



DISTRICT OF WEST KELOWNA

COUNCIL POLICY MANUAL

Adoption Date: May 21, 2013

DEPARTMENT:	Development Services
SUBJECT:	Addition to Reserves – Referral Policy

Policy Statement:

In order to protect the interests of the municipality, Council considers Addition to Reserve referrals with the utmost care taking into consideration, the impacts, both positively and negatively on the District. The DWK recognizes that potential partnerships may develop as a result of Additions to Reserve that provide economic benefit to both the District and First Nation.

Purpose:

To identify the roles and responsibilities of the municipality relating to any Addition to Reserve (ATR) referrals. To guide and outline the factors to be included in the evaluation of ATR referrals received from the Government of Canada recognizing that the municipality does not have direct influence over First Nation lands.

Policy:

Definition:

An Addition to Reserve (ATR) is a parcel of land that is added to the existing land base of a First Nation. The legal title is set apart for the use and benefit of the band having made the application.

Areas of Negotiation:

Where requested by the municipality *in whose boundaries the reserve is proposed to be located* or by the First Nation, the federal Land Management Manual stipulates a requirement for the First Nation and municipality to negotiate in any or all of the following areas:

- Joint land use planning/bylaw harmonization;
- Tax considerations;
- Service provision;
- Future dispute resolution.

Process:

1. Receipt of ATR Referral from federal government by Development Services.
2. Preliminary review by Development Services staff.

3. Development Services refers document internally for comment and recommendations on the Areas of Negotiation and other areas identified by those departments including but not limited to:
 - Planning:
 - i. Current OCP and Zoning
 - ii. Neighbourhood trends
 - iii. Adjacent uses
 - iv. Potential uses
 - v. Other items
 - Finance:
 - i. Current assessment
 - ii. Property tax valuation
 - iii. Loss of revenue
 - iv. Other items
 - Fire Services:
 - i. effects to service provision
 - ii. other items
 - Engineering and Operations
 - i. Services provided/potential services
 - ii. Municipal watershed impacts both inside and outside the municipal boundaries
 - iii. Traffic impacts on municipal roads both inside and outside the municipal boundaries
 - iv. Right of Ways, easements, access
 - v. Other items
 - Administration
 - i. Recreation
 - ii. Other items
 - Economic Development
 - i. Employment opportunities for DWK residents
 - ii. Other items
4. Development Services refers the document externally, dependant on site location, for comment.
5. Development Services prepares a Council Report addressing:
 - the four Areas of Negotiation;
 - benefits to create opportunities through economies of scale;
 - benefits in the reduction of the carbon footprint; and,
 - other areas identified with recommendations for Council's consideration.
6. Report considered at Regular Council meeting.