huu ay aht

ANCIENT SPIRIT, MODERN MIND

LAND USE PLAN REGULATION

OFFICIAL CONSOLIDATION
Current to May 14, 2026

Provisions of the Community Planning and Development Act*, HFNA 10/2011, relevant to the enactment of this regulation: section 6 and 62.*

REGISTRY OF LAWS CERTIFICATION

I certify that the *Land Use Plan Regulation* was passed by Executive Council on:

April 1, 2011

Chief Councillor Robert Dennis Sr.

I certify that the *Land Use Plan Regulation* is enacted as law on:

April 1, 2011

Ta'yii Hawilth Derek Peters

I certify that the *Land Use Plan Regulation* came into force on:

April 1, 2011

Law Clerk Connie Waddell

REGISTRY OF LAWS CERTIFICATION

I certify that the *General Legislation Correction and Amendment Regulation, 2026* was passed by Executive Council on:

May 14, 2026

Chief Councillor John Jack

I certify that the *General Legislation Correction and Amendment Regulation, 2026* is enacted as law on:

May 14, 2026

ḥawiiḥ Councillor Theresa Nookemus

I certify that the *General Legislation Correction and Amendment Regulation, 2026* came into force on:

May 14, 2026

Acting Law Clerk Alexis Young

LAND USE PLAN REGULATION

Contents

1 Definitions
2 Land Use Plan adopted
3 Force of law

SCHEDULE

Definitions

1 In this regulation:

"Act" means the *Community Planning and Development Act*;

"Land Use Plan" means the Land Use Plan set out in the Schedule.

Land Use Plan adopted

2 The Land Use Plan set out in the Schedule is adopted in accordance with section 6 of the Act.

Force of law

3 The Land Use Plan set out in the Schedule has the force of law.

HFNR 12/2013, s. 1; HFNR 5/2020, s. 1(1).

SCHEDULE

HUU-AY-AHT FIRST NATIONS

LAND USE PLAN

MAY 2013

[53 pages including 3 appendices and 4 maps follow]

SCHEDULE

HUU-AY-AHT FIRST NATIONS



LAND USE PLAN

MAY 2013

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Part 1 Introduction

1.1 History of Huu-ay-aht



The Pacific coastline of Vancouver Island is renowned for the unique culture and traditions of the Nuu-chah-nulth speaking First Nations who have flourished here for thousands of years. One of the world's richest coastal temperate forests, featuring towering hemlock, balsam, spruce, cedar and fir trees, has been nurtured by the warmth, fog and rain of Pacific Ocean currents and is fed by countless rivers and streams flowing from majestic snow-capped mountains. The Nuu-chah-nulth people have inhabited the west coast of Vancouver Island from Brooks Peninsula north of Kyuquot to Sheringham Point south of Port Renfrew for thousands of years.

Fundamental to understanding Huu-ay-aht culture is the ḥaẇiiḥ and the ḥaḥuuɬi. The ḥaẇiiḥ (hereditary chiefs) are responsible for their ḥaḥuuɬi (Traditional Territory) and all it contains, including extended families.



Huu-ay-aht Welcome Figures
Royal BC Museum

The ḥaḥuuɬi of the Huu-ay-aht ḥaẇiiḥ encompasses some of the richest portions of this remarkable environment. The Huu-ay-aht have a long and proud history in our ḥaḥuuɬi. Our history extends back to the beginning of time, and tells of many great people, adventures, traditions and deeds. The Huu-ay-aht are committed to naming features in our territory with Huu-ay-aht names.

Huu-ay-aht stories relate that we have occupied our ḥaḥuuɬi since time began. According to one Huu-ay-aht account, the first man and the first woman appeared in the Huu-ay-aht domain where they "came down" from the heavens. The first man, Nutchkoa, is carved with his arms outstretched, watching for the Huu-ay-aht at the beginning of time and beckoning them home. He is ready to haul up their canoes and invite them inside for a great feast and potlatch. The woman's name is Ho-miniki and she originated in the moon. She married one of the great Huu-ay-aht ancestors named Shewish, long ago.

Carvings of the first ancestors, now at the Royal BC Museum, were placed in front of a ḥaẇiiḥ (Chief's) house in the Huu-ay-aht capital at Kiix?in. In the Huu-ay-aht way, these carvings represent all the ḥaẇiiḥ and ancestors and portray many things. These first ancestors reflect Huu-ay-aht history, and embody the ancient and strong connections that exist between the Huu-ay-aht and all of nature.

1.2 Huu-ay-aht Today

Huu-ay-aht Treaty Lands are in a dynamic and economically significant region. The area is world-renowned with numerous features including the Pacific Rim National Park Reserve, the Broken Group Islands and the West Coast Trail, all of which attract visitors from around the world. The Alberni-Clayoquot Regional District is situated within the Huu-ay-aht ḥaḥuułi.

Today, the Huu-ay-aht citizenship includes an estimated 673 people. The Anacla population is approximately 131 individuals. Recent population projections assume an annual Huu-ay-aht community population growth rate of 1.6%.

The Huu-ay-aht community is located on Anacla, 88.2 ha, approximately 7km south west of the Village of Bamfield via the Bamfield Road. There are 43 houses located in the community.

Homes on the south side of the Pachena River are located within the flood plain and are at high risk for tsunami. The community's long-term plan is to relocate these homes to a new subdivision on the north side of the Pachena River adjacent to the House of Huu-ay-aht and new Administration Building.

There are also homes located on Sascha and Numukamis.



Pachena Bay

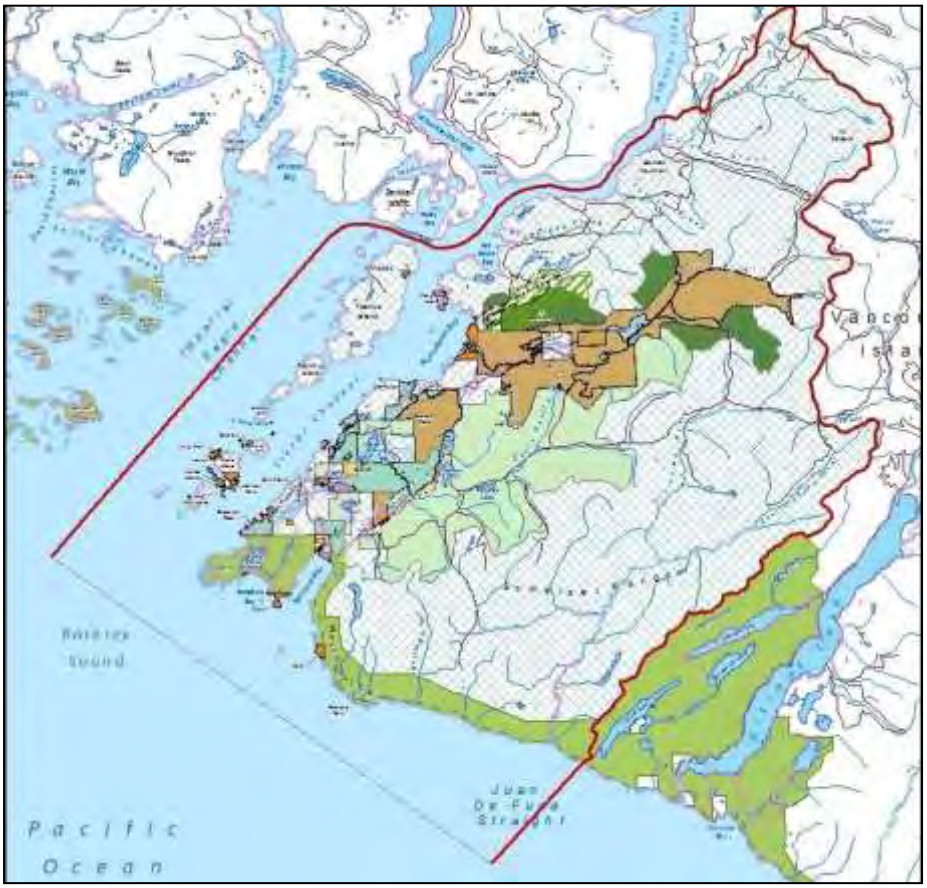
1.3 Huu-ay-aht Treaty

The Huu-ay-aht Treaty[1] allows for fee simple land to be under full Huu-ay-aht control. The Huu-ay-aht operate under our own government and our own Constitution. The Treaty sets out law-making authorities that the Huu-ay-aht may exercise on our lands. It also allows the Huu-ay-aht to enter into land use planning protocols with local governments to coordinate and harmonize land use planning processes and land use decisions.

As a result of the Treaty, the Huu-ay-aht initially have control over 1,077 hectares of former Reserve lands and an additional 7,181 hectares of Treaty Lands, totalling 8,258 hectares of land. The Huu-ay-aht have additional land interests throughout our ḥaḥuułi, and the Treaty requires any third parties to consult with the Huu-ay-aht about outside interests. Community Forests and the West Coast Trail are also under shared jurisdiction with the Huu-ay-aht.

The Treaty requires the Huu-ay-aht to create a **Land Use Plan** similar in content and form to that prepared and adopted by municipal governments throughout British Columbia as required by the *Local Government Act* (British Columbia).

The Huu-ay-aht **Land Use Plan** is a guide for residents, landowners, businesses, community organizations and governments that may be contemplating development related to land use, building and property on Huu-ay-aht Treaty Lands.



[1] In this document, Huu-ay-aht Treaty refers to the Maa-nulth First Nations Final Agreement.

1.4 Purpose and Scope of the Land Use Plan

The Huu-ay-aht **Land Use Plan** articulates the vision and principles that guide the development and use of Huu-ay-aht Treaty Lands and resources, as well as land and resource use throughout the balance of the Huu-ay-aht ḥaḥuułi.

The **Land Use Plan**

- sets out the broad objectives and policies for the Huu-ay-aht concerning the form and character of existing and future land uses, the provision of services, as well as establishing clear guidelines for land use and development;
- provides a roadmap for future growth and development that is consistent with our values, culture, heritage, traditions, and local realities. The plan is an important guiding document as we take on new responsibilities for our lands.
- has been prepared in accordance with Huu-ay-aht government direction and guidance. It reflects the desire of the Huu-ay-aht to develop and implement a community plan similar in content and form to the Official Community Plan requirements outlined in the *Local Government Act* (British Columbia);
- serves as a foundation for all policies, regulations, and decisions pertaining to land use and development on Huu-ay-aht Treaty Lands.

The Land Use Plan will

- help guide our decisions now and in the future to develop and protect our lands in a way that reflects our environmental, cultural, social and economic values;
- reflect our decisions about what types of uses we will allow on our lands and where we will allow them;
- provide direction on growth and changes over the next 10 - 20 years;
- assist ḥaẇiiḥ and the Huu-ay-aht government to evaluate proposed developments to ensure that they are consistent with the vision and objectives of our citizens as expressed in this plan.

Once adopted, the management, land use and development of Huu-ay-aht Treaty lands and works constructed on the lands must be consistent with the Huu-ay-aht **Land Use Plan**.



The **Land Use Plan** will provide for the future generations of Huu-ay-aht.

1.5 Vision & Guiding Principles

"A rich history. A bright future."

All Huu-ay-aht decision making is guided by the principles of *hišukma ċawaak* – Everything is one and *ʔiisaak* – Respect.

The Huu-ay-aht Vision is:

> *The Huu-ay-aht envision a strong, self-governing and self-reliant Nation. ʔiisaak will guide us as we work together to foster a safe, healthy and sustainable community where our culture, language, spirituality and economy flourish for all.*

The Huu-ay-aht Treaty provides the Huu-ay-aht with law-making powers and responsibility for lands and land management. The **Land Use Plan** is based on the Huu-ay-aht Vision and supports the sustainable development of Huu-ay-aht Treaty Lands and resources.

The Huu-ay-aht Land Use Mission Statement is articulated below:

"Healthy Lands, Healthy People"

The Huu-ay-aht **Land Use Plan** will guide all future development on Huu-ay-aht Treaty Lands. Our Plan supports the Huu-ay-aht Vision so that future generations of Huu-ay-aht can reach their greatest potential and rise to our historic greatness.

At the same time, citizens recognize their role as stewards or caretakers of the natural environment ensuring all development is undertaken in an environmentally sensitive and sustainable manner.

"We have been on our lands since time immemorial;
we will be here forever."

1.6 Planning Process

The Huu-ay-aht **Land Use Plan** provides a long-term vision for Huu-ay-aht lands and provides certainty for the development of Huu-ay-aht Treaty Lands. The **Land Use Plan** serves as a statement of objectives and policies to guide planning decisions for the Huu-ay-aht.

In the past, the Huu-ay-aht have developed a number of planning documents. The process provided extensive opportunities for membership input through meetings, workshops, open houses, surveys and individual discussion. This **Land Use Plan** builds on the vision and principles developed within the planning documents, including:

- Community Input Report (1997), HFN Land Selection Working Group;
- Vision for HFN Resource Management (1999), HFN Negotiation Team;
- Huu-ay-aht First Nations Physical Development Plan (2001), Chatwin Engineering;
- Preliminary Draft Land Use Planning Report for Huu-ay-aht First Nations (2005), Chatwin Engineering; and,
- Huu-ay-aht First Nations Land Use Plan (March 2008), Island Planning Solutions.

In addition to building on these documents and consultations during the Treaty process, the **Land Use Plan** was shaped by the Huu-ay-aht Lands and Resources Committee composed of Council Members, Staff and Ha'wiih, and was presented to Huu-ay-aht in Community Rounds in June and October 2010.

Further consultation on the Land Use Plan was undertaken with Huu-ay-aht citizens, the ḥaẇiiḥ Council and interested parties in the fall of 2012 and spring of 2013.

The **Land Use Plan** has been prepared in accordance with the direction and guidance of the Huu-ay-aht government.

Part 2 Role of the Huu-ay-aht Land Use Plan

The Huu-ay-aht **Land Use Plan** details land use goals, designations, permissible land uses and development standards throughout the ḥaḥuułi, including Huu-ay-aht Treaty Lands. It also includes Development Permit areas to ensure that the natural environment and our cultural spaces are protected from development. Development permit areas also allow for the integration of more than one permitted use and provide for a consistent form and character for buildings on Huu-ay-aht land.

Boundaries of the land use designations in Appendix i indicate only the general location of the intended separation of land uses and land use designations.

Specific aspects of the plan may be amended by law but such amendments should be viewed as exceptions rather than regular occurrences. The **Land Use Plan** should be reviewed and updated every 5 years.

After the Huu-ay-aht government adopts the **Land Use Plan**, decisions made by government must be in accordance with the Land Use Plan and Design Guidelines, including decisions in relation to zoning, subdivision, density and servicing.

The **Land Use Plan** does not commit or authorize the Huu-ay-aht to proceed with any project specified in the plan. Huu-ay-aht government's future decisions regarding priorities, funding and implementation will determined the achievement of the goals and policies of the **Land Use Plan**.

If a development proposal does not comply with the Huu-ay-aht **Land Use Plan**, the applicant will be required to submit a detailed application requesting an amendment to the **Land Use Plan**.



Part 3 Land Use Goals

The Huu-ay-aht have established these high level goals to guide the direction of land use and development on Huu-ay-aht Treaty Lands. All decisions made will reflect the following:

- Huu-ay-aht lands support and sustain the economic, social, ecological and cultural foundation of the Huu-ay-aht;
- Land use decisions respect the plans of surrounding jurisdictions;
- All development and buildings meet Smart Growth principles and LEED (Leaders in Energy and Environmental Design) to reduce the community's carbon footprint and dependency on fossil fuels;
- Stewardship and protected areas receive special care and attention in all land use decisions;
- The impact on watercourses, including erosion and sedimentation, caused by land use changes and development are minimised and mitigated;
- Life, property, and infrastructure are protected against flooding, erosion and tidal and wave action, and other known hazards;
- Infrastructure and facilities provide community services for the well-being and economic benefit of the Huu-ay-aht.

By April 1, 2026, the Huu-ay-aht will acquire land and resource interests in properties outside the Treaty Lands, both within the ḥaḥuuƚi and in other strategic areas. The land use goals established within the **Land Use Plan** will guide the acquisition and direction of development on these lands as well.

Part 4 Sustainability

The Huu-ay-aht integrate environmental, economic, social and cultural considerations in decisions related to our lands. All development is required to be completed to a high environmental and energy-efficient standard. Development of our lands will enhance quality of life and preserve the natural environment.

It is important that key sustainability principles are incorporated into the decision-making process from the start. As stewards of our land, we understand the delicate balance that exists between conservation and consumption. Through production of green power, thoughtful development of our community and related infrastructure and careful resource development, we can protect our resources whilst reducing our footprint.

Goals

- Encourage development to meet Smart Growth principles and target LEED (Leadership in Energy and Environmental Design) Gold certification (designed and built to the highest environmental and energy efficiency standard).
- Develop wind, solar, micro-hydro, geothermal, and other forms of low carbon, environmentally friendly energy generation options.
- Increase energy efficiency of Huu-ay-aht homes and buildings in order to lower energy costs and reduce associated emissions.
- By 2020, reduce GHG emissions by 33% compared with 2007 levels and by 2050, reduce those emissions by 80%.
- Ensure Huu-ay-aht land is an attractive place to live for citizens to return home and thrive.
- Use lands efficiently.
- Ensure development reflects the realities of the local climate.
- Encourage economic development and the creation of local employment opportunities.





Policies

Energy Conservation / Efficiency

a. Encourage developers to investigate opportunities associated with energy conservation for commercial, public and residential buildings and infrastructure.

b. Support development applicants that use renewable or recycled construction materials.

c. Include the following in energy reduction targets:

   - Improve energy efficiency of public and private buildings and residential units by 20%;
   - Complete a green energy opportunities assessment by 2012;
   - Produce 10% of our own power from green power alternatives.

Community Design

d. Ensure access to sufficient lands for a diversity of housing types to meet project demands over the next 20 years.

e. Encourage the development of compact communities that are pedestrian orientated to reduce vehicle dependency, increase social cohesion and decrease infrastructure costs.

f. Encourage a mix of land uses.

Economic Development

g. Ensure all development activities give priority to creating local employment opportunities for Huu-ay-aht citizens.

Building Design

h. Design and build all public and commercial buildings to the highest green standard, with a target of LEED Gold.

i. Encourage residential buildings to meet LEED Gold standard where supported by a cost-benefit analysis.

j. Use green roofs where feasible.

Infrastructure

k. Focus all development activities on the most efficient use of resources to ensure the sustainability and affordability of services including taking advantage of existing infrastructure systems.

Water Conservation

l. Incorporate water efficient devices and fixtures into all residential, commercial and public buildings.

m. Use rainwater collection systems where feasible.



Part 5 Environmental & Cultural Protection

Our land has many areas subject to natural hazards including steep slopes, floodplain and tsunami risk. There are also many unique habitat areas and areas of ecological sensitivity. The Huu-ay-aht use our land for many cultural purposes and there is much evidence of our long occupation of our lands.

The Huu-ay-aht will use Development Permit Area designations with specific guidelines to preserve these areas and to minimise the impacts from adjacent development. Specifically, the Development Permit Area designations developed by the Huu-ay-aht and set out in **Appendix ii** include the following development permit designations:

- **Development Permit Area A: Environmentally Sensitive Areas**

  The purpose of this Development Permit Area is to ensure the protection of the natural environment, its ecosystems and biological diversity including foreshore and streamside protection. These sites have some special environmental characteristics such as tree stands, foreshore areas, watercourses, slopes, etc., which should be protected from development. In these areas, land may not be altered without a Development Permit;

- **Development Permit Area B: Hazardous Areas**

  The purpose of this Development Permit Area is to ensure the protection of development from hazardous conditions. Development may require protection from potential land slippage, flooding, steep slopes (over 30%), tsunami or other similar hazards. In these areas, land may not be altered without a Development Permit;

- **Development Permit Area C: Culturally Sensitive Areas**

  The purpose of this Development Permit Area is to ensure the protection of areas with cultural, heritage and spiritual significance to the Huu-ay-aht. Development proposals must ensure

  - heightened levels of protection and site management, and
  - sufficient opportunity for Huu-ay-aht citizens to utilise the area for spiritual and cultural purposes.

  These areas may not be altered without a Development Permit;

If land is located in a Development Permit Area, it must not be subdivided and building permits must not be issued until the Huu-ay-aht government approves a Development Permit.

Policies

a. Give precedence to the protection of Huu-ay-aht lands over any proposed use of land.

b. Designate Protected Areas such as those shown in **Appendix i: Land Use Maps.**

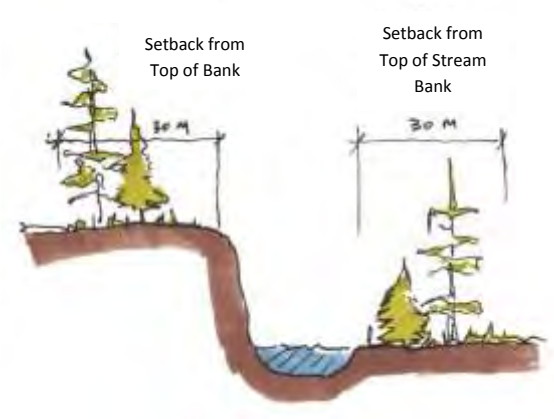
c. Protect watercourses and aquatic habitats from erosion and sedimentation from man-made impacts.

d. Avoid activities that block fish passages.

e. Require a development setback from:

   - within 30m of the high water mark of a watercourse;
   - within 30m of the top of the bank; and,
   - 15m from the natural tidal boundary.

f. Retain a qualified Aquatic Specialist to properly assess and identify the high water mark before determining setbacks.



g. Designate all lands with a slope greater than 30% as hazard lands. Do not permit buildings, structures or construction on these lands without a development permit in order to protect life and property on unstable or dangerous slopes and to protect watercourses and aquatic habitats.

h. Design buildings, infrastructure and other development so that existing trees can be retained.

i. Design the site to maintain treed fence lines, hedgerows and windbreaks and ensure that they are connected to forest patches, backyard habitats and/or large habitat reservoirs that form wildlife corridors and edge habitat for many wildlife species.

j. Design green patches to maximize habitat values including:

   - round patches to provide better interior habitat for protection from predators, nesting and/or feeding;
   - long strips of habitat along streams to provide wildlife corridors as well as habitat for many native species.

k. Encourage implementation of waste management practices to reduce and avoid bear attractants.

l. Use the *Wildlife Act* (British Columbia) and the "Best Management Practices for Raptor Conservation during Urban and Rural Development in BC" guidebook for reference purposes.

Policies

m. Manage by development permit any new construction in areas with sensitive ecosystems, cultural significance or natural hazards.

n. Review all development applications for the presence of known and recorded archaeological sites and for potential to contain unrecorded archaeological sites. The Huu-ay-aht may require a professional consulting archaeologist to be engaged to determine if an archaeological impact assessment is required to manage potential development-related impacts.

Part 6 Land Use Designations Goals & Policies



This Part sets out the 10 land use designations which apply to Huu-ay-aht Treaty Lands. Each designation details the purpose, type of land use, and goals and policies to guide development.

The Huu-ay-aht **Land Use Plan** has a total of 10 distinct Land Use Designations which govern the distribution and development of Huu-ay-aht Treaty Lands. The Land Use designations, as identified on the maps in **Appendix i,** are as follows:



- Residential
- Rural Residential
- Commercial
- Community Facilities
- Industrial
- Resource Management
- Stewardship (On Treaty Lands)
- Stewardship Management (Off Treaty Lands)
- Parks, Recreation & Trails
- Protected Areas (No Development)



The Huu-ay-aht Land Use Plan also has 4 Development Permit Area Designations as follows:

- Development Permit Area A: Environmentally Sensitive Areas.
- Development Permit Area B: Hazardous Areas.
- Development Permit Area C: Culturally Sensitive Areas:
- Development Permit Area D: Multiple Land Use Area (Commercial, Industrial, Single-Family and Multi-Family Residential)

Lands located within a Development Permit Area may have more than one Development Permit Area Designation.

6.1 Residential

The intent of this designation is to encourage the development of sustainable, healthy and attractive neighbourhoods with single and multi-unit homes.

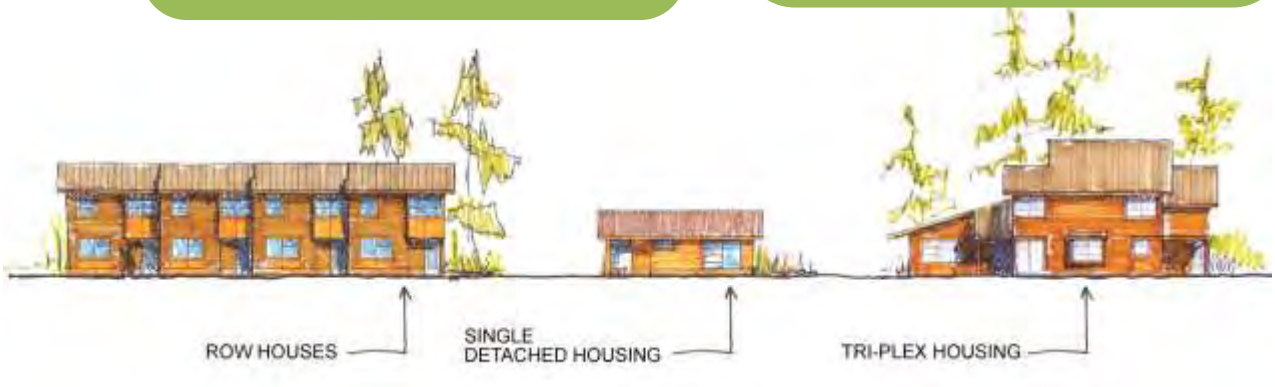
Preferred uses include single detached houses and multi-unit housing including duplexes, triplexes, row houses and small apartment buildings. Seasonal cabins are permitted in Rural Residential areas (refer to 6.2).

The primary area for residential development on Huu-ay-aht Treaty Lands is at Anacla IR 12. A total of 95 ha (235 ac) is set aside to accommodate residential development. Currently 131 people live in 43 occupied dwelling units. It is projected that the Huu-ay-aht government will need to construct between 30 and 60 new housing units in the next 20 years. Lower Anacla is subject to flooding and tsunami hazards. Over time, the Huu-ay-aht will encourage the replacement of homes in Lower Anacla with homes in Upper Anacla. The Lower Anacla residential area is 17ha (42ac).

This designation includes all existing and future residential sites.

Goals

- Ensure the provision of adequate and affordable housing for all citizens.
- Encourage the development of homes that fit in with the landscape.
- Encourage the development of diverse types of housing to meet differing needs and economic realities.
- Encourage homes to be built to LEED Gold standards.
- Build well-designed residential neighbourhoods that respect and reflect Huu-ay-aht cultural values and heritage.
- Develop homes that are energy efficient.
- Develop residential areas that are socially, economically, and environmentally sustainable.
- Integrate alternative forms of energy generation at the household and neighbourhood level wherever possible, including solar panels, geothermal, passive solar orientation, and wind energy.
- Plan residential developments to allow for the most efficient use of resources in providing infrastructure services to homes and residential units.



Policies

a. Locate new residential units in residential areas identified in **Appendix i: Land Use Maps.**

b. Use residential areas primarily to house our citizens.

c. Consider market residential development in certain residential areas.

d. Residential development for Huu-ay-aht citizens outside Treaty Settlement Lands will fall under that community's Land Use Plan.

In residential developments:

e. Set aside areas for neighbourhood or community parks to allow recreational amenities for youth and children.

f. Allow for approved home based businesses as long as they do not adversely affect adjacent properties with respect to noise, odour, increased traffic or parking.

g. Encourage development of a range of housing forms and affordability options.

h. Manage the form and character of multi-family residential developments by development permit.

i. Refer to detailed design guidelines included in **Appendix ii: Development Permit Areas**.



Two Storey Duplex



Single detached house

6.2 Rural Residential

The intent of this designation is to set land aside in a rural setting that provides a mixture of residential development with small scale resource-based activities such as eco-tourism and forestry. This designation allows for a variety of uses and residential densities while still preserving rural character. A total of 326ha (805ac) is designated as rural residential.

Rural residential development is often found in a transitional area between more intensive forms of land use, and resource lands. Continued use of these areas for other resource-based purposes is encouraged.

This designation allows for a variety of lot sizes, with the ultimate goal of retaining some larger parcels for resource or agricultural use.

Goals

- Ensure rural residential development preserves land for existing and future productive purposes.
- Minimize conflicts with surrounding resource lands.
- Ensure that rural residential development does not detrimentally affect the environment.
- Function as a transition area between residential land use and resource lands.
- Provide rural residential land use zones that are attractive for development and can be serviced to appropriate standards.

Policies

a. Limit rural residential to areas designated as “Rural Residential” in **Appendix i: Land Use Plan.**

b. Encourage rural residential uses in locations which can permanently support on site utilities and do not intrude on adjacent land uses.

c. Promote the creation of a variety of different sized lots, between minimum and maximum sizes.

d. Ensure rural residential development minimally impacts natural landforms such as ridges, streams, knolls, gullies and water bodies during subdivision and subsequent development.

e. Provide all services in a manner that avoids or minimizes any detriment to the environment, and on site utilities such as wells and septic tanks have no long term adverse impact on the environment.

f. Encourage residents on rural residential lands to be good stewards of that land.

6.3 Commercial

The intent of this designation is to set aside sufficient land to meet the community's existing and future commercial development needs, including local commercial operations such as gas stations, small stores, restaurants, tourism operations, professional offices, service oriented businesses, grocery stores, hotels, motels, resorts, and waterfront commercial servicing marinas. A total of 155ha (323ac) is designated as commercial.

This designation also includes mixed use areas incorporating commercial with residential units to encourage more compact and integrated neighbourhoods.

A central goal of the Huu-ay-aht **Land Use Plan** is to foster the development of a local, self-sufficient economy that will benefit all citizens. Providing space and infrastructure to support a broad diversity of commercial activities is an important part of economic development.

Goals

- Ensure sufficient land is available to meet the community's existing and future commercial development needs.
- Provide the opportunity for the development of new waterfront commercial opportunities and marina facilities to support tourism operations.
- Facilitate the development of a diverse, resilient and sustainable local economy for the benefit of all Huu-ay-aht.
- Enhance Huu-ay-aht communities as regional commercial service centres with a focus on tourism operations and opportunities.
- Encourage the development of Huu-ay-aht businesses and commercial developments.

Policies

a. Limit commercial development to areas designated as "Commercial" in **Appendix i: Land Use Maps.**

b. Support efforts to develop and create Huu-ay-aht owned businesses and enterprises.

c. Enhance the Huu-ay-aht's geographic position as a centre for tourism operations and related services.

d. Protect cultural assets, resources, and artistic products as the exclusive domain of the Huu-ay-aht.

e. Encourage the expansion of existing and the development of new waterfront commercial areas and marinas.

f. Encourage the development of smaller scale local commercial enterprises in close proximity to existing and future residential areas.

g. Encourage the integration of mixed-use commercial developments that allow for residential units above commercial spaces.

h. Provide adequate parking at all commercial developments.

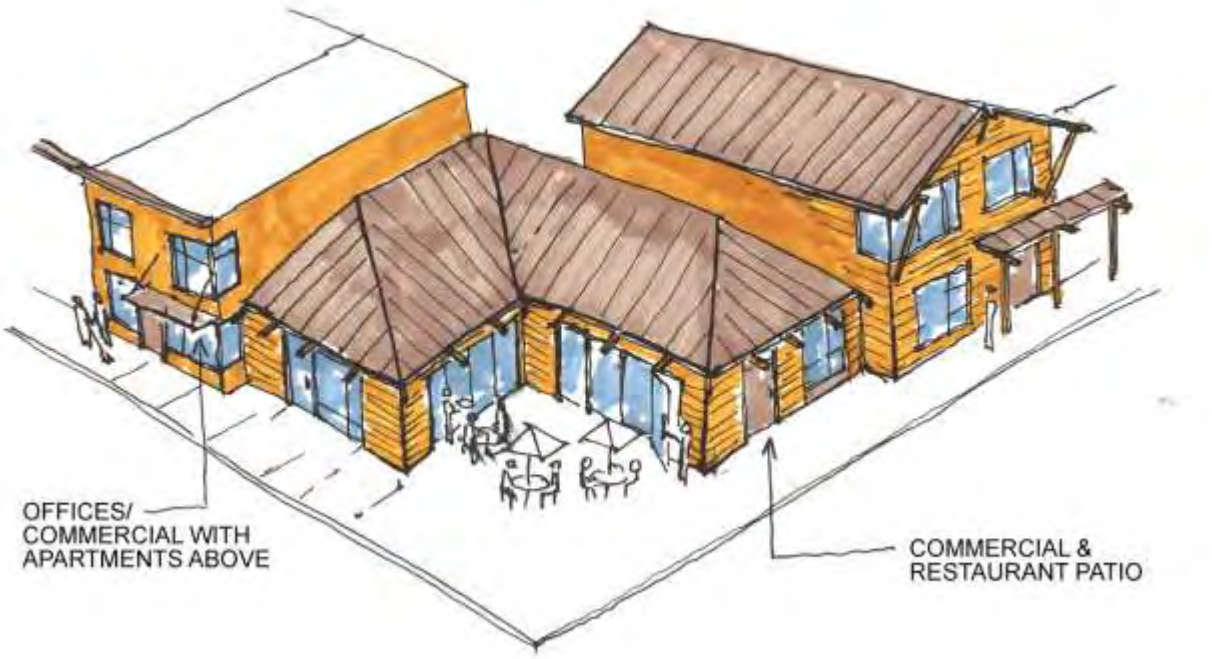
Policies

i. The Huu-ay-aht government must also consider the following criteria in determining the appropriateness of a development:

- The merit of the business plan provided by the proponent;
- Quality of design and site planning of the development and its impact on the form and character of the community;
- Potential traffic impacts on local roads and facilitation of efficient transportation.

j. Manage the form and character of multi-family residential developments by development permit.

k. Refer to detailed design guidelines included in **Appendix ii: Development Permit Areas**.



6.4 Community Facilities

The intent of this designation is to set aside and preserve land for community services and facilities related to health services, welfare, education, religious/spiritual activities, cemeteries, governance, administration, recreational facilities and playing fields.

Services and facilities may include cultural and community centers, schools, medical/health/healing centres, administrative offices, current and future cemeteries (as opposed to archaeological sites), museum/gallery, spiritual/cultural community gathering spaces and areas. A total of 8ha (19ac) is set aside to accommodate community facilities.

The social well-being of Huu-ay-aht citizens is vital to developing and maintaining a healthy and sustainable community. The Huu-ay-aht have a high proportion of youth as well as an aging population which creates groups within the community with differing needs for community facilities and services. It is important that there are adequate facilities and services to meet these needs.

Goals

- Create a healthy, safe, and supportive community that provides for the health and well-being of all Huu-ay-aht.
- Provide adequate land for Huu-ay-aht administration and governance.
- Encourage and foster the development of proud, self-governing, self-sufficient and independent Huu-ay-aht communities.
- Ensure adequate space and opportunities for citizens to celebrate our culture, spirituality and traditions, to gather as a community and develop a common sense of identity.
- Foster a sufficient amount and diversity of appropriate facilities, programs, and services for youth, seniors, children and families to meet present and future needs.
- Encourage the development of community facilities for our citizens outside our Territory.
- Provide adequate space for the effective provision of services related to health, recreation, education and community development.
- Maintain and enhance the Huu-ay-aht community's unique sense of place and promote community identity.

Policies

a. Locate community facilities in the areas shown as Community Facilities in **Appendix i: Land Use Maps**.

b. Provide sufficient space for community cemeteries.

c. Ensure land use does not conflict with cemeteries.

d. Endeavor to provide for the health, safety and well-being of all Huu-ay-aht.

e. Provide adequate parking as deemed appropriate by the Huu-ay-aht government.

f. Provide for the continued access, use, protection and preservation of significant historic, cultural, and spiritual sites.

g. The form and character of community facility or institutional development will be managed by development permit.

h. Refer to detailed design guidelines included in **Appendix ii: Development Permit Areas**.

6.5 Industrial

The intent of this designation is to set aside existing and future industrial lands and to provide for site-specific developments that have the potential for higher impact on or conflict with surrounding land uses. Uses may include operations such as storage or warehousing, or heavy uses such as a saw mill, gravel pit and value added wood processing. Currently, no land is designated as industrial. Industrial development will likely occur in stewardship areas.

The area's regional economy has long been dependent on natural resource development. A central focus for the Huu-ay-aht is to have suitable lands which could support future industrial activities and encourage the development of industrial lands which could become new sources of economic opportunities for the Huu-ay-aht.

Goals

- Promote industrial developments that will diversify the economic and employment opportunities available for the Huu-ay-aht.
- Support the economic viability of the Huu-ay-aht with the provision of employment, business opportunities and property tax generation.
- Encourage the development of an industrial sector that is economically, socially and environmentally sustainable.

Policies

a. Locate industrial developments in the areas shown as 'Industrial' in **Appendix i: Land Use Maps.**

b. Industrial development should incorporate 'green' infrastructure, and must save energy, water and materials, reduce waste and minimize impacts on the environment.

c. Require industrial to provide adequate parking and plans for dealing with increased traffic, loading and servicing.

d. Encourage establishing a buffer zone between industrial development and any current or proposed adjacent residential areas to mitigate land use impacts.

e. Manage the form and character of industrial development by development permit.

f. Refer to detailed design guidelines included in **Appendix ii: Development Permit Areas**.

g. Assess noise, visual and air pollution impacts of any development proposal in this land use designation.

h. Include in the Development Permit application process a requirement to undertake an environmental assessment and audit, to prepare a decommission-ing and restoration plan for the site and to develop and implement effective waste management and disposal practices.

6.6 Resource Management

The intent of this designation is to set aside lands for natural resources development and extraction including uses such as aquaculture, forestry and range. Energy developments including micro-hydro, wind farms and other alternative energy developments will also be considered under this designation. A total of 5,770 ha (14,252ac) is designated as Resource Management. Uses will be subject to applicable Federal, Provincial and Huu-ay-aht laws.

The Huu-ay-aht Government owns both the surface and subsurface resources on our lands. This is a higher interest than most other jurisdictions and represents a significant opportunity for the Huu-ay-aht to pursue mining and quarrying opportunities on Huu-ay-aht Treaty Lands. The Huu-ay-aht Government has delegated law-making authority over foreshore areas fronting Huu-ay-aht Treaty Lands.

The Huu-ay-aht Government is firm about restoration of Huu-ay-aht Treat Lands (particularly watersheds) which have been damaged or destroyed through past resource exploitation and is prepared, and fully expects, to restore Huu-ay-aht lands.

Goals

- Develop a sustainable economic foundation based on the use and extraction of natural resources that involves both primary extraction and secondary and value added activities for the benefit of all Huu-ay-aht.
- Manage the forests and the fisheries to meet present needs without comprising the needs of future generations in accordance with Huu-ay-aht standards.
- Encourage the development of new employment opportunities in the Resource Management areas as a means for bringing Huu-ay-aht citizens home.
- Manage forests based on Huu-ay-aht values “hišukma ċawaak” – Everything is one.
- Maintain and enhance Huu-ay-aht capacity and participation in management decisions with respect to the lands, waters and natural resources on Huu-ay-aht Treaty Lands.
- Encourage and foster the development of energy production projects on Huu-ay-aht Treaty Lands that are sustainable and environmentally sound, particularly micro-hydro, wind power and other forms of alternative energy production.
- Conserve biological diversity, soil, water, fish, wildlife, scenic diversity and other resources within the Ha’houlthee.

Policies

a. Locate resource development activities in the areas shown as 'Resource Management' in **Appendix i: Land Use Maps.**

b. Meet or exceed provincial and federal standards of sustainable resource management.

c. Secondary and value-added practices will go hand in hand with resource extraction.

d. Restore the damaged ecologies, fish bearing streams, rivers, and watersheds within the ḥaḥuułi.

e. Encourage the use of traditional materials, particularly timber, harvested from Huu-ay-aht Treaty Lands in the building of homes and community facilities.

f. Identify new opportunities to expand agricultural activities and food crop production on lands with high value as an economic generator to provide resources to our citizens.

g. Fishing is part of Huu-ay-aht heritage and its future. Consider new opportunities for fishing, fish processing, smoking, shellfish aquaculture, other fish aquaculture that is ecologically sustainable based on science, and other activities such as a fish hatchery.

6.7 Stewardship (On Treaty Lands)

The intent of this designation is to identify lands for possible future land use and development. All development applications will be considered. A total of 1,410ha (3,485ac) is designated as Stewardship on Treaty Lands. Development in the areas designated as Stewardship will be considered on a case-by-case basis and will be subject to the Huu-ay-aht's Development Permit Process.

Goals

- Ensure land that has been identified for possible future development is preserved.

Policies

a. Locate areas identified for possible future land use and development in the areas shown as 'Stewardship' in **Appendix i: Land Use Maps.**

b. Future proposals for development must set out how they will meet Huu-ay-aht land use goals.

c. Development is subject to Huu-ay-aht's Development Permit Process.

6.8 Stewardship Management (Off Treaty Lands)

The intent of this designation is to identify Huu-ay-aht land use interests outside Treaty Lands but within the ḥaḥuułi. The Huu-ay-aht have reasonable access to provincial Crown Land to enable us to exercise our Section 35 Rights. The Huu-ay-aht have the opportunity to harvest monumental cedar and cypress on Crown Land as well as to harvest renewable resources in Renewable Resource Harvesting Areas.

Goals

- Ensure that the Huu-ay-aht are active participants in land use decisions within the ḥaḥuułi.

Policies

a. Refer to areas identified as 'Stewardship Management' in **Appendix i: Land Use Maps.**

b. The Huu-ay-aht will be involved in decision making about land use activities within the ḥaḥuułi.

6.9 Parks, Recreation & Trails

The intent of this designation is to set aside lands for community or regional parks, recreational areas, and trails. No areas are currently designated for parks, recreation and trails. These amenities will be developed in other designations as part of larger development projects.

The Huu-ay-aht are fortunate to have a rich natural heritage and a diversity of habitats and wildlife on our lands. The Huu-ay-aht have been the stewards of our environment since time immemorial and the connection and relationship to the land is a central part of Huu-ay-aht cultural and spiritual life.

The Huu-ay-aht Land Use Plan recognizes the value of the community's natural assets and relationship with the land. The Parks, Recreation and Trails designation proposes policies to enhance and protect existing and future parks, and ensures recreational benefits throughout the lands designated.

Goals

- Protect and enhance the parks and natural environment within Huu-ay-aht Treaty Lands for the benefit of all Huu-ay-aht.
- Foster a healthy active community through access to diverse recreational opportunities.
- Celebrate and foster the Huu-ay-aht connection to the earth.
- Develop, maintain, and enhance the community's existing and future trail network for multiple uses.
- Encourage the provision of parks, playgrounds, and recreational facilities.
- Develop and maintain access to water-based recreational opportunities.
- Encourage economic development opportunities that capitalize on the recreation opportunities available on Huu-ay-aht Treaty Lands and have a minimal impact on the land.



Policies

a. Encourage parks, open space areas, recreational areas and facilities, as well as trail networks in the areas shown as 'Parks, Recreation & Trails' in **Appendix i: Land Use Maps.**

b. Recognize the potential of eco-tourism, and support the sustainable development of activities that reinforce the Huu-ay-aht's position within the region as a centre for tourism operations.

c. Recognize trails as an important low impact form of transportation and connection among land uses.

d. In any development plans that affect the community, maintain and enhance the integration and interconnectivity of the trail network throughout the community and future settlement areas.

e. Ensure in the design and planning of all parks and trails on Huu-ay-aht Treaty Lands that they are accessible for a range of ages and abilities.

f. Provide neighbourhood open space consisting of parks and playing fields in each community preferably in conjunction with any school development.

g. As new residential areas are developed, provide parks, open space, and trail connections to serve the needs of the new residents.

6.10 Protected Areas (No Development)

The intent of this designation is to identify lands requiring protection from development and use due to ecological attributes or hazardous conditions. This designation also applies to all important historic and cultural sites, as well as areas used for traditional fishing, hunting, and harvesting activities. A total of 465ha (1,149ac) of the land base is designated as protected.

The Huu-ay-aht culture is fundamental to citizens of the community. The intent of the Protected Areas policies is to ensure that future development above the high tide mark is respectful of Huu-ay-aht heritage and preserves Huu-ay-aht's culture. The Huu-ay-aht continue to have a constitutionally protected right to harvest renewable resources in Pacific Rim National Park. The Huu-ay-aht have the right to sell any fur bearing land mammals or any traditional crafts and artistic objects made from harvesting in Pacific Rim National Park.

The diverse locations, geology and topography of the lands expose Huu-ay-aht to a multitude of natural hazards and sensitive areas. Portions of Huu-ay-aht Treaty Lands are susceptible to flooding, tidal and wave action, erosion, sedimentation and tsunami, among other natural hazards. Geological hazards include debris flows and mass movements from landslides on steep slopes as well as rock fall and seismic hazards.

Goals

- Ensure continued access to traditional resources and cultural practices for all Huu-ay-aht.
- Ensure the protection, preservation, and sustainable use and harvesting of traditional resources on Huu-ay-aht lands.
- Maintain and enhance the Huu-ay-aht's cultural and spiritual connection with the land by actively engaging in traditional and cultural practices.
- Ensure the protection and preservation of sacred cultural sites including Sacred Mountain and Kiikii-an-kuk.
- Protect wildlife and their habitat.
- Protect watercourses and aquatic habitats from erosion and sedimentation.
- Protect and restore riparian stream corridors and wetlands in support of maintaining and enhancing fish and aquatic habitats.
- Protect life and property from erosion, flooding, or tsunami risk.
- Maintain healthy coastal shorelines on areas fronting Huu-ay-aht land.
- Foster development that respects the natural environment and minimizes negative impacts.
- Avoid building on hazard areas or within areas with environmentally sensitive features
- Preserve, protect and enhance the natural environment and environmentally sensitive areas.

Policies

a. Locate protected areas in the areas shown as 'Protected Areas' in **Appendix i: Land Use Maps.**

b. Require written permission from the Huu-ay-aht Government for any activities other than sustenance or personal use on these lands.

c. Balance the needs of current generations with those of future generations to access these resources.

d. Protect Sacred Mountain, the remainder of Diana Island and Kiikii-an-kuk forever. Although outside Treaty Settlement Lands, they are recognized as special areas to Huu-ay-aht citizens.

Part 7 Transportation

Mobility and accessibility are important for residents and businesses on Huu-ay-aht Treaty Lands and play a fundamental role in the overall quality of life, safety and physical and

social well-being of the residents. Roads are essential for local economic development, moving goods and services in and out of the community, and maintaining connectivity with surrounding communities.

Bamfield Road, which runs along the eastern boundary of Anacla and connects the Huu-ay-aht with the Village of Bamfield and Port Alberni, is an important highway corridor and transportation route for the area. Ensuring access and proper flow of traffic on and off the highway is an important part of developing the Anacla community and associated economic development opportunities.

The Huu-ay-aht recognise the need to emphasise walking, cycling and other forms of non-automobile travel as alternative modes of transport over private vehicle use for trips to, from, and within the community.

Goals

- Provide an efficient local road system that is safe and accessible to multiple modes of transportation and that serves the needs of the local and regional residents, and businesses.
- Support the efficient and effective movement of goods and people within Huu-ay-aht Treaty Lands and adjacent communities and beyond.
- Ensure non-automobile travel is safe, convenient and accessible.
- Maintain access to marine travel through the development and upkeep of a community marina.
- Maintain trail networks and connectivity throughout Huu-ay-aht communities and lands.
- Provide improved connectivity through Huu-ay-aht Treaty Lands and improved access via the Bamfield to Port Alberni connection.

Policies

a. Recognize the importance of pedestrian and cycling traffic, before the private automobile, and ensure roadway development accommodates bicycle and pedestrian needs.

b. Work with other agencies to ensure adequate roads are developed and maintained on Huu-ay-aht Treaty Lands.

c. Ensure all roads developed on Huu-ay-aht Treaty Lands meet or exceed provincial standards.

d. Ensure the maintenance and interconnectivity of existing and future trail networks on Huu-ay-aht Treaty Lands.

e. Minimize the use of hard (impermeable) surfaces on roads to allow for the absorption of storm water runoff.

Part 8 Intergovernmental

Many issues and challenges confronting the Huu-ay-aht lie beyond the scope of Huu-ay-aht boundaries, such as environmental pollution, the world economy, and global climate change. A number of other issues are more regional and immediate in scope, including the local economy and the delivery of community services. In order to confront these challenges it is necessary to develop and maintain relationships outside our communities. The Huu-ay-aht believe in partnerships and working with other First Nations, governments and communities to achieve our shared goals.

Goals

- Forge cooperative, mutually beneficial and respectful relationships with other First Nations, governments and communities.
- Pursue development decisions that respect the needs and potential impacts on adjacent communities.
- Initiate and maintain respectful and meaningful dialogue with communities, organizations and governments within the region, Vancouver Island, British Columbia, and Canada.

Policies

a. Consider the land use plans of surrounding jurisdictions in decision-making processes for Huu-ay-aht lands.

b. Seek consultation with adjacent jurisdictions such as the Alberni-Clayoquot Regional District on land use decisions that may have impacts on Huu-ay-aht Treaty Lands.

c. Provide opportunities for adjacent communities to give input on development proposals that may impact their lands.

d. Work in collaboration with the Alberni-Clayoquot Regional District, federal and provincial agencies, as well as other First Nations' organizations on topics of Huu-ay-aht interest, such as climate change mitigation and adaptation.

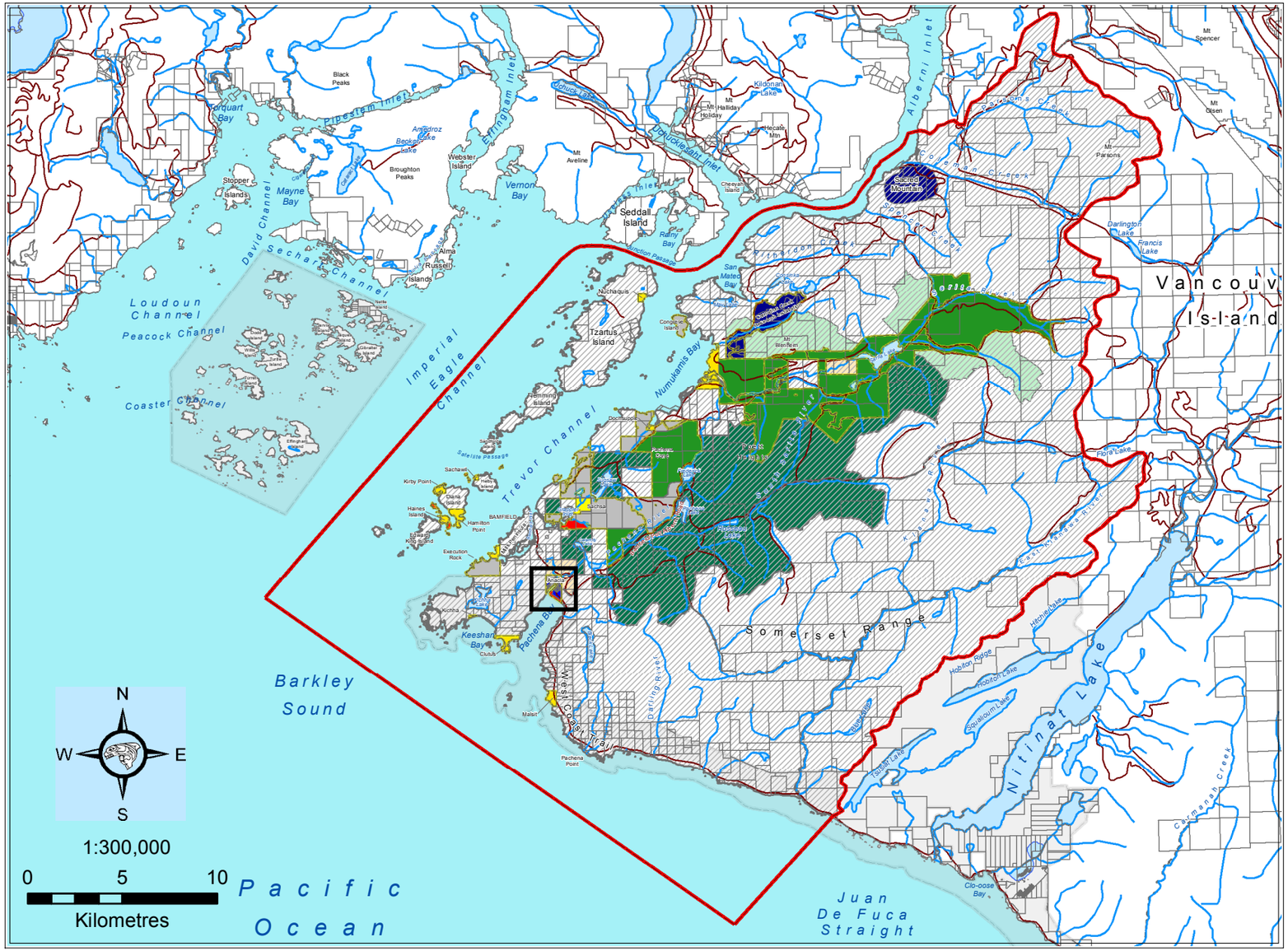
Appendix i: Land Use Maps

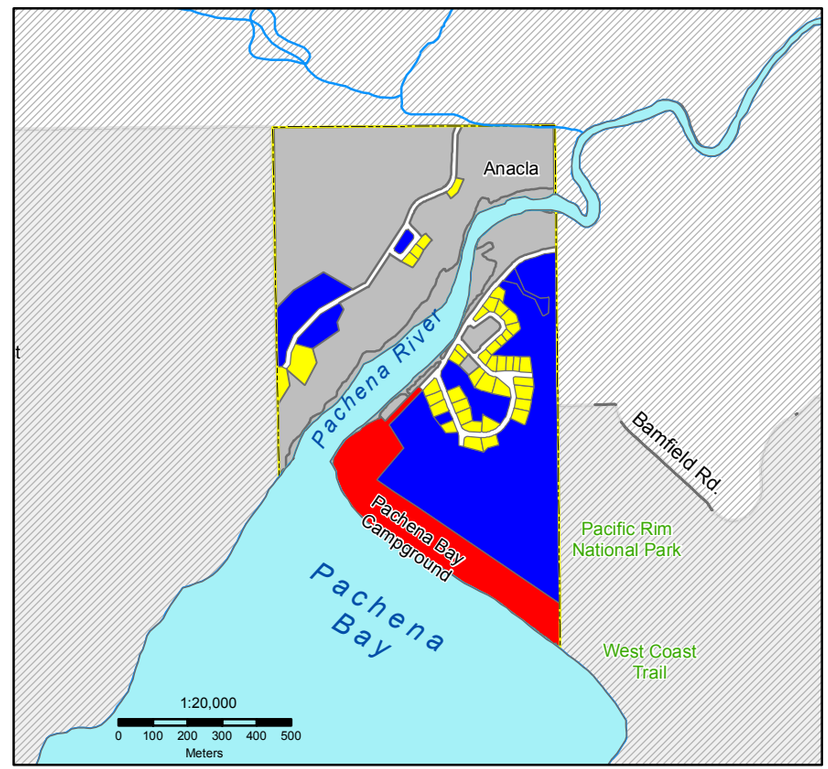
These 4 land use maps follow:

a. Overview + Anacla;
b. Overview + Kiixin;
c. Overview + Grappler;
d. Development Permit Areas

Huu-ay-aht Land Use Plan

Overview and Anacla Map





Legend

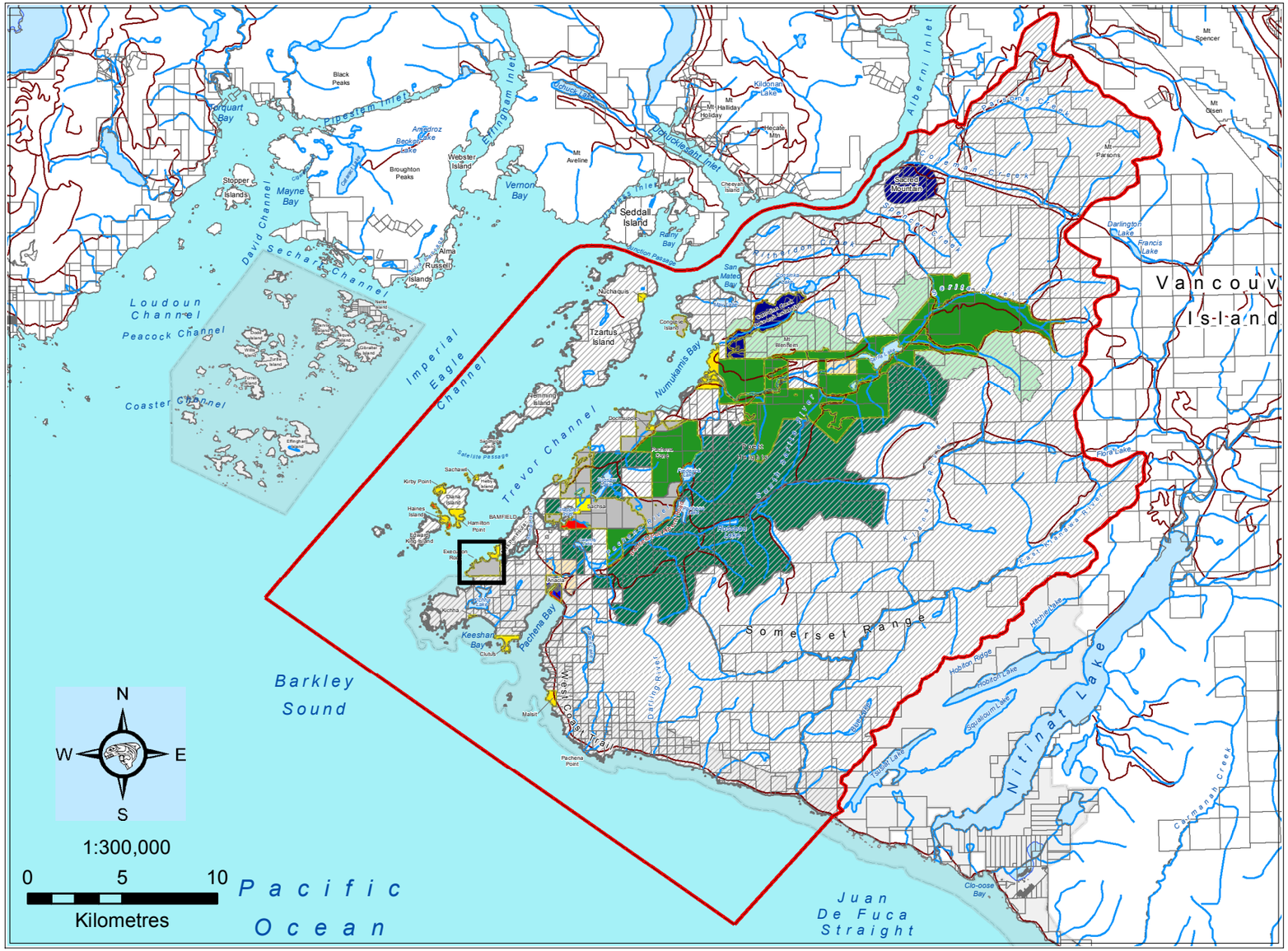
- Residential
- Rural Residential
- Commercial
- Community Facilities
- Industrial
- Resource Management
- Stewardship (On Treaty Lands)
- Stewardship Management (Off Treaty Lands)
- Parks, Recreation, and Trails
- Protected Areas (No Development)
- HFN Community Forest K3N
- First Nation Woodlands Licence N1A
- Huu-ay-aht Private Lands
- Huu-ay-aht Treaty Lands
- Traditional Territory Boundary
- Rivers
- Lakes
- Roads

Date Created: April 2, 2013
Created by: Tanya Charles, CloverPoint
Prepared for: HFN Lands and Natural Resources Department
Datum: BC Albers



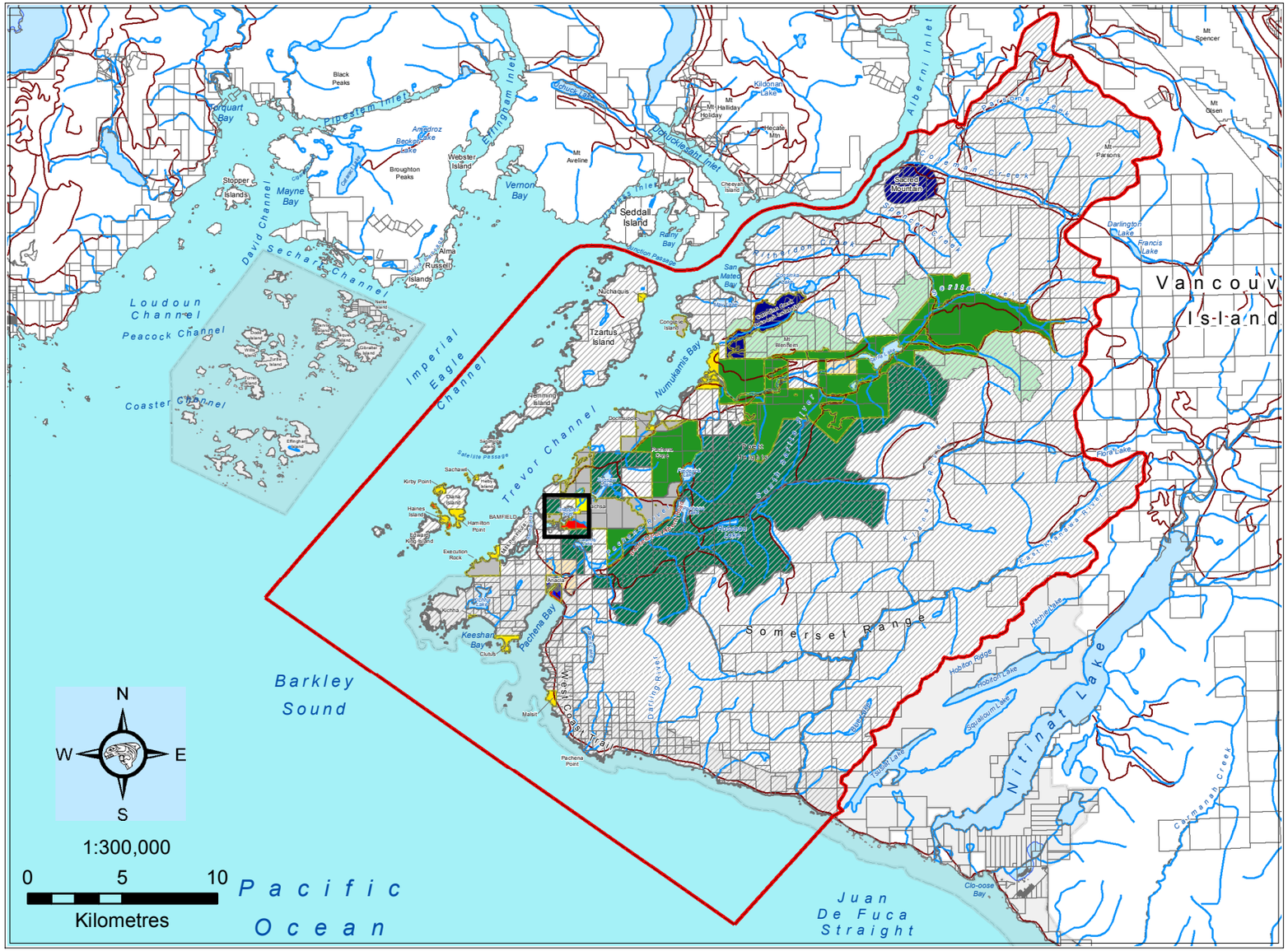
Huu-ay-aht Land Use Plan

Overview and Kiixan Map


Vancouver Island
Barkley Sound
Pacific Ocean
Juan De Fuca Straight
Somerset Range
Nitinat Lake
Sechart Channel
Loudoun Channel
Peacock Channel
Coaster Channel
Imperial Eagle Channel
Trevor Channel
Seddall Island
Tzartus Island
Flores Island
Effingham Inlet
Alberni Inlet
Pipestem Inlet
Mayne Bay
Vernon Bay
Numukamis Bay
Pachena Bay
Keeshan Bay
Darlington Lake
Francis Lake
Henderson Lake
Hobiton Lake
Cowichan Lake
Cameron Creek
Cloose Bay
Execution Rock
Whittlestone Point
Kirby Point
Haines Island
Hamilton Point
Diana Island
Satellite Passage
Fleming Island
Nuchatlaht
Kildonan Lake
Mt Spencer
Mt Olsen
Mt Parsons
Mt Aveline
Mt Halliday
Mt Hecate
Mt Ibon Rein
Secluit Mountain
Black Peaks
Broughton Peaks
Webster Island
Stopper Islands
Alma Islands
Russell Islands
Ramsay Arm
Ahousat
Maaqtusiis
Kyuquot
Esperanza Inlet
Nootka Island
Hesquiat Peninsula
Clayoquot Sound
Pachena Point
Malaht
Kichha
Sachaa
Kyuquot
Ahousat
Maaqtusiis

Huu-ay-aht Land Use Plan

Overview and Grappler Map



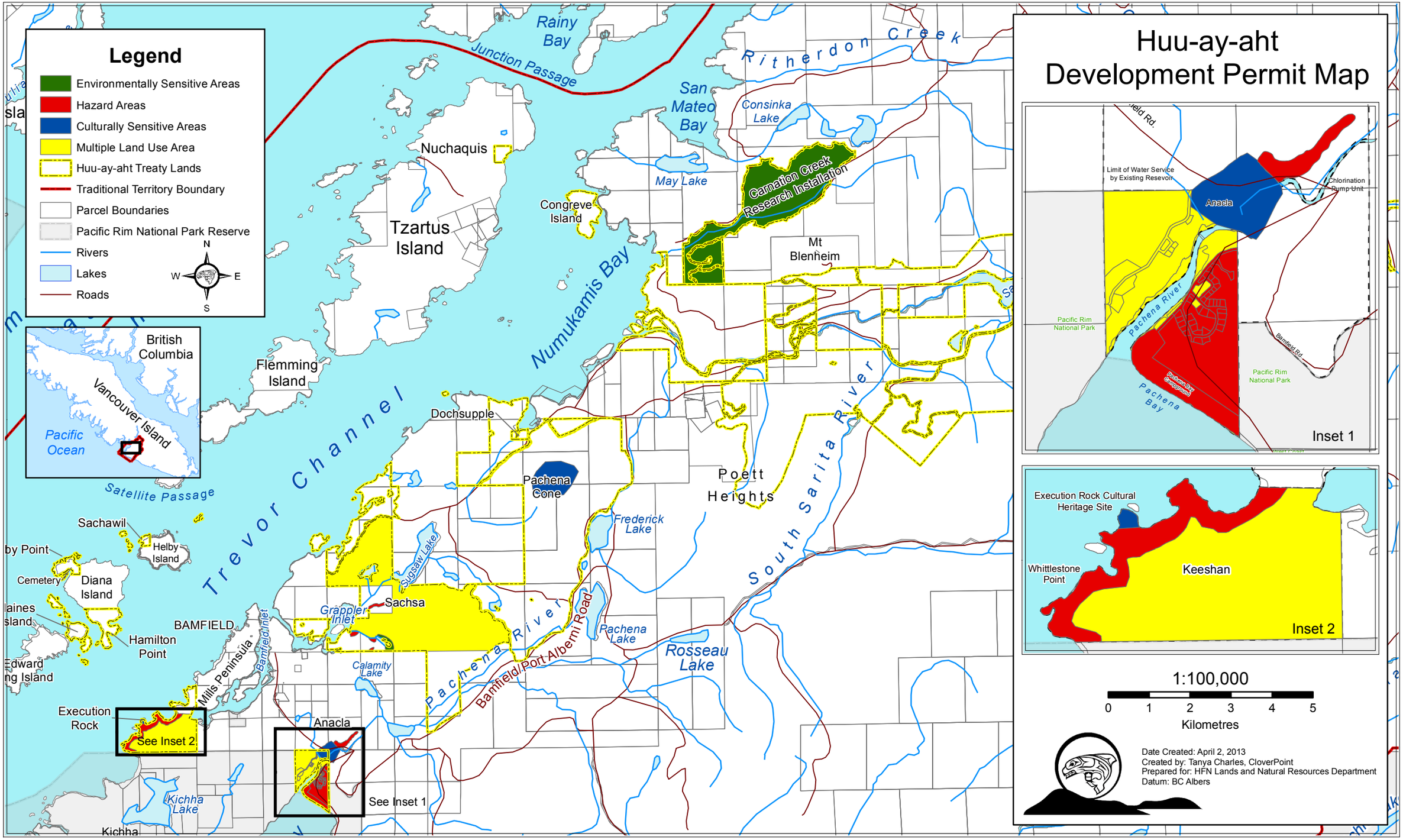
Legend

- Residential
- Rural Residential
- Commercial
- Community Facilities
- Industrial
- Resource Management
- Stewardship (On Treaty Lands)
- Stewardship Management (Off Treaty Lands)
- Parks, Recreation, and Trails
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Legend
Environmentally Sensitive Areas
Hazard Areas
Culturally Sensitive Areas
Multiple Land Use Area
Huu-ay-aht Treaty Lands
Traditional Territory Boundary
Parcel Boundaries
Pacific Rim National Park Reserve
Rivers
Lakes
Roads
N
W
E
S
British Columbia
Vancouver Island
Pacific Ocean
Huu-ay-aht Development Permit Map
Inset 1
Limit of Water Service by Existing Resevoir
Chlorination Pump Unit
Anacla
Pacific Rim National Park
Pachena River
Bamfield Rd
Pachena Bay Campground
Pachena Bay
Inset 2
Execution Rock Cultural Heritage Site
Whittlestone Point
Keeshan
1:100,000
0 1 2 3 4 5
Kilometres
Date Created: April 2, 2013
Created by: Tanya Charles, CloverPoint
Prepared for: HFN Lands and Natural Resources Department
Datum: BC Albers
Rainy Bay
Junction Passage
Ritherdon Creek
San Mateo Bay
Consinka Lake
Nuchaquis
May Lake
Carnation Creek Research Installation
Congreve Island
Tzartus Island
Mt Blenheim
Numukamis Bay
Flemming Island
Trevor Channel
Dochsupple
Pachena Cone
Poett Heights
South Sarita River
Satellite Passage
Sachawil
Helby Island
Cemetery
Diana Island
Hamilton Point
BAMFIELD
Bamfield Inlet
Mills Peninsula
Grappler Inlet
Sachsa
Sugsaw Lake
Frederick Lake
Pachena River
Bamfield/Port Alberni Road
Pachena Lake
Rosseau Lake
Calamity Lake
Execution Rock
See Inset 2
Anacla
See Inset 1
Kichha Lake
Kichha

Appendix ii: Development Permit Areas

The development permit application process is set out in the *Development and Building Permits Regulation*.

All applications under the *Development and Building Permits Regulation* must be consistent with the Land Use Plan and the Zoning Regulation.

The purpose, principles, requirements and general guidelines for each Development Permit Area designation are as follows:

Development Permit Area A – Environmentally Sensitive Areas

Purpose

The purpose of this Development Permit Area designation is to ensure the protection of the natural environment, its ecosystems and biological diversity including foreshore and streamside protection. These sites have some special environmental characteristics such as tree stands, foreshore areas, watercourses, slopes, etc., which should be protected from development. In these areas, land may not be altered without a Development Permit.

Principles

- Ensure that our unique environment and sensitive ecosystems are protected from development.

Requirements

As part of the general permit application requirements set out in the *Development and Building Permits Regulation*, the Huu-ay-aht may require the following technical assessments to be completed:

- An Environment Assessment, by an environmental consultant, which identifies possible environmental effects, proposes measures to mitigate adverse effects and assesses whether there will be significant adverse environmental effects, even after mitigation is completed.
- A Tree Stand Assessment, to produce an overview assessment of the tree retention characteristics and to make recommendations with respect to stand management in relation to the site plan. After the site plan has been finalized and those trees that might be retained have been surveyed on the ground, a tree protection and replacement plan may also be required.
- A Wetland Assessment, including a historical wetland review, survey of vegetation and habitat, functions and values of reclaiming and recommendations to minimize impact.

- A Foreshore Assessment, including an assessment of siltation and impact on foreshore habitat as well as recommendations to minimize that impact including habitat restoration.

Guidelines

Development within this Development Permit Area should be planned and implemented to address the goals and policies in Part 5 and Section 6.10 and the principles set out above. The recommendations contained in any reports, assessments, studies and plans prepared by qualified professionals may be incorporated into development permits as standards, conditions and requirements for development.

Development Permit Area B – Hazardous Areas

Purpose

The purpose of this Development Permit Area designation is to ensure the protection of development from hazardous conditions. Development requires protection from potential land slippage, flooding, tsunami or other similar hazards. In these areas, land may not be altered without a Development Permit.

Principles

- Ensure that people and development are protected from natural hazards.

Requirements

In addition to the general permit application requirements set out in this Appendix, the Huu-ay-aht may require the following technical assessments to be completed:

- A Hazard Area Assessment, by a registered professional geotechnical engineer. Depending on the type of land, the engineer may be required to analyse and make recommendations on erosion, slope stability, tsunami, flooding, rockfall and seismic instability.
- A Geotechnical Assessment, by a registered professional geotechnical engineer, to provide information on the physical properties of soil and rock underlying or adjacent to a site. That analysis will be used to design earthworks and foundations for proposed structures, and for repair of distress to earthworks and structures caused by subsurface conditions.

The Huu-ay-aht may require that the recommendations from the specified assessments and any other studies be incorporated into the Development Permit to ensure that they are implemented.

The Huu-ay-aht may waive the implementation of recommendations from technical assessments or any other studies for a property in the Lower Anacla Development Permit Area, if

(a) the interest holder of the property demonstrates hardship in complying with the implementation of the recommendations, and

(b) that interest holder assumes the risk of development in the hazardous area and provides the Huu-ay-aht with a release of liability, waiver of claim and indemnity agreement satisfactory to the Huu-ay-aht.

For greater certainty, the Huu-ay-aht may require an interest holder to agree to incorporate specified provisions under paragraph (b) in a disposition made to the interest holder under the *Land Act*.

Guidelines

Development within this Development Permit Area should be planned and implemented to address the goals and policies in Part 5 and Section 6.10 and the principles set out

above. Recommendations contained in any reports, assessments, studies and plans prepared by qualified professionals may be incorporated into development permits as standards, conditions and requirements for development.

Development Permit Area C – Culturally Sensitive Areas

Purpose

The purpose of this Development Permit Area designation is to ensure the protection of areas with cultural, heritage and spiritual significance to the Huu-ay-aht. Any development proposals must ensure heightened levels of protection and management of sites and that Huu-ay-aht citizens have sufficient opportunity to utilise them for spiritual and cultural purposes. These areas may not be altered without a Development Permit.

Principles

- Protect and commemorate places of cultural and archaeological heritage.
- Avoid archaeological sites as the preferred option for their protection.
- As a last resort, salvage archaeological remains from the site before it is impacted.
- Document and sample the cultural information contained in an archaeological site.
- Emphasize the importance of archaeological sites and manage their conservation.

Requirements

The Huu-ay-aht will review all development applications for the presence of known and recorded archaeological sites and for having significant potential to contain unrecorded archaeological sites.

In addition to the general permit application requirements set out in this Appendix, the Huu-ay-aht may require a professional consulting archaeologist to be engaged to determine if an archaeological impact assessment is required to manage potential development related impacts.

If an archaeological impact assessment is required, it must, unless otherwise agreed, include the following components:

- Inventory, including site surveying, survey sampling and site recording;
- Assessment, including a site evaluation;
- Recommendations as to how to avoid impact by the planned development.

The Huu-ay-aht may require the recommendations from the archaeological impact assessment and any other study or assessment to be incorporated into applicable permits to ensure that they are implemented.

Guidelines

Development within this Development Permit Area should be planned and implemented to address the goals and policies in Part 5 and Section 6.10 and the principles set out above. The recommendations contained in any reports, assessments, studies and plans prepared by qualified professionals may be incorporated into development permits as standards, conditions and requirements for development.

Development Permit Area D – Multiple Land Use (Commercial, Industrial, Single-Family and Multi-Family Residential)

Purpose

The purpose of this Development Permit Area designation is to guide the form and character of commercial, industrial, single-family and multi-family residential development. Guidelines related to the form and character of commercial, industrial and multi-family residential development are intended to ensure that new development achieves community objectives and design compatibility. Guidelines for the form and character of single-family residential in the Multiple Land Use Development Permit Area will be established by the Director of Lands and Natural Resources taking into account the goals and policies of the Land Use Plan.

Principles

The following design principles are broad statements of character that development proposals are expected to exhibit. Development and Building Permit applicants should ensure design proposals are consistent with these principles:

i. **Development must respect the past**. Where significant historical and heritage features exist, the character of development must respect this context.

ii. **Development must respect the present**. Where development is proposed for an existing developed area, the design should be sensitive to the existing development context. In residential areas, the development should respond to, and be consistent with existing neighbourhood character. Integrated landscaping, respect for views and access to sunlight, complementary architectural styles and building finishes and interconnection of road, pedestrian and bicycle networks are examples of design integration measures.

iii. **Development must relate to the natural environment**. The natural environment is a fundamental aspect of quality of life for the Huu-ay-aht. Building and site design should therefore complement and relate to the character of the site. Significant site features should be enhanced by the design of the project and important environmental site features should be preserved where practicable. Most importantly, the development should not result in environmental degradation of the site or the surrounding area.

iv. **Development should include significant and appropriate landscaping**. Consistent with resident preference for “natural areas”, landscaping is essential for enjoyment of the environment. Landscaping must be used to create a sense of place, and to separate service areas and incompatible uses from places of circulation and assembly.

v. **Development should be sustainable**. Development should preserve and enhance the unique environment of the Huu-ay-aht. Development should maintain and enhance the character of Huu-ay-aht and development of sustainable communities.

vi. **Development architecture must be durable**. Development proposals must reflect a commitment to superior, long lasting project design and construction practices. Durability includes social durability. Social durability is where the character and quality of development supports and nurtures positive human interaction and healthy lifestyles; where a sense of community and neighbourhood is promoted.

vii. **Development must be convenient and safe**. Convenience includes both building in close proximity to and mixing amenities such as shopping and play areas with residential uses, providing for easy and preferably vehicle-free access to these facilities. Safety includes, for example, designs that successfully integrate pedestrian and vehicle circulation, or project designs that promote social interaction and a sense of mutual responsibility for each other's safety.

Design Guidelines

Design Guidelines are specific design attributes that Development Permit applications will be required to exhibit. Development permits may specify requirements and conditions arising from these guidelines, including a requirement that the construction of buildings, structures and other site improvements be in accordance with plans and specifications incorporated into or referred to in the permit.

Parking, Loading and Vehicle Circulation

General

- Off street parking should be provided in a number of small parking areas separated by areas of landscaping.
- Visual screening of parking from the street and adjacent non-commercial and non-industrial uses should be provided.
- Where possible, the site should be graded to lessen the visual impact of parking.
- The use of ground cover in parking space overhangs is encouraged to minimize the extent of hard surfacing.
- Curb stops or wider sidewalks are required to protect pedestrian paths and sidewalks.

Multi-Unit Residential

- Slopes in parking areas should generally be less than 8%.
- Slopes for internal roads and other vehicle circulation areas should generally be less than 15%.
- On-site parking should be provided in the rear and/or side yard areas of the lot and should not be isolated by distance, landscaping or lighting.

Commercial & Industrial

- Slopes in parking areas should generally be less than 5%.
- Slopes for internal roads and other vehicle circulation areas should generally be less than 10%.



Parking at rear of building is encouraged

- The provision of on-site parking in the rear yard of lots is encouraged.
- Loading zones should be screened and located away from public entrances and 'front' building activity.
- Loading areas should not restrict pedestrian or vehicle circulation on sites.

Community Facility

- Parking must not dominate the area between the street and the structure.

Pedestrian Circulation

General

- Paths should be provided around parking areas to separate pedestrian and traffic circulation on a site.
- Pedestrian access to the site and to buildings on the site should be inviting and well marked.
- Pedestrian paths should be located in consideration of pedestrian connections to adjacent sites.
- Site design should minimize vehicle and pedestrian conflicts.
- The use of small seating areas, entry areas, plazas and other meeting places in conjunction with pedestrian areas is encouraged.
- Pedestrian access to main and secondary entrances should be well marked, free of vehicles, and emphasized by building and site design.

Multi-Unit Residential

- Development of a walkway network is encouraged to provide access to important on-site and off-site destinations.

Commercial & Industrial

- Mid-block walkways and walkways connecting adjacent commercial projects are encouraged for convenience of pedestrian traffic.
- Building and site design should include "public gathering places" (e.g. outdoor plazas) and encourage pedestrian uses.
- Walkways of a minimum 1.8m are required in front of stores.

Public plazas and gathering spaces are encouraged

Bicycle Facilities

General

- Site vehicle circulation should provide for safe bicycle routes across the site to building entrances.
- Bicycle parking should be provided in a location convenient to building entrances.
- Bicycle parking should afford an opportunity to secure bicycles against theft.

Open Space and Site Design

General

- Site design must promote the “presence” of development on major roads and public streets; i.e., site design should not turn its back on public streets.



Example of a corner development with street presence and multiple uses

Multi-Unit Residential

- The layout and design of buildings on the site should contribute to a sense of “neighbourhood identity” and security without creating barriers to adjacent streets.
- Site design should create large blocks or areas of usable open space.
- Open space areas should be naturally supervised by overlooking residential units.
- Open space design should serve as a meeting area and as an area for recreation.
- Open space areas should contain uses that encourage activity, e.g., playing fields, play areas for small children, garden plots, horseshoe pits, etc.
- To facilitate supervision, open space play areas for small children should be visible from adjacent residential uses.

Landscaping

General

- Landscaping and building construction should retain and integrate existing vegetation where appropriate.
- Landscaping that permits view penetration into the site from adjacent streets is encouraged.
- Landscape materials should be appropriate to the task; i.e., suitable for screening, visual interest, soil stabilization, etc.
- Plant materials should generally be native to the Huu-ay-aht territory.
- Where appropriate, landscaping should use plant materials that have low watering and maintenance requirements.
- Hard landscaping features should be durable, decorative and complement building finishes.
- Slopes should be suitably graded and landscaped to ensure slope stability and to facilitate use.
- Steep slopes are discouraged.
- Retaining walls should receive high quality finishing and/or be largely concealed by vegetation.

Commercial

- Landscape design should provide for attractive and inviting public outdoor space.
- Landscaping should not impede the building interface with the street.
- Landscaping should reinforce the pedestrian nature of the street.

Multi-Unit Residential

- Landscape design should provide for usable, attractive and secure private and common outdoor space.

Mixed Commercial/Residential

- Areas intended for private residential use should be separated from areas intended for public use.



Example of landscaping between parking spaces

Setbacks and Buffers

General

- Setbacks and buffers should provide adequate separation from conflicting adjacent uses.
- Building setbacks, particularly front yard setbacks, should be sympathetic to adjacent properties.
- Sound attenuation measures should employ planting, grade changes and greater separation of uses in preference to fences.
- Buffers and setbacks should not sever or block the “presence” of the building on the street.

Multi-Unit Residential

- Fences should be limited in height to less than one metre.
- Fences and buffers should permit view penetration onto the site from adjacent sidewalks.

Commercial & Industrial

- Front yard fences are strongly discouraged.
- View penetration onto the site from adjacent street sidewalks and roads is essential.

Mixed Commercial/Residential

- Separation of commercial and residential uses on the site should be achieved through site layout, landscaping, grade changes and building design.
- Front yard fences are strongly discouraged where commercial uses front the street.

Community Facility

- Formal entrances to parking areas and the building should be considered for larger institutional uses.



Example of a formal entrance

Safety and Security

General

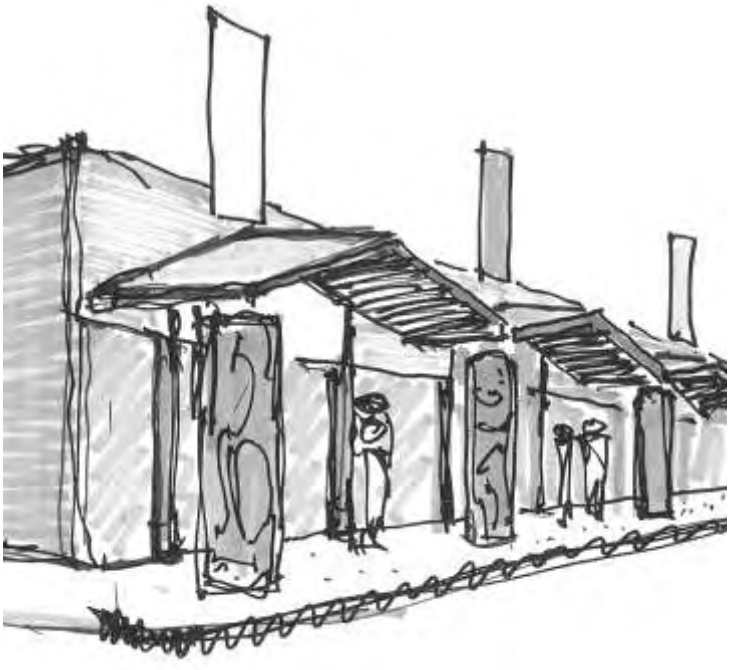
- Lighting should permit identification of a face at 25 yards.
- Adequate lighting should be provided for pedestrians and bicycle routes.
- Fences and landscaping should not limit visibility or offer opportunities for concealment next to pedestrian thoroughfares.
- Entrances and exits should be well marked and lit to indicate their location.
- Parking should be integrated with other site uses.
- Ramp and elevator entrances for persons with disabilities should also be well lit, secure and not located in isolated areas.
- Loading entrances and parking garages should be secure.
- Walls, fences, shrubs, changes in grade or other site features should not obscure vehicle driver vision of pedestrian or bicycle routes.

Building Form and Design

Form

General

- Buildings should relate to major roads and public streets.
- Buildings should be integrated into the context of the streetscape.
- Repetitive and monotonous building designs are discouraged.



Unique frontages on buildings that fit with the local context are encouraged

Multi-Unit Residential

- While the Huu-ay-aht support the development of alternative housing types, the Huu-ay-aht also want to ensure that the general form and character of the housing development is consistent with the way that the community's housing areas have been developed to date. Designs should reflect the culture and traditions of the Huu-ay-aht.
- Greater building setbacks should be used in preference to fences, berms, dense landscaping and other barriers that sever the relationship of residential buildings with the street.
- Building mass should be compatible with adjacent buildings and the streetscape.
- Large, bulky buildings out of scale with adjacent developments are discouraged.
- The incorporation of outdoor use areas such as roof decks and interior courtyards is encouraged.
- Entrances should front on main streets and be emphasized by building design.
- Articulated pitched roofs are encouraged. The roof should convey the feel of a 'small scale' building rather than accentuate a mass.
- Roof forms should not dominate, but rather should be designed to follow the natural environment. Roof form elements that are not typical of West Coast contemporary design will be discouraged; for examples, gables, dormers, arches, and compound roof forms.
- The floor area on the highest floor is encouraged to be contained within the roof form to bring down the scale of the building. Articulation of the roof is also encouraged.



Pitched roofs are encouraged

Commercial & Industrial

- Site design should front buildings on adjacent major streets; i.e., no rear yards on the street.
- Building form, proportion, and fascia treatment should complement the existing streetscape.
- Rooflines and roof types should be complementary to existing adjacent buildings.
- The incorporation of outdoor use areas (such as roof decks) on the building is encouraged.
- Building architecture should be "human scale" and inviting.

Mixed Commercial/Residential

- Building form should be consistent with the context of the site; i.e., mixed use sites in "Commercial areas" should also meet the form and character guidelines of commercial buildings, while mixed use sites in "Residential areas" should also meet the form and character guidelines of residential buildings.

Community Facility

- Building form should reflect the intended use.
- Building character should harmonize with any adjacent existing residential uses.

Height

General

- The height of buildings should respect adjacent building heights and employ techniques such as building stepping to integrate built form.

Multi-Unit Residential

- Building heights should be designed to consider views from overlooking properties, access to sunlight for adjacent properties and privacy from overlooking adjacent uses.

Facades

General

- Building materials should be durable, high in quality and should complement the surrounding streetscape and natural environment.
- Building design should reflect, in a respectful and tasteful manner, Huu-ay-aht culture and traditions.
- Buildings should be well detailed to maintain appearance and to contribute to longevity.
- Use of building projections and areas of recess should be encouraged to create building interest.
- Window fenestration should complement building design and proportion.
- Building entrances should be emphasized by facade design.
- Building entrances should be located on major roads in prominent locations and away from areas of potential vehicular conflict.
- Building facades should employ a degree of ornamentation and building articulation to create interest and reduce apparent mass.

Facades should create interest

Commercial & Industrial

- Ground floor grade levels should be at street level.
- Glazed storefronts should face continuously along sidewalk areas and street fronts. Blank walls on sidewalks are strongly discouraged.
- Building design and building elements, such as canopies, should shelter sidewalk areas and building entrances from inclement weather.

Mixed Commercial/Residential

- Private residential entrances should be separated from public circulation areas.

Community Facility

- Facades and entrances should be designed appropriately to distinguish institutional uses from other uses.

Building Siting

General

- Buildings should be located to preserve the privacy of adjacent residential land uses.
- Building siting should preserve site amenities and emphasize positive site characteristics.
- Buildings should be oriented on sites to take advantage of the sun.

Multi-Unit Residential

- Building siting should consider view and sunlight.
- Building siting should result in significant areas of usable open space.

Commercial & Industrial

- Building siting should consider view and sunlight access of adjacent non-commercial or industrial land uses.

Signage

Commercial, Industrial and Residential

- All signage should be made of wood, include the Huu-ay-aht logo and a statement that the building is located in the Huu ay aht ḥaḥuuɬi.
- All buildings should incorporate a comprehensive signage design program that integrates building signage with the building facade.
- All building permit applications which included signage should specify the location, appearance, type, number and design of signs and describe how signs will be illuminated.
- Roof-mounted and free-standing signs are discouraged.

Community Facility

- Large institutional uses should incorporate signage into formal entrance features.

Building Materials

- The use of wood framing, milled either locally or regionally is encouraged.
- The use of cedar siding as exterior cladding is encouraged.
- Building materials conducive to the west coast of Vancouver Island are encouraged.
- Building materials should be compatible with surrounding buildings and uses.

Appendix iii: Definitions

"climate change" means changes in long-term trends in the average climate, such as changes in average temperatures and includes any change in climate over time, whether due to natural variability or as a result of human activity;

"floodplain", consisting of a floodway and a flood fringe, means a land area adjacent to a river, stream, lake, estuary, or other water body that is subject to flooding, which, if left undisturbed, stores excess floodwater;

"ḥaḥuuɬi" means the traditional territory of the Huu-ay-aht;

"ḥaẇiiḥ" means Huu-ay-aht hereditary chiefs**;**

"high water mark" means the visible high water mark of a watercourse where the presence and action of the water are so common as to mark on the soil of the watercourse bed a character distinct from that of its banks and vegetation, as well as in the nature of the soil itself, and includes the active flood plain;

"Huu-ay-aht" means, and is used interchangeably with, **"Huu-ay-aht First Nations".** Ohiaht is the former name of the Huu-ay-aht. Huu-ay-aht are part of the Nuu-chah-nulth (anglicized to Nootka after contact);

"tidal boundary" means the point at which there is a discernible change in vegetation or where the natural tidal action of the ocean has marked the high water point;

"top of bank" means the first significant break in a slope where the break occurs such that the grade beyond the break is less than 3:1 for a minimum distance of 15m measured perpendicularly from the break;

"Treaty Lands" means Treaty Lands as defined in the *Land Act*;

"tsunami" means a series of waves created when a large volume of a body of water, such as an ocean, is rapidly displaced as a result of large-scale seafloor displacements associated with large earthquakes, major submarine slides, or exploding volcanic islands.