

Shallow Bay Zoning Committee Public Meeting Transcript January 21, 2021 via Zoom

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Speakers 8, 9, 10, 11 – Shallow Bay residents

Introduction

Michelle: Most of you probably have more experience with this process than I do, but several years ago, members from your community came forward to YG, with an interest in reducing the minimum lot size of the rural residential lots; and so, there were some surveys, some meetings that YG led in that process, and lots of really good feedback from the community, and the feedback from the community was relatively clear. And following the last meeting, there was a decision by both governments –, Government of Yukon and Ta'an Kwäch'än Council – to start a zoning committee to try to work through some of the issues related to new zoning for your area and to make sure that not just the community – you know, the Shallow Bay residents' views were heard, but also, Ta'an Kwäch'än Council's views, as well. So, we asked for people to put their names forward. That's how the committee members were selected. They were appointed by the Yukon Government and TKC. Ta'an has significant Settlement Land in the area. There's equal membership of TKC and YG members, so three and three. Over the last year-and-a-bit, Natalie and I have both been basically providing the technical support to the committee.

Jane: Great, thanks, Michelle.

Michelle: No problem.

Jane: And Natalie, could you tell everybody gathered here tonight just a little bit about how the process tried to better understand and convey the importance of this area of Shallow Bay to Ta'an citizens and what the committee learned along the way about that?

Natalie: Sure, and while I'm discussing this, Michelle, apparently Ruth can see you, and she's on her iPad, so I'm not sure if she's on or not. So, one of you guys can check that out while I'm talking.

Hi, everybody, the Shallow Bay community, and we do have some TKC citizens on the call this evening. So, this is the first Shallow Bay process that TKC has had an opportunity to be a part of. There have been some previous surveys and meetings that have happened, and TKC was never actually involved. As Michelle mentioned, TKC does have significant land holdings in the area and within the study boundary, TKC actually owns 53 percent of the land, and it was really integral that TKC has equal representation on the committee, which we do have, which is great.

So, just to understand a little bit more about TKC, some of our staff from the Lands, Resource and Heritage Department conducted interviews with citizens; and these interviews were broken up into three different sections. We talked about the past, the present and the future; and most citizens did speak to the hardships that came along with what's called 'colonial practises', such as when the highway went through the area, it actually opened up the area, and it changed the landscape and their culture forever. Development began to come into the area after the highway opened, and this was also prior to land claims. And as I'm hoping all of you know, TKC did become a self-governing First Nation in 2002, which essentially means that they are their own government. So, it's equivalent to Government of Yukon and the Government of Canada and, any municipal government.

What we learned during those interviews is citizens aren't necessarily against development. It's just they really feel like because Shallow Bay is a sensitive area (it is the heart of the Ta'an people), that development really has to be thought through and planned properly; and the one thing that I found really, really interesting is that the Ta'an people don't view themselves stuck in an area off of Horse Creek. They actually view themselves as part of the community at large; and I found that really powerful, because they aren't just thinking about themselves. They are thinking about other community members, as well as the land, the water and the air. So, it was a really good opportunity for TKC to be a part of this process, and I'm glad to see that there are some citizens on this call, and yes, I'm hopefully here to answer as many questions as you may have about that and their involvement in the process.

Jane: Great, thanks, Natalie; and we are joined by Ruth Massie. Ruth, can you give everybody a wave? We're so glad to see you. Great, yes, we've been talking about you even before you joined us. So, this is Ruth Massie, one of the Ta'an Kwäch'än Council representatives on the committee; and you arrived just in time, because I have a question for both you and Pat, and maybe I'll start with Pat, and then, turn it over to you, Ruth.

So, you've been at this for quite a while, and the background report speaks to some of the issues that you've been trying to work through as a group, the long cultural and traditional use history of the Ta'an people; obviously, the rural character of the area and agriculture; the idea of offsite impacts, lots of different things that you've been talking about in 20 meetings. How do you feel the committee tried to consider and juggle all these different issues? Pat, Can you give folks a sense of that? Let's start with you.

Pat: Well, in the beginning, much was made of the original survey that had responses from the land owners here in Shallow Bay. Over 80 percent were in favour of subdivision. Over 60 percent wanted to see a two-hectare (five-acre) minimum lot size; but what we realized immediately when we got the Zoning Committee is that we only heard one side of the story. Our neighbours, the Ta'an, were not represented. So, we needed to get their information, as well, in order to be fair to all the people who are living in the area. There was lots of different discussion. I've been always upfront that I'm in favour of subdivision, and I believe that all people should be treated the same, that it doesn't matter the size of your parcel, you're equal to another lot or landowner in the area and should be treated the same.

Jane: Thanks, Pat. Ruth, what do you have to share with folks gathered here tonight, just telling about how the committee tried to work through and make sense of all of these different issues, and certainly, all of the different perspectives around these issues?

Ruth: Well, as Pat mentioned, for TKC, we weren't involved in the first survey of Shallow Bay. So, we played a little bit of catch-up, and we sat through two years of meeting to do so, and it

was really important for us to participate as a TKC Government and from our land claim and self-government agreement perspectives. And looking at the original intent of when that area opened up, and of course, our outstanding issues with our self-government and land claims, one of the big issues that came forward for us was the absence of a land use planning process for all of our traditional territory, not only Shallow Bay. So, that was one of the big concerns, how does that start, or how do we support Shallow Bay zoning in the absence of a land use plan?

And then, the second issue that came up with everybody wanting to subdivide, how would the future density impact the water, the air, the increased traffic, the fish and the wildlife in that whole area. So, that's where we started to try to get some clarity on what people's thoughts were as a committee, and we tried to come to an agreement on a lot of our issues, taking into [account] that there are residents that live there. There's long-time residents that live there, but what does future development look like?

Jane: All right, thanks, both of you. Michelle, I was hoping we could put up a map of the different zones and just have a quick walk-through at a very high level what the zones are a roughly, what they're intended for.

Michelle: Sure, so, this map is on page 7 of the report that the committee sent out, and the area in brown down here, these are the rural residential lots, and there are a few scattered up this way, as well; and the intention the committee had with these lots is for single family, rural residential use; and then, the green is intended to be agriculture, and the committee had intended the zoning for those properties to be larger parcels of land for agricultural purposes. This kind of slightly lighter brown around the bay, that's all public land or Commissioner's land; and the committee had intended that area to be an environmental reserve. And then, you can see all along the creek and the bay, that's the buffer that's talked about for the creek and the bay. And then, you can also see these big parcels here are settlement land, Ta'an settlement land.

Jane: Great, thanks for the overview. So, I want to highlight one zone that is not shown on the map and the committee is proposing would not be carried forward, so a zone that exists right now in the Shallow Bay area but would be proposed to not be continued, moving forward, and that is the multiple rural residential zone.

Pat, maybe I could ask you to speak to why the committee was proposing that that multiple rural residential zone – the MRR – not be carried forward, moving into the future.

Pat: That particular zone was arrived at through a consultation when it was applied for a variance from the existing zoning, and I believe there are approximately four residences on that lot. We wanted to leave that lot as it was but not go forward. We wanted to keep things as simple as possible, with as few zones as possible, and we're very conscious of how many residences, how much impact we'd have on Shallow Bay and how much it would change if this multiple rural residential zone were included. So, the decision was made by consensus that we would zone that particular lot as rural residential. It would be grandfathered, and that way, we would avoid having too much development or applications for too much development on some of the lots that people wanted to develop.

Jane: When you say 'grandfathered', that just means that what is currently there would be legal, but in the future, it could not be rebuilt, say if there was a fire or what have you; is that correct, Michelle?

Michelle: Yes, it would just basically mean that it would be zoned rural residential, and any new development on the property would need to conform with the rural residential zoning.

Jane: Ruth, did you have anything else you wanted to add on this multiple rural residential zone?

Ruth: No, I think Pat, too, talked about the grandfathering of it. You know, it's already zoned. It just won't change, going forward, because it is grandfathered in.

Rural residential zone

Jane: All right, great, I'm just having a look at the chat column, and I'm not seeing anything popping up. So, I'm just going to keep going.

Let's dive into the rural residential zone. Now, the rural residential zone is on pages 8 and 9 of the background report. It looks like this. I'm going to turn it over to Pat and Ruth. Now, you had different views on the topic of subdivision. Can you share what your preferred subdivision approach is and why, and I'll start with you, Ruth. I'll hand it over to Ruth.

Maybe we'll throw it over to Pat.

Pat: Sure, I believe that everybody should be treated the same and have the opportunity to make a subdivision on their lots, and that would be a one-time subdivision to reduce the impacts that would potentially threaten the nature of the community as rural residential, as well as the impacts that could be had on the Bay itself and on the environment around here that we all enjoy. So, my preferred is a one-time subdivision for all rural residential landowners. A minimum lot size of three hectares would ensure that all were included. I think there's maybe one exception. If you go to larger lot sizes, then it becomes more selective, and you don't have the opportunity extended to everybody.

Jane: Okay, while we're waiting for Ruth, Natalie, you and Ruth have certainly talked about Ruth's thoughts about subdivision. Perhaps you could share some insight on the perspective that Ruth has brought forward on the idea of subdivision.

Natalie: Sure, and just as Michelle mentioned, my group is here representing all the TKC representatives that were on the committee that just can't come today. So, TKC – as a whole government – really is concerned about development going in, and it's not necessarily just the residents; but the way that we view any area really – and it's not just Shallow Bay – is if you're going to develop an area, it has to be properly planned; and where the TKC reps were coming from was if you add residences and you just subdivide and you keep making smaller lots, that adds more pressure on – we mentioned the highway, infrastructure, septic tanks, wells. There's a lot more to consider than just, "Okay, we're going to subdivide it and build another house on it." So, that's really where the TKC reps were coming from; and as I did mention during some of the interviews that I conducted, TKC isn't against development and subdivision as a whole. It's just one-offs and it all going up at once, and I'm sure that some of you folks know that when you live in a rural community, the little dirt roads that you go down get used more and more, and they're not as well-maintained as other roads. So, that is where TKC feels if a planning process – a land use plan – was developed, we could actually talk about some of the potential impacts that might happen and how to mitigate those so that development is not damaging, and the community can actually prosper from future development.

Jane: Thanks, Natalie. So, this has been a really challenging issue for the committee, and you'll see that reflected in that background document. There is an asterisk put next to the three options that the committee has narrowed down for discussion. So, they're putting on the table 3, 4 or 6 hectares with one-time only subdivision. That is what they've arrived at. They didn't feel like they could get it much further – closer to consensus – before turning this issue back to you – the community – for input; and we know there is probably going to be a lot of input on this.

Now, I'm seeing as a comment – thank you, [Speaker 10], for sharing that – Lot 1096 is currently zoned rural residential, yes. Now, we're going to talk about that under the agriculture part; and if I don't see any other questions about rural residential, we can get right into that one. Does anybody have any questions for the committee on this rural residential piece, including the proposed uses, primary uses being a single-family dwelling unit, accessory uses? There is – again – a list you can see on page number 8. If you have any questions about any of that, please feel free; and if I'm not seeing anything in the chat column, then I will I think direct this comment and issue that [Speaker 10] is raising to the committee for discussion.

Jane: We can see you. Okay, great. All right, I'm seeing a few things currently [in the chat]. **Under the Whitehorse Periphery Development Area Regulation, on lots over two hectares, you are permitted a second single-family dwelling. Would that be carried forward under the proposed regulations?**

All right, I am going to start by asking Michelle to speak to this one first. You're definitely most familiar with the current regs. Would you mind addressing that one, Michelle, to start with?

Michelle: Yes, sure, you're right, lots that are bigger than two hectares can have two single-family dwellings, and the committee is recommending on both ag lots and on rural residential lots to just have one single-family dwelling.

Jane: Pat or Ruth, do you want to comment on some of the conversations that were had around this idea of moving from two single-family dwellings being allowed currently to just one?

Ruth: Well, I think for us, one of the big concerns – and it has been brought up – is the future density that will happen if you increase more than that; and I really think for those type of properties, you're actually getting away from the original intent of agriculture and rural residential. We've added trying to make a list of accessory uses, as well, but yes, I think the intense density, going forward, is the big one for our consideration anyways.

Jane: Pat, do you have anything you want to add on this issue of number of dwellings, how it relates to density, what is currently allowed now versus what the committee is proposing might be allowed, moving forward?

Pat: Well, one of the points that I would make is that we had consensus on one-time subdivision. Lot size is another issue that we've having vigorous discussions on. Under the current zoning, you can have two residences per property. If you had one-time subdivision and one residence per property, you'd basically maintain the same level of development as is permitted now.

Jane: So, the same level of potential development; it would just be in a different form, right?

Pat: Exactly.

Jane: It would be more lots versus residences per lot, okay.

Pat: And that's why it's listed as one residence per lot, and we're trying to get back on the impact of how much increased density and the effect on the nature of the area would happen.

Speaker 8: [I]t's easier for me just to ask the question. I guess I'm wondering if a person subdivides and Pat is saying that it doesn't matter whether or not the lot size is huge or smaller, my concern is about – okay, so, let's say you subdivide once, but then, what would prevent that person who maybe bought a large plot of land from subdividing that again; and isn't that then putting pressure on infrastructure, you know, to have that subdivided again? Do you understand what I'm saying? Like, if they sold the lot to someone else and that person wanted to subdivide, what would prevent them from doing that, because wouldn't that put a drain on the system?

Jane: Okay, good question, thanks for putting that one forward. I think Michelle has some good information to share with everybody on this point.

Michelle: Yes, so in situations where there is a one-time only subdivision, it basically just gets written into the regulation that if a lot has been subdivided... So, if the regulation was passed and the lot was subdivided, then, the subsequent lots wouldn't be able to be subdivided again. Yes, so whatever is put in the regulation is what's enforced.

Jane: And I believe – does a caveat get put on title at the Land Titles Office, something of that nature?

Michelle: Yes, that's right, yes.

Jane: All right, I'm going to keep going down the list. Okay, [Speaker 10] (And [Speaker 10], I haven't forgotten your earlier comment. We're going to be getting to that one about Lot 1096): **Will a primary residence on property play a role in ability to subdivide ag-zoned land like it does in other areas?** Okay, so, another ag zone question.

Okay, maybe I will just move to the next one, and again, I'm going to just try to group these ag ones under the next topic, and if we run out of rural residential, great, I'm going to come right back to those.

So, will people need to acquire specific paperwork to show that they are grandfathered in for situations where there may already be a second single-family dwelling? Oh, yes, okay, another technical question again, and this could speak to any number of situations, right, when a new zoning reg comes in, [commentor] is bringing up a very specific example, but this could apply to all kinds of things that apply to any of your properties where perhaps a zoning re doesn't allow for something that you currently have on your property. Can you explain how that works, Michelle?

Michelle: Sure, that's also just something that's written into the regulation, that if there's development on the property prior to the regulation coming into effect, then that's not impacted, but the ability to re-build or get a new permit for something new, that's what's really impacted.

Jane: Okay, great. So, I'm seeing something – but then, it cut off, did you want to finish that question?

Speaker 9: Sure, I'm here representing a land owner on 10 Mile, and I just want to be clear what I'm hearing here. Pat, you were saying that a one-time subdivision, her property is 6.8 hectares, and you were saying a three-hectare subdivision. Is that what I understood?

Pat: That's what I support is a minimum lot size of three hectares, and that would allow – if you have a 6.8-hectare, you can subdivide the lot, and then, you would be allowed to build another home; or if there are no homes on the lot, you would be able to build a home on each of the lots.

Speaker 9: Right, so I guess my question is: There's an old '72 trailer on the property. Would that be considered one of the homes, or could that be destroyed and a real home built?

Pat: Well, that's a bit of a technical issue in terms of building permits, et cetera, but I would think you would be able to renovate, and if that means removal of a trailer and putting up a permanent structure, then that qualifies. As long as there's only one residence, it would – I would think – be compliant with the zoning. Michelle?

Jane: Is that correct, Michelle?

Michelle: Sorry, did you say there's two –

Speaker 9: No, right now, there is a 1972 trailer, and that's all that's on the property.

Michelle: So, your question is: Could that be removed and another single-family dwelling put up?

Speaker 9: Take its place, I guess, is the question.

Michelle: Yes, if I understand your question correctly, then, yes.

Speaker 9: And then, one other residence could be built?

Michelle: No, no, based on what the committee is suggesting, there would just be the opportunity to have one dwelling. You could maintain that dwelling, but not re-build another dwelling in its place.

Speaker 9: Okay, so, you would subdivide and build another home and keep the trailer, is that going with the...

Michelle: Yes, if you want to live in that trailer on the lot and that's the only dwelling on the lot, that's great. If you don't want to live in that trailer but you want a different dwelling, you'd have to get rid of the trailer and put in a new dwelling.

Speaker 9: But you're not subdividing, then?

Michelle: Oh, dear, maybe I'm not getting your question.

Speaker 9: The trailer that exists there is almost not habitable. So, as representing the lady who is there, in order for her to have a new home and be able to have a one-time subdivision, where with the three-hectare piece that Pat was proposing, she could subdivide and have another place there?

Jane: This might be a good example of a question that it sounds like it's very specific to this person's circumstances, and I wonder if maybe it might be helpful to forward this one to Michelle so she can have a closer look and understand the particular circumstances of this situation.

Speaker 9: Am I explaining myself well, or...

Jane: I'm not sure. I'm not the technical person for sure on this. Michelle – I think – is best equipped to answer it. Michelle, are you understanding what you need to answer this?

Michelle: I don't think I am, I'm sorry.

Speaker 9: Okay, so, let's imagine – just for a moment – that the trailer isn't there.

Michelle: Okay.

Speaker 9: And what I understand is there is an opportunity to subdivide three hectares on a 6.8-hectare. Now is it possible to build two residences there? Yes?

Michelle: Yes. (Each new lot could have one residence.¹)

Speaker 9: Okay, thank you, that answers the question.

Michelle: All right, good.

Jane: All right, I see another question coming in – and [Speaker 10], don't worry, I have not lost sight of your comments and questions. I promise we are about to get to them, and it will help me stay on track. We are going to move on to the ag zone no later than 7:30. I want to address this question from Speaker 8. Now, this is quite a specific one about a specific lot, asking about the riparian zone and the environmental reserve zone. So, I'm not sure that we're going to be able to answer that specific question about the lot, but perhaps what we could do instead just for everybody's sake is just to review the intention of the buffer, that riparian buffer. I know, Natalie, you did quite a bit of background work into this and presented it to the committee. Could you give everybody maybe an idea of where the proposed 60-metre buffer came from?

Natalie: Yes, no problem, I just need to double-check my date.

Yes, so, in 2007, Yukon College did a study, led by Dave Mossop, about the Shallow Bay area, and they looked at everything, the fish, the animals, the water flow, all of that; and one of the management recommendations that came out of that report was to have a buffer. Now the buffer that was recommended was 50-to-60 meters along Shallow Bay; and when we started discussing this, it became really apparent – and part of the reason why we were discussing this is Shallow Bay and its wetlands along the shores are so important to the natural habitat that TKC and other members of the committee did feel that adding a buffer would increase that protection. So, when we actually got talking and you look at Horse Creek that runs through the area and drains into Shallow Bay, we got discussing, "Well, there's no point in just putting a buffer around the bay if you're trying to protect the natural ecosystem." So, we did extend it up to Horse Creek, and that's why it goes all that way up there.

¹ Not stated in the meeting but added for clarity.

Jane: Thank, Natalie.

Natalie: So, that's the buffer story. Did you want me to touch on the environmental reserve, or do you want me to wait?

Jane: No, we'll wait for that one. Maybe I can just ask Michelle briefly: So, within this proposed riparian buffer, what type of development is allowed versus not allowed? Can you give everybody an overview of that?

Michelle: Sure, so on page 7 on that map page, there are details around what the committee's thinking was around the buffer; and basically, it's the attempt to limit the construction of any buildings or structures, docks, drainage, water, sewer systems, roads or trails or any other development that's described in any of the other zones. So, the intention is really to not have new structures built in that area.

Jane: Okay, so, it takes a pretty broad view of development, things like docks would be included, any type of structure?

Michelle: Yes.

Jane: So, I think your question is a good example of one that the team will have a closer look at and provide a specific answer on by February 5th, because I'm not sure that we'll be able to quickly turn around an answer to that one.

[Speaker 10], another question [in the chat], thank you: **So, what if the buffer encompasses the existing residence, the garage and outbuildings? That would jeopardize insurance, as couldn't re-build. If burned down, couldn't get a mortgage and couldn't get building permits, okay.**

All right, that is a pretty key issue to be raising. Do we have any background information on this? Again, sorry, Michelle, I know I'm putting you on the spot a lot. Because Michelle works with the Yukon government and certainly, with the group of folks who help enforce Area Development Regulations, she is kind of the best 'in the know' in terms of some of the mechanics of this stuff. Do you have any information on that one, Michelle, or is this one that we might need to defer to later so that you can go back in-house and get that information?

Michelle: Yes, that's a story that I don't really have the answer to.

Jane: Yes, sorry, [Speaker 10], we're not, but it's almost 7:30, and we're going to be circling back to those a parcel comments and questions. So, unfortunately, we don't have an answer to that one tonight, but we will endeavour to have one to you by February 5th for that one.

Natalie: Jane, sorry, can I just point something out?

Jane: Yes.

Natalie: There's been a lot of conversation between the technicians, and just seeing some of the questions that are coming up and we don't have all the answers, I just want to say on behalf of the technicians and some of the committee members, we knew we didn't have all the answers. You know, some of the questions that are coming through the chat are quite specific to properties, and we thank you for asking those questions, and we definitely will be

working on them; and I guess I just want to reiterate that this is all in draft form and there is still an opportunity to edit and change some stuff, as well. So, thanks to everyone for writing those questions down, because I'm taking notes, and they're really making me think.

Jane: Great, thanks Natalie, and that is absolutely the purpose of tonight is to try to help convey information to you; but also, through the questions you're bringing forward to us go, "Oh, m'hmm, okay, we need an answer to that," and that's another consideration that the committee needs to pay attention to.

Michelle: Sorry, Jane, I'm just reading [Speaker 10]'s question again, and I don't have the answer to the mortgage part of it, but related to building permits or development permits, yes, that's the idea is that you wouldn't be able to get a building permit or a development permit for a structure in that area.

Jane: And sorry, just to continue on, sorry that I missed that final part of [Speaker 10]'s question/comment: **Are there other examples of this happening in the Yukon, and how would land owners be compensated, diminishes value** – (it cuts off), but I'm assuming you meant diminishes the value of the property, correct, [Speaker 10]?

So, I think that this is raising a really key issue for the committee to consider, and it's really important to be getting that perspective from property owners who may be facing this type of a situation. That's the benefit of having these conversations. This is – I think – one that is definitely going to need to go back to the committee for some really careful in-house consideration and perhaps some background policy and research work on the part of the committee; and [Speaker 10], we are 7:31.

Agriculture zone

I do see the question from [commentor in the chat], as well, and I'm going to address that; but I'm going to circle back to [Speaker 10]'s first comment, and I'd like us to move into the ag zoning topic. So, if everybody has their background report, we're on pages 10 and 11 now. We're on the green pages, and similar to how it's laid out for rural residential, it starts with a proposed minimum lot size of 6 hectares with one-time only home-site subdivision. [Speaker 10] made a note that that subdivision potential – regardless of what zone we're talking about – goes with the property, not the owner. Thank you for clarifying that. That is absolutely the case.

Again, we're talking about primary uses, accessory uses, discretionary uses; it's all there for you. Have a look. But I want to allow the committee to speak to – I think – one of the biggest questions, which is, as [Speaker 10] pointed out, Lot 1096, and there are other lots that are currently zoned rural residential in this planning area, and the committee is proposing moving forward – if they would be zoned agriculture, which could have major implications for those properties. And I think it would be helpful for everybody to have a sense from Pat and Ruth as to why that is and why the committee is proposing that.

Ruth, would I be able to ask you to shed some light on what the committee's discussions were around the idea of changing the zoning potentially of those large rural residential parcels to agriculture?

Ruth: Well, I think if you look at the historical intention of those properties and the size of those properties, it was to enhance agriculture; and of course, it was a big move for Yukon government to encourage agriculture and because of the size of those properties is one of the

considerations we brought forward, and then, of course, being so large, if you went with the rural residential regs, that would bring on immense density to the property, and it defeated the purpose of the whole purpose of those lands, which was agricultural development.

Jane: Thanks, Ruth. Pat, do you have anything to add to that to help people understand where the committee is coming from with that proposed zoning change?

Pat: Well, the members of the committee reached consensus on this after discussion that those two lots appears to be agricultural, so why not call them 'agricultural'. That's what they're primarily used for.

Jane: Okay, thanks, Pat.

Natalie: Jane, can I just add on something?

Jane: Yes.

Natalie: So, part of this discussion, actually, we really started getting into it when Yukon Government released their new agriculture policy, called 'Cultivating our Future'. It was released in April 2020. This is a document that TKC has carefully reviewed, and what it really does is it highlights the importance of Yukon agriculture, and I think in the last year – I'm sure everybody remembers stores in March and April – food security was an actual issue, and people were concerned about it. So, through this Yukon government policy, it really encourages lands that have productive agriculture and that have been disposed of for agricultural purposes to actually remain agriculture to support Yukoners as a whole.

One example that I can think of that's out of the area are the new Murray agriculture lots that are going in in Ibex Valley. So, those lots are intended to support Yukon agriculture and people who actually want to practice agriculture. I'm not saying that there are individuals who don't, but it's really become more apparent as the world changes that food security is an issue in the north, and it's really important that lands that are available for agriculture remain agriculture.

Jane: All right, thanks, Natalie. So, I understand [Speaker 10] is requesting to speak, and I'd like to invite her to do so. Thanks, [Speaker 10], please go ahead.

Speaker 10: I guess what I'm trying to reiterate is I've been out here for 20 years myself. The property has been zoned rural res and prior to that, no zone, in my existence. We've had to conform with rural residential rules. We built a shop. We weren't allowed to. We were told we had to build a primary residence or a residence on that property to comply with the rural residential zoning. So, we built a \$450,000 house that someone else lives in to comply. I guess I have no issue and I agree and that's part of the reason we have never tried to subdivide; but to have something taken away from you when the larger land owners have invested quite a bit of money and time in reliance on the zonings under the current regime and that the investment should be respected in any plan that proposes to go forward or change it. And I guess it would be like saying if we're concerned with density – which I think we all are – then why would we even consider allowing anyone on Shallow Bay or 10 Mile Road to further subdivide? It doesn't make sense. I feel like this piece of property is being targeted, because it's bigger than 20 acres, and how do they compensate me for having been here and been in compliance and paid proper zoning according to the zoning of my property and what I have accumulated in the last 20 years and they have done based on that zoning, that someone single-handedly can take that away. I get going-forward and I get on the zoning of agricultural properties; but if we're

concerned about density, then why would we be trying to develop anything else in the area or subdividing further anything?

Speaker 11: The other thing, Pat, I think that you said was really good is that everyone should be treated the same; and right now, Lot 1096 is rural residential just like yours, just like many of the others; and it needs to be treated the same. It should be treated the same.

Speaker 10: And I'm not saying, 'bringing things on'. I don't have an intention, and that was never my intention; but to take something away that basically I have had for 20 years, where else in the Yukon and when have they done that to one individual; not to mention the riparian zones that are proposed (which I agree), they cover my house, my existing house that's been here since I was a small child.

Speaker 11: And fence lines

Speaker 10: And fence lines and detached garages and barns, and the government knew where they were years ago.

Speaker 11: It's all legal surveyed.

Speaker 10: They were legally surveyed. We had to do a lot extension, because the government let this little piece be titled separately without any land access, and you're not supposed to allow a subdivision. So, I had to legitimize it and put in a road, and at the same time, try to legitimize... So, those buildings have been there since probably – oh, god – the '70s or more.

So, I guess what I'm saying is I'm not saying that there isn't change. I'm just saying that someone has to basically be considerate of the fact that they don't know what my investments have been on this property, and I agree. Maybe people don't subdivide, maybe only a certain amount can become available a year or over a period of time, I get it; but to not be consulted, to not be considered as one of the larger land owners, treated in a lump sum... No one consulted me about any of this, and I'm one of the larger land owners that's going to drastically be affected – next to the Ta'an, of course. I've worked with and been good neighbours with them for years, but do people realize that Lot 1096 was never zoned ag, never? Prior to it being – I guess when it was changed to rural res, it was a 'no zone', which had a lot more latitude than even rural res does.

So, I want to know where else in the Yukon they take somebody's rural residential away for one neighbour and basically diminish the value of their land considerably and give excessive zoning to another neighbour that's less than a hundred yards away. That's my question.

Jane: All right, so, I'm just going to speak. Thank you for sharing that, and sorry to cut you off. I think that the concerns and the issues that you're raising tonight are really key ones that the committee certainly discussed; but it's very powerful, and it makes it a lot more powerful and impactful to hear these very specific examples and stories from property owners. And in terms of the story or precedent, I believe that's probably something that Michelle and Natalie can look into and try to provide an answer to you by February 5th.

But in terms of this larger issue of fairness and how to consider the investments that property owners have made in their parcels and what could happen to those investments and the question of fairness between rural residential property owners who will continue to be rural

residential property owners and those whose zoning would change, these are all really big issues that you've raised, and I thank you for doing that with the committee here to hear you; and I think that this is going to be one of the most challenging things that they will continue to discuss as this moves forward.

Does anybody from the technical planning staff side or committee side want to add anything on this? I don't feel like we're going to have a nice tidy answer on this one tonight. It's a big issue, but does anybody have anything they want to share with [Speaker 10] and/or other folks that are here tonight that would be in a similar circumstance. Natalie?

Natalie: I do. I just want to – I can't speak to, the zoning and the technical stuff, but what I can speak to is consultation. I definitely represent a government that feels like they're constantly under-represented and under-consulted; and [Speaker 10] and everybody else, I hear how you feel like you haven't been consulted. It did take the committee quite some time to actually come out to the public. There have definitely been some issues that we've talked in circles about, we've gone back to the drawing board, we've dug up old reports; and we still don't have the answer, and this is part of that consultation. I don't think this is going to be the 'be-all/end-all' of consultation. So, I'm not trying to put you at ease, but I'm trying to say that, as the technical representative, I absolutely hear that concern, and I really hope that the committee and the technical advisors can work towards more consultation and making sure that we can answer these questions.

Jane: Thanks. Ruth.

Ruth: I agree with Natalie. You know, I mean, this is good to talk to the property owners and give us some of the perspectives that are outstanding issues for you. This draft plan that we came up with – zoning plan – is just that. It's draft. It can change, and this is part of the process is talking to the public to see if we are on the right page or not, and you've brought some very informative questions forward for us for your consideration; and they will be researched and considered, but at the end of the day, these are just recommendations, and it will be up to the two governments when they sit down as to what they want to accept or not accept. So, as a committee member, you know, we're paying attention. We should have probably had this consultation some time ago, but it is what it is, and we will strive to get all your questions answered and go from there. Thanks.

Jane: All right, thanks, Ruth. Pat, did you have anything you wanted to add on this topic?

Pat: I just wanted to say I thought [Speaker 10] articulated their problem and their point of view very well, and thanks to Ruth for speaking up on behalf of the committee.

Jane: Thanks. I guess, [Speaker 10], I want to just maybe make a quick comment on the 'not being consulted' part and yes, I feel that is unfortunate that you feel that way, and I can certainly understand why. I think part of what's happened is COVID ended up taking quite a chunk out of the timeline. [Speaker 10], yes, as Ruth and Pat said, this is very helpful; and so, thank you for sharing that.

Okay, I want to circle back, question from [commenter in the chat] about the riparian buffer: How many homes, buildings, wells, fences – I think that's definitely a question that is not going to be possible to answer tonight. That's going to take some homework. So, I think that we'll leave that one for now, but certainly, government will go back in-house and try to get a better handle on the answer to that question.

Okay, just scanning through, okay, and [Speaker 10] thank you for your comment about you put your name forward for the committee in order to give the larger land owners a voice in this process.

This isn't the first time that the question of committee representation has come up, and Michelle's at quite a disadvantage here, because she wasn't with the Yukon government when the zoning committee was struck, but Michelle, do you have any insight to offer on how the selection process might have worked or why people might have put their names forward and didn't end up being on the committee? Do you have any insight there?

Michelle: Yes, I was with Yukon government, just not with the Land Planning Branch.

Jane: Oh, sorry, forgive me.

Michelle: Yes, it's a process where you put your names forward, and the Minister makes the decision on the representatives.

Jane: Okay, certainly, I think we all want to reassure you, [Speaker 10], and other large property owners that even if you're not represented directly on the committee, that your voices are certainly being heard in this process. So, thank you for sharing them.

Environmental reserve zone

Okay, I'm going to have a look at the time, and actually, wow, we are amazingly on time, which doesn't always happen. Perhaps we can turn to the environmental reserve zone and just have a quick chat about that and what is proposed. So, now we're on page 12/13 of the background report; and of course, you can always refer back to the map on page 7 if you want to know exactly where that environmental reserve zone is.

All right, maybe Natalie, I will ask you to give everybody just a quick sense of the environmental reserve zone. So, there's a real emphasis on non-motorized recreation and the different allowances for snowmobiles versus off-road vehicles, some nuances like that. Can you explain how the committee kind of arrived at that type of thinking for this environmental reserve zone?

Natalie: Yes, absolutely, so previously to it being called the 'environmental reserve zone', it was Commissioner's land and, like, open space. So, we basically just renamed it and really did just further go into a lot of the uses that would be allowed and others that would be disallowed; and it goes back to the protection of the bay, along with the – it's very similar to the riparian buffer, where that area and that land is intended to provide more ecosystem to Shallow Bay so that the wetlands and the surrounding saturated land can actually have its function as natural filters. So, the boundaries for that zone were not changed. It's really more of a name change, and we did discuss some impacts that the committee as a whole would prefer not to see in that area, and it's mostly, heavy anthropogenic or human impacts to the area.

Yes, Jane, are you signalling me for something?

Jane: Sorry, do you know what? I was reading Tom's message, and I was instinctively waving 'good-bye' to him. Please carry on. He left the meeting.

Natalie: Okay.

Jane: Sorry, just keep going, Natalie.

Natalie: Yes, well, that's about it. It's intended to be a low-impact area, a low-use area so that really the ecosystem can function.

Jane: Okay, thank you. I see a question from [Speaker 10] about how the riparian zone compares to others in Canada for ag-zoned properties, and are horses allowed for recreational pursuits within that environmental reserve zone.

Okay, so, in terms of how it compares to others in Canada for ag-zoned properties...?

Natalie: There are examples around Canada, specifically – and I can only speak to this area, because I'm originally from there – southern Ontario has actually worked towards re-constructing wetlands around agricultural areas, and I could look for specifics. I can't actually think of, a specific name right now, but there have been, some areas where buffers have been put in and, agricultural practises have moved back; and this even goes with, landscaping and grooming, because in Ontario, it does have the same impact. So, there are other examples, and actually, one of them that just popped in my head is Lake Simcoe. That whole area was pretty much – the lawn was cut up to the lake, and they were noticing that birds weren't coming. There were fish issues. Even the invertebrates and the bugs weren't producing as well, and the lake was essentially dying. So, what they did do is they added a buffer, where they stopped any activity, other than light human activity, and the lake is actually flourishing now.

Jane: Thanks, Natalie.

Natalie: Sorry, just responding to [Speaker 10], –

Jane: Yes.

Natalie: – we can definitely look at more examples. Another thing that's happening in the Yukon right now is Yukon government and partners are working on the wetland policy, and I had talked with some citizens that represent TKC on that working group, and we definitely talked about, moving some stuff back so the wetland ecosystems can replenish; but we'll definitely look into that a little bit more and get you some more detailed answers.

Jane: And [Speaker 10], not to put you on the spot, but I think the committee would be intrigued about your comment about encouraging land owners to help wetlands flourish. Do you have any information you might be able to share with the technical planning staff that could be forwarded to the committee on that?

Oops, sorry, I'm not in control of the muting. Rebecca or Michelle, I think they're trying to...

Oh, there you are, okay, there you are.

Speaker 10: I spent some time talking to Jonathan Lucas, who works for the Ag Branch. This is a topic we've discussed a number of times over the last couple of years, where in parts of Europe, they reward land owners for promoting wetlands, because obviously, it's good for all of us; and you say that those wetlands stay there, but they can never be built on. Obviously, it's in all of our best interests that we have ducks and geese, but what can we do? Rather than taking back and expropriating and taking everything away from us, where are the rewards for helping us basically be the stakeholders and the ones that are looking after it for our children tomorrow?

I guess there's got to be a different way, other than basically grandpa taking it away from me and slapping my hands. How can we promote the use of this and how can we promote what benefits can we give the land owners so that they keep that land that otherwise, is probably not useable anyways – it's a wetland – because there's a lot of infrastructure already that we've put into it, fences. If someone wants to re-fence my property, I welcome them to! It's quite easy to change the GPS and say, "Your land is going back to here," but there are thousands and thousands and thousands of dollars invested in doing perimeter fencing. So, I'm just saying there's got to be an alternate way so that all stakeholders are happy and that we have a place for my kids and my grandkids.

Jane: Okay, thanks for that, [Speaker 10]. If you do have any specific links –

Speaker 10: I do, and I do, as well, with the riparian zones, as well. I've looked at them in B.C. and Alberta two years ago. I mean, we can give you all kinds of information, and that was why I wanted to be on the committee.

Jane: Okay, great, thanks, [Speaker 10]. Yes, if you're able to share that with the technical planning staff in the next while, that'd be much appreciated.

Speaker 10: I will.

Jane: And I'm sure it would be of interest to the committee. And yes, want specifics look in Alberta and Saskatchewan, okay, we'll forward that one to the technical planning staff. I know some work was done, and in fact, Jonathan Lucas did come out and talk to the committee about this issue of buffers and agricultural use, because it was something the committee wanted to understand better, but the learning continues. So, thanks for continuing to encourage the committee on that front.

And you had a question about horses being allowed. This came up from another individual, I believe, and I think it's an example of how you can be pretty focused on something, and then, somebody with a fresh set of eyes sees it and realizes, "Oh, what about this?" So, to the best of my knowledge, I don't know if we have a clear answer on that. Pat, Ruth, Michelle, Natalie, is it safe to say that this issue of horses is going to have to be taken back to the committee for clarification, because it wasn't specifically discussed. Actually, more of the discussion was about motorized use versus kind of a broad non-motorized use. Does anybody have any more clarification or light to shed on that one?

Ruth: If I recall when the committee was discussing this, we didn't know very much about horses, and that was one of the things we thought we would get feedback in the public meeting on. So, if anybody's got some wonderful suggestions, forward them.

Jane: Okay, Thanks, Ruth. Natalie, I understand maybe some citizens have mentioned horseback riding specifically to you in conversations, is that correct, or do you have anything to add on that?

Natalie: It is, and I can't think of specific examples most definitely in recent history, but I do recall – and I can look this up – when I did the interviews that there had been some land conflicts in the past with horseback riding on Settlement Land; and if you look at the area, it is surrounded by Settlement Land on both sides, even on the other side of the highway. So, if you look here, like, all this area here is also Settlement Land, and there is a concern that when a certain type of recreational activity does happen, it does actually impact settlement land and

public lands quite a bit; and given that the environmental reserve area is connected to settlement land and it is so close to the Bay, TKC citizens did feel like horseback riding is actually a bit more impactful than just hiking or skiing through the area.

Jane: Okay, thanks, Natalie. So, again, Natalie was just sharing what she's heard so far from some citizens. I think Ruth is waving and had suggested that this is something that the committee was hoping to hear more on. Ruth, did you want to add anything else? I saw you wave there.

Ruth: Well, there was another issue with the Settlement Lands, too, and that's the liability of people and horses being on Settlement Lands. What is the liability for Ta'an Kwäch'än going forward?

Jane: Okay.

Ruth: So, that's a bit of a concern, too.

Natalie: Yes, and I definitely echo that from Ruth. We've had some issues in other areas actually predominantly in the City of Whitehorse, where our undeveloped settlement lands are treated as de facto green space and parks, where we've had members of the public calling us and saying, like, 'your trail this' or 'there's a tree that's fallen there'.

And TKC's messaging has been very consistent that, 'We do not maintain our Settlement Lands, because we did not put the trail in. We do not encourage that folks utilize those trails. People are going to do what they're going to do, but we've been very vocal, especially in recent history, that we do not maintain Settlement Lands.' And some of our new signage – I think it's mostly around the City right now – does say that.

Jane: Okay, so, it sounds like this question of horseback riding is definitely one that the committee is going to have to go back in-house and consider and talk about. So, I encourage everybody to either be communicating their thoughts on this issue through the survey that you're going to be receiving in the coming days and/or through contacting the technical planning staff, Michelle and Natalie, over the next little while.

So, it is 8:02, and I haven't seen any new questions coming in. So, I'm going to suggest that we have a draw prize and see if we can actually finish a public meeting on time, which is a rare feat sometimes. So, Rebecca and Michelle, I know you kind of took a sample of everybody who has been on the call and did a random name-generator or some kind of magic that I can't even begin to understand, but do you have any names for us and/or prizes? This has totally been in your court. So, this is a bit of a mystery to me, too. What do you have for us here?

Rebecca: Well, I have been taking down all the names but trying to keep up with folks who had to leave, and I know there are a few of you anyway who have more than one person there. So, if anyone else wants to put their name in the chat, I will add it to my list and put it into the name-generator here, very high-tech.

Jane: Thanks, [Speaker 10], for that comment, yes.

So, while Rebecca finishes the magic she is working with, the random name-generator – and this is actually a thing I learned about today.

[Informal chit-chat, re: Zoom]

Jane: Anyhow, I want to just give you a sense of next steps, everybody who's on the call still. So, what that looks like is you will be getting a survey in the mail and/or if you are a Ta'an citizen, Natalie will probably be reaching out to you and talking through the survey with you. Again, this is all about hearing from you. The committee has not made any final decisions. In fact, I think in that background report, we highlighted the fact that the committee has reached consensus on some key issues. It is still far from consensus on a few; and the more input, the more insight that you can provide this committee, the better and easier job they can do in this final home stretch. The hope is to submit the committee's final recommendations to the Government of Yukon and to Ta'an Kwäch'än Council sometime in the late winter/spring. That is the goal.

Yes, in terms of what happened tonight, again, this meeting has been recorded for internal purposes, and the questions and answers from tonight will be posted in meeting notes that will be on the Yukon government's website for the Shallow Bay zoning process by February 5th, so, two Fridays from now, end of workday. So, please do check that. The survey will be open until – I think the deadline is going to be February 26th if I'm not mistaken, February 26th people will have until. So, we do encourage you to continue to think through some of these issues. If you are able to hold off until February 5th until you have the ability to look at a whole bunch of questions and answers, maybe that will give you some better information to inform your responses to the survey. We invite you to do that.

So, yes, stay tuned, and of course, at any time, you can reach out to Michelle and to Natalie for more information; and Rebecca, over to you. Do we have a draw prize winner?

Rebecca: We do, and I think we lost one of the people at one point, but she's on the list, so we'll keep her in.

So, [participant 1] is one of the winners, and the other is [participant 2].

[informal discussion: re: prizes]

Jane: I do see a couple other things popped up. So, if other questions came in, again, we are committing to having the best answers we can back to you, back to everybody, by February 5th. Thank you everybody.

Sorry, how are surveys done? Yes, one survey will be sent per household, is that correct, Michelle and Natalie, that the intention is that if you're getting it by mail or if you're a citizen and you're going to be talking to Natalie, the intent is one survey per household? All right, so that should be coming your way soon. And I want to thank everybody –

Speaker 14: Jane, sorry, I just want to point out, like, there were some other questions that came through as we were wrapping up. So, I just want to let those folks know that we're seeing them and reading them.

Jane: Yes.

Speaker 14: And we'll definitely work towards addressing them.

Jane: Yes, absolutely. I see one about a detailed list of primary, accessory and discretionary uses for ag land. So, Megan, what the committee is proposing right now is on pages 10 and 11 of the background report. The background report is also available online. You can go either to the Ta'an site or the Yukon Government site. If you basically *Google* Shallow Bay Zoning Committee, you will find this background report.

Oh, thank you, Rebecca. Rebecca just put up the link right now. So, yes, please have a look at that, and again, if you have any other questions, it doesn't end tonight. We're taking all the ones that you sent us, and we'll do our best to provide a response to those by February 5th. Keep the questions coming if you continue to have them. You can reach out to Natalie and Michelle at their e-mails, and you can go to the website. Rebecca has just posted it.

And I will sign off. Thank you, everybody, for coming tonight. Yes, thanks, Natalie, you're putting down your comments. So, Michelle, can we leave this open? I can invite people just to sign off, but we can leave this open for a few minutes if people have other questions that they want time to input while they're already here? Okay.

All right, so, we're going to leave this chat column open for folks, but I am going to bid everybody generally 'good night'. I really appreciate your patience with this platform. It is never the ideal one, but I thank all of you for coming along on this sort of little virtual journey with us as we learn how to do this in a COVID world, and thanks for your patience and your participation and your constructive and thoughtful comments.

Committee members, do you have any parting words for everybody?

Pat: Thank you.

Ruth: Thank you, I'm sorry it took me so long to get on, thanks.

Jane: Okay, good night, everybody, Thank you so much.

[Meeting ends]

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