Wallace, Ron ALC:EX

From: ALC Burnaby ALC:EX
Sent: Friday, September 26, 2008 1:22 PM
To: Wallace, Ron ALC:EX
Subject: FW: Garden City Lands

From: Adam Riddle [mailto:adam@riddleworks.ca]
Sent: Thursday, September 25, 2008 8:19 PM
To: ALC Burnaby ALC:EX
Subject: Garden City Lands

Add my name to the list of people calling for rejection of the exclusion application for Garden City Lands and for keeping these lands within the ALR. It is vital that the B.C. Agricultural Land Commission act in the public's interest in keeping fast-diminishing green space instead of handing it over to greedy developers. Urban agriculture is a concept adopted by progressive communities around the world and is vital not only in bringing communities together (instead of being boxed up in their condos) but also to issues such as food security and sovereignty.

As well, I would like to know if the issue of Richmond's increased vulnerability from large-scale development in the event of a major earthquake has been considered.

Adam Riddle
3646 W. 48 Ave.
Vancouver, B.C.
(604)764-5839

Wallace, Ron ALC:EX

From: ALC Burnaby ALC:EX
Sent: Friday, September 26, 2008 1:21 PM
To: Wallace, Ron ALC:EX
Subject: FW: Garden City Lands- Richmond

-----Original Message-----
From: walter sussel user walter sussel [mailto:walterandberyl@shaw.ca]
Sent: Thursday, September 25, 2008 5:43 PM
To: ALC Burnaby ALC:EX
Subject: Garden City Lands- Richmond

I would like to add my voice to the many advocating that the subject land NOT be excluded from the ALR

The maintenance of arable agricultural land on the south coast is absolutely essential for the well being of future generations.

Having grown up on a farm in Chilliwack and later carrying out some agricultural pursuits on our own farm property, I understand the value of of farming to the community at large. Continuing encroachment by communities on already vastly reduced agricultural land resource is short sighted at best and criminal at worst.

For the sake of my grandchildren and future generations please do not allow any ongoing loss of prime agricultural land.

Dr. Walter H Sussel
10138 Imperial Street
Chilliwack, BC
V2P 7N8

Wallace, Ron ALC:EX

From: ALC Burnaby ALC:EX
Sent: Friday, September 26, 2008 1:21 PM
To: Wallace, Ron ALC:EX
Subject: FW: Garden City Lands

From: lellani riddle [mailto:l.riddle@hotmail.com]
Sent: Thursday, September 25, 2008 2:51 PM
To: ALC Burnaby ALC:EX
Subject: Garden City Lands

Add my name to the list of people calling for rejection of the exclusion application for Garden City Lands and for keeping these lands within the ALR. It is vital that the B.C. Agricultural Land Commission act in the public's interest in keeping fast-diminishing green space instead of handing it over to greedy developers. Urban agriculture is a concept adopted by progressive communities around the world and is vital not only in bringing communities together (instead of being boxed up in their condos) but also to issues such as food security and sovereignty.

As well, I would like to know if the issue of Richmond's increased vulnerability from large-scale development in the event of a major earthquake has been considered.

Lellani Riddle
3646 W. 48 Ave.
Vancouver, B.C.
(6040261-8418

Wallace, Ron ALC:EX

From: ALC Burnaby ALC:EX
Sent: Friday, September 26, 2008 1:20 PM
To: Wallace, Ron ALC:EX
Subject: FW: Garden City application

From: mdakerly@telus.net [mailto:mdakerly@telus.net]
Sent: Wednesday, September 24, 2008 6:14 PM
To: ALC Burnaby ALC:EX
Cc: OfficeofthePremier, Office PREM:EX; Sultan.MLA, Ralph LASS:EX
Subject: Garden City application

I have read Wendy Holm's article in the Sun.
If this application succeeds, the Commission might as well be wound up.
It appears clear that the affected lands have an agricultural capability, which is what the Act is designed to protect.
It is irrelevant if Canada Lands and the two levels of government have concluded an arrangement with the Musqueam that is at cross purposes with the agricultural suitability of the lands, and that is not your problem, it is theirs.
Moreover, the retention of agricultural lands in urban areas is doubly important, from a number of perspectives.
However, I reiterate the basic message: the Commission's legislated mandate is not to exclude from the ALR lands with an acceptable agricultural capability. It is not more complicated than that.
Michael Akerly
1401 – 650 16th St.
West Vancouver V7V 3R9

Wallace, Ron ALC:EX

From: Rob Janssen [britishcolumbiarocks@hotmail.com]

Sent: Wednesday, September 24, 2008 9:52 PM

To: OfficeofthePremier, Office PREM:EX; gordon.bednard@gov.bc; Loo, Thomas AL:EX; MacLeod, Ron AL:EX; Rivers, Simone ALC:EX; Ridout, Brandy ALC:EX; Wallace, Ron ALC:EX; Cheetham, Roger ALC:EX; Collins, Martin J ALC:EX; Pellett, Tony ALC:EX; mayorandcouncillors@richmond.ca; hsteves@richmond.ca

Subject: ALC - Garden City Lands Exclusion Application

Dear Mr. Premier and Agricultural Land Commission officials,

I understand that the property known as the Garden City Lands in Richmond is again under consideration for exclusion from the ALR. My question to the Premier and to the ALC is why is this occuring? I thought that the issue had been settled. Why in this day and age are we so easily chipping away at what remains of our ability to growfood locally. Why?

Let me remind you all of the Agricultural Land Commission's mandate...

- to preserve agricultural land
- to encourage farming in collaboration with other communities of interest
- and to encourage local governments, First Nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

Interestinly the ALC's vision has been and still is...

- the preservation of agricultural land
- the encouragement and enabling of farm businesses
- a provincial land reserve system that considers community interests
- sound governance and organizational excellence

Mr. Premier and ALC officials please consider carefully all requests for exclusion including the Garden City Lands. It is NOT in the best interest of the public if these lands are pulled out of the Agricultural Land Reserve.

Robert Janssen, B.Sc., B.Ed., Env. Tech, Cert. Teacher

Wallace, Ron ALC:EX

From: Claudine Michaud [claudinemichaud@telus.net]
Sent: Tuesday, September 23, 2008 3:31 PM
To: Wallace, Ron ALC:EX
Subject: Garden City Lands

Hello Ron,

Thank you for taking the time to speak with me and hear my concerns regarding the decision by the ALC to re-evaluate whether the Garden City Lands in Richmond should be removed from the ALR. Please pass on my request to the ALC panel to reject the exclusion application and keep the Garden City Lands within the ALR.

Furthermore, it is my opinion that no further lands in BC be removed from the ALR, and that those lands currently within the ALR should be "locked" and protected as agricultural lands for future generations - and not just to satisfy the short-term desires of developers seeking to gain monetary profits.

Sincerely,

Claudine Michaud
665 East Pender Street
Vancouver, BC
604 255 4067
claudinemichaud@telus.net

Wallace, Ron ALC:EX

From: Murphy, Kevin [KMurphy@bccancer.bc.ca]
Sent: Tuesday, September 23, 2008 7:45 PM
To: Wallace, Ron ALC:EX
Subject: Exclusion of Richmond Garden City lands from the ALR

Dear Mr. Wallace,

Both my wife and I would like to support keeping the Garden City lands within the ALR but focus their development on the creation of urban agriculture such as community gardens. We have always thought Richmond was an exceptional municipality in its land planning. However, excluding the Garden City lands from the ALR would be a giant step backwards.There are numerous examples within Vancouver such as the land along the Arbutus rail corridor as well as in Terra Nova in Richmond, where people will work together in a communal not commercial fashion.

Yours sincerely,

Kevin Murphy and Joan Finch

9531 Palmer Road
Richmond BC
V7E 4N3

Wallace, Ron ALC:EX

From: Raphael Beaussart [starbeau2000@shaw.ca]
Sent: Tuesday, September 23, 2008 10:16 PM
To: Wallace, Ron ALC:EX
Subject: Richmond Garden City Lands

TO THE BC AGRICULTURE LAND COMMISSIONERS:

We are Richmond residents, and we urge the ALC to keep the Garden City Lands IN THE ALR. Especially in these times when all of us are becoming more aware of the importance of local agriculture to our quality of life it is unthinkable that a treasure such as this parcel of ALR land in the middle of a large urban area should be allowed to be removed from the ALR.

We cannot say it any stronger -- PLEASE KEEP THE GARDEN CITY LANDS IN THE ALR.

Mary C. Beaussart
Raf C. Beaussart
302 - 6655 Lynas Lane
Richmond BC V7C 3K8

Wallace, Ron ALC:EX

From: ALC Burnaby ALC:EX
Sent: Wednesday, September 24, 2008 8:27 AM
To: Wallace, Ron ALC:EX
Subject: FW: Garden City Decision

-----Original Message-----
From: Don Chapman [mailto:don.chapman@telus.net]
Sent: Tuesday, September 23, 2008 11:47 AM
To: ALC Burnaby ALC:EX
Subject: Garden City Decision

Sir or Madam:

I am writing as a result of an article in the Vancouver Sun, Sept. 23, with reference to a pending decision around the removal of the Garden City land in Richmond, from the agricultural land reserve. I am in support of leaving this property IN the reserve.

While I live in Mission, I do have family in Richmond, and I believe that it is the roll of the Commission to preserve all such lands, unless there is overwhelmingly, compelling evidence for the contrary.

In Mission, for example, in my view, there has been too much good farm land traded out of the reserve for marginal lands, in the primary interest of so-called 'development.'

In a time of urgency over climate change, and an increasing return of interest to locally-produced foods and reduction of one's carbon footprint, I believe that a decision to remove the Garden City property from the reserve would be extremely short sighted.

Thanks for your attention.

Don Chapman
7519 Welton St.
Mission, British Columbia
V2V 3X5

Wallace, Ron ALC:EX

To: tiksmum@tlk.ca
Subject: RE: Garden City Lands

Hi Jennifer,

Thanks for your comments. I'll make them available for the Commissioners to see.

Ron Wallace, P.Ag.
Land Use Planner
Provincial Agricultural Land Commission
133 - 4940 Canada Way
Burnaby BC V5G 4K6
604 660-7029 Fax 660-7033

From: Jen [mailto:tiksmum@tlk.ca]
Sent: Tuesday, September 23, 2008 9:51 PM
To: ALC Burnaby ALC:EX
Subject: Garden City Lands

Agricultural Land Commision
Victoria, B.C.,
Sept. 23, 2008

Dear Commissioners,

I am appalled at the possibility that you might even consider removing the Garden City Lands from the ALR. What century are you living in?
Thinking people and governments around the world now realize that humankind's future depends on developing viable local/urban agriculture in order to reduce the tremendous costs (both monetary and environmental) associated with long distance transportation of food.
We in the lower Fraser Valley have a tremendous opportunity not available to so many other jurisdictions. There are so many reasons to keep the land in the ALR, and NO good reasons to exclude it (except to generate short term profits for somebody).

Please reject the exclusion application and keep these lands within the ALR.

Yours truly,
Jennifer Maynard, MSc (Ecology, UBC)

Wallace, Ron ALC:EX

From: ALC Burnaby ALC:EX
Sent: Wednesday, September 24, 2008 2:41 PM
To: Wallace, Ron ALC:EX
Subject: FW: Richmond's Garden City Lands

From: Ena McInnis [mailto:ena.mcinnis@gmail.com]
Sent: Wednesday, September 24, 2008 12:35 PM
To: ALC Burnaby ALC:EX
Subject: Richmond's Garden City Lands

To the Agricultural Land Commission,

I strongly feel the Garden City Lands should be kept within the ALR and that you should reject the exclusion application.

Ena McInnis
5787 Cranley Drive
West Vancouver

Wallace, Ron ALC:EX

From: Pellett, Tony ALC:EX
Sent: Wednesday, September 24, 2008 12:48 PM
To: Wallace, Ron ALC:EX
Subject: FW: Sept 24

From: Carter [mailto:cartercd@telus.net]
Sent: Wednesday, September 24, 2008 12:10 PM
To: Pellett, Tony ALC:EX
Subject: Sept 24

To Provincial Agricultural Land Commission.

I wish to add my voice to those who oppose the exclusion of the Richmond's Garden City Lands from the ALR.

Your web page states: that the mission of the ALR is to preserve agricultural land and encourage and enable farm businesses.
; that the ALR is dedicated to protecting land that is important to current and future needs of B.C.

Do not disappoint us.

Claire Carter

Wallace, Ron ALC:EX

From: ALC Burnaby ALC:EX
Sent: Wednesday, September 24, 2008 11:44 AM
To: Wallace, Ron ALC:EX
Subject: FW: GARDEN CITY LANDS

From: Raphael Beaussart [mailto:starbeau2000@shaw.ca]
Sent: Tuesday, September 23, 2008 10:22 PM
To: ALC Burnaby ALC:EX
Subject: GARDEN CITY LANDS

TO THE ALC Panel:
We are Richmond residents, and urge the Commission to keep the GARDEN CITY LANDS IN THE ALR. Especially now that we have all become much more aware of the importance and value of local agriculture it is absolutely unthinkable to take this parcel out of the ALR.

Mary C. Beaussart
Raf C. Beaussart
302 - 6655 Lynas Lane
Richmond BC V7C3K8

Wallace, Ron ALC:EX 18

From: Roland Hoegler [rahoegler@shaw.ca]
Sent: Thursday, November 6, 2008 12:38 PM
To: Karlsen, Erik AL:EX
Cc: Wallace, Ron ALC:EX
Subject: RE: Garden City Lands
Attachments: Digital Camera Pictures 2753.jpg; Digital Camera Pictures 2754.jpg

To : ALC

Attached are (2) photos of the Garden City **ALR** lands taken in late Oct. 2008

I had previously sent the ALC some photos of the 136 acre Garden City Lands (GCL) ALR site, taken earlier this year , which showed that the GCL site was full of a variety of natural vegetation.
The GCL proponents maintained that their land was not farmed, hence it should be excluded.

However, As I had noted in earlier correspondence to the ALC , the City has an **Environmentally Sensitive Area (ESA)** designation on many ALR lands.
In essence, re: designations of Richmond ALR lands, the City of Richmond has either
(i) ALR Lands or
(ii) ESA - ALR Lands

What this generally translates into is ESA - ALR = Non Farmed ALR lands which have gone "wild" and back to nature.
That is a right by the ALR owner to not farm , but it appears the City wishes to both dress up the non-farmed reality with the term "ESA" , and concurrently have extra ESA rules and restrictions on top of the ALR designation for any ALR owner with an ESA designation that wishes to develop their ALR property.

However, in the case of the GCL Lands, these 136 acres of ALR lands were quickly reaching a point that the City's own ESA designation may have had to have been applied to the GCL ALR lands as well .

However, given that the (2) attached photos clearly indicate that the GCL Lands have been mowed over./ mowed down , and all wild vegetation pruned down to ground zero, they no longer have the ESA designation potential .

CONCLUSION:

If these 136 acre GCL ALR lands no longer have any ESA potential, *by default,* they thus have **farming potential**, it is ONE **or** the OTHER with respect to the City of Richmond's own ALR bylaws and policies. In my view the ALC must take this into consideration in a reasonable interpretation of the City's own ALR policies as it adjudicates the GCL application.

Such an interpretation by the ALC will not allow the City to be inconsistent nor hypocritical , nor self serving, nor in a blatant conflict - of -interest with the City's own ALR bylaws and policies which it imposes on all other Richmond ALR property owners

Hence, this trumps and cancels any arguments by the GCL applicants that the lands are not viable for farming, as given the City's (2) ALR designation are:

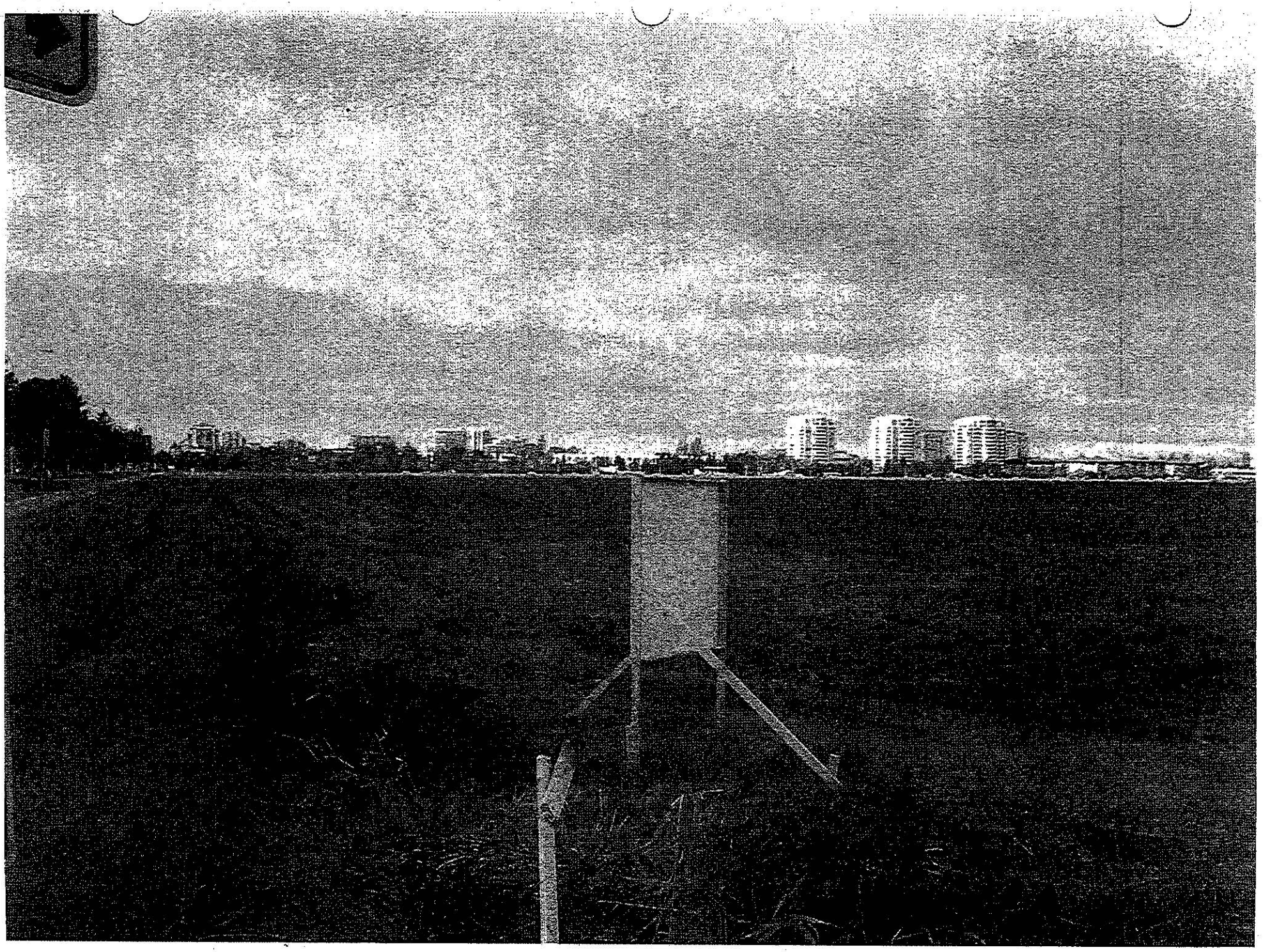
(i) **ESA - ALR** or

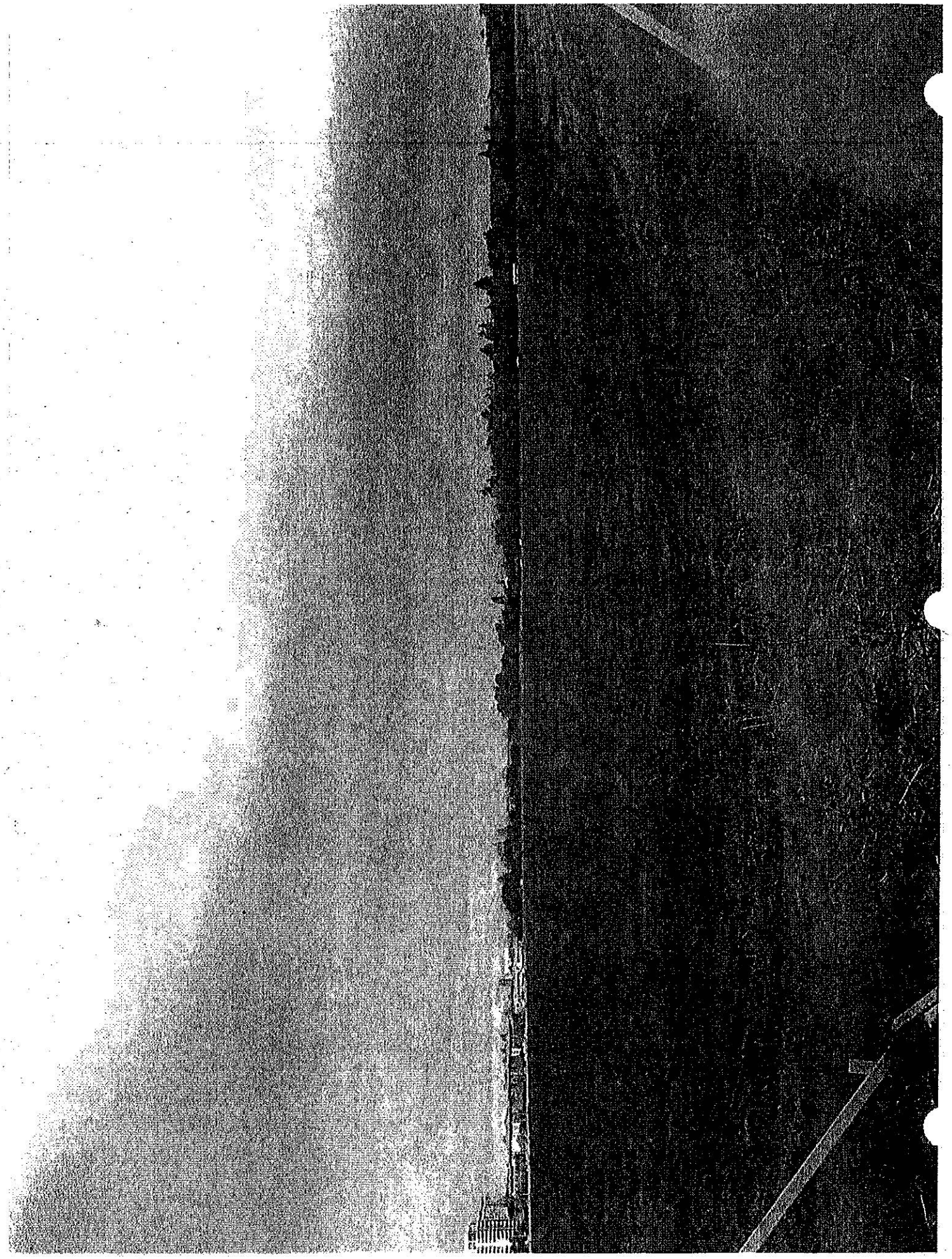
(ii) simply farmable **ALR** (which is the current situation).

Thus, after the recent mowing down of the GCL's ESA potential,..The GCL is now simply ALR, and thus primed for farming.

Regards:

Roland Hoegler





Wallace, Ron ALC:EX

From: David Reay [davidreay@telus.net]
Sent: Friday, November 7, 2008 12:22 AM
To: Karlsen, Erik AL:EX; Wallace, Ron ALC:EX; Fry, Colin ALC:EX
Subject: Richmond council candidates petition re Garden City Lands

Hello,

Tomorrow I will be submitting a petition regarding the Garden City Lands application. Specifically the petition is of candidates for the November 15/08 Richmond Civic Election.

This petition will demonstrate that the vast majority of Richmond City Council candidates "request that the Garden City Lands , Richmond remain in the Agricultural Land Reserve (ALR)"

The petition will show signatures from the following people:

Candidates for Mayor:

Wei Ping Chen - signed
Ivan Gerlach - signed

2 out of three candidates for mayor have signed the petition

Candidates for Council:

Linda Barnes - signed
Anna Bloomfield - signed
Linda Burchill - signed
Bal Chen - signed
Kang Chen - signed
Jiajian Cheng - signed
Gary Cross - signed
Ralf Hallum - signed
Sue Halsey-Brandt - signed
Howard Jampolsky - signed
Ken Johnston - signed
Richard Lee - signed
David Reay - signed
Neil Smith - signed
Harold Steves - signed
Pat Young - signed
Michael Wolfe - signed

17 out of 23 candidates for Council member has signed the petition.

As this petition demonstrates overwhelming support by Richmonds civic political leadership please ensure that it is included in the information to Commission members.

Thanks,

David Reay

David E. Reay

#25 – 4340 Steveston Hwy
Richmond BC
V7E 4M5

Email: davidreay@telus.net
Phone: 604-271-9474

RECEIVED
PROV. AGRICULTURAL LAND COMMISSION NOV 07 2008

November 7, 2008

Provincial Agricultural Land Commission
133-4940 Canada Way
Burnaby BC
V5G 4K6

Re: City of Richmond Application to remove the Garden City Lands from the Agricultural Land Reserve

Dear Sirs,

Enclosed is a petition showing overwhelming support by 2008-20011 City Council and Mayoral candidates for keeping the Garden City Lands in the Agricultural Land Reserve. Greater than 75% of the council candidates and 2 out of 3 mayoral candidates have signed the petition. We believe this to be strong evidence that the Richmond community leaders and the community at large do not support the city application.

Please take this information into consideration when deliberating the application.

Thank you,

David Reay

RECEIVED
PROV. AGRICULTURAL LAND COMMISSION NOV 07 2008

Richmond Council Candidates' Petition to the Agricultural Land Commission

We, the undersigned candidates for the 2008–2011 Richmond City Council, request that **the Garden City Lands, Richmond, remain in the Agricultural Land Reserve (ALR).**

Candidates for Mayor

Malcolm BRODIE _____

Wei Ping CHEN _____

Ivan GERLACH _____

Candidates for Councillor

Linda BARNES _____

Anna BLOOMFIELD _____

Linda D. BURCHILL _____

Bai CHEN _____

Cynthia CHEN _____

Kang CHEN _____

Jiajian CHENG _____

Gary CROSS _____

Derek DANG _____

Candidates for Councillor (continued)

Ralf HALLUM _____

Evelina HALSEY-BRANDT _____

Greg HALSEY-BRANDT _____

Sue HALSEY-BRANDT _____

Howard JAMPOLSKY _____

Ken JOHNSTON _____

Kiichi KUMAGAI _____

Richard LEE _____

Bill McNULTY _____

David REAY _____

Neil SMITH _____

Harold STEVES _____

Pat YOUNG _____

Michael WOLFE _____

Note: The typed list includes the names of all the declared candidates for the mayor and councillor positions on the 2008–2011 Richmond, B.C., City Council. ***Only the signatures indicate signatories.***

Wallace, Ron ALC:EX

From: Garden City Lands Coalition [gardencitylands@shaw.ca]
Sent: Tuesday, November 4, 2008 6:40 PM
To: Wallace, Ron ALC:EX
Subject: FW: Garden City Lands

Hi Ron,

This message arrive at the Garden City Lands Coalition email address, but I think the writer must have been intending it for the Agricultural Land Commission. Perhaps you can pass it along to the panel for him. (My view is that the Commission, like the Coalition, doesn't find it so hard to save green space, but some in the populace seem to question that assumption.)

Regards,
Jim Wright

From: Harold King [mailto:hwbking@telus.net]
Sent: Tuesday, November 04, 2008 5:00 PM
To: gardencitylands@shaw.ca
Subject: Garden City Lands

Why? do You find it so hard to save some "Green Space" Namely "Garden City Lands". If You don't ! Future generations, & that includes YOUR Grandchildren, Nieces & Nephews & Their Friends, ALL asking You " Why were WE so unimportant ? Think on it !

Harold King,
29024 97th ST
Oliver

Wallace, Ron ALC:EX

From: Ken Johnston [KenJ@novex.ca]
Sent: Tuesday, November 4, 2008 5:09 PM
To: Wallace, Ron ALC:EX
Subject: ALR Exclusion Application- Garden City Lands Richmond

Dear Commissioners:

As a 32-year resident of Richmond, I am opposed to removing the Garden City lands from the ALR. I served on Richmond City Council for 8 years and then spent 4 years as an MLA. I am currently president of Richmond-based Novex Couriers. In the current city council elections, I am again a candidate, and a significant reason why I am running is to help ensure a green future for the Garden City lands.

In my opinion, Richmond is overdeveloped and we need to take a breather on zoning more development. The Garden City Lands are an oasis in a desert of density. My question to the Commissioners would be, "What's the compelling need to remove these valuable lands from the ALR?"

There are so many possibilities within the current land use designation: teaching farms, community farms, research farms, and a multitude of green space options.

Please consider the generations to come when contemplating your decision. Future generations will look back on your wisdom in deciding to keep these lands as they are now designated in the Agricultural Land Reserve.

Ken Johnston
9834 Seaton Place
Richmond

Wallace, Ron ALC:EX

From: ALC Burnaby ALC:EX
Sent: Tuesday, November 4, 2008 1:29 PM
To: Wallace, Ron ALC:EX
Subject: FW: Garden City Lands Exclusion Application

-----Original Message-----
From: Howard Jampolsky [mailto:howard@jampolsky.ca]
Sent: Sunday, November 2, 2008 5:52 PM
To: ALC Burnaby ALC:EX
Subject: Garden City Lands Exclusion Application

Dear sir/madame:

I am writing this message to recommend the application to exclude the Garden City Lands from the ALR be denied.

As a citizen of Richmond, and a candidate for Richmond City Council, I believe this parcel of land represents a growing concern in the community about the reallocation of lands (both agricultural and commercial/industrial) for high-density residential use. This is not only my personal opinion, but the opinion of hundreds of people I have spoken to over the course of this municipal campaign. Quite frankly, I am surprised by how many times I am asked for my position on the Garden City Lands, and when I advise that I do not support the lands being removed from the ALR, I am immediately pledged support for my election. People from all walks of life and socio-economic backgrounds share the view this land should be used for permanent green space in their entirety.

Over the past year, I have learned a great deal about this parcel of land, and its importance both to the ecology in Richmond, as well as the hearts and minds of Richmond residents.

I ask that in your deliberations of the City of Richmond, Canada lands Company and Musqueam Indian Band application (or more accurately their appeal of your intial decision to deny their earlier application) you strongly consider these points from the citizens of Richmond whom I have had the opportunity to meet with and hear from over the past several weeks and months.

Yours truly,
Howard Jampolsky
Richmond City Council Candidate
5531 Cantrell Road
Richmond, BC V7C 3H3
Tel 604-241-5905
Cel 604-785-0386

Wallace, Ron ALC:EX

From: Richard Lee [rlee728@shaw.ca]
Sent: Sunday, November 2, 2008 9:59 PM
To: Wallace, Ron ALC:EX
Subject: Richmond's Garden City Lands

Dear Mr. Wallace:

I am writing this letter to put on record that I am opposed to removing the Richmond's Garden City Lands from the ALR. The highlights of my reasons for doing so are as follows:

1. I see this piece of land as a potential jewel in our city, it is uniquely located such that it would shine ever brightly as a venue for a School of Urban Agricultural partnering with for example our very own Kwantlen University on Lansdown;

2. It is also potentially a venue for community gardening, community farming, parks etc.;

3. I am offering myself for the public office of city councillor and I was there when a substantial number of the current councillors who voted in favour of taking the Lands out of the ALR are now saying that they are in favour of preserving the same Garden City Lands.

I am available for any clarifications on this letter if your office has any follow up questions. Please do not hesitate to contact me.

Sincerely,
Richard Lee

www.1000.bc.ca: It's only when we have limits that we can be truly free to enjoy THE BEST life has to offer.

Richard Lee
Lawyer

7180 Winchelsea Crescent
Richmond BC Canada
V7C 4E4

rlee728@shaw.ca

tel: 604.270.9511

Want to always have my latest info?

Want a signature like this?

Wallace, Ron ALC:EX

From: Garden City Lands Coalition [gardencitylands@shaw.ca]
Sent: Thursday, October 23, 2008 10:36 AM
To: Karlsen, Erik AL:EX; Wallace, Ron ALC:EX
Cc: cummij@parl.gc.ca; alicespwong@gmail.com
Subject: federal election effect on Garden City Lands application

Dear Mr. Karlsen and the Garden City Lands ALR-exclusion application panel:

I'm writing to share a Garden City Lands Coalition perspective on the ways the recent federal election results have affected the application to exclude the Garden City Lands from the ALR. The main effect of the election is that the already significant voice in Ottawa for saving the Lands has been greatly strengthened.

Note: It may be easier to read this on the web. I have just published the content as a post in the Garden City Lands blog, http://gardencitylands.wordpress.com/ . The particular post is at http://gardencitylands.wordpress.com/2008/10/23/to-the-alc-re-the-federal-election/ .

Technically, the Lands are in the Richmond electoral district ("riding"), although they border Delta-Richmond East and are of equal concern to the residents of both ridings. The Richmond voters' decision to replace the Richmond riding's Pave-the-Lands Member of Parliament (Raymond Chan) with a committed new Save-the-Lands MP (Alice Wong) will make a major difference.

It will also make a difference that Dr. Wong and Delta-Richmond East's John Cummins, who both received landslide margins of victory, featured the Garden City Lands prominently in their campaigns. When the time comes for those two MPs to ask for federal action on the issue, they will be able to show that they were elected on the promise to act. In the case of Alice Wong, who won by a stunning 8,108 votes in what was supposed to be a battleground riding, she will be in a particularly good position to show the political ramifications of the issue. That includes the possibility of her party, the Conservatives, losing the seat in the next election if the federal government does not help her to deliver results.

I'll add a few details about Alice Wong. She is an ardent Save-the-Lands supporter who attended almost all of the 23.5-hour Richmond Council public hearing on the ALR-exclusion issue in March 2008 and who has helped and offered to help in various other ways. By repeatedly bringing up the issue during the election campaign, she differentiated herself from incumbent Raymond Chan, who had prominently taken credit for the Garden City Lands agreements for years, even though he tried during the campaign to shift responsibility. When the prime minister made a late-campaign stop in Richmond, Dr. Wong even told the media that she had used her brief time with him to talk to him about the issue. After being elected, she reiterated her stand on the issue in her victory speech and, in the context of putting her community first, in a *Richmond Review* interview. In the same *Richmond Review* (Oct. 18, 2008), editor Bhreandáin Clugston's column analyzing Raymond Chan's defeat explained at length how the Garden City Lands issue was a significant aspect of it. Several letter writers to the Richmond papers and *Vancouver Sun* made similar points.

This is all relevant because of the federal government's upcoming role in the Garden City Lands issue. If you reject the current re-application to exclude the property from the ALR, that dormant federal role will suddenly become active again. The federal government is one of the parties to the MOU (the basic agreement), and it also entrusted title to the property to Canada Lands Company CLC for community benefit, as well as for government profit. Already, a few months ago, the Minister of Agriculture responded to our petition (the same petition that each of you received in the *Save Garden City* binders we delivered to the ALC office seven weeks ago). The minister was as supportive of an agricultural future for the Lands as protocol would permit. Now, if the federal government is further motivated so as to become involved again, it will expect the other parties to follow the

agreement and the original intents in ways that keep the lands for agricultural (and ecological) purposes for community benefit . The two local MPs, backed by massive support from their constituents, are very likely to be able to generate that motivation, and they will do so in a way that is well informed.

Enabling a green future for the Garden City Lands for food-security (and ecological) ends is a complex puzzle, but the Garden City Lands Coalition constantly envisions the puzzle picture and is doing its part to help fill in the pieces. Gaining a second local MP who will team with John Cummins (Dr. Wong's fellow Conservative) to influence the federal government in a deeply committed way has fitted another piece into place. It means that you can be even more confident of congruent federal action if and when you decide to keep the Lands in the ALR.

Sincerely,
Jim Wright
President, Garden City Lands Coalition Society, Richmond
604.272.1936

letters

Are Garden City lands arable?

Editor:

Re: "Musqueam up ante on Garden City," and Chief Ernie Campbell's open letter, June 7.

For background, I spoke up as a recently retired Richmond farmer at the Public Hearing on Garden City lands, hosted by the Agricultural Land Commission on April 26.

In the May 4, 2006 *Review*, an article was captioned "Province drops ALR appointee." That appointee was me, although at the time no one had bothered to tell me I had been appointed, otherwise, I would have remained silent as a political expediency.

In spite of speaking in favour of the city application for Garden City lands exclusion from the Agricultural Land Reserve, my action caused me to become *persona non grata*, both in Victoria and at city hall.

My speaking out now may well cost me my city appointment as a director of Richmond Agricultural Advisory Committee where I have served for the past five years. Be that as it may.

It is time to speak out about my personally held convictions.

Coun. Harold Steves has been a strong, positive force at the hall for many years. He and I have often differed on certain agricultural issues, but we agree totally on the urgent necessity to preserve diminishing farmlands.

We do seem to disagree about what can realistically be labeled as "arable" land in Richmond. We are both dedicated to demanding a "net benefit for agriculture" as a product of any exclusion from ALR.

Due to the natural characteristics of the land, I do not believe the Garden City lands will ever support traditional commercial farming, no matter how well-intentioned the proponents. It is essentially a swamp, surrounded on all sides by major arterial roads/highways. I farmed in Richmond from 1972 until my retirement last year, and nothing has changed with the Garden City lands, except the disappearance of the radio towers and the increased level of swamp waters.

The best use would be somewhat along the lines proposed by council at last years' ALC hearing.

Musqueam Chief Ernie Campbell attended the April '06 hearing, and I admit to having been nettled by his outspoken attitude when pressing the point for the land rights of his people. His wake-up call was the trigger for me to put my foot in my mouth, right at the end of the hearing, by reluctantly speaking in favour of the city application.

The city application was seriously flawed in certain key respects, leaving the ALC with no option but to decline the request. Specifically, a convincing case had not been made for exclusion, and this allowed Coun. Steves to succeed with his agenda.

Chief Campbell's theme at the hearing was, paraphrasing, "give us what we ask, or see us in court." Tough talk, but probably necessary from his viewpoint. Now, reading his latest comments, I agree with Chief Campbell, that there has been far too much procrastination and hand-wringing at the hall, and it is truly past the time to move ahead with a mutually positive compromise.

It has been proposed in all sincerity by doubtless well-intentioned persons, that food crops such as cranberries and blueberries, could and should be grown on the Garden City lands. Theoretically it is certainly possible, but a proper cost-benefit analysis would clearly show that it will never happen.

Consider:

- The absolute necessity of effective drainage. If farmers or others were to place necessary fill in quantity, they would surely disrupt drainage in all surrounding properties.
- What about easy access to suggested Garden City lands farm sites, by farmers and their equipment? Now they sometimes get ticketed for causing traffic delays on city streets. The rampant urban/rural conflict is being exacerbated daily. This would create more chaos.
- What about community outrage over necessary farm crop spraying?

What a horrendous loss to Richmond it would be if the Garden City lands, now owned and controlled by Canada Lands Company (federal government, but theoretically independent) were to be acquired by others, with their own development agenda, or if the lands were allowed to continue, *ad infinitum*, as a stew of unusable marshland in the middle of our community. Here I totally agree with Chief Campbell.

Richmond is now choking from rampant growth, and could well use a portion of the lands for people places, to benefit Richmond enormously.

This would be in exchange for reasonably giving more than lip service to address the needs of the farm community, and the rights of the Musqueam.

The shared dysfunction of municipal, provincial (ALC) and federal (CLC) bureaucracies is alarming to me, with no agenda after decades of political buck-passing, while a critical land mass in the middle of Lulu Island goes to waste—needlessly. This dysfunction also applies to municipal failure to deal adequately with daily compounding of urban/rural conflicts, to the costly and debilitating detriment of farmlands and farmers. Many municipalities have, for decades, chipped away at irreplaceable, arable farmland, to sate the insatiable demands of community growth. Unacceptable.

My great hope is that the City of Richmond become a more functional community, so let us choose, without further delay, a workable middle path on which all parties can walk together.

For Richmond's Garden City lands as well as in other areas of urban/rural interface, the urgent but thoroughly planned needs of the exploding city can be met in a way that provides for a net benefit to agriculture.

W. L. (Bill) Jones
retired from Jones Nurseries Ltd.
Richmond

September 25, 2008
B.C. Agricultural Land Commission
Re: Garden City Lands

RECEIVED
PROV. AGRICULTURAL LAND COMMISSION
SEP 30 2008

Dear Commissioners;

The Pitt Polder Preservation Society is an advocacy group located in Maple Ridge/Pitt Meadows. Our mandate includes the protection of environmentally sensitive areas and agricultural lands in our two communities and since our creation in 1996 we have been involved in a continuous battle to conserve agricultural land, locally and throughout the Lower Mainland. The increase in ALR removals throughout the province is a serious concern to us because it fuels speculation and leads land owners to believe that if they wait long enough and lobby the commission and municipal governments hard enough, they, too, can get their land removed from the ALR and make huge profits.

Over the past few years our organization has sent in countless letters to the ALC opposing various proposals to remove land from the ALR to accommodate development proposals such as the Tsawassen South Perimeter Road, the North Lougheed Connector and the Powell River Development, to name a few. We have held press conferences and media events to draw attention to the destruction of agricultural land on Formosa Farm, and the historic Laity and Hampton Farms. We have supported efforts to preserve Jackson Farm in Maple Ridge and attended media events in other areas of the region. This steady stream of correspondence and events tell a story of a continuous and often successful assault on agricultural land. It also indicates a lack of resolve on the part of the ALC to protect finite farmland and food security in the Metro Vancouver area.

An article by Wendy Holm in the Vancouver Sun (Wednesday, September 25, 2008) has drawn our attention to a recent proposal to remove 55 hectares from the ALR—Richmond's Garden City Lands. Ms. Holm points out that once a decision to remove this land is made by the ALC Panel, "it cannot be appealed." Since 2002, 580 hectares of farmland have been removed from the ALR in the South Coast region, and similar removals for development have taken place in the regions of Okanagan and Vancouver Island. These are alarming statistics for a commission whose role is it to protect the ALR. Globalization has already affected food safety in Canada so that keeping our local food lands within the reserve becomes increasinglyimportant. And yet it appears that the ALR has increasingly become a land bank for developers.

A case in point is the offer made to the City of Richmond to "[s]upport an ALR exclusion to allow residential and commercial development...or face land claim litigation ad nauseum". If citizens are to have any faith in the integrity of the ALC, you must reject this exclusion application and keep Richmond's Garden City Lands within the ALR.

Yours respectfully, Diana Williams

Diana Williams, President, Pitt Polder Preservation Society

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October 20, 2008

Our File No.: 020459-0070002

Delivered via mail

Provincial Agricultural Land Commission
133 – 4940 Canada Way
Burnaby, B.C. V5G 4K6

Dear Sirs:

Re: Garden City Lands

I am on record of the Public Hearing in Richmond as supporting the exclusion of the Garden City Lands provided that they do set up the fund for the enhancement of agriculture in Richmond. While the Commission knows that I am a great supporter of the preservation of agricultural lands I am concerned that these lands will never be used for agriculture and there are other pressures on the Richmond farming community which could be alleviated by this fund.

I made it clear in my presentations to the City that the fund should be administered in perpetuity by an independent board of trustees. My concerns are that future City councils could use the fund for drainage and irrigation and other purposes for which they should be responsible on a regular basis in any event. I am also concerned that a particular segment within agriculture may try and take control of the Farmer's Institute or whoever else administers the fund to use the fund for the benefit of their own sector rather than agriculture in general.

You may be aware that the Delta Agricultural Society provides funds to the Delta Farmer's Institute on an annual basis to support their part-time staff. I think that part-time staff in Farmer's Institute becomes increasingly important in urban areas as it is impossible for farmers in completing their day to day activities to keep up to date on all of the political and other matters which will have an impact on their ability to farm. Therefore it is important that there be someone whose sole responsibility is dedicated to keeping up to date on those and keeping the farmers informed so that they will be able to respond in a unified way for these problems that threaten agriculture.

I understand there may be many other issues for your consideration in the release of the Garden City Lands. I appreciate you will take all of those issues into account. My position is only that if it is released the fund should be administered by an independent board to protect all the farming in Richmond for future generations.

Yours truly,

CAMPBELL FROH MAY & RICE LLP

Per:

Ralph A. May

RAM/slm

Wallace, Ron ALC:EX

From: ALC Burnaby ALC:EX
Sent: Tuesday, October 7, 2008 3:00 PM
To: Wallace, Ron ALC:EX
Subject: FW: Save Garden City Lands

From: jennifer nim [mailto:jenmeimei7@hotmail.com]
Sent: Tuesday, October 7, 2008 11:02 AM
To: ALC Burnaby ALC:EX
Subject: Save Garden City Lands

To the Provincial Agricultural Land Commission,

Last night, I was flipping through the channels on television and stumbled upon a documentary called "Toxic Trespass". After watching this documentary, I felt very sad for what is happening and thought what could I do, to ensure that BC does not become that way. I have not gone far on my research, but I did come upon the website of the Garden City Lands Coalition. I know that Richmond is not even comparable to the unfortunate situation of Sarnia, Windsor Ontario but I do know that keeping the land with the ALR is a baby step to our sustainable future. I do not want to see more concrete buildings and I do not want to see more cars polluting and congesting around these buildings. I do not want to see Richmond to one day become a Canadian toxic hotspot.

This is a short letter to show my support as I am sure you have received reasons why we should keep the Garden City Lands in the Agricultural Land Reserve.

Sincerely,

Jennifer Nim

Garden City Lands Coalition

花園城市土地聯盟

www.gardencitylands.ca ◆ gardencitylands.wordpress.com

August 29, 2008

Agricultural Land Commission
133—4940 Canada Way
Burnaby, B.C. V5G 4K6

Dear Commissioners:

Please accept this request from the Garden City Lands Coalition: We, the Coalition, urge you to reject application 38099, the re-application to exclude the Garden City Lands, 5555 No. 4 Road, Richmond, from the Agricultural Land Reserve. That decision, we believe, will further the purposes of the Commission.

Allow us to introduce ourselves. The coalition is incorporated as the Garden City Lands Coalition Society in the Province of British Columbia with three purposes:

- To promote and advocate for the preservation as open space of the property in Richmond, British Columbia, commonly known as the "Garden City Lands."
- To promote, advocate, educate, research and undertake other activities that will further the establishment, maintenance, expansion or preservation of agricultural uses and other appropriate activities on the Garden City Lands.
- To undertake similar activities or initiatives as recommended by the membership and executive.

The Society currently has 51 dues-paying members, and the Coalition includes an additional 503 supporters in our opt-in/out supporters group. Together these people represent some of the most active defenders of the Garden City Lands. An even larger number of people—1,846 to this point—have signed the petition requesting you to keep the Garden City Lands "green in the Agricultural Land Reserve (ALR) for agricultural and ecological uses and park uses that may be permitted within the ALR."

The Society's board of directors is making this request on behalf of the Coalition. The directors are six long-time citizens of Richmond: Arzeena Hamir, P.Ag.; Bob Ransford; Daniel Leung; Jim Wright; Mary Gazetas; and Shane McMillan. As the filled-out expression of the request, we are providing *Save Garden City* in binders and on the Garden City Lands website. We would also be happy to provide a tour of the Garden City Lands led by the Coalition's knowledgeable guides and/or answer your questions.

Sincerely,

Jim Wright

Jim Wright
Director and President, Garden City Lands Coalition Society

5071 Steveston Hwy, Richmond, B.C. V7E 2K5 604.272.1936 GardenCityLands@shaw.ca

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Introduction

The Garden City Lands Coalition requests the Agricultural Land Commission to reject the re-application to exclude the Garden City Lands, Richmond, from the ALR.

The crux of the matter

We contend that the re-application, like the rejected initial application, is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land. Beneath the robes of verbiage, the applications are simply land speculation.

The applicants have failed in all three of their chosen arguments:

1. *Agricultural suitability*: As the Commission stated, the Garden City Lands are "prime agricultural land" that "has agricultural capability" and "is suitable for agricultural use" (Sept. 8, 2006, decision letter). As Malcolm Brodie told the Commission, "The lands . . . are suitable for urban agriculture" (Aug. 14, 2008).
2. *Community need*: The community has overwhelmingly made clear what it believes its need to be. It is not more high rises on farmland.
3. *Net agricultural benefit*: The divisive "agricultural endowment fund" has fortunately proven to have no substance. Meanwhile, the Lands' unique benefits have emerged.

Our goal of a readable request

Save Garden City is necessarily lengthy, since faulty assertions often require more words to refute than to state. However, respecting the Commission panelists' huge task and limited time, we have done our best to organize, phrase, and format the filled-out request in a readable way. We hope that you will be able to read the executive summary, the three sections, and the resources, as well as to skim the petition.

The *Save Garden City* resources

The resources in *Save Garden City* are typically integral. You may have already read some of them (e.g., as individual responses), and we are providing the full set for convenience—everything accessible in one place. All the resources are important, but please give priority to Resource 1, *Revelations at the August 14 ALC meeting*. Even though the Coalition's community service in our Garden City Lands project would add up to thousands of hours, we did not have time after the August 14 meeting to integrate most of our August 14 responses into the *Save Garden City* sections. Fortuitously, examining the meeting separately has also enabled a sharper focus.

Executive summary

Agricultural capability and suitability

- In September 2006, the Agricultural Land Commission affirmed that the Garden City Lands were "prime agricultural land," *capable* of agricultural use, and "suitable for agricultural use." They still are. Furthermore, as Richmond Council has recognized, they are suitable for all three "Richmond uses" it established for the Lands: urban agriculture and two related ALR-compatible uses.
- Agricultural economist Dan Schroeter's report, the applicants' attempt to disprove 2006 Commission findings about agricultural capability and suitability, is largely irrelevant, confused about viability, and disproved by the applicants' own team.
- The applicants' project manager has said "There's no contest that the lands are viable farmlands." Richmond Council's three "Richmond uses" for the Lands are ALR compatible and suitable. The federal Minister of Agriculture has suggested that the Lands may be suitable for advancing Canadian agriculture.

Community need

City need

- In the City Centre Area Plan, as unanimously approved by Richmond Council on July 21, 2008, there is no need for the Garden City Lands for parkland before 2031 and no need ever for the Lands for the planned 120,000 population.
- If the Garden City Lands development goes ahead anyway, it will provide far less open space than the acreage required for its own population under the City's applicable open space standards. It will increase a need, not fill one.

Band need

- The Musqueam Indian Band's stated community need is for money. In the interval since the Garden City Lands agreements were signed, that need has been addressed through the Reconciliation Agreement and other fund transfers.

CLC need

- Canada Lands Company's community-related need is to act with corporate social responsibility to leave optimized community value in its legacy projects. If the Commission again rejects the ALR-exclusion application, Canada Lands Company (CLC), presumably in consultation with the Musqueam Indian Band, can help leave a legacy by giving the City the opportunity to use its right of first refusal to buy the Lands for genuine community need related to urban agriculture.

Risk if needs not met

- The key risk described in the application is that two of the applicants (CLC and the Band) will gang up on the third (the City)—stopping it from getting the land the federal government intended it to receive—unless the Commission rescues the City by granting the applicants' wish (excluding the Lands from the ALR).

Public consultation

- The application describes "three crucial phases for public engagement" (Appendix 5, pp. 22–25). Behind the façade of consultation, the public have been misled, manipulated, and ignored in the first two phases (e.g., as explained in Resource 4A). The third phase, the post-exclusion phase, would be window dressing.
- Under the guise of seeking public input, the applicants have told the public that the development envisioned for the Lands is "Smart Growth." It is not, as Smart Growth B.C. has explicitly stated. On the contrary, it is urban sprawl.
- This opportunity to present responses to the Commission is the best kind of public consultation that has occurred during the whole long re-application process. True, the many supporters of the Lands and ALR—opponents of the application—who attended the Commission's August 14 meeting with the applicants did not have the right to speak; however, Resource 1 expresses points that the community would want to share with the Commission. (Note: In effect, there is a brief executive summary at the beginning of each main point in Resource 1.)

Net benefit to agriculture

- The proposed agricultural endowment fund does not provide a net benefit to agriculture. After about 18 months as an idea for a non-profit business with $13.75 million of public money (and a superficial link to the Lands), the proposed fund still does not have a business plan or even a coherent concept. It is divisive of Richmond's agricultural community, and it is rife with harmful potential.
- The alternative way for the applicants to achieve a net benefit to agriculture is to renegotiate the Garden City Lands agreements so as to enable agricultural use suited to the Lands' unique potential—replacing the land-speculation uses that the applicants negotiated despite knowing they were not permitted.
- The *Sustainable Food Systems Park Proposal* and Kwantlen Polytechnic University *Urban Agriculture Education Concept* complement each other. If the parties to the Garden City Lands agreements enable the proposed agricultural park, the benefit to agriculture can be immense. Realistically, Kwantlen and its community partners could lead the world in urban agriculture education for food security.

Usage and clarity in *Save Garden City*

Usage

In this request to the Commission, the usage is as follows:

Council: Richmond City Council

the Commission: the Agricultural Land Commission (ALC)

the Coalition: the Garden City Lands Coalition Society members and supporters

the applicants: a consortium of CLC, the Band, and the City (essentially co-applicants, with CLC as application project manager and the City as official applicant)

CLC: Canada Lands Company Limited and/or Canada Lands Company CLC Limited

the Band: the Musqueam Indian Band

the City: the City of Richmond

the Lands: the Garden City Lands

the agreements: (1) the MOU, which is the initial Garden City Lands agreement and potentially the final surviving agreement, and (2) the Purchase Agreement

the MOU: the Memorandum of Understanding (MOU) between the Department of Fisheries and Oceans (DFO), CLC, the Band, and the City

the Purchase Agreement: the Richmond-CLC/Musqueam Purchase Agreement (also known as the Agreement of Purchase and Sale), which does not include the DFO

the Parties: the federal government (through the DFO), CLC, Band, and City —the Parties to the MOU

the initial application: the Lands application that the Commission rejected in 2006

the re-application: the applicants' second attempt in 2008

the public hearing: the public hearing conducted by the City of Richmond in March 2008 for six evenings, ostensibly to gather public opinion about whether to submit the Garden City Lands exclusion application to the Commission

the trade centre: the trade and exhibition centre, proposed for the Lands, that Tourism Richmond was unable to finance before the City-set deadline and that was not one of the three Richmond uses unanimously approved by Richmond Council—but that has reappeared in the application as a likely use

low rise: 3–5 stories (as defined in Appendix 20, page 8)

high rise: 6–16 stories (as defined on the same page)

Clarity

These short explanations are intended to clarify muddy aspects of the application.

Project leadership: CLC is managing the application, and the individual project manager is CLC's Randy Fasan. Under the agreements, CLC's role includes making the application to the Commission, but CLC asked the City to be the official applicant in the re-application in order to have greater credibility in expressing community need.

CLC's dual identity: CLC constantly (and often erratically) mixes the names of Canada Lands Company Limited, which is a crown corporation wholly owned by the federal government, and Canada Lands Company CLC Limited, which is a real-estate flipping company wholly owned by the crown corporation. Since the legal implications to the distinction are not vital in this context, we are referring to both companies as CLC.

The City lands: What the agreements call the Public Lands is often thought of as the City lands. It is the 47.6 or 57.8 acres that the City may (or may not) be able to purchase in or around January 2013 if the Lands become excluded from the ALR.

Location of City lands: Under both agreements, any parcels of the Lands that the City obtains will be "scattered throughout" the property.

Acres and hectares: Although Canada uses the SI Metric system and the Garden City Lands are officially described in hectares, the applicants have generally expressed the area in acres. Furthermore, in the public discourse, a consensus seems to have developed to think of the Lands as being 136 acres, the figure we are using.

City control of rezoning and subdivision: While the City obviously approves rezoning and subdivision, the other applicants also have approval rights under the Garden City Lands agreements. Since they can ultimately terminate the Purchase Agreement if any negotiations related to the rezoning and subdivision conditions are not resolved to their satisfaction, they have considerable power in those processes.

"Tearing up the agreements": Applicants have said they will end the agreements if the Commission does not exclude the Lands. In contrast, the Coalition believes the spirit of the agreements is (a) to renegotiate within the MOU in order to give effect to the spirit of the MOU, to the extent possible, in the changed circumstances and then, if the renegotiation fails, (b) to cooperate in making whatever arrangements are necessary to restore each Party to the position that it was in prior to entering into the MOU. The MOU states that. However, the agreements do not clearly address the possibility of the Commission rejecting the application, since the Parties assumed it would be rubber-stamped, and that could make the spirit of the MOU hard to enforce.

Termination dates: The termination date for the Purchase Agreement can be considered to be the end of December 2008. The MOU has no termination date.

Agricultural capability and suitability

In the re-application for exclusion of the Garden City Lands from the ALR, the applicants discuss agricultural capability and suitability at length. Presumably the intent is to rebut the Commission's 2006 findings. In the September 2006 report rejecting the initial application, the Commission affirmed that the Garden City Lands are "prime agricultural land," *capable* of agricultural use, and "suitable for agricultural use." To support the finding of suitability, the Commission wrote that "the size of the subject property is such that it could constitute a complete farming unit from which farm vehicle movements would be infrequent" and that "the existing road network serves to increase agricultural suitability by providing a buffer, or separation, to and from adjacent lands." The Commission's findings seem clear to us, and the factors that the Commission noted have not changed.

Analysis of 5.0 (Capability) and 6.0 (Sustainability)

What is unclear to us is how the applicants think that Sections 5.0 (Capability) and 6.0 (Sustainability) of the application refute those findings. Our view is that those sections do not merit a detailed analysis. However, rather than just dismiss them, we will analyze the following paragraph from the end of Section 6.0 as an example:

> Given the urban setting of the lands, essentially a finger of ALR land protruding into downtown Richmond, the costs and complexity associated with farming on the Garden City Lands make the lands unsuitable for agriculture. Furthermore, the Musqueam Indian Band title claims and the fact that the lands are currently held by the federal Crown will completely inhibit the availability of the Garden City Lands to be developed for agricultural use. The Musqueam have indicated that they have no interest in pursuing agricultural development on the parcel and no intention of ceding their legal claims to the lands. (p. 9)

The following points are in response to that paragraph:

- On the contrary, the urban setting is ideal for some agricultural purposes, such as the *Sustainable Food Systems Park Proposal* (Resource 6) and Kwantlen Polytechnic University's *Urban Agriculture Education Concept* (Resource 7). The applicants must know that, because many times in the application they have described urban agriculture as a suitable use for the City's anticipated Garden City Lands open space. Also, Richmond Council members expressed interest in locating the Kwantlen program on the Lands when they responded to the

presentation by Kwantlen's Dr. Kent Mullinix at their Feb. 5, 2008, Planning Committee meeting. The minutes state that "Staff was directed to look at a 48-acre parcel of the Garden City Lands . . . when exploring the concept." Moreover, Richmond farmer Bob Kallu's expression of interest to Richmond Council (Resource 8A) shows that the Lands can be good for blueberry farming, and the response to the commission from Deirdre Whalen, a member of the Richmond Farmer's Institute, describes success with similar lands (Resource 8B, submitted to the Commission on August 8, 2008).

- The Garden City Lands are basically a square, not a finger, let alone a "finger protruding into downtown Richmond." They have remained pretty much as they are since long before the neighbouring build-up on three sides, which is recent on much of the north side and just beginning on the south side. Also, although the City has added the Garden City Lands to the City Centre, the City has not added the Alexandra area (immediately north of the Lands), so there is City Centre on *only two sides* out of four. The pejorative image of a *protruding* finger is as inaccurate as it is inappropriate.

- The "fact that the lands are currently held by the federal Crown" is a false fact, as are so many of the facts in the application. In reality, the federal Crown transferred title to the Lands to CLC in 2005 (with the Musqueam Indian Band getting a 50% unregistered beneficial interest) with specified intents, including the intent that CLC would sell much of the property to the City of Richmond.

- The "Musqueam Indian Band title claims" mentioned in the paragraph under analysis must refer to the Band's land claims, which include most of Metro Vancouver and beyond. At the public hearing in March 2008, land claims lawyer Keith Clarke, providing legal advice to the City, stated that "the aboriginal issues are actually a bit of red herring," and he supported that point in considerable detail (Day 1 transcript, p. 138, which is PDF p. 140).

- Finally, the paragraph we have been analyzing says that "The Musqueam have indicated that they have no interest in pursuing agricultural development on the parcel." So has CLC. Perhaps the applicants think the Commission should exclude farmland from the ALR on the basis of an owner or party with a beneficial interest refusing to farm it. With that criterion, all the unfarmed ALR land owned by speculators would rapidly be excluded, spelling the end of the ALR. We are glad the Commission has not adopted that self-defeating criterion.

Analysis of the Schroeter report

The applicants hired an agricultural economist, Dan Schroeter, to write a lengthy report that is presumably a further attempt to rebut the Commission's findings about the Garden City Lands' agricultural capability and suitability. In the application, it is Appendix 1, "Agricultural Assessment of the CLC Lands, 555 [*sic*] No. 4 Road, Richmond." The report is largely irrelevant, repeatedly disproved by the applicants' own team, and confused about agricultural viability.

Lack of relevance

One obvious source of the report's deficient relevance is that it assumes agriculture on the Lands has to be an industrialized kind of commercial agriculture. That sort of agriculture may actually be possible, but the groundswell of need-inspired community aspiration in Richmond has been for agricultural goals and methods that are in keeping with the three Richmond uses for the lands (addressed later under "Suitability for Agriculture in the Big Picture"). In that regard, Richmond Council has been responsive to the community: the Council members unanimously approved those three uses—long before the applicants began submitting the ALR-exclusion re-application.

Apparently the agricultural economist was also unaware of trends in the U.S., where there has been an increase in smaller farms (e.g., two or three acres) and community supported agriculture (CSA), accompanied by younger people working the land. In that context, it makes no sense to assume that agriculture on the Garden City Lands has to use more-industrial methods. It makes even less sense for the report writer to have either ignored or not received the *Sustainable Food Systems Park Proposal*, principally written by agrologist Arzeena Hamir, P. Ag., who has hands-on familiarity with Richmond's soils, farm culture, and food security needs.

There is also little relevance to the report's discussion of food security. In the Garden City Lands context, food security is a matter of the long-term ability to feed Richmond people, especially those living with poverty and/or seeking local food for environmental and health reasons. That could involve, for instance, Richmond Food Bank clients not only being able to obtain fresh produce nearby but also helping grow it on the community farms, with the agriculture facilitating their wellness in several simultaneous ways. With all due respect to the agricultural economist, we feel certain that the co-chairs of the Richmond Poverty Response Committee, working with and for some of the neediest among us, have a more relevant sense of the community's food security needs. Resource 5 provides their views, as expressed in "Richmond is food insecure" in the *Richmond Review* (June 16, 2007).

Since food security issues have received considerable news coverage in the past two years, this is an aspect of the Garden City Lands issue in which we will rely on the Commission's existing knowledge. In that regard, most of us were involved in Metro Vancouver's *Building a Resilient Food System Workshop* on June 18, 2008, and we were delighted to notice Commission Chair Erik Karlsen participating.

One more example of the Schroeter report's limited relevance is that it only considers agricultural use in the near future. True, it will be good if agricultural production can occur on the Lands soon, and opportunities will be lost if the applicants prevent it from happening. However, if the Lands simply provide ecological benefits as bog for decades, they will still be agriculturally capable and suitable when the need for them becomes more urgently evident.

Since the economist has made much of the supposed irrigation issue and the antenna cabling issue, we will explore them next.

The supposed irrigation issue

In responding to the Schroeter report, we will continue the approach of focusing on representative examples as far as possible. We will begin with the supposed issue of irrigation of the Garden City Lands, since the Schroeter report repeatedly brings up supposed concerns about it. For instance:

- The summary states that "... crop water requirements could only be met through the City's domestic water system" (page iv).
- The summary later states that "Any irrigation on the subject property would have to be based on the City's piped domestic water system" (page vii).
- The appendix's Section 2.4.2, "Irrigation" (pages 5 and 6), elaborates on those statements. The water costs are said to be many times the normal agricultural water costs, with the possibility that sufficient water could not be supplied.

In response, we should first point out that municipal water costs are not very relevant to the Garden City Lands. It might be possible to irrigate with municipal water, but that would be wasteful. That would also not be very consistent with the sustainable systems approach of the urban agriculture community, the people who have expressed the most interest in farming the Lands.

The obvious way to irrigate the Lands is with the reservoir lakes that will be increasingly needed for City Centre storm water retention. *The ALR exclusion application itself shows that the approach is practicable.* In Appendix 3, "Urban Design Review of the Planning Context," the consultant Joost Bakker discusses "unique opportunities in resource sharing" through the proposed development on the lands, including this opportunity:

> On-site parks may contain stormwater retention areas that serve as public amenity for the urban population as a water feature in public space. This non-chlorinated water may be channeled off-site to nearby agricultural land and used for irrigation. (page 28)

By questioning Coun. Harold Steves, we have confirmed that the applicants' consultant (Joost Bakker) has reflected the expressed intents of the relevant City staff. Besides essentially agreeing with Mr. Bakker, Coun. Steves explained that the storm water drainage requirement is related to increased run-off resulting from high-density construction in the City Centre. More specifically, he added the information that a recent staff estimate of required storm water reservoir area on the lands was 5 acres. Incidentally, Mr. Steves, a professional agrologist who farms in Richmond, indicated that his preference would be for a somewhat larger reservoir pond/lake area.

Since a reservoir on the Lands will be used for irrigation of nearby agricultural land if the Garden City Lands development proceeds, it is obvious that a reservoir on the Lands can be used for irrigation of the Lands if they are used for agriculture. Far from being prohibitively expensive, this unique opportunity in resource sharing would provide *inexpensive* irrigation for Garden City Lands agriculture.

The antenna cabling issue

In his public hearing presentation and Appendix 1 to the application, agricultural economist Dan Schroeter has described antenna cabling as a significant problem for agriculture. In section 3.7.2, he states:

> Much more problematic from an agricultural development perspective are the many kilometers of antenna cabling buried throughout the subject property. This cabling would disrupt agricultural development and operations on the site and would have to be removed. Removal is expected to be extremely expensive and may result in considerable soil disturbance. (page 14)

Mr. Schroeter's statement contradicts the statements of Randy Fasan, the individual project manager for CLC, the applicant that is project managing the ALR exclusion re-application. Mr. Fasan was also in charge of the initial application. In "Garden City lands too contaminated to farm?" in the *Richmond Review*, May 6, 2006, reporter Matthew Hoekstra wrote about Mr. Fasan rebutting environmental concerns related to the initial application:

> Canada Lands Company director of urban design and planning Randy Fasan said as part of the sale, the fisheries department handed over its previous environmental assessment work of the site. Those reports, Fasan said, indicate the land is clean, aside from some copper wire at the base of the now-demolished coast guard radio towers.

Mr. Fasan's conclusion is even clearer in a direct quote in the article: "Our in-house engineer has reviewed those reports and we're satisfied that the lands are clean."

While it is hard to be sure what content may be buried somewhere in the vast application, our thorough search has not turned up any new environmental assessment report. We also looked at Appendix 10, the geotechnical report on the suitability of the land for construction, and we can find no indication of "many kilometres of antenna cabling buried throughout the subject property." Furthermore, we can find no indication in Appendix 1, "Agricultural Assessment of the CLC Lands, 555 [*sic*] No. 4 Road, Richmond" to suggest that Mr. Schroeter even personally studied the land itself, let alone dug into the soil enough to find evidence of many kilometres of buried cable.

We had assumed that Mr. Schroeter, who had no apparent source, was less credible than Mr. Fasan, who had studied the Department of Fisheries environmental assessment reports and had them reviewed by CLC's in-house engineer. However, at the application meeting with the Commission on August 14, 2008, Mr. Fasan contradicted himself when describing the DFO reports, "including disclosure that thousands of metres of copper antenna wire shielding were left behind."

We now know that we cannot believe Mr. Fasan, and Mr. Schroeter has not earned confidence, so it is hard to know what to believe. We do, however, have a sense that the many kilometres of buried antenna cable make little difference to the suitability of the land for urban agriculture, regardless of whether they do or do not exist. For Kwantlen Polytechnic University's urban agriculture education, possible buried cable, indeterminate kinds of clean fill, and other factors that the applicants portray as obstacles could even be educationally valuable as problem-solving opportunities for students learning to grow food with the real-life challenges of urban settings.

Economic viability

It is not clear to us why economic viability has popped up in the re-application, but it evidently seems highly important to Mr. Schroeter. As far as we can determine, economic viability is *a value that the Commission aims to enable* because it wants farm businesses to succeed. Economic viability does not appear to be a key criterion when the Commission determines whether to exclude prime farmland from the ALR.

When speculation, along with other factors, increases the price of land, that has a negative effect on economic viability. If that consequence of speculation then becomes a criterion for excluding lands from the ALR, a vicious cycle will be set in motion:

- Speculation causing higher land prices
- Higher land prices leading to more farms being excluded from the ALR for economic viability reasons, thereby rewarding speculation
- Further speculation causing even higher land prices, and so on

In contrast, rejecting the application again would send a message that the Commission is able to stand firm in the face of land speculators, even ones as powerful as the applicant trio. That is particularly important because the Garden City Lands have been a poster child for forces contending that unfarmed land should be excluded from the ALR. They include developers' association president Phillip Hochstein. In "Space Invaders" (Resource 11A) a July 2007 *BC Business* magazine column, he uses Richmond and the Garden City Lands as his main example to support this proposal: "The time has come to reclassify all ALR land that is not being used for food production for residential, commercial and industrial use" (p. 27). At minimum, discouraging speculators would slow the escalation in the cost of buying farms.

A final note about viability

Before leaving the applicants' viability issue, we must point out that this is one more topic on which the applicants have refuted themselves. On viability, the Schroeter report contradicts what Randy Fasan, project manager for both the initial application and the re-application, evidently said in 2006. This is how he is quoted in "Garden City lands too contaminated to farm?" in the May 6, 2006, *Richmond Review*:

> "There's no contest that the lands are viable farmlands and could be used for berry growing, and in fact, could be improved to raise other crops. So we did not go through the time and expense of getting an agrologist report to state that."

Unfortunately, in subsequent years CLC did go to the time and expense, which will be borne largely by the taxpayer, of getting the Shroeter report to state the opposite.

Suitability for agriculture in the big picture

Suitability in the City of Richmond picture

In *Save Garden City*, we have already shared a glimpse of how the Garden City Lands are ideally suited to the City's plans and aspirations. That is particularly evident from Richmond Council's unanimous adoption of the three Richmond uses for the City's portion of the lands, which can all be ALR uses:

- Urban agriculture
- Showcasing environmental sustainability
- Community wellness and enabling healthy lifestyles

Those Richmond uses can best be achieved on the whole Garden City Lands, rather than on the parcels "scattered throughout the entire Garden City Property" (MOU 1.10) that the City hopes to get if the Lands are excluded from the ALR and the development goes ahead. The uses reflect (and appear to have been at least inspired by) the *Sustainable Food Systems Park Proposal* (Resource 6), principally written by Arzeena Hamir, P. Ag., which the Richmond Poverty Response Committee had earlier presented to Richmond Council.

All three of those uses are also evident in Deirdre Whelan's letter (Resource 8B), which describes community gardens functioning somewhat as a farming unit. The same is true of the Richmond Fruit Tree Project's sharing farms, community farms with which we have first-hand experience. The Garden City Lands are uniquely suitable for that kind of agriculture because they are right where it is needed—alongside a high-density area that will be teeming with 120,000 residents. Similarly, they are uniquely suitable for urban agriculture education, especially the Kwantlen Polytechnic University concept, as described by Kent Mullinix in Resource 7, because:

- They are a stone's throw from Kwantlen's Richmond City Centre campus.
- They are large enough and urban enough to provide the needed 40–50 *urban* acres.
- There would be many community farmers and community gardeners for the students to interact with—an aspect that Dr. Mullinix has been enthusiastic about when discussing the concept.

It is fortuitous that a 136-acre parcel of prime farmland, buffered and large enough to constitute a complete farming unit, can still be available for the agricultural purposes for which it is so suitable.

When writing the *Sustainable Food Systems Park Proposal*, Arzeena Hamir and her Richmond Food Security Task Force team researched excellent examples of urban agricultural models. Among many others, they included:

- Intervale in Burlington, Vermont (www.intervale.org)
- Portland's Diggable City Program
- The teaching/community farm in Santa Cruz, California

The team found that the Intervale model could well be adapted to meet Richmond's community needs—with the potential to develop one of the first farms like that in Canada.

We will be considering community need in a later section and are just briefly touching on it here. Through their unanimous vote, the nine members of Richmond Council identified their perception of the community need ("Richmond uses") for the Garden City Lands, which involves using the Lands in the way in which they are most suitable for agriculture. If the Commission again rejects the application, the three applicants—CLC, the Band, and the City—can enable the lands to be used in that suitable way just by getting together (perhaps also with the federal government) to renegotiate with enough goodwill to make it happen.

Suitability in the B.C. provincial picture

Earlier this year, the government of British Columbia unveiled a promising plan, *British Columbia Agriculture Plan: Growing a Healthy Future for B.C. Families*. There are five broad goals, which the plan calls themes:

1. Producing Local Food for a Changing World
2. Meeting Environmental and Climate Changes
3. Building Innovative and Profitable Family Business Practices
4. Building First Nations Agricultural Capability
5. Bridging the Urban/Agriculture Divide

Jim Wright's presentation to the public hearing in March 2008 showed how the Lands are suited to all five. For the relevant section of the presentation, see Resource 3.

Note: Hon. Linda Reid, MLA for Richmond East, which includes the Garden City Lands, strongly supports saving the Lands, as she wrote in the *Richmond News* (Resource 9B).

Suitability in the federal picture

In July 2008, Hon. Gerry Ritz, Canada's Minister of Agriculture and Agri-Foods, responded to a petition from the Garden City Lands Coalition with a letter that indicated his department would consider the option of accommodating the Garden City lands for his department's program requirements if the Lands become available in the future for agricultural purposes.

> The federal government is supportive of efforts in British Columbia, and elsewhere in Canada, to protect agricultural land for the future. We are following with interest the initiatives of communities, community organizations, universities, and colleges to promote urban agriculture.
>
> While Agriculture and Agri-Food Canada does not currently have a program requirement that could accommodate the Garden City lands, should these lands become available in the future for agricultural purposes, the Department would consider that option.

Of course, given the current status of the Garden City Lands agreements, a more unequivocal commitment from the Minister at this time would not be in keeping with accepted protocol. Nonetheless, the wording of his letter holds the promise of consideration of this option in the future if the lands remain available for agricultural purposes. Furthermore, in the letter (Resource 9A), Mr. Ritz mentioned *Growing Forward*, which will be the new federal policy framework for agriculture.

One way the lands might not be suitable

Before we move on from this final aspect of suitability, we have to point out that the Schroeter report indicates the property is located at ***555*** No. 4 Road. It says that on the title page in large bold type. We had thought the location was ***5555*** No. 4 Road, which would be 2.5 miles away from the 555 address. However, if the report is right that the Lands are at 555 No. 4, then they are most likely submerged under the north arm of the Fraser River.

If that is the case, then they are *not* suitable for agriculture.

Community needs

When rejecting the applicants' initial application in 2006, the Commission mentioned the "absence of a substantive community need argument." In the re-application, there is a large volume of words about community need but, we believe, little substance.

The applicants have devoted 18% of their main application document to proving to the Commission that "the commission has statutory authority to consider community need in the context of exclusion applications" (pages 11–15). We gather that the Commission *does consider* community need, regardless of whether particular applicants prove to the Commission that it can do so. A relevant aspect of that reality is that it gives us the opportunity to describe how community need is actually a reason to keep the Garden City Lands *within* the ALR.

The applicants' ubiquitous treatment of community need

We found content about community need in various parts of the application, including:

1. Application pages 15-22
2. In Appendix 2A, a December 2007 Richmond staff report to Richmond Council, "Potential Community Benefits from the Garden City Lands Partnership" (page 13)
3. In Appendix 3, "3.5 Community Needs" (pages 17–18)
4. Appendix 4A, "City of Richmond Community Needs," and Appendix 4B, "Musqueam Indian Band—Community Needs"
5. In Appendix 5, "2.3 Community Need Assessment" (pages 13–22) and a part that starts on another page 2, perhaps a copy of application pages 15–22

We were unable to sort out all the repetitions and inconsistencies enough to be sure what is meant, but the amount of content practically demands a response.

Moral high ground?

Before examining stated needs, we must address the Appendix 3 contention (in the community need context) that "exclusion from the ALR represents the moral high ground of treaty negotiations" (page 18). That is impossible, since the Garden City Lands agreements were entered into *outside* the treaty process, as was unfavourably alluded to in the November 2006 *Report of the Auditor General of Canada* (7.47). In any case, since there is no evidence of the negotiators consulting the Commission before entering into the agreements, it seems preposterous to expect the Commission to exclude ALR farmland on the basis of a fuzzy new criterion of "moral high ground."

City of Richmond community need

Stated need and expected community benefits or values

To begin this topic, we will try to identify the "stated" City of Richmond community needs. The word stated is in quotation marks because we could find *no clear statement of need* in the main application document or in Appendix 4A, where "Community Need Information Requirements" begins with Richmond's "statement clearly identifying the need" (Appendix 4A, p. 1).

In Appendix 3, we found this relatively clear statement:

> With the accelerated population growth in the City Centre area of Richmond there is a need for public open space and amenities based on a per capita basis for its present and future residents. (p. 18)

Specifically, that appendix states that "65 acres represents 32% of the total new open space required in the City Centre Area Plan" (p. 18).

There is another relatively clear statement in Appendix 2A:

> Ownership of 68 acres of public open space will go a long way to achieving the park and open space requirement envisioned in the City Centre Area Plan and provide maximum flexibility to address community needs described above. (p. 13)

The "community needs described above" are the three "Richmond uses" for the Garden City Lands that were unanimously supported by Richmond Council: urban agriculture, showcasing environmental sustainability, and community wellness and enabling healthy lifestyles. (Council members both for and against ALR exclusion supported those uses, as they can be achieved either within or outside the ALR.)

Appendix 5, a February 15, 2008, staff report to Richmond Council, covers similar ground at greater length (pp. 10–18).

If we cut through the verbiage, the main claimed Richmond community need for excluding the Garden City Lands from the ALR is to obtain more parkland—more open space to help meet the per capita requirements for the eventual City Centre population. There may also be a claimed need to spread the eventual City Centre population over a larger area, evidently to be achieved by grafting the Garden City Lands onto the previous "City Centre" (already accomplished) and then paving much of the farmland with high-density construction.

The refutation to those claims is in the City of Richmond's own new City Centre Area Plan (CCAP), unanimously approved by Richmond City Council on July 21, 2008. The June 11, 2008, staff report describes the refinements that had taken place in response to councillors' input, and Resource 12 in this *Save Garden City* request shows what the adopted CCAP says about the City Centre's need for the Garden City Lands construction and parkland. Resource 12 is page 11 of that staff report, and the key content comprises the third row of the table. It is in response to this comment in the "Comments from Councillors" column:

> Indicate how much of the 120,000 ultimate build-out population has been assigned to the Garden City Lands (GCL) and how much the CCAP is relying on it for park and open space in the City Centre.

What the new area plan says about that, as explained in Resource 12 under "Resultant Changes in the CCAP," is this:

- There is **NOT a need** for the Garden City Lands **for parkland before 2031** (i.e., before the end of the first of the two CCAP phases).
- There is **NOT a need** for the Garden City Lands **for residential construction** for the anticipated 120,000 City Centre population—**not now, not by 2031, not ever.**

Apparently a lot of additional City Centre parkland *will* be needed during the second phase of the CCAP, the period of slower growth between 2031 and 2100. The Lands could actually go a long way to meeting that foreseeable eventual need—if they become agricultural park, 136 acres of ALR farmland that is also parkland.

In contrast, the issue of the claimed need for the Garden City Lands for residential construction can surely be dismissed on the basis of the refined, newly adopted CCAP. Since the refined provisions related to the Garden City Lands were high profile, they certainly did not just slip through unnoticed. If the Garden City Lands had been *needed* for residential construction, as opposed to being *wanted* or *nice to have*, then surely the Council members would not have accepted those provisions. At minimum, they would have postponed approving the area plan until after the Commission's decision on whether to exclude the lands from the ALR. (In the event of the Commission again rejecting the application, Council would presumably then have had to make significant changes to the CCAP, e.g., by reducing the eventual City Centre population.) As it is, every one of the Council members—the six who supported ALR exclusion and the three who opposed exclusion—all voted the same way. Every one of them voted for a plan in which the Garden City Lands are NOT *needed* for residential construction, NOT *needed* for "the total build-out population of 120,000."

Reasonable alternative means to meet the need

Alternative means identified by Agricultural Land Commission staff

The obvious alternative means for the City of Richmond to meet the need was to heed the readily available Commission staff report related to the initial application to exclude the Garden City Lands from the ALR. The Commission staff report identifies alternative lands:

> Adjacent areas recommended for redevelopment could provide opportunities to accommodate such urban amenities. Areas to the north and south of the proposed exclusion are under redevelopment for residential and commercial use and these areas could provide for the public amenities sought. (Gordon Bednard, April 11, 2006, p. 5)

At that time, most of the Alexandra area of West Cambie, immediately across Alderbridge Way to the north of the Garden City Lands, was sparsely populated with about three hundred people living in an area close to the size of the Lands. It was semi-rural and mostly zoned R1. In the whole huge (half-mile-wide) block bounded by Alderbridge Way, Garden City Road, Alexandra Road, and No. 4 Road, there were only a dozen inhabited houses. It would have been just as easy to add that area into the "City Centre" as it previously was to add the Garden City Lands into the City Centre. (Geographically, the Alexandra area and the rest of West Cambie are as much a part of the City Centre as the Garden City Lands are.) While part of that huge block and some other parts of the Alexandra area do in fact appear as open space in the plan that has now been adopted, a *far larger* acreage could have been zoned for open space.

In short, the City of Richmond has ignored the insight provided by Commission staff and significantly negated an alternative means of meeting the open space need—while preparing the re-application in the same time period.

Important correction before continuing

Before addressing the next aspect of alternatives, we have to correct false facts in Appendix 5 (pp. 14–15). Under "Quantity of Open Space," the appendix correctly begins that "The current citywide standard is 7.66 acres per 1000 population." However, it then *incorrectly* and repeatedly characterizes a supplementary standard that was adopted in 2006 as a *reduction from the City-Wide Standard.*

The supplementary standard is 3.25 acres *within the City Centre* per thousand residents *within the City Centre*. It is not a watered-down replacement for Richmond's City-Wide Standard (7.66 acres of park per thousand residents). It is a safeguard to ensure that City Centre residents will have at least a bare minimum amount of parkland per capita nearby. That safeguard was needed because the rapid increase in City Centre population, along with escalating City Centre land prices, has had the economic effect that the City can acquire new parkland much less expensively in outlying parts of the city than in the City Centre. On that particular matter, Richmond Council acted promptly—by means of the supplementary standard—to curtail the problem.

Jim Wright explained the City Centre Standard at the Garden City Lands public hearing in March 2008, and Council members, including councillors in favour of ALR exclusion, were appreciative (Day 2 transcript, p. 66, which is PDF page 68).

The point is that *all* Richmond residents (including those living in Richmond Centre) are entitled to *7.66 acres* of Richmond open space per thousand. Because Richmond Council alertly recognized the emerging need to ensure sufficient *nearby* parkland for Richmond Centre residents, they are additionally protected by the *supplementary* standard of 3.25 acres *within the City Centre* (per thousand City Centre residents).

The Garden City Lands proposal would not remedy a shortage!

The Garden City Lands ALR-exclusion proposal would not remedy the post-2031 shortage in open space within the City Centre. The proposal, in effect, is for the Lands to start as the current large open space and finish with many smaller open spaces with a much smaller total acreage. That would be a form of *urban sprawl*, spreading the eventual 120,000 City Centre residents over more space, including prime farmland.

Quite possibly, though, the Garden City Lands development would actually increase the eventual population beyond that 120,000 number—and consequently increase the amount of required open space.

In any case, having the additional huge Garden City Lands population would accelerate the rise in City Centre population, since the many construction projects that are "in the pipeline" would go ahead regardless of what happens on the Garden City Lands. The Garden City Lands exclusion and development would at least be hastening the eventual shortage of open space (and in all likelihood exacerbating it).

In that context, the reasonable expectation—if the Garden City Lands really must be developed—would be for the development to provide the number of acres of open space than Richmond's standards require for the number of thousands of people who would live in the development. *Although it should do that, it most certainly would not.* Under the Garden City Lands agreements, it would fall far short.

As residents have intuitively recognized in letters to the newspapers and submissions to Richmond Council, the development would essentially provide some green space for itself. The taxpayers, who (through their governments) owned the Garden City Lands for over a century, would end up buying and maintaining the green space for the development. That's great for the CLC-Band partners, not the community.

The details are provided in Resource 4C, a Garden City Lands blog post titled "The 14,650 coincidence." Please read it, as we believe that this point in itself is sufficient reason to turn down the application.

The short version is that the open space left over for the City from the proposed development would only provide the amount of *City Centre* open space that is required for that particular development. The situation is worse than that, but we think it is best to make that point before moving on to the bigger problem.

Notes about "The 14,650 coincidence"

- The "The 14,650 coincidence" post includes the best available calculation of population in the proposed Garden City Lands development, worked out with expert advice on the basis of reliable figures from the City of Richmond and the 2006 census.
- The blog post assumes that the trade and exhibition centre will be built (on 22.4 acres, leaving 47.6 acres of City land for potential open space). If the trade centre is not built, then the City land will be reduced, since the CLC-Musqueam partners would get half those 22.4 acres under the agreements.
- Doing a second set of calculations for a scenario with no trade centre would unnecessarily add to the complexity. The City land available for open space would still be almost entirely needed to offset the additional City Centre population resulting from the Garden City Lands development.

The Garden City Lands proposal would cause a shortage!

It is bad enough that the Garden City Lands proposal does not deliver a net benefit to the supply of open space *within the Richmond City Centre*. But the problem goes beyond that: the proposal would actually cause a shortfall in Richmond open space.

The point to remember here (as a quick review) is that Richmond Centre residents, like all Richmond residents, are supposed to have the benefit of 7.66 acres of open space per thousand residents. The 7.66-acres-per-thousand is the City-Wide Standard. In the Garden City Lands proposal, the open space left over from the development would meet only the supplementary City Centre Standard (3.25 acres *within the City Centre* per thousand City Centre residents). The remaining 4.41 acres per thousand Garden City Lands residents (7.66 acres minus 3.25 acres) would have to be found somewhere. Unless found on ALR land, it would be expensive, since parkland outside the City Centre has been costing around $2.5 million per acre lately. As explained in Resource 4B, "Our Stanley Park," *the ballpark-figure cost for the development's open-space shortfall is $160 million.*

Excluding the Garden City Lands from the ALR, thereby enabling high-density development, would result in an *increased* future shortage of open space in Richmond. Since the Richmond community need is for a *decreased* future shortage of green space, the alternative means that would actually meet the community need is to *stop the ALR exclusion application*. Since the City of Richmond has been unwilling and/or unable to do that itself, we ask the Agricultural Land Commission to do it for the City, the community, and the best interests of the ALR.

Alternative ways in which the Lands could meet the need

There are still ways in which the Garden City Lands could meet the eventual need for open space in Richmond and particularly in the City Centre. After all, the lands *already are* entirely open space, and the City is the only one of the three applicants that has expressed an interest in using the Lands for agriculture. In fact, the other two parties have specifically stated that they do not wish to uses the Lands for agriculture.

Even if the other parties *do not reciprocate* the City's goodwill and negotiate the sale of the entire property to the City, the lands will remain open space for as long as they remain in the ALR, which we hope will be forever.

That said, it is entirely possible that Canada Lands Company CLC and the Musqueam Indian Band *will* reciprocate the goodwill that the City of Richmond has shown in the course of these agreements. In that case, they *will* renegotiate within the agreements to enable the City to obtain the lands for its three "Richmond uses." Those uses, especially urban agriculture, are all compatible with ALR status. As Resource 4B, "Our Stanley Park" explains, that would incidentally save the City hundreds of millions of dollars (over half a billion) that it would otherwise have to spend to buy open space.

In the history of the ALR, this must be one of the best-ever alternative means for ALR-exclusion applicants to meet a community need.

Risks to the community if the proposal does not proceed or is delayed

The risk feared by the applicants is apparently that CLC and the Band will find a way to stop the City from obtaining as much of the Lands as it was supposed to obtain:

- Even though those two partners must know why the Lands were passed on from the federal government's direct ownership
- Even though the City has gone far beyond the call of duty to help them
- Even though the spirit of the agreements is evident in the City's right of first refusal

In short, the City's perceived risk appears to be a matter of fear that its partners will double-cross it. That begs some questions:

- If CLC and the Band are as fickle as the City would have the Commission believe, why is the City dealing with them?
- If CLC and the Band are so fickle, why does the City think that they will not have their way with the City in the zoning and subdivision process, when the partners will hold all the cards? (In that period, they would still be able to cancel the City's right to buy any land if not satisfied with the rezoning and subdivision steps.)
- Does the City think the Commission's duty is to exclude prime farmland from the ALR in order to rescue foolish cities from fickle partners? Especially when those partners are the city's co-applicants? And especially when those partners are the main beneficiaries of the application's intent, which is lucrative land speculation?
- Is there no way for the City to influence either partner to be less fickle?

One answer is that there are ways to influence at least CLC if the City starts working *with* its citizens. We will explore that possibility in later sections.

Musqueam Indian Band community need

This analysis is primarily related to Appendix 4B to the exclusion application, "Musqueam Indian Band—Community Needs."

However, one point in the "The Musqueam Indian Band" part of the main application document first needs to be corrected. Referring to the initial agreement (MOU) between the federal government, CLC, City, and Band, the applicants state that "the MOU can only move forward if the Commission grants the City of Richmond's exclusion application." Actually, there are provisions for renegotiation within the agreements. Granted, it does not seem feasible to force parties to renegotiate, but they can renegotiate within the MOU if they have sufficient goodwill to do so.

Stated need and expected community benefits or values

To begin, we will express the key aspect of the Musqueam Indian Band's community need that is stated at great length: *money*.

The Musqueam Indian Band's stated purpose for getting the Lands out of the ALR is to generate money for Band projects. In effect, the revenue from the ALR exclusion and subsequent rezoning would enable large profits from the Band's beneficial interest. That would occur after completion of the master development plan by CLC, with parcels then sold to developers at many times the Band's purchase price at 2005 ALR land value. Finally, the profits would pay for the projects. This was confirmed in the public hearings in March 2008 (Day 1, pp. 50–51).

The Band states that the Garden City Lands agreements are good for reconciliation and for saving taxpayers the cost of costly litigation. In part, that is consistent with a June 5, 2007, letter in the *Richmond Review* in which Band chief Ernie Campbell repeatedly mentioned the possibility of litigation and promised that "rejection of the agreement" would result in "an army of lawyers producing large legal bills for the City and others." According to the Band, "the court will likely uphold our Aboriginal rights and title to the Lands" (Appendix 4B, p. 8). Finally, the Band points out that, "in the absence of a negotiated agreement," the City of Richmond's "legal interest in the Lands will cease to exist" (p. 9).

Reasonable alternative means to meet the need

As we think about the Band's explanation, we envision what would have happened if the parties to the Garden City Lands agreements had consulted the Commission in early 2005 *before entering into the agreements*. We see the parties explaining that the property must be excluded in order to multiply the money the Band will get, as well as to multiply the federal profit, when selling the rezoned land to developers. What we find hard to envision is the Commission approving.

Now, in 2008, the parties somehow expect a more favourable response from the Commission than they would have received if they had asked at the appropriate time. And they expect that outcome in this context:

- Even after Smart Growth B.C. has stated so definitely that the development would not be Smart Growth
- Even after it has become so questionable (to say the least) that the City can genuinely meet community needs through ALR exclusion
- Even after the citizens have strongly supported saving the Lands

Under the circumstances, we encourage all the parties, including the Band, to find alternative ways to meet their needs. Naturally, each party's planning is its own business, so we will simply point out some examples of options.

Alternative funding for Band projects

The Band may be able to fund its projects by means of the direct payments and revenue-generating property it has recently received from the federal and provincial governments. They are described in "B.C. natives lock up band office in feud over land-claim windfall," by Robert Mattus in the *Globe and Mail*, June 20, 2008. In describing "one of the wealthiest native groups in the country," Roger Mattus first summarizes the Musqueam Indian Band's previous holdings:

> In addition to its 190-hectare reserve, the Musqueam band owns prime land that has been leased out for two golf courses and for housing. The band also has a hotel and is involved in a multimillion-dollar residential development in neighbouring Southlands.

The article then describes the "windfall":

> The B.C. government wrote a cheque to the Musqueam First Nation for $5-million in mid-March and another cheque for $15.3-million in mid-April as part of a settlement resolving three outstanding court cases, a B.C. government official confirmed.

> The cash was part of a settlement that included transfer of 59 hectares currently used for the University of British Columbia golf course, seven hectares currently used for the River Rock casino development and an additional 22 hectares, some of which will be developed for housing.
>
> The federal government has also announced a transfer of $17-million in recognition of 2010 Olympic activities on land that the Musqueam claim as their territory. Negotiations are continuing on an additional $3-million for unspecified programs. The Musqueam band has also received $800,000 recently for compensation for the impact of the Canada Line, a new rapid transit line that crosses their fishing grounds in the Fraser River.

According to the article, "The reserve has around 1,300 residents, but only 600, including 150 children, have aboriginal rights under the federal Indian Act." The UBC Golf Course, just one part of the "windfall" has an estimated value of $1 billion as a future construction site. Estimating the total "windfall" and dividing by 600, one arrives at around $3 million per resident (whether adult or child) with aboriginal rights.

True, the $3 million in new assets (per reserve resident with aboriginal rights) is a ballpark figure. Also, perhaps the Band leadership will dispense the benefits more widely. Nevertheless, surely the revenue-generating assets and direct payments that the Band has received in the last two years are a more-than-adequate source of funds for Band projects.

Reconciliation as an alternative to litigation

With regard to saving Richmond taxpayers the expense of costly litigation, the Band can do that by following what appears to us to be the spirit of the agreements. As mentioned earlier, that consists of renegotiation within the agreements when conditions in the agreements cannot be met, rather than scrapping the agreements in favour of "an army of lawyers producing large legal bills for the City and others."

The spirit of the agreements seems evident in sections 1(22) and 1(23) of the initial agreement, the *Memorandum of Understanding Regarding Garden City Property between Musqueam Indian Band, City of Richmond, Canada Lands Company CLC Limited, and Department of Fisheries and Oceans* of March 2005.

Furthermore, the subsequent Purchase Agreement specifically affirms that those sections "will continue to be binding upon the parties to the MOU" (Section 4.6). The renegotiations are intended "to give effect to the spirit of this MOU, to the extent possible, in the changed circumstances."

Also in the spirit of those binding MOU sections, the Band, along with the other parties, could, in the event of unsuccessful renegotiation, take the step that applies if any understandings in the MOU are *terminated*. The MOU states that "the Parties will cooperate in making whatever arrangements are necessary to restore each Party to the position it was in prior to entering into this MOU." In the case of the federal government, that was a position of direct ownership of the Lands. That would quite likely allow for agricultural use of the lands by the Richmond community, as is evident from Resource 9A, the letter from the Hon. Gerry Ritz that we introduced in the "Agricultural Capability and Suitability" section of *Save Garden City*. We will review quickly here. Mr. Ritz, the Minister of Agriculture and Agri-Foods, states:

> While Agriculture and Agri-Food Canada does not currently have a program requirement that would accommodate the Garden City lands, should these lands be available in the future for agricultural uses, the Department would consider that option. (July 8, 2008)

Since the federal government cannot currently declare a program need for the Garden City Lands without inappropriate interference, we are encouraged by Mr. Ritz's statement of support. It appears even more encouraging in the context of the obvious confluence of the federal government's imminent *Growing Forward* plan and the new *B.C. Agriculture Plan* with the *Sustainable Food Systems Park Proposal* and Kwantlen Polytechnic University's *Urban Agriculture Education Concept* (Resources 6 and 7).

If the Musqueam Indian Band chooses reconciliation over litigation, it can play a role in that endeavour, helping develop world leadership in urban agriculture. At the same time, the Band would go a long way toward a renewed friendly relationship with the community around it. And, we believe, that is what reconciliation is all about—the renewing of a friendly relationship.

Other possible outcomes

While we, as citizens of Richmond, are adamant that the City of Richmond should scrupulously work within the existing agreements, we recognize that one or more other parties might find ways to scrap the agreements without working together to restore the federal government to its original position as the direct owner of the Garden City Lands. That is one of several factors that could lead to other outcomes. We will quickly address a few. Like Appendix 4A, this will go beyond the community need topic, and we are including it here for consistency with the Band's Appendix 4A scope—and thereby, we hope, the convenience of the Commission.

Setting aside the Lands for the treaty process?

The Musqueam Indian Band has only completed Stage 3 of the treaty process, an early stage that consists mainly of accepting a standard framework for negotiations. If the Garden City Lands are returned to the federal government, one possibility is that the lands could become part of eventual treaty negotiations. That would at least avoid the problem with the existing agreements that the Auditor General of Canada identified in her November 2006 report:

> The First Nation obtained a temporary court injunction to stop the sale of the property. Eventually, a solution was found, but it did not support treaty negotiations nor help resolve the First Nation's outstanding claim. (7.47)

If the property becomes part of the treaty process, the Lands might remain as they are for many years, especially since the Band has pursued the treaty process so slowly. From the standpoint of protecting farmland for agriculture, that would not be a problem.

Returning to the injunction?

Prior to the Garden City Lands agreements, the Musqueam Indian Band was involved in an injunction to prevent the transfer of the Lands from the federal government to Canada Lands and ultimately the City of Richmond. Theoretically, the Band could renew that litigation. However, if the Band is again successful (by no means a certain outcome), that would only result in the Lands being returned to the federal government, which should not be a problem for protection of the farmland.

Purchasing the Lands?

There are ways in which the Band could possibly obtain ownership of the Lands through purchase. The property would still be part of the ALR, so the possibility is irrelevant to the current application.

There is also talk of purchasing the lands and turning them into a reserve. That seems far-fetched, since the federal government would have to grant reserve status and there would be no evident advantage to the government or the Band. The possibility seems to have little if any relevance to the exclusion application.

Obtaining the Lands through a land claim?

While the Band has expressed confidence that it could obtain the Garden City Lands through land claim litigation, lawyer Keith Clark, an aboriginal law expert providing advice to the City, gave little credence to the idea when he spoke on Day 1 of the public hearings in March. With reference to the Lands, he stated the following:

> . . . the aboriginal issues are actually a bit of a red herring. (Day 1 transcript, p. 138)
>
> To date there are no court decisions establishing aboriginal title anywhere in Canada. (p. 138)
>
> So it is not obvious to me that the Musqueam would end up with any recognized legal interest in the land through some sort of court process. (p. 139)

Eliminating the City of Richmond's legal claim to the Lands?

The Band's community need content ends with "Impact and Risks to the Community," including a risk that the City of Richmond might lose its legal interest in the Lands as a result of the Commission rejecting the re-application. However, what matters to the community is the use for which the Lands are preserved. The ownership status may matter to some Richmond Council members and staff, but in itself it has little importance to the community. For example, the community would undoubtedly be happy with federal Crown ownership administered by the Ministry of Agriculture and Agri-Foods in partnership with Kwantlen Polytechnic University.

Leaving the Band with nothing?

Lawyer Keith Clark was equally clear that there is no need for anyone to be concerned about how any Garden City Lands ALR-exclusion decisions will affect the Musqueam Indian Band. At the public hearing, he pointed out that the Band is very well represented by its lawyers (as we were well aware). If the Commission rejects the application, the Band may not get as much profit as it would have received if the high-density development were going ahead, but it will not go away empty-handed, regardless of whether it opts for litigation or reconciliation. On the contrary, in agreement with Keith Clark, we believe there is little doubt that the Band will fare well, and that is fine and good.

CLC community need

Canada Lands Company has a kind of community needs too, and there is a major community-needs aspect to its operations. The applicants have identified CLC's "mandate of optimizing financial and community value to surplus federal lands" under the heading "Community Needs" in Appendix 3 (p. 18). As an example, Appendix 3 describes how "the company has worked tirelessly to listen to and work with the local community to create one of the most desirable communities in BC" in a particular brownfield project. The point seems to be that CLC has a deeply held value that involves understanding the needs of its community partners and then enabling them to meet those needs in an exceptional way. CLC calls it "CSR."

By "CSR," the company means *corporate social responsibility*. CLC has practised CSR for years, and we believe its CSR can have a crucial role in the Garden City Lands being used to meet Richmond community needs. To give a sense of Canada Lands' CSR principles, we will quote related excerpts from an address by CLC Vice President Gordon McIvor to a morning meeting of the Conference Board of Canada:

> Canada Lands is proud to be at the forefront of thinking about CSR in this country. . . . It is an integral part of everything we do.
>
> Our mandate is to optimize the value—in both the financial and community sense—of property owned, but no longer required by, the Government of Canada. . . .
>
> CSR means paying careful attention to the environment in all our land dealings. CSR means being aware of local concerns, traditions, and heritage, so that land is used respectfully and in keeping with what is important to the people who inhabit and use it.
>
> ("Formalizing Corporate Social Responsibility at Canada Lands Company," May 25, 2001)

The wrong kinds of legacy

At the Garden City Lands Public Hearings, Vice President Gordon McIvor said, "We work very closely with communities and try to leave behind what we refer to as 'legacy projects' across the country." However, it is clear that CLC cannot meet its CSR need if the Lands get excluded from the ALR. As discussed earlier, the applicants want the Commission to accept a community need related to open space and Smart Growth, *but* it would create an open-space *shortfall* instead of filling an open-space need, and their "Smart Growth" claim for the Lands has been debunked. (For details, see Resource 10, the Smart Growth B.C. letter from executive director Cheeying Ho.)

Now that the citizens have brought those grave shortcomings to light, we hope that Dr. McIvor will appreciate that CLC has been on the wrong course for achieving a legacy that it would be proud of. The most visible legacy in Richmond would be urban sprawl.

As the agreement partner that is project managing the application, CLC has also been creating another undesirable legacy in its dealings with the public, although Dr. McIvor is probably not aware of that. (It has occurred at a lower level and apparently not under his line management.) A main way it has occurred has been in the supposed public consultation related to the Garden City Lands project and application.

Before going further, we should provide some background: CLC, through the applicants' project manager, Randy Fasan, has managed the Garden City Lands ALR-exclusion project *in a hands-on way*. This became especially clear when an email message from Mr. Fasan to his project team came to public attention. The message, which we have provided as Resource 11B, aims to "add to the ongoing illumination of some on council" who were insufficiently seeing things Mr. Fasan's way. His team on the recipient list included City managers, Band leaders and their lawyer, the head of the company that obtained the agricultural assessment, the urban design report writer, and many people from the project's public relations company. At least in Mr. Fasan's perception, they were all engaged in striving "Onward and upward" in furthering "our cause," including getting the Lands out of the ALR.

Instead of going into more details here, we encourage you to review the August 12, 2008, response to the Commission from Jim Wright titled "The Garden City Lands public consultation." It is *Save Garden City* Resource 2. What has happened in Richmond is certainly inconsistent with the way CLC aims to interact with communities. CLC will get the opportunity to step back and set things right if the application is again turned down.

Alternative means of meeting the CLC need

The alternative means to meet the CLC's needs to practise CSR and leave a positive legacy involve more than the Commission rejecting the application. While essential, the Commission's contribution would mainly *set the stage* for Canada Lands to implement its CSR with a unique legacy project. Ideally, that would be an ALR-friendly legacy project within both the existing Garden City Lands agreements and the ALR.

We may seem overly optimistic about CLC, but there really are grounds for optimism. For a start, CLC does seem to have implemented its ideals with community value in at least some of its brownfield projects. Greenfield projects like the Garden City Lands, involving prime farmland and a savvy citizenry, are still a challenge for CLC, but it seems to be learning. Although CLC stumbled in its other greenfield project, Upton Farm in Charlottetown, Prince Edward Island, that seems to be turning into a remarkable success story. To learn about that inspiring and very relevant story, please read Resource 4E, "Enabling Canada Lands Green Community Values." So far, the PEI story is an eye-opener about what's possible.

What would be the equivalent legacy project for Canada Lands with the Garden City Lands in Richmond? For a start, it would have these characteristics:

- It would remain within the Agricultural Land Reserve.
- It would be administered by an entity that cares about ecology, urban agriculture, local food security, and the site's heritage, promoting and educating in all of them, e.g., Kwantlen Polytechnic University.
- As many citizens have suggested, it would be "Richmond's Stanley Park," with an urban agriculture theme instead of the original Stanley Park's forest theme.
- Like Upton Farm in PEI, it might have a historic-site aspect.

  Notes: Stanley Park is a national historic site. In its heritage strategy, Richmond is working toward a critical mass of historic sites, and the Lands would be a good addition—perhaps in part as a representative example of the success of B.C.'s ALR.

In his Conference Board of Canada speech, Gordon McIvor stressed that "the trick is always implementation. It is one thing to embrace fine words, it is another completely to put them into meaningful action." We would be honoured to help him put CSR into meaningful action through a legacy project that the community wants on the Lands.

Net benefit to agriculture

Apparently the Garden City Lands applicants believe that taking a unit of 136 acres of prime farmland and constructing high-density buildings on it has a greater benefit to agriculture than conserving it for food production. The citizens would not agree. To respond for the citizens, we tried to find the proposed benefits and the proposed ways to measure the benefits. If the applicants had somewhere shown the projected measurable value of their proposal for benefitting agriculture, we could then have compared that with the value of keeping the Lands in the ALR and, finally, arrived at the *net* benefit.

We have already seen the fallacy of the applicants' community need arguments about open space as the benefit, since the development would cause, not solve, a shortfall in Richmond parkland. Even if some of the City's open space scattered in the developed lands would be available for urban agriculture, that partial benefit is less desirable than having the whole property in the ALR so that it will be there for agriculture when the time comes—either sooner or later—that its value for growing food is appreciated.

That leaves the idea of a fund tied to the proposed development as the possible benefit for agriculture. Since being rejected in their initial application to exclude the Lands from the ALR, the applicants have added a supposed net agricultural benefit from an agricultural endowment fund. The short version of our evaluation of the fund idea is this, as stated in the executive summary to *Save Garden City*:

> The proposed agricultural endowment fund does not provide a net benefit to agriculture. After about 18 months as an idea for a non-profit business with a superficial link to the Lands and with $13.75 million of public money, the proposed fund still does not have a business plan or even a coherent concept. It is divisive of Richmond's farming community, and it is rife with harmful potential.

The vague idea for an endowment fund

We have found that the proposed fund is only a vague idea, so we will show that the fund *essentially does not exist*. While Richmond farmers are naturally happy to receive any promise of support, we believe that the "fund" gimmick with a tenuous connection to the Garden City Lands is no substitute for adequate annual funding that reliably supports Richmond farming, e.g., by meeting B.C.'s regional drainage criteria for agricultural areas.

The non-existent proposal/plan for an endowment fund

The tribulations of Appendix 2B of the Garden City Lands exclusion application say a lot about the application's "net agricultural benefit" and "agricultural endowment fund." The appendix was originally called "Agricultural Advisory Committee Report" when it was empty of content. It stayed empty for months. Eventually, it was given some content, but its title had to be downgraded to "Richmond Agricultural Advisory Committee Minutes." Instead of a report, there is nothing but some committee minutes and notes. The "report" is symbolic of the "fund."

The non-existent report was expected to support a net benefit for agriculture with an agricultural endowment fund plan. There is no plan or proposal or even a well developed concept. We have gone through all twenty-five pages of Appendix 2B, annotating and taking notes and using every means to find something substantial, even a fund framework approved by the Advisory Committee. The brief semblance of substance, which is in an approved resolution in the May 10, 2007, minutes (page 6), says to go ahead with filling out an *agricultural* framework, not a *fund* framework. An endowment fund is actually mentioned in a minor way in those May 2007 minutes, but in all the minutes over the next fifteen months since May 2007, the Advisory Committee approved nothing to take that mention further.

The non-existent measurable benefit

Since the business plan for the "fund" is non-existent, it naturally cannot include a means for measuring an agricultural benefit from the exclusion of the Garden City Lands from the ALR. It is therefore not possible to compare any predicted agricultural benefit from the fund idea with the predictable loss to agriculture so as to determine a net benefit to agriculture.

A magic act?

Our best guess is that the applicants think no one will go through Appendix 2B closely enough to realize that there is nothing substantial about the "fund" there. With all the talk of the benefits of an agricultural endowment fund in various parts of the application, topped with that twenty-five-page appendix, the panel and staff might believe that there really is an agricultural endowment fund plan. There may be an illusion of one, but no actual plan has been provided.

Richmond farmland-sustaining funding

The glaring lack of funding

In "Farm aid with a catch," reporter Martin van den Hamel reported on a Richmond Agricultural Advisory Committee meeting, including the views of committee members Bill Jones and Bill Zylmans:

> Jones said the successful removal of the Garden City Lands from the ALR is seen as a "potential vehicle to support the funds to do the water supply and drainage, instead of the current Band-Aid approach."
>
> Farmer Bill Zylmans . . . said he's long complained that poor irrigation and drainage have led to costly annual crop losses. Those losses aren't something he can afford to absorb for much longer, Zylmans said at last week's advisory committee meeting.
>
> (*Richmond Review*, August 27, 2007, A3)

Mr. Zylmans, and Bill Zylmans Sr. before him, have been asking for help for decades. In fact, Mr. Zylmans talked about similar problems in an educational video package called *Promise in the Land: Sustaining Our Agriculture* dated 1995—thirteen years ago. Some details and implications are discussed in a Garden City Lands blog post, "Promise in the Land," *Save Garden City* Resource 4B.

In his letter to the Commission dated June 7, 2008, Bill Jones writes:

> There exists a unique opportunity to use part of the funds to be generated, to fix quickly & totally the glaring lack of irrigation waters and proper drainage for Richmond farmlands. These are largely ignored issues, the timely completion of which would exponentially improve quality & production of the truly viable Richmond farmlands.

Strong evidence from Bill Jones! *Even by June 2008,* with the application in progress, the City had not met the basic ongoing issue, "the glaring lack of irrigation waters and proper drainage." That lack should have been addressed under the Richmond Community Plan and subsequent agriculture-specific documents since at least 1999.

The grasping at straws

It is easy to understand how some farmers have become ready to embrace any promise of help. Even then, they suspect that the talk about the assessed net benefit to agriculture is just talk, as Bill Jones illustrates in his June letter:

> Conversations with assorted politicians and bureaucrats assure me adequate community need & net benefit to agriculture have been assessed. I sincerely hope so. . . .

At the public hearing in March 2008, farmer Bill Zylmans was clear that his reason for supporting the re-application was the proposed agricultural endowment fund: "The first time this was a go-round, there was absolutely nothing in it for agriculture and farmers couldn't support it" (Day 3 transcript, page 65/PDF 67). He went on to say,

> It's long overdue. It's unfortunate that a situation like this has to bring out this kind of moneys, but I think in my mind it's a good start and I think we will be able to help with what's left in Richmond with a start to that money" (Day 3 transcript, page 66/PDF 68).

It is indeed unfortunate that farmers have been put in that predicament, hoping for a benefit that exists only in "conversations with assorted politicians and bureaucrats."

The subtleties of the situation

Despite what Mr. Jones and Mr. Zylmans may think, it should be acknowledged that the City, spurred by the Garden City Lands situation, has finally begun taking slow steps toward the needed drainage and irrigation. Coincidentally, those steps are budgeted to cost an amount that is not far from the $10 million mentioned for the essentially non-existent Agricultural Endowment Fund. Apparently, however, after all those years when funding for drainage and irrigation never materialized, some farmers do not trust the City to follow through on its own and are therefore seeing the promised fund as a way to make sure the drainage and irrigation needs really will be met.

If the supposed fund would meet those needs, then it would be an appropriate use of City money (assuming appropriate Richmond Council approval) but should not be tied to the Garden City Lands. If it would go to other uses, it would still be City money, as we will explain in a moment. However, as things stand now, it would only be an appropriate use of City money if Richmond Council had studied the plan and voted to approve the spending. Since there is no plan, we were fairly sure that nothing like that could have happened, and we consulted Coun. Harold Steves to be certain. It had not happened. In his response, Coun. Steves, who is also a member of the Richmond Agricultural Advisory Committee, added details that are relevant to this point and to other aspects of this "Net Benefit to Agriculture" section:

> The latest promise to provide an annual grant equivalent to the interest on $10 million has not been approved in the budget, has had no staff report to Council as to how the money will be spent, or by whom or for what purpose. It has never been discussed by the Agricultural Advisory Committee. The only discussion by the AAC was to endorse a framework for determining how an endowment fund for agriculture could be established and what it might be used for. When we were discussing the framework, one idea that came forward was that the farmers could hire a full time lobbyist like they apparently have in Delta. However, there wasn't much else the farmers could think of.

The supposed funding by CLC and the Band

In another City document, there is a relevant letter from Doug Kester of CLC to Cecilia Achiam of City staff (Attachment 7 of the December 13, 2007, staff report). It says that the JV (CLC and the Band) "agrees to establish an endowment fund* to provide agricultural benefits to the agricultural community of Richmond as a condition of rezoning." (The asterisk is for this: "Note: at a density of 2.0 FAR, a $2.00 per buildable square foot 'amenity contribution' would result in approximately $10 million of funding.") That letter just agrees to the setting up of a fund that developers (unlikely to include the applicants) would somehow have to pay into—years down the road.

The non-existence of CLC/Band funding

The impression conveyed to the public has been that the CLC and Band would contribute $5 million each, but that is not at all what the Kester letter says. On the contrary, the letter, when read closely, does not state or imply that they would contribute anything to the fund (except in the unlikely event that one of them becomes the developer of a parcel). Instead, the City would have to dream up a legally acceptable mechanism for collecting "amenity contributions" from developers, e.g., by allowing density bonuses expressed as larger-than-usual amenity allowances. (Note: Typically, the City's zoning includes an amenity allowance of about 10% on top of the official maximum FAR. An example is C7, Downtown Commercial District, which is a common zoning for the new City Centre high rises. It has a maximum FAR of 3.0—but with an amenity allowance of 0.3 FAR, for an actual total FAR of 3.3.)

The City as the substitute funder

Since it would take many years for the City to collect the $10 million, the City would supposedly pay the equivalent of the fund's interest in the interim. (We say "supposedly" because it is evident from Coun. Harold Steves comment quoted on the previous page that the payments are just an idea, not a Council-approved commitment.) Elsewhere in the application documents, City payments for the fund are estimated at $3,750,000, i.e., the equivalent of 3.75% in annual interest on a principal of $10 million for a period of 10 years.

Risks created by the proposed fund

Reduced City spending on farmland-sustaining action

At the public hearing in March 2008, Ralph May, a lawyer with a strong farming background, supported the idea of a fund for Richmond agriculture. However, he said:

> . . . I am worried about the way the fund is set up because I think it is subject to abuse.
>
> There's two abuses that come to mind now, and there's probably others.
>
> One of them is that future councils may decide that this fund gives them an excuse not to spend the money on irrigation and drainage and other works that they should and just try to rely on this fund to do so.
>
> The other is special interest groups within agriculture, so one commodity group, one user group, might try and get control of the fund for the benefit of them as opposed to the benefit of the overall agriculture in Richmond. (Day 5 transcript, pages 6-7, PDF 8-9)

He went on to suggest ways to set up the proposed fund so as to reduce the chance of abuses, e.g., by having the Agricultural Land Commission and Minister of Agriculture represented on the board.

Divisiveness

One of Ralph May's concerns—the possibility of factions getting control of the proposed fund—is illustrated by the application's Appendix 5. It describes the endowment as being "for the benefit of ***bonafide*** agriculture in Richmond" and "a lasting contribution to the viability and sustainability of ***bona fide*** farming in Richmond over the long term" (page 8, with our emphasis added). That begs a question:

Who will separate the bona fide farmers from the fakes?

We will hazard a guess that the bona fide farmers intend to self-select and then shut out the farmers perceived as just pretending to farm. When $375,000 a year is at stake, that will inevitably lead to rancour that sets farmer against farmer. If the farmers who will be branded as fakes are the many with smaller farms, as we suspect, then they would be in a situation in which the ALR forces their land to be treated as farmland while the City's supposedly farmland-sustaining funding mechanism prevents them from receiving support to sustain that farmland. We contend that disrespecting many of Richmond's farmers and undermining the ALR like that does not benefit agriculture in Richmond or British Columbia.

Conclusion about the fund idea

The proposed fund idea relies on the City to provide a large amount of funding directly and to collect the rest through development charges. Even as a vague idea, it is an awkward way to fund remedial measures for what Bill Jones called the "glaring lack of irrigation waters and proper drainage for Richmond farmlands." And *the funding would have to go to those essentials*, because using it for non-essentials when the essentials continue to be neglected would be unthinkable.

Even as a vague idea, the proposed fund is obviously not something that the City would enter it as a sound way of doing business under normal circumstances. It has a false appearance of value that has resulted in it being considered anyway: a surface appearance of a benefit to agriculture from excluding the Garden City Lands from the ALR.

Instead of providing a net benefit to agriculture, the agricultural endowment fund that has been talked about would be far more likely to actually hinder agriculture:

- By contributing to the loss of prime farmland if the Lands are excluded from the ALR because of it
- By contributing to the loss of potential for urban agriculture education uses of the Lands, uses that would have accelerated the community's already-growing public appreciation for farming and farmland
- By instigating bitter disagreement within the farming community, quite possibly with detrimental effects for small farms, as well as for the ALR
- By displacing the funding of farmland-sustaining measures that the City should have been reliably providing all along and that should begin providing in a way that the agricultural community can trust—with no pretense of a necessary linkage to the Garden City Lands

Alternative sources of farmland-sustaining funding

What is needed is responsible action, including secure funding. What is *not* needed is more actionless promises, let alone the vague "Agricultural Endowment Fund," fraught with pitfalls but the supposed panacea for the effects of decades of neglect. Here are some possible sources of farmland-sustaining funding:

- The City received $141 million from disposal of the Brighouse Estate farmland that was left over after most of the remaining land had been expended on the Olympic skating oval. (Almost half a century ago, a council with vision had purchased that land, which included the old Samuel Brighouse farm, to ensure that Richmond would have plenty of green space.) Many tens of millions of the Brighouse Estate proceeds have been shoveled into the oval project. Surely $10 million of the windfall from giving up the last bit of that legacy could be used to fund systematically planned high-impact programs to help Richmond farmland be more productive.
- Many more tens of millions of City revenue from River Rock Casino gambling have been shoveled into the oval. Surely setting aside $10 million of gambling funds to help save our farmland is worth considering.
- The City has proposed throwing a $10 million Olympic party. It is a safe bet that most citizens would be willing to give up the party in order to enable Richmond farmland to be as productive as it should be.

Since it was publicized that the funding idea would require the City to come up with about $375,000 a year for ten years, a small benefit from the bizarre endowment fund idea is the broadened recognition that the City can provide that much each year for enabling agriculture. (It is not enough, though.)

Building on that growing public awareness, Richmond Council could decide that additional farmland-sustaining funding of $375,000 a year makes sense. Council could then include it in the budget, paid for by tax revenues. If the cost is thought of as split between residential and commercial properties, that farmland-sustaining initiative would require about $3 a year of the average household's taxes. If that happens, we are confident that Richmond citizens will be happy to support it.

And they will be even happier if their $3 a year has a bonus benefit—saving the Garden City Lands.

Alternative benefits for agriculture

If the Garden City Lands remain protected by the ALR, the particular agricultural endowment fund idea that has been tied to the Lands will be put out of its misery, with the likelihood that it will be replaced by a funding mechanism that has a business plan and Council approval. The Garden City Lands Coalition will be active in ensuring that.

The main alternative way for the applicants to achieve a net benefit to agriculture is to renegotiate the Garden City Lands agreements so as to enable agricultural use suited to the Lands' unique potential—replacing the land-speculation uses that the applicants negotiated despite knowing that those uses were not permitted.

A good scenario

The alternative benefits from the Lands depend on whether the parties actually do renegotiate to implement the spirit of their agreements in the new circumstances. As mentioned earlier in *Save Garden City*, the complementary *Sustainable Food Systems Park Proposal* and Kwantlen Polytechnic University *Urban Agriculture Education Concept* (Resources 6 and 7) comprise one promising option within the ALR. They have already been sufficiently thought out to give a sense of their benefit for agriculture and the community. Certainly they are more in keeping with Richmond community values than the proposed urban sprawl. They show the *minimum* level of benefits that can be expected if the parties cooperate, and there may be better possibilities.

Besides the federal government, which has shown a cooperative mindset, the parties to the key initial agreement (the MOU) are the three applicants to the exclusion application. If benefit to agriculture really is important to them, then they will enable visionary outcomes, to the great credit of every one of them. If all goes as it could go with enough goodwill, the net benefit to agriculture can be immense. Realistically, Kwantlen and its community partners, especially the City of Richmond, could lead the world in urban agriculture education for local food security.

And another good scenario

As an open space with local food-producing capability, the Garden City Lands could be thought of as a large green insurance policy or disaster protection. In an era when cities prepare for the worst earthquake or flood in 200 years, it is common sense to prepare for the greatest local food need in 200 years—or even in 50 years.

Furthermore, as an ecologically productive bog protected by the ALR, the Lands can provide those priceless benefits to agriculture even if circumstances stop them from being farmed in the near future. When the need for local food-producing capability becomes greatest, the Lands will still be there.

Revelations at the August 14 ALC meeting

At their August 14 meeting with the Commission, the applicants to exclude the Garden City Lands made slick presentations. Most of the general public who attended were opposed to the application; however, as the Commission's guests, they kept respectfully quiet, suppressing their dissent. Since I was able to obtain a faint recording, I have taken it upon myself to respond to you, the commissioners, on behalf of those many citizens who made time to attend on that summer morning because they care so much.

I have naturally focused on what was new—or received new emphasis—on August 14, beginning by relating it to what was previously known from the application documents.

Usage in this submission

CLC: Canada Lands Company Limited and/or Canada Lands Company CLC Limited

Council: Richmond City Council

the applicants: CLC (the project manager), the City (the applicant of record), and the Band (all essentially co-applicants)

the Band: the Musqueam Indian Band

the City: the City of Richmond

the Coalition: the Garden City Lands Coalition Society and/or its members and supporters

the Commission: the Agricultural Land Commission (ALC)

the Lands: the Garden City Lands

the public hearing = Richmond Council's public hearing about the application to exclude the Garden City Lands from the Agricultural Land Reserve, March 2008

the trade centre = the trade and exhibition centre (proposed for the Lands) that Tourism Richmond was unable to finance before the City-set deadline and that was not one of the three Richmond uses unanimously approved by Richmond Council but that reappeared in the application as a likely use of the Lands

Untruth in the application:	**Revelation 1 on Aug. 14:**
The Lands development population ***would be*** part of the projected City Centre population (e.g., in Appendix 4A, pp. 9–12).	The Lands development population ***would not*** *be* part of the projected City Centre population. (That is consistent with the new CCAP).

What came out: The applicants' main spokesperson, Mayor Malcolm Brodie, said that "The alternative to the application is unacceptable sprawl. And that would put pressure on the ALR land in Richmond. . . ." Since I knew the background, which I will explain next, that told me a lot.

Important background: The City Centre Area Plan (CCAP) approved by Richmond Council on July 21, 2008, conveys crucial clear facts about the Lands (Staff report, June 11, 2008, p. 11):

(a) The build-out population of 120,000 does ***not*** depend on any Garden City Lands population.

b) The Lands are ***not*** required for park and open space, except "beyond 2031".

By voting for the plan, all the Council members implicitly agreed that the appropriate future City Centre population is 120,000—even if the Lands would not house any of those thousands.

Note 1: Actually, some parts of the application *may* support what the mayor said on August 14, while most parts don't. The application combines so much repetition with so much inconsistency that sometimes I can only determine what the application *most commonly seems* to be saying.

Note 2: The Aug. 14 revelation is what informed people have assumed. The many high rises planned for the City Centre will go ahead regardless of what happens on the Garden City Lands, so common sense says that any population on the Lands will be *on top of* the projected number (120,000).

Key point: A central aspect of the City's community need argument has been expressed in contradictory ways, with a new "need' replacing a "need" that was disproven by the new CCAP.

Logical inference: Since the mayor's altered community "need" reflects the truth under the new CCAP (that the Lands population would be *additional*), one might infer that switching the Richmond "community need" (from the outdated one, App. 4A, pp. 9–12) is a deliberate City tactic.

Direct significance: The City's "community need" related to the thousands of people who would live on the Lands has been whatever sounded good at the time (one thing earlier, another later).

Since the intended effects are confused and unstable, imagine the *unintended* effects!

General significance: At least in this application, the City is not credible.

Untruth in the application:	**Revelation 2 on Aug. 14:**
The Garden City Lands development would be Smart Growth. (Truth: It would definitely not be.)	The applicants have gone a step further, now calling the alternatives "unacceptable sprawl."

Important background: In the applicants' Garden City Lands Open House survey forms, which are included in the application materials, the proposed Garden City Lands development is called *"Smart Growth."* Worse, that is what respondents were told at a critical point, seemingly to mislead them into saying they supported the development. From a Smart Growth standpoint, the development would be *urban sprawl*, since (at best) it replaces feasible infill in the original City Centre with construction on farmland that has been annexed to the City Centre. (Survey respondents fought back, many of them turning the tables on the manipulation, but that's another matter.)

Details of revelation: Instead of retracting the false claim of Smart Growth, as explicitly requested by Executive Director Cheeying Ho of Smart Growth B.C., applicant spokesperson Malcolm Brodie has gone further, claiming that the alternative to developing the Lands is "unacceptable sprawl." (URL for Cheeying Ho letter: http://www.gardencitylands.ca/PDF/Cheeying-Ho_Smart-Growth.pdf)

Logical inference: The applicant fails/refuses to understand the difference between genuine Smart Growth and urban sprawl and/or is misleading the Commission.

Direct significance: The application is not credible about Smart Growth and urban sprawl.

General significance: The applicants are not credible.

Untruth in the application:	**Revelation 3 on Aug. 14:**
The application states the open space on the "City lands" as ***68 or 65 acres***, about half the property, which occupies about 136 acres. (Truth: Unless the agreements are renegotiated, *nothing like* that much open space is possible.)	Without using figures, Mayor Brodie showed that he knows how much open space the City could get: either 35% of the Lands if the trade centre (15%) is built or 42.5% (CLC-Musqueam getting half the trade centre land if it is not built).

Important background: ALR-exclusion opponents have repeatedly told Richmond Council that the City could only hope for less than 48 acres if a trade centre is built (35% of 136 acres = 47.8 acres) or less than 58 acres if one is not built (42.5% of 136 acres = 57.8 acres). The City keeps coming back with false figures. (Sometimes, they also bring in insignificant details, e.g., a bit of dedicated parkland in the development that would be more than offset by City land for shared roadways.)

Direct significance: The maximum parkland on the Lands is clearly 47.6 or 57.8 acres, not 65–68.

General significance: The application is not credible.

Untruth in the application:	**Revelation 4 on Aug. 14:**
Pages 2–7 of Appendix 4A supposedly show that no potential parkland in Richmond is an alternative to the Garden City Lands.	Malcolm Brodie said there are "no other sites available for the *scale* and *type* of open space." That at least clarified the supposed problem.

How *ALC staff* disproved the application: "Areas to the north and south of the proposed exclusion are under redevelopment for residential and commercial use and these areas could provide for the public amenities sought" (Staff Report re the initial application from Gordon Bednard, April 11, 2006, p. 5). *Exactly!* For instance, there were areas in the Alexandra area of West Cambie, just across Alderbridge Way on the north side of the Lands, that could have provided vastly more open space than the City elected to set aside in the newly adopted plan for that area. When I walked and drove around it, I had a sense of open area consisting of non-ALR farmland zoned single-family residential, with huge lots and few dwellings, mostly old or abandoned. That area looks on maps like a bite out of the City Centre. It could have served the City Centre and, like the Lands, been annexed into it.

How the agreements disprove the application: If the City eventually obtains open space on the Lands, it will be ***scattered*** throughout the Lands. The initial agreement, the Memorandum of Understanding (MOU), states the terms: "The Public Lands will be scattered throughout the entire Garden City Property" (MOU Section 1.10). The follow-up Agreement of Purchase and Sale reiterates:

> The parties hereto acknowledge and agree that as expressly stated in Section 1(10) of the MOU, and unless otherwise agreed in connection with the approval of any Comprehensive Development Plan, the Public Lands will be scattered throughout the entirety of the Lands. (Section 4.5)

For the CLC-Band purpose, which consists of green space for the development lands, the scattering would be desirable. It also fits the image that the applicants have created for the public by often showing expanses of green space near the buildings in their promotional material. The City has suggested that it could change that by insisting (in rezoning-subdivision-OCP stages) that the City land not be scattered after all. However, besides sounding a lot like bad faith, that tactic isn't practicable. After all, the City doesn't get any land at all unless the CLC-Band parties approve the rezoning and subdivision. That puts the City in no position to pressure the other parties to agree to an arrangement that is opposite to what they negotiated. Also, since the "scattered throughout the entire property" provision has been high profile in the Garden City Lands debate, the parties would have agreed in writing to a change by now if they intended to forfeit their strong provision.

Note: Self-evidently, since the Garden City Lands *are* open space, they are a good *type* of property for open space, but the *scale* of the parcels that the City might obtain is, *at best*, unknown.

Direct significance: The City could have obtained large-scale open space adjacent to the Lands. In contrast, any open space the City might obtain on the Lands is scheduled to be "scattered."

General significance: The City is not credible.

Untruth in the application:	Revelation 5 on Aug. 14:
(a) The City Centre Parkland Standard replaces the City-Wide Standard. (b) The Lands would help the rest of the City Centre to meet the City Centre Parkland Standard. (Truth: Not so!)	Despite citizens providing clear and thorough corrections at the public hearings, the Lands would still supposedly supply 32% of the post-2031 City Centre Standard parkland needs.

Explanation re Untruth a: The City-Wide Parkland Standard, which is 7.66 acres per thousand Richmond residents, is the basic open-space standard throughout Richmond. The City Centre Standard is a ***supplementary*** standard, a safeguard to ensure that parkland keeps getting set aside within the City Centre for the people who live within the City Centre—even though it costs far more to purchase parkland in the City Centre than in outlying areas of Richmond. The application is dead wrong in saying that the *supplementary* City Centre Standard (3.25 acres within the City Centre per thousand residents within the City Centre) ***replaces*** the basic City-Wide Standard.

Explanation re Untruth b: Even for the supplementary standard, the *City Centre* Parkland Standard, the Lands would only supply enough parkland for the Lands' residents. It wouldn't offset the anticipated (post 2031) parkland shortfall in the rest of the City Centre. For a full explanation, please see http://gardencitylands.wordpress.com/2008/04/24/the-14650-coincidence/. That Garden City Lands blog post, "The 14,650 Coincidence," includes the best-available calculation of Garden City Lands development population. It uses the City's estimate of total floor area in the development (6,294,000 square feet), a generous average unit size of 1200 square feet, and the average Richmond household size in the 2006 census data (2.8 residents).

Comment re the Aug. 14 revelation: It makes clear that the applicants are making the same misleading statements despite so much citizen effort to clarify the reality at the public hearings.

How the Lands development would create a parkland *shortfall*:
What I've shown so far is simply that the parkland (or open space) on the Garden City Lands would supply 0% (not 32%) of the currently anticipated post-2031 needs for additional City Centre parkland to meet the *supplementary* City Centre Standard. However, far more parkland would additionally be needed somewhere in Richmond to meet the *basic City-Wide Standard* for the additional Richmond population in the Garden City Lands development. The Lands themselves should be supplying the required 7.66 acres of parkland per thousand residents. That is all clearly explained in "Our Stanley Park," a column published in the *Richmond Review* that is available at http://gardencitylands.wordpress.com/12-our-stanley-park/. The bottom line is that the additional development population would ***cause a need*** for 112 more acres of Richmond parkland, far more open space than the City can possibly receive on the Lands if they are removed from the ALR.

Direct significance: The Lands development would *cause* a parkland shortfall, not solve one.

General significance: The application is not credible.

Untruth in the application:	Revelation 6 on Aug. 14:
The various statements of Band need omit mention of the massive transfers of land and property to the Band since the first application —transfers that could meet the need.	Malcolm Brodie stressed the number of Band members living off the reserve in order to prove a housing need. (Though mentioned in the application, that doesn't stand out there.)

Important background about transfers: A June 20, 2008, *Globe and Mail* article, "B.C. natives lock up band office in dispute over land claims windfall," by Robert Mattus, describes the transfers:

> The B.C. government wrote a cheque to the Musqueam First Nation for $5-million in mid-March and another cheque for $15.3-million in mid-April as part of a settlement resolving three outstanding court cases, a B.C. government official confirmed.
>
> The cash was part of a settlement that included transfer of 59 hectares currently used for the University of British Columbia golf course, seven hectares currently used for the River Rock casino development and an additional 22 hectares, some of which will be developed for housing.
>
> The federal government has also announced a transfer of $17-million in recognition of 2010 Olympic activities on land that the Musqueam claim as their territory. Negotiations are continuing on an additional $3-million for unspecified programs. The Musqueam band has also received $800,000 recently for compensation for the impact of the Canada Line, a new rapid transit line that crosses their fishing grounds in the Fraser River.
>
> The protesters say band members have not seen any of the money and have no idea what happened to the funds.

Important background about housing need: Key figures about housing and income on pages 2 and 3 of Appendix 4B, Musqueam Community Need, are not supported by the 2006 Canada Census, http://www.census2006.ca/english/census06/data/profiles/aboriginal/Details/Page.cfm?Lang=E&Geo1=BAND&Code1=59630308&Geo2=PR&Code2=59&Data=Count&SearchText=Musqueam&SearchType=Begins&SearchPR=01&B1=All&GeoLevel=&GeoCode=59630308. For example, Appendix 4B says there are *140* housing units (owned and rented), whereas the 2006 census says there are *200* aboriginal households. The census shows that *almost half* (95 out of 200, which is 47.5%) of the aboriginal homes were built in the 20-year period between 1986 and 2006. In contrast, *less than a third* (28,840 out of 89675, which is 32.2%) of *B.C.* homes were built in that period. In other words, the aboriginal dwellings in the Musqueam Band area include a high percentage of relatively new dwellings (no more than twenty years old at 2006 census time— a far higher proportion of new dwellings than there are in B.C. as a whole.

Furthermore, one could use the 2006 census statistics to show that aboriginals in the Musqueam Band area are either better off or worse off than the B.C. average. For example, using the census statistics for people who worked full time in the previous year, we find that aboriginals in the Musqueam Band area typically earned more ($42,561 in 2005) than the B.C. average ($39,237).

Re (a) many Band members living off the reserve or (b) 60% of Band-area private dwellings *not* being occupied by Band members, it would be unwise to form conclusions from such minimal data.

In any case, surely it makes sense to fund housing with dollars, not with prime ALR farmland.

Direct significance: The more one delves into the statements of Musqueam Community Need, the less convincing they are as reasons for removing the Garden City Lands from the ALR.

General significance: The application is not credible.

Untruth in the application:	Revelation 7 on Aug. 14:
The application assumes City rezoning power without acknowledging that CLC, along with its Band partner, *also* has rezoning approval—with considerable power to get its way.	Malcolm Brodie talked of "*full* regulatory control over zoning . . . to the City," emphasizing *full* control, even though citizens have repeatedly showed Council how its control is compromised.

What is and isn't true: Legalistically, it is obvious that the City officially does City rezoning. In practice, however, the CLC-Band partnership could exert considerable influence over rezoning and subdivision decisions. Unless the agreements are renegotiated, the City neither owns any of the Lands nor has any chance of owning any of the Lands prior to the completion of the rezoning and subdivision, which under the details of the agreements would likely mean the beginning of 2013.

The details: If the Commission excludes the Lands from the ALR, the City will be in a precarious position during the period in which it is aspiring to own part of the Lands. By getting the Lands out of the ALR, the City will have taken care of an essential task that the partners needed the City to perform for them, but the City will still get nothing unless it continues to keep the partners happy for years. Under the Purchase Agreement, **"Acceptable Rezoning" involves Richmond City Council permitting the development** of the Development Lands (CLC-Band lands) **on the basis of "a Comprehensive Development Plan and other terms and conditions *approved*** by Richmond City Council and ***by CLC* and the Limited Partnership (as Joint Venturers) . . ."** (emphasis added). Combined with other sections (4.4 and 4.5), that provision practically gives the partners a veto. If the rezoning and subdivision condition precedents are not met (to their satisfaction), the City loses the right to buy what has been thought of as "the City lands."

How it might play out: Somewhat fortunately, the CLC-Band partners would have a strong motivation to let the City get its lands. After all, that would endow the new residential subdivisions with green space that the City first pays to obtain and then pays to maintain, with covenants that essentially require the City to continue forever. However, City politicians who have spent years saying the Garden City Lands agreements are such a great deal will also have a strong motivation to make sure the "great deal" doesn't fall through, since that eventuality would leave the CLC-Band partners with *non-ALR* land (worth many times its ALR-value cost) and leave the deal-touting City politicians with egg on their faces.

Direct significance: The City's regulatory control over the development lands, while "unfettered" in a legalistic sense, would be well shy of "full regulatory control" in practice.

General significance: The City is not credible.

Untruth in the application:	Revelation 8 on Aug. 14:
In the communications with the public that are included in the application, the Garden City Lands development has been depicted as some sort of idyllic complete community, even though there is no thought of school space for the predictable number of school-age students, e.g., over 1,000 public elementary students.	Despite citizens pointing out the school need at Council meetings and the public hearing, five months later Mayor Brodie was still talking about "the development of complete communities," giving the impression that the proposed future Garden City Lands community would be in that category.

Details: Surely, a complete community large enough for four schools would not have *zero schools*.

The only documented estimate of Garden City Lands population is for 14,650 residents, even if the CLC-Band partners get only half the 136 acres (but about 17,000 residents if they get more land due to the trade centre not being built). On the basis of 2006 Canada Census and Richmond School District figures, that would result in over 1,000 public elementary students. Maybe the secondary students could travel elsewhere, but sending over 1,000 Garden City Lands elementary students across busy thoroughfares to other parts of Richmond would not be consistent with a "complete community" even if there were room in neighbouring schools, which there is not.

Citizens brought this up at Council meetings and the public hearing—with essentially no response. (Typically, the mayor would turn to a staff manager, who would refer to a school board chair memo that is not relevant to the question.) Even with elementary schoo*ls* much larger than the Richmond average of around 325, there would have to be at least two elementary schools, each requiring about seven acres. The requirement could be as high as one secondary and three elementary schools.

The mayor has said that the acreage would not come from the City lands. The application project manager, Randy Fasan of CLC, was asked about it, and his response was reported in a March 21, 2008, *Richmond News* article titled "You guys have been hog-tied: Council argues it has no choice but to ask for ALR exclusion." The article refers to a dialogue between school district treasurer Ken Morris (seeking possible school sites on the Garden City Lands) and Mr. Fasan, who told Mr. Morris to "look to the Department of National Defense Lands next door."

When the project manager and the City just brush off the issue of schools (requiring approximately 14–28 acres) like an annoying flea, they are obviously not looking ahead with much foresight toward the development of a complete community on the Lands.

Direct significance: The "complete community" on the Lands is a platitude, not a plan.

General significance: Planning for major effects of the proposed development is absent.

Bonus significance: The Department of National Defence (DND) land immediately east of the Garden City Lands is already being thought of as the next ALR domino to fall in Richmond.

Untruth in the application:	Revelation 9 on Aug. 14:
The idea of an Agricultural Endowment Fund is treated repeatedly and interminably as though it exists in a substantial-enough way to enable a net (measurable) benefit to agriculture.	Richmond Mayor Malcolm Brodie made statements like "The Musqueam and CLC have ten years after rezoning approval to pay the full $10 million." (Fiction, I think.)

More examples of what the mayor said:

1. "The Richmond Agricultural Advisory Committee endorsed the concept for an endowment."
2. "Each year we'll put in extra money from the City's own resources. That could add up to over $3.75 million."
3. "The CLC and the Musqueam will make contributions."
   "They've agreed to pay it, and I'm sure they will live up to their obligations."

The truth about those examples:

1. The Agricultural Advisory Committee minutes (May 10, 2007, p. 6) show that the AAC resolutions were actually to "Accept and endorse, ***in principle***, the ***proposed components*** of the ***agricultural framework*** . . . as a ***working draft*** document ***subject to further review*** at forthcoming AAC meetings" (my emphasis added). Obviously (a) that was preliminary, (b) the endowment aspect didn't merit a mention in the resolutions, and (c) there have been no resolutions about the endowment fund idea at AAC meetings in the subsequent 15 months.
2. Richmond Council has not passed any resolution to budget "up to over" $3.75 million for the endowment payment purpose. As far as I can tell, it's just an idea that is being tossed around.
3. The only semblance of an agreement with CLC-Musqueam is a letter from CLC's Doug Kester (available in the Dec. 13, 3007, staff report) that simply agrees to establish an endowment fund. It *doesn't even imply* that CLC or the Musqueam would directly make any payments, and other parts of the application suggest that any payments would come from developers. No other agreement documents appear in the application documents that have been made public. Maybe something has been talked about, but, to borrow an apt cliché, talk is cheap.

In summary: The agricultural endowment fund does not exist as a particular concept endorsed by the Richmond Agricultural Advisory Committee. The $3.75 million in City "payments" does not exist as money budgeted by Council. The CLC-Musqueam "obligations" to contribute $10 million do not exist in any agreements included in the application.

Note: Even if the fund existed, I would ask the Commission to *not* accept offers to buy ALR land exclusions. (Besides, the reasonable payment in this case would be at least $100 million.)

Direct significance: The Agricultural Endowment Fund is a hoax.

General significance: The City is not credible.

Untruth in the application:	Revelation 10 on Aug. 14, 2008:
Agricultural economist Dan Schroeter: "Many kilometres of antenna cabling." That contradicts CLC's Randy Fasan's 2006 assertion that "the land is clean, aside from some copper wire at the base of the now-demolished coast guard radio towers" (*Richmond Review*, May 6, 2006).	Randy Fasan re DFO reports: "including disclosure that thousands of metres of copper antenna wire shielding were left behind." Applicants' consultant Ned Pottinger: "risk of contamination that needs to be investigated and remediated."

Details: The application project manager, Randy Fasan, probably said something true in the course of contradicting himself, but it is hard to decide what's true. The 2006 Fasan quote is from an article at http://www.yourlibrary.ca/community/RichmondReview/Archive/RR20060506/morenews.html, and it opens a can of worms in view of the new revelations. Here are some excerpts:

> Studies of the soil and groundwater, which appear to have occurred in the late 1990s, turned up "hydrocarbons, metals such as lead, copper and zinc, polychlorinated biphenyls (PCBs), dibenzodioxins (dioxins) and dibenzofurans (furans) at levels above agricultural regulatory standards."
>
> Canada Lands Company director of urban design and planning Randy Fasan said as part of the sale, the fisheries department handed over its previous environmental assessment work of the site. Those reports, Fasan said, indicate the land is clean, aside from some copper wire at the base of the now-demolished coast guard radio towers.
>
> "We're not going to buy a pig-in-a-poke and expose ourselves to having to remediate a whole bunch of stuff that was left there by others," he said. "Our in-house engineer has reviewed those reports and we're satisfied that the lands are clean."
>
> Fasan said defence lands have certain levels of contamination because of military equipment and activities the lands are used for. "But in the case of these (Garden City) lands, they just weren't dirty to begin with," he said.

Implications: While the possible cabling/shielding should be investigated, in my view the greater cause for concern is suspected contaminants such as lead and PCBs. If the newly resurfaced concerns are not just one more ruse to sway the Commission, surely the transfer of the Lands from the federal government to CLC should not have happened prior to a full environmental assessment. And in the current aggravated mess, surely no change in the status of the Lands should occur until the assessment is done—by credible experts at arm's length from the applicants.

Direct significance: The current or prior owners should take responsibility for an arm's length environmental assessment of the Lands, with remediation as needed, before any change in status of the property except perhaps a return of direct ownership to the federal government.

General significance: The application project manager has lost any remaining credibility.

Other gems revealed on Aug. 14	Quick appraisal of the gems
Mayor Malcolm Brodie talked about how much the City has done for agricultural viability, and the applicants brought in farmer Bill Zylmans and retired nursery owner Bill Jones for the panel's property inspection, presumably to give the impression of farmers supporting the City.	Bill Jones wrote to the Commission on June 7, 2008, about "the glaring lack of irrigation waters and proper drainage" as "largely ignored issues." Bill Zylmans made similar comments to the Richmond Review (Aug. 27, 2007). That says it all about what the City has done.
Randy Fasan re clean-up of contaminants: "That will be up to the purchaser and seller to sort out, as with any other site."	It's a safe bet that one more thing the City would be told to do is to pay for the clean-up of wiring and contaminants on the "City land."
Ned Pottinger re irrigation of the Lands: "The only obvious source of water is the domestic system."	Consultant Joost Bakker's report in the application recognizes that storm water could be stored on the Lands for irrigation.
The mayor proposed using the City lands (47.6 scattered acres, or possibly 57.8) for almost everything anyone has suggested, including an "urban forest" and wetlands that would have a dual use for "storm water management."	Even without the newly added forest, it is hard to fit all the uses on the *full 136 acres*, let alone 47.6. And flushing City Centre storm water into and out of wetlands, rather than using a large reservoir lake area, would be ecologically disastrous.
"By supporting urban agriculture on a significant portion of the site, it will build community awareness of agricultural practices. Council's intention is to strengthen Richmond's ties to commercial agriculture and to foster appreciation for all aspects of farming."	*Exactly*. However, Appendix 5 (Attach. 6, p. 5) includes a 27.5-acre sports tournament centre (a want that has been met in other ways). That's along with storm water wetlands and the mayor's forest. Where's the space for urban agriculture? *Solution: Let's think 136 acres, not 47.6 or 57.8.*
Mayor Brodie: "The Musqueam strongly believe that they have aboriginal rights that entitle them to the entire Garden City Lands and with due process their rights will prevail."	Keith Clarke, the senior lawyer hired by the City, said on Day 1 of the public hearings that those claims are "a bit of a red herring." (Land claims like that, he pointed out, cover all of B.C.)
Mayor Brodie, as though extolling virtue: Council has not usually asked for exclusions and has "said *no* to suggestions involving hundreds of acres of farmland in the City."	Yes, they block applications for exclusion of tiny lots that can't bring in enough farm income to get farm property tax breaks—but promote this farmland speculation as advocate and speculator.
Mayor Brodie: The lands are not suitable for urban farming "but *they are suitable for urban agriculture*" (whatever that distinction means).	*Thank you, Mayor Brodie!* You've now rejected consultant Dan Schroeter's mistaken assertion that the Lands are *not* suitable for agriculture.