



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

September 4, 2013

ALC File: 53089

Village of Pemberton
Box 100
Pemberton, BC
V0N2L0

Attention: Mr. Daniel Sailland, Chief Administrative Officer

Dear Mr. Sailland:

**Re: Application: Non-Farm Use on Land in the Agricultural Land Reserve (ALR)
Pemberton Music Festival**

Please find attached the Minutes of Resolution # 259/2013 as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Further correspondence with respect to this application is to be directed to Mr. Eamonn Watson (Eamonn.Watson@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #259/2013

cc: Squamish-Lillooet Regional District (Attention: Ian Holl)

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PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on July 9, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, BC.

FOR CONSIDERATION

Application: 53089

Agent: Village of Pemberton

Proposal: (Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)
To use the two (2) subject properties for "Event Camping" associated with the Pemberton Music Festival (Application #52853) approved by Resolution #327/2012 dated October 25, 2012, and as amended by Resolution #395/2012 dated November 22, 2012.

Legal: 1. PID: 007-915-268
Lot "B", District Lot 210, Lillooet District, Plan 20157

Civic Address: 1873 Highway 99, Pemberton

Owners: Patricia Ritchie and Leonard James Ritchie
(As Joint Tenants)

2. PID: 007-915-179
That Part of Lot "A" Lying North of the Road Shown on Plan 20157; District Lot 210, Lillooet District, Plan, Plan 20157

Civic Address: 1865 Highway 99, Pemberton

Owner: Randall Scott West

Note: Both properties fall within the jurisdictional area of the Squamish-Lillooet Regional District – the Village of Pemberton is acting as agent on behalf of the property owners.

Background: The subject properties formed part of the Village of Pemberton's 2012 application (#52853) for the Pemberton Music Festival. However during a review of the application it was noted that the properties were not situated within the jurisdiction of the Village and as such, any application made pursuant to the *Agricultural Land Commission Act* must be submitted to the Squamish-Lillooet Regional District (the "Regional District"). Moreover, the Regional District Board would have to pass a resolution to forward the application to the Commission before it is in a lawful position to consider an application.

Attachment: Minutes of Resolution #327/2012
Minutes of Resolution #395/2012

DELEGATION OF DECISION-MAKING TO THE CHIEF EXECUTIVE OFFICER (CEO)

On October 25, 2012 the Commission delegated decision-making to the CEO by Resolution #327/2012. In accordance with section 27 of the *Agricultural Land Commission Act* the Commission has specified:

THAT if the owners of the properties whose land is situated in the Regional District make a non-farm use application(s) consistent with the proposed Festival development outlined in this application, and the Regional District forwards the application(s) to the Commission, the Commission acting pursuant to section 27 of the Agricultural Land Commission Act hereby delegates to its Chief Executive Officer, the authority to approve the application(s) based on the criteria that the approval(s) will be subject to the terms and conditions contained in this decision. For greater clarity, this delegation is specific to an application(s) involving:

- PID: 007-915-268
Lot "B", District Lot 210, Lillooet District, Plan 20157; and
- PID: 007-915-179
That Part of Lot "A" Lying North of the Road Shown on Plan 20157; District Lot 210, Lillooet District, Plan, Plan 20157

If the Chief Executive Officer considers that the application(s) does not meet the established criteria, or for any other reason does not wish to approve the application, the application must be referred to the Commission for a decision.

DECISION:

After reviewing the entire file material, I, Richard Bullock, Chief Executive Officer of the Commission, am satisfied that the proposal is consistent with Resolution #327/2012 and approve the application on behalf of the Commission.

Approval is subject to the terms and conditions outlined in both Resolutions #327/2012 and #395/2012.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

RESOLUTION # 259/2013

I CERTIFY THAT THIS IS A TRUE RECORD OF THE DECISION



Richard Bullock, Chief Executive Officer



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

October 29, 2012

ALC File: # 52853

Village of Pemberton
Box 100
Pemberton, BC
V0N2L0

Attention: Mr. Daniel Sailland, Chief Administrative Officer

Dear Mr. Sailland:

**Re: Application: Non-Farm Use on Land in the Agricultural Land Reserve (ALR)
Pemberton Music Festival**

Please find attached the Minutes of Resolution #327/2012 as it relates to the above noted application.

Further correspondence with respect to this application should be directed to Mr. Eamonn Watson.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Colin Fry, Executive Director

Enclosures: Minutes of Resolution #327/2012
Example Irrevocable Letter of Credit

cc: Squamish-Lillooet Regional District
Box 219, 1350 Aster Street, Pemberton, BC V0N 2L0
Attention: Lynda Flynn, Chief Administrative Officer
Patricia Ritchie and Leonard James Ritchie
1873 Highway 99, Pemberton, BC V0N 2L0
Randall Scott West
PO Box 1046, 1865 Highway 99, Pemberton, BC V0N 2L0
580049 B.C. Ltd.
106 - 1656 Martin Drive, Surrey, BC V4A 6E7
Sunstone Ridge Developments Ltd.
14185 Rio Place, Surrey, BC V3S 0L2
Lori Ann Mitchell and Rice Howard Drew Meredith
PO Box 281, 1759 Highway 99, Pemberton, BC V0N 2L0

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Letter of Credit - Example

BENEFICIARY: Minister of Finance
c/o Provincial Agricultural Land Commission
#133 - 4940 Canada Way
Burnaby, BC V5G 4K6

Re: ALC Application # _____

We hereby issue in your favour our Irrevocable Letter of Credit # _____ for CAD

\$ _____ in the account of _____

(Name of Individual or Company)

(Street Address and/or Legal Description)

TERMS AND CONDITIONS:

1. Expiry Date: _____
2. Drawings are to be made in writing to _____
(Name of Financial Institution)
3. Partial drawings are permitted.
4. The Bank/Credit Union will not inquire as to whether or not the Agricultural Land Commission has right to make demand on this Letter of Credit.
5. This Letter of Credit is irrevocable up to the expiry date.
6. This Credit is irrevocable up to the expiry date and unless it is extended in writing will be null and void after the expiry date whether or not the original credit is returned to us for cancellation. The amount of this credit may be reduced from time to time only by the amount drawn upon it by you or by formal notice in writing received by us from you that you desire such reduction.
7. Request for any amendment except reduction in amount must be made directly to our customer who will then instruct us accordingly.
8. Any drawings made under this letter of credit must be accompanied by the original of this credit.
9. **Mandatory Condition:**
"It is a condition of this letter of credit that it shall be deemed to be automatically extended without amendment from year to year from the present or any future expiration date hereof, unless at least 30 days prior to the present or any future expiration date, we notify you in writing, that we elect not to consider this letter of credit to be renewable for any additional period."
10. We engage to honour presentations submitted within the terms and conditions indicate above.



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 25, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #52853.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Gordon Gillette	Vice-Chair
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner

COMMISSION MEMBERS PRESENT VIA CONFERENCE CALL:

Jim Collins	Commissioner
Jennifer Dyson	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner

COMMISSION STAFF PRESENT:

Eamonn Watson	Land Use Planner
Shaundehl Runka	Policy Planner
Brian Underhill	Executive Director
Colin Fry	Executive Director

PROPOSAL

The Village of Pemberton (the "Village") requests permission to use five (5) properties in the Agricultural Land Reserve (ALR) as the site for an annual music festival (the "Festival"). The proposal involves 91.14 ha of ALR land. Estimated attendance is 40,000 people per day over the three (3) days of the Festival. The Village requests a 10 year approval which may include a proviso for the Village to fulfill certain conditions which would enable subsequent events to proceed (i.e.: 1 year approval with 3 subsequent 3 year extensions).

(Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

PRE-CONSIDERATION REVIEW OF APPLICATION DOCUMENTATION

The Commission reviewed the application material and identified several issues that needed to be addressed to establish the basis for considering the proposal.

ISSUE NO. 1 – Lot 1, District Lot 211, Lillooet District, Plan KAP87819

A review of Certificate of Title No. LB254469 indicates there are four (4) Pending Applications.

- a. EPP21848 (Subdivision Plan)
- b. CA2723155 to CA2723160 (Freehold Transfer)
- c. CA2723161 (Mortgage)
- d. CA2723154 (Covenant)

Following registration of the subdivision plan, the new legal description of the property associated with the Festival will be Lot 4, District Lot 211, Lillooet District, Plan EPP21848. The size of Lot 4 will be 23.13 ha.

The Freehold Transfer pertains to Lot 1, District Lot 211, Lillooet District, Plan EPP21848 of the Pending Subdivision Plan. Lot 1 is not in the ALR. The current owner of the property will retain ownership of Lot 4 following completion of the Freehold Transfer.

ISSUE NO. 2 – Properties not within the jurisdiction of the Village

Two of the properties under application are not situated within the jurisdiction of the Village and as such, any application made pursuant to the *Agricultural Land Commission Act* must be submitted to the Squamish-Lillooet Regional District (the "Regional District"). Moreover, the Regional District Board would have to pass a resolution to forward the application to the Commission before it is in a lawful position to consider an application.

In the Report to Council (In Camera) dated July 6, 2012, it was acknowledged that these two properties fall within the jurisdiction of the Regional District. The properties are legally described as:

1. PID: 007-915-268

Lot "B", District Lot 210, Lillooet District, Plan 20157

Owners: Patricia Ritchie and Leonard James Ritchie (As Joint Tenants)

2. PID: 007-915-179

That Part of Lot "A" Lying North of the Road Shown on Plan 20157; District Lot 210, Lillooet District, Plan, Plan 20157

Owner: Randall Scott West

Relevant sections of the *Agricultural Land Commission Act*:

Section 1 – Definitions

"local government" means

- (a) in relation to land within a municipality, the municipal council,
- (b) in relation to land within an electoral area but not within a local trust area, the board of the regional district, and
- (c) in relation to land within a local trust area under the *Islands Trust Act*, the local trust committee or the executive committee acting as a local trust committee for that area;

Subsection 20(3) – Use of agricultural land reserve

- 20(3) An owner of agricultural land or a person with a right of entry to agricultural land granted by any of the following may apply to the commission for permission for a non-farm use of agricultural land:

Relevant section of BC Regulation 171/2002 (Agricultural Land Reserve Use, Subdivision and Procedure Regulation):

Subsections 29(1) and (2)(b) – Application must be filed with local government or treaty first nation government

- 29(1) An owner of agricultural land who wishes to use that land for a non-farm use or who wishes to subdivide that land may apply for permission under section 20 or 21 of the Act.
- (2) An application under section 20 or 21 of the Act must be in a form acceptable to the commission and must be filed,
- (b) in any other case, with the applicable local government or treaty first nation government.

ISSUE NO. 3 – Status of the Village to act as agent on behalf of the property owners

The Commission noted the following facts from the application material:

1. Mr. Cam McIvor was appointed as agent for the property owners to act on their behalf with respect to an application to the Commission for the Festival. Nowhere in these appointments is Mr. McIvor granted authority to re-assign his agent status to another person or agency.
2. On June 19, 2012 Mr. McIvor signed applications on behalf of the property owners and sometime thereafter filed the applications with the Village.
3. On July 5, 2012 Mr. McIvor of Intuitive Management Ltd. provided a document to the Village advising, *"I, Cam McIvor – President of Intuitive Management Ltd. 'Intuitive', as agents for the lands listed below, hereby authorize and assign to The Village of Pemberton to act as agent with respect to the Agricultural Land Commission non-farm use application for a music festival in Pemberton...."*
4. On July 9, 2012 the Village coalesced the five (5) applications into a single application and identified itself as agent. The application was executed by Nikki Gilmore, Acting Chief Administrative Officer for the Village.

ISSUE NO. 4 – Representations made by the Village on behalf of the Regional District

This issue arises from a document submitted by the Village as part of the application material. The document is entitled, *Music Festival, Proposed Commitments for the Memorandum of Understanding*. While it is recognized that the draft is subject to the approval of the Regional District, the Commission believes it is inappropriate to consider the proposed terms and commitments as applying to the Regional District in the absence of the Regional District's direct representations.

ISSUE NO. 5 – Lack of Clarity regarding who is the Applicant

In a June 15, 2012 letter submitted with the application material, Sunstone Ridge Developments Ltd. (owner of the primary Festival site) wrote, "*Sunstone Ridge Developments Ltd., respectfully requests non-farm use approval from the Agricultural Land Commission to host an annual summer music festival in the Pemberton Valley.*" The letter went on to describe an overview of the proposal and was signed by Mr. Cam McIvor acting as agent for Sunstone Ridge Developments Ltd.

However, in the Report to Council (In Camera) dated July 6, 2012, the Commission noted the comment on page 4 in the paragraph entitled DISCUSSION, "*It is requested that the Village be the agent for the landowners, as to provide a constant approving body that can administer* (Emphasis Added) *the Pemberton Music Festival.*"

COMMISSION DECISIONS ON THE IDENTIFIED ISSUES

ISSUE NO. 1 – Lot 1, District Lot 211, Lillooet District, Plan KAP87819

Decision: This issue was identified for clarification only. The pending applications noted on Certificate of Title No. LB254469 (Lot 1, District Lot 211, Lillooet District, Plan KAP87819) are not impediments to the Commission's consideration of the proposal as it pertains to this property.

ISSUE NO. 2 – Properties not within the jurisdiction of the Village

Decision: The application, as it relates of the properties legally described as 1) Lot "B", District Lot 210, Lillooet District, Plan 20157, and; 2) That Part of Lot "A" Lying North of the Road Shown on Plan 20157; District Lot 210, Lillooet District, Plan, Plan 20157, is inconsistent with the *Agricultural Land Commission Act* and BC Regulation 171/2002 (*Agricultural Land Reserve Use, Subdivision and Procedure Regulation*). As such, the Commission is not in a lawful position to consider these properties as part of the Village's application. The Commission's deliberation regarding the non-farm use application will be restricted to the three (3) properties situated within the jurisdiction of the Village.

The Village is directed to return its portion of the ALR application fee to the owners of the properties whose land is situated within the Regional District. The Commission will also arrange for the return of its portion of the ALR application fee to the owners.

ISSUE NO. 3 – Status of the Village to act as agent on behalf of the property owners

Decision: Mr. Cam McIvor was appointed as agent for the property owners to act on their behalf with respect to an application to the Commission for the Festival. These appointments did not empower or authorize Mr. McIvor to re-assign his agent status to another person or agency. As such, it is the Commission's position that the Village does not have status as agent to act on behalf of the property owners. This said, the Commission is satisfied that this is likely an administrative oversight that can be easily remedied.

The Commission has decided that it will continue with its deliberation regarding the non-farm use application involving the properties within the jurisdiction of the Village. This decision is subject to the Village providing, on or before November 30, 2012, written authorization from the property owners confirming the Village as agent. Please note that the Village can also act as agent on behalf of the property owners whose land is situated within the Regional District's jurisdiction if the owners wish to submit an ALR application to the Regional District to join the Festival proposal.

ISSUE NO. 4 – Representations made by the Village on behalf of the Regional District

Decision: The document entitled, *Music Festival, Proposed Commitments for the Memorandum of Understanding*, and the proposed terms and commitments therein, will only be considered as if they apply solely to the Village.

ISSUE NO. 5 – Lack of Clarity regarding the Applicant

Decision: The Commission acknowledges that it is impractical for the individual property owners to manage the Festival as it relates to their properties. It is also acknowledged that a single agency with the authority and oversight to engage promoters and administer all aspects of the Festival is considerably more prudent. The Commission believes this is what the Village envisions when it stated, "*It is requested that the Village be the agent for the landowners, as to provide a constant approving body that can administer (Emphasis Added) the Pemberton Music Festival.*"

In this regard, the Commission will continue with its deliberation regarding the non-farm use application, involving the properties within the jurisdiction of the Village, on the understanding that it is the Village seeking permission for the Festival. In this manner, the relationship between the property owners and the Village would be more akin to the relationship that would exist between a landlord and tenant.

This decision is subject to the Village providing written acknowledgment from the property owners and the Village that the Commission's decision, if approved, will be exclusive to the Village. The acknowledgment is to be received by the Commission on or before November 30, 2012.

REVISED DESCRIPTION OF PROPOSAL

The Village requests permission to use three (3) properties in the Agricultural Land Reserve (ALR) as the site for an annual music festival (the "Festival"). The proposal involves 78.6 ha of ALR land. Estimated attendance is 40,000 people per day over the three (3) days of the Festival. The Village requests a 10 year approval which may include a proviso for the Village to fulfill certain conditions which would enable subsequent events to proceed (i.e.: 1 year approval with 3 subsequent 3 year extensions).

(Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
 - (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
 - (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.
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BACKGROUND

Property Information

1. PID: 027-701-522*

Lot 1, District Lot 211, Lillooet District, Plan KAP87819

Current Owner (Lot 1, District Lot 211, Lillooet District, Plan KAP87819) – 580049 B.C. Ltd.
Owner of Lot 4 after registration of subdivision plan EPP21848 – 580049 B.C. Ltd.

Size of Property: 23.13 ha (Entirely within the ALR)**
ALR area to be used for the Festival – 11.2 ha

* See Issue No. 1

** The size of the property and proposal area have been taken from Pending Subdivision EPP21848

2. PID: 027-950-191

Lot 2, District Lot 211, Lillooet District, Plan EPP1353

Owner: Sunstone Ridge Developments Ltd. (0857673 B.C. Ltd.)

Size of Property: 111.0 ha (46.3 ha within the ALR)
ALR area to be used for the Festival – 46.3 ha

3. PID: 027-950-182

Lot 1, District Lot 211, Lillooet District, Plan EPP1353

Owners: Lori Ann Mitchell and Rice Howard Drew Meredith (As Joint Tenants)

Size of Property: 21.1 ha (Entirely within the ALR)
ALR area to be used for the Festival – 21.1 ha

Previous Festival Applications (All submitted in 2008)

Application #YY-37970

Application #YY-38570 (Submitted by the Squamish-Lillooet Regional District)

Application #YY-38597 (Submitted by the Village of Pemberton)

Information from the Minutes of Resolutions 726/2008 and 727/2008
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A meeting was held by the Provincial Agricultural Land Commission on November 18, 2008 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, BC.

FOR CONSIDERATION

(Properties within the Squamish-Lillooet Regional District)

Application: #YY- 38570

Applicant: Live Nation

Local Government: Squamish-Lillooet Regional District

Proposal: To hold an annual Pemberton Music Festival on land in the Agricultural Land Reserve (ALR) for a period of ten (10) years.

Properties:

1. **PID: 007-915-179**

That Part of Lot "A" Lying North of the Road Shown on Plan 20157, District Lot 210, Lillooet District, Plan 20157

Size: 7.5 ha (7.5 ha in the ALR)

Proposed Use: Campsite

2. **PID: 007-915-268**

Lot "B", District Lot 210, Lillooet District, Plan 20157

Size: 9.2 ha (8.9 ha in the ALR)

Proposed Use: Campsite

3. **PID: 004-464-532**

The Fractional North West ¼ of District Lot 211, Lillooet District, Except Plans A21, B3576, B4215, KAP59366 and KAP59592

Size: 51.2 ha (16.7 ha in the ALR)

Proposed Use: Parking

4. **PID: 010-309-306**

The Easterly 310 Acres more or less of District Lot 211, Lillooet District, Except Plans 9479, A21 and 39509

Size: 116.4 ha (47.2 ha in the ALR)

Proposed Use: Main Festival Site that includes the main stage, secondary stage, dance tent, barn dance tent, food & beverage operations, artist compound and camping

Area of proposal in the ALR - 80.3 ha

(Properties within the Squamish-Lillooet Regional District)

FOR CONSIDERATION

(Properties within the Village of Pemberton)

Application: #YY- 38597

Applicant: Live Nation

Local Government: Village of Pemberton

Proposal: To hold the Pemberton Music Festival on land in the Agricultural Land Reserve (ALR) for a period of ten (10) years.

Properties:

1. PID: 013-292-021

District Lot 766, Lillooet District

Size: 31.8 ha (31.8 ha in the ALR)

Proposed Use: Camping & parking

2. PID: 002-606-801

District Lot 4769, Lillooet District, Except Plan KAP44479

Size: 15.6 ha (15.6 ha in the ALR)

Proposed Use: Camping & parking

3. PID: 002-606-780

District Lot 4674, Lillooet District

Size: 5.6 ha (5.6 ha in the ALR)

Proposed Use: Camping & parking

Area of proposal in the ALR - 53.0 ha

(Properties within the Village of Pemberton)

Total area of proposals in the ALR - 133.3 ha

PREVIOUS APPLICATION

Application #YY- 37970

Applicant: Live Nation

Proposal: To hold the Pemberton Music Festival on land in the ALR in July 2008.

Decision: By Resolution #84/2008, dated March 12, 2008

THAT the application be allowed for the 2008 event only and be subject to the following conditions:

- 1. The proposed uses must be restricted to the areas outlined in the application. Satellite parking facilities and other amenities associated with the event are strictly prohibited on other ALR lands.*
- 2. A Professional Agrologist specializing in soil reclamation must be retained*
 - a. to prepare a pre-event plan to mitigate soil damage and*
 - b. to oversee reclamation and to submit a closure report confirming the post event clean-up has been satisfactorily completed to an agricultural standard.*
- 3. The Professional Agrologist's pre-event soil management plan must be submitted to the Commission for review and approval. The approved plan must be in place at least one (1) month prior to the event.*

4. 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 default by the applicant.
5. The irrevocable letter of credit must be in place at least one (1) month prior to the event.

AND THAT this approval is for the 2008 event only and will not be renewed.

AND FINALLY THAT this decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

POST EVENT 2008

The Commission received a Post-Event Closure Report prepared by Pottinger Gaherty Environmental Consultants Ltd. (PGL) dated August 2008. PGL determined that activities associated with the Pemberton Festival including site preparation and post-event reclamation did not negatively impact the agricultural capability of the site or site soils. PGL also noted that pre-event activities resulted in an improvement to agricultural capability and suitability.

DISCUSSION

Preserve agricultural land

The Commission is satisfied that the applicant has demonstrated the logistical difficulties in finding a non-ALR site for the Pemberton Festival. The Commission also accepts that with proper pre-event and post-event efforts, the agricultural capability and suitability of the Pemberton Festival site will not be diminished. The Commission concluded that with proper pre-event planning and post-event reclamation overseen by a qualified Professional Agrologist, the agricultural utility of the land will not be jeopardized. Imposing these safeguards is consistent with this aspect of the Commission's mandate.

Encourage farming in collaboration with other communities of interest, and

Encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

Both the Village and Regional District have enthusiastically argued the benefits of the Pemberton Festival to the local agricultural economy. Promoting locally grown produce as well as exploring opportunities to enhance agriculture in the region have been common themes by both the Village and Regional District in expressing their support for the festival. The meeting that was held on November 5, 2008 was initiated by the Commission to ascertain the level of commitment of the parties to preserve agricultural land and enhance agriculture in the area. ALC Staff attending the meeting was satisfied with the genuine commitment of the parties to ensure the Pemberton Festival is not held to the detriment of agriculture.

While the Commission accepts these commitments it would take greater comfort in knowing that the Village and Regional District share its agricultural objectives and are prepared to actively participate in seeing that they are achieved. If the Village and Regional District are prepared to work with the Commission to preserve the agricultural integrity of the festival site as well as to identify opportunities to enhance agriculture in the area, such collaboration is considered consistent with these aspects of the Commission's mandate.

It was suggested at the November 5, 2008 meeting that perhaps a memorandum of understanding between the parties may be an appropriate method of outlining the expectations, roles and responsibilities of each party as they relate to the Pemberton Festival and the commitment to explore and facilitate the enhancement of agriculture in the region.

CONCLUSIONS

- 1. That the land under application has high agricultural capability and is appropriately designated as ALR.*
- 2. That the land under application is highly suited for a wide range of agricultural uses.*
- 3. That with appropriate safeguards the agricultural capability and suitability can be maintained.*
- 4. That the cooperation of the Village and Regional District is integral in achieving agricultural enhancements and is contingent to the Commission's favourable consideration of the proposal.*

IT WAS

MOVED BY: Commissioner Pranger

SECONDED BY: Commissioner Bose

THAT the overall application be approved in principle.

AND THAT approval for the 2009 festival is subject to the following conditions:

- 1. The proposed uses must be restricted to the areas outlined in the application. Satellite parking facilities and other amenities associated with the event are strictly prohibited on other ALR lands.*
- 2. A Professional Agrologist specializing in soil reclamation must be retained*
 - to prepare a pre-event plan to mitigate soil damage, and*
 - to oversee reclamation and to submit a closure report on or before August 30, 2009. The report must confirm the post-event clean-up has been satisfactorily completed to an agricultural standard.*
- 3. The Professional Agrologist's pre-event soil management plan must be submitted to the Commission for review and approval. The approved plan must be in place at least one (1) month prior to the event.*
- 4. 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 default by the applicant. The irrevocable letter of credit must be received by the Commission at least one (1) month prior to the event.*

AND THAT the 2009 festival is granted on the understanding that the Village and Regional District will provide written notification that they will work collaboratively with the Commission to develop and execute a tripartite memorandum of understanding which outlines the expectations, roles and responsibilities of each party as they relate to the Pemberton Festival as well as a commitment to explore and facilitate the enhancement of agriculture in the region.

AND THAT the guiding principles of the memorandum of understanding will be:

- *To create a collaborative working relationship with the Commission to secure approval for the Pemberton Festival while preserving the agricultural integrity of the festival site and enhancing agriculture in the Pemberton area.*
- *That the lands comprising the Pemberton Festival site that are within Agricultural Land Reserve (ALR) remain in the ALR.*
- *That the agricultural quality of the ALR lands used by the Pemberton Festival is not diminished by festival activities.*
- *That in using ALR lands, the Pemberton Festival will participate in enhancing agriculture in the Pemberton area.*
- *That the Village and Regional District have roles to play to assist the Commission in ensuring the agricultural quality of the ALR land used by the Pemberton Festival is not diminished by festival activities.*
- *That the Village and Regional District have roles to play to assist the Commission in ensuring the activities associated with the festival do not significantly impact adjacent or nearby ALR lands.*
- *That the Village and Regional District have roles to play to assist the Commission in ensuring 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 written notification of each party's willingness to develop and execute a memorandum of understanding be received by the Commission on or before December 12, 2008.

AND THAT the memorandum of understanding will be completed and executed by the parties on or before July 1, 2009.

AND THAT once the memorandum of understanding is executed Live Nation will be permitted an additional three (3) years for the Pemberton Festival with the possibility of two (2) extensions of three (3) years each. Extensions will be subject to a joint performance evaluation by the Village, Regional District and Commission.

AND THAT with regard to all Pemberton Festival events the Commission requires a "No Footprint" approach be adopted by Live Nation so that any and all facilities, structures, equipment and roads are removed from the properties following each annual event. The existing condition of the properties as of the date of this decision form the baseline for subsequent

events and the level to which Live Nation must comply with this condition. The road built on the Ravens Crest property in 2008 may be retained for farm purposes as requested by the owner.

AND THAT the Commission strongly recommends the Village, Regional District and Live Nation continue their dialogue with Lil'Wat Nation, Mount Currie Band to address the non-agricultural concerns expressed by the Band Council and members.

AND THAT the approvals contained herein are for the sole benefit of Live Nation and are not transferrable.

AND FINALLY THAT this decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED

Resolution #726/2008 (Application #YY-38570)

Resolution #727/2008 (Application #YY-38597)

COMMISSION CONCLUSION REGARDING APPLICATION #52853

The Commission acknowledged the prior approvals for the Festival. The Commission also acknowledged that Live Nation could pursue more events, if it chose to do so, given the prior approvals.

IT WAS

MOVED BY: Commissioner Pranger

SECONDED BY: Commissioner Thibeault

THAT this decision applies to the following properties:

1. PID: 027-701-522
Lot 1, District Lot 211, Lillooet District, Plan KAP87819;
2. PID: 027-950-191
Lot 2, District Lot 211, Lillooet District, Plan EPP1353; and
3. PID: 027-950-182
Lot 1, District Lot 211, Lillooet District, Plan EPP1353.

(Hereinafter referred to as the "Properties")

AND THAT approval for the 2013 festival is granted subject to the following conditions:

- The Village providing written confirmation that it has returned its portion of the ALR application fee to the owners of the properties whose land is situated within the Regional District. Written confirmation is to be received by the Commission on or before November 30, 2012;

- The Village providing written authorization from the property owners confirming the Village as their agent. Written authorization is to be received by the Commission on or before November 30, 2012;
- The Village providing written confirmation from the property owners that the Commission's decision will be exclusive to the Village. Written confirmation is to be received by the Commission on or before November 30, 2012;
- The Village providing written authorization from the current owners of the properties associated with Application #YY-38570 (Submitted by the Squamish-Lillooet Regional District), Application #YY-38597 (Submitted by the Village of Pemberton) and from Live Nation agreeing to the Commission rescinding Resolutions #726/2008 and #727/2008 and canceling the files. Written authorization is to be received by the Commission on or before November 30, 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 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 Agricultural Land Reserve (ALR) and will remain in the ALR;
- That in using 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 the Commission will consider the request for future events after it evaluates the outcome of the 2013 Festival and receives an executed memorandum of understanding it considers acceptable;

AND THAT with regard 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;

AND THAT the approvals contained herein are for the sole benefit of the Village and are not transferrable. This condition does not preclude the Village from entering into an agreement with Live Nation or any other promoter;

AND THAT this decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

AND FINALLY THAT if the owners of the properties whose land is situated in the Regional District make a non-farm use application(s) consistent with the proposed Festival development outlined in this application, and the Regional District forwards the application(s) to the Commission, the Commission acting pursuant to section 27 of the *Agricultural Land Commission Act* hereby delegates to its Chief Executive Officer, the authority to approve the application(s) based on the criteria that the approval(s) will be subject to the terms and conditions contained in this decision. For greater clarity, this delegation is specific to an application(s) involving:

- PID: 007-915-268
Lot “B”, District Lot 210, Lillooet District, Plan 20157; and
- PID: 007-915-179
That Part of Lot “A” Lying North of the Road Shown on Plan 20157; District Lot 210, Lillooet District, Plan, Plan 20157

If the Chief Executive Officer considers that the application(s) does not meet the established criteria, or for any other reason does not wish to approve the application, the application must be referred to the Commission for a decision.

CARRIED
Resolution #327/2012



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

December 4, 2012

ALC File: 52853

Village of Pemberton
Box 100
Pemberton, BC
V0N2L0

Attention: Mr. Daniel Sailland, Chief Administrative Officer

Dear Mr. Sailland:

**Re: Application: Non-Farm Use on Land in the Agricultural Land Reserve (ALR)
Pemberton Music Festival**

Please find attached the Minutes of Resolution #395/2012 as it relates to the above noted application.

Further correspondence with respect to this application is to be directed to Mr. Eamonn Watson.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Colin Fry, Executive Director

Enclosures: Minutes of Resolution #395/2012

cc:

52853d2



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on November 22, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, BC.

REQUEST FOR RECONSIDERATION

The Commission received a letter dated November 15, 2012 requesting reconsideration of its decision recorded as Resolution #327/2012, by which, the proposal to hold an annual Pemberton music festival was conditionally approved.

Agent: Village of Pemberton (the "Village")

Original Proposal:

The Village requested permission to use five (5) properties in the Agricultural Land Reserve (ALR) as the site for an annual music festival (the "Festival"). The proposal involved 91.14 ha of ALR land. Estimated attendance is 40,000 people per day over the three (3) days of the Festival. The Village requested a 10 year approval which may include a proviso for the Village to fulfill certain conditions which would enable subsequent events to proceed (i.e.: 1 year approval with 3 subsequent 3 year extensions).

(Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

Original Decision:

By Resolution #327/2012 dated October 25, 2012

THAT this decision applies to the following properties:

1. PID: 027-701-522
Lot 1, District Lot 211, Lillooet District, Plan KAP87819;
2. PID: 027-950-191
Lot 2, District Lot 211, Lillooet District, Plan EPP1353; and
3. PID: 027-950-182
Lot 1, District Lot 211, Lillooet District, Plan EPP1353.

(Hereinafter referred to as the "Properties")

AND THAT approval for the 2013 festival is granted subject to the following conditions:

- The Village providing written confirmation that it has returned its portion of the ALR application fee to the owners of the properties whose land is situated within the Regional District. Written confirmation is to be received by the Commission on or before November 30, 2012;
- The Village providing written authorization from the property owners confirming the Village as their agent. Written authorization is to be received by the Commission on or before November 30, 2012;

- The Village providing written confirmation from the property owners that the Commission's decision will be exclusive to the Village. Written confirmation is to be received by the Commission on or before November 30, 2012;
- The Village providing written authorization from the current owners of the properties associated with Application #YY-38570 (Submitted by the Squamish-Lillooet Regional District), Application #YY-38597 (Submitted by the Village of Pemberton) and from Live Nation agreeing to the Commission rescinding Resolutions #726/2008 and #727/2008 and canceling the files. Written authorization is to be received by the Commission on or before November 30, 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 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 Agricultural Land Reserve (ALR) and will remain in the ALR;
- That in using 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 the Commission will consider the request for future events after it evaluates the outcome of the 2013 Festival and receives an executed memorandum of understanding it considers acceptable;

AND THAT with regard 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;

AND THAT the approvals contained herein are for the sole benefit of the Village and are not transferrable. This condition does not preclude the Village from entering into an agreement with Live Nation or any other promoter;

AND THAT this decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

AND FINALLY THAT if the owners of the properties whose land is situated in the Regional District make a non-farm use application(s) consistent with the proposed Festival development outlined in this application, and the Regional District forwards the application(s) to the Commission, the Commission acting pursuant to section 27 of the *Agricultural Land Commission Act* hereby delegates to its Chief Executive Officer, the authority to approve the application(s) based on the criteria that the approval(s) will be subject to the terms and conditions contained in this decision. For greater clarity, this delegation is specific to an application(s) involving:

- PID: 007-915-268
Lot “B”, District Lot 210, Lillooet District, Plan 20157; and
- PID: 007-915-179
That Part of Lot “A” Lying North of the Road Shown on Plan 20157; District Lot 210, Lillooet District, Plan, Plan 20157

If the Chief Executive Officer considers that the application(s) does not meet the established criteria, or for any other reason does not wish to approve the application, the application must be referred to the Commission for a decision.

Recent Information:

1. The Village has confirmed that it returned its portion of the ALR application fee to the owners of the properties whose land is situated within the Regional District;
2. The Village has provided written authorization from the owners of the properties whose land is situated within the Regional District to facilitate a future application(s) to the Regional District to join the music festival proposal;
3. The Village has provided written authorization from the current owners of the properties associated with Application #YY-38570 (Submitted by the Squamish-Lillooet Regional District) and Application #YY-38597 (Submitted by the Village of Pemberton) agreeing to the Commission rescinding Resolutions #726/2008 and #727/2008 and canceling the files;
4. The Village raised a correction regarding the Commission's comments pertaining to Lot 1, District Lot 211, Lillooet District, Plan KAP87819. At the time of its initial consideration of the file material the Commission reviewed Certificate of Title No. LB254469 and noted there were four (4) Pending Applications.
 - a. EPP21848 (Subdivision Plan)
 - b. CA2723155 to CA2723160 (Freehold Transfer)
 - c. CA2723161 (Mortgage)
 - d. CA2723154 (Covenant)

The Commission determined that following registration of the subdivision plan, the new legal description of the property associated with the festival will be Lot 4, District Lot 211, Lillooet District, Plan EPP21848 and that the size of Lot 4 will be 23.13 ha.

The Commission believed the ALR area to be used for the festival was 11.2 ha being that portion of the property lying east of the road which bisects the property.

The Village has advised that the entire 23.13 ha of the property is meant to be used during the festival;

5. The Village raised a point for clarification relating to the need for Live Nation to authorize and agree to the rescission of the 2008 applications. The Village pointed out that Live Nation was never a registered owner of any lands associated with the 2008 applications and its involvement was limited to acting as agent on behalf of the property owners. In the Village's opinion Live Nation's agreements with the property owners have expired and it does not have any further legal standing in these matters as the 2008 approvals run with the lands that are the subject of the 2008 approvals. The Village does not believe that Live Nation's authorization is required.
6. The Village has confirmed that the proposed uses will be restricted to the areas of the properties outlined in the application and that no satellite parking facilities and other amenities associated with the event will be permitted on other ALR lands;
7. The Village has confirmed that a Professional Agrologist specializing in soil reclamation will 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;

8. The Village has confirmed that a \$250,000 irrevocable letter of credit in the Commission's favour will be submitted to ensure the land is reclaimed in accordance with the Commission's requirements set out in Resolution #327/2012;
9. The Village has confirmed that it 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.
10. With respect to future events the Village requested clarification regarding the Commission's position on the proposed 10 year approval which may include a proviso for the Village to fulfill certain conditions which would enable subsequent events to proceed (i.e.: 1 year approval with 3 subsequent 3 year extensions).

The Village pointed out that the 2008 approvals provided for an additional three (3) years for the festival with the possibility of two (2) extensions of three (3) years each, subject to satisfaction of the Commission's requirements in relation to the 2008 approvals. The Village assumes the same conditions will apply to Resolution #327/2012. The Village's expectation would be that the extensions would be subject to satisfying all terms and conditions of Resolution #327/2012 for the 2013 festival and at the conclusion of each extension period.

11. The Village has confirmed that it will adopt a "*No Footprint*" approach so that any and all festival facilities, structures, equipment and roads are removed from the properties following the festival;
12. The Village requests clarification that the approvals contained in Resolution #327/2012 apply to the lands that are the subject of Resolution #327/2012 and that these approvals will continue to apply to those lands while the resolution remains in effect, subject to the satisfaction of all the terms and conditions of Resolution #327/2012.

SUMMARY OF INFORMATION PROVIDED BY THE VILLAGE

In summary, the information provided by the Village falls into three (3) categories.

1. Confirmation of certain terms and conditions of approval (Points 1, 2, 3, 6, 7, 8, 9 and 11);
 2. Request for clarification of certain terms and conditions of approval (Points 10 and 12); and
 3. Request for reconsideration (Points 4 and 5).
-

LEGISLATIVE CONTEXT FOR COMMISSION RECONSIDERATION

Section 33 (Reconsideration of decisions) of the *Agricultural Land Commission Act* states:

33(1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that:

- (a) evidence not available at the time of the original decision has become available,
 - (b) all or part of the original decision was based on evidence that was in error or was false.
-

DELEGATION OF DECISION-MAKING TO THE CHIEF EXECUTIVE OFFICER (CEO)

On June 27, 2011 the Commission delegated decision-making to the CEO by Resolution #016N/2011 (File: 135-45/ALC/CEO/APPL). In accordance with section 27 of the *Agricultural Land Commission Act* the Commission has specified that the following application may be decided by the CEO.

Criterion 8

Requests for minor variations of conditions of approval imposed by the Commission by resolution in exclusion, subdivision, non-farm use and inclusion applications provided the minor variations are consistent with the intent of the Commission's original decision.

REGARDING THE REQUESTS FOR RECONSIDERATION

After reviewing the Village's November 15, 2012 correspondence as it relates to Point 4, the area of Lot 4, Plan EPP21848 to be used during the festival, I, Richard Bullock, Chief Executive Officer of the Commission believe the Village has provided evidence that part of the original decision was based on evidence that was in error.

As to Point 5, the requirement relating to the need for Live Nation to authorize and agree to the rescission of the 2008 applications, I believe the Village has provided evidence that was not available at the time of the original decision.

DECISION REGARDING THE REQUEST FOR RECONSIDERATION

After reviewing the file material, I am satisfied that the points of reconsideration are consistent with Criterion No. 8 of Resolution #016N/2011 and as such have decided as follows:

That Resolution #327/2012 be amended to the extent that 23.13 ha of Lot 4, Plan EPP21848 is approved for use as part of the festival; and

That Resolution #327/2012 is further amended to remove as a condition of approval, the need for Live Nation to authorize and agree to the rescission of the 2008 applications. With respect to this amendment, it is done so based on the Village's argument that Live Nation's agreements with the property owners have expired and that Live Nation does not have any further legal standing in regard to the 2008 approvals. However, should Live Nation dispute

Minutes of Resolution #395/2012 – Application # 52853

the Village's opinion in this regard, the Commission requires written assurance from the Village that it will be responsible for seeking a resolution to the dispute at no cost to the Commission.

CLARIFICATIONS REGARDING RESOLUTION #327/2012

Point 10 – Future festivals

The Village pointed out that the 2008 approvals provided for an additional three (3) years for the festival with the possibility of two (2) extensions of three (3) years each, subject to satisfaction of the Commission's requirements in relation to the 2008 approvals. The Village assumes the same conditions will apply to Resolution #327/2012. The Village's expectation would be that the extensions would be subject to satisfying all terms and conditions of the Resolution for the 2013 festival and at the conclusion of each extension period.

Clarification: The Commission has approved a festival for 2013. If the Village satisfies all terms and conditions of Resolution #327/2012 and there are no negative impacts to the land, authorization will be granted for another 3 years. However, it should be noted that the Commission will conduct a performance evaluation and impact assessment of the land following each festival, hence the need for the involvement of a Professional Agrologist. If at any point, the Commission determines there to be a substantial lack of performance and/or believes the agricultural quality of the land has been compromised, it will be compelled to re-assess the appropriateness of subsequent festivals. The ability to continue holding festivals as approved by the Commission is completely dependent on the adherence to the conditions of approval contained in Resolution #327/2012, and as amended herein, and provided the agricultural capability of the land is maintained.

Point 12 – Application to subject properties

Approvals contained in Resolution #327/2012 apply to the lands that are the subject of Resolution #327/2012 and that these approvals will continue to apply to those lands while the resolution remains in effect, subject to the satisfaction of all the terms and conditions of Resolution #327/2012.

Clarification: The Village's understanding is confirmed.

CONFIRMATION OF TERMS AND CONDITIONS OF APPROVAL

On behalf of the Commission I acknowledge the Village's confirmation of certain terms and conditions of approval, more specifically Points 1, 2, 3, 6, 7, 8, 9 and 11. With these in place, and in accordance with Resolution #327/2012, Application #YY-38570 (Submitted by the Squamish-Lillooet Regional District) and Application #YY-38597 (Submitted by the Village of Pemberton) are cancelled and Resolutions #726/2008 and #727/2008 are rescinded.

RESOLUTION #395/2012

I CERTIFY THAT THIS IS A TRUE RECORD OF THE DECISION

A handwritten signature in dark ink, appearing to read 'R. Bullock', is written above a horizontal line.

Richard Bullock, Chief Executive Officer



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

December 4, 2012

ALC File: 52853

Village of Pemberton
Box 100
Pemberton, BC
V0N2L0

Attention: Mr. Daniel Sailland, Chief Administrative Officer

Dear Mr. Sailland:

**Re: Application: Non-Farm Use on Land in the Agricultural Land Reserve (ALR)
Pemberton Music Festival**

Please find attached the Minutes of Resolution #395/2012 as it relates to the above noted application.

Further correspondence with respect to this application is to be directed to Mr. Eamonn Watson.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Colin Fry, Executive Director

Enclosures: Minutes of Resolution #395/2012

cc:

52853d2



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on November 22, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, BC.

REQUEST FOR RECONSIDERATION

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Agent: Village of Pemberton (the "Village")

Original Proposal:

The Village requested permission to use five (5) properties in the Agricultural Land Reserve (ALR) as the site for an annual music festival (the "Festival"). The proposal involved 91.14 ha of ALR land. Estimated attendance is 40,000 people per day over the three (3) days of the Festival. The Village requested a 10 year approval which may include a proviso for the Village to fulfill certain conditions which would enable subsequent events to proceed (i.e.: 1 year approval with 3 subsequent 3 year extensions).

(Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

Original Decision:

By Resolution #327/2012 dated October 25, 2012

THAT this decision applies to the following properties:

1. PID: 027-701-522
Lot 1, District Lot 211, Lillooet District, Plan KAP87819;
2. PID: 027-950-191
Lot 2, District Lot 211, Lillooet District, Plan EPP1353; and
3. PID: 027-950-182
Lot 1, District Lot 211, Lillooet District, Plan EPP1353.

(Hereinafter referred to as the "Properties")

AND THAT approval for the 2013 festival is granted subject to the following conditions:

- The Village providing written confirmation that it has returned its portion of the ALR application fee to the owners of the properties whose land is situated within the Regional District. Written confirmation is to be received by the Commission on or before November 30, 2012;
- The Village providing written authorization from the property owners confirming the Village as their agent. Written authorization is to be received by the Commission on or before November 30, 2012;

- The Village providing written confirmation from the property owners that the Commission's decision will be exclusive to the Village. Written confirmation is to be received by the Commission on or before November 30, 2012;
- The Village providing written authorization from the current owners of the properties associated with Application #YY-38570 (Submitted by the Squamish-Lillooet Regional District), Application #YY-38597 (Submitted by the Village of Pemberton) and from Live Nation agreeing to the Commission rescinding Resolutions #726/2008 and #727/2008 and canceling the files. Written authorization is to be received by the Commission on or before November 30, 2012;
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- 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;
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AND THAT the 2013 Festival is granted on the understanding that the Village 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 Agricultural Land Reserve (ALR) and will remain in the ALR;
- That in using 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 the Commission will consider the request for future events after it evaluates the outcome of the 2013 Festival and receives an executed memorandum of understanding it considers acceptable;

AND THAT with regard 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;

AND THAT the approvals contained herein are for the sole benefit of the Village and are not transferrable. This condition does not preclude the Village from entering into an agreement with Live Nation or any other promoter;

AND THAT this decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

AND FINALLY THAT if the owners of the properties whose land is situated in the Regional District make a non-farm use application(s) consistent with the proposed Festival development outlined in this application, and the Regional District forwards the application(s) to the Commission, the Commission acting pursuant to section 27 of the *Agricultural Land Commission Act* hereby delegates to its Chief Executive Officer, the authority to approve the application(s) based on the criteria that the approval(s) will be subject to the terms and conditions contained in this decision. For greater clarity, this delegation is specific to an application(s) involving:

- PID: 007-915-268
Lot “B”, District Lot 210, Lillooet District, Plan 20157; and
- PID: 007-915-179
That Part of Lot “A” Lying North of the Road Shown on Plan 20157; District Lot 210, Lillooet District, Plan, Plan 20157

If the Chief Executive Officer considers that the application(s) does not meet the established criteria, or for any other reason does not wish to approve the application, the application must be referred to the Commission for a decision.

Recent Information:

1. The Village has confirmed that it returned its portion of the ALR application fee to the owners of the properties whose land is situated within the Regional District;
2. The Village has provided written authorization from the owners of the properties whose land is situated within the Regional District to facilitate a future application(s) to the Regional District to join the music festival proposal;
3. The Village has provided written authorization from the current owners of the properties associated with Application #YY-38570 (Submitted by the Squamish-Lillooet Regional District) and Application #YY-38597 (Submitted by the Village of Pemberton) agreeing to the Commission rescinding Resolutions #726/2008 and #727/2008 and canceling the files;
4. The Village raised a correction regarding the Commission's comments pertaining to Lot 1, District Lot 211, Lillooet District, Plan KAP87819. At the time of its initial consideration of the file material the Commission reviewed Certificate of Title No. LB254469 and noted there were four (4) Pending Applications.
 - a. EPP21848 (Subdivision Plan)
 - b. CA2723155 to CA2723160 (Freehold Transfer)
 - c. CA2723161 (Mortgage)
 - d. CA2723154 (Covenant)

The Commission determined that following registration of the subdivision plan, the new legal description of the property associated with the festival will be Lot 4, District Lot 211, Lillooet District, Plan EPP21848 and that the size of Lot 4 will be 23.13 ha.

The Commission believed the ALR area to be used for the festival was 11.2 ha being that portion of the property lying east of the road which bisects the property.

The Village has advised that the entire 23.13 ha of the property is meant to be used during the festival;

5. The Village raised a point for clarification relating to the need for Live Nation to authorize and agree to the rescission of the 2008 applications. The Village pointed out that Live Nation was never a registered owner of any lands associated with the 2008 applications and its involvement was limited to acting as agent on behalf of the property owners. In the Village's opinion Live Nation's agreements with the property owners have expired and it does not have any further legal standing in these matters as the 2008 approvals run with the lands that are the subject of the 2008 approvals. The Village does not believe that Live Nation's authorization is required.
6. The Village has confirmed that the proposed uses will be restricted to the areas of the properties outlined in the application and that no satellite parking facilities and other amenities associated with the event will be permitted on other ALR lands;
7. The Village has confirmed that a Professional Agrologist specializing in soil reclamation will 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;

8. The Village has confirmed that a \$250,000 irrevocable letter of credit in the Commission's favour will be submitted to ensure the land is reclaimed in accordance with the Commission's requirements set out in Resolution #327/2012;
9. The Village has confirmed that it 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.
10. With respect to future events the Village requested clarification regarding the Commission's position on the proposed 10 year approval which may include a proviso for the Village to fulfill certain conditions which would enable subsequent events to proceed (i.e.: 1 year approval with 3 subsequent 3 year extensions).

The Village pointed out that the 2008 approvals provided for an additional three (3) years for the festival with the possibility of two (2) extensions of three (3) years each, subject to satisfaction of the Commission's requirements in relation to the 2008 approvals. The Village assumes the same conditions will apply to Resolution #327/2012. The Village's expectation would be that the extensions would be subject to satisfying all terms and conditions of Resolution #327/2012 for the 2013 festival and at the conclusion of each extension period.

11. The Village has confirmed that it will adopt a "*No Footprint*" approach so that any and all festival facilities, structures, equipment and roads are removed from the properties following the festival;
12. The Village requests clarification that the approvals contained in Resolution #327/2012 apply to the lands that are the subject of Resolution #327/2012 and that these approvals will continue to apply to those lands while the resolution remains in effect, subject to the satisfaction of all the terms and conditions of Resolution #327/2012.

SUMMARY OF INFORMATION PROVIDED BY THE VILLAGE

In summary, the information provided by the Village falls into three (3) categories.

1. Confirmation of certain terms and conditions of approval (Points 1, 2, 3, 6, 7, 8, 9 and 11);
 2. Request for clarification of certain terms and conditions of approval (Points 10 and 12); and
 3. Request for reconsideration (Points 4 and 5).
-

LEGISLATIVE CONTEXT FOR COMMISSION RECONSIDERATION

Section 33 (Reconsideration of decisions) of the *Agricultural Land Commission Act* states:

33(1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that:

- (a) evidence not available at the time of the original decision has become available,
 - (b) all or part of the original decision was based on evidence that was in error or was false.
-

DELEGATION OF DECISION-MAKING TO THE CHIEF EXECUTIVE OFFICER (CEO)

On June 27, 2011 the Commission delegated decision-making to the CEO by Resolution #016N/2011 (File: 135-45/ALC/CEO/APPL). In accordance with section 27 of the *Agricultural Land Commission Act* the Commission has specified that the following application may be decided by the CEO.

Criterion 8

Requests for minor variations of conditions of approval imposed by the Commission by resolution in exclusion, subdivision, non-farm use and inclusion applications provided the minor variations are consistent with the intent of the Commission's original decision.

REGARDING THE REQUESTS FOR RECONSIDERATION

After reviewing the Village's November 15, 2012 correspondence as it relates to Point 4, the area of Lot 4, Plan EPP21848 to be used during the festival, I, Richard Bullock, Chief Executive Officer of the Commission believe the Village has provided evidence that part of the original decision was based on evidence that was in error.

As to Point 5, the requirement relating to the need for Live Nation to authorize and agree to the rescission of the 2008 applications, I believe the Village has provided evidence that was not available at the time of the original decision.

DECISION REGARDING THE REQUEST FOR RECONSIDERATION

After reviewing the file material, I am satisfied that the points of reconsideration are consistent with Criterion No. 8 of Resolution #016N/2011 and as such have decided as follows:

That Resolution #327/2012 be amended to the extent that 23.13 ha of Lot 4, Plan EPP21848 is approved for use as part of the festival; and

That Resolution #327/2012 is further amended to remove as a condition of approval, the need for Live Nation to authorize and agree to the rescission of the 2008 applications. With respect to this amendment, it is done so based on the Village's argument that Live Nation's agreements with the property owners have expired and that Live Nation does not have any further legal standing in regard to the 2008 approvals. However, should Live Nation dispute

the Village's opinion in this regard, the Commission requires written assurance from the Village that it will be responsible for seeking a resolution to the dispute at no cost to the Commission.

CLARIFICATIONS REGARDING RESOLUTION #327/2012

Point 10 – Future festivals

The Village pointed out that the 2008 approvals provided for an additional three (3) years for the festival with the possibility of two (2) extensions of three (3) years each, subject to satisfaction of the Commission's requirements in relation to the 2008 approvals. The Village assumes the same conditions will apply to Resolution #327/2012. The Village's expectation would be that the extensions would be subject to satisfying all terms and conditions of the Resolution for the 2013 festival and at the conclusion of each extension period.

Clarification: The Commission has approved a festival for 2013. If the Village satisfies all terms and conditions of Resolution #327/2012 and there are no negative impacts to the land, authorization will be granted for another 3 years. However, it should be noted that the Commission will conduct a performance evaluation and impact assessment of the land following each festival, hence the need for the involvement of a Professional Agrologist. If at any point, the Commission determines there to be a substantial lack of performance and/or believes the agricultural quality of the land has been compromised, it will be compelled to re-assess the appropriateness of subsequent festivals. The ability to continue holding festivals as approved by the Commission is completely dependent on the adherence to the conditions of approval contained in Resolution #327/2012, and as amended herein, and provided the agricultural capability of the land is maintained.

Point 12 – Application to subject properties

Approvals contained in Resolution #327/2012 apply to the lands that are the subject of Resolution #327/2012 and that these approvals will continue to apply to those lands while the resolution remains in effect, subject to the satisfaction of all the terms and conditions of Resolution #327/2012.

Clarification: The Village's understanding is confirmed.

CONFIRMATION OF TERMS AND CONDITIONS OF APPROVAL

On behalf of the Commission I acknowledge the Village's confirmation of certain terms and conditions of approval, more specifically Points 1, 2, 3, 6, 7, 8, 9 and 11. With these in place, and in accordance with Resolution #327/2012, Application #YY-38570 (Submitted by the Squamish-Lillooet Regional District) and Application #YY-38597 (Submitted by the Village of Pemberton) are cancelled and Resolutions #726/2008 and #727/2008 are rescinded.

RESOLUTION #395/2012

I CERTIFY THAT THIS IS A TRUE RECORD OF THE DECISION

A handwritten signature in dark ink, appearing to read 'R. Bullock', is written above a horizontal line.

Richard Bullock, Chief Executive Officer



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

October 29, 2012

ALC File: # 52853

Village of Pemberton
Box 100
Pemberton, BC
V0N2L0

Attention: Mr. Daniel Sailland, Chief Administrative Officer

Dear Mr. Sailland:

**Re: Application: Non-Farm Use on Land in the Agricultural Land Reserve (ALR)
Pemberton Music Festival**

Please find attached the Minutes of Resolution #327/2012 as it relates to the above noted application.

Further correspondence with respect to this application should be directed to Mr. Eamonn Watson.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION



Colin Fry, Executive Director

Enclosures: Minutes of Resolution #327/2012
Example Irrevocable Letter of Credit

cc: Squamish-Lillooet Regional District
Box 219, 1350 Aster Street, Pemberton, BC V0N 2L0
Attention: Lynda Flynn, Chief Administrative Officer
Patricia Ritchie and Leonard James Ritchie
1873 Highway 99, Pemberton, BC V0N 2L0
Randall Scott West
PO Box 1046, 1865 Highway 99, Pemberton, BC V0N 2L0
580049 B.C. Ltd.
106 - 1656 Martin Drive, Surrey, BC V4A 6E7
Sunstone Ridge Developments Ltd.
14185 Rio Place, Surrey, BC V3S 0L2
Lori Ann Mitchell and Rice Howard Drew Meredith
PO Box 281, 1759 Highway 99, Pemberton, BC V0N 2L0

52853d1

Letter of Credit - Example

BENEFICIARY: Minister of Finance
c/o Provincial Agricultural Land Commission
#133 - 4940 Canada Way
Burnaby, BC V5G 4K6

Re: ALC Application # _____

We hereby issue in your favour our Irrevocable Letter of Credit # _____ for CAD

\$ _____ in the account of _____

(Name of Individual or Company)

(Street Address and/or Legal Description)

TERMS AND CONDITIONS:

1. Expiry Date: _____
2. Drawings are to be made in writing to _____
(Name of Financial Institution)
3. Partial drawings are permitted.
4. The Bank/Credit Union will not inquire as to whether or not the Agricultural Land Commission has right to make demand on this Letter of Credit.
5. This Letter of Credit is irrevocable up to the expiry date.
6. This Credit is irrevocable up to the expiry date and unless it is extended in writing will be null and void after the expiry date whether or not the original credit is returned to us for cancellation. The amount of this credit may be reduced from time to time only by the amount drawn upon it by you or by formal notice in writing received by us from you that you desire such reduction.
7. Request for any amendment except reduction in amount must be made directly to our customer who will then instruct us accordingly.
8. Any drawings made under this letter of credit must be accompanied by the original of this credit.
9. **Mandatory Condition:**
"It is a condition of this letter of credit that it shall be deemed to be automatically extended without amendment from year to year from the present or any future expiration date hereof, unless at least 30 days prior to the present or any future expiration date, we notify you in writing, that we elect not to consider this letter of credit to be renewable for any additional period."
10. We engage to honour presentations submitted within the terms and conditions indicate above.



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 25, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #52853.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Gordon Gillette	Vice-Chair
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner

COMMISSION MEMBERS PRESENT VIA CONFERENCE CALL:

Jim Collins	Commissioner
Jennifer Dyson	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner

COMMISSION STAFF PRESENT:

Eamonn Watson	Land Use Planner
Shaundeh Runka	Policy Planner
Brian Underhill	Executive Director
Colin Fry	Executive Director

PROPOSAL

The Village of Pemberton (the "Village") requests permission to use five (5) properties in the Agricultural Land Reserve (ALR) as the site for an annual music festival (the "Festival"). The proposal involves 91.14 ha of ALR land. Estimated attendance is 40,000 people per day over the three (3) days of the Festival. The Village requests a 10 year approval which may include a proviso for the Village to fulfill certain conditions which would enable subsequent events to proceed (i.e.: 1 year approval with 3 subsequent 3 year extensions).

(Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

PRE-CONSIDERATION REVIEW OF APPLICATION DOCUMENTATION

The Commission reviewed the application material and identified several issues that needed to be addressed to establish the basis for considering the proposal.

ISSUE NO. 1 – Lot 1, District Lot 211, Lillooet District, Plan KAP87819

A review of Certificate of Title No. LB254469 indicates there are four (4) Pending Applications.

- a. EPP21848 (Subdivision Plan)
- b. CA2723155 to CA2723160 (Freehold Transfer)
- c. CA2723161 (Mortgage)
- d. CA2723154 (Covenant)

Following registration of the subdivision plan, the new legal description of the property associated with the Festival will be Lot 4, District Lot 211, Lillooet District, Plan EPP21848. The size of Lot 4 will be 23.13 ha.

The Freehold Transfer pertains to Lot 1, District Lot 211, Lillooet District, Plan EPP21848 of the Pending Subdivision Plan. Lot 1 is not in the ALR. The current owner of the property will retain ownership of Lot 4 following completion of the Freehold Transfer.

ISSUE NO. 2 – Properties not within the jurisdiction of the Village

Two of the properties under application are not situated within the jurisdiction of the Village and as such, any application made pursuant to the *Agricultural Land Commission Act* must be submitted to the Squamish-Lillooet Regional District (the "Regional District"). Moreover, the Regional District Board would have to pass a resolution to forward the application to the Commission before it is in a lawful position to consider an application.

In the Report to Council (In Camera) dated July 6, 2012, it was acknowledged that these two properties fall within the jurisdiction of the Regional District. The properties are legally described as:

1. **PID: 007-915-268**
Lot "B", District Lot 210, Lillooet District, Plan 20157

Owners: Patricia Ritchie and Leonard James Ritchie (As Joint Tenants)
2. **PID: 007-915-179**
That Part of Lot "A" Lying North of the Road Shown on Plan 20157; District Lot 210, Lillooet District, Plan, Plan 20157

Owner: Randall Scott West

Relevant sections of the *Agricultural Land Commission Act*:

Section 1 – Definitions

"local government" means

- (a) in relation to land within a municipality, the municipal council,
- (b) in relation to land within an electoral area but not within a local trust area, the board of the regional district, and
- (c) in relation to land within a local trust area under the *Islands Trust Act*, the local trust committee or the executive committee acting as a local trust committee for that area;

Subsection 20(3) – Use of agricultural land reserve

- 20(3) An owner of agricultural land or a person with a right of entry to agricultural land granted by any of the following may apply to the commission for permission for a non-farm use of agricultural land:

Relevant section of BC Regulation 171/2002 (Agricultural Land Reserve Use, Subdivision and Procedure Regulation):

Subsections 29(1) and (2)(b) – Application must be filed with local government or treaty first nation government

- 29(1) An owner of agricultural land who wishes to use that land for a non-farm use or who wishes to subdivide that land may apply for permission under section 20 or 21 of the Act.
- (2) An application under section 20 or 21 of the Act must be in a form acceptable to the commission and must be filed,
- (b) in any other case, with the applicable local government or treaty first nation government.

ISSUE NO. 3 – Status of the Village to act as agent on behalf of the property owners

The Commission noted the following facts from the application material:

1. Mr. Cam McIvor was appointed as agent for the property owners to act on their behalf with respect to an application to the Commission for the Festival. Nowhere in these appointments is Mr. McIvor granted authority to re-assign his agent status to another person or agency.
2. On June 19, 2012 Mr. McIvor signed applications on behalf of the property owners and sometime thereafter filed the applications with the Village.
3. On July 5, 2012 Mr. McIvor of Intuitive Management Ltd. provided a document to the Village advising, *"I, Cam McIvor – President of Intuitive Management Ltd. "Intuitive", as agents for the lands listed below, hereby authorize and assign to The Village of Pemberton to act as agent with respect to the Agricultural Land Commission non-farm use application for a music festival in Pemberton...."*
4. On July 9, 2012 the Village coalesced the five (5) applications into a single application and identified itself as agent. The application was executed by Nikki Gilmore, Acting Chief Administrative Officer for the Village.

ISSUE NO. 4 – Representations made by the Village on behalf of the Regional District

This issue arises from a document submitted by the Village as part of the application material. The document is entitled, *Music Festival, Proposed Commitments for the Memorandum of Understanding*. While it is recognized that the draft is subject to the approval of the Regional District, the Commission believes it is inappropriate to consider the proposed terms and commitments as applying to the Regional District in the absence of the Regional District's direct representations.

ISSUE NO. 5 – Lack of Clarity regarding who is the Applicant

In a June 15, 2012 letter submitted with the application material, Sunstone Ridge Developments Ltd. (owner of the primary Festival site) wrote, *"Sunstone Ridge Developments Ltd., respectfully requests non-farm use approval from the Agricultural Land Commission to host an annual summer music festival in the Pemberton Valley."* The letter went on to describe an overview of the proposal and was signed by Mr. Cam McIvor acting as agent for Sunstone Ridge Developments Ltd.

However, in the Report to Council (In Camera) dated July 6, 2012, the Commission noted the comment on page 4 in the paragraph entitled DISCUSSION, *"It is requested that the Village be the agent for the landowners, as to provide a constant approving body that can administer (Emphasis Added) the Pemberton Music Festival."*

COMMISSION DECISIONS ON THE IDENTIFIED ISSUES

ISSUE NO. 1 – Lot 1, District Lot 211, Lillooet District, Plan KAP87819

Decision: This issue was identified for clarification only. The pending applications noted on Certificate of Title No. LB254469 (Lot 1, District Lot 211, Lillooet District, Plan KAP87819) are not impediments to the Commission's consideration of the proposal as it pertains to this property.

ISSUE NO. 2 – Properties not within the jurisdiction of the Village

Decision: The application, as it relates of the properties legally described as 1) Lot "B", District Lot 210, Lillooet District, Plan 20157, and; 2) That Part of Lot "A" Lying North of the Road Shown on Plan 20157; District Lot 210, Lillooet District, Plan, Plan 20157, is inconsistent with the *Agricultural Land Commission Act* and BC Regulation 171/2002 (Agricultural Land Reserve Use, Subdivision and Procedure Regulation). As such, the Commission is not in a lawful position to consider these properties as part of the Village's application. The Commission's deliberation regarding the non-farm use application will be restricted to the three (3) properties situated within the jurisdiction of the Village.

The Village is directed to return its portion of the ALR application fee to the owners of the properties whose land is situated within the Regional District. The Commission will also arrange for the return of its portion of the ALR application fee to the owners.

ISSUE NO. 3 – Status of the Village to act as agent on behalf of the property owners

Decision: Mr. Cam McIvor was appointed as agent for the property owners to act on their behalf with respect to an application to the Commission for the Festival. These appointments did not empower or authorize Mr. McIvor to re-assign his agent status to another person or agency. As such, it is the Commission's position that the Village does not have status as agent to act on behalf of the property owners. This said, the Commission is satisfied that this is likely an administrative oversight that can be easily remedied.

The Commission has decided that it will continue with its deliberation regarding the non-farm use application involving the properties within the jurisdiction of the Village. This decision is subject to the Village providing, on or before November 30, 2012, written authorization from the property owners confirming the Village as agent. Please note that the Village can also act as agent on behalf of the property owners whose land is situated within the Regional District's jurisdiction if the owners wish to submit an ALR application to the Regional District to join the Festival proposal.

ISSUE NO. 4 – Representations made by the Village on behalf of the Regional District

Decision: The document entitled, *Music Festival, Proposed Commitments for the Memorandum of Understanding*, and the proposed terms and commitments therein, will only be considered as if they apply solely to the Village.

ISSUE NO. 5 – Lack of Clarity regarding the Applicant

Decision: The Commission acknowledges that it is impractical for the individual property owners to manage the Festival as it relates to their properties. It is also acknowledged that a single agency with the authority and oversight to engage promoters and administer all aspects of the Festival is considerably more prudent. The Commission believes this is what the Village envisions when it stated, *"It is requested that the Village be the agent for the landowners, as to provide a constant approving body that can administer (Emphasis Added) the Pemberton Music Festival."*

In this regard, the Commission will continue with its deliberation regarding the non-farm use application, involving the properties within the jurisdiction of the Village, on the understanding that it is the Village seeking permission for the Festival. In this manner, the relationship between the property owners and the Village would be more akin to the relationship that would exist between a landlord and tenant.

This decision is subject to the Village providing written acknowledgment from the property owners and the Village that the Commission's decision, if approved, will be exclusive to the Village. The acknowledgment is to be received by the Commission on or before November 30, 2012.

REVISED DESCRIPTION OF PROPOSAL

The Village requests permission to use three (3) properties in the Agricultural Land Reserve (ALR) as the site for an annual music festival (the "Festival"). The proposal involves 78.6 ha of ALR land. Estimated attendance is 40,000 people per day over the three (3) days of the Festival. The Village requests a 10 year approval which may include a proviso for the Village to fulfill certain conditions which would enable subsequent events to proceed (i.e.: 1 year approval with 3 subsequent 3 year extensions).

(Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
- (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
 - (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.
-

BACKGROUND

Property Information

1. PID: 027-701-522*

Lot 1, District Lot 211, Lillooet District, Plan KAP87819

Current Owner (Lot 1, District Lot 211, Lillooet District, Plan KAP87819) – 580049 B.C. Ltd.
Owner of Lot 4 after registration of subdivision plan EPP21848 – 580049 B.C. Ltd.

Size of Property: 23.13 ha (Entirely within the ALR)**
ALR area to be used for the Festival – 11.2 ha

* **See Issue No. 1**

** **The size of the property and proposal area have been taken from Pending Subdivision EPP21848**

2. PID: 027-950-191

Lot 2, District Lot 211, Lillooet District, Plan EPP1353

Owner: Sunstone Ridge Developments Ltd. (0857673 B.C. Ltd.)

Size of Property: 111.0 ha (46.3 ha within the ALR)
ALR area to be used for the Festival – 46.3 ha

3. PID: 027-950-182

Lot 1, District Lot 211, Lillooet District, Plan EPP1353

Owners: Lori Ann Mitchell and Rice Howard Drew Meredith (As Joint Tenants)

Size of Property: 21.1 ha (Entirely within the ALR)
ALR area to be used for the Festival – 21.1 ha

Previous Festival Applications (All submitted in 2008)

Application #YY-37970

Application #YY-38570 (Submitted by the Squamish-Lillooet Regional District)

Application #YY-38597 (Submitted by the Village of Pemberton)

Information from the Minutes of Resolutions 726/2008 and 727/2008
--

A meeting was held by the Provincial Agricultural Land Commission on November 18, 2008 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, BC.

FOR CONSIDERATION

(Properties within the Squamish-Lillooet Regional District)

Application: #YY- 38570

Applicant: Live Nation

Local Government: Squamish-Lillooet Regional District

Proposal: To hold an annual Pemberton Music Festival on land in the Agricultural Land Reserve (ALR) for a period of ten (10) years.

Properties:

1. PID: 007-915-179

That Part of Lot "A" Lying North of the Road Shown on Plan 20157, District Lot 210, Lillooet District, Plan 20157

Size: 7.5 ha (7.5 ha in the ALR)

Proposed Use: Campsite

2. PID: 007-915-268

Lot "B", District Lot 210, Lillooet District, Plan 20157

Size: 9.2 ha (8.9 ha in the ALR)

Proposed Use: Campsite

3. PID: 004-464-532

The Fractional North West ¼ of District Lot 211, Lillooet District, Except Plans A21, B3576, B4215, KAP59366 and KAP59592

Size: 51.2 ha (16.7 ha in the ALR)

Proposed Use: Parking

4. PID: 010-309-306

The Easterly 310 Acres more or less of District Lot 211, Lillooet District, Except Plans 9479, A21 and 39509

Size: 116.4 ha (47.2 ha in the ALR)

Proposed Use: Main Festival Site that includes the main stage, secondary stage, dance tent, barn dance tent, food & beverage operations, artist compound and camping

Area of proposal in the ALR - 80.3 ha

(Properties within the Squamish-Lillooet Regional District)

FOR CONSIDERATION
(Properties within the Village of Pemberton)

Application: #YY- 38597

Applicant: Live Nation

Local Government: Village of Pemberton

Proposal: To hold the Pemberton Music Festival on land in the Agricultural Land Reserve (ALR) for a period of ten (10) years.

Properties:

1. **PID: 013-292-021**
District Lot 766, Lillooet District
Size: 31.8 ha (31.8 ha in the ALR)
Proposed Use: Camping & parking
2. **PID: 002-606-801**
District Lot 4769, Lillooet District, Except Plan KAP44479
Size: 15.6 ha (15.6 ha in the ALR)
Proposed Use: Camping & parking
3. **PID: 002-606-780**
District Lot 4674, Lillooet District
Size: 5.6 ha (5.6 ha in the ALR)
Proposed Use: Camping & parking

Area of proposal in the ALR - 53.0 ha
(Properties within the Village of Pemberton)

Total area of proposals in the ALR - 133.3 ha

PREVIOUS APPLICATION

Application #YY- 37970

Applicant: Live Nation

Proposal: To hold the Pemberton Music Festival on land in the ALR in July 2008.

Decision: By Resolution #84/2008, dated March 12, 2008

THAT the application be allowed for the 2008 event only and be subject to the following conditions:

1. The proposed uses must be restricted to the areas outlined in the application. Satellite parking facilities and other amenities associated with the event are strictly prohibited on other ALR lands.
2. A Professional Agrologist specializing in soil reclamation must be retained
 - a. to prepare a pre-event plan to mitigate soil damage and
 - b. to oversee reclamation and to submit a closure report confirming the post event clean-up has been satisfactorily completed to an agricultural standard.
3. The Professional Agrologist's pre-event soil management plan must be submitted to the Commission for review and approval. The approved plan must be in place at least one (1) month prior to the event.

4. 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 default by the applicant.
5. The irrevocable letter of credit must be in place at least one (1) month prior to the event.

AND THAT this approval is for the 2008 event only and will not be renewed.

AND FINALLY THAT this decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

POST EVENT 2008

The Commission received a Post-Event Closure Report prepared by Pottinger Gaherty Environmental Consultants Ltd. (PGL) dated August 2008. PGL determined that activities associated with the Pemberton Festival including site preparation and post-event reclamation did not negatively impact the agricultural capability of the site or site soils. PGL also noted that pre-event activities resulted in an improvement to agricultural capability and suitability.

DISCUSSION

Preserve agricultural land

The Commission is satisfied that the applicant has demonstrated the logistical difficulties in finding a non-ALR site for the Pemberton Festival. The Commission also accepts that with proper pre-event and post-event efforts, the agricultural capability and suitability of the Pemberton Festival site will not be diminished. The Commission concluded that with proper pre-event planning and post-event reclamation overseen by a qualified Professional Agrologist, the agricultural utility of the land will not be jeopardized. Imposing these safeguards is consistent with this aspect of the Commission's mandate.

Encourage farming in collaboration with other communities of interest, and

Encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

Both the Village and Regional District have enthusiastically argued the benefits of the Pemberton Festival to the local agricultural economy. Promoting locally grown produce as well as exploring opportunities to enhance agriculture in the region have been common themes by both the Village and Regional District in expressing their support for the festival. The meeting that was held on November 5, 2008 was initiated by the Commission to ascertain the level of commitment of the parties to preserve agricultural land and enhance agriculture in the area. ALC Staff attending the meeting was satisfied with the genuine commitment of the parties to ensure the Pemberton Festival is not held to the detriment of agriculture.

While the Commission accepts these commitments it would take greater comfort in knowing that the Village and Regional District share its agricultural objectives and are prepared to actively participate in seeing that they are achieved. If the Village and Regional District are prepared to work with the Commission to preserve the agricultural integrity of the festival site as well as to identify opportunities to enhance agriculture in the area, such collaboration is considered consistent with these aspects of the Commission's mandate.

It was suggested at the November 5, 2008 meeting that perhaps a memorandum of understanding between the parties may be an appropriate method of outlining the expectations, roles and responsibilities of each party as they relate to the Pemberton Festival and the commitment to explore and facilitate the enhancement of agriculture in the region.

CONCLUSIONS

- 1. That the land under application has high agricultural capability and is appropriately designated as ALR.*
- 2. That the land under application is highly suited for a wide range of agricultural uses.*
- 3. That with appropriate safeguards the agricultural capability and suitability can be maintained.*
- 4. That the cooperation of the Village and Regional District is integral in achieving agricultural enhancements and is contingent to the Commission's favourable consideration of the proposal.*

IT WAS

MOVED BY: Commissioner Pranger

SECONDED BY: Commissioner Bose

THAT *the overall application be approved in principle.*

AND THAT *approval for the 2009 festival is subject to the following conditions:*

- 1. The proposed uses must be restricted to the areas outlined in the application. Satellite parking facilities and other amenities associated with the event are strictly prohibited on other ALR lands.*
- 2. A Professional Agrologist specializing in soil reclamation must be retained*
 - to prepare a pre-event plan to mitigate soil damage, and*
 - to oversee reclamation and to submit a closure report on or before August 30, 2009. The report must confirm the post-event clean-up has been satisfactorily completed to an agricultural standard.*
- 3. The Professional Agrologist's pre-event soil management plan must be submitted to the Commission for review and approval. The approved plan must be in place at least one (1) month prior to the event.*
- 4. 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 default by the applicant. The irrevocable letter of credit must be received by the Commission at least one (1) month prior to the event.*

AND THAT the 2009 festival is granted on the understanding that the Village and Regional District will provide written notification that they will work collaboratively with the Commission to develop and execute a tripartite memorandum of understanding which outlines the expectations, roles and responsibilities of each party as they relate to the Pemberton Festival as well as a commitment to explore and facilitate the enhancement of agriculture in the region.

AND THAT the guiding principles of the memorandum of understanding will be:

- To create a collaborative working relationship with the Commission to secure approval for the Pemberton Festival while preserving the agricultural integrity of the festival site and enhancing agriculture in the Pemberton area.
- That the lands comprising the Pemberton Festival site that are within Agricultural Land Reserve (ALR) remain in the ALR.
- That the agricultural quality of the ALR lands used by the Pemberton Festival is not diminished by festival activities.
- That in using ALR lands, the Pemberton Festival will participate in enhancing agriculture in the Pemberton area.
- That the Village and Regional District have roles to play to assist the Commission in ensuring the agricultural quality of the ALR land used by the Pemberton Festival is not diminished by festival activities.
- That the Village and Regional District have roles to play to assist the Commission in ensuring the activities associated with the festival do not significantly impact adjacent or nearby ALR lands.
- That the Village and Regional District have roles to play to assist the Commission in ensuring 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 written notification of each party's willingness to develop and execute a memorandum of understanding be received by the Commission on or before December 12, 2008.

AND THAT the memorandum of understanding will be completed and executed by the parties on or before July 1, 2009.

AND THAT once the memorandum of understanding is executed Live Nation will be permitted an additional three (3) years for the Pemberton Festival with the possibility of two (2) extensions of three (3) years each. Extensions will be subject to a joint performance evaluation by the Village, Regional District and Commission.

AND THAT with regard to all Pemberton Festival events the Commission requires a "No Footprint" approach be adopted by Live Nation so that any and all facilities, structures, equipment and roads are removed from the properties following each annual event. The existing condition of the properties as of the date of this decision form the baseline for subsequent

events and the level to which Live Nation must comply with this condition. The road built on the Ravens Crest property in 2008 may be retained for farm purposes as requested by the owner.

AND THAT *the Commission strongly recommends the Village, Regional District and Live Nation continue their dialogue with Lil'Wat Nation, Mount Currie Band to address the non-agricultural concerns expressed by the Band Council and members.*

AND THAT *the approvals contained herein are for the sole benefit of Live Nation and are not transferrable.*

AND FINALLY THAT *this decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.*

CARRIED

Resolution #726/2008 (Application #YY-38570)

Resolution #727/2008 (Application #YY-38597)

COMMISSION CONCLUSION REGARDING APPLICATION #52853

The Commission acknowledged the prior approvals for the Festival. The Commission also acknowledged that Live Nation could pursue more events, if it chose to do so, given the prior approvals.

IT WAS

MOVED BY: **Commissioner Pranger**

SECONDED BY: **Commissioner Thibeault**

THAT this decision applies to the following properties:

1. PID: 027-701-522
Lot 1, District Lot 211, Lillooet District, Plan KAP87819;
2. PID: 027-950-191
Lot 2, District Lot 211, Lillooet District, Plan EPP1353; and
3. PID: 027-950-182
Lot 1, District Lot 211, Lillooet District, Plan EPP1353.

(Hereinafter referred to as the "Properties")

AND THAT approval for the 2013 festival is granted subject to the following conditions:

- The Village providing written confirmation that it has returned its portion of the ALR application fee to the owners of the properties whose land is situated within the Regional District. Written confirmation is to be received by the Commission on or before November 30, 2012;

- The Village providing written authorization from the property owners confirming the Village as their agent. Written authorization is to be received by the Commission on or before November 30, 2012;
- The Village providing written confirmation from the property owners that the Commission's decision will be exclusive to the Village. Written confirmation is to be received by the Commission on or before November 30, 2012;
- The Village providing written authorization from the current owners of the properties associated with Application #YY-38570 (Submitted by the Squamish-Lillooet Regional District), Application #YY-38597 (Submitted by the Village of Pemberton) and from Live Nation agreeing to the Commission rescinding Resolutions #726/2008 and #727/2008 and canceling the files. Written authorization is to be received by the Commission on or before November 30, 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 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 Agricultural Land Reserve (ALR) and will remain in the ALR;
- That in using 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 the Commission will consider the request for future events after it evaluates the outcome of the 2013 Festival and receives an executed memorandum of understanding it considers acceptable;

AND THAT with regard 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;

AND THAT the approvals contained herein are for the sole benefit of the Village and are not transferrable. This condition does not preclude the Village from entering into an agreement with Live Nation or any other promoter;

AND THAT this decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

AND FINALLY THAT if the owners of the properties whose land is situated in the Regional District make a non-farm use application(s) consistent with the proposed Festival development outlined in this application, and the Regional District forwards the application(s) to the Commission, the Commission acting pursuant to section 27 of the *Agricultural Land Commission Act* hereby delegates to its Chief Executive Officer, the authority to approve the application(s) based on the criteria that the approval(s) will be subject to the terms and conditions contained in this decision. For greater clarity, this delegation is specific to an application(s) involving:

- PID: 007-915-268
Lot “B”, District Lot 210, Lillooet District, Plan 20157; and
- PID: 007-915-179
That Part of Lot “A” Lying North of the Road Shown on Plan 20157; District Lot 210, Lillooet District, Plan, Plan 20157

If the Chief Executive Officer considers that the application(s) does not meet the established criteria, or for any other reason does not wish to approve the application, the application must be referred to the Commission for a decision.

CARRIED
Resolution #327/2012

PEMBERTON MUSIC FESTIVAL
MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding, dated for reference as June 18, 2015, is

BETWEEN:

VILLAGE OF PEMBERTON

7400 Prospect Street, Pemberton, BC, V0N 2L0

(the "Village")

AND:

SQUAMISH-LILLOOET REGIONAL DISTRICT

1350 Aster Street, Pemberton, BC, V0N 2L0

(the "Regional District")

AND:

PROVINCIAL AGRICULTURAL LAND COMMISSION

Room 133-4940 Canada Way, Burnaby, BC, V5G 4K6

(the "Commission")

The Village and the Regional District (together, the "Local Jurisdictions") and Commission are to enter into a Memorandum of Understanding 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 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")

TERMS

1. There will be a collaborative working relationship among the Local Jurisdictions and the Commission to pursue the implementation of the Decisions of the Commission for the use of lands within the ALR for the Festival while preserving the agricultural integrity of the Festival Site and enhancing agriculture in the Pemberton Valley.
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 also support preservation of the agricultural capability and suitability of the Festival Site and the enhancement of agriculture in the Pemberton Valley as well as supporting the retention of the Festival Site within the ALR.
3. The Local Jurisdictions and the Commission agree that should future elected boards or councils opt out of this Memorandum of Understanding the memorandum and the Decisions of the Commission will expire.
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 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.
6. The Local Jurisdictions, with the support of the Commission, will ensure that the use of the Festival Site for the Festival is consistent with the Decisions of the Commission.
7. The Local Jurisdictions, with the support of the Commission, will ensure that the Festival employs a "no footprint" approach and leaves "no trace", meaning all facilities, structures, equipment and roads and any other amenity constructed for the Festival are removed from the Festival Site after each Festival.
8. The Local Jurisdictions and the Commission will engage in further dialogue with the selected promoter of the Festival (the "Promoter") to enhance agriculture in the Pemberton Valley.
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.
10. The Local Jurisdictions, with the support of the Commission, will ensure that the Festival enhances agriculture in the Pemberton Valley as determined by the Local Jurisdictions and the Commission.
11. The Local Jurisdictions acknowledge that the Decisions of the Commission require performance by the Promoter to enhance agriculture in the Pemberton Valley as determined by the Local Jurisdictions and the Commission throughout the term(s) of approval.

12. The Local Jurisdictions acknowledge that if the Promoter chooses not to participate in enhancing agriculture in the Pemberton Valley as determined by the Local Jurisdictions and the Commission, or chooses to enhance agriculture in the Pemberton Valley as determined by the Local Jurisdictions and the Commission but fails to pursue or implement the enhancements, that this Memorandum of Understanding and the Decisions of the Commission will expire.
13. The Local Jurisdictions will engage in dialogue with the Lil'wat Nation to address societal concerns regarding the Festival expressed by the Lil'wat Council and members.
14. The common understanding of the Local Jurisdictions and the Commission as set out in this Memorandum of Understanding will continue for each annual Festival to be held in the years 2015 to 2020 inclusive unless otherwise discontinued by either the Local Jurisdictions or the Commission as stipulated herein, or as set out in the Decisions of the Commission.
15. The Local Jurisdictions and the Commission, for certainty, confirm that the Festival as defined by this Memorandum of Understanding refers only to that event as proposed by the Local Jurisdictions, Festival Site landowners and their assignees that was approved by the Decisions of the Commission.
16. The Local Jurisdictions and the Commission each acknowledge and agree that the Memorandum of Understanding is not legally binding and creates no legal obligations on the Local Jurisdictions or the Commission. It does, however, express the good faith intentions of the parties to proceed in accordance with its terms.

DISPUTES UNDER THIS MEMORANDUM OF UNDERSTANDING

The Local Jurisdictions and the Commission will make every effort to resolve disputes in a consultative and collegial manner. In the event the parties cannot agree on the manner in which the dispute will be resolved, the Commission will make the final determination to resolve the dispute.

GENERAL

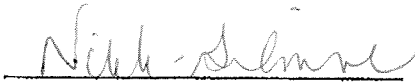
1. With the agreement of the Local Jurisdictions and the Commission, this Memorandum of Understanding may be amended from time to time.
2. Communication, administration and the costs associated with executing this Memorandum of Understanding will be borne individually by the respective parties.
3. This Memorandum of Understanding becomes effective upon execution by the Local jurisdictions and the Commission.
4. This Memorandum of Understanding will remain valid for the period from 2015 to 2020 inclusive unless it expires as stipulated herein. For certainty, the Memorandum of Understanding will have no further force or effect 90 days following the last day of the 2020 Festival.
5. No extension to the term of approval for the Festival can be made under the Decisions of the Commission.

VILLAGE OF PEMBERTON

By its authorized signatories:



Mayor *Mike Richman*



Chief Administrative Officer

Nick Gilmore

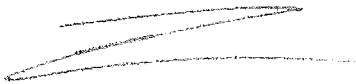
Date: *July 14,* 2015

SQUAMISH-LILLOOET REGIONAL DISTRICT

By its authorized signatories:



Chair, *Scott Crumpton*



Chief Administrative Officer, *Lynda Ryan*

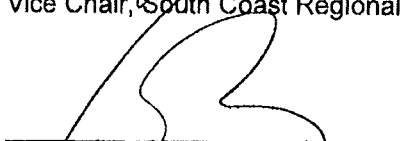
Date: *June 19*, 2015

PROVINCIAL AGRICULTURAL LAND COMMISSION

By its authorized signatories:



Bill Zymars
Vice Chair, South Coast Regional Panel



Colin Fry
Chief Tribunal Officer

Date: *JUNE 18*, 2015

Ministry of Agriculture Referral Response

Re: McLeod/Phare ALC Non-Farm Use Application

April 12, 2016

Hello Claire,

Thank you for allowing Ministry staff to review this application for a non-farm use for parking and camping on two parcels of land for the Pemberton Music Festival.

We have reviewed the information provided and are not in favor of the proposal for the following reasons:

- We are concerned about the extent of non-farm use in Pemberton and this application considerably extends the footprint of the Festival on ALR lands. The Agriculture Land Use Inventory (ALUI) for Pemberton showed that there was a shortage of land for farmers to carry out their required rotations for seed potato production. Since then there have been many new farmers move into the area and they are struggling to find sufficient lands to lease. Clearing land for agriculture may help alleviate some of these problems, but not when the land is then tied up in non-farm use.
- The ALR in Pemberton already has a large amount of land tied up in non-farm use. Pemberton farmlands are only 6,166 ha in extent for all privately owned land in the ALR and land in the ALR in Indian Reserves. If Reserve land is not counted, the land base for agriculture in Pemberton is 5,423 ha. This is a small amount of farmland in an isolated area on which to base a thriving agriculture sector and loss of function or use of land to non-farm use has a significant impact.
- 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. If the agriculture sector is to thrive in Pemberton and continue to be an important economic contributor to the local community and region, and contributor of high quality local food, it needs a land base on which to function.
- This proposed non-farm use considerably extends the amount of land tied up for the Pemberton Festival.
 - By SLRD estimates, a total of 182 ha are already in use for the Festival, about 11% of the ALR in private land and in Indian Reserves.
 - We understand that the two parcels make up 41 ha in total which is a considerable expansion of the amount of land in the ALR that is tied up for the use of the festival, which would, if approved use 223 ha, making up about 13% of the ALR in private land and Indian reserves. This is a significant impact in land area that is compromised in its agriculture use due to non-farm use.

- 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. In short, the area proposed for the non-farm use is superb agricultural land and suitable for a wide range of crops already present in the Pemberton area, including seed potato production and direct market vegetable production, among others.
- The proposed activities include parking and camping, with infrastructure such as lights installed. If it rains, then the site managers will desire to put in gravel or other material to provide a better base for these activities. The activities proposed will have the impact of compacting the soil over time. Garbage, broken glass, needles and other debris may render the site unfit for proposed activities such as haying or grazing of animals.
- 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?

Regards,

Kim Sutherland, P.Ag., M.Sc.

Regional Agrologist/Coastal Region/(604) 556-3073

www.gov.bc.ca/agriservicebc/1-888-221-7141

Alison Fox, P.Ag.

Land Use Agrologist

Strengthening Farming Program

BC Ministry of Agriculture

604 556-3106

Alison.Fox@gov.bc.ca

Ministry of Agriculture – Additional Comments

Re: McLeod/Phare ALC Non-Farm Use Application

April 20, 2016

Hello Claire,

I have some additional comments on the proposed parking lot and campground at 1691 Sea to Sky Hwy and 7312 MacRae Road after viewing the site:

- 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.
- It appears as though the expectation of the ALC is that the site be used for hay before and after the event, and there appear to be differing opinions on whether this is being done or not. 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.

If you have any questions or concerns, please do not hesitate to contact us.

Regards,

Kim Sutherland, P.Ag., M.Sc.

Regional Agrologist/Coastal Region/(604) 556-3073

www.gov.bc.ca/agriservicebc/1-888-221-7141

Alison Fox, P.Ag.

Land Use Agrologist

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BC Ministry of Agriculture
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Ministry Mission: World leading stewardship of land, farm and food systems for the health and prosperity of British Columbians

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Squamish-Lillooet Regional District

DRAFT Minutes of an Electoral Area C Agricultural Advisory Committee (AAC) Meeting of the Squamish-Lillooet Regional District held in the Squamish-Lillooet Regional District office, Pemberton BC, on Wednesday April 13, 2016 at 7:00 PM.

In attendance:

Committee: R. Kuurne, D. Helmer, D. Tanner, S. McIsaac, S. Casavant, J.J. Berggren, C. Gilmore, S. Gimse, R. Lincks

Staff: I. Holl, SLRD Planner, C. Daniels, SLRD Planner, K. Needham, SLRD Director of Planning & Development, L. Flynn, SLRD CAO Agrologist

Others: R. Mack, SLRD Electoral Area C Director, K. Sutherland, Ministry of Agriculture Regional Agrologist, J. Helmer, Village of Pemberton Councillor, N. Gilmore, Village of Pemberton CAO, G. Macleod (as applicant), Cam McIvor (as agent), 1 member of the public

Regrets: N. Vankerk

1	Call to Order
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R. Kuurne called the meeting to order at 7:12 pm.

2	Approval of Agenda
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R. Kuurne requested that an item be added to the agenda prior to the discussion of the non-farm use application. She wanted I. Holl to explain and clarify the differences between non-farm use applications and temporary use permit applications, as well the different approval processes.

It was moved and seconded:

THAT the Agenda be approved as amended.

CARRIED

3	Minutes of Previous Meeting
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November 4, 2015

R. Kuurne noted an issue with the minutes of November 4, 2015 regarding the income from agritourism piece. She noted that the intent of the AAC discussion was that a new/developing farm would have an opportunity to earn a greater percentage of its income from agritourism for an initial period. This would be no different between small or big farms starting up, and would last until the farm is established or five years have elapsed, whichever was earlier.

It was moved and seconded:

THAT the Minutes of the previous meeting be amended as discussed.

CARRIED

The amended minutes will be brought back to the AAC at its next meeting for approval.

4	Business Arising from the Minutes
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None

5	New Business
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1. Non-farm use application vs. temporary use permit application

I Holl explained the differences between non-farm use applications and processes as compared to temporary use permit (TUP) applications and processes.

Non-farm use applications

A non-farm use application is required for any use that is not currently permitted under ALR regulations. Local governments are not allowed to permit non-farm uses in a zoning bylaw without a corresponding non-farm use approval and an approved local government application. Non-farm use applications are a combined local government and Agricultural Land Commission (ALC) process where the application is reviewed by the local government first. If the local government has zoning in place for the ALR then the local government can make the final decision on a denial of a non-farm use application. If the local government chooses to deny the application they can choose to not proceed to the ALC. A local government whether they support a non-farm use application or not, may forward it to the ALC for their decision. If the ALC approves a non-farm use application, the uses in that application cannot occur until a local government has approved a corresponding TUP or rezoning application. Even if the ALC has approved a non-farm use application, a local government could decide to not approve a TUP or rezoning application, and the proposed uses could not occur.

Temporary use permit applications

The TUP application is a permit process at the local government level that considers allowing uses that are not currently permitted in a zoning bylaw or in a specific zone within the bylaw that applies to a parcel. TUPs can be issued for three years with the possibility of another three year renewal. There is a public notification process similar to a rezoning application though there is no requirement for a public hearing as there is with a rezoning application. As a local government cannot permit by default any non-farm uses in the ALR, a non-farm use application would be required in association with a TUP or rezoning application.

R. Kuurne gave the AAC members five minutes to review the additional information received at the meeting.

2. Non-farm use application for two properties – parking and camping uses associated with the Pemberton Music Festival

- a. The SLRD has received a non-farm use application for the following two properties to provide a mix of parking and camping uses for the 2016 Pemberton Music Festival.
 - i. PID 013-256-378
 1. Applicants: Geoff & Brenda McLeod
 2. Owners on title: Brenda McLeod & Marion Ayers
 3. Agent for applicants: Cam McIvor
 - ii. PID 009-810-382
 1. Applicants: Garth and Valerie Phare
 2. Owners on title: Garth and Valerie Phare
 3. Agent for applicants: Cam McIvor
- b. Additional information was made available in a hardcopy package to AAC members. It included additional information from the applicant, referral responses from the Ministry of Agriculture and the Ministry of Forests, Lands, and Natural Resource Operations and written questions from a member of the public. This information was also in a presentation given to the AAC by C. Daniels.

C. Daniels gave a presentation on the non-farm use application that includes both the McLeod and Phare properties. The presentation reviewed the additional information received after the original agenda and staff report had been sent out. It was noted that while further information has been received from the applicant, there are still a number of outstanding issues and details for both properties involved in the application. A member of the public had also submitted questions to the AAC and SLRD, which were included in the presentation.

Following the presentation, AAC members discussed how to approach the application. The committee discussed big picture issues around the MOU signed between the ALC, the Village of Pemberton and the SLRD, and the current size and extent of the festival in the ALR. AAC members noted that the south side of the McLeod property that has been cleared is now viable farmland, and that the north part has been used agriculturally in the past. This was raised as a positive development for farming.

While some committee members noted that tractors and trailers are driven over land with few compaction issues, other members noted that there could be quite a difference between that and thousands of automobiles parked on there. Issues of pollution from automobiles affecting the soil and groundwater, and nearby wells were also raised.

The committee members discussed the proposed surfacing materials, and noted that they would be concerned if any gravel was brought onto the site for parking purposes. AAC members noted that they would not support any gravel or other fill brought in for surfacing purposes.

While the AAC members acknowledge the new land made available for agriculture, they questioned the expansion plans for the festival and why more ALR land was needed for parking, given that the festival seemed to be running smoothly in 2015. C. McIvor, agent for the applicant noted that 2015 was a good year for the festival and that operational plans

made the traffic (and other issues) much more manageable compared to 2008. Some committee members raised a concern about the possible change in traffic plans and continued expansion in terms of numbers and vehicles, and what effects that would have on the area.

K. Sutherland spoke about her referral response to the SLRD regarding the proposed non-farm use application. She noted that there is a very small arable land base in the Pemberton Valley, and that farmers should be reasonably unconstrained to pursue markets and gain access to land. She stated that non-farm uses of any sort take away from that, and act as constraints on agriculture, farmers, and farmland. While it was acknowledged that hay is a needed crop in Pemberton, the presence of the festival and proposed non-farm uses effectively removes large quantities of prime arable land from any agricultural production other than hay.

Following on the previous concerns regarding land degradation and parking, the question was raised by members regarding what options are available for surfacing if it rains. C. McIvor, agent to the applicant, noted that the proposed surfacing of oats would remain with no plans for gravel. He noted that if a heavy rain were to occur, they would extract vehicles by tow truck.

As a result of the discussion, and some of the issues raised by the committee, the AAC members considered making recommendations regarding the application. A motion was made to support Option 3 as outlined in the staff report (conditional support of the application). A number of conditions were discussed and incorporated into the motion.

MOTION 1

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.

D. Helmer, S. McIsaac, S. Casavant opposed.

CARRIED

AAC members briefly discussed the possibility for more opportunities to focus on agriculture and agricultural education at the festival.

6	Correspondence
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None

7	Late Items
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See details above.

8	Next Meeting / Adjournment
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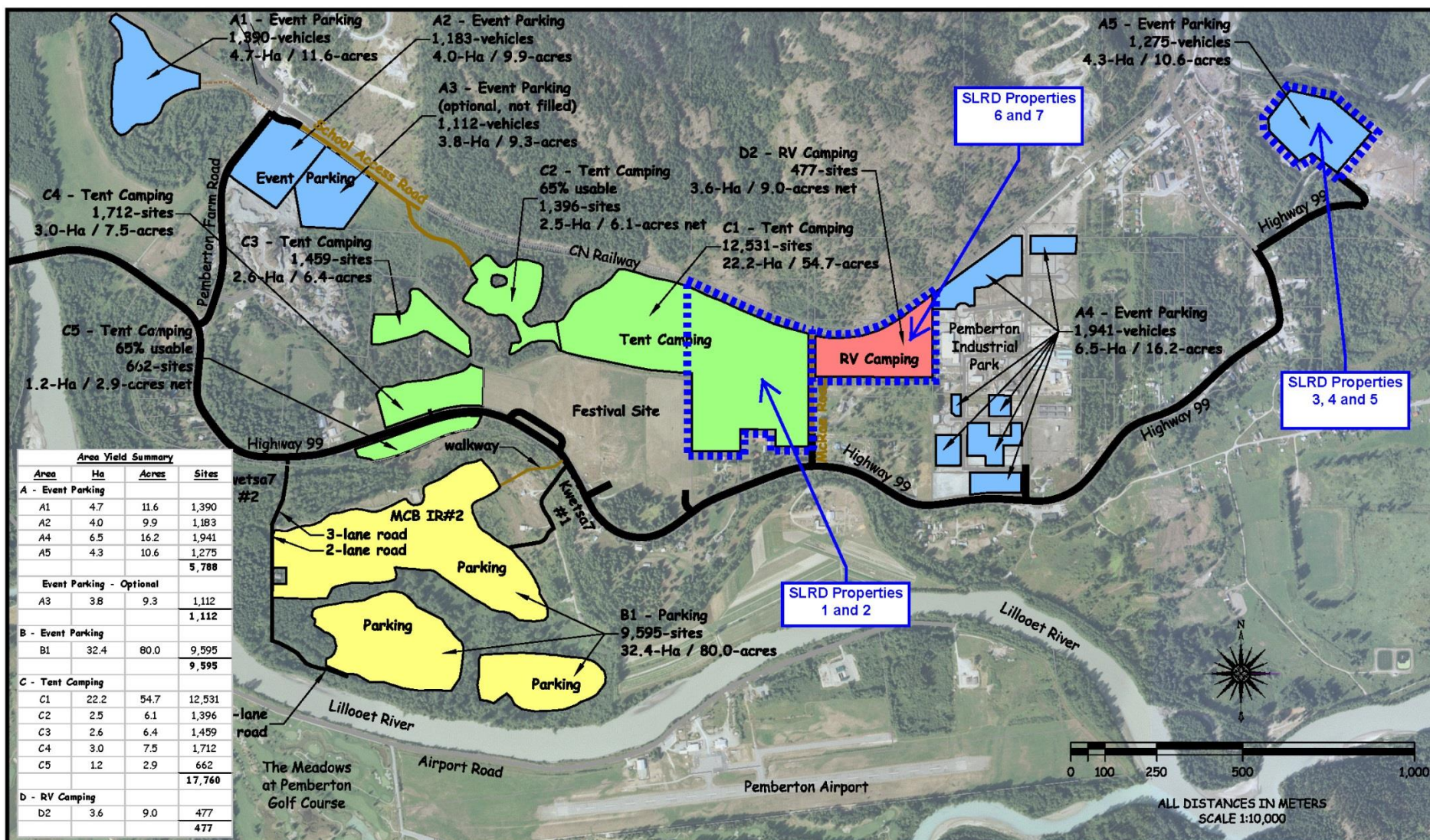
A next meeting has not been determined at this time though it could be in May to consider the TUP applications following up on the non-farm use application discussed tonight.

Adjournment: The meeting adjourned at 9:09 pm

R. Kuurne
Chair

I. Holl
Planner – Recording Secretary

CURRENT SCOPE (2015)



[illegible]

THE PLANS AND DESIGNS OF THE "FESTIVAL ARE SOLE PROPERTY OF HUKA ENTERTAINMENT LLC (HEREINAFTER CALLED "HUKA") AND MAY NOT BE REPRODUCED, CHANGED OR USED BY ANYONE, IN PART OR WHOLE, WITHOUT THE WRITTEN PERMISSION FROM A COMPANY OFFICER OF HUKA, ANY DESIRED DEVIATIONS TO THIS PLAN MUST BE APPROVED VIA WRITING OR EMAIL BY HUKA BEFORE SUCH CHANGES ARE MADE. THE FESTIVAL SETUP AND LAYOUT IS SUBJECT TO CHANGE.

Appendix I

Email sent Thursday March 31, 2016

Subject: Pemberton Music Festival – Non-Farm Use Application and TUP Application

Hello David and Eammon,

SLRD staff have been expressing the need to submit the required ALC Non-Farm Use and Temporary Use Permit Applications with the Pemberton Music Festival representatives for some time. The SLRD has now received (received March 30, 2016) the application fees for these applications, but has yet to receive the applications themselves.

Given the recent correspondence regarding the ALC Non-Farm Use Application, SLRD staff can offer the following timeline as a best case scenario for processing the ALC Non-Farm Use and Temporary Use Permit Applications. This timeline presumes a maximum 44 day turnaround by the ALC (application referred on April 27th and decision made in time for June 10th advertising)

Action	Date(s)
Receive applications	April 4 th –deadline for application submission
Staff review application and prepare information report to Area C Agricultural Advisory Committee (AAC); schedule AAC meeting.	Week of April 4 th
ACC Meeting (not currently scheduled)	Week of April 11 th
Staff prepare Board report, with AAC comments; agenda goes to the Board on April 21 st .	Week of April 18 th
SLRD Board receives report and makes recommendation to ALC (in this report, SLRD advise the Board of an upcoming possible TUP application, pending a positive ALC decision)	April 27 th Board meeting
ALC makes decision on Non-Farm Use Application	Dependent on ALC processing/decision-making for timing
Notification of TUP Application put in newspaper and sent to neighbours (advertisements must be prepared by June 10 th)	As required by Local Government Act, provide Notice in June 16 th newspaper and mail out to neighbours
SLRD Board Resolution re TUP	June 22 nd Board meeting
Pemberton Music Festival	July 14-17

Should you have any questions or concerns, please do not hesitate to get in touch.

Kind regards,

Claire