

**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 Calmar, in the Province of Alberta, to annex certain territory lying immediately adjacent thereto and thereby its separation from Leduc County.

**BEFORE THE MUNICIPAL GOVERNMENT BOARD**

Members:

L. Lundgren, Presiding Officer  
A. Savage, Member  
G. Leadbeater, Member

Secretariat Advisor:

D. Hawthorne

After examination of the submissions from the Town of Calmar (Town), 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 D 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, 2005, the land described in Appendix A and shown on the sketch in Appendix B is separated from Leduc County and annexed to the Town of Calmar,
- (b) any taxes owing to Leduc County at the end of December 31, 2004 in respect of the annexed land are transferred to and become payable to the Town of Calmar together with any lawful penalties and costs levied in respect of those taxes, and the Town of Calmar upon collecting those taxes, penalties and costs must pay them to Leduc County, and

- (c) the assessor for the Town of Calmar must assess, for the purpose of taxation in 2005 and subsequent years, the annexed land and the assessable improvements to it.

Dated at the City of Edmonton, in the Province of Alberta 10<sup>th</sup> day of January 2005.

MUNICIPAL GOVERNMENT BOARD



L. Lundgren, Presiding Officer

**APPENDIX A**

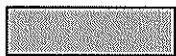
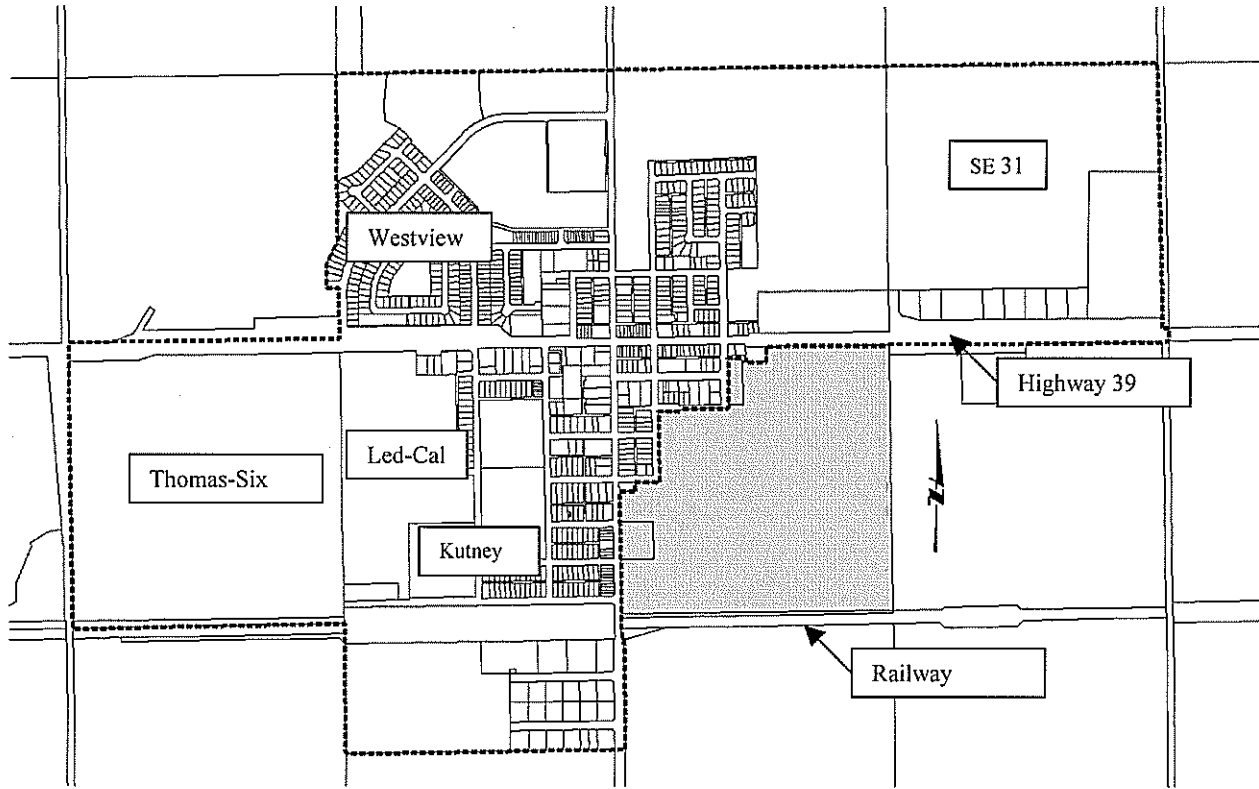
**DETAILED DESCRIPTION OF THE LANDS RECOMMENDED FOR  
SEPARATION FROM LEDUC COUNTY  
AND ANNEXED TO THE TOWN OF CALMAR**

ALL THAT PORTION OF THE NORTHWEST QUARTER OF SECTION THIRTY (30),  
TOWNSHIP FORTY-NINE (49), RANGE TWENTY-SIX (26), WEST OF THE FOURTH  
MERIDIAN NOT WITHIN THE TOWN PRIOR TO THE DATE OF THIS ORDER,  
EXCEPTING THEREOUT:

THE CANADIAN PACIFIC RAILWAY RIGHT-OF-WAY AND PIPELINE RIGHTS-  
OF-WAY RUNNING ALONG THE SOUTH AND EAST BOUNDARIES OF THE  
NORTHWEST QUARTER OF SECTION THIRTY (30), TOWNSHIP FORTY-NINE  
(49), RANGE TWENTY-SIX (26), WEST OF THE FOURTH MERIDIAN.

**APPENDIX B**

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



AREA PROPOSED TO BE ANNEXED TO THE TOWN OF CALMAR

**APPENDIX C**

1 In this Order, “annexed land” means the land described in Appendix A and shown on the sketch in Appendix B.

2 For taxation purposes in 2005 and subsequent years, up to and including 2019, the annexed land and the assessable improvements to it

(a) must be assessed by the Town of Calmar on the same basis as if they had remained in Leduc County, and

(b) must be taxed by the Town of Calmar in respect of each assessment class that applies to the annexed land and the assessable improvements to it using the tax rate established by Leduc County.

3 Where in any taxation year, a portion of the annexed land

(a) becomes a new parcel of land created as a result of subdivision or separation of title by registered plan of subdivision or by instrument or any other method that occurs at the request of, or on behalf of, the landowner,

(b) is redesignated at the request of, or on behalf of the landowner under the Town of Calmar Land Use Bylaw to another designation, or

(c) is approved for development at the request of, or on behalf of the landowner, under the Town of Calmar Land Use Bylaw,

section 2 ceases to apply at the end of that taxation year in respect of that portion of the annexed land and the assessable improvements to it.

4 After section 2 ceases to apply to a portion of the annexed land in a taxation year, that portion of the annexed land and the assessable improvements to it must be assessed and taxed for the purposes of property taxes in the following year in the same manner as other property of the same assessment class in the Town of Calmar is assessed and taxed.

**APPENDIX D**

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

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## Executive Summary

The Town of Calmar has applied to annex approximately 135 acres located to the east and southeast of the current built up area of the Town. The subject lands are located immediately south of Highway 39. The subject lands are tentatively planned to accommodate commercial, residential and industrial development. The Town first commenced working with all parties on this proposed annexation in 1996. The Town undertook the required public participation process and received general support for the annexation.

Annexation of the subject land is supported by Leduc County and the landowners involved. As a result, the Town and the County have entered into an annexation agreement. As well, Alberta Transportation supports the annexation subject to further planning for establishing access requirements to Highway 39.

Three landowners owning property within the Town, but not in the annexation area, objected to the annexation. These landowners own property on the west side of Town, south of Highway 39, located one-quarter to one-half mile west of the area proposed for annexation. The primary objections are based on the lack of need to add additional lands to the Town for residential development. The MGB conducted a public hearing in order to discover details surrounding the objections.

Following the public hearing, 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 as agreed by the municipalities. The cooperation between the two municipalities meets the objectives of intermunicipal cooperation outlined in the Provincial Land Use Policies. Intermunicipal cooperation is also emphasized in the annexation part of the Act.

At the public hearing, all parties agreed there was a clear demonstrated need for additional commercial land along Highway 39 and the MGB was satisfied that there was a clear demonstration of a need for commercial lands. There was no objection to inclusion of the commercial area. In addition, the MGB was satisfied that the servicing schemes for the commercial lands would be more efficiently met by including the balance of the lands which are proposed for residential and industrial development. The MGB also found that approval of the full annexation will result in the logical and efficient extension of hard municipal services and will assist in the upgrading of existing services.

The annexation represents a logical extension of future land use patterns and makes efficient use of existing municipal infrastructure including roads. Although questions were raised as to the need for additional residential land, the MGB has discovered that those concerns are outweighed by the need for the commercial land, the need to integrate existing servicing to the commercial land and by the fact that other owners of larger vacant parcels of land are unwilling, unable or only in the beginning stages of releasing land to accommodate development.

On balance, and in consideration of all the evidence and argument placed before the MGB, the MGB is prepared to recommend that the subject lands be annexed to the Town.

### **Part I Introduction/Background**

The Town of Calmar has applied to annex approximately 135 acres of land located to the east and southeast of the built up area of the Town. The purpose of the application is to provide land for some commercial development adjacent to Highway 39 abutting the north boundary of the annexation territory and some industrial development adjoining the railway abutting the south boundary of the territory. Residential development is proposed for the balance of the quarter section.

The proposed annexation territory contains two small parcels and a large balance parcel from the quarter section. Of the two smaller parcels, one owner has provided conditional consent to the annexation and the other has adopted a neutral position, neither supporting nor objecting to annexation. The owner of the balance of the annexation territory fully supports annexation.

The process leading to the filing of the annexation application first commenced in 1996 with the Town first approaching the County regarding the possibility of annexing the subject territory. Ongoing discussions with the County, landowners and Alberta Transportation continued until the Town filed notification of its intent to seek annexation on April 8, 2003. In addition, the Town addressed the issues of feasibility, development proposals, concept plans, and area structure plans.

With the filing of the notification of the Town's intent to seek annexation, a process was undertaken to formalize negotiations with the County and provide public consultation on the issue of annexation. Once negotiations were completed, the Town filed an annexation application with the MGB.

The MGB, in reviewing the negotiation report, the comments of the landowners and comments from the general public received at a town hall meeting, concluded that there was general agreement to the annexation. The MGB gave notification of their finding by correspondence to the Town, County, other local authorities and landowners. In addition, the MGB placed a notice advising of their finding in the May 17 and 24, 2004 issue of the Leduc Representative, a newspaper circulated within the area. As a result of this notice, three objections were filed by landowners with property already located within the Town. With the filing of the objections, the MGB was required to investigate and hold a hearing. The hearing was held in the Town on September 29, 2004.

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

A municipality seeking annexation must first initiate the process by giving written notice of the proposal to the municipal authority from which the land is to be annexed, the MGB and any local



authority considered to be affected by the proposal. The notice must describe the land proposed for annexation, set out the reasons for annexation and include proposals for consulting with the public and meeting with the landowners. Once notice has been given to the other municipality, the municipalities must negotiate in good faith and if agreement cannot be reached the municipalities must attempt mediation to resolve the outstanding matters.

At the conclusion of the negotiations, the initiating municipality must prepare a report describing the results of the negotiations. The report must include a list of matters agreed to, as well as a list of matters in which there is no agreement. If no agreement, the report must state what mediation attempts were undertaken or, if no mediation, reasons must be provided. The report must also include a description of the public consultation process and the views expressed during this process. The report is then signed by both municipalities and if not, the municipality that did not sign must provide their reasons for not signing.

The report is then submitted to the MGB and it 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 an objection was filed with the MGB.

If the MGB finds that there is no general agreement, the MGB must notify the parties of its finding and conduct one or more public hearings. The MGB only has authority to hear from the affected parties of an annexation proposal, and then it must make findings and provide a recommendation to the 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 this report.

### **Part III Annexation Application**

#### **The Public Consultation Process**

The Town has conducted ongoing discussions with the landowners since 1996. Of the three landowners, one had concerns relating to assessment and taxation as well as potential conflict with future plans for the area. These concerns have been addressed in the annexation agreement. One other landowner, the Royal Canadian Legion, has adopted a neutral position in the matter. The owners of the balance of the annexation territory fully support annexation and can be seen as the driving force behind the proposal.

The Town held a public hearing on May 20, 2003, having given notice of the hearing in a local newspaper. A total of eight people were present at the public hearing. The Town provided an overview of the proposal, the process to be followed in filing an annexation application, and the upcoming meeting with the County. In addition to the issues raised by the landowners, the participants questioned the future use of lands now dedicated parkland, potential for certain

public works, such as sidewalks being financed as local improvements, and current problems with garbage, golf balls, and use of horses and off road vehicles.

#### Conformity with Town Plans and Servicing Studies

This annexation proposal conforms to the various municipal planning documents prepared and adopted by the Town. The Municipal Development Plan identifies the subject land as an expansion area for commercial land uses along Highway 39. Further, a conceptual plan has been prepared for the property accommodating commercial land uses along Highway 39, industrial development adjacent to the railway with appropriate multi-family residential uses between the industrial and single family residential uses which form the balance of the land use in the concept plan.

A servicing study was prepared for the Town in 2003 that includes the expansion of a proposed water distribution system, proposed sanitary sewer system and storm drainage system. This servicing study illustrates that the subject lands could be readily serviced by connecting into the existing system with minor upgrades on 49 Avenue and 50 Street.

In 2004 the Town's new wastewater collection mains were sized to accommodate development on the subject lands with some minor upgrading required. Upgrading of servicing along 49 Avenue and 51 Street will provide servicing capacity to the subject lands.

#### Constraints to Development Within the Town

A number of the areas currently within the Town are designated for residential development but are subject to constraints. The current primary growth area north of Highway 39 (the Westview area) is committed to a senior citizen housing project and an expanded school site. The landowner north of the subject land is committed to retaining these lands as farmland for some time into the future. Other lands north of the subject are dependent on development of the subject lands for the orderly progression of services. Thus, although it appears that there is substantial land for residential development within the Town, the subject land is more strategically located and the prospective landowner of the subject land has illustrated more initiative to develop in the immediate future.

#### The Annexation Agreement with Leduc County

The Town and County entered into negotiations respecting the annexation of the subject territory which resulted in an annexation agreement. The Town and County agree that:

- no future annexation will be considered until the population of the Town reaches 6,410;
- the Town will consult the County about any development proposal near to or adjacent to Conjuring Creek;

- the Town will consult the County about plans and/or development proposals in the annexed area;
- the Town will consult the County regarding a review of speed limits, access and controlled crossings of Highway 39;
- for the period of 2004 to 2019 the annexed lands will continue to be assessed and taxed as if they had remained in the County providing the land use remains the same.

#### **Part IV Landowner Issues**

Following the notification by the MGB that there was general agreement to the annexation of the subject territory to the Town, three landowners within the Town filed objections to the annexation. Thomas-Six Properties Ltd. has title to approximately 160 acres located on the west side of the Town, and south of Highway 39. Led-Cal Developments (Hayward Dow) has title to approximately 33 acres adjacent and east of the Thomas-Six holding and Nick Kutney has title to approximately 18 acres in close proximity to the Led-Cal property. This 18-acre parcel is presently used as a mobile home park.

All three objectors stated that in their opinion, there is already an over supply of vacant, residential land within the Town. Considering the Town's current growth rates, additional land for residential development will not be required for the foreseeable future.

#### **Part V The MGB Process and Public Hearing**

##### Chronology of Events and Process

On April 3, 2003 the Town filed notification with the MGB of its intent to annex the subject territory. The official application for annexation was received on April 22, 2004. On April 23, 2004 the MGB convened a panel to review the negotiation report and found there was general agreement with the annexation application.

With the finding of general agreement, the MGB notified the Town, County, landowners and interested parties of their finding of general agreement by a letter dated April 26, 2004. In addition, the MGB gave notice of its findings in the May 17 and 24, 2004 issues of the Leduc Representative, a newspaper circulating with the Town. In addition, to giving notice of the MGB finding, the MGB advised that if there were any objections to the proposed annexation they must be filed in writing with the MGB no later than June 4, 2004.

The MGB gave the Town and objecting parties an opportunity before holding a hearing to resolve any outstanding concerns about the annexation. Two landowners (Thomas-Six Properties Ltd. and Led-Cal Developments) did file objections to the annexation proposal and the Town met with both objectors. As a result of these meetings, Led-Cal withdrew its objection, leaving the objection of Thomas-Six Properties Ltd. outstanding.

When objections are received, the MGB is required to investigate and hold a hearing pursuant to section 120(3) of the Act. A panel of the MGB was convened to review the objections resulting in the scheduling of a hearing on September 29, 2004 in the Town of Calmar. The MGB issued written notice to all known interested parties and published notice in the September 13 and 20, 2004 issues of the Leduc Representative advising of the date, time and place of the hearing. As a result of the notice of public hearing, the MGB received another objection from Nick Kutney who is a landowner within the Town approximately one-quarter mile west of the subject land. Although Led-Cal Developments had withdrawn its concern about annexation, a representative did attend the hearing and re-state the original concerns.

### **The MGB Hearing**

#### Position of the Town

##### Need for Land

The Town reviewed the existing land uses and identified the undeveloped lands within the existing Town boundaries. The Town submitted that the total area of undeveloped land is approximately 900 acres, however of this total only 540 acres is available for development. According to the Town, a significant amount of developable land is held by owners who are not willing to proceed with development at this time. An example is in the quarter section to the north of the subject, where the owner of a 100-acre parcel does not want to develop. Another example is in the SE 31 where approximately 140 acres is restricted from residential development by a high-pressure gas line and a number of other pipelines together with a gas well. The Town conceded that this area is more suitable for future industrial development rather than the residential direction shown in the Municipal Development Plan. As a result, the amount of land that is actually available for development is fairly limited. This, coupled with the inability or lack of desire to develop, leaves the Town with limited options.

The Town provided recent statistics showing growth ranging from a low of 1.6% to a high of 7.9% over the past 20 years. While the Town suggested that this is partly explained by the variations in the Provincial economy, the Town also suggested that this reflects the interests of one builder to promote housing in the community. The Town suggested that the preferred growth rate would be in the range of 4%, however if the growth rate averages at the high end of the projection or 6%, additional land is required.

##### Servicing

The Town is proceeding with upgrading and replacing older infrastructure and providing services to the proposed annexation area will help justify the costs of the necessary upgrades. Water supply for the annexation area will be provided by existing mains and pipes which have been sized for domestic use, as well as fire flow use. With respect to sanitary sewer services the Town noted that the sewage lagoons are located in the northwest part of the community and the gravity

flow is from the southeast to the northwest making the annexation area easily serviced. The proposed annexation area can be serviced (sanitary) to the existing line running down 50 Street which was upgraded this year. A two-block extension to the line will be required to serve the subject land. With respect to storm sewer, the subject land can be served by an existing line. The Town has a storm water management plan that will eventually see the development of retention ponds in each service area.

The Town noted that the Thomas-Six and Led-Cal lands are equally developable from a technical servicing point of view. The Kutney lands will require a substantial upgrade for sanitary sewer servicing.

#### Position of Thomas-Six Properties Ltd.

Thomas-Six Properties Ltd. retained the services of IPS Consulting Inc. to evaluate the proposed annexation based on the following criteria: need, ripeness for development, jurisdiction and control and serviceability. Thomas-Six also advised the MGB that it had been approached by the Town to have its quarter section de-annexed to Leduc County, however Thomas-Six denied the Town's request because it intends to initiate urban development when the market is ready.

#### Residential Land Not Needed

Given the historical growth rates of 1.1% in the Town and assuming a doubling of the growth rate to 2.2%, the Town's population in 20 years would be in a population range of 3,000. Based on a total of 540 acres available for development, with a gross density of 10 persons per acre, this land could accommodate a total population of 5,400. If the current boundaries of the Town remain unchanged and the future land use pattern is maintained, 7,400 people could be accommodated within the Town. This exceeds the 20-year population projection by two and one half times. Should the land use in SE 31 be changed from residential to industrial, the Town still has sufficient land to accommodate a population of 6,000. This would still leave the Town with double the population project for 20 years hence.

#### Industrial Land Not Needed

The Town is currently short of industrial land, and at a growth rate of 2% it is assumed that a further 140 acres would be required. However, if the SE 31 is changed to industrial use, this is more than sufficient to meet the industrial land needs of the Town.

#### Commercial Land Needed

Currently there are only 20 acres of land available for commercial development along Highway 39. If the Town does grow to a population of 3,000, then the demand of commercial land will increase; therefore it is reasonable to conclude that additional commercial land fronting on Highway 39 will be required.

### Jurisdiction and Control

The exiting land use in the annexation area is primarily agricultural. The County has been a good steward of the land and historically has not developed any urban type land uses which might compete with development in the Town.

### Servicing

From the Thomas-Six perspective, the most economically efficient servicing for the annexation should be undertaken in conjunction with the undeveloped land north of Highway 39. Since this undeveloped land will likely be used for industrial purposes, the level of servicing would be lower than that required for residential development. Accordingly, servicing for residential uses in the annexation area would need to be higher resulting in higher standards of infrastructure to serve industrial lands north of the highway. When higher standards are not required to serve industrial development, the economic strategies of the servicing plan are lost.

### Conclusions

- there is no need to annex additional lands for residential development;
- there is no need to annex additional lands for industrial development provided the balance of the SE 31 is developed for industrial uses;
- there is a need for additional lands for commercial development;
- with the exception of commercial development, the lands are not ripe for development;
- no jurisdictional or control reasons for the Town to annex the subject lands;
- other than commercial lands, the serviceability of the annexed lands for residential and industrial uses are economically inferior to other lands already within the Town.

### Position of Led-Cal (Hayward Dow)

Although Mr. Dow had originally advised the MGB that he had withdrawn his objection, Mr. Dow did decide to attend the public hearing and clarify his position. Mr. Dow is of the opinion that allowing development in the proposed annexation area to proceed will delay development on his site because the market demand will decrease. Mr. Dow has already spent significant money on upgrading of servicing and was planning to commence development this year. Upon questioning from the MGB, Mr. Dow indicated that his subdivision application is on hold and that he was unsure when he would be prepared to proceed with development.

### Position of Nick Kutney

Mr. Kutney's primary objection to the annexation is that the Town already has enough developable land for residential use. Although there are differences between Mr. Kutney and the

Town regarding subdivision of this site, Mr. Kutney is prepared to proceed with a subdivision application.

The Town responded to Mr. Kutney's complaint by stating that in order to approve new subdivision on this site, substantial upgrade to the servicing is required as a condition of subdivision and/or development approval. There is some disagreement associated with the costs of the required sewer upgrading.

#### Position of Alberta Transportation

Due to the fact that the subject lands are adjacent to Highway 39, Alberta Transportation has an interest in controlling access onto Highway 39. Alberta Transportation indicated that they had no objection to the annexation of the subject lands into the Town, however, detailed planning of the subject lands would require coordination with Alberta Transportation to determine the safest access points onto Highway 39. The landowner has been advised that a revised concept plan will be required in order to address concerns relating to access.

#### Position of Prospective Landowner and Developer

Jaymar Construction is the prospective developer and has an option to purchase the subject land. Jaymar has undertaken various planning studies including a market analysis which indicates that the subject lands would be best suited for affordable starter homes somewhat different from the market being accommodated in the Westview area and that proposed on the Thomas Six land. Jaymar also indicated that if the annexation is approved, a more detailed market analysis would be undertaken.

Jaymar indicated that although past growth has been relatively slow, this past growth should not be used to predict future growth patterns. In support of this statement Jaymar pointed to the growth trends in the Town of Devon, which illustrates how growth can increase substantially as a community takes on a new housing role in the region.

The Thomas Six objection is primarily based on restricting competition, but healthy competition is good for the housing market. Jaymar is of the opinion that annexing only the future commercial lands would result in an inefficient and uneconomic provision of servicing. In addition there is little, if any, impact on the County. Indeed, the annexation would recognize the cooperative initiative developed between the Town and the County.

### **Part VI MGB Recommendation and Reasons**

#### **Recommendation**

The MGB recommends the land described in Appendix A be annexed in accordance with the Town's application pursuant to section 119 of the Act.

## **Reasons**

### Land Needed for Commercial Expansion

It is agreed by all parties that the Town is in need of additional commercial lands with frontage on Highway 39. These lands are needed to meet the long term commercial land needs and are strategically located to meet these needs. With the support of Alberta Transportation and the finalization of a detailed Area Structure Plan the MGB is satisfied that appropriate access to Highway 39 can be provided.

The MGB examined the concept of recommending only the annexation of the commercial lands, however, in light of the various servicing schemes presented, the MGB was satisfied that the servicing of the commercial lands is critically tied to schemes related to the servicing of the balance of the lands. Thus, annexation of all the lands proposed would provide for the most efficient servicing and ultimate design flexibility for the subject lands.

### Land Needed for Industrial Development

The tentative plans for the subject lands identify industrial land uses adjacent to the railway that forms the southern boundary of the subject parcel. Although the MGB is not adjudicating the proposed land uses for the subject lands, the juxtaposition of non-residential land uses adjacent to the railway is a sound planning principle. The MGB accepts that the provision of future industrial land on the subject lands is driven more by the relationship of the subject parcel to the railway than to any immediate demand for industrial lands.

Thomas-Six argued that the proposed industrial annexation area may not be required considering the potential for conversion to industrial of the lands designated for future residential area north of Highway 39. The Town also agrees that the area proposed for industrial use north of Highway 39 is likely not suitable for residential use due to the location of pipelines and high pressure gas lines in the area. However, development of the north area for certain types of industrial use would not prejudice development of the industrial annexation area for uses directly associated with the railway.

The Act gives municipalities the authority to determine the most appropriate land use patterns within their municipality and the MGB, in analyzing the need for this annexation, does not make any judgement on what those patterns should or should not be. However, having heard all the arguments and facts from all the parties, the MGB is not convinced that the subject lands should not be annexed. In fact, the MGB was convinced in these circumstances that the addition of the subject lands would allow the Town to be more adaptable to its future changing land use needs.



## Land Needed for Residential Development

The subject lands are a reasonable extension of existing residential land use patterns within the Town and the MGB was convinced that parts of the subject land could be tied into existing servicing with limited upgrades. The evidence indicates that the subject lands are a logical extension of existing servicing and would in some instances assist in the upgrading of some of the existing services. In any event, the Town's engineer confirmed that the annexation area is as easily serviced as the Thomas-Six land and other areas on the west side of Town.

Although the MGB understands that there is considerable land available currently within the Town and designated in the MDP for residential land uses, the MGB accepted the argument and evidence of the Town that some of these lands are subject to a number of constraints including the cost of servicing, the limitations created by oilfield installations, and the limited desire of some landowners to develop their land at this time. The MGB accepts that in smaller communities like Calmar, alternatives for residential growth patterns are reasonable considering all these constraints.

In regard to the objection filed by Thomas-Six, the MGB notes that the Thomas-Six land has been within the Town for a period of 30 years and no definitive development proposal has been brought forward by Thomas-Six. While the MGB acknowledges that the Town has sufficient land to meet the long-term growth needs, the MGB finds that not all owners of the developable land may wish to commit to development at this time. Nor does it appear reasonable that a landowner can refrain from development and at the same time limit the development potential of other lands because they may or may not develop in the near future. Healthy growth is driven by many components, but growth cannot proceed without landowners and developers meeting the market demands or being prepared to meet the demand. This can be accomplished in part by competition, which at times can be lacking within smaller municipalities.

Therefore, while the objectors have raised a number of points that could lead the MGB to conclude that annexation is premature, the MGB questions whether any of the landowners holding the existing land available for development are prepared to meet any demand that may become evident in the short or long term. Secondly, the MGB is not prepared to accept that just because the land inventory is of sufficient size to meet the demand over the next 20 years, that this alone is sufficient to meet the demand. One must also assess the likelihood of all the open land being available for development. Given the amount of time certain lands have remained undeveloped, as well as the submission of the Town that certain landowners are reluctant to develop, the MGB sees no reason to deny the annexation in light of the agreement by the County to the annexation, the proposed logical patterns of development, the need for commercial lands, and the logical extension of servicing.

In addition the phasing of development is a matter that is best achieved through the local municipal control. The objection of Thomas-Six, in the view of the MGB, is more related to what lands are developed first or second. The Act, in Part 17 provides municipalities with the

exclusive authority to decide these planning matters including what is the most appropriate future land use plan.

The MGB is satisfied that annexation of the subject land meets the objectives of the Provincial Land Use policies and more specifically, Policy 4.5, which encourages municipalities to provide the opportunity for a variety of residential environments. The subject lands are targeted for affordable housing while other developable lands appear more suited for upscale housing. Further, the evidence provided by the Town shows that the annexation area can be as easily serviced as the Thomas-Six land, the Led-Cal land, and other residential parcels in the Town.

### Summary

The MGB is satisfied that the annexation is in the greater public interest. The cooperation displayed between the Town and the County is supportive of the annexation and a land need has been clearly demonstrated for commercial development. The annexation represents a logical extension of future land use patterns and makes efficient use of existing infrastructure. The annexation is also accommodated through the Town's master servicing plan. Although there was some question raised as to the need for additional residential land, the MGB is satisfied that due to the constraints on other lands, the need for the commercial lands and the need to integrate existing servicing to the commercial lands and the balance of the subject lands, outweighed the issue raised related to residential land needs. Further, the Town and County have agreed that the subject land will continue to be farmed until it is required for development.

Based on the agreement between the Town and the County, the demonstrated need for additional land for future development, ease of servicing, as well as the desire of the majority landowner to proceed with development in the near future, the MGB is recommending the annexation be granted in full.