

Little Shuswap Lake Indian Band “Land Development Policy”

LDP No. 2017 - 01



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Table of Contents

1. PREAMBLE	3
2. INTRODUCTION	3
3. DEFINITIONS AND INTERPRETATION	4
3.1 TITLE	4
3.2 DEFINITIONS	4
4. APPENDICES	5
5. LAWS, REGULATIONS AND REFERENCED DOCUMENTS	5
6. LITTLE SHUSWAP LAKE INDIAN BAND LAND DEVELOPMENT POLICY	6
7. STAGE I: “APPLICATION FOR DEVELOPMENT” AND APPROVAL	6
7.1 PROCESS	6
8. STAGE II: “DEVELOPMENT PERMIT APPROVAL”	7
8.1 PROCESS	7
9. STAGE III: “CONSTRUCTION”	8
9.1 PROCESS	8
1. GENERAL REQUIREMENTS	12
2. OBJECTIVE	12
3. LEGAL INFORMATION TO BE PROVIDED	12
4. TECHNICAL INFORMATION TO BE PROVIDED	13

FORWARD

The Little Shuswap Lake Indian Band (LSLIB) Land Development Policy represents a major initiative by the Lands, Leasing and Taxation Department to consolidate land policies, practices and procedures in a single, comprehensive volume. Accompanied by the Indigenous and Northern Affairs Canada (INAC) Land Management Manual, the INAC Indian Lands Registration Manual and all LSLIB Laws/Bylaws, plans, policies, procedures and practices, this Land Development Policy constitutes a valuable operational and reference tool for all major aspects of development on LSLIB lands.

Of course, no manual can hope to cover all the possible situations that may arise in the course of our work and users of this Manual will have to be guided by common sense and good judgement in using the Manual to apply to real situations. There will inevitably be cases where further guidance will have to be sought from appropriate sources within the organization, Chief and Council or external professionals.

The Manual may contain gaps in its discussion of policy and is intended to be continually reviewed and revised to meet the changing needs of LSLIB. This is where the user will play a vital role. The Manual is a “living document” and if not kept complete, accurate and up to date, will lose its effectiveness.

1. PREAMBLE

WHEREAS Little Shuswap Lake Indian Band, (hereinafter referred to as “LSLIB”) is exercising jurisdiction and authority over LSLIB lands, resources and environments;

AND WHEREAS it is in the interests of LSLIB to enact policies and procedures addressing the use, development and protection of LSLIB lands, resources and environments;

AND WHEREAS LSLIB wishes to address the adoption of a Land Development Policy;

AND WHEREAS LSLIB Chief and Council are committed to acting in a timely manner in order to minimize potential negative impacts to LSLIB lands, resources, environments and membership interests;

NOW THEREFORE LSLIB Chief and Council hereby enacts the following LSLIB Land Development Policy.

2. INTRODUCTION

A policy guides the functioning of individuals and groups within government or organizations. Policies of governments often expand on the regulations to guide the decisions and processes of government, as well as the people who deal with government. Policy manuals guide decision makers and standardize procedures.

Policies can be categorized based on who will use them. Administrative policies guide and assist the staff of a First Nation or Indian Band in the internal functions of the office and other policies guide how the leadership governs.

The LSLIB Chief and Council have the authority to make decisions regarding the communal assets of the Indian Band. This creates a special trust-like relationship known as a “*fiduciary relationship*”. The Council and individual Council members are legally obligated to the membership to manage its assets honestly, openly and *in the best interests of the membership as a whole*. Policies help to set standards which assist Council and staff in understanding and fulfilling these fiduciary obligations, to provide good governance and to ensure fair and consistent treatment.

The Lands, Leasing and Taxation Department administers a wide range of services on behalf of the membership under the supervision of the Office Administrator, the Lands Manager and the political direction of our elected Chief and Council. Program service delivery is based on respect for the strength and knowledge of both the traditional and contemporary cultural values.

All community and staff members are valued as equal and worthy of respect regardless of their employment, socio, economic or educational backgrounds, race, gender, religion or sexual orientation.

The objective of the LSLIB is to strategically manage lands, resources and environments, including community and individual rights and responsibilities in land, regulating use and occupancy of lands and resources, managing the changing patterns of land use, and maintaining value for the LSLIB membership today and in the future. This Land Development Policy guidelines are created to:

- a) Support effective management by clarifying decision-making authority
- b) Clearly define the scope and limitation of staff functions and responsibilities;
- c) Maintain efficient operations of the Lands, Leasing and Taxation Department; and
- d) Ensure transparency, accountability and to provide consistency and fairness in dealing with lands, resources and environments.

The Land Development Policy is not intended to contradict LSLIB laws or applicable laws of Canada, nor is it intended to address every specific lands, resources, environmental or administrative situation. Lands, Leasing and Taxation Department staff should know and understand the sections of the *Indian Act* relating to lands, the terms and conditions within the Indigenous and Northern Affairs Canada Lands Management Manual, the Indian Lands Registration Manual and the terms and conditions in this Policy. Any questions or situations not addressed or answered specifically in the INAC Manuals or this Policy should be discussed with the Lands, Leasing and Taxation Manager, Band Office Administrator and Chief and Council.

This Manual outlines the policies for land development and is intended to be used in cooperation with all other approved LSLIB policies, guidelines, plans, maps and the INAC manuals, where applicable.

3. DEFINITIONS AND INTERPRETATION

3.1 TITLE

The Policy may be cited as the “LSLIB Land Development Policy LDP No. 2017-01”.

3.2 DEFINITIONS

In this Policy, unless the context otherwise requires:

“**BCR**” means Band Council Resolution.

“**CODs**” means Cost of Development.

“**DEVELOPER**” means the Lessee.

“**DEVELOPMENT PERMIT**” means the Permit issued by LSLIB to the Developer and the document which permits the Developer to proceed with development of the lands within the terms set out in the terms of the Development Permit.

“DEVELOPMENT PERMIT AND SERVICING AGREEMENT” (“DPSA”) means the servicing agreement entered into between LSLIB and the Developer, in the form developed by LSLIB from time to time and includes any forms, schedules and appendices attached thereto.

“INAC” means the Indigenous and Northern Affairs Canada.

“LATECOMER’S FEE” means fees that are charged to allow a property owner who has installed street or utility improvements to recover a portion of the costs of those improvements from other property owners who later develop property in the vicinity and use the improvements.

“LSLIB” means the Little Shuswap Lake Indian Band.

“Policy” means this LSLIB Land Development Policy.

“Property Owner” means any person, firm or corporation who is legally in possession or control of a portion of the lands, the title of which is vested in the Crown in the right of Canada, that have been or are set aside for the use and benefit of the Little Shuswap Lake Indian Band membership and which have not been unconditionally surrendered.

4. APPENDICES

Schedule “A”: Zoning Amendment and Development Permit Application Form

Schedule “B”: Conceptual Development Plans

Schedule “C”: Schedule of Cost of Development and Fees

5. LAWS, REGULATIONS AND REFERENCED DOCUMENTS

5.1 The provisions of referenced documents and referenced standards prescribed by this Policy apply to the extent that they relate to land development.

5.2 In the case of conflict between the provisions of a referenced document and those of this Policy, the provision of this Policy will govern. 5.3 LSLIB Land Development Policy is guided by but not limited to the following laws, regulations and policies:

- All applicable LSLIB Laws and Policies; and

WITHOUT PREJUDICE

- *Indian Act*
- *Indian Act* Regulations
- National Building Code Cost of Development (Provincial Building Code Cost of Development and the National Plumbing /code, from time to time
- Health Canada Regulations
- *Canadian Environment Protection Act*
- *Canadian Environment Assessment Act*
- *Species At Risk Act*
- Environment Canada Regulations

- Applicable Provincial/Federal Regulations

6. LITTLE SHUSWAP LAKE INDIAN BAND LAND DEVELOPMENT POLICY

The LSLIB will require ongoing planning and coordination of development activity to ensure that development projects are of high quality, economically viable and environmentally sound. The LSLIB Land Development Policy facilitates orderly development of reserve lands by enabling the Band to develop, implement, monitor and enforce development standards to align with LSLIB's community vision.

7. STAGE I: "APPLICATION FOR DEVELOPMENT" AND APPROVAL

7.1 PROCESS

1. The Developer submits an Application for Use of Land (see Schedule "A") The developer must provide the following information with their application unless deemed unnecessary within the scope of the project by the Lands, Leasing and Taxation Department:
 - a) Developer's name, address, telephone number;
 - b) Name of Locatee, Lessee, Lessor;
 - c) Lease number;
 - d) Legal land description;
 - e) Civic land description (address);
 - f) Development proposal letter;
2. The Lands, Leasing and Taxation Department reviews the application, to determine if the proposed Land Use(s) conform to zoning regulation and/or Land Use Plan, and if the application will proceed to the approval process. If the application does not qualify to proceed to the approval process, the Lands, Leasing and Taxation Department will provide the developer with an explanation.
3. If the application qualifies to proceed, the developer must provide the following information to the Lands, Leasing and Taxation Department:
 - a) Development Proposal
 - b) Appraisal reports;
 - c) current tax information;
 - d) environmental assessment reports;
 - e) conceptual development plans which includes a site plan and a preliminary design report describing what on site and off-site infrastructure is required for development (see requirements for Conceptual Development Plans Schedule "B"). If a subdivision is required, a Canada Lands Surveyor must be employed to do the subdivision and register the plans.

4. The Lands, Leasing and Taxation Department forwards the Environmental Assessment report, Archaeological Overview Assessment, development proposal, conceptual development plans and site plans, etc., to the appropriate reviewing agencies, which may include:
 - a) LSLIB Operations and Maintenance Department
 - b) Engineering/Planning Consultant
 - c) Environmental Consultant
 - d) Archeological Consultant
 - e) Indigenous and Northern Affairs Canada
 - f) Department of Fisheries and Oceans
 - g) Transport Canada
 - h) BC Ministry of Environment and Climate Change
 - i) BC Ministry of Forests, Lands, and Natural Resources Operations
 - j) Interior Health Authority
 - k) BC Ministry of Transportation and Infrastructure
 - l) Ministry of Forests
 - m) BC Ministry of Forests, Lands and Natural Resource Operations
 - n) Columbia Shuswap Regional District
 - o) Thompson Nicola Regional District
5. Providing all requirements, regulations, policies and Laws are satisfied, the Lands, Leasing and Taxation Department provides notification to the Developer that their application is ready to be considered by the LSLIB Council.
6. The Developer pays Stage I fees and charges in accordance with the Schedule of Cost of Development and Fees (see Schedule "C"). The Developer is provided with a copy and a receipt for the amount received.
7. Council reviews and chooses whether to approve a Band Council Resolution, prepared by the Lands, Leasing and Taxation Department pertaining to the Development for Stage 1. Signing of the BCR does not constitute approval of the Development Plan.

8. STAGE II: "DEVELOPMENT PERMIT APPROVAL"

8.1 PROCESS

1. The Developer prepares and submits detailed design drawings and proposed servicing flow calculations.

2. The Lands, Leasing and Taxation Department forwards detailed design drawings and proposed servicing flow calculations, sewer and water design brief, to the appropriate reviewing agencies which may include:
 - a) Indigenous and Northern Affairs Canada
 - b) BC Ministry of Transportation and Infrastructure (if under MOTI jurisdiction)
 - c) Columbia Shuswap Regional District (for sanitary sewer if applicable)
 - d) LSLIB Fire Department
 - e) LSLIB Operations and Maintenance Department
 - f) Health Canada/ First Nations Health Authority (development serviced by septic field)
 - g) Department of Fisheries and Oceans (development within 30 meters of fish habitat)
 - h) BC Hydro
 - i) Environment Canada
 - j) Engineering/Planning Consultant
 - k) Utility Companies
3. The Lands, Leasing and Taxation Department reviews the comments from the reviewing agencies and advises the applicant of any additional requirements or deficiencies. If all deficiencies, if any, have been satisfied, a “Development Permit and Servicing Agreement” will be prepared for approval. The Lands, Leasing and Taxation Department sends a letter to the Developer including a Schedule of Stage II Cost of Development and Fees (see Schedule “C”).
4. The Lands, Leasing and Taxation Department prepares and presents a Band Council Resolution to LSLIB Council for approval. If LSLIB Council approves the Development Plan, this will authorize execution of the Development Permit and Servicing Agreement.
5. A copy of the approved Development Permit and Servicing Agreement (“DPSA”) is forwarded to the Developer for signature. Once three copies of the DPSA are signed by the Developer and all charges and fees have been paid, the Lands, Leasing and Taxation Manager or their designate will execute the DPSA on behalf of LSLIB Council.

9. STAGE III: “CONSTRUCTION”

9.1 PROCESS

1. The Developer applies and pays for access/construction/connection permits, as applicable, including: LSLIB Water Utility (apply to LSLIB); Ministry of Transportation and Infrastructure highway access/construction within highways ROW (apply to MOTI); and, shallow utilities such as hydro, gas telephone, cable (apply directly to the utility companies).

2. The Developer posts any required securities or bonding for on-site and/or off-site works.
3. LSLIB and other authorizing agencies provide “Certificate to Commence Construction”. (Note: no work within existing ROW’s or easements or connections to any existing utilities will be permitted until a Certificate to Commence Construction has been issued.)
4. The Developer’s engineer and LSLIB inspectors monitor construction. Developer’s engineer provides inspection reports for review by LSLIB, INAC, and where applicable, Columbia Shuswap Regional District (CSRD) and Ministry of Transportation and Infrastructure.
5. LSLIB and CSRD confirm project has “Substantial Completion” and release bonding, partial or full (Note: a 10% maintenance bond will be retained for a period of one year to correct any deficiencies discovered during the maintenance period).
6. Upon completion of the project, the Developer’s engineer provides a Certificate of Completion and “as-built” plans (both digital and hard copy) to the Lands, Leasing and Taxation Department.
7. LSLIB Engineering Consultant and the CSRD confirm completion of the project in accordance with the “as-built” plans and provide a “Substantial Completion and Construction Completion Certificate”.
8. The Lands, Leasing and Taxation Manager, or designate, provides notification of project completion to Chief and Council and the LSLIB Surveyor of Taxes.

SCHEDULE "A"



Zoning Amendment & Development Permit Application Form

APPLICATION FOR:			<i>OFFICE USE ONLY</i>
<input type="checkbox"/> ZONING AMENDMENT <input type="checkbox"/> DEVELOPMENT PERMIT <input type="checkbox"/> LAND USE AMENDMENT <input type="checkbox"/> NEIGHBOURHOOD PLAN DEMOLITION PERMIT?? (Talk to Deb)			
FILE #	FEES \$	DATE RECEIVED	RECEIPT #

Contact Information

DEVELOPER (AGENT):	LAND HOLDER (CP HOLDER):
MAILING ADDRESS:	MAILING ADDRESS:
PHONE (HOME):	PHONE (HOME):
PHONE (OTHER):	PHONE (OTHER):
FAX:	FAX:
EMAIL:	EMAIL:

Legal Description of the Property

LOT:	PLAN:	RESERVE:
STREET ADDRESS:		
EXISTING LAND USE UNDER THE LSLIB LAND USE PLAN/ZONING REGULATIONS:		
PROPOSED LAND USE (IF DIFFERENT):		
LEASE REGISTRATION #		SUBLEASE REGISTRATION #

Complete for Zoning Amendment

REASON FOR AMENDMENT AND PROPOSED LAND USE (attach additional pages if necessary)

SCHEDULE "B"



Conceptual Development Plans

(Requirements from LSLIB Development Servicing Standards)

1. GENERAL REQUIREMENTS

Prior to the preparation of detailed designs for proposed subdivisions and developments, the Developer should first obtain Preliminary (e.g. Stage I) approval for LSLIB. This will require the submission of Conceptual Development Plans for review and approval by the LSLIB Lands Manager or designate. Conceptual Development Plans shall be prepared in a manner consistent with the requirements of this section.

2. OBJECTIVE

The objective of the Conceptual Development Plans are to show the characteristics of the proposed subdivision or development by designating land use, transportation network, community facilities, municipal service and other issues specific to the development areas.

3. LEGAL INFORMATION TO BE PROVIDED

Conceptual Development Plans shall include the following legal information:

1. The legal description and civic address of the parcel(s) on which the development is proposed.
2. A description of the Developer's lawful interest in the parcel(s).
3. A plan showing the location of the parcel(s) within the LSLIB lands.
4. The Developer's name, address, telephone number, facsimile number and email address. If the Developer is a corporation, the names of the shareholders (unless it is a corporation whose shares are traded publicly) and any parent corporations.
5. The name, address, telephone number, facsimile number and email address of the architectural or engineering consultant who prepared the Conceptual Development Plans.
6. A description of all existing legal interests or encumbrances in the parcel(s) including a statement whether all or any interests or encumbrances will be extinguished. Where the

proposed development will require the extinguishment of existing easements, rights-of-ways or encumbrances, provide copies of agreements with holders of those rights that will be extinguished, or a statement regarding the status of such negotiations.

7. If the Conceptual Development Plans are being submitted by an agent on behalf of the land holder or interest holder, a written statement of authorization from the land holder or interest holder is required.

4. TECHNICAL INFORMATION TO BE PROVIDED

1. A map or plan showing the existing and proposed land uses.
2. A map or plan showing existing and proposed topography and natural features such as water courses, water bodies and treed areas.
3. A map or plan showing existing property lines, easements, right-of-way, services (including water, sanitary sewer, drainage, electrical, telephone and gas) and roads, including a statement whether any will be removed as a result of the development.
4. A map or plan showing the approximate location, dimensions and area of all existing buildings and structures within the proposed development area, including a statement whether any will be removed, altered or added to. If a building will be altered or added to, a description of the proposed alteration or addition is required.
5. A map or plan showing the approximate location configurations and dimensions of all proposed parcels within the development. Each proposed parcel shall be identified with a parcel number.
6. A map or plan showing the approximate location, maximum dimensions and maximum area of all proposed residential buildings and non-residential building with an above grade floor area of less than 280m².
7. If the development is to be constructed in phases, a map identifying the phases.
8. All maps or plans shall be in metric and include the scale and an arrow showing the north direction.
9. Where applicable, copies of reports related to soil inspection, percolation test and any other background studies.

10. A preliminary design report (“design brief”) for the proposed municipal services which outlines the rationale, design criteria and calculations related to the design of the services. The preliminary design report should describe infrastructure requirements including, but not limited to; water pressure/flow requirements; sanitary sewer flows; drainage impacts; and transportation impacts (level of detail dependent on location and size of development.) Base engineering information, including water and sewer modeling, may be available from LSLIB.
11. A description of the building scheme which will apply to the proposed development and buildings.
12. An Environmental Assessment and an Archaeological Overview Assessment including consideration of physical, social and economic impacts of the development and a statement of mitigating measures.
13. A traffic impact study for a proposed development generating more than 100 trips per day.

SCHEDULE "C"



Schedule of Cost of Development & Fees

Stage I Fees and Charges:

Fee	Cost
Zoning Amendment	
One or two adjacent parcels	\$ 800.00
Three or more adjacent parcels	\$ 1,200.00
Zoning amendment for secondary suite	\$ 300.00
Planned Unit Development	\$ 1,200.00
Land Use Amendment	\$ 1,200.00
Development Permit	
Development Permit for Primary Residence	\$ 150.00
Temporary Commercial and Industrial Use Permits	\$ 600.00
Development Permit for Other	\$ 800.00
Neighbourhood Plan	\$ 4,000.00
Variance Application	\$ 200.00
Deposit for Engineering, Administration, and Construction Compliance Fee	\$ 5,000.00

Stage II Fees and Charges:

Fee for Residential Developments	Cost
Cost of Development	See following pages
Latecomer's Charges	Variable
Engineering, Administration, and Construction Compliance Fee	3% of Estimated Construction Cost
Processing Fee	\$ 50.00/unit
Bonding	120% of Estimated Construction Cost

Fees for Commercial Developments	Cost
Cost of Development	See following pages
Latecomer's Charges	Variable
Engineering, Administration, and Construction Compliance Fee	3% of Estimated Construction Cost
Processing Fee - Commercial	\$ 40.00/1,000 sq. m. of site
Processing Fee – Agricultural, Industrial, Other	\$ 20.00/1,000 sq. m. of site
Bonding	120% of Estimated Construction Cost

Utility Connection Fees, Building Permit Fees and Other Charges:

Fee	Cost
Water Service Connection Fee	\$ 100.00/unit residential Varies for commercial and other
Sewer Service Connection Fee	\$ 110.00/unit for residential Varies for commercial and other
Building Permit Fee	Permit Fee \$ 100.00 + 1.2% of Construction Value exceeding \$1,000.00 e.g. Project Cost - \$120,000.00 Basic Fee = \$ 100.00 Balance of Project - \$119,000.00 X .012 = \$ 1,428.00 + \$ 100.00 (Permit Fee) = \$ 1,528.00 Total Cost \$ 400.00 per modular unit Varies for other inspections \$ 10.00/plumbing fixture
Other fees as applicable (i.e. MOT, shallow utilities, etc.)	Varies