



# FUTURE OF TESLIN

Village of Teslin OCP Review, November 2019

## ABSTRACT

Technical staff from the Village of Teslin and the Teslin Tlingit Council met in a high level workshop on Wednesday, November 13, 2019, to discuss issues critical to the future of Teslin: boundary expansion, infrastructure and servicing in the context of development plans, and other regional issues. This discussion paper outlines the proposed way forward.

**Bev Suderman & Brad Stoneman**  
Té Khâ Planning and Development

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# Future of Teslin

## Executive Summary

With self-governance implementation moving along, combined with extensive development plans by the Teslin Tlingit Council, it is time for the Village of Teslin to review existing policies and plans and retool for the new realities.

Technical staff from the Village of Teslin and the Teslin Tlingit Council met in a high level workshop on Wednesday, November 13, 2019, to discuss the issues in a workshop style format, and develop recommendations. These discussions form the basis of the recommendations in this discussion paper.

Topics for discussion included:

1. Teslin Tlingit Lands and Resources Act and Regulations, with implications for the TTC Settlements Lands and retained reserves within the Village of Teslin
2. TTC development plans and implications for the Village of Teslin
3. Boundary expansion
4. Regional governance and planning

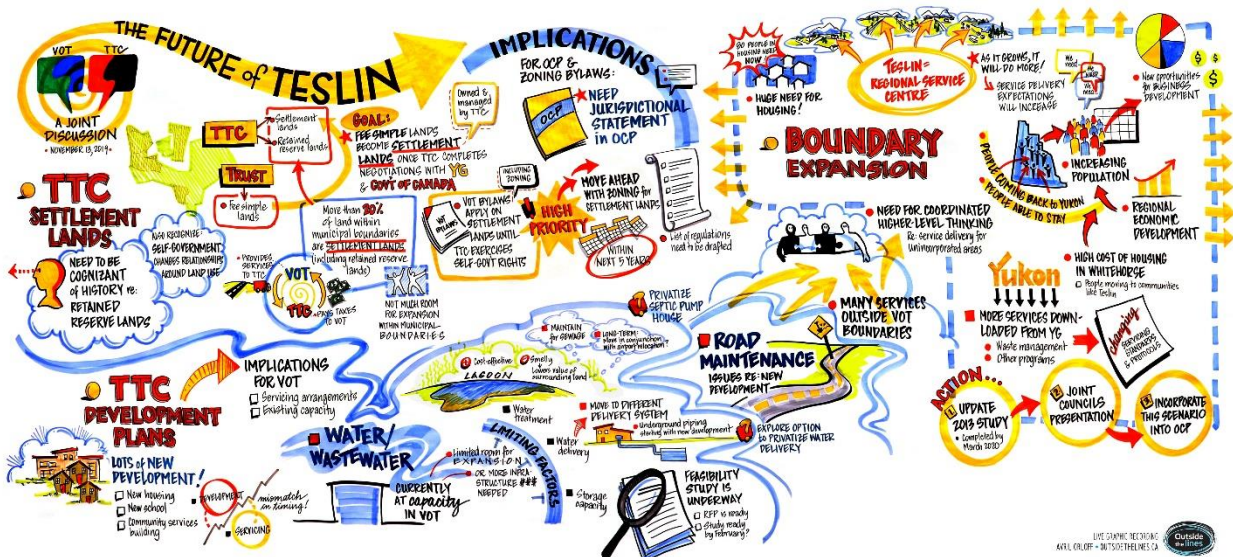


Figure 1 Mural recording of Future of Teslin discussions, November 13, 2019

From the discussions, a number of ideas emerged for OCP policies. New policy should address:

1. The jurisdictional relationship between the Village of Teslin and the Teslin Tlingit Settlement Lands that reflects the most recent thinking.
2. Moving forward with boundary expansion, based on the preferred option.
3. Moving towards underground water delivery through pipes, and moving away from the current trucking and storage tank system.
4. Privatizing septic pumpout services.
5. Creating a regional servicing strategy.

# Future of Teslin

## Introduction

The Village of Teslin was incorporated as a municipality in 1984, before First Nations self-governance in the Yukon. Municipal incorporation provided a way for the Teslin Tlingit people to have a say in the manner in which their area was being governed and managed. In 1993, the Teslin Tlingit Council Self-Government Agreement was signed, and since that time, various aspects of the agreement have been implemented.

The Teslin Tlingit Council is the largest property owner, the largest tax payer, and the largest developer in the Village of Teslin. From the beginning, the relationship between the First Nation and the Village has been intertwined, and highly interdependent.

The Teslin Tlingit Council's sphere of influence over land is considerably greater than that of the Village, so the TTC creates developments outside of the Village boundaries as well as inside the Village. The TTC pays property taxes for services for those developments within incorporated Teslin, and pays fees for services required outside of Village boundaries.

One issue for the Village of Teslin is that there is no tax basis for servicing homes outside of VoT boundaries. Property taxes for these homes are paid to the Yukon Government. The service fees that are charged do not cover costs for capital improvements, for example, or other types of investment in servicing infrastructure.

Another issue for the Village of Teslin is that historically the Yukon Government has not considered servicing for homes when they approve subdivisions outside of municipal boundaries. Fortunately, there is currently an administrative hold on spot land development in the Teslin area, so that no new subdivisions are being created without careful planning with the TTC and, as appropriate, the Village of Teslin. The new Sawmill subdivision is an example of this joint planning.

The workshop held on November 13, and this resulting discussion paper, look at three inter-related issues related to the future of Teslin: the need for boundary expansion, infrastructure expansion, and the changing jurisdictional landscape for Teslin of the future.

## Boundary Expansion

Previous research conducted as part of the OCP review process indicates that at the current and proposed rate of development in Teslin will result in a situation where Teslin will have very limited (if any) developable land within the next 10 years. At the same time, extensive new and proposed development in the unincorporated areas of Teslin is putting pressure on the existing infrastructure and services delivery systems. When these areas are not within the municipal boundaries, the delivery mechanism is highly negotiable, leading to uncertainty as to how to proceed, particularly in light of limits to existing capacity. The solution to both of these challenges is boundary expansion, in the sense that expanding the municipal boundaries would add developable land and clarify relationships to the servicing requirements of those homes and properties currently outside of the Village boundaries.

The advantages of boundary expansion would also include that the property taxes being paid by residents in the unincorporated areas to the Yukon government would be directed to the Village

of Teslin to assist with covering servicing costs. It would also mean that there would be consistency in service delivery, and provide a basis for future service provision planning.

### Municipal Act Direction

The Yukon Municipal Act (Part 2, sections 17-24) addresses how a municipality can propose to alter its boundaries. The process itself is relatively simple:

1. Village of Teslin Council and Teslin Tlingit First Nations Council confirm boundary expansion proposal options.
2. VoT Council resolves to write a proposal to the Yukon Municipal Board to alter the boundaries of the municipality, specifying the current boundary and the proposed boundary.
3. VoT administration prepare a proposal (which could be in the form of a draft bylaw) to include reasons to alter the municipal boundary and name Teslin Tlingit First Nations as the nearby Yukon First Nation that will be affected by the alteration of the boundaries.
4. VoT sends the proposal to the Yukon Municipal Board and then awaits the process specified in Sections 18-22 of the Municipal Act.

There is a significant amount of background work that needs to be done, however, to ensure that all parties have a clear picture of the costs and revenues associated with the boundary expansion proposal, particularly with regard to service levels, fees, taxation, and other implications.

In 2013, Across the River Consulting (under contract to Urban Systems) undertook a study (never completed beyond draft form) which examined a number of boundary expansion options. However, the financial implications of these options was based solely on the servicing arrangements of the day, without regard to future development potential. The conclusion of this study, which based its financial estimates on the largest possible boundary expansion, showed that there was no financial gain to the municipality to be realized with the proposed expansion. At the same time, there was also no significant financial loss to the municipality. Workshop participants felt that a more detailed study was needed.

### Proposed New Boundaries

There were two boundary expansion options discussed in the 2009 OCP, one of which was only moderately larger, and the other of which was significantly larger than existing boundaries. (See Appendices for earlier options.)

Over the course of the past few months, there have been a significant number of discussions related to the potential for Teslin boundary expansion, resulting in a preferred option for boundary expansion (see Figure 2), subject to confirmation through further study.

### Boundary Expansion Next Steps

1. Preliminary work is already underway to ensure that the 2013 study will be updated by March 2020.
2. A joint Councils presentation will need to be made.
3. The expanded boundary scenario needs to be incorporated into the Teslin OCP.

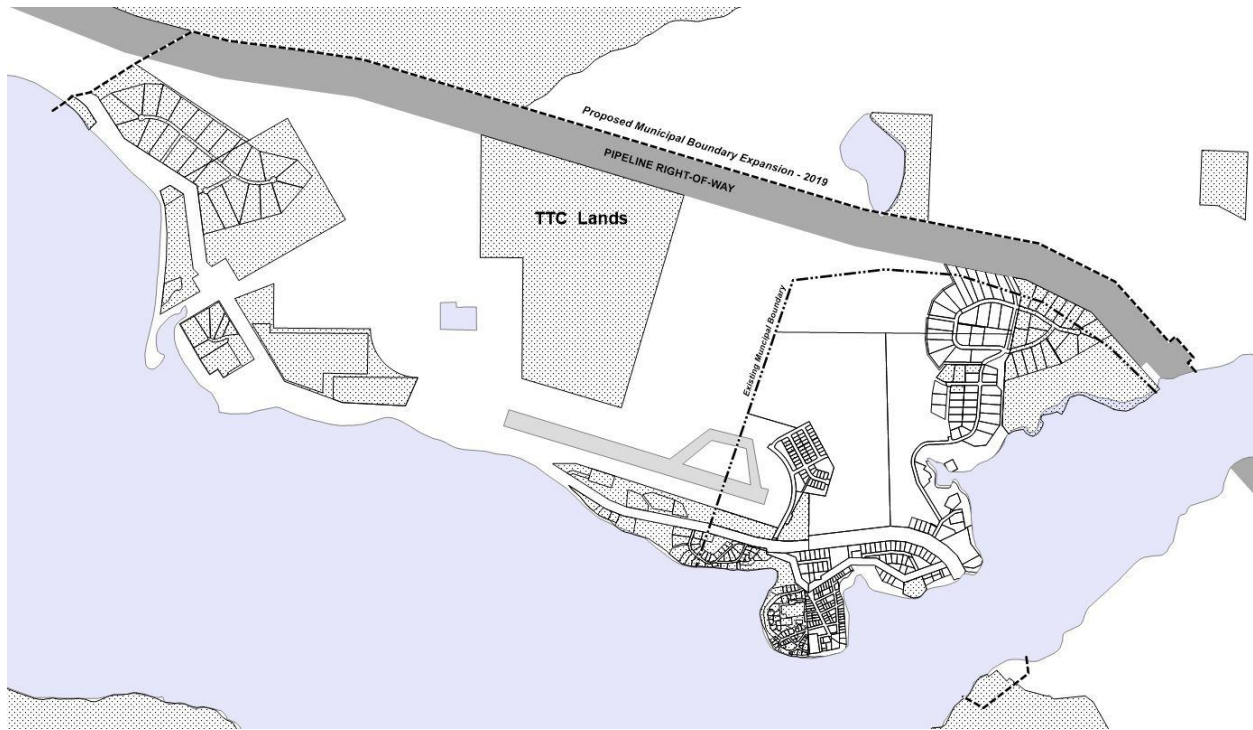


Figure 2 Map Showing Preferred Option for New Teslin Boundaries, including Fox Point Subdivision as well as homes on the east side of the Nisutlin River (across the bridge).

Further next steps which should be taken include:

1. Identify and understand any potential additional issues before VoT submits a formal boundary expansion proposal;
2. Do a soils suitability analysis for the entire expanded Village area; and
3. Develop or improve local service agreements between governments related to new development. This might involve rethinking existing service agreements.

## Infrastructure Expansion

Immediate infrastructure needs, based on known development anticipated for the next few years, include water or water and sewer services for the following projects:

- Lone Tree subdivision and housing development<sup>1</sup> (Summer 2020)
- 4-Plex
- Fox Point
- 4 tiny homes on Dream Ave., and possibly up to 8 more
- Charlie Jules subdivision: 37 applications for 17 lots
- Bridge construction camp (As early as summer 2020, temporary, but will need both water and sewer)
- New Community Services and Heritage Building

<sup>1</sup> The Lone Tree development is proposed for an area approximately 20 km west of the Village of Teslin, along the shore of Teslin Lake, on the south side of the Alaska Highway.

- New school
- 10 additional homes anticipated through provision of TTC housing grants

In the longer term, the green subdivision, which is anticipated to create 120-150 urban density-style of lots, will require servicing of all types. One of the challenges with planning for this subdivision is its proximity to the sewer lagoon. The smell is of concern, and it may reduce the value of the properties.

The TTC is undertaking a Water and Wastewater Master Plan process for Teslin and the immediately surrounding area. In developing the Master Plan, the successful consultants will make an assessment of existing infrastructure and demand, estimate future demand for services and required infrastructure upgrades, investigate water sources, outline servicing options for outlying areas, study the feasibility of proposed and recommended infrastructure, identify locations for proposed infrastructure, and address other related concerns. The RFP for the Master Planning is expected to be released in the near future, with results available in three (3) months or shortly thereafter. The TTC hopes to have this study completed by March 2020.

There appears to be a mismatch between the need to upgrade infrastructure services and the level of imminent development. This matter requires immediate and urgent attention, and is outside of the scope of the OCP review process.

### Water Capacity Issues

The Teslin potable water system has a number of components: wells, water treatment, treated water storage and distribution. Water is drawn from the aquifer, treated to meet federal water quality standards, and then stored until needed for delivery. The treatment facility is running at approximately 65% capacity, which allows time for system maintenance and cleaning.

Within the Village, treated water is delivered to individual households and businesses based on need, which could be up to three times per week. When the system was established, it was uncommon for homes to require delivery frequently, but with most households having their own laundry machines now, delivery demand is higher.

To manage demand for water deliveries, new development is required to have a storage tank sized per the Water Bylaw, and enforced through the development permit process. At this time, the minimum size of water tank is 3,000 litres. Older homes tend to have smaller tanks and require more frequent deliveries.

The amount of potable water available for use could be increased somewhat by:

- Treating more water, i.e. running the treatment facility to up to 75% capacity, and
- Installing larger or additional storage tanks to enhance water storage. However, these measures would need to be accompanied by increases in the capacity to deliver water, either through another truck and another staff member to do the deliveries, or through installation of underground water delivery pipes, or a combination.

### Wastewater Management Issues

The lagoon was constructed in the mid-1970's, and is a reliable and cost-effective way of treating sewage for the Village. It is fed, primarily, through a force main system from the Village core areas. Additional sources of wastewater supply come through septic pumpouts from homes in the Country Residential areas. The Village of Teslin has been providing the pumpout

service, but is moving toward privatizing it because it is not an essential Village service. Privatizing it would permit the Village to focus on other demands, particularly for enhancing the water delivery system.

The sewage lagoon is currently running at approximately 55% capacity. The Village of Teslin is not doing an annual discharge of liquid from the lagoon, but that is an option if the lagoon becomes too full.

The company that was providing the bacteria for the processing of the accumulated sludge has gone out of business, so a new source of good bacteria is being sought. Bacterial treatment has proven to be effective over time in prolonging the life of the sewage lagoon by breaking down the sludge that had built up in the base of the lagoon.

Because of the proximity of the sewage lagoon to TTC Settlement Lands that are slated for residential development, there was discussion in the workshop that the lagoon should be moved. However, there were no ideas about where it should be moved to, the cost of moving it would be substantial, and there would be a significant post closure process which would take 20 to 25 years before final decommissioning. However, it may be that future circumstances will be such that the lagoon could or should be moved, perhaps at a similar time as the relocation of the airport, should the TTC pursue that option.

## Road Maintenance

There are road maintenance issues regarding new development that will need to be sorted out. For example, in two similar types of developments, both in unincorporated Teslin (Cottage Lots and Fox Point), one gets snowploughing and the other doesn't get it. There should be a consistent approach.

## Need for Regional Servicing Strategy

One of the discussion points for the workshop was about regional governance and/or regional planning as an opportunity for the Village of Teslin, as outlined in the 2009 OCP.

In 2010, the Yukon Government's Municipal Fiscal Framework Review Committee conducted a study that was published as *Our Towns, Our Future*, which contained 75 findings which were organized into 18 theme areas, one of which was Regionalization and Governance. It found that "while a structural change to adopt regional governance is not seen as viable in Yukon at the present time, some municipalities and First Nations were supportive of exploring regional governance in the future."<sup>2</sup>

In 2017, the Yukon Land Use Planning Council<sup>3</sup> prepared a "Yukon Regional Land Use Strategy", which compared the land use planning frameworks adopted by other jurisdictions, and proposed a template for a Yukon land use planning framework. The goal of this document was to point a way forward for land use planning commissions to stay on track with respect to timelines and budgets, while still being consistent with the requirements in Chapter 11 of the Umbrella Final Agreement. This document provides a framework, in the form of a proposed

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<sup>2</sup> Yukon Government Community Affairs website:

[http://www.community.gov.yk.ca/community\\_affairs/OTOF\\_3.html](http://www.community.gov.yk.ca/community_affairs/OTOF_3.html)

<sup>3</sup> <https://www.planyukon.ca/index.php/documents-and-downloads/yukon-land-use-planning-council/discussion-papers/cluppreview/lustrategy/823-lustrategy-ryder/file>



Table of Contents, for a Yukon Regional Land Use Strategy. It also provides a draft framework for a Terms of Reference for a call for proposals for bids on the work.

The TTC is undertaking a regional planning initiative for the Teslin Tlingit Traditional Territory as a whole. The TTC is also undertaking a Highway Corridor Planning exercise for the area from Jake's Corner to Rancheria, including 1 km on each side of the highway. (NOTE: These study area boundaries are the same as the service area for emergency response -- fire and ambulance -- from the Village of Teslin.) The purpose of this study is to find suitable areas for joint TTC/YG subdivision development, to avoid pressure for spot land applications. One example of success with such subdivision development is the Charlie Jules subdivision in Teslin. The Lone Tree area, for which subdivision is being planned, is another.

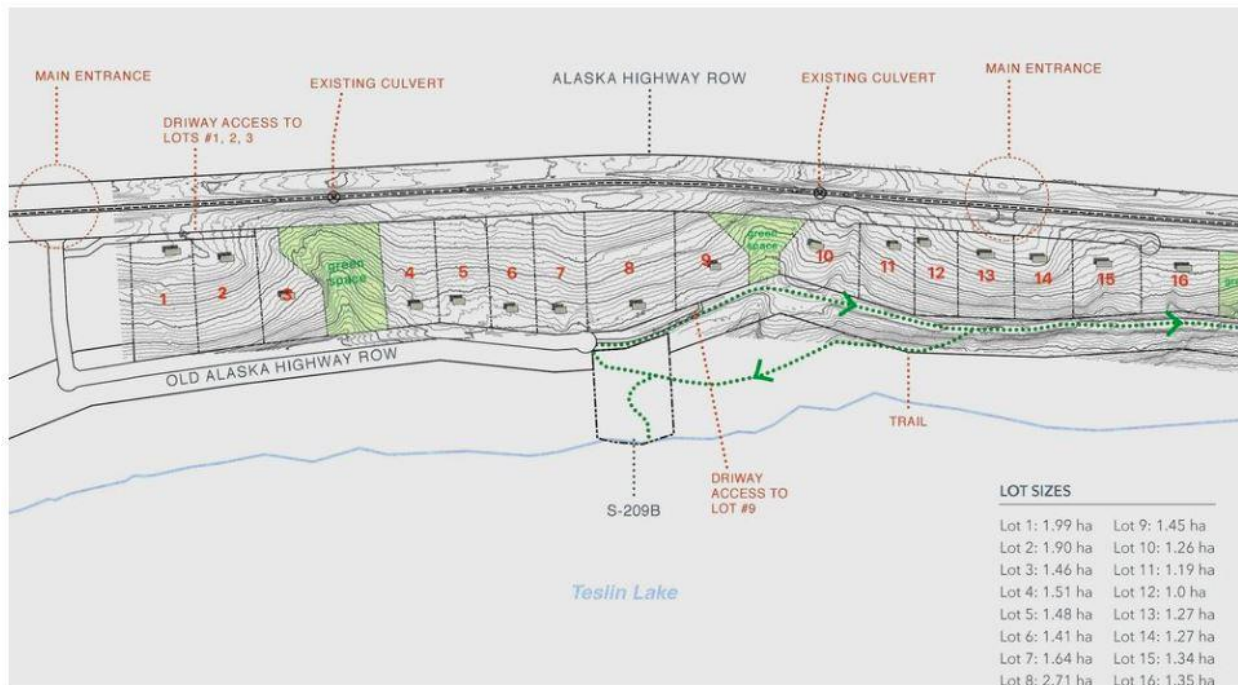


Figure 3 Proposed Lone Tree Subdivision (Credit: <https://www.3pikas.com/projects>)

While regional planning, as a term, did not resonate with workshop participants, they agreed that a regional servicing strategy was a good idea, to coordinate the different aspects of servicing and the various servicing providers to provide consistent services, per bylaws, agreements and legislation, for incorporated Teslin and unincorporated Teslin.

Key points:

- Boundary expansion should assist with clarity for those developed areas that would come into incorporated Teslin.
- Emergency response service areas for ambulance and fire were recently increased, such that the Teslin area stretches from Jakes Corner to Rancheria, a distance of 238 km from end to end.
- Different types of service provision have different service areas.

- There is significant amount of development and proposed development in the vicinity of Teslin, where servicing is negotiated, and therefore not certain for either the Village of Teslin as the service provider or for the homeowner who needs the services.
- New development will put pressure on the existing service capacities, and expansion needs to be planned for.

## Jurisdictional Changes

The Village of Teslin has a Memorandum of Understanding (MOU) with the Teslin Tlingit Council which was signed in 2005. This MOU addresses the commitment to work together in developing better inter-governmental relationships and equitable provision of government services. It addresses topics such as community services and infrastructure development, regional or district structures, access to funding, relationship to other governments, consultation, local economic opportunities, joint capital planning, employment and contracting opportunities, capacity building and training. It is interesting to see how the seeds planted through the negotiation of this MOU have borne fruit in the intervening years.

Approximately 21% of the lands in the Village of Teslin boundaries are TTC Settlement Lands, including retained reserves. With the 2018 enactment of the *Teslin Tlingit Land and Resources Act 2016*, and associated regulations, the 2019 Village of Teslin OCP review provides a perfect opportunity to revisit any necessary jurisdictional changes.

Other jurisdictions in the Yukon which have First Nations Settlement Lands within the Municipal boundaries have specific policy sections in the OCP to address these. As part of the workshop, participants evaluated the OCP policy framework contained in the Whitehorse and Dawson City OCPs, and compared them with the existing Joint Planning section (6.2) of the Teslin OCP.

It was the opinion of the group that the existing Joint Planning section of the Teslin OCP (2009) was superior to the other two examples. Therefore, the advice is to keep the current Joint Planning section policies in the 2019 OCP.

## Implementation of Teslin Tlingit Lands & Resources Act

In 2018, the Executive Council of the Teslin Tlingit Council enacted the Teslin Tlingit Land and Resources Act 2016 and approved and enacted associated regulations, including:

1. The *Settlement Land Access Regulation*;
2. The *Settlement Land Tenure Regulation*;
3. The *Settlement Land Development Procedures Regulation*;
4. The *Little Teslin Lake Development Area Regulation*;
5. The *Natural Resources Regulation*; and
6. The *Settlement Land Registration Regulation*.

With the exception of the *Settlement Land Development Procedures Regulation*, these regulations have limited application in the Village of Teslin from a planning and land use management perspective. The Development Procedures regulation requires that individuals wishing to develop on Settlement Lands, including the retained reserves, must get a development permit from the TTC. NOTE: Development in the rest of the Village requires development permits from the Village of Teslin.

It is anticipated that this suite of regulations will be added to over time, with a high priority on the development of a set of TTC zoning regulations, anticipated to be completed over the next few years. Once such regulations are in place, development oversight on Settlement Lands in the Village of Teslin is anticipated to be under the jurisdiction of the Teslin Tlingit Council.

### TTC Retained Reserve Lands

The TTC has two reserves (mostly) within the Village of Teslin boundaries:

1. IR 13 – located in the Village Core and including Smarchville, part of which is in the Village; and
2. IR 15 – located in the northeast part of the Village, and currently developed as part of the new Charlie Jules subdivision, located on Sawmill Road.

The Village of Teslin has no jurisdiction over these lands. In the days prior to self-governance agreements, they were lands in a trust relationship with the federal government. Post self-governance agreements, they are lands under the jurisdiction of the TTC. However, given the TTC's commitment to joint planning, the TTC submitted a rezoning application to the VoT for the creation of duplexes in the Country Residential area. These duplexes are serviced by a large septic field for each duplex, rather than each home having an individual septic field.

### Other TTC Lands

One of the Teslin Tlingit Council's Trusts also owns a significant amount of fee simple lands in the Village of Teslin, acquired for a variety of reasons, including the need to provide housing for the Teslin Tlingit people. Over time, the goal of the Teslin Tlingit Council is to bring these lands into settlement land status. There is no known timeframe within which this goal will be achieved. However, it is in negotiations now.

### OCP Jurisdictional Statement

The current Teslin Zoning Bylaw includes a jurisdictional statement that reads as follows:

- |       |  |
|-------|--|
| 1.2   | JURISDICTION   |
| 1.2.1 | This bylaw applies to all land within the municipal boundary of the Village of Teslin including those lands listed in Part 1, Appendix B, or affected by Appendix B, Part 2 of the Teslin Tlingit Council Self Government Agreement.   |
| 1.2.2 | Notwithstanding clause 1.2.1 above, this bylaw applies:<br>(a) to Teslin Tlingit Council Settlement Land, other than Teslin Tlingit Council's retained reserves, within municipal boundaries until such time as the Teslin Tlingit Council makes an enactment for which the Village of Teslin and Teslin Tlingit Council agree will displace this bylaw as it applies to Settlement Land, other than retained reserves, within municipal boundaries; and<br>(b) if authorized by a Teslin Tlingit Council enactment, to Teslin Tlingit Council's retained reserves within municipal boundaries until such time as the Teslin Tlingit Council makes an enactment that explicitly displaces this bylaw as it applies to retained reserves within municipal boundaries. |
| 1.2.3 | No land or building shall be used for any purpose except in conformity with, or as permitted by, this bylaw.   |

The current OCP's Section 1.4 addresses the relationship of the Teslin OCP to Teslin Tlingit land claims and self-governance agreements. This section, which in 2009 was adopted wholesale from the 1999 OCP, needs to be updated for the following reasons:

- Status is unclear, as to whether this section represents background information or whether it represents policy;
- Needs updated language regarding the “former reserve lands”. The more recent language as contained in the Zoning Bylaw’s jurisdictional statement talks about “retained reserves” as a distinct category of Settlement Lands; and
- Outmoded language.

As the new OCP is drafted, all of these issues need to be resolved in the new policy statement(s).

## Recommendations re OCP Policy

Create policies in the 2019 OCP to address:

1. The jurisdictional relationship between the Village of Teslin and the Teslin Tlingit Settlement Lands that reflects the most recent thinking.
2. Moving forward with boundary expansion, based on the preferred option.
3. Moving towards underground water delivery through pipes, and moving away from the current trucking and storage tank system.
4. Privatizing septic pumpout services.
5. Creating a regional servicing strategy.

## Appendices

1. List of attendees at the Future of Teslin workshop
2. Workshop Agenda and supporting materials, including maps

## Appendix 1: List of Workshop Attendees

Village of Teslin	Teslin Tlingit Council
Shelley Hassard, CAO	Emmie Fairclough, TTC Lands
Cole Hunking, Public Works Foreman	Dorothy Cooley, TTC Lands
	Lyle Henderson, TTC Contractor
<b>Yukon Ministry of Community Services</b>	Marion Sampath, TTC Capital & Infrastructure
Kirsti Devries, YG's Community Advisor	Wes Wirth, TTC Executive Manager
	Simon Lapointe, 3Pikas (Planner)
<b>Té Khâ Planning and Development</b>	Mike Campbell, TTC Heritage
Bev Suderman	Randy Keleher, TTC Lands
Avril Orloff	
Brad Stoneman	

## Appendix 2: Workshop Agenda & Supporting Materials

# The Future of Teslin

A Joint Discussion: TTC and VOT

A day long workshop involving technical staff only to discuss practical aspects of moving forward on the following topics related to the future of Teslin:

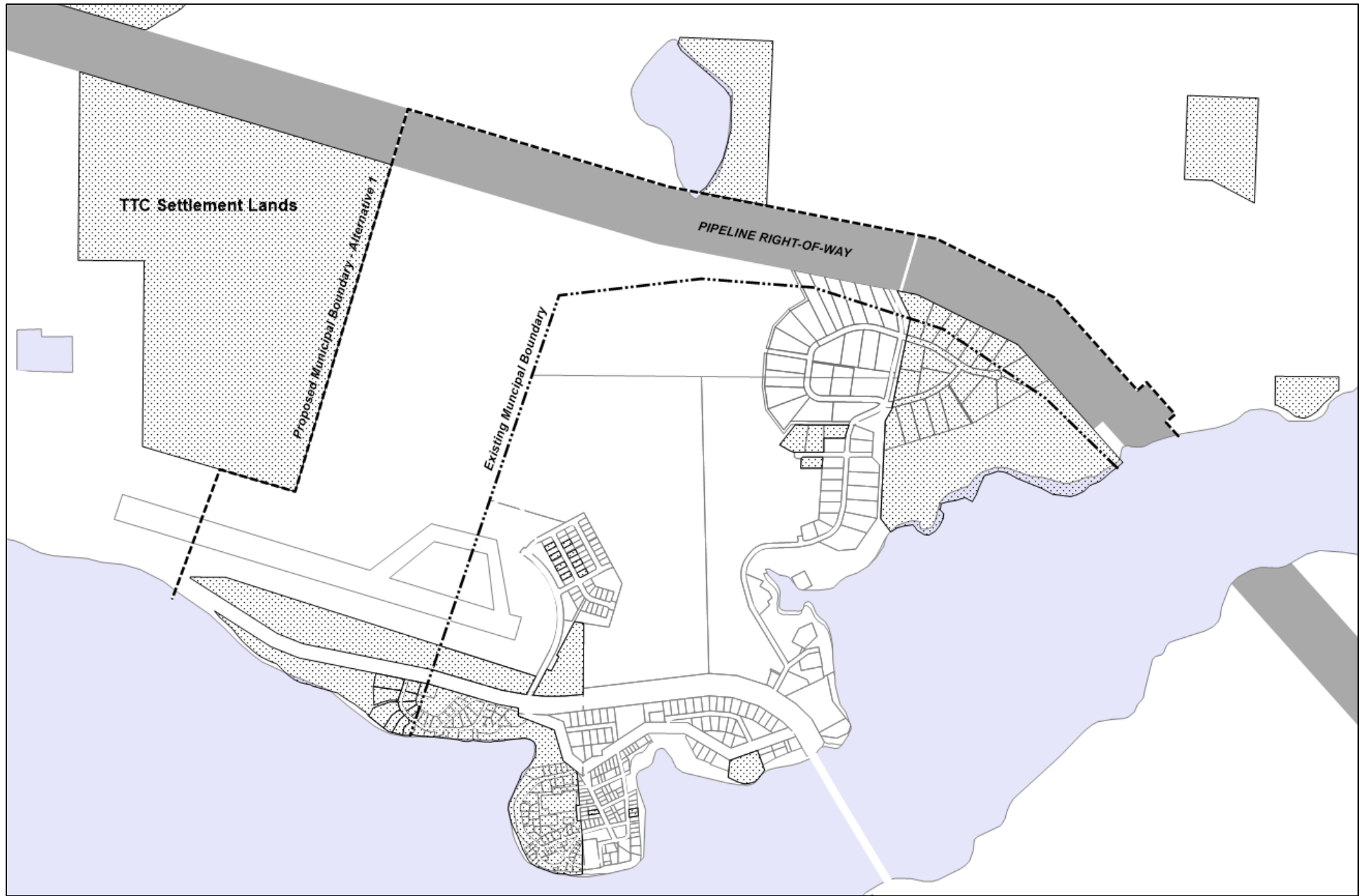
Meeting location: RecPlex

Workshop to be facilitated by Bev Suderman and Avril Orloff, and graphically recorded, to facilitate discussions and reporting on a going forward basis.

Time	Topic	Discussion Questions or Points
<b>9:00 am</b>	Welcome Overview for the day	Proposed outcomes <ul style="list-style-type: none"> <li>• Draft OCP policy re: treatment of TTC Settlement Lands, Future Servicing, Boundary expansion, and Regional planning</li> <li>• Foundation for moving ahead with boundary expansion and any new servicing arrangements that are necessary</li> <li>• Clear understanding of respective land use planning processes</li> </ul>
<b>9:15 am</b>	TTC Settlement Lands Act and Regulations: Implications for the OCP and Zoning Bylaw	<ul style="list-style-type: none"> <li>• Discussion of existing language in the Zoning Bylaw;</li> <li>• Timetable and process for the TTC's Zoning Regulations to be brought forward;</li> <li>• Desire for harmony in development approaches on all lands within VOT: i.e. consistency between TTC's development activities on Settlement Lands within the VOT and what is permitted elsewhere within VOT ... Duplex example ... How to resolve</li> <li>• Discussion of draft language for the OCP (Whitehorse &amp; Dawson examples)</li> </ul>
<b>10:30 am</b>	Break	
<b>10:45 am</b>	TTC development plans and implications for VOT	<ul style="list-style-type: none"> <li>• Review of existing servicing arrangements</li> <li>• Discussion of existing capacity within the VOT systems, and implications for new TTC development</li> <li>• Discussion of possible need for new servicing arrangements</li> </ul>
<b>12:00 noon</b>	Lunch	

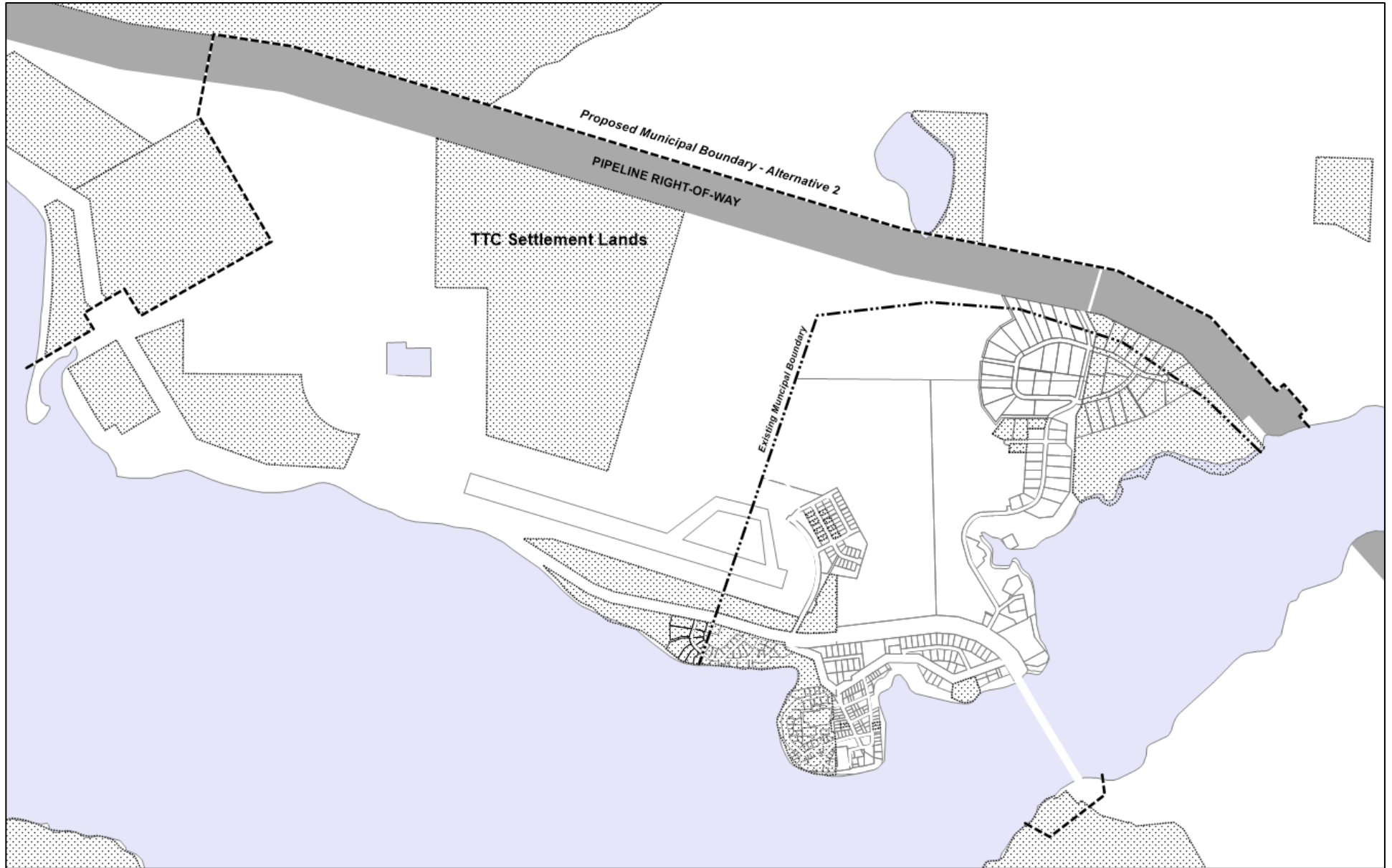
Time	Topic	Discussion Questions or Points
12:45 pm	Boundary Expansion	<ul style="list-style-type: none"> <li>• VOT has 10 years or less supply of developable land remaining, so boundary expansion is now a matter of urgency for the future of the municipality</li> <li>• How does the role of the municipality change in light of treaty implementation? What is the future role of the municipality?</li> <li>• How to move this discussion item forward in a constructive way, given that it has been on the table for 10+ years?</li> </ul>
2:00 pm	Break	
2:15 pm	Regional governance and planning	<ul style="list-style-type: none"> <li>• Is regional governance still a “thing”?</li> <li>• What is the region under discussion?</li> <li>• What is the focus of the governance and/or planning?</li> <li>• How to move this discussion item forward in a constructive way</li> </ul>
2:45 pm	Review and wrap-up	<ul style="list-style-type: none"> <li>• Review of the mural</li> <li>• Review of the action items</li> <li>• Next steps</li> </ul>
3:00 pm	Adjournment	

# Village of Teslin – Proposed Municipal Boundary Expansion – Alternative 1 (2009 OCP)

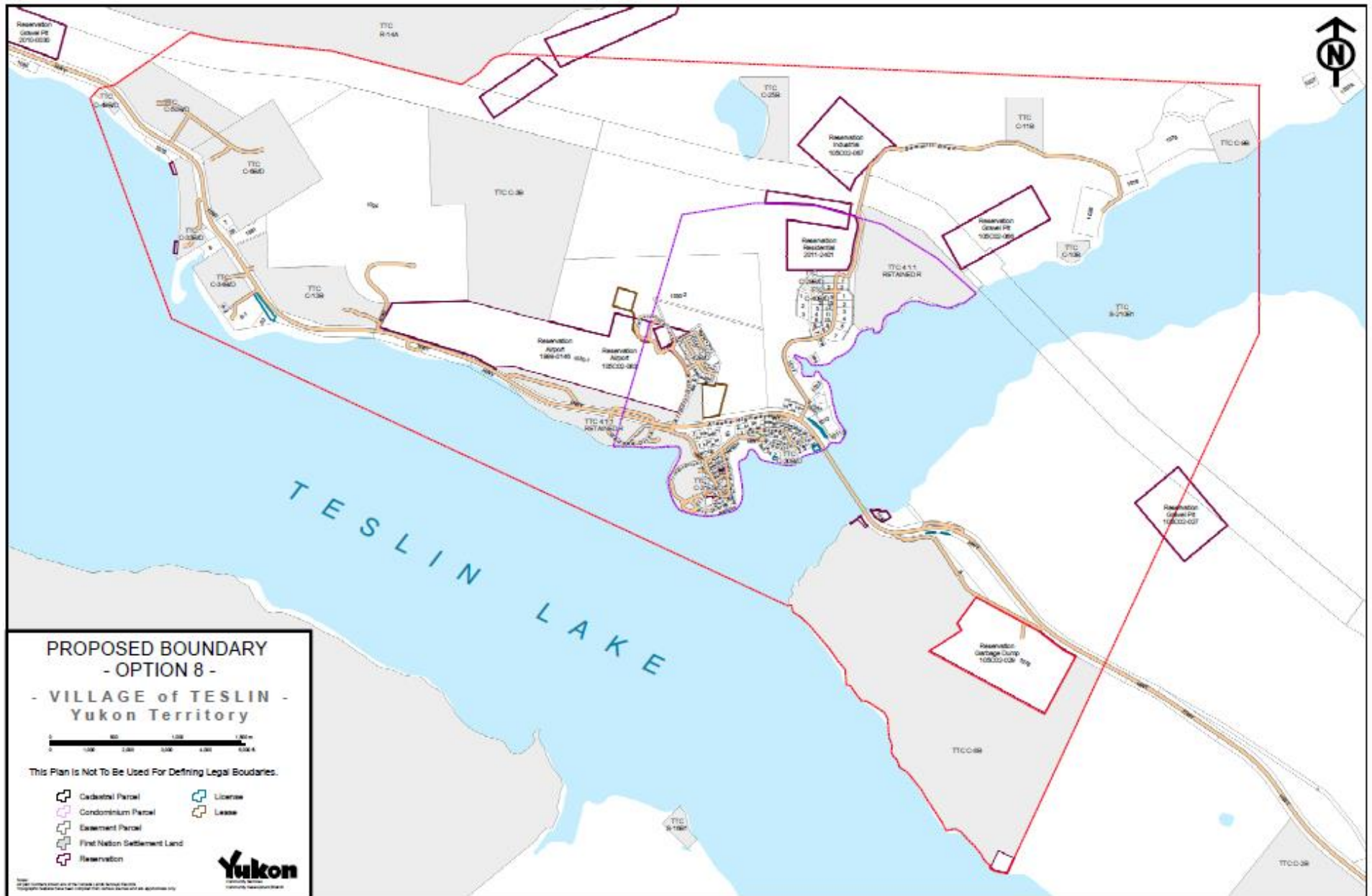




# Village of Teslin – Proposed Municipal Boundary Expansion – Alternative 2 (2009 OCP)

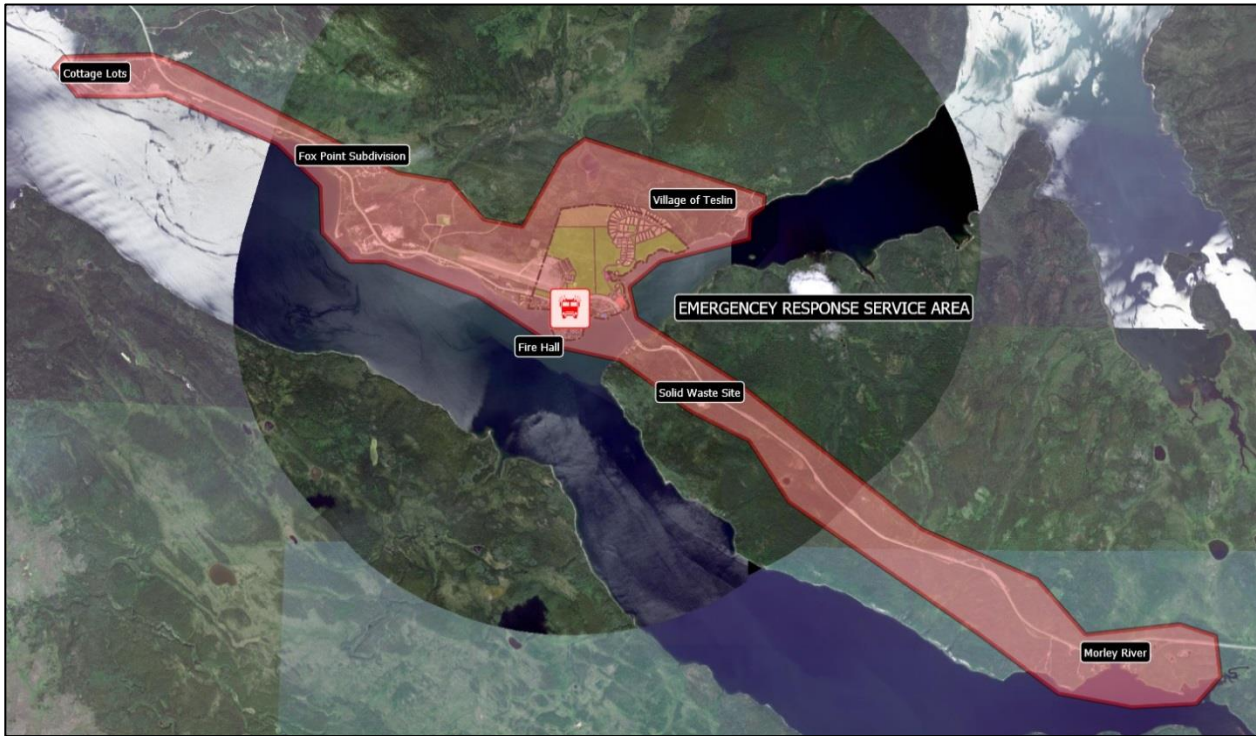


# Village of Teslin – Proposed Municipal Boundary Expansion – Alternative 3 (Across the River Consulting, 2013)



# Village of Teslin – Service Areas (DRAFT ONLY)





# Existing and Potential Future Regional Development (DRAFT ONLY)

