

CITY OF WHITEHORSE – STANDING COMMITTEES

Monday, April 14, 2014 – 5:45 p.m.

Council Chambers, City Hall

CALL TO ORDER

ADOPTION OF AGENDA

PROCLAMATION

DELEGATES Mike Blumenschein and Tiana Zakus –
 Yukon Agricultural Association

CITY OPERATIONS COMMITTEE

1. New Business

COMMUNITY SERVICES COMMITTEE

1. Budget Amendment – Seniors Drop-In Program
2. New Business

PUBLIC HEALTH AND SAFETY COMMITTEE

1. New Business

DEVELOPMENT SERVICES COMMITTEE

1. New Business

CORPORATE SERVICES COMMITTEE

1. Keys to the City Policy
2. New Business

CITY PLANNING COMMITTEE

1. Public Hearing Report – Zoning Amendment (Hillcrest Plan)
2. Zoning Bylaw Amendment – Administrative Edits
3. Public Input Report – Land Disposition (706/708 Ogilvie Street)
4. Public Input Report – Land Disposition (67 Wann Road)
5. New Business

CITY OF WHITEHORSE
CITY OPERATIONS COMMITTEE AGENDA

Date Monday, April 14, 2014

Location: Council Chambers, City Hall

Chair: Jocelyn Curteanu

Vice Chair: Dave Stockdale



Pages

1. New Business

CITY OF WHITEHORSE
COMMUNITY SERVICES COMMITTEE

Date Monday, April 14, 2014

Location: Council Chambers, City Hall

Chair: Kirk Cameron Vice Chair: Mike Gladish



Pages

1. Budget Amendment – Seniors Drop-In Program
2. New Business

1 - 1

ADMINISTRATIVE REPORT

TO: Community Services Committee
FROM: Administration
DATE: April 14, 2014
RE: Budget Amendment – Seniors Drop-In Program

ISSUE

Amend the budget for Seniors Drop-In Programming to reflect the New Horizons Grant

REFERENCE

New Horizons for Seniors Program Project # 12374260

HISTORY

Community and Recreation Services applied to the New Horizons for Seniors Program for funding to expand the Seniors Drop-In Program at the Canada Games Centre. Grant funds in the amount of \$25,000 have been approved. A budget amendment is required to reflect the new funding and the expenses associated with expanding the program.

ALTERNATIVES

1. Approve the budget amendment
2. Do not approve the budget amendment

ANALYSIS

The Seniors Drop-In programming is a partnership with Elder Active. Approximately 100 members of Elder Active participate in a drop in program once per week for activities including indoor shuffleboard, lawn bowling, bocce, and refreshments. As 2014 is a Senior Games year, Elder Active requested additional times be added to the regular schedule to assist with preparations. The \$25,000 grant will allow the program to be expanded from one day to two days per week.

The budget amendment will apply the grant funds of \$25,000 in revenue in account GL 07.1.770.4720, and expenses of \$3400 to Activity Monitor Wages (07.1.770.6101), \$1600 to Activity Monitor Benefits (07.1.770.6110), \$1560 to Consumables (07.1.770.6219), \$9984 to Equipment (07.1.770.6252), and \$8456 to cover costs associated with facility rental for the season.

ADMINISTRATIVE RECOMMENDATION

THAT Council amend the 2013 Operating Budget to reflect the expansion of Seniors Drop-In Programming in the amount of \$25,000.00, funded by a grant from the New Horizons for Seniors Program.

CITY OF WHITEHORSE
PUBLIC HEALTH AND SAFETY COMMITTEE

Date Monday, April 14, 2014

Location: Council Chambers, City Hall

Chair: Dave Stockdale Vice Chair: Kirk Cameron



Pages

1. New Business

CITY OF WHITEHORSE
DEVELOPMENT SERVICES COMMITTEE AGENDA

Date Monday, April 14, 2014

Location: Council Chambers, City Hall

Chair: Betty Irwin Vice Chair: John Streicker



Pages

1. New Business

CITY OF WHITEHORSE
CORPORATE SERVICES COMMITTEE AGENDA

Date Monday, April 14, 2014

Location: Council Chambers, City Hall



Chair: John Streicker Vice Chair: Betty Irwin

Pages

1. Keys to the City Policy 1 - 3
2. New Business

Chairperson shall ask if there is anyone present who wishes to speak to the Committee

ADMINISTRATIVE REPORT

TO: Corporate Services Committee
FROM: Administration
DATE: April 14, 2014
RE: Keys to the City Policy

ISSUE

To establish a means for the City of Whitehorse to recognize individuals for unique contributions or accomplishments

HISTORY

It is considered beneficial to establish a policy that provides a means for the city to recognize individuals for unique contributions or accomplishments by giving them “Keys to the City”. This is a ceremonial gesture of welcome and appreciation, evoking medieval walled cities whose gates were guarded during the day and locked at night. The key symbolizes the freedom of the recipient to enter and leave the city at will as a trusted friend of city residents.

Presenting the Keys to the City is a symbolic gesture that allows Council to recognize individuals in a manner more formal and substantial than simple acknowledgement at an open public meeting.

ALTERNATIVES

1. Adopt the Keys to the City Policy
2. Direct administration to amend the Policy
3. Do not adopt a Keys to the City Policy

ANALYSIS

The proposed Keys to the City Policy establishes a process for formal public recognition of individuals the City wishes to recognize for unique accomplishments or contributions. It includes eligibility criteria, procedures for nominating recipients, the process for approving recipients, and options for presentation of the award.

ADMINISTRATIVE RECOMMENDATION

THAT Council adopt the Keys to the City Policy dated April 2014.

**CITY OF WHITEHORSE
COUNCIL POLICY**

POLICY: **KEYS TO THE CITY**

PURPOSE: To establish a means for the City of Whitehorse to recognize individuals for unique contributions or accomplishments

AUTHORITY: Council Resolution # _____ dated _____

KEYS TO THE CITY POLICY

BACKGROUND

It is beneficial to establish a policy that provides a means for the City to recognize individuals for unique contributions or accomplishments by giving them “Keys to the City”. This is a symbolic gesture that allows Council to recognize such persons in a manner more formal and substantial than simple acknowledgement at an open public meeting.

PURPOSE

1. The purpose of this policy is to:
 - (1) Establish the process council will use for formal public recognition;
 - (2) Identify the information required to enable council to offer formal public recognition; and
 - (3) Identify options for formal recognition.

ELIGIBILITY

2. Any citizen of Whitehorse may recommend any person or persons be given the Keys to the City. The Keys may be given for any reason, but must include an accomplishment or contribution that has national or international significance and brings recognition to the City of Whitehorse.
 - (1) Potential recipients could be artists, athletes, and persons who have made significant social contributions that bring positive recognition to Whitehorse.
3. Council may by resolution award Keys to the City to a visiting head of state, mayor, or significant person who spends some time in Whitehorse and brings positive national or international media attention to the City.

NOMINATION PROCEDURES

4. Citizens recommending the award of Keys to the City to any person shall include comprehensive reasoning for awarding the Keys.

5. Administration will prepare a report and suggested resolution for consideration by the Community Services Committee.
6. Council shall consider recommendations for awarding the Keys to the City at an open meeting, and a resolution to award the Keys shall be passed by a majority vote.

PRESENTATION

7. The Keys to the City shall be presented at an open public forum, including at a Council or Standing Committee meeting, or a public event convened for a purpose at which the presentation would be considered suitable.

Examples:

- Presentation to a political figure at an event hosted by another level of government.
- Presentation to an artist, athlete, or social recipient at an event hosted by a community organization:

AWARD OPTIONS

8. A variety of options are suitable for the Keys to the City award, including:
 - (1) A plaque with a mounted key and citation;
 - (2) A presentation key with inscription;
 - (3) A presentation copy of the administrative report, recommendation documents and subsequent resolution;
 - (4) A framed copy of a letter from the Mayor awarding Keys to the City with details;
 - (5) A proclamation made at an open meeting with a presentation copy of the proclamation presented to the recipient. A proclamation could, at Council's discretion, be published in local newspapers.
9. Council may by resolution choose any of the options noted in section 5 hereof, or any variation deemed appropriate for the recipient.

◆2014-04-09

**CITY OF WHITEHORSE
CITY PLANNING COMMITTEE AGENDA**

Date Monday, April 14, 2014

Location: Council Chambers, City Hall



Chair: Mike Gladish **Vice Chair:** Jocelyn Curteanu

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5. New Business	

ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: April 14 th , 2014
RE: Public Hearing Report – Zoning Amendment (Hillcrest Plan)

ISSUE

Public Hearing report on proposed zoning changes to implement the Hillcrest Neighbourhood Plan.

REFERENCE

- *Municipal Act*
- Zoning Bylaw 2012-20
- Appendix A
- Bylaw 2014-13

HISTORY

On January 13th, 2014, City Council adopted the Hillcrest Neighbourhood Plan which is intended to serve as a guiding document for development decisions made in the neighbourhood as it evolves over the next two decades. The planning process was initiated in response to resident concerns about the contrast between the existing residential scale of the neighbourhood and the higher development potential allowed through current zoning.

The Plan recommends modifications to the three residential zones found in Hillcrest (RS–Residential Single Detached, RCTx(a)–Comprehensive Residential Townhouses (modified), and RM–Residential Multiple Housing). Changes for the RS portion of Hillcrest would be administered by creating a new residential zone called RS2–Residential Single Detached 2. Regulations for Steelo properties would be administered as a spot zone (RS2x(a)). RM lots would change to RCM–Comprehensive Residential Multiple Family, and height provisions would be added to the existing RCTx(a) spot zone.

The proposed changes stem from input received during three public consultation events held in Spring 2013, and have been jointly developed by consultants at Inukshuk Planning & Development Ltd., City staff, and a Local Advisory Committee of Hillcrest residents. A public comment period on the Draft Plan occurred in October 2013.

Bylaw 2014-13 received 1st reading on March 10th, 2014. Notices were published in local newspapers on March 21st and 28th, 2014. A total of 197 letters were sent to property owners within the Hillcrest neighbourhood, as well as properties located in the Hillcrest Industrial Area, which fall within a radius of 100 metres of the affected lots. The Yukon Government Lands Department, Kwanlin Dün First Nation, and Ta’an Kwäch’än Council were notified by mail and email.

Two people appeared to speak at the Public Hearing on April 7th, 2014, and three written submissions were received from property owners. Several concerns were raised and recommendations for amending the proposed bylaw were suggested.

The following concerns were raised:

- The neighbourhood planning process was driven by “a few noisy residents”;
- The proposed zoning changes violate property owner rights;
- The proposed zoning changes will lower property values in Hillcrest;
- The proposed amendments will discourage revitalization;
- The proposed bylaw will put some buildings into non-conformance;

Interest was raised for the following amendments to Bylaw 2014-13:

- Amend the zoning boundary of the proposed RS2 and RS2x(a) zones;
- Eliminate the requirement for new developments to have internal sidewalks and hard surface driveways;
- Exclude the townhouse development at 20 Roundel Road from proposed zoning changes;
- Amend the wording of the RCTx(a) zone relating to triplex development;
- Amend the proposed 9 metre height restriction of the RCTx(a) zone.

ANALYSIS

Concern that the neighbourhood planning process was driven by “a few noisy residents”

One submission raised concern that the neighbourhood planning process and proposed changes have been led by “a few noisy residents” and that the Plan does not reflect the interests of all property owners in Hillcrest.

The Neighbourhood Plan was developed through a public process that was widely-advertised and well-attended. Nineteen people participated in the Vision Workshop held last spring, which set a long-term vision for the neighbourhood; 22 participants took part in the planning charrette that addressed Zoning and Redevelopment.

A draft of the Neighbourhood Plan was released in October for public comment, which received 15 input submissions, many of which supported the adoption of the Plan by City Council.

Concern that property owner rights are being violated through the proposed changes in zoning

One resident suggested that the rezoning of properties without the consent of property owners is a violation of rights. The submission also raised concern that the proposed zoning changes would only affect Hillcrest lots, and would not be applied on a City-wide basis. It was expressed that this would create an unfair situation for properties that are currently of the same zone.

The *Municipal Act* sets provisions for City Council to rezone any property within City limits if it is deemed to be in the best interest of the public, and subsequent to public consultation.

Concern that proposed zoning changes will lower property values in Hillcrest

One written submission raised the concern that a reduction in development potential will result in lowered property values.

In developed neighbourhoods, such as Hillcrest, the re-sale value of a property is based on factors including: land value; property improvements; neighbourhood context; location; and development potential.

Purchasers that are looking to redevelop may place a lower value on properties where greater restrictions apply; other purchasers may place a higher value on the appeal of a neighbourhood, its character, and elements that are protected through architecturally-specific zoning.

Concern that proposed amendments will discourage revitalization

One submission suggested that reducing the development potential of the area will discourage revitalization.

The neighbourhood consultation process revealed that revitalization trends in Hillcrest are centred on upgrading existing homes, and not on redevelopment. Long-time residents have stated that none of the original homes in Hillcrest have been demolished, though some have been modified significantly.

With the exception of a few non-conforming properties, the proposed zoning will not prohibit property owners from revitalizing their homes; it will, however, provide additional restrictions that are consistent with the vision developed for the neighbourhood, and will result in a higher quality of design.

Concern that the proposed bylaw will put some buildings into non-conformance

Three submissions were received that raised concerns for non-conformance; two people spoke on the matter at the public hearing. Concerns relate to building repair, modification, and financial implications.

If adopted, the proposed bylaw will create non-conformance situations for two buildings in the RS zone (122 Dalton Trail and 100 Park Lane) and one development in the RM zone (20 Roundel Road).

In the short term, no upgrades would be required to bring non-conforming buildings into conformance with the proposed regulations. Implications would exist, however, for the issuance of future building permits for certain modifications to these properties. As per the *Municipal Act*, structural alteration to the buildings would not be allowed unless it serves to increase a building's conformance; non-structural repairs that do not increase the size of a building would continue to be allowed (e.g. re-shingling, re-siding, etc.).

If damage (e.g. fire) were to occur beyond 75% of the assessed value of a non-conforming building, the new regulations would apply to its repair and/or redevelopment. Where damage does not exceed 75%, the building can be reconstructed to the regulations in effect at the time of non-conformance.

Property insurance implications may also exist for non-conforming buildings. Property owners can acquire additional insurance coverage by way of a rider to address increased construction costs associated with rebuilding a dwelling to new zoning standards. It has also been expressed by a concerned property owner that stigmas are associated with non-conformance, which may impact a property's real estate appeal.

Non-conformance is a relatively common occurrence in the city and occurs when the City changes the zoning of existing developments to further community objectives.

Interest to amend the zoning boundary of the proposed RS2 and RS2x(a) zones

One written submission was received that expressed an interest to amend the boundary between the proposed RS2–Residential Single Detached 2 and RS2x(a)–Residential Single Detached 2 (modified) zones; two people appeared to address Council on the matter, including the owner of 122 Dalton Trail. The intent would be to avoid a situation of non-conformance that would be created if the RS2x(a) zoning were applied to 122 Dalton Trail.

122 Dalton Trail is a single detached residence, located on a triangular lot at the corner of Dalton Trail and Hillcrest Drive. The lot was created via the subdivision of a large Steelox property that has a considerable grade change sloping down towards its north-east corner. The residence was constructed in 2005, measuring approximately 8.5 metres in height with a roofline that starts at approximately 7.7 metres. The proposed zoning for the site is RS2x(a), which would restrict height at 8 metres and the start of rooflines at 6 metres.

Amending the zoning boundary to include the property in the RS2 zone would only address the property's non-conformance to proposed height restrictions; the building's roofline would still be a cause for non-conformance, since it would exceed the RS2 roofline restriction of 7 metres.

It should be noted that one other building in the RS portion of Hillcrest would also be placed into non-conformance with the regulations of the RS2x(a) zone. The development is located at 100 Park Lane, and consists of a Steelox-duplex with a 3-storey building addition. The structure measures approximately 8.9 metres in height and has a shed roof. During consultation for the Neighbourhood Plan, some residents expressed discontent with the height of the addition, which is notably taller than its Steelox neighbourhoods (Steelox units are approximately 5 metres in height). Issues relating to non-conforming occupancy at the site were also raised.

To avoid non-conformance, Council may wish to amend the bylaw to change the zoning of these two properties to RS2 and exclude references to roofline, roof design, and second storey requirements for both lots.

Council may also wish to consider excluding references to roofs and second storeys from the remainder of the RS2 zone (excluding the Steelox area) to avoid other potential situations of non-conformance. While an observational assessment has been carried out, a detailed measurement of each building in Hillcrest has not occurred.

Interest to eliminate the requirement for new developments to have internal sidewalks and hard surface driveways

One written submission stated an interest to eliminate the proposed requirement for new developments in the proposed RS2 and RS2x(a) zones to have internal sidewalks and a hard driveway. The author of the submission appeared to address Council, suggesting that applying the standard before the Local Improvement road-profiles are known would be premature. Concern was raised that uncertainty about the location of curbs and sidewalks would diminish the value of having paved drive and walkway connections on private property.

At public meetings held in spring 2013, area residents expressed interest in improving the appearance of their neighbourhood and expressed concern for the hap-hazard parking that occurs on front lawns, most notably in the Steelox portion of the neighbourhood. In response to this input, the Neighbourhood Plan recommends that comprehensive landscaping requirements apply to all new development on all residential lots in Hillcrest.

Hard surfacing and walkway requirements are part of the comprehensive landscaping “bundle” that applies to development in the City’s newest neighbourhoods (Whistle Bend and Takhini North). Hard surfacing on private property provides the following advantages over gravel surfacing:

- Reduced spread of gravel on public roads (gravel can cause accelerated wear-and-tear of paved surfaces, in addition to maintenance issues for storm sewers, and problems for accessibility);
- Management of on-site parking by clearly delineating parking spaces (gravel pads have loose edges, which can result in “parking creep” on front lawns);
- Support for private investment into property appearance and maintenance (paving contributes to the enjoyment and active-use of adjacent public areas);
- Support for universal accessibility goals;
- Directed, on-site drainage towards natural areas; and
- Dust control.

The City is interested in maintaining permeable surfaces on private property, where practical. Where paving is required, the Zoning Bylaw allows for permeable alternatives to be used, so long as they are durable and dust-free. One example is the use of concrete, wheeled-paths with landscaping in between (this method has been used for a comprehensive, duplex development in Takhini North). The Zoning Bylaw also specifies that a driveway may not exceed 50% of the lot frontage; the remaining natural area is sufficient to accommodate on-site drainage requirements.

It is important to note that the proposed landscaping requirements would only apply in new development scenarios and would not be triggered by the modification of existing buildings (e.g. construction of a deck or an addition, unless it results in the creation of a new dwelling).

Interest to exclude the townhouse development at 20 Roundel Road from proposed zoning changes

The owner of 20 Roundel Road provided a submission indicating his interest to have the property excluded from proposed zoning changes. Concern was raised for the development restrictions and financial implications that would result from his property being placed into non-conformance (see section on non-conformance, page 3).

Construction at 20 Roundel Road began in 2011 and the development conforms to all Bylaw specifications of the RM zone. The development consists of 8 townhouse units, which have been surveyed for condominium subdivision. The units are still under single ownership and are currently being rented.

For some residents, the development has highlighted certain zoning allowances that some feel are incompatible with their neighbourhood’s character. Of particular concern

is the potential for development to occur without a front yard setback, which can limit opportunities for landscaping. In response to this concern, the Neighbourhood Plan recommends that the zoning of all RM lots in Hillcrest be amended to RCM–Comprehensive Residential Multiple Family.

A change to RCM zoning would place 20 Roundel Road into non-conformance. The existing front yard setback of the development is approximately 1.5 metres, whereas the setback requirement of the RCM zone is 4 metres. In a redevelopment scenario, the building footprint of the townhouses would need to be relocated, and water and sewer connections would need to be extended.

The developer has not yet completed the front yard landscaping of the property, which may help to address streetscape concerns. Additionally, the Local Improvement process may be an opportunity for landscaping to be added in the boulevard area adjacent to this property.

Council may wish to consider amending the proposed bylaw to retain the current RM zoning of 20 Roundel Road.

Interest to amend the wording of the RCTx(a) zone relating to triplex development

The owner of the four duplex lots zoned RCTx(a) located on upper Hillcrest Drive submitted input relating to the wording of the bylaw with respect to his properties. Concern was raised that the term “triplex” could be misleading, in that it may suggest that three units are owned by a single property owner/landlord. The spot zone provision indicates that “triplex” is the only form of housing that may occur on the lots.

The Zoning Bylaw definition for “triplex housing” makes no reference to the tenure of units. The RCT zone, however, does make reference to “fee simple townhouses.” This term indicates that separate title for each unit is required in this zone.

Interest to amend the proposed 9 metre height restriction of the RCTx(a) zone

One submission raised opposition to the 9 metre height restriction proposed for the 4 RCTx(a) lots located on Hillcrest Drive. The owner suggests that the 10 metre height requirement of the current RS zoning in Hillcrest is a North American standard, and is found throughout Whitehorse. The submission suggests that 10 metres allows enough flexibility for 3-storey dwellings to be constructed, with a pitched roof design. It also suggests that while the difference of 1 metre will have a nominal impact on shadows and neighbourhood aesthetics, it will have a significant impact on design.

Public consultation for the Neighbourhood Plan process revealed that many residents are not interested in seeing 3-storey construction in their neighbourhood. Instead, a preference was expressed to retain the established character of 1.5 to 2 storey homes.

The proposed height and roofline restrictions for the RCT zone are consistent with the interim control currently in effect for the subject lots.

ADMINISTRATIVE SUMMARY

Reflecting the information collected during the public hearing process, administration is recommending revisions to the proposed bylaw that will avoid placing buildings into non-conformance, while maintaining the intent of the Neighbourhood Plan. Based on

the location and topography of 122 Dalton Trail, Administration is recommending this lot be placed in the RS2 zone. Removing references to roofs and storeys for this lot and the remainder of the RS2 zone will ensure that additional non-conformances are not created for existing buildings. Administration is also recommending that the existing RM zoning be retained for 20 Roundel Road, reflecting that this is a recent development and opportunities for landscaping can be addressed through the Local Improvement process.

ALTERNATIVES

- 1: Proceed to 2nd and 3rd reading under the bylaw process, without amending the proposed bylaw.
- 2: Amend the bylaw at 2nd reading to change the boundary of the proposed RS2 and RS2x(a) zones to include 122 Dalton Trail in the RS2 zone; remove references to second storey floor elevation, roofline height, and roof design from the RS2 zone; and retain the current RM zoning at 20 Roundel Road.
- 3: Do not proceed with 2nd and 3rd Reading and send the bylaw back to administration for further analysis.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2014-13, a bylaw to amend the zoning in the residential portion of Hillcrest to implement the Hillcrest Neighbourhood Plan, be brought forward for 2nd and 3rd reading under the bylaw process; and

THAT Bylaw 2014-13 be amended at 2nd reading to:

- (1) change the boundary of the proposed RS2 and RS2x(a) zones to include 122 Dalton Trail in the RS2 zone;
- (2) remove references to second storey floor elevation, roofline height, and roof design from the RS2 zone; and
- (3) retain the current RM zoning at 20 Roundel Road.

File #: Z-05-2014

ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: April 14, 2014
RE: Zoning Bylaw Amendment – Administrative Edits

ISSUE

Administrative edits to Zoning Bylaw 2012-20

REFERENCE

- Zoning Bylaw 2012-20
- Official Community Plan (2010)
- Bylaw 2014-17
- *Municipal Act (2002)*

HISTORY

The amendments proposed in Bylaw 2014-17 are generally minor in nature and consist of administrative edits to Zoning Bylaw 2012-20. The proposed changes are to clarify existing regulations and to fix errors that have been brought forward by staff through daily use and review of the Zoning Bylaw.

The following edits are proposed in this round of administrative amendments:

- Adjustment of definitions
- Parking regulation edits
- Minor administrative edits
- General and specific use regulation edits
- Addition/Deletion of permitted uses
- Mapping edits

The proposed schedule for the proposed bylaw is:

Planning Committee:	April 14, 2014
First Reading:	April 22
Newspaper Ads:	April 25 th and May 2 nd
Public Hearing:	May 12
Report to Committee:	May 20
Second and Third Reading:	May 26

ALTERNATIVES

- Option 1: Proceed with the proposed bylaw.
- Option 2: Direct administration to amend the proposed bylaw.
- Option 3: Do not proceed with the proposed bylaw at this time.

ANALYSIS

Proposed Bylaw Edits

Seven categories of changes to the Zoning Bylaw are proposed.

1. Adjustments to Definitions

Day-to-day usage of the bylaw has led to numerous suggestions to adjust definitions in order to support the regulations found within.

Minor clarifications are proposed for the definitions for:

- Agriculture, Major: replace the term “soil-based” with “crops and pasturing of animals”
- Agriculture, Hobby: replace the term “soil-based” with “crops and pasturing of animals”
- Building Height: exclude solar panels from height calculation
- Bicycle Parking, Class 2: clarify the size and number of racks required
- Caretaker Residence: clarify that caretaker residences may be standalone buildings
- Eating and Drinking Establishment: clarify that drive-through components are excluded
- Housing, Cottage Cluster: clarify that triplexes are permitted
- Housing, Single Detached: clarify that single detached housing may be comprised of two units (primary dwelling and a living suite)
- Living Suite: provide a broader definition for what is considered a living suite to assist in enforcement with illegal suites

2. General and Specific Use Edits

The General Development and Specific Use regulations sections of the bylaw give detailed regulation on numerous aspects of development such as accessory development, lighting, storage, landscaping, and walkways, as well as regulations on various uses. The following changes are proposed:

- Adjustment to gateway landscaping requirements. Currently the regulation only applies where front yards abut the specified rights-of-way (Two Mile Hill, Robert Service Way, Alaska Highway, and Klondike Highway). The amendment would change the regulation to apply to all gateway properties, regardless of which property line abuts the specified right-of-way.
- Clarification of landscaping requirements. The current bylaw states that landscape plantings are required for new development in all residential zones and are to be encouraged in other residential zones. As landscaping is required, the statement regarding encouragement is not needed.
- Add a requirement that residential buildings with separate, ground oriented entrances, including but not limited to townhouses, cottage clusters, duplex, triplex, and fourplex, buildings that are placed near the front lot line must front the public street, where possible. If it is not possible for the building to front the street, there must be articulation of the building façade.
- Additional requirements for queuing spaces for vehicle oriented uses (drive-thru restaurants, carwashes, etc.).

4. Modifications to Parking Regulations

Three amendments to parking regulations are proposed:

- The bylaw does not currently specify where required parking spaces are to be located other than general statements, such as at the side or rear of the building or

near the building entrance. This amendment would provide the Development Officer with some discretion to specify where parking can or cannot be located based on their review. This amendment will provide better overall site plans and enforce parking issues that have arisen through the permitting process.

- The bylaw currently requires a specified number of loading spaces for all multi-family developments. For developments with separate ground oriented entrances, such as townhouses, this requirement is unnecessary. The amendment would require only apartment style multiple housing to provide loading spaces.
- The current bylaw is unclear as to how accessible parking spaces should be marked through signage. The proposed amendment would require a sign at the edge of every stall, clearly marking accessible parking spaces. This approach is used in other jurisdictions.

5. Addition/Deletion of Permitted Uses

Six edits to allowable uses are proposed:

- Add “pet clinics” as a principal use in the CIM-Mixed Use Commercial/Industrial zone. This zone already allows for kennels, animal clinics, and animal shelters, all of which are higher intensity uses.
- Add “land treatment facilities” as a conditional use in the IA-Airport zone. This amendment would legitimize an existing use at the airport but provide for Council approval for any new land treatment facilities.
- Add “garden centres” as a principal use in the IS-Service Industrial zone. Garden centres are typically land intensive uses similar to building supply businesses. This amendment would allow for a garden centre in the MacRae area.
- Delete “trails” as a use in the PG-Greenbelt, PR-Parks and Recreation, PE-Environmental Protection and FP-Future Planning zones. Trails exist in all zones, are not issued permits or considered development.
- Delete “tourist services” as a principal use in the PW-Public Waterfront zone. The term “tourist services” was deleted as part of the 2012 rewrite is no longer used in the Bylaw.
- Delete “temporary uses as defined by the Schwatka Lake Waterfront Policy” from the PR and PW zones. This policy is no longer used.

6. Minor Housekeeping Amendments

Several proposed changes to the bylaw are corrections (e.g. typos, incorrect formatting, and out of date lot descriptions) and very minor wording adjustments to give clarity or updates to reflect other changes adopted through separate processes since bylaw adoption. A few specific changes are:

- The bylaw currently requires that the two First Nations governments are notified of all zoning amendment public hearings through registered mail. Through discussion with Ta’an Kwach’än and Kwanlin Dün, a new notification system, regular mail and email copies of all correspondence, has been agreed upon.
- The bylaw does not currently allow for a commercial operation that includes outdoor pet obedience/agility training or socialization. Research by administration has determined that other jurisdictions allow these types of uses in industrial and mixed

industrial areas. The proposed amendment would allow for this use as an extension of pet clinics in the CIM zone.

- The minimum lot width in the RCT zone is 4.2 m. This width represents the narrowest townhouse unit that can be constructed. However, this width creates issues for servicing on a fee simple townhouse lot. The proposed amendment would increase the minimum width to 6.0 m. Townhouse units 4.2 m in width could still be constructed on multiple family sites in a condominium situation.
- Drive-In restaurants are a current use defined in the Bylaw. This is an antiquated term for restaurants where patrons are served in their vehicles. The proposed amendment would amend the bylaw to include regulations for Drive-Through restaurants only, which are still common.

7. Mapping Edits

Several proposed mapping changes to the bylaw are corrections (e.g. typos, wrong map labels), inconsistencies between maps, and updates based on new legal descriptions. A few specific changes are worth noting here:

- The 74 ha area north of the Ta'an Kwäch'än Council parcel in Whistle Bend is currently zoned FP-Future Planning. This area should be zoned as PG-Greenbelt as per the Whistle Bend greenspace plan.
- A 12 ha portion of the War Eagle Waste Management Facility is currently zoned IQ-Quarries due to a former lease. This lease is no longer active and the zoning will be changed back to PU-Public Utilities, similar to the rest of the Facility.
- A 160 m² parcel of City owned park area in Takhini North is currently zoned RCS2-Comprehensive Residential 2. This area should be zoned PR-Parks and Recreation.
- The PULD area near Metropolit Lane, adjacent to the rock gardens, is currently zoned CH-Highway Commercial. This area is adjacent to PR zoning and is wet for a large portion of the year. The proposed amendment would change the zoning to PE-Environmental Protection.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2014-17, a bylaw to amend Zoning Bylaw 2012-20 with respect to numerous housekeeping edits, be brought forward for due consideration under the bylaw process.

CITY OF WHITEHORSE

BYLAW 2014-17

A bylaw to amend Zoning Bylaw 2012-20

WHEREAS section 289 of the *Municipal Act* (R. S. Y. 2002) 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 certain changes have been identified as being necessary to improve the efficiency of the Zoning Bylaw, and it is deemed desirable that a series of administrative edits be brought forward to amend Zoning Bylaw 2012-20;

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 definitions for (1) agriculture , major; (2) agriculture, hobby; (3) building height; (4) bicycle parking, class 2; (5) caretaker residence; (6) eating and drinking establishment; (7) housing, cottage cluster; (8) housing, single detached; (9) living suite; and substituting therefore new definitions as follows:

"AGRICULTURE, HOBBY means small scale agricultural activity such as the raising of livestock, horticulture, greenhouses, apiculture, and market gardening, all of which must be accessory to a principal use, excluding orchards, raising of crops, and pasturing of animals."

"AGRICULTURE, MAJOR means agricultural activity such as raising of livestock, orchards, horticulture, greenhouses, apiculture, aquaculture, market gardening and nurseries, but excluding the raising of crops or pasturing of animals."

"BICYCLE PARKING, CLASS 2 means freestanding racks or stands designed to secure bicycles for short-term bicycle parking."

"BUILDING HEIGHT means the vertical distance measured from the average elevation of the finished grade along the front of the building to the highest point of the roof surface or any parapet thereon if a flat roof; to a deck line of a mansard roof; and to the highest point of a ridge for a gable, hip or gambrel roof. In any zone except CC, solar panels, chimney stacks, elevator housings, flagpoles, guardrails, roof stairway entrances, skylights, steeples, or ventilating equipment shall not be considered for the purpose of determining height."

"CARETAKER RESIDENCE means building or structure (or part thereof) used to provide on-site accommodation for the owner/employer or for persons employed

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on the property. Standalone caretaker residences are considered accessory buildings."

"EATING AND DRINKING ESTABLISHMENT" means the use of land and premises for preparing and offering foods and beverages for sale to the public for the consumption within the premises or taken or delivered off-site, including bards, neighbourhood pubs, licensed restaurants, cafes, delicatessens, tearooms, lunchrooms, refreshment stands, and take-out restaurants but excluding a drive-through component."

"HOUSING, COTTAGE CLUSTER means three or more dwelling units, made up of single detached, duplex, or triplex housing, located on the same lot or parcel."

"HOUSING, SINGLE DETACHED means a detached building that may contain one principal dwelling unit and one living suite, including modular homes but excluding mobile homes."

"LIVING SUITE means a separate, self-contained, dwelling unit within a single detached house."

2. Section 2.2 of Zoning Bylaw 2012-20 is hereby amended by deleting the existing definition for drive-in food services.
3. Section 2.2 of Zoning Bylaw 2012-20 is hereby amended by deleting the existing definition for trail.
4. Zoning Bylaw 2012-20 is hereby amended by deleting the existing section 5.5.2.5 and substituting a new section 5.5.2.5 as follows:

"5.5.2.5 The required vegetation calculated for landscape plantings or vegetative buffers in any zone shall be doubled for any property abutting Two Mile Hill, Robert Service Way, Alaska Highway, or North Klondike Highway."
5. Section 5.5.3.1 of Zoning Bylaw 2012-20 is hereby amended by deleting the existing subsection (e) and substituting a new subsection (e) as follows:

"5.5.3.1 e) Landscape plantings are required for new developments in all residential zones. The required landscape planting area in square metres is calculated based on 3.0 m x total public road frontage of the property in metres. There will be one tree planted per 25m² landscape planting area or one shrub planted per 15m² landscape planting area, or any combination thereof to meet the standards. Additional requirements in the RD, RM, RP, RCM, RCM2, and RCM3 zones are a minimum 2.0 m wide landscape planting area."
6. Section 5.5.3.1 of Zoning Bylaw 2012-20 is hereby amended by deleting the existing subsection (g) and substituting a new subsection (g) as follows:

Zoning Amendment Bylaw 2014-17

- “5.5.3.1 g) All compost, recycling, and refuse bins in zones permitting multiple housing shall be screened from view. Compost, recycling, and refuse bins shall also be screened for multiple housing developments in the RD zone. Screening is not required for compost, recycling, and refuse bins in other residential zones where an individual building houses less than 4 dwelling units. Storage of compost, recycling, and refuse bins is not permitted within the front yard setbacks of any zone.”
7. Section 5.5.3.2 of Zoning Bylaw 2012-20 is hereby amended by deleting the existing subsection (f) and substituting a new subsection (f) as follows:
- “5.5.3.2 f) Walkways and patios are required in all commercial zones and shall provide for on-site pedestrian circulation with adequate connections with parking areas, public sidewalks, active transportation routes, etc. Primary walkways in all commercial zones shall be hard surfaced and a minimum 1.5 m in width.”
8. Section 5.5.3.2 of Zoning Bylaw 2012-20 is hereby amended by deleting the existing subsection (g).
9. Zoning Bylaw 2012-20 is hereby amended by deleting the existing section 6.4.5.
10. Bylaw 2012-20 is hereby amended by deleting existing section 6.7.7 and substituting a new section 6.7.7 as follows:
- “6.7.7 Garden suites shall have unobstructed pedestrian access to a street frontage to the satisfaction of a Development Officer.
11. Bylaw 2012-20 is hereby amended by deleting existing section 6.12.4 and substituting a new section 6.12.4 as follows:
- “6.12.4 Living suites shall have unobstructed pedestrian access to a street frontage to the satisfaction of a Development Officer.
12. Zoning Bylaw 2012-20 is hereby amended by deleting the existing section 6.12.5 and substituting a new section 6.12.5 as follows:
- “6.12.5 In determining whether an illegal suite has been created, a Development Officer may consider such improvements that indicate the intent to build, or presence of, a second dwelling.”
13. Zoning Bylaw 2012-20 is hereby amended by adding a section 6.13.8 as follows:
- “6.13.8 Residential buildings with separate, ground oriented entrances, including but not limited to townhouses, cottage clusters, duplex, triplex, and fourplex, buildings should be oriented to front the public

Zoning Amendment Bylaw 2014-17

street, where possible. If it is unfeasible for the building to front the street, building facades shall include two of the following items:

- a) Primary building entrance
- b) Front porch and/or balconies
- c) Variation in façade depth so as to avoid the creation of large featureless walls; or
- d) Variation in siding and trims material and/or colour."

14. Zoning Bylaw 2012-20 is hereby amended by deleting the existing section 6.17.4 and substituting a new section 6.17.4 as follows:

"6.17.4 For uses selling food or beverages, a minimum of 10 inbound and 3 outbound vehicle queuing spaces shall be provided. For uses not selling food or beverage, a minimum of 3 inbound and 2 outbound vehicle queuing spaces shall be provided. Queuing spaces shall be a minimum of 6.0 m long and 3.0 m wide and shall provide sufficient space for turning and manoeuvring."

15. Zoning Bylaw 2012-20 is hereby amended by deleting the existing section 7.2.4 and substituting a new section 7.2.4 as follows:

"7.2.4 "Visitor Parking", Accessible Parking", and "No Parking" areas shall be clearly marked."

16. Zoning Bylaw 2012-20 is hereby amended by deleting the existing section 7.3.1 and substituting a new section 7.3.1 as follows:

"7.3.1 Parking requirements in all zones must comply with sections 7.1 to 7.6 of this bylaw, unless otherwise stipulated in this bylaw. The location and circulation routes associated with off-street parking may be reviewed by the Development Officer as a part of a development permit application."

17. Zoning Bylaw 2012-20 is hereby amended by deleting the existing section 7.3.6 and substituting a new section 7.3.6 as follows:

"7.3.6 The minimum required off-street vehicle parking spaces and bicycle parking for the use of any building in all zones shall be in accordance to the specifications of table 7.3.6 except as modified by section 7.3.7. Where a use is proposed and no parking or loading standard is specified in Table 7.3.6, the applicable standard will be specified by the Development Officer."

18. Zoning Bylaw 2012-20 is hereby amended by deleting the existing row (Multiple housing) from Table 7.3.6 a) and substituting a new row (Multiple housing) as follows:

Zoning Amendment Bylaw 2014-17

“Development: Housing, multiple (excluding apartments); Parking Spaces: 1 per Dwelling Unit/1 guest per 7 Dwelling Units; Loading Spaces: N/A; Class 2 Bicycle Parking: 1 per building”

19. Zoning Bylaw 2012-20 is hereby amended by adding a new row to Table 7.3.6 a) as follows:

“Development: Housing, apartment; Parking Spaces: 1 per Dwelling Unit/1 guest per 7 Dwelling Units; Loading Spaces: 1 Up to 930 m² GFA/1 Over 930 m² GFA; Class 2 Bicycle Parking: 1 per building”

20. Zoning Bylaw 2012-20 is hereby amended by deleting the reference to Drive-In Food Services from column one of Table 7.3.6 b).

21. Zoning Bylaw 2012-20 is hereby amended by adding new rows to each of Tables 7.3.6 (b), (c), (d), and (e) as follows:

“Development: Caretaker Residence; Parking Spaces: 1; Loading Spaces: N/A; Class 2 Bicycle Parking: 1”

22. Zoning Bylaw 2012-20 is hereby amended by deleting the existing section 7.4.2 and substituting a new section 7.4.2 as follows:

“7.4.2 Each accessible parking space located within a parking lot shall be clearly marked with a sign on each edge of the parking stall. The space shall be located as close to the building entrance as possible on a level non-skid surface to facilitate movement. These spaces shall be developed in accordance with section 7.5, except that the minimum perpendicular width shall be 4.0 m.”

23. Zoning Bylaw 2012-20 is hereby amended by deleting existing section 7.4.7.

24. Section 9.7.5 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection (j) and substituting a new subsection (j) as follows:

“9.7.5 j) The corner lot setback is 3.0 m minimum and 9.0 m maximum from one street and 1.5 m from all other sides.”

25. Section 9.7.5 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection (l).

26. Section 9.9.5 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection (a) and substituting a new subsection (a) as follows:

“9.9.5 a) Minimum lot width is 6.0 m.”

27. Section 9.9.5 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection (e) and substituting a new subsection (e) as follows:

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- “9.9.5 e) The minimum front yard setback is 4.0 m and the maximum front yard setback is 6.0 m. In the case where there is no lane access, the maximum front yard setback is 9.0 m.”
28. Section 9.11.5 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection (c) and substituting a new subsection (c) as follows:
- “9.11.5 c) The minimum lot area for any combination of one or two dwelling units and/or accessory buildings/structures, community gardens and greenhouses, parks and home based businesses is 232 m². The minimum lot area for all other uses is 464 m².”
29. Section 10.3.7 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection (a) and substituting a new subsection (a) as follows:
- “10.3.7 a) The northerly portion of Lot 1178, Plan 2000-0106 LTO (183 Range Road) is designated CHx-Highway Commercial (modified) with the special condition that offices are permitted on the ground floor.”
30. Section 10.4.2 of Zoning Bylaw 2012-20 is hereby amended by adding a new subsection (aa) as follows and renumbering the remaining subsections accordingly:
- “10.4.2 aa) pet clinics”
31. Section 10.4.7 of Zoning Bylaw 2012-20 is hereby amended by adding a new subsection (b) as follows and renumbering the remaining subsection accordingly:
- “10.4.7 b) Pet clinics may have a secondary outdoor, fenced area that can be used for obedience/agility training or animal socialization.”
32. Section 10.13.2 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection (f) and renumbering the existing subsections accordingly.
33. Section 10.13.2 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection (g) and substituting a new subsection (g) as follows:
- “10.13.2 g) eating and drinking establishments, including a drive-through component
34. Section 11.1 of Zoning Bylaw 2012-20 is hereby amended by adding a new section 11.1.4 as follows, and renumbering the remaining sections accordingly:
- “11.1.4 Conditional Uses
a) Land treatment facilities”
35. Section 11.4.2 of Zoning Bylaw 2012-20 is hereby amended by adding a new subsection (k) as follows and renumbering the remaining subsections accordingly:
- “11.4.2 k) garden centres”

Zoning Amendment Bylaw 2014-17

36. Section 12.1.3 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection (b).
37. Section 12.2.2 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection (c).
38. Section 12.3.2 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection (o).
39. Section 12.6.2 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection (h).
40. Section 12.6.2 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection (i).
41. Section 13.3.3 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection (d).
42. Zoning Bylaw 2012-20 is hereby amended by deleting existing section 15.5.3 and renumbering the remaining section accordingly.
43. The zoning maps attached to and forming part of Zoning Bylaw 2012-20 are hereby amended by changing the zoning of a 74 ha parcel of Vacant Commissioner's Land, located north of the Whistle Bend neighbourhood, from FP-Future Planning to PG-Greenbelt, as indicated on the sketch attached hereto as Appendix "A" and forming part of this bylaw.
44. The zoning maps attached to and forming part of Zoning Bylaw 2012-20 are hereby amended by changing the zoning of a 12 ha parcel of the War Eagle Waste Management Facility from IQ-Quarries to PU-Public Utilities, as indicated on the sketch attached hereto as Appendix "B" and forming part of this bylaw.
45. The zoning maps attached to and forming part of Zoning Bylaw 2012-20 are hereby amended by changing the zoning of a 160 m² parcel of City land, located on Arnhem Road in Takhini North from RCS2-Comprehensive Residential Single Detached 2 to PR-Parks and Recreation, as indicated on the sketch attached hereto as Appendix "C" and forming part of this bylaw.
46. The zoning maps attached to and forming part of Zoning Bylaw 2012-20 are hereby amended by changing the zoning of Lot 1160-20, Plan 2010-0044 LTO, located near Metropolit Lane from CH-Highway Commercial to PE-Environmental Protection, as indicated on the sketch attached hereto as Appendix "D" and forming part of this bylaw.

FIRST READING:

PUBLIC NOTICE:

PUBLIC HEARING:

SECOND READING:

THIRD READING and ADOPTION:



Livingstone Trail
Sewage Lagoon

PU

RC1

PG

PE

Yukon River

PE

PE

PE

FP

Subject Area

FP-Future Planning to
PG-Greenbelt

FP

MOUNTAINVIEW
GOLF COURSE

CR

RCS3

RCS

PG

RCT

RCM2

CNC

PS

RCS

RCT

RCM2

RCT2

RCS3

PR

PG

RCT2

RCT

RCM2

RCS

RCT

RCM2

PG

FP

PR

RCT2

RCT

RCM2

PR

RCM2

RCM

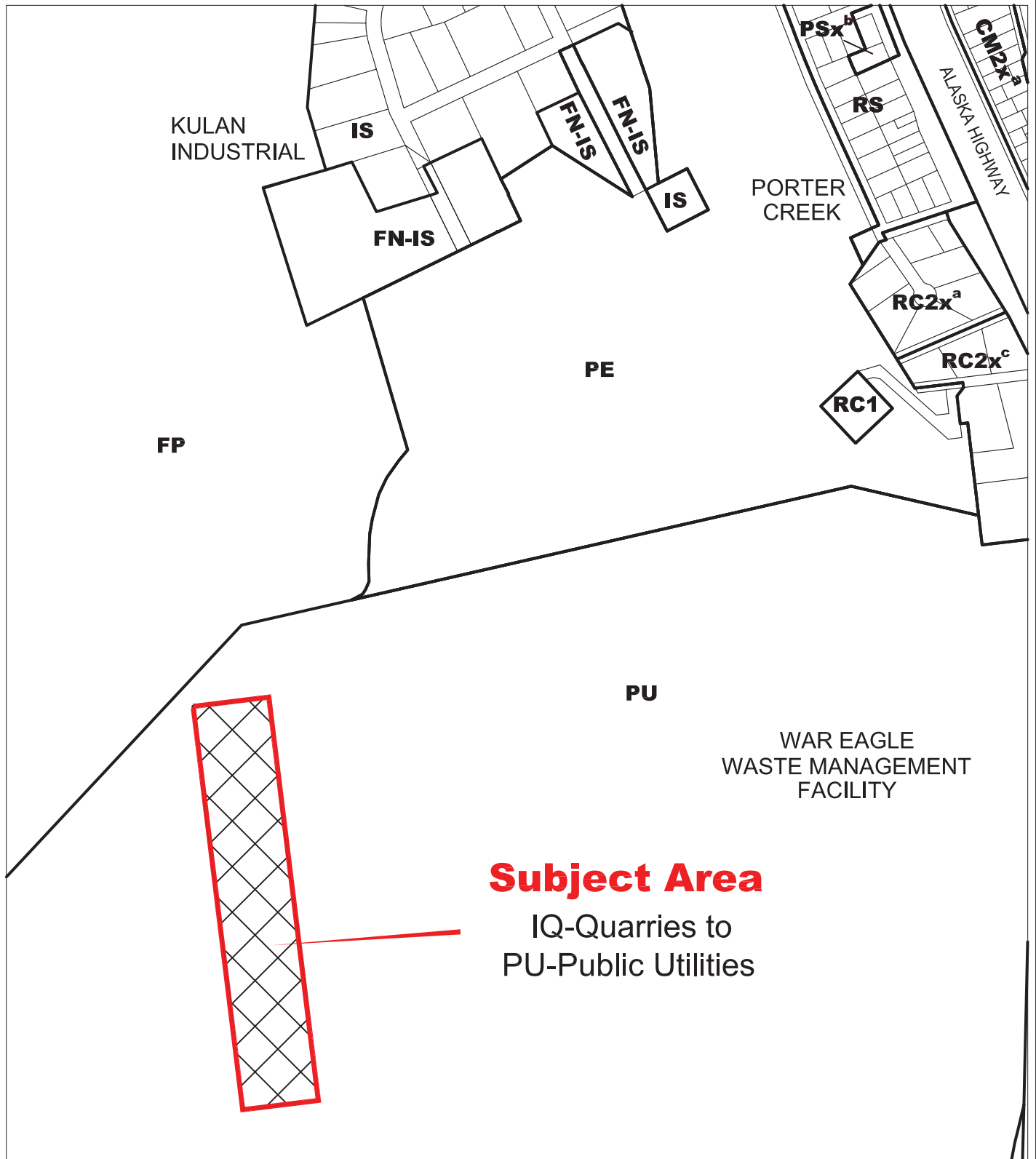
Bylaw 2014-17

A bylaw to make several housekeeping amendments to Zoning Bylaw 2012-20, including amending a 74 ha parcel of Vacant Commissioner's Land, located north of Whistle Bend from FP-Future Planning to PG-Greenbelt.

LEGEND



SUBJECT AREA



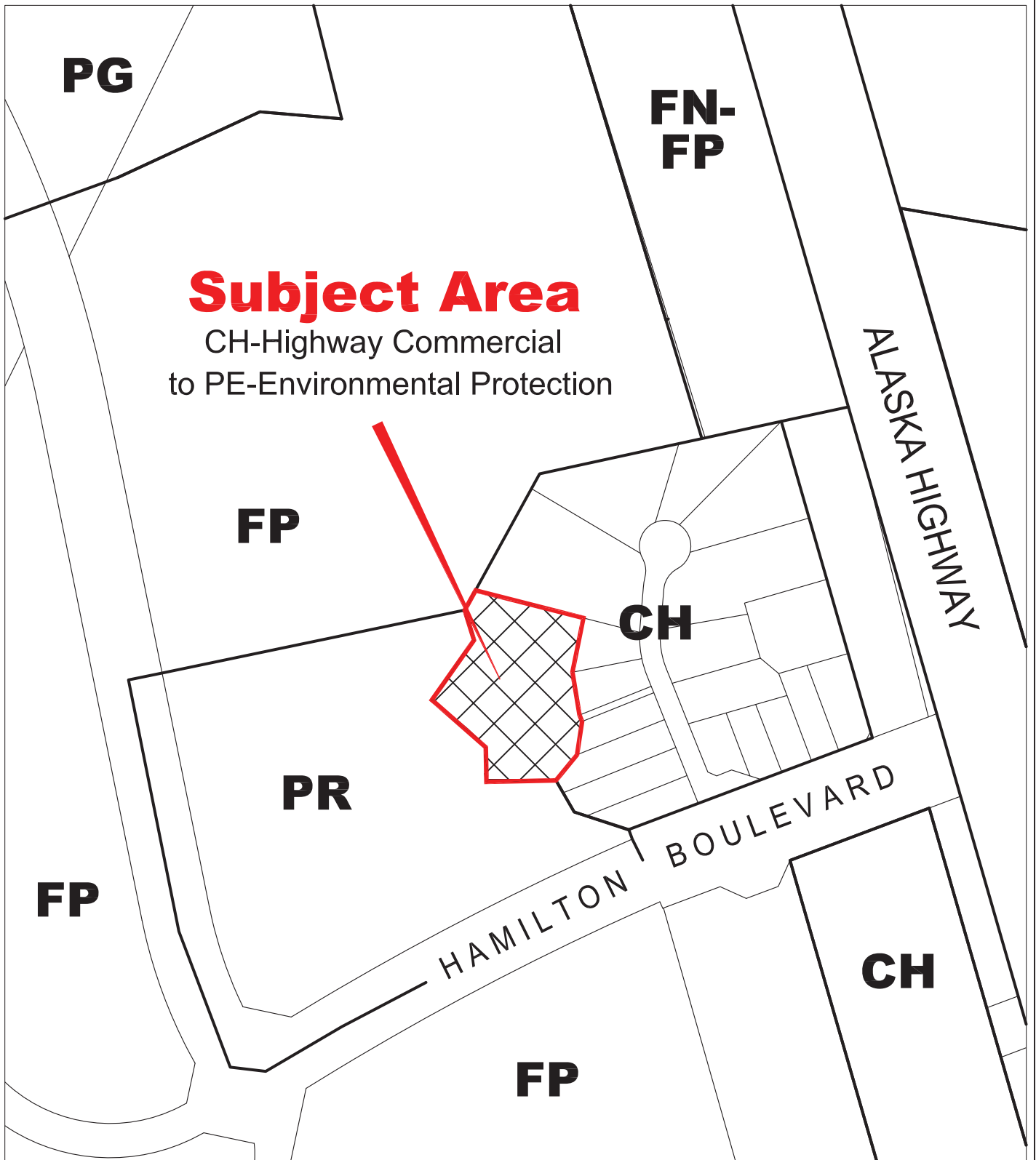
Bylaw 2014-17

A bylaw to make several housekeeping amendments to Zoning Bylaw 2012-20, including amending a 12 ha parcel of the War Eagle Waste Management Facility from IQ-Quarries to PU-Public Utilities.

LEGEND



SUBJECT AREA



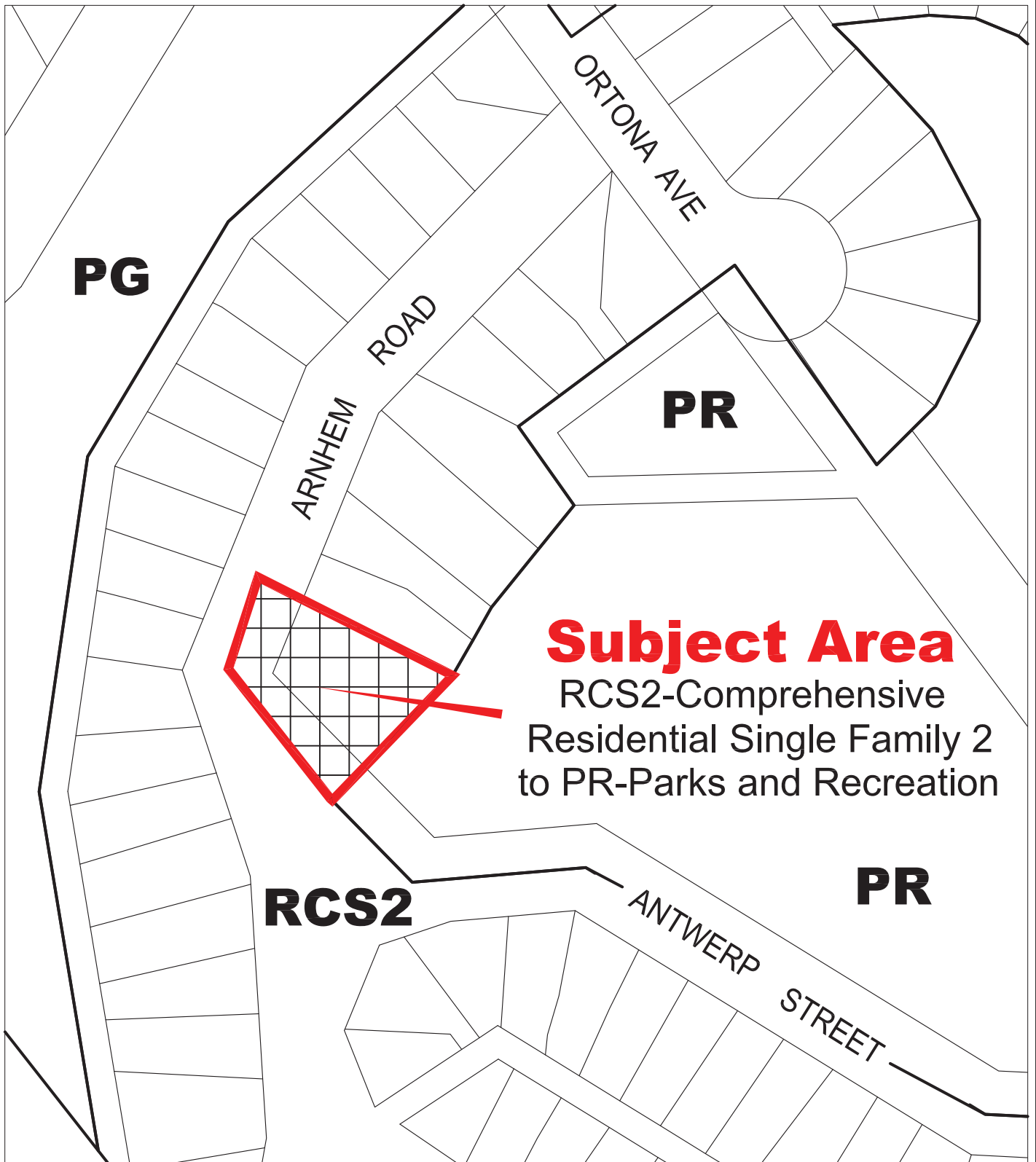
Bylaw 2014-17

A bylaw to make several housekeeping amendments to Zoning Bylaw 2012-20, including amending Lot 1160-20, Plan 2010-0044 LTO, located on Metropolit Lane, from CH-Highway Commercial to PE-Environmental Protection.

LEGEND



SUBJECT AREA




Subject Area
RCS2-Comprehensive
Residential Single Family 2
to PR-Parks and Recreation

Bylaw 2014-17

A bylaw to make housekeeping amendments to Zoning Bylaw 2012-20, including amending an 160 m2 parcel of City land, located in Takhini North from RCS2-Comprehensive Residential Single Family 2 to PR-Parks and Recreation.

LEGEND

 SUBJECT AREA

ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: April 14, 2014
RE: Public Input Report – Land Disposition (706/708 Ogilvie Street)

ISSUE

Public Input Report from the Mayor’s Meeting on the proposed disposition of 706/708 Ogilvie Street in Downtown Whitehorse.

REFERENCE

- 2010 Official Community Plan
- Zoning Bylaw 2012-20
- Bylaw 2013-50
- 2002 Geohazard Risk Study
- Development Incentives Policy
- National Building Code
- Downtown Plan
- Federal Treasury Board Minute No. 729337
- Appendix A
- 2013 Detailed Terrain Stability Hazard Assessment
- Whitehorse Strategic Sustainability Plan
- Building and Plumbing Bylaw 99-50

HISTORY

One mixed-use lot, located at the end of Ogilvie Street, is being considered for sale by the City of Whitehorse. The site is currently comprised of Lot 3 and a portion of Lot 4, Block 144, Plan 20077 LTO, located at 706 and 708 Ogilvie Street. It is in the process of being consolidated into one lot.

706 Ogilvie Street was previously owned by Yukon Electrical Company Limited and featured a residence and garage. 708 Ogilvie Street was previously owned by Josef and Marion Bakica and also featured a residence. During the 1970s a program to purchase properties adjacent to the downtown escarpment was embarked upon by the Federal, Territorial, and City governments. The rationale was that properties and people living in the area were subject to potential danger from the slumping of the clay cliffs. At that time, the escarpment was becoming increasingly unstable due to human-caused activity occurring on the cliffs such as deforestation, airport expansion, road construction, and installation/use of drainage and septic systems. For some time now activities causing erosion have largely ceased.

Recent studies in 2002 and 2013 by EBA Engineering Ltd. concluded that development is now suitable on numerous properties where it was not suitable 40 years prior. Although the majority of this land is located in the Downtown South area, 706/708 Ogilvie Street is the largest property in the north end where studies show that development could occur without any further mitigation. In 2012 the lots were rezoned from PE – Environmental Protection to CM1 – Mixed Use Commercial 1 to enable potential future development and public consultation at the time was generally positive.

In October, 2013 administration introduced Bylaw 2013-50 to Council, a disposition bylaw to consider the sale of this parcel. Following input from the public, Council decided to defer 2nd and 3rd Reading of the bylaw until a Mayor’s Meeting could be held with residents to hear their questions and comments on the proposal.

The Mayor's Meeting was held on April 1, 2014 at the Frank Slim Building. Advertising for the meeting included letters to property owners living within 100 metres of the subject properties, notification to the Downtown Residents Association, Escarpment Parks Society, and Downtown Urban Gardeners Association, newspaper ads and a sign placed on the property. Approximately 20 members of the public attended the meeting. In addition one written submission was received prior to the Mayor's Meeting. No submissions were received from the previous owners of 706 and 708 Ogilvie Street. The majority of comments received were in opposition to the proposed development.

The following issues were raised at the Mayor's Meeting:

- Concern regarding the necessity for this land to be sold
- Focus efforts on encouraging the development of vacant downtown private land
- Question on different land values for properties
- Concerns over Downtown reconstruction projects
- Traffic and parking concerns
- Legal ramifications for selling escarpment land
- It is unethical for the City to be considering the sale of this land
- It was people's understanding that this land would always be park land
- The area should be used for other purposes
- Suggestions from the public on what type of development should go here
- Building height concerns
- Suggestion on green building construction
- Concerns that the City has already made up its mind on this land sale
- Questions on the validity of the EBA studies
- Did the EBA studies account for the slow creep of the escarpment?

ALTERNATIVES

- Option 1: Proceed with 2nd and 3rd Reading under the bylaw process.
Option 2: Bring the bylaw forward under the process and defeat at 2nd Reading.
Option 3: Do not proceed with 2nd and 3rd Reading.

ANALYSIS

Concern regarding the necessity for this land to be sold

A question was raised asking "why is the City is considering the sale of this land after all these years?"

The consideration of development areas along the escarpment dates back to the 2007 Downtown Plan which states that the "Geohazard Risk Study of the Whitehorse Escarpment by EBA Engineering Consultants Ltd. be used as a basis to update the Environmental Protection zoning along the escarpment." The intent of this recommendation was to re-examine the single set-forward line guiding development along the escarpment, and to replace it with the Low, Moderate, and High Geohazard lines of the 2002 study.

During the 2010 OCP review, one of the changes was to explore "new development areas along the escarpment." As a result, the Downtown Area Land Use Designations Map of the OCP included Ogilvie Street lots in the Mixed-Use – Residential/Commercial designation because the lots are in the Low Geohazard zone.

During the 2012 Zoning Bylaw rewrite, 706/708 Ogilvie was specifically amended from PE – Environmental Protection to CM1 – Mixed Use Commercial 1. Following the alignment of all the major plans, the City then took this as direction to look at the potential sale of this land, which the detailed 2013 EBA study reconfirmed was safe for development. All major plans and bylaws featured significant public involvement. For example, during the Zoning Bylaw rewrite online questionnaire, 67.8% of respondents indicated support for the development of 706/708 Ogilvie Street.

Development of the site is also supported by the sustainability directives of the OCP and Strategic Sustainability Plan, which supports densification of the downtown core. The sale of this land would help fulfill multiple OCP policies including:

- encouraging the development of vacant and underutilized sites in the downtown core;
- increasing the vitality of the downtown by facilitating new development;
- promoting a compact development pattern by focusing development in the Urban Containment Boundary;
- allowing more efficient use of already-built infrastructure; and
- encouraging active transportation, in aid of Transportation Demand Management (TDM) strategies.

Several measures have also occurred over the years to stabilize the escarpment including the removal of airport buildings along the edge of the escarpment, the redirection of stormwater and sewage from the edge of the escarpment to other areas, over 40 years of revegetation, and the construction of mitigation measures such as berms and drainage ditches.

A main conclusion of the EBA studies is that the associated risk from slope movement and erosion processes is variable along the escarpment. Specific to 706/708 Ogilvie Street, the EBA studies indicated that this area has a Slope Stability Classification 1, which means no significant slope stability problems exist in the immediate area. The soil at this location is considered well drained and there is a low hazard of landslide initiation. In addition, a 20 metre wide bench located above the property would serve to retain any silt blocks from toppling from the cliffs.

Focus efforts on encouraging the development of vacant downtown private land

A comment was raised that the City should focus instead on encouraging the development of derelict and vacant private properties downtown. It was suggested that the City should pursue a punitive policy to penalize these owners, such as higher property taxes.

Increased Downtown development is an important part of the City's overall sustainability strategies as detailed above. Both public and private land is needed in order to supply a variety of options for development.

A survey of owners of vacant private Downtown land showed that development on these parcels is delayed for numerous reasons that are largely beyond the control of the City. Research has shown that the best incentives the City could provide to encourage development sooner rather than later is financial. The City adopted the Development Incentives Policy in 2011. This policy enables owners of properties to obtain tax grants if they develop their property, and places special emphasis on Downtown development.

The City investigated disincentive options as well, including pursuing a policy that would penalize owners of vacant or derelict properties, but it was revealed to be a very complex issue that requires additional research and investigation.

Question on different land values for properties

A question was raised as to why the value of the land for the similarly-zoned Sportees land expansion area on 6th Avenue is so much different than the land value of 706/708 Ogilvie Street.

City land that is sold is priced based on appraised values obtained from professional appraisers, who look at a variety of factors including location, size, frontage, access, and comparables. In this case, the appraiser determined that 706/708 Ogilvie Street had more value.

Concerns over Downtown reconstruction projects

A concern was raised that the City should focus on getting the Black Street reconstruction work finished prior to moving on to Ogilvie Street. It was stated that there are still issues on Black Street including improper drainage and landscaping.

Black Street is completed, aside from some landscaping work that is needed in public areas. Following the Black Street reconstruction project, the City has had numerous positive comments from property owners on Black Street. Specific issues on certain locations of Black Street can always be brought forward to the City to see if additional work is needed.

Traffic and parking concerns

Concerns were raised that the proposed development would further exacerbate an already problematic Downtown parking issue.

The Zoning Bylaw requires a minimum number of off-street parking spaces. According to the bylaw, the CM1 zone parking requirements are 1 space per 2 dwelling units for residential uses and 1 space per 150 m² of floor area for non-residential uses. In addition, all day on-street parking is currently allowed in that area. The Ogilvie Street reconstruction project, if it proceeds, would also result in the creation of a number of new on-street parking spaces through the use of angled parking design in front of the majority of commercially-zoned properties. Currently, parking is in a disorderly fashion along Ogilvie Street. Prior reconstruction projects such as Black or Jarvis Street resulted in an improvement in parking issues.

Concerns were also raised that the development will lead to traffic and safety concerns for the neighbourhood. While the proposed development of 706/708 Ogilvie Street could mean a general increase in local traffic in the area, it is not anticipated to be significant due to the size of the lot, and would be insignificant compared to traffic on Ogilvie Street from other sources. In general, increased Downtown residential development results in more people who can walk and bike, and less overall car usage, as measured on a City-wide basis.

The redesign of Ogilvie Street will involve numerous traffic calming and safety measures including: 1.7 metre wide sidewalks, crosswalks, shorter pedestrian crossing distances (due to narrower road widths and bulb-outs), road choke points, and bike lanes. Overall, the road will be narrower which will help to slow down traffic.

A specific concern was raised that the intersection of Ogilvie Street and 8th Avenue is unsafe for pedestrians and drivers. The original construction of Ogilvie Street was not

designed to current engineering standards. The new reconstruction will follow the Engineering Servicing Standards Manual to ensure it is safe, including this intersection.

Legal ramifications for selling escarpment land

Concerns were raised that the original agreements between the Federal Government and the City indicated that as a condition of the City obtaining funding to buy out the escarpment properties that the City would never develop the land in the future. It was further questioned as to whether it is legal for the City to sell the land and whether it would open itself up to legal challenge.

In 1974, Federal Treasury Board Minute No. 729337 authorized the Federal Government to allocate \$2 million to the City of Whitehorse for the purchase of escarpment properties. This approval was subject to several conditions including: “that the municipal government legally prohibit any further development or construction within the rehabilitation zone”.

The rationale for this requirement is that the land was not considered safe for dwellings. Measures taken to stabilize the escarpment have been successful. As detailed above, recent escarpment studies have determined that new construction could safely occur.

Yukon legislation upholds the ability for current Council to not be bound to decisions by previous City Councils. The *Municipal Act* requires that municipal zoning not remain static, but be regularly updated and in this case has been changed after it has been determined that the environmental conditions have changed.

It is unethical for the City to be considering the sale of this land

Concerns were raised that it is unethical for the City to be considering the sale of escarpment land that was previously owned and bought out. People stated that it is very emotional and difficult to hear that the City is considering this sale, when residents were told that it was unsafe for them to be living on these properties. Numerous residents have stated that this was an act of expropriation and/or eviction.

At the time the City purchased the properties at fair market value plus provided additional moving costs to allow the residents the opportunity to move elsewhere in the city. Although the *Municipal Act* allows for expropriation, this avenue of land acquisition was not chosen in this case.

Council will need to consider resident concerns as well as city-wide objectives and goals.

It was people’s understanding that this land would always be park land

At the meeting, people stated that it was their understanding that the escarpment area would always remain as park land, in a natural state. It was mentioned that this is what the City told residents at the time of purchase in the 1970s.

The City cannot say for certain what was said during the 1970s to refute or support verbal accounts from residents. As cities evolve and grow over time, it is important to respond to changes in demographics, scientific knowledge (i.e. engineering studies), and technology. In this situation, new engineering studies have shed light on the escarpment, noting that the risk is variable along its length. In addition, there is an increased emphasis on sustainability and ensuring a compact development pattern is achieved such as increasing downtown density. To ensure that the city can evolve and change with new information and trends, land use tools such as zoning may be changed over time.

The area should be used for other purposes

It was suggested that 706/708 Ogilvie Street should be used for other purposes than development such as a community park, community garden, natural space, or trail system. The overall escarpment area, according to people at the meeting, should be retained as a natural space and amenity for city residents. The written submission that was received also suggested that these lots be used as part of an overall escarpment trail and park system with interpretive signage stations.

The majority of the escarpment is zoned PE – Environmental Protection which is a zone to protect and preserve environmentally sensitive areas in the city. For the most part, this zone has been applied to the Moderate and High Geohazard zones of the escarpment as a means to protect the stability and sensitive nature of the cliffs. However the escarpment area can incorporate numerous recreational developments as well. There remain several other areas along the toe of the escarpment that are in these Geohazard zones and thus not suitable for more intensive development that could be used for future park and community garden spaces.

Downtown sites such as 706/708 Ogilvie, which have no environmental constraints and yet have easy access to water and sewer servicing are relatively rare. To the general public, there might seem to be little difference between this site and, for example, the community garden site (which is in a higher Geohazard zone). However the reality is that this site represents by far the best available remaining site (outside of Downtown South) for development due to this combination.

There is an existing trail that runs along the toe of the escarpment that will be retained and falls outside 706/708 Ogilvie Street. A future paved commuter trail network is proposed along the toe of the slope between Black Street and Ogilvie Street, as an extension to the Lower Escarpment Trail system and would tie into the sidewalks and bike lanes that are part of the Ogilvie Street reconstruction. This particular trail extension is contingent on future budget approval. The possibility of interpretive signage along the escarpment trail system that describes the 1970s relocations has been previously discussed but would also be subject to funding approval.

Suggestions from the public on what type of development could go here

A comment was received that if development was to occur at this site, the City should consider something other than condos such as a single-detached house. Alternatively, the written submission that was received suggested that the site would be more appropriate for social housing.

The Downtown Plan drew a distinction between allowable development on Ogilvie Street and the remainder of Old Town. This was adopted through the subsequent OCP and Zoning changes that made all of the north side of Ogilvie Street CM1 – Mixed Use Commercial. Permitted uses include: single detached, duplex, and multiple housing; supportive housing; temporary shelter services; eating and drinking establishments; offices; retail services; and child care centres. Both suggested uses from the public – single detached and social housing – would be permitted at this location. However, the City cannot dictate which of the allowable uses can go on the lot without further amending the zoning bylaw. If there is a desire to restrict what types of uses can be on this lot, then a rezoning would be required specific to 706/708 Ogilvie Street. It would be inconsistent to restrict the development pattern at 706/708 while allowing CM1 zoning on 704 Ogilvie and lots further east.

Building Height Concerns

Concerns were received regarding the potential height of a future building on the lot, particularly with respect to the impacts of shading on adjacent properties and the existing community garden. It was further suggested that the lot be restricted to two storey buildings only.

The maximum building height for all lots along the north side of Ogilvie Street between 6th Avenue and 8th Avenue is 20 metres (65.6 feet). Similar to the restriction on uses example above, a spot zoning would also be required if Council wanted to reduce the maximum building height on this lot.

When the bylaw was first introduced in fall 2013 City administration did complete a preliminary shadow analysis of the building, assuming a maximum build-out (i.e. 20 metre high building). In general, notably few shadow impacts would happen, even with a maximum height building. With no private property to the north or west (that would be shadowed when the sun is in the eastern and southern sky), and a 60 metre tall cliff to the north and west that already throws significant shadows to the east and south (during summer evenings), this property is in fact one of the best in the entire Downtown, in terms of minimal potential for shadowing.

The community garden is located to the northeast of these lots, meaning that any shadow from a potential building would need to occur when the sun is in the southwestern sky. The sun reaches its peak when due south, casting the shortest shadows of the day. Furthermore, during the growing season (i.e. May to August) the sun is also relatively high in the sky. As a result of the combination of these 2 factors, shadows cast from a potential 20 metre tall building would not be long enough to fall on the existing community garden.

Regarding impacts to adjacent properties, there is small potential for shadow impacts to the properties directly east of 706/708 Ogilvie Street, particularly during spring and fall evenings. Again, this is assuming a maximum building height at this location.

Suggestion on green building construction

The written submission that was received suggested that new construction be built to energy efficient and green building standards. Any development within the city has to comply with the energy efficiency standards of Building and Plumbing Bylaw and National Building Code. These standards help the City's ongoing efforts to build a more sustainable community.

Concerns that the City has already made up its mind on this land sale

A concern was raised that the City has already made up its mind on this land sale.

A decision has not been made on the sale of this land. The bylaw to approve the sale of the land is still in the Council process. City Council still needs to vote on 2nd and 3rd Reading of the bylaw, which is tentatively scheduled for April 22, 2014. City Council deferred the bylaw so they could hold a Mayor's Meeting to hear questions, comments, and concerns from residents.

Questions on the validity of the EBA studies

At the meeting, a question was raised on the validity of the recent EBA studies and whether the City should trust these studies when considering future development. It was questioned on whether the City could open themselves up for legal ramifications if a development gets impacted from the escarpment.

The EBA reports were completed and signed by certified geotechnical engineers and geologists who have decades of experience working in the Yukon. Many of its members, including those who wrote and signed these reports, are members of the Association of Professional Engineers of Yukon, who are permitted by law to undertake and assume responsibility for engineering projects in the Yukon. Its Code of Ethics dictates that every professional engineer shall regard their duty to public welfare as paramount. EBA does not stand for personal gain on this land sale project.

Did the EBA studies account for the slow creep of the escarpment?

A question was raised on whether EBA accounted for the slow creep that has been occurring along the escarpment and whether it can be measured over time.

EBA was contacted regarding this question. The slow creep of the escarpment is attributed to the natural process of valley widening that has been occurring in the Yukon River valley over the past 14,000 years since the last glaciation that is associated with freeze-thawing and saturation. This process occurs in all valleys across the world.

The EBA reports evaluated the potential for mass movement processes, and not gradual natural processes that are common to the area. If this land is sold, it is recommended that the builder obtain a geotechnical evaluation once the building designs are completed to account for the slow creep. This may include building foundation recommendations and minimum basement window heights. This is a typical step that is done as part of the detailed development design.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2013-50, a bylaw to authorize the sale of 706/708 Ogilvie Street, be brought forward for due consideration under the bylaw process.

ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: April 14, 2014
RE: Public Input Report – Land Disposition (67 Wann Road)

ISSUE

Public Input Report from the Mayor's Meeting on the proposed disposition of 67 Wann Road in Porter Creek.

REFERENCE

- 2010 Official Community Plan
- Land Disposition Policy (2010)
- Appendix A
- Zoning Bylaw 2012-20
- Bylaw 2013-49
- Transportation Demand Management Plan

HISTORY

One residential lot, located at 67 Wann Road (Lot 903, Porter Creek, LTO Plan 49036), is being considered for sale by the City of Whitehorse. The lot has been zoned for residential development since zoning was applied to the area in 1976. Water and sewer servicing in Wann Road would need to be connected to the lot; this would be relatively inexpensive.

In 2008, the Planning Services Department identified a number of undeveloped sites, or "orphan lots", with appropriate Official Community Plan (OCP) designation and zoning for residential development. These lots were located City-wide, and numerous processes have since occurred to determine whether or not land disposition was appropriate. In June, 2008 the department held a public meeting with residents to obtain feedback on six sites in Porter Creek, including 67 Wann Road. Five people supported development of 67 Wann Road while one person opposed it. A vacant City lot immediately across Wann Road, addressed to 1 Boxwood Crescent, was one of the sites consulted on; it was sold in 2008 and has since had a duplex developed.

On February 22, 2010 City Council adopted Bylaw 2010-11 to authorize the transfer of five sites in Porter Creek from the Yukon Government that included the Wann Road lot. In early 2013, administration received direction on future land sales priorities from City Council, which included this lot. In October, 2013 administration introduced Bylaw 2013-49 to Council, a disposition bylaw to consider the sale of this lot. Following input from the public, Council decided to defer 2nd and 3rd Reading of the bylaw until a Mayor's Meeting could be held with residents to hear their questions and comments on the proposal.

The Mayor's Meeting was held on April 2, 2014 at Jack Hulland School. Advertising the meeting included letters to property owners living within 100 m of the subject property; notification to the Porter Creek Community Association; newspaper ads; and a sign placed on the property. 5 members of the public attended the meeting and all comments received were in opposition. The following issues were raised:

- Whistle Bend can meet the population increase

- Develop the area as a community picnic site
- Traffic concerns / Porter Creek density concerns
- School capacity concerns
- Yukon Electrical easement access question

ALTERNATIVES

- Option 1: Proceed with 2nd and 3rd Reading under the bylaw process.
- Option 2: Bring the bylaw forward under the process and defeat at 2nd Reading.
- Option 3: Do not proceed with 2nd and 3rd Reading.

ANALYSIS

Whistle Bend can meet the population increase

A concern was raised that with land to accommodate 3,500 future dwelling units available in nearby Whistle Bend, this negates the need to develop this site.

In general, providing public land to the private homebuilding sector is highly important. Doing so helps protect against an unhealthy housing market that includes a lack of housing choice, and/or housing price escalation due to land scarcity.

The disposition of 67 Wann Road provides an opportunity to provide a variety of housing choices. Having land available in a variety of neighbourhoods gives people choice and helps meet different needs. All duplex lots in Phase 1 of Whistle Bend are sold, and almost all townhouse lots in Phase 2 are sold, leaving mostly only single detached and multiple housing lots currently available. Because a triplex could be built here, 67 Wann Road would likely be highly sought after, as duplex/triplex/townhouse-style development offers relatively large dwelling units at a relatively low cost.

When the City first embarked upon the ‘orphan lots’ initiative, one part of its motivation was due to an impending lot shortage. Currently the Yukon Government has 181 lots available “over the counter” in Whistle Bend; many of these can accommodate multiple dwelling units. From a pure land supply perspective, there is no short-term need to sell 67 Wann Road.

In the long term, non-Whistle Bend land is definitely needed. It is a misperception that the current availability in Whistle Bend means that no new action is needed to guard against scarcity. At the medium growth rate described in the OCP, the City requires 225 new dwelling units per year. However during the recent peak of demand (2011-2012), the City issued development permits for 350 dwelling units per year. Even at average growth, using historical figures on lot sales from the development of Copper Ridge, the amount of land that can be made available by the Yukon Government in Whistle Bend would be insufficient to avoid a shortage in approximately the next five years. It is essential that other non-Yukon Government land is made available to the private sector.

Providing land is only one reason why municipalities pursue infill lot sales such as this one. Numerous other important objectives could be achieved by selling 67 Wann Road including:

- More efficient use of infrastructure (which benefits all taxpayers).
- New dwelling units in areas where non-vehicular transportation is possible (Wann Road is a bus route; a new paved cycling path is being connected to Downtown from this area via the Holly Street paved path). The City just adopted the Transportation Demand Management Plan; a significant component of a TDM strategy is the provision of new development in areas that support non-vehicular modes.

- New investment in an aging area (studies have shown that there is typically an increase in neighbouring property values).
- New opportunities for homeownership in an existing area. Having new neighbours nearby is a social benefit, not a hardship. The provision of a duplex or a triplex in an area that is largely single detached housing would help to ensure a mix of residential types, and thus the potential for a more “complete community”.
- Other benefits associated with density. As an example, the nearby commercial area at the corner of Wann Road and Sycamore Street has recently experienced a resurgence, with new shops and services recently locating there. The reason for this is the addition of several new dwelling units in the area.
- Each additional dwelling unit located within the Urban Containment Boundary helps defer or stop urban sprawl. Sprawl is not only extremely expensive in the short and long-term, but may also have significant negative impacts on the quality of adjacent wilderness areas.

Develop the area as a community picnic site

A suggestion was made that this site should be retained as a neighbourhood amenity, and further suggested that some improvements could be done such as making it a picnic area.

Having nearby greenspace available for recreation is generally very important to Whitehorse residents. This site currently contains a walking trail that allows for connectivity from Wann Road to any rear yards of the 7 properties that border the lot. People using the trail to access Wann Road from Bamboo Crescent are also walking across private property, which is a lot owned by Yukon Housing. No other current recreation usage of the lot is currently known.

The OCP identifies several significant recreational areas that both border and are found within the Porter Creek neighbourhood. This includes McIntyre Creek Regional Park as well as an area approximately 50 hectares in size that includes Hidden Lake. The Hidden Lake Park is directly across Wann Road from this site and offers much better trails and recreational opportunities. In addition, Holy Family School and its associated school ground is also very close (200 m away). With these other areas available, there is no technical need for 67 Wann Road to function as a recreation site in the future. In addition, Yukon Housing may eventually cut off access to the trail across its property by installing a fence, which would result in the trail on 67 Wann Road only being of minor utility to the 7 adjacent lots.

Traffic concerns / Porter Creek density concerns

A concern was raised regarding the potential for negative neighbourhood impact of up to 3 new dwelling units. Notably this includes concern due to the proximity of the nearby school zone for Holy Family School, as well as general concern regarding increasing Porter Creek traffic volumes.

Several new developments have occurred in Porter Creek in recent years. Its history of development resulted in much larger lot sizes than average for Whitehorse, and additionally several vacant parcels resulting from a piecemeal approach to development. After the City of Whitehorse incorporated Porter Creek and extended urban servicing throughout it, opportunities for densification were opened up. However, the neighbourhood still remains the least dense urban neighbourhood in the City.

As detailed in the analysis of previous concerns, municipalities consider additional density to be a benefit, and not a drawback. That said, there needs to be a balance between public

expectations for privacy and quiet enjoyment of their property, and the benefits of new development. The addition of up to 3 units in this location would likely cause a negative change in the character of the backyards of the 7 adjacent properties. It would likely not have any measurable negative impact on the rest of the neighbourhood.

Traffic impacts to Porter Creek (notably including Wann Road, which connects directly to Whistle Bend Way) resulting from the development of 3,500 new dwelling units in Whistle Bend have recently been studied. The studies recommend numerous modifications to the road system in Whitehorse to deal with the increase in traffic. The potential addition of approximately 0.001% additional vehicles on Wann Road due to 3 potential new dwelling units at this location would also be able to be dealt with via these measures.

In addition, the Planning Services Department is not aware of any new traffic or density-related complaints following the addition of a duplex at 1 Boxwood Crescent in 2009.

School capacity concerns

A concern was raised that the nearest school (Holy Family) may be at or near capacity, and thus new housing units in the area may cause a problem.

The Yukon Department of Education considers school capacity issues on a City-wide basis. Because Holy Family School is one of only two Catholic elementary schools for Whitehorse, its catchment area includes approximately half of the population of the City plus surrounding populated areas. Any potential elementary-age students who might live at future dwelling units built at 67 Wann Road in the future would be equally likely to attend Jack Hulland Public School, Whitehorse Elementary (for French immersion) or potentially other schools depending upon individual circumstances. There is no need to consider school capacity as part of this land disposition.

Yukon Electrical easement access question

67 Wann Road is currently used by Yukon Electrical Company Limited (YECL) to provide servicing to adjacent properties. A question was raised as to whether housing development on this site would be overly restricted or cause YECL to change their servicing.

Meetings with YECL as well as internal staff reviews have indicated that both an electrical easement and a triplex development could be accommodated on this 2,487 m² (26,770 ft²) sized lot. The minimum lot size for triplex development is 1,208 m² (13,000 ft²). The lot is more than double this size, which leaves more than enough room for a 6 metre easement. The lot narrows to 20 metres wide where it meets the Wann Road right-of-way. The need for an easement here would likely cause any new development to have a larger than average front yard setback, but would not preclude development altogether.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2013-49, a bylaw to authorize the sale of 67 Wann Road, be brought forward for due consideration under the bylaw process.