



To: Planning Committee **Date:** May 20, 2009
From: Brian J. Jackson, MCIP **File:** AG 06-353859
 Director of Development
Re: **Agricultural Land Reserve Exclusion Application by Gordon Pushee at
 7340 No. 4 Road**

Staff Recommendation

That authorization for Gordon Pushee to apply to the Agricultural Land Commission for exclusion of 7340 No. 4 Road (AG 06-353859) from the Agricultural Land Reserve be denied.

Wayne
 for Brian J. Jackson, MCIP
 Director of Development

BJJ:ke
 Att.

| FOR ORIGINATING DEPARTMENT USE ONLY | | |
|-------------------------------------|--|---------------------------------------|
| ROUTED TO: | CONCURRENCE | CONCURRENCE OF GENERAL MANAGER |
| Engineering | Y <input checked="" type="checkbox"/> N <input type="checkbox"/> | <i>he Green</i> |

Staff Report

Origin

The City has received an application (Gordon Pushee – Applicant) for exclusion of 7340 No. 4 Road (AG 06-353859) from the Agricultural Land Reserve (ALR).

This proposal is one of four separate ALR exclusion applications submitted by individual applicants along this portion of No. 4 Road between Francis Road and Westminster Highway. Although similar circumstances and relevant City policies are applicable to all four ALR exclusion applications, they are being brought forward separately for Planning Committee and Council consideration

A location map and aerial photograph of the subject property under application are contained in **Attachment 1**. A map showing the location of all four application sites in relation to the McLennan Sub Area Plan is contained in **Attachment 2**.

ALR Exclusion Application – Processing and Notification Requirements

Processing

A private property owner applying to have property excluded from the ALR submits an application first to the City of Richmond for review by City staff. Once the application has fulfilled submission requirements and addressed City staff comments, the exclusion application is forwarded to Richmond City Council for consideration and decision. In order to proceed to the Agricultural Land Commission (ALC), a resolution from Richmond City Council is required to authorize the subject application to proceed.

If Richmond City Council authorizes the subject ALR exclusion application to proceed, they are forwarded to the ALC for a decision to be made. If Richmond City Council does not authorize the application to proceed, the application does not get forwarded to the ALC and the exclusion application proceeds no further. Should permission not be granted to proceed to the ALC, half of the original application fee is returned to the applicant (\$600 application fee; \$300 returned to applicant if proposal does not proceed to the ALC).

Upon receipt of the ALR exclusion application authorized to proceed to the ALC by Local Government resolution, the ALC may approve or deny the application. If approved, the ALC would notify the proponent and the City of the exclusion. Properties that have been excluded from the ALR are still subject to the City of Richmond's OCP and zoning. Rezoning applications to amend the OCP and zoning would need to be submitted, reviewed and considered for proposals that do not comply with these regulations. The applicant (G. Pushee) has not submitted a concurrent rezoning application in conjunction with the subject ALR exclusion request.

If the ALR exclusion is denied by the ALC, the application process is complete and notification of the decision is given to the proponents and Richmond for information purposes.

Public Notification Requirements

ALR exclusion applications by property owners are required to notify the public of their application prior to filing it with the Local Government (City of Richmond). Notification involves the following, which is to be completed by owner/applicant:

- Advertise in a local newspaper identifying the intent, location and applicant of the ALR exclusion application.
 - Serve a copy and notice of the application to other property owners in the ALR that share a common property with the property under application.
 - Post a sign on the property that identifies the intent, location and applicant of the proposal with a copy of the notice and application posted on the sign.
-

Any public comments received by the applicant as a result of the notification process must be forwarded or directed to the City of Richmond for consideration in the processing of the exclusion application.

Compliance with Notification and Public Comments

The applicant has adhered to the notification requirements and submitted the appropriate documentation when the application was filed with the City. No correspondence or comments from the public were received directly by the City or forwarded by the applicant.

Agricultural Land Commission Act - Exceptions

Exception Provision

A provision in the ALC Act enables properties that meet certain criteria to be excepted from the provisions of the ALC Act and applicable regulations. The exception provision is as follows (stated in Section 23 of the ALC Act):

“Restrictions to the use of agricultural land do not apply to land that, on December 21, 1972, was, by separate certificate of title issued under the Land Registry Act, R.S.B.C. 1960, c. 208, less than 2 acres in area.”

In order for a property to adhere to the above provision, the following must be confirmed:

- On December 21, 1972, the lot was less than 2 acres in area; and
- On December 21, 1972, the land was on its own, separate certificate of title.

Properties that are excepted from the ALC Act are not required to obtain approval from the ALC for development (residential, commercial, institutional, industrial) or use of properties in the ALR. However, the property is still subject to applicable Local Government regulations and zoning.

Examination to Determine if 7340 No. 4 Road is Excepted from the ALC Act

City staff conducted research on the subject property, but have not been able to attain the appropriate legal titles and subdivision plans (to confirm adherence with criteria) to determine if the property meets the provisions to be excepted from the ALC Act. Staff notified the applicant about this exception provision contained in the Act and to follow-up with ALC staff to clarify the criteria and information required to confirm if the exception applies to the property under application.

Implications for Properties that are Excepted from the ALC Act

Although it has not been confirmed that the property at 7340 No. 4 Road is excepted from the ALC Act, the possibility remains due to the small size of the property (1,792 sq.m or 0.44 acres) and historical subdivision pattern in the area.

A property that meets the provisions to be excepted from the ALC Act, is still located in the ALR and does not mean that the property is automatically excluded from the ALR. If a property owner wishes to amend the existing boundary of the ALR to exclude their property, an application for ALR exclusion and subsequent authorization to proceed from Richmond City Council and decision from the ALC is required. Any proposal to amend the ALR boundary to exclude a property from the ALR requires an ALR exclusion application despite whether a property is excepted or not excepted from ALC Act.

Benefit of Keeping Properties Excepted from the ALC Act in the ALR

There are many examples of properties in Richmond that are contained in the ALR and are also excepted from the ALC Act. The following are benefits of keeping properties excepted from the ALC Act within the ALR:

- ❑ This approach is consistent with the City's Official Community Plan (OCP) designation of "Agriculture" for all properties contained within the ALR. This land use designation identifies agriculture as the principal land use to be considered for ALR lands and supports the ALC's mandate to preserve agricultural land.
- ❑ The existing boundary of the ALR along No. 4 Road constitutes a contiguous clearly defined buffer and helps to delineate between urban and rural/agricultural areas. The situation of the ALR boundary coinciding with a public road is a common occurrence in Richmond (i.e., Steveston Highway, No. 2 Road, No. 6 Road, Alderbridge Way, Westminster Highway). Exclusion of properties along ALR boundaries and section line roads compromises the natural buffer provided by the road and can potentially lead to increased development pressure on agricultural land.
- ❑ There are likely numerous properties throughout Richmond's agricultural areas that are contained within the ALR, but are excepted from the ALC Act due to property size and historical legal title. From a land use and planning perspective of maintaining areas for agricultural purposes, the approach taken is to designate and include all land in the ALR for agricultural purposes and not individually differentiate properties that are excepted from the ALC Act. This approach is beneficial to agriculture as it would provide a more contiguous and large land base available for farming and not result in further erosion of the ALR boundary.
- ❑ Maintaining properties excepted from the ALC Act within the ALR also assists in the potential future consolidation of smaller lots into larger parcels that can be more readily farmed. If individual exclusions are considered, future lot consolidation may be more difficult to achieve.

Findings of Fact

Please refer to **Attachment 3** for additional technical information, surrounding land uses specific to the property under application and a table highlighting the status of the application in regards to information requested by staff.

Related Policies & Studies

Official Community Plan (OCP)

The OCP General Land Use map designates the subject property under application for 'Agriculture'. The McLennan Sub Area plan, approved in 1987, designates the site for 'Agriculture' (refer to **Attachment 2**) and contains specific objectives and policies to enhance agricultural viability in the area east of No. 4 Road, therefore maintaining this portion of the McLennan Sub Area in the ALR. The OCP also identifies policies directed towards protecting all farmland in the ALR and maintaining the integrity of the ALR boundary.

The exclusion of 7340 No. 4 Road from the ALR would not be consistent with the OCP objective of maintaining the existing boundary of the ALR. If the property is excluded from the ALR, the City's existing OCP designation and zoning would still be applicable to the subject property. As a result, the Agricultural land use designation in the OCP and zoning (AG1) would limit urban development to low-intensity residential (single-family) and related accessory uses. More intensive urban residential development would not be in compliance with existing OCP designations and zoning and would require the appropriate OCP amendments and rezoning applications to be considered by Richmond City Council.

Agricultural Viability Strategy (AVS)

The AVS (approved by Council on May 26, 2003) supports the broader OCP objectives of protecting farmlands in the ALR and enhancing agricultural viability of farmland in Richmond.

As defined in the AVS, the subject property is contained in the McLennan 2 Agricultural Management Node (Six quarter-sections bounded by No. 4 Road, Westminster Highway, No 5 Road and Francis Road). All properties in this node are to be managed in a coordinated and comprehensive manner. Site-specific exclusion requests, considered independent of other properties in this Agricultural Management Node are not supported as a fragmented approach that would not benefit agriculture and jeopardize the established boundary (No. 4 Road) between urban and rural areas. As a result, the ALR exclusion application for 7340 No. 4 Road does not comply with the policies and recommendations contained in the AVS.

Zoning

The subject site is zoned Agricultural District (AG1). A majority of the properties in the McLennan Sub Area in the ALR are zoned AG1. In addition to agriculture and supporting uses, this zoning district permits a single-family residential dwelling and related accessory uses.

Staff Comments

Requested Information

Upon review the ALR exclusion application, staff communicated to the applicant relevant portions of the City's OCP and AVS in order to identify the principles of Council adopted plans and policies aimed at preserving the existing ALR boundary and enhancing agricultural viability. Staff also identified to the applicant that the proposed exclusion does not comply with the City's OCP and AVS, and the proposal cannot be supported on this basis.

Staff requested that additional information be provided, should the applicant wish to continue to proceed and to enable staff to conduct a complete review. The following comments were forwarded to the applicant in order to obtain a clear rationale for the proposal:

- The submission of a soils report from the appropriate professional to address the subject property's agricultural capability and potential impact on surrounding properties.
- The submission of a detailed rationale to justify and explain the purposes of ALR exclusion application.
- More information to determine how an exclusion application will result in agricultural viability and whether this proposal will ultimately impact farming in the area.
- Information was also requested on the proposed future land uses should the subject site be removed from the ALR.

Status of the Application and Staff Request for Additional Information

A summary of the status of the application in relation to staff's requests for additional information and clarification to be provided by the proponent is contained in **Attachment 3**. The applicant has questioned the City's request for more information and indicated that applications should be forwarded to Council without the supplementary information requested.

Approximately two years has passed since City staff requested additional information for the subject ALR exclusion application. In early March 2009, staff communicated the status of the ALR exclusion application and outstanding information that have yet to be received.

Based on the limited information submitted for the ALR exclusion application, staff consider the proposal incomplete, thereby not enabling staff to conduct a full examination and review.

City Services

Existing Services

The subject property is serviced by City storm system with drainage to No. 4 Road. City water is also located along No. 4 Road and services the property under application. The subject property is required to be serviced by an on-site septic sewer disposal system as the area is not contained in an existing City sewer area and not serviced by a City sanitary sewer system.

Servicing Challenges and Implications

There are a number of servicing implications and challenges that would result if the subject ALR exclusion application is approved. Generally, removal of land from the ALR represents the first step in the further development of agricultural land for other purposes such as residential, commercial or industrial development. More intensive, urban oriented-development places increased demands on City water, storm and sanitary sewer services. In general, City services in agricultural areas are not designed for or have the capacity to support increased development.

A particularly challenging City servicing implication for development of agricultural areas relates to sanitary sewer service. The subject properties east of No. 4 Road between Westminster Highway and Francis Road (including the property under application) are not serviced by a City sanitary sewer system and are located outside of a defined City sanitary sewer catchment area.

Richmond City Council adopted a Sanitary Sewer Connection Policy (7401) (**Attachment 4**) on October 24, 2004, which sets out an approach to addressing sanitary sewer connection requests for properties outside of sewer areas. The Policy was developed to take into account infrastructure efficiencies and agricultural land protection policies, which are common issues that arise in many sewer connection requests made to the City. From an infrastructure perspective, existing sewerage areas have an existing limit, which does not generally have the capacity to support additional properties or areas. Based on agricultural land use policies, servicing these properties with a sanitary sewer system is contrary to the protection of farmland as intensive servicing in these areas results in increased pressure to develop farmland for other purposes.

Policy 7401 generally identifies that properties outside of City sewer boundaries be denied connection to the City sanitary sewer system, which provides a consistent and coordinated approach to addressing infrastructure capacity and OCP land use policies aimed at protecting farmland. Any proposal involving a connection to the City's sanitary sewer system for the subject property under ALR exclusion application would not comply with the provisions of Policy 7401.

As a whole, existing services to the subject property under application on No.4 Road as well as other properties contained in the ALR are adequate for the needs of existing residential uses (single-family dwellings) permitted in agriculturally zoned areas. An increase in the development of agricultural land will result in additional pressure on City storm, water and sanitary sewer services that would not likely have sufficient capacity to enable further expansion in the agricultural areas and would also be contrary to City land use policies.

Analysis

The subject ALR exclusion at 7340 No. 4 Road is not consistent with the following OCP objectives and policies:

- Maintain the ALR boundary and protect all farmlands in the ALR.
- Maintain and enhance agricultural viability in the ALR on a city-wide basis and within the McLennan Sub Area.
- Land use designations to identify agriculture as the principal use.

The subject ALR exclusion application does not comply with the City's policies and objectives of preserving the existing ALR boundary as a measure to protect all land in the ALR for farm purposes. Not all land is actively in farm production in the ALR; however, designating land for agricultural purposes ensures that future use of the land for farming remains the top priority.

Commercial agriculture, on large contiguous parcels, is challenging in the McLennan Area given the existing subdivision pattern of agricultural land and resulting lot sizes and configuration. However, the potential for lot consolidation into larger agricultural parcels and for small lot agriculture or farm operations involved in more intensive urban agriculture activities remain a possibility and viable land use that benefit agriculture and comply with City OCP and zoning, as well as ALC regulations. Small lot agriculture utilizing principles of intensive urban agriculture (compact planting arrangements, selecting high-value crops) are viable farm activities that can be achieved on small lots. Removal of the subject site under application or other properties in the area from the ALR on the basis that they are small in size would jeopardize the ability to undertake or establish small or consolidated lot agricultural activities in the area.

Applications to exclude individual properties from the ALR is the first initial step towards increased undesirable urban development, which would ultimately result in the loss of land available for farming and be contrary to the mandate of the ALC and direction in Richmond's OCP. As well, the impact of additional urban development on agricultural viability would be negative and not support farming.

The subject application does not have adequate information or responded to the staff requests for additional information pertinent to the review and examination of the ALR exclusions. The applicant has requested that the exclusion request be forwarded to Planning Committee and Council in its present state despite not having the supportive material requested by staff.

Should the ALR exclusion application be considered and approved by both Richmond City Council and the ALC, the property would still be subject to Richmond's OCP and zoning. It remains unclear whether the applicant wishes to undertake development if the property is excluded, which would require amendments to the OCP and zoning that currently does not support more intensive urban development.

Financial Impact

If the requested ALR exclusion is denied, 50% of the ALR exclusion application fee will be refunded to the proponent, on the basis that the application does not proceed to the ALC for consideration. The submission fee is \$600 for an exclusion application request. As a result, the proponent would be refunded \$300 dollars.


No portion of the fee would be refunded to the applicant if the application proceeds to the ALC, as the City is required to forward half of the application fee to the ALC (\$300 for each exclusion application).

Conclusion

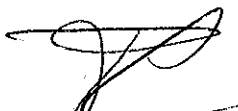
The application to exclude 7340 No. 4 Road from the ALR is not supported as:

- While the existing use on the subject property is single-family, the applicant has not indicated what proposed future use of the property would be.
- The proposed ALR exclusion does not comply with the City's policies on land within the ALR.
- Individual exclusions would result in negative impacts to farming in the area and set a precedent for other property owners to exclude land from the ALR, thus continuing to reduce the land base of the ALR.
- The application is missing key, supportive materials typically requested for staff to conduct a comprehensive review of each proposal. The proponent has requested that the application be forwarded in its current state.

On this basis, staff recommend that the request by the proponent to proceed to the ALC with an ALR exclusion application at 7340 No. 4 Road be denied.



Kevin Eng
Planner 1



Terry Crowe
Manager, Policy Planning

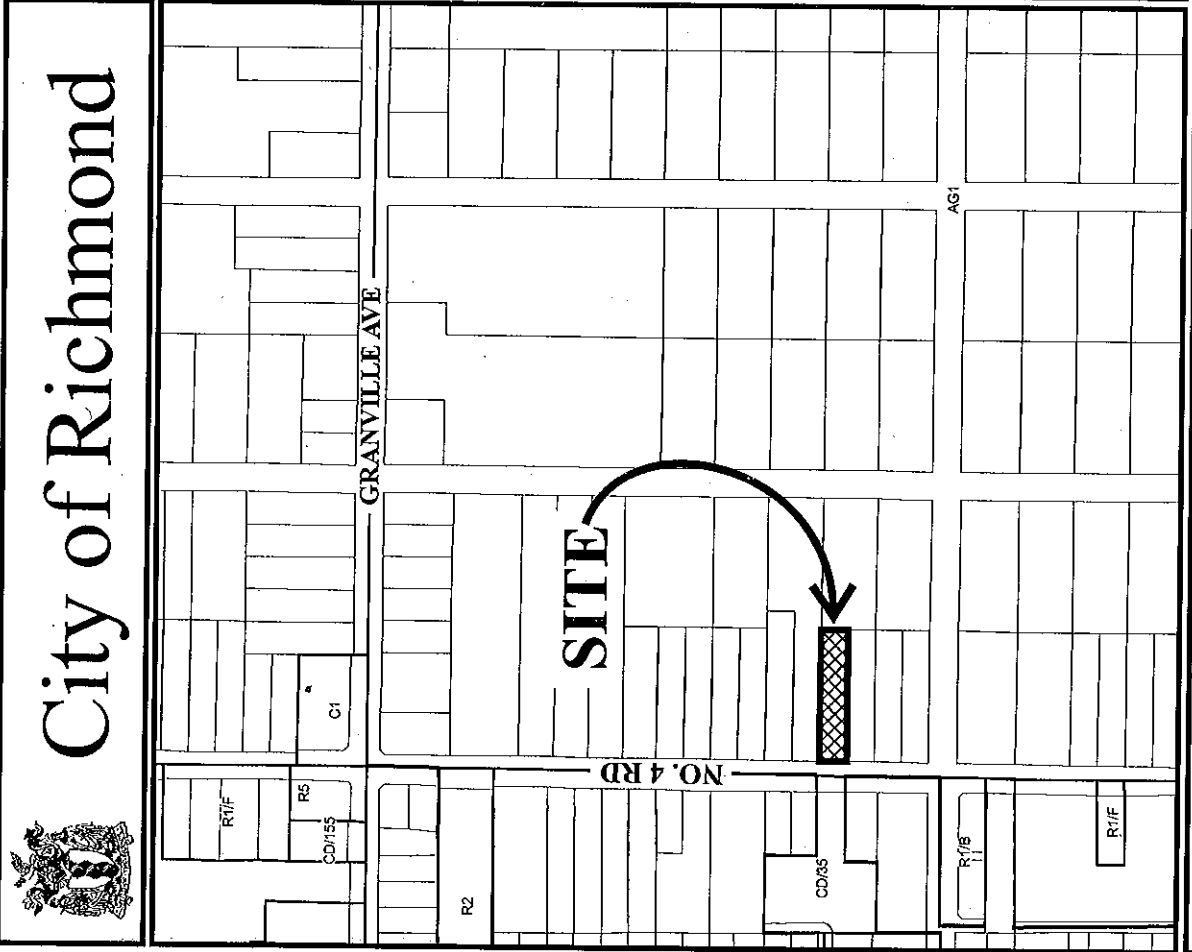
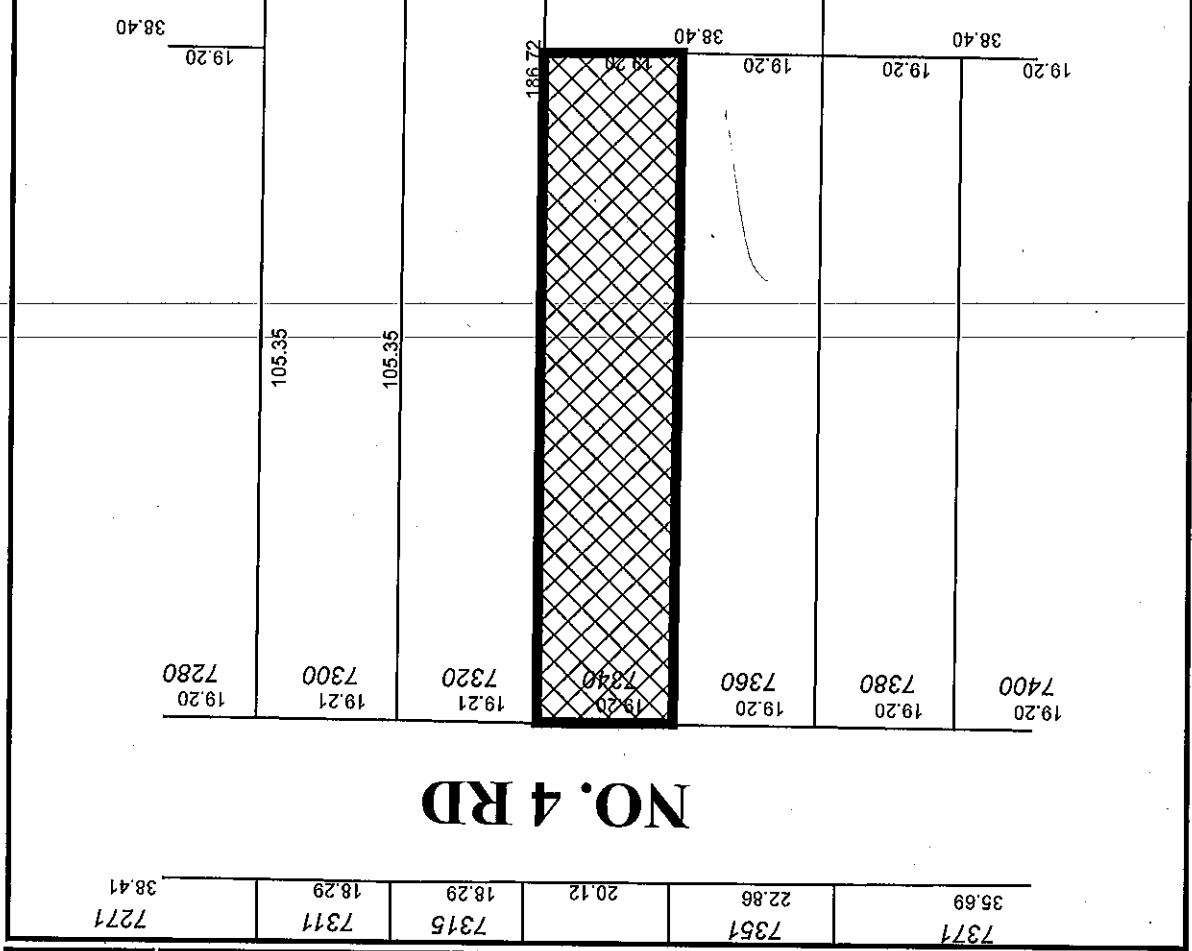
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Attachment 1 – Location Map and Aerial Photo

Attachment 2 – McLennan Sub Area Plan Land Use Map

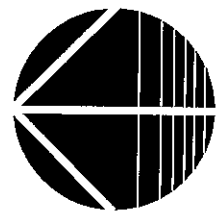
Attachment 3 – Data on Subject Site, Land Use Context and Application Status Summary Table

Attachment 4 – Sanitary Sewer Connection Policy 7401



Original Date: 11/24/06
 Revision Date:
 Note: Dimensions are in METRES

AG 06-353859



City of Richmond



AG 06-353859

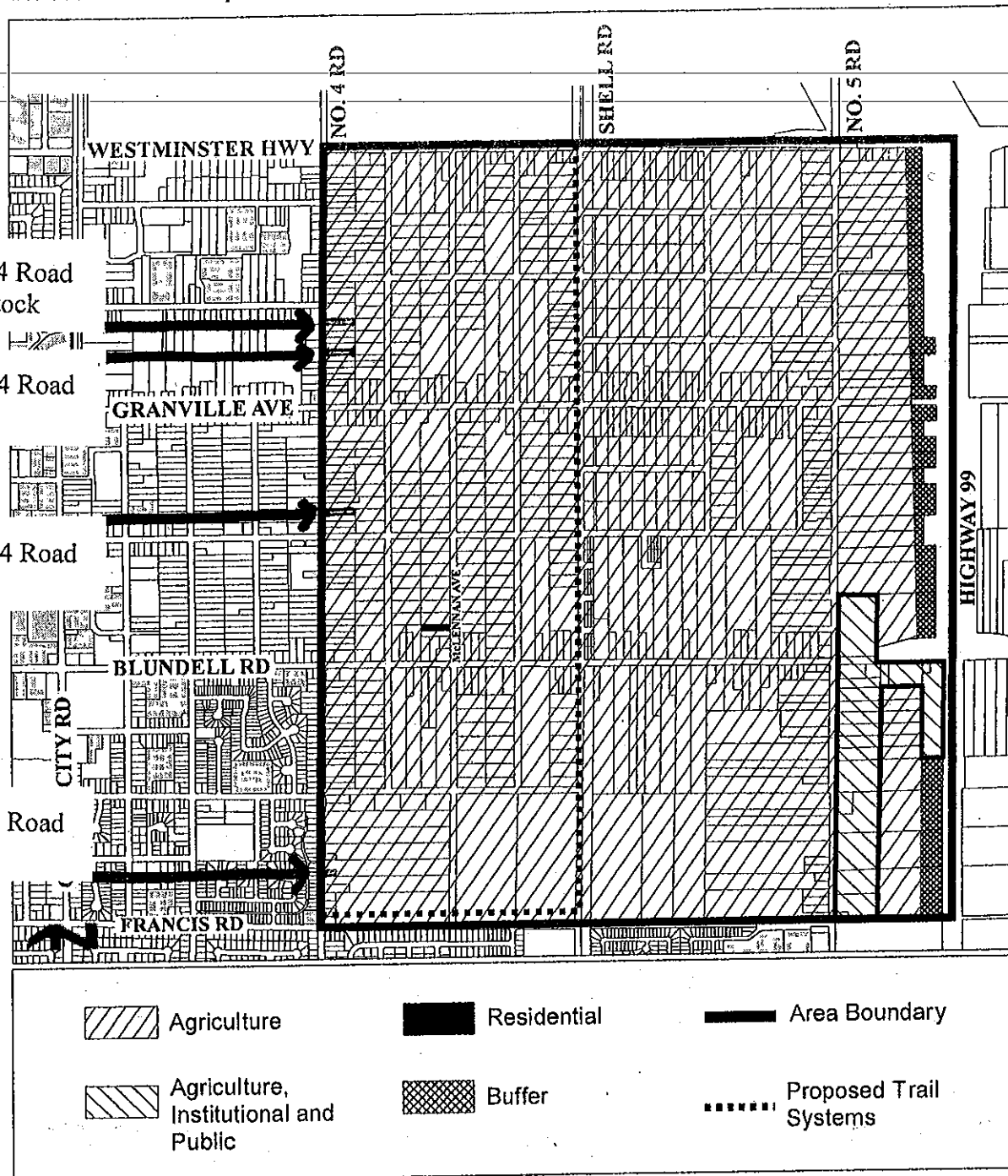
Original Date: 04/27/09

Amended Date:

Note: Dimensions are in METRES

City of Richmond

Land Use Map *Bylaw 7536
2003/07/21*



Findings of Facts
7340 No. 4 Road (Gordon Pushee)

| Item | Existing | Proposed |
|------------------------------------|--------------------------------|------------------------------------|
| Owner | G. Pushee, C. Weaver | N/A |
| Applicant | Gordon Pushee | N/A |
| Site Size | 1,792 sq.m (0.44 ac) | No change |
| Land Uses | Single-family dwelling | Not clearly specified by applicant |
| OCP Designation | Agriculture | N/A Currently unknown |
| McLennan Sub-Area Plan Designation | Agriculture | N/A Currently unknown |
| ALR Designation | Subject site is within the ALR | Exclude property from the ALR |
| Zoning | Agricultural District (AG1) | N/A Currently unknown |

Surrounding Context

To the west: A combination of single-family dwellings on R1/F zoned lots and townhouse developments with Comprehensive Development District zoning on the west side of No. 4 Road.

To the south: An AG1 zoned property in the ALR with a single-family residential dwelling.

To the east: An AG1 zoned property (no access) in the ALR designated as an Environmentally Sensitive Area (ESA).

To the north: An AG1 zoned property in the ALR with a single-family residential dwelling.

Status Summary Table for ALR Exclusion Application at 7340 No. 4 Road

| ALR Exclusion Application | Requests for Information - Applicant Response | Additional Updates |
|--|---|---|
| 7340 No. 4 Road (Gordon Pushee) Submitted Nov. 23/06 | Soils Information <input type="checkbox"/> Contends that additional soil studies and information is not relevant to the exclusion application. | <input type="checkbox"/> Applicant requests that the ALR exclusion application, in its present status, be forwarded to Council. |
| | More detailed written rationale <input type="checkbox"/> References historical residential land use, location on an arterial road and small parcel size as justification for ALR exclusion. | |
| | How proposal will benefit farming <input type="checkbox"/> Applicant advises there will be no response to this request. | |
| | Proposed future land use <input type="checkbox"/> Residential – existing single-family. No further elaboration on future land uses provided. | |



Page 1 of 1

Adopted by Council: October 25, 2004

Policy 7401

File Ref: 6400-00

Sanitary Sewer Connection

Policy 7401:

It is Council Policy that:

1. Properties outside of City sewer boundaries be denied connection to the City sanitary sewer system unless the General Manager, Engineering and Public Works deems there to be a health-related concern and it is not technically feasible to construct an on-site sewer system and the connection would not be contrary to the Official Community Plan.
2. All costs related to connection of a property outside the City sewer boundaries to the City sanitary sewer system are the responsibility of the party requesting the sewer connection, including the costs of investigating and implementing any upgrades to the existing City sanitary sewer system necessitated by the new connection and all associated construction costs.

(Engineering & Public Works Department)

To: Planning Committee
Agenda
ALR Exclusion Application
7340 No. 4 Road

CityClerk

From: Gord P [gord.p@shaw.ca]
Sent: May 27, 2009 1:28 AM
To: CityClerk
Subject: Document for tabling, Planning Committee
Importance: High
Categories: UCRS Code FILE: 08-4105-04-02
Attachments: Farming along Number 4 Road.doc; Notes on staff report.doc

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Hello David,

Per our conversation on tabling documents for my upcoming appearance before the Planning Committee, I have attached two documents. Will you please have these sent to the committee members in time for them to read the documents before the meeting on June 2?

Will you please acknowledge when the documents have been prepared and forwarded?
Thank you very much

Sincerely
Gordon E. Pushee
7340 number 4 Road



Farming along Number 4 Road

| Reasons to Farm Number 4 Road | Reasons to NOT Farm Number 4 Road |
|-------------------------------|--|
| "Official" Farmland | Not being farmed now |
| | Buy at \$800,000 - \$1,000,000 per acre |
| | 50 Acres = \$40,000,000 - \$50,000,000 |
| | Demolish Buildings |
| | Demolish Concrete Driveways |
| | Remove Trees |
| | Remove Fences |
| | Remove Septic Tanks & Fields |
| | Remediate Soil |
| | Sand, Topsoil |
| | Level, Drain |
| | Build Outbuildings |
| | Build Approach Roads |
| | Environmental Surprises |

Not all uses of current ALR lands are consistent

| | | |
|-----------------------------|---|--|
| Location | DFO Land (antenna field, now vacant) | Number 4 Road Frontage Lots |
| Viability | Most viable as a farm Immediate | See previous table Not Viable |
| Size & Shape | 135 acres contiguous | 50 Acres, individual ½ acre lots, long strip |
| Soil Condition | Likely Ready to Sow. Far greater soil integrity. Original? | Totally Unsuitable Environmentally Unknown. GKW 60-70 years Residential |
| Required to Farm | Nothing. (Maybe a fence) | Everything! See previous table |
| Owner | Federal Government | Privately Owned |
| Current Use | Not Used | Residential |
| Current Status | ALR | ALR |
| Proposed use = Farm? | NO | Yes |

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|---------------------------------|---|---|
| Location | DND Lands (Armoury) Treed Lot, vacant | Number 4 Road Frontage Lots |
| Viability | Very viable as a farm Immediate | See previous table Not Viable |
| Size | 123 acres contiguous | 50 Acres, individual ½ acre lots |
| Soil Condition | Likely Ready to Sow. Far greater soil integrity. Original? | Totally Unsuitable Environmentally Unknown Long term Residential |
| Required to Farm | Cut Trees. (Maybe a fence) | Everything! See previous table |
| Present Owner | Federal Government | Privately Owned |
| Current Use | Not Used | Residential |
| Current Status | ALR | ALR |
| Proposed use = Farm? | NO | Yes |

| | | |
|---------------------------------|---|---|
| Location | No 5 Road Interchange | Number 4 Road Frontage Lots |
| Viability | Viable as a farm Immediate | See previous table Not Viable |
| Size | 2 x 40 acres contiguous | 50 Acres, individual ½ acre lots |
| Soil Condition | Likely Ready to Sow. Far greater soil integrity. Original? | Totally Unsuitable Environmentally Unknown Long term Residential |
| Required to Farm | Nothing. (Maybe a fence) | Everything! See previous table |
| Present Owner | Dept of highways?? | Privately Owned |
| Current Use | Space around highway | Residential |
| Current Status | ALR | ALR |
| Proposed use = Farm? | NO | Yes |

| | | |
|---------------------------------|---|---|
| Location | RV Park, Skating Oval | Number 4 Road Frontage Lots |
| Viability | Viabile as a farm Must be cleared | See previous table Not Viable |
| Size | 30+ acres contiguous | 50 Acres, individual ½ acre lots |
| Soil Condition | Likely Ready to Sow. Far greater soil integrity. | Totally Unsuitable Environmentally Unknown Long term Residential |
| Required to Farm | Clear | Everything! See previous table |
| Present Owner | ?? | Privately Owned |
| Current Use | RV Park | Residential |
| Current Status | ALR | ALR |
| Proposed use = Farm? | NO Skating Rink | Yes |

Notes on staff report

Overview

A staff report to Committee is supposed to be disinterested and objective - in a word, professional. This report, in contrast, appears to be biased, discriminatory, argumentative, self-serving, and unprofessional.

Note: it took 2-1/2 years, a huge amount of reminding, pleading, entreating, goading, and finally an appearance before Council before Staff reluctantly deigned to produce a report.

Bear with me while I remind you that you are NOT bound to accept staff recommendations. This is ONLY a staff report, only one component of information to help you, the elected representatives, to discharge your duties to the residents of Richmond. *Your sworn duty is to act in the best interests of Richmond residents - not of staff.* Staff works for YOU – not the other way around, as they sometimes seem to act. . They can be wrong, sometimes spectacularly so. Note the tactical and ethical blunder by this very same staff their recommendation to “enhance” the CLC application last November.

Consistency

The staff report is very inconsistent with its arguments on other reports on exclusion applications – the two DFO lands applications and the Oval lands.

Mr. Eng, in his report on my application, often refers to the principle of consistency. I ask how dare he do so in light of the glaring inconsistency between this report and the previous ones?

Note those report's conclusions were all strongly in SUPPORT of *the very same kind of application as this one*: exclusion from the ALR. The DFO applications were for over 135 acres vs. less than ½ acre, much more easily remediated, contiguous, with access on all sides, complete with a standing offer from successful farmers to lease & farm it.

I have prepared a small table comparing the attributes of my property to those of the DFO as applicable to farming.

See attached: Farming Along Number4 Road

These attributes were in all cases well known to staff. If staff were not aware, they certainly should have been, Ignorance is only slightly less of an indictment than bias for a proclaimed professional.

In spite of these FACTS staff recommended that the Oval and DFO applications be approved, and that my application be denied.

Council accepted the recommendations, and forwarded the applications to the ALC.

One must also ask how it can be that Mr. Eng's superiors, Mr. Crowe and Mr. Erceg, took no exception to these gross inconsistencies? Did they simply not notice, or are they part of the same agenda?

If the Committee wishes, I can prepare excerpts and quotations from the staff report on the DFO application to support this assertion. I believe, however, that Council is VERY familiar with THAT application, and likely quite tired of it, so that would not be necessary. I will only refer to the most obvious high points.

Soil quality is one obvious point, as *the soils are the very same in both properties*, yet staff deliberately delayed MY application for this specious bit of information, of no consequence anyway, rather than just look at a map that they already have, or look at the DFO research materials.

Logic and Fact vs. Opinion

In my presentation, I argue for an exclusion based only on FACTS and LOGIC. My arguments are strictly logical and solely based on the actual attributes of the land in question. My position is supported by concrete observable facts, real physical attributes of my property - size, location, adjacent use, historical use and recognition by the ALC that such a small lot is NOT viable for farming.

The land is NOT farmland, it never was, it is not suitable, and there is no crop viable. It can't be farmed due to City bylaws (how ironic). It is exempted by the ALC Act which recognizes lots under 2 acres are not viable.

Mr. Eng's arguments deal only with department *policy*, directly in conflict with FACTS and logic. He writes: "Contiguous land base", Straight lines on a map. "Approach taken". "Broader OCP objective".

Staff arguments to disallow my applications are completely unsupported by fact or logic. The arguments are artificial, arbitrary, authoritarian as well as illogical.

The entire staff report boils down to "*Because I say so.*"

Credibility and Staff agenda

I will examine staff's negative arguments individually, but first I want to take an overview of their credibility and agenda.

1. Who among the staff has farmed?
What experience do any "staff" members have to bring to the practice?
2. What is staff's real agenda?

Have they done a feasibility study on farming on this land, even if consolidated, even at today's land and commodity prices?

I challenge "staff" to create a feasibility study of farming ANYTHING on these lands.

I will even let them assume for the exercise that all the lands fronting No 4 Road CAN be consolidated in spite of its great unlikelihood, and even waiving, for the exercise, the

costs of consolidation. I would ask them to include the cost of land remediation.

If staff can come up with a viable solution, I will withdraw my application.

Bias and Conflict of Interest

Why did staff recommend PRO for the DFO lands application, and CON for my application?

What is the difference in the applications themselves that led staff to support the DFO application, and oppose this one? The only difference I can see is who the applicants are.

In addition to "illogical, arbitrary, uncooperative", perhaps one could consider the adjectives "biased" and "discriminatory" to describe this report.

Again, one must ask how it can be that Mr. Eng's superiors, Mr. Crowe and Mr. Erceg, took no exception to these gross inconsistencies?

Did they simply not notice, or are they part of the same agenda?

FACTS

My argument is not based on "policy" or "approach" or "objectives"

My argument is based solely upon a few undeniable facts:

1. **THIS LAND IS NOT FARMLAND NOW, AND NEVER WAS**
2. **THIS LAND IS NOT VIABLE FOR FARMING.**
3. **THIS LAND IS IN THE ALR FOR BUREAUCRATIC REASONS ONLY, mostly arbitrary, not based on facts, logic, viability or history.**
4. **The ALC Act, under Sec 23,1 recognizes that sub-2 acre plots are NOT viable as farmland.**
5. **There are NO sub-2 acre farms in Richmond**

FACT: My lot is not farmland now.

That is obvious.

FACT: My lot never has been farmland:

Given the unworkably and unrealistically short time staff gave me to respond to their report, I must ask the indulgence of Council. I do not have with me the documentation to prove that this land was never farmed. The documentation exists in the archives, and I can obtain it and bring it before you, if you do wish. I apologize for not being able to obtain the entire history in time. Mr. Eng sent me an e-mail, on Friday May 15 going into a holiday weekend.

One must wonder about the timing. Previously, some 2 years ago, Mr. Crowe repeatedly assured me that I would be given adequate time between preparation of the report and inclusion on the agenda.

I had to ask the Committee for a deferral, for which I sincerely thank you.

FACT: My lot is not viable for farming.

The lot is less than ½ acre, with a house, driveway, and septic field reducing area to less than half. There is no access to the back yard for vehicles or farm/garden implements. It would require extensive remediation to prepare even the remaining area for planting, digging up lawn, removing trees.

FACT: From the BC Assessment authority.

The number of sub-2 acre farms in Richmond as defined by the Assessment act? Exactly ZERO. Documentation is available.

FACT: The ALC Act, under Sec 23,1 recognizes that sub-2 acre plots are NOT viable as farmland.

Colin Fry, Executive Director ALC: "Section 23(1) essentially recognizes that within the administrative boundaries of the ALR it is acknowledge that some lands are not subject to the Act. Section 23(1) was the answer to the cartographic problem of isolating and mapping out of the ALR small lots such as yours."

Staff opinions opposing my application:

Their argument (and only point) can be summarized as "Because I said so". Their point of view CANNOT be supported by ANY facts or by any objective examination of my properties usage, history or viability. Their argument is supported only by their "policy" and such abstract terms as "planning perspectives" "enhanced viability" and other bureaucratic jargon.

They stubbornly defend their arbitrary and illogical rules that they wish to continue to impose on the rightful owners of the land, counter to the owners' will and benefit, counter to the benefit of agriculture itself, and of no benefit at all to the City.

For reference, please see the following definition of "agriculture".

Ref: The Oxford dictionary:

AGRICULTURE: n. The science or practice of cultivating the soil and rearing animals

Staff has argued that "Agricultural land" in Richmond, as defined by them is NOT synonymous with farmland. Well, then what in heaven's name is it? In Richmond, it is "OTHER" land; land now in the ALR, as captured arbitrarily in 1972 - half a lifetime ago, by a government in a very big hurry with a very full agenda and little time to enact the ALC Act.

FACT: Then-Premier Barrett said, (no doubt Mr. Steves will recall) that the government of the day did not expect to be reelected, and had to move very fast to enact a great deal of legislation in a short time.

Mistakes were made; details were dropped.

How arbitrary was the delineation of the ALR?

Let me refer to an expert on the subject. Here is a comment from an authority on the subject, Mr. Colin Fry, Executive Director of the ALC. The following is a quotation from an e-mail from Mr. Fry to me, Feb 26, 2009.

“An obvious question then arises - why is the property in the ALR?

The answer quite simply is that on designation the boundary was established along the east side of No. 4 Road as it represented for the most part the eastern extent of substantial non-farm development or conversely, the western extent of agricultural land.

This being said, it was recognized that some residential lots along No. 4 Road would also be placed within the boundaries of the ALR.

Simply put, it was far easier from an administrative standpoint to locate the ALR boundary along the already established road right of way rather than jutting in and out to take excepted lots out of the ALR. Further complicating the removal of small, excepted lots from the ALR was that the original maps at designation of the ALR were at a scale of 1:50,000 and any attempt to delineate the ALR boundary around a lot such as yours would be useless. Imagine if you will that at a 1:50,000 scale your lot would be little more than a dot made by placing a penpoint on a piece of paper.

Section 23(1) essentially recognizes that within the administrative boundaries of the ALR it is acknowledge. that some lands are not subject to the Act. Section 23(1) was the answer to the cartographic problem of isolating and mapping out of the ALR small lots such as yours.”

At the time, in 1972, such arbitrary boundaries may have been justified on the bases of cartographic and administrative expediency. As I said, above, the ALC act was enacted hurriedly and somewhat crudely.

Today, however, we have mapping down to the centimeter, and online databases to store and display them. This cartographic argument now transcends speciousness.

FACT: These ARE individual lots.

They have been for more than 60 years.

FACT: No prospective farmer has tried to consolidate them.

We have a professional realtor on council, of whom I would ask:
How hard is it to consolidate 75 to several hundred properties? How likely?

How expensive? How complicated?

This report is riddled with half-truths, obfuscations and red herrings.
For example: page 3-4

"It is unknown whether the remaining three properties under application are also excepted from the ALC Act, as the proponents have not submitted the necessary information."

The only "necessary information" is that the lots are under 2 acres, and were so on Dec 21, 1972. The most rudimentary neutral research by staff would have discovered this.

He goes on: "City staff conducted research on these other properties, but have not been able to attain the appropriate legal titles and subdivision plans (to confirm adherence with criteria) to determine if the properties meet the provisions to be excepted from the ALC Act."

Is this an untruth or is it an admission of gross incompetence? The records are on file at the Land Titles Office, and in the City of Richmond's own files.

City staff had TWO AND A HALF YEARS to conduct this research – on the City payroll and with full access to resources. Research for a post-graduate degree does not take that long. It would appear "city staff" either did not try very hard, or is grossly incompetent.

I contend that staff chose not to perform this research. Note the passive voice and careful wording.

The report goes on: "Staff notified each applicant about this exception provision contained in the act and to follow-up with ALC staff to clarify the criteria and information required to confirm if the exception applied to their property."

Mr. Eng tries to claim credit for informing the poor ignorant applicants about something they did not know. In fact I was very well aware of the provisions, and that my property does indeed meet the criteria, I told him so in e-mail correspondence many months ago.

At the time, I considered it moot, and so informed him, but since he introduces it as part of his negative argument, Sec. 23.1 of the ALC Act presents further evidence that this is NOT farmland now, is not viable as farmland at any future time, and is recognized as such by the ALC. This provides more reason to endorse the application.

In comment on this portion of the report, in addition to claiming credit for something he has no right to claim, he displays an arrogant and patronizing attitude. This is after delaying the report for TWO AND A HALF YEARS.

Last observation on this point: He displays even MORE inconsistency.

He observes that Mr. Taylor's property IS exempted, and recommends against its exclusion anyway! So, in his opinion, Sec 23.1 is not germane, why did he waste the toner, his city-

paid time and my valuable time blathering on about another moot point? This is another red herring.

From the staff report, Mr. Eng's overview: page 4

"From a land use and planning perspective of maintaining areas for agricultural purposes, the approach taken is to designate and include all land in the ALR for agricultural purposes and not individually differentiate properties that are excepted from the ALC Act. This approach is beneficial to agriculture as it would provide a more contiguous and large land base available for farming and not result in further erosion of the ALR boundary."

"Maintaining properties excepted from the ALC Act within the ALR also assists in the potential future consolidation of smaller lots into larger parcels that can be more readily farmed. If individual exclusion are considered, future lot consolidation may be more difficult to achieve."

Parse that out.

... "for agricultural purposes" ... "to designate and include ALL land in the ALR for agricultural purposes"

From the Oxford dictionary:

"Designate" verb / 1 officially give a specified status or name to; describe as.

To "Designate" implies that a status or description is arbitrarily applied from outside.

Arbitrarily and absolutely without regard for the lands' size, viability or usage

..."beneficial to agriculture as it would provide a more contiguous land base suitable for farming...and not result in further erosion of the ALR boundary

Absolutely NOT beneficial to agriculture, in fact HARMFUL to the ALR itself, as it falsifies the inventory of land "that can be more readily farmed."

Keep those map lines straight

"Maintaining properties excepted from the ALC Act within the ALR also assists in the potential future consolidation of smaller lots into larger parcels that can be more readily farmed. If individual exclusion are considered, future lot consolidation may be more difficult to achieve."

This is absolutely counter to the very purpose behind the exclusion clause.

The stated policy is to force me into consolidation against my will.

Read it again. Page 4 of Mr. Eng's report

How cynical can it get?

The next ridiculous assertion by Mr. Eng: page 4

"The existing boundary of the ALR along No. 4 Road constitutes a contiguous clearly defined BUFFER and helps to delineate between urban and rural/agricultural areas."

In Mr. Eng's opinion, No 4 Road is a "buffer"??

The criteria for an agricultural/residential buffer are published in the AVS. No 4 Road is not a buffer, by any stretch of the imagination.

No 4 Road is a 30,000 vehicle/day "ARTERIAL ROAD", as defined and confirmed by your own Traffic department. Documentation is available.

It is, in fact, the VERY SAME road whose existence and proximity constituted a reason to support the City's, Musqueam and CLC's DFO Lands application exclusion.

So, which is it? Is location along No. 4 Road a reason to support an application? According to the conflicting reports, the answers vary.

YES, if the applicant is the City itself, Big Money or a political irritant.

NO, if the applicant is a single homeowner, even if that homeowner is eligible under Sec. 23.1 of the ALC Act.

Where is the logic? Does that not suggest discrimination?

If Mr. Eng or the City wants a real buffer, I hereby make the City an offer.

If you want a buffer – buy the 303-foot deep strip fronting No 4 Road from Westminster Highway to Francis Road. I will sell you mine at \$75 a square foot, and you do whatever you want with it. Leave it in the ALR or not. Make a "Buffer" or a "Linear Park" as Mr. Steves suggests. You could claim that as "OCP consistent" and "support the ALC's mandate" etc.

The Myth of Farmland

You are being asked by staff to perpetuate the myth that this is AGRICULTURAL LAND, that is, FARM land, in direct denial of all the facts.

Some of you are lawyers. Some are business people. Let me present this concept to you.

In any business endeavour that involves inventory, the enterprise is obliged to truthfully report its inventory, quantitatively and qualitatively.

If it does not, the enterprise is responsible.

Deliberately misrepresenting the attributes of inventory is not only morally and ethically wrong, but illegal, which is of interest to us all, but of much more interest to those of you who chose the law as a profession. The law reinforces this requirement for truthfulness. Misrepresenting inventory is FRAUD, and is punishable under both criminal and civil law.

Staff is asking you to participate in the *fraudulent misrepresentation* of these lands as farmland, in spite of facts, both concrete and abstract, that *they are clearly not*.

Somehow keeping a straight line on a map, as stated by Mr. Eng, seems too petty even for a minor civil servant, so one must assume there is another, hidden agenda.

One plausible reason is to curry favour with the ALC by keeping the acreage numbers of land in the ALR artificially high.

Another plausible reason is that they wish to misrepresent the nature of these lands to hold DOWN the value for some future expropriation.

In a presentation a couple of Years ago, Mr. Steves made an oblique reference to looking at the lands immediately east of No 4 Road for Parks purposes. While I do agree that we could use more parks, I have no desire to donate half the value of my land to fill Mr. Steves' shortfall of parks land. Make me a fair offer, Mr. Steves, and I will sell it to you. Then you can apply for exclusion. Good luck.

How DOES staff rationalize their refusal page 4

"Benefit of Keeping Properties Excepted from the ALC Act in the ALR."

- Consistent with the OCP
- Existing boundary along No 4 Road
- The approach taken is to designate and include all land in the ALR for agricultural purposes and not individually differentiate properties that are excepted.
- Maintaining properties excepted assists in future consolidation.

Reluctance of paid staff to examine their hopelessly out-of-date OCP?

Do they wish simply to defend their position and to exercise power for the most petty of reasons, that they are simply too busy, too lazy (remember 2-1/2 years), too stubborn, or too biased to re-examine their OCP.

Note the OCP was created in 1987 - 22 years ago, and not substantially updated since. Note the sheer physical size of the East McLennan OCP document compared with all others. That is itself quite illuminating.

Straight lines on a map?
 Ignoring the ALC's own guideline?
 Future consolidation?
 False inventory?

Are these reasons to freeze us in an administrative purgatory forever?

Rotary logic - the land is designated agricultural only because it is in the ALR, but it is in the ALR because it is designated agricultural.
 Only a petty civil servant could fail to see the awful flaw in that logic.

East McLennan Official Community Plan Page 5

Simply the size of the East McLennan OCP vs. others reveals that there is no practically NO thought or planning being done in and for the area. It is NOT agricultural. It is simply a holding tank for the city for some future purpose. It is considered as "other" usage.

Specious – the area is not farmable, so why/how is the OCP "in support of agriculture"

Discriminatory

The Arterial road policy is discriminatory to lands in the ALR. Everywhere except in the ALR (which in terms of number or properties is East McLennan) there is a consistent plan along arterial roads – except in the ALR. More arbitrary discrimination is practiced.

Inconsistent - Incompatible

Back lands in the area have been declared by the City itself to be "environmentally sensitive zone" at conflict with "agricultural". Let me perfectly clear. A farm is NOT an environmentally sensitive area as defined, and they are not compatible neighbours.

No Updates or Sub-Area considerations

Other OCP's have been updated – sub-area plans have been created to accommodate zoning and development. Meanwhile East McLennan has languished as a single entity With no plan other than deferral for some stated future consolidation for "agricultural purposes". Is that fair or practical?

Agricultural Viability Study Page 5

Mr. Eng refers to the AVS very selectively.

Enhancing Agricultural Viability

"The AVS supports the broader objectives of protecting farmland in the ALR and enhancing agricultural viability of farmland in Richmond."

Admirable objective. But my sub-half-acre lot is NOT farmland to be "protected" nor to have its "agricultural viability enhanced".

You can't "enhance" what does not exist.

On my little lot, NO "agricultural viability" exists to be "enhanced"

General Comments on the report

Pure Opinion page 5

Mr. Eng made up the following on the spot. This is written nowhere else except in this report, a product of his bureaucratic creativity.

"Site-specific exclusion requests, considered independent of other properties on this

Agricultural Management Node are not supported as a fragmented approach that would not benefit agriculture and jeopardize the established boundary (NO 4 Road) between urban and rural areas. As a result, the four ALR exclusion requests do not comply with the "policies and recommendations" contained within the AVS."

More abstract "policies and recommendations."

Whose "policies and recommendation? I guess they are those of the so-called planning department, again.

That is, the very same department whose "policy and recommendation" was to create a bribe to "enhance" the Cities exclusion application.

They call again for more arbitrary straight lines on a map, more bureaucratic third-person-voiced gibberish.

One is reminded of the old joke whose punch line is "It doesn't have to make any sense, it is company POLICY."

This time it isn't so funny, as it involves MY property and my major asset.

Property Management in East McLennan Node

(Ref. McLennan 2 Agricultural Management Node page 5)

"...All properties in this node are to be managed in a coordinated and comprehensive manner."

That is certainly NOT being done. One could argue that all properties in this node are being IGNORED in a coordinated and comprehensive manner.

Specious Requests page 6

For soil samples.

Not germane. Besides, the city already has soil values from their OWN maps. Soil characteristics have absolutely nothing to do with application for EXCLUSION. These are patently delaying – stalling – distracting tactics

Status of each application page 6, attachment 4

- "Through the processing of the applications and resulting requests for additional information some of the applicants questioned the city's requests for more information and indicated that applications be forwarded to council with none of the supplementary information requested."

Too right. TWO YEARS AGO.

- "Approximately two years has passed since city staff requested additional information for the subject ALR exclusion applications."

I can hardly contain myself on this one. The self-righteous tone of the writer implies that staff was willing to proceed and we were not. Nothing could be further from the truth. I have a dozen unanswered e-mails to Mr. Terry Crowe, who was holding (withholding?) the application for all that time. I specifically referred to each of the subjects in the staff request, and requested, as stated above, that my application be forwarded as is. Then, as

now, the requests were entirely specious, and a transparent delaying tactic with which, were I their employer, I would deal harshly.

- "Based upon the limited information submitted for each application, staff consider all applications incomplete, thereby not enabling staff to conduct full examination and review."

Again, I can hardly contain myself. It really doesn't matter what staff "considers". The requests were specious, and staff was so advised. They then unprofessionally chose to do absolutely nothing for over two years. Their job is to consider the FACTS.

Staff Analysis Page 8

Mr. Eng, while acknowledging that there is no practical agricultural activity in McLennan 2 dances around this fact.

"The subject ALR exclusions on the East side of No 4 Road are not consistent with the following OCP objectives and policies:

- "Maintain the ALR boundary."

Why? Contrary to all viability and historical use logic?

It sounds like his strongest argument is for a straight line on a map.

This may have been significant in the 1800's, but we now can produce somewhat more sophisticated maps

"The four ALR exclusion applications for the subject properties along No 4 Road do not comply with the city's policies and objective of preserving the existing ALR boundary as a measure to protect all land in the ALR for farm Purposes"

- "Maintain and enhance agricultural viability in the ALR on a city-wide basis and within the McLennan sub Area"

WHAT viability in East McLennan Sub Area?

The only farming taking place is to avoid punishing taxes. All the real farmers also want out.

- "Land use designations to identify agriculture as the principal use"

Show me. What agriculture?

Mr. Eng may "Identify" a chicken as a duck, but it still can't swim.

This land won't grow cash crops. THIS IS NOT FARMLAND.

The ALC Act itself, under Sec 23.1, acknowledges this.

But the Planning department insists that this is farmland, in spite of absolutely clear evidence. THIS IS NOT FARMLAND.

"Commercial agriculture, on large contiguous parcels in the McLennan area....However the potential for lot consolidation into larger agricultural parcels or for small lot agriculture or small lot operations... remain a possibility and viable land use that comply with City OCP.... Small lot agriculture utilizing principles of intensive urban agriculture... are viable farm activities that can be achieved on small lots."

Intensive urban agriculture? What is that? How labour intensive is it? What opportunity exists for enough profit to qualify as a farm per BC Assessment? They are dreaming.

If the City is serious about consolidation and farming, I challenge them lead by example; put their money where their mouths are, to buy, consolidate and farm the lands adjacent to No 4 Road.

I offer my property for sale to the city, or anyone else, with a restrictive covenant that it may only be farmed. \$75 a square foot. I can move immediately.

If the City does not have the strength of conviction to do this, how DARE they demand that I act as steward of my own land for someone else's benefit; for some future vision dreamt up by some ill-informed planner, a planner who has likely never farmed a day of his life, and may well never have set foot on a farm.

Some of you ARE farmers or have been. I ask you, what characteristics of this property are those of a farm?

Indeed, from the text of the report, the Richmond planners are very confused about the meaning of agricultural – they keep getting it confused with “environmentally sensitive areas” and OCP's.

Staff Conclusion page 9

“The request to exclude the four subject properties from the ALR are not supported as:

- While the existing use on the four properties is single-family, the applicants have not indicated what proposed future use of the properties would be.”

Specious baloney. Planning knows full well that any other uses than single-family would be subject to city zoning, so the point is moot.

- “ALR Exclusions in this area do not comply with the city's policies on land within the ALR”

NOTHING and nobody agrees with the city's policies on land within the ALR. Certainly not usage, history, viability, logic or any of the landowners or farmers.

- “Individual exclusion would result in negative impacts to farming in the area and set a precedent for other property owners to exclude land from the ALR, thus continuing to reduce the land base of the ALR”.

1. **THERE IS NO FARMING IN THE AREA TO IMPACT**
2. **Precedent: the true agenda is finally revealed. The Planning department does not want to even hear from any other applicants, or permit a precedent, so they want to kill this in the womb.**

But precedents come from decisions made on their own merit.

Fear of precedent is NO reason to avoid making a decision on its own merits. It is a classic example of decision-making influenced by bureaucratic phobia.

- 3. The land base is supposed to be FARM land -- FARMING is synonymous with Agriculture. The Planning department does not know, or chooses to ignore this.**

-
- "All applications are missing key, supportive materials typically requested for staff to conduct a comprehensive review of each proposal"

Baloney. These are more delaying, stalling & distracting tactics, discussed above. Staff had all the materials they needed. They chose for 2-1/2 years not to conduct a comprehensive review.

Net Benefit to Agriculture

Staff refers to "net benefit to agriculture"

1. Moot point under Sec 23.1. That clause recognizes lack of viability. Period
2. Rationalization of inventory.

A net benefit to agriculture can be realized by excluding my non-farm lot and others like it - NOT by keeping it in.

As I mentioned before council, and earlier in this summary, in any endeavour, the quantity and qualities of inventory must be truthfully presented. This is subject to audit in any business or government. Misrepresentation is FRAUD.

This lot, and in fact much of the land in East McLennan, are misrepresented as farmland. IT IS NOT FARM LAND. Who wants to be part of this fraud?

Cleaning out the non-farm land would, provide a net benefit to agriculture by leaving ONLY AGRICULTURAL land in the AGRICULTURAL Land Reserve.

No more misrepresentation. No more fraud.

Conclusion and Request

I wish to remind you again that this report reflects only the OPINION of staff - who are certainly not always correct, ethical, well-informed, neutral, or unbiased.

The recent golden example of staff's suggestion last November that the City "enhance the offer" to the AAC and ALC to grease the skids under the CLC's ALR exclusion application proves that beyond doubt.

At that time, as part of the "enhanced offer" of strategically placed cash, staff suggested a quid pro quo to the ALC that the City offer to keep lands east of No. 4 Road in the ALR in perpetuity, in return for approval of the DFO application. That was done entirely without any notice to or consultation with the OWNERS of those lands.

In Nov 2008, Council, in fact most of you who are here tonight, showed courage and good judgment. You ignored the bad recommendations of staff, overruled them and did the right thing.

I ask you to do the same now. Please ignore the bad recommendations of staff, overrule them and do the right thing.

Please do not take part in perpetuating this myth that this is farmland. Do not get implicated in the misrepresentation of ALR inventory for political purposes. Do not get fooled into believing that arbitrarily keeping us trapped in the ALR benefits agriculture when the opposite is true.

Please carefully read the arguments pro and con; examine the arguments logically; ask yourselves about the agendas of the applicants and opposing staff; separate fact from opinion, and the logical from the arbitrary.

When you have done so, please endorse this application and forward it to Council and to the appropriate authority, the ALC.

Thank you.

**Gordon E. Pushée
7340 Number 4 Road**