

ITEM 18
MANAGER'S REPORT NO. 42
COUNCIL MEETING 92/06/15

TO: ACTING MUNICIPAL MANAGER 1992 June 09
FROM: DIRECTOR PLANNING & BUILDING Our File: 01.250
SUBJECT: 1992 U.B.C.M. RESOLUTIONS

PURPOSE: To present for Council's consideration three resolutions for submission to the 1992 U.B.C.M. Convention and to provide an 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 1992 U.B.C.M. Convention.
2. THAT a copy of this report be forwarded to the U.B.C.M., Suite 15, 1055 Shellbridge Way, Richmond, B.C., V6X 2W9.

R E P O R T

1.0 SUMMARY

This report presents for Council's consideration three resolutions proposed to be submitted to the 1992 U.B.C.M. Convention requesting amendments to the Municipal Act and/or other provincial legislation/policies concerned with:

- placement of Provincial group homes and the establishment of a special needs residential facilities data base;
- increasing road right-of-way dedications under subdivision; and
- disabled parking enforcement.

This report also provides a 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 1992 U.B.C.M CONVENTION

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2.1 Provincial Group Home and Special Needs Residential
Facility Data Base

In 1989, the Provincial Government introduced an amendment to the Community Care Facility Act which effectively removed municipal zoning authority over group homes having 6 or fewer residents. Rather than recommending that Burnaby remove the provisions for group homes from the Zoning Bylaw, staff sought and obtained Council's authorization to develop a voluntary policy for the planning and development of group homes in Burnaby. To this end, staff have been meeting with Provincial ministry staff and others since 1989 February. We expect to report to the Community Issues & Social Planning Committee and Council with a recommended Municipal group home policy later in the year.

Two issues have emerged from the consultation process which are the focus of the UBCM resolution below. First, the Ministry officials are meeting with staff on a strictly voluntary basis. They are under no obligation to participate in the process or adhere to the forthcoming policy provisions. To address this concern, the proposed resolution calls upon the Province to require relevant ministries, as a matter of policy, to consult with municipalities in the planning of group homes and other community based residential facilities.

Second, it has become apparent that when seeking locations for new group homes, the ministries have limited awareness of where group homes funded by other ministries are located. The proposed UBCM resolution seeks to facilitate future planning efforts by calling upon the Province to establish and maintain a comprehensive, province-wide data base on group homes, foster homes, and other community based residential developments.

Resolution

WHEREAS the Province has been actively pursuing a policy of phasing out large scale institutions for people with mental health problems, mental handicaps, and other special needs, with these populations being increasingly accommodated in group homes and other community based residential settings, and

WHEREAS group homes and other community based residential facilities are often established with little or no consultation with municipalities, and

WHEREAS many municipalities are willing to assist Provincial ministries and non-profit societies in finding suitable locations for, and improving neighbourhood integration of, group homes and other community based residential developments,

THEREFORE BE IT RESOLVED THAT the Provincial government direct appropriate ministries to consult with local governments, as a matter of policy, regarding plans to establish group homes and other community based residential facilities, and

THEREFORE BE IT FURTHER RESOLVED THAT the Provincial Government assist planning efforts by developing and maintaining a comprehensive data base which contains information on group homes, foster homes, and other community based residential developments throughout B.C..

2.2 Road Dedications from Subdivisions

Both the Province and Municipalities require appropriate legislative authority to obtain rights-of-way for road purposes in conjunction with land development. While the provisions of the Municipal Act do not restrict the amount of land which can be dedicated for roads under a rezoning, the Act does prescribe a limit for the dedication of property for highways purposes under subdivision up to a maximum width of 20m.

This 20m limit was appropriate to the development of roads to a two lane standard with parking and sidewalks. It does not however provide sufficient right-of-way to accommodate current or future transportation demands occasioned by mounting pressure from the public to ensure that highways meet current transportation, environmental and social objectives, while minimizing the costs of right-of-way acquisition. In many instances, these demands dictate the development of four lane roads with separation of pedestrians from traffic, landscaped boulevards and provision for buses and cyclists. It is therefore considered necessary that appropriate changes to the Municipal Act be made to enable the maximum dedication for roadway purposes to be increased from 20m to 25m in conjunction with the subdivision of property.

Resolution:

WHEREAS Municipalities require the dedication of property for road purposes in conjunction with the subdivision of land for development and Section 995 of the Municipal Act limits the dedication of property for highways purposes to a maximum of 20m (66 ft.), and

WHEREAS 20m (66 ft.) does not provide sufficient right-of-way, in certain instances, to meet current or future provincial and municipal road requirements and standards including provision for buses, cyclists and pedestrians,

THEREFORE BE IT RESOLVED THAT the Union of British Columbia Municipalities request the Province to revise Section 995 (1) and 995 (2) of the Municipal Act to increase the maximum width of right-of-way for a roadway, under defined criteria, within a subdivision or bordering a subdivision from the current 20m to 25m.

2.3 Disabled Parking Enforcement

The Burnaby Municipal Council has become increasingly concerned about the lack of enforcement of illegal parking in disabled parking areas.

Currently, Disabled Persons Parking Regulations under the Motor Vehicle Act can only be enforced by "peace officers" which do not include Municipal Bylaw Enforcement Officers. Burnaby RCMP respond to requests for enforcement of properly marked disabled persons parking spaces on a demand basis, and assign priority in relation to other requests for RCMP assistance.

Discussions with the RCMP and other groups concerned with improving access for persons with disabilities have led to the suggestion of an amendment to the Motor Vehicle Act and the Municipal Act to grant Municipal Bylaw Enforcement Officers authority to issue traffic tickets for the misuse of disabled persons parking spaces.

This would increase the effectiveness of existing Motor Vehicle Act Regulations regarding enforcement of disabled persons parking by allowing Municipal Bylaw Enforcement Officers to issue Provincial traffic tickets for this offence on streets, public and private property as part of their regular patrol duties.

Council approved the submission of a U.B.C.M. resolution requesting such an amendment to the Motor Vehicle Act and the Municipal Act at its meeting of 1992 May 19.

Resolution:

WHEREAS the provision and proper use of designated disabled parking is regarded as an important community objective, and

WHEREAS there has been an increasing public and municipal concern regarding the misuse and lack of routine enforcement of disabled parking spaces and Municipal Bylaw Officers' would provide the most appropriate means for increased enforcement,

THEREFORE BE IT RESOLVED THAT the Provincial Government be requested to make the necessary amendments to the Motor Vehicle Act and the Municipal Act to enable enforcement of existing disabled parking regulations by Municipal Bylaw Officers.

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 (B23) Protection and Management of Trees on Private Property

This resolution recognized that the urban forest is a dominant feature of many British Columbia municipalities that is being threatened by continuing urban development. Enabling legislation was being sought to provide municipalities the authority to become involved in the protection and management of the urban forest on private lands.

This resolution was endorsed at the 1991 UBCM Convention. The UBCM has advised that the Provincial Government in its preliminary comments appears to be supportive of local governments concerns in this area and is looking at different options available. The UBCM is actively pursuing this issue with Ministry staff.

3.2 (B58) Purchase of Factory Designed Alternate Fuel Vehicles

The submission of this resolution in 1991 was based on the fact that 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.

It was submitted that 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 alternate fuel vehicles for the British Columbia market.

This resolution was adopted at the 1991 Convention. The UBCM Executive has met with the Minister of Government Services on this issue. The Provincial Government is supportive of this type of initiative and together with the UBCM is investigating implementation alternatives.

3.3 (B54) Revenue Sharing for Bicycle and Walkway Systems

This resolution recognized that while Provincial funding is available to municipalities for conventional transportation projects involving roadways, similar funding is not currently available for the development of alternate transportation modes involving projects relating to bicycle and walkway systems. The resolution requested that the Provincial Government initiate a separate revenue sharing program to assist municipalities with the development of bicycle and walkway transportation projects within the context of an overall municipal system.

A resolution on this matter was endorsed at the 1991 Convention. The Provincial Government has indicated that a study on bicycle systems is underway and that a decision on the issue of funding will not be made until it is completed.

3.4 (C31) Surplus Pet Population

This resolution responded to a request of support from the B.C. S.P.C.A. to a draft resolution seeking support from the UBCM for any programs involving the spaying and neutering of dogs and cats in order to reduce the surplus pet population problem and the associated suffering and destruction of animals.

The resolution was endorsed by the Convention and referred to a similar resolution (B74) on the same issue.

3.5 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.

The Provincial Government has introduced new amendments to the Waste Management Act (Bill 29) which, amongst other initiatives, would provide greater authority to require that a portion of a product be composed of recyclable material.

3.6 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 currently pursuing possible amendments to Section 963 of the Municipal Act to authorize municipalities to regulate residential tenure.

3.7 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 Provincial Government has introduced new amendments to the Municipal Act (Bill 47) which, when enacted, will address the concerns raised in this Resolution.

3.8 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 UBCM to determine more specifically the prevailing issues and whether or not legislation is warranted.

3.9 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 presented a recommendation to the 1991 Convention which was endorsed (Resolution A20) and has been forwarded to the Provincial Government for consideration.

3.10 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. While no progress has been made on this matter in the past year, the UBCM is actively pursuing this issue with Ministry staff.


3.11 Broadening of the Definition of the Term "All-Terrain Vehicle" in the All-Terrain Vehicle Act 159

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.

3.12 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.

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.


JSB/mm


A. J. Parr, Director
PLANNING AND BUILDING

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