

**IN THE MATTER OF THE “Municipal Government Act” (Act)**

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

**BEFORE:**

Lillian Lundgren, Presiding Officer  
Wilf Morgan, Member  
Don Weideman, Member  
Dennis Hawthorne, Secretariat

**PROPOSAL**

The Town has applied to annex approximately 1,300 acres of territory from the County. The annexation areas lie west and north of the present Town boundary resulting in a contiguous boundary with portions of the northbound lanes of Highway 2.

The Town’s annexation application separately describes the four general areas proposed to be annexed. The descriptions are as follows:

**Area A** – Comprises approximately 37 acres located northwest of the Town. The 37-acre area is intended to be developed for a variety of urban residential land uses along with environmental reserve, municipal park and recreation areas, a church and private school.

**Area B** – Comprises approximately 448 acres located west of the Town and bounded by Highway 2 at the west edge and Highway 12 on the south edge. A substantial amount of the area lying northeast of the interchange of Highways 2 and 12 is intended to be developed for highway commercial purposes. The balance of Area B is intended for low-density and urban style residential development, open space associated with the Lacombe Golf and Country Club facility as well as lands needed for the surface water management of Whelp Creek which traverses Area B.

**Area C** – Comprises approximately 800 acres located north of the Town and bounded by Highway 2 on the north. The area includes the campus of the Canadian University College as well as the residential Hamlet of College Heights. The primary land uses in Area C relate to institutional land uses and associated residential uses. Areas abutting Highway 2 are intended to be developed for highway commercial land uses, while the balance of Area C is slated for new urban residential land uses and redevelopment of existing rural residential land uses.

**Area D** – Comprises a 22-acre area which is proposed for future residential land use. This 22-acre parcel was originally part of a larger annexation proposal for Area D which included the Hamlet of Rosedale. The larger area has not been included in this application due to objections from the landowners.

## **BACKGROUND**

Lacombe County and the affected landowners have consented to the annexation. Following advertisements in the local newspaper during January, 2000, no objections were filed with the Municipal Government Board. Therefore the Board did not conduct a public hearing.

The proposed annexation has been subject to scrutiny through several planning and political processes. In 1998, the Town and the County adopted an Intermunicipal Development Plan identifying potential annexation areas and identifying the intended land uses for these areas. Following the adoption of the Intermunicipal Development Plan, the Canadian University College approached the Town requesting inclusion of their lands within the annexation application. The University controls a substantial amount of land in the area and desires to sell off some of the land for development in an urban setting. The University is of the view that financial benefits to the institution increase substantially if the land is sold in an urban setting rather than the rural setting.

In October 1998, the Town consulted with the landowners whose parcels were included in the annexation proposal. In April of 1999, the Town held an open house and public information session. As a result of the landowner input and public input, the Town prepared its final annexation/negotiation report which has been signed by the County.

The Town submits that the annexation, as proposed, would provide the following benefits for the Town:

- Future residential development lands that could accommodate an additional 5,000 population.
- Future commercial and industrial lands to increase the assessment base especially from those areas along Highway 2 and Highway 12.
- Inclusion and jurisdiction over existing urban development in the College Heights area bringing in an additional 300 residents.
- Responsibility for the operation and potential expansion of the existing water and sewer systems presently serving College Heights.

The financial implications for the Town are projected to be generally neutral with new tax and other revenues offsetting additional operational expenditures. Because the annexation area represents such a small component of Lacombe County it is accepted that the loss of the area would have no detrimental affect on the County. The County agrees.

Property tax increases were the greatest concern of current landowners when considering annexation. To eliminate this issue, the Town gave the commitment that property tax rates would stay the same as if they remained in the County for a period of 15 years or until the property is subdivided or the land use changes, whichever is sooner.

The Town and the College have completed an agreement on the details of the annexation of their lands. The agreement provides details on, among other things, the takeover and maintenance of the existing water and sewer systems, expansion of the existing systems and the financial responsibilities of the Town and the College.

The Town has analyzed its ability to provide municipal services to the present community as well as those areas proposed to be annexed. The analysis is summarized as follows:

**Police Services, Enforcement and Animal Control:** The Town is prepared to maintain and extend the current level of police service provided by the Lacombe Police Service to the annexation area.

**Emergency:** The Town (Police) already provides emergency answering 911 services to the proposed annexation area. The Town receives its operating funds from the present telephone billings of each property.

**Fire Services:** The Town presently provides fire service to portions of the annexation areas while the County assists, where possible. Hydrants exist in College Heights and will be an integral part of all future urban development approvals.

**Disaster Services:** The annexation areas are already under the jurisdiction of the Town's Disaster Plan.

**Roads:** The Town will assume the costs of all road maintenance, snow removal and street cleaning in the annexation areas. New roads and road upgrades, sidewalks, curbs and gutters will be developed at the expense of developers. The construction of new arterial roads and collector roads will be shared by developers and the town.

**Public Transportation:** The Town's Handivan service will be expanded to include all annexation areas.

**Water and Sewer Services:** The Town will assume the operation and maintenance of the existing College Heights water and sewer systems. The Town will also offer to expand the existing systems based on the feasibility of connections in accordance with present capacities. The costs of main extensions will be borne by the developers while the Town will permit the use of private on-site systems for some development until such time as the expanded systems are in proximity to a particular development.

**Garbage Collection and Disposal:** The Town will expand its present collection and disposal service to all annexation areas. The Town is a member of the Lacombe Regional Solid Waste Authority and each resident/business will be required to pay \$11.63 per month for the service whether or not the services are being used.

Other typical services such as Family and Community Support Services, Cemetery Services, Planning and Development Control, and Recreation and Cultural Services will be available or continue to be available to the residents in the annexation areas.

## **FACTS**

1. In accordance with Section 117(1) of the Act, the Town of Lacombe negotiated with and came to agreement with Lacombe County respecting the proposed annexation.
2. The Town consulted the public and the landowners respecting the proposed annexation and revised the proposal based on objections from those landowners who did not wish to be annexed into the Town.
3. In accordance with Section 118 of the Act, the Town prepared a report listing all the matters on which there was agreement, described the public consultation process and provided a summary of the views expressed during the public consultation process. The report was signed by the County.
4. In accordance with Section 119 of the Act, the Town submitted the negotiation report to the Municipal Government Board.
5. On December 17, 1999, the Board reviewed the report and found that there was general agreement with the proposed annexation. The Board instructed that an advertisement be placed in the local newspaper advising that any objections or concerns must be submitted to the Board by January 31, 2000.
6. The Board's advertisement appeared in the Lacombe Globe on January 11 and 18, 2000. No objections were received by the Board before or after January 31, 2000.
7. The proposed annexation is in conformity with the Intermunicipal Development Plan adopted by the Town and the County in 1998.

**RECOMMENDATION**

In consideration of the above, the Board makes the following recommendations for the reasons set out below:

1. Effective January 1, 2000 the land described in Appendix A and shown on the sketch in Appendix B be separated from Lacombe County and annexed to the Town of Lacombe.
2. Any taxes owing to Lacombe County at the end of December 31, 1999, in respect of the annexed lands are transferred to and become payable to the Town of Lacombe together with any lawful penalties and costs levied in respect of the those taxes, and the Town of Lacombe upon collecting those taxes, penalties or costs shall pay them to Lacombe County, and
3. The assessor for the Town of Lacombe shall assess in 1999, for the purpose of taxation in 2000, the annexed land and the assessable improvements to it.

and make the Order in Appendix C.

**REASONS**

The Town has completed the annexation process in accordance with the requirements of the Act. The Town made revisions to its original proposal by deleting those lands owned by persons objecting to the annexation and, at the request of the Canadian University, has included the lands owned by the University.

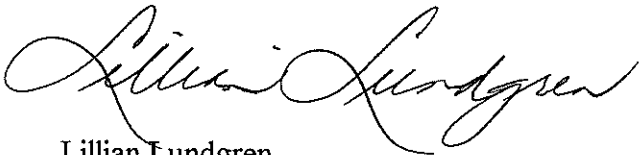
The County, the landowners and the public have no objection to the proposed annexation provided the annexation is conditional on maintaining the assessment and taxation of the annexed lands as if they were still in the County. In accordance with the agreement of all affected parties, the Board has included the condition in the recommendation for an Order in Council that assessment and taxation will remain as if the property were still in the County, until such time as redesignation or subdivision occurs or until the 15 year time period expires, whichever is sooner.

With respect to planning and land use matters, the Board finds that the annexation contributes to the logical extension of existing and future land uses and has been done in conformance with a logical comprehensive planning exercise considering the economic, environmental, social and physical characteristics of the area. The Board also is of the opinion that the annexation will meet the long-term population and land use needs of the municipality with reasonable flexibility for growth options. The annexation provides for a long-term solution rather than ad hoc, piece meal boundary adjustments.

In its report to the Board, the Town has identified the short and long term servicing needs of the annexation areas and plans and strategies are in place for the financing and extension of hard services such as sewer and water systems. This annexation represents a co-operative and coordinated effort between the two municipalities and the landowners. Such efforts are encouraged as provided for in the Provincial Land Use Policies. Therefore the Board is recommending approval of the annexation as applied for by the Town.

Dated at the City of Edmonton, in the Province of Alberta, on the 10<sup>th</sup> day of March 2000.

MUNICIPAL GOVERNMENT BOARD



Lillian Lundgren  
Presiding Officer

APPENDIX "A"

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

AREA A

LOT 1 (ONE), BLOCK 1 (ONE), PLAN 932 3329; LOT 2 (TWO), BLOCK 1 (ONE), PLAN 932 3329; LOT 1 (ONE), PLAN 5234; AND BLOCK X, PLAN 971HW; ALL THAT PORTION OF THE RIGHT-OF-WAY OF FIFTY-EIGHTH STREET ABUTTING THE EAST SIDE OF BLOCK X, PLAN 971HW TO THE PRESENT BOUNDARY OF THE TOWN OF LACOMBE; WHICH IS ALL LOCATED WITHIN THE SOUTHEAST QUARTER OF SECTION 36 (THIRTY-SIX), TOWNSHIP 40 (FORTY), RANGE 27 (TWENTY-SEVEN), WEST OF THE FOURTH MERIDIAN.

THE 1.93 ACRE PARCEL LOCATED IN THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 36 (THIRTY-SIX), TOWNSHIP 40 (FORTY), RANGE 27 (TWENTY-SEVEN), WEST OF THE FOURTH MERIDIAN.

AREA B

ALL THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 25 (TWENTY-FIVE), TOWNSHIP 40 (FORTY), RANGE 27 (TWENTY-SEVEN), WEST OF THE FOURTH MERIDIAN, WHICH LIES EAST OF THE ROAD RIGHT-OF-WAY OF HIGHWAY 2.

ALL THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 26 (TWENTY-SIX), TOWNSHIP 40 (FORTY), RANGE 27 (TWENTY-SEVEN), WEST OF THE FOURTH MERIDIAN, WHICH LIES EAST OF THE ROAD RIGHT-OF-WAY OF HIGHWAY 2.

THE ROAD ALLOWANCE AND ROAD RIGHT-OF-WAY BETWEEN THE NORTHWEST QUARTER OF SECTION 25 AND THE NORTHEAST QUARTER OF SECTION 26 AND LOCATED SOUTH AND EAST OF THE ROAD RIGHT-OF-WAY OF HIGHWAY 2; ALL WITHIN TOWNSHIP 40 (FORTY), RANGE 27 (TWENTY-SEVEN), WEST OF THE FOURTH MERIDIAN.

ALL THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 26 (TWENTY-SIX), TOWNSHIP 40 (FORTY), RANGE 27 (TWENTY-SEVEN), WEST OF THE FOURTH MERIDIAN, WHICH LIES EAST OF THE RIGHT-OF-WAY OF HIGHWAY 2 AND NORTH OF THE RIGHT-OF-WAY OF HIGHWAY 12.

**BOARD ORDER: MGB 042/00**

**FILE: AN99/LACO/T-2**

ALL OF THE LANDS CONTAINED WITHIN THE SOUTHWEST QUARTER OF SECTION 25 (TWENTY-FIVE), TOWNSHIP 40 (FORTY), RANGE 27 (TWENTY-SEVEN) WEST OF THE FOURTH MERIDIAN

ALL THAT PORTION OF THE RIGHT-OF-WAY OF HIGHWAY 12 LYING SOUTH OF THE SOUTHWEST QUARTER OF SECTION 25 (TWENTY-FIVE), TOWNSHIP 40 (FORTY), RANGE 27 (TWENTY-SEVEN), WEST OF THE FOURTH MERIDIAN.

THE ROAD ALLOWANCE BETWEEN THE SOUTHEAST QUARTER OF SECTION 26 (TWENTY-SIX) AND THE SOUTHWEST QUARTER OF SECTION 25 (TWENTY-FIVE), ALL WITHIN TOWNSHIP 40 (FORTY), RANGE 27 (TWENTY-SEVEN), WEST OF THE FOURTH MERIDIAN.

**AREA C**

ALL THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 31 (THIRTY-ONE), TOWNSHIP 40 (FORTY), RANGE 26 (TWENTY-SIX), WEST OF THE FOURTH MERIDIAN, WHICH LIE NORTH OF NORTHERLY BOUNDARY OF THE ROAD RIGHT-OF-WAY BOUNDING THE HAMLET OF ROSEDALE AND WHICH LIE EAST OF THE EASTERLY BOUNDARY OF THE HAMLET OF ROSEDALE AND WHICH LIE NORTH OF THE 22.71 ACRE PARCEL IN SOUTHEAST CORNER OF THE QUARTER SECTION, EXCEPTING THEREOUT THE ROAD ALLOWANCE ALONG THE WEST SIDE OF THE QUARTER SECTION.

ALL OF THE LANDS WITHIN THE NORTHWEST QUARTER OF SECTION 32 (THIRTY-TWO) AND THE NORTH HALF OF SECTION 31 (THIRTY-ONE), TOWNSHIP 40 (FORTY), RANGE 26 (TWENTY-SIX), WEST OF THE FOURTH MERIDIAN, WHICH ARE NOT PRESENTLY WITHIN THE TOWN AND EXCLUDING THE ROAD ALLOWANCE LYING WEST OF THE NORTHWEST QUARTER OF SECTION 31(THIRTY-ONE).

ALL THOSE PORTIONS OF THE WEST ONE-HALF OF SECTION 5 (FIVE), AND THE SOUTH ONE-HALF OF SECTION 6 (SIX), TOWNSHIP 41 (FORTY-ONE), RANGE 26 (TWENTY-SIX), WEST OF THE FOURTH MERIDIAN, LOCATED SOUTH OF THE RIGHT-OF-WAY OF HIGHWAY 2, EXCEPTING THEREOUT THE ROAD ALLOWANCE LYING WEST OF SECTION 6 (SIX), AND EXCEPTING THEREOUT THOSE PORTIONS OF THE AIRPORT LAND ALREADY WITHIN THE TOWN'S BOUNDARY IN THE SOUTHWEST QUARTER OF SECTION 5 (FIVE)

**AREA D**

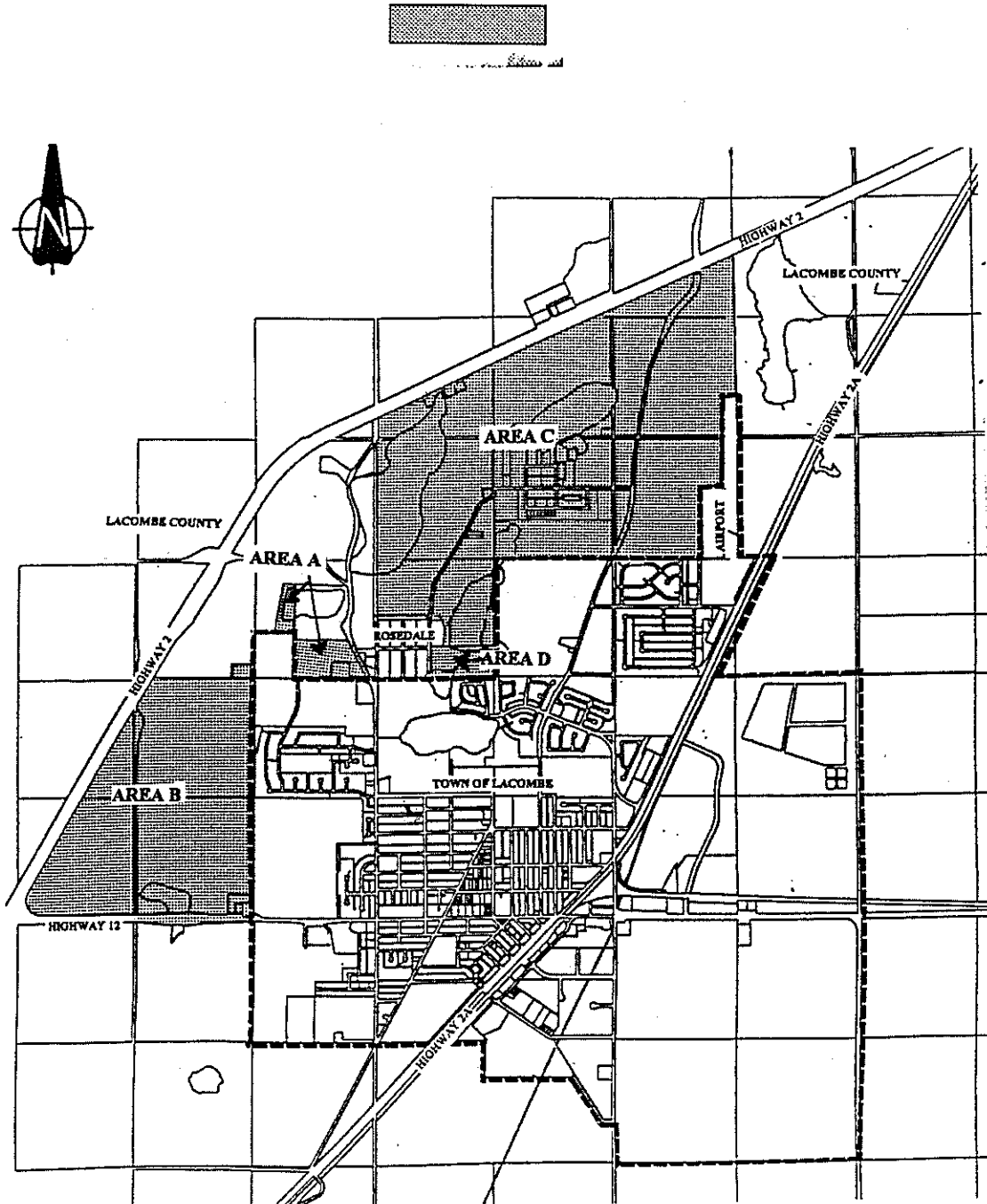
THE 22.71 ACRE PARCEL LOCATED IN THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 31 (THIRTY-ONE), TOWNSHIP 40 (FORTY), RANGE 26 (TWENTY-SIX), WEST OF THE FOURTH MERIDIAN.



APPENDIX "B"

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

AFFECTED AREA



APPENDIX C

ORDER

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 2000 and later years up to and including 2014, the annexed land and the assessable improvements to it must
  - (a) be assessed by the Town of Lacombe on the same basis as if they had remained in Lacombe County, and
  - (b) be taxed by the Town of Lacombe in respect of each assessment class that applies to the annexed land and the assessable improvement to it using the tax rate established by Lacombe County.
3. Section 2 ceases to apply to a portion of the annexed land and the assessable improvement to it in the taxation year immediately following the taxation year in which
  - (a) the portion 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) the portion becomes a residual portion after a new parcel referred to in clause (a) has been created and the residual portion is 3 acres or less, or
  - (c) the portion is, at the request of, or on behalf of, the landowner, redesignated by an amendment to the Town of Lacombe Land Use Bylaw
4. After section 2 ceases to apply to a portion of the annexed land in a taxation year, the portion of the annexed land and the assessable improvements to it must be assessed and taxed for the purposes of property taxes in that year on the same basis as the assessment and taxation of property of the same assessment class in the Town of Lacombe.