



**BIGSTONE CREE NATION (BCN)
LAND USE BYLAW 01-2023**

**BEING A POLICY TO PROVIDE FOR THE USE OF LAND MANAGEMENT
INCLUDING LAND SELECTION, DISPUTE RESOLUTION,
ALLOTMENT OF RESERVES INTO ZONES
AND SETTING THE REGULATIONS OF EACH ZONE.**

WHEREAS Council desires to enact a Land Use Bylaw dividing the Reserves of the Nation into zones and regulating the use of land within each zone, and;

WHEREAS Council desires to amend and combine the existing BCN Land Code and the Land Use Policy into one document to be known as the “BCN Land Use Bylaw 01-2023”, and;

WHEREAS Council is empowered to make such a Bylaw pursuant to ss. 81(1)(a), (d), (g), (q) and (r) of the Indian Act, R.S.C. 1985, c. 1-5, as amended;

AND WHEREAS Council considers it necessary and in the best interest of its Members to implement this Bylaw to achieve orderly, sustainable and responsible development of lands governed by Bigstone Cree Nation.

THEREFORE, BE IT RESOLVED that Chief and Council of Bigstone Cree Nation hereby enact the following BCN Land Use Bylaw as follows:

PART I GENERAL

Short Title

- 1.** This By-law may be cited as the “**Bigstone Cree Nation Land Use Bylaw 01-2023**”.

2. Purpose

The purpose of this Bylaw is to regulate the use and development of land and buildings within Bigstone Cree Nation to achieve the orderly, sustainable and responsible development of land, and amongst other things:

- (a) To provide fair, transparent and equitable land management;
- (b) to divide the lands into zones;
- (c) to prescribe and regulate in each zone, the purposes for which the land and buildings may be used;
- (d) to establish a process for land selections;
- (e) to establish a method of making decisions on applications for land selections;
- (f) to establish a process for issuing permits;
- (g) to provide the manner in which notice of the issuance of land selections and permits are to be given.
- (h) To provide an appeal process.

Definitions

3. In this Bylaw:

“Access” means an area that serves as the physical connection between a lot and a Highway or Main Road;

“Accessory Building” means a detached building, the use of which is incidental or secondary to that of the main building;

“Accessory Use” means a use customarily incidental and subordinate to a principal use;

“Adjacent land” means land that is contiguous to a particular parcel of land and includes land that would be contiguous if not for a highway, road, river or stream;

“Amateur and small radio antennas” means a development that is intended for transmitting or receiving radio communications signals from devices such as ham radios, fleet dispatch systems, or private communications systems. Typical amateur or small radio communications towers are short, usually no more than 3 m (9.8 ft.) taller than the adjacent buildings;

“Agriculture” means a use of land, buildings or structures for the purpose of growing field crops, market gardening, dairying, animal husbandry, poultry raising, bee keeping and other such uses as are customarily and normally related to agriculture;

“Assembly Hall” means a building or part of a building in which facilities are provided for such purposes as meetings for civic, education, political, religious or social purposes, and includes a banquet hall;

“Attached” means a building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with adjacent building or buildings;

“Barrier Free Access” means that a development, or parts thereof can be used by persons with physical disabilities;

“Bigstone Council Resolution” means a resolution of Council passed by a quorum at a meeting convened for the purpose described by the Resolution;

“Building” includes anything constructed or placed on, in, over or under land including supporting structures and are designed to be used for shelter, accommodation or enclosure of persons, animals, or chattels;

“Business and Professional Office” means an office in which any business is carried on or any profession is practised;

“Cabin” means a small building intended for short term occupancy. A cabin normally does not include a full kitchen or bathroom facilities and may not be connected to utilities and services (sanitary, water, electrical).

“Campground” means a development where tents are erected and/or recreational vehicles are parked for the purpose of overnight or short-term accommodation. A campground includes any building, structure, tent, vehicle or enclosure ancillary to the main use that is located on the land and used as an integral part of the campground such as washhouses, gazebos, picnic shelters, etc.;

“Church” means a building or development used for spiritual worship, but does not include a school;

“Commercial use” means a business through which products, services, or entertainment are available to consumers, whether the general public or other commercial establishments, and does not include the manufacturing of products. Commercial use shall include animal hospitals, bed and breakfast establishments, business support services establishments, campgrounds, eating and drinking establishments, entertainment establishments, general retail stores, greenhouses, health services, highway commercial uses, hotels, office uses, personal service shops, recreation camps, recreational vehicle campground, and resorts;

“Commercial Garage” means a for profit development used for the:

- (a) storage of vehicles, atv’s;
- (b) service and repair of motor vehicles and/or atv’s;
- (c) sale of gasoline, oils, parts and other automotive fluids; or,
- (d) any combination of the above;

“Community Centre” means any tract of land or buildings or any part of a building used for community activities, whether used for commercial purposes or not, and the control of which is vested in the Bigstone Cree Nation, a community board or agency thereof;

“Compliance Certificate” means the Certificate an Applicant must possess before the Applicant or anyone claiming through the Applicant can occupy or take possession of the Dwelling Unit or Building;

“Communications Tower” means a development that is intended for transmitting or receiving radio, cell, or internet communication signals from devices such as radios, fleet dispatch systems, or private/commercial communications systems or personal cell phones. Typical Communication towers are taller than 3 m (9.8 ft.);

“Conservation Area” means the maintenance of the natural environment for the purpose of preservation, research, observation and outdoor uses such as hiking, hunting and fishing, and includes the erection and use of trail shelters and other similar structures ancillary to the foregoing uses, but does not include the use of a dwelling house, a mobile home, a tourist vehicle or a trailer;

“Convenience Store” means a development for the retail sale of a variety of small goods required on a day-to-day basis by people living or working near the store;

"Contractor Service" means a development where building, concrete, landscaping, electrical, excavation, drilling, heating, plumbing, road, oilfield, forestry, or similar services of a construction or services nature are provided, which have on-site storage of materials, equipment, or vehicles normally associated with the contractor service.

"Council" means the Chief and Councillors elected by Members of the Bigstone Cree Nation;

"Day Care Facility" means a development licensed by Council or Alberta for use to provide care and supervision, but not overnight accommodation, to 7 or more children, such as day care centres, nursery schools and kindergartens;

"Developer" means an owner, agent or any person, firm or company required to obtain or having obtained a development permit;

"Development" means:

- a) an excavation or stockpile and the creation of either of them;
- b) a building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land of any of them;
- c) a change of use of land or a building or any act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; or
- d) a change in the intensity of use of land or a building or any act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building, and without restricting the generality of the foregoing, includes;
 - (i) in the case of a lot used for residential purposes, alterations made to a building or an additional building on the lot whether or not the building is a dwelling or part of a dwelling unit,
 - (ii) in the case of a lot used for other than residential purposes, alterations or additions made to a building on the lot or a use of the lot which would increase either the capacity of the building or the intensity of use of the lot,
 - (iii) the display of advertisements or signs on the exterior of a building or on any land,
 - (iv) the deposit of earth, debris, waste materials, refuse, or any other material on any land, including land already being used for that purpose, or if the natural topography or drainage is altered,
 - (v) any increase in the number of households occupying and living in any building or on any site, and any construction or alterations or additions which would provide for an increase in the number of households which could occupy and live in any building or on any site, including any increase in the number of dwelling units in a building or on a site,
 - (vi) the placing of refuse or waste debris / material on any land,
 - (vii) the use of land for the storage or repair of motor vehicles or other machinery or equipment,
 - (viii) the continued use of land or of a building for any purpose for which it is being used unlawfully when this Bylaw comes into effect,
 - (ix) the demolition or removal of a building,
 - (x) the placement of an already constructed or a partially constructed building on a parcel of land,

(xi) the use of land for the parking of trailers, bunk houses, skid shacks, or any other type of portable building whatsoever, whether or not the same has been temporarily placed or affixed to the land in any way,

(xii) the recommencement of land or a building that had been previously discontinued for a period of more than six months.

“Development Permit” means the document issued by the Lands Department or by Council, under this Bylaw which permits a person to prepare lands for development and use and includes any plans or conditions of approval;

“Dwelling - Apartment Dwelling House” means a single building which contains four or more dwelling units with a common entrance from the exterior, in which the occupants have the right to use in common any corridors, stairs or elevators contained therein, and the land appurtenant thereto;

“Dwelling - Duplex” means a single building that is divided horizontally or vertically into two dwelling units, each having a separate direct entrance from the exterior;

“Dwelling - One Family” means a development containing only one dwelling unit;

“Dwelling - Two Family” means a development containing only two dwelling units;

“Dwelling Unit” means a self-contained residence comprising kitchen, washroom, living, and sleeping facilities with a separate private entrance from the exterior of a building or from a common hall, lobby or stairway inside a building;

“Dwelling Unit Area” means the floor area of a dwelling unit measured between the exterior faces of the exterior walls of the dwelling unit;

“Emergency Facility” means a facility used as a firehall, police, ambulance station or similar use;

“Environmental Preserve” means land which is set aside to protect the environment or is not suitable to be used for the erection of any building because it is on a flood plain, is subject to erosion, has steep slopes, has organic soil or has a high-water table or for any reason is not suitable for use or development;

“Erect” means to build, construct, reconstruct or relocate, and includes any preliminary physical operations such as cutting, grading, excavating, filling or draining, and any altering of an existing building by an addition, extension or other structural change;

“Farm” means land used for the tillage of soil and the growing of vegetables, fruits, grains, other staple crops, grass or hay and includes land used for livestock raising, dairying or wood lots but does not include a Feedlot;

“Feedlot” means a development on which numerous livestock are contained in a small controlled area where movement is restricted, food, water and supplements are supplied to encourage the maximum daily weight gain of the livestock;

“Fees” mean the amount of money required by Council Resolution, now or in the future, to be paid by an Applicant for a Development Permit, Building Permit or a Compliance Certificate;

“Fence” means a vertical physical barrier constructed to enclose a lot, parcel or site to try to reduce sound or visual intrusion or to limit unauthorized access;

“Forestry” means the management, development, planting and cultivation of timber resources to ensure the continuous production of wood or wood products;

"Grade" means the ground level adjacent to the exterior walls of a building. If the ground is not entirely level, the grade shall be the average of the elevation of the ground around the perimeter of the building;

"Greenhouse" means a commercial establishment, with or without a building, where vegetables, flowers and other plants are grown which may include a market garden or plant nursery;

"Garage" means a building that provides parking for motor vehicles, is enclosed on all sides, and may either be attached to or detached from the Dwelling Unit or Building;

"Garden" means a small parcel of land appropriate for the cultivation of herbs, flowers, fruits or vegetables;

"Gas Bar" means a development used for the sale of gasoline, lubricating oils and other automotive fluids, small automotive parts and incidental goods;

"Gravel Pit" means any open excavation made for the removal of any sand, gravel or unconsolidated rock or mineral in order to supply material for road surfacing, construction, manufacturing or industrial purposes;

"Group home" means a building or portion of a building used for the care or rehabilitation of adults or children which is not predominantly related to age, physical disability or the care or rehabilitation of the aged or the physically disabled. Group homes include halfway houses, addiction rehabilitation centres, care which is an alternative to legal incarceration, or treatment for mental illness or mental instability;

"Health Service" means a development where physical or mental health services are provided on an out-patient or on an in-patient basis. If the services are provided on an in-patient basis, health service may include room and board for the sick, injured, or infirm, and may also include ancillary staff residences. Such services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative, or counseling nature. Health services may include but are not limited to: medical, chiropractic, and dental offices, health clinics and counseling services, hospitals, sanitariums, nursing homes, isolation facilities, psychiatric hospitals, and detoxification centres;

"Height" means, when used in relation to a building, the vertical distance between the grade and the highest point of a building that is not a stairway entrance, a ventilating fan, a skylight, a chimney, a smoke stack, a fire wall, or a flagpole, or similar device not structurally essential to the building;

"Home Business" means an accessory use in a Dwelling Unit, its Garage or accessory Building, for a business that is operated by a permanent resident of the Dwelling Unit;

"Home Office" means an accessory use contained within one (1) room in a Dwelling Unit, for a business that involves office functions only and is operated by a permanent resident of the Dwelling Unit;

"Household" means:

- (a) a person, or
- (b) two (2) or more persons related by blood, marriage, a common law relationship, or adoption, or
- (c) a group of not more than five (5) persons who are not related by blood, marriage, or adoption, all living together as a single housekeeping group and using cooking facilities shared in common.
- (d) a household that may also include foster children or up to three (3) boarders.

"Land Manager" means the person designated by Council under this Bylaw and charged with the responsibility of administering and enforcing the provisions of this Bylaw.

"Land Officer" means the person designated by the Land Manager under this Bylaw and charged with assisting the Land Manager in administering and enforcing the provisions of this Bylaw.

“Land Use Plan” means a document that sets out proposals for future development on Reserve and is accompanied by maps and charts;

"Lot" means

- (a) as defined by Section 87, Table Figure 2,
- (b) a river lot, lake lot, or sub-division lot that is shown on an official plan or data based referred to by Council and is registered in the Lands Department Records,
- (c) a part of a parcel of land described in a temporary or permanent occupancy agreement wherein the boundaries of the land are described therein.

“Lot Area” means the area of a Lot including any area dedicated to an easement or a right-of-way as shown on a land map or described in any other map or by Council Resolution;

"May" is an operative word meaning a choice is available, with no particular direction or guidance intended;

“Member” means a person who is recognized by the Nation as being a Member of the Bigstone Cree Nation;

“Mobile Home” means a Dwelling Unit with no permanent foundation that is designed and/or constructed off-site and then transported to its site, upon arrival is ready for year-round use as a dwelling;

"Municipality" means the Municipal District of Opportunity No. 17;

"Must" is an operative word, which means, similarly to the word shall, that an action is imperative or mandatory;

“Nation” means Bigstone Cree Nation;

“Non-conforming” means a lawful specific use:

- (a) being made of land or a Building or intended to be made of a Building lawfully under construction at the date this Bylaw or any amendment thereof affecting the land or Building becomes effective; and,
- (b) that on the date this Bylaw or any amendment thereof becomes effective does not, or in the case of a Building under construction will not comply with this Bylaw;

“Noxious Use” means any use which is offensive or dangerous by reason of the emission of odour, smoke, dust, noise, gas, fumes, vibration or refuse matter;

"Nuisance" means any act or deed, or thing, which is or could reasonably be expected to be annoying, or troublesome, or destructive or harmful, or inconvenient, or injurious to another person and/or their property, or anything troublesome or bothersome to other people for which complaints are received either by the Nation or the Royal Canadian Mounted Police, whether or not such act or deed or omission or thing constitutes nuisance at common law;

“Nursery” means lands used for the growing of sod, flowers, bushes, trees or other gardening, landscaping or orchard stock for wholesale or retail trade;

“Occupant” means any member occupying or having control over the condition of any property and the activities conducted on any property, be such person the occupant, lessee, tenant or agent of the occupant or whether such person resided thereon or conducts a business thereon;

“Parking Lot or Parking Structure” means a development or part thereof which provides for the access, manoeuvring and parking of motor vehicles;

“Permitted use” means the use of land or a building provided for in this Bylaw for which a development permit shall be issued upon application having been made, provided that all of the regulations of this Bylaw have been satisfied;

“Person” includes an individual which may or may not be a member of the Nation;

“Place of Entertainment” means a motion picture or other theatre, arena, auditorium, public hall, billiard or pool room, bowling alley, ice- or roller-skating rink, dance hall, music hall, bingo hall, amusement arcades, but does not include any place of entertainment or amusement otherwise defined or classified herein;

“Principal Use” means the primary or main purpose for which a Building or land is used;

“Private Roadway” means the right-of-way of a road on the Reserve for use by all Members;

“Public Education Facility” means a development where educational, training, or instruction occurs under the auspices of an organization authorized by the Nation to provide education. Public education facilities include public and separate schools, community colleges, universities, technical and vocational schools;

“Recreation Camp” means a development that contains accommodation facilities and is used wholly or partly for recreational purposes, and without limitation, includes cultural experience camps, survival training camps, fishing and hunting camps, religious camps and camps for disabled persons;

“Recreational Facility” means a recreational development conducted on a unified basis on a single site where the prime reason for location may be to take advantage of natural features. A recreational use may include the provision of day-to-day sporting and athletic facilities and the structures incidental thereto such as ski slopes, golf courses, archery, trap and rifle ranges, racetracks, boating, swimming, picnicking, athletic, and similar uses, and may include a refreshment stand incidental to the primary use. However, recreational facility does not include extensive recreation, or a campground, a recreational vehicle campground or a recreation camp;

“Recycling Facility” means a development where bottles, cans, newspapers, and similar non-hazardous household goods are bought, sold, and temporarily stored for reuse and where all storage is contained within an enclosed building or an enclosed compound;

“Reserve” means the Indian Reserves of Bigstone Cree Nation which includes 166,166A,166B, 166C, 166D and Jean Baptiste Gambler 183. This definition also includes all Treaty Land Entitlement lands that have been set apart or will be set apart, the legal title of which is vested in Her Majesty the Queen in Right of Canada, for the use and benefit of the Members of Bigstone Cree Nation;

“Restaurant” means a commercial development where foods and beverages are prepared and served for consumption on-site by the public and may include a take-out component as an accessory development;

“Solar Energy System” means a system of one or more buildings or appurtenances to buildings designed to convert solar energy into mechanical or electrical energy and includes solar array, solar panels, free standing, ground and roof mounted.

“Seniors Housing” means a grouping of single-family dwellings, manufactured homes, duplexes, semi-detached dwellings and/or row housing buildings on a single site designed to accommodate senior citizens as defined by Provincial and Federal agencies and legislation;

“School” means a development used for education and includes its administrative offices;

“Site” means a lot or parcel on which a development exists or occurs or for which an application for a development permit is made;

“Spouse” means the person who is living with a person of the other gender as man and wife;

“Temporary Occupancy” means those rights granted a Member and the Members’ family to temporarily occupy and use, consistent with the use permitted hereunder, a defined or described parcel of land within a Reserve of the Nation;

“variance” means the difference between the regulations indicated within this Bylaw and the provision (distance, height, etc.) being proposed pursuant to a development permit application made pursuant to this Bylaw. Variance can be expressed as a percentage. When it is expressed as a percentage, it is the amount of the difference divided by the provision in this Bylaw, multiplied by one hundred percent (100%);

“Water Setback” means the straight-line horizontal distance from the high-water mark of a watercourse, bay or lake to the nearest part of any excavation, building, structure or open storage use on the land;

“Workcamp” means a temporary residential complex used to house workers and made up of a number of buildings, clustered in such fashion as to provide sleeping, eating, recreation and other basic living facilities. The buildings are designed to be dismantled and moved from location to location and from time to time;

“Zone” or “Zones” means a designated area of land use shown on the map attached as Schedule “A” hereto;

Application

4. The provisions of this Bylaw apply to lands within the Reserves of the Bigstone Cree Nation as shown on Schedule "A" (Map of Reserves I.R. No. 166, 166A, 166B, 166C, 166D and #183 and Treaty Land Entitlement TLE Wabasca North, Wabasca South, Chip Lake North, Chip Lake South, Rock Island, Calling Lake North, Calling Lake South, Calling River).










5. The provisions of this Bylaw shall be reviewed every five (5) years or as required and on review may be revised or amended as necessary by Council.

PART II - SPECIFIC LAND PROVISIONS

Zones

6. Council of the Nation by resolution, passed at a special meeting for such a purpose, will zone for specified uses, the Reserve lands and will further approve a map which sets out such zones on each Reserve;
7. For the purpose of this Bylaw, the Permitted Uses on the Reserves are:

TABLE FIGURE 1

Permitted Uses	Zone Symbols	Colored	
Agricultural Areas	Zone A	Brown	
Commercial Areas	Zone C	Red	
Environmental Reserve	Zone E	Light Green	
Industrial Areas	Zone Id	Black	
Institutional Areas	Zone Is	Purple	
Recreational Areas	Zone Rc	Blue	
Residential Areas	Zone Rs	Yellow	
Forested / Natural	Zone Fn	Dark Green	
Special Areas	Zone S	Light Orange	

8. An area of the Reserve may contain one or more Zones of Uses.
9. The boundaries of the Land Use Zones within each Reserve are as delineated on the Land Maps attached as Schedule "A" and forming part of this Bylaw.

Permitted Uses: Agricultural (A) Zone

10. The following are Permitted Uses in an Agricultural (A) Zone:
- (a) Agriculture;
 - (b) Farm;
 - (c) Grazing;
 - (d) agricultural industry, including processing and/or packaging of agricultural products;
 - (e) cemetery;
 - (f) Emergency Protective Facility;
 - (g) Garden;
 - (h) Forestry;
 - (i) Hunting, fishing, trapping;
 - (j) an accessory development to any use listed in this paragraph 10.

Permitted Uses: Commercial (C) Zone

11. The following are Permitted Uses in a Commercial (C) Zone:

- (a) automobile service station, Commercial Garage or automobile business including sales and rentals;
- (b) bank or other financial institution;
- (c) boat, snowmobile, trailer or cycle business, including sales and rentals;
- (d) business or professional service;
- (e) car wash;
- (f) Church;
- (g) Community Centre;
- (h) Convenience Store;
- (i) Day Care Facility;
- (j) Emergency Protective Facility;
- (k) Gas Bar;
- (l) general service facility;
- (m) laundry or dry-cleaning establishment;
- (n) motel or hotel;
- (o) light recycling and/or light salvage facility;
- (p) place of entertainment;
- (q) post office;
- (r) recreational use;
- (s) restaurant;
- (t) retail store;
- (u) taxi stand; and
- (v) an accessory development to any use listed in paragraph 11.

Permitted Uses: Environmental Reserve Land (E) Zone

12. The following are Permitted Uses in an Environmental Land (E) Zone:

- (a) conservation;
- (b) dock
- (c) Forestry;
- (d) hunting, fishing, trapping;
- (e) outdoor recreation;
- (f) structure for the prevention of erosion or for flood control; and
- (g) an accessory development to any use listed in paragraph 12.

Permitted Uses: Industrial (Id) Zone

13. The following are Permitted Uses in an Industrial (Id) Zone:

- (a) contractor or tradesman shop;
- (b) Office building
- (c) Natural Resource Extraction Facilities’
- (d) Oil and Gas field servicing facility;
- (e) Laydown storage yards;
- (f) Emergency Protective Facility;
- (g) farm implement sales or repair business;
- (h) Gas Bar;
- (i) Gravel Pits;
- (j) Heavy truck and/or heavy equipment storage;
- (k) Heavy recycling and or salvage facility (but where visible from a public road only if screened from view by a fence and specifically permitted by Council);
- (l) landfill sites;
- (m) Parking Structure;
- (n) retail outlet, wholesale or business office accessory to a permitted use;
- (o) Sawmill or Secondary Wood Manufacturing Facility;
- (p) an accessory development to any use listed in paragraph 13.

Permitted Uses: Institutional Facility (Is) Zone

14. The following are permitted uses in an Institutional Facility (Is) Zone:

- (a) administration office of the Nation;
- (b) arena;
- (c) Assembly Hall;
- (d) business and professional office;
- (e) cemetery;
- (f) Church;
- (g) Community Centre;
- (h) doctor and dentist office;
- (i) Emergency Protective Facility;
- (j) fairground;
- (k) medical clinic or hospital;
- (l) nursing home;
- (m) park;
- (n) recreational use;

- (o) school;
- (p) assisted care facility;
- (q) senior citizen apartments; and
- (r) an accessory development to any use listed in paragraph 14.

Permitted Uses: Recreational (Rc) Zone

15. The following are Permitted Uses in a Recreational (Rc) Zone:

- (a) Pow wow grounds
- (b) Rodeo grounds
- (c) beach development, including docks and boat ramps;
- (d) cabins and/or summer cottages;
- (e) Community Centre;
- (f) Church;
- (g) Emergency Protective Facility;
- (h) indoor recreation facility;
- (i) outdoor recreation facility including but not limited to playgrounds, sports fields and skating rinks;
- (j) any accessory development to any use listed in paragraph 15.

Permitted Uses: Residential (Rs) Zone

16. The following are Permitted Uses in a Residential (Rs) Zone:

- (a) apartment;
- (b) duplex;
- (c) emergency protective facility;
- (d) group home;
- (e) Home Business;
- (f) mobile home dwelling;
- (g) multiple family dwelling (Dwelling - Apartment Dwelling House);
- (h) park;
- (i) single family dwelling (Dwelling - One Family);
- (j) women's shelter; and
- (k) an accessory development to any use listed in paragraph 16.

Permitted Uses: Forested / Natural (Fn) Zone

17. The following are Permitted Uses in a Forested / Natural (Fn) Zone:

- (a) Nation's purposes;
- (b) Forestry;
- (c) Agriculture;
- (d) Grazing;
- (e) cemetery;
- (f) Emergency Protective Facility;
- (g) Forestry;
- (h) Hunting, fishing, trapping;

Permitted Uses: Special Areas (S) Zone

18. The following are Permitted Uses in a Special Areas (S) Zone:

- (a) archaeological sites; and
- (b) specific uses approved by Council Resolution.

19. Any nuisance factor generated by a development or activity, including but not limited to:

- (a) dust, fly ash or other particulate matter;
- (b) toxic gas or any other toxic substance;
- (c) odorous gas or odorous matter; and
- (d) glare or heat that would or may be produced as a result of the proposed use which would be visible or affect persons outside the boundaries of the site,

must be contained within the boundaries of the lot.

20. Paragraph 19 of this Bylaw does not relieve against compliance with any standards established by any federal law or provincial law or any other Bylaw of the Nation.

PART III - AUTHORITY

21. The Authority of the Land and Resource Department of Bigstone Cree Nation is hereby established.

(2) The Authority to administer this Bylaw are as follows:

(a) the Land Manager,

(b) the Lands Officer, and

(c) In the event of an absence by the Land Manager or Lands Officer, the person in Acting Authority.

22. The responsibilities of the Land Manager and designates are as follows;

(a) shall administer and oversee the enforcement of this bylaw;

(b) shall consider and decide upon land selection applications unless the application is referred to the Chief and Council;

(c) shall refer with their recommendation to Council regarding any development permit application;

(d) shall refer with their recommendations to the Chief and Council for their consideration and decision any development permit application for a permitted use where the development application does not conform with this Bylaw;

(e) shall keep and maintain for the inspection of the public during office hours a copy of this Bylaw and all amendments thereto and ensure that copies of same are available to membership;

(f) shall make available for inspection by the public during office hours a register of all applications for development permits and the decisions made thereon;

(g) shall collect fees according to the Land Use Bylaw Fee Schedule as amended from time to time by resolution of Council;

PART IV - GENERAL LAND PROVISIONS

Residential Land Selection

- 23.** Residential land selections may be made within the following Zones;
- (a) Residential
 - (b) Agriculture
 - (c) Forested/ Natural
- 24.** Only Members who have full treaty status can make a land selection.
- 25.** Members must be over the age of eighteen (18) to select land.
- 26.** A member shall have no more than one (1) residential lot registered in their name.
- 27.** A file review shall be completed prior to any completion of a land selection. A file review shall consist of lands records, land use plans and other plans completed by other departments that may conflict or constrain the land selection.
- 28.** The maximum residential lot size shall be no more than two (2) acres, any increase or expansion of land must be approved by the Nation. Failure or neglect to gain approval is subject to warnings and/or fines as outlined PART VIII of this bylaw.
- 29.** Members selecting land must make a public notification, which will include the following;
- (a) Post a sign with their name and treaty number;
 - (b) The sign must be visible enough to other members to see;
 - (c) The department will ensure notification is posted in the local newspaper;
 - (d) The public notification must be up for no less than 2 weeks (14 days).
- 30.** In the event that that land selection is not challenged or contested, the member must sign a temporary occupancy agreement which states that the member has 1 year to improve or develop the land selection by meeting one or more of the following criteria;
- (a) Trees and/or vegetation to be removed in order to clear an area for a future dwelling, or;
 - (b) A driveway to be constructed with a suitable culvert installed no less than 400 mm, The width of the driveway shall be no less than 4 Meters, or;
 - (c) a fence completed with wood or metal measuring no less than 30 meters in length and no less than 1 meter in height, or;
 - (c) An excavation or re-contouring of the top soil/ clay, resulting in a landscaped area suitable for a future dwelling, or;
 - (d) A mobile home structure moved onto site, suitable for a dwelling, or;
 - (e) A residential dwelling constructed with a foundation.

All above criteria, improvements and development shall be at the member's cost.

31. In the event a member fails to develop or improve the land within one year from the date of the land selection, that land will be made available to other members to utilize, unless the member makes a request prior to the expiry date that more time is needed and can verify that circumstances did not permit them to improve or develop the lot, such as;

- (a) Emergency event such as fire, flood or other natural disaster; or
- (b) Poor health or sickness that made it physically impossible.

32. After the temporary occupancy agreement is signed and the member has made improvements / developments that satisfy the Nation, the member may receive a civic address number and sign.

33. The Lands department shall attach a lot boundary map with any land selection, one hard copy to the applicant and one copy in their file. The lot boundary map shall include the following;

- (a) Name of applicant, address and treaty number;
- (b) Date of land selection;
- (c) Legal land description;
- (d) Dimensions such as width, length;
- (e) High water mark, with lots that are lakefront or river lots;
- (f) Civic address, with lots that are recovered by the Nation.

Suspension or Cancellation of Land Selection

34. If after the approval of a land selection or temporary occupancy agreement, it becomes known to the Lands Department and/or Council that:

- (a) the land selection contains a misrepresentation;
- (b) facts have not been disclosed which should have been disclosed at the time of consideration of the application for a land selection; or
- (c) the land selection was issued in error;

the land selection or any agreement may be suspended or cancelled by a notice in writing, issued by the Council, given to the applicant at the address given in the application.

Land Selection Appeals

35. In the event the residential land selection is challenged or contested, the appellant shall submit an appeal in writing, a hard copy letter or an email before the end of the 2-week notification period and addressed to Chief and Council.

36. An appeal shall be reviewed if the appeal is considered valid and reasonable as per the following;

- (a) The appeal is forwarded to the lands department or to Chief and Council within the 2-week (14 day) notification period;
- (b) The appeal is not prejudicial or discriminatory in nature.
- (c) The appeal has the appellants complete full legal name, address and contact information.

37. The appeal process shall follow the process set out in Section 133 of this Bylaw.

Land Transfers

38. A file review shall be completed prior to any land transfer, this may include a review of files in the land records, membership records and housing records.

39. The Land Manager and Housing Manager must sign the Land / House Transfer form in order for the transfer to be honored and valid.

40. All reasonable efforts shall be made to ensure that the Land / House Transfer form is completed in person, exceptions shall be made in the following;

- (a) The Land Manager and Housing Manager are not physically able to meet in person but the transfer needs to be completed without further delay;
- (b) The Transferor is not physically able to come to the office or meet in person due to health constraints;
- (c) The transferor is not physically able to come to the office or meet in person due to logistical reasons, the price of fuel or distance.

41. In the event that land transfer involves an elder, all reasonable efforts shall be made to accommodate the elder, such as;

- (a) Driving to their residence to complete the land transfer;
- (b) Ensuring the elder understands the document they are signing by speaking in Cree or having another person translating.

Lot Transfer by Allotment

42. A member with a residential lot registered in their name, may transfer a portion of their land to another member of their family or another member of the Nation.

43. The land transfer must be completed in the same manner as sections 37 – 40.

Business or Commercial land selection

- 44.** Members may apply for a land selection for business or commercial purposes only in the following Zones;
- (a) Commercial
 - (b) Industrial
 - (c) Agriculture
 - (d) Forested / Natural
- 45.** In special circumstance and at the discretion of Chief and Council, a member may be authorized to select land within a residential zone.
- 46.** Only members of Bigstone Cree Nation who have full treaty status can make a land selection for business or commercial purposes.
- 47.** Members must fill out an on-reserve business application which will be reviewed by the Lands Department.
- 48.** Members must be over the age of eighteen (18) to select land.
- 49.** A member shall have no more than one (1) business lot registered in their name, unless authorized by the Nation.
- 50.** A file review shall be completed prior to any completion of a land selection. A file review shall consist of lands records, land use plans and other plans completed by other departments that may conflict or constrain the land selection.
- 51.** The lot size shall be based on the business and or commercial operation identified in the business application.
- 52.** Members selecting land must make a public notification, which will include the following;
- (a) Post a sign with their name and treaty number;
 - (b) The sign must be visible enough to other members to see;
 - (c) The department will ensure notification is posted in the local newspaper;
 - (d) The public notification must be up for no less than 2 weeks (14 days).
- 53.** In the event that that land selection is not challenged or contested, Chief and Council may review the application and grant the applicant a Bigstone Council Resolution which permits the operation of the business.
- 54.** In the event that that the business is granted a Bigstone Council Resolution, the member must sign a temporary occupancy agreement which states that the member has 1 year to improve or develop the land selection by meeting one or more of the following criteria;
- (a) Trees and/or vegetation removed in order to prepare an area for the intended purpose, or;
 - (b) A driveway to be constructed with a suitable culvert installed no less than 400 mm, the width of the driveway shall be no less than 4 Meters, or;
 - (c) a fence completed with wood or metal measuring no less than 30 meters in length and no less than 1 meter in height, or;
 - (c) An excavation or re-contouring of the top soil/ clay, resulting in a landscaped area suitable for a future dwelling, or;

- (d) A mobile structure moved onto site, suitable for an office or business, or;
- (e) An office or facility constructed with a foundation.

All above criteria, improvements and development shall be at then applicants' cost.

55. In the event a member fails to develop or improve the land within one year from the date of the land selection, that land will be made available to other members to utilize, unless the member makes a request prior to the expiry date that more time is needed and can verify that circumstances did not permit them to improve or develop the lot, such as;

- (a) Emergency event such as fire, flood or other natural disaster; or
- (b) Poor health or sickness that made it physically impossible.

56. The Bigstone Council Resolution to permit the operation of the business is not assignable to a third party, or another band member or any other person or organization without the express consent of Chief and Council.

57. The Lands department shall attach a lot boundary map with any land selection, one hard copy to the applicant and one copy in their file. The lot boundary map shall include the following;

- (a) Name of applicant, address and treaty number;
- (b) Date of land selection;
- (c) Legal land description;
- (d) Dimensions such as width, length;
- (e) Identification of rivers, wetlands or ecological constraints;
- (f) Identification of any easements, right of ways or utilities.

Business or Commercial Land Selection Appeals

58. In the event the land selection is challenged or contested, the appellant shall submit an appeal in writing, a hard copy letter or an email before the end of the 2-week notification period and addressed to Chief and Council.

59. An appeal shall be reviewed if the appeal is considered valid and reasonable as per the following;

- (a) The appeal is forwarded to the lands department or to Chief and Council within the 2-week (14 day) notification period;
- (b) The appeal is not prejudicial or discriminatory in nature.
- (c) The appeal has the appellants complete full legal name, address and contact information.

60. The appeals process shall follow appeals process set out in Section 133 of this Bylaw.

Agriculture land selection

- 61.** Members may apply for a land selection for Agriculture purposes only in the following Zones;
- (a) Agriculture
 - (b) Commercial
 - (c) Industrial
 - (d) Forested / Natural
- 62.** In special circumstance and at the discretion of Chief and Council, a member may be authorized to select land for Agriculture purposes within a residential zone.
- 63.** Only members of Bigstone Cree Nation who have full treaty status can make a land selection for agriculture purposes.
- 64.** Members must submit a proposal which will be reviewed by the Lands Department. The proposal must include at a minimum the following information;
- (a) Name of applicant, address, treaty number, contact info;
 - (b) Location of agriculture operation;
 - (c) Anticipated start date of operation;
 - (d) Type of agriculture operation;
 - (e) Number of current of anticipated livestock or animals
- 65.** The Lands department shall generate and attach a lot boundary map with any agriculture permit, one hard copy to the applicant and one copy in their file. The lot boundary map shall include the following;
- (a) Name of applicant, address and treaty number;
 - (b) Date of land selection;
 - (c) Legal land description;
 - (d) Dimensions such as width, length;
 - (e) Identification of rivers, wetlands or ecological constraints;
 - (f) Identification of any easements, right of ways or utilities;
- This lot boundary map shall accompany any BCR submission and reviewed by Chief and Council prior to any decision.
- 66.** Members must be over the age of eighteen (18) to select land for agriculture purposes.
- 67.** A member shall have no more than one (1) agriculture permit registered in their name.
- 68.** A file review shall be completed prior to any completion of an agriculture land selection. A file review shall consist of lands records, land use plans and other plans completed by other departments that may conflict or constrain the land selection.

69. The lands department will complete a site visit to visibly verify the location is suitable for agriculture prior to submission of a BCR or Agriculture permit.

70. The lot size shall be based on the agriculture operation identified in the agriculture proposal, and may be reduced or limited based on the following factors;

- (a) Adverse environmental impacts beyond the scope of the operation;
- (b) Adverse noise and fumes, that may impact nearby residences;
- (c) Land Use Plans or other plans previously made by other depts.

71. Members selecting agricultural land must make a public notification, which will include the following;

- (a) Post a sign with their name and treaty number;
- (b) The sign must be visible enough to other members to see;
- (c) The department will ensure notification is posted in the local newspaper;
- (d) The public notification must be up for no less than 2 weeks (14 days).

72. In the event that that agriculture land selection is not challenged or contested, Chief and Council may review the application and grant the applicant a Bigstone Council Resolution which permits the agriculture operation.

73. In the event that that the applicant is granted a Bigstone Council Resolution, the member must sign a temporary occupancy agreement which states that the member has 1 year to improve or develop the land selection by meeting one or more of the following criteria;

- (a) Trees and/or vegetation removed in order to prepare an area for the intended purpose, or;
- (b) A driveway to be constructed with a suitable culvert installed no less than 400 mm, The width of the driveway shall be no less than 4 Meters, or;
- (c) a fence completed with wood or metal measuring no less than 100 meters in length and no less than 1 meter in height, or;
- (c) An excavation or re-contouring of the top soil/ clay, resulting in a landscaped area suitable for agriculture operations, gardens or crops, or;
- (d) A temporary structure moved or built on site, suitable for agriculture operations.

All above criteria, improvements and development shall be at the applicants' cost.

74. Once an applicant has received a BCR and Agriculture Permit. The lands department will ensure the entire agriculture permit area is ground truthed by GPS coordinates and generate an updated map.

75. In the event a member fails to develop or improve the land within one year from the date of the land selection, that land will be made available to other members to utilize, unless the member makes a request prior to the expiry date that more time is needed and can verify that circumstances did not permit them to improve or develop the lot, such as;

- (a) Emergency event such as fire, flood or other natural disaster; or
- (b) Poor health or sickness that made it physically impossible.

76. The Bigstone Council Resolution and Agriculture Permit granted to the original applicant is not assignable to a third party, another band member or any other organization without the express consent of Chief and Council.

Agricultural Land Selection Appeals

77. In the event the land selection is challenged or contested, the appellant shall submit an appeal in writing, a hard copy letter or an email before the end of the 2-week notification period and addressed to Chief and Council.

78. An appeal shall be reviewed if the appeal is considered valid and reasonable as per the following;

- (a) The appeal is forwarded to the lands department or to Chief and Council within the 2-week (14 day) notification period;
- (b) The appeal is not prejudicial or discriminatory in nature.
- (c) The appeal has the appellants complete full legal name, address and contact information.

79. The appeals process shall follow appeals process set out in Section 133 of this Bylaw.

Vacant or Abandoned lots

80. Annual routine assessments of all reserve lands are to be completed by the Lands Department at least once a year. This includes commercial, industrial, agricultural and businesses.

81. If a parcel of land has been vacant or abandoned for 5 years or more, the department may proceed to conduct further investigation by completing the following;

- a. Conduct a site visit, with photos and store them on file
- b. Conduct a thorough research by reviewing land records, membership records and housing records.

82. After a review is completed, a written recommendation is provided to Chief and Council to return the land back to the Nation based on one or more of the following factors;

- a) Nothing on file to support an extended claim to the lot.
- b) A record which demonstrates continued neglect and/or a pattern of broken commitments to reside on the lot.
- c) Evidence on file that establishes that the Nation paid for the installation of improvements and or development of the lot.

Prohibition

83. No Building, Dwelling or structure shall hereafter be erected or altered, nor shall the use of any land, Building, Dwelling or structure hereafter may be changed, in whole or in part, except in conformity with the provisions of this Bylaw.

84. Notwithstanding any other Bylaw or by-law of the Council, no Development Permit shall be issued where the proposed Building, Dwelling or structure or use would be in violation of any provision of this Bylaw.

Measurement of Buildings

85. For the purposes of measuring building height "average finished grade" means the arithmetic mean of the elevations of the finished grade at 2 outermost corners of the highest wall on that respective side of a Building.

86. Subject to paragraph 80 of this Bylaw, building height is the greatest vertical distance between the average finished grade on any side of a building and the point of highest elevation of the building.

87. The following are not considered part of the building for the purpose of measuring building height: elevator housing, mechanical housing, roof stairway entrance, or similar feature not structurally essential to the building.

Setbacks

88. Buildings and structures erected in any zone shall conform to the following setback requirements from road centre lines and high-water mark of any water course, bay or lake:

- (a) Provincial highway - 20 metres;
- (b) Road other than a provincial highway - 15 metres;
- (c) Reserve road - 15 metres;
- (d) Other road - 10 metres;
- (e) High water mark - 50 meters.

89. River and lake frontages should be maintained by a 50-metre setback from the high-water river or lake edge for community recreation areas and to control development of lakeshore properties for cottages or dwellings.

90. If doubt arises as to where a setback is to be measured from, the Land Manager shall determine the respective property line by applying this Bylaw as closely as possible in the circumstances of each case.

Residential (Rs) Zone Specifications

91. Land may be used and Dwelling Units and structures may be erected, altered or used in a Residential (Rs) Zone only where the following specifications are complied with as shown in the following Table:

TABLE FIGURE 2

minimum lot area	.25 acres or 0.11 hectares
minimum lot frontage	15 metres
minimum front yard depths	10 metres
minimum side yard depth	5 metres or half the height of the building, whichever is greater
minimum rear yard depths	7.5 metres
maximum lot area	2 acres or .81 hectares
maximum lot frontage	50 metres
maximum lot coverage	33 %
maximum building height	13.5 metres

Accessory Buildings and Structures

- 92.** Except as otherwise allowed in this Bylaw, an accessory building must not be:
- (a) used for human habitation, except where a Dwelling Unit is a permitted accessory use;
 - (b) exceed four metres in height above finished grade in any residential zone;
 - (c) built within two metres of the main building; or
 - (d) considered an accessory building attached to the main building in any way.

Noxious Uses

- 93.** No use of any land is permitted which is offensive or dangerous by reason of the emission of odour, smoke, dust, noise, gas, fumes, vibration or refuse matter, or which from its nature or the materials used therein is declared to be a noxious trade, business or manufacturer by Council.

Energy and Resources

- 94.** Oil and gas exploration and production shall be permitted within Reserves in those areas where a valid surface or sub-surface lease and associated right-of-way has been granted by Council.
- 95.** Gravel and Sand exploration and production shall be permitted within Reserves in those areas where a valid permit and associated right of way has been granted by Council.
- 96.** Mineral and Rare Earth Element exploration and production shall be permitted within Reserves in those areas where a valid lease or permit and associated right of way has been granted by Council.
- 97.** Timber harvesting shall be permitted within Reserves in those areas where a valid Timber Permit and associated harvest plan has been granted by Council.
- 98.** Water extraction for energy and resources extraction, production and associated activity is permitted within Reserves in those areas where it is granted by Council.
- 99.** A minimum of 400 meters (1/4 mile) separation is required between any Dwelling Unit and a oil and gas facility of any nature, except for a flow line.

Multiple Uses

- 100.** Where any land or building is used for more than one purpose, all provisions of this Bylaw relating to each use shall be satisfied and, where there is a conflict, the higher or more stringent standard shall prevail.

PART V - CONTROL OF DEVELOPMENT

Development

101. No development shall be undertaken within a Reserve unless:

- (a) Council has approved by its Council Resolution, in writing, the allocation of land in question to the person making the application;
- (b) the use is in full compliance with this Bylaw; or
- (c) an application completed in the form attached as Schedule “G” has been approved and a Development Permit has been issued for such development by Council.

Developments Not Requiring a Development Permit

102. The following developments do not require a Development Permit but must otherwise comply with the requirements of this Bylaw:

- (a) prior building construction wherein nothing in this Bylaw prohibited the erection of a building or structure for which construction commenced prior to the date this Bylaw was made or amended;
- (b) temporary construction uses permitted wherein nothing in this Bylaw prevents uses incidental to construction, such as a temporary work camp, a tool shed, scaffold or other building or structure incidental to the construction.

103. Home based business in any zone will require a home business licence but not a development permit if:

- a) only members of the family are employed in the home business;
- b) not more than one room of the dwelling unit area is used for the purpose of the home business;
- c) the home business is secondary to the main residential use and does not change the residential character of the home or dwelling Unit;
- d) there are no goods, wares or merchandise, other than items produced on the premises, offered or exposed for sale or rent on the premises;
- e) the home business does not create or become a nuisance for neighbouring residents, in particular, in regard to noise, traffic or parking;

104. Cottage Industry in a Residential will not require a Development Permit if:

- a) not more than 10% or ten (10) square metres (10.9 sq. yds.) of the Dwelling Unit area, whichever is the lesser, is used for the purposes of the Cottage Industry;
- b) not more than fifty (50) square metres (54.6 sq. yds.) of the gross floor area of all Accessory Buildings are used for the purposes of the cottage industry; and

PART VI - PROCEDURE

Home Business Application

105. An application, in the form attached as Schedule “C”, for a Home Business Licence shall include detailed information regarding the scope and nature of the proposed business or craft, the area of the dwelling or accessory Building occupied.

Application for a Development Permit

106. An application for a Development Permit shall be made by the person having an interest in the development proposed or by any other person with the consent of the Council by submitting the following:

- a) a scale of the plan;
- b) labelled property line and setback requirements in accordance with this Bylaw;
- c) location and size of existing buildings including building height dimensions, distance to property lines and any structures including utility poles or pipelines; and
- d) location of any proposed buildings, including building height, dimensions to property lines, and any structures including utility poles, pipelines or signs;
- e) whether infrastructure for water, sewer, natural gas, telephone or electricity exist on the site boundary and the Applicant plans to connect to same;

Decision Process for Permitted and Discretionary Uses

107. The Land Manager shall receive all applications for Development Permits and shall determine whether or not the submitted applications are complete and comply with this Bylaw.

108. The Land Manager and/or Lands Officer shall review each application for a Development Permit to determine what type of use the development constitutes.

109. The Council shall, subject to Clause 102 hereof, approve a Development Permit for a permitted use if but only if the application conforms to this Bylaw.

110. Subject to paragraphs 102, 103 of this Bylaw, and any other variance provisions contained in this Bylaw, the Land Manager shall inform the Applicant of their application which does not conform to this Bylaw.

111. If the Council refuses an application for a Development Permit, the decision shall be in writing, containing the reasons for the refusal and a copy shall be sent to the Applicant.

Discretionary Uses

112. Where an application for a Development Permit does not conform to this Bylaw, the Council may issue a Permit for a discretionary use where variances of this Bylaw are minor with such Permit issuing with or without conditions.

113. Where an application for a Development Permit for a discretionary use is approved by Council, that decision shall be in writing and a copy of the decision shall be sent to the Applicant.

Minor Variance

114. The Occupant of any land, Building, Dwelling or structure affected by this Bylaw may apply to the Council for a minor variance from the provisions of this Bylaw, in respect of a set-back, the land, Building, Dwelling or structure, or use thereof.

Criteria - Minor Variance

115. In determining whether an application for a minor variance should be granted, Council shall take into consideration:

- (a) whether the minor variance is desirable for the appropriate development or use of the land, Building, Dwelling or structure; and
- (b) whether the general intent and purpose of this Bylaw and the official land use plan will be maintained notwithstanding the variance proposed.

Non-Conforming Development

116. When the enactment of this Bylaw would render an existing development a non-conforming use, the development may continue notwithstanding the enactment of this Bylaw.

117. A non-conforming use of land or of a Building may be continued, but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or Building shall conform with the provisions of this Bylaw as amended.

118. A non-conforming development may continue to be used by the Occupant but the Building or Dwelling Unit shall not be transferred to another Occupant or be enlarged, added to, rebuilt or structurally altered except:

- (a) as may be necessary to make it a conforming Building, or
- (b) as the resident or occupant or Housing Authority considers necessary for the routine maintenance of the building.

Permit Conditions

119. The Council may, with respect to any use:

- (a) require the Applicant make satisfactory arrangements for the supply of utilities including, but not limited to, natural gas, cable, water, electric power, sewer service, vehicular and pedestrian access, or any one or more of them.
- (b) require that an Applicant enter into an agreement or interim agreement with Council, which shall form part of such development permit.

120. In addition to paragraph 114, Council may, with respect to a permitted use, impose such conditions as are required to ensure compliance with this Bylaw.

Development Permit Rules

121. Unless otherwise provided by this Bylaw, a Development Permit remains in effect unless:

- (a) the Development Permit is suspended or cancelled by Council; or

- (b) the development for which the permit is issued has not commenced within 12 months of the date the Development Permit is issued.

122. The validity of a Development Permit may be extended, on application before expiry, for a period not exceeding twelve (12) months by Council.

123. The Development Permit is not transferable without the prior consent of Council.

Suspension or Cancellation of a Development Permit

124. If after the issue of a Development Permit, it becomes known to Council that:

- (a) the application for the Development Permit contains a misrepresentation;
- (b) facts have not been disclosed which should have been disclosed at the time of consideration of the application for the Development Permit; or
- (c) the Development Permit was issued in error;

the Development Permit may be suspended or cancelled by notice in writing, issued by the Council, given to the applicant at the address given in the Development Permit application.

Suspension of Use

125. If a use to which a Building, or a portion of a Building is put, ceases for six (6) months or less, the re-establishment of the same or similar use in the premises does not require a Development Permit.

126. If a use to which a Building, or a portion of a Building, is put ceases operation for more than twelve (12) months, the re-establishment of a use in the building requires a new Development Permit.

Building Permit

127. No person may construct, move, install, build, renovate or add to a Building, Dwelling or any other Structure on the Reserve without a Building Permit.

128. A Building Permit may be issued by the Lands Department if all plans are approved by an Architect or Engineer or are certified by such an expert that all plans conform to the Alberta Building Code.

Compliance Certificates required for Occupancy

129. No person may occupy a Building unless that person is in possession of a Compliance Certificate.

130. A person who has a valid Building Permit and has completed the construction of the Dwelling, Building or other structure in accordance with the Plans and who has been issued a Certificate to that effect by a Building Inspector approved by Council may apply, in a form similar to that attached as Schedule "D", to Council, for a Compliance Certificate.

131. Council may issue a Compliance Certificate when, in their opinion, the building as shown on the plan provided by the Applicant are located on the site in accordance with the separation distance, yard and Building setback regulations of this Bylaw, and was built in compliance with the Building Code (Alberta).

132. Council may refuse to issue a Compliance Certificate when, in their opinion, there is insufficient information available from the Applicant to determine if the Building or Buildings, as shown, are located in accordance with the yard and building setback regulations of this Bylaw, was built in compliance with the plans as submitted, or was constructed in compliance with the Building Code (Alberta).

PART VII - APPEAL PROCESS

Appeal

133. A member of the Nation:

- (a) Who is directly impacted by a land selection;
- (b) Who has been refused operation of a business or commercial operation on reserve;
- (c) Who has been refused an agricultural operation on reserve;
- (d) who has been refused a Development Permit, Building Permit or Compliance Certificate, or a renewal of a Development Permit, Building Permit or Compliance Certificate;
- (e) whose Development Permit, Building Permit or Compliance Certificate has been cancelled; or
- (f) whose Development Permit, Building Permit or Compliance Certificate has been suspended

may Appeal the land selection or refusal, cancellation or suspension by serving the Lands Department with a Notice of Appeal providing the information required by Schedule B of this Bylaw within fourteen (14) days after being notified in writing of the refusal or cancellation by Council Resolution. Council will delegate its authority to hear the appeal to an Appeal Board appointed by Council for this purpose and composed of persons who are not Members of Council.

134. Within sixty (60) days of the filing of a properly completed Appeal under paragraph 133 of this Bylaw, the Appeal Board shall hold a hearing with respect to the application.

Notice

135. At least seven (7) days prior to the appeal hearing, the Appeal Board shall:

- (a) give notice to the Applicant of the date, time and place of the hearing and inform the Applicant that he and any other resident of the Reserve who has an interest, has the right to appear at the hearing and to be heard in respect of the application; and
- (b) post in the Administration Office a copy of the notice.

Hearing

136. At the hearing, the Appeal Board shall:

- (a) provide the Applicant with an opportunity to present evidence and to make oral or written submission in support of the application; and
- (b) provide any resident or Member present at the hearing who has an interest, with an opportunity to be heard.

137. After it has heard all of the evidence and submissions, the Appeal Board shall meet in private to consider the appeal.

Decision

138. The Appeal Board may, on hearing an appeal:

- (a) confirm the refusal or cancellation;
- (b) direct the Lands Department to issue the Permit, as the case may be;
- (c) reinstate the cancelled Permit, or;
- (d) remove or vary the suspension of the Permit.

Notice of Decision

139. Within fourteen (14) days after the hearing, the Appeal Board shall render its decision on the application and shall give a written notice of its decision to the Applicant which provides written reasons in support of its decision.

Posting Decision

140. Within seven (7) days after disposing of the application, the Appeal Board shall post a notice of its decision in the Bigstone Cree Nation Administration Office.

Rules of Procedures

141. Council shall appoint at least five (5) persons to be members of the Appeal Board; one of the five persons so appointed will serve as the Chairperson. The Chairperson will be responsible to select two of the members of the Appeal Board who are independent of the Appellant, to constitute a panel on receipt of a Notice of Appeal.

142. Council may make rules of procedure governing the hearing of Applications and Appeals, and Council shall keep records of its proceedings.

PART VIII - ENFORCEMENT

Inspection

143. The Land Manager and Lands Department Staff may, at all reasonable hours, enter and inspect any land, Building, structure or other property for the purpose of determining compliance with this Bylaw.

Stop Order

144. If the Lands Department finds that a development or use of land or a Building is not in compliance with this Bylaw, Development Permit, Building Permit or the Building Code (Alberta), the Land Manager will notify Council who may, by notice in writing, order the registered Occupant, the Holder of the Development Permit the person in possession or occupation of the land or Buildings, the person responsible for the contravention, or any or all of them to;

- a) stop the development or use of the land, Building or Buildings in whole or part as directed by the notice;
- b) demolish, remove or replace the development; or
- c) take other measures as specified in the notice so that the development or use of the land or Building follows this Bylaw in terms of Building Code, Development Permit or any other Permits granted by the Nation.

Offence

145. Any person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence.

146. A person who interferes with or obstructs the staff of the Lands Department in the administration and enforcement of this Bylaw commits an offence.

147. Where an act or omission in contravention of this Bylaw continues for more than seven (7) days, such act omission shall be deemed to be a separate offence committed on each day during which it continues, and may be punished as such.

Penalty

148. A person who commits an offence under paragraph 145, 146 and 147 of this Bylaw is liable on summary conviction to a fine not exceeding one thousand (\$1,000.00) Dollars or to imprisonment not exceeding thirty (30) days, or both.

149. Where the Bylaw of the Nation is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this Bylaw, the Court in which the conviction has been entered, and any Court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted pursuant to S.81(2) of the Indian Act, R.S.C. 1985, c. 1-5, as amended.

150. Where the Bylaw of the Nation is contravened, in addition to any other remedy and to any penalty imposed by this Bylaw, such contravention may be restrained by court action at the instance of the Council pursuant to S.81(3) of the Indian Act, R.S.C. 1985, c. 1-5, as amended.

PART IX - AMENDMENT

Amendment

151. The Occupant of any land, Building, Dwelling or structure on Reserve may apply to the Council for an amendment to this Bylaw.

152. An individual who applies under paragraph 151 must set out in the application the reasons for the amendment and if it is an amendment for a specific use of land, then the applicant must submit detailed site plans, where applicable.

153. Where an application is made to vary from the provisions of this Bylaw to an extent that substantially affects the intent of this Bylaw, Council can amend any provision to enable conformity with the terms and conditions set out herein.

154. This Bylaw may also be amended by Council by enacting an amended Bylaw and directing the Lands Department to officially register the amended Bylaw.

Interpretation

155. If any part of this Bylaw is found by a Court to be ineffective or inoperative by rule of law, it shall be severed from this Bylaw in order to preserve the intent of the whole of the Bylaw.

156. The table of contents, title and subtitles are not part of this Bylaw, but are inserted for convenience of reference only.

157. The tables and charts included in, and the Schedules attached to this Bylaw, are part of this Bylaw unless otherwise stated.

158. Words in this Bylaw that would normally imply singularity, or male and female gender should be interpreted as including the singular and plural and the masculine and feminine where the context requires.

159. This Bylaw shall be interpreted and applied in a manner consistent with the customs, traditions and values of the Bigstone Cree Nation and nothing in this Bylaw should be construed or interpreted so as to deny, abrogate or derogate from any of the Aboriginal and Treaty rights of the Nation or Members of the Nation.

THIS BY-LAW IS HEREBY ENACTED AS **BY-LAW NO. 01 – 2023** BY COUNCIL AT A DULY CONVENED MEETING HELD ON THE **1st DAY OF FEBRUARY, 2023.** **BCR # 060-22-23**



File Reference No.

BIGSTONE COUNCIL RESOLUTION

BCR# 060-22-23

Date of duly convened meeting	Day: <i>01</i>	Month: <i>02</i>	Year: <i>23</i>	Province: Alberta
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DO HEREBY RESOLVE:

WHEREAS, the Chief and Council of Bigstone Cree Nation met at a duly convened meeting on the above date and;

WHEREAS, the Chief and Council of Bigstone Cree Nation are empowered to act on behalf of its' Membership and;

WHEREAS, the Lands and Resource Department of Bigstone Cree Nation have prepared a policy to provide for the management of lands, land selections, dispute resolution, allotment of reserves into zones and setting the regulations of each zone, and;

WHEREAS Council desires to enact a Land Use Bylaw dividing the Reserves of the Nation into zones and regulating the use of land within each zone, and;

WHEREAS Council desires to amend and combine the existing BCN Land Code and the Land Use Policy into one document to be known as the "BCN Land Use Bylaw 01-2023", and;

WHEREAS Council is empowered to make such a Bylaw pursuant to ss. 81(1)(a), (d), (g), (q) and (r) of the Indian Act, R.S.C. 1985, c. 1-5, as amended;

WHEREAS Council considers it necessary and in the best interest of its members to implement this Bylaw to achieve orderly, sustainable and responsible development of lands governed by Bigstone Cree Nation.

NOW THEREFORE BE IT RESOLVED:

Chief and Council, on behalf of the BCN, hereby authorizes and consents to the **Land Use Bylaw # 01-2023.**

Quorum: 6 (six)

[Signature]
Wabasca Council: **Lawrence Oar**

Chipewyan Lake Council: **Eva Yellowknee**

Wabasca Council: **Peter Young**
[Signature]
Wabasca Council: **Samantha Greyeyes**

[Signature]
Calling Lake Council: **Gloria Anderson**

[Signature]
Chief: **Andy Alook**

Calling Lake Council: **Loretta Gladue**

[Signature]
Wabasca Council: **Dwayne Yellowknee**

[Signature]
Wabasca Council: **Denise Rathbone**

[Signature]
Chipewyan Lake Council: **Elvis Oar**

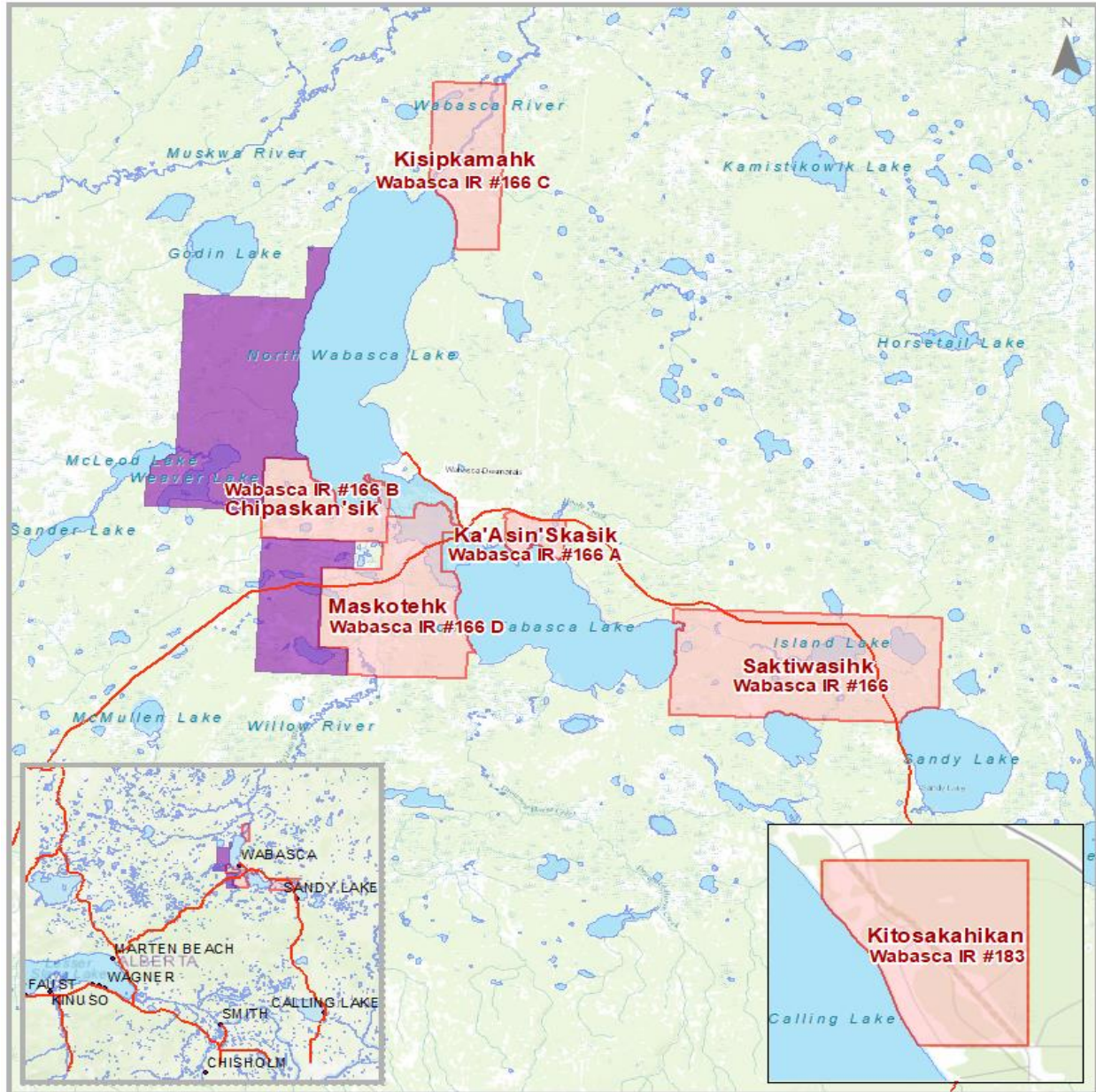
[Signature]
Wabasca Council: **Freda Alook-Gambler**

Schedule "A"

The provisions of this Bylaw apply to lands within the Reserves and Treaty Land Entitlement Areas of Bigstone Cree Nation as shown on the table below and following pages.

Reserve	Area also known as	Found on Map and Page
Reserve 166	- Sandy Lake - Kapas' kwatinahk - Saktiwasihk	Pages 37 and 38
Reserve 166 A	- Ka' Asin'shasik - Nimis'cikosihs	Pages 39 and 40
Reserve 166 B	- Chipankan'sihk	Page 41 and 42
Reserve 166 C	- North End - Kisipkamahk	Pages 43 and 44
Reserve 166 D	- Muskotehk	Pages 45 and 46
Addition to Reserve 166-B	Wabasca TLE - North	Pages 47 and 48
Addition to Reserve 166-D	Wabasca TLE - South	Pages 49, 50
Jean Baptiste Gambler 183	- Kitch'sakahikan	Pages 51, 52
Jean Baptiste Gambler 183-A	Rock Island Lake	Pages 53, 54
Jean Baptiste Gambler 183-B	Calling Lake TLE - North	Pages 55, 56
Jean Baptiste Gambler 183-C	Calling Lake TLE - South	Pages 57, 58
Jean Baptiste Gambler 183-D	Calling River TLE	Pages 59, 60
Chip Lake 166 E	Chipewyan Lake TLE North	Pages 61, 62
Chip Lake 166 F	Chipewyan Lake TLE South	Pages 63, 64

Overview of existing Reserves as of February 1, 2023



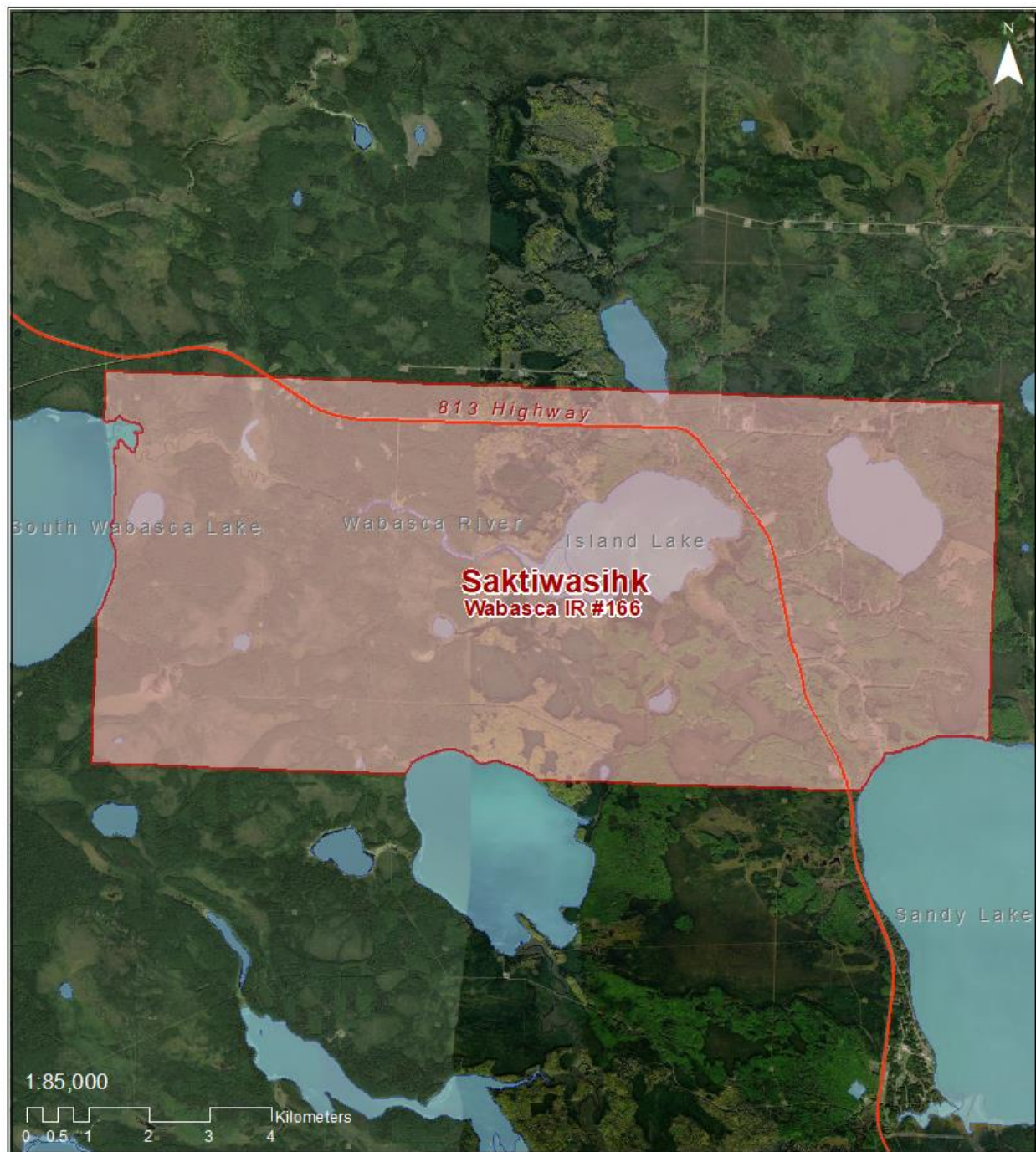
Schedule "A" Land Maps of Bigstone Cree Nation

MAP A : Bigstone Cree Nation Reserves

Legend

- Road Network
- Arterial Roads
- BCN Traditional Land Entitlement
- BCN Reserves
- Lake | Rivers





Schedule " A " Land Maps of Bigstone Cree Nation

MAP A - 5

Bigstone Cree Nation IR #166

Sandy Lake

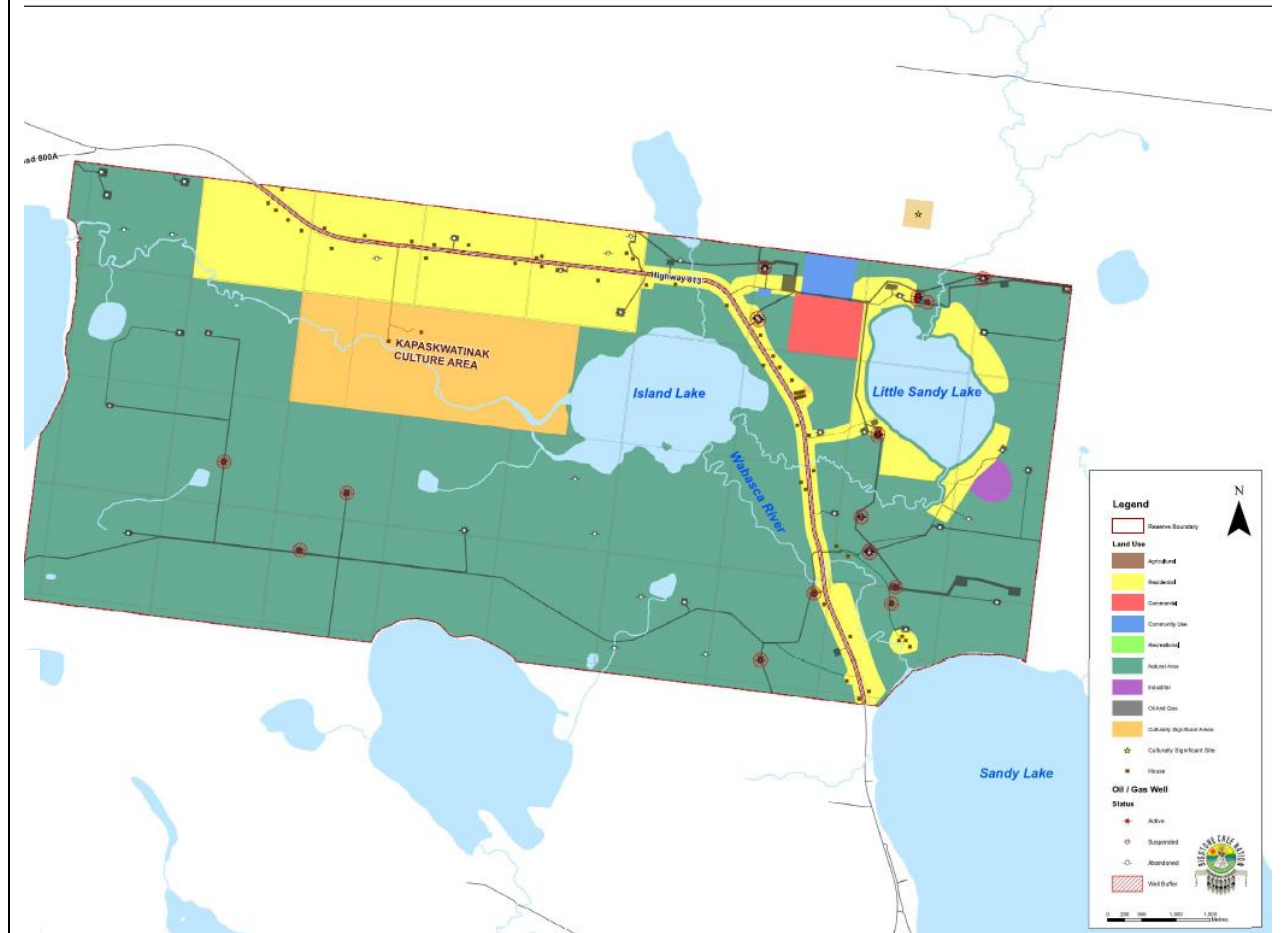
Legend

- Road Network
- Arterial Roads
- BCN Reserves
- Lake | Rivers

Date: February 22, 2023
 Diagram: Brendon Lamouche
 Coordinate System: NAD 83 UTM Zone 12



Saktiwasihk (Wabasca IR #166)



Reserve 166 – Map above derived from the 2019 Land Use Plan



Schedule " A " Land Maps of Bigstone Cree Nation

MAP A - 1 : Bigstone Cree Nation IR #166 A

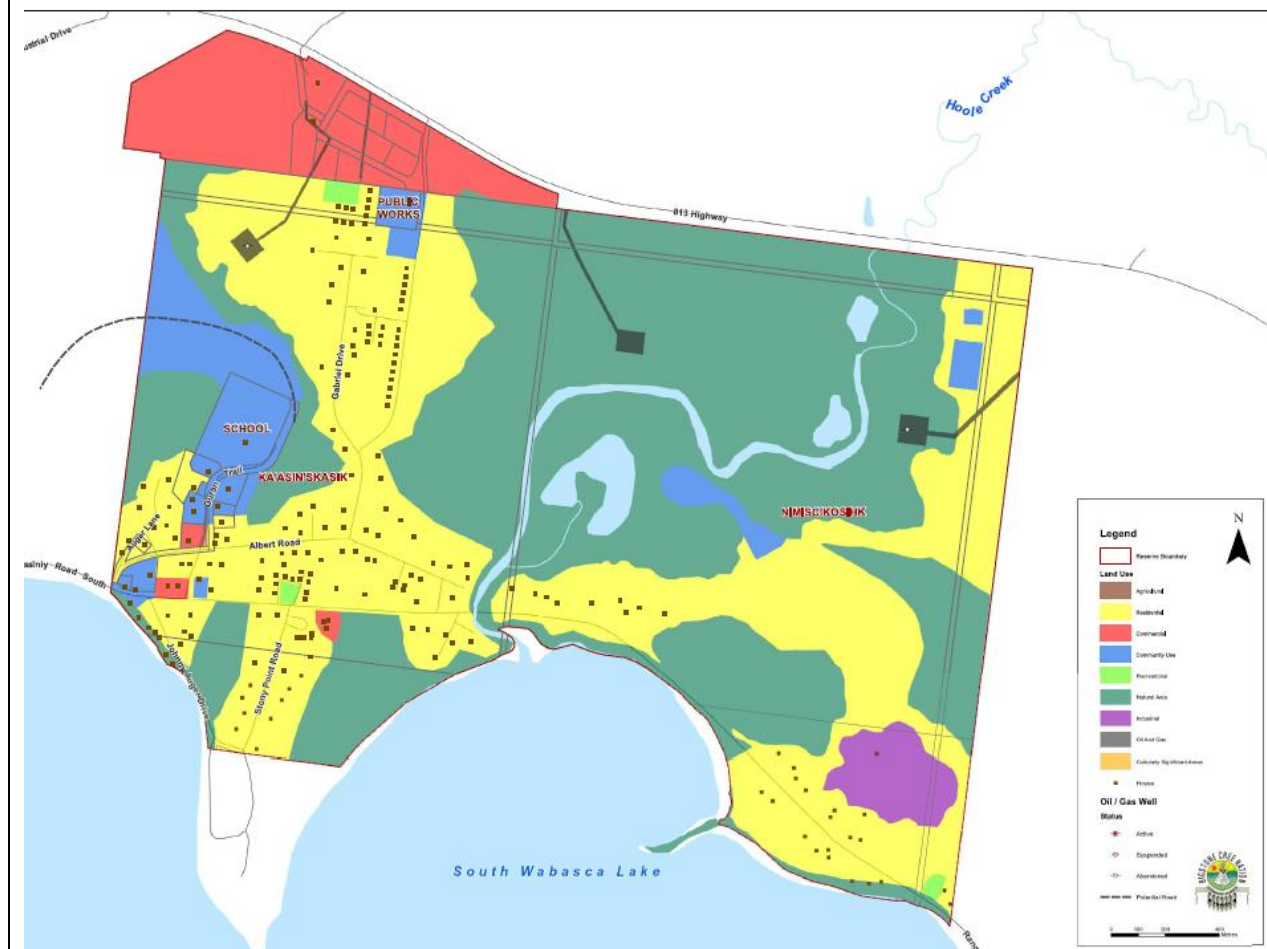
Legend

- Road Network
- Arterial Roads
- BCN Reserves
- Lake | Rivers

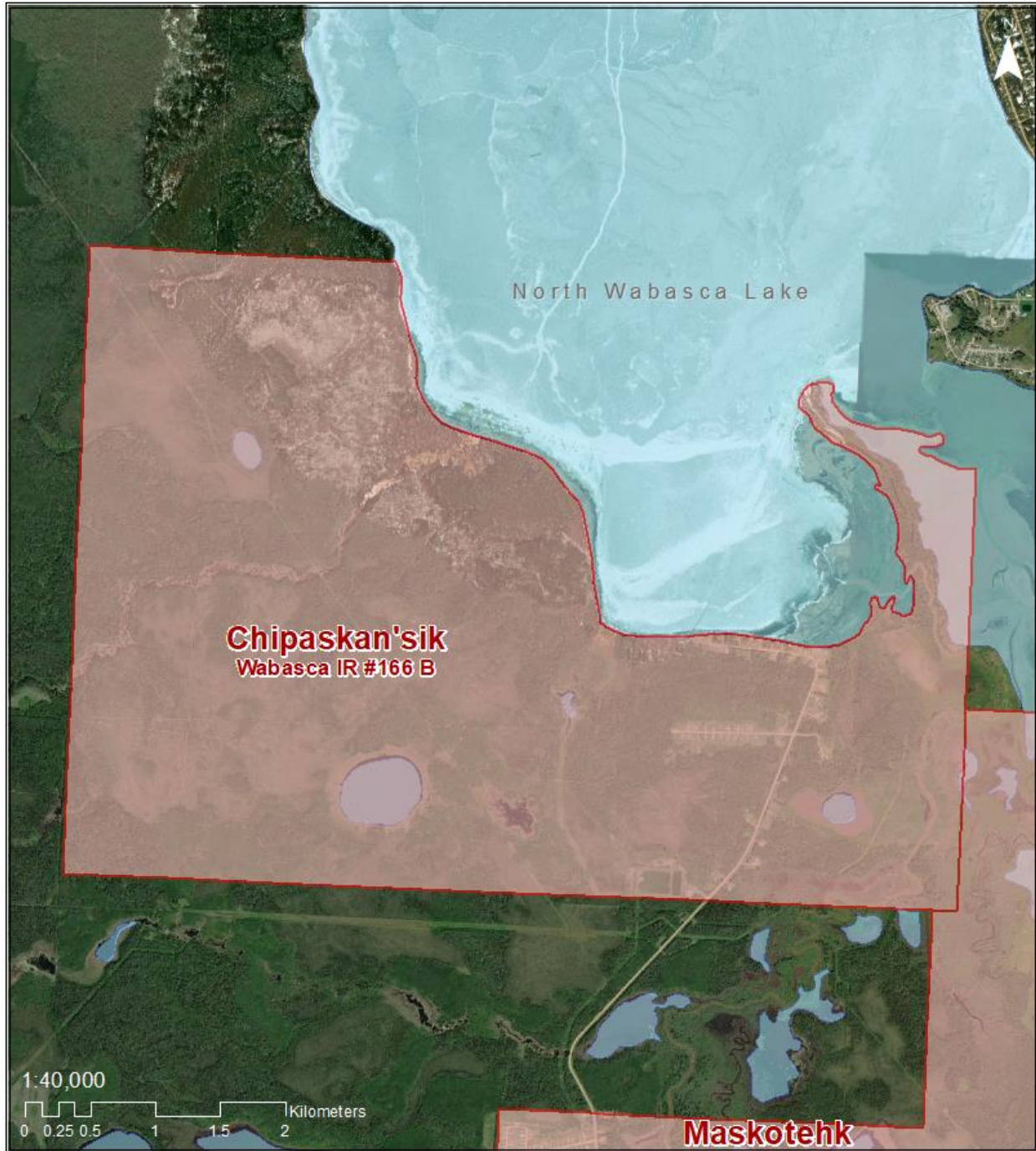
Date: February 22, 2023
 Diagram: Brendon Lamouche
 Coordinate System: NAD 83 UTM Zone 12



Ka'Asin'shasik and Nimiscikosihk (Wabasca IR #166A)



Reserve 166 A – Map above derived from the 2019 Land Use Plan



Schedule " A " Land Maps of Bigstone Cree Nation

MAP A - 2 : Bigstone Cree Nation IR #166 B

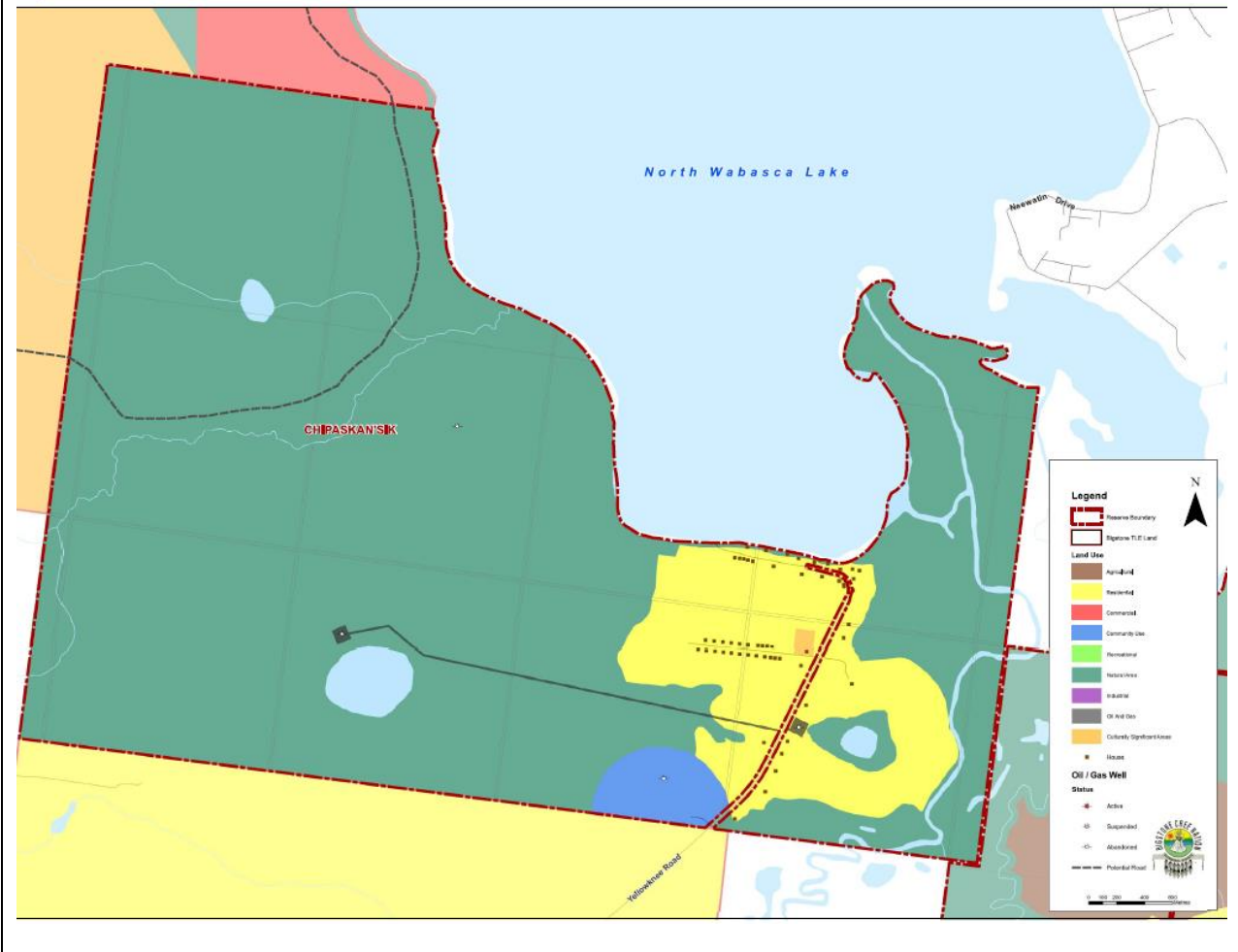
Legend

- Road Network
- Arterial Roads
- BCN Reserves
- Lake | Rivers

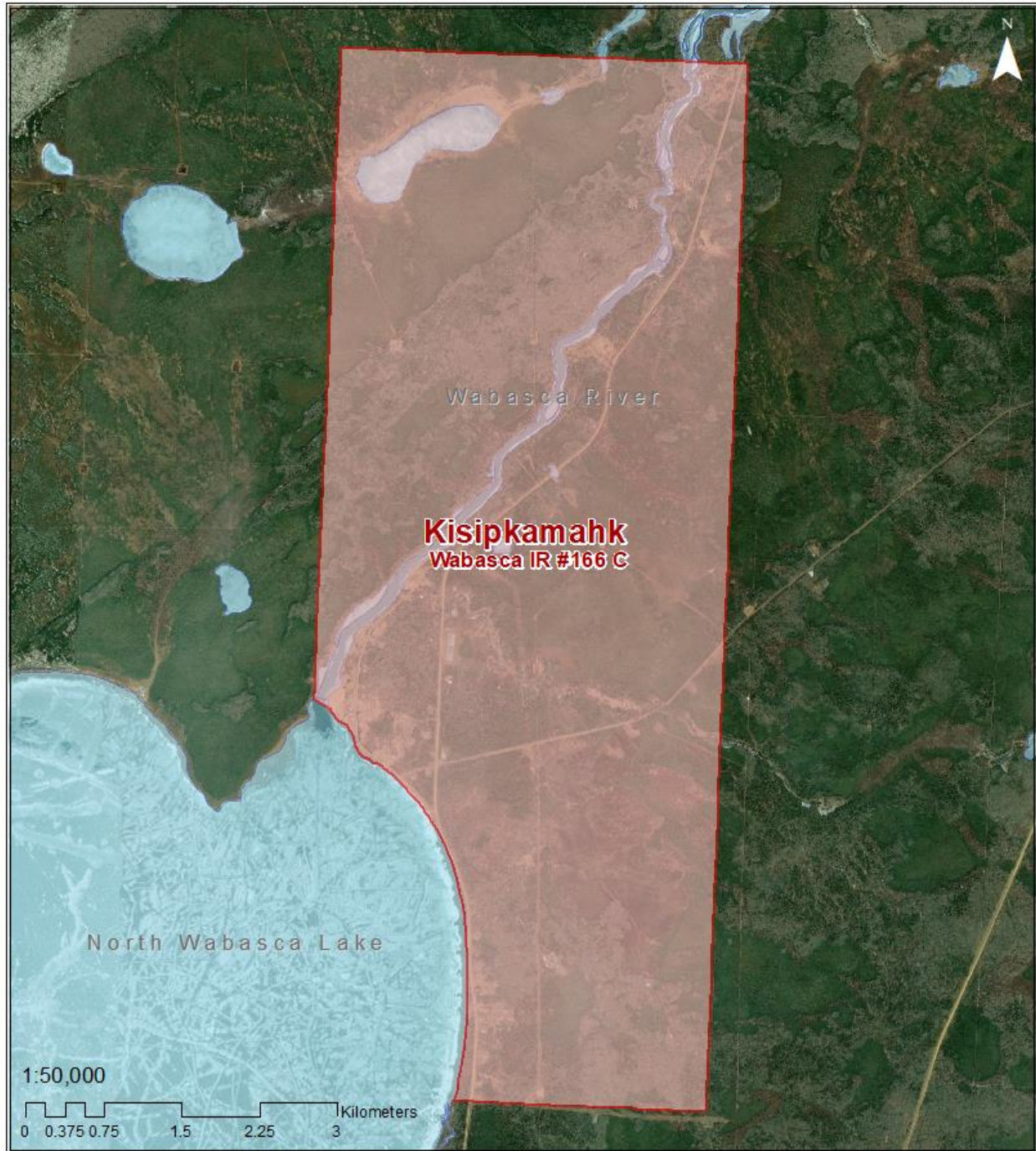
Date: February 22, 2023
 Diagram: Brendon Lamouche
 Coordinate System: NAD 83 UTM Zone 12



Chipaskan'sik (Wabasca IR #166B)



Reserve 166 B – Map above derived from the 2019 Land Use Plan



Schedule " A " Land Maps of Bigstone Cree Nation

MAP A - 3 : Bigstone Cree Nation IR #166 C

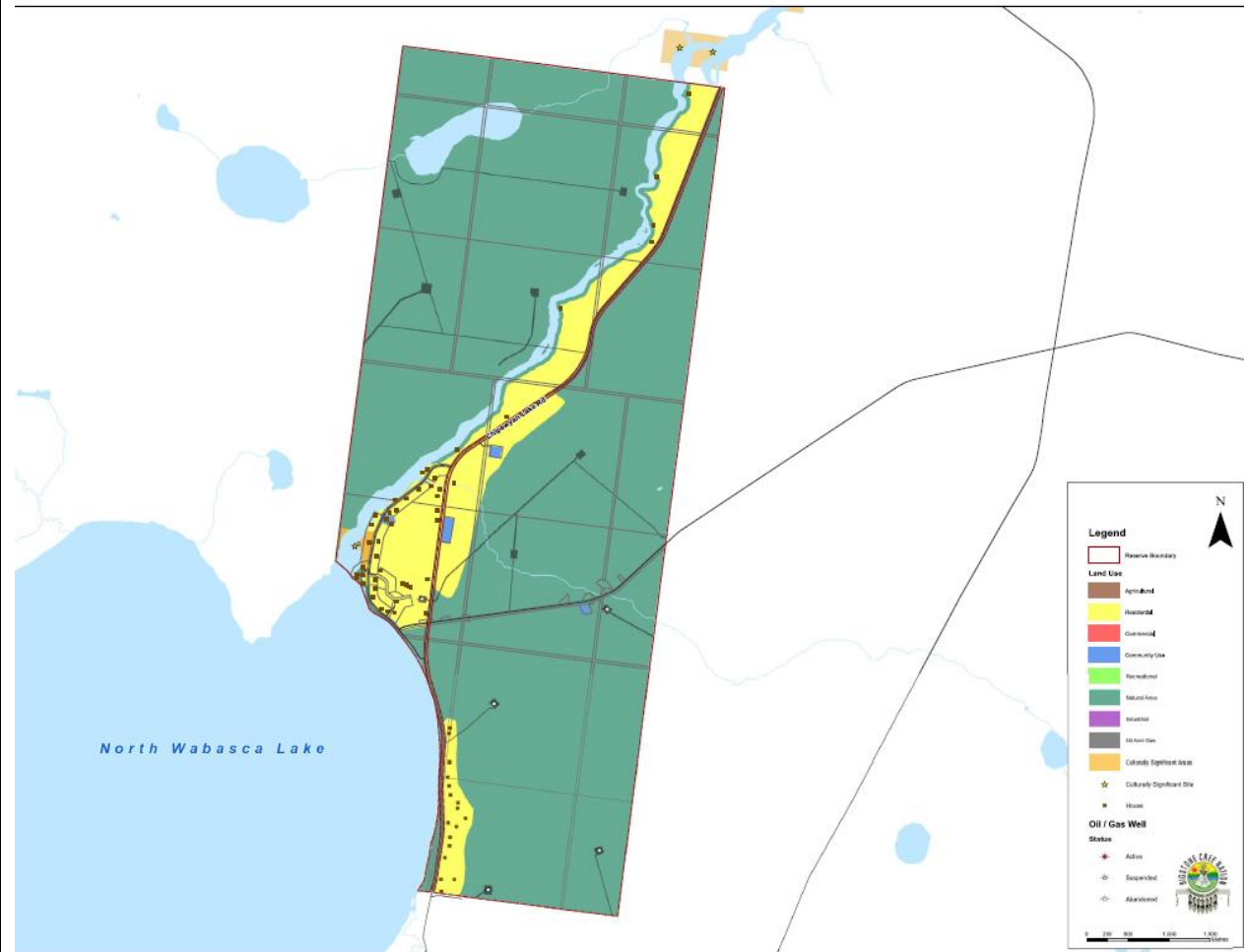
Legend

- Road Network
- Arterial Roads
- BCN Reserves
- Lake | Rivers

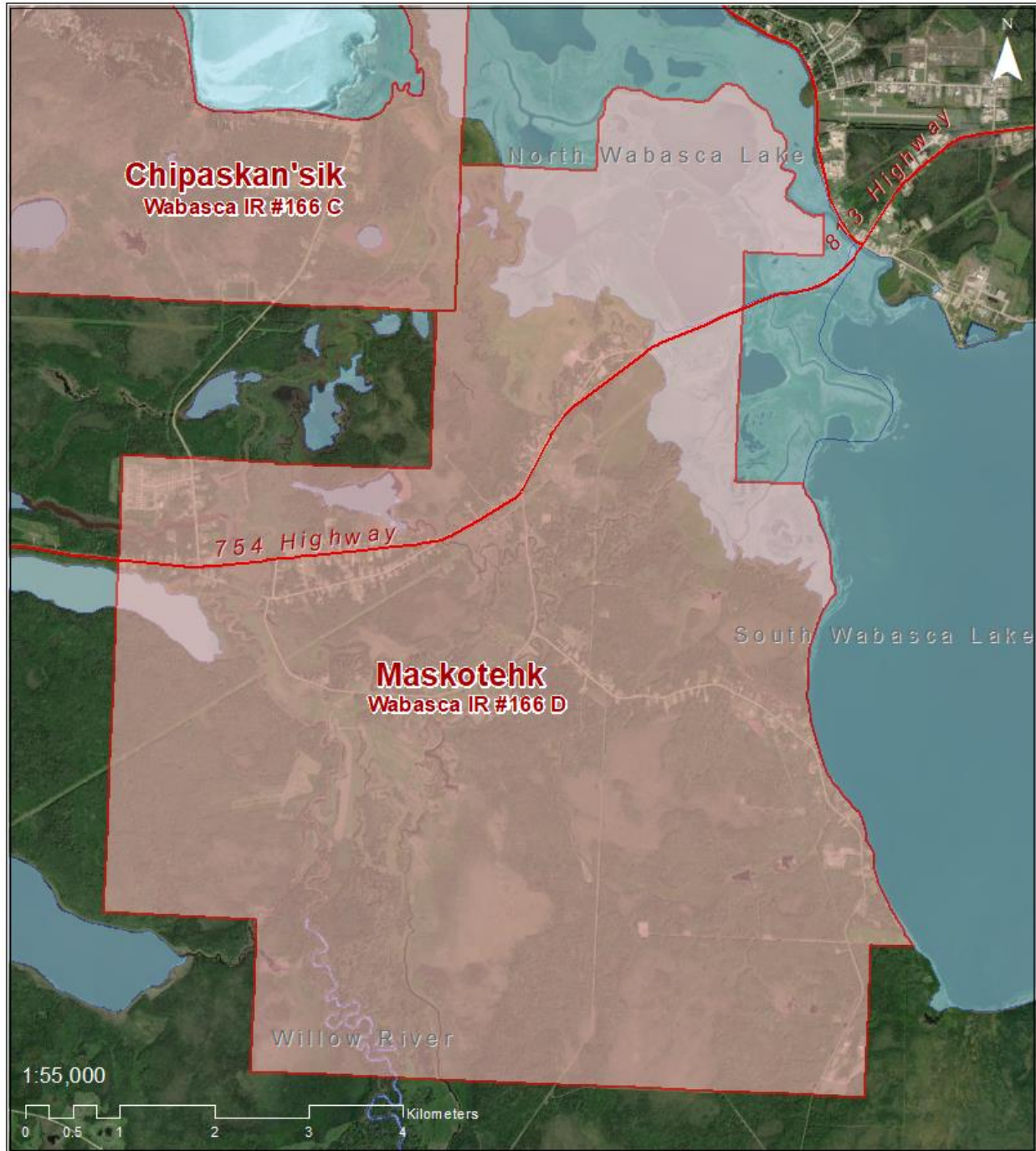
Date: February 14, 2023
 Diagram: Brendon Lamouche
 Coordinate System: NAD 83 UTM Zone 12



Kisipkamahk (Wabasca IR #166C)



Reserve 166 C – Map above derived from the 2019 Land Use Plan



Schedule "A" Land Maps of Bigstone Cree Nation

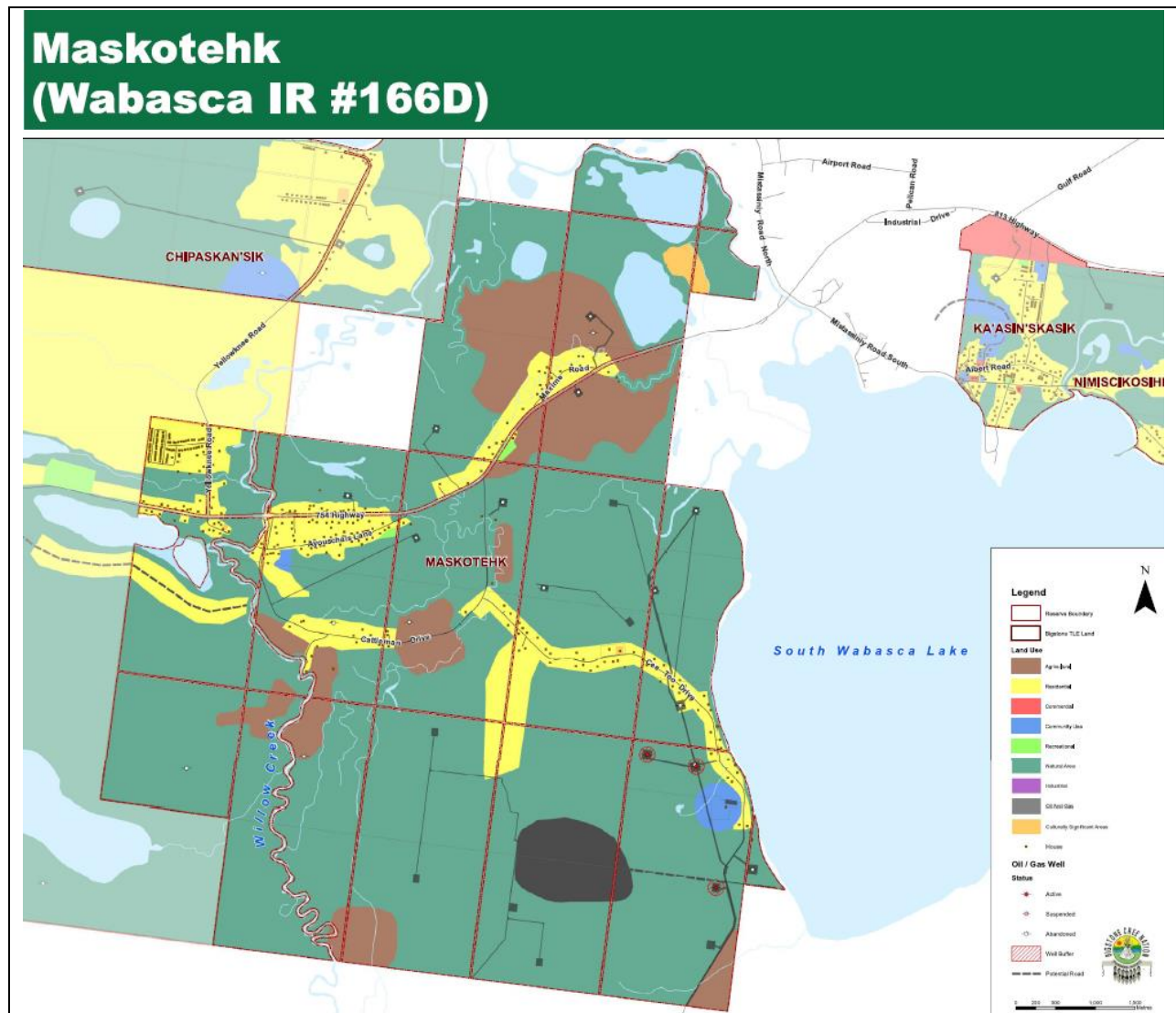
MAP A - 4 : Bigstone Cree Nation IR #166 D

Legend

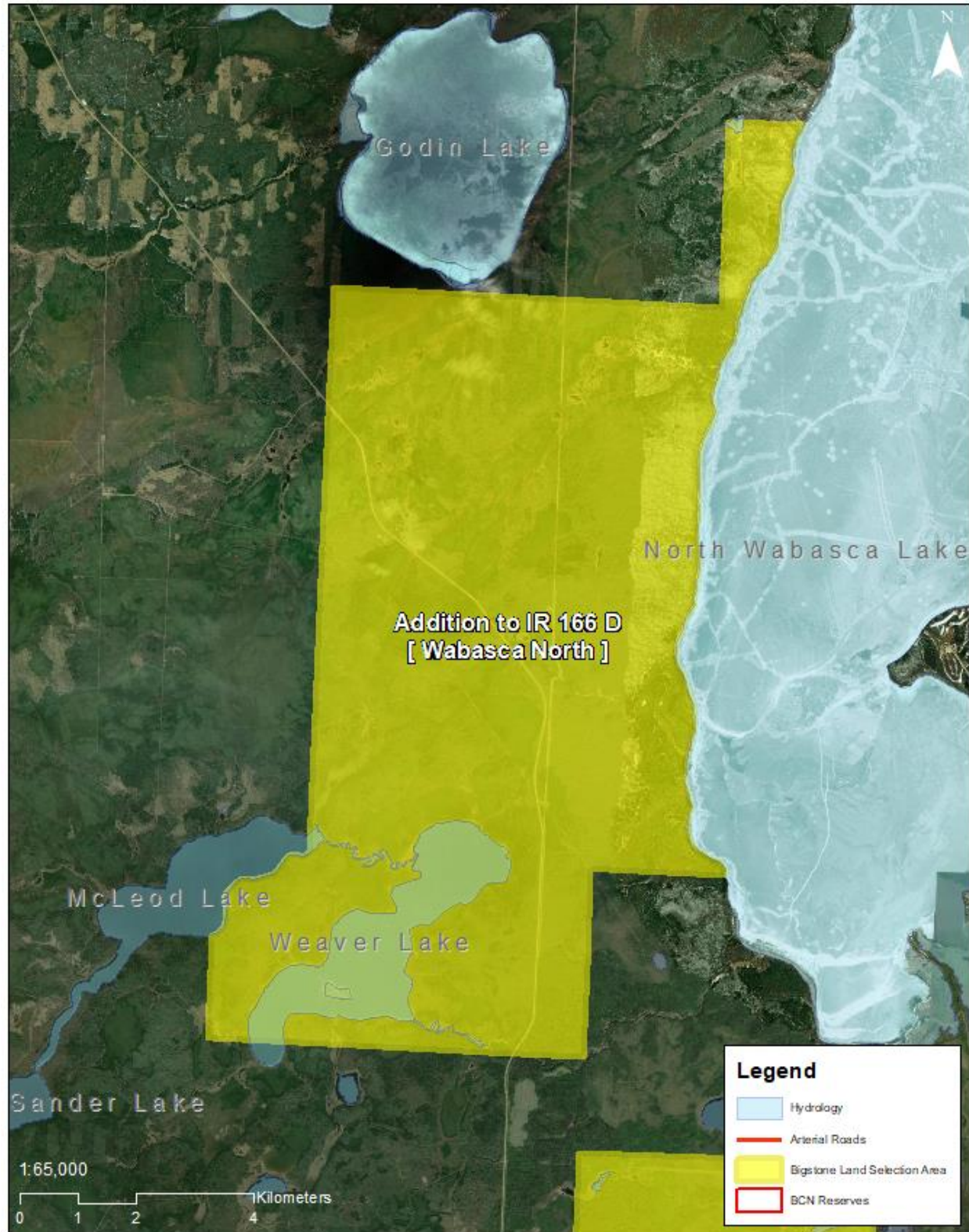
- Road Network
- Arterial Roads
- BCN Reserves ■ Lake | Rivers

Date: February 22, 2023
 Diagram: Brendon Lamouche
 Coordinate System: NAD 83 UTM Zone 12



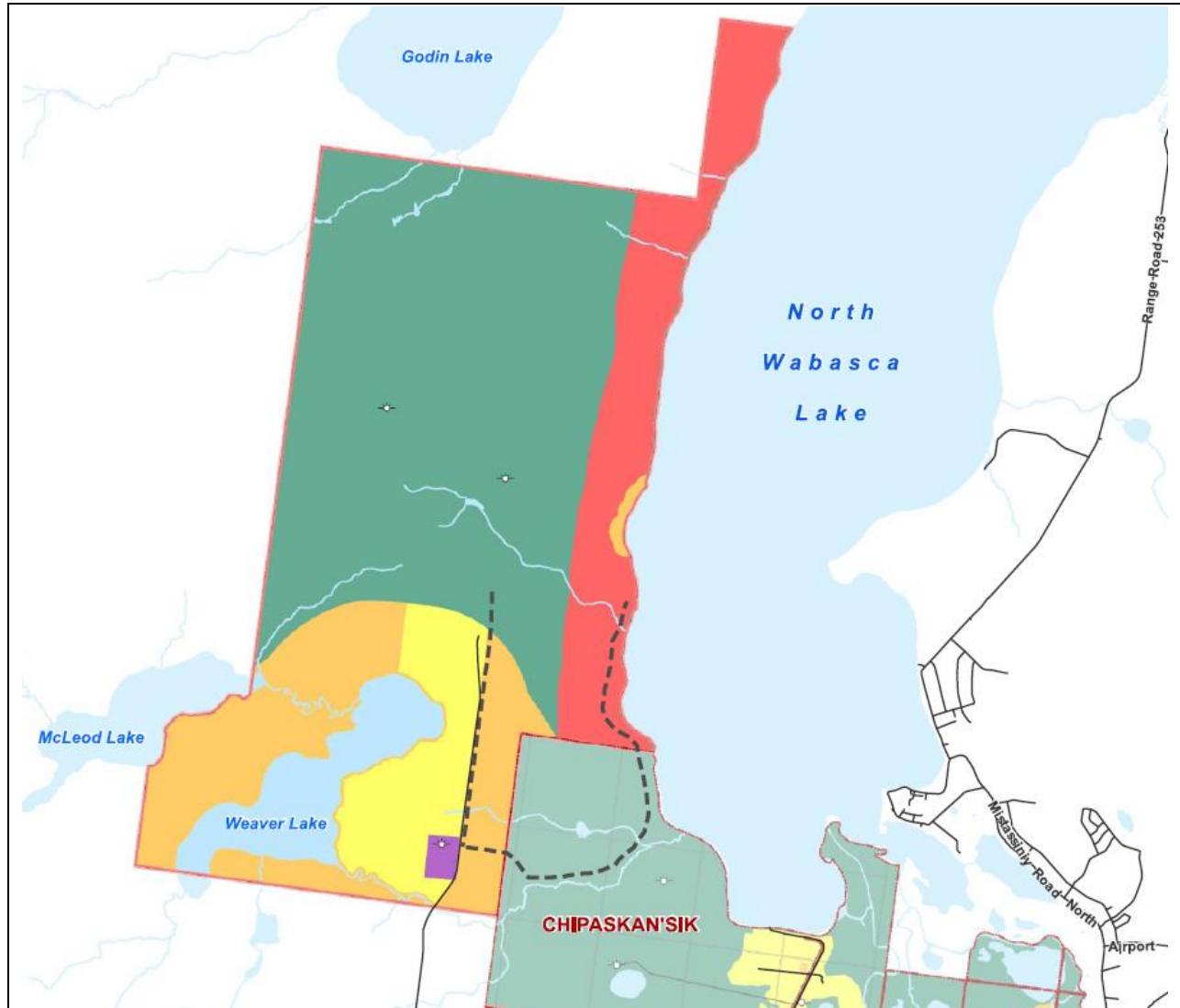


Reserve 166 D – Map above derived from the 2019 Land Use Plan



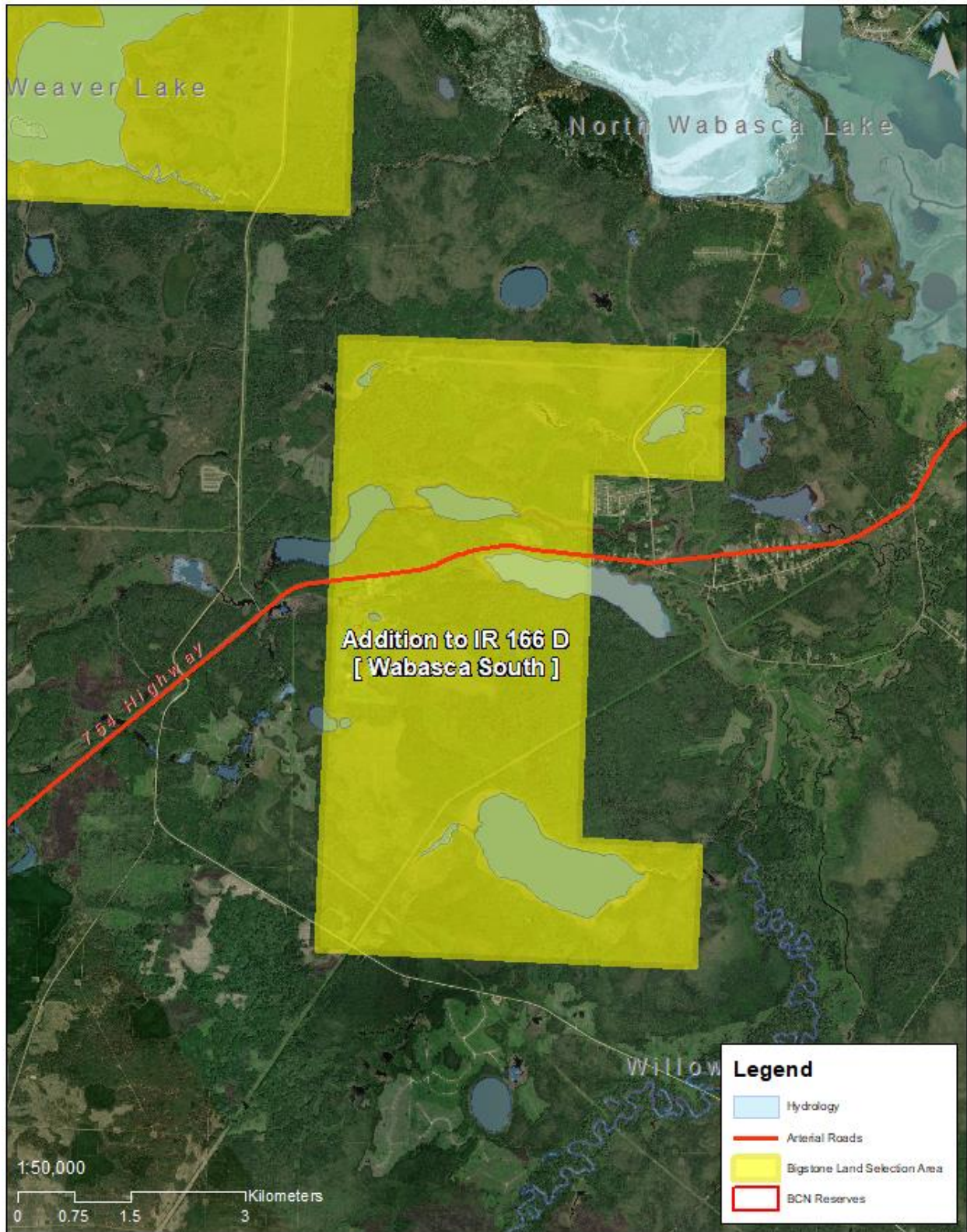
Map above highlights Addition to Reserve 166-B (Wabasca North TLE) Area in yellow

Bigstone Treaty Land Entitlement – Addition to Reserve # 166B



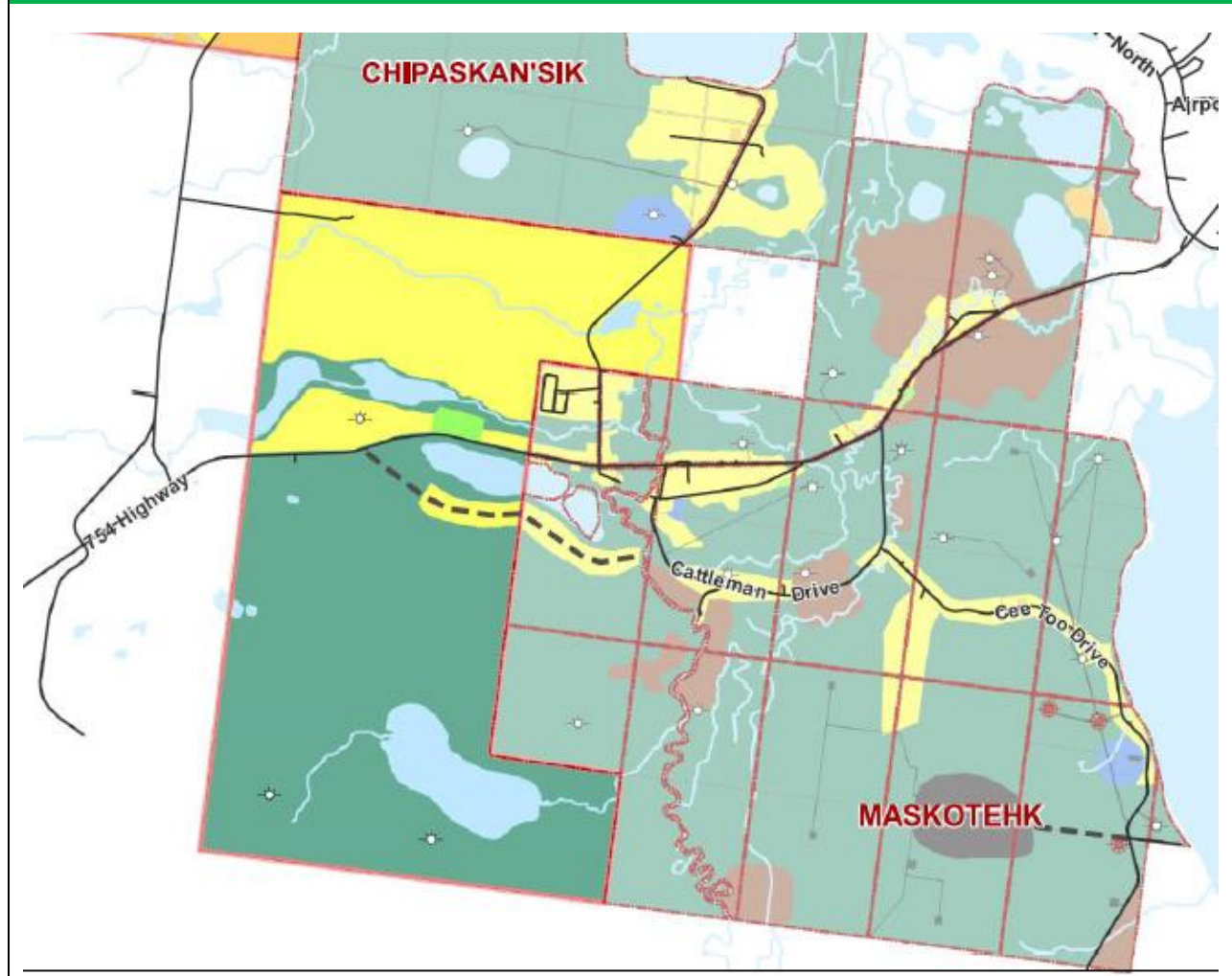
Addition to Reserve # 166-B
Use Plan

(Wabasca North TLE) – Map above derived from the 2019 Land



Map above highlights Addition to Reserve 166-B (Wabasca North TLE) Area in yellow

Bigstone Treaty Land Entitlement – Addition to Reserve # 166-D



Addition to Reserve # 166-D
2019 Land Use Plan

(Wabasca South TLE) – Map above derived from the



Schedule " A " Land Maps of Bigstone Cree Nation

MAP A - 6

Bigstone Cree Nation IR #183
Jean Baptiste Gambler

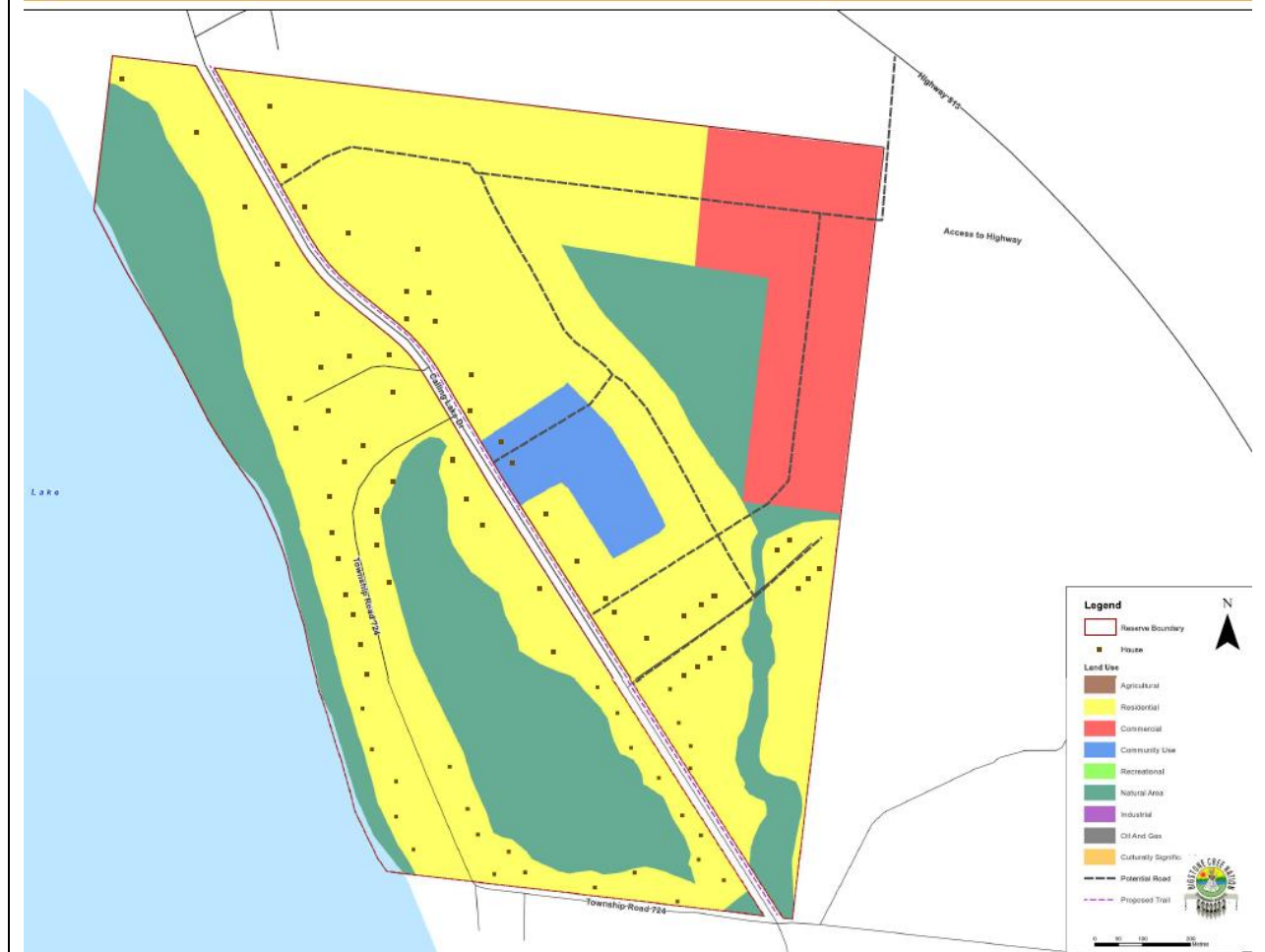
Legend

- Road Network
- Arterial Roads
- BCN Reserves
- Lake | Rivers

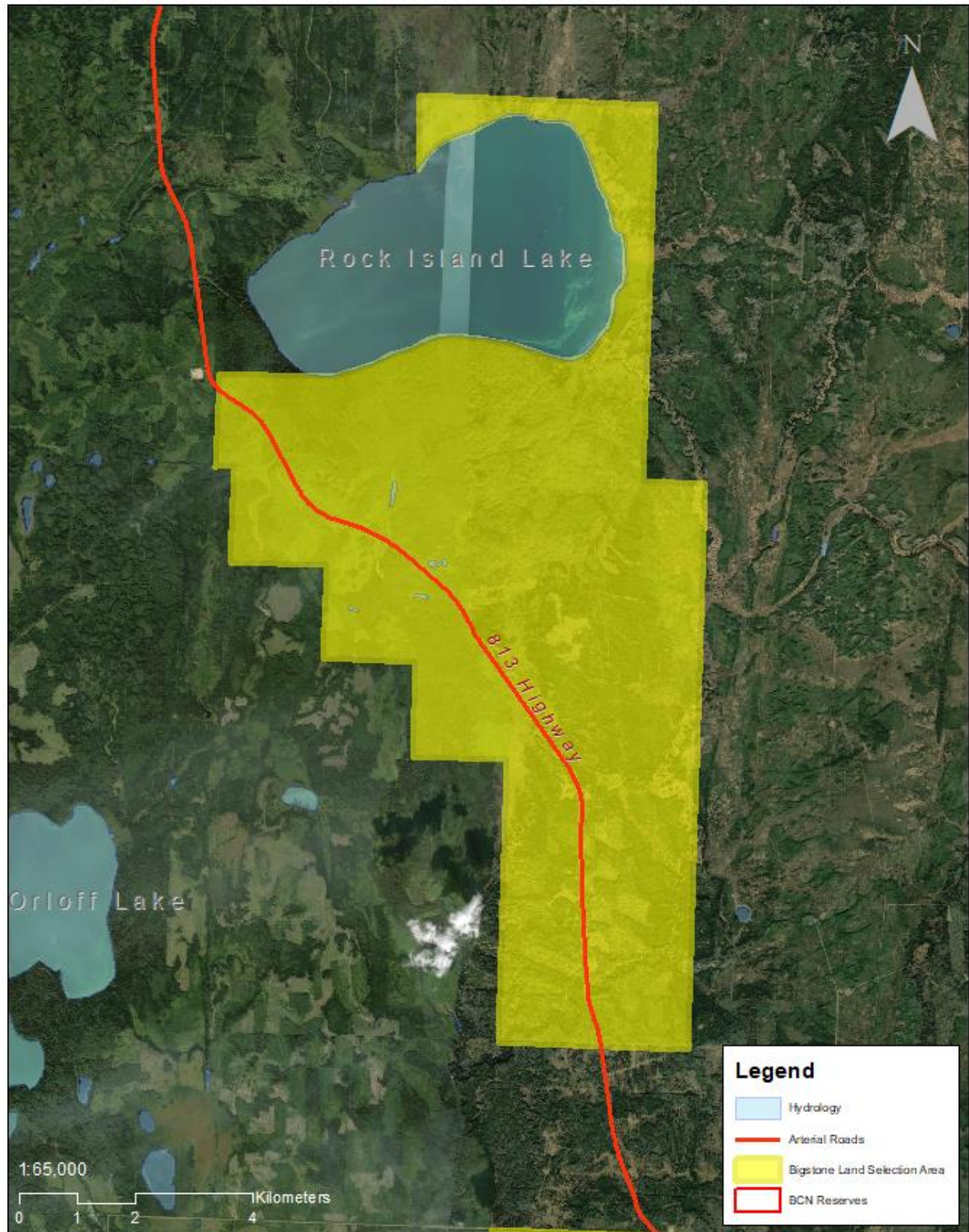
Date: February 22, 2023
Diagram: Brendon Lamouche
Coordinate System: NAD 83 UTM Zone 12



Kitosakahikan (Jean Baptiste Gambler IR #183)

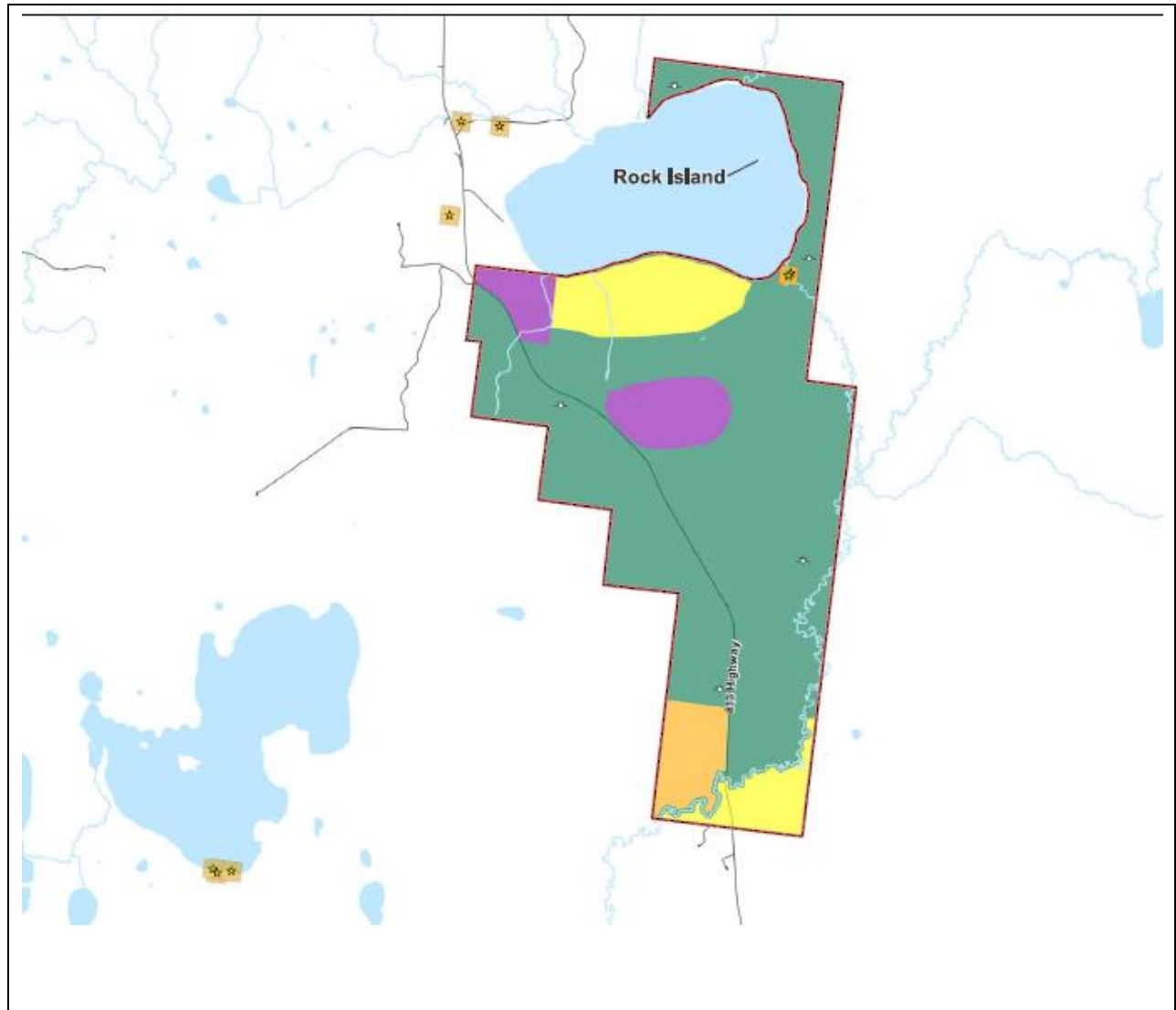


Jean Baptiste Gambler Reserve 183 – Map above derived from the 2019 Land Use Plan



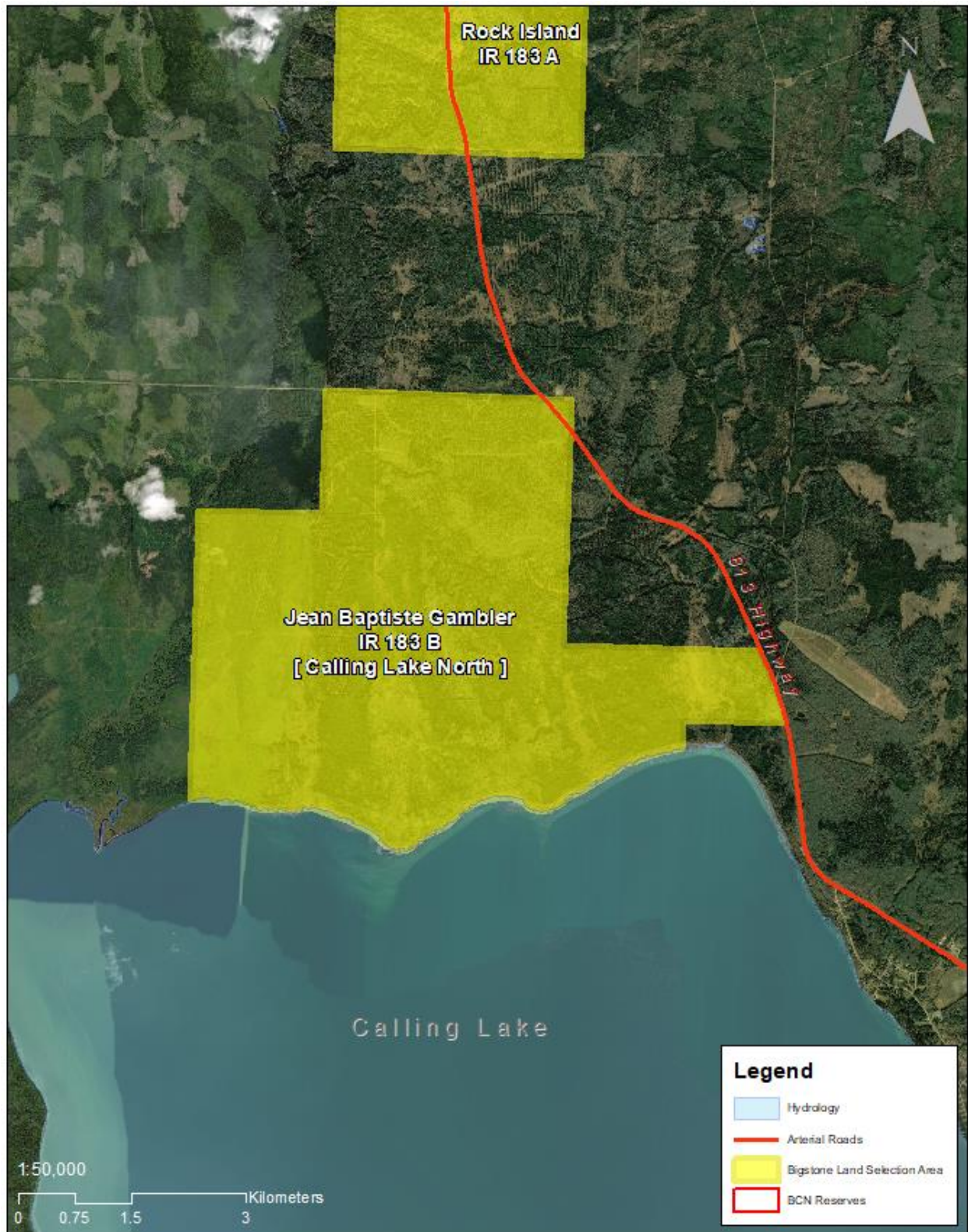
Bigstone Cree Nation – Traditional Land Entitlement
Rock Island, near Calling Lake, AB.

Bigstone Treaty Land Entitlement – Jean Baptiste Gambler 183 - A



Jean Baptiste Gambler # 183 – A
from the 2019 Land Use Plan

(Rock Island Lake TLE) – Map above derived



Bigstone Cree Nation – Traditional Land Entitlement
Jean Baptiste Gambler IR 183 - B

Bigstone Treaty Land Entitlement – Calling Lake North

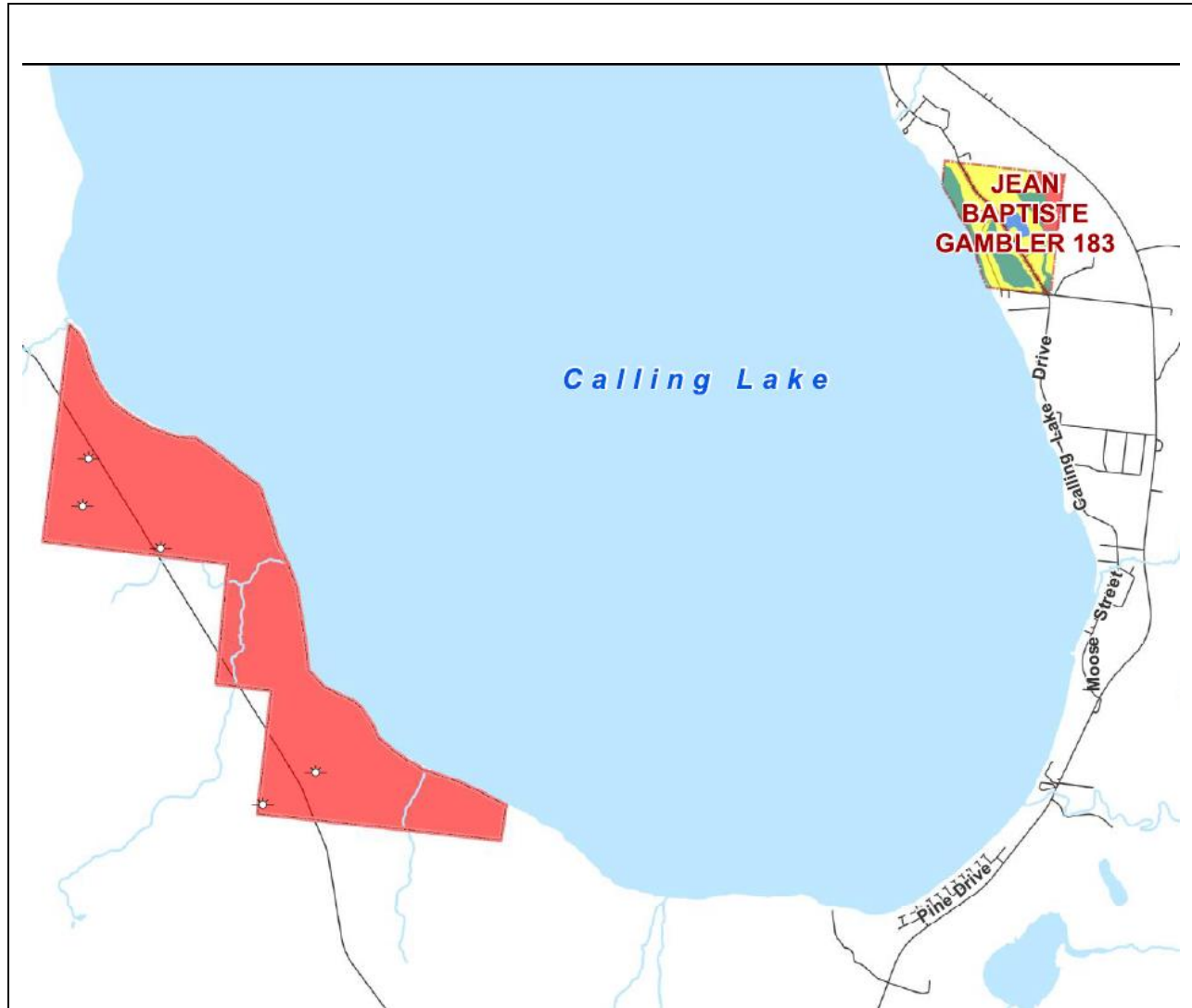


Jean Baptiste Gambler Reserve 183-B (Calling Lake North TLE) – Map above derived from the 2019 Land Use Plan

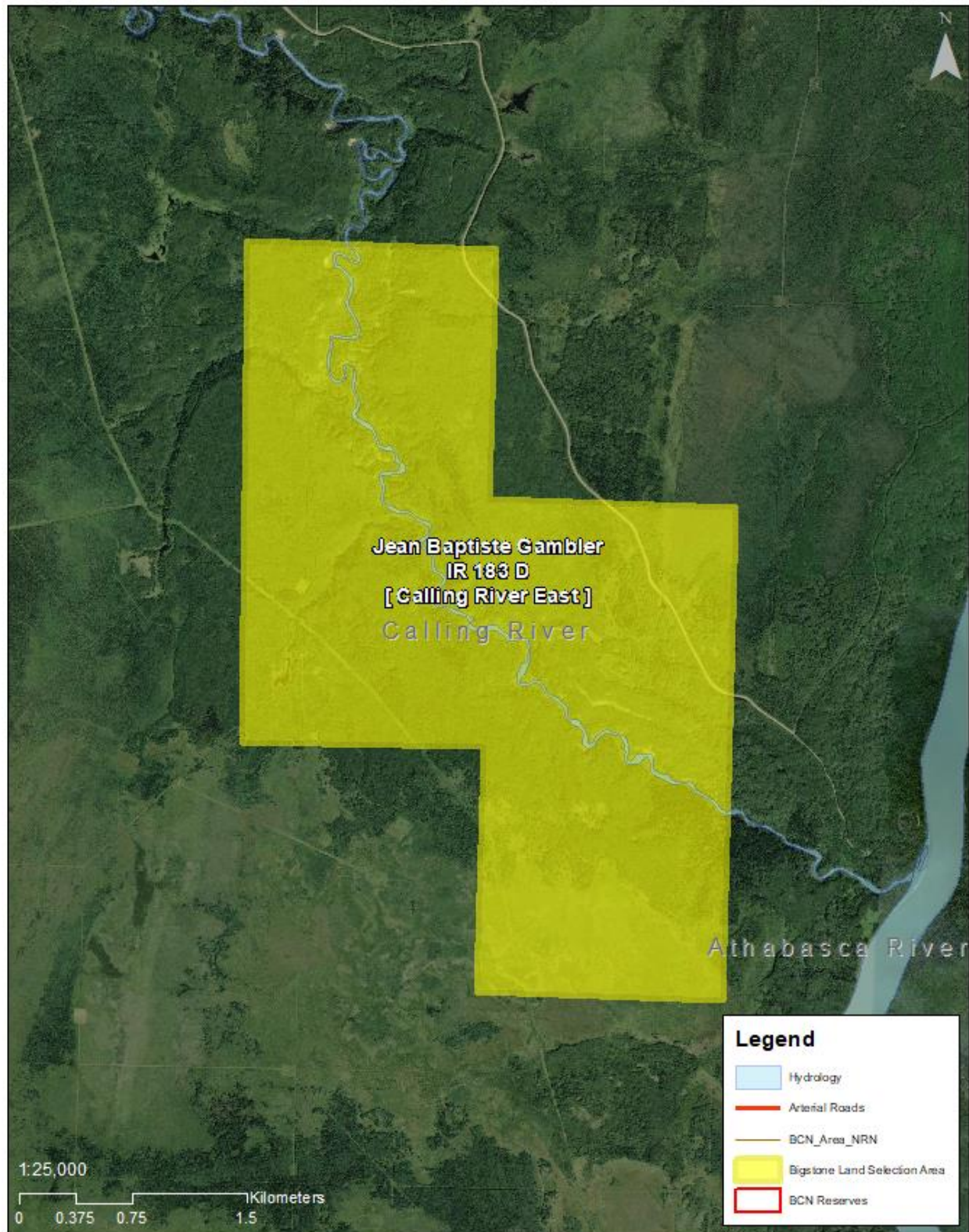


Bigstone Cree Nation – Traditional Land Entitlement
Jean Baptiste Gambler IR 183 C

Bigstone Treaty Land Entitlement – Calling Lake South

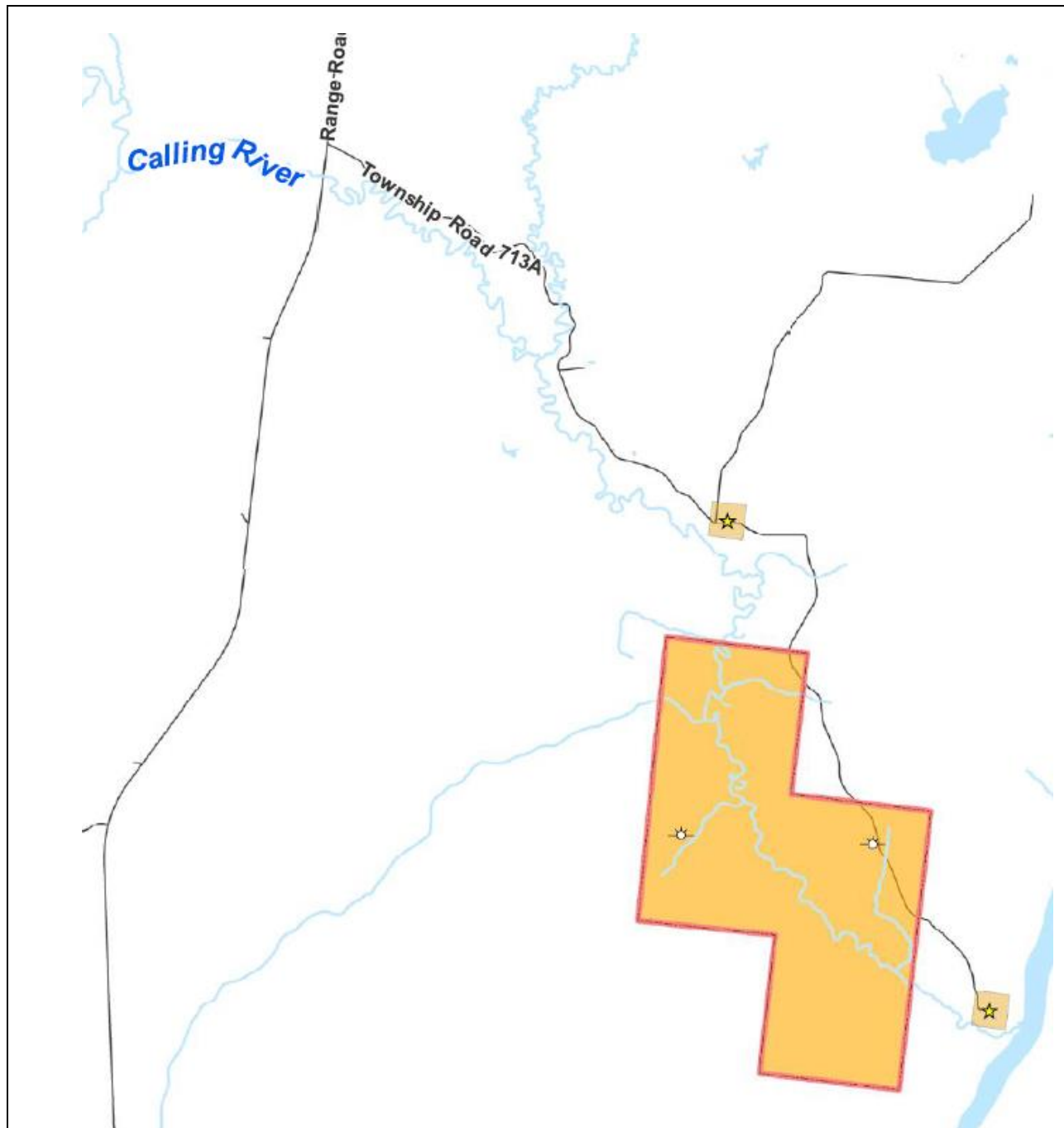


Jean Baptiste Gambler Reserve 183 - C (Red Area) – Map above derived from the 2019 Land Use Plan

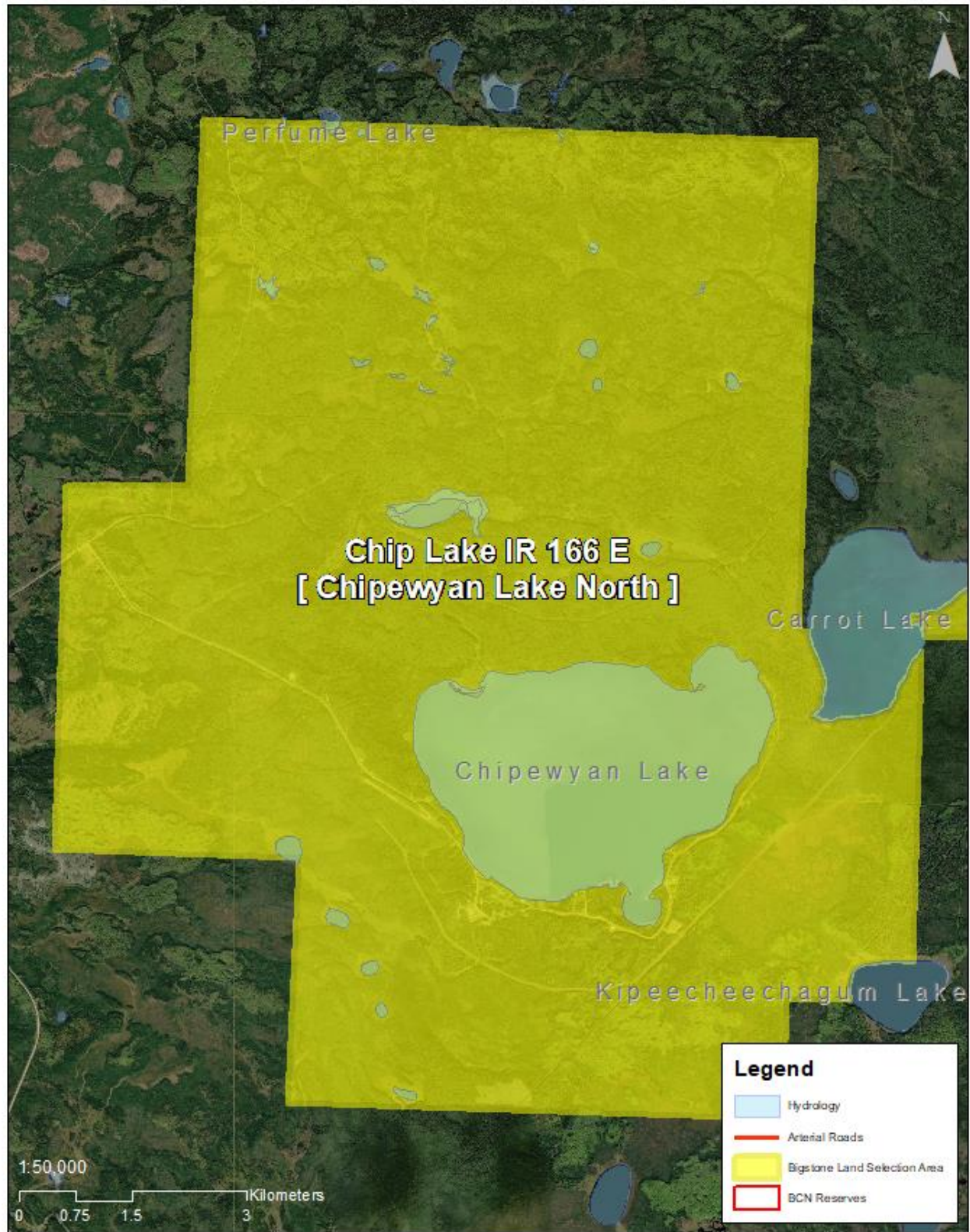


Map above highlights Calling River 183 – D TLE Area in yellow

Bigstone Treaty Land Entitlement – Calling River

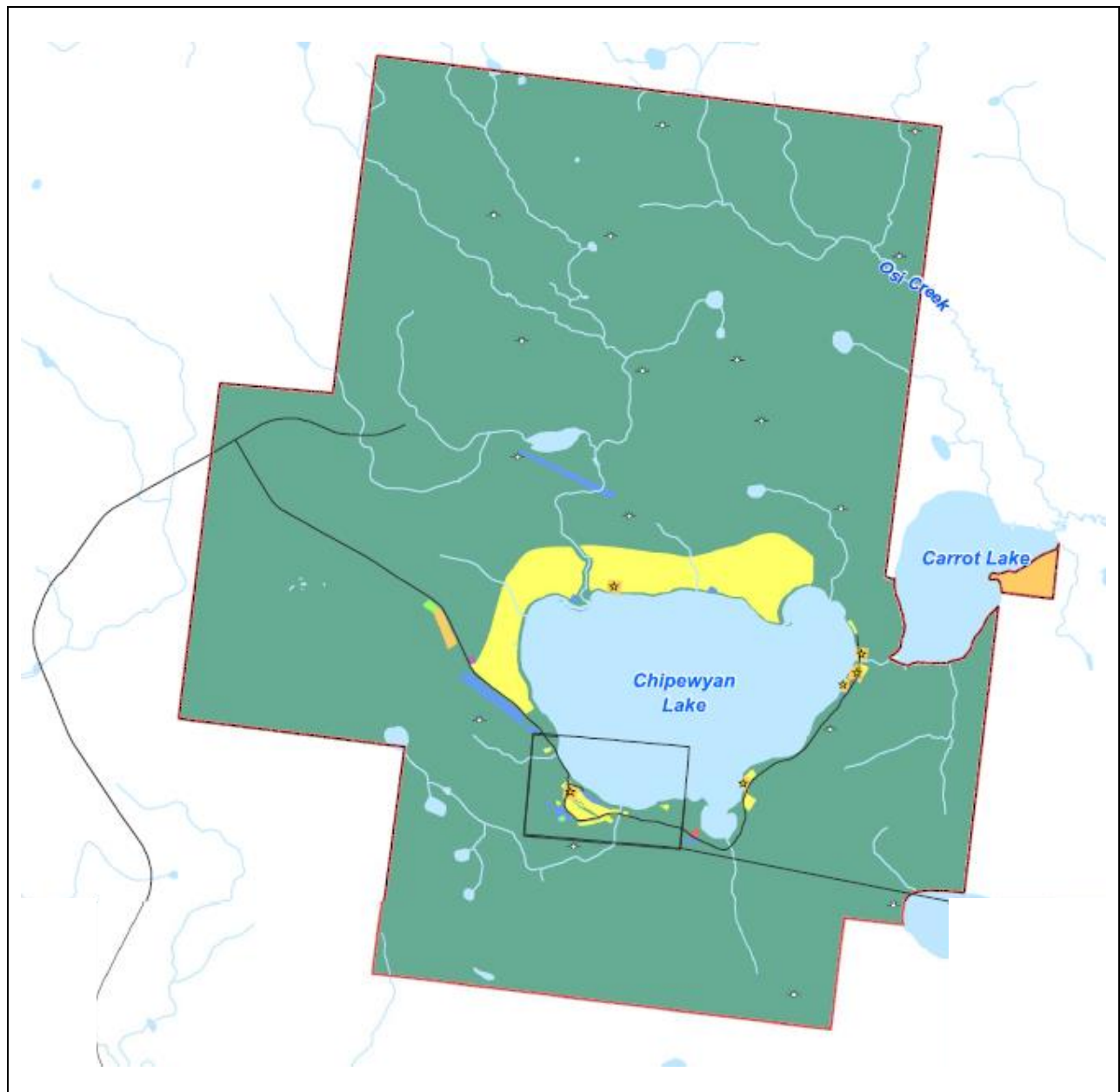


Calling River 183 D (Orange Block) – Map above derived from the 2019 Land Use Plan
Areas highlighted in orange stars indicate cultural, traditional and/or sensitive sites.



Map above highlights Chipewyan Lake 166 – E (North TLE Area in yellow)

Bigstone Treaty Land Entitlement – Chipewyan Lake North

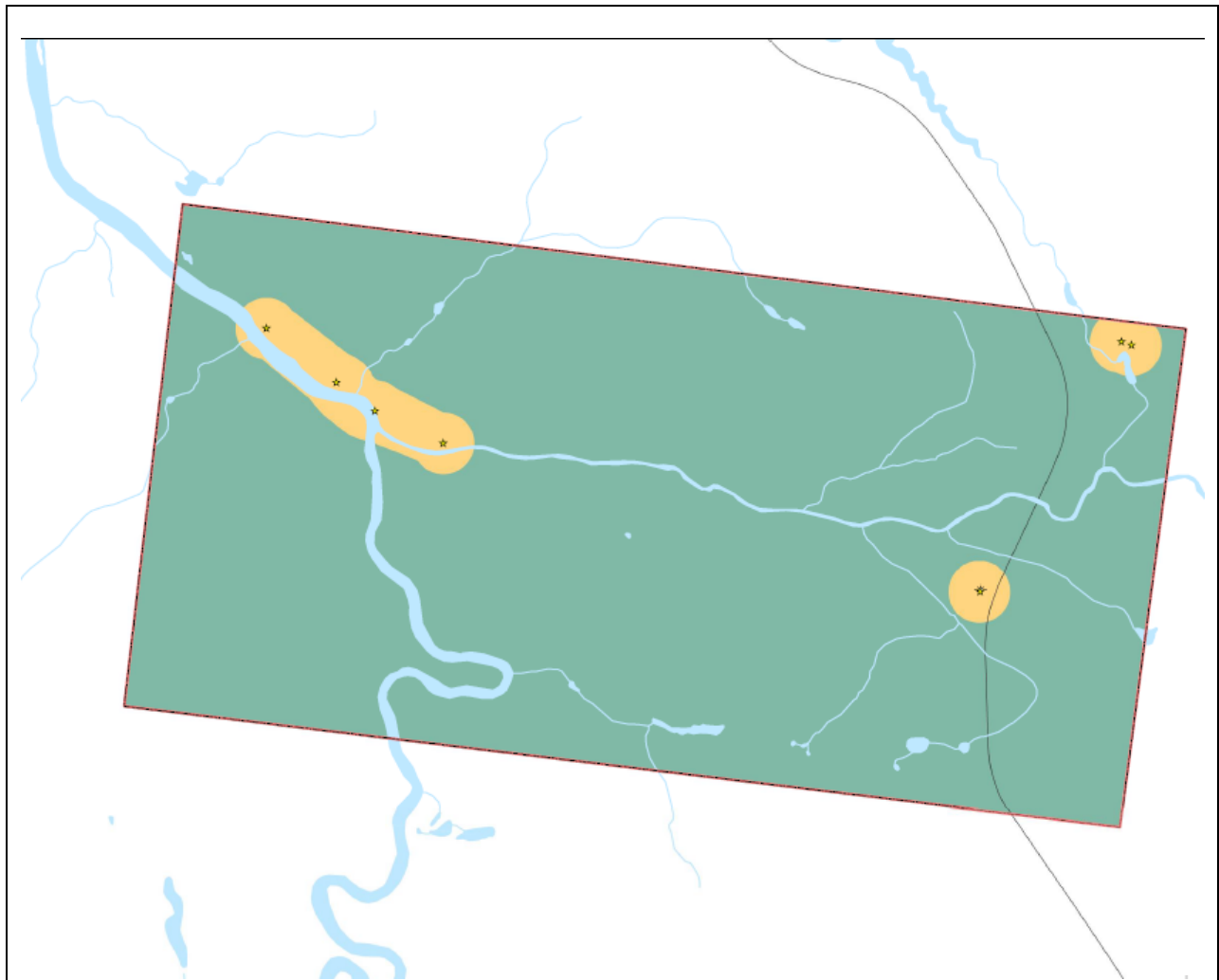


Chip Lake 166 – E Map above derived from the 2019 Land Use Plan



Map above highlights Chip River 166-F South TLE Area in yellow

Bigstone Treaty Land Entitlement – Chip River South



Chip River 166-F TLE – Map above derived from the 2019 Land Use Plan

Areas highlighted in orange indicate cultural, traditional and/or sensitive sites.