



**Special Council Meeting
Monday, December 17th, 2007**

Time: 4:00 p. m.
Place: Anderson Room
Richmond City Hall
Present: Mayor Malcolm D. Brodie
Councillor Linda Barnes
Councillor Cynthia Chen
Councillor Derek Dang
Councillor Evelina Halsey-Brandt (Participated electronically)
Councillor Sue Halsey-Brandt
Councillor Rob Howard
Councillor Bill McNulty
Councillor Harold Steves
Director, City Clerk's Office – David Weber
Call to Order: Mayor Brodie called the meeting to order at 4:00 p.m.

RES NO. ITEM

COMMITTEE OF THE WHOLE

SP07/7-1 1. It was moved and seconded
*That Council resolve into Committee of the Whole to hear delegations on
agenda items and to consider Item 3 in detail (4:00 p.m.).*

CARRIED



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2. Delegations from the floor on Agenda items

Micheal Wolfe, 9731 Odlin Road, spoke in opposition to removing the Garden City Lands from the Agricultural Land Reserve (ALR) designation, believing that the Lands should be used for sustainable food security initiatives. He provided a brief history associated with the Garden City Lands, and spoke about the traffic in the area, as well as several environmental issues, including climate changes, reduction of carbon emissions, methane and carbon dioxide.

In conclusion, Mr. Wolfe spoke about the best interests of the planet, the definition of sustainable, and how Council's decision will impact generations to come.

Jim Wright, 8300 Osgoode Drive, expressed several concerns about the uncertainties related to the final outcome for the Garden City Lands including (i). the risks involved with removing the Lands from the ALR designation in case the Memorandum Of Understanding (MOU) expires; (ii). the lengthy time period before a final approval; and (iii). the requirement for adequate schools in the event that residential developments would be approved for the Lands.

Shane McMillan, 7160 Schaefer Ave, spoke in opposition to removing the Garden City Lands from the ALR designation, and expressed concern about Richmond's increasing population and requirements for food as well as global warming and existing food shortages. He also referred to Stanley Park in Vancouver, and how Richmond could use the Garden City Lands for a similar park.

Jim Lamond, Chair, Richmond Sports Council joined by Roger Barnes, Vice-Chair, Richmond Sports Council spoke in support of extending the MOU and Purchase and Sale (PSA) for the Garden City Lands. He indicated that the Richmond Sports Council has worked actively for 35 years to attain the Lands for sports related activities and community use.

Roger Barnes made reference to the Garden City Lands being identified for increasing sports activities by the Community Working Group and 2005 Master Plan. He identified and briefly spoke about the proposed environmental; agricultural; fitness components that have been proposed; and stated that he was in support of shared uses of the land.



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A Discussion ensued about several matters, including the following:

- the Richmond Sports Council’s long range vision and Master Plan;
- the Musqueam Indian Band’s soccer group;
- the range of density identified for the Garden City Lands;
- the types of facilities the Lands could accommodate, including build able floor space, open space accommodations for events rather than large building facilities;
- utilization of the Lands for provisions of food rather than sports fields; and
- Tourism Richmond and the possible development of a Trade and Exhibition Centre.

Staff advised that questions related to feasible uses and development of the Lands will be answered during the detailed Master Plan phase for the Lands.

Nancy Trant, 10100 No. 3 Road, provided a her perspective on how native lands have been treated historically, and questioned whose needs would really be served by removing the Lands from the ALR. She stressed her belief that the Garden City Lands are the heart and soul of Richmond, and that the Lands should be used for trails, and parks, as well as for improving the standard of living and air quality.

Otto Langer, 6911 Dunsany Place, believed that further information and evidence regarding the Garden City Lands was required. Sharing his belief that Richmond was overdeveloped, he questioned whether Richmond had a lack of park space, or too many people. He also spoke about the ramifications of global warming on the existing lack of space for food production. In conclusion, Mr. Langer stated that Richmond should have complete control, and support only a sustainable initiative for the Lands.

Carole Day, 11631 Seahurst Road, expressed her belief that the MOU was “dead”, and that the Agricultural Land Commission would deny any application to remove the Garden City Lands from the ALR. She suggested that the City meet with the MIB and CLC to explore other options, particularly non-high density proposals. She concluded by stating that the Lands have agricultural ability and are suitable for agricultural purposes.



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Peter Mitchell, 6271 Nanika Crescent stated that he felt he could support the proposal for the Garden City Lands, as long as an extensive public process is undertaken. He questioned the ability to farm the Lands without addressing the existing traffic flow issues, and spoke about Richmond's demographics and population, provision for schools, farmland, and community gardens. Mr. Mitchell believed that Minoru Park was the heart and soul of Richmond, rather than the Garden City Lands.

3. **GARDEN CITY LANDS**

(Report: December 13/07, File No.: 03-1000-14-117; xr: 07-387179) (REDMS No. 2314676)

Joe Erceg, General Manager, Planning and Development clarified that at this time, staff was not seeking a decision on the exclusion of the Garden City Lands from the ALR, but were seeking a decision on the following four recommendations:

- an extension of the Memorandum of Understanding to enable continuation of the application process;
- authorization to initiate a block application for the exclusion of the Garden City Lands from the ALR, with the City acting as the applicant. The application would undergo an extensive public consultation process, which would include open houses as well as a Public Hearing process, and a presentation to Council prior to submission to the Agricultural Land Commission (ALC);
- endorsement of an Agricultural Endowment Fund; and
- endorsement of agricultural, environmental, and open space uses of the public lands portion of the site.

Mr. Erceg also indicated that staff had attained external legal advice, as well as advice from the Treasury Board of Canada, and stressed that if the Memorandum of Understanding (MOU) and Purchase and Sales Agreement (PSA) were terminated, the following could result:

- the City would not have legal entitlement or claim to the Garden City Lands;
- control of the Garden City Lands would not default back to the Federal Government;
- agricultural uses on the lands would not be guaranteed; and



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- another opportunity for the City to acquire a continuous block of land may not be available again.

Reference was made to the wording of staff Recommendations No. 2 and No. 4, and as a result, it was agreed that Recommendation No. 2 would be amended to add the following words to the beginning of the recommendation: *'If Council approves a subsequent application being submitted to the Agricultural Land Commission by the City of Richmond'*, and that Recommendation No. 4 would be amended to replace the words *'the preferred'* with the word *'Richmond's'*.

SP07/7-2

It was moved and seconded

Whereas:

- (a) the City has contemplated the acquisition of the Garden City Lands for a considerable period of time to provide public amenities;*
- (b) the Treasury Board of Canada Secretariat has sold and transferred title of the Garden City Lands to the Canada Lands Company (CLC) after CLC and Musqueam negotiated a Joint Venture Agreement between themselves for co-development of their portion of the site to resolve the injunction granted by the courts to the Musqueam;*
- (c) the Musqueam Indian Band, the City of Richmond and Canada Lands Company have reached an agreement in the form of a Memorandum of Understanding (MOU), and Purchase & Sale Agreement, to enable the sharing of the lands between the three parties provided that certain conditions are met, including the removal of the land from the Agricultural Land Reserve;*
- (d) the period specified in the MOU will expire on December 31, 2007, thereby requiring an extension;*
- (e) the MOU and Purchase & Sale Agreement entitles the City to purchase 50% of the Garden City Land if the ALR exclusion is successful;*
- (f) Council recognizes the significant opportunity for using the Garden City Lands to address community needs for both the City of Richmond and the Musqueam;*
- (g) without the MOU, the City of Richmond has no legal claims to any of the Garden City Lands; and*
- (h) should Musqueam gain ownership of the lands through means other than the MOU, the City may not have any regulatory control over the land use and may not be able to levy property tax.*



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Therefore be it resolved that:

- (1) The Mayor and City Clerk be authorized to execute an agreement 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 (ALR) Exclusion Application process;*
- (2) If Council approves a subsequent application being submitted to the Agricultural Land Commission by the City of Richmond, staff submit a “Block Application” to the Agricultural Land Commission (ALC) for the exclusion of the properties known as the “Garden City Lands” bounded by Garden City Road, Alderbridge Way, No. 4 Road and Westminster Highway;*
- (3) The proposed concept to create an endowment fund to provide agricultural benefits, including contribution by the City as noted in the staff report, be approved and for the proposed concept to be included in the “Block Application”; and*
- (4) Council endorse Community Wellness and Enabling Healthy Lifestyles, Urban Agriculture, and Showcasing Environmental Sustainability as outlined in the staff report from the Acting Director of Development dated December 13, 2007, as Richmond’s uses on the City’s portion of the Garden City Lands.*

The question on the motion was not called, as discussion took place about several matters, including the following:

- the extensive process and costs of public consultation, which would comprise of a Public Hearing, and a minimum of three open houses to take place prior to an application submission to the ALC. It was also noted that costs would be shared by the Canada Land Company (CLC);
- how this process presented the only opportunity for the City to attain a portion of the Lands, as the City is the only one of the three parties involved that does not own any part of the Garden City Lands;
- whether or not the Musqueam Indian Band (MIB) would be required to abide by the ALR regulations, and the options available through the Federal or Provincial government to circumvent the ALR regulations;
- whether the “Block Application” to the ALC for the exclusion of the Garden City Lands should be made on behalf of the City or the CLC;

Councillor Steves read from his submission titled *Garden City Lands 2007* (Schedule 1).



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Concern was expressed that by removing the Lands from the ALR, there would not be any guarantee of uses and protection of the Lands. However, it was also noted that if the MOU and PSA are not pursued, the City would forever lose an opportunity that presents a chance to have control of the site; and make a significant legacy statement to benefit the community by endorsing community wellness, healthy lifestyles, urban agriculture and environmental sustainability on the City’s portion of the Garden City Lands.

Prior to the question on the motion being called, the request was made that each part of the motion be dealt with separately.

The question on Part 1 of Resolution No. SP07/7-2 was then called, and it was **CARRIED** with Cllrs. Sue Halsey Brandt and Steves opposed.

The question on Part 2 of Resolution No. SP07/7-2 was called, and it was **CARRIED** with Cllrs. Barnes, Sue Halsey-Brandt and Steves opposed.

The question on Part 3 of Resolution No. SP07/7-2 was called, and it was **CARRIED** with Cllr. Steves opposed.

The question on Part 4 of Resolution No. SP07/7-2 was called, and it was **CARRIED**.

- SP07/7-3 4. It was moved and seconded
That Committee rise and report 6:29 p.m.).

CARRIED

RATIFICATION OF COMMITTEE ACTION

- SP07/7-4 It was moved and seconded

Whereas:

- (a) *the City has contemplated the acquisition of the Garden City Lands for a considerable period of time to provide public amenities;*
- (b) *the Treasury Board of Canada Secretariat has sold and transferred title of the Garden City Lands to the Canada Lands Company (CLC) after CLC and Musqueam negotiated a Joint Venture Agreement between themselves for co-development of their portion of the site to resolve the injunction granted by the courts to the Musqueam;*



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- (c) *the Musqueam Indian Band, the City of Richmond and Canada Lands Company have reached an agreement in the form of a Memorandum of Understanding (MOU), and Purchase & Sale Agreement, to enable the sharing of the lands between the three parties provided that certain conditions are met, including the removal of the land from the Agricultural Land Reserve;*
- (d) *the period specified in the MOU will expire on December 31, 2007, thereby requiring an extension;*
- (e) *the MOU and Purchase & Sale Agreement entitles the City to purchase 50% of the Garden City Land if the ALR exclusion is successful;*
- (f) *Council recognizes the significant opportunity for using the Garden City Lands to address community needs for both the City of Richmond and the Musqueam;*
- (g) *without the MOU, the City of Richmond has no legal claims to any of the Garden City Lands; and*
- (h) *should Musqueam gain ownership of the lands through means other than the MOU, the City may not have any regulatory control over the land use and may not be able to levy property tax.*

Therefore be it resolved that:

- (1) *The Mayor and City Clerk be authorized to execute an agreement 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 (ALR) Exclusion Application process;*
- (2) *If Council approves a subsequent application being submitted to the Agricultural Land Commission by the City of Richmond, staff submit a “Block Application” to the Agricultural Land Commission (ALC) for the exclusion of the properties known as the “Garden City Lands” bounded by Garden City Road, Alderbridge Way, No. 4 Road and Westminster Highway;*
- (3) *The proposed concept to create an endowment fund to provide agricultural benefits, including contribution by the City as noted in the staff report, be approved and for the proposed concept to be included in the “Block Application”; and*
- (4) *Council endorse Community Wellness and Enabling Healthy Lifestyles, Urban Agriculture, and Showcasing Environmental Sustainability as outlined in the staff report from the Acting Director of Development dated December 13, 2007, as Richmond’s uses on the City’s portion of the Garden City Lands.*



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Prior to the question on the motion being called, the request was made that each part of the motion be dealt with separately.

The question on Part 1 of Resolution No. SP07/7-4 was then called, and it was **CARRIED** with Cllrs. Sue Halsey Brandt and Steves opposed.

The question on Part 2 of Resolution No. SP07/7-4 was called, and it was **CARRIED** with Cllrs. Barnes, Sue Halsey-Brandt and Steves opposed.

The question on Part 3 of Resolution No. SP07/7-4 was called, and it was **CARRIED** with Cllr. Steves opposed.

The question on Part 4 of Resolution No. SP07/7-4 was called, and it was **CARRIED**.

ADJOURNMENT

SP08/7-5

It was moved and seconded
That the meeting adjourn (6:30 p.m.).

CARRIED

Certified a true and correct copy of the Minutes of the Special Meeting of the Council of the City of Richmond held on Monday, December 17th, 2007

Mayor Malcolm D. Brodie

Corporate Officer (David Weber)

ANALYSIS:

1. Richmond has completed its obligation under the MOU. Under the MOU the CLC can unilaterally extend the MOU to Dec. 31, 2008 and present the application to the Agricultural Land Commission. Therefore there is no need for Richmond to extend the MOU to Dec. 31, 2008 or be the applicant to take the land out of the ALR.

2. The City legal opinion states that *"if the COR were to withdraw its recommendation this could expose COR to allegations of bad faith and a claim for a breach of contract."* As the city has already met its obligations taking no further action would not be a breach of contract as the MOU allows the CLC to proceed unilaterally.

3. Recommendation (h) in the staff report suggests that under Musqueam ownership of the lands through means other than the MOU, the city may not have regulatory control over the land use. By inference staff are suggesting that the Musqueam would have a better chance of having the land removed from the ALR than Richmond. If that was the case the CLC and Musqueam would not have required Richmond to be the applicant to take the land out of the ALR in the first place.

4. Should the ALC reject the application a second time the CLC could be required to sell the land back to the Canadian Government as they are a corporation solely owned by the Government of Canada. If the Government of Canada permitted, they could sell to the Musqueam. However, the ALR and all Richmond laws would apply. The Canada Lands Corporation does not have the legal right or constitutional authority to create Indian Reserve. No Indian Reserve, no tax problem.

5. The City legal opinion rightly concludes that *"it is unlikely that any sale would be considered by CLC and MIB until it is definitely determined whether the Lands will be removed from the ALR. If the Lands are removed from the ALR we expect the value of the Lands will rise dramatically"* Thus there are two possible values for the Garden City Lands , its value as farmland and its value as high density residential land.

6. Part 8 of the staff analysis notes that *"Ownership of 68 acres of public open space will go a long way in achieving the park and open space requirement envisioned in the City Centre Area Plan."* True, but provision of 136 acres would go much further. Page B1 of the City of Richmond Parks, Recreation and Cultural Services Master Plan states: *"Current parkland allocation shortfall of 155.4 acres (62.9 hectares) will increase to a shortfall in 2021 of 676 acres (273 hectares), roughly ten times the area of Minoru Precinct."* Provision of the entire 136 acres would go much further towards achieving our park land requirement. 676 acres will cost the City \$1.35 billion.

CONCLUSION:

If the City of Richmond is serious about attempting to obtain even a major portion of the 676 acres of much needed parkland or in preserving farmland and the ability to feed ourselves for present generations in the coming decades, the staff recommendation should be ammended.

(1) That the City of Richmond Inform the CLC and MIB that Richmond's obligation to take the Garden City Lands exclusion application to the Agricultural Land Commission has been completed and Richmond will not be pursuing an extension of the Purchase and Sale Agreement to Dec. 31, 2008 or leading the application to remove the land from the ALR.

(2) That the proposed concept to create an endowment fund to provide agricultural benefits be approved. This fund could be generated from the recent \$140,000,000 sale of the last portion of the Brighthouse Estate farmland that has generated millions of dollars of benefits for everything but agriculture over the past 40 years

(3) That Council endorse Community Wellness and Enabling Healthy Lifestyles, Urban Agriculture, and showcasing Environmental Sustainability, as the preferred uses on all of the Garden City Lands.

(4) That should the Garden City Lands remain in the ALR the City should offer to trade 20 acres of City owned Industrial Land on Triangle Road, worth \$25,000,000 industrial value for the entire 136 acre Garden City site worth \$13,600,000 agricultural value. Should half of the Garden City Lands be removed from the ALR the city should offer to buy the CLC and MIB portion for the \$136,000,000 residential value.

Harold Steves,
Councillor

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