



REQUEST FOR DECISION
Temporary Use Permit No. 48
(Pemberton Music Festival - Additional
Parking)

Meeting Date: March 15, 2017

To: SLRD Board

Applicants: Brenda McLeod and Marion Ayers, PID 013-256-378

Agent: David Buttery/Pemberton Music Festival, LP; Cam McIvor/Festival Company Ltd.

Location: Rural Pemberton, Electoral Area C

Legal Descriptions: PID: 013-256-378; DL 213, LLD, Except Plan 35687.

OCP Designation: Agriculture (Area C OCP Bylaw No. 689, 1999)	Zoning: Agriculture (Area C Zoning Bylaw No. 765, 2002)	ALR Status: In the ALR	Development Permit Areas: Riparian Area Regulation
---	--	----------------------------------	--

RECOMMENDATION:

1. THAT the Board approve Temporary Use Permit No. 48 to Brenda McLeod and Marion Ayers for a three-year term and that the permit be issued, conditional on the continued approval by the Agricultural Land Commission of the related Non-Farm Uses for years 2018 and 2019;
2. THAT the Chief Administrative Officer be authorized to execute Temporary Use Permit No. 48; and
3. THAT the Chief Administrative Officer be authorized to review, negotiate and sign a revised Pemberton Music Festival Memorandum of Understanding ("MOU") with respect to the properties that are the subject of Temporary Use Permits No. 47 and No. 48. If any additional liability issues to the SLRD are created as a result of the revisions to the MOU, the MOU will be brought back to the Board for their approval.

KEY ISSUES/CONCEPTS:

The SLRD received a TUP Application for additional temporary parking associated with the Pemberton Music Festival (PMF). The subject TUP Application is specific to PID: 013-256-378, DL 213, LLD, Except Plan 35687 (McLeod/Ayers property) (See Appendix A, Schedule 1: Subject Property Map) and has been submitted in addition to the renewal issued for TUP No. 47.

PROPERTY	PERMITTED LAND USE	TERM
PID: 013-256-378; DL 213, LLD, Except Plan 35687 (McLeod/Ayers Property)	In addition to the existing provisions of TUP No. 47, which allows for up to 6,000 weekend parking spaces: the Subject Property shall be used for parking to the capacity of the Subject Property, adhering to a 30 metre riparian setback.	3 years* (2017, 2018, 2019) *this TUP is issued subject to the securing of an extension from the Agricultural Land Commission for related Non-Farm Uses, as per resolutions #327/2012 and #395/2012

Application:

- The SLRD Board approved the renewal of TUP No. 47 - which renewed the existing PMF TUP No. 32, TUP No. 45, and TUP No. 46 on February 15, 2017.
- Under TUP No. 47 (Renewal) up to 6,000 weekend parking spaces are permitted on the Subject Property.
- TUP No. 48 will allow for additional parking spaces to the capacity of the Subject Property during the five days of the Festival.
- From previously submitted site plans, it appears the Subject Property can accommodate up to 12,000 parking spaces while adhering to the 30-metre Riparian Area setbacks.
- As per the SLRD TUP Policy, TUP renewal applications must be substantially the same as the original TUP; thus, the proposed increase of parking (a potential increase of 100%) required consideration under a new TUP.

PMF Memorandum of Understanding:

- As the revised Pemberton Music Festival Memorandum of Understanding (to reflect the use of the Properties as part of the Festival site; and 2. has yet to be approved and signed by the Agricultural Land Commission (ALC), this report includes a recommendation providing authority to the CAO to continue with this process.

Public Process:

- As required by the Local Government Act (LGA), Notice (neighbour notifications and advertisement) has been provided for TUP No. 48.
- Area C AAC reviewed and provided input, including a motion of support.

RELEVANT POLICIES:

Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002
Electoral Area C Official Community Plan Bylaw No. 689, 1999
Pemberton Valley Agricultural Area Plan
ALC Act and ALR Use, Subdivision and Procedure Regulation

BACKGROUND:

Application

In June 2016 the SLRD Board approved TUP No. 45 for a one-year period expiring July 2016. This TUP allowed for up to 6,000 weekend parking spaces. The SLRD received an application to renew TUP No. 45 and on February 15, 2017 the SLRD Board resolved to renew TUP No. 45, along with TUP No. 32 and TUP No. 46 (now combined under TUP No. 47). In addition to the renewal of TUP No. 45, a new TUP application was required to address the proposed additional

parking. As per the SLRD TUP Policy, TUP renewal applications must be substantially the same as the original TUP. As the original application proposed an increase of 3,900 weekend parking spaces (an increase of 65%), this required consideration under a new TUP.

At the February 15, 2017 SLRD Board meeting an Information Report regarding TUP 47 and TUP 48, including draft TUPs, was brought to the Board for input. At this meeting the Board resolved to issue TUP No. 47 and made the below resolution regarding TUP 48.

Board Resolution of February 15, 2017:

THAT draft Temporary Use Permit #48 be revised to:

- *delete the limit of 3,900 weekend parking spaces so as to have no maximum number of parking spaces;*
- *extend the term from a 1 year term to a 3 year term; and*
- *contain language that after the first year of the renewal term (i.e. 2017), the Pemberton Music Festival must secure the continued approval (i.e. extension) of the Agricultural Land Commission (ALC) for the related Non-Farm Uses, recorded as ALC resolutions #337/2012, #395/2013 and #241/2016 for the Temporary Use Permit to be in effect.*

THAT staff undertake the statutory requirements pursuant to the Local Government Act in respect of draft Temporary Use Permit #48.

As per the Board resolution above, TUP No. 48 has been amended to permit *parking to the capacity of the Subject Property, adhering to a 30 metre riparian setback*. From previously submitted site plans, it appears the Subject Property can accommodate up to 12,000 parking spaces while adhering to the 30-metre Riparian Area setbacks. Additionally, TUP No. 48 is for a three year term and the ALC extension language has been added (see below).

ALC Requirement for Extension of Non-Farm Use

SLRD and Village of Pemberton staff met with the Agricultural Land Commission (ALC) on February 14, 2017 to discuss the PMF Memorandum of Understanding as well as outstanding conditions related to previous resolutions of the Commission. Staff were informed that the 2017 edition of the PMF was as per the initial issuance of the ALC Non-Farm Use resolutions and that a Non-Farm Use extension request would be required for future festivals (i.e. 2018 and 2019). In order for the SLRD and Village of Pemberton to issue the PMF renewal TUPs for a 3 year term, the below language was added to TUP No. 47 and TUP No. 48, as per the Board's February 15, 2017 resolutions.

This TUP, as it applies to properties within the Agricultural Land Reserve, is issued subject to the continued approval from the Agricultural Land Commission for the related Non-Farm Uses, recorded as resolutions #327/2012, #395/2012, #259/2013 and #241/2016, and compliance with the conditions therein. For greater clarity, for the years 2018 and 2019 the Agricultural Land Commission has not granted approval for related Non-Farm Uses and therefore, for the years 2018 and 2019, this TUP is issued subject to the securing of an extension from the Agricultural Land Commission for related Non-Farm Uses, as per resolutions #327/2012 and #395/2012. If such Agricultural Land Commission extension is not secured by the applicants, then this TUP is not in effect for the years 2018 and 2019.

ANALYSIS:

Conditions

- The conditions of TUP No. 48 are the same as the conditions included in the approved TUP No. 47.
- See Appendix A (Draft TUP No. 48) for details.

Traffic Analysis Study

TUP No. 47 and TUP No. 48 have been referred to the Ministry of Transportation and Infrastructure (MOTI). MOTI may require a traffic analysis study as part of their review and approval of the related Transportation Management Plan. Note that the receipt of all applicable permits from MOTI is a condition of both TUPs.

Monitoring Report

As previously required under TUP 32, 45 and 46 Pemberton Music Festival, LP are required to submit a monitoring report on the 2017, 2018 and 2019 events addressing any significant issues and/or challenges that were realized prior, during and following the event. The report should also include recommended mitigation of such issues for improvement for future festivals. **The Board may wish to direct staff to require that this Monitoring Report address any contamination issues - the 2016 Post-Event Closure Report prepared by PGL Consultants did not speak to contamination and this has been repeatedly raised as a concern by the Areas C Agricultural Advisory Committee and Ministry of Agriculture.** Additionally, the ALC has communicated they wish to see agricultural infrastructure improvements for all the ALR lands occupied by the PMF.

Special Event Permit

A Special Event Permit is also required, which will be dealt with separately, and which will include a Special Event Plan approved by the SLRD Emergency Program Manager.

Neighbour Notifications:

Neighbour Notifications have been provided to tenants and owners, as per the SLRD Temporary Use Permit Policy and the *Local Government Act*.

Responses noted concerns around an extra 6,000 vehicles travelling on Highway 99 and the resulting congestion on the highway and in town. The impacts to greenhouse gas emissions of this increase in vehicles was also identified and it was suggested that festival operators should “think outside the box” and come up with better traffic solutions, such as buses. The increase in numbers was also raised as a key concern, as well as more general concerns around garbage/waste generated and left, misuse of surroundings and traffic congestion.

See Appendix C for full responses.

Agricultural Advisory Committee (AAC)

As the subject TUP pertains to properties within the Agricultural Land Reserve (ALR), the TUP No. 48 Application was referred to the Area C AAC for comments. See Appendix D for Meeting Minutes. Discussion items included:

- Concerns regarding the festival and the continued pressure on the AAC to consider and make incremental decisions with limited information on the final objectives and capacity of the whole festival.
- Potential for soil contamination from parked vehicles was briefly raised again as a continuing concern, especially in light of the removal of any maximum number of vehicles (potential 12,000 vehicles to be parked).
- Several AAC members noted that they still did not think the risks had adequately been addressed, especially in light of the significant increase in parking.
- Some AAC members indicated that they were expecting the opportunity to comment on both TUP applications before the Board approved them and expressed concern that TUP No. 47 had been approved without their comments being provided, and that their purpose as an SLRD advisory committee was not being taken into consideration.

At the February 22, 2017 Area C AAC meeting, the following motion was passed:

That it be recommended to the SLRD Board:

THAT TUP No. 48 be supported as proposed.

REGIONAL IMPACT ANALYSIS:

Many of the SLRD's policies are regional in nature, as is the Pemberton Music Festival, given the transportation, economic, emergency services and other regionally significant aspects of the Pemberton Music Festival. The impacts of having an additional 6,000 vehicles accessing and egressing the subject site have not been proven out through a traffic study at this time.

OPTIONS:

Option 1

Approve TUP No. 48 and issue the permit, and authorize the CAO to sign the TUP, and authorize the CAO to review, negotiate and sign a revised Pemberton Music Festival MOU with respect to the properties that are the subject of the TUPs.

Option 2

Approve TUP No. 48 with additional conditions as determined by the Board.

Option 3

Do not approve TUP No. 48 and refer back to staff for more information.

Option 4

Reject the TUP No. 48 application.

Option 5

Any iteration of the above options.

PREFERRED OPTION: Option 1 or 2.

FOLLOW UP ACTION:

Any additional actions, as per Board direction.

ATTACHMENTS:

Appendix A: Temporary Use Permit No. 48

Appendix B: [Temporary Use Permit Application \(No. 48\)](#) (link to Current Projects page)

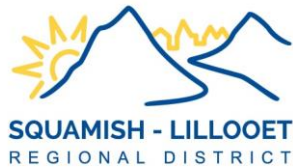
Appendix C: Neighbour Notification Responses

Appendix D: Area C AAC Minutes – February 22, 2017

Prepared by: C. Daniels, Planner

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

Approved by: L. Flynn, Chief Administrative Officer



TEMPORARY USE PERMIT TUP NO. 48

ISSUED TO:

Brenda McLeod and Marion Ayers
PO Box 4
Pemberton, BC
V0N 2L0
Acting Agent: Cam McIvor Owners have authorized <i>Cam McIvor and or a representative of Festival Land Company Ltd.</i>

(hereafter the Permittees)

1. This Temporary Use Permit ("TUP") is issued subject to compliance with all of the Bylaws of the Squamish-Lillooet Regional District (SLRD) applicable thereto, except those specifically varied or supplemented by this TUP.
2. This TUP applies to those lands within the SLRD described below and any and all buildings, structures, and other development thereon (the "Subject Property"):

PID: 013-256-378; DL 213, LLD, Except Plan 35687

The Subject Property is identified on the Subject Property Map, attached as **Schedule 1** and forming a part of this TUP.

3. In addition to the existing provisions of:
 - 1) Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002 as amended from time to time ("Bylaw No. 765, 2002"), or any bylaw replacing Bylaw No. 765, 2002; and
 - 2) Temporary Use Permit No. 47, which allows for up to 6,000 weekend parking spaces:

the Subject Property shall be used for weekend parking spaces (no in and out parking privileges once a vehicle is parked except in the case of emergency) to the capacity of the Subject Property, adhering to a 30 metre riparian setback.
4. Uses permitted under section 3 of this TUP shall be subject to the following conditions:
 - a) This TUP, as it applies to properties within the Agricultural Land Reserve, is issued subject to the continued approval from the Agricultural Land Commission for the related Non-Farm Uses, recorded as resolutions #327/2012, #395/2012, #259/2013 and #241/2016, and compliance with the conditions therein. For greater clarity, for the years 2018 and 2019 the Agricultural Land Commission has not granted approval for related Non-Farm Uses and therefore, for the years 2018 and 2019, this TUP is issued subject to the securing of an extension from the Agricultural Land Commission for related Non-Farm Uses, as per resolutions #327/2012 and

- #395/2012. If such Agricultural Land Commission extension is not secured by the applicants, then this TUP is not in effect for the years 2018 and 2019.
- b) All conditions of the Agricultural Land Commission resolutions #327/2012, #395/2012, #259/2013 and #241/2016 attached as **Schedule 2** and forming a part of this TUP, are required to be met as a condition of this TUP;
 - c) Any additional requirements or conditions of the Agricultural Land Commission regarding the Pemberton Music Festival with respect to the Subject Property are required to be met as a condition of TUP No. 48.
 - d) The Permittees, or their designate, Pemberton Music Festival, LP, shall comply with the recommended measures of Cascade Environmental Consultants as specified in their memorandum of June 2, 2016, identified on **Schedule 3** attached hereto and forming a part of this TUP;
 - e) The Permittees, or their designate, Pemberton Music Festival, LP shall engage a professional to take aerial photographs of the Subject Property on the Saturday the festival is underway, in 2017, 2018 and 2019, between 3 pm and 4 pm. Such photos should show the property to a level of detail that it is possible to count the number of parked vehicles. Aerial photographs must be submitted to the SLRD within 14 days after each of the 2017, 2018, and 2019 events;
 - f) All land areas used for temporary uses under this TUP shall be returned to their previous state (i.e. agricultural use), as applicable, within a reasonable time period after the last day of the 2017, 2018, and 2019 events;
 - g) A report shall be prepared by a qualified professional as of the last day in July 2017, July 2018, and July 2019, that the Subject Property has been used as described under this TUP, to verify that the temporary use area under this TUP is free of fuel or hazardous materials contamination and refuse, and restored as reasonably as possible to the same condition as it was on the commencement date of the TUP. This report must be submitted no later than August 31, 2017, August 31, 2018, and August 31, 2019.
 - h) Where land clearing activity is proposed during the nesting period for the area (between March 12 and August 17, 2017, 2018 and/or 2019), a QEP shall conduct a breeding bird survey within seven days of the proposed clearing to assess the presence of breeding birds;
 - i) In accordance with the federal Migratory Birds Convention Act and section 34 of the provincial Wildlife Act, which states that a protected bird or its egg, or the occupied nest of a protected bird or its egg, may not be destroyed, active nests shall be protected by a suitable buffer;
 - j) Notwithstanding sections 4(h) and (i), the nest of a, raptor, owl, or heron shall be provided with a suitable buffer of undisturbed vegetation whether occupied or not, in accordance with the provincial Guidelines for Raptor Conservation and Develop with Care guidelines;
 - k) A Waste Management Plan must be approved by the SLRD Director of Utilities and Environmental Services at least (3) months prior to the start of the 2017 event, as a condition of this permit. At least three (3) months prior to the 2018 and 2019 events, the Permittees or Pemberton Music Festival, LP, must submit an updated Waste Management Plan to the satisfaction of the SLRD Director of Utilities and

Environmental Services; All guidelines of the Waste Management Plan must be met prior to, during and after the 2017, 2018 and 2019 events;

- l) The Permittees or their designate, Pemberton Music Festival, LP, must receive all of the applicable permits from the Vancouver Coastal Health Authority with respect to the use of the Subject Property under this TUP for the 2017, 2018, and 2019 events;
 - m) The Permittees or their designate, Pemberton Music Festival, LP, must receive all of the applicable permits from the Ministry of Transportation and Infrastructure with respect to the use of the Subject Property under this TUP for the 2017, 2018, and 2019 events;
 - n) The SLRD shall receive confirmation in writing from Pemberton Music Festival, LP that they will submit a monitoring report on the event addressing any significant issues and/or challenges that were realized prior, during and following the event. The report should also include recommended mitigation of such issues for improvement for future festivals; and
 - o) Should the Permittees or their designate, Pemberton Music Festival, LP request to change the date of the 2017, 2018 and/or 2019 events, the festival dates will not vary more than 2 weeks from the 2014 event dates.
- 5. Any costs incurred with respect to the requirements of this TUP will be at the sole cost of the Permittees.
 - 6. The Permittees shall provide the SLRD with a legal indemnification and release in respect of this TUP, on or before May 1, 2017, in a form acceptable to the SLRD and substantially similar to the document attached as **Schedule 4**.
 - 7. The Permittees or their designate, Pemberton Music Festival, LP, shall provide coverage in the amount of \$5 million for general commercial and environmental liability with respect to activities of this Temporary Use Permit (TUP) via an insurance policy (or extension of an existing policy), with the Squamish-Lillooet Regional District (SLRD) added as an additional insured on such policy, or at the discretion of the SLRD Chief Administrative Officer (and provided such \$5 million coverage is maintained) via an irrevocable letter of credit or a bond.
 - 8. The Subject Property described herein shall be developed in strict accordance with the terms and conditions and provisions of this TUP.
 - 9. This TUP will apply between July 1, 2017 and July 31, 2017 and between July 1, 2018 and July 31, 2018 and between July 1, 2019 and July 31, 2019, subject to section 4 o).
 - 10. Any application to amend this TUP shall be considered a new temporary use permit application.
 - 11. As per section 497 (2) of the *Local Government Act*, this TUP may be renewed for a minimum of 1 year and a maximum of 3 years.

AUTHORIZING RESOLUTION PASSED BY THE BOARD

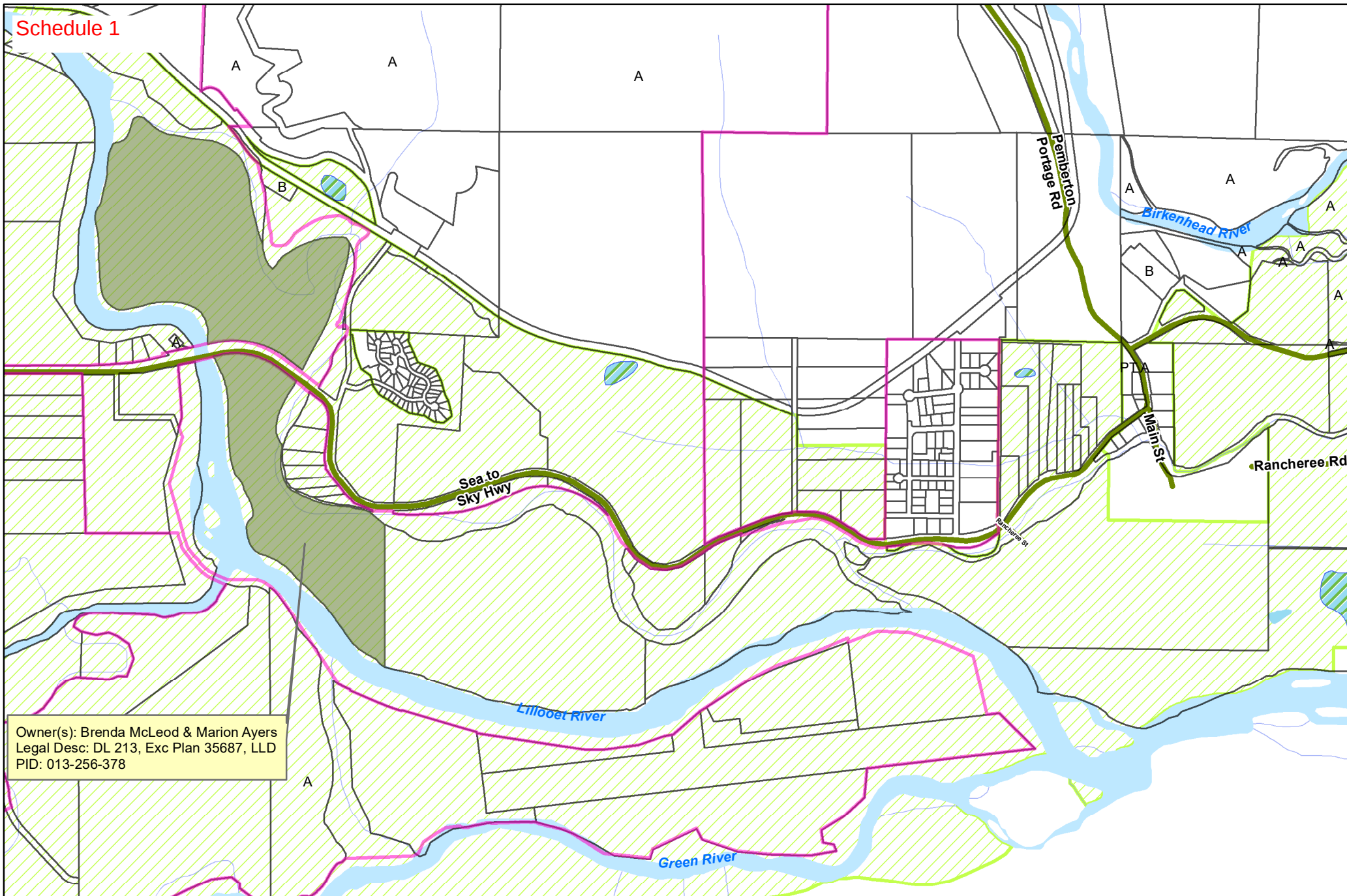
THIS 15th DAY OF March 2017.

ISSUED THIS 15th DAY OF March 2017.

Lynda Flynn
Chief Administrative Officer

DRAFT

Schedule 1



Owner(s): Brenda McLeod & Marion Ayers
 Legal Desc: DL 213, Exc Plan 35687, LLD
 PID: 013-256-378



1:19,084

0 205 410 820 Meters

TUP Properties

48

Jurisdiction

Village of Pemberton

Electoral Areas

Cadastral

Streams

ALR Boundary

Pemberton Music Festival
 Temporary Use Permit
 No. 48
 Subject Property Map with
 Legal Descriptions





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

June 29, 2016

ALC File: 55184

DELIVERED VIA ELECTRONIC MAIL

Cam McIvor
PO Box 494
Pemberton, BC V0N 2L0

Dear Mr. McIvor

Re: Application to Conduct a Non-Farm Use in the Agricultural Land Reserve

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #241/2016) as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly.

Your attention is drawn to s. 33(1) of the *Agricultural Land Commission Act* which provides a person affected the opportunity to submit a request for reconsideration.

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.

Please note that pursuant to s. 33.1 of the *Agricultural Land Commission Act*, the Chair may direct the executive committee to reconsider this panel decision if, within 60 days from the date of this decision, he considers that the decision “may not fulfill the purposes of the commission as set out in section 6”. I can advise you that in this case, the Chair has already reviewed the decision and has instructed me to communicate to you that he does not intend to exercise that authority in this case.

Further correspondence with respect to this application should be directed to Liz Sutton at (Elizabeth.Sutton@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Colin J. Fry, Director of Policy and Planning

Enclosure: Reasons for Decision (Resolution #241/2016)

cc: Squamish-Lillooet Regional District – Attention: Kimberly Needham, via electronic mail

Village of Pemberton – Attention: Nikki Gilmore, via electronic mail

Huka Entertainment – Attention: David Buttrey, via electronic mail

55184d1



AGRICULTURAL LAND COMMISSION FILE 55184

REASONS FOR DECISION OF THE SOUTH COAST PANEL

Application submitted pursuant to s. 20(3) of the *Agricultural Land Commission Act*

Applicants:

**Brenda Lynn McLeod
Marion Doreen Ayers
Garth Phare
Valerie Phare
(the “Applicants”)**

Agent:

**Cam McIvor
(the “Agent”)**

Application before the South Coast Regional Panel:

**William Zylmans, Panel Chair
Gordon McCallum
Satwinder Bains**



THE APPLICATION

[1] The legal descriptions of the properties involved in the application are:

Property 1

Parcel Identifier: 013-256-378

District Lot 213, Lillooet District, Except Plan 35687

("Property 1")

Property 2

Parcel Identifier: 009-810-382

Lot 11, District Lot 210, Lillooet District, Plan 1241

("Property 2")

(also collectively referred to hereafter as the "Properties")

[2] Property 1 is 84.7 ha in area and Property 2 is 4.1 ha in area.

[3] Property 1 has the civic address 1691 Sea to Sky Highway and Property 2 has the civic address 7312 MacRae Road, both in Pemberton.

[4] The Properties are located within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA").

[5] The Properties are located within Zone 1 as defined in s. 4.2 of the ALCA.

[6] Pursuant to s. 20(3) of the ALCA, the Applicants are applying to use the Properties as part of the Pemberton Music Festival (the "Festival"). More specifically, the Applicants are applying to use Property 1 for parking and Property 2 for staff camping (the "Proposal"). The Proposal along with supporting documentation is collectively referred to hereafter as the "Application".



RELEVANT STATUTORY PROVISIONS

[7] The Application was made pursuant to s. 20(3) of the *ALCA*:

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.

[8] The Panel considered the Application within the context of s. 6 of the *ALCA*:

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.

EVIDENTIARY RECORD BEFORE THE PANEL

[9] The Panel considered the following evidence:

1. The Application, including, but not limited to:

The report with the title *1691 Sea to Sky Highway and 7312 Macrae Road Pemberton BC Agrologist Report* prepared by Stewart Brown, M.Sc., P.Ag., R.P.Bio., and Ned Pottinger, M.Sc., P.Geo., P.Ag., of PGL Environmental Consultants dated April 2016, and

The letter with the title *RE: Response to Squamish Lillooet Regional District Comments* prepared by Stewart Brown, M.Sc., P.Ag., R.P.Bio., and Ned Pottinger, M.Sc., P.Geo., P.Ag., of PGL Environmental Consultants dated May 13, 2016.

- (collectively referred to hereafter as the "P.Ag. Reports");
2. Local government documents;
 3. Submissions from third parties of which disclosure was made to the Agent;
 4. Previous application history;
 5. Letter from the Village of Pemberton (the "Village") dated May 27, 2016;
 6. Additional submissions provided by the Agent on June 14, 2016; and
 7. Agricultural capability map, ALR context map and satellite imagery.

All documentation noted above was disclosed to the Agent in advance of this decision.

[10] The Squamish-Lillooet Regional District (the "Regional District") resolved to forward the Application to the Commission subject to a number of conditions.

[11] The Panel reviewed two (2) previous applications involving the Festival:

Application ID: 52853
(2012)

In 2012, the Commission considered an application advanced by the Village on behalf of multiple land owners to use three (3) properties as the site for the Festival. The proposal involved approximately 78.6 ha of land in the ALR. The Commission, by the decision recorded as Resolution #327/2012, approved the first year of the Festival subject to a number of conditions, including, but not limited to, the execution of a memorandum of understand (the "MOU") which outlined "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 enhancement." The Commission also stated that it would "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".



Request for
Reconsideration

Shortly after the decision recorded as Resolution #327/2012 was made by the Commission, a request for reconsideration was received from the Village with respect to Application ID 52853. Generally, the request for reconsideration from the Village was regarding clarification of some matters addressed in the decision recorded as Resolution #327/2012. The Commission, by the decision recorded as Resolution #395/2012, made two (2) minor amendments to the decision as per Resolution #327/2012, clarified and confirmed two (2) additional matters related to the decision as per Resolution #327/2012 and further confirmed that the Village had satisfied a number of conditions identified in the decision as per Resolution #327/2012.

One of the two (2) clarifications provided in the decision recorded as Resolution #395/2012 stated, in part:

[I]t 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.



Application ID: 53089
(2013)

In 2013, the Commission considered an additional application with respect to the Festival. The proposal involved two (2) properties that would be used for event camping in conjunction with the Festival as approved by the decisions recorded as Resolutions #327/2012 and #395/2012. The two (2) properties in question were within the District and as a result required a separate application from Application ID 52853. However, the Village was acting as agent on behalf of the land owners associated with Application ID 53089. The Commission, by the decision recorded as Resolution #259/2013, approved the application subject to the conditions outlined in the decisions recorded as Resolutions #327/2012 and #395/2012.

(the decisions of the Commission recorded as Resolutions #327/2012, #395/2012 and #259/2013 are collectively referred to hereafter as the “Previous Decisions of the Commission”)

SITE VISIT

[12] The Panel, in the circumstances of the Application, did not consider it necessary to conduct a site visit to the Properties based on the evidentiary record associated with the Application.

FINDINGS

[13] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and ratings. The ratings are identified using the Canada Land Inventory (CLI), ‘Soil Capability Classification for Agriculture’ system. The improved agricultural capability ratings identified on CLI map sheet 92J/07 for the mapping units encompassing the Properties are Class 1 and Class 2. More specifically, Property 1 has the improved capability rating ([8:1 – 2:2W]) and Property 2 has the improved capability rating (8:2M – 2:1).

Class 1 - land is capable of producing the very widest range of crops. Soil and climate conditions are optimum, resulting in easy management.

Class 2 - land is capable of producing a wide range of crops. Minor restrictions of soil or climate may reduce capability but pose no major difficulties in management.

The limiting subclasses associated with these parcels of land are M (moisture deficiency (droughtiness)) and W (excess water).

In this regard, the Panel finds that the land making up the Properties is capable of supporting agriculture and is appropriately designated within the ALR.

[14] In addition to the CLI information, the Panel considered the P.Ag. Reports. The P.Ag. Reports generally confirm the CLI information with respect to the agricultural capability of the Properties. The P.Ag. Reports also provide information with respect to the potential impacts of the Proposal on the future agricultural use of the Properties. Based on the P.Ag. Reports as well as the previous editions of the Festival, the Panel finds that the Properties could be used in conjunction with the Festival without presenting a significant risk the future agricultural capability of the Properties.

[15] Although some of the land associated with the Proposal has historically been cleared for agriculture and used for agricultural production, the southern portion of Property 1 was cleared for agricultural use, in part, as a result of the Festival. The Panel finds that the large area of cleared land presents an improvement to the agricultural utility of Property 1 and that this may not have occurred in the short term without the support of the Festival.

[16] The Panel is cognisant of the Previous Decisions of the Commission with respect to the Festival and is in general concurrence with the objectives of the Commission in approving the Festival as it relates to supporting agriculture in the Pemberton Valley while also supporting a land use that is being pursued by the Village and Regional District as beneficial for the community in general.

- [17] On May 17, 2016, the Panel communicated a number of items to the Village. The Village provided a response in this regard by letter dated May 27, 2016. The Village has outlined a number of policies that have been adopted with respect to agriculture in the Village and the Pemberton Valley more generally. However, the only direct infrastructure related to agricultural production appears to be primarily focused on Property 1 and the Festival properties more generally. The Panel is supportive of the work done by the Village with respect to the agricultural objectives outlined in the May 27, 2016 letter. However, the Panel finds that the agricultural enhancements are not sufficient with respect to the understanding that the Panel has in this regard based on the Previous Decisions of the Commission and the MOU.
- [18] The Panel takes the position that meaningful agricultural enhancements would be infrastructure related to agricultural production, such as drainage, irrigation, dyking, ditching, etc. These enhancements should impact as large an area as possible and should extend beyond the Festival sites, potentially including, but certainly not limited to, the Properties. The Panel finds that these enhancements should be led by the Village with input and support from the Regional District and the Commission. The implementation of such enhancement(s) would be either implemented by the Festival organizers, or, more likely, funded by the Festival as outlined in the May 27, 2016 letter from the Village that identified funds created as a result of the Festival. Furthermore, the Panel finds that substantive steps with respect to identifying, planning and implementing, if possible, agricultural infrastructure must be accomplished before the 2017 edition of the Festival.
- [19] The Panel understands that achieving large scale agricultural enhancements in the Pemberton Valley will require an ongoing willingness by the Village and the Regional District to work collaboratively. However, this collaboration is paramount for the success of the Festival more generally and to ensure that compliance with the Previous Decisions of the Commission is maintained at all times.



[20] One of the conditions of approval outlined in the decision recorded as Resolution #327/2012 states that:

The proposed uses are restricted to areas of the [Festival site]. Satellite parking facilities and other amenities associated with the event are strictly prohibited on other ALR lands.

Furthermore, the MOU states that:

The [Village and Regional District], 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 the Festival Site. The Village will ensure that ALR lands, not associated with the Festival and within jurisdiction of the Village, are not used in a manner inconsistent with the ALCA during the Festival.

The Panel is of the opinion that the Commission was not necessarily supportive of the Festival expanding beyond the area that was considered as part of the Previous Decisions of the Commission. However, the Panel understands that expanding the Festival should allow for more effective operation of the Festival which should aid in achieving compliance with the Previous Decisions of the Commission. Despite the Panel's positions with respect to the Proposal, the Panel is concerned that the Application may encourage further consideration to expand the Festival, either by the Village, Regional District, Festival organizers and/or individual land owners and the Panel does not agree that this is warranted or appropriate. With respect to this concern, the Village stated although it supports the Application this "is not to say that the [Village] is carte blanche supportive of any and all future requests for Non-Farm Use applications to expand the Festival's operations into lands within the ALR."

[21] The Panel finds that the current size of the Festival combined with the areas identified in the Application are more than adequate. The Village, Regional District and Festival organizers are strongly encouraged to consider reconfiguring the Festival layout and the number of participants before approaching the Commission with any future request to

further expand the Festival. Furthermore, any future request to further expand the Festival site would cause the Panel to question the appropriateness of continuing the Festival more generally as further expansion would continue to encroach onto ALR land.

[22] The Village must continue to provide appropriate oversight for the Festival. The Previous Decisions of the Commission state that the approvals “are for the sole benefit of the Village and are not transferrable.” Although neither the Commission nor the Panel are concerned about the use of a third party Festival organizer, the Village must remain responsible for the general administration of the Festival as it related to the Previous Decisions of the Commission. As stated in the MOU, the role of the Village in this regard will be achieved in concert with the Regional District and with the support of the Commission but the responsibility rests primarily with the Village.

[23] As noted at paragraph [11], the Festival is subject to ongoing performance evaluations and impact assessments. Although the Panel finds that the Festival has successfully maintained and, in some instances, improved the agricultural capability of the land used by the Festival to date, the performance of the Festival extends beyond the land used for the Festival. In this regard, the Panel finds that an extensive review of the Festival is warranted in advance of the 2017 edition of the Festival especially in light of the Proposal. This may include Commission Compliance and Enforcement staff attending parts of the Festival site or the Pemberton Valley more generally during the Festival.

[24] A number of issues related to the operation of the Festival on the Properties have been raised by area residents. Although these concerns should not be discounted, the Panel finds that the matters that fall within the purview of the *ALCA* are properly addressed in the Application and/or managed by suitable conditions. However, the Panel points to s. 31 of the *ALCA*, that states:

It is a condition of permission granted under section 25(1)(b) or (c), 29(1) or 30(2)(b) or (c) that the owner or occupier must comply with applicable Acts, regulations, bylaws

of the local government, laws of the first nation government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

DECISION

[25] For the reasons given above, the Panel approves the Proposal to use Property 1 for parking and Property 2 for staff camping in conjunction with the Festival.

[26] The Proposal is approved subject to the following conditions:

- a. The use of the Properties must be in substantial compliance with the information submitted with the Application;
- b. In advance of the 2016 edition of the Festival, the submission of a detailed plan for the entire Festival site that includes areas, locations and specific Festival uses for each property, including all access paths and roads. Should the Festival layout change between subsequent editions of the Festival, the Commission must be provided an updated plan. Any change to the plan must be in substantial compliance with the Previous Decisions of the Commission and the information submitted with the Application;
- c. The required financial security is increased to \$500,000. The financial security, in the form of an Irrevocable Letter of Credit (the "ILOC"), must be posted with the Minister of Finance, in favour of the Provincial Agricultural Land Commission. The ILOC must be received by the Commission no later than 30 days prior to the Festival;
- d. The MOU must be updated to reflect the use of the Properties as part of the Festival site;
- e. The continued submission of a closure report within 30 days following the last day of the Festival. The closure report must be prepared by a qualified registered professional Agrologist specializing in soil reclamation and must confirm the post-event clean-up has been successfully completed to an agricultural standard. Upon receipt of the closure report, the Commission will release the ILOC for that year's edition of the Festival, if appropriate;

- f. The closure report may include the required pre-event plan for the following edition of the Festival. However, should anything occur that would impact the pre-event plan between the submission of the closure report and the following edition of the Festival, the qualified registered professional Agrologist must provide an addendum to the closure report identifying any required measures or changes;
- g. The properties used by the Festival must be actively farmed, to the extent possible, during the remainder of the year and information in this regard should be included for each property used by the Festival in the annual closure report;
- h. Any internal roads on the properties used by the Festival, in particular the Properties, must be constructed in a manner that can be readily reclaimed by the Festival and/or the land owners should they no longer be required. Information in this regard must be included in the closure report;
- i. Appropriate temporary fencing must be installed in advance of the Festival and maintained throughout the Festival to ensure attendees are contained to only the approved locations on the properties approved for the Festival;
- j. The Village, with input from the Regional District, must submit a preliminary plan identifying agricultural enhancement opportunities in the Pemberton Valley by October 31, 2016 for review, comment and approval, if applicable, by the Commission;
- k. The Village, with input from the Regional District, must provide updates every six (6) months with respect to the status of the planning and implementation of any agricultural enhancements in the Pemberton Valley that have been supported by the Commission in conjunction with the Festival;
- l. All documentation with respect to the 2016 edition of the Festival must be submitted by October 31, 2016 to enable a review of the Festival in advance of the 2017 edition of the Festival; and
- m. The Proposal is subject to all the conditions identified in the Previous Decisions of the Commission (Resolutions #327/2012, #395/2012 and #259/2013), except as amended herein.

[27] 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.



[28] The Panel hereby instructs staff to refer this decision and the matter of the Festival more generally to Commission Compliance and Enforcement staff to review this matter and coordinate with the Village and Regional District to prepare a report with respect to the 2016 edition of the Festival. This should include the properties used by the Festival as well as properties in the vicinity of the Festival site and the Pemberton Valley more generally.

[29] Panel Chair **William Zylmans** concurs with the decision.

Commissioner **Gordon McCallum** concurs with the decision.

Commissioner **Satwinder Bains** concurs with the decision.

[30] Decision recorded as Resolution #241/2016.

A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the ALCA.

Upon instruction of the Panel, I have been authorized to release the Reasons for Decision by Resolution #241/2016. The decision is effective upon release.

A handwritten signature in black ink, appearing to be 'CJF', is positioned above the printed name of the Director of Policy and Planning.

Colin J. Fry, Director of Policy and Planning

June 29, 2016
Date Released



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)

53089d1



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

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



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

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

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
Shaundehi 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



CASCADE ENVIRONMENTAL
RESOURCE GROUP LTD

MEMORANDUM

DATE: June 2, 2016
TO: Pemberton Music Festival LP
CC: Claire Daniels, Squamish Lillooet Regional District.
FROM: Adrien Baudouin, R.P.Bio, Cascade Environmental Resource Group Ltd.
Dave Williamson, QEP, Cascade Environmental Resource Group Ltd.
RE: Pemberton Valley Music Festival ditch riparian setback assessment
FILE #: 584-01-02

Cascade Environmental Resource Group Ltd. (Cascade) was retained by Pemberton Music Festival LP to provide environmental consulting services in the assessment of the site located between the Lillooet River and the North Arm Channel (PID: 013-256-378) in Pemberton, BC. The area is proposed to be used for the Pemberton Valley Music Festival. Field work was carried out on May 3 and 11, 2016 by Cascade on the proposed Pemberton Music Festival site.

The subject property is agricultural land within the Squamish Lillooet Regional District (SLRD). The intended uses during the festival are parking, tenting and RV Camping. The riparian assessment area for this study was conducted along a section North Arm Channel.

In discussion with the SLRD, it was agreed that tent and RV camping did not constitute "development" and would not require a Development Permit. Under the Riparian Area Regulation (RAR) development means any of the following:

- Removal, alteration disruption or destruction of vegetation;
- Disturbance of soils;
- Construction or erection of buildings and structures;
- Creation of non-structural impervious or semi-impervious surfaces;
- Flood protection works;
- Construction of roads, trails, docks, wharves and bridges;
- Provision and maintenance of sewer and water services
- Development of drainage systems;
- Development of utility corridors;
- Subdivision as defined in section 872 of the *Local Government Act*.

Parking on existing pasture land will be temporary in nature and will not require any ground disturbance. Therefore, Parking does not constitute development and the requirement for RAR assessment would not be triggered. In order to provide the SLRD with a level of comfort that environmental values were being protected, Cascade was tasked with conducting the assessment and providing guideline development setbacks for



the North Arm Channel. The North Arm Channel is labelled and shown on the attached map.

The potential of direct connection to fish bearing waters was assessed on May 11, 2016. The Channel was not connected downstream during the assessment. Based on the vegetation observed and the ecosystem classification, it was determined that this section of the channel is seasonally inundated and potentially connected to downstream fish bearing waters but likely dry for most of the year. The following is a description of the field investigation activities and Table 1 provides the measurements and calculations for the Large Woody Debris (LWD) setbacks and the Streamside Protection and Enhancement Area (SPEA) setbacks. SPEA setbacks are measured horizontally from the high water mark of the ditch. The SPEA setbacks are often referred to as the riparian setbacks for development although they are presented here for guidance only, since Festival activities are not considered development. The attached map shows the SPEA for the subject property.

May 3, 2016:

Minnow traps were installed in the North Arm Channel.

Measurements (top of bank, wetted width, water depth and channel depth) were taken of the North Arm Channel in order to determine the setback.

May 4 and 5, 2016:

Minnow traps were recovered from all sites. No fish were caught

May 11, 2016:

The connectivity of the North Arm Channel to upstream and downstream fish bearing water was assessed. It was determined that the channel is not connected upstream but is potentially connected to downstream fish bearing water during certain times of the year but was not connected during the assessment.

Table 1: Streamside Protection and Enhancement Area (SPEA) setback measurements

North Arm Channel	Average width (m)	23.4
	LWD (m)	15
	Shade (m)	30
	SPEA (m)	15
		30 (due south)

Recommended Measures

1. Delineate the SPEA with a temporary fence to define the extent of riparian zone and to discourage intrusions during the festival.



CASCADE ENVIRONMENTAL
RESOURCE GROUP LTD

Should you have any questions or concerns please do not hesitate to contact the office.

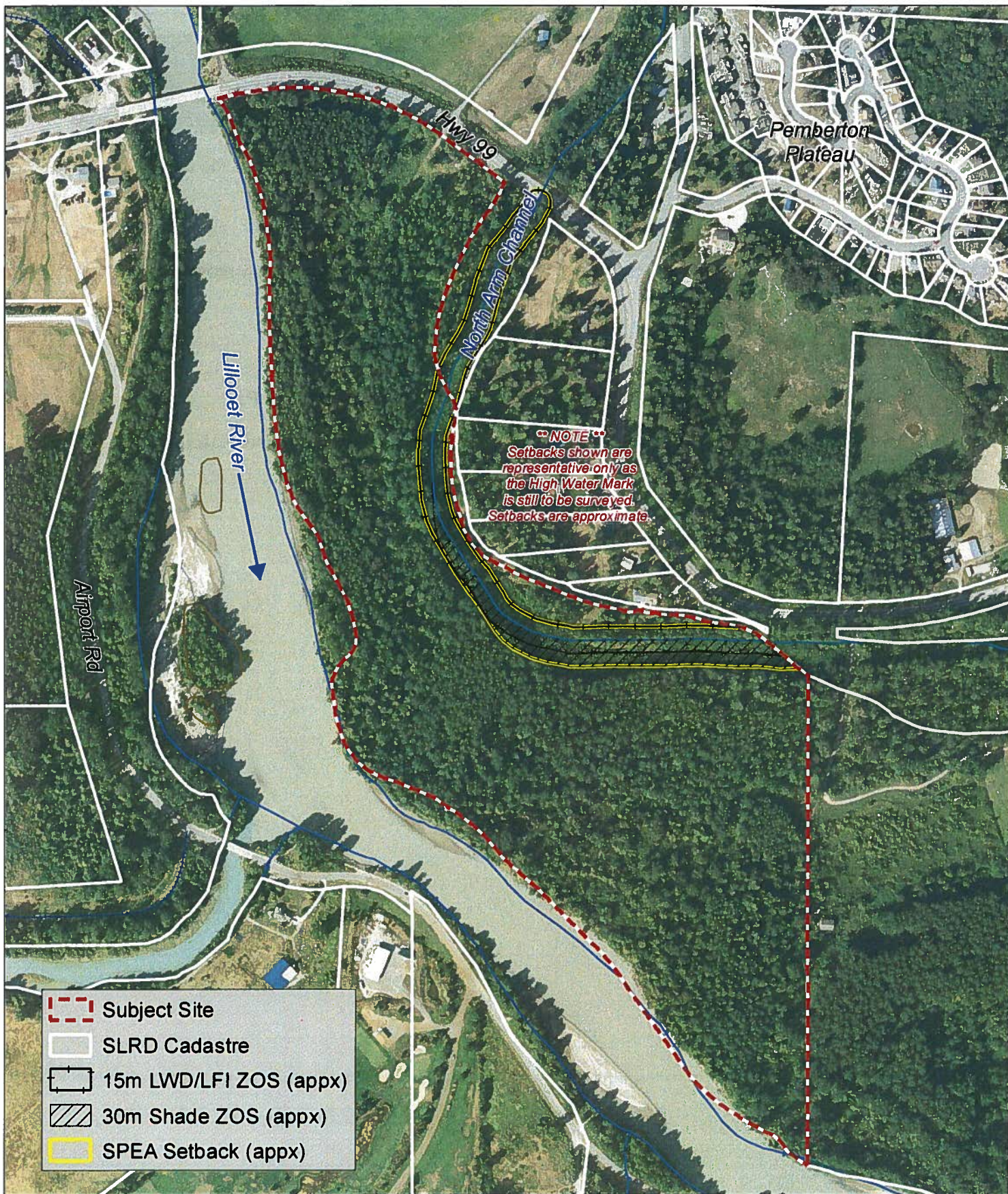
Sincerely,

Prepared by:

Adrien Baudouin, M.Sc., R.P.Bio.
Biologist
Cascade Environmental Resource Group Ltd.

With support and review provided by:

Dave Williamson Q.E.P.
Principal
Cascade Environmental Resource
Group Ltd.



GIS Cartographer: Todd Hellinga
Date: April 27, 2016
CERG File#: 745-01-01
Projection: UTM 10N NAD83
Orthophoto/Base Data: SLRD/BC Gov

CASCADE ENVIRONMENTAL
RESOURCE GROUP LTD



0 100 200 300
Meters 1:5,500

Map 2 - Site

Habitat Assessment
North Arm Channel
Pemberton, British Columbia

INDEMNIFICATION AGREEMENT dated as of March 15, 2017

Between

BRENDA McLEOD AND MARION AYERS

Box 494
Pemberton, BC
V0N 2L0

(the "Indemnitors")

and

SQUAMISH-LILLOOET REGIONAL DISTRICT

Box 1350
Pemberton, BC
V0N 2L0

(the "SLRD")

(together the "Parties")

WHEREAS

- A. The Indemnitors have applied for and have been issued Temporary Use Permit No. 47 and Temporary Use Permit No. 48 (the "TUPs") in respect of lands located within Electoral Area C of the SLRD and legally described as follows:

District Lot 213
Lillooet Land District, Except Plan 35687
PID: 013-256-378

(the "Parcel");

- B. The SLRD Board authorized the TUPs via resolution(s) passed at the SLRD Regular Board meeting on February 15, 2017 and March 15, 2017; and
- C. One of the conditions of the TUPs is that the Indemnitors provide an indemnification to the SLRD in respect of the matters described herein;

NOW THEREFORE, in consideration of the premises and other good and valuable consideration (the receipt and sufficiency of which is acknowledged by each of the Parties), the Parties agree as follows:

1. The Indemnitors shall indemnify the SLRD from and against any and all claims, causes of action, suits, demands, fines, penalties, costs, expenses or legal fees on a solicitor-client basis whatsoever which anyone has or may have against the SLRD or which the SLRD incurs or sustains as a result of any loss or damage or injury, including economic loss, arising out of or connected with:
 - a. the use or occupation of the Parcel by the Indemnitors or any of their officers, employees, agents, contractors, subcontractors or invitees, during the period that the TUPs are in effect;

- b. the use or occupation of the Parcel by any person for the purpose of attending the Pemberton Music Festival; or
- c. non-compliance by the Indemnitors or any of their officers, employees, agents, contractors or invitees with any laws;

The obligation of the Indemnitors under this section 1 will survive the expiry or earlier termination of the TUPs and apply to any and all renewals of the TUPs.

- 2. The Indemnitors hereby release and forever discharge the SLRD of and from any claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which the Indemnitors can or may have against the SLRD for any loss or damage or injury, including economic loss, that the Indemnitors may sustain or suffer arising out of or connected with:
 - a. the use or occupation of the Parcel by the Indemnitors or any of their officers, employees, agents, contractors, subcontractors or invitees, during the period that the TUPs are in effect;
 - b. the use or occupation of the Parcel by any person for the purpose of attending the Pemberton Music Festival; or
 - c. by reason of non-compliance by the Indemnitors or any of their officer, employees, agents, contractors or invitees with any laws;

This section 2 will survive the expiry or earlier termination of the TUPs and shall apply to any and all renewals of the TUPs.

- 3. Without limiting sections 1 and 2, the Indemnitors hereby agree to indemnify and release the SLRD from any and all liabilities, actions, damages, claims, remediation recovery claims, losses, costs, orders, fines, penalties and expenses whatsoever, (including any and all environmental or statutory liability for remediation, all legal and consultants' fees and expenses and the cost of remediation of the Parcel and any adjacent property) arising from or in connection with any release or alleged release of any Contaminants at or from the Parcel related to use or occupation of the Parcel during the period that the TUPs are in effect including the parking of vehicles on the Parcel for the purposes related to the Pemberton Music Festival, or any act or omission of the Indemnitors, their officers, employers, agents, contractors, and invitees.

The obligations of the Indemnitors under this section 3 will survive the expiry or earlier termination of this Agreement and shall apply to any and all renewals of the TUPs.

For the purposes of this section 3, "Contaminants" means any pollutants, contaminants, deleterious substances, underground or above-ground tanks, lead, asbestos, asbestos-containing materials, hazardous, corrosive, or toxic substances, hazardous waste, waste, polychlorinated biphenyls ("PCBs"), PCB-containing equipment or materials, pesticides, defoliants, fungi, including mould and spores arising from fungi, or any other solid, liquid, gas, vapour, odour, heat, sound, vibration, radiation, or combination of any of them, which is now or hereafter prohibited, controlled, or regulated under Environmental Laws.

For the purposes of this section 3, “Environmental Laws” means any statutes, laws, regulations, orders, bylaws, standards, guidelines, protocols, criteria, permits, code of practice, and other lawful requirements of any government authority having jurisdiction over the Land now or hereafter in force relating in any way to the environment, environmental assessment, health, occupational health and safety, protection of any form of plant or animal life or transportation of dangerous goods, including the principles of common law and equity.

4. Any reference to “SLRD” in sections 1, 2 and 3 is deemed to include a reference to any and all of the SLRD’s directors, officers, employees, agents, successors, and assigns.
5. This Agreement will be governed by and construed in accordance with the laws of the Province of British Columbia.
6. No amendment or modification to this Agreement will be effective unless it is in writing and duly executed by the Parties.
7. In this Agreement, wherever the singular or neuter is used it will be construed as if the plural or masculine or feminine, as the case may be, had been used where the context so requires.
8. This Agreement will enure to the benefit of and be binding upon the Parties and their successors and permitted assigns.
9. This Agreement constitutes the entire agreement between the Parties with respect to the subject matter of this Agreement.
10. This Agreement may be executed in counterparts, which when taken together will constitute one and the same Agreement. This Agreement may be executed by the exchange of signed counterparts by facsimile transmission or electronically in PDF or similar secure format.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the day and year first written.

BRENDA McLEOD

MARION AYERS

SQUAMISH-LILLOOET REGIONAL DISTRICT

by its authorized signatory:

Lynda Flynn
Chief Administrative Officer

Submitted via email March 6, 2016
Re: TUP for extra 6000 spaces for parking.

I am in opposition of providing this permit.

Rationale:

1. Land clearing for parking does not make environmental sense for a 4 day event.
2. An extra 6000 vehicles travelling on highway during that 4 day period will add significant congestion to the corridor, which will have unforeseen circumstances
3. An extra 6000 vehicles parking in Pemberton will add significant greenhouse gases to the air which are not warranted to have a music festival
4. An extra 6000 vehicles moving along highway 99 in an around Pemberton will cause significant problems within the town of Pemberton as far as traffic congestion goes.
5. We should make festival operators think outside the box and come up with better traffic solutions than single operator vehicles, as we know a majority of people drive by themselves in a vehicle that has room for 4-6.
6. Buses are a great alternative .

Thank you,
Kathy Jenkins

RECEIVED

JAN 19 2017

Mayor and Council
Pemberton, B.C.

SQUAMISH-LILLOOET
REGIONAL DISTRICT

January 13, 2017

Re: Pemberton Music Festival temp. use permit renewal

First....we have attended a few Music Festivals elsewhere in the Province (notably the Salmon Arm's "Roots and Blues" Festival) and do see the positive side for the communities they are hosted by....but at least in our opinion...the size of them suited those communities and did not negatively impact them....We have also camped nearby when attending and there was a great deal of positive feelings by not only the businesses but also the locals we ran in to. (Whatever happened to "pack it in – pack it out"? Is it the age group that this festival is mostly aimed at? I don't think other B.C. Festivals have such a problem for clean up!)

I have spoken with a few people who have attended the festival and while they have enjoyed their experiences, they do have some concerns which I share...in terms of the environment (garbage left), misuse of surroundings (tenting across the Lillooet River where the "Bathtub Trail" is located) noise late into the night (the pounding heard from our home on Urdal Road) and of course the road restrictions due to traffic congestion.

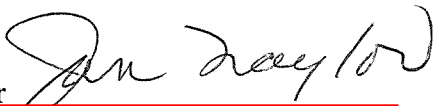
I feel we must be here during that weekend as for the first time ever (and you are well aware of how well used our trail is) we had beer cans chucked into our woods...and cigarette butts on the trail...fortunately, it wasn't a dry summer last year...so, more "policing" of our surroundings must be done.

Was permission granted by the province to allow that fireworks display on the top of Mt. Currie?? Another environmental issue....Oh, and I'm not sure that there is a really good relationship with the local Lil'wat??

We have heard that some businesses have been positively affected by the Festival and supposedly some community groups....I hope to learn more there too. But, in conclusion, I do not support an increase in the numbers attending the Festival and in fact, given the size of our community and the "one road in and one road out"...I would support a decrease should the Festival be granted permission to continue...

Sincerely,

Jan Naylor



cc. S.L.R.D. Chair and Directors

(we were unable to attend the meeting the Village hosted but learned from Sheena Fraser that our letter should go to the Reg. Dist. as well as the Board does give "permission" as well as the Village as Area C is impacted. I also learned that the Village "overwhelmingly" approved the "TUP" but that each year approval is required.)

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 Tuesday February 22, 2017 at 7:00 PM.

In attendance:

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

Staff: I. Holl, SLRD Senior Planner, C. Daniels, SLRD Planner

Others: R. Mack, SLRD Electoral Area C Director, J. Crompton, SLRD Chair, G. Macleod, AAC member (recused), C. McIvor, Agent, L. Pedrini, VoP Planner, T. Harris, VoP Manager of Operations and Development Services

Regrets: S. Casavant

1	Call to Order
----------	----------------------

R. Kuurne called the meeting to order at 7:02 pm.

2	Approval of Agenda
----------	---------------------------

It was moved and seconded:

THAT a late item be added for discussion regarding medical marihuana production facilities in the Pemberton Valley, and

THAT the Agenda be approved as amended.

CARRIED

3	Minutes of Previous Meeting
----------	------------------------------------

February 7, 2017

It was moved and seconded:

THAT the Minutes of the previous meeting be approved.

CARRIED

4	Business Arising from the Minutes
----------	--

C. Daniels gave a verbal update on the meeting that the SLRD attended with the Village of Pemberton on February 14, 2017 that was organized by the ALC. Staff from the SLRD and Village of Pemberton met with ALC staff and commission/panel members regarding the outstanding requirements for the Pemberton Music Festival's non-farm use approval.

These requirements include agricultural enhancements required by the ALC and the ratification of an updated MOU between the ALC, Village of Pemberton, and SLRD. C. Daniels noted that the 2017 iteration of the festival was given the go ahead at the ALC level, however, an extension request would need to be made for future festivals (2018 and 2019). It was further confirmed by the ALC that the conditions of the subject Non-Farm Use resolutions (#327/2012, #395/2012, #259/2013 and #241/2016) need to be satisfied for the ALC to consider the extension of the festival beyond 2017, including an agricultural enhancements plan for the Pemberton Valley.

C. Daniels shared that the Village of Pemberton is leading the agricultural enhancements planning piece. L. Pedrini then shared that, as directed from the ALC, key aspects include: a plan for hard infrastructure improvements dedicated for agriculture in the greater Pemberton Valley; agricultural infrastructure improvements for all the lands occupied by the Pemberton Music Festival; and a dedicated fund for agricultural projects with money coming from the festival.

5	New Business
---	--------------

1. Pemberton Music Festival Temporary Use Permit No. 48 (new application – additional parking)

I. Holl noted that at the February 7, 2017 Area C AAC meeting, the Squamish-Lillooet Regional District (SLRD) was asking the AAC to consider a new TUP application (No. 48) that was proposing an additional 3,900 parking spaces for a total of 9,900 parking spaces on the Ayers property. It was noted that while both TUP No. 47 (renewal) and TUP No. 48 (new) were taken for information purposes to the February 15, 2017 SLRD Board meeting with the intent to bring them back to the March 15, 2017 Board meeting for consideration of approval, the SLRD Board decided to approve and issue TUP No. 47 at last Wednesday's Board meeting. TUP No. 47 was proposed (and approved) to be issued for three years, subject to the outcome of the ALC extension process for the festival beyond 2017.

In addition, it was noted that at the February 15, 2017 SLRD Board meeting, the Board decided to remove any restriction on the number of additional parking spaces as part of TUP No. 48. Based on parking details included in an overall festival site plan from one of the schedules attached to the TUP from last year, the Ayers property could hold approx. 12,000 parking spaces with the 30 m riparian setbacks in place (~5,100 on the north portion, and ~6,900 on the south). As a result of the Board's decision to amend TUP No. 48, the proposal would now allow a 100% increase in the amount of parking on the property (as opposed to the originally proposed 65% increase). e.g. from 6,000 cars to possibly 12,000 cars.

After summarizing the changes and outcome from the SLRD Board meeting regarding the TUPs, the AAC members began to consider the new proposal. Many AAC members voiced their displeasure at how the SLRD Board had moved forward with a TUP approval within the Agricultural Land Reserve without first consulting the agricultural expertise of the Board's own Agricultural Advisory Committee. AAC members indicated that they were expecting the opportunity to comment on both TUP applications and were of the understanding that no TUPs were being considered for approval at the February 15, 2017 Board meeting.

Many of the members expressed that they were demoralized and disheartened because of that decision. Members indicated that it seemed like the SLRD Board was attempting to purposely bypass and ignore the AAC in its role to serve the Board and the public in an important advisory capacity. AAC members questioned the purpose and existence of the committee. They questioned their commitment to volunteer their time, expertise, and perspective if the SLRD Board does not apparently wish to provide them meaningful opportunities to comment on all land issues and applications in the ALR.

AAC members asked R. Mack, the Area C Director, to explain the rationale for the Board's decisions at the February 15, 2017 meeting. R. Mack stated that the SLRD Board decided that there should not be any parking restrictions (e.g. numbers of spaces) in TUP 48 and that such aspects should be left to the traffic management plan (which the SLRD has not received) and the Ministry of Transportation and Infrastructure (MOTI) and the ALC to deal with. R. Mack also indicated that the festival needed to start selling tickets and dealing with scheduling issues, and the festival organizers had indicated to him that the Pemberton Music Festival would not happen/the festival organizers would pull out of Pemberton if the TUP renewal was not approved as soon as possible as the festival would not be financially viable.

Several AAC members questioned this information, and indicated that the AAC had never been told that there was that level of urgency to the timing of the various approvals, or that the festival would not happen at all if such permitting decisions were not made by a certain date. It was noted by several AAC members that this did not make sense as the festival had submitted TUP applications in February of this year for the 2017 festival, whereas last year, had submitted TUP applications less than two months before the 2016 festival.

AAC members also discussed their concerns regarding the festival and the continued pressure on the AAC to consider and make incremental decisions with limited information on the final objectives and capacity of the whole festival. It was noted by committee members that they are asked to provide comment on applications that are occupying large swaths of prime agricultural land without clear detailed data (land, number of attendees, parking, traffic, etc.) and an overall picture of where the festival is and where it is going.

The potential for soil contamination from parked vehicles was briefly raised again as a continuing concern, especially in light of the removal of any maximum number of vehicles. Several AAC members noted that they still did not think the risks had adequately been addressed, especially in light of the significant increase in parking.

Many AAC members reiterated the continuing challenges that negatively affect them as a direct result of increased traffic and road closures due to major summer events. They stated that farmers are being negatively affected when trying to deliver farm products to Whistler and beyond. As farmers, they feel like they have to put their farm business on hold at the behest of non-farm commercial operations.

Despite their feelings and their unanswered questions regarding the festival, the AAC decided to making a motion to support the proposed TUP No. 48. Many committee members expressed that the SLRD Board was going to approve it regardless of the AAC comments. The Area C AAC passed the following motion.

MOTION 1

That it be recommended to the SLRD Board:

THAT TUP No. 48 be supported as proposed.

CARRIED (5 – 4)

6	Correspondence
----------	-----------------------

None

7	Late Items
----------	-------------------

1. Medical Marihuana Production Facilities in the Pemberton Valley.

AAC members indicated that they were aware of rumours regarding a proposed medical marihuana facility somewhere in the Pemberton Meadows. They asked if that was true, and what permits might be required. I. Holl noted that he was not aware of any current proposals though it was possible that the Building Department might be dealing with permit applications.

He noted that the SLRD went through a lengthy process to amend all of its zoning bylaws to address medical marihuana production facilities that are licenced by Health Canada. A facility would need to comply with the zoning regulations or go through the rezoning process, and that a Development Permit could be required along with a Building Permit for such a facility.

L. Pedrini noted that the Village of Pemberton is dealing with a medical marihuana production facility in the Industrial Park (approx. 60,000 ft²).

{FYI: It should be noted that after the meeting, I.Holl was advised of a building permit application for a converted barn in the Pemberton Meadows to be utilized as a medical marihuana production facility.}

8	Next Meeting / Adjournment
----------	-----------------------------------

Adjournment: The meeting adjourned at 8:06 pm

R. Kuurne
Chair

I. Holl
Senior Planner – Recording Secretary