

SHALLOW BAY ZONING COMMITTEE

REPORT #14

September 10, 2020 Meeting



Prepared by
Groundswell Planning

September 2020

BACKGROUND

In 2018, Government of Yukon (YG) created the Shallow Bay Zoning Committee (hereinafter referred to as “the Committee”) to develop a draft zoning regulation for consideration for the area. The Committee includes Shallow Bay property owners and Ta’an Kwäch’än Council (TKC) citizens. The Committee held its seventeenth meeting on September 10, 2020 at the Elijah Smith Building.

ATTENDEES

Nellie Dale (YG member)

Pat Hogan (YG member) – by Zoom

Michelle Sicotte (YG staff)

Betsy Jackson (TKC member)

Ruth Massie (TKC member)

Natalie Leclerc (TKC staff)

Jane Koepke (Facilitator)

MEETING OBJECTIVES

1. Reorient the Committee to its previous work and decisions made to date.
2. Update the Committee on developments since its hiatus in March.
3. Inventory outstanding issues and gain a shared understanding of the underlying concerns.
4. Determine how (or whether) to resolve outstanding issues before public engagement.

UPDATES

ATIPP Request

- On March 17, TKC filed an *Access to Information and Protection of Privacy Act* (ATIPP) request for all files relating to the disposition of Lot 1096. The request was fulfilled four months later and almost 3800 pages of records were received by TKC. About half of the material had been reviewed by early September.
- TKC’s key “takeaways” from the information review include: inconsistent land disposition processes in the 2000s, likely influenced by the “newness” of TKC as a self-governing nation and YG as a lands administrator; importance of the Shallow Bay ecosystem; repeated references to the intention (and YG preference) for Lot 1096 to be used for agricultural purposes. TKC staff feel that the reason for Lot 1096’s current zoning remains unclear; YG legal opinions regarding the lot’s subdivision were included but virtually all content was redacted. Michelle noted that the redaction of legal advice is standard practice.

Government to Government Discussions

- TKC re-initiated discussions with YG regarding Shallow Bay in late July. The two governments met in late August to discuss reconvening the process and identify some of the outstanding issues to be resolved.

TKC Internal Discussions

- As per action items from March's meeting, TKC staff met with TKC Committee members later in the spring to discuss concerns with the outstanding elements of the draft zoning regulation. The concerns relate primarily to the potential impacts of more density in the area (should more subdivision be allowed) and the use of agricultural land for agricultural purposes (which could be undermined by too broad or permissive an approach to accessory uses).
- TKC citizens and government have a strong interest in regional planning for the area. The Shallow Bay zoning regulation is viewed as an important interim measure to provide clarity and protection until a more comprehensive planning process can be undertaken. TKC feels that the Committee has made important progress towards protecting the bay through buffers and proposed zoning. TKC is committed to working with YG to successfully conclude the process.

DISCUSSION & KEY OUTCOMES

Zoning and Future Planning

- TKC noticed a considerable increase in pressure on their Settlement Lands this past spring/summer, including those located in the Lake Laberge area. The limited access to the lake has created more use pressure on the Ta'an Village, causing conflicts with TKC citizens and generating negative impacts such as garbage and road damage.
- A regional plan, or at minimum a plan focusing on the Mayo Road corridor, is viewed by TKC as the best way to address broader growth pressures, many of which directly and indirectly impact Shallow Bay. Michelle noted that YG staff have received political direction to initiate any level of plan at the request of First Nation governments.
- TKC is recommending that a "subdivision light" or "capped subdivision limit" approach be taken until a plan is developed. The zoning regulation would be interim until the plan is completed, and then revisited once the planning process is nearing completion. At the point, the issue of subdivision could be finalized.

Resolving Outstanding Issues

- The group discussed the final steps through which the Committee's work would be considered by both governments. It is realistic to expect that the input of property owners and citizens will be given equal, if not greater, weight than the opinions of individual Committee members. In this respect, it makes sense for the Committee to use public engagement as a way to try and seek greater clarity and resolution around outstanding issues.
- Committee members agreed that public engagement is the logical next step in the process.

Public Engagement Considerations

- The Committee has worked hard to consider Shallow Bay interests and values in a broad way. The general public will not have the benefit of taking the time to learn about and consider the issues in a similar way. The Committee and governments will need to try and help the public understand their process and how it informed draft recommendations.
- A plain language summary will help different audiences better understand the issues.

NEXT STEPS

Next Meeting

- The next meeting is scheduled for Wednesday, October 14th. The agenda will include a review of public engagement plan and materials and development of options for public input for those zoning elements where Committee consensus has yet to be reached.

Outstanding Issues/Action Items

Action items stemming from the September meeting include:

- Michelle will check YG files regarding 2005 discussions around establishing a Special Management Area for Shallow Bay.
- YG and TKC will work to create and present some engagement materials for Committee review prior to the next meeting (so that more time on the agenda can be dedicated to outstanding issues and options for them).