

## ADMINISTRATIVE REPORT

**TO:** Planning Committee  
**FROM:** Administration  
**DATE:** May 16, 2022  
**RE:** Conditional Use Application – km 1.5 Chadburn Lake Road – *For Information Only*

### ISSUE

Application for Conditional Use approval to allow an expansion of an existing Outdoor Participant Recreation Services use at km 1.5 Chadburn Lake Road.

### REFERENCE

- [2010 Official Community Plan \(OCP\)](#)
- [Chadburn Lake Park Management Plan](#)
- [Zoning Bylaw 2012-20](#)
- Location sketch, cover letter, site plan, site photos

### HISTORY

An application has been received to expand an existing use at km 1.5 Chadburn Lake Road. Yukon Breeze Sailing Society originally received conditional use approval to establish an Outdoor Participant Recreation Services use at the site in 2015. The Society subsequently obtained a Licence of Occupation from the Government of Yukon. The original application was to place two shipping containers, install a dock and modify the shoreline to improve access to the dock. The society now wishes to install three additional shipping containers and a fenced area within the existing licence area, in order to accommodate growth in their programming. Section 4.10.4 of the Zoning Bylaw states that any intensification of an existing conditional use must be approved by Council.

The application was reviewed by the Development Review Committee on March 23, 2022. Members of the committee raised concerns about the aesthetic impacts of additional shipping containers within a natural setting, as well as concerns about fencing in an area both from an aesthetic standpoint as well as making exclusive use of public open space.

The proposed schedule for consideration of the Conditional Use application is:

Letter Notification	May 6, 2022	Public Input Session	May 24
Newspaper Ad	May 6	Report to Committee	June 20
Planning Committee	May 16	Council Decision	June 27

### ANALYSIS

#### Property Description

The licence area is on Vacant Commissioner's Land on the east shore of Schwatka Lake, near the north end of the lake. It is situated within a naturally treed area that accommodates a range of recreational activities. The area is partially within the 30 m

riparian setback from Schwatka Lake (zoned PE – Environmental Protection), with the remainder beyond the 30 m setback zoned PG – Greenbelt. The area is within Chadburn Lake Park, as designated on Map 6 of the OCP.

### **Official Community Plan**

Applicable policies in the OCP include 1.3.1: “A 30-metre riparian setback along both sides of all rivers, streams, lakes, and wetlands, year-round or seasonal, shall be protected from development and remain in a natural condition, with the following exceptions, on a site-by-site basis: ... c. businesses that utilize waterbody access as part of their business;”. Waterbody access is a fundamental component of the Society’s operation.

Policy 18.4.3 states: “New and existing day use areas [along the Yukon River Corridor and associated boat tie ups shall have a small footprint and are to be designed to complement the surrounding natural setting.” The proposed development respects the small footprint requirement, however shipping containers may not be seen as complementary to the natural setting.

### **Chadburn Lake Park Management Plan**

The 2017 Chadburn Lake Park Management Plan identifies the east shore of Schwatka Lake as an intensive recreation area and provides management directives aimed at accommodating a higher concentration, diversity, and intensity of recreational uses. The plan supports recreational uses that are generally compatible with a natural landscape.

### **Zoning Bylaw**

The Zoning Bylaw requires that conditional use applications be decided by Council following a public input session. Council may approve, deny, or approve with conditions applications for development permits for conditional uses.

Section 4.9.5 of the Zoning Bylaw provides criteria for Council to consider when evaluating a conditional use application. These criteria include:

**Design and character:** The proposed design of the site is somewhat haphazard, with shipping containers placed throughout the site. The Society has stated that the proposed siting of the shipping containers was selected in order to minimize the number of trees to be cut, and to avoid a slope within the licence area. The visual appearance of shipping containers is not congruent with the natural setting, however the overall size of the structures is modest. Modifications to the shipping containers, such as painting them an appropriate colour, could help to minimize the visual impact.

**Parking and traffic:** There is a small pullout immediately adjacent to the licence area, with additional parking available beside Chadburn Lake Road approximately 200m to the north.

**Impact of neighbouring properties:** There are no neighbouring properties, however the area is well-used for various recreational activities including hiking, running, cycling, and skiing. The site is also clearly visible to boaters and float plane operators on Schwatka Lake. The additional shipping containers and fencing may create a visual impact that detracts from enjoyment of the natural setting. On the other hand, the additional capacity

at the site would increase the number of people who are able to enjoy the area and its surroundings while participating in a low-impact outdoor activity.

**Demonstrated need for the use:** The Society has submitted a letter describing their need to have additional secure storage, both within the additional shipping containers as well as in a fenced open area to allow boats to be stored with their masts installed. The need stems from an increasing demand for the Society's services.

### **PUBLIC INPUT SESSION SCHEDULED**

In accordance with section 4.8 of Zoning Bylaw 2012-20, a public input session has been scheduled for the Regular Council meeting on May 24, 2022. Government of Yukon, Kwanlin Dün First Nation and the Ta'an Kwäch'än Council were notified by mail and email. A notice of the proposed development was placed in local newspapers on May 6, 2022.