

Appendix A

*Galloway Lands Development,
Transportation Impact Assessment
Winter Addendum, Final*

Bunt & Associates Engineering Ltd.

*(Note that report attached does not include all Appendices.
A full copy of the report will be submitted to the RDEK
separately from this document)*

SUMMARY OF FINDINGS / RECOMMENDATIONS

A Transportation Impact Assessment (TIA) has been completed by Bunt & associated Engineering. This assessment included the intersection of Highway #3 and Fernie Ski Hill Road and the internal roadways (Highline Drive, Boomerang Way and Snow Pines Drive) leading to the subject lands. The study utilized traffic data obtained from the Ministry of Transportation and Infrastructure (MOTI) for the Highway #3 corridor and traffic counts for the internal roads completed on January 20th and 22nd (*a busy ski weekend*) and February 19th, 20th and 22nd (*Family Day Weekend*).

The TIA determined that the proposed 74 residential lot Galloway Lands development would generate 28 weekend peak hour vehicle trips.

The intersection of Fernie Ski Hill Road & Highway #3 will reach capacity in coming years (2040), without consideration of new traffic generated by additional development at the ski resort. Potential improvement options available for implementation by MOTI include:

- Manual intersection control by RCMP officers during peak winter periods (specifically the afternoon peak for outbound traffic flows).
- A roundabout.
- Signalization with retention of current approach laning.
- The interchange improvement as per the Highway 3 – West Fernie Access Study.

continued...

The most straightforward of the three options is the signalization of the intersection while maintaining the existing laning as it would be able to be implemented within the current physical constraints of the intersection. However, the TIA does not recommend upgrading this intersection at this time as the potential impact on year-round traffic flow along Highway #3 does not out-weigh the short-term and intermittent traffic congestion departing the ski hill on a few days of the year. It is recommended that MOTI monitor the intersection independent from the proposed development and that improvements be made for 2040 as needed.

All internal resort study intersections operate within acceptable capacity limits. No improvements are required. With the addition of new traffic generated by the proposed Galloway Lands development the study intersections will continue operating within acceptable capacity limits.

Regardless of the TIA demonstrating that all internal roads will operate within MOTI's requirements, there is a perception within the community that the roads are unsafe and that additional traffic could be problematic.

With or without development of the Galloway Lands, the speed limits on Highline Drive and Boomerang Way should be posted at 30 km/h and the roadways should be provided with "shared space" signage. We will work with Fernie Alpine Resort and MOTI to have these signs posted.

Delineation lighting (streetlights) are warranted on Fernie Ski Hill (FSH) Road at the Highway 3 intersection under existing conditions, without consideration of new traffic. The addition of the delineation lighting will fully illuminate the intersection.

While the intersection of FSH Road & Highway 3 meets the minimum sight distance, the collision history indicates that two casualties have occurred along FSH Road, with assumed one at the Highway 3 intersection, in the past 5 years. The implementation of the delineation lighting would help address this safety issue. We will work with Fernie Alpine Resort and MOTI to have these streetlights installed.

We also believe that installation of walking paths within the MOTI road right-of-way would alleviate some of the safety issues along Highline Drive and Boomerang Way. We will work with Fernie Alpine Resort, local residents and MOTI to design and construct this pathway system, including dedicated pedestrian bridges where required to cross watercourses.

The findings of the Bunt & Associates TIA and additional work to be undertaken by the proponent, as outlined above, confirm that the proposed development will not have a negative impact on road utilization or traffic safety.

Appendix B

*Galloway Lands Development,
Response to CTS Review*

Bunt & Associates Engineering Ltd.

SUMMARY OF FINDINGS / RECOMMENDATIONS

The Fernie Snow Valley Community Association engaged Creative Transportation Solutions to comment on the Highway #3 / Fernie Ski Hill Road TIA completed by Bunt & Associates.

Bunt & Associates has provided a response to CTS's comments.

The primary observation of the CTS review was that the traffic generation rates used by Bunt for the proposed Galloway Lands were insufficient. We undertook detailed traffic counts over two weekends in Winter 2022. These traffic counts determined that the existing dwelling units on Boomerang Way and Snow Pines Drive, comprised of 55 dwelling units, were observed to have a Saturday Peak Hour trip rate of 0.23 trips/unit on January 22, 2022, and 0.21 trips/unit on February 19, 2022.

The ITE trip rate used for the Galloway Lands is 0.38 trips/unit (approximately 65% greater than the actual trip rate observed).

Further, the TIA prepared by Bunt & Associates used "Recreational Home", rather than "Single Family Home" as the land use type for this development. It is Bunt's understanding that the homes to be constructed in the Galloway Lands will be occupied in a similar manner to the single family homes at Fernie Alpine Resort. As such, it is Bunt's opinion that the Recreational Home is the correct land use.

Based on the trip generation rates observed we believe that the ITE trip rate used for the Galloway Lands of 0.38 trips/unit is correct.

Additional comments from CTS are addressed in the letter from Bunt & Associates that follows.

Appendix C

*Recommendations for Wildfire Hazard Reduction
for the Development of Galloway Lands, Fernie, BC*

*Summary of Relevant Community Wildfire Protection
Plans and Publicly Available Wildfire Data*

B.A. Blackwell & Associates Ltd.

SUMMARY OF FINDINGS / RECOMMENDATIONS

Recommendations for Wildfire Hazard Reduction have been prepared by BA Blackwell & Associates for the proposed Galloway Lands development. The assessment completed reviewed a range of FireSmart strategies for the property including:

- Building Envelope and Construction Materials
- Vegetation and Fuel Management Strategies (defensible space and landscaping)
- Water and Power Supply
- Sprinkler Systems
- Road Network (access and egress, on-property roads, trail management, individual property access)
- Critical Infrastructure

The assessment makes a series of recommendations that would be good practice for all new development within the RDEK and will be part of the development of the Galloway Lands.

The objective of the recommendations is to:

- Reduce the vulnerability of the buildings to wildfire using FireSmart compliant materials.
- Reduce fuels within 100m FireSmart Priority Zones around the buildings.
- Increase the availability of water supplies and their availability to fire fighters.
- Utilization of sprinkler systems when water supply is scarce.
- Facilitate evacuation of residents from the area and accessibility to firefighters during wildfire.

The wildfire hazard covenant currently utilized in many parts of the RDEK (and to which the proponent has committed to registering on the Galloway Lands) already addresses using FireSmart compliant building materials and reduction of fuel load around residential buildings. Additional recommendations can be added to the Wildfire Hazard Covenant as required by the RDEK.

continued...

To facilitate fire protection within the lands a fire pond / reservoir is proposed that will provide suitable protection for structure fires and assist with forest fires. This reservoir would feed a series of fire hydrants spaced within the property.

A secondary emergency vehicle access (SEVA) to allow for simultaneous access for emergency equipment and evacuation of people. This route will be constructed to the standards required by MOTI and local fire authority and will provide emergency egress from the Galloway Lands and Fernie Alpine Resort as well as emergency access for fire department and other emergency responders.

The Statutory Building Scheme registered on each building lot will require:

- All buildings within the Galloway Lands to install external irrigation systems on the roof of the building to provide fire protection in the event of an interface forest fire.
- Landscaping that is consistent with and promotes FireSmart principles.
- Installation of a monument with a light and civic address at the end of each residential driveway.

The proponent will meet all recommendations of the report prepared by BA Blackwell & Associates. These recommendations exceed the normal requirements of the RDEK with within areas where a Wildfire Hazard development permit is required. The proponent will also register a Wildfire Hazard covenant over the property consistent with the requirements of the RDEK.

Appendix D

Galloway Lands – Comments on Cumulative Effects Assessment

Galloway Lands – Review on Elk River Alliance Post Open House Questions and Comments

Galloway Lands – Review on Frank and Swanson Post Open House Questions and Comments

Galloway Lands – Comments on Review by Clayton Lamb

Galloway Lands – Review of Wildsight Review and Comments

Galloway Lands – review of BC Parks Review and Comments

Cascade Environmental Resource Group

SUMMARY OF FINDINGS / RECOMMENDATIONS

A review of the environmental considerations of the Galloway Lands was undertaken by Cascade Environmental Resource Group. This review focused on response to letters and presentations submitted to the RDEK by local special interest groups.

The general findings of the work completed by Cascade Environmental Resource Group found the following:

- The setbacks proposed from Lizard Creek exceed the requirements of the RDEK Floodplain bylaw and the Riparian Areas Protection Regulation.⁽¹⁾ The riparian corridor proposed for protection along Lizard Creek will ensure the integrity of this area.
- The risk to westslope cutthroat trout is very low due to the large setbacks provided from Lizard Creek and the retention of greenspace along the creek. The setbacks provided on site are, as noted above, in excess of that required by the Riparian Areas Protection Regulation.
- The risk to water quality due to development of the lands is minimal. The Galloway Lands will further reduce this low risk by implementing the requirements of *Develop with Care 2014: Environmental Guidelines for Urban and Rural Land Development in British Columbia*.

continued...

Note (1). The Riparian Areas Protection Regulation is referenced within this document because it was suggested as the minimum standard for the lands by some local special interest groups. However, the Riparian Areas Protection Regulation is not applicable within the Regional District of East Kootenay. This regulation is in effect in only select regions of British Columbia.

- All land use, whether land development, mining, railways, forestry, or agriculture, has some form of cumulative effect on the natural environment. The plan developed for the Galloway Lands has been prepared to minimize any cumulative effect impact. The Galloway Lands represent an additional 0.01% of built-up area within the Elk Valley. Continued steps will be taken by the proponent where possible to minimize all impacts.
- Grizzly bear telemetry data indicate that bears utilize the property. However, the data indicates that grizzly bears cross through the property less often than surrounding areas. Movement to the Provincial Park occurs mostly from Orca peak, southwest of the Galloway Lands, and the Mount Fernie area, north of the Galloway Lands.
- Impact on Mount Fernie Provincial Park is believed to be inconsequential. A buffer of 100m will be provided to the nearest residential lot. BC Parks does not have a standard for buffers to provincial parks, but the distance provided for the Galloway Lands exceeds the recommendations of other jurisdictions.

The proponent believes that development of the lands can occur in accordance with the Elk Valley Official Community Plan and good planning practices while avoiding negative impact on wildlife and surrounding land uses.

Appendix F

Groundwater Feasibility Assessment for the Galloway Lands, south of Fernie, BC

Western Water Associates Ltd.

SUMMARY OF FINDINGS / RECOMMENDATIONS

Western Water Associates reviewed available literature and data to confirm the availability of suitable water for development of individual drinking water wells for the subject property. Western Water Associates found that there are two mapped aquifers in the vicinity of the proposed subdivision: Aquifer 532 located underlying the eastern part of the proposed subdivision, and Aquifer 534 located to the northwest in the Cedar Valley. The bulk of the subject site is not underlain by a mapped aquifer, but it is very likely Aquifer 534 or a similar fractured bedrock aquifer is present, but has not yet been mapped as such due to a lack of reported wells in the area. A small area in the eastern part of the site likely overlies sand and gravel Aquifer 532. There is a very good potential for wells intercepting this aquifer to have yields that easily surpass the RDEK Subdivision Bylaw Quantity requirement. Wells drilled on the majority of the property are expected to be completed in a fractured bedrock aquifer similar to Aquifer 534 to the north. The average driller-reported well yield for wells completed in bedrock near the site is 9 USgpm, which is substantially above the Bylaw sustainable yield requirement of 0.42 USgpm. While many of the well logs are missing details on well yield, only one dry well was noted (a very shallow test well at the ski hill).

Overall, Western Water finds that the groundwater development potential for the contemplated subdivision, utilizing individual onsite domestic wells, is favourable. The Fernie area receives significant annual average precipitation of more than 1.2 m, which is available to recharge aquifers and there are several drainages traversing the property, which can also serve as seasonal recharge sources.

Appendix G

*Galloway Lands Project,
Individual On-Site Lot/Home Wastewater Treatment*

Mulyk Consulting Inc.

SUMMARY OF FINDINGS / RECOMMENDATIONS

Mulyk Consulting Ltd. has summarized the requirements of the BC Public Health Act - Sewerage System Regulation [B.C. Reg. 326/2004].

All septic systems must comply with the BC Health Sewerage System Regulation, which is designed to ensure that public health is protected, including the protection of drinking water supplies and protection of the environment.

A Registered On-Site Wastewater Practitioner (ROWP) or professional engineer must carry-out an on-site inspection of the land and provide a report that demonstrates each newly created parcel has appropriate site conditions so that onsite sewerage does not contaminate water and will not cause a health hazard. During the subdivision process each proposed lot is evaluated to determine that land is suitable for onsite sewerage. The ROWP must submit a report to Interior Health that meets the requirements of the “Subdivision Report Criteria for Authorized Persons.

When the sewerage systems are constructed on the homesites, the ROWP must provide further documentation to Interior Health to confirm that the septic system has been installed in accordance with all applicable regulations.

If the conditions for provision of septic fields cannot be met, the subdivision will not be permitted by MOTI.

We are confident that the requirements for septic systems can be met on all lots within the development.



Handshake Holdings Inc.

PO Box 1799, Fernie BC, V0B 1M0
rbarrington@shaw.ca
250-278-1444

April 18, 2022

Regional District of East Kootenay (RDEK)
19-24th Avenue South
Cranbrook BC, V1C 3H8
Attention: Krista Gilbert

Via Email: kgilbert@rdek.bc.ca

Prepared for Distribution to the Board of Directors

Re: Galloway Lands Zoning Application

Dear Sirs and Madams:

We write further to the Fernie Snow Valley Community Association's March 8, 2022 email to you which attached emails between Janice Kron of Fernie, BC and the Honourable George Heyman dated January 7, 2022, and February 17, 2022, respectively.

As RDEK undertakes its obligations to assess our Application for Land Use Amendment on its merits, we appreciate concerns some members of the community have expressed and are reminded that misconceptions are alive in the public domain as to the scope of the proposed rezoning and the impact it will have. Notably our proposal ensures perpetual public access, provides emergency egress to the Fernie Alpine Resort, protects the Lizard Creek corridor in perpetuity, preserves and maintains 300 acres of forest land, greatly reduces fire risk to the west side of the valley and the Old Growth Forest in the Provincial Park, and adds substantially to the tax base of the RDEK.

We will continue to ensure that any and all questions about the Galloway Lands are answered so that our Application is accurately understood and fairly assessed.

We hope members of the public discovered helpful information during our January 6, 2022 Virtual Open House, and through the question and answer bulletins and updates we have issued. We continue to answer questions as it arrives in our inbox. We know our job is not done and are committed to continued engagement.

We appreciate Minister Heyman's clarification in his February 17, 2022 correspondence, that the Galloway Lands *do not meet the Province's criteria* for "making strategic investments to acquire

private lands,” and that the Province is prevented from considering an acquisition of the Galloway Lands due to the current encumbrances on title. The encumbrances are notices of the contract between Handshake Holdings Inc. and C. H. Holdings Ltd., the owner of the lands. As such, the Province cannot consider an acquisition of the Galloway Lands by its own policy.

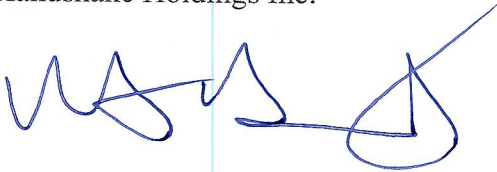
Having recently spoken to the provincial official referred to by the minister in his letter, we are confident the Province is aware of the encumbrances on title and understands that the local land use decision is not the Province’s to make or to influence. He also offered that in his opinion the probability of this land ever becoming part of the Provincial Park was “very unlikely”.

As always, we are looking forward to continued dialogue in respect of this Application, and to engaging with the Board of Directors, RDEK administration, and all other interested parties in the formal assessment of the Application.

Should you have any questions or concerns, please do not hesitate to contact the undersigned.

Regards,

Handshake Holdings Inc.

A handwritten signature in blue ink, appearing to be 'Reto Barrington', with a stylized flourish at the end.

Per: Reto Barrington, President

Copy to *rchippett@rdek.bc.ca*

FERNIE SNOW VALLEY COMMUNITY ASSOCIATION

March 8, 2022

Regional District of East Kootenay

Attn:

Rob Gay, Chair and the Board of Directors

Director Ange Qualizza

Tina Hlushak, Deputy Corporate Officer

via email only: director.gay@rdek.bc.ca

ange.qualizza@fernie.ca

thlushak@rdek.bc.ca

Dear Chair Gay, Director Qualizza and Corporate Officer Hlushak;

RE: Galloway Lands

We would like to bring to your attention a critical matter for the Board to consider in the process any zoning or development application in respect of the lands known locally as the Galloway Lands.

Several Directors have stated that the zoning application submitted by Handshake Holdings in respect of the development of the Galloway Lands was the only viable option for those lands. We disagree.

We direct your attention to the below letter written by the Minister of the Environment and Climate Change of the Province of British Columbia on February 17, 2022 to a resident of our Community. This letter clearly identifies a credible option. We ask that this letter be included as a late agenda item in the agenda for correspondence and discussion at the next meeting of the Board scheduled for March 11, 2022 and that further information regarding this option be pursued on behalf of all residents with Mr. Robertson of the Minister's office as per the letter.

Yours truly

Fernie Snow Valley Community Association

Per Jay Zammit, President

c.c.

Glen Purdy, QC

From: "Minister, ENV ENV:EX" <ENV.Minister@gov.bc.ca>

Date: February 17, 2022 at 5:24:06 PM MST

To: jhkron@icloud.com

Subject: RE: Critical advise required + ADDITIONAL INCOMING (Jan 7)

Reference: 385549

February 17, 2022

Janice Kron

Email: jhkron@icloud.com

Dear Janice Kron:

Thank you for your emails of January 7, 2022, regarding the potential acquisition of land near Mount Fernie Provincial Park. I apologize for the delay in responding.

BC Parks has a small budget directed to making strategic investments to acquire private lands across the province. The main objective of these investments is to secure:

- Inholdings (parcels bordered by parks on all sides) or parcels immediately adjacent to existing parks where development of these lands would negatively impact park values;
- Lands that address operational needs, such as park access or boundary rationalization; and
- Lands that enhance the values of existing protected areas by improving connectivity within or among existing parks and protected areas, increasing climate change resilience of existing parks or supporting the planned expansion of recreation opportunities such as camping.

Less frequently, acquisitions are targeted at securing lands with recreational, cultural or conservation values of provincial significance that are not associated with an existing park or protected area. Lands in this category are assessed according to:

- Level of significance and risk: cases where conservation, cultural and recreational values on a property are considered provincially or nationally significant, and there is a high risk of conversion to another use that would impact those values;
- Likelihood of acquisition: having a willing seller or donor and having capital budget available and accessible in a timely fashion;
- Return on investment: costs and benefits of acquiring the land with regard to the type and scale of environmental, cultural or recreational values present;
- Existing liabilities associated with the land, such as legacy of historic uses; and
- Anticipated future costs: establishing a new protected area entails costs for ongoing operations, such as staffing and facility development, as well as for acquisition of the land. These ongoing costs must be considered in the initial decision making about whether to acquire a property.

Wherever possible, BC Parks works with other governments, conservation and outdoor recreation organizations, and individual landowners to secure donations and partnerships towards private land

acquisitions for inclusion in the provincial protected areas system. The potential for partnerships to assist with acquisition costs is a factor in decisions about priorities.

BC Parks works with willing vendors to expand the parks and protected areas system. The property you refer to is of interest to BC Parks, however, it is encumbered with an agreement for sale registered on the property title that prevents it from being considered for acquisition by BC Parks at this time. Should you require more information, please contact James Robertson, BC Parks Land Acquisition Negotiator, at james.robertson@gov.bc.ca, or 778-698-9087.

Thank you again for taking the time to write.

Sincerely,

George Heyman
Minister
Sent from my iPad

Begin forwarded message:

From: JandH Kron <jhkron@icloud.com>
Date: February 17, 2022 at 6:14:39 PM MST
To: Hunter Linda <linda.hunterr@gmail.com>
Subject: Letter to Ministry of Environment

From: JandH Kron <jhkron@icloud.com>
Sent: January 7, 2022 1:41 PM
To: Minister, ENV ENV:EX <ENV.Minister@gov.bc.ca>
Subject: Critical advise required + ADDITIONAL INCOMING (Jan 7)

I live in the Regional District of East Kootenay (RDEK). Recently a parcel of land that is designated Private Managed Forest has been offered for sale (457 acres; 185 hectares) to a consortium of Alberta and US investors who are proposing to develop the land for residential use. Their proposal is to create 75 private estates on this land, most of which will be secondary homes. The land is sandwiched between the FAR ski hill and the Mt. Fernie Provincial Park. Needless to say this proposal has received a lot of local opposition; particularly because it is a wildlife corridor and a major water drainage into the Elk River. It was last logged in 1980 and is in a pristine forestry state at the moment. It is scheduled to go through the RDEK review process and hopefully the approval will be denied. However, this will not solve the long term problem of how to protect this land for BC residents, for climate change abatement, for protection of our wildlife and rivers.

My question to you is "How does one go about pitching to the Ministry of Environment that they should consider expanding the Provincial Park and acquiring this land for future protection."

I would appreciate an answer from the Minister. There would be overwhelming community support for this solution.....we just need to know how and execute a plan in a timely fashion.

Regards,
Janice Kron

1-4576 Timberline Cres. Box 6000
Fernie, BC
V0B1M6 Sent from my iPad

Krista Gilbert

From: Richard Haworth <richard@haworthconsulting.ca>
Sent: May 6, 2022 11:28 AM
To: Krista Gilbert
Cc: Andrew McLeod; Reto Barrington
Subject: Galloway Lands

EXTERNAL: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Krista,

We would like to confirm that we will now commit to provision of community sewer for the Galloway Lands development. Additionally, we commit to provision of hydrants for fire fighting within the development. These commitments are based on further discussion with Resorts of the Canadian Rockies / Fernie Alpine Resort and will permit connection to their system for water for fire fighting and sewage disposal or development of stand-alone systems within the Galloway Lands.

We are pleased to announce that Handshake Holdings is now committing to connecting all lots to a wastewater collection and treatment facility to handle all wastewater from the project. As a result of ongoing planning and discussions we can now proceed with one of two options. We can connect to the Fernie Alpine Resort Utility Company facilities conditioned on agreement between that company and Handshake Holdings. Alternatively, we will construct a freestanding treatment facility onsite.

We are also prepared to commit to providing fire flow for fire suppression to hydrants at suitable locations throughout the project as determined by appropriate professionals in this field. Similarly, this may be achievable by water supply from Fernie Alpine Resort Utility Company, or alternatively from a system we will construct onsite.

We will provide a covenant in favour of the RDEK which requires these conditions to be met at subdivision of the property.

If you require anything further on this matter please let me know.

Thanks,
Richard Haworth

HAWORTH | Development
Consulting

PO Box 223, Suite 203, 926 – 7th Avenue,
Invermere, BC V0A 1K0

T: 250-342-1227

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**C. H. Nelson Holdings Ltd.
2881 Hwy 3-93, Jaffray, B. C.**

Personal information has been withheld in
accordance with section 22(1) of the *Freedom
of Information and Protection of Privacy Act*.

May 7, 2022

To Whom It May Concern,

RE: Galloway Lands Purchase

I have a contract with Handshake Holdings Inc. to purchase from me the lands which are called the Galloway Lands. The size of the land is about 457 acres.

I have been receiving calls from people asking if I wanted to sell the land to them for a park. To be clear on this, I do not want to sell the land to create a park.

Thank you.



Bud Nelson