



Shallow Bay Zoning Committee

Report #4

October 30, 2018

John Glynn-Morris

Public Engagement Specialist
(co)space, Whitehorse, Yukon
johnglynnmorris@gmail.com

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 fourth meeting October 30, 2018, at the Hootalinqua Fire Hall.

Attendees

Don Allen	(YG member)	Ruth Massie	(TKC member)
Pat Hogan	(YG member)	Natalie Leclerc	(TKC staff)
Nellie Dale	(YG member)	John Glynn-Morris	(Facilitator)
Roy Neilson	(YG staff)		

Meeting Objectives

1. General Updates & Follow-up
2. TKC Engagement Update & Settlement Lands Overview
3. Prepare Committee for Decision-Making (draft zoning concepts, structured decision matrix)
4. Exercise: Mapping Interests

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

General Updates & Follow-up

- Confirmed that the Committee's draft zoning regulation may use Ta'an Kwäch'än place name for the Shallow Bay area.
- Where appropriate, the Committee may forward additional recommendations relevant to land use in the Shallow Bay area to the Minister of EMR for consideration. Any recommendations should identify the authority having lead jurisdiction.
- Committee members questioned how a Shallow Bay zoning regulation can be developed in the absence of regional planning.
 - In response, it was noted that Shallow Bay is already zoned under the *Whitehorse Periphery* regulation. The Committee is tasked with replacing the existing zoning with a new regulation that is more reflective of social, cultural, and ecological values of the Shallow Bay area.

- Suggestion that the Committee could develop a “historical road map” for the Shallow Bay area to help provide background context for the current process.

Existing Regulatory Framework

- YG provided Committee with summary document outlining major Territorial, Federal and First Nations legislation relevant to the Shallow Bay zoning process.
- Committee may update/revise the summary documents as needed to reflect new information or improved understanding.
- As part of the consultation process, feedback will be requested from internal departments and/or external agencies responsible for key legislation identified in the summary document (Department of Environment, Canadian Wildlife Service, etc.).
- The laws of general application continue to apply on Settlement Land until replaced by TKC planning and zoning legislation.

TKC Update

Committee Appointments

- Coralee Johns has resigned from the Committee due to her recent hiring with TKC Lands, Resources and Heritage Department. It is expected that a new appointment can be finalized by the end of the year.
- In the interim, Committee will carry on with regular business provided quorum can be met for decision-making (minimum four committee members including one TKC representative).

Engagement Update

- At August 27 meeting, Committee provided direction for TKC to conduct targeted engagement with TKC citizens, prior to broader public engagement with Shallow Bay community on zoning options.
- TKC Elder’s Council has recommended conducting citizen interviews as the preferred engagement method. TKC will request Committee feedback on draft interview questions once developed.
- Approximately 10 interview will be conducted between November and February. Results will be summarized and provided back to the Committee.
- General discussion on the idea of holding a dedicated meeting for TKC citizens, in addition to a public meeting.
- Committee will continue working on the drafting and review of zoning options while TKC engagement is underway.

Settlement Lands Overview

- TKC provided Committee with an overview of TKC Settlement Land within and adjacent to the proposed boundaries of the Shallow Bay development area
- Ta'an Kwäch'än Council citizens have historically used and occupied the Shallow Bay area for a variety of purposes including:
 - residential use (e.g. Lake Laberge Indian Reserve No. 1 established in 1900);
 - traditional use (e.g. traplines, fishing camps, hunting camps);
 - community use (e.g. traditional gathering grounds); and
 - commercial use (e.g. selling goods to people headed for Dawson).
- TKC Settlement Lands in the Shallow Bay area have been primarily selected for residential purposes, or for residential, commercial and agricultural purposes.
- There are numerous graves throughout the Shallow Bay area including other First Nations, stampedeers, postal workers.
- TKC noted they have observed recent encroachments onto Settlement Lands in the Shallow Bay area, primarily by recreational users.

Prepare Committee for Decision Making

Draft Zoning Concepts

- YG presented Committee with draft discussion paper "Shallow Bay Zoning Concepts - Agriculture". Committee input requested on whether discussion paper format is an effective tool for committee deliberations and/or community engagement.
- Discussion paper is organized as follows: (1) Background Information; (2) TKC and Community Considerations; and (3) Zoning Options.
- Committee request to have at least 3 options presented in each discussion paper. Also noted that Committee may develop alternative options which are not presented in the paper.
- Agricultural uses do not typically include intensive agricultural operations such as livestock feedlots, major poultry and hog operations, or abattoirs.
- TKC noted past issues with conflicting interpretations of "minor agricultural pursuits" in rural residential area. YG noted that the Committee will have opportunity to review land use definitions as part of the process.
- YG confirmed that new zoning regulations will include standard provisions:
 - detailing administrative and consultation requirements for processing rezoning applications;
 - dealing with existing non-conforming ("grandfathered") buildings.

Structured Decision Matrix

- At a certain point, the Committee will have to evaluate options, make decisions, and forward a recommendation. One tool to support the identification of interests that need to be considered against a variety of options is the “structured decision matrix”.

CRITERIA	Option A	Option B	Option C	Option D
Economic interests	+ <i>strengths</i> - <i>weaknesses</i> * <i>considerations</i>	+ <i>strengths</i> - <i>weaknesses</i> * <i>considerations</i>	+ <i>strengths</i> - <i>weaknesses</i> * <i>considerations</i>	+ <i>strengths</i> - <i>weaknesses</i> * <i>considerations</i>
Environmental interests	+ <i>strengths</i> - <i>weaknesses</i> * <i>considerations</i>	+ <i>strengths</i> - <i>weaknesses</i> * <i>considerations</i>	+ <i>strengths</i> - <i>weaknesses</i> * <i>considerations</i>	+ <i>strengths</i> - <i>weaknesses</i> * <i>considerations</i>
Sociocultural interests	+ <i>strengths</i> - <i>weaknesses</i> * <i>considerations</i>	+ <i>strengths</i> - <i>weaknesses</i> * <i>considerations</i>	+ <i>strengths</i> - <i>weaknesses</i> * <i>considerations</i>	+ <i>strengths</i> - <i>weaknesses</i> * <i>considerations</i>
TKC-specific rights	+ <i>strengths</i> - <i>weaknesses</i> * <i>considerations</i>	+ <i>strengths</i> - <i>weaknesses</i> * <i>considerations</i>	+ <i>strengths</i> - <i>weaknesses</i> * <i>considerations</i>	+ <i>strengths</i> - <i>weaknesses</i> * <i>considerations</i>
Other parameters (other legal, regulatory, physical, ‘grandfathered’)	* <i>considerations</i>	* <i>considerations</i>	* <i>considerations</i>	* <i>considerations</i>

- Preliminary Committee feedback that the proposed tool may be overly complex.
- The Committee agreed to conducting a “trial run” of the structured decision matrix at the next meeting. Following, the tool can be kept, modified or replaced based on Committee feedback.

Exercise: Mapping Interests

- Committee encouraged to list and categorize community interests that should be considered when evaluating options. Noted that this is a preliminary exercise, and the Committee can build the “interests map” over time.
- The Committee acknowledges that TKC interests are broader than hunting and subsistence activities.

Economic Interests

- Farming
- Local food sources
- Density of development
- Tourism opportunities: highway, river, bay
- Subdivision to accommodate transfer of family money / estate planning
- Allowing subdivision into multiple lots
- Pro-development
- 5 acre / 2 hectare minimum lot size

Sociocultural Interests

- Heritage values
- TKC cultural practices
- Public access to water
- More housing stock given housing demand
- Population /development density
- Crime and relationship to population
- Recreational trail access
- Quality of life with multiple new neighbours
- Peaceful lifestyle
- Rural characteristic
- Creating healthy environmental spaces for landowners
- Unrestricted use of private land
- Local farming
- Impacts on roads and highways: traffic, maintenance and safety

Environmental Interests

- Water quality
- Migratory bird protection / information
- Wetland integrity so that functionality maintained
- Water-table / aquifer
- Habitat
- Impact of contaminants on fish and wildlife
- Air quality
- Undeveloped green space

TKC-specific rights

- Inherent aboriginal rights and title protection
- First Nation hunting, fishing and other harvesting rights

Other considerations

- Future land-use planning
- Regulatory clarity and flexibility



Next steps

Publicizing Report #3 (August 2018)

- The Committee reviewed and approved Report #3 to be shared publicly by being posted on the project webpage.
 - goto.gov.yk.ca/shallowbayzoning

Follow-Up

- YG to develop additional zoning concept discussion papers for committee review.
- TKC to request Committee input on draft TKC citizen interview questions.
- Committee to discuss Shallow Bay “historical road map” as additional background information input.

Next meetings

- The Committee agreed the next meeting would be November 21, 2018, 500-730 PM.