



Galloway Lands Summary

On August 15th, 2021 Handshake Holdings Ltd. applied to the RDEK seeking zoning and OCP amendments to support its development of the Galloway Lands. The Galloway Lands will be a community preserve within the natural environment. All aspects seek to complement the lands and to conserve large tracts of land as natural areas, while ensuring public access forever. This summary tells the story...

**Handshake Holdings Inc.
April 25, 2022**

1. Context Statement

As a result of our [original application dated August 15th, 2021](#), we proceeded through the public engagement process. Following is a list of steps taken to engage the public and seek input:

- We created a list of 25 potentially affected stakeholders or organizations and began to contact them to establish dialogue.
- We met with any of the parties who were prepared to do so and who had questions in order to seek input from each of them as to the issues they were observing.
- Where possible, we corresponded with contacted parties and organizations to advance a clear understanding of our proposed plan and to modify that plan where comments warranted changes.
- We developed our website at gallowaylands.com and created a contact link and began to establish a mailing list, which has grown to 550 persons. The website is updated with new information and notices are sent by MailChimp to all registered correspondents.
- We hosted a public meeting on January 6, 2022, via Zoom with attendance in excess of 200 persons and presented the project.
- We recorded all questions from all sources of engagement and undertook to answer all of them in writing.
- We presented the project to the RDEK Planning Committee on January 13, 2022. The RDEK Board requested that we respond to further questions to better inform the Board.
- In response to the request for additional information from the Board, we established or extended consulting relationships with several leading consulting groups to provide detailed responses to the approximately 245 questions received during the public outreach.
- We prepared a full answer to all questions and submitted those questions and responses to the RDEK.

Following are our primary consultants:

Land Use Planning – Haworth Development Consulting Ltd.

Conservation Design – [Environmental Design Group](#)

Environmental Consultant – [Cascade Environmental Resource Group](#)

Transportation Consultant – [Bunt & Associates Engineering Ltd.](#)

Forest Fire Interface – [B.A. Blackwell & Associates Ltd.](#)

Hydrological Consultant – [Western Water Associates Ltd.](#)

Civil Engineering – Mulyk Consulting Ltd.

Legal – [Reed Pope Law Corporation](#)

The [answers to all questions](#) have been posted on the Galloway Lands website under the heading of Q&A's and are grouped in subject areas for easy reference.

As we approach the rescheduled date of May 12, 2022, for consideration by the Board, we have prepared a summary of the information which we have already provided to the RDEK in response to their request.



2. Historical Summary of Fernie Alpine Resort and Galloway Lands

This is a summary of historical research completed by [Reed Pope](#) to determine the acquisition history of properties currently operating as the Fernie Alpine Resort.

On September 15th, 1964, Galloway Lumber Company Limited, a company owned by Henry Nelson, conveyed to Fernie Snow Valley Ski Ltd. a parcel of land of approximately 330 acres in size. This parcel forms the original ski area base. The conveyance was for a consideration of \$15,000. Fernie Snow Valley Ski Ltd. was the original company formed to operate the community ski hill in this location.

On May 21st, 1971, Wineberg Land & Investment of B.C. Limited conveyed to Heiko and Linda Socher, two parcels of land totalling 160 acres abutting the original 330-acre parcel. These two parcels were then rolled into Fernie Snow Valley Ski Ltd. by Heiko and Linda Socher. Heiko and Linda Socher were the driving force for the development of the Fernie Alpine Resort. By adding these 160 acres to the original 330 acres, they consolidated control of Fernie Snow Valley Ski Ltd. The combined area of land holdings after this transaction was approximately 490 acres plus lease tenures in the alpine contiguous to the deeded lands.



In 1998, Heiko and Linda Socher were seeking to sell their interest in what had become Fernie Alpine Resort Ltd. to Charlie Locke, who is the owner of The Locke Stock & Barrel Company Ltd. Charlie wanted to have additional land to make the real estate portion of the venture more viable. The land which is referenced in this transaction was owned by Galloway Lumber Company Ltd. So again, Charlie Nelson sold an additional parcel comprising approximately 120 acres to The Locke Stock & Barrel Company Ltd., who in turn vended it into Fernie Alpine Resort Ltd. This parcel is what is currently known as Timber Landing.

By this point Fernie Alpine Resort had grown to over 610 acres plus lease tenure, 450 acres of which were provided by Galloway Lumber Company Ltd. for total consideration of \$297,000. That is equal to \$660 per acre.

The obvious point is that the Nelson family, through Galloway Lumber Company Ltd., has provided much of the land which is currently Fernie Alpine Resort and its related subdivisions. This was provided at a value that was driven by the desire of the Nelson family to contribute to the community of Fernie to establish a healthy recreational opportunity for the people of Fernie.

Bud Nelson is the remaining son of the Nelson family and is seeking to sell the remaining assets of the original Galloway Lumber lands, totalling 457 acres, to Handshake Holdings Inc.



3. Planning Process - [Read Questions and Answers here](#)

Handshake Holdings Inc. and Bud Nelson have applied to the Regional District of East Kootenay for land use approval (zoning and OCP amendments) to permit development of the Galloway Lands with 75 residential lots.

The RDEK process for consideration of the application follows the requirements of the Local Government Act and other governing legislation:

- The application for zoning / OCP amendment has been submitted to the RDEK.
- RDEK sends the application for referral agencies and affected parties.
- RDEK staff reviews the application and works with the applicant to refine the application and determine what covenants and other commitments are required to support the application. These additional covenants and other commitments become part of the Request for Decision prepared by RDEK staff and are provided to the Board for consideration at 1st reading of the bylaws. The Request for Decision includes the options available to the Board, an overview of the OCP and zoning policies applicable to the application, and all covenants and other commitments offered by the proponent. These covenants then form part of the requirement for approval of the application by the RDEK Board.
- 1st and 2nd reading of proposed bylaw is conducted by the RDEK. The application is either approved to proceed to public hearing or is defeated by the Board.
- The RDEK collect written submissions from the public who wish to comment on the application.
- The RDEK schedule a Public Hearing to obtain formal feedback from the public about the application.
- RDEK staff prepare a Public Hearing Report that is provided to the RDEK Board for consideration at 3rd reading of the bylaws. The Public Hearing Report includes copies of letters submitted by the public as well as a summary of verbal statements made at the public hearing.
- 3rd Reading of proposed bylaws is conducted by the RDEK. The application is approved or rejected by RDEK Board.

- The Applicant registers the Development Agreement / Covenants on the title to the lands. Certain covenants can be registered at this stage of the process and others are registered at subdivision. Where possible, covenants are registered at this stage. If a covenant cannot be registered at this stage, the Development Agreement creates a legal requirement to register these covenants at the subdivision stage of the project.
- MOTI approves bylaws.
- Adoption of bylaws is completed by the RDEK. Note that this step does not proceed until the Development Agreement / Covenants are registered on title and the proponent provides confirmation of registration to the RDEK.
- The RDEK will again review the covenants and development agreement registered on title at subdivision of the lands to ensure that all commitments are being upheld. Failure to abide by the covenants and development agreement will result in refusal to approve the subdivision. RDEK sign-off is required by MOTI for all subdivisions.



4. Trails and Public Use - [Read Questions and Answers here](#)

Currently the Galloway lands see substantial public use. A network of unsanctioned trails exist throughout the site and is used for a variety of recreational uses including walking, hiking, snowshoeing, and mountain biking. The Fernie Nordic Society's use is sanctioned under a limited agreement with the current landowner. These summer and winter trails currently generate an estimated 40,000 unique visits per year.

The development vision and commitment for the Galloway Lands includes the ongoing and expanded public use of these lands forever. The development is an opportunity to formalize the use and maintenance of publicly accessible trails within the Galloway Lands. While changes to existing trails will in some cases be unavoidable, the continuity and quality of trails within the Galloway Lands is important to the success of the development and its integration into the community.

Trail maintenance is equally as important as the initial construction of trails. We are proposing the establishment of an independent trust/society that will manage, enhance, and protect the publicly accessible trails and related infrastructure within the Galloway Lands. Funding for the construction and maintenance of the trail and infrastructure will be provided through a charge being assessed on the sale of each parcel within the development. Working with the Fernie Nordic Society and Fernie Trails Alliance, we are committed to ensuring the trails be well maintained and available for public use in perpetuity.



5. Conservancy Design - [Read Questions and Answers here](#)

The design and development of the Galloway Lands is rooted in the application of Conservation Design principles. Conservation Design is an alternative approach to conventional rural development. While new forms of Conservation Design are still developing, its most common tool remains conservation subdivision design.

Future development of lands within this part of the Regional District of East Kootenay (RDEK) is guided by the [Elk Valley OCP Official Community Plan](#) (OCP), the region's long term strategic planning document. The OCP supports and recommends Conservation Design as its preferred planning approach to achieve its goals of accommodating growth while maintaining rural character, recreation and conservation.

A report has been completed by [Environmental Design Group](#) with the following purpose:

- Summarize the policy context for the Galloway Lands and the Official Community Plan's emphasis on 'conservation subdivision design'.
- Provide an overview of the principles and practice of Conservation Design.
- Confirm that Conservation Design is widely considered as planning best practice.
- Highlight why Conservation Design was recommended in the Elk Valley Official Community Plan.
- Describe how this approach was applied to the Galloway Lands site; and
- Outline potential outcomes of this approach.

The [report can be read in full here](#). In general, the report finds that Conservation Design is the preferred approach to development in the region and that this design and approach to subdivision for the Galloway Lands are consistent with the principles of Conservation Design.

The report also points out that effective conservation must go beyond the design stage, noting that damage to the environment during construction and post-construction must be avoided and mitigated. It suggests that purchasers should be educated in how to continue conservation efforts on the site and that this can be ensured by well-structured conservation covenants and an ongoing management body to oversee ongoing conservation efforts.

The application of Conservation Design principles in the design of the subdivision together with the ongoing stewardship of the lots and common areas create a long-term approach to ensuring that growth is accommodated while maintaining rural character, protecting key conservation areas, and enhancing recreation opportunities -- goals that the Elk Valley OCP has laid out when considering development in the region.

“Conservation means development as much as it does protection.” – Theodore Roosevelt



6. Fish and Wildlife - [Read Questions and Answers here](#)

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

The general findings of the work completed by [Cascade Environmental Resource Group](#) are as follows:

- 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 west slope 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](#).
- 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. This is considered to be minimal in the opinion of Cascade Environmental Resource Group. 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 100 metres 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.

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.*

7. Transportation Impact Assessment - [Read Questions and Answers here](#)

A [Transportation Impact Assessment](#) (TIA) has been completed by [Bunt & Associates 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 typically 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. This means an increase of 13 trips in and 15 trips out during peak hour.



The intersection of Fernie Ski Hill Road & Highway #3 will reach capacity in coming years (2040), regardless of new traffic generated by additional development at the ski resort. It is recommended that MOTI monitor the intersection independent from the proposed development and that improvements be made for 2040 as needed.

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.

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 decision to upgrade the intersection is driven by the potential impact on year-round traffic flow along Highway #3 as opposed to short-term and intermittent traffic congestion departing the ski hill on a few days of the year.

Delineation lighting (streetlights) are warranted on Fernie Ski Hill 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. Please note that this recommendation is not due to the minor increase in traffic from the proposed Galloway Lands development, but rather is due to the current level of traffic of which the Galloway Lands project would increase by 3%.

While the intersection of Fernie Ski Hill Road & Highway 3 meets the minimum sight distance, the collision history indicates that two casualties have occurred along Fernie Ski Hill Road, with 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.

The TIA evaluated the performance of the intersections of Fernie Ski Hill Road and Highline Drive, Highline Drive and Boomerang Way, and Boomerang Way and Snow Pines Drive -- both with and without the proposed Galloway development. 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 is a concern of residents.

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.

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, residents and MOTI to design and construct this pathway system.

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.

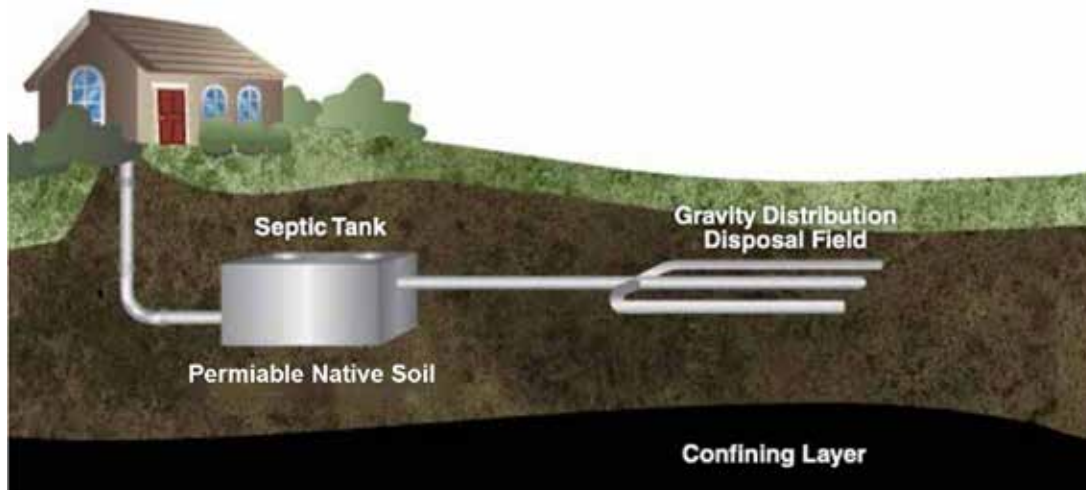
Note: *the proponent has studied several alternative access options all of which may be physically possible. The difficulties associated with those options relate to the fact that alternative options all require either a bridge crossing of Lizard Creek, or the involvement of adjacent landowners, or both. We remain open to alternative options and will continue to work to understand the viability of those options. We remind the reader that it is the Ministry of Transportation and Infrastructure who decides on the sufficiency of the access solution. This is only addressed at the time of subdivision application.*

8. Water and Wastewater - [Read Questions and Answers here](#)

A requirement of any future subdivision is the verification that each subdivided lot has a well that meets the requirements set out by MOTI and Interior Health. For our zoning application we have engaged [Western Water Associates](#) to review available literature and data and 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 US gpm, which is substantially above the Bylaw sustainable yield requirement of 0.42 US gpm. 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 Fernie Alpine Resort).

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.



Similarly for wastewater it is a requirement that during the subdivision process each proposed lot is evaluated to determine that land is suitable for onsite sewerage. A Registered On-Site Wastewater Practitioner (ROWP) or professional engineer 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.

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.

To support our [zoning application](#) we have engaged Mulyk Consulting Inc., professional engineers, to carry out an initial review of the site and based on [their review](#) we are confident that the requirements for septic systems can be met on all lots within the development. If the conditions for provision of either wells or septic fields cannot be met, the subdivision of those lots will not be permitted by MOTI.



9. Fire Safety - [Read Questions and Answers here](#)

Recommendations for Wildfire Hazard Reduction have been prepared by [BA Blackwell & Associates](#) for the proposed Galloway Lands development. The [assessment 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 objectives of the recommendations are to:

- Reduce the vulnerability of the buildings to wildfire using FireSmart compliant materials.
- Reduce fuels within 100 metre 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.

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 or standpipes spaced within the property.

A secondary emergency vehicle access is proposed 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 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.

10. Covenants and Governance

There are a series of covenants proposed that will limit certain uses on the property while ensuring continued public access to the lands. The covenants have been grouped into three categories:

1. Those covenants that are normally dealt with by RDEK Planning Staff at subdivision of a property and include the following:
 - Limit the total number of residential units constructed on the Lands to not more than 75 single family dwellings.
 - Restrict permitted uses within the PG-2 zoned lands to park and conservation uses.
 - Prohibit two-family dwellings within the RR-1 zoned lands.
 - Within those parts of the Lands zoned PG-2, and those parts of the Lands zoned RR-1 over which a statutory right of way will be registered for public access.
 - Wildfire covenants
2. Those covenants that require long-term administration and oversight will be registered in favour of the not-for-profit Society that will oversee the Galloway Lands Recreation Fund or the Homeowner Association. The RDEK will continue to be named on these covenants as a backstop to prevent discharge by the covenant holder but will not provide administration or enforcement of the covenant terms unless the RDEK chooses to do so.
 - Restrict the type of horticultural uses permitted within the RR-1 zoned lands.
 - No build covenant within the Lizard Creek corridor.
 - No build covenant within the remainder of the PG-2 zoned lands.
 - Provide a “no-build” covenant over that part of each building lot that is outside of the Building Envelope.
3. Covenants held by other government agencies (ie. Ministry of Transportation and Infrastructure):
 - Provide an SRW to allow for future construction of a road connecting the Cedars development to Fernie Alpine Resort. The SRW provided shall follow an alignment that permits construction of a future connector road at the discretion of MOTI.
 - Complete a Transportation Impact Assessment to the satisfaction of the Ministry.

It is through the approved land use and the covenant framework that the [Conservation Design principles](#) expressed in this application will function. Zoning is the first step in a process that will allow for continued and formalized public use, protection of important natural elements and assets while allowing development that is consistent with stated goals of the OCP. Development that maintains rural character, enhances utilization, creates opportunities for recreational activity, and enhances connectivity while preserving unique ecosystem features. ★

Thank you!