

BOARD ORDER NO. MGB 063/09

FILE: AN06/HINT-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 Hinton, in the Province of Alberta, to annex certain territory lying immediately adjacent thereto and thereby its separation from Yellowhead County.

BEFORE:

Members:

R. Scotnicki, Presiding Officer
W. Morgan, Member
L. Patrick, Member

MGB Staff:

R. Duncan, Case Manager

SUMMARY

After careful examination of the submissions from the Town of Hinton (Town), Yellowhead 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 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, 2009, the land described in Appendix A and shown on the sketch in Appendix B is separated from Yellowhead County and annexed to The Town of Hinton,
- (b) any taxes owing to Yellowhead County at the end of December 31, 2008 in respect of the annexed lands are transferred to and become payable to The Town of Hinton together with any lawful penalties and costs levied in respect of those taxes, and The Town of Hinton upon collecting those taxes, penalties and costs must pay them to Yellowhead County,

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- (c) for the purposes of taxation in 2009, Yellowhead County must assess and tax the annexed land and the assessable improvements to it,
- (d) taxes payable in 2009 in respect of the assessable land and any improvements to it are to be paid to Yellowhead County and Yellowhead County shall remit those taxes to the Town of Hinton, and
- (e) the assessor for The Town of Hinton must assess, for the purpose of taxation in 2010 and subsequent years, the annexed land and the assessable improvements to it,

and makes the Order in Appendix C.

Dated at the City of Edmonton, in the Province of Alberta, 17th day of June 2009.

MUNICIPAL GOVERNMENT BOARD

(SGD.) R. Scotnicki, Presiding Officer

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APPENDIX A

**DETAILED DESCRIPTION OF THE LANDS SEPARATED FROM YELLOWHEAD
COUNTY AND ANNEXED TO THE TOWN OF HINTON**

ALL THAT PORTION OF THE SOUTH HALF OF SECTION EIGHT (8), TOWNSHIP FIFTY-ONE (51), RANGE TWENTY-FIVE (25) WEST OF THE FIFTH MERIDIAN SOUTH OF THE RIGHT BANK OF THE ATHABASCA RIVER AND NORTH OF THE NORTHERN BOUNDARY OF RAILWAY PLAN 7415 AH EXCEPTING THEREOUT PLAN 842 2310.

ALL THAT PORTION OF THE NORTH HALF OF SECTION FIVE (5), TOWNSHIP FIFTY-ONE (51), RANGE TWENTY-FIVE (25) WEST OF THE FIFTH MERIDIAN LYING EAST OF THE RIGHT BANK MASKUTA CREEK AND NORTHWEST OF THE NORTHWESTERN BOUNDARY OF RAILWAY PLAN 7415 AH.

ALL THAT PORTION OF THE WEST HALF OF SECTION FOUR (4), TOWNSHIP FIFTY-ONE (51), RANGE TWENTY-FIVE (25) WEST OF THE FIFTH MERIDIAN LYING NORTHWEST OF THE NORTHWESTERN BOUNDARY OF ROAD PLAN 872 2683.

ALL THAT PORTION OF THE GOVERNMENT ROAD ALLOWANCE ADJOINING THE NORTHERN BOUNDARY OF SECTION THIRTY-TWO (32), TOWNSHIP FIFTY (50), RANGE TWENTY-FIVE (25) WEST OF THE FIFTH MERIDIAN LYING EAST OF THE PRODUCTION NORTHWESTERLY OF THE EASTERN BOUNDARY OF ROAD PLAN 942 1717.

ALL THAT PORTION OF THE GOVERNMENT ROAD ALLOWANCE ADJOINING THE EASTERN BOUNDARY OF SECTION THIRTY-TWO (32), TOWNSHIP FIFTY (50), RANGE TWENTY-FIVE (25) WEST OF THE FIFTH MERIDIAN.

ALL THAT PORTION OF THE GOVERNMENT ROAD ALLOWANCE ADJOINING THE NORTHERN BOUNDARY OF SECTION THIRTY-THREE (33), TOWNSHIP FIFTY (50), RANGE TWENTY-FIVE (25) WEST OF THE FIFTH MERIDIAN.

ALL THAT PORTION OF THE GOVERNMENT ROAD ALLOWANCE ADJOINING THE NORTHERN BOUNDARY OF SECTION THIRTY-FOUR (34), TOWNSHIP FIFTY (50), RANGE TWENTY-FIVE (25), WEST OF THE FIFTH MERIDIAN LYING WEST OF THE PRODUCTION SOUTHEASTERLY OF THE EASTERN BOUNDARY OF ROAD RIGHT OF WAY PLAN 084 0510.

ALL THAT PORTION OF THE GOVERNMENT ROAD ALLOWANCE ADJOINING THE EASTERN BOUNDARY OF SECTION FOUR (4), TOWNSHIP FIFTY (51), RANGE

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TWENTY-FIVE (25) WEST OF THE FIFTH MERIDIAN LYING SOUTH OF THE NORTHERLY LIMIT OF THE HIGHWAY 16 BYPASS SURVEYED BY ALBERTA TRANSPORTATION AND UTILITIES UNDER TRANSIT BOOK 1434.

ALL THAT PORTION OF THE GOVERNMENT ROAD ALLOWANCE ADJOINING THE EASTERN BOUNDARY OF SECTION THREE (3), TOWNSHIP FIFTY (51), RANGE TWENTY-FIVE (25) WEST OF THE FIFTH MERIDIAN.

ALL THAT PORTION OF THE GOVERNMENT ROAD ALLOWANCE ADJOINING THE WESTERN BOUNDARY OF SECTION ELEVEN (11), TOWNSHIP FIFTY (51), RANGE TWENTY-FIVE (25) WEST OF THE FIFTH MERIDIAN LYING SOUTH OF THE NORTHERLY LIMIT OF THE HIGHWAY 16 BYPASS SURVEYED BY ALBERTA TRANSPORTATION AND UTILITIES UNDER TRANSIT BOOK 1434.

ALL THAT PORTION OF SOUTHEAST QUARTER OF SECTION TEN (10), TOWNSHIP FIFTY-ONE (51), RANGE TWENTY-FIVE (25) WEST OF THE FIFTH MERIDIAN LYING SOUTH OF THE NORTHERLY LIMIT OF THE HIGHWAY 16 BYPASS SURVEYED BY ALBERTA TRANSPORTATION AND UTILITIES UNDER TRANSIT BOOK 1434.

ALL THAT PORTION OF SECTION THIRTY-TWO (32), TOWNSHIP FIFTY (50), RANGE TWENTY-FIVE (25) WEST OF THE FIFTH MERIDIAN LYING EAST OF THE EASTERN BOUNDARY OF ROAD PLAN 942 1717.

ALL THAT PORTION OF SECTION THREE (3), TOWNSHIP FIFTY-ONE (51), RANGE TWENTY-FIVE (25) WEST OF THE FIFTH MERIDIAN LYING SOUTH OF THE NORTHERLY LIMIT OF THE HIGHWAY 16 BYPASS SURVEYED BY ALBERTA TRANSPORTATION AND UTILITIES UNDER TRANSIT BOOK 1434.

ALL THAT PORTION OF THE SOUTH HALF OF SECTION FOUR (4), TOWNSHIP FIFTY-ONE (51), RANGE TWENTY-FIVE (25) WEST OF THE FIFTH MERIDIAN LYING SOUTH OF THE NORTHERLY LIMIT OF THE HIGHWAY 16 BYPASS SURVEYED BY ALBERTA TRANSPORTATION AND UTILITIES UNDER TRANSIT BOOK 1434.

ALL THAT PORTION OF SECTION TWO (2), TOWNSHIP FIFTY-ONE (51), RANGE TWENTY-FIVE (25) WEST OF THE FIFTH MERIDIAN LYING WEST OF THE EASTERN BOUNDARY OF R/W PLAN 084-0510.

ALL THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION ELEVEN (11), TOWNSHIP FIFTY-ONE (51), RANGE TWENTY-FIVE (25) WEST OF THE FIFTH MERIDIAN LYING SOUTH OF THE NORTHERLY LIMIT OF THE HIGHWAY 16

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BYPASS SURVEYED BY ALBERTA TRANSPORTATION AND UTILITIES UNDER TRANSIT BOOK 1434.

ALL THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION ELEVEN (11), TOWNSHIP FIFTY-ONE (51), RANGE TWENTY-FIVE (25) WEST OF THE FIFTH MERIDIAN LYING SOUTH OF THE NORTHERLY LIMIT OF HIGHWAY 16 BYPASS SURVEYED BY ALBERTA TRANSPORTATION AND UTILITIES UNDER TRANSIT BOOK 1434 AND WEST OF THE SOUTH EASTERLY BOUNDARY OF R/W PLAN 932 0183 AND WEST OF THE EASTERLY BOUNDARY OF ROAD PLAN 062 2506 AND TO THE WEST OF THE EASTERLY BOUNDARY OF R/W PLAN 084 0510.

ALL THAT PORTION OF THE NORTHEAST QUARTER OF SECTION ELEVEN (11), TOWNSHIP FIFTY-ONE (51), RANGE TWENTY-FIVE (25) WEST OF THE FIFTH MERIDIAN LYING SOUTH OF THE NORTHERLY LIMIT OF THE HIGHWAY 16 BYPASS SURVEYED BY ALBERTA TRANSPORTATION AND UTILITIES UNDER TRANSIT BOOK 1434 AND NORTHWEST OF THE SOUTHEASTERN BOUNDARY OF R/W PLAN 932 0183.

ALL THAT PORTION OF THE NORTHEAST QUARTER OF SECTION EIGHTEEN (18), TOWNSHIP FIFTY-ONE (51), RANGE TWENTY-FOUR (24) WEST OF THE FIFTH MERIDIAN LYING NORTHWEST OF THE NORTHWESTERN BOUNDARY OF ROAD RIGHT OF WAY PLAN 062 2506.

ALL THAT PORTION OF THE EAST HALF OF SECTION NINETEEN (19), TOWNSHIP FIFTY-ONE (51), RANGE TWENTY-FOUR (24) WEST OF THE FIFTH MERIDIAN LYING NORTH OF THE NORTHWESTERN BOUNDARY OF ROAD RIGHT OF WAY PLAN 062 2506 AND SOUTH OF THE SOUTHERN BOUNDARY OF RAILWAY PLAN 7415 AH.

ALL THAT PORTION OF THE NORTHWEST QUARTER OF SECTION TWENTY (20), TOWNSHIP FIFTY-ONE (51), RANGE TWENTY-FOUR (24) WEST OF THE FIFTH MERIDIAN LYING NORTHWEST OF THE NORTHWESTERN BOUNDARY OF ROAD RIGHT OF WAY PLAN 062 2506.

ALL THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION THIRTY (30), TOWNSHIP FIFTY-ONE (51), RANGE TWENTY-FOUR (24) WEST OF THE FIFTH MERIDIAN LYING SOUTHEAST OF THE SOUTHEASTERN BOUNDARY OF RAILWAY PLAN 7415 AH.

ALL THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION TWENTY NINE (29), TOWNSHIP FIFTY-ONE (51), RANGE TWENTY-FOUR (24) WEST OF THE FIFTH MERIDIAN LYING EAST OF THE SOUTHERN BOUNDARY OF RAILWAY PLAN

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7415AH AND NORTHWEST OF THE SOUTHERN BOUNDARY OF ROAD PLAN 902 0989.

ALL THAT PORTION OF THE GOVERNMENT ROAD ALLOWANCE ADJOINING THE NORTHERN BOUNDARY OF SECTION NINETEEN (19), TOWNSHIP FIFTY-ONE (51), RANGE TWENTY-FOUR (24) WEST OF THE FIFTH MERIDIAN LYING EAST OF THE PRODUCTION NORTHEASTERLY OF THE SOUTHERN BOUNDARY OF RAILWAY PLAN 7419AH.

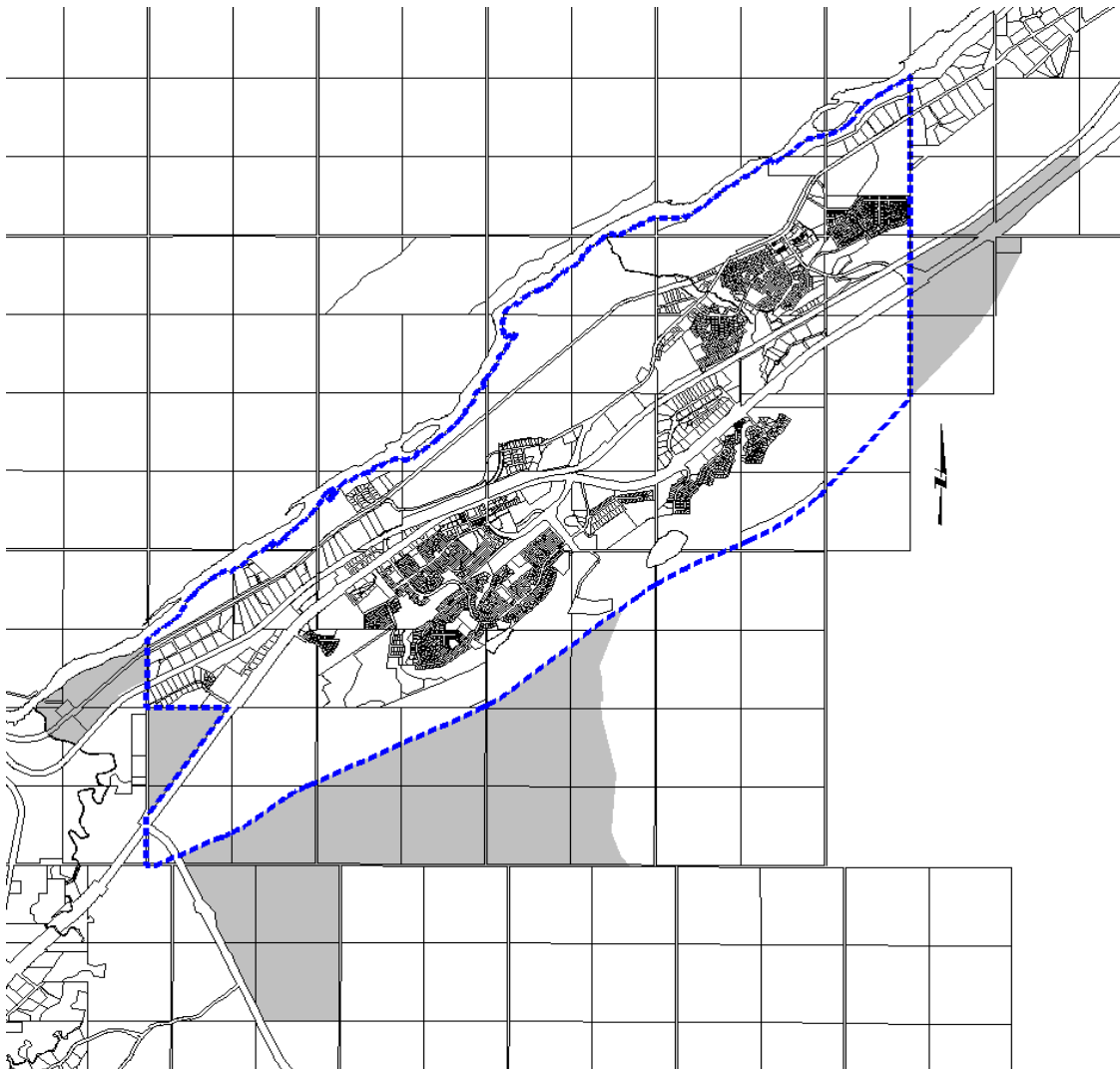
ALL THAT PORTION OF THE GOVERNMENT ROAD ALLOWANCE ADJOINING THE EASTERN BOUNDARY OF SECTION NINETEEN (19), TOWNSHIP FIFTY-ONE (51), RANGE TWENTY-FOUR (24) WEST OF THE FIFTH MERIDIAN LYING NORTH OF THE PRODUCTION EASTERLY OF THE NORTHERN BOUNDARY OF ROAD R/W PLAN 062 2506.

ALL THAT PORTION OF THE GOVERNMENT ROAD ALLOWANCE ADJOINING THE EAST BOUNDARY OF SECTION THIRTY (30), TOWNSHIP FIFTY-ONE (51), RANGE TWENTY-FOUR (24) WEST OF THE FIFTH MERIDIAN LYING SOUTH OF THE PRODUCTION EASTERLY OF THE SOUTHERN BOUNDARY OF RAILWAY PLAN 7419AH.

ALL THAT PORTION OF THE GOVERNMENT ROAD ALLOWANCE ADJOINING THE EASTERN BOUNDARY OF SECTION TWENTY (20), TOWNSHIP FIFTY-ONE (51), RANGE TWENTY-FOUR (24) WEST OF THE FIFTH MERIDIAN LYING WEST OF THE PRODUCTION NORTHERLY OF THE WESTERN BOUNDARY OF ROAD R/W PLAN 062 2506.

APPENDIX B

**A SKETCH SHOWING THE GENERAL LOCATION OF THE AREAS
ANNEXED TO THE TOWN OF HINTON**

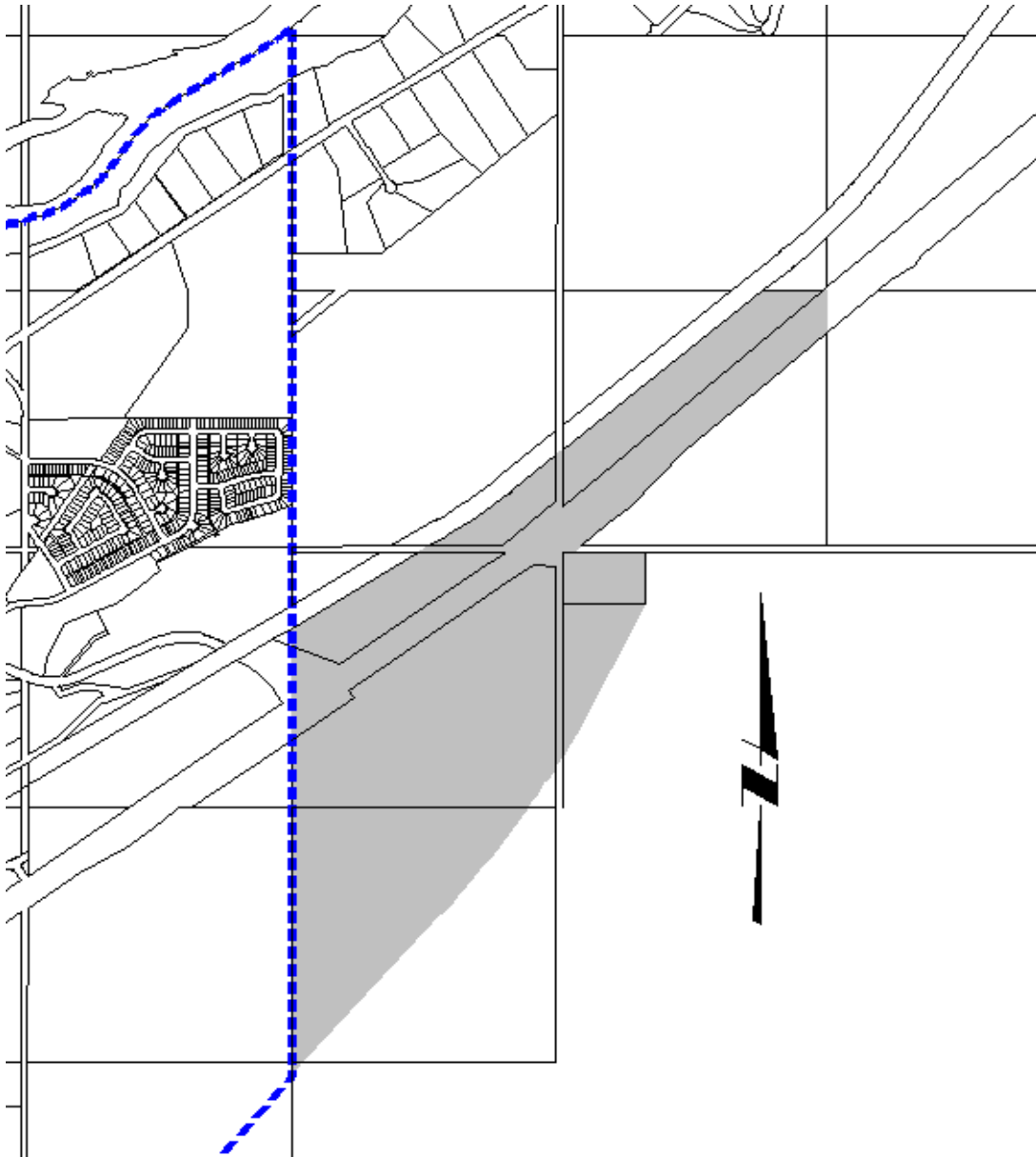


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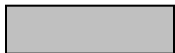


Annexation Area

**APPENDIX B – DETAILED AREA MAP 1
NORTHEAST ANNEXATION AREA**



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Annexation Area

**APPENDIX B – DETAILED AREA MAP 2
SOUTHWEST ANNEXATION AREA**



Legend



Annexation Area

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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(1) For the purposes of taxation in 2009 and in each subsequent year up to and including 2023, the annexed land and the assessable improvements to it

- (a) must be assessed by The Town of Hinton on the same basis as if they had remained in Yellowhead County, and
- (b) must be taxed by The Town of Hinton in respect of each assessment class that applies to the annexed land and the assessable improvements to it using
 - (i) the municipal tax rate established by Yellowhead County, unless that rate exceeds the rate established by The Town of Hinton, or
 - (ii) the municipal tax rate established by The Town of Hinton, unless that rate exceeds the rate established by Yellowhead County.

(2) Notwithstanding subsection (1), all regulated property as defined in section 1(n) of the *Matters Relating to Assessment and Taxation Regulation* must be taxed at the municipal tax rates established by The Town of Hinton.

3(1) Where in any taxation year

- (a) a portion of the annexed land becomes a new parcel of land created
 - (i) as a result of subdivision,
 - (ii) as a result of separation of title by registered plan of subdivision, or
 - (iii) by instrument or any other method that occurs at the request of or on behalf of the landowner,
- (b) a portion of the annexed land is redesignated, at the request of or on behalf of the landowner under The Town of Hinton Land Use Bylaw, to a designation other than Future Urban Development,

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- (c) a portion of the annexed land is connected to water or sanitary sewer services provided by The Town of Hinton,
- (d) the landowner commences a non-temporary use of a parcel of land or of the land on a vacant lot, or
- (e) the landowner increases the intensity or density of the overall use of an already-developed lot or parcel of land,

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.

(2) Notwithstanding subsection 3(1)(a), section 2 does not cease to apply if the subdivision is the separation of an existing farmstead from a previously unsubdivided quarter section.

(3) If, under this section, 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 Hinton is assessed and taxed.

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APPENDIX “D”

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

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Summary

The Town of Hinton (Town) is situated on a major highway corridor in the Athabasca River Valley just east of Jasper National Park. On July 25, 2008 the Municipal Government Board (MGB) received an annexation application from the Town. The application contained a negotiation report signed by the Town and Yellowhead County (County) which would facilitate the transfer of 892.7 hectares (2,240.1 acres) of land from the County to the Town. The proposed annexation would allow the Town to ensure the proper long-term planning of growth and development.

The application submitted to the MGB contained objections from landowners. In accordance with the *Municipal Government Act* (Act), the MGB held a public hearing on October 30, 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 made 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 documented between the two municipalities in this case meets the objectives of intermunicipal cooperation outlined in the Provincial Land Use Policies and the annexation principles established by the MGB. The proposed annexation also complies with the intermunicipal cooperation initiatives outline in the annexation part of the Act.

I Introduction

The Town is bounded by the County, and had a population of 9,738 as of 2006. Historically, the Town evolved as a service centre for the resource based industries in the region. Today the Town still serves these functions but also acts as a regional centre for a wide range of services and an emerging tourism sector.

The Town's population increased by 3.5% between 2001 and 2006. If the current growth rate continues, the Town projects it will result in a population of just under 13,000 by 2048. The Town believes that actual growth will be even higher, as most of the growth from the last five year period has occurred very recently, and this trend is expected to continue.

In addition to population, both land consumption and the number of development permits issued have also steadily increased over the past several years. Over the past decade, the average

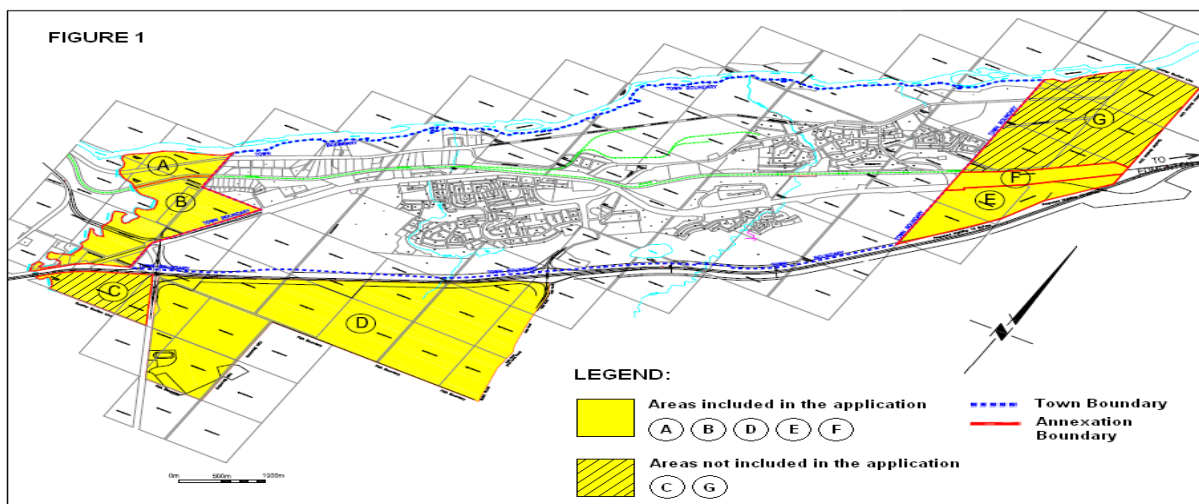
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number of hectares developed each year for commercial and industrial uses has been 34.30 hectares (84.7 acres). However, growth and development in and around the Town creates some unique challenges. The Town is situated on a series of benches along the southeastern side of the Athabasca River. Although the slopes provide a picturesque view of the terrain, river valley and mountains, which serves to enhance the quality of life of Town residents and attract tourists, these geographical constraints reduce the amount of land available for urban development. The Town estimates that about half of the 732 hectares (1,808.8 acres) of the Future Urban Development District within the Town's current boundary is undevelopable due to geographical and topographical constraints.

The Town submits that it is in need of additional lands for commercial and industrial purposes, and that the primary development of the application is to supply the Town with additional lands for these types of development. A secondary purpose is to provide additional lands for future residential uses.

The proposed annexation consists of five distinct areas: Area A, Area B, Area D, Area E, and Area F (see Figure 1). In total, these areas would include the transfer of 892.7 hectares (2,240.1 acres) from the County. A sizable portion of this land has been identified as environmentally sensitive and is not intended for development. The proposed annexation is intended to provide the Town with a supply of land for the next 30-50 years. The Town and County engaged in a negotiation process which led to combined support for the proposed annexation. As a result of the negotiation and affected landowner/public consultation process, two areas which were originally included in the proposal, Area C and Area G, were removed from the proposed annexation area.



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In September 2006 the Town provided written notification to the MGB of its intent to apply for the annexation of land from the County. The MGB received a formal annexation application from the Town on July 25, 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 seven meetings in 2007 in order to solicit feedback and input from landowners and the public. The annexation application noted that while the Town and County have made attempts to secure the support of all landowners, there were still some individuals that remained in opposition to the proposed annexation. Accordingly, the MGB held a public hearing on October 30, 2008 to receive information, evidence and argument on the annexation proposal.

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

The MGB became active in the annexation process once the Town filed its negotiation report with the MGB and requested the MGB to proceed with the annexation, pursuant to section 119(2) of the Act. Although the Town and the County were in agreement with the proposed annexation, the MGB determined that the application submitted by the Town contained objections. Moreover, other objections had previously been filed with the MGB. In accordance with section 120(3)(b) of the Act, the MGB conducted a hearing. The MGB is now required to 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.

III Annexation Application

On July 25, 2008 the MGB received the annexation application submitted by the Town. The following section provides a description of each of the five annexation areas, describes the current state of development plans, details 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.

Description of the Annexation Areas

Each of the areas requested as part of the Town's annexation application, as shown on Figure 1, is described briefly below. Please note that Area C and Area G were not included as part of the final proposed annexation and are not discussed.

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Area A

Area A contains 50.8 hectares (125.5 acres) and is adjacent to the western boundary of the Town, south of the Athabasca River and north of the CNR rail line. It is contained within the Hinton West Urban Fringe Joint Area Structure Plan (ASP), which shows the area as suitable for a wide range of uses, including recreation, country residential and agricultural activities. Area A will likely be developed as an extension of the larger lot residential uses that are presently within the Town boundary. The area is only accessible through the Town's road network.

Area B

Area B contains 45.3 hectares (111.9 acres) and is contained within the boundaries of the Hinton West Urban Fringe Joint ASP. The area is described as an extension of the developed area within the Town and will be developed primarily for commercial purposes. Most of Area B is currently an active gravel pit.

Area D

Area D contains 647.8 hectares (1,600 acres) and is located east of Highway 40 and south of the future Highway 16 "bypass" alignment and west of the License of Occupancy (LOC) road known as Robb Road. It is contained within the boundaries of the Hinton West Urban Fringe Joint ASP. The area contains a variety of existing uses, lands which are environmentally significant, and lands which have been identified for a range of future uses. Because of the presence of steep slopes and environmental features, the site is larger than others included in the annexation application – not all of the area is suitable for urban development. Existing uses within this area include a race track, sanitary landfill, an electrical substation and some developed natural trails along Happy Creek. The ASP identifies the area as unserviced industrial uses. Lands are also identified for the sanitary landfill and continuation of the race track development. A significant portion of Area D is identified as Watershed Sensitivity, where protection of the slopes and creek lands will be a priority.

The eastern portion of Area D and an area by the existing landfill have been identified in the ASP for future unserviced industrial uses. Land for these uses is in short supply elsewhere within the current Town boundaries and is in substantial demand. Area D is noted by the Town to be ideal for future industrial uses, as the lands will be isolated from other urban uses yet are located adjacent to industrial roads and highways for heavy truck access. The northwest portion of Area D has been identified for resort commercial uses, as outlined in the ASP.

The ASP contains environmental policies which ensure that adjacent environmental features are protected and used, where appropriate, for low-impact or passive outdoor recreation. It also

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places priority on environmental protection and architectural design considerations designed to ensure that development is as unobtrusive as possible from the major highway corridors.

Area E

Area E is adjacent to the eastern Town boundary and contains 108.4 hectares (267.8 acres). The area has been planned as a unit with adjacent lands presently within the Town. Most of the area is contained in the Thompson Lake ASP. The Municipal Development Plan's (MDP) future concept plan identifies most of the area as suitable for residential development. Most of the remainder is designated as open space. The ASP identifies residential uses by type, as well as the location of other supporting uses, such as highway and neighbourhood commercial, institutional and other public uses.

Area F

Area F contains 40.4 hectares (100 acres) and is immediately north of Area E. Area F is located between the CNR tracks and Highway 16. It will likely be developed as an extension of the commercial and highway commercial uses that are presently located with the Town. The area is within the Hinton East Boundary Joint ASP. The ASP identifies Area F as suitable for open space, passive recreation and a continuation of small holding agricultural parcels.

Development Plans

The Town's MDP was adopted in 1998. Twelve community goals are identified in the MDP which form the basis for the Town's policies and strategies for municipal growth. These goals include facilitating the growth and development of the tourism and recreation sectors, expanding the Town's economic base in harmony with the natural environment, and providing continued recognition and support for the natural resource industries and their contributions to Hinton's development.

A Future Land Use Concept Map is included in Part Three of the Town's MDP, along with policies relating to development coordination, development in the urban periphery, and future urban expansion. Although this portion of the MDP suggests that the Town has sufficient land to accommodate foreseeable growth of approximately 30,000 persons, it was indicated by the Town that the estimate was based around the inclusion of lands that are located outside of its present boundary. The estimate in the MDP was therefore submitted to not be an accurate reflection of the actual amount of available land remaining within the present Town boundaries.

The MDP includes a map outlining two future growth areas. Part Three includes policies which set out that the Town will work with the Province, the County and all resource interests when annexation is anticipated, and that initial urban expansion will first be directed toward the

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southwest expansion area. The application notes that proposed Annexation Area D is within this southwest expansion area, and that the proposed annexation is therefore consistent with the MDP.

Section 10.0 of the MDP identifies a lack of suitable lands for heavy industrial development within the current Town boundary. The application notes that this is intended to be rectified through the inclusion of Annexation Area D. Section 9.0 also notes the importance of strengthening the Town's existing commercial base and of accommodating new complementary commercial developments.

Appendix 1 of the MDP, titled "Town of Hinton and Yellowhead County Inter-Municipal Development Policies," contains policies for the fringe areas. All the lands included in this annexation submission are within the fringe area of the Town. The MDP identifies six fringe policy areas within the fringe area. For each area, generalized land uses and associated policies are outlined.

Provision of Municipal Services

The application indicates that all areas included in the proposed annexation can be readily serviced. Existing water and sewer lines are in close proximity of all areas except Area A, and can be extended. Costs of extending these water and sewer lines would be the responsibility of landowners and would most likely occur upon densification of lands.

Area A

Area A may be serviced through an extension of the Town's infrastructure, but adjacent development presently within the Town is not serviced. There are no unusual servicing constraints in the area, but a lift station will be required for sanitary services. A user fee based garbage bin and collection service will be introduced.

Area B

Area B will be serviced through an extension of Town infrastructure. No unusual constraints were identified to providing services in that area.

Area D

With respect to Area D, the Joint ASP indicates that the industrial area will not be serviced with communal water and sanitary systems. However, it was indicated at the MGB hearing that there have been some recent discussions that these services may be provided. Servicing the area is

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possible, but water would require pumping from adjacent lands due to elevation differences. Sanitary sewer could be provided through gravity lines.

Area E

The Thompson Lake ASP contains policies indicated that Area E can be easily serviced. Services will be extended from adjacent lands presently within the Town and there are no constraints to providing services in this area. Utility corridors extend from lands presently within the Town out into Area E.

Area F

Area F will be serviced through an extension of infrastructure presently within the Town. There are no constraints to providing services in this area.

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.

A total of seven Annexation Information Meetings were held over the following dates in order to allow landowners and the public to provide responses and input concerning the annexation process:

- January 17, 2007 (two landowner meetings)
- January 18, 2007 (landowner meeting)
- January 31, 2007 (leaseholder meeting)
- February 2, 2007 (trapper meeting)
- February 5, 2007 (agencies/companies meeting)
- June 11, 2007 (public open house)

Identified Landowner and Public Issues

In its application, the Town identified assessment and taxation as key issues raised by the public through the consultation process. Assessment and taxation provisions were included in the Annexation Agreement in an attempt to address these issues. For the first 15 years after annexation, the Town will assess land and improvements as if they had remained in the County. County tax rates will be used, except in cases where the County rate exceeds the Town rate. This arrangement will not apply if the landowner proceeds to subdivide or develop his or her land.

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Subsequent to the public consultation process, the Town and County agreed to remove Annexation Areas C and G from the application. The Town's presentation at the MGB hearing (detailed below) addresses the Town's efforts to address issues raised through the consultation process. Several landowners provided letters to the Town in opposition to the proposed annexation, and the Town acknowledged that some landowners remain opposed.

Consultation with Local and Provincial Authorities

In accordance with the Act, relevant local and provincial authorities were notified of the application. A list of notified authorities and agencies was included in the annexation application. Several responses were received by the Town.

Alberta Environment

In a letter dated February 12, 2007 the Minister of the Environment explained that management of crown lands is the responsibility of the Minister of Sustainable Resource Development. The letter indicated that Alberta Sustainable Resource Development and Alberta Municipal Affairs and Housing had been contacted, and the contact information for several individuals was provided.

Alberta Tourism, Parks, Recreation and Culture

In a letter dated July 5, 2007 Alberta Tourism, Parks, Recreation and Culture indicated that there are numerous previously recorded archaeological and historic period sites in the immediate vicinity of the annexation area. It was attested that Historic Resources Impact Assessments may be required prior to development proceeding. The letter also noted that there is one previously identified aboriginal traditional use site and the potential for the presence of other such sites. As such, aboriginal consultation may be necessary for future projects in the area.

ATCO Pipelines

In a letter dated June 11, 2007 ATCO Pipelines indicated that it had reviewed the proposed annexation and had no objections subject to several stated conditions respecting ATCO rights-of-way and pipelines.

Hinton Wood Products

In a letter dated February 28, 2007 Hinton Wood Products, a division of West Fraser Mills Ltd., outlined several concerns with the initial annexation proposal. The company outlined that it would not be in favour of relinquishing or assigning ownership of the Robb Road LOC. It also indicated that the company would be prepared to discuss with the Town that portion of the

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landfill site which lies within the Forest Management Agreement (FMA) boundary. It noted that current levels of traffic on the East River Road are directly related to oil and gas activities, but that there is a possibility that larger volumes of wood will flow over the road in the future. Finally, the company further stated that the proposed Area E does not appear to be within the FMA boundary. Larger maps were requested in order to confirm this and other details.

In a letter dated March 22, 2007 Hinton Wood Products responded to issues raised at a March 7, 2007 meeting with the Town. It reiterated that it would prefer the Town boundary to extend up to the Robb Road from the west, but not to include the road itself. The company stated that it wished to maintain the LOC for that section of road, but would not restrict use of it by the Town or anyone else needing access to the annexed land.

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. The Memorandum of Agreement was dated July 25, 2007 and signed by the County and Town.

Compensation

No provisions regarding monetary compensation were included in the Annexation Agreement. This was due to the expectation of a relatively minor financial impact of the proposed annexation upon the municipalities.

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 October 30, 2008.

MGB Application Processing

Although the Town and County were in agreement with the annexation, it was noted that not all landowners were in support. 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 Thursday, October 30, 2008 at the South Salon, Hinton Centre located at 965 Switzer Drive in Hinton, Alberta.

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The MGB sent letters to the Town and County with copies to each of the affected landowners to notify the parties of the October 30, 2008 hearing. In accordance with section 122(1) of the Act, the MGB published a notice of hearing in the **Hinton Parklander**, a local newspaper, during the weeks of October 6 and October 16, 2008 to notify the public. The letters and advertisement requested that any person who planned to attend the hearing or make a submission at the hearing notify the MGB by October 17, 2008.

Submissions to the MGB

Twenty-four people signed the registration sheet at the October 30, 2008 hearing. At the hearing, the MGB received oral submissions from the Town, the County, affected landowners, and the public. 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

Bernie Kreiner, Town Manager presented the Town's submission along with Armin Preiksaitis and John Rusling of Armin A. Preiksaitis & Associates.

Background and Overview

A brief description of the Town's location and composition was given, noting it to be the largest community in the West Yellowhead Region. It was explained that the Town is surrounded primarily of forest, and that approximately 75% of the proposed annexation area consists of crown land.

In late 2006, the Town initiated discussions with the County regarding the annexation. By early 2007, the Town identified proposed areas for expansion: Annexation Areas A through G. In mid 2007, the Town revised the annexation areas by agreement with the County. This revision served to remove Area C and Area G, and also reduced the size of Area B. The 2007 municipal elections halted work on the annexation application, but the proposal was subsequently reaffirmed. A finalized version of the annexation application was submitted to the MGB in July 2008.

The Town is further positioning itself as the service area for the West Yellowhead Region. As such, the Town's MDP supports growth in the tourism and recreation sectors as well as in resource industries. The MDP identifies policies for development coordination, development in the urban periphery, future urban expansion, unserviced industrial on large lots, and new complementary commercial development.

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The Town and County have intermunicipal development policies for fringe areas implemented through joint ASPs. All lands within the annexation area are covered by one of these existing joint ASPs. Changes to an ASP or the MDP would require public consultation, so there will be opportunity for future public involvement as the lands begin to be developed.

Need for Annexation

Economic growth was cited as a major component of the Town’s need for annexation. The Town is the regional service centre for a large area that extends north to Grande Cache and west into British Columbia. The Town’s economy depends on the coal, forestry, and gas industries. In addition, the Town is also the base for provincial and federal offices in the region. The community is also developing as an emerging tourist centre. Additionally, being located on the “Yellowhead” highway has helped the Town to develop a growing highway commercial component. The Town is now taking a leadership role in the emerging education and environmental sector. The Town’s diverse economy and strong growth prospects have combined to create a strong demand for further commercial and industrial development.

Population growth was another factor cited in support of a need for annexation. The Town experienced 3.5% growth between 2001 and 2006, leading to a population of 9,738. It was submitted that a shortage of commercial and industrial land has constrained growth. With additional land for urban expansion, it was estimated that the Town’s population could grow to 24,500 in the next 40 years. The Town’s proximity to the mountains was indicated to be another reason for significant levels of expected future growth.

The Town further indicated a need for commercial and industrial expansion, citing strong growth in these sectors since 2004 (Table 1). It was submitted that much of the land currently within the Town is not developable due to geotechnical problems. Buffers required because of these constraints also serve to reduce the amount of developable land available.

Table 1 – Commercial and Industrial Activity 2004-2006			
	2004	2005	2006
Building Permit Value	\$4,380,000	\$11,834,000	\$27,272,000
Development Permit Value	\$5,030,000	\$10,380,000	\$30,320,000

Between 1997 and 2006, an average of 34.3 hectares was consumed yearly for commercial and industrial development. As such, the Town has little developable land remaining for commercial and industrial uses within its current boundaries. The proposed annexation would add 895.45 hectares of land, which is estimated to be 66% of the Town’s projected 40-year need.

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Intermunicipal Cooperation

The Town submitted that it shares a history of positive intermunicipal cooperation with the County, as can be observed through the number of shared service agreements and joint planning activities which have occurred. It was explained that the County had been involved in the annexation process from its early stages and that three joint council meetings had been held to discuss the proposal. The proposed annexation application was modified in order to address the County's concerns and feedback from affected landowners.

Assessment and Taxation

The total amount of municipal taxes levied by the County in 2008 for the proposed annexation area was \$11,729.92. As such, the financial impact of the annexation on each municipality is expected to be insignificant.

The Town estimates that the annexation area will generate revenue of \$21,841 annually, and that the expenses associated with the area will be \$22,970. These estimates are illustrated in Table 2.

Table 2 - Annual Revenue and Expenses			
Description	Revenue	Expenses	Description
Taxes	\$13,730	\$15,300	Additional service road maintenance and garbage collection
Franchise Fees	\$550		
County payments for service agreements	(\$1,200)	\$7,670	Prorated Rec/Culture, Protective, Admin and Planning costs
Increased Prov/Fed grants	\$8,760		Based mostly on per capita impact
TOTALS	\$21,840	\$22,970	

The Town and County looked to previous MGB annexation recommendations in arriving at the recommended 15 year assessment and taxation condition and believe it to be fair. Additionally, fiscal impacts are expected to be minor, as the annexation lands represent a minute percentage of each of the municipalities' overall finances.

Public Consultation Process

The Town submitted that it had undertaken a comprehensive consultation process with landowners and stakeholders. On January 17 and 18, 2007 three meetings were held for landowners inside and adjacent to the proposed annexation areas. On January 31, 2007 a meeting was held for lease holders. A further meeting was held for trappers on February 2, 2007 and for agencies and companies on February 5, 2007. A public open house was held on June 11, 2007 and further meetings were held with three landowners on July 23, 25, and 27, 2007. The

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Annexation Agreement was distributed to landowners, agencies, and businesses in late August 2007. Finally, various meetings were held with individual landowners, lessees, and others between June and October 2008.

Town's Response to Identified Concerns

General Concerns (All Areas)

Several general concerns were identified through the public consultation process. Several landowners were concerned about increased taxation, which is addressed through the 15 year assessment and taxation transition period. Questions regarding land uses were also identified. The Town will follow existing ASPs and land use plans. Any proposed revisions will occur after opportunity for consultation and public hearings. With regard to horses within Town limits, the Town will amend its existing animal control bylaw in order to allow the existing number of horses to remain in the annexed area for a period of 15 years. Respecting concerns over garbage collection, the service will be offered on an optional user fee basis to all landowners. As a response to issues raised regarding road maintenance, the Town indicated that it will implement dust control efforts on all roads with speeds greater than 50 kilometres per hour. Road capital improvements will be a local cost, along with water and sewer extensions.

Utilization of Areas as an Informal Park (Areas A and E)

Because of their location, Areas A and E tend to be utilized as an informal park. As a result of this, problems have been encountered with ATVs and bush parties. The Town has proposed to regulate access to the areas by constructing physical barriers and adding interim fire pits. ATVs are not permitted within the Town's boundaries.

Highway Bypass (Area E)

Concerns were raised by the Hulberts regarding the impact of a planned highway bypass on their land. The Town explained that this should be viewed as an issue with Alberta Transportation rather than an objection to the proposed annexation. Although the Town is not attempting to annex the Hulbert land, it is prepared to assist/encourage the landowners and the Province to come to a mutually satisfactory resolution on the impacted lands.

Standards for Unserviced Lots (Area D)

One of the leaseholders has established a lay down area. The Town indicated that it would ensure minimum standards are maintained in the area to allow the leaseholder to continue to operate.

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License of Occupancy (LOC) Road (Area D)

The Town explained that the LOC road (known as Robb Road) would be included as part of the annexation. However, the leasehold will continue to maintain the road. The road is required in order to provide access to future subdivisions.

Horses (Areas A, E, and F)

The Town indicated that it will work to amend its animal control bylaw in order to allow the existing number of horses to be kept in the area for a 15 year period. The Town Council will then consider the potential extension of this period in five year increments, taking into consideration the growth of the Town.

West River Road (Area A)

Basic maintenance of this road, including dust control, will be the responsibility of the Town. However, in the long term, if maintenance above the basic maintenance level is required, the associated costs would be borne by adjacent landowners.

Natural Gas Franchise (Areas A, E, and F)

The Town will work with ATCO Gas and the Yellowhead Gas Coop to consolidate the franchise into one company.

Compliance with Annexation Principles

The Town briefly outlined the application's compliance with each of the 15 Annexation Principles set out in MGB 123/06. The number of joint ASPs already developed for the annexation areas was cited as an example of the long history of intermunicipal cooperation between the Town and County. It was again noted that the County supports the annexation.

The Town submitted that the application allows for rational, cost effective growth, as it does not constrain the future aspirations or fiscal accountability of either municipality. Through respecting the roles and responsibilities of each municipality, the agreement was cited to not infringe upon local autonomy. The Town's growth has been strong, and support for the annexation provided through documentation of the need for additional commercial and industrial land. Additionally, the application accommodates a variety of land uses and growth corridors. The proposed annexation was submitted to be comprehensive and provide the Town with a variety of options.

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The proposal was also described as a logical extension of growth patterns, as lands located in the urban fringe are logical extensions of existing land uses. Most lands can easily be serviced, and the Town has completed a transportation study. The annexation was also described as constituting a cost effective and coordinated approach to the provision of services. This was explained to have been addressed through the annexation agreement and can be seen through the road maintenance agreement reached by the municipalities.

The ASPs in existence for the annexation lands contain detailed environmental policies, especially the Hinton West ASP. The Town also suggested that it has a long history of responsible environmental stewardship. Existing plans, particularly the urban fringe policies of the MDP and the various ASPs, were cited to align with the proposed annexation.

As the proposed annexation lands do not contain a significant assessment base for the County, and can efficiently receive Town services, the annexation will not produce an adverse financial impact on either municipality. To further illustrate this point, it was noted that taxes from the annexation area account for less than 0.01% of the County's tax revenue and less than 1.00% of the Town's.

Agencies were notified and involved in the process, including Alberta Sustainable Resource Development, Alberta Transportation, and Alberta Tourism, Parks, Recreation and Culture.

The 15 year assessment and taxation transition period was cited as a solution to potential impacts on property owners. The Town's agreement to update its animal control bylaw to accommodate existing horse and grazing leases was also explained to meet this goal.

Effective public consultation was said to have been achieved through a series of both large and individual meetings to address issues. Additionally, the Town's removal of two areas and reduction in size of one area illustrates that the Town and County were committed to the consultation process.

Both municipalities were noted to be in agreement that revenue sharing is not necessary in this annexation due to the low assessment base, and that the financial impacts associated with the agreement are reasonable. It was submitted that the Annexation Agreement meets the criteria of outlining conditions that are certain, enforceable, and time specific.

Conclusion

The Town concluded its oral submission by asserting that the proposed annexation addresses the Town's need for a 30-50 year supply of land for growth. It submitted that potential impacts have been addressed, as had issues raised by landowners and the public through the consultation

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process. The annexation, as proposed, was stated to advance the goals of sustainable development. An annexation date of January 1, 2009 was requested by the Town.

County's Submission

The County submitted that a long tradition of cooperation has existed between itself and the Town. This has included the creation of a number of ASPs. In this instance, the County has been a part of the annexation process from the beginning. The County indicated that it views the assessment and taxation conditions included in the application as fair and equitable to affected landowners. It was further submitted that the amount of land being requested will not have an adverse impact upon the County, and that the annexation agreement is fair to both municipalities.

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.

Oliver Myhre

Mr. Myhre informed the panel that the proposed annexation includes his property, as well as all of the crown land surrounding it. He expressed concern that if the area around his property is used for recreational purposes, the amount of traffic in the area would increase. He explained that the land between his property and Maskuta Creek was primarily forest, and that he was concerned about the potential for forest fires resulting from recreational use. Mr. Myhre stated that ATVs and other recreational activities would also increase the noise level in the area. He also informed the panel that he had leased the 16 acres adjacent to his four acre parcel for grazing, and did not want to give up the lease for development. Mr. Myhre questioned if he would be able to maintain his horses on the land after the annexation, and suggested that there be a buffer between his property and the new area.

Sandra Bancroft

Ms. Bancroft explained that she was a leaseholder in Area E. She expressed concern about road access, indicating that she wished to confirm that she could continue use of a road that runs parallel to Highway 16.

Daniel Barry

Mr. Barry explained that the proposed annexation would bring 100 acres of his trap line within the Town's boundaries. He indicated that he has leased a trap line in the area from Alberta Sustainable Resource Development for 20 years, which is used primarily for trapping wolves and

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cougars. Mr. Barry expressed concern that including the area within the Town will subject him to bylaws that will prohibit the discharge of firearms and trapping. Mr. Barry suggested to the panel that the annexation would reduce his income through restricting his ability to trap, and therefore requested compensation. Mr. Barry further indicated that the annexation would bring gas wells within the Town limits. He also suggested that there were nature artifacts within the proposed annexation area, as trapping is a heritage right under the Heritage Act.

Ralph Zuger

Mr. Zuger inquired as to whether any restrictions would be placed on selling his property.

Mickey Muldoon

Mr. Muldoon inquired as to why Alberta Sustainable Resource Development was not represented at the hearing. He informed the panel that he has held a grazing lease in Area D for 45 years and indicated that he has more than two horses.

Lotti Altenkirch

Ms. Altenkirch registered to make an oral presentation at the hearing, but was not present when called upon. No written presentation was provided.

Town's Response to the Landowner Submissions

Response to Oliver Myhre

The Town stated that it had met twice with Mr. Myhre and had offered to purchase his land at an appraised value. Development in the area could include a boat launch or picnic area. The Town indicated that it will plan the area before any development is started and that a buffer area will definitely be considered. The Town asserted that it has an excellent record for incorporating environmental considerations during its planning process and affirmed its commitment to changing its animal control bylaw to allow existing livestock to remain within the Town. It was noted that Mr. Myhre currently has two horses, which is permitted under the existing Town bylaw.

Response to Sandra Bancroft

The Town confirmed that there will be no change to road access.

Response to Daniel Barry

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The Town informed the panel that the percentage of Mr. Barry's trap line which will be brought within the Town boundaries is less than 1%, and that the Town is not willing to provide compensation. The Town asserted that the discharge of firearms is not appropriate in an urban setting and will not be permitted within its boundary. It was submitted that the Town is aware of the natural gas wells within the area.

Response to Ralph Zuger

The Town affirmed that Mr. Zuger would remain able to sell his land freely.

Response to Mickey Muldoon

The Town submitted that Mr. Muldoon has six to eight horses allowed per year through the grazing lease. It indicated that the Town animal control bylaw will be amended in order to allow the same amount of horses that are currently permitted in the lease.

County's Response to the Landowner Submissions

The County did not provide an additional response to the landowner submissions.

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 demand for future development spurred by the Town's growing economy and population is a reasonable justification for this annexation. Furthermore, the MGB is convinced that this annexation will facilitate the well managed growth of the Town by providing developable land inventory for both industrial and commercial expansion. At the same time, the MGB finds that the annexation will not serve to hinder the County's ability to achieve its own rational growth directions.

The MGB finds that the Annexation Agreement demonstrates a high degree of cooperation and collaboration between the Town and County. The existing shared service agreements and joint ASPs are particular evidence of this, as was the modification of the original annexation proposal in order to address the County's concerns. Compliance with the spirit of intermunicipal cooperation envisioned by the Act, Land Use Policies, and MGB annexation principles was evident in the written and oral submissions presented by the municipalities. Moreover, the MGB

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finds that the successful negotiations between the Town and County illustrates the effective use of the concepts outlined in the Land Use Policies for encouraging intermunicipal cooperation and the intermunicipal coordination of land use planning. Further, the MGB finds that it does not appear that the annexation or annexation conditions will infringe on the local autonomy given to municipalities under the Act.

The MGB accepts that the proposed annexation represents a logical extension of existing growth patterns. The Town has illustrated that most lands can easily be serviced, and a transportation study has been conducted. A road maintenance agreement has been reached between the municipalities, and evidence has been presented to indicate that a cost effective and coordinated approach to the provision of services will be provided.

The MGB accepts that the Town has properly considered potential environmental impacts related to the annexation. The Hinton West Urban Fringe Joint ASP, which encompasses Areas A, B and D, was explained to contain environmental policies meant to ensure that adjacent environmental features are protected and used, where appropriate, for low-impact or passive outdoor recreation. Chapter 9 of the ASP outlines detailed policies for watershed protection, wildlife management, fire management, landscaping, site restoration and other environmental issues. The other existing ASPs also contain environmental policies.

The MGB finds that the proposed annexation lands do not contain a significant assessment base, and can efficiently receive Town services. The fact that taxes from the annexation area account for less than 0.01% of the County's tax revenue and less than 1.00% of the Town's was persuasive in establishing that the fiscal impact will be minimal. As such the MGB is satisfied that the annexation will not produce an adverse financial impact on either municipality.

The County observed that little taxation revenue is generated from the proposed annexation area and has therefore refrained from requesting compensation for forgone property taxes. The County also did not request the Town to enter into any form of revenue sharing agreement emanating from the taxation of new industrial/commercial developments. The MGB feels that the County is to be commended for its actions in this regard. Further, the MGB accepts that the overall financial impacts associated with the agreement are nominal.

Relevant provincial and local agencies were notified and involved in the process, including Alberta Sustainable Resource Development, Alberta Transportation, and Alberta Tourism, Parks, Recreation and Culture. The MGB finds that the specific concerns raised respecting potential Aboriginal traditional use sites are best addressed through the subdivision and development processes and/or more specific local planning documents.

The MGB finds that the Town has taken reasonable steps to address the concerns raised by landowners through the addition of a taxation transition period into the Annexation Agreement.

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The MGB's 2005 Annexation Bulletin No. 1 states that: "In some recent annexations timelines have ranged from five to 15 years." As noted in the MGB bulletin, previous annexations have generally allowed for assessment and taxation transition periods to span up to fifteen (15) years. The period recommended in this annexation is therefore within usual norms.

The MGB accepts that a comprehensive consultation process with landowners and the public was carried out through a series of meetings to present information and address issues. Specifically, the Town's removal of two areas and reduction in size of one area illustrates that the Town and County were committed to the consultation process. The Town presented several other examples of attempting to accommodate landowners and appeared sincere in its attempt to mitigate impacts. A commitment was expressed to amend the Town's animal control bylaw. This change will serve to address Mr. Myhre's concerns respecting livestock and Mr. Muldoon's concerns regarding his grazing lease.

With respect to Mr. Barry's trap line, the MGB is satisfied that only 1% of it will be brought within the Town's boundaries and that this will have a minimal impact on the landowner's operation. While Mr. Barry has requested that the MGB direct the Town to provide 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 is satisfied that the LOC road, known as Robb Road, should be included within the annexation area. The Town stated that this road is required as part of the annexation in order to provide access to future subdivisions. The Town was also clear that it accepts that the LOC will remain with Hinton Wood Products. Hinton Wood Products has agreed that it will maintain the road and not restrict use by the Town or anyone else requiring access to the annexation area.

The MGB finds that the Annexation Agreement meets the criteria of outlining conditions that are certain, enforceable, and time specific. The annexation application presented, along with the testimony of the Town and County, indicate the criteria for annexation are met. As such, the MGB recommends approval of the proposed annexation.