

# All Descriptions for proposed Land Use Designations

The following policies apply to each of the land designations identified for the Marsh Lake area, as shown on Map 10 and Map 11. As described in the Growth Management section, each land use designation was established through careful examination of the values and interests in the area and in alignment with the Guiding Principles for the Plan.

## Environmental Open Space 1

The purpose of the Environmental Open Space 1 designation is to protect and preserve areas of environmental, recreational and cultural significance from incompatible development. Values that are focused on here are derived from the Guiding Principles and Plan Objectives, in particular, Principle, 1, and Objective 1, which states: Manage environmentally sensitive areas in a manner that protects significant values. These values are defined as wetlands, salmon, caribou and old-growth forest. Implementing the Southern Lakes Wildlife Coordinating Committee's recommendations is highlighted in area-wide policies, 6.13. The key recommendation listed is the protection of Carcross Caribou herd winter and movement corridor habitats. These values are aggregated in four areas within the planning area. From south to north they are: Judas Creek; Caribou Lakes and wetlands to the north; a small wetland north of Army Beach; and the M'Clintock River.

Additionally, the area-wide policies direct the designation of areas of environmental significance or hazard-prone areas as Environmental Open Space 1. In the planning area, this is understood to be areas adjacent to water that have high environmental value and are prone to flooding.

Areas designated as Environmental Open Space 1 include wetlands, areas prone to flooding and natural hazards, and areas having sensitive or specific habitat requirements. Lands used for recreational or cultural purposes within the Environmental Open Space 1 designation shall be kept primarily in their natural state except where modifications are necessary to facilitate recreational or cultural development, environmental conservation and public safety. Wildlife corridors will be maintained to allow for the movement of wildlife through the planning area.

1. Development in Environmental Open Space 1 is not permitted unless otherwise provided for in the Plan policies or by other Acts and regulations<sup>1</sup>.

**Personal fuelwood harvesting** and fuel abatement activities may be permitted subject to:

- a. the requirements of the *Forest Resources Act* and *Regulations*;
- b. the mitigation of any impacts on wildlife values;
- c. consideration of **preferred caribou winter habitat**, wildlife corridors and habitat connectivity, as outlined in Area Wide Policy 18; and
- d. non-designated personal fuelwood harvesting is not allowed.

Personal fuelwood harvesting activities should be integrated with fuel abatement objectives and programs (e.g. FireSmart).

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<sup>1</sup> If there is a claim in good standing granted through the Yukon Quartz Act and regulations or Yukon Placer Mining Act and regulations, that right has to be respected but the right also has to respect the planning regimes that have been put in place.

**Commercial timber harvesting** and a large-scale personal use fuelwood harvesting<sup>2</sup> is not permitted, except in response to natural large scale habitat alteration (e.g. forest fire, epidemic insect outbreak, etc.) and subject to:

- e. the requirements of the *Forest Resources Act and Regulations*<sup>3</sup>;
- f. the mitigation of any impacts on wildlife values; and
- g. consideration of preferred caribou winter range shown on Map 4, wildlife corridors and habitat connectivity, as outline in Area Wide Policy.

Limited development to support cultural or public recreational use, education, habitat rehabilitation or enhancement such as establishment of **new trails** may be permitted as a discretionary use. Development is subject to public consultation and the protection or mitigation of any impacts on wildlife values, including, but not limited to, impacts on preferred caribou winter habitat shown on Map 4.

Hunting and trapping may continue and new trapping areas are permitted, in accordance with s.13 (1) of the *Wildlife Act*<sup>4</sup>.

Motorized recreational activity is discouraged in Environmental Open Space 1.

## **Environmental Open Space 2**

The purpose of the Environmental Open Space 2 designation is to protect preferred winter habitat values for caribou while accommodating the other resource related activities, including forest resources harvesting opportunities. This designation provides a balance between the high degree of protection provided in the Environmental Open Space 1 and more relaxed management of the Open Space designations.

1. Development in Environmental Open Space 2 is not permitted unless otherwise provided for in the Plan policies or by other Acts and regulations<sup>5</sup>.

**Personal fuelwood harvesting** and fuel abatement activities may be permitted subject to:

- a. the requirements of the *Forest Resources Act and Regulations*;
- b. **the mitigation of any impacts** on wildlife values;
- c. consideration of preferred caribou winter habitat shown on Map 4, wildlife corridors and habitat connectivity, as outlined in Area Wide Policy 18; and
- d. non-designated personal fuelwood harvesting may be permitted subject to the mitigation of any impacts on wildlife, preferred Carcross Caribou herd winter habitat, wildlife corridors, habitat connectivity and recreation values.

Personal fuelwood harvesting activities should be integrated with fire abatement objectives and programs.

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<sup>2</sup> If harvesting over 25 m<sup>3</sup> (11 cords) for personal use, harvesting must happen within a timber harvesting plan area. Additional permit and fees will be required.

<sup>3</sup> Completion of a Timber Harvesting Plan (THP) is required. The THP preparation process includes community notification.

<sup>4</sup> Hunting and trapping is not permitted within one kilometre of a residential area unless the landowner(s) give permission.

<sup>5</sup> If there is a claim in good standing granted through the Yukon Quartz Act and regulations or Yukon Placer Mining Act and regulations, that right has to be respected but the right also has to respect the planning regimes that have been put in place.

**Commercial timber harvesting**, a large scale personal use fuelwood harvesting, and fuel abatement activities may be permitted subject to:

- e. the requirements of the *Forest Resources Act* and *Regulations*;
- f. the mitigation of any impacts on wildlife values; and
- g. consideration of preferred caribou winter range shown on Map 4, wildlife corridors and habitat connectivity, as outline in Area Wide Policy.

Existing access should be used for timber harvesting where possible. The use of established recreational trails should be avoided. If a recreational trail is used or disturbed for timber harvesting, the trail must be rehabilitated by the proponent.

Limited development to support cultural or public recreational use, education, habitat rehabilitation or enhancement such as establishment of new trails may be permitted as a discretionary use subject to public consultation and the protection or mitigation of any impacts on wildlife values, including, but not limited to, impacts on preferred Carcross Caribou herd winter habitat shown on Map 4.

Hunting and trapping may continue and new trapping areas are permitted, in accordance with s.13 (1) of the *Wildlife Act*.

Motorized recreational activity is discouraged between December 1 and April 30.

## Open Space

The purpose of the Open Space designation is to keep areas of vacant land for the recreational enjoyment of the public, subsistence use, personal fuelwood and commercial timber harvesting, hunting and trapping; and to ensure lands are planned and developed in an orderly manner subject to the management and mitigation of any impacts on wildlife values.

1. Development in the Open Space area is not permitted unless otherwise provided for in the Plan policies or by other Acts and regulations<sup>6</sup>.
2. **Limited development** to support cultural or public recreational use, education, habitat rehabilitation or enhancement such as establishment of **new trails** may be permitted as a discretionary use subject to public consultation and the protection or mitigation of any impacts on wildlife values, including but not limited to impacts on preferred caribou winter habitat shown on Map 4.
3. Hunting and trapping may continue and new trapping areas are permitted, in accordance with s.13 (1) of the *Wildlife Act*.
4. Other uses may be considered, subject to a public review process and an amendment to the Plan.
5. **Personal fuelwood harvesting** and fuel abatement activities are permitted subject to the requirements of the *Forest Resources Act* and *Regulations*.
6. **Commercial timber harvesting**, a large scale personal use fuelwood harvesting, and **fuel abatement activities** is permitted subject to:
  - a. the requirements of the *Forest Resources Act* and *Regulations*; and

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<sup>6</sup> If there is a claim in good standing granted through the Yukon Quartz Act and regulations or Yukon Placer Mining Act and regulations, that right has to be respected but the right also has to respect the planning regimes that have been put in place.

- b. the mitigation of any impacts on wildlife, preferred caribou winter habitat, wildlife corridors, habitat connectivity and recreation values.
7. For timber harvesting, **existing access** should be used where possible and the use of established recreational trails should be avoided. If a recreational trail is used or disturbed for timber harvesting, the trail must be rehabilitated by the proponent.
8. Timber harvesting activities should be integrated with fire abatement objectives and programs.

## **Community Use**

The areas designated as Community Use in Marsh Lake are significant for adding value to the rural residential lifestyle by providing local area residents and visitors opportunities to enjoy the planning area in a natural setting. The purpose of this designation is to maintain the natural character of the area while providing recreational opportunities as well as public facilities like community centre. Existing ski and bike trails, community parks, playground, cemeteries, government campground and day use area, and Swan Haven are designated as Community Use.

1. Development for the purposes of enhancing the recreational resource is permitted, but not to the detriment of ecological values such as caribou habitat.
2. Motorized recreational activity is discouraged where public safety and/or the environment may be compromised.
3. Uses such as new trail development, FireSmart activities, facility for low impact recreational and public facilities such as a warming hut or trail lighting may be considered.

## **Residential**

The purpose of the Residential designation is to acknowledge the existing residential patterns and to identify new areas for potential residential development. The Residential designation includes both lands that are currently used as residential and new areas on YG and KDFN lands that can accommodate the anticipated growth of 25% over the next 20 years. In addition, a number of Long Term Residential areas have been identified on KDFN land to account for the interests of future generations.

1. The primary purpose of residential land is to provide areas for permanent single-family dwellings and/or recreational properties that may be seasonally occupied.
2. Maintaining access to existing recreational trails is a priority. Existing trails will be identified and accommodated within any future residential development to the extent possible.
3. Any residential development near the Judas Creek ski trails will be done in such a way that access to trails is not blocked.
4. Industrial uses which may carry out a portion of their operations outdoors or require outdoor storage are not permitted within the residential area.

5. The location of any proposed new residential development is to be considered relative to the location of existing hunting and trapping areas in accordance with s. 13 (1) of the *Wildlife Act*.
6. Residential designation boundaries may be modified during detailed design following further environmental and geotechnical assessment.
7. For residential development south of the Judas Creek subdivision within the KDFN R-9A in preferred Carcross Caribou herd winter habitat shown on Map 4, conservation and protection of significant identified caribou habitat values must be accommodated through future planning and project assessment processes.
8. The *M'Clintock Place Development Area Regulation* (O.I.C 1996/145) should be reviewed and amended to reflect current land use issues. This would include the need to better distinguish the types of uses permitted on recreational properties from those used for commercial purposes (e.g. tourism accommodations).
9. Home-based businesses are supported within the Residential designation, provided that:
  - a. the rural character of the neighbourhood is maintained;
  - b. the business activity is secondary and subordinate to the residential function in size and scale of operation;
  - c. the business activity does not create undue nuisances, such as excessive traffic, noise, light, noxious odours, or unsightly signage; and
  - d. the size and scale of an operation conforms with the Guiding Principles set out in the Plan.
10. Bed-and-breakfast operations are permitted on land designated Residential, provided that:
  - a. the rural character of the area is maintained;
  - b. parking is contained on-site; and
  - c. nuisances such as noise and traffic, and septic system capacity, are considered when setting the number of rooms.
11. Land designated as Residential is divided into four categories: Residential 1, Residential 2, Lakefront Residential, and Marina Residential.

### **Residential 1 (R1)**

The purpose of R1 is to establish a zone for residences located on the east side of the Alaska Highway.

- a. The recommended minimum lot area is 1.0 hectare.
- b. The primary use of the property is residential. One primary residence is permitted.

- c. One secondary residence (that is smaller in terms of building area, height, and occupant capacity relative to the primary residence) is permitted.

### **Residential 2 (R2)**

The purpose of R2 is to establish a zone for large residential lots that are compatible, in terms of density and intensity of use, with adjacent or surrounding agriculture uses, in particular on M'Clintock Valley Road.

- a. The recommended minimum lot area is 3.0 ha.
- b. The primary use of the property is residential. One primary residence is permitted.
- c. One secondary residence (in terms of building area, height, and occupant capacity relative to the primary residence) is permitted.
- d. Minor agricultural pursuits are permitted, including small-scale commercial or personal agricultural operations that can be carried out on a small tract and are compatible with residential use. Typical uses include, but are not limited to, nurseries, greenhouses, market gardens, beekeeping, and keeping livestock for personal use.

### **Lakefront Residential**

The purpose of the Lakefront Residential designation is to establish a zone for existing and new lakefront residential and recreational (cottages) development. This designation accounts for most of the lots on the west side of the Alaska Highway. Special consideration was given to the risk of flood and erosion, as well as public access to Marsh Lake.

- a. The recommended minimum lot area is 0.5 hectare.
- b. The primary use of the property is residential. One primary residence is permitted.
- c. The following requirements for flood damage mitigation apply to residential and accessory structures. Land within 30.48 m of the ordinary high water mark is crown land:
  - i. Construct liveable space or space for storage of goods damageable by flooding above the 100-year flood elevation levels.
  - ii. Undertake adequate flood damage protection and/or flood-proofing measures. This could include building on fill, provided such fill does not interfere with flood flows of the watercourse or affect neighbouring properties, and is adequately protected against floodwater erosion, using structural means to raise the building, such as foundation walls, columns, etc., or a combination of fill and structural means.

- d. Plans for flood damage protection and flood-proofing measures should be provided during the development permit process.
- e. Existing properties within an identified flood risk area are encouraged to consider flood damage mitigation measures when renovating or altering property.
- f. Public access to the shoreline must be maintained at all times. Private use of the public area between the shoreline and residential properties for docks or any other structure that inhibits through access is not allowed.
- g. Closure of a public access to Marsh Lake for any purpose must be carefully considered in the context of alternative accesses that are close to surrounding properties. If none exist, the access will remain open.
- h. Lake front property owners are encouraged to maintain as much vegetation as possible to help mitigate the erosion of the lakeshore. Land within 30.48 m of the ordinary high water mark is crown land and any timber harvesting in this area can only be done in accordance with the *Forest Resources Act* and related policies.

### **Marina Residential**

The purpose of the Marina Residential designation is to encourage the long-term success of the marina as a facility.

The marina is considered an asset to the community and people want it to remain as a community fixture. This designation allows a variety of uses and higher density development that may provide an incentive to re-develop the property and marina.

- a. A mixed-use commercial/residential land use is allowed. These uses could include high-density multi-family residential, hotel, condo-hotel, and a range of commercial uses that are consistent with that of a marina.
- b. This site is recommended to be regulated as a Comprehensive Development Zone (CD), which provides for the development or redevelopment of a larger site, allowing a variety of land uses and development approaches as part of a comprehensive development plan.

Careful consideration of water and sewer services will be a major component of any project proposing higher density development and may be the determining factor in the allowable density.

### **Commercial**

During the public process there were a number of different interests expressed regarding commercial development. There were others that felt residents could continue to access services and goods by commuting back and forth to Whitehorse. The balance that is presented in this Plan is to provide small commercial nodes on the highway: one in Judas Creek; and one in South M'Clintock. The Marina has also been designated Commercial, with opportunities to diversify development opportunities there. Policy has been developed to provide opportunities

throughout the Residential designations for home-based businesses and bed-and-breakfast operations.

1. Commercial designations on the Alaska Highway are intended for convenient services for the local and travelling public (e.g., a grocery store, gas bar, eating and drinking establishments, postal services, and office supplies).
  - a. The recommended minimum lot area is 1.0 hectare.
  - b. One residence is permitted as a secondary use to the principal commercial development. The commercial development must be established before residential use is permitted.
2. The plan recognizes the existing zoning provisions that apply to commercial development on CTL-Tourist Lodge Zone and CRV-Recreational Vehicle Campground Zone properties in the M'Clintock Place Development Area Regulation.
3. Commercial developments should consider the area's rural character in terms of building material, colours, form and scale, and site development.

### **Future Planning**

The Future Planning designation is located on KDFN Settlement Land in the M'Clintock Valley Road area and around Caribou Lake. The land in the M'Clintock Valley Road area is suitable for both agricultural and residential development. It also has current wildlife habitat and subsistence use values. There are existing agricultural leases and residential lots within and neighbouring the area.

1. Development will be discouraged on lands designated Future Planning until the area is re-designated through the Plan amendment process or the next comprehensive review of the Plan. Any development proposals on lands designated for future development will require public review and consultation.
2. Future Planning areas may be considered for future agricultural, residential, community use, and cultural uses based on known values. Other compatible uses may also be explored.
3. Existing outdoor recreational activities are permitted to continue until the area is designated for a specific use.
4. The installation of public utilities and FireSmart activities may be permitted.
5. Any development proposals on lands designated for future development must demonstrate compatibility with surrounding land uses.
6. Protection of preferred caribou winter habitat and travel corridors must be a key consideration in future land use decisions.

### **Agriculture**

The purpose of the Agricultural designation is to identify existing agricultural areas and operations and ensure that their agricultural use is maintained. In addition, the designation



recognizes new areas with soil-based agricultural potential except for one area designated Agriculture with low soil capability

1. Land designated as Agriculture may be used for soil and non-soil based agriculture.
2. A maximum of two dwelling units per lot may be permitted in this designation as an accessory or secondary use.
3. The lot size for soil based agriculture may range from three to 65 ha.
4. The lot size for non-soil based agriculture may range from three ha to six ha.
5. Non-soil based agriculture will:
  - a. not be considered on land identified as having a high capability for soil-based production;
  - b. only be allowed within the planned agriculture subdivisions; and
  - c. must be for commercially viable farm operations.
6. Subdivision of agriculture properties that meet the home site severance criteria set out in the *Subdivision Act* and *Regulations* is supported.
7. Accessory or Secondary uses, such as home-based businesses, bed-and-breakfasts, and agri-tourism, are supported on lands designated as Agriculture.
8. Commercial dog kennels may be permitted as a discretionary use where it has been determined through a public consultation review process that the proposed activity will not be incompatible with surrounding agriculture or residential uses.
9. The installation of public utilities and FireSmart activities may be permitted.
10. Agricultural land disposition within the active Timber Harvesting Plan north of the dump will not occur until the area is redesignated for Agriculture.

### **Light Industrial**

Two Light Industrial designations have been identified. One is a pre-existing site, currently used as a scrap yard, along the highway. The other provides new opportunities for individuals in the area to locate their light industrial activities. The main purpose of the Light Industrial designation is to encourage both services and liveability by providing an alternative location for operations that are not compatible with residential neighbourhoods.

1. Land designated as Light Industrial provides an area for a mix of industrial uses including manufacturing, processing, assembly, distribution, service, repair, as well as public facility like a fire hall. Such light industrial uses may carry out a portion of their operations outdoors or require outdoor storage.
2. The recommended minimum lot area is 1.0 hectare.
3. One residence is permitted as a secondary use to the principal industrial operation. The industrial development must be established before the residential use is permitted.

4. Where a Light Industrial use is planned adjacent to the Alaska Highway, a minimum 30-metre setback shall be maintained along the Highway in the planned subdivision.
5. Access to the Light Industrial subdivision shall be by way of one access road or a frontage road.

### **Public Infrastructure**

1. The Plan supports current and new public infrastructure (i.e., water, power, roads, and telecommunications) throughout the planning area.
2. A new infrastructure proposal will be evaluated for its consistency with the Plan's Guiding Principles and its compatibility with the surrounding uses.