

ITEM 24  
MANAGER'S REPORT NO. 39  
COUNCIL MEETING 91/06/17

TO: MUNICIPAL MANAGER  
1991 June 12

FROM: DIRECTOR PLANNING &  
BUILDING INSPECTION  
Our File: 01.250

SUBJECT: 1991 U.B.C.M. RESOLUTIONS

PURPOSE: To present for Council's consideration four resolutions for submission to the 1991 U.B.C.M. Convention, and to provide a brief update of active resolutions previously submitted by the Municipality of Burnaby.

**RECOMMENDATIONS:**

1. THAT Council approve the submission of the resolutions contained in Section 2.0 of this report to the 1991 U.B.C.M. Convention.
2. THAT a copy of this report be forwarded to the U.B.C.M., Suite 15, 1055 Shelbridge Way, Richmond, B.C., V6X 2W9.

**R E P O R T**

**1.0 SUMMARY**

This report presents for Council's consideration four resolutions proposed to be submitted to the 1991 U.B.C.M. Convention requesting amendments to the Municipal Act and/or other provincial legislation/policies concerned with:

- municipal zoning and the provincial licencing of group homes
- protection and management of trees on private property
- purchase of factory designed alternate fuel vehicles
- revenue sharing for bicycle and walkway transportation systems.

This report also provides a brief status of those active resolutions previously adopted by Council and the U.B.C.M., but which have not yet been addressed by Provincial legislation.

**2.0 NEW RESOLUTIONS FOR THE 1991 U.B.C.M CONVENTION**

**2.1 Municipal Zoning and Provincial Licencing of Group Homes**

In recent years, the number of group homes being established within municipalities has increased significantly as a result of the Provincial policy of deinstitutionalization. Burnaby, as a centrally located municipality within the Vancouver Metropolitan Area, has been the recipient of a number of recent group home developments. The existing legislation under the Community Care Facility Act does not make allowances for municipal zoning in the licencing of group home facilities. In order to help facilitate the integration, neighbourliness and community acceptance of these facilities, there needs to be an improved meshing of municipal bylaws within the group home licencing process. In this way, municipal zoning can be used as an instrument to assist the placement of group homes within the community.

Resolution

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WHEREAS the number of group homes has increased dramatically in recent years particularly in the urban metropolitan areas due to the Provincial policy of deinstitutionalization; and

WHEREAS the Community Care Facilities Act authorizes the Provincial Licensing Board to licence group homes with up to 6 residents, plus staff, without regard to municipal bylaws; and

WHEREAS municipal zoning can be used as a mechanism to promote better community integration, neighbourliness and acceptance of group homes and thus help achieve the aims of the Province, client groups, and the affected municipalities;

THEREFORE BE IT RESOLVED THAT a committee comprised of Provincial, Municipal and U.B.C.M. officials, together with any other interested parties, be struck to prepare recommendations on the improved integration of municipal bylaws within the group home licencing process.

2.2 Protection and Management of Trees on Private Property

The urban forest is a dominant feature of many British Columbia municipalities which should be a lasting legacy for future generations. The aesthetic value of the forest in British Columbia is undisputed. In developed and urban areas, trees also play important roles in the health of communities including: absorbing carbon dioxide, a greenhouse gas; producing oxygen; providing shade and absorbing heat; acting as windbreaks; preventing soil erosion and stabilizing soil; controlling surface run-off; buffering noise; and providing natural settings for recreational activities.

The ecological integrity of urban forests is threatened by continuing urban development. In many municipalities, citizens have expressed concern and frustration over the destruction of trees within their municipalities, both on public and private lands. Increasingly, British Columbia municipalities are recognizing the urban forest as a valuable resource to be protected and enhanced. However, under existing legislation, municipal authority relating to trees on private property is limited to watercourses and lands considered hazardous. Thus, a significant portion of the urban forest resource is subject to the wishes of the individual owner and not subject to community wide regulation or protection.

### Resolution

WHEREAS the urban forest is a valuable resource that contributes significantly to the overall aesthetic value and environmental health of municipalities in British Columbia; and

WHEREAS protection and management of the urban forest can enhance its value and ensure its long term contribution to environmental health for future generations; and

WHEREAS a significant portion of the urban forest is located on private property and under existing legislation not subject to municipal policies and regulations;

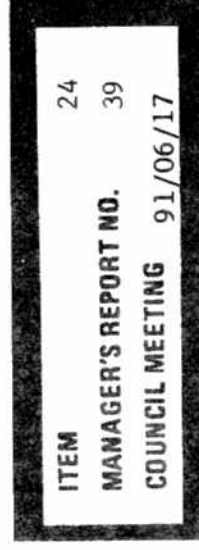
THEREFORE BE IT RESOLVED THAT enabling legislation be granted to provide municipalities the authority to become involved in the protection and management of the urban forest on private lands.

### 2.3 Purchase of Factory Designed Alternate Fuel Vehicles

Gasoline and diesel powered vehicles are major contributors to air quality problems in British Columbia. In the Lower Mainland, gasoline powered automobiles are the largest contributors to declining air quality which fails to meet federal standards during the summer months. In an effort to reduce the negative air quality impacts associated with vehicle operation and show responsible leadership, some British Columbia municipalities have converted portions of their vehicle fleets to less polluting alternate fuels such as natural gas or propane by retrofitting these vehicles. Many vehicle fleets have also been all or partially converted to alternate fuels.

Certain types of vehicles used in municipal operations are not well-suited for post-manufacturing conversion to alternate fuels. The engine power of heavy trucks may be reduced by up to 40 percent as a result of conversion. Thus conversion to alternate fuels is not technically feasible for heavy trucks, requiring factory designed alternate fuel systems to meet operating requirements. Similarly, while subcompact passenger vehicles which are common in many vehicle fleets can be converted to alternate fuels, the fuel tanks must be installed in the trunk space or back seat resulting in the loss of storage and passenger space. A factory designed alternate fuel vehicle could overcome this problem.

In British Columbia, factory designed vehicles that utilize alternate fuels are not commercially available, so vehicles (new and used) must be retrofitted with the appropriate equipment at considerable additional cost in order to use less polluting alternate fuels. The Canadian automobile industry manufactures some factory designed alternate fuel vehicles in Texas and California, but, to date these vehicles have not been available in British Columbia. In order to encourage the development of a market for factory designed alternate fuel vehicles in British Columbia, a large province-wide purchasing pool for these vehicles should be established and used as a forum to urge the automobile industry to produce factory designed alternate fuel vehicles for the British Columbia market.



Resolution

WHEREAS in British Columbia gasoline and diesel powered vehicles are known to be the single largest contributors to declining air quality, especially in the Lower Mainland area; and

WHEREAS many municipalities, provincial agencies, Crown corporations and private companies are attempting to show leadership in reducing the negative impacts of their vehicle fleets on air quality by converting vehicles to less polluting alternate fuels; and

WHEREAS factory designed alternate fuel vehicles are not commercially available in British Columbia and can only be produced by a costly retrofitting procedure;

THEREFORE BE IT RESOLVED THAT the Provincial Government, in conjunction with the Union of British Columbia Municipalities, undertake to assemble a province-wide vehicle purchasing pool plan involving municipalities, provincial agencies, crown corporations, private companies and other interested parties that operate vehicle fleets with the intent of establishing a sufficient demand to enable the automobile industry to produce factory designed alternate fuel vehicles for the British Columbia market.

**2.4 Revenue Sharing for Bicycle and Walkway Systems**

In 1990, Burnaby Council adopted a conceptual plan for the development of an Urban Trail System in the municipality. Apart from its recreational value, Council very much sees the establishment of a continuous, municipal-wide primary trail system as a means of facilitating walking and cycling as an attractive alternate means of transportation. The Urban Trail System, when completed will have a length of 75 kilometres and link major facilities within the municipality. It will also have the potential to be integrated into a regional urban trail transportation system serving pedestrians and cyclists. As with the existing B.C. Parkway trail along the SkyTrain route, the Urban Trails will also serve to provide convenient access to public transit systems.

To operate as a practical alternative to the use of the automobile, the Urban Trail System must be developed to a relatively high standard to ensure that they will attract users and thus function as an effective transportation corridor. While Provincial funding is available to municipalities for conventional transportation projects involving roadways, similar funding is not currently available for the development of projects relating to bicycle and walkway systems.

Resolution

WHEREAS bicycling and walking are viable means of transportation as clean, pollution-free alternatives to the use of the automobile; and

WHEREAS the development of an appealing continuous bicycle and pedestrian system connecting key facilities will provide functional and efficient transportation corridors within and between municipalities; and

WHEREAS the development and use of facilities for bicycling and walking would help reduce the need for future road capacity and could complement and enhance the use of public transit;

THEREFORE BE IT RESOLVED THAT that the Ministry of Municipal Affairs, Recreation and Culture, in conjunction with the Ministry of Transportation and Highways, initiate a revenue sharing program to assist Municipalities with the development of bicycle and walkway transportation projects within the context of an overall municipal system.

### 3.0 STATUS OF ACTIVE PAST RESOLUTIONS

The following provides an update of active past U.B.C.M. Resolutions submitted by the Municipality of Burnaby for the information of Council.

#### **3.1 Recycling and Packaging Composite Resolution**

The Municipality of Burnaby submitted a Resolution to the 1990 Convention regarding the enactment of appropriate legislation and/or policies to encourage the use of recycled materials and to require public agencies to give preference to suppliers of goods and materials that include a suitable component of recycled materials in their products. Burnaby's Resolution was endorsed and included in a composite Resolution incorporating a number of requests from other Municipalities supporting local government involvement in recycling.

Through involvement with both the private and public sectors, the Ministry of Environment has set an objective of reducing the amount of municipal refuse by 50 percent in the next ten years through a comprehensive strategy that will ultimately involve "life-cycle" planning for all products and packaging used in British Columbia. The Ministry has indicated that it will be working with both industry and the public sector to develop purchasing policies that recognize the advantage of recycled materials.

The Ministry has stated that for those sectors which reject involvement in a co-operative partnership program, there will be no hesitation to consider regulatory measures that will require the use of secondary materials.

Progress on these initiatives will be reported in subsequent reports on U.B.C.M. Resolutions.

#### **3.2 Rental Zoning**

Introduced in 1990, this Resolution sought to encourage an increase in the current and future supply of rental housing by granting Municipalities the legislative authority to regulate land use, if they so choose, on the basis of tenure. The Resolution was endorsed at the 1990 Convention.

The Ministry of Municipal Affairs, Recreation and Culture has reviewed this matter and is of the view that it "would involve a direct intervention into the market and present numerous administrative and fairness issues". The Province has indicated that alternatives which provide incentives for affordable rental housing are being explored and that tenure could be secured through covenants on titles in response to those incentives.

The Ministry is not pursuing possible amendments to Section 963 of the Municipal Act to authorize Municipalities to regulate residential tenure.

### 3.3 Municipal Tax Exemptions

This Resolution requested an amendment to Section 400 of the Municipal Act that would allow Municipalities to grant permissive tax exemptions for non-profit organizations leasing facilities within municipally owned buildings. Presently, this capability exists only for non-profit organizations occupying buildings owned by the School Board.

The Ministry of Municipal Affairs, Recreation and Culture concurs with the intent of this request and is prepared to consider the necessary amendments to the Municipal Act in the next review of the legislation.

### 3.4 Standards of Maintenance Bylaw

This Resolution called for an amendment to the Municipal Act to enable Municipalities to enact bylaws prescribing the standards of maintenance and occupancy of residential buildings. Such a bylaw would ensure appropriate living standards in rental accommodation and the timely and adequate completion of basic repairs in conformity with accepted health, fire and building requirements.

The Ministry has stated that it is unaware of specific problems which would warrant enabling legislation. The Ministry has, however, indicated a willingness to discuss this issue further with the U.B.C.M. to determine more specifically the prevailing issues and whether or not legislation is warranted.

### 3.5 Development Cost Charges for Social Amenities

This Resolution requested an amendment to Section 985 of the Municipal Act to authorize Municipalities to collect development cost charges for child care facilities and other social facilities and amenities as deemed necessary by the municipality. This reflected the view that developers should contribute their "fair share" towards the community costs associated with their developments.

The U.B.C.M. received other Resolutions on this matter from a number of Municipalities. The Resolutions were referred to the Resolutions Committee of the U.B.C.M. to develop a comprehensive policy on development cost charges for submission to the 1991 Convention.

Municipal staff attended a workshop on this matter on 1991 June 5, which was organized by the Resolutions Committee and attended by representatives of Municipalities, the Ministry of Municipal Affairs, Recreation and Culture, the private sector development industry and others. There was a thorough discussion of both the needs of municipalities and the views of the private sector in relation to this matter.

The Committee will be formulating its position in July of this year with the intention of presenting its recommendation to the 1991 Convention in September.

### 3.6 Provision of Compensation to Municipalities for Street Closures

Endorsed by the U.B.C.M. in 1979 and 1983, this issue was brought up for reconsideration in 1987 at the Premier's Conference on decentralization. A proposal to assign municipalities title to municipal roads and allow road abandonments at the discretion of Municipal Councils remains in the hands of the Ministry of Municipal Affairs, Recreation and Culture for implementation. No progress has been made on this matter in the past year.

### 3.7 Broadening of the Definition of the Term "All-Terrain Vehicle" in the All-Terrain Vehicle Act

A submission has been prepared for Cabinet recommending that all-terrain vehicles be registered and that new enforcement regulations be introduced. No decision has been made by Cabinet on what policy should be adopted.

### 3.8 Provision of Sprinklers in New Buildings over Three Storeys in Height and 6,500 Square Feet in Area

The 1990 National Building Code has been released and no provision has been made in it to require sprinklers in most buildings as suggested in the Resolution. The Provincial Government is undertaking a review of the B.C. Building Code to ensure general consistency with the National Code. This review provides an additional opportunity to put forward recommendations concerning sprinklers in new buildings over a specified size and height. Unless otherwise directed, staff will forward the Municipality's position on this matter to the B.C. Building Code Advisory Committee.

### 3.9 Strata Plans for New and Unoccupied Buildings


This Resolution was first sponsored by Burnaby in 1983 and again in 1987 to ensure that municipal bylaws are not made ineffectual by excluding municipal approval of strata applications for new and unoccupied buildings.

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The Ministry of Finance and Corporate Affairs prepared a discussion paper in 1990 October outlining proposed changes to the Condominium Act. Included in the proposed changes was an amendment that would require a strata developer to obtain confirmation from the host municipality that a planned strata development conforms to prevailing zoning bylaws. Such an amendment, when finally approved, will adequately address the concern raised in the Resolution.

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A.L. Parr  
DIRECTOR PLANNING &  
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JSB/mm

cc: Chief Building Inspector  
Acting Director Finance  
Municipal Solicitor  
Medical Health Officer  
Director Recreation & Cultural Services  
Purchasing Agent