adjacent thereto and thereby its separation from the County of Wheatland No. 16.

Pursuant to Section 20 of the Municipal Government Act, the Council of the Municipal District of Badlands No. 7, in the Province of Alberta, petitioned the Local Authorities Board for the Province of Alberta, for the annexation to the Municipal District of all that territory described as follows:

ALL THAT PORTION OF THE NORTH HALF OF SECTION TWENTY-ONE (21), TOWNSHIP TWENTY-SEVEN (27), RANGE EIGHTEEN (18), WEST OF THE FOURTH MERIDIAN, LYING SOUTHWESTERLY OF THE RIGHT BANK OF THE RED DEER RIVER

ALL THAT PORTION OF THE NORTHWEST QUARTER OF SECTION TWENTY-TWO (22), TOWNSHIP TWENTY-SEVEN (27), RANGE EIGHTEEN (18), WEST OF THE FOURTH MERIDIAN, LYING SOUTHWESTERLY OF THE RIGHT BANK OF THE RED DEER RIVER

ALL THAT PORTION OF THE SOUTH HALF OF SECTION TWENTY-EIGHT (28), TOWNSHIP TWENTY-SEVEN (27), RANGE EIGHTEEN (18), WEST OF THE FOURTH MERIDIAN, LYING SOUTHERLY OF THE RIGHT BANK OF THE RED DEER RIVER

ALL GOVERNMENT ROAD ALLOWANCES ADJOINING THE SOUTH AND WEST BOUNDARIES OF THE ABOVE DESCRIBED LANDS

THE ABOVE DESCRIBED LANDS CONTAIN ONE HUNDRED EIGHTY-ONE AND NINETY-FIVE HUNDREDTHS (181.95) HECTARES, (449.61 ACRES), MORE OR LESS

(hereinafter called "the said territory")

which lies immediately adjacent to the Municipal District of Badlands No. 7, and thereby its separation from the County of Wheatland No. 16, and in respect to which the Board held a public hearing into the matter on November 25, 1992.

Representing the Municipal District of Badlands No. 7 were Reeve Phil Bryant, Councillor Tom Dooley and Kathleen Brink, Assistant Administrator and Development Officer.

The County of Wheatland No. 16 was not represented at the hearing.

Ivan Perich, Assistant District Transportation Engineer, Region 2, appeared on behalf of Alberta Transportation and Utilities.

Frank Wesseling, Director, appeared on behalf of the Palliser Regional Planning Commission.

John Barry Graham appeared on his own behalf and on behalf of Monarch Holdings Ltd.

JoAnn Dawson, landowner, appeared on her own behalf.

Alberta Transportation and Utilities, Alberta Agriculture, Alberta Environment and the Energy Resources Conservation Board also made written submissions either supporting or offering no objection to the proposed annexation.

In 1984 Improvement District No. 7 was reorganized with 14,300 acres of land being transferred to the County of Wheatland No. 16, 4,100 acres transferred to the Municipal District of Kneehill No. 48 and 2,725 acres transferred to the Municipal District of Starland No. 47. In 1990 the balance of Improvement District No. 7 was formed into the Municipal District of Badlands No. 7. Generally the boundaries of the newly formed Municipal District encompass the lands within the Red Deer River Valley and provide a division between the



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agricultural lands above the valley escarpment and the non-agricultural but geologically interesting lands that make up the Valley.

Presently the Municipal District of Badlands No. 7 is composed of the numerous once thriving hamlets that served the coal mining operations that were the main economic activity of the Valley. With the demise of the coal industry population of the hamlets has been decreasing and in some instances is now non-existent. The main economic activity within the Valley is tourism centered in the City of Drumheller. Some of the old mine sites depicting the rich history of the Valley are now being developed as tourist attractions.

The territory proposed for annexation is located to the immediate south of the Red Deer River and within the Valley. Secondary Highway 564 bisects the said territory in a north south direction via a bridge spanning the River. The south bank of the River forms the boundary of the Municipal District and access from the said territory to the Municipal District is via the bridge. Located within the said territory is the Hamlet of Western Monarch, now known as Atlas, which grew around the local coal mine. With the closure of the coal mine the population of the Hamlet decreased to the present level of 10 people.

Current land use of the said territory is mainly limited to the Atlas Coal Mine Museum, a major tourist facility owned and operated by the Drumheller and District Chamber of Commerce. The area has historic links to the community of East Coulee located across the River and is also identified with the remainder of the Municipal District.

The Municipal District does not foresee a change in the current land use of the said territory though it is expected that the Atlas Coal Mine Museum will be upgraded and improved. With the establishment of and the anticipated improvements to the Museum the said territory is even more identified with the historical nature of the Valley and in order for the tourist potential to be realized it was submitted that it should be within the jurisdiction that has a common interest. When the then Improvement District was reformed into the present municipalities the intent was to provide a distinction between the agricultural areas and the geologic and historical areas of the Red Deer River Valley. Annexation of the said territory to the Municipal District would continue that policy by the inclusion of a historical site directly related to the remainder of the Valley.

The County of Wheatland No. 16 advised the Board by letter dated September 9, 1992, that at the regular meeting on September 1, 1992, Council considered the matter and adopted a resolution offering no objection to the proposed annexation.

The Board of Education of the County of Wheatland No. 16 advised the Board by letter dated August 26, 1992, that at a regular meeting on August 17, 1992, the Board considered the matter and adopted a resolution offering no objection to the annexation.

The proposed annexation was considered at a full meeting of the Palliser Regional Planning Commission and based on the strong historical links the said territory has with the Municipal District the Commission has no objection to annexation.

The Staff Report of the Calgary Regional Planning Commission submitted the following comments, conclusion and recommendation:

"The lands subject to this proposed annexation include the Hamlet of Atlas and the Atlas Coal Mine Museum. This area has historically been affiliated with communities now within the M.D. of Badlands. Economic development and tourism initiatives are being undertaken to promote the Badlands and there is a desire to include this area, as it is an integral part of the local history. There are also physical attributes which tie this area to the M.D. of Badlands, such as similarities in the natural topography and man-made features such as historical railways which connect old mine works. The proposed annexation of this area to the M.D. of Badlands is a natural extension of the M.D.

Conclusion: The proposed annexation does not conflict with any provisions in the Calgary Regional Plan.



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Recommendation:

1. That the Local Authorities Board be informed that the Commission does not object to the proposed annexation of the subject lands to the M.D. of Badlands #7 from the County of Wheatland #16."

At the regular meeting of September 11, 1992, the Calgary Regional Planning Commission adopted a motion not to object to the proposed annexation.

John Barry Graham advised that he owns lands within the proposed annexation area and that he also represented Eric Lovett of Monarch Holdings Limited also an owner of lands within the said territory. Mr. Graham stated that he and Mr. Lovett oppose annexation of those lands lying east of Secondary Highway 569 due to a possible increase in taxes and that less recreational grant money may be available in the Municipal District. Mr. Graham noted that recreational grants are determined on a per capita basis and the population of the County of Wheatland No. 16 is much greater than that of the Municipal District.

JoAnn Dawson, who owns land east of Secondary Highway 569, opposes the annexation of her property for much the same reasons as outlined by Mr. Graham.

In total, the landowners while objecting to the annexation of their property located east of Secondary Highway 569, advised the Board that they had no objection to the annexation of any of the lands west of the Highway which would include the museum and the site of the Atlas mine.

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

1. That the said territory has unique topographical characteristics which are clearly linked to the topography identified with the Municipal District of Badlands.
2. That the said territory has an historical connection to East Coulee across the river, as well as market connections to the City of Drumheller and the valley communities in the Municipal District of Badlands No. 7.
3. That both the lands east and west of Secondary Highway 569 have a high recreational potential that is associated with the valley market area and not the predominantly agricultural base of the County of Wheatland No. 16.
4. That there is no evidence to show assessments will increase as the result of annexation. As both municipalities are rural it can be expected that the manner of assessment will be, at the very least, similar.
5. That while recreation grant money is presently distributed on a per capita basis to each municipality, many municipalities share grant monies or alter Recreation Board boundaries to reflect the actual and potential use of an area, so that grant money is distributed based on the individual merit and the subsequent benefit of each proposal.

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 Municipal District of Badlands No. 7, in the Province of Alberta, and thereupon be separated from the County of Wheatland No. 16 the following described territory:

ALL THAT PORTION OF THE NORTH HALF OF SECTION TWENTY-ONE (21), TOWNSHIP TWENTY-SEVEN (27), RANGE EIGHTEEN (18), WEST OF THE FOURTH MERIDIAN, LYING SOUTHWESTERLY OF THE RIGHT BANK OF THE RED DEER RIVER

ALL THAT PORTION OF THE NORTHWEST QUARTER OF SECTION TWENTY-TWO (22), TOWNSHIP TWENTY-SEVEN (27), RANGE EIGHTEEN



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(A sketch showing the general location of the annexed lands is attached as Schedule "A".)

- II. That any taxes owing to the County of Wheatland No. 16 as at December 31, 1992, in respect of the aforementioned properties shall transfer to and become payable to the Municipal District of Badlands No. 7 together with any lawful penalties and costs levied thereon in respect of any such taxes; however, upon the Municipal District of Badlands No. 7 collecting any or all of such taxes, penalties or costs, such collection shall forthwith be paid by the Municipal District of Badlands No. 7 to the County of Wheatland No. 16.
- III. That the assessor for the Municipal District of Badlands No. 7 shall, for taxation purposes in the year 1992, reassess the annexed lands and assessable improvements thereon, which are by this Order annexed to the Municipal District of Badlands No. 7 so that the assessment thereof shall be fair and equitable with other lands and assessable improvements in the Municipal District of Badlands No. 7, 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 1992, 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 Municipal District of Badlands No. 7, 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 31st day of December, 1992.

DATED and signed at the City of Edmonton, in the Province of Alberta, this 31st day of December, 1992.

LOCAL AUTHORITIES BOARD

(SGD.) ARCHIE R. GROVER  
CHAIRMAN

(SGD.) BRYAN T. CLARK  
VICE CHAIRMAN

CERTIFIED A TRUE COPY



BOARD SECRETARY

SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE  
AREAS AFFECTED BY BOARD ORDER NO. 20515

EFFECTIVE DATE: DECEMBER 31, 1992

AFFECTED AREA(S)

