

FINAL DRAFT

# Harmonization Process

## ALL-SEASONS RESORTS



08 July 2005

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Planning, Development, Management

## **Foreword**

*CitySpaces Consulting gratefully acknowledges the ongoing advice and assistance of the members of the project's Advisory Group. The members' practical experience contributed greatly to identifying ways that the development industry, local government and provincial agencies can work effectively in the planning of all-seasons resorts.*

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## Executive Summary

All-seasons resorts contribute significantly to British Columbia's economy and the quality of life for its residents and visitors. The combined total capital investment of *new* resorts involving Crown Land that are in pre-application discussion or under active review is \$6.6 billion. And, within the next two to five years, *existing* resorts plan to spend over \$1 billion on major expansions.

Since 2003, the BC Government has put resources into addressing the issues associated with resort development, and into finding ways to create an environment in which to encourage the development of globally competitive resorts. Working together with a range of stakeholders, the Province has investigated ways and means to eliminate duplication within government and streamline the planning, servicing and governance of resort communities.

### Background and Context

This study is the third of three initiatives set out in a 2004 Memorandum of Understanding (MOU) between the Province and the Union of BC Municipalities (UBCM). The Province's All Seasons Resorts Division (ASR)<sup>1</sup> began this work in early 2005. ASR staff established a study Advisory Group with representatives from the resort industry, Provincial agencies and local government. The Advisory Group provided advice and assistance throughout the study. The study included facilitated meetings, interviews, case studies, a critical review of existing processes and a look into an integration model being tested in Alberta.

The primary outcomes of the study, as presented in the accompanying report, are:

- Set out a *practical model* that enables a coordinated and harmonized review of resort proposals, resulting in improved efficiency and reduced time and costs; and
- Set in motion a *process* that will provide greater clarity and certainty for proponents, as well as eliminate duplication and overlaps among provincial and local government review agencies.

As the report describes, until now, local governments and Provincial agencies have followed two separate processes for land use reviews, permits and licenses for all-seasons resorts. Each party has tended to focus only on its own process, with the developer being required to follow both processes. Investors regard this separation of review processes as confusing and costly.

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<sup>1</sup> At the time this study was undertaken, the All Seasons Resorts Division was located within the Provincial agency, Land and Water BC (LWBC). The Division is now located in the Ministry of Tourism, Sport and the Arts



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## **Provincial–Local Government Harmonization Process**

The model process presented in this report has the potential for considerable improvements for the proponent, local government, and Provincial agencies that are involved with the planning and potential disposition Crown land.

No legislative changes are required in the proposed harmonization process. To be successful, the model is dependent on the goodwill of all parties, and the leadership capacity of the Provincial lead agency. The use of the model will be assessed on a case-by-case basis, tailored to the specific project needs. In some situations, very little Crown land is involved relative to the amount of private land. In the event that a Provincial Environmental Assessment (EA) is required if a proposed project exceeds certain thresholds, this will be ascertained at the earliest possible date, and the EA process will be harmonized with the other two processes.

### **Five Harmonization Principles**

1. *A facilitative approach.* A Provincial lead agency will resource each project and provide leadership and administrative support throughout the process;
2. *Continuous involvement of all parties.* This envisions participation through the three stages – determining suitability, deciding on land use, and following-through on implementation;
3. *Commitment.* All parties acknowledge the value of the harmonization process and their commitment to sharing information, eliminating duplication, and working in a timely manner;
4. *Increasing certainty.* As the process proceeds through various milestones, the project proponent is better able to assess risk and outcomes; and
5. *Concurrency among governments and government agencies.* Provincial agencies and local governments will aim to complete similar approvals at (or about) the same time.

### **Five Harmonization Milestones**

1. *Decision to Proceed.* An early consultation among all parties is essential to ascertaining whether the proponent should proceed. This has not occurred in the past and proponents have continued to invest in projects that have been extremely contentious and therefore, high risk in terms of a favourable outcome.
2. *Harmonization Workplan #1.* Once a proposal is formally received all parties come together to set out initial scoping and timing. The scoping may involve setting out terms of reference for technical and impact studies. All information requirements and target timelines are



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included in the workplan. This workplan provides the basis for the proponent to prepare all necessary materials and plans sufficient for a “high level” land use decision.

3. *Harmonization Workplan #2.* Following the “high level” land use decisions by the local government and the responsible Provincial agency involved, this workplan provides the basis for the proponent to prepare all necessary materials and plans sufficient for detailed land use approvals, and including, if necessary, an EA review;
4. *Harmonization Workplan #3.* Following all final land use decisions and the issuance of a Master Development Agreement by the Provincial agency, all parties will come together to provide a detailed scoping and timing workplan for the implementation stage – permits, licenses, detailed zoning, subdivision, etc.
5. Resort construction begins.

### ***Twenty-One Steps in the Harmonized Process***

The accompanying flow chart depicts 21 activities that make-up the harmonization model. These activities are described in the report and may need further amplification as a procedural manual for use by each project review team.

### ***Outcomes of the Harmonization Process***

The harmonization process – as described and depicted in this report – represents a significant step forward. If the process is followed, there are several outcomes:

- Clarity and provide direction for the proponent from the beginning, and at various key points along the way.
- Increasing certainty for the proponent as each stage is completed and each milestone achieved.
- Potential reduction in time and cost for the proponent, particularly in the identification of technical requirements and the steps in the harmonization process;
- Early and continuous involvement of local governments in major project reviews involving Crown land;
- Increased certainty for government agencies and local governments that their interests and requirements are being conveyed to a proponent and that there is a shared understanding of these requirements. The potential for conflicting land use views between the two levels of government will be identified early in the process, as opposed to late in the process, when, potentially, the Province has already made its decision.

Note: This report does not address the nature or details of the engagement of First Nations; that is focus of another project. However, in the context of *this* study, it is recognized that First Nations will be consulted by the Provincial lead agency.



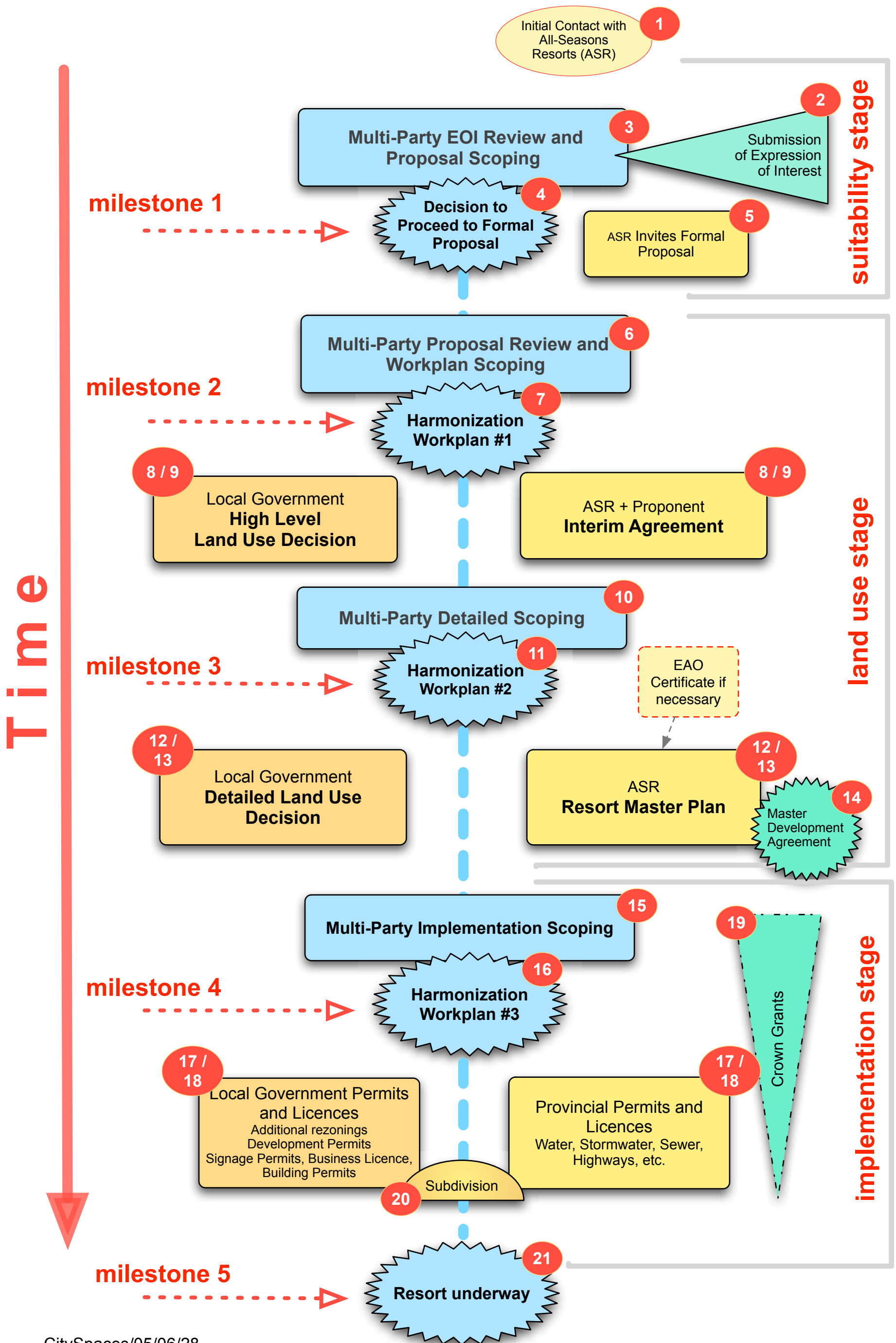
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# Provincial – Local Government Harmonization Process All Seasons Resorts





# Harmonization Process – All-Seasons Resorts

## 1.0 Introduction

All-seasons resorts contribute significantly to British Columbia's economy and the quality of life for its residents and visitors. New and expanding all-seasons resorts require long-term vision, business acumen and sizeable financial capacity. Resort development also requires the support and cooperation of the Provincial government, local governments, First Nations and community interests.

Since 2003, the BC Government has put resources into addressing the issues associated with resort development, and into finding the best ways to create a favourable environment in which to encourage the development of globally competitive resorts. This included establishing a Minister of State for Resort Development and a Task Force, and undertaking several in-depth studies, culminating in the November 2004 *British Columbia Resort Strategy and Action Plan*<sup>2</sup>.

As the *Resort Strategy* points out, the resort industry holds tremendous promise for BC. But in order to reach its potential, various Provincial agencies and other jurisdictions need to work together. Local government will be a major participant.

The Union of BC Municipalities (UBCM) recognizes the importance of tourism and resorts to many rural and urban communities throughout the province. In July 2004, UBCM entered into a Memorandum of Understanding (MOU) with the BC Government.

## 2.0 Purpose of this Report

This report is the product of a three-month study process, involving representatives of the resort industry, the Provincial government and local government. Its purposes are to:

- Set out a *practical model* that enables a coordinated and harmonized review of resort proposals, resulting in improved efficiency and reduced time and costs; and
- Set in motion a *process* that will provide greater clarity and certainty for proponents, as well as eliminate duplication and overlaps among provincial and local government review agencies.

## 2.1 First Nations Involvement

This report does *not* address the nature of the engagement of First Nations in relation to all-seasons resorts – that is the primary focus of another project. However, in the context of provincial-local government relations, it is important to note that Provincial ministries and agencies have a legal obligation to consult with First Nations with respect to the effect of potential Crown land dispositions

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<sup>2</sup> Government of British Columbia. *British Columbia Resort Strategy and Action Plan*. November 2004



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and water allocations on asserted rights and title, and to attempt to accommodate First Nations interests. Resort developments hold significant opportunities for First Nations participation, given the wide range of economic activities and mutual benefits that are possible through established business relationships.

Recent court decisions have confirmed there is a spectrum of consultation efforts that may apply to a First Nation, and that the type of consultation may vary, depending upon the strength of claim and existence of aboriginal rights. However, the fundamental principles of consultation are the same for all aboriginal interests and set out in the Provincial Consultation Policy (2002). There are potentially four stages of consultation:

- Conduct pre-consultation assessment;
- Initiate consultation;
- Consider whether there is any likely infringement on aboriginal interests; and
- Look for opportunities to address and/or reach workable accommodations of aboriginal interests and/or negotiate resolution.

The Provincial agency responsible for Crown Lands has established an Aboriginal Relations Section with Aboriginal Relations Officers in regional offices. Aboriginal Relations Officers often meet with First Nations to discuss specific Crown lands. The *Aboriginal Interests Considerations Procedures* document outlines the process that is followed by the Provincial agency. These procedures indicate:

- When consultation with First Nations is appropriate;
- What information needs to be sought from First Nations; and
- Other steps to follow when aboriginal interests are identified.

Although the material in this report does not indicate specific roles and responsibilities for First Nations, it is expected that First Nations will be involved early in the process and throughout the various stages of resort development process. The role of First Nations will likely vary, depending on the First Nations involved, the nature of the project, and other factors.

### **3.0 Context and Background**

British Columbia has more than 700 resorts, from fishing lodges to ski mountains to eco-tourism operations. In the past several years there has been a marked increase by Canadian and international developers investment in all-seasons resorts on BC's Crown Lands.

The resort sector represents a considerable opportunity for British Columbia. The following figures, provided by the All-Seasons Resort Division, give a current account of tourism and resort-related activity:



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- In 2004, \$9.47 billion was spent in the tourism sector, providing jobs for 115,000 people;
- In 2003, resorts generated nearly \$178 million in tax revenue for governments and employed an estimated 26,000 people;
- In mid-2005, the estimated capital investment of new major resort projects actively under review was \$4.1 billion, while additional projects in pre-application discussions total \$2.5 billion; and
- Also by mid-2005, existing resorts were planning to spend over \$1 billion in expansion plans during the next two to five years.

In 2003, the BC Government created a Ministry of State for Resort Development and established a Resort Task Force to advise the Minister. Working with a 15-member External Advisory Group and an Inter-Agency Working Group, the Task Force undertook an extensive consultation process with a range of stakeholders. It also commissioned independent studies to help identify both barriers and opportunities.

One study<sup>3</sup> undertaken by the Resort Task Force involved looking at emerging trends in resorts. It showed that there are new and evolving leisure and recreational activities that are well suited to BC's environments. These include golf, mountain biking, ocean kayaking, wellness activities, eco-tourism and adventure travel. Add in emerging interests in aboriginal cultural experiences and agri-tourism and the prospects for BC are significant. The study also found that the trend in seasonal or second home ownership in resort settings results in symbiotic benefits that increase visitor stay times and the volume of repeat customers.

BC's Commercial Alpine Ski Policy (CASP), first adopted more than 25 years ago, was a prescient policy that changed the landscape of BC's resorts. Today, BC's mountain resorts attract worldwide interest for their ability to concurrently grow both the recreational experience and residential development.

The work of the Task Force illustrated the complexity of governmental approvals, regulations and review processes that resort developers encounter before beginning operation. While it was learned that the steps vary depending on the proposed scale, nature and unique location of the resort, the Task Force found that there are numerous Provincial and local government requirements, some of which seemed to overlap or be duplications. In one of the Task Force's investigative studies<sup>4</sup>, it was learned that some other jurisdictions provide the equivalent of an "approval in principle" early in the process that provides a level of assurance to the investor.

<sup>3</sup> Economic Planning Group for the Resort Task Force. *Supply and Demand Analysis of BC Resorts*. December 2003.

<sup>4</sup> CitySpaces Consulting Ltd. for the Resort Task Force. *Transitions: Planning, Servicing and Local Governance in BC's Resort Communities*. 2004.



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Building on the work of the Resort Task Force, three Provincial agencies consulted with UBCM in order to determine how best to eliminate barriers and reduce uncertainty for investors while ensuring local governments continue to exercise their jurisdiction. This resulted in a July 2004 Memo of Understanding (MOU) between UBCM and three Provincial ministers

Quoting from the MOU,

*“The Province and UBCM share the common goals of:*

- Fostering co-operative inter-governmental relations;
- Recognizing the jurisdiction and accountabilities of both orders of government;
- Promoting long-term job creation, sustainable economic growth and sustainable communities;
- Developing a positive climate for resort investment in British Columbia;
- Providing efficient and effective resort development review and approval processes for both orders of government that take into consideration highest environmental standards.”

The MOU sets out specific initiatives to achieve these common goals:

- Best Practices Guide – Volume 1, Transitions Report;
- Best Practices Guide – Volume 2; and
- Harmonization project.

This report is the outcome of the third of the above-noted projects.

In March 2005, the Minister of Resort Development released *Transitions: Planning, Servicing and Local Governance in BC’s Resort Communities*. This was Volume 1 of the “Best Practices Project”. Following on the recommendations of the Resort Task Force, the *Transitions* report underscored the need to devise a model for coordinated provincial and local government planning.

#### **4.0 Project Scope and Approach**

In response to the previously cited reports and the Action Plan set out in the Resort Strategy, the All Seasons Resort Division (ASR) took the lead on a number of implementation projects. This project focused on a harmonization of *provincial and local* reviews of all-seasons resort proposals<sup>5</sup>.

In March 2005, ASR set up an Advisory Group for this project, drawing on representatives from local government, the resort industry and the Provincial

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5 Another project being undertaken through ASR focuses on the ways and means to involve First Nations in the review of all-seasons resorts.



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agencies. The Advisory Group met four times between mid-March and June 2005 and was supported by ASR staff and consultants who:

- Facilitated the meetings of the Advisory Group and conducted key informant interviews with members of the group;
- Mapped out *existing* legislation and planning processes;
- Undertook four case studies of all-seasons resort reviews in BC; and
- Examined an integration model being used in Alberta.

## 5.0 Project Findings: Existing Situation

A close look at the processes and procedures used by the Province’s Crown Lands agency and local government (Refer to diagram of existing processes in Appendix A) confirmed that the existing situation is flawed in several respects:

- A proponent must go through two entirely separate processes to achieve a land use approval – in some cases, a third review process (Environmental Assessment) is required. From the proponent’s perspective, there is unnecessary overlap in information and public consultation requirements by these review agencies.
- In some situations, local government has not been formally contacted until the proponent is almost finished the Provincial land use review process. This lag time can be a complication for a proponent and is a frustration for local government.
- Although there are referral processes between the two levels of government, these can be time-consuming and frustrating for all.

## 6.0 Project Findings: Case Studies

The Advisory Group selected four BC case studies for analysis. Three of the four projects were significant expansions of existing resorts; the fourth was an entirely new project. Appendix B contains the details of each case study.

		Type	Land Use Authority	Provincial Environmental Assessment?
1	Sun Peaks	Expansion	Thompson Nicola Regional District	No – existing resort
2	Panorama	Expansion	Regional District of East Kootenay	No – existing resort
3	Red Mountain	Expansion	City of Rossland	No – existing resort
4	Canoe Mountain	New	Regional District of Fraser-Fort George	No – too few bed units to be reviewable



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The reasons for undertaking the case studies were to:

- Identify any duplication or conflict in provincial and local requirements and associated timelines;
- Comprehensively document the review processes rather than relying on anecdotal comments; and
- Learn lessons that might result in the identification of possible areas and opportunities for harmonization.

The main observations arising from the case study research were:

- Each case is distinct in terms of issues, interests, scale, and proximity to established communities;
- The Provincial agency follows similar review procedures for proposed projects, but local governments usually approach a project review differently in terms of consultations and information requirements. BC's 184 local governments do use the same legislative tools, but apply them in different ways to suit local needs. However, in almost all cases, they do require bylaw adoption by an elected council or board as set out in the *Local Government Act* (either as an Official Community Plan [OCP] or omnibus general zoning);
- Proponents who are well funded and well informed about the interests/requirements of Provincial agencies and local governments help smooth the approvals processes and keep them on track. The Panorama project is a good example of this;
- Officials at the local and provincial levels do not fully understand each other's review processes and procedures;
- Concurrent provincial and local processes are better understood by the public and are a time advantage for the proponent. The Canoe Mountain project is a good example; and
- The agency "referrals" process does not work very well. Traditionally, this involves circulating paper/digital materials to a range of technical stakeholders, waiting for comments and analyzing the significance of the comments. This takes a considerable amount of time, and depending on the length of the project review, may involve different individuals in geographically dispersed offices. The flaws in the system are well known by review agencies.

## **7.0 Project Findings: Alberta Integration Model**

One of the background studies undertaken for the Resort Task Force in 2003 identified Alberta as having an interesting approach to the lease of Crown Land. Further examination of Alberta's experience was undertaken through this study.



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The focus was on learning more about the relationship between the Provincial and local government review processes.

In summary, in a typical situation, the Alberta Government undertakes a review of a Crown Land proposal and refers it to local government for comment. In other situations, however, local government takes the lead role as reviewing agency for all government interests. This only occurs where there has been an in-depth study of an area(s) that predetermines lands suitable for commercial recreation. At present, only one county has taken on this lead role – Clearwater County in the ranchlands and foothills of central Alberta.

The approach where local government becomes the reviewing agency for all government interests is in limited use and is still being refined, but is a model that is worth periodic review by the Province and UBCM to assess its potential portability to BC. Details of the Alberta approach are provided in Appendix C.

## **8.0 Project Findings: Advisory Group Input on Key Issues**

The Advisory Group helped flesh out the concerns about land use planning and servicing that had been identified by the Resort Task Force, and further explored in the *Transitions* report. The group's work involved a detailed examination of the current practices and procedures of local government and the All Seasons Resort Division. Group discussion led to the *confirmation and clarification* of the following matters.

### ***Interests***

- Local government and provincial agencies do have *certain* interests in common, but it is acknowledged that there are legitimate separate, additional interests.
- To illustrate, both levels of government have a common interest in the *types and densities of land use* and environmental impacts. The Province needs assurance of the financial viability of the proposed land uses and densities, whereas the local government will focus on the potential social and infrastructure impacts of the proposed land uses and densities.
- The foregoing point is an oversimplification of interests and is intended only as an illustration. Appendix D provides a comparison of the respective Tables of Content for ASR's Master Plan and local governments' OCP related to Panorama Mountain Resort. These Tables of Content provide a more complete illustration of respective interests.
- Depending on local issues and established procedures, there may be a wider range of interests in one area in comparison with another. This can lead to a variation of consultation processes and information



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requirements by local governments. Some project proponents working in more than one local jurisdiction find this vexing.

### ***Timelines***

- The ASR Division and local government do not have statutory review timelines. However, if an all-seasons project is sufficiently large or complex to be “reviewable” by the Province’s Environment Assessment Office (EAO), there is a statutory timeline for project review. (Note: New Environmental Assessment legislation was brought into force in 2002 in order to provide greater flexibility to customize review procedures on a project-by-project basis).
- The “devil is in the details” was emphasized by the Advisory Group. Following land use approvals, there may be months of work ahead by the proponent to achieve all required licences and permits. This can be especially frustrating, particularly when a proponent encounters a procedural “roadblock” or an additional expense not previously anticipated.

### ***Capacity***

- Not all local governments are able to allocate staff resources to large projects in a reasonable time frame. For most local governments, a large-scale resort may be the first or only one it encounters. Additionally, local government has gained extra responsibilities in recent years in relation to environmental protection. The Provincial ministry responsible for local government has reduced its technical resources and instead has developed “Best Management Practices” for local governments to apply.
- Proponents who have (or engage) expertise about provincial and local requirements/processes give these agencies confidence that their issues will be fully considered.

### ***Decision-Making***

- ASR requires proponent consultations, but approval/rejection decisions are made by senior administrators, and not in a public setting. Local government may ask for the proponent to hold public consultations, but it also must adhere to statutory requirements of bylaw adoption by an elected Council or, in the case of Regional Districts, a Regional Board. A formal Public Hearing is required by statute.



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## 9.0 Project Findings: Advisory Group Input on Solutions

The Advisory Group provided initial advice on 10 key topics identified by the consultants. Following this discussion, the Chair of the Advisory Group conducted follow-up interviews with all individual members.

As the Advisory Group began to focus on solutions, the participants came to a *reasonable degree* of commonality on key matters. These areas of commonality provided the basis for the harmonization process described in the following section and include:

- The view that a harmonization model that works *within* the existing administration structure and legislation issues is preferred *at this time* to significant legislative change. It was felt that a legislated timeframe at the local government level could lead to an early rejection, and, an appeal process at the local government level will have province-wide repercussions well beyond the resort sector;
- Early informal discussion among the proponent, local government, and Provincial agencies is essential in order to identify the scope of the project and key issues and any fundamental differences. The involvement of First Nations and key stakeholders at the earliest stages is also regarded as essential;
- A multi-party group is needed to focus and track each project from beginning to completion. The identification of information requirements common to both Provincial and local review processes will be a major benefit for the proponent. Target timelines will be set by the group;
- Achieving a “high level” land use decision from the Province and local government at an early stage is highly desirable. Concurrency in detailed provincial and local approvals should be achievable in most situations; and
- Coordinated public consultation is desirable and achievable at the information and feedback stage. Local government’s bylaw adoption process will still be required, including a formal Public Hearing.

## 10.0 A Recommended Provincial–Local Government Harmonization Process

Based on the advice of the Advisory Group, this report sets out a model process for achieving “harmonization” between Provincial and local government review processes for all seasons resort projects.

### 10.1 Five Foundational Principles

The following quote from the 2004 Resort Strategy sets the stage for the five key principles of the proposed harmonization model.



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*“Resort development is a very complex, multidisciplinary process that involves many areas of expertise. A resort’s ongoing success, and its resultant benefits to the community, depends upon mutual respect and the knowledgeable participation of all parties.”*

The five following principles are general enough to be applicable for any project while providing a consistent framework for all project review processes.

- *A facilitative approach.* A Provincial lead agency will resource each project and provide leadership and administrative support throughout the process;
- *Continuous involvement of all parties.* This envisions participation through the three stages – determining suitability, deciding on land use, and following-through on implementation;
- *Commitment.* All parties acknowledge the value of the harmonization process and their commitment to sharing information and working in a timely manner;
- *Increasing certainty.* As the process proceeds through various milestones, the project proponent is better able to assess risk and outcomes; and
- *Concurrency among governments and government agencies.* Provincial agencies and local governments will aim to complete similar approvals at (or about) the same time.

## **10.2 Five Milestones**

There are five milestones for successful completion of the review and approval process. Each milestone must be reached in order to go on to the next one:

- Decision to Proceed;
- Harmonization Workplan #1;
- Harmonization Workplan #2;
- Harmonization Workplan #3 and
- Resort construction begins.

The *accompanying diagram* – Provincial–Local Government Harmonization Process – is a flow chart depicting the proposed model for the harmonization process. Reviewing this chart and reading through the remainder of the report, there are several factors to keep in mind:

- This is a harmonization between Provincial and local government review processes; it does not guarantee project approval;



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- There are three equally important stages in the harmonization process – suitability; land use; and implementation;
- A Provincial agency initiates the process and assumes organizational responsibility for administrative and facilitative aspects of the multi-party group. At the time this report was written, it is assumed that the All Seasons Resort (ASR) Division will be the lead organization;
- The use of the harmonization model will be assessed on a case-by-case basis. In some situations, very little Crown land is involved relative to the amount of private land. The process will need to be flexible and tailored to the specific project needs, for example size, scale, scope, etc.; and
- The Province currently uses a policy guideline of a minimum of 100 bed units and an investment of \$1 million in recreational infrastructure or more to determine whether a proposed project falls into the all seasons category for review.

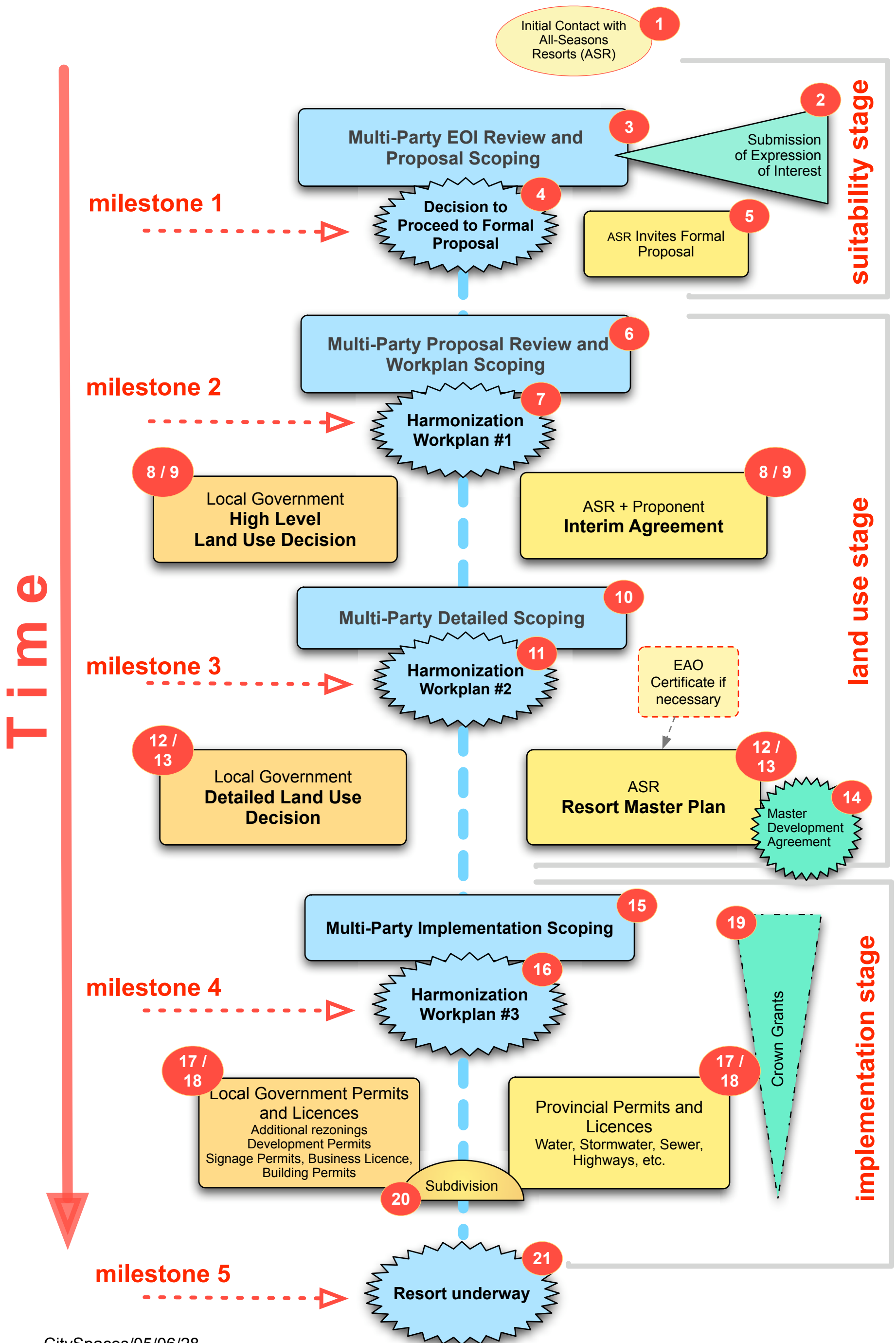


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# Provincial – Local Government Harmonization Process All Seasons Resorts



### **10.3 Provincial – Local Government Harmonization Process: Introduction**

The Provincial – Local Government Harmonization Process engages the proponent, local government and provincial government representatives in a three-stage process that culminates in the opening of an all seasons resort. The three stages are:

- suitability;
- land use; and
- implementation.

The suitability stage confirms that the proposed development is a candidate to proceed with the approvals process. The land use stage is focussed on land use review and project planning, aiming to secure the necessary land use approvals and develop a Resort Master Plan. The implementation stage involves the acquisition of permits that will enable the construction of the resort to proceed.

The following step-by-step explanation describes:

- the purpose;
- the people/agencies involved; and
- the outcome expected at the completion of each step.

The description of each step should be read in conjunction with the accompanying diagram. The numbers on the diagram correspond to the numbered steps described below. The steps include the five milestones that represent significant achievements resulting from the completion of several earlier steps.

A constant thread throughout the harmonization process is the project manager. Assigned by ASR, the project manager will oversee the process, bring the parties together, facilitate multi-party sessions and engage in drafting the tri-party agreements.

It is anticipated that several of the steps will happen concurrently, or almost concurrently. Proponents are encouraged to examine the costs and benefits of initiating permit applications early in the process rather than following the process sequentially. The potential advantage is significant time-savings in obtaining timely approval prior to construction. The risk is the cost of front ending investigations and engineering work before final approvals are secured.



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## 10.4 Suitability Stage

The suitability stage screens a potential resort development proposal in order to determine whether the proposed project is a candidate for the approvals process. It includes a public Expression of Interest process and identifies the proponent that will be invited to submit a formal proposal.

### Step 1 – Initial Contact With ASR

*Purpose:*

To introduce a potential project to ASR.

*Participants:*

ASR, the proponent, including local government, other agencies as appropriate; may include Environmental Assessment Office (if threshold triggers a review) and First Nations.

*Outcome:*

Confirmation that an interested proponent can proceed to the Expression of Interest stage.

*Description:*

A developer, or interested party, triggers a development review process by indicating an interest in a project involving Crown land. Initial contact may occur at a Provincial regional office. If the project is identified as an All Seasons Resort, the applicant is directed to the ASR office. Staff of ASR meets with the interested party and reviews what is envisioned. During this initial contact, the proponent provides a high level outline of the development concept. ASR will conduct an initial review that includes contact with several key agencies, including local government and, depending upon the nature of the proposal, preliminary consultation with First Nations. The objective is to check basic information, provide additional direction to the proponent, and confirm that there are no obstacles to proceeding further.

Upon completion of this initial scan, ASR appoints a project manager. The project manager becomes a key, central individual, acting as the lead co-ordinator. He or she is the common link with agencies and the proponent throughout the entire harmonization process.

### Step 2 – Submission of Expression of Interest (EOI)

*Purpose:*

To initiate the formal Harmonized Resort Approval Process and obtain information on the vision of the project for review.

*Participants:*

ASR, the proponent.



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## **Outcome:**

Confirmation that EOI is complete, signalling the official start of the harmonization process.

## **Description:**

After the initial screening, during which no serious obstacles are encountered, the proponent submits a formal Expression of Interest to the ASR Division. The EOI requires the proponent to clearly describe the applicant's vision for the project. The information to be submitted includes:

- nature of the applicant's intentions;
- outline of the project goals and objectives;
- mapping accurately illustrating the location, cadastral and topographic features;
- preliminary environmental inventory and analysis;
- description of opportunities and constraints;
- preliminary concept describing basic size and scope of the proposed resort; and
- preliminary market commentary.

ASR reviews the submission to ensure that the information provided is complete. In the following step, a multi-party technical committee assesses the content of the EOI.

## **Step 3 – Multi-Party EOI Review and Proposal Scoping**

### **Purpose:**

- assess the EOI submission for significant issues that prevent a formal proposal from being considered;
- formally introduce local government to the "vision" stage of the submission;
- bring together key technical agencies who will be involved throughout the approval process;
- provide an early introduction of the project and the initial proponent to First Nations;
- confirm the make-up of the multi-party working committee and its terms of reference; and
- introduce the applicant and the applicant's team to the multi-party technical committee.



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**Participants:**

Multi-party technical committee, comprising staff representatives of key Provincial agencies, the local government affected, the proponent, and as appropriate: EAO and First Nations.

**Outcome:**

Decision to proceed to the formal application stage.

**Description:**

Prior to the submission of a formal proposal by the proponent, a *multi-party technical committee* is established. It becomes the agent for the harmonized approval process. The project manager acts as facilitator and invites representatives from local government, provincial agencies, federal representatives (if appropriate) and First Nations interests to participate in the *committee* and convenes the first information exchange meeting. The purpose of this meeting is to review the EOI submission, discuss the project, identify key issues and provide the applicant with the information related to next steps.

**Step 4 – MILESTONE #1 - Decision to Proceed to Formal Proposal**

Milestone #1 provides early certainty to the proponent and indicates that a formal proposal will be considered. While it is neither an endorsement of the project nor a guarantee of approval, it is a commitment to the process and an indication that a formal proposal will be accepted for review.

Upon achieving Milestone #1, ASR advertises to determine if there are any other proponents interested in the same Crown lands. Over the next 30 to 60 days, other parties are given the opportunity to submit their vision. If no other EOIs are received, ASR will invite the initial proponent to submit a formal proposal. If multiple submissions are received, the applications are looped back through Step 3 and reviewed by the *multi-party technical committee* to confirm if any of the competing EOIs are acceptable. In the event that one or more competing EOIs are accepted, ASR will issue a proposal call to the interested parties.

**Step 5 – ASR Invites Formal Proposal**

**Purpose:**

To invite the interested parties to submit a formal proposal.

**Participants:**

ASR, the interested parties.

**Outcomes:**

The proponent is given the authorization to proceed to the next phase of project planning – the formal proposal.

**Description:**



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The proponent has demonstrated an acceptable proposal based on the initial evaluation at the EOI stage and is now given the authorization to proceed to the next phase of planning and submit a formal proposal. The invitation to proceed, issued by ASR, includes an outline of the expectations from a formal proposal submission.

### **10.5 Land Use Stage**

The primary objective of the *land use* stage is to obtain land use planning approvals for the project. At this stage, the proponent is invited to take the initial vision and develop it into a full land use concept. The formal proposal to develop or expand an existing resort will be evaluated based on site-specific characteristics. The land use phase of the process covers several steps that require increasing levels of detail about the project. During the land use phase, there are several decision points, requiring decisions by local government and Provincial agencies that provide increasing levels of certainty to the proponent. Accompanying these increasing levels of certainty, are increasing levels of investment by the proponent in studies and planning activities required to achieve the land use approvals.

#### **Step 6 – Multi-Party Proposal Review and Workplan Scoping**

*Purpose:*

To review formal proposals and confirm the successful party that will be granted sole proponent status; and

To scope the information requirements needed to obtain: (1) high level land use approvals from local government and an (2) Interim Agreement from ASR. The initial scoping will also:

- clarify the detailed review and approval process;
- set target timelines;
- identify common public consultation processes; and
- confirm additional opportunities for harmonization – striving to eliminate duplication where possible.

*Participants:*

Multi-party technical committee, the proponent.

*Outcome:*

Detailed scoping, terms of reference, target timelines agreed to by local government, Province, proponent related to preliminary (high level) land use decisions.

*Description:*



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This is the first time that the full multi-party technical committee is brought together in full session to assess the project and scope out the information required of the proponent to obtain “preliminary land use approvals”. The preliminary information submitted by the proponent will be forwarded to the multi-party technical committee in advance of the session, along with an explanation of the purpose and expected outcomes of the meeting. The formal proposals to be reviewed should include all of the components described below. At the scoping meetings, additional information may be required which will be discussed and confirmed with the proponent.

The minimum components should include:

- discussion of the proponent’s vision;
- description of the project;
- technical inventory of the proposed resort;
- environmental audit of the proposed development lands;
- description or accounting of the resort’s primary attraction and estimated resort demand;
- description of the concepts for staging or phasing of resort and how the first phase will be structured;
- description of the all forms of development contemplated for the base area, including the amount of accommodation planned, social or recreational facilities or other public amenities;
- description of how accommodation and transportation for resort employees will be handled
- description of how the project will be serviced (water, sewer, power etc);
- discussion of environmental issues and/or hazards and remediation measures envisioned;
- preliminary economic and social impact assessment;
- high-level financial feasibility assessment;
- description of First Nations consultation, relationships and proposed mitigation of potential issues;
- ownership and management structure; and
- discussion of future governance issues relating to servicing and administration.



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The *multi-party technical committee* reviews the proposals submitted and recommends acceptance of a proposal to ASR for final decision. The committee determines if any additional information is required from the successful proponent in order to achieve the two objectives of a high-level land-use decision from local government *and* an Interim Agreement with the Province. It is anticipated that there will be at least two meetings of the multi-party group, during which they would agree to, and sign off on, the information required of the proponent, commitments to timelines and outcomes.

**Step 7 – MILESTONE #2 – Harmonization Workplan #1**

Milestone #2 documents the roles, responsibilities, information requirements and target timelines required to achieve a high-level local government land use approval and an Interim Agreement with the Province. The proponent should have clear direction on what is needed to achieve the next set of project planning approvals.

An action item matrix<sup>6</sup> showing activities, persons/agencies responsible, information requirements and expected timelines will be an integral part of this step. It will also identify areas of potential duplication, determine how such duplication will be avoided and identify the agency that will take the lead on each action. This streamlining will not obviate any needs to meet statutory requirements, such as public hearings under the *Local Government Act*.

**Note:** Where appropriate, the workplan could be endorsed by up to five parties including First Nations and the federal government.

**Step 8 (or 9) – Local Government High Level Land Use Decision**

*Purpose:*

To obtain high level land use approval for the project from local government.

*Participants:*

Local government, the proponent.

*Outcome:*

High level land use decision approved by local government Council or Board resulting in increased certainty for the proponent.

*Description:*

One of the key steps in the harmonization process is a high level land use approval from local government – adopted as a bylaw. Local government is encouraged to adopt a high level Official Community Plan (or equivalent where no OCP exists) that designates the basic land uses proposed for the land. It is envisaged that the adoption of an OCP (or equivalent) would give the sense of

<sup>6</sup> To be prepared as an item in a subsequent “procedures manual” (refer to Section 12.0 Next Steps)



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an “approval in principal” but subject to the provision of more detailed information appropriate for a detailed land use approval.

The proponent will be required to submit an application to local government and proceed through the local government land use bylaw process.

Most local government jurisdictions have their own procedural bylaw that defines how such applications will be handled. All local governments are governed by the *Local Government Act* and the Community Charter. The process generally includes the following:

- Application submission;
- Internal staff referrals;
- External referrals to other agencies (note: this step will be largely eliminated because of the harmonized multi-party technical committee and their early involvement in the process);
- Public information sessions (note: this is not the official public hearing required under the *Local Government Act* but is usually encouraged and, in many instances, mandatory under local government’s procedural bylaw. These sessions will also cover public information requirements of the ASR Interim Agreement process);
- Referrals within local government to committees that may include advisory planning committees, advisory environmental committees, economic advisory committee, etc.;
- Land use committee or Committee of the Whole of the Board or Council;
- Introduction of OCP bylaw (or other high level land use bylaw) and reading of the bylaw by the Board or Council;
- Official Public Hearing;
- Referral of bylaw (if OCP) to Minister; and
- Final approval of the bylaw.

The application for a high level land use approval (OCP bylaw , OCP amendment bylaw or other high level land use bylaw) is initiated by local government or the proponent. If the bylaw is not approved, the process ends. If the bylaw is approved, the process continues.

The completion of an OCP bylaw or other high level land use approval commits the local government to the principles of the proposal only. Later in the process, the local government will review in more detail the merits of zoning, the siting of buildings and structures, transportation needs and impacts, parking, and



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municipal infrastructure upgrading, with the associated bylaws considered at that time.

**Step 8 (or 9) – Interim Agreement**

*Purpose:*

To commit ASR and the proponent to prepare an Interim Agreement that sets out the general business terms for the project.

*Participants:*

ASR, the proponent.

*Outcome:*

Interim Agreement signed by ASR and proponent.

*Description:*

The Interim Agreement is concluded with the proponent, whose formal proposal has been accepted. The Interim Agreement grants “sole proponent” status and assures a priority of interest to the proponent. It provides authority to the proponent to enter on the Crown land for the purpose of carrying out various studies and assessments. It also establishes the pricing provisions and terms that would apply to the Master Development Agreement. At this point, the proponent can begin developing a Resort Master Plan and negotiating a Master Development Agreement with the LWBC. The proponent is now in a position to initiate applications for permits from other regulatory agencies (see implementation phase).

**Step 10 – Multi-Party Detailed Scoping**

*Purpose:*

- Scope the detailed information requirements and the terms of reference of impact studies and public consultation processes;
- Strive to eliminate duplication of processes.

*Participants:*

Multi-party technical committee, the proponent.

*Outcome:*

Detailed scoping, terms of reference, target timelines agreed to by local government, Province, proponent related to detailed land use decisions.

*Description:*

The multi-party technical committee meets. Each member of the group specifies the information needs and studies, together with the terms of reference, required to complete the review and approve the project. It is anticipated that there will be



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at least two meetings of the committee, during which they would agree to, and sign-off on, the information required of the proponent, commitments to timelines and outcomes.

**Step 11 – MILESTONE #3 – Harmonization Workplan #2**

Milestone #3 documents the roles, responsibilities, information requirements and target timelines required to achieve a detailed-level local government land use approval and an approved Resort Master Plan by ASR.

An action item matrix<sup>7</sup> showing activities, persons/agencies responsible, information requirements and expected timelines will be an integral part of this step. It will also identify areas of potential duplication, determine how such duplication will be avoided and identify the agency that will take the lead on each action. This streamlining will not obviate any needs to meet statutory requirements, such as public hearings under the *Local Government Act*.

Note: Where appropriate, the workplan could be endorsed by up to five parties including First Nations and the federal government

**Step 12 (13) – Local Government Detailed Land Use Decision**

*Purpose:*

To obtain the necessary land use approvals to enable development to proceed to the implementation stage.

*Participants:*

Local government, the proponent.

*Outcome:*

- OCP amendment, omnibus zoning; and
- More certainty for proponent.

*Description:*

The proponent makes formal application for a detailed OCP amendment and/or zoning bylaw amendment. Information requirements will have been agreed to in Milestone #3. Information required will include allocation of land uses, total floor-space of each land use, general location of buildings and structures, architectural idiom, general road pattern and assessment of transportation issues, infrastructure and design standards of proposed infrastructure, environmental and socio-economic impact assessments.

Local government will proceed through its process of committee reviews, bylaw introduction and public hearings. The *multi-party technical committee* should eliminate the need to follow the historical local government referral process and improve the timing for the receipt of information by local government.

<sup>7</sup> To be prepared as an item in a subsequent “procedures manual” (refer to Section 12.0 Next Steps)



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**Step 12 (13) – ASR Resort Master Plan**

*Purpose:*

To ensure effective preparation, review and approval of the Resort Master Plan.

*Participants:*

ASR, other agencies, local government, the proponent.

*Outcome:*

Approved Resort Master Plan.

*Description*

The proponent prepares the Resort Master Plan, in accordance with the terms set out in the Tri-party Harmonization Agreement and Interim Agreement. Associated reports and information requirements are forwarded to the appropriate agencies. The ASR project manager coordinates the *multi-party technical committee* to ensure that information submitted by the applicant is complete and sign-off is obtained, including completion of the land use bylaws at the local level.

Note: If the project is subject to the Environmental Assessment Act, the Master Plan could not be approved without the granting of an EA Certificate. (Refer to Section 11 for details).

**Step 14 – Master Development Agreement**

*Purpose:*

To define the terms of the tenure agreement.

*Participants:*

ASR, the proponent.

*Outcome:*

Master Development Agreement signed by ASR and the proponent.

*Description*

Once the Resort Master Plan is approved, a Master Development Agreement (MDA) is negotiated and signed by the proponent. During the negotiations, concerns raised by local government are included in the MDA where appropriate. Issues of common interest may include but are not limited to such things as: future governance (depending on the size of the project), future ownership of, and standards for, utilities and infrastructure or resort vacation home rental policy.

**10.6 – Implementation Stage**

The implementation stage primarily addresses technical and administrative tasks that must be fulfilled to enable the project to proceed. The requirements



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**Harmonization Process  
Corresponding Number/Stage**

**EAO Integration Opportunities**

**3: Multi-Party EOI Review and Proposal Scoping**

Joint meeting with: LWBC, EAO, local government, and proponent. The EAO will determine if EA is triggered.

IF EA is triggered, EAO will participate in Tri-party agreement.

**4: Decision to Proceed to Formal Proposal**

The Formal Proposal is written to meet EAO requirements for a Project Description document (joint EAO/LWBC template required)

**5: Multi-Party Proposal Review and Workplan Scoping**

EAO reviews project with CEA Agency, Federal Agencies

Create Project Working Group (FN, Local Government, Federal Agencies)

EAO ensures that the Proponent documents the issues and meetings with all parties to satisfy EAO pre-application consultation

**7: Harmonization Workplan #1**

Section 10 issued

**11: Harmonization Workplan #2**

4 Party Agreement with EAO, Harmonization agreement with CEAA (if federal review triggered)

**12/13: Resort Master Plan**

Develop the Terms of Reference for the EAO that harmonize with Master Plan requirements.

EAO REVIEW PROCESS BEGINS HERE

EAO will:  
• Issue Section 11 Order  
• Develop and Approve Information Requirements for EA Application

**14: Master Development Agreement**

EAO Receives EA Application for Review (180 day period)

**EA Certificate Decision**

often relate to meeting performance or design standards. Currently, and for past projects, this is a point where there can be a great deal of time and cost that may not have been fully anticipated by the proponent at the outset. And, typically, the Crown agency responsible for the Master Plan and Master Development Agreement, has completed its work and steps away from the project while the proponent acquires all required permits and licences.

**Step 15 – Multi-Party Implementation Scoping**

*Purpose:*

To scope the details of the implementation requirements (permits, licences and any other regulatory matters).

*Participants:*

ASR, Local government, provincial permitting agencies, the proponent.

*Outcome:*

Detailed scoping, terms of reference, target timelines agreed to by local government, Province, proponent related to implementation approvals.

*Description:*

The *multi-party technical committee* continues its work with a focus on implementation. The individuals involved in this aspect of the process may change because often the permitting and implementation approvals are issued by arms of a Ministry or agency that are different from those responsible for the planning function.

ASR will continue to provide a leadership role in terms of project management.

**Step 16 – MILESTONE #4 – Harmonization Workplan #3**

Milestone #4 documents the roles, responsibilities, information requirements and target timelines required to complete the implementation process. An action item matrix<sup>8</sup> showing activities, persons/agencies responsible, information requirements and expected timelines will be an integral part of this step. It will also identify areas of potential duplication, determine how such duplication will be avoided and identify the agency that will take the lead on each action. It will explain the permits and approvals required from local government, the Province or provincial agency. This streamlining will not obviate any needs to meet statutory requirements.

Note: Where appropriate, the workplan could be endorsed by up to five parties including First Nations and the federal government

**Step 17 (18) – Local Government Permits and Licences**

*Purpose:*

<sup>8</sup> To be prepared as an item in a subsequent “procedures manual” (refer to Section 12.0 Next Steps)



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To obtain the permits necessary to implement the development proposal as described in the Resort Master Plan and approved land use plan.

*Participants:*

Local government, ASR, the proponent.

*Outcome:*

Permits issued or phased.

*Description:*

The proponent must obtain a number of regulatory permissions from local government. These may include rezoning of specific parcels, issuance of Development Permits, signage permits, business licences and building permits. Depending upon the jurisdiction, a phased Comprehensive Development zone may have been adopted during the planning stage of the process and specific design building form, parking layout, landscaping design or driveway access may be required as part of the implementation. If the project is located in a municipal jurisdiction, the local government is also responsible for subdivision approvals.

The timing for obtaining each permit will vary, as some permits require the completion or authorization of another to trigger consideration of the next.

**Step 17 (18) – Provincial Permits and Licences**

*Purpose:*

To obtain the permits necessary to allow construction of the project to proceed.

*Participants:*

Provincial government agencies, proponent.

*Outcome:*

Permits issued.

*Description:*

For proposed all seasons resorts located in rural areas, services such as sanitary sewer, storm water management, potable water and fire protection are generally not available. Approvals and permits are issued mainly by provincial agencies. Some of these authorizations or permits, for example the creation of a water utility, require a great deal of technical, administrative and legal support. Initiating the application early in the process can save undesirable delays later.

**Step 19 – Crown Grants**

*Purpose:*

To convey land to the proponent once the conditions under the terms of the Master Development Agreement have been met.

*Participants:*



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ASR, the proponent.

*Outcome:*

Crown grants or phased Crown grants under the *Land Act* to the proponent.

*Description:*

The Master Development Agreement describes the terms under which land will be sold to the proponent. Once the land is granted, a title is raised which is registered in the Land Title office. Further subdivision of the granted lands is made pursuant to the *Land Title Act*. The MDA clearly describes how and when land will be made available for real estate development.

**Step 20 – Land Subdivision**

*Purpose:*

To obtain the necessary subdivision approvals to implement plans.

*Participants:*

Local government, ASR, Ministry of Transportation, the proponent.

*Outcome:*

Subdivision approval.

*Description:*

After application, approval to subdivide the Crown-granted parent parcel(s) into developable lots is given. Subdivision into developable parcels requires that all health and safety related permits (sanitary sewer, storm water management, highways access, road design, water and power) have been issued, or approved. Individual Development Permits or site specific zoning (see Step 19) may occur after this phase. The issuance of a building permit requires separate title (or consolidation of title) to have been achieved.

**STEP 21 – MILESTONE #5 – Resort Underway**

Once all permits for the construction of buildings and structures have been received, the resort project can commence construction. Timing for the completion of construction depends on a number of factors, most importantly the market and size of the project.

**10.7 Recommended Harmonization Process – Strengths and Challenges**

*The BC Resort Strategy and Action Plan* had identified the opportunity to create “... a transparent, fair, non-discretionary and efficient approvals process ...” . Among other things, this led to the MOU between the Province and UBCM in 2004, which committed both parties to three initiatives, including the development of a harmonization process for all-seasons resorts.



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The study's Advisory Group supported a voluntary (i.e. discretionary) model, which depends for success on the good will of the parties to put forth best efforts to harmonize their respective processes. In seeking an acceptable approach, the Advisory Group did not explicitly define and compare a range of review models. Rather, the features of the proposed model emerged through iterative discussions of the group, based on the flaws of the current system, case study and related research and discussion of the key issues.

The group gave limited consideration to the notion of a model that compels the participation of both levels of government, considering this unrealistic and possibly resulting in a "no go" decision, prematurely. Such an approach would likely necessitate significant legislative change, affecting the land use decision-making mandates of either or both provincial and local government agencies. Moreover, it is probable that any change in the legislative framework for local government's land use decision making could not be restricted to resort development decisions, and would likely have much broader ramifications.

### **Strengths of the Proposed Process**

- The proposed model replaces the current linear (or sequential) approvals process with a synchronized and more timely harmonized approach, based on ongoing coordination and communication between provincial and local government agencies, and with local government afforded appropriate recognition of its land use jurisdiction.
- The model process contributes to significantly increased certainty for resort developers. It fosters synchronized land use decision making by ASR and local government, achieved by means of a coordinated technical committee process, and is managed by one lead agency.
- At the same time, the approach is flexible, and allows for details of the process (e.g. target timelines, joint public consultation initiatives, consolidated information requirements, etc.) to be negotiated between provincial and local government agencies on a case-by-case basis, taking into account project circumstances.
- The new harmonized approach can be implemented immediately – adopting the model does not require legislative action.
- Since the approach is voluntary, it respects the existing mandates of provincial and local government agencies, and in particular, can accommodate the varied approaches of individual local governments to land use decision making.
- The model can accommodate integration of BC's environmental assessment process into a coordinated approach in cases where a resort project is subject to the *Environmental Assessment Act*.



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- ASR has the mandate, commitment and resources necessary to implement and manage a harmonized resort review/approvals process, through appointment of a staff point of contact and establishment of a technical committee of interested parties – government agencies, First Nations (where appropriate) and the proponent – at the outset of each review.

### **Challenges of the Proposed Process**

- Government agencies will have a choice whether or not to participate in a harmonized review process – so the model does not provide absolute certainty that a harmonized process will be followed.
- Local government’s commitment to, and participation in, a harmonized approach is constrained by the requirement for Boards and Councils to maintain unfettered discretion in land use matters, which may mean departing from previously agreed processes where circumstances warrant.
- Negotiating the process on a case-by-case basis may be viewed by the development community as a less certain approach than adopting one standard procedure, with standard timelines.
- As with any other review model, it will be challenging to ensure that all 184 local governments become familiar with the new harmonized resort review procedures.
- The model does not address local government capacity issues such as funding and staffing constraints, which can be a key factor in a local government’s ability or willingness to participate in a harmonized review.



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### **11.0 Provincial Environmental Assessment**

The Environmental Assessment Office (EAO) is a provincial agency that coordinates assessment of the impacts of major development proposals in British Columbia, whether on private or Crown land. Major projects cover many areas, including mining, energy, transportation, oil and gas, and special waste. This also includes “tourist destination resort projects”.

The EAO reports to the Minister of Environment and is administratively separate from ASR. Projects that are required to have an assessment under the *BC Environmental Assessment Act* must receive an Environmental Assessment Certificate before they can proceed, and before any other provincial permit or authorization can be given.

The intent of the EA process is to identify any foreseeable adverse impacts throughout the life cycle of a project and to determine ways to eliminate, minimize or mitigate those impacts. The issuance of a project certificate confirms that a

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project will not have significant adverse First Nations, environmental, social, economic, heritage and health effects after the application of mitigation measures that are required to be undertaken by the project proponent. Under a 2004 bilateral agreement with the Federal government, projects that require a review under *both* federal and provincial environmental assessment legislation undergo a single, cooperative assessment, meeting the legal requirements of both governments while maintaining their respective existing roles and responsibilities.

The EAO is responsible for ensuring project assessments:

- are comprehensive and technically sound;
- involve all potentially interested parties;
- are conducted in an open, timely and efficient manner; and
- adhere to the legislation.

The “thresholds” for each type of activity are set out in the Reviewable Projects Regulation, under the *Environmental Assessment Act*. For all-seasons resorts, the EAO becomes involved at the thresholds set out in Part 9 and Table 15 of the regulation – Tourist Destination Resort Projects. Different criteria apply to marina, golf, ski and other resorts, each varying somewhat when the project is “new” or a “modification of an existing project”.

In light of the thresholds, it is expected that approximately one in 10 projects would be reviewable. When this occurs, the EAO would be involved from the earliest stage in the project review and be a participant in the scoping and workplan.

The EAO representative on the Advisory Group prepared a diagram that shows when and how the EAO process would dovetail with the harmonization model outlined in Section 10.

The diagram shows integration of the EA process with the ASR review process can be advanced in three ways:

- Integration of EA and ASR process requirements. This entails the combining of requirements for consultation with the public, government agencies and First Nations, and other process needs.
- Integration of EA and ASR information requirements. This area includes efforts to satisfy information requirements of EAO and ASR when providing information for either process. Development of templates for proponent use in preparing ASR documents, and in documenting consultation efforts, is an example of this type of integration.
- Integration of EAA and ASR review structure requirements. This involves the formation of project technical groups that have mandates and composition that will serve both the EA and ASR review processes, thereby providing consistency and continuity for project development.



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## 12.0 Next Steps

There are a number of activities that should take place in order to assist the first project team to use the proposed harmonization process. These activities include:

Preparation of materials that communicate the model harmonization process to stakeholder groups – UBCM, provincial agencies, and the development community. This may include a presentation at the 2005 UBCM Conference.

Identification of specific ways to augment local government capacity for all-seasons projects.

Identification of any ongoing role of the Advisory Group for this project.

Preparation of a revisable “procedures manual” that provides a step-by-step guide to the use of the proposed harmonization model. Among other things, this would include sample workplans, information templates and check-lists



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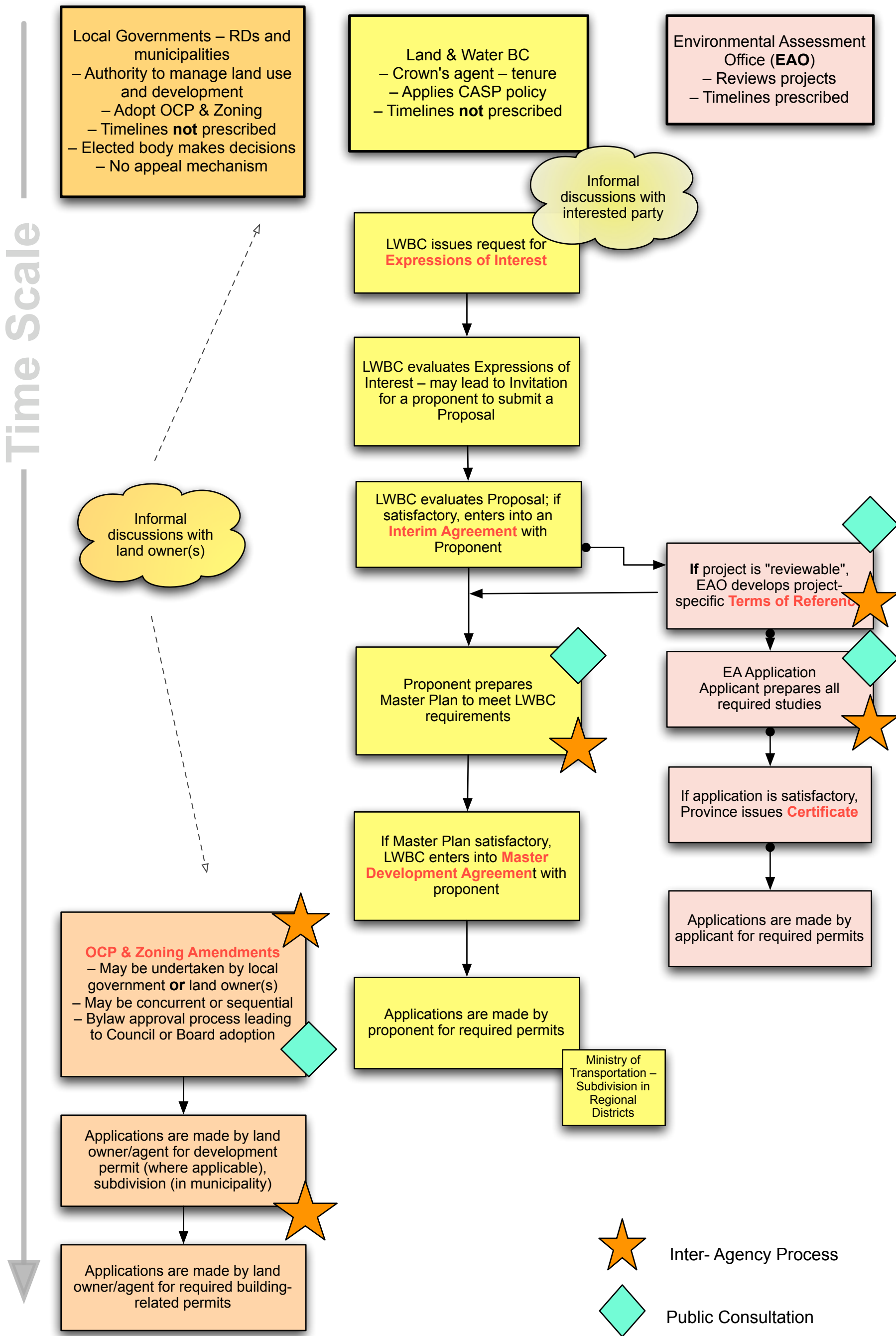
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# APPENDIX A

## TYPICAL APPROVALS PROCESS – CURRENT SITUATION



**Appendix B**  
**Four Case Studies: Planning Approvals**  
**Sun Peaks Resort**  
**Panorama Mountain Resort**  
**Red Mountain Resort**  
**Canoe Resort**



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## Appendix B – Four Case Studies

As part of the research program for this work, the consultants undertook four case studies (refer to Figure A–1) of recent all-season resort projects that involved LWBC and either a Regional District or municipality. The case studies were selected by the Advisory Group as being reasonably representative of large scale projects that have been approved. Note: The review covered only the land use planning aspects of the projects; it did not cover any aspects related to project implementation, including subdivision, licences and permits.

Figure A–1

		Type	Land Use Authority	Provincial Environmental Assessment?
1	Sun Peaks	Expansion	Thompson Nicola Regional District	No – existing resort
2	Panorama	Expansion	Regional District of East Kootenay	No – existing resort
3	Red Mountain	Expansion	City of Roseland	No – existing resort
4	Canoe Mountain	New	Regional District of Fraser-Fort George	No – too few bed units to be reviewable

The reasons for the case study research were to:

- Identify any apparent duplication, similarity, or conflict in requirements of the proponent by provincial and local authorities;
- Identify differences between the “intended” and “actual” processes and their timelines for both the provincial and local review processes;
- Comprehensively document the review processes; and
- Identify transferable lessons from each case study and possible areas and opportunities for harmonizing.

### Summary Observations

#### 1. There is no “cookie cutter” approach

- Each situation is different depending on the relative interests and capacities of the three key parties: the proponent, LWBC and the land use authority. When comparing the four case studies, there is significant variation in requirements and process;
- The “terms of reference” of a Master Plan (LWBC) and Official Community Plan/omnibus Zoning Bylaw (local government) vary



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depending on the local environmental and socio-economic conditions;  
and

- LWBC has a strong interest in the business sustainability of a project, recreational infrastructure, as well as its environmental impacts; local government is primarily interested in land use, servicing and impacts.

## **2. There was some evidence of duplication in requirements**

- Some duplication occurs at the Master Plan and Official Community Plan stage, both in terms of information requirements and expectations for public consultation. When the same consultants are involved (Panorama) this was less of an issue.

## **3. There was little disparity between “intended” and “actual” processes**

- LWBC and local governments adhered fairly closely in both the steps and the timing of their staff processes. Changes in ownership leading to changes in plans did, however, affect timing (Canoe).

## **4. The more prepared, sophisticated and invested proponents help themselves**

- Proponents with a knowledge of BC’s mountain resort planning – and local government land use approvals – make the review process more efficacious and more likely to result in a positive outcome in a timely manner.

## **5. Local government is obligated by statutory provisions; LWBC operates through a policy framework**

- Local government decision-making follows the requirements of the Local Government Act and decisions are made by elected bodies in a public environment. Bylaw processes are clearly set out and must be adhered to. LWBC has more administrative flexibility. Decisions are made internally within the Provincial Government.

## **6. Concurrent review processes can be good for all**

- The more that the proponent and the reviewing agencies are willing to work together, the more likely the outcome is acceptable to all parties – and the public affected.
- Usually, LWBC and the local government have a core of similar interests – environmental impacts, land use and density being among the chief common concerns.

## **7. The referral processes need to be improved**

- LWBC and the land use authority refer their applications to a number of other agencies that have an interest in the proposal. Despite the best will of both parties, these referral processes add complexity and, sometimes, confusion. Almost always, the same agencies are referred



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to, but they may be different offices and different individuals, and sometimes, separated by significant time periods.

#### **8. Existing resorts appear to have an advantage**

- If the resort already has an acquired tenure from LWBC, they have been grandparented from the Province's Environmental Assessment process. And, if there is already an OCP or omnibus zoning in place, making changes appears to be easier – although they must follow the same bylaw process.
- The three existing resorts did not go through the Expression of Interest and Formal Proposal process now being used by LWBC; only Canoe Mountain was subject to this process.

#### **9. Local government approaches vary considerably**

- There are 157 municipalities and 27 regional districts in BC. Although there is a statutory framework, there are varying procedures and processes that are used by local governments beyond the legislation.
- In the case studies, for Panorama, the local government set the terms of reference for the OCP then asked the proponent to prepare the OCP *up to* the draft stage. In two cases, the local authority undertook its own OCP (Canoe, Red). In another, there is no OCP (Sun Peaks); an omnibus Zoning Bylaw was the alternative approach used by the Regional District.
- The level of detail varies among the OCPs/Zoning. In some cases, this results in a series of amendments as market conditions change.
- The use of Development Permit Areas (and therefore, the need for Development Permits) varies considerably. In some cases, there is an interest in "form and character"; in others the focus is on environmental protection and potentially hazardous conditions.

#### ***For the Reader:***

There is a similar format for the four case studies – Provincial Approvals; Local Government Approvals; Summary Observations; and Questions Arising. Certain abbreviations have been used to reduce repetition. These are:

- MP = Master Plan (LWBC);
- MDA = Master Development Agreement;
- OCP = Official Community Plan (Local Government); and
- LWBC = Land and Water BC (used also to identify previous names – BC Lands, BC Assets and Land Corporation).



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## Case Study #1: Sun Peaks

Sun Peaks Resort is located on Tod Mountain at the western edge of the Shuswap Highlands. Located approximately 55 km northeast of Kamloops, the resort is an easy drive along the Yellowhead Highway and Tod Mountain Road. It lies within the Thompson-Nicola Regional District (TNRD). The resort operates the ski hill facilities within a controlled recreation area of approximately 4200 ha and has the rights to purchase an additional 200 ha of Crown Land over the 50-year term of the MDA.

The background research for this project involved delving into Crown and local government files in order to track the review mechanisms associated with the applications – requirements, procedures, timelines, and outcomes. Where possible, it involved speaking with individuals who were involved with the approval process.

This case study focusses on the period 1992 to 1994, immediately following the most recent change in resort ownership.

### **Provincial Government Approvals**

Nippon Cable Co. Ltd. (Nippon) purchased Tod Mountain in April 1992. The new owner inherited a Ski Area Master Plan (MP) and Operating Agreement that dated from 1989.

A May 7th, 1992 letter from LWBC documents initial communication with Nippon, explaining that a new MP, and not the existing Ski Area MP, will be required to negotiate an MDA. This would replace the earlier operating agreement, no longer appropriate given the proponent's intention to purchase additional Crown Land.

Neither an Expression of Interest nor Formal Application was undertaken for the *existing* resort – Nippon proceeded directly to the MP stage. The proponent hired consultants experienced in resort development – Ecosign Mountain Resort Planners – to prepare the MP. A letter from LWBC to Ecosign dated January 8th, 1993 outlined the process of review and approval of the MP. Ecosign presented and submitted the MP to LWBC on March 2nd, 1993.

Between January and March, the MDA was being crafted, undergoing refinement through a series of back and forth negotiations. There was a push to have the agreement signed in time for a mid-April visit from a representative of Nippon.

Immediately after Ecosign submitted the MP, it was referred for review and comment to:

- Kamloops Forest District;
- Thompson-Nicola Regional District;



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- Thompson Highways District Office;
- Ministry of Health;
- Canada Fisheries and Oceans; and
- An independent consultant.

During this agency referral period, the proponent held open houses in Kamloops, inviting the public's input on the plan.

On April 8<sup>th</sup> 1993, LWBC informed the proponent that the Tod Mountain Resort MP was "approved in principle" and later that month, on April 21st, during a visit to Tokyo, BC Premier Harcourt announced that the Province had signed a Master Development Agreement (MDA) for Tod Mountain.

Just over 11 months elapsed between the first communications by LWBC to Nippon until the signing of the MDA. During this period the resort MP was prepared and accepted by LWBC.

#### **Information Requirements: Master Plan**

With regard to information required of the proponent, a summary of the contents of the MP reveals LWBC's expectations. Components of the MP were:

- Introduction – local and regional context, historical perspective, planning issues, ski industry overview;
- Inventory – describes existing physical, climate characteristics, avalanche context, existing mountain facilities (snow making, snow grooming, capacity analysis, skier, snowboarder service floor space...), parking and on-hill accommodation;
- Market – analysis of competition, population centres, access, historic visitation, skier visit forecasts, guest information study, ticket window survey;
- Development Analysis – planning parameters, mountain design analysis, base area design and land capability analysis, slope analysis, watershed constraints, walking distances;
- Mountain Facilities – goals and objectives, phases 1 through 4, grooming, maintenance, snowmaking, bed units and phasing, recreational activities; and
- Base Area Facilities – goals and objectives, land use concept and program, accommodation, resort area program, commercial space use, village description, recreational amenities and activities, institutional facilities, development phasing.



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### **Local Government Approvals**

The Sun Peaks Resort, unlike most other ski resorts in BC, does not have an over-arching OCP. During preparation of the MP, Nippon proposed the development of an OCP and was prepared to pay to have it developed. However, the TNRD administration was reluctant to undertake this arrangement due to possible conflict of interest; ultimately, the idea was not implemented.

The RD had been aware of the resort's intention to expand before it was sold to Nippon Cable. While Nippon kept RD staff informed of what they were doing, the MP development process, prior to completion, was considered by TNRD staff as being "very closed". Significant referrals/consultation did not happen until after the proponent submitted the MP to LWBC.

In May 1994, Nippon hired a consultant to facilitate the development of a **new zoning bylaw** for the base area at Sun Peaks. Nippon composed a team of professionals who were familiar with the BC zoning process. This ensured that local government requirements were clear to the proponent. Although the RD allowed the team to take charge of crafting a new bylaw, RD staff worked closely with the consultants. There was a concerted effort to develop and guide a well-orchestrated rezoning process. The rezoning application was submitted to the RD on May 30th, 1994.

In the draft zoning bylaw, the resort area at the base of the mountain was blanket zoned RR-1 (Resort Reserve One). Existing land uses were respected and integrated into the bylaw. Amendments to this bylaw occur on a parcel-by-parcel basis with the development of the resort and Crown land at the base is released. Subdivision processes follow the zoning bylaw amendments.

The zoning approach is modelled after Whistler and offers the advantages of allowing public input as the resort develops, as well as flexibility compared to a zoning bylaw that enshrines specific zones based on a MP, details of which could change. Staff indicated that rezonings are generally done without a high degree of detail required from the proponent, indicating their confidence in the standard of the internal design guidelines that have delivered successful outcomes to date.

On May 30<sup>th</sup>, 1994 the draft bylaw was referred to:

- Ministry of Transportation and Highways;
- Ministry of Environment, Lands & Parks;
- Municipal Affairs, Recreation and Housing;
- Health;



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- Agriculture & Fisheries;
- Federal Fisheries; and
- Forests.

Most responses were returned by the end of July 1994, although correspondence discussing related issues continued to October 1994.

On September 8<sup>th</sup>, the Regional Board gave 3<sup>rd</sup> reading to the bylaw (Bylaw 1400) and, per statutory requirements, held a Public Hearing. The bylaw was then sent to BC Municipal Affairs for approval, which was granted on October 12<sup>th</sup>, 1994. The Regional District Board adopted the bylaw on October 13<sup>th</sup>, 1994.

Subsequent steps in the approval process include subdivision approvals. In TNRD, subdivision approval authority rests with Ministry of Transportation. There is a sense of frustration on the part of local government with the lack of control over this key tool in the planning process.

### **Summary Observations**

- The proponent followed a sequential approvals process = MP (LWBC), MDA (LWBC), and TNRD Zoning. This took a combined total of two and a half years.
- The development of the MP for this existing resort did not involve an Expression of Interest, Formal Application or Environmental Assessment. Work proceeded directly to the MP stage.
- It took just under one year to complete the MP and the issuance of an MDA in April 1993.
- The proponent submitted a zoning application in May 1994, following extensive staff and consultant discussions. The application was processed expeditiously and adopted as a bylaw in October 1994.
- Referrals of the MP were made by LWBC (6 referrals) and referrals of the new zoning bylaw were made by TNRD (7 referrals). Although the subject matter of the referral was different, four referral agencies were the same.
- Consultants were hired by the proponent to develop the MP as well as craft the new zoning bylaw for Sun Peaks.



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## Case Study #2: Panorama

Panorama Mountain Resort is located in the Toby Creek Valley of the Purcell Mountains, two hours drive southwest of Banff and 18 km west of Invermere in the Regional District of East Kootenay (RDEK). The ski hill was first opened in the mid-1970s. Since then, the resort has grown progressively. Following its acquisition by IntraWest in 1993, there has been an acceleration of growth in ski infrastructure, amenities and real estate. Today, the resort has a wide choice of accommodation and a range of year-round activities. Panorama has gained a reputation as a “boutique ski resort”, offering a variety of terrain within a “nice to meet you” atmosphere. On the summer side, the resort’s golf course, Greywolf, was ranked in *Golf Digest*, one of the Top 100 courses outside the United States and 9<sup>th</sup> in Canada.

The research for this case study involved delving into Crown and local government files in order to track the review mechanisms associated with the applications – requirements, procedures, timelines, and outcomes. Where possible, we spoke with individuals who were involved with the respective approval processes.

The development of Panorama has been guided by various MPs and amendments to the original Master Development Agreement (MDA). The 1980 MP and 1983 MDA were amended in 1988/89. After purchase of the resort by IntraWest, the MDA was again amended and restated in May 1993.

In the mid-1990s, IntraWest began the latest plans for expanding as an all-season resort. Between 1997 and 1999, major changes were made to the MP and, subsequently, the MDA. Concurrently, at the local government level the OCP and zoning bylaw were significantly revised.

This case study focuses on the period 1996 to 1999.

### **Provincial Government Approvals**

The original MDA has undergone a number of amendments, some reflecting changes in ownership: October 1997, September 1999, April 2000, September 2000, and February 2003. The files that were examined had little detail about referral dates, interagency review meetings, public events, or approvals of the MP associated with the 1999 MP.

LWBC files do contain considerable detail about the 1996 process to expand the resort with the development of a golf course and resort housing. No Expression of Interest or Formal Application stage was involved; the application proceeded directly to the preparation of an Area Development Plan. The Area Development Plan included data on habitat and migratory corridor issues, a report on the natural environment, including site evaluation, impacts and mitigation, a parking implementation strategy and a Village Land Use Plan.

The application was referred by LWBC on March 29, 1996 to:



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- Environment;
- Forests, Health;
- RDEK;
- Transportation and Highways;
- Tourism; and
- First Nations.

Responses were received from all but one agency, by mid-May 1996. On May 31, 1996 an Offer of Crown Grant was made to Panorama.

Panorama was not required to undergo a Provincial environmental assessment review. The original project had been grandparented by the Environmental Assessment Office.

### ***Information Requirements***

With regard to the information required in the approval process, some of the elements included in the Panorama Mountain Village MP are:

- Introduction – identifying goals and objectives of the comprehensive development plan;
- Background – describing the regional and historical context, agreements and policies affecting resort development, OCP and zoning;
- Physical and Natural Environment – describing the natural resources of the area including hydrology, natural hazards, wildlife, archaeological resources and visual resources;
- Comprehensive Development Plan Overview – describing the master land use programme, land use planning considerations, Panorama Mountain Village MP (access and circulation, environmental preservation, land use summary), Development Servicing Strategy;
- Major Development Areas – a planning summary, land use programme and summary are provided for Panorama Village, Greywolf Golf Course Neighbourhood, Trapper’s Ridge, and the Mountain MP; and
- Implementation – issues of land acquisition, phasing strategy, design standards and land use designations are addressed in the MP.

### ***Local Government Approvals***

Following IntraWest’s purchase in 1993, there were informal discussions between the new owner and the planning staff of the RDEK. In December 1996, the RD initiated a process to develop a new OCP. In February 1997, the RD established the terms of reference for the OCP. IntraWest’s



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consultants (Stonefield) prepared the draft plan. The following is a sequence of events associated with the adoption of the OCP.

- First draft submitted to RDEK July 1998
- Revised draft submitted to RDEK November 1998
- Interagency meeting to review draft January 1999
- Public meeting hosted by RD April 1999
- RD's Advisory Planning Commission review April 1999
- RD's Bylaw 1st/2nd reading + agency referral June 1999
- RD's Statutory Public Hearing 22 June 1999
- There was sufficient concern raised at the Public Hearing – particularly by existing property owners at the resort – that the RD Board decided there needed to be more time to review of outstanding concerns.
- RD hosted workshop with proponent and others 09 August 1999
- Revised RD Bylaw 1st and 2nd reading + referral 30 August 1999
- RD's SECOND Public Hearing 20 September 1999
- Bylaw 3rd reading + referral to Municipal Affairs 12 October 1999
- RD Board adopts OCP (Bylaw 1441) 10 December 1999

Since adoption of the 1999 OCP, there have been several amendments, all of which have been subject to a RDEK bylaw process. The reason for these amendments is that, as market conditions changed, there was a need to redesignate certain parcels. Five of the six bylaw amendments since 1999 were initiated by the land owner and followed the RDEK's OCP and Zoning Amendment processes.

### ***Information Requirements***

In the planning process, the RDEK had similar interests to LWBC but with a particular focus on the site planning of the settlement issues associated with the "base village". The OCP covers a wider range of topics than does the MP. The Table of Contents of the OCP follows:

#### Section 1 – Introduction

- Plan Format
- Plan Area
- Purpose of the Official Community Plan
- Legal Framework
- The Planning Process
- Definitions

#### Section 2 – Background



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- Regional and Historical Context
- Panorama Resort Development Plan (1980)
- Comprehensive Ski Development Agreement (1983)
- Panorama Resort Development Plan Amendment (1989)
- Ski Area Development Agreement (1993)
- Physical Planning Considerations

### Section 3 – Goals of the Official Community Plan

### Section 4 – Objectives and Policies

- The Physical Environment
- Residential and Commercial Accommodation
- Employee Housing
- Commercial Development
- Education and Community Facilities
- Light Industrial
- Open Space, Recreation and Trails
- Environmentally Sensitive/Development Constraint Areas
- Transportation Network
- Parking
- Water Service and District
- Sewage Disposal
- Solid Waste Disposal
- Public Utilities
- Public Safety
- Development Permit Areas

### Section 5 – Implementation

- Crown Land Acquisition
- Development Phasing
- Zoning Bylaw
- Subdivision Servicing
- Official Community Plan and Zoning Amendment Criteria

### Section 6 – Schedules

- Schedule A1 Panorama Mountain Village Plan Area
- Schedule A2 Development Permit Areas
- Schedule A3 Panorama Village/Trapper's Ridge Land Use
- Schedule A4 Greywolf Land Use
- Schedule A5 Mountain Master Plan & Phasing
- Schedule A6 Transportation Network
- Schedule A7 Development Servicing
- Schedule A8a Environmentally Sensitive/Development Constraint Areas (Base Area Lands)
- Schedule A8b Environmentally Sensitive/Development Constraint Areas (Alpine Environment)
- Schedule A9 Crown Land Acquisition



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### **Summary Observations**

- The development of revised MPs for this existing resort did not involve an EA, Expression of Interest or Formal Application. Work proceeded directly to the development of the MP.
- Roughly two months passed from submission of the Golf Course Area Development Plan (1996) to approval and issuance of Crown Grant. Approximately nine months passed between submission of the draft MP (1999) and LWBC's approval.
- Essentially, the proponent undertook similar studies and prepared a plan that served as the basis for multiple purposes: the OCP, zoning, and Crown Grant application.
- Beginning with a clear terms of reference, the RDEK allowed the proponent to prepare the OCP to draft stage; thereafter, the plan became a RDEK document, and through a public process, some changes were made.
- The proponent hired consultants who were knowledgeable about local government processes in addition to mountain resort planning.
- This latest resort expansion had been contemplated for more than a decade and earlier MPs, OCP (then OSP) had already anticipated significant growth in this location.



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## Case Study #3: Red Mountain

Red Mountain is 10 minutes north of the Canada/U.S. border and 5 minutes from Rossland's town centre. The ski facility has been operating since the 1940s and has been incrementally improved. Reinvigorated through recent ownership changes, the resort offers an "infinite number of runs that descend 2,900 vertical feet through best-in-the-world tree skiing and wide-open glades of untouched powder". The new ownership group plans to construct 1,300 dwelling units over the coming 15 years.

The resort operates within 1694 ha of land. Of the total land area, 1401 ha are Crown Lands (Controlled Recreational Area) and 293 ha are privately-owned by Red Mountain Resorts. At build-out the resort will accommodate 6,590 bed units and 9,850 skiers per day.

The research for this case study involved delving into Crown and local government files in order to track the review mechanisms associated with the applications – requirements, procedures, timelines, and outcomes. Where possible, CitySpaces staff spoke with individuals who were involved with the respective approval processes.

The focus of this case study is the 1999 to 2004 period.

### **Provincial Government Approvals**

Red Mountain Resorts and LWBC entered into informal discussions in 1997 regarding an expansion of the *existing* resort. LWBC outlined the requirements for updating the existing 1995 Master Plan and, subsequently, achieving an MDA.

In 1999, Red Mountain Resorts retained Brent Harley & Associates (BHA) to reassess the 1995 MP and develop a new plan to complement the resort's renewed vision. In December 1999, the first draft of the MP was prepared and an interagency meeting was held to introduce the plan to provincial agencies and local government. In April 2000, a public meeting was held to present the plan to area residents and in June 2000 a revised plan was produced reflecting the input received.

Just over six months later, LWBC referred the June 2000 plan to various groups:

- WLAP, Nelson, Planning and Assessment;
- MOF, Arrow Forest District and also Nelson Region;
- Forest Land Commission;
- Ministry of Municipal Affairs, Planning Advice and Approvals Branch, Vancouver;
- Ministry of Small Business, Tourism and Culture, Cranbrook;
- Ministry of Energy, Mines and Petroleum Resources;
- BC Parks, West Kootenay District, Nelson;
- Ministry of Transportation and Highways;
- Department of Fisheries and Oceans;



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- Chamber of Mines, Eastern BC, Nelson;
- City of Rossland;
- Trail Horseman's Society;
- Ktunaxa-Kinbasket Tribal Council;
- Lower Kootenay Band, Creston;
- Okanagan Nation Alliance;
- Westbank First Nation;
- Penticton Indian Band;
- Osoyoos Band;
- Okanagan Band; and
- Lower Similkameen Band

These agencies were invited to an interagency MP review meeting. At this meeting it was learned that Red Mountain Resorts and the City were addressing outstanding issues related to the Sector Plan, and that the City would be undertaking a revision to the OCP in 2001/02 to include the Red Mountain area. Another public meeting was held in April 2001.

A May 30, 2001 LWBC internal "Decision Issue" memo recommended approval of the Red Mountain MP and noted that an MDA was being developed that would include a formalized communication relationship between the City of Rossland and Red Mountain. The relationship would be based on an agreement between the two parties that the City will manage base area development via the "Sector Plan" and LWBC will manage on-hill phased development in a manner consistent with the MP.

The MP was signed on June 29, 2001 and the Master Operating Agreement executed and dated August 14, 2002.

Red Mountain was not required to undergo an environmental assessment, as confirmed in a March 1997 letter from the Environmental Assessment Office.

### **Information Requirements**

The information required for the preparation of a MP is summarized by the following list of sections taken from the report's table of contents.

#### **Existing Conditions**

- Location and access
- Land Ownership
- Existing Base Area (overnight accommodation and parking)

#### **Development Potential**

- Existing Base Area Development Potential
- Future Base Area Development Potential

#### **Resort Master Plan**

- Village and Base Area Development (MP document notes: "The 1997 Red Mountain Village MP and the 1999 Red Mountain Sector Plan (part of OCP) provide detailed descriptions of the Village Core")
- Parking
- Recreation Facilities and Amenities



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- Servicing and Infrastructure
- Phasing program (Village and Base Area Planning)

#### Figures

- Village Master Plan
- Village Zoning Plan
- Village Core Plan

#### Appendices

- Traffic Impact Study
- Environmental Review

### ***Local Government Approvals***

Rossland is a community of approximately 3,500 residents, about 15 minutes drive from the City of Trail. Red Mountain resort is located within the City of Rossland (per: boundary expansion 1992). The ski facility has been part of the City's economic and cultural identity since the 1940s. Local residents generally welcome the recent reinvestment in the ski facility and the economic spin-offs.

The City has a long-established OCP. It was last comprehensively updated in 1995. Since then there have been a number of amendments to the plan, including several amendments that relate specifically to Red Mountain. The first of these occurred in October, 2001 when the City adopted OCP bylaw changes to reflect the "Resort Village Area" and the "Resort Commercial Expansion". A zoning bylaw amendment occurred concurrently.

Since then, the City initiated its own "Area Sector Plan", leading to another OCP Amendment in 2004. The City was interested in involving all land owners at the base of the mountain, not only the RMR holdings. Consultants Urban Systems Ltd. developed the "Red Mountain Consolidated Base Area Sector Plan" for the City. The Table of Contents of the plan include:

- General objectives;
- Plan Area;
- Land Use Objective and Policies;
- Parking;
- Transportation and Road Network;
- Environmental Protection;
- Employee Housing;
- Water Service;
- Sanitary Sewer Service;
- Stormwater Management;



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- Public Utilities;
- Development Permit Areas;
- Watershed;
- Steep Slope; and
- Form and Character.

The City's process for adoption of the Red Mountain Consolidated Base Area Sector Plan (Bylaw 2237) was as follows:

- 1st reading of bylaw – 19 April 2004;
- Public Hearing – 06 May 2004; and
- 2nd, 3rd, and 4th reading of bylaw – 20 May 2004.

The OCP sets upper limits to the number of bed units and commercial space, in keeping with the servicing capacity of the sewer system – a total of 2,000 bed units and 50,000 sf. of commercial. This limit will not be extended until and unless there is an agreement on the expansion of a regional sewage treatment facility.

Since the OCP was adopted, the City has amended its OCP and Zoning Bylaw in order to clarify and ensure consistency between the OCP and zoning. The most recent revisions occurred in April 2005.

### **Summary Observations**

- This is an unusual case study as the resort lies inside a municipality, rather than in a rural setting within an RD. The City and LWBC conducted separate planning processes. The involvement of experienced consulting firms helped to expedite the processes.
- The development of revised/new Master Plans for this existing resort did not involve Expression of Interest or Formal Application stages. Work proceeded directly to the development of the MP.
- Approximately 18 months passed from submission of the first draft of the Master Plan to final approval. A MDA was signed roughly 14 months later.
- Roughly 3 years passed from the first documented contact between the proponent and LWBC and the submission of the first draft of a revised Master Plan.
- The City decided to undertake its own OCP, incorporating all land owners near the base of Red Mountain. This took approximately two years.



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## Case Study #4: Canoe Mountain

The site of future \$100-million all-season Canoe Mountain Resort is located in the Regional District of Fraser-Fort George (RDFFG). The resort lies 8 km south of the Village of Valemount and 100 km west of Jasper, Alberta. The proposed development involves a base area of 138 hectares of Crown Land for residential, hotel, commercial and golf course development. An additional 1214 hectares will be tenured for a gondola lift to an alpine viewing area leading to hiking trails throughout spectacular scenery. The project also includes a community ski hill for winter recreation.

The background research for this project involved delving into Crown and local government files in order to track the review mechanisms associated with the applications – requirements, procedures, timelines, and outcomes. It also consisted of, where possible, speaking to individuals who were involved with the approval process.

The case study focuses on the period 1999 – 2003, which covers the Expression of Interest, Interim Agreement, MP, MDA and the OCP adoption stages. The mayor and council of Valemount have been very supportive of mountain-related economic development. The Mayor was instrumental in encouraging the proponent to pursue this opportunity.

### ***Provincial and Local Government Approvals***

Unlike the other three case studies, Canoe Mountain was *not* an existing resort. In this study, Sunrise International (now, Canoe Mountain Resorts Inc.) submitted an application to LWBC in September 1999. No plans or maps were submitted at that time. In February 2000, LWBC advertised an Expression of Interest and, as no further parties came forward, LWBC committed to Sunrise on the condition that proper studies and plans were undertaken.

In August 2000, the proponent submitted its concept plans to LWBC. Concurrently, Sunrise submitted an application to the RD for an OCP amendment.

While there were two separate applications submitted, the same information was used for both. LWBC and the RD worked together to determine the supporting information required related to the environment, archaeology, access, mountain uses, effect on current users, and First Nations.

The RD and LWBC also integrated their respective referral processes and issued jointly signed referral letters to a number of agencies. In addition, three or four referral letters were sent separately.

Two public information meetings and a formal public hearing were held in the fall of 2000. LWBC, the proponent and the RD were present at all three meetings. Sunrise hosted the first public meeting on September 12th and LWBC hosted the second on October 12th. On November 7<sup>th</sup>, the RD



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held a formal Public Hearing on the proposed OCP amendment. RD staff indicated that a strategic decision had been taken to hold more than one public session in order to ensure that the public had ample opportunity to ask questions, reflect on the plan and have answers provided. On January 18, 2001 the Regional District's Board adopted the OCP bylaw, after Ministerial approval was granted on January 10th.

An Interim Agreement between the province and the proponent was signed in April 2001. LWBC staff indicated that the delays were outside of LWBC's mandate and attributed them to Forestry, EA and Sunrise not being timely with plans. Sunrise submitted a MP in September 2002 and held a public meeting in November. An MDA was signed on December 6, 2003 and the Phase 1 Crown grant issued in May 2004. The RD was present at the signing of the Interim and MDAs.

With respect to subsequent local government approvals, the process has not yet advanced to the rezoning stage. The RD is waiting for the final refinements to the plan and anticipates some adjustments to the MDA. Ecosign Mountain Resort Planners have been hired to refine the MP so that sufficient detail is available for subsequent approvals.

The RD's Robson-Canoe OCP (Bylaw 842) covers the following:

- General Provisions
- Planning Framework for the Robson-Canoe Area
- Land Use Designation Maps
- Primary Land Use Designations
- Special Area Designations
- Local Development and Servicing Policies
- Implementation

**Summary Observations:**

- The proponent followed a concurrent approvals process = the MP/MDA (LWBC) and the OCP Amendment (RDFFG). The OCP process took place within five months. The MP/MDA took another three years.
- This is an example where the RD and LWBC worked closely together in order to both simplify and advance the process – joint referral process, coordinated timing and hosting of public meetings.
- This is an example case study where the local government was prepared to move more quickly than the Province. From the RD's point of view, the initial OCP confirmed policy support for the resort, recognizing that an additional amendment would be required when the plans were at a detailed stage.



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## Appendix C – Alberta’s Integration Model for Resort Development Approvals

In 2003, the BC Resort Task Force examined the approval processes of six jurisdictions that have world-class destination resorts. The objective was to learn what approaches worked successfully in other areas that might be transferable to British Columbia. Of the jurisdictions examined, Alberta had a well-documented and interesting process.

As part of our current work, CitySpaces re-examined the Alberta experience. Was there something else that could help inform the Advisory Committee’s work? Did local government participate? If so, how?

Interviews with Provincial and local government officials revealed that in Alberta the Province typically leads the review of a Crown land proposal. Local government is integrated into the approval process from the initial pre-application meeting to the agency referral process. Notably, there are a limited number of situations where local government has been given development control over Crown lands and in these locations it takes the lead in the approval process. This occurs in areas where pre-planning has been conducted and lands have been designated for commercial recreation development.

There are a few basic differences between the British Columbia and Alberta approaches. In Alberta the Province generally leases and does not sell Crown land for commercial tourism development, and applications are processed on a first come first served basis rather than through a competitive EOI and RFP system. Additional features of the Alberta approvals process are highlighted below in the key findings of the case study, followed by details of the study.

Highlights of the provincially-led review process:

- Only 60% of Alberta’s land is publicly owned, compared to 96.5% in BC;
- Generally Alberta leases rather than sells Crown land for commercial tourism development;
- Ministry of Sustainable Resource Development (SRD) coordinates applications for commercial recreation development, not unlike LWBC;
- Applications are processed on a first come first served basis; there is no RFP;
- The Alberta Tourism Recreational Lease (ATRL) Process is a 3-stage process:
  - Pre-application meeting, initial submission, agency referral, public disclosure, conditional decision;
  - Letter of intent outlining conditions to be met; and



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- Issuance of lease.
- Local government is involved at the pre-application meeting and advises on local land use requirements.

Highlights of the locally-led review process:

- In some parts of the province high level land use plans (similar to BC's LRMPs) identify areas suitable for commercial recreation development;
- In those pre-identified areas, local government approvals drive the review process: land use approvals must be secured before Crown lease is issued;
- Public meeting/hearing required at local level meets the Province's requirement for public input;
- The approvals process in Clearwater County in west-central Alberta stands apart, having been streamlined through pre-planning along with a "one-window" approach; and
- In the case of a denied development permit, there are certain limited appeal provisions.

## **Background**

### ***Alberta's Crown Land: Green and White Areas***

Approximately 60% of Alberta's land base is held by the Crown, compared to 96.5% in BC. For administrative purposes, the province's Crown land is divided into two broad categories: Green Areas and White Areas. Land in the White Areas is largely used for agriculture, and may be sold. White Areas are generally not in locations suitable for commercial recreation. Land in the Green Areas is usually forested and primarily used for sustained wood fiber production and typically not available for sale, but Green Area lands can be leased to developers wishing to operate a commercial recreation business. Some local government officials viewed the inability to sell Crown lands for commercial tourism development as a disincentive to attracting high quality developers.

### ***Alberta: Key Legislation***

The key legislation that governs the development approvals process for commercial recreation on Crown land in Alberta includes:

- Public Lands Act – deals with the selling and transferring of public land, as well as the management of rangeland and activities permitted on designated land;
- Municipal Government Act – details how provincial legislation governs and directs municipalities to deal with land use planning and development in Alberta's various municipalities and municipal districts (regional districts);



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- Environmental Protection and Enhancement Act – requires approval for on-site electricity generation, sewage treatment and disposal and drinking water diversion; and
- Water Act – Alberta Environmental Protection (AEP) has the responsibility to review licence applications for the use of water by the proponent.

### ***Alberta Tourism Recreational Lease (ATRL) Process***

The ATRL process is a coordinated approach to the issuance of commercial recreational leases on Crown land. This process is designed to handle unsolicited tourism and commercial recreation development proposals on Crown land on a first come, first serve basis, and to process applications for commercial tourism and recreation developments on public lands in a prompt manner. It applies to applications that range in size from small remote cabin developments through to large, all season resorts.

The key players involved in the ATRL process are:

- Department of Land and Forest Service, Ministry of Sustainable Resource Development (SRD);
- Land Administration Division, Alberta Environmental Protection (AEP);
- Alberta Economic Development (AED); and
- Local Municipality/Municipal District.

The ATRL process follows three stages, with legislated time limits for the approvals process. Stage 1, comprising the bulk of the document preparation and review process, involves initial submission, mandatory pre-application meeting, submission of application, agency referrals, public disclosure and decision on conditional approval. Stage 2 consists of the issuance of a letter of intent that outlines the conditions that the proponent must meet in order to secure a lease. The proponent must receive approval from the departments that placed a condition(s). Stage 3 consists of the issuance of the lease, once all conditions outlined in the letter of intent have been satisfied.

### ***ATRL and Local Government***

The Alberta government's documentation about the ALTR process emphasizes the importance of interacting with all agencies including local government, and is clear in identifying the role of local government in the process.

Local government attends the pre-application meeting and advises, through the referral process, whether the plan is likely to be consistent with municipal policies and statutory plans. As part of the submission, the proponent is required to indicate whether the proposed development will require



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an amendment to the land use bylaw, area structure plan or municipal development plan.

### ***Harmonization Features of the ATRL Process***

The following list of features highlights how the ATRL process is coordinated.

- ***Supports “Pre-Development” Land-Use Planning Processes that Designate Nodes for Commercial Tourism Development.***  
Land-use planning processes in Alberta have led to the development of integrated resource plans in areas where tourism values are high. In its creation of the plans, the Ministry of Sustainable Resource Development (MSRD) makes efforts to co-ordinate the specific integrated resource plans with current municipal planning documents for the area. The integrated resource plans designate areas suitable for commercial recreation development. Development in these areas is encouraged. “Pre-development” planning has occurred, although in a limited number of areas.
- ***Integrates Local Government Land Use Approvals Process into the ATRL process***  
The ATRL process is sequenced in a way that requires land use approvals, development permits and/or amendments to statutory plans to be secured before a Crown lease is issued.
- ***Designates a Main Contact for the Proponent During Entire Process***  
The MSRD Land Manager for the region in which a proposed development is located is the main contact for the proponent throughout the ATRL process. This person is responsible for organizing the preliminary stages of the process, coordinating the other agencies, resolving any internal issues between the various agencies and is also the final approving officer for the issuance of the tenure. In Clearwater County (see below) where a unique approvals process occurs, the main contact is the local planning department.
- ***Encourages Preparation for the Pre-Application Meeting***  
The proponent is encouraged to speak with the relevant agency representatives prior to preparing the initial submission. Clear and easily accessible web-based information explains whom to contact for guidance on commercial resort development. The requirements for the initial submission are specified and while there is flexibility in the level of detail a proponent can present, web-based documentation encourages proponents to prepare an initial application thoroughly in order to expedite the process.
- ***Requires a Formal Pre-Application Meeting***  
All relevant provincial agencies, local government and the proponent attend the pre-application meeting. The intent of the meeting is to provide guidance and equip the proponent with information about the approvals process and content of the application submission. The



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proponent presents the concept for development and can expect to obtain:

### ***Details About the Content of the Application***

- About the consistency with land use and resource polices, as well as municipal policies and statutory plans.
- Issues of concern.
- Direction on how best to proceed.
- Permit fee amounts.
- Charting out of the process.
- Advice on whether the proposal needs to be amended or scale adjusted.

With this information in hand the proponent is encouraged to continue discussions with the relevant agency representatives during preparation of the submission.

### ***Reduces Duplication***

- Refers an application to each referral agency only once. Referrals are sent to a list of relevant provincial agencies and the municipality or municipal district who, in turn, are expected to provide a formal memorandum within a “reasonable time limit” that indicates:
  - If the proposed development is consistent with the organization’s enabling legislation or policy;
  - Any regulatory responsibilities that the proponent will be subject to; and
  - Any outstanding deficiencies and conditions that the proponent must address before approval is given for a lease (i.e. additional studies may be required).
- Allows the public advertising required for a proposed land use bylaw amendment or rezoning to meet the province’s requirement for public disclosure/input. And where possible, coordinates the public involvement requirements requested by other agencies with those of the ATRL process.

### ***Limits Public Input to Written Submissions***

- Public input is limited to written submissions unless there is a recognized need/demand for a public hearing.



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### ***Specifies Timelines for a Government Decision***

- Established timelines within which a government decision must be made exist, but do not apply until the agencies are comfortable with the contents of the development proposal. The ATRL process specifies the following timelines:
- Officially, the proponent has 60 days to submit the completed application, once the agencies (including local government) and proponent have agreed upon the details of the proposal. In practice, the proponent may take longer than 60 days to submit.
- If an application is deemed to be incomplete, a notice of deficiency is sent to the proponent who has 30 days to resubmit the application.
- Once an application is deemed to be complete, an acknowledgment letter is sent to the proponent indicating that the referral process has begun and notifying the proponent of the requirement to publicly disclose their project. Each referral agency (including local government) is required to provide a formal memorandum within a “reasonable time limit,” but ultimately within 15 working days of receipt of the collection of public comments arising from the public disclosure process, as described below.
- The applicant is required to place a notice in a local newspaper(s) for a period of two consecutive weeks (unless the applicant will be required to go through other public processes, such as a rezoning). The disclosure notice must be placed within 45 days of receipt of the acknowledgement letter.
- The notice shall invite interested parties to provide their written comments regarding land and resource management issues, within 21 days of the advertisement's first insertion and 14 days of the second.

### ***Clearwater County's Model***

Clearwater County, with a population of roughly 11,000 and is a large rural municipality located in west central Alberta. Agriculture, oil and gas, forestry and tourism are the main economic generators. Prime agricultural lands are located in the eastern sectors of the municipality, while the much larger western portions are mostly forested and mountainous. The Town of Rocky Mountain House and the Village of Caroline are the major service centres. Provincial highways and numerous secondary highways provide road access. There is also a municipal airport with an extra long runway and an airport terminal building jointly operated by the Town of Rocky Mountain House and Clearwater County.

The approvals process in Clearwater County stands apart, having been streamlined through pre-planning along with a “one-window” approach.



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In Clearwater County, the MSRD undertook a planning process that led to the creation of the *David Thompson Corridor Local Integrated Resource Plan*. The plan designates five development nodes over which Clearwater County has been given development control and development has been directed to the nodes along the David Thompson Highway (Highway 11). Clearwater County's Municipal Development Plan (similar to an OCP) describes the County's intention to encourage tourism in the development nodes and the requirement for development to comply with the Land Use Bylaw that describes a vision statement, outline plan and land use district for each of four nodes: Saunders/Alexo, Shunda/Goldeye, Bighorn Canyon and Whitegoat Lakes.

Proponents are encouraged to coordinate their plans for development with existing concept and area structure plans to minimize delays in the process. To date the County has not received applications for amendments to the Municipal Development Plan related to tourism development.

*In the Clearwater County "one-window" model, the local planning department, rather than the MSRD Land Manager, has been designated the main contact for the proponent for the duration of a project and applications for commercial and recreational developments are received at the municipal district's office in Rocky Mountain House. This is formalized through an agreement with the MSRD. The local government contact works in conjunction with the Ministry to coordinate the process.*

A further element of the one-window concept is that a development permit is issued at the same time that the Crown lease is issued: once a proponent has met the requirements of the development permit, the requirements for issuing a Crown lease are also considered to have been met.

Appeals usually occur in response to a development permit being refused and are made to the Subdivision and Development Appeal Board. The Province continues to reserve the land while the appeal is being heard and has a representative sit on the appeal board.

It appears that the Clearwater model has been partly emulated in one other jurisdiction to date. Yellowhead County is currently in the process of designating development nodes. However they have not entered into an agreement with the MSRD that identifies a local government person as the key contact for approvals.

### ***Abraham Glacier Wellness Resort Proposal***

An example of a proposed development in Clearwater County is the Abraham Glacier Wellness Resort, a \$26 million 520-acre resort that includes a full-service spa, wildlife sanctuary, conference and banquet facilities. Accommodation includes 5 main buildings and 5 guest lodges with a total



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of 90 rooms, as well as 130 cabins above Abraham Lake and ancillary buildings.

The application to develop this resort in the Whitegoat Lakes Node has recently been denied. Clearwater County refused the development permit application for the development on the grounds that it was deficient, in particular lacking information about the size and scope of the project. MSRDC withdrew the reservation on the land that was flagging the company's interest in the property.

The proponent appealed the decision of the County to refuse the development permit application. After a public hearing, the Subdivision and Development Appeal Board denied the appeal. The proponent requested leave to appeal the County's decision at the Court of Appeal. The Court ruled that an appeal would not result in a reversal of the Subdivision and Development Appeal Board's decision and refused the proponent's application.

### **Appeals**

If a project is rejected through the ATR process, the proponent can appeal the decision. An appeal must be lodged within 30 days of the final decision. An ATR Appeal Committee is formed with senior staff from SRD, Alberta Environment and Alberta Economic Development, who were not involved in the original decision of the application. The local municipality may be invited to attend the appeal process if the issue involves it. The appeal process is advisory to the Minister of Environmental Protection and does not have legal standing. The appeal is required to focus on:

- The decision to reject an application;
- The decision to not issue a letter of intent;
- Concerns over the timelines to complete conditions or requests for extensions of a letter of intent; and
- Conditions of an approval issued pursuant to the Public Lands Act.

There is no appeal of a Council's refusal to amend a statutory plan or land use bylaw. There is an opportunity to appeal an unfavourable development permit decision. A written statement must be submitted 14 days after receiving the decision. The municipal Subdivision and Development Appeal Board will hold a hearing within 30 days of receiving the written appeal. The decision must be made within 15 days of the close of the hearing. An unfavourable subdivision decision can be appealed within 30 days of an application refusal. Further appeals of unfavourable subdivision or development permit decisions may be made to the Court of Appeal on a point of law.



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## Appendix D – Comparison of Master Plan and Official Community Plan – Panorama

<b>Panorama Mountain Village Master Plan Approved by LWBC, 1999</b>	<b>Panorama Mountain Village Official Community Plan Adopted by the Board of the Regional District of East Kootenay December, 1999</b>
1–Introduction Vision Statement Goals and Objectives The Comprehensive Development Plan Format	Section 1 – Introduction Plan Format Plan Area Purpose of the Official Community Plan Legal Framework The Planning Process Definitions
2 – Background Regional and Historical Context Local Context Panorama Mountain Village Plan Area Land Ownership Status Official Community Plan Zoning	Section 2 – Background Regional and Historical Context Panorama Resort Development Plan Comprehensive Ski Development Agreement Panorama Resort Development Plan amendment Ski Area Development Agreement Physical Planning Considerations
	Section 3 – Goals of the Official Community Plan
3 – Physical and Natural Environment Climate Topography Geology and Soils Hydrology Natural Hazards Vegetation Wildlife Aquatic Habitat Archaeological Resources Visual Resources Synthesis – Biophysical Conditions	Section 4 – Objectives and Policies The Physical Environment Residential and Commercial Accommodation Employee Housing Commercial Development Education and Community Facilities Light Industrial Open Space, Recreation and Trails Environmentally Sensitive/Development Constraint Areas Transportation Network Parking Water Service and District Sewage Disposal Public Utilities Public Safety Development Permit Areas

<p>4 – Comprehensive Development Plan Overview</p> <p>Master Land Use Program  Land Use Planning Considerations  Panorama Mountain Village Master Plan  Recreation Master Plan  Corporate Theming  Development Servicing Strategy</p>	
<p>5 – Major Development Areas</p> <p>Panorama Village  Greywolf Golf Course Neighbourhood  Trapper’s Ridge  Mountain Master Plan</p>	
<p>6 – Implementation</p> <p>Land Acquisition  Panorama Phasing Strategy  Columbia Valley Resort Association  Mountain Resort Improvement District  Design Standards  Land Use Designations</p>	<p>Section 5 – Implementation</p> <p>Crown Land Acquisition  Development Phasing  Zoning Bylaw  Subdivision Servicing  Official Community Plan and Zoning  Amendment Criteria</p>
<p>Appendices</p> <p>Panorama Resort Vision Statement  Operational Ten Year Capital Plan  Residential Economic Analysis</p>	<p>Schedules</p> <p>Panorama Mountain Village Plan Area  Development Permit Areas  Panorama Village/Trapper’s Ridge Land Use  Greywolf Land Use  Mountain Master Plan and Phasing  Transportation Network  Development Servicing  Environmentally Sensitive/  Development Constraint Areas (Base Area)  Environmentally Sensitive/  Development Constraint Areas (Alpine Environment)  Crown Land Acquisition</p>



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