

AN APPLICATION TO AMEND THE VILLAGE OF PEMBERTON
OFFICIAL COMMUNITY PLAN AND ZONING BYLAW



BENCHLANDS
NKWÚKWMA

Submitted by Skénkenam Development Limited Partnership

March 2021

Skénkenam Development Limited Partnership is making application to develop certain lands within the Pemberton Benchlands, as referenced in the Village of Pemberton Official Community Plan (OCP). Skénkenam Developments Limited Partnership (Skénkenam DLP) is a partnership between Lil'wat Capital Assets Limited Partnership (a wholly owned company of the Lil'wat Nation) and Pemberton Benchlands Development Corp..

The following provides an overview of the status of the property, considers applicable municipal plans and policy together, consultation, updates of the Neighbourhood Concept Plan, and the development proposal.

1. Background

In 2006, the Village of Pemberton initiated a public planning process for the lands known as the Pemberton Benchlands, which was completed in 2008 with the Village approval of the Benchlands Neighbourhood Concept Plan (NCP). The NCP policy directions have since been incorporated into the current OCP, recognizing this growth area as fundamental in the planning for the community's mid and long term housing needs. Phase 1 parcels of the NCP were approved for development and built-out during the past decade.

The Benchlands location was selected for residential growth by the municipality, due to its proximity to the downtown, location above the Lillooet River and Pemberton Creek floodplains, and outside the Agricultural Land Reserve. The main access road for the Benchlands development was identified as Eagle Drive, which was constructed in Phase 1. This main access road, developed on fairly steep slopes, was built to ensure that the access to the site was independent of existing neighbourhoods (although the road connects to the Dogwood extension - part of the adjacent and pre-existing neighbourhood).

The NCP has established *"a land use and servicing framework for the future development of a unique hillside neighbourhood adjacent to Pemberton's commercial village centre"*. The NCP sets a *"high standard for development"* and reflects the policies of the Village. Key policy directions recognized in the NCP, include:

- preservation of a small town, rural lifestyle
- vibrant and accessible Village centre with a range of amenities
- comprehensive network of parks and trails
- diversity of housing forms within close proximity to Village amenities
- urban form that respects the current character of the Village
- stable and diverse economy that capitalizes on the natural recreation and situational amenities of the Village.

Phase 1 (which was also previously provincially held land) of the NCP was sold to local land developers. The Lil'wat Nation had an accommodation interest in the Pemberton Benchlands since 2005, when they signed an agreement with the Provincial Government for the Phase 1 land disposition. Phase 1 of the NCP considered 54 single family lots (with 41 suites).

Phase 2 of the NCP considered three privately held properties west of Pemberton Valley Road, north of Eagle Drive and south of Collins Road. The owners of these properties have not yet pursued rezoning or subdivision in accordance with the concept plan. Only one of the current owners participated in the NCP. The second access to the Benchlands site must achieve permission from these property owners to be realized. The second access is also extremely constrained by ALR land and hazardous slopes.



2. Land Purchase

In March 2016, the Lil'wat Nation initiated inquiries with the Village of Pemberton regarding the status of the lands that comprise the NCP, specific to the OCP and zoning designations. In April 2017, the Nation approached the province regarding the acquisition of 60 hectares of their unceded territory. Later that year the province indicated that they would proceed with the requested land disposition. After almost two years of site investigations, the province signed an Offer to Purchase with Lil'wat Capital Assets to purchase the subject lands, with closing now scheduled for May 2021.

This development application is requesting approval for the development of Phase 3, 4 and 7 of the NCP. The purchase has been divided into two component. Phases 6 and 8 do not form part of the current development application as extensive contamination caused from the former gun and rifle range has been discovered. A condition of the sale of the lands from the province is the remediation of the contaminated parcels. No development applications can be considered until the remediation plan has been approved by the provincial government.

Further, the lands described as DL 8820, (Phase 5) are part of the purchase but are currently within the jurisdiction of the Squamish Lillooet Regional District. In accordance with the Regional Growth Management Strategy the parcel will need to be incorporated into the municipality through a boundary extension process, which will be initiated later in 2021.

3. Subject Lands

The lands currently subject to this zoning bylaw amendment application are Crown lands, legal described as, and shown in [Figure 1- Location Plan](#):

Legal Description	Area
Block A DL 8556	10.48 ha
Block J DL 202	9.69 ha
Block I DL 202	11 ha
TOTAL	31.17 ha

The subject lands are currently vacant, except for existing infrastructure (i.e. water reservoir and service lines and a gravel access road), and an informal network of rogue mountain bike/walking trails constructed throughout the property. The gravel access road currently provides access to the Section 56 Fat Tug mountain bike trail. Statutory Right of Ways will be registered prior to the land sale, to secure access by the existing uses of the Village by Pemberton, Squamish Lillooet Regional District and the Canadian Broadcasting Corporation as well as the community trail network. A portion of the lands were also home to a small community ski hill with a rope tow.

The Pemberton Wildlife Association and the Royal Canadian Mounted Police used a portion of the adjacent Block K, DL 8410 and DL 202, and DL 2297 from the late 1970's - 2005 as a rifle range and gun range. The ranges have since been relocated. The ranges were approximately 2.6 ha in size. In 2019, Skénkenam DLP retained SLR Consultants to investigate the contamination of the site from the discarded cartridges and casings. The development lands, as part of this application, are not impacted by the contamination and a Site Profile confirming the status of the land, has been included in the submission.



4. Official Community Plan Land Use Designations

The Village’s statutory land use designations are contained within the Official Community Plan Bylaw (No. 654, 2011), as amended. The OCP contains many policies, strategies and actions specific to *Community Planning Directions* considering growth management; small town character; community facilities and life long learning; recreation; infrastructure; transportation; a healthy and diverse economy; agriculture; livable, affordable and secure housing; the natural environment; and collaborative local decision making. The development plan as part of this submission has recognized and reflected these policy directions, including the designations below:

Map #	
A	<p>Urban Growth Boundary designation</p> <p><i>“The UGB encompasses and designates lands suitable for future urban-type development patterns”.</i></p>
B	<p>Residential, Open Space & Greenways, Public Parks and Civic & Institutional</p> <ul style="list-style-type: none"> • Residential - means the local neighbourhoods including single family and multifamily uses together with complementing parks, open spaces and civic spaces. Home based businesses are permitted subject to certain requirements. • Open Space and Greenways - means major recreational or wildlife greenway corridors, riparian corridors of key streams and rivers, selected areas within the 200 year floodplain and areas identified as ecological reserves or conservation areas. • Public Parks - means public lands permanently set aside for community parks, recreation areas and trails. • Civic and Institutional - means services related to health and welfare, places of worship; schools and other educational facilities; and other government functions (municipal offices, parks, utilities, airport, parking, and assembly).
C	<p>Development Permit for Intensive Residential</p> <p><i>DPA#5 – Intensive Residential has been established to ensure that neighbourhoods embrace and accommodate a mix of residential densities to facilitate livable, cohesive and compatible neighbourhoods.</i></p>
H	Heritage and Indigenous Cultural Sites A
G	Proposed Open Space & Greenways and Proposed Public Parks
H	Proposed Trails
J	<p>Eagle Ridge Drive, Collector Road</p> <p><i>Primary access for the Benchlands is provided along the proposed collector road which links individual neighbourhood clusters to Pemberton Meadows Road, a designated collector road, while protecting existing neighbourhoods from an excessive increase in through traffic. The Collector Street creates a coherent street hierarchy that will ensure safety, access and an enhanced public realm.</i></p>
K	<p>Development Permit for Environmental Protection (DPA#1) and Riparian Areas</p> <p>For the purpose of the protection of the natural environment in accordance with the <u>Local Government Act</u>.</p> <p><i>Riparian Areas comprise a 30 meter strip of land on each side of the stream, measured from the High Water Mark (HWM). For a stream in a ravine narrower than 60 meters (excluding the HWM stream width), the riparian area is measured from the high water mark to a point 30 meters beyond the top of the ravine bank. For a stream in a ravine 60 meters wide or wider (excluding the high water stream</i></p>



width), the riparian area is measured from the high water mark to a point 10 meters beyond the top of the ravine bank.

L	Slopes >40% along the western boundary of DL 2297 and Block A, DL 8410 <i>Identify and protect people and buildings, structures and other development from natural hazardous conditions, notably flooding, unstable slopes and wildland fire; and mitigate or rehabilitate hazardous conditions where possible.</i> Floodplain – <i>the lands oare above the designated flood plain.</i>
M	Fire Protection Boundary designation
N	Regional Context Statement – Area 2 <i>“It appears that these lands have been overlooked in the approval of the Benchlands NCP and subsequent boundary extension request...The Village requests that the SLRD initiate an amendment for Parcel #2 to the Settlement Area Map for an urban area designation. The Village will add these lands to their next boundary extension request to the province.”</i> Despite an extensive technical review and public consultation process, Council resolved not to proceed with the boundary extension which had considered including DL 8820.
O	Benchlands Special Planning Area <i>The Benchlands SPA proposes a mixed use, residential neighbourhood that links the hillside with the existing Village. The neighbourhood is to be composed of a broad range of single family and multi-family housing units, neighbourhood commercial services, an elementary school, a community playfield, and an integrated network of parks and trails providing connections to Pemberton’s village centre and to the backcountry. The information and policy directions contained within the Benchlands Neighbourhood Concept Plan shall be directly referenced in any future amendments, rezonings or development permits.</i>

3. Neighbourhood Concept Plan Designations

The Neighbourhood Concept Plan has been incorporated into the Village of Pemberton’s Official Community Plan. Key policy directions of the NCP were added to the Official Community Plan in 2013, and indicated that the information and policies be directly referenced in any future amendments, rezonings or development permits. The OCP policies highlight the Benchlands’ key land use, connectivity, servicing and phasing considerations:

- total of 503 units, both single family (with secondary suites) and multi-family homes
- 5% of the housing dedicated to community housing (to be achieved through density bonusing)
- site design will include a public common with park and neighbourhood commercial, with higher density housing clustered in this area
- joint elementary school and neighbourhood park, with a community playfield
- series of public nature parks on the three landmark knolls and provide active and passive recreation opportunities, protect environmentally sensitive areas, preserve view corridors, reduce the visual impact of development and support wildlife movement.
- smaller neighbourhood parks throughout
- comprehensive network of recreation trails
- Hillside Street Standards to reduce the physical and environmental impact streets



- proposed collector loop street linking individual neighbourhood clusters while protecting existing neighbourhoods from an excessive increase in through traffic.
- rear lanes to eliminate driveways, strengthen visual prominence of street fronting homes, and direct cars to rear of property.
- pedestrian oriented neighbourhood centre
- potable water system, gravity sanitary sewer connection, storm water management system to simulate pre-development conditions using detention ponds, utility services including underground hydro, telephone, cable and gas (although there is not gas line service to Pemberton)
- be a vibrant and safe neighbourhood, sustainable initiatives related to housing, transportation, environmental management, fire hazard mitigation, and hillside development management.

The NCP identified several directives for the realization of the development considering the diverse and changing land ownership, it has been anticipated that the development of the Benchlands will take place over many years and therefore there should be flexibility in the implementation, specifically:

- collaboration among landowners and the Village of Pemberton will be required, particularly in the preparation of Development Servicing Agreements.
- policy recommendations are made for implementation tools and mechanisms specifically related to land use, urban design, environment, and transportation.

5. Current Zoning

As mentioned, the Nkwûkwma lands are currently zoned (Zoning Bylaw No. 832, 2018) as follows:

Block I, DL 202	R-1 Residential One
Block A, DL 8556	Permitted Principal Uses:
Block L, DL 202	Dwelling, Detached
	Permitted Accessory Uses:
	Bed and Breakfast, Home Occupation, Secondary Suite, Short-Term Vacation Rental
	Min. Lot Size: 700 m ²
	Min. Lot Width: 18 m

Although the Neighbourhood Concept Plan anticipated a primarily single-family development, the proposed mid-size and small lots would not be in accordance with the minimum lot size and width of the R-1 Residential One zone. At early preapplication meetings with the Village, it was understood that a mix of residential housing forms and densities was preferable as evident in this development application focusing on affordable options. This development application considers a range of residential uses, together with the trails, parks, utilities and open spaces.

6. Housing Needs

The OCP is required to ensure that there are sufficient lands designated within municipal boundaries for future housing needs. At the time of the OCP's adoption, Pemberton would need approximately 130-260 new residential units during the next five years (2014-2019) at a annual growth rate of



approximately 1-2%. BC Stats have more recently projected Pemberton’s annual growth rate between 2016-2019 was approximately 2.25% which would require closer to 300 units. It appears that the projections were consistent with local demand and the new residential supply (source: Village of Pemberton Development Services Department, Feb 2021).

Year	Single Family	Suites/Carriage/ Aux Units	Manufactured	Multifamily	Total
2014	1	0	0	0	1
2015	3	3	0	0	6
2016	6	4	6	45	61
2017	7	3	1	0	11
2018	48	15	0	45	108
2019	9	2	0	4	15
2020	16	9	2	0	27
2021	<u>2</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>3</u>
TOTAL	92	37	9	94	232

Local real estate reporting (WREC January 2021) indicates that even with the pandemic the housing market in Pemberton is stronger than ever. In 2020 the total value of transactions in the valley exceeded 135 million dollars (increase by 40%). The reports indicate that the most popular unit was single family despite the limited number of new listings (resulting in values increasing 22% largely due to the strength of the single-family market). The report states that *“demand and price appreciation can be attributed to increased public awareness of the area, low interest rates, Covid factors similar to those influencing Whistler, and value as compared to Whistler for workers in the local economy”*. The report indicates *“strong interest in Tiyayta, and Sunstone and for any new condo/townhouse developments offered. Pemberton will continue to see increasing demand for real estate.”*

The Village completed the *Age-Friendly (Seniors) Housing Needs Assessment* in 2019. The report indicates that in April 2019, *“provincial regulations now require local governments to complete housing needs assessments for their communities by April 2022 and every five years thereafter. As a basis for determining current and projected housing needs, local governments are required to collect approximately 50 kinds of data”* considering population, income, significant economic sectors and available and anticipated housing units. The reports are also required to identify the number of housing units required to meet current housing and anticipated housing needs for at least the next five years by housing type, key areas of local need, the number and percentage of households in core housing needs and extreme core needs and provide a standardized summary.

Age-Friendly (Seniors) Housing Needs Assessment defines affordable housing as: *“housing that a single person or household can afford to rent or purchase without spending more than 30% of their before tax income. For homeowners, these costs include mortgage payments, strata fees, mortgage and home insurance, as well as utilities. For renters, costs include rent and some utilities. The 30% measurement is a common standard for defining affordability nationally and provincially”*.

The Village of Pemberton has identified that the implementation of the *Affordable Housing Plan* as a top strategic action in 2020-21. In March 2020 Council endorsed *the 2020-2021 Affordable Housing Work Program*, which identifies policy development and other opportunities for the delivery of needed housing. The first initiative is the completion of a *Housing Options Study* that will report to



“Council describing a range of housing options, with an accounting of possible impacts and an analysis of the community tolerances for each housing type” (source Affordable Housing Work Program March 10, 2020). The *Options Report* has been prepared and includes the following:

- accessory dwelling units/carriage,
- lock off suites in townhomes,
- tiny homes
- duplexes,
- suites in duplexes,
- 3-4 plexes and
- low rise apartments.

The municipality is now turning to updating the OCP, based on affordable housing needs.

The application introduces three size ranges for single family homes, suites, duplexes, townhomes and apartments. The applicant will also consider the other housing options that may be possible as recently identified in the Village’s Options report.

7. Agricultural Land Reserve

The subject lands are not within the designated Agricultural Land Reserve. The Village’s OCP has designated agricultural buffer areas which comprise part of the NCP, but is not assigned to any of the property subject to this application.

8. Early Consultation

Skenkanem Developments believe early and often consultation is important for the proposed development and has therefore commenced discussion with Village staff, Council (Committee of the Whole), stakeholder groups (trails groups and adjacent land owners), the Lil’wat Nation and Pemberton community. The following provides an overview of the outreach to date:

DATE	VILLAGE	PROVINCE	LIL’WAT	COMMUNITY
March 2016	First contact with Village staff (asking for details on the NCP, zoning, etc)			
Spring 2016		Discussions with the province on the land sale		
May 2016			Chiefs and Council endorsement of land acquisition for development	
Fall 2016		Provincial staff Letter of Interest to pursue lands sale to Lil’wat Nation	Community Open in Lil’wat, describing the Project	



DATE	VILLAGE	PROVINCE	LIL'WAT	COMMUNITY
Nov 2016		Province reviews letter of interest		
Feb 2017		Crown Land Acquisition and Development request to province		
March 2017	Meeting with Village staff and provincial Crown land rep	Initial meeting with Village staff and provincial Crown land rep		
April 2017	Initial meeting with Mayor about purchase/development			
May 2017	Met with senior Village staff and Village engineering consultant			
June 2017	Council workshop about existing Neighbourhood Concept Plan and plans for development in the future			
August 2017		Decision has been made by the province to proceed with this Crown land disposition project (moving ahead with preparing the land value and offer to purchase)		
June 2018	Met with Village staff and engineer considering servicing costs			
Nov 2018			Community Open House	
April 2019	Met with Village planner			
May 2019		Purchase Agreement signed.		
August 2019	Initial Meeting with Village staff since offer to purchase, outlined proposed process to rezoning			
Sept 2019			Lil'wat Business Group Site Visit (arch site and areas of concern)	Met with adjacent property owners
Oct 2019	Meeting with Skénkenam Development Team and Village Staff		Chiefs and Council Site Visit (including arch site and AOC)	



DATE	VILLAGE	PROVINCE	LIL'WAT	COMMUNITY
Nov. 2019			Community Open House	Met with adjacent property owner
Nov 2019 & Dec 2019	Meeting with Skénkenam and Village planning contractor			Met with PVTA and PORCA
Feb 2020	Meeting with Skénkenam Team, Village professionals and consultants			Met with adjacent property owner
March 2020				Advertise and held Public Information Meeting Nkwúkwma Facebook Page posted with survey
April 2020		Purchase Agreement extended due to Covid-19		
Sept. 2020		Purchase Agreement extended due to contaminated site findings		
Jan. 2021		Purchase Agreement extended to further understand implications of contamination		
Feb. 2021	Meeting with Skénkenam and Village professionals + planning consultant			

The project took a pause first due to the pandemic, and then later to quantify the extent of the gun/rifle range contamination. It is the intent to provide an extensive community outreach program as the development application goes through review by the Village including a second public information meeting and the statutory public hearing. Additional approaches will be applied, given the challenges Covid restrictions on public engagement and comment. An Communications Plan was prepared in 2020 and is attached as [Appendix A](#). This will be updated for the next phase of the outreach.



9. Lil'wat Traditional Territory and Reconciliation

In 2010, the Village of Pemberton and Lil'wat Nation signed a *Protocol Agreement* that “recognize and acknowledge that the Lil'wat Nation asserts aboriginal title to all lands within its traditional territory”, and that by “building a government to government relationships will create a level of certainty for our respective communities and jurisdictions and ensure an important dialogue to improve the quality of life for all residents”. A key component of the *Protocol Agreement* is coordinated land use planning and management.

Lil'wat Nation's Traditional Territory encompasses close to 800,000 ha of land resources, of which includes the subject lands known as Nkwúkwma (“upstream”). These unceded lands, include significant archaeological sites, which further confirms the Lil'wat traditional use of the lands.

The Village's Official Community Plan further encourages dialogue and collaboration with the Lil'wat Nation supporting joint interests. The Nkwúkwma neighbourhood has and will be integrating the Indigenous land use approaches into its principles, design and development.

The first contact the Lil'wat7úl had with Europeans was in 1793 when Alexander Mackenzie made his overland journey to the Pacific Ocean. Over the next two centuries traders, miners and settlers arrived in Lil'wat Territory. As the colony of British Columbia prospered, the Lil'wat7úl, like other First people, were systematically stripped of their lands, rights and resources. Eventually, the people were restricted to 10 tiny reserves totally 2,930 ha or .004 per cent of Lil'wat Traditional Territory. Source: Lil'wat.ca

10. Economic Impact

The proposed development activities include the land purchase, civil servicing and the construction of the initial phases of single family and multifamily homes. These activities will create direct employment in the project as well as indirect employment for area businesses. The creation of employment will aid in the economic rejuvenation in the Sea to Sky region, as the Lil'wat and surrounding areas work towards economic recovery from the pandemic.

The estimated cost of the Phase 1 activities alone is approximately \$27.5 million (minus land) and will be completed within 5 years. The initial phase will also likely have off-site infrastructure improvements that will not only facilitate the new housing but also introduce employment for residents of the Pemberton valley who have also been hit hard by the Covid-19 restrictions. In particular, the new development will provide employment for local construction trades while boosting the retail, and the service sector. The development will also increase the property tax base and improve local services, including but not limited to roads, storm water drainage, water service, new parks and trails, FireSmart protection and community amenity contributions.

11. Climate Action

In early February 2021, the Village hosted a workshop on the municipal *Community Climate Action Plan*. At this meeting, “big moves” and strategies were discussed. Although the *Action Plan* is still a work in progress, the proposed Nkwúkwma neighbourhood will be interested to learn about the implementation approach, that may be incorporated into the development. The “big moves” consider:



Transportation - A complete zero-emission transportation system connects our communities and regions.

- Shift beyond the Car
- Electrify Passenger Transportation
- Decarbonize Commercial Transportation

Buildings - Our community's buildings are exceptionally energy efficient and powered, heated and cooled with 100% renewable energy

- Step Up New Buildings
- Decarbonize Existing Buildings

Waste - Our community diverts 95+% of its organics from land fill and captures at least 75% of the landfill gas, with maximum value possible

- Close the loop on waste

In considering the new development, many of the community's comments/directions maybe considered through the planning approvals process, in particular:

- Close proximity (walkable) to Downtown
- Ground oriented multifamily buildings
- Use of renewable resources
- Beautiful and positive buildings that deliver high quality living and works spaces for inhabitants
- Prioritize people over cars
- Energy efficient buildings and infrastructure
- Efficient use of existing spaces (flexible zoning)
- Community gardens
- Active transportation
- Proximity to reduce the need town a vehicle
- Increasing transportation accessibility
- Safe comfortable and convenient bike routes
- Comprehensive bike lanes separate from roads
- Prioritizing pedestrian connections
- Remote working/flexible design
- Transit service potential

Skénkenam will continue to follow *the Community Climate Action Plan* initiative and work with the Village to provide a development that addresses the community's sustainability goals.



12. Development Proposal

The initial phases of the Nkwûkwma on the Benchlands provide a updated design for the planned neighbourhood that reflects the housing needs of the Pemberton area, while considering the sensitive terrain, the natural environment and sustainability development. The proposed subdivision layout has resulted from extensive investigations and planning to provide a well designed neighbourhood.

a. Updating the Neighbourhood Concept Plan Inputs

As noted, the original NCP was approved by the Village in 2008, and while the terrain of the lands has not changed, new or additional information was needed to ensure the directions for the development were appropriate for the community moving forward.

In the fall of 2019, Lil'wat and their development partners retained an extensive consulting team to update the information contained within the Neighbourhood Concept Plan, specifically:

- Ekistics (Planning and Architecture)*
- InterCAD (Civil Engineering)*
- Kontur (Geotechnical Engineering)
- Howes Technical Advantage (Transportation)
- Cascade Environmental Resource Group (Environment)
- Lil'wat Nation/Arrowstone (Archaeological Research)
- Rollo and Associates (Market Absorption)

**original NCP consultants*

The consulting team then proceeded to undertake a detailed review of the site, which included an updated analysis of: aerial photos, topography, landforms, slopes and aspects. This data was then combined with the geotechnical hazard information, environmental sensitivity, archaeological findings, and current site conditions to create a site constraints plan.

It is important to note that this updating information considers all six of the parcels being transferred from the province to the Lil'wat Nation, although only the three most eastern parcels are part of this development application.

i. Land Planning:

Ekistics compiled the information and prepared the following updated maps:

- Figure 2 - Aerial
- Figure 3 - Landform
- Figure 4 - Slope
- Figure 5 - Aspect

The analysis has also been incorporated into a three dimensional overlay, providing a greater visual understanding of the lands. This will be provided to the Village in digital form.



ii. Geotechnical

The assessment that was prepared by Kontur: *“observed potential of naturally occurring geologic hazards, including locations of potential hazards, options as to the nature of the hazard, consequences and influence areas for the identified potential hazards”*. In particular the assessment focused on rock instabilities, rockfall, snow avalanche, debris flows/torrents and flooding. [Figure 6](#) provides a map illustration of the findings.

The complete report is attached as [Appendix B](#) and has informed the Development Constraints map. It is the intent that Nkwûkwma will undertake the required mitigation works to the Eagle Drive access, as previously determined by the Village.

iii. Environmental

The environmental consultants prepared both an Initial Environmental Review (IER) and a preliminary Riparian Assessment Area assessment. The site is relatively un-developed and forested, except for two water reservoirs, an access road and walking/biking trails. The IER considered the existing environmental conditions (physical, terrestrial, and vegetation) and provided the biogeoclimatic zone classification and terrestrial ecosystem mapping. As well, rare and endangered ecological communities; wildlife and wildlife habitats; valued ecosystems, aquatic environment; socioeconomic and other undertakings in the area were recorded.

The report provided baseline conditions and identified potential environmental constraints. The IER then included conclusions and recommendations including additional investigations related to a screech owl nest survey, RAR assessment (completed), rare and endangered plant and wildlife surveys (little brown myotis and sharp tailed snake), as well as construction management and landscaping guidelines.

The IER is attached as [Appendix C](#) and has informed the [Development Constraints Map](#).

The environmental consultants also prepared a preliminary Riparian Area Regulations (RAR) Assessment which provided a Detailed Assessment methodology related to Pemberton Creek and three unnamed watercourses.

The RAR Assessment and map are attached as [Appendix D](#) and has informed the Development Constraints map.

iv. Archaeology

A Preliminary Field Reconnaissance was prepared for the subject lands by the Lil'wat Nation/Arrowstone Archaeological Research and Consulting under the provisions of the Lil'wat Heritage Investigation Permit. The site work identified eight (8) Areas of Concern including a Pictograph Site for all six parcels as shown in [Figure 7 - Archaeological Areas of Concern](#).



v. Site Contamination

As previously noted, a portion of the lands purchased by the Lil'wat Nation was utilized as a rifle and gun range until the early 2000's. The current land development application, however, does not include any lands subject to this contamination. None of the Schedule 2 uses are present on the lands subject to this application as noted in [Figure 8 - Contamination Areas](#).

vi. Market Assessment

The applicant retained Rollo and Associates to prepare an Absorption Study for the Nkwúkwma Benchlands. The initial study was undertaken in 2017 at the request of the provincial government and then in advance of the public information the report was updated to reflect the conditions in 2020. The 2020 study is attached as [Appendix E](#).

The report considers the housing demand (population, age groups), housing supply (maintainers and new demand) and then forecasts the absorption. This report was also prepared for all three phases of potential development, while this submission only considers 267 units (450+ units for build up). The report considers both medium and low growth scenarios, below the medium growth trend is highlighted:

- 9 – 19 single family homes can be absorbed per year (7-16 years or 2030-2039)
- 4 – 13 ground-oriented multi units can be absorbed per year (9-29 years or 2032-2052)
- 1 – 3 apartment units can be absorbed per year (13-40 years or 2036-2063)

Subject to the unit type Phases 1 and 2 will have an average absorption of approximately 13-15 years or 2036-2038. Given the recent reports from local real estate companies, however, this seems conservative.

b. Site Constraints and Development Potential

[Figure 9 - Site Constraints Plan](#) incorporates all the technical findings from the existing site conditions (and also includes current recreational trails).

The information contained within the [Site Constraints Plan](#) provided the basis for [Figure 10 – Development Potential Plan](#) which effectively identifies those area that have good development potential, constrained development potential and no development potential. The Development Potential Plan provided the template for the preparation of the Development Plan.

c. Public Information Meeting/Survey

On March 11, 2020 two public meetings were held with the community to introduce the Nkwúkwma project. The format of the meeting included a presentation focusing on:

- Understanding the Land
- Project Team
- Updating the Neighbourhood Concept Plan
- Growing Smart (Why grow? Why here? Why now?)



- A Sustainable Community
- Technical Findings
- Housing Diversity

Those in attendance asked questions about the development lands and provided additional comments and directions related to housing mix, site constraints/opportunities, community amenities, and neighbourhood impacts. Comment sheets were also provided as well as an online survey. The Findings of the meeting are outlined in Appendix F and consulted in the preparation of the Proposed Development Plan and this development application.

d. Proposed Development Plan

Figure 11 - Development Plan proposes a mixed density residential neighbourhood for the 31.2 ha (77.1 acres) of land, that follows two benches within the site. The development will be serviced by a main arterial road which will later connect provide a looping road accessing subsequent phases.

As evident in the NCP and update technical analyses, the subject lands have various constraints that limit the development potential. Below is a table that compares the land use as outlined in the NCP with Nkwûkwma development proposal. Note that the NCP considers all phases of the project, yet the proposal only considers three phases, regardless this comparison provides a sense that the land use mix is not only consistent but provides for more open space.

Proposed Land Use	NCP (all phases)	Skénkenam Development
Residential + Development Reserve	50.4%	41%
Public Natural Areas	20.6%	10%
Elementary School	1.2%	0%
Community Playing Field	1.6%	0%
Civic and Infrastructure	0.4%	1%
Parks (Nature and Active)	11.7%	37%
Streets and Lanes	12.0%	11%
TOTAL	100%	100%



i. Residential Uses

The project includes a mix of residential densities as shown in the table below:

	No. of Units	% Mix	Min Frontage (m)	Avg Lot Size (m2)
Large Single Family	24	9%	18	630
Medium Single Family	40	15%	15	525
Small Single Family	47	17.5%	12	420
Dupexes	24	9%	11 (per side)	330 (per side)
Townhomes	92	34.5%		
Apartments	40	15%		
TOTAL	267	100%		

The units per hectare (acre) is approximately 8.56 (3.5 upa), as the constraints to the development site provide undulating terrain with open spaces, trails and parks flowing between residential pods.

Figure 12 - Lot and Housing Typologies provides more detail on the layout of the proposed residential uses.

ii. Commercial/Flexible Uses

The 2008 NCP included a 400 m² site for neighbourhood commercial uses, such as a corner store or café. At this time the development application does not specifically include or exclude a commercial or community use, but propose that as the neighbourhood builds out, potential space could be accommodated in the apartment building (Phase 2B). It is recommended that the zoning be flexible to consider such a commercial or community use space that services the immediate neighbourhood, and considered at the time of the apartment building's Development Permit approval. It is not the intent that the space be programed to be a destination from outside the Benchlands.

iii. Elementary School and Playing Field

The 2008 NCP provided a site for an elementary school and community playing field. In discussions with School District #48, the applicant was advised in a letter dated March 13, 2020 (attached as Appendix G) that the School Board no longer requires the designated 1.2 ha school site. The letter indicates that although the District has no interest in the school site, they may be interesting in the allocation of building lot(s) to support the Pemberton Secondary School residential construction program. It is understood that the dedication of such lands for this purpose could be considered under the community amenity contribution of the development.

At the public meeting, most in attendance indicated that the type of recreation provided in the neighbourhood should embrace the existing trails and unique environmental conditions (it was felt that The Ridge/Sunstone had addressed the playing field node). In



addition, there was emphasis on ensuring access to existing trails, retaining and upgrading trails (with a focus on intermediate + kid friendly options). There was also a stated need for trailhead improvements, such as parking, washrooms and facilities (tools, bike wash). The site was not considered to be suitable for formal playing fields but open spaces and trails.

iv. Parks and Open Spaces

The current proposal has identified parks and open spaces as natural areas. [Figure 11](#), the [Development Plan](#) also designates the proposed parks and open space. The park locations have balanced the recreation needs of the neighbourhood together with amenities for the greater community. Further community consultation and Indigenous planning principles will inform the plan for parks and open spaces considering the natural terrain, existing trails, archaeological areas and development parcels.

There has also been stated interest in a tobogganing hill and outdoor skating rink (perhaps on the stormwater drainage pond in Staehli Park).

v. Trails and Non-Motorized Circulation

At this time the proposed trail network has not yet been established as it is the intent to work with the Village and trail interests to provide recreation and commuting trails that work with the terrain and meet the needs of the community.

Through the public information session, the following comments were received about trails and connectivity:

- Retain and improve Fat Tug access, and Lower Fat Tug
- Provide new blue and green trails
- Retain existing kid friendly/learning trails
- Recognize existing trails for off-leash dog walking
- Provide trailhead improvements (parking, washroom, tools, and water)
- Provide easier grades in accessing the trails throughout Benchlands

The community also identified a desire to have commuting pedestrian and bike trails (Valley Trail type) throughout to the neighbourhood to provide separation between vehicles and bikes/pedestrians. These separated trails can be established with input from the Village and community trail users through the planning process.



vi. Lil'wat Archaeological Areas and Indigenous Planning Principles

As indicated in the Preliminary Field Reconnaissance, there are eight (8) areas that need additional investigations to determine the presence of archaeological. **Figure 13 - Development Archaeological Areas of Concern** indicates that there are sites within this development application.



AO 1 - A floodplain bench above the left (north) bank of Pemberton Creek, south of the Waterfall Trail.



AOC 10 - consists of a large, very prominent rock outcropping with a southeast view of the Pemberton Valley.



AOC 9 - Newly identified archaeological site Benchlands-T1, a rock shelter with an associated pictograph panel.



AOC 11 - A prominent rocky knoll/bedrock outcropping with multiple ledges and a view to the southeast of the Pemberton Valley.

As part of the purchase, an archeological covenant will be registered on title. As these lands are the Traditional Territory of the Lil'wat Nation, the design and layout of the parks, natural and protected areas as well as the design of the housing sites will reflect Indigenous planning principles (for example valuing people, stories, ceremonies, and two-eyed seeing for the benefit of all). This will recognize Lil'wat's sacred histories, embracing recognition and reconciliation.

One Eye the strengths of Indigenous knowledges and ways of knowing, and the other eye the strengths of Western knowledges and ways of knowing ... and learning to use both these eyes together.



The Lil'wat Nation Land Use Plan outlines Management Direction for Land Development as below (Lil'wat Land Use Plan, p53 accessed at <https://lilwat.ca/wp-content/uploads/2015/03/LLUP-Phase-1-August-2006-FINAL.pdf>)

8.6.2 Management Direction for Land Development

Management Direction	Strategy
<i>Undertake land development that minimizes environmental disturbance.</i>	<i>Ensure that all Lil'wat Nation development is sustainable, and adheres to such concepts as Smart Growth and low impact design.</i>
	<i>Oppose land development that leads to sprawl, inefficient use of land, and dependency on motor vehicles.</i>
	<i>Seek to develop communities that focus on mixed use, pedestrian-oriented, and attractive designs.</i>
	<i>Plant native vegetation in land developments</i>
<i>Undertake culturally appropriate land developments</i>	<i>Locate developments away from culturally sensitive sites</i>
	<i>Ensure barriers to cultural sites are not created as a result of new development.</i>

e. Engineering Report – Road Access and Site Servicing

Attached as **Appendix H** is the **Development Servicing Report** prepared by InterCAD. This firm was also the company that prepared the servicing report for the NCP and considers the road network, water distribution and demand, sanitary sewer demand and flow, and stormwater management.

The required fee has also been included in the application package to undertake the required servicing modelling for off-site improvements. The servicing report will consider these off-site improvements once the existing capacity and new infrastructure is determined.

In addition, Ekistics has prepared proposed concepts for the Road Cross-Sections, recognizing Hillside standards, which are attached as **Figure 14**. The main access road would be a public road, whereby the local roads could be strata roads. It is the intent that the road network will accommodate transit use (turnaround), in short and long term.

f. Traffic Impact Assessment

A draft **Traffic Impact Assessment** has been completed by Howes Technical Advantage. The assessment has considered the existing scenario, background traffic, project traffic (trip generation, site traffic and site traffic distribution), future volumes and analysis. The report is considered draft until input on the Village has had an opportunity to review it. The report is attached as **Appendix I**.



g. Phasing

The NCP recognizes that the phasing of the project will be dependant on market conditions, housing demand and absorption. This development application only considers three parcels, due to information related to the existing contaminated sites. Phase 2 is not owned by the applicant and would need to be initiated by the respective property owners. The proposal considers two phases, each with three (3) respective sub-phases as shown in **Figure 15 – Phasing Plan**. The land uses reflect both the terrain available as well as trying to provide a diversity of housing products.

It is also the intent to phase the clearing, so that the existing character of the site will remain in tact until development is needed.

h. Community Amenity Contributions

The NCP also references community housing as a possible amenity, but this is subject to the Village’s current OCP and other policy directions (the NCP was adopted before Council approved the Community Amenity Contribution Policy). This rezoning submission, recognizes that there are certain characteristics on the property that could be unique amenities to the community for credit as amenity contributions. In addition, the applicant understands that a with a large multi-phased development there is an opportunity to make cash (per unit) contributions to a larger community amenity, such as an outdoor pool. A site has already been secured for a pool from a gift from the Den Duyf Family.

Schedule B of the Village’s OCP, lists amenity zoning priorities, which was prepared during the public consultation process at the time. It was the intent that the amenities listed be achieved through density bonusing provisions (community amenity contribution negotiations). It further states that some development may be more suited to certain amenities (given location or form of development) or alternatively cash contributions. Below is a listing of the priorities identified in the early 2000’s:

Top Priorities	Medium Priorities	Other Amenities
Arena Indoor Pool Public Washrooms Parks Trails Agri-tourism Affordable/Special Needs Housing	Curling Rink Performing Arts Stage Outdoor Pool Seniors Centre Regulation Indoor Gym Seniors Housing/Care	Community Kitchen Outdoor Skating Rink Public Use Airport Building Squash/Racquet Ball Bus Shelters Track Public Shower Facility Indoor Tennis Campground Equestrian Stadium Clubhouse

In addition to these priorities there are also several opportunities to provide amenities on site such as additional trail improvements, off-site services (that benefit the greater community) and archaeological protection/recognition. The preference is to work with the Village of Pemberton



on a community amenity contribution program that is appropriate. The notes from the March 2020 Public Information Meeting have also identified other community amenities ([Appendix F](#)).

i. Wildfire Management

It is understood the the Village has a Wildfire Management Plan. The applicant will rely on direction from Village professionals with regard to any additional investigations or requirements during site development and/or protection of the neighbourhood.

13. Bylaw Amendments

As noted , this development application requires an amendment to both the Official Community Plan and the Zoning Bylaw.

a. OCP Amendment

As indicated that proposed development application will require a minor amendment to the Official Community Plan particular to the land use map's designation of the school site and playing field. The OCP schedules also have fairly defined land use designations, (as well as trails, and parks) that should provide more flexibility to ensure that the proposed development meets community needs over time. In addition the OCP amendment should include an updated Lil'wat Cultural Sites (Schedule D), Land Constraints (Schedule F) and ESA's (Schedule K).

A draft amending bylaw can be provided on request.

b. Zoning Amendment

The lands are currently zoned R-1 that permits single family use. It is the applicant's preference to zone the property a Comprehensive Development zone that will permit flexibility in the location of the uses, but ensure the requested density. The proposed uses will include:

- Residential uses of single family (three sizes, the larger two (2) lot sizes permitting suites), duplexes (may consider suites in duplexes), townhomes (lockoffs), and apartments
- Commercial/Community Use Flex Use
- Parks and Open Spaces (active parks, natural protection areas, archaeological protection areas, and natural areas)
- Utilities and Infrastructure (reservoirs, roads, etc), and
- Trails/trail heads



14. Application + Supporting Information

In accordance with Village of Pemberton requirements, the following documents are attached within [Appendix J](#):

- Completed Application Form
- Certificant of Title (encumbrances provided upon request)
- Rezoning Fee Calculation
- Provincial Authorization
- Site Profile

It is understood that through the review process, the Village may ask for additional information.



LIST OF FIGURES

- Figure 1. Location Plan
- Figure 2. Aerial
- Figure 3. Landform
- Figure 4. Slope
- Figure 5. Aspect
- Figure 6. Geotechnical
- Figure 7. Archaeological Areas of Concern
- Figure 8. Contamination Areas
- Figure 9. Site Constraints
- Figure 10. Development Potential
- Figure 11. Development Plan
- Figure 12. Lot and Housing Typologies
- Figure 13. Development Archaeological Areas of Concern
- Figure 14. Road Cross-Sections
- Figure 15. Phasing Plan

APPENDICES

- A. Communications Plan
- B. Geotechnical Report
- C. Initial Environmental Review
- D. RAR Assessment and Map
- E. Market Absorption Study
- F. Public Information Meeting Findings
- G. SD#48 Letter
- H. Development Servicing Report
- I. Traffic Impact Assessment
- J. Application Form and Supporting Materials
 - a. Completed Application Form
 - b. Certificant of Title (encumbrances provided upon request)
 - c. Rezoning Fee Calculation
 - d. Provincial Authorization (pending**)
 - e. Site Profile (pending**)

** both to be provided by March 15, 2021

