



## DIRECTION REQUEST

ALC Non-Farm Use Application 55184  
McLeod and Phare (Pemberton Music Festival)

**Meeting date:** April 27, 2016

**File No.:** DL 213 – 748-01635.000 and DL 210 – 748-01536.000

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**To:** SLRD Board

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**Applicant:** Geoff and Brenda McLeod/Garth and Valerie Phare    **Agent:** Cam McIvor

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**Location:** 1691 Sea to Sky Hwy and 7312 McRae Road

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**Legal Description:** DISTRICT LOT 213, LILLOOET LAND DISTRICT, EXCEPT PLAN 35687 (Owners: Brenda McLeod and Marion Ayers) and LOT 11, PLAN KAP1241, DISTRICT LOT 210, LILLOOET LAND DISTRICT (Owners: Garth and Valerie Phare)

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|-------------------------|----------------------------|--------------------|--------------------|
| <b>OCP Designation:</b> | <b>Zoning:</b>             | <b>ALR Status:</b> | <b>DP Area(s):</b> |
| Agriculture, Area C     | Agriculture                | In                 |                    |
| OCP Bylaw No. 689, 1999 | Zoning Bylaw No. 765, 2002 |                    |                    |

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### REQUEST:

THAT the Board provide direction with respect to the application for a non-farm use in the ALR, for the lands legally described as DISTRICT LOT 213, LILLOOET LAND DISTRICT, EXCEPT PLAN 35687, 748-01635.000 (Owners: Brenda McLeod and Marion Ayers) and LOT 11, PLAN KAP1241, DISTRICT LOT 210, LILLOOET LAND DISTRICT, 748-01536.000 (Owners: Garth and Valerie Phare).

### KEY ISSUES/CONCEPTS:

The Squamish-Lillooet Regional District (SLRD) received an ALC Non-Farm Use Application (55184) on April 1, 2016 proposing a non-farm use on 1691 Sea to Sky Highway (McLeod property) and 7312 MacRae Road (Phare property) for parking and camping associated with the Pemberton Music Festival. The properties are located within the Agricultural Land Reserve (ALR), are zoned Agriculture in Electoral Area C Zoning Bylaw No. 765, 2002 and are designated Agriculture in the Area C OCP Bylaw No. 689, 1999.

#### *McLeod Property*

The applicants' proposal advises that the property be used for a temporary camping/parking area for the Pemberton Music Festival. The applicants have clarified their application since submitting it, and are now proposing no camping, and 6,000 weekend parking spots on the North and South portion of the property for a total of thirty-five hectares (34.6ha/ 85.4 acres) proposed for non-farm use (parking).

Previous Proposal (reviewed by the Area C Agricultural Advisory Committee)

| <b>Property</b> | <b>Proposed Non-Farm Use</b> | <b>Amount of ALR Land</b>  |
|-----------------|------------------------------|----------------------------|
| McLeod – North  | Day parking – 1,500 spots    | 31.4 acres/ 12.7 hectares  |
| McLeod – South  | Day parking – 6,000 spots    | 71 acres/ 28.7 hectares    |
| Total:          | 7,500 day parking spots      | 102.4 acres/ 41.4 hectares |

Updated Proposal – as of April 21, 2016

| <b>Property</b> | <b>Proposed Non-Farm Use</b>  | <b>Amount of ALR Land</b> |
|-----------------|-------------------------------|---------------------------|
| McLeod – North  | Weekend parking – 2,000 spots | 31.4 acres/ 12.7 hectares |
| McLeod – South  | Weekend parking – 4,000 spots | 54 acres/ 21.9 hectares   |
| Total:          | 6,000 weekend parking spots   | 85.4 acres/ 34.6 hectares |

The updated proposal above has been committed to by the applicants, and they have stated that “we have reduced the total number of parking spots in Lot 3 as well as Lot 6 [see Site Plan] to reduce impact to the land, neighbours, and the highway.”.

Further, the applicants have confirmed that the parking on “McLeod property, North and South, is proposed to be long term parking (weekend; one load in and one load out) to reduce the impact on the land and the surrounding neighbors. There will not be camping on either Lot 6 or Lot 3.”.

#### *Phare Property*

The applicants’ proposal advises that the property be used for camping during the Pemberton Music Festival. Four hectares (4ha/10 acres) are proposed for the non-farm use. The applicants have clarified their application since submitting it to propose up to 200 camping sites. Staff have requested a detailed site plan in order to provide clarity as to how many camping sites the site can accommodate; at the time of the inclusion of this report on the Board meeting agenda, no detailed site plan has been provided. It was confirmed that only camping is proposed and that the proposed camping is for staff tent camping.

Previous Proposal (reviewed by the Area C Agricultural Advisory Committee)

| <b>Property</b> | <b>Proposed Non-Farm Use</b> | <b>Amount of ALR Land</b> |
|-----------------|------------------------------|---------------------------|
| Phare           | Camping – 50-200 sites       | 10 acres/ 4 hectares      |
| Total:          | 50-200 Camping sites         | 10 acres/ 4 hectares      |

Updated Proposal – as of April 21, 2016

| <b>Property</b> | <b>Proposed Non-Farm Use</b>    | <b>Amount of ALR Land</b> |
|-----------------|---------------------------------|---------------------------|
| Phare           | Staff Camping – up to 200 sites | 10 acres/ 4 hectares      |
| Total:          | up to 200 Staff Camping sites   | 10 acres/ 4 hectares      |

**Note that Temporary Use Permit Applications have also been submitted for the subject properties and will be processed should the Non-Farm Use Application proceed.**

## RELEVANT POLICIES:

Electoral Area C Zoning Bylaw No. 765, 2002  
Electoral Area C Official Community Plan Bylaw No. 689, 1999  
Pemberton Valley Agricultural Area Plan  
ALC Act and ALR Use, Subdivision and Procedure Regulation  
SLRD Regional Growth Strategy Bylaw No. 1062, 2008  
SLRD Integrated Sustainability Plan

## BACKGROUND:

Land clearing has been taking place on the McLeod property since late 2015; in early 2016, when the SLRD was advised that this portion of the McLeod property was intended for use during the Pemberton Music Festival, SLRD staff was in communication with festival organizers advising them of the need for an ALC Non-Farm Use Application and a Temporary Use Permit Application to be submitted and approval received/granted in order for the McLeod property to be considered for the 2016 Pemberton Music Festival. On April 1, 2016 the SLRD received an ALC Non-Farm Use Application for the McLeod property. This was submitted via email, as the ALC portal appeared to be experiencing some technical difficulties as the applicants had been attempting to use the portal to submit their application for a number of months. The application submitted only proposed camping/parking on the south portion of the McLeod property.

On March 31, 2016 the SLRD also received an ALC Non-Farm Use Application for the Phare property. The ALC directed that the McLeod and Phare Non-Farm Use Applications be considered/processed together as one application. Thirty-five hectares and four hectares, respectfully, (approximately 95.4 acres in total) are proposed for non-farm use for three to four weeks during and around the Pemberton Music Festival.

The McLeod property is currently assessed as Farm and Residential use in the BC Assessment Roll. The Phare property is currently assessed as Residential use in the BC Assessment Roll; it does not have farm classification. Both properties are zoned Agriculture in the Electoral Area C Zoning Bylaw No. 765, 2002, designated Agriculture in the Electoral Area C OCP Bylaw No. 689, 1999 and are within the ALR.

## Proposal (compiled from applications submitted and additional information provided)

### *McLeod Property*

The McLeod property is a large (total 67ha/167 acres) property that is bisected by Pemberton Portage Road. There are 46 hectares (113 acres) on the north side and 22 hectares (54 acres) on the south side of Pemberton Portage Road.

The applicant's proposal is for a non-farm use to provide for a temporary parking area for the Pemberton Music Festival (PMF).

Updated Proposal – as of April 21, 2016

| Property       | Proposed Non-Farm Use         | Amount of ALR Land        |
|----------------|-------------------------------|---------------------------|
| McLeod – North | Weekend parking – 2,000 spots | 31.4 acres/ 12.7 hectares |
| McLeod – South | Weekend parking – 4,000 spots | 54 acres/ 21.9 hectares   |
| Total:         | 6,000 weekend parking spots   | 85.4 acres/ 34.6 hectares |

The PMF is proposing activity on the parcel for 3 to 4 weeks with the most use occurring over a 4 day period (i.e. in 2016 the dates are July 14-17). The applicant's proposal advises that the subject property, "after having been improved by clearing of trees, can now serve dual purpose: 1) a newly established plot of farmland for farm for forage crops and rotational grazing; and 2) a temporary camping/parking area for the PMF managed in a manner focused on reducing traffic, soil compaction, and residual impact."

One of the proposal requirements of a non-farm use application with the ALC is for an applicant to state if this proposal could be accommodated on lands outside of the ALR and to justify why the proposal cannot be carried out on lands outside of the ALR. The application states this proposal cannot be carried out on lands outside the ALR, as the festival must use this property due to its proximity to the rest of the site. In the proposal, the applicants state that the proposal supports agriculture in the long term in that the land would not have been cleared in the foreseeable future had there not been a dual need and interest in the land from the owners/agent, and the festival.

When asked for additional rationale, the applicants provided the following response:

"All available lands have been explored for the festival use.

- 1) The Festival currently takes place on 5 ALR parcels of land, one of which is currently permitted for parking by the ALC.
- 2) The industrial park is utilized to its maximum available capacity for parking and operations
- 3) The pole yard is in use to the maximum extent available as it is an active business.
- 4) IR # 2 which is in the ALR is utilized to its maximum capacity with a portion being questionable due to the water inundation [in the fall of 2015 a high water event inundated IR#2 and has caused a large portion of the land potentially unusable]
- 5) The Rutherford was explored in 2014 and with its industrial activity and aggregate piles it is not large enough for use.
- 6) The Airport (Also in the ALR) use in 2008 was the main cause of the traffic congestion and proved to not be a viable option.
- 7) There are no other parcels of land available to accommodate the proposed uses. All other lands in the vicinity are also ALR."

Further, it was indicated by the applicant that the "McLeod property is the only land large enough, contiguous with the site and can be used to improve the logistics and operation of the Festival."

The applicants have also indicated that "due to the cancellation of Squamish there will be an influx of ticket and non-ticket patrons for this year's Pemberton Music Festival, by having parking options on the North and South side of Hwy 99 we will be able to substantially improve traffic control and prevent traffic congestion to the Hwy 99 routine traffic patterns. Thus allowing for a safer, smoother, load-in and load-out for RCMP, Medics, Festival Organizers, Patrons, and locals who are not participating."

As well, the applicants have stated that "they are happy to work with neighbours to mitigate impacts, such as adding buffers, etc."

#### *Phare Property*

The applicants' proposal is for a non-farm use to provide for camping during the Pemberton Music Festival.

Updated Proposal – as of April 21, 2016

| <b>Property</b> | <b>Proposed Non-Farm Use</b>    | <b>Amount of ALR Land</b> |
|-----------------|---------------------------------|---------------------------|
| Phare           | Staff Camping – up to 200 sites | 10 acres/ 4 hectares      |
| Total:          | up to 200 Staff Camping sites   | 10 acres/ 4 hectares      |

The application states this proposal cannot be carried out on lands outside the ALR, as the proposed site is contiguous with the Pemberton Music Festival (venue) and all non-ALR lands in the vicinity are already part of the festival use. This land is presently bound on three sides by festival activity. In the proposal, the applicants state that in their opinion “the proposal supports agriculture, for, in general the festival has made improvements to agriculture with its activities in the area and supports local agriculture.”.

The applicants have confirmed that only camping is proposed and that the proposed camping is for staff tent camping; access to staff camping will be by foot.

#### **Agricultural Capability**

The subject properties have excellent agricultural capability as noted below.

##### *McLeod Property North 48M-12 —(28M-12-) (portion of property on North side of Hwy 99)*

The provincial, 1:50 000 scale agricultural capability mapping indicates approximately 80% of the North portion of the subject property (portion of property located on North side of Hwy 99) is rated as Class 4 with moisture as a limiting factor (soils with low water-holding capacity), and 20% Class 1 with no limiting factors. This portion of the subject property is improvable to 80% Class 2 with moisture as a limiting factor and 20% Class 1 with no limiting factors.

##### *McLeod Property South 28W-42W—(18-22W) (portion of property on South side of Hwy 99)*

The provincial, 1:50 000 scale agricultural capability mapping indicates approximately 80% of the South portion of the subject property (portion of property located on South side of Hwy 99) is rated Class 2 with excess water as a limiting factor and 20% Class 4 with excess water as a limiting factor. This portion of the subject property is improvable to 80% Class 1 with no limiting factors and 20% Class 2 with excess water as a limiting factor.

##### *Phare Property 48M-12--- (28M-12-)*

The provincial, 1:50 000 scale agricultural capability mapping indicates approximately 80% of the subject property is rated as Class 4 with moisture as a limiting factor (soils with low water-holding capacity), and 20% Class 1 with no limiting factors. The subject property is improvable to 80% Class 2 with moisture as a limiting factor and 20% Class 1 with no limiting factors.

## **Adjacent Land Uses**

*(McLeod)*

The applicant describes the adjacent land uses (type; activity) as follows:

North      Other; Highway

East        Other; IR2

South      Other; River

West        Other; River

*(Phare)*

The applicant describes the adjacent land uses (type; activity) as follows:

North      Agricultural/Farm; Vacant land no farm activity

East        Industrial; Industrial Park

South      Industrial; Auto Body repair

West        Transportation/Utilities; MacRae Road

## **Current Land Uses**

*McLeod Property*

The North portion of the McLeod property is currently used in forage crop rotation. The South portion of the McLeod property has never been used in agricultural production as it was heavily covered in trees. As of January 13, 2016 21.4 hectares (~53 acres) were cleared and grubbed of tree cover.

In terms of agricultural improvements, the application states that 21.4 hectares (~53 acres) of the south portion of the subject property have been cleared for agricultural use, that there will be a small passageway for farm equipment to travel up/down the land, and that the newly cleared land will be seeded for development of forage crops and rotational grazing. In terms of the non-agricultural uses that currently take place on the parcel, the application states that the PMF will have activity on the parcel for 3 to 4 weeks with the most use occurring over a 4 day period (July 14-17). The application goes on to state that historically the owners of the subject property have always been interested in clearing the land for farm use but have been constrained due to feasibility; the PMF has made contributions to facilitate the clearing of the land and that the combined efforts between the festival, property owners, and agent have put 21.4 hectares (~53 acres) into potential farm production.

In response to requests for additional information with respect to proposed surface structure and farming activities, the applicants provided the following response:

“With respect to the Ayers (McLeod) property the following will occur with respect to the festival and farming activities;

- April 2016 – the newly cleared land will be seeded with 6 tonnes of Oats and 1 tonne of Helavang seed mix. The Oats will provide a cover crop and the Helavang seed mix will propagate to create a forage crop in future years.
- The parking surface will be Oats as was the same practice used in 2014 on the newly seeded IR # 2 lands. The oats are fast growing and will provide soil erosion control, stability and bind the soil for parking.
- The IR # 2 lands have shown no ill effect due to the parking that occurred in 2014 and the forage crop has propagated and is thriving after two years of parking.
- Compaction can always be addressed in the future should it be necessary through; plowing, tilling and reseeded which is a common and effective practice used in farming.
- With respect to compaction, in the near term the lands will be harrowed annually and reseeded as required in the spring and/or fall to repair any forage crop damage that may occur from festival activities.
- As for rotational grazing and crop cycle, a hay crop may be taken prior to the festival or in early September after the festival or both dependent on weather and timing. Grazing will occur at the discretion of the land owner and will be subject to the needs of their cattle. Likely a hay crop will be taken in the early summer every year prior to the event and the cattle will be moved to the land periodically to graze as the owners deem appropriate.”

The applicant’s proposal advises that “the festival will work on reducing impact and soil compaction as well as coordinate mitigation strategies for the parcel to ensure it remains viable for agriculture,” and further, “a leave no trace policy will be mandated by festival staff and will be a company approach that extends to any and all contractors that are on the subject property.”.

#### *Phare Property*

The application states that the subject property has no current agricultural uses. No agricultural improvements have been made. The non-agricultural uses that currently take place on the property include residential.

SLRD staff requested that a Professional Agrologist Report be submitted by the applicant to understand the general impacts of the proposed PMF non-farm uses on the agricultural productivity of the subject properties, in the short and long term.

#### **Professional Agrologist Report – 1691 Sea to Sky Hwy and 7312 MacRae Rd.**

The SLRD received an Agrologist Report from PGL Environmental Consultants (PGL) on April 20, 2016, for the subject properties which provided the requested specific information and a general analysis of the proposed non-farm uses (see Appendix C). This report indicated that, “Based on PGL’s review of the site’s soils, the proposed short-term festival activities, clearing of 54 acres of land on the Ayers/McLeod property, and the proposed soil mitigation plan, the Pemberton Music Festival appears to offer substantial benefits to agriculture such as clearing and tilling of the previously forested Ayers/McLeod south property, and avoids any negative impacts to agriculture. The PMF provides other benefits to agriculture including direct investment, infrastructure improvement, local farmer opportunities, farming area awareness, local agriculture product use, direct land improvement, and showcasing local agricultural product, the Pemberton Music Festival Agricultural Reserve and Community Opportunities (ARCO) Fund, and agricultural showcases and opportunities. PGL believes that this will result in substantial net benefits to agriculture on the site as well as to the farm community.”.

### Outdoor Recreation Carrying Capacity

PGL's report includes an *Outdoor Recreation Carrying Capacity* analysis. Outdoor recreational carrying capacity refers to the inherent ability of the soils to sustain both intensive and extensive recreation use. The report indicates that "Based on the nature of the proposed land use for the Pemberton Music Festival, camping and parking, as well as the short duration of the festival, the activities would not be considered intensive nor extensive." PGL also states, "Based on site soil characteristics, calculated outdoor recreation carrying capacity, and proposed site activities, as well as seasonal moisture conditions, site soils have an inherent ability to sustain the proposed temporary non-farm use without adverse impacts."

### Suitable Crop Production

PGL's report states that:

- "Based on the historically mapped agricultural capability, the properties have the potential to produce a wide variety of soil-based crops.
- The proposed planting plan is similar to the oat seed mix used in 2014 for the recently cleared IR#2 lands which were also used for parking associated with the Pemberton Music Festival. PGL's post-event inspections following the completion of the 2015 music festival did not identify any impacts associated with festival-related parking. The planting stabilized newly exposed soil, while providing soil erosion control.
- ...following clearing and soil preparation, a mixture of oats to establish cover and Helavang seed mix will be planted – these are crops well suited for the site's soil and climate.
- Based on previous PMF experience, a crop should be harvested prior to the festival, harvested in early September, or both, depending on weather and crop productivity....Grazing will be at the discretion of the land owner, and will be subject to cattle needs.
- Soils can be adequately remediated for agricultural uses.
- The same oat and seed mix was sown following clearing of IR#2 lands, which were put into agricultural production and were subsequently used for short-term festival parking. The post-event inspection found that oats successfully bound the soil, prevented surface erosion, and did not show any impacts from parking activities. No negative impacts, outside of areas impacted by recent flooding..., were observed during PGL's April 2016 inspection of the IR#2 lands."

### Event Soil Mitigation Strategy

PGL's report states:

- "Primary impacts, both in the short and long term include compaction and surface erosion.
- Use of the Ayers/McLeod property for vehicle parking does not pose a significant risk of soil contamination. Contamination may only be expected in the instance of a large-scale spill which is not likely given the proposed parking and lack of fuelling/handling of fuel on the site. Given the site use, any spills would likely be minor.
- If heavy precipitation does occur during the event, potential erosion and runoff of surface soils will be mitigated by the placement of straw, which will be subsequently incorporated into Site soils following the event."

### **ALC Resolutions**

The following ALC Resolutions provide a background as to the cumulative decisions made with respect to the PMF. They also provide the context and current status from which to base

decisions on. As indicated in the PMF Memorandum of Understanding (attached in Appendix E; discussed further below), “the Festival was approved by way of the Decisions of the Commission pursuant to s. 20(3) of the *Agricultural Land Commission Act* (the “ALCA”) recorded as Resolutions #327/2012, #395/2015, and #259/2013 (the “Decisions of the Commission”). “

Below are some “snap shots” of the Decisions of the Commission. For complete details pertaining to the resolution, see Appendix D.

#395/2012:

- “The proposed uses are restricted to the areas of the Properties outlined in the application. Satellite parking facilities and other amenities associated with the event are strictly prohibited on other ALR lands;
- A Professional Agrologist specializing in soil reclamation must be retained to prepare a pre-event plan to mitigate soil damage, to oversee reclamation and to submit a closure report within 30 days following the last day of the Festival. The report must confirm the post-event clean-up has been successfully completed to an agricultural standard;
- The pre-event plan prepared by a Professional Agrologist must be submitted to the Commission for review and approval. The approved plan must be in place no later than 60 days prior to the Festival;
- A \$250,000 irrevocable letter of credit in the Commission’s favour must be submitted to ensure the land is reclaimed. The funds will be used by the Commission to reclaim the land, to rectify any reclamation deficiencies and/or to secure the necessary advice and closure report from the Professional Agrologist in the event of non-compliance with the terms and conditions expressed herein. The irrevocable letter of credit must be received by the Commission no later than 30 days prior to the Festival;

AND THAT the 2013 Festival is granted on the understanding that the Village [of Pemberton] will provide written notification that they will work collaboratively with the Commission to develop and execute a memorandum of understanding which outlines the expectations, roles and responsibilities of each party as they relate to the Festival; as well as a commitment to identify opportunities to meaningfully enhance agriculture in the region and to facilitate the enhancements.

The guiding principles of the memorandum of understanding will be:

- To create a collaborative working relationship with the Commission to secure approval for the Festival while preserving the agricultural integrity of the lands and enhancing agriculture in the Pemberton area;
- That the lands comprising the Festival site are within the Agricultural Land Reserve (ALR) and will remain in the ALR;
- That in using the ALR lands, the Village will participate in enhancing agriculture in the Pemberton area;
- That the Village will ensure the agricultural quality of the ALR land used by the Festival is not diminished by festival activities;

- That the Village will ensure the activities associated with the festival do not significantly impact adjacent or nearby ALR lands; and
- That the Village will ensure that ALR lands, not associated with the Festival, are not used in a manner inconsistent with the *Agricultural Land Commission Act* during the Festival.

AND THAT with regards to the Festival, the Commission requires a “*No Footprint*” approach be adopted by the Village so that any and all Festival facilities, structures, equipment and roads are removed from the properties following the Festival;”

### **Pemberton Music Festival Memorandum of Understanding – Village of Pemberton, SLRD and ALC**

The Village of Pemberton, the SLRD and the ALC entered into a Memorandum of Understanding (PMF MOU) at June 18, 2015 to “set out their common understanding and present specific intentions regarding the enhancement of agriculture on lands affected by an annual music event (the “Festival”).”. The following details are included in the PMF MOU (see Appendix E for full MOU):

“The Festival was approved by way of Decisions of the Commission pursuant to s. 20(3) of the *Agricultural Land Commission Act* (the “ALCA”) recorded as Resolutions #327/2012, #395/2012 and #259/2013 (the “Decisions of the Commission”).

The Festival is to be held on five (5) properties in accordance with the Decisions of the Commission. These five (5) properties are within the Agricultural Land Reserve (the “ALR”), and will remain within the ALR, and are legally described as:

1. **PID: 027-950-191 (Sunstone)**  
Lot 2, Plan EPP1353 DL 211
2. **PID: 007-915-179 (West)**  
That Part of Lot “A” Lying North of the Road Shown on Plan 20157, District Lot 210, Lillooet District, Plan 20157
3. **PID: 007-915-268 (Ritchie)**  
Lot “B”, District Lot 210, Lillooet District, Plan 20157
4. **PID: 027-950-182 (Mitchell Meredith)**  
Lot 1, Plan EPP 1353 DL 211
5. **PID 028-961-072 (Den Duyf)**  
Lot 4, DL 211, EPP 21848

(collectively the “Festival Site”)

2. The Commission is concerned with the preservation of the agricultural capability and suitability of the Festival Site and supportive of any potential enhancements for agriculture in the Pemberton Valley. The Local Jurisdictions [the Village of Pemberton and the SLRD] also support preservation of the agricultural capability and suitability of the

Festival Site and supportive of any potential enhancements for agriculture in the Pemberton Valley as well as supporting the retention of the Festival Site within the ALR.

4. The Local Jurisdictions, with the support of the Commission, will ensure that the use of the Festival Site for the Festival does not diminish the agricultural capability or suitability of the Festival Site or other ALR lands in the Pemberton Valley.
5. The Local Jurisdictions, with the support of the Commission, will ensure that the Festival does not significantly impact the agricultural use of the ALR lands adjacent to or near to the Festival Site. The Village will ensure that ALR lands, not associated with the Festival and within the jurisdiction of the Village, are not used in a manner inconsistent with the ALCA during the Festival.
9. Following dialogue with the Promoter, the Local Jurisdictions and the Commission will determine the appropriate opportunities for enhancing agriculture[\*] in the Pemberton Valley that the Promoter will pursue.”.

\*A condition of the SLRD TUP #32 issued regarding the 2 SLRD properties covered by the PMF MOU, is that “as a condition of this permit, the Permittees or their designate, Pemberton Music Festival, LP, shall formalize the \$3/ticket contribution.”. This per ticket amount goes into a fund - the Pemberton Music Festival Community Fund (PMCF) to support community opportunities and initiatives within the Pemberton Valley. Per the PMCF the “Grant Objective: [is to fund projects of] Community Organizations based within the General Community as defined above that are considered by the Committee to be contributing to the general community or the enhancement of agriculture within the Pemberton Valley.”.

Please note that the Village of Pemberton letter dated February 19, 2016 (included in the McLeod/Ayers Application) states that, “Following the ALC’s decision on this Non-Farm Use Application, if supported, the Village will endeavour to work with the SLRD to amend the Memorandum of Understanding (MOU) between both local governments and the ALC, to include the above referenced property and to continue to ensure all properties, with respect to the PMF, are in conformance with the uses outlined in the MOU.”.

**Current ALR land in use for PMF, as committed to under the MOU:**

| <b>Jurisdiction</b>  | <b>Properties</b>                                                            | <b>Amount of ALR land</b>          |
|----------------------|------------------------------------------------------------------------------|------------------------------------|
| Village of Pemberton | PID 027-950-191 (Sunstone)                                                   | 46.3ha                             |
|                      | PID 027-950-182 (Mitchell Meredith)                                          | 21.1ha                             |
|                      | PID 028-961-072 (Den Duyf)                                                   | 23.13ha                            |
| SLRD                 | PID 007-915-179 (West)                                                       | 7.5ha                              |
|                      | PID 007-915-268 (Ritchie)                                                    | 8.9ha                              |
| <b>Summary:</b>      | <b>Five properties within the ALR currently comprising the Festival Site</b> | <b>Total: 106.93ha (264 acres)</b> |

**REFERRAL COMMENTS**

A referral request was sent to the Ministry of Agriculture and Ministry of Forests, Lands and Natural Resources Operations (MFLNRO) regarding the McLeod/Phare ALC Non-Farm Use

Application. Ministry of Agriculture referrals are typical of many ALC applications under review by the SLRD.

These referral comments were based on the applications and information as received as at the time of referrals. It should be noted that significant additional information has since been received (and included in this report) since that time.

### **Ministry of Agriculture**

A collaborative referral response was provided by two Ministry of Agriculture staff, including the Regional Agrologist, Coastal Region. Upon reviewing the subject Non-Farm Use Application, Ministry of Agriculture staff concluded that they are not in favour of the proposal. The following is a summary of their response (see Appendix F for full Ministry of Agriculture Referral Response):

- “Concerned about the extent of non-farm use in Pemberton and this application considerably extends the footprint of the Festival on ALR lands.
- The Festival happens in the peak of the growing season, so that high value or rotational crops cannot be produced on land that is subject to use by the Festival.
- The soils on the parcels for the proposed non-farm use are excellent and among the best quality soils found in the Pemberton Valley, the land is flat-lying and there is access to good quality water for irrigation.
- The Land Use Inventory for Pemberton, completed in 2009, estimated that about 12% of the land base by parcel area, was tied up in permanent non-farm use. Temporary non-farm use tied up an additional 20% of the land base by parcel area. This is a large amount of land tied up in non-farm use and has the potential to severely constrain or weaken the performance of the agriculture sector.
- This proposed non-farm use considerably extends the amount of land tied up for the Pemberton Festival.
- Ministry staff question whether much thought has gone into alternative options for parking for the Festival, and none were supplied in the referral. Are there other lands that are outside of the ALR that could be used for this purpose? Has there been thought put into parking cars in lots that are already existing in Whistler for example, and shuttling people to the Festival grounds?”

It should be noted that the number of hectares regarding the proposed non-farm use application as included in the Ministry of Agriculture’s referral comments (see full response) are contain some errors.

After then viewing the McLeod site, Ministry of Agriculture staff had the following additional comments:

- “The newly cleared land is indeed flat-lying, stone-free and is excellent farmland. It will be important to keep the site as good farmland and not degrade it though temporary Festival activities. This also applies to the proposed site at 7312 MacRae Road.
- The plans include parking a large number of cars at the sites and with that use, there does exist some risk of hydrocarbon contamination of the soil and, in the case of a significant leak or spill, of the underlying groundwater. Also, in spite of port-o-potties

being available for campground users, it appears as though there are a very large number of people expected at the Festival (40,000). In that case, there is realistically going to be use of the campground area or surroundings for human waste. This may also cause contamination of the underlying groundwater. If there was an issue with contamination of the soil or groundwater, how would liability be handled and who would cover the costs of the clean-up of the soil and groundwater?

- Some of the soils on site are of the Sanky soil series which is poorly drained. If there was a rainstorm, the Festival should have a contingency plan to deal with a muddy area. Our suggestion is to use grass protection mats for access roads and in areas where heavy trucks > 2 tonnes. These can be used during the Festival but then easily removed. This is a much better solution than using gravel, as gravel would degrade the soil and be harder to remove after the Festival. We could assist you with information on how to source these mats.
- As there was a hay shortage last year in Pemberton and elsewhere in the Province, and hay from the Festival site add to current stocks, perhaps the expectations of the agriculture use of the site can be clarified. For example, the expectation could be that one cut of hay be taken off before the festival, and then after the Festival, the site be re-seeded and an additional cut of hay be removed in the fall. The Festival could hire a farmer to carry out this work.”

### **AREA C Agricultural Advisory Committee Comments and Recommendation**

The Area C Agricultural Advisory Committee (AAC) met on April 13, 2016 at 7pm in the SLRD Boardroom (see attached minutes; Appendix G). Ten members (of eleven) of the AAC were in attendance, with one member not participating due to a conflict of interest. The following recommendation was moved and carried (3 members opposed) with respect to the subject application.

“THAT it be recommended to the SLRD Regional Board:

1. THAT the non-farm use application for parking and camping for the Pemberton Music Festival made on behalf of the Ayers/McLeod and Phare properties be supported subject to the following conditions:
  - a. That soil testing be required pre and post event to address concerns of pollution and compaction.
  - b. That the AAC does not support the use of [permanent] gravel surfacing on the site.
  - c. That groundwater testing for drinking water wells adjacent to the subject property be done pre and post event.
  - d. That there is a requirement and assurance of remediation to the land in case of any issues following the event.
  - e. That there is a requirement and assurance of planting as outlined in the application, and the same regarding the agricultural use of the property pre and post event.”

Some concerns were raised during the AAC discussions, some from a member of the public, regarding groundwater and options available for surfacing should it rain during the PMF. The applicant's agent noted that the proposed surfacing is oats with no plans for gravel. It was further noted by the agent that if a heavy rain were to occur, they would extract vehicles by tow truck. These concerns are reflected in the AAC conditions above.

Impacts to neighbours wells (and water quality) were also been brought up as areas of concern; these will be addressed through TUP process, should the subject application proceed to that stage.

It was stated at the AAC meeting that the McLeod property owners experienced a shortage of hay last year and had to purchase hay as a result; it was stated that the 2 crops of hay that could come off would allow them to better feed their herd without purchasing as much hay.

Brenda McLeod and Jessica Delaney have submitted correspondence to the Board related to the subject application, which are separately included on the Board agenda.

## **ANALYSIS**

### **Policy**

The goal of the ALC is first and foremost to preserve agricultural land and encourage the establishment and maintenance of farms. Part of the McLeod property is currently being used agriculturally and the whole property is assessed as a residential and farm use according to BC Assessment. The Phare property is currently not being used agriculturally and the property is assessed as residential according to the BC Assessment.

#### Electoral Area C Official Community Plan Bylaw No. 689-1999

The Electoral Area C Official Community Plan Bylaw No. 689-1999 includes objectives related to agriculture:

- To preserve the agricultural land base in the plan area.
- To encourage diversification and economic sustainability of the farming community.
- To minimize the impacts from non-agricultural development occurring at the edge of farming areas and within agricultural lands.
- To balance the interests of agriculture and protection of the environment.

And policies related to Agricultural Land Base (Land Use)

6.1. Agriculture is recognized and supported as the primary land use in the ALR.

6.3. Land designated as Agriculture is intended for agricultural uses. Agricultural uses include the growing, rearing, producing, and harvesting of agricultural products, the sale of agricultural products, and agri-tourism activities.

6.4. All uses and subdivision of land within the Agricultural Land Reserve shall be in accordance with the Agricultural Land Commission Act and associated regulations.

6.6. Alternative non-agricultural sites should be considered when recreational, institutional, industrial, commercial uses or utility facilities are proposed for agricultural areas.

6.10. The owners of agricultural lands are encouraged to facilitate the use of the land for agriculture by actively farming or leasing or loaning their lands to persons that would undertake active farming.

6.11. Non farm uses on agricultural land, or non-soil dependent farm operations, are encouraged to locate in areas of poorer soils.

#### Pemberton Valley Agricultural Area Plan

The Pemberton Valley Agricultural Area Plan includes the following goals and objectives:

Goal 1: Maintain the integrity of the ALR

Objective 1.1 – Retain the agricultural production capacity of the ALR

1.1.4 Discourage the purchase of farmland for non-agricultural uses by generally not supporting ALR non-farm use applications.

- Goal 2: Develop mechanisms to maintain the agricultural land base for working agriculture  
Objective 2.1 – Keep the farmland base in working agriculture  
2.1.8 Discourage non-farm use in agricultural land, however, where non-farm use is being considered, pursue an approach (e.g. development agreement or amenity zoning) that will create tangible improvements in the conditions for the agricultural sector and will ensure a “net benefit to agriculture”.
- Goal 5: Improve the economic viability of farming  
Objective 5.1 – Support agricultural use of land base  
5.1.1 Make improvements to increase the agricultural productivity of the land base.

#### SLRD Regional Growth Strategy Bylaw No. 1062, 2008

Regional Growth Strategy Bylaw No. 1062, 2008 includes the following relevant policies and strategic directions related to *Goal 4: Achieving a Sustainable Economy*:

- Building cooperation among stakeholders and pursuing collaborative regional economic development solutions.
- Diversifying the regional economy, including support for opportunities in Arts and Culture, and expanding the opportunity for a range of employment types and pay levels.
- Recognizing the existing and potential regional, provincial and international markets for agricultural products.
- Protecting farmland for agricultural purposes.

#### Strategic Directions

- e) Work together to enhance the national and international awareness of the SLRD and its member municipalities as welcoming environments for sustainable business investments.
- f) Implement adopted Agricultural Plans for Lillooet sub-region and the Pemberton Valley in conjunction with First Nations, Ministry of Agriculture and the Agricultural Land Commission.

#### SLRD Integrated Sustainability Plan

The SLRD Integrated Sustainability Plan also includes the following policies related to the Economic Strategy and Food and Agriculture Strategy:

#### Economic

1. The SLRD, its electoral areas, member municipalities, First Nations and other government partners work cooperatively together to promote and integrate a shared vision of success and sustainability for the region.
5. The region's economy is vibrant and resilient, having diversified into compatible industries, such as responsible tourism, primary and value added resource industries and agriculture, and many other value added products and services.
10. Regional economic activities are increasingly aligned with the principles of sustainability, protecting the region's character and natural beauty, its biodiversity, fish and wildlife, and its natural, agricultural and cultural lands.

#### Food and Agriculture

5. Conflicts between agricultural and non-agricultural land uses are minimized.

6. Food production supports the livelihood of local farmers and barriers to entering an agricultural career have been reduced. Agricultural incomes justify capital investments in land and agricultural infrastructure.

9. The necessary provincial resources and local/regional safeguards are in place to support agricultural production and protect agricultural lands from flooding, disease infestation, invasive species and other natural hazards.

### **Zoning**

The property is zoned Agriculture in the Electoral Area C Zoning Bylaw No. 765, 2002. As such, an SLRD Temporary Use Permit (TUP) Application will be required, should the Non-Farm Use Applications be approved by the SLRD Board and ALC. A TUP is an approval from the SLRD Board for a temporary land use that does not conform to the applicable zoning bylaw. A TUP may be issued for up to 3 years and can be renewed once for an additional 3 years. During the TUP process, the SLRD may specify conditions under which the temporary use may be carried out. Please note that TUPs have been issued for the existing lands under the Memorandum of Understanding.

### **Current (and Proposed) Status of the Pemberton Music Festival**

| <b>Year</b> | <b>Attendance</b>                                                                                                     | <b>ALR Land used</b>                                                                                                                                                                                               |
|-------------|-----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2014        | Estimated attendance 40,000 people per day over the 3 days of Festival.                                               | 106.8ha/264 acres + IR ALR                                                                                                                                                                                         |
| 2015        | Estimated attendance 40,000 people per day over the 3 days of Festival. (organizers confirmed attendance was 27,000)  | 106.8ha/264 acres + 32.4ha/80 acres IR ALR                                                                                                                                                                         |
| 2016        | Proposed capacity 40,000; festival organizers have indicated that they anticipate 40-60% more patrons than last year. | 145.4ha/359.3 acres (proposed) + 24.3-32.4ha/60-80 acres IR ALR (IR land is approximate; staff have asked for these numbers but do not have confirmed information on amount of IR land proposed for 2016 PMF site) |

See Appendix H for a visual representation of the Festival Site land base – 2015 to 2016.

The proposed non-farm use application considerably extends the amount of ALR land tied up/in use for the Pemberton Music Festival, 34.6ha/85.4 acres of which are proposed for parking.

It is acknowledged that 21.9 hectares/54 acres of farmland have been recently cleared for agriculture, representing a significant agricultural improvement to the land and putting this 54 acres of land into production for farm activities.

The SLRD is supportive of the Pemberton Music Festival, as outlined in the Pemberton Music Festival Memorandum of Understanding (PMF MOU) between the Village of Pemberton, SLRD and ALC.

## **Project Timing**

Given that this application was received on April 1, 2016, there are timing constraints that the Board should be aware of. If this application is forwarded to the ALC for a non-farm use consideration, staff will immediately begin processing the Temporary Use Permit Application. Notification to the public of this TUP must be provided for in early June to enable this application to go to the June Board. All conditions associated with the ALC and TUP applications will have to be addressed in the month of May in order to meet the timelines for the July festival. Please see the timeline attached as Appendix I for the timeline provided to the festival organizer on March 31, 2016.

Note that the ALC also identified timing and process challenges, stating that it generally takes 3 to 6 months for the ALC to process a (non-farm use) application once received from the local government.

The TUP, similar to the existing TUP for the properties noted under the PMF MOU, will address such items as the following:

- The impacts of an additional 6,000 cars to park near the festival grounds (with respect to traffic, access/egress and overall impacts on the approved Transportation Plan);
- Riparian setbacks, as established by a Qualified Environmental Professional;
- Conditions of permit approval;
- Provision of a site drainage plan;
- Transportation management plan;
- Proposed site lighting;
- Washroom details;
- Proposed site security and fencing;
- Proposed pedestrian circulation;
- Waste and recycling disposal details; and
- Emergency plans.

Additionally, the TUP will require, and as indicated in PGL's report, "Following the event, a professional agrologist will complete an inspection and report to assess whether site soils have been impacted by festival activities."

## **REGIONAL IMPACTS:**

Many of the SLRD's policies are regional in nature, as is the Pemberton Music Festival.

## **OPTIONS:**

While the use of ALR land for non-farm uses is inconsistent with many of the SLRD's agriculture policies, there are SLRD policies which also support economic development. Thus, it is recognized that this is a very complex issue as it involves the consideration of agricultural land and economic benefits to the Pemberton Valley as a whole. In making their decision the Board has the following options available in accordance with Section 25(3) of the *Agricultural Land Commission Act*.

### Option 1

Offer unconditional support for the applications and forward them to the ALC for consideration.

#### Option 2

Offer conditional support of the applications and forward to the ALC for consideration. For example, offer support for one of the subject properties non-farm use or offer support for one of the proposed non-farm uses (camping or parking), offer support with conditions (i.e. see the AAC recommendations to the Board), etc.

#### Option 3

Do not support the applications and forward them to the ALC for consideration.

#### Option 4

Do not support the applications and do not forward them to the ALC for consideration.

#### **FOLLOW UP ACTION:**

As directed by the Board.

#### **ATTACHMENTS:**

Appendix A: ALC Applications – McLeod and Phare

Appendix B: Additional/outstanding information requested of the Applicants

Appendix C: Agrologist Report

Appendix D: ALC Resolutions #327/2012, #395/2012, #259/2013 (the “Decisions of the Commission”)

Appendix E: Memorandum of Understanding

Appendix F: Referral response – Ministry of Agriculture

Appendix G: Draft AAC Minutes of April 13, 2016

Appendix H: 2015 Site Plan vs. 2016 Site Plan

Appendix I: SLRD Process Timeline

Prepared by: C. Daniels, Planner

Reviewed by: K. Needham, Director of Planning and Development Services

Approved by: L. Flynn, Chief Administrative Officer