



Huu-ay-aht First Nations

Land Use Regulations Amendment Project

Regulatory Alignment Summary

August, 2025



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1. Overview

The purpose of the Land Use Regulations Amendments Project (the Project) is to update three land use regulations under the Huu-ay-aht First Nations (Huu-ay-aht) Community Planning and Development Act (2011), including the:

- Land Use Plan Regulation (2020);
- Zoning Regulation (2020); and
- Development and Building Permits Regulation (2013).

The Project also includes an update to the Residential Lease Regulation (2020), which is administered through the Huu-ay-aht Land Act (2011).

This Regulatory Alignment Summary (the Summary) highlights Huu-ay-aht First Nations' key regulatory priorities, as identified through a review of Huu-ay-aht's Core Planning Framework—six strategic planning documents that together set Huu-ay-aht's direction for the future (see Section 3 for more details). It also outlines notable gaps and policy misalignments within the four land use regulations (the Regulations) identified above, and presents proposed modifications aimed at improving clarity, consistency, and alignment across the regulatory landscape. These proposed amendments will continue to be refined throughout the Project to support more effective regulation implementation and compliance, helping ensure that future decisions align with Huu-ay-aht's long-term vision and objectives.

The Regulations are intended to guide land use, development, and stewardship related decision-making within Huu-ay-aht's Treaty Settlement Lands (TSL). They also set out high-level goals and planning principles to inform future discussions in the broader ḥahuuṭi (Traditional Territory), where Huu-ay-aht continues to uphold responsibilities to the land. Figure 1 highlights the boundaries of both the ḥahuuṭi and Huu-ay-aht's TSL.

Updates to the Regulations will be grounded in Huu-ay-aht's three Sacred Principles, which will guide both the substance of the Regulations themselves as well as the approach to amend them. This will help ensure that decisions made today honour and carry forward Huu-ay-aht's values, teachings, and traditions with integrity and respect—for the benefit of future generations.



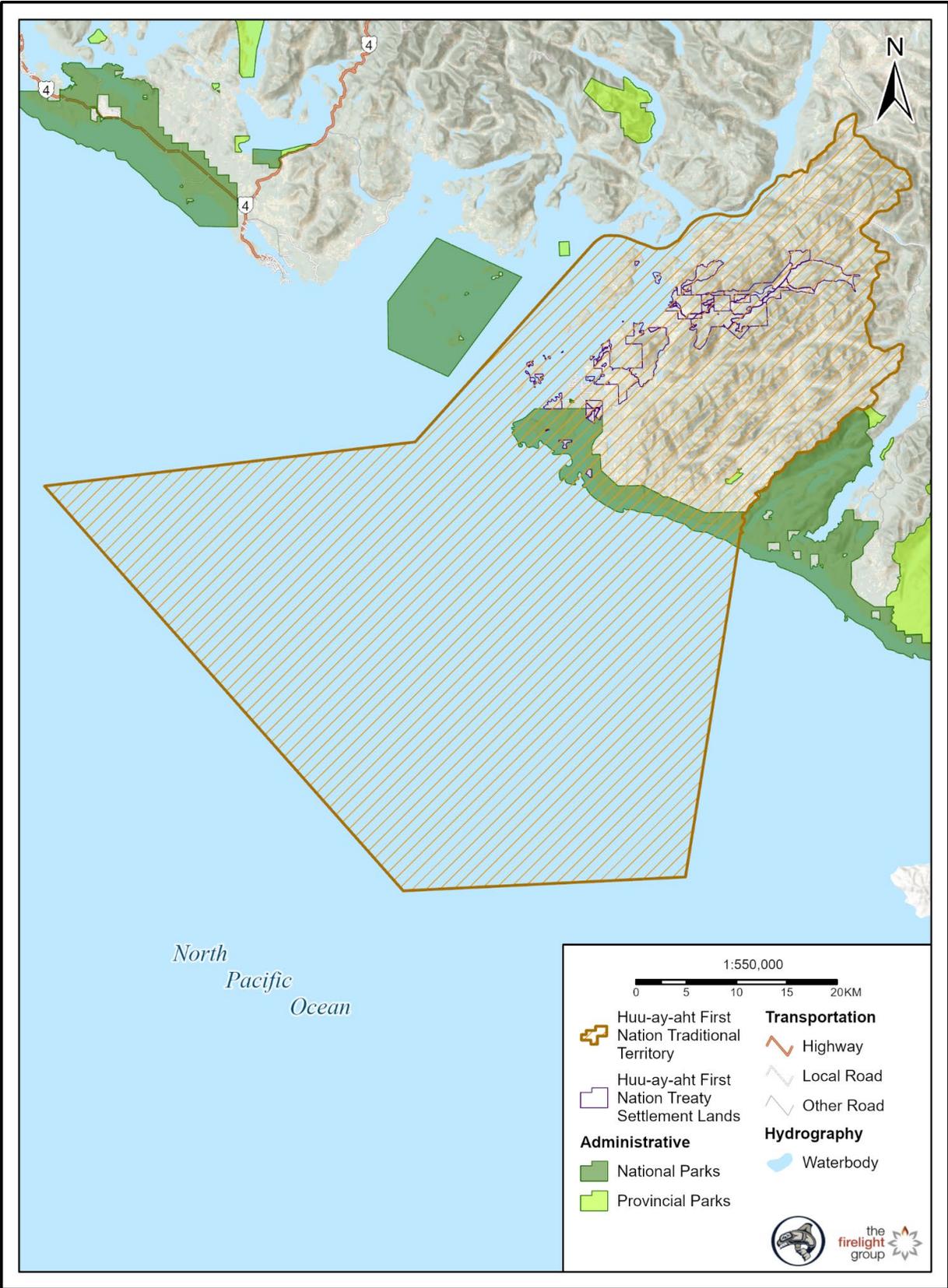


Figure 1: Huu-ay-aht hahuuti and Treaty Settlement Lands.



2. Background

Becoming a signatory to the 2011 Maa-nulth First Nations Final Agreement (Final Agreement) entered Huu-ay-aht into a new legal landscape of land and resource management.¹ In the ensuing years, Huu-ay-aht has continued to refine its vision and approach for managing its lands and resources. Over time, areas of misalignment and policy gaps have emerged between the existing Regulations, which were developed during Final Agreement implementation, and more recently developed guiding documents such as the Huu-ay-aht First Nations Framework Plan (2025) and the Huu-ay-aht First Nations Community Economic Development Plan (2025).² Consequently, the existing Regulations are now outdated and need to be modernized to better reflect the current and future priorities of Huu-ay-aht citizens. Updates to Huu-ay-aht's regulatory landscape also present an opportunity to ensure the Nation is well-equipped to respond to and benefit from increased interest in the region.

With the above context in mind, this Project is designed to advance the following Huu-ay-aht-defined objectives:

- Ensuring legislative compliance with the Community Planning and Development Act, the Land Act, the Government Act and other relevant legislation;
- Unlocking the wealth of the ɥahuuti for current and future generations through new development that is supported with relevant, clear, and actionable policies;
- Ensuring citizens' needs are met through the provision of clear guidance around how lands are planned, used, cared for, and experienced in the ɥahuuti;
- Ensuring the marine and terrestrial environments are protected and responsibly managed throughout all forms of future development;
- Mitigating risks that may arise through development partnerships and land acquisition decisions; and
- Streamlining development application processes to reduce administrative overhead and competitively establish Huu-ay-aht as a “community of choice” that is ready to invite new development.

¹ Government of Canada, Government of British Columbia, Huu-ay-aht First Nations, Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations, Toquaht Nation, Uchucklesaht Tribe, and Yuułu?i?ath First Nation, *Maa-nulth First Nations Final Agreement*, (2011).

² Huu-ay-aht First Nations, Forum, and Urban Strategies Inc., *Huu-ay-aht First Nations Framework Plan*, (2025); Huu-ay-aht First Nations, *Huu-ay-aht First Nations Community Economic Development Plan 2025-2029* (2025).



3. Core Planning Framework

This regulatory alignment work is grounded in six core planning documents that together form Huu-ay-aht's Core Planning Framework, including the:

- Huu-ay-aht First Nations Framework Plan (the Framework Plan);
- Huu-ay-aht First Nations Strategic Plan 2024–2029 (the Strategic Plan);³
- Hišuk ma c'awak Integrated Resource Management Plan;⁴
- Huu-ay-aht First Nations Community Economic Development Plan 2025–2029 (the Community Economic Development Plan);
- Huu-ay-aht Community Energy Plan (the Community Energy Plan);⁵ and
- Our Community, Our Circle, Our Voice – Huu-ay-aht First Nations Comprehensive Community Plan (the Comprehensive Community Plan).⁶

The Core Planning Framework represents the culmination of many years of citizen engagement and collectively defines Huu-ay-aht's long-term vision, goals, and priorities for community well-being, economic development and prosperity, cultural revitalization, ḥahuuti stewardship, and environmental sustainability. These documents form the foundation for the subsections that follow, each of which presents a set of key regulatory priorities drawn from the corresponding strategic plan. The priorities identified in each subsection are based on the project team's analysis and synthesis of key themes within the documents. They will serve as a foundation for ongoing discussions and potential future amendments to address any areas of misalignment. Future project steps will include seeking Huu-ay-aht input and verification of these priorities (e.g., through the Lands and Natural Resources Committee). Together, these subsections provide the basis for the analysis undertaken to develop this Summary.

³ Huu-ay-aht First Nations and Vancouver Island University's Mount Arrowsmith Biosphere Region Research Institute, *Huu-ay-aht First Nations Strategic Plan 2024-2029*, (2024).

⁴ Huu-ay-aht First Nations, HFN Forestry Limited Partnership, C'awak ḥqin Forestry Limited Partnership, and Mosaic Forest Management Corp., *Hišuk ma c'awak Integrated Resource Management Plan* (2025).

⁵ Huu-ay-aht First Nations and Barkley Project Group, *Huu-ay-aht Community Energy Plan*, (2024).

⁶ Huu-ay-aht First Nations and EcoPlan International, *Our Community, Our Circle, Our Voice*, (2021).



3.1. Huu-ay-aht First Nations Framework Plan

The Framework Plan presents Huu-ay-aht’s vision for the sustainable, resilient, and coordinated development of key areas within the ḥahuuli. Completed in 2025, it emphasizes the importance of Huu-ay-aht’s three Sacred Principles as a foundation for all future development and is structured to guide future updates to the Regulations. The Framework Plan outlines clear land use objectives and strategic directions, including more detailed guidance for future planning in Anacla, Bamfield, near coastal destinations and landmarks, and the broader ḥahuuli. Table 1 provides a concise, high-level overview of the planning direction provided in the Framework Plan for each area. It is intended to serve as a quick reference point to help identify potential policy misalignments between the Framework Plan and the current Regulations identified in Section 4.

Table 1: Area-specific planning details provided within the Framework Plan.

	Anacla	Bamfield	Coastal Destinations and Landmarks	The Broader Ḥahuuli.
Proposed Land Uses	S	S	S	
Mobility Systems	S	S	S	
Open Space Networks	S	S	S	
Key Projects	S	S	S	S
Development Character	S	S		
Key Objectives				S

Table 2 highlights the key regulatory priorities from the Framework Plan that informed the policy alignment assessments in Section 4.

Table 2: Framework Plan key regulatory priorities.⁷

Framework Plan Key Regulatory Priorities
Key Theme #1: Celebrate and promote culture and history.
Key Theme #2: Diversity of housing tenures and affordability.

⁷ Note: Throughout this Summary, key regulatory priorities are listed in alphabetical order, not in order of priority.



Framework Plan Key Regulatory Priorities

Key Theme #3: Improved connections to the lands.

Key Theme #4: Multi-purpose culture and learning spaces.

Key Theme #5: New community and recreation facilities.

Key Theme #6: Preserve natural areas and habitats.

Key Theme #7: Prioritized cultural and eco-tourism.

Key Theme #8: Sustainable and Indigenous-owned businesses.



3.2. Huu-ay-aht First Nations Strategic Plan 2024-2029

The Strategic Plan offers broad, strategic guidance for Huu-ay-aht over the next five years. Updated in 2024, the Strategic Plan is built on Huu-ay-aht's three Sacred Principles. It presents an overarching vision, mission, and a community wellness statement, along with high-level strategic priorities, goals, and objectives designed to support citizens, children, lands and resources, the ɥahuuɥi, the economy, and Huu-ay-aht's governance.

Table 3 highlights the key regulatory priorities pulled from the Strategic Plan that informed the policy alignment assessments in Section 4. It also serves as a foundation for ongoing discussions and potential future amendments to address any areas of misalignment.

Table 3: Strategic Plan key regulatory priorities.

Strategic Plan Key Regulatory Priorities
Regulatory Alignment with Huu-ay-aht Values: Review and update Huu-ay-aht's laws, regulations, and policies to ensure they reflect the values, traditions, and governance practices unique to the Huu-ay-aht way of life and identity.
Sustainable Land and Resource Management: Develop regulatory systems that guide land and resource management in a way that protects the environment and reflects Huu-ay-aht's values of balance, sustainability, interconnectedness, and intergenerational well-being.
Transparent and Efficient Governance: Streamline laws, policies, and permitting systems to ensure clear, fair, and accessible processes for citizens, partners and stakeholders.



3.3. Hišuk ma c’awak Integrated Resource Management Plan

Drafted in the spring of 2025, the Hišuk ma c’awak Integrated Resource Management Plan sets out a holistic approach to managing lands and resources across Huu-ay-aht’s entire ḥahuuḷi. Rooted in Huu-ay-aht values and principles, this Plan considers provincial mandates (such as those related to forestry) and aims to balance economic, cultural, and environmental considerations. It includes strategies related to forestry, ecosystem restoration, biodiversity conservation, and the preservation of cultural resources and economic opportunities. It also features a comprehensive set of detailed and interconnected Stewardship Strategies and Future Forest Outcomes projected over a 300-year timeline.

Table 4 highlights the key regulatory priorities from the Hišuk ma c’awak Integrated Resource Management Plan that informed the policy alignment assessments in Section 4. It also serves as a foundation for ongoing discussions and potential future amendments to address any areas of misalignment.

Table 4: Hišuk ma c’awak Integrated Resource Management Plan key regulatory priorities.

Hišuk ma c’awak Integrated Resource Management Plan Key Regulatory Priorities
Area-Specific Stewardship Strategies: Implement area-specific stewardship strategies for the Maḷasap Network, karsts, and the Bamfield Road Stewardship Area.
Cultural Harvesting and Traditional Use: Promote Huu-ay-aht cultural uses of forest resources through retention of large western redcedar trees, stewardship of Sayaasim Gardens, and mapping of cultural plants and bark harvest opportunities.
Ecosystem Restoration and Protection: Restore damaged or rare ecosystems and critical watersheds and protect biological diversity, soil, water, fish, wildlife, scenic diversity, and other forest resources within the ḥahuuḷi.
Functional, Resilient Forests and Riparian Areas: Maintain healthy aquatic and riparian forest ecosystems (including streams, wetlands, and lakes) to sustain both Huu-ay-aht citizens (present and future generations) and fish populations.
Road Network and Access: Optimize the amount of road being actively used for log hauling and other uses.
Values-Based Forests and Fisheries Management: Informed by Huu-ay-aht values ḡiisaak (utmost respect), ḡuuḡaḷuk (taking care of), and hišuk ma c’awak (everything is one), managing forests and fisheries values to meet current economic and cultural needs of peoples within the ḥahuuḷi without compromising the needs of future Huu-ay-aht generations.



Hišuk ma ćawak Integrated Resource Management Plan Key Regulatory Priorities

Wildlife Habitat and Connectivity: Support healthy wildlife through diverse habitat types that enable species movement and persistence.



3.4. Huu-ay-aht First Nations Community Economic Development Plan 2025–2029

The Community Economic Development Plan aims to encourage responsible and sustainable economic growth rooted in tradition, supported by governance, and driven by innovation. Developed in 2025, the Community Economic Development Plan highlights that HUU-ay-aht’s economy depends on the sustainable and innovative use of marine and forest resources, with the Nation striving to lead in clean energy, forest bioeconomy, and sustainable ecotourism. The purpose of the Community Economic Development Plan is to facilitate the HUU-ay-aht vision of a healthy, prosperous, and self-reliant community. It also aligns with other community planning initiatives, such as the Framework Plan and the Strategic Plan, to promote cohesive economic development and long-term prosperity.

Table 5 highlights the key regulatory priorities from the Community Economic Development Plan that informed the policy alignment assessments in Section 4. It also serves as a foundation for ongoing discussions and potential future amendments to address any areas of misalignment.

Table 5: Community Economic Development Plan key regulatory priorities.

Community Economic Development Plan Key Regulatory Priorities
<p>Camping: Add more camping options by building new campgrounds at different locations including in town, at Poett Nook, and Sarita A and B. Provide a mix of site types to reach the 500-site target.</p>
<p>History and Culture: Celebrate and share the HUU-ay-aht's culture, history, and traditions by revitalizing Kiiḡin Site tours and other community-led experiences.</p>
<p>Huu-ay-aht as a Tourist Destination: Showcase the beauty and cultural richness of HUU-ay-aht's lands by creating trails, points of interest, and developing tourist accommodations supported by hospitality-related services, cultural tour itineraries, and multimodal transportation options to invite visitors to explore, stay, and experience the area as a premier tourism destination. Key experiences would include a Second Beach destination resort, a West Coast Trail-lite circle route, and accommodations at Wickaninnish.</p>
<p>New Opportunities: Create local jobs and attract investment by: supporting land-based aquaculture and growing marine industries such as a new oyster business; developing key properties; sustainable forestry; and investing in workforce training and new business opportunities across sectors, including aggregate processing and cement manufacturing.</p>
<p>New Permitted Uses: Update zoning and land use rules to clearly support: a mix of housing types and densities supported by culturally appropriate and accessible childcare and community spaces; and new economic development opportunities such as signature festivals and events, cannabis, and tourism.</p>



Community Economic Development Plan Key Regulatory Priorities

Renewable Energy: Invest in clean energy, reliable infrastructure, and research partnerships to support sustainable power, protect the environment, and ensure strong connectivity for the future. Projects of interest include BC Hydro net metering, wind farming, solar power, and the Sarita Micro Hydro Project.

Simplified Process: Make it easier and more flexible to build different types of housing by allowing more units, relaxing rules like parking and size limits, and offering simple templates to lower costs. Make it faster, and more affordable to build—especially for rental housing—by speeding up approvals and lowering or removing fees.



3.5. Huu-ay-aht Community Energy Plan

The Community Energy Plan provides direction for pursuing energy efficiency and renewable energy development projects within the community and across the ḥahuuḷi. Developed in 2024, its objectives are to reduce energy costs by increasing energy efficiency, enhance energy resiliency through renewable energy generation, reduce greenhouse gas emissions, and articulate Huu-ay-aht’s vision and action plan for energy.

Table 6 highlights the key regulatory priorities from the Community Energy Plan that informed the policy alignment assessments in Section 4. It also serves as a foundation for ongoing discussions and potential future amendments to address any areas of misalignment.

Table 6: Community Energy Plan key regulatory priorities.

Community Energy Plan Key Regulatory Priorities
Active Transportation: Enable decreased reliance on motor vehicles and resulting emissions through improving walking and cycling paths.
Electric Vehicles: Encourage the use of electric vehicles through planning for EV charging stations.
Renewable and Resilient Energy: Support the transition to renewable energy reliance through measures such as reducing wood fuel consumption and switching from propane to electric power. Further explore options for solar or wind energy generation and backup energy storage.
Sustainable, Energy Efficient Buildings and Houses: Design and/or retrofit community buildings with energy-saving and sustainability measures. Address health and safety considerations for Huu-ay-aht housing prior to or as part of the first phase of an energy retrofit strategy.
Wood and Fire Safety: Encourage fire safety with proper fire breaks around the community and proper firewood storage.



3.6. Our Community, Our Circle, Our Voice – Huu-ay-aht First Nations' Comprehensive Community Plan

Huu-ay-aht's Comprehensive Community Plan outlines the needs, values, and ideas of Huu-ay-aht citizens for their community's future. Developed in 2021, this plan is rooted in Huu-ay-aht's three Sacred Principles. It clarifies citizen priorities as a practical guide to inform future decision-making, planning, and strategies, while linking values with actions to create a roadmap for the future that citizens desire.

Table 7 highlights the key regulatory priorities from the Comprehensive Community Plan that informed the policy alignment assessments in Section 4. It also serves as a foundation for ongoing discussions and potential future amendments to address any areas of misalignment.

Table 7: Comprehensive Community Plan key regulatory priorities.

Comprehensive Community Plan Key Regulatory Priorities
Cultural Design Guidelines: Incorporate local art and culturally-relevant place names in Nuuchah-nulth into community design to identify and reflect the Huu-ay-aht identity and enhance the look and feel of the built form throughout the TSL.
Inclusive Housing Options: Create a Huu-ay-aht-wide housing strategy that offers a range of housing types (including vacation homes and citizen-only housing) while allowing short-term accommodations and access to new permanent residential lots beyond Anacla.
Land and Water Stewardship: Establish a formal Guardian Watchmen program to protect and monitor the lands and waters in alignment with Huu-ay-aht values and responsibilities.
New Land Uses: Support new land uses that reflect community values—like a cultural heart of the community with cultural spaces, commercial spaces such as cannabis retail, as well as health and education facilities, and new housing, alongside tourism, and economic development opportunities—while protecting important natural and cultural areas through conservation and areas of special interest zones.
Resilient Community Infrastructure: Invest in long-term infrastructure improvements (like safer roads, emergency services, and food security) to support and prioritize community health, safety, and resilience to natural hazards and climate-related impacts.
Regulatory Update: Update regulations and policies to reflect Treaty obligations and opportunities while removing outdated western approaches and simplifying processes related to homeownership, renting, and leasing.



4. Land Use Regulations

The following subsections present the project team’s analysis of the potential gaps and policy misalignments between the existing Regulations and the Core Planning Framework. Each subsection contains tables that identify the potential gaps and policy misalignments alongside proposed modifications for addressing them.⁸ These analyses are grounded in the key regulatory priorities identified in Section 3 and will be further informed by insights from the Land Use Regulations Amendments Working Group, a workshop with Executive Council and Knowledge Holders, as well as follow-up conversations with additional Knowledge Holders.

As this Project progresses, additional gaps and policy misalignments will continue to be identified and addressed through the development of proposed future amendments. These amendments will be co-developed with Huu-ay-aht staff, leadership, and citizens to ensure they are practical, implementable, and grounded in Huu-ay-aht’s priorities. Each amendment will support stronger alignment between the Regulations and the Core Planning Framework, helping to advance Huu-ay-aht’s broader collective goals. Further details about this iterative process are provided in Section 5.

⁸ Note: Some of the proposed modifications listed throughout Section 4 tables are beyond the scope of this project (such as updating all Huu-ay-aht data sets - see Row A, page 18) but are included for consideration as part of other potential future streams of work.



4.1. Cross-Regulatory Analysis

The Regulations are designed to work both independently and in coordination to guide consistent, transparent, and fair decision-making across Huu-ay-aht’s TSL. Each regulation serves a distinct purpose, yet they are also interdependent—for example, the Land Use Plan Regulation sets the overarching direction that informs and shapes how the Zoning Regulation and others are applied. Together, they should form a unified regulatory framework that supports clear interpretation, efficient administration, and enforceable policies. Table 8 highlights high-level misalignments identified during this structured review, drawing attention to areas where greater internal consistency and cross-regulatory alignment are needed.

Table 8: Cross-Regulatory Analysis – policy gaps, misalignments, and proposed modifications.

Gaps and Policy Misalignments		Key Regulatory Priorities	Proposed Modifications
A	As shown in Figure 2, the Huu-ay-aht TSL Boundary data does not align with the provincial Land Registry boundaries (ParcelMap BC). A realignment of Huu-ay-aht’s key data sets will support a more streamlined application review process and improved accuracy during regulatory and governance-related decision-making—affecting the implementation of all Regulations included in this Project.	<ul style="list-style-type: none"> ● Regulatory alignment ● Transparent governance 	Align all Huu-ay-aht data sets with the indefeasible title assigned to each parcel of Maa-nulth First Nation Lands as identified in section 2.1.2 of the Maa-nulth First Nations Final Agreement.



Gaps and Policy Misalignments	Key Regulatory Priorities	Proposed Modifications
<p>B Many key regulatory priorities identified throughout the Core Planning Framework reference specific outcomes that are currently difficult to track, achieve, and/or plan for.</p>	<ul style="list-style-type: none"> ● Land and resource management ● New opportunities ● Simplified process ● Zoning amendments 	<ul style="list-style-type: none"> ● Review new land uses recommended by the Core Planning Framework to identify locations where development-ready policies can be created (e.g., site specific zones, streamlined development application checklist). ● Confirm alignment between all four Regulations to ensure policies are effective and ready to implement. ● Clarify and streamline approval process(es) identified by the Development and Building Permit Regulations to appropriately set expectations and provide certainty for applicants.
<p>C The Land Use Plan Regulation requires that all zoning boundaries must align with the designations of the Land Use Plan Regulation. There are multiple examples of land use designations with no complementary zoning classification for alignment (e.g., Parks) and/or overly vague zoning classifications that can be used in an ad hoc way and could increase administrative processing times (e.g., CD Zone).</p>	<ul style="list-style-type: none"> ● Amendments ● New land uses ● New opportunities ● New permitted uses ● Simplified process ● Transparent and efficient governance 	<p>Review current zoning classifications and identify new Zones with clearly defined permitted uses that align more neatly with the intent of each land use designation within the Land Use Plan. Examples include:</p> <p>P-1—Parks and Recreation <i>Would support outdoor recreational uses such as ball fields, parks, and trails.</i></p> <p>P-2—Community Use <i>Would support indoor recreational uses such as sporting fields, active recreation, and theatres; community facilities such as schools, libraries, cultural centres, and ceremonial</i></p>



Gaps and Policy Misalignments	Key Regulatory Priorities	Proposed Modifications
		<p><i>spaces, community gathering places, and cemeteries.</i></p> <p>P-3—Open Space <i>Would support land set aside in a natural state as greenspace for protecting important views, and supporting natural drainage and biodiversity systems.</i></p> <p>PA-1—Hazard Area <i>Would include steep slopes, karst topography, floodplain, tsunami zone.</i></p> <p>PA-2—Culturally Significant and Traditional Use Areas <i>Would protect important historic and cultural sites, as well as areas used for traditional fishing, hunting, and harvesting activities.</i></p> <p>CD—Comprehensive Development <i>Revised on a site-specific basis to <u>only</u> support a mix of uses that do not exist together in any other zones (e.g., waterfront tourism zone that provides a range of recreational uses, commercial retail, temporary accommodation, outdoor equipment and fleet storage, community use).</i></p> <p>Future discussions with Huu-ay-aht staff will ensure that proposed new zoning designations or amendments to existing zoning designation labels will ensure the changes best reflect Huu-ay-aht preferences and ways of speaking.</p>



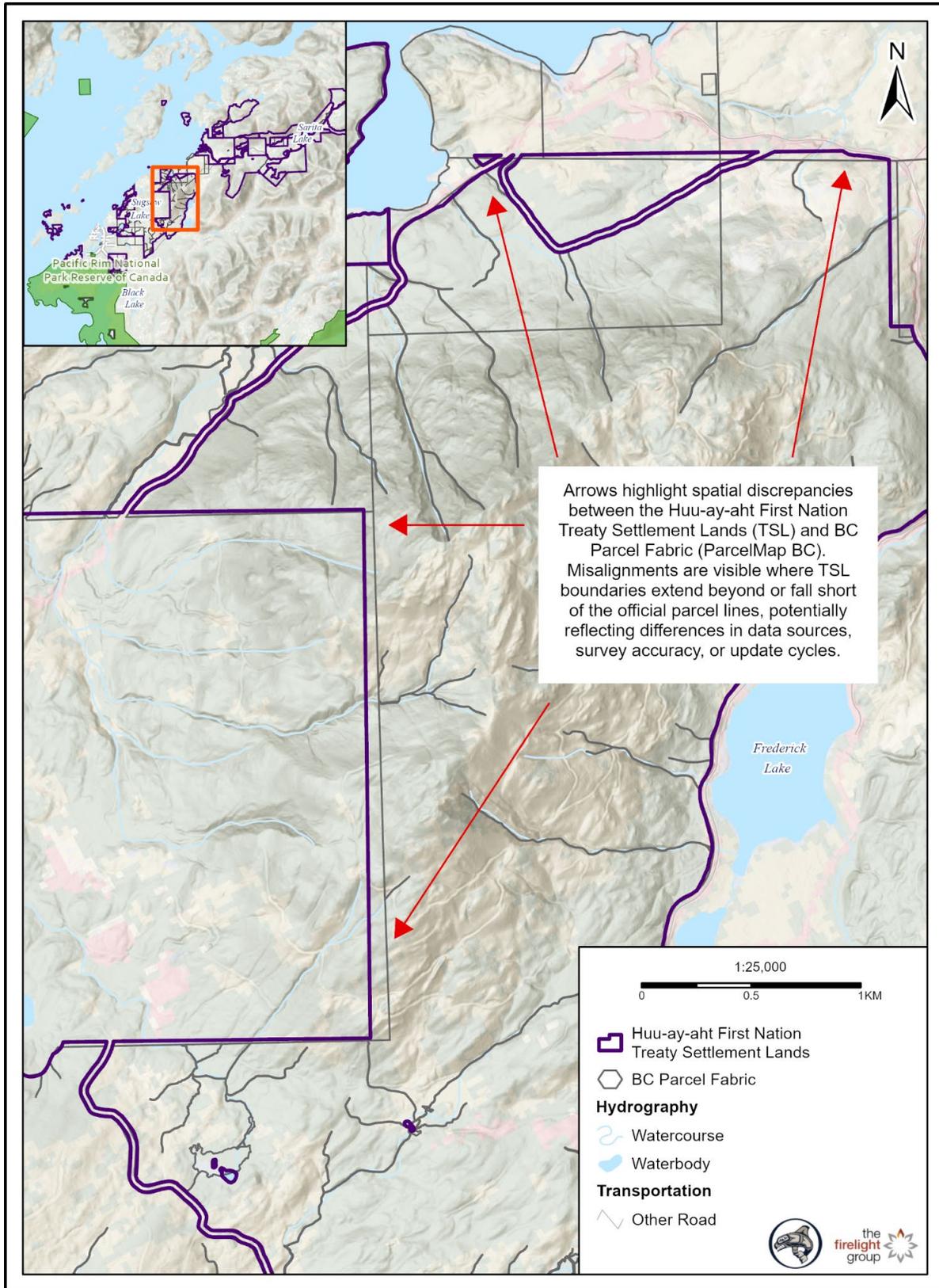


Figure 2: Example of Huu-ay-aht's current spatial dataset misalignments.



4.2. Land Use Plan Regulation Analysis

Huu-ay-aht’s Land Use Plan Regulation was passed by the Executive Council in 2011 and amended in 2013 and 2020. The purpose of the regulation is to serve as 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 TSL.”⁹ The Land Use Plan Regulation provides an overarching long-term vision for land use and development within the ҺahuuҺi, with specific land use goals, designations, and boundaries, as well as permissible land uses and policies. The Land Use Plan Regulation must align with the Huu-ay-aht Community Planning and Development Act and is the overarching document informing other land use regulations, such as the Zoning Regulation and the Development and Building Permit Regulation, to support effective and sound planning decisions.

Table 9 further highlights high-level misalignments identified during the structured review of the Land Use Plan Regulation, along with key gaps and policy misalignments alongside proposed modifications. These will be further developed and refined as the Project progresses.

Table 9: Land Use Plan Regulation – policy gaps, misalignments, and proposed modifications.

	Gaps and Policy Misalignments	Key Regulatory Priorities	Proposed Modifications
A	The Stewardship Management Designation (Off TSL) is not linked to a corresponding zone in the Zoning Regulation. Including it within the same Part as designations that do apply within TSL may create confusion around its regulatory weight, potentially leading to misunderstandings about how—or if—the related goals and policies are enforceable.	<ul style="list-style-type: none"> ● Regulatory alignment with Huu-ay-aht values ● Regulatory update ● Simplified process ● Transparent and efficient governance 	Add a new Part 11—Future of the ҺahuuҺi—that recognizes areas of special interest to Huu-ay-aht (supported by a map) to support future grant applications, strength of claim, and efforts—such as to pursue land acquisition or stewardship arrangements—that protect these areas, assert Huu-ay-aht’s interests, and support long-term cultural and territorial goals beyond the TSL.

⁹ Huu-ay-aht First Nations, *Land Use Plan Regulation*, (2020), 3.



Gaps and Policy Misalignments	Key Regulatory Priorities	Proposed Modifications
<p>B Land Use Plan Regulation boundaries must align with Zoning Regulation boundaries, but since amendments are currently recommended as an exception rather than as a regular occurrence, this may create barriers or red tape for future zoning amendments given the flexibility desired by Huu-ay-aht.</p>	<ul style="list-style-type: none"> ● Regulatory alignment with Huu-ay-aht values ● Regulatory update ● Simplified process ● Transparent and efficient governance 	<p>Support biannual cut-offs for Land Use Plan Regulation amendment applications (e.g., September 1st and May 1st of each year for the November and July meetings). This will clarify the process for interested applicants, provide adequate administrative lead time to review applications, and group multiple proposals on the agenda for the respective People’s Assembly.</p>
<p>C Increased investment and development of renewable energy sources (e.g., wind, solar, hydro) is identified across multiple Core Planning Framework documents yet is not captured in the Land Use Plan Regulation.</p>	<ul style="list-style-type: none"> ● Renewable and resilient energy 	<p>Expand Part 4 - Sustainability of the Land Use Plan Regulation to include goals and policies reflecting renewable energy development.</p>
<p>D Improved active transportation networks (e.g., trails, cycling, and pedestrian paths) is identified across multiple Core Planning Framework documents, yet is not captured in the Land Use Plan Regulation.</p>	<ul style="list-style-type: none"> ● Active transportation ● Huu-ay-aht as a tourist destination 	<p>Expand Part 7 - Transportation of the Land Use Plan Regulation to include goals and policies that clarify standards and need for a multi-modal transportation network that reduces the dependency on vehicles. Consider a goal to develop an Active Transportation Plan if desired by Huu-ay-aht.</p>



Gaps and Policy Misalignments	Key Regulatory Priorities	Proposed Modifications
<p>E A need for new community infrastructure that is climate adaptive, accessible, and provides adequate and reliable services to Huu-ay-aht citizens is identified across multiple Core Planning Framework documents yet is not captured in the Land Use Plan Regulation.</p>	<ul style="list-style-type: none"> ● Renewable energy ● Resilient community infrastructure ● Sustainable, energy-efficient buildings and houses 	<p>Add Part 9 - Infrastructure to the Land Use Plan Regulation, which includes goals, policies, and service standards (e.g., width of sidewalks, broadband connectivity) to support current and proposed community development projects. The inclusion of conceptual phasing of infrastructure strategies would support the logical, cost-effective, and sustainable expansion of infrastructure into new areas, while prioritizing infill where possible to optimize services provision to citizens and facilities. This approach will also support discussions with future developers and partners to secure funding and/or offsite works as contributions to Huu-ay-aht for the future benefit of citizens.</p>
<p>F A need for new community amenities and quality of life services (e.g., access to culturally-relevant daycare, cultural centre, youth programs) to Huu-ay-aht citizens is identified across multiple Core Planning Framework documents yet is not captured in the Land Use Plan Regulation.</p>	<ul style="list-style-type: none"> ● History and culture ● New community and recreation facilities ● New land uses ● New permitted uses ● Regulatory alignment with Huu-ay-aht values 	<p>Add Part 10 - Quality of Life to the Land Use Plan Regulation, which includes goals to improve the quality of life for Huu-ay-aht citizens living within the TSL, with effective policies to support implementation throughout future grant applications and development proposal approval processes. This part should focus on strengthening Huu-ay-aht's connection to culture, the land, and creating a unified Huu-ay-aht community identity that emphasizes values of inclusivity, interconnectedness, and accessibility for citizens of all ages and abilities.</p>



Gaps and Policy Misalignments	Key Regulatory Priorities	Proposed Modifications
<p>G Environmental and culturally-relevant planning priorities are identified by the Core Planning Framework and are represented by mutually exclusive needs and goals; however, in the Land Use Plan Regulation, these two areas of interest are combined under Part 5.</p> <p>For example:</p> <p>The Hišuk ma c̓awak Integrated Resource Management Plan identifies “aquatic and riparian ecosystems within the ḥahuuḥi are healthy and resilient to meet the needs of present and future generations” as a goal within the Future Forest Outcomes.¹⁰ This type of policy should be captured in an environmental section specifically intended to address these sensitive aquatic and riparian areas.</p> <p>Whereas,</p> <p>The Community Economic Development Plan identifies “celebrate and promote culture and history, heritage and traditions” as a Goal.¹¹ This type of policy should be</p>	<ul style="list-style-type: none"> ● Area-specific stewardship strategies ● Celebrate and promote culture and history ● Cultural harvesting and traditional use ● Ecosystem restoration and protection ● Functional, resilient forests and riparian areas ● History and culture ● Preserve natural areas and habitats ● Renewable energy ● Sustainable, energy-efficient buildings and houses ● Sustainable land and resource management 	<p>Combine Environmental Protection goals and policies with Part 4 - Sustainability to ensure stewardship and climate-related resiliency goals and policies are adequately addressed to meet the needs identified in the Core Planning Framework.</p> <p>Create a stand-alone Part 5 that focuses solely on Cultural Protection. This Part should define a shared Huu-ay-aht identity alongside cultural priorities that will be identified through future engagement with citizens and Knowledge Holders. This Part should be supported by clear and effective goals and policies that work together to achieve the key regulatory priorities identified in the Core Planning Framework.</p>

¹⁰ HUU-ay-aht First Nations, HFN Forestry Limited Partnership, C̓awak ṽqin Forestry Limited Partnership, and Mosaic Forest Management Corp., “Future Forest Outcomes 1, Stream Channel Stability” In *Hišuk ma c̓awak Integrated Resource Management Plan* (2025), 16.

¹¹ HUU-ay-aht First Nations, Forum, and Urban Strategies Inc., *Huu-ay-aht First Nations Framework Plan*, (2025); HUU-ay-aht First Nations, *Huu-ay-aht First Nations Community Economic Development Plan 2025-2029* (2025), 18.



Gaps and Policy Misalignments	Key Regulatory Priorities	Proposed Modifications
<p>captured in a section related specifically to culturally-relevant planning priorities.</p>	<ul style="list-style-type: none"> ● Values-based forests and fisheries management ● Wildlife habitat and connectivity 	
<p>H The Core Planning Framework consistently prioritizes a more streamlined and clear application process that provides certainty and confidence for people wishing to develop and/or make changes to land within Huu-ay-aht’s TSL. The overly discretionary language in the Land Use Plan Regulation currently allows for broad interpretation rather than providing clear, objective guidance. This can lead to inconsistency in approvals, as well as subjectivity or uncertainty in how decisions are made, and can create regulatory loopholes that may result in development approvals that do not align with the long-term interests of the Huu-ay-aht Government and/or citizens.</p>	<ul style="list-style-type: none"> ● Regulatory update ● Simplified process ● Transparent and efficient governance 	<p>Amend policies in the Land Use Plan Regulation and Development Permit Guidelines to offer more prescriptive, clear, and procedural language to support consistent decision-making, reduce the administrative burden and bottleneck, and streamline the application process. This will support productive land use discussions with Huu-ay-aht partners, attract investment, and provide confidence and clarity for citizens and businesses.</p>



Gaps and Policy Misalignments		Key Regulatory Priorities	Proposed Modifications
I	The Development Permit Guidelines for Environmentally Sensitive Areas do not identify the extent of sensitivity as is identified by the Core Planning Framework. Such gaps could include riparian areas (15 m from high water mark), estuaries, wildlife corridors, fish habitat, and Sensitivity Zones within watersheds as identified in the Hišuk ma ćawak Integrated Resource Management Plan, among others.	<ul style="list-style-type: none"> • Area-specific stewardship strategies • Ecosystem restoration and protection • Functional, resilient forests and riparian areas • Preserve natural areas and habitats • Sustainable land and resource management • Values-based forests and fisheries management • Wildlife habitat and connectivity 	Spatial analysis of data collected during the development of the Comprehensive Community Plan and the Hišuk ma ćawak Integrated Resource Management Plan — alongside discussions with staff—could be used to identify additional areas of environmental sensitivity where additional oversight is warranted through the Development Permit Process. Further, the language in the Development Permit Requirements should be amended to ensure clear, consistent decision-making for new development proposals within these areas (i.e., will versus may).
J	The Bamfield Framework recommends new and enhanced streets and infrastructure to support walking and cycling.	<ul style="list-style-type: none"> • Active transportation • Resilient community infrastructure 	The goals and policies of Part 7 and newly proposed Part 10 (Quality of Life) should reference a need for an Active Transportation Plan, which would support an expanded pedestrian and cycling network. This would require collaboration with other jurisdictions including the Alberni–Clayoquot Regional District Alberni (ACRD).



The structured analysis of the Land Use Plan Regulation also included a review of the 2025 Document Review Summary Report¹² to ensure that previous work to review the Regulations and identify gaps is carried forward in this Project. Table 10 identifies additional policy and general amendment considerations pulled from the 2025 Document Review Summary Report for the Land Use Plan Regulations that have not been captured in Table 9 above. Please note that minor changes have been made to the text in Table 10 to promote clarity and conformance with this Summary.

*Table 10: Land Use Plan Regulation discrepancies, potential risks and recommended amendments from the 2025 Document Review Summary Report.*¹³

Discrepancies and Potential Risks		Recommended Amendments
A	<p>Inconsistent terminology:</p> <ul style="list-style-type: none"> ● Ha'houlthee ● Hish-uk-tsawak (Everything is one) ● li-saak (Respect) ● Treaty lands 	<p>Change to:</p> <ul style="list-style-type: none"> ● Ha'houlthee → ɥahuuɥi ● Hish-uk-tsawak → hiʂuk ma ɥ'ɥ' wak ● li-saak (Respect) → ʔiisaak ● Treaty lands → Treaty Settlement Lands (TSL)
B	<p>Page 5: The Land Use Plan Regulation includes only two of Huu-ay-aht's three Sacred Principles that are identified in the other documents: hiʂuk ma ɥ'ɥ' wak (Everything is one) and li-saak (Respect).</p>	<p>Add Huu-ay-aht's third Sacred Principle to align with the Nation's other documents. Refer to the three principles with the Nuu-chah-nulth spelling: ʔiisaak (respect), ʔuuʔaɥuk (taking care of), and hiʂuk ma ɥ'ɥ' wak (everything is one).</p>

¹² Huu-ay-aht First Nations and Mount Arrowsmith Biosphere Region Research Institute, Vancouver Island University, *Document Review Summary Report*, (2025).

¹³ Huu-ay-aht First Nations and Mount Arrowsmith Biosphere Region Research Institute, Vancouver Island University, *Document Review Summary Report*, (2025), 16-19.



Discrepancies and Potential Risks		Recommended Amendments
C	<p>Page 7, Part 2, Role of the Huu-ay-aht Land Use Plan Regulations: There is an opportunity to clarify the role of the Land Use Plan Regulation across TSL and non-Treaty lands.</p> <p>For example, paragraph 1 mentions that the Land Use Plan Regulation "details land use goals, designations, permissible land uses and development standards throughout the ɥahuuɥi, including Huu-ay-aht TSL." However, the Land Use Plan Regulation has different impacts on TSL versus non-Treaty lands and this distinction should be specified for clarity.</p>	<p>Explain the influence that the Plan has on the TSL versus non-Treaty lands.</p>
D	<p>The Land Use Plan Regulation has policies encouraging climate change mitigation and adaptation practices; however, it is not very descriptive of the potential climate impacts facing Huu-ay-aht. Adding more specifications could better complement the Strategic Plan and Comprehensive Community Plan's goals of planning for natural hazards, such as earthquakes, flooding, fires, heatwaves, sea level rise, and other climate-related emergencies.</p>	<p>Incorporate more detailed policies regarding climate change mitigation and adaptation, including policies within the design guidelines of Development Permit Area D.</p>
E	<p>Page 10, Infrastructure, Policy 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": This policy may pose a potential risk to the objectives in the Framework Plan regarding economic diversification and creating tourism attractions/accommodations that may not necessarily be the most efficient use of services, if in a more remote location.</p>	<p>Consider refining this policy to balance the various priorities of Huu-ay-aht. This could be done by changing "all" to "most" development activities or changing the language to "encourage when appropriate".</p>



Discrepancies and Potential Risks		Recommended Amendments
F	Page 12, Environmental & Cultural Protection, Policy A: "Give precedence to the protection of HUU-ay-aht lands over any proposed use of land." If this policy applies to all lands, it is a potential risk to the goals for the lands set out in the other plans.	Clarify this policy so that it is specific to DPAs and/or protected areas.
G	Goal in the Comprehensive Community Plan (page 31) to update Land Use Plan Regulation and Zoning Regulation to outline residential areas for citizens only, residential areas outside of Anacla, and natural hazard areas.	Update Land Use Plan Regulation and zoning bylaws to clearly outline the following in order to conform with the Comprehensive Community Plan: Residential areas for citizens only. Residential areas outside of Anacla. Natural hazard areas (currently done but needs review) and relevant development considerations.



4.3. Zoning Regulation Analysis

Huu-ay-aht’s Zoning Regulation was passed by the Executive Council in 2011 and amended in 2013 and 2020. The purpose of the regulation is to establish guidelines for the types of development that can occur in specific areas (zoning designations), detail permitted land uses, and identify building requirements for each zone (e.g., setbacks, parking requirements, fence heights). Implementation and amendments to Huu-ay-aht’s Zoning Regulation must align with the Huu-ay-aht Community Planning and Development Act and the Land Use Plan Regulation to support effective and sound planning decisions. Any proposed amendments to the Zoning Regulation to permit a land use that is inconsistent with the Land Use Plan Regulation designation for the same parcel must either: (1) be revised to align with the Land Use Plan Regulation, or (2) include a concurrent amendment to the Land Use Plan Regulation, subject to consideration by the People’s Assembly and Executive Council.

Table 11 highlights high-level misalignments identified during the structured review of the Zoning Regulation, along with key gaps and policy misalignments alongside proposed modifications. These will be further developed and refined as the Project progresses.

Table 11: Zoning Regulation – policy gaps, misalignments, and proposed modifications.

Gaps and Policy Misalignments		Key Regulatory Priorities	Proposed Modifications
A	Large areas of TSL are not zoned.	<ul style="list-style-type: none"> • Regulatory alignment with Huu-ay-aht values • Regulatory update • Transparent and efficient governance 	Align zones with Land Use Plan Regulation land use designations throughout TSL



Gaps and Policy Misalignments	Key Regulatory Priorities	Proposed Modifications
<p>B The Core Planning Framework identifies a priority to support a range of land uses which are not currently defined by the Zoning Regulation, are not permitted in any existing zone (e.g., cannabis retail, community parks), and/or are not permitted to occur together within the same zone (e.g., waterfront tourism development).</p>	<ul style="list-style-type: none"> ● Camping ● Diversity of housing tenures and affordability ● Huu-ay-aht as a tourist destination ● Multi-purpose culture and learning spaces ● New community and recreation facilities ● New land uses ● New opportunities ● New permitted uses ● Prioritized cultural and eco-tourism 	<p>Identify missing land uses and confirm community interest in permitting them within the TSL. If desired and appropriate, their addition would need to be accompanied by an update to the list of zoning definitions, as well as permitted uses within appropriate zones, and reflected on relevant maps to outline where these uses should be allowed.</p>
<p>C A simplified process for new development applications is identified in the Core Planning Framework. The current Zoning Regulation identifies siting and density requirements as well as a list of uses that are permitted within each respective zone, which may be too restrictive to support this priority.</p>	<ul style="list-style-type: none"> ● Simplified process ● Transparent and efficient governance 	<p>Review siting, density, and related zoning policies to reduce unnecessary constraints and increase flexibility within each zone. Ensure each zone includes an appropriate level of structure to support clear, affordable, consistent, and fair application experiences for both citizen and non-citizen applicants.</p>



Gaps and Policy Misalignments	Key Regulatory Priorities	Proposed Modifications
<p>D The Anacla Framework prioritizes a new 25,000 square metre commercial/light industrial node along Bamfield Main Road (e.g., visitors centre, retail, commercial uses) but will need to be reflected in the Zoning Regulation before this use would be permitted to occur.</p>	<ul style="list-style-type: none"> ● New land uses ● New opportunities ● New permitted uses 	<p>Thoughtful planning with Huu-ay-aht citizens, staff, and leadership is needed to help prioritize and verify the new land uses identified in the Framework Plan. If confirmed as a desirable new development at the specified locations (or an alternative location, as appropriate), these areas can be incorporated as future goals in the Land Use Plan to support future amendments to the Zoning Regulation.</p> <p>Careful consideration about the framing of policies and future requirements for detailed land assessments (e.g., environmental, geotechnical) will be needed if lands are to be proactively zoned through this Project to support this type of use. The benefits of proactively zoning such areas include a continuation of strategic growth efforts within preferred areas as well as a reduction of future costs and timelines associated with the development approval process. However, these strategically planned areas will require strong alignment with the Land Use Plan Regulation and Huu-ay-aht values, so that prospective future developments reflect future realities and consider infrastructure capacity as well as environmental constraints and cultural values.</p> <p>For areas where specific design guidelines are recommended to encourage the “Huu-ay-aht look,” these prescribed areas should be supported by site-specific design standards through the development permit process.</p>



Gaps and Policy Misalignments		Key Regulatory Priorities	Proposed Modifications
E	The Anacla Framework prioritizes community growth at Upper Anacla including new housing, community uses around House of Huu-ay-aht and the Government building. This type of development would need to be reflected as a permitted use in the Zoning Regulation.	<ul style="list-style-type: none"> • New land uses • New permitted uses 	See proposed modifications to the Zoning Regulation identified in row D above.
F	The Anacla Framework prioritizes new housing (300 units), with a mix of townhouses, single and semi-detached houses as well as apartment units permitted within mixed-use buildings to support housing needs for a variety of abilities and household needs for all life stages. This expanded range of housing types would need to be reflected as a permitted use in the Zoning Regulation.	<ul style="list-style-type: none"> • Diversity of housing tenures and affordability • Inclusive housing options • New land uses • New permitted uses 	See proposed modifications to the Zoning Regulation identified in row D above.
G	The Anacla Framework prioritizes an expanded footprint at Pachena Beach with campsites and ecotourism amenities that protect culturally significant spaces. This type of development would need to be reflected as a permitted use in the Zoning Regulation.	<ul style="list-style-type: none"> • Camping • Huu-ay-aht as a tourist destination • New land uses • New permitted uses • Prioritized cultural and eco-tourism 	See proposed modifications to the Zoning Regulation identified in row D above.



Gaps and Policy Misalignments		Key Regulatory Priorities	Proposed Modifications
H	The Bamfield Framework prioritizes the addition of new retail shopping experiences, restaurants, and a marina along a waterfront boardwalk in East Bamfield.	<ul style="list-style-type: none"> • Huu-ay-aht as a tourist destination • New land uses • New permitted uses 	While development in Bamfield would fall within the jurisdiction of the Alberni-Clayoquot Regional District, cooperation between jurisdictions should be enabled and encouraged to support seamless development for mutual benefit.
I	The Bamfield Framework recommends development of a hotel and cultural interpretation park on Rance Island accessed via a new pedestrian bridge.	<ul style="list-style-type: none"> • Huu-ay-aht as a tourist destination • Multi-purpose culture and learning spaces • New land uses • New permitted uses • Prioritized cultural and eco-tourism 	While development in Bamfield would fall within the jurisdiction of the Alberni-Clayoquot Regional District, cooperation between jurisdictions should be enabled and encouraged to support seamless development for mutual benefit.
J	The Bamfield Framework recommends a new location for a Conference Centre along Bamfield Main Road.	<ul style="list-style-type: none"> • Multi-purpose culture and learning spaces • New community and recreation facilities • New land uses • New opportunities • New permitted uses 	While development in Bamfield would fall within the jurisdiction of the Alberni-Clayoquot Regional District, cooperation between jurisdictions should be enabled and encouraged to support seamless development for mutual benefit.



Gaps and Policy Misalignments		Key Regulatory Priorities	Proposed Modifications
K	The Bamfield Framework identifies an opportunity for a range of mixed uses along Main Street (e.g., landscaping, retail, housing, hotel) within existing Ostroms, the Market, Hacas Inn, and ?upnit (Upnit) Lodge sites.	<ul style="list-style-type: none"> • Diversity of housing and affordability • New land uses • New permitted uses • Sustainability and Indigenous-owned businesses 	While development in Bamfield would fall within the jurisdiction of the Alberni-Clayoquot Regional District, cooperation between jurisdictions should be enabled and encouraged to support seamless development for mutual benefit.
L	The Bamfield Framework identifies a need for up to 130 new townhouses, 100 apartments, and more housing types in long term development areas.	<ul style="list-style-type: none"> • Diversity of housing and affordability • Inclusive housing options • New permitted uses 	While development in Bamfield would fall within the jurisdiction of the Alberni-Clayoquot Regional District, cooperation between jurisdictions should be enabled and encouraged to support seamless development for mutual benefit.
M	The Bamfield Framework identifies an opportunity for new tourism-focused nodes at Clutus, Second Beach and Pachena Beach.	<ul style="list-style-type: none"> • Camping • Huu-ay-aht as a tourist destination • New land uses • New permitted uses • Prioritized cultural and eco-tourism 	While development in Bamfield would fall within the jurisdiction of the Alberni-Clayoquot Regional District, cooperation between jurisdictions should be enabled and encouraged to support seamless development for mutual benefit.
N	The Broader ʔahuuli Framework suggests activating lakes and natural areas with trail infrastructure and recreational activities to	<ul style="list-style-type: none"> • Camping 	See proposed modifications to the Zoning Regulation identified in row D above.



Gaps and Policy Misalignments	Key Regulatory Priorities	Proposed Modifications
<p>support active lifestyles and economic activity. This approach would need to be identified in the Land Use Plan Regulation and reflected as a permitted use in the Zoning Regulation.</p>	<ul style="list-style-type: none"> ● Huu-ay-aht as a tourist destination ● Improved connections to the lands ● New community and recreation facilities ● New land uses ● New permitted uses ● Prioritized cultural and eco-tourism ● Sustainable land and resource management 	



Gaps and Policy Misalignments	Key Regulatory Priorities	Proposed Modifications
<p>○ A need for reduced policy regulation related to the siting, density, parking, and permitted uses is identified as a series of goals in the Community Economic Development Plan. Overall flexibility is expressed as a desirable principle with the objective of improving the ease of future development application processes through the removal of administrative red tape. Careful consideration should be paid to ensure this desire for flexibility for the applicant is balanced with increased administrative processing requirements to weigh the benefits and risks of each development application.</p>	<ul style="list-style-type: none"> ● Simplified process ● Transparent and efficient governance 	<p>Provide a range of flexible development and land use options within prescribed zones. Strategies to develop a streamlined process through the Development and Building Permit Regulation will be discussed to create a streamlined application process that provides clear guidance to support site-specific approvals where a mix of uses can be supported in priority areas identified by Huu-ay-aht citizens, staff, Executive Council, and Knowledge Holders.</p>



Gaps and Policy Misalignments	Key Regulatory Priorities	Proposed Modifications
<p>P The Zoning Regulation states that Huu-ay-aht lands must be divided into zoning designations as laid out in Part 4 of the regulation. There is a total of ten zoning designations, which are divided between six zones. Each zoning designation identifies a list of permitted uses and states that no other uses shall be permitted to occur; however, the Core Planning Framework has identified a priority to improve flexibility through the addition of more permitted uses within each zone.</p>	<ul style="list-style-type: none"> ● New land uses ● New opportunities ● New permitted uses ● Simplified process ● Transparent and efficient governance 	<p>When considering the purpose, permitted uses, and siting requirements of each zoning designation, attention should be paid to ensure the purpose statement is straightforward and supported by a range of complimentary permitted uses to ensure consistent interpretation. While flexibility will be a cornerstone of these considerations, the addition of too many uses and a lack of prescriptive guidance can lead to application processing delays and inconsistencies for decision-makers.</p> <p>Currently, the zoning designations do not include a list of “secondary uses”, which typically consist of complementary uses that can accompany a principal use on the same site (e.g., a residential dwelling as the principal use that is accompanied by a home-based business or a secondary residential dwelling unit). This is an example of how, in addition to updating the purpose statements and siting requirements, the Zoning Regulation will be amended to improve flexibility and ease of use for interest holders and applicants.</p>



4.4. Development and Building Permit Regulation Analysis

Huu-ay-aht's Development and Building Permit Regulation was passed by the Executive Council in 2013. This regulation details the steps applicants must take to develop lands in the ḥahuuḥi. Specifically, the purpose of the Development and Building Permit Regulation is to "set out the process for an interest holder to apply for:

- a. An amendment to a land use plan, zoning regulation or subdivision servicing regulation,
- b. A development permit,
- c. A variance,
- d. Subdivision approval, or
- e. A building permit,

[sic] and to establish fees for those applications."¹⁴

Huu-ay-aht's Development and Building Permit Regulation must align with the Huu-ay-aht Community Planning and Development Act (Huu-ay-aht First Nations, 2011) and facilitate the implementation of the superseding Land Use Plan Regulation and Zoning Regulation.

Table 12 highlights high-level misalignments identified during the structured review of the Development and Building Permit Regulation, along with key gaps and policy misalignments, alongside proposed modifications. These will be further developed and refined as the Project progresses.

¹⁴ Huu-ay-aht First Nations, *Development and Building Permit Regulation*, (2013), 4.



Table 12: Development and Building Permit Regulation – policy gaps, misalignments, and proposed modifications.

	Gaps and Policy Misalignments	Key Regulatory Priorities	Proposed Modifications
A	<p>The director is currently assigned the responsibility to receive, review, coordinate, and approve all development applications. This may lead to a backlog of applications within the processing cue, leading to lengthy approval timelines.</p>	<ul style="list-style-type: none"> ● Simplified process ● Transparent and efficient governance 	<p>Identify key stages of the application approval process (e.g., receiving applications, collecting fees, reviewing for compliance, preparing recommendations) and distribute them more efficiently across staff to prevent backlogs. This approach would allow the director to focus their time more effectively, while still maintaining overall responsibility, providing final reviews, and presenting recommendations to the Executive Council and/or the People’s Assembly for consideration.</p>
B	<p>The Community Planning and Development Act currently sets out that a People’s Assembly is required as a condition for any amendment to the Land Use Plan and potentially the Zoning Regulation. This poses two barriers for future development applications:</p> <ol style="list-style-type: none"> 1. Given the frequency of People’s Assemblies (i.e., one to two times per year), the addition of six months to one year to an application’s processing timeline is a challenge. This lengthy turnaround time will lead to higher project costs without any certainty of success or opportunity to receive a return on investment for an extended period. 	<ul style="list-style-type: none"> ● Simplified process ● Transparent and efficient governance 	<p>The Community Planning and Development Act will be reviewed for legislative compliance with the Regulations and will inform any proposed amendments brought forward through this Project. If an amendment to the Community Planning and Development Act is required to support a proposed amendment, this will be stated as a future option for HUU-AY-AHT to consider once this Project is complete.</p> <p>Options will be presented to Executive Council, HUU-AY-AHT Staff, Knowledge Holders, as well as HUU-AY-AHT’s legal team to support deeper discussions, focusing on opportunities through the draft implementation plan where costs and administrative steps can be added or removed to support a streamlined and more simplified approach while maintaining transparent, efficient, and accountable governance.</p>



Gaps and Policy Misalignments	Key Regulatory Priorities	Proposed Modifications
<p>2. The costs associated with transporting all citizens to Anacla to attend a People’s Assembly (e.g., over \$100,000) are extremely high. Huu-ay-aht may begin to feel pressure to host them with each new Land Use Plan Regulation amendment application, which will likely prove to be cost-prohibitive—especially if the proposed amendment is to support interests of a non-Nation developer.</p> <p>Transferring this cost to the developer as a condition of the application’s review is also not a feasible option and may deter external developers and/or investors due to the high cost and lack of certainty that the application would be supported by citizens and/or Executive Council.</p> <p>In both cases, the ratio of risk to reward is a limiting factor and increases the complexity of the development approval process in Huu-ay-aht, which may discourage developers looking to invest in the community.</p>		



Gaps and Policy Misalignments		Key Regulatory Priorities	Proposed Modifications
C	Reduced development fees alongside a streamlined application process and timeline are identified as a key regulatory priority in Huu-ay-aht’s Core Planning Framework.	<ul style="list-style-type: none"> ● Simplified process ● Transparent and efficient governance 	<p>Undertake a comparative analysis of application fees and approval processes for relevant application types with a minimum of three peer communities, including:</p> <ol style="list-style-type: none"> 1. Treaty Nation 2. Oceanfront non-Indigenous community 3. Non-Treaty Nation
D	Streamlined application processes and approval procedures that provide clarity and certainty to administration, applicants, and external investors is a key priority identified in the Core Planning Framework and confirmed through discussions with Huu-ay-aht staff. The Development and Building Permit Regulation includes overly discretionary language, which may frustrate the process, lead to inconsistent approval decisions, set precedents that do not represent Huu-ay-aht’s long term best interest and potentially lead to indefensible regulatory policies through the identified appeal process.	<ul style="list-style-type: none"> ● Simplified process ● Transparent and efficient governance 	<p>The Development and Building Permit Regulation would benefit from a more prescriptive approach that clearly identifies expectations, approval requirements, and timelines for each type of application. For example, the following policy appears for each type of application:</p> <p>“(a) a complete application, in the form and including the information specified by the director”</p> <p>To avoid administrative backlogs and support a streamlined process, all documentation required to be considered “a complete application” should be clearly stated for each application type. This may involve the recommendation to develop standard application forms for the following applications:</p> <ul style="list-style-type: none"> ● Land Use Plan and/or Zoning Amendment (combined)



Gaps and Policy Misalignments	Key Regulatory Priorities	Proposed Modifications
		<ul style="list-style-type: none"> ● Development Permit ● Variance Permit ● Subdivision ● Building and/or Demolition Permit
<p>E Variance applications identified in the Regulation are unclear as to whether they refer to a variance in response to an undue hardship on an interest holder caused by the Regulations, or if they pertain to site-specific variances of a specified policy (e.g., setback or other siting policies in the Zoning Regulation).</p>	<ul style="list-style-type: none"> ● Simplified process ● Transparent and efficient governance 	<p>Consider defining “undue hardship” with clearly specified conditions that must be met for a variance application to be considered by the Board of Variance.</p> <p>Consider more clearly defining the term “variance” alongside what can and cannot be varied (e.g., use, density, development specifications within a floodplain).</p>
<p>F The Development and Building Permit Regulation contains a limited list of definitions for key terms used throughout the Regulation. The addition of more definitions will support more clear assignment of internal roles and responsibilities but also provide confidence and transparency for future interest holders and/or applicants wishing to develop lands within Huu-ay-aht.</p>	<ul style="list-style-type: none"> ● Transparent and efficient governance 	<p>Review all current definitions for areas where more clarity and/or updated terms are needed and add new definitions to clarify expectations and roles on matters related to the Development and Building Permit Regulation, including, but not limited to, the following:</p> <ul style="list-style-type: none"> ● Interest holders ● Approving Officer ● Preliminary Subdivision Approval ● Preliminary Approval (Building Permit)



Gaps and Policy Misalignments	Key Regulatory Priorities	Proposed Modifications
<p>G The Development and Building Permit Regulation sets the fees associated with each type of development application in Huu-ay-aht. While the fees account for a range of application types, gaps exist within the body of the regulation, which may warrant further discussion and adjustments:</p> <ul style="list-style-type: none"> • The Application Fees Schedule is not assigned a reference number. • The Development and Building Permit Regulation identifies that a field inspection may be required on certain applications at the applicant’s expense yet neither the amount, nor how it is calculated, is identified. • The fee to erect a sign (if charged through Huu-ay-aht administration) is not identified. 	<ul style="list-style-type: none"> • Transparent and efficient governance 	<ul style="list-style-type: none"> • Assign a reference number for the application fee schedule (e.g., Schedule A) and reference consistently throughout the Development and Building Permit Regulation. • For clarity and transparency, the fee for the Approving Officer to conduct a Field Inspection (building permit or subdivision) should be identified in the appended fee schedule. • To ensure interest holders and/or applicants can accurately scope out anticipated development costs associated with a proposed development application, all fees should be identified in the Application Fees Schedule, where possible.



Gaps and Policy Misalignments	Key Regulatory Priorities	Proposed Modifications
<p>H The Development and Building Permit Regulation uses vague wording that may create uncertainty for both applicants and those responsible for implementation. For example:</p> <ul style="list-style-type: none"> • “The director must, as soon as practicable...” • “The People’s Assembly may make a recommendation to Executive Council on a proposed amendment presented under subsection (1)(b)” <p>In these (and other) cases, the language suggests that a step may occur, but does not specify how or when. This lack of detail makes it difficult to understand the full process from start to finish, which can reduce accountability and cause confusion.</p>	<ul style="list-style-type: none"> • Simplified process • Transparent and efficient governance 	<p>To support HUU-AY-AHT’s interest in being viewed as development-ready and open for investment, particularly in key areas such as tourism and amenities, greater clarity and predictability in the development process is essential.</p> <p>Further discussions with HUU-AY-AHT staff, leadership, and peer Nations will help identify practical solutions. These will focus on clarifying the application process, strengthening accountability, and streamlining procedures, with the overall goal of reducing barriers for citizens and enhancing HUU-AY-AHT’s reputation as a reliable and attractive place for future investment.</p>



<p>I</p>	<p>Information gaps identified in the Development and Building Permit Regulation include but are not limited to:</p> <ul style="list-style-type: none"> • Whether a notification sign is required to be posted on the subject parcel for a Land Use Plan Regulation or Zoning Regulation amendment or just a development permit. • Whether there is a window of time after a decision is made that the notification sign must be taken down (at the applicant's expense). • Part 5: 24(1) identifies a two-month window to issue or reject a subdivision approval, but the following page states a six-month window to complete an application. • No parkland, amenity, or infrastructure contributions are required through subdivision that would support quality of life for citizens. • Many of the definitions and policies refer to another piece of legislation (e.g., Building Code). This poses a risk to Huu-ay-aht's future interpretation and approval decisions as these guidance documents are often repealed, replaced, or amended over time. <p>For example, the Development and Building Permit Regulation states "the interest holder has retained a professional engineer</p>	<ul style="list-style-type: none"> • Simplified process • Transparent and efficient governance 	<ul style="list-style-type: none"> • Consider adding clearer guidance on which types of applications require a notification sign, along with policies to ensure the signs meet their purpose without creating visual clutter or debris. • Consider reframing preliminary approval as "preliminary letter of review" to avoid confusion with similar terms in the regulation. This letter would outline the development conditions an applicant must meet within a specified timeline to receive final approval—aligning with the current approach. • More clear policies that identify additional contributions as part of a proposed development and/or offsite improvements would benefit HUU-AY-AHT citizens over the long term through new amenities, infrastructure planning, etc. • All building code and other provincial legislation references will need to be cross checked. Suggest adding "as amended from time to time" after a specific section references. This will support continued and ongoing legislative compliance as/when the legislation numbers change.
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Gaps and Policy Misalignments	Key Regulatory Priorities	Proposed Modifications
<p>or geoscientist if required to do so by the Engineers and Geoscientists Act (British Columbia)”. This policy places the burden of deciding whether a professional engineer or geoscientist is required on the guidance provided by the Engineers and Geoscientists Act; however, this Act was repealed in 2001 and has since been replaced with a new version.</p>		
<p>J Part 5: 24 (1) of the Development and Building Permit Regulations identifies an eight-month completion window, which is a relatively short timeframe to complete all the necessary construction, servicing, qualified assessments, and legal requirements associated with subdivision developments. This may deter potential investors and interest holders from choosing to develop lands in Huu-ay-aht.</p>	<ul style="list-style-type: none"> ● Simplified process ● Transparent and efficient governance 	<p>A more flexible application process could offer greater procedural clarity and certainty for applicants, particularly if options such as timeline extensions are available with approval from the approving officer—or an alternate authorized person appointed by the director.</p>



4.5. Residential Lease Regulation Analysis

Huu-ay-aht’s Residential Lease Regulation was passed by the Executive Council in 2012 and amended in 2013, 2015, and 2020. The purpose of the regulation is to “establish a fair and effective system for the disposition of residential leases and other residential interests in Huu-ay-aht Lands.”¹⁵ Part 12, Section 58 of the Land Act grants the Executive Council the authority to establish the Residential Lease Regulation.

The Residential Lease Regulation has been reviewed against the Maa-nulth First Nations Final Agreement (2011), the Land Act, and the Core Planning Framework. Any identified policy misalignments are captured in Table 12 below, as are key gaps in the Residential Lease Regulation. Table 13 also begins to capture proposed modifications that will be further explored and refined throughout the course of this Project.

Table 13: Residential Lease Regulation – policy gaps, misalignments, and proposed modifications.

Gaps and Policy Misalignments		Key Regulatory Priorities	Proposed Modifications
A	Gaps in definitions do not clearly distinguish who is eligible to lease lands in Huu-ay-aht.	<ul style="list-style-type: none"> • Simplified process • Transparent and efficient governance 	Ensure that the eligibility criteria in the Residential Lease Regulation clearly align with a defined eligible person or persons in the definitions section of the regulation.

¹⁵ Huu-ay-aht First Nations, “Purpose,” *Residential Lease Regulation*, (2020).



Gaps and Policy Misalignments		Key Regulatory Priorities	Proposed Modifications
B	The Residential Lease Regulation does not identify a system or process to determine the size or number of parcels each citizen is eligible to lease nor does it identify eligibility criteria to meet housing needs. Further, the costs to lease land are not based on parcel size, condition of the land (i.e., suitability), or accessibility (i.e., road access), which may lead to inequity in the future as more lease applications come forward.	<ul style="list-style-type: none"> • Simplified process • Transparent and efficient governance 	Develop a process for determining fair and equal access to parcel leases for current and future generations of Hui-ay-aht citizens.
C	A lack of clear direction presents a gap regarding how leasehold interests may be transferred or subleased and what benefits lease holders may receive through such transfers. Further, more clarity is needed around how subleased tenures are monitored and whose responsibility it is to track and enforce such transfers.	<ul style="list-style-type: none"> • Simplified process • Transparent and efficient governance 	Address policy gaps to make sure lands within the hāhuuī are protected for the benefit of current Hui-ay-aht citizens and their future generations. This may involve adding more clear eligibility descriptions as well as policies to restrict unauthorized subleases or leasehold transfers.
D	Limited information is provided by the regulation to identify the criteria for applying for a residential lease, or what the evaluation criteria are for determining these requirements and needs.	<ul style="list-style-type: none"> • Simplified process • Transparent and efficient governance 	Fill policy gaps to provide clarity and consistency in the application process.



Gaps and Policy Misalignments		Key Regulatory Priorities	Proposed Modifications
E	Limited definition of where leases should be permitted beyond serviced subdivisions within the ʻāhauūi.	<ul style="list-style-type: none"> • Simplified process • Transparent and efficient governance 	Include requirements in the Residential Lease Regulation for leases to be granted only for parcels within areas zoned or designated for residential use to ensure alignment with the Land Use Plan Regulation and Zoning Regulation.
F	Current policies in the Residential Lease Regulation do not provide enough clear information regarding the development requirements once a parcel has been leased (e.g., safety standards for buildings, wells, and septic systems) and provide a lack of clarity around the enforcement of those regulations.	<ul style="list-style-type: none"> • Simplified process • Transparent and efficient governance 	Ensure alignment with the Land Use Plan Regulation, Zoning Regulation, and the Development and Building Permit Regulation. This will provide clarity and certainty for future citizens and avoid unnecessary delays as to how the parcel can be used and what steps will be required throughout the development process.



5. Next Steps

This Summary primarily focuses on identifying high-level misalignments between the Regulations and Huu-ay-aht's Core Planning Framework. The findings outline gaps and outdated content identified through this structured review and through preliminary discussions with Huu-ay-aht staff, Executive Council, and Knowledge Holders. These findings will continue to be examined more closely throughout the Project with input from Huu-ay-aht on the various ways that the Regulations can be updated to better reflect Huu-ay-aht's needs, ranging from the household level to community-wide and collective interests. The Project will include a series of engagements that will provide iterative review processes, including:

- Gathering both high-level and targeted input from citizens to help inform and later validate the regulatory amendments through 'Seeds for Thought' Mini Survey Series as well as in-community open house events and gatherings;
- Seeking support from Huu-ay-aht citizens, staff, and leadership to prioritize and verify new land uses proposed through the Core Planning Framework to support site-specific zoning designations that reflect future community development goals for Huu-ay-aht;
- Understanding the Executive Council, Ḥaw' iih Council, and Land Use Amendments Working Group perspectives on regulatory challenges through online meetings during earlier phases of the Project;
- Ensuring the proposed regulatory amendments reflect governance priorities, respond to community needs and priorities, and align with Huu-ay-aht's three Sacred Principles through subsequent meetings with staff and the Executive Council; and
- Working closely with staff and the Land Use Amendments Working Group to ensure revisions to the Regulations are implementable and enforceable.

Additional efforts will be made to gather relevant information from other communities (including both Treaty and non-Treaty Nations, as well as an oceanfront non-Indigenous municipality), to better understand their development processes, including application fee structures and processing timelines. This information will be used to help inform proposed amendments to Huu-ay-aht's development processes to ensure they are both competitive and consistent with established practices.



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