



Municipal Boundary Extension Policies Guide



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Ministry of
Community and
Rural Development

Table of Contents

Preface	ii
Introduction	1
Legislative Framework	1
Policy Framework	2
Municipal leadership	2
Inter-jurisdictional collaboration	2
Consultation and consent	2
Community sustainability	2
Provincial approval	2
Relationship to Land Use Processes	2
Roles and Responsibilities	3
The Ministry	3
The Municipality	3
The Regional District	4

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

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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, the regional district, 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, when regional districts have an OCP or RGS in place, these documents assist in developing boundary extension proposals that meet the needs of communities.



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