

# Frequently Asked Questions Zincton Proposal

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## Policy and Process

### **1. What is the resort development planning and approval process under the *All-Seasons Resort Policy (ASRP)*?**

- The planning process for developing a new all-season resort involves three distinct planning stages:
  - Expression of Interest (EOI) – description of the vision
  - Formal Proposal (Conceptual Plan)
  - Master Plan development (detailed plan describing how development of a resort will proceed over time)
- Each step along this major project review process involves public and stakeholder referral process.
- The EOI is initial stage of the multistage process that is preliminary in nature and intended to identify values, land use conflicts and interests that will inform decision and requirements for proceeding to a next stage in that process. Under the ASRP there is a requirement for public consultation at each stage in the review process (EOI, Formal Proposal, Draft Master Plan and Final Master Plan).
- The Formal Proposal must meet the requirements of the *All-Seasons Resort Policy* and *All-Seasons Resort Guidelines* Chapter I and Chapter II ([All Seasons Resort Policy & Guidelines](#)). The Formal Proposal, as the next stage in the resort development planning process, is expected to address identified values and significant issues that have been identified through the Expression of Interest stage and should provide a higher level of project details on development concepts, servicing options, market and financial capability.
- A draft Formal Proposal has been submitted and MRB is initiating another round of public review and comment and will coordinate a provincial interagency, First Nations, stakeholders and local government review of the proposal. If the proponent’s Formal Proposal is deemed acceptable, an Interim Agreement may be signed with the Province at which point the

proponent will be invited to prepare a Resort Master Plan that is based on the approved Formal Proposal.

- During the Formal Proposal the public can submit comments through the [Applications, Comments and Reasons for Decision](#) website (ACRFD) during the 30-day public review period. Following completion of the Formal Proposal review period, Mountain Resorts Branch will make a decision regarding acceptance of the Formal Proposal and potential issuance of Interim Agreement and the Reasons for Decision will be posted on the ACRFD website.
- After review, if the Formal Proposal is accepted by the Province and an Interim Agreement is issued, developing the Resort Master Plan is the final stage of the three-stage resort planning process. ([All Season Resort Process Flowchart](#)) In addition to information and input received during the formal proposal public review and comment period, planning requirements for each stage in the resort development planning process are guided by the All-Season Resort Policy (ASRP) and associated All-Season Resort Guidelines (ASRG).
- Resort Master Plan will describe development concepts over time, conveying to the reader what the resort is envisioned to look like through the phases and at build out. It is a detailed plan that sets out the phased and orderly development of recreational infrastructure and real estate and provides the technical and management information necessary to support the sustainable development of the resort. Key components of a Resort Master Plan include mountain and base area plans; environmental inventory, impact assessment and proposed mitigations; analysis of known First Nations' interests; mitigations for overlapping land interests; utility servicing plans and local governance model if applicable. Resort Master Plan is integral part of and enforceable through the contractual agreement (Master Development Agreement or Operating Agreement) signed between the Province and resort owner/developer and serves as a reference point from which all other approvals are based.
- Part of the Master Plan major project review process involves developing a Multiagency Technical Review Team. This team will assess the environmental, social, economic, cultural heritage, and health implications of the project while considering all relevant material, including information received from the applicant, First Nations, local and provincial government agencies, referral responses, stakeholders and the public. The information is reviewed and considered in light of legal requirements and government policies including government direction, Crown land use objectives, strategic and operational policies, including the Crown Land Allocation Principles.
- Following completion of the major Project review, the Province (Mountain Resorts Branch) will make a decision regarding the Project. Details of reasons for decision will be posted on the ACRFD website.

## **2. What guides the proposal and planning processes to develop an All-Seasons Resort on Crown land?**

- The *All-Seasons Resort Policy* (ASRP) provides for a comprehensive, multi-stage resort planning and development review process whereby each stage informs requirements before proceeding to a subsequent stage. This is the process that applies to all resort proposals which meet the criteria as defined in ASRP.

- The disposition of Crown land for the use, operation and development of an All-Season Resort is guided by the ASRP and *All-Seasons Resort Guidelines* (ASRG). The Guidelines are used in conjunction with the ASRP in order to foster well-balanced, environmentally sensitive mountain resorts.
- Key principles of the All-Seasons Resort Policy:
  - **Balanced Resort Capacity** – Amount of base development determined by recreational capacity of terrain
  - **Provincial Control of Recreational Assets** – Day lodges, lifts, runs, parking lots remain on Crown land
  - **Controlled Phased Development** – Illustrated in the Master Plan and enforceable through the Master Development Agreement
  - **Perform and Reward** – Recreational infrastructure built prior to or concurrent with residential development
- To learn more please go to: [All-Seasons Resort Policy and Guidelines](#)

### 3. What is the role of Mountain Resorts Branch?

- Mountain Resorts Branch is an agency within the Integrated Resource Operations Division (IROD), Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD), responsible for the administration of Regional and Destination Mountain Resorts on Crown land under the All-Seasons Resort Policy.
- Mountain Resorts Branch provides coordinated, one-window services:
  - Major Project reviews for a new resort development applications and expansion of existing resorts.
  - Responsible for issuing land and timber tenures within Controlled Recreation Areas (defined resort areas).
  - Responsible for monitoring and compliance of contractual commitments.
  - Responds to resort clients' operational and business needs.
- Some of Mountain Resorts Branch's key business functions include:
  - **Delegated authorities** under the *Land Act*, *Forest Act*, *Forest and Range Practices Act*, *Resort Timber Administration Act* and the *Ministry of Lands, Parks and Housing Act*.
  - **Consideration and/or Approval** of new resort and ski area Master Development and Operating Agreements.
  - **Coordinating consultation** with government agencies, stakeholders, First Nations and the public on all resort/ski area Crown land applications and Master Plan reviews.
  - **Collection of revenues**, to the Province, from resort and ski areas on Crown land.

### 4. What is the timeline?

- The timeline for Project review will vary and is dependent on a number of factors; based on some previous experiences with a green resort proposals it can take 1-5 years to complete the entire planning process.

## **5. Is the Zincton Resort Proposal a Reviewable Project under the *Environmental Assessment Act*?**

- All-Seasons Tourist Destination Resort Projects are typically reviewable if they meet or exceed certain project design or effects thresholds defined in the [Reviewable Projects Regulation](#)
- Thresholds in the *Reviewable Projects Regulation* include Bed Units, Protected Areas, Linear Disturbance, Area of Disturbance, Workforce, and Greenhouse Gas Emissions. At Zincton's request, the Environmental Assessment Office has reviewed the project components against these thresholds, and, in their opinion based on the information provided, the Project as proposed does not appear to be reviewable
- New resort projects proposals which do not trigger the RPR's threshold are subject to a rigorous planning and environmental review process under the ASRP and associated ASRG
- For more information on the Environmental Assessment Process please refer to webpage provided in hyperlink: [Environmental Assessment Process](#)

## **Resort Formal Proposal**

### **6. What is a Formal Proposal?**

- The Formal Proposal is a conceptual development plan that provides more project detail including proposed mitigations for high level issues identified during the EOI stage and details on development concepts, servicing options, market and financial capability.
- Key components of a Formal Proposal include development concepts for mountain and base areas; technical and environmental inventory; phased development and implementation concepts; preliminary utility servicing plans; First Nations' relationships and proposed mitigation of potential issues/interests; identification and proposed mitigations for overlapping interests; preliminary economic proforma (cash flow projections and development cost estimates); market analysis; summary of ownership and the proponents' financial capability.

### **7. What is the timeline for Agency/Public/FN review for the Formal Proposal?**

- Please refer to our Formal Proposal flow chart for timelines: [Formal Proposal Process](#)

### **8. Which Agencies, Stakeholders, Local Government and First Nations will be engaged in the Formal Proposal review process?**

- Any overlapping interests identified during the land status process
  - Example: Mineral Tenures / Land Act Tenures
- Any jurisdictional boundaries that overlap the Formal Proposal area
  - Example: Regional District of Central Kootenay
- Any agencies that have permitting roles relating to the Formal Proposal development
  - Example: Ministry of Transportation and Infrastructure / Interior Health Authority
- Any local communities close to the Formal Proposal area
  - Example: Village of New Denver
- Any First Nations that have an interest in the area as identified by the Provincial Consultative Area Database

**9. Explanation of public comment period, public meeting and timing. For the public meeting, how many will be held, will it be virtual or in person?**

- Formal Proposal review process will be consistent with the ASRP and associated *All-Seasons Resort Guidelines* (ASRG), a process that includes engagement and consultation process as outlined in the ASRP's Appendix 3 "Public Consultation Process for Each Stage of the Review Process: Formal Proposal". This includes:
  - Print Advertising: Advertisement of Formal Proposal for 2 weeks
  - Website: Formal Proposal details posted on MRB website
  - Proponent to host a virtual public open house (session will be recorded and posted online)
  - The 30-day public comment review period will be initiated following the public open house
  - Comments can be submitted online at [Applications, Comments and Reasons for Decision](#) website (search for file 4406015) or mailed to Mountain Resorts Branch, 510-175 2<sup>nd</sup> Ave., Kamloops BC V2C 5W1. The Province is mindful of the Public Health restrictions and will convey any changes to the review period through advertising and online.

**Interim Agreement/Operating Agreement/Master Development Agreement**

**10. What is an Interim Agreement?**

- Following a Formal Proposal review, an interim agreement may be issued where a sole proponent has been identified and where a longer term is required to conduct investigative studies in the preparation and approval of a Resort Master Plan. An interim agreement allows an applicant or proponent to conduct any required studies on the Crown land under the authority of a licence of occupation. No permanent structures or improvements may be placed on the land.
- The interim agreement is intended to allow a reasonable period for a proponent to prepare a Resort Master Plan, seek the necessary approvals of that plan and if approved, negotiate an MDA or OA.
- An interim agreement has an initial term of up to five years and may be extended for an additional term of five years. If after ten years the interim agreement is still required, the Province may accept a replacement application for a new interim agreement for a term of up to five years. The fee for the replacement will be consistent with the Fees Regulation for a replacement application. The Province may extend the 2<sup>nd</sup> interim agreement for a further term of up to five years. This extension and replacement process may continue in this manner if the Province is satisfied that:
  - The proponent has demonstrated due diligence and reasonable efforts to move the proposal forward; and
  - No new information has emerged which would preclude further resort planning.
- An interim agreement should provide that during the term, no other licences or authorizations under the Land Act or Ministry of Lands, Parks and Housing Act will be granted to third parties that would have a material adverse impact on the ability of the proponent to develop an All-Seasons Resort unless deemed necessary by the Province.

## **11. What is an Operating Agreement (OA) or Master Development Agreement (MDA)?**

- The OA/MDA are long-term agreements signed between the Province and the resort issued under the authority of the Land Act or the Ministry of Lands, Parks and Housing Act. The OA/MDA sets out the conditions under which the resort will be built over time. It includes tenure conditions and proponent commitments to ensure responsible resort development and has provisions for land tenuring, pricing, and events of default as well as obligations of the developer.
- The standard term of an OA and subsidiary tenures for a Community Ski Resort is 30 years while for a Regional/Destination Resort is 60 years. The OA is used where the All-Season Resort does not include the sale of Crown land for Real Estate Development.
- The OA/MDA establishes a licence of occupation over the entire Controlled Recreation Area for the purpose of the operation of the resort, including the right to use, operate, maintain, repair and replace access routes and recreational improvements, as well as to manage, control and regulate access for the purpose of conducting business. It is the administrative instrument for the issuance of tenures within a resort's Controlled Recreation Area (as described below in question #13). Tenures will be issued based on the phasing identified in the Resort Master Plan. Once the Resort Master Plan and OA/MDA are accepted and approved, individual tenures issued pursuant to terms of an OA (leases, licenses, right-of-ways) are deemed to be pre-approved dispositions providing they are consistent with OA/MDA conditions.

## **12. What happens when a tenure such as an Operating Agreement or Master Development Agreement is transferred to a new owner?**

- If the Resort Master Plan is approved, FLNRORD will enter into an MDA or OA with the proponent based on the development concepts in the approved Resort Master Plan. The MDA is a 60 year, and the OA is a 30 or 60 year, contractual agreement that sets out the conditions under which the resort will be built over time. It includes tenure conditions and proponent commitments to ensure responsible resort development and has provisions for land tenuring, pricing, and events of default as well as obligations of the Developer.
- The MDA and OA serve as administrative instruments for the issuance of tenures within a resort's Controlled Recreation Area. Subsequent tenures will be issued based on the phasing schedule identified in the Resort Master Plan.
- The procedures to apply for and acquire MDA and OA tenures (and fee simple dispositions that are part of the contractual rights contained in an MDA) are described in those agreements.
- The Developer is responsible for obtaining all permits and approvals from all agencies that regulate the use and development of the land. Assignment is the transfer of the tenure holder's interest in the land to a third party by sale, conveyance or otherwise. Sub-tenuring means an interest in the Crown land granted by a tenant of that Crown land rather than the owner (the Province).
- Assignment or sub-tenuring requires the prior written consent of FLNRORD. The assignee or sub-tenure holder must meet eligibility requirements. FLNRORD may refuse the assignment of existing tenures if the details of the assignment or sub-tenure are not acceptable to the Province (e.g. the use is for a purpose not permitted in the MDA). Standard fees apply.
- Investigative and temporary permits cannot be sub-tenured or assigned.
- Assignment bound to conditions/requirements outlined in the OA/MP

## **Controlled Recreation Area**

### **13. Controlled Recreation Area**

- A Controlled Recreation Area is the Crown land within an outer most boundary of the resort as identified in the Operating Agreement or Master Development Agreement (Schedule A). The Controlled Recreation Area encompasses the recreation infrastructure and activity areas on the mountain, in the base area, and a reasonable buffer area that is necessary to conduct a safe and orderly operations.
- A resort developer operating under the authority of an approved Operating Agreement or Master Development Agreement with the Province is granted a licence of occupation for the purpose of the operation of the resort, including the right to use, operate, maintain, repair and replace access routes and recreational improvements, as well as to manage, control and regulate access for the purpose of conducting business.
- Within the Controlled Recreation Area, the developer is responsible for minimizing risks to public safety and the environment.
- For more information about public access and Controlled Recreation Areas please go to: <https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/resort-development/public-access-and-controlled-recreation-areas>.
- During a Formal Proposal or Master Plan review, public access issues if brought forward will be identified as a concern which could potentially require mitigation measures in the Master Plan and/or contractual obligations under the Operating Agreement or Master Development Agreement.

### **14. The public already uses the area that Zincton has proposed for their Controlled Recreation Area for motorized and non-motorized recreation. Will public access still be permitted if the Zincton All-Seasons Resort proposal is approved?**

- There is a strong level of awareness of recreational values along the Highway 31A corridor that may sometimes arise into a competing interest between the public and commercial recreation sector use of the area. Zincton project review process provides an opportunity to recognize those interests as they intersect with the Zincton project area and to work with the various user groups, through the resort planning review process, to ensure a diverse set of public recreation opportunities are maintained and where possible enhanced.
- Through the Zincton Formal proposal public review and referrals process the Province is looking to understand how the public is currently using the land and how it can support these recreation activities while enhancing recreational experience for local residents and visitors.
- Please use the [Applications, Comments and Reasons for Decision](#) website (search for file 4406015) to share how you use the area under consideration in the Formal Proposal, and any related concerns or questions.
- If an Interim Agreement is issued following the Formal Proposal review, public access is still permitted.