

## MINUTES

LAND APPLICATION REVIEW COMMITTEE  
BOARDROOM #2, SPORT YUKON BUILDING  
Fourth Avenue  
June 9, 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
Vera Bossenberry	E.M.R., Lands
Colin Beairsto	E.M.R., Lands
Eric Petersen	E.M.R., Lands
Stacey Jones	E.M.R., Lands
Cathryn Paish	Tourism
Nina Lindley	Environment
Stan Dueck	C.S, Building Safety
Judy Linton	C.S., Land Planning
Greg Hare	Heritage
Bernie Cross	Transportation Engineering
Christine Chippett	Yukon Electrical Co. Ltd.
John Pattimore	Ta'an Kwach'an Council
Sean O'Donnell	Applicant #2005-0079
Clint Sawicki	Applicant #2005-0065
Scott & Joanne McDougall	Applicants #2005-0061
Didier Moggia	Applicant #2005-0090
Marie-France Pourreaux	Assisting Mr. Moggia
Fred Brown, Sr.	Applicant #2005-0077
Joyce Bachli	Recording Secretary

### Review of Agenda

Delegates scheduled: Sean O'Donnell is scheduled for 9:15, Clint or Marlene Sawicki at 9:30 a.m., Scott & Joanne McDougall at 9:45 a.m., Didier Moggia at 10:00 a.m. and Fred or Audrey Brown at 10:30 a.m.

### NEW BUSINESS

#### **1. #2005-0079: Sean O'Donnell – 6 ha, parcel near Ibex Valley and Jackson Road, Alaska Highway, Quad 105D/14 – Rural Residential**

Sean O'Donnell attended at 9:00 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

Mr. O'Donnell stated he has reached the point in his life where he realizes he has to start thinking for his future and not so much for the present. He would like to acquire a piece of land so he can remain a Yukon-committed resident, having been born and raised in the Yukon. He has worked in the oilpatch and recently went to the mining industry, which is where he would like to stay. What convinced Mr. O'Donnell to apply for land at this time is he sustained an injury last year working, and there has not been anything else he has been able to do. He wants to build a house and start raising a family.

Chair Bryony McIntyre identified one issue at the site is access.

Mr. O'Donnell obtained letters of support from all the neighbours. Travis Milos has plans to start putting his road in this summer, and has agreement that Mr. O'Donnell can utilize his right-of-way off the highway as long as he does not cross any of his land borders. If not, there is an alternate route down the Woodlands Road and onto the power line right-of-way. Travis has indicated he would prefer someone behind him, rather than backing into the bush.

The concern of Ed Bergeron had to do with the reconfiguration of Mr. O'Donnell's parcel, with a portion being swapped from behind Mr. Bergeron to provide a straighter parcel and allow expansion of Bergeron's lot.

Community Services Land Planning advised depending on the eventual outcome of the access, they may be asking for a surveyed 25-metre road right-of-way from the highway to Mr. O'Donnell's parcel (adjacent to Milos' lot); because the *Subdivision Act* requires legal access. Otherwise it will be a land-locked lot. Depending on the progress of the Ibex Valley Regulations, the applicant may have to rezone prior to subdivision approval. If the disposition occurs after the regulations come into being, the area will be zoned Hinterland, and rezoning will be necessary. However, the plan supports rural residential, with a six-hectare minimum lot size. Trails should be excluded. The lots should be contiguous, with a 20-metre setback from the big gully to the east. Subdivision approval will be required. Lot configuration should be reconsidered.

Chair Bryony McIntyre advised if approved, Lands Branch will provide authority to survey so subdivision approval can be applied for, a market value obtained and an agreement for sale entered into. Residential zoning allows for small-scale agriculture.

Mr. O'Donnell tabled three letters of support from the neighbours:

- May 3, 2005, from Travis Milos - support Sean O'Donnell staking land behind his lot.
- June 7, 2005, Ed Bergeron - takes no issue with the application, provided the reconfiguration is accepted.
- June 8, 2005, Karl Kolaritsh - no conflict with the rural residential and will be readjusting his agriculture applications with the Agriculture Branch to resolve the conflict.

Mr. O'Donnell left the meeting at 9:17 a.m.

The applicant is a born and raised Yukoner. He would use the land to build a log home, garage area for woodworking, and outbuilding for storage. He states, "if I were a land then homeowner I could not imagine the possibilities for me as well as a family, some day, here in the Yukon. I plan to thrive in the Yukon mining industries and later retire at home in the Yukon...I have always loved the mountains and bush. Country life is the richest thing I know." He plans to develop the property over the next five-to-seven years, but keep the land as natural and undisturbed as possible.

Property Assessment and Taxation advises that the application is affected by a Rural Electrification Project, would benefit from it and would be required to pay a proportional share of the original project cost.

Laberge Renewable Resource Council, commented via letter of June 7, 2005 – already existing agricultural areas or rural-residential sites surround the parcel, and no additional significant impact on wildlife and its habitat is anticipated.

#### NRO COMMENTS

Improvements: None; Soil: Silts, clays, fluvial sands and gravels; Vegetation Cover: Mature lodge pole pine 60%; spruce 5%; aspen 35%; minor birch component. Various shrubs and herbs; Terrain: Rolling; Waterbodies: None noted; Exposure: North eastern aspect; Erosion or possible

permafrost: Possible permafrost, possible erosion near gully and sloping ground; Access Roads: Access off woodland road, and powerline right-of-way; suitable for building foundation and septic; distance to water supply: unknown; not subject to flooding; no environmentally sensitive areas. General Comments: Area may be suitable for intended purpose. Proposed access may not be an option. Access could be from woodland road and from Ag App801 Area. Gull area is unstable. No further concerns.

No comments were received from the Ibx Valley Community Association. However, they supported other similar applications, and the plan supports residential use in the area.

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

Transportation Engineering observed this is a really busy piece of highway, with the pullout in the area. Access should be kept to a minimum; and with the three applications in the area, there may have to be shared access. Access to the back off the old Alaska Highway will not be permitted, because there is no continuous access.

Whitehorse Mining District, Forest Management Branch, Tourism, Heritage, Yukon Electrical Co. Ltd., Environment and Ta'an Kwach'an Council had no concerns.

**Recommendation:** Approval in principle, subject to formal determination by Transportation Engineering of the access location (permit). Only access off the new Alaska Highway will be supported, to be jointly shared between O'Donnell and Milos. The parcel will be reconfigured to maintain a minimum 20-metre setback from the top of bank, with a 25-metre road right-of-way surveyed along the Milos parcel west boundary. Subject to existing power line, subdivision approval, minimum six-hectare parcel size. Lands and Planning to work with the applicant and Mr. Milos to reconfigure the parcel to make it fit. Development and building permits will be required for any structures.

## **2. #2005- 0065: Clint Sawicki and Marlene Jennings – 1.38 ha parcel adjacent to Lot 1011-2, Grizzly Valley, Quad 105E/03 – Lot Enlargement**

Clint Sawicki attended at 9:40 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

Mr. Sawicki advised they bought their lot about three years ago and built on it two years ago. The land was not well marked and was overgrown. This portion of land was a natural extension to their front yard, with a little shack on it. The back yard is being developed for horses and farming, plus a hut for grandparents and guests. There has always been glaciation at the bottom end and in the winter in the ditch, because it is very shallow. This is the result of the irrigation ditch diverted from McIntyre Creek for the sod farm. The chunk is included in residential zoning. They decided if they are going to use it, they should ensure they have title to it. No one in the community utilizes this piece of land. There are no trails through the property. Mr. Falle has indicated he wishes to maintain his interests regarding his irrigation line and ditch. Most of the ditch is on his property, but it stops at the top end and goes through all the lots. It is not protected by an easement.

Chair Bryony McIntyre advised the applicant would be required to resurvey this remainder left over from the subdivision of the sod farm when the road was relocated.

The original owner cut the six-foot embankment across the property with a Cat.

The powerline did not have an easement and cut straight across the property. It has been relocated.

Mr. Sawicki left the meeting at 9:50 a.m.

The applicants state the enlargement is a natural extension of their current parcel and does not border any other titled properties. They have started fencing their current parcel for horses and would like to continue the perimeter fencing on the enlargement area, with work to be continued this summer. The enlargement area also makes up what they consider their front yard, which their family use most every day for walking, skiing, playing etc.

Regarding the low-lying nature of part of the enlargement area, the applicants agree the area has definite parameters for usage. They are fond of the wildlife that use it. Stewardship is already being practiced. They have no intention of building structures within or close to the area because of the water fluctuation.

Photographs were tabled.

Property Assessment Branch has no RETP concerns.

The Grizzly Valley Community Association, in a letter of May 11, 2005, from President Arnold Braconnier, states its support for the application.

Laberge Renewable Resource Council comments the application is surrounded by already-existing agriculture or rural residential holdings, and no additional significant impacts on wildlife and habitat are anticipated. They comment that they believe that six hectares is the maximum size allowed under the rural residential program.

#### NRO COMMENTS

Soil: Wet silt, clay, fluvial sands and gravels; Vegetation Cover: Immature aspen, willow, white spruce, various shrubs and herbs; Terrain: Flat to slightly sloping; Waterbodies: Adjacent to small creek drainage (culvert under access road); Exposure: S.W. aspect; Erosion: Possible erosion at creek banks during extreme run off; Access Roads: Access of Klondike Highway and Scott Road; suitable for building foundation: unknown. possible deep wet soils; suitable for septic: unknown; distance to water supply: adjacent; subject to flooding: yes, during extreme years; environmentally sensitive areas i.e. stream bank vegetation, low lying wet area: yes - adjacent. General Comments: Area may not be suitable for building or septic. Area is suitable for intended purpose, which was mentioned to be playing, walking, skiing etc. Area is a natural drainage site. Only the northwestern portion of application area would be useable during wet months. No other concerns with application area.

Community Services Land Planning commented the parcel is within the Grizzly Valley Zoning Regulation Development area. Both the home parcel and the parcel applied for are zoned RCM. There is a minimum lot size of two hectares. There is no operational need for a lot enlargement, particularly as the NRO states the property is unsuitable for a building site because of wet conditions. It should be determined if there is any reason to keep the land in public hands. A drainage easement should be considered for the sod farm.

Yukon Electrical Co. Ltd. asked approval be subject to existing power lines.

Chair Bryony McIntyre stated that this has become an orphan parcel because of the road.

Whitehorse Mining District, Tourism, Heritage, Environment, Transportation Engineering, Ta'an Kwach'an Council and Building Safety had no concerns.

**Recommendation:** Approval in principle, subject to subdivision approval. The agriculture operator, Mr. Falle, to be asked if a drainage easement is required.

**3. #2005-0061: Scott & Joanne McDougall (Kanoë People) – 24.41 ha, parcel adjoining Lot 1066, near the Western Shore of Lake Laberge, Quad 105E/03 – Commercial Enlargement**

Scott & Joanne McDougall attended at 9:53 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

Scott McDougall related it's been a personal dream of his to do what they are doing already. They acquired the land five, six years ago and have been slowly developing it as they can afford to. They have been in business with the Kanoe People since 1987, have quite a connection with the international market, and they see an opportunity at Lake Laberge to offer a real class destination for people to come out and enjoy what the Yukon offers. The location is near Whitehorse but in a wilderness setting. Access is good and affordable. They wish to apply for more land and expand so they can offer more accommodation, separate the cabins and facilities in such a way to maintain the wilderness integrity and a feeling of privacy, plus have trail networks throughout the property. They would also like to accommodate large groups, yet maintain a private, peaceful atmosphere for individuals. This project will be something for the future for their children, as well as their retirement years. As well, it will enable the company to offer year-round employment to their staff. Joanne's mother was born on the southeast shore of Upper LaBarge, her grandmother is buried on the east shore and her grandfather is buried on the west shore. Her grandfather, Captain Frank Slim, made his living on the river back in the early days of riverboats, and they would like to continue this history connection. They wish to be a part of the Deep Creek Development Plan for the area. Photographs of their operation were tabled.

Chair Bryony McIntyre asked how far back their two-hectare titled lot is set back from the OHWM and was advised 40 meters, the normal being 30. They would like to change this setback to 30 meters and obtain that property. Regarding the amount of land being applied for, the area includes the meadows and network of trails. The broad international clientele they serve can be "sold on wilderness".

Community Services Land Planning noted the Deep Creek Plan actually shows the area for residential use, but the proposed zoning recognized the commercial-tourism use. Mr. McDougall advised the original lease document was commercial-residential. The Association is quite a ways from implementing the proposed zoning.

Heritage clarified that access is via the road at the top end of Fox Creek. There is no evidence that Fox Creek used to come out through the enlargement area. Mr. McDougall advised there is a hill that separates the creek from their application area.

Tourism asked for an overview of where their clients will be doing their activities. Mr. McDougall advised weather permitting, they can offer ice fishing, snowmobiling and dog mushing on the lake and trails. Summer activities would include fishing, canoeing and kayaking, possibly paddling over to the island and going for a hike, sitting on the beach and having a picnic. The area could also be a gateway to integrate travel from the City of Whitehorse to the cabins, spend a few days adjusting, regroup and head out onto a longer trip. A good vantage point for Aurora Borealis viewing is a hill on the northern part of the application area. They plan on offering dog mushing tours through existing businesses. Regarding occupancy, Mr. McDougall advised his marketing is nominal at the moment. Once he gets in full swing, he believes it could be steady at four or five cabins. It is good for the economy to be able to offer full-time employment to staff. As they get busier, staff housing will be provided. The area can also be a destination for people who want to paddle on a short trip from Whitehorse.

There will be a corridor for access between the grazing lease and their application area.

Building Safety asked what is planned regarding fire-fighting capabilities, and Mr. McDougall advised there will be a pump on site, all buildings will have fire extinguishers, with water buckets by the doors and the fire pits. The basin is too shallow for that purpose, so they would have to have a storage tank on site. There are some open permits which inspections are outstanding on.

Ta'an Kwach'an Council raised the fact that the First Nation is doing tourism development through their corporation and may be interested in partnering. They clarified that the trails do not go onto the site specific settlement land. Regarding tourists accessing their property, Mr. McDougall advised they tell tourists to respect private dwellings, as well as handing information out in their packages. There is a lot of beachfront on the parcel, so there will be no need to go through settlement land to access the beach. There has been a problem with impromptu camps along the shoreline. They have concerns about the planning.

The McDougall's left the meeting at 10:23 a.m.

The applicants plan to enlarge their existing cabin and camping commercial operation on the shore of Lake Laberge to allow for larger numbers of clients and greater financial feasibility without sacrificing the ability to deliver a quality wilderness experience. Currently the applicants do not have the ability to house more than one small group or operate day trips into the camp without taking away the wilderness experience. It is imperative that this character of the experience be maintained in any development.

The long-range plans for the camp are to provide well-appointed, comfortable accommodation for up to 24 and support staff of four-to-six persons. This is to be done while maintaining the wilderness integrity with the least amount of impact on the surrounding countryside. The development program lays out construction of bath/washhouse, two cabins, a cookhouse, an enhanced trail system and pits

Property Assessment Branch has no RETP concerns.

Deep Creek Advisory Council commented via letter of May 30, 2005 – A community meeting was held March 13 to address comments and concerns by the community. There is no opposition to the proposed enlargement by the well-established and respected wilderness tourism business. They suggested an access trail be provided around the outside edge of the proposed enlargement to Lake Laberge to address snowmobile and ATV traffic.

LCIS comments that the application is within the traditional territory of the Ta'an Kwach'an and Kwanlin Dun. There is no conflict with Kwanlin Dun. As mapped the application would impact existing access opportunities for Ta'an Kwach'an between S-150B and Lake Laberge.

Laberge Renewable Resource Council commented in a letter of June 7, 2005 – no significant impacts on wildlife expected, as area is already developed. However, as proposal is a significant expansion of a commercial nature in a primarily residential area, it is important that the residents of Deep Creek area be consulted.

#### NRO COMMENTS

Soil: Till, morainal deposits, sands and gravels, silt, organic patches with deep organic soils; Vegetation Cover: Mature White Spruce, lodgepole pine, Aspen, immature white spruce. Crown closure is about 40% in places, to open. Various herbs and shrubs; Terrain: Areas of xeric (very dry soil) to areas of wet soil – high areas to NE have very dry well drained soils; Waterbodies: Adjacent to (outside) 30.48 m OHWM of Lake Laberge. Low laying wet area to SW of application area; Exposure: S to SW aspect. well exposed; access Roads: access via road from Klondike Highway; suitable for building foundation and septic; distance to water supply: yes; subject to flooding: May be in low laying area to SW; environmentally sensitive areas: none noted. General Comments: Area is suitable for intended purpose. Existing property is tidy and well kept. No concerns with application area.

Regarding the setback from OHWM, at FTLAC in 1988, Renewable Resources originally requested 100 meters, and in the result it was established at 40 meters.

Building Safety advised there are some outstanding open permits that need inspections. It is good to see there are fire fighting plans in the works. A fire, safety and occupancy inspection of existing structures should occur. Development and building permits will be required for any new structures.

Environment noted because of the activity which will be directed to the shoreline, a 40-meter minimum setback is being requested. It should be determined from the local residents what wildlife movement corridors are in the area to ascertain whether there are sufficient corridors retained. They flag the matter of zoning. There needs to be some consultation with the Community Association of Deep Creek.

Heritage requests an archaeological assessment, as it has moderate archaeological potential.

Community Services Land Planning stated they support the proposal in general from the point of view of supporting tourist wilderness or tourist commercial endeavours as a successful existing business. However, regarding the size of the application area (24 hectares or 60 acres plus what they have) that it is a significant amount of land. The major problem identified is with the Deep Creek Community Plan, as separate from the Zoning Regulations. The Zoning Regulations are not at a stage where they can be used to guide dispositions, so the planning document is the guiding document. This area is shown in the DCCP as residential (existing lot and a bit around it) with surrounding land open space (hinterland) and a 100-meter shoreline protection zone along Lake LaBerge. The application area extends into all three areas. The plan does not support commercial development, and there would have to be an amendment or agreement by Deep Creek Advisory Council to do an amendment to a commercial designation or at least some community acceptance that they want to see this amount of commercial development in the area, i.e. recognize the commercial use on the existing lot and the proposed expansion of the commercial use on the enlargement area. The letter of support from the Council did not address the issue of the land use designations in the plan. If an application is not supported in the planning scheme, the department cannot accept a subdivision application. The plan also shows wildlife concerns in the area of the shoreline, i.e. waterfowl nesting and staging. There is an area in the southwest that appears swampy and low and could perhaps be excluded.

There was discussion on how a community plan can be amended. Ibex Valley underwent community-driven amendments to Plan Ibex regarding agriculture parcels. The Plan is not a legislative document; CS has no written process to do Plan Amendments. It could entail a year or more-long public process, with the Hamlet sending a letter to the Minister, endorsing amendments to the plan, complete with attached map; and the Minister, on advice from the department, making the final decision whether or not to accept the proposed amendments. The whole Plan Amendment process is not known to most Local Advisory groups as there is no written policy/instructions/guidelines that can be followed by those seeking to amend.

Tourism commented it is unfortunate that the applicants were not advised of the issues regarding the Deep Creek Community Plan. They question if March 13<sup>th</sup> was a publicly-advertised meeting on the proposal, with community representatives in attendance, which resulted in a letter from the Planning Council whether that would constitute community support. Community Services noted that at the meeting, the Council needed to address and identify the issues in the Deep Creek Community Plan and request an amendment. The applicant is willing to reconfigure his parcel. The applicants need to have clearly explained what the bureaucratic problem is, how it will be solved and what their role is in the process, as well as clearly defined guidelines as to how long the process will take to work through.

Chair Bryony McIntyre remarked in dealing with plans and zoning, LARC relied on Community Services to provide clients with accurate information. Perhaps a process should be facilitated with commercial and industrial applicants, whereby the applicant has a meeting with all concerned departments, including Economic Development, to outline all issues to be considered.

Whitehorse Mining District, Forest Management Branch, Transportation Engineering and Yukon Electrical Co. Ltd. had no concerns.

**Recommendation:** Deferral to September, 2005 to address the plan amendment. A meeting to be organized between Tourism, the Deep Creek Advisory Council, Community Services Land Planning and the applicants over the summer to talk about the plan and the process required to amend the plan, as well as the riparian setback referred to in the plan to address 100-metre shoreline and wildlife protection issues. Heritage to perform an inspection. The applicants to ensure they comply with the requirements from Building Safety regarding outstanding permits and fire safety plan. Parcel configuration boundary size requirements to be discussed with the applicants, the trail to be kept on the backside of the grazing lease. A minimum 40-metre setback is to be maintained. Community Services to provide a written process document to local advisory councils and applicants to outline what happens once a plan amendment request comes in from a community organization vis-à-vis consultation requirements, plus internal process for material approval with estimated timelines.

**Action #1: John Pattimore will advise the McDougall's which family has interest in the adjacent site specific.**

**Action #2: Tourism suggested that Ta'an Kwach'an Council put together maps of settlement parcels.**

**Action #3: CS Land Planning to provide roadmap of Local Area Plan Amendment Process in written form to Local Advisory Councils and YG Lands**

**4. #2005-0090: Didier Moggia – 3 ha, parcel South of Fox Lake, Klondike Highway, Quad 105E/03 – Rural Residential**

Didier Moggia, together with assistant, Marie-France Pourreaux, attended at 10:23 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

Mr. Moggia explained he picked the site because he liked the place and it is not too far from the City. The reason he chose the site on the other side of the big power line, rather than the highway side, is because it is flatter and more private and discreet. Ms. Pourreaux explained the site layout. Mr. Moggia is willing to reconfigure the parcel. He wishes to leave all the trees around the perimeter of the parcel. However, fire smarting would be necessary. There is at least 50 meters from the power line, and Mr. Moggia is willing to move back from the trail if necessary. It is 450 meters from the highway to the parcel. Access is an existing trail.

Ta'an Kwach'an Council advised of the meeting June 16<sup>th</sup> 5:30 p.m. Whitehorse Public Library meeting room regarding voting on the rural electrification and telephone installation for all properties in the area.

Mr. Moggia and Ms. Pourreaux left the meeting at 10:34 a.m.

The applicant states that being a carpenter he wants to build my house on this parcel of land. The distance from Whitehorse is exactly what I can travel every day.

LCIS comments that the application is within the traditional territory of the Kwanlin Dun and Ta'an Kwach'an but is not in conflict with settlement land.

Property and Assessments Branch comments that the application is right in the middle of a rural electrification program, going to the vote 2 stage. An approved application would not be able to vote, it would have passed, but would be a part of the program if approved by vote 2. RETP will contact the applicant.



#### Intervener Letters –

- Mandy and Tom Green, dated May 16, 2005 - the owners of Lot 1023, wilderness tour operators who offer horseback trail riding and picnic expeditions. The application is in the middle of one of their trail systems and in an area they utilize regularly for picnics with their clients and will have a detrimental impact on their livelihood.
- Robert and Edith MacAdam, dated May 23, 2005 - their understanding is that there is no land available for residential staking from Whitehorse to the Braeburn area along the Klondike Highway corridor. They are concerned the land allocation process is being applied arbitrarily rather than by set rules.

Yukon Energy Corporation notes that due to the existing four-by-four road that crosses under the transmission line to access his property, Mr. Moggia must contact YEC for the Safe Limits of Approach Guidelines; provide detailed design, showing proposed modification to the road within the right-of-way boundary. Road access within the transmission line right-of-way cannot be used to store any materials or building supplies.

#### NRO COMMENTS

Soil: Moderately to well drained. Morainal sands and gravels. Thin organic mat; Vegetation Cover: Mature white spruce, mature aspen (70% spruce, 30% aspen); Terrain: Sloping, approx 5%; Waterbodies: Fox Lake is across Klondike Highway to the west at approx 600 m.; Exposure: SW exposure; access roads: Klondike Highway, short access to powerline right of way and application area; suitable for building foundation and septic; distance to water supply: 600 m; not subject to flooding; no environmentally sensitive areas. General Comments: suitable for intended purpose.

Laberge Renewable Resource Council comments they do not anticipate significant impacts on wildlife and its habitat, as there are already extensive agriculture holdings on the west side of the Klondike Highway in this area, as well as rural residential sites along Fox Lake.

Land Use comments that the applicants may need a land use permit if constructing access across land.

Community Services Land Planning stated there is no planning or zoning. The two-hectare minimum lot size is met. Rather than spot development, another site closer to the highway from the nodal development point of view and affect on wildlife would be preferred. The MacAdam's have a valid concern.

Building Safety commented from a planning point of view, it would be preferable if the development were on the highway side of the powerline. Development and building permits will be required for any structures.

Lands advised there was concern expressed by another neighbour, but nothing in writing was received. The boundaries of Lot 1019 and 1020 were reviewed vis-à-vis the application. It was noted that the applicant is willing to reconfigure to address the trail/picnic issues.

Chair Bryony McIntyre commented the application is in a development node, and there are no major wildlife impacts. The site should be inspected to determine whether there is a better location on this side of the power line.

Whitehorse Mining District, Tourism, Heritage, Transportation Engineering, Yukon Electrical Co. Ltd., Environment and Ta'an Kwach'an Council and had no concerns.

**Recommendation:** Approval in principle for a minimum two/three-hectare parcel pending reconfiguration to avoid the trail and picnic area (to be identified by the Green's by flagging). The potential on the highway side of the powerline is to be examined with the applicant.

**Action #4: Vera Bossenberry will provide Cathryn Paish a copy of the Green intervener letter.**

**Action #5: Eric to meet with applicant on-site inspection and investigation of relocation to new site between Powerline and Highway**

**5. #2005-0080 Peter Upton - .7 ha parcel adjacent to Lot 1011 - Milepost 1055 Alaska Highway, Silver Creek – 115 G1 - lot enlargement**

The applicant wishes to enlarge Lot 1011 to rationalize the configuration of the property. His home is near the right angle indentation that the expansion would fill in. The parcel applied for is open ground, and if another owner acquired and made use of the parcel, it could substantially affect his rural residential lifestyle.

The current lot 1011 is 7.32 hectares with an additional 1.43 hectares under agreement for sale. The current application, at approximately 1.0 hectares, would make the total consolidated lot size 9.75 hectares. The applicant would be willing to adjust the configuration of the overall parcel taking away land from the side closest to the road in order to get closer to the 8.0-hectare size.

LCIS comments that the application is within the traditional territory of the Kluane and Champagne and Aishihik First Nations, but is not in conflict with settlement land.

Intervener letters –

- Sarah Wright – Lot 1015, dated letter of May 5, 2005 – very pleased with application, perceives it as the answer to recent land use conflicts. It will allow **Pippa Seccomb-Hett** to have access to the old Alaska Highway frontage for a driveway corridor. Proposed changed property lines were illustrated on an attachment. The applicant should not be allowed to exceed 8.0 hectares.
- Emmanuel & Annie Obeissart - Lot 1012 letter of May 2, 2005 – not against application, would accept the square piece of land owned by Mr. Upton, inserted on the north side of his property; application parcel not to exceed 8.0 hectares.

**NRO COMMENTS**

Soil: Shallow topsoil over gravel; Vegetation Cover: Spruce of varying ages, classes from 6 – 15 m in height. Willow and balsam poplar regeneration interspersed throughout; Terrain: Gently sloping towards Kluane Lake; Exposure: west; Access Roads: Silver City access road; suitable for building foundation: gravel base appear suitable; suitable for septic: unknown; distance to water supply: Kluane Lake to west; not subject to flooding; environmentally sensitive areas: old channels. General Comments: The area is suitable for the lot enlargement. The old telegraph line forms the west boundary of the application area.

An aerial photograph of Silver City was reviewed, complete with respective ownership, history of lots and possible reconfigurations and accesses.

The proposal would allow the applicant to gain the meadow in exchange for some land on the roadside. The resultant parcel would be 8.75 hectares.

Community Services Land Planning commented the applicant appears to have sufficient land to meet his rural residential needs, as the present parcel is 8.75 hectares.

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

**Recommendation:** Approval in principle to a readjustment not to exceed current property holdings, subject to subdivision approval, with a reconfiguration to allow a right-of-way for access in the area.

**6. #2005-0077: Fred Brown Sr. and Audrey Brown – 1 ha parcel at south end Szoosinlin Lake, east of Aishihik – 115 H/11 – Trapline base camp**

Fred Brown Sr. attended at 10:45 a.m. to speak to the application.

Mr. Brown explained that his past generation (mother and dad and their parents) have been using this land before the Europeans arrived in this country. Things have changed in a short period of time: the land, the people and the weather. Whitehorse used to be a shack town in the 1930's. Chinese and Germans are moving back into the country. The ones the Canadians used to fight, they shake hands with now.

Mr. Brown supports the Government for protecting the land. His people have lost their sense of using the land because of the land claims process. He opposes the land claims, because the young people took over, thinking they know everything that they have to negotiate with the opposition. The Indian law is a lot different than the European law. With his people, Chief and Council would sit down with the Government and negotiate to get some part of their law put in place with the European law. That way they can work together.

Mr. Brown stated the LARC committee does not know the piece of land. They see it in the computer. He sees the land in his head and goes to Forestry and Game Department and says the same thing. He has guided people from the Game Department and shown them the land. With this process, he believes the Government official who sends him a letter or any kind of note, and he understands them.

He came to the meeting to bring his opinion about this one-hectare parcel of land that his parents and their parents have used before the European people arrived. Mr. Brown was born and raised up on those lands. Now he has to ask to continue on in his family's footsteps, to pass on to his eight grandchildren the idea that they must continue on those rights to their children. He has built culture and trapping camps for his grandchildren.

One summer they did not use the land, and two Americans put in a trail and campsite in the area, doing fishing and hunting. No one complained about this. In Haines, Alaska, they would not even allow Canadians to put in a campsite. Government of Yukon should look into this. Money always comes into the discussion.

To live in the city, one has to have money. If you know both cultures, you've got it made.

People who come from another place and try to tell Yukoners what to do should be told to "pack their grip and go back to their country".

Mr. Brown's mother passed away in 1995, and his dad passed away in 1940. Mr. Brown worked on the railroad, boats and drove truck back in the '50's and '60's. He spent 15 summers on the Alaska Highway, from Watson Lake to Beaver Creek working side-by-side with other people.

Mr. Brown stated he is not prejudiced; we are all human beings to help one another. He would like to start a fish camp to teach people how to survive on the land and enjoy themselves. They lost two sons last year. They plan to adopt a 45-year-old white man who lost his mother and dad in an air crash.

Roundtable introductions were made.

Mr. Brown left the meeting at 10:58 a.m.

This is an application for a lease for a trapline base camp at the south end of Szoosinlin Lake. The applicant was born and raised in the area. Since he was a baby he has walked the land and lived off the land, as well as his wife and children and grandchildren, as it was passed on from generation to generation. His mother and dad taught him how to manage the land and animals and plants that grow in the area. He uses them for medicine too.

Property Assessment Branch has no RETP concerns.

LCIS comments that the application is within the traditional territory of the Kluane and Champagne and Aishihik First Nations, but is not in conflict with settlement land.

#### NRO COMMENTS

Improvements: One 20' x 32' cabin floor and one latrine on site; Soil: Sand and gravel; Vegetation Cover: Sparse white spruce 2-12 metres; Terrain: Flat; Waterbodies: Adjacent to Szoosinlin Lake, cabin construction outside the 30 m setback; Exposure: Southerly; Access Roads: ATV/snowmobile trail from Aishihik Road; Suitable for Building foundation; Suitable for Septic: Unknown; Distance to Water Supply: 35 m; Subject to Flooding: No; Environmentally Sensitive Areas: None. General Comments: Site located between the south end of Szoosinlin lake and north end of small unnamed lake. Cabin construction has commenced and various building materials have been located to the side. I do not believe a conventional (shaped) one ha parcel will fit between the two lakes. A parcel size of 40 x 250 metres would fit.

Heritage advised it is probably an archaeological site.

Whitehorse Mining District, Tourism, Transportation Engineering, Yukon Electrical Co. Ltd., Environment, Ta'an Kwach'an Council, Community Services Land Planning and Building Safety had no concerns.

**Recommendation:** Approval for a one-hectare lease

**Action #6: Fred Brown will advise Environment if he wishes to have his name included on the lease.**

#### **7. #2005-0048: Government of Yukon, Highways – 62.08 hectares, parcel near Kilometre 3.9, Dempster Highway, Quad 115O/15 – Sewage Disposal**

The application is for a reservation surrounding an existing sewage pit build under a Land Use Permit and renewed under Permit YA0X752. Currently on site there are two sewage pits, partially fenced and buffered from the Dempster Highway by the forest. There is also a shallow empty pit closer to the Dempster Corner, which is visible from the Highway.

Forest Management Branch will evaluate the timber resource on the parcel and work with Highways and Public Works to coordinate the timber disposal if required.

#### NRO COMMENTS:

Soil: Well drained gravel soils. Thin organic soil layer; Vegetation Cover: Dense understory of shrubs and ferns. Thick overstory of tree growth 90% spruce, 5 % aspen, 5 % willow, 5% birch. 3.5 Ha clearing with sparse vegetation; Terrain: flat; Waterbodies: none; Exposure: all directions; Access Roads: Dempster Highway; suitable for building foundation and suitable for septic; Distance to Water Supply: 3.5 Kilometre; not subject to flooding; no environmentally

sensitive areas. General Comments: No problems expected environmentally. Klondike River Lodge is not far from the site. They might have concerns. A 50 meter undisturbed tree buffer would be a recommendation from our office, due to tourist travel on the Dempster.

Photographs were tabled.

Transportation Engineering advised this is an old gravel pit that was abandoned after the highway was constructed. The pit is 3.5 hectares, plus the development area to protect the 500-metre radius.

Dawson Mining Recorder, Tourism, Heritage, Yukon Electrical Co. Ltd., Environment, Ta'an Kwach'an Council, Community Services Land Planning and Building Safety had no concerns.

**Recommendation:** Approval of a reserve for the core parcel with mapping the radius buffer (500 meters from the location of the cells) as a notation. Community Development is to be contacted to discuss the reserve being held by Community Services rather than Transportation.

**8. #116I07-1001: McNevin Construction Ltd. – 8.5 hectares, Lot 1004, CLSR 65122, LTO 55050, Quad 116I/04 – Purchase Lease**

Lot 1001 Quad 116 I/7 was leased to McNevin Construction Ltd February 1, 1979, for 30 years with an option to renew for 15 years.

McNevin Construction Ltd. leases premises on Lot 1001 to the Government of Yukon under a separate agreement. The parcel applied for was reconfigured and became Lot 1004 in 2002.

Property Assessment has no RETP concerns.

Intervener Letter:

- Access Consulting Group provided a letter of support, dated May 4, 2005, for McNevin's application to purchase - operate the facility in a responsible manner and comply with regulatory requirements.

Vuntut Gwitchin First Nation, fax of June 8, 2005, on behalf of North Yukon Renewable Resource Council, both the First Nation and RRC: commented on the process of consultation, feel they were not adequately consulted, as they require 60 days' notice of applications for the purchase of land. They are unable to ascertain effects on wildlife and habitat due to lack of information. Points of concern: further clarification on future use and time to conduct research on whether or not current operations have been conducted in accordance with regulations vis-à-vis sewage and water use. They do not support the sale of the land.

Chair Bryony McIntyre advised that the application was sent to both the North Yukon Renewable Resource Council and Vuntut Gwitchin First Nation on April 6.

**NRO COMMENTS:**

Soil: Gravel on Surface, clay sub surface soils. Area is on top of hill. Soils are well drained; Vegetation Cover: Grass (lawn area) and some tress on site. Site is surrounded by boreal spruce forest type. With thick ground vegetation (Labrador tea, willow); Terrain: Gentle rolling hills. Site is located on top of hill; Waterbodies: None in immediate area. Closest source is Eagle River to the north, 8 kilometres; Exposure: From all directions; Access Roads: Dempster Highway; Suitable for Building foundation: Yes. Buildings are already on site; Suitable for Septic: Yes. Area is well drained; Distance to Water Supply: 8 kilometres; not subject to flooding; no environmentally sensitive areas. General Comments: Site is well established and there are no concerns to date.

Transportation Engineering advised there is no disadvantage to their department if the parcel is sold. The applicant has millions of dollars tied up in the property. They provide housing for Yukon Government maintenance staff, such arrangement expiring in 2009. If title is granted, the highway accesses should be legitimized by permits.

Chair Bryony McIntyre provided background: the lease originally was for Lot 1001. It is now surveyed as Lot 1004, which was as a result of the sewage pit for the lodge. During negotiations with Vuntut Gwitchin First Nation regarding the large R-block surrounding the property, the sewage pit, which was an unauthorized occupancy by the lodge, was specifically excluded. This had been in noncompliance for a long time. A request from DIAND on behalf of McNevin Construction Ltd. was made to legitimize the sewage pit. This was surveyed in 2002, with an amendment added to the lease to reflect the use. Subdivision approval was done at that time.

Building Safety advised there are still a couple of open permits from the fire about five years ago that need to be finalized. A current fire safety inspection is recommended. This is part of the Dempster Highway Zone, which only permits existing developments.

Community Services Land Planning advised the parcel is within the Dempster Highway Development Area, which is basically a no-development regulation. This is an existing development on a surveyed lot. Discussion on how the regulations would control future developments on the parcel. These regulations are administered by the Department of Environment.

Dawson Mining, Tourism, Heritage, Yukon Electrical Co. Ltd., Environment and Ta'an Kwach'an Council had no concerns.

**Recommendation:** Conditional approval contingent on the applicant finalizing outstanding permit requirements as determined by Public Safety and Transportation Engineering. The applicant is to provide Lands, Vuntut Gwitchin First Nation and North Yukon Renewable Resource Council copies of all authorizations for sewage and water, ensure such structures are on their property, as well as provide Storage Tank Regulation permits. Community Services will confirm the requirements of the Dempster Highway Development Area Regulations, which will be passed on to the Vuntut Gwitchin First Nation and North Yukon Renewable Resource Council. The applicants to advise on any impacts of their uses on wildlife.

**Action #5: Judy Linton will check Dempster Highway Development Area regarding implications and procedures for changing use.**

The next LARC meetings are July 13 and 14, 2005, 9:00 a.m. **the large boardroom at 419 Range Road, Whitehorse.**

**Note: Commencing in June, the meetings are Wednesday and Thursday, rather than Thursday and Friday; commencing in July 2005, at 419 Range Road, rather than Sport Yukon.**