



STAFF REPORT TO COUNCIL

Regular Council Meeting: AUGUST 18, 2020
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, MANAGER OF COMMUNITY PLANNING

FILE NO: 6480-20-2018-OCP

SUBJECT: UCLUELET OCP – INDIGENOUS RELATIONS AND POLICY

REPORT NO: 20-85

ATTACHMENTS: APPENDIX A – EXCERPTS FROM DRAFT 2020 OCP
APPENDIX B – BC PUBLICATION ON THE *DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES ACT (2019)*
APPENDIX C – FCM *PATHWAYS TO RECONCILIATION; CITIES RESPOND TO THE TRUTH AND RECONCILIATION COMMISSION CALLS TO ACTION*
APPENDIX D – *UN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES*

RECOMMENDATIONS:

THAT Council, with regard to the 2020 Official Community Plan (OCP) bylaw update:

1. receive this report for information; and,
2. provide direction to staff on any desired changes to the attached excerpts of the draft OCP regarding municipal policy, communications and relations with Indigenous communities and people, to guide refinement of the draft before the whole OCP bylaw is brought back for consideration at a future meeting of Council.

PURPOSE:

The purpose of this report is to provide a brief background and update on text and policies being developed for the current draft of the Ucluelet Official Community Plan (**OCP**) bylaw, particularly those which specifically address the District's relationship with Indigenous people and governments. The intent of this report is to check in with Council on the direction of this work, and to provide time to focus discussion and questions on this area of the OCP, ahead of further discussion of updates to all other areas of policy (environmental, transportation, land use, etc.).

BACKGROUND:

Since Council gave first reading to Official Community Plan Bylaw No. 1236 in late 2018, staff have been making progress (slow progress, but progress nonetheless) on refining the document and filling a number of gaps. Comments received in response to the District's referral of the draft to the Yuułu?ih?ath Government and 'Tuk^waa?ath Nation, and ongoing conversations at the staff level, have helped shape the changes and additions to the document, resulting in the current draft (see

Appendix 'A'). Staff would like to particularly acknowledge the contributions and insights of Carey Cunneynworth, Manager of Culture and Heritage / Archaeologist for the Yuułu?i?ath Government.

The draft OCP presented with Bylaw No. 1236 initially in 2018 represents a major overhaul of the 2011 Plan. In particular, proposed changes to the OCP include:

1. a new structure organized around the broad themes of Place, People and Systems;
2. writing which attempts to be more inclusive of indigenous perspectives (Part 1);
3. expanded policies on affordable housing (Part 3);
4. an updated section on economic development (Part 4);
5. an updated Long-Range Land Use Plan (Schedule 'A') reflecting the current zoning (and sub-zones) but also showing the expected evolution of land uses toward the year 2050, particularly in the former Forest Reserve land areas;
6. addition of a Parks and Trails Network map (Schedule C) showing the location of existing and proposed new parks, trail connections and open space;
7. new mapping and clarification of Development Permit areas for protection of the environment and avoiding natural hazards (Schedules 'E' and 'G', and DP guidelines in Part 6);
8. updated policies responding to climate change, energy use and sea level rise (Parts 2 and 6);
9. clarification of Development Permit areas for form and character (Schedules 'F', and DP guidelines in Part 6); and,
10. an updated section on implementation, including enforcement (Part 6).

The document is the result of the enthusiastic input of Ucluelet residents as well as insights provided by all municipal departments. The draft plan attempts to capture the character of Ucluelet and chart the direction where the community is headed over the coming years. The aim is to create a document which will prove useful:

- to residents and property owners, as they look to understand what their friends and neighbours envision, and where they fit within the community;
- to businesses and investors, as they seek a clear understanding of the framework they are working in and the available opportunities;
- to other agencies, as they look for the direction Ucluelet is taking to see where our interests align;
- to staff, as they work to continually improve municipal operations and deliver services on behalf of the community; and,
- to Councils, as they discuss community issues, set priorities and deliberate on where to focus finite resources.

Developing the final draft of the OCP has had to compete for staff time with other urgent and emergent issues. The benefit of taking a slow approach is that it has allowed the plan to mature and be better informed by the input received by other agencies and individuals. This is particularly true of the policy area which is the focus of this report. This timing was certainly not the intent in the fall of 2018 (i.e., taking two years to let the OCP percolate), but a welcome side-effect will be a better plan.

The conversations and feedback to date have led to more substantive changes in this policy area than will be seen in the rest of the OCP. The other significant area of work to advance the draft is updating the mapping to reflect our current understanding of potential land uses, environmental and archaeological sensitivities, etc. Staff expect that the entire draft OCP and its maps will be ready for Council and community review early this fall.

DISCUSSION:

New text and policy relating to Indigenous relations and interests:

The 2011 OCP was silent on the presence, role and/or relationship between Indigenous community members or governments and the municipality. The 2018 draft of the OCP included acknowledgement of the traditional territory of the Yuułuʔiłʔatḥ and introduced a discussion of the relationship between Ucluelet and its neighbours, particularly the Yuułuʔiłʔatḥ Government.

New text and policies, highlighted in red in the OCP draft excerpts found in **Appendix A**, expand on the previous work. The new text and policies are presented below – reading these in combination with the other text and policies in Appendix A provides additional context.

The provincial and federal governments have taken recent steps to recognize the rights of Indigenous peoples and implement the Calls to Action from the Truth and Reconciliation Commission. The text and policies being recommended in this draft OCP point to avenues for approaching reconciliation at the local, community level.

The Rights of Indigenous Peoples, Reconciliation and the Legacy of Colonialism:

The proposed additions to the OCP include the following:

“The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted by the UN General Assembly in 2007. In 2015 the Truth and Reconciliation Commission listed as the first principle for reconciliation that the UNDRIP, “is the framework for reconciliation at all levels and across all sectors of Canadian Society.” The UNDRIP was officially adopted by the Government of Canada in 2016. In November of 2019 the Government of British Columbia passed the *Declaration on the Rights of Indigenous Peoples Act*; BC is the first Canadian province to start bringing its legislation in alliance with the UNDRIP.

Note that the District of Ucluelet is not a “State” and does not carry the legal weight of “the Crown”; the responsibilities of the Crown cannot be delegated downward to local government by the Province. At the same time, as noted in the Truth and Reconciliation Commission *Calls to Action*, all levels of government - including local municipalities - have a role to play in healing relationships, building community and addressing the ongoing legacies of colonialism to create a more equitable and inclusive society.

Policy 1.1 The District of Ucluelet adopts the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation (see Appendix **1**).”

A brief overview from the Province of BC on the *Declaration on the Rights of Indigenous Peoples Act* is attached to this report (see **Appendix ‘B’**). A publication prepared by the Federation of Canadian Municipalities (FCM) provides examples of actions that both small and large municipalities are

taking toward reconciliation (see **Appendix 'C'**). The *United Nations Declaration on the Rights of Indigenous Peoples* is also included for reference (see **Appendix 'D'**)

Education and Communication:

“Policy 1.7 Provide education to municipal employees on the history of Indigenous peoples, including the history of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties (including the *Maa-nulth Treaty*) and Aboriginal Rights, Indigenous law, and Aboriginal-Crown relations. This will include skills-based training in intercultural competency, conflict resolution, human rights and anti-racism.”

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

“Policy 3.37 Develop, in partnership with the Yuułuııʔatʰ Government, a protocol for referral and input on development proposals within the areas of high archaeological and cultural potential identified on Map 4.”

“Policy 3.45 Roughly half of the existing street names in Ucluelet are nouns; invite input from the Yuułuııʔatʰ on Nuu-chah-nulth translations of these names, and explore opportunities for a bilingual street sign program.”

Operations:

“Policy 1.10 Develop, in partnership with the Yuułuııʔatʰ Government, a stewardship protocol for lands within the municipal parks network to achieve a respectful balance between ecological conservation and opportunities for indigenous cultural activities including harvest.”

“The Yuułuııʔatʰ Government has provided archaeological and cultural potential mapping which highlights areas considered to be of very high archaeological potential (see Map 4); this includes the shoreline and all areas 150m inland around the shore of the Ucluth Peninsula, plus old-growth forest ecosystems.”

“Policy 3.38 Develop, in partnership with the Yuułuııʔatʰ Government, a joint Heritage Alteration Permit and protocol / servicing agreement for archaeological and cultural guidance on municipal works and operations within the areas of high archaeological and cultural potential identified on Map 4.”

Housing:

“Approximately 9% of Ucluelet residents identify as Indigenous (2016 census). This includes both homeowners and renters. There are a handful of housing units owned by the Yuułuııʔatʰ Government in town, as well as homes owned and operated by non-profit housing providers.”

“Policy 3.134 Include Indigenous housing needs in the development of a community Affordable Housing Needs Assessment.”

“Policy 3.135 Work with regional Indigenous governments and housing providers to identify where opportunities may exist to support and/or partner on meeting all community housing needs.”

These additions to the OCP will help define a clearer path for taking steps toward reconciliation and opening conversations which it is hoped will lead to a more inclusive and equitable community.

FINANCIAL IMPACTS AND CAPACITY:

Adoption of an OCP and its policies does not commit Council or the community to complete any tasks or projects by a certain time, or commit to funding future projects; those future decisions remain at the discretion of Council. The OCP as drafted notes a number of follow-up actions which would build on the Plan and help clarify future decisions facing the community and its elected Council. These items will all come forward for consideration by Council as part of its ongoing strategic planning and budgeting processes, with the associated costs to be detailed at that time.

A number of policies proposed in the draft OCP signal future work with Indigenous governments to work out the details of how the District will proceed in areas of mutual interest. The timing of how these progress will depend on the interest and capacity of both parties, and is flexible.

POLICY OR LEGISLATIVE IMPACTS:

The requirements for adopting an Official Community Plan bylaw include Council consideration of opportunities for consultation with affected persons, organizations and authorities as part of the process. Following first reading of the OCP Bylaw No. 1236, the draft OCP was referred to a long list of agencies and government bodies for review and comment. This input has been invaluable in refining the plan (in many policy areas, not limited to the issues covered in this report).

Once the OCP bylaw reaches the point where it has received second reading and is being referred to a public hearing, staff will recommend that Council refer the updated draft of the OCP to those same agencies for formal comment prior to the public hearing.

PROGRESS AND NEXT STEPS:

If the direction presented in this report is supported by Council, staff will continue on working to finish the revisions to the draft, to bring a revised complete OCP bylaw before Council – for consideration of second reading as amended and referral to a public hearing – early this fall.

SUMMARY:

This report provides an opportunity to focus discussion and provide input to staff on the text and policy areas which have been developed to better guide the District’s interaction with Indigenous community members and neighbouring First Nations governments. Staff acknowledge that the

draft policies being proposed for the 2020 OCP are quite progressive for a small local government. Given the specific context of the contributions from Indigenous community members within the Ucluelet community, and the ongoing relationship between the District and both Yuułu?i?ath Government and ʻTukʷaa?ath Nation, staff strongly recommend this direction as an appropriate path forward in 2020.

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