

MINUTES

LAND APPLICATION REVIEW COMMITTEE
Large Boardroom, 419 Range Road
Whitehorse
November 10, 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
Colin Beairsto	E.M.R., Lands
Janice Bruton	E.M.R., Lands
Ken Kiemele	Environment
Pam Vust	E.M.R., Land Use
Roger Horner	E.M.R., Lands
Eero Karanka	DFO
Eric Petersen	E.M.R., Lands
Gord Allison	Champagne & Aishihik First Nation
Stan Dueck	Community Services Building Safety
Bernie Cross	H.P.W., Transportation Engineering
Shanna Epp	Tourism
Cathryn Paish	Tourism
Dan Cresswell	Carcross Tagish First Nation
Joella Hogan	Nacho Nyak Dun First Nation, Lands
Judy Linton	Community Services, Land Planning
Brian Ritchie, Community Services	Applicant #105M12-038
Lucien Lefebvre & Delphine Morlet	Applicants #2005-0167
Normand Larocque	Interpreter for Applicants #2005-0167
Marko Stefanovic	Applicant #2005-0128
Sabine Wieber & Karin Bodet for Helga Junker	Applicant #105D02-4-618
Mr. Atkin for Jean Cabardo	Applicant #2005-0207
Tamas & Tunde Fulop	Applicants #106D03-4-681
Joyce Bachli	Recording Secretary

Review of Agenda

Delegates scheduled: Lucien Lefebvre & Delphine Morlet is scheduled at 9:15 a.m., Brian Ritchie at 9:30 a.m., Marko Stefanovic at 9:45, Sabine Wieber for Helga Junker at 10:00 a.m.; Tamas & Tunde Fulop at 10:15 a.m. and Mr. Atkin for Jean Cabardo at 10:30 a.m.

OLD BUSINESS

1. #2005-0167: Lucien Lefebvre and Delphine Morlet – 3 ha, parcel near Truitt Creek, Campbell Highway, Quad 105L/01 - Rural Residential – deferred August 11, 2005, LARC

Lucien Lefebvre & Delphine Morlet, together with Normand Larocque, interpreter, attended at 9:15 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

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

Since the LARC meeting, Lands Branch and Transportation made a site visit, on September 20, 2005. There is a report on file. The applicants also attended the office with a translator to review the basics of the application.

Comments from the site inspection:

- Weather condition was wet during the site inspection.
- The site is in a creek valley, but no signs of recent flooding were apparent.
- There is very large vegetation indicating high water table and a thick forest floor of leaves, which would indicate no flooding.
- The creek is running in its channel, and the river is a reasonable distance away.
- Transportation states that the existing access is an old road to a gravel pit, the sight lines are not good, and it cannot be utilized for access for residential purposes.
- About 75 meters towards Carmacks; there is a spot where one day's work with a bulldozer should result in proper standard access.

Mr. Lefebvre understands this is a dangerous place to come out onto the highway, and the applicants are willing to build new access as prescribed by Transportation Engineering.

Environment, Regional Biologist (Mayo), October 17, 2005 - there are two issues related to this property:

- Close proximity to a sheep winter range, and the recommendation in the guidelines is there be no residential development within one kilometre of this.
- The Wildlife Plan covering this area – the community elders from Little Salmon Carmacks First Nation brought up the importance of the Magundy system for moose, caribou, aquatic furbearers, et cetera, and recommended there be a local area plan specific to the area. No information has been received as of yet on the wildlife inventory.

Mr. Lefebvre questioned if he should apply one kilometre away from where he did or whether it is still possible to get the property he applied on. There is already an existing lot within a kilometre, as they are only 600 feet from Mr. Lambkin.

Chair Bryony McIntyre – the information provided from Environment is the same as last time and does not provide any further details. The Lambkins' are already in the area (also received an enlargement last summer) and the sheep range is outside the area. Applications cannot be held in abeyance waiting land use planning.

Normand Larocque advised he has lived in the area for 10 years and almost applied for this parcel himself.

The applicants indicated they are willing to reconfigure the lot and provide more space for additional applications.

The group left the meeting at 9:28 a.m.

Transportation Engineering – an access permit will be required, work with the foreman at Drury Creek to determine appropriate site for access.

At least 60-metre setback is standard from the Magundy River.

Nothing further was received from Little Salmon Carmacks First Nation.

C.S., Land Planning – there is a bit of a residential node in the area.

Forest Management Branch, DFO, Land Use, Lands Policy, Champagne & Aishihik First Nation, Tourism and Building Safety had no concerns.

Recommendation: Approval for three-hectare parcel, request that the lot be reconfigured to more rectangular shape, respect 60-metre setback from the Magundy River and the creek and 30 metres from centreline of highway. A land use permit will be required for building new access. Building permits will be required for any structures. Subdivision approval will be required.

2. 105M12-038: Community Development Branch – 170.1 ha, parcel near Kilometre 49.6, Silver Trail, Quad 105M/12 – Solid Waste Disposal Site (Mayo Dump) Expansion-Reserve - deferred July 14, 2005 LARC

Brian Ritchie, Community Development Branch, attended at 9:30 a.m. to speak to the application and tabled relevant materials. The process was explained, and roundtable introductions were made.

Mr. Ritchie – answered the questions/issues raised at July LARC and supplied background where the reserve enlargement has come from.

- An ortho map was tabled to assist with identifying the area of the waste disposal site and surrounding parcels.
- Industrial use vis-à-vis its proximity to the dump was clarified as a permissible use.
- Existing kettles are ideal for a landfill, as no excavation is required, saving costs for the taxpayers. They are large: 75 feet deep and 500 feet wide.
- The reason for the large area is the requirement for separation from the working area of the residential, institutional and food service industry land uses. Mayo will have a requirement for a dump facility for many years to come, and this application encompasses ability for long-term future expansion. The Village of Mayo wants to be secure in knowing for the long-term future of the community, they have an adequate waste disposal site; and as faces change in government, dispositions will not occur which will create conflict for them.
- Regarding conflicts with land claims of Nacho Nyak Dun First Nation, there has been talk of land swaps with the First Nation to allow them to locate on the upper bench where there are no permafrost issues. The only conflict will be the existing dump, which will be a very minor encroachment.
- There is no conflict with Mr. Walters' use.
- No geotech has been performed, but the property is similar to the existing dump.
- The Mayo community well is about three kilometres from the site. They test their water continuously, and there have been no problems.
- Groundwater piezometers are a huge cost implication and have to be budgeted for.
- The existing dump still has some space, but there was concern when the old school was demolished as to capacity.

There was a suggestion that it may make more sense to continue to expand the old dump, rather than spreading it all over the place.

Mr. Ritchie left the meeting at 9:40 a.m.

Environment Health comments, "I can not make the meeting but here is the info on dumps from the Public Health Regulations. Section 33 reads:

Every waste disposal ground shall be:

- (a) located at least 100 yards from any public road allowance, railway, right-of-way, cemetery, highway or thoroughfare,

- (b) located at least 500 yards from any building used for human occupancy or for the storage of food, and
- (c) situated at such a distance from any source of water or ice for human consumption or ablution that no pollution shall take place.”

Forest Management Branch has no concerns with this application; however, the NRO has indicated there is some merchantable timber on the site. The Branch would like to suggest that any timber cleared from the site be salvaged and made available for disposal by the local NRO.

Clarifications:

- Gravel is being obtained from the existing embankment
- No geotechnical tests have been done of the test holes for potential seepage, as the ground is similar to the existing dump.
- Standard practice is new dumps require groundwater-monitoring wells, which are a huge expense. Old dumps have not been required to have the wells, but there is a transition happening with Environment regarding groundwater monitoring.
- The new dump will require an environmental assessment under the Solid Waste Regulations for operation of the dump even if it is in the reserve,
- Title will go to the Village of Mayo, and they would be triggered under the Solid Waste Regulation for operation of the dump.
- YESAA is project-driven.
- Permission is not required to cut trees on titled property.
- Surveying is projected for the spring.
- There is a solid waste plan in place, as required by YG Environment.
- Having large natural kettles is a better solution, rather than digging more working areas and incrementally increasing the size of the present dump.
- The tenure is for 100 years.
- The entire area is not going to be a dump, and only the immediate land being used for a waste disposal will be cleared.
- Village of Mayo understood initially there was a letter of support from the First Nation, but the First Nation is actually very opposed.
- No meetings have been held since the new Council was elected.
- Community Development Branch is providing a support function, and the village needs to provide the community with accurate information as to what is occurring.
- No Water Licence is required for the test wells.

Nacho Nyak Dun First Nation – concern throughout the community and the First Nation because of the large size and increase of footprint that presently exists, plus the fact the new subdivision will be located very close to the new dump. Much of the community does not have the right information to comment on this proposal. A community information session, including the First Nation and Village, would be helpful. The First Nation is opposed to the application and request deferral until open houses are held in the community.

Chair Bryony McIntyre noted that the parcel is outside the village boundaries, so the zoning bylaws of the Village of Mayo would not apply to this parcel.

DFO, Land Use, Lands Policy, Champagne & Aishihik First Nation, Transportation Engineering, Tourism, Carcross Tagish First Nation, Building Safety, C.S., Land Planning and Environment had no concerns.

Recommendation: Conditional approval for reserve, subject to a community open house to discuss and educate the residents of Mayo about the proposed use of the area, development plans, environmental issues. Formal authorizations are not to be issued until follow-up from Community Development Branch, Nacho Nyak Dun First Nation and the Village of Mayo occur. Community Services to provide Lands with outcomes of meetings and information for file.

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

Marko Stefanovic attended at 9:42 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

Mr. Stefanovic added since the last meeting, he has researched the Champagne & Aishihik First Nation Final Agreement, Chapter 13, Schedule A and the maps of CAFN heritage trails, and they did not reveal any conflicts in the area under application.

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

Site visit by Lands Branch, Community Services and the SNRO on Sept 22, 2005. Report on file:

- Toured the Haines Road and looked at land use, present dispositions and reviewed history of land applications in the area.
- Conducted a site visit to the parcel under application by Mr. Stefanovic.
- There is an abandoned gravel pit to the north, a treed area, kettles, old glacial esker material, and an old spur of the Haines Road pre-Shakwak.
- Area appeared suitable for intended use and is within an existing development node.
- There is an existing lot to the south.
- The area to the rear is a bit lower than the applied-for lot (catchment). There may be an underground creek in the area, but the inspectors did not see one. The area is well drained.
- The density of lots now is such that the area of the present location provides adequate spacing.
- The road into the gravel pit is a straight track road. The gravel pit is close to the highway. The application is located at the south end of the gravel pit, which should be left outside the application area for reclamation; but there wouldn't be a problem accessing the applied-for area with this road in any season.

Mr. Stefanovic – goal was to find a parcel where there would not be much development between the two, not too large a gap, yet have buffers to both neighbours. Regarding the proposed driveway use of the gravel pit entrance, i.e. whether the property boundary would be moved to the south to eliminate the access road was questioned. Transportation Engineering advised it will depend whether sight lines are acceptable, and Lands/Community Service indicated the sight lines are good along this stretch of the highway.

Champagne & Aishihik First Nation – infill may be possible in the future. Mr. Stefanovic commented having neighbours is not a problem, as long as a similar process is being followed and sustainable development is occurring, taking into account wildlife, landscape and economic development.

Transportation Engineering – will have to apply for a permit and may have to upgrade the gravel pit road if used for access.

A meeting to discuss planning and policy issues was held with Roger Horner, Lands; CAFN, Aisek RRC, Tourism and Community Services:

- There were no concerns with this particular application, as it was located in an existing node, but there was concern that an approved application on this road may attract future applications.

- A map, showing existing nodes and applications for future discussion, was tabled.

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

No new letters were received from neighbours.

Lands Policy – was no concern with this application in an existing node, however, there was comment that approving an application on the Haines Road might generate further interest in applications. There is need for some planning before significantly increased amounts of development are allowed, and Lands policy supports development of land on highways in existing nodes. A map was tabled, identifying existing land dispositions and applications, indicating a cluster development at Kathleen Lake and Dezadeash and the northwest and south sides of the highway, i.e. land dispositions within 10 kilometers of the highway. Government reserves and settlement lands were not identified on the map. The possibility of looking at applications in the second tier was discussed, i.e. doing the pre-emptive work of laying out lots and accesses.

Parks Canada commented that there are rural residential, small-scale lots available at Bear Berry Subdivision.

Champagne & Aishihik First Nation – regarding forest management planning occurring in the area, along the Haines Road, there is a lot of forest infested with the spruce beetle for which plans for harvest are being looked at.

Applicants on the Haines Road should be directed to nodal areas: These were referenced on the map, e.g. Kathleen Lake and the north end of Dezadeash. The purpose the land will be used for also has to be considered, e.g. rural residential, plus related factors, such as number of driveways, visual, tourism and land planning perspective. There is land to the back of this application area that is suitable for development.

Tourism – no concerns with this specific application. The potential impacts on the landscape, dealing with the spruce beetle-killed forest along this stretch of highway, may impact the appeal of the area for residential. A lot of time and effort has gone into the preparation of forest management plans, and the Champagne & Aishihik First Nation and community may not be prepared to go forward with a consultative planning process for the area such as was undertaken with the Kluane Land Use Plan. There are not the resources to conduct a tourism-orientated study of the area. All land uses in the area need to be considered and concentrate rural residential development in specific nodes that are suitable for that purpose. When applicants come in looking for land, they should be advised where previous deferrals and denials have occurred and be directed to look elsewhere.

Chair Bryony McIntyre – an application that meets the basic policy parameters cannot be rejected at the counter without being reviewed. However, clients are directed to areas where there may be reduced conflicts.

C.S., Land Planning – keep the gravel pit access road out of the parcel to preserve in case of future use of the pit or future access to the rear.

Forest Management Branch, DFO, Land Use, Transportation Engineering, Carcross Tagish First Nation, Nacho Nyak Dun First Nation, Building Safety and Environment had no concerns.

Recommendation: Approval in principle for a two-hectare parcel, excluding the gravel pit access road; the boundaries to be configured in snow free conditions with the applicant to meet building site needs. Lands to look at potentially sketching out potential lot developments that can be worked out, with identification of road right-of-ways. Map of suitable residential nodes of Kathleen Lake and the north end of Dezadeash to be supplied to Champagne & Aishihik First

Nation, Alsek Renewable Resources Council, Planning and Lands with comments to be requested. Subdivision approval preferably contiguous with the highway right of way.

Action #1: Parks Canada's comment on the Stefanovic application will be located and inserted into the minutes.

Action #2: Lands will have the map of the Haines Road residential nodes available at the front counter to direct applicants to nodes of development.

NEW BUSINESS

1. #105D02-4-618: Helga Junker – 0.063 ha, adjacent to the British Yukon Railway ROW, near Nares River footbridge, Carcross, Quad 105D/02 – Purchase Recreational Lease

Sabine Wieber and Karin Bodet, appearing for Helga Junker, attended at 9:55 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

Ms. Wieber – Ms. Junker wanted to know if it is possible to buy her property, what she needs to do and how much it will cost. She is living five years on the property and spends half a year in Carcross and half a year Outside in Germany. Ms. Junker will be returning to the Yukon in January. The building is a cabin. Pictures were tabled. Lands is to e-mail the decision to Ms. Wieber.

Building Safety suggested that as the lot is very small, Ms. Junker may want to consider expanding to available vacant land nearby, as setbacks may require variances down the road unless the lot is larger.

Chair Bryony McIntyre – the parcel was authorized for lease through the 1988 Squatter Program. Other neighbours have expanded and received approvals to purchase. If approved, the cost will be market value.

C.S., Land Planning – if approval is received, the subdivision approval process will be required, together with survey to go to title.

Mss. Wieber and Bodet left the meeting at 10:10 a.m.

Lease was granted as part of the squatter legitimization program - 30 year lease commencing July 1, 1990, granted to Dorothy McLennan.

August 2004, Ms. Junker, current leaseholder, inquired about purchasing this lease. Lands Branch sent her a copy of the July 16, 1996, letter to Ms. Shirley Green, the then leaseholder. That letter was regarding LARC's recommendation to deny Ms. Green's application to purchase the property, citing the need to preserve the road right-of-way, land claims, future planning and a portion of the lease being within the 100' setback.

SL NRO COMMENTS

Existing Improvements: house, shed, privy; soil: morainal moderately drained, thin organic mat; vegetation cover: mature spruce, various shrubs and herbs; terrain: sloping; water bodies: near Bennett Lake; exposure: north; access roads: adjacent to application; suitable for building foundation and suitable for septic; distance to water supply: 100 meters; not subject to flooding; no environmentally sensitive areas. General comments: application area is an old lease with improvements on site. No concerns with the application area.

The railway right-of-way is contiguous with the edge of the lake (OHWM).

Whitehorse Mining Recorder: No apparent conflict with mineral dispositions.

Environmental Health: A septic system upgrade is required. If in attendance please direct her to the office to discuss the matter.

Chair Bryony McIntyre – the previous lease holder tried to purchase the lease. The lot is bound by existing roads and railroad right-of-way. The OHWM catches the corner of the lot.

Carcross Tagish First Nation – there is a waterfront project going on, plus talk of redoing the walking bridge. Because of White Pass' development, there is a problem for large boats to dock; and with the redoing of the waterfront, the area of this lease as a cleared area for launching and turnaround would be less dangerous than now and is virtually the only suitable option left for that purpose. A survey of the lot may be required to determine if there is enough space to meet the needs of the dock. The older buildings on the lot are not suitable for relocation.

C.S., Land Planning – zoning is fine, the current leased parcel meets the minimum lot size for the zone. If the size of the present leased parcel is causing problems with potential boat dock development, the parcel should be made smaller to accommodate the needs of waterfront development. The other two leases in the same area have gone to title and received enlargements.

The committee discussed possible other sites for this recreational use, other land owners in the area.

Building Safety – reconfigure the parcel to required size, maintaining as large as possible; because of the shallowness of the lot, any new structures may require variances in front and rear yard setbacks. Development, building and plumbing permits will be required for any new structures.

Transportation Engineering – keep in line with the past setback, i.e. three meters.

Lands Policy – may be more appropriate to retain as a lease.

Heritage Resources, Forest Management Branch, DFO, Land Use, Champagne & Aishihik First Nation, Tourism and Environment had no concerns.

Recommendation: Deferral to February, 2006; Lands to set up a meeting with applicant and Carcross Tagish First Nation. The applicant is to be advised of the community interest raised at LARC and the possibility to deal with the community's interest, while providing the applicant with options for discussion/consideration.

2. 106D03-4-681: Tunde & Tamas Fulop – 0.4047 ha, on an unnamed island in Hanson Lakes near the eastern shore, Quad 106D/03 – Purchase Recreational Lease

Tunde & Tamas Fulop attended at 10:42 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

Chair Bryony McIntyre – this is a lease that was legitimized in the 1988 squatter program. The background of what occurred with the program was explained.

Mr. and Mrs. Fulop explained:

- Have been looking for a little cabin at a good location (a little heaven, sanctuary) for four years.
- Would like to have security to the property in order to do some upgrades on the 45-year-old building.
- Have two teenage boys, which would be a great asset to keep them occupied on the weekends in the summer, great fishing and outdoors.

- Would like to pass on to their children and grandchildren
- Came from a communist country and would like to feel secure; everyone respects private property in Canada, like to know the land will be theirs.
- Mr. Fulop is in construction, can fix the building.

Questions/comments:

- Lease came into effect in 1991, and it is a 30-year lease.
- Plan to use for personal recreational use, no plans for commercial use.
- The existing building is within the 100-foot, close to the water. The guest cabin is even closer, i.e. 10 meters from the water.
- There are topographical constraints to building outside the right-of-way because of slope.
- There is another titled property on Hanson Lakes.

The Fulop's left the meeting at 10:54 a.m.

Sketch by Bruce Gilroy dated September 1, 1987, shows that all improvements are within the 100-foot setback from the ordinary high water mark.

MAYO NRO COMMENTS

Existing improvements: 1 – 6.9mx7.6m cabin, 1 – 3.3mx5m guest cabin, 1-2.5mx6.8m shower, building/bunk head washroom, 1 – 2.5mx2.5m outhouse; 2 – 10' docks, stone fire pit, 16'x20' patio deck and stairs, 1 large iron water boiler – gravity feed water system. General comments: site condition is well kept. There is no foreshore lease to cover the two docks along the lake front portion of the parcel. A foreshore lease should be applied for.

Mayo Mining Recorder: No apparent conflict with mineral dispositions.

LCIS: The existing lease is within the traditional territory of Nacho Nyak Dun. The lease area is not in conflict with the traditional territory of Nacho Nyak Dun.

Property Assessments: No RETP concerns

Environmental Health: There is no information provided by applicant and thus I am unable to properly review the application. Please defer application until such time as information is provided.

DFO – the lease and all of the buildings are in the 30-metre; it is a fishing lake with planted rainbows in the 1960's.

Transportation Engineering – questioned how the applicants access the lake. The South McQuesten Trail goes off the Silver Trail to access Hanson Lakes.

C.S., Land Planning – do not support land within the waterfront reserve going to title; however this is a long-term lease. There is no intention to go to commercial use. The approval will be subject to Section 13 Order-in-Council waiver. Subdivision approval will be required.

Heritage Resources, Forest Management Branch, Land Use, Lands Policy, Champagne & Aishihik First Nation, Tourism, Carcross Tagish First Nation, Nacho Nyak Dun First Nation, Building Safety and Environment had no concerns.

Recommendation: Conditional approval, subject to receiving in Order-in-Council for a waiver of the 100-foot right-of-way. Reconfiguration may be suggested to minimize the amount of encroachment to reduce the 100-foot, i.e. metes and bounds description of the parcel can be obtained so that only that portion required to accommodate structures is included in the Order. Subdivision approval for survey after receipt of the Order-in-Council.

3. 2005-0207: Jean Cabardo – 1.63 ha, adjoining Lot 1, km 1619 Alaska Highway, east of Haines Junction and Pine Lake, Quad 115A/14 – Residential Enlargement

Mr. Atkin, representing his partner, Jean Cabardo, attended at 10:28 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

Mr. Atkin explained:

- They acquired the property about two years ago and are interested in increasing their lot size to facilitate putting up some greenhouses initially to grow subsistence vegetables for the family; possibly in the long term to sell vegetables at a farmer's market.
- The previous owner still resides at the property and is renting from Mr. Atkin and Ms. Cabardo.
- There are buildings on the property, and they would like to build a new home.
- The parcel is located just outside Haines Junction close to Marshall Creek.
- Lot 1 is .375 of a hectare.

Questions/Responses:

- They currently live in Whitehorse but are planning to make this their permanent home within a few years.
- Part of the reason for the application is the person who currently lives at the property previously owned the property and has expanded the area and constructed buildings without talking to Lands or getting approval, resulting in some buildings being located off the property. These buildings are fairly rustic "shanties" and not in great condition and with the consent of the renter Mr. Atkin would be prepared to remove them. Ms. Cabardo and Mr. Atkin would like to legitimize the infrastructure, which consist mainly of outbuildings for storage.
- The current occupant is renting the property from Mr. Atkin and Ms. Cabardo, who acquired the property from the renter and have title to it.
- Mr. Atkin and Ms. Cabardo have gone over their application with the current renter, and he provided the impetus for the application. The indication is the renter will sell the buildings to them if they acquire the expansion.
- One building is actually located in the pipeline reserve.
- If Mr. Atkin and Ms. Cabardo acquire the property, the buildings will become theirs.
- Most of the encroachment off the lot is to the east, but there is some infrastructure on the west side. Mr. Atkin was uncertain how mobile the buildings are.
- Would prefer to move back from the highway and questioned whether the pipeline right-of-way will always be in place and whether he could eventually apply for this land. Presently it is a titled easement to Foothills, and if the pipeline gives it up, it will revert back to Government. As well, if the requirement for land for the right-of-way is reduced, a portion of it could revert back to Crown and be available for application.
- An estimate of value is not available until after approval is received and the conditions accepted by the applicant.

Mr. Atkin left the meeting at 10:40 a.m.

HJ NRO COMMENTS

Existing improvements: both sites being used for storage; soil: sand, gravel, shallow top soil; vegetation cover: white spruce 10-15 meters high; terrain: gently sloping ESE; no water bodies; exposure: southerly; access roads: adjacent to Alaska Highway; suitable for building foundation; unknown if suitable for septic; distance to water supply: Marshall Creek one kilometre; not subject to flooding; no environmentally sensitive areas. General comments: the application contains two parcels on either side of the existing Lot 1. Due to the pipeline ROW to the north of Lot 1, the

only direction for lot enlargement is east and west. Both application sites have been previously cleared to some extent for the storage of miscellaneous vehicles, equipment and parts. This lot enlargement basically covers the area being used at this time that is of Lot 1. The west area contains some pole corrals, hi boy, trailer unit, loader bucket, miscellaneous lumber. The east parcel, which is mostly cleared, contains the vehicles, mining equipment and misc. parts. The treed portions of both sites contain white spruce 10-to-15 meters in height with no commercial value. Due to the terrain, no other access could be constructed to the property east of Lot 1.

Whitehorse. Mining Recorder: No apparent conflict with mineral dispositions

LCIS: the application area is within the traditional territory of the Champagne-Aishihik First Nations. The area being applied for is not in conflict with the settlement land of CAFN.

Property Assessments: No RETP concerns.

Lands Policy – lot configuration is long and narrow along the highway, pipeline reserve behind, which may change; no concerns.

Champagne & Aishihik First Nation – about 350 meters of highway frontage, does not abut against the highway right-of-way, there is no rational reason to leave the strip. Suggested request that lot be cleaned up before approval.

Transportation Engineering – would like to see the applicant gain legitimate ownership of the buildings before approval is granted.

Extensive discussion occurred regarding ownership of the illegal infrastructure off the property. The Yukon Government does not have jurisdiction over what is contained in the pipeline right-of-way. It was noted that the NRO did not identify this situation in his report.

Tourism – concerned with the highway frontage but understands limitations because of the pipeline in the back of the property.

Building Safety – no zoning, but building and plumbing permits will be required.

C.S., Land Planning – no planning or zoning, support removing the buffer to allow the lot to be contiguous to the Alaska Highway right-of-way and reduce the amount of frontage. Attempt to meet the minimum two-hectare lot size; exclude the access and powerline easement.

Environmental Health, Heritage Resources, Forest Management Branch, DFO, Land Use, Carcross Tagish First Nation, Nacho Nyak Dun First Nation and Environment had no concerns.

Recommendation: Approval in principle for a minimum two-hectare parcel, subject to the reconfiguration to abut the Alaska Highway right-of-way. The applicants are to provide Lands with a letter from the current renter/potential owner of unauthorized structures, indicating that they will become the property of the owner of Lot 1. Any structures within the Foothills Pipeline right-of-way are to be moved onto the new parcel or demolished. The access to the hinterland on the west side is to be avoided.

4. 2005-0210: John & Dorothy Clunies-Ross – 4.0 ha, near Canyon Creek and km 1602.5 Alaska Highway, Quad 115A/14 – Rural Residential

Written submission: we wish to acquire this land to live on permanently. The location is close to work and family, and we lived in the area for over 30 years. We will build a residence immediately upon receiving permission and tenure.

HJ NRO COMMENTS

No existing improvements; soil: sand, gravel thin topsoil; vegetation cover: white spruce 3-to-12 meters, aspen patches three meters, old burn; terrain: flat, gently sloping to southwest, west side contains contour breaks; no water bodies; exposure: southwest; access roads: adjacent to Alaska Highway; suitable for building foundation; unknown if suitable for septic; distance to water supply: 1.0 km Aishihik River; not subject to flooding; environmentally sensitive areas: contour breaks along west side. General comments: area located at Kilometre 1602.5 Alaska Highway just west of Lot 1019. Highway access to Lot 1019 can also be used for this parcel. Portion of this parcel is within the 1990 burn. The parcel is situated perpendicular to the highway right-of-way. The parcel is relatively flat gently sloping to the SW. The west boundary crosses the contour break along the NW west corner of the parcel.

Whitehorse Mining Recorder: No apparent conflict with mineral dispositions

LCIS: the application area is within the traditional territory of Champagne-Aishihik First Nations. The area being applied for is not in conflict with the settlement land of CAFN.

Neighbours:

115A14-070, Daniel Clunies-Ross - email received on October 5, 2005:

"I have received the Sept 26th letter regarding the application for land near 1602.5 Alaska Highway, Canyon Creek. Please understand that Grace and I support this application completely and we would like to see it approved as quickly as possible. FYI the kilometre posts have recently been updated and I believe that the location of this application is now closer to km 1550. I am sorry I can't remember the exact number, but you may want to correct it to avoid any misunderstandings."

Note: Daniel Clunies-Ross has an application for rural residential pending immediately south of this application.

Lot 89, Patricia O'Brien- letter received October 13, 2005:

"I am fully in support of this application. I would welcome this couple into the Canyon Creek area as I feel they have been good neighbours and they add a good community spirit and values to the area. I have read their application and have no concerns with any aspect therein. I would urge LARC to approve this application. Thank you for the opportunity to respond."

115A14-078, Northern Pipeline Agency- Faxed letter received November 1, 2005:

"The land application received by the Government of Yukon, Energy, Mines and Resources – Lands Branch from John and Dorothy Clunies-Ross for the purpose of Rural Residential, this application has been reviewed and the Northern Pipeline Agency has no issues and concerns. The subject land parcel does not overlap either the Yukon pipeline easement or any NPA reservations."

Lot 1051, Maria Beecher-letter received October 26, 2005:

"I, Leonard Beecher have no qualms with John Clunies-Ross getting land. My only concerns:

1. Not losing our hunting and/or shooting rights within 1km of a dwelling.
2. The sawmill to remain where it is – not coming any closer due to the noise level interfering with our RV Park business.
3. I am in the process of reapplying for the ground directly south of us.

Mr. Clunies-Ross assures me that it is fine with him and his son, John Clunies-Ross Jr. Mr. Clunies-Ross and John Clunies-Ross Jr. have agreed to abide by my concerns and have addressed them. It is my understanding that other persons has the authority to interfere with my 3 concerns other than Mr. John Clunies-Ross and John Clunies-Ross Jr. I have always found Mr. Clunies-Ross pleasant to live by as neighbours. He has always acknowledged and satisfies any concerns that may be or arise (business or pleasure). I agree with Mr. Clunies-Ross getting the land 100%. I find the whole family to be cooperative and pleasant to get along with. If they weren't this type of people I would not agree with them getting the land. I have every confidence

that it is the intention of John Clunies-Ross and John Clunies-Ross Jr. to build a residence and live on their property.”

Land Use – might require a land use permit for building a powerline or access.

Champagne & Aishihik First Nation – have no concerns but would like to see the west boundary at the top of the slope, as opposed to down-slope, which would result in unusable land. Would prefer to see access to the highway as opposed to across through the back in order to not impinge on Mr. Beecher’s ability to apply for land to the south. An easement would be required to legitimize the access.

There was considerable discussion regarding preferred access to all lots in the area vis-à-vis providing possibility for future expansions, plus the appropriate speed limit on the Alaska Highway in the area. The definition of “highway” was visited in relation to accesses in the area. Retention of existing public trails, such as a woodcutting road, or relocating the trails should be looked at.

Transportation Engineering – the firebreak trail is a highway. Drawings were tabled of the trail; prefer access to the back, which was originally an airstrip. Shared access with Lot 1019 is not permitted, as it mixes commercial/residential. Lot 1019 infringes into the right-of-way. The trail does access all the backcountry and goes to the river.

Building Safety – keep the parcel 30 meters back to exclude the trail. There is no zoning. Building and plumbing permits will be required.

C.S., Land Planning – no planning or zoning, the lot should be reconfigured to remove the “highway” from the lot. The parcel should be set back 30 meters from the top of the slope to the west. As the parcel abuts the highway, it meets *Subdivision Act* requirements for access.

Chair Bryony McIntyre – the Clunies-Ross family should be consulted to lay out the parcels, complete with setbacks for right-of-ways and buffer from the top of the slope. There is the potential for a couple more lots in the node.

Environmental Health, Heritage Resources, Forest Management Branch, DFO, Lands Policy, Tourism, Carcross Tagish First Nation, Nacho Nyak Dun First Nation and Environment had no concerns.

Recommendation: Deferral to December, 2005, to contact the Clunies-Ross family, the Beecher’s (owner of Lot 1019) to formulate a plan to encompass their interests and provide appropriate access to the parcels, as well as address *Subdivision Act* requirements, mapping to be brought back for approval by LARC.

Action #3: Lands will put together an ortho map to facilitate the process of the Clunies-Ross family and Beecher’s expansion.

The next LARC meetings are Wednesday, December 14 and Thursday, December 15, 2005, 9:00 a.m. the large boardroom at 419 Range Road, Whitehorse.