

Term Sheet of
Development Obligations

Nkwúkwma Neighbourhood
Bylaw No. 957, 2024

April 30, 2024

Introduction

The following term sheet establishes the obligations of the developers of the Nkwúkwma Neighbourhood that will proceed or run concurrently with the development of each phase of the neighbourhood. The term sheet will become the basis of a Land Development Agreement (LDA) entered into between the Owner and the Village of Pemberton required as a pre-requisite to zoning bylaw adoption.

Structure

The term sheet identifies works and services that will require additional information including detailed design before subdivision and/or building permits can be issued in any phase. It will also oblige the Village and the Owner to enter into future servicing agreements that include the works, services, improvements, and amenities identified herein. The items identified in the Term Sheet and future LDA will be the responsibility of the Owner to deliver at their cost, all to the satisfaction of the Village of Pemberton.

Delivery Timing

Each obligation is linked to one of the two primary phases, with most of the obligations required in phase 1. At the commencement of each phase, the LDA will obligate the Owner to enter into one or more Servicing Agreements with the Village. The Servicing Agreement will financially secure the works and services obligations and based on detailed design. It will also determine when in the development of each phase each obligation will be required and may establish sub-phases indexed to development or servicing triggers identified in the Servicing Agreement.

Future Servicing Agreements will secure the works and services for each phase and/or subphase through bonding or other reasonable security. Once a work or service has been designed and appropriately secured in a servicing agreement it is deemed “constructed” for the purpose of this agreement. In some instances, the Owner may elect to physically construct the works to the satisfaction of the Village in lieu of securing through the Servicing Agreement process.

Schedule of Terms

The following table details the works, services, improvements and amenities that will be delivered, and the general timing of the requirement to be addressed in greater detail at the Servicing Agreement stage:

Prior to Adoption	
Execute Land Development Agreement	The Owner and the Village will negotiate the terms of the final land development agreement generally as outlined on the Term Sheet. The LDA must be executed and in a registerable form before the zoning bylaw will be adopted.
Obligations Applying to Every Phase	
Secure trails and parks within the phase.	Before building permit issuance for any residential development that includes or is adjacent to a public park, pathway or trail, the owner shall design and construct the public realm features, and shall secure public access in a means acceptable to the Village of Pemberton.
Recreation Amenity Contributions	Unless otherwise provided in-lieu, on or before the date of the Village of Pemberton issues a Building permit for the 63 rd , 125 th , and 188 th residential unit (combination of single detached lot and multi-family unit), the Owner will pay \$600,000 for a total of \$1.8m.
Signage and Wayfinding	<p>Prior to the first residential subdivision, the Owners shall design a wayfinding, signage, and public art program for the Nkwúkwna Neighbourhood submit to the satisfaction of the Village of Pemberton.</p> <p>In each application authorizing either subdivision approval or Building Permit, the Owner shall install wayfinding, signage, and public art in accordance with the approved designs.</p>
First Subdivision of Land	
Dedicate Parkland identified as Nature Park and Natural Area	Dedicate for public use by a means acceptable to the Village of Pemberton, the larger areas identified as Nature Park and Natural Area on Schedule 6, Parks and

	Trails Concept Plan of the Nkwúkwma Sub Area Plan
Phase 1 – First Residential Subdivision or Multi-family Building Permit	
Housing Agreement	That the Owner is required to enter into a Housing Agreement with the Village of Pemberton, by bylaw, to secure 15% of the units in Phase 1 and Phase 2 as affordable housing. The affordable housing shall be offered as purpose built rental housing, a substantial portion oriented towards family friendly housing. The Housing Agreement shall generally reflect the submissions made on behalf of the Owner in support of the application and will be to the satisfaction of the Village of Pemberton.
Nature Park and Natural Area Improvements	Design public park and natural area improvements to the satisfaction of the Village. Construct, at once, or in an agreed upon staged approach, all to the satisfaction of the Village at the Owner's cost.
Archeological Protection	The Owner is to provide the Village with all documentation ensuring compliance with the Heritage Protection Act and may be required to enter into a restrictive covenant with the Village of Pemberton to ensure compliance with the recommendations of the Archeological Impact Assessment submitted in support of the application
Eagle Drive Improvements	The Owner shall design and construct improvements and geotechnical mitigation to Eagle Drive to the satisfaction of the Village of Pemberton
Emergency/Secondary Access	The Owners shall demonstrate safe and resilient access and design and construct any necessary emergency or secondary access routes to the satisfaction of the Village.
Water Supply Improvements	The Owner shall design and construct all off-site and on-site water system

	<p>improvements necessary to provide water for all development within the first phase.</p> <p>As part of the water system improvements, Owner shall design and implement a water monitoring program that monitors water usage within the neighbourhood, to facilitate future water system analysis</p>
Sanitary Lift Stations	The Owner shall design and implement a sanitary discharge monitoring program as part of the initial sanitary servicing design and construction.
Stormwater and Drainage Improvements	The Owner shall, to the satisfaction of the Village and the Dyking District, design and construct offsite improvements to the stormwater and drainage system including any improvements to Stahli Park, and the downstream conveyance and discharge systems.
Mid-Phase Servicing Assessment	<p>Before issuance of a subdivision approval or building permit for the 187th unit in the CD-8 Zone, the Owner shall prepare and provide the Village with a report that details the following:</p> <ul style="list-style-type: none"> • The development constructed to date, and specifically the extent of accessory dwelling unit, lock-off-suite construction and refined development and population forecast. • Assessment of water system performance including water consumption, demand analysis and water capacity based on a refined water modelling assessment • Assessment of sanitary system performance including off-site flows, and sanitary system capacity based on a refined water modelling assessment • Assessment of Traffic Impact Assessment forecasts and recommendations

Phase 2	
Sanitary System Improvements	<p>The Owner shall prepare a report on the capacity of the Village's sanitary system, and specifically the timing and nature of the improvements required to Eagle Drive and Poplar Street lift-stations, including any drawdown testing required.</p> <p>The Owner shall design and construct any off-site sanitary improvements required to ensure adequate sanitary conveyance capacity for each development approval.</p>