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Save Garden City petition: The full petition is not included in these files, but it is described in [this note](#), and the online part is accessible at www.petitiononline.com/SaveGCL .

Letter to the Commission: [letter from the Garden City Lands Coalition Society](#)

Cover: [front cover of the printed response from the Society](#)

Final note: [note of appreciation to the ALC from the Society](#)

Visit www.gardencitylands.ca/alc for the web version of *Save Garden City*. It includes an organizer page and PDF files for sections, resources, etc.—everything except the petition. The PDFs enable quick navigation with hyperlinks and are searchable (by means of “Find”).

A detail: The page numbering in *Save Garden City* starts at page 3 because that pagination enables the PDF page numbers to be the same as the assigned page numbers, rather than different by about two pages (as often happens in a PDF that begins with a contents page).

Introduction

The Garden City Lands Coalition requests the Agricultural Land Commission to reject the re-application to exclude the Garden City Lands, Richmond, from the ALR.

The crux of the matter

We contend that the re-application, like the rejected initial application, is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land. Beneath the robes of verbiage, the applications are simply land speculation.

The applicants have failed in all three of their chosen arguments:

1. *Agricultural suitability*: As the Commission stated, the Garden City Lands are “prime agricultural land” that “has agricultural capability” and “is suitable for agricultural use” (Sept. 8, 2006, decision letter). As Malcolm Brodie told the Commission, “The lands . . . are suitable for urban agriculture” (Aug. 14, 2008).
2. *Community need*: The community has overwhelmingly made clear what it believes its need to be. It is not more high rises on farmland.
3. *Net agricultural benefit*: The divisive “agricultural endowment fund” has fortunately proven to have no substance. Meanwhile, the Lands’ unique benefits have emerged.

Our goal of a readable request

Save Garden City is necessarily lengthy, since faulty assertions often require more words to refute than to state. However, respecting the Commission panelists’ huge task and limited time, we have done our best to organize, phrase, and format the filled-out request in a readable way. We hope that you will be able to read the executive summary, the three sections, and the resources, as well as to skim the petition.

The *Save Garden City* resources

The resources in *Save Garden City* are typically integral. You may have already read some of them (e.g., as individual responses), and we are providing the full set for convenience—everything accessible in one place. All the resources are important, but please give priority to [Resource 1, Revelations at the August 14 ALC meeting](#). Even though the Coalition’s community service in our Garden City Lands project would add up to thousands of hours, we did not have time after the August 14 meeting to integrate most of our August 14 responses into the *Save Garden City* sections. Fortuitously, examining the meeting separately has also enabled a sharper focus.

Executive summary

Agricultural capability and suitability

- In September 2006, the Agricultural Land Commission affirmed that the Garden City Lands were “prime agricultural land,” *capable* of agricultural use, and “suitable for agricultural use.” They still are. Furthermore, as Richmond Council has recognized, they are suitable for all three “Richmond uses” it established for the Lands: urban agriculture and two related ALR-compatible uses.
- Agricultural economist Dan Schroeter’s report, the applicants’ attempt to disprove 2006 Commission findings about agricultural capability and suitability, is largely irrelevant, confused about viability, and disproved by the applicants’ own team.
- The applicants’ project manager has said “There’s no contest that the lands are viable farmlands.” Richmond Council’s three “Richmond uses” for the Lands are ALR compatible and suitable. The federal Minister of Agriculture has suggested that the Lands may be suitable for advancing Canadian agriculture.

Community need

City need

- In the City Centre Area Plan, as unanimously approved by Richmond Council on July 21, 2008, there is no need for the Garden City Lands for parkland before 2031 and no need ever for the Lands for the planned 120,000 population.
- If the Garden City Lands development goes ahead anyway, it will provide far less open space than the acreage required for its own population under the City’s applicable open space standards. It will increase a need, not fill one.

Band need

- The Musqueam Indian Band’s stated community need is for money. In the interval since the Garden City Lands agreements were signed, that need has been addressed through the Reconciliation Agreement and other fund transfers.

CLC need

- Canada Lands Company’s community-related need is to act with corporate social responsibility to leave optimized community value in its legacy projects. If the Commission again rejects the ALR-exclusion application, Canada Lands Company (CLC), presumably in consultation with the Musqueam Indian Band, can help leave a legacy by giving the City the opportunity to use its right of first refusal to buy the Lands for genuine community need related to urban agriculture.

Risk if needs not met

- The key risk described in the application is that two of the applicants (CLC and the Band) will gang up on the third (the City)—stopping it from getting the land the federal government intended it to receive—unless the Commission rescues the City by granting the applicants’ wish (excluding the Lands from the ALR).

Public consultation

- The application describes “three crucial phases for public engagement” (Appendix 5, pp. 22–25). Behind the façade of consultation, the public have been misled, manipulated, and ignored in the first two phases (e.g., as explained in [Resource 4A](#)). The third phase, the post-exclusion phase, would be window dressing.
- Under the guise of seeking public input, the applicants have told the public that the development envisioned for the Lands is “Smart Growth.” It is not, as Smart Growth B.C. has explicitly stated. On the contrary, it is urban sprawl.
- This opportunity to present responses to the Commission is the best kind of public consultation that has occurred during the whole long re-application process. True, the many supporters of the Lands and ALR—opponents of the application—who attended the Commission’s August 14 meeting with the applicants did not have the right to speak; however, [Resource 1](#) expresses points that the community would want to share with the Commission. (Note: In effect, there is a brief executive summary at the beginning of each main point in [Resource 1](#).)

Net benefit to agriculture

- The proposed agricultural endowment fund does not provide a net benefit to agriculture. After about 18 months as an idea for a non-profit business with \$13.75 million of public money (and a superficial link to the Lands), the proposed fund still does not have a business plan or even a coherent concept. It is divisive of Richmond’s agricultural community, and it is rife with harmful potential.
- The alternative way for the applicants to achieve a net benefit to agriculture is to renegotiate the Garden City Lands agreements so as to enable agricultural use suited to the Lands’ unique potential—replacing the land-speculation uses that the applicants negotiated despite knowing they were not permitted.
- The *Sustainable Food Systems Park Proposal* and Kwantlen Polytechnic University *Urban Agriculture Education Concept* complement each other. If the parties to the Garden City Lands agreements enable the proposed agricultural park, the benefit to agriculture can be immense. Realistically, Kwantlen and its community partners could lead the world in urban agriculture education for food security.

Usage and clarity in *Save Garden City*

Usage

In this request to the Commission, the usage is as follows:

Council: Richmond City Council

the Commission: the Agricultural Land Commission (ALC)

the Coalition: the Garden City Lands Coalition Society members and supporters

the applicants: a consortium of CLC, the Band, and the City (essentially co-applicants, with CLC as application project manager and the City as official applicant)

CLC: Canada Lands Company Limited and/or Canada Lands Company CLC Limited

the Band: the Musqueam Indian Band

the City: the City of Richmond

the Lands: the Garden City Lands

the agreements: (1) the MOU, which is the initial Garden City Lands agreement and potentially the final surviving agreement, and (2) the Purchase Agreement

the MOU: the Memorandum of Understanding (MOU) between the Department of Fisheries and Oceans (DFO), CLC, the Band, and the City

the Purchase Agreement: the Richmond-CLC/Musqueam Purchase Agreement (also known as the Agreement of Purchase and Sale), which does not include the DFO

the Parties: the federal government (through the DFO), CLC, Band, and City —the Parties to the MOU

the initial application: the Lands application that the Commission rejected in 2006

the re-application: the applicants' second attempt in 2008

the public hearing: the public hearing conducted by the City of Richmond in March 2008 for six evenings, ostensibly to gather public opinion about whether to submit the Garden City Lands exclusion application to the Commission

the trade centre: the trade and exhibition centre, proposed for the Lands, that Tourism Richmond was unable to finance before the City-set deadline and that was not one of the three Richmond uses unanimously approved by Richmond Council — but that has reappeared in the application as a likely use

low rise: 3–5 stories (as defined in Appendix 20, page 8)

high rise: 6–16 stories (as defined on the same page)

Clarity

These short explanations are intended to clarify muddy aspects of the application.

Project leadership: CLC is managing the application, and the individual project manager is CLC's Randy Fasan. Under the agreements, CLC's role includes making the application to the Commission, but CLC asked the City to be the official applicant in the re-application in order to have greater credibility in expressing community need.

CLC's dual identity: CLC constantly (and often erratically) mixes the names of Canada Lands Company Limited, which is a crown corporation wholly owned by the federal government, and Canada Lands Company CLC Limited, which is a real-estate flipping company wholly owned by the crown corporation. Since the legal implications to the distinction are not vital in this context, we are referring to both companies as CLC.

The City lands: What the agreements call the Public Lands is often thought of as the City lands. It is the 47.6 or 57.8 acres that the City may (or may not) be able to purchase in or around January 2013 if the Lands become excluded from the ALR.

Location of City lands: Under both agreements, any parcels of the Lands that the City obtains will be "scattered throughout" the property.

Acres and hectares: Although Canada uses the SI Metric system and the Garden City Lands are officially described in hectares, the applicants have generally expressed the area in acres. Furthermore, in the public discourse, a consensus seems to have developed to think of the Lands as being 136 acres, the figure we are using.

City control of rezoning and subdivision: While the City obviously approves rezoning and subdivision, the other applicants also have approval rights under the Garden City Lands agreements. Since they can ultimately terminate the Purchase Agreement if any negotiations related to the rezoning and subdivision conditions are not resolved to their satisfaction, they have considerable power in those processes.

"Tearing up the agreements": Applicants have said they will end the agreements if the Commission does not exclude the Lands. In contrast, the Coalition believes the spirit of the agreements is (a) to renegotiate within the MOU in order to give effect to the spirit of the MOU, to the extent possible, in the changed circumstances and then, if the renegotiation fails, (b) to cooperate in making whatever arrangements are necessary to restore each Party to the position that it was in prior to entering into the MOU. The MOU states that. However, the agreements do not clearly address the possibility of the Commission rejecting the application, since the Parties assumed it would be rubber-stamped, and that could make the spirit of the MOU hard to enforce.

Termination dates: The termination date for the Purchase Agreement can be considered to be the end of December 2008. The MOU has no termination date.

Agricultural capability and suitability

In the re-application for exclusion of the Garden City Lands from the ALR, the applicants discuss agricultural capability and suitability at length. Presumably the intent is to rebut the Commission's 2006 findings. In the September 2006 report rejecting the initial application, the Commission affirmed that the Garden City Lands are "prime agricultural land," *capable* of agricultural use, and "suitable for agricultural use." To support the finding of suitability, the Commission wrote that "the size of the subject property is such that it could constitute a complete farming unit from which farm vehicle movements would be infrequent" and that "the existing road network serves to increase agricultural suitability by providing a buffer, or separation, to and from adjacent lands." The Commission's findings seem clear to us, and the factors that the Commission noted have not changed.

Analysis of 5.0 (Capability) and 6.0 (Sustainability)

What is unclear to us is how the applicants think that Sections 5.0 (Capability) and 6.0 (Sustainability) of the application refute those findings. Our view is that those sections do not merit a detailed analysis. However, rather than just dismiss them, we will analyze the following paragraph from the end of Section 6.0 as an example:

Given the urban setting of the lands, essentially a finger of ALR land protruding into downtown Richmond, the costs and complexity associated with farming on the Garden City Lands make the lands unsuitable for agriculture. Furthermore, the Musqueam Indian Band title claims and the fact that the lands are currently held by the federal Crown will completely inhibit the availability of the Garden City Lands to be developed for agricultural use. The Musqueam have indicated that they have no interest in pursuing agricultural development on the parcel and no intention of ceding their legal claims to the lands. (p. 9)

The following points are in response to that paragraph:

- On the contrary, the urban setting is ideal for some agricultural purposes, such as the [Sustainable Food Systems Park Proposal \(Resource 6\)](#) and Kwantlen Polytechnic University's [Urban Agriculture Education Concept \(Resource 7\)](#). The applicants must know that, because many times in the application they have described urban agriculture as a suitable use for the City's anticipated Garden City Lands open space. Also, Richmond Council members expressed interest in locating the Kwantlen program on the Lands when they responded to the

presentation by Kwantlen's Dr. Kent Mullinix at their Feb. 5, 2008, Planning Committee meeting. The minutes state that "Staff was directed to look at a 48-acre parcel of the Garden City Lands . . . when exploring the concept." Moreover, Richmond farmer Bob Kallu's expression of interest to Richmond Council ([Resource 8A](#)) shows that the Lands can be good for blueberry farming, and the response to the commission from Deirdre Whalen, a member of the Richmond Farmer's Institute, describes success with similar lands ([Resource 8B](#), submitted to the Commission on August 8, 2008).

- The Garden City Lands are basically a square, not a finger, let alone a "finger protruding into downtown Richmond." They have remained pretty much as they are since long before the neighbouring build-up on three sides, which is recent on much of the north side and just beginning on the south side. Also, although the City has added the Garden City Lands to the City Centre, the City has not added the Alexandra area (immediately north of the Lands), so there is City Centre on *only two sides* out of four. The pejorative image of a *protruding* finger is as inaccurate as it is inappropriate.
- The "fact that the lands are currently held by the federal Crown" is a false fact, as are so many of the facts in the application. In reality, the federal Crown transferred title to the Lands to CLC in 2005 (with the Musqueam Indian Band getting a 50% unregistered beneficial interest) with specified intents, including the intent that CLC would sell much of the property to the City of Richmond.
- The "Musqueam Indian Band title claims" mentioned in the paragraph under analysis must refer to the Band's land claims, which include most of Metro Vancouver and beyond. At the public hearing in March 2008, land claims lawyer Keith Clarke, providing legal advice to the City, stated that "the aboriginal issues are actually a bit of red herring," and he supported that point in considerable detail (Day 1 transcript, p. 138, which is PDF p. 140).
- Finally, the paragraph we have been analyzing says that "The Musqueam have indicated that they have no interest in pursuing agricultural development on the parcel." So has CLC. Perhaps the applicants think the Commission should exclude farmland from the ALR on the basis of an owner or party with a beneficial interest refusing to farm it. With that criterion, all the unfarmed ALR land owned by speculators would rapidly be excluded, spelling the end of the ALR. We are glad the Commission has not adopted that self-defeating criterion.

Analysis of the Schroeter report

The applicants hired an agricultural economist, Dan Schroeter, to write a lengthy report that is presumably a further attempt to rebut the Commission's findings about the Garden City Lands' agricultural capability and suitability. In the application, it is Appendix 1, "Agricultural Assessment of the CLC Lands, 555 [sic] No. 4 Road, Richmond." The report is largely irrelevant, repeatedly disproved by the applicants' own team, and confused about agricultural viability.

Lack of relevance

One obvious source of the report's deficient relevance is that it assumes agriculture on the Lands has to be an industrialized kind of commercial agriculture. That sort of agriculture may actually be possible, but the groundswell of need-inspired community aspiration in Richmond has been for agricultural goals and methods that are in keeping with the three Richmond uses for the lands (addressed later under "Suitability for Agriculture in the Big Picture"). In that regard, Richmond Council has been responsive to the community: the Council members unanimously approved those three uses—long before the applicants began submitting the ALR-exclusion re-application.

Apparently the agricultural economist was also unaware of trends in the U.S., where there has been an increase in smaller farms (e.g., two or three acres) and community supported agriculture (CSA), accompanied by younger people working the land. In that context, it makes no sense to assume that agriculture on the Garden City Lands has to use more-industrial methods. It makes even less sense for the report writer to have either ignored or not received the *Sustainable Food Systems Park Proposal*, principally written by agrologist Arzeena Hamir, P. Ag., who has hands-on familiarity with Richmond's soils, farm culture, and food security needs.

There is also little relevance to the report's discussion of food security. In the Garden City Lands context, food security is a matter of the long-term ability to feed Richmond people, especially those living with poverty and/or seeking local food for environmental and health reasons. That could involve, for instance, Richmond Food Bank clients not only being able to obtain fresh produce nearby but also helping grow it on the community farms, with the agriculture facilitating their wellness in several simultaneous ways. With all due respect to the agricultural economist, we feel certain that the co-chairs of the Richmond Poverty Response Committee, working with and for some of the neediest among us, have a more relevant sense of the community's food security needs. [Resource 5](#) provides their views, as expressed in "Richmond is food insecure" in the *Richmond Review* (June 16, 2007).

Since food security issues have received considerable news coverage in the past two years, this is an aspect of the Garden City Lands issue in which we will rely on the Commission's existing knowledge. In that regard, most of us were involved in Metro Vancouver's *Building a Resilient Food System Workshop* on June 18, 2008, and we were delighted to notice Commission Chair Erik Karlsen participating.

One more example of the Schroeter report's limited relevance is that it only considers agricultural use in the near future. True, it will be good if agricultural production can occur on the Lands soon, and opportunities will be lost if the applicants prevent it from happening. However, if the Lands simply provide ecological benefits as bog for decades, they will still be agriculturally capable and suitable when the need for them becomes more urgently evident.

Since the economist has made much of the supposed irrigation issue and the antenna cabling issue, we will explore them next.

The supposed irrigation issue

In responding to the Schroeter report, we will continue the approach of focusing on representative examples as far as possible. We will begin with the supposed issue of irrigation of the Garden City Lands, since the Schroeter report repeatedly brings up supposed concerns about it. For instance:

- The summary states that “. . . crop water requirements could only be met through the City's domestic water system” (page iv).
- The summary later states that “Any irrigation on the subject property would have to be based on the City's piped domestic water system” (page vii).
- The appendix's Section 2.4.2, “Irrigation” (pages 5 and 6), elaborates on those statements. The water costs are said to be many times the normal agricultural water costs, with the possibility that sufficient water could not be supplied.

In response, we should first point out that municipal water costs are not very relevant to the Garden City Lands. It might be possible to irrigate with municipal water, but that would be wasteful. That would also not be very consistent with the sustainable systems approach of the urban agriculture community, the people who have expressed the most interest in farming the Lands.

The obvious way to irrigate the Lands is with the reservoir lakes that will be increasingly needed for City Centre storm water retention. *The ALR exclusion application itself shows that the approach is practicable.* In Appendix 3, “Urban Design Review of the Planning Context,” the consultant Joost Bakker discusses “unique opportunities in resource sharing” through the proposed development on the lands, including this opportunity:

On-site parks may contain stormwater retention areas that serve as public amenity for the urban population as a water feature in public space. This non-chlorinated water may be channeled off-site to nearby agricultural land and used for irrigation. (page 28)

By questioning Coun. Harold Steves, we have confirmed that the applicants’ consultant (Joost Bakker) has reflected the expressed intents of the relevant City staff. Besides essentially agreeing with Mr. Bakker, Coun. Steves explained that the storm water drainage requirement is related to increased run-off resulting from high-density construction in the City Centre. More specifically, he added the information that a recent staff estimate of required storm water reservoir area on the lands was 5 acres. Incidentally, Mr. Steves, a professional agrologist who farms in Richmond, indicated that his preference would be for a somewhat larger reservoir pond/lake area.

Since a reservoir on the Lands will be used for irrigation of nearby agricultural land if the Garden City Lands development proceeds, it is obvious that a reservoir on the Lands can be used for irrigation of the Lands if they are used for agriculture. Far from being prohibitively expensive, this unique opportunity in resource sharing would provide *inexpensive* irrigation for Garden City Lands agriculture.

The antenna cabling issue

In his public hearing presentation and Appendix 1 to the application, agricultural economist Dan Schroeter has described antenna cabling as a significant problem for agriculture. In section 3.7.2, he states:

Much more problematic from an agricultural development perspective are the many kilometers of antenna cabling buried throughout the subject property. This cabling would disrupt agricultural development and operations on the site and would have to be removed. Removal is expected to be extremely expensive and may result in considerable soil disturbance. (page 14)

Mr. Schroeter's statement contradicts the statements of Randy Fasan, the individual project manager for CLC, the applicant that is project managing the ALR exclusion re-application. Mr. Fasan was also in charge of the initial application. In "Garden City lands too contaminated to farm?" in the *Richmond Review*, May 6, 2006, reporter Matthew Hoekstra wrote about Mr. Fasan rebutting environmental concerns related to the initial application:

Canada Lands Company director of urban design and planning Randy Fasan said as part of the sale, the fisheries department handed over its previous environmental assessment work of the site. Those reports, Fasan said, indicate the land is clean, aside from some copper wire at the base of the now-demolished coast guard radio towers.

Mr. Fasan's conclusion is even clearer in a direct quote in the article: "Our in-house engineer has reviewed those reports and we're satisfied that the lands are clean."

While it is hard to be sure what content may be buried somewhere in the vast application, our thorough search has not turned up any new environmental assessment report. We also looked at Appendix 10, the geotechnical report on the suitability of the land for construction, and we can find no indication of "many kilometres of antenna cabling buried throughout the subject property." Furthermore, we can find no indication in Appendix 1, "Agricultural Assessment of the CLC Lands, 555 [sic] No. 4 Road, Richmond" to suggest that Mr. Schroeter even personally studied the land itself, let alone dug into the soil enough to find evidence of many kilometres of buried cable.

We had assumed that Mr. Schroeter, who had no apparent source, was less credible than Mr. Fasan, who had studied the Department of Fisheries environmental assessment reports and had them reviewed by CLC's in-house engineer. However, at the application meeting with the Commission on August 14, 2008, Mr. Fasan contradicted himself when describing the DFO reports, "including disclosure that thousands of metres of copper antenna wire shielding were left behind."

We now know that we cannot believe Mr. Fasan, and Mr. Schroeter has not earned confidence, so it is hard to know what to believe. We do, however, have a sense that the many kilometres of buried antenna cable make little difference to the suitability of the land for urban agriculture, regardless of whether they do or do not exist. For Kwantlen Polytechnic University's urban agriculture education, possible buried cable, indeterminate kinds of clean fill, and other factors that the applicants portray as obstacles could even be educationally valuable as problem-solving opportunities for students learning to grow food with the real-life challenges of urban settings.

Economic viability

It is not clear to us why economic viability has popped up in the re-application, but it evidently seems highly important to Mr. Schroeter. As far as we can determine, economic viability is *a value that the Commission aims to enable* because it wants farm businesses to succeed. Economic viability does not appear to be a key criterion when the Commission determines whether to exclude prime farmland from the ALR.

When speculation, along with other factors, increases the price of land, that has a negative effect on economic viability. If that consequence of speculation then becomes a criterion for excluding lands from the ALR, a vicious cycle will be set in motion:

- Speculation causing higher land prices
- Higher land prices leading to more farms being excluded from the ALR for economic viability reasons, thereby rewarding speculation
- Further speculation causing even higher land prices, and so on

In contrast, rejecting the application again would send a message that the Commission is able to stand firm in the face of land speculators, even ones as powerful as the applicant trio. That is particularly important because the Garden City Lands have been a poster child for forces contending that unfarmed land should be excluded from the ALR. They include developers' association president Phillip Hochstein. In "Space Invaders" ([Resource 11A](#)) a July 2007 *BC Business* magazine column, he uses Richmond and the Garden City Lands as his main example to support this proposal: "The time has come to reclassify all ALR land that is not being used for food production for residential, commercial and industrial use" (p. 27). At minimum, discouraging speculators would slow the escalation in the cost of buying farms.

A final note about viability

Before leaving the applicants' viability issue, we must point out that this is one more topic on which the applicants have refuted themselves. On viability, the Schroeter report contradicts what Randy Fasan, project manager for both the initial application and the re-application, evidently said in 2006. This is how he is quoted in "Garden City lands too contaminated to farm?" in the May 6, 2006, *Richmond Review*:

"There's no contest that the lands are viable farmlands and could be used for berry growing, and in fact, could be improved to raise other crops. So we did not go through the time and expense of getting an agrologist report to state that."

Unfortunately, in subsequent years CLC did go to the time and expense, which will be borne largely by the taxpayer, of getting the Shroeter report to state the opposite.

Suitability for agriculture in the big picture

Suitability in the City of Richmond picture

In *Save Garden City*, we have already shared a glimpse of how the Garden City Lands are ideally suited to the City's plans and aspirations. That is particularly evident from Richmond Council's unanimous adoption of the three Richmond uses for the City's portion of the lands, which can all be ALR uses:

- Urban agriculture
- Showcasing environmental sustainability
- Community wellness and enabling healthy lifestyles

Those Richmond uses can best be achieved on the whole Garden City Lands, rather than on the parcels "scattered throughout the entire Garden City Property" (MOU 1.10) that the City hopes to get if the Lands are excluded from the ALR and the development goes ahead. The uses reflect (and appear to have been at least inspired by) the *Sustainable Food Systems Park Proposal* ([Resource 6](#)), principally written by Arzeena Hamir, P. Ag., which the Richmond Poverty Response Committee had earlier presented to Richmond Council.

All three of those uses are also evident in Deirdre Whelan's letter ([Resource 8B](#)), which describes community gardens functioning somewhat as a farming unit. The same is true of the Richmond Fruit Tree Project's sharing farms, community farms with which we have first-hand experience. The Garden City Lands are uniquely suitable for that kind of agriculture because they are right where it is needed—alongside a high-density area that will be teeming with 120,000 residents. Similarly, they are uniquely suitable for urban agriculture education, especially the Kwantlen Polytechnic University concept, as described by Kent Mullinix in [Resource 7](#), because:

- They are a stone's throw from Kwantlen's Richmond City Centre campus.
- They are large enough and urban enough to provide the needed 40–50 *urban* acres.
- There would be many community farmers and community gardeners for the students to interact with—an aspect that Dr. Mullinix has been enthusiastic about when discussing the concept.

It is fortuitous that a 136-acre parcel of prime farmland, buffered and large enough to constitute a complete farming unit, can still be available for the agricultural purposes for which it is so suitable.

When writing the *Sustainable Food Systems Park Proposal*, Arzeena Hamir and her Richmond Food Security Task Force team researched excellent examples of urban agricultural models. Among many others, they included:

- Intervale in Burlington, Vermont (www.intervale.org)
- Portland's Diggable City Program
- The teaching/community farm in Santa Cruz, California

The team found that the Intervale model could well be adapted to meet Richmond's community needs—with the potential to develop one of the first farms like that in Canada.

We will be considering community need in a later section and are just briefly touching on it here. Through their unanimous vote, the nine members of Richmond Council identified their perception of the community need ("Richmond uses") for the Garden City Lands, which involves using the Lands in the way in which they are most suitable for agriculture. If the Commission again rejects the application, the three applicants—CLC, the Band, and the City—can enable the lands to be used in that suitable way just by getting together (perhaps also with the federal government) to renegotiate with enough goodwill to make it happen.

Suitability in the B.C. provincial picture

Earlier this year, the government of British Columbia unveiled a promising plan, *British Columbia Agriculture Plan: Growing a Healthy Future for B.C. Families*. There are five broad goals, which the plan calls themes:

1. Producing Local Food for a Changing World
2. Meeting Environmental and Climate Changes
3. Building Innovative and Profitable Family Business Practices
4. Building First Nations Agricultural Capability
5. Bridging the Urban/Agriculture Divide

Jim Wright's presentation to the public hearing in March 2008 showed how the Lands are suited to all five. For the relevant section of the presentation, see [Resource 3](#).

Note: Hon. Linda Reid, MLA for Richmond East, which includes the Garden City Lands, strongly supports saving the Lands, as she wrote in the *Richmond News* ([Resource 9B](#)).

Suitability in the federal picture

In July 2008, Hon. Gerry Ritz, Canada's Minister of Agriculture and Agri-Foods, responded to a petition from the Garden City Lands Coalition with a letter that indicated his department would consider the option of accommodating the Garden City lands for his department's program requirements if the Lands become available in the future for agricultural purposes.

The federal government is supportive of efforts in British Columbia, and elsewhere in Canada, to protect agricultural land for the future. We are following with interest the initiatives of communities, community organizations, universities, and colleges to promote urban agriculture.

While Agriculture and Agri-Food Canada does not currently have a program requirement that could accommodate the Garden City lands, should these lands become available in the future for agricultural purposes, the Department would consider that option.

Of course, given the current status of the Garden City Lands agreements, a more unequivocal commitment from the Minister at this time would not be in keeping with accepted protocol. Nonetheless, the wording of his letter holds the promise of consideration of this option in the future if the lands remain available for agricultural purposes. Furthermore, in the letter ([Resource 9A](#)), Mr. Ritz mentioned *Growing Forward*, which will be the new federal policy framework for agriculture.

One way the lands might not be suitable

Before we move on from this final aspect of suitability, we have to point out that the Schroeter report indicates the property is located at **555** No. 4 Road. It says that on the title page in large bold type. We had thought the location was **5555** No. 4 Road, which would be 2.5 miles away from the 555 address. However, if the report is right that the Lands are at 555 No. 4, then they are most likely submerged under the north arm of the Fraser River.

If that is the case, then they are *not* suitable for agriculture.

Community needs

When rejecting the applicants' initial application in 2006, the Commission mentioned the "absence of a substantive community need argument." In the re-application, there is a large volume of words about community need but, we believe, little substance.

The applicants have devoted 18% of their main application document to proving to the Commission that "the commission has statutory authority to consider community need in the context of exclusion applications" (pages 11–15). We gather that the Commission *does consider* community need, regardless of whether particular applicants prove to the Commission that it can do so. A relevant aspect of that reality is that it gives us the opportunity to describe how community need is actually a reason to keep the Garden City Lands *within* the ALR.

The applicants' ubiquitous treatment of community need

We found content about community need in various parts of the application, including:

1. Application pages 15–22
2. In Appendix 2A, a December 2007 Richmond staff report to Richmond Council, "Potential Community Benefits from the Garden City Lands Partnership" (page 13)
3. In Appendix 3, "3.5 Community Needs" (pages 17–18)
4. Appendix 4A, "City of Richmond Community Needs," and Appendix 4B, "Musqueam Indian Band—Community Needs"
5. In Appendix 5, "2.3 Community Need Assessment" (pages 13–22) and a part that starts on another page 2, perhaps a copy of application pages 15–22

We were unable to sort out all the repetitions and inconsistencies enough to be sure what is meant, but the amount of content practically demands a response.

Moral high ground?

Before examining stated needs, we must address the Appendix 3 contention (in the community need context) that "exclusion from the ALR represents the moral high ground of treaty negotiations" (page 18). That is impossible, since the Garden City Lands agreements were entered into *outside* the treaty process, as was unfavourably alluded to in the November 2006 *Report of the Auditor General of Canada* (7.47). In any case, since there is no evidence of the negotiators consulting the Commission before entering into the agreements, it seems preposterous to expect the Commission to exclude ALR farmland on the basis of a fuzzy new criterion of "moral high ground."

City of Richmond community need

Stated need and expected community benefits or values

To begin this topic, we will try to identify the “stated” City of Richmond community needs. The word stated is in quotation marks because we could find *no clear statement of need* in the main application document or in Appendix 4A, where “Community Need Information Requirements” begins with Richmond’s “statement clearly identifying the need” (Appendix 4A, p. 1).

In Appendix 3, we found this relatively clear statement:

With the accelerated population growth in the City Centre area of Richmond there is a need for public open space and amenities based on a per capita basis for its present and future residents. (p. 18)

Specifically, that appendix states that “65 acres represents 32% of the total new open space required in the City Centre Area Plan” (p. 18).

There is another relatively clear statement in Appendix 2A:

Ownership of 68 acres of public open space will go a long way to achieving the park and open space requirement envisioned in the City Centre Area Plan and provide maximum flexibility to address community needs described above. (p. 13)

The “community needs described above” are the three “Richmond uses” for the Garden City Lands that were unanimously supported by Richmond Council: urban agriculture, showcasing environmental sustainability, and community wellness and enabling healthy lifestyles. (Council members both for and against ALR exclusion supported those uses, as they can be achieved either within or outside the ALR.)

Appendix 5, a February 15, 2008, staff report to Richmond Council, covers similar ground at greater length (pp. 10–18).

If we cut through the verbiage, the main claimed Richmond community need for excluding the Garden City Lands from the ALR is to obtain more parkland—more open space to help meet the per capita requirements for the eventual City Centre population. There may also be a claimed need to spread the eventual City Centre population over a larger area, evidently to be achieved by grafting the Garden City Lands onto the previous “City Centre” (already accomplished) and then paving much of the farmland with high-density construction.

The refutation to those claims is in the City of Richmond's own new City Centre Area Plan (CCAP), unanimously approved by Richmond City Council on July 21, 2008. The June 11, 2008, staff report describes the refinements that had taken place in response to councillors' input, and [Resource 12](#) in this *Save Garden City* request shows what the adopted CCAP says about the City Centre's need for the Garden City Lands construction and parkland. [Resource 12](#) is page 11 of that staff report, and the key content comprises the third row of the table. It is in response to this comment in the "Comments from Councillors" column:

Indicate how much of the 120,000 ultimate build-out population has been assigned to the Garden City Lands (GCL) and how much the CCAP is relying on it for park and open space in the City Centre.

What the new area plan says about that, as explained in [Resource 12](#) under "Resultant Changes in the CCAP," is this:

- There is **NOT a need** for the Garden City Lands **for parkland before 2031** (i.e., before the end of the first of the two CCAP phases).
- There is **NOT a need** for the Garden City Lands **for residential construction** for the anticipated 120,000 City Centre population—**not now, not by 2031, not ever.**

Apparently a lot of additional City Centre parkland *will* be needed during the second phase of the CCAP, the period of slower growth between 2031 and 2100. The Lands could actually go a long way to meeting that foreseeable eventual need—if they become agricultural park, 136 acres of ALR farmland that is also parkland.

In contrast, the issue of the claimed need for the Garden City Lands for residential construction can surely be dismissed on the basis of the refined, newly adopted CCAP. Since the refined provisions related to the Garden City Lands were high profile, they certainly did not just slip through unnoticed. If the Garden City Lands had been *needed* for residential construction, as opposed to being *wanted* or *nice to have*, then surely the Council members would not have accepted those provisions. At minimum, they would have postponed approving the area plan until after the Commission's decision on whether to exclude the lands from the ALR. (In the event of the Commission again rejecting the application, Council would presumably then have had to make significant changes to the CCAP, e.g., by reducing the eventual City Centre population.) As it is, every one of the Council members—the six who supported ALR exclusion and the three who opposed exclusion—all voted the same way. Every one of them voted for a plan in which the Garden City Lands are *NOT needed* for residential construction, *NOT needed* for "the total build-out population of 120,000."

Reasonable alternative means to meet the need

Alternative means identified by Agricultural Land Commission staff

The obvious alternative means for the City of Richmond to meet the need was to heed the readily available Commission staff report related to the initial application to exclude the Garden City Lands from the ALR. The Commission staff report identifies alternative lands:

Adjacent areas recommended for redevelopment could provide opportunities to accommodate such urban amenities. Areas to the north and south of the proposed exclusion are under redevelopment for residential and commercial use and these areas could provide for the public amenities sought. (Gordon Bednard, April 11, 2006, p. 5)

At that time, most of the Alexandra area of West Cambie, immediately across Alderbridge Way to the north of the Garden City Lands, was sparsely populated with about three hundred people living in an area close to the size of the Lands. It was semi-rural and mostly zoned R1. In the whole huge (half-mile-wide) block bounded by Alderbridge Way, Garden City Road, Alexandra Road, and No. 4 Road, there were only a dozen inhabited houses. It would have been just as easy to add that area into the “City Centre” as it previously was to add the Garden City Lands into the City Centre. (Geographically, the Alexandra area and the rest of West Cambie are as much a part of the City Centre as the Garden City Lands are.) While part of that huge block and some other parts of the Alexandra area do in fact appear as open space in the plan that has now been adopted, a *far larger* acreage could have been zoned for open space.

In short, the City of Richmond has ignored the insight provided by Commission staff and significantly negated an alternative means of meeting the open space need—while preparing the re-application in the same time period.

Important correction before continuing

Before addressing the next aspect of alternatives, we have to correct false facts in Appendix 5 (pp. 14–15). Under “Quantity of Open Space,” the appendix correctly begins that “The current citywide standard is 7.66 acres per 1000 population.” However, it then *incorrectly* and repeatedly characterizes a supplementary standard that was adopted in 2006 as a *reduction from the City-Wide Standard*.

The supplementary standard is 3.25 acres *within the City Centre* per thousand residents *within the City Centre*. It is not a watered-down replacement for Richmond's City-Wide Standard (7.66 acres of park per thousand residents). It is a safeguard to ensure that City Centre residents will have at least a bare minimum amount of parkland per capita nearby. That safeguard was needed because the rapid increase in City Centre population, along with escalating City Centre land prices, has had the economic effect that the City can acquire new parkland much less expensively in outlying parts of the city than in the City Centre. On that particular matter, Richmond Council acted promptly—by means of the supplementary standard—to curtail the problem.

Jim Wright explained the City Centre Standard at the Garden City Lands public hearing in March 2008, and Council members, including councillors in favour of ALR exclusion, were appreciative (Day 2 transcript, p. 66, which is PDF page 68).

The point is that *all* Richmond residents (including those living in Richmond Centre) are entitled to 7.66 acres of Richmond open space per thousand. Because Richmond Council alertly recognized the emerging need to ensure sufficient *nearby* parkland for Richmond Centre residents, they are additionally protected by the *supplementary* standard of 3.25 acres *within the City Centre* (per thousand City Centre residents).

The Garden City Lands proposal would not remedy a shortage!

The Garden City Lands ALR-exclusion proposal would not remedy the post-2031 shortage in open space within the City Centre. The proposal, in effect, is for the Lands to start as the current large open space and finish with many smaller open spaces with a much smaller total acreage. That would be a form of *urban sprawl*, spreading the eventual 120,000 City Centre residents over more space, including prime farmland.

Quite possibly, though, the Garden City Lands development would actually increase the eventual population beyond that 120,000 number—and consequently increase the amount of required open space.

In any case, having the additional huge Garden City Lands population would accelerate the rise in City Centre population, since the many construction projects that are “in the pipeline” would go ahead regardless of what happens on the Garden City Lands. The Garden City Lands exclusion and development would at least be hastening the eventual shortage of open space (and in all likelihood exacerbating it).

In that context, the reasonable expectation—if the Garden City Lands really must be developed—would be for the development to provide the number of acres of open space than Richmond’s standards require for the number of thousands of people who would live in the development. *Although it should do that, it most certainly would not.* Under the Garden City Lands agreements, it would fall far short.

As residents have intuitively recognized in letters to the newspapers and submissions to Richmond Council, the development would essentially provide some green space for itself. The taxpayers, who (through their governments) owned the Garden City Lands for over a century, would end up buying and maintaining the green space for the development. That’s great for the CLC-Band partners, not the community.

The details are provided in [Resource 4C](#), a Garden City Lands blog post titled “The 14,650 coincidence.” Please read it, as we believe that this point in itself is sufficient reason to turn down the application.

The short version is that the open space left over for the City from the proposed development would only provide the amount of *City Centre* open space that is required for that particular development. The situation is worse than that, but we think it is best to make that point before moving on to the bigger problem.

Notes about “The 14,650 coincidence”

- The “The 14,650 coincidence” post includes the best available calculation of population in the proposed Garden City Lands development, worked out with expert advice on the basis of reliable figures from the City of Richmond and the 2006 census.
- The blog post assumes that the trade and exhibition centre will be built (on 22.4 acres, leaving 47.6 acres of City land for potential open space). If the trade centre is not built, then the City land will be reduced, since the CLC-Musqueam partners would get half those 22.4 acres under the agreements.
- Doing a second set of calculations for a scenario with no trade centre would unnecessarily add to the complexity. The City land available for open space would still be almost entirely needed to offset the additional City Centre population resulting from the Garden City Lands development.

The Garden City Lands proposal would cause a shortage!

It is bad enough that the Garden City Lands proposal does not deliver a net benefit to the supply of open space *within the Richmond City Centre*. But the problem goes beyond that: the proposal would actually cause a shortfall in Richmond open space.

The point to remember here (as a quick review) is that Richmond Centre residents, like all Richmond residents, are supposed to have the benefit of 7.66 acres of open space per thousand residents. The 7.66-acres-per-thousand is the City-Wide Standard. In the Garden City Lands proposal, the open space left over from the development would meet only the supplementary City Centre Standard (3.25 acres *within the City Centre* per thousand City Centre residents). The remaining 4.41 acres per thousand Garden City Lands residents (7.66 acres minus 3.25 acres) would have to be found somewhere. Unless found on ALR land, it would be expensive, since parkland outside the City Centre has been costing around \$2.5 million per acre lately. As explained in [Resource 4B](#), “Our Stanley Park,” *the ballpark-figure cost for the development’s open-space shortfall is \$160 million*.

Excluding the Garden City Lands from the ALR, thereby enabling high-density development, would result in an *increased* future shortage of open space in Richmond. Since the Richmond community need is for a *decreased* future shortage of green space, the alternative means that would actually meet the community need is to *stop the ALR exclusion application*. Since the City of Richmond has been unwilling and/or unable to do that itself, we ask the Agricultural Land Commission to do it for the City, the community, and the best interests of the ALR.

Alternative ways in which the Lands could meet the need

There are still ways in which the Garden City Lands could meet the eventual need for open space in Richmond and particularly in the City Centre. After all, the lands *already are* entirely open space, and the City is the only one of the three applicants that has expressed an interest in using the Lands for agriculture. In fact, the other two parties have specifically stated that they do not wish to use the Lands for agriculture.

Even if the other parties *do not reciprocate* the City’s goodwill and negotiate the sale of the entire property to the City, the lands will remain open space for as long as they remain in the ALR, which we hope will be forever.

That said, it is entirely possible that Canada Lands Company CLC and the Musqueam Indian Band *will* reciprocate the goodwill that the City of Richmond has shown in the course of these agreements. In that case, they *will* renegotiate within the agreements to enable the City to obtain the lands for its three “Richmond uses.” Those uses, especially urban agriculture, are all compatible with ALR status. As [Resource 4B](#), “Our Stanley Park” explains, that would incidentally save the City hundreds of millions of dollars (over half a billion) that it would otherwise have to spend to buy open space.

In the history of the ALR, this must be one of the best-ever alternative means for ALR-exclusion applicants to meet a community need.

Risks to the community if the proposal does not proceed or is delayed

The risk feared by the applicants is apparently that CLC and the Band will find a way to stop the City from obtaining as much of the Lands as it was supposed to obtain:

- Even though those two partners must know why the Lands were passed on from the federal government’s direct ownership
- Even though the City has gone far beyond the call of duty to help them
- Even though the spirit of the agreements is evident in the City’s right of first refusal

In short, the City’s perceived risk appears to be a matter of fear that its partners will double-cross it. That begs some questions:

- If CLC and the Band are as fickle as the City would have the Commission believe, why is the City dealing with them?
- If CLC and the Band are so fickle, why does the City think that they will not have their way with the City in the zoning and subdivision process, when the partners will hold all the cards? (In that period, they would still be able to cancel the City’s right to buy any land if not satisfied with the rezoning and subdivision steps.)
- Does the City think the Commission’s duty is to exclude prime farmland from the ALR in order to rescue foolish cities from fickle partners? Especially when those partners are the city’s co-applicants? And especially when those partners are the main beneficiaries of the application’s intent, which is lucrative land speculation?
- Is there no way for the City to influence either partner to be less fickle?

One answer is that there are ways to influence at least CLC if the City starts working *with* its citizens. We will explore that possibility in later sections.

Musqueam Indian Band community need

This analysis is primarily related to Appendix 4B to the exclusion application, “Musqueam Indian Band—Community Needs.”

However, one point in the “The Musqueam Indian Band” part of the main application document first needs to be corrected. Referring to the initial agreement (MOU) between the federal government, CLC, City, and Band, the applicants state that “the MOU can only move forward if the Commission grants the City of Richmond’s exclusion application.” Actually, there are provisions for renegotiation within the agreements. Granted, it does not seem feasible to force parties to renegotiate, but they can renegotiate within the MOU if they have sufficient goodwill to do so.

Stated need and expected community benefits or values

To begin, we will express the key aspect of the Musqueam Indian Band’s community need that is stated at great length: *money*.

The Musqueam Indian Band’s stated purpose for getting the Lands out of the ALR is to generate money for Band projects. In effect, the revenue from the ALR exclusion and subsequent rezoning would enable large profits from the Band’s beneficial interest. That would occur after completion of the master development plan by CLC, with parcels then sold to developers at many times the Band’s purchase price at 2005 ALR land value. Finally, the profits would pay for the projects. This was confirmed in the public hearings in March 2008 (Day 1, pp. 50–51).

The Band states that the Garden City Lands agreements are good for reconciliation and for saving taxpayers the cost of costly litigation. In part, that is consistent with a June 5, 2007, letter in the *Richmond Review* in which Band chief Ernie Campbell repeatedly mentioned the possibility of litigation and promised that “rejection of the agreement” would result in “an army of lawyers producing large legal bills for the City and others.” According to the Band, “the court will likely uphold our Aboriginal rights and title to the Lands” (Appendix 4B, p. 8). Finally, the Band points out that, “in the absence of a negotiated agreement,” the City of Richmond’s “legal interest in the Lands will cease to exist” (p. 9).

Reasonable alternative means to meet the need

As we think about the Band's explanation, we envision what would have happened if the parties to the Garden City Lands agreements had consulted the Commission in early 2005 *before entering into the agreements*. We see the parties explaining that the property must be excluded in order to multiply the money the Band will get, as well as to multiply the federal profit, when selling the rezoned land to developers. What we find hard to envision is the Commission approving.

Now, in 2008, the parties somehow expect a more favourable response from the Commission than they would have received if they had asked at the appropriate time. And they expect that outcome in this context:

- Even after Smart Growth B.C. has stated so definitely that the development would not be Smart Growth
- Even after it has become so questionable (to say the least) that the City can genuinely meet community needs through ALR exclusion
- Even after the citizens have strongly supported saving the Lands

Under the circumstances, we encourage all the parties, including the Band, to find alternative ways to meet their needs. Naturally, each party's planning is its own business, so we will simply point out some examples of options.

Alternative funding for Band projects

The Band may be able to fund its projects by means of the direct payments and revenue-generating property it has recently received from the federal and provincial governments. They are described in "B.C. natives lock up band office in feud over land-claim windfall," by Robert Mattus in the *Globe and Mail*, June 20, 2008. In describing "one of the wealthiest native groups in the country," Roger Mattus first summarizes the Musqueam Indian Band's previous holdings:

In addition to its 190-hectare reserve, the Musqueam band owns prime land that has been leased out for two golf courses and for housing. The band also has a hotel and is involved in a multimillion-dollar residential development in neighbouring Southlands.

The article then describes the "windfall":

The B.C. government wrote a cheque to the Musqueam First Nation for \$5-million in mid-March and another cheque for \$15.3-million in mid-April as part of a settlement resolving three outstanding court cases, a B.C. government official confirmed.

The cash was part of a settlement that included transfer of 59 hectares currently used for the University of British Columbia golf course, seven hectares currently used for the River Rock casino development and an additional 22 hectares, some of which will be developed for housing.

The federal government has also announced a transfer of \$17-million in recognition of 2010 Olympic activities on land that the Musqueam claim as their territory. Negotiations are continuing on an additional \$3-million for unspecified programs. The Musqueam band has also received \$800,000 recently for compensation for the impact of the Canada Line, a new rapid transit line that crosses their fishing grounds in the Fraser River.

According to the article, “The reserve has around 1,300 residents, but only 600, including 150 children, have aboriginal rights under the federal Indian Act.” The UBC Golf Course, just one part of the “windfall” has an estimated value of \$1 billion as a future construction site. Estimating the total “windfall” and dividing by 600, one arrives at around \$3 million per resident (whether adult or child) with aboriginal rights.

True, the \$3 million in new assets (per reserve resident with aboriginal rights) is a ballpark figure. Also, perhaps the Band leadership will dispense the benefits more widely. Nevertheless, surely the revenue-generating assets and direct payments that the Band has received in the last two years are a more-than-adequate source of funds for Band projects.

Reconciliation as an alternative to litigation

With regard to saving Richmond taxpayers the expense of costly litigation, the Band can do that by following what appears to us to be the spirit of the agreements. As mentioned earlier, that consists of renegotiation within the agreements when conditions in the agreements cannot be met, rather than scrapping the agreements in favour of “an army of lawyers producing large legal bills for the City and others.”

The spirit of the agreements seems evident in sections 1(22) and 1(23) of the initial agreement, the *Memorandum of Understanding Regarding Garden City Property between Musqueam Indian Band, City of Richmond, Canada Lands Company CLC Limited, and Department of Fisheries and Oceans* of March 2005.

Furthermore, the subsequent Purchase Agreement specifically affirms that those sections “will continue to be binding upon the parties to the MOU” (Section 4.6). The renegotiations are intended “to give effect to the spirit of this MOU, to the extent possible, in the changed circumstances.”

Also in the spirit of those binding MOU sections, the Band, along with the other parties, could, in the event of unsuccessful renegotiation, take the step that applies if any understandings in the MOU are *terminated*. The MOU states that “the Parties will cooperate in making whatever arrangements are necessary to restore each Party to the position it was in prior to entering into this MOU.” In the case of the federal government, that was a position of direct ownership of the Lands. That would quite likely allow for agricultural use of the lands by the Richmond community, as is evident from [Resource 9A](#), the letter from the Hon. Gerry Ritz that we introduced in the “Agricultural Capability and Suitability” section of *Save Garden City*. We will review quickly here. Mr. Ritz, the Minister of Agriculture and Agri-Foods, states:

While Agriculture and Agri-Food Canada does not currently have a program requirement that would accommodate the Garden City lands, should these lands be available in the future for agricultural uses, the Department would consider that option. (July 8, 2008)

Since the federal government cannot currently declare a program need for the Garden City Lands without inappropriate interference, we are encouraged by Mr. Ritz’s statement of support. It appears even more encouraging in the context of the obvious confluence of the federal government’s imminent *Growing Forward* plan and the new *B.C. Agriculture Plan* with the [Sustainable Food Systems Park Proposal](#) and Kwantlen Polytechnic University’s [Urban Agriculture Education Concept](#) (Resources 6 and 7).

If the Musqueam Indian Band chooses reconciliation over litigation, it can play a role in that endeavour, helping develop world leadership in urban agriculture. At the same time, the Band would go a long way toward a renewed friendly relationship with the community around it. And, we believe, that is what reconciliation is all about—the renewing of a friendly relationship,

Other possible outcomes

While we, as citizens of Richmond, are adamant that the City of Richmond should scrupulously work within the existing agreements, we recognize that one or more other parties might find ways to scrap the agreements without working together to restore the federal government to its original position as the direct owner of the Garden City Lands. That is one of several factors that could lead to other outcomes. We will quickly address a few. Like Appendix 4A, this will go beyond the community need topic, and we are including it here for consistency with the Band’s Appendix 4A scope—and thereby, we hope, the convenience of the Commission.

Setting aside the Lands for the treaty process?

The Musqueam Indian Band has only completed Stage 3 of the treaty process, an early stage that consists mainly of accepting a standard framework for negotiations. If the Garden City Lands are returned to the federal government, one possibility is that the lands could become part of eventual treaty negotiations. That would at least avoid the problem with the existing agreements that the Auditor General of Canada identified in her November 2006 report:

The First Nation obtained a temporary court injunction to stop the sale of the property. Eventually, a solution was found, but it did not support treaty negotiations nor help resolve the First Nation's outstanding claim. (7.47)

If the property becomes part of the treaty process, the Lands might remain as they are for many years, especially since the Band has pursued the treaty process so slowly. From the standpoint of protecting farmland for agriculture, that would not be a problem.

Returning to the injunction?

Prior to the Garden City Lands agreements, the Musqueam Indian Band was involved in an injunction to prevent the transfer of the Lands from the federal government to Canada Lands and ultimately the City of Richmond. Theoretically, the Band could renew that litigation. However, if the Band is again successful (by no means a certain outcome), that would only result in the Lands being returned to the federal government, which should not be a problem for protection of the farmland.

Purchasing the Lands?

There are ways in which the Band could possibly obtain ownership of the Lands through purchase. The property would still be part of the ALR, so the possibility is irrelevant to the current application.

There is also talk of purchasing the lands and turning them into a reserve. That seems far-fetched, since the federal government would have to grant reserve status and there would be no evident advantage to the government or the Band. The possibility seems to have little if any relevance to the exclusion application.

Obtaining the Lands through a land claim?

While the Band has expressed confidence that it could obtain the Garden City Lands through land claim litigation, lawyer Keith Clark, an aboriginal law expert providing advice to the City, gave little credence to the idea when he spoke on Day 1 of the public hearings in March. With reference to the Lands, he stated the following:

. . . the aboriginal issues are actually a bit of a red herring. (Day 1 transcript, p. 138)

To date there are no court decisions establishing aboriginal title anywhere in Canada. (p. 138)

So it is not obvious to me that the Musqueam would end up with any recognized legal interest in the land through some sort of court process. (p. 139)

Eliminating the City of Richmond's legal claim to the Lands?

The Band's community need content ends with "Impact and Risks to the Community," including a risk that the City of Richmond might lose its legal interest in the Lands as a result of the Commission rejecting the re-application. However, what matters to the community is the use for which the Lands are preserved. The ownership status may matter to some Richmond Council members and staff, but in itself it has little importance to the community. For example, the community would undoubtedly be happy with federal Crown ownership administered by the Ministry of Agriculture and Agri-Foods in partnership with Kwantlen Polytechnic University.

Leaving the Band with nothing?

Lawyer Keith Clark was equally clear that there is no need for anyone to be concerned about how any Garden City Lands ALR-exclusion decisions will affect the Musqueam Indian Band. At the public hearing, he pointed out that the Band is very well represented by its lawyers (as we were well aware). If the Commission rejects the application, the Band may not get as much profit as it would have received if the high-density development were going ahead, but it will not go away empty-handed, regardless of whether it opts for litigation or reconciliation. On the contrary, in agreement with Keith Clark, we believe there is little doubt that the Band will fare well, and that is fine and good.

CLC community need

Canada Lands Company has a kind of community needs too, and there is a major community-needs aspect to its operations. The applicants have identified CLC's "mandate of optimizing financial and community value to surplus federal lands" under the heading "Community Needs" in Appendix 3 (p. 18). As an example, Appendix 3 describes how "the company has worked tirelessly to listen to and work with the local community to create one of the most desirable communities in BC" in a particular brownfield project. The point seems to be that CLC has a deeply held value that involves understanding the needs of its community partners and then enabling them to meet those needs in an exceptional way. CLC calls it "CSR."

By "CSR," the company means *corporate social responsibility*. CLC has practised CSR for years, and we believe its CSR can have a crucial role in the Garden City Lands being used to meet Richmond community needs. To give a sense of Canada Lands' CSR principles, we will quote related excerpts from an address by CLC Vice President Gordon McIvor to a morning meeting of the Conference Board of Canada:

Canada Lands is proud to be at the forefront of thinking about CSR in this country. . . . it is an integral part of everything we do.

Our mandate is to optimize the value—in both the financial and community sense—of property owned, but no longer required by, the Government of Canada. . . .

CSR means paying careful attention to the environment in all our land dealings. CSR means being aware of local concerns, traditions, and heritage, so that land is used respectfully and in keeping with what is important to the people who inhabit and use it.

("Formalizing Corporate Social Responsibility at Canada Lands Company," May 25, 2001)

The wrong kinds of legacy

At the Garden City Lands Public Hearings, Vice President Gordon McIvor said, "We work very closely with communities and try to leave behind what we refer to as 'legacy projects' across the country." However, it is clear that CLC cannot meet its CSR need if the Lands get excluded from the ALR. As discussed earlier, the applicants want the Commission to accept a community need related to open space and Smart Growth, *but* it would create an open-space *shortfall* instead of filling an open-space need, and their "Smart Growth" claim for the Lands has been debunked. (For details, see [Resource 10](#), the Smart Growth B.C. letter from executive director Cheeving Ho.)

Now that the citizens have brought those grave shortcomings to light, we hope that Dr. McIvor will appreciate that CLC has been on the wrong course for achieving a legacy that it would be proud of. The most visible legacy in Richmond would be urban sprawl.

As the agreement partner that is project managing the application, CLC has also been creating another undesirable legacy in its dealings with the public, although Dr. McIvor is probably not aware of that. (It has occurred at a lower level and apparently not under his line management.) A main way it has occurred has been in the supposed public consultation related to the Garden City Lands project and application.

Before going further, we should provide some background: CLC, through the applicants' project manager, Randy Fasan, has managed the Garden City Lands ALR-exclusion project *in a hands-on way*. This became especially clear when an email message from Mr. Fasan to his project team came to public attention. The message, which we have provided as [Resource 11B](#), aims to "add to the ongoing illumination of some on council" who were insufficiently seeing things Mr. Fasan's way. His team on the recipient list included City managers, Band leaders and their lawyer, the head of the company that obtained the agricultural assessment, the urban design report writer, and many people from the project's public relations company. At least in Mr. Fasan's perception, they were all engaged in striving "Onward and upward" in furthering "our cause," including getting the Lands out of the ALR.

Instead of going into more details here, we encourage you to review the August 12, 2008, response to the Commission from Jim Wright titled "The Garden City Lands public consultation." It is *Save Garden City* [Resource 2](#). What has happened in Richmond is certainly inconsistent with the way CLC aims to interact with communities. CLC will get the opportunity to step back and set things right if the application is again turned down.

Alternative means of meeting the CLC need

The alternative means to meet the CLC's needs to practise CSR and leave a positive legacy involve more than the Commission rejecting the application. While essential, the Commission's contribution would mainly *set the stage* for Canada Lands to implement its CSR with a unique legacy project. Ideally, that would be an ALR-friendly legacy project within both the existing Garden City Lands agreements and the ALR.

We may seem overly optimistic about CLC, but there really are grounds for optimism. For a start, CLC does seem to have implemented its ideals with community value in at least some of its brownfield projects. Greenfield projects like the Garden City Lands, involving prime farmland and a savvy citizenry, are still a challenge for CLC, but it seems to be learning. Although CLC stumbled in its other greenfield project, Upton Farm in Charlottetown, Prince Edward Island, that seems to be turning into a remarkable success story. To learn about that inspiring and very relevant story, please read [Resource 4E](#), "Enabling Canada Lands Green Community Values." So far, the PEI story is an eye-opener about what's possible.

What would be the equivalent legacy project for Canada Lands with the Garden City Lands in Richmond? For a start, it would have these characteristics:

- It would remain within the Agricultural Land Reserve.
- It would be administered by an entity that cares about ecology, urban agriculture, local food security, and the site's heritage, promoting and educating in all of them, e.g., Kwantlen Polytechnic University.
- As many citizens have suggested, it would be "Richmond's Stanley Park," with an urban agriculture theme instead of the original Stanley Park's forest theme.
- Like Upton Farm in PEI, it might have a historic-site aspect.

Notes: Stanley Park is a national historic site. In its heritage strategy, Richmond is working toward a critical mass of historic sites, and the Lands would be a good addition—perhaps in part as a representative example of the success of B.C.'s ALR.

In his Conference Board of Canada speech, Gordon McIvor stressed that "the trick is always implementation. It is one thing to embrace fine words, it is another completely to put them into meaningful action." We would be honoured to help him put CSR into meaningful action through a legacy project that the community wants on the Lands.

Net benefit to agriculture

Apparently the Garden City Lands applicants believe that taking a unit of 136 acres of prime farmland and constructing high-density buildings on it has a greater benefit to agriculture than conserving it for food production. The citizens would not agree. To respond for the citizens, we tried to find the proposed benefits and the proposed ways to measure the benefits. If the applicants had somewhere shown the projected measurable value of their proposal for benefitting agriculture, we could then have compared that with the value of keeping the Lands in the ALR and, finally, arrived at the *net* benefit.

We have already seen the fallacy of the applicants' community need arguments about open space as the benefit, since the development would cause, not solve, a shortfall in Richmond parkland. Even if some of the City's open space scattered in the developed lands would be available for urban agriculture, that partial benefit is less desirable than having the whole property in the ALR so that it will be there for agriculture when the time comes—either sooner or later—that its value for growing food is appreciated.

That leaves the idea of a fund tied to the proposed development as the possible benefit for agriculture. Since being rejected in their initial application to exclude the Lands from the ALR, the applicants have added a supposed net agricultural benefit from an agricultural endowment fund. The short version of our evaluation of the fund idea is this, as stated in the executive summary to *Save Garden City*:

The proposed agricultural endowment fund does not provide a net benefit to agriculture. After about 18 months as an idea for a non-profit business with a superficial link to the Lands and with \$13.75 million of public money, the proposed fund still does not have a business plan or even a coherent concept. It is divisive of Richmond's farming community, and it is rife with harmful potential.

The vague idea for an endowment fund

We have found that the proposed fund is only a vague idea, so we will show that the fund *essentially does not exist*. While Richmond farmers are naturally happy to receive any promise of support, we believe that the "fund" gimmick with a tenuous connection to the Garden City Lands is no substitute for adequate annual funding that reliably supports Richmond farming, e.g., by meeting B.C.'s regional drainage criteria for agricultural areas.

The non-existent proposal/plan for an endowment fund

The tribulations of Appendix 2B of the Garden City Lands exclusion application say a lot about the application's "net agricultural benefit" and "agricultural endowment fund." The appendix was originally called "Agricultural Advisory Committee Report" when it was empty of content. It stayed empty for months. Eventually, it was given some content, but its title had to be downgraded to "Richmond Agricultural Advisory Committee Minutes." Instead of a report, there is nothing but some committee minutes and notes. The "report" is symbolic of the "fund."

The non-existent report was expected to support a net benefit for agriculture with an agricultural endowment fund plan. There is no plan or proposal or even a well developed concept. We have gone through all twenty-five pages of Appendix 2B, annotating and taking notes and using every means to find something substantial, even a fund framework approved by the Advisory Committee. The brief semblance of substance, which is in an approved resolution in the May 10, 2007, minutes (page 6), says to go ahead with filling out an *agricultural* framework, not a *fund* framework. An endowment fund is actually mentioned in a minor way in those May 2007 minutes, but in all the minutes over the next fifteen months since May 2007, the Advisory Committee approved nothing to take that mention further.

The non-existent measurable benefit

Since the business plan for the "fund" is non-existent, it naturally cannot include a means for measuring an agricultural benefit from the exclusion of the Garden City Lands from the ALR. It is therefore not possible to compare any predicted agricultural benefit from the fund idea with the predictable loss to agriculture so as to determine a net benefit to agriculture.

A magic act?

Our best guess is that the applicants think no one will go through Appendix 2B closely enough to realize that there is nothing substantial about the "fund" there. With all the talk of the benefits of an agricultural endowment fund in various parts of the application, topped with that twenty-five-page appendix, the panel and staff might believe that there really is an agricultural endowment fund plan. There may be an illusion of one, but no actual plan has been provided.

Richmond farmland-sustaining funding

The glaring lack of funding

In “Farm aid with a catch,” reporter Martin van den Hamel reported on a Richmond Agricultural Advisory Committee meeting, including the views of committee members Bill Jones and Bill Zylmans:

Jones said the successful removal of the Garden City Lands from the ALR is seen as a “potential vehicle to support the funds to do the water supply and drainage, instead of the current Band-Aid approach.”

Farmer Bill Zylmans . . . said he’s long complained that poor irrigation and drainage have led to costly annual crop losses. Those losses aren’t something he can afford to absorb for much longer, Zylmans said at last week’s advisory committee meeting.

(*Richmond Review*, August 27, 2007, A3)

Mr. Zylmans, and Bill Zylmans Sr. before him, have been asking for help for decades. In fact, Mr. Zylmans talked about similar problems in an educational video package called *Promise in the Land: Sustaining Our Agriculture* dated 1995—thirteen years ago. Some details and implications are discussed in a Garden City Lands blog post, “Promise in the Land,” *Save Garden City* [Resource 4B](#).

In his letter to the Commission dated June 7, 2008, Bill Jones writes:

There exists a unique opportunity to use part of the funds to be generated, to fix quickly & totally the glaring lack of irrigation waters and proper drainage for Richmond farmlands. These are largely ignored issues, the timely completion of which would exponentially improve quality & production of the truly viable Richmond farmlands.

Strong evidence from Bill Jones! *Even by June 2008*, with the application in progress, the City had not met the basic ongoing issue, “the glaring lack of irrigation waters and proper drainage.” That lack should have been addressed under the Richmond Community Plan and subsequent agriculture-specific documents since at least 1999.

The grasping at straws

It is easy to understand how some farmers have become ready to embrace any promise of help. Even then, they suspect that the talk about the assessed net benefit to agriculture is just talk, as Bill Jones illustrates in his June letter:

Conversations with assorted politicians and bureaucrats assure me adequate community need & net benefit to agriculture have been assessed. I sincerely hope so. . . .

At the public hearing in March 2008, farmer Bill Zylmans was clear that his reason for supporting the re-application was the proposed agricultural endowment fund: “The first time this was a go-round, there was absolutely nothing in it for agriculture and farmers couldn’t support it” (Day 3 transcript, page 65/PDF 67). He went on to say,

It’s long overdue. It’s unfortunate that a situation like this has to bring out this kind of moneys, but I think in my mind it’s a good start and I think we will be able to help with what’s left in Richmond with a start to that money” (Day 3 transcript, page 66/PDF 68).

It is indeed unfortunate that farmers have been put in that predicament, hoping for a benefit that exists only in “conversations with assorted politicians and bureaucrats.”

The subtleties of the situation

Despite what Mr. Jones and Mr. Zylmans may think, it should be acknowledged that the City, spurred by the Garden City Lands situation, has finally begun taking slow steps toward the needed drainage and irrigation. Coincidentally, those steps are budgeted to cost an amount that is not far from the \$10 million mentioned for the essentially non-existent Agricultural Endowment Fund. Apparently, however, after all those years when funding for drainage and irrigation never materialized, some farmers do not trust the City to follow through on its own and are therefore seeing the promised fund as a way to make sure the drainage and irrigation needs really will be met.

If the supposed fund would meet those needs, then it would be an appropriate use of City money (assuming appropriate Richmond Council approval) but should not be tied to the Garden City Lands. If it would go to other uses, it would still be City money, as we will explain in a moment. However, as things stand now, it would only be an appropriate use of City money if Richmond Council had studied the plan and voted to approve the spending. Since there is no plan, we were fairly sure that nothing like that could have happened, and we consulted Coun. Harold Steves to be certain. It had not happened. In his response, Coun. Steves, who is also a member of the Richmond Agricultural Advisory Committee, added details that are relevant to this point and to other aspects of this “Net Benefit to Agriculture” section:

The latest promise to provide an annual grant equivalent to the interest on \$10 million has not been approved in the budget, has had no staff report to Council as to how the money will be spent, or by whom or for what purpose. It has never been discussed by the Agricultural Advisory Committee. The only discussion by the AAC was to endorse a framework for determining how an endowment fund for agriculture could be established and what it might be used for. When we were discussing the framework, one idea that came forward was that the farmers could hire a full time lobbyist like they apparently have in Delta. However, there wasn't much else the farmers could think of.

The supposed funding by CLC and the Band

In another City document, there is a relevant letter from Doug Kester of CLC to Cecilia Achiam of City staff (Attachment 7 of the December 13, 2007, staff report). It says that the JV (CLC and the Band) “agrees to establish an endowment fund* to provide agricultural benefits to the agricultural community of Richmond as a condition of rezoning.” (The asterisk is for this: “Note: at a density of 2.0 FAR, a \$2.00 per buildable square foot ‘amenity contribution’ would result in approximately \$10 million of funding.”) That letter just agrees to the setting up of a fund that developers (unlikely to include the applicants) would somehow have to pay into—years down the road.

The non-existence of CLC/Band funding

The impression conveyed to the public has been that the CLC and Band would contribute \$5 million each, but that is not at all what the Kester letter says. On the contrary, the letter, when read closely, does not state or imply that they would contribute anything to the fund (except in the unlikely event that one of them becomes the developer of a parcel). Instead, the City would have to dream up a legally acceptable mechanism for collecting “amenity contributions” from developers, e.g., by allowing density bonuses expressed as larger-than-usual amenity allowances. (Note: Typically, the City’s zoning includes an amenity allowance of about 10% on top of the official maximum FAR. An example is C7, Downtown Commercial District, which is a common zoning for the new City Centre high rises. It has a maximum FAR of 3.0—but with an amenity allowance of 0.3 FAR, for an actual total FAR of 3.3.)

The City as the substitute funder

Since it would take many years for the City to collect the \$10 million, the City would supposedly pay the equivalent of the fund’s interest in the interim. (We say “supposedly” because it is evident from Coun. Harold Steves comment quoted on the previous page that the payments are just an idea, not a Council-approved commitment.) Elsewhere in the application documents, City payments for the fund are estimated at \$3,750,000, i.e., the equivalent of 3.75% in annual interest on a principal of \$10 million for a period of 10 years.

Risks created by the proposed fund

Reduced City spending on farmland-sustaining action

At the public hearing in March 2008, Ralph May, a lawyer with a strong farming background, supported the idea of a fund for Richmond agriculture. However, he said:

. . . I am worried about the way the fund is set up because I think it is subject to abuse.

There's two abuses that come to mind now, and there's probably others.

One of them is that future councils may decide that this fund gives them an excuse not to spend the money on irrigation and drainage and other works that they should and just try to rely on this fund to do so.

The other is special interest groups within agriculture, so one commodity group, one user group, might try and get control of the fund for the benefit of them as opposed to the benefit of the overall agriculture in Richmond. (Day 5 transcript, pages 6-7, PDF 8-9)

He went on to suggest ways to set up the proposed fund so as to reduce the chance of abuses, e.g., by having the Agricultural Land Commission and Minister of Agriculture represented on the board.

Divisiveness

One of Ralph May's concerns—the possibility of factions getting control of the proposed fund—is illustrated by the application's Appendix 5. It describes the endowment as being “for the benefit of *bonafide* agriculture in Richmond” and “a lasting contribution to the viability and sustainability of *bona fide* farming in Richmond over the long term” (page 8, with our emphasis added). That begs a question:

Who will separate the bona fide farmers from the fakes?

We will hazard a guess that the bona fide farmers intend to self-select and then shut out the farmers perceived as just pretending to farm. When \$375,000 a year is at stake, that will inevitably lead to rancour that sets farmer against farmer. If the farmers who will be branded as fakes are the many with smaller farms, as we suspect, then they would be in a situation in which the ALR forces their land to be treated as farmland while the City's supposedly farmland-sustaining funding mechanism prevents them from receiving support to sustain that farmland. We contend that disrespecting many of Richmond's farmers and undermining the ALR like that does not benefit agriculture in Richmond or British Columbia.

Conclusion about the fund idea

The proposed fund idea relies on the City to provide a large amount of funding directly and to collect the rest through development charges. Even as a vague idea, it is an awkward way to fund remedial measures for what Bill Jones called the “glaring lack of irrigation waters and proper drainage for Richmond farmlands.” And *the funding would have to go to those essentials*, because using it for non-essentials when the essentials continue to be neglected would be unthinkable.

Even as a vague idea, the proposed fund is obviously not something that the City would enter it as a sound way of doing business under normal circumstances. It has a false appearance of value that has resulted in it being considered anyway: a surface appearance of a benefit to agriculture from excluding the Garden City Lands from the ALR.

Instead of providing a net benefit to agriculture, the agricultural endowment fund that has been talked about would be far more likely to actually hinder agriculture:

- By contributing to the loss of prime farmland if the Lands are excluded from the ALR because of it
- By contributing to the loss of potential for urban agriculture education uses of the Lands, uses that would have accelerated the community’s already-growing public appreciation for farming and farmland
- By instigating bitter disagreement within the farming community, quite possibly with detrimental effects for small farms, as well as for the ALR
- By displacing the funding of farmland-sustaining measures that the City should have been reliably providing all along and that should begin providing in a way that the agricultural community can trust—with no pretense of a necessary linkage to the Garden City Lands

Alternative sources of farmland-sustaining funding

What is needed is responsible action, including secure funding. What is *not* needed is more actionless promises, let alone the vague “Agricultural Endowment Fund,” fraught with pitfalls but the supposed panacea for the effects of decades of neglect. Here are some possible sources of farmland-sustaining funding:

- The City received \$141 million from disposal of the Brighthouse Estate farmland that was left over after most of the remaining land had been expended on the Olympic skating oval. (Almost half a century ago, a council with vision had purchased that land, which included the old Samuel Brighthouse farm, to ensure that Richmond would have plenty of green space.) Many tens of millions of the Brighthouse Estate proceeds have been shoveled into the oval project. Surely \$10 million of the windfall from giving up the last bit of that legacy could be used to fund systematically planned high-impact programs to help Richmond farmland be more productive.
- Many more tens of millions of City revenue from River Rock Casino gambling have been shoveled into the oval. Surely setting aside \$10 million of gambling funds to help save our farmland is worth considering.
- The City has proposed throwing a \$10 million Olympic party. It is a safe bet that most citizens would be willing to give up the party in order to enable Richmond farmland to be as productive as it should be.

Since it was publicized that the funding idea would require the City to come up with about \$375,000 a year for ten years, a small benefit from the bizarre endowment fund idea is the broadened recognition that the City can provide that much each year for enabling agriculture. (It is not enough, though.)

Building on that growing public awareness, Richmond Council could decide that additional farmland-sustaining funding of \$375,000 a year makes sense. Council could then include it in the budget, paid for by tax revenues. If the cost is thought of as split between residential and commercial properties, that farmland-sustaining initiative would require about \$3 a year of the average household’s taxes. If that happens, we are confident that Richmond citizens will be happy to support it.

And they will be even happier if their \$3 a year has a bonus benefit—saving the Garden City Lands.

Alternative benefits for agriculture

If the Garden City Lands remain protected by the ALR, the particular agricultural endowment fund idea that has been tied to the Lands will be put out of its misery, with the likelihood that it will be replaced by a funding mechanism that has a business plan and Council approval. The Garden City Lands Coalition will be active in ensuring that.

The main alternative way for the applicants to achieve a net benefit to agriculture is to renegotiate the Garden City Lands agreements so as to enable agricultural use suited to the Lands' unique potential—replacing the land-speculation uses that the applicants negotiated despite knowing that those uses were not permitted.

A good scenario

The alternative benefits from the Lands depend on whether the parties actually do renegotiate to implement the spirit of their agreements in the new circumstances. As mentioned earlier in *Save Garden City*, the complementary *Sustainable Food Systems Park Proposal* and Kwantlen Polytechnic University *Urban Agriculture Education Concept* (Resources 6 and 7) comprise one promising option within the ALR. They have already been sufficiently thought out to give a sense of their benefit for agriculture and the community. Certainly they are more in keeping with Richmond community values than the proposed urban sprawl. They show the *minimum* level of benefits that can be expected if the parties cooperate, and there may be better possibilities.

Besides the federal government, which has shown a cooperative mindset, the parties to the key initial agreement (the MOU) are the three applicants to the exclusion application. If benefit to agriculture really is important to them, then they will enable visionary outcomes, to the great credit of every one of them. If all goes as it could go with enough goodwill, the net benefit to agriculture can be immense. Realistically, Kwantlen and its community partners, especially the City of Richmond, could lead the world in urban agriculture education for local food security.

And another good scenario

As an open space with local food-producing capability, the Garden City Lands could be thought of as a large green insurance policy or disaster protection. In an era when cities prepare for the worst earthquake or flood in 200 years, it is common sense to prepare for the greatest local food need in 200 years—or even in 50 years.

Furthermore, as an ecologically productive bog protected by the ALR, the Lands can provide those priceless benefits to agriculture even if circumstances stop them from being farmed in the near future. When the need for local food-producing capability becomes greatest, the Lands will still be there.