



SHALLOW BAY ZONING COMMITTEE

REPORT #11

January 28-29, 2020 Meetings

Submitted by
Groundswell Planning



February 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 eleventh and twelfth meetings on January 28 and 29, 2020 at the Hootalinqua Fire Hall.

ATTENDEES

Don Allen (YG member)	John Bunbury (TKC member) – absent Jan. 29
Nellie Dale (YG member)	Ruth Massie (TKC member)
Pat Hogan (YG member)	Natalie Leclerc (TKC staff)
Michelle Sicotte (YG staff)	Jane Koepke (Facilitator)
Graham White (YG staff)	

MEETING OBJECTIVES

1. Ensure Committee has a solid understanding of the zoning elements that comprise an area development regulation (and for which they will make recommendations);
2. Draft the outline of zoning regulations for Shallow Bay;
3. Identify zoning elements where Committee has reached draft consensus and those requiring further information and/or discussion; and
4. Attend to miscellaneous Committee administrative or other business.

KEY MEETING OUTCOMES

Draft Zoning

- **Zones** – The Committee agreed to apply at least two different zones to deal with waterfront vs. interior parcels. The Committee agreed to typical Rural Residential (RR-1) and Agriculture 1 (AG-1) zones for the interior parcels. RR-2 and AG-2 zones were applied to waterfront parcels. Zoning for the large lots, First Nation Land Use, and Protected Open Space will be discussed at the next meeting.
- **Subdivision, Minimum Lot Sizes, Setbacks, Building Heights, Parking, Frontage** – Draft consensus was reached for these elements for the AG-1 zone and setbacks, heights, and parking for RR-1, RR-2, and AG-2. Further information and discussion on subdivision and minimum lot sizes is required for RR-1, RR-2, and AG-2.
- **Uses** – Draft consensus was reached for uses in all zones. Some uses require further information and discussion before these recommendations are complete.
- **Aquatic Buffers** – The Committee arrived at a preliminary 25-metre range for aquatic buffers for agricultural and rural residential properties and agreed by consensus that a different buffer may apply given the unique nature of agriculture. Further discussion and/or information will be needed to narrow the ranges down to a specific number.

- **Large Lot zoning** – The Committee reached consensus that the primary purpose for the large lots should be agriculture based on historical and current use.

DISCUSSION

Committee Business

- **YG Committee Member Replacement** – YG member Florian Lemphers resigned from the Committee in January. YG and TKC staff indicated that their preference is to not nominate a new YG representative given the advanced stage of the process. The alternative approach they are pursuing is to amend the Committee Terms of Reference and designate TKC's alternate member as a full member, resulting in equal representation of YG and TKC members. The Committee agreed with this approach. YG and TKC will report back.
- **December Meeting Minutes** – The Committee reviewed and approved the report for December's meeting.

Zoning for "Quasi-Waterfront" Lots

- **Rural Residential (RR-1)** – A few parcels have been tentatively designated RR-1 but have frontage along the Yukon River and/or Horse Creek and a RR-2 designation may also be appropriate. The Committee felt that RR-1 is appropriate for the Yukon River parcel. Further information about the terrain (i.e., natural buffers, etc.) is needed to facilitate decision-making.
- **Agriculture (AG-1)** – One parcel that is tentatively designated AG-1 due to highway frontage also has frontage along Horse Creek and an AG-2 designation may also be appropriate. Further information about the terrain (i.e., natural buffers) is needed to facilitate decision-making.

Subdivision, Minimum Lot Sizes, Etc.

- **Rural Residential (RR-1 and RR-2)** – Committee members have a range of preferences. There is interest in a 2-hectare minimum with one-time subdivision, a 3-hectare minimum with one-time subdivision, a 3-hectare minimum with multiple lots subdivision, and a one-time subdivision with 3+hectare minimum. Central considerations for Committee members are limiting density and not unduly limiting future property owners' options. One Committee member noted that setbacks and frontage could be made more flexible for RR-2 lots if development potential is unduly constrained by the application of an aquatic buffer.
- **Agriculture (AG-2)** – The Committee agreed to a minimum lot size but one Committee member expressed interest in a subdivision model whereby a one-time subdivision resulting in up to 4 lots total could be approved if each new lot came with an accompanying requirement for a public reserve portion (or similar mechanism) on the water.

Uses

- **Rural Residential (RR-1 and RR-2)** – Some Committee members were not in support of bed and breakfast lodging as an accessory use; others felt that it would be suitable but perhaps with fewer units. There was agreement to have three units within the primary dwelling. In general, uses involving livestock were felt to be incompatible with RR-2 lots; the issue/definition of “personal livestock” needs further clarification. For both zones, equestrian or similar activities with potential off-site impacts relating to trail use and/or creation of new trails, was a concern.
- **Agriculture (AG-1 and AG-2)** – The Committee was somewhat divided on the issue of accessory uses that fall outside of the “agriculture” realm, such as day homes. Some of the considerations raised included compatibility with agriculture, liability and safety, and the ability of farmers to earn secondary income to be viable. For AG-1, equestrian activities with potential off-site impacts relating to trail use and/or creation of new trails, was a concern. The Committee felt that concentrated equestrian activities were not suitable on waterfront properties.

Aquatic Buffers

- **Rural Residential** – Committee members agreed that a buffer in the range of 50-75 metres could be appropriate for RR zoned parcels. Some of the rationale for a smaller buffer was that it may be sufficient to limit visual impacts, many lots have maintained natural vegetation for shoreline habitat, and the high clay content soils in the area naturally impede contaminant migration. The Committee agreed that “development” in a RR zoning context should apply to buildings (residential or otherwise). Clarification is needed on implications of the buffer for private property owners who already have fencing installed.
- **Agriculture** – The Committee agreed that the nature of agricultural activities warrants a higher degree of protection and that “development” in an AG zoning context should apply to buildings, grazing, fertilizer/pesticide application, etc. A 75-100 metre buffer was agreed to as a starting point. This raises questions about how agricultural regulations apply to the protection of waterways and what level of buffer is adequate to protect wildlife, especially birds. Ruth noted that TKC had requested a 100-metre buffer during discussions with YG about a special management area on the bay some time ago.

NEXT STEPS

Outstanding Action Items

- Ruth, Natalie, and Michelle will work on selecting an appropriate individual to provide this briefing. The timing is anticipated to be after the Committee has a preliminary set of recommendations - following public engagement but preceding final recommendations.

- More information should be forthcoming on the large lots from both YG and TKC. Natalie will be reviewing old files and Michelle will continue to work on title request, pictorial history and ATIPP question.

Process Timelines

- Michelle indicated an “ideal” timeline of March 31st to have draft recommendations ready for the Minister. Jane recommended that a public meeting not be held during Spring Break. If possible, a public meeting should happen no later than mid-March. The Committee indicated a willingness to try and meet these timelines. The Committee should provide at least two weeks notice prior to a public meeting.

Next Meeting

- The week of February 10-14 was set for the next set of two meetings, preferably with a one or two-day break in between.

Outstanding Questions/New Action Items

Action items and outstanding questions stemming from the January meetings include:

- Posting approved November and December meeting minutes on the website;
- Calculation of potential density applying 2 and 3 ha minimum and one-time versus multiple subdivision model;
- Updated buffer maps applying 50-75 metres for RR-2 and 75-100 metres for AG-2;
- Further information on local terrain for Horse Creek properties tentatively designated RR-1 and AG-1;
- Confirmation of requirements for any fencing within a newly applied buffer, both near-term and upon future replacement;
- Clarification of regulatory requirements for siting septic from surface waterbodies;
- Further information on potential impacts of agricultural activities (e.g., fertilizer, pesticides/herbicides, grazing, etc.) on the bay and what is a reasonable buffer to protect against these impacts; and
- Clarification of personal livestock (i.e., thresholds, etc.) and considerations for limiting impacts.