



MUSQUEAM INDIAN BAND

SUBDIVISION, DEVELOPMENT AND SERVICING LAW

(March 7, 2023)

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PREAMBLE

- A. Musqueam Indian Band (“Musqueam”) is a First Nation with Aboriginal rights and title and inherent jurisdiction over our lands;
- B. Musqueam also has jurisdiction and authority over Musqueam Reserve Lands, resources and Interests in these lands under the Musqueam *Land Code* dated for reference June 28, 2012 in accordance with the Framework Agreement on First Nation Land Management between Musqueam Indian Band and Canada and ratified on behalf of the Government of Canada by the *First Nations Land Management Act, S.C. 1999 c.24*;
- C. Musqueam passed a *Construction of Buildings Bylaw* on January 4, 2010 which required building permits but the degree of enforcement of that past bylaw is uncertain;
- D. The Musqueam *Land Code* came into effect on June 5, 2017;
- E. Musqueam Council has authority under the *Land Code* including under section 6 and subsections 6.1 and 6.2 to regulate development, protection, management, land use, zoning, interests and related matters;
- F. Musqueam has a Land Use Plan approved by the community and Council on December 7, 2014;
- G. The 2014 Land Use Plan sets out the following vision and Council is committed to implementing this vision:
 - We the Musqueam people are united and strong.
 - We have good hearts and work together to do the right thing.
 - We will use our teachings, so the Musqueam people will be alright.
 - We will care about our elders, the little ones and everything on this earth.
 - This way we will be looking after the ones that come after us.
 - The Musqueam will continue to be strong;
- H. Council believes it is in the best interests of Musqueam to enact a Law addressing subdivision, development and servicing of Musqueam First Nation Lands to ensure that the lands are developed and used in a manner that respects the Land Use Plan and reflects the interests of our Members;
- I. The draft *Subdivision, Development and Servicing Law* was posted for review and comment by Members on February 1, 2023 in accordance with the Land Code and feedback from Members and Musqueam departments and agencies have been incorporated into this Law; and
- J. Council intends this Law to apply retroactively.

NOW THEREFORE this Musqueam *Subdivision, Development and Servicing Law* is hereby enacted as a Law of Musqueam.

1. NAME

1.1 This Law may be cited as the Musqueam *Subdivision, Development and Servicing Law*.

2. PURPOSE

2.1 The purpose of this Law is to promote environmentally sustainable, healthy, safe, convenient and well-planned use of Musqueam First Nation Lands.

3. WHERE THIS LAW APPLIES

3.1 The provisions of this Law apply to the whole area of each Musqueam Reserve and Musqueam First Nation Lands as defined in the *Musqueam Land Code*.

4. DEFINITIONS

4.1 For the purposes of this Law, terms have the same definitions as in the Land Code;

4.2 For the purposes of this Law, the following definitions apply:

“Enforcement Officer” means any person or persons appointed by Council, from time to time, to administer and enforce the provisions of Musqueam Laws enacted by Council, and includes any delegate, the Vancouver Police Department, and any peace officer; and

“Lands Committee” means the Lands Committee as established and defined under section 24 of the *Musqueam Land Code*;

“Lands Director” means the individual hired or appointed by Council or the CAO to oversee the administration of the Land Code and Musqueam First Nation Lands and includes any other person designated by Council by Resolution to carry out any of the roles or responsibilities of the Lands Director under this Law;

“Musqueam Lands Governance Office” means the office designated by Council or the CAO to oversee the administration of the Land Code and Musqueam First Nation Lands;

“Person” means any natural person, corporation, or legal entity, and, except where stated otherwise, any person who is a Member of Musqueam.

5. GENERAL PROVISIONS

5.1 The headings of parts and sections in this Law have been inserted as a matter of convenience and for reference only and in no way define or limit any of its provisions.

5.2 In the event that all or any part of any section or sections of this Law are found by a court of competent jurisdiction to be invalid, such sections shall be severable, and the remaining portions or sections shall remain in full force and effect.

5.3 The former *Construction of Buildings Bylaw* dated January 4, 2010; the development procedures in Schedule A of the 2014 Musqueam Land Use Plan; and any other similar building, construction or servicing bylaws, related documents and schedules are hereby repealed and replaced by this Law.

6. PROHIBITED ACTIVITIES WITHOUT PERMIT OR AUTHORIZATION

6.1 Subject to the provisions of this Law for activities and developments which are expressly exempted from requiring a permit or other authorization and the provisions of this law authorizing any variance, waiver or non-conforming use, none of the following are permitted within Musqueam First Nation Lands except in strict accordance with all applicable laws and with a permit or authorization issued by the Musqueam Lands Governance Office:

- (a) Subdivision or partitioning of one or more parcels of Musqueam First Nation Lands without a survey and subdivision approval by Council;
- (b) stratification or other division of legal interests in lands or structures into strata units, sub-leases or shares;
- (c) development;
- (d) within a development protection area, carry out any activity or use set out in the Musqueam *Land Use and Zoning Law*;
- (e) any form of clearing, including significant pruning, transplanting or cutting of brush, vegetation, or trees;
- (f) drilling, blasting or related activities;
- (g) construction, alteration, enlargement, addition, demolition, relocation or removal of any industrial, commercial, residential or accessory structures, including signs, and including the installation, demolition or removal of swimming pools and decks;
- (h) installation of, or connection to, roads, intersections, sewer, water, drainage works, dykes, and other infrastructure;
- (i) deposit or removal of more than 10 m³ of soil, gravel or other materials;
- (j) harvesting, clearing or removal of trees;
- (k) construction of a street, driveway, laneway or intersection without a permit; and
- (l) carrying out any of the activities set out in subsections 6.1 (c), (e), or (k) without a Development Permit.

7. EXEMPTIONS

7.1 Despite subsection 6.1, the following do not require any approvals under this Law in and of themselves, provided they:

- (a) Provide a site plan to confirm the project is within legal setbacks and property boundaries;
- (b) conform to the *British Columbia Building Code* and its successor Codes;
- (c) comply with all other Laws:
 - (i) construction by Musqueam Members of any non-residential structure the footprint of which is less than 200 square feet,
 - (ii) subject to the Musqueam Housing Policy and rental agreements, minor

- repairs or renovations of buildings which do not involve bearing walls or installation or new electrical panels, roofing replacement,
- (iii) construction or finishing of trails, driveways, or internal roads for single family residential sites on which the internal road or driveway is completely within a single parcel of land,
 - (iv) landscaping, and minor yard work which does not require an excavation deeper than 1.5 m or the removal or deposit of more than 10 m³ of soil, gravel or other material, and
 - (v) unless prohibited by the zone or development, installation by Musqueam Members of trailers and temporary structures, provided such trailers and temporary structures have no hook-ups or connections to services and are not used for residential occupation for more than fourteen (14) days in any year without an authorization or permit.

8. CODES AND STANDARDS

8.1 Musqueam conditionally adopts the most recent versions of the following codes and standards for all developments, activities, uses, and projects unless otherwise expressly specified in a Musqueam regulation, exemption, variance, permit or other authorization from Musqueam:

- (a) the *British Columbia Building Code*;
- (b) the *British Columbia Plumbing Code*;
- (c) the *British Columbia Fire Code*;
- (d) the *British Columbia Electrical Code*;
- (e) the *British Columbia Energy Step Code* for the step set by Musqueam by regulation or as set out in each permit or authorization;
- (f) for water works the design and construction, American Water Works Association Standards, the *Drinking Water Protection Act*, and relevant aspects of the *City of Vancouver Engineering Design Manual* as directed by an engineer or building inspector retained by Musqueam;
- (g) for road works, the British Columbia Ministry of Transportation and Infrastructure *Design Build Standard Specifications for Highway Construction* or the latest relevant provincial design standards; and
- (h) any other codes or standards adopted or approved by Musqueam by resolution or regulation.

8.2 For greater certainty, the conditional adoption of the codes and standards set out in subsection 8.1 are:

- (a) without prejudice to Musqueam's aboriginal rights and title;
- (b) an exercise of Musqueam's inherent jurisdiction;
- (c) not any form of acknowledgement or acceptance that provincial laws and standards have any application to Musqueam First Nation Lands;
- (d) subject to revision, variance, or removal by Musqueam Council.

9. APPLICATIONS AND APPROVALS

- 9.1 Every applicant, including Musqueam departments and entities, developers working with Musqueam or Musqueam Members, and contractors, applying for an approval to carry out a project, development, activity, use or procedure set out in subsection 6.1 shall pay the prescribed fees and submit an application to the Lands Director in the prescribed form that meets the applicable requirements, at the sole cost of the applicant, as set out in the following:
- (a) General Engineering Requirements for Land Development on Musqueam First Nation Lands including requirements of engineers or certified building inspectors to sign off on plans, building stages and final completion;
 - (b) General Requirements for Environmental Assessments on Musqueam First Nation Lands;
 - (c) Musqueam Heritage Policy Manual or the most recent heritage and archaeological assessment procedures and permits;
 - (d) Subdivision and Development Application and Checklist;
 - (e) the *British Columbia Building Code* and all other codes and standards as outlined in section 8.1; and
 - (f) Directions from certified professionals (as required by Musqueam Lands Governance Office based on specific nature of project).

Duties and Responsibilities of the Applicant

9.2 Every Applicant shall ensure that all development complies with this Law and other applicable enactments respecting safety.

9.3 Every Applicant must obtain all permits and approvals required in connection with proposed work, prior to commencing such work.

9.4 Subject to subsection 9.5, every Applicant must pay or agree to pay, in accordance with Musqueam laws, all applicable fees, charges, including development cost charges, property taxes and other related contributions, charges and taxes.

9.5 Despite subsection 9.4, Musqueam Council may approve, or may delegate the authority to the Lands Director, a waiver for housing for Members and community buildings and amenities, for certain charges or fees based on clear and consistent criteria.

9.6 Every Applicant when required by the Lands Director, must provide, in a form satisfactory to the Lands Director, evidence to certify compliance with the requirements of this Law and of any permits required.

Parkland Dedication or Payment in Lieu

9.7 In addition to development cost charges, property taxes, requirements to install infrastructure, and other contributions, charges and taxes, for every:

- (a) subdivision,
- (b) residential development with more than three (3) units,
- (c) commercial or industrial development, or
- (d) other type of development or activity prescribed by Council,

the Applicant must:

- (e) provide to Musqueam, without compensation or set-off of any kind, a dedication of 5% of the area of the land proposed for development or subdivision, in a location acceptable to Musqueam, for park, greenspace, trails, protected or cultural areas; or, if an Applicant can provide a significant justification satisfactory to Musqueam;
- (f) pay to Musqueam cash in lieu in an amount that equals the fair market value of the land required to be provided under paragraph (e); or
- (g) for developments that do not require subdivisions, pay to Musqueam an amount that equals 5% of the fair market value of the land or lease for the development.

9.8 For greater certainty regarding paragraph 9.7(d), the Musqueam Capital Corporation (MCC) is not required to provide a parkland dedication or payment in lieu under subsection 9.7 if:

- (a) there has been a successful community ratification vote on a specific MCC project that includes an exemption for parkland dedication or payment in lieu; or
- (b) Council, on the recommendation of the Lands Committee, has passed a Resolution exempting MCC from these dedications or payments in consideration of other contributions from MCC to Musqueam.

9.9 For the purposes of subsection 9.7, the value of the land is whichever of the following is applicable:

- (a) the average fair market value (by appraisal or other method approved by Council) of all the land in the proposed subdivision calculated as that value would be on either
 - (i) the date of preliminary approval of the subdivision, or
 - (ii) if no preliminary approval is given, a date within 90 days before the final approval of the subdivision,
- (b) as though
 - (i) the land is fee simple land located in the City of Vancouver,
 - (ii) the land is zoned to permit the proposed use, and
 - (iii) any works and services necessary to the subdivision have not been installed;
- (c) if Musqueam Council and the interest-holder or developer agree on a value for the land, the value on which they have agreed.

Community Benefits

9.10 Musqueam has scarce Reserve land. Many developments impose infrastructure and service burdens and do not provide benefits to the community. Therefore, in addition to required contributions of land or cash in lieu as set out in subsection 9.7 and other subsections within section 8, applicants for subdivisions or developments of commercial, industrial or residential structures, other than single family homes or other structures prescribed by Council, shall pay to Musqueam a cash or in-kind contribution towards community benefits which may include programs or facilities for elders, youth, members, culture or related projects and the amount and nature of such contribution:

- (a) may be proposed by the applicant; but
- (b) will be set by Council by Resolution if the proposal from the applicant is not acceptable by Council.

Additional dedication of land along water

9.11 Where the parcel being developed adjoins a lake, river, stream or other body of water, Lands Director may recommend to Council, as a condition of approving a subdivision or development, that Council require the conveyance to Musqueam, without compensation, of an easement or covenant or a strip of land not exceeding seven (7) meters in width along the bank or shore for the purpose of access or environmental protection, if, in the opinion of Council or the Lands Director, in consultation with the Environmental Stewardship Department, such dedication is in the interest of Musqueam.

- (a) The parcel of land to be dedicated under subsection 9.11 must be measured from:
 - (i) the high water mark;
 - (ii) the controlled high water mark; or
 - (iii) the natural boundary of the lake, river, stream or other body of water as defined in the provincial *Land Act*;whichever is applicable.

Infrastructure requirements

9.12 In addition to subsections 9.7, 9.10, and 9.11, and any other requirements set out in this Law, as a condition of approving a subdivision or development, Council or the Lands Director, at the recommendation of the Lands Committee, the Public Works Department, and/or a civil engineer or other professional, may require:

- (a) construction, installation, upgrading and/or maintenance of roads, intersections, sidewalks, paths, trails, board walks, street lights, drainage works, dyking, flood protection, sewer, water and other infrastructure;
- (b) landscaping, planting or upgrading and/or maintaining of trees, shrubs, hedges or other features;
- (c) dedication or transfer of any of the items listed in paragraph (a) or (b) to Musqueam; and
- (d) a bond to ensure ongoing maintenance of the items listed in paragraph (a) or (b).

Review and processing of applications

9.13 Applications shall be reviewed and processed in stages, generally in the following order:

- (a) Pre-application meeting to review project application process and requirements (unless waived by Musqueam Lands Governance Office),
- (b) Rezoning (if required under Musqueam Law),
- (c) Subdivision,
- (d) Conceptual Plan,
- (e) Approval in Principle,
- (f) Development Permit, which may include permits for clearing, tree-cutting, blasting, road building, construction of infrastructure and connection to services, and any other related permits and approvals,
- (g) Building Permit,
- (h) Substantial Completion,
- (i) Occupancy Permit or letter of authorization for occupancy to confirm compliance

- of structure with the Building Code and the safeness of the unit to occupy, and
- (j) Completion and as-built plans.

Applicants shall pay the prescribed fee, post any required bonds, and submit the prescribed application form for each relevant stage set out in this Part.

Applications and permits will generally be granted in the order listed above and may be separate or in a comprehensive staged permit, as determined by the Musqueam Lands Governance Office.

Subdivision Process Requirements

- 9.14 Where the development includes the subdivision of Musqueam Lands, the Lands Director must, before providing Conceptual Plan approval or Approval in Principle, also be satisfied that the development:
- (a) is suited to the configuration of the parcel of land being subdivided;
 - (b) is suited to the use to which it is intended;
 - (c) does not reduce the likelihood of remediation of a potentially contaminated site or result in subdividing off a contaminated parcel so development can occur on other parcels without having a certificate or plan approved by Council or the Lands Director to deal with the potential contamination; and
 - (d) does not land lock any parcels of land or make impractical the future subdivision of the parcel of land within the proposed development or of any adjacent parcel.
- 9.15 Where the development includes the subdivision of Musqueam Lands, the applicant or developer must also comply with the following requirements, if the Lands Director so demands:
- (a) furnish profiles of every new proposed access, road and intersection shown on the plan and such topographical details as may indicate the engineering problems to be dealt with in opening up the roads shown upon the plan;
 - (b) furnish a sketch showing that the smaller parcels into which the parcel of land is to be subdivided by the plan can conveniently be further subdivided into further small parcels, but this will only be demanded if in the opinion of the Lands Director the situation of the parcel of land is such that there is reason to anticipate its subdivision;
 - (c) furnish a contour plan of the parcel proposed for subdivision; and
 - (d) survey existing natural resources, water courses, and trees on the parcel proposed for subdivision.
- 9.16 In considering the sufficiency of the road allowance shown upon the plan, the Lands Director must take into consideration whether the parcel of land to be subdivided is:
- (a) urban or rural business property;
 - (b) urban or rural residential property; or
 - (c) rural lands;
- and must also consider the configuration of the parcel of land, the relation of the highway allowances to any existing main highway or approach, whether by land or water, and any local circumstances, and on the question of width, whether the

respective highways shown are likely to be required or used as main roads or as secondary roads, or merely as road of access to a few parcels, or as lanes.

- 9.17 Council or the Lands Director may at any stage of processing a subdivision application refuse to approve the subdivision plan if they are of the opinion that:
- (a) the cost to Musqueam of providing public utilities or other works or services would be excessive; or
 - (b) the subdivision does not:
 - (i) conform to Musqueam or other agencies of competent jurisdiction ordinances regulating the subdivision of parcel of land and land use planning;
 - (ii) conform to the Musqueam Physical Development Plan;
 - (iii) conform to the requirements of the Ministry of Transportation and Infrastructure within respect to a control access highway;
 - (iv) satisfactorily address the recommendations of the reviewing agencies, listed in subsection 9.30, or
 - (c) taxes or other Musqueam charges applicable to the parcel of land being subdivided have not been paid. These include property taxes, development cost charges, and other levies, application fees, inspection fees, approval fees, or any other charges set out in this Law.

Concurrent Re-zoning Applications

- 9.18 An applicant may apply for approvals under this Law concurrently with a re-zoning application under the Musqueam Law. In the case of concurrent applications:
- (a) All fees payable under both Laws are due at the time of application; and
 - (b) The applicant is required to provide completed applications under both Laws.

Issuance of development protection area permits

- 9.19 Subject to the restrictions set out in the Musqueam *Land Use and Zoning Law*, including prohibitions in Development Protection Areas set out in section 9 of that law, and any regulations passed under this Law, Council or the Lands Director may issue a development protection area permit that:
- (a) enables a development to proceed in a development protection area;
 - (b) varies or supplements a zoning regulation;
 - (c) includes requirements and conditions or sets standards that must be met in order for the development to proceed; or
 - (d) imposes conditions respecting the sequence and timing of construction.

9.20 The authority under subsection 9.19 must be exercised only in accordance with the applicable guidelines specified in regulations.

9.21 A development protection area permit issued in respect of a designated protection area must not vary the use or density of the land from that permitted under the Musqueam *Land Use and Zoning Law* or a zoning regulation except to address protection against hazardous conditions or to protect health or safety.

Temporary Use Permits, Exemptions and Waivers

9.22 Council or the Lands Director may issue a Temporary Use Permit to allow a use or activity or construction of a temporary structure for a period of time not to exceed one year.

- (a) The intent of a Temporary Use Permit is to allow for a temporary use or construction while an applicant is in the process of applying for a necessary rezoning, permit or authorization.
- (b) Temporary Use Permits cannot result in a major change in land use or zoning or create a significant disturbance or nuisance to neighbours.

9.23 Council or the Lands Director, in consultation with other Musqueam Departments, may reduce or waive minor requirements for applications or approvals under this Law, in writing, in accordance with Musqueam policies and regulations.

Exemptions for Residential Homes by Members for Members

9.24 Despite subsection 9.1, for construction of three (3) or fewer low-density family dwelling units for Musqueam family members by Members in a pre-approved subdivision, the following modifications apply:

- (a) a Musqueam Heritage Investigation Permit is not required but, the builder or owner must allow monitoring by Musqueam if requested in writing; and any construction must stop and the builder or owner must follow the Musqueam Heritage Policy if any artifacts or remains are uncovered;
- (b) General Requirements for Environmental Assessments on Musqueam Lands are only required to the extent of ensuring that basic environmental and health requirements met, including any requirements relating to climate change or green building design; and
- (c) Applicants can use the simplified version of the Subdivision and Development Application and Checklist.

Development Permit

9.25 For the purposes of development activities including land clearing, tree removal, surveying, initial laying out of or connection to, infrastructure or services, an Approval in Principle, an initial approval of comprehensive development plan including proposed uses or structures that are consistent with any application Land Use Plan or zoning, or for a staged approval process:

- (a) An applicant may make an application for a Development Permit; and
- (b) The Lands Director will work with the Lands Committee to review the application and to have a decision made under the appropriate provisions of sections 9.30 to 9.38 below.

Building Permit

9.26 A Building Permit from Musqueam is required for construction, renovations, additions, demolitions or other construction projects that are not exempted by this Law.

9.27 For any Building Permit:

- (a) An applicant may make an application for a Building Permit; and

- (b) The Lands Director will work with the Lands Committee to review the application and to have a decision made under the appropriate provisions of sections 9.30 to 9.38 below.

9.28 A Building Permit will include authorizations, processes or sub-permits for electrical, plumbing, HVAC and related matters as appropriate.

9.29 Nothing prevents the Musqueam Lands Governance Office or Council from requiring or allowing:

- (a) a Development Permit or Building Permit to be approved to be carried out in phases or stages; or
- (b) a Development Permit or a Building Permit to be combined into one Comprehensive Development Permit either alone or combined with authorizations or sub-permits for roads, blasting, soil removal or deposit, or similar or related activities.

Review by Lands Committee and other Departments

9.30 As soon as practicable after receiving the prescribed fees and a complete application under this Part, the Lands Director shall:

- (a) refer the application to a meeting of the Lands Committee along with all relevant information and documentation;
- (b) circulate the application and all relevant information and documentation within the Musqueam administration, including Musqueam Public Works, Environmental Stewardship, Archaeology, Housing, and Safety & Security, if applicable, for comment;
- (c) refer the application to Musqueam engineering, or, if necessary to an independent certified engineer for review to be paid out of the application fee;
- (d) for applications for sub-divisions greater than 2 lots, multi-family structures, or significant increases in density, refer the application to
 - (i) all adjacent CP holders on Musqueam First Nation Lands, and
 - (ii) to entire Musqueam community, if recommended by Musqueam Lands Governance Office, and,
 - (iii) if necessary, post signage of the proposed development that notifies neighbours; and
- (e) if appropriate, refer aspects of the application to the City of Vancouver.

9.31 The Lands Committee shall review the application and as soon as the Committee reasonably believe there is sufficient information from the referrals in section 9.30, shall provide recommendations to Council about:

- (a) whether the application should be approved or not; and
- (b) any suggested modifications, terms or conditions that should be set by Council.

Principles and Factors in Reviewing Applications

9.32 For each application, the Lands Committee shall consider the following general principles and factors:

- (a) the promotion of health, safety, convenience and welfare of Musqueam members

- and of residents and occupants and other persons who have a lawful interest in Musqueam First Nation Lands;
- (b) well planned and orderly development of Musqueam First Nation Lands and the preservation of amenities and special features of Musqueam First Nation Lands;
 - (c) compliance with Musqueam Land Use Plan and Musqueam Laws, policies, guidelines, and standards, and with relevant federal, provincial and municipal laws and standards;
 - (d) environmental protection and enhancement;
 - (e) ensuring adequate storm water management and drainage and ensuring no net run-off;
 - (f) the necessity or benefit of any of the items listed in subsection 9.12 (roads, sidewalks, infrastructure, etc.);
 - (g) Flood Plain measures;
 - (h) adherence to Musqueam housing policies;
 - (i) provision of community benefits including land and/or funds to Musqueam for the development of community amenities;
 - (j) protection and enhancement of cultural and heritage sites;
 - (k) compatibility with Musqueam culture;
 - (l) viewsapes, aesthetics and visual qualities;
 - (m) ensuring adequate parking, access and emergency access;
 - (n) the character of the proposed activity or project in relation to the character of the zone, neighbourhood, and the buildings already erected;
 - (o) the conservation of property values;
 - (p) potential impacts on adjacent uses, owners and occupants;
 - (q) where the applicant is in good standing in relation to rents, taxes, or other payments or obligations owing to Musqueam;
 - (r) the development of the zone, neighbourhood and Reserve in a manner that contributes to the economic, environmental, cultural and community health of Musqueam and its Members and the occupants of Musqueam Land;
 - (s) any information provided and any approvals already granted by Council, including any terms or conditions, in relation to the same project or the same parcels of land; and
 - (t) any other factors which may have an impact on the community or Musqueam First Nation Lands.

Examples of Recommendations

9.33 In making recommendations to Council, the Lands Committee may make any relevant recommendations including:

- (a) any recommendation relating to the general factors set out in subsection 9.32;
- (b) whether there should be bonds posted or irrevocable letters of credit and, if so, in what percentage or what amount and for what purpose;
- (c) preferences for land areas for the dedication of up to 5% of the area of the land for parks, greenspace or community use or a cash donation in lieu;
- (d) preferred lot reconfigurations to ensure viable subdivisions;
- (e) construction of intersections, access and emergency access routes;
- (f) construction of parking spaces, including electric charging stations;

- (g) construction of sidewalks, paths or trails;
- (h) purchase and installation of street lights;
- (i) installation of storm water management and drainage works;
- (j) construction, installation or upgrades of any of the items listed in subsection 0 (roads, sidewalks, infrastructure, etc.);
- (k) completion of servicing agreements with the City of Vancouver;
- (l) provision of updated plans, reports or studies, including as-built drawings after the completion of the project;
- (m) requirements for phasing, staging or sequencing of the project including requirements for interim reports;
- (n) set-backs or buffers including set-backs or buffers from property lines and environmental features;
- (o) mitigation measures for flood plain requirements;
- (p) noise and dust prevention or mitigation measures such as erosion and sediment control plans; and
- (q) any other relevant terms or conditions.

9.34 The Lands Director shall ensure that recommendations from the Lands Committee are written up within thirty (30) days after the Lands Committee meeting.

Lands Director May Request Further Information

9.35 After reviewing the recommendations from the Lands Committee and any comments from adjacent land-owners and from Musqueam administration, the Lands Director may request further information, plans, reports, or other relevant material from the applicant which the applicant shall provide.

Timelines

9.36 The Lands Director shall as soon as practicable after having received the comments under subsection 9.30 and 9.31, or within 14 days of having received the additional information requested under subsection 9.35, forward the application to Council along with:

- (a) All relevant documents, maps, plans, reports and other information;
- (b) Recommendations from the Lands Committee;
- (c) Any comments received from adjacent land-owners or Members;
- (d) Any comments or recommendations from the Lands Director and Musqueam administration; and
- (e) Any comments from the City of Vancouver, if applicable.

Council Decisions

9.37 As soon as practicable after receiving the application and information set out in section 9.36 Council shall decide whether or not to approve the application and, without limiting the generality of Council's authority, Council may:

- (a) Reject the application,
- (b) Approve the application with any reasonable terms or conditions, including, but not limited to, terms or conditions relating to the items set out in subsections 9.32 and 9.33.

9.38 Council or the Lands Director may, at any stage of processing an Application, refuse to approve the Application if:

- (a) Council or the Lands Director are of the opinion that the cost to Musqueam of providing public utilities or other works or services would be excessive; or
- (b) Council or the Lands Director are of the opinion that the Application does not conform to:
 - (i) all applicable provisions of Musqueam design criteria and construction standards and specifications for development;
 - (ii) the recommendations of Musqueam's list of reviewing agencies;
 - (iii) any applicable provincial or federal acts or regulations; or
 - (iv) the Musqueam Land Code, Land Use Plan or any Musqueam Law.

10. OFFENCES, PENALTIES AND ENFORCEMENT

10.1 A person who contravenes this Law or an order made by a Court pursuant to this Law is guilty of an offence and liable on summary conviction to a fine of not more than \$10,000 or to imprisonment for a term of not more than three months, or to both.

10.2 A fine payable under subsection 10.1 shall be remitted to the Musqueam Indian Band by the Court, after reasonable Court costs have been deducted.

10.3 Despite subsection 10.1, Musqueam may also authorize the Lands Director, a designated official or an Enforcement Officer to issue a ticket or violation notice to impose a sanction or fine for contraventions of this Law.

Enforcement and Stop Work Orders

10.4 In addition to any other applicable fine, penalty or remedy, Council, the Lands Director, or a designated official or Enforcement Officer may:

- (a) issue a Stop Work Order to order any Person who has not received full and proper authorization under this Law to cease carrying out any activity, use or construction listed under subsection 6.1 or any related activity or use; or
- (b) order any structures, works or installations carried out in violation of this Law to be removed within 30 days, failing which Council may order them to be removed at the expense of the CP-holder or the Person who constructed or installed the structures, works or installations without proper authorization.

10.5 A Stop Work Order or other order imposed under subsection 10.4 may be registered in court and enforced as a court order; and

- (a) continues in force until the condition that led to it is remedied or until the activity that is the subject of the Stop Work Order receives a permit or authorization under this Law.

11. REGULATIONS

11.1 Council may make any regulations it considers necessary or advisable for purposes

under this Law.

11.2 For certainty, the powers of Council under subsection 11.1 include the power to make regulations:

- (a) for any purpose in relation to which regulations are provided for in this Law;
- (b) prescribing any matter or thing referred to in this Law as prescribed or to be prescribed;
- (c) respecting the form, content, procedures and review criteria for applications, notices, and other documents that are required or permitted under this Law;
- (d) setting development cost charges, development requirements, other charges and fees;
- (e) defining words and expressions that are used but not defined in this Law;
- (f) establishing design criteria;
- (g) setting standards or requirements for infrastructure; and
- (h) generally for the purpose of giving effect to this Law.

12. COMING INTO FORCE

12.1 This Law shall come into force and effect on the date it is passed by Council Resolution after complying with the requirements of Part 3 of the Land Code.

BE IT KNOWN that this Law entitled *Musqueam Subdivision, Development and Servicing Law* is hereby APPROVED AND ENACTED AS A MUSQUEAM LAW by a quorum of Council at a duly convened Council of the Musqueam Indian Band held on

Tues. March 7, 2023.

Chief

Michelle Dours

Councillor

[Signature]

Councillor

Alyson Graves

Councillor

[Signature]

Councillor

Councillor

[Signature]

Councillor

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Councillor

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