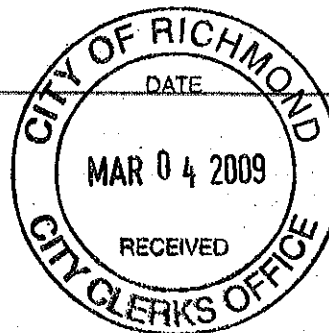


CityClerk

**From:** Roland Hoegler [rahoegler@shaw.ca]  
**Sent:** March 4, 2009 10:32 AM  
**To:** CityClerk  
**Cc:** Weber, David  
**Subject:** Submission: Council Meeting MARCH 9, 2009  
**Categories:** UCRS Code FILE: 08-4105-04-02



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	DW	
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To:

City Clerk's office:

I wish to have the following submission placed on the upcoming Council Meeting agenda ( MONDAY MARCH 9 , 2009 )

I assume it will be placed at the end of the meeting

Regards:

Roland Hoegler

=====

Collateral Effects of the Garden City Lands ( GCL ) :

**PART 1**

Re: The NOV. 12, 2008 Staff Report submitted to the NOV. 17, 2008 General Purposes Meeting

**Background**

The Garden City Lands matter was effectively set in motion in March 2005, with a public announcement on the GCL site at 5555 #4 RD.

The Garden City Lands matter reached something resembling closure, but not yet finality, on Dec. 8, 2008.

On this date, Council voted 6 - 3 to deny an extension of the legal agreements that were set to expire on Dec. 31. 2008. Finally, on Feb. 10, 2009, the ALC has made a formal decision denying the GCL ALR Exclusion

So:

Given the aforementioned, what are the collateral effects after this GCL matter has literally and figuratively crashed and burned, despite 2 ALR Exclusion attempts and enormous amounts of time and resources spent by the City and its GCL partners on these same two ALR Exclusion attempts combined.?

(4) current Councillors who had previously supported the GCL agreements had changed their minds.

Nothing had changed, given the legal documents (MOU and APS) in place since 2005 remained the same but simply extended .

The only conclusion one can reach is that public opinion became loud and clear and Council's original support was not reflective of this same public opinion, the majority of which was opposed to the agreements.

### **HISTORY: circa 2005**

NOTE: The Garden City Lands civic address is 5555 #4 RD .

In the midst of all this were a group of #4RD property owners who had contacted 2 members of Richmond Council who attended a Neighbourhood meeting in 2005 , ironically, the very night before the Garden City Lands original announcement was made .

It was made clear to these (2) councillors that many #4 RD. property owners wished to move forward from the status- quo, and that all the evidence suggests that their inclusion within the

ALR was an arbitrary decision at the time.

***It is important to note that recent dialogue with the ALC Executive Director Mr Colin Fry has corroborated this very point of the arbitrary inclusion of #4RD properties for sake of convenience back in 1972 when the ALR was created , given #4RD was a far simpler boundary at the time 37 years ago. .***

More importantly, it serves neither the General Public's nor the #4 RD. property owners best and better interests to imply nor deceive society at large that small residential properties will ever be farmed. If this were true, all things being equal...then the entire City Center area of Richmond would be in the ALR given many of the residential properties in the area defined as City Center were, in fact , in configurations of 1/2 acre to 1 acre .

Any long time Richmond resident is aware that 1/2 acre to 1 acres were the standard sizes for urban lots in the City of Richmond .

Thus the only reasonable conclusion, all things being equal, is that the City's attitude to #4 RD. ALR property owners is discriminatory, self-serving, defines 2 distinct yet unequal classes of citizens and used to facilitate other agendas.

(4) # 4 RD property owners have chosen to exercise their rights under the ALC Act and apply for ALR Exclusion Since then.....it appears that the City of Richmond's agenda was to employ several obstructionist tactics to delay our own ALR Exclusion applications . We have a legal right that is being denied. That is unacceptable.

Again , and to re-iterate, this is no more blatantly obvious than when the City twice approved an ALR Exclusion for 136 acres at 5555 # 4RD. yet has frustrated our own (4) ALR applications

on the very same #4 RD .

Somehow....the City seems convinced that a bare # 4 RD. property approx. 300 times the size of any of the other #4 RD applicants is not viable for agriculture, YET small residential properties far less than 1 % of the GCL size are viable for agriculture.

We challenge the City to explain the logic behind this, it most certainly escapes us.

**RE: The Staff Report dated NOV. 12, 2008 and tabled at the NOV. 17, 2008 General Purposes Meeting :**

When the Staff Report was made public on the eve of the NOV. 15, 2008 Civic Election , suffice it to say many of us who read it were absolutely outraged .

This staff report and the circumstances surrounding it can be summarized as follows.

---This 2nd attempt's main component was \$10 Million in funding towards agricultural improvements .

It is clear that these \$10 Million in funding improvements were going to be directed to those areas of Richmond that already have active viable agriculture.

---The Staff Report itself suggests that the 2nd attempt to exclude the GCL from the ALR had a high probability of failure.

--- However, to increase the chances, the NOV. 12 , 2008 Staff Report duly notes meetings held between ALC Staff and City Staff.

We found that particularly intriguing.

In a quasi-judicial matter.... the GCL proponents have submitted their best case for exclusion to the ALC.

Given that the ALC had already denied an ALR exclusion on

the first attempt...one would have expected an ALC decision based solely on the case presented and submitted .

However, the paper trail also notes a somewhat amazing coincidence of the ALC announcing a delay in the GCL proceedings on NOV. 12, 2008, the very same week as the City Staff Report.

The entire matter reached a climax at the General Purposes Meeting Nov. 17, 2008.

The majority of Council seemed somewhat ambushed by this Nov. 12 , 2008 Staff Report which only became Public 2 days before the General Purposes Meeting.

It appeared to be an orchestrated last ditch attempt by certain parties at City Hall to force this GCL issue within a shrinking window of time with the incumbent Council and just prior to the new Council being sworn in.

### **Re: East McLennan area .**

My own research and review of many past ALC decisions is fairly broad, detailed and comprehensive.

A basic summary of my review is that most, if not all ALC decisions are site specific, each application is adjudicated on their own merits.

ALC Decisions favouring exclusion are based on 2 criteria :

(i) One is the actual viability of a given parcel, and , in spite of what the Public has been lead to believe, there is much junk /garbage inventory in the ALR., given its rather hasty cobbling together by the NDP Gov't of the day. This fact is further re-iterated by ex BC Premier Dave Barrett's own words that, in essence , his NDP Gov't realized it was

likely going to hold office for one term hence an agenda to fill ASAP , and no more greater example of this was the creation of the ALR.

NOTE: If anyone wishes to dispute this, feel free, I have several examples to provide.

(ii) The other criteria is net - benefit...whereby a bit of horse - trading occurs...and that an exclusion will be approved if a net benefit to agriculture can be proven in return for the subject properties exclusion . This net benefit provision is almost exclusively generated by means within the control of the applicant. In other words both the ALR land with a pending application to be excluded AND the net benefit are assets within the sole ownership and control of the applicant

--- It appears that one of the results of the ALC Staff and City Staff Meeting was to increase the net benefit by an extra \$5 Million

--- Staff recommended 90 % or \$4.5 Million of this added \$5 Million was to be directed to the already agriculturally - viable areas of East Richmond on top of the \$10 Million already pledged.

--- However a \$500,000 pittance was to be allocated to East McLennan approx. 6 quarter sections , or \$80,000 per quarter section.

--- The Easter season is upon us soon. With it comes the oft used phrase " 30 pieces of silver ".

However, from the NOV. 12 , 2008 Staff Report , the " 30 pieces of silver" have now inflated to \$500,000 and used to sell out East McLennan .

It appears that the City was fully prepared to sacrifice the best and better interest of the East McLennan area and even worse,

as the documents state , with the active collusion of ALC Staff.

I have never EVER seem such devious treachery in any ALC decision or supporting documents.

Whether this is simply sheer unadulterated ignorance or a machiavellian agenda is irrelevant .

It is, pure and simple, an attack on East McLennan

**Ignorance is a weapon**

**Agenda is also a weapon**

I will challenge any current City Staff member or current Councillor to challenge the conclusion that this Staff report was a pre-meditated attempt to add more chains, shackles, fences, barbed wire and handcuffs to the East McLennan area.

This is, pure and simple an act of pre-meditated discrimination against East McLennan.

Again, Factions within Richmond City Hall were fully prepared to " SELL OUT" EAST McLENNAN.

When I use the terms " SELL OUT " , I refer to a detailed analysis of the proposals.

In the words of one of my neighbours, who has lived in East McLennan area since 1968, ..this area has been studied to death.

Re: Consoldatiing small parcels, that clearly indicates that no due diligence has been performed by the authors and signatories of the Staff Report , it is clearly a non -starter.

As I stated, the data is readily available to show the smaller the parcel the higher the value per sq. ft. .

Consolidation would result in a radical depreciation in value on a per sq. ft basis.

There are other UNambiguous reasons that any consolidation

would not be in the best interests of a given ALR property owner, who I submit would not do it voluntarily and would fight it tooth and nail if forced to do so .

Allocating \$80 ,000 per quarter section to study WHAT .....that history R-E-P-E-A-T-S itself ?

A significant cost savings can be realized by dusting off all the other previous studies that state the same thing, ie the East McLennan area is in decline re: active agriculture, it has been for decades , blueberry prices (main crop in East McLennan) are collapsing. etc etc.

One study estimated that it would take an investment of over \$100 million in East McLennan to just get started , and directly implying investment from various levels of Gov't .

Any more studies will verify the obvious, adding salt to the wounds, simply an aspirin to a dying if not already dead patient .

Such studies are synonymous with intentional delays and denials of the obvious , political excuses, nothing more.

More importantly, the City knew full well at the time of the Nov. 12, 2008 Staff Report there were( 4 )ALR exclusion applications for (4) # 4 Rd properties sitting gathering dust for 2 years. Perhaps a reminder for the City to review the legal term "Obstruction of Justice".

I find it even more intriguing that the ALC will not reply to inquiries re: these meetings with City Staff.

We are making serious allegations that the ALC itself made an unprecedented step of acting in collusion with City Staff to set in motion the SELL OUT East McLennan.

Rather than face the truth, and going behind our backs without



any consultation, the City continually engages in denial and an attack on East McLennan, having our very own tax dollars used against us, and , while selling us out, had full intent on allowing the CLC and Musqueam to reap outrageous windfall profits on the GCL , and to address a litany of failures by our past and present City Hall administration to address Park and Open space needs.

Again, given my research, that is treachery and discrimination of the highest order, unprecedented in any ALR dealings.

In fact I will further submit that, given list of suspects is clear, all 3 levels of Gov't

----- City of Richmond,

-----The BC Gov't via the ALC and

-----the Federal Gov't via the CLC "and its First Nation's partner")

ALL of which appeared fully prepared to sell out EAST McLennan .

**TOTALLY DISGUSTING, is it not ?**

We are fully aware that Council did not ratify the Nov. 12, 2008 staff reports recommendations.

We are full aware that the the ALC has denied the ALR Exclusion application in Feb. 2009 .

That does not excuse City Hall for tabling actions that were aimed at an innocent bystander, the East McLennan area

This report simply exposes and officially documents what we have long suspected a clear and distinct bias against East McLennan,.

This bias and discrimination will not go away, given the same parties are still at City Hall .

## **CONCLUSION :**

The Nov. 12 ,2008 Staff Report clearly exposed City Halls attitude to Richmonds ALR of which there apparently are (2) distinct sub- groups.

1st Richmond ALR Sub Group: It can and will continually , and for some strange reason, actively support and invest in areas of Richmond that have already proven to be agriculturally viable.

2nd Richmond ALR Sub Group: Other areas, such as East McLennan, will instead be subject to any/all means to deny and even undermine the very rights afforded under the ALC Act., and even of greater concern with the active participation of the ALC, as this was clearly evident in the details of the Nov. 12, 2008 Staff Report .

Does Richmond Council find such conduct by Staff acceptable? .

It is a very Black and White question.

----If Council does NOT find this conduct acceptable , then please direct staff to move our applications forward as it did the Garden City lands application .

--- If Council does find this conduct acceptable, I think a major portion of Richmond and its citizens has a major cause for concern

**All we have asked is to be treated fairly and equitably.  
Is that too much to ask ?**

Unfortunately, (4) years of deaf ears at City Hall is not fair and equitable, as it has all the indications of blatant discrimination.

Furthermore, the General Public does not want to be told the intent of the ALR is abused, as are the legal rights of their fellow Richmond Citizens.

However, Council now has a golden opportunity to restore our faith in democracy and elected representation, and thus make it clear to all its citizens who actually runs City Hall, as City Hall's very purpose is by and for the Citizen's best and better interests. We are long - term Richmond Citizens who have seen this city grow, but we are severely and negatively impacted by this growth in several ways , and kept in an unresolved "no man's land" limbo against our will.

Progress is a constant that requires balance .

Please assist us to move forward , as the rest of our immediate neighbours have.

PS I will submit a PART II to this submission with more detailed facts figures etc. at an upcoming Council Meeting.

These will quantify much of what I stated in PART 1 .

Thank - You

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