

SHALLOW BAY ZONING COMMITTEE

REPORT #15

October 14, 2020 Meeting



Prepared by
Groundswell Planning

October 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 eighteenth meeting on October 14, 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) – by Zoom

Natalie Leclerc (TKC staff)

Jane Koepke (Facilitator)

MEETING OBJECTIVES

1. Attempt to reach consensus on outstanding zoning elements.
2. Determine the general approach to engagement.

DISCUSSION & KEY OUTCOMES

Agriculture Uses

- There is general agreement on allowing some degree of supplemental income for farming – the issue is with uses that may create more population growth and density in the area.
- If all accessory uses in the current version were pursued, this would be a problem.
- Staff accommodation is more acceptable than other uses since these would be individuals living in the area and contributing to the viability of farms.
- Dwelling related accessory uses could be presented as “or” so that property owners have options; alternately, they could be considered discretionary uses.
- Committee reiterated importance of agriculture lands being used for agriculture.

Rural Residential Uses

- Again, the concern is the potential for property owners to pursue all of the allowed accessory uses in the current zoning outline version. The other challenge is the lack of compliance monitoring; this creates a reasonable likelihood that some temporary dwellings will become permanent i.e., a guest cabin becoming a rental dwelling.
- Similar to Agriculture zone, a balance between property owner rights and limiting density could be achieved by putting a cap on uses and allowing owners to choose which they prefer to pursue.
- One member felt that the impacts of wells and septic fields, etc. should be the primary concern. Containing these within a single building footprint helps to minimize those impacts; so long as the infrastructure is sized adequately, it shouldn’t really matter whether

the rooms are used for a B&B or personal/family use. However, generating new traffic is a concern to other Committee members.

Rural Residential Minimum Lot Size/Subdivision

- TKC would prefer to not include the 3-ha options because a doubling of density is not desired. The preference is to have no further subdivision until more comprehensive planning is completed for the area.
- There were concerns that a 4-ha minimum size would create an unequal distribution of opportunity among owners to subdivide and that a 3-ha option would be more “fair”. This is one interpretation of the “fairness” principle; another involves redress for historical displacement of Ta’an people from the area and TKC’s exclusion from the land disposition processes that led to the current development pattern. In this other context, “fairness” may be about TKC’s interests superceding private landowner interests at this time.
- The idea of a placing a cap on the number of subdivisions allowed prior to land use planning was raised again; perhaps there are ways to address the operational challenges this poses. One suggestion was a lottery.
- The Committee agreed to present 3-ha, 4-ha, and 6-ha options to the public, all one-time only subdivision.

TKC Perspectives

- As several points throughout the meeting, TKC staff and Committee members reiterated the long occupation and importance of the Shallow Bay area to citizens. It is the heart of TKC.
- This is the first real opportunity that TKC has had to participate in land use decisions for this very important area, and the negative impacts of having been excluded from previous decision-making should be recognized.
- TKC is committed to more comprehensive land use planning for the area, but remains committed to finishing the zoning regulation. Any allowance of subdivision – even the 4-ha option presented - in the zoning regulation is viewed as a compromise.

Public Engagement Considerations

- It is important that the public understands the definitions for zoning terms like “discretionary” uses, how the approval process works, and what happens if a use is already in place but is not being recommended for the future.

NEXT STEPS

Next Meeting

- The next meeting is scheduled for Tuesday, October 27th. The agenda will include engagement planning and review of preliminary materials.