

# SHALLOW BAY ZONING COMMITTEE

## REPORT #13

March 2 & 12, 2020 Meetings



Submitted by  
*Groundswell Planning*

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## 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 fifteenth and sixteenth meetings on March 2 and 12, 2020 at the Hootalinqua Fire Hall and Coast High Country Inn, respectively.

## ATTENDEES

Don Allen (YG member)  
Nellie Dale (YG member)  
Pat Hogan (YG member)  
Michelle Sicotte (YG staff)

Betsy Jackson (TKC member)  
Natalie Leclerc (TKC staff)  
Scott Paszkiewicz (TKC staff)  
Jane Koepke (Facilitator)

## MEETING OBJECTIVES

1. Review and confirm draft regulation content stemming from Committee direction given in February;
2. Revisit the zoning elements for which the Committee did not reach consensus – specifically buffers and uses - and provide further information and/or discussion to reach consensus;
3. Review the Guiding Principles for consistency (with zoning recommendations) and clarity; and
4. Review the public engagement strategy and materials.

## KEY MEETING OUTCOMES

**Note: Meeting outcomes are subject to further review and input from Committee members who were not present at the March meetings.**

### Draft Zoning

- **Environmental Reserve** – The Committee confirmed the zoning outline for the Environmental Reserve.
- **Uses** – The Committee agreed that all of the uses tentatively included in the draft zoning outline could be formalized, resulting in identical uses between RR-1 and RR-2, as well as AG-1 and AG-2. Independent Power Production (IPP) would be segmented into high and low impacts, with high considered a discretionary use, pending further information.
- **Buffers** – The Committee agreed to a 60-metre buffer applied from the Ordinary High Water Mark, regardless of zone.
- **Zones** – The Committee agreed to apply one RR zone and AG zone and utilize the buffer as the means by which to protect the bay and Horse Creek.
- **Minimum Lot Sizes** – The Committee agreed to present two options for RR zone for public input: 3-hectare one-time and 3-hectare multiple.
- **Guiding Principles** – The Committee agreed to revise the draft Guiding Principles (GPs) (March 9 version) as follows:
  - Reword #1 to include “Environmental Reserve” and “First Nation Land Use” zones.
  - Adopt change to #2
  - Adopt alternative wording for #6.

## DISCUSSION

### Uses

- **Independent Power Production** – The issue of potential aesthetic impacts from larger-scale Independent Power Production (IPP) was raised in the March 2 meeting. At the March 12 meeting, Michelle shared that staff at the Energy Solutions Centre was assisting with a review of how other jurisdictions regulate and/or set thresholds in regards to IPP impacts on residential areas. Natalie requested that potential impacts on bird life from wind turbines also be factored in. The Committee agreed to revisit and finalize this use once further information becomes available from YG.
- **Trapping** – The need for clarity around the inclusion of commercial trapping as a principal use in the Environmental Reserve zone was raised during the March 2 meeting. At the March 12 meeting, Natalie shared that there is no longer a commercial trapping concession in the Shallow Bay area, effectively limiting trapping activities to subsistence and resource management purposes.

### Buffers

- **Consistency With Development Settlement Land within the planning area** – Natalie reported on a GIS analysis conducted by TKC in which a hypothetical 60-metre buffer was applied to TKC parcels situated on Lake Laberge in the interests of “testing” TKC’s ability to consistently apply watercourse protection measures. The analysis showed that the only structures within the buffer in the Deep Creek area are uninhabited and in poor condition.

### Guiding Principles

- TKC raised concerns about GP #4 regarding the promotion of a broader range of uses during the review on March 12. Jane noted that this concern signals that the Committee’s preliminary recommendations around uses (reached on March 2) would need to be revisited. GP #7 needs further review and discussion as well.

### Public Engagement

- **Covid-19** – The evolving situation with Covid-19 was discussed at the March 12 meeting. Natalie noted that TKC Council had passed a resolution restricting government-related gatherings to no more than 10 individuals. If there are restrictions placed on public gatherings, the Committee could potentially adapt its Open Houses to ensure a larger number of meeting opportunities with a smaller number of attendees, or provide an online opportunity as well. The mail-in survey will also work well in a restricted scenario. Staff will keep Committee apprised of developments.

## NEXT STEPS

### Next Meeting

- Subsequent to the March 12 meeting, TKC and YG agreed that an additional Committee meeting would be helpful to discuss and resolve any outstanding issues. Scheduling will be determined.

### Outstanding Issues/Action Items

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

- Update to Terms of Reference for the Committee;

- Natalie to meet with TKC members to review draft recommendations and discuss outstanding concerns;
- Further information about Independent Power Production and potential mechanisms for setting impact-related thresholds; and
- Clarity and confirmation from TKC Committee members on tentative recommendations.