

# Strengthen and improve the ALR together

Input for ALC Chair Richard Bullock for the 2010 ALR Review from the Garden City Lands Coalition Society, Richmond, B.C.



Some Garden City Lands Coalition Society members gather in front of the “The Red Barn,” Terra Nova Rural Park, Richmond, in June 2010 after a session of “visioning” the future of the Garden City Lands.

This input to the 2010 ALR Review was introduced in a letter to Richard Bullock, ALC Chair and CEO:

You might like to meet us, but it appears to be too late in your consultation tour for that. Instead or perhaps in addition, we decided to envision you asking us ALR Review questions and to add our responses. It’s like a conversation, and you’ll find it in transcript format on the following pages. In being informal, we are taking our cue from a colleague who participated in one of your tour meetings. She wrote, “I think the informality of the process allowed for serious and frank discussions, and I came away hopeful.”

**Q:** We've read your yellow brochure and looked at *Save Garden City*, especially the "Space Invaders" column by Phillip Hochstein in the Resources section. It turns the Garden City Lands into *anti*-ALR evidence. Any response to it?

**A:** The column was in *BC Business*, and we debunked it in a later issue of that magazine. Our letter exposed the usual flaws like focusing only on *present monetary value* and brought out the Lands' broad present and future values. We mentioned uses like acreage for entry-level farmers trying to overcome the speculation-fueled price of farmland, allotment plots in community gardens to meet the demand in the City Centre Area, and an urban agriculture education program. (In February 2008, Kwantlen Polytechnic University proposed that program to Richmond council, who directed staff to consider using 48 acres of the Lands for it.) We also mentioned benefits for tourism and social support.

**Q:** Would publicly owned open-land park like that help support farm families?

**A:** Yes. There are feasible agricultural proposals for the public open-land park that would help generate the needed supply of farm workers, operators, and owners, both from and beyond existing farm families. There would even be a large number of youngsters in a Garden City Lands "schoolyard" project; they would start by preparing the ground for crops and end up eating them in appealing form. Immersing so many citizens in small-scale agriculture on the Lands would help bridge the urban/farming divide that bothers some farm families. As we bet you know, experiencing agriculture firsthand does wonders for people's respect for farm families—what they face 24/7 and what they achieve.

Also, Kwantlen research would benefit other cultivators of Richmond land, and an on-site market to sell produce grown on the Lands would probably also serve as an outlet for agricultural products from other local farms that use organic practices (typically small family farms). On top of that, the Lands would be a City Centre hub for agri-tourism, with a mission that would include promoting agri-tourism in Richmond (and perhaps beyond it). It would bring visitors—customers—to local farms that want them.

These proposals are all public input that has been put forward to Richmond council. Most of them have been implemented at Terra Nova Rural Park, which includes a sharing farm for the Richmond Food Bank, Kwantlen's Richmond Farm School, community gardens, a CSA project, an agricultural research project, and the Terra Nova Schoolyard Project led by a culinary instructor with an on-site kitchen. The differences are that Terra Nova is located in a rural corner of Richmond and is approaching its capacity, whereas the Garden City Lands are a central location with sufficient land for the huge future population of Richmond City Centre. (The Garden City Lands blog has many posts about visions for the Lands.)

We realize that not every community has a Terra Nova or a Garden City Lands, but we suggest that many communities could transfer the concepts and that it would be good for sustainable agriculture in B.C. The Commission's role would be to proactively show support for these permitted ALR uses that are not traditional commercial farm uses.

Note: In their potential, the Garden City Lands are like a combination of Terra Nova Rural Park and the adjoining Terra Nova Natural Area. All of the Terra Nova parkland is managed like ALR land even though Terra Nova is no longer ALR. However, unlike the Garden City Lands, the Terra Nova parkland is not at risk for urban development. In that, the Garden City and Terra Nova properties are as dissimilar as they are similar in other ways. Attempts to use Terra Nova as evidence for *removing* the Garden City Lands from the ALR are disingenuous.

**Q:** The *BC Agriculture Plan* and the ALC aim to enhance the integrity and sustainability of agriculture. Can you tell us more about how a publicly owned park like the Garden City Lands fits with that aim? (Maybe it's even an approach that we should encourage in the province?)

**A:** An advantage of a public park for many of the uses is that its cost-effectiveness is determined more broadly than the profitability of farm businesses. (The impact of a park for community wellness, tourist appeal, and educational, environmental, and ecological values is not measured mainly in net revenues. As it happens, the Garden City Lands' ecological values are priceless.)

A striking value of Terra Nova Rural Park that we expect to apply to the Garden City Lands is appreciation and respect for agriculture, which people experience every day as they stroll through Terra Nova and would see by the thousands from the arterial roads around the Garden City Lands.

For the Lands, our board expresses the value briefly on the back of our yellow brochure and more thoroughly in "Why keep the Garden City Lands in the ALR?" as a blog page and brochure enclosure. If we can together share that approach throughout B.C., there will be a critical mass of citizens who want agriculture to succeed and who oppose chipping away at the agricultural land base.

That all seems to be within the Commission's mandate, and it would be mainstream in the Ministry of Agriculture's plans. *Save Garden City* includes a resource titled "The Lands and the B.C. Agriculture Plan" that shows how the Garden City Lands should provide a major net gain for agriculture as expressed in the five themes of the Ministry's *British Columbia Agriculture Plan: Growing a Healthy Future for B.C. Families*. We hope that the congruence with the Ministry strategy would help the Commission to obtain funds for proactive encouragement of local efforts like what should be happening with the Garden City Lands. If communities throughout the province are trying to do good things for agricultural sustainability, there will be less scope for the short-term financial allure that competes with the long-term benefit.

**Q:** Any advice about the activities designated as farm use in the *ALR Regulation*?

**A:** Yes, but may we go further and answer about the more inclusive “Agricultural Land Reserve use”?

We think that maintaining the importance of the wide range of ALR use, as in the title of the *Agricultural Land Reserve Use . . . Regulation*, will continue to help protect the integrity and sustainability of agriculture in BC. A welcome aid to that is the way *agriculture* is explained in “What is Agricultural Land” on the ALC website: “Agriculture can be defined as the systematic and controlled use of living organisms and the environment to improve the human condition.”

In the *ALC Regulation*, “Agricultural Land Reserve use” seems to be the same as “permitted” uses, which include the “farm uses” but go beyond them. The permitted uses include ecological uses such as “biodiversity conservation, passive recreation, heritage, wildlife and scenery viewing purposes” and “open land park” (*ALR Regulation* section 3.1f/g). Those factors tend to reduce quibbling about what belongs in the ALR and to facilitate harmony between agricultural and environmental interests. Those factors have also helped us to succeed in defending the ALR in our small but tactically crucial section of it, the Garden City Lands. Please retain and strengthen the *broad range* of Agricultural Land Reserve uses.

**Q:** You seem knowledgeable about how your municipality deals with agricultural sustainability and the ALR. How could the Commission improve its approach to working with local governments?

**A:** Judging from our experience in Richmond, it will be better for sustainable agriculture and the integrity of the ALR if the Commission’s approach to BC’s local governments moves in these directions: rely less on them, expect more from them, monitor more, and enforce more.

The greater expectations would be for the municipalities to make a regular practice of reporting ALR infractions and to enforce their own farmland-protection bylaws. This will require more ALC staff time and more Commissioner time, but that’s better than illusory efficiency from putting the fox (in local-government form) in charge of the chicken run. Municipalities like Richmond drop their inhibitions and feed their inner fox when they start coveting ALR property within their borders as a means to fatten their assets.

We should be clear here that the City of Richmond is actively *supportive* of food security initiatives and future-farmer education and exhibits some signs of supporting the ALR. Yet the only commendable aspect of its Garden City Lands behaviour—when the mirage of a windfall was seemingly within its reach—is that the City tried extremely hard to do its best for its two ALR-exclusion partners with good faith and goodwill. To some degree, that last factor mitigates Richmond’s questionable tactics for winning over the Commission, but it’s still an example of how and why a local government may falter and rationalize away its ALR-related responsibilities.

**Q: Is there any evidence of “questionable tactics”?**

**A:** Yes. There’s so much evidence that the sheer volume creates a challenge. Choosing a single example could make it seem like nothing much, so we will refer you to a set of examples that all have an ALC connection. They’re in chart form, which makes them faster to go through. Please have a look at Resource 1 in *Save Garden City*, “Revelations at August 14 ALC meeting.” It analyzes ten significant untruths that came out in Richmond Mayor Malcolm Brodie’s presentation to the Commission on August 14, 2008. The six Commissioners on the panel might easily have been led astray unless they knew the topic as well as the Resource 1 writer (hardly possible because of their time constraints) or at least read Resource 1 afterwards.

If you have time, you’ll see that the three main sections of *Save Garden City* show questionable tactics throughout. For example, “Net benefit to agriculture” is mainly about the “Agricultural Endowment Fund,” and that is all one large questionable tactic because there was no fund, no agreement to set it up, and no solid reason to hope the supposed funders would fund it.

**Q: You’re high on local expertise!**

**A:** Yes, we are when it’s local expertise that is independent of the local government and supportive of the goals of the Commission. Independent local expertise is needed to validate, extend, and sometimes rebut what a local government tells the Commission. As well, it supplements what the Commission can learn on its own. With the Garden City Lands, the community was able to supply the insights of agrologists, expertise the Commission no longer has on staff. Through the public hearing video, the Commission also benefited from the lifelong familiarity with the Lands of the conservation biologist who knows them like his own backyard—the teacher in charge of environmental sustainability education for the Richmond School District.

One fortunate factor is that ALR-exclusion applications are almost all local by nature, even when they have wide implications. Our guess is that local insight will often be available if the Commission shows it’s welcome. Local people also care a lot, so they’re willing to put in a lot of effort for the Commission to draw on. Besides being inexpensive, it’s good for the Commission’s credibility, since citizens will put more trust in a tribunal that treats them as somebodies, not nobodies.

Some of us like to think we’re especially important as the ones who will need local agricultural products, including food, when the inevitable food shortages hit. At the same time, since the Garden City Lands Coalition Society is centred in Richmond, with its impressive production of cranberries for export, we realize that local needs are just one target market for agricultural production. Nevertheless, local food security is a factor of great significance for the community. It’s a long-term insurance policy that also offers shorter-term satisfaction and health benefits, and heeding the ultimate stakeholders’ perspective helps maintain high public support for the ALR.

Here in Richmond, ALR defenders were opponents of two Garden City Lands applications. Those people provided an immense amount of informed input in several ways, such as in the 23.5-hour March 2008 public hearing and the later submissions to the Commission from 150 groups and individuals (with no form letters). We're happy that 96% were opposed to the application, but we suggest that the real value for the Commission is in the mind-stretching range of input from informed citizens.

In summary, knowledgeable local citizens bring perspectives that are different from the perspectives of other stakeholders, and they are a necessary form of counterbalance to local government. They're also a counterbalance to the speculator/developer interests that pay for local government election campaigns, but we'd better not get into that.

**Q:** You suggest that the Commission can be more efficient and effective by being stricter with local governments. Can you give us an example?

**A:** Yes. Once again the Garden City Lands can provide the example.

The City of Richmond must have known from the publicly available ALC staff report on the 2005 Garden City Lands application that a City desire for "urban amenities" was *not* an acceptable reason for ALR exclusion. The staff report (dated April 11, 2006) accurately comments:

Adjacent areas designated for redevelopment could provide opportunities to accommodate such urban amenities. Areas to the north and south are under redevelopment for residential and commercial use, and these areas could provide for the public amenities sought.

*When the City of Richmond applied to the Commission in 2008, it claimed the same "community need" despite not having set aside land for it in the "areas to the north and south."* Of course it is easy to be smart in retrospect, but looking back we suggest that it would have helped if the Commission had been less deferential to the City of Richmond. As far as we know, the City gave plenty of early indication of its intention to reapply (as the figurehead for the original applicant, Canada Lands Company, which remained the project manager). At that early point, the City could have been reminded to follow the guidance in the 2006 staff report and obtain available land elsewhere if the urban amenities were important enough.

Even now there is a small window of time for the City of Richmond to follow the 2005 ALC staff report advice in West Cambie, the redevelopment area immediately across Alderbridge Way to the north of the Garden City Lands. However, the City is in fact *not* taking any such action, and the window is closing. And yet the 2012 reapplication that some council members are politicking for will inevitably make the same old argument about a desperate need for urban-amenity land. This time the "Pave Garden City" politicians (as some of us aptly call them) have made known

that they'll be seeking public support for the next application with a referendum accompanying the mid-November 2011 municipal election. No doubt they'll keep telling the public this: the City paid more than the going ALR-land rate for the Lands, which "can only be used for cranberries and blueberries and perhaps a few vegetables," and the City should therefore be able to use the Lands for non-ALR uses, without interference from an outside body telling Richmond what to do.

Richmond has owned the Lands for six months and City Council has done nothing at all toward restoring them; no doubt that's largely because of the continuing internal campaign for ALR exclusion. It isn't because of the Musqueam Indian Band court action against the City, because a clearer commitment to ALR uses would rebut the Band's claim that the City has unfairly enriched itself by purchasing the Lands (essentially half from the Band) for too little.

*Here's our recommendation:* The Commission would ideally *stop accepting "community need" arguments*. That would put an end to the seemingly irresistible temptation for some local governments to dig themselves into a real or fictitious hole and then cry out to the Commission for rescue in the form of ALR-land exclusion. As far as we know, the change in Commission approach would just involve a change in Commission policy, presumably in consultation with the Minister of Agriculture, not a change in legislation except perhaps to be clearer to land-speculating municipal governments that the loophole is no more.

*Here's our alternative recommendation:* If the Commission continues to allow local governments to use "community need" arguments, we recommend that the Commission formally recognize NGOs like ours as stakeholders in local ALR-exclusion applications. The "Community needs" section of *Save Garden City* is an example of the input that could enable. (It's marked by a tabbed divider in the binder version, and it's pages 18–34 in the main *Save Garden City* PDF.)

There's one more alternative: Two Strikes You're Out (as in slow-pitch softball tournament rules). As the Garden City Lands situation shows, even allowing a second pitch may be one too many.

**Q:** On the basis of your experience, what are the top three ways for the ALC to have more impact for sustaining agriculture in this province?

**A:** One is to fund the ALC to allow the Commissioners to do background study—in paid time—of applications and other relevant issues. We can illustrate this with an admirable example. After an August 2008 meeting in Richmond where the public could only observe, we had a chance to talk with some of the Commissioners and were impressed. One pleasant surprise was that Commissioner Sylvia Pranger had definitely been viewing the video of Richmond council's 23.5-hour Garden City Lands public hearing. However, from the records of the days that Commissioners are paid for, we know that a Commissioner usually wouldn't have time for that or would be doing it in unpaid time. If the Commissioners need to be funded for twice as many days to recompense them for that level of thoroughness, the taxpayer money will be well spent.

A second way to have more impact is to step up the enforcement. For instance, a program of unpredictable checking of compliance with the *ALR Regulation* could do wonders. It's bad enough that improper dumping is said to be rampant, but there is also building of what's not allowable. A current Richmond example of the need is the Lulu Island Winery situation on ALR land in East Richmond. The company built a large complex that has been widely reported to be inconsistent with the *ALR Regulation*, apparently with the support of City staff and certainly with Richmond council members present at the opening. It appears that there are currently only two ALR enforcement officers (for the whole province!), and there probably need to be ten times as many. As long as the ALC is showing measurable results—value per dollar for incremental staffing costs—this would be another good use of tax money.

As the third way to have more impact, we suggest following our little suggestions in this dialogue. We'll come up with point-form lists of all our recommendations and suggestions.

**Q:** We may form a small advisory committee. Would you be willing to serve if invited?

**A:** Yes. Thank you!

### **Our recommendations to the ALC**

- Retain and strengthen the range of Agricultural Land Reserve uses—permitted uses.
- Obtain more funding so that Commissioners can be paid to study all available evidence and so that effective enforcement can occur. (That would be double the current budget.)
- In dealing with local governments, rely less on them, expect more from them, monitor more, and enforce more.
- Listen to the wisdom and stakeholder concerns of citizens and their NGOs.
- Do not hear any applicant that has ignored previous ALC advice on the application matter.
- End the ALC-resource-draining problems exemplified by the 2008 Garden City Lands application by ending the “community need” argument and/or giving credible NGOs status before the tribunal and/or applying the “Two Strikes You’re Out” rule.

### **Our additional suggestions**

- As reasons to provide ALR protection, support whatever ALR uses suit particular land, regardless of whether they are “farm uses.”
- Capitalize on the different kinds of potential of urban ALR land like the Garden City Lands to complement rural ALR land to achieve the intents of the B.C. Agriculture Plan and the ALC.
- Encourage emulation of Richmond’s Terra Nova Rural Park success—with local adaption, as proposed for Richmond’s Garden City Lands in the ALR.