

# **CITY OF WHITEHORSE – STANDING COMMITTEES**

Tuesday, April 6, 2021 – 5:30 p.m.

Council Chambers, City Hall

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## **CALL TO ORDER**

## **ADOPTION OF AGENDA**

## **PROCLAMATIONS**

## **DELEGATE SUBMISSIONS**

### **CORPORATE SERVICES COMMITTEE**

1. Capital Expenditure Plan Amendment – Lift Station #1 Upgrades
2. Scope Change and Budget Amendment – Service Building Project
3. Resolution for Presentation to Association Yukon Communities Annual Meeting
4. Corporate Re-organization – For Information Only
5. Council Grant – Donation of Compost
6. New Business

### **CITY PLANNING COMMITTEE**

1. Public Hearing Report – Zoning Bylaw Amendment – 107 Range Road
2. Public Hearing Report – Zoning Bylaw Amendment – Periodic Revisions
3. Zoning Bylaw Amendment – Development Application Improvements and Drainage Plan Requirements
4. New Business

### **CITY OPERATIONS COMMITTEE**

1. New Business

### **COMMUNITY SERVICES COMMITTEE**

1. E-Bike Regulation Bylaw and Related Bylaw Amendments
2. New Business

### **PUBLIC HEALTH AND SAFETY COMMITTEE**

1. New Business

### **DEVELOPMENT SERVICES COMMITTEE**

1. New Business

**CITY OF WHITEHORSE**  
**CORPORATE SERVICES COMMITTEE**  
Council Chambers, City Hall



**Chair:** Stephen Roddick      **Vice-Chair:** Jocelyn Curteanu

April 6, 2021

Meeting #2021-07

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1. Capital Expenditure Plan Amendment – Lift Station #1 Upgrades  
Presented by Senior Technologist Arcadio Rodriguez
  2. Scope Change and Budget Amendment – Service Building Project  
Presented by Senior Projects Engineer Wayne Tuck
  3. Resolutions for Presentation – Association Yukon Communities Annual Meeting  
Presented by City Manager Linda Rapp
  4. Corporate Re-Organization – For Information Only  
Presented by City Manager Linda Rapp
  5. Council Grant – Donation of Compost  
Presented by Manager Mélodie Simard
  6. New Business

## ADMINISTRATIVE REPORT

<b>TO:</b> Corporate Services Committee
<b>FROM:</b> Administration
<b>DATE:</b> April 6, 2021
<b>RE:</b> Capital Expenditure Plan Amendment – Lift Station #1 Upgrades

### ISSUE

A budget amendment is needed for the Lift Station # 1 Upgrades project.

### REFERENCE

Bylaw 2020-36, 2021-2024 Capital Expenditure Program

### HISTORY

Lift Station #1 is a major station in the City's wastewater collection system, which pumps wastewater from Riverdale and Downtown subdivisions and transfers it to the Marwell Lift Station and on to the Livingstone Lagoon. Lift Station #1 was built in the 1970s and is at its maximum capacity and the end of its useful life. A series of deficiencies have been identified over time.

A full retrofit of the station is required and will be scheduled in the next two to three years, with a scope as recommended by the upcoming 2021 Water and Sewer Study, and after lessons learned from the 2017 Marwell Upgrade project. However, some deficiencies worsened in early 2021, and immediate repairs are required. The station has three pumps, two on duty and one on standby, but currently one pump is leaking and needs to be replaced, because there is no standby pump available.

### ALTERNATIVES

1. Amend the 2021-2024 Capital Expenditure Plan and approve the creation of a new capital project for acquisition of an electric pump for the Lift #1 Upgrades project; or
2. Postpone and direct administration to find an alternative funding source.

### ANALYSIS

A high risk of catastrophic failure at Lift Station #1 would be present if the interim repairs are delayed or not performed. System failure may create flood conditions (sewer backup) in downtown dwellings and commercial locations upstream of the station; as well as a risk of discharging untreated wastewater to the environment, if a wastewater diversion measure is undertaken.

The estimated budget for the repairs is \$90,000 for the pump replacement. The replacement is planned to be performed in 2021.

### ADMINISTRATIVE RECOMMENDATION

THAT Council amend the 2021-2024 Capital Expenditure Plan and approve the creation of a new capital project for the acquisition of a new pump for the Lift #1 Upgrades project in the amount of \$90,000, funded by the Water and Sewer Reserve until a Gas Tax Transfer Payment Agreement is received.

## ADMINISTRATIVE REPORT

<b>TO:</b> Corporate Services Committee
<b>FROM:</b> Administration
<b>DATE:</b> April 6, 2021
<b>RE:</b> Scope Change for the Service Building Project

### ISSUE

Authorization of a scope change for the Service Building Project

### REFERENCE

- 2014 Building Consolidation Project Business Case and Functionality Program (BCP)
- Transfer Payment Agreements (TPA) 2019 with Federal and Yukon Governments for Small Communities Fund (SCF), and Investing in Canada Infrastructure Program (ICIP)
- Bylaw 2020-36, 2021-2024 Capital Expenditure Program
- Contract Award for Consulting Services – Service Building, KZA, April 2020
- Background - Community Benefits and Cost Savings – Attachment
- Service Building Project Change Chronology Summary – Attachment
- 3D view Service Building Design (Option 3) developed April 2019 by Kobayashi and Zedda Architects (KZA) - Attachment
- New Floor Plans – Attachment

### HISTORY

As presented in the 2014 Building Consolidation Project (BCP) report, an expansion to City Hall is required to relocate the departments previously located in the Municipal Services Building that were not moved to the new Operations Building. This expansion is otherwise known as the Service Building and was approved by Council in 2014.

In 2019, the City was approved to receive three new federal and territorial funding agreements for the new Service Building, an energy retrofit of the existing City Hall, and an expansion for a new Transit Hub. In April 2019, City Council approved a contract with KZA to develop a new vision for the Service Building. Three options were considered:

- Option 1 – a standalone building located in the parking lot south of Steele Street.
- Option 2 – a new north wing with a connection to City Hall.
- Option 3 – a new north wing with a southern addition along City Hall with one single public entrance off of Steele Street.

Option 3 was preferred by Administration and Council and subsequently approved by Council for design development and construction. A 2020 capital budget project was approved.

In April 2020, KZA was awarded an architectural and engineering design services contract to provide consulting services for completion of the Service Building project. A conceptual plan was prepared and refined with staff and accepted by senior management and department managers in October 2020. A Class “D” estimate prepared by KZA’s cost accountant confirmed that the accepted design was within the approved budget.

Following the conceptual phase, the consultant team proceeded to complete a schematic design with more architectural and engineering structural, mechanical and electrical details and updated Class C costs estimates.

It was determined that renovating the existing City Hall, particularly the portion of City Hall that is west of the Steele Street public entrance (built in 1966), would require significantly more structural changes than anticipated to meet new building codes. These upgrading costs would exceed the 2020 budget.

In response to this cost increase, three structural design approaches were investigated and costed as follows:

- Option 1 proposed complete renovation of the existing City Hall to address the structural deficiencies;
- Option 2 proposed a steel structure completely encapsulating the 1966 City Hall while minimizing the structural changes within the existing building layout; and
- Option 3 proposed demolishing the existing the 1966 City Hall along with the existing Fire Hall and building new two-story structure.

All three options exceeded the approved budget by varying degrees, but by proceeding with the option to demolish the 1966 City Hall and build a completely new two-storey structure, the anticipated budget amendment would be smaller than the other two options and is recommended as the preferred option for detailed design. The lowest estimate is in the range of \$3.5-\$4 million above the current budget, with the other two options \$2 to \$3 million additionally.

At the Council and Administration Roundtable (CAR) meeting on March 4<sup>th</sup>, 2021, Council was advised of the anticipated scope changes and the potential impact on the approved budget. The design team is proceeding with detailed design, and will be able to submit a Class “B” cost estimate by the middle of May 2021 which will more accurately determine the impact on the approved capital budget.

## **ALTERNATIVES**

1. Amend the scope of the project
2. Refer the proposed change back to Administration for further analysis.

## **ANALYSIS**

With the option to demolish the 1966 portion of City Hall, the design team created a new, more efficient floor layout that will not only improve service to the public but provide a number of additional advantages such as:

- The removal and replacement of the existing outdated mechanical, electrical and telephone infrastructure. This infrastructure has high operation and maintenance costs and high future repair costs. The existing mechanical room is particularly vulnerable, and it is difficult to provide proper maintenance or repair as there is minimal space.
- A new biomass heating system eligible for separate Government of Yukon funding 75% of the estimated \$600,000 cost. As an alternative to this Yukon funding initiative, it may be preferable to fully cover the costs of the biomass heating system with the

Federal Gas Tax program and take advantage of the recently announced one-time increase in Gas Tax funding that is now available to the City.

- Energy efficient performance that significantly reduces green house gas emissions and performs 70% better than the 2017 *National Energy Code for Buildings* (NECB).
- A further reduction of annual operation and maintenance costs.
- Additional unallocated and undeveloped floor space for future growth.

By proceeding with the option to demolish the 1966 City Hall, the City would be changing the scope of the project from the original plan of renovating City Hall that has now been determined to have a much higher cost above the approved capital budget.

This new design option is the only one that will have the ability to meet the project schedule with a tender to be issued for August 2021 and a scheduled completion date by the fall of 2023.

Completion of the project in 2023 is in accordance with the funding timeline set by the federal government that enables the City to access funding from the Federal/Yukon Small Communities Fund. The funding provided by this fund is a one-time only special opportunity that was given to the City in the amount of \$15.7 million. No other existing external funding opportunities exist for this project.

If the scope of the project is not amended as proposed, a number of significant impacts may be realized. Completing the design for the original building concept will be more expensive as will the construction and ongoing operating and maintenance. This option will also significantly compromise the tendering and construction completion dates.

Temporary offices for the relocated staff from MSB would be prolonged for an undetermined amount of time, and the BCP goal of combining public services at City Hall would be delayed. Further, the City would not be able to access the funding approved through the SCF which will need to be replaced with either borrowing or accessing reserves.

Lastly, the community benefits and cost savings detailed in the attachments would not be realized.

### **ADMINISTRATIVE RECOMMENDATION**

THAT Council amend the 2021 to 2024 capital expenditure program by changing the scope of the Building Consolidation Plan – Service Building project to include the demolition of the existing 1966 City Hall; and

THAT Administration be directed bring forward the corresponding Cost “B” estimate as soon as it is prepared in order for Council to consider an amendment to the 2021-2024 capital budget.

## **BACKGROUND**

### **Project History and Community Benefits**

In April 2019, Council approved the development a new vision of City Hall with the expansion to include the added services provided by the departments of Planning and Sustainability Services, Lands and Building Services, and Building and Technology Services.

This new vision includes:

- A new public entrance from Steele Street to provide new fully accessible ground floor service counters for the Finance, Land and Building Services, and Planning and Sustainability Services departments;
- A new improved fully accessible public route to the second floor to access the Mayor, City Manager, directors, Finance Services, Legislative Services, and council chambers;
- A renovated and expanded Council Chambers for greater public participation in meetings or special events. Additional features included a “back of house” zone for councillors and staff;
- Improved public access to the second and main floor meeting rooms;
- Secured working spaces to ensure staff safety;
- Changes in floor space layouts for Mayor and City Manager; directors, Finance Services; Legislative Services; and Strategic Communications;
- A new indoor heated transit waiting area with public washrooms located adjacent to Second Avenue and the proposed relocated transit stop for north bound buses;
- A redesigned Steele Street with one way east bound traffic lane and angle parking on the south side of the street;
- An enlarged landscaped area on the north half of the Steele Street right-of-way providing improved access to City Hall that creates a gathering space for the public and events;
- A new Veteran’s Square relocated to Steele Street with existing war monuments and a possible future cenotaph (to be designed with the Legion and the community);
- An expanded parking lot for staff and for City vehicles; and,
- A new modern and energy efficient building façade combined with artistic panels (to be designed with the community).

This new Service Building combined with a renovated City Hall offers:

### **Community Benefits:**

- **Infrastructure Renewal (Council Strategic Priority):** This project is an implementation item of the Building Consolidation Plan where services are centralized to improve efficiency and delivery to the public at a Downtown location. This project

will allow former Municipal Services Building staff, currently housed at temporary locations, to be moved to this location. In addition, this project will advance goals identified in the Downtown Plan, and provides for:

- Reconfiguring Steele Street with a one-way east bound traffic lane that allows for an enlarged green space with enhanced community gathering space for future community amenities and events; and,
- An enhanced cenotaph and Remembrance Day ceremony area on Steele Street visible from Second Avenue.
- **Transportation (Council Strategic Priority):** The heated downtown public transit hub and the protected bike storage areas are an important component of the project, which will complement current alternative transportation infrastructure provided by the City for its staff and the larger community as identified in the Downtown Plan, the Transit Master Plan and the Transportation Demand Management Plan that encourages increases bike use with trip-end facilities at City buildings.
- **Environmental Stewardship (Council Strategic Priority):** The City is leading by example in developing energy efficient buildings that exceed the requirements of the City Building and Plumbing Bylaw. The Service Building is expected to be 70% more efficient than the National Energy Code (NECB) and which exceeds the City's Sustainability Plan with a target to make new buildings 50% more efficient than NECB. This project will:
  - Provide for improved active transportation infrastructure;
  - Provide electrical vehicle charging stations;
  - Transition from the existing high greenhouse gas fuelled heating systems to using an environmentally approved biomass heating plant that generates less greenhouse gases; and
  - A biomass heating plant that can provide for local and Yukon employment with opportunities for re-forestation, and creation of fire smart buffers around communities.

This new construction project will:

- Provide construction opportunities for local contractors, suppliers, and labour;
- Have a modern new exterior cladding combined with artistic panels;
- Be financed using grants and reserves and not by raising taxes;
- Have access to Federal grants approved through ICIP and SCF. SCF is a special one-time opportunity only that will not extend beyond 2023; and
- Access other external funding opportunities as they come available.

## Cost Savings

The project as proposed provides for reduced operating costs by:

- Saving \$20,000 a year in existing building operation costs;

- Saving \$30,000 each year with the demolishing of the existing Fire Hall;
- Saving \$75,000 a year for the provision of a temporary heating plant if the former Fire Hall is demolished and the staff is temporarily relocated to an alternate office;
- Saving \$200,000 a year for the provision of ongoing rental space for Planning and Sustainability Services, Land and Building Services, and Business and Technology Services;
- Avoiding ongoing maintenance and upgrading costs associated with retaining the existing buildings such as those on Copper and Quartz Roads with old mechanical and electrical systems that are energy inefficient;
- Providing electric vehicle parking areas for future City vehicles which would reduce operating and maintenance costs;
- Providing for Gas Tax eligible roof mounted photo-voltaic panels; and
- Avoid even higher capital construction and design costs in the future if delayed.

In addition, the BCP provides for the sale of City-owned properties on 4th Avenue, Quartz Road, Copper Road, and Tlingit Road that are no longer required by the City. With these acquired funds, City reserves maybe be partially or wholly recovered.

#### **REFERENCE**

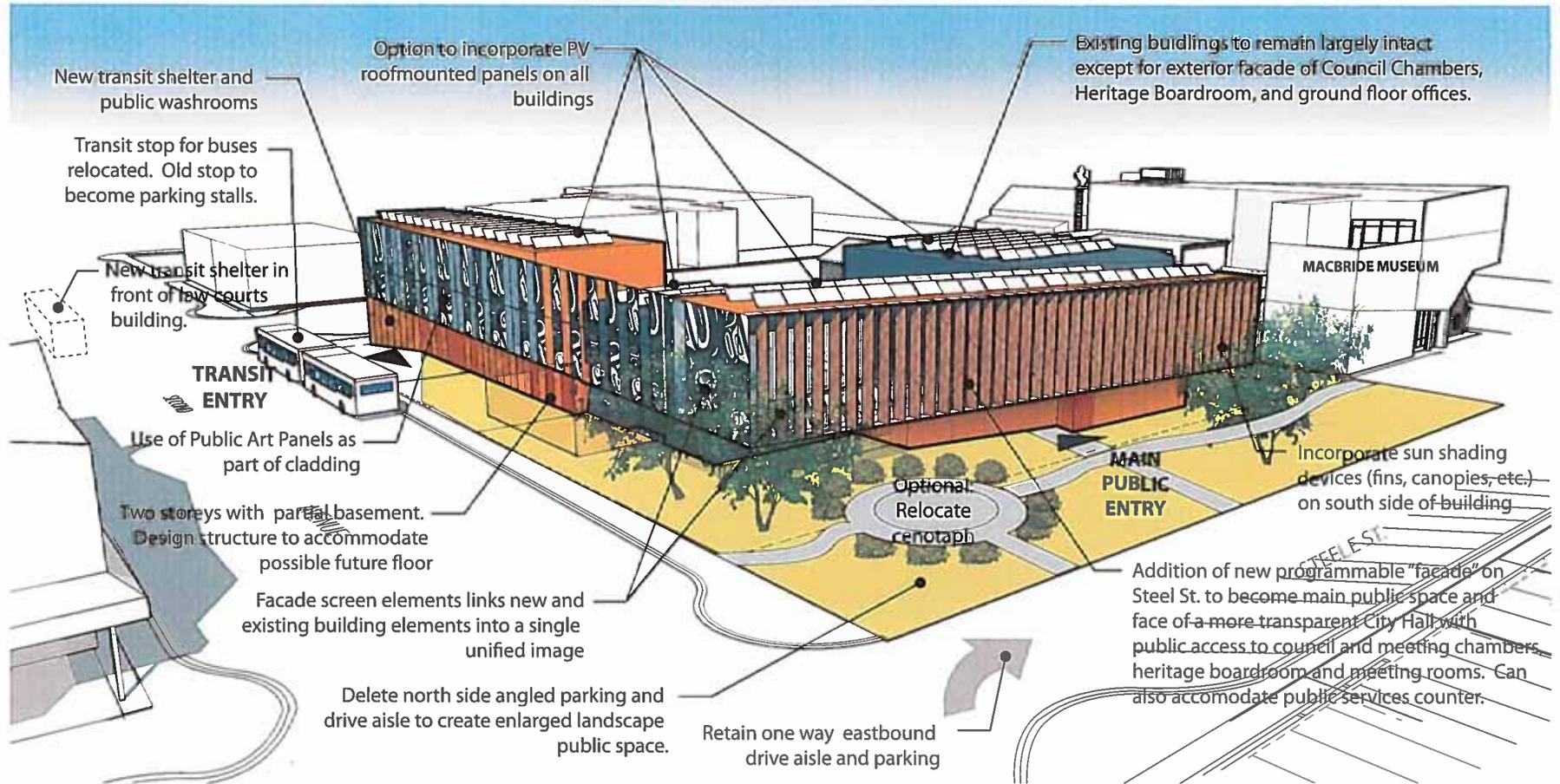
- Council Strategic Priorities (2020)
- Sustainability Plan (2015-2050)
- Downtown Plan (2018)
- Transit Master Plan (2018)
- Transportation Demand Management Plan (2014)
- Declaration of a Climate Change Emergency (Council resolution 2019-17-06)

**BUILDING CONSOLIDATION PROJECT – SERVICE BUILDING PROJECT**  
**Service Building Project Change Chronology**

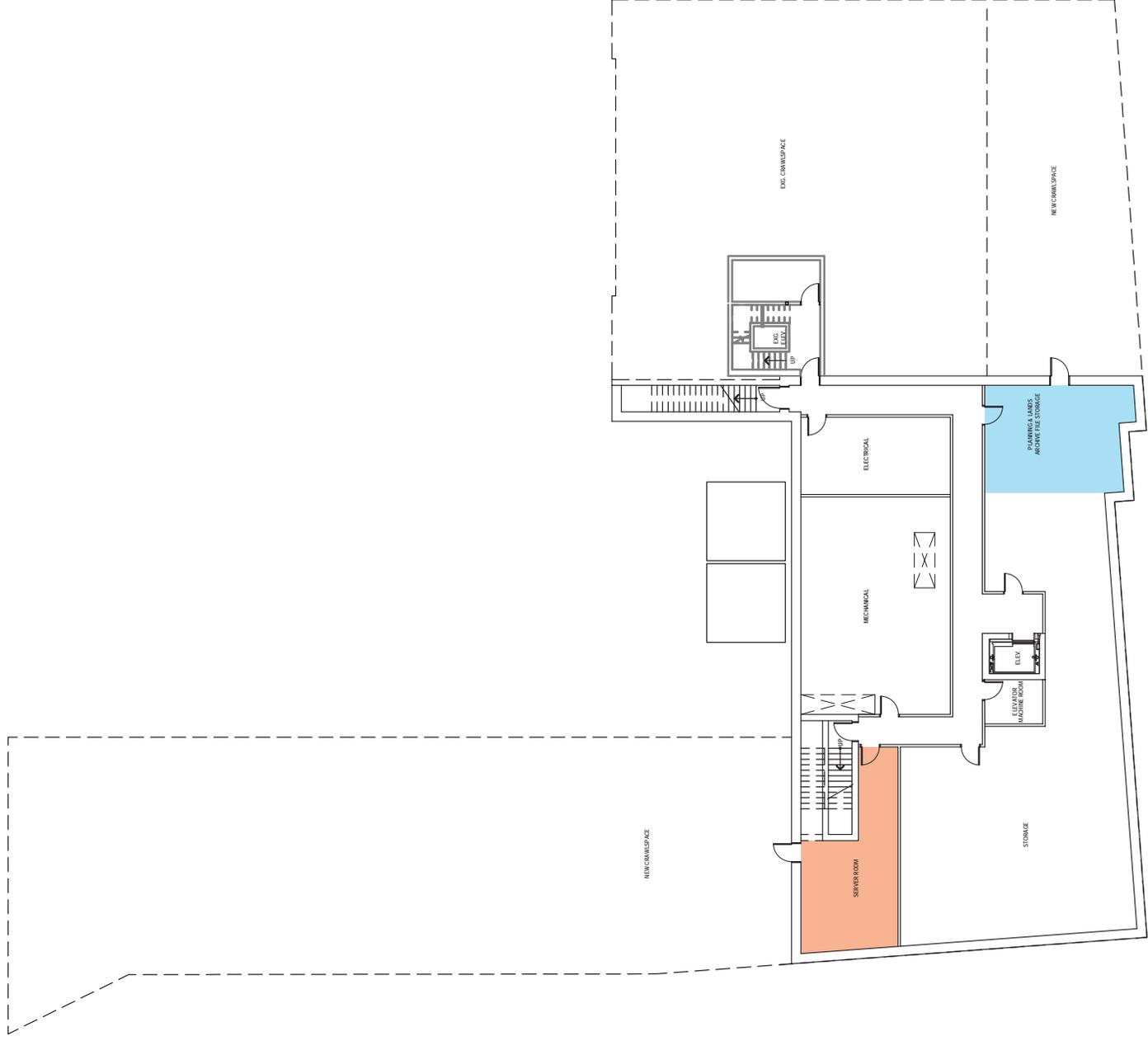
**30 March 2021**

<b>Date</b>	<b>Scope/Changes</b>	<b>Budget Cost</b>	<b>Est. Budget for Grants</b>	<b>Borrowing or Reserves</b>
June 2014	BCP Study proposed 1293 m2 new office space added north of City Hall; no expansion for CH staff; no transit hub; no renovations to CH or Chambers for staff/public access & safety; no artistic exterior walls; no changes for new cenotaph, nor Steele St. with landscaping	\$9.7 million	\$1.4 million (Gas Tax) Additional gas tax requests by City not approved by Government	\$8.3 million (85% of budget)
2 May 2019	Service Bldg. 3 Options reviewed locations with a new transit hub; options for streetscape & cenotaph on Steele St. (#1: south of Steele); (#2 North extension with link to CH only) (#3: north & south additions to CH)	N/A Option #3 selected for design	N/A Selected Option #3 for concept design	N/A Selected Option #3 for concept design
17 Sept. 2019 CASM	Option 3 (north & south additions); renovations for one-stop shop; artistic panels on bldg. face; added space for Finance; Legislative; Communications; SM; new cenotaph/Steele St. changes; 1542 m2 plus 1714 m2 ex. CH; cost did not include basement area.	\$18.9 million	\$15.7 million Small Community Fund (SCF): a one-time only; \$350,000 Investing in Canada Infrastructure Program (ICIP); \$430,000 YG Grant; (No Gas Tax);	\$3.2 million Includes \$660,000 C/O from FH1 2019 demolition
2019 Concept & November 2020 Capital Budget	Option 3 (north & south CH design); renovations within CH; transit hub; new spaces for: basement staff; Finance; Legislative; Communications; and SM; 1542 m2 plus 1714 m2 ex. CH;	\$20.8 million	\$15.7 million SCF applications; \$350,000 ICIP; (No Gas Tax); \$430,000 YG Grant	\$4.3 million with \$660,000 c/o FH 2019 demolish
October 2020	Concept Finalized with Class D estimates and SM/managers; scope same as noted above. 1747 m2 plus 1714 m2 ex. CH;	\$20.8 million	\$15.7 million SCF (No Gas Tax); \$350,000 ICIP; \$430,000 YG Grant	\$4.3 million includes C/O \$660,000 FH demolition
March 2021	Reviewed options for structural upgrades to Ex. CH to meet Codes; most viable option to demolish 1966 CH with FH & build new with: improved floor plan; future areas for growth; new biomass system; replace ex. electrical/mechanical; new cenotaph; Steele St. road changes and additional landscaping. 2,762 m2 plus 765 m2 ex. CH. Class C cost est. includes temp. office relocation; contingencies for a hedge against COVID impact, material and escalation costs	\$24.55 million	\$15.7 million SCF (No Gas Tax); \$450,000 ICIP; \$450,000 YG biomass grant, but with new gas tax funding could be eligible for \$600,000; SCF/ICIP grants end summer 2023 (no extensions and no additional funding)	\$7.95 million (32% of budget) New reserve funds est. \$3.85 million (18.5% increase)

CITY HALL/NEW SERVICES BUILDING



PERSPECTIVE VIEW







## ADMINISTRATIVE REPORT

<b>TO:</b> Corporate Services Committee
<b>FROM:</b> Administration
<b>DATE:</b> April 6, 2021
<b>RE:</b> Resolution for the AYC Annual General Meeting

### ISSUE

Recommendation to submit a joint resolution with the City of Dawson to be considered by the membership at the 2021 Annual General Meeting of the Association of Yukon Communities (AYC).

### REFERENCES

Appendix "A" – Draft Resolution

### HISTORY

The AYC annually invites communities to submit resolutions they feel require the support of the membership at the annual general meeting. Council members have proposed that this year the City of Whitehorse jointly submit a resolution with the City of Dawson. Dawson will be considering the draft resolution on March 31, 2021.

### ALTERNATIVES

1. Recommend the resolution as presented
2. Recommend amendments to the resolution
3. Do not recommend the resolution

### ANALYSIS

Council members are proposing that a resolution be presented to the AYC membership. A draft resolution for the spring 2021 AGM, proposed for joint sponsorship by Dawson and Whitehorse, acknowledges the historical and present-day racism and discrimination that threatens our communities, and:

- commits AYC to providing its members with anti-racism (and other related) training and education on an annual basis; and
- commits AYC to seek external funds for training as needed.

The draft resolution also encourages its members to:

- provide such education and training for the elected officials, staff, and volunteers that represent their respective communities; and
- conduct a review of their bylaws and policies with an equity and inclusivity lens; and
- explore and advocate for other actions to build equitable and anti-racist communities; and
- explore participation in the Canadian Coalition of Inclusive Municipalities (CCIM).

A preliminary analysis of anti-racism training courses indicates that each training course would cost between \$75 and \$125 per participant for online, half-day training sessions. It is estimated that a budget of approximately \$8,000 would be sufficient to fund training for elected municipal officials and up to four staff members or municipal volunteers from each community.

The CCIM, formerly the Canadian Coalition of Municipalities Against Racism and Discrimination (CCMARD), is a network of communities that share resources and advance initiatives to:

- improve their practices to promote social inclusion
- establish policies to eradicate all forms of racism and discrimination
- promote human rights and diversity

There were 82 municipalities that were previously members of the CCMARD, including Whitehorse. There was no cost to join.

The new CCIM is currently being established and inviting members to be part of the new coalition. There has been no formal agreement by Whitehorse at this time to become a CCIM member.

In order for the resolution to be accepted by the AYC, it must first be supported by a Council resolution. The proposed resolution is attached as Appendix A.

### **ADMINISTRATIVE RECOMMENDATION**

THAT Council direct that an anti-racism resolution be forwarded to the Association of Yukon Communities for consideration by the membership at the 2021 Annual General Meeting.

**Resolution for Submission to the 2021 AYC Annual General Meeting****Inclusive Leadership in Yukon communities**

WHEREAS the Yukon’s history has been profoundly shaped by colonial occupations of Indigenous lands and the intense disruptions to Indigenous cultures and ways of life that followed; and

WHEREAS black, Indigenous, and people of colour have experienced racism and discrimination throughout the Yukon’s history, and continue to experience it today; and

WHEREAS the strength and beauty of Yukon communities lies in diversity, inclusivity, and generosity of spirit; and

WHEREAS the Yukon’s elected municipal officials are lawmakers and civic leaders whose responsibilities include fostering equity and respect for all citizens; and

WHEREAS the first step toward municipal action on reconciliation and racism requires that municipalities acknowledge and seek to better understand these issues.

WHEREAS the Association of Yukon Communities (AYC) provides training funds for members in its annual operating budget, and may seek additional funds from external sources, such as the Community Training Trust Society.

BE IT RESOLVED THAT the AYC will coordinate, on an annual basis beginning in 2022, member education and training in anti-racism, inter-cultural competence, human rights, and/or other topics that enable us to better promote equitable and inclusive communities; and

THAT AYC will budget for such education and training, and seek supplementary external funds where appropriate; and

BE IT FURTHER RESOLVED that AYC strongly encourages its members to:

- Provide such education and training for the elected officials, staff, and volunteers that represent their respective communities; and
- Conduct a review of their existing and proposed bylaws and policies with an anti-racism and inclusivity lens; and
- Explore and advocate for other actions to build equitable and inclusive communities, and share the results of these efforts with community members; and
- Explore participation in the Canadian Coalition of Inclusive Municipalities.

## ADMINISTRATIVE REPORT

<b>TO:</b> Corporate Services Committee
<b>FROM:</b> Administration
<b>DATE:</b> April 6, 2021
<b>RE:</b> Corporate Re-organization – For Information Only

### ISSUE

Re-organization of Divisions / Departments

### REFERENCE

2021-24 Capital Budget  
Attached Organizational Chart

### HISTORY

A corporate re-organization project was approved in the 2021-24 Capital Budget. Under Phase I, internal process, Administration was to review the greatest needs and gaps that could be addressed through some changes to structure and workload re-balancing.

It was recognized that the timing is not right for a larger process which may be better considered after the completion of the Building Consolidation Project and COVID being behind us.

### ANALYSIS

The most significant changes for this phase are:

- Creating a Property Management Department that includes Building Maintenance and vertical infrastructure.
- A Corporate HR Division is established to support all other departments. The upcoming three collective bargaining processes will have a significant impact on resources in this area.
- Development Services:  
The addition of Transit to this division provides a fit with sustainability, energy/GHG reduction, and neighbourhood planning.
- Community and Recreation Services becomes Community Services and should see some efficiencies with Bylaw and Fire in the same division and in the same building.
- The Infrastructure and Operations division is currently too big to allow for future thinking and planning in place of day-to-day scheduling and service delivery. Moving the Building Maintenance function to Property Management will allow for more future thinking and planning.
- Wildland Fire Risk Reduction Strategy will be a Legislative Services lead initially due to the requirement for policy and bylaw development before implementing other actions.

There is no additional budget required as changes can be covered for at least two years utilizing re-allocated funding from existing and project management funds already anticipated and budgeted.

Implementation and transition should be quite seamless and no services to the public will be impacted.

It is recognized that as our community continues to grow, more frontline resources will be required, however these requests will appear through the budget process as forced growth submissions for Council's consideration annually.

**City Manager**

**Executive Assistant**

**Manager, Strategic Communications**

Corporate Services Division	Operations	Corporate HR	Development Services	Community Services
<p><b>B&amp;TS</b></p> <ul style="list-style-type: none"> <li>- Corporate Computer Technologies</li> <li>- Radio, Cell &amp; Landline Communications</li> <li>- City Fibre Network</li> <li>- Data Security</li> <li>- Help Desk Function</li> <li>- Technological Project Management</li> </ul> <p><b>Legislative Services</b></p> <ul style="list-style-type: none"> <li>- Council Services</li> <li>- Review/Develop Policy</li> <li>- Elections</li> <li>- City Clerk Function</li> <li>- Records Management</li> <li>- Wildland Fire Risk Reduction Strategy</li> </ul> <p><b>(NEW) Property Management</b></p> <ul style="list-style-type: none"> <li>- Building &amp; Property Life Cycle Management</li> <li>- Vertical Infrastructure</li> <li>- Building Maintenance</li> <li>- Building Renewals</li> <li>- Energy Upgrades / Efficiencies</li> <li>- BCP Phases</li> <li>- CWG 2027 Facility Requirements</li> <li>- Gas Tax &amp; Infrastructure Funding Applications</li> </ul>	<p><b>Finance</b></p> <ul style="list-style-type: none"> <li>- Budget &amp; Financial Reporting</li> <li>- Procurement</li> <li>- Payroll</li> <li>- Accounts Payable</li> <li>- Property Taxes &amp; Utilities</li> <li>- City Cashiering</li> <li>- Cash/Debt Management</li> <li>- Legal &amp; Insurance</li> </ul> <p><b>Operations</b></p> <ul style="list-style-type: none"> <li>- Transportation (Fleet Maintenance / Road Maintenance)</li> <li>- Sign Shop</li> </ul> <p><b>Water &amp; Waste</b></p> <ul style="list-style-type: none"> <li>- Systems</li> <li>- Stations</li> <li>- Landfill</li> <li>- Residential Waste &amp; Compost Program</li> </ul> <p><b>Asset Management</b></p>	<p><b>Human Resources</b></p> <ul style="list-style-type: none"> <li>- Talent</li> <li>❖ Acquisition (recruitment)</li> <li>❖ Development (training)</li> <li>❖ Management (performance)</li> <li>- Labour Relations / Collective Bargaining</li> <li>- Benefits &amp; disability management</li> <li>- Job classification</li> <li>- Corporate labour compliance/training</li> <li>- Strategic Human Resources</li> <li>- Occupational Health &amp; Safety liaison</li> <li>- Compliance and investigations</li> <li>- Coordinate OH&amp;S Training</li> </ul>	<p><b>Planning &amp; Sustainability</b></p> <ul style="list-style-type: none"> <li>- Official Community Plan &amp; Zoning Bylaw amendment application</li> <li>- Long Range Land Planning</li> <li>- Heritage</li> <li>- Housing &amp; Homelessness Partnerships and Policies</li> <li>- Sustainability Planning &amp; Programs</li> <li>- Economic Development</li> </ul> <p><b>Land &amp; Building Services</b></p> <ul style="list-style-type: none"> <li>- Land Management (<i>subdivision, easements, leases, encroachments, acquisition &amp; disposition</i>)</li> <li>- Liaison for Yukon Land Applications within City</li> <li>- Development Regulation (<i>application review, permit approval, enforcement, incentives</i>)</li> <li>- Building Inspections (<i>plan review, inspections, education &amp; enforcement</i>)</li> <li>- Business Licenses</li> </ul> <p><b>Engineering</b></p> <ul style="list-style-type: none"> <li>- Infrastructure Renewal, Major Rehabilitation &amp; Expansion Projects</li> <li>- Transportation Planning &amp; Implementation</li> <li>- Infrastructure Design, Construction Inspection &amp; Approval</li> </ul> <p><b>Transit</b></p> <ul style="list-style-type: none"> <li>- Public transportation</li> <li>- Conventional Service</li> <li>- Specialized Service (Handibus)</li> <li>- Contracts / Agreements (Dept. of Ed, Group Pass Program)</li> </ul>	<p><b>Parks</b></p> <ul style="list-style-type: none"> <li>- Parks</li> <li>- Trails</li> <li>- Cemeteries</li> <li>- Community Initiatives</li> <li>- Campground</li> <li>- Community Cleanup</li> </ul> <p><b>Recreation</b></p> <ul style="list-style-type: none"> <li>- CGC</li> <li>- Takhini Arena</li> <li>- Mt. Mac</li> <li>- Community &amp; Corporate Events</li> <li>- Leisure Programs</li> </ul> <p><b>Bylaw</b></p> <ul style="list-style-type: none"> <li>- Complaints Investigation</li> <li>- Parking Management &amp; Enforcement</li> <li>- Animal Control</li> <li>- Education</li> <li>- Vehicle for Hire Management</li> </ul> <p><b>Fire</b></p> <ul style="list-style-type: none"> <li>- EMO</li> <li>- Fire Prevention</li> <li>- Structural Fire Response</li> <li>- Training</li> <li>- Mutual Aid</li> </ul>

## **ADMINISTRATIVE REPORT**

<b>TO:</b> Corporate Services Committee
<b>FROM:</b> Administration
<b>DATE:</b> April 6 <sup>th</sup> , 2021
<b>RE:</b> Council Grant – Donation of Compost

### **ISSUE**

Request for 100 complimentary bags of compost to facilitate the Ground Share pilot project.

### **REFERENCE**

- Fees and Charges Bylaw 2021-03
- Bylaw 2021-01, 2021-2023 Operating Budget
- Sustainability Plan (2015)
- Local Food & Urban Agriculture Study (2020)
- Community Economic Development Strategy (2015)
- Official Community Plan (2010)

### **HISTORY**

From April until September of this year, the Yukon Anti-Poverty Coalition will be organizing a pilot project for a Ground Share program in Whitehorse. The pilot project will assess the potential benefits of connecting Whitehorse residents who would like to grow food but may not have the financial means, necessary skills, materials, tools, and/or adequate access to usable land, with landowners who have under-utilized privately owned space who would like to see their land used for food production.

The Yukon Anti-Poverty Coalition is asking for 100 complimentary bags of compost (valued at \$500) to be used to minimize a barrier in participating in the pilot project, and also as a tool to increase the likelihood of a successful harvest.

This pilot project aims to achieve local food security and supports self-sufficiency through local food cultivation by building community and creating connections between two groups of Whitehorse residents (growers and landowners).

This pilot project will support better planning for community organizations and governments to assess their progress in building a robust local food system that is sustainable, resilient, and accessible.

### **ALTERNATIVES**

1. Approve a grant of \$500 to the Yukon Anti-Poverty Coalition to be utilized in the Ground Share pilot project.
2. Do not approve a grant.

## **ANALYSIS**

The City would like to support the Ground Share pilot project, and although Fees and Charges cannot be waived, Council has the authority to approve grants through Council donations. Council could view this as a nominal cost for the City, as a supporter, to contribute to the Ground Share pilot project. There is sufficient room within the Council Donations account for this expenditure.

This pilot project has direct benefits for the City of Whitehorse, as it accomplishes targets listed in the City's goal of Resilient, Accessible Food Systems in our corporate Sustainability Plan (2015). It achieves Target 1: Increase consumption of local food through building skills and knowledge to support northern climate food production and processing. It also achieves Target 2: Increase number of community garden plots by making land, education, and resources available to privately owned under-utilized spaces to be used as garden space.

Additionally, this pilot project accomplishes Target 3: Increase the number of City-led and City supported projects, programs and services that directly address the needs of low-income citizens by using partnerships with organizations to increase access to nutritious food by low-income residents as listed in the City's goal of Social Equity: Affordable Housing and Poverty Reduction in the Sustainability Plan (2015).

This pilot project also addresses Goal 1: Increase local food production at all scales, from backyard plots to commercial farms, and on public lands identified in the City's Local Food and Urban Agriculture Study (2020).

A potential action listed in the study suggests encouraging the establishment of a Whitehorse land link program, to connect property owners with available land with gardeners that lack access to growing space.

The project also addresses Goal 5: Improve access to fresh and affordable local food for all residents, with a potential action listed to encourage social inclusion initiatives in public food spaces to help connect food-insecure residents with local produce.

## **ADMINISTRATIVE RECOMMENDATION**

THAT Council approve a grant of \$500 to the Yukon Anti-Poverty Coalition for use in the 2021 Ground Share pilot project, funded from the Council donation account.

**CITY OF WHITEHORSE**  
**CITY PLANNING COMMITTEE**  
Council Chambers, City Hall



**Chair:** Samson Hartland      **Vice-Chair:** Laura Cabott

April 6, 2021

Meeting #2021-07

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1. Public Hearing Report – Zoning Bylaw Amendment – 107 Range Road  
Presenter to be confirmed
2. Public Hearing Report – Zoning Bylaw Amendment – Periodic Revisions  
Presented by Manager Patrick Ross
3. Zoning Bylaw Amendment – Development Application Improvements and  
Drainage Plan Requirements  
Presented by Manager Patrick Ross
4. New Business

## ADMINISTRATIVE REPORT

**TO:** Planning Committee  
**FROM:** Administration  
**DATE:** April 6, 2021  
**RE:** Public Hearing Report – Zoning Bylaw Amendment – 107 Range Road

### ISSUE

Public hearing report on application to amend the zoning of Lot 1304 QUAD 105D/11, Plan 2019-0030 LTO (107 Range Road) to permit an eating and drinking establishment including a drive-through component as a principal use.

### REFERENCES

Municipal Act (2002)	Downtown Retail Strategy (2006)
Official Community Plan (2010)	Transportation Demand Management Plan (2014)
Zoning Bylaw 2012-20	Downtown Retail and Entertainment Strategy
Bylaw 2021-13 (Proposed)	2016 – 2025 (2016)
Draft Appendix A – Bylaw 2021-13	Whitehorse Sustainability Plan (2015) Commercial and Industrial Lands Study (2020)

### HISTORY

The City has received an application to amend the zoning of 107 Range Road. The developer is planning to build a restaurant with a drive-through component. The current zoning is CHx(c)–Highway Commercial (modified), which permits eating and drinking establishments, but not with a drive-through component.

A Public Hearing was held on March 22, 2021. Due to the COVID-19 pandemic, Council Chambers were closed to the public. However, members of the public could call-in or provide written submissions. A total of 27 submissions were received.

Community input was also accepted through email and posted to the City website. 21 written submissions and two verbal submissions were received, with 14 in support, 11 opposed and one expressing concern.

Two petitions of support were received with more than 2,200 signatures, many of which were duplicates or from non-residents. Some petitions were not on topic, meaning that they asked for support for a particular tenant rather than for the proposed zoning amendment.

Comments of opposition or concern fell into the following categories:

- Contradiction with City plans, policies and objectives.
- Encouraging highway-commercial development.
- Unforeseen impacts related to drive-throughs.
- Timing of Official Community Plan update.

Comments of support fell into the following categories:

- Access to eating and drinking establishments for nearby residents and workers.
- Additional services for people travelling along the Alaska Highway without having to stop in Downtown Whitehorse.
- Reduction of traffic congestion in Downtown and Riverdale.
- Unrelated commentary referring to a potential tenant.

Administration has summarised the key themes within this report and included further analysis within Appendix A.

## **ALTERNATIVES**

1. Proceed to second and third reading under the bylaw process.
2. Proceed to second reading and defeat the bylaw.

## **ANALYSIS**

### **Contradiction with City objectives and policies**

Almost all respondents who were opposed to the application were concerned that the drive-through establishment proposal runs contrary to the Council approved Sustainability Plan, Official Community Plan (OCP) and/or Council's commitment to the City of Whitehorse Declaration of a Climate Change Emergency.

### **Sustainability Plan and Climate Emergency Declaration**

Almost all respondents in opposition to the proposed change in land-use stated that this application is contrary to the goals and objectives of the Sustainability Plan and Council's declaration of a Climate Emergency. Further, they stated that this proposal is contrary to the objectives and may compromise the community's ability to meet the Sustainability Plan's targets to decrease single-occupant vehicle trips by 25% by 2030 and increase the sustainable mode-share of all trips by 48% and reduce Greenhouse Gas emissions.

*Administrative response:* The Sustainability Plan targets mentioned were carried forward from the City's Transportation Demand Management Plan. The connection to the application is that land-use decisions have a direct impact on the transportation choices of the people who access them. The proposal land use would cater to vehicular transportation.

In general, across Canada, brands, chains, and franchises dominate the Quick Service Retail (QSR) "drive-through" landscape along high-traffic areas (major highways and commuter routes). QSR drive-throughs offer convenience and familiarity and draw two-thirds of total restaurant traffic. As such, the proposed is contrary to the goals and objectives of the Sustainability Plan.

In 2019, Council passed a resolution declaring a Climate Change Emergency for the purpose of enhancing and accelerating action on the City's commitment to protect our community, economy and ecosystems from the impacts of climate change as we advance strategic objectives. Land use decisions, such as the proposed change in use, which encourage greenhouse gas emissions by prioritizing personal convenience over more strategic land use decisions are in contradiction to the efforts of accelerating the City's actions against climate change.

## **Official Community Plan**

One respondent pointed out that the Official Community Plan (OCP) includes a principle to consider development decisions amongst infrastructure, energy use and transportation considerations and locate essential services and commercial opportunities in the downtown.

*Administrative response:* The intent of the OCP is to encourage smaller-scale commercial activity downtown and in strategic neighbourhood locations, rather than along the Alaska Highway. The proposal risks encouraging new small-scale commercial activity in place of other large-scale uses that require a large site. However, the OCP also includes a policy that permits commercial uses on the subject site, although it specifies that sites like this are intended for larger commercial formats that require extensive outdoor storage that have an operational requirement to be located on the main transportation corridor.

### Encouraging highway-commercial (CH) development

The second most frequent concern raised over this application was related to encouraging new highway-oriented commercial development along the Alaska Highway. References were made to other communities with highway-oriented developments across the country that saw direct consequences to their downtowns as a result. Some respondents were concerned that approving this change of use would set a precedent that could encourage similar developments of other CH-zoned lots. In addition to this, one respondent believes that a statement by a member of council at a previous council meeting that suggested that Whitehorse's downtown core is "outgrowing itself", was an exaggeration.

*Administrative response:* In addition to a large number of underutilized lots throughout the downtown, there are at least six vacant sites that permit the proposed use without the need for a zoning amendment. If permitted, and an eating and drinking establishment with a drive-through component proves successful along the Alaska Highway, it may encourage competing QSR establishments to follow suit and relocate from Downtown to take advantage of commercial-highway zoned lots without the same constraints that occur Downtown. As demonstrated in the Commercial and Industrial Land study, market demand for serviced lots that are suited to large-scale operations are in high demand, and this land is in short supply. The proposal may further exacerbate existing land shortages identified in the Commercial and Industrial Land study.

### Unforeseen impacts related to drive-throughs

## **Health**

The impact that drive-through establishments have on health was also raised as a concern by a number of respondents.

*Administrative response:* The Sustainability Plan includes a goal to achieve a safe and healthy community, including a target to decrease the percentage of population with chronic illnesses by 2050. The City can influence food-based businesses and activities, but has little influence over production, regulation, and consumption. The City can however promote health by encouraging active transportation over more sedentary modes such as driving, and getting out of their vehicles to get their food.

## **Litter**

Four respondents raised concern with the frequency of litter generated by QSR as witnessed during highway litter clean-up projects.

*Administrative response:* The adoption of zoning bylaws to ban fast-food drive-throughs across Canadian municipalities suggests that litter is of concern from fast food drive-throughs.

## **Safety Concerns**

A submission raised safety concerns, where permitting a drive-through along the Alaska Highway route for the convenience of travellers who wish to continue their journey without stopping, would encourage drivers to risk becoming distracted/careless while driving at highway speeds.

*Administrative response:* The Canadian Council of Motor Transport Administrators and Royal Canadian Mounted Police suggest that eating and drinking while driving could lead to distracted driving. This is of particular concern when considering that drivers will be distracted crossing the new multi-use path when exiting and/or while driving on the highway would increase the severity and risk of consequences when travelling at highway speeds.

## Timing of the Official Community Plan Update

Some respondents expressed concern with the timing of the application concurrent to a process which is comprehensively reviewing land uses.

*Administrative response:* The Whitehorse 2040 OCP process is underway and through this process, OCP policies will be reviewed to provide further clarity on the objectives for this area, with subsequent updates to the zoning bylaw to align with the intent of the OCP.

During the Whitehorse 2040 process, Administration heard from 850 community respondents, of which 81% supported seeing stores/restaurants located within walking distance of their home. This proposal is not within walking distance of resident's homes.

However, the timing of the adoption of the new OCP and subsequent zoning is unknown.

## Additional services for people travelling along the Alaska Highway without having to stop in Whitehorse

Two respondents stated their support to permit a drive-through along the Alaska Highway that serve people travelling along the highway that do not wish to stop in Whitehorse.

*Administrative response:* Although the addition of a drive-through component could increase the convenience for some travellers passing through Whitehorse, a drive-through would not be beneficial to all types of vehicles. Due to the physical constraints of a drive-through, operators of large vehicles such as goods movement vehicles and recreation vehicles would be required to park their vehicle and walk-in.

## Support to encourage more businesses out of the downtown to the highway to reduce traffic congestion in Downtown and Riverdale.

Some submissions expressed that relocating businesses to the highway would help reduce traffic congestion Downtown, and in other areas such as Riverdale.

*Administrative response:* While there may be less in-flow of traffic to Downtown, the opposite may be true with more day-workers driving out of Downtown and then back into Downtown to access a business on the highway. Traffic impacts on Riverdale would be negligible; the flow of traffic would be the same if a person was driving to the appropriately zoned area in Downtown or to the proposed location on Range Road along the highway.

Unrelated commentary referring to a potential tenant

Some submissions expressed support for a potential commercial tenant.

*Administrative response:* The tenancy of a proposed change in use cannot be a point of consideration for a zoning amendment. Per the Zoning Bylaw, the review of a rezoning application should be based on the full development potential of the uses and development regulations specified in the proposed zone and not on the merits of any particular development proposal - such as a potential commercial tenant. Showing preference to a particular commercial tenant in a zoning review could be perceived as unfair and discriminatory. Moreover, commercial tenants are subject to change, while the impact of a zoning change is in effect as long as the development remains.

Summary

In conclusion, the proposed use is not in line with the intent and objectives of the OCP, Sustainability Plan, Transportation Demand Management Plan and the Downtown Retail and Entertainment Strategy.

The proposed change in zoning may encourage small-scale commercial uses on a large commercial lot which is in short supply. It may also result in more people driving to use the establishment than an eating and drinking establishment without a drive-through. The Whitehorse 2040 OCP process is underway. Through this process, the OCP policies will be reviewed with respect to the impacts of land use changes with the objective of providing further policy clarity. Subsequently, the zoning bylaw will be updated to align with the intent of the OCP.

**ADMINISTRATIVE RECOMMENDATION**

THAT Council direct that Bylaw 2021-13, a bylaw to amend the zoning at 107 Range Road to permit eating and drinking establishments including a drive-through component, be brought forward to second reading and defeated.

## Appendix A

### Health

In general, across Canada, brands, chains, and franchises dominate the Quick Service Retail (QSR) “drive-through” landscape which suggests a high likelihood for a major food chain to operate within an establishment with a drive-through than an establishment without. Fast-food drive-through services provide a convenient and easily accessible way for individuals to purchase and consume foods without exiting their vehicle, also contributing to physical inactivity and distracted driving.

In recent years, municipalities across North America have implemented zoning bans on drive-through facilities. While a number of jurisdictions have done so with the goal of fostering healthier food environments, and in many cases, the rationale for policy adoption extends beyond health. The most commonly proposed reasons for such policies included: promoting health, maintaining visual appeal of the community, addressing noise, safety and traffic concerns, protecting local economy, environmental considerations, addressing noise concerns, and enhancing community walkability. It also stated that some intentions for the bans aimed to *“improve urban design and promote downtown centres; promote sustainability and sustainable development; reduce odour and litter”*.

### Safety

The Canadian Council of Motor Transport Administrators published a Distracted Driving White Paper in 2018. The definition of distracted driving is:

*“When a driver’s attention is diverted from the driving task by secondary activities (e.g., eating, talking to passengers, talking or texting on electronic communication devices (ECDs) such as cell phones and smartphones)”*.

The Royal Canadian Mounted Police (RCMP) website also includes eating or drinking as a listed example of distracted driving. The RCMP state that distracted driving can lead to *“reduced reaction times, impaired judgment and injuring or killing yourself, your passengers and/or other people.”* RCMP suggest that people avoid eating and drinking while driving.

Inattentive/distracted driving was the most commonly reported contributing factor to Motor Vehicle Collisions in Yukon between 2011 and 2017 and also resulted in some of the most severe injuries. While not every instance of eating and drinking while driving results in a consequence, it could impede reaction times. Distracted driving would be of particular concern with the multi-use path being located at the exit of the site, and that reduced reaction times increase the severity and risk of consequences when travelling at highway speeds.

## **ADMINISTRATIVE REPORT**

<b>TO:</b> Planning Committee
<b>FROM:</b> Administration
<b>DATE:</b> April 6, 2021
<b>RE:</b> Public Hearing Report – Zoning Bylaw Amendment – Periodic Revisions

### **ISSUE**

Public hearing report for an administrative-led amendment to make periodic revisions to Zoning Bylaw 2012-20.

### **REFERENCES**

- Zoning Bylaw 2012-20
- Official Community Plan (2010)
- *Municipal Act* (2015)

### **HISTORY**

Proposed Bylaw 2021-14 contains a number of amendments to the Zoning Bylaw to change or improve regulations, clarify wording, correct omissions, and implement minor changes. All of these changes have arisen from day-to-day use of the bylaw.

A comprehensive group of edits to the Zoning Bylaw are typically brought forward by Administration on a periodic basis. The last general amendments to the Zoning Bylaw were adopted in April 2019.

The last rewrite of the Zoning Bylaw was completed in 2012 and it is becoming increasingly out of date. The next Zoning Bylaw rewrite is expected to begin after the OCP review is completed, which is anticipated to be 2022.

Bylaw 2021-14 received 1st Reading on February 22, 2021. Notices were published in the newspapers on March 5 and 12, 2021. A total of 75 letters were sent to property owners within 100 m of the three subject properties (6 in Range Point, 69 in Ingram). The Government of Yukon Lands Department, Kwanlin Dün First Nation, and Ta'an Kwäch'än Council were also notified by mail of these mapping changes. No letters were sent regarding the mapping amendment at Caribou Road as there are no property owners within 100 m of the subject area. A letter was sent to the Contractor's Association and no response has been received.

Signs were placed on the Range Road and Ingram subject sites. No sign was placed at Caribou Road as it is not publicly accessible.

A Public Hearing was held on March 22, 2021. Due to the COVID-19 pandemic, Council Chambers were closed to the public, however the public could call in to the meeting to provide input. Written input could also be received through email and posted to the City website.

One written submission was received and the following issue was raised.

- OCP is a plan and shouldn't retroactively impact the Zoning Bylaw

- Maximum density is not listed in amendment documents

### **ALTERNATIVES**

1. Proceed with Second and Third Reading under the bylaw process.
2. Do not proceed with second and third Reading.

### **ANALYSIS**

#### **OCP is a plan and shouldn't retroactively impact the Zoning Bylaw**

The OCP is adopted by Council as a bylaw, and policy statements within the document are binding. Section 6.5.5 of the OCP states that there shall be a density maximum of 60 units per hectare for the area along Centennial Road.

Section 288 (3) of the *Municipal Act* states that the Zoning Bylaw must be consistent with the OCP, otherwise it is of no force and effect.

The stated maximum density in the OCP is already in effect for all new development. The proposed amendment would add a regulation to the Zoning Bylaw that matches this maximum density policy listed in the OCP. This is being done to simplify the process for developers and City staff as other City density regulations are typically found in zoning regulations, not OCP policies.

#### **Maximum density is not listed in amendment documents**

To simplify documents related to this amendment, the Administrative Report was very brief, but referred to Bylaw 2021-14 and the accompanying Explanatory Notes. Bylaw 2021-14 lists the maximum density of 60 units per hectare in section 36. The corresponding explanatory note explains the purpose for the change.

It is noted that this is not the typical approach for providing the public with information on zoning amendment bylaws but Administration determined it was the best way to present complex information in an organized and comprehensive manner.

### **ADMINISTRATIVE RECOMMENDATION**

THAT Council direct that Bylaw 2021-14, a bylaw to amend the Zoning Bylaw with respect to a number of periodic revisions, be brought forward for second and third reading under the bylaw process.

## **ADMINISTRATIVE REPORT**

**TO:** Planning Committee  
**FROM:** Administration  
**DATE:** April 6, 2021  
**RE:** Zoning Amendment – Development Application Improvements and Drainage Plan Requirements

### **ISSUE**

Amendments to Zoning Bylaw 2012-20 to enable improvements to the development application process and manage drainage requirements more effectively.

### **REFERENCE**

- Zoning Bylaw 2012-20
- Bylaw 2021-24 (Proposed)
- Development Guidelines

### **HISTORY**

Proposed Bylaw 2021-24 contains a number of amendments to the Zoning Bylaw to enable Administration to implement a more consistent process for reviewing development permit applications and ensure better compliance with drainage requirements. A summary of the proposed amendments was presented to Council at a CAR meeting on March 18, 2021.

A letter has been sent to the Contractor's Association and no response has been received to date.

### **ALTERNATIVES**

1. Proceed with the amendments as presented under the bylaw process.
2. Refer the bylaw back to Administration for further review.

### **ANALYSIS**

The edits proposed in this bylaw are designed to improve the consistency of the development permit review process, and improve drainage outcomes for new development.

Bylaw 2021-24 proposes amendments in the following areas:

- Amend the definition of Lot Grading Certificate
- Clarify the requirements for a complete development permit application
- Enable fee collection up-front
- Amend formulas for calculating landscaping and hard-surfacing securities
- Establish standard requirements for demonstrating compliance with drainage and servicing requirements
- Establish consistent language throughout the Zoning Bylaw

### **Definition of Lot Grading Certificate**

The proposed amendment to the definition of Lot Grading Certificate will align it with the definition provided in the *City of Whitehorse Development Guidelines*.

Requirements for complete application

The proposed amendments will clarify the requirements for information to be submitted at time of application for a development permit. Much of the wording is existing in the current text of the Zoning Bylaw but has been reorganized for clarity.

Enable fee collection up-front

The proposed amendments would enable the City to collect the application fee at time of application submission, and lay out the process for dealing with changes during the review process resulting in changes to the fee calculation. Corresponding amendments to the Fees & Charges Bylaw are in progress.

Amend formula for calculating securities

The current formula for calculating landscaping and hard-surfacing securities is based on 125% of the projected installation costs. Quotes from the applicant are used to calculate the securities. Review of calculated securities since 2018 has revealed substantial deviations in calculated securities when prorated on a per tree/shrub or parking space basis. The amendment proposes to apply a standard calculation based on the minimum number of trees/shrubs and parking spaces required, based on the average amounts provided for developments between 2018 and 2020.

Requirements for demonstrating compliance with drainage and servicing requirements

Establish standard requirements for drainage design by referring specifically to the process laid out in the *City of Whitehorse Development Guidelines*. All developments will be required to provide a main floor elevation on the siting certificate submitted through the building permit process, and may be required to provide a Lot Grading Certificate or Record Drawings to demonstrate compliance with drainage and servicing requirements.

Enable the City to collect a security to ensure a Lot Grading Certificate is provided following occupancy approval in cases where the Certificate cannot be provided prior to occupancy approval.

Change terminology from ‘As-built Drawing’ to ‘Record Drawing’ for greater consistency with industry standards, and increase the value of the existing security for As-built/Record Drawings to improve compliance with providing the drawings.

Consistent language throughout Bylaw

Currently the terms ‘lot grading’ and ‘site grading’ are used interchangeably in the bylaw. The proposed amendments would apply consistent use of the term ‘lot grading’.

The proposed schedule for the Zoning Bylaw amendment is:

Planning Committee:	April 6, 2021	Report to Committee	June 7
First Reading:	April 13	2 <sup>nd</sup> & 3 <sup>rd</sup> Reading	June 14
Public Hearing:	May 10		

**ADMINISTRATIVE RECOMMENDATION**

THAT Council direct that Bylaw 2021-24, a bylaw to amend the Zoning Bylaw to improve the development application process and manage drainage requirements more effectively, be brought forward for consideration under the bylaw process.

## BYLAW 2021-24 – Companion Document

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This document is intended as a companion to Bylaw 2012-24 to assist in communicating the scope and rationale for each proposed amendment.

1. Section 2.2 of Zoning Bylaw 2012-20 is hereby amended by deleting the existing definition of lot grading certificate and substituting therefore a new definition as follows:

### Proposed Text:

“LOT GRADING CERTIFICATE” means a plan representing the existing surface elevations and surface grades of a lot and which complies with the requirements set out in the *City of Whitehorse Development Guidelines*. A Lot Grading Certificate is prepared and duly signed and certified by a registered Surveyor or Professional Engineer.”

### Existing Text:

“LOT GRADING CERTIFICATE” means a plan of certification of as-built grades that complies with requirements set out in the Lot Grading Guidelines, duly signed and certified by a registered Land Surveyor, Professional Engineer or Registered Architect as accurately representing the existing surface elevations and surface grades of a lot.

### Explanation:

Use correct name for the Guidelines document, remove Architect from list of professionals, break up run-on sentence.

2. Subsection 4.4.1 f) of Zoning Bylaw 2012-20 is hereby amended by deleting the existing subsection 4.4.1 f) and substituting therefore a new subsection 4.4.1 f) as follows:

### Proposed Text:

- “4.4.1 f) be accompanied by a set of plans in duplicate, at an appropriate metric scale containing:
- (1) a north arrow and the scale of each drawing;
  - (2) the legal property description and municipal address;
  - (3) lot dimensions and other reference features such as the location of easements, existing buildings, and fences relative to property lines;
  - (4) the location of public sidewalks, hydro poles, light standards, boulevard trees, fire hydrants and other related features;
  - (5) the location of all existing and proposed improvements on the lot including site access and egress, front, side and rear yard dimensions, location and dimensions of buildings, parking, loading and garbage collection areas;
  - (6) the location of all existing and proposed landscaping features including trees, shrubs, and groundcover throughout the site, and any natural features to be retained;
  - (7) drainage details including existing and proposed elevations at lot corners, building perimeter, grade breaks, and edge of surface treatments, direction and percentage of grades, main floor/top of slab elevation(s), location of downspouts and direction of discharge, and the location of all proposed structures to manage drainage including

## BYLAW 2021-24 – Companion Document

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- swales, ditches, retaining walls, rock sumps, connection to existing storm mains, and/or storm sewer interceptors for areas with high contamination potential;
- (8) the location, size, and material of all existing and proposed services on the property;
- (9) floor plans and elevation drawings of all proposed buildings, and structures including any additions;
- (10) the location, size, and placement of signs and future signs in all commercial, institutional and industrial zones;
- (11) proposed impacts or improvements to the boulevard including remediation, revegetation, landscaping, construction of drainage infrastructure, paving, or other treatment; and
- (12) any other information required by the Development Officer.”

### Existing Text:

- “4.4.1 f) be accompanied by a site plan in duplicate, at an appropriate metric scale containing:
- (1) a north arrow;
  - (2) the legal property description;
  - (3) lot dimensions and other reference features such as the location of easements, existing buildings, fences relative to property lines, and existing and proposed grades;
  - (4) the location of all existing and proposed improvements on the lot including site access and egress, front, side and rear yard dimensions, location and size of required parking, loading and garbage collection areas;
  - (5) the location of any trees, shrubbery or natural features to be retained;
  - (6) the location of public sidewalks, hydro poles, light standards, boulevard trees, fire hydrants and other related features;
  - (7) floor plans and elevation drawings of all proposed buildings, and structures including any additions;
  - (8) the location, size, and placement of signs and future signs in all commercial, institutional and industrial zones;
  - (9) the location of all existing and proposed services on the property;
  - (10) the location of all proposed structures to manage drainage including connections to existing storm mains, ditches, rock sumps, design elevations, and/or storm sewer interceptors for areas with high contamination potential; and
  - (11) proposed impacts or improvements to the boulevard including remediation, revegetation, landscaping, construction of drainage infrastructure, paving, or other treatment;
  - (12) any other information required by the Development Officer.

### Explanation:

Change ‘site plan’ to ‘a set of plans’, since not all information belongs on a single plan, rearrange list into more logical order (similar items grouped together), bring landscaping and drainage plans into this ‘required information’ section (from the ‘additional information’ section).

## BYLAW 2021-24 – Companion Document

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3. Section 4.5 of Zoning Bylaw 2012-20 is hereby amended by deleting the existing subsection 4.5.1 b) and renumbering the remaining subsections accordingly.

**Existing Text:**

“4.5.1 b) a landscaping plan to show site grading, drainage, retaining walls, existing and future tree locations, and open space landscape treatment;”

**Explanation:**

This information is moved into the required section (4.4.1 f)).

4. Section 4.5 of Zoning Bylaw 2012-20 is hereby amended by deleting the existing subsection 4.5.1 f) and substituting therefore a new subsection as follows:

**Combined:** proposed / existing to remain

“4.5.1 f) as-built or record drawings for any existing infrastructure, servicing, or other site elements;

**Explanation:**

Add ‘record drawings’ to capture different types of drawing that may be available for existing site conditions.

5. Section 4.5 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 4.5.1 h) and substituting therefore a new subsection 4.5.1 i) as follows:

**Proposed Text:**

“4.5.1 i) any other information required by the Development Officer, such as fire-flow calculations, water model report, or transportation impact assessment; and”

**Existing Text:**

“4.5.1 f) any other information, such as proposed on-site drainage, and traffic studies required by the Development Officer; and”

**Explanation:**

Drainage is now required; added other civil design elements that may be required.

6. Section 4.6 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 4.6.4 and substituting therefore a new subsection 4.6.4 as follows:

**Proposed Text:**

“4.6.4 Where in the opinion of a Development Officer, an application has been substantially revised by the applicant, prior to reconsideration of the application, the applicant shall withdraw the application and submit a new application. A substantial revision includes, but is not limited to, an increase or decrease of the proposed Gross Floor Area by 10% or more. Refunds for withdrawn applications shall be issued in accordance with the formula prescribed in the Fees and Charges Bylaw.”

**Existing Text:**

“4.6.4 Where in the opinion of a Development Officer, an application has been substantially revised by the applicant, prior to reconsideration of the

## BYLAW 2021-24 – Companion Document

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application, the applicant shall pay an additional fee equal to 50% of the initial fee.

### Explanation:

Cleaner way to deal with substantial changes during review process. Allows City to capture the 50% penalty and collect the appropriate fee for the revised application. Also provides an example indicator of a substantial change (+/- >10% GFA). This amendment would enable administration to collect application fees up-front.

7. Section 4.14 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 4.14.1 f) and substituting therefore a new subsection 4.14.1 f) as follows:

**Combined:** proposed / existing to remain / ~~existing to delete~~

“4.14.1 f) the required maintenance of open space, preservation of sun exposure to abutting properties, site lot grading and landscaping, including but not limited to, the planting or preservation of trees or other site features to mitigate development impacts, location of fencing and screening, choice of fencing and screening material and location of garbage receptacles and lights;”

8. Section 5.5.2 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 5.5.2.3 and substituting therefore a new subsection 5.5.2.3 as follows:

### Proposed Text:

“5.5.2.3 The proposed lot grading shall respect the natural contour of the land to the extent possible, minimize the necessity to use retaining walls, and ensure drainage away from buildings and abutting properties. Erosion control measures shall be used during construction to prevent the pollution, degradation, or siltation of natural areas, watercourses and roads.

Drainage control measures, retaining walls and lot grading shall be built in accordance with the current version of the *National Building Code of Canada* and the *City of Whitehorse Development Guidelines*.

If the property is located in a subdivision in which an engineered Subdivision Grading Plan has been approved by the City as part of subdivision approval, the lot must be graded to the design elevations corresponding to such approved plan to the satisfaction of the Development Officer.

To confirm the elevations and grading of the lot a Development Officer may require the property owner to produce the as-built main floor elevation(s) and/or a Lot Grading Certificate or Record Drawings in the form and substance acceptable to the Development Officer, prior to issuance of the first occupancy approval for the property, or another time frame stipulated by the Development Officer.

Where a Lot Grading Certificate is required and cannot be provided prior to issuance of the first occupancy approval for a reason accepted by the Development Officer, the property owner shall provide a security in accordance with section 4.19 to ensure the required Lot Grading Certificate is provided within the time frame specified by the Development Officer.

## BYLAW 2021-24 – Companion Document

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The value of the security shall be equal to \$3000 plus \$1/m<sup>2</sup> of lot area.

Where the Lot Grading Certificate to the satisfaction of the Development Officer is not provided within the time frame stipulated by the Development Officer, the security is forfeited pursuant to section 4.19.”

### Existing Text:

“5.5.2.3 The proposed site grading shall respect the natural contour of the land to the extent possible, minimize the necessity to use retaining walls, and ensure drainage away from buildings and abutting properties. Erosion control measures shall be used during construction to prevent the pollution, degradation, or siltation of natural areas, watercourses and roads. Drainage control measures and retaining walls shall be built in accordance with National Building Code regulations.

If the property is located in a subdivision in which an engineered drainage plan has been approved by the City as part of subdivision approval, the lot must be graded to the design elevations corresponding to such approved engineered drainage plan to the satisfaction of the Development Officer. To confirm the elevations of the lot a Development Officer may require the property owner to produce a Lot Grading Certificate in the form and substance acceptable to the Development Officer.

Where landscaping security has been collected pursuant to this bylaw, such landscaping security may be withheld until such Lot Grading Certificate has been submitted to the satisfaction of the Development Officer. Where the Lot Grading Certificate to the satisfaction of the Development Officer is not provided within one year of dwelling occupancy approval, or in the case of a condominium, within one year of the issuance of occupancy approval for any unit of the condominium, or if applicable, any unit of that phase of the condominium, or another time frame stipulated by the Development Officer, the landscaping security is forfeited pursuant to section 4.19.

### Explanation:

Require main floor elevation(s) to be provided for any new development.

Untie lot grading certificate (LGC) from engineered subdivision grading plan, so they may be requested for any new development, not just developments with a subdivision grading plan.

Untie LGC from landscaping security, and create new security to be collected only if LGC is required and can't be provided (for example in the middle of winter).

9. Section 5.5.5 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 5.5.5.2 and substituting therefore a new subsection 5.5.5.2 as follows:

### Proposed Text:

“5.5.5.2 The value of the landscaping security shall be calculated based on the minimum number of trees or shrubs required for the development. The security shall be equal to \$1,250 per tree and \$750 per shrub. For single detached and duplex housing, and townhouse developments where each unit is on a separate fee simple lot, the security shall be a flat rate of \$1,000 per lot.”

### Existing Text:

“5.5.5.2 The value of the security shall be equal to 125% of the projected landscape installation costs. The projected cost of the landscaping shall be calculated by the applicant. If, in the opinion of the Development Officer, the projected costs are low, the Development Officer may determine the appropriate landscaping cost for the purposes of setting the amount of the landscaping security and the Development Officer’s calculation will be determinative.

### Explanation:

Upon review of quotes provided for developments since 2018, there are large discrepancies in the value of securities being collected. Collecting flat-rate securities will improve consistency of review process and save time for staff and applicants. The per-tree and per-shrub flat rates are the approximate average of landscaping securities collected in the past few years.

10. Section 5.5 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 5.5.8 and substituting therefore a new subsection 5.5.8 as follows:

### Proposed Text:

#### “5.5.8 *Record Drawing Security*

Installation of all civil works on a development shall be done in accordance with the current version of the *National Building Code of Canada*, the *City of Whitehorse Servicing Standards Manual*, all applicable Bylaws, and the *City of Whitehorse Development Guidelines*, to the satisfaction of the City Engineer. A Development Officer may require that the property owner provide Record Drawings in the form and substance acceptable to the City Engineer within 60 days of the issuance of the first occupancy approval for the development, or another time frame stipulated by the Development Officer.”

### Existing Text:

#### “5.5.8 *As-Built Drawing Securit*

Installation of any servicing (water, sewer, roads, storm, etc.) required for a development shall be done in accordance with the *City of Whitehorse Servicing Standards Manual*, as amended from time to time, and to the satisfaction of the City Engineer. A Development Officer may require that the property owner provide as-built drawings in the form and substance acceptable to the City Engineer within 60 days of the issuance of the first occupancy approval for the development.

### Explanation:

Update terminology to coordinate with the *Servicing Standards Manual*. Record drawings are sealed by a Professional Engineer as certifying that the civil works have been installed in accordance with sound engineering practice. As-built drawings only show the ‘as built’ conditions of how works have been installed but do not necessary represent that the installed works are of a sound design.

Civil works in this context is meant to include water, sanitary, and storm drainage infrastructure including lot grading.

## BYLAW 2021-24 – Companion Document

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11. Section 5.5 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 5.5.8.2 and substituting therefore a new subsection 5.5.8 as follows:

**Proposed Text:**

“5.5.8.2 The value of the security shall be equal to \$1,000.00 plus \$1.00 per square metre of lot area.”

**Existing Text:** 5.5.8.2 The value of the security shall be equal to \$6,650/ha of development.

**Explanation:**

The current security calculation has been inadequate to ensure collection of as-built drawings upon completion of a development, especially for smaller lots. The \$1000 base rate ensures a higher calculation for smaller lots, and \$1.00/m<sup>2</sup>, (equivalent to \$10,000/ha) is a moderate increase from the existing calculation. Most lots are less than 1 ha, so square metres is a more appropriate unit.

12. Section 7.2 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 7.2.9 and substituting therefore a new subsection 7.2.9 as follows:

**Proposed Text:**

“7.2.9 The value of the security shall be equal to \$2,800 per required parking space. For developments where parking spaces are provided within an enclosed building (excluding residential garages), the security may be calculated based on 125% of the projected cost to install all hard-surfacing required outside of the building. If, in the opinion of the Development Officer, the projected hard-surfacing costs are low, the Development Officer may establish an appropriate hard-surfacing cost figure for the purposes of determining the value of the hard-surfacing and the Development Officer’s calculation shall be determinative. For single detached and duplex housing, and townhouse developments where each unit is on a separate fee simple lot, the hard-surfacing security shall be a flat rate of \$1,000 per lot.”

**Existing Text:**

“7.2.9 The value of the security shall be equal to 125% of the projected hard-surfacing installation costs. The projected cost of the hard-surfacing shall be calculated by the applicant. If, in the opinion of the Development Officer, the projected costs are low, the Development Officer may establish an appropriate hard-surfacing cost figure for the purposes of determining the value of the hard-surfacing security and the Development Officer’s calculation will be determinative.

**Explanation:**

Upon review of quotes provided for developments since 2018, there are large discrepancies in the value of securities being collected. Collecting flat-rate securities will improve consistency of review process and save time for staff and applicants. The per-space flat rate is the approximate average of hard-surfacing securities collected in the past few years. The 125% remains in play where parking spaces are provided in an enclosed parkade, so that the security is reflective of the amount of hard-surfacing provided outside the building.

**CITY OF WHITEHORSE**  
**BYLAW 2021-24**

A bylaw to amend Zoning Bylaw 2012-20

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WHEREAS section 289 of the *Municipal Act* provides that a zoning bylaw may prohibit, regulate and control the use and development of land and buildings in a municipality; and

WHEREAS section 294 of the *Municipal Act* provides for amendment of the Zoning Bylaw; and

WHEREAS it is deemed desirable that the City of Whitehorse Zoning Bylaw be amended with respect to a number of individual edits;

NOW THEREFORE the council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Section 2.2 of Zoning Bylaw 2012-20 is hereby amended by deleting the existing definition of lot grading certificate and substituting therefore a new definition as follows:

“LOT GRADING CERTIFICATE” means a plan representing the existing surface elevations and surface grades of a lot and which complies with the requirements set out in the *City of Whitehorse Development Guidelines*. A Lot Grading Certificate is prepared and duly signed and certified by a registered Surveyor or Professional Engineer.”

2. Section 4.4 of Zoning Bylaw 2012-20 is hereby amended by deleting the existing subsection 4.4.1 f) and substituting therefore a new subsection 4.4.1 f) as follows:

“4.4.1 f) be accompanied by a set of plans in duplicate, at an appropriate metric scale containing:

- (1) a north arrow and the scale of each drawing;
- (2) the legal property description and municipal address;
- (3) lot dimensions and other reference features such as the location of easements, existing buildings, and fences relative to property lines;
- (4) the location of public sidewalks, hydro poles, light standards, boulevard trees, fire hydrants and other related features;
- (5) the location of all existing and proposed improvements on the lot including site access and egress, front, side and rear yard dimensions, location and dimensions of buildings, parking, loading and garbage collection areas;

## Zoning Amendment Bylaw 2021-24

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- (6) the location of all existing and proposed landscaping features including trees, shrubs, and groundcover throughout the site, and any natural features to be retained;
  - (7) drainage details including existing and proposed elevations at lot corners, building perimeter, grade breaks, and edge of surface treatments, direction and percentage of grades, main floor/top of slab elevation(s), location of downspouts and direction of discharge, and the location of all proposed structures to manage drainage including swales, ditches, retaining walls, rock sumps, connection to existing storm mains, and/or storm sewer interceptors for areas with high contamination potential;
  - (8) the location, size, and material of all existing and proposed services on the property;
  - (9) floor plans and elevation drawings of all proposed buildings, and structures including any additions;
  - (10) the location, size, and placement of signs and future signs in all commercial, institutional and industrial zones;
  - (11) proposed impacts or improvements to the boulevard including remediation, revegetation, landscaping, construction of drainage infrastructure, paving, or other treatment; and
  - (12) any other information required by the Development Officer.”
3. Section 4.5 of Zoning Bylaw 2012-20 is hereby amended by deleting the existing subsection 4.5.1 b) and renumbering the remaining subsections accordingly.
4. Section 4.5 of Zoning Bylaw 2012-20 is hereby amended by deleting the existing subsection 4.5.1 f) and substituting therefore a new subsection as follows:
  - “4.5.1 f) as-built or record drawings for any existing infrastructure, servicing, or other site elements;
5. Section 4.5 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 4.5.1 i) and substituting therefore a new subsection 4.5.1 i) as follows:
  - “4.5.1 i) any other information required by the Development Officer, such as fire-flow calculations, water model report, or transportation impact assessment; and”

## Zoning Amendment Bylaw 2021-24

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6. Section 4.6 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 4.6.4 and substituting therefore a new subsection 4.6.4 as follows:

“4.6.4 Where in the opinion of a Development Officer, an application has been substantially revised by the applicant, prior to reconsideration of the application, the applicant shall withdraw the application and submit a new application. A substantial revision includes, but is not limited to, an increase or decrease of the proposed Gross Floor Area by 10% or more. Refunds for withdrawn applications shall be issued in accordance with the formula prescribed in the Fees and Charges Bylaw.”

7. Section 4.14 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 4.14.1 f) and substituting therefore a new subsection 4.14.1 f) as follows:

“4.14.1 f) the required maintenance of open space, preservation of sun exposure to abutting properties, lot grading and landscaping, including but not limited to, the planting or preservation of trees or other site features to mitigate development impacts, location of fencing and screening, choice of fencing and screening material and location of garbage receptacles and lights;”

8. Section 5.5.2 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 5.5.2.3 and substituting therefore a new subsection 5.5.2.3 as follows:

“5.5.2.3 The proposed lot grading shall respect the natural contour of the land to the extent possible, minimize the necessity to use retaining walls, and ensure drainage away from buildings and abutting properties. Erosion control measures shall be used during construction to prevent the pollution, degradation, or siltation of natural areas, watercourses and roads.

Drainage control measures, retaining walls and lot grading shall be built in accordance with the current version of the *National Building Code of Canada* and the *City of Whitehorse Development Guidelines*.

If the property is located in a subdivision in which an engineered Subdivision Grading Plan has been approved by the City as part of subdivision approval, the lot must be graded to the design elevations corresponding to such approved plan to the satisfaction of the Development Officer.

To confirm the elevations and grading of the lot, a Development Officer may require the property owner to produce the as-built main floor elevation(s) and/or a Lot Grading Certificate or Record Drawings in the form and substance acceptable to the Development Officer, prior to

## Zoning Amendment Bylaw 2021-24

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issuance of the first occupancy approval for the property, or another time frame stipulated by the Development Officer.

Where a Lot Grading Certificate is required and cannot be provided prior to issuance of the first occupancy approval for a reason accepted by the Development Officer, the property owner shall provide a security in accordance with section 4.19 to ensure the required Lot Grading Certificate is provided within the time frame specified by the Development Officer.

The value of the security shall be equal to \$3,000 plus \$1/m<sup>2</sup> of lot area.

Where a Lot Grading Certificate satisfactory to the Development Officer is not provided within the time frame stipulated by the Development Officer, the security is forfeited pursuant to section 4.19.”

9. Section 5.5.5 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 5.5.5.2 and substituting therefore a new subsection 5.5.5.2 as follows:

“5.5.5.2 The value of the landscaping security shall be calculated based on the minimum number of trees or shrubs required for the development. The security shall be equal to \$1,250 per tree and \$750 per shrub. For single detached and duplex housing, and townhouse developments where each unit is on a separate fee simple lot, the security shall be a flat rate of \$1,000 per lot.”

10. Section 5.5 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 5.5.8 and substituting therefore a new subsection 5.5.8 as follows:

**“5.5.8 Record Drawing Security**

Installation of all civil works on a development shall be done in accordance with the current version of the *National Building Code of Canada*, the *City of Whitehorse Servicing Standards Manual*, all applicable bylaws, and the *City of Whitehorse Development Guidelines*, to the satisfaction of the City Engineer. A Development Officer may require that the property owner provide Record Drawings in the form and substance acceptable to the City Engineer within 60 days of the issuance of the first occupancy approval for the development, or another time frame stipulated by the Development Officer.”

11. Section 5.5.8 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 5.5.8.2 and substituting therefore a new subsection 5.5.8.2 as follows:

5.5.8.2 The value of the security shall be equal to \$1,000 plus \$1.00 per square metre of lot area.

## **Zoning Amendment Bylaw 2021-24**

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12. Section 7.2 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 7.2.9 and substituting therefore a new subsection 7.2.9 as follows:

“7.2.9 The value of the security shall be equal to \$2,800 per required parking space. For developments where parking spaces are provided within an enclosed building (excluding residential garages), the security may be calculated based on 125% of the projected cost to install all hard-surfacing required outside of the building. If, in the opinion of the Development Officer, the projected hard-surfacing costs are low, the Development Officer may establish an appropriate hard-surfacing cost figure for the purposes of determining the value of the hard-surfacing and the Development Officer’s calculation shall be determinative. For single detached and duplex housing, and townhouse developments where each unit is on a separate fee simple lot, the hard-surfacing security shall be a flat rate of \$1,000 per lot.”

13. This bylaw shall come into full force and effect upon final passage thereof.

**FIRST READING:**

**PUBLIC NOTICE:**

**PUBLIC HEARING:**

**SECOND READING:**

**THIRD READING and ADOPTION:**

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Mayor

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Assistant City Clerk

**CITY OF WHITEHORSE**  
**CITY OPERATIONS COMMITTEE**  
Council Chambers, City Hall



**Chair:** Laura Cabott

**Vice-Chair:** Samson Hartland

April 6, 2021

Meeting #2021-07

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1. New Business

**CITY OF WHITEHORSE**  
**COMMUNITY SERVICES COMMITTEE**  
Council Chambers, City Hall



**Chair:** Dan Boyd

**Vice-Chair:** Jan Stick

April 6, 2021

Meeting #2021-07

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1. E-Bike Regulation Bylaw and Related Bylaw Amendments  
Presented by Manager Landon Kulych
  2. New Business

## **ADMINISTRATIVE REPORT**

<b>TO:</b> Community Services Committee
<b>FROM:</b> Administration
<b>DATE:</b> April 6, 2021
<b>RE:</b> E-Bike Regulation Bylaw and Related Bylaw Amendments

### **ISSUE**

Adoption of an E-Bike Regulation Bylaw and a bylaw to amend a number of other bylaws to align with the regulations for the use of e-bikes and e-mobility devices.

### **REFERENCE**

- All-Terrain Vehicle Bylaw 2018-27
- Bicycle Bylaw 2013-35
- Parks and Public Open Space Bylaw 2013-35

### **HISTORY**

An emerging trail activity is the use of e-bikes and e-mobility devices such as e-scooters and e-skateboards. In particular, a substantial amount of e-bike use is appearing in the City of Whitehorse.

Local retailers have reported that sales numbers will likely cross the 800-unit threshold in 2021. Increased use has also been supported and driven by an e-bike rebate offered to consumers by Yukon Government as part of the climate change strategy titled Our Clean Future.

In 2020 City Council adopted a new Trail Plan. Public engagement played a large role in the final product of the plan as it received more than 1,400 online survey responses and 15 one-on-one government and stakeholder interviews.

Increased use of e-bike and e-mobility devices being observed on the trail network was a common theme discussed throughout the engagement. The majority of respondents expressed support for e-bike usage on City trails.

Action 25 of the Trail Plan is to “Update relevant policies and bylaws to legitimize the use of e-bikes and other e-mobility devices on trails.” A draft E-Bike Bylaw has been developed through a joint effort involving the Parks and Community Development, Bylaw Services, and Legislative Services departments.

The content of the bylaw takes into account:

- the feedback received through the Trail Plan public engagement;
- current municipal, territorial and federal legislation;
- developments in other jurisdictions; and
- alignment with local trends and the uniqueness of the Whitehorse community.

City administration shared the draft E-Bike Bylaw with local retailers and implemented targeted consultation with trail stewards and trail interest groups to discuss the direction and receive feedback on the content within the E-Bike Bylaw.

### **ALTERNATIVES**

1. Proceed with the proposed bylaws as presented.
2. Refer back to Administration for further analysis.

### **ANALYSIS**

Administration worked with legal counsel when writing the e-bike bylaw to ensure alignment with all existing municipal, territorial, and federal legislation.

There are three different classes of e-bikes. Class 1 (pedal assisted) and class 2 (throttle assisted) e-bikes have a maximum motor output of 500w and a top speed of 32 km/hr. Class 3 e-bikes offer electric assist up to a speed of 45 km/hr.

The e-bike bylaw would allow class 1 e-bikes to access all trails. Class 2 e-bikes would be permitted only on paved trail infrastructure. And class 3 e-bikes would be restricted to Motorized Multi-Use (MMU) trails and the Hamilton Boulevard paved pathway. E-mobility devices would be permitted on paved trail infrastructure.

Should the E-Bike Bylaw be adopted, changes need to be made to the All Terrain Vehicle Bylaw, the Bicycle Bylaw, and the Parks and Public Open Space Bylaw to bring these existing bylaws into alignment with E-Bike Regulations. A bylaw to make consequential amendments to the three bylaws has been prepared with the expectation that the two bylaws will go through the bylaw process in tandem.

If the E-Bike Bylaw and the consequential amendments bylaw are adopted, Administration would initiate a public education campaign, providing the retailers and the general public with information concerning e-bike and e-mobility device usage in the City. The education campaign would also reinforce Council's priorities of environmental stewardship and its bicycle network plan.

### **ADMINISTRATIVE RECOMMENDATION**

THAT Council direct that Bylaw 2021-22, the E-Bike Regulation Bylaw, be brought forward for consideration under the bylaw process; and

THAT Bylaw 2021-23, a bylaw to amend a number of current bylaws to align with the E-Bike Regulation Bylaw, be brought forward for consideration under the bylaw process.

**CITY OF WHITEHORSE**  
**BYLAW 2021-22**

A bylaw to regulate the control, use and operation of electric bicycles, adaptive mountain bikes, electronic mobility devices and e-scooters in the City of Whitehorse

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WHEREAS section 265(a) of the *Municipal Act* (R.S.Y. 2002) provides that council may pass bylaws for the safety, health, and welfare of people and the protection of persons and property; and

WHEREAS section 265(i) of the *Municipal Act* provides that council may, subject to the *Motor Vehicles Act*, pass bylaws for the use of Motor vehicles or other vehicles, on or off highways, and the regulation of traffic; and

WHEREAS section 266(a) of the *Municipal Act* provides that, without restricting section 265, a council may in a bylaw passed under this division regulate, control, or prohibit; and

WHEREAS section 126(1) of the *Motor Vehicles Act* provides that a municipality may, with respect to highways under its direction, control and management, make bylaws controlling and regulating the use of all highways, sidewalks, and other public places and delegating to the chief constable or municipal manager any powers in connection therewith including delegating to the municipal manager the power to prescribe where traffic control devices are to be located, which shall be deemed to be made by bylaw of the municipality, and that records of all such locations shall be kept and be open to public inspection during normal business hours; and

WHEREAS section 126(2) of the *Motor Vehicles Act* provides that a municipality may make bylaws for the purposes of controlling or preventing the riding of bicycles on any sidewalk, controlling and regulating the operating of bicycles on highways and other public places, and providing for the seizure or impounding for a period not exceeding 60 days of any bicycle used or operated in contravention of any bylaw; and

WHEREAS section 126(4) of the *Motor Vehicles Act* provides that a municipality may make bylaws prohibiting, controlling and regulating the use of vehicles, including vehicles operated exclusively off-highway, on land that is not a highway; and

WHEREAS section 249(2) of the *Motor Vehicles Act* provides that a municipality may by bylaw confer on an officer or employee of the municipality the powers of a peace officer under any of sections 36, 50, 86, 106, 114, 130, 133-136, 181, 203, 217, 230, and 232 of the *Motor Vehicles Act*, and

WHEREAS more people are using electric bicycles as a means of transportation, and the City of Whitehorse promotes this healthy and sustainable form of transportation and strives to be a cycling friendly community;

**NOW THEREFORE** the council of the municipality of the City of Whitehorse in open meeting assembled, hereby ENACTS AS FOLLOWS:

**SHORT TITLE**

1. This bylaw may be cited as the "**E-Bike Regulation Bylaw**".

# E-Bike Bylaw 2021-22

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## DEFINITIONS

2. For the purposes of this bylaw:

“aMTB” (Adaptive mountain bike) means a wheeled recreational cycle designed to be operated by an individual who is unable to use a two-wheeled bicycle due to a disability, special need(s), and/or any other physical or neurological challenge, and includes, but is not limited to: a hand cycle, recumbent leg cycle, or tandem bicycle. An aMTB may have Pedal assist and/or direct Throttle power from an electric motor.

“Bicycle helmet” means a form of CSA approved or equivalent protective head gear specifically designed for bicycle operators to be worn on the head, secured by manufacturer’s straps and fasteners;

“Bicycle lane” means a lane on a highway or portion of highway that has been so designated by authorized signs or painted markings and is primarily used by bicycles, and does not include a turning lane where there are dashed lines painted on the Roadway or signage indicating the lane is a turning lane.

“Bicycle trailer” means any single or two-wheeled device which has been specifically designed and manufactured to tow behind a bicycle and is attached to a bicycle by means of a rigid tow bar;

"Central business district" means the area bounded on the north by the northern street line of Wood Street, on the east by the eastern street line of Front Street, on the south by the southern street line of Elliott Street, and on the west by the western street line of Fifth Avenue;

"City" means the City of Whitehorse;

"Council" means the council of the City of Whitehorse;

“e-bike” means a bicycle with an electric motor mounted either at the bottom bracket (mid-drive) or at either wheel hub, which provides power to the bicycle’s drivetrain. Engagement of the motor varies from pedal feedback over a specific wattage to direct Throttle control.

“e-mobility device” means a self-balancing transport device powered by an electric motor which uses the shifting weight of the rider to balance the device, and includes devices such as a hoverboard, electric unicycle, and electric skateboard.

“e-scooter” means a vehicle that is equipped with a standing surface and is designed to be operated by a single user from a standing position, has one or more electric motors, has steering handlebars, possesses not more than 3 wheels, and is capable of being propelled by muscular power;

## E-Bike Bylaw 2021-22

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“Head light” means a forward facing light mounted on the bicycle or the operator that emits a white light that is visible to persons and/or vehicles at a distance of no less than 200 metres;

“Impassable” means impracticable or unsafe to cross or travel along;

“Motor vehicle” means a motor vehicle as defined in the MVA, except where otherwise specified in this bylaw

“*Motor Vehicles Act*” or “MVA” means the Yukon *Motor Vehicles Act* and Regulations as may be amended from time to time;

“Night time” means the period commencing at sunset and ending at the following sunrise and includes daylight hours where atmospheric conditions reduce visibility to less than 200 metres;

“Nominal power” means the maximum continuous power output that an e-bike can produce without overheating the motor;

“Officer” means a City Bylaw Services Constable, employee of the City of Whitehorse, or any Peace Officer as defined by the MVA

“Ordinary walking speed” means the speed at which a person would ordinarily walk, and includes a fast-paced walk but excludes running or jogging;

“Pedal assist” means a mode of power engagement that requires pedalling input from the user to engage the motor;

“Prepared crossing” means that portion of a Sidewalk that intersects or crosses a bike path, or a cross-walk that adjoins a bike path.

“Roadway” means that portion of a street improved, designed or intended for use by vehicles or Motor vehicles, such as bicycles, cars, trucks and vans;

“Sidewalk” means that part of a street designed or intended for use by pedestrians;

“Tail light” means a rear facing light mounted on the bicycle or the operator that emits a red light or red flashing light that is visible to persons and/or vehicles at a distance of no less than 200 metres;

“Throttle” means a mode of power engagement that allows the user to engage the motor via a switch on the handlebar of the E-bike regardless whether the user is providing pedaling input;

“Trail” means a trail which meets the criteria for any of the classes of trail set out in Schedule “A” of this bylaw, and includes, without limiting the generality of the foregoing, a trail adopted by the City pursuant to the Trail Maintenance Policy, as amended, from time to time;

## E-Bike Bylaw 2021-22

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“Whitehorse Transit” means a Motor vehicle operated by or for the City of Whitehorse Transit System.

### **E-bike Classification**

3. The City will employ existing e-bike classifications and industry standards to maintain consistency with adjacent jurisdictions and manufacturer standards. Three categories of e-bike classifications will apply:
  - (1) Class 1 e-bike: means a bicycle equipped with an electric motor that provides assistance only when the rider is pedalling (pedal assist) and that ceases to provide assistance when the bicycle reaches 32 kilometres per hour and has a maximum continuous wattage output of 500 watts. For the purposes of this bylaw, a Class 1 e-bike is not considered a Motor vehicle
  - (2) Class 2 e-bike: means a bicycle equipped with an electric motor that can be used exclusively to propel the bicycle (throttle equipped) and that ceases to provide assistance when the bicycle reaches 32 kilometres per hour. For the purposes of this bylaw, a Class 2 e-bike is not considered a Motor vehicle.
  - (3) Class 3 e-bike: includes a bicycle equipped with a Pedal or Throttle assist electric motor with Nominal power output rating of 750 Watts or less and that ceases to provide assistance when the bicycle reaches 45 kilometres per hour. For the purposes of this bylaw, a Class 3 e-bike is not considered a Motor vehicle
4. An Adaptive Mountain Bike (aMTB) is not considered a Motor vehicle for the purposes of this bylaw.

### **OPERATION**

5. All e-bikes shall be equipped with brakes on each wheel or on each axle, and be capable of bringing the e-bike to a full stop from an operating speed of 32 km/hr within 9 metres.
6. All electrical terminals on an e-bike, e-scooter, e-mobility device, or aMTB must be completely insulated or covered.
7. This bylaw shall not apply to an Officer, an enforcement officer appointed by the Federal Government of Canada, or an enforcement officer appointed by the Government of Yukon, who is acting in the course of lawful duties.
8. A person operating an e-bike, e-scooter, e-mobility device or aMTB upon a highway shall have the same rights and duties as a driver of a vehicle as prescribed in the *Motor Vehicles Act* of the Yukon Territory and the *City Traffic Bylaw*, with such modifications as are necessary.

## E-Bike Bylaw 2021-22

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9. A person shall not operate an e-bike, e-scooter, e-mobility device or aMTB, ride as a passenger on an e-bike, e-scooter, e-mobility device, or aMTB or ride as a passenger in a Bicycle trailer without wearing a Bicycle helmet.
10. A parent or guardian of a person under the age of 16 years shall not authorize or knowingly permit that person to operate or ride as a passenger on an e-bike, e-scooter, e-mobility device, or aMTB unless the person is wearing a Bicycle helmet.
11. Class 1 e-bikes and aMTBs are permitted on all Trails and Bicycle lanes.
12. Class 2 e-bikes, e-scooters and e-mobility devices, are permitted only on Type 1 Trails described in Schedule "A" of this bylaw, and Bicycle lanes.
13. Class 3 e-bikes are permitted only on Roadways, Bicycle lanes, motorized multiple use trails and the Two Mile Hill multiple use trail.
14. A person shall not operate an e-bike, e-scooter, e-mobility device or aMTB on a Sidewalk or marked crosswalk except:
  - (1) at a lane crossing;
  - (2) at a Prepared crossing;
  - (3) in an unmarked crosswalk;
  - (4) to cross over a crosswalk while traveling in a bike lane or traffic lane;
  - (5) where a Bicycle lane on the Roadway adjacent to the Sidewalk or marked crosswalk is impassable; or
  - (6) where a cyclist or e-device user would be forced to travel in a lane of traffic on the Roadway adjacent to the Sidewalk due to the edge or shoulder of the Roadway being impassable.
15. When permitted to operate an e-bike, e-scooter, e-mobility device or aMTB on a Sidewalk pursuant to section 14 of this bylaw, a person commits an offense of unsafe operation of an e-bike on a Sidewalk if the person:
  - (1) operates the e-bike, e-scooter, e-mobility device or aMTB so as to suddenly leave a curb or other place of safety and move into the path of a vehicle that is so close as to constitute an immediate hazard; or
  - (2) operates the e-bike, e-scooter, e-mobility device or aMTB at a speed greater than Ordinary walking speed when approaching or entering a crosswalk, approaching or crossing a driveway, or crossing a curb cut or pedestrian ramp when a Motor vehicle is approaching the crosswalk, driveway, curb cut or pedestrian ramp.

## E-Bike Bylaw 2021-22

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16. A person operating an e-bike, e-scooter, e-mobility device or aMTB in a Prepared crossing or on a Sidewalk as permitted by section 14 of this bylaw shall:
  - (1) yield the right of way to pedestrians;
  - (2) give an audible signal by voice, bell or other signalling device before overtaking another crossing or Sidewalk user; and
  - (3) pass pedestrians at a speed no greater than Ordinary walking speed.
17. Notwithstanding any other provision in this bylaw, a person shall not operate an e-bike, e-scooter, e-mobility device or aMTB on a Sidewalk in the Central business district.
18. A person operating an e-bike, e-scooter, e-mobility device or aMTB on a Trail or on a Sidewalk as permitted in section 14 of this bylaw shall:
  - (1) yield the right of way to pedestrians;
  - (2) exercise due care and attention to avoid colliding with any other Trail or Sidewalk user;
  - (3) exercise reasonable consideration for any other Trail or Sidewalk user; and
  - (4) slow down and pass other Trail and Sidewalk users in a safe manner,
19. Notwithstanding any other provisions of this bylaw, unless a person operating an e-bike, e-scooter, e-mobility device or aMTB can provide more than one metre of separation when overtaking another Trail user, the person operating an e-bike shall give an audible signal by voice, bell or other signalling device before overtaking another Trail user.
20. A person shall not operate an e-bike, e-scooter, e-mobility device or aMTB upon a Roadway while wearing headphones or any other manufactured device capable of transmitting sound, over or in close proximity to both ears, unless the device is designed and worn for the purpose of improving the wearer's ability to hear.
21. A person shall not operate an e-bike, e-scooter, e-mobility device or aMTB upon a Roadway or Trail when there is signage indicating such use is prohibited.
22. An e-bike, e-scooter, e-mobility device or aMTB shall yield the right of way to a Motor vehicle when entering any Roadway from a Trail unless indicated otherwise by a traffic control device.
23. Every e-bike, e-scooter, e-mobility device or aMTB operated on a Roadway at any time during the Night time hours shall be equipped with:
  - (1) At least one Head light; and

## **E-Bike Bylaw 2021-22**

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- (2) At least one red Tail light.
- 24. A person shall not tow anything behind an e-bike other than a Bicycle trailer, and such Bicycle trailer shall:
  - (1) be equipped with a red reflector, Tail light, or orange flag at the rear;
  - (2) be equipped with a Tail light when operated on a Roadway at Night time; and
  - (3) not exceed the manufacturer's occupancy limit.

### **MOTOR VEHICLES SHARING THE ROADWAY**

- 25. A person operating and making a turn with a Motor vehicle on a Roadway shall yield to an e-bike, e-scooter, e-mobility device or aMTB being operated on the Roadway.
- 26. A operator of a Motor vehicle shall not pass an individual that is operating an e-bike, e-scooter, e-mobility device or aMTB that is travelling in the same direction as the Motor vehicle on the Roadway, on the shoulder, or in an adjacent Bicycle lane unless the operator leaves at least one meter of open space between the Motor vehicle and the bicyclist.

### **ENFORCEMENT**

- 27. An Officer may stop any person operating an e-bike, e-scooter, e-mobility device or aMTB if that Officer has reasonable and probable grounds to believe that the person is acting in contravention of this bylaw.
- 28. Every person operating an e-bike, e-scooter, e-mobility device or aMTB shall, immediately when signalled or requested by an Officer acting under section 27 of this bylaw,
  - (1) bring the e-bike, e-scooter, e-mobility device or aMTB to a stop;
  - (2) furnish any information respecting the person's identity, to the satisfaction of the Officer;
  - (3) remain stopped until such time as the Officer permits him or her to leave; and
  - (4) comply with any request or direction of the Officer.

### **POWERS OF A PEACE OFFICER**

- 29. Every Officer has the powers of a peace officer under any of sections 36, 50, 86, 106, 114, 130, 133-136, 181, 203, 217, 230, and 232 of the MVA, with such modifications as are necessary, while engaged in the lawful execution of duties under this bylaw.

## **E-Bike Bylaw 2021-22**

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30. An Officer may, enter upon any land in any area of the city without warrant, except a dwelling house, if the Officer has reasonable and probable grounds to believe that such entry is reasonably necessary for any of the following purposes:
- (1) To prevent the continuation of an offence under this bylaw;
  - (2) To obtain particulars of ownership of an e-bike, e-scooter, e-mobility device or aMTB involved in an offence committed under this bylaw;
  - (3) To determine the identity of the operator of an e-bike, e-scooter, e-mobility device or aMTB involved in an offence committed under this bylaw;
  - (4) To collect or preserve evidence of an offence committed under this bylaw; or
  - (5) Any other valid law enforcement purpose relating to this bylaw
31. An Officer may seize and impound any e-bike, e-scooter, e-mobility device, or aMTB being operated in contravention of this bylaw for a maximum of ten days or until determination of the charges respecting such violation:
- (1) if the operator of the e-bike, e-scooter, e-mobility device or aMTB fails or refuses to produce identification to the satisfaction of the Officer; or
  - (2) after a charge has been laid for a breach of this bylaw and the Officer has reasonable and probable grounds to believe that there are safety concerns associated with the continuation of such breach.
32. An e-bike, e-scooter, e-mobility device or aMTB that has been impounded under this bylaw shall not be released until the person claiming the e-bike, e-scooter, e-mobility device or aMTB provides photo identification and pays all costs associated with the impoundment including:
- (1) all fines; and
  - (2) all impoundment fees as prescribed in the Fees and Charges Bylaw;
33. Where an e-bike, e-scooter, e-mobility device or aMTB has been impounded and is not claimed within six months from the date of seizure, the Manager of Bylaw Services may direct its disposal by public auction, and where an Officer has determined the value of such e-bike, e-scooter, e-mobility device or aMTB to be less than \$100.00, the Manager of Bylaw Services may direct that it be disposed of at the City of Whitehorse Waste Management Facility or scrap yard.

### **COMMITTING AN OFFENCE**

34. Anyone who violates any provision of this bylaw, fails to do anything required by any provision of this bylaw, or permits anything to be done in contravention

## E-Bike Bylaw 2021-22

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of this bylaw is guilty of an offence and subject to the penalties set out in this bylaw

35. A person who commits an offence under this bylaw is, in addition to any other punishment, liable upon summary conviction to:
- (1) a set fine, under section 20 of the *Summary Convictions Act*, in respect of an offence specified in Schedule "B" of this bylaw; or
  - (2) a fine not exceeding ten thousand dollars where proceedings are commenced pursuant of the *Summary Convictions Act* of the Yukon.
36. The fine imposed against a person who has previously been convicted of an offence under this bylaw shall increase for any second and subsequent convictions for any offence under this bylaw.
37. Where a person is convicted of an offence under this bylaw the Judge may, in addition to any other measure imposed on the person, order that the person pay restitution in accordance with the applicable legal test in section 738 of the *Criminal Code of Canada*, as amended.
38. Where an offence is committed or continues on more than one day, it shall be deemed to be a separate offence for each day on which the offence is committed or continued.
39. Should a person owning or occupying real property within the City refuse or neglect to pay any fines that have been levied pursuant to this bylaw, the Officer may inform such person in default that, if these charges are unpaid on the thirty-first day of December on the same year, they shall be added to, and form part of, the taxes payable in respect of that real property as taxes in arrears.

### **COMING INTO FORCE**

40. This bylaw shall come into full force and effect on and from the final passing thereof.

**FIRST and SECOND READING:**  
**THIRD READING and ADOPTION:**

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Mayor

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Assistant City Clerk

# E-Bike Bylaw 2021-22

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## SCHEDULE "A"

### TRAIL TYPES

There are four general types of Trails found within the municipal boundaries of Whitehorse. Type 1 Trails have the highest amount of traffic with multiple users and Type IV Trails have the least amount of traffic with specific users.

#### Type I Trails

Type 1 Trails are double-track trails paved with asphalt or chip seal. Typical use includes pedestrian and cycling with limited motorized use. Type I Trails:

- (1) Are within the city core and connecting neighbourhoods;
- (2) Provide a two to three metre tread width;
- (3) Have trailhead signage and enroute signage installed where appropriate;
- (4) Have difficulty and distance markers installed where appropriate;
- (5) Have interpretive signage installed at established points of interest where appropriate;
- (6) Have benches and viewing platforms installed where appropriate; and
- (7) Provide lighting for night-time use if appropriate.

#### Type II Trails

Type II Trails are surfaced single-track or double-track trails. Typical uses include pedestrian and cycling with limited motorized use. Type II Trails:

- (1) Have a single-track tread width up to one metre;
- (2) Have a double-track tread width up to two metres;
- (3) Are machine built;
- (4) Have boardwalks and bridges installed if appropriate;
- (5) Have embedded trail obstacles removed;
- (6) Have trailhead signage and enroute signage installed where appropriate;
- (7) Have difficulty and distance markers installed where appropriate;
- (8) Have interpretive signage installed at established points of interest where appropriate;
- (9) Have benches and viewing platforms installed where appropriate; and
- (10) The typical difficulty rating is easy (green circle).

## E-Bike Bylaw 2021-22

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### Type III Trails

Type III Trails are unsurfaced single-track and double-track trails. Typical use includes hiking and mountain biking with limited motorized use. Type III Trails:

- (1) Have a single-track tread width of 50 to 70 centimetres;
- (2) Have a double-track tread width of up to two metres;
- (3) Have trailhead signage and enroute signage installed where appropriate;
- (4) Have difficulty and distance markers installed where appropriate; and
- (5) Have difficulty rating ranges from easy (green circle) to extreme (double black diamond).

### Type IV Trails

Type IV Trails are hinterland trails. Typical use includes hiking and mountain biking. Type IV Trails:

- (1) Plan for a tread width between 30 to 50 centimetres;
- (2) Have minimal trailhead and enroute signage installed if appropriate;
- (3) Have terrain that is sometimes rough with minimal tree grubbing and soil removed;
- (4) Has no high impact users such as horses or motorized vehicles; and
- (5) Have difficulty rating ranges from moderate (blue square) to extreme (double black diamond).

# E-Bike Bylaw 2021-22

## SCHEDULE "B" SET FINES

<b>Authority (Bylaw Section)</b>	<b><u>Description of Offence</u></b>	<b><u>Penalty</u></b>
5	Inadequate brakes	\$50.00
6	Electrical terminals not completely insulated or covered	\$50.00
9	Operate, etc. without helmet	\$50.00
10	Permit operation, etc. without helmet	\$50.00
12, 13	Operate where unauthorized	\$50.00
14	Operate on sidewalk or marked crosswalk	\$50.00
15	Operate on sidewalk in unsafe manner	\$50.00
16	Fail to yield, etc.	\$50.00
17	Operate on sidewalk in central business district	\$50.00
18	Fail to yield, etc.	\$50.00
19	Fail to give audible signal before overtaking another trail user	\$50.00
20	Operate while wearing headphones, etc.	\$50.00
21	Operate contrary to signage	\$50.00
22	Fail to yield to motor vehicle when entering roadway from trail	\$50.00
23	Operate without head light or tail light	\$50.00
24	Improper towing	\$50.00
25	Fail to yield	\$100.00
26	Unauthorized pass	\$100.00
28	Fail to stop, etc. for Officer	\$300.00

**CITY OF WHITEHORSE**  
**BYLAW 2021-23**

A bylaw to amend a number of current bylaws to align with the E-Bike Bylaw.

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WHEREAS section 220 of the *Municipal Act* provides that the power to adopt a bylaw or pass a resolution includes the power to amend or repeal the bylaw or resolution unless the Act or any other Act expressly provides otherwise; and

WHEREAS a bylaw to regulate electric bicycles and similar vehicles is being brought forward under the bylaw process; and

WHEREAS it is deemed desirable and expedient that a number of current bylaws be updated to reflect the adoption of the E-Bike Regulation Bylaw;

NOW THEREFORE the council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Section 3 of All-Terrain Vehicle Bylaw 2018-27 is hereby amended by deleting the existing definition for ATV and substituting therefore a new definition as follows:

“ATV” means a motorized wheeled vehicle designed and manufactured for off-road travel including, but not limited to, three wheelers, four wheelers, six wheelers, amphibious machines, off road or hybrid two wheeled vehicles but excludes, at all times, automobiles, class 1, 2 and 3 e-bikes, adaptive mountain bikes (aMTB) and e-mobility devices.

2. Section 2 of Bicycle Bylaw 2013-35 is hereby amended by adding a new definition as follows:

“e-bike” means a bicycle with an electric motor mounted either at the bottom bracket (mid-drive) or at either wheel hub, which provides power to the bicycle’s drivetrain. Engagement of the motor varies from pedal feedback over a specific wattage to direct throttle control.

3. Section 2 of Parks and Public Open Space Bylaw 2015-20 is hereby amended by deleting the existing definitions for Motorized Vehicle, Vehicle, and Wheeled Conveyance and substituting therefore new definitions as follows:

“MOTORIZED VEHICLE” means any conveyance that is powered by or capable of being powered by means other than human power, including solar, electric, or combustion engine including automobiles, snowmobiles, and all-terrain vehicles, excluding e-bikes and e-mobility devices.

“VEHICLE” means any motorized vehicle or non-motorized vehicle including a trailer or camper and excluding a bicycle, e-bike, electric mobility device, wheelchair or mobility device.

“WHEELCHAIR” means a chair with wheels, used in instances where walking is impossible or difficult due to illness, injury or disability.

## Amending Various Bylaws – Bylaw 2021-23

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4. Section 2 of Parks and Public Open Space Bylaw 2015-20 is hereby amended by adding new definitions as follows:

“E-BIKE” means an electric motor assisted bicycle as defined in the City of Whitehorse E-Bike Bylaw as amended from time to time.

“E-MOBILITY DEVICE” means a self-balancing transport device powered by an electric motor which uses the shifting weight of the rider to balance the device, and includes a hoverboard, electric unicycle, and electric skateboard.

“MOBILITY DEVICE” means any device designed to assist the mobility of a person with a physical disability.
5. Section 19 of Parks and Public Open Space Bylaw 2015-20 is hereby amended by deleting existing subsection (4) and substituting therefore a new subsection (4) as follows:

“19. (4) yield to slower traveling City trail users, pedestrian, wheelchairs and mobility devices.”
6. Section 49 of Parks and Public Open Space Bylaw 2015-20 is hereby amended by deleting existing subsections (2) and (3) and substituting therefore new subsections (2) and (3) as follows:

“49. (2) A vehicle, bicycle, e-bike or e-mobility device, if a charge has been laid for a breach of this bylaw and the Designated Officer has reasonable and probably grounds to believe that there are safety concerns associated with the continuation of such breach; or

(3) A vehicle, bicycle, e-bike or e-mobility device which has been abandoned.”
7. Section 50 of Parks and Public Open Space Bylaw 2015-20 is hereby amended by deleting the existing preliminary statement and substituting therefore a new preliminary statement as follows:

“50. The City may retain custody of a seized and impounded vehicle, bicycle, e-bike or e-mobility device until.”
8. This bylaw shall come into full force and effect upon final passage thereof, subject to the passing of E-Bike Bylaw 2021-22.

**FIRST and SECOND READING:**

**THIRD READING and ADOPTION:**

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Mayor

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Assistant City Clerk

**CITY OF WHITEHORSE**  
**PUBLIC HEALTH AND SAFETY COMMITTEE**  
Council Chambers, City Hall



**Chair:** Jan Stick

**Vice-Chair:** Dan Boyd

April 6, 2021

Meeting #2021-07

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1. New Business

**CITY OF WHITEHORSE**  
**DEVELOPMENT SERVICES COMMITTEE**  
Council Chambers, City Hall



**Chair:** Jocelyn Curteanu      **Vice-Chair:** Stephen Roddick

April 6, 2021

Meeting #2021-07

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1. New Business