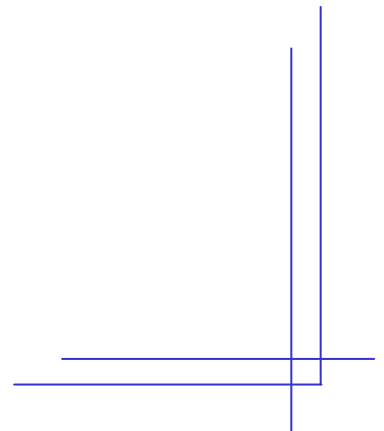




**FERNIE ALPINE RESORT  
OFFICIAL COMMUNITY PLAN  
BYLAW NO. 2363, 2012**



# Contents

<b>1</b>	<b>Introduction.....</b>	<b>3</b>
1.1	Administration.....	3
1.2	Legal Framework.....	3
1.3	Plan Policies.....	4
1.4	Planning Process.....	4
1.5	Relationship to the Zoning Bylaws.....	4
1.6	Relationship to the Ktunaxa First Nation.....	5
1.7	Relationship to the City of Fernie.....	5
1.8	Relationship to Island Lake Lodge.....	5
1.9	Plan Area.....	5
<b>2</b>	<b>Planning Context.....</b>	<b>7</b>
2.1	Background.....	7
2.2	Resort Development Background.....	8
2.3	Previous Plans and Policies.....	9
<b>3</b>	<b>Local Administration Policies.....</b>	<b>11</b>
3.1	Background.....	11
3.2	Objectives.....	11
3.3	Policies.....	11
<b>4</b>	<b>Environmental Protection and Development Constraints.....</b>	<b>13</b>
4.1	Background.....	13
4.2	Objectives.....	13
4.3	Policies.....	13
	4.3.1 Environmental Protection.....	13
	4.3.2 Development Constraints.....	15
<b>5</b>	<b>Archaeological and Cultural Resources.....</b>	<b>17</b>
5.1	Background.....	17
5.2	Objectives.....	17
5.3	Policies.....	17
<b>6</b>	<b>Greenhouse Gas (GHG) Emissions Reduction and Climate Change.....</b>	<b>18</b>
6.1	Background.....	18
6.2	Greenhouse Gas Reduction Target.....	18
6.3	Objectives.....	18
6.4	Policies.....	18

<b>7</b>	<b>Residential Land Use</b>	<b>20</b>
7.1	Background	20
7.2	Objectives	20
7.3	Policies	20
<b>8</b>	<b>Employee Housing</b>	<b>22</b>
8.1	Background	22
8.2	Objectives	22
8.3	Policies	22
<b>9</b>	<b>Commercial and Commercial Accommodation Land Use</b>	<b>24</b>
9.1	Background	24
9.2	Commercial	24
9.2.1	Objectives	24
9.2.2	Policies	25
9.3	Commercial Accommodation	25
9.3.1	Objectives	25
9.3.2	Policies	26
<b>10</b>	<b>Resort Recreational</b>	<b>27</b>
10.1	Background	27
10.2	Objectives	27
10.3	Policies	27
<b>11</b>	<b>Open Space, Trails and Recreation</b>	<b>29</b>
11.1	Background	29
11.2	Objectives	29
11.3	Policies	30
<b>12</b>	<b>Transportation Network</b>	<b>32</b>
12.1	Background	32
12.2	Objectives	33
12.3	Policies	33
<b>13</b>	<b>Parking</b>	<b>35</b>
13.1	Background	35
13.2	Objectives	36
13.3	Policies	36
13.3.1	Village Core	36
13.3.2	Day Use	36
13.3.3	Residential	37

<b>14</b>	<b>Water Supply, Storage and Distribution .....</b>	<b>38</b>
14.1	Background .....	38
14.2	Objectives.....	38
14.3	Policies .....	39
<b>15</b>	<b>Sanitary Sewer Collection and Treatment.....</b>	<b>40</b>
15.1	Background .....	40
15.2	Objectives.....	40
15.3	Policies .....	40
<b>16</b>	<b>Stormwater Management .....</b>	<b>42</b>
16.1	Background .....	42
16.2	Objectives.....	42
16.3	Policies .....	42
<b>17</b>	<b>Solid Waste Disposal .....</b>	<b>45</b>
17.1	Background .....	45
17.2	Objectives.....	45
17.3	Policies .....	45
<b>18</b>	<b>Connection to Utilities.....</b>	<b>46</b>
18.1	Background .....	46
18.2	Objectives.....	46
18.3	Policies .....	46
<b>19</b>	<b>Public Safety .....</b>	<b>47</b>
19.1	Background .....	47
19.2	Objectives.....	47
19.3	Policies .....	47
<b>20</b>	<b>Development Permit Areas .....</b>	<b>49</b>
20.1	Background .....	49
20.2	Conditions Where a Development Permit is Not Required.....	49
20.3	Development Permit Area #1 – Steep Slope Development Permit Area .....	50
20.3.1	Area .....	50
20.3.2	Designation Category.....	50
20.3.3	Justification .....	50
20.3.4	Guidelines .....	50
20.4	Development Permit Area #2 – Commercial and Multi-Family Development.....	51
20.4.1	Area .....	51
20.4.2	Designation Category.....	51
20.4.3	Justification .....	51
20.4.4	Guidelines .....	52

<b>21</b>	<b>Implementation .....</b>	<b>55</b>
21.1	Background .....	55
21.2	OCP Amendments .....	55
21.3	Zoning Bylaw Amendments .....	56
<b>22</b>	<b>Land Use Designations .....</b>	<b>57</b>
22.1	Residential Land Uses .....	57
22.2	Recreational Land Uses .....	57
22.3	Industrial Land Uses .....	57

## Appendix

### APPENDIX A – DEFINITIONS

#### List of Schedules

- A** Policies
- B** Official Community Plan Boundary & Ownership
- C1** Land Use Concept Overview
- C2** Land Use Concept – Development Area
- D** Development Phasing
- E** Water System
- F** Sanitary Sewer System
- G** Storm Water System
- H** Transportation, Trails & Parking
- I** Commercial & Multi-Family Development Permit Area #2

# REGIONAL DISTRICT OF EAST KOOTENAY

## BYLAW NO. 2363

A bylaw to adopt an Official Community Plan for the Fernie Alpine Resort Plan area.

WHEREAS the Board of the Regional District of East Kootenay deems it necessary to adopt an official community plan in order to ensure development takes place in an orderly, safe and efficient way;

NOW THEREFORE, the Board of the Regional District of East Kootenay, in open meeting assembled, enacts as follows:

### 1. Title

This Bylaw may be cited as the “Regional District of East Kootenay – Fernie Alpine Resort Official Community Plan Bylaw No. 2363, 2012”.

### 2. Application

This Bylaw is applicable to all land within the boundaries of the Fernie Alpine Resort Plan area as shown on **Schedule B**.

### 3. Organization

The following attached schedules are incorporated into and form part of this Bylaw:

- (a) Schedule A – Policies
- (b) Schedule B – Official Community Plan Boundary & Ownership
- (c) Schedule C1 – Land Use Concept Overview
- (d) Schedule C2 – Land Use Concept – Development Area
- (e) Schedule D – Development Phasing
- (f) Schedule E – Water System
- (g) Schedule F – Sanitary Sewer System
- (h) Schedule G – Storm Water System
- (i) Schedule H – Transportation, Trails & Parking
- (j) Schedule I – Commercial & Multi-Family Development Permit Area #2

### 4. Severability and Enactment

If any section, subsection, sentence, clause, phrase, map or schedule of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder.

The Manager of Planning & Development Services, Manager of Building & Protective Services and Bylaw Enforcement Officer, and any other person authorized to assist the aforementioned persons are authorized to administer this Bylaw and to enter any premises at any reasonable time to determine whether the regulations in this Bylaw are being complied with.

This Bylaw shall come into full force and effect on the final adoption thereof.

Bylaw No. 1500, cited as the “Regional District of East Kootenay – Fernie Alpine Resort Official Community Plan Bylaw No. 1500, 2000” is hereby repealed.

READ A FIRST TIME the 8th day of June 2012.

READ A SECOND TIME the 8<sup>th</sup> day of June 2012.

READ A THIRD TIME the 6<sup>th</sup> day of July 2012.

ADOPTED the 6<sup>th</sup> day of July 2012.

\_\_\_\_\_  
CHAIR *“Rob Gay”*

\_\_\_\_\_  
CORPORATE OFFICER *“L.V. Crane”*

## **SCHEDULE A – POLICIES**

### **1 Introduction**

#### **1.1 Administration**

The Official Community Plan (OCP) is intended to provide guidance on land use and development issues within the plan area for a five to fifteen year period. During that time, however, the OCP may be amended to respond to a change in the needs of the community. Amendments may be initiated either by a property owner or the Regional District. All proposed amendments are subject to an application process, public hearing and approval by the Regional District Board and appropriate Provincial Ministries.

This OCP will be utilized and administered by the Board of Directors and staff of the Regional District of East Kootenay (RDEK) in evaluating all future development proposals. This plan does not commit the RDEK to any specific projects or courses of action, but it does provide guidance to developers and citizens, and gives a clear overview of resort development requirements.

In approving the OCP, the Regional District Board has considered the interests of the individual landowners and residents within the plan area and balanced those interests with the needs of the community and region as a whole.

#### **1.2 Legal Framework**

The OCP is adopted pursuant to Part 26 of the Local Government Act, which states:

An official community plan is a statement of objectives and policies to guide decisions on land use planning and land use management, within the area covered by the plan, respecting the purposes of local government.

In addition, an OCP must contain policy statements and map designations respecting the following:

- Residential development and housing needs over a period of at least five years;
- Commercial, industrial, institutional, and other types of land uses;
- Restrictions on the use of environmentally sensitive and hazardous lands;
- The appropriate location and phasing of any major road and infrastructure systems;
- The location and type of present and proposed public facilities;
- Policies and actions proposed to achieve targets for the reduction of greenhouse gas emissions; and
- The location and area of sand and gravel deposits suitable for future extraction.

Development within the plan area is also subject to all relevant provincial and federal legislation and regulations.



### **1.3 Plan Policies**

Within the plan, there are statements which set out objectives and policies. These statements are provided to give a clear idea of how the resort will develop over time, and what the issues will be, and how they will be addressed.

The objectives outline what is to be achieved through the actions of the key stakeholders within the resort. They help provide direction and set the stage for the policies that are associated with each objective. The policies within the OCP become the official position of the RDEK.

Policy statements describe the action to be taken to achieve the associated objective. They set out the action program, and assign roles and responsibilities.

Schedules attached to the OCP contain the map designations. The map designations apply the goals and policies identified within the plan area to each parcel to depict the desired range and pattern of future land use.

### **1.4 Planning Process**

A review of the Fernie Alpine Resort Official Community Plan was initiated in 2011 in cooperation with the Resorts of the Canadian Rockies (RCR) to update the original OCP which was adopted in 2000.

The OCP review focused on the relocation of development areas at the resort and updating policies regarding transportation and trails, water and sewer servicing and employee housing.

Consultations with Provincial Ministries, the Ktunaxa Nation Council and public and private interests occurred between September 2011 and April 2012.

One public meeting was hosted by the RDEK and RCR in November 2011 to present RCR's plans for development, proposed density distribution as well as status updates on the water, sewer, roads and trails.

The draft OCP was presented at two open houses and a town hall meeting in February 2012. Following the public review period, the draft OCP was revised. The final draft of the OCP was presented at a public meeting in June 2012. The final draft was circulated to the appropriate Provincial Ministries, Ktunaxa Nation Council and the City of Fernie prior to entering the formal bylaw approval process.

### **1.5 Relationship to the Zoning Bylaws**

The land use designations contained within the OCP were assigned based on the goals and policies outlined within the OCP and in consideration of the current land uses. However, the land use designations may not match a parcel's zoning within the Elk Valley Zoning Bylaw. This is because the OCP is a long range strategic planning document that identifies the preferred land use, while the zoning bylaw usually recognizes the current land use. Development of the parcel may continue in accordance

with the zoning of the property, however, any amendment to the zoning must be in conformity with the land use designation in the OCP.

## **1.6 Relationship to the Ktunaxa First Nation**

The Ktunaxa First Nation is a culturally and linguistically unique group who has occupied land in the Elk Valley for several thousand years. The Ktunaxa people were nomadic and traveled throughout their traditional territory on a seasonal basis to correlate with the peak availability of plant and animal resources.

The preparation of the OCP included consultation with the Ktunaxa First Nation in recognition of their traditional use of the land and interest in lands within close proximity to the plan area as part of the on-going treaty negotiation process. In addition, the OCP contains policies recognizing the need to conserve archaeological sites and mitigate impacts to the archaeological resources within the plan area.

## **1.7 Relationship to the City of Fernie**

The municipal boundary of the City of Fernie extends to the eastern boundary of Mount Fernie Provincial Park. In the past, the City of Fernie has expressed an interest in expansion of its boundaries to include West Fernie, Fernie Resort and Island Lake Lodge. The preparation of this OCP has included consultation with the City of Fernie regarding issues of interest to the City.

## **1.8 Relationship to Island Lake Lodge**

Island Lake Lodge and Island Lake Resort (ILR) land holdings are located north of Fernie Alpine Resort. Backcountry skiers and hikers are able to access the Crown land above Island Lake Lodge from Fernie Alpine Resort, if they venture beyond the resort's ski area boundary. From there, it is possible to ski or hike down into Mount Fernie Provincial Park or Island Lake Lodge.

An OCP was adopted for the ILR land holdings in March 2010. The plan was developed cooperatively by ILR and the RDEK. ILR had discussions with FAR regarding the policies contained in the OCP. Specific detailed studies related to environmental, archaeological, geotechnical, and employee housing issues were also commissioned by ILR and informed the development of the OCP.

## **1.9 Plan Area**

Fernie Alpine Resort is comprised of a total land area of 2,155 hectares. Plan area boundaries are shown on Schedule B. The plan area contains recreational lands utilized for resort activities and a variety of accommodation and commercial functions.

Eighty-nine percent of the land area within the OCP boundary is owned by the Crown, while eleven percent is privately owned. The following is a breakdown of land area by ownership.

**Table One**  
**Land Ownership by Area**

<b>OWNER</b>	<b>APPROX. AREA HECTARES</b>	<b>% OF TOTAL</b>
Crown	1,910	89
Fernie Alpine Resort	215	10
Other Private	30	1
<b>TOTAL</b>	<b>2,155</b>	<b>100</b>

Land ownership patterns and the OCP plan boundary are illustrated on Schedule B.

## 2 Planning Context

### 2.1 Background

The Fernie Alpine Resort is located in the Elk River Valley approximately 5 km south of the City of Fernie and within RDEK Electoral Area A. The terrain of the resort is gently to moderately sloping, with gradients from zero to 20 degrees (up to 35 percent). Localized steeper slope segments occur to the southwest of the plan area, along channels and at Highway No. 3. Lands within the OCP boundary do not contain mineral tenures, however, the area was surveyed and a phosphate bearing strata was found. There are two active trap lines within the OCP boundaries. A guide-outfitter also has tenure to a part of the plan area.

The Elk River Valley is rich in forestry, wildlife and coal resources. The primary attraction at Fernie Alpine Resort is winter recreational skiing and recreational accommodation. While the resort is evolving into a four season attraction, its peak use occurs between December and April each year.

Although alpine skiing is the primary attraction at Fernie Alpine Resort, the area will evolve into a four season attraction. Other winter and summer activities include:

- nordic skiing,
- snowmobiling;
- snow shoeing;
- lift accessed summer sightseeing;
- hiking;
- mountain biking;
- aerial park & ziplining; and
- horseback riding and sleigh rides.

Within the plan area, there will be a variety of accommodation types provided, including: detached dwellings, duplexes, multiple family/townhouse units, hotels, and condo hotels. At build-out, it is anticipated there will be a total of approximately 1,355 units. The following is a breakdown of the projected units and their location within the resort.

The following tables provide a summary of the existing and proposed number of units and their location within the resort.

Area	Existing Units by Type & Location			
	Single/ Two-Family	Multiple Family	Hotel/ Condo hotel	Total
Village Core	0	0	114	114
Timberline Subdivision	55	40	160	255
Highline Estates	61	92	176	329
<b>TOTAL</b>	<b>116</b>	<b>132</b>	<b>450</b>	<b>698</b>

Area	Proposed Units by Type & Location			
	Single/ Two-Family	Multiple Family	Hotel/ Condo hotel	Total
Village Core	0	0	163	163
Timberlanding	92	80	0	172
Lower Village	0	0	80	80
Timberline	4	0	0	4
Upper Village	45	0	0	45
Polar Peaks Area	0	0	16	16
<b>TOTAL</b>	<b>141</b>	<b>80</b>	<b>259</b>	<b>480</b>

As per the Master Plan, the resort is currently approved for 1,355 units and 4,655 bed units. The 1,218 units proposed, which include 40 recreational vehicle sites, will result in a total of 4,574 bed units located within the resort. The proposed density of units may vary by type and location as development at the resort continues; providing the maximum number of units does not exceed the density approved within the Master Plan.

## 2.2 Resort Development Background

Fernie Alpine Resort is poised to experience significant expansion during the life cycle of this plan. The resort will evolve into a unique, year round, regional destination resort that will accommodate approximately 9,000 people per day at peak use.

The original ski area, called Fernie Snow Valley, was initiated in 1961 by a company of local skiers (Fernie Ski Development Ltd.), who financed the construction of a T-bar and day lodge. In 1997, Skiing Louise Group Ltd. purchased the resort, and expansion of ski facilities, including new lifts and ski trails, was initiated.

In 2002, Skiing Louise Group was purchased and a new company, Resorts of the Canadian Rockies was created. It is anticipated that the organization will continue the development and build out the resort as outlined within this OCP. Existing base area facilities will eventually be replaced or upgraded in order to facilitate the development of the new village core.

Over time, three Master Plans were also prepared, in order to guide development activities at the resort.

### 1. Fernie Snow Valley Master Plan (1981)

This plan was prepared in accordance with the requirements of the Crown. The plan identified ski area expansion opportunities, and laid the foundation for subsequent land use zoning.

2. Fernie Snow Valley Master Plan (1993)

The Crown's ski area agreement prompted an update to the original plan. The 1993 Master Plan revised skier visitor projections, and minor modifications were made to the proposed mountain and base area facilities and resort development plans.

3. Fernie Alpine Village Master Plan (1998)

This Master Plan was used as a basis for the development of the 2000 and 2012 Official Community Plans. The plan provides definition to the development of a mixed use village core, and adjacent ski to/from residential developments.

Fernie Alpine Resort will be a recreation based community that is attractive to both permanent and seasonal residents. The design of the resort will respect the area's environmental integrity, contain forested open space, and a natural trail system. Facilities will be located so there is an open and natural atmosphere.

### **2.3 Previous Plans and Policies**

Several relevant land use planning and zoning documents have informed the preparation of this plan. The following provides a brief overview of the relevant sections of these documents:

***Fernie Area Land Use Strategy, October 2006*** - This policy document was prepared to assist in evaluating proposals for land use change in the unincorporated areas adjacent to the City of Fernie. The document is not an official community plan; however, it is the intent of the RDEK and the City of Fernie that the Land Use Strategy guide land use decisions within the study area.

Several items came up during the Land Use planning process with regard to Fernie Alpine Resort. A public survey indicated that most of the respondents supported controlled or planned growth at FAR. Some other concerns identified by the public were: the capacity of the resort to provide adequate servicing with expanding operations, interest by the City of Fernie in annexing FAR, an interest by some of the residents/owners of FAR to remain outside of the City limits, and the need for development of a secondary access to the resort. Key policy statements germane to FAR include:

- (a) A review is to be conducted of the FAR OCP, including the timeline for the development of employee housing, the need for a second egress/access and the infrastructure servicing for the resort; and
- (b) Development is encouraged to be designed using environmental site planning principles to minimize risks from environmental hazards and avoid critical wildlife habitat, minimize impacts to Mount Fernie Provincial Park and to achieve high quality development that is compatible with its surroundings.

***Regional Growth Strategy, 2004 (RGS)*** provides a vision statement, goals, and general principles for managing growth in the region. The RGS provides related policy directions, notably specific principles for resort development, support for tourism related industries, environmental protection and public access to Crown land and recreational resources. The Fernie Alpine Resort land holdings are within the Elk Valley Subregion where related

topics of interest include the provision of services, settlement patterns, trail linkages, backcountry recreation, and environmental protection.

***The Corporation of the City of Fernie OCP Bylaw No. 1923, 2002*** provides guiding principles which were drafted in response to major issues raised through discussions with the community. Policies within the OCP include working with the resort, the development community, residents and the Chamber of Commerce to develop a strategy that articulates ways and means of ensuring affordable and safe accommodation for seasonal employees; and working with FAR, the Chamber of Commerce and Fernie Tourism to actively promote the recreational opportunities in the community. Transportation policies include working with the Ministry of Transportation and Infrastructure and the RDEK to assess corridor planning and access management issues associated with future development along Highway 3 and in the City of Fernie, West Fernie and at FAR specifically. Working with FAR and community business interests to determine if there is a need for a community shuttle service between the City and the resort is also supported. Further policies state continued support of the private provision of a shuttle service between the City and the resort and working with the RDEK to develop a trail that connects the City with FAR.

***Fernie Alpine Resort Official Community Plan Bylaw No. 1500, 2000*** was prepared based on the 1998 Master Plan. After the Province approved the resort's Master Plan, the RDEK requested the provisions of the Master Plan be incorporated into a statutory document in the form of an OCP. The first draft of the OCP was prepared in October 1998, and went through a review process with input from a committee of local residents, various provincial government agencies, the RDEK, and the public. Where appropriate, comments were incorporated into the OCP.

***Elk Valley Zoning Bylaw No. 829, 1990*** provides the regulations for the permitted uses, density, siting, size and dimensions of buildings and structures for the unincorporated areas in Electoral Area A. Section 21.3 of the plan outlines the application of the zoning bylaw to the FAR land holdings.

### **3 Local Administration Policies**

#### **3.1 Background**

In the short term, Resorts of the Canadian Rockies will operate and maintain its own infrastructure. In the long term, as the resort matures, administration and governance will become an important issue for the key stakeholders, including owners, residents, the Regional District, the City of Fernie, and the Province.

In terms of providing local governance and service delivery, the *Local Government Act* provides four broad options available to Fernie Alpine Resort:

- expanded powers for existing municipalities (undertaken with a municipal boundary extension);
- regional district local service area;
- mountain resort improvement district, or
- mountain resort municipality.

If further examination of these options is required then a process involving the Regional District, the City of Fernie, permanent residents, the owners of Fernie Alpine Resort, and the Province of British Columbia is recommended.

The resolution of local governance issues will be initiated by the resort owners, in cooperation with the key stakeholders.

#### **3.2 Objectives**

- (a) To identify and examine the local governance and service delivery options available to Fernie Alpine Resort.
- (b) To work cooperatively with the resort owners, residents, Regional District, City of Fernie, and the Province, and identify the means whereby services will be provided and administered.
- (c) To ensure that the method of local governance and service delivery chosen is responsive to the current and future needs of the resort, and promotes efficiency and effective management of the resort.

#### **3.3 Policies**

- (a) **Initiation** In order to prompt an efficient examination of local governance options, the resort owners shall initiate an examination of relevant options.
- (b) **Key Stakeholders** The Regional District, resort owners, property owners, City of Fernie, and the Province of British Columbia will work cooperatively to examine service delivery options, and to define the most appropriate mechanism for local governance.



**(c) Respect  
Various  
Interests**

When examining options, the respective parties will work together to ensure service delivery is provided in a cost effective manner that respects the interests of existing and future residents, the resort owners, and the objectives and statutory requirements of the Regional District and the Province of British Columbia.

## **4 Environmental Protection and Development Constraints**

### **4.1 Background**

The high quality of the natural environment is one of the key reasons for Fernie Alpine Resort's success and its attractiveness as a mountain community. Standards of environmental quality must respect the unique character of the area. Visitors and residents expect the resort to be set within a pristine natural environment with clean air and water, extraordinary scenery and the sense of being close to nature. It should be recognized that the mountain environment places physical limitations on development that must be respected during land use and development planning.

Wildlife resources in the East Kootenay are considered a valuable resource, and fisheries habitats in the Elk River are known to be very productive for a range of species. Future development will proceed so the natural environment is respected, and appropriate mitigation measures are carried out.

Various assessments of the resort have been done preparatory to the Official Community Plan adopted in 2000. Those relating to environmental protection and development constraints include:

- Environmental Scoping Report, April 1998;
- Geotechnical and Slope Conditions, December 1998;
- Archaeological Assessment, August 1998; and
- District Lot 8901 Rare Plant Communities and Overview Wildlife Assessment for the Fernie Alpine Resort, December 1999.

The recommendations of these reports have been incorporated into the policies.

### **4.2 Objectives**

- (a) To ensure that resort development respects environmental constraints, and protects the environment.
- (b) To initiate appropriate mitigation measures in order to protect the environment.
- (c) To recognize the importance of containing and controlling invasive plants and prevent their establishment.

### **4.3 Policies**

#### **4.3.1 Environmental Protection**

##### **(a) Plant Survey**

Based on ecological mapping and a field assessment of the area conducted prior to the original OCP which was utilized to accommodate the proposed development, it was determined that the area had been logged by the previous owner, and as such, there was a low probability of there being any rare or endangered plants. The assessment results were

reviewed by the Ministry of Environment, and it was agreed that future development may proceed within the village core and the area south of the Timberline subdivision.

As no previous studies have occurred, sensitive ecosystems and vulnerable plant communities shall be considered at the time of application for rezoning or subdivision of DL 11699. Notwithstanding the development permit requirements of section 20, the RDEK may require at time of subdivision or rezoning of DL 11699 submission of a report by a qualified professional that includes, but is not limited to the following:

- (i) identification of any endangered or vulnerable species that utilize the area under consideration;
- (ii) identification of areas, as appropriate, to be dedicated as conservation areas;
- (iii) site specific additional information requirements identified by the Regional District at the time of application.

**(b) Wildlife Survey**

An environmental scoping report and subsequent wildlife migration assessment conducted prior to the original OCP did not identify any critical wildlife habitat or migration corridors within the area proposed for development. The information was reviewed with the Ministry of Environment, and it was agreed that future development may occur within the village core and the area south of the Timberline subdivision.

As no previous studies have occurred, habitat connectivity and movement of endangered animal species shall be considered at the time of application for rezoning or subdivision of DL 11699. Notwithstanding the development permit requirements of section 20, the RDEK may require at time of subdivision or rezoning of DL 11699 submission of a report by a qualified professional that includes, but is not limited to the following:

- (i) identification of any endangered or vulnerable species that utilize the area under consideration;
- (ii) identification of opportunities for mitigation of the proposed development on wildlife movement corridors through development design or other compensation;
- (iii) identification of areas, as appropriate,

- (iv) to be dedicated as conservation areas; site specific additional information requirements identified by the Regional District at the time of application.
- (c) **Elk Calving Grounds** An upland alpine area, located well beyond the village core and existing developed area, has been identified as an elk calving area. The resort owners will work with the Ministry of Environment to restrict access to the area during the calving season.
- (d) **Invasive Weed Control** Property owners and occupiers are required to control and manage invasive plants as required by the RDEK invasive plant control and enforcement bylaw and the *Weed Control Act* through prevention and control initiatives.  
  
Recreation users within the plan area are encouraged to inspect their ATVs, mountain bikes, and vehicles for invasive plants to assist in prevention of the spread and establishment of these plants.

#### 4.3.2 Development Constraints

- (a) **Development on Slopes Greater than 15%** Land containing any portion of the parcel with slopes equal to or greater than 15% are designated a development permit area. The Regional District shall require the owners to apply for a development permit where construction or subdivision is proposed on lands with slopes equal to or greater than 15%. If development, other than those exempted in section 20.2 is proposed in this area, a geotechnical investigation shall be conducted to the satisfaction of the RDEK.
- (b) **Development on Slopes Greater than 30%** Development, other than ski runs, on lands with slopes that are in excess of 30% is not permitted. The Regional District may also limit development on lands less than 30% where a professional engineer with experience in geotechnical engineering has indicated the land is unstable and unsuitable for development.
- (c) **Restrict or Prohibit Placement of Fill** Placing fill or debris in any natural watercourse, or on lands that could lead to the discharge of deleterious materials into a watercourse shall not be supported, unless adequate mitigative design and construction measures, acceptable to the Regional District, and applicable federal/provincial agencies, are instituted.

- (d) Land Clearance and Grading** During all land clearing, land filling, grading and landscaping, the Regional District encourages resort owners and relevant Provincial agencies to work cooperatively, to ensure adequate protection from erosion, soil instability, ground water degradation, and water course quality degradation. Burning of material will be carried out in accordance with the Clean Air Provisions under the *Environmental Management Act*.
- (e) Setback from Water Courses** The Regional District will require, in accordance with Elk Valley Zoning Bylaw No. 829, minimum setbacks and flood construction levels for developments that extend back from the natural boundary of any watercourse including Boardman Creek and Currie Creek.
- (f) Trapline** The resort owner will contact the tenure holder, the Ministry of Environment or the Ministry of Forests, Lands and Natural Resources Operations regarding traplines TR0423T003, TR0423T004, and the local guide-outfitter to determine the status of the tenures, and will work with the tenure holders to identify mitigation programs.
- (g) Gravel Deposits** There are no known locations or areas of sand and gravel deposits that are suitable for future sand and gravel extraction.

## 5 Archaeological and Cultural Resources

### 5.1 Background

The region around the Elk Valley has a rich archaeological history extending back thousands of years through inhabitation and utilization of the land and its resources by the Ktunaxa First Nation. In addition, the Fernie area has a colourful history of European settlement starting with mining exploration in the late 1800s. The Fernie town site was established in 1897 and the Canadian Pacific Railway arrived in 1898. Logging up the Lizard Creek drainage into the Cedar Valley started just after the turn of the century.

### 5.2 Objectives

- (a) To ensure that property owners are aware of their responsibilities under the *Heritage Conservation Act* when conducting land-altering activities.
- (b) To help preserve potential archaeological and cultural resources of the plan area.
- (c) To recognize the potential for discovery of archaeological sites and artifacts during the development process.
- (d) To avoid or reduce unauthorized damage to protected archaeological sites in accordance with the *Heritage Conservation Act*.

### 5.3 Policies

- (a) **Archaeological Assessments** An archaeological assessment for DL 8901 was done in the summer of 1998. That assessment did not encounter any significant archaeological materials.  
  
As such, the RDEK supports development of the village core and the area south of the Timberline subdivision proceeding without further archaeological assessments.
- (b) **Heritage Conservation Act** Archaeological sites dating before 1846 are protected under the *Heritage Conservation Act* and must not be disturbed or altered without a permit from the Archaeological Registry Services Branch.  
  
Development in conflict with archaeological sites protected under the *Heritage Conservation Act* will require a Section 12 Site Alteration Permit from the Ministry of Forests, Lands and Natural Resource Operations prior to development proceeding.
- (c) **Protection of Archaeological Sites** Initiatives that protect archaeological sites and cultural resources within the plan area are supported.  
  
Development in conflict with areas of archaeological potential that have not undergone an archaeological impact assessment will be required to do so.

## **6 Greenhouse Gas (GHG) Emissions Reduction and Climate Change**

### **6.1 Background**

Local governments are required to establish targets and identify specific policies and actions for the reduction of greenhouse gas emissions. Specific policies that address the targets will provide an opportunity to promote reductions in the consumption of energy and emission of greenhouse gases within the development through proactive land use, solid waste and transportation planning.

### **6.2 Greenhouse Gas Reduction Target**

The RDEK has established a greenhouse gas reduction target of 17% below 2007 levels by 2020.

### **6.3 Objectives**

- (a)** To encourage the development of the resort in a manner that facilitates a reduction in the consumption of energy and the reduction of green house gas emissions.
- (b)** To support policies and actions that will contribute to the RDEK's commitment for a 17% reduction in greenhouse gas emissions.

### **6.4 Policies**

- (a)** Continued construction of the comprehensive trail network, as shown on Schedule H, which provides reasonable opportunity for year round access for alternative non-motorized modes of transportation, such as walking, skiing or snowshoeing is supported.
- (b)** Protection of a system of forested areas and green spaces is supported.
- (c)** Initiatives to protect air quality in the plan area such as the conversion of inefficient wood burning appliances to high efficiency models and the implementation of smart burning practices are supported.
- (d)** The continued use of the shuttle system between FAR and the City of Fernie to minimize the number of daily short vehicle trips is encouraged.
- (e)** The integration of a minimum number of vehicular parking stalls and traffic calming between the development nodes to minimize the number of daily short trips is encouraged.
- (f)** The reduction of carbon emissions through the integration of energy efficient buildings that will maintain reduced emission levels and provide opportunities for technological upgrades throughout the building's lifespan is encouraged.
- (g)** All development should consider opportunities to minimize the energy and resource requirements of buildings and structures, such as utilization of passive solar energy use through solar orientation; integration of permeable or semi-

permeable surfacing and integration of landscape features such as xeriscaping or use of native vegetation.

- (h)** The integration of energy efficient and renewable energy infrastructure and utilities is strongly encouraged.
- (i)** The reduction of carbon dioxide emissions generated from solid waste landfills through the diversion and reduction of solid waste is strongly encouraged.
- (j)** The implementation of solar powered lights on the trail networks is encouraged.
- (k)** The continued reduction of water consumption and wastewater flows through leak detection, infiltration detection and the installation of low flow fixtures throughout the resort are encouraged.



## **7 Residential Land Use**

### **7.1 Background**

The Fernie Alpine Resort has provided a wide range of housing types within the OCP boundary area. Single as well as multiple family dwelling units will continue to be provided.

The proposed housing stock will offer a wide selection of housing types to those interested in purchasing recreational, second residence properties, as well as to those interested in purchasing housing as their primary residence.

Temporary accommodation will be provided by owners who place their units on the market for rental purposes. This may be done through an independent rental pool, or through the Fernie Alpine Resort rental pool.

### **7.2 Objectives**

The following sets out the objectives for residential housing at the resort.

- (a)** To provide an adequate supply of land within the plan area to accommodate a range of residential uses, which cater to varying lifestyles, the desire for differing forms of tenure, and the need to develop land at different densities.
- (b)** To integrate new and existing development so that they form a comprehensively planned community which respects the needs of the permanent resident and the recreational visitor.
- (c)** To recognize the varied topography of the plan area, and ensure future building densities and design respect and complement the natural mountain environment.

### **7.3 Policies**

- (a) Range of Housing** The Regional District will encourage a range of densities and housing mix within the plan area.
- (b) Meeting Housing Needs** The Regional District will encourage resort owners to monitor the housing needs of the community, consider a variety of housing types and encourage innovative housing approaches to meet the needs of permanent, semi-permanent and seasonal residents of the resort.
- (c) Tourist Accommodation** Dwelling units within the residential area may be used for tourist accommodation, and may be rented on a daily, weekly, or monthly basis.

- (d) Recreation Vehicle Facility** The Regional District recognizes the need for a site to accommodate recreation vehicles and supports the continued use of recreational vehicles at the resort. An application to relocate the existing RV site may be considered and the existing site utilized for alternate uses pending an approved OCP and zoning amendment.

The location of the facility is as illustrated on Schedule C2.
- (e) Phasing** The location and phasing of new residential development will be guided by Schedules C2 and D.
- (f) Secondary Suites** The Regional District permits secondary suites within a single family dwelling or detached garage.
- (g) Mixed Use** The Regional District will encourage commercial/residential mixed use developments within the village core.
- (h) Affordable and Special Needs Housing** Affordable housing will be addressed through the provision of employee housing and secondary suites. Special needs housing will be addressed by ensuring all buildings constructed at the resort conform to the BC Building Code, specifically as it applies to design features which address the special needs of visitors and residents.
- (i) Development Permit Area** All multi-family development (three dwelling units or more) is designated a development permit area as shown on Schedule I, to ensure a high quality of design and where appropriate, to provide adequate buffering between lower density residential areas and multi-family developments.

## **8 Employee Housing**

### **8.1 Background**

It is understood that elsewhere, at various resorts within the RDEK, that the Resort owner/developer provide housing for a portion of its resort staff. Typically, the challenge in developing a plan to address the housing needs of staff is to ensure that the accommodation provided will be affordable, comfortable, geographically appropriate, and fulfill the service and community support needs of the employees. Currently, most of the employees who work at the resort reside in the City of Fernie and the surrounding communities, and commute to the resort.

Provisions have been made to allow secondary suites within the resort. This is viewed as one means of providing on-site employee housing. Another will be to provide hostel style housing on the hill, which would operate as staff accommodation during the peak season (i.e. December to April), and as visitor accommodation during the balance of the year.

### **8.2 Objectives**

- (a) To provide a range of housing types that reflect the diversity of staff and that complement the existing housing stock in the Fernie area.
- (b) To ensure that adequate employee housing opportunities commensurate with resort expansion are provided.
- (c) To integrate employee housing within the resort community where feasible by supporting employee housing initiatives and permitting secondary suites within single family dwellings.
- (d) To ensure that any on-site employee housing fits within the character of the resort.
- (e) To identify a site for a future employee housing development.

### **8.3 Policies**

- (a) **Provision of Employee Housing** Employee housing will be provided through a variety of means, including: construction of a dedicated facility at the resort; secondary suites at the resort; accommodation within the City of Fernie and surrounding communities.
- (b) **Timing** An employee housing needs assessment may be required by the RDEK in conjunction with an OCP or zoning bylaw amendment or an application for a development permit for all multi-family, commercial and resort development to ensure that the employee housing requirements are being met. Following the assessment, the provision of employee housing opportunities must be in accordance with the assessment or as otherwise directed by the RDEK Board.

- (c) Provisions within the Zoning Bylaw**      The Regional District will encourage the construction of employee housing within the plan area through the application of the appropriate provisions of its zoning bylaw.
- (d) Secondary Suites as Employee Housing**      The Regional District will support and encourage secondary suites as a form of employee housing.
- (e) Employee Bed Units Exempt from total Bed Unit Limit**      The Regional District will exempt employee bed units located within the employee housing site, as shown on Schedule C2, from being calculated as part of the resort's total bed unit limit.
- (f) Occupancy**      Employee housing units within the employee housing site will be occupied by employees of the resort during peak season (December to April). During off peak periods, the employee housing may be occupied by resort guests. The resort will register a restrictive covenant restricting the use of units to occupancy by employees during peak season.
- (g) Development Permit Area**      The employee housing site is designated a development permit area as shown on Schedule I, to ensure high quality design, adequate buffering from adjacent land uses and that transportation linkages between the village core and the employee housing site are addressed. The site is also designated a development permit area to ensure that its construction proceeds in step with commercial accommodation development, which will be the major generator of housing demand for the employees.
- (h) Monitoring Employee Housing**      The Regional District, City and resort will monitor employee housing needs during the life of the plan.

## **9 Commercial and Commercial Accommodation Land Use**

### **9.1 Background**

The 1998 Fernie Alpine Village Master Plan identified the long term architectural programming requirements of the resort. That plan recognized skiing as the primary attraction to the resort. The resort had been planned to accommodate a Skier Carrying Capacity (SCC) of 7,290 skiers per day, plus the presence on busy days of an estimated 533 guests, for a total of 7,873 visitors.

The Fernie Master Development Agreement with the Province was amended in 2002 to increase the SCC to 8,412 skiers per day.

Commercial uses and commercial accommodation have been centralized within a pedestrian oriented village core. Commercial development has been proposed mainly as mixed-use development with commercial space located on the first floor and public accommodation located at the second storey and above. The location of specific commercial uses within the village core has been established within the 1998 Master Plan. The ultimate goal is to provide residents and visitors with a range of commercial opportunities in order to satisfy their day to day commercial (e.g. food stuffs, medicines, household items), resort related commercial (e.g. sport equipment, recreation accessories) and entertainment requirements.

The day to day commercial uses are intended to be limited in size and to uses which satisfy the convenience needs of the resort. Commercial uses located in the village core will cater to the resort visitor, complement the broader, more extensive and varied commercial uses in the City of Fernie and not compete with those uses in the City.

Home based business will be permitted outside the village core, within the residential areas, and will conform to the provisions of the Elk Valley Zoning Bylaw No. 829.

### **9.2 Commercial**

#### **9.2.1 Objectives**

- (a)** To direct commercial uses to the village core and to incorporate them into buildings which will house both commercial use and commercial accommodation.
- (b)** To recognize the need to accommodate home based businesses within the plan area, and to direct them to locations which satisfy the requirements of the zoning bylaw.
- (c)** To ensure that the commercial uses are of a scale and type to service the convenience, day to day needs of the residents and visitors, and complement, but not compete with the larger scale, more varied uses found in the City of Fernie.

### 9.2.2 Policies

- (a) **Range of Commercial Uses** Commercial uses considered appropriate at the resort include food and beverage service, personal service, convenience retail, entertainment establishments and real estate service.
- (b) **Location** Except where a use is deemed ancillary to the principal use (e.g., home occupation), or is required to service the recreational needs of the resort, all commercial development shall be located within the village core, as outlined on Schedule C2.
- (c) **Home Based Business** Home based businesses are permitted outside the village core in accordance with the Regional District's zoning bylaw.
- (d) **City of Fernie** Retail commercial development shall cater to the day to day needs of the resort, and shall not detract from commercial development in the City of Fernie.
- (e) **Development Permit** In order to ensure that commercial development is consistent with high quality design and provides a varied pleasant pedestrian environment, all commercial development is designated a development permit area as shown on Schedule I.

### 9.3 Commercial Accommodation

Fernie Alpine Resort will provide a complete range of accommodation opportunities, including full service hotels, condo hotels, bed and breakfast, hostels, pensions, and mixed use developments.

#### 9.3.1 Objectives

- (a) To locate new commercial accommodation so that when fully developed, a center core is established which forms the focal point of the resort.
- (b) To ensure there is an adequate area designated so that a wide range of commercial accommodation can be developed to service varying interests, lifestyles, tenure, and market conditions.
- (c) To ensure the design and location of commercial accommodation such that the central core is pedestrian oriented, is integrated with adjacent development and recreational opportunities, respects, and where appropriate, provides buffers between new and existing development.
- (d) To ensure densities, building height and design respect the natural topography.

**9.3.2 Policies**

- (a) Commercial Accommodation in Village Core** Future commercial accommodation units will be directed to the village core. However, pensions will be permitted outside the core, subject to rezoning.
- (b) Variety of Commercial Accommodation** The Regional District will support the development of a variety of commercial accommodation types, tenure, and density.
- (c) Development Permit Area** In order to ensure that design is high quality, and is of appropriate scale in keeping with the mountain village atmosphere, commercial accommodation in the village core is designated a development permit area as shown on Schedule I.

## 10 Resort Recreational

### 10.1 Background

The Fernie Alpine Resort 1998 Master Plan proposed that alpine skiing facilities will ultimately be developed to include a total of 318.5 hectares of ski terrain. The area identified as Resort Recreational will be utilized for snow based activities in the winter, and in the summer, the area will be utilized for hiking, mountain biking and sightseeing. It is proposed that a range of recreational activities and support activities would be appropriate in the resort recreational area.

### 10.2 Objectives

- (a) To encourage a broad range of all season recreational activities in the resort recreational area.
- (b) To ensure the recognition of forestry and other resource activities, which are permissible uses within the OCP area.

### 10.3 Policies

- (a) **Resort Recreational Uses** Subject to obtaining the appropriate zoning, the Regional District considers the following uses as appropriate within the Resort Recreational area as outlined on Schedules C1 and C2:
  - (i) recreational activities including, but not limited to, alpine skiing, Nordic skiing, snowboarding, snow tubing, hiking, mountain biking and climbing;
  - (ii) support infrastructure including but not limited to lift towers and terminals, snowmaking equipment, minor maintenance equipment and facilities;
  - (iii) related commercial activities that are accessory to the recreation based activities such as food and beverage service;
  - (iv) day use parking lots; and
  - (v) installations associated with the resort's infrastructure (e.g. water reservoirs, sewage treatment plan, electrical substations, etc.).
- (b) **Resource Uses** In addition to recreational uses and supporting infrastructure, forestry and other resource uses may take place within the OCP area. Should such activity be contemplated, the Regional District supports dialogue at the outset between the resort, other landowners and the permit holder(s) to develop a mutually acceptable plan for resource use.



- (c) Ski Facilities** Expansion of recreation related facilities such as new ski lifts and the proposed people movers shall proceed in accordance with the Master Plan and relevant Provincial approvals.
- (d) Location of Maintenance Yard and Sewage Treatment Plant** Notwithstanding Section 10.3(a), the location of the resort's maintenance yard and sewage treatment plant shall be as illustrated on Schedule C2.

## **11 Open Space, Trails and Recreation**

### **11.1 Background**

Open space, trails, and recreation facilities are considered important elements in the development of a high quality, destination resort. The resort will include extensive areas of open space, which will be integrated into the overall development, and will be used for both active and passive purposes.

The trail system within the resort will be developed as all season, non-motorized linkages. The mountain trail system will connect the village core to the adjacent residential areas, as well as to a regional trail system to be developed on adjacent lands.

Recreational facilities will be provided in conjunction with the development of the resort and the village core. The facilities will form an integral part of commercial accommodation, and be part of the development of the plan area as an all seasons resort.

A public children's play area will be necessary to serve both residents and visitors, particularly in summer months. This will provide a focal point for young children in the community as well as providing needed outdoor recreation space that serves a different function from the open space and trails system.

In 2004, RCR and the Rent Charge property owners endorsed the Fernie Alpine Resort Rent Charge Agreement. This Agreement established a Rent Charge Council comprised of three Rent Charge property owners from Fernie Alpine Resort and two representatives from RCR. The Rent Charge Council approves an annual budget for Rent Charge services including trail development, maintenance and improvements.

During the OCP consultation process in 2011, significant public concern was heard regarding the safety of pedestrians travelling along Fernie Ski Hill Road between Timberline Crescent and the village core, as well as preserving green space and tree buffer areas between existing and proposed developments. The preservation of existing trails and skiways was also of significant importance to residents of the resort.

### **11.2 Objectives**

- (a)** To incorporate public open spaces and trails into development design so they form an integral part of the resort.
- (b)** To use open spaces as a means to establishing buffer zones, where deemed appropriate.
- (c)** To use the open space and trail system as a way to reinforce the pedestrian focus of the resort.

### 11.3 Policies

- (a) Multi-Use Trails** The resort will develop a system of integrated multi-use trails in accordance with Schedule H. The trails will be used for a variety of non-motorized activities, including walking, skiing, and biking. This area will be maintained by the resort owner until assumed by another authority.
- When possible, when a trail system is located in the vicinity of a drainage ditch adjacent to a roadway, the trail should be located behind the drainage ditch opposite the roadway.
- Works such as trails and landscaping located within the highway right of way require permission from the Ministry of Transportation and Infrastructure.
- (b) Phasing of Trails** As per Schedule H, the Rent Charge Council has budgeted construction of a pedestrian trail along Fernie Ski Hill road from the Upper Timberline Crescent development to the village core to be constructed in 2012.
- The trail system will form an integral part of the overall transportation system within the resort. Trail connectivity between developments and along Fernie Ski Hill Road shall be considered at the time of OCP or zoning amendment applications to ensure that the need for publicly accessible pedestrian trail networks are being met. As such in the event that the trail system along Fernie Ski Hill Road to Lower Timberline Crescent is not constructed at the time of a zoning amendment application of either parcel DL 8901 or DL 11698 a development agreement to construct a trail along Fernie Ski Hill Road may be entered into in order to ensure skier and pedestrian linkages are provided commensurate with development.
- The resort will consult with area residents and land owners to develop mutually agreed upon alignments to finalize the location of the Valley Trail.
- (c) Connections** All areas of commercial and residential development shall be connected to the village core by trails.
- (d) Connection to Fernie** The Regional District, the City of Fernie and FAR will explore opportunities to link the City with the resort by a trail appropriate for use by pedestrians and non-motorized forms of transportation.

- (e) Preservation of Existing Connections** The RDEK supports and encourages the preservation of the existing skiway connecting the Highline neighborhood to the village core as shown on Schedule H.
- (f) Natural History Interpretation** Where possible, interpretive material, which addresses the geology, wildlife, and history of the area, will be included as part of trail development.
- (g) Park Dedication** The recreation area, trail system, and open space, illustrated on Schedule H will be managed by the resort owner and will satisfy the Regional District's park dedication requirements.
- (h) Wildlife Concerns** Trail and recreational activity planning on the mountain shall reflect the requirements of wildlife, and shall avoid recreational use during sensitive periods, in order to reduce impact upon ungulate and bear populations.
- (i) Village Core** The Regional District will not require the dedication of open space within the village core, as the central pedestrian oriented plaza will provide an appropriate public space.
- (j) Children's Play Area – Village Park** The Regional District supports development of a children's play area in or close to the village core for the use of visitors and residents. In 2012, the Rent Charge Council budgeted monies to develop and maintain a children's play facility.
- (k) Open Space** Consideration will be given to providing protection of the green space east of the Timberline Crescent neighborhood. At the time of a zoning amendment application of part of DL 8900 or DL 8901, to allow for the subdivision of single family infill parcel(s) along Timberline Crescent, a development agreement to covenant the remaining open space between Timberline Crescent and the Fernie Ski Hill Road as a "no-build" area may be entered into to ensure preservation of tree buffers and green space.

## **12 Transportation Network**

### **12.1 Background**

Work on a plan for the long term transportation requirements of the resort started with development of the 1998 Master Plan. The Master Plan identified a future road network and a single access to the resort from Highway No. 3. Since automobiles and buses (including tour buses and privately operated shuttle service from the City of Fernie) are the only means of transportation to Fernie Alpine Resort, the ability to travel conveniently to the resort and within the resort are important requirements.

Based on a traffic impact assessment completed in January, 2000, the intersection of Fernie Ski Hill Road and Highway 3 functioned at an acceptable level; however, due to further construction activity completion in the year 2000, the intersection required improvements. Through discussions with the Ministry of Transportation and Infrastructure, intersection updates were completed in 2002 which resulted in a separate left turn lane for vehicles arriving at the ski hill from the west, a separate right turn lane for those arriving from the east, and the Fernie Ski Hill Road itself has two outbound lanes to ensure that vehicles can make the left and right turn movements simultaneously. The intersection currently has no signalization. Hazards are perceived at this intersection due to the high speeds on the highway, the relatively steep grade on the Fernie Ski Hill Road approach to the intersection, the slippery conditions in winter time, presence of raised islands on the highway, and the high volume of turning movements at this intersection.

The OCP planning process involving the Regional District, Ministry of Transportation and Infrastructure, City of Fernie and local residents identified the following major transportation issues: lack of a secondary access to and from the resort, lack of an emergency egress and linkage from Timberline Crescent to development to the south.

Three possible secondary accesses to the resort were examined and rejected during the 2000 OCP planning process for cost, environmental, maintenance, ownership and geotechnical reasons. During the 2011 OCP review, FAR proposed a secondary access as shown on Schedule H. Secondary access requirements will be assessed by the Ministry of Transportation and Infrastructure as development occurs.

As shown on Schedule H, an emergency egress has since been constructed from the Timberline Crescent area through to the bottom of Fernie Ski Hill Road, for summer use only.

During the 2011 OCP planning process, the road alignment through Timberlanding Phase 2 was revised to address residents concerns regarding traffic impacts along Timberline Crescent and lack of direct access to the village core from Timberline Crescent. Linkage through Timberline Crescent to the proposed new development was redesigned to minimize the impact on the existing subdivision and new development through traffic flow sharing.

FAR is encouraged to work in cooperation with the Ministry of Transportation and Infrastructure to direct day skier traffic away from the Timberline subdivision by signs and a prohibition on day skiers exiting through the subdivision at peak hours.

The grade of the intersection of lower Timberline Crescent and Fernie Ski Hill Road and slippery driving conditions sometimes poses problems for vehicles entering Timberline subdivision. As development occurs, FAR is encouraged to work in cooperation with the Ministry of Transportation and Infrastructure to determine possible improvements to the intersection.

## 12.2 Objectives

- (a) To provide an efficient and safe internal road system designed to meet the anticipated demand.
- (b) To work in cooperation with the Ministry of Transportation and Infrastructure to achieve an approved internal road system design.
- (c) To minimize dependence on the automobile within the resort.

## 12.3 Policies

- (a) **Road System Development** The development of the road system shall proceed in accordance with the following criteria:
  - (i) the local road system will be adequate for new development in existing developed areas and will minimize negative impacts of development on existing subdivisions;
  - (ii) all roads shall be built to standards acceptable to the Ministry of Transportation and Infrastructure;
  - (iii) the extension of roads into new development areas will generally conform with Schedule H.
  - (iv) the RDEK supports buffering of residential areas from adjacent recreational uses and commercial traffic through the use of trees, setbacks or berms.
- (b) **Internal Road Layout** The internal road layout for the expansion area south of the Timberline subdivision, as depicted in this Plan, is conceptual and is intended to show key road linkages. Minor variations in the internal road layout may be necessary based on detailed design at time of subdivision and will be permitted, provided revision has been reviewed and approved by the Ministry of Transportation and Infrastructure.
- (c) **Road Network Plan** The Regional District, Ministry of Transportation and Infrastructure, City of Fernie and local residents will work to develop a road network plan prior to any further development beyond the boundaries of the OCP.
- (d) **Intersection of Lower Timberline and Fernie Ski Hill Road** FAR will work in cooperation with the Ministry of Transportation and Infrastructure to examine possible improvements that could be made to the intersection of lower Timberline Road and Fernie Ski Hill Road.

- (e) Resort / Highway No. 3 Intersection** Upon an OCP or zoning amendment application and prior to subdivision approval, a traffic impact assessment may be required after an additional 160 units (544 bed units) are constructed at the resort from the time of bylaw adoption or as directed by the Ministry of Transportation and Infrastructure. Further upgrades will be determined after the traffic impact assessment review and if improvements are required, FAR will work in cooperation with the Ministry of Transportation and Infrastructure to implement the necessary improvements.
- (f) Secondary Access** The RDEK supports development of a secondary access as shown on Schedule H. Secondary access requirements will be assessed in cooperation with the Ministry of Transportation and Infrastructure as development occurs.
- (g) Day Use Parking** Access to the day use parking area will be directly off Fernie Ski Hill Road. Further, the Regional District supports FAR and the Ministry of Transportation and Infrastructure working together to develop a traffic management program to discourage all but residential traffic from travelling through residential areas.
- (h) Shuttle Bus Service** The Regional District supports private sector initiatives to continue and to expand the shuttle bus service to and from the resort.
- (i) People Mover** The resort will install the people mover shown on Schedule H in conjunction with the development of the Timberlanding subdivision.
- (j) Transportation Monitoring Program** The resort owner will undertake a traffic and parking monitoring program in order to evaluate whether the timing for intersection improvements and number of parking spaces at the resort are adequate. Adjustments to the timing of improvements and provision of parking spaces will be made by the resort owner should deficiencies be identified.

## 13 Parking

### 13.1 Background

Off-street parking will be provided to satisfy the requirements of the Elk Valley Zoning Bylaw and the parking needs of the proposed land uses. Parking will be located in order to provide off-street stalls which cater to the visitors, as well as permanent residents.

The RDEK, through the Elk Valley Zoning Bylaw, specifies how many off-street parking stalls are required. The Regional District requires that one off-street parking stall be provided for every three skiers. The 1998 Master Development Plan states that on busy days an estimated 583 non-skiing guests may visit the resort, this plus the Skier Carrying Capacity of 8,412 totals 8,995 visitors.

The 1998 Master Development Plan states that, based on past experience, 90% of all visitors travel to the resort by car, and 10% arrive by bus. This being the case, 8,096 visitors will arrive by car, and 900 visitors will travel to the resort by bus.

Using the Regional District's requirement of one parking stall per three skiers, the resort will be required to provide 2,804 off-street parking stalls for skier parking. Further, an additional 20 bus parking stalls will be required for the 786 visitors arriving by bus. However, since the Elk Valley Zoning Bylaw does not recognize the reduction in the need for day use parking resulting from visitors coming to the resort by bus, the Regional District will review its parking provisions to reflect this situation. In the interim, the required number of day use parking stalls will be based on existing requirements.

The Regional District's Zoning Bylaw exempts parking spaces within 380 metres of a ski lift from the total parking space requirements. There is, or will be, an estimated 1,580 parking stalls associated with commercial accommodation or residences within 380 meters of a lift or people mover.

Using the requirements of the Regional District, the SCC, and the estimated number of parking stalls within 380 meters of a lift or people mover results in the total number of day use parking stalls that the resort must provide. The following presents that calculation.

Parking required as per Bylaw 829:	2,699
Less off-street parking provided by commercial accommodation and residences within 380 meters of a lift or people mover:	<u>-1,580 stalls</u>
Number of day skier parking stalls required:	1,119 stalls

The 1998 Master Development Plan identifies two parking areas which could be developed, for a total of 1,200 car stalls. This will more than meet the requirements of the Regional District's requirements for day skier parking stalls.



When calculating the number of off-street parking stalls, the Regional District will recognize that because the resort is an integrated, pedestrian oriented development, the total number of stalls required may be reduced to account for complementary uses. That is to say, those staying at the resort will park their car at their accommodation and walk to restaurants, drinking establishments, ski shops, etc. Similarly, day users who are using the recreational facilities will park in day use parking areas, and walk to the restaurants, drinking establishments, and entertainment facilities.

## 13.2 Objectives

- (a) To provide adequate parking to address the needs of overnight and day users.
- (b) To locate parking so it conveniently services the needs of all users.
- (c) To recognize that the number of parking stalls required should reflect the pedestrian nature of the resort and the complementary nature of the uses within the resort.

## 13.3 Policies

### 13.3.1 Village Core

- (a) **Number of Stalls for Commercial Accommodation** The Regional District shall require off-street parking stalls for commercial accommodation units in accordance with the Zoning Bylaw.
- (b) **Complementary Uses** The amount of parking shall be sufficient to allow the resort to operate and all opportunities for complementary parking shall be utilized. Parking requirements of the Zoning Bylaw for support-commercial uses (retail and restaurant functions) will not be required in addition to parking for day skier and residential and commercial accommodation uses.

### 13.3.2 Day Use

- (a) **Location** Day use parking for cars and buses shall be located in areas identified on Schedule H.
- (b) **Phased-In** Day use parking will be phased to meet demand. Currently, approximately 850 parking stalls are constructed. Day use parking will be expanded as the SCC of the resort expands.  
  
In determining the need to expand the day use parking area, the Regional District will consider the availability of stalls in the day use parking area, the number of visitors coming to the resort via bus, and the increase in the skier carrying capacity. As a basis for review, the Regional District will use as a

guideline that for every increase of seven in the resort's skier carrying capacity, one additional day use parking stall will be provided. The resort will provide the Regional District an update of day use parking facilities whenever the SCC increases.

**(c) Bus Use**

The Regional District supports the use of buses as a means for visitors to come to the resort.

**(d) Traffic and Parking monitoring program**

The resort's traffic and parking monitoring program will include a count of day skiers arriving by bus. Based on the number of skiers arriving at the resort by bus, the Regional District will review its parking standards to allow for bus traffic. The Regional District will also consider allowing off-site satellite parking areas from which shuttle buses will transport skiers.

**13.3.3 Residential**

**(a) Outside Village Core**

Parking for single and multiple family dwelling units outside the village core shall be in accordance with the requirements of the Elk Valley Zoning Bylaw No. 829.

## **14 Water Supply, Storage and Distribution**

### **14.1 Background**

A preliminary assessment of the resort's water supply, storage and distribution systems was done in November 1998. The assessment stated that water supply for the resort was provided from Boardman Creek and a groundwater well near the Elk River and at the time these water sources provided an adequate supply of water for the existing and proposed development at the resort. The two existing water reservoirs provided adequate storage for the existing development, including Highline Estates and the Timberline subdivisions. The report further stated that additional storage capacity would be required when additional development took place beyond the approved subdivision areas.

A subsequent report prepared by Urban Systems in March 2005 provided an overview of source quality, supply availability and treatment requirements. The resort obtains its potable water from a combination of three upper springs and a lower groundwater well adjacent to the Elk River. Spring water is chlorinated as it flows into a 682m<sup>2</sup> elevated concrete reservoir, which is directly connected to the distribution system. At the lower well, pump station chlorine is added to a dedicated transmission main that connects to the distribution network near Snow Lake.

A second well near the river pumps to the Snow Lake Reservoir, which is used exclusively for snow making.

The report stated that the resort has become reliant on the domestic Elk River well to meet peak season demands. The well had difficulty providing the required domestic flows in the 2002/2003 winter season; however, well rehabilitation work in spring of 2003 resulted in substantially increased flows. It was noted that the long-term yield of the well was likely to decline over time as a result of incrustation. Resort growth will cause more stress on the existing water system over time, necessitating that additional sources be added to meet project demands.

The Ministry of Environment has indicated that no additional water rights will be granted to divert flows from the Elk River or upstream tributaries, eliminating this source from further consideration to meet additional resort demands. The production records from the upper springs report that only a tiny amount of flow is available from the springs in the peak winter demand months. Installation of new wells represents the only long-term solution to providing increased water supplies into the ski resort, though this source may require a higher level of treatment to meet Provincial potable water standards.

### **14.2 Objectives**

- (a)** To protect surface and groundwater supply sources.
- (b)** To ensure there is a sufficient supply of water to serve the domestic, irrigation, and fire protection needs of the resort.

### **14.3 Policies**

- (a) Water System Expansion** Expansion of the water distribution system and storage facilities shall proceed in a logical and orderly fashion, in accordance with good engineering practices, and in order to meet resort demands. Schedule E generally illustrates the resort's existing and future water system.

Proposed utility expansion within the highway right of way will require permission from the Ministry of Transportation and Infrastructure.
- (b) Water Master Plan** Aside from the proposed 4 residential infill parcels along Timberline Crescent, a Water Master Plan may be required prior to any new development. The Water Master Plan will detail the improvements needed to the existing water system and the timing for those improvements.
- (c) Fernie Alpine Resort Utilities Corporation** New development must connect to the Fernie Alpine Resort Utilities Corporation and a letter submitted to the RDEK from the community water system confirming that the proposed development can be connected to the water system and that fees have been paid for connection to the water system. A current Certificate of Public Convenience and Necessity is also required.

## **15 Sanitary Sewer Collection and Treatment**

### **15.1 Background**

The existing wastewater system at Fernie Alpine Resort consists of a gravity sewage collection system, with a lift station and forcemain servicing the Highline Estates subdivision connecting to the gravity system on Fernie Ski Hill Road. The collection system conveys all wastewater to the treatment plant located east of Timberline Crescent and west of the Fernie Ski Hill Road.

FAR has created a separate organization, Fernie Alpine Resort Utilities Corporation (FARUC) to manage the wastewater treatment plant and its collection system. The organization is responsible for monitoring and improving the system to ensure the effluent exceeds permit criteria.

The present registration and permit under the Municipal Sewage Regulation allows for a maximum discharge of 1280 m<sup>3</sup>/day.

As per Environmental Diagnostics Inc. "2010 Sewage Treatment Plan Annual Report" dated April 2011, no new major residential or hotel developments were anticipated until 2012 at the earliest, however, the resort was expected to see moderate growth over the next year with a projected peak flow that may reach the rated capacity of the plant in the near future. The discharge flow limit may need to be raised to account for the proposed growth though the effect of the reduction measures, such as implementing low flow fixtures, taken by FAR has reduced peak flows and may continue to reduce average flows. FARUC will continue to monitor flow and assess the need for any registration amendment.

### **15.2 Objectives**

- (a)** To ensure the sanitary sewer collection system and treatment plant have sufficient capacity to accommodate existing and proposed development.
- (b)** To ensure that the wastewater being discharged continues to meet requirements of the Municipal Sewage Regulations.

### **15.3 Policies**

- (a) Wastewater Collection Expansion** The wastewater collection system shall be expanded in a logical and orderly fashion to meet resort demands. Schedule F generally illustrates the existing and future wastewater system.  
  
Proposed utility expansion within the highway right of way will require permission from the Ministry of Transportation and Infrastructure.

- (b) Monitoring of Sewage Flows**      The resort and the Ministry of Environment will monitor the sewage flows coming into the collection system and sewage treatment plant.
- (c) Municipal Sewage Regulation**      Aside from the proposed 4 residential infill parcels along Timberline Crescent, prior to a rezoning or subdivision application, the RDEK will require confirmation from the Ministry of Environment that the existing maximum discharge rate can accommodate the proposed growth. If not, FAR will make application to the Ministry of Environment to amend the permit under the Municipal Sewage Regulation.
- (d) Elk River Monitoring Program**      The wastewater treatment plant was upgraded in 2009 and the resort has undertaken a program satisfactory to the Ministry of Environment to monitor the quality of the Elk River downstream of the point of discharge to ensure water quality is not deteriorating as a result of sewage effluent from the resort.
- (e) Effluent Management**      The resort is encouraged to consider improvements to its sewage management practices by dewatering sludge and partially disposing biosolids on site. This program will be developed in consultation with the Ministry of Environment.

## **16 Stormwater Management**

### **16.1 Background**

Fernie Alpine Resort lands are situated in the lower reaches of the Lizard Creek major natural drainage basin, and convey natural drainage to the Elk River. Schedule G shows natural drainage area boundaries and drainage courses.

A Stormwater Management Master Plan was completed in February 2000 by Urban Systems. The study area encompasses all drainageways that enter or flow through the FAR lands.

Urban Systems did not consider debris torrent to be a significant concern due to the lack of Class 4 and 5 natural hazardous areas within which a landslide or instability could occur. They also noted that the steepness of the channels will limit the volume of water that could be held back by a blockage caused by logs, deadfall, windfall, or snow.

Due to the large drainage areas draining through the site, Urban Systems did not consider runoff quantity control to be of high priority as the peak flow will not be greatly influenced by runoff from the relatively smaller developed areas. Notwithstanding the above, the detention of storm runoff from development areas should be encouraged and utilized where possible, such as in parking lots.

### **16.2 Objectives**

- (a)** To ensure new development is designed so that it is consistent with the approved Stormwater Master Plan.
- (b)** To design the stormwater system so it addresses both the quantity and quality of stormwater.
- (c)** To ensure that creeks, streams and rivers which are to receive any stormwater discharge are not adversely affected and have the capacity to accommodate the quantity of discharge originating from the catchment area.

### **16.3 Policies**

- (a) Erosion and Sedimentation Plan**

An erosion and sedimentation plan may be required by the Ministry of Transportation and Infrastructure prior to each phase of roadway or utility development, to provide for prevention of erosion of the construction area, and possible sediment transfer to the receiving watercourse. The plan could include, but not be limited to, such methods as:

  - silt fencing;
  - hay bales;
  - temporary lot grading to divert drainage to treatment area;
  - sedimentation traps (ponds)

- ditch blocks;
  - infiltration trenches or pits to pass runoff through gravel/sand filters to discharge; and
  - seeding of disturbed areas as soon as possible after disturbance.
- (b) **Construction Management Plan** As part of the subdivision approval process by the Ministry of Transportation and Infrastructure, a construction management plan consistent with the Urban Runoff Quality Control Guidelines for British Columbia and Land Development Guidelines for the Protection of Aquatic Habitat may be required in order to mitigate erosion and sedimentation effects during construction.
- (c) **Drainage** Schedule G generally illustrates the natural drainage areas and natural drainage courses.
- (d) **Stormwater Management Plan** A stormwater management plan may be required by the Ministry of Transportation and Infrastructure prior to subdivision approval for new development. The stormwater management plan will:
- determine the extent and area of the drainage basins that drain through the development area;
  - determine the peak runoff that can be expected to be conveyed through the development area;
  - determine any necessary rerouting or channelization of natural drainage routes that will be required through the development;
  - determine floodplain or maximum level of flow in the drainage courses;
  - assess the impact of debris torrent; and
  - provide an overall plan to control the runoff quality from the development area, to ensure that runoff directed to the Elk River does not adversely affect water quality and fish habitat.
- The stormwater management plan will include Best Management Practices (BMP) for both post-development and during construction activities. The plan would also include guidelines and requirements on an individual lot basis.
- (e) **Reduction of non-point source pollutant loadings** The RDEK encourages:
- reduction in the use of herbicides and pesticides;
  - car washing without detergents;
  - FAR increasing public awareness of the importance of stormwater quality issues and the detriments associated with dumping oil or other substances into the drainageways and/or catch basins;
  - reduction of the use of sand or salt on the streets;



- increasing the frequency of street cleaning and parking lot cleaning, especially after spring melt prior to the summer storm season.

## 17 Solid Waste Disposal

### 17.1 Background

All solid waste generated at the resort will be disposed of in bear-proof containers and in accordance with the Regional District's solid waste management plan. The current practice is for the resort staff to arrange for pick-up by a private contract and the waste is then transported to the Fernie transfer station. The resort also recognizes the importance of the need to "reduce, recycle, and reuse", as well as public education with respect to solid waste storage and disposal. To this end, the resort will continue to educate resort staff and visitors of appropriate means of waste disposal or recycling.

### 17.2 Objectives

- (a) To ensure that all solid waste containers are bear-proof.
- (b) To locate all new solid waste containers so they adequately service the adjacent development, and are integrated into the overall design of the new development.
- (c) To promote the responsible management of solid waste in a manner that reflects the mountain environment.
- (d) To promote the reduction of solid waste through the 5 Rs principles (Reduce, Reuse, Recycle, Recover and Residuals Management).

### 17.3 Policies

- (a) **Solid Waste Management Plan** Solid waste will continue to be managed in accordance with the RDEK's Solid Waste Management Plan.
- (b) **On-Site Containment** Solid waste will be managed within the development areas and should be screened from general view. The resort will provide bear-proof containers as on site garbage containment systems. Location of the containers will be addressed as part of the subdivision approval process.
- (c) **Wildlife** All property owners and occupiers will be encouraged to adopt measures to deter wildlife from becoming habituated to solid waste, including the integration of bear proof solid waste receptacles, in accordance with Provincial policies and regulations.
- (d) **5Rs Principles** Recycling facilities will be encouraged and coordinated as part of the RDEK recycling program. In addition, FAR will assist in reduction of the solid waste stream by educating guests and residents on the 5 Rs principles and providing recycling containers at strategic locations throughout the Resort.

## **18 Connection to Utilities**

### **18.1 Background**

Presently, the entire developed area of the resort is connected to the community water, sanitary, and storm sewer systems; also, as per the Municipal Sewage Regulations, any wastewater discharge must be collected and treated by the Fernie Alpine Resort Waste Water Treatment Plant. The design standards that have been used are consistent with the standards of both the Regional District and the Province. In order to ensure the proper operation of the resort, it is important that all development be connected to the community systems.

### **18.2 Objectives**

- (a)** To ensure that all new development is connected to the community water and sanitary sewers.
- (b)** To design a stormwater sewer system which accommodates the post development flows, and ensures that all new development is designed so any stormwater discharge can be incorporated into the overall stormwater system.

### **18.3 Policies**

- (a) Supply to Development** All development within the plan area requiring water and sanitary sewer service shall be connected to the community systems designed to service the resort.
- (b) Stormwater Discharge** Stormwater discharge shall be directed to the overall system as specified in the Stormwater Master Plan.

## 19 Public Safety

### 19.1 Background

The safety of the visitors, residents, and staff of the resort is of paramount concern. The need for policing, fire protection, and the establishment of a safe environment within the resort will be done through the cooperation of local, provincial, and federal agencies. Public safety during construction of new development must be ensured.

### 19.2 Objectives

- (a) To promote a safe living environment throughout the resort.
- (b) To ensure there is adequate police and fire protection within the resort.
- (c) To have a plan in place which addresses the means whereby various emergency situations will be addressed.
- (d) To protect residential areas from construction traffic.

### 19.3 Policies

- (a) **Police and Security Services** Policing and security services within the resort will be provided by the RCMP. Additional on site security may be required during special events or emergency situations.
- (b) **Fire Protection** Fire protection within the resort is provided through an agreement with the City of Fernie.
- (c) **Fire Fighting Equipment and Installations** The RDEK will require the resort to review their respective fire fighting equipment and proposed installations with the City of Fernie, to ensure they are consistent with the City's engineering standards.
- (d) **Extension of Fire Protection Area** Prior to final approval of subdivision of the land to the south of Timberline Crescent and within DL 11698, the resort will apply to extend the fire protection area to include the newly subdivided land.
- (e) **Emergency Services** The Regional District has established an Emergency Program for the Elk Valley which also consists of the District of Elkford and the City of Fernie. At the heart of the program is the Emergency Management Plan. This document provides detailed information to guide hazard identification, mitigation, preparedness, response, recovery and exercise/evaluation. It is implemented in accordance with British Columbia Emergency Response Management System principles and procedures.

An emergency preparedness plan has been prepared by the resort under the guidelines of the Provincial Emergency Program. The emergency plan addresses procedures on such emergency situations as avalanches, fire, flood, missing persons and potable water shortages.

**(f) Emergency Egress**

An emergency egress has been constructed as shown on Schedule H.

**(g) Construction Traffic**

Construction traffic will be directed to access the new development area via the road that intersects Fernie Ski Hill Road south of the village core.

Prior to developing the lands south of Timberline subdivision, the resort will prepare a construction management plan to address traffic issues. A construction road will be built south of, then across the proposed people mover location, as shown on Schedule H, to access development north of the people mover. Following installation of the people mover, the construction road across the people mover will be closed during ski season and the road extended south of the people mover to provide construction access to the remainder of the development south of Timberline.

## **20 Development Permit Areas**

### **20.1 Background**

Pursuant to the *Local Government Act*, it is the policy of the RDEK to designate certain areas within the plan area as Development Permit Areas, and implement special conditions in the form of development guidelines. These designations and guidelines are used for the following reasons:

- protection of the natural environment;
- protection of development from hazardous conditions;
- establishment of definitive objectives and treatment of form and character of commercial, resort or multi-family residential development;
- to promote energy conservation, water conservation, and the reduction of greenhouse gas emissions.

In general, within a development permit area, the owner must obtain a development permit before:

- construction, addition, or alteration of a building or structure;
- subdivision of land where slopes are in excess of 15%.

### **20.2 Conditions Where a Development Permit is Not Required**

Development Permits are not required within the specified development permit areas under the following conditions:

- (a) a qualified Geotechnical Engineer registered in British Columbia conducts a site visit and certifies in a signed letter that no slope equal to or exceeding 15% is present on the parcel, the parcel is not threatened by an adjacent slope equal to or exceeding 15% or that the proposed development will not undermine an adjacent slope,
- (b) internal alterations which do not affect the outer appearance of the building;
- (c) replacement, upgrading, or repair of roofing;
- (d) additions to buildings which increase the floor area by an amount less than 25% of the area existing at the time this Bylaw was adopted;
- (e) signage, the regulation of which is addressed by requirements established by the resort;
- (f) construction of chairlifts or people movers associated with ski/recreation operations;
- (g) subdivision of land, except when slopes exceed 15%.

## **20.3 Development Permit Area #1 – Steep Slope Development Permit Area**

### **20.3.1 Area**

Development Permit Area #1 contains all lands with slopes that are equal to or greater than 15% within the plan area.

### **20.3.2 Designation Category**

Pursuant to Sections 919.1 (1)(a) and 919.1 (1)(b) of the *Local Government Act*, all lands that require protection of the natural environment, its ecosystems and biological diversity and require protection due to hazardous conditions are hereby designated as development permit areas.

### **20.3.3 Justification**

Steep sloping lands are susceptible to surface erosion, gullyng and slides. Siltation from the resort could also have a negative affect on fish habitat in the Elk River. This development permit area is designated to reduce potential hazards to development and to protect the natural environment.

### **20.3.4 Guidelines**

Development Permits issued shall be in accordance with the following guidelines:

- (a)** the RDEK shall require a geotechnical report from a geotechnical engineer (registered with the Association of Professional Engineers and Geoscientists of B.C.), that establishes the top of bank, toe of bank, development set back lines and examines how the area can be safely developed;
- (b)** proposed building envelopes defining the limits for building footprints and identifying sufficient usable site area as required by the zoning bylaw. At time of subdivision, the building envelopes must be registered as a covenant on title on the proposed parcels.
- (c)** the extent of site disruption caused by site grading and construction must be minimized for all structures and roads by a combination of modulation in building form, tree preservation and extensive re-vegetation;
- (d)** an erosion and sediment control plan is required for each development.

## **20.4 Development Permit Area #2 – Commercial and Multi-Family Development**

### **20.4.1 Area**

Development Permit Area #2 as shown on Schedule I, applies to all commercial and multi-family developments within the resort area.

### **20.4.2 Designation Category**

- (a) Pursuant to Section 919.1 1(f) of the *Local Government Act*, all commercial and multi-family residential development is hereby designated as areas for the establishment of objectives and provisions of guidelines for the form and character of development.
- (b) Pursuant to Section 919.1 (1)(h) of the *Local Government Act*, all industrial, commercial, resort and multi-family development is hereby designated as areas for the establishment of objectives to promote energy conservation.
- (c) Pursuant to Section 919.1 (1)(i) of the *Local Government Act*, all industrial, commercial, resort and multi-family development is hereby designated as areas for the establishment of objectives to promote water conservation.
- (d) Pursuant to Section 919.1 (1)(j) of the *Local Government Act*, all industrial, commercial, resort and multi-family development is hereby designated as areas for the establishment of objectives to promote the reduction of greenhouse gases.
- (e) Within the development permit area, the owner shall obtain a development permit prior to proceeding with siting, construction or alteration of a building or structure.

### **20.4.3 Justification**

The form and character of commercial and multi-family development is a critical element in the development of a successful resort. Because of their prominent scale and location, commercial and multiple family developments can have a significant visual impact on the surrounding area.

The primary objective of this designation is to ensure that commercial and multiple family developments are attractive and compatible with the surrounding area, as well as the mountain landscape. This designation is also applied in order to ensure that the pace of commercial accommodation development does not outstrip the supply of accommodation for employees.

Local governments in British Columbia have also been mandated to establish targets for the reduction of community greenhouse gas emissions and to identify specific policies and actions that will facilitate achieving these targets. A significant portion of greenhouse gases produced in the RDEK are a result of



energy consumption related to buildings. Guidelines which lead to a reduction in a building's water and energy consumption will help meet greenhouse gas reduction targets established for the Regional District.

#### **20.4.4 Guidelines**

Development Permits issued shall be in accordance with the following guidelines:

##### **(a) Siting**

- (i)** Location of buildings and open spaces will be planned to create a positive relationship between adjacent buildings and landscape features, and to maximize mountain views. Within the resort, buildings should also be sited in order to support a vibrant pedestrian-oriented village core.
- (ii)** The placement of buildings will respect existing landforms and follow existing contours where possible.
- (iii)** Siting of buildings will include provision for covered walkways, access points to below grade parking, driveways and service bays.
- (iv)** Multi-family residential projects will consider their effect on the privacy, view lines and overshadowing of neighboring properties.
- (v)** Buildings are to be located, oriented and designed to take advantage of opportunities for passive solar heating and natural ventilation.

##### **(b) Form**

- (i)** Create architectural forms, based on historical precedents found in traditional mountain resort settings, that respond to harsh winter climate conditions, and that are evocative of the outstanding surrounding landscape.

##### **(c) Building Form**

- (i)** No unbroken expanse of building facade may exceed 10 m before a shift in wall plane occurs.
- (ii)** Articulate the massing of the building.
- (iii)** Include balconies, sheltered entrances, and covered walkways and step the buildings down at the ends in order to emphasize the human scale.
- (iv)** The height of buildings should be reduced where possible. Building footprints should be minimized in order to allow for maximum green space.
- (v)** Buildings must be designed to shed snow away from public spaces and doorways and ensure any snow falling from buildings does not damage property or injure people.

**(d) Roof Form**

- (i)** All buildings shall have sloping roof forms. Hip, gable and shed will be the dominant roof forms.
- (ii)** Pitched roofs in the village core will be between 6:12 and 12:12, and in the multi-family residential areas the pitch should range between 4:12 and 10:12.
- (iii)** Roof form will be broken with the use of dormers.
- (iv)** The ridgeline will not be continuous but should be varied in height or broken with chimneys, towers, or other architectural features.
- (v)** Roof design and equipment to allow rain water collection systems for irrigation purposes are encouraged.

**(e) Exterior Finish**

- (i)** Showcase quality craftsmanship and create visual interest.
- (ii)** Include a variety of structural concepts for the design of covered walkways including square stone columns, log posts, stone arches and heavy timber posts.
- (iii)** Create pedestrian interest with the use of scale and modulation in the placement and detailing of elements such as bay windows, street furnishings, and entrances.
- (iv)** Shop facades will be developed as individual entities.
- (v)** The use of a variety of window shapes and sizes, including bay windows, dormer windows and balcony windows is encouraged.
- (vi)** Coordinate changes in window design and placement with breaks in building massing.
- (vii)** Decks and balconies are encouraged, provided snow loading has been considered.
- (viii)** A variety of balcony styles is encouraged, including cantilevered, recessed and dormer balconies.
- (ix)** Porches, courtyards and entry features will be used to define ground level of buildings, provide visual interest and define human scale.
- (x)** Decorative elements such as window mullions, corner boards and brackets, will be considered on porches and eaves.
- (xi)** Doorways will be protected from wind and overhanging or drifting snow.
- (xii)** Materials that reinforce the rustic and rural context of Fernie Alpine Resort will be used. Materials should be selected based on their durability, weathering potential, compatibly with the

surrounding landscape and historic use within a traditional mountain resort.

- (xiii)** Primary materials for exterior walls include logs, wood, stone and glazing.
- (xiv)** Materials and colors used in building construction should minimize heat absorption. Roofs should not be of dark color.
- (xv)** Heavy wood beams and posts are encouraged.
- (xvi)** Stucco must be acrylic based and incorporate an acrylic finish. Stucco is limited to a maximum of 30% of any elevation, and will be accompanied by large overhanging eaves and heavy wood trim.
- (xvii)** Exposed concrete must be heavily ribbed, textured, colored or brushed.
- (xviii)** The use of stone masonry in key architectural features such as arcades, towers and building entrances is encouraged.
- (xix)** Wooden windows are encouraged; metal or vinyl windows are permitted.
- (xx)** Roofing materials are limited to anodized metal roofing and fire resistant wood shingles, concrete or slate.
- (xxi)** The use of sustainable or “green” building materials is encouraged.

**(f) Landscaping**

- (i)** Landscaping is required in order to create a soft and visually appealing built landscaping that contributes towards an enticing pedestrian environment.
- (ii)** Significant trees and shrubs are to be preserved where possible.
- (iii)** All planting shall meet BCSLA/BCNTA standards.
- (iv)** The use of native trees, shrubs and wildflowers is encouraged.
- (v)** Hard landscaping elements such as parking, curbing, sidewalks, walkways, lighting and street furniture, will be designed to resist damage due to snow clearing activities.
- (vi)** Landscaping will be coordinated with adjacent buildings and open spaces.
- (vii)** Landscaping features will respect snow shedding areas.
- (viii)** Landscape elements will be integral to the building design.
- (ix)** When possible, vegetation should be low maintenance and require minimal irrigation.
- (x)** The use of porous materials should be maximized throughout landscaping.

## **21 Implementation**

### **21.1 Background**

The Official Community Plan (OCP) sets out the broad objectives and policies of the RDEK for the FAR land holdings. The plan does not provide the tools to implement the specific directions contained within it.

Many of the policy statements contained in the plan are not the direct responsibility of the RDEK. In these cases, the OCP represents the RDEK's position with respect to the preferred course of action by FAR, other levels of government, public authorities or individuals.

Many individual initiatives are needed to fully implement the directions contained within this plan. Responsibility for these items may not rest with the RDEK, in part, or at all. In some cases, additional public consultation and community based planning processes will be required to produce meaningful outcomes or land use decisions.

### **21.2 OCP Amendments**

- (a)** Plan amendments may be initiated by the RDEK or through application by an individual landowner. All applications to amend the plan require a bylaw amendment and a public hearing process as prescribed by the *Local Government Act*.
- (b)** To ensure that the OCP remains effective, relevant and responsive to community needs, the OCP should be periodically reviewed to determine if the level of development that has occurred in the plan area or a change in other conditions warrants that the plan be substantially amended or re-written.
- (c)** Applications to amend the land use designation for individual parcels shall be compatible with existing and proposed surrounding land uses and with the objectives and policies contained in this plan.
- (d)** The owner shall demonstrate that the proposed development site will have adequate access and infrastructure services and will sufficiently mitigate any hazardous site conditions such as soil erosion, flooding and wildfire.

### **21.3 Zoning Bylaw Amendments**

- (a)** Parcels may be rezoned in conformity with the land use designations contained in Schedules C1 and C2. The proposed zoning must also conform to the objectives and policies contained in the OCP.
- (b)** The subject parcels shall be developable and meet the requirements of the zoning bylaw.
- (c)** The applicant shall demonstrate that the proposed development site will have adequate access and infrastructure services and will sufficiently mitigate any hazardous site conditions such as soil erosion, flooding and wildfire.

## **22. LAND USE DESIGNATIONS**

The land use designations are meant to identify, in general terms, the type of land uses that are appropriate for the designated lands. The land use designations are shown on Schedules C1 and C2. Further detail regarding the intent of the land use designations is found below.

### **22.1 Residential Land Uses**

**RES-CORE, Resort Core** includes multi-family and townhome residential units, hotels, condominium hotels and other types of commercial accommodation; supports commercial and indoor/outdoor recreational uses.

**R-SF, Resort Low Density** includes single family or two-family residential subdivisions.

**R-MF, Resort Multi-Family** includes condominiums, townhouses, duplexes, single family residential units and indoor/outdoor recreational uses.

**EH, Employee Housing** includes employee housing accommodation.

### **22.2 Recreational Land Uses**

**RES-R, Resort Recreation** supports active recreational facility development such as lift serviced skiing, indoor/outdoor recreational uses and all associated infrastructure and accessory commercial uses, as well as passive recreation.

### **22.3 Industrial Land Uses**

**LI, Light Industrial** supports light industrial uses and public utilities.

## Appendix A - Definitions

The following are some of the terms used in the plan that requires definition with distinction in meaning:

**“accommodation”** means development for permanent or temporary residential purposes, including without limitation, sleeping units, guest rooms or dwelling units, but excludes a campground.

**“auxiliary residential accommodation”** means residential accommodation that is ancillary to the principal use being made of the parcel on which the building is located.

**“bed unit”** means a measure of a quantity of development, established as per the Guidelines to Alpine Ski Area Development in B.C. (Ministry of Environment and Parks, 1996), intended to be used in determining servicing and facility requirements for one person, calculated as follows:

Single Family Unit	= 6 bed units
Two Family Unit	= 12 bed units
Multiple Family Unit	= 4 bed units
Hotel Unit	= 2 bed units
Condo Unit	= 4 bed units
RV lot (serviced)	= 2 bed units

**“business”** means the use of land, buildings or structures in which one or more persons are employed in the management, direction, conducting or sale of goods of a business or where professionally qualified persons and their staff serve clients or patients who seek advice, consultation or treatment, and includes the administrative offices of a non-profit or charitable organization.

**“commercial accommodation”** means a hotel or multiple family dwelling in the village core offering short-term lodging with a guest registry and lobby facilities.

**“detached dwelling”** means a building containing one dwelling unit.

**“development”** means construction of a building or structure, or a change in use of land, a building or structure.

**“employee accommodation”** means residential accommodation restricted, pursuant to a covenant registered at the time of subdivision or building permit application or other instrument, to occupancy by persons employed within Fernie Alpine Resort during peak season (from December to April); during off season periods (May to November) the accommodation may be rented to resort guests.

**“geotechnical assessment”** means a study or studies prepared by a professional engineer with experience in geotechnical or hydrological engineering licensed in the Province of British Columbia which: interprets the physical conditions of surface or subsurface features in a study area with respect to stability, potential seismic disturbance, inter-related chemical activity, and

size and volume analysis; specifically addresses the possible effects of physical alterations or deformations of the land related to proposed building or other projects; and may establish standards for the siting and construction of proposed buildings or the nature and location of proposed uses.

**“multiple residential dwelling”** means a building containing three or more dwelling units.

**“retail commercial”** means the use of land, buildings or structures for the purpose of buying and selling commodities and supplying of services which cater to the day to day convenience needs of both visitors and permanent residents.

**“skier carrying capacity”** is a measure of the optimum number of skiers and snowboarders who can utilize the resort at any given time, being guaranteed a pleasant recreational experience without causing a decline in the quality of the environment. Factors which influence skier carrying capacity include lift capacity, ski trail capacity, on-hill skier density, and base facility capacity.

This is Schedule A referred to in Bylaw No. 2363 cited as  
“Regional District of East Kootenay – Fernie Alpine Resort  
Official Community Plan Bylaw No. 2363, 2012.”

“Rob Gay”

Chair

“L. V. Crane”

Corporate Officer

July 6, 2012

Date