

MARCH 11 , 2008 Public Hearing for Garden City Lands ALR Exclusion:

Preamble: When the ALC rendered its 1st decision on these lands in Sept. 2006, the local media reported that one ALC Commissioner effectively asked the City of Richmond,

“ How did you , the City of Richmond, get into this pickle ? ”

Lets explore this “ *Made- in- Richmond – PICKLE ” much further, shall we...?*

Agriculture: Richmond History

Richmond City Centre Area

City of Richmond purchased the 700 + acre Brighthouse Farm in the early 1960's. This area was bounded by # 3 Road, Granville Ave. , # 2 Road and the Fraser River. This development, often referred to as “Brighthouse Estates “ was one of the City's early ventures as a major developer in Richmond, and a major contributor to the erosion of viable farmland, but not the City's last farmland - paving venture in this regard.

The ALR was created in 1972.

With it came the ALR inclusion of the “ Garden City Lands ” @ 5555 # 4 Road .

Thus: (2) scenarios that would impact on the future of the City Center occurred in the early 1970's :

- **#1 .** Garden City Road became an ALR boundary. On the West side of Garden City Rd. was the 80 acre Lansdowne race track site , zoned as Agriculture (AG) but was not included in the ALR . The Lansdowne developers required only 50 acres of this 80 acre parcel . Please also note the surplus 30 acres of Lansdowne race track land that was still available ,which the City had the option to acquire in the early 1970's, but ultimately the City did not pursue acquiring these 30 acres.
- **#2.** Garden City Lands 136 acres were included in the original ALR when there was an option to exclude them from the ALR. It was the City's refusal to acquire these 30 acres of surplus Lansdowne land from the original Lansdowne site that has ultimately created this park shortage mess . Instead of park, these 30 acres now have Kwantlen College and several Hi -density residential developments built on this same site . Again, another City Center Park lands option not pursued but instead paved -over with the blessing of the City Planners and City Council .

List of lost opportunities for City Parkland acquisition and development elsewhere:

- City's Odlinwood Lands (**approx 40 acres**) now a housing development.
- Remaining Brighthouse Farm Site (**approx 30 acres**) ...*NOW* Olympic Oval etc.
- West Cambie area, when Alexandra sub - area new OCP ? (over 136 acres , non ALR and parcelized,hence a long-term plan of parkland purchase was possible).

RE: The Current MOU and APS agreement for the Garden City Lands

Trade & Exhibition Centre (TEC):

While the Richmond Hospitality industry is a valuable Private Sector contributor to the overall Richmond economy, the TEC that is proposed is effectively making use of cheap ALR land, and it appears the TEC viability is dependent on being built on the Cities so-called 50 % “ PUBLIC LANDS ” portion of the 136 acre Garden City Lands site. (ie the evidence suggests that the TEC = Not viable without a major “ land subsidy ”).

Thus, the City’s maximum possible total of “ Public Lands ” share of the 136 acre Garden City Lands is approx. 68 acres. The MOU stipulates that the TEC will consume **20 acres** from total 68 acres of Richmond’s share of the Garden City lands. The City may claim it has acquired 68 acres of “Public Lands”, but if the TEC is built, the City will have only 48 acres of Public Lands possibly available for any park space.

Now, let’s not, I repeat not, confuse the term Public Lands with Publicly- Owned Lands, which better describes this 68 acres. Publicly -Owned Lands are not the equivalent of parks and open space. The reality indicates 68 acres of so-called “Public Lands” = 48 acres maximum of potential “Park and Open Space”. The City effectively commits to a major subsidy - ie a GIFT of 20 acres of ex- agricultural land, now currently Federally -owned ALR land, to a multi -billion dollar hotel and hospitality (Tourism) industry.

If the ALR exclusion is approved, and based on current land prices in the City Centre, the City’s 20 acres of Publicly -Owned Land dedicated for the TEC will have a land value of approx. **\$80 - \$100 MILLION**. This 20 acres would be a Public Asset, yet this is already being dedicated in the MOU towards a private sector NON- Park use.

Next Question: Who then funds the actual construction of the TEC ?

The TEC’s own feasibility studies are already dated, several years old. I see no updated business plan from TEC proponents, nothing regarding any major private- sector funding. I think it is reasonable to presume that the public purse will again be plucked and plundered by the private sector to build this TEC facility. We already have huge cost overruns of approx. \$½ BILLION in the Vancouver Trade and Exhibition Centre.. The public has no more appetite to be mid- wives in a maternity ward to give birth to any more white elephants at a fiscal “black hole” cost to the taxpayer.

There are a lot of business contained in these “Yellow Pages” I am holding that would love to receive a similar Gov’t handout.

Recent studies show that existing TEC’s are increasingly hard to fill, as the combined pressures of higher airfares & fuel prices, plus Internet & video-conferencing alternatives make TEC’s a relic of the previous 20th Century.

Musqueam Land Claim

We wish to discuss one of the key facets of this current application, the Land Claim by the Musqueam First Nations. This Land Claim is based on legal arguments in which the Musqueam have stated their case. However, the Land Claim legal case has simply stalled at an injunction, and not proceeded further. We are simply involved in a “who- will- blink- first” legal stand-off. We respect the Musqueam rights to pursue this matter through the proper legal channels and who represent their own Musqueam constituent’s best interests. However, the City of Richmond also has obligations to represent the best interests of its own constituents, namely the CITIZENS of RICHMOND !!!.

Thus, the City has to look at the Big Picture, and as a consequence the City has a fiduciary duty to get THE best professional advice and make THE wisest decisions and to not make important decisions based on boogeyman fears and fearmongering.

Unfortunately, we see nothing other than boogeyman fears etc. being promoted by the City as rationale for this MOU and APS agreement.

We ask the City of Richmond this simple question:

How does an injunction based on Land Claim, which effectively freezes ownership transfer of Federally- owned ALR land, then, at the stroke of a pen, “magically” transforms this same injunction from freezing viable agricultural land into Richmond’s future version of downtown Manhattan?

Given the aforementioned, we feel that the City has failed its own citizens miserably. In order to justify the justify this ALR exclusion, the City is exposing its own ignorance and continually mis- informing its own Richmond constituents that if the City does not capitulate to the demands of the Musqueam and the CLC, it, the City will lose any/all portions of these 136 acres of lands?

However, on what point of law and what existing legal precedent is the City basing this ALR exclusion application which is also crucial to the MOU and APS? We have not found a single one, but, in fact, we have found actual examples to the exact contrary.

EXAMPLES

---- Musqueam Ladner Reserve.

Anyone been to Ladner...around the 34th St. and 34 A Ave area?

It is a large parcel of ALR land within Ladner’s farming area and appears to be farmed. There are NO Hi-Rises, NO Condos, NO apartments on the Musqueam Ladner reserve.

Question: WHY or WHY NOT?

---- 130 + acre ALR parcel currently “For Sale” in East Richmond.

If the Musqueam claim they can remove holdings in their legal possession from the ALR, why don’t the Musqueam purchase that 130+ acre East Richmond ALR parcel, build hi-density on that site, and not go through this Garden City Lands hassle?

---- The StoLo Band. allied with associated First Nations, and Chilliwack CFB case also involving surplus Federal Lands:

- Much stronger court case, actual proof of past residence, and previous ownership , also given Reserve land had actually been expropriated by the Federal Gov't .
- This case went to the Federal courts, but the Chilliwack First Nations bands LOST in (2) Federal Court decisions.(specifically noted in “APPENDIX”)
- The Federal Courts, in (2) judgements , ruled that the First Nations injunctions on the transfer of these Federal Land to the CLC would not be maintained because their cases could not be proven . However, another key feature is that CFB Chilliwack was NOT , we repeat, not ALR Land.
- Musqueam, based on this Chilliwack judgement , would likely lose if they ever went to court to pursue ownership of the Garden City Lands.
- Thus, this Musqueam injunction appears to be a very good bluff that no one, especially the City, has chosen to call. **Clearly the ALR exclusion is CRUCIAL** , or the status- quo is maintained , thus the City is simply being used as a puppet by it’s Garden City Lands Partners to facilitate this at our expense. .

Musqueam land acquisitions and other compensation since the 2005 MOU was signed.

- UBC Golf Course which totals **146 acres**:
- Other Point Grey area lands totalling **55 acres**
- Land upon which the Richmond RiverRock Casino is located totalling **7 hectares**
- **\$20 Million in fiscal compensation**
- **TOTAL (to date) = 218 acres of land + \$ 20 Million in Cash**
- **THUS:** The Musqueam have already received substantial compensation, both fiscally and in actual land acquisitions since the MOU was signed in 2005, and also since the 1st ALR Exclusion application for the Garden City Lands was DENIED by the ALC in late 2006 . Since 2005, The Musqueam have ultimately acquired land holdings approx. 3 - 4 times what they may acquire through the Garden City Lands agreements , and possibly more in the future.

If the ALC grants an ALR exclusion...the MOU and Agreement for Purchase & Sale (APS) become legally binding, and the Musqueam are guaranteed sole ownership of a 25% parcel which amounts to approx. 35 acres.

---Council and Staff are promoting this agreement to the Richmond Citizens as a means to effectively prevent a First Nations Reservation from being established on the Garden City Lands site. However, and ironically, in perhaps a Trojan Horse fashion, and using the City’s own “ fearmongering logic “, there is nothing observed in these very MOU and APS agreements which Richmond Council has ratified that prevents the Musqueam from proceeding with the establishment of a Reserve after an ALR exclusion, given the MOU and APS ensure title to a specific portion of the Garden City Lands site to the Musqueam and in a contiguous single parcel form if they so choose.

---The Musqueam and the CLC will have the first right to designate the uses of their 68 acres, referred to as the “Development Lands” but with the City in a subordinate position. In other words, this MOU and APS agreement may actually enable the establishment of a First Nations Reserve on the Garden City Lands moreso than prior to the drafting and signing of the MOU and APS, yet contrary to what Richmond Council is telling its own citizens.

Canada Lands Company (CLC):

The CLC is the real estate arm of the Federal Government, and its mandate is to generate revenue from Federal lands.

Insofar as BC and Richmond interests are concerned, we the citizens of Richmond are being played for fools by the CLC. The CLC will simply cash in and send its share of the Garden City Lands profits directly to Ottawa and benefit the rest of Canada while Richmond is terminally shafted.

As a final comment in this category, if the ALR Exclusion were to be granted, and the MOU and APS fulfilled, a precedent will have been set, and the **136 acre Federally - Owned DND Lands**, also within the ALR, and directly EAST of the Garden City Lands, will have all the potential to be next ALR exclusion and with all the same Land Claims issues as the 136 acre Garden City Lands .

Is Richmond Council prepared to debate this point ?

CLC proposed \$10 Million “ Agricultural Endowment Fund”:

The CLC has suggested this fund be collected from each “F.A.R.” sq. ft. negotiated in the MOU and APS agreement . The CLC , rather naively, is making a desperate attempt to appease the ALC with the” net benefit” provisions , whereby ALR Exclusions are to provide a “net benefit “ to the ALR in return for the ALR Exclusion of a given ALR property, namely the Garden City Lands .

If we presume, via BC Assessment data, that current market value of lands zoned for Hi Density in the City Center are approx. **\$ 6 MILLION /acre**, The CLC is effectively stating that if the ALC releases 136 acre of land,

---- the City saves approx. **\$400 MILLION** in Non - ALR land purchase costs .

----the Musqueam gain approx. **\$200 MILLION** in their guaranteed 25 % share for ALR exclusion and

----- the Musqueam CLC joint -venture for the remaining portion also achieves approx. the same amount ie another **\$200 MILLION** .

Thus, if the ALC approves this ALR Exclusion exclusion, the ALC may have set a precedent that if you contribute \$10 Million (ALR land Value), then the ratio of the ALR exclusion’s NET BENEFIT (ie approx. **\$800 MILLION**) is

$$\frac{. \$ 10 \text{ Million}}{\$ 800 \text{ Million}} = \underline{\underline{\$ 1 \text{ “BRIBE” for every } \$ 80 \text{ in increased NON -ALR value}}}$$

Richmond ALR land values pre - ALR Exclusion

Current market values for Richmond ALR lands , based on recent sales and current listings is approx.

----\$200,000 per acre for large ALR parcels and

----\$300,000 an acre for smaller ALR parcels.

The Garden City lands are \$ 10 Million for 136 acres.

This is further calculated to approx. **\$ 73,500 per acre** (or **\$1.70 per sq. ft.**)

This situation is a double- edged sword :

The Garden City Lands purchase price is being kept far below even “fair market value” which the Crown or any Crown corporation is legally obligated to obtain, is it not?

However, this is on record as currently being the cheapest ALR land in Richmond,

which in fact reinforces the argument for its current zoning and use, i.e.

AGRICULTURAL, and within the context of Richmond’s entire ALR.

If the cheapest ALR land in Richmond goes, then everything else goes, does it NOT?

Land Values of the Garden City Lands after ALR Exclusion

Let’s discuss City Centre (upon which the Garden City lands will be included) land values , and how land prices have risen dramatically since the MOU was signed in 2005.

For the MOU and APS and the previously negotiated rezonings, with negotiated F.A.R.’s between 2.0 and 2.5, the land values will have risen from **\$60/sq.ft** in the City Center areas hot real estate market (as was noted by one Councillor 3 years ago when the MOU and APS was signed) to current City Center land values of between **\$130- \$150 per sq. ft.**

*Hence, it is clear that, given current real estate market conditions, the Garden City Lands potential value have risen dramatically and will likely continue to rise under the terms of the MOU and APS if the ALR exclusion is granted, given the potential value has already almost **TRIPLED** in the 3 years from 2005 to 2008.*

Hence the Musqueam/CLC insider-option /land investment cost has been fixed at --

----\$ **1.70 per sq. ft.** while in the ALR

versus

---- **\$130 - \$150 per sq. ft.** if the ALR Exclusion is granted,

again, given current land values in the City Center area..

PECUNIARY INTEREST by the City on the “ Development Land ” portion .

Development Cost Charges (D.C.C.'s).

A CLC letter mentions an F.A.R. of 2.0 for the Development Lands which will result in 5 Million sq. ft. of residential development . The City's own DCC formula , when applied to the Hi Density zonings negotiated in the MOU, would result in over **\$60 MILLION** in DCC's being levied by the City , and of which approx. 50% of this ie **\$30 MILLION** is to be dedicated for park acquisition and park development.

What will you , the City do with this \$30 million you, the City will have plucked from future City Center residents on this site ?

In all likelihood, the density will be higher than an FAR of 2.0 , yet no extra parkspace, but the City's D.C.C .levies keep flowing in to further fatten city coffers.

Quite the City's own Cash Cow \$\$\$ on the old City designated ALR farmland ?

Potential Property Taxes on Garden City site (on Ex - ALR land only):

Given the current mill rate for land with high density residential designation, under the MOU and APS, the City would gain approx. \$30,000 in property taxes for each acre of raw land if the ALR exclusion is granted.(based on current City Center land price)

Once the Garden City Lands site is developed, millions of dollars more in property taxes will flow into city coffers .

City Budget Savings

-----paying \$73,500 per acre for ALR farmland when the market price for **Non** ALR land the City has zoned to high density in the City center is between \$ 5,000,000 - \$6,000,000 acre in value , and likely much higher. Simply “ fiscal expediency” in action .

As stated earlier, the City has itself created the land shortage given the designations derived from past planning practices and land use decisions, including its partnership with the ALR when it was created, to effectively divide Richmond into two main categories

- (i) ALR Lands and
- (ii) NON ALR Lands

and thus this very predicament the City has placed itself and its City Center citizens in.

In addition :

We have confidential information within our possession that the City has established several precedents which clearly state that properties in the Richmond ALR less than ½ acre in size are deemed the benchmark for ALR inclusion within Richmond's ALR . These include other # 4 RD. properties .

IS THE CITY OF RICHMOND PREPARED TO DENY THIS ?

Thus, how can the City approve an ALR Exclusion application for another #4RD property, a 136 acre ALR parcel, specifically the Garden City Lands, located at 5555 # 4 RD.?

“ Note of ” references in the APPENDIX (copies are available upon request)

---- StoLo etc. vs CFB Chilliwack Case

--- Letter from ALC re Federal Gov't and Federal ALR Lands

--- quote from e-mail submitted by BC Agriculture Minister Pat Bell (Read)

--- Past ALC decision re City of Chilliwack Non Farm Use of ALR Land (Read)

RE: Restrictions and Penalty clauses in the APS.

In the APS, one finds clause - after - clause in which the City is bound to literally capitulate and surrender to every demand of the CLC and Musqueam, or else the City will likely forfeit more & more of its so called “ Public Lands ” share of these Garden City Lands, and ultimately the City will have very little negotiation or recourse to prevent this. The City has, in essence, deferred its historical Local Gov't authority on Land uses and Development proposals to a Private Joint - Venture Developer consortium. .

Take the TEC as one example :

– if the highly subsidized TEC is not built, the terms of the MOU and APS state that City immediately surrenders 10 acres of the 20 acres of Publically -owned “Public Lands “ portion the City had previously obtained .

Thus MOU and APS is a VERY one-sided agreement.

It reminds one of an eager but hopelessly naive teenager buying his first car. It is beyond comprehension how any informed and/or responsible Civil Servant or Council member could be snookered into signing such a lop-sided deal on behalf of the Citizens of Richmond.

Again: The City cannot deny that it has had a long term agenda to have allowed these Garden City lands to be included within the ALR in the early 1970's, and only on a short term basis, and simply as a means to acquire them at “rock bottom” farmland prices, which any and all land zoned both “agricultural” and “ALR” tends to be THE lowest- priced land available .

The evidence which supports this is quite clear, especially when the case of the Lansdowne Lands deal in the 1970's compared to the Garden City lands deal in 2008 .. Given that each Local Gov't has jurisdiction over their own planning and land use issues, the City cannot deny it has created a self-inflicted park and open space shortage not only of its own making, but it appears more and more by active design and intent over the past several years.

The ALR is 36 years old.... thus the City has had close to 40 years to design a City Centre on the "Plan B" premise the City may never, I repeat never acquire these Garden City (ALR)Lands and so plan to pursue other options. That's what "PLANNING" is all about, and NOT "wishful thinking".

QUESTION : What was the City's " Plan B" for creating parkland in the City Center if the Federal Government had instead pursued other uses for the Garden City lands and not made these same Garden City Lands surplus ?

As I have outlined earlier, The City of Richmond has had many opportunities to acquire parkland in the City Center, or use land holdings that the City had once actually owned, but many of these same City holdings that could have been used to address the City's Park deficit have instead been re-zoned and re-developed by the City wearing its other hat and the City acting as a Developer.

I again cite the Odlinwood Development, the Olympic Oval lands, the 10 acre parkland donation on the Lansdowne site (now redeveloped) and the other option in the early 1970's to acquire approx. 30 acres of land that was available on the Lansdowne site immediately West of the current Garden City lands.

The City's understanding of the ALR the ALC Act, and the ALC panel adjudication parameters and mechanism is rather poor and very unprofessional.

Clearly the ALC will see through this long - term charade = "agenda" by past and present Richmond City Hall Councils and Staff administrations to manipulate the City Center Plan, create a self-inflicted Park shortage in the City Center, then cry "Park Poverty" to the ALC and has the sheer gall and utter hypocrisy to ask the ALC to act as an accomplice in order to help bail the City out ?

LOT size and the ALR

A reasonable interpretation of the ALR, ALC Act and ALC Panels adjudication guidelines is that SIZE of each ALR parcel of land MATTERS !!! Much of the ALC

Act and ALC decisions addresses concerns regarding the size of ALR parcels, to a point where soil quality is often secondary. The City's very own bylaws address this concern via limits to subdivision and parcel size for Richmond ALR Lands. In fact, the City's own Zoning and Development Bylaw 5300 : Division 600 "SUBDIVISION OF LAND , restricts subdivision of ALR parcels to 4.942 acres.

The Garden City lands is the largest single ALR parcel in Richmond.

Do you, the City, get the inference?

There is nothing in this MOU and APS that Council and Staff have negotiated on our behalf which provides any assurances that City Centre " Parkland" and "Open Space" deficits will address City Centre as a whole.

In fact, the City may lose whatever Park and Open Space it may have acquired due to the penalty clauses and dispute resolution processes contained within the MOU and APS. The legal language in both agreements, and especially in the APS, is so intricate it appears intentional, but a pattern has emerged that the City has effectively deferred its authority to the Musqueam and CLC over this sites future, or the City has put itself in so vulnerable a position it has extended legal liabilities and consequences to it very own citizens.

At the very best, the City does not even receive HALF the lands it continually misinforms the Richmond Public it is receiving . The City may get some relatively larger contiguous chunks, but clearly nothing on par with Minoru Park, our only other large multi-use City Center park.

The MOU and moreso the APS, make it clear the City's lands, deemed Public lands, will be scattered throughout the entire 136 acre site.

Public Lands in the Garden City Lands agreements = "S-C-A-T-T-E-R-E-D "

Right from the first MOU, and subsequent APS, the City has formally agreed to having its portion of the lands "*scattered throughout the entire site.*"

There is NO guarantee of ANY large areas of contiguous park and open space . The City has chosen to downplay or even conceal this fact from the public.

If one takes the time to actually view a map of Richmond, the Garden City lands will only benefit developments East of Number 3 Road. Minoru Park is much closer to current and future developments West of Number 3 Road. Keep in mind the entire site is at the eastern-most edge of the City Centre. Effectively a very reasonable interpretation of the agreements the City has signed is the negotiated " Public Lands " park will only benefit the the future residents of the large number of future hi- density high- rises the Garden City Lands site at 5555 #4RD will undeniably contain.

We also challenge the City to provide any proof whatsoever that a literal checkerboard fashion development mix comprised of "small Park" and "high- density Development"

would not actually be the final result on this 136 acre site. In fact, the 68 acres of the Garden City lands negotiated by the CLC and Musqueam for development would not appeal to any buyers if all the high-density developments negotiated in the MOU and APS were concentrated solely on only one half of the entire site in a large contiguous developed parcel. It is clear that the CLC did not want this to happen via having "scattering" options for the "Community Need" Public Lands drafted in the MOU and APS. Aka this is an obvious "no-brainer" indicating the CLC has trumped the City. As it stands, a large number of Hi-Density / Hi-Rises are permitted under these agreements if the ALR exclusion is granted, and the MOU and APS become fulfilled, we will then have an area of Richmond with Hi-density (built on ex-ALR land) on par with the hi-density of Vancouver's False Creek area or Vancouver's West End.

If one reviews the history of the ALR, the original ALR model envisioned actual purchasing of farmland and maintaining it in Public Ownership, which would then ultimately secure viable farmland for the public in perpetuity.

The Garden City Lands, given its Public ownership, is, in fact, one of the few ALR properties that intrudes on no-ones Private property rights, and thus fulfills the original model of Public tenure and Public ownership of viable farmland in perpetuity.

CONCLUSION:

The MOU and APS is being promoted as the best deal possible the City of Richmond could achieve given the various issues related to the future ownership of these lands.

In fact it is the worst deal possible for the Citizens of Richmond.

The current Richmond City Hall has simply exposed what past Richmond City Hall Council and Staff have had for an agenda

- To reduce the City's own inventory of Public Lands elsewhere in anticipation of the eventual DFO land windfall.
- to have had a master plan to set these Garden City Lands up years ago for the most "wholesale" or "raw" land purchase price possible for the City via the intentional ALR inclusion. This master plan became de-railed with the land claim issue, but still resulted in an "insider" acquisition of cheap farmland. Regardless, City Centre area around the UNcertain, UNconfirmed and UNsubstantiated acquisition of these Publicly Owned lands, which are effectively owned by 30 million Canadians of a vast multi-cultural diversity.
- Private Sector parties have been tried in court and convicted for such self-serving insider dealings (to the exclusion of others and their advisory input), but those situations often involve the Private Sector, NOT the Public Sector, whose own sticky fingers are clearly evident throughout these MOU and APS agreements.

The City of Richmond should not be considered some altruistic Civic Body, whose sole role or purpose is to be a neutral 3rd party empowered to govern and to balance the best interest of the Private sector with the best or better interests of its very own citizens. The City is, instead, it is a hybrid of both the Public Sector and Private sector Body and has been for decades. The City, as our Local Gov't, sets the rules for all land uses within Richmond, and is in a serious conflict of interest in many of its land dealings. Nothing is more vivid an example of this than with the City's plea to the ALC on bended knee, with cap in hand, crying for use of currently designated public Agricultural land on the one hand as if some other parties deprived the City of options, while on the *other hand* the same City of Richmond has been cashing in on land development the City has not only permitted others in the Private Sector to pursue, but the City itself as well acting as a Developer and developing its own Non - ALR City lands , (such as the Olympic Oval site, once part of the large 700 acre Brighthouse farm in central Richmond etc.) in order to fill the City's fiscal coffers.

This is INconsistent City policy, illogical and reeking of true hypocrisy.

Of all the lands now in the ALR in Richmond, the DFO lands should be the VERY LAST to be excluded form the ALR, not the first to be excluded. This is not even considering the poor guarantees and restrictive conditions in the MOU and APS, and the half-truths and misinformation regarding the City's use of its proposed 68 acre acquisition.

The Garden City Lands fulfill the original model of the ALR when it was created to secure actual viable farmland for future generations. There is no more secure ownership of viable farmland than when the Public owns it, no different than the so- called Public parks etc. you wish to create on the very same, viable, Publically- owned ALR farmland .

However,..... Park use of Public Land VERSUS Agricultural use of Public lands are distinct and separate, and the ALC has made that clear in other ALC decisions.

In essence City Hall Council and Staff have not only deceived the City of Richmond, they have embarrassed the citizens of Richmond, and in doing so have failed them miserably.

Perhaps the best and most clear "Memorandum of Understanding" we, the Richmond Citizens can provide Richmond Council about the wisdom of this proposal supposedly negotiated in the best interst of the Citizens of Richmond is a major sweep outwards in the 2008 Civic Elections this Fall, which, ironically, is shortly after the traditional Fall agricultural Harvest season.

It may very well turn out that way.

The public does remember when its elected officials fail in their fiduciary duties and obligations to both represent them and to also not expose their very own constituents to various potential liabilities .

Can you say "Terra Nova : Part II" ?

This now comes back full circle to the Lansdowne lands, the 30 acres the City could have acquired either at little or no cost, immediately West of the Garden City Lands, directly across the street, but again, the Lansdowne site was out of the ALR, or more to the point, while agriculturally zoned, was not placed in the ALR, (unlike the Garden City Lands) but the Lansdowne Site was still available at “dirt cheap” agricultural prices.

QUESTION: Why was this 30 acres from the Lansdowne site not pursued? Or has this agenda to acquire the Garden City Lands been in place for decades, the only wrinkle to this master plan was the creation of the ALR by the Province of BC which has effectively taken this specific land use decision out of the City’s sole jurisdiction.

Perhaps the best way to describe this is that the City has got caught with its hand in the ALR Cookie Jar, hedging a bet that after agreeing to allow these Garden City Lands (as opposed to the Lansdowne lands) inclusion within the ALR, it could remove these same Garden City lands for “dirt cheap” ALR prices when the day came that ANOTHER (and superior) level of Gov’t, ie The Federal Gov’t, would make them available.

Woodwards stores, who developed the Lansdowne site, is now long gone, but the “\$1.49 day sale jingle” still resonates on this lost opportunity for City Center Parkland which still comes back to haunt the City to this very day.

PS By the way.....

Clearly, this Public Hearing is simply being pursued as a legal obligation under the ALC Act prior to the submission of an ALR exclusion application for the Garden City Lands.

However, Richmond Council now wishes to hear from the Public at the 11th Hour? The Richmond Public has simply had this agreement to supposedly fulfill “Community Need” negotiated by City Staff and Council on its behalf behind closed doors, in camera, without the actual “Community” being consulted and formally involved? Now, at the 11th hours, the “Community” finally has a say and yet given a litany of valid concerns re this MOU and APS “bill of goods”, much to the consternation of City Council and City Staff, who are continually backpeddling, if not on the verge of running?.

How many Richmond citizens are aware that this application can be approved immediately after the last speaker has made their presentation? .

The betting line was a vote by Council to approve this ALR Exclusion application, which, if this is the case, proves that this Public Hearing is effectively a democratic charade,a farce re: Democracy,.... and a waste of time for the Richmond Citizens !.

APPENDIX : MARCH 11 Public Hearing re :Garden City Lands

References:

(i) Sto -Lo case (Failed Land Claim Court Case re CFB Chilliwack... FEDERAL LANDS deemed surplus which the CLC is now solely developing)

Please refer to the following links

FEDERAL COURT OF APPEAL CANADA: Docket: A – 656-01 (Justice Rothstein)
<http://decisions.fca-caf.gc.ca/en/2001/2001fca387/2001fca387.html>

FEDERAL COURT OF CANADA: Docket : T – 1258 -00 (Justice Nadon)
<http://decisions.fct-cf.gc.ca/en/2001/2001fct1334/2001fct1334.html>

(ii) Letter from the ALC .

Re: Concerns of the Federal Gov't overruling the Provincial ALC and unilaterally removing Federal ALR lands from the ALR.

-----Short answer is “no”, the Federal Gov't respects the ALR and the ALC jurisdiction, and exceptions only in extreme cases . A case was cited whereby under the” Railway Act”, ALR land in the Tri -Cities area had uses for a major railway outside the normal ALR guidelines , and even then proceeded only after consultation by the Federal Gov't with the ALC.

(iii) Quote of FEB 18, 2008 e-mail from BC AGRICULTURE MINISTER PAT BELL

“ In addition, you asked if the government will intervene in a matter that falls within the Commission’s jurisdiction. The Commission is a quasi-judicial administrative tribunal and the government has absolutely no intention to intervene in the Garden City situation or any other which falls within the purview of the Commission ”

(ORIGINAL SIGNED BY BC Agricultural Minister PAT BELL)

(iv) ALC Decision (ALC File # 36971) re: City of Chilliwack (January, 10 2007)
Application for Non farm Use in the Agricultural Land Reserve (DENIED)

QUOTE from ALC decision :

“ Further, it is suggested that in areas having prime capability ratings for agriculture, playing fields and park space is not an appropriate use of the ALR. It must be incumbent upon school districts, developers and municipalities to ensure that future institutional and residential needs are accommodated in non-ALR areas through a community plan, rather than extending further into agricultural land. The Commission determined the proposal would impact existing or potential agricultural uses of the property and surrounding lands” .

SUMMARY:

The Richmond City Center area was effectively comprised of acres of prime farmland.

City Councils and City Planners, since the 1950's, have effectively planned the City Center, commencing with the exploitation of the 700+ acre Brighthouse Farm in the 1960's.

As has been outlined, the City, with the sole jurisdiction in Land Use/Planning and the drafting and ratifying of the Official Community Plans (OCP) via its empowered role as Local Gov't and thus the City has historically had (2) choices with lands it either owned, acquire or ultimately re-zone, ie to

- (i) create park and open space, or else
- (ii) develop to higher and better uses (non park and open space).

The Garden City lands had Agricultural designation prior to the ALR creation. The City had the choice to NOT include them in the original ALR, but chose to.

1st Urban encroachment onto Garden City (ALR) Lands by City's OCP design:

Since the 1960's and early 1970's and specifically Woodward's- Lansdowne development, when much of the City Center area was still relatively rural and in fact zoned "agricultural", the City chose not to acquire any additional land holdings for future City Center parks. These hi-density developments became the initial urban encroachment on the Garden City Lands Western Edge.

2nd Urban encroachment onto Garden City (ALR) Lands by City's OCP design:

In the 1990's the City drafted a new OCP for the North McLennan and South McLennan areas which boxed in the Garden City Lands Southern Edge with higher density development.

3rd Urban encroachment onto Garden City (ALR) Lands by City's OCP design :

In the early 2000's a new OCP for the West Cambie area, specifically the Alexandra Sub Area Plan, located immediately North and adjacent to the Garden City lands was "coincidentally" drafted and ratified. This boxed in the Garden City lands Northern Edge.

These (3) combined Urban encroachments "by City of Richmond's own design" are not coincidental, and are much like the military strategy called the "pincher" movement, to form a "C" shaped claw and surround the targeted object for strategic reasons, in this case to actively attempt to undermine the Garden City(ALR) lands agricultural potential.

The evidence clearly suggest a Master Plan using a number of OCP's over time in order to create an urban environment in such a way that the City can claim an Urban vs Rural conflict exists and that any agricultural pursuits on the Garden City lands are not viable... even though the very same City had both deemed the Garden City lands as "Agricultural" and the very same City had also endorsed the Garden City Lands original inclusion into the ALR. **QUESTION : Is something wrong with this picture ?**

Thus, the City has simply had an agenda in place for decades to set these Garden City lands up for an acquisition at the cheapest - possible land prices (ie via its Agricultural designation,) in order to minimize the “cost “ side of the City’s budget for Public benefits while the City , conversely, exploited other lands that could have been used for Park and Open space in order to maximize its “profit” side in the City’s other manifestation as a “Developer”.

What resonates in this matter, past, present and future , is something on par with the old analogy of the *Party charged with murdering their parents, yet begging the mercy of the Court on the basis they are an Orphan* , seems to ring true, yet even more hollow, in the City pleading a case of “Parkland Poverty” to the quasi- judicial ALC along the same modus operandi.

However, there is nothing I am aware in the ALC Act or any other legislation pertaining to Local Gov’ts within BC that the ALR lands should be used as a “ life jacket ” to extricate a given Local Gov’t , it’s Staff , or Elected Officials out of long - planned agendas full of self - induced “jams “ or pre-meditated ” pickles” .

This now comes back full circle to the comments by an ALC Commissioner to the City (noted in my preamble at the start of this submission) re: how did the City of Richmond got itself into this Park and Open space shortage “ P I C K L E ” ?

The Garden City lands 1st ALR Exclusion attempt was then subsequently DENIED by the ALC .

Has anything changed since then ?

NO !

except that perhaps the Richmond Public has now had more time to review the “*devil-is-in-the- details*” of this MOU and APS agreements, how the Public has become shocked and appalled over them, and thus the Public should be very thankful to the ALC for having DENIED the 1st Garden City Lands ALR exclusion application.

The Citizens of Richmond should now hope for a “sequel” by the ALC with a 2nd Denial of this (2nd) Garden City Lands ALR Exclusion application, which has further exposed :

- (i) how the City only pays token lip service to the ALR and the ALR’s intent ,
- (ii) how the City has abused the trust of its very own Richmond citizens,
- (iii) how the City has also, in fact, exploited and taken serious advantage of their own Richmond citizens to the sole benefit of outside vested interests and special -interest groups , all under a false, inconsistent and hypocritical premise of “Community Need ” .

Sincerely:

Roland A. Hoegler.