



**REQUEST FOR DECISION**  
Temporary Use Permit #45 & 46  
(for parking and camping associated with the  
Pemberton Music Festival)

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**Meeting Date:** June 22, 2016

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**To:** SLRD Board

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

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

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

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<b>OCP Designation:</b> Agriculture, Area C OCP Bylaw No. 689, 1999	<b>Zoning:</b> Agriculture, Area C Zoning Bylaw No. 765, 2002	<b>ALR Status:</b> In	<b>Development Permit Areas:</b> N/A
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**RECOMMENDATION:**

1. THAT the Board approve Temporary Use Permit No. 45 to Cam McIvor, on behalf of Brenda McLeod and Marion Ayers for the dates July 1, 2016 to July 31, 2016 for parking with respect to the 2016 Pemberton Music Festival, and that the permit be issued, conditional on Agricultural Land Commission approval of Non-Farm Use Application 55184;
2. THAT the Board approve Temporary Use Permit No. 46 to Cam McIvor, on behalf of Garth and Valerie Phare for the dates July 1, 2016 to July 31, 2016 for tent camping with respect to the 2016 Pemberton Music Festival, and that the permit be issued, conditional on Agricultural Land Commission approval of Non-Farm Use Application 55184;
3. THAT the Chief Administrative Officer or Secretary be authorized to execute Temporary Use Permits No. 45 and No. 46; and
4. THAT the Chief Administrative Officer be authorized to review, negotiate and sign a revised Pemberton Music Festival Memorandum of Understanding to include the properties which are the subject of TUP No. 45 and TUP No. 46.

## **KEY ISSUES/CONCEPTS:**

The Squamish-Lillooet Regional District (SLRD) received two Temporary Use Permit (TUP) Applications proposing temporary parking and camping associated with the Pemberton Music Festival. Specifically, the McLeod Temporary Use Permit (TUP) Application #45 is for 6,000 weekend parking spots on the north and south portions of the property for a total of thirty-five hectares (~86.5 acres), while the Phare TUP Application #46 is for up to 200 staff tent camping sites on 4 hectares (~10 acres); (see Property Maps and Site Plans included in Appendices A and B). The properties are located within the Agricultural Land Reserve (ALR), are zoned Agriculture in Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002 and are designated Agriculture in the Electoral Area C Official Community Plan Bylaw No. 689, 1999. The SLRD has not yet received a decision from the Agricultural Land Commission (ALC) on the related Non-Farm Use Application 55184.

The applicant has requested a 3 year TUP, however, the SLRD Board may issue the TUP for between 1 to 3 years (maximum), with an opportunity for renewal after the first permit expires. A requirement of any TUP issued will be approval by the Agricultural Land Commission (ALC) of the related Non-Farm Use Application 55184.

## **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  
SLRD Regional Growth Strategy Bylaw No. 1062, 2008  
SLRD Integrated Sustainability Plan

## **BACKGROUND:**

A TUP is an approval from the SLRD Board for a temporary land use that does not conform to the applicable zoning bylaw. A TUP may be issued for between 1 to 3 years, with an opportunity for renewal for 1 to 3 years after the first permit expires. During the TUP process, the SLRD may specify conditions under which the temporary use may be carried out. A SLRD TUP (#32) has been issued for properties associated with the existing Pemberton Music Festival Site. SLRD TUP 32 is up for review and potential renewal for up to an additional 3 years, following the 2016 edition of the Pemberton Music Festival.

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).*

Following review of the staff report dated May 25, 2016 (copy attached), at the May 25, 2016 Board meeting it was resolved that:

*THAT the following items as set out in the Information Report - McLeod & Phare Temporary Use Permit (#45 and #46) Update (for parking and camping associated with the Pemberton Music Festival) (the "Staff Report") not be included as requirements of the temporary use permits (the "TUPs") for the Ayers/McLeod and Phare properties (the "Applicants' Properties") regarding use of the Applicants' Properties for the Pemberton Music Festival:*

- Item 4. Soil Testing and Protection;*
- Item 5. Erosion and Sediment Control; and*
- Item 11. Bonding/Securities,*

*and that well water testing for the six properties adjoining the Ayers/McLeod property is only required for those wells that meet both of the following criteria:*

1. *The well is located on the property owner's own parcel; and*
2. *The well meets Vancouver Coastal Health Authority standards.*

The SLRD has yet to receive a decision from the ALC regarding Non-Farm Use Application 55184. Please note that the ALC has requested that the 2 applications noted in the April 27/28, 2016 Board resolution (#54805 and #55184) be combined into one application (#55184). As such, the subject TUPs are conditional on ALC approval of application 55184. Both TUP permits include the following sections:

4. a) Agricultural Land Commission (ALC) approval of the related Non-Farm Use Application 55184. If the SLRD issues this TUP for the Subject Property prior to the ALC's decision in respect of the related Non-Farm Use Application 55184 (i.e. due to timing issues), this TUP will not actually come into effect unless and until the ALC subsequently approves

Application 55184, due to the fact that it is a condition precedent of this TUP that the ALC approve the related Non-Farm Use Application 55184;

- b) All conditions of the Agricultural Land Commission resolutions #327/2012, #395/2012, #259/2013 and XXX/2016 [this will be new resolutions regarding the approval of Non-farm Use Application 55184, if approved] attached as Schedule 3 and forming a part of this TUP, shall be met as a condition of this TUP;

Specifically, ALC Resolutions #395/2012, #327/2012 and #259/2013 include the following conditions:

- 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.

SLRD staff has sent letters to the applicants (beginning on April 29, 2016) outlining general conditions that would be required for the subject TUPs. Please note the TUP applications are included herein as Appendices F and G.

**TUP Conditions:**

The TUP's set out the conditions of the use of the properties with respect to the 2016 Pemberton Music Festival, as follows:

- ALC approval (see above);
- Site plans (see below);
- All conditions of the Agricultural Land Commission resolutions #327/2012, #395/2012, #259/2013 and XXX/2016 regarding the non-farm use of this land shall be met;
- Riparian setbacks (see below);
- Aerial Photographs of the McLeod/Ayers property taken during the festival to prove permit compliance in terms of land use and number of number of vehicles and riparian setbacks(see below);
- Adjoining neighbour well water testing (McLeod property only) (see below);
- All land areas used for temporary uses under this TUP shall be returned to their previous state, as applicable, within a reasonable time period after the last day of the Event;
- A report shall be prepared by a qualified professional as of the last day in July 2016 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, 2016;

- Waste Management Plan (see below);
- Vancouver Coastal Health Authority permits (see below);
- Ministry of Transportation and Infrastructure permits (see below);
- 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.
- Legal indemnification to the SLRD with respect to the TUP (see below).

**The following information with respect to the subject TUP(s) conditions has been received:**

- Riparian Setbacks – Cascade Environmental Memorandum, dated June 2, 2016 provides recommended measures to “Delineate the SPEA [Streamside Protection and Enhancement Area] with a temporary fence to define the extent of riparian zone to discourage intrusions during the festival” (refer to Appendix C for details).
- Well Water Testing – Huka Entertainment/Pemberton Music Festival LP has engaged a Registered Professional Hydrologist to develop and conduct a well water testing program for wells located on those 6 properties adjoining the McLeod property (whose addresses are Pemberton Portage Road) and is currently working with such neighbouring property owners to secure testing dates. Note that well water testing for those 6 properties adjoining the McLeod property is only required for those wells that meet both of the following criteria:
  1. The well is located on the property owner’s own parcel; and
  2. The well meets Vancouver Coastal Health Authority standards.
- Transportation and Parking Alternative Options – information has been received describing such alternative options.

Additionally, Pemberton Music Festival LP retained PGL Environmental Consultations (PGL) to respond to an information request from the Squamish-Lillooet Regional District’s April 29, 2016 letter to the agent regarding the subject TUP applications. PGL’s response (refer to Appendix D for details) is limited to the following sections of the information request:

- #3 – Well Water Testing
- #4 – Soil Testing and Protection; and
- #5 – Erosion and Sediment Control.

**The following information with respect to the subject TUP conditions is outstanding:**

- Detailed Site Plans – specific for each property (McLeod and Phare), to scale/dimensioned, detailing the following. Please note that this is extremely important for purposes of determining site locations, etc. and needs to be received immediately.:
  - proposed site layout, including total number and location of parking spaces or 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 for Phare property) 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 (requested by Vancouver Coastal Health Authority), 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).
  
- Well Water Testing (McLeod property only) – 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;
  
- Waste Management Plan – to be submitted to the SLRD Director of Utilities and Environmental Services within 3 days of the TUP issuance.
  
- All applicable Vancouver Coastal Health Authority permits.
  
- All applicable Ministry of Transportation and Infrastructure permits.
  
- Legal Indemnification – A Schedule of the TUP permit, to be signed prior to permit issuance/to be provided before July 8<sup>th</sup>, 2016. Note that this legal indemnification has received legal review.

A Special Event Permit is also required, which will include a Special Event Plan approved by the SLRD Emergency Program Manager. This plan will include provision of security measure for lots adjacent to the Ayers/McLeod and Phare properties, as per the April 27/28 Board resolution.

## **ANALYSIS:**

Please note that some changes have been made to the draft TUP's as provided in the Neighbour Notifications (see below) based on additional information received. These changes have been highlighted in the attached TUP's.

### McLeod TUP #45

The purpose of TUP #45 is to allow the temporary use of the subject property as a parking area for the Pemberton Music Festival. Specifically, the application is for 6,000 weekend parking spaces (no in and out once a vehicle is parked except in the case of emergency) on the north and south portions of the property for a total of thirty-five hectares (~86.5 acres). Any TUP issued will be conditional on Agricultural Land Commission approval of the related Non-Farm Use Application 55184.

**Riparian Setbacks** – the Cascade Environmental Memorandum, dated June 2, 2016 identifies a Streamside Protection and Enhancement Area (SPEA) setback measurements for the North Arm Channel (See Appendix C). This SPEA is 15m and 30m, with the recommended measures being to “delineate the SPEA with a temporary fence to define the extent of riparian zone and discourage intrusions during the festival. You will note that the Site Plan of the McLeod property provides for a 30m buffer around all riparian areas, with fencing.

**Aerial Photographs** – It is recommended that aerial photographs be taken of the McLeod/Ayers property during the festival operations to ensure compliance with the TUP, should it be provided. The condition is for aerial photographs to be taken of the Subject Properties on Saturday July 16, 2016 between 3 and 4 pm. Such condition will enable monitoring of the other conditions of the TUP, such as number of vehicles, uses, riparian setbacks, etc.

**Transportation and Alternative Options** – Based on the anticipated growth of the festival from 27,000 visitors to 40,000 visitors, the SLRD required 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 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."

**PGL Response** – Pemberton Music Festival LP retained PGL Environmental Consultations (PGL) to respond to an information request from the Squamish-Lillooet Regional District's April 29, 2016 letter regarding the subject TUP applications. PGL's response provided recommendations with respect to well water testing, soil testing and protection, and erosion and sediment control. The following recommendations were provided:

"Based on the short duration of the proposed temporary use of the McLeod property for festival parking, PGL does not recommend testing of offsite drinking water wells. PGL does not consider temporary parking of non-commercial vehicles to be an activity of environmental concern. In the absence of onsite bulk fuel or chemical storage or distribution, PGL has not identified any activities which would pose a significant risk to the underlying aquifer or offsite drinking water wells". PGL also states, "Given that groundwater flow is expected to be away from the properties, no significant potential contaminant sources, and the short duration of the non-farm use, potential impacts to residential drinking water wells are highly unlikely."

"PGL does not recommend completion of a baseline data set to assess the environmental, chemical and physical perspectives of the property. As recommended by the SLRD and PGL's Agrologist Report prepared as part of the Non-Farm Use Application, an inspection of the parking area will be conducted following completion of the PMF event. ...PGL recommends that any potential impacts to soil resulting from leaks or spills be addressed by a post-event inspection and remedial activities if required". Further, it was noted that "PGL has completed post-event inspection for all PMF events as a condition of the ALC non-farm use approval. It is important to note that no spills or leaks have been identified during any of the previous Pemberton Music Festival events."

An Erosion and Sediment Control Plan is included in the PGL response. "PGL has not included recommendations for silt fencing as no exposed soils will be present onsite following planting". It was further noted that the "30m-wide buffer along the Lillooet River, as well as a buffer set by Cascade Environmental's Riparian Area Regulation compliance report for the dry channel on the eastern side of the McLeod Property, both of which will provide the required sediment control required should sediment be mobilized."

#### Phare TUP #46

The purpose of TUP #46 is to allow the temporary use of the subject property as a camping area for the Pemberton Music Festival. Specifically, the application is for up to 200 staff tent camping sites on 4 hectares (~10 acres). Any TUP issued will be conditional on Agricultural Land Commission approval of the related Non-Farm Use Application 55184.

#### Permit Period:

As per the April 27/28, 2016 Board resolution, TUP #45 and TUP #46 are limited to one year, to align with the expiry of the current Festival Site TUP #32.

#### Pemberton Music Festival Memorandum of Understanding:

At the April 27/28, 2016 Board meeting, the Board resolved that, "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". Due to time constraints, staff is recommending that the Board authorize the SLRD CAO to review, negotiate and sign a revised Pemberton Music Festival Memorandum of Understanding (MOU) to include the subject properties, as the ALC has not yet considered the McLeod and Phare properties in relation to the MOU, nor provided its approval of the Non-farm Use with respect to these 2 properties. It is anticipated that the existing MOU (see attached copy) will be extended to cover these properties if the ALC provides its approval for this No-Farm Use. Any substantive changes to this document impacting the SLRD will be brought back to the Board (via a special meeting).

#### Neighbour Notifications:

Public Notice has been given in accordance with Section 494 of the Local Government Act, and Neighbour Notifications have been sent to all properties within 150 metres of the subject properties, as required by Squamish-Lillooet Regional District Development Approval Information, Fees and Notification Procedures Bylaw 1301-2014.

Appendix E includes Neighbour Notification Response received prior to the Board agenda being released. Neighbours are able to submit comments up until June 22, 2016 at 9am. Staff will bring forward any information received after the preparation of this report received during the above time frame.

Issues and questions raised by neighbours include the following:

*Q. Will the TUP be covered by the SLRD noise bylaw?*

A. This will be addressed through a separate Special Events Permit.

*Q. What security measures will be provided for the neighbors' properties?*

A. This will be addressed through a separate Special Events Permit.

*Q. The dates stated are July 14 to July 17. Does this mean that no parking is permitted before or after those dates?*

A. Parking will only be permitted during the times set out in the TUP which is the month of July for site preparation and clean-up.

*Q. Why is "substantial compliance" included in the draft TUP?*

A. This is a standard term used in many TUPs. Substantial compliance means that the applicant has met the terms of the TUP.

*Q. What is the monitoring, reporting and enforcement plan? What will stop the applicant from parking 8,000 cars or more on land where only 6,000 may be permitted? Who's counting cars?*

A. The SLRD bylaw enforcement officer will attend the site during the festival in order to do site monitoring. In addition, the SLRD is requesting that the applicant provide aerial photography of the site (between 3 PM and 4 PM on Saturday, July 16<sup>th</sup>) to assist in determining compliance with riparian setbacks, parking, etc.

*Q. What fines or damages may the SLRD seek if they are not met by the applicant?*

A. Any damages would need to be assessed and the SLRD would then need to determine what reparations should be sought.

*Q. What financial guarantees does the SLRD have in the event the land is not returned to pre-event condition and the land owner is not able, financially to remediate it?*

A. The SLRD has no financial guarantees in hand at this time, however, the TUP requests that the SLRD be indemnified with respect to the TUP.

Other overarching concerns about the TUP are detailed in the neighbour comments, attached as Appendix E.

Staff are satisfied that the applicants have addressed the pertinent issues associated with the subject TUPs and that the permits should be issued. It should be noted that a Special Event Permit (SEP) will also be required for the Subject Properties (which will include security measures for the sites), to be approved by the SLRD Emergency Operations Manager and CAO. All SLRD permits are conditional on ALC approval of the related Non-Farm Use Application 55184.

## **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.

### **OPTIONS:**

#### Option 1

Approve TUP #45 and issue the permit, Approve TUP #46 and issue the permit, and authorize the CAO to sign the TUPs, and review, negotiate and sign a revised Pemberton Music Festival Memorandum of Understanding to include the subject properties.

#### Option 2

Do not approve TUP #45, do not approve TUP #46, and refer back to staff for more information.

#### Option 3

Approve one TUP application and reject one TUP application.

#### Option 3

Reject both TUP applications.

**PREFERRED OPTION:** Option 1

### **FOLLOW UP ACTION:**

#### Next Steps:

1. Issue TUP #45 and #46, conditional on ALC approval.
2. Receive ALC decision on application 55184. Should the decision be to approve the non-farm uses, proceed with the remainder of the next steps, as outlined below.
3. Amend current Pemberton Music Festival Memorandum of Understanding to include the McLeod and Phare properties.
4. Issue Special Event Permit for the 2016 Pemberton Music Festival.

Any additional actions, as per Board direction.

### **ATTACHMENTS:**

Appendix A: Temporary Use Permit #45 – McLeod Property

Appendix B: Temporary Use Permit #46 – Phare Property

Appendix C: Cascade Environmental Memorandum – June 2, 2016

Appendix D: PGL Consultants Response – May 13, 2016 (received May 24, 2016)

Appendix E: Neighbour Notification Responses

Appendix F: Temporary Use Permit #45 and #46 Applications

Appendix G: McLeod & Phare Temporary Use Permit (#45 and #46) Update (for parking and camping associated with the Pemberton Music Festival) – May 25, 2016 Board Information Report

Appendix H: Pemberton Music Festival Memorandum of Understanding – June 18, 2015

Prepared by: C. Daniels, Planner

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

Approved by: L. Flynn, Chief Administrative Officer