

COUNTY OF VERMILION RIVER NO. 24

BY-LAW NO. 2019

BEING a By-Law to establish an Area Structure Plan as provided under Section 62 of the Planning Act, 1977

WHEREAS, the Council of the County of Vermilion River No. 24 has received a request from the owner of the N 1/2-SW-4-50-1-W4 for permission to develop that land for light industrial purposes and

WHEREAS, the Council is of the opinion that a need for industrial sites exists in the vicinity of the City of Lloydminster and

WHEREAS, the owner of the said land has presented an Area Structure Plan with the requirements of Section 62 (2) of the Planning Act, 1977

THEREFORE, the Council of the County of Vermilion River No. 24 duly assembled enacts as follows:

- 1) "That the Area Structure Plan, to be called The County Energy Park Area Structure Plan, be established to provide a framework for subsequent subdivision and development of all that land in the N 1/2-SW-4-50-1-W4 for light industrial purposes
- 2) That all road construction, landscaping and utilities servicing the proposed development conform with the minimum development guidelines and minimum servicing standards for residential and industrial subdivisions adopted April 15, 1981."

READ a first time this 15th day of July, 1981.

Advertised the 22nd day of July, 1981 and the 29th day of July, 1981.

Public hearing held the 12th day of August 1981.

READ a second time this 12th day of August, 1981.

READ a third time and finally passed this 12th day of August, 1981.

COUNTY OF VERMILION RIVER NO. 24

 REEVE

SEAL

 SECRETARY-TREASURER



PLANNING BOARD

CAROLYN
FILE WITH BY-LAWS
2019-2020 IN BY-LAW BOOK.
AARON
FILE COPIES IN YOUR
RECORD OF BY-LAWS 2019-2020

403/427-4864, 427-3751

November 4, 1981

9th Floor, Jarvis Building
9925 - 107 Street

Edmonton, Alberta, Canada

T5K 2H9

The City of Lloydminster
City Hall
5011 - 49 Avenue
Lloydminster, Alberta
S9V 0T8

Attention Mr. R. Horsberger, Assistant Commissioner

Dear Sir:

Re: County of Vermilion River Bylaws No. 2019, 2020
Our files: 950.14.1, 950.14.2

As a result of the hearing held by the Board on October 7, 1981 attached is a copy of Board Order 1114-M-81 containing the Board's decision.

Yours truly,

P.J. Merrick
Manager, Planning and Finance

Attach.

c.c.: ✓ County of Vermilion River
Attn.: Mr. J. Scott

Brownlee, Fryett
Barristers & Solicitors
Attn.: Mr. L. Burgess

Mr. R. Runge, Director
of Planning
Alberta Municipal Affairs

Crone Developments Ltd.
P.O. Box 4830
South Edmonton, Alberta
T6E 5G7

J.N. Agrios
2nd Floor, 10020 - 101A Ave.
Edmonton, Alberta

Mr. G. Scott
5401 - 45 Street
Lloydminster, Alberta

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COUNTY VERMILION RIVER

BOARD ORDER: 1114-M-81

WEDNESDAY, NOVEMBER FOURTH, 1981

Before the Alberta Planning Board:

W.D. Isbister - Chairman
J.G. Thomas - Vice-Chairman
W. Boyd - Member
P. Polischuk - Member
A.J. Suelzle - Member
P.J. Merrick - Secretary

IN THE MATTER OF THE PLANNING ACT, 1977

AND IN THE MATTER OF a referral by the City of Lloydminster under section 43.1 of The Act,

Respecting the adoption of By-Laws No. 2019 and No. 2020 by the County of Vermilion River No. 24.

Pursuant to section 43.1 of The Planning Act, 1977, a hearing was held in the City of Lloydminster on Wednesday, October 7, 1981 as a result of the reference by the City of Lloydminster of certain actions taken by the County of Vermilion River No. 24. The actions alleged by the City of Lloydminster to be of a detrimental nature were the passage by the County of Vermilion River No. 24 of By-Laws No. 2019 and 2020. By-Law No. 2019 was passed by the County of Vermilion River No. 24 on August 12, 1981 and adopted an area structure plan for the N $\frac{1}{2}$ of SW 4-50-1-W4thM. It was not in dispute that the purpose of the by-law was to provide a framework for subsequent subdivision and development of the land in question for light industrial purposes.

By-Law No. 2020 of the County of Vermilion River No. 24 was passed on August 12, 1981 and was a by-law to amend the land use by-law of the County in respect of the SE 13-49-1-W4thM. It was not in dispute that the purpose of this amending by-law was to reclassify the land in question from the Highway Development District and Controlled Urban Development District to the Industrial Development District.

At the outset of the hearing, the jurisdiction of the Alberta Planning Board to hear the two matters referred by the City of Lloydminster was questioned by counsel for the County of Vermilion River No. 24.

Briefly put, the argument made was that, by virtue of section 385(1)(c) of The Lloydminster Charter, planning matters in the Alberta side of the City of Lloydminster are, with the exception of subdivision and replotting, governed by the provisions of The Planning and Development Act, 1973 of Saskatchewan. Therefore, The Planning Act, 1977 of Alberta, with certain narrow exceptions, would not apply to the City of Lloydminster and therefore the City could not use section 43.1 to bring a matter before the Alberta Planning Board.

The representatives for the City of Lloydminster argued the contrary position stating that the Board would have jurisdiction because the matter in respect of which the dispute arose was located in the County of Vermilion River No. 24 to which The Planning Act, 1977 of Alberta would apply.

The Alberta Planning Board took the jurisdictional question raised by the County of Vermilion River under advisement and proceeded to hear the representations of the various parties on the merits of the matter before it.

Given the decision of the Board set out below, it is not necessary to elaborate on the representations and arguments made in respect of the merits of the referral brought by the City of Lloydminster.

Decision:

That the relief sought by the City of Lloydminster be refused.

Reasons:

Pursuant to The Lloydminster Municipal Amalgamation Act, 1930 of Alberta, Alberta Regulation 43/79 was made. This regulation approved The Lloydminster Charter. The provisions of The Lloydminster Charter which are relevant to this matter are section 380(1) and 385(1)(c). Those sections provide as follows:

"380(1) Save insofar as such laws and regulations are modified or made inapplicable, either directly or arising by implication, by the provisions of this Charter or by complementary orders in council, the laws of Alberta apply to that portion of the city lying within the boundary of Alberta and the laws of Saskatchewan apply to that portion of the city lying within the boundary of Saskatchewan."

"385(1) The following Acts of Saskatchewan or parts thereof apply to the entire area of the city:

- (c) The Planning and Development Act, 1973, chapter 73, Statutes of Saskatchewan, 1973, except in the matters of subdivisions and replotting in that portion of the city situated within Alberta."

The general rule set out in section 380(1) is altered by the specific provisions of section 385(1)(c). As a result of those provisions, The Planning and Development Act, 1973 of Saskatchewan applies to the City of Lloydminster with the exception of matters of subdivisions and replotting in the portion of the City situated in Alberta. Stated another way, The Planning Act, 1977 of Alberta would only apply to the portion of Lloydminster situated within Alberta in respect of subdivision and replotting.

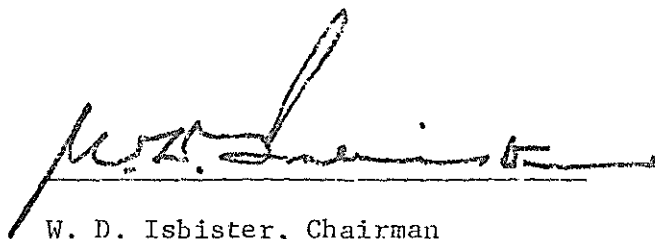
- 3 -

Section 43.1 of The Planning Act provides a mechanism for referring disputes to the Alberta Planning Board and is not a provision dealing with subdivision or replotting. By virtue of the provisions of The Lloydminster Charter, section 43.1 would not appear to apply to any portion of the City of Lloydminster. Because of this unusual situation, the City is not entitled to make a reference to the Board under section 43.1 of The Planning Act.

In the absence of a valid application before it, the Board has no jurisdiction to decide the dispute.

In view of this decision, it is not necessary nor does the Board have jurisdiction to decide the merits of the reference that was made by the City of Lloydminster.

Alberta Planning Board

A handwritten signature in dark ink, appearing to read 'W. D. Isbister', is written over a horizontal line. The signature is fluid and cursive.

W. D. Isbister, Chairman

Schedule A

Those persons who attended the Board hearing and made representations to the Board on Wednesday, October 7, 1981 in the City of Lloydminster.

Names

Kay Matheson, Mayor - City of Lloydminster

R. Brekko, City Commissioner - City of Lloydminster

R. Honsberger, Ass't City Commissioner - City of Lloydminster

F. Wheat, Reeve - County of Vermilion River No. 24

J. Scott, Municipal Secretary - County of Vermilion River No. 24

L. Burgess, Solicitor for the County of Vermilion River No. 24

J. Agrios, Solicitor for TOTRAN SERVICES LTD., Land Developer (Bylaw 2019)

G. Scott, Landowner (Bylaw No. 2020)