

# Council Delegations

## Background

Council for the City of Grand Forks welcomes public input and encourages individuals and groups to make their views known to Council at an open public meeting.

Council needs to know all sides of an issue, and the possible impacts of any action they make take, prior to making a decision that will affect the community. The following outline has been created to assist you in preparing for your presentation, so that you will understand the kind of information that Council will require, and the expected time frame in which a decision will be forthcoming. Council may not make a decision at this meeting.

## Presentation Outline

Presentations may be a maximum of 10 minutes.

Your Worship, Mayor Taylor and Members of Council, I/We are here on behalf of Copperfields Livings' "Copper Sky" land development project,

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to request that you consider support working with us and our consultants  
to evaluate the feasibility of undertaking a boundary extension and ev

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The reason(s) that I/We are requesting this action are:

1. The land uses being proposed for "Copper Sky" are more appropriate and commonly found in an urban municipality rather than in a rural Regional District setting.
2. The development is planned to provide an array of housing types at a variety of prices to meet the current needs of the community and attract new residents and businesses.
3. "Copper Sky" has the ability to supply water and treat wastewater

I/We believe that in approving our request the community will benefit by:

- Copper Sky will provide housing stock that the City currently does not have access to;
  - Copper Sky will generate employment during construction (8-10 years) and long term tax revenue for the City;
  - Copper Sky is planned to be a sustainable, walkable, bikeable and
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## Council Delegations (cont.)

I/We believe that by not approving our request the result will be:

- Copper Sky, when it proceeds, will be required to develop in the RDKB at a much lower density and with little or no affordable housing in its land use mix.

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In conclusion, I/we request that Council for the City of Grand Forks adopt a resolution stating: \_\_\_\_\_

- City staff and administration are authorized to collaborate with Copper Sky's consulting team to evaluate the feasibility of a boundary extension to incorporate these lands in the City;

- City staff and administration are authorized to collaborate with Copper Sky's consulting team to determine potential future land uses, utilities and servicing schemes, additional accesses and potential parklands, open spaces and community amenities for Copper Sky's lands.

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The information provided on this form is collected under the authority of the Community Charter and is a matter of public record, which will form a part of the Agenda for a Regular Meeting of Council. The information collected will be used to process your request to be a delegation before Council. If you have questions about the collection, use, and disclosure of this information contact Corporate Services at the City of Grand Forks.

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**Print Form**

**Copper Sky Proposed Resolution:**

**THAT Council is open to evaluating and considering a Municipal Boundary adjustment where it can be demonstrated that such an adjustment would be of value to the City, and where the costs associated with such adjustment appropriately and fairly shared by the landowner/ developer and the City;**

**AND THAT Council authorizes Staff to share relevant infrastructure data and information, particularly that relating to the capacities and characteristics of the City's water and wastewater utilities, with landowners who may wish to consider connection to these utilities in the future;**

**AND FURTHER THAT Council authorizes Staff to work collaboratively with landowners, and their consultants, who are working on potential projects on lands outside the Municipal Boundaries that might have a significant benefit to the City and its residents, as well as potential impact on the City's infrastructure and services.**

# Memo



To: Committee of the Whole  
From: **Chief Administrative Officer**  
Date: 2023-02-13  
Subject: Copper Sky Development Project – Boundary Expansion Information

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## Purpose

To provide Council with additional information regarding the process for expanding the municipal boundary in order to accommodate the Copper Sky Land Development.

## Background

At the January 9<sup>th</sup>, 2023 Committee of the Whole meeting Council received a presentation from Copper Sky Associates requesting Council consider a boundary expansion to incorporate a proposed development, currently located in the Regional District of the Kootenay Boundary (RDKB), North of Coalchute Road.

### **The Project:**

The Copper Sky Development is a proposed multi-phase development south of Copper Ridge and north of Coalchute Road. The development will consist of approximately 800 units located on 100 acres, with an additional 30 acres used for public transportation, green space amenities and infrastructure. Based on the presentation, the developer has confirmed that new technologies, currently being used in other parts of BC, will allow the development to provide onsite sewer infrastructure and treatment. And further, that only once the development surpasses 800 units will there be a need to access City sewer infrastructure. In addition to a confirmed onsite sewer system, the developer has also indicated that they will not require City water as there is a water district and well in the close proximity to the development that can service its needs.

### **Why is the Developer Requesting a Boundary Expansion:**

As mentioned above, this development does not require City water or sewer so why are they requesting to join the municipality? The following was received from an RDKB representative providing some background:

*“When the application to develop the area was last formally considered as an application at the RDKB table in 2008, concern was expressed that the scale and density of the proposed development was not consistent with an unincorporated servicing model. The RDKB’s Planning and Development Committee directed the applicant, at that time, to: “...engage in a consultation process with the community as to an acceptable form of development for Copper Ridge, which is to include, the residents of Copper Ridge, the residents of Electoral Area ‘D’, and the City of Grand Forks.”*

From the presentation and further investigation, it appears the primary reason for the request is due to the RDKB zoning and the minimum lot size. As mentioned in the email above, unincorporated areas generally don’t have a servicing model that can support the proposed

scale and density of this project; in this particular case the minimum lot size for this zone is a ½ acre in order to support onsite infrastructure such as a septic tank. Under the current zoning the development could support 200 units, provided the topography allows for 2 units per acre; however, it is our understanding the costs associated with building and servicing the subdivision far exceed a business case for 200 units. In short, a development proposing approximately 8 units per acre does not fit within the RDKB guidelines and is not typically considered rural development. Further, 2 units per acre does not fit within the developer's business case.

### **Legislative Process**

Local Governments in BC are creatures of legislation and in particular, the requirements for Municipal Boundary Changes are addressed through the Local Government Act - Division 3 section 12. In addition to section 12, the Province has also provided a number of resources to help articulate the process and to guide municipalities along this journey. Staff have included some of these resources as attachments to the memo as additional information.

Key highlights from the resource guides and legislation include:

#### Legislative Framework – (Policy Guide, pg1)

*Prior to forwarding a municipal boundary extension proposal to Cabinet, the Minister must have evidence that the:*

- *municipal council has requested the boundary extension;*
- *property owners and residents of the boundary extension area are aware of, and have been provided an opportunity to express their opinion on the proposed boundary extension; and,*
- *majority of municipal electors do not object to the proposed extension*

#### Policy Framework – (Policy Guide, pg2)

*The Ministry's approach to municipal boundary extensions is guided by the following principles that recognize the legislative provisions required for approving boundary extensions:*

- *municipal leadership;*
- *inter-jurisdictional collaboration;*
- *consultation with, and consent of those affected;*
- *consistency with community sustainability objectives; and,*
- *provincial approval.*

*The municipality is responsible for:*

- *developing a proposal that meets provincial policy and legislative requirements;*
- *communicating and providing information to electors of the municipality;*
- *communicating with, and providing information to property owners and residents of the area proposed for inclusion within the municipality;*
- *submitting a complete proposal for a municipal boundary extension;*
- *confirming the consent or opposition of those living in the proposed boundary extension area;*
- *consulting with neighbouring municipalities, the regional district, improvement districts and provincial agencies to determine their views, and addressing issues that are raised;*

- *engaging First Nations to determine their views, and addressing issues raised that are within the jurisdiction of the municipality*
- *meeting the legislative requirements for obtaining elector approval; and,*
- *implementing the boundary extension in cooperation with the regional district and other jurisdictions, if the proposal is approved. (Policy Guide, pg3)*

*The regional district is responsible for:*

- *working with a municipality that is developing a boundary extension proposal;*
- *providing the municipality with information relating to the area, such as community plans and regulations;*
- *reviewing a boundary extension proposal to determine the impact on existing services and future service plans;*
- *communicating the regional district's interests to the municipality;*
- *assisting in the resolution of issues; and,*
- *if the proposal is approved, implementing the boundary extension in cooperation with the municipality.*

*The extent and involvement of the regional district in developing boundary extension proposals will depend on the circumstances of each proposal. Generally, regional districts with an OCP or RGS in place find that these documents assist in developing boundary extension proposals that meet the needs of communities. (Policy Guide, pg4)*

#### **Scope of the Required Expansion and Consultation:**

Upon investigation, the proposed development is not the only area that would need to be incorporated into the City as part of this proposal. As per the attached Process Guide, there are only a few circumstances in which the Province will approve a panhandle or non-continuous boundary expansion.

*Generally the area being brought into the municipality should be continuously adjacent, or contiguous, to the existing municipal boundary. The boundary extension proposal should not create an area that would remain outside the municipal boundary and jurisdiction, resulting in a 'doughnut-hole' within the municipality. The only exception to this requirement is land designated as Indian Reserve or Treaty lands, which will not be included within a municipal boundary unless requested by the First Nation. (Process Guide, pg6)*

As per the attached boundary adjustment map, in order to accommodate the proposed development, it is estimated that the City would have to incorporate 19 properties in addition to the proposed development. And further, as shown on page 10 of the Process guide, the following would apply:

- Medium area boundary extension 11 to 49
- Municipality provides information to property owners and residents.
- Municipality holds an open house/public meeting.
- Individual response letters.
- Meeting feedback forms.

**Electoral Approval:**

*The Local Government Act (section 20) establishes minimum requirements for public notice of the proposed boundary extension. The legislation is focused on the approval by the municipality's electors, because a boundary extension may have significant implications for the municipality as a whole. The municipality may obtain elector approval through a referendum or the Alternative Approval Process (Community Charter, section 85, 86). The Minister cannot recommend the boundary extension without municipal elector approval. (Policy Guide, pg1)*

**Costs:**

Costs at this time are very hard to project as Council would need to provide some direction regarding electoral approval. A full-fledged referendum vs alternate approval process has very different associated costs. The alternate approval process would be very similar to a candidate registering for an election, with one staff member reviewing proof of identification for any individuals wishing to sign the petition. If 10% of the eligible electors sign the petition, a referendum is required, or Council can abandon the expansion at that time. A referendum closely aligns with an election, including voting stations, ballots, staff, advertising, voting machine rentals, etc. A referendum is estimated at \$20k - \$30k, not including the development of communication materials or townhall meetings.

In addition to potential electoral approval costs, there will also be costs associated with the application, registration and legal. Further, the City would most likely hire a consultant to handle the entire process as this can be a comprehensive undertaking requiring attention to detail that cannot be dealt with off of the side of someone's desk.

**Considerations:**

If Council does decide to consider this proposal and to move to the next step in the process, the following should be considered:

- Strategic Planning – Due to the amount of internal and external resources that will be required as part of this project, if Council decides to move forward, this will need to be included as one of Council's priorities in the 2023 strategic plan. Although the City may hire a consultant to undertake the project, a significant amount of help will still be required from all City departments. Identifying this as a strategic priority will ensure financial and human resources are available.
- RCMP – As Council is aware, the City has for a number of years been on the cusp of being required to pay for the costs of policing within the municipality as per the Police Act. Even though the development could take up to 15yrs to reach full build out, or longer, Council should be aware that once the City's population reaches 5000 people, the City will be responsible for 70% of eligible policing costs. Eligibility determined by direct policing costs within the City boundary, not the entire detachment.
- City Services – the proposed boundary expansion would add approximately .5km<sup>2</sup> of land to the City. If approved the City would be responsible for all additional infrastructure including roads, water, sewer, parks, playgrounds, etc.
- In speaking with our solicitor, we were also informed:
  - In the past, the minister has not approved proposed boundary expansions unless the majority of the properties within the proposed expanded area support the alignment. Unless there have been extenuating circumstances.

- If approved, any service agreements tied to the proposed properties carry with the land. For instance, if there were local area services for water or sewer, they would transfer.
  - If approved the current land use designations transfer with the land and remain until changed through the appropriate process.
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## **Attachments**

1. Municipal Boundaries Extension Policies Guide (Policy Guide)
2. Municipal Boundary Extension Process Guide (Process Guide)
3. Required Boundary Adjustment Map
4. RDKB – Letter