

District of Barriere

# REPORT TO COUNCIL

<b>Date:</b> January 11, 2021	<b>File:</b> 530.20/Rpts
<b>To:</b> Council	<b>From:</b> B. Payette, CAO and T. Buchanan, Corporate Officer
<b>Re: District of Barriere Disposition of Louis Creek Industrial Park Parkland Bylaw No. 193</b>	

**Purpose:** To seek Council consideration of the first three readings of ***District of Barriere Disposition of Louis Creek Industrial Park Parkland Bylaw No. 193*** to authorize the disposition of the District of Barriere's fee simple interests of the parkland located at 3712 Louis Creek Road in the Louis Creek Industrial Park, and direction to proceed with an alternative approval process to obtain elector assent for the parkland disposition, as required by the Local Government Act.

**Background:** At the December 7, 2020 Regular Council Meeting, Council approved the relocation of the Wildfire Monument Site (if necessary) and provided general direction to staff to begin with the legislative process of declaring that parkland as surplus which involves an adoption of a bylaw with the approval of the electors, subdivision, rezoning and OCP re-designation.

Staff have been in consultation with Jill Hayward, a representative from the now dissolved Wildfire Monument Society, regarding relocation options and it was agreed that the majority of the monument pieces will remain where they are, but the story boards will be relocated. An introductory article is being drafted by Ms. Hayward to be published in next week's Star Journal. An agreement will be in place with the purchaser that the monument will continue to be maintained. Proceeds from the sale are to be placed in a parkland acquisition reserve fund as required by legislation.

**Process:** Attached to this report is a detailed outline of the process for the disposition of the parkland.

**Elector Approval:** In order to proceed with consideration of the Bylaw, the District (DoB) must seek approval of the electors. To do this, DoB will initiate an alternative approval process which allows Council to proceed with consideration of the proposed Bylaw unless at least 10% of the electors state their opposition to the Bylaw within a prescribed period. A specified number of electors, based on information provided by Elections BC, must submit a completed Elector Response Form (Attachment 3) to express their opposition to the Bylaw. If approval of electors is obtained, as described above, the proposed Bylaw will be brought forward to Council for final adoption. Staff will then have the authority to complete the necessary paperwork for the disposition of the DoB's interests as described in the Bylaw.

## **RECOMMENDATION:**

### **1. That the Council:**

- a) give first, second and third reading to District of Barriere Disposition of Louis Creek Industrial Park Parkland Bylaw No. 193 (the “Bylaw”);**
- b) direct staff to carry out an alternative approval process to obtain elector approval for the Bylaw pursuant to section 269 of the Local Government Act;**
- c) establish the deadline for receiving elector responses as February 22, 2021;**
- d) establish elector response forms in the form attached to the report dated January 11, 2021 titled “District of Barriere Disposition of Louis Creek Industrial Park Parkland Bylaw No. 193”;**
- e) determine that the total number of electors of the area to which the approval process applies is 135; and**
- f) direct staff to report the results of the alternative elector approval process to Council and if approval has been obtained, bring the Bylaw forward for adoption.**

### **Attachments:**

- 1. Explanation of Process**
- 2. *District of Barriere Disposition of Louis Creek Industrial Park Parkland Bylaw No. 193***
- 3. Elector Response Form**

Prepared by: T. Buchanan, Corporate Officer  
Reviewed by: B. Payette, CAO



## Process (including Public Consultation) for a Local Government to Declare Parkland (or a portion of) Surplus and Sell that Land

In order for a local government to sell a park, or a portion of a park, dedicated in a subdivision, a legislative process must be followed. The District of Barriere is requesting to declare parkland in the Louis Creek Industrial Park as surplus and sell a portion of that land once it is no longer dedicated as parkland. This is a timeline of the process and where the District is at within the process:

- ✓ Research by Staff
- ✓ Proposal to Council for consideration and authorization by Council to move forward
- ✓ Consultation with direct stakeholders - ongoing (in this case, the now disbanded Wildfire Monument Society)
- ✓ 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> Reading of a Parkland Reserve Bylaw *\*All proceeds from the sale of any parkland must be put into a parkland reserve bylaw for the purpose of acquiring future parkland as required by legislation*
- 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> Reading of a Disposal of Parkland (or portion of) Bylaw including a schedule outlining the exact park (or portion of) to be declared surplus
- Adoption of Parkland Reserve Bylaw
- Approval of the Electors Process begins
- 1<sup>st</sup> Public Notice Advertised in local newspaper of proposal and Alternate Approval Process (AAP) *\*In the AAP process, eligible electors are informed of where to obtain a "Elector Response" form if they are against the proposal and do not wish Council to proceed without a referendum. If 10% or over of the Eligible Electors (residents who meet the requirements to vote in General Local Elections) return their petitions before the deadline (30 days after the 2<sup>nd</sup> notice in the paper – February 22<sup>nd</sup>, 2021 at 4pm), then Council will then decide to either conduct a referendum, or not proceed further.*
- Supplementary newspaper information article published
- 2<sup>nd</sup> Public Notice Advertised in local newspaper – January 21<sup>st</sup>, 2021 Edition
- Collection of any AAP Petition Against Forms submitted to the Corporate Officer
- Deadline of AAP process (February 22<sup>nd</sup>, 2021 @4pm) – Corporate Officer examines results and declares outcome.
- Consideration of results by Council. If less than 10% of the Electorate has submitted a Petition Against form, then Council may proceed with final reading (adoption) of Parkland Disposal Bylaw. If the Parkland Disposal Bylaw is adopted, then at the same meeting, Council may direct staff to proceed with the Subdivision and Rezoning Process. 1<sup>st</sup> Reading of Draft Rezoning Bylaw.
- Notice to BC Land Titles sent.

Scheduled  
for Jan. 11<sup>th</sup>  
Council  
Meeting

- **1<sup>st</sup> readings of Zoning Amendment and OCP Amendment Bylaws**
- **Rezoning and OCP Amendment Referrals sent to Ministry of Transportation, Simpcw First Nation, BC Hydro ,Telus and any other agency deemed appropriate.**
- **Notice of Rezoning Application sign being erected on site.**
- **1<sup>st</sup> Notice of Public Hearing date scheduled advertised in local newspaper.**
- **2<sup>nd</sup> Notice of Public Hearing date scheduled advertised in local newspaper.**
- **Public Hearing held.**
- **If Council chooses to move ahead, then 2<sup>nd</sup> Reading of Rezoning Bylaw – any changes to the proposed bylaw are made at this time.**
- **3<sup>rd</sup> Reading and Adoption of Rezoning Bylaw**
- **Subdivision finalized**
- **The Land can therefore be sold and the funds are placed in the Parkland Reserve Fund.**
- **Development process can proceed including submitting a Development Permit application to the District.**
- **Referrals sent to MOTI, Simpcw First Nation and any other appropriate Ministry depending on the proposed Development.**
- **Consideration of Development Permit by Council.**



**DISTRICT OF BARRIERE**  
**DRAFT - BYLAW NO. 193**

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**A Bylaw to Authorize the District of Barriere to Dispose of Surplus Land Dedicated as Park by Subdivision and Place the Proceeds in a Reserve Fund for the Purpose of Acquiring Park Lands Within the District of Barriere**

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**WHEREAS** the District of Barriere received land dedicated as parkland as part of the subdivision for the Louis Creek Industrial Park, an area dedicated as Park as shown as "Closed Park" on the attached Schedule "A" to this Bylaw;

**AND WHEREAS** pursuant to Section 27 of the Community Charter, the local government is authorized, by bylaw, to dispose of park land dedicated by subdivision and place the proceeds of disposal to the credit of a reserve fund for the purpose of acquiring park land;

**AND WHEREAS** the District of Barriere considers the park land described in this bylaw as surplus to the needs of the Louis Creek Industrial Park and wishes to dispose of the property and place the proceeds of disposal to the credit of a reserve fund for the purpose of acquiring park land within the District of Barriere;

**AND WHEREAS** the Council of the District of Barriere has obtained the approval of the service area electors in accordance with the Local Government Act and the Community Charter;

**NOW THEREFORE** the Council of the District of Barriere, in open meeting assembled, enacts as follows:

1. **CITATION** This Bylaw may be cited for all purposes as "*District of Barriere Disposition of Louis Creek Industrial Park Parkland Bylaw No. 193*."
2. **LAND BEING DISPOSED** The Council of the District of Barriere is hereby authorized and empowered to dispose of surplus park land as shown outlined on Schedule A to this bylaw.
3. **CREDIT TO RESERVES** The proceeds of the disposal of the land shall be placed to the credit of Parkland Establishment Reserve cited as "Parkland Establishment Reserve Fund Bylaw No. 192", a reserve fund for the purpose of acquiring parklands within the District of Barriere.
4. **EXECUTION OF DOCUMENTS** The Mayor and Corporate Officer of the District of Barriere are hereby empowered to do all acts and things to execute all documents necessary to carry out the disposal of land authorized by this bylaw.

READ FOR A 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> time this \_\_\_\_\_ day of \_\_\_\_\_, 2021

APPROVED BY THE ELECTORS this \_\_\_\_\_ day of \_\_\_\_\_, 2021

**PASSED, AND FINALLY ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021

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Mayor Ward Stamer

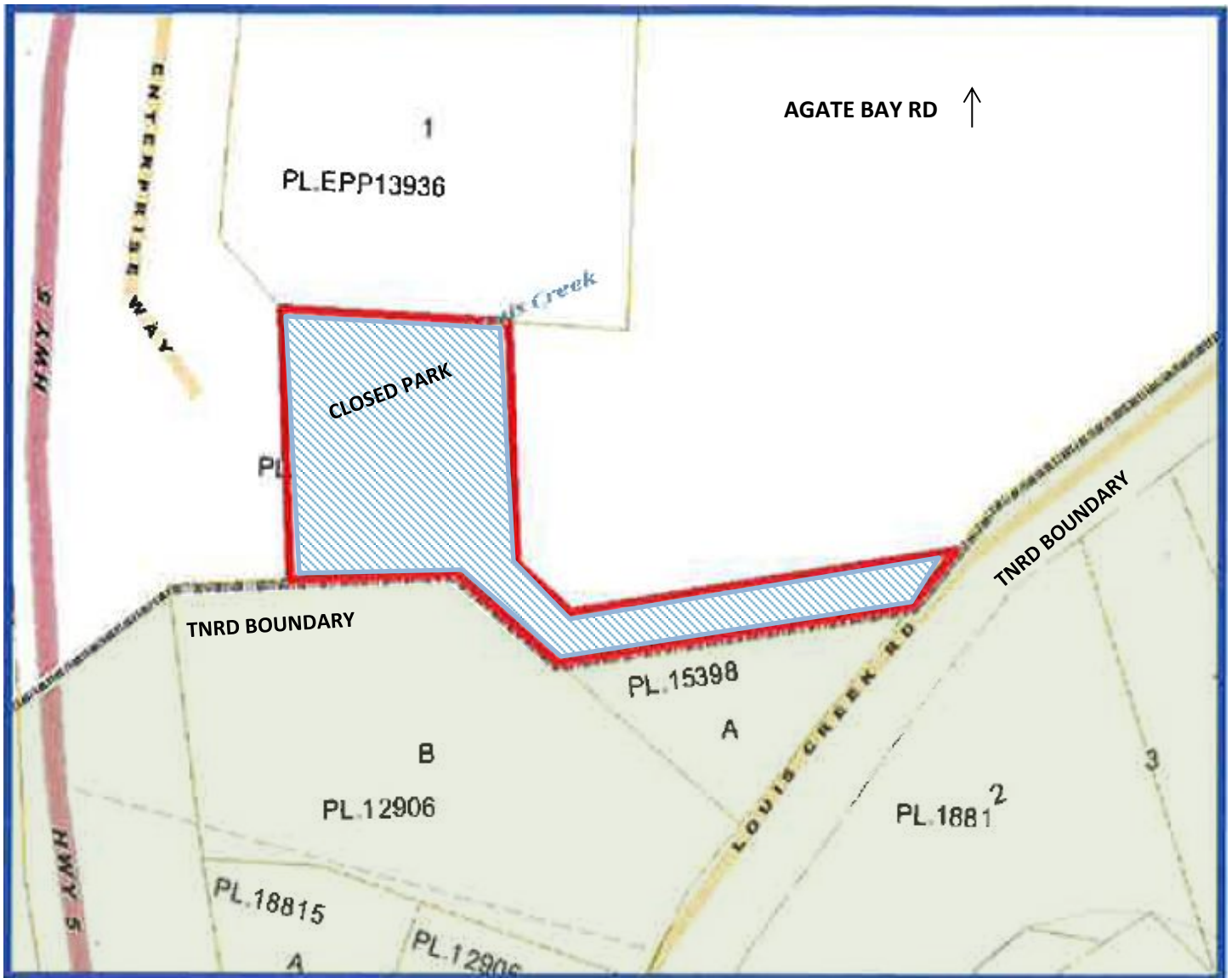
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Tasha Buchanan, Corporate Officer

**SCHEDULE 'A'**

Bylaw No. 193

Located in the Louis Creek Industrial Park





## DISTRICT OF BARRIERE ELECTOR RESPONSE FORM

ALTERNATIVE APPROVAL PROCESS  
DISPOSITION OF PARKLAND LOCATED ON  
THE SOUTH END OF  
THE LOUIS CREEK INDUSTRIAL PARK AND  
AS INDICATED AS SCHEDULE 'A' OF THE  
PROPOSED BYLAW NO. 193

Pursuant to the Local Government Act and the Community Charter, *I certify that:*

- I am a person entitled to be registered as an elector within the District of Barriere (see qualifications attached);
- **I am OPPOSED** to the disposal of the parkland in the Louis Creek Industrial Park outlined in Schedule 'A' of the proposed Bylaw No. 193 without first obtaining the assent of the electors by voting (ie. referendum); and
- I have not previously signed an Elector Response Form with respect to this boundary expansion application.

<b>FULL NAME OF ELECTOR</b> (Print Clearly) Do not use initials	
<b>ELECTOR'S RESIDENTIAL STREET ADDRESS (Full)</b>	

**Choose one:**

(see reverse for eligibility requirements)

☐

I am a resident elector

**OR**

☐

I am a non-resident property elector who lives in another community in BC but who owns property in the District of Barriere located at: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

If Non-Resident Property Elector:

Are there other owners of the property?

YES ☐

NO ☐

*\*if yes, attach the **Written Consent Form** signed by the majority of other owners*

<b>ELECTOR'S SIGNATURE</b>	
<b>DATE</b>	

For this elector response form to be counted, it must be completed in full and received **no later than 4:00 PM on Monday, February 22<sup>nd</sup>, 2021** by the District of Barriere Corporate Officer at the District Office. Postmarks will not be accepted as proof of the date of submission. Faxed or Emailed Submissions will not be accepted. The District of Barriere Council may proceed with the disposition of parkland unless 135 eligible electors sign and submit a completed copy of this elector response form by the 4:00 PM February 22, 2021 deadline.

**SUBMIT THIS FORM:** \*IN PERSON: District of Barriere Office – 4936 Barriere Town Rd. "The Ridge" or \*BY MAIL: Box 219 Barriere BC, V0E 1E0

*Personal information gathered on this form is collected under the authority of the Community Charter, the Local Government Act and the Freedom of Information and Protection of Privacy Act. The information will be used only by the District of Barriere Corporate Officer or designate to verify the validity of the elector response form.*

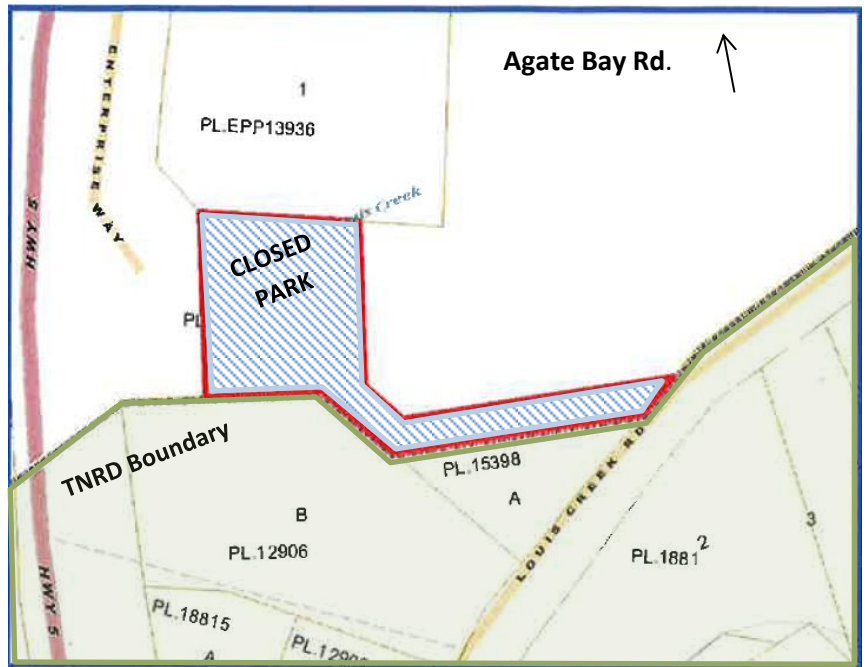
## ALTERNATIVE APPROVAL PROCESS (AAP)

The District of Barriere proposes to adopt the *District of Barriere Disposition of Louis Creek Industrial Park Parkland Bylaw No. 193* ("Bylaw"). Approval of the electors is required pursuant to section 280 of the Local Government Act in relation to the proposed Bylaw. Pursuant to sections 269 of the Local Government Act and Division 2 of Part 4 and section 282(2)(d) of the Community Charter, approval of the electors may be obtained by an alternative elector approval process. The area to which this approval process applies is located in the Louis Creek Industrial Park at the south end of Enterprise Way with access from Louis Creek Road and is more commonly known as the Wildfire Monument Site (outlined in red on the map below and hatched in blue). The location of the monuments will remain on the property and continue to be maintained. The wildfire story boards will be relocated within District park land. A portion of this proposed surplus parkland will be sold at fair market value and all proceeds from the sale are to be placed in a parkland acquisition reserve fund as required by legislation.

This proposal requires approval of the electors who have until **4p.m. on February 22, 2021**, to oppose the disposition unless municipal council holds a formal vote of the entire electorate. If at least 10 percent of electors (135) in the District of Barriere sign an elector response form as opposition to the proposal, then Council will decide whether to go to a vote or to abandon the request.

Elector responses are required to be submitted to the local government on forms that can be obtained during regular business hours from the District of Barriere offices at 4936 Barriere Town Rd. The form can also be downloaded from the District of Barriere's website at:

[www.barriere.ca](http://www.barriere.ca). The only elector response forms that will be accepted by the local government are the ones provided by the District or an accurate copy of the form.



Only electors of the District of Barriere are eligible to sign the elector response forms. There are two types of electors – resident elector and non-resident property elector.

### ELECTOR QUALIFICATIONS

In order to sign an elector response form, a person must be either a resident elector or a non-resident property elector (not both) within the District of Barriere.

**Resident Electors** are individuals who are entitled to sign an elector response form during this AAP by virtue of living within

the District of Barriere and meeting the following qualifications:

- Age 18 or older; and
- A Canadian Citizen; and
- A resident of British Columbia for at least 6 months; and
- A resident of the District of Barriere for at least 30 days; and
- Not disqualified by the Local Government Act or any other enactment from voting.



**Non Resident Property Electors** are individuals who are entitled to sign an elector response form during this AAP by virtue of owning property within the District of Barriere and meeting the following qualifications:

- Not a resident elector; and
- Age 18 or older; and
- A Canadian Citizen; and
- A resident of British Columbia for at least 6 months; and
- Not disqualified by the Local Government Act or any other enactment from voting; and
- Not holding the property in trust for a corporation or another trust.
- the registered owner of property in the proposed service area for at least 30 days
- If the property is owned by more than one person, only one of those persons may sign this Elector Response Form with the written consent of the majority of the other owners. *\*Consent form available online [www.barriere.ca](http://www.barriere.ca)*
- A person may only sign as a non-resident elector for one property only regardless of the number of properties they own.

**NOTE:** Corporations and businesses are not entitled to sign elector response forms.

For more information on qualifications to complete and submit an Elector Response Form, please contact the District of Barriere Corporate Officer by email at [tbuchanan@barriere.ca](mailto:tbuchanan@barriere.ca) or by phone to 250-672-9751 or 1-866-672-9751 (toll-free).

**WHERE TO SUBMIT YOUR ELECTOR RESPONSE FORM:**

IN PERSON – District of Barriere Office at 4936 Barriere Town Rd. “The Ridge”

or

BY MAIL: Box 219 Barriere, BC V0E-1E0

**\*\*\*It is the responsibility of the Elector to ensure this form reaches the Corporate Officer by the specified deadline.\*\*\***

**REGISTERED OWNERS CONSENT TO A PERSON REGISTERING AS A NON-RESIDENT PROPERTY ELECTOR**

**Note:** Complete this page ONLY if you’re a non-resident property elector and there is more than one registered owner. Each registered owner must provide consent to the person registering as a Non-Resident Property Elector. The person designated as the Non-Resident Property Elector must be one of the owners of the property and must be one of the individuals granting consent.

WE, together with the person registering as a non-resident property elector, constitute a majority of registered owners of real property situated in the Area, and hereby give consent to:

\_\_\_\_\_  
*Surname, Given Name of Person Designated to be the Non-Resident Property Elector*

To be registered as the Non-Resident Property Elector for the jointly-owned property described attached to this form.

\_\_\_\_\_  
*Registered Owner’s Surname, Given Name*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Registered Owner’s Surname, Given Name*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Registered Owner’s Surname, Given Name*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Registered Owner’s Surname, Given Name*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Registered Owner’s Surname, Given Name*

\_\_\_\_\_  
*Signature*