

Re: U.B.C.M. RESOLUTIONS

Attached is a report from the Director of Planning on resolutions which are submitted to Council for referral to the U.B.C.M. which will convene its Annual Meeting in Penticton on 1978 September 20.

Appearing on the agenda for the 1978 May 08 meeting of Council was a request from the Lower Mainland Municipal Association for resolutions from member municipalities. This is the second year that we have been requested to forward resolutions to the Association for consideration (we had previously referred them directly to the U.B.C.M.) It will be recalled that the Association's executive will consider for endorsement all resolutions received on or before June 09.

As noted in the report (Item 3 on pages 119 and 120), two resolutions were submitted to the U.B.C.M. but not accepted by the Provincial Government; we feel that these should be advanced again in order to ensure that they remain active.

The Executive for the U.B.C.M. has advised the Manager that the Ministry of Health is corresponding with the Metropolitan Board of Health of Greater Vancouver with respect to the following resolution which has been referred to, but not accepted by, the Provincial Government:

"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."

In view of the fact that the Honourable R. H. McClelland is communicating with the Board relative to funding for Ancillary Services and the whole matter of health cost sharing, it would not be appropriate to advance this resolution again at this time. If the results of the discussions that are taking place between the Ministry of Health and the Board are unsatisfactory to us, we can then address ourselves to the next course of action to be pursued.

Following is a new resolution from the Engineering Department which is being advanced for consideration at this time:

"WHEREAS our Municipal Solicitor has advised that Section 715 (k) of the Municipal Act which permits an occupancy permit to be withheld until the building or part thereof complies with the health and safety requirements of the By-laws of the Municipality or of any statute, and

WHEREAS the Municipal Solicitor has expressed the opinion that private roads in comprehensive developments do not come under this section as a condition of health and safety and, therefore, the clause cannot be considered to be applicable to private roads in developments,

(Continued)

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MANAGER'S REPORT NO.	40
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Re: U.B.C.M. RESOLUTIONS

THEREFORE BE IT RESOLVED that the U.B.C.M. present a resolution asking for amended legislation that would permit the issuance of occupancy permits to be made dependent on satisfactory compliance with municipal specifications for the construction of private roads in comprehensive developments."

Attachment "A" contains background information on the foregoing resolution on occupancy permits.

Attachment "B" is a letter dated 1978 February 14 from the Manager to the Deputy Minister and Inspector of Municipalities. It contains background information on the resolution pertaining to the establishment of building lines along major streets.

RECOMMENDATION:

1. THAT this report be referred to the Lower Mainland Municipal Association and the U.B.C.M. with the request that the four resolutions noted therein (i.e. occupancy permits, building lines, cost of parking for apartment buildings in the rent and requirements for Public Hearing notices in the advertising or rezoning applications) be advanced for the consideration and endorsement of the delegates attending the Union's Annual Meeting on 1978 September 20 - 22.

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ITEM  
MANAGER'S REPORT NO. 7  
COUNCIL MEETING 1978 05 23 40

Planning Department  
1978 May 17

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

This report has been prepared in response to your memo of 1978 May 02 and the notice, which appeared on the agenda of the 1978 May 08 Council meeting, from the Secretary of the Lower Mainland Municipal Association with regard to the submission of U. B. C. M. Resolutions.

The Planning Department has, over the last few years, prepared a number of resolutions which have been approved by the Council and submitted to the U. B. C. M. for consideration.

The following breakdown on the status of these resolutions is based on information recently obtained from the Executive Director of the U. B. C. M. The majority of these resolutions have been proposed previously and endorsed by the U. B. C. M.

1. Resolutions which have been covered under recent amendments to the Municipal Act:
  - (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).

2. Resolutions endorsed by the U. B. C. M. and where certain specific actions have been taken or which are expected to be resolved in the near future:

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

This resolution has been the subject of meetings between the Minister of Municipal Affairs and Housing and his staff and the U. B. C. M. Executive. As a result of these discussions, the Province has expressed the view that the amended Municipal Act (Section 702 C - Development Cost Charges) is sufficiently flexible to cover this item, although this has been questioned by the U. B. C. M. Executive. However, the Province has requested a period of one year (from the end of December 1977) as a "test" period and has agreed to report back to the U. B. C. M. Executive at the end of this time.

- (b) The Broadening of the Definition of the term, "All-Terrain Vehicle" in the "All-Terrain Vehicles Act" to Specifically Include Trail Bikes, Mini-Bikes and Similar Machines -

This has been the subject of a considerable number of meetings with the Province which also involved a variety of groups and organizations (i. e. ranchers, farm groups, environmentalists, motorcycle organizations, etc.). The Ministry of Recreation and Conservation, to which the matter has been referred, has expressed concern for the use of all-terrain vehicles and stated that appropriate regulations are in the process of being developed.

- (c) The Provision of Compensation to Municipalities for Street Allowance Closures Involving Abutting Private Owners -

This resolution, which was initially put forward last year, is currently under consideration by the Province. It has been indicated that provincial officials are aware of the problems cited by the resolution and agree that there is a need for such a regulation to be included in the Plans Cancellation Act.

3. Resolutions that have been endorsed and reviewed by the U. B. C. M. Executive, and submitted to the Province for consideration, but not yet acted upon:

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

Additional information was requested on this particular resolution following a meeting between R. W. Long, Deputy Minister and

Inspector of Municipalities and C. S. J. McKelvey, Executive Director, U. B. C. M. This was included in a letter from the Municipal Manager to Mr. Long on 1978 February 15. However, nothing further has been reported on the matter.

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

No further action has been taken on this resolution which was originally proposed in 1972.

4. Proposed new resolution - background:

- (a) The Revision of the Present Requirements for Public Hearing Notices in the Advertising of Rezoning Applications -

The Council on 1978 January 23 adopted the recommendations of the report: "Rezoning Application Fees/ Proposed Zoning By-law Amendments". These recommendations included provision for an increase in the basic fee for a rezoning to \$580.00 for the first 5,000 m<sup>2</sup> or less of land included in such application, plus \$5.00 for each 100 m<sup>2</sup> or part thereof. The purpose of this proposal, which was subsequently incorporated into the Burnaby Zoning By-law regulations, was to meet the increased costs incurred in the advertising required in the notification of the public under the current provisions of the Municipal Act.

More specifically, it was noted that of the \$44,000.00 allocated for advertising costs in the 1977 municipal budget, \$30,000.00 or approximately 77 percent of this total advertising figure had already been expended by the end of October.

Arising from the initial consideration of this matter, the Council adopted a motion "That a resolution be submitted to the U. B. C. M. to have the Municipal Act - Public Hearing Regulations changed so that we are not going to incur these large costs for advertising. If the resolution was adopted by the Provincial Government a reduction in municipal rezoning fees could be effected."

It was further resolved "That a copy of this report go forward to the Minister of Municipal Affairs to show him the additional costs he has caused the developer and the end user to pay in our community due to the changes in the Municipal Act - Public Hearing Regulations."

The three resolutions included under heading #2 are being reviewed by the province at the present time and it is considered that little would be gained from repeating their submission to the U. B. C. M. On the other hand, there could well be advantages to the inclusion of the two items mentioned under heading #3 in order to keep them "active".

The following resolutions are proposed for consideration by the Council for submission to the U. B. C. M.

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(1) 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.

(2) 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;

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.

(3) The Revision of the Present Requirements for Public Hearing  
Notices in the Advertising of Rezoning Applications

WHEREAS the Municipal Act presently requires that Public Hearing Notices on any proposed amendments to the Zoning By-law having the effect of rezoning an area of a municipality from one zone to another be mailed or otherwise delivered to the occupiers of all real property within the area that is subject

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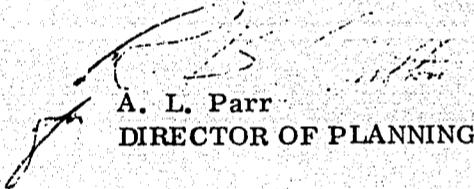
to the rezoning, and within a distance specified in a municipal by-law from the area that is subject to the rezoning;

AND WHEREAS this procedure also requires the placing of such a notice, for either the rezoning of land or a zoning by-law text amendment, in not less than two consecutive issues of a newspaper published or circulating in a municipality;

AND WHEREAS the recent amendments to the Municipal Act specify the minimum width, the thickness of the border, the size and type of lettering of a Public Hearing Notice that is placed in a newspaper;

AND WHEREAS these new requirements increase considerably the cost of advertising Public Hearing Notices to a municipality and, through the rezoning fee which will reflect these charges, to the applicant, without increasing the coverage provided to the general public;

THEREFORE BE IT RESOLVED that the Provincial Government be requested to amend the Municipal Act to delete the regulations prescribing the form and style of printing of Public Hearing Notices under Section 703 (Notice of Public Hearing Regulations).

  
A. L. Parr  
DIRECTOR OF PLANNING

RBC/hf

- c. c. - Chief Building Inspector  
Municipal Clerk  
Municipal Engineer  
Municipal Solicitor  
Assistant Director - Long Range  
Planning and Research

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ATTACHMENT " A "

Following is background information on the resolution requesting amended legislation to permit the issuance of occupancy permits to be made dependent on satisfactory compliance with municipal specifications for the construction of private roads in comprehensive developments.

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There are many means at the disposal of a municipality to require satisfactory completion of servicing requirements on dedicated road and lane allowances and on easements granted in its favour; these works are owned by a municipality upon satisfactory completion to municipal standards and specifications, and are thereafter maintained by the municipality. These types of works are generally referred to in comprehensive developments as "external servicing". The most common forms of control available for use in these situations are Land Use Agreements, Subdivision Servicing Agreements and the provision of adequate bonding to cover provision of those services, usually (at least currently) in the form of an irrevocable letter of credit.

As opposed to "external servicing" in comprehensive (Strata Title) developments, there are what are commonly referred to as "internal servicing" requirements. These works (roads, sewers, water, lighting, hydrants, and so on) do not exist on road or lane allowances, nor on Corporation easements, but rather, form an integral part of complete internal servicing in the same way that a driveway, a water connection and a sewer connection provide internal servicing to a single family residence. The scale (i.e. size of pipes, etc.) are larger because of the considerably greater number of living units being served. There are several problems with "internal servicing", at least two of which are internal to any given municipality and can be solved "in house"; these are the establishment of reasonable standards and specifications for internal work and the question of which department is going to inspect these works for adherence to those chosen standards and specifications. There is however, a more basic problem than this, and that is the apparent lack of "teeth" in the Municipal Act to back-up the Municipalities' requests with respect to internal servicing; Burnaby's Municipal Solicitor has advised that authority for enforcement of standards and specifications for internal servicing is not presently contained within the Municipal Act and it is Burnaby's recommendation that the most feasible way of achieving the desired authority is to make the satisfactory internal servicing a condition before issuance of the occupancy permit.

Mr. R. W. Long,  
Deputy Minister and Inspector of Municipalities,  
Ministry of Municipal Affairs and Housing,  
Province of British Columbia,  
Parliament Buildings,  
Victoria, B.C. V8V 1X4

ATTACHMENT "B"

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Dear Sir:

Re: Building Lines Resolution No. B-4: Burnaby

This is in response to a letter of 1978 February 10, from Mr. C.S.J. McKelvey, Executive Director, U.B.C.M., referring to his meeting with you on February 06 and suggesting that we provide you with additional information concerning Burnaby's building lines resolutions of 1975, 1976 and 1977.

Under existing zoning regulations, yard setbacks are established for buildings and structures from the property lines of a lot. These setbacks will vary from one district to another but are normally common to all permitted uses within each zoning district category. There are cases, however, particularly along major traffic routes, where additional setbacks are desirable. In such instances the established yard setbacks would be measured from the prescribed building line rather than from the boundaries of the lot.

If a municipality has a major street plan and thus knows at the present time which streets will need to be widened in the future, it is in a good position to realize economies through the establishment of building lines for future widenings. Under this procedure, the municipality establishes a building line along one or both sides of a street and thus prevents the erection of any new structure between the building line and the street. Examples of streets in Burnaby where building lines were established in the past include Kingsway, Lougheed Highway, Hastings Street and Boundary Road.

When a building line lies within the lot area occupied by an existing structure nothing happens for the time being, but if the owner of that building tears it down and replaces it with a new structure he is required to erect the building back of the line. When the municipality is ready to widen the street it would purchase the remaining rights in the land lying between the building line and the existing street line. The officially established rights-of-way of major street connections,

extensions, new streets and highways, may be similarly protected against new substantial structures or the major reconstruction of existing buildings. There is, in fact, no difference in principle between the two types of building lines - those established along existing streets for the purpose of facilitating their widening, and those designating rights-of-way of planned but not yet developed thoroughfares. Both are reservations for the purpose of protecting the rights-of-way of needed streets in a municipality.

Building lines, by providing an increased setback, also serve to maintain the traffic moving functions of a thoroughfare and protect the amenities of buildings along major traffic routes. As an alternative to building lines and to serve these functions, this municipality has employed Residential Zoned strips adjacent to industrially zoned areas along certain sections of Lougheed Highway (45 to 60 ft.) and Douglas Road (60 ft.). Such strips are, in most cases, located opposite to residential areas and serve to ameliorate what could otherwise be an incompatible situation. It is intended that these would be replaced by building lines should the necessary authority be provided in the Municipal Act.

We trust that the foregoing will be of assistance in the further consideration of this matter. Please advise if you have any questions or additional information is required.

Yours truly,

Melvin J. Sholley,  
MUNICIPAL MANAGER.