



Prepared for: Yuułu?if?ath Government
Report of the Public Hearing - September 22, 2021

Summary

In August 2021, the Yuułu?if?ath Government (YG) Law Clerk contacted Kaniikaniit Consulting to request services that included chairing and preparing a report on a public hearing to be held in accordance with Yuułu?if?ath Zoning and Structures Act (ZSA) and intended to facilitate amendments to the ZSA.

The hearing was scheduled for and completed on September 22, 2021 (5:00 - 8:00 pm) and was located at the Cixwatin Centre in Hitacu (in person and within COVID protocols). Citizens were also invited to participate by Zoom.

All materials were made available to citizens via www.ufn.ca, The Westerly News, Yuułu?if?ath Government offices (posted), and through hand delivery of information to the community of Hitacu and a mail out to citizens living away from Treaty Settlement Lands (TSL). All communications occurred within schedule as outlined in the ZSA.

Public Hearing

The public hearing had 8 citizens in attendance and was supported by several YG staff members including the Director of Operations, Law Clerk, Director of Lands and Resources, and the Manager of Assets. One citizen participated by Zoom. There were many questions and comments from citizens and wherever possible staff with the assistance of legal counsel answered questions as they were proposed. This is a summary of those comments and questions, but we have included a raw data section below for YG's records and consideration.

People raised concerns that Yuułu?if?ath citizens were not given proper notice of the amendments and that they felt it was challenging to come to the meeting and read the materials while listening to presentations and having a light meal. Communicating these types of changes are frequently a challenge for First Nations communities, however, the law clerk did uphold the Yuułu?if?ath law in this respect and communication materials were distributed as outlined above.

In general, participants did not oppose the changes to the ZSA. There were many questions and good discussions about the ZSA and the citizens left with a clearer understanding of the ZSA and the various zoning classes contained therein.

Concerns were raised about protected lands (specifically grave sites, watershed, and forests). Citizens would like to know how these protected areas will continue to be protected and what measures have been adopted to date. Citizens wanted to know who has looked at the proposed areas for development and considered how or if the zoning change affects gravesites.



There were a couple comments voicing concerns about the potential costs of getting into CD2 zoning, The citizen mentioned that it would take deep pockets and many citizens don't have that kind of money. The infrastructure installation (water, sewer, power) and construction costs are challenging.

There were several questions about which zoning applies to professional services such as an Elder's complex, dentists, and health clinics. A suggestion was to explicitly add it to the CD2 zoning because it is not clearly articulated anywhere.

A recommendation that came out of the Public Hearing was that YG considers an amendment to the zoning of the 'Junction properties' and to include an acreage for agriculture or cannabis (production/dispensary) as it they believe it will bring economic benefits to the Yuułu?if?ath community. It was suggested that this property be rezoned to CD2. There were a couple of questions about which zoning class applies to agriculture and food production or greenhouses to create more sustainable, local food supplies.

Actions items for YG staff:

- Look closer at definitions of CD1/CD2 – concern that the CD1 does not describe the existing businesses (particularly referencing the Junction).
- Look into zoning for professional services – health care office, dental, old age home. Do Elders homes, assisted living, or an Elders' complex fall under the government?
- The foreshore needs to be properly identified so it can be determined what can be done there – business opportunities, structures, docks, etc.
- ACRD needs to be contacted about environmentally sensitive issues regarding sewage going into the lake (Hitacu area of lake - sewage has no boundaries).
- Is any of Nahmint campground on TSL? Director of Lands and Resources may want to organize a tour of TSL for Elders.

I hereby declare that this written report is certified as being fair and accurate.

A handwritten signature in blue ink, appearing to read 'Kathy Waddell', is written over a light blue grid background.

Kathy Waddell,
Kaniikaniit Consulting



Raw data collected that may be of interest to the Yuułu?it?ath Government as they amend this and other related legislation.

Questions from citizens (answers provided by staff and legal counsel):

- If the CD2 zoning is going to take 1-2 years, why not use what structures are already there to start sooner (referenced cannabis)?
 - o This is being looked at. We need to consider the ZSA as a living document.
 - o We are looking at the day-to-day opportunities.
 - o Citizens can bring forward suggestions for future amendments to the Act (ZSA).
- Concerns about the watershed and protected lands. How do we (as Yuułu?it?ath) understand that these areas are protected? Is the government going to show us acts that have been adopted? We need assurance that this is being looked at.
 - o There is a list of other acts that speak to inhibited areas, specifically the BC Forestry Act.
- Who has checked the ground in these new zoning places? There are old graves there.
 - o They are looking at old community planning maps from the 1950's, recognizing old gravesites and prohibited areas of development.
- Who is going to own these places before we start building? (Mentioned that a citizen has been waiting 10 years for a lot).
- Will the new zoning have a domino effect on other acts? Official Community Plan? Will there be a review and future amendments?
 - o Yes, there will be future community meetings to address these changes.
- CD2 – can we build higher instead of out more? What would we have to do for this?
 - o It's fire regulations, requirements for water and pipe structures, capacity, District of Tofino and Ucluelet are limited in this as well.
 - o Fire regulations restrict us to a maximum of 20 meters or between 3-5 stories.
- HL1 is limiting in deep water access, can we slate it for something we may not need to amend?
- Is there no commercial rec tenure?
 - o This is outside of TSL and the ZSA.
 - o This would be under the Land Act.
 - o HL1 zoning makes it more flexible for housing (triplex, houses etc.).
- What is happening in our RL1 zones (resources)?
 - o Nothing at the moment but there are plans for 1-2 years down the road.
- Can we use RL1 for natural food production or agriculture? Has it been an area identified as an area we can do this?
 - o This specific zoning does not allow for it.
 - o We need to identify an area and put it through the Lands Act.
 - o There needs to be more dialogue around zoning to know what citizens want – there has not been a lot of agriculture interest.
- What are minimum/maximum lot size requirements?



- 800 square ft home. Minimum may not be established. Maximums have been established. 668 square meters. It depends is a “closer answer.”
- What is the zoning for professional services? I.e., dental, health, schools, long term care facility?
 - There is a difference in zoning between commercial and government use.
 - There are no professional services listed and this should be considered.
- Where does long term care fall into zoning?
 - The government does this, but it can be explored as a business.
- Can a lot size ½ acre be rezoned for multi-dwelling?
 - Applications can be made to a public hearing – these fall under different acts.
- Can properties owned by the Nation outside of this map/scope be identified (Ucluelet properties)?
 - Those properties are subject to Ucluelet bylaws.
- How long can a mobile vending business be set up for?
 - Less than 4 consecutive weeks in a calendar year.
- What are cluster dwellings?
 - Definition found in the ZSA and read aloud to hearing.
- What is the zoning for vacation rentals?
 - If you own your own property, then you need a business license. If not, then it falls under the Residential Tenancy Act, and you cannot do it.
 - B&B are governed through the Rental Tenancy Act.
- Will there be rules for campgrounds and number of campsites?
 - This would be considered with the size of the campground and the number of campground sites to be made available.
- On page 10 of the materials, it speaks of things being removed, replaced, added – can we have a better understanding between these?
 - Look at removing of redundant concepts, changing definitions of parking or vague words.

Comments and concerns from citizens (raw data edited for clarity and context):

- We will need deep pockets to get into the CD2 areas. This is a challenge for citizens.
- There has been so much damage (70%) to the watershed, it needs to be protected. (It was suggested that the Director of Lands and Resources takes Elders out for a tour.)
- We have graves all over and they need to be protected.
- Concern that citizens are not being involved enough.
- How are we going to train our membership to become good citizens?
- How are we going to provide affordable housing?
- Suggestion to build greenhouses to make more sustainable community. Specifically wanting to change the junction to a community garden. Vegetable and fruit pricing is too high, and this is a solution.
- I think we should develop Nahmint lake for tourism opportunities.



- Elders complex should be identified in zoning.
- Need to pay attention to the forest – cedar trees are brown, there is not enough water, there is a lot to protect on the land.
- Without the ability to make amendments there would be no change. With proper zoning they can move forward, and Treaty allows us to make these decisions.
- Some people would like to develop on TSL but not right in Hitacu.
- I am not opposed to moving ahead, but it needs to be done right. Need a clear understanding (citizens) and to do this one step at a time.
- Not everyone has the money to go into business ventures.
- We need to take the time and listen and care about our younger generations.
- Would like to see a community garden or greenhouse in Hitacu to support self-sufficiency/empowerment within the community – help with the COVID domino affect we are seeing. Food is expensive here.
- There was discussion around light vs. heavy industrial zoning and the differences with citizens seeking clarity about what types of activities are permitted.

As with any conversation about land, there were some concerns that may not be pertinent to the ZSA changes but that the YG may want to have on record for future conversations.