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SHALLOW BAY ZONING COMMITTEE

REPORT #17

December 9, 2021 Meeting

Submitted by



GROUNDSWELL
PLANNING

January 2022

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 December 9, 2021 over Zoom.

ATTENDEES

Nellie Dale (YG member)	Ruth Massie (TKC member)
Pat Hogan (YG member)	Natalie Leclerc (TKC staff)
Michelle Sicotte (YG staff)	Susie Heffner (Presenter/Matrix Research)
Duncan Martin (YG staff)	Jane Koepke (Facilitator/Groundswell Planning)

MEETING OBJECTIVES

1. Provide the Committee with an update on what has happened since public engagement on the draft zoning recommendations launched in December 2020.
2. Present the draft results of engagement and allow Committee members to confirm and/or interpret those results.
3. Solicit feedback on the documentation of engagement results from Committee members before finalizing and sharing with the public.

DISCUSSION

Government Updates

- **Public and Stakeholder Engagement** – Michelle shared that the Committee’s draft zoning recommendations, released in late December 2020, generated considerable interest and feedback. The original deadline for feedback was extended to April 30 to accommodate requests for more review time from property owners and stakeholders, as well as the territorial election.
- **Subdivision Applications** – Two applications for subdivision were submitted to YG in April, during the latter part of the engagement period. Both applications were denied in September. Natalie shared that TKC was firmly opposed to both applications and had issued a 12-page letter to YG to that effect. The applications triggered additional work on the area by TKC, including Elders interviews and heritage research.

One of the lot owners is appealing the decision to the Municipal Board and TKC has been invited to apply for intervenor status in the matter. Currently TKC is working with Chief and Council and legal advisors on next steps.

- **TKC Engagement** – Natalie shared that TKC undertook its own engagement around the draft zoning recommendations and subdivision applications. The highlight of this was an August 4th meeting with the community that was attended by 28 citizens – a very good

turnout. Natalie is still compiling some information and talking to citizens. TKC has its own “What We Heard”-style report coming out of this work.

- **Flooding and Flood Mapping** – Record flooding in the Southern Lakes affected many properties in the planning area and created additional uncertainty around some of the Committee’s draft recommendations. YG initiated a flooding study in the fall to better understand the future of water levels in the area; the expected completion date is 2023. Until the study is complete, YG does not support proceeding any further with zoning-related discussions or the Committee’s work.

Natalie indicated that TKC undertook its own flood mapping using a contractor; this work showed that Settlement Lands and heritage sites are at risk. She noted that TKC has questioned the need for YG’s much longer timeframe for its flood study.

Engagement Results

- **Responses** – A total of 28 surveys and 5 written submissions were received. Three of the submissions were from organizations: the Dog Powered Sports Association of Yukon, Yukon Dog Mushing Association and Yukon Agricultural Association.
- **Compilation and Interpretation Process** – Susie explained the process she followed to arrive at the two draft documents submitted to the Committee for review. A digital sorting tool called Enviro was used to organize engagement responses into thematic areas. She and Rebecca had numerous conversations about the appropriate level of detail and chose to err on the side of providing more detail. Susie also incorporated the TKC engagement results, working with Natalie on this.
- **Key Themes** – Susie shared the overarching results, organized hierarchically by theme areas, theme statements, and specific survey results that underpin each theme statement. Committee members confirmed general agreement with Susie’s interpretation of results and provided feedback on specific wording for inclusion in the final report.
- **Final Report Format** – Committee members suggested combining the theme-based summary with more detailed results as an appendix and make the full report available. There was a suggestion that the 7-page summary be shortened even further if possible to make it as accessible/readable as possible.
- **Committee Reflections** – Committee members reflected on some of their takeaways from reading the draft results documents. For the most part there were no major surprises. There was some disappointment with attitudes expressed towards land claims and TKC rights and the motivations and efforts of Committee members in working through difficult and complex issues. They noted misunderstandings about the nature of the previous 2015/16 work and how/why the Committee was formed in the first place; clarifying this, as well as the governments being the ultimate decision-makers, will be important moving forward.
- **Authorship** – The Committee raised the question of who the What We Heard report would be issued by – YG or the Committee itself?

Issues Analysis and Responses

- Both Committee members and TKC staff questioned how the multitude of questions and issues raised by property owners would be addressed by YG. Natalie noted that some of the ideas and questions raised had been shared by TKC itself – specifically density thresholds and how laws of general application will work. She noted that some answers are already at hand and just need to be shared, such as Dave Mossop’s report being the basis for the recommended 60m buffer.
- Jane suggested that the governments convene separately to consider how best to approach this and report back to the Committee.

NEXT STEPS

Committee Hiatus

- Michelle confirmed that the Committee was effectively on hiatus pending the outcome of the flooding study in 2023, which YG feels is required to inform any further deliberations (or decisions) around land use and zoning around Shallow Bay.

Action Items

- Susie will take the Committee’s feedback and proceed to draft the final What We Heard report for YG, TKC and Committee review, likely by mid-January.
- YG and TKC will discuss and agree upon a plan for responding to the issues and questions raised by property owners and other stakeholders and share this with Committee members in January.