



NOTICE IN ACCORDANCE WITH YUULU?IL?ATH LAW

Public Hearing **on the Zoning and Structures Act Amendment Act No. 3**

In accordance with Part 3 of the Planning and Land Use Management Act, notice is hereby given that a public hearing will be held on the proposed Zoning and Structures Act Amendment Act No. 3 as follows:

Date:	Wednesday, March 9, 2022
Time:	5:00pm-7:00pm
Location:	Cix^watin Centre Gym, hitacu / Zoom

The Amendment Act is intended to:

- **With respect to the *Zoning and Structures Act*:**

- Resource Lands or RL1 changes*

- ☐ **Update objectives** – Generally speaking, the amendments to zoning district RL1 clarify the intent for establishing the district as an area for long-term and sustainable resource harvesting and extraction.
 - ☐ **Update use** – The primary use of RL1 removes references to “low impact harvesting” so that lands identified as RL1 can be used for “sustainable long-term forest harvesting and salvage operations” and “ground excavation and extraction activities”. Residential use was kept as a primary use in the event a structure, such as an elders’ cabin, becomes a desirable project within RL1 in the future. In this regard, secondary uses for bed and breakfast, childcare, home occupation, and caretaker are expected to be removed as those would be inappropriate in relation to the updated primary purposes.

- Heavy Industrial or IN2 changes*

- ☐ **Update use** – removes reference to high impact forestry operations within IN2 and replaces that permitted use with the “processing of timber harvested on zoning district RL1 or any other lands”. The change is intended to clarify that harvesting operations are to be located in RL1 while processing operations are to be located in IN2.

- **With respect to the *Official Community Plan*:**

- Lands designed as Resource Lands*

- ☐ **Update Goals**
 - in addition to forestry, “non-timber resources” are added as activities to be managed sustainably and with a long-term perspective;
 - removes goal to consider revenue sharing opportunities; and
 - includes sustainable resource extraction (as opposed to only gravel extraction) in lands designated as resource lands.
 - ☐ **Update Objectives**
 - removes reference to past activities for energy generation and the focus is left unchanged for future generation through smaller scale hydro and wind projects;
 - includes reference to commercial uses as it relates to the use of timber harvested from Yuulu?il?ath lands;
 - clarifies that enforcement of resource use activities and laws rests on Yuulu?il?ath Government;
 - removes reference to restoration from previous activities; and
 - removes certain selling rights as the Official Community Plan is not considered the appropriate location for this objective and can be reflected in other Yuulu?il?ath legislation.

- Maps*

The Official Community Plan includes maps for the identification of land use designations. The Amendment Act will update these maps to align the designations with the zoning district maps attached to the Zoning and Structure Act. The changes mainly update previously designated areas from “Woodlands and Open Space” to “Resource Lands”. See attached maps on on page 2.

The Public Hearing, to be held by the Director of Operations, as delegated by the Legislature, will be open to Yuulu?il?ath Citizens, residents on Yuulu?il?ath lands, and any person who considers that their interests in Yuulu?il?ath lands may be affected by the proposed Amendment Act. An individual can be heard at the Public Hearing by attending in-person or via Zoom. Written submissions will be accepted by email or delivery to the Cix^watin Centre prior to the start of the hearing.

For a full copy of the information package, including a copy of the proposed Zoning and Structures Act Amendment Act No. 3 and higher quality versions of the attached maps, please visit www.ufn.ca. Printed copies of the information package are also available for pick-up at the Cix^watin Centre during regular office hours.

**For more information or to submit written representations,
please contact Zoltan Schafer, Director of Lands and Resources at:**

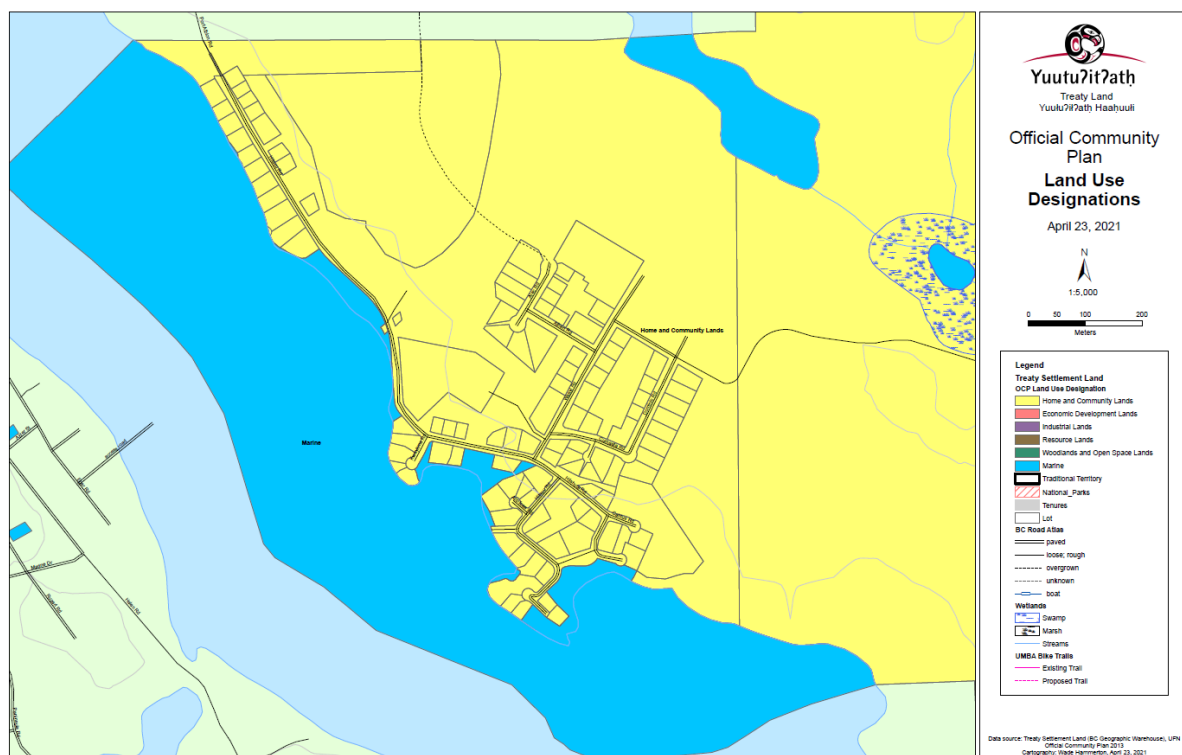
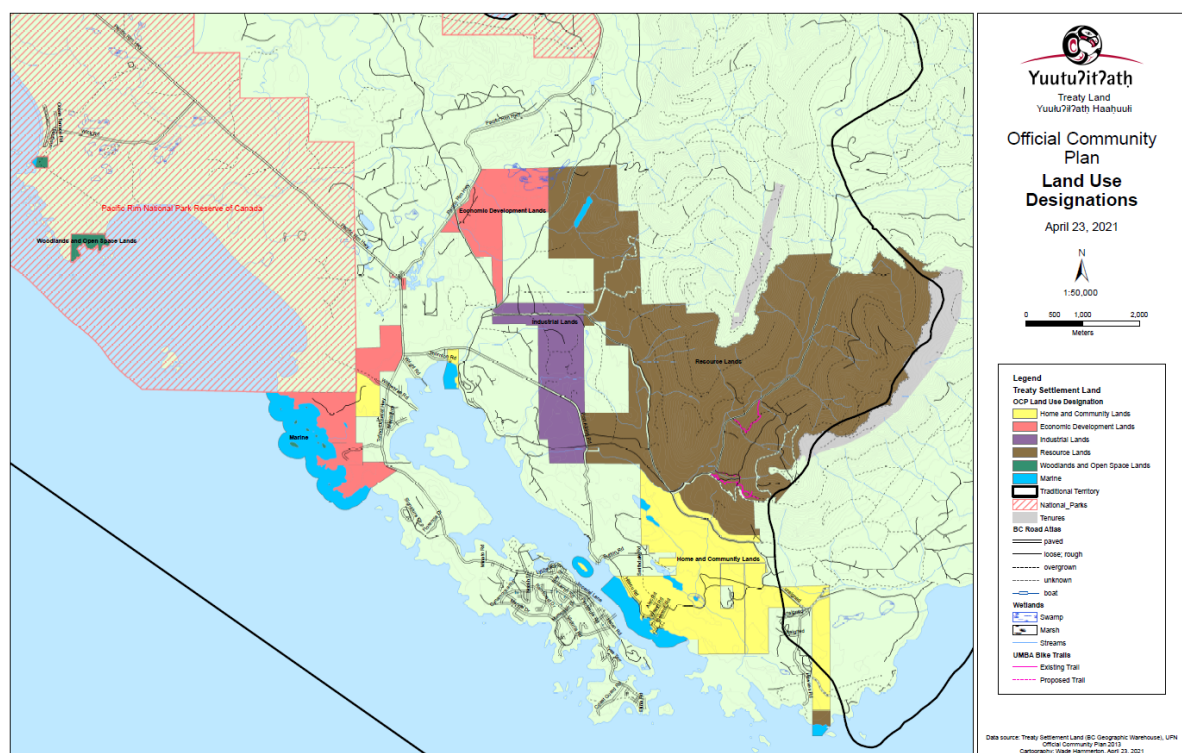
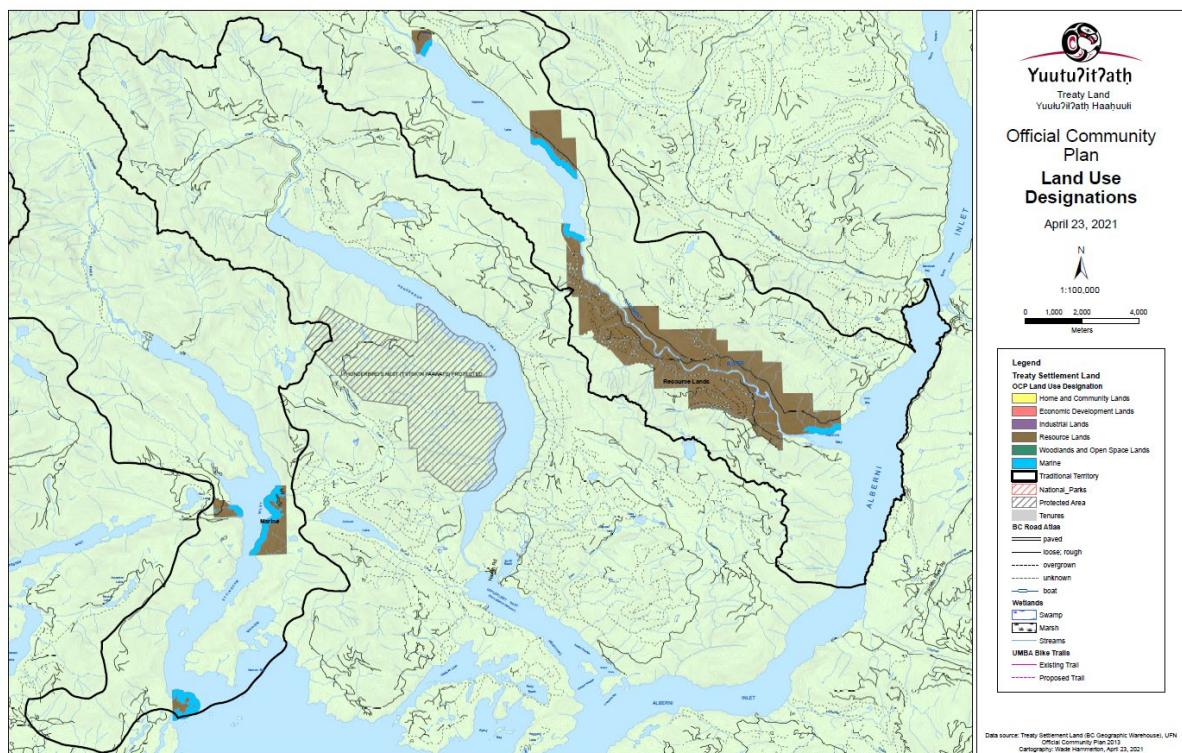
Email: zoltan.schafer@ufn.ca | Phone: 250-720-1177

To participate via Zoom:

Dial in #: 778 907 2071

Meeting ID: 823 1428 6260

Passcode: 343361



YUULU?IL?ATH GOVERNMENT

**ZONING AND STRUCTURES ACT
AMENDMENT ACT NO. 3**

YFNS ♦/2022



This law enacted on _____, 2022

Signed _____
Charles McCarthy, President of the
Yuulu?il?ath First Nation

DEPOSITED IN THE
REGISTRY OF LAWS

ON ____/____/____

Signature of Law Clerk

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PART 1 - INTRODUCTORY PROVISIONS

Short title

1.1 This Act may be cited as the Zoning and Structures Act Amendment Act No. 3.

Executive oversight

1.2 The member of the Executive holding the lands and resources portfolio is responsible for the executive oversight of this Act.

Definitions

1.3 In this Act,

“ZS Act” means the Zoning and Structures Act, and

“OCP Act” means the Official Community Plan Act.

PART 2 - ZSA AMENDMENTS

Amendments to zoning district RL1

- 2.1** (a) The numbering in section 22.1 of the ZS Act is corrected so that the three lettered subsections therein refer to sections 22.1(a), 22.1(b) and 22.1(c).
- (b) With reference to the numbering correction under subsection (a), section 22.1(a)(i) is repealed and the following substituted:
- “gravel and mineral extraction under section 4.5 of Schedule 1 to the Official Community Plan Act, and”.
- (c) With reference to the numbering correction under subsection (a), section 22.1(b) is repealed and the following substituted:
- “The Legislature’s intent in establishing zoning district RL1 is to provide a zoning district for forest harvesting of timber resources and gravel and mineral extraction that is performed in a sustainable manner.”.
- (d) Section 22.2(a) of the ZS Act is repealed and the following substituted:
- “22.2 (a) The primary use of a lot in zoning district RL1 must be
- (i) a residential use,
 - (ii) sustainable long term forest harvesting and salvage operations, excluding processing of timber, in accordance with applicable law, or
 - (iii) ground excavation or extraction activities with respect to stone, rock, construction aggregate, riprap, sand, gravel, slate or other similar formation or mineral.”.
- (e) Section 22.3(a) of the ZS Act is amended by replacing the “;” at the end of section 22.3(a) with a “.”.
- (f) Sections 22.3(b) to (e) of the ZS Act are repealed.

Amendment to zoning district IN2

- 2.2** Section 11.2(b)(vi) of the ZS Act is repealed and the following substituted:
- “processing of timber harvested on zoning district RL1 or any other lands; and”.

PART 3 - OCP AMENDMENTS

Amendments to Schedule 1

3.1 Part A, 4.5 of the official community plan attached as Schedule 1 to the OCP Act is amended as follows:

- (a) Under the heading of “Goals”,
 - (i) in paragraph 2, “and non-timber resources” is added immediately after the word “forestry”,
 - (ii) paragraph 3 is deleted, and
 - (iii) in paragraph 6, “Sustainable resource” replaces the word “Gravel”.
- (b) Under the heading of “Objectives”,
 - (i) in paragraph 7, the sentence “Large scale dams and major hydro generation projects are the kind of projects that were created in the past: in” is deleted and replaced by the word “In”,
 - (ii) in paragraph 9, the words “and other commercial uses” are inserted immediately after “homes”,
 - (iii) in paragraph 10, the words “our own Citizens” are deleted and replaced with the word “Yuulu?il?ath”,
 - (iv) paragraph 12 is deleted, and
 - (v) paragraph 14 is deleted.

Land use maps

- 3.2**
- (a) The maps included in Appendix 1 of the official community plan attached as Schedule 1 to the OCP Act labelled “Land Use” or “Land Use Designations” are deleted and the pages attached as Schedule 1 are substituted.
 - (b) For certainty, Schedule 1 includes three maps that will replace two maps in the Appendix 1 referred to in subsection (a).

PART 4 - GENERAL PROVISIONS

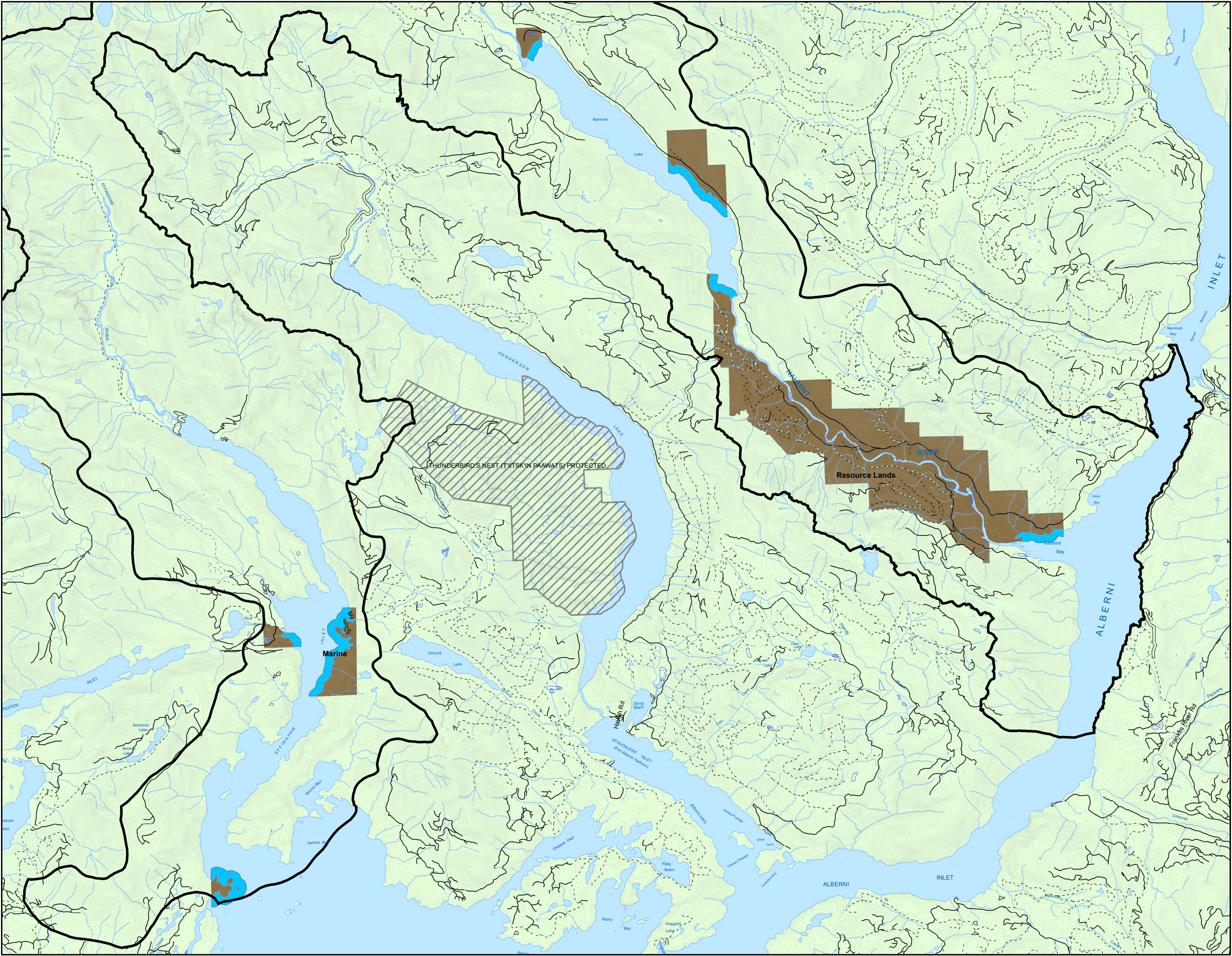
Commencement

4.1 This Act comes into force on the date it is enacted.

[illegible]

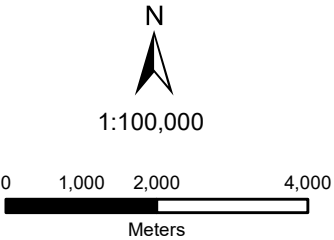






Official Community
Plan
**Land Use
Designations**

April 23, 2021



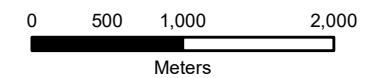
- Legend**
- Treaty Settlement Land**
- OCPL Land Use Designation**
- Home and Community Lands
 - Economic Development Lands
 - Industrial Lands
 - Resource Lands
 - Woodlands and Open Space Lands
 - Marine
- Traditional Territory**
- National Parks
 - Protected Area
 - Tenures
- BC Road Atlas**
- paved
 - loose; rough
 - overgrown
 - unknown
 - boat
- Wetlands**
- Swamp
 - Marsh
 - Streams
- UMBA Bike Trails**
- Existing Trail
 - Proposed Trail

Official Community
Plan
**Land Use
Designations**

April 23, 2021



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



Legend

Treaty Settlement Land




OCP Land Use Designation

-  Home and Community Lands
-  Economic Development Lands
-  Industrial Lands
-  Resource Lands
-  Woodlands and Open Space Lands
-  Marine
-  Traditional Territory
-  National_Parks
-  Tenures



BC Road Atlas

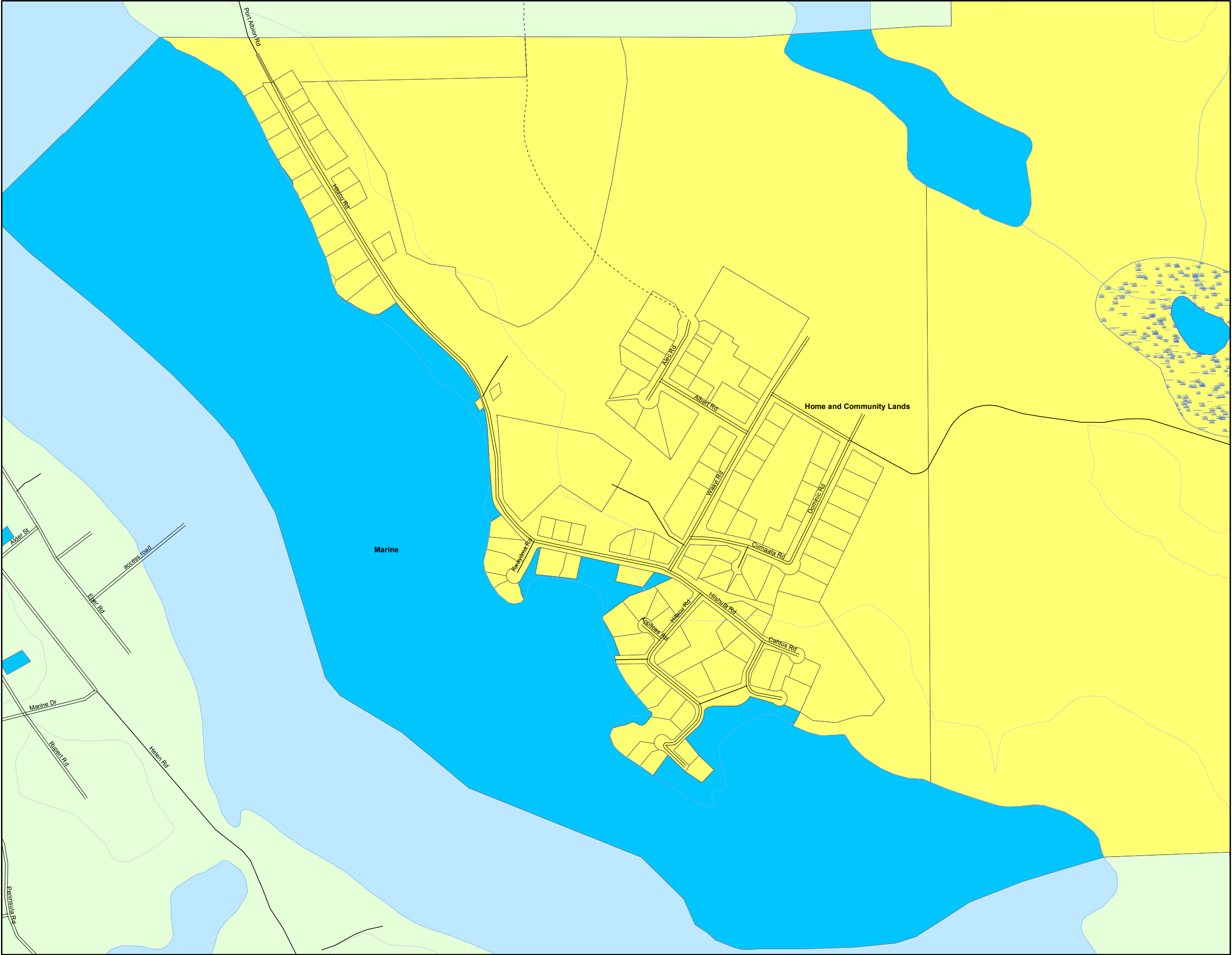
-  paved
-  loose; rough
-  overgrown
-  unknown
-  boat

Wetlands

-  Swamp
-  Marsh
-  Streams

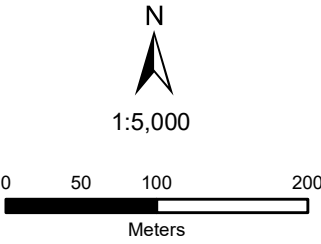
UMBA Bike Trails

-  Existing Trail
-  Proposed Trail



**Official Community
Plan
Land Use
Designations**

April 23, 2021



Legend

Treaty Settlement Land

OCP Land Use Designation

- Home and Community Lands
- Economic Development Lands
- Industrial Lands
- Resource Lands
- Woodlands and Open Space Lands
- Marine
- Traditional Territory
- National_Parks
- Tenures
- Lot

BC Road Atlas

- paved
- loose; rough
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- unknown
- boat

Wetlands

- Swamp
- Marsh
- Streams

UMBA Bike Trails

- Existing Trail
- Proposed Trail

Zoning and Structures Act Amendment Act No. 3

Proposed Changes

To facilitate a review of the proposed changes to the Zoning and Structures Act and the Community Plan under the Amendment Act, attached is a lined copy of the relevant pages and sections to the Zoning and Structures Act and Community Plan showing those changes.

PART 22 - RESOURCE LANDS (RL1)

Purpose of zoning district

- 22.1 (a) Zoning district RL1 is established to assist the Yuułu?it?ath government to achieve certain goals and objectives identified for
- (i) home and community lands under section 4.1 of Schedule 1 to the Official Community Plan Act, and
 - (ii) ~~resource lands~~ gravel and mineral extraction under section 4.5 of Schedule 1 to the Official Community Plan Act; and
- (b) The Legislature's intent in establishing zoning district RL1 is to provide a zoning district for forest harvesting of timber resources and gravel and mineral extraction that is performed in a sustainable manner ~~for low density residential use combined with low impact forestry to retain undeveloped forest lands as rural holdings while allowing low impact harvesting of timber resources in a sustainable manner which allows the forest to naturally regenerate.~~
- (c) A lot in zoning district RL1 may be occupied for a primary use referred to in section 22.2 and a permitted secondary use referred to in section 22.3 in accordance with the requirements of this Part.

Primary use

- 22.2 (a) The primary use of a lot in zoning district RL1 must be ~~a~~
- (i) residential use, ~~or~~
 - (ii) sustainable long term forest harvesting and salvage operations, excluding processing of timber, in accordance with applicable law, or small, low-impact timber resources harvesting, excluding primary processing of timber, in accordance with all applicable laws;
 - ~~(ii)~~ (iii) ground excavation or extraction activities with respect to stone, rock, construction aggregate, riprap, sand, gravel, slate or other similar formation or mineral.
- (b) A lot in zoning district RL1 may have only
- (i) one single unit dwelling, or
 - (ii) if the lot is at least eight hectares, two single unit dwellings.

Secondary uses

22.3 The following uses are permitted as a secondary use on a lot in zoning district RL1:

- (a) a secondary building and its related use which, for certainty, includes a dock, wharf or berth facility on a lot fronting the ocean, in accordance with sections 2.9 and 2.10;
- ~~(b) a bed and breakfast operation in accordance with section 2.13;~~
- ~~(c) a child day care;~~
- ~~(d) a home occupation in accordance with section 2.14;~~
- ~~(e) one of either a caretaker dwelling in accordance with section 2.15 or a secondary suite in accordance with section 2.16.~~

Minimum lot area

22.4 Each lot in zoning district RL1 must have a lot area of at least four hectares.

Minimum lot width and lot depth

22.5 Each lot in zoning district RL1 must have a lot width of at least 100 metres and a lot depth of at least 60 metres.

Maximum lot coverage

22.6 The maximum lot coverage in zoning district RL1 is 20% of the lot area.

Maximum building height

22.7 The building height of a primary building in zoning district RL1 must be no more than 10.4 metres or two floors, whichever is less.

Minimum yard requirements

22.8 A lot in zoning district RL1 must have

- (a) a front yard of at least 15.2 metres in depth,
- (b) a side yard of at least 4.5 metres in width on each side of the lot, and
- (c) a back yard of at least nine metres in depth.

PART 11 - HEAVY INDUSTRIAL (IN2)

Purpose of zoning district

- 11.1** (a) Zoning district IN2 is established to assist the Yuułu?il?ath government to achieve certain goals and objectives identified for
- (i) industrial lands under section 4.3 of Schedule 1 to the Official Community Plan Act, and
 - (ii) resource lands under section 4.5 of Schedule 1 to the Official Community Plan Act.
- (b) The Legislature's intent in establishing zoning district IN2 is to provide a zoning district for commercial use and industrial use that may have a higher impact on the natural environment and a higher intensity use.
- (c) A lot in zoning district IN2 may be occupied for a primary use referred to in section 11.2 and a permitted secondary use referred to in section 11.3 in accordance with the requirements of this Part.

Primary use

- 11.2** (a) The primary use of a lot in zoning district IN2 must be a commercial use or an industrial use listed in subsection (b).
- (b) The following commercial uses and industrial uses are permitted in zoning district IN2:
- (i) a junk yard or jump shop;
 - (ii) a packaging plant;
 - (iii) a service station;
 - (iv) a waste disposal facility;
 - (v) heavy manufacturing;
 - (vi) ~~large, high impact forestry operations, including primary processing of timber harvested, in accordance with all applicable laws~~ processing of timber harvested on zoning district RL1 or any other lands; and
 - (vii) high impact subsurface resources extraction, including aggregate, and processing those subsurface resources, in accordance with all applicable laws.

4.5 RESOURCE LANDS



This land use designation recognizes the biological diversity, the soil and water, the fish and wildlife, and the scenic diversity of Yuułu?it?ath's traditional territories. The use of lands for agriculture, aquaculture, forestry, aggregate and mineral extraction reflect the desire of Citizens to create a diverse and sustainable economic base. At the same time, Citizens recognize their role as stewards or caretakers of the natural environment and so ensuring all development is undertaken in an environmentally sensitive manner.

Uses permitted in the Resource Lands

- *Micro-hydro projects (including run of the river)*
- *Wind farms and other alternative energy sources*
- *Forestry*
- *Range*
- *Mining*
- *Agriculture*
- *Green space*
- *Recreation and rural campgrounds*
- *Culturally significant sites*
- *Aquaculture*
- *Fisheries*
- *Commercial recreational tenures*
- *Industry*
- *Energy Production*
- *Gravel and mineral extraction*
- *Major trails – similar to the West Coast Trail.*

Goals

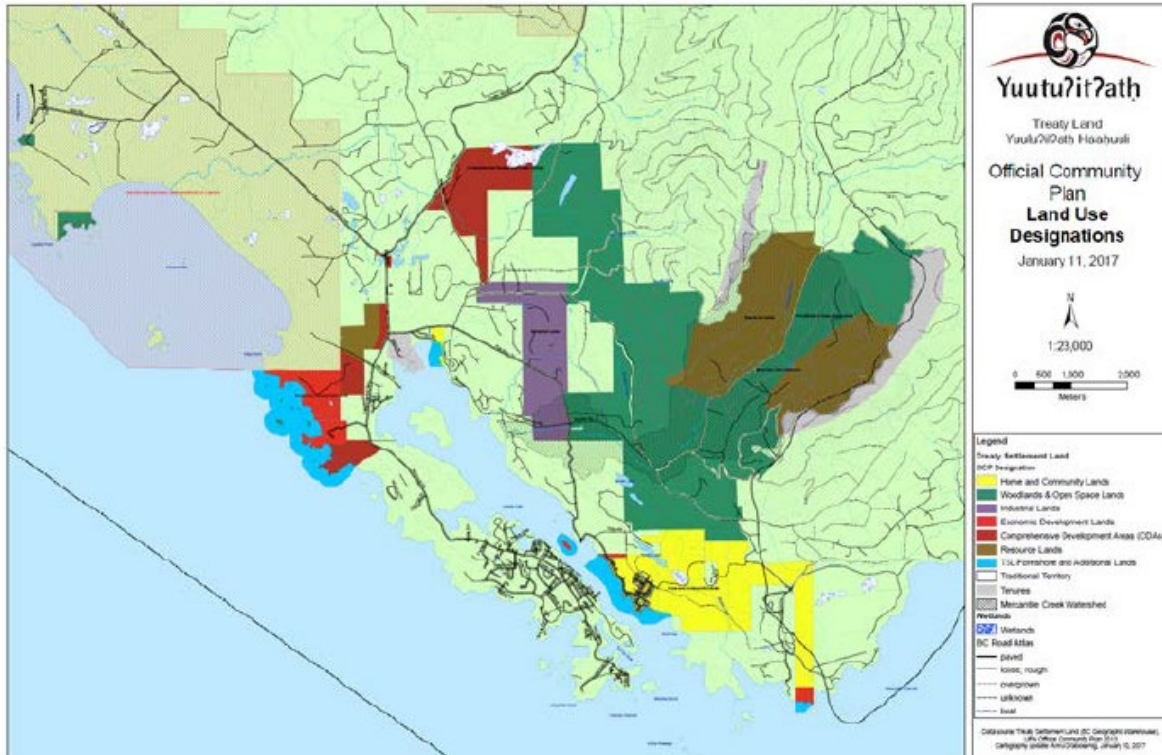
1. Support opportunities to create our own power, be it solar, wind, or other new forms of technology.
2. Ensure forestry [and non-timber resources](#) is managed from a sustainable, long term perspective.
3. ~~Consider opportunities for revenue sharing of profits from the lands for all Citizens.~~ [\[deleted\]](#)
4. Maintain control over permits for hunting, trapping, and fishing within all our Lands.
5. Yuułu?it?ath Government will generate long-term economic benefits from the Yuułu?it?ath lands through careful and sustainable economic practices.

6. ~~Gravel~~[Sustainable resource](#) extraction is supported in this land use designation.

Objectives

7. A creative, long range approach will be taken to considering potential energy generators. ~~Large scale dams and major hydro generation projects are the kind of projects that were created in the past: in-~~[In](#) the future, smaller scale activities such as run of the river projects and wind generation will provide a stable source of power for our land uses as well as generate income for our Citizens.
8. Forest development areas will meet or exceed provincial standards regulating silviculture, harvesting, and the protection of cultural and environmentally sensitive sites.
9. Citizens are encouraged to work with Yuułu?it?ath̓ in harvesting planning to ensure the use of our own timber to build homes [and other commercial uses](#).
10. Monitoring and enforcement by [Yuułu?it?ath̓](#) ~~our own Citizens~~ will be implemented to ensure the proper use of our resources.
11. The development of new employment opportunities in the Resource Lands will be viewed as an important way to bring our Citizens home.
12. ~~We are firm in our position that Yuułu?it?ath̓ Territory (particularly our watersheds) which has been damaged or destroyed through past resource exploitation be restored. Yuułu?it?ath̓ Government is prepared and expects to restore our Territory, and will fully participate in management and decision making activities.~~[\[deleted\]](#)
13. Yuułu?it?ath̓ Government will have delegated law-making authority over foreshore areas fronting Yuułu?it?ath̓ lands.
14. ~~Yuułu?it?ath̓ will have the right to sell any fur bearing land mammals or any traditional crafts and artistic objects that have been made from harvesting in Pacific Rim National Park.~~[\[deleted\]](#)
15. Yuułu?it?ath̓ will allow “reasonable access” on certain Yuułu?it?ath̓ treaty lands to the public for recreational purposes, rights of way, navigable waters and other reasonable access requirements, and Yuułu?it?ath̓ may require that permits be obtained for such access.
16. The Yuułu?it?ath̓ Government will take over the issuing of the tenures including getting the tenure fees.
17. We will look for new opportunities to expand agricultural activities on our lands, with high value crop production as an economic generator and food crop production to provide resources to our Citizens.

OCP Land Use Designation Maps BEFORE:



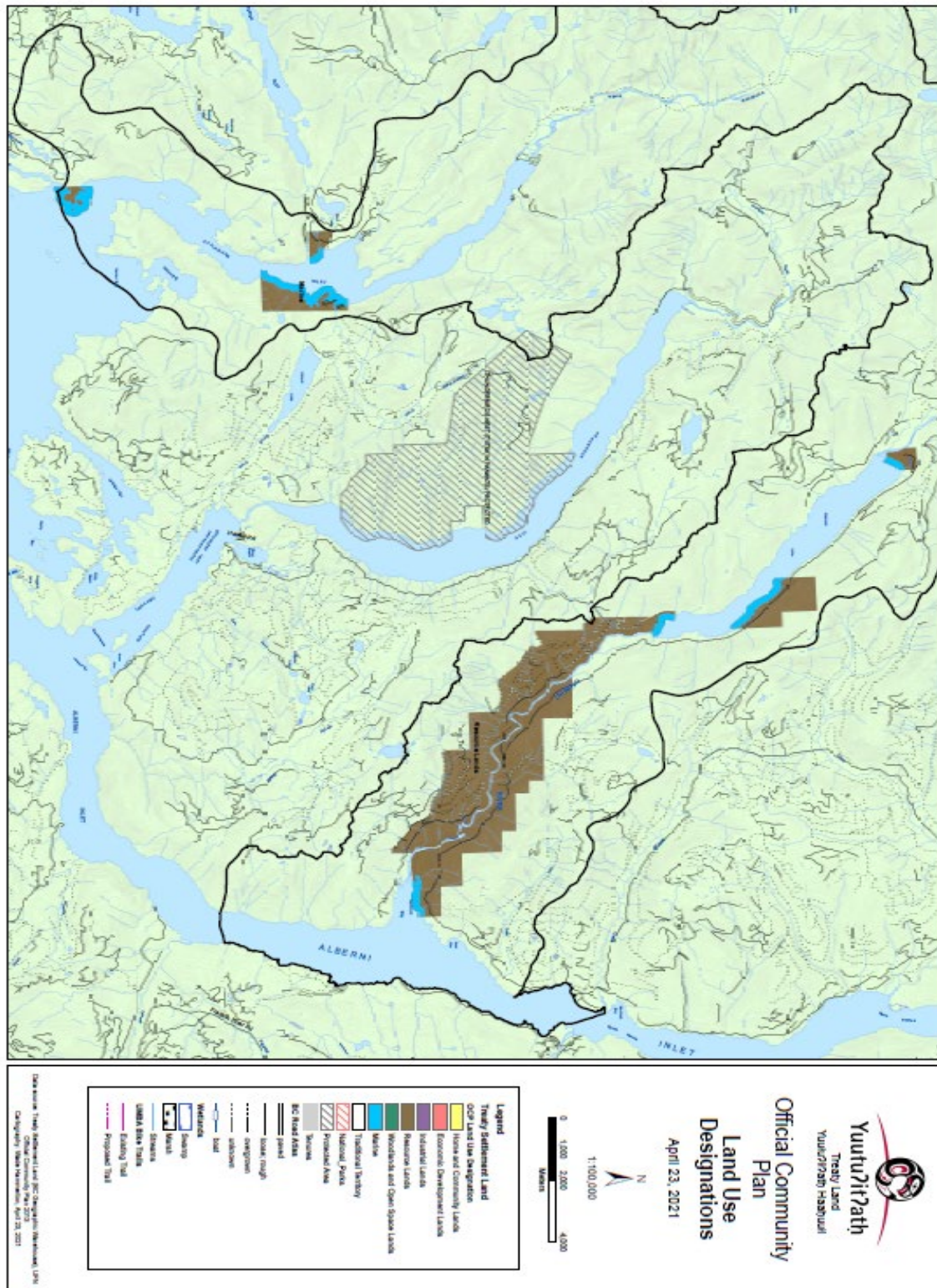
58



Official Community Plan March 2013



SCHEDULE 1





**RESOLUTION OF THE
YUULUʔILʔATH LEGISLATURE**

Re: Delegation of Public Hearing – Zoning and Structures Act
Amendment Act No. 3

Resolution Number: 2022.02.14-04

Date of Legislature Meeting: February 14, 2022

Location: Video Conference (Zoom)

MOTION (2022.02.14-04):

That, in accordance with section 3.2 of the Planning and Land Use Management Act, the Legislature resolve to delegate the holding of a public hearing on the proposed amendments outlined in the Zoning and Structures Act Amendment Act No. 3. to Suzanne Williams, Director of Operations.

Moved by Chuck McCarthy. Seconded by Alan McCarthy.

In favour: 4. Opposed: 0. Abstained: 0. Motion carried.

Certified to be a true copy of resolutions passed at a duly convened meeting of the Legislature held on February 14, 2022 by:

Jill Hamilton
Law Clerk