



# Shallow Bay Zoning Committee

Report #3

August 27, 2018

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## Background

In 2018, Yukon government (YG) created the *Shallow Bay Development Area Regulation Zoning Committee* (Committee) to provide a draft zoning regulation for YG to consider. The Committee includes property owners of the Shallow Bay community and Ta'an Kwäch'än Council (TKC) citizens. The Committee held its third meeting August 27, 2018, at the Hootalinqua Fire Hall.

## Attendees

|                  |             |                   |               |
|------------------|-------------|-------------------|---------------|
| Don Allen        | (YG member) | Coralee Johns     | (TKC member)  |
| Pat Hogan        | (YG member) | Betsy Jackson     | (TKC member)  |
| Florian Lemphers | (YG member) | Natalie Leclerc   | (TKC staff)   |
| Nellie Dale      | (YG member) | John Glynn-Morris | (Facilitator) |
| Roy Neilson      | (YG staff)  |                   |               |

## Meeting objectives

1. Reflection on field trip to Helen's Fish Camp
2. Prepare for consensus-based decision making
3. Discuss draft work plan and public engagement approach

## This Report

The following report outlines the workshop outcomes as-was-said and written by the facilitator on flip-charts at the meeting. This report makes no attempt at synthesis or analysis.

## Discussion

### Reflections from Field Trip (Helen's Fish Camp - August 8)

- Committee was unable to participate in field visit and boat tour due to rain. Instead, Committee was invited to attend and participate in TKC's Land Based Activities Camp.
- Presentation on Fox Creek Salmon Restoration Project helped to emphasize the importance land and resource management activities occurring outside the study area, including potential impacts to Shallow Bay tributaries (anthropogenic and otherwise).
- TKC is currently undertaking surface/groundwater data collection and analysis to establish "baseline" conditions to help in assessing potential impacts of increased residential and agricultural development on the area. TKC confirmed that the Zoning Committee will be provided with the results of the study as information becomes available.
- Presentation on indigenous place names helped to reinforce long history of First Nation presence in the Shallow Bay area.

- Committee expressed interest in “renaming” areas of cultural significance to TKC, noting that 2019 is the UNESCO International Year of Indigenous Languages.
- YG to seek confirmation whether Committee may provide recommendations which are outside the scope of the Committee mandate.
- Committee members commented on First Nations relationship to the Shallow Bay area as “stewards of the land” as compared to western concepts of “property ownership”.
- Committee members noted the power of storytelling as a tool for understanding First Nations interests and values in the Shallow Bay area, including stories of displacement and impacts to fish and wildlife resources.

## General

- Committee members were provided with transcript excerpts from *Ta’an Kwäch’än Cultural History Project (1989)* related to the Shallow Bay area; noted that content can be discussed outside of the Committee but not distributed.
- There are no agricultural grazing leases within the study area. There are two former grazing leases which are currently under agreement-for-sale to convert to titled agricultural lots. Land use on these properties will be regulated under the *Agricultural Development Areas Regulation* until such time as they are replaced by the proposed *Shallow Bay Development Area Regulation*.
- There are grazing leases to the immediate west of the study area. Land use is regulated by the terms and conditions of the grazing lease, and will not be affected by the current zoning process.
- Committee noted uncertainty around existing regulatory regime, specifically *Building Regulations for Development Area (Area Development Act)* and *Building Standards Regulation (Building Standards Act)*.
- YG noted that older Whitehorse Periphery zoning is not well aligned with existing legislative framework. A new regulation would provide increase clarity around requirements for development and building permits, in addition to other administrative matters.
- Noted that YG administers 23 zoning regulations throughout unincorporated Yukon. YG strives for general consistency between the regulations while still being responsive to unique community characteristics and values (i.e., Shallow Bay wetlands).

## Consensus-Based Decision Making

- Committee was presented with 3 “main ingredients” for consensus-based decision making.

| INGREDIENTS FOR CONSENSUS  | POTENTIAL SCENARIOS                         |  |  |
|--|---|--|--|
|  | IDEAL                                       | TOLERABLE  | AVOID  |
| <i>All interests are heard and understood.</i>   | ☑   | ☑  | ☒  |
| <i>Meaningful effort to address those interests, and to strive for solutions.</i>      | ☑   | ☑  | ☒  |
| <i>Solution that everyone is willing to support (does not mean perfect agreement).</i> | ☑   | ☒  | ☒  |
| <b>PROCESS OUTCOME</b>   | Common understanding leading to a solution. | Common understanding, but unable to find solution. | Limited effort & understanding. No solution. |

- Committee “tips” for working towards consensus:
  - Focus on “what matters to me” versus “what should happen”.
  - Keep asking questions to understand.
  - Seek simple solutions where possible. (Can it be explained in a one-pager or a drawing?)

## Workplan and Community Engagement

- YG has prepared a draft work plan for review by the Committee. Noted that the workplan allows the committee request additional meetings and/or community consultation as needed.
- Some concern raised by Committee members that process outlined in draft work plan moves “too fast” given the complexity of issues and the level of understanding within the community.
- General discussion around the need to: (a) better inform TKC citizens about the zoning process; and (b) better understand TKC citizen perspectives and interests in the Shallow Bay area.
- Committee decision to conduct a targeted engagement with TKC citizens prior to broader community engagement. Agreement that TKC appointees and staff will lead the targeted engagement, with the Committee offering support upon request.

## Next steps

### Publicizing Report #2 (July 2018)

- The Committee made minor changes to Report #2 and approved it to be shared publicly by being posted on the project webpage.
  - <http://goto.gov.yk.ca/shallowbayzoning>

### Follow-Up

- YG to provide one-pager info sheet on: (a) existing regulatory regime; (b) agricultural land uses.
- TKC to clarify approach for targeted engagement with Ta’an citizens.
- YG to develop preliminary zoning options for committee review.

### Next meetings

- The Committee agreed the next meeting would be October 30, 2018, 500-730 PM.