

## MINUTES

LAND APPLICATION REVIEW COMMITTEE  
Large Boardroom, 419 Range Road  
Whitehorse  
September 8, 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                      |
| Tanya Groundwater      | E.M.R., Lands                      |
| Eric Petersen          | E.M.R., Lands                      |
| Roger Horner           | E.M.R., Lands                      |
| Pam Vust               | E.M.R., Land Use                   |
| Randy Lamb             | Environment                        |
| Pat Scott              | C.S, Building Safety               |
| Dwayne Muckosky        | Forest Management Branch           |
| Eero Karanka           | DFO                                |
| Todd Pinkess           | Environmental Health Services      |
| Judy Linton            | C.S., Land Planning                |
| Bernie Cross           | H.P.W., Transportation Engineering |
| Shanna Epp             | Tourism                            |
| Randy & Janice Carlson | Applicants #105A02-047             |
| Ruth Wilkinson         | Applicant #2005-0185               |
| Lisa & Kevin Boutilier | Applicants #2005-0183              |
| Joyce Bachli           | Recording Secretary                |

### Review of Agenda

Old Business 4. #105A02-148 Elizabeth Morgan has been cancelled and New Business 5. #2005-0177 Cathy Wood requested her application be rescheduled for October, 2005. Delegates scheduled: the Carlsons', Bluestone Holdings Ltd., are scheduled at 9:30 a.m., Ruth Wilkinson at 10:15 a.m. and Kevin & Lisa Boutilier at 10:45 a.m.

### OLD BUSINESS

#### **1. 105A02-046: Fred Hasselberg – 0.10 ha, parcel near Kilometre 1033 Alaska Highway, Upper Liard, Quad 105A/02 – Purchase Lease – Residential – deferred June 2005 LARC**

This application was deferred for Lands to investigate title on Lots 69 and 70 in regard to creation, subdivision and locations and use of current right-of-ways and access. Transportation to undertake inspection of accesses in relation to Highway right-of-way and *Highways Act* interpretations. Environment, Water Resources is to conduct a site visit to undertake an assessment of the situation regarding flooding and erosion potential of this portion of the Liard River. The intent is to provide overall recommendations on this stretch of the river.

Water Resources did an inspection, and there has been substantial work by Lands Branch. A sketch of the area was tabled, illustrating present access (Hasselberg bottom through 1094, owned by the Upper Liard Lodge; Szabo along the Alaska Highway right-of-way and cutting across Lot 1069). These parcels are very small. Choices in terms of access: Neighbour has indicated preliminary agreement to do a land swap to allow for get a road right-of-way and straighten out the lot line. Flooding is not a problem. The topographical situation is unchanging

because the bridge anchors the area. Location of buildings, re: encroachment was reviewed. Where it affects private land, it is not a concern, but encroachment on Crown land can be dealt with

The applicant has cleared up the debris on the neighbour's land.

Community Services Land Planning commented they do not support leased land going to title within the 30-metre right-of-way. However, if approved, the access problems must be resolved, i.e. land swap or access easement. Building right up to the property line on the river side was questioned, especially from the standpoint of protection of the property owner. Chair Bryony McIntyre advised the only way to accomplish that would be to have a restrictive covenant on title.

Transportation Engineering confirmed they approved of relinquishing the small piece of right-of-way. A road closure will be required. 7.5 meters is fine for a driveway, and it should not be called "road".

Environmental Health Services noted this application is within 100 feet of the river and has a septic system, which means the applicant is nonconforming. Szabo has a holding tank and Hasselberg is on septic. There was in depth discussion about other possibilities. Getting tenure to the land is contingent on meeting requirements of the department.

Building Safety advised building permits will be required for any new structures. Setbacks for any new buildings will be four feet from the property line. When any new permits are applied for, if the building inspector considers the bank unstable, he can request a geotechnical engineering report on the bank.

Fisheries and Oceans noted these are long-term buildings within the 30-metre right-of-way.

Tourism, Environment, Land Use and Forest Management Branch had no concerns.

**Recommendation:** Deferral to December, 2005 to finalize access agreements, discussion about existing septic system and its impact on current lease arrangement and impacts on future conversions to title. Lands will coordinate a meeting with the applicant and Liard First Nation to discuss issues around sewage disposal in the 100-foot setback. The access proposal will continue to be discussed with the applicant, the adjacent property owner and LFN.

**2. 105A02-097: Ann Szabo - .22 ha, parcel near Kilometre 1033 Alaska Highway, Upper Liard, Quad 105A/02 – Purchase Lease – Residential – deferred June 2005 LARC**

This application was deferred for Lands to investigate title on Lots 69 and 70 in regard to creation, subdivision and locations and use of current right-of-ways and access., Transportation to undertake inspection of accesses in relation to Highway right-of-way and *Highways Act* interpretations. Environment, Water Resources is to conduct a site visit to undertake an assessment of the situation regarding flooding and erosion potential of this portion of the Liard River. The intent is to provide overall recommendations on this stretch of the river.

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The applicant has cleared up the debris on neighbour's land.

Community Services Land Planning commented they do not support leased land going to title within the 30-metre right-of-way. However, if approved, the access problems must be resolved, i.e. land swap or access easement. Building right up to the property line on the river side was questioned, especially from the standpoint of protection of the property owner. Chair Bryony McIntyre advised the only way to accomplish that would be to have a restrictive covenant on title.

Transportation Engineering confirmed they approved of relinquishing the small piece of right-of-way. A road closure will be required. 7.5 meters is fine for a driveway, and it should not be called "road".

Environmental Health Services noted this application is within 100 feet of the river and has a septic system, which means the applicant is nonconforming. Szabo has a holding tank and Hasselberg is on septic. There was in depth discussion about other possibilities, i.e. locating septic facilities on Liard First Nation land. Getting tenure to the land is contingent on meeting requirements of the department.

Building Safety advised building permits will be required for any new structures. Setbacks for any new buildings will be four feet from the property line. When any new permits are applied for, if the building inspector considers the bank unstable, he can request a geotechnical engineering report on the bank.

Fisheries and Oceans noted these are long-term buildings within the 30-metre right-of-way.

Tourism, Environment, Land Use and Forest Management Branch had no concerns.

**Recommendation:** Deferral to December, 2005 to finalize access agreements, discussion about existing septic system and its impact on current lease arrangement and impacts on future conversions to title. Lands to set up with the applicant and Liard First Nation to discuss issues around sewage disposal in the 100-foot setback. The access proposal will continue to be discussed with the applicant, the adjacent property owner and LFN.

**3. 105A02-047: Bluestone Holdings Ltd. - .36 ha, parcel adjoining Lots 1-8 to 1-11, CLSR 53701 in the Watson Lake Cottage Subdivision on Watson Lake, Quad 105A/02 – Purchase Lease - deferred February 10, 2005 LARC - requested extension to September's LARC**

This application was deferred June, 2004, to obtain more information regarding fuel and water issues. Consolidation will be required if the application is approved. Comments from the Town of Watson Lake are required. A coordinated inspection under snow-free conditions is to occur between NRO, Water Resources, Environmental Health Services and Building Safety. It is to be ascertained what permits have been issued. Transportation Engineering to contact Aviation Branch for comments.

Randy & Janice Carlson and family attended at 9:20 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

Mr. Carlson addressed the issues outstanding:

**1. Fuel Tank Storage and Dispensing System**

- Dice Petroleum Maintenance from Dawson Creek installed this facility. A copy of their invoice for \$9,000 to install a double-walled tank and piping to the meter cabinet to industry standard and according to Code was tabled. The system has been working well.
- The fuel storage is just outside of the 30-metre right-of-way on the titled land behind the waterfront. The lines and piping are installed down to a metre cabinet.

- Storage tank permit #05007, dated July 20, 2005, good until December 31, 2007, issued by the Fire Marshall, was tabled. One has been in effect for the past four years from 2001. The permit covers the lines that fuel up planes.
- Mr. Carlson provided a detailed description of the fueling system.
- The dispensing cabinet sits on concrete pads on the lakeshore and behind the cabinet is a plastic transition sump. The doors are locked at night when the system is not in use.
- Regarding a contingency spill kit, Mr. Carlson advised there is a bucket, which enables deposition of cleanup materials to be taken off site, plus a bag of Gator oil absorption material, garbage bags and shovels. This equipment has been on site since 2001 when the new system was installed.
- There is a posted procedure of what to do in case of a spill, which is updated continuously. Environment advised they would send some stickers to the company.
- Mr. Carlson reviewed that in four years they have had only one spill incident. He reviewed the steps followed in that instance.
- The Carlsons' live next door to the property and can see it from their kitchen window and are aware of anyone coming and going.
- A routine daily inspection is conducted, and no unauthorized person dispenses fuel. The cabinet is locked and the breaker to the fuel cabinet is shut off.
- Regarding the fuel trailer incident, Mr. Carlson advised this involved a turboprop aircraft, which requires Jet-B fuel. The staff at the float dock allowed the owner to fuel up the aircraft from drums. As soon as Mr. Carlson became aware of it, he put an end to it. This is a re-education process for veteran customers who have been using the facility for 20 years. Mr. Carlson tabled a letter he sent to co-users of the facility, illustrating their proaction regarding this event. Mr. Carlson talked to the gentleman involved, as well. The AV (Aviation) gas was in a horse trailer that is used for storage. One of the staff saw a drum laying out on the beach in the open, and they rolled it into the trailer. That drum had the factory seal on it. The leak in the drum was actually through the factory plastic seal, which is very unusual. None of the gas reached the lake.
- Regarding settling of the storage tank, Mr. Carlson advised there is no reason to believe there will be a problem with it. They have decided to leave the system where it is, as it is approved, pilots are familiar with its location and it is working very well.
- Mr. Carlson is attempting to prevent the parking of trailers on the beach, which has occurred for about 20 years. He plans to build a parking lot on the upland property they own behind the titled land and invest in a quad to move goods from the parking lot down to the planes.

## **2. Fire Safety Inspection Report**

- Mr. Carlson advised September 1, 2005, local building inspector and fire chief from Watson Lake conducted an inspection with Mr. Carlson.
- Items requiring attention: exit stair shafts are being addressed [photo tabled] - the office was jacked up but not the front step, resulting in a 12-inch step down instead of the legal seven-inch.
- Fire extinguisher portable - is located in the fuelling cabinet; suggested have one by the office in plain view.
- Electrical [seal up the electrical cable and fix the ground rod] - grey goop to be installed around the tech cable pipe going through the wall to make it waterproof. Local electrician is to provide an authorization on the 20-year-old electrical system.
- Suggestion that gas inspector authorize free-standing propane stove - opting to remove and put in electric heat.
- Once the outstanding items are dealt with, occupancy permit will be issued.
- They plan to redo their docks.

## **3. Septic**

- Septic system is an unknown.

- There is a toilet and hand sink in the building, no shower.
- There is a functional outhouse with a sealed drum for containment near the office.
- Are immediately investigating installing a 1,000-gallon permanent pump-out tank beside the office.
- On the upland, titled property there are two existing septic systems, one connected to a building and one for a building proposal; decided not to use these systems but go with pump-out system.

#### **4. Office Location and Structures on Property**

- Considering building new office on titled land behind the present location.
- Build on higher ground farther from the water.
- Option of a two-story office, with the bathroom on the second story so septic can be gravitated back onto the upland property and legally far enough from water, complete with drain fields.
- Plan to remove old buildings, including office and some old unattractive sheds.
- Would like to start looking at blueprints and planning over the winter; funding and investment are issues without having title.
- The “bunkhouse” guest house used for pilots and airplane mechanics is situated on titled land and is connected to a legal septic system, located above the 30-metre waterfront. There is no paperwork on the guest house, and this will be dealt with by contacting the previous owner’s relatives. This system was only put in a few years ago, and the drainrock was legally installed, together with the standpipes.

#### **5. Zoning Issues Vis-à-vis the Town of Watson Lake**

- Building Safety advised that before locating new office, check that the Zoning Regulations allow it to be located on the titled property.
- The four upland lots and the lease in front are zoned “Airport”. Other uses would require rezoning.
- Their residence is on a separate piece of property next door that is zoned “Country Residential”.
- The only building on the upland four lots is the bunkhouse building and related septic.
- The intent is to consolidate the upland with the leased lots into one titled lot.
- The CAO, Town of Watson Lake, wrote a letter, dated September 1, 2005, confirming that the proposed uses outlined in the Bluestone Holdings business plan fit with the zoning on the parcel and have no concerns with the application.
- The company offers a necessary facility in the community.
- “Wild Yukon Journeys” company does not fit with Airport zoning; and rather than apply for rezoning, they have allowed the venture to go dormant. The main business will continue to be floatplane parking, access, et cetera.
- Title is being sought primarily to secure investments. The property has been under lease since 1965, with the foreshore added in about 2000.
- Consolidation with the upland holdings - applicant is open to suggestions, i.e. make it one five/six-acre piece of property, zoned “Airport”.

#### **6. Liard First Nation**

- The First Nation letter submitted for the original LARC review indicated opposition to the granting of title.
- Concerned about diversion of the lake, which is on the titled property. The Carlsons’ deny doing any such activity on the leased property. They had cleaned up the lakeshore on their titled property, which issue was dealt with about 10 years ago.
- The Carlsons’ have not talked to the First Nation, as their issue relates to the legal use of the land.

The Carlsons' left the meeting at 10:25 a.m.

Received comments from Liard First Nation on June 3, 2005: Even though Liard First Nation has reviewed the addition to the application, email dated February 4, 2005, they are still opposed to purchase of this lease.

- As per the Umbrella Final Agreement which is a constitutional document, the waterfront right of way is recognized as being 30 meters in width. The water reservation as defined by the Territorial Lands Act is 100 feet. The buildings and dock are located within 30 meters and also within 100 feet of the water contained within the Watson Lake. Sales of land should not occur within the waterfront right of way as any waterfront right of way is for the use and enjoyment of all. The lease purchase is obviously applied for as a business purchase and not for residential reasons and as a result will most likely not allow use and enjoyment of all.
- The Bilateral Agreement signed between Liard First Nation and the Yukon Government has to be seriously considered when dealing with such a request as this. We have not surrendered our inherent rights which include use and enjoyment of any and all waterfront right of ways amongst other things within our Traditional Territory.
- Liard First Nation staff recently went to this lease in question to examine the work claimed to have been done. The only noticeable cleanup was brush stacked up in one corner off of the lease (normal maintenance and cleanup after winter). The fuel tank was changed but is not contained within a berm as is the practice with all tanks that are not certified Enviro tanks. There are cement blocks situated around the tank to avoid slippage on the downhill slope or people running into it. There is also a new dock situated within the water, which is not on the lease but is in the water in front of a neighbour's house. There are also a number of canoes in the same vicinity as the above-mentioned dock.
- There is no other noticeable improvement they could see.
- The applicant mentions that they want to build a structure worth \$120,000 on the lakeshore. There is no room to build this structure as it is situated within the waterfront right of way. Liard First Nation does not want to see any structure placed within the waterfront right of way. If this one applicant is allowed to do this, the repercussion is that any and everybody who wanted to build or own land directly situated within any waterfront right of way will have to be allowed.
- Any development including building new structures proposed by the applicant can be built by the applicant on the adjacent four lots, which they already own, as these lots are not situated within the waterfront right-of-way. If the applicants wishes to pursue upgrade of the float dock they should also consider placing a public boat launch to be used and enjoyed by all as in the email it is indicated that improvements would benefit all. There is no proper boat launch on this side of the lake.
- The laws in regards to waterfront right of ways must be respected and followed. These cannot be broken for one individual without change for all.
- The reason of financing for arrangements of improvements construction is not a valid enough reason for purchase of lease as financing is available for leases as well as for titled property.

Property Assessment has no RETP concerns.

Environment reviewed the inspections of Water Resources:

- Fuel storage within the 30-metre OHWM [horse trailer] and resultant spill was a one-time occurrence and steps have been taken to avoid similar incidents.
- The official tank is legitimate and an example of what should be done with a dispenser cabinet locking, cleanup items and remote power control for emergencies.
- Settling of the dispenser cabinet will be dealt with if required.
- Although not keen to grant title to the high water reserve, the applicant has rights to the lease and water lot. Consolidating existing titled land would assist.

- The *Environment Act* applies to both titled and leased land.

Building Safety confirmed as of September 1<sup>st</sup>, the barrels have been removed.

Community Services Land Planning commented they do not support land within the 30-foot waterfront reserve going to title either. However, the operation is working fine under a lease situation. Section 16(11) of the present lease guarantees right to the public for access, which would be lost if the parcel went to title. Consolidation of the five parcels into one is preferable. The Airport/H Zoning goes all the way to the high water mark, so it should not be a problem.

Tourism supported the application and is in favour of the plans of the applicant to move the parking lot.

Lands supported consolidation of the parcels through subdivision approval. Precedence has been set along the lakeshore of Watson Lake to build right down to the OHWM.

Environmental Health Services advised they are working with the applicant to resolve any issues. They are conscientious and good stewards of the land. A sunken, bermed storage area is recommended for the barrels, and Environment agreed to make this suggestion to the applicant.

Building Safety clarified that they have no jurisdiction on existing buildings and can only act in the capacity as advisory to the Fire Marshalls Office, which is the authority having jurisdiction.

Land Policy stated although generally they have concerns with granting title in the waterfront reserve, given that the precedence for title has been established and the fact the operation has been in place for 35/40 years and that it is zoned appropriately, the application to go to title is reasonable.

Fisheries and Oceans noted proposed dock upgrades next year will have to be dealt with.

Chair Bryony McIntyre commented the department is proceeding with legitimizing residents who have their houses in the 100-foot on Watson Lake, as well as other situations inherited from DIAND where operators have been leasing their business sites for many years.

Forest Resources, Whitehorse Mining District, Transportation Engineering, Land Use and Forest Management Branch had no concerns.

**Recommendation:** Conditional approval; Lands will forward request to authorize sale of the 100ft through an Order in Council. Subdivision approval will be required for survey to amalgamate the property with the titled lots. Any outstanding permits are to be complied with. Applicant to work with the Department of Environment regarding maintaining acceptable fuel handling standards. Future work on docks to be approved by Fisheries and Oceans.

**Action #2: Bluestone Holdings Ltd. will provide Lands a copy of storage tank permit #05007, dated July 20, 2005.**

**5. 2005-0046: Matthias Bindig – 2 ha, parcel located 1.5 Kilometre North of Keno City, Quad 105M/14 – Rural Residential – deferred June 2005 LARC**

LARC was provided with an updated on this matter. The application was deferred to resolve issues regarding the ownership of the cabin on the quartz claims and its heritage value, four-by-four trail, location of creek and appropriate configuration of parcel after required setbacks are determined.

Lands will conduct a site visit with the NRO and Mining Inspector, GPS the location of the cabin and determine whether the cabin is considered a mine asset.

Report on inspection:

- There are quartz leases on all the ground around Keno. The *Quartz Act* speaks to surface rights, and a legal opinion has been sought from Legal Services and Mineral Assessment on what those rights constitute.
- The ground is very suitable for the intended purpose. Since Mr. Bindig has a large number of dogs, being this distance from town would ensure there are no problems. There is an old cabin that is in really rough shape. If determined it is a heritage site, a 30-metre buffer would suffice. There is a creek not on the proposed lot but does require a 10 metre setback. Mr. Bindig has cleaned up the property, but he does not reside on it.
- A meeting with the community indicated there is support for the application. Because of the perception that UKHM owned everything, there is nowhere to expand. The community would like to expand their population base.
- Mr. Bindig has been advised it was uncertain whether his application would proceed, and it is his choice to scope out some other parcels or wait and see what happens with this one. He has attempted to contact Price Waterhouse.

Legal Services has responded:

- Yes, the mineral claim should be considered as a mineral lease and does underlie the Bindig application. Although that should not present an impediment to surface disposition, however, as the UKHM sale is imminent, it is suggested this application should be deferred to determine the position of the new owner.
- Whether mining would take place near this property by the new owner may be something the applicant may want to consider. Lands advised there are no placer claims, just quartz. A lease is usually put on the land when an operator requires storage of equipment.

Comment received from the Assessment and Abandoned Mines Branch, of Oil, Gas and Mineral Resources Division, EMR

- Sale is pending, and there is likelihood of increased mining activity in the area. Preference is to delay this application until the sales process is approved by the Court.

Heritage Branch reported from their point of view, they have no concerns regarding the cabin. Their understanding is that structures located on mining claims are the property of the claim holder, and the Branch has no jurisdiction. They support the application generally, as the building would be better off being owned by somebody than left to rot.

This was for information only and no further comments are necessary.

Tourism, Fisheries and Oceans, Transportation Engineering, Environment, Community Services Land Planning, Land Use, Forest Management Branch, Environmental Health Services and Building Safety had no further comments.

**Recommendation:** Deferral to December, 2005 to allow discussion with the new owner of UKHM.

### **NEW BUSINESS**

#### **1. 2005-0185: Ruth Wilkinson – 1.157 ha, Lot 15, Block 47, adj Lot 1, Belleview Subdivision, Watson Lake, Quad 105A/02 – Residential Lot Enlargement**

Ruth Wilkinson attended at 10:28 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

Ms. Wilkinson addressed items she discussed with the Town of Watson Lake and tabled photographs of the area.

- The Belleview Subdivision properties came out in 1980.
- The property she is applying for [next to her present one] is long and narrow and backs up to the RCMP on one side and the old Forestry Office property.
- The powerline is the boundary of the property, and it is “dead land”.
- They would like to build a garage to store their equipment for big game outfitting, plus two trucks.
- The guest cabin would not be in the near future.
- Regarding issue of access, there is a space between Lot 48-4 and Block 48-1.
- The Town of Watson Lake’s bylaw allows that parcels cannot exceed one hectare in size. Her property is .46 hectare.

Questions/Comments:

- Environmental Health Services clarified where the bed and breakfast is in the neighbourhood.
- Comment from Terry Wilkinson - no concerns.
- Town of Watson Lake does not support because of size, access concerns to Hour Glass Lake and zoning issue [H for Holding].
- Mrs. Wilkinson advised that the public does not use this access and utilized her photographs to illustrate the well-marked trail that is used. She questioned Town Council about their bylaw, as this parcel was over one hectare at the time it was created.
- Mrs. Wilkinson advised that the Town of Watson Lake stated that “LARC marches to their own drummer, and they don’t always listen to what the town says.”
- Chair Bryony McIntyre noted that under the *Municipal Act*, the government is bound by the Town of Watson Lake’s bylaws. If the town wishes to retain a portion for public access, it should be zoned appropriately, i.e. park or greenbelt. There may be a possibility for Mrs. Wilkinson to enlarge up to one hectare to meet the Zoning Bylaw. If the town decided to sell the parcel as a stand-alone lot, it would have to be rezoned and go through public lottery.

Ms. Wilkinson left the meeting at 10:45 a.m.

Applicant wishes to build a garage and possible guest cabin.

NRO COMMENTS

No existing Improvements; soil: various sizes of gravel; vegetation cover: application area is occupied by mainly pine trees of sizes varying from regeneration to mature. Spruce present closer to the NE corner (closer to lake). Common shrubs and mosses present. Tree density is somewhat sparse with no significant merchantable volume on site. Terrain: combination of flat and gently rolling ground; waterbodies: The NE corner of the applied for area lies approximately 30 meters from the edge of Hour Glass Lake. No water bodies or watercourses are within the application area. Exposure: slight east exposure; access roads: Stubenberg Drive is the main route through this subdivision. Application area is accessible from Stubenberg Drive; suitable for building foundation and suitable for septic, ensuring appropriate distances from Hourglass Lake; distance to water supply: well water on adjacent titled lot; not subject to flooding, no environmentally sensitive areas observed. General comments: the application area appears to be suitable for its intended purpose, as described in application.

The application area is a surveyed Lot 15, Watson Lake Wye Plan 52694 LTO. The lot is within the traditional territory of Liard First Nation and Lot 15 is not under selection by the LFN.

Property Assessments: No RETP concerns.

Town of Watson Lake: At their July 27<sup>th</sup> meeting, council discussed the application for Mrs. Ruth Wilkinson for a lot enlargement to construct a garage and possible guest cabin. Council did not support the application for the following reasons:

- The parcel of land being applied for is 1.16 ha. The Town of Watson Lake's zoning bylaw for Country Residential is restricted to 1.0 ha in size. The parcel of land that Mrs. Wilkinson currently owns is 0.47 ha. Combined, the two lots will exceed the current zoning regulations.
- The parcel of land that is being applied for provides direct access to Hour Glass Lake. This will restrict public access to Hour Glass Lake.
- The parcel of land in question is currently zoned Holding (H). Council would like this to remain a green belt.

Neighbours - Lot 1, Block 15, Terry Wilkinson advised he has no concerns regarding Ruth Wilkinson's application for a lot enlargement

Lot 1, Block 47, Ruth Wilkinson is the applicant's lot.

Community Services Land Planning commented that the Town of Watson Lake is correct in that the zoning does not support the application. A portion of lot 15 could be consolidated with Lot 1 and rezoned Country Residential. It appears there is some public use of Lot 15, and the town needs to consider whether or not they wish to rezone the lot for public/park use.

Environmental Health Services noted that ancillary residences are not permitted. They questioned whether proposed a garage could be sited on the applicant's present lot.

Building Safety recommended increasing the lot size to one hectare and rezoning it.

Lands, Policy agreed with the suggestion to increase the lot size to one hectare.

Mining Recorder, Tourism, Fisheries and Oceans, Transportation Engineering, Environment, Land Use and Forest Management Branch had no concerns.

**Recommendation:** Denial, as the lot is currently zoned Holding, which does not support Country residential uses. The applicant could propose to the Town of Watson Lake that her titled lot size be increased to up to one hectare and the enlargement rezoned. The Town should consider rezoning the remainder of Lot 15 to park/buffer/greenbelt to protect the property from further applications.

**2. 2005-0187: Joseph & Carolyn Turpin – 2 ha, near Gravel Pit 105B01-019, at km 1119 Alaska Highway and Rancheria River, Quad 105B/01 – Rural Residential**

The cabin on the site is presently only 15 metres from the high water mark of Rancheria River. The applicants propose to dismantle the existing cabin and, after clearing an area, move it back to where it will sit 30 metres from the high water mark of the river.

The present access road is extremely rough and narrow. We propose to slightly widen this road and apply gravel or crushed stone top layer.

Also, along with cleaning up the site and removing the existing garbage, they would like to erect a greenhouse and workshop on the proposed site.

NRO COMMENTS

Existing improvements: The following appear to be on the boundary of the application: one - approximately 1.2 x 1.2 meter outdoor privy, one - approximately 4.0 x 4.0 meter damaged elevated storage building; soil: sand and gravel with less than five centimetres of organic covering; vegetation cover: mature white spruce, alder and various shrub under story, with moss ground covering. A large portion of the application is within a regenerating cut-block. The regenerating trees on site are predominantly White spruce which do not seem to have been planted; terrain: flat; waterbodies: parcel is adjacent to Spencer Creek (approximately 10 meters) and Lower Rancheria River (approximately 30 meters); exposure: southern; access roads: small access road leading to application from the Alaska Highway. Note part of access road may be within the application. Suitable for building foundation: Area seems to be suitable for building foundation. Suitable for septic: Area seems suitable for a septic system. Distance to water supply: approximately 30 meters from the OHWM and approximately 10 meters from Spencer Creek; subject to flooding: area adjacent to the river and creek may be subject to flooding on unusually high water years. Area does not include any environmentally sensitive areas. General Comments: Application site seems to be suitable for the intended purpose. The land application includes a proposed plan for the site to assume the relocation of the main squatter cabin. In reviewing the applicant's proposal it is not clear if the other buildings or structures outside the application area will also be dealt with. See attached photos of all other buildings adjacent to the application area that are likely associated with the documented squatter cabin. Should the applicant be successful in obtaining a lease for the parcel, Lands Branch may want to consider excluding the access road located adjacent to Spencer Creek. This would ensure future public access to the Rancheria River. Any history we have collected to date on the cabin would be in the squatter file that Marg White has a copy of. The cabin is documented as SQ-Tin-WL-019. All the information we have on the cabin is in the file, I do not believe that the cabin is held or Mr. Don Lange has any interest in the cabin since he is one of the individuals whom informed me of the cabin's existence. The only person I can think of that could give me more information may be Mr. Lange. If you wish I could go see Mr. Lange and I may be able to discover historical usage or construction.

The application was received by Lands Branch on June 20, 2005. On June 22 two people appeared at the Mining Recorders office and had discussions about staking a placer claim on this location. Discussions ensued between Lands and the Mining Recorders office about the status of the potential placer claim. To date the potential applicants have not proceeded with their claim. Ownership of the cabin has not been determined. Photos of the cabin were tabled. Although the cabin is not recently constructed, it is in good shape and utilized for activities, such as picnics.

The application area is within the traditional territory of the Liard First Nation. The applicants indicate there is a cabin onsite. They do not indicate any formal "ownership" of that cabin. Is the cabin theirs? Do they have any tenure? I make this point because the Liard First Nation has not negotiated "site specifics, or s-sites. When negotiations commence with the Liard First Nation one of the outstanding items to address is finalization of many s-sites. Yukon government must determine if there isn't any First Nation involvement with this cabin - of any sort. If we do not have proof of the Turpin's ownership of the cabin, I would suggest Highways staff in the Watson Lake or Swift River highways camps be asked to verify any information the Turpin's have provided as well as share any community knowledge associated with the cabin's history. As there is a rather large reserve for gravel (105B/1- 019 and 020 in the area, as well as the NPA reservation across the river, information related to the cabin should be available.

Property Assessments: No RETP concerns.

Land Use: Land Use Permit if upgrading the road.

Community Services Land Planning commented there is no planning or zoning and they could have more than two hectares. Ownership of the cabin needs to be established, and the matter should be deferred until that occurs. The applicants do not appear to have any rights to it.

Access should be by surveyed road right-of-way. Setbacks from the river and creek will be required. It appears there is public use of the area.

Environment noted no concerns and requested setbacks from river and creek be maintained.

Transportation Engineering noted an access permit would have to be applied for. The applicants should be made aware of the nearby gravel pit vis-à-vis noise.

Building Safety agreed with the suggestion to determine ownership of the cabin before proceeding further. Building permits will be required for any new structures.

Lands, Policy wondered how the NRO would not be aware previously of the cabin given its proximity to the highway.

Fisheries and Oceans requested a 30-metre setback from Spencer Creek and Rancheria River.

Mining Recorder, Tourism, Environment, Forest Management Branch and Environmental Health Services had no concerns.

**Recommendation:** Deferral to December, 2005 for Lands to continue to try to determine ownership of the cabin. The applicant to be advised if they wish to reduce the conflicts on the site, they could move their interest and identify a new application location that does not conflict with either access into this area or include the cabin.

### **3. 2005-0183 Kevin & Lisa Boutilier – 2.449 ha, near Teslin cottage lots and km 1252.4 Alaska Highway, Quad 105C/02 – Rural Residential**

Kevin & Lisa Boutilier attended at 10:47 a.m. to speak to the application. The process was explained, and roundtable introductions were made.

Mr. Boutilier advised they own the lot directly beside this one.

- When they chose their lot six years ago, they were told the pit area had a life expectancy of three-to-four years.
- Problems they are encountering: unable to leave items at their property due to theft and dumping of garbage and sewage and brush. [photos were tabled].
- The Boutilier's would like to expand and blend this parcel into their lot.
- When questioned about whether or not controlling access is their main goal, Mr. Boutilier advised he would actually like to build on the parcel.
- Land Use advised there are two active land use permits for quarrying in the pit, plus personal use permits are issued out of the public pit. No alternate source has been identified. As well, access to the pit is an issue.
- Regarding the Village of Teslin, Teslin Tlingit Council and Renewable Resource Council's opposition to the application, Mr. Boutilier advised he has not seen anybody with a trailer hauling sand away. The Village accesses it as a cheap source of gravel in the wintertime. Mr. Boutilier advised he plans to erect a gate on their site specific property line to prevent access.
- Mrs. Boutilier stated they have been clearing their property over the past five years and have not noticed anyone hauling gravel or cutting wood.
- Regarding access, the road terminates at the pit.
- Chair Bryony McIntyre encouraged the Boutiliers to look at options: whether two hectares would meet their needs, discuss management issues with agencies responsible, i.e. in relation to gating the area. The Boutiliers were cautioned to confirm provisions regarding public access through Category B lands under the final agreements.
- Mrs. Boutilier advised that signs recently installed have been vandalized, i.e. spray-painted and crossed out.

The Boutiliers' left the meeting at 11:07 a.m.

Written submission: My wife and I would like to build our home here. Upon approval, we figure roughly two years to do so.

#### NRO COMMENTS

No existing improvements; soil: sandy loam; vegetation cover: sparse vegetation – willow, aspen, spruce with no commercial value; terrain: slight slope towards Alaska Highway (south-westerly) with mounds of mixed materials (rock, sand, gravel etc from people dumping over the years) and open faced hills (previous quarrying activity); waterbodies: n/a – opposite side of Alaska Highway to Teslin Lake; exposure: n/a; access roads: yes – public access road directly off the Alaska Highway at km 1253.4 RHS; suitable for building foundation and septic; distance to water supply: +350 meters to Teslin Lake, not subject to flooding; no environmentally sensitive areas. General comments: The access road into this area runs through the application area (and a small portion of the TTC block) to an upper public pit. Although no one is currently utilizing the sand in this pit, there are 2 valid Land Use Permits with associated quarry permits for this area (LUP #YA3Q035 and #YA4Q091).

Watson Lake Mining Recorder indicates no apparent conflict with mineral dispositions at coordinates provided.

The parcel under application is within the traditional territory of Teslin Tlingit Council. The parcel is not in conflict with TTC settlement land. It is noted that a disposition would effectively close a road that from the pictures appears well used and also appears to be an extension of the Teslin Cottage Lot Subdivision roadway.

Property Assessments: No RETP concerns

Village of Teslin: Mayor and council reviewed this land application request at their last council meeting and would like to voice their opposition to this request, as the land in question would prevent access to a local sandpit that is used by many around here to provide small quantities of sand for use around town by various residents for their small projects. To allow development as described would prevent access and create hardship for many of the residents of the Village of Teslin and surrounding area. They request that this land application be denied at this time.

Teslin Tlingit Council: As to the above TTC Lands Committee reviewed; unfortunately cannot support this based on the fact that this is a community pit that has been used for over 25 years by locals and still being used to this day. This would block off access to this resource and to wood cutting that is permitted, plus berry picking. The illegal dumping that was mentioned hasn't happened for the past two years.

Teslin Renewable Resources Council: The Teslin RRC has reviewed the above application as per our mandate outlined in Section 16.6.11 of the Teslin Tlingit Final Agreement and the UFA. Although not necessarily within their mandate, Council is concerned that the application as presented will block a road that is used by area residents for access into the area for the purpose of cutting wood, picking berries, etc. The application as presented will also block access to a community gravel/sand pit used by area residents. The Council would like to see this road and pit remain accessible to the public.

Neighbours: Lot 15 – Ken & Barb Hyatt, Lot 46 – Sharron Chatterton, Lot 47 – Miroslav Melichar, Lot 9 – Dan Braben, Lot 59 – Richard & Brenda Oziewicz, Lot 21 – Kristtyne Geddes submitted a written submission: "We the undersigned are against application 2005-0183 for the following reasons – this will eliminate road access for the general public from the highway for: berry picking, hiking, access to gravel, wood cutting, recreational RV use, moose habitat."

Community Services Land Planning advised that the application did not indicate that the Boutilliers' have the s-site next door, which they intend to use for residential purposes, plus the existence of the pit. The department does not support the application.

Transportation Engineering do not support the application, as this is a public pit, with suitable material for driveways, concrete, sand; and gravel is tough to find in this area. If the pit was disposed of, the department would remove the access and probably not issue another one.

Land Use is opposed to this application. This public pit was identified through an O.I.C. recently as a public quarry through the Quarry regulations. There are not a lot of other places to go for gravel in Teslin. There are presently two active land use permits, and personal use permits are issued for small projects.

Chair Bryony McIntyre acknowledged better monitoring or access control may need to be exercised over this pit.

Environment supported denial based on access issues.

Tourism, Fisheries and Oceans, Forest Management Branch, Environmental Health Services and Building Safety had no concerns.

**Recommendation:** Denial based on the requirement to retain access and the public pit area. The applicant should consider looking at an alternate location or building on the site specific. Land Use and the NRO to work with the community to effectively monitor the pit and reduce unauthorized activity.

**Action #3: Lands to forward letters from Village of Teslin, Renewable Resource Council and Teslin Tlingit Council to the Boutilliers.**

#### **4. 2005-0178: Kevin Bowers – 1 ha, parcel approximately 5 Kilometers upstream on the Klotassin from the Donjek River, Quad 115J/11 – Trapping Lease**

Lease application to build base camp to support trapping activities associated with Registered Trapping Concession 121.

#### **NRO COMMENTS**

No existing improvements; soil: alluvial sands and silt from overflow of Klotassin River over unsorted gravels; vegetation cover: white spruce up to 30 cm in diameter – to 15 m in height with a crown closure of 20 to 25% (very healthy stand). Stream bank willows with an under story in the spruce of rosa, vaccinium, shepherdia, ledum and similar species. Ground cover of a very thick (up to 20 cm in depth) organic mat of a considerable variety of mosses and small herbaceous plants; terrain: flat – lies between the Dawson and Nisling Ranges; waterbodies: Klotassin River; exposure: flat; no access roads; suitable for building foundation: block and raised foundation only; not suitable for septic; distance to water supply: on site – a water filtration/purification system is advisable; not subject to flooding; environmentally sensitive areas: yes – evidence of stream bank erosion. General Comments: The area selected is in an ideal location being that it is on highest elevation above the river. There is a good supply of excellent cabin logs in close proximity (the applicant will require a Timber Permit in order to cut logs for cabin construction). There is a considerable opening on the river (sandbar) in order to provide emergency rotor wing access.

Land Use: Land Use Permit to upgrade trail.

White River First Nation expressed their strong objection against the application in a letter: Based on the decision rendered as per the August 1, 2005, WRFN Chief and Council meeting, as the application is within the traditional territory of the WRFN. Families of the WRFN traditionally held RTC 121. The WRFN informed Government of Yukon and Selkirk Renewable Resources Council that the WRFN would like to keep RTC 121 as a group trap line in January 2005. However RTC 121 has been allocated this LARC Applicant. The proposed trapping base campsite is one of the most important areas for the WRFN. The WRFN has three land selections (S-134B, S-144B and S-145B) and Heritage Site "Copper City" within a few kilometers from the proposed site. S-134B contains the WRFN's graveyard, historical cabin and archaeological site. S-144B and S-145B are for the WRFN's fish camps and are located downstream of the proposed site. Heritage Site "Copper City" was one of the main camps of WRFN. A field survey with YTG Heritage Resources in July 2003 proved significant heritage value of the area as well as the WRFN's traditional use of the area. Thus, the proposed trapping base camp site is culturally very sensitive and the WRFN has traditionally used the area for hunting and fishing.

A site map was tabled to illustrate the proximity of WRFN's three land selection sites to the application area.

Environment commented this is a valid trapline in good standing. The 30-metre setback to be maintained from the river.

Fisheries and Oceans requested the 30-metre setback be maintained from the river.

Community Services Land Planning commented the parcel appears to contain a large slough, which is close to an oxbow, and the parcel should be reconfigured to exclude the slough.

Chair Bryony McIntyre noted this is in an overlap with Selkirk, Kluane First Nation and WRFN. Environment will have to address issues regarding the trapline allocation and the Renewable Resource Council, as they do not fall under LARC's jurisdiction.

Mining Recorder, Tourism, Transportation Engineering, Forest Management Branch, Environmental Health Services and Building Safety had no concerns.

**Recommendation:** Approval for a lease for a one-hectare base camp tied to the concession. The parcel to be configured to exclude the slough, if required.

The next LARC meetings are Wednesday, **October 12** and Thursday, **October 13, 2005**, 9:00 a.m. the large boardroom at 419 Range Road, Whitehorse.