



BOARD REPORT

TO:

Chair and Directors

File No: 7200 31 01

SUBJECT:

Kicking Horse Mountain Resort – Crown Grant Application Referral

DESCRIPTION:

Report from Darcy Mooney, Manager, Operations Management dated March 14, 2019. Kicking Horse Mountain Resort – Crown Grant Application Referral

RECOMMENDATION**#1:**

THAT: due to significant concerns regarding public safety associated with the fire risk of timber frame buildings, proximity of buildings to the crown forest interface and the frequency and intensity of recent large scale structure fires that have occurred in the Kicking Horse Mountain Resort community;

the CSRD Board confirm that until such time that a fire service is established at Kicking Horse Mountain Resort that is compliant with Fire Underwriters Survey requirements, the CSRD Board does not support the Province approving any Crown Grant Application within the specified Controlled Recreation Area held by Kicking Horse Mountain Resort.

RECOMMENDATION**#2:**

THAT: in the absence of a specific policy in relation to crown land referrals within the Kicking Horse Mountain Resort, the CSRD Board endorse the staff recommendation as a policy directive to confirm the current and future position of the CSRD Board with respect to Kicking Horse Mountain Resort applications for Crown Grants due to the concerns outlined within the report from Darcy Mooney, Manager, Operations Management dated March 14, 2019 titled Kicking Horse Mountain Resort – Crown Grant Application Referral.

SHORT SUMMARY:

The Mountain Resorts Division of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) has requested comment from the CSRD regarding an application from Kicking Horse Mountain Resort (KHMR) to draw down lands from the Controlled Recreation Area held by KHMR. The lands are intended to be used by KHMR for the purpose of the development of a significant 150 bed hotel and condominium plan within the resort. This proposed development is consistent with the KHMR's 2009 Master Plan, approved by the Province, which outlines in detail how development of the resort will proceed.

The CSRD has been involved in discussions with the resort and residents of the resort community for well over 10 years with regards to establishing a fire suppression service at the resort. The KHMR Master Plan addresses the issue of fire protection in several sections of the document and identifies that KHMR will fully implement fire service at the resort. The Master Plan also outlines the resort's plan and interest in the establishment of a local volunteer fire suppression service as part of the expansion of the resort.

The residents of the resort community have a high degree of interest in the establishment of a fire suppression service managed by the CSRD. Based on many public meetings and discussions, the resort community will only support a CSRD led fire service if there is a significant contribution of land and capital by the resort. To date, KHMR has not offered any capital contribution towards the establishment of the service.

Due to significant public safety risks associated with structure fires, the CSRD should not support further Crown Grant applications from the resort for development until such time as a Fire Underwriters Survey (FUS) compliant fire service is established.

VOTING:	Unweighted Corporate	<input checked="" type="checkbox"/>	LGA Part 14 (Unweighted)	<input type="checkbox"/>	Weighted Corporate	<input type="checkbox"/>	Stakeholder (Weighted)	<input type="checkbox"/>
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BACKGROUND:

KHMR 2006 - CGI Consulting Fire Suppression Feasibility Study

In 2006, the CSRD was approached by KHMR to consider the establishment of a volunteer fire department. KHMR engaged a consultant, CGI Municipal Consulting Services, to conduct a feasibility study (CGI Study). This report suggested that due to the lack of fulltime residents living at the resort (at that time), a fire brigade should be established initially with a full time fire chief/resort safety officer.

After completion of the CGI Study, KHMR advised the CSRD that it was delaying consideration of a fire department until such time as the resort's full time population grew.

CSRD 2010 - Mitchell and Associates Fire Service Review

In early 2010, KHMR and the local residents' association requested that the CSRD conduct a feasibility study for the establishment of a paid-per-call fire department at the resort. The CSRD staff report to the Board stated KHMR had offered to donate land for the location of the fire hall.

The resulting feasibility study report (Mitchell Report) recommended the advancement of an insurance-industry recognized fire service in collaboration with the various stakeholders (CSRD, KHMR, commercial operations and local homeowners and residents).

After completion of the Mitchell Report, a community meeting was held in July, 2010 and a formal public assent process was initiated (petitions distributed) for the establishment of a service area for fire suppression along with the approval to borrow funds to purchase apparatus and construct a fire hall building.

The public assent process did not achieve sufficiency. 188 petitions were required to be submitted in order to meet the 50% approval criteria. 92 petitions (24%) were received in support of the fire suppression service as proposed.

2016 CSRD – Informal Request Received

An informal petition was received by the CSRD in April of 2016, signed by 255 property owners requesting the CSRD pursue a feasibility study for a fire hall at KHMR. The CSRD prepared and updated existing (2010) information to present to the community.

The overall budget was recalculated with a scaled back capital investment and loan. The acquisition of land to locate the fire hall building was not included in the budget, as it was assumed KHMR would be providing this aspect of the project (consistent with previous offerings). In July, 2016, approximately 40 property owners attended a public meeting held by the CSRD at the resort. Community members urged the CSRD to not proceed with a formal assent process, as they were convinced it would not be successful due to no confirmed specifics on the commitment level from KHMR regarding contributions to the establishment of the fire service.

As a result, the CSRD postponed the release of the formal petition until such time as a partnership model between the CSRD and KHMR could be developed that would formally outline the confirmed contribution(s) from KHMR and the CSRD towards the establishment of a fire suppression service.

KHMR has formally limited their offering to the supply of land and utility services for a new building. Residents and Strata Societies have maintained that the offered contribution from KHMR would not be sufficient to achieve broad and sufficient support through formal assent. Community members are looking for a greater KHMR contribution towards the capital costs of apparatus and fire hall construction consistent with their provincially approved Master Plan.

Public Safety Concerns

There have been three large fire incidents within the community since KHMR's Master Plan was approved. In each incident, homes were lost and community members themselves mobilized in attempts to fight the fire and protect neighbouring structures from further damage:

1. In 2009 a home builder/owner was drying recently stained wood siding with a propane heater. The material caught fire and resulted in the home catching fire. Residents and resort guests responded by hooking hoses directly to a nearby resort fire hydrant. The adjacent home caught fire and the brigade of residents were able to save it from total destruction. The first home was burnt to the ground. The KHMR brought in a water truck from town to assist with the fire suppression activities.
2. Approximately eight years ago, a home caught fire, and guests and home owners fought the blaze with hoses connected directly to nearby fire hydrants. A resident fighting the fire described the fire as "intensely hot". As home owners attempted to fight the house fire, other residents were falling trees that were candling next to the home. This fire reportedly burnt for three days.
3. About four years ago, a chimney fire resulted in a home burning to the ground. Again residents worked on the fire with the limited resources available to them.

POLICY:

In the absence of a specific policy in relation to crown land referrals within the KHMR, the Board endorse the staff recommendation as a policy directive to confirm the current and future position of the Board with respect to KHMR applications for Crown Grants due to the concerns outlined within this report.

FINANCIAL:

N/A.

COMMUNICATIONS:

Upon Board support, the Board Report and associated resolution will be forwarded the Mountain Resorts Branch of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development as well as other appropriate agencies and stakeholders.

DESIRED OUTCOMES:

The Board support the resolutions.

BOARD'S OPTIONS:

1. *Endorse the Recommendations.*
2. *Deny the Recommendations.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

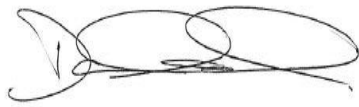
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Kicking Horse Mountain Resort Master Plan, March 31, 2009.
2. Kicking Horse Mountain Crown Grant Application, January 31, 2019.

Report Approval Details

Document Title:	Kicking Horse Mountain Resort Crown Grant Application 2019.docx
Attachments:	
Final Approval Date:	Mar 18, 2019

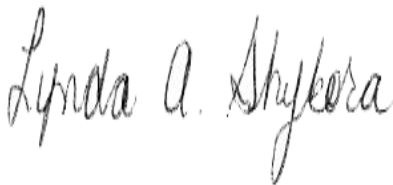
This report and all of its attachments were approved and signed as outlined below:



Darcy Mooney - Mar 15, 2019 - 3:49 PM



Jodi Pierce - Mar 18, 2019 - 9:17 AM



Lynda Shykora - Mar 18, 2019 - 9:49 AM



Charles Hamilton - Mar 18, 2019 - 3:38 PM