

**ADMINISTRATIVE REPORT**

**TO:** Planning Committee  
**FROM:** Administration  
**DATE:** June 23, 2020  
**RE:** Zoning Amendment – Heavy Industrial Lot – Whitehorse Copper Area

**ISSUE**

Application to amend the zoning of a property owned by Kalojen Corporation (Lot 287 (REM), Group 804, Plan 41918 CLSR, 22000 LTO), from IH-Heavy Industrial to IS-Service Industrial, and amend the zoning of a portion of Access Road (Plan 43240 CLSR, 22593 LTO) from PG-Greenbelt to IS-Service Industrial

**REFERENCE**

- 2010 Official Community Plan
- 2020 Draft Commercial and Industrial Land Study
- Zoning Bylaw 2012-20

**HISTORY**

Kalojen Corporation (owner of Pelly Construction Ltd.) has applied to amend the zoning of a property owned by the company (Lot 287 (REM), Group 804, Plan 41918 CLSR, 22000 LTO), located in the area generally known as Whitehorse Copper. The company is seeking to relocate the Pelly Construction office headquarters and equipment storage from 111 Industrial Road in Marwell to Lot 287 (REM) for consolidation of company activities.

The subject property is ~4.5 hectares in size. The company is proposing to construct a 9,204 ft<sup>2</sup> (855 m<sup>2</sup>) 3-storey office building, with 13 enclosed office spaces and several open areas proposed for use by roughly 18 employees. The company is also seeking to build a shop with a wash bay for use by roughly 4 employees (design is undetermined).

Lot 287 (REM) is zoned IH-Heavy Industrial, which does not allow for “offices” as a use. The company is requesting to have the zoning changed to IS-Service Industrial, which has “offices” listed as a secondary use (“general contractor services” would be the company’s principal use). Uses currently active on the property include “outdoor storage” and “industrial salvage”. The property has power utility and would rely on well and septic for water and sewer servicing.

At the north east corner of the property is a surveyed road right-of-way (Plan 43240 CLSR, 22593 LTO) that the applicant has requested to have retired by the Registrar of Land Titles. Once retired, the area will revert back to ownership of the company (currently it is under the administrative control of the City of Whitehorse). The applicant is requesting that a portion of this right-of-way be zoned from PG-Greenbelt to IS-Service Industrial.

The application was reviewed by the Development Review Committee on January 29, 2020. Concerns were raised regarding alignment of the access road connecting from

the property to the Alaska Highway, requirements for on-site fire suppression, and issues relating to land title and power utility.

Subsequent concerns have been raised regarding the property's ability to support the combined water intake and wastewater management associated with the proposed office and wash bay facilities through onsite servicing.

### **ALTERNATIVES**

1. Proceed with the amendment under the bylaw process.
2. Do not proceed with the amendment.

### **ANALYSIS**

#### **2010 Official Community Plan**

Lot 287 (REM) is located in an area designated Industrial in the City's 2010 Official Community Plan (OCP). The purpose of this designation is "to provide land for both light and heavy industrial uses subject to proper zoning." Policy 8.2.1 of the OCP states "Industrial uses that are offensive for reasons such as smoke, vibration, odour, electrical interference or noise shall be located at a sufficient distance from non-Industrial uses so as to minimize detrimental impacts." The property rests adjacent to areas designated Residential-Country.

#### **Zoning Analysis**

The current zoning of Lot 287 (REM) is IH-Heavy Industrial. The purpose of this zone is "to provide for large-scale industrial uses and other uses that may have large land requirements or nuisance effects on adjacent uses." The requested zoning is IS-Service Industrial. The purpose of the IS zone is "to provide a zone for a mix of commercial and industrial uses including manufacturing, processing, assembly, distribution, service or repair, which may carry out a portion of their operation outdoors or require outdoor storage."

Given the residential surroundings of the property, the utility of it being zoned IH is diminished due to regulations that prohibit noxious uses from occurring in close proximity to residential uses. The property shares a boundary to the east with land zoned RC1-Country Residential 1, and its western boundary is ~50 m away from another area zoned RC1.

Section 11.2.6 a) of the Zoning Bylaw, under the IH zone, states that "Industrial uses where the significant emission of air and water contaminants, noise, or fire and explosion hazards will extend beyond the site to any residential zone shall not be permitted." The full range of heavier noxious uses listed for the IH zone would therefore not be allowed to occur at the property (e.g. "asphalt plants", "concrete plants", and "processing, heavy").

The requested downzoning of industrial intensity of the property is not anticipated to result in any significant adverse impacts, since uses are generally already limited to intensities shared with the IS zone. The requested change in zoning of the right-of-way is also not anticipated to have significant adverse impacts.

There are three privately owned properties in Whitehorse zoned IH. It should be noted that rezoning of the subject property would decrease an already limited supply of this type of industrial land, though significant demand for IH zoned lots was not demonstrated during engagement for the Commercial and Industrial Land Study.

The study revealed greater interest for lots that are zoned CIM-Mixed Use Commercial/Industrial and IS, albeit a small sample of 39 people responded to the project's online survey. Two respondents indicated interest in the IH zone.

### **Outstanding Issues**

The Development Review Committee flagged multiple concerns for the proposed development, some of which have been addressed; others are being resolved with the respective agencies. Notably, the applicant is in discussions with the Government of Yukon (YG) Highways and Public Works department regarding safety issues raised for the access road connecting the property to the Alaska Highway.

The access currently intersects with the highway at an ~45° angle. YG has requested realignment to create a 90° intersection for safer turning access onto/from the highway. This work would occur on YG-owned land and may require review as per the Yukon Environmental and Socio-economic Act.

The volumes of water that would be drawn and wastewater discharged onsite have not been specified and may also require licensing by the Yukon Water Board. The applicant will additionally need to confirm that a suitable fire suppression system can be installed to meet National Building Code requirements.

These issues are not directly related to the requested change in zone, and can continue to be addressed through the Development Permit process.

### **Schedule**

The proposed schedule for the Zoning Bylaw amendment is:

Planning Committee:	June 23, 2020
First Reading:	June 29
Newspaper Ads:	July 3 and 10
Public Hearing:	July 27
Report to Committee:	August 3
Second and Third Reading:	August 10

### **ADMINISTRATIVE RECOMMENDATION**

THAT Council direct that Bylaw 2020-26, a bylaw to amend the zoning of Lot 287 (REM), Group 804, Plan 41918 CLSR, 22000 LTO, from IH-Heavy Industrial to IS-Service Industrial, and a portion of Access Road (Plan 43240 CLSR, 22593 LTO) from PG-Greenbelt to IS-Service Industrial, be brought forward for consideration under the bylaw process.