

SHUSWAP BAND

Land Decision Process Manual



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1. INTRODUCTION

1.1 What Is A Land Decision Process Manual?

This Land Decision Process Manual is intended to provide guidance to Shuswap Band Chief, Council and staff as well as Development Proponents about the development procedures from inception to construction of development. This Manual establishes a process that all Development Proponents, including Shuswap Band itself, must follow for any proposed development on Shuswap Band lands. This information provides the basis from which Shuswap Band can uphold existing land management responsibilities enabled under the Shuswap Indian Band Land Code. All development on Shuswap Band land must comply with the Shuswap Indian Band Land Code and other Shuswap Band land laws.

This Manual establishes a process to ensure that all the necessary information is received by Shuswap Band and all the necessary approvals are in place for development. At the end of this process a Development Proponent will receive a Development Approval Permit, which is the permit required before a Development Proponent can proceed with finalizing leases, constructing services (water, sewer, roads, hydro, and such) and inspections, and applying for building permits and construction.

1.2 Why is a Land Decision Process Manual Necessary?

The procedures in this Manual are intended to ensure that development meets the intent and requirements of the following policies and regulations (some of which may need to be created in the future):

- Shuswap Band Land Code (existing);
- Shuswap Band Land Use Plan (existing);
- Shuswap Band Zoning Law (to be developed);
- Shuswap Band Development Guidelines (to be developed);
- Shuswap Band Subdivision/Development/Engineering Requirements (to be developed);
- Shuswap Band Terms of Reference for Environmental Assessment (existing);
- Shuswap Band Archaeology Policy Manual (to be developed);
- Shuswap Band Community Engagement Policies as per the Shuswap Band Land Code (to be developed); and
- Federal and Provincial regulations (where applicable).

1.3 Who Is Responsible?

It is the Development Proponent's responsibility to ensure compliance with the policies and regulations set out in Section 1.2. Where there is a conflict between a provision of a law or regulation and a description contained in this Manual, the law or regulation prevails.

2. DEFINITIONS

The following outlines the definitions for this Land Decision Process Manual:

Council – means the governing body of Shuswap Band, comprised of the Chief and Councillors.

Conditional Development Approval Permit – means a Development Approval Permit has been approved by Council with certain conditions. The Permit will not be finalized until the Lease agreement is completed and authorized by Council. Conditional Development Approval Permits only apply in situations where a lease is required.

Conditional Environmental Development Permit – means an Environmental Development Permit that has been approved by Council with certain conditions. Permits to non-members will not be finalized until the Lease agreement is completed and authorized by Council. Conditional Development Approval Permits only apply in situations where a lease is required.

Development – includes a subdivision and any construction, alteration, excavation or improvement of land, building or other structure that requires a building permit or the installation of a work or service under these procedures.

Development Approval Permit – is the final permit that is granted to the Development Proponent once all requirements of the Land Decision Process Manual are met and all information required has been submitted to the Lands Administrator. Construction and site works can commence after this permit is finalized and, if the Permit is to a non-member, authorized by Council.

Developable Parcel – means a contiguous area of land with an average slope not exceeding 15% as verified by a CLRS at time of subdivision, and no portion of which is subject to land slip, avalanche, rock fall, flooding, or high water table hazard as verified by a professional engineer with experience in geotechnical or hydrological engineering licensed in the Province of British Columbia;

Development Guidelines – outlines best practices for physical development on Shuswap Band lands, including development layout and design. The guidelines are not intended to be regulatory or prescriptive, but are meant to guide the form and function of development.

Development Proponent or Proponent – is the person and/or organization wanting to initiate development (as defined in these procedures) on a parcel of land covered by the Land Use Plan and/or the Zoning Law. The Development Proponent could be: Shuswap Band administration, individual Shuswap Band members (including Certificate of Possession (CP) land holders), Shuswap Band development corporation(s), and/or investors/developers that are not members of the Shuswap Band. This definition does not include persons who are members wanting to initiate development on CP Land.

Density – is calculated by dividing the number of residential units or floor space by the land area. For example, an apartment building with 30 units constructed on a 0.5 hectare lot would be said to have a density of 60 units/hectare.

Environmental Assessment – is prepared by a qualified environmental professional (QEP) according to the Shuswap Band Environmental Assessment Terms of Reference provided in Appendix C.

Environmental Development Permit – this is required prior to any new development on Shuswap Band lands to ensure that projects and/or activities that occur do not cause significant environmental or archaeological effects. This is the final permit that is granted to the Development Proponent once all requirements of the Land Decision Process Manual are met and all information required has been submitted to the Lands Administrator. Construction and site works can commence after this permit is finalized and, if the Permit is to a non-member, authorized by Council.

Lands Committee – means the Lands Committee established under the Shuswap Band Land Code

Lands Administrator – means a person appointed by resolution to oversee the day to day operations of the Shuswap Land Office and the administration of the Land Code.

Land Use Plan and Maps – includes policies that must be followed for all development as well as maps that identify Shuswap Band reserves and land use designations. The Land Use Plan and corresponding maps are referred to when determining if a proposed development complies with the policies and land uses desired by Council and the community.

Land Use Plan Amendment – is required when the Development Proponent wants to undertake activities that do not conform to the **use** identified in the Land Use Plan. In these cases an amendment would be required to change the land use of the parcel. For example, a parcel's land use type might need to be changed from Agriculture to Residential if a Proponent wants to construct a new residential neighbourhood.

Lease Guide – provides a summary and a general overview for leasing of Shuswap Indian Band land and is provided in Appendix J.

Member – means a person who is a member of the Shuswap Indian Band, or the Shuswap Indian Band itself.

Non-member - means an organization or a person who is not a member of the Shuswap Indian Band.

Phase I Environmental Site Assessment – is prepared by a qualified environmental professional according to the Canadian Standards Z768-01 (R2016) - Phase I Environmental Site Assessment standard.

Preliminary Decision Letter (PDL) – is prepared by the Lands Administrator during the subdivision and servicing approval process. This letter outlines all of the requirements that the Development Proponent must meet in order to receive approval for a Development Approval Permit.

Qualified Environmental Professional (QEP) - A qualified environmental professional (QEP) is an applied scientist or technologist who is registered and in good standing with an appropriate professional organization constituted under an Act. The QEP must be acting under that association's code of ethics,

and subject to the organization's disciplinary action. A qualified environmental professional could be a professional Biologist, Agrologist, Forester, Geoscientist, Engineer, or Technologist.

Site Plan Package – is submitted by the Development Proponent for review by the Shuswap Band Lands Administrator. A Site Plan Package includes a site plan and other relevant information identified in this Manual or requested by the Shuswap Band Lands Administrator. The Site Plan Package is required for information purposes. The Development Proponent must ensure applicable studies are undertaken (such as geotechnical, archaeological, environmental and such).

Subdivision – is the process of adjusting or realigning an existing property line, creating several properties from one or more existing properties, consolidation of properties, or creating strata type subdivision from one or more existing properties.

Servicing – means infrastructure required to support a development and includes but is not limited to: roads, pedestrian facilities, water systems, sanitary systems, drainage, flood protection, electrical power, communications, lighting, and other infrastructure to support the development. This includes off-site works and on-site services.

Zoning Law Amendment – is required when the Development Proponent wants to undertake activities that do not conform to permitted land use or density or regulations (such as building size, height or siting) as set out in the Zoning Law. In these cases, an amendment would be required to change the zone of the parcel. For example a parcel's zone might be amended from Residential to Commercial to accommodate a new business.

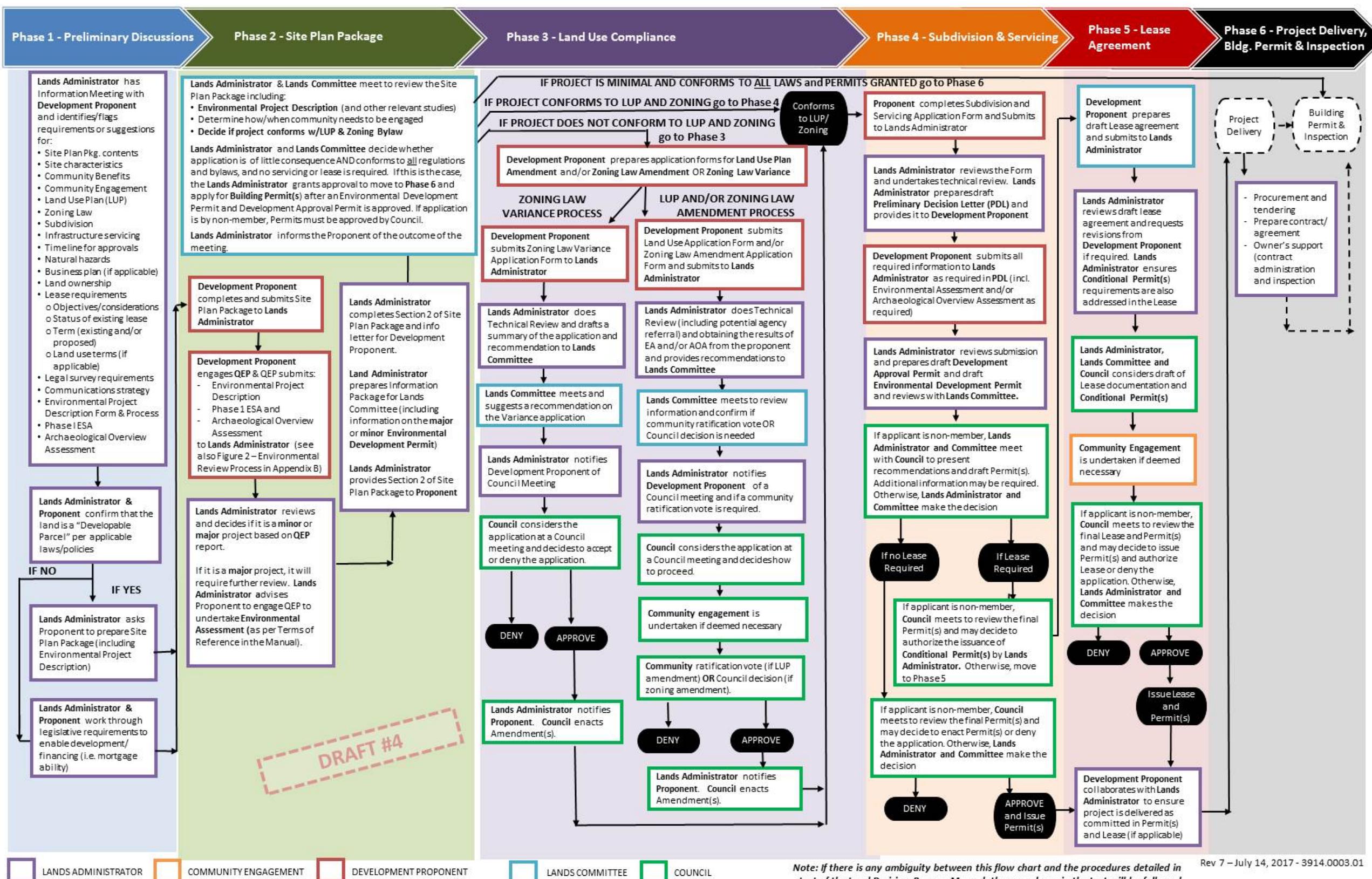
Zoning Law Variance – is required when a proposed development is not compliant with the building size, dimensions, height, or siting of buildings or structures as regulated in the Zoning Law and the proposed development results in a change of less than 10% of the applicable measurement. For instance, if the Zoning Law requires that buildings be sited 6.0 metres from the property line, and the site plan indicates that the building will only be 4.5 metres from the property line, a variance will be required. Issues that trigger the need for variances are generally at the neighbourhood level and usually have little impact at the community-wide level. A variance must not be used to accommodate a change in land use.

3. DEVELOPMENT PROCESS OVERVIEW

Every **Development Proponent** must follow the steps outlined in this section. This general development process must be followed prior to any development approvals. **No construction shall begin before the Proponent has followed all the steps and been notified of the results of this process and granted a Development Approval Permit AND an Environmental Development Permit.**

Figure 1 - Shuswap Band Land Decision Process on the following page summarizes the steps involved in consideration of any development. If there is any ambiguity between this flow chart and the procedures detailed in this Manual, the procedures in the Manual will be followed. If there is any ambiguity between this Manual and the Shuswap Indian Band Land Code, the Land Code will govern.

Figure 1: Shuswap Band Land Decision Process



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PHASE 1: INITIAL MEETING AND PRELIMINARY DISCUSSIONS

This phase allows for early inquiry into development on Shuswap Band lands and offers the opportunity for a Development Proponent to meet with the Lands Administrator, more than once if required, to determine the necessary information and process that is to be followed to receive a Development Approval Permit and an Environmental Development Permit from Shuswap Band.

A Development Approval Permit AND an Environmental Development Permit are required before any alteration of land can occur.

The Initial Meeting and Preliminary Discussion Phase will consist of the following steps:

Step 1 Development Proponent Requests a Meeting with Lands Administrator

A meeting must be made with the Lands Administrator so that the required time can be allotted to explaining the process and information required to the Proponent. If available, the Development Proponent should bring along any information relevant to the proposed project such as a description of the proposed development, and any concept/site plans and other relevant information.

Step 2 Lands Administrator Meets with Development Proponent Have an Information Meeting

At the information meeting, the Lands Administrator will review Shuswap Band's Land Decision Process with the Development Proponent. This will include outlining the requirements for Phase 1 in the process. The following topics will be discussed with the Development Proponent:

- Contents of the Site Plan Package
- Description of existing site characteristics
- Shuswap Band's Land Use Plan (LUP) vision, objectives and policies
- Zoning Law regulations
- Subdivision and development regulations
- Infrastructure servicing requirements
- Schedule/timeline for approvals and development (including construction)
- Business plan (if applicable)
- Land ownership (existing and proposed)
- If land is CP owned, any written conditions of CP holder
- If the interest is being assigned or transferred from one member to another member
- Lease requirements
 - Objectives/considerations for the proposed development
 - Status of existing lease (if applicable)

- Leasing term (existing and/or proposed)
 - Land use terms (if applicable)
- Legal survey requirements
- Communication strategy that outlines how the Development Proponent will engage the community if deemed necessary
- Environmental Project Description Form that needs to be completed by a qualified environmental professional (QEP). This form will also require the Development Proponent and the QEP to uphold the *Species At Risk Act Conservation Agreement Between Her Majesty the Queen in Right of Canada as Represented by the Minister of Environment and Climate Change Canada and Shuswap Indian Band (November 1, 2016)*.

The Lands Administrator informs the Development Proponent that there are several key documents and approvals that may be required at various stages in the development process prior to any construction/development. These may include, but are not limited to:

- Phase I Environmental Site Assessment (this is required for all development applications);
- Environmental Assessment (as per the Shuswap Band Environmental Terms of Reference if the project is a **major** project);
- Archaeological Overview Assessment (AOA);
- Land Use and/or Zoning Bylaw Amendment;
- Zoning Variance; and/or
- Subdivision and Servicing Approval (includes a Preliminary Decision Letter AND Development Approval Permit prior to any construction/development); and/or
- Leasing process.

Step 3 Confirm a Developable Parcel Exists

If there is no current subdivision of land and/or a lease does not currently exist (and a lease needs to be prepared) and/or a new lease needs to be prepared, the Development Proponent will work with the Lands Administrator to review the applicable laws/polices that pertain to creating a Developable Parcel.

A Developable Parcel may need to be created before the Development Proponent can proceed to Phase 2 of this Land Decision Process Manual. The Lands Administrator will provide guidance to the Development Proponent in this regard.

Step 4 Development Proponent Proceeds to Phase 2 – Site Plan Package

The Lands Administrator will request the Development Proponent to prepare a Site Plan Package (See Appendix A) and move to Phase 2 of this Land Decision Process.

PHASE 2: SITE PLAN PACKAGE

The procedures shown below are required for development on Shuswap Band lands by members and non-members, and development of Certificate of Possession (CP) lands by non-members. These steps include:

Step 1 Development Proponent Completes Site Package (Section 1)

The Development Proponent **completes Section 1** of the **Site Plan Package** (provided in Appendix A) **AND** provides supplemental information as required. The Development Proponent submits an application fee of \$1,000 with the submission of the Site Plan Package (see step 2 for details on the Site Plan Package).

If there are additional costs associated with the review of the Site Plan Package, these costs will be charged to the Development Proponent as determined by the Lands Administrator. If this is the case, the Lands Administrator will discuss these potential costs prior to undertaking reviews and/or engaging other professionals/experts.

Step 2 Shuswap Band Lands Administrator Receives Site Plan Package from Development Proponent

Lands Administrator receives the Site Plan Package and the application fee, from the Development Proponent (even if it is Shuswap Band making the application). The Site Plan Package will include:

- Section 1 of the Site Plan Package (Appendix A) completed by the Development Proponent. The Site Plan Package includes information about the following:
 - Applicant contact and checklist for inclusion of Site Plan, Legal Survey, and First Nations Land Registry information
 - Site characteristics;
 - Community benefits;
 - Communication and engagement strategy;
 - Land Use description – current and proposed;
 - Zoning Law regulations and land use;
 - Regulatory information about the proposed development including: principal buildings, setbacks, and parking;
 - Subdivision information;
 - Servicing requirements, including water, sanitary, drainage, topography, flood conditions;
 - Geotechnical and geohazards assessment;
 - Lease considerations; and

- Certificate of Possession (CP) information (if applicable), including any written conditions of the CP holder.
 - if the Development Proponent is a member, whether the interest is being assigned or transferred from one member to the Proponent.
- Attachments to the Site Plan Package will include (depending on the situation):
 - A site plan, drawn at a reasonable scale, which clearly illustrates all necessary information including existing and proposed development on the subject property;
 - Legal survey;
 - First Nations Land Registry search;
 - Environmental Project Description Form (this will require the Development Proponent to engage a Qualified Environmental Professional (QEP) to prepare this (see Appendix B and see Step 3 below for additional information on the requirements for the Environmental Project Description);
 - Phase I Environmental Site Assessment (that meets the CSA standard Z7658-01) (see step 3 below);
 - Archaeological Overview Assessment (AOA);
 - Certificate of Possession Authorization/Letter of Approval (if required);
 - A copy of the proof the interest was registered as belonging to the member who is assigning/transferring it to Development Proponent who is also a member (if applicable);
 - Subdivision and Development Servicing Application Form (see Appendix H).

All of the above information is to be provided by the Development Proponent. Costs that may be incurred by Shuswap Band to provide this information may be paid for by the Development Proponent. If this is the case, the Lands Administrator will discuss these potential costs prior to undertaking reviews and/or engaging other professionals/experts.

Step 3 Development Proponent Completes the Environmental Project Description Form to be Provided by Development Proponent

Each Development Proponent is required to complete the Environmental Project Description Form (provided in Appendix B). Figure 2 – Shuswap Band Environmental Review Process is also provided in Appendix B and summarizes the steps to be undertaken by the Development Proponent and QEP.

This form is necessary because Shuswap Band is required to ensure that projects and/or activities that occur on reserve lands do not cause significant adverse environmental effects. In addition, Shuswap Band is required to uphold the *Species At Risk Act Conservation Agreement Between Her Majesty the Queen in Right of Canada as Represented by the Minister of Environment and Climate Change Canada and Shuswap Indian Band (November 1, 2016)*.

The completion of the Environmental Project Description Form requires the Development Proponent to engage a Qualified Environmental Professional (QEP) to gather the preliminary information required to assist in the determination of the potential effects from a proposed project prior to Shuswap Band allowing the project to proceed and helps determine potential effects to the following valued ecosystem components:

- environmentally significant areas (as per Map 2 in the Shuswap Band Land Use Plan);
- soil, surface or groundwater;
- timber and/or vegetation;
- plant or wildlife species at risk;
- migratory birds; and,
- fish or fish habitat.

By completing the Environmental Project Description Form, the Development Proponent and the Lands Administrator will be able to determine if the project is a **minor project** or a **major project**. See Step 4 below for further information on this.

It is also necessary for Development Proponents and the Qualified Environmental Professional(s) to consider the relevant legislation including, but not limited to:

- Federal Species at Risk Act;
- Federal Fisheries Act;
- Federal Migratory Birds Convention Act; and
- British Columbia Water Sustainability Act.

The Development Proponent will also undertake a **Phase I Environmental Site Assessment** that meets the Canadian Standards Association standard CSA Z768-01. This must be prepared by a Qualified Environmental Professional (QEP) and will be attached to the Environmental Project Description Form.

The Development Proponent will also be required to undertake an **Archaeological Overview Assessment (AOA)**. This must be prepared by a professional archaeologist and will be attached to the Environmental Project Description Form at this stage.

Step 4 Lands Administrator Reviews the Site Plan Package

Lands Administrator (working with Shuswap Band staff or other external agencies or consultants/professionals as necessary) reviews the Site Plan Package and all attached documents. The Lands Administrator will only conduct a review of the Site Plan Package if all required information and documentation is provided as required in Steps 1, 2 and 3 above.

The Lands Administrator also reviews the Environmental Project Description Form and confirms all information is provided. If additional information is required, the Lands Administrator will

inform the Development Proponent, and will wait until the required information is provided before proceeding with the review.

The Lands Administrator will decide if the Project is a **minor** or **major** project based on the information provided in the Environmental Project Description Form.

Minor project - If all responses in Part 2 of the Form are answered 'No', then the proposal is considered a **minor project**.

OR

Major project - If one or more responses in Part 2 of the Form are answered 'Yes' or 'Unknown', then the proposal is considered a **major project** and further review is required. The Lands Administrator advises the Development Proponent to engage a Qualified Environmental Professional (QEP) to undertake an **Environmental Assessment** using the **Shuswap Band Environmental Assessment Terms of Reference** (Appendix C).

If a Land Use Plan and/or Zoning Law Amendment is required, the Development Proponent will be asked to follow the requirements in **Phase 3 – Land Use Compliance**. If an Amendment is not required, the **Environmental Assessment** can be submitted in **Phase 4 – Subdivision and Servicing**.

Note: Where the applicant is a non-member, Environmental Development Permits (for both major or minor projects) may only be authorized and issued by Council.

Step 5 Lands Administrator Completes Section 2 of Site Plan Package

Lands Administrator **completes Section 2** of the Site Plan Package (Appendix A). Once complete, the Lands Administrator signs Section 2 to ensure all information has been provided.

In the case of a **major project** (i.e. requires an Environmental Assessment), all required studies may not yet be complete at this stage. If this is the case, the Lands Administrator will make note of that in Section 2 of the Site Plan Package.

Step 6 Lands Administrator Provides Copies of Section 2 of the Site Plan Package to Proponent

The Lands Administrator will provide a copy of Section 2 of the Site Plan Package to the Development Proponent with a covering letter indicating which procedures are required to obtain a Development Approval Permit. Possible requirements include:

- Land Use Plan or Zoning Law Amendment;
- Zoning Law Variance;
- The Environmental Project Description Form;
- Any additional environmental and/or archaeological assessments; and/or
- Subdivision and Servicing Application.

Step 7 Lands Administrator Submits Site Plan Package and Environmental Project Description Form to Lands Committee and Meet

The Lands Administrator sends the completed Site Plan Package and the Environmental Project Description Form and all attached documentation to the Lands Committee.

The Lands Administrator and the Lands Committee will meet to review all relevant information, including confirmation that the proposed development meets the requirements of the Land Use Plan **AND** the Zoning Bylaw.

The Lands Administrator and the Lands Committee will also review the Environmental Project Description, including any supplementary reports identified in the Environmental Project Description such as the Phase 1 Environmental Site Assessment, the Archaeological Overview Assessment and the Environmental Assessment.

Step 8 Development Proponent is Informed of the Outcome of the Lands Committee Meeting

Unless there are concerns raised by the Lands Committee, the Development Proponent is informed by the Lands Administrator that the proposed development addresses all issues identified in the Site Plan Package **AND** meets the requirements of the Land Use Plan and Zoning Law. The proposal can then continue to obtain a Development Approval Permit in **Phase 4 Subdivision and Servicing** (if required) and **Phase 5 – Leasing**.

However, if no subdivision or servicing of land is required and if the project is of little consequence (i.e. construction of a backyard shed, minor addition to a house and such) **AND** conforms to all regulations and bylaws, and no servicing or lease is required, the Lands Committee may issue a Development Approval Permit at this stage, and the Development Proponent may proceed to apply for a Building Permit (if such a permit is required) in **Phase 6**. If the applicant is a non-member, the Development Approval Permit is only effective upon Council approval.

If the project is considered a **minor project** based on the Environmental Project Description, an Environmental Development Permit may also be issued at this stage. If the Development Proponent is a non-member, Council must decide whether to approve the Permit, and if approving, will issue a BCR evidencing this approval. If the Development Proponent is a member, the Lands Committee decides whether to issue the Permit.

If the Permit is issued, the Lands Administrator causes the Permit to be registered in the First Nations Land Register, and in the case the Development Proponent is a non-member, attaches the BCR evidencing Council's written consent to the Permit, and certifies that Council consent has been obtained. Where the Development Proponent is a member, the Lands Administrator causes the Permit to be registered in the First Nations Land Register. Additionally, if the interest is being transferred or assigned from another member, Council must be notified in writing within 10 days of the transfer, and the transfer must be registered in the Shuswap Indian Band Land Registry.

However, if it is a **major project**, the Environmental Development Permit will not be issued until **Phase 4 – Subdivision and Servicing**.

If the Site Plan Package does not conform to the Land Use Plan and/or the Zoning Law, proceed to Phase 3 – Land Use Compliance

OR

If the Site Plan Package conforms to the Land Use Plan and the Zoning Law proceed to Phase 4 – Subdivision and Servicing.

PHASE 3: LAND USE COMPLIANCE

This section pertains to proposed developments that **do not conform to the current Land Use Plan and/or Zoning Law**, and an amendment to one, or both, of these documents is required before the development application can proceed to other Phases. *If a proposed development meets the requirements of both the Land Use Plan AND the Zoning Law, then the Development Proponent can proceed to Phase 4 – Subdivision and Servicing.*

Definitions (these also appear at the beginning of this Manual in Section 2):

Land Use Plan Amendment – A Land Use Plan amendment is required when the Development Proponent wants to undertake activities that do not conform to the **use** identified in the Land Use Plan. In these cases an amendment would be required to change the land use of the parcel. For example, a parcel's land use might need to be changed from Agriculture to Residential if a Proponent wants to construct a new residential neighbourhood. An amendment is also required if any other significant changes to these laws are proposed and are considered greater than a **variance**.

A **Zoning Law Amendment** is required when the Development Proponent wants to undertake activities that do not conform to permitted use or density or regulations (such as building size, height or siting) as set out in the Zoning Law. In these cases an amendment would be required to change the zone of the parcel. For example a parcel's zone might be amended Residential to Commercial to accommodate a new business.

Zoning Law Variance – A Zoning Law Variance is required when a proposed development is not compliant with the building size, dimensions, height, or siting of buildings or structures as regulated in the Zoning Law and the proposed development results in a change of less than 10% of the applicable measurement. For instance, if the Zoning Law requires that buildings be sited 6.0 metres from the property line, and the site plan indicates that the building will only be 4.5 metres from the property line, a variance will be required. Issues that trigger the need for variances are generally at the neighbourhood level and usually have little impact at the community-wide level. A variance must not be used to accommodate a change in Land Use.

The following sections are included in this Phase 3:

Section 3.1 summarizes the steps involved in consideration of a Land Use Plan Amendment and Zoning Law Amendment.

Section 3.2 provides procedures for a Zoning Law Variance.

3.1 Procedure for a Land Use Plan or Zoning Law Amendment

The procedures for an Amendment to the Land Use Plan or the Zoning Law are as follows:

Step 1 Development Proponent Completes Land Use Plan and/or Zoning Plan Amendment Form(s)

The Development Proponent completes the Land Use Plan Amendment Application Form (in Appendix E) **and/or** the Zoning Law Amendment Application Form (in Appendix F) and submits the Form(s) to the Lands Administrator along with a \$1,200 application fee.

Step 2 Lands Administrator Conducts Technical Reviews of Application Form(s)

Once the completed application is received, it will be reviewed and assessed by the Lands Administrator with respect to:

- Whether or not the proposed Land Use is consistent with the general vision set out in the Land Use Plan,
- The information provided in the Site Plan Package including the general nature and appropriateness of the proposal, and the potential impact of the proposed development on adjacent properties with respect to:
 - Land use;
 - Setbacks;
 - Height;
 - Views and privacy;
 - Appropriateness of use;
 - Health and safety;
 - Environmental protection and enhancement;
 - CP holder's approval and/or written conditions (if applicable);
 - Validity of transfer/assignment of interest from one member to another (if applicable); and
 - Fit with community values.

The Lands Administrator may decide the application requires referral to external agencies such as its planning and engineering consultants and/or other appropriate agencies to obtain further, more detailed information or recommendations. The need for this referral will depend upon the nature and complexity of the application. The following agencies **may** be considered for referral as determined by the Lands Administrator:

- Ministry of Transportation and Infrastructure;
- Regional District of East Kootenay;

- Environment Canada;
- Ministry of Environment;
- Ministry of Forests, Lands, and Natural Resource Operations;
- Health Canada and/or First Nations Health Authority;
- Utility Companies; and
- Indigenous and Northern Affairs Canada.

Costs that may be incurred by Shuswap Band in engaging these external agencies and/or consultants may be paid for by the Development Proponent. If this is the case, the Lands Administrator will discuss these potential costs prior to undertaking reviews and/or engaging other professionals/experts.

The Lands Administrator and the Lands Committee will also review the Environmental Project Description Form, including any supplementary reports/studies identified in the Environmental Project Description Form as well as the Phase 1 Environmental Site Assessment and the Archeological Overview Assessment. These reports/studies must be completed and submitted at this phase (**Phase 3**) because it will be important to ensure all decision makers (including Lands Administrator, Lands Committee, Council and the community) understand any potential environmental and/or archaeological impacts in the context of a Land Use Amendment or Zoning Amendment.

It is important to note that if the proposed development is deemed to be a **major project** in Phase 2, the Environmental Development Permit will not be issued until **Phase 4 – Subdivision and Servicing**.

The Lands Administrator may engage a Qualified Environmental Professional on Shuswap Band's behalf to assist in making recommendations regarding the proposed development.

All of the Technical Reviews conducted in this step may reveal that further or more detailed information is required from the Development Proponent. If so, the application process may be delayed until the required information is submitted by the Development Proponent. All costs incurred for this additional information will be covered by the Development Proponent.

Step 3 Lands Administrator Prepares Recommendation for Lands Committee

Once the Technical Reviews have been completed and all necessary information has been submitted by the Development Proponent to the Lands Administrator, the Lands Administrator prepares a recommendation on whether the proposed amendment is consistent with the general vision set out on the Land Use Plan and how the proposal shall be approved as per the Shuswap Indian Band Land Code¹. The Lands Administrator may prepare a draft

¹ As per Shuswap Indian Band Land Code, 2014, s. 12.1 (a)

Amendment(s) document that will outline the changes in Land Use or Zoning, describe the new permitted uses and define any special regulations that may pertain to the Amendment(s).

The Lands Administrator will also provide a recommendation (or not) regarding the issuance of an Environmental Development Permit.

The Lands Administrator will also identify any community consultation that may be required according to the Shuswap Indian Band Land Code and any other policies or regulations pertaining to community consultation and engagement.

Step 4 Lands Committee Meets and Recommends Next Steps

A Lands Committee meeting is then called. The Lands Committee will review all the information provided by the Lands Administrator, including the draft Amendment(s) and will discuss and establish next steps for the application, including the recommendations to be made to Council (where the applicant is a non-member) and/or the community.

The Committee will also confirm if the proposal needs to be approved by the community as per the Shuswap Indian Band Land Code. This could result in a ratification vote OR by a Council decision.

If the Development Proponent is a non-member, proceed to Steps 5 and 6. If the Development Proponent is a member, proceed to Step 7.

Step 5 Lands Administrator Notifies the Development Proponent About the Council Meeting and Council Meeting Proceeds

This step only applies where the Development Proponent is a non-member.

The Lands Administrator will notify the Development Proponent of the date, time and location of the Council meeting at which time the application will be considered by Council.

The Development Proponent will be invited to attend the meeting. If the Development Proponent cannot attend the meeting, then he/she may assign a representative to be present in the Development Proponents' absence. If the Development Proponent cannot attend, he/she must notify the Council, in writing, at least 5 business days in advance of the Council meeting and clearly identify the person(s) who will be representing the Development Proponent.

At the meeting, the Lands Committee and Lands Administrator will present the application and their recommendations. Council will review the application and decide how to proceed based on existing bylaws, policies and the Shuswap Indian Band Land Code. Council may require the Development Proponent to consult with community members (step 6 below).

Step 6 Development Proponent and/or Council May Undertake Community Communications and Engagement

This step only applies where the Development Proponent is a non-member.

The Development Proponent and/or Council may convene a community meeting at this stage. This would also be informed by the information provided in the Site Plan Package regarding community communications and engagement. A summary of the communications and engagement will be prepared by the Lands Administrator and provided to the Lands Committee and Council.

Based on the outcome of the communications and engagement, Council will meet to review the information and confirm if the project will proceed to the approval process in Step 7.

Step 7 Community Ratification Vote or Council Decision Meeting

If a Community Ratification Vote is required, it will be done according to the procedures that are established in the Shuswap Indian Band Land Code and/or other laws or policies that may be established regarding voting, notice of meetings, manner of notice, who may attend, quorum, and procedures for ratification votes.

If a Council decision is required, the decision will be made by a majority vote and will be recorded through an official resolution.

The application(s) for Land Use Amendment, Zoning Bylaw Amendment, and Environmental Development Permit may be denied or approved at this stage.

The Lands Administrator will finalize the Land Use or Zoning Bylaw Amendment(s). The Lands Administrator may need to issue a certificate for an instrument granting the interest in First Nation land that requires the consent of Council or community approval².

Step 8 Development Proponent Notified

The Lands Administrator notifies the Development Proponent of the outcome of Step 7 above. The Lands Administrator shall give a written notice of the decision to the Development Proponent including copies of the approved Amendment(s). The written decision will provide the Development Proponent with an explanation about the decision-making process including the information that was provided and reviewed, who provided input, and reasons behind the outcome of the decision.

Step 9 Development Proponent Decides How To Proceed

Depending on the outcome of the above steps, the Development Proponent may decide to:

- proceed to Phase 4 – Subdivision and Servicing,
- resubmit the application(s) with modifications; OR
- not to proceed with the development.

² As per s. 28.1 of the Shuswap Indian Band Land Code

Step 10 Shuswap Band Enacts a Land Use and/or Zoning Amendment

The Amendment shall be enacted and notifications posted as identified in the Shuswap Indian Band Land Code. The Lands Administrator will prepare the Amendment and provide copies to the Lands Registry and the Development Proponent.

The Lands Administrator will provide a copy of the Land Use Amendment and/or Zoning Amendment approval to the Development Proponent.

Step 11 Providing an Environmental Development Permit

If the Land Use and/or Zoning Amendment is approved in the steps above **AND** the project is considered a **minor project** as per the Environmental Project Description and the Phase I Environmental Site Assessment (see flow chart in Appendix B), the Lands Committee may issue the Environmental Development Permit.

However, if it is a **major project**, the Environmental Development Permit will not be issued until **Phase 4 – Subdivision and Servicing**.

3.2 Procedure for a Zoning Law Variance

The procedure for a Variance to the Zoning Law is as follows:

Step 1 The Development Proponent Completes the Zoning Variance Application

The Development Proponent completes the Zoning Law Variance Application Form (in Appendix G) and submits the Form to the Lands Administrator, along with a \$500 application fee.

Step 2 The Lands Administrator Conducts Technical Review of the Application

Once the completed application is received, the application shall be reviewed and assessed by the Lands Administrator with respect to:

- the appropriateness of the proposed variance;
- past precedents (internally within the community and outside the community);
- input from representatives of neighbouring properties; and
- other relevant Council policies.

The review also shall consider the Site Plan Package including the general nature and appropriateness of the proposal, and the potential impact of the application on adjacent properties with respect to:

- Land use;
- Setbacks;
- Height;
- Views and privacy;
- Appropriateness of use;
- Health and safety;
- Environmental protection and enhancement
- Fit with community values; and
- Shuswap Band Development Guidelines (if applicable).

Step 3 Variance Summary Package Prepared by Lands Administrator

Shuswap Band Lands Administrator prepares a summary of the application to be presented at a Lands Committee meeting.

Step 4 Lands Committee Meeting

The Lands Committee will meet with the Lands Administrator to review and discuss the application. The Lands Committee prepares a recommendation to Council regarding the application, including whether to accept or deny the application. The Lands Administrator will prepare the draft Variance that will include a description of the variance and the pertinent regulations.

Step 5 Lands Administrator Notifies the Development Proponent of Council Meeting

The Lands Administrator will notify the Development Proponent of the date, time and location of the Council meeting that the application will be considered. The Development Proponent will be invited to attend the meeting. If the Development Proponent cannot attend the meeting, then he/she may assign a representative to be present in the Development Proponents' absence. If the Development Proponent cannot attend, and wants to send a representative, he/she must notify the Council, in writing, at least 5 business days in advance of the Council meeting and clearly identify the person(s) who will be representing the Development Proponent.

Step 6 Council Considers the Application and Lands Committee Recommendation

Council will consider the application, the draft Variance and the Lands Committee recommendation at a regular Council meeting. Council will decide whether to approve or deny the Variance application as per applicable laws and policies. If Council approves the application, a Band Council Resolution (BCR) will be prepared.

Step 7 Development Proponent Notified

The Lands Administrator notifies the Development Proponent of the outcome of the Variance Decision by Council by a written notice of the decision. The written decision will provide the Development Proponent with an explanation about the decision-making process including the information that was provided and reviewed, who provided input, and reasons behind the outcome of the decision as well as a copy of the Variance document.

Step 8 Enacting a Variance and Notifying the Development Proponent (if approved)

The Variance shall be enacted and notifications posted as identified in the Shuswap Indian Band Land Code.

The Lands Administrator will provide a copy of the BCR to the Development Proponent.

PHASE 4: SUBDIVISION AND SERVICING

A Subdivision and Servicing Application Form and approval process is required for **any** development that includes subdivision or servicing (even if Shuswap Band is the Development Proponent). For ease of use, these definitions are:

- **Subdivision** – is the process of adjusting or realigning an existing property line, creating several properties from one or more existing properties, consolidation of properties, or creating strata type subdivision from one or more existing properties.
- **Servicing** – means infrastructure required to support a development and includes but is not limited to: roads, pedestrian facilities, water systems, sanitary systems, drainage, flood protection, electrical power, communications, lighting, and other infrastructure to support the development. This includes off-site works and on-site services.

*Note: If the application is simply for a small development with no impact to the community (such as a shed or a small addition to an existing building or other such development) AND the proposed development confirms to all applicable regulations and bylaws AND is a **minor** project (based on the Environmental Project Description), the Lands Administrator may not require the completion of a Subdivision and Development Servicing Application Form.*

Step 1 Development Proponent Completes the Subdivision and Servicing Application Form

Lands Administrator requests the Development Proponent to complete the Subdivision and Servicing Application Form (provided in Appendix H) and provide supplemental information as required. The Development Proponent submits an application fee for \$500 along with the completed application form to the Lands Administrator.

If there are additional costs associated with the review of the Subdivision and Servicing Application Form by Shuswap Indian Band, these costs will be charged to the Development Proponent as determined by the Lands Administrator. If this is the case, the Lands Administrator will discuss these potential costs prior to undertaking reviews and/or engaging other professionals/experts.

Step 2 Lands Administrator Receives Subdivision and Servicing Application Form, Undertakes Technical Review and Prepares Preliminary Decision Letter (PDL)

Lands Administrator receives the Subdivision and Servicing Application Form from the Development Proponent (even if it is Shuswap Band making the application). The Servicing Application Form will include all requirements of the Site Plan Package plus the Subdivision and Servicing Requirements such as:

- General Information about the Development Proponent and the proposed project;
- Engineering Requirements;
- Environmental Requirements (as identified in the Environmental Project Description Form. This includes a Phase I Environmental Site Assessment that meets the Canadian Standards Association (CSA) standard CSA Z768-01);

- Archeological Overview Assessment (AOA) and other archaeological studies if necessary;
- Environmental Assessment if the project was deemed to be a **major** project in **Phase 2 - Site Plan Package**;
- Environmental Permit (if approved earlier in the process);
- External Agency Review; and,
- Land Use Plan information.

The Lands Administrator reviews the Subdivision and Servicing Application Form and all other required documentation including all other studies and reports.

The Lands Administrator will also review the Environmental Project Description Form, including any supplementary reports/studies identified in the Environmental Project Description Form. This information will need to be considered prior to the issuance of an Environmental Development Permit. The Lands Administrator may include a Qualified Environmental Professional to assist in making recommendations regarding the proposed development.

If there are additional costs associated with the review of the Subdivision and Servicing Application Form to the Shuswap Band, these costs will be charged to the Development Proponent as determined by the Lands Administrator. If this is the case, the Lands Administrator will discuss these potential costs prior to undertaking reviews and/or engaging other professionals/experts.

All of the Technical Reviews conducted in this step may reveal that further or more detailed information is required from the Development Proponent. If so, the application process may be delayed until the required information is submitted by the Development Proponent. All costs incurred for this additional information will be covered by the Development Proponent.

Once all reviews are complete, including external agencies and consultants, the Lands Administrator will prepare a **Preliminary Decision Letter (PDL)** which outlines all of the requirements that the Development Proponent must meet in order to receive approval for a **Development Approval Permit** including (but not limited to):

- All items identified in the Site Plan Package and Subdivision and Servicing Application Form;
- Design review and approval
 - engineering standards and guidelines that must be met for all facilities and infrastructure;
 - all information submitted is to be completed to an appropriate level of detail
 - construction cost estimates and/or the value of the proposed development is to be provided
 - the development aligns with applicable Shuswap Indian Band development guidelines

- all external agency permits that are required must be obtained;
- Procurement/Project Delivery Approach
 - Tendering requirements are identified
- Contract or Agreement with Band and Development Proponent for Construction is Confirmed
 - Bonding and insurance requirements are identified
 - Contractor agreement has been provided
 - Roles and responsibilities for the Development Proponent and Shuswap Indian Band are identified
- Project Implementation Roles and Responsibilities
 - Project management
 - Contract administration
 - Construction and inspection
 - Building inspection
 - Final signoff process has been identified by Shuswap Indian Band before works are accepted
 - Process to ensure final deliverables are received (e.g. warranties, record drawings and such)
- Any other information or items deemed necessary by the Lands Administrator.

Once all of the conditions of development have been identified, the PDL is submitted to the Development Proponent.

Step 3 Development Proponent Submits All Information Required in the Preliminary Decision Letter (PDL)

After receiving the PDL, the Development Proponent will undertake all studies, design, engineering and such to meet the terms of the PDL. This will also include submission of any Environmental and/or Archaeological studies and/or assessments as triggered in the Environmental Development Approval Form (if these have not already been provided).

All required information will be submitted to the Lands Administrator once it is prepared and complied. Engineers need to be certified by the Association of Professional Engineers and Geoscientists (APEG).

Step 4 Lands Administrator Receives Information, Prepares Recommendations and Meets With Lands Committee

The Lands Administrator will review the information provided by the Development Proponent to ensure all requirements of the PDL have been met. If further information is required, the Lands Administrator will request additional information from the Development Proponent.

Once the Lands Administrator is satisfied that all terms of the PDL have been met, he/she will prepare recommendations for the Lands Committee to consider. The Lands Administrator will also prepare a draft of the Development Approval Permit with any necessary conditions and of the draft Environmental Development Permit with any necessary conditions (if it was not provided in earlier stages of the development approval process).

The recommendations and draft Permit(s) (and any other necessary information) are presented by the Lands Administrator in a meeting with the Lands Committee. The information is discussed. If the Development Proponent is a non-member, the Lands Committee decides if the application is ready to go to a meeting with Council. If the Development Proponent is a member, the Lands Committee decides whether additional information is required and the application should move to Step 6, or whether the application can move on to Step 7 or 8.

If additional information is required, the Land Administrator will contact the Development Proponent to provide the necessary information.

Step 5 Where Development Proponent is a non-member, Lands Administrator and Lands Committee Meet with Council to Review Recommendations and Draft Permit(s)

If the Development Proponent is a member, go to step 6.

If the Development Proponent is a non-member, once the Lands Committee is satisfied that the application provides all information as required in the PDL, the Lands Administrator and the Lands Committee meet with Council to review the development proposal, the draft Development Approval Permit and the draft Environmental Development Permit. Council will provide feedback on the proposed permits. Permits may be finalized (but not yet approved) at this time, or additional information may be requested from the Development Proponent.

Step 6 Lands Administrator Meets With Development Proponent to Review Draft Permit(s) If Additional Information is Required

The Lands Administrator will meet with the Development Proponent if further information is required before finalizing the Permit(s). Once the Development Proponent provides the necessary information, the Lands Administrator revises the Permit(s).

In the case the Development Proponent is a non-member, once Permit(s) are finalized by the Lands Administrator, they are sent to Council for approval. If the Development Proponent is a member, once the Permit(s) are finalized by the Lands Administrator, the Lands Committee decides whether they should be conditional pursuant to Step 7, or approved pursuant to Step 8.

If a Lease is required, proceed to Step 7

If No Lease is required, proceed to Step 8

Step 7 If a Lease IS Required, Conditional Permit(s) may be issued

Once all information is provided to the satisfaction of the Lands Administrator,

- where the Development Proponent is a non-member, the final Permit(s) are reviewed and discussed with Council. Council will meet to undertake a final review of the draft Environmental Development Permit and the draft Development Approval Permit. If they agree the Permit(s) meet all requirements, Council can authorize the Lands Administrator to issue a Conditional Environmental Development Permit and/or a Conditional Development Approval Permit. The Conditional Permits indicates that Council approves the development, on the condition that all requirements of the Lease Agreement are undertaken. Only after the Lease documents are completed in Phase 5, will Council authorize the issuance of the final Environmental Development Permit and the Development Approval Permit.
- where the Development Proponent is a member, the Lands Committee issues a Conditional Environmental Development Permit and/or a Conditional Development Approval Permit. The Conditional Permits indicates that the Lands Department approves the development, on the condition that all requirements of the Lease Agreement are undertaken. Only after the Lease documents are completed in Phase 5, will the Lands Committee issue the final Environmental Development Permit and the Development Approval Permit.

Once a Conditional Permit is provided, the Development Proponent is given assurance in writing by the Lands Administrator that the requirements of the development permits have been met to the satisfaction of Council (in the case of a non-member proponent) or the Lands Department (in the case of a member proponent), but the Development Proponent is NOT authorized to undertake any site works or construction until after the Lease is complete and authorized in Phase 5 AND the “Conditional” status of the Development Permits have been removed.

Conditional Development Approval Permits and Conditional Environmental Development Permits are valid for one year from the date of authorization. The Lands Administrator causes the Permit(s) to be registered in the First Nations Land Register, and where applicable, certifies that Council consent and/or community approval has been obtained.

If one or both of the Permit(s) are rejected, a letter will be provided to the Development Proponent with an explanation about the decision making process including the information that was provided and reviewed, who provided input, and reasons behind the outcome of the decision. If the Development Proponent is rejected, he/she may resubmit an application.

Proceed to **Phase 5 – Lease Agreement.**

Step 8 If NO Lease is Required, Council Meets to Approve Permits and Issue BCR(s)

Once all information is provided to the satisfaction of the Lands Administrator, the final Permit(s) are reviewed, and if the Development Proponent is a non-member, the Permits are discussed with Council.

Where the Development Proponent is a non-member, Council may decide to approve or reject the Permit(s) at this stage. If approved, Council issues a BCR(s) to approve the Permit(s). Upon receipt of the BCR(s), the Lands Administrator causes the Permit(s) to be registered in the First Nations Land Register, attaches the BCR(s), and certifies that Council consent has been obtained. If community approval was also required, the Lands Administrator must certify this has also been obtained.

Where the Development Proponent is a member, the Lands Committee may decide to approve or reject the Permit(s). If approved, the Lands Administrator causes the Permit(s) to be registered in the First Nations Land Register. Additionally, if the interest is being transferred or assigned from another member, Council must be notified in writing within 10 days of the transfer, and the transfer must be registered in the Shuswap Indian Band Land Registry.

Any Development Approval Permit AND Environmental Development Permit must be approved prior to any alteration or construction on the development parcel.

Step 9 Development Proponent Notified

The Lands Administrator notifies the Development Proponent of the outcome of the decision. A final copy of the Development Approval Permit and Environmental Development Permit will be issued.

Development Approval Permits and Environmental Development Permits are valid for two years from the date of authorization.

If one or both of the Permit(s) are rejected, a letter will be provided to the Development Proponent with an explanation about the decision making process including the information that was provided and reviewed, who provided input, and reasons behind the outcome of the decision. If the Development Proponent is rejected, he/she may resubmit an application.

If a Lease is not required, proceed to **Phase 6 - Project Delivery**

PHASE 5: LEASE AGREEMENTS

After **Phase 4 – Subdivision and Servicing**, if the Development Proponent receives a Conditional Development Approval Permit and, if applicable, a Conditional Environmental Development Permit (in Phase 4), and can continue through the process of preparing Lease documents, the Development Proponent will need to finalize the lease agreements.

Step 1 Development Proponent Submits All Information Required for the Lease to the Lands Administrator

In this phase, the required documentation and the draft lease agreement are submitted by the Development Proponent to the Lands Administrator. The Lease Guide and Finalization

Checklist for Leasing (in Appendix J) provides a summary and a general overview for leasing Shuswap Indian Band land.

Note: The Development Proponent will also submit the Conditional Development Approval Permit and the Conditional Environmental Development Permit issued in Phase 4.

The Land Administrator will also request the Development Proponent to complete the Checklist for Finalizing Leases (provided in Appendix J) and provide supplemental information as required to ensure all documentation is in place as it relates to the Lease documentation and negotiation process. The Development Proponent also submits an application fee for \$500.

If there are additional costs associated with the review of the information submitted to the Shuswap Indian Band, these costs will be charged to the Development Proponent as determined by the Lands Administrator. If this is the case, the Lands Administrator will discuss these potential costs prior to undertaking reviews and/or engaging other professionals, experts and legal counsel.

Step 2 Lands Administrator Reviews the Lease Documentation from the Development Proponent

Lands Administrator receives the lease documents and draft agreement from the Development Proponent. The Lands Administrator will use the Checklist for Drafting Leases (Appendix J) to ensure all required information is submitted and undertake a review of all documents provided.

The Lands Administrator will also ensure that any Conditional Development Approval Permit and the Conditional Environmental Development Permit requirements issued in Phase 4 are addressed in the lease agreement as necessary.

If additional information is required, the Lands Administrator will request the information and/or any necessary revisions from the Development Proponent. The review of the application may cease until all necessary information is provided.

Step 3 Lands Administrator Meets with the Lands Committee and Council to Review the Lease Agreement

Lands Administrator reviews the draft lease agreement with the Lands Committee. After reviewing the documents the Lands Committee shall advise Council on the granting of the lease and may be authorized to act as a delegate of the Council. The Lands Committee or Council will decide to accept or deny the lease agreement.

If the Development Proponent is a member obtaining an assignment or transfer of a lease from another member, Council must be notified in writing of any such transfers within 10 days of the transfer and the transfer must be registered in the Shuswap Indian Band Land Registry.

Council may also convene a meeting of members to discuss the proposed lease.

Step 4 Development Proponent and/or Council May Undertake Community Communications and Engagement

The Development Proponent and/or Council may convene a community meeting prior to approving the lease and required permits. This would also be informed by the information provided in the Site Plan Package regarding community communications and engagement. A summary of the communications and engagement will be prepared by the Lands Administrator and provided to the Lands Committee and Council.

Step 5 Review of Application and Approval or Denial Application

If the Development Proponent is a member,

- the Lands Committee will review the community communications and engagement, and all information pertinent to the Development Proponent's application, including the draft lease agreement, Condition Permits, Preliminary Decision Letters, and other relevant studies and reports.
- The Lands Committee will decide to approve or deny the proposed development. If approved, the Lands Committee will issue the Development Approval Permit and Environmental Development Permit including any revisions required, and removing the "Conditional" designation.
- Once the Lands Committee is fully satisfied with the lease agreement, the agreement can be finalized. The Lands Administrator must cause the lease and the permits to be registered in the First Nations Land Register. If community approval was required, the Lands Administrator must certify that this has been obtained.

If the Development Proponent is a non-member,

- Council will meet to review all information pertinent to the Development Proponents application. This will include consideration of the outcome of the communications and engagement (if it was undertaken) as well as the draft lease agreement, Conditional Development Approval Permit, Conditional Environmental Development Permit, Preliminary Decision Letter (PDL) and other relevant studies and reports.

- Council will decide to approve or deny the proposed development. If the project is approved, Council will authorize the issuance of the Development Approval Permit and Environmental Development Permits including any revisions required and removing the “Conditional” designation.
- Once Council is fully satisfied with the lease agreement, the lease agreement can be finalized. Once Council has provided consent (or has authorized the Lands Committee to act as a delegate of Council³), the Lands Administrator will ensure the final lease documents are prepared.
- Council will also authorize the issuance of the Development Approval Permit and the Environmental Development Permit as per the conditions outlined in each permit.
- The Lands Administrator must cause the lease and the permits to be registered in the First Nations Land Register, and certify that Council consent has been obtained for each. If community approval was also required, the Lands Administrator must certify that this has been obtained as well.

Step 6 Development Proponent Collaborates with Land Administrator to Deliver Project as Required

The Lands Administrator will work with the Development Proponent to ensure the project is delivered as committed in Permit(s) and Lease.

³ As per s. 32.3 of the Shuswap Indian Band Land Code

PHASE 6: PROJECT DELIVERY, INSPECTIONS AND BUILDING PERMITS

Phase 6 will need to be developed in more detail. However, it will generally include:

- Conducting procurement and tendering as per Shuswap Band requirements;
- Preparing contracts and agreements as per Shuswap Band requirements;
- Identifying Owner's support (i.e. Shuswap Band) in contract administration and inspection; and
- Provision of Building Permits and Inspections.

APPENDIX A

Site Plan Package

**SECTION 1 TO BE COMPLETED BY DEVELOPMENT PROPOSER and SUBMITTED TO LANDS
OFFICE***

***Note: Additional documentation will be required to be submitted with this Form by the
Proposer**

Date of Application: (Month/Day/Year)	Application Number:
First and Last Name of Development Proposer:	
Is Development Proposer a member of Shuswap Indian Band? <input type="checkbox"/> Yes <input type="checkbox"/> No Member number: _____	
Phone number of Development Proposer:	
Email address of Development Proposer:	
Mailing address of Development Proposer:	
Is a Site Plan attached? (including any elevations, cross-sections or detail drawings that are relevant) <input type="checkbox"/> Yes <input type="checkbox"/> No (Attach 4 copies)	
Is a Legal Survey attached? (this is required for every development proposal to ensure that all property lines are consistent with the most up to date Shuswap Band legal survey) <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable	
Is a First Nations Lands Registry search that is less than 30 days old attached? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable	
Is a Subdivision and Development Servicing Form attached (see Appendix H):	

Site Characteristics

Address of development:
Name of Reserve where development is proposed:
Brief description of proposed development and intended use (additional information can be attached):
Legal description:
Size of development parcel:

**SITE PLAN PACKAGE
REQUIRED FOR ANY NEW DEVELOPMENT**

Community Benefits

Describe the benefits to the community as a result of the completion of the proposed development:

Community Communications/Engagement Strategy

Will community communications and engagement be necessary for this application?

Yes No If no, why not? _____ Not applicable

If yes, how will the Development Proponent engage the community regarding the proposed development?

Please provide details below regarding:

- what type of communication will be carried out by the Development Proponent (e.g. meetings, public notices and such)
 - when the communications/engagement will occur
 - who will be engaged
-
-
-

Is information regarding the communication and engagement included above?

Yes No If no, why not? _____ Not applicable

Land Use*

*Refer to the Shuswap Band Land Use Plan Maps

	Current Land Use Check Box	Proposed Land Use Check Box
Residential	<input type="checkbox"/>	<input type="checkbox"/>
Commercial Recreational	<input type="checkbox"/>	<input type="checkbox"/>
Commercial Retail	<input type="checkbox"/>	<input type="checkbox"/>
Agriculture	<input type="checkbox"/>	<input type="checkbox"/>
Light Industrial	<input type="checkbox"/>	<input type="checkbox"/>
Environmental and Cultural Significant Areas	<input type="checkbox"/>	<input type="checkbox"/>
Community Use	<input type="checkbox"/>	<input type="checkbox"/>
Certificate of Possession Lands	<input type="checkbox"/>	<input type="checkbox"/>

Describe the proposed land use: _____

Describe the existing land use: _____

Will a Land Use Plan Amendment be required? Yes No

If yes, fill in Land Use Plan Amendment Application Form.

Zoning Law*

*Check current and proposed Zoning Law for the site. Refer to the Zoning Law and applicable Zoning Maps.

Number of dwelling units proposed:		
Lot size:	units/ha:	
Building footprint size:	Proposed site coverage (proportion of property covered by buildings): %	
If residential, is a Home Based Business being proposed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If residential, is a Secondary Suite being proposed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Complies with Zoning Law Land Use:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If no, fill in a Zoning Law Amendment Application Form. Form provided?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Principal Buildings

What is the size of the principal building?	Square metres / square feet	
Height of building(s):	Metres / feet	Number of storeys
Complies with Zoning Law:	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Principal Building Setbacks

Front Yard Setback:	Metres / feet	
Side Yard Setback:	Metres / feet	
Rear Yard Setback:	Metres / feet	
Complies with Zoning Law:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If no, fill in a Zoning Law Amendment Application Form or a Zoning Law Variance Form.		

Parking

Number of parking stalls currently provided:
Number of parking stalls required for the proposed development:
Complies with Zoning Law: <input type="checkbox"/> Yes <input type="checkbox"/> No
If no, a Zoning Law Amendment Application or a Zoning Law Variance is required.

Subdivision

Will the property be subdivided as part of the development? (This includes is the process of adjusting or realigning an existing property line, creating several properties from one or more existing properties, consolidation of properties, or creating strata type subdivision from one or more existing properties).	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
Proposed number of lots:	Current number of lots:
Does the proposed subdivision meet the Zoning Law regulations?	
If no explain why not.	<input type="checkbox"/> Yes <input type="checkbox"/> No

Servicing

Will the property require servicing as part of the development? (This means infrastructure required to support a development and includes but is not limited to: roads, pedestrian facilities, water systems, sanitary systems, drainage, flood protection, electrical power, communications, lighting, and other infrastructure to support the development).	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
What are the water servicing needs (i.e. domestic, fire protection, irrigation, etc.)?	

How will water services be provided (i.e. existing community system, new well, trucked water, etc.)?		
How will sanitary sewer services be provided (i.e. existing community system, on-site septic system, holding tank, etc.)?		
How will drainage impacts be managed (i.e. offsite discharge, on-site stormwater management, etc.)?		
What are the road and site access requirements (i.e. vehicular, pedestrian, etc.)?		
Will site fill be required? <input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, explain where fill is coming from and what measures are being taken to ensure it is clean fill?		

Topography and Flood Conditions

Does the site have the following characteristics? Please check those that apply:

- | | | |
|---|---|--|
| <input type="checkbox"/> Flat | <input type="checkbox"/> Gradually Sloped | <input type="checkbox"/> Gently Sloped |
| <input type="checkbox"/> Steeply Sloped | <input type="checkbox"/> Hills | <input type="checkbox"/> Rolling Hills |

<input type="checkbox"/> Plateau	<input type="checkbox"/> Flood Plain	<input type="checkbox"/> Wetland
What are the dominant soil type(s)? Please check those that apply:		
<input type="checkbox"/> Unknown	<input type="checkbox"/> Clay	<input type="checkbox"/> Gravel
<input type="checkbox"/> Loam	<input type="checkbox"/> Sand	<input type="checkbox"/> Silt

Flood Conditions

Are there potential risks such as flood erosion, debris flows, etc. to the proposed development?

Yes No

If yes, please indicate these risks and how these risks will be avoided and/or mitigated

Geotechnical and Geohazard Assessment

Are there geotechnical or geohazard considerations that impact the proposed development?

Yes No

If yes, please explain what they are and how they will be avoided/mitigated

Does the subsurface and/or groundwater conditions pose constraints on the proposed development and associated servicing?

Yes No

If yes, please explain what they are and how they will be avoided/mitigated

SITE PLAN PACKAGE
REQUIRED FOR ANY NEW DEVELOPMENT

Lease Considerations Not applicable

Anticipated staging and implementation time frame:		
Proposed duration of construction:		
Proposed duration of total Lease:		
Preferred Lease structure:		
Does a Lease exist?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If so, what is the existing term		
What are the existing land use terms in the lease? (if applicable)		
Is a Business Plan outlining the proposed commercial use included: <input type="checkbox"/> Yes <input type="checkbox"/> No		

Certificate of Possession Not applicable

If the proposed development will be located on Certificate of Possession land, is the proposed development going to be carried out by the current Certificate of Possession holder (i.e. CP Holder)? <input type="checkbox"/> Yes <input type="checkbox"/> No
If No, a letter of approval and any written conditions to proceed with development must be provided and signed by the Certificate of Possession holder granting permission for the Development Proponent to make application for development and/or amendment/variance processes. (Attach original letter to this application.)
Has a letter of approval from the Certificate of Possession holder been provided? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable

The information requested in this Site Plan Package application form is for information purposes only. It is the responsibility of the Development Proponent to ensure that all required studies, investigations, and assessments are undertaken, included the costs for such work.

SITE PLAN PACKAGE
REQUIRED FOR ANY NEW DEVELOPMENT

This Site Plan Package is not exhaustive and therefore, reference should still be made to the Land Use Plan, the Zoning Law and other applicable policies and regulations to ensure any development is in compliance with those documents.

Submitted by:

Development Proponent (Print First and Last Name)

Signature

Signed on this _____ of _____, _____ (Year)
(Day) (Month)

SECTION 2 (TO BE COMPLETED BY LANDS ADMINISTRATOR)

Summary

There are other forms/applications that may need to be completed as part of this development approval process.
See below.

Environmental Project Description Form (this is required for ALL development applications)

An Environmental Project Description Form prepared by a qualified environmental professional (See Appendix B) is required for the Site Plan Package.

Has the Development Proponent agreed to engage a qualified environmental professional to complete the Environmental Project Description Form and the Phase I Environmental Site Assessment?

Yes No

Land Use Plan and Zoning Law Considerations

Is a Land Use Plan Amendment required? Yes No

If yes, the Development Proponent must submit a Land Use Amendment Application Form (Appendix E)

Is a Zoning Law Amendment required? Yes No

If yes, the Development Proponent must submit a Zoning Law Amendment Application Form (Appendix F)

Is a Zoning Law Variance required? Yes No

If yes, the Development Proponent must submit a Zoning Law Variance Application Form (Appendix G)

Subdivision and Development Servicing Application

Is a Subdivision and Development Servicing Application Form (see Appendix H) if required?*

Yes No Attach 4 copies

If no, why not?

*Note: If the application is simply for a small development with no impact to the community (such as a shed or other such development) AND the proposed development confirms to all applicable regulations and bylaws, the Lands Administrator may not require the completion of a Subdivision and Development Servicing Application Form.

Shuswap Indian Band
RR #2-3A 492 Arrow Road Tel: 250-341-3678
Invermere, BC V0A 1K2 Fax: 250-341-3683

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**SITE PLAN PACKAGE
REQUIRED FOR ANY NEW DEVELOPMENT**

Additional notes/recommendations regarding this application

Received by:

Lands Administrator (Print Name)

Signature

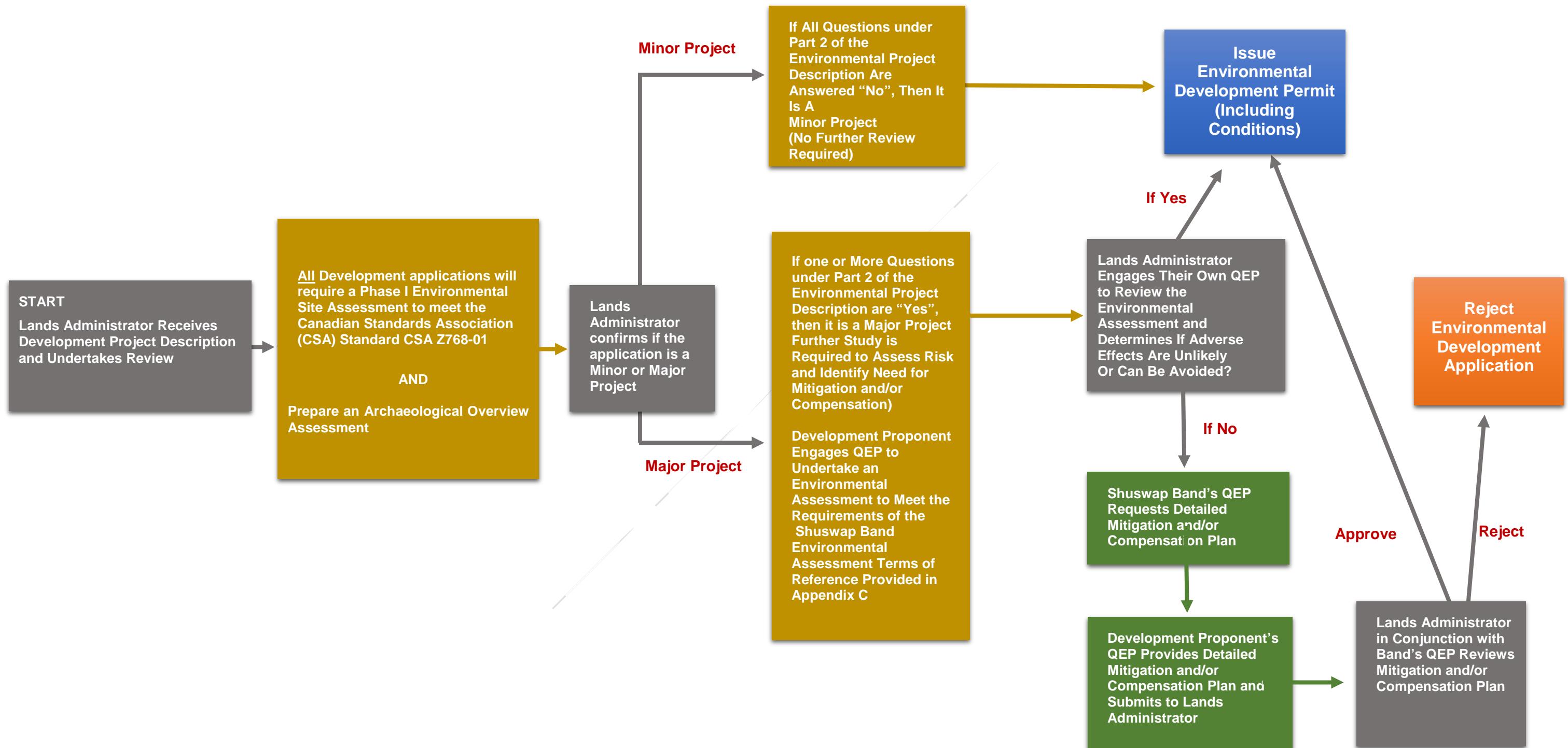
Signed on this _____ of _____, _____ (Year)
(Day) (Month)

LAND DECISION PROCESS MANUAL

APPENDIX B

Environmental Review Process & Project Description Form

Figure 2 – Shuswap Band Environmental Review Process



**ENVIRONMENTAL PROJECT DESCRIPTION
REQUIRED FOR ANY NEW DEVELOPMENT**

**THIS FORM IS TO BE COMPLETED BY PROPOSER and a QUALIFIED
ENVIRONMENTAL PROFESSIONAL and SUBMITTED TO LANDS ADMINISTRATOR**

PART 1

Proposer Information

Date of Application: (Month/ Day/ Year)	Application Number:
Organization Name (required):	Office address of Contact Person:
Contact Person (required):	Province (required):
Role/ Position of Contact Person:	City (required):
Email Address of Contact Person (recommended):	Postal Code (required):
Office Phone No. (area code required):	Office Fax No. (area code required):

Qualified Environmental Professional (QEP)* Information

Organization Name (required):	Office address of Contact Person:
Contact Person (required):	Province (required):
Role/ Position of Contact Person:	City (required):

**ENVIRONMENTAL PROJECT DESCRIPTION
REQUIRED FOR ANY NEW DEVELOPMENT**

Professional Designation	Professional Registration Number
Email Address of Contact Person (recommended):	Postal Code (required):
Office Phone No. (area code required):	Office Fax No. (area code required):

*Note: Qualified Environmental Professional (QEP) is an applied scientist or technologist who is registered and in good standing with an appropriate professional organization constituted under an Act. The QEP must be acting under that association's code of ethics, and subject to the organization's disciplinary action. A qualified environmental professional could be a professional Biologist, Agrologist, Forester, Geoscientist, Engineer, or Technologist.

The following Environmental Project Description has been prepared by the following Qualified Environmental Professional:

Qualified Environmental Professional (Print Name)

Signature

Signed on this _____ of _____ , _____
(Day) (Month) (Year)

Please affix professional seal here:

**ENVIRONMENTAL PROJECT DESCRIPTION
REQUIRED FOR ANY NEW DEVELOPMENT**

PART 2

Project/Activity Information

Project Name (required):
Project Start Date (Construction Phase): _____ (Month/ Day/ Year)
Project Completion Date (Construction Phase): _____ (Month/ Day/ Year)
Project Summary (required) – Provide a brief project overview. Please include nature of the project, a description of the physical works that are related to the project including the purpose, size, capacity, and expected lifespan. Include land area required and attach any maps, plans or figures.
Project Location (enter project location information and/ or comments here):

ENVIRONMENTAL PROJECT DESCRIPTION REQUIRED FOR ANY NEW DEVELOPMENT

Infrastructure

Describe any new or existing permanent and/or temporary infrastructure required for this project (e.g. access roads, fuel tanks, buildings, garages, sewer lines, gas lines, power lines, communication lines, etc.).

Activities – Describe project activities. Include activities associated to pre-planning, site preparation, construction phases, operation, and decommissioning.

Waste Generation – Describe any solid, liquid, gaseous or hazardous waste that is likely to be generated during any phase of the project and of plans to manage those wastes.

**ENVIRONMENTAL PROJECT DESCRIPTION
REQUIRED FOR ANY NEW DEVELOPMENT**

Land Use Information

A) Past Land Use

List past land uses (e.g., natural state, agricultural, waste site, gas station, oil and gas lease, commercial, etc.)

B) Current Land Use

List current land uses (e.g., natural state, agricultural, waste site, gas station, oil and gas lease, commercial, etc.)

C) Current Adjacent Land Use (select all that apply):

What are the current adjacent land uses?

Describe any unique features on or in close proximity to the proposed project or any additional details.

Cultural, historical or archaeological sites/areas

A) Are there any **cultural, historical or archaeological** sites/areas within or near the project area?

Yes

No

Unknown

Describe any known sites.

**ENVIRONMENTAL PROJECT DESCRIPTION
REQUIRED FOR ANY NEW DEVELOPMENT**

B) Has an Archaeological Overview Assessment been conducted by a professional archaeologist?

Yes

No

Unknown

Name the professional archaeologist consulted for this purposes of this project (attach report to this Project Description Form)

Report Attached?

Yes

No

Unknown

If No or Unknown, a Professional Archaeologist must be engaged to prepare an Archaeological Overview Assessment

C) Are there any traditional use areas or heritage sites within or near the project area?

Yes

No

Unknown

Describe any known traditional use areas (e.g. hunting, fishing, trapping, gathering etc.).

Shuswap Band Land Use Plan

Please explain how the proposed development aligns with each of the objectives and policies for the following sections of the Shuswap Band Land Use Plan

Section 2 – Vision

Section 5 – General Policies

**ENVIRONMENTAL PROJECT DESCRIPTION
REQUIRED FOR ANY NEW DEVELOPMENT**

Section 6 – Residential

Section 7 – Commercial Recreational

Section 8 – Commercial Retail

Section 9 – Agriculture

Section 10 – Light Industrial

**ENVIRONMENTAL PROJECT DESCRIPTION
REQUIRED FOR ANY NEW DEVELOPMENT**

Section 11 – Environmentally and Culturally Significant Areas

Section 12 – Community Use

Section 13 – Certificate of Possession Lands

(Note: SIB to confirm this section is still applicable after Land Use Plan update/adoption)

ENVIRONMENTAL PROJECT DESCRIPTION REQUIRED FOR ANY NEW DEVELOPMENT

PART 3

ECOCOSYSTEM COMPONENTS

Is there surface water present on/or within 30 metres of your project boundary?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
List the types of water bodies and their distance from the project (e.g., stream, river, wetland, lake, floodplain, estuary, salt marsh, bay, etc.).	
Ground water: Are there drinking water wells or aquifer recharge zones present on your site?	
If not, is there ground water within 500 metres of your project boundary?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
If known, what is approximate depth of the water table (include unit of measure)?	
Will land clearing and/or timber harvesting be required prior to construction?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
List the tree species, approximate age class, volume, etc.	
List other predominant vegetation in and adjacent to the site. Include overstory (canopy), understory and ground cover	

**ENVIRONMENTAL PROJECT DESCRIPTION
REQUIRED FOR ANY NEW DEVELOPMENT**

Are there any plant species at risk on or adjacent to the proposed project area?		
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown		
Describe any plant species at risk.		
Are there any wildlife species at risk on or adjacent to the proposed project area?		
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown		
Name any animal species at risk; describe their habitat and how they may be impacted.		
Are there migratory birds that use the area at any time during the year?		
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown		
Name any migratory bird species; describe use and how they may be impacted.		
Are there any wildlife species at risk on or adjacent to the proposed project area?		
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown		
Are migratory birds (or their eggs or nests) likely to be captured, harmed, killed or destroyed?		
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown		
Describe any circumstances and rationale.		

**ENVIRONMENTAL PROJECT DESCRIPTION
REQUIRED FOR ANY NEW DEVELOPMENT**

Are there fish or fish habitat that could be impacted the project?		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
Describe any potential and the nature of impact to fish or fish habitat.		
Does the proposed development fall within the Environmentally Significant Areas, as identified on Map 2 of the Shuswap Band Land Use Plan?		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Has the QEP reviewed the <u>Species At Risk Act Conservation Agreement Between Her Majesty the Queen in Right of Canada as Represented by the Minister of Environment and Climate Change Canada and Shuswap Indian Band (November 1, 2016)</u> AND <u>considered the purpose and commitments in that agreement with respect to Species at Risk.</u>		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown

Note: If all boxes in Part 3 above are checked “no” – then the project is considered a **Minor Project**.

If one or more boxes are checked “yes or unknown” – then the project is considered a **Major Project**, and the Development Proponent and the Qualified Environmental Professional must complete an Environmental Assessment as per the Shuswap Band Environmental Assessment Terms of Reference.

Enter additional comments and information here.

Enter additional comments and information here.

Shuswap Indian Band
RR #2-3A 492 Arrow Road Tel: 250-341-3678
Invermere, BC V0A 1K2 Fax: 250-341-3683
www.shuswapband.net

**ENVIRONMENTAL PROJECT DESCRIPTION
REQUIRED FOR ANY NEW DEVELOPMENT**

Received by:

Lands Administrator (Print Name)

Signature

Signed on this

(Day)

of

(Month)

,

(Year)



ENVIRONMENTAL PROJECT DESCRIPTION REQUIRED FOR ANY NEW DEVELOPMENT

For Internal Use Only – By Lands Administrator

Determining a Minor or Major Project

This provides a summary of all of the checkboxes required to determine if a project is a “minor” or “major” project as identified in Part 3 of this form.

Indicate number of boxes checked in Part 3:

Total number of boxes checked: _____ # of “Yes” _____# of “No” _____# of “Unknown”

If all boxes in Part 3 are checked “No” then the project is considered a **Minor Project**, and the Lands Administrator can prepare a recommendation for issuance of an Environmental Development Permit (provided all requirements for the Archaeological Overview Assessment (AOA) are also satisfied).

If one or more boxes in Part 3 are checked “Yes” or ‘Unknown’ – then the project is considered a **Major Project**, and the Development Proponent and the Qualified Environmental Professional must complete an **Environmental Assessment as per the Shuswap Band Environmental Assessment Terms of Reference**.

Information Regarding the Phase I – Environmental Site Assessment

A Phase I Environmental Site Assessment must be undertaken by the Development Proponent and must follow the Canadian Standards Association (CSA) standard CSA Z768-01 prior to issuance of an Environmental Development Permit.

Has the Development Proponent committe, in writing, to engage a qualified environmental professional to undertake the Phase I Environmental Site Assessment?

Yes No

Information Regarding the Archaeological Overview Assessment

The Development Proponent must engage a professional archaeologist to prepare and submit an AOA to the Lands Administrator.

Has the Development Proponent committed, in writing, to engage a professional archaeologist to undertake the Archaeological Assessment?

Yes No

**ENVIRONMENTAL PROJECT DESCRIPTION
REQUIRED FOR ANY NEW DEVELOPMENT**

Is there a Lease required for this project?

Yes No

If yes, is there a Conditional Environmental Development Permit being issued?

Yes No

LAND DECISION PROCESS MANUAL

APPENDIX C

Shuswap Band – Terms of Reference for Environmental Assessment (EA) for Major Project(s)

Shuswap Band – Terms of Reference for Environmental Assessment (EA)

The following are the Terms of Reference to be used by a qualified environmental profession (QEP) for the preparation of an Environmental Assessment for all **Major Projects** as identified in the Environmental Project Description.

1. An environmental assessment report prepared by a qualified environmental professional must be submitted to the Lands Administrator. The environmental assessment report will include:
 - a) The proposed scope of the project/development including construction and operations.
 - b) The ecosystem components which may be affected by the development. This may include:
 - Surface water and ground water
 - Land clearing and/or timber harvesting
 - Plant and wildlife species and migratory birds
 - Plant and wildlife species at risk
 - Fish or fish habitat
 - c) Potential approvals from regulatory agencies.
 - d) Recommendations to avoid harm and mitigate effects to the environment including phasing and timing of development to minimize impacts.
 - e) Recommendations to restore or enhance the features, functions and condition of the environment.
 - f) Strategies for retention or protection of environmental features such as trees, environmentally significant areas or natural features.
 - g) Wildlife/danger tree assessment.
 - h) Setbacks from waterbodies and watercourses based on current best practices. The setbacks must be surveyed by a Land Surveyor and include the location of the high water mark. Setbacks must be marked in the field and protected from development.
2. A standalone Environmental Management Plan (EMP) is required that includes:
 - a) A brief project description and specific location.
 - b) A description of construction and operations activities including timing and scheduling.
 - c) List of the project's environmental studies which have been referenced.
 - d) Project-specific EMP objectives.

- e) A table outlining the approval and licencing requirements including the person(s) responsible for obtaining the licences, approvals and permits and when they should be obtained and/or renewed. Copies of any acquired permits and approvals must be submitted to SIB for their records.
- f) Environmental management activities including best management practices, reduced risk timing windows, chance find procedures for archaeological resources, mitigation and control measures that will be used to prevent or minimize environmental impacts.
- g) Environmental monitoring.
- h) Environmental control maps indicating the location of:
 - i. Environmentally sensitive areas on or adjacent to the site,
 - ii. Waterbodies and watercourses,
 - iii. Work areas,
 - iv. Staging areas,
 - v. Vegetation or areas that require protection,
 - vi. Access restrictions,
 - vii. Monitoring locations.
 - viii. Erosion and sediment control plan
 - ix. A description of the reporting required including environmental monitoring during construction, corrective actions, complaints management, environmental incident reports, submission of reports, etc.
 - x. Environmental management activities during the operational stage of the project. These may include:
 - Treatment of stormwater runoff,
 - Implementation of spill control and mitigation,
 - Response plans for any environmental spill or upset,

Any other management activities deemed appropriate by the QEP.

LAND DECISION PROCESS MANUAL

APPENDIX D

Example of Environmental Development Permit

www.shuswapband.net

Example of an Environmental Development Permit

Application Number			
Issued to :	(Name of Development Proponent)	Issued on :	

BCR (if applicable) attached Community approval (if applicable) attached

Address of proposed development:

The Lands Administrator, in consultation with the Lands Committee, for the Shuswap Indian Band hereby issues an Environmental Development Permit # _____ to (insert name of Development Proponent) subject to the following conditions :

Signature of Land Administrator

Note 1: The conditions that may be included would result from the review of :

- Preliminary Decision Letter (PDL)
 - Phase I Environmental Site Assessment
 - Archaeological Overview Assessment
 - Environmental Assessment (if it is a major project)

Note 2: No development is permitted without the issuance of a Development Approval Permit.

Shuswap Indian Band
RR #2-3A 492 Arrow Road Tel: 250-341-3678
Invermere, BC V0A 1K2 Fax: 250-341-3683

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**TERMS OF REFERENCE EA ASSESSMENT
FOR MAJOR PROJECTS**

LAND DECISION PROCESS MANUAL

APPENDIX E

Land Use Plan Amendment Application Form

Shuswap Indian Band
RR #2-3A 492 Arrow Road
Invermere, BC V0A 1K2

Tel: 250-341-3678
Fax: 250-341-3683

www.shuswapband.net

**LAND USE PLAN AMENDMENT
APPLICATION FORM**
TO BE COMPLETED BY DEVELOPMENT PROPOSER

Date of Application :		Application Number :	
-----------------------	--	----------------------	--

(Month/Day/Year)

Name of Development Proponent:	
Phone number of Development Proponent:	
Email address of Development Proponent:	
Mailing address of Development Proponent:	

Site Characteristics

Address of development:	
Current land use:	
Proposed land use:	
Proposed amendment(s) to the Land Use Plan:	
Why is the Land Use Plan amendment required?	
Additional documentation required:	

LAND DECISION PROCESS MANUAL

APPENDIX F

Zoning Law Amendment Application Form

Shuswap Indian Band
RR #2-3A 492 Arrow Road
Invermere, BC V0A 1K2
www.shuswapband.net

**ZONING LAW AMENDMENT
APPLICATION FORM
TO BE COMPLETED BY
DEVELOPMENT PROPOSER**

Date of Application:		Application Number:	
----------------------	--	---------------------	--

(Month/Day/Year)

Name of Development Proponent:	
Phone number of Development Proponent:	
Email address of Development Proponent:	
Mailing address of Development Proponent:	

Site Characteristics

Address of development:	
Current Zoning law (i.e., land use):	
Proposed zoning (i.e., land use):	
Why is the Zoning Law Amendment required?	
Additional documentation required:	

LAND DECISION PROCESS MANUAL

APPENDIX G

Zoning Law Variance Application Form

Shuswap Indian Band
RR #2-3A 492 Arrow Road
Invermere, BC V0A 1K2

Tel: 250-341-3678
Fax: 250-341-3683

www.shuswapband.net

ZONING LAW VARIANCE APPLICATION FORM

TO BE COMPLETED BY
DEVELOPMENT PROPONENT

Date of Application:		Application Number:	
----------------------	--	---------------------	--

(Month/Day/Year)

Name of Development Proponent:	
Phone number of Development Proponent:	
Email address of Development Proponent:	
Mailing address of Development Proponent:	

Site Characteristics

Address of development:	
Current Zoning:	
Proposed variance to the Zoning Law:	
Why is a variance to the Zoning Law required?	
Additional documentation required:	

LAND DECISION PROCESS MANUAL

APPENDIX H

Subdivision and Servicing Application Form

SUBDIVISION AND SERVICING APPLICATION FORM

To be filled out for every development proposal and submitted to the Lands Administrator by the development proponent

Date of Application:		Application Number:	
----------------------	--	---------------------	--

(Month/Day/Year)

Name of Development Proponent:	
Phone number of Development Proponent:	
Email address of Development Proponent:	
Mailing address of Development Proponent:	

Is a Site Plan attached? (including any elevations, cross-sections or detail drawings that are relevant) (Note: The Site Plan should incorporate updates/revisions that may have occurred since the Site Plan Package was discussed/submitted to the Lands Administrator).

Yes No (Attach 4 copies)

Is a Legal Survey attached of the existing property? (this is required for every development proposal to ensure that all existing property lines are consistent with the most up to date Shuswap Band legal survey)

Yes No

Is a First Nations Lands Registry search that is less than 30 days old attached?

Yes No

Land Administrator:	
Application Number:	
Date Received:	

(Month/Day/Year)

Have any Land Use or Zoning Law Amendments or Zoning Variances been approved?

Yes No Pending

Does this development involve subdivision or servicing as defined below:

- **Subdivision** – is the process of adjusting or realigning an existing property line, creating several properties from one or more existing properties, consolidation of properties, or creating strata type subdivision from one or more existing

SUBDIVISION AND SERVICING APPLICATION FORM

properties.

- **Servicing** – means infrastructure required to support a development and includes but is not limited to: roads, pedestrian facilities, water systems, sanitary systems, drainage, flood protection, electrical power, communications, lighting, and other infrastructure to support the development. This includes off-site works and on-site services.

Yes

No

Engineering

Identify the design guidelines, standards, regulations, etc. that the major infrastructure will be based on. For example, Indigenous and Northern Affairs Canada (INAC) Design Guidelines, Master Municipal Construction Documents Association (MMCD) Design Guidelines, Regional District of East Kootenay (RDEK) Subdivision Servicing Bylaw, District of Invermere Subdivision and Development Servicing Bylaw, other as applicable:

- Water _____
- Sanitary _____
- Drainage _____
- Roads _____
- Other (i.e. streetlighting) _____

Are there infrastructure servicing requirements or stipulations in any lease documents that may be relevant to this site?

Yes

No

If yes, please attach a copy of relevant information

What deliverables are being provided at this stage for consideration by the Lands Administrator to be used to assess this development application? Note: the Lands Administrator will use this information to prepare the Preliminary Decision Letter (PDL) which will outline the requirements that need to be met prior to issuance of a Development Approval Permit. Please indicate which of the following are provided at this stage:

- Engineering design drawings
- Design reports or technical memorandums
- Renderings or other visual graphics/concept plans depicting the proposed development
- Detailed site plan (this should be more detailed than what was provided in the Site Plan Package)
- Other (please explain) _____
- Other (please explain) _____

Environmental

Is this considered a Minor or Major project as per the Environmental Project Description Form?

Minor project Minor Project

Has an Environmental Development Permit been approved and submitted to Development Proponent?

Yes No

Please indicate which of the following environmental assessments have been completed:

- Phase I Environmental Site Assessment (required) _____
- Archaeological Overview Assessment
- Environmental Assessment (as per SIB's Terms of Reference for Environmental Assessments) (if a major project)
- Please attach copies of all applicable environmental assessments and reports

External Agency Review

Are external agency permits or other approvals required from the following. If yes, please indicate what is required:

Ministry of Transportation and Infrastructure

Yes No Explain

Regional District of East Kootenay

Yes No Explain

Environment Canada

Yes No Explain

Ministry of Environment

Yes No Explain

Ministry of Forests, Lands, and Natural Resource Operations

Yes No Explain

Shuswap Indian Band
RR #2-3A 492 Arrow Road
Invermere, BC V0A 1K2
www.shuswapband.net

SUBDIVISION AND SERVICING APPLICATION FORM

Health Canada; and/or First Nations Health Authority		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Explain
Utility Companies		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Explain

Indigenous and Northern Affairs Canada	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Explain
--	------------------------------	-----------------------------	----------------------------------

Land Use Plan

Explain how you have considered applicable policies and priorities identified in the Land Use Plan and or other Shuswap Band policy documents with respect to subdivision and servicing.

Received by:

Lands Administrator (Print Name)

Signature

Signed on this _____ of _____, _____
(Day) (Month) (Year)

LAND DECISION PROCESS MANUAL

APPENDIX I

Example of a Development Approval Permit

Shuswap Indian Band
RR #2-3A 492 Arrow Road Tel: 250-341-3678
Lillooet, BC V0A 1K6 Fax: 250-341-3688

DEVELOPMENT APPROVAL PERMIT

www.shuswapband.net

Issued this: _____ day of _____ month _____ year

Reference: _____
(insert Application Number)

To: _____
(Name of Development Proponent)

Address: _____
(Address of Development Proponent)

This Development Approval Permit applies to:

Legal Description: _____
(Insert Legal Description of Land)

This Development Approval Permit is to for:

(Insert Description Of Development)

The following conditions apply:

Shuswap Indian Band
RR #2-3A 492 Arrow Road Tel: 250-341-3678
Invermere, BC V0A 1K2 Fax: 250-341-3683

www.shuswapband.net

DEVELOPMENT APPROVAL PERMIT

The above noted proposed development has been approved by the following (as required in the Shuswap Band Land Decision Process Manual):

Shuswap Band Lands Committee on _____, 20____

Shuswap Band Council on _____, 20____ and by

Shuswap Band Lands Members on _____, 20____

I, _____, acting as the Shuswap Band Lands Administrator confirm that the Development Proponent has satisfied all requirements as required in the Shuswap Band Land Decision Process Manual.

Shuswap Band Administrator

_____, 20____

Date Permit Approved

This permit is valid until _____, 20____

- BCR (if applicable) attached
- Community approval (if applicable) attached

LAND DECISION PROCESS MANUAL

APPENDIX J

Lease Guide & Finalization Checklist for Leasing

General Overview

1. Lease holders – A lease made directly between an owner of land and a lessee is called a **headlease**. A **sub-lease** is created when a lessee in turn leases all or part of their interest in land to a third party.
2. Type of Lease – A lease is classified by the type of activity to be conducted on the land. Three types of standard leases include:
 - a. Agricultural Lease – for grazing and livestock
 - b. Commercial Lease – for commercial or industrial uses. This could also apply to major multi-family residential projects (i.e. condominiums, apartments and such)
 - c. Residential and Cottage Lease – for single family use or seasonal or year-round cottage recreation
3. Mandatory provisions⁴: Most leases contain many provisions dealing with every aspect of the landlord and tenant relationship, because it is in the interest of both parties to know precisely what their obligations are. However, at the very least, every agreement for the leasing of land must include the following elements:
 - a. The lessor (landlord) and lessee (tenant).
 - b. Legal description of the land or premises (eg. Registration Plan or a CLSR Plan) being leased;
 - c. The rent to be paid, to whom it is paid, when it is payable and how and when it is to be reviewed;
 - d. The term of the lease, stating the date the lease commences and when it terminates; and
 - e. the authorized uses of the land.
4. Covenants – certain obligations, or covenants, are implied by law to form part of a lease unless the parties have chosen to expressly deal with these obligations in the lease document. If the parties do not deal with these obligations in the lease, then the covenants will bind the parties as if they had agreed to them. If the land is held under a Certificate of Possession, the obligations may include any written conditions approved by Council that the CP holder has placed on the land.
 - a. Landlord
 - i. Right of quiet enjoyment of the leased premises

⁴ List adapted from the following links on August 2016:

<https://www.aadnc-aandc.gc.ca/eng/1100100034737/1100100034738#ch5>

http://www.collectionscanada.gc.ca/webarchives/20071127101339/http://www.ainc-inac.gc.ca/ps/lts/pdf/ch7_e.pdf

-
- ii. Obligation not to derogate (take usefulness) from the lease, and
 - iii. Obligation to supply premises fit for habitation (This covenant only applies to a lease of furnished premises).
- b. Tenant
- i. To pay rent
 - ii. To act in a tenant-like manner
 - iii. To allow the lessor to enter and view the stat of repair of the property, and
 - iv. To pay all taxes required by law.
5. Tenancy (i.e. Joint Tenants and/or Tenants in Common) – When a lease involves more than one tenant, a joint tenancy or a tenancy in common is created.
- a. Joint Tenancy – all tenants hold an equal, undivided interest in the whole lease, and in the case of death of a tenant, the remaining tenants automatically receive the deceased tenant's interest (i.e. "right of survivorship").
 - b. Tenancy in Common – involves two or more tenants, but each tenant may hold a different share of the lease, and there is no right of survivorship. On death, the interest of a tenant in common would pass to his or her estate, not automatically to the other tenants.

Framework for Lease Agreements

The following outlines the framework for leases and information that will be required for drafting and executing leases as outlined in the *Land Management Manual* – Chapter 7. Leases will require the following information to be included in the lease documents:

1. The full formal name and address of the lessee and if the lease is a company, the following statement:
 - the name of the company, stated as in the Certificate of Incorporation/Letters Patent
 - the jurisdiction of incorporation
 - the address of the head office
 - authorization to enter into land transactions
2. Specify the applicable authority under the SIB Land Code;
3. A full and identifiable land description, including identification of any existing easements or other encumbrances;
4. The amount and period of rental payments, including:
 - the date on which payment is due;

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- if rent is to be a percentage of another quantity;
 - the agreed method of calculation;
 - whether the rent is to be reviewed at least every five years;
 - a mechanism for determining the rent in the event the parties fail to agree; and
 - a mechanism for adjusting a nominal rent to fair market rent upon the assignment of a band corporation lease to non-band lessee.
5. Clearly defined acceptable uses of the demised lands;
 6. The standards to be followed specifically in respect of:
 - a. construction and safety;
 - b. health; and
 - c. property maintenance.
 7. Any performance requirements;
 8. Any fencing requirements;
 9. Environmental provisions, such as waste or rubbish contamination, compliance with environmental standards, environmental assessments and mitigation, environmental protection, no contaminants or hazardous substances, mitigation of environmental impacts, etc.;
 10. Whether issues of dangerous objects, noxious weeds, etc. have been addressed;
 11. Any provisions for cancellation of the lease for specified reasons;
 12. Provision for ownership of improvements at the end of the lease, and who is to decide or quantify;
 13. Provision of insurance at lessee's expense for:
 - a. fire;
 - b. public liability; and
 - c. crops.
 14. Indemnification of Shuswap Indian Band from all claims, damages, costs, etc.
 15. Whether lessee undertakes to pay all taxes, levies, or other charges;
 16. Whether lessee covenanted to comply with all applicable laws, including First Nation laws and bylaws;
 17. Whether the Crown reserved the mineral rights in, upon or under the demised lands;
 18. Whether the lessee is given the right to hold, use and occupy the premises without interference so long as rents are paid and covenants complied with;

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19. Whether the lease has been duly executed by the lessee and Affidavits of Execution or corporate seals have been provided;
20. If the lease is in the nature of a headlease:
 - a. whether it is mandatory to register all sub-leases in the Shuswap Indian Band Land Registry.
 - b. whether the sub-lessee is responsible for a CEAA assessment.
21. If the lease is assignable,
 - a. provision for the payment of a fee upon assignment of the lease;
 - b. whether the provision stipulates that the fee must be a true reflection of expenses incurred in connection with the assignment; and
 - c. provision that the lessee may not assign or transfer the lease without Shuswap Indian Band (and, if applicable, the CP holder's) consent.
22. Provision that upon bankruptcy or receivership of lessee, Shuswap Indian Band (and, if applicable, the CP holder) may terminate;
23. Provision that Shuswap Indian Band (and, if applicable, the CP holder) or other applicable authorities' representative may enter to view and inspect premises;
24. Where, in Shuswap Indian Band's (and, if applicable, the CP holder's) opinion, a nuisance exists, the lessee may be ordered to abate and pay costs thereof;
25. Upon expiry of the lease, the lessee shall:
 - a. peaceably surrender possession to Her Majesty; and
 - b. undertake an Environmental Assessment for the land
26. Where the lease contemplates major commercial, industrial or residential development, the following terms should appear:
 - a. Improvements will revert to the lessor, or if not, evidence on file that this condition has been expressly waived.
 - b. An acceptable development plan has been submitted to Shuswap Indian Band (and, if applicable, the CP holder) prior to granting of lease.
 - c. Security, in the form of a performance bond, should be obtained to guarantee completion of the development.
27. Arrange for 3 original lease documents to be executed. One each for the First Nations Land Register, the lessee, and the First Nation.

The Lease should be executed in the following order:

- a. First, the First Nation executes (BCR); and

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- b. Second, the Lessee executes
28. Register the lease and a certificate of execution indicating the applicable Council consent or community approval has been given in the First Nations Land Register.

Lease Finalization Checklist

All of the following must be provided as applicable prior to Finalizing Lease documentation:

Date of Application:		Application Number:	
(Month/Day/Year)			
Name of Development Proponent:			
Phone number of Development Proponent:			

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Email address of Development Proponent:			
Mailing address of Development Proponent:			
Is a Site Plan attached? (including any elevations, cross-sections or detail drawings that are relevant)			
<input type="checkbox"/> Yes		<input type="checkbox"/> No	(Attach 4 copies)
Is a Legal Survey attached? (this is required for every development proposal to ensure that all property lines are consistent with the most up to date Shuswap Band legal survey)			
<input type="checkbox"/> Yes		<input type="checkbox"/> No	
Is a First Nations Lands Registry search that is less than 30 days old attached?			
<input type="checkbox"/> Yes		<input type="checkbox"/> No	
If land is CP owned, are the written conditions of the CP holder attached?			
<input type="checkbox"/> Yes		<input type="checkbox"/> No	

Engineering

Have development constraints such as setbacks from highways, creeks, steep slopes, etc. been identified? Yes No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Have required studies, investigations, assessments, etc. been completed / identified?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Have design guidelines, standards, regulations, etc. been identified for the various infrastructure systems?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Does the level of service for the various infrastructure systems align with the proposed development / land use?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Have required permits / approvals been identified?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Have design drawings / concept plans been prepared (with additional detail to that submitted with the Site Plan Package)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

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Environmental

- Phase I Environmental Site Assessment (prepared by a QEP)
- Agreement to Complete another Phase 1 Environmental Site Assessment at end of Lease term (post-use) (prepared by a QEP).

Financial and Insurance

The following are required:

- Appraisal: For new subdivisions, multi-family, commercial or industrial developments, an appraisal of the current market value of the land;
- A copy of a credit check from within the past 7 days or authorization for Shuswap Band to carry out a credit check;
- A signed statement that the developer or applicant is solvent, is not bankrupt, and knows of no reason why they would have to complete insufficient funds the development or activity; Proof of insurance including:
 - A completed and signed agreement for comprehensive Public Liability Insurance and Property Damage Insurance providing coverage of at least \$_____ inclusive against liability for bodily injury or death and/or damage to property on an all risk occurrence basis;
 - A completed and signed agreement for Motor Vehicle Insurance for public liability and property damage providing coverage of at least \$_____ inclusive on owned, non-owned or hired vehicles;
 - A completed and signed agreement for completed operations coverage on all-risk occurrence basis of at least \$5,000,000 inclusive against liability for bodily injury, death and/or damage to property of others arising out of the existence of any condition in the works when completed or any installation or repair operations during the period of 12 calendar months next ensuing after the issuance of a certificate of substantial completion by Shuswap Band;
 - Confirmation in all of the above policies of insurance (except motor vehicle insurance) that the First Nation is a named insured, and in all policies of insurance that they contain a provision that the insurance shall apply as though a separate policy has been issued to each name insured;
 - Confirmation in all of the above policies that each contractor engaged in the works shall be named as an additional insured in respect of the performance of the works, and each such policy shall provide that no expiry, cancellation or materials change in the policy shall become effective until after thirty days' notice of such cancellation or change shall have been given to Shuswap Band by registered mail.
 - Signed confirmation that the applicant will maintain all of the above policies until the development and the works have received final acceptance.

Bonds

The following are required:

- Posting of a performance bond or irrevocable letter of credit from a bank in a form acceptable to Shuswap Band Lands Department in the amount of \$ _____ (120% of the estimated cost) to ensure the completion of the development and installation of infrastructure and improvements (this bond or letter of credit is in addition to any bonds or letters of credit required by the City for off-site works); and
- Posting of a maintenance bond or irrevocable letter of credit from a bank in a form acceptable to Shuswap Band Lands Department in the amount of \$ _____ (10% of the estimated cost) for a period of one year following to ensure maintenance of the works and services and to correct any deficiencies discovered during the first year of operations.

Legal Documents

The following documents are required:

- First Nations Lands Registry search that is less than 30 days old;
- A copy of all draft or final executed leases, sub-leases, assignments, etc.;
- A copy of all encumbrances, rights of way, easements, permits;
- A copy the CLSR plan;
- A copy of all existing and proposed subdivisions, easements, rights of way, and draft surveys;
- A signed and witnessed agreement to indemnify the First Nation against any loss or damage in relation to the subdivision, development or activity; and
- Confirmation of right of entry for Shuswap Band Lands and all authorized officials to inspect the site and any structures or infrastructure.
- Certificate of Council Consent and/or Certificate of Community Approval, if either apply

Ensure the following have been provided:

- Provide Complete Site Plan Application Package and all required information
- Include Proof of Compliance with Land Use as per the Land Use Plan and Zoning Law and/or copies of Amendments or Variances issued by the Lands Administrator
- Provide Conditional Development Approval Permit
- Provide Conditional Environmental Development Permit
- Provide Phase I Environmental Site Assessment
- Provide Environmental Assessment
- Provide Archaeological Overview Assessment
- Complete Authorized Credit Investigation
- Verify Legal Description and if there is a Registration Plan or CLSR Plan (see also Site Plan Checklist)

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- Check Corporate Status
- Determine if personal guarantees and/or performance bonds are required
- Confirm Insurance Requirements
- Conduct Site Inspection (if necessary)
- Confirm Lease Holder
- Confirm Type of Lease
- Confirm Lease Term
- Confirm Mandatory Provisions (see General Overview in Appendix J)
- Confirm Covenants
- Confirm Tenancy
- Forward information to Lands Committee and/or Council as required

All of the documentation required above has been submitted and received by the Lands Administrator.

Development Proponent Name (please print)

Lands Administrator (please print)

Development Proponent Signature

Lands Administrator Signature

Date of Submission

Date Received by Lands Administrator