

Summary of the C/TFN *Planning and Development Regulation*

1. Purpose

The purpose of the Regulation is to provide greater detail on the processes set out in the *Planning and Development Act*, which aims to manage and protect Settlement Lands.

2. Public Hearings

Public hearings may take place for proposed Land Use Plans and zoning regulations and amendments. The Development Officer will provide at least 30 days notice for all hearing, which will set out the necessary information to allow the public to know what is being considered, where, when, and how to find out more information.

People must have reasonable opportunity to give their opinions at the hearing. The Development Officer will prepare a written report of each hearing.

3. Comment Period

Citizens or people directly affected by Applications for Permitted Discretionary Uses will have the opportunity to comment on an application in writing. The Development Officer will provide at least 30 days notice before the comment period expires. Notice will include all necessary information to allow the public to know what is being considered, where, when, and how to find out more information. There is discretion to order a public hearing during the review period for an Application for a Permitted Discretionary Use in certain circumstances.

4. Land Use Plans

The public will have the opportunity to attend and contribute at least two public hearings on a proposed Land Use Plan or an amendment.

Following the public hearings, the Land Management Board will consider all submissions made and make a recommendation to the Executive Council on whether to approve the Land Use Plan or amendments based on a number of factors including:

- Benefit of the Land Use Plan to citizens and C/TFN
- Environmental protection and enhancement
- Protection and enhancement of cultural and heritage resources and sites

- Compatibility with C/TFN culture and heritage
- Socio-economic impacts to C/TFN
- Predicted effects on future generations

If the Executive Council determines that the Land Use Plan or amendments should be approved, they will issue an approval-in-principle to the General Council, which makes the final decision.

5. Settlement Land Zoning

The public will have the opportunity to attend and contribute to at least two public hearings on a proposed zoning regulation. The Land Management Board considers hearing submissions and makes a recommendation to the Executive Council, which then makes a final decision.

6. Development Permits

If the zoning regulation permits the proposed development, a person must obtain a Development Permit before developing Settlement Land, unless they qualify for one of the following exemptions (unless *YESAA* applies, in which case the development is not exempt):

- Non-ground altering activities that do not disturb Settlement Land
- Minor maintenance or repairs of any building or structure
- Construction of a building, structure or machinery needed in connection with an activity that already has a Development Permit
- Completion of a building or structure where construction was already underway when this Regulation was authorized
- Emergency repairs or urgent actions
- Responses to accidents or threats to public health

a. Application

To apply for a Development Permit, a person must submit an Application to the Development Officer, who will review the application for completeness. If the Application is not complete, the applicant will may re-submit the application.

A complete Application includes:

- Application fee

- Copy of the applicant’s Registered Interest from the Registry
- Scale plan of the existing site
- Scale plan of the proposed development
- Proof that there are no outstanding property tax or amounts owing to the C/TFN Government
- Decision Document under *YESAA* (if applicable)
- Proof of corporate status (if applicable)
- Reasonable proof that the applicant can obtain financing for the development

b. Permitted and Discretionary Uses

Each zone will include information about which uses are “permitted uses” and which are “permitted discretionary uses”.

Permitted Principal Uses: The Development Officer will issue a Development Permit if the application is complete, complies with applicable laws, policies and Land Use Plans, and is for a Permitted Principal Use, or a Permitted Accessory Use where a Permitted Principal Use already exists.

Permitted Discretionary Uses: The Development Officer will provide notice of the opportunity to comment to the public before referring the Application to the Land Management Board. The Land Management Board will consider the following factors before deciding whether to approve the Development Permit:¹

- Feedback from the C/TFN Department of Heritage, Lands and Natural Resources
- Benefit of the Application to the community
- Environmental protection and enhancement
- Protection and enhancement of cultural and heritage resources and sites
- Compatibility with C/TFN culture and heritage
- Socio-economic impacts to C/TFN

¹ The Regulation delegates the Executive Council’s authority to approve permitted discretionary use applications to the Land Management Board.

- Well-planned and orderly development of Settlement Land
- Character of proposed Development
- Viewscapes, aesthetics and visual qualities
- Parking and access
- Adverse affects on adjacent lots
- Predicted effects on future generations

Non-Conforming Uses: Buildings or structures that are lawfully in place at the time the *Planning and Development Act* is enacted will continue as a non-conforming use, but there are restrictions on further developing the structure or the parcel of land while the building or structure is considered non-conforming.

In addition, if the non-conforming use of land, building or structure is discontinued for over one year, any future use becomes subject to the *Planning and Development Act*. Similarly, if a non-conforming building or structure is damaged or destroyed, it must be repaired or rebuilt in conformity with the Act. These rules do not apply to Traditional Use Sites.