



**-COMMITTEE OF THE WHOLE MEETING AGENDA-**

Meeting #: 244  
Date: Tuesday, May 23, 2023, 9:00 am  
Location: Council Chambers  
7400 Prospect Street

*This meeting is being recorded as authorized by the Video Recording & Broadcasting of Open Meetings Policy.*

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**Pages**

**1. CALL TO ORDER**

In honour of the Lil'wat7ul, the Village of Pemberton acknowledges that we are meeting within the unceded territory of the Lil'wat Nation

**2. APPROVAL OF AGENDA**

**Recommendation:**

**THAT** the Agenda be adopted as presented.

**3. APPROVAL OF MINUTES**

**3.1 Regular Committee of the Whole Meeting No. 243, Tuesday, April 25, 2023**

2

**Recommendation:**

**THAT** the minutes of Committee of the Whole No. 243, held Tuesday, April 25, 2023, be adopted as circulated.

**4. BUSINESS ARISING**

**5. DELEGATIONS**

**6. REPORTS**

**6.1 First Nkwúkwma Workshop**

6

**Recommendation:**

**THAT** Committee of the Whole recommends to Council that Staff be directed to consider the following process suggestions for implementation in the next steps of the Nkwúkwma Sub-Area Plan review process:

- *{To be inserted by the Committee of the Whole}*

**AND THAT** Committee of the Whole recommends to Council that Staff be directed to consider the following alterations to the draft Nkwúkwma Sub-Area Plan to be considered and reported back at a future Committee of the Whole meeting:

- *{To be inserted by the Committee of the Whole}*

**6.2 2023 UBCM Minister Meeting Follow Up**

80

**Recommendation:**

**THAT** the Committee provide direction with respect to the Statutory Farm Tax Exemption issue.

**7. ADJOURNMENT**

**Recommendation:**

**THAT** the Committee of Whole meeting be adjourned.

**VILLAGE OF PEMBERTON**  
**-COMMITTEE OF THE WHOLE MEETING MINUTES--**

Meeting #: 243  
 Date: Tuesday, April 25, 2023, 1:00 pm  
 Location: Council Chambers & Zoom Webinar  
 7400 Prospect Street

COUNCILLORS: Mayor Mike Richman  
 Councillor Ted Craddock  
 Councillor Katrina Nightingale  
 Councillor Laura Ramsden

ELECTRONIC  
 ATTENDANCE: Councillor Jennie Helmer\*\*

STAFF: Elizabeth Tracy, Chief Administrative Officer  
 Sheena Fraser, Manager of Corporate & Legislative Services  
 Scott McRae, Manager of Development Services  
 Christine Burns, Manager of Recreation  
 Colin Brown, Planner II  
 Ethan Fredeen, Deputy Corporate Officer  
 Elena Aranguren, Office Coordinator

PUBLIC: 5  
 MEDIA: 0

\*\*Denotes Partial Attendance

*A recording of the meeting was made available to the media and the public.*

**1. CALL TO ORDER**

In honour of the Lil'wat7ul, the Village of Pemberton acknowledges that we are meeting within the unceded territory of the Lil'wat Nation.

At 1:02pm Mayor Richman called the April 25, 2023 Committee of Whole meeting to order.

**2. APPROVAL OF AGENDA**

Moved/Seconded

**THAT** the Agenda be approved as presented.

**CARRIED**

**3. ADOPTION OF MINUTES**

**3.1 Regular Committee of the Whole Meeting No. 242, Tuesday, April 18, 2023**

Moved/Seconded

**THAT** the minutes of Committee of the Whole Meeting No. 242, held Tuesday, April 18, 2023, be adopted as circulated.

**CARRIED**

**4. DELEGATIONS**

**4.1 Marina Jozipovic, Community Planner, Urban Matters, Introduction to the Housing Needs Report and Opportunities for Local Government in Housing**

At 1:04pm Marina Jozipovic, Community Planner with Urban Matters, joined the meeting electronically.

Ms. Jozipovic presented an update of the Housing Needs Report which is a legislatively required document that will assist in guiding the decisions regarding housing development. Ms. Jozipovic also outlined the tools local governments have to support the development of affordable housing through tax exemptions or reductions and other incentives available through legislation.

Discussions regarding the Housing Needs report covered the following topics:

- Housing Authority versus Housing Society;
- Affordable Housing and Non-Market Housing;
- Housing Accelerator Fund;
- Impacts on housing demand;
- Proposed changes to provincial legislation and regulations related to housing; and
- Grants to Offset Property Taxes
- Opportunity for a Regional Housing Authority

At 2:05pm Ms. Jozipovic left the meeting.

**5. REPORTS**

**5.1 Official Community Plan and Zoning Bylaw Amendment Application, Parkside, 7362 Pemberton Farm Road East**

Colin Brown, Planner II, Day provided an overview of the Official Community plan and Zoning Bylaw Amendment for the proposed Parkside development.

Discussions regarding the following occurred:

- Parking for the residents;
- Housing diversity;
- Community and green spaces;
- Building density;
- Affordability of the proposed units - small lot home size and anticipated pricing;
- Difference between developing the area as a strata versus using municipal standards – downloading cost to future owners;
- Secondary suites and Vacation rentals;
- Review of the Advisory Land Use Commission recommendations;
- Should consideration wait until the Housing Needs Report is presented; and
- Provincial legislation regarding housing density;
- Should a sub-area plan be developed before consideration of any more development in the area.

At 3:04pm Councillor Helmer left the meeting.

Moved/Seconded

**THAT** the Committee of the Whole recommend to Council that staff be directed to review greenspace, commercial, community, recreation, and other land uses in the Hillside area and bring back recommendations for how to consider non-residential land uses in the neighbourhood when new development applications are before Council.

**CARRIED**

Moved/Seconded

**THAT** the application be referred back to staff to work with the applicant to explore options for housing diversity to improve the housing affordability such as:

- Houseplexes – that may include a principal dwelling unit and up to three (3) accessory dwelling units, duplex, triplex and fourplex, or combination thereof with regulations for a maximum four (4) dwelling units on each residential lot;
- Provisions for secondary suites, carriage houses, and garden suites, to increase the diversity of housing options;
- Addition of co-housing on lots 27 and 28 for up to 16 micro units on each lot;

**CARRIED**

## 5.2 Daycare Project: Nature Play Park Relocation Engagement Plan

Ms. Burns from Recreation Services presented the report to Council and opened the floor to questions. Council discussed the following items regarding the Daycare Playscape engagement plan and survey:

- Community consultation on a location for the Playscape;
- Community input on the 'Great Lawn';
- Safety;
- Wording regarding the green space; and
- Usership of the green space.

Moved/Seconded

**THAT** Recreation Services proceed with the implementation of the Nature Playpark Relocation Survey;

**AND THAT** the following amendments be included: Question 5 list remove 'Great Lawn' and replace it with the words "Green Space";

- Question 6 listing include the words "safety" and "accessible";
- Incorporate supplementary questions as follows:
  - Question 4 be expanded to include: 4 (a) *If no, Why Not?*;
  - Question 9 be expanded to include under Option 3 examples of potential other community spaces/parks that could accommodate the amenity should preservation of preserving the green space be valued.

**CARRIED**

## 6. ADJOURNMENT

At 3:58pm the Committee of the Whole meeting was adjourned.

Moved/Seconded

**THAT** the Committee of Whole meeting be adjourned.

**CARRIED**

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Mike Richman, Mayor

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Sheena Fraser, Corporate Officer

**Date:** Tuesday, May 9, 2023  
**To:** Elizabeth Tracy, Chief Administrative Officer  
**From:** Cameron Chalmers, RPP, MCIP, Consulting Planner  
**Subject:** First Nkwúkwma Workshop

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### **PURPOSE**

The purpose of this report is to outline the objectives and process for the first Nkwúkwma Sub-Area Plan Committee of the Whole workshop session.

### **BACKGROUND**

On March 14, 2023, the Committee of the Whole received the first draft of the Nkwúkwma Sub-Area Plan for review. The draft plan is attached to this report as **Appendix A**. At that meeting, the draft was simply received by the Committee with direction to Staff to undertake additional community consultation and prepare a workshop for the Committee to begin discussing the policy guidance in the draft Sub-Area Plan.

The proponents hosted another Public Information Meeting on April 20, 2023. Staff were granted an opportunity to briefly outline the role and purpose of the draft Sub-Area Plan as well as the remaining process to the members of the public in attendance. A summary of the open house will be provided at the workshop and will be summarized in the proponent's final consultation report.

Staff have also prepared an outline and framework for a facilitated three-hour Committee of the Whole workshop which will be presented verbally at the session.

### **DISCUSSION & COMMENTS**

The primary objective of the workshop is to open a dialogue with the Committee of the Whole on policy directions and guidelines outlined in the Sub-Area Plan. It will address the process to date and the next steps in the review process. A brief overview of the consultation to date will also be provided.

Staff acknowledge the first draft is not fully resolved, and will need significant editing and refinement, and Staff are not yet seeking detailed comments, but rather are seeking feedback on the purpose, intent, and general directions of the policy outlined in the Plan at a higher-level.

Staff anticipate there will be several Committee of the Whole sessions on the content of the Plan as the process works towards a finer level of detail in the review process.

The Committee of the Whole workshop represents the beginning of the formal review process for the draft sub-area plan and the proposed development approval. The workshop will include an opportunity for Committee of the Whole input into the next steps in the review process.

### **COMMUNICATIONS**

There are no communications considerations arising from this report.

### **LEGAL CONSIDERATIONS**

There are no legal considerations arising from this report.

### **IMPACT ON BUDGET & STAFFING**

Staff and consulting time are covered by the development application fees and cost-recovery.

### **INTERDEPARTMENTAL IMPACT & APPROVAL**

The application will affect multiple municipal departments, all of whom will be engaged in the review and processing of the applications.

### **COMMUNITY CLIMATE ACTION PLAN**

The Village of Pemberton Community Climate Action Plan (CCAP) was adopted in March 2022, with several strategies and directions towards addressing the challenges of climate change. The big moves contained in CCAP address the following topic areas:

- Shift Beyond the Car - Shift
- Electrify Transport - Electrify
- Step Up New Buildings – New Build
- Decarbonize Existing Buildings – Existing Build
- Close the Loop on Waste - Waste
- Organizational Leadership - Leadership

The proposed Nkwúkwma (Benchlands) development is aligned with broad high impact actions in the CCAP, such as '*SHIFT 1.1 – Optimize land use policies and bylaws to encourage compact growth.*' Policy directions outlined in the CCAP have been incorporated into the draft Sub-Area Plan, for example building safe routes for walking, cycling, and other forms of zero emission mobility.

### **IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS**

The Official Community Plan (OCP) amendment application and likely boundary extension has impacts on the SLRD and Lil'wat Nation, both of whom have been referred the application and will be provided additional opportunity for comment.

## **ALTERNATIVE OPTIONS**

### **Option One:**

**THAT** Committee of the Whole recommends to Council that Staff be directed to consider the following process suggestions for implementation in the next steps of the Nkwúkwma Sub-Area Plan review process:

- *{To be inserted by the Committee of the Whole}*

**AND THAT** Committee of the Whole recommends to Council that Staff be directed to consider the following alterations to the draft Nkwúkwma Sub-Area Plan to be considered and reported back at a future Committee of the Whole meeting:

- *{To be inserted by the Committee of the Whole}*

### **Option Two:**

Another course of action determined by the Committee of the Whole

## **RECOMMENDATIONS**

**THAT** Committee of the Whole recommends to Council that Staff be directed to consider the following process suggestions for implementation in the next steps of the Nkwúkwma Sub-Area Plan review process:

- *{To be inserted by the Committee of the Whole}*

**AND THAT** Committee of the Whole recommends to Council that Staff be directed to consider the following alterations to the draft Nkwúkwma Sub-Area Plan to be considered and reported back at a future Committee of the Whole meeting:

- *{To be inserted by the Committee of the Whole}*

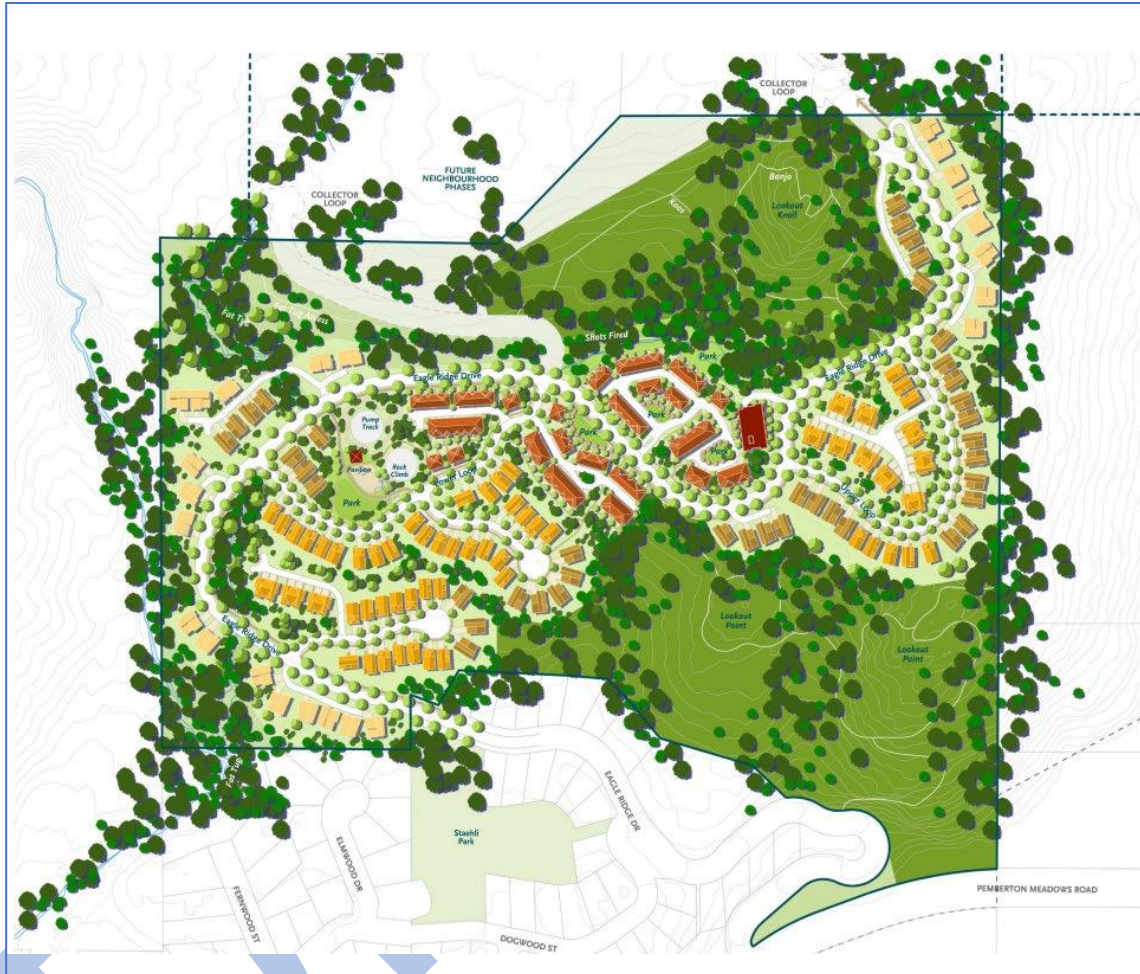
## **ATTACHMENTS:**

**Appendix A:** Nkwúkwma Sub-Area Plan Draft 1, dated March 14, 2023 (note: this is the same draft received by Committee of the Whole on March 14, 2023)

Submitted by:	Cameron Chalmers, RPP, MCIP, Consulting Planner
Manager Approval:	Scott McRae, Manager of Development Services
CAO Approval by:	Elizabeth Tracy, Chief Administrative Officer



# Nkwúkwma Sub-area Plan



**Schedule "E" to Village of Pemberton Official Community Plan**

**Draft 1**

**March 14, 2023**



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DRAFT

## **PART 1: NEIGHBOURHOOD FOUNDATION**

### **1. Nkwúkwma Vision Statement**

Sensitively draped over the hillside above Downtown Pemberton, the Nkwúkwma neighbourhood will provide a range of housing options in a comprehensively planned, family-oriented community. Integrated within the natural topography and preserved greenspaces, the new neighbourhood will serve an important role in accommodating Pemberton's growing population in balance with nature and community values. It will be a model of sustainable hillside development.

The Nkwúkwma neighbourhood will embrace and reflect the unique character of the land. It will protect archaeological and environmental features, clean up lead and copper contamination and improve access to recreational amenities.

The neighbourhood will prioritize pedestrians and feature an integrated network of public trails and pathways connecting parks and natural open spaces. It will retain habitat connectivity and complement the character of the community. It will facilitate social activation for residents. In the spirit of reconciliation, it will acknowledge and share the Lílwat Nation's cultural heritage and language and protect significant archaeological places.

### **2. Nkwúkwma Sustainability Statement**

The Nkwúkwma neighbourhood embodies a sustainable approach to land use and development that seeks to balance the environment, the economy, and people. When in harmony, these three pillars are equitably affected, and the relative costs and benefits are offset. This sustainability statement specifically assesses the balance of the policy and development directions in the sub-area plan in contrast to the existing zoning and development regulations that apply to the lands.

#### **2.1. Environmental Sustainability**

- a. The Nkwúkwma sub-area plan is based on a comprehensive understanding of the land and its natural assets.
- b. The development of the Nkwúkwma neighbourhood will mitigate historic contamination of the lands.
- c. The policies and development permit area guidelines in the Nkwúkwma sub-area plan will preserve and protect 48% of the lands as park and natural areas.
- d. Riparian and habitat areas will be protected through the development permit area guidelines.
- e. The relatively compact footprint of the development pattern and adjacency to the downtown will promote walkability and alternate modes of transportation.
- f. The neighbourhood will further the Village's Climate Action objectives.



## 2.2. Economic Sustainability

- a. As Lílwat Nation is the beneficial owner of the land, and development partner, the Nkwúkwma neighbourhood represents an opportunity for sustained economic growth for Lílwat Nation.
- b. Located adjacent to downtown Pemberton, the Nkwúkwma neighbourhood will add new residents close to downtown businesses.
- c. The buildout of the Nkwúkwma neighbourhood will provide long-term direct and indirect construction and related industry benefit.
- d. Retention of the public trail system will support local recreation and tourism sectors.
- e. The Nkwúkwma development will compel coordinated upgrades to existing servicing infrastructure at the cost of the developers.
- f. The relatively compact development form, and anticipated pockets of strata development, will reduce the amount of public infrastructure, thereby reducing the long-term maintenance obligation on the Village.
- g. Significant community amenities and benefits are anticipated from the rezoning of the land which will provide additional assets for the community at the developer's cost.

## 2.3. Social Sustainability

- a. As a Lílwat Nation benefitting development, the Nkwúkwma neighbourhood represents an opportunity to further reconciliation efforts with Lílwat Nation on traditional territory.
- b. The Nkwúkwma neighbourhood presents an opportunity to recognize and protect important archeological and culturally significant places for Lílwat Nation.
- c. The layout of the Nkwúkwma neighbourhood is a relatively compact community with a diversity of housing types offering a range housing options for future residents.
- d. The proposed land uses preserve important recreational lands which will be enhanced and secured for public access to promote the recreational culture of the neighbourhood.
- e. Adding additional residents in proximity to the downtown will create additional vibrancy and social interaction in the downtown.
- f. The role of the Nkwúkwma neighbourhood to accommodate current and future housing demand is important in maintaining housing attainability and affordability.

### **3. Nkwúkwma Sub-area Plan Introduction**

The Nkwúkwma sub-area plan combines the vision for a new neighbourhood with Official Community Plan policy directions and regulations to frame future development. Through policy directions and development permit area guidelines, it ensures a coordinated approach to the development of the land over the long term.

The plan builds on a 15-year planning history on lands known locally as the Pemberton Benchlands, which have been designated for residential use in the Pemberton Official Community Plan and zoned for residential development since 2007. The initial phase of the Benchlands has been constructed and occupied.

In 2019, the Owners began to revisit the Neighbourhood Concept Plan through a detailed site analysis, review of current Village policy directives, and analysis of the evolving housing market to inform the next phases. This plan represents a consolidation of the background and site information, planning intent and policy to update the development approach and realign the proposed development with community values.

The sub-area plan balances inputs from municipal policy, site conditions, and the community outreach to reflect the housing needs and desired amenities of the Village of Pemberton and its residents.

#### **3.1. Purpose of the Nkwúkwma Sub-area Plan**

The purpose of the sub-area plan is to bridge the broader Official Community Plan growth and development policies with the refined development approach for the Nkwúkwma lands. It specifically applies municipal policy and community values to the lands covered in this plan to integrate the proposed development with the Village's overall growth management and planning policy approaches.

The policy established in the sub-area plan will become the basis for a rezoning, including specific zoning regulations and accompanying agreements to secure servicing, community amenities and benefits.

The sub-area plan establishes site-specific development permit area guidelines that will regulate the physical development of the land.



## PART 2 – SUB-AREA PLAN CONTEXT

### 4. Site Description

#### 4.1. Location

The lands are located west of downtown Pemberton on an elevated bench of land accessed via an extension of Eagle Drive. The lands are legally described as: Block A, District Lot 8556; Block J, District Lot 202; Block I, District Lot 202; District Lot 2297; Block K, District Lot 8410; and District Lot 202. They are bound to the south, west and north by provincially managed lands; and to the east by privately held lands. The northern boundary between Collins Road and the subject lands is primarily privately owned land. Pemberton Creek is just beyond the southern boundary.

A portion of the land holdings are in the Squamish Lillooet Regional District. Those lands are not identified for short-term development and not included in the sub-area plan process or rezoning application. If those lands are incorporated into the Village, an amendment to this plan will be required in advance of any consideration for development.

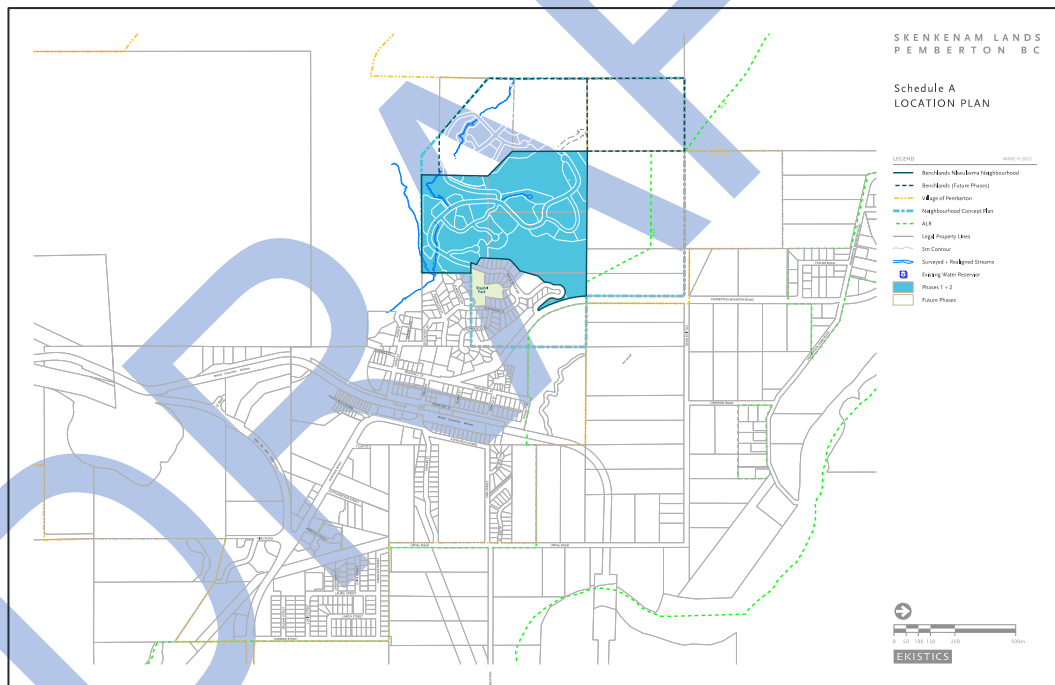
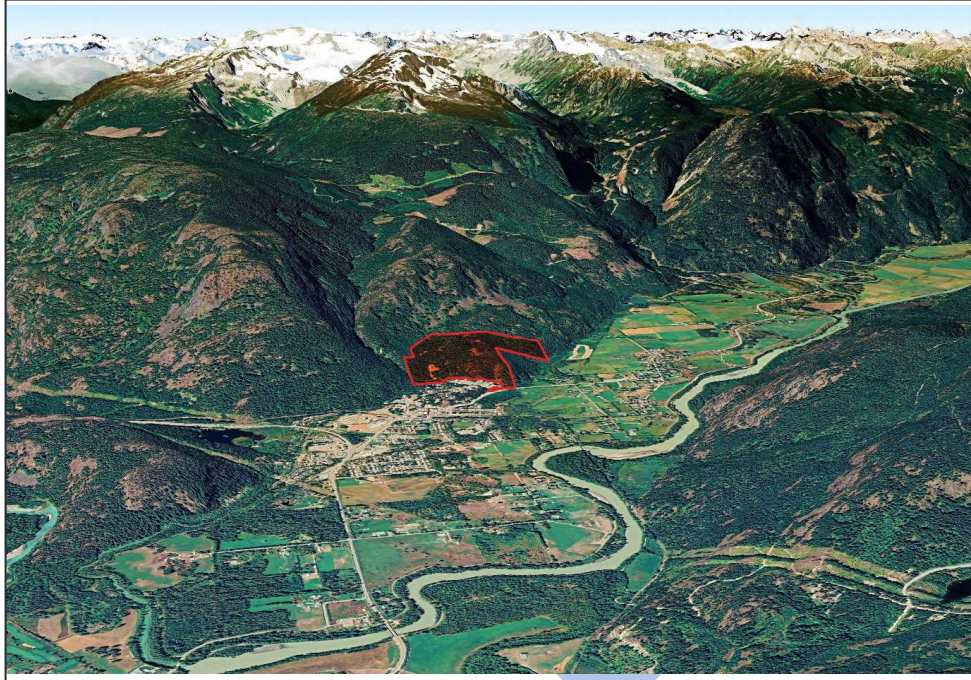


Figure 1: Location Plan

#### 4.2. Site Context

The Nkwúkwma neighbourhood is close to downtown and an extension of the existing Benchlands neighbourhood. Located on the hillside, rising away from the downtown, the site is above the valley floodplain and outside the Agricultural Land Reserve. The lands have been used for several decades for passive recreation, accessed by mountain bikers, hikers, and dog walkers. Both the Pemberton Waterfall and the Fat Tug trails can be accessed through the lands, and the land carries significance for recreational users.



**Figure 2: Location and Context**

### **4.3. Land Use History**

#### *4.3.1. Historic Use*

The site lies within the Traditional Territory of Lil'wat Nation which encompasses close to 800,000 hectares of land in and around the Pemberton Valley. Traditional use by Lil'wat Nation has been confirmed through archaeological investigations on the site which identified archeological Areas of Concern and a designated archaeological site that includes a rock shelter and pictograph panels. The discoveries confirm the Nkwúkwma lands were a strategic location for the Lil'wat7úl being above the floodplain with the valued views of the surrounding valley.

The Pemberton Benchlands area was utilized for hunting, fishing, and later for trapping. It encompasses a Trapline owned by Ronny Lester, and previously owned by Mack Lester in the 1940's. Pemberton Creek is the setting for the traditional Lil'wat story told by Charlie Mack "The Boy Who Had Cherry Bark as His Power". It was also the location of known trails and was used for berry gathering (i.e., huckleberries).

In the 1970's a small community ski hill was established with a rope tow, and later in 1970's to 2008 a rifle and gun range. The former gun range left significant contamination of lead and copper, which will need to be mitigated before two of the District Lots can be considered for development. The site now used for its network of informal trails and utility installations, including two water reservoirs servicing the Village.

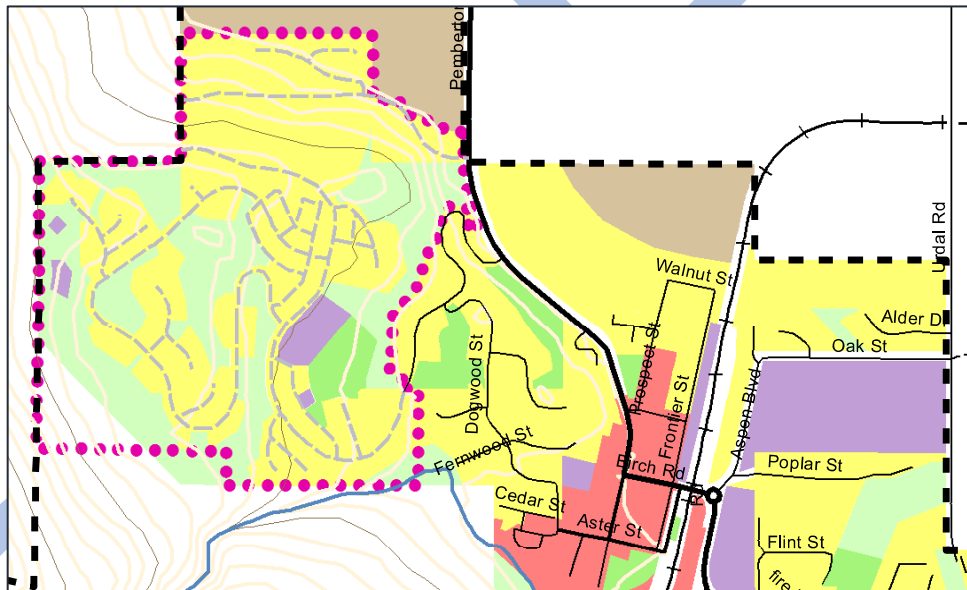
#### *4.3.2. Land Use Policy History*

The lands covered by this sub-area plan have been included in the Village growth policy as a new residential neighbourhood necessary to accommodate residential growth since 2007. Current Official Community Plan designations and zoning on the site permit the continued

development of the neighbourhood similar to the first phase. The Nkwúkwmá sub-area plan represents a fine tuning and elaboration of the previously approved development.

The 2007 Neighbourhood Concept Plan was a Village initiated, multi-agency, planning process for a 95.7 ha (236.5 ac) area of privately held and provincially managed lands. The Village rezoned the first phase of the plan with a single-family subdivision and the construction of the Eagle Drive access, Staehli Park, and interconnecting trails. The initial phase was developed over 14 years commencing in 2008. The remaining phases in the initial plan are being reconsidered in this sub-area plan as the new Nkwúkwmá neighbourhood.

The 2007 Neighbourhood Concept Plan was initially attached to the 1999 Official Community Plan as a schedule, which was revamped as a Special Planning Area in the current 2011 Official Community Plan. The current Official Community Plan designates the subject lands as a residential neighbourhood and within the urban growth boundary. It also establishes land use policies to further guide the development of the land as a residential neighbourhood, predominantly as single-detached homes. As such, the new Nkwúkwmá neighbourhood complies with the Squamish Lillooet Regional District Regional Growth Strategy.



**Figure 3: Current OCP Designation**

The first phase of development approved in 2007 has been developed and constructed as the community known as Benchlands. The balance of the lands, and particularly those included in this sub-area plan have remained dormant until the current owner initiated a detailed land analysis and comprehensive planning exercise in 2019, which led to this sub-area plan.

The Nkwúkwmá development proposes to complete five of the eight phases of the 2007 Neighbourhood Concept Plan (2007 Neighbourhood Concept Plan) approved for what was then known as the Benchlands. As described in this sub-area plan, more detailed analysis of the land, and its opportunities and constraints, has refined the development approach.

The Nkwúkwma neighbourhood recognizes and reflects the policy directions of the Village's current Official Community Plan as well as planning studies and land development considerations that have evolved since the 2007 Neighbourhood Concept Plan was adopted. Accordingly, the sub-area plan constitutes a refinement of how the lands will be developed as the question of whether the lands should be developed has been long resolved.

#### *4.3.3. Ownership History*

Until October 2021 the subject lands were Crown Land managed by the provincial government's Ministry of Forests, Lands, Natural Resource Operations and Rural Development. Over the past several decades, the province has granted occupation licences and leases to various interests including the Village of Pemberton, for water reservoirs, water lines, and communication utilities; the Squamish Lillooet Regional District for a water line; The Canadian Broadcasting Corporation for a communications tower; and the Pemberton Wildlife Association and RCMP for the former gun and rifle ranges.

In 2005 an accommodation interest was secured for the Benchlands by the Lílwat Nation, as the lands are within the unceded traditional territory of Lílwat Nation. The accommodation agreement requires a payment to the Lílwat for each parcel of provincially managed land sold, fulfilling any applicable legal obligations of consultation and accommodation. In addition, a 3.84-hectare triangular portion of the Benchlands area to the northeast of Pemberton Meadows Road (known as Parcel 2A) was transferred to the Lílwat Nation by the province as part of the Ministry of Transportation Sea to Sky corridor accommodation package.

In 2017, the Lílwat Nation submitted a land acquisition request to the province for the lands, and in 2019 an Offer to Purchase was signed by Lílwat Nation (Lílwat Capital Assets). The transfer was completed in September 2021, and the lands are currently owned in fee simple. At the time of the transfer, statutory rights of ways were registered on the site to secure rights of way for the existing utilities, power lines and access, as well as a blanket public use right of way in favour of the Village for public use of the existing informal trail network.



## 5. Detailed Site Conditions

In the fall of 2019, Lílwat Nation and their development partners retained an extensive team of qualified consultants to update the 2007 Neighbourhood Concept Plan. The update includes a detailed assessment of the lands through additional investigations of the natural context and development potential of the lands. Based on that assessment, an updated site plan was prepared that responds to the opportunities and constraints on the land, as well as updated municipal policy directives and the contemporary Pemberton community.

The site investigations include geotechnical, environmental sensitivity mapping, and archaeological review providing the basis for a new site constraints plan. The site servicing, traffic impacts and market absorption reports were also updated to inform the land use plan. The following provides a brief overview of the findings as they consider the site conditions, and have enhanced the understanding of the site and its development potential:

- a. *Existing Development:* The subject lands are currently vacant, except for existing infrastructure including two above ground water reservoir tanks, an electric service line, a gravel access road (which services two utility sites situated on a knoll on the north-west corner of the site) and an informal network of mountain bike/walking trails.
- b. *Access:* Primary access for Nkwúkwma is from Pemberton Meadows Road via Eagle drive as designated in the 2007 Neighbourhood Concept Plan. The designated collector has been constructed to the entrance of the Nkwúkwma lands and will extend into the neighbourhood linking the proposed housing clusters as a looping access.

Trail access to the site exists via the Pemberton Creek Waterfall Trail and the existing utility access road.

- c. *Site and Landform Conditions:* Updated and detailed analysis of landform, slope, aspect, and aerial interpretation. The results were input in a three-dimensional overlay, providing a greater visual understanding of the lands. The highlights of the analyses, include the following:
  - i. *Landform* - The site rises from the valley with a complexity of landforms, including a series of well-defined benches, steep slopes, rock knolls and undulated terrain. The lands have a few small watercourses that drain to the south-east, feeding into Pemberton Creek.
  - ii. *Slope* – The site is characterized by significant slopes along the south, west, and north edges of the property, with dramatic topographic features including a drainage ravine (south) to Pemberton Creek steep rock outcrops and three prominent rock knolls.
  - iii. *Aspect* - The site features dramatic south, east and north views over the Pemberton Valley notably prominent Ts'zil (Mt. Currie) and the Lillooet River.
- d. *Trails* – Since the closure of the gun range, many informal trails have been constructed on the property. The trail type ranges from the steep and rubbly access road, walking trails, and black diamond mountain bike trails routed down rock faces, gullies, and man-made berms. The property also provides access to the Section 56 (provincially sanctioned) Fat Tug Mountain bike trail.

- e. *Geotechnical* - The assessment identified rock fall hazards requiring mitigation along the northern side of Eagle Drive, south of the centre knoll and along the western property line. District Lot 8820 (currently within the Squamish Lillooet Regional District) has rock fall hazards over approximately 50% of the lot, which has significantly constrained the ability to construct a collector as identified in the 2007 Neighbourhood Concept Plan.

## 5.1. Natural Environment

The Initial Environmental Review provided baseline conditions and identified potential environmental considerations and constraints as follows:

- a. *Vegetation*: The existing vegetation on the site consists mainly of young and mature forest (structural stages 5 and 6) with occasional shrub (structural stages 3a and 3b), and a small area of old forest dating back more than 250 years. The site is part of the Coastal Western Hemlock (CWH) Dry Submaritime (ds) Southern (1) – CEHds1-Variance Biogeoclimatic Zone Classification. Approximately 6% of the site consists of anthropogenic development. Detailed investigations of each of the vegetation polygons as well as risk potential for blue or red plant listed species and ecological communities are provided in the Initial Environmental Review. This study has informed the overall land use and natural environment preservation approach in the sub-area plan.
- b. *Watercourses/Hydrology*: Four watercourses were observed on the property, two appeared to be ephemeral. Two unnamed watercourses (one ephemeral) flow into the Arn Canal, a third watercourse flows into Pemberton Creek, while the fourth appeared to be a man-made ditch which drains into the Dogwood Road drainage system.
- c. *Wildlife*: The site investigations recorded wildlife and wildlife signs, available forage as well as riparian habitat. Signs of the black-tailed deer, Douglas squirrel, and bobcat were documented. The review identified other potential mammal, bird, amphibian, and reptile species and observed favourable habitats such as rock outcrops, course woody debris and wildlife trails.

The review recommended additional investigations related to a screech owl nest survey, rare and endangered plants, and wildlife surveys (little brown myotis and sharp tailed snake), as well as construction management and landscaping guidelines. These studies will be undertaken as a pre-requisite to rezoning and the recommendations will be secured through future development permits and other means.

## 5.2. Archaeology

A Preliminary Field Reconnaissance identified eight (8) Areas of Concern and a designated archaeological site on the lands subject to this sub-area plan. An Archaeological Impact Assessment will be required prior to development permit, site alteration or building permit approvals. The designated archaeological site is clear evidence of the Lílwat's traditional use of the lands. There is currently an archaeological covenant registered on the properties which protects the archeological features of the site by prohibiting development.

### 5.3. Site Contamination

Several investigations and reports have been prepared by qualified professionals which have identified contamination on the two westerly parcels (District Lot 2297; Block K, District Lot 8410; and District Lot 202). The contamination includes lead and copper, which was caused by the former gun and rifle range. These contaminated lands are included in the Sub-Area Plan in anticipation of future development; however, prior to any rezoning application for future residential development of these lands, the provincial government must approve remediation and/or disposal plans. There is currently a “no-build” covenant on the lands requiring the remediation of the lands prior to development.

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## 6. Opportunities and Constraints

The result of the detailed site investigations is that the Nkwúkwma lands have both opportunities and constraints in considering their future development. These site attributes, when considered with the principles outlined in future sections, have driven the proposed Land Use Plan (Schedule 1) and Development Concept Plan (Schedule 2).

### 6.1. Constraints

The Nkwúkwma site is located on a series of rocky benches, situated above the Benchlands/Dogwood neighbourhood, as illustrated in the Slope Analysis (Schedule 3) The lands have constraints to development shown on the Site Constraints plan (Schedule 4) that require a higher level of review and will compel a rigorous approvals and development process. The constraints that refined the land use and development approach are as follows:

- a. *Challenging Terrain:* The technical reports highlighted the challenging terrain whereby only 50% of the lands can be utilized for development. The constraints include rock fall hazards, riparian areas, old growth forest, possible habitat of listed species, and steep slopes greater than 40%.
- b. *Natural Environment:* Environmental values should be protected, specifically riparian and Streamside Protection and Enhancement Areas, a small grove of old growth forest and possible listed species.
- c. *Lead and Copper Contamination:* The upper bench has been significantly contaminated from shot and casings left from the former gun and rifle range. As a result, the two legal parcels where the contamination has been documented, cannot be considered (rezoned) for neighbourhood development until they are mitigated to provincial standards.
- d. *Archaeological Discoveries:* The development has been designed to ensure the protection of the confirmed archaeological site and areas of concern. The preservation and cultural significance of these archaeological sites is extremely important to the Lílwat Nation and will be protected through provincial legislation.
- e. *Existing Development:* Site development is also limited by existing infrastructure installations (access roads, communications tower, transmission lines, and water reservoirs) as well as a highly valued informal trail system.
- f. *Secondary Access:* A further constraint is the inability to provide a secondary access to the site, as the lands as potential alignments are encumbered by terrain and private land ownership. The road connection identified in the 2007 Neighbourhood Concept Plan was never secured through adjacent properties and is unlikely to proceed.



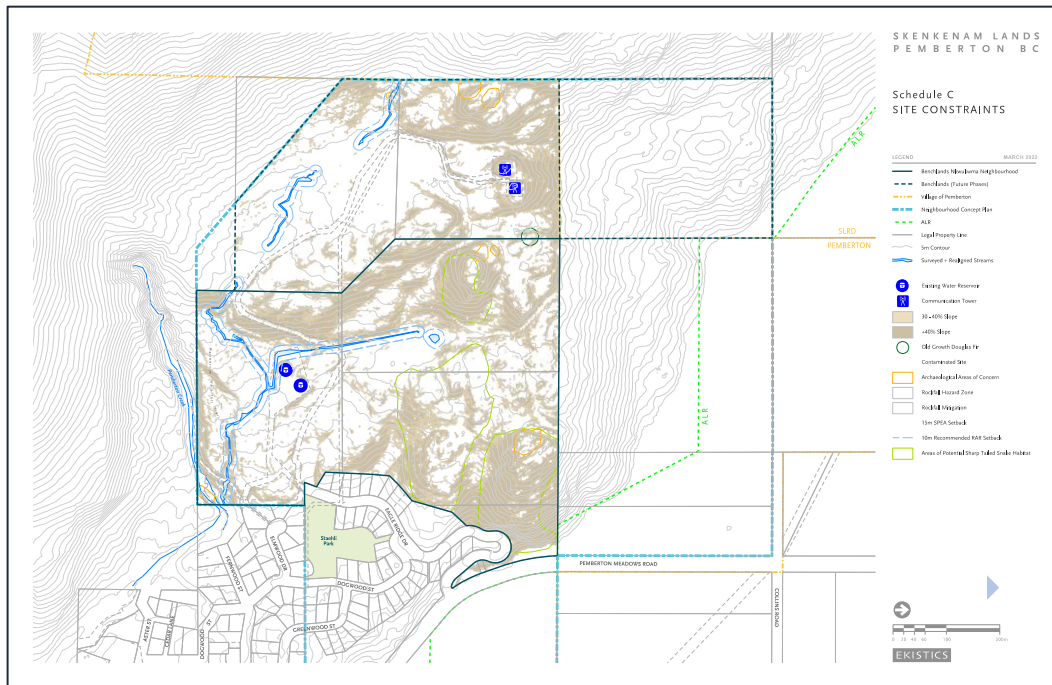


Figure 4: Site Constraints

## 6.2. Opportunities

Despite the constraints imposed by the natural topography and natural features of the site, there are several opportunities to incorporate residential development on responsibly and sensitively on the lands as follows:

- a. *Reconciliation:* Though the ownership of the land is not the primary land use planning consideration, the planning process has been initiated by a subsidiary of Lílwat Nation and as such represents an opportunity to incorporate a range of First Nations principles and practices into the land use. It also represents an opportunity to reframe the opportunities for Lílwat Nation to utilize lands within their traditional territory for economic development, cultural education, and housing.
- b. *Connection to Downtown:* The development is close to downtown Pemberton and as such can add more residents to support downtown businesses. Though the terrain is challenging, the pedestrian, transit, and vehicular routes will connect directly to and through the downtown. This proximity will benefit both downtown businesses and the Nkwúkwma neighbourhood.
- c. *Model hillside development:* The development represents an opportunity to incorporate newly established *Hillside Design Guidelines* in a comprehensive manner. Context sensitive road alignments, widths, carefully selected development sites and transitions between different land uses creates the opportunity to establish the Nkwúkwma neighbourhood as a model of hillside development
- d. *Terraced benches suitable for development:* Though much of the site is challenging terrain, there are several naturally terraced benches suitable for residential development in a range of housing forms. The objective is to utilize

these benches as the development areas reduce the need to alter the terrain to accommodate the neighbourhood.

- e. *Secure and enhance recreation assets:* The lands have accommodated a range of passive and active recreation uses for some time. The sub-area plan, approvals process and ultimate development represents an opportunity to secure these recreational assets for public use in perpetuity and to work collaboratively to enhance them with local trails and recreation organizations.
- f. *Connect the residential development to natural areas:* As the natural state of the lands establishes development pockets surrounded by natural areas and open spaces, the lands present an opportunity to develop a neighbourhood that is woven into natural areas and provides soft edges between development and nature.
- g. *Connect to existing municipal infrastructure:* The lands have been identified as a residential growth area since 2007, and as such the development of the lands will create a natural extension to existing municipal services in an orderly manner. Though improvements to the existing road, water, sanitary sewer, and storm sewer systems is expected, the development will extend existing infrastructure systems, rather than require the creation of new service systems.

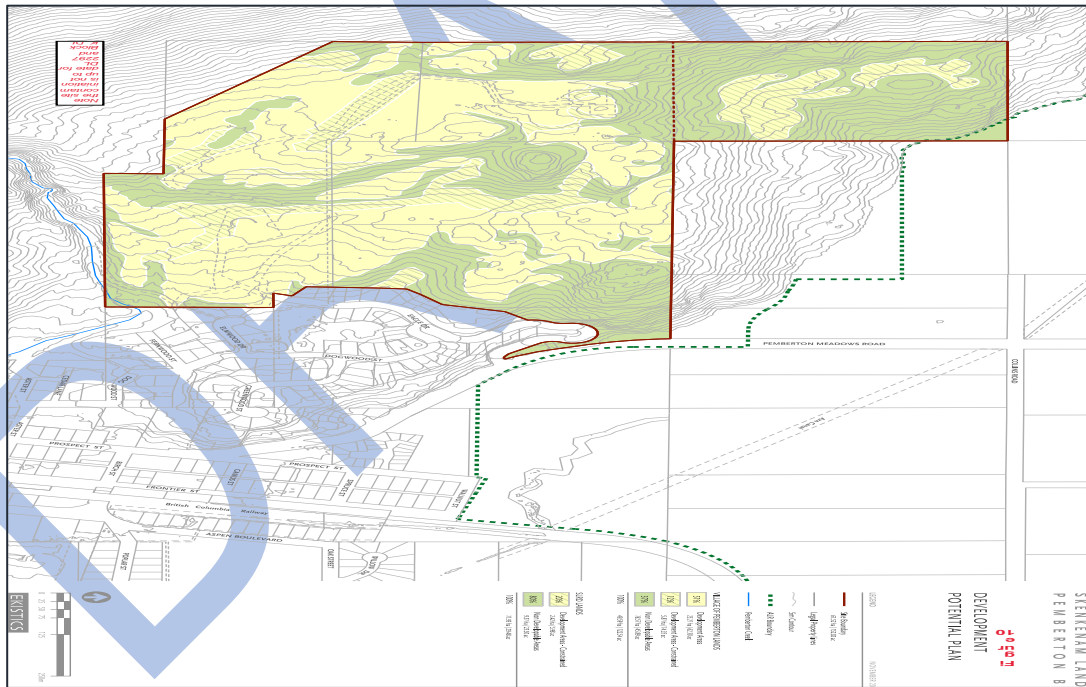


Figure 5: Development Opportunities

## **PART 3: SUB-AREA PLAN INPUTS**

### **7. Sustainable Neighbourhood Design**

The technical investigations, together with Village land use policies and community consultation established the framework for the sub-area plan. This community-centred design approach was first initiated in the 2007 and this sub-area plan further evolves the concept. The sub-area plan strives to meet the needs of the community notably, a diversity of housing types, connected streets prioritized pedestrian/cycling routes, effective and sustainable infrastructure, and community amenities. If the contaminated sites are mitigated to permit future residential development, small neighbourhood commercial use may be considered. The sub-area plan provides flexibility to designate land use as commercial/community use as part of a mixed use/apartment building.

### **8. Consultation Process**

In early 2016 discussions between the Village of Pemberton and the Lílwat Nation considered the potential land purchase and development of future phases of the Benchlands. Pre-application meetings with Village staff and Council continued for five years through to March 2021. A public meeting was held with the community in March 2020, together with an on-line survey to help better understand the community's needs and aspirations for the new neighbourhood. A second public meeting was held (virtually) in December 2021 to present the development plan. A website and second community survey were also posted to gather additional input. The results of the outreach have been documented in a project Engagement Report.

Community input identified the following primary areas of interest that are addressed in the sub-area plan:

- a. localized neighbourhood impacts (traffic, stormwater management, pedestrian-oriented mobility)
- b. protection of riparian areas and habitat
- c. alternative vehicular access and construction traffic
- d. affordable housing opportunities
- e. protection and enhancement of trails and infrastructure upgrades.

The outreach also identified Village-wide issues such as downtown traffic, affordable housing, growth, active transportation, and climate change as priorities.

### **9. Population Projections and Market Assessment**

Two growth forecast reports (2018 and 2020) have been prepared considering housing demand, housing supply, and new housing absorption forecasts. The forecast considers Pemberton's share of growth in the Squamish Lillooet Regional District according to BC Stats and Census Canada data. Pemberton's population growth over the past 18 years has been faster and more volatile than most BC municipalities. In that time, the region grew by 29%, and Pemberton grew 70% even though Pemberton sustained a 3.1% loss from 2010-2011 as the Olympics made employee housing available for purchase in Whistler. The projected

population in report for 2020 was determined to be approximately 2,962, yet the 2021 Census indicates a population of 3407 which is an increase of 32.4% since 2016, indicating higher than forecast growth.

In considering the medium growth scenario (particularly given the unprecedented demand for housing in 2021-2022), population projections considered the following:

	Absorption Study Medium Growth Population	Forecast Population with 6.48% growth ( 2021 Census)
2026 (5 years)	4,157	4,501
2036 (15 years)	5,405	11,232

In summary, the population forecasts suggest the Village will grow from 3,407 residents in 2021 to 4,157 to 4,501 people in 2026. Even with a conservative growth forecast, the Village is expected to grow by 2,000 people in the next 15 years.

This growth pressure raises questions about how the Village will balance interests such as housing need, economic growth, and affordable housing in the context of community values around community character, the natural environment, and outdoor recreation.

The 2021 Census identifies an average household size of 2.5 people per household. For the Village to match forecasted housing pressures, an additional 300-400 new housing units throughout the Village will be needed within the next five years. That number rises to a minimum of 800 new housing units in the next 15 years.

The proposed Nkwúkwma neighbourhood figures prominently in providing housing supply to meet future needs and seeks to balance supply and demand in a variety of forms with an emphasis on attainable and affordable housing.

As the largest contiguous development site remaining in the Village of Pemberton, it is important that the lands deliver a responsible amount of housing while respecting the land and community values. The first stage, which is proposed for rezoning will deliver 267 new housing units for 600-700 people over the next 10 years which is a substantial proportion of the anticipated demand.

Subject to remediation, the total buildout of 450 units will help fulfill the Village's housing needs over the next 10-15 years and will accommodate between 1,200-1,350 new residents in total for the Nkwúkwma neighbourhood. This establishes the new Nkwúkwma as a very important growth area for the Village.

## PART 4: NEIGHBOURHOOD PLANNING PRINCIPLES

### 10. Planning Principles

The Nkwúkwma Sub-area Plan creates a direct link between the new neighbourhood and policy frameworks and community wide planning principles established in the Official Community Plan. It also captures advances in municipal policy and approaches that have been endorsed since the Official Community Plan adoption in 2011.

The planning principles listed below have informed and guided the approach to land use and development outlined in this sub-area plan. They run deeply through the conception of the new neighbourhood and the policy and development permit area guidelines established in the sub-area plan to guide its future development. Though many of the principles have existed in Village planning frameworks for some time, they continue to evolve. The Nkwúkwma sub-area plan exercise has been one of establishing contemporary application of these principles in a specific site context in the establishment of a new neighbourhood:

#### 10.1. Applying Official Community Plan Principles

The following principles are taken directly from section 2.0 of the 2011 Official Community Plan have been applied to the creation of the Nkwúkwma sub-area plan as outlined below. The Official Community Plan principles apply to the entire community and what follows is a brief statement of how each principle is being respected in the Nkwúkwma neighbourhood.

*a. Our Community Is Habitat*

The Official Community Plan principle is that the Village of Pemberton is in a relationship with the natural world and will work to protect and enhance the environment that sustains and nourishes us. The Nkwúkwma neighbourhood as outlined in the sub-area plan seeks to minimize the footprint of the new neighbourhood while intensifying the development of the land necessary to provide housing for the growing community. The current approach preserves 48% of the land base in a natural state.

*b. Our community flourishes because the local economy is nurtured*

The Official Community Plan principle is to ensure a vibrant, diverse, and supported local economy and employment base that enables creative, intellectual, and material fulfillment of our citizens. The Nkwúkwma neighbourhood is located immediately adjacent to the Village town centre and as such has the potential to add critical mass of population adjacent to the planned commercial centre of the community to ensure an additional support base for existing and future businesses in the downtown. Provision of new housing stock is also a critical consideration in economic development to ensure there is a balance of housing in the community to both drive and accommodate new employment. As a local First Nations is partner to the development, there are significant opportunities to ensure local labour participation in the development and construction of the new neighbourhood.

*c. In our community, all are valued.*

The Official Community Plan seeks to honour diversity and seek to provide a place to live, work and play that is inclusive, healthy, and safe for all. The new Nkwúkwma neighbourhood seeks to provide a range of housing diversity and housing types that



promote a broader level of diversity than initially approved. It further seeks to permanently secure a comprehensive network of recreational trails on the lands to ensure the neighbourhood provides benefit to the entire community. The development permit areas also include specific requirements to guard against threats of wildfire and hillside development to ensure safety and resiliency in the new neighbourhood. The sub-area plan process also involves a significant amount of public consultation to ensure the revisions to the proposed neighbourhood outlined in this plan are reflective of community values.

*d. We know where we are because we embrace our heritage.*

The Official Community Plan principle refers to acknowledging what makes Pemberton distinctive and grounded in a unique sense of place in our people, history, culture, and physical setting. The Nkwúkwma sub-area plan represents an elaborate analysis of the land to ensure it reflects the physical setting. The lands are currently owned in partnership by a subsidiary company of Lílwat Nation on whose traditional territory the lands are located. The sub-area plan identifies and protects heritage assets including archeological sites. The sub-area plan also represents an opportunity to incorporate First Nations investment and planning principles into the Village of Pemberton planning framework.

*e. Our community chooses to tread lightly.*

The Official Community Plan principles seeks to proactively manage impacts on non-renewable resources to preserve them for current and future generations. The Nkwúkwma sub-area plan commits to a more sustainable land use and development pattern than earlier iterations on the site. Emphasis on reducing impacts on the climate, while still accommodating necessary housing is a theme of the plan. Incorporating alternative modes of transportation, on lands proximal to the town centre, to the extent possible are key efforts to reduce climate impacts.

*f. We work together.*

The Official Community Plan principle seeks to make decisions that engage and respect present and future citizens, considers neighbours in other jurisdictions and ensures financial responsibility. The Nkwúkwma planning process and neighbourhood development has been necessarily consultative, incorporating an extensive review of and updated approach to land development on lands that have already been approved for development through a comprehensive community consultation process. The Lílwat Nation ownership position and engagement in the planning process is unprecedented in Village of Pemberton. And finally, the sub-area plan and concurrent rezoning process has compelled an extensive review of servicing capacity in a coordinated and planned fashion with necessary upgrades and community amenities balanced through a comprehensive financial analysis of servicing costs and approvals.

## **10.2. Nkwúkwma Community Planning Principles**

Since the initial approval of the Benchlands Neighbourhood Concept Plan and rezoning in 2007, and incorporation in the 2011 Official Community Plan, the Village has undertaken additional planning studies and the approach to neighbourhood planning has continued to evolve. The following principles reflect new and site-specific directions the Village has endorsed and how they apply to the Nkwúkwma neighbourhood. As with the Official

Community Plan principles, these principles permeate the approach to neighbourhood planning, policy, and development permit area guidelines in the sub-area plan.

*a. The Nkwúkwma neighbourhood supports First Nations reconciliation*

Over recent years, the Village has sought to formalize and recognize the importance of Lílwat Nation as a partner government and acknowledge the significance of the Village of Pemberton as part of the Traditional Territory of Lílwat Nation. Protocol Agreements which formalize the government-to-government relationship. The province has made the Nkwúkwma lands available to Lílwat Nation and their subsidiary companies for development as a reconciliation offering. The Nkwúkwma neighbourhood represents an opportunity to reshape a previously approved neighbourhood with the potential to benefit the Village of Pemberton and Lílwat Nation.

*b. The Nkwúkwma neighbourhood prioritizes open spaces*

The Nkwúkwma neighbourhood represents a more compact, walkable development approach than the initial Benchlands approvals. The result is expansive preservation of natural and green spaces which will enable preservation of natural habitat and provide a range of passive and active recreation experiences near existing neighbourhoods and the downtown.

*c. The Nkwúkwma neighbourhood responds to community housing needs.*

The Village of Pemberton has undertaken an initial Housing Needs Assessment as mandated by the province and has prepared initial strategies to promote affordable and attainable housing. The existing Benchlands approvals and rezoning would be predominantly a large-lot, conventional single-detached neighbourhood. The new Nkwúkwma neighbourhood will feature a broader range of housing types and will facilitate innovative forms of housing to appeal to broader range of residents. This will further the Village objective of promoting a broad range of housing types. Affordable housing, either on site, or in a different location will be a pre-requisite of rezoning approval.

*d. The Nkwúkwma neighbourhood advances climate action priorities*

The Village's Climate Action Strategy seeks to find means to reduce the climate impacts of the community and particularly new development. Located near the downtown and services, combined with the emphasis on pedestrians and active transportation will further the Village's efforts through the Nkwúkwma neighbourhood.

*e. The Nkwúkwma neighbourhood provides safe and resilient housing*

Located outside the floodplain and with development requirements specific to protection from wildfire and geological hazards, the Nkwúkwma neighbourhood provides housing in a safe and resilient manner in a valley which is prone to a range of natural hazards.

*f. The Nkwúkwma neighbourhood models responsible hillside development*

Hillside development generates a range of considerations regarding the natural terrain, visual appeal, and integration with the natural environment. The Nkwúkwma neighbourhood will serve as a model of hillside development sensitively draping the neighbourhood onto the topographic features of the land to minimize alteration of the

land and preserve the visual appeal of the area. Specific development permit area guidelines will ensure that development is comprehensively planned and managed.

*g. The Nkwúkwma neighbourhood is fiscally responsible*

The servicing approach to the Nkwúkwma neighbourhood will ensure the development of the land will not create undue financial burdens on the Village over the short or the long term. Comprehensive analysis of Village service systems, and a requirement that the development make proportionate contributions to the Village's servicing infrastructure will ensure a coordinated and fiscally responsible approach to development.

*h. Nkwúkwma will benefit the community*

Through community amenity contributions, servicing improvements, affordable housing contributions, and secured tenure over recreational lands, the Nkwúkwma neighbourhood will provide direct and tangible benefits to the Village of Pemberton and its residents as a legacy of the project.

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# PART 5: DEVELOPMENT CONCEPT AND LAND USE POLICIES

## 11. Development Summary

### 11.1. Land Use

The Nkwúkwma neighbourhood proposes a diverse and integrated residential neighbourhood on the three developable benches. The development will be serviced by a main arterial road that provides connection through the neighbourhood. The Land Use Plan (Schedule 1) identifies the land use designations. The land uses have been established by considering community needs for a range of more attainable and affordable housing, but also considering the neighbouring single-family neighbourhood. The site layout and road network has also been dictated by the terrain and seeks to minimize the impact of the development. The parks and open spaces frame the neighbourhood, provide recreation amenities, preserve the natural environment, and preserve archeological sites. The Development Concept Plan (Schedule 2) represents a development concept plan as an illustration of how the proposed land use allocation may be developed.

In total, the first stage of the development will yield up to 275 housing units with an additional 175 units subject to site remediation in stage two. In total, the new neighbourhood could add up to 450 new housing units over the next 15-20 years.

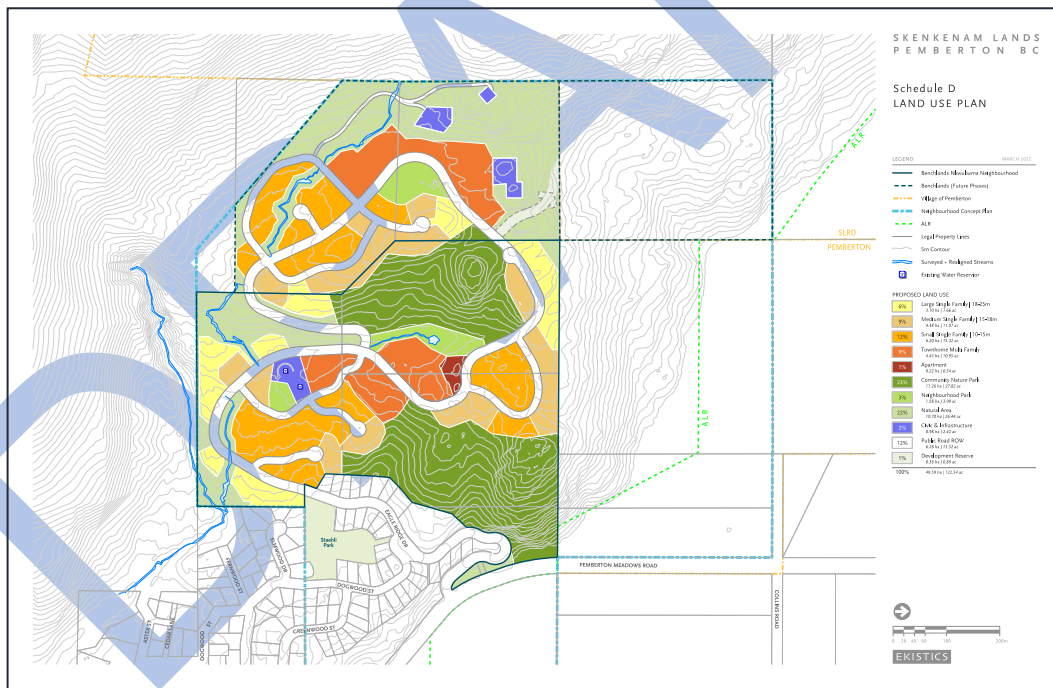


Figure 6: Land Use Plan



**Figure 7: Development Concept Plan**

#### 11.1.1. Land Use Allocation

The Land Use Plan (Schedule 1) identifies how land uses will be allocated. The Nkwúkwma neighbourhood is primarily housing situated amongst the natural environment and open spaces. The land use plan provides a higher degree of certainty about how the site will develop than the Official Community Plan yet includes sufficient flexibility to adapt the plan to housing needs in the Village over time.

##### a. Residential (35-40% of site)

In response to the community's need for affordable and ground floor accessible dwellings, the residential mix includes a range of tenures and units: single family (with suite potential); duplexes; townhouses; and apartments. The following unit types are proposed:

- i. **Single Detached (small, medium, and standard):** The neighbourhood includes a mix of lot sizes and frontages. The larger lots will accommodate ancillary residential dwellings, providing mortgage helpers and rental units. Garages are typically included within the dwelling unit.
- ii. **Duplex:** The building has a slightly smaller unit frontage of 11 metres, accommodating two separate dwelling units. Garages are typically included within the dwelling unit.
- iii. **Townhomes:** A series or cluster of three or more dwelling units on one lot, attached either vertically or horizontally, where individual access to each unit is from the finished grade of the lot. Garages are typically included within the dwelling unit with some surface visitor parking.

- iv. Apartment: Medium sized, 3-4 story building(s) consisting of multiple units, generally accessed from an inner lobby and hallway system. Shared outdoor space is incorporated into the design and there is either surface parking or a structure. There may be an opportunity for flexible uses on the ground floor to accommodate community space or neighbourhood-serving commercial use(s).
- v. Innovative Residential: The land use plan provides for the four principal residential landforms. However, the zoning should be flexible in its application to provide other innovative unit types as identified by the Village, such as carriage homes, lock-off suites, and ancillary residential units.

*b. Commercial and Community Uses (<1%)*

The neighbourhood has identified space for commercial and/or community use space to service the immediate neighbourhood as opposed to destination commercial. The proposed apartment use in the Land Use Plan (Schedule 1) may be suitable for commercial use as part of a mixed-use development.

*c. Parks, Open Spaces and Trails (48%)*

The parks, open spaces and trails will facilitate outdoor activity while being sensitive to environmental conditions and archaeological sites. The trail system will provide both recreational opportunities and link the neighbourhoods, parks and open spaces and also provide commuting pedestrian and bike trails (Valley Trail type) throughout the neighbourhood and surrounding lands for safe movement.

Consultation with local recreational users and the application of Indigenous planning principles will inform the design of the parks, open space and trails considering the natural terrain, existing trails, archaeological areas, cultural recognition, and development parcels.

## 12. Land Use and Development Policy

The Official Community Plan includes policies directing development of land in the Village of Pemberton which will apply to the Nkwúkwma neighbourhood. As a sub-area plan to the Official Community Plan, the sub-area plan policies are specific to the Nkwúkwma neighbourhood and enhance the Official Community Plan policy.

### 12.1. General Land Use Policy

- a. Zoning and use of land within the plan area shall be in accordance with the Land Use Plan (Schedule 1). Significant changes to the allocation of land-uses and/or description of uses will require amendment to the Official Community Plan.
- b. Parks, trails, and other public amenities and benefits are permitted uses in every land use on the Land Use Plan (Schedule 1).
- c. The boundaries land use designations on the Land Use Plan (Schedule 1) are approximate and may be confirmed or refined through rezoning and the development process.
- d. Land uses within the Nkwúkwma neighbourhood are intended to be neighbourhood supporting uses. Inclusion of destination uses or development, other than trails and opens spaces, is discouraged.
- e. Continuity in character through the neighbourhood is encouraged for parks, open space and pathway treatments, public realm design and facilities, and other improvements to create neighbourhood character.

### 12.2. Natural Environment and Hazards

- a. The areas identified as Natural Park and Natural Area on the Land Use Plan (Schedule 1) shall be preserved in their natural state and remain free of development other than recreational pathways and trails.
- b. Lands identified on Slope Analysis Plan(Schedule 3) as having a slope of 40% or greater shall remain free of development.
- c. Areas subject to rockfall hazards as identified on Preliminary Rockfall Hazard Areas Map (Schedule 5) shall remain free of development. Any development adjacent to the identified rock hazards require Geotechnical reports to confirm the lands can be safely used for their intended purpose and making site-specific recommendations to address geotechnical hazards.
- d. Areas identified as Riparian Areas, as defined by the provincial Riparian Areas Regulation (RAR), will require setbacks in accordance with the RAR, and shall comply with the Village's DPA guidelines.
- e. Each phase of development shall address the wildfire interface to the satisfaction of the Village, including accepted FireSmart BC practices and applicable development permit area guidelines.
- f. All lands identified as contaminated lands shall only be rezoned or developed after receiving approval of the Ministry of Environment to the satisfaction of the Village.

### 12.3. Open Space and Parks

- a. A network of parks and open spaces, generally shown on the Open Space, Parks, and Trails Plan (Schedule 6) shall be provided and preserved for a mix of active and passive public use.
- b. The Village will explore options with Lílwat Nation for the ownership, stewardship, and management of open spaces and parks to ensure continued public access in balance with Lílwat Nation cultural enhancement.
- c. Areas set aside as riparian areas should be provided as publicly accessible lands and should be designed to accommodate pathway access within or adjacent to any riparian setbacks.
- d. Each residential unit shall be located within a 250 metre walk of a publicly accessible neighbourhood park that includes playground and park amenities to the satisfaction of the Village.
- e. Provision of public access to parks located in strata developments is encouraged.
- f. Neighbourhood-scale community gardens are encouraged.

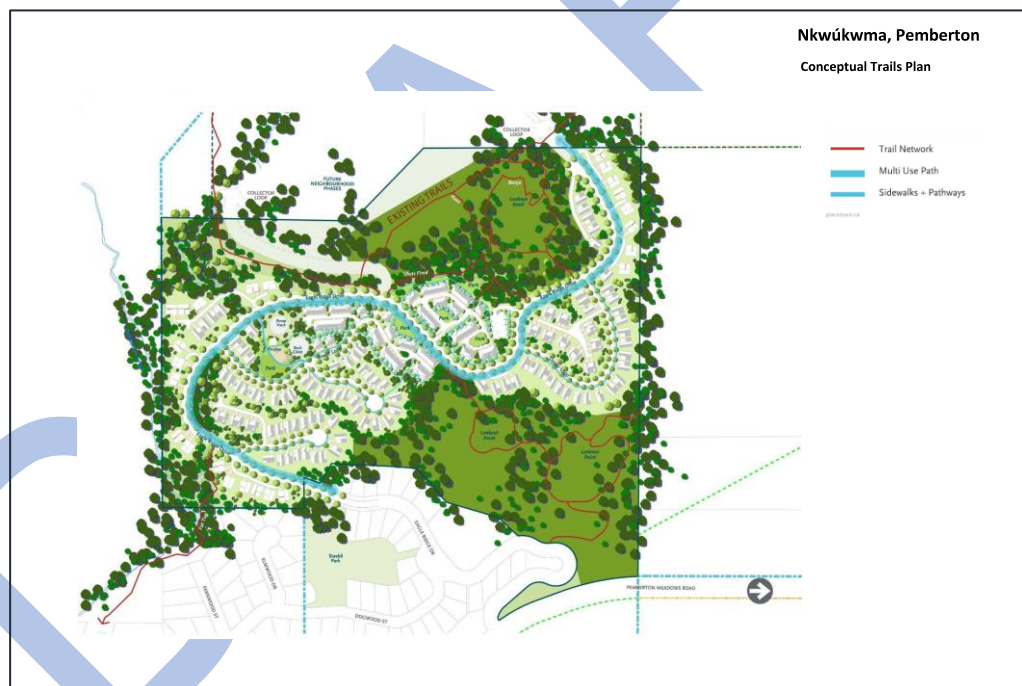


Figure 8: Open Space, Parks, and Trails Plan

### 12.4. Trails Network Policies

- a. A comprehensive trail network throughout the Nkwúkwma community shall be provided, generally as shown on Open Space, Parks, and Trails Plan (Schedule 6,) to provide a range of trail experiences.



- b. The trail network should be designed, constructed, and managed in conjunction with Lílwat Cultural Interpretation.
- c. The Pemberton Valley Trails Society and relevant recreational user groups shall be consulted before any disruption to existing trails to ensure connectivity to off-site trail assets, when any on-site trail requires rerouting to accommodate development.
- d. A net gain in recreational trails, equivalent to the trail typologies and experiences existing on the site, shall be provided through each phase of development.
- e. Destination trailhead parking and other facilities and amenities to accommodate recreational users are encouraged as an amenity to the community, and to minimize any negative impacts on surrounding properties.

Any trails or trail connections over private or strata land shall be secure for public use as statutory rights-of-way.

### **12.5. Residential Development Policy**

- a. Residential development shall be allocated generally as shown on the Land Use Plan (Schedule 1).
- b. Lands identified as Stage 2 lands on the Phasing Plan (Schedule 7) may only be rezoned or developed after a contaminated sites approval from the Ministry of Environment has been received for the intended uses to the satisfaction of the Village.
- c. Housing form and type shall be generally allocated in accordance with the Development Concept Plan (Schedule 2) but will be refined through rezoning, subdivision, and development.
- d. Compact residential development that provides a range of housing types is encouraged. Innovative forms and housing types will be considered through rezoning that may expand on the typologies shown on the Development Concept Plan (Schedule 2).
- e. The number of residential units in stage 1 shall not exceed 275 units. Subject to remediation, stage 2 shall not exceed 175 units for a maximum of 450 residential units within the plan area.
- f. Notwithstanding the limit on maximum residential development, any non-market affordable housing provided on-site, and secured through a housing agreement, will not be included in the calculation of maximum density.
- g. Single detached residential development is encouraged as an interface with existing residential development on adjacent properties.
- h. The Village encourages consideration of innovative housing forms, types, and tenures to provide housing to the broadest spectrum of residents. Innovative forms may include consideration of secondary suites, carriage homes, garden suites, lock-off suites, and other innovative means to provide housing for people in Pemberton.

- i. Residential Lots less than 550 sq.m., or with average frontages less than 15 metres, are deemed intensive residential development and subject to a Development Permit in accordance with the Development Permit Area Guidelines
- j. Bareland strata development is encouraged for single-detached residential development on cul-de-sacs to minimize the public infrastructure burden on the Village.

## **12.6. Affordable Housing**

- a. Affordable housing is a priority of the Village of Pemberton and is encouraged as a deliverable of the Nkwúkwma development. It will be considered in the context of other community benefits and amenities at the rezoning stage.
- b. In considering affordable housing in Nkwúkwma, the Village will consider the following conditions to determine the suitability of affordable housing on the Nkwúkwma:
  - i. The priority of affordable housing in the Nkwúkwma neighbourhood relative to other locations in the Village.
  - ii. Proximity of the proposed housing to commercial development and amenities.
  - iii. Availability of transit service or other means of transportation.
  - iv. Appropriateness of providing affordable housing in Nkwúkwma relative to other community amenities, benefits, or cash-in-lieu payments.
- c. The Village may consider cash-in-lieu payments as part of the broader community amenities and benefits package.

## **12.7. Commercial/Community Use Development Policy**

- a. Commercial and Community land uses shall be located in accordance with Land Use Plan (Schedule 1) and should be limited in scale.
- b. Commercial development in the Nkwúkwma neighbourhood should be limited to commercial uses that provide neighbourhood scale commercial services to the immediate neighbourhood. Destination commercial, or commercial development aiming to service the broader community are discouraged.
- c. Community uses, such as daycare facilities, are appropriate uses in the area identified on the Land Use Plan (Schedule 1) either as independent uses or in conjunction with other commercial uses.
- d. Commercial and Community uses should be considered a central meeting place in the neighbourhood and should be supported by outdoor spaces and urban design focused on the public realm.
- e. Seasonal, temporary, and mobile commercial uses will be considered, subject to appropriate licensing and approvals.

## **12.8. Hillside Development Policy**

- a. Development of land with any slopes more than 15% is considered hillside development.
- b. Development of hillside lands shall work with natural slopes with an emphasis on minimizing cutting, filling, and retention of natural lands.
- c. Comprehensive grading shall be considered early in the development approvals process and will require development permits in accordance with the development permit area guidelines. .
- d. Removal of natural vegetation on hillsides is discouraged and shall be minimized. Any disturbed areas should be revegetated

Each proposed development shall demonstrate application of the Village's "Hillside Development Guidelines" or the objectives of any prevailing hillside development policy.

## **12.9. Sustainability and Energy Efficiency**

- a. Future development applications shall further the Village's Community Climate Action Plan objectives and/or other applicable energy policy.
- b. The implementation of energy efficient utility servicing options for public infrastructure is encouraged.
- c. Water conservation is encouraged through building standards and low-maintenance landscape design.
- d. Leading-edge green building practices, exceeding minimum Village building standards, are encouraged at every stage of development.
- e. Future subdivisions and development permit applications should consider orientations that utilize passive solar gain minimize mechanical heating and cooling.



## **PART 6: DEVELOPMENT PHASING**

### **13. Phasing Description**

The development of the Nkwúkwma neighbourhood will occur in two primary stages, with each stage further divided by phases. The primary stages are identified on the Phasing Plan (Schedule 7) and consist of the stage 1 development of 250-275 residential units which are identified as phases 1 and 2 on the Phasing Plan (Schedule 7). The stage 1 lands are expected to be rezoned at the outset of development with build-out of the lands occurring over 10-15 years in several phases.

Stage 2, consisting of 150-175 dwellings, and shown as phase 3 on the Phasing Plan (Schedule 7) will not be rezoned until the Owner has obtained appropriate authorization to remediate the contaminated portions of the land. Subject to Ministry of Environment acceptance, the rezoning application will compel another servicing review and development agreement.

The Nkwúkwma project anticipates each stage will have several phases of development, to meet the housing needs of the community and corresponding infrastructure requirements. The phases will be considered trigger points for the delivery of services, amenities, and benefits, and will form the basis of the development agreement.

A comprehensive development agreement will accompany all rezoning applications and outline the staging, sequencing and triggers for each servicing improvement, community amenity and benefit and any other development obligations in the phases included in the rezoning.

As with the 2007 Neighbourhood Concept Plan, the development will commence at the extension of Eagle Drive with three phases, each with respective sub-phases. The phasing plan reflects 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 intact until development is needed.

Timing of development will be dependent upon many factors, such as market conditions, housing demand and absorption. Stage 2 will be dependent on the required remediation of the contaminated site. The sub-area plan Phasing Plan is attached as Schedule 7

### **14. Phasing Policy**

- a. The land use and sub-area plan and principles apply to all lands within the Nkwúkwma neighbourhood.
- b. The Nkwúkwma neighbourhood shall be considered in two primary stages with separate rezoning applications and servicing reviews required for each stage.
- c. Each stage may be further divided into multiple phases to accommodate a reasonable staged approach to development, servicing, and market absorption.
- d. Servicing improvements, amenities, community benefits, and other obligations of the developer shall be assigned to a specific phase in the development agreement.
- e. Subdivision of the lands into development parcels, generally in accordance with the layout in Development Concept Plan (Schedule 2) will be considered and shall be addressed in the initial development agreement.

- f. The construction of trails, roads and utilities, as well as the alteration of land for FireSmart improvements or other alterations on Stage 2 lands that are deemed necessary to support the Stage 1 development or public benefit may be considered subject to the applicable development permit area guidelines.

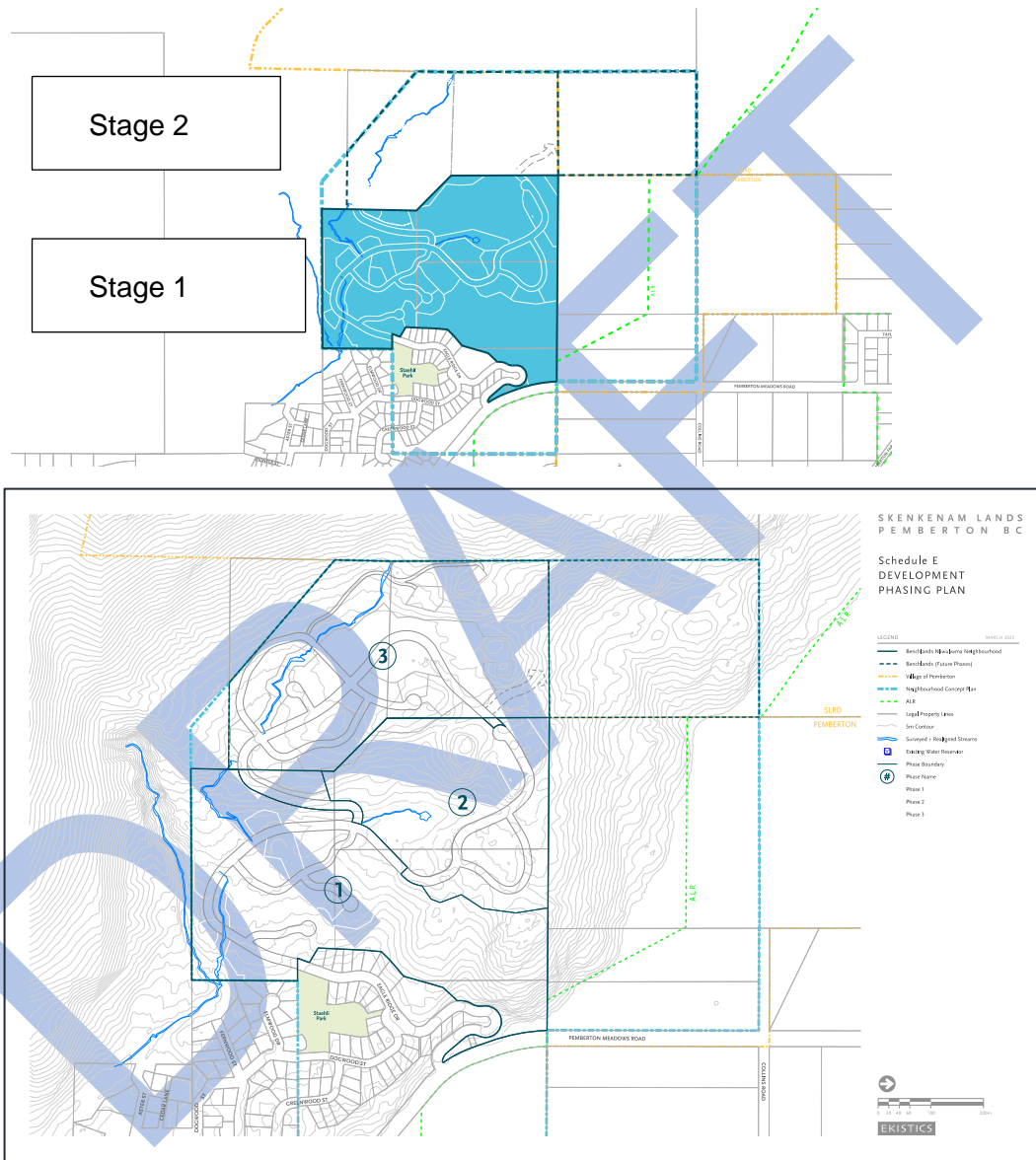


Figure 9: Phasing Plan

## **PART 7: SERVICING PROPOSAL AND POLICY**

### **15. Servicing Proposal and Policy**

The Nkwúkwma neighbourhood will be serviced by existing municipal infrastructure that will be extended and upgraded as necessary to service the lands. The proponents have funded a detailed analysis of the Village's water, sanitary sewer, and storm sewer systems to confirm existing capacity and the upgrades necessary to provide service without undue impacts on existing residents and businesses.

The outcomes of the study will drive the overall servicing approach and financial model to deliver the new infrastructure at the developer's cost and an allocation of system wide improvements to the Village system. Before rezoning for phase 1 is approved, a comprehensive development agreement will secure the contributions of the developer at various trigger points in the development.

The sub-area plan speaks to servicing only generally. The rezoning process will identify and secure any necessary off-site improvements, and the subdivision and development process requires detailed servicing design and construction by the developer, secured through development and servicing agreements, as a prerequisite to approval.

#### **15.1. Servicing Proposal**

The servicing proposal is relatively simple in concept as the lands will extend existing services in a planned and coordinated fashion. There will be significant design, review and cost-allocation exercise throughout later stages of the process to ensure the lands are suitably serviced without undue burden on existing property owners, residents, or the Village. The following briefly describes the approach to servicing the lands with municipal servicing.

##### *15.1.1. Water*

The property currently accommodates two existing reservoirs which are a major source of the Village's supply. Initial phases of the development will require an interim water distribution system comprised of a multistage pump, balancing tank and emergency generator until a new reservoir is constructed in a later phase. The Village maintains a water service model to ensure that new developments are responsible for the project's share of off-site water service infrastructure improvements.

##### *15.1.2. Sanitary Sewer*

A gravity system will be used from the site, then connecting to the Village's sewer trunk main. The Village maintains a sanitary service model to ensure that new development is responsible for the project's share of off-site water service infrastructure improvements.

##### *15.1.3. Stormwater Management*

An Integrated Stormwater Management Plan has been provided within the initial phase of the development in accordance with Village Bylaws. The Integrated Stormwater Management Plan applies a science-based understanding of how natural watersheds function and how this function is affected by land use change. The conceptual stormwater drainage plan comprises two catchment areas, all which will drain into two detention ponds, including an upgrade at Staehli Park. The Village is developing a stormwater

service model to ensure new development will be responsible for the project's share of off-site stormwater management infrastructure improvements.

The property will be subject to the Pemberton Valley Dyking District (PVDD) taxation and will continue to work with the PVDD to discuss the stormwater impacts to the Arn Canal and Pemberton Creek.

#### *15.1.4. Roads and Sidewalks*

The principal access to the site is from Eagle Drive which was constructed in support of the original Benchlands neighbourhood development and intended to service the development contemplated in the Benchlands Neighbourhood Concept Plan. The initial plans also considered a secondary access to the north, which is not a viable or cost-effective option. Safe and resilient access to the neighbourhood is a significant consideration in the ongoing design and approvals process.

The main access road will be a public road, and the local roads may be public or strata roads depending on the ultimate development type. The development will also promote responsible hillside road standards to lessen the physical impact of road construction through engineering, design speeds, and a maximum road grade.

Accommodating pedestrians and bicycles in a comprehensive network of pathways, trails and sidewalks connecting the neighbourhood to the existing community is a priority. These may take several forms and mix recreational opportunities with provide direct and accessible pedestrian and cycling connections.

The road network will accommodate transit in the short-term and incorporate means for future transit improvements in the long term.

#### *15.1.5. Traffic Impacts*

A Traffic Impact Assessment has been completed and considers existing conditions, background traffic, and the impact of project traffic including trip generation, site traffic and future background traffic volumes. The traffic generated for Stage 1 (Phases 1 and 2) within the capacity of the existing intersections and roadways, while subsequent phases (contaminated parcels) will require an additional Traffic Impact Assessment and may trigger improvements to the road network. This will be an important consideration in future rezoning and road design exercises.

As the main road network servicing the development is within the jurisdiction of the Ministry of Transportation and Infrastructure, the Transportation Impact Assessment will also be essential in assessing the adequacy and improvements of the Ministry's infrastructure.

## **15.2. Servicing Policy**

### *15.2.1. General Servicing Policy*

- a. Prior to the first rezoning, a comprehensive review and modelling study will be required to confirm adequacy of service availability and any necessary off-site upgrades or improvements.

- b. All off-site works and services necessary to provide appropriate levels of service to the Nkwúkwma neighbourhood will be the responsibility of the Owner.
- c. The Village and the Owner will consider infrastructure financing and cost recovery for service improvements that improve services for the broader community.
- d. A comprehensive development agreement as a prerequisite to rezoning will be required for all off-site service improvements, amenities, community benefits and other public improvements for each phase of development identified in the agreement.

#### 15.2.2. *Active Transportation Policy*

- a. Safe access for residents to walk, cycle and take public transit from the neighbourhood to Village amenities is a priority.
- b. An integrated and efficient on-street sidewalk and off-street pedestrian pathway system is a priority for all phases of the Nkwúkwma neighbourhood.
- c. Dedicated neighbourhood bike and pedestrian pathways that link community and neighbourhood destinations will be required in the overall site circulation design.
- d. Implementation of the directions, recommendations and/or standards in the Village's *Cycling Network Plan* should inform the design of the cycling network for both bicycles and e-bikes.

End of trip facilities, including bicycle racks adequate to accommodate e-bikes, and other cycling amenities should be considered both in the Nkwúkwma neighbourhood as well as in the downtown and other community destinations.

#### 15.2.3. *Vehicle Traffic Policy*

- a. Ensure capacity to accommodate traffic growth within Pemberton's existing transportation network and the Ministry of Transportation and Infrastructure's road system.
- b. Hillside road standards to minimize required earthworks and hillside disturbance, which could include a narrowed street right-of-way, and implement a lower design speed for increased neighbourhood safety will be considered or incorporated in the Subdivision and Development Control Bylaw.
- c. Adequate emergency access to and through the neighbourhoods will be required as a pre-requisite to rezoning and subdivision approval.
- d. Parking areas should address access, safety, and landscaping standards without detracting from a high-quality pedestrian experience.
- e. Snowfall storage and winter conditions maintenance shall be considered in detailed street designs and construction.

Safe and efficient vehicular access to the neighbourhood from Pemberton Meadows Road via Eagle Drive shall be achieved through road design, improvements to existing roadways, and if appropriate traffic calming.

15.2.4. *Transit and Alternate modes of Transport Policies*

- a. A transit-friendly street network, to accommodate future transit service shall be a consideration in road design and pedestrian circulation.
- b. Transit turnaround and facilities shall be included for each phase of development.
- c. Parking to accommodate electric vehicles, car-share, and other innovative transportation approaches shall be considered in future development.
- d. End-of-trip facilities for bicycle commuters including ample bicycle racks suitable for e-bikes, and consider washroom facilities, bike-wash stations, and adequate parking areas for recreation trailheads should be incorporated in parks, public spaces, and commercial development.
- e. Consider the cooperative use of electric bicycles, co-op cars and other means of providing transportation alternatives for residents of multi-family developments.

15.2.5. *Water Policy*

- a. Ensure the Village's water system has adequate capacity and pressure for domestic water use and fire flows before rezoning and before each phase of development.
- b. Utilize water conservation initiatives consider use in buildings and irrigation. Use of drought tolerant plantings and xeriscaping will be considered.
- c. Accommodate appropriate setbacks, security, and landscape treatment for the Village's existing water system assets.

15.2.6. *Sanitary Policy*

- a. Ensure that the sanitary system provides the required sanitary service for the neighbourhood as well as the community's corresponding off-site water infrastructure improvements.
- b. Prioritize gravity sanitary sewer connections, except where it is not practical given steep and rugged terrain.

15.2.7. *Stormwater Management Policy*

- a. Develop an integrated stormwater management plan that simulates natural (pre-development) conditions reducing the amount of piped stormwater by applying innovative and integrated best practices (i.e., utilizing natural flows, ditches, ground infiltration and detention ponds within parks and the public realm).



## PART 8: COMMUNITY AMENITIES AND IMPLEMENTATION

### 16. Community Amenity and Benefits

Community amenities and benefits are important considerations in the rezoning and development process. In keeping with the Village's *Community Amenity Contribution Policy*, amenities and benefits will be negotiated through the rezoning process for residential use.

At that time, and once the off-site service improvements are known, the community will receive a comprehensive proposal for community amenities as a rezoning consideration.

#### 16.1. Community Amenities and Benefits Policy

- a. The Village of Pemberton will apply the *Community Amenity Contribution Policy* to the Nkwúkwma development at the time of rezoning.
- b. Any community amenities accepted by the Village shall be included into a development agreement, housing agreement, or other legislatively binding tool to ensure the obligation is delivered at the agreed-upon stage of the development process.

#### 16.2. Potential Community Benefits

The following have been identified by the applicants as potential benefits arising from the development of the Nkwúkwma neighbourhood:

##### a. *Reconciliation*

The project is consistent with the intent of the Village of Pemberton's and Lílwat Nation's Protocol Agreement (2010) to "recognize and acknowledge that the Lílwat Nation asserts aboriginal title to all lands within its traditional territory" and is further reinforced by the following Official Community Plan policy: "The Lílwat People's approach to governance is to be collaborative consultative, whereby the Land and the People are one... It is therefore imperative that Pemberton integrate this philosophy into its principles, policies, and actions of its Official Community Plan"

Nkwúkwma is within the unceded Traditional Territory of the Lílwat Nation. As stewards of these lands, Lílwat will develop a Cultural Interpretation Plan to share the Nation's cultural heritage and language throughout the project.

##### b. *Lílwat Cultural Significance and Natural History*

The unique ownership arrangement at the planning stage creates an opportunity to learn, protect, and preserve the Lílwat Nation's archaeological sites, through a cultural interpretation plan for the open spaces, parks, gathering areas, trails, naming, and wayfinding. There is an opportunity to acknowledge unique landscape, celebrating the views and vistas, landforms, and the natural environment and recognize the community's history, people, places, and events.

The Nkwúkwma neighbourhood will promote active education and appreciation of natural history and the Lílwat Nation's Traditional Territory.

*c. Infrastructure Improvements*

Nkwúkwma will be required to complete significant improvements to off-site infrastructure including upgrades to municipal sanitary and water systems, and stormwater management. The project has contributed to the municipal update of sanitary and water modelling and a new stormwater management model.

*d. Natural Environment: Preservation and Connection*

The lands set aside 48% of the available land as natural areas and open spaces for the benefit of the community as both perpetual natural areas, habitat, or passive and active recreational use.

*e. Clean Up of Contaminated Sites*

A condition of the land purchase is the clean-up of the former gun and rifle range. There is currently significant lead and copper contamination, which will require very costly mitigation.

*f. Long Term Housing Supply*

In accordance with the Village's current Official Community Plan (2011 Official Community Plan), Nkwúkwma will provide a long-term supply of diverse housing forms for the local community which is located both out of the flood plain and outside the Agricultural Land Reserve.

*g. Economic Development*

The initial phases of the project will have a long-term build-out (15-25 years) providing a range of housing types and provide ongoing employment for the Lílwat Nation as well as other local construction trades, with spin-offs to both the retail and service sector.

*h. Archaeological Sites*

Lílwat Nation's traditional use of the lands has been further established by recent archaeological investigations of the site that identified 10 separate Areas of Concern on these lands, and a confirmed an archaeological site, including a rock shelter and pictograph panels which has been protected by covenant. The Areas of Concern required further study to confirm, prior to any ground disturbance in the area.

*i. Tax Base*

The new development will increase the property tax base for both the Village of Pemberton and the Pemberton Valley Dyking District.

*j. Community Amenity Contributions*

The project will contribute community amenities as negotiated at the rezoning stage in accordance with the Village of Pemberton Community Amenity Contribution Policy. Preferred amenities include affordable housing, recreation facilities, parks, and other trail improvements.

*k. Affordable Housing*

The development will provide a range of smaller and livable units with finishes that will ensure that the units will be attainable by the residents. Innovative residential units throughout the development, as revenue sources and rental product to promote housing attainment. Opportunity to deliver or contribute to affordable housing in the Village.

## **PART 9: IMPLEMENTATION**

### **17. Implementation Description**

The sub-area plan for the Nkwúkwma neighbourhood represents a refinement of the 2007 Benchlands Neighbourhood Concept Plan. It amends and refines the current residential designation in the Official Community Plan and will guide the rezoning amendment to implement the provisions of this plan and the future development of the lands.

#### **17.1. Rezoning**

For the lands to develop as outlined in the sub-area plan, rezoning will be required. As described in the phasing section, the rezoning will start with the Stage 1 lands, with Stage 2 following once a remediation program is in place to remediate existing site contamination.

#### **17.2. Development Agreement**

A detailed development agreement will be required as a pre-requisite to rezoning approval. The agreement will outline all the obligations for servicing, benefits, and amenities and assign the delivery of those obligations to a specific phase of development.

The agreement will become the guidebook for the long-term, coordinated development of the land over multiple phases.

#### **17.3. Development Permits**

The new development permit area guidelines established in the plan will apply to the Nkwúkwma lands once it is adopted. Most of the land will require a development permit before any disruption or disturbance to the land to address the hillside condition, wildfire issues, natural environment guidelines and riparian areas setbacks.

Any intensive residential development of lots less than 550 square metres or multi-family, or commercial development will also require development permits to address the form and character of sites and buildings.

#### **17.4. Subdivision Approval**

Following rezoning in accordance with this sub-area plan, and incorporating the obligations of the development agreement, the subdivision approvals process will incorporate many of the objectives and land uses in this plan. At subdivision, the owner will be required to provide detailed design drawings for all works and services and will require servicing agreements with security to ensure the detailed design drawings are implemented in accordance with applicable standards. The subdivision process will also compel development permits to address the land-based development permit area guidelines.

#### **17.5. Building Permits**

The first building permits in any phase of development are essential to the implementation of the plan framework and specifically the obligations outlined in the development agreement.

The building permits will also reflect and assure that any commercial or multi-family buildings meet the form and character guidelines established in development permits are satisfied.

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## PART 9 – DEVELOPMENT PERMIT AREA GUIDELINES

### 18. Development Permit Area No. 9 Guidelines

#### 18.1. General Guidelines

##### 18.1.1. Introduction

The Development Permit Area No. 9 (DPA 9) Guidelines apply to all lands in the Nkwúkwma (Benchlands) neighbourhood is twofold. They ensure the land is safely used in a manner that responds to special site conditions and the natural characteristics of the site. They also establish objectives for the form and character of the built environment.

Development permits are key to incorporating OCP sub-area plan policy into physical development in a manner that reflects the policy and the specific conditions of the Nkwúkwma neighbourhood. The Nkwúkwma neighbourhood will be subject to the following development permit areas:

- 9.1 – Protection of the Natural Environment and Riparian Areas
- 9.2 – Geological Hazard Protection
- 9.3 – Wildfire Hazard Protection
- 9.4 – Form and Character of Hillside Development
- 9.5 – Form and Character of Small Lot Residential Development
- 9.6 – Form and Character of Multi-family Development
- 9.7 – Form and Character of Commercial Development

##### 18.1.2. Applicability

Section 488 (1) of the *Local Government Act* enables municipalities to designate development permit areas and establish guidelines to respond to certain site characteristics and to further form and character objectives for the built environment.

The DPA 9 guidelines reflect designations permitted in the *Local Government Act*, and Map C of the Village of Pemberton Official Community Plan designates the entire Nkwúkwma (Benchlands) neighbourhood as DPA 9.

DPA 9 is further divided into sub-development permit areas based on site conditions and the type of development proposed as described in each development permit area. Development of any portion of the lands subject to DPA 9 may be subject to multiple development permit guidelines as described in the applicability section of each guideline.

A development permit, issued in accordance with the Village's Development Procedures Bylaw, will be required before any of the following activities are undertaken within the DPA 9 area:

- a. Any alteration of land including deposition of soil or removal any vegetation or earthen materials;

- a. Subdivision of land under the Land Title Act or Strata Property Act and Bareland Strata Regulations;
- b. Construction or erection of buildings and structures requiring a development permit.

#### 18.1.3. *Justification*

In alignment with Section 488(1) of the *Local Government Act*, the DPA 9 guidelines are designated for the following purposes:

- a. DPA 9.1 Protection of the Natural Environment
- b. DPA 9.2 and DPA 9.3 Protection of development from hazardous conditions;
- c. DPA 9.4 and DPA 9.5 Establishment of objectives for the form and character of intensive residential development;
- d. DPA 9.6 and 9.7 Establishment of objectives for the form and character of commercial, industrial or multi-family residential development

#### 18.1.4. *Exemptions*

The lands are subject to all exemptions in the Official Community Plan. In addition to the Official Community Plan exemptions may be granted by the Village to all DPA 9 Guidelines in the following circumstances:

- a. Reconstruction of damaged or destroyed buildings on their existing foundations.
- b. Additions to residential buildings and structures up to 25% of the gross floor area of the building
- c. Accessory buildings, except those located in the front yard
- d. Subdivision to facilitate boundary adjustments resulting in the same number of lots or lot consolidations
- e. Development or improvements on roadways, public land, dedicated park land or public recreational trails
- f. Construction of works, services, and structures for public utilities and roads constructed by the Village or under a Servicing Agreement.
- g. Removal of invasive plant species



## 18.2. Development Permit Area No. 9.1 Natural Environment Protection Guidelines

### 18.2.1. Introduction

The Nkwúkwma neighbourhood is located on a site with considerable natural attributes which warrants a measure of protection and enhancement. The Natural Environment guidelines are intended to ensure a balance of site alteration and development with the protection of the natural environment. Specifically, it will address and preserve riparian areas in accordance with the Riparian Areas Protection Regulation.

### 18.2.2. Applicability and Justification

DPA 9.1 applies to all lands in Development Permit Area No. 9, and specifically any portion of land within 30 metres of top of bank of a watercourse as defined by the Riparian Areas Protection Regulation. The natural environment guidelines are justified by section 488.1(a) as the site is heavily forested, providing natural habitats susceptible to disturbance and includes several watercourses which are important for fish and wildlife.

In most instances, the Natural Environment guidelines will apply at the land development and building stages, and may apply in concert with form and character guidelines.

### 18.2.3. Exemptions

The following activities are exempted from the requirement to obtain a development permit otherwise required in the Natural Environment guidelines:

- a. Development on land which is subject to report prepared by a Qualified Environmental Professional which is secured a registered restrictive covenant that addresses all of the applicable Natural Environment development permit area guidelines to the satisfaction of the Manager of Development Services.
- b. The emergency removal of hazardous trees as determined by the Village or a Certified Arborist.
- c. Emergency works required to prevent flood damage to structures or repair public utilities.
- d. Emergency works required to mitigate or prevent land erosion, landslip or significant soil erosion.
- e. Fish habitat enhancement work approved by the Department of Fisheries and Oceans or the Ministry of Environment.
- f. Tree and vegetation removal required to comply with a wildfire hazard mitigation program approved by the Village or to comply with any wildfire hazard development permit area obligation.
- g. Construction of public recreational trails, and in riparian areas specifically, trails constructed in accordance with a Riparian Areas report prepared by a Qualified Environmental Professional.
- h. Lands which have been previously altered under a development permit issued in accordance with the Development Permit Area No. 9.1 Guidelines.

#### 18.2.4. Objectives

- a. To protect fish, wildlife and vegetation
- b. To protect sensitive riparian habitat
- c. To delicately integrate development and human impacts on the natural environment.

#### 18.2.5. Guidelines

##### Natural Environment Guidelines

- a. Development should be designed and constructed to minimize the disruption to the natural environment and protect sensitive ecosystems including wetlands, creeks, riparian areas, rock outcrops, cliffs and mature forests.
- b. Development sites and building envelopes shall be minimized with the goal of preserving mature forests, maximizing tree preservation, in balance with wildfire protection, using the following approaches:
  - i. Preserve mature tree stands where possible and safe to do so, and provide vegetated transitions between development, open areas, and significant tree stands;
  - ii. Where possible, preserve mature trees in groupings rather than individual trees with appropriate vegetative transitions;
  - iii. Minimize cut and fill required for road construction and utility installation; and
  - iv. Minimize exposed earthen areas by incorporating suitable, native, groundcovers.
- c. The Village may include recommendations and requirements as conditions of a development permit based on a species at risk survey prepared by a Qualified Environmental Professional.
- d. Design and construction practices should minimize erosion and sedimentation in stormwater run-off.
- e. Landscaping should include native tree and shrub species that reduce wildlife attractants.
- f. Construction Site Management Plans addressing how the construction approach will mitigate the impacts of development on the natural environment should be incorporated into development permit recommendations and conditions.
- g. If found on the site, an invasive species removal and mitigation plan should make recommendations for the Village to include as condition in a development permit.

##### Riparian Area Guidelines

- a. All development and alteration of land within 30 metres of the top of bank of a riparian area shall comply with the Riparian Areas Protection Regulation.

- b. Development setbacks from riparian areas will comply with the recommended setbacks submitted by a Qualified Environmental Professional.
- c. Variances to the prescribed setback may be granted provided there is no net loss of riparian area and the variance provides additional protection to more sensitive habitat in exchange for setback reductions in less sensitive areas.
- d. A development permit may be issued by the Village once it has received confirmation that the appropriate federal and provincial agencies have been notified of the proposal in accordance with the Riparian Areas Regulation.
- e. The development permit may contain conditions or requirements based on the report prepared by a Qualified Environmental Professional.
- f. Where supported by a Qualified Environmental Professional's report, the Village supports the inclusion of public pathways and trails within riparian areas or expansion of riparian areas to accommodate pathway and trail construction adjacent to the setback area.
- g. If a Qualified Environmental Professional Report identifies works, services, or development that triggers a Harmful Alteration, Disruption, or Destruction (HADD) under the Canada Fisheries Act, the Village will not issue a development permit until approval is granted by the Department of Fisheries and Oceans.

#### Wildlife Habitat Area Guidelines

- a. Applications for subdivision should be accompanied by a study conducted by a Qualified Environmental Professional identifying habitats for species at risk and red-listed species and include raptor and bird (nest) surveys, rare and endangered plant survey, and wildlife surveys (specific to the sharp-tailed snake).
- b. To facilitate wildlife movement through the site and retain breeding and foraging areas, vegetation within and surrounding development should be retained wherever possible. Long expanses of contiguous fencing are discouraged to promote wildlife mobility through the site.
- c. Development should minimize wildlife impacts and comply with any policies or management plans accepted by the Village.

## 18.3. Development Permit Area No. 9.2 Geological Hazard Protection Guidelines

### 18.3.1. Introduction

Located on a forested hillside site with sections of steep topography, the Nkwúkwma neighbourhood is potentially exposed to several natural hazards that the following guidelines seek to mitigate. Specifically, considerations related to the steep topography of the land and the wildfire risks are addressed in the following objectives and guidelines.

### 18.3.2. Applicability and Justification

The Hazard Protection guidelines apply to all lands within DPA 9 in which any of the following site conditions apply:

- a. Any portion of the land being developed or subdivided has a slope greater than 20%, or is within 30 metres of either the top of bank or low side of a slope exceeding 20%.

In most instances, the Geological Hazard Protection guidelines will apply at the land development and building stages, and may apply in concert with form and character guidelines.

The Geological Hazard Protection guidelines are justified by section 488.1(b) as the site is steeply sloped and have special geological and geotechnical considerations that should be addressed through development. The Geological Hazard Protection Guidelines will work in concert with the Hillside Development guidelines (9.4) where both apply.

### 18.3.3. Objectives

- a. To ensure development and public spaces are protected from geological hazards;
- b. To ensure development works with the natural topography and alteration is minimized;
- c. To ensure professional evaluation and mitigation of geotechnical hazards;
- d. To preserve geologically hazardous lands as natural features.

### 18.3.4. Exemptions

- a. Development on lands that have had a comprehensive geotechnical assessment report prepared by a qualified professional and are subject to a registered Section 219 Restrictive covenant that incorporates the report recommendations and, addresses the DPA guidelines to the satisfaction of the Manager of Development Services.
- b. The emergency alteration of sloped land as determined by the Village's engineer.
- c. Emergency works required to prevent flood damage to structures or repair public utilities.
- d. Emergency works required to mitigate or prevent land erosion, landslide or significant soil erosion.

- e. Alteration of land for surveying, road construction, emergency access construction, and utility servicing by the Village of Pemberton or under an approved servicing agreement.
- f. Construction of public recreational trails.
- g. Reconstruction or repair of a permanent structure on its existing foundation.

#### 18.3.5. Guidelines

- a. Lands with slopes more than 40% should remain free of development.
- b. On lands with slopes in excess of 20%, A Professional Engineer with experience in geotechnical engineering shall submit a geotechnical study in accordance with the landslide assessment guidelines published by APEGBC (Associated Professional Engineers and Geoscientists of BC) indicating that the development will not be endangered, or that the measures have been taken to ensure that the development will not be endangered, by rock fall hazard, landslides, earthflow or other slope or foundational instability.
- c. Any dedicated public amenities including dedicated park land, pathways, trails and roads shall be included in the geological study, and shall be confirmed as safe for public recreation use by a qualified professional.
- d. The Village may include any or all of the recommendations of the professional engineer as obligations of the development permit, including a requirement that the professional engineer supervise the alteration of lands.
- e. Any clearing or stripping of sloped lands shall be accompanied by a landscape plan prepared by a member of the BC Society of Landscape Architects indicating how plantings will be utilized to minimize slope erosion and failure.
- f. The Village will require landscape security in its standard form for the replanting plan.
- g. Any development proposing rock cutting and filling shall provide a detailed plan, including estimated volumetric calculations for the removal and replacement or disposal of rock materials. The plan shall identify current natural and proposed finished grades.
- h. Any retaining exceeding 1.2 metres in vertical height, or any mechanical slope stability systems shall be designed by a professional engineer, who shall also supervise and certify the construction.
- i. Post development alteration of land for development not contemplated in the initial geotechnical report will require assessment by a professional engineer and a new development permit.
- j. Any alteration of land on a sloped site will require a comprehensive stormwater management plan that addresses the management of stormwater, erosion and impacts on adjacent watercourses during construction and after development.
- k. Significant sources of water intrusion, or potential water intrusion such as in-ground swimming pools and decorative ponds are discouraged and will require a report from a qualified professional.

- I. Significant removal of vegetation and trees on sloped lands.

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## 18.4. Development Permit Area No. 9.3 Wildfire Hazard Protection Guidelines

### 18.4.1. Introduction

The Nkwúkwma neighbourhood is bordered by, and incorporates natural forested areas which, despite their desirable natural attributes increase the risk of wildfire.

### 18.4.2. Applicability and Justification

The Wildfire Hazard Protection guidelines are justified under section 488.1(b) of the *Local Government Act* and apply to all lands within DPA 9 in which any of the following site conditions are present:

- a. Any portion of the land being developed or subdivided is within 70 metres of a forested area greater than 1 hectare.

In most instances, the Wildfire Hazard Protection guidelines will apply at the land development and building stages, and may apply in concert with form and character guidelines.

### 18.4.3. Objectives

- a. To ensure future development is protected and resilient against potential wildfire hazards;
- b. To balance wildfire hazard protection and FireSmart principals with the natural environment;

### 18.4.4. Exemptions

- a. Development on lands included in a site-specific wildfire assessment report, prepared by a qualified professional, that addresses all of the Wildfire Hazard development permit area guidelines to the satisfaction of the Manager of Development Services, and are subject to a registered Section 219 restrictive covenant that incorporates the report recommendations to the satisfaction of the Village.

### 18.4.5. Guidelines

- a. All building development or subdivision of land within 70 metres of a forested area greater than 1 ha. in size shall prepare a wildfire hazard assessment and mitigation plan prepared by a qualified professional, which at minimum should address the following:
  - v. Assessment of the wildfire hazard;
  - vi. Building siting
  - vii. Building fire-resistant construction materials
  - viii. FireSmart principles respecting vegetation management
  - ix. Fire-resistant planting materials for landscaping plans
- b. The use of fire-resistant materials in building construction is strongly encouraged and should be incorporated as obligations of development permits.

- c. The development permit should address the management, storage, and disposal of site clearing materials.
- d. Subdivision applications should identify emergency access, including firefighting access to wildland areas
- e. Where the Wildfire Hazard development permit area guidelines, may conflict with the Natural Environment guidelines in 9.1, the Natural Environment guidelines shall take precedence.

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## 18.5. Development Permit Area No. 9.4 Form and Character of Hillside Development Guidelines

### 18.5.1. Introduction

Development on hillside sites requires a coordinated approach any development can have significant technical and visual considerations. Accordingly, the following guidelines are intended to work in concert with the hazard guidelines to ensure that the Nkwúkwma neighbourhood are comprehensively planned and coordinated.

### 18.5.2. Applicability and Justification

The Hillside Development Guidelines apply to all lands within the DPA9 area, as development of any portion of the site will require alteration of the hillside for road, utility and building construction.

The Hillside Development Guidelines are justified as guidelines to regulate the form and character of intensive residential development under section 488.1 (e) of the *Local Government Act* as any level of development on the hillside is deemed by Council to be intensive in the hillside context.

They apply to all development, and a development permit will be required as a prerequisite to land alteration or subdivision as form and character guidelines. For clarity, they will not apply to individual standard single-detached lot construction, but they will work in concert with specific building form and character guidelines for small lot intensive residential, multi-family, and commercial development.

### 18.5.3. Objectives

- a. To ensure the sensitive integration of development with the natural terrain and landscape context and minimizes the impact on the hillside
- b. To minimize the visual impacts of hillside development, from prominent public view corridors.
- c. To incorporate an approach to hillside development that comprehensively addresses the challenges of hillside development

### 18.5.4. Exemptions

- a. Subdivision applications where proposed each lot exceeds 0.5 hectares, and no clearing or construction for roads and utilities are required, are exempt from the hillside development permit area guidelines.

### 18.5.5. General Guidelines

- a. Prior to the subdivision of land, the owner shall submit topographic plans and cross sections to specifically illustrate the following information:
- b. The natural topography of the land to be developed
- c. A proposed subdivision plan spot elevations at the corner of each lot

- d. A proposed subdivision plan identifying the portions of each lot available for building development and the portions of the land to be preserved
- e. Spot elevations representing finished grade of the portions of land available for building development
- f. Driveway grades to the defined building envelope and parking areas that address negative slope driveways
- g. Cross sections for each lot between the front and rear property lines and the two side lot lines.
- h. Any areas required to accommodate stormwater drainage
- i. Any areas requiring retaining structures or mechanical slope stabilization
- j. The owner shall also prepare an assessment and statement of how the proposed development has incorporated the objectives of the Village of Pemberton *Hillside Development Design Guidelines*.
- k. In determining finished grades and elevations for potential building sites, minimizing disturbance to the natural topography is encouraged.
- l. Maintain yard areas generally in a natural slope condition to minimize excess cut and fill of earthen material for yards.
- m. Locating building sites directly atop of significant topographic features is discouraged in favour of buildings set back from top of slope to minimize visual impacts.
- n. Any necessary retaining structures or mechanical slope stabilization should be constructed of materials that integrate into the surroundings and mimic natural topographic features as closely as possible.
- o. A comprehensive landscape screening plan shall be required for any areas requiring retaining structures and/or slope stabilization areas, as well as detailed drawings of the form and character of the retaining structures.
- p. Conceptual drainage plans shall be submitted to illustrate the general approach to site drainage.

## **18.6. Development Permit Area No. 9.5: Form and Character of Small Lot Residential Development Guidelines**

### *18.6.1. Introduction*

The Form and Character of Small Lot Residential Development guidelines are to ensure that this intensive form of residential development is encouraged to develop in a uniform and coordinated manner. Specifically, the guidelines will address the form and character of the neighbourhood with respect to building siting and orientation, while enabling flexibility in building form and character.

The Form and Character of Small Lot Development apply to all subdivision applications that propose single-detached residential lots less than 550 square metres. The guidelines will guide development permits as a prerequisite to subdivision approval but will not regulate the form and character of single-detached homes on small lots.

The guidelines are justified under section 488(1)(e) of the Local Government Act which enables the creation of development permit area guidelines to regulate the form and character of intensive residential development.

### *18.6.2. Applicability and Justification*

The Form and Character of Small Lot Development apply to all subdivision applications that propose single-detached residential lots less than 550 square metres or have an average minimum lot-frontage of less than 15 metres. The guidelines will guide development permits as a prerequisite to subdivision approval but will not regulate the form and character or architectural design of single-detached structures on small lots.

The guidelines are justified under section 488(1)(e) of the Local Government Act which permits the creation of development permit area guidelines to regulate the form and character of intensive residential development sites.

### *18.6.3. Objectives*

- a. To ensure the form and character of small lot residential is well coordinated and comprehensively planned.
- b. To provide continuity in small lot development without restricting the architectural character and massing of individual homes.

### *18.6.4. Exemptions*

- a. Accessory buildings that otherwise comply with zoning
- b. Landscape enhancement on previously landscaped sites
- c. Construction or reconstruction of a single detached dwelling

### *18.6.5. Guidelines*

- a. The Owner shall prepare plans that express the following attributes
- b. A defined building envelope for each single detached house, including setbacks, landscaping areas, and garage, carports or parking areas

- c. Finished grade elevations for each building envelope on each lot and the means or structure for addressing grade differentials between lots
- d. A streetscape rendering demonstrating the rhythm of the streetscape frontage including driveways, parking areas, building alignments
- e. Landscaping for all public and/or common areas
- f. The front yard setback of each small lot should be contiguous with adjacent lots to create a coordinated streetscape. Front yard setbacks should pay particular attention to should ensure that vehicular parking and site circulation is both functional and aesthetically designed.
- g. Staggered side-yard setbacks between residential structures are encouraged to manage topographic conditions, provide variety in the streetscape and enable some privacy among dwellings outdoor spaces.
- h. Landscaping for all common and/or public areas in intensive residential developments should be coordinated and should be enhanced to establish a strong character for the neighbourhood, and soften the transition between private and public lands
- i. Neighbourhood utilities such as community mailboxes, waste and recycling facilities, and snow-dump areas shall be attractively landscaped, and conveniently located for both vehicular and pedestrian access.

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## **18.7. Development Permit Area No. 9.6: Form and Character for Multi-family Development Guidelines**

### *18.7.1. Introduction*

The Form and Character of Multi-family Development guidelines will guide the development of townhouse and apartment land and buildings as well as the residential portion of mixed commercial-residential buildings. Anticipated primarily as strata developments, these guidelines will promote a coordinated, comprehensively planned approach to development with an emphasis on creating livable spaces for future residents and blending the physical form of the development into the landscape and surroundings.

### *18.7.2. Applicability and Justification*

The Form and Character of Multi-family Development Guidelines apply to all building development proposals for more than three residential units on one lot. The guidelines will apply as a prerequisite to building permit issuance and will regulate the form and character of the buildings and land.

The guidelines are justified under section 488(1)(f) of the Local Government Act which enables the creation of development permit area guidelines for multi-family residential development.

### *18.7.3. Objectives*

- a. To ensure the form and character of multi-family is coordinated, comprehensively planned and responds to site conditions.
- b. To ensure the form and character of multi-family buildings reflect Pemberton's small town rural character, natural environment and the surrounding topography.
- c. To encourage form, massing and materials that create neighbourhood identity and continuity without limiting architectural expression.

### *18.7.4. Exemptions*

- a. Accessory buildings that otherwise comply with zoning
- b. Landscape enhancement of existing landscaped areas
- c. Repairs, maintenance and minor alterations that, in the opinion of the Manager of Planning and Development, do not change the form and character of the buildings.
- d. Repairs, maintenance and minor alterations that, in the opinion of the Manager of Development Services do not change the form and character of the land or buildings.
- e. Reconstruction of one or more damaged permanent structures provided the reconstruction is constructed in accordance with a previously issued development permit.

### 18.7.5. Guidelines

#### Building Siting

- a. Multi-family buildings should recognize and complement the site's existing topography, vegetation and, relationship to adjacent buildings and surrounding conditions
- b. Building siting should consider solar access and seasonal passive solar heating
- c. Buildings fronting a public street or other public land shall establish a strong relationship with the street, sidewalk and/or access driveways. Where practical, buildings should provide an inviting frontage along the street.

#### Townhouse Building Form and Massing

- a. Roof-decks will be considered, but shall not exceed 50% of the area of the roof, shall be demised for each individual unit, and should minimize overlooking of adjacent properties
- b. Buildings should respect the natural topography of the site with minimal cut and fill, with necessary grade changes achieved by stepped terracing rather than large retaining structures/walls. greatest extent possible.
- c. Townhouse clusters on sloped lots should reduce the building mass with fewer units per building to better respond to natural topographic considerations.
- d. Roof forms should be subtle and articulated to maximize unit and common area views of the surrounding environment.
- e. Roof-decks will be considered, but shall not exceed 50% of the area of the roof and should be demised for each individual unit.
- f. Buildings with horizontal runs of more than four units shall articulate along any public-fronting space.

#### Apartment and Stacked-Townhouse Building Form and Massing

- a. Apartment and stacked townhouse forms should create visual interest through building articulation, varied roof-lines and well-defined residential pedestrian entrances features and covered entrance plazas.
- b. Individual or communal roof-gardens are encouraged, but should be incorporated into the roof with a clear setback from the roof-edge.
- c. Under-building parking entrances directly from the street are discouraged where possible, in favour of legible entrances from within the site.
- d. Building design that accommodates adaptation into accessible units for at least a portion of the units is encouraged.

#### Building Materials and Colours

- a. All building materials and colours should reflect the natural landscapes and the robustness of the hillside environment.

- b. Any decorative or architectural elements incorporated into building design shall be meaningful and integral to the building rather than meaningless applications to the buildings.

#### Storage

- a. Multi-family development should provide adequate and secure storage opportunities for the equipment that accompanies a Pemberton lifestyle, and particularly enhanced bicycle, ski and outdoor equipment storage.
- b. Storage for larger outdoor equipment is encouraged either in communal storage areas or in balance with parking requirements.
- c. Stand-alone communal and secure equipment storage facilities will be considered if incorporated into the overall site-plan

#### Signage

- a. Neighbourhood or development project signage should be made of natural materials, be subtle in scale, and be of a consistent character with other neighbourhood signs in the Nkwúkwma neighbourhood.
- b. Incorporating unifying artistic works in neighbourhood signage is encouraged.

#### Site Circulation and Parking

- a. Each multi-family apartment development should have only one primary feature entrance off the public street to promote legibility. Should a second access be required, it should be understated relative to the primary entrance.
- b. For townhouses and apartments, individual unit access off the public street is discouraged.
- c. Walled or gated developments that seek to separate an individual neighbourhood from the broader community are strongly discouraged.
- d. Site plans shall provide adequate circulation and turning radii for fire-fighting and services.
- e. Large expanses of surface parking are discouraged.
- f. Any necessary surface parking shall be clearly marked and extensively landscaped from any public vantage-point.
- g. Under-building parking walls are discouraged along public streets. Any garage wall facing a street shall minimize exposed concrete, utilize artistic or visually appealing ventilation features and have extensive landscaping to minimize the visual impact of the parking facility from the street.
- h. All communal and public parking areas should be universally accessible.
- i. All surface and underground parking areas should prepare a lighting plan ensure optimal pedestrian-oriented lighting and minimal shadows to ensure the real and perceived safety of users.
- j. Surface parking areas should not cast light beyond the property boundary of the development and incorporate dark sky principles.

- k. Snow dump/snow clearing areas are a vital consideration in Nkwúkwma and adequate snow dump areas are required throughout each multi-family development. Snow dump areas may be combined with passive recreation areas.
- l. Electric vehicle charging units are strongly encouraged in resident and visitor parking areas, and pre-wiring for electric vehicle charging is similarly encouraged in all individual units and portions of common parking facilities.
- m. Bicycle parking facilities should be weather protected, e-bike friendly, weather protected, e-bike friendly, visible, convenient and securely located in common parking areas or at grade level.

#### Usable Open Space and Pathways

- a. Each multi-family development is encouraged to provide communal open spaces within the development.
- b. In townhouse complexes, the mix of active open spaces should include playgrounds, outdoor and covered gathering areas, and passive greenspace.
- c. In apartment buildings, rooftop-terraces, building plazas, and active or passive greenspaces are encouraged.
- d. A network of pathways connecting pedestrians to the larger public pathway system or the public street is required.
- e. A network of pathways connecting to the larger public pathway system or the public street is encouraged.
- f. If warranted, extensions of the public pathway network through private multi-family developments will require statutory rights-of-way to secure public access over a portion of the property.
- g. Multi-family units are encouraged to have usable deck and/or patio space for each unit.

#### Recycling and Waste Management

- a. Each multi-family development shall provide fully enclosed communal waste management facilities.
- b. Waste structures shall be constructed utilizing Bear Smart principles, and should seek to mitigate access by other invasive wildlife.
- c. Waste structures should be designed and constructed to be architecturally consistent with the neighbourhood.

#### Landscaping

- a. All landscaping should be designed by a registered BC Society of Landscape Architects professional who shall also monitor the installation of the landscaping.
- b. Plant-groupings that reflect the natural surroundings and balance drought tolerance, fire-resistance with a natural aesthetic are encouraged.

- c. Depending on landscape planting approach, irrigation may be required. Incorporation of the roof drainage and stormwater detention systems are encouraged as a source of irrigation water.
- d. Any fencing and retention structures required shall be designed and constructed utilizing natural materials
- e. Incorporation of artistic features into the landscape, and in open areas and public areas is strongly encouraged.

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## **18.8. Development Permit Area No. 9.7: Form and Character for Commercial Development Guidelines**

### *18.8.1. Introduction*

The Form and Character of Commercial Development guidelines will guide the development of commercial development in the neighbourhood. Whether commercial uses integrated with residential in mixed use buildings, or stand alone commercial development. The intent of the guidelines is to ensure the commercial development achieves a certain standard of form and character. The commercial uses contemplated in the neighbourhood are anticipated to be of a neighbourhood commercial scale for residents, rather than more destination-oriented commercial for the broader community or travelling public.

### *18.8.2. Applicability and Justification*

The guidelines are justified under section 488(a)(f) of the Local Government Act which enables the creation of development permit area guidelines for commercial and commercial/multi-family residential mixed-use development.

The Form and Character of Commercial Development Guidelines will apply to all building development proposals for any commercial buildings or commercial portions of mixed-use buildings. The guidelines will apply as a prerequisite to building permit issuance and will regulate the form and character of the buildings and land.

The guidelines are justified under section 488.1(f) of the Local Government Act which enables the creation of development permit area guidelines for commercial and mixed-use residential development.

### *18.8.3. Objectives*

- a. To ensure the form and character of commercial development is well coordinated and comprehensively planned and responds to site conditions.
- b. To ensure the form and character of commercial buildings reflects the natural characteristics of Pemberton and the surrounding topography and natural features
- c. To ensure that commercial development creates a welcoming gathering place for the neighbourhood.

### *18.8.4. Exemptions*

- a. Accessory buildings that otherwise comply with zoning
- b. Landscape enhancement of existing landscaped areas
- c. Repairs, maintenance and minor alterations that, in the opinion of the Manager of Development Services, do not change the form and character of the buildings.
- d. Repairs, maintenance, and minor alterations that, in the opinion of the Manager of Development Services, do not change the form and character of the buildings.
- e. Reconstruction of one or more damaged permanent structures provided the reconstruction is constructed in accordance with a previously issued development permit.

- f. Change of use permit applications to change commercial uses and signage copy, provided the change of use does not contemplate significant alterations to the exterior of the building.

#### 18.8.5. Guidelines

##### Siting, form, and massing

- a. Commercial uses should be located at important intersections or strongly address a public street.
- b. Commercial buildings located in mixed-use buildings should occupy the most prominent frontage or corner of the building, and in the event of a corner unit, should wrap the corner to create two related frontages.
- c. Stand-alone commercial buildings should be at a neighbourhood scale and modest in footprint.
- d. Strong, identifiable architectural forms that reflect the Pemberton character are encouraged for commercial development.
- e. Covered, rain protected entrance features to commercial entrances are encouraged.

##### Building Materials and Colours

- a. Extensive use of glazing and strong architectural elements should distinguish commercial development, while complementing the architectural character of the building or surrounding development.
- b. A natural colour palette, consistent with surrounding development is preferable over bright corporate or attention-grabbing commercial colours.

##### Signage

- a. A comprehensive sign plan shall be provided and shall identify natural themed signage materials with front lighting.
- b. The use of changeable copy, neon, or backlit signage is discouraged.
- c. Pylon or freestanding signage should be pedestrian scaled, low profile, made of natural materials, and front-lit.

##### Site Circulation, Parking, and Loading Areas

- a. Parking areas dedicated to commercial uses shall be universally accessible and should be located proximal to the front pedestrian entrance.
- b. Parking areas shall be lit to a pedestrian scale, without offsite light emissions, to ensure real and perceived safety and comply with dark sky principles.
- c. Parking areas should be appropriately screened by landscaping.
- d. Loading areas should be sized to mirror the scale and intended use of the building. Undesignated loading may be incorporated with parking areas at the discretion of the Village if site circulation is minimally impacted.



## Landscaping

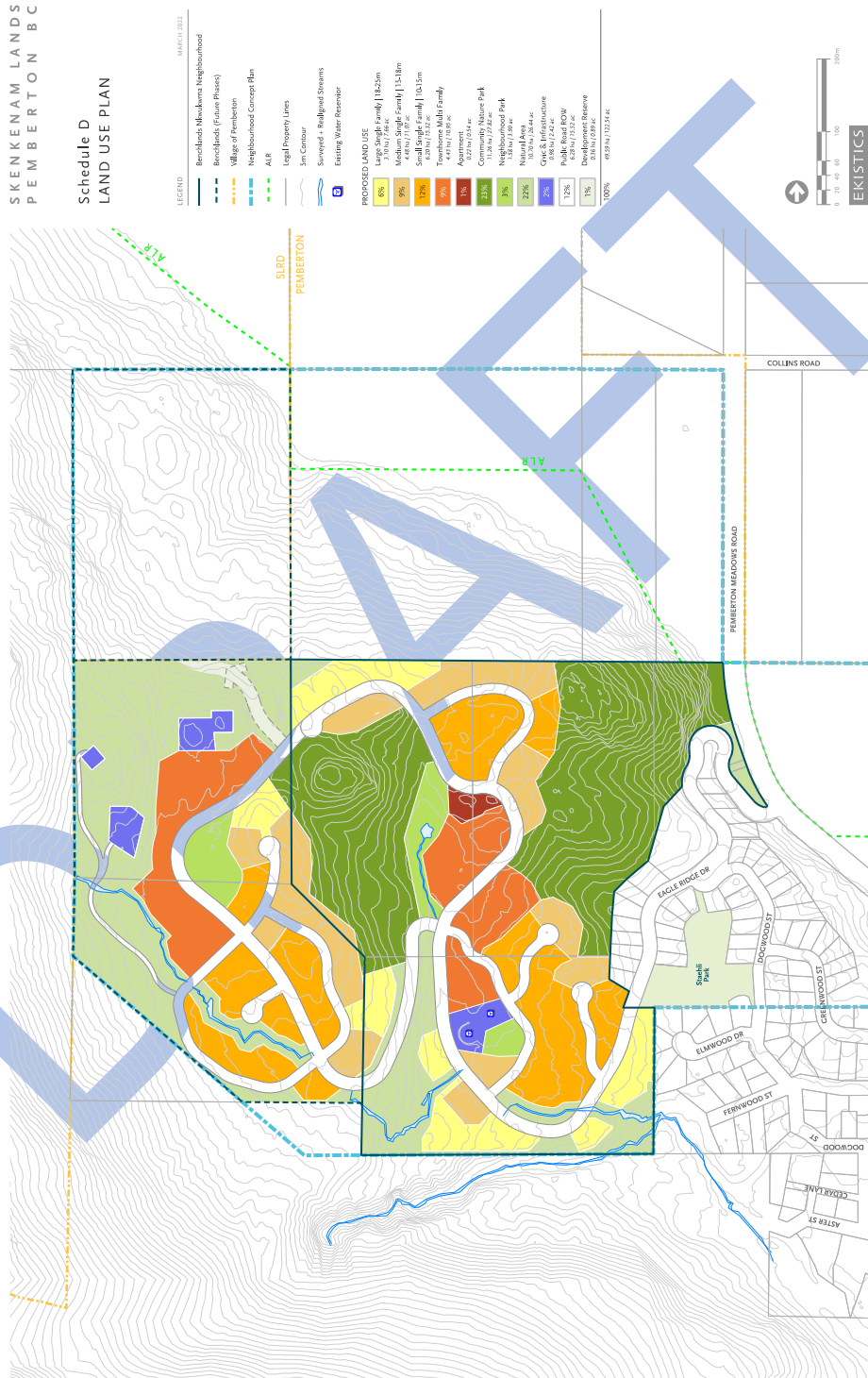
- a. Pedestrian plazas, patios, or similar finished outdoor gathering spaces are encouraged at the entrance to commercial uses.
- b. Public art or other strong design elements to signify the commercial use are strongly encouraged.
- c. Use of decorative pavers, modest landscaping and similar visual cues are encouraged to distinguish the public commercial portion of mixed-use developments.
- d. All landscaping shall be designed, and the installation should be supervised by a registered member of the BC Society of Landscape Architects.

### *I. Waste Management and Recycling*

- a. All waste and recycling facilities shall be located in a dedicated waste facility which should be incorporated into a mixed-use waste facility or designed as a specific feature of a stand-alone commercial development.
- b. All waste facilities shall be screened from any public vantage point.

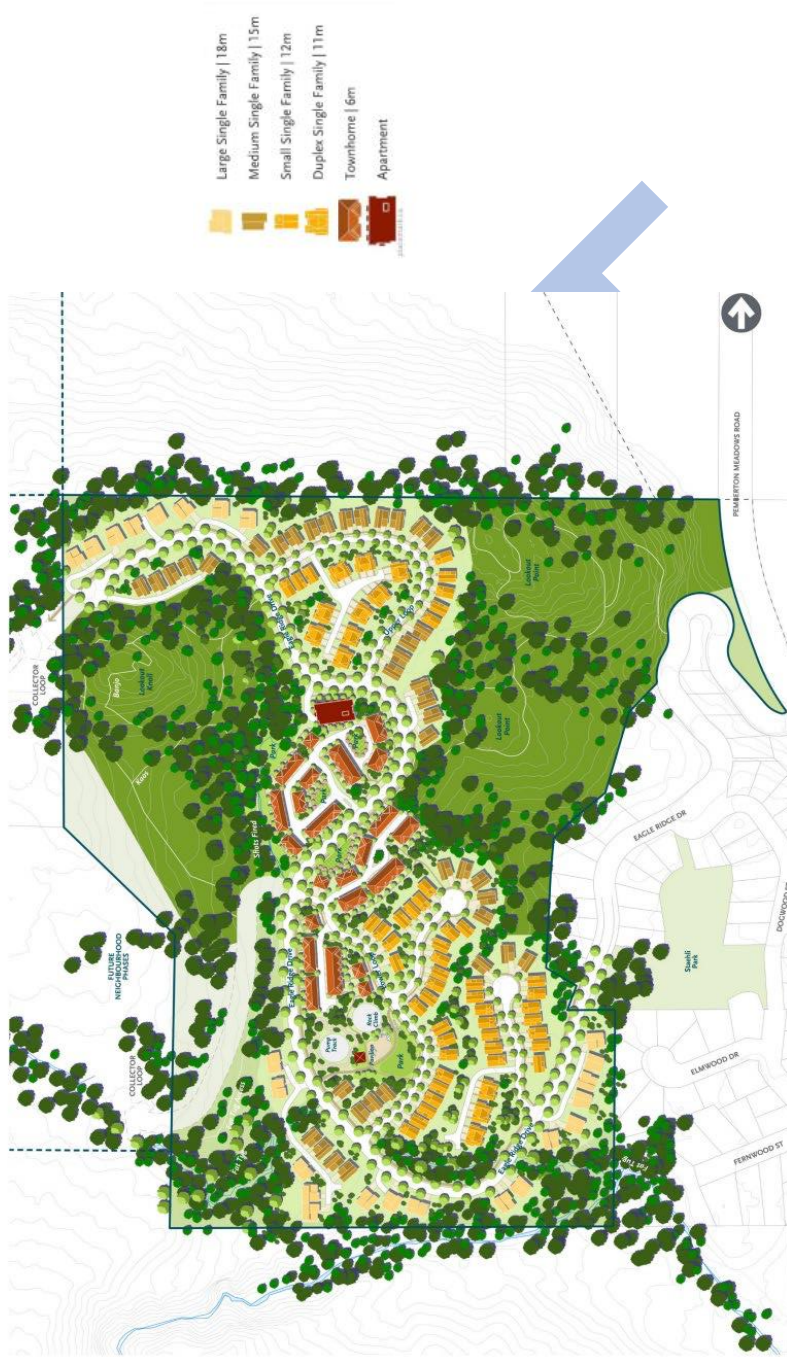
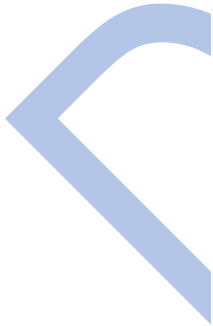
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# Schedule 1: Land Use Plan



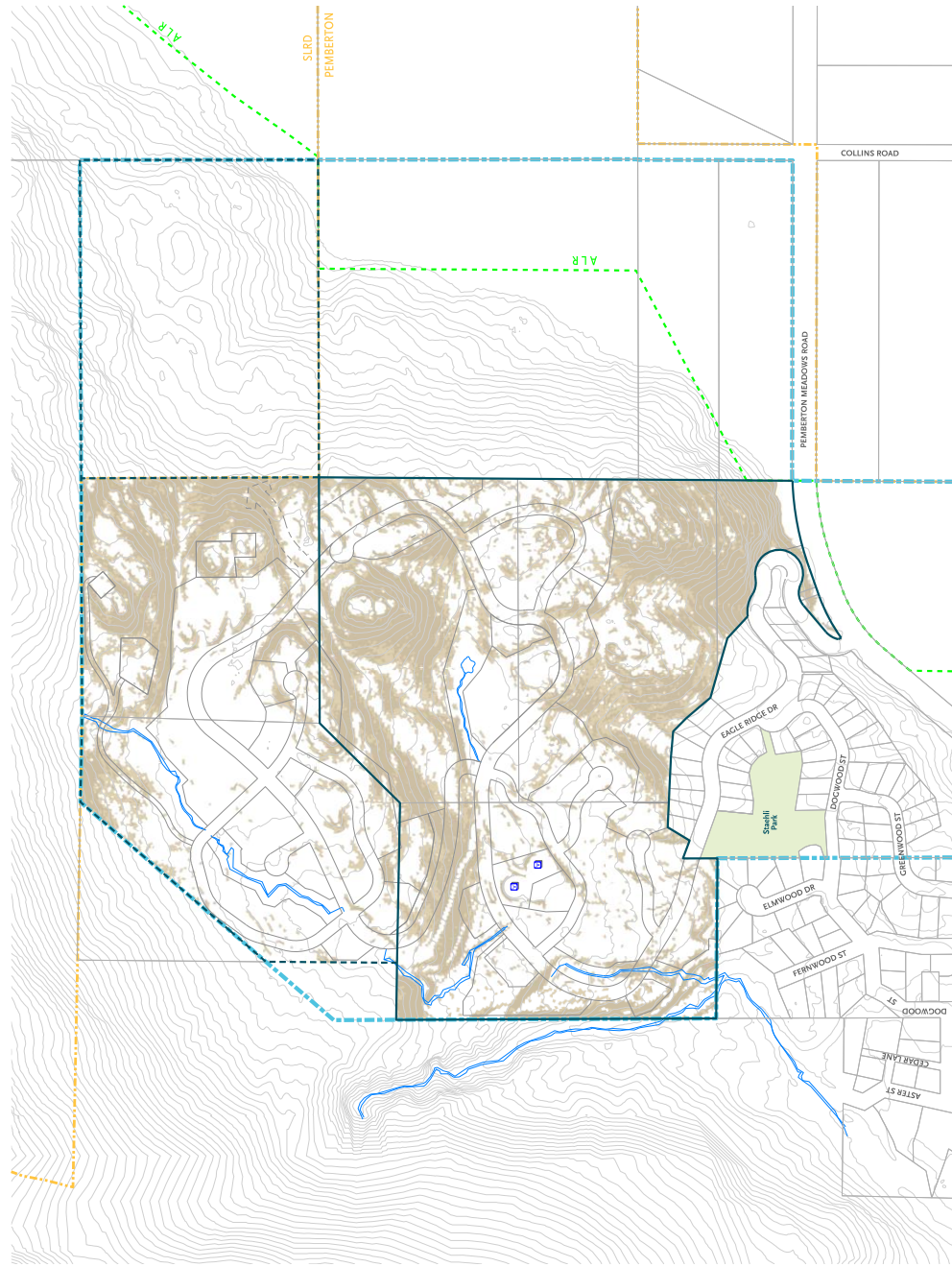
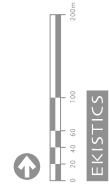
Schedule 2: Development Concept Plan

**Nkwúkwma, Pemberton**  
Development Concept Plan



Schedule B  
STEEP SLOPE PLAN

- MARCH 2023
- LEGEND
- Benchlands Mowakwa Neighbourhood
  - Benchlands (Future Phases)
  - Village of Pemberton
  - Neighbourhood Concept Plan
  - ALR
  - Legal Property Lines
  - 5m Contour
  - Surveyed + Realigned Streams
  - Existing Water Reservoir
  - 30-40% Slope
  - 40% Slope

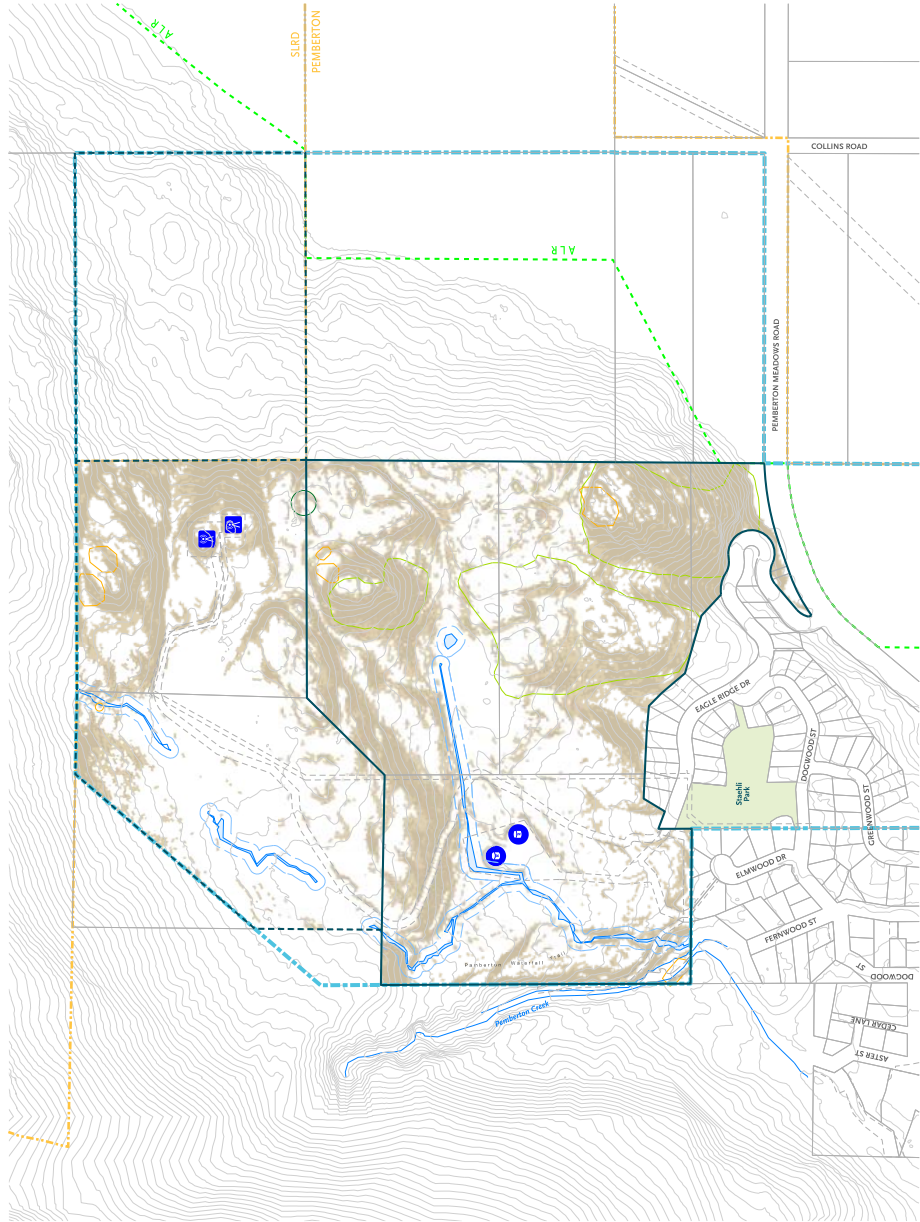




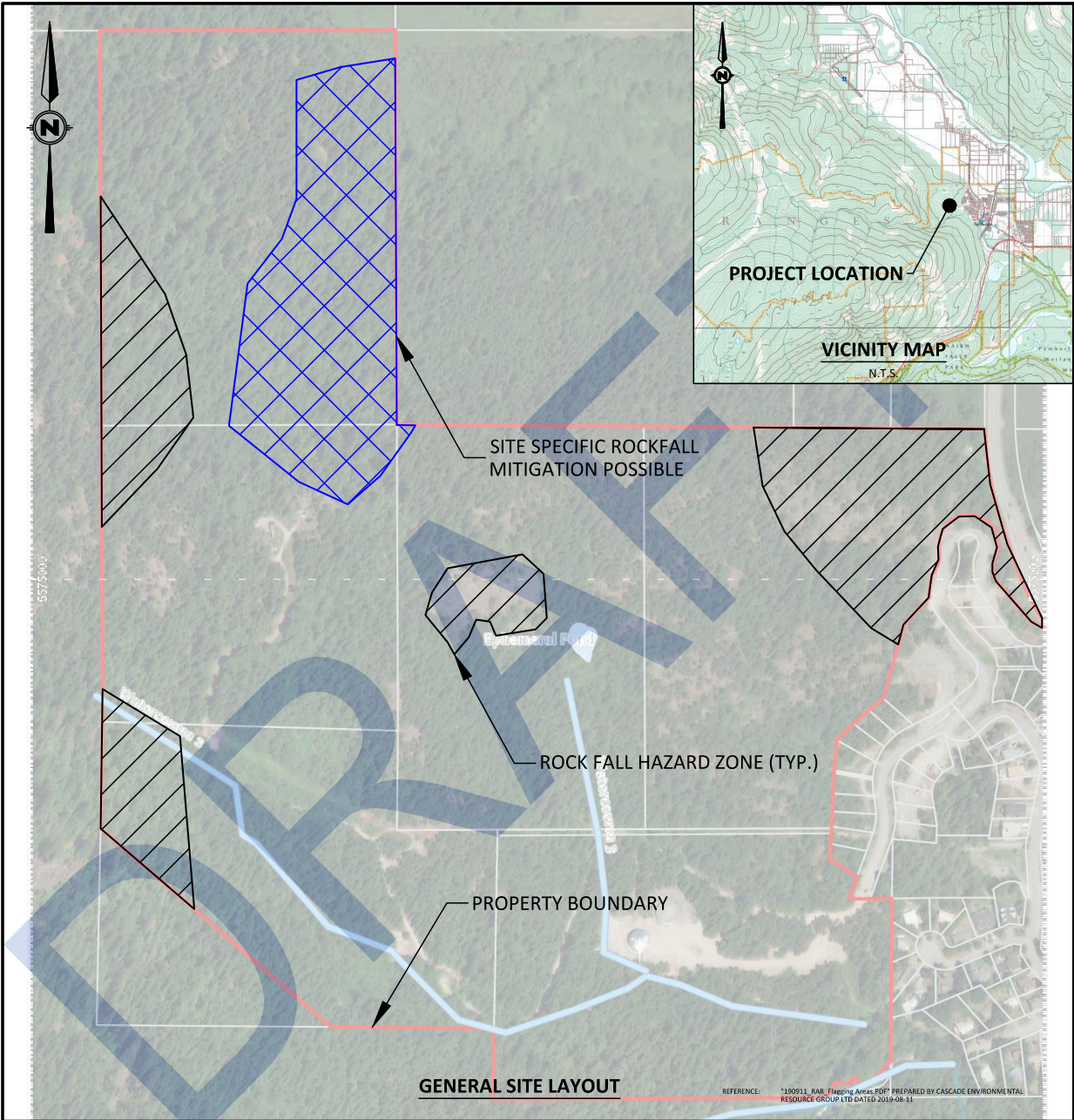
SKENKENAM LANDS  
PEMBERTON BC

Schedule C  
SITE CONSTRAINTS

- LEGEND
- Benchmark Neighbourhood
  - Benchmark (Future Phases)
  - Village of Pemberton
  - Neighbourhood Concept Plan
  - ALP
  - Legal Property Line
  - 5m Contour
  - Surveyed - Realigned Streams
  - Existing Water Reservoir
  - Communication Tower
  - 30% - 40% Slope
  - +40% Slope
  - Old Growth Douglas Fir
  - Contaminated Site
  - Archaeological Area of Concern
  - Rockfall Hazard Zone
  - Roadkill Mitigation
  - 1km SPBA Setback
  - 10m Recommended BAA Setback
  - Areas of Potential Sharp Tailed Snake Habitat



Schedule 5: Rock Fall Hazard



		Unit 65, 1833 Coast Meridian Rd., Port Coquitlam, B.C. V3C 6G5 t. +1 (778) 730-1747   toll-free. +1 (833) 301-7575   e. info@kontur.ca   www.kontur.ca	
TITLE PRELIMINARY ROCKFALL HAZARD AREAS		DATE: 2019-10-23	PROJECT NO.: K-191204-00
		SCALE: 1:5500	DWG NO.: FIGURE 1
CLIENT BETHEL LAND CORPORATION		NO.                      REVISIONS                      DATE	
		0                      ISSUED FOR REVIEW	2019-10-23
PROJECT PROPOSED BENCHLANDS DEVELOPMENT PEMBERTON, B.C.			
		DRAFT: JL	DESIGN: -                      CHECK: EGS



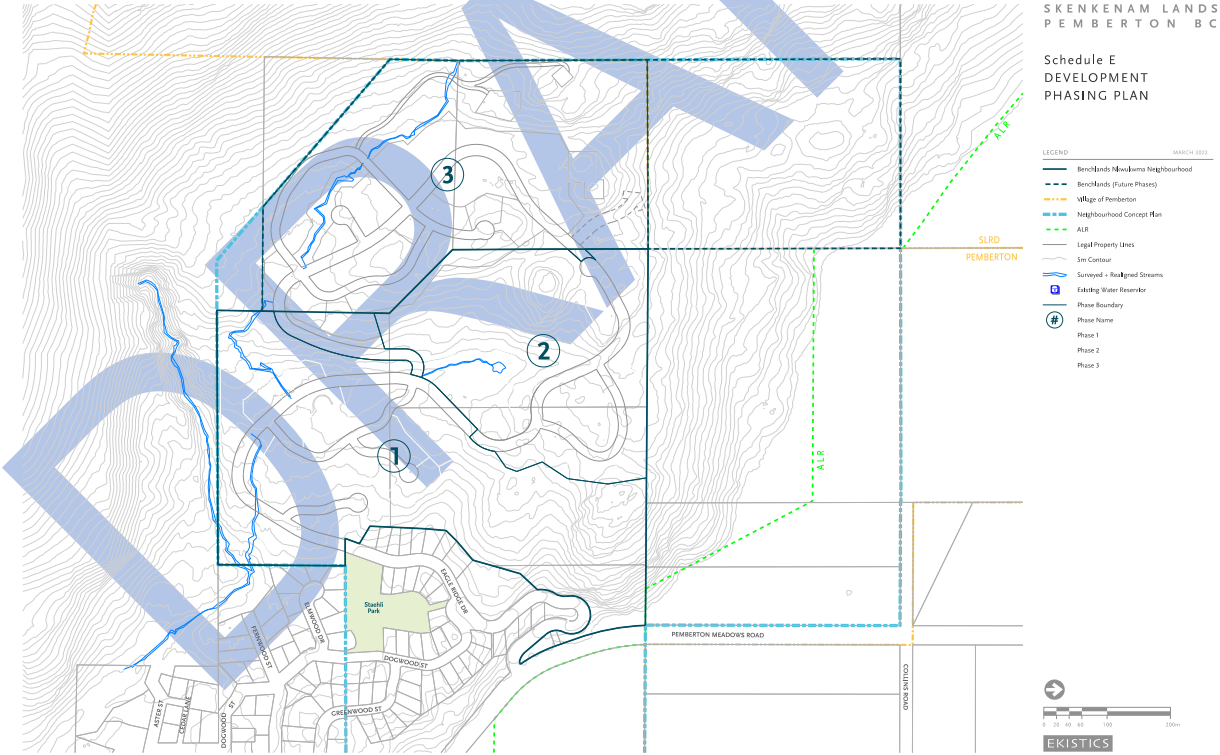
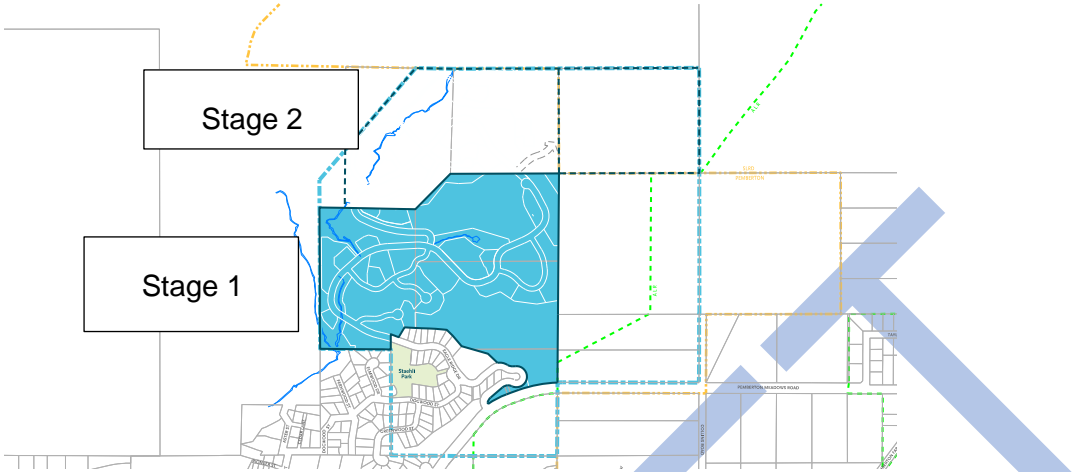
Schedule 6: Open Space, Parks, and Trails Plan

Nkwúkwma, Pemberton  
Conceptual Trails Plan





Schedule 7: Phasing Plan



**Date:** Tuesday, May 23, 2023  
**To:** Elizabeth Tracy, Chief Administrative Officer  
**From:** Ethan Fredeen, Deputy Corporate Officer  
**Subject:** 2023 UBCM Minister Meeting Follow Up

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### **PURPOSE**

The purpose of this report is to update the Committee on the meeting requests noted at the Regular Council Meeting held on May 9, 2023.

### **BACKGROUND**

During the Regular Council Meeting No. 1580 held on May 9, 2023, Council resolved for staff to request meetings with the following Ministers at the 2023 Union of BC Municipalities Conference in September:

- Minister of Finance to discuss Farm Tax Exemption for farms within the Municipal boundaries;
- Minister of Municipal Affairs to discuss funding for a new Fire Hall;
- Minister of Health to discuss the potential for a Pemberton Medical Clinic upgrade, expansion or replacement to respond to the growing population; and
- Minister of Forests to discuss Crown Land Tenure Application wait times.

### **DISCUSSION & COMMENTS**

#### **Minister of Forests**

Staff have investigated the request to meet with the Minister of Forests to discuss Crown Land Tenure Application wait times. In this regard, Council submitted a late resolution, noted below, for consideration at the 2022 UBCM Conference.

*Whereas municipal use of crown land is often essential to the provision of important municipal services;*

*And whereas the lengthy application process for nominal rent tenures and sponsored crown grants impacts municipalities' ability to provide these services;*

*Therefore, be it resolved that UBCM request that the Province increase funding to reduce application times and improve the application process for sponsored crown grants and nominal rent tenures.*

The resolution was endorsed by the UBCM membership. On March 6<sup>th</sup>, 2023, the Village received a response from the Ministry of Forests, which was provided under Correspondence for Information at the Regular Meeting No. 1578, held March 28, 2023, and is attached as **APPENDIX A**.

While wait times used to be significant, staff have noted that the turnaround on crown land tenure applications and/or renewals has improved significantly in the last year. Given the province's response and the Village's recent experience, staff are recommending that a meeting request to the Minister of Forest on this matter be reconsidered.

### Minister of Finance

In 2018, Council established as a corporate priority a boundary extension study which proposed to incorporate into the Village boundaries properties outside the boundary serviced by Village water:

- Pemberton North – Urdal, Collins, Oberson and Pemberton Farm Road etc;
- properties between Harrow Road and the Plateau (Clover and Fraser Road area); properties between the festival site and the Industrial Park; and
- between the Industrial Park to Mount Currie.

These properties are mostly within the Agricultural Land Reserve (ALR) and as such many held farm status. The boundary extension study identified that the Statutory Farm Tax Exemptions (SFTE) for a farm in a rural area would not apply in the same form for lands located within a municipality.

Specifically, the SFTE for a farm in a Provincial rural area include a full exemption for both Class 1 Farmers' dwellings and Farm improvements (specifically outbuildings), whereas those same Farmers' dwellings located in a municipality are fully taxable, and the exemption for Farm improvements is capped to a maximum of \$50,000 as opposed to fully exempt. BC Assessment website provides an example that notes "*in a municipality, farm buildings assessed at \$500,000 will only be taxed on \$62,500. A farmer's dwelling in a municipality is fully taxable. In a rural taxation area, farm buildings assessed at \$100,000 will only be taxed for school purposes on \$12,500. A farmer's dwelling in a rural taxation area will be fully taxable for school purposes.*" In this regard, the 2018 boundary extension study determined that the potential difference in property taxes to a sample farm property with an assessed value of \$600,000 (land and improvements) resulted in an estimated 33% increase in taxation should it become part of a municipality.

While the boundary extension was ultimately not pursued due to the high cost to take over the roads within the proposed boundary extension area and a lack of community support, Council wished to meet with the Minister of Finance to discuss the matter of the SFTE and request that the province implement the SFTE to farms located within a municipality. The intent was to see if there would be an appetite to make this change as to do so might support the initiation of a new boundary extension proposal in the future.

The Village has eight (8) properties that hold farm status. To get farm status a property owner must make application to BC Assessment and meet the criteria to qualify. The BC Assessment website notes that land can be classified as farm "*only if it is used for purposes that contribute to a qualifying agricultural use*".

Following the 2018 UBCM Minister meeting, the Minister requested more information from the Village on this matter with an aim to share it with the Minister of Agriculture. The Minister did not expand on what information they wished to have provided. Due to a reallocation of priorities at that time this was not pursued. There has been no further activity on this request since 2018.

Overall, this is a very complex matter that is not easily understood and would require significant research to prepare a fulsome report to explain all the intricacies as to how implementation of a Statutory Farm Tax Exemption could be incorporated into the municipal tax scheme.

Staff have provided two options for the Committees consideration:

**Option One:** Proceed with making a request to meet with the Minister of Finance on this matter and ask the province to investigate enabling the Statutory Farm Tax Exemption to be applied to farm properties that are in a municipal boundary.

In 2023, the Council has not indicated that a boundary extension is a priority for the community. Given the request is not in relation to a boundary extension project which would see the incorporation of significant farmland within the Village the Committee may wish to reconsider a Minister meeting on this topic.

**Option Two:** Submit a resolution to UBCM requesting the province investigate as noted above.

This option is suggested as this issue may be relevant to many small municipalities who might be considering a boundary extension to take in rural properties. As well, it may be relevant to those municipalities who have significant farmland within their boundary already. One consideration will be that implementation of the SFTE within a municipality could have a significant impact on revenues raised through taxation which may result in the need to increase taxes to make up the difference.

Staff is seeking direction with respect to pursuing this matter at UBCM.

#### Minister of Health

Council has requested that staff schedule a meeting with the Minister of Health to discuss the prioritization to expand to Village of Pemberton Health Clinic. The rationale for the request is the population for the community is growing and the health needs are increasing. The Health Clinic has not seen an expansion since it was built in 1977.

#### Minister of Municipal Affairs

Council requested a Minister meeting to discuss the funding of a new Firehall within the Village of Pemberton. Staff have determined that the best Ministry to contact would be the Minister of Municipal Affairs as they would be able to direct the Village to the proper funding streams to access the funds to develop a new Firehall.

### **COMMUNICATIONS**

This process does not require a communications element.

### **LEGAL CONSIDERATIONS**

There are no legal, legislative or regulatory considerations at this time.

### **IMPACT ON BUDGET & STAFFING**

There are no impacts to the budget or staff hours for considerations at this time.

### **INTERDEPARTMENTAL IMPACT & APPROVAL**

There is no interdepartmental impacts or approvals required.

### **COMMUNITY CLIMATE ACTION PLAN**

This matter is not applicable to the CCAP strategies.

**IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS**

A review of this item has no impact on other jurisdictions.

**ALTERNATIVE OPTIONS**

There are no alternative options for consideration.

**RECOMMENDATIONS**

**THAT** the Committee provide direction with respect to the Statutory Farm Tax Exemption issue.

**ATTACHMENTS:**

**Appendix A:** Provincial Response to 2022 Resolutions

**Appendix B:** 2018 UBCM Briefing Notes (Farm Tax Exemption)

Prepared by:	Ethan Fredeen, Deputy Corporate Officer
Acting CAO Approval by:	Sheena Fraser, Manager, Corporate & Legislative Services

Whereas municipal use of crown land is often essential to the provision of important municipal services;

And whereas the lengthy application process for nominal rent tenures and sponsored crown grants impacts municipalities' ability to provide these services:

Therefore be it resolved that UBCM request that the Province increase funding to reduce application wait times and improve the application process for sponsored crown grants and nominal rent tenures.

**Convention Decision:                      Endorsed**

Provincial Response

**Ministry of Forests**

*Crown land tenure application processing is designed to be timely and occur generally within 140 business days from application acceptance to tenure offer.*

*Nominal rent tenures with foregone rent above Treasury Board established thresholds require additional process steps as outside ministries are required for financial support and approvals. Sponsored Crown grants require Cabinet approval as the Province is permanently transferring an asset for no financial return.*

*In the past three years significant work has been completed to standardize the Crown land application process and improve application processing time. Additional resource requests have also been approved and application processing time should improve in future as a result.*

*As sponsored Crown grants are fee simple transfers from the Province to private owners, significant consultation is conducted with Indigenous Nations who in many cases are hesitant to support the alienation of lands within their traditional territories.*

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**To:** Honourable Carole James, Minister of Finance

**From:** Mayor Mike Richman

**Key Topics of Discussion:** Farm Status Exemption for properties within a municipality

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**Background:** Agriculture is a critical part of the sustainable economy and the overall culture of Pemberton. Historically an agricultural community, the Pemberton Valley is home to over 70 farming units and the Village is committed to supporting the industry and the ability of local farm operators to derive sufficient income from their land.

**Discussion:** In the spring of 2018, the Village commissioned a study to explore the potential impacts of a Boundary Extension, to address such issues as community identity, elected representation, land use planning control, and improved service delivery.

One of the deliverables of the study was to determine tax implications for properties being brought into the municipal boundary. When considering the tax implications for farm properties, the availability of tax exemptions differs depending on whether the farm is located within a municipal boundary or a rural area. The Statutory Farm Tax Exemptions for a farm in a Provincial rural area include a full exemption for both Class 1 Farmers' dwellings and Farm improvements (specifically outbuildings), whereas those same Farmers' dwellings located in a municipality are fully taxable, and the exemption for Farm improvements is capped to a maximum of \$50,000 as opposed to fully exempt.

The study found the potential difference in property taxes to a sample farm property with an assessed value of \$600,000 (land and improvements) resulted in an estimated 33% increase in taxation should it become part of a municipality.

Boundary Extension is a common method for municipalities to increase their economic vitality and as such their ability to provide improved services to their residents. However, the Village supports the agricultural industry and has no interest in imposing a potential financial hardship on farm owners. Indeed, members of the farming community were the most outspoken in opposition to the Boundary Extension, and Council respects their reasoning.

It is the Village's understanding that the Province is committed to reducing barriers that may prevent the growth of communities and supporting the sustainability of the agricultural industry in British Columbia. Economic vitality and improved service delivery remain priorities of Council, therefore although the Village will not be pursuing the Boundary Extension in 2018, it is expected that it will be pursued in the future, at which time we hope that the farms within a municipality are recognized as equally deserving of the Farm Status tax exemptions provided to rural area farms.

**Request:** That the Province extend the Farm Status tax exemption provided to rural area farms to farms located within a municipality.

**Contact**

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VILLAGE OF PEMBERTON  
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