



RE: POLICY CONCERNING PROPOSALS TO ACQUIRE MUNICIPAL LAND WHERE A ZONING CHANGE OR LAND ASSEMBLY IS PROPOSED

MUNICIPAL MANAGER'S RECOMMENDATION:

- 1. THAT the recommendations of the Director Planning & Building Inspection be adopted.

* * * * *

TO: MUNICIPAL MANAGER 1989 SEPTEMBER 07

FROM: DIRECTOR PLANNING & BUILDING INSPECTION OUR FILE: 03.500

SUBJECT: **POLICY CONCERNING PROPOSALS TO ACQUIRE MUNICIPAL LAND WHERE A ZONING CHANGE OR LAND ASSEMBLY IS PROPOSED**

PURPOSE: To respond to Council's request for consideration of a procedure to protect confidentiality when reporting on requests to purchase Municipal land, where a zoning change or land assembly is proposed.

=====

RECOMMENDATIONS:

- 1. THAT Council concur in the procedure outlined in Section 3.0 of this report.
- 2. THAT a copy of this report be sent to Apac Service Inc., P.O. Box 81065, South Burnaby, B.C., V5H 4K2.

R E P O R T

1.0 BACKGROUND

On 1989 March 28, Council referred back to staff a report which recommended a procedure for reporting to Council, at an early stage, requests that are received to purchase Municipal land, where the circumstances involve a prospective zoning change or a land assembly (copy attached as Appendix "A" for reference).

Council's objective in this regard is to permit early Council consideration of the appropriateness of pursuing sale of the Municipal land, while avoiding situations in which a prospective purchaser might prematurely conclude negotiations to acquire other adjacent properties or otherwise enter into financial commitments, predicated on the assumption of Municipal agreement to the sale.

The referral back to staff was due to Council's deliberations on the matter of respecting a purchaser's confidentiality at a critical early stage in the process, and in particular response to a letter from Apac Service Inc. that appeared on the 1989 March 28 agenda.

Additionally, in the course of Council discussion since that date, it has become apparent that members of Council wish to have early notification of discussions regarding possible sale of all Municipal properties, whether rezoning or land assembly is involved or not.



2.0 DISCUSSION

It is our understanding that Council is seeking a procedure that will allow it to discuss freely the appropriateness of making Municipal lands available for sale or lease in response to a request, prior to any implied commitment in that regard, and that it also recognizes the need of the developer for confidentiality when he is pursuing a program of land assembly. At the same time, it is acknowledged that there are certain mandatory public processes that must be observed in the sale or leasing of Municipal land (e.g. the tendering or posting processes).

In view of Council's concerns in this matter, staff recommend that the Initial Report envisioned in the draft Policy outlined in the previous report, be received by Council In Camera. This procedure will allow Council to discuss the request freely and give direction to staff on dealing with the request, while respecting the prospective purchaser's need for confidentiality.

In those instances where Council has authorized staff to pursue discussions leading to formally making the land available, the subsequent Second Report (including reference to the need to tender or post the property) would be submitted to Council on the regular, open agenda.

Staff have contacted several other municipalities in the Lower Mainland area and, while there is a wide variation in actual reporting and processing procedures, several indicate that they make provision for such requests to be considered initially in an In Camera setting, for similar reasons.

3.0 CONCLUSION

Based on the foregoing, the following outlines an amended proposed policy for dealing with such requests.

"PROPOSED POLICY

1. INITIAL REPORT

Prior to pursuing detailed discussions with persons interested in acquiring Municipally-owned lands, staff will submit an In Camera report to Council at an early stage, including reference to such topics as:

- the lands involved
- the current zoning designation
- nearby development
- subdivision pattern
- relationship to other Municipal holdings in the immediate area
- future land use and development potential in the context of any relevant approved or contemplated community plans, area plans, or other Municipal policies.

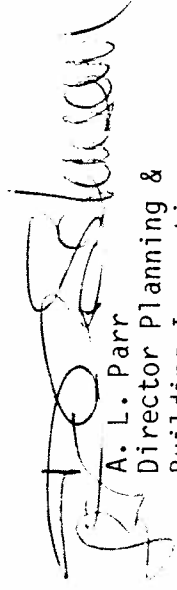
2. SECOND REPORT

Following further discussions and research, a second, more detailed report will be submitted on the open Council agenda, relating the results of the discussions together with information concerning land value, method of proceeding with the land sale or lease process, the need for calling for tenders or posting for sale or lease, relationship to concurrent processes such as rezoning, land assembly, etc., and seeking the necessary Council approvals."

Planning & Building Inspection Department
Policy - Municipal Land Sales
1989 SEPTEMBER 07 - Page 3

ITEM	6
MANAGER'S REPORT NO.	56
COUNCIL MEETING	89/09/11

Subject to Council's concurrence, this revised approach will be followed when purchase requests of this sort are received in the future.


A. L. Parr
Director Planning &
Building Inspection

DGS:lf

Attachment

cc: Municipal Solicitor
Director Administrative & Community Services
Director Finance
Acting Director Engineering
Director Recreation & Cultural Services

APPENDIX "A"

ITEM 3
MANAGER'S REPORT NO. 20
COUNCIL MEETING 89/03/13

129

RE: POLICY CONCERNING PROPOSALS TO ACQUIRE MUNICIPAL LAND WHERE A ZONING CHANGE
OR LAND ASSEMBLY IS PROPOSED

MUNICIPAL MANAGER'S RECOMMENDATION:

Director Planning & Building Inspection

1. THAT the recommendation of the Director Planning & Building Inspection be adopted.

* * * * *

ITEM 6
MANAGER'S REPORT NO. 56
COUNCIL MEETING 89/09/11

1989 March 06

TO: MUNICIPAL MANAGER

FROM: DIRECTOR PLANNING & BUILDING INSPECTION

SUBJECT: POLICY CONCERNING PROPOSALS TO ACQUIRE MUNICIPAL LAND
WHERE A ZONING CHANGE OR LAND ASSEMBLY IS PROPOSED

PURPOSE: To confirm Council's direction to staff regarding reporting
to Council at an early stage in discussions concerning
potential sale of Municipal property.

=====
RECOMMENDATION:

1. THAT Council concur in the procedure outlined in this report.

R E P O R T

BACKGROUND

At the 1988 July 11 meeting, Council considered a request involving the possible sale of Municipal properties for the purpose of land assembly, rezoning, and development of a church. In the course of discussion, members of Council pointed out it is vital that requests under such circumstances be reported to Council at an early date, to enable Council to grant authority or otherwise prior to staff pursuing more detailed discussions with the prospective purchaser.

The objective is to avoid situations in which a prospective purchaser might conclude negotiations for other adjacent properties or enter into financial commitments predicated on an assumption of Municipal agreement to the sale, but prior to Council consideration.

The purpose of this report is to outline a procedure intended to reflect Council's concern and direction in such cases.

DISCUSSION

The Municipality frequently receives queries or requests from individuals, groups, or businesses interested in locating in Burnaby, and staff endeavour to give assistance. In some instances the requests or proposals involve identification of potential sites where prevailing zoning or lot pattern does not permit the intended use, and where rezoning and/or land assembly is required to create a viable site. Further, in some instances parcels of land in Municipal ownership may be involved in such requests, and staff in such cases are careful to advise applicants that any sale of Municipal land is subject to Council approval and the requirements of the Municipal Act. In these instances, one or more reports to Council are required to be submitted, in conjunction with the proposed land sale and the rezoning respectively, before any conclusion of a transaction, and Council thereby has the opportunity to approve or disapprove, or to attach appropriate conditions.

ITEM 3
MANAGER'S REPORT NO. 20
COUNCIL MEETING 89/03/13

The direction of Council is that staff in such circumstances submit a report at an early date in the process, seeking authority to pursue discussions on the prospective sale, to minimize the risk of a prospective purchaser prematurely entering into commitments. To implement this, staff propose the following procedure, which is somewhat analogous to the method of reporting in two stages in connection with applications for Comprehensive Development Zoning.

ITEM 6
MANAGER'S REPORT NO. 56
COUNCIL MEETING 89/09/11

PROPOSED POLICY

1. INITIAL REPORT

Prior to pursuing detailed discussions with prospective purchasers of Municipally-owned lands, where the property is intended for rezoning or where a land assembly with other non-Municipal lands is involved, staff will submit an initial report to Council at an early stage, including reference to such topics as

- the lands involved
- the current zoning designation
- nearby development
- subdivision pattern
- relationship to other Municipal holdings in the immediate area
- future land use and development potential in the context of any relevant approved or contemplated community plans, area plans, or other Municipal policies

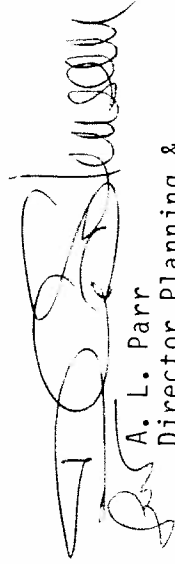
Council authority to pursue discussions leading to a further, more detailed report will be requested where appropriate.

2. SECOND REPORT

Following further discussions and research a second, more detailed report will be submitted, relating the results of the discussions together with information concerning land value, method of proceeding with the land sale process, the need for calling for tenders or posting for sale, relationship to concurrent processes such as rezoning, land assembly, etc., and seeking the necessary Council approvals.

Subject to Council's concurrence, this approach will be followed when purchase proposals of this sort are received in the future.

Ad.
DGS:lf


A. L. Parr
Director Planning &
Building Inspection

- cc: Municipal Solicitor
Director Administrative & Community Services
Director Finance
Director Engineering
Director Recreation & Cultural Services

