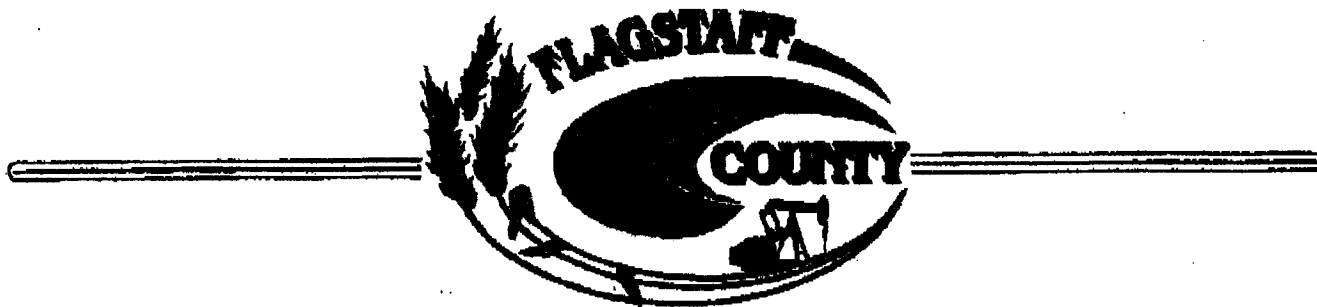


CORR



October 4, 2001

Hank and Barbara Kunst
Box 273
Sedgewick AB T0B 4C0

Re: Assessment Review Board Decision NE 13-43-12-W4

Dear Hank and Barbara

This letter serves as notice of the decision of the Assessment Review Board of October 3, 2001.

The Board's decision is as follows:

"To reduce the residential assessment including the farm residence site value by 60%, due to functional obsolescence."

Functional obsolescence is related to the noises, smells and physical disturbances that occur at the identified operation and how it affects your residence.

This decision may be appealed to the Municipal Government Board.

Yours truly

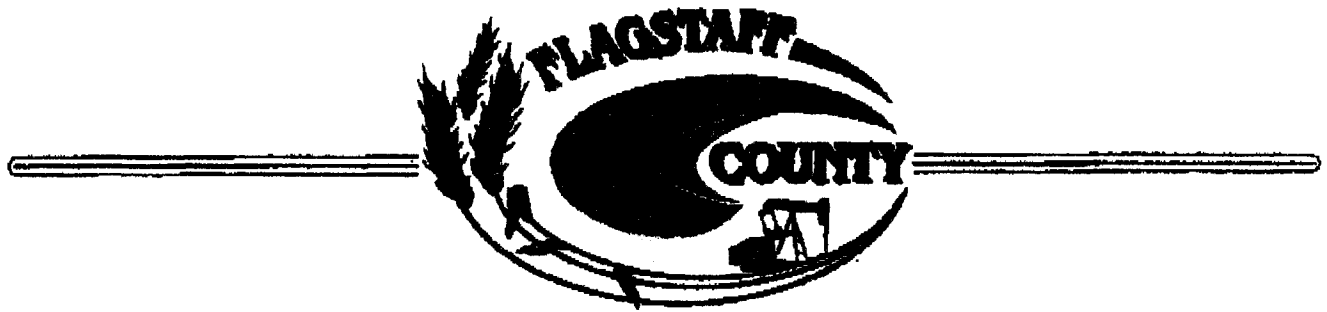
A handwritten signature in black ink, appearing to read 'S. Armstrong', is written over the typed name.

Shelly Armstrong
Clerk of the Court

SA/1W

c D. Bergum, Assessor
County Council

FLAGSTAFF COUNTY Box 358, Sedgewick, Alberta, T0B 4C0
Phone (780) 384-4100
Fax (780) 384-3635 E-mail address: Flagstaf@telusplanet.net



October 4, 2001

Roxanne Barton
Box 495
Sedgewick AB T0B 4C0

Re: **Assessment Review Board Decision SW 7-43-11-W4**

Dear Roxanne

This letter serves as notice of the decision of the Assessment Review Board of October 3, 2001.

The Board's decision is as follows:

"To reduce the residential assessment including the farm residence site value by 30%, due to functional obsolescence."

Functional obsolescence is related to the noises, smells and physical disturbances that occur at the identified operation and how it affects your residence.

This decision may be appealed to the Municipal Government Board.

Yours truly

A handwritten signature in cursive script that reads 'S. Armstrong'.

Shelly Armstrong
Clerk of the Court

SA/lw
c D. Bergum, Assessor
County Council

FLAGSTAFF COUNTY Box 358, Sedgewick, Alberta, T0B 4C0
Phone (780) 384-4100
Fax (780) 384-3635 E-mail address: Flagstaf@telusplanet.net

**Box 207
Lougheed AB.
TOB 2V0
July 26, 2001**

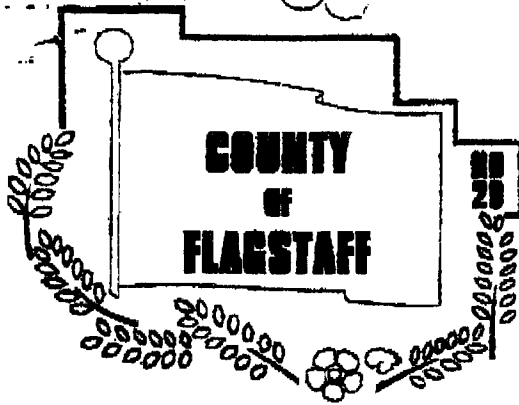
**County of Flagstaff
County Manager
P.O. Box 358
Sedgewick AB.
TAB 4CO**

Dear, Sir/Madam;

By the Tax and Assessment notice dated June 30, 2001. We are required to make written notice of our objection to the assessment on the farm residence located on NW -7-43-11-4, within 30 days of said notice.

Our objection is: This residence is located within a quarter of a mile from a I.L.O. , located on the SE- 13-43-12-4 . The residence has been on this location for the past 90 years, and has enjoyed clean fresh air. Due to the installation of the I.L.O., this clean fresh air has deteriorated to a putrid odour, which is unacceptable to the occupants of this residence. Further more, due to this situation, the value of this property has been devalued. Therefore, we request the residence assessment tax be deleted or reduced, until the cause for this objection has been corrected to the satisfaction of the owners of said land.

**Yours truly
Thomas & Allison Barton**



County of Flagstaff No. 29
Box 358
Sedgewick, Alberta
T0B 4C0
Phone 384-3537
Fax 384-3635

June 25, 1997

Garry Swainson
Box 327
SEDEWICK AB T0B 4C0

Dear Garry,

Re: Development Permit - SE 13-43-12-W4M, Intensified Operation

Enclosed please find your Development Permit to locate a hog operation on the above described parcel of land. This permit is approved subject to conforming with the conditions as noted on your permit.

If further information is required contact myself at 384-3537.

Yours truly,

Del Bergum
Development Control Officer

DE/mp
Encl.

c. Shelly Armstrong, County Manager

County of Flagstaff No. 29
Land Use Bylaw No. 27/88

FORM B

Permit No. SW-10

DEVELOPMENT PERMIT

Development involving . . . Garry Swainson SE 13 43 12 4 Intensified Swine operation

has been APPROVED, subject to the following conditions, (state reasons):

- 1. New development to conform with site assessment of Alberta Agriculture.
- 2. New development to conform with setback regulation of County.

You are hereby authorized to proceed with the development specified, provided that any conditions are complied with and that development is in accordance with any approved plans and applications. Should an appeal be made against this decision to the Development Appeal Board, the development permit shall not come into effect until the Development Appeal Board has issued its decision.

Date of Decision June 6, 1997

June 6, 1997
Date of Issue of Development Permit

Delores Berger
Signature of Development Officer

NOTE:

- 1. The issuance of a Development Permit in accordance with the notice of decision is subject to the conditions that it does not become effective until 15 days after the date the order, decision or development permit is issued.
- 2. The Land Use Bylaw provides that any person claiming to be affected by a decision of the Development Officer may appeal to the Development Appeal Board by serving written notice of appeal to the Secretary of the Development Appeal Board within 14 days after the notice of the decision is given.
- 3. A permit issued in accordance with the notice of decision is valid for a period of 12 months from the date of issue. If at the expiry of this period the development has not been commenced or carried out with reasonable diligence, this permit shall be null and void.

County of Flagstaff No. 29
Land Use Bylaw No. 27/88

FORM A

PERMIT NO. 97-10

APPLICATION FOR DEVELOPMENT

I/We hereby make application under the provisions of the Land Use Bylaw for a Development Permit in accordance with the plans and supporting information submitted herewith and which form part of this application.

Applicant(s) GARRY SWANSON Telephone 384-2235

Address 500 SW 1st Ave

Address of property to be developed

SE 1/4 Sec 13 Twp 43 Range 17 West of the 4 Meridian

Lot Block Registered Plan or Certificate of Title

Parcel Size [number of hectares (acres) or m² (square feet)]

Registered Owner(s) Same Telephone

Address

Existing Use of Parcel Farm Land Land Use District

Proposed Use of Parcel INTENSIFIED SWINE

Estimated cost of the project or contract price \$750,000

Estimated dates of commencement and completion July, 1997

Fee of \$25.00 to be submitted with application N/A

Receipt Number N/A

Date of Application May 13/97 Signature of Applicant(s) Garry Swanson

10/23/2001 08:28 FAX 888 2636
10/23/01 09:22 FAX 780 384 3635
JUN. -06 97(FRI) 07:23 AA RED DEER

Barry&Lana Love
FLAGSTAFF COUNTY

403 340 4896

005
005/007
P. 001

FAX TRANSMISSION

ALBERTA AGRICULTURE, FOOD AND RURAL DEVELOPMENT
301, Provincial Building, 4820 - 51 Street
RED DEER, AB T4N 6K9
403-340-5324
Fax: 403-340-4896

To: Del Bergum
Co. Of Flagstaff
Date: June 5, 1997

Fax #: 384-3635
Pages: 6, including this cover sheet.

From: Ken Williamson, Agricultural
Engineering Technologist

Subject: Kroesch and Swainson Site Assessments

COMMENTS:

The Swainson site may not quite meet the MDS, depending on the final siting. The nearest wind roses (from Coronation and Vermilion) both suggest that the wind only blows from the SE about 5% of the time, so I do not feel that a 100 ft or so will make a significant difference in odour for the neighbour to the NE. We could likely allow a small reduction in the MDS here due to the prevailing wind direction I would also suggest that the lagoon be sited west of the barn site, instead of north of the barn. The site north of the barn would only be about 850 ft from the neighbour.



**ENGINEERING SITE ASSESSMENT
 FOR INTENSIVE LIVESTOCK FACILITIES**

Field Services Regional Office, 3rd Flr, Prov Building, 4920 - 51 Street, Red Deer, Alberta, Canada T4N 6K1

NAME: Garry Swanson DATE: May 30, 1997
 ADDRESS: Box 327 PHONE: 384-2355
Sedgwick, Ab POSTAL CODE: T0B 4S0

LAND LOCATION:

Quarter SE Section 13 Township 43 Range 12 West of 4 Meridian

MUNICIPALITY:

Co of Flagstaff

TYPE OF OPERATION:

Piggery

PROPOSED X EXISTING _____ EXPANSION _____

SIZE OF OPERATION:

EXISTING: _____ n/a

PROPOSED: _____ 120 sow farrow to finish

LAND BASE:

EXISTING 1250 Acres PROPOSED _____ Acres

NEIGHBOURING LAND USE:

FARM X COUNTRY RESIDENTIAL _____ URBAN _____ OTHER _____

1. SETTING - MINIMUM SEPARATION	RECOMMENDED MIN DISTANCE	APPROX DISTANCE	NOTES
- Nearest Farm Neighbour (with intensive livestock operation)	1300 ft	1 mi +	
- Nearest Neighbour (without intensive livestock operation)	1300 ft	1200 ft	
- Urban Residential and Institutional	3500 ft	4 mi	Laughed
- Large Scale Country Residential, High Use Recreational, Commercial	2200 ft	4 mi	Laughed
- Small Scale Country Residential, Industrial, Low Use Recreational	1700 ft	2 mi +	

2. MANURE STORAGE CAPACITY

	Liquid Manure		Solid Manure	
Existing Capacity	<u>n/a</u>	Months	<u>n/a</u>	Months
Recommended Minimum Capacity	<u>7-12</u>	Months		Months

RED DEER

403 340 4896

2. Continued Name: G. Swainson
Manure storage plans Earthen lagoon - 500,000 gallons. Would need about 650,000 gal
for 1 year storage.

3. MINIMUM Area Of Land Required For Manure Utilisation 220 ac
NATURE OF Disposal Area (Cropland, Hay Land, Pastures, Etc.) Crop land
Acres Available for Spreading: Owned 1250 Neighbours _____

4. MANURE RUN-OFF CONTROL
 No Problems Anticipated
 Run-off Control Required
 Site Unsuitable Due To Potential Run-off Problems
Level of risk: 1 (None) 2 3 4 (high)
Comments No concern if all pigs are housed inside.

5. SUITABILITY OF SUB-SOIL FOR EARTHEN MANURE STORAGE
 No Problems Anticipated
 Soil Tests and Further Investigation Recommended
 Site Unsuitable
 Insufficient Information For Comment
 Comments 2' deep hand auger holes showed clay till, no water encountered.

6. LIMITATIONS TO FURTHER EXPANSION
Proximity to neighbouring residence

7. COMMENTS
Water well driller's reports indicate that the area has a layer of clay about 50 feet
thick, covering sand and a sand aquifer. The lagoon should be manure tight to protect this aquifer.
This facility will need about 2500 gal. of water per day. Water licence required by A&P-ph340-3310
A site about 850' south of the north boundary and 850' west of the east boundary would almost meet
the MDS. The wind only blows towards the neighbouring residence about 5% of the time.

INSPECTED BY: KEN WILLIAMSON, AG ENGINEERING TECHNOLOGIST, RED DEER, ALTA

Letter To The Editor
County of Forty Mile Commentator
Tuesday, Jan. 30, 2001

Letters to the Editor

Feedlot farms cause property values to drop

Dear Editor,

A recent Alberta Municipal Government Property Tax Appeal Board hearing has set a major precedent, living within two miles of a feedlot/factory farm results in a 50% decrease in residential property values.

While fighting a feedlot development in the County of Lamont, northeast of Edmonton, we found it frustrating that for every concern we raised, the developers' answer was that there was no problem now, and no proof that a problem would occur.

Of course they got the permit to build, and we got the problems. One of the concerns raised was the devaluation of our homes.

The feedlot near us has devalued our property, and we now have the tax reductions to prove it.

Thirteen people from the town of St. Michael and sur-

rounding area appealed their 2000 assessments and won.

The county's first adjustment offer ranged from 0 to 25%, and was refused by everyone involved.

We then appealed to the Alberta Municipal Government Board (MGB).

At a preliminary hearing, which included the appellants, two representatives of the MGB, and the county's assessors, an agreement was reached on the fact that our homes had been devalued due to the problems caused by the feedlot.

These problems included odour, fear of water contamination and depletion, dust, traffic, and health and safety concerns related to all of the previous reasons.

That agreement cut the assessment value on any home within two miles of the feedlot by 50%. It also provided for reductions of 15% to 25% for

homes up to three-and-a-half miles away.

With this precedent perhaps other Albertans living near feedlots may want to appeal their property assessments.

Also, perhaps it is time that all levels of government were asked why factory-farm developments are allowed to pay next to nothing in taxes while devaluing the property of oth-

ers.

We hope that this information might be useful to others in their fight against factory-farm developments.

Sincerely,
St. Michael & Area
Landowner's Protection
Society,
Spokesperson,
Evelyn Kucy

Alberta MUNICIPAL GOVERNMENT BOARD (Board)
OFFICES OF THE SECRETARIAT GROUP

SUMMARY REPORT

Submitted by -
Dennis Hawthorne
Senior Secretariat Advisor

ASSESSMENT APPEALS - LAMONT COUNTY (County)

PRELIMINARY HEARING HELD DECEMBER 12, 2000

ST. MICHAEL RECREATION CENTRE, ST. MICHAEL, ALBERTA

ISSUE

The MGB received 19 property appeals from 13 landowners (the Appellants) located within 2 miles of a 10,000 head intensive livestock operation, aka "The Cam-A-Lot Feedlot" (feedlot). The main issue is that, among other things, the offensive odour from the operation causes a substantial reduction in the market value of residences located in the area.

BACKGROUND

- The original complaints to the County's ARB resulted in some assessments being confirmed and others reduced, however the appellants were not satisfied with the ARB decisions because they did not appear to be consistent and in the opinion of the appellants, the decisions did not fully recognize the loss in market value of the affected homes. Therefore appeals of the ARB decisions were lodged with the Board.
- The feedlot and the subject lands are located in the St. Michael area of the County. St. Michael is a small hamlet about 1 mile northeast of the feedlot. Approximately 7 of the appellants have homes in the Hamlet while the other 5 appellants have farms within approximately 2 miles of the feedlot.
- The St. Michael area of the County is a very stable area as most families have lived and farmed in the area since it was first homesteaded. Therefore there are no dependable sales of local homes or farms to help establish a market value benchmark for property located close to the feedlot.

THE MEETING

- The preliminary hearing convened in the Hamlet of St. Michael on December 12, 2000.

- The preliminary hearing meeting lasted between 3 and 4 hours. In attendance were Mr Willson, Mr. Hawthorne, Assessor Al McNaughton and his colleague Jeff McKinnon, as well as all the Appellants or their representatives.

RESULT

- Following the initial presentations by the Board and the Assessor and during the lunch break, the Assessor and the Appellants met separately and came to an agreement on how much the assessments should be reduced and which properties would be affected by the reduction.
- The Board canvassed the Appellants and the Assessors to be certain that all were in agreement. The Board confirmed the exact nature of the agreement and instructed that the Assessor issue revised assessment notices to the Appellants before the end of the year 2000. Once the new assessment notices were issued, the Appellants agreed that they would withdraw their appeals and would not appeal the new assessment notice.

THE AGREEMENT

For all residential property (including the 3 acre site on farmland) the following reduction in property assessment will apply.

- (a) 50% reduction to property located within a 2 mile area of the boundaries of the quarter section containing the feedlot
- (b) 25% reduction to property located within the next 0.5 miles beyond the 2 mile boundary [described in (a)] on the north, west and south sides of the feedlot operation.
- (c) 25% reduction to property located with the next 1 mile beyond the 2 mile boundary [described in (a)] on the east side of the feedlot operation.
- (d) 15% reduction to property located in the next 0.5 miles beyond the boundaries described in (b) and (c) above.

Reasons

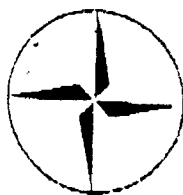
The Assessor cannot scientifically measure the effect of odour from a livestock operation on the neighbouring properties. The Assessor has the ability to make a judgement based on common sense and the right of all property owners to the use and enjoyment of their property. In these cases, there are several other factors involved which in the Assessor's opinion, affect the marketability and potential value of the residences.

1. Potential contamination and possible depletion of groundwater supplies.
2. Heavy truck traffic on county roads and roads within the Hamlet creating unsafe conditions for children and others. Extended effects of dust and noise from heavy traffic.
3. Prevailing winds appear to be from the west therefore the extension of the easterly boundary for assessment reduction can be justified. This evidence

3A
4

was not available at the ARB hearings. With or without winds, the physical presence of odour within a 2 mile radius of the feedlot has been experienced by the Assessor. The odour is very strong and therefore offensive.

- 4. The unsightly residue left from the hauling of silage to and from the feedlot.
- 5. In the Assessor's informed opinion, the reductions are fair and equitable and are the best reflection of market value based on the available evidence.



COMPASS

ASSESSMENT CONSULTANTS INC.

9305 - 50 Street, Edmonton, Alberta T6B 2L5 PH: (780) 469 5552 FAX: (780) 466 5406

January 20, 2001

Attn: E. & L. Kucy
Box 134
St. Michael, AB T0B 4B0

Dear Evelyn,

Re: Assessment of Properties in Proximity to Cam-a-lot Feedlot

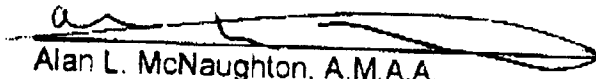
Further to the meeting December 12, 2000 in St. Michael and your request for documentation of the reasoning which contributed to the revised assessments, the following factors were considered.

- Odor from the intensive livestock facility and the westerly prevailing winds
- Dust, noise, and potential danger from heavy truck traffic through St. Michael and the county roads approaching the facility
- Odor and spillage of silage being delivered to the facility
- Decision made previously by the Municipal Government Board for a property in the same proximity to the facility
- Possible groundwater contamination
- Possible groundwater depletion
- County by-law regarding development within two miles of the facility
- A general decline in quality of life for residents surrounding the facility

The assessor is mandated to provide market value assessments for residences and residential land. The factors above were considered in assessing properties surrounding the feedlot in the absence of market data. The assessments are subject to review annually. If new evidence is introduced supporting or discrediting the decision on December 12, 2000, the assessor must consider it when establishing new values.

For further documentation refer to the letter dated January 4, 2001 from Dennis Hawthorne of the M. G. B. The meeting at St. Michael is summarized in Mr. Hawthorne's letter including the agreement and the issues which lead to the agreement.

Yours truly,
Compass Assessment Consultants Inc.

Per: 
Alan L. McNaughton, A.M.A.A.
President