



**City of Richmond**

**Report to Council**

**To:** Richmond City Council  
**From:** Joe Erceg, MCIP  
General Manager,  
Planning and Development

*To General Purposes - Feb 18, 2008*  
**Date:** February 15, 2008  
**File:** 08-4105-20 - 2007387179

**Re:** **The Garden City Lands – Agricultural Land Reserve Exclusion Application**

**Staff Recommendation**

That:

- 1. The following recommendation be forwarded to Public Hearing:

That Council endorse the “Block Application” (**Attachment 1**) to exclude the properties known as the “Garden City Lands” bounded by Garden City Road, Alderbridge Way, No. 4 Road and Westminster Highway from the Agricultural Land Reserve (ALR) on behalf of the Musqueam Indian Band (Musqueam), the City of Richmond and the Canada Lands Company (CLC), collectively known as “the partners”, and

- 2. This report be referred to Richmond Agricultural Advisory Committee for their comment and input to Council prior to the Public Hearing; and
- 3. The “Block Application” be forwarded to a Public Hearing on March 11, 2008, at 7:00 p.m. in the Council Chambers at Richmond City Hall.

*Joe Erceg*  
Joe Erceg, MCIP  
General Manager, Planning and Development

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<b>ROUTED TO:</b>	<b>CONCURRENCE</b>	<b>CONCURRENCE OF GENERAL MANAGER</b>	
Law.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	<i>Joe Erceg</i>	
Parks Design, Construction & Programs..	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
<b>REVIEWED BY TAG</b>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	<b>REVIEWED BY CAO</b>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

## Staff Report

### ORIGIN

This is the third of three reports on the Garden City Lands (**Schedule 1**). The first report was an update on the Garden City Lands process received for information by Council in September 2007. The second report provided an update on the progress of the Garden City Lands project and made four recommendations as noted below which were endorsed by Council in December 2007:

1. Authorization to extend the Purchase and Sale Agreement for a one-year period ending December 31, 2008, to allow adequate time for the Agricultural Land Reserve Exclusion Application process;
2. Sponsorship of a Richmond initiated "Block Application" on behalf of the Musqueam Indian Band, the City of Richmond and the Canada Lands Company (CLC), for the exclusion of the Garden City Lands bounded by Garden City Road, Alderbridge Way, No. 4 Road and Westminster Highway;
3. Inclusion of an endowment fund proposal of approximately \$10 million over a 10-year period to be created to benefit Richmond agriculture as part of the ALR Exclusion Application, and endorsement by the City to fund the equivalent (approximately \$3.75 million) of full interest on the \$10 million Agricultural Endowment Fund to be established by the Musqueam and the CLC; and
4. Endorsement of "Community Wellness and Enabling Healthy Lifestyles", "Urban Agriculture" and "Showcase Environmental Sustainability" as Richmond's uses on the City's portion of the Garden City Lands.

The purpose of this report is to:

1. Present the "Block Application" (**Attachment 1**). It includes the draft application to exclude the Garden City Lands from the Agricultural Land Reserve (ALR) on behalf of the partners that outlines the rationale for the exclusion, and key studies in support of the application that addresses agricultural capability, agricultural viability, benefits to agriculture and community need;
2. Seek Council endorsement of the "Block Application";
3. Refer this report to the Richmond Agricultural Advisory Committee for the Committee's comments to Council prior to Public Hearing;
4. Seek Council approval to forward the "Block Application" to a Public Hearing on March 11, 2008, at 7:00 p.m. in the Council Chambers at Richmond City Hall;
5. Clarify the intention of the word "scattered" in reference to the distribution of the Public Lands in the Memorandum of Understanding (MOU) and Purchase and Sale Agreement (PSA), herein collectively referred to as "Agreement";
6. Update Council on the public outreach activities and public consultation process leading up to the Public Hearing for the proposed "Block Application"; and
7. Outline the remaining process for the "Block Application".

As a reminder, the Musqueam, the City and the CLC signed a Memorandum of Understanding (MOU) that is subject to the land successfully being taken out of the ALR. If the land remains within the ALR, the MOU becomes invalid and the land will likely become entangled in a lengthy court case/treaty negotiation; neither crown land, nor treaty land is subject to ALR or local zoning regulations and bylaws. Under the MOU:

- 50% of the land would go to the City of Richmond for public use including parkland, green space and other public amenities (including a Trade and Exhibition Centre), and 25% each to the CLC and the Musqueam First Nations for a joint venture development on the Musqueam/CLC portion of the site.
- If the Trade and Exhibition Centre does not proceed, this portion of the Garden City lands could be developed jointly by the Musqueam, the City and the CLC; or if an agreement cannot be reached, the Musqueam and the CLC may elect to purchase 50% of the Trade and Exhibition Centre land and the City would retain the other 50% of the Trade and Exhibition Centre land.
- The City would pay \$4.77 million for its portion of the Garden City Lands
- Any development by the CLC and the Musqueam First Nations on the land must go through Provincial and Municipal land use approval processes, integrate with the Official Community Plan (OCP) and comply with City zoning bylaws. This process will enable the public and Council to provide further input into the development of the land.

The MOU is subsumed into the Purchase and Sale Agreement (PSA) and both documents are from here on referred to collectively as the “Agreement”.

## **BACKGROUND**

A historical overview of the Garden City Lands is provided in **Attachment 2**. Both the Musqueam and the City have had long standing aspirations for the Garden City Lands. The Musqueam consider the Garden City Lands part of their traditional territory. The City has been attempting to acquire the Garden City Lands for public and open space uses since its unsuccessful bids for the Canada Summer Games and the Commonwealth Games in 1987.

In 1989, the Agricultural Land Commission “conditionally endorsed” the December 1989 draft Richmond Official Community Plan (OCP) showing the Garden City Lands as “Public and Open Space Use”. Within that OCP, the plan for the City Centre area showed the subject site for future Park (defined as “an area of City-owned public open space including, but not limited to, public facilities such as recreation centre and schools”). This OCP designation is reflected in the current “Park” designation on the City Centre Area Plan Land Use Map for the site (**Attachment 3**).

This report will summarize the key elements of the Agricultural Land Reserve Exclusion Application and address the Agricultural Commission’s previous concerns cited in 2006 when it refused the last submission.

## 1.0. THE PROPOSED “BLOCK APPLICATION”

### 1.1 History

The Federal Government transferred the Garden City Lands to the CLC in 2006. The CLC applied (as the owner of the Garden City Lands) to exclude the Garden City Lands from the ALR in 2006. This earlier Exclusion Application (ALC File #O-36435) was refused by the ALC in 2006. The ALC Minutes of *Resolution #431/2006* (**Attachment 4**) outlined the Commission’s decision in detail. The key reasons for the refusals by the ALC were:

- i. It did not address agricultural viability and suitability of the site;
- ii. Lack of demonstrable benefit for agricultural viability in Richmond;
- iii. Lack of convincing community need arguments; and
- iv. The proposal was inconsistent with preservation of agricultural land.

Additionally, *Resolution #431/2006* noted that:

“It had been expected that the City would advance the argument for community need for the entire proposal, not simply for the park/open space and Trade and Exhibition Centre components.”

### 1.2 Response

In accordance with the December 17, 2007, Council resolution, the City of Richmond is sponsoring a local government led “Block Application” to exclude the Garden City Lands from the Agricultural Land Reserve on behalf of the Musqueam, the City and the CLC. The CLC retains its role as Project Manager in directing the consultants preparing the application and to coordinate with the Musqueam to define their community need in relation to the Garden City Lands.

The advantages of a “Block Application” are:

- The City is the best candidate to represent “community need” for Richmond. Richmond can best articulate its vision for public amenities and address resident concerns about the eventual land use on both the City’s Public Land and the Musqueam/CLC “development land” by taking the lead as “applicant” on behalf of the agreement partners.
- Under the Agreement, if the Garden City Lands are excluded, the site development will follow municipal regulatory processes including extensive community consultation as part of the amendment to the Richmond Official Community Plan (OCP), Rezoning Application and Development Permit Application processes. Again the City is in the best position, out of the three partners, to represent this process.
- A “Block Application” requires the City to conduct a Public Hearing prior to submitting the application to the ALC. This will give Richmond residents opportunities to provide direct input to Council and the partners.

- The “Block Application” process will also provide the ALC with the option to rely on the local government open public consultation process instead of holding its own public process.
- The City can best represent concerns about the incompatibility between agricultural uses on this property and the urban uses to the north, west and south of the Garden City Lands.

Since the 2006 application was considered, the City of Richmond has embarked on a review of the City Centre Area Plan (CCAP) and a variety of other policy reviews (listed below) that have advanced the City’s understanding of its community need requirements. The ALC staff was invited to participate in the consultation process for the CCAP update. As a result, Commission staff provided written comments on February 6, 2007, to the proposed CCAP update, including specifics that the City should respond to when considering “community need” (**Attachment 5**). This staff report provides a detailed discussion on Community Need requirements from a Richmond perspective and summarizes the Musqueam’s Community Need requirements.

The proposed “Block Application” differs significantly from the previous application submitted in 2006. It is submitted that the application now thoroughly responds to all the ALC’s concerns raised. In addition to the policy work and studies prepared by the City, the partners have prepared new material that supports this new application.

The “Block Application” clearly explains the City’s intention for its portion of the Garden City Lands, which prioritizes open space and public amenity needs (including the possibility of a Trade and Exhibition Centre). Council has endorsed “Community Wellness and Enabling Healthy Lifestyles”, “Urban Agriculture” and “Showcasing Environmental Sustainability”, as defined in Section 2.3.3 of this report, as Richmond’s uses for the City’s portion of the Garden City Lands. In regards to “Urban Agriculture”, the City is exploring an exciting opportunity with Kwantlen University College to establish an Urban Agriculture Research and Education Centre in Richmond.

As noted, the City has completed extensive studies and policy reviews in the City Centre, which affect the Garden City Lands. Council is familiar with this material as they have all been previously presented to Council. However, as the ALC is not familiar with the material, these documents will be provided to the ALC as part of the application submission. A partial list includes:

- City Centre Area Plan Study (CCAP) concept endorsed by Council in February 2007;
- Projecting Community Change in the Richmond City Centre – A Community Life Cycle Approach (Urban Futures Study), accepted by Council on July 9, 2007;
- West Cambie Area Plan (WCAP) adopted by Council on July 24, 2006;
- 2001 Richmond Community Needs Assessment completed by Wilson and June Consultants/PERC which formed the foundation of the Parks, Recreation and Cultural Services - A Master Plan for 2006-2015;
- Parks, Recreation and Cultural Services - A Master Plan for 2006-2015;

- Facilities Strategic Plan endorsed by Council on June 25, 2007 (reference to improving facilities);
- Major Events Plan 2007-2012 adopted by Council in 2007 (field sports tournaments); and
- The Richmond Food System Assessment prepared by the Richmond Poverty Response Committee (not a City Committee) which was received for information by Council and the Richmond Agricultural Advisory Committee in February and March of 2007. The City is reviewing this assessment for its citywide implications.

In addition, the “Block Application” is supported by key studies included in **Attachment 1**, research and report findings commissioned specifically for the Garden City Lands including but not limited to:

- The Agricultural Assessment of the Garden City Lands, 5555 No. 4 Road, Richmond (Dan Schroeter Consultant Inc.);
- The Garden City Lands, Urban Design Review of the Planning Context (Hotson Bakker Boniface Haden);
- The Preliminary Community Need Assessment in Consultation with Professional Environmental Recreation Consultants Ltd. (PERC)
- The Musqueam Community Needs (EdoPlan);
- The Garden City Lands Geotechnical Report (Trow Engineering); and
- The Richmond Community Survey (Innovative Research).

## **2.0 THE AGRICULTURAL LAND COMMISSIONS 2006 CONCERNS**

The following is a synopsis of the key responses, prepared by the team of consultants lead by the CLC as Project Manager, in the “Block Application” to the four main concerns expressed by the ALC in Resolution #431/2006. More information is available in the detailed studies in **Attachment 1**.

### **2.1 Agricultural Viability and Suitability**

The Schroeter report concluded that commercial farming is not viable on the Garden City Lands. According to the consultant, the soil on the site cannot be considered “prime agricultural land” in its unimproved state. The Schroeter report examined the necessary process and costs to improve the soil to “prime agricultural land” and the financial viability of the various commercial crops customarily grown in Richmond that may be possible on this site with soil improvement. It concludes that site remediation, including removal of peat, adding land fill material, and removing the underground cables left from the Coast Guard’s communication towers would be required.

The Schroeter report concluded that commercial agriculture is not viable after a thorough investigation of ways to improve the site, including consideration of the costs for improvement and financial viability for each of the commercial crops that the improved soil may support as follows:

- In **Resolution #431/2006**, Mr. Murrie, Staff Agrologist of the ALC noted that *“there are no well suited crops according to the Ministry of Agriculture’s Soil Management Handbook for the Lower Fraser Valley (1991). However, such soils are suited (just not well suited) for production of annual legumes, blueberries, cereals cole crops, corn, perennial forage crops, root crops and shallow rooted annual vegetables”*. To this list, the Schroeter report commented that with soil improvement (though not financially viable), *“cranberries can be successfully established on shallower organic soils and even, in some instances, on mineral soils”*.
- Of the suitable crops, cereal and forage crops were eliminated as best and highest use crops due to extremely low crop value and the challenges of having livestock production (associated with forage crops) in an urban setting. Viability for growing the remaining vegetable crops as well as cranberries and blueberries was reviewed and each were eliminated for not being viable on the Garden City Lands.
- In addition to the necessary soil improvement the site would require access to water sources for irrigation. More conventional irrigation methods have been explored and rejected. Pumping water from the Fraser River to irrigate the subject property is technically infeasible. The use of a ditch system is impractical in an urban context. Thus, it is expected that a municipal water supply would be required for irrigation purposes. The City Engineering & Public Works Department has confirmed that there is sufficient capacity to supply municipal water for agricultural uses. The report noted that irrigation cost estimates are in the range of \$8,000 to \$13,000 per acre for a trickle system and between \$850 to \$975 per acre for a sprinkler system. The lower cost (i.e., the sprinkler system) is over ten times more than typical costs for agricultural water supply in the Lower Mainland. The irrigation costs are for water consumption for the two systems only, and does not take into account any additional costs for infrastructure improvements, such as pressurization, that might be required.

## **2.2 Lack of Demonstrable Benefit for Agricultural Viability in Richmond**

To address this concern, the partners have committed to establishing a \$10 million Agricultural Endowment Fund from developing the Musqueam/CLC portion of the Garden City Lands. In preparation for the ALR Exclusion Application, staff have worked closely with the Richmond Agricultural Advisory Committee (RAAC) between March and September 2007 to explore ideas on how best to contribute to Richmond’s agricultural community if the Garden City Lands are taken out of the ALR. The RAAC endorsed the concept of creating an Agricultural Endowment fund to benefit agricultural at its May 2007 meeting.

The RAAC also provided the opinion that any endowment should be financially substantial so the impact can be sustained over the long term. The RAAC felt that the endowment fund must also incorporate a flexible delivery mechanism to enable the agricultural community to respond to issues and projects as they arise over time. Staff note that the endowment could be used in a variety of ways including education and research, improvement to soil to increase productivity, improving production technologies, or buying land to add to the ALR if the opportunity arises. If the ALR Exclusion Application is successful, the Canada Lands Company and the Musqueam Indian Band have committed to establish an Agricultural Endowment Fund of

approximately \$10 million to be collected over a 10-year period as a consideration of the rezoning process for the developable portion (Musqueam/CLC) of the Garden City Lands. A minimum of \$5 million will be collected no later than Year 5. The remaining \$5 million is due no later than Year 10. The full endowment may be collected sooner depending upon the speed of development. It is proposed that the endowment will remain untouched with the interest being allocated for the benefit of bonafide agriculture in Richmond. If the ALR Exclusion Application is successful, staff will consult with the RAAC to develop the focus and delivery mechanisms for the endowment and staff will present the outcome to Council for consideration and approval. The RAAC has advised that it wishes to incorporate extensive consultation with the agricultural community regarding how the endowment will be used at the appropriate time. Staff believe that, if the exclusion is successful, further consultation is appropriate to ensure that the endowment will provide a lasting contribution to the viability and sustainability of bona fide farming in Richmond over the long term.

The Richmond agricultural community has indicated it wishes to realize the full benefit from the Garden City Lands Agricultural Endowment as soon as possible. In response, Council has agreed to "top up" the annual income comparable to the interest that a \$10 million endowment would generate for up to 10 years until the full contribution into the endowment is received from the Musqueam/CLC. This "top up" represents a potential maximum total financial contribution from the City that would amount to approximately \$3.75 million over ten years. The contribution will decline annually as the principal of the endowment is collected. It is noted that in the event the exclusion is not successful, no payment would be required from any of the Agreement partners.

The City may implement an agricultural endowment funding scheme based on the recently enacted section 905.1 of the Local Government Act (LGA). Under this section of the LGA, Council may enter into development agreements on a site-by-site basis at the time of rezoning. In return for an agreement not to downzone the subject site for the duration of the development agreement (10 years with possible renewal) once the applicant's rezoning has been adopted, Council may rely on terms and conditions in the development agreement under which the developer must provide amenities or cash for amenities. The development agreement would be secured by registration of covenants on title.

Senior staff have recently met with the co-chairs of the RAAC to advise them of the agreement to establish an endowment fund. If Council endorses the "Block Application", then staff recommend Council's approval to formally refer this report to the RAAC for its comments and input to Council, prior to the Public Hearing.

Council has previously indicated that there will be no significant structures (other than the provision for the Trade and Exhibition Centre) on the City's portion of the Garden City Lands. The emphasis will be on open space uses. Council has endorsed:

- Community Wellness and Enabling Healthy Lifestyles
- Urban Agriculture
- Showcasing Environmental Sustainability



as Richmond's uses on the City's portion of the Garden City Lands. These uses are discussed further in Section 2.3.3 of this report.

Separate from the Garden City Lands, the City has been:

- Exploring urban agriculture opportunities including rooftop gardens, green roof technology and edible landscaping;
- Facilitating community initiatives such as the Terra Nova School Yard Project and Fruit Tree Sharing Farm Project to support the local Food Bank;
- Providing over 200 community gardening plots throughout the City to promote viable, sustainable food production in the urban and urban-rural interface area; and
- Encouraging community gardens in City Centre developments for use by area residents.

Similar initiatives to promote urban agriculture are intended to be applied to the Garden City Lands.

In addition, the City has encouraged other independent initiatives in support of urban agriculture. For example, Kwantlen University College through its research/outreach arm, the Institute for Sustainable Horticulture, has been actively pursuing partnership opportunities with Richmond to promote urban agriculture by establishing an Urban Agriculture Research and Education Centre in Richmond. The purpose is to conduct research on demonstration plots throughout the City to promote viable, sustainable food production in the urban and urban-rural interface conditions. The City of Richmond believes this is a concept of great merit, with potential benefits for a broad-cross section of the community. This concept is currently being vigorously explored including a review of possible locations.

Kwantlen staff made a presentation to Planning Committee on February 5, 2008. The Committee resolved "*That the proposed concept, to develop an academic centre devoted to research, education and development expressly focused on urban agriculture, be referred to staff for further study and comment*". Staff are initiating the work to respond to this referral.

### **2.3 Community Need Assessment**

The ALC decision indicated that Community Need assessment should be broad in scope beyond just park and open space focus. The partners have provided Community Need assessment on the importance of Garden City Lands in shaping the future of the Richmond City Centre, meeting the capacity building needs of the Musqueam, and the benefit to the wider community in resolving aboriginal rights issues through a negotiated agreement rather than land claims or legal action. The partners prepared a preliminary Community Need assessment in consultation with Professional Environmental Recreation Consultants Ltd. (PERC) (**Attachment 6**) to determine the scope of Community Need. The Musqueam have supplemented this work with additional consultant study by EcoPlan, which is included in **Attachment 1**. The Parks Recreation and Cultural Services Department has provided supplementary information on Community Need from

a municipal perspective in this report. The following is an analysis of key Community Need areas.

### **2.3.1 Community Need to Accommodate Sustainable Growth in Richmond's City Centre**

In 1989, Richmond adopted its first plan for its City Centre as a major step in its transition from a sprawling, car-oriented commercial area to an emerging, more compact, mixed-use downtown. This concept has gained momentum as a result of a \$2 billion multi-partner investment in the Canada Line. The funding partners include Federal, Provincial, Greater Vancouver Transportation Authority, and the Vancouver Airport Authority. The Canada Line has five stations (including one future station) on the Lulu Island portion of Richmond and three on Sea Island. The Lansdowne Station will be in close proximity to the Garden City Lands.

Population growth over the past decade shows that City Centre has become a growth destination by choice and has performed an important regional role by accommodating growth that is driven by international and national trends. The sustainable nature of development in Richmond City Centre has absorbed growth pressure away from Richmond's farmland and lower-density residential neighbourhoods.

Richmond is a growing dynamic urban centre. The City's Vision is for Richmond to be "*the most appealing, livable, and well-managed community in Canada*" and its corporate Vision continues to guide City policies and actions. It is anticipated that the Metro Vancouver region will continue to grow: an additional 1 million residents are expected by 2031 and a further 1 million by mid-century. Richmond will grow along with the rest of the region as it is a very attractive location to live, work and play, and, like other parts of the region, is expected to see most rapid growth between now and 2031. The Richmond City Centre plays an important role in accommodating regional growth in a responsible, sustainable manner, thereby reducing urban sprawl and pressure on the ALR throughout the region. Consultants on Richmond's City Centre Area Plan project that over the next 100 years, Richmond's City Centre will triple in size from roughly 40,000 to 120,000, while its numbers of jobs will more than double (based on studies by Urban Futures and other studies). Richmond is unique in having taken such a long perspective in projecting growth trends.

The City Centre is the right place to grow. It is well served by regional rapid transit and it is a regional job centre with the Vancouver International Airport and other major industries and businesses located in or close to it. Richmond is one of the few Lower Mainland municipalities with more jobs available than residents of working age (labour force). This is expected to continue. Numerous factors contribute to Richmond's position as a growth centre:

- Has a central location in the region and is close to Vancouver;
- Plays a "Gateway" role (airport, port, etc.);
- Has a strong job base (the region's leader in number of jobs to labour force);
- Has strong employment growth (airport, port, high technology, tourism);

- Has strong Pacific Rim ties (trade, culture, immigration);
- Offers an attractive range of housing options and public amenities; and
- Has the new Canada Line with five stations.

The CCAP requires that the City Centre does more with less land by providing:

- A package of features and amenities to attract residents and businesses.
- More housing choice suitable to a broader range of households in addition to the already established suburban single family neighbourhoods.
- More employment choice with transit options to key employment centres (airport, port, etc.).
- Possibility for a Trade and Exhibition Centre, on the City's portion of the Garden City Lands, that can provide additional jobs and trade opportunities.
- Compact and complete communities to live, work and play in the same community.
- More accessible, higher quality community facilities.

The CCAP update adheres to the City's corporate Vision and endeavours to accommodate this growth by:

1. Enhancing the City Centre as the urban focus of Richmond;
2. Taking important steps towards preparing the City Centre to be sustainable;
3. Continuing to protect for and enhance:
  - Residential choice geared to Richmond's diverse household needs, by not only providing options within the downtown, but also by limiting growth in Richmond's lower density suburban areas to infill units, secondary suites, coach houses, and the enhancement of existing neighbourhood centres through their establishment as small, medium-density, mixed-use transit nodes.
  - Industry, by addressing such land demand through a more efficient use of zoned industrial lands by directing non-industrial uses that frequently encroach - especially office and retail - to the City Centre (where businesses and employees are better situated relative to access transit, housing, and amenities);
4. Agriculture, by demonstrating that Richmond is serious about supporting agriculture and reducing its environmental footprint by, among other things;
  - Reducing residential, industrial, and commercial sprawl through more compact, transit-oriented, environmentally-friendly development;
  - Increasing public awareness and understanding of, access to, and participation in urban agriculture and food security within the downtown; and
  - Protecting existing agricultural lands by developing a downtown based on transit-oriented, village-centric principles that focus City Centre growth near No. 3 Road (Canada Line) and the Middle Arm riverfront and decreasing

development densities towards the perimeter of the City Centre such that, on its eastern side:

- i The boundary of the higher-density, urban core is clearly established along Garden City Road; and
- ii Beyond Garden City Road, lower-density development extends to the edge of the planned urban boundary at No. 4 Road.

The City takes seriously its responsibility to mitigate the increasing pressure to develop in existing established suburban neighbourhoods and farmland. The growth management goal for Richmond is to offset conventional sprawl spurred by the greater availability of land, lower land costs, and relatively convenient access by car, characteristic of more remote, suburban locations with a mixed use high density City Centre.

Approximately 50% of the Garden City Lands are allocated for development under the Agreement between the Musqueam/CLC and the City. The City Centre can technically accommodate the additional 80,000 residents anticipated in the CCAP as a result of regional growth trends without development on the Garden City Lands. However, without the Garden City Lands, the City would not be able to provide adequate new open spaces required to support the anticipated growth and as a result, the range of housing types in the City Centre would be narrowed. A majority of the housing would need to be in high-density form such as mid and high rise towers and there will be a loss of ground-oriented townhouses in order to accommodate the same number of residents with a reduced land base. Alternatively, the park ratio would need to be reduced to the point where the provision of quality open space is not viable. It is anticipated in the MOU that the on the portion slated for development on the Garden City Lands, a typical density of between 2.0-2.5 F.A.R may be developed. Based on this estimate, the Musqueam/CLC portion of the site could potentially accommodate between 12.5% to 15% of the anticipated 80,000 additional residents in the City Centre.

If the Garden City project proceeds in accordance with the Agreement, it would ensure the provision of a significant portion of the necessary open space required for livability in the City Centre. It will also relieve the pressure to accommodate those residents elsewhere within the City Centre, (thereby enhancing housing diversity), and reduce pressure on farmland in Richmond.

The Agreement with the Musqueam/CLC provides certainty for Richmond. This Agreement stipulates that the Musqueam/CLC portion of the site must go through a Comprehensive Development Plan, Official Community Plan (OCP) amendment, and rezoning processes. The City can influence the site planning and placement of the open space so that the Lands will provide a meaningful eastern boundary to Richmond's City Centre which will clearly delineate the urban edge as well as incorporate significant and well planned open space that will contribute to the quality of life in Richmond in general and the City Centre specifically.

The CCAP is a proactive way for the community to manage the anticipated population growth as a result of the regional trends by encouraging significant and planned growth within the City Centre. If implemented, the CCAP neighbourhoods will provide high quality public amenities and green spaces, promote transit oriented development principles around the transit corridors, and offer a variety of housing and job choices within a much smaller footprint than with conventional suburban model.

### 2.3.2 Community Need To Provide Open Space for Richmond

The Garden City Lands represents an unparalleled opportunity to contribute in a significant way to the park and open space needs of Richmond residents in the face of growth and densification. The role of the public open space at the Garden City Lands would be as a major park with a diverse program of activities and features that would fill a unique niche within the park system as a whole.

The community need for new parks, open spaces and trails has been clearly indicated by Richmond residents in the 2001 Richmond Community Needs Assessment completed by Wilson and June Consultants/PERC, which was the foundation for the Richmond Parks Recreation & Cultural Services Master Plan (2005). The Needs Assessment process collected both quantitative (statistically valid) and qualitative information through a community-wide survey, facility survey, focus group survey and focus groups.

Ninety-two percent of the respondents indicated that they had used outdoor spaces in Richmond in the past year. The following indicates the types of outdoor spaces residents of Richmond use:

Use Of Parks, Natural Areas, Playgrounds And Public Trails *	
Type Of Use	Percentage Of Respondents
Walking / Jogging / Cycling	88
Picnics, Socializing / Relaxing	48
Playing in a Children's Playground	41
Informal Outdoor Sports	22
Organized Outdoor Sports	21
Walking My Pet	21
Learning About the Outdoors	11
<i>*PRCS Needs Assessment 2001</i>	

Sixty-nine percent of the respondents indicated that new or improved parks or outdoor recreation areas are needed in the Richmond. Respondents indicated a need in Richmond for open spaces and parks that are both active and passive in character. For example, respondents indicated a need for walking/running facilities, sports fields and diamonds, and playgrounds.

Informal park uses identified in the needs assessment are included below:

<b>Need for New / Improved Outdoor Facilities for Informal Uses*</b>	
<b>Outdoor Spaces Needed</b>	<b>Percentage Of Respondents</b>
Walking Paths / Trails	62
Natural Open Spaces	50
Access to Waterfront	49
Community / Neighbourhood Parks	45
Community Garden Plot	28
<i>*PRCS Needs Assessment 2001</i>	

Community need for open space and parks is both quantitative and qualitative. To develop a complete parks system in an urban area, the amount of open space is inextricably linked to the distribution and types of open space:

#### **Quantity of Open Space**

- The current citywide standard is 7.66 acres per 1000 population, which equals 1427 acres for a population of approximately 187,000. However, in response to the significantly higher land costs, the City Centre Area Plan Study recommends a reduction from the citywide standard. The proposed City Centre standard is 3.25 acres per 1000 residents. This reduced park ratio is dependent on a more efficient approach to land use. This park ratio reduction is in response to the scarcity and cost of land in the City Centre. It is expected that the quality of the open space can be maintained by installing more robust materials for playfields and trails to accommodate a higher intensity of use.
- This park ratio reduction is in response to the scarcity and cost of land in the City Centre. It is expected that open space in the City Centre will utilize a higher standard of park development than in typical single family residential neighbourhoods.
- Another way to achieve higher efficiency of land use in a compact urban environment is the co-location of community facilities (community centres, etc.). It is anticipated that the facilities will typically be co-located on sites with other developments (e.g., with residential or offices above the facilities). The purpose is to reduce the "footprint" requirement of facilities on valuable ground oriented park space, and to reduce land costs through opportunities to partner with proposed developments.
- Based on a proposed City Centre standard of 3.25 acres per 1000 residents, 390 acres will be required at the projected build-out population, therefore the addition of 201 acres of park land will be necessary in the City Centre. It is anticipated that community facilities will be provided in addition to the 3.25 acres per 1000 residents park and open space standard in the City Centre.
- Richmond's park and open space has been able to keep pace with current growth to date by planning for the community need for open space in tandem with development. However, as the City Centre continues to grow, it will become more challenging to maintain the established park ratio. If the Garden City Lands are not available as public park/open space and the City Centre achieves the full

build-out population of 120,000, the park ratio will be below Council's standard, and there will be major negative impact on the quality of the open space within City Centre and possibly citywide.

- Currently the amount of park and open space in the City Centre equals 4.75 acres per 1000 population, which will accommodate the projected growth to only 2010 or 2011 after which additional parkland will be required; future parkland acquisition remains an ongoing priority in the City Centre.

#### **The Importance of the Garden City Lands**

- The City's portion of the Garden City Lands represents 32% of the total new open space required in City Centre. The City Centre Area Plan has included the City's portion of the Garden City Lands into the "available" parkland inventory to meet the 3.25 acres per 1000 residents park ratio.
- The Garden City Lands is the only site with the necessary attributes (size, location, and price (\$4.7 million according to the Agreement) for a significant new park/open space within City Centre (**Attachment 8**). Without the opportunity to include parks and open space on the Garden City Lands, there are no other viable opportunities for parks and open space of this size anywhere else within the City Centre.

#### **Location**

- A major open space on the east side of City Centre would serve the needs of the surrounding residential and mixed use neighbourhoods within a reasonable distance (800 metres).
- As a citywide amenity, the location of the Garden City Lands is central to Richmond's current and future populations, connected by transit and existing transportation routes.
- There are no other undeveloped land opportunities in such close proximity to Richmond's City Centre to provide for such a significant public open space in Richmond today.
- Other than the Garden City Lands, there is no available vacant land outside of the ALR that would meet the land requirement for a major new park (**Attachment 8**).
- The proximity to urban neighborhoods to the north, west and south, and its adjacency to the ALR land and the Richmond Nature Park to the east present unique opportunities to interface with the surrounding neighborhoods. The Garden City Lands open space can provide an edge to define the boundaries of City Centre and the adjacent rural and ecologically significant areas to the east. The park and open space can be designed to achieve Council's vision for the Garden City Lands to promote "Community Wellness and Enabling Healthy Lifestyles", pioneer "urban agricultural" practices in partnership with residents and interested parties, as well as include design features "showcasing Environmental Sustainability"

**Size**

- In response to one of the community need-related comments raised by the ALC staff, a recent review of the vacant land inventory outside of the ALR revealed that there are no available underutilized parcels of greater than 4 hectares (10 acres) available for parks and open space uses (**Attachment 8**). Land in areas other than ALR in Richmond that meets the minimum 10 acre size were eliminated as possibilities because they are either part of the valuable industrial land base and under active uses (e.g., Fraser Port), or within Environmentally Sensitive Areas, including inter-tidal zones, thereby limiting the flexibility in uses or have characters that are already provided in existing Richmond open space such as the Richmond Nature Park or the dyke trail system.
- A minimum of 10 acres is required for a major park in order to balance multiple community objectives that are not answered at the neighbourhood level (e.g., community gardens, playing fields, natural areas). The City's portion of the Garden City Lands is nearly seven times the minimum size required which would provide significant flexibility in design and park programming. Examples of other major parks that fulfill a diversity of needs and landscape characters are; Terra Nova Rural Park (64 acres), the Terra Nova Natural Area (35 acres); Minoru Park (65 acres) and Garden City Community Park (24 acres).
- If the Garden City Lands development occurs, a minimum of 5% of the Musqueam/CLC land will be required as park over and above the City's portion (50%) of the Garden City Lands. In addition, it is anticipated that there will be greenways and trails, as well as boulevard planting requirement on the development site. All these will contribute to the City Centre open space system.

**Relationship to the City Centre Open Space System**

- The types of park activities envisioned are unique to the Garden City Lands location and are complimentary to the services offered by the other major parks in the City Centre; the existing Minoru Park, the future Middle Arm waterfront park, and the future central business district urban park.
- The Garden City Lands are envisioned to be at the terminus of a future linear park greenway proposed for Lansdowne Road, connecting to the Olympic Oval and the waterfront, creating a linked series of green jewels that will enhance the livability of the City Centre as a whole.

**Financial**

With the Agreement in place with the Musqueam and the CLC, the City is entitled to purchase 50% of the Garden City Lands for \$4.7 million if the ALR Exclusion Application is successful. This would be a considerable saving to the City as parkland in the City Centre on average, is approximately \$4 million to \$5 million per acre in the current market, based on recent appraisals for future park space. Therefore, there will be a significant financial impact to the City if it wants to provide the required park and open space needs in the City Centre without the Garden City Lands.



**Configuration of Open Space**

There has been concern expressed recently that the City's portion of the Garden City Lands (referred to as the "Public Lands" in the MOU and PSA) will be scattered throughout the site. While both the Memorandum of Understanding (MOU) and the subsequent Purchase and Sale Agreement (PSA) refer to "scattered" Public Lands, the PSA also specifies that a Comprehensive Development Plan must be prepared and agreed to by all three parties.

The City's Law Department has provided the following overview of the MOU and PSA:

*Section 1(10) of the MOU states that "the Public Lands will be scattered throughout the entire Garden City Property".*

*Furthermore, Section 4.5 of the Purchase and Sale Agreement states that "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 (CDP), the Public Lands will be scattered throughout the entirety of the Lands".*

*The Purchase and Sale Agreement also states in Section 3.1(b) that following release of the Lands from the ALR, development by open, ongoing and cooperative discussion and agreement among the City, the CLC and the Limited Partnership of a Comprehensive Development Plan is a requirement of the Agreement.*

*As a result, although both the MOU and the Purchase and Sale Agreement refer to the Public Lands as being scattered throughout the Lands, the Purchase and Sale Agreement also requires that the three parties agree on the CDP in order to proceed with the development process. Nothing in the Agreement would fetter the discretion of City Council in its normal development process.*

Thus, Council has the ability to withhold its development approvals if it is not satisfied with the proposed distribution of the Public Lands on the site at the conclusion of the Comprehensive Development Plan process. The City can promote a sensible distribution of the Public Lands that accommodates Council's preferred uses through the Comprehensive Development Plan preparation and subsequent Official Community Plan amendment and rezoning processes. In discussions with the CLC, their staff have acknowledged Council's endorsed uses for the Public Land and have indicated a willingness to accommodate them.

### **2.3.3 Community Need to Provide A Showcase for Sustainability in Richmond**

The potential community value of open space at the Garden City Lands is enormous. The future of the Garden City Lands has been broadly discussed in the community and the City of Richmond has a clear vision for the public portion land. Council's direction is that the Garden City Lands must be a showcase for sustainability in Richmond and Council has approved the following uses for the City's portion of the Garden City Lands.

#### **Community Wellness and Enabling Healthy Lifestyles**

Richmond is committed to maintaining and improving community wellness and healthy lifestyles. Therefore, the provision of a variety of outdoor public amenities is necessary to serve a growing population. Examples of these amenities include: passive and active parks and open spaces, trails and pedestrian connections, play spaces for all ages and abilities, gathering places for community celebration, and youth oriented activity zones. In addition, a range of outdoor community sport amenities and playing fields is envisioned to provide increased capacity for community use and for tournaments.

#### **Urban Agriculture**

The interest for urban agriculture is demonstrated by the demand for community gardens in Richmond. The City has constructed community gardens in four locations across the City and maintains lengthy waitlists for garden plots. The Garden City Lands could be a model for meeting the need for urban agriculture. The Garden City Lands and its location at the urban/agricultural interface presents a tremendous opportunity to engage the community in awareness building and active programming related to agriculture and food security. Richmond is committed to determining how best to do this.

#### **Showcasing Environmental Sustainability**

The Garden City Lands could play a significant role in showcasing environmental sustainability. This could both mitigate the impacts of urban development and integrate environmental resources into urban areas. The size and location of the Garden City Lands could present a unique opportunity to develop other environmental showcases such as the establishment of wetlands for stormwater management and habitat, the creation of an urban forest which would contribute to improved air quality, alternative energy technologies and improving the city's resilience to climate change.

The Garden City Lands represent a unique opportunity to provide a broad range of public amenities integrated with significant urban agricultural and environmental features.

### 2.3.4 The Musqueam Community Need Requirements

The Musqueam look to the Garden City Lands to address two fundamental community needs from their perspective:

1. Capacity building (know as “nation building” for the Musqueam); and
2. Public benefit and public values to Canadians of reconciliation by implementing a negotiated settlement rather than litigation or land claim (herein referred to as “Reconciliation”). (Attachment 7)

#### Capacity Building

According to the EcoPlan report (Attachment 1), the Musqueam are in a unique situation. They are an urban First Nation whose position in the heart of Canada’s third largest metropolis presents them with many opportunities (e.g., access to services, educational opportunities, etc.) and challenges (e.g., proximity to urban social problems, land constraints, etc.). The Musqueam acknowledge and manage these while simultaneously coping with common socio-economic conditions facing First Nations across Canada. From lower-than-average educational attainment rates and household incomes, to higher-than-average unemployment and numbers of children in care, the Musqueam is burdened with the same unfortunate legacy and suffering as other First Nations (see table below). It is this legacy that the Musqueam are working hard to break free from as they move through their nation building process.

#### The Musqueam Community Highlights

	Musqueam	Greater Vancouver	B.C.
Social Assistance Rates (employable people)	12%	0.5%	0.6%
Average Employment Income			
Males	\$ 29,935	\$ 53,095	\$ 50,191
Females	\$ 24,357	\$ 38,118	\$ 35,895
% of housing in need of major repairs	61%	NA	19%
% of Population 20+ With Post Secondary Qualifications (2001)			
Total	18.2%	50.4%	53.4%
With Post Secondary Certificate or Diploma	13.7%	32.8%	30.9%
With University Degree	4.5%	17.6%	22.5%
% of Population Age 25-54 (2001)			
Without High School Completion	35%	14.8%	17.2%

Sources: BC Stats, The Musqueam Administration, Canada Census 2001, Canada Census 2006.

The Musqueam is engaged in a community building process known as “nation building”. As part of this process, the Musqueam are building capacity for financial, human resource, technical administrative and other disciplines to realize their own economic, educational, cultural and political objectives through actions and programs of their own design and implementation.

The successful implementation of the Agreement with the City and the CLC for the sharing of the Garden City Lands is considered by the Musqueam “as a critical component of the Musqueam First Nations building activities and community development in the short, medium and long term”. The revenues generated through the development on the Lands would go towards housing, infrastructure, facilities, social projects and programs already identified including:

- Housing maintenance and repairs
- New housing development
- Infrastructure upgrade and repairs
- Band facilities renovations and new facilities
- Drug and alcohol counselling and intervention programs
- Children’s support, health and education
- Employment and training
- Youth recreation and counselling
- Elders programs
- The Musqueam language programs
- The Musqueam cultural interpretation programs in partnership with others (e.g., Musqueam 101 at UBC)

There will be significant negative funding impact to the Musqueam capacity building (nation building) initiatives if the proposal does not proceed in a timely manner.

The Musqueam noted that the Garden City Lands partnership was not selected as their “preferred option” for development projects. They chose it “because there are so few alternative means to addressing (their) community needs to the degree, scale and scope that the Garden City Lands development would, especially in the important near term” as the Garden City Lands represent a “unique economic development and nation building potential for which (the Musqueam) have no real comparable alternative”. As well, the Garden City Lands partnership model “where three orders of government can, and have, come together to propose a project that would meet multiple community needs in diverse geographic and cultural communities - is very rare.”

### **Reconciliation**

The Musqueam legal counsel has provided written submission regarding the public benefit and public values of “Reconciliation” by implementing the Agreement reached on the future of the Garden City Lands between the Musqueam Indian Band, the Federal Government, the City of Richmond and the Canada Lands Company (**Attachment 7**).

The Agreement between the Musqueam/CLC and the City is ground breaking. It represents a new direction to resolve aboriginal rights in Canada. The Agreement is a negotiated settlement involving three levels of government. Most importantly from Richmond’s perspective, the local government is a party of the Agreement.

The risks of not going forward with the Agreement include uncertainty for all three parties on the future of the Garden City Lands, an unspecific length of time and associated costs associated with the Musqueam going through the treaty process or pursuing future court action.

## **2.4 Preservation of Agricultural Land**

Some may consider sponsoring a "Block Application" as a departure from the City's philosophy on agriculture in Richmond given that the City of Richmond is a strong supporter of agriculture. However, in consideration of the Community Need benefits to both the Musqueam and Richmond, the City has agreed to sponsor this "Block Application" on behalf of the Musqueam, the City and the CLC.

In recognition of the potential impact of this application, the partners have committed to a substantial Agriculture Endowment (\$10 million) as part of the exclusion application. Without the removal of the Garden City Lands from the ALR, this Endowment to benefit agriculture in Richmond is unlikely to be realized. Additionally, Richmond Council has endorsed "Urban Agriculture" as one of Richmond's uses on the City's portion of the Garden City Lands. The other two endorsed uses are "Community Wellness and Enabling Healthy Lifestyles" and "Showcasing Environmental Sustainability".

The partners are requesting exclusion of the Garden City Lands from the ALR based on the site's history and its importance to address a multitude of Community Need requirements for Richmond and the Musqueam. Until the transfer of the Lands to the CLC, the site was under ownership of the Federal Government. As such, it was not subjected to the Agricultural Land Reserve designation. There is no record of farming on Garden City Lands, so there is no demonstrable loss to commercial agriculture production. In addition, the consultant report indicated that commercial farming is not viable on this site.

If the Exclusion Application is successful, the \$10 million Agriculture Endowment will be put in place to provide benefits to agriculture in Richmond soon after the exclusion. To reflect the importance of the Endowment, Council has committed to "topping up" the annual income, comparable to the interest on the full \$10 million from day one, until the full contribution into the endowment is received from the development of the Musqueam/CLC portion of the Garden City Lands. The City's "top up" contribution will be approximately \$3.75 million over and above the \$10 million Endowment. This will make the Endowment operational and provide benefit to agriculture in Richmond as soon as possible. The programs and projects to be funded by the Endowment will be in addition to works already committed by the City.

The Agreement between the Musqueam/CLC and the City of Richmond allows the partners to address their individual Community Need requirements as well as establish an alternative approach to address aboriginal rights in Canada. The merits of achieving "public good" for excluding Garden City Lands from the ALR are compelling.

The Agreement reached by the Musqueam, the City of Richmond and the Canada Lands Company is a groundbreaking alternative to land claims settlement allowing for the sharing of the Garden City Lands amongst the three parties provided that certain conditions are met, beginning with the removal of the Garden City Lands from the ALR. In addition to the planning rationale for the provision of quality open space and the development as part of the sustainable growth management strategy, consideration should be given to this unique site for exclusion from the ALR as it provides certainty and equity to the three parties involved and sets an example for alternative methods for settling land claims dispute.

Agriculture is a proud part of the City of Richmond's heritage. However, there are site-specific circumstances on the Garden City Lands that merit consideration for ALR exclusion.

Without the ALR exclusion, the City will be unable to accommodate its share of the regional growth without severely impacting the livability of its citizens or shifting the pressure for growth on to outlying suburban areas. There will be serious negative impacts on the Musqueam implementing its plan for "nation building", and would likely cause the Garden City Lands to become vulnerable to land claim or legal action by the Musqueam. The Agreement between the Musqueam/CLC and the City of Richmond allows the partners to address their individual Community Need requirements as well as establish an alternative approach to address aboriginal rights in Canada. The merits of achieving "public good" for excluding Garden City Lands from the ALR are compelling.

### **3.0 PUBLIC CONSULTATION**

#### **3.1 Public Consultation for "Block Application"**

During past discussion, Council emphasized the importance to consult broadly throughout the process to exclude Garden City Lands to ensure comprehensive public involvement and outreach to as many Richmond residents as possible. The Garden City Lands project includes comprehensive public consultation process, in addition to the requisite Public Hearing for a "Block Application". As noted in the last staff report, there are three crucial phases for public engagement on the Garden City Lands process.

##### **Phase 1: Prior to Public Hearing**

The first phase is the time leading up to the Public Hearing. This is the opportunity to inform the public about all facts relating to the Garden City Lands, the partners and the partnership structure, as well as to generate ideas for public amenities on the City's portion of the Lands and principles to guide the potential future urban development on the Musqueam/CLC portion of the Garden City Lands. It is anticipated that the extensive public consultation in Phase I will provide a solid factual foundation for Phase 2 of the public engagement process.

The key element of Phase 1 Public Consultation Process was public open houses held at various locations throughout Richmond and at the Musqueam Band Office between

February 8-15, 2008. The open houses and communication materials were managed by the CLC with comprehensive input from the City (**Attachment 9**). The open houses were jointly attended by the partners and the consultant team. The purpose of the public engagement was to inform, consult and receive feedback from the Richmond and the Musqueam communities. The topics included facts about the MOU, proposal status, location what the Garden City Lands represent to each of the partners, ideas, images of the potential development built forms and open space, possible community uses and a description of the aspirations of the partners for the site.

A total of 496 people attended the various open houses in Richmond and at the Musqueam Band Office. The feedback forms are being collected until February 15, 2008, past the preparation date for this report. The CLC and the consultants are leading the analysis of the survey results. It is anticipated that the open houses responses will be summarized and the key findings will be ready for presentation to Council shortly thereafter. Staff plan to present the findings to Council either at the Regular Council Meeting on February 26, 2008, or at General Purposes Committee on March 3, 2008, prior to Public Hearing. Phase 1 of the Public Engagement Activities that are under way or completed are summarized on the following page.

**Phase 1 Public Engagement Activities Summary that are under way or completed:**

Phase 1 Public Engagement Activity	Status
The Richmond Community Poll.	Results presented to the General Purposes Committee on September 17, 2007.
Creation of web link on the City website to provide information (e.g., Council reports, Richmond Community Poll results) and notice for public consultation opportunities	On going updates.
Media reports and letters to the editor.	On going as required
<p>Open Houses: February 8 to February 15, 2008.</p> <p>This included two un-staffed displays at Richmond City Hall and the Musqueam Band Office for the entire duration plus three rotating sites that were staffed. The off-site locations included Lansdowne Mall, South Arm Community Centre and Aberdeen Mall. Staff also attended one open house session at the Musqueam Band Office. The display material was made available in French and Chinese. The Aberdeen Mall session was staffed with a professional interpreter. Staff provided translations where possible during other sessions as required.</p> <p>Survey forms were available at all the open house locations. In addition, the open house material were available online along with the survey forms.</p> <p>Respondents have the option to return the surveys to the City in person, by mail, fax, or via email. The deadline for submission is February 15, 2008.</p>	Underway. Survey deadline is February 15, 2008. A summary of the open houses and the survey responses will be provided to Council.
Mail-drop to respond to frequently asked questions about the PSA, Garden City Lands and the ALR, as well as encourage residents to actively participate in the public consultation processes on the Garden City Lands.	After Council endorsement of "Block Application" and before Public Hearing.
Provide community outreach to meet with specific community organizations/groups upon request (e.g., to date, staff have attended the Richmond Sports Council and have provided an informational package to the Richmond Chamber of Commerce upon their request).	On going.
The requisite development site signs for the "Block Application".	Four site signs have been erected on the Garden City Lands to notify the public on the intention to file a "Block Application". The signs will be revised to become "Application Notification" signs if Council endorses the "Block Application" submission ( <b>Attachment 1</b> ).



**Phase 2: The Public Hearing**

The more formal public consultation process will be the Public Hearing which is part of the "Block Application" requirement. Given the interest expressed by Richmond residents on Garden City Lands, it is recommended that March 11, 2008, be set aside for the Public Hearing to be held at Richmond City Hall, Council Chambers at 7:00 p.m., separate from the regularly scheduled March 2008 Public Hearing time as the Garden City Lands issue may require several nights for Council to hear those who wish to speak.

Phase 2 Public Engagement	Status
The requisite public notices including but not limited to newspaper and written notices for "Block Application" Public Hearing.	To be carried out at the appropriate time prior to Public Hearing date
City of Richmond Public Hearing.	Proposed date March 11, 2008

**Phase 3: Post Agricultural Land Commission Decision**

The ALR Exclusion Application is not intended to replace the Master Planning process on the Garden City Lands. If the ALR Exclusion Application is successful, detailed planning work and comprehensive public consultation with Richmond residents and stakeholders will take place as part of the Master Planning exercise for the site once the exclusion from the ALR is granted. In addition, Richmond's Official Community Plan (OCP) Amendment, Rezoning and Development Permit processes, which include further opportunities for public input, will apply.

**4.0 NEXT STEPS**

If Council approves sending the "Block Application" forward to the ALC after the Public Hearing, staff will amend the "Block Application" to include results of the Public Hearing, address issues or additional information arising from the public consultation processes, and amalgamate information in this staff report into the "Block Application" package in cooperation with the CLC as the Project Manager of the "Block Application", prior to submitting the "Block Application" to the ALC.

**FINANCIAL IMPACT**

The Agreement with the Musqueam/CLC provides certainty on the land cost for approximately 50% of the Garden City Lands site (approximately 68 acres). With the Agreement in place with the Musqueam and the CLC, the City is entitled to purchase 50% of the Lands for \$4.7 million if the ALR Exclusion Application is successful. In addition to not being able to identify any viable alternate sites for park, this agreement would provide considerable savings to the City. Parkland in the City Centre on average is approximately \$4 million to \$5 million per acre in the current market, based on recent appraisals for future park space in the City Centre.

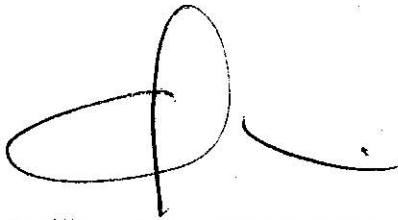
Council has also endorsed funding up to approximately \$3.75 million over a period of ten years to ensure early operation of Agricultural Endowment Fund if the Agricultural Land Reserve Exclusion Application is successful.

## CONCLUSION

The proposed "Block Application" includes comprehensive responses to address Agricultural Capability, Agricultural Viability, Benefit to Agriculture and Community Need. The collective work completed by the City and the Agreement partners have brought a deeper understanding of the significance of the Garden City Lands in addressing long standing Community Need requirements for both the Musqueam and the City.

The City has had long standing aspirations for the Garden City Lands. The Agreement provides certainty on ownership and provides a process for moving forward to create a community that adheres to Richmond's Vision to be "*most appealing, livable, and well-managed community in Canada*". The Musqueam needs the revenue from the Garden City Lands to implement capacity building initiatives and to resolve their aboriginal rights to the Lands.

As the Agreement is contingent on the ALR exclusion, staff recommend that Council endorse the "Block Application", refer the report to the Richmond Agricultural Advisory Committee for comment and input, and forward the "Block Application" to a Public Hearing on March 11, 2008, at 7:00 p.m.



Cecilia Achiam, MCIP, BCSLA  
Senior Coordinator,  
Major Projects & Development Applications  
(L. 4122)

Schedule 1: Location Map

Attachment 1: The Agricultural Land Reserve Exclusion Application

Attachment 2: History of the Garden City Lands

Attachment 3: The City Centre Area Plan Land Use Map

Attachment 4: Minutes of Resolution #431/2006

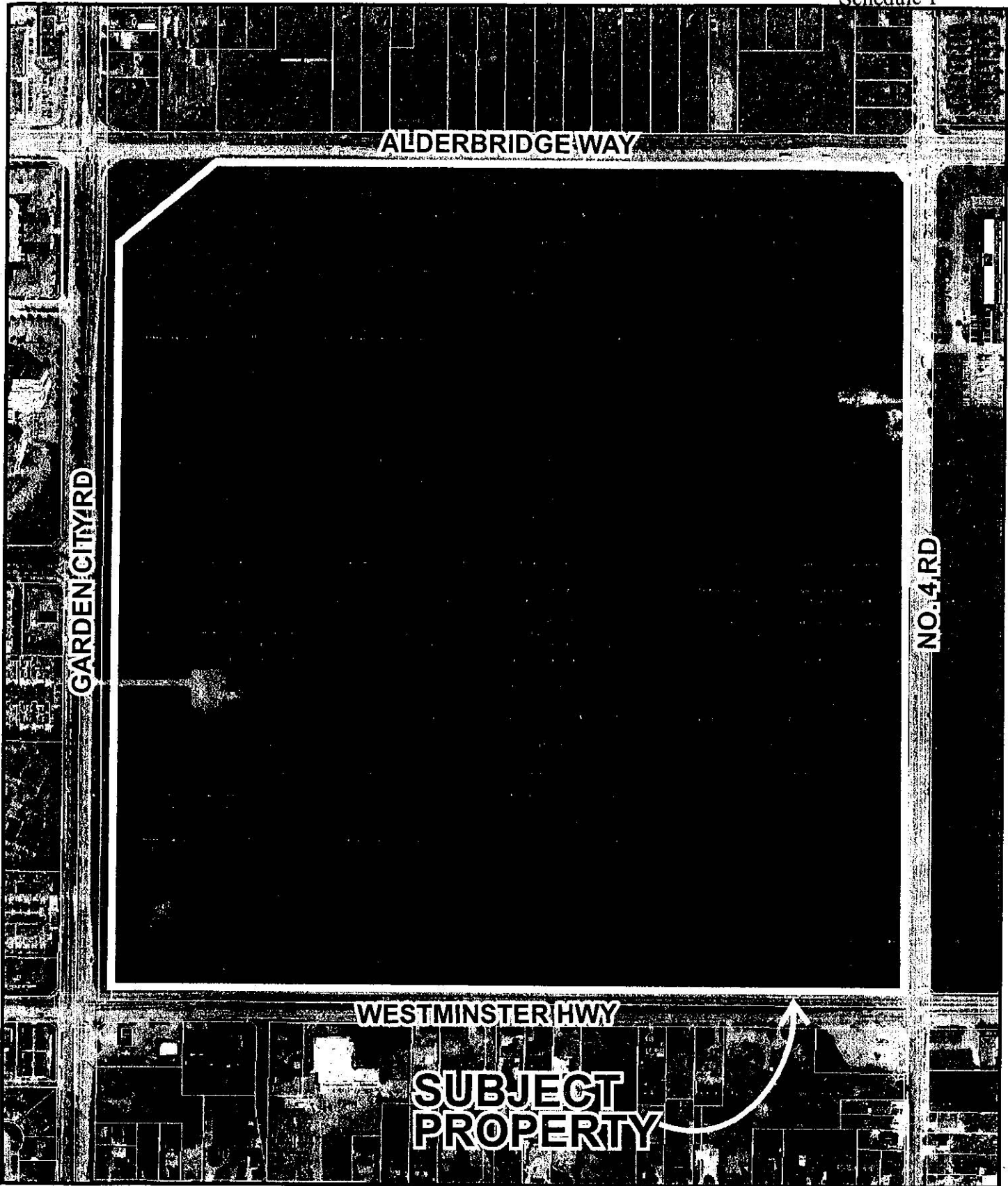
Attachment 5: The ALC Staff Comments Dated February 6, 2007, in Response to the CCAP Study

Attachment 6: Preliminary Community Need Assessment in Consultation with Professional Environmental Recreation Consultants Ltd. (PERC)

Attachment 7: Submission of the Musqueam Indian Band Regarding Public Benefit and Public Values of Implementing the Agreement Reached on the Future of the Lands Between the Band, the Federal Government, the City of Richmond and the Canada Lands Company

Attachment 8: Richmond Vacant Land Inventory Outside of the ALR Land

Attachment 9: February 2008 Open House Material



## Subject Site

5555 No. 4 Rd (Garden City Land)

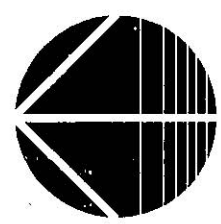
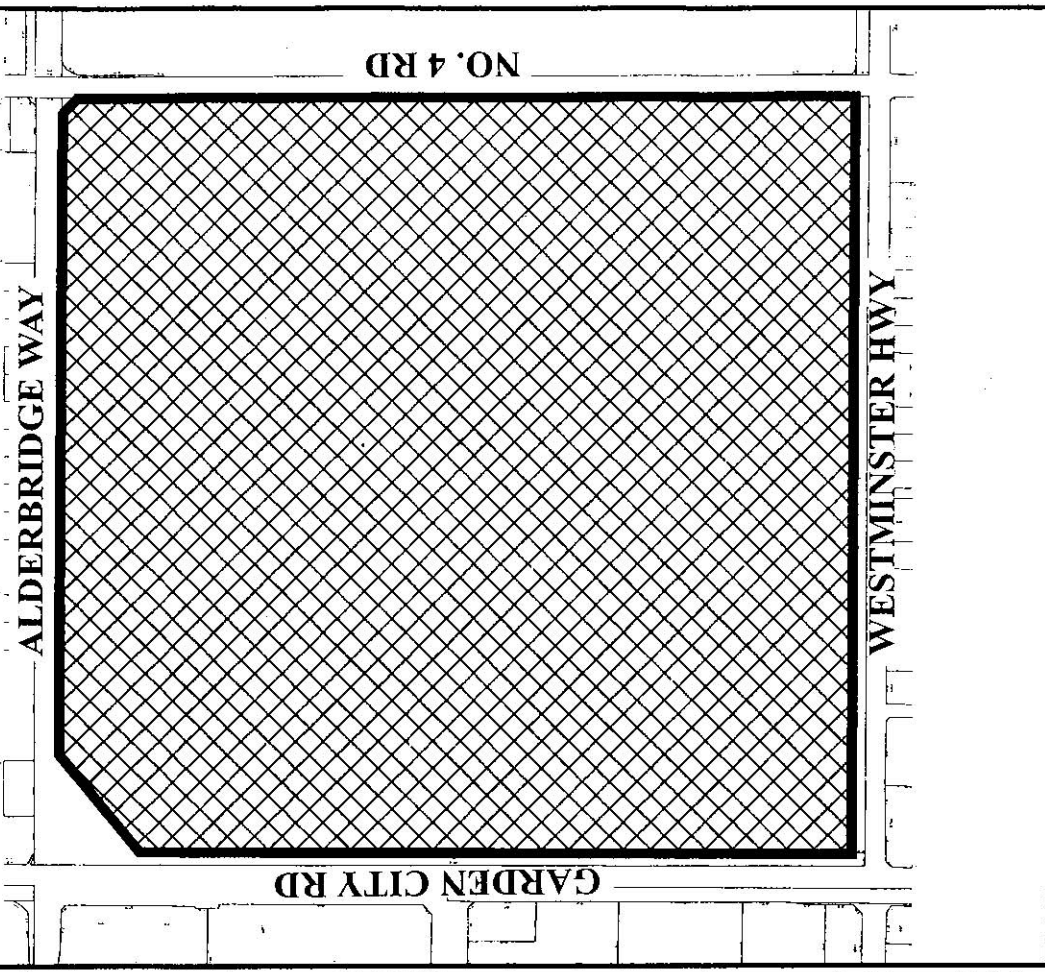
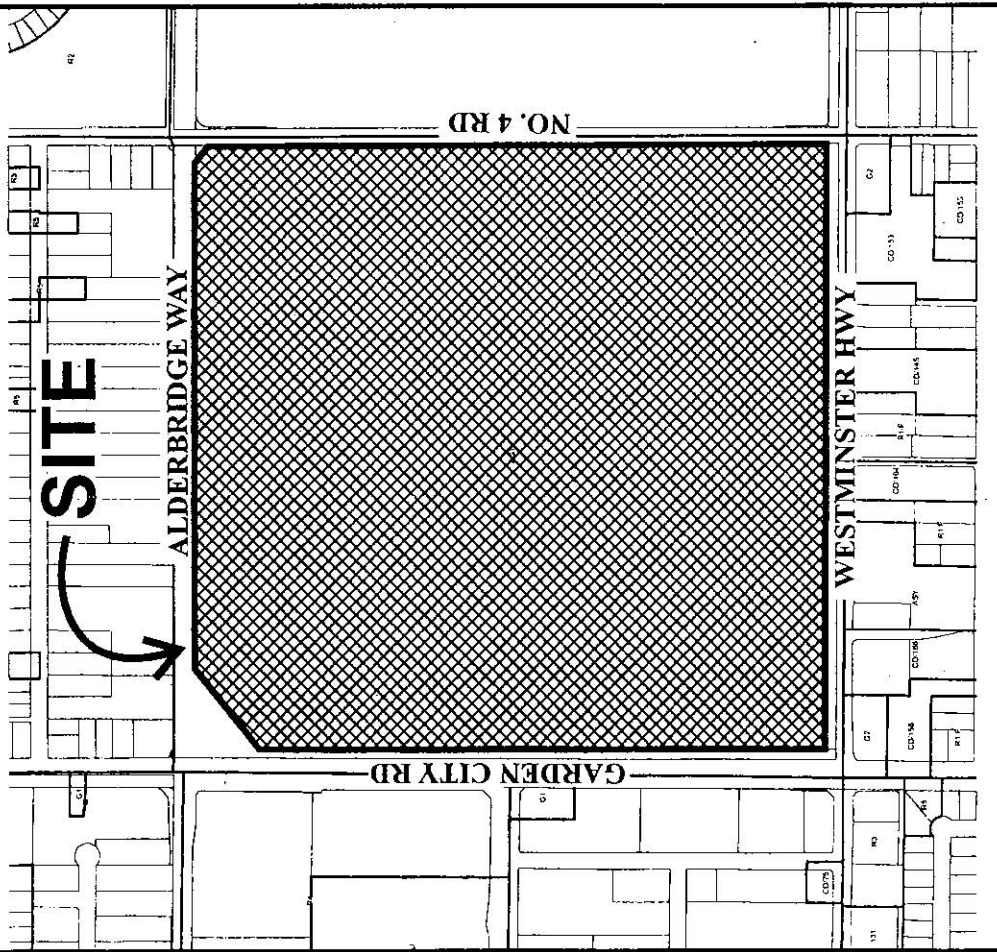
Original Date: 08/30/07

Amended Date:

Note: Dimensions are in METRES



# City of Richmond



## Subject Site

5555 No. 4 Rd (Garden City Land)

Original Date: 08/30/07

Revision Date:

Note: Dimensions are in METRES

**[CITY OF RICHMOND LETTERHEAD]**

**Agricultural Land Commission**

133-4940 Canada Way

Burnaby, British Columbia

V5G 4K6

Attention: Erik Karlsen, Chair

Dear Sirs/Madams

Re: **Application to Exclude Garden City Lands from the Agricultural Land Reserve (ALR)**

Please find attached an application from the City of Richmond to the Agricultural Land Commission seeking exclusion of the Garden City Lands from the ALR under section 29(1)(a).

Notice of this applicant has been posted on subject lands in accordance with the *Agricultural Land Commission Act* and its regulations.

Please find enclosed the prescribed fee of \$600 and applicable taxes.

Yours Truly,

“Malcolm Brodie”

Mayor, City of Richmond

cc: Musqueam Indian Band  
Canada Lands Company CLC Limited

**APPLICATION TO EXCLUDE THE GARDEN CITY LANDS FROM THE ALR**

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- VI. Assessment of Agricultural Suitability**
- VII. Assessment of Food Security Considerations**
- VIII. Assessment of Agricultural Viability**
- IX. Assessment of Community Need**
  - a) The Commission has the Statutory Authority to Consider Community Need in the Context of a Section 29 Exclusion Application*
    - i) The Purposes of the Commission Support the Consideration of Community Needs*
    - ii) The Act Does Not Prohibit Consideration of Community Needs*
    - iii) Consideration of the Act as a Whole Supports the Commission's Consideration of Community Needs*
    - iv) Policy Considerations Underpinning the Validity of the Assessment of Community Need*
  - b) Assessment of Community Needs in Respect of the Garden City Lands*
    - i) Need for and Expected Community Benefits or Values to be Achieved*
    - ii) Impacts or Risks to the Community if the Proposal does not Proceed or is Delayed*
    - iii) Reasonable Alternative Means of Meeting Community Need*

- iv) *Impacts of Meeting Community Need on Agriculture and Non-Agricultural uses of the Lands, and the Avoidance, Mitigation or Management of These Impacts*

**X. Conclusion**

## I. OVERVIEW

This is an application of the City of Richmond under section 29(1)(a) of the *Agricultural Land Commission Act* seeking exclusion of the Garden City Lands from the Agricultural Land Reserve. These lands encompass 55 hectares (136.6 acres) located in the City Centre Area of the City of Richmond.

As the Commission is aware, an application involving the same lands was brought in 2006 by the Canada Lands Company CLC Limited (Canada Lands Company). The Commission is also aware of the Memorandum of Understanding entered into by the City of Richmond, the Musqueam Indian Band, and the Canada Lands Company, which settled, by way of negotiation, legal issues surrounding the subject lands. The Memorandum of Understanding is described in detail within this Application and its survival and Richmond's legal entitlement to approximately 50% of the Garden City Lands depends on the successful exclusion of the Garden City Lands from the ALR.

Since 2006, the City of Richmond has invested substantial time and resources into assessment of and planning of the Garden City Lands. As will be discussed in detail below, the City of Richmond has approved in principle the Richmond City Centre Area Plan, which forms a vision for the future of City Centre Area and informs the potential for the Garden City Lands. Another significant development is the approval by the City of Richmond, the Canada Lands Company, and the Musqueam Indian Band of approximately \$13 million in funds for the creation of an Agricultural Endowment Fund to fund a wide range of projects that benefit agriculture in Richmond. Projects that receive funding will mitigate non-agricultural use of the Garden City Lands.

The City of Richmond has worked extensively with the Garden City Lands partners, the Canada Lands Company and the Musqueam Indian Band, to produce the assessment of community need that the Commission called for when it rejected the Canada Lands Company's application in respect of the same site. This application provides an assessment of community need in the context of the City of Richmond, the Canada Lands Company, Musqueam Indian Band, and the public. This application also provides a new assessment of the agricultural capability, suitability, food security considerations, and viability in connection with the Garden City Lands.

This application represents a significant step towards the City of Richmond's planning, management, and development goals and is backed by the support of the Richmond City Council.

Our application is supported by numerous reports and studies, as listed in the attached appendix.

## II. SITE

The 136 acre Garden City Lands are located in the City of Richmond between Garden City Road (to the West), No. 4 Rd (to the East), Alderbridge Way (to the North), and Westminster Highway (to the South). The lands have been owned continuously by the Government of Canada since 1903.



The Garden City Lands are located within the traditional territory of the Musqueam Indian Band and the Musqueam people have asserted a land claim over the lands. The lands are currently owned by the Canada Lands Company. The Canada Lands Company holds 50% of the lands in trust for Musqueam Indian Band.

The Garden City Lands are within the Agricultural Land Reserve (ALR) and account for just over 1% of the ALR lands that fall within the boundaries of the City of Richmond. Although the site is currently designated as within the ALR, there are no records to indicate that the lands have ever been farmed.

The City of Richmond is growing and its downtown population is anticipated to triple in size from 41,000 to 120,000 residents over the next 100 years. Richmond has engaged in significant planning to guide this growth. In February 2007, the City of Richmond adopted, in principle, a City Centre Area Plan setting out a vision for growth of the Richmond City Centre Area. The Garden City Lands are contained within the Richmond City Centre Area. The City of Richmond is proud of its achievement in maintaining a balance between urban forms and rural development with substantial amounts of active agricultural. Its achievement in this regard is a result of the long-held views of its citizens as reflected by its City Council and its planning, policies and processes. The City Centre Area Plan speaks to this overall balancing by concentrating Richmond's urban development in the downtown core.

The Garden City Lands are surrounded by four major transportation corridors one of which – Alderbridge Way – serves as a key entry into the Richmond City Centre Area from Highway 99. This route has been identified as a major thoroughfare in the June 2007 City Centre Transportation Plan Update. Major thoroughfares are expected to accommodate moderate to high speed traffic as well as pedestrians, cyclists, transit, trucks and emergency response units. The plan also identifies Alderbridge Way as a potential route for regional transit services as well as a primary goods movement corridor. Westminster Highway (the east-west street forming the southern edge of the site) is also designed as a major thoroughfare with regional bus transit. Streets east of Highway 99 and far from the City Centre Area, where the majority of the ALR Land and Richmond is located, have significantly fewer transportation and traffic constraints.

Adjacent to the Garden City Lands are three urban neighbouring areas, which have been identified by the City of Richmond for continued urban development and contain a mixture of uses, including rural lands and low density to higher density zoning. These three neighbourhoods are not within the ALR. The fourth neighbouring site is owned by the federal Crown and is used by the Department of National Defence for its program purposes. This site is within the ALR. The actual configuration of the Garden City Lands is, therefore, a “finger” of ALR land protruding into an existing urban setting.

### **III. APPLICATION HISTORY OF SUBJECT LANDS BEFORE THE COMMISSION**

In 1974, the Government of British Columbia designated the Garden City Lands to be within the ALR.

In 2002, the Treasury Board of Canada approved the sale of the Garden City Lands to the Canada Lands Company, the federal arms-length agency mandated to develop surplus crown real

estate to the socio-economic benefit of the local community and to the benefit of the Canadian tax payer. The Musqueam Indian Band objected to the transfer of the lands without its consent and sought the protection of the courts. In 2004, the Federal Court of Canada granted the Musqueam Indian Band an injunction to prevent the transfer of the lands without Musqueam consent.

In November 2004, the Supreme Court of Canada handed down its judgment in *Haida Nation*. The Supreme Court of Canada urged the Government of Canada and Aboriginal peoples to enter into a reconciliation process instead of litigation. Chief Justice Beverly McLachlin writing for the entire Court at paragraph 32 stated:

The jurisprudence of this Court supports the view that the duty to consult and accommodate is part of a process of fair dealing and reconciliation that begins with the assertion of sovereignty and continues beyond formal claims resolution. Reconciliation is not a final legal remedy in the usual sense. Rather, it is a process flowing from rights guaranteed by s. 35(1) of the Constitution Act, 1982. This process of reconciliation flows from the Crown's duty of honourable dealing toward Aboriginal peoples, which arises in turn from the Crown's assertion of sovereignty over an Aboriginal people and de facto control of land and resources that were formerly in the control of that people.

The central role played by reconciliation as the fundamental objective of the modern law of Aboriginal treaty rights is emphasized in *Mikisew Cree*. Mr. Justice Binnie, writing for the Supreme Court of Canada, stated:

The fundamental objective of the modern law of aboriginal and treaty rights is the reconciliation of aboriginal peoples and non-aboriginal peoples and their respective claims, interests, and ambitions. The management of these relationships takes place in the shadow of a long history of grievances and misunderstanding.

In the wake of the *Haida Nation* decision, the Government of Canada, the Musqueam Indian Band, the City of Richmond, and the Canada Land Company, at the instigation of several Federal Ministers, engaged in a meditated negotiation process to determine the legal status of the Garden City Lands. On March 18, 2005 a Memorandum of Understanding (MOU) was signed between the Musqueam Indian Band, the Government of Canada, the City of Richmond and the Canada Lands Company.

The MOU was the first major agreement reached between a First Nation and the Government of Canada following the landmark *Haida Nation* decision. Federal Minister David Emerson stated of the Agreement "this is an historic Agreement in that the Federal Government made a deliberate decision to seek to resolve the issues relating to the future of the Garden City property through a mediated, non-confrontational approach that meets the needs of all parties, rather than through continued litigation". Mayor Brodie of the City of Richmond stated that the MOU was "a win-win situation for all stakeholders and the entire community." Musqueam Indian Band Chief Campbell referred to the settlement as "a historic achievement which delivers major economic benefits to the Musqueam Community. Most importantly, we have been recognized as an equal participant in the major land issues within our traditional territory." The President of the Canada Lands Company stated, "the Company played a role in resolving the 25 year impasse

between Fisheries and Oceans Canada and the Musqueam First Nation regarding the 137 acre (55.4 hectare) former Garden City transmitter property in Richmond, BC. This historic Agreement has resulted in a CLC-Musqueam joint venture that opens up possibilities for further projects in British Columbia.” [See Memorandum of Understanding (MOU) with the City of Richmond, the Canada Lands Company, and the Musqueam Indian Band at Appendix 8.]

The MOU envisions:

- 50% of the Garden City Lands (68 acres) going to the City of Richmond for park land, green space and public amenities.
- a multi-faceted development project that meets the needs of the City of Richmond, the Musqueam Indian Band, and the Canada Lands Company.
- The City of Richmond would pay \$4.77 million for its 68 acres. This price enables the City of Richmond to achieve recreational and other significant community amenities that would otherwise not be feasible or affordable.
- Canada Lands Company and the Musqueam Indian Band would retain 25% each for joint venture development.

Development by Canada Lands Company and the Musqueam Indian Band must go through both provincial and municipal land use approval processes. Development would also need to integrate with the City of Richmond Official Community Plan and comply with city zoning bylaws, which would require the incorporation of additional green spaces.

On the strength of the MOU, the Musqueam Indian Band withdrew its action in Federal Court and the Canada Lands Company assumed title over the subject lands and hold 50% of the lands in trust for the Musqueam Indian Band. Removal of the Garden City Land from the ALR is the first of a number of legislative steps that have to be successfully completed before the land can be shared. If the land remains within the ALR, the MOU will expire in December 2008.

In 2005, the Canada Lands Company submitted an application to the Agricultural Land Commission (Commission). Among other comments, the Commission stated that “normally it is the responsibility of local government to argue community need and to provide supporting evidence.” The Commission also indicated that “community need arguments from local governments are to be based on local and regional assessments and to be supported by the rigorous technical analysis that clearly:

- Identify the need for and expected community benefits or values to be achieved;
- Identify and assess the impacts or risks to the community if the proposal does not proceed or is delayed;
- Determine whether there are reasonable alternative means of meeting community need;

- Identify and assess the impacts of meeting community need on agriculture and non-agricultural uses of the lands, and the avoidance, mitigation or management of these impacts.”

The Commission indicated that it did not believe that the City of Richmond had conducted the necessary analyses or provided the level of detail that would warrant further consideration of community need. The commission went on to state that “in the absence of a substantive community need argument, it would be inappropriate for the Commission to consider excluding land with prime agricultural capability from the ALR.”

Since the Commission’s decision of September 2006 to refuse the Canada Land Company’s exclusion application, the City of Richmond has become substantially involved in the development of a vision for the Garden City Lands. As mentioned above, on February 12, 2007, Richmond City Council approved in principle a preliminary draft of the Richmond City Centre Area Plan. In December 2007, Richmond City Council agreed to sponsor a Block Application for removal of the Garden City Lands from the ALR on behalf of the three partners to the MOU.

The City of Richmond, the Canada Lands Company, and the Musqueam Indian Band have since held a series of open houses at multiple locations as part of an ongoing public outreach and consultation process regarding the future of the Garden City Lands.

The three parties have also agreed to create a \$10 million Agricultural Endowment Fund. This fund will provide substantial benefits to agriculture in Richmond by providing long-term funding for agriculture. Projects will be awarded with the input of the farming community and could include, for example, purchasing land in the ALR and capital funding of existing agricultural projects. The benefits from the Agricultural Endowment Fund will serve to mitigate any impact that the removal of lands from the ALR may have. Richmond City Council has voted to endorse spending the equivalent of \$3.75 million to top up the “interest” on the Agricultural Endowment Fund for up to 10 years while the Agricultural Endowment Fund is being built.

In sum, this exclusion application by the City of Richmond represents a significant step towards the City of Richmond’s planning, management, and development goals and is supported by the Richmond City Council.

#### **IV. THE CITY OF RICHMOND’S VISION FOR THE GARDEN CITY LANDS – THE RICHMOND CITY CENTRE AREA PLAN**

The City of Richmond is a growing dynamic urban centre. The regional trend is for continued growth as a result of international/national immigration, its role as a regional job centre, and the availability of rapid transit. In response to its needs, the City of Richmond has engaged in a process to develop a City Centre Area Plan as a proactive way for the City to manage its anticipated population growth and ensure long-term sustainability. The goal of the City of Richmond is to try to mitigate pressure to develop suburban neighbourhoods and farmlands by, instead, encouraging significant growth within the City Centre Area. The City Centre Area is designed to contain the majority of Richmond’s growth over the next 100 years. The City Centre Area Plan responds to Richmond’s Vision to become the “most appealing, liveable and well-managed community in Canada.”

The City Centre Area Plan is based on “Smart Growth” goals applied to a multi-layered framework of existing conditions, including the planned route of the Canada Line, existing parks and open space, aircraft noise areas, available areas for housing growth, and other factors. There are four Smart Growth goals adopted for the City Centre Area Plan:

- Build community: an inclusive community designed to support the needs of a diverse and changing urban population.
- Build green: a culture that uniquely supports and celebrates Richmond as an island city by nature.
- Build economic vitality: a comprehensively planned business environment that builds on Richmond’s unique combination of economic and lifestyle opportunities.
- Build a legacy: a premier urban riverfront community and international destination that enhances life for all Richmond residents, businesses, and visitors.

The City Centre Area Plan strives for complete communities, which include land-use and transportation policies that imply residential density, jobs, services, public amenities/recreational opportunities to be located within close proximity to each other. If the City Center Area Plan is to manage the inevitable population growth within a growth management strategy, then it must include the necessary housing, jobs, services and public amenities to ensure that it remains liveable and attractive for future growth over the next 100 years.

The City Centre Area Plan is also guided by the principles set out in the Greater Vancouver Regional District’s Livable Region Strategic Plan (LRSP). The LRSP is concerned with the long-term protection of the ALR and includes what is termed a “Green Zone.” The LRSP recognizes that growth is inevitable and, therefore, directs that future growth occur in concentrated areas, creating pockets of density, which are “intended to be primary concentrations of jobs, houses, cultural and recreational opportunities.” Planning growth and designated areas helps to protect the Green Zone (including farm land) and surrounding areas, creating sustainable, environmentally friendly communities with easy access to public transit and amenities. The Richmond City Centre Area is identified in the LRSP as a regional town centre, and this area is anticipated and expected to accommodate the City of Richmond’s growth. The Richmond City Centre Area Plan, and the growth management strategies within it, therefore, represent a significant step towards fulfilling The City of Richmond’s commitment to sustainable development as set out in the LRSP.

The Garden City Lands are not designated as part of the LRSP “Green Zone”. This is in part an acknowledgement by MetroVancouver (formerly the Greater Vancouver Regional District (GVRD)) of the City’s long term desire to use the Garden City Lands as open space.

The location of the Garden City Lands in the City Centre Area makes the site especially suitable to meet the City of Richmond’s goals set out in the City Centre Area Plan. Development of the Garden City Lands will contribute to the liveability of Richmond’s residents and will reduce the need for automobile usage as the site will be approximately \_\_\_\_\_[INSERT] meters from a Canada Line station and will, therefore, be accessible by transit, cycling or walking. A more

compact liveable City Centre Area represents a sustainable approach to land development, and in turn, reduces pressure to develop further afield from the City Centre Area.

For the City of Richmond, the MOU, therefore, represents a unique opportunity to access the Garden City Lands and convert them into a large, contiguous public amenity space that will be needed within the Richmond City Centre Area. The City currently does not own any part of the Garden City Lands. The MOU provides the City with a unique opportunity to purchase 68 acres of the Garden City Land at an affordable price. The city envisions this area providing sports fields, urban agricultural opportunities, trade and exhibition facilities, or other amenities. The use of the Garden City Lands as part of the City Centre Area is a unique opportunity for the City of Richmond to realize its goals without creating pressure on outlying areas.

The City of Richmond envisions that the Garden City Lands will contribute significantly to the City Centre Area by offering the following community needs:

- Extensive open space and public amenities including green zone, park land, public trails and walkways, community gardens, urban agricultural, playing fields, recreational facilities, playgrounds, community gathering spaces and other public amenities.
- A vibrant, environmentally sustainable, urban village where residents can live, work, shop, learn and play in pedestrian- friendly environment.
- Great access and linkage to transit systems such as the Canada Line and bus services which will bring Richmond residents closer to the Richmond Centre and reduce reliance on car travel in the downtown core.
- An inclusive community with a variety of housing types suitable for family, seniors and people of all abilities, stages of life and income range.

Any development of the Garden City Lands would be guided by the Richmond City Centre Area Plan. Should the Commission grant the City of Richmond's exclusion application, the City of Richmond will engage in a master planning process for the Garden City Lands which will involve extensive community input. To date, the City of Richmond, the Canada Lands Company, and the Musqueam Indian Band have held several open houses in a variety of locations to receive input from the community. The topics at these open houses have ranged from factual information about the site and have included presentations of potential community uses for the site. A more formal public hearing process, as required by the statute, was held on \_\_\_\_\_ [INSERT DATE].

As there are no other ALR lands within the City Centre Area Plan, the development of the Garden City Lands represents a substantial opportunity for the City of Richmond to meet its long-term planning goals and needs. The City of Richmond will only be able to make use of the Garden City Lands if the MOU is to proceed as currently planned.

[See Garden City Planning Report of Hotson Bakker Boniface Haden at Appendix 3 for further details and background to the comments in this section.]

## **V. ASSESSMENT OF AGRICULTURAL CAPABILITY**

Dan Schroeter Consulting Inc. (DSCI) reviewed the available information on the soils and agricultural capability of the Garden City Lands. The subject property was not covered by the provincial 1:25 000 soils mapping that was carried out in the 1970's. Neither the provincial soils mapping, nor the preceding Canada Land Inventory, has classified the agricultural capability of the subject property.

ALC staff briefly inspected the subject property's soils in 2006 and concluded that the property's soils were similar to the Lulu and Blundell Soils described in the provincial mapping. Lulu soils are very poorly drained, shallow to moderately deep (40-160 cm), moderately decomposed organic deposits. Blundell soils are poor to very poorly drained mineral soils with a shallow (15-40 cm) organic surficial layer. Based on these soils, the ALC concluded that the agricultural capability of the subject property was Class 4 in its unimproved state and Class 3 if improved with needed drainage and irrigation.

DSCI noted that observed peat depths documented in recent geotechnical investigations of the site are consistent with the presence of both Lulu and Blundell soils and that no other investigations of the subject property's soils have been carried out.

The entire site has been disturbed by its past use. Antennae foundations and guy-wires, and extensive underground antennae cabling are present throughout much of the site, 6-7 acres along the northwestern portion of the property has been filled with as much as 2 meters of fill, and sub-soil material from road and ditch construction has been side-cast up to 80 feet into the property from adjacent ditch and road construction along the northern and eastern property boundaries.

Given the amount of disturbance on the site and the presence of ponded water along the western margin of the property for much of the year, it is difficult to imagine agricultural use of the site in its current state for more than pasture, suggesting that a Class 5 unimproved rating may be more appropriate than the Class 4 rating indicated by the ALC.

DSCI indicated that in the absence of more detailed soils investigations, ALC staff's assessment of Class 3 improved capability should be accepted. However, DSCI's assessment of the irrigation and associated water requirements for berry or vegetable production on the subject lands indicates that crop water requirements could only be met through the City's domestic water system. This means that, while a Class 3 rating may be the appropriate rating if the lands were indeed drained and irrigated, achieving that level of improvement for the subject lands is dependent upon incurring water costs that are estimated to be at least an order of magnitude greater than those typically incurred by farmers in the Lower Mainland area. For cranberries, specifically, water costs would likely be many more times greater than are typically incurred by other Fraser Valley cranberry producers.

Improvement to Class 3 would also require the past disturbance (filling, antennae cabling) of the site to be ameliorated, even before any needed drainage and irrigation improvements could be carried out. The expense of rehabilitating the site is anticipated to be substantial and well outside the realm of normal agricultural development costs.

DSCI indicates that, according to the Ministry of Agriculture's Soil Management Handbook for the Lower Fraser Valley (1991), there are no well suited crops for the soils identified on the site

by ALC staff. However, the Handbook indicates that these soils could produce legumes, blueberries, cereals, cole crops, corn, perennial forage crops, root crops and shallow rooted annual vegetables." Of these crops, DSCI concluded that the crops of the best chance of being economically viable on the subject lands were vegetable crops, cranberries and blueberries.

[See section 2, DCI Agricultural Assessment, Appendix 1 for a detailed discussion of agricultural capability of the Garden City Lands.]

## **VI. ASSESSMENT OF AGRICULTURAL SUITABILITY**

DSCI assessed the agricultural suitability of the Garden City Lands. DSCI concluded, among other things, that:

- The parcel and its neighbouring ALR parcel to the east have never been used for agriculture. Non-ALR lands to the west, north and south are in or are being developed for urban uses
- The nearest agricultural use to the parcel is a small-holding located approximately a quarter of a kilometre east of the south-east corner of the subject property along Westminster Highway. There are more agriculturally assessed small holdings located further away along Westminster Highway and further south along No. 4 Road. It is not apparent that exclusion of the subject property from the ALR and development of urban uses on it would pose difficulties for agricultural operations on these lands, none of which are adjacent or even in close proximity to the subject property.
- The proximity of the parcel to urban development poses noise and odour constraints; would negate the ability of a farm operator to use firearms to control duck and geese predation of vegetable crops; would likely result in theft and vandalism problems; and could create road icing on adjacent roads from frost protection systems.
- The bordering major urban arterial roads would increase difficulties for farm traffic to enter and exit the property, which would become more serious as traffic volumes increase over time.
- Any irrigation on the subject property would have to rely on the City's domestic water supply system and, given the volume of water needed for farming, this source would be extremely expensive. For vegetables and blueberries, water costs would be approximately ten times higher than typical costs that farmers pay for water supplies. For cranberries, costs would be many more times the costs typically incurred by cranberry farmers.
- Up to two meters of fill has been placed on portions of the subject lands. Limited geotechnical auguring in filled areas suggests that this fill material is probably not suitable for agricultural use. It appears to be mostly comprised of sub-soil materials, possibly from construction excavation. Inspection of the ALC application files for the subject property reveals that the ALC approved a 1988 application from the Canadian Coast Guard and FW Scales Trucking to deposit 50,000 m<sup>3</sup> of fill on the property to a



maximum depth of 1.83 m. In addition, sub-soil material from road and ditch construction has been side-cast up to 80 feet into the property from adjacent ditch and road construction along the northern and eastern property boundaries.

- There are many kilometres of antenna cable buried throughout the subject lands removal of which would be expensive and may result in considerable soil disturbance.

DSCI concluded that because of the Garden City Lands' urban setting and past use, they are poorly suited for agricultural development. DSCI found that:

Their urban setting imposes constraints and costs that are not born by similar lands in more rural or agricultural areas. Development of surface water supplies and growing season storage within the municipal ditch system would be precluded by the property's proximity to urban uses. As a result, the only available irrigation source of this property would be the City's domestic water system which, if used, would impose extremely high water costs on any farm operation. The former use of the subject lands have left behind substantial fill, surface detritus and thousands of metres of buried antenna cable, all of which would impose unusual reclamation and remediation costs prior to any agricultural development being possible. [See section 3.9, DSCI Agricultural Assessment at Appendix 1.]

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 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.

For all these reasons, DSCI concludes the subject property has low suitability for agricultural development

[See section 3.0, DSCI Agricultural Assessment at Appendix 1 for a detailed discussion of agricultural suitability of the Garden City Lands.]

## **VII. ASSESSMENT OF FOOD SECURITY CONSIDERATIONS**

As indicated above, DSCI concluded that the most suitable crops for the subject property would be vegetables, cranberries and blueberries. Based on that conclusion, DSCI assessed food security considerations in respect of those crops. Section 4.1.2 of DSCI's report indicates that since at least 1986, vegetable and potato production has been steadily moving out of Richmond and that by 2006, the area devoted to these crops in Richmond was less than half of what it was 20 years earlier. In the same section, DSCI concluded that "if the province needed, or there was opportunity, to increase regional vegetable and potato production in the future, the region has a capable land base on which to do so that is many times what would be required." DSCI further noted that "it is readily apparent that any such expansion would take place in the locales with lower land pricing – and not next to downtown Richmond."

With respect to cranberry food requirements, DSCI noted that “BC production of cranberries already exceeds total Canadian consumption.” For that reason, among others, DSCI found that “there is certainly no compelling rationale for preserving the subject lands for possible future regional or provincial cranberry food requirements.” [See section 4.2, DSCI Agricultural Assessment at Appendix 1.]

With respect to blueberry food requirements, DSCI noted that “BC production of blueberries is approaching two-thirds of total Canadian consumption.” DSCI further noted that “if further opportunities present themselves to once again expand blueberry production in the province, this expansion is much more likely to occur on lower land cost settings further out in the valley.” On that basis, among others, DSCI determined that “similar to the situation for cranberries, there is no compelling rationale for preserving the subject lands for possible future blueberry food security requirements.” [See section 4.3, DSCI Agricultural Assessment at Appendix 1.]

Overall, with respect to food security considerations, DSCI concluded that “there is no obvious need to preserve the subject lands to provide for future regional or provincial food requirements.” [See section 4.4, DSCI Agricultural Assessment at Appendix 1.]

### **VIII. ASSESSMENT OF AGRICULTURAL VIABILITY**

DSCI assessed the current and expected future economic viability of the three crop enterprises that have been identified in its report as potentially suited to the soils of the subject property. Based on its analysis, DSCI found that “while overall vegetable and potato acreage is more or less holding constant in the wider region, production in Richmond has not been sustainable. This is largely attributed to the higher costs of agricultural land in Richmond compared to the outlying areas in the region. And this is the situation for all vegetable and potato production in the City, most of which is not facing the urban pressure that the subject lands face.” DSCI concluded that “in this context, when lands in the more agricultural portions of Richmond are having problems sustaining vegetable production, it does not seem reasonable to suggest that vegetable or potato production on the subject lands is a viable land use” [See section 5.2.3, DSCI Agricultural Assessment at Appendix 1.]

With respect to cranberry production, DSCI concluded that expansion of the cranberry industry is not viable in the more mainstream agricultural areas of Richmond. Use of the Garden City Lands for cranberry farming is even less viable given the water costs and other constraints outlined in its report which would impose considerable additional costs over what would be encountered if the development occurred in a more mainstream agricultural part of Richmond. DSCI concluded that “the cost of production information clearly indicates that development of the subject lands for cranberry production is not viable.” [See section 5.3.8, DSCI Agricultural Assessment at Appendix 1.]

With respect to blueberry production, DSCI concluded that “it is apparent that the costs of producing blueberries on the subject lands would be higher than estimated above for new blueberry production in the more rural parts of Richmond.” For example, irrigation water supply costs would be “at least \$450/acre higher than typically incurred by more rural producers....” Furthermore, many “other additional costs would be associated with its urban setting and remediation requirements...” DSCI concludes that “the use of the subject lands for blueberry

production is not expected to be viable in the near-term future because of the oversupply situation and market correction that is predicted to occur. In the longer-term, if opportunities present themselves to once again expand blueberry production in the region, this will occur in lower-price lands settings further out in the Fraser Valley rather than in Richmond.” [See section 5.4.12, DSCI Agricultural Assessment at Appendix 1.]

DSCI has concluded that the prevailing economics do not suggest viability for expanding vegetable, cranberry or blueberry production anywhere in Richmond and that it is even more certain that using the Garden City Lands for these type of crops would be even less attractive given the required costs to rehabilitate the site and the additional costs associated with its urban setting. [See section 5.5, DSCI Agricultural Assessment at Appendix 1.]

## **IX. ASSESSMENT OF COMMUNITY NEED**

The final concern that the Commission expressed with respect to the Canada Lands Company submission for exclusion of the Garden City Lands was with respect to assessment and analysis of community need.

This section first discusses the Commission’s authority to assess community need as part of its consideration of exclusion applications. It then goes on to provide an assessment of community need.

### *a) The Commission has the Statutory Authority to Consider Community Need in the Context of Exclusion Applications*

Since 2002, the Commission has integrated an assessment of community need as part of its consideration of exclusion applications. The Commission has considered community need in a number of its decisions. Community need assessment is an important and appropriate part of the values the Commission considers when determining whether to exclude land from the ALR.

The Commission’s requirement that an applicant demonstrate community need derives from the broad authority that the Commission has been granted by the legislature under the *Agricultural Land Commission Act* (the “Act”). Among other powers, the Act provides the Commission with broad and unfettered authority to exclude land from the ALR. No less than five sections of the Act provide statutory authority for the Commission to exclude land from the ALR in various circumstances:

- Section 20(3) provides statutory authority for an owner of agricultural land or a person with a right of entry to agricultural land to apply to the Commission for permission for non-farm use of agricultural land.
- Section 21(2) provides statutory authority for an owner of agricultural land to apply to the Commission to subdivide agricultural land.
- Section 25 provides the Commission with statutory authority, on application for permission for non-farm use or for subdivision under section 20(3) or 21(2), to refuse, grant, or grant permission for alternate non-farm use or sub-division.

- Section 29 provides statutory authority to the Commission, on its own initiative or on application by a local government in respect of land within the local government's jurisdiction or, in the case of a first nation government, in respect of the first nation's treaty settlement land, to exclude land from the ALR on terms the Commission considers advisable or, without excluding land from the ALR, to grant permission for a non-farm use or sub-division in respect of the land that is the subject of the application.
- Section 30 provides statutory authority to an owner of land to apply to have land excluded from the agricultural land reserve and to the Commission to refuse permission for exclusion, grant permission for exclusion, permit a non-farm use or sub-division on the land, or permit exclusion or non-farm use with or without conditions.

Beyond providing the Commission with the broad mandate to grant, refuse, or grant with conditions exclusion applications, the Act is silent as to precise basis or criteria upon which the Commission is to make exclusion determinations. While the legislature could have restricted the Commission's powers with respect to its consideration of exclusion applications, it did not and, instead, the legislature granted the Commission unfettered rights in this regard.

The Supreme Court of Canada has decided that legislation must be interpreted in a manner that avoids a narrow technical construction and endeavours to make effective the legislative intent of the administrative scheme involved. In *Maple Lodge Farms v. Government of Canada*, McIntyre J. Held:

In construing statutes such as those under consideration in this appeal, which provide for far-reaching and frequently complicated administrative schemes, the judicial approach should be to endeavour within the scope of the legislation to give effect to its provisions so that the administrative agencies created may function effectively, as the legislature intended. ...[T]he courts should, wherever possible, avoid a narrow technical construction and endeavour to make effective the legislative intent as applied to the administrative scheme involved. ...

Therefore, the broad statutory authority granted to the Commission to exclude land from the ALR must be read in conjunction with the language of the Act as a whole in order to "endeavour to make effective the legislative intent as applied to the administrative scheme involved" and to "avoid a narrow technical construction" that the Supreme Court has warned against.

The Act does not set out a comprehensive statement of the reasons for the conferral of the power to exclude lands from the ALR, which leaves the Commission with a substantial degree of room to formulate the considerations that are relevant to that purpose. In addition to the Act, Governmental policies in respect of the Commission and interpretative views of the Commission are also sources that the Commission may look to in determining the appropriate criteria to use in the context of exclusion applications.

The Commission's decision to assess community needs as part of its consideration of exclusion applications is supportable for the following reasons:

i) *The Purposes of the Commission Support the Consideration of Community Needs*

The consideration and assessment of community needs by the Commission in determining exclusion applications is complementary to the stated purposes of the Commission and is consistent with the Commission's statutory obligation to consider applications to exclude land from ALR and applications seeking permission to allow land in the ALR to be used for non-farm purposes.

Section 6(b) of the Act states that the Commission is to: "encourage farming on agricultural land in collaboration with other communities of interest" [our emphasis]. General principles of interpretation include that effect should be given to every word used in a statute. Thus, section 6 requires that the Commission not ignore "other communities of interest" in decision making. The concept of "collaboration" indicates that farming of land must be carried out jointly, in co-operation, and in conjunction with other communities of interest.

ii) *The Act Does Not Prohibit Consideration of Community Needs*

There are numerous sections of the Act providing the Commission with broad statutory authority to exercise its mandate to exclude land from the ALR, yet there is no statement anywhere in the Act that the Commission may not consider community needs in exercising its decision making authority. If the legislature intended to disallow any balancing of community interests in decision-making of the Commission, despite its inclusion of broad authority for the Commission to exclude lands from the ALR, the legislature would have made that prohibition clear on the face of the statute. Instead the legislature provided an unfettered statutory authority under a number of sections of the Act to the Commission to exclude land from the ALR. Nowhere does the Act limit the Commission's authority to only exercise its power to exclude or permit non-farm use *only* on the basis that the land is not capable of agricultural use. If the scope of the jurisdiction of Commission were so narrow, the legislature would have made that explicit.

iii) *Consideration of the Act as a Whole Supports the Commission's Consideration of Community Needs*

Reviewing the scope of the Act as a whole also lends support to the Commission's decision to assess community needs when determining exclusion applications.

For example, section 33 of the Act sets out the circumstances under which the Commission may reconsider a decision. The circumstances include the Commission finding that "a recommendation by a facilitator under section 13 relating to a dispute warrants a reconsideration of the original decision." On reconsideration, the Commission may confirm, reverse or vary its original decision. Section 13 of the Act sets out the values that a facilitator must apply in assisting a local government or first nation government in the resolution of a dispute with the Commission, which include "environmental, economic, social and heritage values." These values are similar to the type of values that the Commission considers in assessing community need. Reviewing the statutory scheme as a whole, it is logical that the Commission may, on its own accord, consider similar values to those set out in section 13, in determining exclusion applications in the first instance. It would not make sense that those values should only come

into play before the Commission in the context of reconsideration. It would be illogical to suggest that the Commission must ignore the type of values set out in section 13 in the original consideration of an application and could *only* consider those types of values in the context of reconsideration. Rather, it makes sense that the Commission may consider weigh the type of values set out in section 13 in decision making in the first instance.

iv) *Policy Considerations Underpinning the Validity of the Assessment of Community Need*

In determining the intent of a statute, the policies in respect of the Commission and interpretative views of the Commission are not determinative but are entitled to weight and can be an important factor in case of doubt about the meaning of the legislation. Given the silence of the Act in respect of criteria by which the Commission must exercise its statutory powers, policies in respect of the Act are relevant.

The Ministry of Agriculture and Lands, Agricultural Land Commission 2006/07 - 2008/09 Service Plan is clearly a policy of the Ministry that provides strategic direction to the Commission and is of assistance in determining the relevant factors that the Commission ought to consider. The service plan regime is statutorily rooted in section 13 of the *Budget Transparency and Accountability Act*, S.B.C. 2000, c. 23 which provides that "Annual service plans for each ministry and each government organization other than an education and health sector organization must be made public in accordance with this section" and that "a service plan under this section must be consistent with the current government strategic plan and must (a) include a statement of goals, (b) identify specific objectives and performance measures ..."

Page 13 of the 2006/07 - 2008/09 Service Plan states that:

The Commission reviews non-farm use and subdivision applications on a case-by-case basis and considers the merits of each application. An assessment of the potential impact on agricultural suitability relies heavily on the experience and judgement of the Commission. Depending on the circumstances, the Commission may give different weights to considerations such as the compatibility of the proposed use with agriculture, soil capability of the land, location and whether the proposed use would meet a pressing community need. After balancing the relevant considerations, the Commission may approve an application that it determines would not diminish the suitability of land for agriculture.

Because the specific circumstance of each application is unique, it is difficult to evaluate the impact of Commission decisions on the 4.7 million hectare ALR land base. The Commission refuses most applications that would diminish the suitability of land for agriculture while approving those applications that do not diminish the lands suitability.

Some approvals granted on the basis that they meet a pressing community need may have an impact on suitability for agriculture. A significant increase in approvals based on community need indicates the increased likelihood that the overall suitability of land for agriculture is being compromised. Note that community need is a factor in some decisions where poor agricultural suitability is also a factor. The indicator will only

include decisions where community need is the primary factor in the decision.  
[Emphasis ours.]

The Ministry of Agriculture and Lands has clearly set out a balancing of relevant considerations, including community needs, as the manner in which the Commission ought to undertake its statutory mandate. Given the silence of the Act as to the criteria for exemption determinations by the Commission, the views of the Minister set out in the Service Plan ought to be given weight.

Therefore, based on the above discussion, the community needs test that has been adopted by the Commission is clearly relevant to its consideration of this Application.

*b) Assessment of Community Needs in Respect of the Garden City Lands*

In the Commission's decision in respect of the Canada Lands Company's exclusion application for exclusion of the Garden City Lands, the Commission determined that:

Community Needs arguments from local governments are to be based on local and regional planning assessments and to be supported by rigorous technical analyses that clearly:

- Identify the need for and expected community benefits or values to be achieved;
- Identify and assess the impacts or risks to the community if the proposal does not proceed or is delayed;
- Determine whether there are reasonable alternative means of meeting community need;
- Identify and assess the impacts of meeting community need on agriculture and non-agricultural uses of the Lands, and the avoidance, mitigation or management of these impacts."

The City of Richmond has conducted the extensive review described by the Commission. A summary of the he assessment of community needs related matters are set out below according to the above factors set out by the Commission. Please refer to "City of Richmond Community Needs Response to ALC Letter, February 6, 2007" at Appendix 4A for details with respect to City of Richmond's assessment of Community Needs and "Musqueam Community Needs" at Appendix 4B for details and background with respect to the Musqueam Indian Band's assessment of community needs.

*i) Need for and Expected Community Benefits or Values to be Achieved*

The City of Richmond

The City of Richmond is growing and its downtown population is anticipated to triple in size from 41,000 to 120,000 residents over the next 100 years. This projection is based on regional trend and census data and represents the proportionate expected growth destined for Richmond within the MetroVancouver region. To ensure that Richmond's growth is environmentally,

economically and socially sustainable, the City is in the process of updating its Official Community Plan in coordination with the GVRD and other Lower Mainland communities.

A key first step in this process was the updating of Richmond's City Centre Area Plan, a draft of which was approved in principle by City Council on February 12, 2007 and sets the stage for sustainable growth in historic downtown area of Richmond with an ultimate population of 120,000 people. The City Centre Area Plan vision is of a more compact liveable city centre with concentrated growth. This represents a sustainable approach to the development of land and, in turn, creates a liveable urban environment which serves to lessen development pressures elsewhere within the City.

The Garden City Lands represents the only ALR land within the City Centre area and are the only ALR lands planned to support Richmond's growing population. The location of the Garden City Lands within the City Centre Area, in the urban core, and proximity to availability of transit makes the Garden City Lands a logical site for the continued growth of the City Centre Area. In addition, since the Garden City Lands are located in the City Centre Area, the public amenities on site will contribute and enhance the lives of the citizens of Richmond. Furthermore, additional development of the City Centre Area, with its strong access to transit, including the Canada Line, will reduce the need for private automobile usage. A denser City Centre Area will also provide residents with the option of walking or cycling.

If the Commission excludes the Garden City Lands from the ALR, the City of Richmond would involve the MOU stakeholders and the public at large in the planning process. Given the fact that the Garden City Lands are a large, contiguous, parcel of land to be jointly owned by stakeholders with shared vision, the lands offer a unique opportunity for the City of Richmond to secure a parcel of urban land in the City Centre Area at minimal expense to taxpayers. Developer contributions will result in quality affordable housing. The potential for such a contribution for the City of Richmond adds to the general liveability of the City Centre Area by providing an opportunity for families, seniors, people of all abilities, and income ranges with a variety of housing types.

The City will develop its portion of the lands for public open space uses and amenities, including the possibility of a Trade and Exhibit Centre. This combination of uses will concentrate growth within the City Centre Area together with significant public infrastructure to support the City of Richmond's growing population.

As part of the City Centre Area Plan Study, the City has established a minimum public open space standard of 3.25 acres/1000 residents within the City Centre which translates to a total of 390 acres at the projected build-out population. This standard reflects a more efficient approach to land use and more intensive use of open space in high density areas than in more traditional suburban neighbourhoods, but it still means adding 201 acres over and above what is currently available. Of the 201 acres of additional open space, the Garden City Lands would represent a significant contribution (approximately 68 acre) to the City Centre open space system. While this is a reduction in the ratio of parkland from Richmond's city-wide standard of 7.66 ac/1,000 residents, it is anticipated that community facilities (community centres, etc.) will typically be co-located on sites with other developments (e.g. with residential or offices above). The



purpose is to reduce the “footprint” requirement of facilities on valuable ground oriented park space, and to reduce land costs through opportunities to partner with proposed developments

It is technically possible to shift the some of the expected growth and associated development elsewhere in City Centre by increasing density in the City Centre outside of the Garden City Lands. However, without the Garden City Lands, the City will not be able to meet its open space requirement to achieve its community need as envisioned in the City Centre Area Plan. The Richmond community would benefit from open space and public amenities including green space, park land, public trails and walkways, community gardens, urban agriculture, playing fields, recreational facilities, playgrounds, community gathering spaces, and other public amenities.

The City of Richmond also foresees that the portions of the site next to the shared boundary with the ALR lands could serve as an incubator for non-farm based urban agriculture that will potentially act as an interface between the City Centre Area and the ALR. Urban agriculture on site will serve to educate residents on agricultural production, food systems, and issues relating to food security.

The City of Richmond foresees a vibrant, environmentally sustainable, urban village where residents can live, work, shop, learn and play in a pedestrian-friendly environment.

#### The Musqueam Indian Band

For centuries, the Musqueam people lived sustainably throughout their territory which extended over what is now Greater Vancouver, using the resources of the land for fishing, hunting, trapping and gathering as well as for growing food in order to maintain their livelihood. The Musqueam people were forced off their land by the Crown onto a very small portion of their traditional territory, the Musqueam Indian Reserve in Vancouver, which, on a per capita basis is one of the smallest reserves in the country.

The MOU, provides a precedent setting agreement under which the Crown accepted the rightful place of the Musqueam as a partner in determining the appropriate future for the Garden City Lands. As indicated above, the MOU can only move forward if the ALC grants the City of Richmond’s exclusion application.

For the Musqueam Indian Band, the community benefit and values achieved cannot be underestimated. First and foremost, the MOU represents a precedent for the way in which aboriginal issues are to be resolved according to the model set by the Supreme Court of Canada in *Haida Nation*. Rather than relying on prolonged confrontational and expensive litigation, the MOU was reached through negotiation and consensus. Failure to implement the MOU could lead to a perception among the Musqueam Indian Band and other First Nations that the negotiated settlement model is unworkable. The failure of the MOU would force the Musqueam peoples, once again, to have to turn to the courts for relief.

On the other hand, success of the MOU would allow the Musqueam community to enjoy a full and fair opportunity to realize their potential and enjoy the community, economic and social benefits that the majority of non-Aboriginals take for granted. This would include a range of onsite benefits for the Musqueam community, including skills development and training relating

to land development and construction. Success of the MOU will also create community opportunities related to the development of existing and new Musqueam businesses. In addition, the development of the Garden City Lands provides an enormous opportunity for the creation of a legacy of cultural interpretation to educate both the Musqueam peoples and the community at large about the Musqueam heritage, traditions, arts and culture.

Offsite community benefits will derive directly from the proceeds from site development which will be invested directly within the Musqueam community and contribute to their sustainability.

The immediate physical development projects that could likely be supported by the Garden City Lands Project include housing maintenance and repairs, new housing developments, infrastructure upgrade and repairs, band facility renovations, and new facilities.

In addition to physical development projects, the Musqueam would be able to expand programming beyond limitations imposed by current funding restraints. Some of the projects that could be supported by a successful Garden City Lands Project include:

- drug and alcohol counselling and intervention programs;
- children's support, health and education;
- employment and training;
- youth recreation and counselling;
- elders programs;
- Musqueam language programs; and
- Musqueam cultural interpretation programs.

The Musqueam Indian Band is currently developing a comprehensive and strategic Musqueam Community Plan. The Plan will identify and prioritize planning objectives and strategies to achieve them. The revenues that the Garden City Lands would generate for the Musqueam would be linked to the priorities identified in the Musqueam Community Plan. This means that any revenues generated for the Musqueam by the Garden City Lands Project would be used to affect the widest possible community benefits.

#### The Canada Land Company

Part of the mandate of the Canada Land Company is the commercially oriented, orderly disposition of selected surplus federal real properties with optimal value to the Canadian taxpayer. Canada Lands Company optimizes the financial and community value obtained from surplus properties no longer required by the Government of Canada. Funds that the Canada Land Company raises are distributed to the Government of Canada, which in turn, fund the goals of the Government of Canada.

#### The Public

In addition to creating sustainable economic benefits to the Musqueam community and creating many acres of new parklands and public amenities in the heart of downtown Richmond, something residents and civic leaders have long sought after, by reaching agreement on the Garden City Lands, the Musqueam, the Government of Canada and the City of Richmond help tax payers avoid further needless and costly litigation.

Furthermore, the public interest is served by allowing the reconciliation model, as directed by the Supreme Court of Canada and approved by the Government of British Columbia and Aboriginal leaders in the New Relationship Accord, to prevail. The success of the MOU demonstrates the Government of Canada, the Government of British Columbia and Musqueam people's strong preference to negotiate resolution without costly and divisive litigation. The MOU serves as a major precedent for the way in which Aboriginal issues can be resolved throughout the Province of British Columbia where so much of the lands remain the subject of unresolved claims of Aboriginal rights and title.

ii) *Impacts or Risks to the Community if the Proposal does not Proceed or is Delayed*

The risks to the Community as identified above if the MOU does not proceed or is delayed cannot be underestimated.

As explained in detail above, with the population of the GVRD expected to grow from 2.4 million in 2006 to 4.02 million in 2061, and the projected population growth in the Richmond City Centre Area to be approximately 120,000 by 2100, the advent of the Canada Line and the successful bid to become an Olympic venue city, the City of Richmond is looking to the City Centre Area for future growth.

Without the Garden City Lands, there will be a significant negative impact on the quality of open space in the City Centre Area. If the City maintains its population target within City Centre Area boundary, then the City will not be able to meet its City Centre Park standard. The alternatives are to further reduce the City's Park ratio requirement or to reduce proposed development in the remaining City Centre Area to match the availability of open space. The cost to purchase alternate sites for open space would be prohibitive. The City's portion of the Garden City Lands (50% of the site or approximately 68 acres) is \$4.7 million. The current market rate for open space in Richmond City Centre is between \$4 million - \$5 million per acre. In a scenario where growth is not contained within the City Area boundary, then this will put greater development pressure on outlining lands, or in existing well established suburban neighbourhoods and direct pressure on lands being farmed, all of which will increase the potential for urban/agricultural conflict. As there are no records of the Garden City Lands ever having been used for agricultural purposes, devoting these lands to agricultural uses now would mean introducing urban and agricultural transportation conflicts to the City Centre Area.

For the Musqueam, the Garden City Lands represent a unique economic development and opportunity to increase their capacity to effectively assert self-governing powers on behalf of their own economic social and cultural objectives. There is very little Federal land available to the Musqueam to pursue. While the Musqueam have recently secured a settlement regarding the UBC Golf Course, the conditions of that settlement requires a significant delay in development.

The Garden City Lands are not subject to time and constraints and, if the project proceeds, the current Musqueam generation could enjoy the benefits.

Should the Garden City Lands Program not proceed, all of the Musqueam's physical development projects and programs discussed in the previous section would be delayed, cancelled or otherwise have to be adjusted. The Musqueam's progress towards self-governing on behalf of their own economic, social and cultural objectives would be severely impeded.

The expiration of the MOU will result in the permanent loss of the opportunity for the City of Richmond to purchase a substantial parcel of land from one owner in the City Centre Area. If the Land remains within the ALR, the MOU will expire on December 31, 2008 and the beneficial opportunity that the City of Richmond has under the agreement will be lost. The future status of the lands will become uncertain with a high likelihood that the courts will be left to resolve the matter.

Should the MOU expire and the fate of the Garden City Lands be put into the hands of the Courts, the reconciliation model will have failed. The expiration of the MOU will likely discourage any and all First Nations from engaging with the Government of Canada with respect to negotiated multi-party ownership and use of opportunities for surplus federal lands.

A successful court challenge by the Musqueam Indian Band could also have significant ramifications on the entire process for dispensing surplus Federal Government lands, with the potential of significantly limiting opportunities for the government as mandated through the Canada Lands Company to maximize land values.

Should the MOU fail, most seriously for the City of Richmond and the Canada Land Company is the significant likelihood that the Musqueam Indian Band will pursue outright legal title to the Garden City Lands. The Musqueam are looking to settle long overdue land claims, while the land base with which to settle claims is becoming more and more scarce. There is a strong likelihood, that should this matter return to the courts, the City of Richmond will permanently lose the opportunity to purchase the Garden City Lands at an affordable price and add these lands to its City Centre Area for development and meet a significant land requirement for open space.

With respect to the people of British Columbia and the Agricultural Land Reserve, in the wake of the November 2007 *Tsilahqot'in Nation v. British Columbia* decision, which held that provincial legislation that controls the use of land does not apply to lands to which a First Nation has Aboriginal Title, we can anticipate a challenge by the Musqueam Indian Band. This court challenge may lead to a ruling, based on the *Tsilahqot'in* decision and the earlier decision of the Supreme Court of Canada in the *Delgamuukw* case, that the Garden City Lands are not within the ALR or any other provincial or municipal land use regulation. At the very least, the court challenge and such a decision would present a serious problem for orderly planning of the City Centre Area.

iii) *Reasonable Alternative Means of Meeting Community Need*

Alternatives to the MOU have been extensively assessed and dismissed. No other land-base in the City of Richmond exists that is large enough to provide for both public recreation and commercial residential density inside of the existing urban fabric [see Appendix 4A – Richmond

Community Needs]. The Garden City Lands within the City Centre Core represent a site that has no recorded agricultural history, exceedingly limited potential to ever contribute to agriculture, and an opportunity to relieve pressure from other more productive and inappropriate areas.

An unsuccessful application would limit the City of Richmond's involvement in the future of the Garden City Lands. Given the specific contextual and economic challenges confronting the commercially viable farming of the Garden City Lands, it is exceedingly unlikely that there will ever be any agricultural production from these lands. The City of Richmond submits that the need for the Garden City Lands to contribute to a liveable city in conjunction with the public benefit derived from a successful reconciliation and negotiation process with the Musqueam Indian Band makes exclusion the only reasonable alternative.

iv) *Impacts of Meeting Community Need on Agriculture and Non-Agricultural uses of the Lands, and the Avoidance, Mitigation or Management of These Impacts*

As discussed extensively above under section VI, and in the DSCI report, the Garden City Lands are not suitable for agricultural uses and, therefore, the impact removing the Lands from the ALR, we submit is minimal.

Agriculture is a proud part of the City of Richmond's heritage. The City of Richmond is working closely with the Richmond Agricultural Advisory Committee (RAAC) to ensure that there will be significant and demonstrable benefit to agriculture in Richmond from the development of the Garden City Lands. If the ALR exclusion application is successful, Canada Lands Company and the Musqueam Indian Band have committed to establish an Agricultural Endowment Fund of approximately \$10 million to be collected over a 10-year period as a consideration of the rezoning process for the developable portion of the Garden City Lands. The endowment will remain untouched with the interest being allocated for agricultural improvement projects. If the ALR exclusion application is successful, the Agreement partners will consult with the RAAC to develop the focus and delivery mechanisms for the endowment and staff will present the outcome to Council for consideration and approval.

The Richmond Agricultural Advisory Committee(RAAC) endorsed the concept of creating an Agricultural Endowment fund to benefit agricultural at its May 2007 meeting. The RAAC also provided the opinion that any endowment should be financially substantial so that its impact can be sustained over the long term and it must incorporate a flexible delivery mechanism to enable the agricultural community to respond to issues and projects as they arise over time. The establishment of an Agricultural Endowment Fund meets these criteria.

Staff note that the endowment could be used in a variety of ways including education and research, improvement to soil to increase productivity, production technologies, or buying land to add to the ALR if the opportunity arises.

In response of the desire of the Richmond agricultural community to realize the full benefit from the Garden City Lands Agricultural Endowment as soon as possible, Council has agreed to "top up" the annual income comparable to the interest that a \$10 million endowment would generate for up to 10 years until the full contribution into the endowment is received CLC/Musqueam.

This "top up" represents a potential maximum total financial contribution from the City that would amount to approximately \$3.75 million over ten years. It is noted that even if the exclusion is not successful, no payment would be required from any of the Agreement partners. The commitment to create an Agricultural Endowment Fund mitigates and manages any impact that removal of the Garden City Lands from the ALR may have on commercial farming. The City is also committed to the promotion of urban agriculture including food security, education, community outreach, and community garden opportunities.

Separate from the Garden City Lands project, the City is exploring non-farm urban agricultural opportunities for rooftop gardens, green-roof technology and edible landscaping. The City has also been working closely to facilitate community initiatives such as the Terra Nova Schoolyard Project and the Fruit Tree Sharing Farm Project to support the local food bank. The City has also provided over 200 community gardening plots throughout Richmond to date with this program continually expanding. In addition, the City has also encouraged community gardens in the City Centre Area developments used area residents.

Furthermore, Richmond Council has clarified its intended uses and preferred amenities on the City's portion of the Garden City's Lands by endorsing the principles of the community wellness and enabling healthy lifestyles, urban agriculture, and showcasing environmental sustainability. This ensures that if the ALR exclusion application is successful, the City's portion of the Lands will be used entirely to address Richmond's community needs.

## **X. CONCLUSION**

Approval of this application will respect the agricultural issues described herein, provide an Agricultural Endowment Fund to enhance agricultural activities in the City of Richmond, and recognize the community needs of the City of Richmond, the Musqueam peoples, and the public in conformity with the Act and past decisions of the Commission.

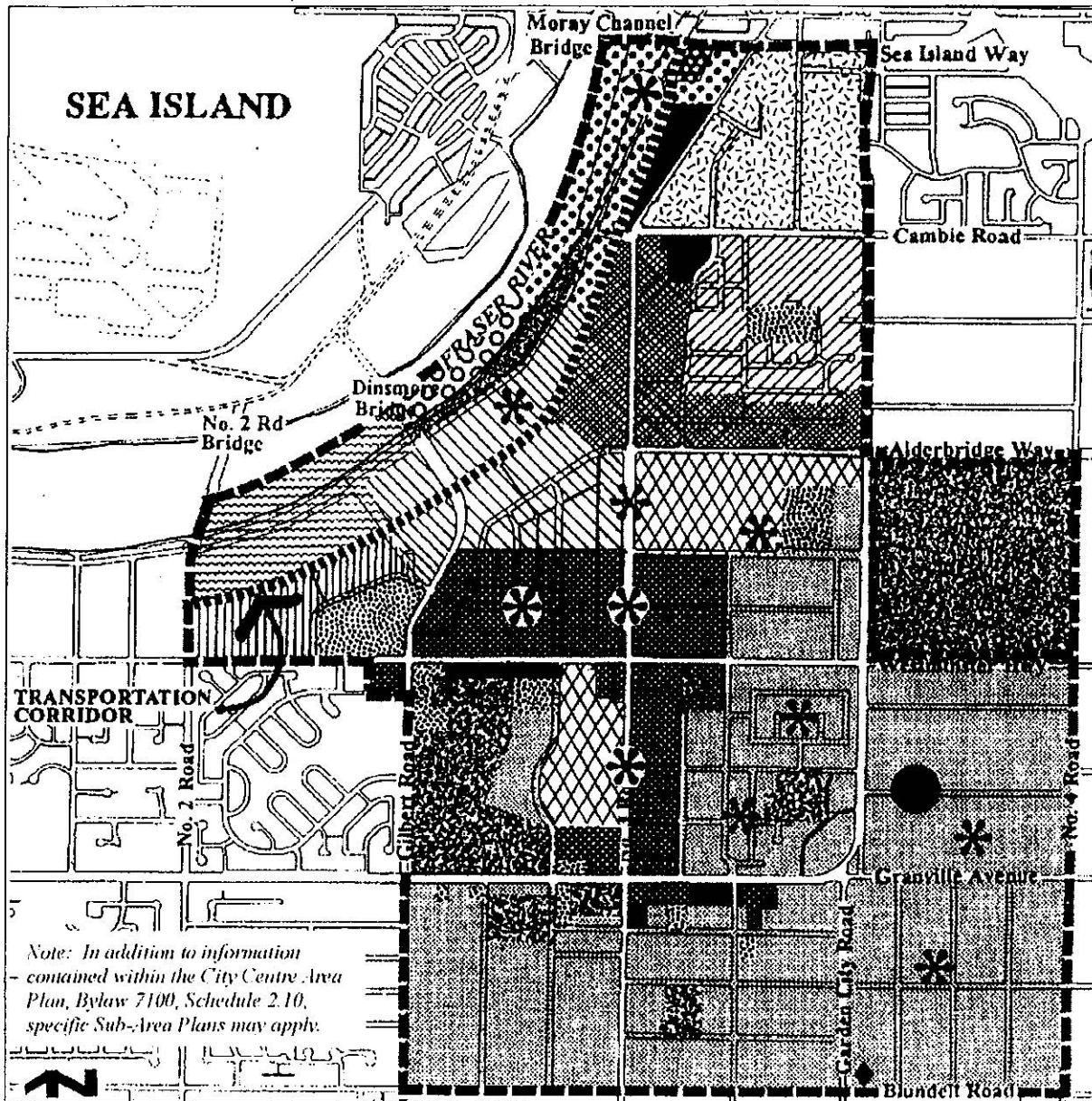
### The History of the Garden City Lands

- The Garden City Lands are located within traditional Musqueam territory whose history in the area goes back over 4,000 years.
- There is no record of any farming ever having taken place on the lands.
- The Lands were acquired by the Federal Government in 1903 and were used by National Defence for a rifle range and subsequently by the Canadian Coast Guard as a site for radio transmitter towers for several decades. The Canadian Coast Guard became part of the Department of Fisheries and Oceans (DFO).
- In 1974, during the creation of the provincial Agricultural Land Reserve (ALR), the Lands were placed inside its boundaries. The federal government did not object to the ALR designation because, as a higher level of government, it was not subjected to provincial ALR designation.
- In 1987, the City commenced attempts to acquire the Lands for its Canada Summer Games and the Commonwealth Games bids. The bids were contingent on having a guarantee on the acquisition of the site. The land negotiations and the bid for the Games were unsuccessful but the City continued to identify the lands for public and open space uses.
- In 1989, the Agricultural Land Commission conditionally endorsed a December 1989 draft Richmond Official Community Plan (OCP) showing the Lands as "Public and Open Space Use". Within that OCP the plan for the City Centre area showed the subject lands for future Park (defined as "an area of City-owned public open space including, but not limited to, public facilities such as recreation centres and schools"). This OCP is still currently in use by the City.
- In 2001, the DFO declared the Lands surplus to its program requirements and proposed to transfer the Lands to Canada Lands Company.
- In November 2002, the DFO received Treasury Board approval to sell the Lands to Canada Lands Company.
- In 2003, when Musqueam became aware of the proposed land transfer, it advised the City, DFO and Canada Lands Company of its Aboriginal rights and title to the Lands and took legal action in Federal Court to successfully challenge the transfer.
- In January 2004, Musqueam were granted an "interlocutory injunction" that prevented the Garden City Lands from being transferred to the City of Richmond or Canada Lands Company.
- In late 2004 and early 2005, the Musqueam, the City of Richmond, Canada Lands Company and DFO entered into negotiations to resolve the matter out of court.
- On March 18, 2005, the Musqueam the City of Richmond and Canada Lands Company reached a groundbreaking equitable agreement in the form of a Memorandum of Understanding (MOU), sharing the Lands between the three parties provided that certain conditions would be met beginning with the removal of the Lands from the ALR.
- In accordance with the conditions of the Agreement, in December, 2005, the Canada Lands Company application was received by the Agricultural Land Commission (ALC) for the Lands to be excluded from the ALR.
- In September 2006, the Commission refused the application as submitted.
- In December 2007, Richmond City Council sponsored a 'Block Application' (whereby the City of Richmond leads the application on behalf of the three partners) to ALC for the lands to be removed from the ALR. Canada Lands Company is acting as project manager for the application.
- In the Spring of 2008, the Agreement partners plan to re-submit their application to the ALC for the Lands to be excluded from the ALR. The re-submission will address the Agricultural Commission's previous concerns including agricultural capability, viability as well as the community need from the Musqueam and City of Richmond perspectives. In addition, this new application will include a new agricultural benefits proposal.

(Compiled by CLC and consultants for February 2008 Open House from various sources)

City of Richmond

**Land Use Map** Bylaw 8000  
2007/06/11



*Note: In addition to information contained within the City Centre Area Plan, Bylaw 7100, Schedule 2.10, specific Sub-Area Plans may apply.*

Residential	Olympic Riverfront	Programmed Recreational Water Area	Detailed Land Use Study Required
Mixed Use - High Density	Auto-Oriented Commercial	Park	Neighbourhood Pub
Mixed Use - Shopping Centre	Urban Business Park	Park - Configuration and Location to be determined	Agricultural Land Reserve Boundary
Mixed Use - Specialty	Business Park	Transportation Corridor	Neighbourhood Centre Configuration and Location to be determined
Mixed Use - Riverfront	Mix Use - Light Industry		
Mixed Use - Riverfront A	Institutional		





**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604-660-7000  
Fax: 604-660-7033  
www.alc.gov.bc.ca

September 8, 2006

Reply to the attention of Gordon Bednard  
ALC File: #O-36435

Canada Lands Company CLC Limited  
2000 · 666 Burrard Street  
Vancouver BC V6C 2X8

**Attention: Randy Fasan, Director - Urban Design & Planning**

Dear Mr. Fasan:

**Re: Application to Exclude Land from the Agriculture Land Reserve (ALR)**

Please find attached the Minutes of Resolution #431/2006 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: City of Richmond, 6911 No. 3 Road, Richmond BC V6Y 2C1  
Attention: Mr. George Duncan, CAO

Musqueam Band, 6735 Salish Drive, Vancouver BC V6N 4C4  
Attention: Mr. James Easton, CAO

**MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION**

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on September 1, 2006 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

<b>PRESENT:</b>	Erik Karlsen	Chair
	Sue Irvine	Commissioner
	Lorne Seitz	Commissioner
	John Tomlinson	Commissioner
	Tony Pellett	Staff

**For Consideration**

Application #O-36435  
Applicant Canada Lands Company CLC Limited  
Proposal To exclude one parcel of 55.2 ha from the Agricultural Land Reserve (ALR) to facilitate development of a trade and exhibition centre, urban residential and mixed-use development, and major City of Richmond park facilities. This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

**Legal Description of Property**

PID: 024-741-418  
Section 3, Block 4 North, Range 6 West New Westminster District, Except:  
Firstly: Plan with Fee 5758F  
Secondly: Plan with Fee 5759F  
Thirdly: Part subdivided by Plan 24067  
Fourthly: Parcel D (Bylaw Plan 50488)  
Fifthly: Part dedicated road on Plan LMP43167  
Sixthly: 1.84 acres filing 16918  
Seventhly: Parcel F (Bylaw Plan LMP24326)  
Eighthly: Parcel C (Bylaw Plan 73626)

**Site Inspection**

The Commission viewed the property on July 19, 2006. Those in attendance:

- Erik Karlsen, Chair
- Sue Irvine, Commissioner
- Lorne Seitz, Commissioner
- John Tomlinson, Commissioner
- Tony Pellett, ALC Staff

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Page 2 – Minutes  
Re: Application #O-36435

**Exclusion Meeting**

An exclusion meeting was held on August 31, 2006 at the Sheraton Four Points Hotel, 8368 Alexandra Road, Richmond, BC. Those in attendance:

**For the Commission:**

Erik Karlsen, Chair  
Sue Irvine, Commissioner  
Lorne Seltz, Commissioner  
John Tomlinson, Commissioner  
Colin Fry, Director – Regional Operations  
Tony Pellett, Regional Planner  
Gordon Bednard, Land Use Planner

**For the Applicant:**

Doug Kester, Vice-President Real Estate, Canada Lands Company CLC Limited

**For the City of Richmond:**

Shawn Issel  
Terry Crowe  
Kim Decker  
Joe Erceg  
Dave Semple  
Robert Gonzalez  
Gordon Kibble  
Rain Daniels  
Stewart Brady

**For Musqueam First Nation:**

Ernie Campbell, Chief  
James Easton, Chief Administrative Officer  
Howie Charters, Colliers International

**Other observers:**

Matthew Hoekstra, Richmond Review  
Eve Edmonds, Richmond News  
Harold Steves, Councillor, City of Richmond

Mr. Doug Kester, Chief Ernie Campbell and Shawn Issel representing the City of Richmond conducted a coordinated PowerPoint presentation.

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### **Context for Commission Consideration**

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land [defined in section 15 of the Act as "land, including Crown land, that is suitable for farm use"],
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. 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.

Through the application process, the Commission may exclude land from the ALR if it believes the land is not suitable for agriculture or is no longer suitable for agriculture. The Commission may also exclude suitable agricultural land from the ALR to meet community needs in cases where no reasonable alternative exists.

### **Discussion**

#### **Assessment of Agricultural Capability**

Although the agricultural capability of the subject property was not classified by the Canada Land Inventory, the Commission had for its review the report dated August 18, 2006 from its Staff Agrologist, Trevor Murrie, P.Ag. Mr. Murrie stated in his report,

*"Based largely on previous soil survey work\*, land capability for agriculture assessments for the agricultural soils in Richmond were interpreted and separately mapped. The unimproved and improved ratings provided for an organic soil series similar to those inspected on the subject property (Lulu (LU) – Terric Mesisol) are O4WL (O3LW); for a similar mineral soil series (Blundell (BU) – Rego Gleysol:saline and peaty phase) are 4W (3WN).*

*Based on the observations and assessments made, it is my opinion that there are no significant limitations to agricultural capability to restrict the agricultural use of the soils on the subject property. Compared to other agricultural capability assessments made on similar soils, no evidence was found to suggest that the Land Capability Classification for Agriculture ratings for the soils identified on the property would be any more limiting than those given to those soils previously surveyed (i.e. Lulu and Blundell). Every indication is that the soils on the subject property have fewer limitations to their agricultural capability than both these soils. Further study, however, is required to assess the potential for soil wetness (W) and soil salinity (N) being limiting factors."*

**Organic Soils** - Organic soils are grouped into seven classes, designated as O1 to O7. The organic soil class definitions are equivalent in terms of their relative capabilities and limitations for agricultural use to those defined for mineral soil.

**Class 3** – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

N     salinity  
L     degree of decomposition - permeability  
W     excess water

The Commission therefore believes the subject property is prime agricultural land.

#### **Assessment of Agricultural Suitability**

The City of Richmond representatives spoke to the issue of agricultural suitability. It was asserted that the subject property is not suitable for agricultural use because it is surrounded by four-lane arterial streets. The Commission's inspection involved entering and exiting the subject property via one of the two access points from No. 4 Road. These manoeuvres were accomplished without difficulty during peak morning traffic. Moreover, the size of the subject property is such that it could constitute a complete farming unit from which farm vehicle movements would be infrequent.

Contrary to the argument that the streets reduce agricultural suitability, the Commission believes the existing road network serves to enhance agricultural suitability by providing a buffer, or separation, to and from adjacent lands.

The Commission therefore believes the subject property is suitable for agricultural use.

#### **Assessment of Community Need**

The assessment of community need is particularly difficult in this instance given the three distinct interests involved. It had been expected that the City would advance the argument for community need for the entire proposal, not simply for the park/open space and trade and exhibition centre components.

The Commission respects the comments offered by Chief Campbell at the exclusion meeting and believes it has a clear understanding of the interests of Musqueam First Nation. The Commission also appreciates that the mandate of Canada Lands Company CLC Limited is to optimize the financial and community value obtained from strategic properties deemed surplus to federal program purposes.

Normally it is the responsibility of local government to argue community need and to provide supporting evidence. In this instance the City expressed its desire to obtain access to additional parklands and explained how the community would benefit from the exclusion.

However community need arguments from local governments are to be based on local and regional planning assessments and to be supported by rigorous technical analyses that clearly:

- identify the need for and expected community benefits or values to be achieved
- identify and assess the impacts or risks to the community if the proposal does not proceed or is delayed
- determine whether there are reasonable alternative means of meeting community need
- identify and assess the impacts of meeting community need on agriculture and non-agricultural uses of the lands, and the avoidance, mitigation or management of these impacts.

The Commission does not believe the City has conducted the necessary analyses or provided the level of detail that would warrant further consideration of community need. In the absence of a substantive community need argument it would be inappropriate for the Commission to consider excluding land with prime agricultural capability from the ALR.

### **Conclusions**

1. The land under application has agricultural capability and is appropriately designated as ALR.
2. The land under application is suitable for agricultural use.
3. A convincing community need argument has not been made that would justify the Commission considering the exclusion of prime agricultural land from the ALR.
4. The proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

### **IT WAS**

**MOVED BY:** Commissioner Karlsen  
**SECONDED BY:** Commissioner Tomlinson

THAT the application be refused as submitted.

**CARRIED**  
**RESOLUTION #431/2006**



**Agricultural Land Commission**  
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February 6, 2007

Terry Crowe, Manager  
Policy Planning Department  
City of Richmond  
6911 No. 3 Road  
Richmond, BC V6Y 2C1

Dear Mr. Crowe:

**Subject: City Centre Area Plan Update Study**  
**Our File Ref: O-37079**

The Commission would like to thank you and your staff for meeting with Commission staff on November 23<sup>rd</sup> to provide an update on the City Centre Area Plan Update process.

We offer the following general comments on City Centre Area Plan Update Study for your consideration. Please note that these comments reflect the opinions of staff and should not be construed as a formal position of the Agricultural Land Commission.

#### **Overall Direction and Regional Context**

The 2021 population target of 62,000 and the ultimate build-out target of 120,000 appear to be reasonable given the background information that has been provided. Commission staff supports the concept of increasing density within existing urban areas and the development of complete communities that will minimize pressure on the Agricultural Land Reserve.

However, unconditional support of the City Centre growth targets is premature pending the outcome of the update of the Liveable Region Strategic Plan. The Commission would advocate for the allocation of growth within the Greater Vancouver region which is most supportive of its mandate to preserve agricultural land and to encourage farm businesses.

#### **Community Need**

We note that the Garden City lands comprise part of the proposed Alexandra – Kwantlen - Garden City bus link village and are intended to provide a portion of the overall parkland planned for the City Centre area.

.../2

As you are aware, the application to exclude the Garden City lands was refused on the basis that a convincing case had not been made to demonstrate a community need. Within the context of the information provided with the City Centre Plan Update Study, there still does not appear to be a compelling argument to alienate the Garden City lands from potential agricultural use on the basis of a claimed community need.

Additional information would assist us to understand the phasing and timing of the development of Canada Line and bus link villages, the anticipated community impact if the Alexandra – Kwantlen – Garden City bus link village is delayed or does not proceed, and the impact on agriculture.

For your information, Appendix A attached to this letter lists information the Commission requires local governments to provide for proposals to designate lands on the basis of a claimed community need. Please note that the provision of all or part of this information should not be interpreted as Commission approval of a land use designation or zone or as fettering the Commission's discretion in any way.

Please note that any by-law proposing to designate lands within the ALR must be consistent with the *Agricultural Land Commission Act*, the Agricultural Land Reserve Use, Subdivision and Procedure Regulation and any order of the Commission or it will be of no force or effect to the extent that it is inconsistent.

Again, thank you for the opportunity to comment. If you have any questions, please contact Tony Pellett, Planner, at 604 660 7019.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:



Erik Karlsen, Chair

BU/eg

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## **Appendix A: Community Need Information Requirements**

### **Rationale for the Proposed Use**

- i. A statement clearly identifying the need for the proposed use and expected public benefits that will result or public values that will be preserved by the proposal;
- ii. An assessment of the impact or risk to the community if the proposal does not proceed or is delayed; and
- iii. A description of the alternative means of addressing the community need that were considered and why the proposal was selected as the preferred option.

### **Analysis of the Proposed Use**

The analysis should demonstrate that there are no reasonable alternatives to the use of lands within the ALR to satisfy the community need including, if appropriate:

- i. Evidence that the community has undertaken reasonable and substantive efforts to minimize the impact of urban land uses on agriculture, including how the community has met current infill, redevelopment and density targets in the Official Community Plan and other relevant planning documents and by-laws, if any;
- ii. A vacant land/lot inventory of non-ALR lands within the existing designated urban area, noting any constraints that would preclude their use to address the community need;
- iii. If the use is to satisfy a community need that is regional in nature or which may serve a regional market, an assessment of alternative sites within the region noting any constraints that would preclude their use to address the community need;
- iv. Demonstration of how the proposed use is necessary to the development of a compact community;
- v. Population and employment projections, noting the methodology and assumptions used;
- vi. Projected land requirements at various target densities and accounting for infill, redevelopment and densification;
- vii. Past and projected take-up/absorption rates for designated lands or subdivisions; and
- viii. An assessment of how the proposal conforms to the Regional Growth Strategy, if any.

### **Assessment of agricultural impact**

- i. An assessment by a qualified agrologist of the agricultural potential of the proposed site and alternative sites within the ALR, including an assessment of the potential impact of the proposed use on the present and future agricultural potential of surrounding agricultural lands and the avoidance, mitigation or management of those impacts; and
- ii. An assessment of potential benefits to agriculture that will result from the proposal, application or related initiatives.

## **Community Need and Benefits**

This section outlines the extensive and compelling need to exclude the Garden City Lands from the Agricultural Land Reserve and the tremendous community benefits that will result there from. It is organized into four sections starting with a definition of the terms “community need” and “community benefit” to distinguish them from the narrower concept of private benefits. The next three sections proceed with a discussion of the magnitude of community benefits under the three categories of “community”. The three communities are Richmond, the Musqueam People and the broader benefits to our Province and Country as a whole.

### **1. What are Community Needs and Benefits?**

Demand and Need are not the same. Demand is an economic term. It represents the amount of a good or service that will be consumed at a given price. The higher the demand, the more people will consume at that price. Meeting demand benefits the consumer and the supplier of the good or service.

Need is always a subset of demand. In order for there to be a need, there must first be some demand. But, for something in demand to also be a community need, there must be something more. That something more is a spinoff benefit to the entire community, not just the person who consumes the good or service. In fact, a public good can be defined as indirect benefit to all (from which they cannot escape). Examples of public goods include improvements to air quality or population health, reduction in antisocial behaviour like crime, increased community spirit, and increased public safety. In fact, as taxpayers, we pay for public goods not on the basis of any direct benefit we derive from those services, but rather on the basis of the indirect benefit that everyone derives from them.

So, the private sector is demand driven; it focuses on direct benefits to users of a good or service. The public sector is needs driven. It focuses on indirect benefits to all that go far beyond any direct benefits to consumers of a good or service.

While there has been lots of demand expressed for non-agricultural use of the Garden City site, demand by itself would not trigger its exclusion from the ALR. There must be need to exclude the site based on demonstrated public good – that is, indirect benefits to all. It must be in the interests of all citizens to use this site for non-agricultural uses, not just those that would use it and benefit directly from it.

This application focuses on need for non-agricultural uses of the site. It will show that there is substantial indirect benefit to the entire community (or communities) derived from making use of this critical site for non-agricultural uses.

## **2. Benefits to Richmond**

This section begins with some background and then illustrates the community benefits to the Richmond community.

### **2.1 Growth in Richmond**

As is the case for the whole Metro Vancouver region, the City of Richmond is experiencing accelerated growth. In Richmond's case, the growth is being fuelled by a number of factors, including:

- the attraction of the City as an excellent place to live, work and play (current population in City Centre has already exceeded the projection of the 2021 Official Community Plan of 42,000)
- The Canada Line extension from downtown Vancouver to the airport and to the centre of downtown Richmond.
- the Olympic Speed Skating Oval for the 2010 Winter Olympic Games which is being constructed at the western edge of City Centre and will become a centre for excellence for sport and wellness.

In the next 24 years, the population will double to over 80,000 people with a further 40,000 expected in the longer term.

In order to manage this growth in a responsible and sustainable manner, the City of Richmond has embarked on a comprehensive planning process, the City Centre Area Plan (CCAP), to guide the transformation of City Centre from a low-density, suburban residential, commercial and light industrial district to a much more sustainable, vibrant urban core with a complete balance of housing, jobs, culture and amenities.

Richmond cannot shirk its responsibilities to accommodate its share of regional growth. Its only option is to manage it as responsibly and sustainably as possible.

### **2.2 Richmond's Response to Growth**

The need to increase density in order to reduce urban sprawl and improve sustainability in urban centres has long been embraced in the region and has met with a certain degree of success. Part of that success can be attributed to the existence of the ALR which has acted as an urban containment boundary. With 40% of Richmond's land base designated as ALR, it is clear that the low density sprawl is not an option, a fact recognized in the CCAP.

In addition, the growing recognition of the value of local agricultural production further reinforces the need to address urban growth through densification to reduce the pressure on agricultural land now and in the future. The challenge for the City of Richmond is to protect agricultural viability within its boundaries and at the same time accommodate growth in a manner that will allow the City to achieve its vision of becoming the "most appealing, liveable, and well-managed community in Canada".

### **2.3 Need for City Centre Open Space**

If the City Centre is to become a sustainable, vibrant, urban core, it will have to address the multiple needs of residents and workers now and in the future. The need for housing and jobs is self-evident but building a complete community also means including those aspects of urban life that will address a range of social and physical needs, especially in the context of increasing density. The open space needs identified for City Centre in the CCAP are as follows:

- Community wellness and individual health outcomes are dependent on equitable access to public open space.
- An additional 201 acres of open space will be required to accommodate long term growth in City Centre, 50% of which must be dedicated to large parks in order to provide for the diversity of community needs.
- The base level of open space must be publicly owned to secure adequate open space for future generations.

The City has established a minimum standard of 3.25/1000 of public open space within the City Centre which translates to a need for 390 acres. This reduced standard reflects a more efficient approach to land use and more intensive use of open space in high density areas, but it still means adding 201 acres over and above what is currently available and this will be a tremendous challenge. Without the approximately 65 acres of planned public open space on the Garden City Lands it will be almost impossible to meet this need.

The Musqueam/Richmond/CLC MOU outlines a final result for the Garden City Lands site whereby approximately 65 acres are earmarked to help in meeting the needs for public open space within the overall City Centre Area. It also provides for up to an additional 5% of the developable portion of the site to be dedicated as neighbourhood open spaces in keeping with the City's normal development approvals for major redevelopment projects.

The approximately 65 acres of public open space made possible as part of Garden City Lands development will be a very important part of assembling the shortfall of 201 acres required in Richmond's City Centre. It transforms an impossible task to one that is merely very difficult. Without it, the CCAP will be put in jeopardy.

### **2.4 The Value of Garden City Lands to the City**

The role the Garden City Lands could play in meeting public open space needs in City Centre is significant.

### **1. Location**

- a major open space on the east side of City Centre would serve the needs of the surrounding residential and mixed use neighbourhoods within a reasonable distance (800 metres).
- the proximity to the ALR provides the context for the creation of a unique landscape that contains not only public amenity but a setting to raise awareness of that proximity and the importance of the ALR.

### **2. Size**

- 65 acres represents 32% of the total new open space required in City Centre and so is an unmatched opportunity.
- the value of a large open space is in the opportunity it provides to balance social, recreational, and environmental objectives.

### **3. Relationship to the City Centre Open Space System**

- The addition of a large open space at the Garden City Lands balances the distribution of major open spaces in City Centre including Minoru Park and two waterfront parks on the Middle Arm.
- The Garden City Lands are at the terminus of a linear park and major greenway proposed for Lansdowne Rd., connecting to the Olympic Oval and the waterfront, creating a strong relationship with City Centre as a whole.
- If Garden City Lands are not available to augment the public open space needs of the City Centre, the City will have to find another location. Given the cost of land in City Centre now, the City would be forced to look beyond the core to the fringes of suburban or industrial zones to meet those needs, an option which does nothing to promote sustainability and the concept of compact, complete communities.

## **2.5 Garden City Lands – A Showcase for Sustainability in Richmond**

The potential community value of approximately 65 acres of open space at the Garden City Lands is enormous. The future of the Garden City Lands has been broadly discussed in the community and City dialogue with a range of community interests has revealed multiple visions for the land. The City of Richmond's responsibility will be to balance those visions, identify those most appropriate to that location, and fit in as many as possible.

### **1. Urban Agriculture**

The need for urban agriculture is demonstrated by the demand for community gardens in Richmond. The City has constructed community gardens in four locations across the city and maintains lengthy waitlists for garden plots. Recently, the Richmond Food Security Task Force produced a report that noted only one community garden is accessible by public transit and none are located within close proximity to residential areas. The report envisioned a "Sustainable Food Systems Centre" at the Garden City Lands for the promotion of sustainable agriculture.

A model for meeting the need for urban agriculture exists at Terra Nova Rural Park where the City has partnered with community organizations provide innovative agriculture initiatives. The Sharing Farm grows fresh produce for the Richmond Food Bank on 2.5 acres at the park while the Terra Nova Schoolyard project has involved children from five elementary schools in educational experiences, growing and cooking produce. Both of these programs have been tremendously popular with the community and have received national and international awards. These programs are successful at Terra Nova Rural Park because of its large size, 65 acres, and it's proximity to residential areas.

The size of the Garden City Lands and the location at the urban/agricultural interface presents a tremendous opportunity to build on the success at Terra Nova and engage the community in awareness building and active programming related to agriculture and food security.

**2. Environmental Showcase**

One of the pillars of the City Centre Area Plan is to “Build Green” and the Garden City Lands could play a significant role in advancing that objective. To build green is to both mitigate the impacts of urban development and to integrate environmental resources into urban areas. While substantive measures will be integrated throughout City Centre, the size and location of the Garden City Lands present a unique opportunity to greatly improve the environmental performance of the city and to develop and environmental showcase that is a functioning ecosystem and an educational facility.

**3. Sports Tournament Centre**

A sports tournament centre has been the focus of a broad range of community sport organizations for decades. The sport tournament centre is envisioned to provide increased capacity for community sport use, field sport tournaments and high performance spectator events. The following is a breakdown of the population of community residents that would be served:

<b>Population Served</b>	10,000 field sport participants, 2,500 volunteers and an estimated 17,500 spectators and supporters (parents, family and friends) from 29 community sport organizations in Richmond. Roughly 18% of Richmond's population.
<b>Space required</b>	Maximum 27.5 acres
<b>Description of current/future use &amp; user groups</b>	Field users include participants from 5 years old to 60 years old. Participation in field sport is expected to increase by 20% by 2010. Majority of the use of these facilities will be by community residents except when tournaments involving out-of town teams are held.

The Garden City Lands represent a unique opportunity to provide a broad range of public amenity integrated with significant urban agricultural and environmental features. While it will not be sufficient to meet the needs and deliver all the community benefits, without it, there will be no possibility of meeting any of them.

### **3. Benefits to the Musqueam People**

This section outlines the community need and benefit with respect to the Musqueam People. It begins with some background and then lists the kinds of needs the site could meet both at the Garden City Lands site itself, and within the Musqueam Band lands in Vancouver.

#### **3.1 Background on The Musqueam People**

The Musqueam people have used the Greater Vancouver area in which the Garden City Lands are located for thousands of years. Since the establishment of the colony of British Columbia 150 years ago, the land base to which they have had access has been restricted to a small band reserve in south Vancouver. Within this small reserve which is one of the smallest in Canada on a per capita basis, there are now 520 band members who live a marginalized existence within one of Canada's most affluent urban centres. Another 600 or so members are forced to live off reserve due to the lack of space there to house them. While the standard of living consistently grows around them, opportunities for band members remain restricted. Their stake in the Garden City Lands is now one of the very few assets available to them that they can use to turn their fortunes around in the short term. The future of an entire generation of band members now rests in part, on the significant benefits that can be derived from this asset.

Table One (Source: 2001 Canada Census data) compares some characteristics of the Musqueam people with BC averages. It shows the long road they must travel to realize equity with other citizens of our province.

**Table One  
Comparing the Musqueam People to the BC Averages**

Characteristic	The Musqueam	BC Average
Percent of 15-19 year olds attending school full or part time	61	75
Percent of 20-24 year olds attending school full or part time	38	50

In short, the Musqueam people are in desperate need of education and training, jobs, social services, community amenities and infrastructure and the funds to provide all the above. Local band statistics also show there is a desperate need for local housing, reinvestment in the local community hall, local sports fields and facilities.



There will be two kinds of benefits to the Musqueam people. The first set is comprised of the benefits from development and use of the site. The second set results from the use of site development proceeds to meet other needs of the Musqueam people in their Vancouver community.

### **3.2 On Site Benefits**

When the Garden City lands are developed according to the MOU negotiated and signed by the Musqueam people, the city of Richmond and Canada Lands Company on behalf of the Government of Canada, there will be several benefits to the Musqueam people on the site.

**Skill development** – As the site develops, there will be many opportunities for Musqueam people to learn skills in land development and construction. These skills include land development processes, trades skills, sales and marketing. Training programs, mentoring systems, and apprenticing protocols will create opportunities for Musqueam people to learn much needed skills and better prepare them for full time jobs. This project represents one of the most important opportunities for on the job training that the Musqueam people have in terms of the number and diversity of training possibilities.

**Jobs**– During development and after development there will be many employment opportunities for Musqueam people who already have skills or who will receive training on site. Jobs will be available during site development and more jobs will be available once development is complete. Jobs will be available for people with trades, management and sales skills during site development and more jobs for a wide variety of private, not for profit and public employers active on the site after it is developed. This project represents one of the most important opportunities for employment the Musqueam Band has for its people in the next decade in terms of the number and diversity of job opportunities.

**Business opportunities** – During and after site development there will be many opportunities for existing and new Musqueam businesses. Musqueam people will have opportunities to set up businesses in the integrated commercial and office development on the developed site.

**Cultural Interpretation** – The site represents tremendous potential for educating British Columbians, other Canadians and tourists from other countries about the Musqueam heritage, tradition, art and culture. Interpretive potential abounds on the site. Interpretive programs may be created and operated by Musqueam people and these benefits are covered in the previous three points. But there are additional benefits to this First Nation as others learn more about them and understand them more completely.

### **3.3 Off Site Benefits**

When the site is excluded from the ALR and developed as proposed, there will be many benefits to the Musqueam people that will not otherwise occur. Proceeds from site development will be invested within their community to help it to become more

independent of government support and more sustainable. Project proceeds will be used for a wide range of community investments including;

- Meeting housing needs on the Musqueam Band lands in Vancouver. There are currently 237 band members on the Band's Housing Priority List with little chance of progress to meet these needs. Members on the list have little hope of being able to move into a home unless significantly more resources can be secured to provide new housing.
- Developing community amenities on band lands in Vancouver (e.g. community hall replacement, sports field needed). The existing infrastructure is not sustainable (e.g. community hall badly needs to be replaced) and is not sufficient to meet current needs (e.g. there is desperate need for a new sports field). Investments in existing and badly needed new infrastructure will not be possible unless additional resources can be identified. Proceeds from the Garden City Lands development represent the only short term source of those funds.
- Creating partnerships with local businesses to develop internship opportunities for training young band members
- Home care for the elderly and child care for the community's young people
- Programs and services for youth at risk so they can become productive citizens and contributing band members
- Family support services and counselling on substance abuse.

The need is great. The future of the band, its culture and an entire generation of children are at stake.

#### **4. Benefits to the Province and the Country**

There are also some needs which have implications to the region, the province and the country.

##### **4.1 The Benefits of Urban Agriculture**

Commercial agriculture in urban areas raises a number of issues and challenges:

- It is not publicly accessible. Public access is actively discouraged and in cases where public use abuts commercial agriculture, there is conflict and an economic impact to agricultural interests and the community alike.
- Commercial agriculture is similar to industrial enterprise in its use of heavy equipment and emissions of substances that have a negative impact on quality of life for urban residents. Ideally, a buffer of non-residential uses should exist between agricultural and urban uses.
- Increased density in the urban core will increase traffic on the major arteries surrounding the Garden City Lands creating difficulties for movement of goods and equipment.

The benefits of local agricultural production at the Garden City Lands is significantly reduced by the close proximity to a growing regional town centre. As more people and businesses locate in City Centre, the challenges will increase.

#### **4.2 The Benefits of a Negotiated Agreement**

The City of Richmond, representing the residents of Richmond, together with Canada Lands Company, current title holder of the site, representing the interests of Canadians, and the Muequeam Band, representing the aboriginal interests of the site's first users, have negotiated a Memorandum of Understanding (and MOU) that balances all these rights and interests and maximizes benefits and public goods that can be realized on the site for all parties.

When site development proceeds, there will be benefits to the CLC and, through it, to all residents of BC and the rest of Canada. These economic benefits will find their way back to the Government of Canada, and it will invest the proceeds on behalf of Canadians in national services, improved national infrastructure and debt reduction.

It should also be noted that there is intrinsic benefit to the multiparty process of negotiating an MOU in which everyone benefits. The MOU itself can act as a template for realizing public goods at all levels that should be celebrated and leveraged, not prevented by the Agricultural Land Commission.

The alternatives to a negotiated agreement such as the one which governs the Garden City Lands will create so much "public bad" and will have such lasting negative effects on all three parties that it must be considered in any common sense assessment of the future of this site. As Chief Ernie Campbell said in his open letter to the Richmond media on June 5<sup>th</sup>, 2007

*"As people who have lived sustainably on our traditional territory for some thousands of years, the Musqueam have considerable knowledge and ample common sense as to what is or what isn't sustainable. For centuries, the Musqueam lived sustainably throughout our traditional territory, which extended over what is now Greater Vancouver, using the resources the land provided for fishing, hunting, trapping and gathering as well as for growing food in order to maintain our livelihood. We were forced by the Crown off much of our traditional territory, only to live on a very small portion of it – the Musqueam Indian Reserve in Vancouver, which, on a per capita basis, is one of the smallest reserves in the country, resulting in hardship and poverty. But let it be clear – we have never relinquished our rights to the Garden City lands, or any of our territory, which for generation after generation, gave our people sustenance. Courts, including the Supreme Court of Canada, have consistently recognized our Aboriginal Rights and provided protection. The Federal Court granted us an injunction to prevent the transfer of the Garden City lands without our consent.*

*Following this litigation, the Crown accepted the rightful place of the Musqueam as a partner in helping to determine an appropriate future for the Garden City Lands. Together with the City of Richmond, the Federal Government and Canada Lands, we reached a precedent-setting agreement. That agreement will bring substantial economic benefits to our community while at the same time creating nearly 70 acres of new parkland and public amenities right in the heart of downtown Richmond, something the residents and civic leaders have long sought after.*

*By reaching agreement on the Garden City Lands, the Musqueam, the Government of Canada and the City of Richmond helped taxpayers avoid further needless and costly litigation.”*

*“Is it really in the best interests of taxpayers to tear up a negotiated agreement and return to court? Courts have consistently urged the federal and provincial governments and first nations to seek reconciliation, to end litigation and to negotiate – in other words, to do precisely what has already been achieved in the case of these lands. Tearing up the agreement will have serious impacts on the reconciliation of Aboriginal and non-Aboriginal Canadians.”*

## **5. Summary**

The intent of the MOU for the Garden City Lands is to balance all the interests and maximize all the public benefits to all interested parties. Surely that is consistent with provincial policy and supports the broader agenda of the provincial government as it applies to all of its agencies and crown corporations. Allowing it to proceed must be a better alternative than causing it to terminate and triggering acrimonious and adversarial processes to determine how this site will be used.

**Draft – Jan. 18, 2008**

**Application to Agricultural Land Commission to remove the Garden City Lands  
from the ALR on the basis of community needs –**

**Submission of the Musqueam Indian Band regarding public benefit and public  
values of implementing the Agreement reached on the future of the Lands  
Between the Band, the Federal Government, the City of Richmond and  
Canada Lands Company**

**Introduction**

This Submission is made by the Musqueam Indian Band in support of the application made by the City of Richmond to remove the Garden City Lands from the Agricultural Land Reserve on the grounds of community needs. It forms part of the overall submission made for removal on those grounds and should be read in the context of the other parts of the submission.

The Information Requirements for removal on the grounds of Community Need requires, among other things, a statement of the expected public benefits that will result or public value that will be preserved by the proposal together with an assessment of the impact or risk to the community if the proposal does not proceed or is delayed.

This Submission deals with the public benefit and public value in removing the Lands from the ALR and thereby implementing a key provision of the Memorandum of Understanding dated March 18, 2005 among the Band, the Federal Government, the City of Richmond and Canada Lands Company (the "Agreement"). It also considers the impact or risk to the community if the Agreement is not implemented. It first considers the direction given by the Supreme Court of Canada to governments and first nations to resolve Aboriginal rights and title issues by a negotiated settlement rather than litigation and thereby reconcile the interests of Aboriginal Canadians with those of other Canadians. It then discusses consultation and accommodation as a method of reconciliation; the public benefit and values reflected in resolving disputes by negotiation and not litigation; the connection of Musqueam with the Lands and the historic importance of the Agreement and concludes by considering the public benefit of implementing the Agreement and the impact and risk to the community of not doing so.

**The Importance of Reconciliation**

The importance of reconciliation, both inside and outside the treaty process is the key concept of modern Aboriginal law as repeatedly stressed by the Supreme Court of Canada in its judgments:

In *Haida Nation* [2004] 3 S.C.R. 511, Chief Justice McLachlin writing for the entire Court said at paragraph 32:

"The jurisprudence of this Court supports the view that the duty to consult and accommodate is part of a process of fair dealing and reconciliation that begins with the assertion of sovereignty and continues beyond formal claims resolution. Reconciliation is not a final legal remedy in the usual sense. Rather, it is a process flowing from rights guaranteed by s. 35(1) of the Constitution Act, 1982. This process of reconciliation flows from the Crown's duty of honourable dealing toward Aboriginal peoples, which arises in turn from the Crown's assertion of sovereignty over an Aboriginal people and de facto control of land and resources that were formerly in the control of that people."

The central role played by reconciliation as the fundamental objective of the modern law of aboriginal and treaty rights was emphasized by Justice Binnie, writing for the Supreme Court of Canada in *Mikisew Cree* [2005] 3 S.C.R. 388, paragraph 1,

"The fundamental objective of the modern law of aboriginal and treaty rights is the reconciliation of aboriginal peoples and non-aboriginal peoples and their respective claims, interests and ambitions. The management of these relationships takes place in the shadow of a long history of grievances and misunderstanding."

The negotiations that led to the Agreement are exactly what the Court has been urging the parties to do. The alternative is costly and adversarial litigation that, far from bringing reconciliation, merely perpetuates the history of grievances and misunderstanding that Justice Binnie referred to.

#### Consultation and Accommodation

As indicated in the above judgment of the Supreme Court of Canada in the *Haida* case, consultation and accommodation is a part of "the process of fair dealing and reconciliation." It was a decision involving the Musqueam that first established the duty to consult on the part of governments. In the *Guerin* case [1984] 2 S.C.R. 335, the Supreme Court of Canada held that the Federal Government was in breach of its obligation to the Band in failing to adequately consult with the Band over a proposed lease to the Shaughnessy Golf Club. The Supreme Court of Canada repeated this requirement to consult in another case involving the Musqueam – the *Sparrow* decision [1990] 1 S.C.R. 1075 that dealt with restrictions on the Band's Aboriginal right to fish.

In many other cases, the Supreme Court of Canada and other courts have urged the parties to resolve questions of Aboriginal rights and title through the process of negotiation rather than litigation. It is clearly in the public benefit to do so and resolution of disputes by negotiation and agreement rather than litigation represents an important public value. A failure to implement a negotiated settlement will have significant and adverse impacts on the community and pose a risk to the future of all British Columbians.

## Public Benefits and Values

It is clearly in the public interest that disputes and uncertainty regarding title to land in the Province of British Columbia be resolved by agreement rather than costly, prolonged and adversarial litigation. Following the *Haida* decision in 2004, the Provincial Government agreed to an Accord with the Leadership Council for First Nations in the Province that confirms the commitment of the parties “to establish processes and institutions for shared decision-making about the land and resources for revenue and benefit-sharing” and to “establish effective procedures for consultation and accommodation.”

In the submission of Musqueam, the Agricultural Land Commission should take into account the New Relationship Accord between the Province and the Aboriginal peoples in determining the public benefits that will result from upholding the Agreement rather than continued litigation over the future of the Garden City Lands and the public values that will be preserved by resolving questions of Aboriginal rights and title by agreement rather than litigation. The Commission should also take into account the impact and risk to the community of not implementing the Agreement and forcing the parties to return to further litigation. The New Relationship Accord is available at:  
[http://www.gov.bc.ca/arr/newrelationship/down/new\\_relationship.pdf](http://www.gov.bc.ca/arr/newrelationship/down/new_relationship.pdf)

## Musqueam and the Garden City Lands

For centuries, the Musqueam lived sustainably throughout our traditional territory, which extended over what is now Greater Vancouver, using the resources the land provided for fishing, hunting, trapping and gathering as well as for growing food in order to maintain our livelihood. We were forced by the Crown off much of our traditional territory, only to live on a very small portion of it – the Musqueam Indian Reserve in Vancouver, which, on a per capita basis, is one of the smallest reserves in the country resulting in hardship and poverty. But we have never relinquished our rights to the Garden City lands, or any of our territory, which for generation after generation, gave our people sustenance. Courts, including the Supreme Court of Canada, have consistently recognized our Aboriginal rights and provided protection. The decision of the Federal Government to transfer the Garden City Lands to the City of Richmond without our consent forced us to again go to court for protection. The Federal Court granted us an injunction to prevent the transfer of the Lands without our consent to allow a negotiated settlement to be reached.

Following this litigation, the Crown accepted the rightful place of the Musqueam as a partner in helping to determine an appropriate future for the Garden City Lands. Together with the City of Richmond, the Federal Government and Canada Lands Company, we reached a precedent-setting agreement.

### Historic Importance of the Garden City Agreement

The Garden City Agreement signed in March 2005 was the first major agreement reached between a first nation and government following the important decision of the Supreme Court of Canada in the November 2004 *Haida* case that, as noted above, urged the parties to reach such agreements.

The historic importance of the Garden City Agreement was recognized by all the parties to it. In a News Release (available on-line at [http://www-comm.pac.dfo-mpo.gc.ca/pages/release/p-releas/2005/nr016\\_e.htm](http://www-comm.pac.dfo-mpo.gc.ca/pages/release/p-releas/2005/nr016_e.htm)), the then Federal Minister is quoted as saying, "This is an historic agreement in that the federal government made a deliberate decision to seek to resolve the issues relating to the future of the Garden City property through a mediated, non-confrontational approach that meets the needs of all parties, rather than through continued litigation." Mayor Brodie of the City of Richmond referred to it as "a win-win situation for all the stakeholders and the entire community." On behalf of the Band, Chief Campbell referred to the settlement "as a historic achievement which delivers major economic benefit to the Musqueam community. Most importantly, we have been recognized as an equal participant in the major land issues within our traditional territory." Finally, in his Message in the 2005 annual report (available on-line at <http://www.clc.ca/en/pdf/CLC2005.pdf>), the President of the Canada Lands Company said, "The company played a role in resolving the 25-year impasse between Fisheries and Oceans Canada and the Musqueam First Nation regarding the 137 acre (55.4 hectare) former Garden City transmitter property in Richmond, B.C. This historic agreement has resulted in a CLC-Musqueam joint venture that opens up possibilities for further projects in British Columbia."

The Agreement has enormous implications for the way in which Aboriginal issues will be resolved throughout the Province where so much of the land is subject to unresolved claims of Aboriginal rights and title. Those issues can be resolved through litigation that is expensive, prolonged and confrontational or, as the courts have urged and the Province and the first nations have agreed, through negotiation, whether as part of the treaty process or outside that process as in the case of the Agreement. The fate of the Garden City Agreement has significance for first nations, the Province and municipalities throughout the Province.

### The Public Benefit of Implementing the Garden City Agreement

The Garden City Agreement will bring substantial economic benefits to our community while at the same time creating nearly many acres of new parkland and public amenities



in the heart of downtown Richmond, something the residents and civic leaders have long sought after.

By reaching agreement on the Garden City Lands, the Musqueam, the Government of Canada and the City of Richmond helped taxpayers avoid further needless and costly litigation. If our Agreement is allowed to be implemented, it would create tremendous benefits for the taxpayers of Richmond in the form of new tax revenues and much-needed community amenities, all forms of public benefit that the Commission should take into account. The Musqueam have negotiated in good faith to make this a win-win for all. Should the opponents of the Agreement be successful, taxpayers would likely find themselves in a lose-lose position. They would no longer obtain the benefits under the Agreement and the court will likely uphold our Aboriginal rights and title to the Lands and exclude any provincial or municipal say in their future in accordance with the decision of the Supreme Court of Canada in the *Delgamuukw* case [1997] 3 S.C.R 1010.

Can it really be in the public interest to reject a negotiated agreement and return to court? As noted above, courts have consistently urged the federal and provincial governments and first nations to seek reconciliation, to end litigation and to negotiate – in other words, to do precisely what has already been achieved in the case of these Lands. Failure to implement a key condition of the Agreement – the removal of the Lands from the ALR - will have serious impacts on the reconciliation of Aboriginal and non-Aboriginal Canadians. We urge the Commission to consider the implications of failing to implement the Agreement for all Canadians. As the Supreme Court of Canada has said, we are all here to stay. Certainly, the Musqueam have no other home. We must protect our constitutionally protected interest in our lands and, if we have to return to court to do so, we shall.

Musqueam has repeatedly and successfully demonstrated that we are prepared to take the necessary action, up to and including the Supreme Court of Canada, to protect our legal rights as recognized by the Canadian Constitution. However, we have also shown in the Garden City Agreement and in our recently announced Reconciliation Agreement with the Province that our strong preference is to negotiate a resolution without costly and divisive litigation. The Musqueam community wants a full and fair opportunity to realize our potential and enjoy the economic and social benefits that the majority of the non-Aboriginal society take for granted. A failure to implement the Agreement reached on the Garden City Lands would have serious negative impacts on our community. We are part of the public and, in any consideration of the public benefit, our interests should be taken into account. Our interest in seeing the negotiated resolution of our Aboriginal rights and title is also in the wider public interest as demonstrated by the judgments of the courts and the New Relationship policy of the Provincial Government.

#### Impact and Risks to the Community

The fate of the Agreement has enormous implications and risks to the community including all Aboriginal peoples and other citizens of the Province. It will likely be a

major precedent for the way in which Aboriginal issues will be resolved throughout the Province where so much of the land is subject to unresolved claims of Aboriginal rights and title. Those issues can be resolved through litigation that is expensive, prolonged and confrontational or, as the courts have urged and the Province and the first nations have agreed, through negotiation. The Garden City Agreement was an agreement reached after determined efforts by the parties involved to reach consensus. This required compromise and accommodation of the interests of all the parties. Failure to implement the Agreement could lead to a rejection of negotiated settlements and a return to the courts where one party will likely emerge as the winner and the others will end up as the loser. In this case, the City of Richmond has no legal claim to the Lands and, in the absence of a negotiated agreement, its legal interest in the Lands will cease to exist.

There are approximately 1,108 properties in Richmond and outside the ALR that BCAA identifies as vacant (**Figure 1**).

The following criteria were used to evaluate the vacant lots:

- Size
- Current Parkland
- Inside Shoreline
- Environmentally-Sensitive Areas Designation
- Current Use
- Ownership or Control
- Committed Future Use

### **Size**

Most are small. There are 52 separate individual or contiguous lots with an individual or combined size of 10 acres (4 ha) or more. While at least 20 acres (8.1 ha) of contiguous space are desired, all 52 areas were examined to be more generous in considering options.

### **Current Parkland**

Some of these areas are already identified or used for parks.

After eliminating the areas less than 10 acres (4 ha) or already identified or used as parks, there are 42 lots or continuous aggregations of lots in 15 different regions of the city, as shown in **Figure 2** and **Table 1**.

The same areas with designated Environmentally Sensitive Areas (ESA) and water/intertidal areas overlain are shown in **Figure 3**.

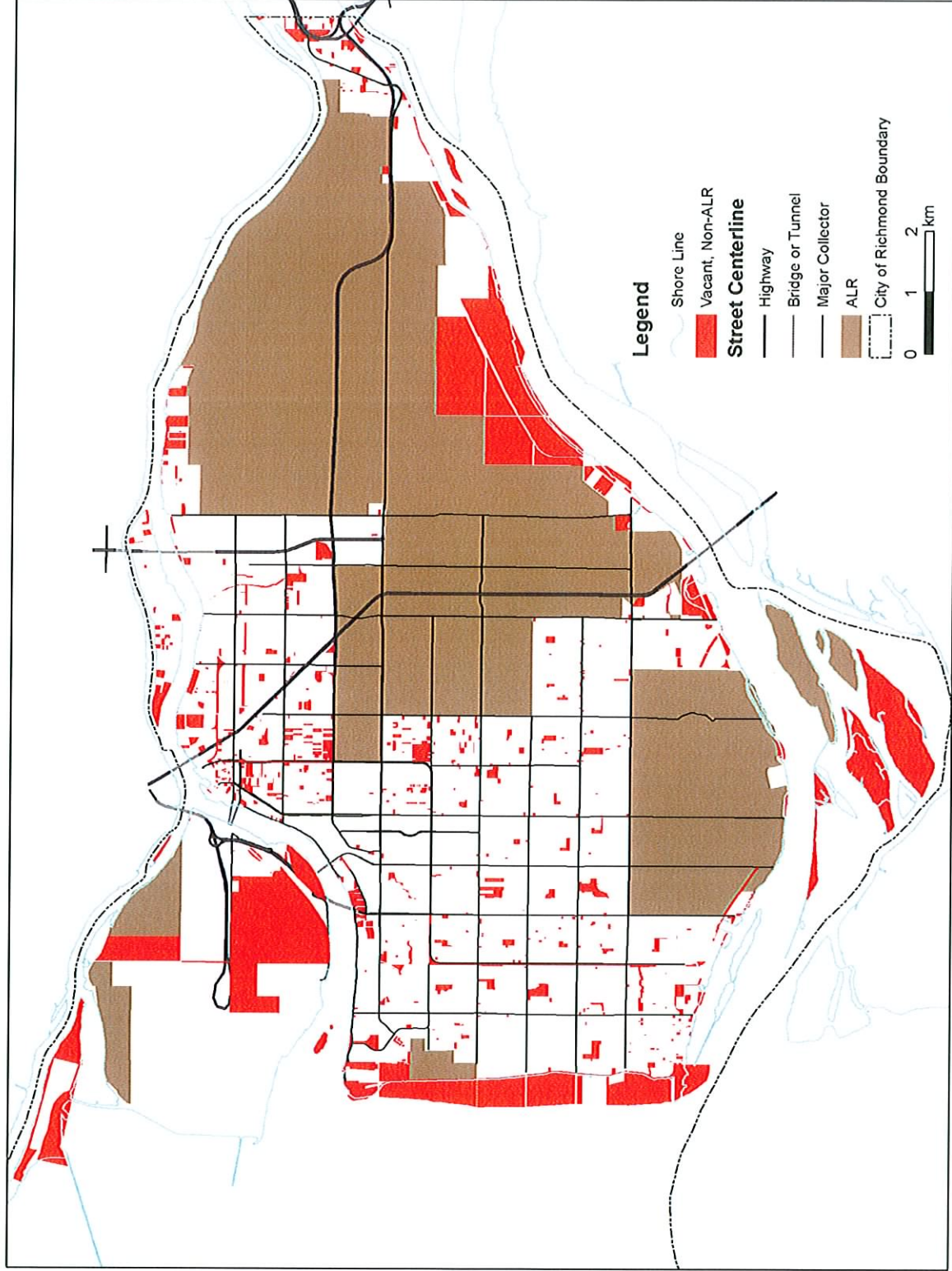


Figure 1 Vacant, Non-ALR

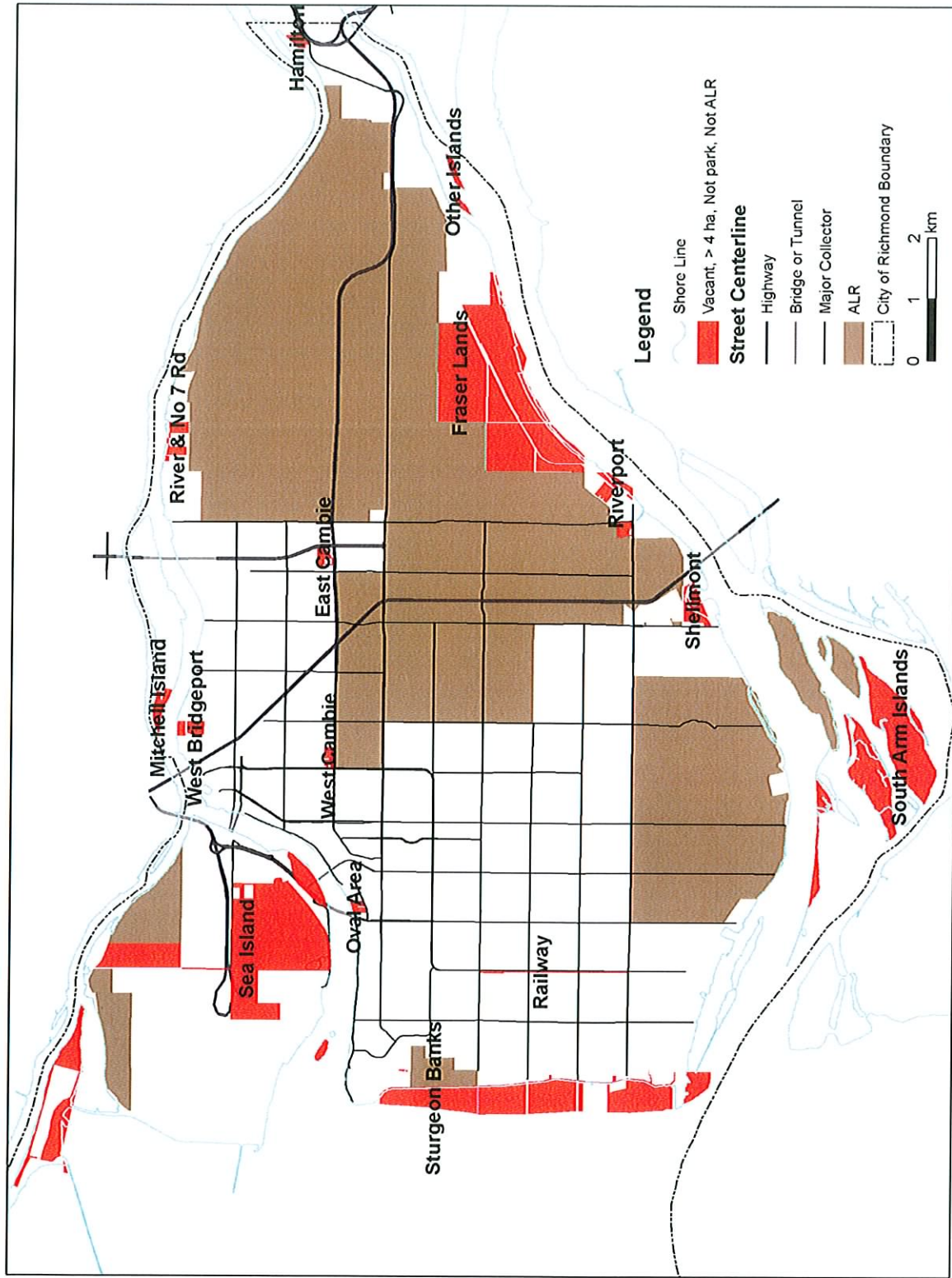


Figure 2 Vacant, Non-ALR, > 4 ha and not already identified as park

**Table 1  
Regions of Richmond with Vacant Land, Outside the ALR, Greater than 4 Ha and Not Already Identified as Park Space**

Property Cluster Location	Combined Area (Ha)	Zoning	Designated ESA and/or Conservation	Outside Normal Shoreline	Current Use	Ownership, Future Use & Other Constraints	Suitable?
Sea Island	389	AIR, SPU	PARTIALLY	PARTIALLY	Airport & Conservation Areas	Controlled by Airport Authority, Distance from population centres	NO
Sturgeon Bank	211	AG1	YES	YES	Agriculture & Conservation Areas	Limited Access	NO
South Arm Islands	217	AG1	YES	PARTIALLY	Wetlands	Inaccessible	NO
Other Islands (Swishwash, Don, Lion)	17	SPU	YES	NO	Conservation	Inaccessible	NO
Oval Area	4	CD/157	NO	NO			NO
Fraser Lands	228	I1, AG1	PARTIALLY	PARTIALLY	Industrial	committed to residential development	NO
West Bridgeport	10	I2, I5	NO	NO	Outdoor storage, utilities	Fraser Port - Industrial BC Hydro-owned	NO
River & No 7 Rd	11	I2	PARTIALLY	NO	Outdoor storage	privately held	NO
Hamilton	5	I1, I2	PARTIALLY	NO	Outdoor storage	privately held	NO
West Cambie	5	R1/F	NO	NO		privately held, rezoning application, small, designated in area plan for neighbourhood service center	NO
Shellmont	17	AG1, I2	NO	PARTIALLY	Port-related	BC Ferries-owned	NO
East Cambie	5	I3	NO	NO	Industrial, not vacant	privately held, not vacant	NO
Railway	5		NO	NO	Road right of way	right of way	NO
Riverport	20	AE, I2, CD/134	PARTIALLY	PARTIALLY	Car storage	industrial usage, distance from population centres, non-contiguous properties, privately held, rezoning application	NO

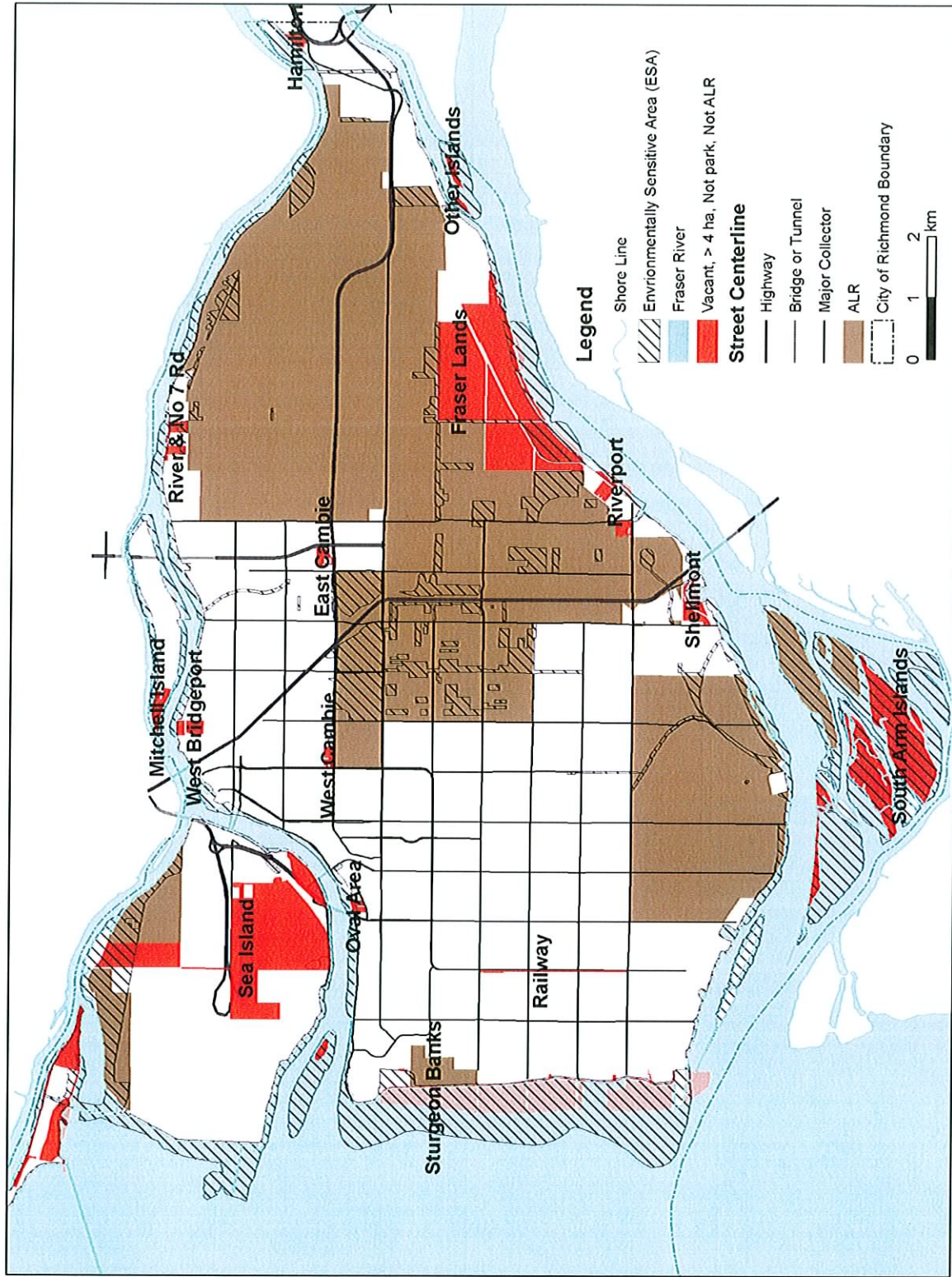


Figure 3 Water and ESA overlaid on Vacant Non-ALR land > 4 ha, Not Identified Park

# Welcome to the Garden City Lands Open House



This open house is part of an ongoing public outreach and consultation process regarding the future of the Garden City Lands – a 55-hectare (136 acres) parcel of land located at the edge of Richmond's city centre.

A Memorandum of Understanding dated March 18, 2006 ("MOU") would see the lands divided between the City of Richmond and a joint venture between the Musqueam Indian Band and Canada Lands Company.

On December 17, 2007, Richmond City Council agreed to sponsor a "Block Application" to the Agricultural Land Commission (ALC) to remove the Garden City Lands from the Agricultural Land Reserve (ALR) on the behalf of the three partners. Canada Lands Company is acting as project manager for the application.

In Spring 2008, the partners will be submitting an application to the Agricultural Land Commission, and the feedback gathered here today will be included in this application. This new application will highlight the community need for the Garden City Lands as well as elaborate on the agricultural benefits package that has been created by the three partners.

Today's open house will provide you with background information about the Garden City Lands, including its history, the status of the lands today and the process moving forward. If the land is removed from the ALR there will be many more opportunities to provide feedback on your vision for the land. Initial ideas for the future development of the land are displayed here today to encourage discussion and feedback so we are able to gather a shared community vision for the future of the Garden City Lands.

## We want your feedback:

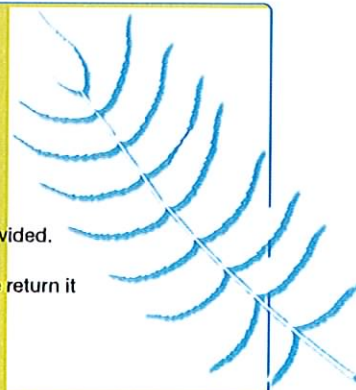
- Share your thoughts with a member of the consultant team. Representatives from Canada Lands Company, City of Richmond and Musqueam Indian Band will be available to answer your questions here today.
- Fill out one of the feedback forms and put it in the box provided.

If you would like to take a feedback form away with you, please return it to:

The Garden City Lands Project  
Richmond City Hall  
6911 No. 3 Rd  
Richmond, BC V6Y 2C1

Or send by Fax to (604) 276-4052  
Or email to: [gardencitylands@richmond.ca](mailto:gardencitylands@richmond.ca)

Ce document est aussi disponible en français.





# Welcome to the Garden City Lands Open House



CANADA LANDS COMPANY  
SOCIÉTÉ IMMOBILIÈRE DU CANADA



Musqueam  
Indian Band

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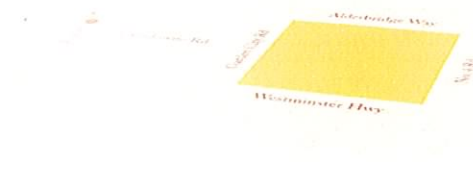


CANADA LANDS COMPANY  
SOCIÉTÉ IMMOBILIÈRE DU CANADA



Musqueam  
Indian Band

# Ownership and Jurisdiction of the Garden City Lands



## Who owns the Garden City Lands?

- The Garden City Lands are currently owned by Canada Lands Company in trust for itself and the Musqueam equally.
- The Musqueam obtained a court decision preventing Canada Lands Company from dealing with the land unless the Musqueam's interest is adequately accommodated.
- Under the MOU and a subsequent Purchase and Sales Agreement ("Agreement"), the land will be shared by the Musqueam, the City and Canada Lands Company provided that certain conditions are met.
- The removal of the land from the ALR is the first in a number of conditions that must be met in order for the three partners to move forward under the MOU and the Agreement.

## What is at stake for the City?

- The City of Richmond does not currently own any part of the Garden City Lands.
- Under the Agreement, the City may own up to 50% of the site subject to successfully removing the ALR designation from the Lands. The Agreement provides for up to 15% of the Lands to be used for a proposed Trade and Exhibition Centre (T&E) within the City's portion of the site. If the T&E does not proceed, this portion of the Lands could be developed jointly by the City, Canada Lands Company and the Musqueam Indian Band; or if an agreement cannot be reached, Canada Lands and Musqueam may elect to purchase 50% of the T&E land and the City would retain the other 50% of the T&E land.
- In addition to its potential 50% portion, the City will receive additional land dedications for neighbourhood parks, roads and other public uses from the Canada Lands Company and Musqueam portion of the lands as part of the requirement for amending the Richmond Official Community Plan and rezoning application to develop the site.
- Without the ALR exclusion, the City:
  - Does not have ownership of any portion of the Lands;
  - May not have jurisdiction over the land use and future development of the site;
  - Will lose the certainty that any portion of the site will be used for public open space or other public amenities.

## What is at stake for the Musqueam Indian Band?

- The Lands are part of Musqueam's traditional territory and it was successful in a court action in stopping a previous transfer of the Lands that did not take its Aboriginal rights in the Lands into account.
- To avoid the cost and delay to all parties of further litigation, the Musqueam are taking on a leadership role in Aboriginal rights issues by working through this groundbreaking Agreement involving three levels of government.

# The History of the Garden City Lands



1500  
BC

The Garden City Lands are located within traditional Musqueam territory whose history in the area goes back over 4,000 years.

There is no record of any farming ever having taken place on the lands.

1903

The lands were acquired by the Federal Government in 1903 and were used by National Defence for a rifle range and subsequently by the Canadian Coast Guard as a site for radio transmitter towers for several decades. The Canadian Coast Guard became part of the Department of Fisheries and Oceans (DFO).

1974

In 1974, during the creation of the provincial Agricultural Land Reserve (ALR), the lands were placed inside its boundaries. The federal government did not object to the ALR designation because, as a higher level of government, it was not subjected to provincial ALR designation.

1987

In 1987, the City commenced attempts to acquire the lands for its Canada Summer Games and the Commonwealth Games bids. The bids were contingent on having a guarantee on the acquisition of the site. The land negotiations and the bid for the Games were unsuccessful but the City continued to identify the lands for public and open space uses.

1989

In 1989, the Agricultural Land Commission conditionally endorsed a December 1989 draft Richmond Official Community Plan (OCP) showing the Lands as "Public and Open Space Use". Within that OCP the plan for the City Centre area showed the subject lands for future Park (defined as "an area of City-owned public open space including, but not limited to, public facilities such as recreation centres and schools"). This OCP is still currently in use by the City.

2001

In 2001, the DFO declared the Lands surplus to its program requirements and proposed to transfer the lands to Canada Lands Company.

2002

In November 2002, the DFO received Treasury Board approval to sell the Lands to Canada Lands Company.

2003

In 2003, when Musqueam became aware of the proposed land transfer, it advised the City, DFO and Canada Lands Company of its Aboriginal rights and title to the Lands and took legal action in Federal Court to successfully challenge the transfer.

2004

In January 2004, Musqueam were granted an "interlocutory injunction" that prevented the Garden City Lands from being transferred to the City of Richmond or Canada Lands Company.

In late 2004 and early 2005, the Musqueam, the City of Richmond, Canada Lands Company and DFO entered into negotiations to resolve the matter out of court.

2005

On March 18, 2005, the Musqueam Indian Band, the City of Richmond and Canada Lands Company reached a groundbreaking equitable agreement in the form of a Memorandum of Understanding (MOU), sharing the Lands between the three parties provided that certain conditions would be met beginning with the removal of the Lands from the ALR.

In accordance with the conditions of the Agreement, in December, 2005, the Canada Lands Company application was received by the Agricultural Land Commission (ALC) for the lands to be excluded from the ALR.

2006

In September 2006, the Commission refused the application as submitted.

2007

In December 2007, Richmond City Council sponsored a 'Block Application' (whereby the City of Richmond leads the application on behalf of the three partners) to ALC for the lands to be removed from the ALR. Canada Lands Company is acting as project manager for the application.

2008

In the Spring of 2008, the Agreement partners plan to re-submit their application to the ALC for the Lands to be excluded from the ALR. The re-submission will address the Agricultural Commission's previous concerns including agricultural capability, viability as well as the community need from the Musqueam and City of Richmond perspectives. In addition, this new application will include a new agricultural benefits proposal.



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RICHMOND  
Better in Every Way



Musqueam  
Indian Band

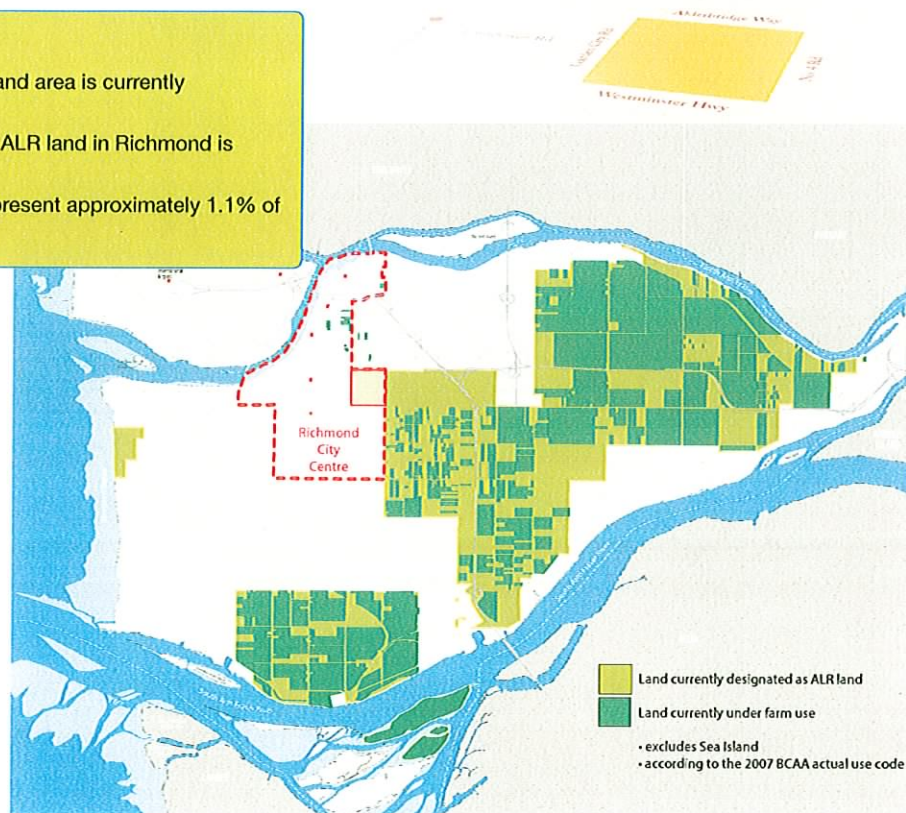
February 2008

# The Garden City Lands and the ALR

4

## Did you know?

- 38% of Richmond's total land area is currently designated ALR.
- Approximately 51% of the ALR land in Richmond is actively being farmed.
- The Garden City Lands represent approximately 1.1% of Richmond's ALR land.



The Garden City Lands are located at the eastern periphery of Richmond's City Centre and the western periphery of Richmond's ALR lands (shown in green).

## The City Centre Area Plan (CCAP)

- The City of Richmond is currently reviewing the area plan for its city centre. The new City Centre Area Plan (CCAP) concept was endorsed by Richmond Council in February 2007.
- If adopted, the CCAP includes a series of planning objectives to ensure the development of a "Complete Community" to fulfill the City's vision of becoming the "most appealing, livable, and well-managed community in Canada".
- The new CCAP will be consistent with regional growth strategies which recognise that some level of growth is inevitable:
  - Future growth will be directed to occur in concentrated areas, creating pockets of density.
  - Planning growth in designated areas helps to protect the green zone (including farmland) in the surrounding areas, creating sustainable, environmentally friendly communities within easy access of public transit and amenities.
  - Concentrating growth around transit infrastructure and job centres such as city centre will alleviate pressure on outlying green zone and farm land.

## Agricultural Land Reserve (ALR) Land in Richmond

Agriculture is a proud part of the City of Richmond's heritage. The Garden City Lands have never been farmed. They were designated ALR in 1974. The federal government did not object to the ALR designation at the time because it was not subject to provincial designations. The ALR reserves the Lands for agricultural use, but it does not oblige the owner to actively farm the land. Generally, the Garden City Lands have agricultural capability, but the location, right next to the city centre and at the center of four arterial roads, reduces their suitability for commercial farming which would require the use of fertilisers, movement of heavy farming equipment and machinery, creating odour, noise and traffic. In addition, recent studies, which will form part of the ALR application, have indicated significant challenges and costs with respect to improving the soil capability and the viability of farming the site.

# The Garden City Lands and the City Centre Area Plan



If the Lands are removed from the ALR and developed in accordance with the terms of the Agreement, the Garden City Lands has the potential to offer considerable community benefit to the people of Richmond through its close proximity to the city centre. This potential includes:

- Extensive open space and public amenities including green space, parkland, public trails and walkways, community gardens, urban agriculture, playing fields (recreational facilities), playgrounds, community gathering spaces and other public amenities.
- A vibrant, environmentally sustainable, urban village where residents can live, work, shop, learn and play in a pedestrian-friendly environment.
- Great access and linkage to transit systems such as the Canada Line and bus services which will bring Richmond residents closer to city centre - reducing reliance on car travel in the downtown core.
- An inclusive community with a variety of housing types suitable for families, seniors and people of all abilities, stages of life and income range.

As well as the tangible benefits to the City of Richmond and its residents, the development of the Garden City Lands by way of the tripartite Agreement will represent a milestone in the reconciliation of the interests of Aboriginal peoples and the rest of the population within the province as repeatedly urged by the Supreme Court of Canada, which is the key objective of the New Relationship adopted by the Province.

## Did you know?

The new Canada Line Lansdowne Station will be a 10 minute walk away from the Garden City Lands (0.88 km or 1/2 mile).



The City Centre Area Plan (CCAP) provides a framework for growth management in Richmond based on the development of complete communities surrounding major and minor transit villages. The image above identifies the extent of the City Centre Area (dashed red line) and approximate locations of transit village centres.



The network of transit villages that follow the Canada Line north - south along No. 3 Rd. will be enhanced by east-west routes with major amenities, such as the Middle Arm Park and the potential green space at Garden City Lands.

The City Centre Area Plan (CCAP) is based on a series of goals and objectives that provide a framework for the city to grow in a sustainable way.

**Overview** | CCAP CONCEPT | 3

**City Centre Area Vision**  
To be a "world class" urban centre and the centerpiece of Richmond as it emerges to fulfil its vision of becoming the "most appealing, livable, and well-managed community in Canada."

**How do we achieve this vision?**  
**Smart Growth Goals**  
Smart Growth involves urban development approaches that are socially, environmentally and fiscally responsible, and serve to enhance the quality of life in communities, complement ecosystem function, and use tax revenues wisely. The City Centre's proposed Smart Growth goals are:

1. Increase compact development to a mix of medium and high density.
2. Increase the range of housing and housing types to meet the needs of all.
3. Create a mix of land uses and activities to support a vibrant, walkable community.
4. Support a mix of housing types, including affordable housing, to meet the needs of all.

**Objectives**  
The CCAP CONCEPT is guided by a series of Planning Objectives crafted to ensure the development of a "Complete Community". Collectively they seek the balance required to fulfil the promise of the City of Richmond's vision, namely its sustainable development infused with social, environmental, and economic considerations.

**Presentation Guide**  
Each of eight Planning Objectives — A through H — is presented in a consistent format, each consisting of 4 presentation pages.

**Framework** | **Presentations** | **Complete the** | **Deliverables**

City Centre Area Plan Update Study | 1815150 | 1815150

# Possibilities of the Garden City Lands and the Agreement



Removal of the Garden City Lands from the ALR is the first required step before the land can be shared according to the terms of the groundbreaking Agreement negotiated by the three partners<sup>1</sup>.

View to the east



Identified as the "Coast Guard Transmitter Site" in the photo above (taken almost 10 years ago), the Garden City Lands are at the edge of both urban and rural land-uses.



Four roads adjacent to the site have been identified as major arterials.

## If the Lands are removed from the ALR:

- The City of Richmond can purchase 50% for parkland, green space and public amenities including a potential Trade and Exhibition Centre. The City would pay \$4.77 million for its 50%.
- Canada Lands Company and Musqueam Indian Band can develop the remaining 50% of the Lands, but any development plans must go through provincial and municipal land use approval processes. It must also integrate with the City of Richmond Official Community Plan and comply with city zoning bylaws.
- Public processes will ensure the public has a say on future development of the land.

## If the land remains within the ALR:

- The Agreement becomes invalid.
- The City will not have ownership of any portion of the site.
- The City cannot depend on the lands to provide public amenities, parks and open space.
- The City may not have control over land use or future development of the site.
- The Lands will likely be tied up in further legal actions.

<sup>1</sup> Note: this is a summary of the main terms of the legal documents mentioned in it but it does not modify those terms.

The diagrams at right illustrate park sizes relative to the Garden City Lands.

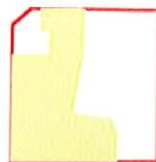
Minoru Park and Burnaby's athletic park in the west of Burnaby Lake park, represent about 50% of the total area of the Garden City Lands - or roughly the equivalent of what the City of Richmond can purchase under the Agreement.

Terra Nova



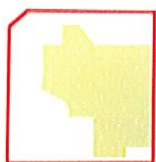
approx. 64 acres

Minoru Park, Richmond



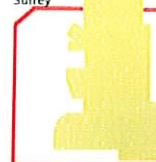
approx. 65 acres

Burnaby Lake West



approx. 65 acres

Softball City, Surrey



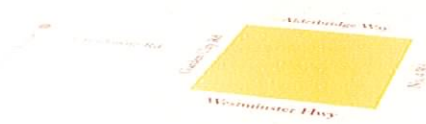
approx. 80 acres

McLennan South Parks



approx. 45 acres

# Benefits to Richmond's Agricultural Heritage



Agriculture is a proud part of the City of Richmond's heritage. The partners are committed to working closely with the Richmond Agricultural Advisory Committee (RAAC) to ensure that there will be significant and demonstrable benefit to agriculture in Richmond from the development of the Garden City Lands. If the ALR exclusion application is successful:

- Canada Lands Company and Musqueam Indian Band will establish an agricultural benefits package including an Agricultural Endowment Fund of approximately \$10 million over a 10-year period.
- Richmond City Council voted to endorse funding the equivalent (approx. \$3.75 million) of full interest on the \$10 million Agricultural Endowment Fund for up to a maximum 10-year period while the endowment is being collected from development of the Canada Lands Company and Musqueam portion of the lands.

## On the Public Portion of the Garden City Lands:

The City has clarified its intended uses and preferred amenities on the City's portion of the Garden City Lands by endorsing the following principles:

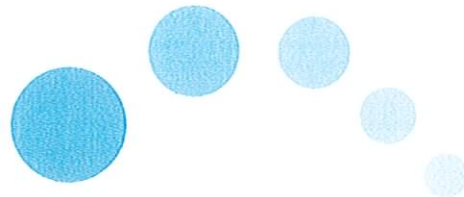
- Community Wellness and Enabling Healthy Lifestyles;
- Urban Agriculture; and
- Showcasing Environmental Sustainability.

## Separate from the Garden City Lands Project, the City has been:

- Exploring urban agriculture opportunities include rooftop gardens, green roof technology and edible landscaping.
- Working closely to facilitate community initiatives such as the Terra Nova Schoolyard Project and Fruit Tree Sharing Farm Project to support the local Food Bank.
- Providing over 200 community gardening plots throughout Richmond to date, with this program continually expanding.
- Encouraging community gardens in City Centre developments for use by the area residents.

## An example of independent initiatives:

Kwantlen University College through its research/outreach arm, the Institute for Sustainable Horticulture, has been actively pursuing partnership opportunities with Richmond to promote urban agriculture by establishing an Urban Agriculture Research and Education Centre in Richmond. The purpose is to conduct research on demonstration plots throughout the City to promote viable, sustainable food production in the urban and urban-rural interface.



# Possibilities for Public Lands



The city and Canada Lands Company/Musqueam will be sharing the Lands. Development can take place in only the Canada Lands Company/Musqueam owned portion of the Lands. The City will develop its portion of the Lands for public open space uses and amenities, including the possibility of the trade and exhibition centre.

50%

A vibrant urban village where residents can live, work, shop, learn and play in a pedestrian-friendly environment with great access and linkage to transit systems such as the Canada Line and bus services. An inclusive community with a variety of housing types suitable for families, seniors and people of all abilities, stages of life and income range.

50%

Extensive open space and public amenities including green space, parkland, community gardens, urban agriculture, playing fields (recreational facilities), cultural facilities and other public amenities.

## Urban Agriculture



## Accessibility



## Playfields



## Green Spaces



## Ecological Landscapes





# Possibilities for Development



The city and Canada Lands Company/Musqueam will be sharing the Lands. Development can take place in only the Canada Lands Company/Musqueam owned portion of the Lands. The City will develop its portion of the Lands for public open space uses and amenities, including the possibility of the trade and exhibition centre.

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50%

Extensive open space and public amenities including green space, parkland, community gardens, urban agriculture, playing fields (recreational facilities), cultural facilities and other public amenities.

## Housing Choices / Mix of Uses



## Transit Links



## Public Places



## Live, Work, Play



CANADA LANDS COMPANY  
SOCIÉTÉ IMMOBILIÈRE DU CANADA



Musqueam  
Indian Band



The partners are committed to creating a legacy development that will support the City Centre Area Plan and other community objectives.

On public lands, they will be guided by principles of:

- Community wellness
- Healthy living
- Urban agriculture
- Environmental sustainability

On the developed lands, they will be guided by principles established by the following:

- City Centre Area Plan
- City of Richmond Official Community Plan
- Public Consultation results



## CANADA LANDS COMPANY

Canada Lands Company CLC Limited is an independent Crown corporation. Canada Lands Company has a distinguished track record in creating vibrant, attractive, lasting community developments that meet the needs of local residents. In British Columbia, the company has projects in Kelowna, Chilliwack and Burnaby. At Garrison Crossing, one of their developments in Chilliwack, the company has worked tirelessly to listen to and work with the local community to create one of the most desirable new residential communities in B.C. and was recently awarded "Best Master Planned Development" by the prestigious Urban Development Institute.



Garrison Crossing, an award-winning project by the Canada Lands Company in Chilliwack.

## MUSQUEAM INDIAN BAND

The Garden City Lands are located within the traditional territory of the Musqueam Indian Band. The Musqueam people have been present in what is now Greater Vancouver for several thousands of years. Archaeological journals have recorded evidence of Musqueam's existence in this area, particularly the Marpole midden - located at the mouth of the North Arm of the Fraser River, in excess of 4,000 years and at the Musqueam reserve in excess of 3,500 years.

## CITY OF RICHMOND

The City of Richmond is a growing dynamic urban centre. The regional trend is for continued growth from international and national immigration. The City Centre is the right place to grow given the availability of rapid transit and it being a regional job centre. The City Centre Area Plan (CCAP) is a proactive way for the community to manage the anticipated population growth. The City is trying to mitigate pressure to develop in existing suburban neighbourhoods and farmland by encouraging significant growth within City Centre, providing high quality public amenities and green spaces, and offering a variety of housing and job choices.



Existing sports facilities in the City of Richmond.



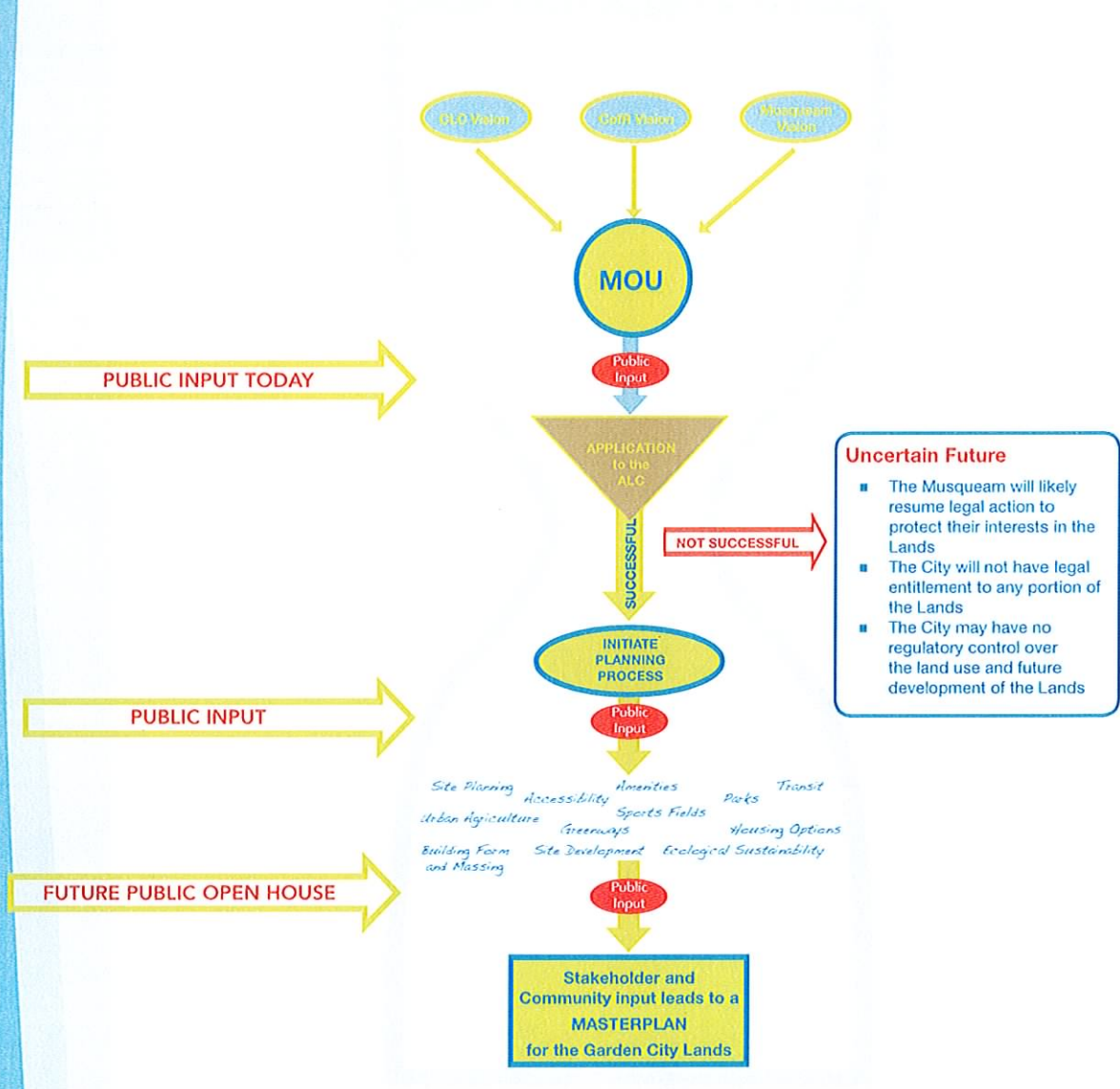
Community farms in the City of Richmond.



# What are the Next Steps?



This public open house is an early step in the overall planning process for determining the future of the Garden City Lands. The first arrow in the diagram at the left indicates today's event. Should the application to the Agricultural Land Commission be successful, specific site planning exercises will commence and will include additional public consultation.



**Uncertain Future**

- The Musqueam will likely resume legal action to protect their interests in the Lands
- The City will not have legal entitlement to any portion of the Lands
- The City may have no regulatory control over the land use and future development of the Lands