



## INFORMATION REPORT

### McLeod & Phare Temporary Use Permit (#45 and #46) Update (for parking and camping associated with the Pemberton Music Festival)

**Meeting date:** May 25, 2016

---

**To:** SLRD Board

---

#### **PURPOSE:**

The purpose of this report is to update the SLRD Board on the McLeod Temporary Use Permit Application #45 and Phare Temporary Use Permit Application # 46 in advance of the formal Temporary Use Permit (TUP) review and decision-making process.

#### **KEY ISSUES/CONCEPTS:**

At the April 27/28, 2016 Board meeting, the Board resolved:

*THAT the Squamish-Lillooet Regional District ("SLRD") Board approve the Non-Farm Use Application 54805/55184 for parking and camping for the Pemberton Music Festival made on behalf of the Ayers/McLeod and Phare properties ("Applicants' Properties"), subject to:*

- *The same conditions that currently apply to the existing five properties within the Agricultural Land Reserve related to the Pemberton Music Festival (by way of the decisions of the Agricultural Land Commission pursuant to the Agricultural Land Commission Act recorded as Resolutions #327/2012, #395/2012 and #259/2013 and the terms of the Pemberton Music Festival Memorandum of Understanding dated June 18, 2015 entered into between the Village of Pemberton, the SLRD and the Provincial Agricultural Land Commission) also be made to apply to the Applicants' Properties; and*
- *The following additional conditions:*
  - a. *That soil testing on the Applicants' Properties be required pre and post Pemberton Music Festival Event ("Event") to address concerns of pollution and compaction; and*
  - b. *That the SLRD Board does not support the use of permanent gravel surfacing on the Applicants' Properties; and*
  - c. *That groundwater testing for drinking water wells on lots adjacent to the Applicants' Properties be done pre and post Event and if acceptable drinking water standards are not met, remediation at the expense of the Applicants be undertaken as required to*

*ensure the well water of such adjacent lots are adequately protected/remediated;  
and*

- d. That there is a requirement and assurance of remediation to the Applicants' Properties in case of any issues following the Event; and*
- e. That there is a requirement and assurance of planting as outlined in the application and the agricultural use of the Applicants' Properties pre and post Event.*

*THAT due to the tight timelines involved with Non-Farm Use Application 54805/55184, while the SLRD awaits the decision of the Agricultural Land Commission in respect of this non-farm use application, staff be directed to begin the Temporary Use Permit process for the Ayers/McLeod and Phare properties regarding use of the properties for the Pemberton Music Festival for consideration of the SLRD Board on such terms as SLRD staff recommends, as well as, but not limited to, the following requirements:*

- 1. Protection of the Riparian Zone (30 metres) and, if provided by the applicants, consideration of a Qualified Environmental Professional (QEP) report regarding the Riparian Zone; and*
- 2. Provision of a security deposit (in a form and an amount recommended by SLRD staff) for potential impacts/damages to the Ayers/McLeod and Phare properties as well as on lots adjacent to the Ayers/McLeod and Phare properties; and*
- 3. A term of one year; and*
- 4. In respect of the use of the Ayers/McLeod and Phare properties, provision of security for lots adjacent to the Ayers/McLeod and Phare properties; and*
- 5. Based on the size of the Ayers/McLeod South property and the dimensions of the Riparian Zone (i.e. 30 metres or such other distance as may be recommended in the QEP report mentioned in requirement #1 if accepted by the Board), a calculation be provided as to the maximum parking capacity (i.e. maximum number of motor vehicles allowed to be parked) on the Ayers/McLeod South property; and*
- 6. Prior to any issuance of a temporary use permit with respect to the Ayers/McLeod property, an alternate parking plan be provided to the SLRD for the Pemberton Music Festival (i.e. an alternate parking plan that does not make use of the Ayers/McLeod property for motor vehicle parking).*

Further, it was requested that staff bring an information report to the Board in May regarding the subject Temporary Use Permits (TUPs), to enable discussion and the identification of issues or additional conditions in advance of the formal TUP review and decision scheduled for the June 22, 2016 Board meeting. Note that the subject TUPs, which are conditional on Agricultural Land Commission approval of the proposed Non-Farm Uses, must be issued at this June Board meeting if the McLeod/Phare properties are able to be used during the 2016 Pemberton Music Festival.

SLRD staff sent a letter with conditions to the applicants on April 29, 2016 outlining general conditions that would be required for the subject TUPs (see letter, attached in Appendix A). Information with respect to Transportation and Parking – Alternative Options has been provided and is discussed below. The items requested in the SLRD’s letter to the applicants are discussed further below. Vancouver Coastal Health Authority (VCHA) and the Ministry of Environment have also made recommendations with regards to conditions associated with testing programs for well water and soil; these are detailed below.

On May 6, 2016 the Agricultural Land Commission (ALC) provided correspondence to the agent and SLRD, confirming that the ALC Application ID: 55184 (55184 and 54805 merged together) is being processed and will be reviewed by the Commission at its earliest opportunity. It was noted that “the length of processing time for each application varies depending on the type of application, statutory requirements within the ALC Act, information provided, necessity for site visit or applicant meetings, etc.”.

**RELEVANT POLICIES:**

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

**BACKGROUND:**

Due to the tight timelines involved with Non-Farm Use Application 54805/55184, while the SLRD awaits the decision of the Agricultural Land Commission in respect of this application, SLRD staff has been directed to proceed with processing the TUP applications submitted for the subject properties.

As such, and similar to the existing TUP granted for properties in the SLRD for the Pemberton Music Festival (PMF), the following information was requested, to be submitted to the SLRD office no later than June 3, 2016 (unless otherwise specified) in order for staff to have time to review it, respond to it, and have it available for the statutory public notification which is required to be mailed out the week of June 6-10th and advertised in the June 16, 2016 Pique newspaper.

**1. DETAILED SITE PLANS**

The SLRD will require detailed site plans to be submitted to the SLRD office no later than June 3, 2016.

**McLeod Property**

McLeod Property Site Plan, to scale/dimensioned, detailing the following:

- proposed site layout, including total number and location of parking spaces,

- a table itemizing the ha/acres under application,
- road and driveway locations and drive aisles,
- pedestrian circulation plan,
- entrance and exit points,
- fencing,
- lighting,
- washroom locations,
- recycling and garbage locations,
- location and details of any other proposed structures, and
- Riparian Area Regulation setbacks based on a 30m RAR buffer from the natural boundary of both the North Arm Channel and the Lillooet River, or as established by a Qualified Environmental Professional (QEP) through a Riparian Assessment report.

### Phare Property

Phare Property Site Plan, to scale/dimensioned, detailing the following:

- proposed site layout, including total number and location of camping sites,
- a table itemizing the ha/acres under application,
- road and driveway locations and drive aisles,
- pedestrian circulation plan,
- entrance and exit points,
- fencing,
- lighting,
- washroom and shower trailer locations,
- recycling and garbage locations,
- location and details of any other proposed structures, and
- Riparian Area Regulation setbacks based on a 30m RAR buffer from the natural boundary of any watercourses, or as established by a QEP through a report.

### 2. RIPARIAN SETBACKS

All PMF activities must occur at least 30 metres from the natural boundary of any watercourse, including but not limited to the Lillooet River and the North Arm Channel. Any variations from this setback must be established by a Qualified Environmental Professional (QEP) through a Riparian Assessment report. The site plans should reflect this setback.

### 3. WELL WATER TESTING

Drinking well water testing for the 6 properties adjoining the McLeod property, to determine a baseline to address the potential issues of well contamination. Water should be tested based on the Guidelines for Canadian Drinking Water quality. The SLRD will require this testing to be submitted to the SLRD office no later than June 3, 2016. Post-PMF event testing on these wells must be done within 48 hours after the vehicles have left the parking area.

#### 4. SOIL TESTING AND PROTECTION

Soil Quality testing for the McLeod property is required in order to determine a baseline dataset to address issues of potential compaction and pollution. The SLRD will require this testing to be submitted to the SLRD office no later than June 3, 2016.

- Pre-PMF event testing must occur in order to establish a baseline dataset from the environmental, chemical, and physical perspectives. Post-PMF event testing must be done immediately after the vehicles have vacated the parking area and prior to any plowing or other actions are taken on the parking areas in order to observe any spills and sample effectively. Pre and post event testing must be done at a minimum of 12 locations on the property.
- A site characterization of the McLeod property is required to describe the environmental, chemical, and physical factors including metals and hydrocarbon testing along with soil compaction testing (e.g. penetrometers etc.). Testing must be done by qualified professionals with expertise in soils and contaminated land assessment. The first year it is important that a rigorous testing protocol be employed to establish a baseline. The testing may be modified in subsequent years as data is obtained and analyzed.
- A basic spill prevention and response plan should also be prepared for the festival parking areas and should be submitted to the SLRD office no later than June 3, 2016. The plan should reference the use of grass protection mats to cover the access and circulation roads on the property. This will be made a condition of the temporary use permit. The plan should also include a parking plan that makes reference to directing heavy vehicles to locations that are less environmentally sensitive. This should also be reflected in the traffic and parking management plan (see below): all heavy vehicles arriving at the site should be directed to park in areas away from any riparian setbacks and other sensitive locations.

#### 5. EROSION AND SEDIMENT CONTROL

An erosion and sediment control plan is required for both properties, and as part of that, silt fencing must be installed along all waterbodies with respect to the necessary riparian setbacks. The SLRD will require this plan to be submitted no later than June 3, 2016.

#### 6. TRANSPORTATION AND PARKING MANAGEMENT – ALTERNATIVE OPTIONS

Based on the anticipated growth of the festival from 27,000 visitors to 40,000 visitors, the SLRD requires the applicant to provide alternative parking options that includes a detailed plan outlining the alternative parking options (e.g. Plan B) if the non-farm use and /or the temporary use applications are not approved. The SLRD will require this information no later than June 3, 2016.

SLRD staff followed up via email with the applicants' agent on May 2, 2016 to request that information pertaining to item 6. *Transportation and Parking Management – Alternative Options* be provided by end of day Tuesday May 11, 2016, as this information was requested by the SLRD Board, so that this information could be included in the May Board Information Report (this report). The following information regarding a "Plan B" was provided:

#### “AIRPORT:

The airport was seen as a potential option, however, upon further investigation, the intersection of Airport Rd and Hwy 99 pose a significant hindrance for traffic flow, thus creating a high potential to cause substantial traffic along Hwy 99. This intersection was a factor in what caused the traffic problems of the 2008 Live Nation Pemberton Music Festival. This choice would result in festival shuttles (which current result in traffic efficiencies) getting caught in the traffic created by vehicles waiting to park at the airport. Additionally, the return shuttles from the venue would need to turn left across the highway 99 causing complete highway shutdown. The airport is also in the Agricultural Land Reserve. This option could also result in more pedestrian traffic from the airport, along Hwy 99 to the festival entrances; the more roadways that pedestrians travel, the more safety becomes an issue.

#### GOLF COURSE:

The Golf Course was seen as a potential option, however, upon further investigation, the intersection of Airport Rd and Hwy 99 pose a significant hindrance for traffic flow, thus creating a high potential to cause substantial traffic along Hwy 99. This intersection was a factor in what caused the traffic problems of the 2008 Live Nation Pemberton Music Festival. These are the same issues at the Airport. It is also in the ALR.

#### RODEO GROUNDS:

We have explored the feasibility of the Rodeo Grounds as a potential parking option and it will not be a suitable option due to the following conditions:

- Having patrons drive past the site during load-in days will cause traffic problems and impact safety along Hwy 99 adjacent to the festival site.
- Utilizing lots past the festival site will create additional traffic along Hwy 99, further disrupting those in the community who are heading to/from work and those passing through on Hwy 99.
- The conditions that apply to the Airport apply to the Rodeo Grounds. The shuttles intended to pick up the patrons would be in the same traffic to pick up the patrons attempting to park on the Rodeo Grounds.
- We are concerned that some festival goes would attempt to walk back to the site from the rodeo grounds, not realizing the distance involved or the lack of adequate road shoulders for pedestrian travel.
- This site is also in the ALR.

#### RUTHERFORD:

In an effort to reduce ambient noise, traffic, and decrease the risk of overnight vehicles showing up to the festival site, the Pemberton Music Festival organizers have taken Plateau neighbors into consideration. After meeting with members of the Plateau Strata we have created a vehicle marshaling yard for this year's festival. Rutherford is the best-suited Marshaling location for larger vehicles allowing them a staging/check-in area before arriving at the Pemberton Festival site during day hours. Rutherford will act as an overnight staging area for overnight deliveries, thereby reducing the number of trucks entering Pemberton

overnight. Less traffic and trucks will greatly reduce the overnight beep noises that were noted from the 2015 Festival. The left turn across the highway to an uncontrolled railway crossing poses an unmanageable safety concern for patrons. Utilizing Rutherford for Vendors/trucks traffic instead of patron traffic dramatically reduces this risk.

AYERS:

[The McLeod/]Ayers property provides the best option for safety and festival operation due to its proximity to the festival. The [McLeod/]Ayers property has the ability to directly increase the walkability of the festival operation, thereby reducing traffic congestion for members of the community. The use of [the McLeod/]Ayers property will increase the level of safe access for festival patrons, as well as allow organizers more time to increase efficiencies with our trash collection programs, recycling programs, local partnerships, and marketing for the region's offerings.

The [McLeod/] Ayers property was used in 2014 and 2015 as part of the Traffic Management Plan [Staff note: this property was not permitted by the SLRD nor the ALC for the 2014 or 2015 PMF] and is the primary reason the traffic did not interrupt the highway. The right hand turn onto the [McLeod/]Ayers property in advance of the festival site and other parking areas allows for the management of traffic volumes and traffic flow. Without this property the festival will cause mass congestion which could jeopardize the event and the community's movement through the valley. Using North [side of the McLeod/Ayers property] as parking for the North Campground (campgrounds N of Hwy 99) and South [side of the McLeod/Ayers property] for parking for the South Campground (campgrounds S of Hwy 99) will decrease the likelihood of unsanctioned festival pedestrian traffic across Hwy 99 as patrons will stay on the side of the Hwy in which they parked. [The McLeod/Ayers property] also serves to protect residential parking, addressing the community's concerns about "rogue parkers" that look to find parking close to the festival site (i.e. in front of residents' homes, driveways, yards, etc, as was the case in 2008). Keeping festival goers closer to the site contributes to the overall safety of the patrons and members of the community."

#### 7. MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE (MOTI) APPROVAL

Prior to issuance of the TUP, the SLRD must receive approval of a transportation and parking management plan from the Ministry of Transportation and Infrastructure.

#### 8. WASTE MANAGEMENT PLAN

A Waste Management Plan must be submitted to and approved by the SLRD Director of Utilities and Environmental Services prior to June 3, 2016; the applicant was advised to contact the SLRD Director of Utilities for the necessary criteria.

#### 9. VANCOUVER COASTAL HEALTH (VCH) APPROVAL

The SLRD will require VCH to provide written approval for the proposed camping and washroom facilities. The SLRD will require this approval no later than June 3, 2016.

## 10. SECURITY PLAN

A plan must be provided to detail how security is to be handled at the site. This should include fencing, safety, and protection of the neighbouring properties from trespass and disturbance. This will be required as part of the Special Event Permit process; the SLRD Emergency Program Manager has confirmed that this process is underway. The deadline for submission of all Special Event Permit information is June 15, 2016.

## 11. BONDING/SECURITIES

A minimum security/bond to address site remediation issues (soil compaction and pollution) and damage/impacts to adjoining properties will be required. The amount of this security is currently under review.

McLeod Property – suggested security to be set at \$175,000

The SLRD was advised by the Ministry of Agriculture that an amount in the range of \$5,000 per acre would be acceptable to remediate any spills or contamination, however, this does not address the cost to remediate any impacts to the property/water wells of the adjoining neighbors due to the applicants' properties use for PMF parking. Based on an estimated spill that could impact 25% of the applicants' properties (=~21.35 acres) using the above per acre amount suggested by the Ministry of Agriculture, and an impact on each of the 6 adjoining neighbours' properties at \$10,000 for each property, this security is suggested to be set at \$170,000.

Phare Property – suggested security to be set at \$5,000

The amount is equivalent to the other TUPs issued for camping on neighbouring properties, which are currently part of the Festival Site. This amount is lower than the amount for the McLeod property due to the Phare property's less impactful use (for tent camping) and its limited impacts on adjoining neighbors.

## 12. LEGAL INDEMNIFICATION FOR THE SLRD

A legal indemnification, indemnifying the SLRD from any liability associated with the non-farm uses/PMF activities proposed on the subject properties will be required.

## 13. OTHER TUP MATTERS

- Further information may be requested as the SLRD reviews this application further.

Note that other TUP matters will include the following:

- In conjunction with requirement 2. above, the Permittees, or their designate, Pemberton Music Festival, LP, shall acquire a Qualified Environmental Professional (QEP) to conduct a Riparian Assessment report by July 4, 2016 for all Event related activities proposed to occur within 30m of the unnamed creek and the Lillooet River;
- All proposed Event land development and site layouts shall be in strict accordance with the recommendations of the QEP's Riparian Assessment Report. If no QEP report is provided by July 4, 2016 all activities must be at least 30 m from the unnamed creek and the Lillooet River. An erosion and sediment control plan is required for both properties



and shall be prepared by a professional biologist, and as part of that, silt fencing must be installed along all waterbodies with respect to the necessary riparian setbacks. This plan must be submitted to the SLRD for approval within 3 business days of the issuance of the TUP, with execution of the erosion and sediment control plan a condition of the TUP.

- In conjunction with requirement 3. above, the Permittees, or their designate, Pemberton Music Festival, LP, shall acquire a Registered Professional Hydrogeologist to develop and conduct a well water testing program for the 6 properties adjoining the McLeod property. This program must include pre and post Event testing, and must be submitted to the SLRD for approval within 3 business days of issuance of the TUP. All pre Event water testing must occur by July 4, 2016 as a condition of the TUP. As recommended by VCHA (see below), and as part of developing a well water testing program, it may be required that a Registered Professional Hydrogeologist assess the level of risk to private wells. This assessment may include a review of aerial photos and well logs / pumping rates to establish a preliminary capture zone as well as an inferred hydraulic gradient. Consideration may also be given to some monitoring of the wells at greatest exposure risk (Note: risk would need to be considered in light of other possible sources of contamination – not to just assume contamination would arise from the TUP activities).
- In conjunction with requirement 4. above, the Permittees, or their designate, Pemberton Music Festival, LP, shall acquire a Registered Professional Environmental Consultant to develop and conduct a soil testing and protection program. This program must include pre and post Event testing, and must be submitted to the SLRD for approval within 3 business days of issuance of the TUP, with execution of the soil testing and protection program a condition of the TUP. All pre Event soil testing must occur by July 4, 2016 as a condition of the TUP. As recommended by the Ministry of Environment (see below), in acquiring a Registered Professional Environmental Consultant, the Contaminated Sites Approved Professional Society website shall be used to (<http://www.csapsociety.bc.ca/>) identify an approved professional(s) in this area of expertise.

Additionally, it will be requested that all site plans include any private well locations, as per the recommendation from VCHA (see below).

There may be other TUP requirements that will be developed as additional information is received and analyzed. Further, the SLRD anticipates that the McLeod Property and Phare Property will be considered as two separate TUPs, with conditions that reflect the specific proposed uses.

#### **ANALYSIS:**

SLRD staff sought professional input on the *additional conditions*, which were developed by the Area C Agricultural Advisory Committee and included in the SLRD Board resolutions of April 27/28, 2016, specifically with respect to the well water testing and soil testing. The following information and recommendations were provided.

### Well Water Testing Program and Criteria

Vancouver Coastal Health Agency (VCHA) emphasised that water hydrology is not a simple science; contamination associated with an event/spill/ leak does not necessarily show up immediately in an aquifer, it depends on the aquifer etc., and that when contamination does become evident it is difficult to prove it is associated with a particular event/source. It was asked what the main concern was, and it was recommended that the SLRD ask a lab to advise what to test for. VCHA confirmed that they could provide a list of labs. Further, it was stated that “ideally it would be best to prevent contamination from occurring, rather than remediation (costly). You would be best to retain a hydrogeologist to assist with the risk assessment and to provide recommendations on how to prevent the contamination in the first place.”

*VCHA recommendation: “refer this matter to a hydrogeologist to assess the level of risk to private wells. This assessment would likely include a review of aerial photos and well logs / pumping rates. From there a preliminary capture zone could be established as well as an inferred hydraulic gradient. From there consideration could be given to some monitoring of the wells at greatest exposure risk – but again the risk would need to be considered in light of other possible sources of contamination – not to just assume contamination would arise from the TUP activities.”*

Typically, labs will recommend that in order to determine a baseline it is best to get as many samples as possible (and at least two prior to festival use); this allows for averaging. Additionally, post event testing should happen 48 hours after the event and again after the first big rain. Fecal and nitrates are not included in standard Canadian Drinking Water Quality tests, but are important to be tested for given the proposed uses.

The neighbouring property owners have communicated that the preference would be for a consultant to do the well testing, not the agent/proponent, and VCHA has recommended that a hydrogeologist be hired to conduct the well water testing program. VCHA also inquired as to whether either of the subject properties are serviced by a private well (Staff note: this information has not been provided), noting that the current site plans do not show well locations, and that VCHA’s response (approval) depends on being advised of the proposed servicing. SLRD staff are continuing to do research into the best options for well water testing and will bring this information to the Board at the June 22<sup>nd</sup> Board meeting.

### Soil Testing Program and Criteria

The Ministry of Environment, Land Remediation Section stated that because of the nature of the event taking place connected with the parking there could be a number of contaminants of concern and that they could only guess at what those might be. However, it was suggested that “the main substances to look for would be Light Extractable Petroleum Hydrocarbons (LEPH) and Heavy Extractable Petroleum Hydrocarbons (HEPH) and metals associated with vehicles”, and that if there was a gasoline spill, “BTEX (benzene, toluene, ethylbenzene and xylene) would

also be important to sample for”. It was also suggested that there would “potentially be issues with E. Coli and other pathogens if there are washroom facilities or people/pets remaining in this area for prolonged periods of time”.

Ministry of Environment recommendation: “*qualified environmental consultants should be used to conduct the sampling and investigation. Approved Professionals in this area of expertise can be found at the Contaminated Sites Approved Professional Society website located at <http://www.csapsociety.bc.ca/>.*”

#### Process to Date and Proposed Next Steps

1. Determine TUP conditions and the timing for conditions to be met.
2. Provide Notice of the TUPs, as per the *Local Government Act* (statutory public notification must be mailed out the week of June 6-10th and advertised in the June 16, 2016 newspaper in order for the subject TUPs to be considered at the June 22 Board).
3. Receive ALC decision regarding Non-Farm Use Application 55184 (McLeod/Phare)
4. Issue TUPs, with conditions, should the ALC permit/approve the proposed Non-Farm Uses and the Board approve the issuance of the TUPs.
5. Issue Special Event Permit, with conditions.
6. Should the Board approve the issuance of the TUPs, amend the Pemberton Music Festival MOU to include the two additional properties
7. Provide SLRD Bylaw Enforcement support during Pemberton Music Festival, with specific focus on restricting access to Crown lands.

#### **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 PMF.

#### **APPENDIX:**

Appendix A: McLeod/Phare Temporary Use Permit Application – Agent Correspondence, April 29, 2016

Appendix B: McLeod Temporary Use Permit Application #45 and Phare Temporary Use Permit Application #46 – Agent Correspondence, May 20, 2016

Submitted by: C. Daniels, Planner

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

Reviewed by: L. Flynn, Chief Administrative Officer



April 29, 2016

PO Box 494  
Pemberton, BC  
V0N 2L0  
By email: [cwmcivor@telus.net](mailto:cwmcivor@telus.net)

Dear Cam McIvor:

**RE: McLeod/Phare Temporary Use Permit Application**

---

The McLeod/Ayers ALC Non-Farm Use Application was presented to the SLRD Board on April 27, 2016. The SLRD Board resolved to support the application, with conditions, and to forward it to the ALC for consideration. A copy of the submission to the ALC is attached. Note that this application was forwarded on April 29, 2016.

Due to the tight timelines involved with Non-Farm Use Application 54805/55184 while the SLRD awaits the decision of the Agricultural Land Commission in respect of this application, SLRD staff has been directed to proceed with processing the Temporary Use Permit (TUP) applications submitted for the subject properties.

As such, and similar to the existing TUP granted for properties in the SLRD for the PMF, the following information is required, **all of which must be submitted to our office no later than June 3, 2016** (unless otherwise specified) in order for staff to have time to review it, respond to it, and have it available for the statutory public notification which is required to be mailed out the week of June 6-10<sup>th</sup> and advertised thereafter.

**1. DETAILED SITE PLANS**

The SLRD will require detailed site plans to be submitted to the SLRD office no later than June 3, 2016.

**McLeod Property**

McLeod Property Site Plan, to scale/dimensioned, detailing the following:

- proposed site layout, including total number and location of parking spaces,
- a table itemizing the ha/acres under application,
- road and driveway locations and drive aisles,
- pedestrian circulation plan,
- entrance and exist points,
- fencing,
- lighting,

- washroom locations,
- recycling and garbage locations,
- location and details of any other proposed structures, and
- Riparian Area Regulation setbacks based on a 30m RAR buffer from the natural boundary of both the North Arm Channel and the Lillooet River, or as established by a Qualified Environmental Professional (QEP) through a Riparian Assessment report.

### Phare Property

Phare Property Site Plan, to scale/dimensioned, detailing the following:

- proposed site layout, including total number and location of camping sites,
- a table itemizing the ha/acres under application,
- road and driveway locations and drive aisles,
- pedestrian circulation plan,
- entrance and exist points,
- fencing,
- lighting,
- washroom and shower trailer locations,
- recycling and garbage locations,
- location and details of any other proposed structures, and
- Riparian Area Regulation setbacks based on a 30m RAR buffer from the natural boundary of any watercourses, or as established by a QEP through a report.

## 2. RIPARIAN SETBACKS

All Pemberton Music Festival (PMF) activities must occur at least 30 metres from the natural boundary of any watercourse, including but not limited to the Lillooet River and the North Arm Channel. Any variations from this setback must be established by a Qualified Environmental Professional (QEP) through a Riparian Assessment report. The site plans should reflect this setback.

## 3. WELL WATER TESTING

Drinking well water testing for the 6 properties adjoining the McLeod property, to determine a baseline to address the potential issues of well contamination. Water should be tested based on the Guidelines for Canadian Drinking Water quality. The SLRD will require this testing to be submitted to the SLRD office no later than June 3, 2016. Post-PMF event testing on these wells must be done within 48 hours after the vehicles have left the parking area.

## 4. SOIL TESTING AND PROTECTION

Soil Quality testing for the McLeod property is required in order to determine a baseline dataset to address issues of potential compaction and pollution. The SLRD will require this testing to be submitted to the SLRD office no later than June 3, 2016.

- Pre-PMF event testing must occur in order to establish a baseline dataset from the environmental, chemical, and physical perspectives. Post-PMF event testing must be done immediately after the vehicles have vacated the parking area and prior to any plowing or other actions are taken on the parking areas in order to observe any spills and sample effectively. Pre and post event testing must be done at a minimum of 12 locations on the property.
- A site characterization of the McLeod property is required to describe the environmental, chemical, and physical factors including metals and hydrocarbon testing along with soil compaction testing (e.g. penetrometers etc.). Testing must be done by qualified professionals with expertise in soils and contaminated land assessment. The first year it is important that a rigorous testing protocol be employed to establish a baseline. The testing may be modified in subsequent years as data is obtained and analyzed.

- A basic spill prevention and response plan should also be prepared for the festival parking areas and should be submitted to the SLRD office no later than June 3, 2016. The plan should reference the use of grass protection mats to cover the access and circulation roads on the property. This will be made a condition of the temporary use permit. The plan should also include a parking plan that makes reference to directing heavy vehicles to locations that are less environmental sensitive. This should also be reflected in the traffic and parking management plan (see below): all heavy vehicles arriving at the site should be directed to park in areas away from any riparian setbacks and other sensitive locations.

#### 5. EROSION AND SEDIMENT CONTROL

An erosion and sediment control plan is required for both properties, and as part of that silt fencing must be installed along all waterbodies with respect to the necessary riparian setbacks. The SLRD will require this plan to be submitted no later than June 3, 2016.

#### 6. TRANSPORTATION AND PARKING MANAGEMENT – ALTERNATIVE OPTIONS

Based on the anticipated growth of the festival from 27,000 visitors to 40,000 visitors, the SLRD requires the applicant to provide alternative parking options. Please provide a detailed plan outlining the alternative parking options (e.g. Plan B) if the non-farm use and /or the temporary use applications are not approved. The SLRD will require this information no later than June 3, 2016.

#### 7. MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE (MOTI) APPROVAL

Prior to issuance of the TUP, the SLRD must receive approval of a transportation and parking management plan from the Ministry of Transportation and Infrastructure. The SLRD will require this approval no later than June 3, 2016.

#### 8. WASTE MANAGEMENT PLAN

A Waste Management Plan must be submitted to and approved by the SLRD Director of Utilities and Environmental Services prior to June 3, 2016. Please contact the SLRD Director of Utilities for the necessary criteria.

#### 9. VANCOUVER COASTAL HEALTH (VCH) APPROVAL

The SLRD will require VCH to provide written approval for the proposed camping and washroom facilities. The SLRD will require this approval no later than June 3, 2016.

#### 10. SECURITY PLAN

A plan must be provided to detail how security is to be handled at the site. This should include fencing, safety, and protection of the neighbouring properties from trespass and disturbance. This will be required as part of the Special Event Permit process and must be substantively submitted to the SLRD Emergency Program Manager by May 14, 2016 along with any other Special Event Permit information that is required.

#### 11. BONDING/SECURITIES

A minimum security/bond to address site remediation issues (soil compaction and pollution) and damage/impacts to adjoining properties will be required. The amount of this security is currently under review.

#### 12. LEGAL INDEMNIFICATION FOR THE SLRD

A legal indemnification, indemnifying the SLRD from any liability associated with the non-farm uses/PMF activities proposed on the subject properties will be required.

### 13. OTHER TUP MATTERS

- Further information may be requested as the SLRD reviews this application further.

**As stated previously, the SLRD must receive all requested information by June 3, 2016 in order for the subject TUPs to be considered at the June Board meeting.**

Should you have any questions or concerns or wish to discuss anything further, please contact me directly at [cdaniels@slrd.bc.ca](mailto:cdaniels@slrd.bc.ca) or 606.894-6371 ext. 235.

Sincerely,

Claire Daniels  
SLRD Planner

enclosures: SLRD Submission to the ALC

CC: David Buttery, Huka Entertainment  
Lynda Flynn, SLRD Chief Administrative Officer  
Kim Needham, SLRD Director of Planning and Development  
Ryan Wainwright, SLRD Manager of Emergency Services  
Janis Netzel, SLRD Director of Utilities and Environmental Services



May 20, 2016

PO Box 494

Pemberton, BC

V0N 2L0

By email: [cwmcivor@telus.net](mailto:cwmcivor@telus.net)

Dear Cam McIvor:

**RE: McLeod/Phare Temporary Use Permit Application - CONDITIONS**

---

As requested by the SLRD Board, an Information Report regarding the McLeod Temporary Use Permit #45 and Phare Temporary Use Permit #46 is being brought to the May 25, 2016 Board meeting. The purpose of this report is to update the SLRD Board on the subject applications in advance of the formal Temporary Use Permit (TUP) review and decision-making process. This is necessary, as the tight timelines do not provide for any input or changes following the June 22, 2016 Board meeting.

Following on the April 29, 2016 correspondence that you received from our office, other TUP matters have been identified. Note that the conditions outlined below, in addition to those previously communicated, will be included as conditions in the subject TUPs, should they be issued. Further information may be requested as the SLRD reviews this application further. As previously noted to you, the TUP is conditional on the approval for non-farm use on the properties from the Agricultural Land Commission.

Note that other TUP requirements in addition to the ones included in our letter of April 29, 2016 (included below for your convenience) will include the following:

- In conjunction with requirement 2. (see further down in this letter), the Permittees, or their designate, Pemberton Music Festival, LP, shall acquire a Qualified Environmental Professional (QEP) to conduct a Riparian Assessment report by July 4, 2016 for all Event related activities proposed to occur within 30m of the unnamed creek and the Lillooet River;
- All proposed Event land development and site layouts shall be in strict accordance with the recommendations of the QEP's Riparian Assessment Report. If no QEP report is provided by July 4, 2016 all activities must be at least 30 m from the unnamed creek and the Lillooet River. An erosion and sediment control plan is required for both properties and shall be prepared by a professional biologist, and as part of that, silt fencing must be installed along all waterbodies with respect to the necessary riparian setbacks. This plan must be submitted to the SLRD for approval within 3 business days of the issuance of the TUP, with execution of the erosion and sediment control plan a condition of the TUP.
- In conjunction with requirement 3. below, the Permittees, or their designate, Pemberton Music Festival, LP, shall acquire a Registered Professional Hydrogeologist to develop and conduct a well water testing program for the 6 properties adjoining the McLeod property. This program must include pre and post Event testing, and must be submitted to the SLRD for approval



within 3 business days of issuance of the TUP. All pre Event water testing must occur by July 4, 2016 as a condition of the TUP. As recommended by Vancouver Coastal Health Authority , and as part of developing a well water testing program, it may be required that a Registered Professional Hydrologist assess the level of risk to private wells. This assessment may include a review of aerial photos and well logs / pumping rates to establish a preliminary capture zone as well as an inferred hydraulic gradient. Consideration may also be given to some monitoring of the wells at greatest exposure risk (Note: risk would need to be considered in light of other possible sources of contamination – not to just assume contamination would arise from the TUP activities).

- In conjunction with requirement 4. below, the Permittees, or their designate, Pemberton Music Festival, LP, shall acquire a Registered Professional Environmental Consultant to develop and conduct a soil testing and protection program. This program must include pre and post Event testing, and must be submitted to the SLRD for approval within 3 business days of issuance of the TUP, with execution of the soil testing and protection program a condition of the TUP. All pre Event soil testing must occur by July 4, 2016 as a condition of the TUP. As recommended by the Ministry of Environment, in acquiring a Registered Professional Environmental Consultant, the Contaminated Sites Approved Professional Society website shall be used to (<http://www.csapsociety.bc.ca/>) identify an approved professional(s) in this area of expertise.
- In conjunction with requirement 11. below, the amount of this security is currently under review, but has been suggested to the SLRD Board as follow:
  - McLeod Property – suggested security to be set at \$175,000  
The SLRD was advised by the Ministry of Agriculture that an amount in the range of \$5,000 per acre would be acceptable to remediate any spills or contamination, however, this does not address the cost to remediate any impacts to the property/water wells of the adjoining neighbors due to the applicants' properties use for PMF parking. Based on an estimated spill that could impact 25% of the applicants' properties (=~21.35 acres) using the above per acre amount suggested by the Ministry of Agriculture, and an impact on each of the 6 adjoining neighbours' properties at \$10,000 for each property, this security is suggested to be set at \$170,000.
  - Phare Property – suggested security to be set at \$5,000  
The amount is equivalent to the other TUPs issued for camping on neighbouring properties, which are currently part of the Festival Site. This amount is lower than the amount for the McLeod property due to the Phare property's less impactful use (for tent camping) and its limited impacts on adjoining neighbors.

There may be other TUP requirements that will be developed as additional information is received and analyzed. Further, the SLRD anticipates that the McLeod Property and Phare Property will be considered as two separate TUPs, with conditions that reflect the specific proposed uses.

SLRD staff note that Detailed Site Plans are still outstanding. Please refer to below details, as previously requested. It is also requested that these site plans include any private well locations (on the subject properties); this information was requested by Vancouver Coastal Health Authority. It is noted that requirement 6. TRANSPORTATION AND PARKING MANAGEMENT – ALTERNATIVE OPTIONS has been received.

### **Requirements as per the SLRD's April 29, 2016 letter to you regarding this issue:**

#### **1. DETAILED SITE PLANS**

The SLRD will require detailed site plans to be submitted to the SLRD office no later than June 3, 2016.

## McLeod Property

McLeod Property Site Plan, to scale/dimensioned, detailing the following:

- proposed site layout, including total number and location of parking spaces,
- a table itemizing the ha/acres under application,
- road and driveway locations and drive aisles,
- pedestrian circulation plan,
- entrance and exist points,
- fencing,
- lighting,
- washroom locations,
- recycling and garbage locations,
- location and details of any other proposed structures,
- location and details of any private well locations, on the subject property, and
- Riparian Area Regulation setbacks based on a 30m RAR buffer from the natural boundary of both the North Arm Channel and the Lillooet River, or as established by a Qualified Environmental Professional (QEP) through a Riparian Assessment report.

## Phare Property

Phare Property Site Plan, to scale/dimensioned, detailing the following:

- proposed site layout, including total number and location of camping sites,
- a table itemizing the ha/acres under application,
- road and driveway locations and drive aisles,
- pedestrian circulation plan,
- entrance and exist points,
- fencing,
- lighting,
- washroom and shower trailer locations,
- recycling and garbage locations,
- location and details of any other proposed structures,
- location and details of any private well locations, on the subject property, and
- Riparian Area Regulation setbacks based on a 30m RAR buffer from the natural boundary of any watercourses, or as established by a QEP through a report.

## 2. RIPARIAN SETBACKS

All Pemberton Music Festival (PMF) activities must occur at least 30 metres from the natural boundary of any watercourse, including but not limited to the Lillooet River and the North Arm Channel. Any variations from this setback must be established by a Qualified Environmental Professional (QEP) through a Riparian Assessment report. The site plans should reflect this setback.

## 3. WELL WATER TESTING

Drinking well water testing for the 6 properties adjoining the McLeod property, to determine a baseline to address the potential issues of well contamination. Water should be tested based on the Guidelines for Canadian Drinking Water quality. The SLRD will require this testing to be submitted to the SLRD office no later than June 3, 2016. Post-PMF event testing on these wells must be done within 48 hours after the vehicles have left the parking area.

#### 4. SOIL TESTING AND PROTECTION

Soil Quality testing for the McLeod property is required in order to determine a baseline dataset to address issues of potential compaction and pollution. The SLRD will require this testing to be submitted to the SLRD office no later than June 3, 2016.

- Pre-PMF event testing must occur in order to establish a baseline dataset from the environmental, chemical, and physical perspectives. Post-PMF event testing must be done immediately after the vehicles have vacated the parking area and prior to any plowing or other actions are taken on the parking areas in order to observe any spills and sample effectively. Pre and post event testing must be done at a minimum of 12 locations on the property.
- A site characterization of the McLeod property is required to describe the environmental, chemical, and physical factors including metals and hydrocarbon testing along with soil compaction testing (e.g. penetrometers etc.). Testing must be done by qualified professionals with expertise in soils and contaminated land assessment. The first year it is important that a rigorous testing protocol be employed to establish a baseline. The testing may be modified in subsequent years as data is obtained and analyzed.
- A basic spill prevention and response plan should also be prepared for the festival parking areas and should be submitted to the SLRD office no later than June 3, 2016. The plan should reference the use of grass protection mats to cover the access and circulation roads on the property. This will be made a condition of the temporary use permit. The plan should also include a parking plan that makes reference to directing heavy vehicles to locations that are less environmental sensitive. This should also be reflected in the traffic and parking management plan (see below): all heavy vehicles arriving at the site should be directed to park in areas away from any riparian setbacks and other sensitive locations.

#### 5. EROSION AND SEDIMENT CONTROL

An erosion and sediment control plan is required for both properties, and as part of that silt fencing must be installed along all waterbodies with respect to the necessary riparian setbacks. The SLRD will require this plan to be submitted no later than June 3, 2016.

#### 6. TRANSPORTATION AND PARKING MANAGEMENT – ALTERNATIVE OPTIONS

Based on the anticipated growth of the festival from 27,000 visitors to 40,000 visitors, the SLRD requires the applicant to provide alternative parking options. Please provide a detailed plan outlining the alternative parking options (e.g. Plan B) if the non-farm use and /or the temporary use applications are not approved. The SLRD will require this information no later than June 3, 2016.

#### 7. MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE (MOTI) APPROVAL

Prior to issuance of the TUP, the SLRD must receive approval of a transportation and parking management plan from the Ministry of Transportation and Infrastructure. The SLRD will require this approval no later than June 3, 2016.

#### 8. WASTE MANAGEMENT PLAN

A Waste Management Plan must be submitted to and approved by the SLRD Director of Utilities and Environmental Services prior to June 3, 2016. Please contact the SLRD Director of Utilities for the necessary criteria.

#### 9. VANCOUVER COASTAL HEALTH (VCH) APPROVAL

The SLRD will require VCH to provide written approval for the proposed camping and washroom facilities. The SLRD will require this approval no later than June 3, 2016.

## 10. SECURITY PLAN

A plan must be provided to detail how security is to be handled at the site. This should include fencing, safety, and protection of the neighbouring properties from trespass and disturbance. This will be required as part of the Special Event Permit process and must be substantively submitted to the SLRD Emergency Program Manager by May 14, 2016 along with any other Special Event Permit information that is required.

## 11. BONDING/SECURITIES

A minimum security/bond to address site remediation issues (soil compaction and pollution) and damage/impacts to adjoining properties will be required. The amount of this security is currently under review.

## 12. LEGAL INDEMNIFICATION FOR THE SLRD

A legal indemnification, indemnifying the SLRD from any liability associated with the non-farm uses/PMF activities proposed on the subject properties will be required.

## 13. OTHER TUP MATTERS

- Further information may be requested as the SLRD reviews this application further.

**As stated previously, the SLRD must receive all requested information by June 3, 2016 in order for the subject TUPs to be considered at the June Board meeting.**

Should you have any questions or concerns or wish to discuss anything further, please contact me directly at [cdaniels@slrd.bc.ca](mailto:cdaniels@slrd.bc.ca) or 606.894-6371 ext. 235.

Sincerely,



Claire Daniels  
SLRD Planner

CC: David Buttery, Huka Entertainment  
Lynda Flynn, SLRD Chief Administrative Officer  
Kim Needham, SLRD Director of Planning and Development  
Ryan Wainwright, SLRD Manager of Emergency Services  
Janis Netzel, SLRD Director of Utilities and Environmental Services