

**Non YESAA - YG LAND APPLICATION REPORT  
Updated to April 2, 2009**

**GENERAL**

Application Number	2008-1281
Name	<b>RUSSELL MCDIARMID</b>
Application Type	Rural Residential Lot Enlargement
Date Review Completed	April 2, 2009

**LOCATION**

NTS Map #	105M/12	
Geographic Location Name	Adjacent to Lot 77-3, Group 1004, LTO 41223, Mayo	
Latitude and Longitude	63°36' N; 135°53' W	
Watershed and Drainage Region	Mayo River	
Nearest Community(s)	Name: Mayo	Distance from project: 1 km
	Name:	Distance from project: km
First Nation Traditional Territory(s)	Nacho Nyak Dun	
Surrounding Land Status		

**APPLICANT'S REASON FOR APPLICATION AND SIZE:**

Applicant is applying for 0.48 hectares, adjacent to Lot 77-3, Plan #41223, Mayo, YT for the purpose of a rural residential lot enlargement. The original parcel is .588 hectares.

"Land needed to construct a shed and a garage and possible building of a guest cabin."

**APPLICATION SKETCH DATED AUGUST 27, 2008 (LANDS BRANCH) IS ATTACHED TO THIS REPORT**

**SUMMARY OF RESPONSES TO DISTRIBUTION:**

<b>CONSIDERATION FOR USE</b>		
<ul style="list-style-type: none"> <li>- used as valued component</li> <li>- information</li> <li>- basis for information request</li> <li>- potential project effect</li> <li>- expert opinion</li> <li>- policy or position</li> <li>- regulation</li> <li>- beyond scope of evaluation</li> <li>- beneficial effect/consideration complete mitigation</li> </ul>		
<b>CONTRIBUTOR</b>	<b>SUMMARY OF COMMENTS</b>	<b>CONSIDERATION FOR USE</b>
<b>Natural Resources Officer INSPECTION COMMENTS – Mayo District</b>	<p><i>Date of Inspection: June 19, 2008</i></p> <p>On this date, Mayo NRO, Lands Officer, and I carried out an overview survey of the proposed enlargement area adjacent to the existing lots west onto Lot 77 REM to ground-truth the land develop-ability and seek out any constraints as per your instructions.</p> <p>We walked a line north from behind Wilf Tuck's industrial/residential encroachment (Lot 77-4) and maintained a distance about 50 metres from the other existing lots lines to the east. We turned east behind the Heasley's approved enlargement area (CT 17022) and then walked back to Tuck's</p>	Information

	<p>along and through the lots and observed the residential usage and achieved a general sense of the present usage/encroachments and the enlargement area.</p> <p>The Manager’s proposal to 4 of the 5 titleholders resident is a 30 metre parcel of land to be subdivided from Lot 77 REM and added parallel west of each lot. The 5<sup>th</sup> proposed enlargement to Lot 77-4 is a bit larger, in that the industrial encroachment footprint has extended about 50 metres beyond Lot 77-4.</p> <p>Overall, we found that Lot 77-4 had expanded as far as he could go, water being encountered further west. Mr. Tuck stated that that was why the encroachment usage did not extend further west. The lowland was dry where we began our inspection through and continued as we walked north. The land dried even more as it rose uniformly, until we came to be walking on a significant trail, through very dry and easily developable land about 50-60 metres behind the remaining lots.</p> <p>Usage of the trail (there were others that branched off to the west and single-use access trails to most pf the lots to the east) was multi-faceted, a mix of motorized and people walking their dogs etc. It did not appear to be used daily, but some residents imparted that they used it sometimes. NRO stated that it was well known by the townspeople.</p> <p>Attached are some pictures that we took of the area behind the existing lots. They are numbered-as you can see it started dense forested and became open and easily assessable. You can also see the trail as it was first found to be small and became quite large-I would not characterize it as a road, though-just a substantial trail. The area was clean of any debris and well maintained in its natural state by nature. The other existing residential encroachments were maintained in a clean and orderly fashion by the titleholders, no problems or significant debris/waste storage etc. was observed.</p> <p>To close, we could find no significant constraints to 30 metre lot enlargements into Lot 77 REM by the titleholders. The trail system becomes a factor at about 50 metres and should be noted in any recommendation as a “10 metre offset from centerline trail”. End of general report-individual Lot reports to follow.</p> <p><b>Lot 77-3 Russell McDiarmid</b></p> <p>Contacted him in Whitehorse and he has filed an application. Enlargement area is lower than the rest, unused in any fashion, but suitable for residential enlargement.</p> <p>Made follow-up phone calls June 27 to 3 remaining titleholders and NRO, who will follow-up. Jason is collecting in a bunch. Expect to move beyond preliminary screening by end July, 2008. Those not in the system by then, recommend Licenses of Occupation for any existing encroachments.</p> <p>End of report.</p>	
<b>Land Claims</b>		

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<b>Implementation Secretariat:</b>	No comments received by April 2, 2009	
<b>Property Assessments:</b>	<i>Received by mail on October 2, 2008:</i> No RETP concerns.	Information
<b>Planning/Land Development:</b>	<i>Received by email on February 24, 2009:</i>  Community Land Planning has the following comments:  No zoning in area. Minimum lot size is 2 ha as per Subdivision Act, however the Subdivision Approving Authority can approve lots less than the minimum size. Subdivision approval is required.	Regulations
<b>Building Safety:</b>	<i>Received by interoffice mail on February 17, 2009</i>  This Lot is un-zoned and there fore compliance to any zoning requirements is not applicable to this Lot. Please provide a copy of an up-to-date Building Location Certificate, in order that we can ensure that the subdivision of this proposed Lot will not create non-compliance with the applicable Building Code requirements: in regards to required set-backs from any existing buildings to the existing and proposed property lines.  Permits Issued: Permit: # 8469 Electrical Issued: December 1993 To: up-grade the wiring Final: Yes  Our records contain no information regarding any approved wood stove or chimney installations. A copy of the final approval for the private sewage disposal system, dated July 25, 1990.	Regulations
<b>Land Use:</b>	<i>Received by email on March 11, 2009:</i>  No land use concerns	Information
<b>Environment:</b>	<i>Received by email on March 26, 2009:</i>  Environment has reviewed the application.  <b>Recommended Mitigation</b> Environment has no known significant concerns with the proposed project with the understanding the proposed activities and location of the septic field will be at minimum 100 metres from the ordinary high water mark (OHWM) of the Mayo River (1-2 km distance away) and the sewage system will follow the appropriate Sewage Disposal System Regulations. The establishment of an appropriate buffer will reduce the potential of contaminants from entering the river making this potential effect non-significant.  There does not appear to be significant wildlife concerns with this application. It is a developed area for residential use and the lot extension is similar to recent lot extensions of nearby residents	Expert Opinion
<b>Tourism:</b>	<i>Received by email on October 1, 2008:</i>	Information

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	There are no known tourism concerns with these applications.	
<b>Heritage Resources:</b>	<i>Received by email on September 3, 2008:</i>  There are no historic resources concerns with regards to Land Application 2008-1281 - lot expansion adjacent to Lot 77-3, Mayo (McDiarmid).	Expert Opinion
<b>Highways:</b>	No comments received by April 2, 2009	
<b>Forestry:</b>	No comments received by April 2, 2009	
<b>Agriculture:</b>	No comments received by April 2, 2009	
<b>Dept of Fisheries &amp; Oceans:</b>	No comments received by April 2, 2009	
<b>Environmental Health:</b>	No comments received by April 2, 2009	
<b>Municipal – Village of Mayo:</b>	No comments received by April 2, 2009	
<b>First Nation:</b>	No comments received by April 2, 2009	
<b>Mayo District Renewable Resource Council:</b>	<i>Received by mail on February 25, 2009:</i>  Mayo District Renewable Resources Council discussed the Rural Residential Enlargement application by Russel McDiarmid at last Council meeting.  MDRRC has no comments or concerns regarding this application.  Thank you for your consideration of our comments.	Information
<b>Yukon Electrical Company Ltd:</b>	No comments received by April 2, 2009	
<b>Yukon Energy Corp:</b>	<i>Received by email on October 2, 2008:</i>  Yukon Energy Corporation has a power line located on Lot 77-3. It would also exist on the lot enlargement parcel. We would like an easement from the land owner in respect to this existing power line.  Additionally, for safety reasons, if Mr. McDiarmid decides to construct anything, including a new septic field, in the vicinity of the existing power line, he must contact the local Yukon Energy office to have an onsite inspection done before construction takes place to determine if the Limits of Approach will be adequate for the construction project.  For safety reasons the “Limits of Approach” distances from the Alberta Electrical and Communication Utility Code must be followed for any construction in the vicinity of the energized power line.	Information & Regulations
<b>Neighbours (only enter the Lot # &amp; Name if they respond):</b>	No comments received by April 2, 2009	
<b>Trappers:</b>	No comments received by April 2, 2009	
<b>Big Game Outfitter:</b>	No comments received by April 2, 2009	

**DECISION:**

Decision – Conditional Approval

Subject to:

- Enlargement is to be configured as per the Lands Branch offer as stated in the letter of May 20, 2008;
- Yukon Energy Corporation easement; and
- Subdivision approval

Note: The lands beyond the enlargement area, as per the Lands Branch offer (sketch enclosed), is publicly used land. The Lands Branch does not support the alienation of publicly used land to private use.

The Lands Branch letter of May 20, 2008 was an offer letter to legitimize existing, long-term, usage of property owners outside of their existing Lot boundaries.

**INTERIM DECISION LETTER SENT TO CLIENT:**

April 6, 2009

**FINAL DECISION LETTER SENT TO CLIENT:**

April 22, 2009