

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

1. Background

Under the Final Agreement, C/TFN has jurisdiction over all Settlement Land, which is held collectively by all C/TFN Citizens. Under the C/TFN Constitution and the Self-Government Agreement, C/TFN has jurisdiction to enact laws governing the planning and development of Settlement Land.

2. Purpose of the *Planning and Development Act*

The Purpose of the Act is to create a regime for management and protection of Settlement Land that is guided by C/TFN's values, by regulating use and development activities carried out by Citizens and non-Citizens.

This Act applies to all Settlement Land. It does not apply to land in the traditional territory that is not Settlement Land.

3. Three Processes

There are three main ways the Act governs use and development of Settlement Land:

- (i) guides how Land Use Plans are developed, adopted and amended;
- (ii) outlines the power to establish zones and designate zoning criteria; and
- (iii) establishes a process for approving development.

4. Land Use Plans

Land Use Plans allow C/TFN to determine the bigger picture plan for C/TFN Settlement Lands.

Land Use Plans can originate from the Final Agreement, the Self-Government Agreement or some can be self-directed.

5. Zoning

A zoning regulation is used to implement a Land Use Plan, and will allow C/TFN to regulate land use consistently by setting out what types of building and construction can and cannot take place on Settlement Land. Zones will set minimum standards, e.g. distances that a building must be set back from the road, etc.

6. Development Permits

“Development” is defined very broadly and means any human project, industry, undertaking, enterprise or operation, or any alteration or expansion of any human project, industry, undertaking, enterprise or operation. People who want to undertake a development on Settlement Land must (i) have a registered interest in the land in question, (ii) comply with the zoning regulation, and (iii) apply for and receive a Development Permit, unless the development qualifies for an exemption.

Development Permits ensure C/TFN knows how Settlement Land is being used, including whether development complies with the Land Use Plan and zoning criteria.

7. Administrators

(i) Development Officer

The Development Officer receives, examines and issues applications for Development Permits and manages public consultation. The Development Officer also maintains a register of all Development Permits, which C/TFN Citizens may inspect.

(ii) The Land Management Board

The Land Management Board, consisting of six members with six alternate members whom are all Clan-appointed, is responsible for developing and recommending Land Use Plans and zoning regulations and amendments to the Executive Council. The Land Management Board also recommends issuance of Development Permits for discretionary uses to the Executive Council, unless the Executive Council delegates its final authority to approve these permits to the Land Management Board.¹

(iii) Executive Council

The Executive Council reviews and recommends Land Use Plans and amendments to the General Council. The Executive Council has final approval for zoning Regulations and amendments, and for development permit applications for discretionary uses, unless the Executive Council delegates this authority to the Land Management Board.² The Executive Council also adopts policies and appoints Enforcement Officers.

(iv) General Council

¹ The draft *Planning and Development Regulation* proposes such a delegation.

² The draft *Planning and Development Regulation* proposes such a delegation.

The General Council directs and approves Land Use Plans.

8. Yukon Environmental and Socio-Economic Assessment Act (YESAA)

If the YESAA applies to a proposed Development, C/TFN must first issue a Decision Document before issuing approvals under the *Planning and Development Act*. These approvals must conform to YESAA and the Decision Document.

The Act also confirms C/TFN's authority to waive a YESAA exemption if, in the opinion of C/TFN, a Development (that is a "Project" under YESAA) may cause significant adverse effects on Settlement Land.

9. Dispute Resolution

The *Planning and Development Act* sets out dispute resolution procedures. The Justice Council resolves disputes of any C/TFN decision made under this Act. In the absence of a Justice Council, any dispute will be referred to an independent evaluator appointed by the department of Heritage, Lands and Natural Resources to resolve the dispute. Or, if all parties to the dispute consent, a dispute may proceed through mediation or another dispute resolution process.

10. Enforcement and Offences

Enforcement Officers appointed under the Act are authorized to inspect land and records and issue compliance notices, stop work orders and tickets, and other orders to enforce this Act.

Anyone who contravenes the Act commits an offence and could be fined, imprisoned or ordered to bring their actions into compliance.