



POLICY NUMBER: 13-6830-01

REFERENCE:

Referrals to Yuułuʔiłʔatḥ Government - Interim Policy

ADOPTED BY:

Council

CROSS-REFERENCE:

OCP Policies 1.8, 1.9, 3.37 & 3.41

SUPERSEDES:

None

AMENDED DATE:

N/A

DEPARTMENT:

Planning

EFFECTIVE DATE:

February 22, 2022

Policy Statement

The purpose of this policy is to clarify the process and enable communication for the early referral of major development applications to staff at the Yuułuʔiłʔatḥ Government for review and comment.

Scope

This policy applies to development applications received for:

- amendment to the Zoning Bylaw;
- amendment of the Official Community Plan (OCP) Bylaw; and/or,
- subdivision

on properties of 2 acres (0.8 hectares) or greater which intersect with areas of “high archaeological and cultural potential” on Map 3 of the District of Ucluelet Official Community Plan Bylaw No. 1236, 2020.

Justification

A. Current municipal policy adopted in the OCP:

Policy 1.8 Endeavour to understand and consider Indigenous perspectives when making decisions on land-use issues.

Policy 1.9 Develop, in partnership with the Yuułuʔiłʔatḥ Government, a protocol for referral and input on proposed developments and/or operations which might impact Yuułuʔiłʔatḥ lands, resources and/or culture.

Policy 3.37 Develop, in partnership with the Yuułuʔiłʔatḥ Government, a protocol for referral and input on development proposals within the areas of high archaeological and cultural potential identified on Map 3.



Policy 3.41 Development proposals will be reviewed in relation to existing and possible archaeological sites, and where sites are apparent, the owner will be notified of their responsibility for complying with the requirements of the provincial Heritage Conservation Branch.

B. Past practice:

When a land owner makes a property inquiry or development application, staff refer to the provincial database of known archaeological sites and provide a copy of the “local government notification” form letter which is provided by the BC Archaeology Branch. Depending on the circumstances, that may or may not trigger the property owner to contact the Archaeology Branch. This is consistent with OCP policy 3.41. This process will continue.

Note the provincial process touches on the known, documented sites of archaeological evidence but does not necessarily address sites of cultural importance.

When a development application involves a zoning amendment bylaw or OCP amendment bylaw, part of the legislated process includes giving notice and holding a public hearing. Individuals and agencies may become aware of the development proposal and choose to provide comment as part of this process. For OCP amendment bylaws, Council also considers whether the nature of the amendment should include early and ongoing consultation with external agencies.

C. Justification for new policy:

Developing a fulsome protocol for referrals in partnership with the Yuułuʔiłʔatḥ Government, consistent with OCP policies 1.9 and 3.37, will take some time. This interim policy is intended to fill the gap until such time as a protocol is established by mutual agreement following government-to-government discussions. The policy will ensure that the Yuułuʔiłʔatḥ Government becomes aware of major development applications much earlier in the process than the notification for a public hearing. Adopting the interim policy will further the municipality’s understanding consistent with the OCP policy 1.8.

At this point in time, development activity in the community is accelerating. Adopting an interim policy will immediately enable better communication and consideration of indigenous perspectives – and remove the pressure to rush discussions on developing communication protocols with our neighbours.

This interim policy also can avoid delays in the process of development review and approval. If values, issues or concerns are identified for a particular site it is far better that they be identified early in the process rather than later at the public hearing stage. The 30-day period for review and comment can occur in parallel with the inter-departmental review of a development application by municipal staff.



Policy:

For:

- rezoning, OCP amendment or subdivision applications;
- affecting land of 2 acres (0.8 hectares) or greater area; and,
- that intersect with areas of “high archaeological and cultural potential” shown on Map 3 of the *District of Ucluelet Official Community Plan Bylaw No. 1236, 2020*;

Such applications:

- will be referred to the Director of Culture, Language and Heritage of the Yuułuʔiłʔatḥ Government, for review and comment;
- the Yuułuʔiłʔatḥ Government is requested to keep details of the development proposal in confidence until the application is presented to Council on a public meeting agenda;
- comments from the Yuułuʔiłʔatḥ Government provided within 30 days of referral will be included in the initial staff report on the development proposal to Council; and,
- comments provided after 30 days will be provided to Council but may not make it on the agenda with the initial staff report.

Mayco Noël
Mayor

Duane Lawrence
Chief Administrative Officer