

**Non YESAA - YG LAND APPLICATION REPORT
Updated to 3, January 2012**

GENERAL

Application Number	2011-1962
Name	STEVE & MICHELLE BEAULIEU
Application Type	License of Occupation
Date Review Completed	December 20, 2011

LOCATION

NTS Map #	105D/10	
Geographic Location Name	Adjoining Lot 25 & 26 Fox Haven Subdivision	
Latitude and Longitude	60° 37' 134° 58'	
Watershed and Drainage Region	Yukon River	
Nearest Community(s)	Name:	Distance from project: km
	Name:	Distance from project: km
First Nation Traditional Territory(s)	Kwanlin Dun First Nation and Ta'an Kwach'an Council	
Surrounding Land Status		

APPLICANT'S REASON FOR APPLICATION AND SIZE: August 22, 2011, Application for License of Occupation, Re: Fox Haven subdivision, Licence of Occupation application adjacent to lots 25 and 26. Traditionally, the application area was part of the Meadow lakes golf course YTG lease and this area was used then as a day-use picnic gathering view point area before the development of the Fox Haven Subdivision. After the development of the subdivision, the land parcel around the subdivision lots was returned to YTG and has since become green space. The application area is adjacent to lots 25 and 26 of the Fox Haven Subdivision on the eastern side. The area is on a high, mostly silt, terrace above the Yukon River. There is a steep grade off the eastern edge which runs into a cliff face to the south eastern side. The property boundaries are set back from this slope by 30m. There is an access trail running through the green belt and around the entire subdivision. I would like to obtain a Licence of Occupation from YTG Lands to be able to construct and maintain a safety guard railing along the crest of the steep grade, a boardwalk for power steel chair access to the area, and a view point recreational site and shelter for use by the Fox Haven Subdivision residents and others. The picnic rain shelter and board walk is necessary to accommodate my two children whom use power wheel chairs fro mobility. The trail access which runs around the subdivision and through the green space will not be cut off. I will not restrict access through this area in any way. The facility will be maintained to a high standard and will be tasteful. There will be no garbage storage at this site. Refuge will be disposed of via adjacent lots. There will be no burning without a valid burn permit from the city and the cooking fire Bar-Be-Que will be approved by the city. The area will not be serviced by power, serer, or water. Thank-you. Steve and Michelle Beaulieu

Email received 10/17/2011: I would like to reconfigure to application area of my application for a licence of occupation, to exclude the area directly in front of lot 26 at Fox Haven and to include the area in front of lot 25 and 24 at Fox Haven. This reconfiguration would also, I assume, mitigate the need for a heritage assessment as the "point of interest" as outlined by the Heritage Branch, would no longer be included in the application. My neighbour at lot 26 is in full support of the application, but would prefer to not have any development in the area adjacent to his lot 26. My neighbour on lot 24 is in full support of the application. Thank-you. Steve Beaulieu

APPLICATION SKETCH DATED OCTOBER 4, 2011 (LANDS BRANCH) IS ATTACHED TO THIS REPORT

SUMMARY OF RESPONSES TO DISTRIBUTION:

<p>CONSIDERATION FOR USE</p> <ul style="list-style-type: none"> - used as valued component - information - basis for information request
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<ul style="list-style-type: none"> - potential project effect - expert opinion - policy or position - regulation - beyond scope of evaluation - beneficial effect/consideration complete mitigation 	
<p>Natural Resources Officer INSPECTION COMMENT S – Southern Lake</p>	<p><i>Date Received 12/02/2011:</i></p> <p>Existing Improvements: The application area has been heavily fire smarted, and extensively used for recreational activities by adjacent home owners</p> <p>Soil: Silty sand</p> <p>Vegetation Cover: The ground vegetation is minimum, due to the recent construction activities by the applicant. Standing timber consists primarily of spruce with pine and some aspen.</p> <p>Terrain: Flat</p> <p>Water bodies: The Yukon River is located at the bottom of a 100 meter slope that located 10 meters east of the application area.</p> <p>Exposure:</p> <p>Erosion or possible permafrost: Area</p> <p>Access Roads: n/a</p> <p>Suitable for Building foundation: n/a</p> <p>Suitable for Septic: n/a</p> <p>Distance to Water Supply: n/a</p> <p>Subject to Flooding: n/a</p> <p>Environmentally Sensitive Areas: The area encompassing the application has been extensively developed with residential homes with heavy recreational use by the adjacent lot owners. This application will have little to no impact on the surrounding landscape.</p> <p>If roads in area, any maintained YTG:</p> <p>Distance to nearest community:</p> <p>Distance to Power:</p> <p>Garbage Disposal:</p> <p>General Comments: No foreseeable environmental concerns were observed, pertaining to this application. Ground thru thing the area indicated the site has been previously been disturbed by human activities in the past with well-worn trails, blazed trees, fire pits, chattels and post holes</p>



Location of wheelchair accessible recreation view site with city approved fire pit.
Agreed upon view point area is situated in front of lot# 24 and applicants lot# 25
No additional cutting of trees to occur with proposed project.
Ground and vegetation disturbance is a non-issue









Red pin – end of property for the adjacent lot #24. No conflicts with proposed access route to the view point



No conflicts with proposed access to the view point, as this route is within the applicant's lot# 25.

	  <p>The proposed view point area has been heavily fire smarted, and previously disturbed by human activity. No concerns pertaining to environmental/ground disturbance issues with this application. No foreseeable conflicts with adjacent lots owners, as works have been agreed to.</p>	
<p>Land Claims Implementation Secretariat :</p>	<p><i>No comments received by 11/8/2011:</i></p>	
<p>Property Assessments:</p>	<p><i>Received by mail on 10/14/2011: No RETP concerns</i> <i>Received by mail on 11/10/2011: No RETP concerns</i></p>	
<p>Planning/L and Development /Building Safety:</p>	<p><i>No comments received by 11/8/2011</i></p>	
<p>Land Use:</p>	<p><i>Received by email on 10/13/2011: Land use has no concerns with this application</i> <i>Received by email on 11/21/2011: Land use has no concerns with this amendment</i></p>	

<p>Environment:</p>	<p><i>Received by email on 11/28/2011:</i> Thanks for the opportunity to review Land Application 2011-0192.</p> <p>Environment has reviewed the proposed adjoinment of Lot 24 & 25 (constituting a lot enlargement) in Fox Haven Subdivision and offers the following justification in order to retain the buffer that exists between the existing lot configurations and the Yukon River escarpment. Environment recommends that the lots for the Fox Haven Subdivision be configured, at minimum, 40 meters from the edge of the escarpment to:</p> <ul style="list-style-type: none"> • protect the existing public trail system along the Yukon River escarpment, • provide for an effective setback from the escarpment for greater slope stability, • increase safety for trail users and residence along this terrace edge, and • maintain the relatively undeveloped view shed for this portion of the Yukon River for river travellers. <p>This is an area of historic and current high volume trail use, which has been verified by previous site inspections conducted by Environment. The above recommendations and rationale have been supported in past comments by Environment (YESAA 2006-0069).</p> <p>Please don't hesitate to contact me should you have any questions.</p> <p>Regards,</p> <p>Diane Gunter <i>Environmental Assessment Analyst, Environmental Affairs</i> Environmental Programs Branch; Environment Yukon Box 2703 (V-8) Whitehorse YT Y1A 2C6 ph (867) 667-5855 fax (867) 667-3641 www.env.gov.yk.ca</p> <p>Received email on 11/30/2011 After speaking to Jason Colbert and understanding that this application is for a Licence of Occupation (not a lot enlargement) and is intended to only provide authorization to construct a simple boardwalk out to the existing public fire pit and picnic table, I have made some slight changes to Environment's comments. Please accept the below submission as Environment's comments regarding 2011-0192 and disregard the original email forwarded to you on November 28.</p>
<p>Tourism:</p>	<p><i>No comments received by 11/8/2011</i></p>
<p>Heritage Resources :</p>	<p><i>Received by email on 11/14/2011:</i> Heritage Resources Unit has reviewed reconfigured application 2011-1962. We will still complete an assessment in the summer of 2012.</p> <p><i>Received by email on 10/12/2011:</i> Heritage Resources Unit has reviewed application 2011-1962. It has been determined that the application area has elevated potential for the presence of heritage resources such as archaeological sites. The project activities may impact heritage resources. We recommend that an inspection be completed before the project proceeds. It looks like we may not get out again until summer 2012.</p>
<p>Highways:</p>	<p><i>No comments received by 11/8/2011</i></p>
<p>Forestry:</p>	<p><i>No comments received by 11/8/2011</i></p>
<p>Agriculture :</p>	<p><i>Received by (method) on Date:</i></p>
<p>Dept of Fisheries & Oceans:</p>	<p><i>No comments received by 11/8/2011</i></p>
<p>Environmental Health:</p>	<p><i>No comments received by 11/8/2011</i></p>
<p>City of Whitehors</p>	<p><i>Received by email on 11/15/2011:</i></p>

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City of Whitehorse



November 15, 2011

Our File: 3240-02 (Fox Haven Subdivision)

Government of Yukon
Energy, Mines & Resources (K-320)
PO Box 2703
Whitehorse, Yukon Y1A 2C6

Attention: Vera Bossenberry
Assistant Land Officer

Re: Land Application #2011-1962, Steve & Michelle Beaulieu

The City's Development Review Committee has completed a review of the above noted land application for a License Agreement for 0.22 ha parcel adjacent to Lot 25 and part of Lot 24 in the Fox Haven Subdivision, Whitehorse, Yukon.

The following comments on the application are provided for your consideration:

- a) The City is not in favour of any structure/ board-walk trail that will further establish a private use on public land.
- b) The City is not in favour of allowing any fence to be constructed near the cliff due to concerns about erosion, liability issues, and future potential maintenance costs to the City.
- c) The City suggests that the applicant use alternative trail material to improve wheel chair access such as a soil/cement mix to achieve accessibility to the greenbelt area.
- d) The City suggests that the applicant contact the Yukon Council on Disabilities (YCOD) to discuss trail material options other than a wooden board-walk.
- e) Accessory structures such as sheds are not permitted in the "PE – Environmental Protection Zone" as per Zoning Bylaw 2006-01.
- f) The proposed improvements do not qualify as a 'nature interpretation' land use as these facilities are intended to be publicly owned and operated.

The City's Development Review Committee submits the following recommendations for your consideration as part of the land application review process:

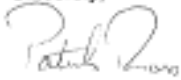
- 1) That no structures are permitted within the subject site.

City Hall
2121 Second Avenue, Whitehorse, YT Y1A 3C2
Phone: (867) 667-6403 Fax: (867) 665-2354

Municipal Services Building
4210 Fourth Avenue, Whitehorse, YT Y1A 1K1
Phone: (867) 667-6403 Fax: (867) 669-5386

Township
119 Timpé Street, Whitehorse, YT Y1A 2V6
Phone: (867) 667-6403 Fax: (867) 668-8382

Sports Admin. Building
4881 Fourth Avenue, Whitehorse, YT Y1A 1H1
Phone: (867) 667-6403 Fax: (867) 665-8322

	<p style="text-align: right;">November 15, 2011</p> <p>2) That no fences are permitted within the subject site. 3) That no fire pits are permitted within the subject site. 4) That a board-walk type constructed trail is not permitted within the subject site. 5) That no improvements are made to existing trails other than soil/cement type surfacing to improve accessibility. 6) That any licence granted by YG is non-renewable and must be inspected on a regular basis to prevent unpermitted encroachments into public land designated as PE – Environmental Protection by City of Whitehorse Zoning Bylaw 2006-01.</p> <p>Please contact me at your convenience should you have any questions regarding this matter.</p> <p>Sincerely,  Patrick Ross Land Development Supervisor</p> <p>c. Director, Operations Division Manager, Planning & Development Services Development Officer</p>	
<p>Kwanlin Dun First Nation:</p>	<p><i>Received by email on 12/08/2011: KDFN has reviewed YG Land application 20011-1962, Steve & Michelle Beaulieu, and does not have any concerns with this proposed projects. Thank you for the opportunity to provide comments.</i></p>	
<p>Laberge Renewable Resource Council :</p>	<p><i>No comments received by 11/8/2011</i></p>	

YG LAND APPLICATION REPORT – Not YESAA Triggered

Yukon Electrical Company Ltd:	<i>No comments received by 11/8/2011</i>	
Yukon Energy Corp:	<i>Received by email on 11/22/2011 and 12-07/2011: Yukon Energy Corporation has no concerns or comments regarding the above land application.</i>	
Neighbours Lot #26 Bill Bennett:	<p><i>Received by emailed on 10/17/2011: As the title owners for Lot 26. Melanie and myself would support Steve Beaulieu’s land application for building a recreational fire area in front of his lot. (lot 25) It is my understanding that Steve would like to build a fire pit in front of his lot (lot 25) and his neighbours lot 24. He will also need to put access in to make this wheel chair accessible.</i></p> <p><i>If you have any questions or concerns please do not hesitate to call me thank you.</i></p> <p><i>Bill Bennett</i></p> <p>Bill Bennett Principal Individual Learning Centre 407 Black Street Whitehorse, Yukon Y1A 2N2 Phone: 867-667 8972 Fax: 867 393 6929 Bill.bennett@gov.yk.ca</p>	
Trappers (enter in Concession # & Name; if any):	<i>No comments received by 11/8/2011</i>	
Big Game Outfitter (enter in Concession # & Name; if any):	<i>No comments received by 11/8/2011</i>	

DECISION:

Denial as the application is in non-compliance with the City of Whitehorse Zoning of PE – Environmental Protection.

INTERIM DECISION LETTER SENT TO CLIENT:

(No IDL where application denied)

FINAL DECISION LETTER SENT TO CLIENT: