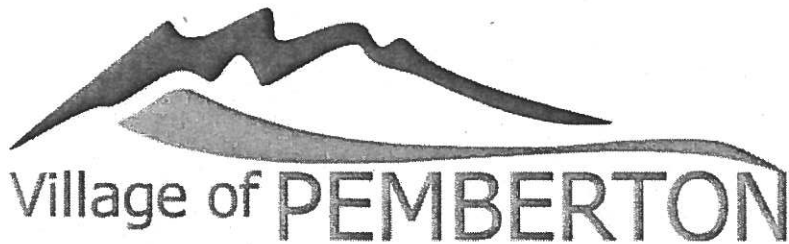


**Exhibit "U"**

**Village of Pemberton Tentative Approval Letter – Amended dated March 15, 2016**



# Village of PEMBERTON

March 15, 2016

Bruce Van Mook, President  
Tiyata Properties Ltd.  
1688 Ayleslynn Drive  
North Vancouver, BC V7R 2T3

Dear Bruce:

**Re: Tentative Approval Letter - Amended  
Tiyata (Mill Site) Subdivision – Village File No: SO61**

Please accept this correspondence as an amended *Tentative Approval Letter (TAL)* with *conditions* for the lands legally described as follows:

That Part of DL 203, LLD shown on Plan A20, with exceptions  
Lot 2, DL 203, LLD, Plan KAP77917  
Lot 3, DL 203, LLD, Plan KAP77917

The lands referred to in this conditional approval are known as the “subject lands”. The Tiyata application proposes a sixty-five (65) single family, small lot phased bare land strata residential subdivision and parkland dedications on the subject lands.

This TAL provides the list of conditions that shall be fulfilled to the satisfaction of the Approving Officer prior to final subdivision approval. The attached sketch plan (*Appendix G*) should be referenced in addressing the following conditions of approval.

### **Tentative Approval Conditions**

1. **Development Permits** - The subject lands are subject to Development Permit Approval for form and character of development, environmental protection and land constraints. The Village granted approval of the corresponding Development Permits on July 23, 2013, with a subsequent renewal on May 5, 2015. However, the DPs' issuances are still subject to fulfilling several important conditions of approval at subdivision, outlined in correspondence attached as Appendix A.
  - **All applicable Development Permits shall be issued by the Village, prior to subdivision, which will require fulfilling several conditions identified in the Council approval, as outlined on correspondence dated July 30, 2013 and attached as Appendix A.**
2. **Legal Surveys** – The appropriate legal instruments and plans must be prepared prior to subdivision.

PO Box 100  
7400 Prospect St.  
Pemberton  
British Columbia  
CANADA  
V0N2L0

P. 604.894.6135  
F. 604.894.6136

www.pemberton.ca

➤ **The applicable legal mechanisms shall be approved by the Village, prior to subdivision, specifically:**

- **Reassignment of the Section 219 Covenant #LB387064 requirements to the subsequent property owners, the Covenant is attached as Appendix B;**
- **Park dedications in accordance with subdivision requirements and Covenant #LB387064;**
- **Valley Loop (dike) trail construction**
- **Internal trail and sidewalks**
- **Parent/student drop off area**

3. **Section 219 Covenant Requirements** - The Section 219 Covenant #LB387064 (attached as Appendix B) which was registered on the title of the subject lands on May 21, 2010 as a condition of the rezoning, requires that certain amenities be provided or secured prior to releasing development rights (in phases). Due to the ownership of the lands, the phasing was divided between the Thuro Logging and the BCR Properties parcels.

Phasing	Thuro Logging	BCR	Project Total
Phase 1	20 units	80 units	100 units
Phase 2	15 units	70 units	85 units
Phase 3	15 units	50 units	65 units
Phase 4	12 units	34 units	46 units
	62 units	234 units	296 units

The proposed sixty-five (65) lot strata subdivision subject to this TAL is entirely within the BCR property, therefore it triggers only the **Phase 1** requirements of Covenant #LB387064, which requires that the developer:

- i. *dedicate to the Village the parklands known as Area 8a, 8b and 8c for the purposes of parks for public use,*
- ii. *construct flood protection works in mutual cooperation with stakeholders, agencies and government, and*
- iii. *construct that portion of the Valley Loop (Dike) Trail that is within the boundaries of the subject lands and provide the Village a right of way.*

➤ **The requirements of the Section 219 Covenant #LB387064 (Phase 1 - BCR Properties Ltd.) shall be fulfilled to the satisfaction of the Village prior to or concurrent with the subdivision approval.**

4. **Trails and Parks** – The construction of the section of the Valley Loop (Dike) Trail which crosses the property shall be secured to ensure construction. A design, cost estimate and letter of credit are required.

Prior to Subdivision Approval, as per Covenant LB387064, in Phase 1 the Owner shall dedicate to the Village of Pemberton that portion of the land shown on the Covenant #LB387064 as "Area 8a", "Area 8b", and "Area 8c" as public parks.

It is acknowledged on the submitted Subdivision Plan (**Appendix G**) that Lots 66 and 67 will be dedicated as parks. Lot 66 is acknowledged as the dedication of the public park referred to as "Area 8a". Lot 67 is acknowledged as the dedication of the public park referred to as "Area 8c". The applicant must also dedicate lands known as "Area 8b", located on the opposite side of the BC Rail line, to the Village for the purposes of public park.

A public trail is to be installed along the southern side of Lot 66 ("Area 8a") from Road A to the eastern property line. Access to public areas to be secured by a 3 meter public right of way registered on title in favor of the Village of Pemberton.

- ***An Irrevocable Letter of Credit for 120% of the cost estimate of the trail is required prior to subdivision.***
  - ***Dedication of parklands in substantial compliance with Covenant LB387064 for the purposes of public park is required prior to subdivision;***
  - ***Registration of a public Right of Way in favour of the Village of Pemberton to allow public access through the subdivision to the Public Park (Lot 66) and a connection from the Public Park (Lot 66) to the Valley Loop (Dike) Trail is required prior to subdivision.***
5. ***Environmental Impact*** - As a condition of subdivision approval, a Qualified Environmental Professional shall be required to undertake an Environmental Control Plan. A Riparian Area Regulations (RAR) assessment of the property must be undertaken to confirm any watercourses that may be present onsite and establish appropriate setbacks. This report should also include any implications and required mitigation strategies relating to the development. The RAR submission is to be submitted online via the RAR notification system for review by our Environmental Consultant, Fisheries and Oceans Canada and Ministry of Environment. Please note that it is the applicant's responsibility to maintain compliance with all Provincial and Federal regulations and guidelines, including the *Wildlife Act* and the *Fisheries Act*.
6. ***Taxes and Processing Fees*** – Any outstanding application processing fees, registration fees, taxes and Development Cost Charges need to be paid prior to subdivision approval. Upon request, the Village can forward a comprehensive invoice for all application fees shortly.
- ***Any outstanding application processing fees, fees required for the registration of the subdivision, outstanding taxes and Development Cost Charges, shall be paid prior to subdivision approval.***
7. ***Water Service*** – A formal review of the proposed water system will be required. Details of this requirement are noted in the copy of the memorandum from ISL, dated January 8, 2014, and attached to this TAL for reference as **Appendix C**.

The Village water model was updated to consider the previous development conditions (Phase I and Phase II), through those previous works, the following was noted and currently still apply. As a result redundant water feeds to the development provides improved overall system performance and allows for continued service in the event that one feed is temporarily decommissioned.

The issue of deficient water storage has been formally identified to the Tiyata group in two separate reviews: July 2, 2013 and again on November 12, 2013. While Tiyata is considered as 'infill' in the current model, the development will certainly further tax the Village water system when it is ultimately brought online. In either case, the system in its current state does not have the capacity to provide fire flows to Tiyata. The Village reservoir is currently deficient in volume to provide fire flows to the existing community. Tiyata will therefore need to work with the Village to establish the developments contribution to the development of a new reservoir to ensure that adequate fire flows can be provided, and that the additional demands imposed by Tiyata do not further compromise the current status of Village water system.

- ***Approval from the Village on the public components of the water system which will include a water meter chamber at the developments connection to the municipal system. The meter chamber should be designed to limit confined space entry and shall be radio read to conform to the Village's current remote read infrastructure.***
  - ***Confirmation of Tiyata's requirements (pro-rated) related to the contribution to the new water reservoir, prior to subdivision. (Please refer to the copy of the ISL memorandum re: water reservoir contributions, dated March 25, 2014, attached to this TAL for reference as Appendix D).***
  - ***Review and approval is required by Vancouver Coastal Health, prior to subdivision.***
8. ***Sanitary*** - A formal review of the proposed sanitary system will be required. Details of this requirement are noted in the copy of the memorandum from ISL, dated January 8, 2014, and attached to this TAL for reference as ***Appendix C***.

The Village has recently completed capital improvements to relieve the demands the Portage Road mains downstream of Cottonwood Road through the commissioning of the new Poplar Road sanitary lift station. Regardless, some physical conditions of the existing mains remain and restrict additional flows (notably the main existing behind the current Petro Canada station).

- ***The public components of the sanitary system shall be approved by the Village prior to subdivision.***
9. ***Stormwater*** - A Comprehensive Stormwater Management Report is required as part of development of this site. Details of this requirement are noted in the copy of the memorandum from ISL, dated January 8, 2014, and attached to this TAL for reference as ***Appendix C***.

Among other items identified in the Village's *Subdivision and Development Control Bylaw No. 677, 2011*, the report shall include:

- capacity calculation of stormwater runoff from onsite and all offsite drainage with regards to all existing and proposed facilities affected.
  - inclusion of drainage facilities that provide stormwater treatment (such as bio swales if supported by geotechnical analysis) and oil and grit separators. Such facilities would be supported by LEED principles.
  - stormwater infiltration systems to be designed and proven through geotechnical investigation illustrating sufficient ground water infiltration throughout the year (including times of elevated water table).
  - site grading shall be proposed to contain all onsite stormwater runoff (i.e. onsite stormwater shall not be directed onto the Village, CN or Ministry right of ways, or onto adjacent private properties without prior agreement).
  - discharge to the Pemberton Creek will require approval by the Pemberton Valley Dyking District, Inspector of Dikes and the Department of Fisheries and Oceans.
- ***A Comprehensive Stormwater Management Report, stormwater infiltration system, and site grading plan shall be approved by the Village and MOTI prior to subdivision.***

**10. Comprehensive Geotechnical and Flood Event Analysis** - These items shall be required as part of the formal submission. Reports shall be updated to provide information relevant to the current application. Please note the Village Building Inspector may require the preparation of a geotechnical report to address specific issues related to house construction.

- ***Comprehensive geotechnical and flood event analysis reports shall be approved by the Village prior to subdivision;***
- ***Proponent to adhere to the recommendations provided by the Geotechnical Engineering Report.***

**11. Site Access, Traffic Impacts and Pedestrian Connectivity** – Development shall provide and demonstrate adequate circulation of residential traffic, emergency vehicles, transit bus (if applicable) and on-site garbage collection. The Village of Pemberton is considering initiating curb-side refuse and recycling collection in the future as per the 2016 *SLRD Solid Waste Management Plan* directions. In order to facilitate this service option to future residents, circulation should be designed to ensure the subdivision can be serviced with curb-side pickup, if desired. At a minimum, the Village requests that on-site refuse and recycling options be provided

Where roadways are within the Village of Pemberton, the current *Subdivision and Development Control Bylaw No. 677, 2011* requirements shall apply. Future phasing of the Tiyata Development should take into account internal traffic movements and the status of the proposed internal road network. Access to the future phasing of Tiyata Development will not be permitted from Highway 99.

The submitted Traffic Impact Study dated January 3, 2014 was previously reviewed by the Village and comments with respect to the Traffic Impact Study, as noted in the memorandum from ISL dated January 8, 2014, are still awaiting commentary from the Applicants. A copy of the memorandum dated January 8, 2014 is attached to this TAL for reference as **Appendix C**.

The applicant is also required to improve the entrance from Portage Road to accommodate pick-up and drop-off of school children as per the Covenant #LB387064. The development shall also provide public pedestrian connectivity. In particular, providing designated pedestrian corridors to the school (with wheelchair let-downs), parks and the dike is required. The applicant is required to install a concrete sidewalk extending the full length of the development frontage along Portage Road.

- **Approval of the Traffic Study by the Village of Pemberton and the Ministry of Transportation and Infrastructure, prior to subdivision including:**
  - **fulfillment of the recommendations contained in the approved Traffic Studies;**
  - **demonstrate that the development meets circulation standards including emergency vehicle access and future waste collection;**
  - **enter into a road closure or highway exchange agreements as required.**
- **Public Roadways shall conform to the Village of Pemberton Subdivision and Development Control Bylaw, prior to subdivision.**
- **Street lighting at the entrance to Portage roadway may be required and shall be evaluated.**
- **Onsite street lighting shall conform to dark sky friendly policies and practices to minimize light pollution.**

**12. Intersection Approvals** - Consultants, R.F. Binnie & Associates prepared a Final Memorandum related to the Tiyata Traffic Report and have had formal comments from Ministry of Transportation and Infrastructure (MOTI). The Ministry supports the recommendations detailed in the report; however, prior to construction activities at the Portage Road intersection, the applicant must submit the following to the Ministry for approval:

- A Provincial Public Highway Permit Application, along with engineered design drawings of the proposed intersection improvements (and any off-site improvements, if applicable) for review and approval prior to the start of any construction
- Project cost estimates for off-site improvements; and
- An Irrevocable Letter of Credit for 120% of the estimated project costs to be taken by the Village of Pemberton for works on the highway right of way.

- ***The Ministry of Transportation and Infrastructure and municipal road dedications must satisfy BC Reg 8/89 for all new lots adjacent to Highway 99, prior to final subdivision approval.***

**13. Final Design Drawings** – A qualified professional engineer shall prepare and submit design drawings (based on the Village's servicing requirements as in part stipulated by the modelling). The developer shall prepare (through the engineer) for approval at the time of subdivision, a formal evaluation of servicing works for off-site improvements including not only water and sanitary servicing but also utilities, roads, drainage and other required improvements. This package shall be submitted to the Village for evaluation and further include the following:

- sanitary catchment plan complete with calculations and expected pipe inverts
- water system plan complete with all expected fixtures (fire hydrants, air valves, etc, if applicable) and load calculations,
- Fire Underwriters Survey fire flow calculation sheet under a Professional Engineer's seal
- Proposed offsite works in AutoCAD for each utility
- Preliminary ground elevations within the development

- ***Final design drawings shall be approved by the Village and any other affected agencies, prior to subdivision.***

**14. Cost Estimates** - Given acceptance of the proposed works and services, a detailed construction cost estimate will be required by the Village of Pemberton and will form as the basis for the Servicing Agreement and any bonding requirements. The Developer will be required to enter into a Servicing Agreement with the Village of Pemberton for all site improvement works as outlined in the current Subdivision and Development Control Bylaw.

- ***Final design drawings shall be approved by the Village and any other affected agencies, prior to subdivision. A final construction cost estimate for utilities that will be municipally owned at the conclusion of the project shall be provided for review and acceptance by the Village.***

**15. Subdivision Servicing Agreement** - Upon acceptance by the Village of the proposed site works and services, a detailed construction cost estimate shall be required and will form as the basis for the Servicing Agreement and any bonding requirements. The developer will be required to enter into a Servicing Agreement prior to subdivision with the Village for all site improvement works as outlined in the current Subdivision and Development Control Bylaw.

- deposit of a Letter of Credit,
- deposit of a administration fee and payment of any related connection fees;
- compliance with all conditions of the *Subdivision and Development Control Bylaw No. 677, 2011*, and other pertinent requirements that may be specified.



- ***Subdivision Servicing Agreement and Security for all public infrastructure improvements shall be approved by the Village and any other affected agencies, prior to subdivision.***

- 16. Dike Maintenance** – The PVDD has conducted rip rap repairs to the existing dike in order to ensure that it remains in good repair. Repairs of the dike crest width and side slope issues that have been noted by the IoD will not be undertaken by the PVDD as this work is considered by the PVDD to be upgrades to the existing dike. The work conducted by the PVDD will not include any upgrades required under the *Dike Maintenance Act* for the development of the Tiyata project as upgrades will remain the responsibility of the developer.

Any construction, improvements, or alternations in and around the dike shall comply with the *Dike Maintenance Act* (DMA). The regulations outlined in the DMA for construction, improvements or alterations in or around a dike include:

- No construction, improvements or installation of fixtures can take place within 7.5 meters for the toe do the dike without consent and approval from the Inspector of Dikes;
- Planting of vegetation on or within 2 meters of the toe of the dike must be grass only and free of any invasive species, no trees or shrubs are to be planted on the dike. Annual mowing of the dike by the PVDD will take place for vegetation control purposes.

A copy of the PVDD correspondence dated January 13, 2016 is attached to this TAL for reference as **Appendix E**.

- ***Any proposed construction, improvements, or alternations in and around the dike shall comply with the Dike Maintenance Act (DMA).***

- 17. Statutory Right of Way** - The PVDD has a Statutory Right of Way (SROW) (#76847) registered on title against the property owned by BCR Properties Ltd. For the purpose of operating and maintaining the dike that runs through the Tiyata project. It is mandatory that this SROW agreement transfers to any new owners of the property that the SROW considers.

- ***Confirmation that the SROW agreement transfers subsequent owners of the property, prior to subdivision.***

- 18. Lil'wat Nation** - There is a legal obligation to consult with and, where appropriate, accommodate the aboriginal title and rights of the Lil'wat Nation.

- 19. Development Cost Charges** - The *Development Cost Charge Bylaw No. 723, 2013* shall apply to this subdivision. A sixty-five (65) single family, small lot subdivision would be required to pay a total of \$261,604.20 (based on a charge of \$4,024.68 per single family, small lot) pro-rated per each phase.

- ***Payment of Development Cost Charges is a condition of Final Subdivision Approval.***

- 20. Community Amenity Contributions** - Further clarity on the amounts and timing of payment to follow via an amendment to this TAL.
- 21. Approval Requirements** - The Approving Officer, upon acceptance of the final plan of subdivision for approval will require three (3) paper prints and one (1) electronic version (PDF) of the Plan of Subdivision for the Village's records.
- 22. State of Title certificate** - A current (within 30 days) State of Title Certificate will be required to be submitted with the subdivision plan for final approval. Please note these comments have been prepared without reviewing a copy and as such additional subdivision conditions may be imposed after reviewing the title.
- 23. Capital Asset Inventory Form** - Upon completion of your subdivision a Capital Asset Inventory Form will be required to be completed by a Professional Engineer. This form is attached as **Appendix F**.

This Tentative Approval Amendment shall not in any way be construed as final subdivision approval as required under the *Land Title Act* and the *Local Government Act*. Tentative Approval is valid for 12 months (to the date of this letter) and may be extended subject to any amendments a request in writing for an extension will be considered by the Approving Officer. For a further 12 months for a fee prescribed by Bylaw. The terms and conditions of this Tentative Approval Amendment are based on the Subdivision Layout attached as **Appendix G** and are valid until March 16, 2017.

The above comments do not necessarily represent a complete list of the development requirements. Should the applicant proceed with this concept, additional requirements may be imposed. I trust the foregoing will be of assistance as you proceed with this subdivision. Should you have any questions, please do not hesitate to call me at 604-894-6135, ext. 240.

Yours truly,  
**VILLAGE OF PEMBERTON**



Tim Harris  
**Approving Officer**

cc: Nikki Gilmore, Chief Administrative Officer  
Graham Schulz, ISL Engineering and Land Services  
Lisa Pedrini, Planner  
Robert Grossman, Fire Chief

Attachments: Appendix A- Council resolution as per correspondence dated July 30<sup>th</sup>, 2013  
Appendix B- BCR Properties Ltd. Covenant LB387064  
Appendix C- ISL Memorandum dated January 19, 2014

**Tentative Approval Letter – March 3, 2016**  
*Tiyata Subdivision - File SO#61*

Page 10 of 10

Appendix D- ISL Reservoir Cost Sharing Memo dated March 25, 2014  
Appendix E- PVDD correspondence dated January 13, 2016  
Appendix F- Capital Asset Inventory Form  
Appendix G- Design Drawings-Webster Eng. dated November 2, 2015