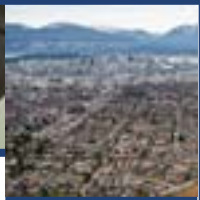




Municipal Boundary Extension Process Guide



March 2010



Ministry of
Community and
Rural Development

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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 Note6: 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 to reflect the change in jurisdiction.

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 has been extended.

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 approval.

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.

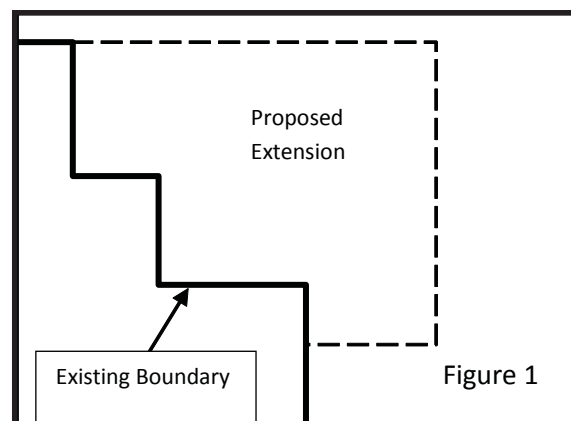


Figure 1 - Boundary extension proposal.

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.

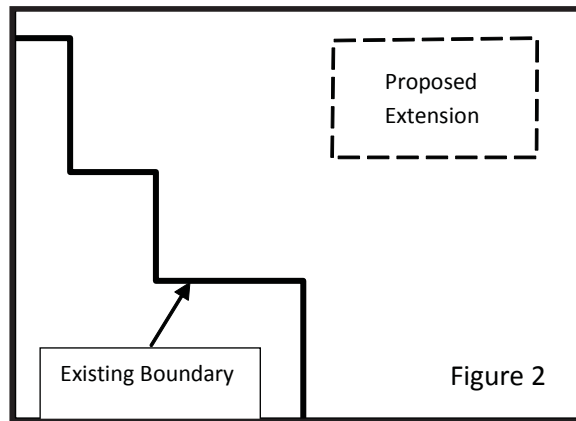


Figure 2 - Satellite boundary extension proposal.

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.

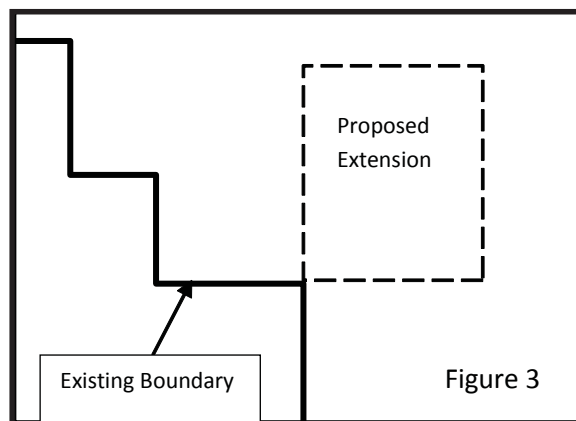


Figure 3 - Invalid boundary extension proposal.

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; usually a scale of 1:5,000 is sufficient. 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 to 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 should refer the proposal 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:</p> <p>If by vote, the results of the vote as declared by the Chief Election Officer.</p> <p>If by AAP, the results of the AAP process certified by the Corporate 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 Corporate Officer
Title of Corporate Officer

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