

Memo



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

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 9th, 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:

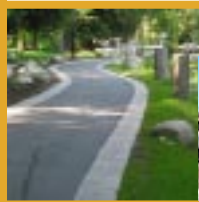
If Council does decide to consider this proposal and to move to the next step in the process, the following should be considered:

- 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 .5km² 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.

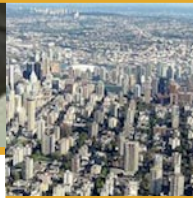
- If approved, any service agreements tied to the proposed properties carry with the land. For instance, if there were local area services for water or sewer, they would transfer.
 - If approved the current land use designations transfer with the land and remain until changed through the appropriate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

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



Municipal Boundary Extension Policies Guide



March 2010



Ministry of
Community and
Rural Development

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Preface

The *Municipal Boundary Extension Policies Guide* describes provincial policies for working with local governments to develop and process municipal requests for boundary extensions.

A companion document, the [Municipal Boundary Extension Process Guide](#), describes the steps for submitting a municipal boundary extension proposal for provincial approval.

These two documents replace the *Municipal Boundary Extension Criteria* (2002).

Processing municipal requests for boundary extensions is the responsibility of the Ministry of Community and Rural Development. Please direct inquiries to:

Ministry of Community and Rural Development
Local Government Structure Branch
800 Johnson Street
PO Box 9839 Stn Prov Govt
Victoria B.C. V8W 9T1

Phone: 250-387-4019

Facsimile: 250-387-7972

Toll free through Enquiry BC:

Call 604-660-2421 in Vancouver or 1-800-663-7867 elsewhere in B.C. and request a transfer to 250-387-4019 in Victoria.

Introduction

Municipalities and regional districts are created under provincial legislation and operate primarily under the *Local Government Act* and *Community Charter*, which are the responsibility of the Ministry of Community and Rural Development (Ministry).

A municipal boundary extension transfers local government jurisdiction for a defined area from a regional district to a municipality. The municipality assumes responsibility for some local services, governance, and for local roads, subdivision approval and property tax collection. Responsibilities that do not change when a municipal boundary extension occurs include provincial responsibility for Crown land and the obligation of property owners to pay school property taxes.

Legislative Framework

The *Local Government Act* (section 20) describes the requirements that must be met before the Province considers approving a municipal boundary extension. Under the legislation, the Lieutenant Governor in Council (Cabinet) may approve a municipal boundary extension on the recommendation of the Minister of Community and Rural Development (Minister). A boundary extension application is approved by an Order in Council that issues Letters Patent for both the municipality and regional district.

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.

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 Framework

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.

Municipal leadership. Whether a boundary extension proposal originates with property owners or council, the municipality is expected to:

- articulate its reasons and rationale for requesting the change in jurisdiction;
- initiate consultation with other jurisdictions;
- communicate effectively with residents in the boundary extension area and in the municipality about the proposal; and,
- provide a complete proposal to the Ministry.

Inter-jurisdictional collaboration. Successful management of a jurisdictional change requires a willingness to adjust plans when necessary to minimize negative consequences to other jurisdictions. Therefore, the municipality is responsible for engaging with residents, regional districts, improvement districts, provincial agencies and ministries, other municipalities, and First Nations to develop boundary extension proposals.

Consultation and consent. Local government service, taxation and regulatory authorities affect the residents and property owners within their boundaries. As a result, electors of a municipality and the property owners within a proposed extension area must be consulted and have an opportunity to indicate their opinion of a municipal boundary extension proposal.

Community sustainability. The municipality should describe a rationale for developing and submitting a boundary extension proposal to the Ministry. The rationale should be based on addressing, as applicable, goals for community growth management, governance, local servicing, financial management, administrative sustainability, and mitigating and adapting to climate change.

Provincial approval. The Minister's decision to advance a boundary extension proposal for consideration by Cabinet must balance the interests of a municipality with the Province's overall obligations and interests.

Relationship to Land Use Processes

Municipalities submitting a boundary extension proposal to the Ministry should have considered the impact of the proposal on current land use processes and obtain the support of other relevant parties in developing the municipality's rationale for a municipal boundary extension. This is particularly important if a municipality is involved in land use processes, such as the review of an Official Community Plan (OCP) or the development or amendment of a Regional Growth Strategy (RGS).

While a decision on a municipal boundary extension is independent of land use processes, the municipality may need to wait for these processes to be completed before submitting a municipal boundary extension proposal to the Ministry.

Roles and Responsibilities

The Ministry

The Ministry is responsible for establishing policies and processing the boundary extension requests submitted by municipalities.

The Ministry is responsible for ensuring that:

- proposals meet policy and legislative requirements;
- referrals are complete;
- any issues raised are resolved;
- Letters Patent are prepared; and,
- the Province's decision is communicated to relevant parties.

The Municipality

The municipality is responsible for taking the lead role in developing a municipal boundary extension proposal.

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 municipality¹;
- 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.

¹ Note: The *Interim Guide to Engagement with First Nations on Local Government Statutory Approvals* provides guidance to local governments on engaging with First Nations on municipal boundary extension proposals. The Guide is available at:

www.cd.gov.bc.ca/lgd/library/First_Nations_Engagement_Guide.pdf

The Regional District

As the current provider of services and land use planning, the regional district will have important knowledge and interests that will help inform the development of a municipal boundary extension proposal. Regional districts are encouraged to actively participate in the review and implementation of municipal boundary extensions.

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.

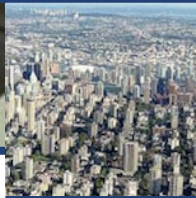
The extent and involvement of the regional district in developing boundary extension proposals will depend on the circumstances of each proposal. Generally, regional districts with an OCP or RGS in place find that these documents assist in developing boundary extension proposals that meet the needs of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



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Municipal Boundary Extension Process Guide



March 2010



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Preface

The *Municipal Boundary Extension Process Guide* (Guide) describes the steps for submitting a municipal boundary extension proposal for provincial approval. This process involves property owners and residents in the extension area and the municipality, the regional district, improvement districts, various government ministries and agencies, and First Nations.

The Guide applies to all municipal boundary extensions, whether the area is small or large, with many residents or none. In the case of a complex municipal boundary extension that includes a large area with many residents, the boundary extension process may include additional steps and considerations.

A companion document, the [Municipal Boundary Extension Policies Guide](#), describes provincial policies for developing boundary extension proposals. These two documents replace the *Municipal Boundary Extension Criteria* (2002).

Processing municipal requests for boundary extensions is the responsibility of the Ministry of Community and Rural Development. Please direct inquiries to:

Ministry of Community and Rural Development
Local Government Structure Branch
800 Johnson Street
PO Box 9839 Stn Prov Govt
Victoria B.C. V8W 9T1

Phone: 250-387-4019

Facsimile: 250-387-7972

Toll free through Enquiry BC:

Call 604-660-2421 in Vancouver or 1-800-663-7867 elsewhere in B.C. and request a transfer to 250-387-4019 in Victoria.

Introduction

There are six steps to developing, processing and approving a municipal boundary extension proposal. The Ministry of Community and Rural Development (Ministry) recommends that a municipality contact the Local Government Structure Branch prior to Step 1.

Ministry staff can provide answers to questions as well as clarify requirements and discuss timing issues. It is helpful to the timely processing of requests if the municipality can provide as many details as possible related to the proposal, such as the community's overall approach to growth management, long-term servicing objectives and other relevant issues important to the community.

Municipalities are encouraged to take a comprehensive, strategic approach to boundary extension proposals as the process involves significant time and resources at both the local and provincial level.

Step 1: Proposal Development and Referrals

Developing a municipal boundary extension proposal begins with a council resolution confirming the municipality is willing to consider a boundary extension proposal (Appendix 1). The resolution also authorizes municipal staff to develop the details of the proposal and to send it to the Ministry for processing.

Municipal boundary extension proposals should include:

- blocks of property continuously adjacent (contiguous) to the current municipal boundary;
- complete parcels as described on the land title certificate; and,
- roads and road-rights-of-way adjacent to the proposed extension area that provide access from the municipality to the proposed extension area.

Appendix 2 provides the specific technical criteria needed to develop a municipal boundary extension proposal. Ministry staff are also available to provide assistance. Once the proposal is complete, the municipality must refer the proposal to the following parties for comment:

- property owners within the proposed municipal boundary extension area to obtain their opinion on the proposal (Appendix 4);
- the regional district to determine the impact on existing services and the details of transferring services should the municipal boundary extension be approved (Appendix 5);
- improvement districts that overlap with the proposed municipal boundary extension area¹;
- Agricultural Land Commission (ALC) if the proposed extension area includes land in the Agricultural Land Reserve (ALR);
- Integrated Land Management Bureau (ILMB) if the proposed extension area includes Crown land; and,
- First Nations whose traditional territory includes the proposed municipal boundary extension area.

Through the referral process, the municipality should identify and resolve concerns with the proposed municipal boundary extension before the municipality submits the proposal. Ministry staff can provide advice for resolving issues.

¹ Note: Generally improvement district boundaries will be reduced or the improvement district dissolved, and the service responsibility will transfer to the municipality, if a boundary extension is approved.

Step 2: Proposal Submission

A municipal boundary extension proposal submitted to the Ministry should include the following:

- a council resolution confirming the municipality wishes to consider a boundary extension proposal (Appendix 1);
- a rationale for the proposal, including land use implications;
- maps (Appendix 3);
- a list of parcels in the extension area including legal descriptions;
- a parcel map and/or list of parcels indicating which property owners are in favour or opposed to the proposal;
- the name of the regional district and the affected electoral area(s);
- copies of communications with, and the opinions of, owners and other interested parties within the area of the proposed municipal boundary extension;
- results of referrals to the regional district, improvement districts, ALC and ILMB, including correspondence, and a record of issues identified and resolved or unresolved;
- results of referrals to First Nations, including correspondence and a record of issues identified and resolved or unresolved¹; and,
- consideration of any specific conditions related to implementation and other relevant background information.

The Proposal Submission Checklist has been developed to help municipalities ensure that applications are complete (Appendix 6). The submission should be sent to:

Ministry of Community and Rural Development
Local Government Structure Branch
800 Johnson Street
PO Box 9839 Stn Prov Govt
Victoria BC V8W 9T1

Step 3: Ministry Review

The Ministry will acknowledge receipt of the municipal boundary extension proposal and review the submission by preparing an Administrative Report that will provide the municipality with feedback. If further work is required, Ministry staff are available to work with the municipality to complete the proposal.

Once the Ministry confirms a complete municipal boundary extension proposal, it will be referred by the Ministry to the Ministry of Transportation and Infrastructure (BC MoT) for review. The Ministry will discuss BC MoT's report with the municipality.

The Ministry recommends that the municipality wait until the Ministry confirms that all issues are addressed before seeking elector approval. This ensures that elector approval is obtained on a complete municipal boundary extension proposal. Technical changes to the proposal after elector approval is obtained could void the results, requiring the elector approval process to be repeated.

¹ NOTE: The *Interim Guide to Engagement with First Nations on Local Government Statutory Approvals* provides guidance to local governments on engaging with First Nations on municipal boundary extension proposals. The Guide is available at:
www.cd.gov.bc.ca/lgd/library/First_Nations_Engagement_Guide.pdf

Step 4: Elector Approval

The *Local Government Act* (section 20) requires municipal elector approval of proposed boundary extensions. Elector approval may be obtained by the municipality through a referendum or the Alternative Approval Process (AAP) (*Community Charter*, section 85, 86). For more information on the AAP process and the processes related to voting, see the *Local Government Act* and the *Community Charter*.

If electors support the municipal boundary extension proposal, the municipality must provide the Ministry with:

- a second council resolution confirming the request to the Minister to extend the boundary of the municipality and confirming the legal description of the parcels to be included within the municipal boundary;
- a declaration that the statutory requirements of section 20 of the *Local Government Act* are met; and,
- the results of the elector approval process.

For more information, see Electoral Approval and Council Resolution Checklist (Appendix 7), Sample Statutory Alternate Approval Process Public Notice (Appendix 8), and Sample Council Resolution #2 (Appendix 9).

Step 5: Provincial Approval

Once the elector approval process is complete, the Ministry prepares Letters Patent implementing the proposed boundary change. Letters Patent describe the properties being included in the municipality, provide for the transfer of services from the regional district/improvement district to the municipality, and if necessary, provide for special or transition features. The Ministry also amends the Letters Patent for the relevant regional district, removing the boundary extension area from the applicable electoral area.

The *Local Government Act* (section 20) requires the Lieutenant Governor in Council (Cabinet) to approve municipal boundary extension requests.

Step 6: Implementation

If the boundary extension proposal is approved by Cabinet, the Ministry notifies the municipality, the regional district and other ministries and agencies, such as BC Assessment and the Land Title and Survey Authority of BC that the municipal boundary extension will be implemented.

The municipality and relevant regional district are responsible for implementing the transfer and coordination of services within the boundary extension area. The municipality and the regional district may choose to establish a transition agreement to assist in this process.

To conclude the municipal boundary extension process, the municipality must confirm to the Ministry the population in the extension area. This information is used to adjust the municipality's population for grant allocations and to determine the number of votes held by the municipality on the regional district board. It is important that the population certification be submitted to the Ministry in a timely fashion (Appendix 10).

Glossary

Alternative Approval Process (AAP)

Local governments can use the Alternative Approval Process (*Community Charter*, section 86) to gauge public opinion instead of a referendum, in cases where the local government is required to obtain elector approval. The AAP can be used by a municipality to obtain elector opinion for a municipal boundary extension proposal.

Contiguous

Describes objects such as land parcels that adjoin and share a common border.

Elector

A resident elector or non-resident property elector of a municipality or regional district electoral area. See the *Local Government Act* (Part 3).

Elector Approval

Legislation provides the municipal electorate with an opportunity to voice their opinion on the proposal through an Alternative Approval Process or referendum.

Legal Description

The complete description of a parcel of land, such as parcel identifier, lot number, district lot number, district plan and the name of the land district.

Letters Patent

The legal document describing the local government's name and boundary as well as any unique or customized authorities of that government. Letters Patent are approved by Cabinet through an Order in Council. When municipal boundaries are changed, the Letters Patent for both the municipality and affected regional district are issued.

Order in Council (OIC)

An Order under the authority of legislation approved by the Lieutenant Governor in Council. An Order in Council is the instrument that Cabinet uses to approve boundary extensions. The OIC issues Letters Patent for the municipality and the regional district.

Referendum

A vote seeking elector opinion.

Appendix 1 – Sample Council Resolution #1

I, _____, Corporate Officer for the (Corporate Name of Municipality) do hereby certify the following to be a true and correct copy of a resolution adopted by the Council of the (Corporate Name of Municipality).

“THAT the (Corporate Name of Municipality) proceed with the proposed _____ area boundary extension proposal; and

That (Corporate Name of Municipality) staff be authorized to develop, sign, and submit the proposal to the Provincial Government.”

(Corporate Officer)

DATED at (Municipality), B.C. this _____ day of _____, _____.

Appendix 2 – Technical Criteria

Municipal boundary extension proposals must meet the technical criteria described below.

Boundary Composition

The proposed boundary extension area should include complete legal parcels to avoid split local government jurisdiction over legal parcels. Legal descriptions for each parcel, as found on the land title certificate, must be included in the proposal submitted to the Ministry.

For more efficient and timely processing of municipal boundary requests, proposals that include a logical block of parcels rather than multiple requests to include single parcels are encouraged.

Various factors can define a block, the most obvious being the local road network so all parcels are bounded by intersecting roads. Other factors include local service areas and natural features such as water bodies, rivers or elevation.

Properties of the New Boundary

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.

Figure 1 shows a proposal that meets the criteria of contiguity. The proposed extension area is adjacent to the existing municipal boundary and represents a complete block of legal parcels.

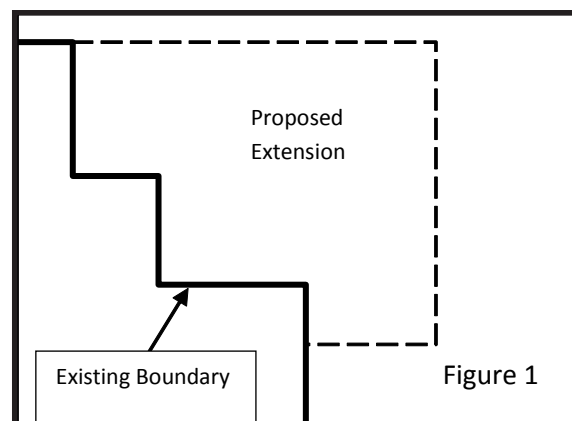


Figure 1 - Boundary extension proposal.

Figure 2 shows a “satellite” boundary extension which is only appropriate for exceptional cases such as:

- a major industrial site (e.g. utility, saw mill or mine) for which the municipality is the major service centre; or,
- an area owned by the municipality used for municipal purposes, such as an airport, a recreation area/facility, or public works yard.

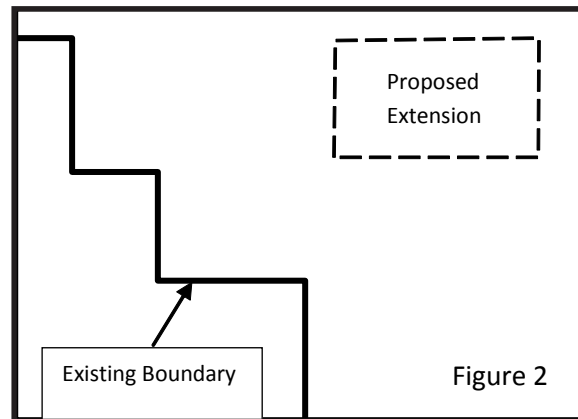


Figure 2 - Satellite boundary extension proposal.

Figure 3 shows a proposal that does not meet the requirements for developing a boundary extension proposal because it is not contiguously adjacent to the municipal boundary, and it does not qualify as a satellite boundary extension.

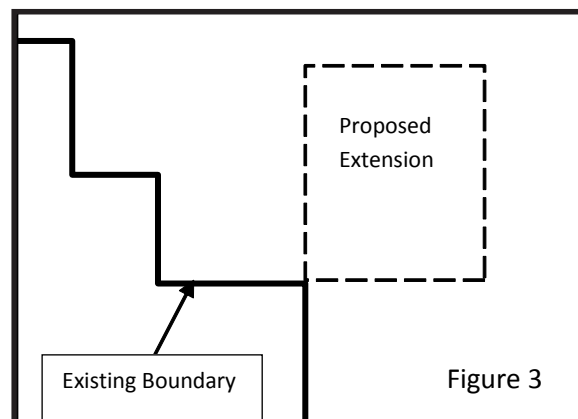


Figure 3 - Invalid boundary extension proposal.

Local Roads

A major consideration for municipalities when developing a boundary extension proposal is the efficient operation of the local road network. Following the boundary extension, any roads not designated as arterial or provincial, are transferred from the Province to the municipality, which assumes responsibility for maintenance and future upgrades.

The municipal boundary extension proposal should meet the following criteria:

- the boundary should follow one side of a road right-of-way, and include the entire road within the municipality;
- roads that provide access from the municipality to the boundary extension area should be included;
- roads and road rights-of-way adjacent to the boundary extension area should be included; and,
- where a boundary extension area is in the vicinity of an existing boundary that follows the centre line of a road, the boundary shall be adjusted to include the entire road within the municipality.

Where the inclusion of a road is not suitable from the perspective of road maintenance jurisdiction, the road will be excluded from the municipality to avoid situations where the road maintenance jurisdiction is not continuous.

Appendix 3 – Maps

As part of the boundary extension proposal, a municipality is required to provide the Ministry with a map of the proposed boundary extension showing its relationship to the current municipal boundary. Maps of the extension and surrounding areas should be provided to the Ministry in hardcopy and in electronic format.

The maps are used to review the road network and to prepare the new municipal boundary description for the Letters Patent. An appropriate scale will ensure clarity and accuracy of detail; ideally a scale of 1:5,000. Maps should accurately describe the:

- current municipal boundary;
- proposed municipal boundary;
- parcel lot lines;
- parcel identifiers and legal descriptors;
- ownership information;
- consent of landowners and residents (via shading);
- roads and road labels;
- other rights-of-way;
- major landmarks;
- Crown land;
- ALR land; and,
- First Nation Reserves and Treaty lands.

Appendix 4 – Public Consultation Within The Proposed Extension Area

It is the municipality's responsibility to design an appropriate process to obtain the opinion of residents and property owners within the area of the proposed boundary extension. The municipality is responsible for providing adequate information to allow residents and property owners to make an informed decision about their support for the proposal.

In particular, the municipality is likely to use ownership information from BC Assessment as the basis for individual distribution of information. It should be noted that eligible electors may not be property owners (renters, mobile home park residents), and these residents should be provided with information as well.

The nature and extent of the public consultation varies with the size of the proposed boundary extension. The table below outlines some possible consultation approaches for a municipality to consider.

Size of Boundary Extension	Number of Parcels	Consultation Approach	Consultation Results
Small area boundary extension	1 to 10	Municipality provides information to property owners and residents.	Individual response letters.
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.
Large area boundary extension	More than 50	Municipality provides information to property owners and residents. Municipality holds an open house/public meeting. Municipality posts information on its website.	Individual response letters. Meeting feedback forms. Feedback through website.

The municipality's information to property owners and residents in the proposed boundary extension area should include the following:

- the municipality's reasons for considering the boundary extension proposal;
- general property tax implications (a comparison of tax rates inside and outside the municipality or a sample property tax calculation);
- general information about the costs, process and timing of providing the service if municipal water or sewer infrastructure service is the reason for the boundary extension;
- other significant changes related to local service delivery and service cost recovery (e.g. fees and charges); and,
- any council policy items relating to the boundary extension proposal (e.g. transitional measures).

Generally, the Minister will not recommend a boundary extension to Cabinet if a majority of property owners within the proposed extension area object. An exception may be made where overriding provincial or local interests exist, such as resolving public health concerns or environmental protection issues.

Consultation Information to the Ministry

When submitting the boundary extension proposal to the Ministry, the municipality should provide the following:

- copies of correspondence from owners/residents for small to medium area proposals; and,
- a summary of the public consultation process undertaken by the municipality and consultation results for medium to large area proposals.

A summary of the results of the public consultation process can be provided in the following ways:

- a map showing the opinion for each parcel for medium to large areas;
- a numerical summary of the opinions received;
- copies of individual submissions from owners/residents, cross-referenced to map location;
- a copy, or summary, of a petition or public meeting report, if those methods were used to determine opinion; and,
- a copy, or summary, of other material that relates to the opinion of owners/residents.

Vote within the Proposed Boundary Extension Area

Based on the population of the proposed boundary extension area and the consultations conducted by the municipality with property owners, a vote may be held. Generally, a vote in a proposed boundary extension area is reserved for situations involving a substantial population and where the municipality cannot accurately gauge the opinion of property owners in the proposed boundary extension area through another consultation process.

If a municipal council wishes a vote be held in the proposed boundary extension area, a request is made to the Minister to order a vote. The Minister also has the authority to order a vote independent of the municipality's request. If a vote is held, the municipality is required to submit a copy of the results certified by the Chief Election Officer.

Appendix 5 – Regional District Consultation

When a municipal boundary is extended, the area of the boundary extension is excluded from the regional district electoral area. The area is also excluded from regional district service areas, unless the municipality is a participant in the service.

Boundary extension proposals should be sent to the regional district Chief Administrative Officer who will refer to the appropriate staff for review (e.g. corporate administration, finance, engineering, planning). As a best practice, municipalities and regional districts should work together to jointly establish processes for reviewing proposals for boundary extensions.

Proposal submissions need to outline the consultation process between the municipality and the regional district and report on the results, including the resolution of issues and agreed-to terms for implementation. If required, special mitigation provisions can be designed through discussion between the municipality, regional district, and the Ministry.

When a municipality consults with the regional district, it is the responsibility of the regional district to identify the services currently provided in the extension area and the financial impact on those services if the boundary extension is approved.

If there is the possibility of significant financial or service impact, the regional district should provide the following information, as applicable, to the municipality:

- total taxable assessments within the boundary extension area;
- list of the specific current services that would be impacted by the boundary extension, with the current total requisition for each of those services and comments about the nature of the expenditures for the service (for example, debt versus operational costs);
- percentage of taxable assessment within the area compared with the total within the identified service areas;
- estimated dollar amount of the requisition for each service identified that can be attributed to the boundary extension area;
- estimate of the increase in the residential tax rate that would be required to recover the financial amount for the identified electoral area services, assuming no change to the requisitions; and,
- the potential for reducing the amount of requisition as a result of the reduction in the service area.

The existence of a significant impact on regional district services can be addressed through discussion between the municipality and the regional district, with Ministry assistance as needed. Special mitigation provisions may be included in Letters Patent.

The primary test for determining significance is that the assessments in the municipal boundary extension area range from five to ten per cent of the service area. The secondary test is the actual amount of property taxation revenue involved in relation to the requisition for the service, and the financial impact on the remainder of the service area. Each service of the regional district will be considered individually.

Region-wide services such as grants in aid, electoral area administration, or regulatory services, where the service area consists of one or more electoral areas will generally not be considered for mitigation measures. They are intended for local services only such as fire protection, water, and recreation.

Mitigation measures are appropriate, for the following issues:

- Service participants. Is it an option to maintain the service financing by establishing the municipality as a participant?
- Debt. Could transitional provisions account for debt contributions from the boundary extension area?
- Operational costs. Can the service be continued for the remainder of the service area with a reduction in operating costs with minimal financial impact?
- Contractual arrangements. Can financial impacts be managed through a contract for service between the municipality and the regional district?
- Variables for transitional provisions. Variables include the amount of financial impact, number of years for which they will apply (except possibly for debt, they will rarely be long-term), possibility of a phased-in approach and governance arrangements.

Appendix 6 – Proposal Submission Checklist

Municipality:	
Extension Area Description:	
Submission Date:	

Submission to Ministry of Community and Rural Development	
	Council resolution confirming the municipality wishes to consider a boundary extension proposal (Appendix 1).
	Rationale for the proposal, including land use implications.
	Maps (Appendix 3).
	A list of parcels in the extension area including legal descriptions.
	Parcel map and/or list of parcels indicating which property owners are in favour or opposed to the proposal.
	Name of the regional district and the affected electoral area(s).
	Copies of communications with, and the opinions of, property owners and other interested parties within the area of the boundary extension proposal.
	Results of referrals with the regional district.
	Results of referrals with relevant agencies (ALC, ILMB, improvement districts, etc.)
	Results of referrals to First Nations, including correspondence and a record of issues resolved or unresolved.
	Other relevant background information such as staff reports.

Include this checklist with the proposal application package.

Appendix 7 – Elector Approval and Council Resolution Checklist

Municipality:	
Extension Area Description:	
Submission Date:	

Submission to Ministry of Community and Rural Development	
	A declaration that the statutory requirements are met.
	Council resolution confirming the request for the boundary extension (Appendix 9).
	<p>Elector approval: If by vote, the results of the vote. If by AAP, the results of the AAP process certified by the Chief Election Officer and copies of the AAP notice published in the newspaper.</p>

Appendix 8 – Sample Statutory AAP Public Notice

NOTICE TO ELECTORS OF _____ (CORPORATE NAME OF MUNICIPALITY)

OF AN ALTERNATIVE APPROVAL PROCESS FOR A PROPOSED EXTENSION OF BOUNDARIES

Notice is hereby given that under section 86 (Alternative Approval Process) of the *Community Charter* and section 20 of the *Local Government Act*, the Council of the (Corporate Name of Municipality) intends to petition the Minister of Community and Rural Development requesting an extension of the area of the municipality to include the following described lands:

(Insert map showing road network and parcels to be included in the boundary extension)

(Insert information regarding the rationale for the proposed extension and include any special features for Letters Patent, as appropriate.)

ALTERNATIVE APPROVAL PROCESS AND ELIGIBILITY

And Further Take Notice That the municipality may proceed with the boundary extension request unless at least ten percent of municipal electors indicate that a referendum must be held by submitting a signed Elector Response Form to (Municipal) City Hall no later than (usual closing time) 4:30 p.m. on (date: dd/mm/yy). Elector Response Forms must be in the form established by the (Corporate Name of Municipality), and only those persons who qualify as electors of the municipality are entitled to sign Elector Response Forms.

Resident Elector – You are entitled to submit an Elector Response Form as a resident elector if you are age 18 or older on the day of submission, are a Canadian citizen, have lived in B.C. for at least six months, and have been a resident of the (Corporate Name of Municipality) for the past 30 days or more.

Non-Resident Elector – You are entitled to submit an Elector Response Form as a non-resident property elector if you are age 18 or older on the day of submission, are a Canadian citizen, have lived in B.C. for at least six months, have owned and held registered title to a property in the (Corporate Name of Municipality) for the past 30 days or more, and do not qualify as a resident elector.

NOTE: Only one non-resident property elector may submit an Elector Response Form per property, regardless of how many owners there may be.

If less than ten percent (#) of municipal electors submit an Elector Response Form, the boundary extension request will be deemed to have the approval of the electors and the proposal may proceed to the Minister of Community and Rural Development for consideration. For the purpose of conducting the alternative approval opportunity, the number of electors is calculated as (#).

Elector Response Forms are available from City Hall, (provide: street address, phone number, email and operating hours).

And That this is the first of two publications of this notice in a newspaper. / This is the second and last publication of this notice in a newspaper.

Corporate Name of Municipality
Name of Administrator
Title of Administrator

Appendix 9 – Sample Council Resolution #2

I, _____, Corporate Officer for the (Corporate Name of Municipality) do hereby certify the following to be a true and correct copy of a resolution adopted by the Council of the (Corporate Name of Municipality).

“THAT the (Corporate Name of Municipality) has obtained the assent of the electors to petition the Minister of Community and Rural Development to extend the boundaries of the (Corporate Name of Municipality) as it appeared in the Gazette under issue of Month, Day, Year, and in the local newspaper (Name) under issues of (Month, Day, Year).

THAT all relevant legislative requirements pertaining to a municipal boundary extension in the Local Government Act and Community Charter have been completed.

THAT the parcels approved for inclusion within the (Corporate Name of Municipality) are as follows: (List and include PID numbers and a map).”

(Corporate Officer)

DATED at (Municipality), B.C. this _____ day of _____, _____.

Appendix 10 – Sample Declaration of Population

[Name of Municipality]

WHEREAS a population of census was taken on [date], and [number of persons/nil] are found to be residents of that Boundary [extension] Area of [municipality] described and authorized in Order in Council No. _____, approved and ordered on [date].

I, THEREFORE, CERTIFY THAT there are [number of persons/nil] residents in the said [municipality] Boundary [extension] Area on [effective date of above Order in Council].

(Enumerator)

DATED at [name of municipality], British Columbia, this [date]

This is the Statutory Declaration of population,

Dated _____, 2009

(Mayor)

and

(Corporate Administrator)

(Commissioner for taking Affidavits within the Province of British Columbia)



Ministry of
Community and
Rural Development



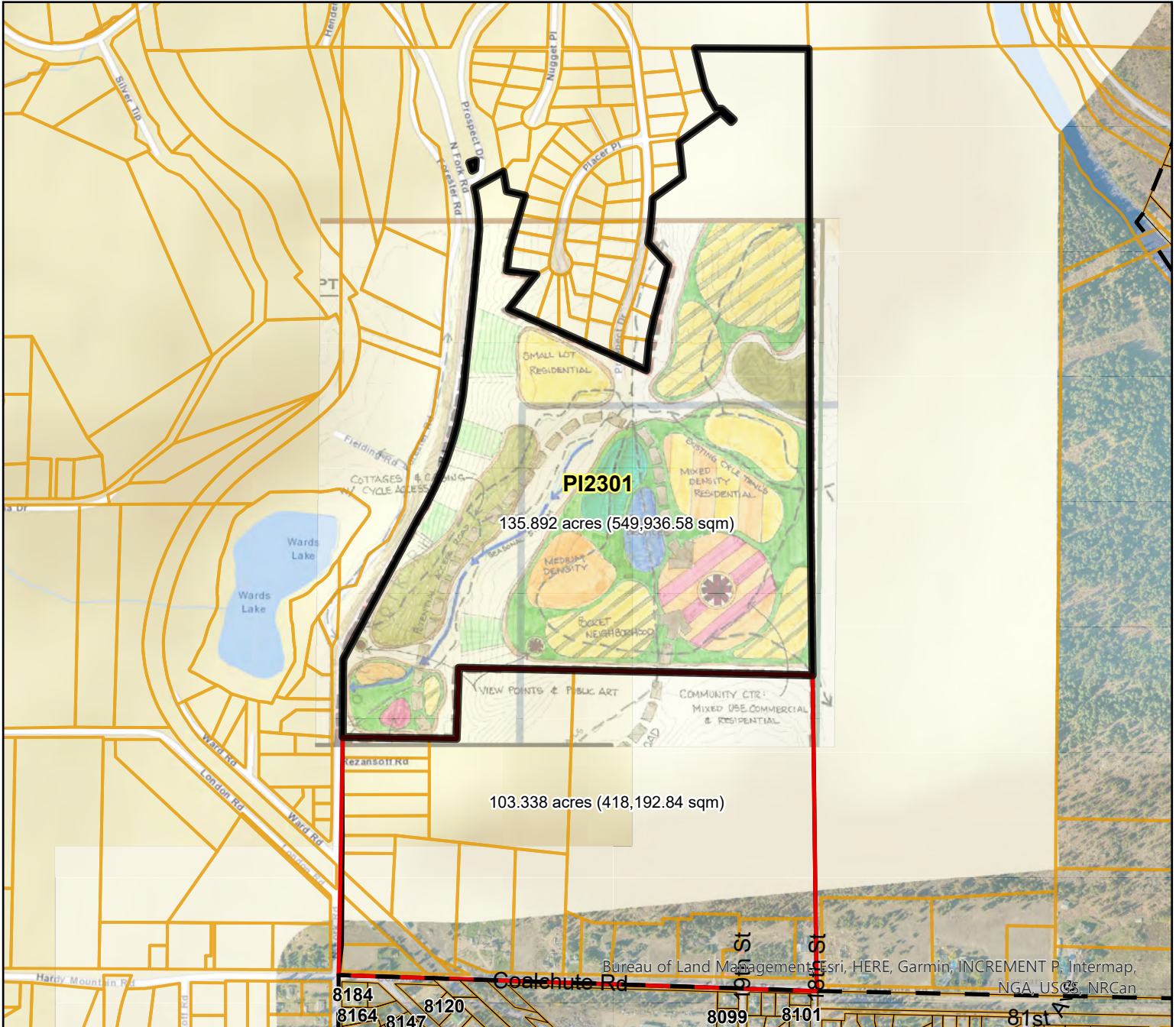
Settle down.

Copper Sky Proposed Boundary Adjustment

Reference Id: PI2301

Property Address: 2635 Placer Pl
PID: 014985365
Lot#: N/A
Plan#: NO_PLAN
District Lot: 1494
Lot Size: 135.892 acres (549,936.58 sqm) 103.338 acres (418,192.84 sqm)
Zoning:
OCP-Land Use:
DP Areas:
Description: Copper Sky Proposed Boundary Adjustment with Proposed Boundary Inclusion Area #1

- PI2301
- Parcel Fabric
- City Boundary
- Copper Sky Inclusion Area #1
- ParcelMap BC Parcel Fabric



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0 50 100 200 300 400 500
Meters

Scale: 1:10,000

Datum: North American 1983

Print Date: 2023-02-06 User: acameron

Path: S:\Adriana\AdrianaTemplate.aprx

January 26, 2023

Mayor Everett Baker
City of Grand Forks
PO Box 220
Grand Forks, BC V0H 1H0

CAO Duncan Redfern
City of Grand Forks
PO Box 220
Grand Forks, BC V0H 1H0

By email: ebaker@grandforks.ca
dredfern@grandforks.ca

Dear Mayor Baker and CAO Redfern:

Re: Potential Municipal Boundary Expansion

On behalf of the Regional District of Kootenay Boundary, thank you for invitation to participate in discussions regarding a possible municipal boundary expansion.

The subject was raised at yesterday's RDKB Board meeting and the following resolution was passed:

34-23

That the City of Grand Forks be notified that the Regional District of Kootenay Boundary is willing to participate in discussions with the City and other stakeholders regarding the possibility of a municipal boundary expansion to accommodate a proposed new development area located north and west of the City's current boundaries.

We look forward to engaging with your municipality.

Yours truly,



Anitra Winje
Corporate Officer

Main

202 – 843 Rossland Avenue
Trail, BC V1R 4S8
T: 250.368.9148
T/F: 1.800.355.7352
F: 250.368.3990

Grand Forks

2140 Central Avenue
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T: 250.442.2708
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F: 250.442.2688

rdkb.com

