

LEGISLATIVE RETURN



SUBMITTED BY: Hon. Ranj Pillai

- 1. On June 13, 2017, Brad Cathers, Member for Lake Laberge
 - asked the following question during the Oral Question Period at page(s) _____ of *Hansard*
 - submitted the following written question – WQ No. 16, 17, 18
 - gave notice of the following motion for the production of papers – MPP No. _____

RE: _____

OR

- 2. This legislative return relates to a matter outstanding from discussion related to:

on _____ at page(s) _____ of *Hansard*.

The response is as follows:

Attached is the July 6, 2017 letter provided to the written questions submitted by the Member for Lake Laberge on June 13, 2017 and the October 2, 2017 letter providing a further update to these written questions.

Oct 21 2017
Date

Ranj Pillai
Signature



Office of the Minister
Box 2703, Whitehorse, Yukon Y1A 2C6

October 2, 2017

Brad Cathers
MLA for Lake Laberge
Box 2703 (CM-3)
Whitehorse, YT Y1A 2C6

Dear Mr. Cathers:

Re: Update on Written Questions Tabled in Legislature on June 13, 2017

Thank you for the written questions you submitted in the Legislative Assembly on June 13, 2017. Below are updated responses to the written questions (Numbers 16, 17 and 18) as requested.

WRITTEN QUESTION No. 16: Will the Minister of Energy, Mines and Resources please provide an update regarding the status of the Fox Lake local area planning process, and next steps?

The steering committee is currently working with the planning consultant on drafting community vision and values statements, as well as guiding principles to inform the development of plan policies. Public consultations to review and provide comment on the draft visioning report are planned for December 2017.

The final phase of the process involves consultation on land use concepts and policies, and the development of a draft and final local area plan. We expect this work can be completed within approximately one year.

WRITTEN QUESTION No. 17: Will the Minister of Energy, Mines and Resources please provide an update regarding the status of the Shallow Bay land planning process, including:

- 1. Next steps in moving towards allowing owners of Rural Residential lots to subdivide.**

The Government of Yukon is currently seeking expressions of interest from area residents who are interested in serving on a committee that will assist with the development of a new zoning regulation specific to the Shallow Bay area. The deadline for submissions is October 1, 2017. The committee will include representation from Shallow Bay property owners and Ta'an Kwäch'än Council, and will be chaired by an independent facilitator.



2. What options the government are considering?

The results of the public consultation completed to date suggests that a new stand-alone zoning regulation, specific to the needs of the Shallow Bay community, would be the most appropriate option for addressing the community's interest in enabling the subdivision of residential parcels while ensuring the quality of life of local residents and the protection of the Shallow Bay wetlands. The steering committee will use the results from the two previous questionnaires on housing densities, setback requirements and other zoning considerations to inform the development of the proposed zoning regulation.

WRITTEN QUESTION No. 18: Will the Yukon government please provide an update regarding:

- 1. Takhini Hot Springs group of companies' current application to subdivide and seek an amendment to zoning, including the reason why this application is proceeding while the Yukon government is in court regarding a related matter.**

The subdivision application to consolidate Lots 1095 and 1540 and subdivide Lot 1541 into three lots was approved by the Approving Officer on April 14, 2017 and within the 90-day period required under the *Subdivision Act*. The *Subdivision Act* and Regulations require the Approving Officer to make a decision within a 90-day period to either: approve; approve with conditions; or, to refuse an application. If a subdivision application complies with the *Subdivision Act* and Regulations and conforms to applicable planning schemes, the Approving Officer must approve the application.

The March 14, 2017 court decision has clarified that Yukon government must undertake community consultation, rezoning and site plan approvals before permitting owners of Commercial Mixed Use/Tourist Accommodation-zoned properties to consolidate residential development potential as contemplated in the Hot Springs Road Local Area Plan.

To meet the requirements of the court order, owners of Commercial Mixed Use/Tourist Accommodation-zoned properties have submitted applications for rezoning along with site plans indicating the location of proposed residences. Notification of the proposed zoning amendment along with some background information was sent to all residents of the Hot Springs Road Development Area on June 6, 2017 to meet the requirements of the court ruling and the consultation requirements of the zoning regulations. A public meeting was held on June 22, 2017 and area residents were able to submit comments until July 7, 2017 on the proposed zoning amendment. Since the consultation process concluded, information from the consultation is being collated and a zoning amendment is being prepared for the Commissioner in Executive Council's consideration.

2. Status of the court case, including any known court dates and the matters which are currently in court.

On April 21, 2017, the Hotsprings Road Development Area Residents Association (Plaintiff) filed a Notice of Application requesting its case against the Yukon government be reopened and that the Yukon government be found in contempt of court as a result of construction activities occurring on Lot 1536.

The case was heard on July 7, 2017 and Madam Justice Maisonville dismissed the Application filed by the Plaintiff on the basis that there was insufficient evidence that the Yukon government (YG) had disobeyed the court's March 14th order. She also found that the two parties had a different interpretation of the court order. The judge stated she would not revisit her judgment and suggested that the parties apply for a judicial hearing (judicial settlement conference) to clarify the scope of the original order.

Following the hearing, the lawyers for both parties agreed to jointly discuss options for a judicial settlement conference; the discussions resulted in agreement over interpretation, thus no judicial settlement conference was required.

On May 31st, 2017, The Hotsprings Road Development Area Residents Association filed a Statement of Claim in a new action in which the Government of Yukon is named as one of several Respondents. No court dates have been set in this matter.

3. Information regarding any action being taken by Yukon government as a result of judicial decisions pertaining to Takhini Hotsprings Limited and the Takhini Hot Springs group of companies, and property owned by those companies.

In response to the March 14, 2017 court decision, Land Planning Branch has issued cease and desist orders with respect to the development of more than two single-family dwellings on lots 1533, 1536 and 1095. The Senior Development Officer of Land Planning Branch has continued to undertake inspections of the properties and has not detected any development or use of the lots that is not compliant with the court order or zoning regulations.

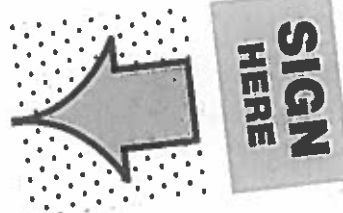
As noted above, Land Planning Branch has continued to follow the requirements of the March 14, 2017 court decision by completing community consultation, and proceeding with the rezoning and site plan approval process.

Brad Cathers
Page 4
October 2, 2017

Sincerely,



Ranj Pillai
Minister of Energy, Mines and Resources





Office of the Minister
Box 2703, Whitehorse, Yukon Y1A 2C6

July 10, 2017

Brad Cathers
MLA for Lake Laberge
Box 2703 (CM-3)
Whitehorse, YT Y1A 2C6

Dear Mr. Cathers:

Re: Written Questions Tabled in Legislature on June 13, 2017

Thank you for the written questions you submitted in the Legislative Assembly on June 13, 2017. Below are responses to the written questions, Numbers 16, 17 and 18.

WRITTEN QUESTION No. 16: Will the Minister of Energy, Mines and Resources please provide an update regarding the status of the Fox Lake local area planning process, and next steps?

The steering committee is currently working with the planning consultant on drafting community vision and values statements, as well as guiding principles to inform the development of plan policies. Public consultations to review and provide comment on the draft visioning report are planned for fall 2017.

The final phase of the process involves consultation on land use concepts and policies, and the development of a draft and final local area plan. We expect this work can be completed within approximately one year.

WRITTEN QUESTION No. 17: Will the Minister of Energy, Mines and Resources please provide an update regarding the status of the Shallow Bay land planning process, including:

- 1. Next steps in moving towards allowing owners of Rural Residential lots to subdivide.**

At the last public meeting, community members expressed general support for establishing a zoning committee to assist Yukon government with the development of a proposed zoning regulation specific to the Shallow Bay area. The zoning committee will be made up of Shallow Bay property owners with participation from Ta'an Kwäch'än Council and will be chaired by an independent facilitator.

Land Planning branch will be meeting with Ta'an Kwäch'än Council to discuss a draft terms of reference before seeking expressions of interest from area residents regarding the zoning committee membership.



2. What options the government are considering?

The results of the public consultation completed to date suggests that a new stand-alone zoning regulation, specific to the needs of the Shallow Bay community, would be the most appropriate option for addressing the community's interest in enabling the subdivision of residential parcels while ensuring the quality of life of local residents and the protection of the Shallow Bay wetlands. The steering committee will use the results from the two previous questionnaires on housing densities, setback requirements and other zoning considerations to inform the development of the proposed zoning regulation.

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To meet the requirements of the court order, owners of Commercial Mixed Use/Tourist Accommodation-zoned properties have submitted applications for rezoning along with site plans indicating the location of proposed residences. Notification of the proposed zoning amendment along with some background information was sent to all residents of the Hot Springs Road Development Area on June 6, 2017 to meet the requirements of the court ruling and the consultation requirements of the zoning regulations. A public meeting was held on June 22, 2017 and area residents have until July 7, 2017 to submit comments on the proposed zoning amendment. Following the consultation process, information from the consultation will be collated and a zoning amendment will be prepared for the Commissioner in Executive Council's consideration.

Brad Cathers
Page 3
July 6, 2017

2. Status of the court case, including any known court dates and the matters which are currently in court.

On March 14, 2017, Justice M. Maisonville gave her decision in the matter of The Hot Springs Road Development Area Residents Association v. The Government of Yukon. On April 21, 2017, the Hot Springs Road Development Area Residents Association filed a notice of application seeking several orders and declarations in connection with the case. The application will be heard on July 7, 2017 at 10:00 a.m.

On May 31, 2017, the Hot Springs Road Development Area Residents Association filed a statement of claim in a new action in which Government of Yukon is named as one of several respondents. No court dates have been set in this matter.

3. Information regarding any action being taken by Yukon government as a result of judicial decisions pertaining to Takhini Hotsprings Limited and the Takhini Hot Springs group of companies, and property owned by those companies.

In response to the March 14, 2017 court decision, Land Planning branch has issued cease and desist orders with respect to the development of more than two single-family dwellings on lots 1533, 1536 and 1095. The Senior Development Officer of Land Planning branch has continued to undertake inspections of the properties and has not detected any development or use of the lots that is not compliant with the court order or zoning regulations.

As noted above, Land Planning branch is also proceeding with the community consultation, rezoning and site plan approval process required by the March 14, 2017 court decision.

Sincerely,



Ranj Pillai
Minister of Energy, Mines and Resources