

ITEM	17
MANAGER'S REPORT NO.	37
COUNCIL MEETING	93/06/07

TO: CITY MANAGER 1993 JUNE 02

FROM: ACTING DIRECTOR PLANNING & BUILDING OUR FILE: 01.250

SUBJECT: 1993 U.B.C.M. RESOLUTIONS

PURPOSE: To present for Council's consideration a resolution for consideration at the 1993 U.B.C.M. Convention and to provide an update of active resolutions previously submitted by the City of Burnaby.

RECOMMENDATIONS:

1. **THAT** Council approve the submission of the resolution contained in Section 2.0 of this report to the 1993 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.

REPORT

1.0 BACKGROUND

Each year consideration is given to the need for resolutions to be submitted to the U.B.C.M. Convention requesting amendments to the Municipal Act and/or other provincial legislation/policies. The Environment and Waste Management Committee has already submitted a proposed resolution to Council, which was approved at its meeting of 1993 May 17, dealing with recycled content and excessive packaging.

One other resolution concerning proposed changes to enable the Ministry of Transportation and Highways to contribute to the funding of off-road improvements adjacent to provincial highways in established urban areas is presented for the consideration of Council

There are a number of proposed legislative amendments that have been identified as part of the work as related to Council's affordable housing initiatives. These have been the subject of previous submissions to the U.B.C.M. as well as the Provincial Commission on Housing Options. The Commission's report has 57 recommendations that have been made to the provincial Government, many of which relate to legislative amendments to give municipalities a greater range of planning tools to help accomplish the development and preservation of affordable housing. Specific resolutions concerning these proposed amendments are not being advanced by staff at this time, given their inclusion in the Commission's report to the province.

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This report also provides a status of those active resolutions previously adopted by Council and the U.B.C.M., and which are still active but not yet been the subject of provincial legislation.

2.0 NEW RESOLUTION FOR 1993 U.B.C.M. CONVENTION

2.1 Inclusion of Mitigation Measures In Provincial Highway Improvements in Urban Areas

In future years, major improvements to the highway system in the Lower Mainland will be required to meet the demands of anticipated growth. The existing Highways Act and pursuant guidelines for cost sharing of capital costs with municipalities however restrict the Province's share of highway costs to the development of the road between the curbs. Essential project components required to meet the broader requirements of developing a highway in an urban area such as mitigation measures, provision for pedestrians, fencing and landscaping become municipal costs. As these off-road improvements are legitimate requirements in contemporary terms and the capability to accept these costs varies amongst these municipalities and thus resulting in an inconsistent standard of highway development in urban areas, the following resolution is proposed:

WHEREAS the improvement of the provincial highways system in the Lower Mainland will necessitate special provisions for developing highways in urban areas, such as noise mitigation measures, screening, fencing, and other off-road improvements;

WHEREAS the Highways Act and pursuant guidelines for cost sharing allocate these costs to the affected municipality which creates an inconsistent standard of provincial highway development amongst municipalities;

THEREFORE BE IT RESOLVED THAT the Province be requested to amend the legislation and guidelines governing the development of the provincial highway system in the Lower Mainland to allow for the provincial funding of special off-road mitigation measures considered necessary in urban areas.

3.0 STATUS OF ACTIVE PAST RESOLUTIONS

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

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1992 RESOLUTIONS

3.1 (B8) Disabled Parking Enforcement

This Resolution was submitted in 1992 in response to Council's increasing concern about the lack of enforcement of illegal parking in disabled parking areas. Discussions are presently underway between the Ministry of Attorney General, Ministry of Government Services and the Ministry of Municipal Affairs, Recreation and Housing regarding ways to improve the enforcement of disabled parking regulations. Legal opinions are being sought regarding the legislative changes required to enable local bylaw government bylaw officers to enforce disabled parking regulations. The Ministry of Attorney General is seeking cabinet approval to make necessary changes to the Motor Vehicle Act and Regulations for the 1993 Spring sitting of the Legislative Assembly.

3.2 (B50) Community Care Facilities

This Resolution was also submitted in 1992 and requested the Province, notwithstanding the provisions of the Community Care Facilities Act, to consult with local governments regarding plans to establish group homes and other community based residential facilities and to develop a data base containing information on group homes and other residential institutional uses through out the Province.

The Ministry of Health has indicated that they are looking at developing a more comprehensive planning process for the location of mentally and physically handicapped care facilities in local communities. Towards this end, City staff have been working with the Ministry towards developing a mutually agreeable process. The Community Care Facilities Branch is collecting data on all licenced residential care facilities and has indicated its willingness to provide data to the City as required.

3.3 (B52) Road Dedications

This Resolution, introduced in 1992, sought changes to the Municipal Act to enable the maximum dedication for roadway purposes to be increased from 20m to 25m in conjunction with the subdivision of property.

In reviewing this matter, the Ministry of Municipal Affairs, Recreation and Housing is of the opinion that the amount of land required for roadways already places significant pressure on limited land bases in some areas of B.C.. It is felt that more efficient and effective uses of land, and development of transit "friendly" densities should be encouraged. Where wider road right-of-way will serve this end, the Ministry considers this resolution supportable. It is their opinion, however, that wider rights-of-way should not be allowed in single family lot subdivisions.

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The Ministry has requested some points of clarification concerning the resolution, which is being forwarded to them.

3.4 (LR4) Ban the Distribution and Sale of the "Serial Killer Board"

Council initiated this Resolution in response to the offering for sale a "Serial Killer Board Game - 1st Edition" and to request the Provincial Government to use its authority to stop the distribution and sale of this product.

The Ministry of Attorney General has advised that there is no provincial regulatory scheme in British Columbia which controls the distribution of this type of product. Until such a time as a specific complaint about this product is made to the police and an investigation completed and submitted to Crown Counsel, the Ministry is unable to comment whether this product is "obscene" as defined in the Criminal Code.

Recommended actions as advanced by the Ministry include:

- exploring the possibility of regulating sale and distribution of the game by consumer legislation through the Ministry of Labour and Consumer Services,
- bringing the concerns about the distribution and sale of this product to the attention of the federal government with a view to prohibiting its importation into Canada, and
- bringing complaints received about the game to the attention of local police.

OTHER ACTIVE RESOLUTIONS

3.5 (B54) Revenue Sharing for Bicycle and Walkway Systems

This Resolution introduced in 1991 requested 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. The provincial government has undertaken a study on bicycle routes and is consulting with stakeholders on how it might be implemented. The issue of funding and a separate revenue sharing program for bicycle and walkway systems has not yet been addressed.

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3.6 (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. As a result, vehicles (new and used) must be retrofitted with the appropriate equipment at considerable additional cost to use less polluting 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.

The Provincial Government has indicated their support for this type of initiative. The Vehicle Management Services Branch, in conjunction with U.B.C.M. and Crown Corporations is to establish terms of reference for the development of a province-wide purchasing pool plan.

3.7 (B74) 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 U.B.C.M. for any programs involving the spraying and neutering of dogs and cats in order to reduce the surplus pet population problem and the associated suffering and destruction of animals.

The provincial government has indicated that it acknowledged that the surplus dog and cat population was a problem in the Province and supported the S.P.C.A. identification and education program in an effort to resolve the matter.

3.8 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.

However, this issue may be revisited as a result of the Report of the Provincial Commission in Housing Options. This report includes a recommendation to amend the Municipal Act to provide municipalities with the authority to establish inclusionary zoning bylaws as a means to produce additional affordable housing. The review of this initiative will likely include consideration of the proposed rental only zoning initiative.

3.9 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 made amendments to the Municipal Act (Bill 47) which address the concerns raised in this Resolution.

3.10 Standards of Maintenance Bylaw

This resolution called for 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.

This is another issue which is specifically addressed in the Provincial Commission on Housing Options reports (recommendation 29 of the report) and is being considered by the Province in the context of the Commissions report.

3.11 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.

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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.

3.12 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 consideration 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 Council remains in the hands of the Ministry of Municipal Affairs, Recreation and Culture for implementation. The U.B.C.M. advises that the Ministry of Attorney General has indicated that they are looking at legislative changes regarding this issue.

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

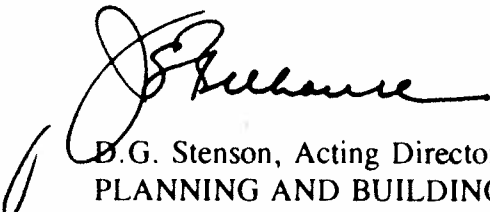
A submission has been prepared for Cabinet recommending that all-terrain vehicles be registered and that new enforcement regulations be introduced. The Ministry has indicated that they are looking at legislative changes concerning all-terrain vehicles.

3.14 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 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. Recent contact has been made with the Ministry on these and other related changes to the Condominium Act. Such an amendment, when finally approved, should adequately address the concern raised in the Resolution.


D.G. Stenson, Acting Director
PLANNING AND BUILDING


JSB/db

- cc: Director Administrative & Community Services
- Director Engineering
- Chief Building Inspector
- Director Finance
- City Solicitor
- Medical Health Officer
- Director Recreation & Cultural Services
- Purchasing Agent