

# What We Heard

National Planning Permit Process



Public Consultations  
Summer and Fall 2018



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## Executive Summary

Parks Canada manages one of the finest and most extensive systems of protected natural and cultural heritage areas in the world. In very limited areas, controlled development is authorized according to strict guidelines through the planning permit process in order to enhance recreational and visitor services without compromising the ecological integrity.

In her response to the feedback received through [\*Let's Talk Parks, Canada!\*](#), released in May 2018, Minister McKenna committed to “undertake a review of development and land use management decision-making tools to ensure a consistent and transparent process for development decisions at Parks Canada places”. These decision-making tools include the regulatory authorities to grant construction and renovation permits in areas identified for recreational and visitor services, such as Development Permits, Building Permits, Occupancy Permits and other related construction permits. Over the summer and fall of 2018, Parks Canada sought public input on how best to establish a streamlined framework for this planning permit process as a first step towards meeting this commitment. This report outlines what we heard during these conversations and what our next steps will be.

Strict development limits are in place to ensure the protection of ecological and commemorative integrity in Parks Canada places. Throughout the consultations, participants were clear that stringent approval standards need to be maintained in order to continue to protect Parks Canada places from inappropriate or excessive development. A modernized planning permit process will provide a rigorous assessment of all permit applications to ensure any proposed project meets the long-term goals set out in management plans and community plans.

Participants told us that updated regulations are needed to continue to manage land use in Parks Canada places and be in line with best practices in land use planning. Recurring comments during the consultations placed a focus on transparent, local decision-making. Participants support ecological integrity as the first priority in decision-making as set out in the *Canada National Parks Act* and asked for opportunities for public involvement in the permit process. Above all, participants asked for clear regulations, policies and guidelines that can be implemented with flexibility at the local level.

The next step is for Parks Canada to begin drafting new regulations, tentatively titled ‘Land Use Management Regulations’. The following key principles consistently heard over the course of consultations will guide the drafting of these regulations: protection of ecological integrity; flexibility; consistency; transparency; and public participation. Further public consultation on draft regulatory language will be undertaken and then land use policies will be updated and operating procedures revised to assist with compliance.

Parks Canada sincerely thanks the more than 200 individuals and organizations who took the time to participate in these consultations. Your input is greatly appreciated and will be invaluable as we move to the next step to modernize the planning permit process.



## About the Consultations

Parks Canada is undertaking a review of its regulations and policies related to land use management and permitting. The current development, building and occupancy permit process is divided among several statutes, regulations and local policies. Under the *Canada National Parks Act*, this includes the [Building Regulations](#), [Cottage Regulations](#), [Signs Regulations](#) and the [Town of Jasper Zoning Regulations](#) as well as the associated policies and operating procedures. Separate legislation and regulations set out similar authorities for other Parks Canada places such as historic canals, national marine conservation areas, heritage lighthouses, and heritage railway stations.

Over the years we have heard many anecdotal comments from stakeholders and local Parks Canada field unit staff that these regulations are out of date, not reflective of best practices in land use planning, and do not provide sufficient flexibility to adapt for local circumstances and land use issues. As a result, Parks Canada carried out a number of detailed research studies, conducted interviews, and examined industry best practices to present ideas to stakeholders to help identify the key principles fundamental in a new national planning permit process. Consideration is being given to whether a consolidated planning permit process could be extended to all protected areas under the management of Parks Canada.

This review is aimed at modernizing 1960s era regulations and policies to reflect best practices in land use planning and to ensure that proposed projects receive the highest standard of scrutiny throughout the permit process. The commitment to develop new regulations related to planning permits is identified in the Agency's [Forward Regulatory Plan](#). The review is also in response to comments received from stakeholders during the 2017 Minister's Round Table. In her response to the feedback received through *Let's Talk Parks, Canada!*, Minister McKenna committed to "undertake a review of development and land use management decision-making tools to ensure a consistent and transparent process for planning decisions at Parks Canada places".



## How We Consulted

Parks Canada sought input from stakeholders online and by conducting in-person meetings across a broad selection of Parks Canada places.

In June 2018, several meetings were held in Ottawa with key national stakeholders to discuss the intent of the review, listen to concerns and ideas, as well as to share information regarding the local meeting schedule.

From July to November 2018, Parks Canada representatives from the national office travelled the country to hear directly from local community groups and key stakeholders. This included in-person meetings and public open houses in park communities and in other Parks Canada places with unique land use planning pressures.

The Consulting with Canadians website was used to seek input from all Canadians and to serve as a key information resource for participants. The [website](#) provided an overview and timeline of the consultation process including frequently asked questions, a Backgrounder, Discussion Paper, and Presentation to Stakeholders. These documents were developed through extensive best practices background research and were provided to participants to stimulate discussion and generate ideas. Parks Canada also engaged stakeholders through the national Parks Canada Twitter account and through local newspaper and park Facebook pages to explain the consultation process, provide links to online documents, and invite stakeholders to meetings.

During the open house style meetings, we presented our research and sought feedback from participants on their concerns with the current process and expectations for new regulations. A professional facilitator was engaged for larger meetings in order to set the pace and ensure that all comments and concerns were captured. We conducted targeted meetings with specific interest groups and professionals to receive detailed feedback on particular aspects of the material presented. All consultation documents were available online and provided to participants during each meeting. Participants were also encouraged to submit detailed comments to us in writing. Comments received are summarized in this What We Heard Report.

This was a first phase of ongoing discussions with stakeholders. Stakeholder meetings will be held to discuss specific issues related to the *Town of Jasper Zoning Regulations*. Further consultations on draft regulations will occur through the regulatory development process with publication in the *Canada Gazette* and through discussions in park communities as land use policies and operating procedures are revised.



## Open House Locations

1. Waskesiu, Saskatchewan (Prince Albert National Park)
2. Wasagaming, Manitoba (Riding Mountain National Park)
3. Waterton, Alberta (Waterton Lakes National Park)
4. Jasper, Alberta (Jasper National Park)
5. Smiths Falls, Ontario (Rideau Canal National Historic Site) /  
Ottawa, Ontario (Parks Canada Agency National Office)
6. Peterborough, Ontario (Trent-Severn Waterway National Historic Site)
7. Field, British Columbia (Yoho National Park)
8. Lake Louise, Alberta (Banff National Park)
9. Fort Smith, Northwest Territories (Wood Buffalo National Park)



## Who We Heard From

Parks Canada conducted approximately 25 in person meetings across Canada and received comments from over 200 individuals and organizations. These included cottage and cabin owners, full-time residents, representatives of local governments, visitors, environmental organizations, recent permit applicants, professional planners, local businesses and commercial accommodations, ski hill operators, utility companies, First Nations, and local chambers of commerce.

During all these conversations, we explained the process, presented our research findings, and engaged with participants to seek their views on the planning permit process. Participants appreciated that Parks Canada provided this opportunity for early engagement, before drafting regulations.

The following general questions were posed to stakeholders to gain guidance for the drafting of new regulations, interpretative guidance, and operating procedures:

- What principles should be followed when evaluating planning permit applications?
- How can Parks Canada better help applicants through the planning permit process?
- What are the barriers to applying for planning permits from Parks Canada?
- What existing best practices in permitting should be implemented in the Parks Canada context?
- Are there ways the permitting process can be improved to reduce social impacts and administrative burden?

Parks Canada also asked detailed questions on many related topics concerning how regulations are written and interpreted, required enforcement tools, and the necessary steps to the permit process. These questions were listed in the supporting documents that summarized our best practices research in land use planning.

Opinions expressed were wide ranging and helped us define the scope of what should be in proposed 'Land Use Management Regulations' versus national or local policies. As visitors, residents, and advocates of Parks Canada places, one common theme was that the people we spoke with were passionate about ensuring the continued protection of Parks Canada places.

## What We Heard – Key Principles

Parks Canada received a lot of helpful and constructive feedback on what is working well and what could be improved in the administration of land use planning authorities. While participants at each meeting raised important considerations specific to their local community, recurring themes emerged. The key principles that we continued to hear can be summarized as follows:

- Protection of Ecological Integrity
- Flexibility
- Consistency
- Transparency
- Public Participation

Some uncertainty was expressed with the overarching proposal to integrate planning permit processes for different Parks Canada places into a single regulation. Some participants raised concerns that it might be too complicated, cumbersome, and not flexible enough to meet local concerns and intricacies. To respond to this concern, Parks Canada would allow for flexibility in implementation through a new outcome-based legal framework focused on the key principles listed above. Expanding a modernized permit process beyond National Parks will require legislative amendments and will be considered carefully before doing so.

### **Ecological Integrity**

Parks Canada's primary objective is to maintain and restore the ecological integrity of protected places. This is set out in the *Canada National Parks Act* through subsection 8(2) that states: "maintenance or restoration of ecological integrity, through the protection of natural resources and natural processes, shall be the first priority of the Minister when considering all

aspects of the management of parks". While the Act came into force in 2000, the current regulations setting out the planning permitting process date back to the 1960s. Improvements to how we administer planning controls in designated recreational and visitor service areas will be another way to reaffirm ecological integrity as the first priority in decision-making.

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*ecological integrity means, with respect to a park, a condition that is determined to be characteristic of its natural region and likely to persist, including abiotic components and the composition and abundance of native species and biological communities, rates of change and supporting processes.*

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Parks Canada is the largest federal landowner. Through its mandate to protect and present heritage places, it must maintain both the interests of environmental protection and the interests of the visiting public. Participants recognized the need for national standards to provide a level of consistent planning control for protected areas.

Parks Canada was encouraged to develop an approach to ensure net environmental gain is achieved as much as possible. Some noted that redevelopment is sometimes the best way to achieve this, especially in park communities that provide important visitor services and in the instances of brownfields. In this regard, some participants encouraged Parks Canada to require all new construction to be based on recognized 'green' certification programs, as is currently required in Jasper's [Community Sustainability Plan](#), or by a point or tiered system used in many municipalities to require integration of a certain amount of sustainability measures into projects.

Streamlining the permitting process with the impact assessment process was also recognized as being important. Under the *Canadian Environmental Assessment Act, 2012* ([CEAA](#)), before a major project is built, an environmental assessment examines its potential effects on the environment and works to reduce or eliminate them. Parliament is currently considering [Bill C-69](#) that will alter the process for assessing the environmental, health, social and economic effects of certain construction projects. If adopted, the proposed Impact Assessment Act would replace the CEAA. The results of environmental impact assessments, or impact assessments, would be reflected during Parks Canada's planning permit process, where the legislation applies.

### **Flexibility**

Parks Canada heard that participants would like new regulations to provide an overall guiding structure to the permitting process but to be flexible enough to be implemented with local considerations in mind. This was viewed as being similar in how provincial planning legislation works in concert with municipal implementation of the planning permit process. Under this key principle, several ideas were raised.

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*"Canada doesn't want all parks to look the same."*

*- Waterton participant*

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### **Local Decision-Making**

While participants generally supported the need to have an overarching framework in regulations, many expressed a desire for as much local decision-making as possible by the Superintendent. Field units were recognized as being the best placed to understand the uniqueness of each Parks Canada place and adapt for local circumstances. This comment was raised multiple times, including most strongly in Waskesiu, Wasagaming, Jasper, Lake Louise, and Fort Smith. While national standards set in regulations were seen as important, maximum flexibility supported by local land use policies was strongly desired.

Tree removal permits were provided as an example of the need for more responsive local decision-making in Jasper. The mountain pine beetle has infected nearly half of the park's pine forest, including those trees on cottage and residential lots. Dead or infected trees are an increased fire hazard for neighbouring buildings and infrastructure. Participants suggested

that new regulations must not hinder implementation of solutions to problems that may not affect other Parks Canada places, such as having clear requirements for replanting or allowing the fire department to issue permits under certain conditions. An example of overly prescriptive national regulations not reflecting local circumstances was restricting accessory buildings to the rear of residential lots, away from the street. In Waskesiu, this created unnecessary complications with lake view lots, where the non-street side is generally viewed as the 'front' of the property. Participants in Jasper and Waskesiu were quick to point out that local field unit staff were as accommodating as they could be with the resources they had at their disposal given regulatory restrictions.

Issues where participants felt that local decision-making was most important include approving permits, lot-specific zoning, and design standards. For example, it was suggested that general zoning requirements could be set nationally in regulations. Detailed land use policies, similar to municipal zoning bylaws, should be established locally. In Jasper, participants pointed out that additional land use planning policies may be needed to identify densification areas or zones to guide future residential infill, akin to municipal development plans or area redevelopment plans. Of course, both broad and narrow zoning requirements must be consistent with community plans, management plans, and legislation. In this regard, the role of community plans versus land use policies was also discussed. A single set of prescriptive authorities was discouraged, with participants emphasizing that one size does not fit all.

### **Zoning Variances**

Participants also suggested that Parks Canada develop consistent authorities and procedures to vary certain zoning requirements so as to not unnecessarily impede redevelopment of a particular lot for the recognized best use for the area. Regulatory authorities for variances can be found in some regulations, such as the 1968 *Town of Jasper Zoning Regulations*, but not all. Some other park communities have implemented a variance process through local policy.

In many meetings, it was pointed out that the ability to approve variances from certain zoning requirements is an important part of typical municipal permitting processes and clearly set out in bylaws. We heard that approval of such variances should be exceptional and a clear notification and approval process should be developed for this process. Some participants suggested that minor variances should be processed through the usual permit application with major variances subject to public input and involvement of community representatives. No consensus was reached, however, on what would constitute a 'minor' variance versus a 'major' variance.

In Jasper, the Mayor and Council noted that the current zoning system is not responsive to individual and community needs. It was suggested that a streamlined and clear process for making changes to zoning during the permitting process is necessary, especially considering the outdated requirements in the *Town of Jasper Zoning Regulations*. An evaluation of zoning requirements is currently being conducted and, as noted during consultations, Parks Canada will seek further public engagement as a next step on this particular topic.

## **Building Sizes**

Some participants requested that cottage, accessory buildings, and boathouse size restrictions be reviewed to reflect modern recreational uses. It was suggested that the square footage for accessory buildings be allocated on a site-specific basis so long as the total developable area is within an overall square footage limit. In Lake Edith, additional square footage permission was requested in order to allow the communal storage of FireSmart equipment, such as pumps, fuel, hoses, compressors and sprinklers. Parks Canada is an active partner of the FireSmart program that focuses on how individuals and communities can work together to reduce the risk of loss from wildfires. Discussion in Wasagaming included the desire to allow sleeping accommodations within accessory buildings. Other participants requested that cottage sizes be made consistent across the country or be established based on a floor area per lot size ratio. Requests were made to clarify the height restrictions for basement and crawlspaces as well as to clearly outline and standardize the process to calculate building height, especially in relation to highly sloped lots. Adding height limits for accessory buildings was also suggested.

Similarly, along the waterways, participants requested that the size of boathouses and docks be increased to accommodate the current average boat length, which is now generally much larger than in the past, and to reflect accessibility considerations. Along the Trent-Severn, participants noted that use of the waterway has intensified both in the number of users and boat sizes, and the demographics of boaters have changed.

In Wasagaming, accessory buildings guesthouses are an ongoing issue. Currently many accessory buildings are built with permits as general open buildings for storage, but then are fully finished as full guesthouses without a permit. While allowing guesthouses was desirable for some participants, a clear policy and approval process is required, including a means to legalize existing nonconforming buildings and improve compliance.

Countering these concerns for increasing building sizes was the opinion raised by multiple participants that the Agency's mandate is to protect the ecological and commemorative integrity of Parks Canada places. Participants continually told us that what makes these places special is that decade over decade they remain largely the same for enjoyment of future generations – unlike some cottage or cabin areas subject to less stringent planning standards. Increasing building sizes could negatively affect the commemorative integrity of these places.

## **Provincial Construction Codes**

A number of participants expressed frustration and confusion on why the existing regulations only recognize national codes (such as the Building Code, Plumbing Code, and Electrical Code) as opposed to provincial codes, where they have been adopted. Many participants expressed a desire to be able to rely on provincial construction codes in order to streamline applications and the inspection process, reduce regulatory burden and costs for applicants. Primarily, this concern came from the lack of local expertise to design, build, and have inspections completed to national standards, as local inspectors are generally only certified provincially.

We heard that most local contractors only had the appropriate certification to sign off and inspect as per the local provincial code, making it difficult and sometimes costly to meet the



requirements of the current regulations. This issue was most strongly raised in Alberta, in part to leverage the availability of staff and inspectors with relevant knowledge and qualifications. Those familiar with both national and provincial codes advised that there was generally little difference between them.

The issue of availability of qualified professionals was raised in several meetings. Currently the regulations state that plans and specifications must be prepared by registered architects. While local field units have adapted their practices as necessary, regulatory clarity is required. Participants requested that new regulations should provide flexibility in this requirement to allow other professionals to prepare plans where necessary, such as engineers or journeymen, depending on the scale of the project and professional skills required.

### **Consistency**

Participants noted that it sometimes appeared that similar permit applications were not always consistent in their outcome. This included perceived variability in the application of the existing rules in different field units as well as within the same field unit. We heard that new regulations, land use policies, and interpretative guidelines need to be clear, concise, consistent, and reflect long-range strategic plans such as management plans and community plans.

An outcome-based approach to drafting new regulations was encouraged over the existing prescriptive approach. It was suggested by multiple participants that some construction projects proceed without a permit, or before one is granted, as owners expect an application will be denied, they do not know that a permit is required, or feel that the process is lengthy or unpredictable.

### **Process**

While participants commended the work of local field unit staff, it was suggested that improvements could be made in how applications are processed. In part, this was recognized as a product of the lack of resources that Parks Canada has dedicated to land use planning and development issues in comparison to similar sized municipalities.

A consistent multi-staged process, mimicking the typical municipal process, involving the development review stage, building review stage, and occupancy authorization was agreed as the best approach. While this is the process followed in many field units, especially those with townsites, it is not applied universally including to Parks Canada's own internal infrastructure projects. Several other improvements to the permit process were suggested to help applicants navigate the approval steps. Parks Canada was encouraged to:

- Establish a classification system for small, medium and large-scale projects.
- Require mandatory pre-application meetings for large-scale projects, with an option for small and medium scale projects, so that field unit staff can help applicants understand the decision-making process.

- Provide an online system to submit permit applications and supporting documents as well as to track the progress of an application.
- Consistently apply an occupancy, and interim occupancy, approval process with confirmation to permit applicants at the conclusion of the inspection process, recognizing construction realities and the seasonality of work in parks.
- Allow for greater use of third party inspectors and contractors, much like is done in Alberta, to encourage effective inspection and enforcement by trained operators, thereby minimizing the burden on Parks Canada staff.
- Consistently apply the same planning permit process to all parties, including for internal Parks Canada infrastructure projects.
- Authorize persons to be able to apply for permits on a leaseholder's behalf.
- Provide a clear and efficient transition process from the old to new regulations, with grandfathering of existing non-conforming buildings, accompanied with appropriate training and guidance materials.

### **Compliance and Enforcement**

A significant message that we heard throughout meetings was that Parks Canada should make improvements in the area of compliance and enforcement, both in terms of the activities as well as the tools. While it was recognized that increasing compliance activities requires additional, sometimes specialized, resources, we heard during many

discussions that additional compliance tools in regulations was requested to allow proportionate and proactive intervention when necessary. There was broad support for ensuring that field units have the proper tools to enforce permits and compliance.

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*Without adequate enforcement authority, existing regulations to protect natural resources could be rendered meaningless.*

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*- Jasper participant*

Enforcement tools highlighted for new regulations included the use of prohibitive fines and penalties, stop work orders, restoration orders, compensatory mitigation, and more serious measures when necessary. Multipliers and other adjustment factors for repeat offenders and/or ongoing infractions that ignore earlier enforcement attempts were also encouraged. In effect, Parks Canada was encouraged to have all the enforcement tools and remedies available to it to ensure compliance is timely and effective. Parks Canada was encouraged to consult and mediate with proponents as much as possible prior to taking enforcement action.

### **Transparency**

Participants in every location touched on improving transparency of decision-making as essential. In this regard, it was suggested that the entire process and all its steps and procedures should be clear to the applicant from the beginning and that research and assessment reports upon which planning decisions were made are publically available. Comments heard from participants on this topic were similar to those heard during the Ministerial

Round Table in 2017. In her response to feedback received through *Let's Talk Parks, Canada!*, Minister McKenna committed to ensuring “that research, data, environmental assessments and monitoring reports are made publicly available”. Clear communication of expected timelines, the applicable rules and regulations, confirmation of receipt, and an outline of the steps and required supporting documents in an application was encouraged. The federal government’s transparent approach to fees and performance standards is outlined in the new [Service Fees Act](#).

### Guidance

Participants expressed a desire for clear interpretive guidelines to explain and outline the steps of the permitting process that are set through regulations. It was pointed out during one meeting that most individuals, unless they are seeking planning permits for a business or as a construction contractor, may only seek authority for a medium or large scale project once or twice in their lives. In that regard, clarity was important in how to submit applications, information on what permits are required and when, the local points of contact, and how an applicant should receive status updates. Some participants noted that it seemed that additional requirements are sometimes requested by Parks Canada during the permitting process, sometimes adding unexpected cost and delays. It was agreed that interpretive guidelines would be helpful in clarifying the processes and when permits, impact assessments, archaeological assessments, and/or inspections or other unique processes are required.

Some participants pointed out that the process flowchart provided in the discussion paper was very helpful and encouraged similar information to be shared publically in an effort to make it easier for applicants to navigate the process. Another suggestion was a checklist outlining application requirements at the beginning of the process. A pre-project meeting to set the terms of

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*Most individuals may only seek authority for a medium or large-scale project once or twice in their lives; guidance helps applicants through the process.*

*- Wasagaming participant*

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reference for a project including environmental impact assessments, consultation, applications, and steps to undertake was suggested to be more widely used and to catch issues before they arise. Conducting site visits to gain familiarity with the proposed project and site was described as being critical for the review of permit applications. It was suggested that Parks Canada clearly define procedures and best practices for small routine projects and perhaps create a separate class of renovation permit to facilitate approvals.

### Fees

Participants in a number of locations noted that the current Parks Canada fee structure is inexpensive when compared to similar municipalities that generally follow a cost recovery model. It was suggested that a revised fee schedule could be used to fund higher levels of service and compliance activities. One participant felt strongly that “Parks Canada should set development permit application fees as high as possible, not only to cover the costs associated with preparing environmental impact assessments, cultural resource reviews, and to recover staff time, but also

to deter excessive or unnecessary development in national parks, marine conservation areas, and historic sites.” A revision to Parks Canada’s fee schedule will be undertaken as part of modernizing the permit process and in line with the federal government’s implementation of the new *Service Fees Act*.

In Wasagaming, some approaches to setting permit fees were discussed, including a dollar amount per square foot as the most fair and consistent means of fee calculation. In Peterborough, it was mentioned that Parks Canada’s current fees and fines were seen as being too low, possibly contributing to staffing issues and encouraging non-compliance. A tiered fine and sanction structure was encouraged, increasing with the number and severity of infractions.

Overall, Parks Canada was encouraged to increase fees charged to better recover costs incurred, improve staffing, and (based on some submissions) to deter unnecessary development. Fees were suggested by some submissions to be tied to the cost of application review and inspections. If fees were set for pre-application meetings, participants suggested they be credited against development permit applications since the ultimate purpose is to streamline the entire planning permit process.

### **Service Standards**

As part of the implementation of the *Service Fees Act*, setting timelines for application review will be obligatory. During consultations on the permitting process, we heard that in many cases delays or a lack of clarity of processing timelines has led to anxiety and unexpected costs to applicants. It was noted that the current process can be slow and cumbersome. Participants expressed a desire for predictable and clear timelines for the processing of all types of permit applications. It was suggested that a means to find out the status of applications should be established, for example by posting in a centralized location and/or through an online system.

In several locations, it was noted that delays have impacts, especially for businesses in a highly seasonal location. Timelines are important so that preparation can be done for projects to advance in the small window of time provided. Participants commented that consistent timelines are also helpful for coordinating with other external approval agencies. Service standards would be measured from the day a complete application, with all supporting documents, was confirmed by Parks Canada.

It was recognized that the scale of project would need to dictate timelines, with shorter turnaround for smaller applications. Parks Canada was encouraged to take staffing levels and competencies across the Agency into account when setting service standards, emphasizing that smaller field units may require longer permit application turnaround times or more resources. Similarly, while supported in some locations, a fast-tracking application process (i.e. option to pay a higher fee for a shorter service standard), was largely deemed unnecessary and would only serve to put additional strain on resources. Timelines were requested to be roughly in line with comparable municipalities.

## **Public Participation**

Through *Let's Talk Parks, Canada!*, the Minister committed to ensuring that there is public input into development proposals. During all consultation meetings on the planning permit process, there was a consensus that

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*“Meaningful community involvement will lead to a better outcome for all parties.”*

*- Waskesiu participant*

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decision-making should be more open with clear opportunities for public participation following best practices in municipalities, especially in the case of large-scale permit applications. Direct consultation with and involvement of elected municipal councils and authorities was also raised. For example, in Fort Smith, it was suggested that the Pine Lake Land Use Committee could play a unique role in providing advice in developing land use policies for the area.

Public participation – through public notification and consultation depending on the scope of a project – was noted as being a key step in the permitting process. The depth and breadth of input needed for various applications was not universally agreed upon. Participants felt that minor permit applications, such as those for routine repairs or those of a small financial value, should proceed through the process more quickly. During our discussions with professional planners, it was suggested that public participation during the permit process should be limited to larger scale projects. Allowing every permit application, including those of a small scale, to direct public scrutiny and comment could grind applications to a halt and introduce neighbour disagreements into a public forum. In Field, it was noted that public participation, especially with small or medium scale projects, has a perceived local history of delaying projects. Participants requested a combination of electronic (e.g. email, website, social media) and physical methods of notification (e.g. posting a permit notice on location, mail notification to affected parties).

Along the canals, where there are multiple jurisdictional issues at play during the planning permit process, ensuring circulation of planning applications and strong communication were seen as key components building trust and understanding with authorities involved.

## **Appeals**

Almost all stakeholders agreed that a new planning permit process should have an effective and independent appeal process to resolve disputes in permitting decisions and ensure protection of land that is being managed in the public interest. Similar comments were heard during the Minister's Round Table in 2017.

There were different ideas on how such an appeal process should function, from being implemented locally with input from community groups in a 'committee or board' model or a more simple review process by Parks Canada staff but at arm's length from the field unit issuing the disputed decision. One common point raised was that relying on the Federal Court as the first step in appeal was too lengthy and costly for all parties involved. Mediation and alternative dispute resolution processes were encouraged prior to launching formal appeals. Some submissions suggested a staged appeal process, with a streamlined approach for smaller applications and appeals.





## **What We Heard – Local Considerations**

Each community we visited has unique land use planning considerations. The previous sections provided an aggregated version of comments by common themes heard during most meetings. The following sections outline local considerations that participants felt should also be addressed.

### **Support for Small Business**

We heard that most Parks Canada places have seasonal visitation, making it difficult for small businesses to operate for only a few months of the year. For example, along the Ontario waterways, Parks Canada was encouraged to increase the hours of operation for locks especially as a means of improving visitor experience. Participants made suggestions for how Parks Canada can support small businesses and the recreational services that they offer.

In Wasagaming and Waskesiu, it was noted that hotels and commercial accommodations are heavily oversubscribed in July and August, but much less so over the winter and in shoulder seasons. Clarity was encouraged on restrictions on lessees renting out their cottages/cabins for short-term uses including whether it constitutes a commercial use in the commercial cap and how it can be enforced.

It was suggested that more visitors and employees are needed to make business viable. Staff housing was noted as being an issue for businesses to attract and accommodate employees. Staff housing was encouraged to be tied to head commercial leases as a means of ensuring investments in staff housing are made and that housing is made available to businesses in townsites. It was noted that delays in permitting have impacts, especially for businesses in a highly seasonal location.

### **Design Guidelines**

A number of participants in Wasagaming and Waterton noted that they believe design guidelines are helpful to maintain and protect the look and feel of the townsites. It was suggested that these guidelines be updated and strengthened with input from local residents, business owners and other stakeholders. Guidelines for cabins, cottages, businesses and signs was encouraged. These policies were suggested as being desirable for protecting heritage elements of townsites, and could also be applied to heritage lighthouses and railway stations.

In Wasagaming, the ability of the park to limit flammable materials on the exterior of buildings was raised as a means of making the townsites safer and more resilient in the face of future fire threats. Restrictions in building guides or design guidelines was raised as a potential means of implementing this.

## **Housing**

In Jasper, the lack of availability of residential units has been a critical issue for a number of years. With vacancy rates effectively at 0% residents cannot find affordable housing and are forced into substandard locations. Allowing accessory dwelling units such as secondary suites, garage suites, or garden suites could be a solution in order to increase the available housing supply through densification without compromising the unique sense of place and land use patterns of the park community. Accessory dwellings have been successfully used in many municipalities across Canada to allow small units to be created within the existing built form, which provide an entry point for new residents as well as a solution for homeowners who wish to downsize from larger accommodations. Such an option would require amendments to the *Town of Jasper Zoning Regulations*.

## **Harvesting Cabins**

In Fort Smith, harvesting cabins were highlighted as a unique class of structure. They are used during traditional activities within Wood Buffalo National Park and are generally exempt from building code requirements, yet may pose potential environmental impacts. Parks Canada recognizes this traditional right and has put in place a process for harvesters to voluntarily seek a no-fee permit for their cabin. This allows the field unit to consider the area of the proposed cabin and to keep track of locations for safety purposes, namely fire management. In Wapusk National Park, resource harvesting cabins are managed through regulations.

## **Administration of Land Use Planning Authorities**

In several locations, Parks Canada's cooperation with other levels of government and the administration of land use planning authorities was raised. This was of particular interest in Jasper and along canals where multiple jurisdictions exist for permit applicants.

The park community of Jasper is unique in comparison to most other communities. As a year round community of approximately 5000 people, an incorporation agreement governs how Parks Canada and the municipal government manage the needs of residents, business owners and visitors. Since its incorporation in 2001, the Town of Jasper has all the powers and authorities provided by the provincial *Municipal Government Act*. The notable exception is the administration of land use planning authorities including the permit process, which rests with Parks Canada. Jasper is the only park community that has separate zoning regulations.

As a result of the unique administrative partnership, Parks Canada took specific consideration of the land use planning issues in Jasper. In advance of public consultations, Parks Canada met with officials from the municipality several times to discuss land use planning issues specific to the park community. Detailed in depth studies were conducted through independent research and comparative analysis. Further public consultations in Jasper will take place related to local zoning issues before new 'Land Use Management Regulations' are finalized.

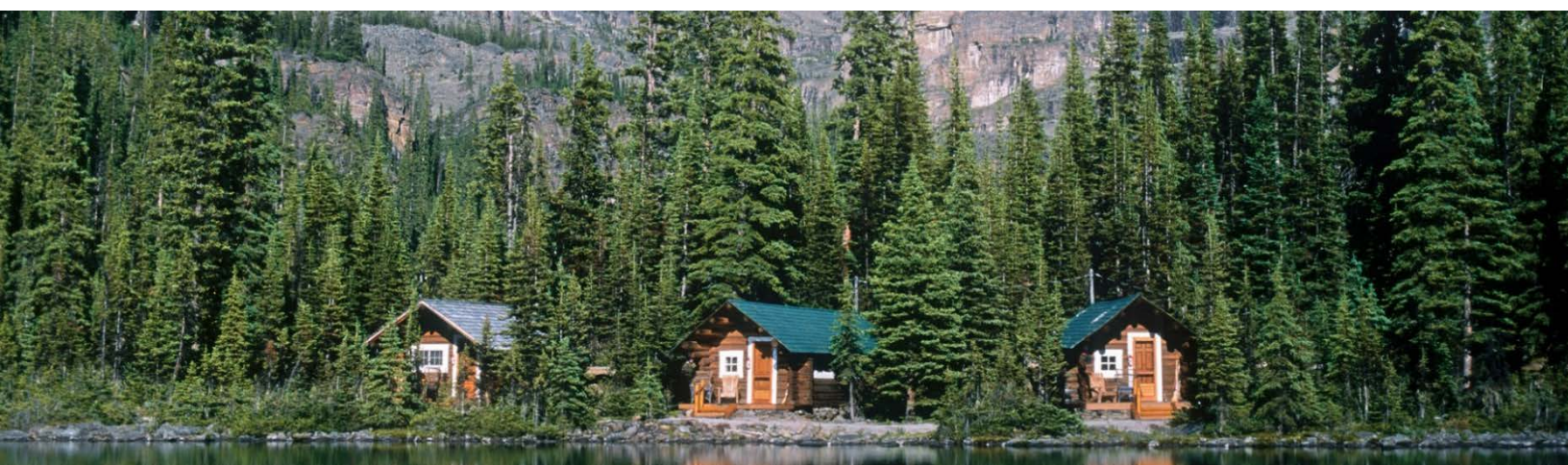


While this round of public consultations focused on the permitting process, during our meeting with the Mayor and Councillors, the municipality noted a desire to move toward having land use planning and development authorities transferred from Parks Canada. This would result in the municipality administering the planning permit process and zoning through municipal bylaws under the guidance of provincial legislation. This concern was not echoed during public open houses or meetings with other community groups or residents. Rather, participants stated that they were less concerned with which level of government is responsible for land use planning and more interested in whether the system was administered effectively and efficiently, regardless of the authority responsible.

The legislated commercial cap was raised as a hindrance to the future development of the town by the Mayor and Councillors and that removing, or increasing, the commercial cap was necessary. During the public open house in Jasper, it was eruditely noted that Jasper does not have a *land* problem; it has a *land use* problem. At this time, Parks Canada will not make legislative amendments to increase the existing commercial cap or to alter the existing boundaries in order to allow for more development in Jasper.

In Lake Louise, participants felt that a one window approach to governance was encouraged, ideally with all parts of Parks Canada coming together behind the scenes or in a communal meeting with the applicant to walk through the project and environmental impact assessment requirements.

Similarly, along the Rideau Canal, it was observed that having a 'one voice' response when multiple decision-makers are involved with an application is more effective in achieving a smooth permit process. All jurisdictions working together should ensure that the highest of their combined standards apply.



## Next Steps

Throughout these extensive consultations, Parks Canada heard many suggestions on how to modernize the current planning permit process. Participants submitted comments on a wide range of issues that are very closely related. We heard strong support to review, replace and modernize the existing regulations, and the supporting framework of plans, policies and operating procedures. The following serves to provide a roadmap on how Parks Canada aims to address the concerns raised as well as detailing how comments will inform the drafting of regulations, policy and operational procedures.

Parks Canada commits to creating a modernized national planning permit process based on the following key principles:

### Protection of Ecological Integrity

A decision-making tool that puts as a first priority the protection of Parks Canada places for present and future generations.

### Flexibility

A national framework that is comprehensive enough to apply evenly across all Parks Canada places but responsive enough to adapt to local land use planning issues.

### Consistency

A dependable process reflecting best practices in land use planning, effectively implementing the long-term vision and strategic priorities for protected areas.

### Transparency

A set of well-defined, accessible steps and procedures where all applicants and stakeholders understand the expectations and recommendations that are delivered in a timely manner.

### Public Participation

Providing appropriate opportunity for public input throughout the decision-making process that is scalable to the size of project proposals.



To do this, Parks Canada will implement a new framework through new regulatory, policy and operational procedures. The planning permit process is how the long-term vision for Parks Canada places, set through strategic management and community plans, is implemented. Here is what is anticipated in each of those instruments:

Land Use Management Regulations	National Interpretive Guidelines	Local Land Use Policies	Supporting procedures and resources
<ul style="list-style-type: none"> <li>• Permitting authorities</li> <li>• Variance procedures</li> <li>• Steps to file an appeal</li> <li>• Compliance and enforcement tools</li> <li>• Fees (through the Parks Canada Master Fees List, set at cost recovery levels and adjusted annually)</li> <li>• General zoning provisions</li> <li>• Grandfathering provisions</li> </ul>	<ul style="list-style-type: none"> <li>• Service standards</li> <li>• Details on the steps and requirements of the permit process</li> <li>• Guidelines on opportunities for public participation</li> </ul>	<ul style="list-style-type: none"> <li>• Detailed zoning provisions and those that do not conform to general provisions</li> <li>• Links to Community and Management Plans</li> <li>• Design guidelines</li> <li>• Area/community redevelopment strategies</li> </ul>	<ul style="list-style-type: none"> <li>• Online permitting tools</li> <li>• Record-keeping procedures</li> <li>• Parks Canada staff training</li> <li>• Orientation Guide to the permitting process</li> </ul>

The next step in the process is to draft new 'Land Use Management Regulations' reflecting the principles we heard through these consultations. There will be opportunity to comment on the draft regulations once published in the Canada Gazette. Finally, there will be a transition period where preparations for the new regulations will take place. A date for the application of the new regulations will be set, supporting documents at national office and in local parks will be updated, and training will take place.

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