

## ADMINISTRATIVE REPORT

**TO:** Planning Committee  
**FROM:** Administration  
**DATE:** February 6, 2023  
**RE:** Conditional Use Application – Yukon Breeze Sailing Society

### 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 \(OCP\)](#)
- Proposed 2040 Official Community Plan (Jan 2023)
- [Chadburn Lake Park Management Plan \(2017\)](#)
- [Zoning Bylaw 2012-20](#)
- Location sketch, site plan (Appendix A)

### HISTORY

An application has been received to expand an existing use at km 1.5 Chadburn Lake Road (Government of Yukon Licence of Occupation #2018-2760). Yukon Breeze Sailing Society originally received conditional use approval to establish an Outdoor Participant Recreation Services use at the site in 2015, which included placement of two shipping containers, installation of a dock, and modifications to the shoreline to improve access to the dock. The society now wishes to install two additional shipping containers and a fenced courtyard 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.

A conditional use application was submitted in the spring of 2022 to install three additional shipping containers and a fenced area on the site. The application was denied by Council. The applicant has now prepared a new proposal which attempts to mitigate the concerns that were raised during the review of that application.

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

Letter Notification	January 16, 2023
Newspaper Ad	January 27, 2023
Planning Committee	February 6, 2023
Public Input Session	February 13, 2023
Report to Committee	March 6, 2023
Council Decision	March 13, 2023

## **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.

### **2010 Official Community Plan**

The OCP requires a 30-metre riparian setback along both sides of all types of waterbodies. The riparian setback is intended to protect the shorelines from development and retain them in a natural condition. However, the OCP provides an exception for businesses that utilize waterbody access as part of their business. In this case, waterbody access is a fundamental component of the Society's operation.

The OCP also requires that new and existing day use areas along the Yukon River Corridor have a small footprint and that they be designed to complement the surrounding natural setting. The proposed development respects the small footprint requirement, however shipping containers are not very complementary to the natural setting. The applicant has proposed to paint the shipping containers dark green to mitigate the visual impact of the containers. The proposed 2040 OCP has similar policies as the 2010 OCP on this subject.

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

The 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 applicant has amended the site design from the previous application to consolidate the improvements into one area on the site. In the previous application the shipping containers were distributed throughout the site, and the fenced area was conspicuously located out in front of the existing containers.

For the current application, the number of proposed containers has been reduced from three to two, and their proposed location is now behind the existing containers.

The location of proposed fencing has also been repositioned, with the length of fencing being reduced such that the fenced area is much less conspicuous.

The size of the fenced area in the previous application was proposed to be approximately 141 m<sup>2</sup> with 43 linear metres of fencing. The current application has reduced the size of the fenced area to approximately 91 m<sup>2</sup> with 17 linear metres of fencing.

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

**Impact on neighbouring properties:** There are no neighbouring properties, however the area is well-used by recreational users for various 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 would create a visual impact, but less so than the previous application due to the proposed configuration of the shipping containers and fencing. The additional capacity at the site would increase the number of people who are able to enjoy the site 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 February 13, 2023. 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 January 27, 2023.