

## MINUTES

LAND APPLICATION REVIEW COMMITTEE  
Large Boardroom, 419 Range Road  
Whitehorse  
July 13, 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
Eric Petersen	E.M.R., Lands
Nina Lindley	Environment
Edward Lee	E.M.R., Agriculture
Dwayne Muckosky	E.M.R., Forest Management Branch
Stan Dueck	C.S, Building Safety
Judy Linton	C.S., Land Planning
Greg Hare	Heritage
Bernie Cross	H.P.W., Transportation Engineering
Brock Coulthard	Yukon Electrical Co. Ltd.
John Pattimore	Ta'an Kwach'an Council
Patrick Ross	City of Whitehorse
Pam Vust	E.M.R., Land Use
Marcia & Ross Thompson	Ag Applicant #792
Reiner Rembe	Applicant #2004-0378
Don Connelly	Applicant #2005-0012
Casey Adshead	Applicant #2005-0011
Cliff LaPrairie	Ag Application #472-2
Blake B. Battersby	Applicant #2005-0132
Joyce Bachli	Recording Secretary

### **Review of Agenda**

Old Business Application 2005-002 is deferred until October, 2005, Application 2005-0111 has been terminated. Delegates scheduled: Ross and Marcia Thompson are scheduled at 9:30 a.m., Reiner Rembe at 9:45 a.m., Grizzly Contracting at 10:00 a.m., Casey Adshead at 10:15 a.m., Cliff LaPrairie at 11:00 a.m. and Blake Battersby at 11:15 a.m.

### **Minutes-June 8 and 9, 2005, Regular LARC Meeting**

June 8, 2005

The NRO clarified:

- Page 14 Application #2005-0047: The Environment Canada water station is not on Parcel B but adjacent to Parcel C under the bridge.

Kwanlin Dun First Nation comments on #14560 Skyhigh Wilderness Ranch:

- First point: Remove "The First Nation has a right to use the land." Replace with ""KDFN owns large blocks of settlement land near the applicant, which the applicant has the right to use under the KDFN Final Agreement."

- 3<sup>rd</sup> point: Remove everything after KDFN advised, and replace with “KDFN advised there is a special condition in the KDFN Final Agreement for the applicant’s right of access to travel over and use the R4 block of settlement land. Trails are not indicated on the final agreement maps. KDFN wondered if they are shown on any other maps.
- Under the discussion after the applicants left, the paragraph that starts “Tourism has been working...” Replace the statement “there is an easement in the final agreement with KDFN for the existing trail routes” with “There is a special condition in the KDFN Final Agreement for the leaseholder to have a right of access to travel over and use for necessary stops the KDFN R4 settlement land. “
- Regarding the comments by Transportation Engineering on the rights of way for the access road and Fish Lake Road, KDFN’s Final Agreement makes reference to the size of the right’s of way of roads in the Fish Lake area.
- In the paragraph that starts “KDFN noted potential effects.....”, one correction is required “...regarding scope, scale, and duration of the cumulative impacts.” (not “season”)

Building Safety requested that “Development permits” be removed from the recommendations on the following applications, as there is no zoning.

- #2004-0210, #2005-0076 and #2005-0046.

June 9, 2005

C.S., Land Planning noted:

- Page 9, fifth paragraph from the bottom: The Green’s have a valid concern, rather than “MacAdam’s”.

Building Safety requested that “Development permits” be removed from the recommendation on the following application, as there is no zoning.

- #2005-0090.
- Paragraph below “Action #5” should say “Silver City”, rather than “Silver Creek”.

Approval of the June 8 and 9, 2005, minutes as amended.

## **OLD BUSINESS**

### **2. 2004-0378: Reiner Rembe and Ulla Rembe – 2.4 ha, parcel adjacent to Lot 1000, Kilometre 85.5, Robert Campbell Highway, Simpson Lake, Quad 105A/11 – deferred April 14, 2005 LARC**

Reiner Rembe attended at 9:35 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

Mr. Rembe explained the lot is located at Simpson Lake, Yukon Territory Kilometre 85.5 on the North Campbell Highway. His wife and he bought the lot in 1984, and they immediately found out in the winter months of operation they needed a garage. They approached the local RMO at the time to get legal title or lease to a piece of land where they could build a garage. The RMO advised that would not be possible and encouraged them to build a garage as long as it is only for vehicles and no other residence was built. The driveway is about 250-to-300 meters long, with a 300-metre foot trail to the titled property. The first couple of winters, they had problems starting their vehicles in very cold weather. So, they built a garage on the advice of the RMO, who advised there would be no problems, as it was a necessity. The lot was originally one acre, and they applied for a lot enlargement. They were given Lot 1000 at the time. However, with land now being more openly available, they would like to ensure that no one can pick a lot and cut off their access. The Rembe’s have been maintaining the driveway and foot trail for the last 20

years, and they are applying for a lot enlargement for a total size of 3.99 hectares. They deliberately stayed away from the waterfront, as their intentions are to protect the foot trail, driveway and garage. Even 50 meters either side to protect their access would be helpful. They would agree to consolidation with the existing lot and no subdividing being allowed. Chair Bryony McIntyre advised the change in the policy to only allow enlargements up to 3.99 hectares is to deal with the subdivision issue. The minimum size is two hectares under the *Subdivision Act*.

Mr. Rembe advised he has never come across anything on his property that appears to be heritage-related. There is a Liard First Nation selection about one-and-a-half-to-two kilometers to the north. Mr. Rembe informed the local First Nations about his plans to enlarge. He is aware they have input into the procedure and has discussed it personally with them. The First Nation and local trapper, Russell Magun, have not identified any concerns or objections.

Regarding the existing storage and parking area, Mr. Rembe advised it is cleared about five-to-eight meters around the garage. The driveway is about four meters wide, and the foot trail is about one meter, 80 wide. There is no clearing along the foot trail except the trail itself. There is some clearing where the storage, comprised of wood and gas, is indicated. However, there are no buildings except for the garage. The reason the garage was located where it is is because they did not have a plough for snow removal, and Highways was not going to maintain the road.

Building Safety advised building permits will be required for any new construction.

Other forms of tenure, such as leasing and licence of occupation for the garage, were discussed, plus the configuration of the lot. This would allow an enlargement to meet the minimum 3.99 hectares to cover the foot trail with a lease to deal with the garage. Chair Bryony McIntyre advised a lease provides the holder with the authority to control trespass and fence the property. Leases can be as open or restrictive as the Lands Branch determines. There was discussion regarding whether or not a lease can be converted to title and circumstances under which the Branch would terminate a lease, i.e. breaches for not paying rent.

Mr. Rembe advised when they purchased the property; the driveway and the foot trail were already in existence. At that time, the RMO stated that if they were to change the road and the foot trail, it would be more problems with the Government than if they just built a garage, which was deemed as of more necessity.

Mr. Rembe left the meeting at 10:00 a.m.

The Liard First Nation referenced their bilateral agreement with the Kaska First Nation and comment the site is within their traditional and cultural use area. They did not request a specific archaeological assessment.

Lands stated tenure by lease, taking into account the access requirements and improvements, is an option.

Transportation Engineering support a lease to cover the infrastructure.

Community Services Land Planning noted there is no planning or zoning. The lot should be reconfigured. A combination of enlargement and lease, lease only to protect the assets or enlargement to more than four hectares with a no-subdivision caveat are options.

Forest Management Branch, Agriculture, Heritage, Yukon Electrical Co. Ltd., Environment, Ta'an Kwach'an Council and Building Safety had no concerns.

**Recommendation:** Approval in principle for an enlargement to Lot 1000 not to exceed 3.99 hectares, subject to working out a lot configuration after the inspection in August. If the garage area is located outside the enlargement, it will be authorized under a lease tied to the title to meet

the minimum eight-foot curtilage. Subdivision approval will be required. Development and building permits will be required for any structures.

**3. 2005-0012: Grizzly Contracting – 1.9 ha, parcel Kilometre 31 Tagish Road, Quad 105D/08 - Quarry - deferred May 12, 2005, LARC**

Don Connelly attended at 10:02 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

Chair Bryony McIntyre reviewed that the application was deferred to gather more information from Environment, Transportation and Carcross Tagish First Nation, re: the impacts on caribou.

Transportation Engineering tabled an operational site plan for the pits, identifying an approximately two-hectare parcel, with shared access. A summary of the seasonal operating conditions that have to be met by Government on their pit in mitigating caribou concerns and other concerns in the area was provided. The department does not have a problem with Mr. Connelly's application and, in fact, encourages it, as opposed to the option of allowing the applicant to utilize the Yukon Government's 100-year pit reserve.

Chair Bryony McIntyre advised with a lease under the Quarry Regulations, a lessee does not have to obtain a land use permit, as terms and conditions of mitigation are listed on the lease.

Mr. Connelly stated he has not had to access gravel from the Government pit yet, as the gravel he has used has just been for his own use. Chair Bryony McIntyre advised if Mr. Connelly requires access to gravel right now, he will have to go through the regular process for this season.

Environment emphasized the biologist does not support this application, due to the wintering caribou range in the area applied for. One option may be to apply for a seasonal permit on the Yukon Government gravel pit. Mr. Connelly stated he does not understand the department's reasoning; as there is only so much demand for gravel in an area and whatever pit the gravel is taken from is still going to affect the same amount of vegetation. Environment continued that it is actually the disturbance of the caribou movement and the cumulative impact in the long run that are concerns, as well as setting a precedent for approving future applications in this area.

The history of the Kilometre 30 pit, which has since been shut down and is, now in an R-block, was reviewed.

Mr. Connelly left the meeting at 10:10 a.m.

Land Use commented this is the best place to locate this very small pit.

Chair Bryony McIntyre noted that the Branch supports operators getting their own source of gravel. This is a small pit in the vicinity of other pits.

Forest Management Branch, Agriculture, Heritage, Transportation Engineering, Yukon Electrical Co. Ltd., Ta'an Kwach'an Council, Community Services Land Planning and Building Safety had no concerns.

**Recommendation:** Approval for a two-hectare parcel with appropriate seasonal operating restrictions in the lease, no fencing, a visual buffer is to be maintained. The parcel is to be set back 30 meters. Existing access into Transportation Engineering's pit to be utilized (stay in the right-of-way, rather than going through the pit).

**4. 2005-0011: Casey Adshead – 6 ha, parcel near Kilometre 23, Annie Lake Road, Quad 105D/07 – Rural Residential - deferred May 12, 2005 LARC**

Casey Adshead attended at 10:12 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

Chair Bryony McIntyre reviewed that the committee did not support Mr. Adshead's original application on the east side of the Annie Lake Road. The deferral to July was to allow an inspection by Environment and Lands to look at alternatives in relation to the Mount Lorne Plan and make a final recommendation.

Lands reported the area investigated is between the CTFN S-site, and the VanRanden lot. It is bounded on two sides by road. Under the Mount Lorne Plan, the RS designation is six-hectare parcels with a 15-hectare buffer. The areas investigated, including the lower bench to the south of VanRanden's, which appears suitable, is not designated rural residential (is open space in the Mt. Lorne Plan).

Mr. Adshead noted the inspection was to address such issues as trails. Lands advised there are not well-travelled trails in the triangle, although there are some trails that extend from the CTFN lands along the ridge to the VanRanden's. A six-hectare lot in the triangle would not cross any well-used public walkways. Chair Bryony McIntyre clarified that the original lot applied for is not supported by the Committee due to the wildlife corridor. Mr. Adshead said he would have liked to have attended for the inspection. He will be taking the next step in the process.

Mr. Adshead left the meeting at 10:20 a.m.

Community Services Land Planning reviewed the Mt. Lorne Plan Area draft Development Regulations criteria for density of lots.

No comments were received from the Hamlet of Mt. Lorne.

Forest Management Branch, Agriculture, Heritage, Transportation Engineering, Yukon Electrical Co. Ltd., Environment, Ta'an Kwach'an Council and Building Safety had no further comments to add to those made at the May 12, 2005, LARC.

**Recommendation:** Uphold the denial of the May 12, 2005, application on the east side of the road because of habitat and existing trails. No suitable alternate parcel was identified in the area.

**NEW BUSINESS**

**1. Ag# 792: Ross and Marcia Thompson – 50 ha parcel, 3km east of Mendenhall River, Quad 115A/16 – soil based agriculture**

Marcia & Ross Thompson attended at 9:20 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

Marcia Thompson advised they have a commercial piece of property in the area with a house, which needs a little work. It would be very convenient to be in this location. The Agreement for Sale has been years in the process. They wish to develop the fields for hay. Application 671 is going ahead. There are lots of access points and it is not like a piece of bush property. They have not decided yet which parcel their residence will be constructed on. However, due to the ease of access and the fact there is a residence on the end of the parcel, this may be the best choice for a house. They will wait until they see how much snow there is on the back road.

Agriculture Branch advised this is the last parcel within the so-called Old Mendenhall BLT area. Although the application was received in 2004, it is actually an old interest, but the application

could not be completed until the former interest was terminated. The residence in the triangle is on one of the three land claims selections. These parcels have to be excluded from the parcel. They could not contact the individual resident, so they consulted Champagne & Aishihik First Nation, and nothing was received from the First Nation. Regarding timber, an early estimate was 4,400 m<sup>3</sup>. The NRO inspection report received recently indicates an estimate of 6,000 m<sup>3</sup>.

Forest Management Branch asked about clearing of trees, and Ms. Thompson advised they would not be clearing much, as they plan to leave strips of greenbelts to hold moisture. They plan on making the fields a bit rounder. Any merchantable timber would be sold.

The Thompson's left the meeting at 9:30 a.m.

Agriculture Branch advised that the original applicant lost the ability to apply; and immediately after the file was terminated Mrs. Thompson submitted her application.

Comments received:

Champagne & Aishihik First Nation - objects to this application on behalf of three citizens who share site specifics, one of whom has a cabin that was constructed for trapping purposes from the old Alaska Highway long before the new highway was constructed. If this application is granted, the cabin will be surrounded by old and new Alaska Highways, with lands alienated for agriculture. This is indicative of lack of proper planning for the east Mendenhall area, which is jammed with agriculture applications and parcels. The island of land between the highways should be left intact and the applicants requested to find another location.

There is no source of irrigation water nearby, and there is no water on the parcel. The applicants can haul water from the Mendenhall River.

The Mendenhall subdivision is approximately two miles to the east. The Mendenhall Community Association has been contacted, but no response was received.

The Laberge Renewable Resource Council - this area is in the range of the Takhini elk herd, and it has a good deer population. They recommend further alienation of elk habitat should be temporarily put on hold until the new Elk Management Plan identifies which areas are critical for the maintenance of the elk herd and be retained in public ownership until it can be determined which ones can be disposed of for agriculture and other private purposes.

The NRO inspection report indicated an estimate of timber volume at 6,000 m<sup>3</sup>, versus an earlier report of 4,400 m<sup>3</sup>. The area is heavily timbered with mature white spruce approximately 6,000 m<sup>3</sup> of timber on site. Forest Management Branch may need to cruise the site to determine a more accurate estimation of timber. There are no other concerns.

If approved, the application would be subject to survey and subdivision approval. Transportation has indicated that access to the parcel must be from the old Alaska Highway. A land use permit may be required.

Land Claims note no direct conflicts with settlement lands.

The application is within the removed area of Sue VanBibber's Trapping Concession 270. Ms. VanBibber indicates there is no conflict at the time. Although she had re-applied for compensation, this has already been dealt with in the larger compensation package. In response to a letter sent to the trapper, Elaine Chambers, her niece, indicated she is her spokesperson. Nothing has been received from Ms. Chambers, although the property is outside the trapping concession. Transportation Engineering request that the applicant access from the old Alaska Highway. They will not be allowed access off the current Alaska Highway. There is a possibility

that the department may consider diminishing the old right-of-way from 45 meters down to 30 meters.

Forest Management Branch will survey the timber, as there are conflicting estimates of volumes, of which 200 m<sup>3</sup> is not billed to the client.

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

Community Services Land Planning noted there is no planning or area development zoning. Subdivision approval will be required. This area already is a nodal development.

Environment supported the Laberge Renewable Resource Council's comments regarding the parcel being within the elk range. Deer have also been sighted. Chair Bryony McIntyre queried whether Environment can comment on elk movement and if there is a concern why the application was approved at ALARC. Comments should be consistent with regards to the Elk Management Study.

Agriculture Branch commented this area is becoming an agriculture community

Environmental Health Services, Forest Management Branch, Heritage, Yukon Electrical Co. Ltd. and Ta'an Kwach'an Council had no concerns.

**Recommendation:** Approval in principle subject to a 30-metre buffer between the three S-sites and the parcel. Subdivision approval will be required. Development and building permits will be required for any structures. Forest Management Branch to conduct an estimate of timber volumes for stumpage requirements.

**Action #1: Environment will update the Laberge Renewable Resource Council regarding what is occurring with Elk Management Plan and information gathering for both Agriculture Applications #792 and 472-2.**

**2. Ag# 472-2: Cliff LaPrairie – 65 ha parcel, near Takhini River between Annie Ned and Stoney Creek, Quad 105D/13 – soil based agriculture**

Cliff LaPrairie attended at 10:53 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

Mr. LaPrairie advised he bought the ranch about 15 years ago, and this application was in place by Red Stevens. There were three applications, and the others are completed. This one was divided in two, and the first one is completed. They all tie in as one large parcel. As he has 130 buffalo, he requires the land to range them and grow hay. It is just "touch-and-go" right now. There is a right-of-way for a pipeline, and permission from Northern Pipeline Agency for access through the property was granted years ago. Mr. LaPrairie produced an agreement from Foothills. There are two easements for a roadway. 105D/13-19 is a compressor station reservation for the pipeline. Currently Mr. LaPrairie accesses the parcel through his property. Mr. LaPrairie still has a grazing lease in the area.

Community Services Land Planning advised there has to be legal access for every parcel created, so an access easement may be required across Lot 1044 or approval to utilize Northern Pipeline Agency's utility easement. Mr. LaPrairie questioned why he would have to get another access when there already is one. This application may be subject to a zoning amendment to agriculture, as the plan designates it for agriculture but the draft Ibex Valley Area Development Regulations shows this area as hinterland. If disposition occurs after those regulations are approved by Cabinet, rezoning will be required before the parcel can be surveyed. The plan supports agriculture development. The Ibex Valley Plan asks for a 100-metre Takhini River shoreline protection zone. Mr. LaPrairie advised the parcel is set well back.

Agriculture Branch stated that the parcels will not be amalgamated; and as a stand-alone parcel, it requires its own access.

Mr. LaPrairie stated he hadn't seen elk for a long time but recently two wandered in front of the house, plus three grizzlies. The committee was invited to come to the property for a tour. Mr. LaPrairie advised he does not intend to subdivide or get rich on selling the property. He has spent over 2 million dollars of his own money clearing and fencing.

Mr. LaPrairie left the meeting at 11:05 a.m.

This is a long-standing agriculture interest, the application originally being received in 1989. When the first parcel went to title in July, 2004, the second parcel was reactivated. As the application is under the old policy, it is not a mandatory requirement it be amalgamated with Lot 1044. Access is a concern and will require an easement across the pipeline, similar to the first parcel.

NRO Reports: There is no timber value and no concerns with the application area. It is suitable for the intended purpose. The applicant has a successful ranch on adjacent Lots 1019 and 1009, plus two grazing leases. There may be a requirement for rezoning, but the parcel is currently designated for agriculture under the Ibox Plan.

Comments received:

Kwanlin Dun First Nation has no conflicts with this application. Public access should be maintained by an adequate buffer between the bluff above the river and the parcel.

Champagne & Aishihik First Nation does not have strong concerns, as this is a long-standing agriculture operation that uses the land for what it is intended. They request a 60-metre corridor be maintained between the Alaska Highway and the Takhini River along Annie Ned Creek.

Alsek Renewable Resource Council supports a setback from the top edges of the riverbank to allow the trappers unrestricted access to continue trapping activities along the Takhini River as requested.

Laberge Renewable Resource Council commented the area is outside the traditional territory of Ta'an Kwach'an Council; but since it is within the core habitat of the Takhini Elk Herd, it is a concern. The herd ranges into the traditional territory. The removal of 65 hectares from the core elk range is a habitat concern. Page 11 of the Elk Management Plan states as one of its objectives to protect the core winter range and key spring calving and rutting areas through reservation of the elk range as a special wildlife management area. The RRC recommends that alienation of lands in the elk range should be temporarily put on hold until the new Elk Management Plan comes into effect, to be drafted in full consultation with all affected parties. The RRC is particularly concerned regarding maintenance of travel corridors for wildlife and protection of riparian vegetation along waterbodies.

Comments at the meeting:

Transportation Engineering was initially advised by the applicant that he planned to access down the utility corridor, but now it appears there is a different plan.

Community Services Land Planning noted there is a requirement to obtain written permission from Northern Pipeline Agency for the applicant to use their easement as access. Plan Ibox supports agriculture use. The draft Ibox Valley Zoning shows it for hinterland; so depending on the timing of the disposition, rezoning may be required prior to application for subdivision



approval, subject to subdivision approval. A 100-metre setback from the OHWM or the top of the slope to protect the Takhini River Shoreline corridor, shown in Plan Ibex.

There was considerable discussion regarding possible access: 1) whether Mr. LaPrairie can survey an easement in favour of Yukon Government to cross his land, 2) an easement across Northern Pipeline Agency, 3) create a right-of-way around Lot 1004 (too much surveying?).

Heritage requested if any archaeological materials are found during development, the Branch be advised.

Environment supported the Laberge Renewable Resource Council's comments regarding the parcel being within the elk range. A setback from the slope will be required.

Agriculture Branch advised a grazing lease may not be converted into an agriculture agreement for sale, but when the 1991 agriculture policy came into effect, it stated that good land should be used for agriculture.

Environmental Health Services, Forest Management Branch, Yukon Electrical Co. Ltd., Ta'an Kwach'an Council and Building Safety had no concerns.

**Recommendation:** Approval in principle, subject to ensuring adequate setbacks from the top of the bluff and river to meet the requirements of the Ibex Plan and wildlife corridors (100 meters). Agriculture Branch, Northern Pipeline Agency and Transportation Engineering will discuss options with Mr. LaPrairie for development of a plan to provide legal access to this lot and future access requirements for any other parcels in the immediate vicinity. The Agriculture Branch to contact Northern Pipeline Agency to discuss crossings and utilization of the utility easement and compressor reserve land for legal access requirements. Subdivision approval and possible rezoning will be required

### **3. 2005-0132: Blake B. & Lorraine C. Battersby - .63 ha, parcel adjoining Lot 1004, Fox Farm Road, Alaska Highway, City of Whitehorse, Quad 105D/10 – Lot Enlargement**

Blake Battersby attended at 11:07 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

Mr. Battersby advised the house is currently vacant, and they are doing an addition, which they plan to have ready for October. They purchased the lot two years ago and will retire there. The application is for up to a hectare, but he stated he would like a little bit more land.

Community Services Land Planning queried the buffer that is being left between the highway right-of-way and the applied-for land. The City of Whitehorse originally asked for a six-metre buffer and now are asking for 10, and Mr. Battersby is happy with that request; as they wish to maintain the treed buffer but would rather not pay for it. The reason for the 10-metre request is because of the bank off the highway (ensure a 15-metre setback) and the preference to retain a treed buffer; however the City is flexible on the size. A 50-metre setback from the top of the steep slope, plus a 30-metre setback from the creek at the north end, will be requested. The OCP designates the area as natural open space, and one hectare is the minimum size. The City supports the enlargement to one hectare. Whether or not Council would accept anything larger is their decision under the subdivision approval process. The configuration will have to remain flexible until it is truthed in the field by surveyors.

Community Services commented if the land was titled, Mr. Battersby would be assured the trees would stay, and most of the lots in this area are contiguous to the highway. Mr. Battersby advised he does not want to incorporate the road right-of-way into his lot, but the City of Whitehorse wants him to incorporate it. The Department advised it would make more sense for that portion of the road to be closed and amalgamated into the lot. Mr. Battersby advised he is

willing to buy the easement and requested that he be granted extra land in the back for an enlargement. Chair Bryony McIntyre advised a hectare is the minimum size for country residential, and parcels can be larger than that.

There was extensive discussion regarding maximum size of RC1 and RC2 parcels, the idea being to stay under the threshold allowable for subdivision.

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

The application is to enlarge Lot 1004 to meet one-hectare size for country residential. Future well and garage will require the space. This will also accommodate any upgrades to the current septic field should that become necessary. Construction to start within one year of lot enlargement.

LCIS notes the application area is within the traditional territories of the Kwanlin First Nation and Ta'an Kwach'an Council. The area being applied for is not in conflict with the settlement land of either First Nation.

Kwanlin Dun First Nation has no concern with this application, Lot 1004 and proposed enlargement area is adjacent to KDFN C-49.

Laberge Renewable Resource Council comments since the site is in the vicinity of industrial areas and rural residential lots, significant impacts on wildlife and their habitats are not anticipated.

#### NRO COMMENTS

Soil: sands and gravels – well drained; Vegetation Cover: mature/immature spruce, lodgepole pine and aspen; various shrubs and herbs; Terrain: flat to rolling; Waterbodies: none noted; Exposure: flat; Access Roads: via Alaska Highway; Suitable for Building foundation and Suitable for Septic; Distance to Water Supply: unknown or adjacent Lot 1004; not Subject to Flooding; no Environmentally Sensitive Areas. General Comments: area is suitable for intended purpose.

Environmental Health Services advised they were unable to locate septic information, and there is no such thing as “grandfathering”. The applicants are required to retain the existing system install a new one as soon as possible. The Mr. Battersby's are to contact the office.

Received neighbour letter indicating that Mr. Archie and Mrs. Karen Lang support the application.

Yukon Electrical Co. Ltd. requested if the buffer is not required an easement will be necessary.

Property Assessments Branch indicated no RETP comments.

Mining Recorder, Land Use, Ta'an Kwach'an Council, Forest Management Branch, Agriculture, Heritage, Transportation Engineering, Environment and Building Safety had no concerns.

**Recommendation:** Approval in principle subject to applicants and the City of Whitehorse agreeing on parcel configuration up to a minimum one hectare to include the road right-of-way portion and 30-metre setback from the creek. Determination of buffer along Alaska Highway site to be decided by City of Whitehorse. Subject to a Yukon Electrical Co. Ltd. easement, to be determined through the subdivision approval process.

The next LARC meetings are Wednesday, August 10 and Thursday, August 11, 2005, 9:00 a.m. the large boardroom at 419 Range Road, Whitehorse.