



February 7, 2023

Village of Pemberton  
P.O. Box 100, 400 Prospect Street  
Pemberton, BC V0N 2L0  
Email: [cbrown@pemberton.ca](mailto:cbrown@pemberton.ca)

Attention: Colin Brown, Planner II

**Re: OR135 – Parkside OCP and Zoning Bylaw Amendment**

**Our File: 01042023-001 VOP Parkside**

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We are writing to you in response to your letter dated January 4, 2023, informing us of a application for an OCP and Zoning Bylaw amendment to facilitate development of 34 small residential lot subdivision and one commercial lot, and providing an opportunity for consultation on this proposed change.

The Village of Pemberton lies within the traditional territory of the Lil'wat Nation. These lands have been used and occupied by the Lil'wat since time immemorial. The Province of British Columbia has been notified of the existence of the Lil'wat Nation's traditional territory.

The Lil'wat Nation asserts its inherent aboriginal title to its entire traditional territory, sovereignty over its traditional territory, and a right to self-determination. The Lil'wat Nation's aboriginal rights, including title, are protected under s. 35 of the *Constitution Act, 1982*.

A series of recent court decisions have:

- upheld the existence of aboriginal title in British Columbia;
- declared that aboriginal title coexists with crown title;
- limited the instances in which aboriginal title can be infringed by British Columbia or a third party;
- established strict criteria for any such infringement;
- declared that aboriginal title includes the right to choose the use to which the land is put;
- placed a legal duty on the Province of British Columbia to undertake meaningful consultation with First Nations and accommodate potential infringement; and



- declared that accommodation may have economic and/or cultural components.

Furthermore, the Supreme Court of Canada confirmed in the *Tsilhqot'in* decision that aboriginal title is real and meaningful, territorial in nature, and that First Nation consent is required for the use of its aboriginal title lands and resources. The decision also specifically states that aboriginal title confers:

. . . the right to decide how the land will be used; the right of the enjoyment and occupancy of the land; the right to possess the land; the right to economic benefits of the land; and the right to pro-actively use and manage the land. (at para. 73)

As a consequence of these decisions, British Columbia is under a legal obligation to consult with the Lil'wat Nation, and, where appropriate, seek consent from Lil'wat Nation and accommodate the Lil'wat Nation for infringements on its aboriginal title and rights.

We reviewed the information provided with this referral regarding the proposed OCP and Zoning bylaw amendment with the Lil'wat Nation Land Use Referral Committee on January 25, 2023. The Referral Committee tabled this referral and asked that this referral be amalgamated with the VOP OCP Referral (our file #09262022-001 VoP Official Community Plan Review). The Referral Committee will not comment on an amendment to the Village of Pemberton Official Community Plan while the review and update of the Village of Pemberton Official Community Plan is in progress.

If any new information were to arise during the course of this activity that indicates there may be impacts on Lil'wat aboriginal rights, title or interests, we would expect to receive notice and to have an opportunity to provide comments at that time. Furthermore, nothing in this letter is intended to affect the scope of, or the opportunity to exercise, any of Lil'wat's aboriginal rights, nor is it intended to accept any infringement of same.

Sincerely,



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Lisa Pedrini, Acting Director / Territory Land Use Manager  
Lands and Resources Department  
Lil'wat Nation



# Lilwat Nation

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**Project Name:**

OR135 Parkside Development

**FN Consultation ID:**

01042023-001

**Consulting Org Contact:**

Colin Brown

**Consulting Organization:**

[Village of Pemberton](#)

**Date Received:**

Wednesday, January 4, 2023

March 19, 2024

Village of Pemberton

Attention: Colin Brown

Re: OR135 - OR135 Parkside Development

Our File: 01042023-001

We are writing to you in response to your letter dated January 4, 2024 informing us of revisions to the previously reviewed OR135 Parkside Development application.

The proposed location of the Parkside Development is located within the traditional territory of the Lilwat Nation. These lands have been used and occupied by the Lilwat since time immemorial. The Province of British Columbia has been notified of the existence of the Lilwat Nation's traditional territory.

The Lilwat Nation asserts its inherent aboriginal title to its entire traditional territory, sovereignty over its traditional territory, and a right to self-determination. The Lilwat Nation's aboriginal rights, including title, are protected under s. 35 of the Constitution Act, 1982.

A series of recent court decisions have:

- upheld the existence of aboriginal title in British Columbia;
- declared that aboriginal title coexists with crown title;
- limited the instances in which aboriginal title can be infringed by British Columbia or a third party;
- established strict criteria for any such infringement;
- declared that aboriginal title includes the right to choose the use to which the land is put;
- placed a legal duty on the Province of British Columbia to undertake meaningful consultation with First Nations and accommodate potential infringement; and
- declared that accommodation may have economic and/or cultural components.

Furthermore, the Supreme Court of Canada confirmed in the Tsilhqot'in decision that aboriginal title is real and meaningful, territorial in nature, and that First Nation consent is required for the use of its aboriginal title lands and resources. The decision also specifically states that aboriginal title confers:

. . . the right to decide how the land will be used; the right of the enjoyment and occupancy of the land; the right to possess the land; the right to economic benefits of the land; and the right to pro-actively use and manage the land. (at para. 73)

As a consequence of these decisions, British Columbia is under a legal obligation to consult with the Lílwat Nation, and, where appropriate, seek consent from Lílwat Nation and accommodate the Lílwat Nation for infringements on its aboriginal title and rights.

We have reviewed the information provided with this referral regarding OR135 Parkside Development with our Referral Committee on March 13, 2024 (originally scheduled for February 28, but was postponed as per Cultural Protocol). We do not have any objections or comments at this time regarding this proposed development, other than the Committee was happy that this development was contained within the area and would not create visual impacts to the surrounding I.R. lands and Highway 99. However, if any new information were to arise during the course of this activity that indicates there may be impacts on Lílwat aboriginal rights, title or interests, we would expect to receive notice and to have an opportunity to provide comments at that time. Furthermore, nothing in this letter is intended to affect the scope of, or the opportunity to exercise, any of Lílwat's aboriginal rights, nor is it intended to accept any infringement of same.

Sincerely,  
Lisa Pedrini, RPP, MCIP  
Territory Land Use Manager  
Lands and Resources  
Lílwat Nation

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Box 219, 1350 Aster Street  
Pemberton, BC V0N 2L0  
P. 604-894-6371 TF. 800-298-7753  
F. 604-894-6526  
info@slrd.bc.ca www.slrd.bc.ca

February 8, 2023

Dear Mr. Brown,

**RE: Proposed 35 Lot subdivision at 7362 Pemberton Farm Road East**

Thank you for the opportunity to provide comments with respect to this referral. The SLRD offers the following comments with respect to this application:

- When this parcel of land was in SLRD Electoral Area C, the Official Community Plan called for a sub-area plan to be created. It appears that this was never done once this land transferred to the Village of Pemberton.
- The recreation site property (Lot B) is still in the Agricultural Land Reserve (under a non-farm use permit). The OCP requires decent buffers to ALR land. Careful attention should be paid to separating the recreation site from the residential. An example to avoid would be the Tiyata neighbourhood and the interface to the Signal Hill Elementary School – with various fences backing onto schoolyard space and creating a hard interface and awkward overlook.
- The general concept of infill on the site seems appropriate, however, this project does not appear to meet affordability housing goals and objectives.
- There is no commitment or plan for non-market housing (The SLRD Regional Growth Strategy sets target of 15% - see Goal 3 of the [Regional Growth Strategy Bylaw](#))
- This site presents one of the few remaining opportunities for affordable housing. Townhouses and small apartments would house more people on the site and be within financial reach of more residents.
- With such small houses being proposed, it would be much more efficient financially and environmentally to simply join the houses together as townhouses. This would also avoid the snow shedding issues that come with houses that are too close together. It would also house far more people with side setbacks eliminated.
- The proposed affordability of “small lot single family” is questionable, especially given that lots will likely start at \$500,000 (apparently this was communicated at the proponent open house). With construction costs at \$300+ per square foot, the average house will cost well over \$1 million. This is not affordable to most Pemberton residents.

- There is no commitment or plan for employee rental suites (ideally suites should be required in all single detached dwellings and these should be covenanted for employees and retirees)
- The proposed density of the site may create parking challenges . The lots are very small.
- Driveways should be long enough to allow a full truck to park without encroaching onto the road drive aisles.
- The addition of a commercial use will be beneficial for the neighbourhood and sports facilities.

If you should have any questions, please feel free to contact me directly.

Regards,



Kim Needham,  
Director of Planning and Development Services, Squamish-Lillooet Regional District

**To: Colin Brown – Planner / Development Services**

**RE: OR135 – Parkside, 7362 Pemberton Farm Road East**

The PVDD has reviewed the documents and has the following comments on the proposed development.

The PVDD has no immediate concerns for the land use as shown, however some guidelines need to be followed.

1. No part of any structure should be built below the FCL. This is to increase flood resilience inline with the Provinces new flood strategy and Emergency Preparedness Act. FCL calculation should be based on the latest flood plain mapping that can be found on the PVDD website.
2. This area is an area that will likely be affected by future diking works. The goal would be to increase flood protection levels. It is up to the developer to engage with PVDD to learn more about this as the process moves forward. The potential project may affect the alignment of Pemberton Farm Road East and other geographical features.
3. The PVDD cannot comment on the drainage requirements at this time due to the lack of detailed drawings. We recommend that the drainage designer reach out to the PVDD prior to the start of design to get more detailed information on the area. The PVDD will need to see a detailed drainage plan prior to permitting.
4. The current design does not appear to have any place for snow melt and storage areas. This should be part of the over all plan.

Please forward more detailed drawings when they become available.

If there are any other questions related to this matter please email [kclark@pvdd.ca](mailto:kclark@pvdd.ca)



## Colin Brown

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**To:** Ian Currie  
**Subject:** RE: [EXTERNAL]Development Referral - OR135 Parkside, OCP and Zoning Amendment Application

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**From:** Ian Currie <ICurrie@sd48.bc.ca>  
**Sent:** Friday, January 6, 2023 10:41 AM  
**To:** Colin Brown <cbrown@pemberton.ca>  
**Cc:** Scott McRae <smcrae@pemberton.ca>; Danielle Haverstock <DHaverstock@sd48.bc.ca>  
**Subject:** RE: [EXTERNAL]Development Referral - OR135 Parkside, OCP and Zoning Amendment Application

Hi Colin,

Thank you for forwarding the Development Referral – OR135 Parkside, OCP and Zoning Bylaw amendment application for our comments.

On behalf of School District No. 48 (Sea to Sky), I have reviewed the information and have no comments at this time.

Regards,

Ian

Ian Currie  
Director of Operations  
School District No. 48 (Sea to Sky)  
P.O. Box 250  
37866 Second Avenue  
Squamish, BC  
V8B 0A2  
Tel: 604-892-5228  
Cell: 604-848-5825





MoTI File #: 2023-00220

Date: Feb/01/2023

Village of Pemberton  
7400 Propsect Street  
PO Box 100  
Pemberton, British Columbia V0N 2L0  
Canada

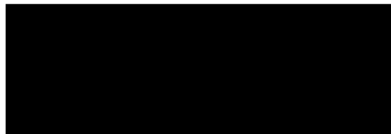
Attention: Colin Brown, Planner II

**Re: Proposed OCP and Zoning Bylaw Amendments for:  
LOT C DISTRICT LOT 211 LILLOOET DISTRICT PLAN EPP40824  
7362 Pemberton Farm Road E, Pemberton**

Thank you for the opportunity to comment on the above noted rezoning and OCP amendment referral for 7362 Pemberton Farm Road East. The Ministry has reviewed the proposal and has no objections to the development proceeding. If there are any changes to the scope of development please provide an update when available. Otherwise a copy of the zoning bylaw should be provided to our office after third reading for review and approval under Section 52(3)(a) of the *Transportation Act*.

If you have any questions please feel free to call Kattia Woloshyniuk at (236) 468-1926.

Yours truly,



Kattia Woloshyniuk  
Senior Development Officer

Local District Address
<p>Squamish Area Office 101-42000 Loggers Lane Squamish, British Columbia V8B 0H3 Canada Phone: () - Fax: (604) 898-4376</p>

## Colin Brown

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**To:** Mak, Monique  
**Subject:** RE: [External] Development Referral - OR135 Parkside, OCP and Zoning Amendment Application

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**From:** Mak, Monique <Monique.Mak@bchydro.com>  
**Sent:** Monday, January 16, 2023 11:55 AM  
**To:** Colin Brown <cbrown@pemberton.ca>  
**Cc:** Design, NSC <design.nsc@bchydro.com>; Properties, Help Desk <properties.helpdesk@bchydro.com>  
**Subject:** RE: [External] Development Referral - OR135 Parkside, OCP and Zoning Amendment Application

Thank you for your email. BC Hydro has no objection in principle to the proposed subdivision. The following comments are for the property owner's information:

1. For new construction, BC Hydro wishes to ensure that building permits do not get issued that allow for encroachment of buildings into the safety clearance zones required around existing bare utility conductors, including those utility works installed within road allowance adjacent to the property.
2. It is the responsibility of the Architect and Electrical Engineer of Record (EEOR) to ensure compliance with the Canadian Electrical Code (CEC), Canadian Safety Association (CSA) and WorkSafe BC (WSBC). The CEC, CSA and WSBC stipulate minimum clearances of powerlines and equipment from buildings for safety and safe working clearances (Limits of Approach).
3. If the Developer or Property Owner requires any additional electrical connections, or wishes to relocate any existing powerlines or equipment, please call BC Hydro's Electric Service Coordination Centre at 1-877-520-1355 and ask to speak to a Distribution Designer.

Thank you,

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**Monique Mak** | Property Coordinator, Property Rights Services

**BC Hydro**  
8475 128<sup>th</sup> Street  
Surrey, B.C. V3W 0G1

**P** 604 543 6058  
**E** [monique.mak@bchydro.com](mailto:monique.mak@bchydro.com)

[bchydro.com](http://bchydro.com)

**Smart about power in all we do.**

## Colin Brown

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**To:** ALC Referrals ALC:EX  
**Subject:** RE: Development Referral - OR135 Parkside, OCP and Zoning Amendment Application

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**From:** ALC Referrals ALC:EX <ALC.Referrals@gov.bc.ca>  
**Sent:** January 10, 2023 1:52 PM  
**To:** Colin Brown <cbrown@pemberton.ca>  
**Subject:** RE: Development Referral - OR135 Parkside, OCP and Zoning Amendment Application

Colin

It is noted that the affected properties lies outside the ALR but adjacent to a gravel pit in the ALR.

As such there is no objection to the proposal .

Regards

Martin Collins, Regional Planner, ALC  
Ph. 604 953 6673