Land Development Approaches under Land Code

Thursday, November 10, 2022   11:00 AM PST / 2:00 PM EST

Welcome

Today we will:

Explore land development procedures

Discuss policies and systems which support land development

Highlight related plans, land code laws, and policies

Mute Devices

Recorded Session

Closed Caption

Presentation & Materials

Interactive Discussion

FIRST NATIONS
LAND MANAGEMENT
RESOURCE CENTRE

Training, Mentorship &
Professional Development

LAND DEVELOPMENT PROCEDURES

Land Development Procedures are the guidelines on how to implement development-related Laws. Land Development Procedures clarify the processes that all proponents (including the First Nation itself) must follow for any proposed development on First Nation Lands.

Interests in lands or structures

- Lease
- Sub-lease
- Licences
- Permit
- Easements
- Rights-of-Way

Connecting to Utilities and other Services

- Electricity
- Renewable energy
- Internet
- Telephone
- Natural gas
- Drinking water
- Wastewater

Transportation infrastructure

- Roads
- Intersections
- Bridges
- Parking lots
- Sidewalks
- Public trails
- Airports

LAND DEVELOPMENT PROCEDURES

Land Development Procedures help to ensure due diligence is performed by a First Nation, and that land development proposals undergo _consistent_ assessment that support a fair review and approval process *before* proceeding.

Projects need to be understood for their potential impacts, risks, liabilities and benefits for a community:

- Environment & Climate Change
- Legal Risks & Liabilities
- Cultural Heritage
- Process, Planning & Engagement
- Community Health & Well-being
- Financial & Economic
- Public Works & Infrastructure

For each of these areas, there may be specific Laws, plans, processes, procedures, decisions and expertise to consider, depending on the development.

Development Under the Framework Agreement (FA)

Laws that Regulate Land Development
*(not an exhaustive list)

Zoning Laws
Development Laws
Environmental Laws
Community Quality Laws
Design Laws / Guidelines

Policies and Plans that Guide Land Development

Community Plans
Land Use Plans
Forest Management Plans
Cultural Heritage Policy
Consultation Protocol
Comprehensive Community Plans
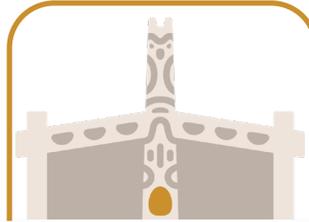Land Registry Policy

Procedures and Tools to Guide Projects

Land Development Procedures (manual)
Development Application Form
Checklists & Guides
Environmental Laws (checklist)
Zoning Laws (checklist)
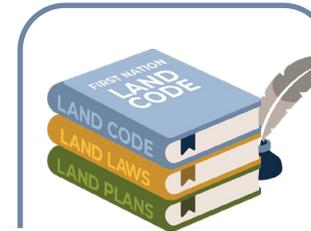Invoicing / Contracts / Fee Schedules
Leases

Land Development under Land Code

Environment & Climate Change

Cultural Heritage

Legal risks, Obligations & Liabilities

Community Health & Wellbeing

Land Development Considerations

Planning, Decision-Making & Engagement

Financial & Economic Impacts

Public Works & Infrastructure

Project Conception

Administrative Tools

- Pre-development Application & Screening
- Expression of Interest Form
- Site Development Application Form, Chart & Checklist
- Application Fee Schedule
- Invoice Template and Tracking

Laws, Plans & Policies

- Land Use Plan
- Subdivision, Development & Servicing Law
- Building Law
- Zoning Law
- Environmental Assessment Law & Process

Community Approaches

- Does your First Nation use development application screening forms? If yes, do they work?

- Is your development application process online or in hard copy?

- Do you find that proponents return the forms with missing information? If so, what is typically missing?

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Project Assessment

Administrative Tools

- Environmental Assessment
- Cultural Heritage Impact Assessment
- Geotechnical Assessment
- Flood Mapping Analysis

- Stormwater Management Plan
- Project Feasibility Study
- Servicing and Utilities Plan
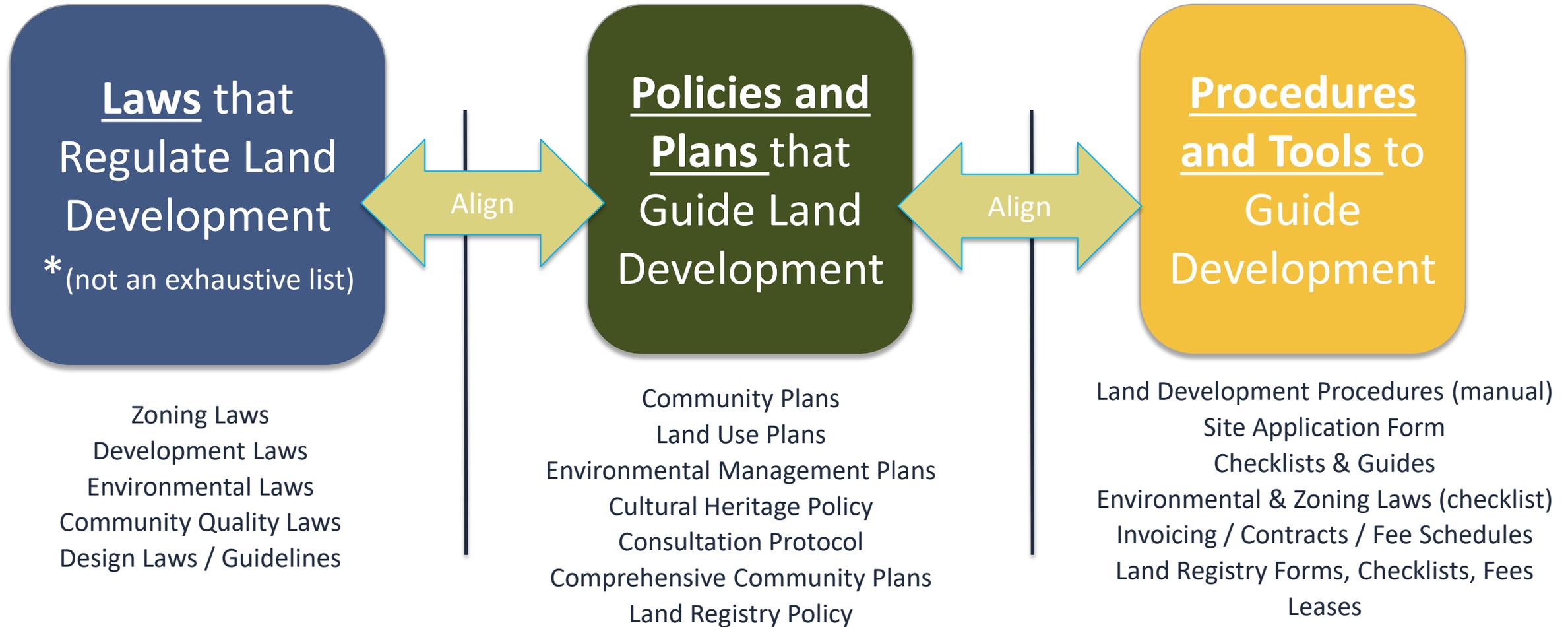- Site planning, layout and design

Laws, Plans & Policies

- Environmental Management Plan
- Environmental Assessment Law
- Cultural Heritage Protection Law
- Soil Deposit, Transport And Removal Law

Community Approaches

- Have you developed any tools to assist with assessing development projects?

- If so, what tools have you developed?

- Do you think your administrative tools work together?

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Land Development Laws, Plans & Procedures Should Align

Laws that Regulate Land Development
*(not an exhaustive list)

Align

Policies and Plans that Guide Land Development

Align

Procedures and Tools to Guide Development

Zoning Laws
Development Laws
Environmental Laws
Community Quality Laws
Design Laws / Guidelines

Community Plans
Land Use Plans
Environmental Management Plans
Cultural Heritage Policy
Consultation Protocol
Comprehensive Community Plans
Land Registry Policy

Land Development Procedures (manual)
Site Application Form
Checklists & Guides
Environmental & Zoning Laws (checklist)
Invoicing / Contracts / Fee Schedules
Land Registry Forms, Checklists, Fees
Leases

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Land Development Procedures

Land Development Projects can permanently change a community, its landscape and built environment

Sustainable Development means identifying risks, liabilities and benefits of a project, from various perspectives

Environment & Climate Change	Legal Risks & Liabilities
Cultural Heritage	Financial & Economic
Public Works & Infrastructure	Process, Planning & Engagement

Community Health & Wellbeing

...making informed, development related decisions based on technical data, traditional knowledge and community input

Community Approaches

- What has been your approach to assessing the success of Land Use Plans, Land Development Processes, and Community Engagement processes?

- How do you inform proponents of project requirements (internal & external)?

Acquiring an Interest

Administrative Tools

Can occur at any stage

- Legal Land Surveys & Subdivisions
- Lease template
- Land Registry Forms
- First Nations Lands Registry System

Laws, Plans & Policies

- Land Document Registration Law
- Allotment Law
- Land Interests Law

Community Approaches

- At what stage in the development process do you issue or register leases?

- Do developers typically want to have the lease before development begins?

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Authorizations & Construction

Administrative Tools

- Compliance Monitoring
- Development Permit
- Soil & Fill Permit
- LUP Amendment/Zoning Variance
- Business Licence

- Security/Performance Bond
- Community Monitoring
- Stop-work Orders
- Environmental Remediation Orders

Laws, Plans & Policies

- Zoning, Development and Building Laws
- Soil Transport, Deposit and Removal Law
- Environmental Laws

Community Approaches

- Do you have other permits associated with development? If so, please explain.

- Do you have monitoring measures in place? If so, please explain.

- Have you ever implemented a stop-work order?

- Do you issue performance bonds?

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Administrative Tools

- Final Inspections
- As-built Drawings
- Certificate of Substantial Completion
- Final Occupancy Permit
- Post-development Monitoring
- Decommissiong & Demolition
- Post-closure monitoring

Laws, Plans & Policies

- Community Quality Law
- Ticketing & Enforcement Law
- Environmental Protection Law
- Environmental Assessment Law
- Design Guidelines

Community Approaches

- How does your First Nation determine long-term plans for development projects?

- Do you consider 5, 10, or 20 years down the road?

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Looking Back / Looking Ahead

- 5-year review of Land Use Plans / Envi. Management Plans, etc.
- Determine if any updates or adjustments needed
- Opportunity to see what worked and what didn't

What has been your Community's approach to assessing land development?
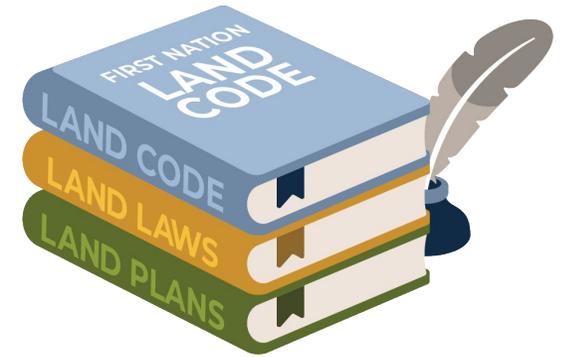
- Does your First Nation conduct periodic reviews of your planning documents?

- If so, how often do you conduct these reviews?

- If not, what barriers do you encounter?

FIRST NATIONS LAND MANAGEMENT RESOURCE CENTRE

Explore land development procedures

Discuss policies and systems which support land development

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Training, Mentorship & Professional Development

2022 TMPD EVENT SCHEDULE

- First Nation Land Registry Fundamentals for the CITRIX User

  Jan 13

- Records Management & Data Governance Considerations under Land Code

  Feb 10

- Considerations for Commercial & Residential Leasing (A to A Leasing) under Land Code

  Mar 9-10

- Approaches to Managing Legacy Issues under the Framework Agreement

  Apr 7

- Land Governance Office – Considerations for Operational Start Up & Implementation of Land Code

  May 12

- Developing a Climate Change Strategy for Resilient Communities under the Framework Agreement

  Jun 8-9

- Dispute Resolution under the Framework Agreement and Land Code

  Jul 14

- Land Governance Authorities under Framework Agreement & Land Code

  Aug 11

- Natural Resource Management under the Framework Agreement

  Sep 7-8

- Update on the new model Land Codes

  Oct 13

- Land Development Approaches under Land Code

  Nov 10

- Environmental Management under Land Code

  Dec 7-8

labrc.com/events

Webinars	1 Hour Sessions	11:00 – 12:00 PT / 2:00 – 3:00 ET
Workshops	2 Day Sessions	9:00 – 12:00 PT / 12:00 – 3:00 ET

TMPD Training, Mentorship & Professional Development

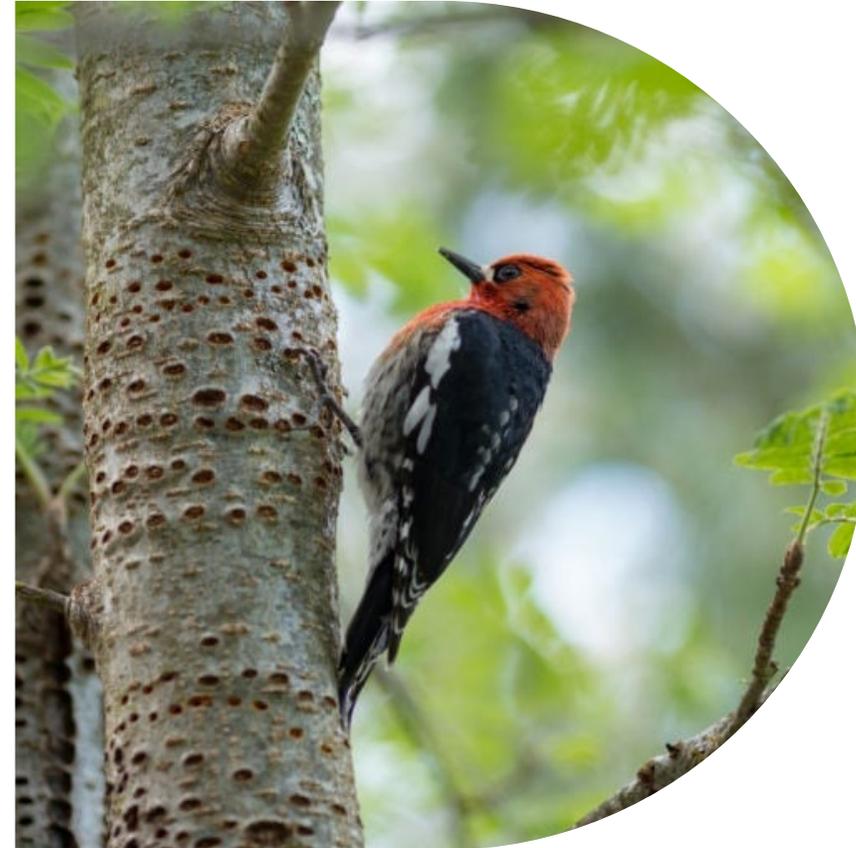Workshops & Webinars

Online Courses

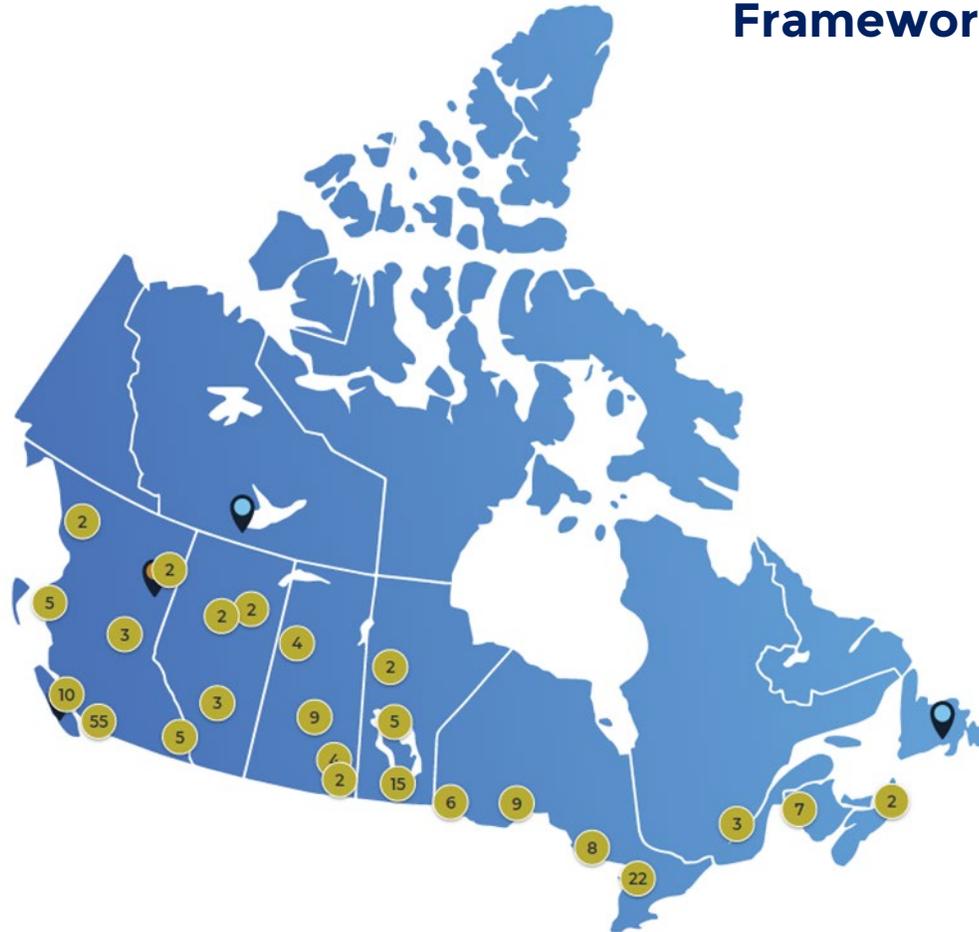Knowledge Paths Tool

Land Governance Manual

Knowledge Repository

Direct Community Support (1:1)

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labrc.com/training/

Lands Advisory Board   >

Resource Centre (RC)   >   RC Board

Our History   RC Staff

                                          Employment Opportunities

                                          RC Reports

Employment Opportunities

☑ Full Time   ☑ Part Time   ☑ Temporary

Assistant Professor, Probationary (Tenure-Track) – City Planning: Indigenous Scholar Position   Winnipeg, MB, Canada   Full Time

University of Manitoba   Faculty of Architecture, Department of City Planning

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Community Pathfinders (2) – First Nations Waste Minimization Program   Winnipeg, MB, Canada   Full Time

Green Action Centre   Interested in supporting Manitoba First Nation communities to reduce waste, enhance recycling, and strengthen sustainability? If you are passionate about waste reduction and want to make an impact, this is an excellent opportunity for you. Join our growing team!

THANK YOU

First Nations Land Management Resource Centre

Training, Mentorship & Professional Development

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