

## MINUTES

LAND APPLICATION REVIEW COMMITTEE  
Large Boardroom, 419 Range Road  
Whitehorse  
August 11, 2005  
TIME: 9:00 a.m.

NOTE TO READER: These minutes are only a synopsis of what has transpired with respect to an application.

### Present:

Bryony McIntyre, Chair	E.M.R., Lands
Janice Bruton	E.M.R., Lands
Colin Beairsto	E.M.R., Lands
Eric Petersen	E.M.R., Lands
Stacey Jones	E.M.R., Lands
Diane Brent	E.M.R., Policy (alternate Interpreter)
Nina Lindley	Environment
Stan Dueck	C.S., Building Safety
Jerome McIntyre	C.S., Land Planning
Bernie Cross	H.P.W., Transportation Engineering
Pam Vust	E.M.R., Land Use
Shanna Epp	Tourism
Eero Karanka	Dept. of Fisheries and Oceans
William Sidney	Teslin Tlingit Council
Joe Bellmore	Little Salmon Carmacks First Nation
Robbie Cashin	Little Salmon Carmacks First Nation
Robert Johnstone & Wanda Keobke	Applicants #2005-0076
Marko Stefanovic	Applicant #2005-0128
Lucien Lefebvre & Delphine Morlet	Applicants #2005-0167
Pascal Broeck	Interpreter for Applicants #2005-0167
Glenn Sorensen	Applicant #2005-0129

### August 10, 2005 Agenda

Larry Whitfield Applicant #2005-0165 & 0166

### Others:

Joyce Bachli Recording Secretary

### Review of Agenda

Application #2005-0046 is rescheduled for September, 2005. Delegates: Robert Johnstone & Wanda Keobke are scheduled at 9:45 a.m., Marko Stefanovic at 10:30 a.m., Lucien Lefebvre & Delphine Morlet (and interpreter) at 10:45 a.m. and Glenn Sorensen at 11:30 a.m.

### OLD BUSINESS

#### **1. #2005-0076: Robert Johnstone and Wanda Keobke – 12.4 ha, parcel located on Alaska Highway, 20 miles West of Teslin, Quad 105C/06 – Commercial – deferred June 2005 LARC**

Robert Johnstone and Wanda Keobke attended at 9:43 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

The application was deferred at June, 2005, LARC, with a request that the applicants submit a revised configuration, factoring in a larger setback from the OHWM and excluding the old Alaska

Highway right-of-way, looking at a reduction in the size of the parcel and focusing on the commercial development side. There were issues regarding the slope and sewage disposal system, i.e. two septic fields, rather than one combined for commercial and residential purposes.

Also Teslin Tlingit Council was requested to comment and Community Services was to provide input into the commercial zoning process.

A package was sent out for everybody to have a look at the different options, as well as an addendum to the business plan. Mr. Johnstone tabled a map, showing the slope of the land and the high bank area approximately in the middle of the parcel, as well as pictures that were self-explanatory. Questions were invited.

Mr. Johnstone advised he had contacted Lynn Richards of Environmental Health Services, and they informed Mr. Johnstone he will need to have their system engineered to determine the size of system they will require and :

- provide a sanitary dump station for the RV units camping on his property to ensure that a public nuisance is not created by dumping of raw sewage off-site; and
- have professionally drafted plans, as he plans to tie in several buildings to a single sewage disposal system.

Mr. Johnstone stated he did not have a preference for any option, they were submitted to give the Committee choices. Everything outlined in the cover letter was followed in Options 2 and 3. With Option 2, the residential area is separate from the core commercial; Option 3, everything is close together. Option 1 is the original proposal, for information purposes.

Mr. Johnstone suggested that he did not feel the high bank area was an issue, as it does not extend all the way along the application area. Chair Bryony McIntyre advised that the Committee usually does not support building close to banks for stability and erosion reasons. There is no point in having a parcel that an applicant cannot use and that Building Safety would not give them a building permit for.

Mr. Johnstone explained the reason he kept the electrical component of the business in the application is because it takes a few years to get a tourism business up and operating and establish a clientele.

Ms. Keobke advised she had sent an e-mail to Tourism with an amendment that included the expected number of occupants and revised data.

The soils are mostly sand and gravel. Mr. Johnstone advised his brother has a septic field in the area. Percolation tests were done on that parcel, and everything was fine. No geotechnical has been conducted on this parcel.

It was confirmed by Teslin Tlingit Council that the population of sheep is on the other side of the highway. Although they come down to the highway, they do not cross it. Environment confirmed the sheep are fairly far back.

Mr. Johnstone and Ms. Keobke left the meeting at 10:00 a.m.

The application was deferred with a request that applicants submit a revised configuration, factoring in larger (60-metre) setback from Ordinary High Water Mark (recognition of high bank in area) and exclusion of the old Alaska Highway. The size of parcel needs to be reduced and focus on commercial development side. Also issue regarding slope and sewage disposal systems for commercial project and proposed residence. Will there be the necessary setback distances, should the septic field be combined. Teslin Tlingit Council to be requested to provide comments on the proposed use at this location. Note that subdivision issue could be controlled through spot zoning or provision of a restrictive covenant on title.

Addendum to business plan and two options for revision to site plan have been submitted by the applicants and circulated to the committee.

Environmental Health met with Mr. Johnstone on August 1, 2005. Although it appears that there is enough land to place a septic system on, details were not given as to amount of sewage effluent expected from the RV Campground sanitary services (toilet, basins, showers), Spa or Latte House, or soil conditions that would determine the size of the disposal field.

Heritage/Archaeology comments that an overview assessment of the property was carried out with Gus Morberg of the Teslin Tlingit Council, and no heritage features were noted. There are no further heritage concerns with this application.

Teslin Tlingit Council reviewed their concerns in detail:

- The First Nation has difficulty supporting this application, based on the fact that prior to devolution, the Federal Government had a process in place, and then, after devolution, it was supposed to be mirrored.
- Without proper consultation happening with this rural residential policy change, they have a difficult time dealing with it. They feel that this application is for rural residential land, because they are going to build a rural residential house on this land.
- One of their First Nation beneficiaries who applied just down the road from here was denied on a rural residential application, based on the fact that her application never fit the criteria of the policy change.
- With the high bank, they foresee septic problems down the road.
- 10/20 miles down the road is Mukluk Annie's, YTG public campground is 10 miles down the road; then Johnson's Crossing already has an established campground.
- There is a demand for rural residential land coming in to their First Nation. Prior to the negotiations, there were First Nation beneficiaries who identified land from Teslin to Johnson's Crossing who were denied, based on YTG's recommendation that the First Nation had too much land along the highway already.
- In 1997, YTG signed a consultation protocol agreement with Teslin Tlingit Council.
- Under Chapter 11 of the Final Agreement, a regional planning process is identified to be established for Teslin Tlingit Council, YTG being a party to that process. That process is to be open, with everything done by consensus.
- This application is for eight hectares (12 at the beginning), and the First Nation contend the application should have been denied in the beginning.
- Teslin Tlingit Council is presently working with YTG to identify suitable places for rural residential and cottage lot development from Morley Bay to Johnson's Crossing, and this application does not meet their criteria.
- The First Nation question what policy and zoning this commercial venture fits under.
- They are coming to a crunch, in that they are running out of land. There is demand for land towards Teslin and cottage lot development.
- Mr. Johnstone's brother has fee simple land down the road, which he just obtained an expansion.
- Before any policy is amended, it should be ensured that the amendment is appropriate.
- A First Nation's beneficiary's mother and great-grandmother lived down at Brooks right where Frank Johnstone has his house. Their First Nation people are losing out in a big way, and it doesn't stand good with them; because if they were given the opportunity that is being presented here, they wouldn't be coming to the Committee with a negative attitude. YTG and the Federal Government signed the Final Agreement back in 1992, which is paramount to any law in Canada when it starts affecting the First Nation's rights. The process they wish to follow now is to try to amend that consultation protocol agreement.

- It was suggested that Phase 1 and Phase 3 should be done in Phase 2, i.e. the commercial venture done in the first year right away, with percolation testing and an environmental assessment done first.

Chair Bryony McIntyre responded that this application is under YTG's commercial policy, and the basic application meets that policy. Under DIAND, there was a residential/commercial policy that applications were accepted through.. The commercial policy has always been in place, and people have applied under it over the years in the Teslin area. There has only been one other residential application considered in the Teslin area.

Environment noted that although there are no specific wildlife concerns identified, there is a request, given the commercial nature of this activity, to ensure a greater setback from the actual waterbody, i.e. 100 meters from the shoreline. Chair Bryony McIntyre noted that Environment did not request that amount at the last meeting in June, 2005, and it is important to know items such as setback requests and wildlife corridors upfront with clients. There are problems with a long, skinny parcel.

Building Safety preferred Option 3, which puts the structures altogether on one side; should work closely with Environmental Health Services and Building Safety as far as building permits, etc. There is no zoning, and they would like to see commercial zoning regulations in place for controls for subdivision and development. They suggest a 45-metre setback.

Lands commented that although the applicants did a lot of work on their business plan, the site plan should be more refined. Building Safety agreed there should be a scaled site plan on the layout.

Community Services Land Planning noted there is no planning or zoning. Subdivision approval will be required, and there should be at least a 30-metre setback from the waterbody.

The Committee agreed that there needs to be a mechanism to ensure land is utilized for the purpose for which it is applied. Under the commercial policy, applicants have three years to complete their development.

Transportation Engineering commented the applicants have complied with everything they were asked to do.

It was noted that a 100-metre setback will make the front parcel unusable, and most of the business plan was based on having access on the water side of the lake. There would be about three hectares on the highway side, which would be adequate space for the proposed R-V park development.

Regarding whether it would be possible to have a large enough chunk of land on the top portion, it was noted that that was not one of the options presented by the applicants. Transportation Engineering added they will not allow access to the highway from that side, they would have to come off the old highway.

Regarding the water table and suitability for septic, percolation testing should be carried out.

There was considerable discussion regarding appropriate size of setback for the commercial development being proposed. It was acknowledged that commercial development along this stretch of roadway is a sensitive issue. An eight-hectare parcel on Teslin Lake is huge.

Forest Management Branch, Tourism, Fisheries and Oceans and Land Use had no comments.

**Recommendation:** Denial of the waterfront/lake side portion of the parcel. Rationale based on retention of a wider public access/wildlife corridor for commercial applications on Teslin Lake.

Deferral to November, 2005, of a three-to-four hectare parcel between the highway loops pending further information on site suitability and production of a detailed site plan. The clients to conduct geotechnical assessment or percolation tests for septic field and building foundation stability. . The applicants are to be encouraged to hire a professional to facilitate provision of required information.

**2. #2005-0046: Matthias Bindig – 2 ha, parcel located 1.5 Kilometre North of Keno City, Quad 105M/14 – Rural Residential – deferred June 2005 LARC**

Moved to September LARC

**NEW BUSINESS**

**Applications - August 10, 2005**

**3. 2005-0165: Larry Whitfield – 1 ha, parcel North-East side of Baker Lake, Quad 105E/01 – Trapping Lease - Trapline Concession 311**

and

**4. 2005-0166: Larry Whitfield – .89 ha, parcel adjoining Lot 806A, East bank of McClintock Bay, South McClintock, Marsh Lake, Quad 105D/09 – Lot Enlargement**

(See August 10, 2005, minutes for description)

Larry Whitfield attended at 11:12 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

Mr. Whitfield advised he had his dates mixed up and apologized for showing up a day late.

Chair Bryony McIntyre explained that the base line cabin lease received approval and that the South McClintock application was deferred pending further investigation. Ms. Tanner, representing her mother, had expressed a concern that any enlargement should be shared because of the way the lots are configured. The present configuration of Lots 806A and 1010A are the result of the location of the access. The status of the proposed Bay View Road is uncertain, and Transportation Engineering is going to report back to the Committee on the matter. Mr. Whitfield was encouraged to speak to Ms. Tanner.

Looking at the inspection report, the Committee noted that the septic has been installed, and Mr. Whitfield was requested to confirm it is installed on his property. Mr. Whitfield tabled photographs of the property, which demonstrated where the septic is located (on the property line). He stated he would like to hear what the Tanner's have to say, as he has not spoken to them. The septic was put in before the approval was received, because he had company coming and wanted to have it installed for the guest house. Lloyd Atkinson installed the system in conjunction with what Environmental Health Services told him. Mr. Whitfield reviewed the history of the property that was chosen by himself and the Tanner's in the previous enlargement. He has plans for further structures on his property next year, i.e. another cabin and a greenhouse in the back section. As the septic is sitting on the lot line, he would like to have protection for the leaching bed. More work is required to maintain the property to his satisfaction, as Fire Smart did not clean it up completely. Mr. Whitfield is no longer interested in the corral but would like to have access to the back. He advised they are not interested in a road to open up the area and would want more of a buffer if the road goes through.

Transportation Engineering advised Mr. Whitfield he is only allowed one access to his property, which he should have a permit for.

Land Use suggested that the land use permit application should no longer be kept active if the system is already installed, as it is no longer required.

Mr. Whitfield left the meeting at 11:25 a.m.

### **Applications - August 11, 2005**

#### **1. 2005-0162: Bruce Williams & Karen Williams – 3.9 ha, parcel north of Jack Fish Lake, Robert Campbell Highway - 3 km south of Ross River junction, Quad 105F/15 – Rural Residential**

The applicants would like to build a small house with garden close enough to Ross River to be able to work and retire there.

LCIS comments that the application is within the traditional territory of the Ross River Dena Council. The area being applied for is not in conflict with the interim protected lands for Ross River Dena Council.

Environment Health was unable to assess, as applicant has not completed form accurately or contacted them. The house will need a septic system, and thus the land must support the installation of one.

#### **NRO COMMENTS**

Soil: 30 cm organic, 2 cm volcanic ash, over clay with coarse fragments; vegetation cover: 60% coverage, 80% white spruce, 20% black spruce. 10 to 25 meters tall, 8 to 40 cm diameter, Labrador tea, willow, heavy feather moss, lupine, some spruce under story; terrain: gently rolling, slope 6-10% South, on bench in ridge; waterbodies: None directly adjacent, Jackfish Lake to south, creek to south; water supply through water delivery; exposure: south; access roads: Campbell Highway to the south; suitable for building foundation and septic; distance to water supply: 600 meters; not subject to flooding; no environmentally sensitive areas. General Comments: Lack of any ribboning or marking of the site strongly hindered the inspection; however this site is suitable for rural residential use.

Ross River Dena Council comments they are in support of this application.

Transportation Engineering advised a 30-metre setback will be required from the existing centreline, plus an access permit.

Community Services Land Planning commented there is no planning or zoning. Subdivision approval will be required. Maximum parcel size to be 3.99 hectares. No issues were identified by the "Round Table" group in Ross River.

Building Safety advised building permits will be required for any structures.

Lands noted that the signature of all applicants is required to process the paperwork on an application.

Whitehorse Mining District, Property Assessments had no RETP comments, Forest Management Branch, Tourism, Fisheries and Oceans, Environment and Land Use had no concerns.

**Recommendation:** Approval in principle for a 3.99-hectare parcel, subject to subdivision approval, 30-metre setback from the centreline of the Campbell Highway. Building and access permits will be required.

**Action #1: Environment will forward any comments regarding wildlife concerns from the regional biologist on Application #2005-0162, if applicable, within 30 days, such comments to be added into the decision letter.**

**2. 105A02-037: Angus Cumming & Valorie Weston – 0.22 ha purchase existing lease & 0.1 enlargement parcel near Kilometre 1033 Alaska Highway, Upper Liard, Quad 105A/02 – Rural Residential**

The applicants are applying to purchase the property they currently lease under 105A02 – 037, and are also applying to purchase an adjacent parcel to the north of the lease. Weston holds title to the adjacent Lot 1086, Plan 83129 to the west.

LCIS did not comment

Environmental Health - applicant states that there is an existing septic system, but this office is unable to locate appropriate documentation. As a result, the owners must contact the office to work on this matter. This factor could well affect this application; not able to support this application at this point. Please have applicants contact EHS.

**NRO COMMENTS**

Existing improvements: log house – approximately 6.5 x 10.5 meters, outdoor wood boiler, greenhouse – approximately 3.5 x 6.5 meters, garden area; soil: well-drained sand and gravel; vegetation cover: white spruce and under story of alder; various species of moss, shrubs and sages; terrain: undulating to flat; waterbodies: adjacent to the Liard River OHWM; exposure: eastern; access roads: existing; suitable for building foundation: yes, currently there is a residence on the lease that is being screened for purchase; suitable for septic: yes, shallow organic, sand and gravel substrate appears to be suitable for septic tank or field; distance to water supply: approximately 20 meters; subject to flooding: only in very high water years when the Liard River spills over its banks; environmentally sensitive areas: yes, the parcel includes up to the OHWM. General Comments: recommend that the application move forward with request to purchase lease and adjacent parcel.

Transportation Engineering commented the applicant will have to stay consistent with the existing right-of-way, i.e. 30 meters.

Community Services Land Planning noted there is no planning or zoning. The parcel is next to the Liard River and is within the 100-foot reserve. The department recommends denial of title and maintaining the lease.

Fisheries and Oceans noted the 30-metre OHWM concern.

Environment, Water Resources, noted the report done on previous applications along this strip would be applicable. As this report consisted of only some photographs, LARC requested the department submit an official report before September.

Lands noted on the latest inspection the area was photographed down the reach ???. The current in the river is running essentially straight, i.e. not on the bend but down the reach???. The cutbank is further down in the wooded area. This parcel sits in a shadow of the riprap, which provides a knit, strong and secure bank. The parcel is not on the bend. This year is the highest water residents have seen in 74 years, and it was still five feet to the top of the riprap.

Property Assessments had no RETP comments, Forest Management Branch, Tourism, Land Use and Building Safety had no concerns.

**Recommendation:** Approval in principle for only the portion of the area to legitimize the house and the required four-foot setback from the property line, and a portion of the applied for adjacent parcel. The new eastern boundary will be a straight line paralleling the east side of the existing house and projecting through the applied for adjacent parcel. Any improvements will be required to be moved onto their property. Subject to receipt of an Order-in-Council for waiving of the portion of the 30.48 metre waterfront reserve. Currently Challenger Geomatics is preparing metes and bounds descriptions to accompany the submission for this portion of the Upper Liard.. The remaining portion of the existing lease is dropped.

### **3. 2005-0128: Marko Stefanovic – 3.99 ha, parcel near Kilometre 218.6 Haines Road, East of Kathleen Lake, Quad 115A/11 – Rural Residential**

Marko Stefanovic attended at 10:40 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

Mr. Stefanovic advised that during his past employment in the outdoors with Environment Canada in the Kluane area, he has come to appreciate this area and chose it for his planned low-impact home-based internet business. NorthwesTel is in the process of connecting high speed internet, and have indicated it should be in place in six-to-eight months, which he will require for his business.

Criteria for choosing site:

- Affordability - can live in a remote area versus Whitehorse which has high land values.
- Impact on wildlife - minimize impacts on corridor.
- Impact on lands - chosen because of the gravel pit nearby, minimize road network by utilizing existing road entryway.
- Communication and supplies - being close to town for these.
- Plan to build small two-person dwelling, short building stage with everything up in the next 12 months.
- Minimal noise pollution and disturbance to neighbours and wildlife.
- Plan a buffer between the highway and the actual dwelling to minimize visual impacts, plus a buffer for ungulates crossing back and forth.
- Small power generator, housed and insulated for noise pollution.
- Use approved septic system, will haul out grey and black water, water delivery, bear-proof garbage and sealed garbage container so wildlife are not attracted.
- No large clearing of lot, wood cabin, blend in colours of roof with natural surroundings
- With tourism background, recognize pristine and unique corridor, not just in the Yukon but in Canada; minimize visual impacts of building development from the road.
- There is a good buffer for neighbours, as there is no development on either end, providing privacy and room between developments for wildlife corridors.
- The concern identified by the Fletchers will be minimized by having a short building stage, being responsible in mitigating the impacts by maintaining aesthetics and being careful in choosing a spot not in close proximity to other dwellings.
- The drainage on the north end of the lot appears to be largely seasonal, subground drainage, which may actually be outside the parcel boundary.

Chair Bryony McIntyre queried whether Mr. Stefanovic had considered locating beside lot 1011, as the department prefers people are situated closer together, rather than further apart.

Mr. Stefanovic confirmed the area has wildlife crossing the highway from Kluane Park, i.e. bears. There is a bit of a marshy area towards Lot 10, and they have stayed clear of that.

Mr. Stefanovic left the meeting at 10:53 a.m.



This is a rural residential application. The applicant has been renting in Whitehorse for eight years and is looking for land to build a low-key, two-level log cabin acting as full time personal housing and home office for a very well-established internet-based business. The nature of the internet business and lifestyle permits them to live in rural areas while encapsulating the outdoor sport potentials at their front door. Development time from land approval to cabin completion and access trail development is estimated to be 12 months.

LCIS comments that the application is within the traditional territory of the Champagne-Aishihik First Nation, but the application area is not in conflict with settlement land of the First Nation.

Environmental Health stated the applicant requires an in-ground sewage system, not allowed to have holding tank unless land is unsuitable. So, land that is not suitable should not be offered (not that I'm saying that it is unsuitable), but this person should have spoken with me. Maybe it is just a matter of clarification.

CAFN comments that it is generally not in favour of ribbon development along highways due to the effects this can have on wildlife movement, hunting and trapping rights, etc. However, as this application appears to meet the rural residential policy and is near or within the Kathleen Lake area 'development node', we do not have the same concerns with it.

A letter was received from Scott & Jennifer Fletcher (Lot 1004) dated July 26, 2005: They are very concerned that the approval of this application will devalue existing private land and set a dangerous precedent for the future. They have been unsuccessful in their applications for an extension of their existing lot on two occasions (one involving a wind turbine project at FTLAC). The Fletchers bought their land 13 years ago with the understanding there would not be any other private land opened up by the Lands Branch. The land adjacent to their property was opened up over seven years ago and is still a construction site with no apparent deadline or completion date. They are also concerned about the development of properties without an overall plan for the area. There is still titled land available in the Haines Junction area.

Note: Previous application by Fletcher's 15195.

#### NRO COMMENTS

Soil: There is no soil development within the application area. There is a very thin partially decomposed organic layer overtop the glacial till and small pockets of finer alluvial deposit. This organic layer is slightly thicker in the lower areas beside the esker being shaded and holding snow melt longer and being moister; vegetation cover: Area falls within the larger area of spruce, bark beetle infestation in the southwest Yukon. The area has been moderately to severely attacked with upwards of 60% mortality of white spruce. Only deciduous spruce remains. Under story vegetation is composed of "typical" well drained site Yukon spruce, willows, alders, rose, etc.; terrain: flat – falling in the valley between the Kluane Range to the west and the Dezadeash Range to the east; waterbodies: Kathleen Lake (within the Kluane National Park) is in close proximity on the east side of the Haines Road. Dezadeash Lake is further south – approximately 14 kilometers; exposure: There is one large continuous esker that runs through the application area (two-metre elevation) basically paralleling the highway. An old borrow pit (established during highway construction and now reclaimed) borders the application area on the NW side a small "pounded" depression can be found on the SE side (holding water only in the spring); access roads: Haines Road; suitable for building foundation; suitable for septic: self contained only (in close proximity to "High Quality Waters"); distance to water supply: not applicable – applicant will either have to haul water or drill a well; not subject to flooding; no environmentally sensitive areas. General Comments: The area is well suited to the intended purpose for the expressed lifestyle of the applicant that he wishes to pursue. The area under application is close to other commercial (bed and breakfast, Kathleen Lake Lodge) and residential developments. However, the larger issue still remains – should there be an organized "Development Plan" put in place for the Haines Road prior to further land dispositions being granted. The Haines Road

remains one of high value “visual aesthetics”, in that it there is currently minimal development alone it and it borders directly with Kluane National Park.

Transportation Engineering advised even though they have no plans for the old gravel pit, an access permit will be required to utilize it as a residential access to the highway, as that was not the original purpose. No buffers will be required.

Community Services Land Planning commented there is no planning or zoning. Subdivision approval will be required, maximum 3.99-hectare parcel. Suggest reconfiguration and buffer from the creek.

The history of discussions regarding tourism and planning along the Haines Road was reviewed, e.g. Meyer application. Although this parcel is closer to existing residential properties and in a development node, it represents a new development on the Haines Road.

Environment noted there will have to be a setback from the unnamed creek (it is dry), as it is a water course under the *Waters Act*. There is a suggestion to bunch the lots up, i.e. Lots 1011, 1013.

Chair Bryony McIntyre commented the parcel between Lots 1038 and 1007 would be a perfect infill. Previous process regarding the Haines Road in 2002 involved deferral of applications to a localized spot planning exercise with the community to identify the nature of the area in relation to the Kluane Regional Tourism Plan. A land use study, which is acceptable to the community, could be done to provide rational guidelines.

YG Parks Branch, Mining Recorder, Property Assessments had no RETP comments, Forest Management Branch, Tourism, Fisheries and Oceans, Land Use and Building Safety had no concerns.

**Recommendation:** Deferral to November, 2005, to ask Tourism, Alsek Renewable Resource Council and Champagne & Aishihik First Nation to review the previous history of applications and previous plans and come forward with recommendations for next steps.

#### **4. 2005-0167: Lucien Lefebvre and Delphine Morlet – 3 ha, parcel near Truitt Creek, Campbell Highway, Quad 105L/01 - Rural Residential**

Lucien Lefebvre & Delphine Morlet, applicants, and Pascal Broeck, interpreter, attended at 10:55 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

Through Mr. Broeck, Mr. Lefebvre and Ms. Morlet related:

- The first reason why they have selected the area is because the surrounding area and valley is very beautiful.
- They already have friends who live in the Faro area.
- They first wish to build their house and raise their family out there, and they envision opening a bed and breakfast later on.
- Regarding the reason for the lot configuration (panhandle), it is to facilitate access. There is a gravel pit right beside the parcel that is no longer being used, and they want to stay out of it. The map was utilized to explore access possibilities, and the applicants advised there is a slightly elevated area that makes access difficult.
- Elevation of land, buffers that prevent expansion and a swampy area were noted on the map.

Transportation Engineering advised that the lot cannot be configured so as to block off potential future access to other lands. Although it is uncertain how swampy the back country is, access

must be maintained into the remaining lands. One of the lines may have to be set back 30 meters or so from the high contour to enable access. A site visit will be necessary to determine these matters. The access road can easily be extended. Relocating closer to the highway right-of-way may alleviate flooding problems.

Lands confirmed that the parcel is not within the sheep polygon.

The applicants and interpreter left the meeting at 11:10 a.m.

The applicants state that this is a beautiful area and they would like to make their home there. First year - outhouse, well, guest house. Second year – log home, greenhouse, garden. Third year – wood shed, sled dog kennel.

LCIS comments that the application is within the traditional territory of the Little Salmon Carmacks First Nation and the Ross River Dena Council. The area being applied for is not in conflict with settlement land of Little Salmon Carmacks First Nation or the land currently interim protected for the Ross River Dena Council.

Letter received from Dwight Lambkin on July 7, 2005: issues include that this area has historically been known to flood from the Magundy River in the past, existing access would not meet the Department of Highway criteria for safety and would necessitate putting in a new road.

Environmental Health comments once a well is in place and connected to the home, a septic system must be installed.

A letter received from Little Salmon/Carmacks First Nation on July 27, 2005. The First Nation noted they are unsure whether Drury Creek is the correct name. As part of the fish and wildlife land for their traditional territory, the Magundy River area is identified as key habitat for moose, sheep and species of fish. It is recommended a more organized area-specific plan be done for the area before future development occurs, as there is conflict between traditional uses of this habitat and land disposition uses. Documentation of key habitat has already begun by Little Salmon Carmacks First Nation and the regional biologist, however, it is not completed. Future land dispositions should be deferred until the plan is in place so they can be rerouted to more suitable areas. Although there are no specific timelines, the plan should be done by the end of the year.

Lands noted the application may be deferred due to sheep concerns and insufficient information. More accurate sheep polygon mapping is required.

Community Services Land Planning advised there is no planning or zoning. There are setbacks from the creek. There does not appear to be a strong rationale why the lot cannot be rectangular-shaped. Flooding appears to be an issue; and under the *Subdivision Act*, Section 6, there is a requirement that flooding be taken into consideration. There needs to be certainty regarding this matter.

Building Safety noted the contour line that is showing up, as well as the 15-metre drop, and supported leaving a 30-metre access corridor. There are concerns with flooding. Building permits will be required for any structures, and bed and breakfast will require approval

Fisheries and Oceans stated the flooding issue requires a closer look.

Environment has not received any input from the regional biologist and would like to defer for information from them.

Letter received from W. Eberlein on July 27, 2005: Having lived in the area since 1970, he advises there was flooding in this area in 1972/1973 and came near to flooding in the early 1990's.

#### NRO COMMENTS

Soil: as per soil classification maps; vegetation cover: vegetation - high bush cranberries, fireweed, roses and mosses; timber – 60% aspen, 35% spruce, 5% other; terrain: mostly flat (gently rolling into river basin); waterbodies: none: exposed from all quadrants; access roads: Campbell Highway Km 452.5 onto existing road located south of highway leads to application area (old gravel pit); unknown if suitable for building foundation or septic; distance to water supply: 60 meters; unknown if subject to flooding; environmentally sensitive areas: none observed. General Comments: no concerns at this time

Ross River Dena Council comments: we are not in support of this application, as it has some negative impact on the sheep population in the area. Magundy River is a salmon stream and that is a concern, as it may cause disruption on the spawning area. They are also in support of any comments made by the Little Salmon Carmacks First Nation.

Property Assessments, Mining Recorder, Forest Management Branch, Tourism and Land Use had no concerns.

**Recommendation:** Deferral to November 2005 ; Environment and Little Salmon Carmacks First Nation to come up with specific information on this site, plus more overall information on the Campbell Highway relative to areas to stay away from (sheep corridors) and areas where people should be directed to apply.

**Action #2: Eric Petersen and Bernie Cross to conduct a site visit for Application #2005-0167.**

#### **5. 2005-0164: First Nation of Na-Cho Nyäk Dun – Lots 28 and 29, Block 5, Village of Mayo, Quad 105M/12 – Commercial - Daycare**

The First Nation is applying for the land for a Day Care Centre. The modular home day care will be in Mayo in September, and the First Nation would like to prepare the site before September.

Yukon Energy Corporation has reviewed the First Nation of Na-Cho Nyak Dun's request for additional lots for a future Day Care Centre. They support this request subject to the following condition: Nacho Nyak will grant Yukon Energy Corporation a licence/easement for the ability to erect, operate and maintain power lines on the Lots 28 and 29, as well as the adjoining Lots 26 and 27.

#### NRO COMMENTS

Existing Improvements: vacant lot, old building to west of Lot 28, valve check station E of Lot 29; Soil: gravel base covered with grass; vegetation cover: grass; terrain: flat cleared. General Comments: site is suitable for intended purposes; culvert will be required if access is needed from 2<sup>nd</sup> Avenue; old building west of Lot 28 may be in conflict, survey to address this.

The Village of Mayo has not commented.

Transportation Engineering defer to the Village of Mayo but wondered why the First Nation is not developing on their own land. Lands noted some of their land is unsuitable for development. The First Nation is looking at a residential subdivision on C-6.

Community Services Land Planning advised the lots are currently zoned DC-Development Control under the Mayo Development Area Regulations and will need to be rezoned I-Institutional, which permits day care centres. All four lots need to be consolidated into one lot, which will remove the three interior lot lines, and then, the setback requirement on either side of these lot lines will be 15 feet. The setback requirements under the Institutional zoning are 20-foot front yard, 15-foot side yard and 25-foot rear yard. No parking, loading or storage shall be permitted in the front yard. The community of Mayo would have to be in support of the rezoning; and once the rezoning has been completed, development and building permits will be required for any structures. Subdivision approval will be required to consolidate the lots after the rezoning goes through.

Building Safety advised the Village of Mayo does not do their own zoning, as the Yukon Government still holds their Area Development Regulations. There is no way rezoning can be accomplished before September.

Chair Bryony McIntyre noted the First Nation owns two of the lots, and they should determine whether or not they have self-governing powers on those lots in terms of planning and zoning.

Mining Recorder, Property Assessments had no RETP comments, Environmental Health, Forest Management Branch, Tourism, Fisheries and Oceans, Environment and Land Use had no concerns.

**Recommendation:** Conditional approval, subject to zoning issues (applying to Land Planning and Community Development Branch on two lots and determine the situation regarding their own lots) and support from the Village of Mayo. The rezoning has to occur before any physical development and sale of the property. Yukon Energy Corporation will require an easement.

**6. 2004-0390: Laura Martens – 2.5 ha, parcel south of Henderson Corner, Klondike Highway, Quad 116B/02 – Rural Residential**

The applicant states “We desire to acquire 2 ½ hectares because of close access to Dawson City and quality of view and also privacy.” We will start building a home (log house, value 40,000) within the timeframe of one year.

LCIS comments that the application is within the traditional territory of the Trondek Hwech'in. The application is not in conflict with settlement land of the First Nation.

Environmental Health comments if well or surface water use (or any other significant volume of water), then an in-ground septic is required, chemical toilet or not; should have contacted me to discuss.

Letter received from Trondek Hwech'in First Nation on July 25, 2005: They have no objection to development in this area and request that the area be developed as a subdivision, reflecting the current interest in country residential lots. Access is a concern and should be planned in a way that facilitates access to future developments in the area. Any heritage resources discovered in the traditional territory are to be reported immediately to the Heritage Department, together with GPS coordinates and descriptive locations and photographs, and are not to be removed or disturbed.

**NRO COMMENTS**

Soil: soils are well established by vegetation and well drained; thin organic layer 2.5 inches thick on top of gravel and clay under layer of soils; vegetation cover: thick under story of willow and Labrador tea; over story consists of spruce 60%, poplar 20%, willow 15%, birch 5%; terrain: flat and level terrain, within the Klondike Valley; waterbodies: Klondike River 30m from applied for land; exposure: from all quadrants; access roads: old Klondike Highway off of the new Klondike

Highway; suitable for building foundation; suitable for septic: close to river; questionable; distance to water supply: 30 meters; subject to flooding: it is but not likely to happen; environmentally sensitive areas: 30 meters from the Klondike River. General Comments: land is suitable for foundation, may need a health inspector to inspect suitability of septic; must make sure surveyed land remains minimum 30 meters from high water mark; applied for land is very close to the minimum distance from the high water mark; site looks good and no problems expected. There is a titled land parcel to the west of the applied-for land, and they have blocked off access to the applied-for land. Access will have to be cleared; no concerns from this office.

Transportation Engineering advised access from Klondike Highway will require a permit. A 15-metre setback is requested from the centreline of the Dawson/Stewart Road Trail.

Community Services Land Planning advised there is no planning or zoning, other than the District Klondike Valley Plan, which shows the parcel as hinterland. A buffer of 60 meters from the river will be required, as per the rural residential policy. It is suggested the parcel be moved towards the public road, away from the river. Subdivision approval will be required. Configuration may affect the opportunities around the parcel, and it might be better to consider it in a more coordinated/planned way.

Building Safety advised building permits will be required for any structures.

Fisheries and Oceans noted a 60-metre buffer would be preferable.

The issue of the reason for buffers from major highways was discussed.

The owner of Lot 1009 did not comment.

A letter went to the applicant on July 26, asking for confirmation on applicant's intent regarding Ms. Marten's partner, Alain deRepentigny who was pursuing the application. Mr. deRepentigny just obtained a residential parcel on the Yukon River from the Lands Branch. The intent of the policy is one residential parcel per household.

Environment would like time to confirm there are no key wildlife concerns in the area. The setback from the river should be 100 meters.

Mining Recorder, Property Assessments had no RETP comments, Forest Management Branch, Tourism, Fisheries and Oceans, Land Use and Building Safety had no concerns.

**Recommendation:** Approval in principle, subject to Lands branch, working with Transportation Engineering, Community Services Land Planning, Yukon Energy Corporation, and Tr'on dek Hwech'in First Nation, preparing a proposed subdivision layout which will determine parcel boundaries (2 ha), setbacks, road rights of ways, powerline required and buffering upfront. If it is determined that this applicant is eligible, a two-hectare parcel would be offered.

#### **7. 2005-0129: Glenn Sorensen – 3.99 ha, parcel across from Dawson Airport, near Rock Creek, Quad 116B/03 – Rural Residential**

Glenn Sorensen attended at 11:40 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

Mr. Sorensen advised they want to move to Dawson City. His wife is pursuing a nursing career, and she would not be able to practice in Mayo. They have lived in Mayo for six years.

Mr. Sorensen commented:

- There seems to be consensus that Wildfire Management did not require the full 65-acre reserve for their base.
- It is one of the few parcels that is not on mining claims, there is road access, winter trails back to the river, a front yard and is along the powerline right-of-way.
- Did not see a problem with having sled dogs, as the parcel is 600 meters from the campground and there have been no formal or informal complaints. The parcel is across from the airstrip, so they didn't figure noise would be an issue. The dogs are only noisy in the winter when they are being hooked up.
- Two parcels were chosen for flexibility, and there could be a parcel in the middle if Parks wants a buffer.
- The area was chosen because it is away from Rock Creek and Henderson to avoid conflict with the loose dog issue.
- Option "A" is right on the edge of the river, which Mr. Sorensen wishes to access for running his dogs in the winter.
- With Option "B" there is a slough in the back that runs out onto the Klondike River.
- Running dogs on the ploughed highway is not possible.
- Regarding surface water contamination, Mr. Sorensen advised he cleans up twice a day and takes the faeces off site; only trace urine on site.

Chair Bryony McIntyre noted there is suitable residential land at Rock Creek. Mr. Sorensen responded he did look at parcels in the area. He previously lived in Quesnel where he also had many dogs, and there were no complaints about them. It would be nice to avoid the loose dog issues.

Environment noted that Parks is not in favour of either option proposed, due to the proximity to the campground, and asked Mr. Sorensen if he would be able to look at alternate sites. Mr. Sorensen repeated that Rock Creek isn't an option for them, and there is no land available at Henderson.

Mr. Sorensen left the meeting at 11:52 a.m.

The applicants currently live in Mayo but plan to move to Dawson City, where they hope to maintain their current kennel of 25-to-30 dogs. Therefore, they need a piece of property that is large enough to accommodate the dogs, yet located close enough to town to commute and far enough away to avoid noise concerns.

The applicants have submitted two options, A and B, for locating a parcel on a part of current Reservation 116B03 – 080 and advise that option A on the west of the parcel is their preference.

Reservation 116B03 – 080 was created in 1985 for use as a fire and air attack base. YTG C&TS then proposed a granular pit development on the reserve in 1991 but this did not proceed. In 2002 an application was made for a commercial/residential lease on the reserve. It was noted at the time that improvements originally to be constructed by Forestry had been built at a different location. So, they had their fire attack base on the east side of the runway at that stage. The 2002 application was not accepted, as Forestry indicated they did not want to relinquish the reserve and wished to keep it for future use.

Highways advises that highways maintenance has no problem with the current application, as long as access to their water fill point is maintained, which is currently through the back of the airport long-term parking area on Lot 1123. So either Option A or B is okay for them.

Aviation and Marine advise they would prefer Option B, which would be as far as possible from the long-term parking and any possible future conflict.

Wildland Fire Management advises they are planning a holdover camp and rest area for crews on the reserve and do not support the application for use of any of the area for dog kennels. The

zone manager is developing a plan indicating the specific requirements for a holdover camp. A letter, dated July 5, 2005, from Dan Baikie detailed the planned development at the Klondike Fire Centre, a detailed plan to be submitted soon. As this will be a sleeping/rest area for the personnel who are on site, which may be a 12-hour rotation, any parcel of land released should not be for a purpose that would cause a disruption to this mandate.

LCIS comments that the application areas are within the traditional territory of the Tr'ondek Hwech'in. Option A and option B do not conflict with the settlement land of Tr'ondek Hwech'in. Research suggests that the application area is within a Community Services reservation-Wildland Fire Management. .

Parks Branch comments, given the immediate proximity and configuration of Option B to Klondike River Campground, Parks Branch is opposed to that option. The "noise considerations" associated with a 25-to-30 dog kennel at Option A are also problematic in relation to the campground, and they recommend an alternate location.

Aviation and Marine Branch does not have any concerns with this application as long as it does not infringe on our reserve for Lot 1123 which is currently used for airport parking and may be expanded in the future. Our preference would be for applicant to exercise Option 'B'.

Canadian GeoSpace Monitoring (CGSM) program operates several remotely controlled scientific instruments at a small site that is either 400m (Option B) or 800m (Option A) from the proposed operation. For reference, our site is at the east end (under the "7" of the parcel marked 116B03-097 on the map of Quad 116B/03). At that site, we operate one magnetometer and one riometer. These instruments are part of a national network of space science instruments. Given that the proposed operation is on the other side of the Klondike Highway, we anticipate that the construction and subsequent operation will not cause us any difficulties. However, we wanted to point out that these instruments are sensitive and can be disturbed by traffic near our site. For example, snowmobiles and ATV's passing by in our site will disturb the magnetometer. Thus, if this new operation leads to an increase in local off-road traffic, then we ask that the management of the new operation make every effort to ensure it avoids our site. If in the future we find that the new operation is creating difficulties for our observations, we hope that the management will work with us to mitigate those effects.

Tr'ondek Hwech'in First Nation have concerns about the suitability of locating a dog yard at this location. This application is for land next to TH settlement land Site C-7B, which is designated for residential use, with an area set aside for gatherings. We have numerous citizens who will be locating homes here in the near future. Having experienced the noise levels associated with a dog yard and knowing how far the noise carries, it is felt that the use is not compatible with Tr'ondek Hwech'in use of the area. We have taken into consideration that the noise from the airport exists, but we know that this noise is of very short duration, occurs at times which are not inconvenient for residents of the area and does not occur often enough to present a significant problem.

#### NRO COMMENTS

Soil: moist soils with 3-6 inches of organic layer on top, gravel deposits below organic layer; vegetation cover: over story – spruce 70%, poplar 20%, willow 8% and birch 2%; under story – mosses, lichens, Labrador tea, ferns and grasses very diverse under story vegetation; terrain: flat level ground located within flats of Klondike Valley; waterbodies: Klondike River; exposure: exposure from the south, north and west, partial exposure from the east; access roads: small existing road off the Klondike Highway; suitable for building foundation; suitable for septic: yes in portions of land parcel; distance to water supply: 30-to-50 meters; subject to flooding: not likely to happen there is intermittent creek in area; environmentally sensitive areas: area is very stable; it is adjacent to Klondike River bank. General Comments: possible concerns are minimal, such as noise pollution caused from numerous airplanes flying around airport, helicopters and tankers



flying to and from Fire Base, highway traffic and Fire Base activities. I discussed these possible noise issues with proponent, and he is fully aware that area consists of high noise pollution and that it is not an issue with him. Area is very suitable for development, and there should be very little concern from locals within the area due to the far distance of neighbouring residents. The area is not currently being utilized and is ideal land for development. Area is under Reserve 116B03-080 presently.

Yukon Energy has reviewed Mr. Sorenson's request for land for a private residence and kennels and support this request subject to the following condition. Once Mr. Sorenson has determined where his new road access will be, he must contact Yukon Energy's Dawson office to have an inspection done to ensure adequate clearances will be obtained between the overhead powerline and the access road.

Transportation Engineering commented access permits are required. As far as topography goes, Option A appears to be the better choice.

Community Services Land Planning requested a 60-metre setback from the watercourse, as per rural residential policy. There is no planning or zoning. Subdivision approval will be required; a maximum 3.99-hectare size. EMR would have to deal with the reserve issue.

Building Safety commented in addition to the parcels being under reserve, Airports would also have to be contacted for height restrictions. If approved, building permits will be required for any structures.

Fisheries and Oceans requested setbacks from the Klondike River.

Environment noted Parks comments have been covered, and they are not in favour of either site. As there are resident species of fish in the Klondike River, a 60-metre setback is required.

Chair Bryony McIntyre commented LARC must support Community Services, Wildfire Management's request to maintain this area for their purposes. They should consult Parks regarding use of the campground for the firefighters

Land Use, Property Assessments had no RETP comments, Forest Management Branch, Tourism, Fisheries and Oceans, Environment, Land Use and had no concerns.

**Recommendation:** Denial with a recommendation that applicant finds a more suitable site in the Klondike Valley where there are no conflicts with current recreational and residential uses.

The next LARC meetings are Wednesday, September 7 and Thursday, September 8, 2005, 9:00 a.m. the large boardroom at 419 Range Road, Whitehorse.