

Re: U.B.C.M RESOLUTIONS

Attached is a report from the Director of Planning regarding resolutions which are submitted to Council for referral to the U.B.C.M. which will convene its annual meeting in Vernon on September 21, 1977.

Appearing on the agenda for the May 24, 1977 meeting of Council was a request from the Lower Mainland Municipal Association for resolutions from member municipalities. Although this appears to be the first time that the Association has requested our resolutions for consideration (we heretofore have referred them directly to the U.B.C.M.) we are submitting this year's resolutions to Council at this time in order that the Association's June 10th deadline can be met.

As noted in the report, Resolutions 1, 2 and 3 were previously submitted to the U.B.C.M. but they have not been accepted by the Provincial Government and we therefore feel that they should be advanced again for consideration.

A resolution pertaining to a suggested change in the Plans Cancellation Act comparable to Resolution 4 in the Planner's report was submitted to Council as a supplementary item on September 13, 1976. It was, however, not possible for the U.B.C.M. Executive to put it before the convention which convened a few days later. Since the Provincial Government has not acted on this matter, it too is being resubmitted for consideration.

Two other resolutions which were referred by the U.B.C.M. to the Provincial Government, but not acted upon by the latter, are as follows:

(5) Ancillary Services for Health Departments

"WHEREAS the Provincial Government provides 100% funding to most Public Health Departments in British Columbia for ancillary services such as nutrition and speech therapy;

AND WHEREAS such funding for ancillary services is not extended to members of the Metropolitan Board of Health, namely, the City of Vancouver, the North Shore Union Board of Health and the Districts of Burnaby and Richmond;

THEREFORE BE IT RESOLVED that the Provincial Government be requested to provide all Public Health Departments with sufficient funds to cover the salaries of speech therapists and nutritionists that are presently on staff, and that such funding be extended to cover any additional services of an ancillary nature as may be required in the future."

(6) Off-Street Recreational Vehicles - "All-Terrain Vehicles Act"

"WHEREAS the operation of off-street recreation vehicles such as trail bikes, mini-bikes and similar machines on privately owned lands and rights-of-way is the source of much concern to various municipalities and the residents thereof;

AND WHEREAS it is deemed desirable to have this type of vehicle being governed as to registration, operation and prohibition for operation on private property without the consent of the owner;

AND WHEREAS the definition of "all-terrain vehicle" in the "All-Terrain Vehicles Act" provides:

"all-terrain vehicle" means any type of vehicle propelled by motorized power and capable of travel on or off a highway as defined in the Highway Act, and that is designated as an all-terrain vehicle by regulation;

AND WHEREAS if off-street recreation vehicles such as trail bikes, mini-bikes and similar machines were to be included in the definition of an "all-terrain vehicle" in the "All-Terrain Vehicles Act" this would then provide the necessary regulatory and enforcement powers;

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THEREFORE BE IT RESOLVED that the "All-Terrain Vehicles Act" be amended so that the definition contained therein of "all-terrain vehicle" will include by designation of off-street recreation vehicles such as trail bikes, mini-bikes and similar machines."

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It is proposed that the two preceding resolutions also be advanced again in view of the fact they have not been formally adopted by the Provincial Government.

RECOMMENDATIONS:

1. THAT this report and the subject resolutions be referred to the Lower Mainland Municipal Association and the U.B.C.M. and
2. THAT the Metropolitan Board of Health and the Associated Boards of Health (an organization which represents all the Health Departments in the Province) be advised of the re-submission of the resolution pertaining to funds for ancillary health services.

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Planning Department
May 18, 1977

TO: MUNICIPAL MANAGER
FROM: DIRECTOR OF PLANNING
RE: U.B.C.M. RESOLUTIONS

Further to the official notice of the 1977 U.B.C.M. convention, which was recently received by the municipality, the Planning Department has made a review of possible resolutions for consideration by the Council for submission to the U.B.C.M.

Three of the resolutions which were submitted by Burnaby last year proposed requirements which would appear to be covered under Bill 42, Municipal Amendment Act, 1977. These include:

- (a) The Provision of Land or Funds for Public Use in Residential Subdivisions - (Amended Section 711 -- Subdivision of Land).
- (b) The Provision of Underground Wiring and Boulevard Treatment as a Condition of Approval for New Development - (New Section 702 AA -- Development Permit Provisions).
- (c) Landscaping Covenants providing for Earth Berms and Natural Screening between Areas of Incompatible Land Uses - (New Section 702 AA -- Development Permit Provisions).

Once Bill 42 has been put into effect and in actual operation, it is possible that problems may come to light which may suggest a need for future resolutions involving certain aspects of the above mentioned matters. Meanwhile, the following resolutions are proposed for consideration by the Council:

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(1) The Provision of a Trust Fund for Required Services as a Condition of Subdivision Approval

WHEREAS the Municipal Act does not presently include provision for a municipality to hold money in trust as a condition of subdivision approval for services that cannot be constructed at the time of subdivision;

AND WHEREAS, under these circumstances, a municipality is faced with expenditures for servicing which should rightly belong to the subdivider of land;

THEREFORE BE IT RESOLVED that the Provincial Government be requested to amend Section 711 (Subdivision of Land) of the Municipal Act to provide the necessary authority for a municipality to hold money in trust to ensure the future provision of services by the developer involved in the subdivision of land.

(2) Provision for the Establishment of Building Lines along Major Streets

WHEREAS the Municipal Act empowers a municipality to regulate the siting of buildings within the various zoning districts included within its area of jurisdiction;

AND WHEREAS this authority does not presently extend to the establishment by a municipality of building lines on any land abutting on any street or road, and for providing that no building shall be erected on such land at a lesser distance from the street or road than indicated by the building line;

AND WHEREAS building lines are an effective means of providing for necessary future street widenings, designating rights-of-way which have been planned but not yet developed, protecting the traffic carrying function of a thoroughfare, and preserving the amenities of buildings along major traffic routes;

THEREFORE BE IT RESOLVED that the Provincial Government be requested to amend the Municipal Act to provide the necessary authority for a municipality to establish building lines on land abutting an existing and/or proposed major street within its boundaries.

(3) The Including of the Cost of Parking for Apartment Buildings in the Rent

WHEREAS many municipalities are experiencing excessive on-street parking in areas of apartment development, a situation which gives rise to problems of traffic congestion and increasing hazards to pedestrians;

AND WHEREAS the incentives to use the parking facilities provided by an apartment development area generally lacking due to the prevalent policy of requiring an additional fee, over and above the normal rental, for a parking space, a condition which leaves many parking spaces vacant;

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THEREFORE BE IT RESOLVED that the Provincial Government be requested to amend the Municipal Act to provide the necessary authority for any municipality which wishes to do so to require that apartment owners include the cost of off-street parking in the rent in order to encourage the use of these facilities by the apartment tenants.

(4) Provision of Compensation to Municipalities for Street Allowance Closures Involving Abutting Private Owners

WHEREAS the right of possession of every public street allowance in a municipality is vested in the municipality under the Municipal Act, subject to any right reserved by the person who dedicated such street allowance;

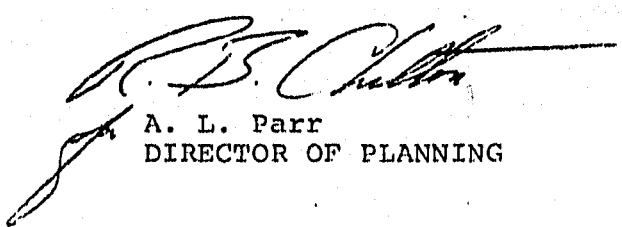
AND WHEREAS the right of possession of the land forming a public street allowance within its area represents a valuable asset of a municipality;

AND WHEREAS the Plans Cancellation Act provides for the cancellation of street allowances by cancelling or amending a plan of subdivision upon the submission of an application to the Registrar of Land Titles by owners of abutting land;

AND WHEREAS such owners of abutting land are not required to dedicate another street allowance to the municipality but add the cancelled street allowances to their abutting properties without compensation to the municipality;

THEREFORE BE IT RESOLVED that the Provincial Government be requested to amend the Plans Cancellation Act so that under Plans Cancellation proceedings compensation shall be paid to the municipality for cancelled street allowances which are obtained by the owners of abutting land.

All of the foregoing resolutions were submitted to the U.B.C.M. by this municipality in 1976. Resolution (1) is under consideration by the Province and among those to be reviewed by the U.B.C.M. Executive in respect of further action. Resolutions (2) and (3) were endorsed by the U.B.C.M. A similar resolution to item (4), dealing with the proposed amendment of the Plans Cancellation Act, was forwarded to the Province for consideration. However, none of those four resolutions have yet been enacted and have therefore been included in this report to add emphasis to their further consideration.


A. L. Parr
DIRECTOR OF PLANNING

RBC/dm

cc Municipal Clerk
Municipal Solicitor
Assistant Director — Long Range
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