



Public Hearing Report – Bylaw Nos. 3213 & 3214 Lizard Creek / CH Nelson Holdings Ltd – Galloway Lands)

This report is submitted to the Board of Directors of the Regional District of East Kootenay pursuant to Section 464 of the *Local Government Act*.

The public hearing for Bylaw No. 3213 cited as “Regional District of East Kootenay – Elk Valley Official Community Plan Bylaw No. 2532, 2014 – Amendment Bylaw No. 16, 2023 (Lizard Creek / CH Nelson Holdings Ltd – Galloway Lands)” and Bylaw No. 3214 cited as “Regional District of East Kootenay – Elk Valley Zoning Bylaw No. 829, 1990 – Amendment Bylaw No. 106, 2023 (Lizard Creek / CH Nelson Holdings Ltd – Galloway Lands)” was held on May 3rd 2023 at 7:00 pm at the Fernie Family Centre and on May 4th, 2023 at 7:00 pm via Zoom Webinar conference.

The following Regional District representatives attended the public hearing:

Director Thomas McDonald, Electoral Area A
Director Nic Milligan, Mayor City of Fernie
Director Rob Gay, Electoral Area C
Michele Bates, General Manager of Development & Protective Services
Loree Duczek, Communications Manager
Karen MacLeod, Planning Supervisor
Tracy Van de Wiel, Planning Technician 2
Lindsay McMahon, Communications Coordinator
Rhiannon Chippett, Planning Assistant

The notice for the hearing was published in the April 20 and April 27, 2023 issues of the Fernie Free Press and in the April 20, 2023 issue of the Advertiser. Notices were sent to Three Hundred and Three (303) adjacent property owners on April 17, 2023 by regular mail with no notices returned as undeliverable prior to the hearing.

Staff gave an overview of the amending bylaws and the commitments offered by the developer in the development agreement. Chair McDonald convened the hearing on May 3rd at 7:01 pm and Regional District representatives were introduced.

Chair McDonald advised those in attendance:

- to identify themselves and the property they own or occupy that may be affected by the Bylaw;
- that only those written submissions received prior to the hearing and those verbal presentations made at the hearing will be considered as part of the hearing report;
- that no written or verbal submissions will be allowed subsequent to the close of this hearing.
- Chair McDonald also advised on additional public hearing procedures that would be used at this hearing including the following:
 - A 15-minute break was scheduled from 9:00 to 9:15 pm.
 - All persons were requested to be respectful of the other members of the public, applicants, staff and Directors. Clapping, cheering, jeering or use of abusive or offensive language would not be tolerated.

- In order to ensure a safe space for all attendees, no waving of signs, physical gestures or recording of the hearing was permitted.
- The RDEK did not record this hearing. Recording was prohibited
- Speakers were called in the approximate order that they signed up.
- When a speaker's name was called, they were asked to come up to the microphone to wait for their turn to speak. A queue of 3 people at the microphone was utilized to save time.
- Speakers were acknowledged by the Chair prior to speaking.
- Speakers were asked to clearly state their name and the address of the property they own or occupy before providing a statement. They were also asked to state whether they were in support or opposed to the bylaws.
- Speakers were asked to direct comments to the Chair.
- This hearing was not an opportunity for questions. The Chair advised that staff would be available after the hearing to answer any questions on process or the application.
- Speakers were asked to not read verbatim lengthy written statements, instead to provide a brief summary. Chair McDonald advised that if a letter was submitted, it is already included in the public hearing record.
- Each speaker was permitted to make a **two-minute** statement.
- Each person could present one two-minute statement until after everyone on the speakers list had an opportunity to be heard. Chair McDonald advised that, if time allows, speakers would be given an opportunity to speak a 2nd time if they have new information to present.
- Once someone had spoken, they were welcome to stay or leave the hearing. If they chose to leave, they were asked to please leave quietly so they do not disrupt the proceedings.

Bylaw No. 3213 provides for:

1. This Bylaw may be cited as “Regional District of East Kootenay – Elk Valley Official Community Plan Bylaw No. 2532, 2014 – Amendment Bylaw No. 16, 2023 (Lizard Creek / CH Nelson Holdings Ltd – Galloway Lands).”
2. The designations of the East half of District Lot 4129, Kootenay District; the North half of District Lot 4126, Kootenay District; District Lot 8900, Kootenay District except (1) Parcel A (see 142795i) and (2) Parts included in Plans R368, 17500 and EPP88294; and Part of District Lot 4130, Kootenay District except (1) Reference Plan 66648i, (2) The Right of Way of the Crows Nest Southern Railway as shown on Plan B15 and (3) Parts included in Plans 1021, 1339 and EPP88294, outlined on the attached Schedule A, which is incorporated in and forms part of this Bylaw, are amended from RR, Rural Resource and RE, Resort Expansion to SH, Small Holdings and OSRT, Open Space, Recreation and Trails.
3. The addition of two development permit areas applicable to the subject properties for the purpose of environmental protection and wildfire hazard mitigation; and
4. Amending applicable policies to reflect the proposed land use.

Bylaw No. 3214 provides for:

1. This Bylaw may be cited as “Regional District of East Kootenay – Elk Valley Zoning Bylaw No. 829, 1990 – Amendment Bylaw No. 106, 2023 (Lizard Creek / CH Nelson Holdings Ltd – Galloway Lands).”
2. The designations of the East half of District Lot 4129, Kootenay District, the North half of District Lot 4126, Kootenay District, District Lot 8900, Kootenay District except (1) Parcel A (see 142795i) and (2) parts included in Plans R368, 17500 and EPP88294, and part of District Lot 4130, Kootenay District except (1) Reference Plan 66648i, (2) The right of way of the Crows Nest Southern Railway as shown on Plan B15 and (3) parts included in Plans 1021, 1339 and EPP88294, outlined on the attached Schedule A, which is incorporated in and forms part of this Bylaw, are amended from RR-60, Rural Resource Zone and RR-8, Rural Residential (Country) Zone to RS-4, Single Residential (Extensive) Zone and PG-4, Resort Open Space and Trails Zone.
3. Amendments to provide clarity on the permitted uses under the PG-4 zone on the properties.

Staff read the legal proceedings for the public hearing as set out by the *Local Government Act* and noted that a report of the hearing would be submitted to the Board at its May 12, 2023 meeting.

413 letters were received prior to the deadline of 4:30 pm on Monday, May 1st at 4:30 pm.

259 letters from 283 individuals expressing opposition

3 letters from organizations expressing opposition

59 form letters expressing opposition

87 letters expressing support

1 letter expressing neutral support

4 letters from the proponent providing further material for consideration

And one late referral response was received from the Ktunaxa

(All letters are attached)

243 people attended the hearing on May 3, including members of the public, several non-delegated RDEK Directors, RDEK staff and the proponent, and the following people spoke:

Steve Hunter – 5311 Highland Drive., Opposed.

I’m a long-time resident concerned about wildlife and the environment. Rezoning is not a right, it’s a privilege. For two years you directors have heard from the community that we need to protect these lands. Our OCP is out of date. A private community here is out of sync with what the community wants to see. Please listen to the community and reject the rezoning – protect the lands.

Robyn Peel – 721 11th Avenue., Opposed. (Letter rec’d)

We don’t need any more land consumed for single-family development. In 2022, the City of Fernie issued building permits for 30 new homes. At that rate, it will take 30+ years to reach build out on the land that’s already available. This development does not address the housing needs identified in the housing needs assessment. We should support higher density developments. This rezoning doesn’t address the housing crisis and we need to house all the members of our community in order for the community to thrive.

Linda Hunter – 5311 Highland Drive., Neither Opposed nor Support.

I represent 1500 residents on behalf of the Fernie Snow Valley Community Association. I'm a full-time resident and our community association has advocated for safe development for many years. This new proposal addresses many of our safety concerns and we are working towards a mutual access agreement with the developer to restrict traffic. This development now provides community water, and sewer servicing. We are happy that any material changes to the application at the development stage will require public input. The mutual access agreement is not complete yet but they have a letter of intent. The agreement is not signed. Once the legal agreement is in place, they will seek support from the directors to help them protect their rights and uphold the commitments made by the developer.

George Green – 4559 Timberline Crescent. (Letter rec'd)

I'm with the Elk River Alliance and we do not support or oppose development. We have concerns that this development will cause a significant impact to Lizard Creek and fish habitat, most specifically, the Westslope Cutthroat Trout. The current proposal says it protects Lizard Creek but when the developer says it's protected because it's on the conservation and recreation land, that brings the level of protection into question and doesn't mean it's protected. How will the land be transferred? Who will take on the management and ensure protection? How will the environmental quality be maintained for the creek? Who will the conservation lands be transferred to? I'd like the OCP to be reviewed before granting approval, and a fish habitat study. Also, a full assessment of Lizard Creek should be undertaken prior to development.

Keya White – 2354 Teepee Creek Road, Lake Koocanusa., Opposed. (Letter rec'd)

I don't live in Fernie but I did live here for 23 years. I believe Fernie has reached a tipping point for development. We need infill, not upfill. Who remembers the Lizard Creek subdivision that was proposed a few years ago? There were 430 letters received and in spite of that, the zoning was approved. The road was built but no lots were ever created and now the property is for sale again. Also, I'm speaking to give a voice for those who can't speak, the wildlife. My family coexisted nicely with the bears and wildlife when they lived in this area but I believe there's no way 90 homes will be able to be controlled to prevent impacts to wildlife. There were 30 bears killed in the area last year. We need more room for wildlife to roam, not more mega homes.

Casey Brennan – 772 4th Avenue., Opposed. (Letter rec'd)

The RDEK has a climate change mitigation and adaptation strategy, but the link on the website has been broken for two years. There is no GHG inventory done and that is not OK. This proposed development is not aligned with community values. It will increase fire hazard and have many other impacts to the environment. Decision makers have said in the past that the process is designed to get to a 'yes' with development applications. This is also not OK. This property is a special place for the community. Please say no and get your house in order first. There will be long term social, and economic impacts from this project.

Dan Savage – 3240 Anderson Road., Support. (Letter rec'd)

I've been playing on the Galloway lands for about 25 years. The wildlife in the area is phenomenal. I've always respected the ownership, knowing that it's private land. This proposal will protect Lizard Creek and achieve 70% protected forest. This is a development unlike any other in Fernie area or in the Kootenays. The Nordic centre will have a permanent home and it will add permanent trails. The egress will potentially save lives for those living at the ski hill. This is a balanced project and it's good for all involved.

Leslie Frank – 2383 Highway 3., Opposed. (Letter rec'd)

38 year resident. I live adjacent to the land and have 48 years of experience as a Professional Engineer. I've been involved with tons of environmental assessment work. My specific specialty

is environmental noise. He said it is well documented that clearing, road construction, and house building will displace and affect the wildlife and with development, these effects will go on for years. These impacts are more important to wildlife than for people. The environmental assessment provided by the applicant does not address the impact of noise on the wildlife and this is an unacceptable omission.

Marianne Agnew - 5305 Highline Drive., Opposed. (Letter rec'd)

I'm a proud resident of Fernie. We need to think about what we want our long-term legacy to be. At the meeting in April, the vote was 11 Directors to 4. As a community we've rallied for the past two weeks and have 150 people here tonight. Let's work together to build a place we'd like to live. Let's get a new OCP and get our processes in order, then work together to plan our legacy. Let's work with the developers to build something we can be proud of.

Janet Kuijt – 930 McLeod Avenue., Opposed. (Letter rec'd)

I'm an educator and I think we can learn from the First Peoples principles. There's a ripple effect to our actions. We should think ahead for seven generations. Sustainability is important and these bylaws will open the door to fragmentation and destabilization of habitat which will take centuries to fix. Please think about sustainability and oppose this project.

Evgeni Matveev – 161 Ridgemont Crescent. Neither Opposed nor Support. (Letter rec'd)

The Elk River Alliance has worked on Lizard Creek for decades. They monitor it and other sites. Of all the sites they monitor, Lizard Creek has the most Westslope Cutthroat Trout by far. 83% of the spawning sites known are present in Lizard Creek. Clear streams are critical for habitat. Roads and infrastructure will have negative impacts and cause habitat disturbance. Development does not maintain clear water standards. Please don't approve this proposal as is.

Kim Wallace – 12 Alan Graham Drive., Neutral (Letter rec'd)

We are on the traditional lands of First Nations here. It's our privilege to be here so please consider the letter from the Ktunaxa. There should be no rezoning without consultation with First Nations - they have an important voice.

Ian Bell - 5355 Snow Pines Road., Opposed. (Letter rec'd)

I live adjacent to the development. I'll note one specific deficiency in the application. I'm pleased about the Nordic trail and the statutory right of way for that trail. I've reviewed this proposal at the open house and noticed there was no map showing both the existing trails and the proposed trails so I made one. The land where the new proposed trail is located is difficult and steep terrain. It won't meet Whistler Trail Standards and it will be very expensive to build. When I asked the developer about this, he said you can build anything and he also said that he's not going to be paying for or building that trail. The Directors should defeat this proposal because this is just one of the problems with it.

Don Finley – 5211 Highline Close., Opposed. (Letter rec'd)

Handshake Holdings would like you to believe that they are professional but the original proposal was for septic systems which would have endangered water quality and had other environmental impacts. The threat to Lizard Creek has been under played. The developer paid the consultants who did the assessment and their consultant doesn't agree with local experts. Why is there this discrepancy? Local experts were not consulted. We need more information. We have been using the private land for the trails but this was never seen by anyone as trespass, we thought it was ok. There are other ways to go forward. You should not approve this.

Gayle Vallance – 4122 Cokato Road., Neither Opposed nor Support. (Letter rec'd)

I'm a member of the Cokato Community Association, and we have no strong opinion for or against but we have serious concerns about another large development across the valley from us. There are three aspects of the application with implications for our community. The first is that this proposal, combined with Fernie Alpine Resort and The Cedars, will block off the migration corridor for bears. When the bears are blocked, there will be more conflicts for the residents in Cokato Road area. The second is that the proposal shows no real fire mitigation or protection. The third is that 90 new residences will affect the water supply and maybe the water quality.

Jen Grebeldinger - 27 Mount Proctor., Opposed. (Letter rec'd)

She referenced a speech made by Mayor McCormick at the City of Kimberley where he recognized their Cominco Gardens land as an important asset. She said that in Kimberley, they recognized the value of the land asset they had and then they invested time and money into working towards protection of their important asset. This is a rezoning application is a long-term decision. We should make a decision that will benefit the most people. The City of Kimberley invested money early so they had time to decide what to do. This is our piece of land and rezoning it now in a rushed and disjointed way will be a detriment. We should take time, plan it right, and do the land justice.

Meg Moran – 1241 10th Avenue., Opposed. (Letter rec'd)

I sent a letter but wanted to speak anyway because today I received an interesting email that I thought I would read. This development is painting themselves as the lesser of two evils. I noticed greenwashing phrases and think the best way to protect the land is to actually protect it, not to build 90 homes. It seems that the developer is wanting the community to give up something precious for nothing in return.

Reto Barrington – 11 Alpine Trails Lane., Proponent (Letter rec'd)

We saw this land as developable because it is identified as resort expansion in the Elk Valley OCP. This land can be a growth corridor with environmentally sensitive areas within it. We need emergency access and egress from the ski hill and we want to provide it. There are many opinions about this proposal and lots of them are conflicting. The City wants density, recreational users want trails for skiing and biking, etc. We're using services at the resort, there will be a benefit for taxpayers. We want to achieve the highest and best use of the land. Homes and trails, protection of Lizard Creek, emergency egress and access, and community water, and sewer services.

Karen Rejc – 5345-A Snow Pines Drive., Opposed.

In the beginning, access was supposed to be along Snow Pines Drive. Now there will be a gate. How will the gate be opened in the winter? Anyone who lives here knows that it's impossible to operate a gate in the winter. There's another private road in the area and it's at the end of Highline Drive. There's a sign there that's old and rusty – it says private property and it is totally ignored. People just go right past it. I think this private road will be used by many people. I also received an email today. I have lots of concerns about road safety (she itemized several road safety and maintenance concerns). She also said she has moose, elk and deer on her doorstep every spring. Where will these animals go if this development is approved?

Mike Sosnowski – 3452 Anderson Road., Support (Letter rec'd)

This is an important decision and a very good plan. It is supported by staff. The decision is to approve it or leave it as RR-60 and RR-8 land. If it's left with the rural zoning, it would have at least 10 homes, wells and septic systems, no protection of open space park land and no protection of the creek or the forests. This is an important decision about land-use.

Lou Krawczyk – 5337 Highland Drive., Opposed (Letter rec'd)

My top concerns are about pedestrian and vehicle safety. This proposal is for a private road, but once residents are at the ski hill they will be using this road. There are safety problems at Boomerang Way already. It's dangerous for walkers, especially at night because they are often not seen. There have been multiple near misses in this area. Approval of this project will compound the situation. A traffic study needs to be done and it needs to consider the new provincial regulation which will allow up to 4 homes per single-family lot.

Mary Menduk – 209-A 901 2nd Avenue., Opposed. (Letter rec'd)

I was born here and have spent lots of time here. In my experience historically, Fernie has been all about quality of life. There have been lots of volunteers working to build community amenities for the real people of Fernie. I can remember many examples of historical times when volunteers would get together to decide what they needed and then build it. I can feel that this is happening again now and I'm opposed to this project. We should pause, and plan. I can remember a mentor who said, 'Everything we want is right here, and if there are things that aren't here, we can do something about it'. Let's pause and think about what we want here.

Ron Horton - 4405 Timberline Drive., Opposed. (Letter rec'd)

I want us to pause this and pause any other development approvals for a while. All the planning in the Regional District is relatively short term. We need a longer-term plan. Where the is the coal industry going to be in 30 years? When it's gone, where will the Elk Valley be? I'd like to urge suspension of it all until we can do some long term planning. There's a development at the ski hill at Timber Landing which is going to allow up to 2500 more people in our community. We need to pause the whole thing. Long-term plans are needed.

Randal Macnair - 1101 8th Avenue., Opposed. (Letter rec'd)

I've heard a wide spectrum of concerns here tonight. Some previous concerns have been addressed, but many are not reconcilable. There's been little consideration for fish habitat and the wildlife corridors. When this development is done, it will be a community straight out of the 1980s; low density and vehicle-based. I've recently done a tour of other developments in our province and this one isn't good enough. Our community will have to live with this development once it's approved. There are many other options for this land and it would be better to leave it with its current zoning, or even to log it. These would be better than the current proposal. This land is a special place with special qualities. Listen to the voices of the people please.

Anya Harshan – 542 10th Avenue., Opposed.

I used the Galloway land as my project for my science fair. This development will create more impervious surfaces, pollutants in the creek and it will threaten the wildlife. Please adults, say no to Galloway.

Roxanne Esch – 31 Ridgemont Avenue., Opposed.

Most people here aren't against development generally but we need to ask who the development is for and who it's benefiting. I question another development of multi-million-dollar homes. This isn't what the community needs or wants. We want inclusive developments. Many of these properties will sit empty and will bring very few contributions to the community. There's an alternative idea. The developer could build a Nordic Centre and a Mountain Bike Center. This idea might be less profitable but it will benefit the community. She suggested ideas for the developer to leave a legacy and suggested naming some community amenities after the applicant or the land owner. We should maintain the wildlife corridor and avoid fragmentation. We're doomed if we continue to make decisions based on profit.

Megan Shewaga – 59 Ridgmont Drive., Opposed. (Letter rec'd)

It's nice to see that some of our concerns were heard. We need a responsible approach but we've learned that the developer's environmental experts only spent two days on the site which gives them a casual insight at best. This developer has been evasive. There are many qualified local professionals who can speak about the environmental qualities of this property. Also, we are in a housing crisis and there will be social impacts. Businesses have employee shortages because there is no place for their employees to live.

Laura Nelson – 7-5631 Vanlerberg Road., Opposed. (Letter rec'd)

There are at least 12 existing other lands zoned for development already - we don't need more. Fernie has seen rapid growth recently and there are more developments ready to go but not started yet. (She gave several examples). There are many large new homes in Electoral Area A. As a 30-year resident, these homes have not brought our taxes down but instead, taxes have gone up. Fernie is not desperate for economic development. Businesses are at capacity and challenged to keep up with demand. There are cumulative effects and we're at a tipping point. We've seen over-development here. We live here, all of us, because of the backyard and it's getting smaller.

Alex Simons – 1362-A 9th Avenue. (Letter rec'd)

I'm speaking for future generations. Having heard concerns about post development, housing crisis, and the environment, what if the land was rezoned to be a park reserve. Money could be set aside to help with the housing crisis. We could encourage citizens to raise money and donate to the park. The nature reserve could be called the Galloway reserve. There could be an interpretive centre and guided walks. This could lead to a greater passion for scientific education.

Gemma Leighton-Boyce – 19 Pine Crescent., Opposed. (Letter rec'd)

I've read the whole package and was looking for the environmental report. We've heard from an environmental professional, Mr. Lamb, and a local fishing guide saying that Lizard Creek is an important asset in the area as is the wildlife corridor. Shouldn't it be very clear in the studies what questions they should be answering. Why is there a difference between the different environmental professionals? I would be grateful if we could redo the Official Community Plan for future generations. We should build on less sensitive areas.

Geoff Wardle – 4386 Timberline Crescent., Opposed. (Letter rec'd)

I'm opposed for three reasons: animals, fish, and the OCP. Timber Landing is already taking place and, as we've already heard, may allow for up to 2500 new residences. With this development added, there will be a solid band of development that will block animal migration and disrupt fish habitat. In 2019, there were 55 spawning redds in Lizard Creek. This was by far the biggest number of redds found. To put this into perspective, the second biggest number was 7. So you can see that 55 spawning redds is a huge number. Lizard Creek is key to the Westslope Cutthroat Trout. The OCP is a nine-year-old document. This is not up-to-date and it should be updated before moving forward.

Karen Bergman – 654 Kerr Road in Baynes Lake.

I have housing and environmental concerns that have been better verbalized by others. But I'd like to say that the OCP should be updated first. I am also concerned about the level of consultation with First Nations. I believe it is very important to consider their voice before making any land related decisions.

Jacob Liddy - 2327 Highway 3., Opposed. (Letter rec'd)

This proposal does not align with the OCP. Others have stated that the land is designated for resort expansion but not all of it is designated that way. Much of it is designated as RR-60. The OCP should be updated. There's over 500 ha available for development in Fernie. This development is urban sprawl and we shouldn't use wild areas. This land is wildlife habitat. This land is a great wood lot. I'd rather see it stay that way and managed that way. This proposal will increase taxes because it will have million dollar homes in it. It won't decrease taxes.

Mark Cunnany - 1001 10th Avenue., Opposed. (Letter rec'd)

90 homes is doing nothing for the community. Even if there are secondary suites in them, those suites will be way out of range for lifties and many other workers who live here. This development is for the developer, not the community. This decision is resting on your shoulders, and once it's made, there's no going back. Mark talked about the environment and that the current buffer zones are the minimum to Lizard Creek. Lizard Creek should have maximum buffer zones - it is so valuable. We can learn a lot by looking at the community of Canmore. We don't want to end up like Canmore.

Hester Hamilton – 1392-B 9th Avenue., Opposed.

Zoning property for single-family housing means it's less likely that I can grow up and live in Fernie. Animals are the reason people come here.

Kyle Hamilton – 1392-B 9th Avenue., Opposed. (Letter rec'd)

There's been lots of people opposed tonight, and only three supportive. Please hear our concerns because they are from our community. Thank you.

Quinn Patrick - 5389 Boomerang Way., Opposed.

I live in a basement suite and can barely afford to live there. Lots of people move away because they can't afford to live here. We don't need any more trophy homes. We've heard from Squamish and Canmore. This will increase the cost of living and it's not a good trade.

Sonia Cigler - 5345-B Snow Pines Drive.

We've heard from lots of experts and heard lots of opinions. We are rushing this and we'll suffer in the long run. There are three major projects already on the go in our area. Let's wait to make sure they do a great job and then decide - because we can't go back. Our world is collapsing. Let's wait and make sure we can make Fernie stay as great as it is now.

Jude Smith – 1272 2nd Avenue., Opposed. (Letter rec'd)

I'm a 10-year resident with a masters in climate change and sustainable development. This is not a sustainable development. Government policies do not highlight the need for this development.

Ike Smith - 1272 2nd Avenue., Opposed. (Letter rec'd)

I may only be 11 years old but that's all the more reason for me to speak. This development is a joke. It doesn't address the lives of the residents in Fernie or improve the housing problem. I'm happy to see other young people speaking up.

Gary Whitehouse – 5305 Highline Drive., Opposed. (Letter rec'd)

My concerns are primarily fish and wildlife conservation. There will be too much impact from this development. The wildlife status must be looked at closely or there will be regret. Approve no development at all and please consider the Ktunaxa's reference to the importance of the fish habitat.

Heather Skaien - 4549 Timberline Crescent. (Letter rec'd)

Fernie is a beautiful town. We need more affordable housing. Somebody please do something about it. So many people can't afford to live here.

Xavier Cideno, Fernie., Opposed.

I'm a 12-year resident. We don't need any more of these developments. Businesses need workers. They are relying on temporary foreign workers. Say no because people can't afford to live here and we need more affordable housing, not more housing for the wealthy that will be empty or just lived in for one month a year.

Denise Vallance - 1262 11th Avenue., Opposed. (Letter rec'd)

There've been strong opinions heard tonight. I'm a volunteer in the community. With this proposal we'll see a crumbling of the community. People will leave. The environment is what brings us all here. Building anything in the wilderness is ruining it. Continued proposals like this one don't add to the community. They will bulldoze any opportunities we have for diversity in our community.

Patty Sonntag – 3 Elkview Drive.

I've been gone for 20 years and am a journalist. I spent my life studying democratic systems. In Fernie, what I see is a profoundly undemocratic process, especially with regard to development proposals. First Nations is very familiar with this concept. The long time residents here know how the land works. There's a much bigger problem here which is the lack of the people's voice being heard. I don't know why the Directors make this decision. You don't represent me.

Margie Sutherland – 1001 10th Avenue., Opposed.

I'm a 27 year resident and in the last five years the town has changed a lot. Affordability and housing issues have emerged. The majority of residents are against this. This is not an appropriate development for this land. We need to protect Lizard Creek as an important waterway and take a stand on housing. I agree that Galloway is not an OK property for high density, but we don't need single-family housing. Put a moratorium on developments like this. Make developments more affordable. The Directors have the power to help us do this.

Chair McDonald advised that there would now be a 15 minute break. Chair McDonald reconvened the hearing at 9:18 pm.

Linda Krawczyk - 5337 Highline Drive., Opposed. (Letter rec'd)

I agree with the concerns expressed here but my biggest concern is about the process. What happens behind the scenes? Shouldn't we have to see what the public wants first? Decisions are made. And our processes don't feel right or honest. Mrs. Krawczyk began making personal comments about the proponent.

There was an objection by the Proponent.

Chair McDonald interjected to advise that the speaker should make comments about the proposal and refrain from comments about the personal character of the applicant.

Linda Krawczyk continued. Why are we here today? How does this happen?

Bruce Elson – 1460 Cokato Road., Opposed. (Letter rec'd)

I'm opposed for the reasons already stated by others. The RDEK is a huge area with Director representation from all areas. It is challenging for them to make local decisions. Please consider and listen to the local people when you make decisions.

Susan Smith – 160 Ridgemont Crescent., Opposed.

Interior Health Authority doesn't support this proposal. Their comments say that there is a fundamental disconnect between this proposal and what the community needs. The proposal doesn't address affordable housing needs. The Regional District Housing Needs Assessment has shown that a teacher or a unionized mine worker can't afford a home in Fernie. Other people like firefighters, police, nurses (many income ranges) also can't afford a home here. We are a resort community with different issues than other places. This development will make our housing crisis worse.

Trevor Haldane - 321 5th Avenue., Opposed.

I'm a wildlife photographer. In our Valley, wildlife migration is forced into confusing and narrow corridor areas and there are few areas of respite for wildlife. This is a short-sighted development plan. We don't need luxury housing. I'm a three-year resident and in my experience here, it's difficult to make friends because it's just a matter of time before they have to leave town due to unaffordability. Without young people, this town has no future.

Peter Harrison-Edge – 26 Park Lane., Opposed.

I'm hearing comments indicating that this is a Fernie problem and it's not necessarily a problem in other areas. We need your help. This may become your problem in the future. Eventually, someone might find your favourite lake, or your favourite place. Please give consideration to our comments because it might not be your backyard now but it might be the next time.

Frank DeBoon – 41 Mount Proctor Ave. (Letter rec'd)

I've been a Conservation Officer here for 30 years and have seen many familiar wildlife conflicts. In other areas there are different issues than here. We have more bears and a lot of wildlife conflicts. The Elk Valley has many corridors that funnel wildlife into the valley (he gave many examples of different animals). We have the responsibility to protect these wildlife resources for ourselves and our children. We should preserve the unique character of our area as much as possible.

Elise Byrne - 4489 Timberline Crescent.

I'm a 33 year resident and we love where we live. Our expenses over the past 33 years have gone up, not down. Water costs have gone up and taxes have gone up, despite the community growing. We have two children who work good jobs but they can't afford to live here. There's nowhere to go. Even if I wanted to sell my home now and divide the money between my kids, they still couldn't afford to live here. There are seniors in our community who want to downsize to make their house available for a young family, but there's nowhere else to go. This development is not sustainable.

Chair McDonald called for anyone who wished to speak a 2nd time.

Megan Shewagea – 59 Ridgemont Drive., Opposed (Letter rec'd)

I'm curious if the people who spoke in favour of this development are benefitting from the project. During the election, all the politicians promised to fix the housing problem but I'm yet to be convinced. How will more multi-million-dollar homes affect taxes? Taxes will increase. We've

lost affordable rentals recently for a development downtown but the development still hasn't happened. People were evicted from their homes illegally. Please serve the best interest of all constituents. We are counting on you.

Marianne Agnew – 5305 Highline Drive. (Letter rec'd)

I'm from Rethink Galloway. We are about starting with an optimal proposal instead of defending a proposal. The decision process is flawed. 1200 people have signed a petition and of these, 130 were recent signatories and over 80% are people who live in the RDEK. We want responsible development that leaves a good legacy.

Patty Sonntag – 3 Elkview Drive.

This is not a democratic process. Development approvals go forward despite community objections. If this was a progressive group, this would be put to a vote in the community.

Leslie Frank - 2383 Highway 3., Opposed. (Letter rec'd)

Case in point. I live adjacent to Lizard Creek. We walk on game trails so we don't leave an impact. Years ago, we unexpectedly found a new trail on our property near the creek. Someone had just gone ahead and made the trail on our property. The development is claiming that the conservation recreation lands will protect the creek, and they want people to believe that it will be protected, but adding more people to the area will not protect it. It will add impact to the creek.

Casey Brennan – 772 4th Avenue. (Letter rec'd)

The current land owner has enjoyed lower taxes for decades because the land was a managed forest. The owner and the developer are not owed anything. There are other options. It is said that the OCP says resort expansion, but not all the lands are this. Another Lizard Creek crossing will harm the fish habitat and current measures aren't enough to protect the environment and habitat. Wildlife conflict, and mortality will increase if this development is approved.

Jen Grebeldinger - 7 Mount Proctor Avenue. (Letter rec'd)

This doesn't end with this decision - it leaves a legacy. I want the Directors to feel they've listened to the people and that they've made a good decision that highlights the community values. Please listen to the voices of the people. We want something different and great. Please take this opportunity.

Megan Moran – 1241 10th Ave. (Letter rec'd)

If anyone received an unsolicited email today, please know that it is illegal to send an electronic message without the receiver's permission. (Megan gave a website for people to report the spamming). If a company is willing to ignore privacy laws, how will we be able to trust them for anything?

Ian Bell – 5355 Snow Pines Drive. (Letter rec'd)

Continuing his previous comments... The cross country ski trail will be difficult and expensive to build. Lots of existing trails will be removed and this new trail offered may never happen. Currently it's promised as a statutory right of way which is good but the funding to build the trail is not promised. This is an example of one of many problems with this proposal. This isn't a good enough deal.

Randal MacNair – 1101 8th Avenue. (Letter rec'd)

Thank you to staff and the Directors for coming to listen to us. It's not often the Directors from other areas come to hear what locals have to say. Please consider what you've heard tonight.

Our community is Fernie and the RDEK. We are one community come together. This proposal doesn't suit the culture of our community and I hope you hear our concerns.

Elise Byrne – 4489 Timberline Crescent.

33 years ago when I built my home, there were promises made by the developer at the time and, to this day, they are not fulfilled. Who makes the developers accountable? Unless I take them to the law to make sure they do what they promised how does it get ensured? They can say one thing and do something else. The law backs them, and then individuals don't have a say. Who enforces the things that the development has proposed? Thanks for coming here and listening to us.

Chair McDonald called 3 times for further comments and, since no additional attendees chose to speak, Chair McDonald adjourned the hearing and stated to those present that this hearing would be reconvened tomorrow evening, May 4th at 7 pm via Zoom webinar conference. He advised that the Directors are not permitted to discuss the hearing or the application after the hearing is closed tomorrow night and advised that if anyone has questions about the process, they should please contact RDEK staff. Chair McDonald thanked everyone in attendance for sharing their views.

Thursday, May 4th.

The Public Hearing was reconvened at 7:01 on May 4th via Zoom Webinar conference.

Once again, staff gave an overview of the amending bylaws and the commitments offered by the developer in a development agreement. Chair McDonald convened the hearing on May 4th at 7:01 pm and Regional District representatives were introduced.

The following Regional District representatives attended the public hearing:

Director Thomas McDonald, Electoral Area A
Director Nic Milligan, Mayor City of Fernie
Director Rob Gay, Electoral Area C
Michele Bates, General Manager of Development & Protective Services
Loree Duczek, Communications Manager
Tracy Van de Wiel, Planning Technician 2
Nathan Siemens, Communications Coordinator
Rhiannon Chippett, Planning Assistant

Chair McDonald advised those in attendance:

- to identify themselves and the property they own or occupy that may be affected by the Bylaw;
- that only those written submissions received prior to the hearing and those verbal presentations made at the hearing will be considered as part of the hearing report;
- that no written or verbal submissions will be allowed subsequent to the close of this hearing.
- Chair McDonald also advised on additional public hearing procedures that would be used at this Zoom hearing including:
 - The speakers registered for the zoom session will be permitted to speak first.

- Each speaker is permitted to make a **two-minute** statement.
- Speakers will be called upon according to the registered Speakers list.
- Anyone in attendance who has not spoken yet at the hearing, either tonight or last evening, will be given an opportunity.
- Once all speakers have had an opportunity to make one two minute statement, attendees will be invited to speak a second time.
- Speakers must be acknowledged by the Chair prior to speaking.
- If a speaker wishes to speak a 2nd time, they must raise their virtual hand. A second speakers list would be maintained by staff and speakers would be acknowledged again when it was their turn to speak.
- Speakers must clearly state their name and the address of the property they own or occupy before providing a statement. They were asked to also state whether they are in support or opposed to the bylaws.
- Speakers were asked to speak slowly and clearly.
- Speakers were asked not to read lengthy submitted written statements. Instead they could provide a brief summary. If a letter was submitted, attendees were advised that it was already included in the public hearing record.
- All persons were asked to be respectful. Chair McDonald advised that the use of abusive or offensive language would not be tolerated. Interruptions or speaking over others would result in attendees being moved to a non-speaker function for the hearing.
- Attendees were advised that the RDEK was not recording this hearing and that recording by attendees is not permitted.

Staff read the legal proceedings for the public hearing as set out by the *Local Government Act* and noted that a report of the hearing would be submitted to the Board at its May 12, 2023 meeting.

Staff noted that 413 letters were received prior to the deadline of 4:30 pm on Monday, May 1st at 4:30 pm and gave a brief summary of the themes expressed in the letters received.

The letters include:

259 letters from 283 individuals expressing opposition

3 letters from organizations expressing opposition

59 form letters expressing opposition

87 letters expressing support

1 letter expressing neutral support

4 letters from the proponent providing further material for consideration

And one late referral response was received from the Ktunaxa

(All letters are attached)

148 people attended the zoom hearing on May 3, including members of the public, several non-delegated RDEK Directors, RDEK staff and the proponent.

The following people spoke:

Jan Kron - 4576 Timberline Crescent., Opposed. (Letter rec'd)

Thanks to the Directors for the opportunity to speak. The developer significantly changed the development plan between the first and second applications and I'm opposed on many levels. The 1st is servicing. The 2nd is access and construction traffic on the current roads, and the 3rd is that there's been no onsite environmental plan and there will be impacts to Lizard Creek & the

Elk River. I'm also concerned that the developer did not have meaningful communication with First Nations.

Helmet Kron – 4576 Timberline Crescent., Opposed. (Letter rec'd)

I feel this is an unprecedented development with 457 acres of land. Fernie Alpine Resort has another 300 acres slated for development outside of the FAR OCP area. These lands add up to equal ½ the size of the City of Fernie. The Elk Valley OCP needs major rework to take into account these developments. A seriously outdated OCP does not give appropriate guidance for RDEK staff. OCP and zoning bylaws should be redone before proceeding with approval.

Dave Baines – 8 Douglas Crescent., Support

I am an outdoor recreationalist and I am in support. Everyone here lives on land that used to be undeveloped. Finding developers who are flexible is hard especially ones who guarantee trails, protection of fish and wildlife, while at the same time, increasing high-end and low-end housing.

Lee-Ann Walker – 1883 Dicken Road., Opposed. (Letter rec'd)

As a resident for over 40 years in the valley I've witnessed grossly intensive development. The coal mine has doubled in size, there's more traffic and increased demand on housing all while we face the uncertainty of climate change. We need to prioritize protection of the environment before focusing on social and economic wealth. This plan is hasty and selfish - benefitting the clients and the developer. It will have cumulative negative effects on the valley. Please be bold - defeat the bylaws and revise the OCP.

Stella Swanson – 2383 Highway 3 South., Opposed. (Letter rec'd)

I live adjacent to the Galloway properties and have 43 years of experience in environmental impact assessments. There is inadequate evidence that the environment will be protected here. The development relies on buffers from the creek which should be determined based on provincial guidelines. The RDEK has not adopted the Provincial Riparian Area Regulation but they should adopt it or volunteer to use these regulations. Promises versus practices. This development will have a very long buildout time. Whether the RDEK really has the capacity to implement the conditions listed is questionable. Please press pause, and think hard.

April Montague – #2 90 Ridgemont Avenue., Opposed

Fernie doesn't need this kind of homes. Once you build million dollar houses you cannot go back. The habitats that get destroyed can't be fixed. This development isn't for the people who work here. The legacy of this will be destruction for nothing in return. Few people will actually live in these houses or even be able to afford them. This development isn't for the working class. The architecture of the future is important to consider and tomorrow's future is affected by this vote.

Chalice Walker – 1883 Dicken Road., Opposed (Letter rec'd)

I have two reasons for opposition. I question how this development will provide tax revenue. Healthcare, and education are funded by the Province. Any tax revenue generated here will not benefit the community. I am increasingly aware of the importance of climate resilience. Our youth today are facing mental health challenges because of the uncertainty of the future. Children are distressed by the state of the world they will inherit. We are in a mental health crisis. This is a moral and ethical decision. Listen to the concerns of our citizens. If this is approved, it will be developed forever.

Corinna Bennett – 203 E 35 Rivermont Place., Opposed.

I've seen a lot of change over the 30+ years that I've been a resident of the City of Fernie. I have to live in shared accommodation as the only way to afford to live in Fernie. I think it's concerning and disappointing that we are considering this proposal given how many referral agencies are

against this proposal (she named Interior Health Authority, Ministry of Environment & the City of Fernie). I question whether this aligns with the RDEK Strategic Plan. The RDEK website states that we have the responsibility to protect the health of our citizens. The RDEK should not feel comfortable voting in favour. More time should be taken and we are not voting in favor until all stakeholders are onsite.

Randal Macnair (on behalf of Wildsight), 1101 8th Avenue., Opposed (Letter rec'd)

In response to the developers letter dated May 1, we are concerned that the EIA consultant only spent two days on property. This can't compare to many years of documentation done by others who are local. Randal referred to historical documentation and pointed out differences between the findings from Dr. Lamb and Dr. Weavers information and that provided by the applicant's consultant. I've met with the developer to express these concerns but they didn't agree with my position.

Danielle Wiess – 33 Mount Proctor Avenue., Opposed. (Letter rec'd)

Rezoning is not a right. There's still a lot to do to figure this out. There are alternative uses for this land. It's clear there is opposition by the communities comments. It's clear that if this development is approved, it will set up an adversarial relationship between the development and the community. Collaboration is key for all.

Madi Bragg – 3132 Anderson Road., Opposed

I own a retail business and I'm faced with having to pay double to hire staff and the turnover rate is high. This development doesn't benefit the community. The development will drive up rates to hire contractors and our contractors don't need more work. They're already hard to find and have high rates. I have friends who are Realtors who have walked through this property and said it's not good to develop but this land has good value as a community amenity. Once all our land is developed, we won't have the same drive for real-estate without the mountain biking and skiing trails.

John Pollock – 5384 Boomerang Way., Opposed

I'm concerned with vehicle access via Snow Pines Drive to the Galloway development. There's no guarantee on provision of the restricted access. Traffic levels will increase. The plan has a lot of promises and no guarantees. Currently, residents walk and bike to the ski hill without lighting or sidewalks. Boomerang Way is designed for a small number of residents and it's intersection with Snow Pines is already dangerous. With more people, this situation will only get worse and more dangerous.

Martin Vale – 2 Sunset Lane., Support. (Letter rec'd)

This is a balanced proposal which maintains green space. This will provide a home for the Nordic Society. The land is currently zoned for 10 homes. If this plan is not approved or doesn't happen, many will lose access to the property forever.

Ron Smith – 5346 Highline Drive., Support.

I'd like to congratulate the RDEK on the process and feel this is a great opportunity for input. I'd also like to thank developers for listening and addressing concerns of the community. The developer has addressed the concerns about impacts to Lizard Creek, the road access, water and sewer systems, and the best for me is the trail to connect the ski hill to the provincial park. There is no reason to refuse this development.

Deborah Patrick – 4576 Timberline Crescent., Opposed

I'm a 27+ year homeowner and 9-year permanent resident. I have witnessed growth over the last nine years. Nature is the deepest reflection of ourselves and it is what sustains us. Fernie has

seen a runaway train of development over the past 9 years. We don't want more Whistler or Squamish or Canmore. Our OCP is out of date and we are asking for something that is different from this development. Obviously, the vast majority of people here feel the same as I do. Thank you. I am grateful to have a voice in our future.

Jaime Hanson – 7 Lodge Trail Lane., Support. (Letter rec'd)

There is an economic and environmental benefit. There will be a positive impact on the community. This is the best use of the land. I've worked with Reto and attest to his character as a proven developer. He has listened to the concerns regarding access, egress, servicing, and the environment and he's responded to those concerns. If turned down, it leaves the land for other development. This land will be developed. It's about when, how, and by whom. This proposal creates conservancy for future generations.

Sherry McFarland– 1001 5th Avenue., Support

I'm a 25 year homeowner in the Elk Valley. Handshake Holdings has shown a strong willingness to engage with the community and they've reflected on concerns they've heard. This plan conserves over 50% of the land for recreation and conservation use. Consider that refusal could return the land to logging. This project strikes the right balance and keeps trails for decades to come.

Grant Lamont – 7323 Spruce Grove Lane, Whistler., Support

I'm a member of Mountain Biking BC and I hope to see this go forward as it will provide trail connections and linkages. The recreational aspects will benefit the community. This proposal reminds me of a town in Colorado (he described the development) with lots of trails which give residence and visitors great experiences. The amount of benefit provided by this proposal is at a scale I've never seen. This is an opportunity not to be squandered as it will only present itself once.

Terry Horton – 4405 Timberline Crescent., Opposed

I'm opposed for 3 reasons. This development is not necessary and there's sufficient zoning in other areas around Fernie. Referral agencies are opposed and their opinion should matter. The effects on the community will be great. Please listen to the public and to the referral agencies. OCP and zoning amendments of this magnitude should not go ahead without an OCP review.

Trevor McFarlane – 1001 5th Avenue., Support

I have been a homeowner in the Elk Valley for over 20 years. This developer has a strong willingness to listen to the concerns of the community and has provided commitments for servicing, trails, large creek setback, Nordic skiing and 50% of the land for conservation. This is a quality proposal in stark contrast to others. The owner of the land, Mr. Nelson donated most of the land that Fernie Alpine Resort is on today and he has chosen to optimize his land for development. We are fortunate to have this balanced proposal for the community.

Peter Sterling – D-13 60 Cokato Road., Opposed

I'm a 24 year resident and a real estate agent. I've spent some time doing real-estate development and have unfortunately seen previous developments go sideways with regard to environmental damage. Sometimes developers have the best interest of the community at heart, but there are inadvertent impacts. It's time to re-plan. If we don't, we'll get piecemeal development which will take the best land first because it's the easiest to develop. If we don't plan the whole valley together, it could be too late.

Luke Swansburg - 10 Single Track Way., Support

The new communities do supply homes for locals. This local developer and landowner have taken reasonable steps to listen to the community and they care about sustainable development. The community is fortunate to have year-round access to the recreation trail system.

Adam Villard – 3834 6 St SW., Support. (Letter rec'd)

I use this area for recreation activities, such as running, biking and fishing. I'm worried about what might happen if this plan does not go through. I'm encouraged that the plan is setting aside so much land for recreation and conservation. This is a balanced approach. Let's keep in mind the alternatives. I'm happy to have had access to this private land to recreate with the alternate being clear-cut logging.

David Munro – 991 4th Avenue., Support. (Letter rec'd)

Thank you to the RDEK and participants. It's great to see advocacy in the community. I've been a resident for over 22 years in Fernie and have enjoyed significant recreation on these lands. If shut down, the landowner could maximize his return on his land and clear-cut it. There could be devastating impacts to the creek and grizzly bear habitat. This land isn't a community asset - it's private land. The plan is balanced and the proposal is good.

Jamie McCreary – 5362 Highline Drive., Opposed

I'm opposed to this development as it stands. I agree that the developer has made concessions but further OCP planning is required. There is opportunity for the land already zoned for development. Let's not add more area when what we need is affordable housing instead.

Brian Werry – #4 5362 Highline Drive., Opposed

I've been a resident for 40+ years in the area. I've seen tremendous change and significant development that was not foreseen by the current and outdated OCP (he gave example of developments). We need some direction for where development will go in the community. We should re-work the OCP in a manner suitable for the community. It is up to the RDEK board how this will fit into the community. This little strip of land is all that's left for the animals. These 90 homes will have animals and their backyards.

Doug Jordan - 50 Mount Proctor Avenue., Support. (Letter rec'd)

I've been a home owner here since 2006. This project provides greater recreational opportunities. When I consider what the owner could do if the development is rejected, this proposal has benefits for the community. The owner has every right to do what he sees fit, including logging. Seeing logging at Ridgemont Road shows what could happen. This development proposes to leave lots of land in it's natural state. This proposal will ensure that recreational use can continue.

Graham Preston – 40 Ridgemont Avenue., Opposed. (Letter rec'd)

I'm not opposed to development generally but this one just isn't the right fit. Some presenters are threatening with what will happen if the development is not approved. I appreciate that voices are being heard and I have faith that the planning committee will make a good decision. The development doesn't use the space well and there's not enough riparian buffer. Do we want to sacrifice the wildlife corridor for 90 houses?

Krista Turcasso – 4 Oliverio Place., Opposed. (Letter rec'd)

I grew up in Fernie and after moving away for a while, I moved home to start a business in 2006. At that time, the community was more tightknit. Now the community has become stressed at every level. This development doesn't fit with our community. This benefits few over the interests

of many. I am also advocating for my kids and these development plans do not ensure a sustainable future. There is no rush and there are many other options.

Marlene Vale – 2 Sunset Lane., Support

This development will ensure access to ski trails from the Cedars. These are important trails and Handshake Holdings has offered to donate the land to the Nordic Society which is a huge asset for the people of Fernie.

Patty Villasenor - 1002 A 5th Avenue., Opposed

The development needs to go back to the drawing board. I am concerned about impacts to the environment, to the land and animals. The developer isn't looking as closely as they should – they could do better. I am a settlement worker who works with temporary foreign workers. I receive between 2 and 4 calls every month from workers looking for housing. There are severe housing issues in Fernie. People are living in horrible conditions. I also work with children and families that can't afford to live in Fernie. Let's come up with something better.

Steve Larke, 19 Single Track Way., Support

All projects have risks. My family is a heavy user of the trails. I didn't realize we were trespassing on private land. This developer has provided good access and trails. Canada is importing 1/2 million people per year and people should be mindful that more people will eventually come to Fernie to reside. The developer has responded to community concerns about roads, servicing, trails and the environment.

Deirdre Bailey – 4 B Spruce Place., Opposed

I am a public school teacher who has created a home with my family in the city. When I came here, I saw Fernie as an opportunity for diversity and I loved what the community had to offer. Post pandemic and in the global climate crisis, all decisions matter. We have to be respectful and coexist with the land and nature. Ninety estate homes will permanently alter the spawning habitat in Lizard Creek. As teachers, we can barely afford a home and many friends are unable to afford homes here. It's not the right thing to do. We can do better. This is not right for today and not right for future generations.

Michael Kenney - 7A Estates Drive., Support. (Letter rec'd)

I've been a homeowner for over 20 years. I use the trails a lot including throughout the winter and the summer. Lots of thought has gone into keeping the trail system. The developer is looking out for the community. There's been lots of clear-cutting in the Fernie area and it's an eyesore. This plan is a good balance for recreation users.

Mary Giuliano, 1091 3rd Avenue., Support. (Letter rec'd)

I am a 69 year resident and I've seen a lot of change. This has turned into an emotional issue but it is a private owner who wants to make life safer for the people living at Fernie Alpine Resort. The private landowner could close off the land to all, without needing any permission. The developer has made changes as requested and if the plan is not adopted, the land will be clear cut or the owner can choose to subdivide and disallow recreation. I have a question for the opposition, if this development is declined, have you helped to destroy this land because the owner could still build 14 homes?

Mike Belenkie 7 Sunset Lane., Support. (Letter rec'd)

I've been a homeowner since 1998 and I support the application for two reasons. I've been a benefactor of the generosity of the owner allowing us to use this private land. I would love to see that continue and I don't want to see the alternatives. The owner has allowed us to enjoy the land and we should be thankful we have been able to use the land as uninvited guests. This proposal

provides an appropriate housing product for people of all types. I hope this proposal proceeds because I want to have a place in the woods. This development will provide another option for people who want to move out of town which will free up a home there.

Chair McDonald adjourned the hearing for a 15 minute break.

Rob Scott – 5401 Boomerang Way., Opposed. (Letter rec'd)

I live 4 or 5 houses down from Snow Pines Drive. I've had front row seats. I've been concerned about traffic and the process here. You can't fix this later. My biggest concern is traffic. I'm a resident of 18 to 20+ years. The infrastructure is limited at the ski hill and it is not suitable to add more traffic. Do not put the cart before the horse in regard to the process. We should wait for all the approvals to be met before we allow zoning.

Joe Traverse - 5793 Robinson Road., Support

I'm a local born and raised here. I'm a father of 2 kids and a local contractor. I will thrive off this project. I know the project has a lot of support of others who will benefit from it. This project was declined and then brought back with improvements and this gives me confidence. In the City, every developer has to give 10% of their land for park. This developer is ensuring that 52% of the land is dedicated to conservation and recreation. Those who don't see the benefit are offside. There's a lot more support than is at the table.

Rachel Cline - 1272 2nd Avenue., Opposed. (Letter rec'd)

I'm not anti-development, but I'm opposed to this one in its current form. Ninety homes don't disappear but trees grow back after logging. This development doesn't align with provincial housing policy and the OCP needs updating. The developer doesn't address our housing needs, they haven't listened to the public. There are plenty of lots for development.

Becca Davies - 304 40 Ridgemont Avenue., Opposed

I'm opposed for many reasons already voiced. I'm in my 20s and I love the Fernie area and all the beauty that surrounds it. Let's continue this conversation. There've been many buzz words used by supporters like 'balance'. An open conversation needs to be had.

Troy Nixon - 791 5th Avenue., Opposed. (Letter rec'd)

Thank you to the Directors for sitting through and hosting two nights. I've been following this. I've heard scare tactics and threats of logging. This is crazy. Million dollar lots are ridiculous. Let's do the right thing. This is not the right thing for Fernie. This might be hard for speculators looking to make good on their investment. Give the developer one more chance to get it right. You Directors have opportunity to ask for real homes for the real people in our community.

Rhiannon Scrivon - 1301 10th Avenue., Opposed.

I'm a 9+ year resident. This development doesn't sit quite right. It feels like the rich get richer and the normal job workers get poor. Fernie needs affordable housing. There will be nowhere for these new homeowners to eat dinner because the workers can't afford to serve them because they can't afford to live here. We should take care of people. The local people won't be able to afford to live here.

Chair McDonald called for anyone who wished to speak a 2nd time.

Susan Smith - 160 Ridgemont Crescent., Opposed

The 2021 Housing Needs Assessment provides tools for responsible development. It's clear that housing is not available for many residents. Teachers, firefighters, nurses, etc. can't afford to live in Fernie. Bungalows in Ridgemont have doubled in five years and are now \$900,000. Things are quite different here than in other places. We should avoid rural sprawl and encourage entry level homes. These lands are environmentally sensitive areas. We should preserve the land and protect the environment.

Reto Barrington - 11 Alpine Trail Lane., Proponent (Letter rec'd)

In response to Leslie Frank in discussing the minimum setback and how the plan should use the maximum setback, The RDEK zoning bylaw requires a 15 m setback and the Provincial Riparian Area Regulation recommends a 30 m setback for a simple assessment. We have a length of 1185 meters with between 50 – 200 meters setback away from Lizard Creek. Also, several efforts have been made by us to reach out to the Ktunaxa and Tobacco Plains but we haven't received any response. The gated community idea was imposed on us by the Fernie Snow Valley Community Association to prevent shortcutting through their community and to preserve the sanctity of their road system.

Lee-Ann Walker - 1883 Dicken Road., Opposed. (Letter rec'd)

Private ownership is not a right to do whatever you want. There are still regulations, and you don't own the water or the wildlife. Development of roads, houses and services is clear-cut logging. Trees can grow back. Wildlife need space and quality habitat. Talk is cheap from developers.

Dave Baines - 8 Douglas Crescent., Support

I feel for the Directors listening to all the emotion. This debate is healthy and good. Every developer doesn't need to address affordable housing, building more of any type of homes benefits all. Regarding the OCP, he agrees it needs to be updated, but it's not fair to change the rules and not sure it applies in this situation.

Steve Hunter - 5311 Highline Drive., Opposed

This development means 90 houses and 90 firepits and 90 rooftops installed with tiger torches. Fernie Snow Valley Community Association submitted a report by Alex Westhaver in regards to wildfire interface. In this report, he points out that the wildfire hazard for this property is high to extreme, and he states that fires in this area would be hard to contain. This could cause potentially fatal consequences. The RDEK needs to keep this in mind.

Dan Savage - 3240 Andersson Road., Support. (Letter rec'd)

I support this development for many reasons. I'm a 25-year resident and I enjoy the quality of life that Fernie offers. Communities constantly change and improve. It was Mr. Nelson's family that facilitated Fernie Alpine Resort and the land for Highline Drive. Twenty years ago, the trail between the City of Fernie was envisioned. Twenty years later, the project is finally being granted to Fernie Valley Pathway but it's not completed. Projects like this can help bring this pathway to fruition. Handshake Holdings has offered to build and pay for the missing part of the trail that would fall across this land.

Peter Sterling - D 13-60 Cokato Road., Opposed

There's a need for planning in the valley and this is based on personal experience as a developer. We must undertake this overall planning process and decide to protect as much of these lands as possible. We have already developed most prime wildlife corridors because they are the most attractive to develop. We need to step back and redo the plan before it's too late.

Jacob Liddy - 2327 Highway 3., Opposed. (Letter rec'd)

I live adjacent to the north end of the development, and I'd like to seek clarification on the five lots accessed by The Cedars. This land is currently RR-60. Will these lots be on well and septic? Will there be directional drilling under Lizard Creek for well and septic. This secondary access road at The Cedars is not listed and it hasn't been discussed to date.

Don Finley - 5211 Highline Close., Opposed. (Letter rec'd)

There's been lots of discussion about the developer listening to the community. But the developer was forced to make changes because the original plan was ridiculous. Ninety houses with single well and septic is not OK. We need an OCP review. It's not a given that these lands will be developed. There are other options. It's not a right for this landowner to do whatever he wants. The referral agencies, City of Fernie, Ministry of Environment and Interior Health Authority have all opposed. These agencies have staff that know what criteria should be met and the Board should take a strong look at this.

Mary Giuliano - 1091 3rd Avenue., Support. (Letter rec'd)

The owner has integrity, and the developer does good work. Stopping this development won't solve the housing crisis. This will be a good development and RDEK staff will ensure that the development agreement commitments are completed. If we turn this down, the land will be developed by others who don't offer the same amenities. If Mr. Nelson has decided to sell this land to someone, he must believe the developer will do well and will do what they promised.

Murray Sadlowski - 21 Elkview Drive., Opposed.

I agree with the environmental and social concerns expressed so far. With regard to losing the existing trails - this may be the least of my worries but if trails are the reason for supporting this development then this is a worry. The offered trails are on steep terrain and building these new trails will be a big undertaking and big commitment. These new trails will need to be built by volunteers.

Kyle Hamilton - 1392 B 9th Avenue., Opposed. (Letter rec'd)

I'd like to draw attention to the Local Government Act, Section 14, Provision 4, Section 473, Section 2.1. A local government must consider the most recent housing needs assessment when amending an OCP in relation to housing policies. Directors, please consider the impact this rezoning will have in regards to the housing needs assessment.

Randal MacNair - (Wildsight)., Opposed. (Letter rec'd)

This is a change to the OCP, which should be a big deal. There's no agreement for fire protection in place and no obligation to put an agreement in place. We have a great trail system and lots of support seems to be related to trails but, the reality is that lots of trails will be obliterated, and the area will be covered in houses. Look at the overlay maps and you will see. We are bottlenecking the landscape and there's no going back.

Yori Jamin - 1002 5th Avenue., Opposed. (Letter rec'd)

I appreciate the conversation. It's great to have open and respectful dialogue. This development will have a long-lasting impact on our community and my concerns are related to the environment, to wildlife. I also have concerns about housing and the social impact. The workforce required to build these large homes will be significant. Where will these workers live? This housing pressure will be borne by the citizens of Fernie.

Andrew Brown (He did not give his address and stated that he's an Independent)., Opposed. (Letter rec'd)

I'm representing all life and nature. There's a lot of folks here who have spoken for the animals. I appreciate the kids and young adults who have spoken, and all the professionals that have spoken. Climate change. We're faced with a climate emergency. Our resources need wise use. We should follow ancient wisdom and consider the environment, fish, water, and nature. We need to look after the environment now, and preserve large setbacks. Conserve wildlands. Indigenous peoples can teach us about all living things. Mother Earth depends on these decisions and so do our children.

Robin Boudreau - 27 9773 Stephenson Road., Opposed

I feel this decision is simple. This development doesn't provide what the community needs - which is affordable housing. I'm also concerned about the wildlife corridors and the watershed. Do better for our community then at least it's not clear cutting.

Jessica Philcox - 31 Stephenson Road., Opposed. (Letter rec'd)

There's not too much more to say. There's a big need for more affordable housing and a need to put effort into finding other options. We've had recent development that drove out two well-loved community businesses and this history makes it hard to trust developers. What is being built here isn't really for our community or the locals. We need to build trust and we need to see that the developments being built will benefit the community. People should be the priority not just for the sake of profit.

Director McDonald called three times for comments and since no other attendees chose to speak, Chair McDonald adjourned the hearing at 10:28 pm.

Chair Thomas McDonald
Electoral Area A

Tracy Van de Wiel
Planning Technician 2