

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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