

MINUTES

LAND APPLICATION REVIEW COMMITTEE
BOARDROOM #2, SPORT YUKON BUILDING
Fourth Avenue
May 12, 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
Roger Horner	E.M.R., Lands
Eric Petersen	E.M.R., Lands
Stacey Jones	E.M.R., Lands
Pam Vust	E.M.R., Land Use
Shanna Epp	Tourism
Cathryn Paish	Tourism
Nina Lindley	Environment
Stan Dueck	C.S, Building Safety
Judy Linton	C.S. Land Planning
Patrick Ross	City of Whitehorse
Roxanne Schofield-Wray	Yukon Energy Corporation
Todd Pinkess	Environmental Health Services
John Pattimore	Ta'an Kwach'an Council
Frank James	Carcross Tagish First Nation
Peter Zurachenko	Water Resources
John & Bernadette Witham	Applicants #2005-0006
Casey Adshead	Applicant #2005-0011
Eva Wieckowski & Brett Boughen	Intervenors #2005-0011
James Connelly	Applicant #2005-0012
George Saure	Applicant #2005-0019
Tanya Cameron & Brian McDonald	Applicants #2005-0020
Gordon Sinclair	Applicant #2005-0039
Wes Walker (teleconference)	Applicant #105B12-001
Joyce Bachli	Recording Secretary

Review of Agenda

#2004-0211: Sheila Lynn Cavanagh and Heather Jane Sykes has been deferred awaiting more information, and #2005-0013: Yukon Gardens has been removed from the agenda-application was cancelled by applicant.

Delegates scheduled: Doug Gonder is scheduled for 9:45 a.m., John Witham at 10:00 a.m., Ron Berdahl tentatively at 10:15 p.m., Casey Adshead and Intervenors Eva Wieckowski & Brett Boughen at 10:30 a.m., James Connelly, Grizzly Contracting at 10:45, George Saure and Tanya Cameron & Brian McDonald at 11:15 a.m., Gordon Sinclair at 11:30 a.m. and Wes Walker, Wolf Lake Wilderness Lodge Ltd. (teleconference) at 11:45 a.m.

Vista Road applications have been changed from May 13, 2005, to May 26, 2005, at the large boardroom 419 Range Road. The report will be mailed this week.

Special Announcement

Stan Dueck advised it is Building Safety Week across Canada and the United States.

Minutes-April 14 & 15, 2005, Regular LARC Meeting

Apologies were made by Secretary Joyce Bachli for the lateness in distributing the minutes. Any comments to be forwarded to Chair and Secretary.

1) Environment advised:

- April 14, 2005, p.m. - page 2 "Recommendation" on #2004-0173, Jonathan Dowdell - remove the second "bank".

Approval of the April 14 & 15, 2005, regular meeting minutes was deferred to June, 2005. Committee members are requested to forward comments to the Chair and/or Secretary.

The agendas are on the Lands website, and the minutes will be put on-line, as well.

Old Business

1. #2004-0211: Sheila Lynn Cavanagh and Heather Jane Sykes - .134 ha, parcel adjoining Lot 1027, CLSR 75824, Fox Lake, Quad 105E/3 – Residential Enlargement – deferred October 14, 2004 LARC

DEFERRED at the request of the applicant.

2. #115A14-070: Daniel Clunies-Ross – 1.83 ha, parcel, near Kilometre 1603.7 Alaska Highway, Quad 115A/14 – Lease purchase-deferred February 11, 2005 LARC.

The application was deferred, subject to the following:

- Submission of plans for constructing improvements on the site
- Applicant to provide information on ability to downsize or consolidate with other sites beyond the lease parcel
- Submission of Champagne and Aishihik First Nation's concerns with access to settlement land

In a telephone conversation, Gord Allison, Land Management Officer, CAFN, advised that the site specific parcel of settlement land has access to the highway through Lot 95 or 804, to the west of Clunies-Ross's Lots 19 and 20. As well, there is a ridge between the subject property and the site specific, so it would be difficult to put a road through. Access to settlement land cannot be blocked.

An email letter was received from applicant, Daniel Clunies-Ross, dated April 28, 2005, together with attached proposed site plan for the parcel, showing a kiln, planer mill and green chain on the lease parcel; as well as layout for the kiln and the planer mill. Mr. Clunies-Ross stated that there is not sufficient space on the current lot to expand the operation, as there are currently three buildings on the lot, plus a debarking facility and weigh scale. In addition the plan is to have a chop-saw line installed on the current lot.

The application is for purchase of a stand-alone parcel of 1.83 hectares currently leased by the applicant and is located at Canyon Creek to the east of the applicant's existing titled parcel.

Client believed the property was not in a RETP area and was asked to contact Property Assessment and Taxation.

Property Assessment Branch - comment from Rural Electrification Program is that the parcel falls within their project area.

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

Yukon Energy Corporation request an easement for any existing or future powerline on the property.

Community Services Land Planning advise subdivision approval will be required. There is no zoning.

Land Use, Environmental Health Services, Tourism, Environment, Ta'an Kwach'an Council and Carcross Tagish First Nation had no concerns.

Recommendation: Approval in principle, subject to subdivision approval for survey. Building permits will be required for any structures and easements for any powerlines. The applicant needs to discuss the rural electrification and telephone program with Property Assessment Branch.

3. #2002-0304: Doug Gonder – Parcel adjacent to Lot 1180, Quad 105D/11, off Tlingit Road, Marwell, City of Whitehorse – Review of Appeal – February 13, 2003 LARC.

Mr. Gonder has title to Lot 1180. The application for this lot expansion is intended to utilize additional area for storage of equipment and materials and will allow the company to construct a new shop and office complex. This new facility will be approximately 100 x 200 and contain a four-bay workshop with office headquarters. Construction of this new building will be completed in two phases with the shell and cladding being completed the first phase and interior to be completed the following season.

Development Review Committee – February 1, 2005, Recommendations:

- 1) No disposition of City owned land
- 2) Any enlargement must respect OCP policies for riparian setbacks;
- 3) Applicant shall share cost of upgrading Caribou Road

The applicant has been working with the City of Whitehorse and has submitted an amended application to deal with the issue of the creek and allow for more storage capacity.

City of Whitehorse reviewed the original application, which was to expand across the creek into the north in an area which was not acceptable due to OCP issues. Subsequently, Mr. Gonder hired EBA to do a study of the area to try to support his contention that it wasn't an issue to bridge across and culvert in the creek. The City's position did not change, and Mr. Gonder has not requested an amendment to the OCP. Discussions between the City and the applicant have culminated in the idea of expanding into the north and east but staying on the southern side of Marwell Creek. Development Review Committee recommendations: respect the 30-metre setback from the creek. The configuration of the parcel into a point would be cut off, as the tip is too narrow to allow for usable land. This will be addressed at subdivision approval time. Lot 1180 is about a hectare in size, and the enlargement will double the original lot size. With the expansion to the east, blocking off future road access to the extension of Caribou Road is a consideration. This becomes an issue with the traditional Kwanlin Dun First Nation parcel to the east. Any improvements requested to Caribou Road will be a cost-sharing venture between the City and the applicant. No zoning amendment will be required; however subdivision approval will have to occur. The existing trail to the north will be protected, plus a buffer, through the OCP. This will create a riparian area around the creek.

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

Ta'an Kwach'an Council commented without a site plan, the justified need for expansion is difficult to ascertain. There is already a large portion of land cleared. The identified expansion will encompass hinterland on the edge of wetlands, and they question providing this type of land for such purposes". Chair Bryony McIntyre and City of Whitehorse advised the original application identified a justification for the land to facilitate a shop complex and a future expansion area to the shop, septic pump-out, parking and storage, stockpiling of gravel and turnout for the trucks. At the development permit stage, specific information will be required for approval. The creation of Lot 1180 was originally for the moving of equipment from Mr. Gonder's residential parcel on Range Road to allow development of Mountain View Place and accommodate equipment for his business at the industrial site.

NRO COMMENTS:

Soil: Presence of a surficial organic mat underlain by near surface gravels; Vegetation Cover: Mainly wooded with spruce and willows. Some aspen along the west and occasional lodgepole pine and aspen. Southern end is dominated by willows; Terrain: Waterbodies: "Marwell Creek" – is a drainage ditch and does not sustain any sort of rare riparian ecosystem. The applicant intends to leave the drainage ditch unaltered; Exposure: Access Roads; Suitable for Building foundation; Suitable for Septic; General Comments: The proposed lot extension does not encompass land that is environmentally sensitive and anthropogenic activities have occurred there in recent history. Evidence does not suggest that the area is being used as a wildlife corridor.

Land Use, Environmental Health Services, Tourism, Yukon Energy Corporation, Environment, Community Services Land Planning and Carcross Tagish First Nation had no concerns.

Recommendation: Approval in principle subject to the requirement of the City of Whitehorse for a 30-metre setback from the creek, to work on reconfiguration to meet needs. Subdivision approval will be required. No rezoning will be required. Development and building permits will be required for any structures.

NEW BUSINESS

1. #2005-0006: John & Bernadette Witham – 3.99 ha, parcel near Horse Creek, North Klondike Highway, Quad 105E/03 – Rural Residential

John & Bernadette Witham attended at 10:00 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

Mr. Witham advised they looked at the land last November. They wanted something in the area of Horse Creek, as it is the right distance from town and it reminds them of their home in Ross River. Lands Branch directed them to E.M.R. Client Services to find out the process for staking land. Their application was filed on January 7. The Grizzly Valley Community Group met on April 7th and provided Lands with a letter endorsing the application, with the amendment of accommodating a corridor of public institutional lands leading to the hinterland. The nicest piece of land is encompassed in the change, so it was a win-win for everybody. The Community Association is preparing a letter to request rezoning from agriculture to public institutional. Regarding retaining the agriculture designation, Mr. Witham spoke to the Agriculture Branch and determined that with the proposed development of the parcel, it would not have been able to legitimize an agriculture usage, and they were looking for rural residential.

Chair Bryony McIntyre noted the application is within the Grizzly Valley Area Development Zoning Regulation, zoned agriculture. The community group has been talking with the applicants, and they have arrived at a resolution.

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

The applicants wish to build a single family dwelling to become their permanent residence. The land will be used for rural residential purposed only. House to be constructed in the late summer of 2005 and occupied by applicants late fall 2005.

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 Assessment Branch Advises no RETP concerns

The Grizzly Valley Community Association and its acting president, Al Falle, believed that the property applied for was zoned for public use, however, this in not the case under the Grizzly Valley Area Development Regulations.

After discussion amongst members of the community association and the applicant, the applicant has reduced the application size, allowing more area for community use.

Laberge RRC by letter of May 9, 2005, comments its only concern is that the 15-metre riparian buffer strip along Horse Creek remains protected. Otherwise this parcel is surrounded by already existing rural residential or agricultural holdings, and additional impacts on wildlife and their habitat will be minimal.

Grizzly Valley Community Association, letter of April 4, 2005 - Agreement reached between Al Falle and John Witham has been approved without exception.

NRO COMMENTS

Soil: sandy/clay loam; Terrain: mainly flat; Waterbodies: Horse Creek to the West; Exposure: No particular exposure; Access Roads: Whitehorse 30 kilometres away; General Comments: Area appears suitable for the intended purpose. The area was flagged, leaving a five-metre strip on the north boundary between the parcel and Lot 592. I suggest that if successful, the parcel be butted up against Lot 592.

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

Building Safety noted since rezoning will have to occur, it is unlikely that construction will occur this year. The public use lot can be rezoned at the same process. Development and building permits will be required for any structures.

Environment advised Fisheries requested a minimum 30-metre buffer from Horse Creek.

Community Services Land Planning advised rezoning to a residential use will be necessary, which can be a lengthy process. The rezoning will have to occur before an application for subdivision approval is submitted. It is recommended that the rezoning application be joint with the Grizzly Valley Community Association. There is no problem with the proposed use, as it is compatible with existing development. The parcel should be less than four hectares to prevent subdivision. Regarding the riparian zone, the owners of Lot 1005-2 have been granted subdivision approval for five or six rural residential lots. A conservation easement has been negotiated with the Thompson's to protect the creek, which involves a no-development zone to the top of the bank. The department requests this lot be set back in a similar manner from the top of the bank.

Mining Recorder, Environmental Health Services, Tourism, Yukon Energy Corporation and Ta'an Kwach'an Council had no concerns.

Recommendation: Conditional Approval subject to a 30-metre setback from Horse Creek, rezoning to occur prior to application for subdivision approval. Grizzly Valley Community Association be requested to submit their application for both reserve and rezoning to Community Services for required lands for public use concurrently with rezoning of the Witham parcel. No further residential applications are to be accepted in the agriculture zone until discussions occur with the GVCA. Development and building permits will be required for any structures.

Action #1: Judy Linton will provide details of the conservation easement with the Thompson's for Horse Creek to Chair Bryony McIntyre.

Action #2: Recommendation to note on Lands maps no new (agriculture or residential) applications until discussions with Grizzly Valley Community Association are held.

2. #2005-0010: Ron Berdahl – 6.3 ha, parcel adjoining Lot 1060, South Klondike Highway, Quad 105D/10 – Lot Enlargement.

Applicant wishes to build a garage/shop in close proximity to his house and existing power. Lot enlargement will allow applicant's lot to comply with lot size (6 hectares) under proposed Mt. Lorne LUP. Lot expansion will allow lot to conform to neighbouring lot size (most 8 hectares). Lot expansion will allow owner to manage the past climax forest to reduce open fire danger. Lot expansion will have no adverse effects on community. Development timeframe is within one year.

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

Laberge Renewable Resource Council, letter of May 9, 2005 - Area is within the winter range of the Southern Lakes Caribou herd, and the Yukon Fish and Wildlife Branch should be contacted re impacts on wintering caribou.

NRO COMMENTS

Soil: Due to snow depth – not tested. Local knowledge of area indicated similar soils to adjacent lots indicate clay/sand – humus layer < 5cm; Vegetation Cover: 100% spruce mature approx. 70% crown cover – predominately mature spruce in late serial stage – 20 – 25% of stand shows sign of advanced decay – approx. 80% volume is 17.5cm – 22.5cm DBH – height class 15-18m. Total estimated merchant approx. 500m³; Terrain: predominately flat with 3% westerly slope; Waterbodies: creek bounds lot 1060 – south boundary; Exposure: Parcel lies in N/S valley bottom with good southern exposure; Access Roads: Off S. Klondike Hwy at Gilday Rd. approx 2km L.S. Gilday Road; Suitable for Building Foundation and Septic; Distance to Water Supply: Present parcel bounded by creek – southern boundary; not subject to flooding; Environmentally Sensitive Areas: No signs of ungulate traffic or sensitive areas; General Comments: Site is forested but timber value and volume is <100m per ha and value is declining rapidly. Aspect and exposure are suitable and would lend well to existing site held by applicant. Walk thru shows no signs of large wildlife usage – site soil / vegetation / terrain and aspect are uniform thru-out immediate area and adjacent parcels. Layout conforms to topography and doesn't restrict future development if required. Site suitable for intended purpose.

Community Services Land Planning commented the parcel is within the Mt. Lorne local area plan, which shows the existing lot as RR. The plan is silent on lot enlargements, so it is assumed it supports them. Enlargement would have to be to six hectares to meet the minimum lot size for the Whitehorse Periphery Zoning Regulations and the Mt. Lorne Plan and proposed regulations. There is no operational need to expand to over six hectares.

Environment requested to continue managing winter range in the area by avoiding identified key winter habitats. The area is potentially sensitive; habitat should be managed to maintain corridor across the Narrow Gauge Road and not impinge on the sensitive area. The sites higher on the hill are less well known but have the potential.

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

Although Land Use noted title is not required to conduct Fire Smart activity, they have no concerns.

Mining Recorder, Property Assessments, Land Use, Environmental Health Services, Tourism, Yukon Energy Corporation, Ta'an Kwach'an Council and Carcross Tagish First Nation had no concerns.

Recommendation: Approval in principle for enlargement to six hectares, subject to subdivision approval. An inspection is recommended to be undertaken with applicant, Gilday's, NRO, Lands and Community Services to ensure all enlargements are coordinated vis-à-vis lot configurations.

3. #2005-0011: Casey Adshead – 6 ha, parcel near Kilometre 23, Annie Lake Road, Quad 105D/07 – Rural Residential

Casey Adshead (applicant), together with Eva Wieckowski and Brett Boughen (interveners), attended at 10:17 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

Mr. Adshead advised he has applied at roughly Kilometre 23 on the Annie Lake Road. His application was submitted in November or December, following meeting all requirements in the application. His reason for choosing this piece of property is because of the spectacular scenery. He wishes to settle down and start a home, and this is an ideal location. Mr. Adshead plans to build a small home, two-storey with a loft.

Clarifications:

- Location of the Wheaton River.

Eva Wieckowski and Brett Boughen noted:

- The parcel is next to the area that was recently denied because of caribou habitat, they believe the area is prime habitat for caribou with open pine, extensive moss and lichen, caribou tracks, bedding and scat.
- In the early '80's there was a lot of caribou, they disappeared, and now frequently see signs of caribou; excited and grateful to the Southern Lakes Caribou Recovery Program.
- The applied area sits atop and adjacent to numerous trails for horse, skiing, running and mushrooms.
- The only (main) dog trail that goes from Annie Lake to the Wheaton River Bridge goes either right in front of or through the application.
- The previous applicant (VanRanden) who was denied beside where Mr. Adshead is applying was offered a parcel on the other side, and they are concerned about the process, as they were not advised and given an opportunity for input. This involves a major trail system that they utilize in their tourism business.

Chair Bryony McIntyre acknowledged there was an oversight in sending out advice as to the relocation.

The group left the meeting at 10:28 a.m.

The applicant wishes to acquire this land for the purpose of building a rural residence. The expected development time from would be five years.

Laberge Renewable Resource Council comments, by letter of May 9, 2005, that the parcel is outside the traditional territory of Ta'an Kwach'an Council, located within Southern Lakes Caribou Herd Range, and the Yukon Fish and Wildlife Branch should comment on possible impacts.

Archaeological assessments will be required.

Intervener letter from Sheila Alexandrovich, Brett Boughen, and Eva Wieckowski, dated April 24, 2005.

NRO COMMENTS

Soil: Due to snow and frozen ground – unable to ascertain actual soils – due to topography and forest type (flat and pine) soils are presumed to be well drained sandy clays; Vegetation Cover: Open lodgepole pine stand <50% crown cover, immature pine with interspersed mature (decadent pine) minimal brush or shrub understory. Apparent above snow levels; Terrain: Flat; Waterbodies: Nearest Annie Lake - approx. 1.5km; Exposure: Lies within north/south valley. Receives southern exposure during summer – somewhat restricted exposure in winter due to hills east/west; Access Roads: adjacent to Annie Lake Rd and Wheaton Rd. Workshop Rd – west boundary and SW corner; Suitable for Building foundation and Septic; Distance to Water Supply: 1.5 km to Annie Lake or drill; Not Subject to Flooding; Environmentally Sensitive Areas: No – within RRS Mt Lorne/Carcross area plan; General Comments: Area flagged is suited to RRS -Ease of building; -Ease of access; -Minimal timber values (immature and interspersed decadent residuals); -Apparent light ground cover.

Hamlet of Mt. Lorne did not comment.

The Committee reviewed the circumstances of the VanRanden application at length.

Land Use commented that a Land Use Permit may be needed if constructing access.

Building Safety advised currently a five-foot setback from property line is required, but the new regulations will require 15. Development and building permits will be required for any structures.

Environment commented they do not support this application. The parcel falls within the pine lichen habitat just south of Annie Lake, similar to the area from where VanRanden was relocated. Without knowing the conditions that Mt. Lorne, Carcross Tagish First Nation or Kwanlin Dun First Nation are requesting on this, it is difficult to manage cumulative impacts of development in the area. It is inconsistent if not advised against, based on the loss of caribou habitat.

Carcross Tagish First Nation recommended denial of the application: caribou habitat and migration, the precedence of moving another application from the area and concern about opening up new areas without planning, as opposed to allowing applications in areas already developed.

Tourism supported comments of other Committee members.

Community Services Land Planning advised the application is in the Mt. Lorne Plan area, designated for rural residential secluded in the plan. Zoning is under Whitehorse Periphery Regulations and would, by default, become zoned rural residential upon disposition. Draft zoning identifies the area as hinterland; if disposition occurred after the Mt. Lorne Regulations come into being, then a zoning amendment would be required. The issue of trails should be addressed, i.e. parcel configuration should avoid any current trails. Subdivision approval will be required, and the parcel should be aligned with the Annie Lake Road to accommodate legal access, with right-

of-way 30 metres from centre line. Density requirements noted in the plan for RRS should be examined, i.e. six-hectare parcel within a 15-hectare block. The previous suggestion of putting a reserve on the land around this area should be considered. Intensifying development in one area is preferable to having it spread out.

Property Assessment Branch (RETP), Whitehorse Mining District, Land Use, Environmental Health Services, Ta'an Kwach'an Council and Yukon Energy Corporation had no concerns.

Recommendation: Deferral to July in order to allow for a site inspection with the applicant. The location applied for on the east side of the road will not be supported due to wildlife and trails. The inspection to address issues such as trails.

Note: It is important that the Hamlet of Mt. Lorne provide comments.

4. #2005-0012: Grizzly Contracting – 1.9 ha, parcel Kilometre 31 Tagish Road, Quad 105D/08-Quarry.

James Connelly attended at 10:30 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

Mr. Connelly related he built a house in Tagish, and he plans to move out there permanently this fall. He has some heavy equipment and plans to supplement his income by providing gravel and excavating service for the community. Mr. Connelly would keep his equipment at his property. The particular site has proven gravel deposits, and there are two other pits in the area, the Government and Ed Coates, and he would like to "keep the mess in one area."

Chair Bryony McIntyre pointed out that the current pits have restrictions for times of use in terms of caribou winter range. Mr. Connelly advised he plans to operate only in the summertime. FTLAC approved the Government and Coates pits with the proviso of a seasonal restriction to address caribou concerns, with the one-time exception for clearing of trees in the wintertime.

Mr. Connelly left the meeting at 10:33 a.m.

His plan would be to develop in spring 2005.

NRO COMMENTS

Soil: Light thin humus < 5cm gravels/sand; Vegetation Cover: Open, predominately aspen/poplar with dispersed lodgepole pine and spruce. No significant volumes of merchantable timber; Terrain: Flat; Waterbodies: None within 1 kilometre; Exposure: southern; Access Roads: adjacent to Tagish Hwy; Suitable for Building foundation: not required; Suitable for Septic: not required; Distance to Water Supply: +10 km Tagish Lake, Subject to Flooding: No; Environmentally Sensitive Areas: No; General Comments: Area is suitable for gravel development in accordance with test pit log. Area is adjacent to present Government pit and 1 km from Coates Pit – thus centralizes pit developments to one area. Terrain is suited to pit development.

Carcross Tagish First Nation recommended the application be denied due to caribou habitat and migration concerns and the existence of other pits in the area. The development conflicts with the First Nation's plans regarding gravel, as some of their citizens have an interest in gravel on the R-3 block on the north side.

Environment tabled a map of the caribou wintering range. The parcel is squarely within one of the key wintering areas of the Carcross caribou herd range. Gravel removal results in a direct loss of habitat and reduction of the carrying capacity of the range for caribou, as the animals will stop moving on the outer side of the gravel pit area. Gravels in this area are where the key pine

lichen habitat occurs. There are already three similar activities in this area. Approval of this application will set precedence for approval of other pits in the area in the future.

Land Use comments that the applicants may need a land use permit if constructing access across land. If commercial operators have to resort to utilizing the Government's reserve, it will expand the reserve faster and not reduce activity.

Property Assessments Branch indicated no RETP comments; Mining Recorder, Environmental Health Services, Tourism, Yukon Energy Corporation, Community Services Land Planning and Building Safety had no concerns.

Recommendation: Deferral to July, 2005. Lands to request Carcross Tagish First Nation, Transportation Engineering and Environment obtaining more information on the situation regarding the approvals and development of the government pit, Ed. Coates pit and mitigations. Lands will pull together the past FTLAC minutes and forward to these parties. Transportation and Environment to discuss impacts specifically on opening another area adjacent to the existing pit for gravel extraction and impacts on caribou movement in the winter.

5. #2005-0013: Yukon Gardens - .5ha, parcel adjoining Lot 1160, Quad 105D/11, Top of South Access, City of Whitehorse – Lot Enlargement.

REMOVED FROM AGENDA- Closed by applicant.

6. #2005-0019: George Saure & Harald & Marike Saure – parcel adjoining Lot 7, Louise Lake, Quad 105D/11 – Lot Enlargement.

7. #2005-0020: Tanya Cameron & Brian McDonald – parcel adjoining Lot 12, Louise Lake, Quad 105D/11 – Lot Enlargement.

George Saure (2005-0019), Tanya Cameron and Brian McDonald (2005-0020) attended at 11:15 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

All the lots in the subdivision are very small, i.e. Lot 12 is about .37 acres. Cameron/McDonald would like to expand their lot for gardening and other activities, plus build a house. The entrance to the access road is on Lot 12 and is utilized by Lots 7 and 12 as access. Just below Lot 12 is parks lands, which are utilized by skidoos all winter long. The dotted trail on the map is the road, and the strip is so narrow when the snowplough does the road, they grade over the property line, which result was loss of a property stake this winter to a plough. There are spots on the other side to access the lake.

Mr. Saure advised the lots are 100 feet wide. Although there are no buildings on Lots 4 and 5, the enlargement will allow for the building of a new cabin on Lot 7 and permit for space in between the buildings. The corridor is already used as a driveway. In the 15 years Mr. Saure has lived in the area at Lot 1157 across the creek, people have utilized the skidoo trail and have never challenged utilization of the corridor.

Environmental Health Services:

- Applications indicated "sewage and water" are non applicable.
- In view of public health and safety - questioned what applicant will do for water and sewer on Lot 7. Mr. Saure advised there is an outhouse and grey water poured into a pit. Water is obtained via buckets from the lake.
- Cameron/McDonald take water from the creek if it is open, minimum volumes (15 gallons/week). Their outhouse is a dugout pit, boarded in, with a perforated container

- that is “aired out” every couple of months, mixed with ashes and sawdust, resulting in no seepage. Biodegradable products are utilized.
- Future plans are to maintain the same process for water and outhouse. Mr. McDonald plans to get a pump to be utilized in case of fire.
 - Setback from the 100-foot OHWM would be difficult for any in-ground septic, i.e. most of Lot 12 would be in the OHWM.

Transportation Engineering, through comment to Lands, suggested an on-site inspection will be necessary to determine approval for road closure under the *Highways Act* to sell a portion of the road to the applicants.

The group left the meeting at 11:28 a.m.

The lots in this subdivision are small and the applicants plan to replace the existing cabin on Lot 7 and add outbuildings. The parcel applied for (reserve) is not used for public access but is currently used for access to Lots 7 and 12. The enlargement will legitimize the existing use of the enlargement area as a driveway as well as give assurance that the current level of privacy will be maintained.

LCIS comments re 2005 – 0019 and 0020, that the applications are within the traditional territory of the Kwanlin Dun First Nation and the Ta'an Kwach'an Council but are not in conflict with settlement land. An unsurveyed road may encroach on the parcels applied for.

Highways are concerned that this application and 2005-0020 would together remove access to the lake. Alternate access to the lake is at this point not clear.

Laberge Renewable Resource Council comments no additional wildlife habitat concerns, as the applied-for parcel is already in a developed subdivision.

An archaeological assessment will be required.

NRO COMMENTS

Soil: snow covered, assumed to be sandy/clay based; Vegetation Cover: Light brush willow – very open. Photos; Terrain: Flat; Waterbodies: Bounds Jackfish Lake (Louise Lake) (foreshore); Exposure: South – south - east; Access Roads: Gravel all season road to residences; Suitable for Building foundation; Suitable for Septic: Required perk tests to determine; Distance to Water Supply: Bounds Jackfish Lake; not subject to flooding; no environmentally sensitive areas; General Comments: Area is open / flat and not utilized at this time. Access activity to Lake at this Area is via utilized trail east of Lot #12 (noted on map). Area is suitable for enlargement by both parties if conforms to local land use.

No letters were received from neighbours.

Community Services Land Planning noted the parcel is within the Whitehorse Periphery, which allows for a six-hectare minimum lot size. Recent interpretation of the Subdivision Act and Regulations is that when a new lot is created, it has to be the minimum size. A six-hectare parcel cannot be obtained in this case. Options are leases or licenses of occupation or applying for a zoning amendment. Access to the lake via a six-to-eight-metre strip for fire protection purposes was recommended.

Building Safety stated if approval is granted, development and building permits will be required for any structures.

Land Use commented that the applicants may need a land use permit if constructing new access.

Environmental Health Services advised that the applicant needs to be aware that they cannot have interior plumbing due to required setbacks from the OHWM.

Transportation and Engineering stated they do not know whether the land will be required for public access and fire protection, so they have to conduct an inspection. Presently the main access road crosses over Lot 12.

Chair Bryony McIntyre noted the waiver of the 100-foot will have to be looked at, as variances are not permitted.

Property Assessments Branch advised of no RETP comment, Whitehorse Mining District, Land Use, Tourism, Yukon Energy Corporation, Environment, Ta'an Kwach'an Council and Carcross Tagish First Nation had no concerns.

Recommendation: Although there was a recognition of general support for the applications, the committee recommends denial at this time pending confirmation with Justice and Community Services regarding the Whitehorse Periphery Regulation and minimum lot size. If the determination is made that lots smaller than the 6 hectare minimum can be created, the applications can be further reviewed. It was suggested that the applicants could request a rezoning. An inspection to occur on site with Community Services, Transportation Engineering and Lands to confirm public access sites. If zoning is not proposed or would take significant time, a lease without an option to purchase could be discussed to provide use of the lands.

8. #2005-0039: Gordon Sinclair – 1.5 ha, parcel adjacent to Lot 1326, 97610 CLSR, near Takhini River Road, Quad 105D/14 – licence of occupation for Irrigation line.

Gordon Sinclair attended at 11:28 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

Mr. Sinclair clarified his application is to allow him to put a 8" irrigation pipeline in the ground. It would be a permanent application, although it would be only used for a couple of months during the summer. Mr. Sinclair explained he would prefer to use the natural old wood-cutting trails, rather than a straight line, with the starting point and ending point being the same as indicated. There are no maps showing these trails, but Mr. Sinclair has flagged the line. The difference ranges from a few meters in some places to 15-20 meters in others. Regarding a pump, there will only be one on a temporary basis to get water into the line. As it will be gravity flow, there has to be a siphon to get it to flow (particularly in the springtime). The only fuel will be that contained in the tank of the pump itself. There would be no fuel storage.

Mr. Sinclair left the meeting at 11:40 a.m.

The applicant is applying for a Licence of Occupation to allow for a buried 8" irrigation pipeline from Flat Creek to titled property owned by applicant, to provide water to crops.

The application will proceed through an integrated screening with the Yukon Water Board, Lands and Land Use.

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

DFO by letter to the applicant dated April 18, 2005 set out its concerns:

1. Recommends that water withdrawal not exceed 20% of flow present at a particular time.
 - Flow regime should be determined more accurately, to identify the availability of water for water for irrigation(DFO understands that YG Environment, Water Resources, has established a staff gauge on Flat Creek on April 14, 2005)

- Reducing the amount allotted to the water licence
 - More efficient irrigation techniques (night time) could reduce demand by half
2. All waters withdrawn or connected to the creek must be screened to the following standards
- Screen mesh: no less than 8 openings per lineal inch and openings of no greater than 1/8 inch in size
 - Mesh area : a rate of 1 sq ft of screen opening per 45 imperial gallons per minute withdrawn
3. As the installation is intended to be gravity-feed, operations must conform to the Emergency response plan submitted with the application.

NRO COMMENTS

Soil: Sandy / clay; Vegetation Cover: NW corner Lot 1326 to ROW Powerline is open with sparse aspen growth. Photo 1 and 2. Area from powerline to Flat Creek is predominately immature lodgepole pine with some open areas of aspen. Photo 3, 5, 6. Incline into creek is thick immature 3m lodgepole with creek bed of scrub willow and alder Photo 4; Terrain: Flat creek to height of land is approx. 300m with first 70m $\pm 35\%$ then benching for next $\pm 230\text{m}$ 6-8% then generally sloping southward to Lot 1326 boundary; Waterbodies: Flat Creek; Exposure: Mainly southerly except portion from Flat Creek to height land which has a northern exposure; Access Roads: ROW off powerline and several trails of Hotsprings and River Road; Suitable for Building foundation: Not required; Suitable for Septic: Not required; Distance to Water Supply: Commences at Flat Creek; Subject to Flooding: No; Environmentally Sensitive Areas: Flat Creek General Comments: Route well flagged. Location of line is satisfactory. Minimal removal of vegetation or timber is required. Concerns – infrastructure required to hold back enough water to allow enough volume for irrigation (Penstock or Dam on Creek).

Laberge Renewable Resource Council advised they have already commented to the Water Board and Land Use and are inquiring how the disturbed strip of land can be revegetated to be useful to wildlife and noted the potential downstream impact on salmon spawning and rearing and the terrestrial ecosystem with its wetlands and associated flora and fauna.

Transportation and Engineering requested that the line be buried under the road. A culvert will be required. This would have to be moved at applicant's cost. The line is to be abutted on the Whymark side, there is a 30-metre road right-of-way.

Chair Bryony McIntyre noted the applicant has already submitted a permit application to the Water Board and Licence of Occupation application.

Land Use clarified that Mr. Sinclair has applied for a land use permit for construction of the line, with May 12, 2005, 4:30 p.m. as the deadline for comments. The only comment to date for the land use permit application is a concern from Laberge Renewable Resource Council, re: salmon habitat and why right-of-way needs to be 10 meters wide. This will be an integrated screening with the Water Board, with Water Board taking the lead. The land use permit will be issued after the Water Licence is granted. The Water Licence will be issued after the construction.

Water Resources commented the main issue is whether the applicant obtains his permit from the Water Board.

Environment noted Fisheries has some concerns regarding the fish in Flat Creek.

Yukon Energy Corporation requested that the applicant contact them regarding plans to locate the pipeline underneath the powerline vis-à-vis distance from the existing poles. Logistics of working under the energized powerline with equipment needs to be checked before construction occurs, i.e. ensure adequate limits of approach. The line will need to be buried deep enough to

allow for maintenance vehicles to drive overtop and be properly marked. An easement for crossing under the powerline may be accomplished by a letter and can be addressed in a condition in the land use permit process.

Ta'an Kwach'an Council advised they are focusing on the Water Board aspect of this application.

Community Services Land Planning advised the area is within the Hot Springs Road Local Area Planning and Zoning. Part of the area is designated and zoned for agriculture use, which poses no problem; but the other portion is designated and zoned environmental open space, which does not support this type of a private utility or private irrigation line, but it could be viewed as a trail construction, which is allowed as a discretionary use in this zone and would be supported by the department. This application for discretionary use is made through the Building Safety Office. Draw down on Flat Creek was flagged as a concern, but this will be addressed by the Water Board.

Action #3: Chair Bryony McIntyre will provide Pam Vust a copy of Transportation and Engineering's comments on Sinclair application.

Action #4: Pam Vust will supply details regarding the land use permit to Roxanne Schofield-Wray, YEC.

Action #5: Building Safety and Lands will coordinate public consultation process to avoid duplication with trail construction as a discretionary use permit in the environmental open space zoning area application. Judy Linton/Stan Dueck to send e-mail to Pam Vust as to details and contacts within departments to be identified for consultation purposes.

Action #6: Gordon Sinclair will conduct a site inspection with the NRO in order to provide a map of the route of his proposed irrigation line to Pam Vust as soon as possible, together with comments as to why the rerouting was chosen, i.e. to result in less clearing of timber and lower environmental impact.

Property Assessment Branch identified no RETP comments, Mining Recorder, Environmental Health Services, Tourism, Building Safety and Carcross Tagish First Nation had no concerns.

Recommendation: Conditional approval for a licence of occupation pending approval for Water licence and construction under land use permit to accommodate requirements of Transportation Engineering and Yukon Energy Corporation in terms of location, burying line and authorizations. Width of licence to be restricted to three metres. Licence will only be issued once all other authorizations and constructions has been completed,

9. #105B12-001: Wolf Lake Wilderness Lodge Ltd. - .74 hectares, parcel on the West shore of Wolf Lake, Quad 105B/12 – Purchase of Lease.

Wes Walker, from Tisdale Saskatchewan, attended via teleconference at 11:55 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

Mr. Walker explained:

- Took over the operation of Wolf Lake from the Frederickson's five years ago, has been running it as a fishing camp for the months of June-through-August.
- Done a lot of work to expand their business, now operating with between 40 and 50 guests each year, several repeat clientele.
- Drawing clients out of U.S. and Europe.
- Modest changes have been made to the facilities each year over the last five years to bring up to standard expected throughout Canada, as there has been a large change in

the industry in the last five years, with new, larger operations going up in other provinces, catering to the higher-end markets.

- Wish to continue improving their business; but even modest changes take a fair bit of capital. Main purpose of application is to attract a partner in the business, which can only be accomplished through receiving title to the property.

Questions/clarifications:

- Chair Bryony McIntyre - there are no improvements within the 100-foot setback to the lake.
- Tourism - Full capacity operation into August would project reaching and maintaining a maximum of 70-to-80 guests/season.
- Cater to small groups of anglers (six/eight to a maximum of 12), no desire to increase on a weekly basis.
- Guests appreciate facility is secluded.
- \$200,000 investment over next five/10 years includes: improving present structures, adding a conference room onto the main lodge, roofing and upgrades to cabins.
- Have cut back on marketing via shows and mainly rely on internet and being a part of campaign of companies in U.S., as well as tour operators in U.K.
- Community Services Land Planning - applying for title to just current lease area of .74 hectares, Mr. Walker stated have no future requirement down the road for more land.
- Environmental Health Services - looking at resolving septic and water issues per discussions, coordinate fly-in inspection for June (expect to have water system in by the 10th of June).
- Teslin Tlingit Council, Lands Committee - Lands advised Mr. Walker of letter received from TTC which recommends the area remain under lease; as once title is issued, will lose control of land. Feel not fair to three other outfitting businesses in the First Nation's traditional territory who all hold leases on their interests. Applicant advised they do not intend to compete with other operators and are willing to sign a statement to that effect.
- Building Safety - new construction requires building permits; should contact Gord Sundby, Watson Lake for details.
- Water Resources - clarified that applicant is looking to sell 50 percent of his operations to an equal partner. Anyone coming in will be required to abide by the terms Mr. Walker has set for the future direction of the lodge.

Mr. Walker concluded his conversation at 12:15 p.m.

The applicant purchased Wolf Lake Wilderness Lodge six years ago and has moved it from a retirement lifestyle operation running at 5% capacity to a destination fishing wilderness tourism operation running at 65% capacity. The current facilities, constructed in 1978 have a capacity for 12 guests. While the facilities area adequate for current needs and the business plan for the next five years is not changing, there will be a need to renovate and improve the existing facilities. Despite a strong desire to maintain Wolf Lake as a family business, the needed improvements will require new investment – and without title to the land, new investment is difficult to attract. New investments are on hold while we apply to purchase title to the parcel currently being leased.

The file was opened September of 1974. Commercial Lease from HMQ to Regnar Peter Fredrickson 14 March 1975 for five years; renewed 12 March 1980 for 5 years; renewed March 1, 1985 for 5 years; renewed March 1, 1985 for 5 years; renewed 27 October 1987 for 30 years. Lease was assigned to Wolf Lake Wilderness Lodge on 25 November 1998. There is a commitment to renew for another 20 years on this file.

Teslin RRC requested that the Yukon Government ensure that proper sewage disposal practices be used by the business due to the close proximity to Wolf Lake. They have no other concerns with the application as presented.

Teslin Tlingit Council submitted letter dated May 6, 2005 as noted above.

NRO COMMENTS – From 1999 Report

One main lodge 12 m x 5 m ; 4 guest cabins 4 x 5 m; storage 3m x 6 m; storage 2 m x 5 m.; Suitable for Building foundation; Suitable for Septic: Septic field in place; Distance to Water Supply: Lake; General Comments: Site is very well maintained. Ground cleared and pruned trees. Cabins and adjacent area guarded by 4 strand electric fence.

Environment tabled a map that shows the area falls within the heart of the Wolf Lake Caribou Herd winter range.

Building Safety advised there are no current building permits for any structures on the site. Any new construction will require permits. A fire safety and occupancy inspection should be carried out on the property before title is granted.

Tourism commented this operation has a very good reputation in the sport fishing market. Although the applicant is not interested in expanding, in order to attract a higher level of guests, he must upgrade. The business information provided is complete, and there are no concerns from the Wildlife Tourism Association on the application. It is next-to-impossible to get financing in the Yukon based on a lease, and private investors will not buy in without title. Outfitters have collateral in their concession area. The applicant has made it clear he does not want to apply for more land, as he feels that may make it more difficult to work through the process. The applicant has taken a commercial property that was being used for residential and put it back into commercial use.

Community Services Land Planning stated that although there is no planning or zoning in the area, they have a question about regional zoning (It's on hold). Subdivision approval will be required. The site looks crowded, and this would be a good opportunity for the applicant to obtain more land. Fire protection and building safety issues have been identified.

Lands, Policy stated it would be nice to have zoning in place. The operation has proven to be viable, so there is no pressure to change the use.

Environmental Health Services advised he is working with Mr. Walker. The statement that there is an "approved septic system" is inaccurate (open lagoon). It is not possible to dig a hole without a machine. The officers will use their discretionary powers to devise a system that works for everybody.

Chair Bryony McIntyre noted respecting Teslin Tlingit Council's comments, the lease is in place for 50 years, so the commitment for the land has already been given. As there is no infrastructure in the 100-foot, no waiver of the public waterfront will be necessary.

Land Use, Yukon Energy Corporation and Carcross Tagish First Nation had no concerns.

Recommendation: Approval in principle, subject to subdivision approval. Environmental Health Services to continue to work with applicant. Building Safety is to be contacted regarding inspection and fire safety.

The next LARC meeting is May 26, 2005, 9:00 a.m. to noon, Vista Road, the large boardroom at 419 Range Road, Whitehorse. Next regular meetings are WEDNESDAY, June 8 and THURSDAY, June 9, 2005.

Note: Commencing in June, the meetings will be Wednesday and Thursday, rather than Thursday and Friday.