

BOARD ORDER NO. MGB 123/06

FILE: AN04/STAL/C-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 City of St. Albert, in the Province of Alberta, to annex certain territory lying immediately adjacent thereto and thereby its separation from Sturgeon County.

BEFORE:

Members:

R. Scotnicki, Presiding Officer
D. Thomas, Member
B. Ardiel, Member
A. Savage, Member
G. Leadbeater, Member

After careful examination of the submissions from the City of St. Albert (City), Sturgeon 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's 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, 2007, the land described in Appendix A and shown on the sketch in Appendix B is separated from Sturgeon County and annexed to the City of St. Albert,
- (b) any taxes owing to Sturgeon County at the end of December, 2006 in respect of the annexed land are transferred to and become payable to the City of St. Albert together with any lawful penalties and costs levied in respect of the those taxes, and the City of St. Albert upon collecting those taxes, penalties and costs must pay them to Sturgeon County, and
- (c) the assessor for the City of St. Albert must assess, for the purpose of taxation in 2007 and subsequent years, the annexed land and the assessable improvements to it,

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and makes the Order in Appendix C.

Dated at the City of Edmonton, in the Province of Alberta, this 29th day of November 2006.

MUNICIPAL GOVERNMENT BOARD

(SGD.) R. Scotnicki, Presiding Officer

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PART 3 - ANNEXATION PRINCIPLES

In the absence of criteria authorized by section 76 of the Act and in order to deal with the various issues raised by the affected parties, the landowners and the interest groups, the MGB has developed a series of annexation principles. The MGB has developed these principles from the examination of the annexation provisions in the Act, the Provincial Land Use Policies and previous annexation orders and recommendations. These principles are based on significant annexation decisions prior to 1995 and a total of nearly 170 annexations processed since the introduction of the 1995 Municipal Government Act. In summary, these principles include the following:

1. Annexations that provide for intermunicipal cooperation will be given considerable weight. Cooperative intermunicipal policies in an intermunicipal development plan will be given careful consideration, weight and support so long as they do not conflict with Provincial policies or interests.
2. Accommodation of growth by all municipalities (urban or rural) must be accomplished without encumbering the initiating municipality and the responding municipality's ability to achieve rational growth directions, cost effective utilization of resources, fiscal accountability and the attainment of the purposes of a municipality described in the Act.
3. An annexation or annexation conditions should not infringe on the local autonomy given to municipalities in the Act unless provisions of the Act have been breached or the public interest and individual rights have been unnecessarily impacted.
4. An annexation must be supported by growth projections, availability of lands within current boundaries, consideration of reasonable development densities, accommodation of a variety of land uses and reasonable growth options within each municipality (initiating and responding municipality).
5. An annexation must achieve a logical extension of growth patterns, transportation and infrastructure servicing for the affected municipalities.
6. Each annexation must illustrate a cost effective, efficient and coordinated approach to the administration of services.
7. Annexations that demonstrate sensitivity and respect for key environmental and natural features will be regarded as meeting provincial land use policies.
8. Coordination and cost effective use of resources will be demonstrated when annexations are aligned with and supported by intermunicipal development plans, municipal development

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plans, economic development plans, transportation and utility servicing plans and other related infrastructure plans.

9. Annexation proposals must fully consider the financial impact on the initiating and responding municipality.
10. Inter-agency consultation, coordination and cooperation is demonstrated when annexation proposals fully consider the impacts on other institutions providing services to the area.
11. Annexation proposals that develop reasonable solutions to impacts on property owners and citizens with certainty and specific time horizons will be given careful consideration and weight.
12. Annexation proposals must be based on effective public consultation both prior to and during any annexation hearing or proceedings.
13. Revenue sharing may be warranted when the annexation proposal involves existing or future special properties that generate substantive and unique costs to the impacted municipality(s) as part of the annexation or as an alternative to annexation.
14. Annexation proposals must not simply be a tax initiative Each annexation proposal must have consideration of the full scope of costs and revenues related to the affected municipalities. The financial status of the initiating or the responding municipality(s) cannot be affected to such an extent that one or the other is unable to reasonably achieve the purposes of a municipality as outlined in section 3 of the Act. The financial impact should be reasonable and be able to be mitigated through reasonable conditions of annexation
15. Conditions of annexation must be certain, unambiguous, enforceable and be time specific.