

**Date:** Tuesday, April 30, 2024

**To:** Elizabeth Tracy, Chief Administrative Officer

**From:** Cameron Chalmers, RPP, MCIP, Consulting Planner

**Subject:** First and Second Reading to Official Community Plan Amending Bylaw No 956, 2024, Nkwúkwma Sub Area Plan and Zoning Amendment Bylaw No. 957, 2024 – Nkwúkwma Neighbourhood

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## **PURPOSE**

The purpose of this report is for Council to consider first and second reading of the Official Community Plan Bylaw amendment for the proposed Nkwúkwma neighbourhood and direct the next steps in consideration of the Zoning Amendment Bylaw. If approved, the Official Community Plan amendment would introduce the Nkwúkwma Sub Area Plan as the guiding Official Community Plan policy and development permit area guidelines for the future development of the Nkwúkwma lands. If approved, the proposed zoning amendment bylaw would establish the Comprehensive Development Zone 8 (Nkwúkwma Neighbourhood) (CD-8) to provide site-specific zoning regulations for the lands.

## **BACKGROUND**

In March 2021, the Village of Pemberton received an application from Skénkenam Development Limited Partnership (Skénkenam) for Official Community Plan (OCP) amendment and rezoning for the proposed Nkwúkwma (Benchlands) neighbourhood. Specifically, the application seeks to refine the existing OCP policy and Residential 1 – RS-1 zoning on the 31 hectares (77 acres). The refinements will facilitate the next several phases of what was initiated as the Benchlands development in 2007.

Since the application submission, Council has directed early and ongoing consultation on the OCP amendment and Committee of the Whole has received multiple updates on the nature of the application and the application review process, including two three-hour workshops to walk through the details of the application and the policy response included in the proposed bylaws.

Over the last two years, staff have been working on the attached draft of the Nkwúkwma Sub Area Plan and CD-8 Zone in collaboration with the applicants. It represents a significant milestone in the preparatory work for detailed review by the Committee of the Whole and the community through an extensive consultation program.

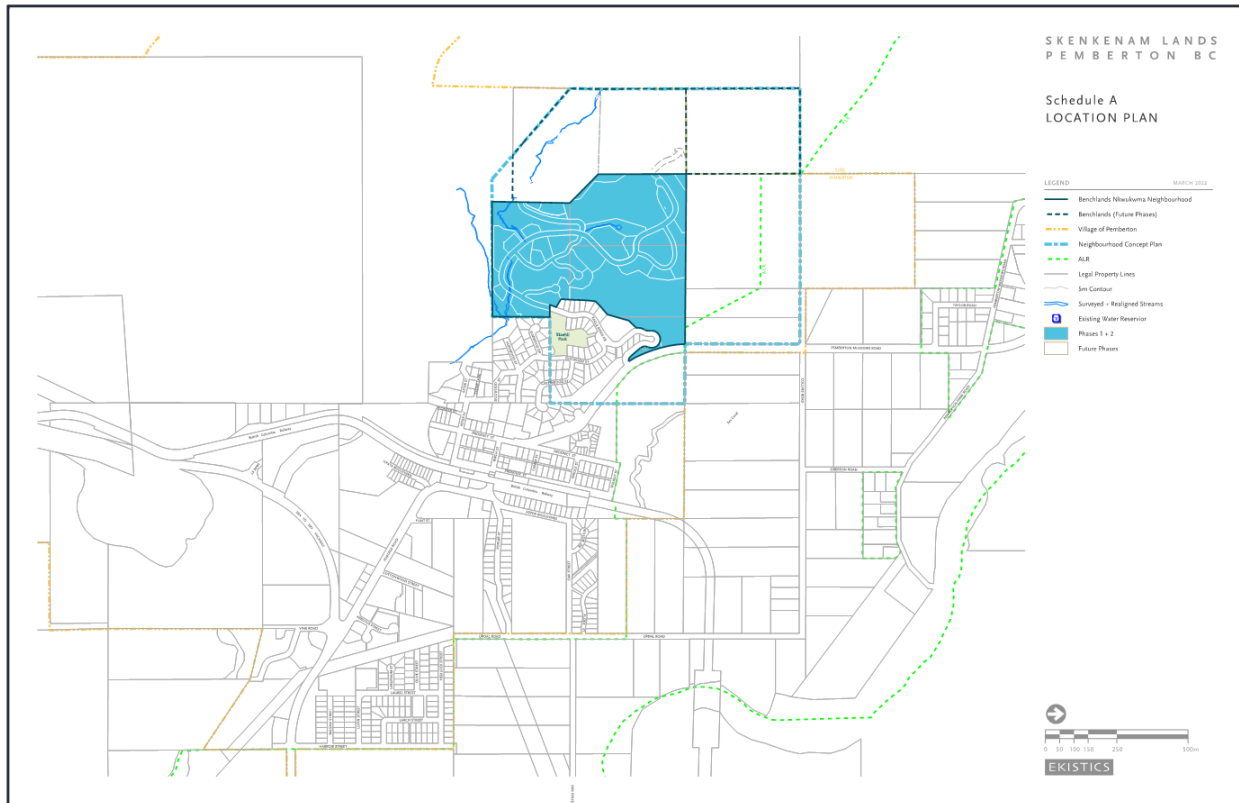


Figure 1: Location Plan

## **BYLAW PROCESS**

The proposed amending bylaws have been subject to extensive staff and consultant review, Committee of the Whole deliberation, community consultation and external agency referrals.

The bylaws have been prepared in accordance with the processes and requirements of the *Local Government Act*, including the recent provincial amendments in Bill 44 to establish a new approach to housing throughout the province. Specific references to how these amendments have been accommodated are in the sub area plan.

The process has entailed a detailed review of the lands, opportunities and constraints for development, detailed technical and engineering reports, applicant-funded creation of servicing models, traffic studies, land use history, and evolving housing trends in the Village and the municipality. The draft sub area plan attached to the OCP amending bylaw describes in detail the current land use policy and planning process that led to the development framework contemplated in the OCP amending and rezoning considerations.

## **PROPOSED BYLAWS**

*Official Community Plan Amending Bylaw No. 956, 2024*

The proposed OCP amending bylaw is attached as **Appendix A**. If approved, the bylaw will introduce the Nkwúkwna Sub Area Plan which will serve as a policy framework for the long-term development of the lands. The sub area plan also includes a new set of site-specific development permit area guidelines to guide the alteration of the site and construction of

buildings. The amendment will also remove the current Benchlands specific OCP policies created when the lands were designated as a residential neighbourhood in 2011.

#### *Rezoning Bylaw 957, 2024*

The proposed rezoning bylaw is attached as **Appendix B**. If approved, the bylaw will create a new comprehensive development zone with zoning regulations specific to the development of the Nkwúkwma neighbourhood. It will rezone the lands from the current Residential One, single detached zone to a new Comprehensive Development 8 zone. The new zone includes several sub zones specific to the proposed development type.

#### *Referrals*

Per Council's direction for early and ongoing consultation pursuant to section 475 of the *Local Government Act*, the applications and draft bylaws have been referred to multiple external agencies. The initial round of comments informed the drafting of the bylaws. The recent comments on the bylaws and the Village response are summarized in **Appendix C**.

#### *Advisory Land Use Commission*

The proposed bylaws were reviewed by the Village of Pemberton Advisory Land Use Commission. The Commission provided a resolution and several comments on the application which are also included in **Appendix C**, along with staff commentary on how the comments have been addressed.

#### *Public Consultation*

The public consultation program, initially undertaken by the proponents of the project, involved three open houses and extensive targeted consultation. The applicant led consultation program is detailed in **Appendix D**.

In February 2024, the Village held a public information session to introduce the draft Sub Area Plan and Comprehensive Development Zone to the community. The emphasis of the session was to provide context and introduce the bylaws to prepare the community for the bylaw consideration process. The meeting was well attended by 40+ residents.

## **COMMUNITY AMENITIES AND BENEFITS**

Under Village policy, community amenity contributions are negotiated on a case-by-case basis on a voluntary contribution proposal approach. Staff consider the viability of the project based on project costs, followed by a valuation of community benefits and proposed community amenities. It is not a formulaic approach as each project is different in terms of off-site requirements and community benefits created by servicing or other works undertaken in support of a project that also provide benefit to existing residents.

Staff note the Policy considers affordable housing as a community amenity contribution. An estimate of the value of the affordable housing program has been included in the community amenity contribution analysis.

#### *Community Amenity Proposal*

The following table breaks down the community amenity and benefits proposal, including affordable housing, which amounts to approximately \$12.5 million in benefits and amenities.

<b>Benefit/Amenity Type</b>	<b>Value</b>	<b>Descriptions</b>
On-Site Benefits Contribution	\$2,078,000	Proportions of on-site public improvements that benefit the broader community, including utility improvements, excess park and trail improvements
Off-Site Benefits Contribution	\$1,110,000	Proportions of off-site works and services that benefit the broader community including servicing improvements, roadworks, trails, and remediation
<b>Sub-total Benefits Contribution</b>	<b>\$3,188,000</b>	
Cultural Interpretation Amenity Contribution	\$500,000	Public art and wayfinding subject to Lílwat Nation acceptance.
Affordable Housing Amenity Contribution	\$7,200,000	Represents the discount value of a contribution of 15% of the units as affordable housing. With orientation towards family friendly affordable housing. Details of the housing contribution will be finalized through the housing agreement process following rezoning.
Recreation Facilities Amenity Contribution	\$1,800,000	Cash contribution towards a major recreation amenity. This amenity has been assessed as a stand-alone amenity, though there is potential to leverage this contribution through additional funding and partnerships to deliver a significant recreational amenity.
<b>Sub Total Amenity Contribution</b>	<b>\$9,500,000</b>	
<b>Total Benefit and Amenity Contribution</b>	<b>\$12,688,000</b>	

The table represents a list of community amenities and benefits that staff support as amenities or benefits. Per Village policy, the amenities are project deliverables that will be funded 100% by the developer for public benefit. The benefits are works or services delivered by the development that are required for the development but provide broader public benefit. These have been allocated on a proportionate cost deemed acceptable by staff.

*Recreation Facilities Amenity Contribution*

One amenity contribution of note is the \$1.8 m cash contribution towards a major recreational amenity. The proposed value is relatively generous in the context of other benefits and amenities delivered by the project.

In their submission, the applicants propose that these funds be effectively used as leverage funds to access other sources of funding through federal and provincial sources in partnership with Lílwat Nation and their development partner. The general concept is that if a partnership of sorts were to be established between the Village and Lílwat Nation, the Village would be able to contribute land at the recreation site and some or all of the \$1.8m in cash towards the construction of an as yet undefined recreation facility. This would significantly advance the deliverable of the facility.

Although optimistic about the potential leverage ability of the cash contribution, staff acknowledge it will require considerable effort to establish the partnership on terms acceptable to all parties. Although confident in the development partner's demonstrated capacity to access federal and provincial funding, staff advise that there are too many unknowns to consider the amenity contribution in any other way than a direct cash contribution at this stage.

Staff will include language in the development agreement that allows for alternate means for the applicants to satisfy the obligation should the construction of the recreation facility, or an opportunity for the Village to action the construction of the amenity, precede the obligation in the development agreement.

#### *Affordable Housing Proposal*

The affordable housing proposal will deliver 15% of the units as market controlled rental housing oriented towards local workers with a focus on family-friendly housing forms. According to the applicant's submission, the proposal would deliver 30 affordable townhomes and 6 affordable apartment units. All units will discount estimated market rents by 30%.

The housing mix is intended to facilitate family-friendly housing forms and the future housing agreement will restrict occupancy to families or rental groups with a minimum of one person employed in the Village of Pemberton or Area C of the SLRD.

The future housing agreement will be approved by Council by bylaw before any subdivision or building is permitted on the lands and will detail the particulars of the affordable housing restrictions and obligations.

#### *Securing Community Amenities and Benefits*

**Appendix E** includes a term sheet that includes multiple studies, works, services, amenities, benefits, and other contributions by the developer that will be delivered by the development over time. The term sheet represents the baseline commitments and will be the basis of a comprehensive land development agreement that will be obligated before Council considers adoption of the rezoning bylaw, ensuring that all developer commitments are directly linked to future development entitlements. The proposed staff recommendation resolution includes language requiring the completion of the development agreement before adoption of the zoning bylaw.

## **DISCUSSION**

Staff are pleased with the outcomes of the planning process and the resulting OCP amending and rezoning bylaws for the Nkwúkwma neighbourhood. The process represents a significant refresh from existing subdivision and development entitlements on the lands. It closely aligns the proposed development with the current housing needs of the Village of Pemberton in a more sensitive approach to hillside development. The creation of the specific development permit area guidelines, policy and zoning regulations will enable a more detailed development review over the life of the project to align the development with community values.

Additionally, the process has resulted in a significant allocation of community amenities and benefits that would not otherwise flow to the Village should the lands be developed under the current single-detached zoning.

Accordingly, staff recommend first and second reading, and ultimately approval of the proposed OCP amending and rezoning bylaws.

## **NEXT STEPS**

The Official Community Plan amending bylaw will trigger a requirement for a public hearing, and the recommended resolution includes a recommended date and time.

The rezoning bylaw will not trigger a public hearing under the new provincial legislation. Rather, it will require a notice describing the bylaw, the location where the bylaw can be viewed, and other information to notify the public of the consideration of the bylaw. The zoning bylaw will be considered for first and second reading following the statutory rezoning notification.

### *Future Processes*

Finally, it is critical to note that the OCP amending and rezoning bylaws will not in and of themselves result in the construction of the development. Rather, they will set the foundations and framework for future development permit, subdivision, and building permit applications. As the process moves through these stages, the OCP, development agreement, and Village bylaws will require progressively more detailed and specific information, including detailed engineering design, which is not customary at the consideration of land use.

## **COMMUNICATIONS**

The Village will advertise the public hearing to the OCP amending bylaw and will notify the community of first reading to the zoning bylaw, all in accordance with the *Local Government Act*.

## **LEGAL CONSIDERATIONS**

There are no specific or unusual legal considerations in this bylaw process.

## **BUDGET & STAFFING**

This item has no impact on budget or staffing, as the applicants have funded the process.

## **INTERDEPARTMENTAL IMPACT**

All Village departments have been consulted or were integral in the preparation of the bylaws.

## **COMMUNITY CLIMATE ACTION PLAN**

The proposed development is a model of housing development in small communities and has considered climate action in its principles, design, mobility features, building approaches and resiliency.

- Shift Beyond the Car - Shift
- Organizational Leadership - Leadership

## **STRATEGIC PRIORITIES**

The proposed development aligns closely with the strategic objectives to Plan and Manage Growth and Cultivate Trust by providing a diversity of housing types to meet the housing needs of the community, delivered by a subsidiary of the Lílwat Nation in a development partnership.

## **IMPACT ON THE REGION**

Adjacent jurisdictions have been involved or consulted through the referrals process. Of note, the applicant team includes a subsidiary of Lílwat Nation as an owner/developer.

## **ALTERNATIVE OPTIONS**

Alternative options for consideration are as follows:

### **Option One:**

**THAT** Council gives first and second reading to Official Community Plan Amendment (Nkwúkwma Sub Area Plan) Bylaw No. 956, 2024;

**THAT** Council schedules a public hearing for Tuesday May 14, 2024 at 5:00 p.m. at the Village of Pemberton Council Chambers 7400 Prospect Street, with respect to Official Community Plan Amendment (Nkwúkwma Sub Area Plan) Bylaw No. 956, 2024;

**THAT** Council provides notice pursuant to sections 464(3) and 467 of the *Local Government Act* with respect to Zoning Amendment Bylaw No. 958, 2024 (Nkwúkwma Neighbourhood);

**THAT**, prior to the adoption of Zoning Amendment Bylaw No. 958, 2024 (Nkwúkwma Neighbourhood), the owner is required to enter into a land development agreement, generally in accordance with the term sheet attached to the April 30, 2024 staff report, to the satisfaction of the Village of Pemberton;

**AND THAT** the mayor and chief administrative officer are authorized to sign the land development agreement on behalf of the Village, provided it generally conforms with the term sheet attached to the April 30, 2024 staff report.

### **Option Two:**

**THAT** Council refers the application back to staff for additional consideration of the following Council comments:

- {To be inserted by Council}

## **RECOMMENDATIONS**

**THAT** Council gives first and second reading to Official Community Plan Amendment (Nkwúkwma Sub Area Plan) Bylaw No. 956, 2024;

**THAT** Council schedules a public hearing for Tuesday May 14, 2024 at 5:00pm at the Village of Pemberton Council Chambers 7400 Prospect Street, with respect to Official Community Plan Amendment (Nkwúkwma Sub Area Plan) Bylaw No. 956, 2024;

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**AND THAT** the mayor and chief administrative officer are authorized to sign the land development agreement on behalf of the Village provided it generally conforms with the term sheet attached to the April 30, 2024 staff report.

**ATTACHMENTS:**

- Appendix A:** OCP Amending Bylaw No. 956, 2024
- Appendix B:** Zoning Amendment Bylaw No. 957, 2024
- Appendix C:** Referrals Summary
- Appendix D:** Community Engagement Summary
- Appendix E:** Term Sheet

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