

**BOARD ORDER NO. MGB 144/08**

**FILE: AN08/LAMO/T-01**

**IN THE MATTER OF THE** *Municipal Government Act* being Chapter M-26 of the Revised Statutes of Alberta 2000 (Act).

**AND IN THE MATTER OF** an application by the Town of Lamont, in the Province of Alberta, to annex certain territory lying immediately adjacent thereto and thereby its separation from Lamont County.

**BEFORE:**

Members:

J. Acker, Presiding Officer  
J. Noonan, Member  
T. Robert, Member

MGB Staff:

R. Duncan, Case Manager  
C. Young, Assistant Case Manager

**SUMMARY**

After careful examination of the submissions from the Town of Lamont (Town), Lamont County (County), affected landowners, and other interested parties, the Municipal Government Board (MGB) makes the following recommendation for the reasons set out in the MGB report, shown as Appendix C of this Board Order.

Recommendation

That the annexation be approved in accordance with the following:

The Lieutenant Governor in Council orders that

- (a) effective January 1, 2009, the land described in Appendix A and shown on the sketch in Appendix B is separated from Lamont County and annexed to The Town of Lamont,
- (b) any taxes owing to Lamont County at the end of December 31, 2008 in respect of the annexed lands are transferred to and become payable to The Town of Lamont together with any lawful penalties and costs levied in respect of those taxes, and

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The Town of Lamont upon collecting those taxes, penalties and costs must pay them to Lamont County, and

- (c) the assessor for The Town of Lamont must assess, for the purpose of taxation in 2009 and subsequent years, the annexed land and the assessable improvements to it.

Dated at the City of Edmonton, in the Province of Alberta, 8<sup>th</sup> day of December 2008.

MUNICIPAL GOVERNMENT BOARD

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(SGD.) J. Noonan, Member

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**APPENDIX "A"**

**DETAILED DESCRIPTION OF THE LANDS RECOMMENDED FOR SEPARATION  
FROM LAMONT COUNTY AND ANNEXED TO THE TOWN OF LAMONT**

THE NORTHEAST QUARTER OF SECTION NINE (9), TOWNSHIP FIFTY-FIVE (55), RANGE NINETEEN (19), WEST OF THE FOURTH MERIDIAN INCLUDING THE NORTH-SOUTH ROAD ALLOWANCE LYING EAST OF SAID QUARTER SECTION

THE NORTH HALF OF SECTION SIXTEEN (16), TOWNSHIP FIFTY-FIVE (55), RANGE NINETEEN (19), WEST OF THE FOURTH MERIDIAN NOT PRESENTLY WITHIN THE TOWN OF LAMONT INCLUDING THE NORTH-SOUTH ROAD ALLOWANCE LYING EAST OF SAID HALF SECTION

THE SOUTHEAST QUARTER OF SECTION SIXTEEN (16), TOWNSHIP FIFTY-FIVE (55), RANGE NINETEEN (19), WEST OF THE FOURTH MERIDIAN INCLUDING THE NORTH-SOUTH ROAD ALLOWANCE LYING EAST OF SAID QUARTER SECTION AND INCLUDING THE EAST-WEST ROAD ALLOWANCE LYING SOUTH OF SAID QUARTER SECTION

THE SOUTHWEST QUARTER OF SECTION SIXTEEN (16), TOWNSHIP FIFTY-FIVE (55), RANGE NINETEEN (19), WEST OF THE FOURTH MERIDIAN NOT PRESENTLY WITHIN THE TOWN OF LAMONT

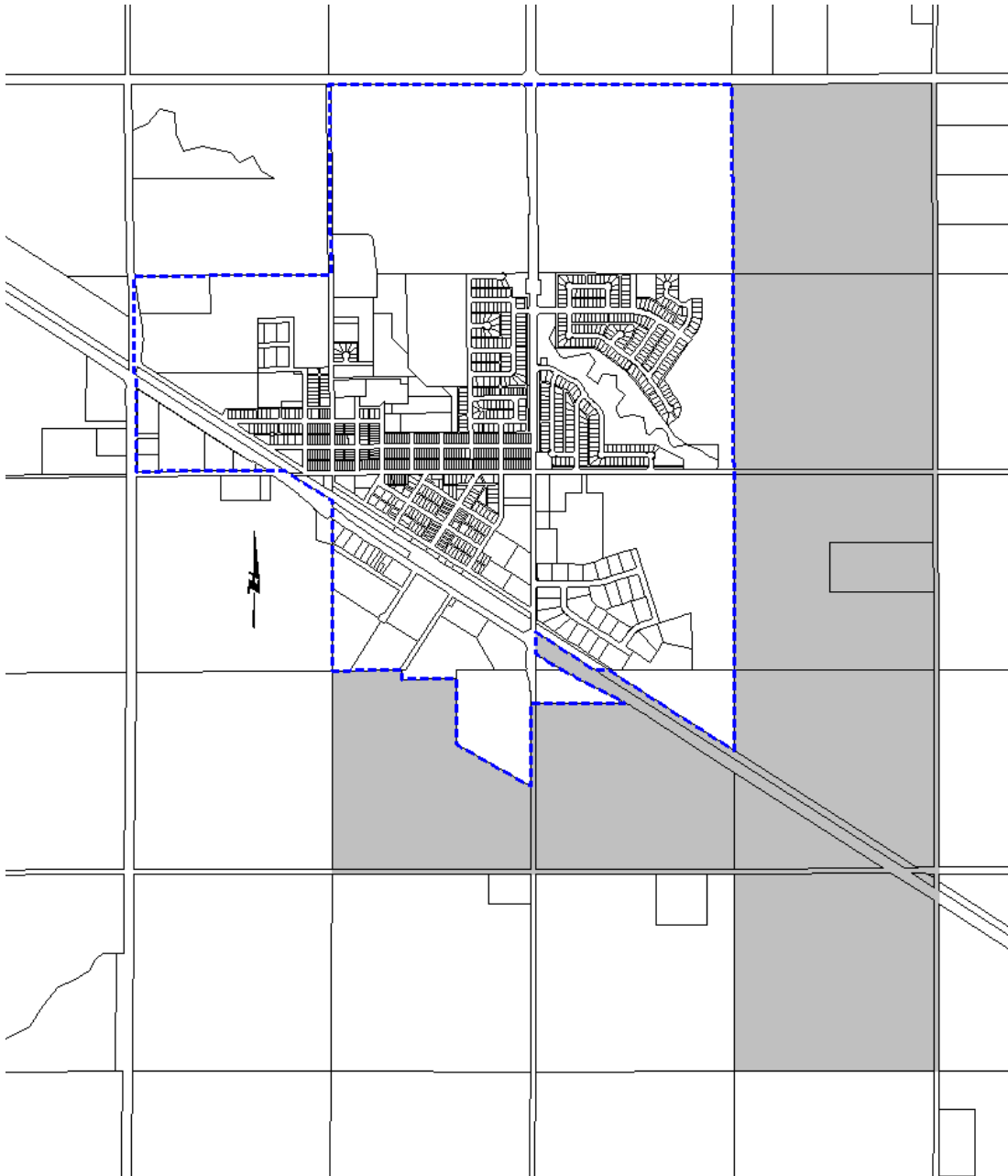
THE SOUTH EAST QUARTER OF SECTION SEVENTEEN (17), TOWNSHIP FIFTY-FIVE (55), RANGE NINETEEN (19), WEST OF THE FOURTH MERIDIAN NOT PRESENTLY WITHIN THE TOWN OF LAMONT

THE EAST HALF OF SECTION TWENTY-ONE (21), TOWNSHIP FIFTY-FIVE (55), RANGE NINETEEN (19), WEST OF THE FOURTH MERIDIAN INCLUDING THE NORTH-SOUTH ROAD ALLOWANCE LYING EAST OF SAID HALF SECTION AND INCLUDING THAT PORTION OF ROAD PLAN 7927 Y LYING SOUTH OF SAID HALF SECTION AND EXCLUDING ALL THAT LAND LYING NORTH OF THE SOUTHERN LIMIT OF ROAD PLAN 822-1341 AND EXCLUDING THAT PORTION OF THE NORTH-SOUTH ROAD ALLOWANCE EAST OF SAID HALF SECTION LYING NORTH OF THE PRODUCTION EAST OF THE SOUTHERN LIMIT OF ROAD PLAN 822-1341

FOR CLARIFICATION PURPOSES THE DESCRIPTIONS ABOVE INCLUDE ALL INTERVENING ROAD ALLOWANCES, REGISTERED ROAD PLANS AND HIGHWAY PLAN RIGHTS-OF-WAY.

**APPENDIX "B"**

A SKETCH SHOWING THE GENERAL LOCATION OF THE AREAS  
RECOMMENDED FOR ANNEXATION TO THE TOWN OF LAMONT



**APPENDIX “C”**

**MUNICIPAL GOVERNMENT BOARD REPORT  
TO THE MINISTER OF MUNICIPAL AFFAIRS  
RESPECTING THE TOWN OF LAMONT PROPOSED ANNEXATION OF TERRITORY  
FROM LAMONT COUNTY**

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### **Summary**

The Town is located in central Alberta, 60 kilometres east of Edmonton, at the junction of Highway 15 and Highway 831. On April 17, 2008, the MGB received an annexation application signed by the Town and County. The proposed annexation would include the transfer of 421 hectares (1,041 acres) from the County in order to allow the Town to ensure the proper long-term planning of growth and development.

Although there was general agreement with the proposed annexation, the application contained an objection from an adjacent landowner. In accordance with the Act, the MGB held a public hearing on August 19, 2008 to receive information, evidence and argument on the annexation proposal. The MGB received several presentations at the hearing.

After reviewing the documentation provided prior to the hearing, as well as listening to the presentations by the parties affected by the proposed annexation, the MGB finds that the purpose of the annexation and amount of land being requested by the Town is reasonable and that the concerns of the affected and adjacent landowners have been given proper consideration. Moreover, the MGB reviewed the arguments and evidence of all the parties and concluded it was in the greater public interest to recommend approval of the annexation. The collaboration between the two municipalities meets the objectives of intermunicipal cooperation outlined in the Provincial Land Use Policies and the annexation principles established by the MGB. Intermunicipal cooperation is also emphasized in the annexation part of the Act.

### **I Introduction**

The Town is located in central Alberta, 60 kilometres east of Edmonton, at the junction of Highway 15 and Highway 831. The Town is bounded by the County, and had a population of 1,664 as of 2006.

Over the past 20 years, the Town has experienced a stagnant growth rate. However, the recently proposed construction of heavy oil upgraders within the Industrial Heartland region has led to added development pressures in the area. As such, the Town feels that the proposed annexation is necessary in order to ensure long-term strategic planning opportunities and provide for growth in all districting classifications.

In a letter dated March 31, 2008 the Town provided written notification to the MGB that it was engaged in discussions with the County regarding an upcoming annexation proposal. On April 10, 2008 the Town provided further written notification to the MGB, informing the MGB of its intent to annex approximately 421 hectares (1,041 acres) of land contained to the south and east of the current Town boundary. The notification indicated that the Town intended to discuss the

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annexation further with the County, the affected landowners, and the community at large. The notification further stated that the intended annexation is necessary in order for the Town to secure lands for impending development as well as for long-term development and planning.

The MGB received a formal annexation application from the Town on April 17, 2008. The Town and County had reached an agreement regarding the application and there were no matters that had not been agreed upon by the two municipalities. The Town held an open house meeting for landowners on March 10, 2008 to receive feedback and input. Notification of the open house was sent to affected landowners and relevant agencies via mail. As a result of opposition from landowner Myles Faragini, NW 9-55-19 W4M and Plan 0122338 were removed from the requested annexation area. On March 25, 2008 a public meeting was held regarding the annexation, but no members of the public attended. Due to the continued opposition of adjacent landowner Myles Faragini, the MGB was not satisfied that the public was in general agreement with the annexation. Accordingly, the MGB held a public hearing on August 19, 2008 to receive information, evidence and argument on the annexation proposal.

The following report outlines the role of the MGB, provides a brief overview of the Town's annexation application, identifies landowner issues, identifies the MGB annexation processing methodology, summarizes written submissions, as well as those made at the public hearing held on August 19, 2008 and provides a recommendation to the Minister regarding this matter.

### **II Role of the MGB, the Minister and the Lieutenant Governor in Council**

The MGB becomes active in the annexation process once the initiating municipality has filed its negotiation report with the MGB, pursuant to section 119(1) of the Act. If the initiating municipality requests the MGB to proceed with the annexation, the report becomes the application for annexation. If the MGB is satisfied that the affected municipalities and public are generally in agreement, the MGB notifies the parties of its findings and unless there are objections to the annexation filed with the MGB by a specific date, the MGB will make its recommendation to the Minister without holding a public hearing. In this specific case objections to the proposed annexation were contained in the annexation application submitted by the Town to the MGB.

If the MGB finds that there is general agreement but an objection has been filed, the MGB must conduct one or more public hearings (section 120(3)(b) of the Act). The MGB may investigate, analyze and make findings of fact about the annexation. The MGB must prepare a written report of its findings and provide a recommendation to the Minister of Municipal Affairs (Minister) and the Lieutenant Governor in Council (LGC). The Minister and the LGC have the authority to accept in whole or in part or completely reject the findings and recommendations of the MGB report.

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### **III Annexation Application**

On April 17, 2008 the MGB received the annexation application submitted by the Town. The following section describes the current state of development plans, how municipal services will be provided to the proposed annexation area, identifies the public consultation process used to develop the application, provides the annexation agreement between the Town and the County, states the proposed conditions assessment and taxation requested by the Town, and summarizes the issues identified by affected and adjacent landowners.

#### **Development Plans**

In 2007, the Town restructured its Land Use Bylaw (LUB) and Municipal Development Plan (MDP). It was indicated that the annexation is consistent with the content of the Town's current MDP, as contained in Appendix "O" of the Annexation Application. No Intermunicipal Development Plan exists between the Town and County.

#### **Provision of Municipal Services**

Servicing of water for the Town is provided by the Edmonton Vegreville Water Commission. The Town understands that there will be a requirement for the upgrading of water systems once the existing inventory of land is developed. These upgrades will be designed to be interdependent with existing systems so as to maximize the effect of the improvements. The costs of upgrades would largely be incurred by developers, and enforced through the Town's development agreement process. Ongoing support for existing structures will be assisted by the offsite levies collected through the bylaw process and accessible grants.

The Town's wastewater is processed by a traditional anaerobic treatment system. This facility is fed by a gravity system with some expandable capacity. As noted with the water process, expansion will be required to piping systems and pumps to enable wastewater to be transported to the anaerobic treatment system. Expansion will be funded through development agreements and maintenance of existing systems funded through offsite levies and grants.

Storm water within the Town is handled through surface drainage. Dependant on topography and distance within the annexed application area, it may be necessary for some sections of the new development to be interconnected by underground piping and catch basins. The Town recognizes that the criterion for storm water discharge is subject to the specifications and policies of Alberta Environment, and clarified that these costs would also be the responsibility of developers.



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In its submissions, the Town was clear that it would continue to enter into development agreements with developers to provide for the servicing of land in the annexation area. This is to ensure that residents of the Town will not be burdened with the costs of extending services. It was submitted that previous agreements with developers have included such arrangements.

UMA Engineering has been contracted by the Town to develop a Master Service Plan and assist in a review of existing servicing. The Annexation Agreement illustrates that the Town recognizes that care must be given to ensure that the planning of future development coincides with the municipality's ability to adequately service growth. As such, the Town is currently reviewing its offsite levies bylaw and its recreation contribution policy.

### **The Landowner and Public Consultation Process**

The public consultation process conducted by the Town provided opportunities for affected landowners and the public/adjacent landowners to become informed about the proposed annexation and to express their opinions.

On August 14, 2007 the Town held a public hearing regarding the annexation initially proposed by the municipality. The application for annexation that corresponded to this public hearing was later withdrawn, but the Town noted that no objections or comments were provided to the municipality at that time.

With respect to the current application for annexation, the Town held an open house meeting for landowners on March 10, 2008 to receive feedback and input. Notification of the open house was sent to affected landowners as well as local agencies. On March 25, 2008 a public meeting was held regarding the annexation. This meeting was advertised for two consecutive weeks in the **Lamont Leader**, a local newspaper. As at the March 10, 2008 landowner meeting, the LUB, MDP, and annexation maps were available; however, no one attended.

### **Identified Landowner and Public Issues**

The Annexation Agreement indicates that each affected landowner was made aware of the tax implications associated with annexation and have agreed to accept the Town's mill rate and assessment process for their annual taxes.

Landowner Myles Faragini was identified as having concerns with the annexation, submitting that the potential of industrial development occurring around his property would have a negative impact on his quality of life. The Town subsequently removed NW 9-55-19 W4M and Plan 0122338 from the proposal, thus excluding Mr. Faragini's lands from the annexation area. Through subsequent letters, Myles Faragini indicated that he remained in opposition to the

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annexation as an adjacent landowner, and continued to hold the same concerns regarding nearby industrial development.

Several agencies, including the Health Authority, School Division, CNR, Alberta Transportation, Fortis Alberta, the Alberta Energy and Utilities Board, LAMCO Gas Co-Op Ltd, the RCMP, and Telus were invited to the March 10, 2008 open house and asked to provide a written response to the annexation proposal. Several responses were received by the Town as a result of this request.

- A representative of the Fort Saskatchewan RCMP detachment responded, indicating an interest in ensuring that the increased future need for policing services was considered and planned for.
- A letter was received from Alberta Environment, outlining its concerns regarding the capacity of the Town's waste water lagoon. The Annexation Application notes that this concern is consistent with the information provided by UMA Engineering and the remedial analysis being considered by the Town.
- LAMCO Gas Co-Op Ltd. replied, identifying a willingness to work with the Town in expanding its gas franchise into the new annexation area.
- Alberta Transportation also responded, indicating that any access along Highway 15 must be developed according to AT guidelines and at the developer's cost. The letter states that AT does not object to the proposed annexation.

The Town noted that other than ensuring good planning strategy is maintained for issues such as School Reserves and Emergency Services access, no other issues of contention were raised by this consultation process.

**The Annexation Agreement with the County**

The Town and County came to agreement regarding the annexation details. A negotiation process was conducted, leading to agreement as to the proposed annexation area and other matters. The Annexation Agreement indicates that the two municipalities are in agreement on all issues relating to the annexation, and that there are no outstanding issues. The County's letter of agreement is contained in Appendix "G" of the Annexation Agreement, along with the resolutions adopted by the Town and County Councils. It is noted that the Town agreed to the County's request that external roadways adjacent to annexed land be maintained by the Town. The Annexation Agreement was signed by the County and Town, and received by the MGB on April 17, 2008.

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### **Compensation and Proposed Assessment and Taxation Conditions**

No monetary compensation from the Town to the County or special conditions regarding assessment and taxation were provided for in the Annexation Agreement. The Town produced a report of assessment information showing that the total 2008 assessment for the proposed annexation area was \$603,910, producing \$5,173.98 in tax revenue. It was suggested that due to the small impact on taxation revenues, compensation was not necessary. Additionally, it was indicated that the affected landowners had agreed to accept the Town's mill rate and assessment process, and that a need for special assessment and taxation conditions had not been expressed.

### **IV MGB Application Processing Methodology and Public Hearing**

The following provides a description of the method used by the MGB to process the Town's annexation application and describes the public hearing held August 19, 2008.

#### **MGB Application Processing**

In accordance with section 118 of the Act, the Town submitted the required Negotiation Report to the MGB on April 17, 2008. The accompanying letter requested the MGB to accept the Report as the Town's official annexation application. The application submitted by the Town included a copy of the Annexation Agreement between the Town and the County, and a cheque for the annexation fees.

Although the Town and County were in agreement with the annexation, an adjacent landowner noted an objection. The Act requires that if the MGB receives an objection regarding an annexation application, the MGB must conduct one or more hearings in respect of the annexation. The hearing regarding this matter was scheduled to commence at 10:00 a.m. on Tuesday August 19, 2008 at the Lamont Hall located at 4848 – 49 Street SE in Lamont, Alberta.

The MGB sent letters to the Town and County with copies to each of the affected landowners to notify the parties of the August 19, 2008 hearing. Letters were also sent to the people that had provided written comments contained in the annexation application. The letter requested that any person who planned to attend the hearing or make a submission at the hearing notify the MGB by August 12, 2008. In accordance with section 122(1) of the Act, the MGB published a notice of hearing in the **Lamont Leader**, a local newspaper, during the weeks of July 28 and August 4, 2008 to notify the public.

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**Submissions to the MGB**

At the hearing, the MGB received oral submissions from the Town, the County, landowners, and the public. Twelve people completed the registration form at the August 19, 2008 hearing. The MGB also received written submissions from several of the aforementioned parties and individuals. Summaries of the oral and written submissions made to the MGB are provided below.

**Town's Submission**

As a supplement to the Town's written annexation application, Tom Miller, Chief Administrative Officer, presented the Town's oral submission at the MGB hearing.

The Town's annexation application indicates that it is currently under significant development pressures similar to those identified across the region. The strong Canadian dollar and the nearby implementation of several large petro-chemical projects, including heavy oil upgraders, have all served to increase service demands. The Town is also under considerable constraint to provide more developable land for competitive residential development. This pressure has led the Town to pursue added land through annexation. Additional reasons for the proposed annexation were also provided. These included a desire to avoid the costs and uncertainty involved with relying on a series of smaller annexations, providing for the logical extension of servicing, and allowing for long-term planning and engineering to satisfy servicing and financial needs. It was also emphasized that there are few anticipated economic ramifications for either the Town or the County, and that the annexation area represents primarily agricultural land with limited residential or industrial development potential within the County.

It was submitted that the proposed annexation of approximately 421 hectares (1,041 acres) is necessary in order for the Town to continue growth in the established pattern. The land slated for annexation is located to the south and east of the current Town boundaries, and is identified for future use within the residential, commercial, and industrial districting groups utilized by the Town. It was indicated that this future development would conform to the Town's existing LUB, and that the annexation is consistent with the content of the Town's current MDP.

The Town submitted that it is topographically influenced by slope and drift that allows for adequate surface drainage of storm water. As such, the Town expressed that there is every indication that the annexed lands will be suitably drained to the natural water course of the Lamont River and adjacent watershed, and that this will not cause any impediment to the development of the lands being considered for annexation. It was submitted that the slope and run will also allow for reasonable development of gravity fed sanitary systems and not cause

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excessive demands for water distribution systems. Developers will be expected to pay for the extension of services.

The Town indicated that it is in a healthy financial situation and has unrestricted financial reserves available. The Annexation Agreement indicates that only approximately two percent of the Town's borrowing capability has been used, and that based on projected budgeting demands over the next ten year period, the Town is suitably poised to meet its financial obligations. The Annexation Agreement also notes that the Town's infrastructure is in good condition, and is not expected to require any abnormal or unanticipated repairs.

The Town expressed that the annexation process has progressed with the full cooperation of County. It was indicated that only two issues were raised during the annexation discussions between the two municipalities. These issues related to road maintenance and taxation, and were resolved before the annexation application was submitted to the MGB.

Rather than making its own efforts to speculate on the amount of land required in the annexation, the Town indicated that it has primarily acted on the requests of landowners and developers, who the Town feels are best suited to determine whether there is a need for development.

At the MGB hearing, the Town also commented on landowner Myles Faragini's objections, stating that he had expressed opposition to being annexed, and that his lands had therefore been removed from the proposed annexation area. Removal of this land resulted in some of the land owned by the Stach family also being removed. It was indicated that Mr. Faragini continued to have objections to the annexation, primarily with regard to land near his property being rezoned for future industrial development. The Town stated that while Mr. Faragini's land is currently zoned as Agricultural, the County's LUB currently allows for industrial development within that district. It was therefore submitted that Mr. Faragini would be better off being zoned as Industrial under the Town's LUB.

**County's Submission**

Al Harvey, County Manager, presented on behalf of the County at the MGB hearing. The County indicated that it had engaged in discussions with the Town, and is in support of the application. The County further noted that the letters dated May 15, 2007 and November 30, 2007 contained in Tab G of the Annexation Agreement also serve to illustrate this support. It was submitted that it is in the County's interests for the Town to be able to grow and remain healthy and viable.

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It was noted by the County that a creek exists within the annexation area, but it was submitted that no special environmental issues or concerns relating to its conservation have been identified in relation to the annexation process.

**Landowner/Public Submissions**

At the hearing the MGB received presentations from several landowners and members of the public. A summary of each presentation is provided below.

Myles Faragini

Mr. Faragini indicated that he owns approximately 11 acres of land that was originally included within the proposed annexation area, but had since been removed. He expressed that he was not satisfied with the information provided to him regarding the annexation through his correspondence with the Town and County, as well as from his attendance at the open house.

Mr. Faragini wrote to the MGB in a letter dated November 19, 2007. The letter stated that Mr. Faragini was in opposition to the proposed annexation, and objected to the Town annexing his land and rezoning it for industrial use. He also attached a letter sent to the Town and County on September 19, 2007, in which he expressed concerns with the proposed annexation. In that letter, Mr. Faragini stated that he had not received adequate notice of the proposed annexation and that he objected to it proceeding. He expressed concern over his acreage falling within an area zoned medium industrial and the impact this could have on his rural lifestyle. Additionally, he noted a concern that his property taxes could increase and land value decrease, thus making it harder for him to sell his land and relocate elsewhere.

Mr. Faragini indicated that while he did not necessarily object to the annexation proceeding, he felt that he should have been offered compensation or have had the opportunity to have his land purchased by the Town. He explained that he had purchased the land in order to enjoy a rural lifestyle, and that the potential of industrial development occurring adjacent to his property would have a negative impact on his quality of life.

Richard Faragini

Richard Faragini, made a brief presentation in support of his brother, Myles Faragini. Mr. Faragini suggested that the annexation process had not been adequately transparent. He articulated that Myles Faragini's land would be bordered on two sides by land for which medium industrial development is planned. Richard Faragini further stated that his brother's main objection was to living in close proximity to industrial development, and that he should receive some form of compensation to allow him to relocate.

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Jo Anne Frank on behalf of Marc Lacoursiere of Elk Island Child & Youth Ranch, Landowner

Jo Anne Frank indicated that she was attending the MGB hearing on behalf of Marc Lacoursiere, who owns three companies and employs a number of people in the area. One of the companies owned was explained to be the Elk Island Child & Youth Ranch, which is listed as a landowner in the proposed annexation area. She indicated that Mr. Lacoursiere was in favour of the annexation, and felt that it would allow for growth, have a positive economic impact, and could help to prevent future school closures. She further stated that delaying the process could have the negative impact of stalling development plans that are already in progress. It was suggested that if merit to Mr. Faragini's objections were to be found, it should not necessitate a delay to the annexation process for the northern annexation area.

Norm Hill on behalf of the Stach Family, Landowners

Norm Hill indicated that he was attending the MGB hearing on behalf of the Stach Family, who own land within the proposed annexation area, as well as land that was originally included in the area and subsequently removed due to the opposition of Mr. Faragini. Mr. Hill explained that he has been employed in the real estate industry for a number of years, and that he has worked closely with developers and planners to have land rezoned from agricultural to other uses. He expressed that the Town and County have done a good job of planning a mix of residential, commercial, and industrial developments, and that the annexation should be permitted to go ahead in order to allow developers to maximize their potential. It was suggested that a more diversified tax base would serve to relieve the tax burden on individuals and benefit the Town as a whole. Mr. Hill noted that the County was in favour of the annexation, and indicated that the Stach family was also in full support.

Wim Jonk, Developer

Wim Jonk identified himself as a local developer. He explained that he was in support of the annexation application, and felt that the annexation would benefit the Town and would serve to allow for the creation of more jobs. Mr. Jonk stated that an industrial park would be especially positive for the Town and encourage further residential development. He suggested that the Town ensure that it hires a quality engineering company as it proceeds.

Sam Saleh, Adjacent Landowner

Sam Saleh explained that he is the owner of land adjacent to the proposed annexation area. Mr. Saleh indicated that he has expressed an interest in having his land added to the annexation area,

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but that the Town had declined. He also noted that he was in favour of the annexation in general, feeling that it was necessary in order to allow the Town to grow.

**Town's Response to the Landowner Submissions**

The Town expanded on Mr. Jonk's submission, noting that he had paid significant development fees through entering into a development agreement with the Town. This was cited as an example of ensuring that costs associated with the extension of servicing would be borne by developers rather than the current residents of the Town.

**County's Response to the Landowner Submissions**

The County provided no additional response to the submissions made by landowners at the MGB hearing.

**V MGB Recommendations**

After reviewing the documentation provided prior to the hearing as well as listening to the presentations by the parties affected by the proposed annexation, the MGB recommends that the annexation of the lands applied for proceed with an effective date of January 1, 2009.

**VI Reasons**

The MGB finds that the limited amount of land currently available for development within the Town's boundary, combined with the accelerated rate of growth anticipated by the Town, is a reasonable justification for this annexation. Furthermore, the MGB is convinced that this annexation will facilitate the well managed growth of the municipality by providing land inventory for a diversified array of development including residential, commercial, and industrial.

The MGB is satisfied that the lands being requested by the Town are logical extensions of established and developed areas. The Town, through its MDP, identified these lands as a future growth area. Further, the MGB accepts that the Town has adequately considered the extension of servicing, and has demonstrated a pattern of utilizing development agreements in order to ensure a large portion of related costs are borne by developers.

The MGB finds that the Annexation Agreement demonstrates a high degree of cooperation and collaboration between the Town and County. Although there is no Intermunicipal Development Plan, the thrust for intermunicipal cooperation envisioned by the Act, the Provincial Land Use Policy (PLUP), and the annexation principles set out by the MGB was well documented in the



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written and oral submissions presented by the municipalities. Moreover, the MGB finds that the successful negotiations between the Town and County exemplifies the effective use of the concepts outlined in the PLUP for encouraging intermunicipal cooperation and the intermunicipal coordination of land use planning. The MGB also accepts the County's submission that it holds an interest in seeing the Town be able to grow in a healthy and viable way, thus adding further support to the proposed annexation.

The MGB notes that the Town has notified relevant agencies of the proposed annexation, and given consideration to the responses received. The Town is aware of Alberta Transportation's requirements regarding highway access, and is taking steps to address the concerns pointed out by Alberta Environment with regard to the Town's wastewater lagoon.

The MGB is satisfied that the Town provided adequate notification to landowners, and undertook a sufficient level of consultation through holding an open house and public hearing. The previous annexation application, which was subsequently withdrawn, also involved a public meeting. While this earlier process may not have been as transparent as it could have been, the MGB does note that it constitutes an additional instance of public consultation prior to submission of the application currently being considered. Further, the Town has taken reasonable steps to address the concerns raised by landowner Myles Faragini through the removal of the quarter section containing his lands from the annexation area. While the MGB acknowledges that Mr. Faragini still holds concerns regarding future industrial development on properties near his own, it recognizes that the Act gives municipalities the authority to determine the most appropriate land use patterns within their jurisdiction. As such, the MGB, in analyzing an annexation application, does not make any judgment on what those patterns should or should not be.

With regard to Mr. Faragini's request for compensation, the MGB notes that section 127(a) of the Act outlines that an order to annex land to a municipal authority may "require a municipal authority to pay compensation to another municipal authority..." Because the Act clearly refers to compensation within the context of a transfer between two municipalities, the MGB finds that it does not have jurisdiction to consider whether compensation should be awarded to an affected individual. The MGB further notes that it does not have authority to recommend that property be purchased from affected landowners by the Town. Any such arrangements remain in the private sphere, and are outside the purview of the MGB's statutory mandate.

The MGB notes that the County identified a creek within the annexation area as an environmental feature, and accepts the submission that no special issues or concerns relating to the conservation of that feature have been identified in relation to the annexation process.

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The MGB accepts that the municipalities have not requested special provisions respecting compensation. After reviewing the 2006 assessment and taxation figures provided by the Town, the MGB finds that the minimal assessment value and taxation revenue generated from the annexation area makes the lack of such provisions reasonable. The Annexation Agreement and submissions by the municipalities sufficiently indicate that the annexation will not have any significantly adverse financial impact on either the Town or County.

The MGB also accepts that the agreement negotiated between the municipalities includes no special provisions regarding assessment and taxation. The MGB is satisfied by the Town's submission that the affected landowners have agreed to accept the Town's mill rate and assessment process, and that a need for special assessment and taxation conditions had not been expressed. As such, the MGB feels it appropriate to recommend approval of the proposed annexation.