

2020-20/JH-03



Community and Transportation Services  
Box 2703, Whitehorse, Yukon Y1A 2C6

September 28, 2001

**MEMORANDUM**

**TO:** Hotsprings Road Plan Steering Committee Members  
Rose Kushniruk – Community Lands Officer, Champagne and Aishihik First Nation  
Gordon Harvey – Band Resource Officer, Ta'an Kwach'an Council  
Gillian McKee – Land Use Planner, Kwanlin Dun First Nation

**FROM:** Jeff O'Farrell  
Land Use Planner  
Community Services Branch

**CC:** Tom Becker and John Hopkins – Planning Consultants, UMA Engineering Ltd.

**RE:** *Hotsprings Road Local Area Plan – Draft Meetings Notes of September 24, 2001*

Hello Folks,

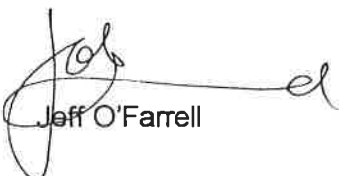
Enclosed please find draft meeting notes from the Steering Committee meeting of **September 24, 2001**. I am circulating the draft meeting notes early in order to provide everyone ample opportunity to review them.

Based on the guidance of the Steering Committee, the next step in this planning process is a Steering Committee meeting to review Draft III of the *Hotsprings Road Local Area Plan* followed immediately by a public review of Draft III (on the following evening). Draft III will reflect Steering Committee comments as contained within the enclosed draft meeting notes. It was acknowledged that only editorial and technical changes, rather than substantive changes in policy direction, could be made between the Steering Committee and the Public Open House

The Steering Committee and public meetings are tentatively scheduled to occur on the Monday and Tuesday evenings in either the last week of October or the first week in November. The planning consultants from UMA Engineering will be on hand at both of these meetings. Roy, Val and I will make arrangements for the public review of Draft III based on the Public Open House/Community Meeting format used in the public review of the last draft.

While it should be noted that changes to Draft III based on the guidance of the Steering Committee can be made after the Public Open House/Community Meeting, Draft III should be considered a "final" draft. Accordingly, everyone one of you deserves credit for bringing the plan to this stage.

Sincerely,

  
Jeff O'Farrell



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## HOTSPRINGS ROAD LOCAL AREA PLAN

### Steering Committee Meeting Notes (Draft)

September 24, 2001 – 7:00pm, Hootalinqua Fire Hall

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**Attendees:** Roy Ness (Co-Chair), Val Smith (Co-Chair), Vibeke Coates, Dave Loeks, Katie Hayhurst, Tom Roscoe – Hotsprings Road Steering Committee Members  
Jeff O'Farrell - Land Use Planner, Community Services Branch, YG  
Dave Cotton, Gary Umbrich, Mike King, Jenny Gruber – Guests

**Regrets:**

**ITEMS:**

**1. Welcome/Introductions/Call to Order**

Roy called the meeting to order at 7:05pm.

**2. Adoption of Agenda.**

The agenda was reviewed and accepted.

**3. Review of June 18, 2001 Draft Steering Committee Meeting Notes.**

- Meeting notes of June 28, 2001 were reviewed and accepted.

**4. Review of memo from UMA Engineering detailing proposed changes to the *Hotsprings Road Local Area Plan*.**

- A lengthy memo of September 17, 2001 detailing proposed changes to the *Hotsprings Road Local Area Plan*, based on past guidance from the Steering Committee, was reviewed for the purpose of confirming content of the plan prior to the production of draft III.
- Following is an itemized list of proposed changes to the plan along with the Steering Committee's response. Comments are provided below only where the Steering Committee was not comfortable with the change or desired to see further revision. Where no comment is offered in response to a proposed change, the Steering Committee has endorsed the change.
- Policy 1.1 – Concern was expressed that the revised text was too vague and not strong enough. The Steering Committee noted their desire to retain the old wording. They also suggested adopting the new wording, but only as it pertains to wildlife corridors.
- Policy 3.6 – It was noted that homesites/residential units are not permitted on grazing leases.
- Policy 3.7 – There was a great deal of discussion surrounding the concept of expired/unfulfilled agricultural options and/or agreements for sale reverting to environmental open space. Dave noted that such lands might not meet the requirements of environmental open space (i.e. environmentally or recreationally significant land). Questions were raised as to the relevance of this provision, specifically with respect to whether there was the likelihood of any agricultural options and/or agreements for sale expiring/going unfulfilled within the planning area. There was the further question of whether such lands, if they exist, should remain in the agricultural inventory. Jeff will contact the Agriculture Branch of Yukon Government to obtain information on the practical relevance of this policy.

- Policy 3.8 – Based on a desire to support agriculture within the planning area, the Steering Committee revised the proposed amendment as follows: “Long term agricultural development should take into account first nation land claim settlements and land use proposals.”
- Principle No. 5 – The second paragraph was noted as inaccurate. The Committee suggested the following change to the second sentence: “It has provided a campground and recreational facilities to travelers and employment to local residents”.
- Policy 5.1 – Mike noted that there is an apparent contradiction between policy 5.1 which limits “commercial development to the expansion of already functioning areas” and the principle of encouraging economic diversity. The Committee requested clarification on the term “already functioning areas”. There was a great deal of discussion on fostering economic/commercial activity at the westerly end of the Hotsprings Road, specifically in relation to lots 1221, 1222, 1223, 1340, 1350 and possibly 57R. The concept of designating these lands as commercial recreation within the plan was raised. However, it was noted that designating these lands commercial recreation could require significantly reducing the minimum lot size for commercial zones (in order to avoid non-conforming lots) and thus possibly accommodate an undesirable amount of re-subdivision in the area. Moreover, designation them as commercial could also detract from the character of the neighborhood. Discussion ensued on creating an “enhanced residential” land use designation for the cluster of lots near the westerly end of the Hotsprings Road. While the current list of permitted home-based businesses on residential lands is extensive, it was suggested that commercial-type uses could be expanded for the “enhanced residential” zone without detracting from the residential character of the neighborhood. One specific item that could be added is a restaurant/patio. It was also noted that the plan need not designate a minimum lot size for this enhanced residential zone.
- Policy 5.2 (third bullet) – The Committee suggested the following re-wording: “the expansion lands shall be left in a natural state, with...”.
- Policy 5.4 – The suggested re-wording, offered by the Yukon Government’s Department of Economic Development was reviewed at length. The Committee noted that the proposed revision appears, on the surface, to suggest a layer of conditions/criteria for permitting mineral exploration, staking, and access. The Committee directed Jeff to seek clarification and re-wording from the Department of Economic Development. The Committee also expressed a desire to strike both the previous and revised version of policy 5.4 from the plan.
- Policy 5.9 – Jenny Gruber spoke to the contents of her August 17, 2001 letter to the Steering Committee. It was noted that identifying a minimum lot size of 3 hectares for the commercial – retail zone would likely enable the re-subdivision of lot 608, thus creating a stand-alone lot for the commercial-retail zoned area within lot 608. Jenny also noted the desire to re-configure the commercial – retail portion of what is now lot 608. The Gruber’s desire to re-subdivide the commercial portion of lot 608 is to make that portion financially independent and afford some liability protection to the balance of the property.

*At 9:45pm, the meeting was adjourned to reconvene Thursday September 27 at 7pm in the Hootalinqua Fire Hall.*

Following are proceedings from the reconvened Thursday September 27 Steering Committee meeting (attended by Roy, Val, Gary, Mike, Vibeke, Tom and Jeff):

- Roy called the meeting to order at 7:15pm.
- At the outset of the meeting, Jeff provided clarification offered by David Murray of the Yukon Government’s Agriculture Branch on the relevance of policy 3.7 (attached e-mail). After some discussion, the Steering Committee opted to strike policy 3.7 from the plan, thus having the effect of suggesting that agricultural land remaining in the agricultural inventory.
- Policy 5.11 – It was decided that “tourist accommodations” should remain in the Commercial-Recreation designation in order to reflect the types of uses currently permitted under the existing zoning regulations for the CR zone.

• Policy 5.17 – It was suggested that there is a typo in this provision – “Commercial-Game Farm” should read “Commercial-Mixed Use/Tourist Accommodation”. The Steering Committee also sought clarification on why a minimum lot size of 6 hectares was identified for this zone. It was also suggested that, unless necessary, the plan not designate a minimum lot size for this zone but rather defer that matter to the creation of updated zoning regulations for the area.

• Policy 5.19 – There was agreement that the third bullet should read: “the residential units may be in the form of a single family dwelling, duplex, or multiple family dwelling”. There was a great deal of discussion on whether the plan should reference dwelling density guidelines for this class of land. Gary noted that THSL desires a density of 10 units per hectare and that residential development opportunities should be based on a guideline of 2 units per lot. There was also, a great deal of discussion on whether the “parcel” identified in bullet three of policy 5.19 should be a stand-alone, subdivided lot with separate title. While Katie and Gary were in favour of this approach due to business and investment circumstances, others at the meeting object to the possibility of re-subdividing and creating additional lots in this area for density reasons (i.e. the potential for additional re-subdivision in the future). At the end of the discussion on this item, it was agreed that the third bullet of 5.19 would remain as is, given that it does not necessarily prevent or support re-subdivision. This matter, along with the issue of density guidelines, will be deferred to the creation of updated zoning regulations for the area.

- Policy 5.2 – Katie asked that the planning consultants clarify whether the fourth bullet of policy 5.2 would conflict with policy 5.19 in terms of THSL’s ability to create one or two residences on the proposed “expansion lands” (as permitted under the current CR zoning) for security purposes.

• Policy 5.20 – The Steering Committee inquired whether this policy should read Commercial – Mixed Use/Tourist Accommodation rather than Commercial – Recreation (as is the case with the current text).

## 5. Other.

- Vibeke noted two spelling errors within the text – “weather” should be replaced with “whether” in the full paragraph above policy 6.1; “existing” is spelled incorrectly within policy 5.2.
- Correspondence related to draft II was reviewed. It was agreed that much of the content of correspondence is being addressed through amendments to the plan.

## 6. Next Steps

- Jeff presented some options by way of scheduling for both the next Steering Committee review and Public review of Draft III of the plan.
- The Steering Committee advised that they would like to have the community review Draft III of the plan immediately after the Steering Committee Review. Accordingly, the next Steering Committee meeting is set for Monday evening of the last week in October or first week in November. This meeting will be followed by a Public Open House on Tuesday evening of the last week in October or first week in November. Jeff, Roy and Val will make arrangements for the Public Open House. A cover letter and newsletter outlining the changes from Draft II will be distributed to area residents in advance of the Public Open House. Note - it was acknowledged that only editorial and technical changes, rather than substantive changes in policy direction, could be made between the Steering Committee and the Public Open House.
- It was noted that this Public Open House would likely be the last scheduled public review of the plan. However, changes to the plan can be made by the Steering Committee, based on feedback from the community, before the plan is submitted to the Government of Yukon for review and hopeful acceptance as an advisory document.

## 7. Adjournment.

The meeting was adjourned at 9pm.

From: David.Murray  
Sent: Thursday, September 27, 2001 11:28 AM  
To: Jeff.O'Farrell; Jerome.McIntyre  
Subject: RE: Hotsprings Road Local Area Plan - Draft Policy Recommendation 3.7

Hi Jeff:

It sounds to me that the major issues associated with this type of resolution were well articulated in your summary. Given the fact that these recommendations are sometimes interpreted very literally after the plan is approved I am uneasy at the categorical nature of this policy recommendation. I would rather see a policy as follows:

**Policy 3.7: Where appropriate, land in the *Agriculture/Grazing* designation that consists of an agricultural option or agreement-for-sale, and the option or agreement is not exercised, it is proposed that such areas revert to the land designation of *Environmental Open Space*.**

If the plan has designated some criteria to determine what constitutes environmental open space and there is an advisory council to consult this may be a fairly sensible alteration.

Regardless of whether the area involved meets the definition of EOS I would like to see a process identified to look at other issues (such as access) that may be subject to remedy when a piece of land reverts to the Commissioner. It is useful to look at what conditions have changed subsequent to the agriculture disposition.

Finally, this is not a very high probability in our program because we give our agreement for sale holders the alternative of pursuing an assignment if it looks like they are unable to fulfill the obligations under an agreement.  
david

-----Original Message-----

From: Jeff.O'Farrell  
Sent: Tuesday, September 25, 2001 9:55 AM  
To: David.Murray  
Subject: Hotsprings Road Local Area Plan - Draft Policy Recommendation 3.7

Hi David,

Following is an excerpt from the draft minutes of last night's planning meeting for the Hotsprings Road area:

- Policy 3.7 - There was a great deal of discussion surrounding the concept of expired/unfulfilled agricultural options and/or agreements for sale reverting to environmental open space. Dave noted that such lands might not meet the requirements of environmental open space (i.e. environmentally or recreationally significant land). Questions were raised as to the relevance of this provision, specifically with respect to whether there was the likelihood of any agricultural options and/or agreements for sale expiring/going unfulfilled within the planning area. There was the further question of whether such lands, if they exist, should remain in the agricultural inventory. Jeff will contact the Agriculture Branch of Yukon Government to obtain information on the practical relevance of this policy.

Folks were responding to the following draft policy statement:

**Policy 3.7: Where land in the *Agriculture/Grazing* designation consists of an agricultural option or agreement-for-sale, and the option or agreement is not exercised, it is proposed that such areas revert to the land designation of *Environmental Open Space*.**

Can you shed any light on the practical utility of this provision?

Cheers,

Jeff