

**VILLAGE OF PEMBERTON  
-SPECIAL COUNCIL MEETING AGENDA-**

**Agenda** for the **SPECIAL Meeting** of Council of the Village of Pemberton to be held Thursday, May 26, 2016, at 5:30 p.m. in the **Council Chambers 7400 Prospect Street**. This is Meeting No. 1429.

*“This meeting is being recorded on audio tape for minute-taking purposes as authorized by the Village of Pemberton Audio recording of Meetings Policy dated September 14, 2010.”*

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<b>Item of Business</b>	<b>Page No.</b>
<b>1. CALL TO ORDER</b>	
<b>2. APPROVAL OF AGENDA</b>	
<b>Recommendation: THAT the Agenda be approved as presented.</b>	
<b>3. Correspondence</b>	
a) <b>Correspondence from Colin Fry, Chief Tribunal Officer, Agricultural Land Commission, date May 17, 2016_, 2016, respecting the application to conduct a Non-Farm Use on Land in the Agricultural Land Reserve (ALR) – Pemberton Music Festival 2016</b>	<b>2</b>
<b>4. ADJOURNMENT</b>	



**Agricultural Land Commission**  
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Burnaby, British Columbia V5G 4K6  
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www.alc.gov.bc.ca

May 17, 2016

ALC File: 55184

**DELIVERED BY ELECTRONIC MAIL**

Village of Pemberton  
PO Box 100 – 7400 Prospect Street  
Pemberton, BC V0N 2L0

**Attention: Nikki Gilmore, Chief Administrative Officer**

Dear Ms. Gilmore,

**RE: Application to Conduct a Non-Farm Use on Land in the Agricultural Land Reserve  
(the “ALR”) – Pemberton Music Festival**

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This letter is with respect to the above noted application. As you may be aware, The Agricultural Land Commission (the “Commission”), more specifically the South Coast Regional Panel (the “Panel”), is in the process of reviewing a non-farm use application that is proposing expansion of the Pemberton Music Festival (the “Festival”).

Although the Panel has identified a number of matters that require a response from the Village of Pemberton (the “Village”), and potentially the applicants, agent, the Festival organizers and the Squamish-Lillooet Regional District (the “SLRD”), this letter in no way limits the ability to proceed with the 2016 edition of the Festival in accordance with the previous Decisions of the Commission recorded as Resolutions #327/2012, #395/2012 and #259/2013 (collectively referred to hereafter as the “Decisions of the Commission”) and the Memorandum of Understanding dated June 18, 2015 (the “MOU”).

The Decisions of the Commission were granted for the sole benefit of the Village and the applications that gave rise to the Decisions of the Commission were advanced by the Village. Specifically, the Decision recorded as Resolution #327/2012 states:

*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.*

Although the current application has been submitted by the land owners, being represented by a third party agent, the Village has provided a letter dated February 19, 2016 that states (in part):

*As requested by the [Commission], please accept this letter from the [Village] as an accompaniment to the non-farm use application submitted by the landowners on behalf of Pemberton Music Festival LP for the purposes of additional overflow parking and camping for the [Festival]...*

*The [Festival] organizers are now making application for non-farm use to utilize an additional parcel located with the SLRD.*

Although the current application has been advanced by the land owners and the Festival organizers (and not the Village), the February 19, 2016 letter does not provide a clear indication of the Village's position with respect to proposed expansion of the Festival. Furthermore, the Panel is concerned that the current approach may encourage other land owners in the Village and the SLRD to make further independent applications related to expanding or supporting the Festival. This could make it challenging to manage the conditions of the Decisions of the Commission and the MOU. In addition, oversight by the Village and SLRD are key components of the MOU and the Decisions of the Commission and encouraging individual land owners to submit applications in this manner without appropriate ongoing involvement by the Village and/or the SLRD may erode this necessary oversight. The Panel requests additional information from the Village, if possible with input from Council, addressing these concerns.

The MOU contains significant language, as required by the Decisions of the Commission, with respect to enhancing agriculture in the Pemberton Valley, not just the lands on which the Festival takes place. Specifically the MOU states:

8. *The Local Jurisdictions and the Commission will engage in further dialogue with the selected promoter of the Festival (the "Promoter") to enhance agriculture in the Pemberton Valley.*
9. *Following dialogue with the Promoter, the Local Jurisdictions and the Commission will determine the appropriate opportunities for enhancing agriculture in the Pemberton Valley that the Promoter will pursue.*
10. *The [Village and SLRD], with the support of the Commission, will ensure that the Festival enhances agriculture in the Pemberton Valley as determined by the [Village and SLRD] and the Commission.*
11. *The [Village and SLRD] acknowledge that the Decisions of the Commission require performance by the Promoter to enhance agriculture in the Pemberton Valley as determined by the [Village and SLRD] and the Commission throughout the term(s) of approval.*
12. *The [Village and SLRD] acknowledge that if the Promoter chooses not to participate in enhancing agriculture in the Pemberton Valley as determined by the [Village and SLRD] and the Commission, or chooses to enhance agriculture in the Pemberton Valley as determined by the [Village and SLRD] and the Commission but fails to pursue or implement the enhancements, that this Memorandum of Understanding and the Decisions of the Commission will expire.*

The Commission has always understood that these agricultural enhancements would be led by the Village with support from the SLRD and the Commission and implemented directly and/or funded by the Festival organizers. These agricultural enhancements are intended to positively support agriculture more broadly in the Pemberton Valley, not simply related to specific properties involved in and adjacent to the Festival. To date, the Commission is not aware of what specific work has been initiated or completed by the Village in this regard. The Panel believes it is important to develop, and implement if possible, specific agricultural enhancement projects before a potential expansion of the Festival is considered.

As part of the Decision recorded as Resolution #395/2012 the Commission stated that:

*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 reassess 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. [Emphasis added]*

Since the MOU will have been in place for two (2) editions of the Festival following the 2016 edition, it may be prudent to review the Festival more generally in advance of the 2017 edition should expansion continue to be the desire of the Village.

The Panel also notes that a number of concerns have been raised by some area residents with respect to the proposed expansion of the Festival. In addition, Ministry of Agriculture staff has expressed further concerns with respect to a potential expansion of the Festival, stating that Ministry of Agriculture staff “are not in favor of the proposal”. Although not all of these concerns related directly to matters within the purview of the Commission, taking sufficient time to address these concerns appears to be warranted. This may be in the form of exhausting less desirable options, such as the use of off-site shuttle services to reduce parking needs in the ALR, or ensuring sufficient preliminary work has taken place, such as initial site soil sampling and analysis in order to track and report out on potential soil contamination and compaction.

The Panel understands that there are limited options for potential expansion of the Festival onto properties outside of the ALR. However, it is unclear why the Festival cannot continue to be accommodated on the properties approved by the Decision of the Commission, as was the case in past years. The Village, along with the applicants, agent and Festival organizers, should provide additional information as to why the attendance and area of the Festival needs to expand and how such an expansion would relate to the requirements set out in the MOU and the conditions of the Decisions of the Commission.

In closing, it is important to reiterate that this letter in no way fetters the ability the Village, the SLRD and the Festival organizers to continue with the 2016 edition of the Festival in accordance with the MOU and the Decisions of the Commission. Should it be possible to address the issues outlined in this letter in a timeframe that would allow for review in advance of the 2016 edition of the Festival (without placing an undue constraint on the SLRD to complete its Temporary Use Permit application process), the Panel will endeavor to continue reviewing the current application of quickly as possible. However, this may not be possible given the

nature of the matters outlined in this letter. In order to ensure that the Panel can complete its review of the current application well in advance of the 2017 edition of the Festival, please ensure that a complete response to this letter is provided by October 31, 2016.

Further correspondence with respect to this application should be directed to Eamonn Watson ([Eamonn.Watson@gov.bc.ca](mailto:Eamonn.Watson@gov.bc.ca)).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in blue ink, appearing to be 'Colin Fry', written over a light blue horizontal line.

Colin Fry, Chief Tribunal Officer

cc: Cam McIvor (via electronic mail)

Huka Entertainment – Attention: David Buttrey (via electronic mail)

Squamish-Lillooet Regional District – Attention: Kimberly Needham (via electronic mail)

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