



REFERRAL RESPONSE

Date: December 17, 2021
To: Krista Gilbert, Planning Technician
From: Derek Cimolini, Manager of Planning
Subject: RDEK Bylaws 3102 and 3103 – Lizard Creek / C.H. Nelson Holdings Ltd.

Krista,

Thank-you for the opportunity to comment on RDEK Bylaws 3102 and 3103 (OCP / Zoning Amendments for development of the Galloway Lands). City of Fernie Staff is **not in favour** of the proposed bylaw amendments. City of Fernie Staff have the following comments:

City of Fernie OCP:

- The subject properties (Galloway Lands) are in the “Ferne Alpine Resort Long-Term Fernie Boundary Expansion Study Area” (City of Fernie OCP – Schedule ‘H’). Section 9-F – Future Land Requirements speaks to lands planned to one day, potentially, become part of the City of Fernie. Relevant to the subject application, the Fernie OCP states:

The potential boundary extension areas have been identified for the following criteria, or a combination of the following criteria:

2. *They have the long-term potential to accommodate future growth (commercial, light industrial and **residential mixed use**) subject to boundary extensions and the provision of publicly owned water or sewer services, provided that appropriate phasing policies are established, new development does not detract from compact development options within Fernie, **and that infrastructure capacity is available and financially sustainable.***
3. *They provide opportunities to improve and coordinate local planning, **promote the efficient use of land**, provide greater transportation choices, **reduce public servicing costs and reduce sprawl into rural areas.***

*Longer-term potential boundary expansion areas include land with little or no existing development. Such areas have been identified as “reserve areas” to help accommodate Fernie’s potential long-term growth demands. Their close proximity to Fernie means that future growth in these areas will help achieve many of the same benefits as growth within Fernie. Namely, **if developed in a compact form and in an orderly manner that does not detract from development within Fernie, they will promote the efficient use of land, provide greater transportation choices, reduce public servicing costs and reduce sprawl into rural areas.***

Relevant policies in this section of the OCP that this application is not consistent with include:

9-F.1 Continue working with the RDEK to develop a coordinated approach for future boundary expansion, and the conditions under which it would occur, to ensure consistent planning, cost effective service delivery, and good governance for Fernie residents and residents on the municipality's fringe.

9-F.3 Consider the provision of additional municipal services, such as fire protection, beyond the municipal boundaries and areas where they are currently provided following the completion of a cost/benefit analysis and examination of how the potential service delivery could impact service provision to Fernie residents.

- As delineated on the City of Fernie OCP Schedule 'E' – Transportation Network, there is a proposed urban collector road, of which the actual alignment is to be determined, in the vicinity of the subject lands. In fact, the proposed road, which would connect the City of Fernie to Fernie Alpine resort has already been dedicated to the southern-most boundary of the Cedars lands, adjacent to the "Galloway" property, as a part of the Cedars development. Development of the subject lands may preclude or complicate future construction of the proposed urban collector road connecting the City of Fernie to Fernie Alpine Resort.
- Taking into context that the subject properties are in the long-term City of Fernie Boundary Expansion Area, the proposed development is inconsistent with City of Fernie OCP policies and the City of Fernie / West Fernie Affordable Housing Strategy regarding the diversification of housing, development of higher density residential and limiting infrastructure costs:

1-A - Housing

1-A.1 Encourage a spectrum of residential dwelling types, locations, and densities in order to accommodate various socio-economic groups, age groups, and lifestyles in Fernie.

1-A.5 Encourage and support more diverse housing stock in each neighbourhood to meet priority needs for seniors, low-income families, young families, and people with disabilities.

1-A.7 Work towards increasing the overall density of housing in the existing urban area as a means to optimize the City's investments in infrastructure and as a means to reduce service delivery costs.

1-A.2 – Housing Diversity

1-A.2.4 Encourage and support development of affordable multi-family housing options.

General Comments:

- The applicant is proposing a covenant to limit the amount of dwelling units to 75, and not allow anything over a single-family dwelling unit to be built. While this works to limit the total greenfield area to be developed, it also handcuffs the RDEK (and in the future, the City) and future developers from any potential high-density residential developments in the future. This, again, conflicts with the related OCP policies listed above. City Staff are not in favour of a covenant of this nature. City Staff believe that it is possible to have environmentally sustainable multi-family development with proper planning, and this covenant would eliminate that possibility.

Future Financial Implications to the City of Fernie:

- On the assumption that these may be fee simple lots (The application package does not differentiate whether or not this will be a strata or fee-simple development), or at least may one day be managed by the RDEK or City of Fernie: Related to the above note on the OCP and limiting infrastructure costs, Staff feels it is important to consider Asset Management; that is, once the infrastructure is installed by the developer, and the City (or RDEK) becomes responsible for the maintenance and eventual replacement of that infrastructure, what will it cost the Municipality (City or RDEK)? The Provincial Government hosts a website on [Community Lifecycle Infrastructure Costing](#). On this website they state that:

*New development and land use planning decisions require careful consideration as they affect the scale, scope, and type of infrastructure needs. The full financial impact of these decisions will influence **long-term** community sustainability and resilience.*

Staff feels it is important to investigate the costs associated with infrastructure maintenance and replacement against the anticipated revenues (and potential benefits) that the City may encounter as a result of the development. In this case, Staff anticipates that the revenues / potential benefits of the development will not justify long-term costs of infrastructure maintenance and replacement. With that said, an analysis of this through the “CLIC” tool, that can be found at the above link, can be used to inform the RDEK on these concerns.

Note: If I missed the differentiation of Strata vs Fee-Simple in the Application, then the above statement may change, however, we should still consider the potential costs to the RDEK / City if, for example, a Strata were to dissolve and leave the RDEK / City responsible for the infrastructure.

Responses from Related City of Fernie Departments

- The City of Fernie Operations and Engineering Department noted the following:

The kind of development proposed in Bylaws 3102 & 3103 is not sustainable considering that density is an important goal of the City. Large lots with much infrastructure will continue the practice of habitat destruction for the benefit of the very few at a time where communities need to infill rather than spread out. These large lots are along a mountainside requiring expensive infrastructure that is difficult to maintain. The City is concerned that such nearby developments may become a part of our municipality over the long term and perpetuate the problems we already have here.

- The City of Fernie Fire and Emergency Services Department noted the following:

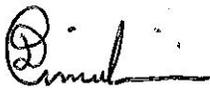
Two real concerns that needs to be addressed only in regard to fire and life safety:

1. Servicing 75 properties with no water supply for fire suppression. This would mean Fire and Emergency Services would need to shuttle water to emergency scene from hydrant (Boomerang way) on ski hill.
2. Road access/egress to and from this development
 - a. The main access they suggest is from the ski resort property (7.8 km from fire hall) which is approx. 12 minute driving code 3.

- b. The applicant suggests emergency egress route be single lane gravel road to Highway 3. Fire and Emergency Services would recommend this be double lane paved and be secondary egress for ski resort also. Is there assurance that this road would be maintained in winter months? Is there possibility for us to utilize this road to access development?

Fernie Fire and Emergency Services have contacted Andy Cohen, the General Manager of RCR, and they are meeting on Thursday December 23 to discuss this development. Fire and Emergency Services are interested in Mr. Cohen's take on the proposed development from an Emergency Services perspective.

Sincerely,

A handwritten signature in black ink, appearing to read "Derek Cimolini". The signature is written in a cursive style with a horizontal line extending to the right.

Derek Cimolini
Manager of Planning
Corporation of the City of Fernie
December 17, 2021