

# CITY OF WHITEHORSE – STANDING COMMITTEES

Monday, November 19, 2018 – 5:30 p.m.

Council Chambers, City Hall

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## CALL TO ORDER

## ADOPTION OF AGENDA

**PROCLAMATIONS**            16 Days of Activism Against Gender-Based Violence

**DELEGATES**                 Sean Secord – Ride for Dad Presentation to the Mayor  
Gerd Mannsperger, Alpine Aviation – Schwatka Lake Lease  
Mike Gladish – FireSmart Whitehorse

## PUBLIC HEALTH AND SAFETY COMMITTEE

1. New Business

## DEVELOPMENT SERVICES COMMITTEE

1. Environmental Grant Applications
2. New Business

## CORPORATE SERVICES COMMITTEE

1. 2020 Arctic Winter Games Staff Participation Policy
2. Council Grant – Habitat for Humanity (18 Bailey Place)
3. Third Quarter Capital Variance Report – *For information only*
4. Third Quarter Operating Variance Report – *For information only*
5. New Business

## CITY PLANNING COMMITTEE

1. Development Incentive Agreement – 35 Tarahne Way
2. Zoning Amendment – 1 Roderick Place
3. Zoning Amendment – Child Care Centre at Days Inn
4. New Business

## CITY OPERATIONS COMMITTEE

1. New Business

## COMMUNITY SERVICES COMMITTEE

1. New Business



## PROCLAMATION

### 16 Days of Activism Against Gender-Based Violence

November 25 – December 10

WHEREAS from November 25<sup>th</sup>, the *International Day for the Elimination of Violence against Women*, to December 10<sup>th</sup>, *Human Rights Day*, the 16 Days of Activism Against Gender-Based Violence Campaign is a time to galvanize action to end violence against women and girls around the world; and

WHEREAS the City of Whitehorse recognizes that no level of violence is acceptable and that the elimination of violence against women and girls at home and around the world must be an absolute priority; and

WHEREAS the United Nations has declared 16 Days of Activism Against Gender-Based Violence to raise awareness and take action to end violence against women and girls, using the colour orange as a symbol of hope for a brighter future; and

WHEREAS the United Nations calls upon the international community, all levels of government, civil organizations and citizens to commit to ending violence against women and girls by reaching the most marginalized and under-served first; and

WHEREAS community based organizations in the City of Whitehorse are also committed to ending violence against women and girls both at home and abroad; and

WHEREAS the City of Whitehorse will light up City Hall in orange during the 16 days to raise awareness and to stand in solidarity with the victims of gender-based violence;

NOW THEREFORE I, Mayor Dan Curtis, do hereby proclaim November 25<sup>th</sup> to December 10<sup>th</sup> to be “**Orange Days**” in the City of Whitehorse to promote awareness of the United Nations Campaign of 16 Days of Activism Against Gender-Based Violence.

Dan Curtis  
Mayor

**CITY OF WHITEHORSE  
PUBLIC HEALTH AND SAFETY COMMITTEE**

Date: Monday, November 19, 2018

Location: Council Chambers, City Hall

Chair: Jocelyn Curteanu Vice-Chair: Stephen Roddick



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**Pages**

**1. New Business**

**CITY OF WHITEHORSE  
DEVELOPMENT SERVICES COMMITTEE AGENDA**

Date: Monday, November 19, 2018

Location: Council Chambers, City Hall

Chair: Laura Cabott      Vice-Chair: Dan Boyd



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	<b>Pages</b>
<b>1. Environmental Grant Applications</b>	<b>1 - 2</b>
Presented by G. Koh	
<b>2. New Business</b>	

File #: 1675

## **ADMINISTRATIVE REPORT**

**TO:** Development Services Committee  
**FROM:** Administration  
**DATE:** November 19, 2018  
**RE:** Environmental Grant Applications

### **ISSUE**

Environmental Grant applications.

### **REFERENCE**

Environmental Grant Policy

Whitehorse Sustainability Plan

### **HISTORY**

The City gives \$25,000 annually to projects that advance the Whitehorse Sustainability Plan. The purpose of the environmental grant program is to encourage and enable societies, commercial organizations, and schools to be active partners in achieving the City's sustainability goals. For this intake, there is \$22,331 available. Any funds not granted now will return to the general reserve and will no longer be available for projects.

Evaluation criteria is identified in the Environmental Grant Policy and includes factors such as how the project supports the Whitehorse Sustainability Plan, public and community benefit, eligible costs, and likelihood of success.

### **ALTERNATIVES**

1. Approve environmental grants as recommended
2. Amend the grant recommendation and approve

### **ANALYSIS**

Nine applications were received at this intake and reviewed by an internal committee on October 23<sup>rd</sup> consisting of an Environmental Coordinator and the Planning and Sustainability Intern. A total amount of \$38,557.16 was requested. While not all projects can be fully funded, administration is recommending all projects receive at least partial funding, as outlined in Appendix A.

### **ADMINISTRATIVE RECOMMENDATION**

THAT Council approve the allocation of Environmental Grants in the amount of \$22,328.51 as recommended by the review committee.

## Appendix A: Environmental Grant Summary

Organization	Project	Project Budget	Grant Request	Proposed Expenses	Recommended Funding	Notes
<b>DUGS</b>	A two-phase project to remove two low-functioning plots and replace with 11 new beds. Application is for Phase 1 only (demolition and disposal).	\$17,973.00	\$ 2,793.00	Labour for demolition	<b>\$2,793.00</b>	
<b>Fireweed Market</b>	Purchase a stand-alone electrical panel and extension cord to offer electricity to more vendors during the market.	\$ 2,415.00	\$2,127.50	Electrical panel, extension cord, labour	<b>\$1,225.00</b>	
<b>Philippe's Bike Repair</b>	Purchase bike parts and pay advertising to continue offering the established Purple Bike program	\$ 2,200.00	\$2,200.00	Bike parts and advertising	<b>\$1,500.00</b>	Reduce advertising budget
<b>Shannon Powell Consulting</b>	Create a report describing management actions to protect the Common Nighthawk in the city, consistent with the Species at Risk Act.	\$ 2,600.00	\$2,000.00	Consultant wages	<b>\$2,000.00</b>	
<b>Valleyview Community Association</b>	Install a water tank at the greenhouse to provide water in the months before and after municipal water is available.	\$1,488.75	\$1,000.00	Water tank and fittings	<b>\$1,000.00</b>	
<b>Whitehorse Community Thrift Store</b>	Three-part proposal: 1. Purchase operational equipment : storage carts and rack 2. Purchase sandwich boards for advertising 3. Hire consultant to develop a volunteer program	\$17,735.00	\$6,830.00	Equipment, signage, consultant fees	<b>\$5,975.00</b>	Not sandwich board
<b>Wildwise</b>	Multiple education projects: 1. Install signs on picnic tables at Robert Service Campground. 2. Create bear aware brochures for campground. 3. Develop a Bear Smart business program in Whitehorse 4. Develop real-time updating of human-wildlife conflict in Whitehorse.	\$17,588.00	\$12,853.00	Design, translation, printing, sign installation, consultation, materials	<b>\$2,028.00</b>	Picnic table project only
<b>Yukon Fish &amp; Game</b>	Replace an interpretive sign and refurbish three existing ones at Wolf Creek Interpretive Site.	\$5,215.03	\$2,907.51	Design, sign post and four signs	<b>\$2,907.51</b>	
<b>Yukon Invasive Species Council</b>	Update, redesign, and print existing brochures.	\$6,546.15	\$5,846.15	Design, consultation, and printing	<b>\$2,900.00</b>	Design and review, not printing
<b>Total</b>		\$73,760.93	\$38,557.16		<b>\$22,328.51</b>	

**CITY OF WHITEHORSE  
CORPORATE SERVICES COMMITTEE AGENDA**

Date: Monday, November 19, 2018

Location: Council Chambers, City Hall

Chair: Samson Hartland      Vice Chair: Laura Cabott



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	<b>Pages</b>
<b>1. 2020 Arctic Winter Games Staff Participation Policy</b>	<b>1 - 7</b>
Presented by L. Schneider	
<b>2. Council Grant - Habitat for Humanity (18 Bailey Place)</b>	<b>8 - 9</b>
Presented by M. Simard	
<b>3. Third Quarter Capital Variance Report - For information only</b>	<b>10 - 12</b>
Presented by B. Dixon	
<b>4. Third Quarter Operating Variance Report - For information only</b>	<b>13 - 16</b>
Presented by B. Dixon	
<b>5. New Business</b>	

## **ADMINISTRATIVE REPORT**

<b>TO:</b> Corporate Services Committee
<b>FROM:</b> Administration
<b>DATE:</b> November 19, 2018
<b>RE:</b> 2020 Arctic Winter Games Staff Participation Policy

### **ISSUE**

2020 Arctic Winter Games Staff Participation Policy

### **REFERENCE**

Resolution 2017-11-08 – Authorizing M.O.U. with YG for 2020 AWG  
Proposed Policy attached

### **HISTORY**

In 2011 Council adopted the 2012 Arctic Winter Games Staff Participation Policy. It was adopted to establish the policy and procedures necessary to set out the rules of participation for municipal employees during the 2012 Arctic Winter Games (AWG). Accordingly, a 2020 Arctic Winter Games Staff Participation Policy is being brought forward.

As the hosting body, the City will be responsible for ensuring the Games are organized and staged in an appropriate manner. These obligations are captured in an agreement with the Arctic Winter Games International Committee.

The citizens of Whitehorse are experienced Games hosts. The 2012 Arctic Winter Games Host Society generated approximately 2,000 volunteers to stage a successful event, and it is anticipated that approximately 2,000 volunteers will be required for the 2020 Arctic Winter Games. With the diverse talents and community spirit of our municipal employees, we anticipate many will volunteer to assist the Host Society in many different capacities prior to, during and after the Games.

### **ALTERNATIVES**

1. Adopt the Arctic Winter Games Staff Participation Policy as presented
2. Refer the policy back to Administration for amendments

### **ANALYSIS**

This policy establishes the rules for employees who are participating as a volunteer or assigned by the City to provide services to the AWG, and the process on how to apply for that participation. The City's support for this type of activity is discretionary however in order for the games to be successful it is expected that staff involvement is required from the planning stage all the way through the execution stage to ensure that the City's interests are protected. Pre-Game participation can include participating in test events



and other related pre-production activities. Post-Games or wrap up activities can include venue tear-downs, debriefings and reporting.

Many employees will be participating in Games activities and services during their regular working hours. It is important to clarify in the policy that, when doing these activities, bargaining unit employees will not be considered to be on leave or working outside of their bargaining unit during the Games-oriented work.

The 2020 Arctic Winter Games Staff Participation Policy will provide clarity for staff as to the procedures for volunteering for the Games.

**ADMINISTRATIVE RECOMMENDATION**

THAT Council adopt as presented the 2020 Arctic Winter Games Staff Participation Policy dated November 2018.



## 2020 Arctic Winter Games Staff Participation Policy

<b>Policy Number:</b>	<b>2018-04</b>
<b>Approved by:</b>	<b>Council</b>
<b>Effective date:</b>	
<b>Department:</b>	<b>Recreation and Facility/Legislative Services</b>

**AUTHORITY** Council Resolution # \_\_\_\_\_ dated \_\_\_\_\_

### **POLICY STATEMENT**

As the hosting body, the City of Whitehorse will be responsible for ensuring the Whitehorse 2020 Arctic Winter Games (Games) are organized and staged in an appropriate manner. These obligations are captured in an agreement with the Arctic Winter Games International Committee.

The City has created a Host Society to plan, organize and stage the Games on the City's behalf. A Host Society Board of Management will plan, organize, test, stage, and wrap up the Games. As the City did with the 2012 Arctic Winter Games, a contingent of municipal elected and senior staff are included on the Host Society to ensure that the necessary processes are established to:

- protect the City's interests;
- ensure administrative cooperation for the conduct of the Games; and
- communicate regularly with Council on the status of the Games.

Athletic excellence is a source of inspiration and community pride. Participation in multi-sport competitive games and cultural events includes the opportunity for social interchange and for fostering cultural awareness and understanding. The City acknowledges and celebrates the significant contribution that our employees will make towards the success of the 2020 Arctic Winter Games as planners, organizers, coaches, athletes, cultural ambassadors and spectators.

Apart from voluntary, personal involvement of City employees in the Games outside of ordinary working hours, some may be asked to participate during working hours. Others will provide services-in-kind on the City's behalf as a direct work assignment from the City. While remaining responsible for ensuring that normal operational requirements for ongoing service delivery are met and are not being compromised at the expense of resources being re-deployed to the Games, the City also wishes to accommodate reasonable requests by its employees to participate during regular work hours in roles key to the success of the Games.

The City intends to track all services-in-kind contributions to the 2020 Arctic Winter Games for a full understanding of the costs and benefits to the community of serving as the Host Society and for planning purposes for Arctic Winter Games in future years.

## DEFINITIONS

“**City**” means the City of Whitehorse.

“**Council**” means the elected council of the City of Whitehorse.

“**Games**” means the Whitehorse 2020 Arctic Winter Games to be staged in Whitehorse, March 7 to 14<sup>th</sup>, 2020.

“**employee**” means all employees and officers of the City of Whitehorse as defined in all collective agreements and all employment bylaws.

“**participation assignment**” means the opportunity to participate in the planning and execution of the Whitehorse 2020 Arctic Winter Games during an employee’s regular hours of work.

“**regular pay rate**” means an employee’s usual rate of pay during normal working hours and does not include pay at over-time rates.

## PRINCIPLES AND PURPOSE

1. The City has many skilled employees involved in the community throughout the various sporting, cultural and social organizations that will be involved with the planning, organizing, testing, staging, and wrap up of the Games, and that their participation will be critical to their success. The City recognizes three types of employee involvement, each of which will be handled accordingly:
  - (1) Direct assignment of City employees to provide services-in-kind as part of their ongoing responsibilities and tasks;
  - (2) Participation assignment whereby a City employee is authorized to provide services-in-kind that are not part of their ongoing responsibilities and tasks, during their ordinary working hours; and
  - (3) Voluntary participation in the Games either outside of the employee’s regular working hours or authorized via an approved request for leave of absence.
2. The purpose of this policy is:
  - (1) To promote and support involvement of City employees in the planning, organizing, testing, staging, and wrap up of the Games;
  - (2) To provide a means for City employees to obtain authorization for participation in the Games when their normal work schedule conflicts with Games-related responsibilities; and
  - (3) To provide for the tracking of work time spent by City employees during the Games in order to accurately report in-kind contributions to Council after the Games are completed.
3. Where there is a conflict between this policy and a collective agreement or employment bylaw, the agreement or bylaw shall prevail.
4. When the City of Whitehorse offers the Games an employee’s services on a temporary services-in-kind basis, those employees within a bargaining unit will

not be considered to have been temporarily transferred from their position nor will they be considered to be on leave or outside of their bargaining unit during the assignment.

## **SCOPE**

5. Except as provided in section 6, this policy applies to all employees and is in effect until April 1, 2020.
6. This policy does not apply to any employee on layoff, off-duty status, suspension, paid or unpaid leave of absence for which authorization has already been granted or will be granted.

## **RESPONSIBILITIES**

7. Council shall establish policy.
8. The City manager shall make such adjustments to the procedures contained in this policy as are required for the successful application of the policy.
9. Directors and managers shall:
  - (1) Inform direct reporting employees of the opportunities to participate in the Games under this policy and encourage their involvement;
  - (2) Subject to operational requirements, authorize the participation of employees for Games activities during normal working hours via approval of a participation assignment or a request for leave of absence; and
  - (3) Investigate and decide appeals of decisions made under the policy.
10. Employees shall:
  - (1) When considering Games participation that they determine may impact their ordinary hours of work on the City, notify their supervisor verbally and in writing of their intentions via a request for a participation assignment or a leave of absence; and
  - (2) When authorized for a participation assignment, track the time that would otherwise be regular working hours for the City and provide an accurate record of those hours to their supervisors.

## **Procedure to Request a Participation Assignment**

11. Before a participation assignment is granted under this policy, the employee must place the request in writing at least two weeks in advance on the appropriate participation assignment application form (Appendix A) and submit the same to his or her immediate supervisor who will evaluate each application on a case by case basis. The employee should indicate on the participation assignment application form:
  - (1) The capacity in which he/she is requesting to participate in the Games and the benefits of that participation to the Games; and

- (2) The expected amount of time during the employee's usual working hours that the participation assignment would require.

### **Games Participation Assignment Approval**

12. Participation assignments may not be undertaken unless the employee's direct supervisor has authorized it in advance.
13. Where a participation assignment application is denied by the supervisor, an appeal may be submitted to the appropriate director/manager who can review the matter and provide a final decision.

### **Rate of Pay during a Participation Assignment**

14. Employees approved for participation assignments shall be paid at their regular pay rates for the time that would otherwise fall during their usual working hours.

Appendix "A"            Application Form – Request for a work-time assignment



### **HISTORY OF AMENDMENTS**

<u>Date of Council Decision</u>	<u>Resolution Number</u>	<u>Description</u>
		Initial policy adopted

**APPENDIX A**

**Request for a Participation Assignment to a  
2020 Arctic Winter Games activity during scheduled work time**

This form must be completed and submitted at least two weeks prior to the start date of the proposed Arctic Winter Games activity. Where applicable, time sheets must be completed with proper coding after the work is completed. Please print legibly

**Employee Name:** \_\_\_\_\_

**Department:** \_\_\_\_\_

<b>Role in Activity</b>	<b>Activity</b> (Example: Cross Country Skiing)	Check if Test Event	<b>Date of Activity</b>	<b>Time of Activity</b>	<b>Place of Activity</b>
An employee participating in the planning, organizing, testing, and staging of the Games					
A member of the Yukon Mission staff					
A chair or member of an on-going committee					

Signed by:

\_\_\_\_\_  
Employee

Date: \_\_\_\_\_

Approved by:

\_\_\_\_\_  
Manager/Supervisor

Date: \_\_\_\_\_

File #: Habitat for Humanity

## **ADMINISTRATIVE REPORT**

<b>TO:</b> Corporate Services Committee
<b>FROM:</b> Administration
<b>DATE:</b> November 19, 2018
<b>RE:</b> Council Grant – Habitat for Humanity (18 Bailey Place)

### **ISSUE**

Council grant to Habitat for Humanity equal to development cost charges for a project at 18 Bailey Place in Whistle Bend.

### **REFERENCE**

- Council Strategic Update (2017)
- Yukon Housing Action Plan
- Development Cost Charges Bylaw
- Development Incentives Policy

### **HISTORY**

Habitat for Humanity is a not-for-profit organization that sells homes to low income families in need of affordable shelter at no profit, financed with affordable, no-interest mortgages. In addition to mortgage payments, each homeowner invests a minimum of 500 hours of their own labour, known as “sweat equity”, into the building of their house. Having partner families provide labour helps achieve a lower cost home.

Habitat for Humanity received a development permit to construct two four-unit buildings at 18 Bailey Place in 2017. In August 2018, they were issued building permits for the second building. Development Cost Charges (DCCs) were paid for the four-units (\$2913/unit) totalling \$11,652. They are now requesting a grant from the City equal to the value of the DCCs for these four units.

In 2017, Council completed an updated to their Strategic Plan that put a priority on affordable housing.

### **ALTERNATIVES**

1. Approve the grant for Habitat for Humanity.
2. Do not approve the grant for Habitat for Humanity.

### **ANALYSIS**

Financial support for affordable housing projects are addressed through the Development Incentive Policy and the Development Cost Charges Bylaw as follows:

#### **Development Incentives Policy**

This Policy allows Council to consider a grant to cover development fees, excluding DCCs, for non-profit organizations. However, this grant must be part of a Development Incentive application. Habitat for Humanity does not meet the eligibility criteria in the Policy as they

are not providing rental housing or units located Downtown. They would also be excluded for an incentive as they have been issued building permits.

Development Cost Charges Bylaw

This Bylaw allows Council to waive development cost charges for non-profit supportive housing projects. As this project is not for supportive housing it is ineligible for this waiver under the Bylaw.

Conclusion

Habitat for Humanity’s model of providing affordable housing ownership puts them in a gap for funding opportunities under City Policies and Bylaws. However, Council has the ability to provide a grant to Habitat for Humanity through resolution funded from the council donation account. The grant will be included in the Umbrella Grant Bylaw at year-end.

Providing a grant to Habitat for Humanity is supported by Council’s Strategic Plan Update’s focus on Affordable Housing and its commitment to implementing the Yukon Housing Action Plan.

**ADMINISTRATIVE RECOMMENDATION**

THAT Council approve the grant for Habitat for Humanity in the amount of \$11,652 funded from the council donation account.



## **ADMINISTRATIVE REPORT**

<b>TO:</b> Corporate Services Committee
<b>FROM:</b> Administration
<b>DATE:</b> November 19, 2018
<b>RE:</b> Third Quarter Capital Variance Report – <i>For Information Only</i>

### **ISSUE**

The Financial Services Department has reviewed capital expenditure projections submitted by Department Managers and is providing a forecast of capital projects.

### **REFERENCE**

Bylaw 2017-36 Capital Expenditure Program 2018-2021

2018 Capital Budget Amendments (Appendix “A” attached)

### **HISTORY**

Council adopted a capital expenditure program for 2018 totalling \$10,822,735. Throughout the first 9 months of the year council and administrative amendments of \$71,734,923 we made. Of this amount \$62,590,176 were approved re-budgets (\$46,228,570 of that is in regards to the Operations building), \$4,327,500 were in Appendix B projects (projects that may be funded from an external source and once a contribution agreement is signed will be moved to Appendix A), and \$4,817,247 in other amendments including \$2,000,000 for the Waste Management Facility Fire project. The revised total Capital Budget is now \$82,557,658. See attached Appendix A.

### **ANALYSIS**

As part of the City’s third quarter variance reporting there is a requirement for Managers to review their planned capital spending. Projects are proceeding as planned and some have been completed or are expected to be completed by the end of year. Other projects will be carried forward into 2019 due to being multi-year projects or based on delivery occurring in 2019. Based on submissions from Managers, it is anticipated that there will be approximately \$30 million in projects being carried over from 2018 to 2019, of which \$18.5 million is in relation to the Operations Building.

Appendix A

**2018 Capital Budget Amendments**

	Project Number	Bylaw/ Resolution Number	Council Revision Amount	Admin Revision Amount
<b>Approved Budget (as per Appendix "A")</b>		Bylaw 2017-36		<b>\$ 10,822,735</b>
<b>Revisions:</b>				
<b>Add Appendix "B" projects</b>				
Livingstone Trail Lagoon Odour Mitigation project moved from "B" (subject to funding) to "A" (approved) of 2018 project list as the Gas Tax funding is in place	240c00111			\$ 291,000
Livingstone Trail Lagoon Influent Chamber Rplc project moved from "B" (subject to funding) to "A" (approved) of 2018 project list as the Gas Tax funding is in place	240c01118			90,000
Rural Roads Surfacing project moved from "B" (subject to funding) to "A" (approved) of 2018 project list as the Gas Tax funding is in place	240c00309			560,500
Sanitary Sewer-Wilson&Thompson project moved from "B" (subject to funding) to "A" (approved) of 2018 project list as the Gas Tax funding is in place	240c00916			188,000
Garbage/Compost Packer Rplc project moved from "B" (subject to funding) to "A" (approved) of 2018 project list as the Gas Tax funding is in place	320c00317			320,000
Residential/Commercial Organics& Waste Carts project moved from "B" (subject to funding) to "A" (approved) of 2018 project list as the Gas Tax funding is in place	650c01118			100,000
PLC & Communication System Upgrades project moved from "B" (subject to funding) to "A" (approved) of 2018 project list as the Gas Tax funding is in place	650c00418			150,000
Landfill Upgrades project moved from "B" (subject to funding) to "A" (approved) of 2018 project list as the Gas Tax funding is in place	500c00209			100,000
WMF Transfer Station Assessment project moved from "B" (subject to funding) to "A" (approved) of 2018 project list as the Gas Tax funding is in place	650c01718			50,000
Puckett's Gulch Stair Extension project moved from "B" (subject to funding) to "A" (approved) of 2018 project list as the Gas Tax funding is in place	240c01218			155,000
Pumphouse & Recirculation project moved from "B" (subject to funding) to "A" (approved) of 2018 project list as the Gas Tax funding is in place	650c00209			295,000
Whistle Bend Lift Station Standby Pump project moved from "B" (subject to funding) to "A" (approved) of 2018 project list as the Gas Tax funding is in place	650c00818			90,000
SCADA program project moved from "B" (subject to funding) to "A" (approved) of 2018 project list as the Gas Tax funding is in place	240c02609			532,000
SCADA Software Replacement project moved from "B" (subject to funding) to "A" (approved) of 2018 project list as the Gas Tax funding is in place	650c00518			200,000
McIntyre Creek Booster Station project moved from "B" (subject to funding) to "A" (approved) of 2018 project list as the Gas Tax funding is in place	650c00115			125,000
Trail Crossing: Mallard Way project moved from "B" (subject to funding) to "A" (approved) of 2018 project list as the Gas Tax funding is in place	240c01518			76,000
Waste Management Facility Facility transfer station vehicle project moved from "B" (subject to funding) to "A" (approved) of 2018 project list as the Gas Tax funding is in place	320c00218			55,000
Rotary Park Playground replacement project moved from "B" (subject to funding) to "A" (approved) of 2018 project list as the Gas Tax funding is in place	740c00217			220,000
Aquatic Centre Sand Filter replacement project moved from "B" (subject to funding) to "A" (approved) of 2018 project list as the Gas Tax funding is in place	750c00214			50,000
Compost Facility Expansion project moved from "B" (subject to funding) to "A" (approved) of 2018 project list as the Gas Tax funding is in place	650c02118	Bylaw 2018-20		130,000
Asphalt Paths-Lewes Boulevard Trail project moved from "B" (subject to funding) to "A" (approved) of 2018 project list as the Gas Tax funding is in place	240c02309			200,000
Paved Trail Resurfacing-Parks project moved from "B" (subject to funding) to "A" (approved) of 2018 project list as the Gas Tax funding is in place	740c00610			50,000
Major Bus Repairs project moved from "B" (subject to funding) to "A" (approved) of 2018 project list as the Gas Tax funding is in place	320c00111			300,000
				<b>\$ 4,327,500</b>
<b>Approved Rebudgets</b>		Bylaw 2018-14	<b>\$ 62,590,176</b>	

## Appendix A

### 2018 Capital Budget Amendments

	Project Number	Bylaw/ Resolution Number	Council Revision Amount	Admin Revision Amount
<b>Budget Amendments</b>				
Add budget to a new project: Porter Creek Flush System Repair	650c01918	Bylaw 2018-15	850,000	
Amend 2018-2021 capital budget to include re-budgeted budget amounts from 2017 to 2018 for ADDTL Packer -WB& Commercial Compost project	320c00112	2018-04-11	309,796	
Add budget to a new project: Whistle Bend Future Planning (previously called "Whistle Bend Phase 8 & Town Square" from Appendix "B" 2017-2020 capital)	720c00214	2018-03-06	300,000	
Add budget to a new project: Stations Non-Destructive Testing	650c02218	2018-04-10	100,000	
Add budget to a new project: Motorways Servicing	720c00718	2018-06-09	90,000	
Add budget to a new project: 2018 Lot Development	720c00818	2018-06-09	160,000	
Add budget to a new project: 75TH Anniversary of the Alaska Highway Commemorative	740c00218	2018-05-03	5,000	
Add budget to a new project: School Mobility Review	240c02018	2018-08-03	44,000	
Add budget to a new project: School Mobility Review through reallocation of budget amounts from Bridge Inspections project	240c00312	2018-08-03	(15,523)	
Add budget to a new project: Chadburn Lake Dock Replacement funded through Gas Tax	740c00318	2018-10-04	23,000	
Amend 2018-2021 capital budget by increasing budget for Alexander Street Reconstruction East (2-4th) project funded by CWW fund (BCF)	240c00317	2018-06-13	250,000	
Amend 2018-2021 capital budget to include re-budgeted budget amounts from 2017 to 2018 for Livingstone Discharge Line Repair project funded by the Gas Tax and to increase 2018 project funded from the Water & Sewer Reserve	650c00516	2018-06-12	170,500	
Amend 2018-2021 capital budget to include re-budgeted budget amounts from 2017 to 2018 for McIntyre Creek Culvert Repair	240c00416	2018-06-11	27,950	
Increase the budget to a project: Lewes Boulevard Pipe Liner funded by the Gas Tax	650c00917	2018-07-07	200,000	
Add budget to a new project: Indigenous Bus Wrap project	580c00317	2018-07-03	20,000	
Increase the budget to a project: Trail Plan Implementation funded by the CPRA and Trans Canada Trail	740c00409	2018-11-03	24,424	
Increase the budget to a project: Paved Trail Resurfacing funded by the Trans Canada Trail	740c00610	2018-11-03	10,000	
Add budget to a new project: Land Acquisition -Takhini North Lot Development	720c00918	Bylaw 2018-36	70,000	
Add budget to a new project: Waste Management Facility Facility Fire	500c00118	Bylaw 2018-45	2,000,000	
Increase budget to the existing project: Landfill Excavation Project funded through Gas Tax	650c00817	2018-19-18	\$ 300,000	
Second Quarter Capital Variance	320c01016	2018-20-03	\$ (53,195)	
Second Quarter Capital Variance	320c01509	2018-20-03	\$ (5,000)	
Second Quarter Capital Variance	650c00318	2018-20-03	\$ (55,000)	
Second Quarter Capital Variance	650c02014	2018-20-03	\$ (8,705)	
<b>Total Budget Amendments</b>			<b>\$ 4,817,247</b>	
<b>Total Budget Revisions (Details in Appendix "A")</b>				<b>\$ 71,734,923</b>
<b>Total Capital Budget as of December 31, 2018</b>				<b>\$ 82,557,658</b>

**ADMINISTRATIVE REPORT**

**TO:** Corporate Services Committee  
**FROM:** Administration  
**DATE:** November 19, 2018  
**RE:** Third Quarter Operating Variance Report – *For information only*

**ISSUE**

The Financial Services Department has reviewed operating budget projections submitted by Department Managers and is providing a forecast of operating results to the end of the 2018 fiscal year.

**REFERENCE**

Bylaw 2018-07 2018 Operating Budget  
 2018 Operating Budget Amendments (Appendix “A” attached)

**HISTORY**

Council adopted an operating budget for 2018 totalling \$77,287,926. Throughout the first three quarters of the year, council and administrative amendments were made with a net total of \$1,146,037 for a new total of \$78,433,963.

For the 2<sup>nd</sup> and 3<sup>rd</sup> quarters of every fiscal year, department managers submit their projections for operating revenues and expenditures to the end of the year to ensure that the budget is being adhered to. Financial Services analyses the submissions and compiles the information to present to Council.

**ANALYSIS**

The 2018 third quarter variance projection shows that total operating revenues will exceed budget by \$591,881 and expenses will be over budget by \$150,828. Therefore, operating projections to December 31, 2018 as compared to the revised budget indicate an operating surplus of \$441,053. When viewed by Fund, the projected surplus is as follows:

Projected Variance		
Fund	Deficit/(Surplus) to Budget	Primary Driver of Fund Variance
General	\$ (485,825)	Higher than anticipated Investment Income, Tax and CMG revenues and staff vacancies
Water and Sewer	\$ 44,772	Higher electrical and reserve transfer variances
<b>Projected (Surplus)</b>	<b>\$ (441,053)</b>	

When analysing the projected variance by “object-type” across the corporation revenue items of note include:

<b>Revenue (brackets indicate higher than anticipated revenues)</b>	
Sale of Land	(634,929)
Investment Income	(557,141)
Comprehensive Municipal Grant (CMG)	(375,001)
Development Cost Charge (DCC)	(340,000)
Garage Charge Recovery	(139,003)
General Tax	(108,152)
Utility Revenue (Water and Sewer)	(83,718)
Miscellaneous	5,952
Building Permits	60,000
Transfer from Capital Reserve	1,580,111
<b>Total Revenues</b>	<b>\$ (591,881)</b>

- From second quarter, Sale of Land revenue is higher than anticipated due to the sale of the Motorways lot which was expected to sell at the end of 2017 but did not sell until 2018. In addition, two infill lots at Mary Lake recently sold for \$460K; this had not been anticipated when preparing the 2018 budget.
- Investment Income is higher than anticipated due to increased interest rates and the intentionally higher cash levels to offset planned capital spending.
- Higher than anticipated Comprehensive Municipal Grant Revenue was received in the 2<sup>nd</sup> quarter as a result of the new YG funding formula.
- Higher than anticipated Development Cost Charge revenue coincides with the higher than expected number of dwelling units permitted to date as a result of the spring Whistle Bend land lottery and downtown multi-family development projects.
- Consistent with second quarter reporting, the higher than anticipated Garage Charge Recovery offsets the higher expense charged to departments based on their usage of equipment, mostly in winter road maintenance due to the late spring freeze thaw.
- General Tax revenue is higher than anticipated due to assessment amendments that came in after the initial Tax Roll had been provided to the City.
- Utility revenues are higher than anticipated as there has been more dwellings given occupancy this year than expected.
- Miscellaneous Revenue is made up of numerous small, mostly offsetting, amounts such as Landfill and compost fees, Canada Games Centre memberships, business licenses sales, sale of equipment and development fees.
- Building permit revenue is expected to be 9% below budget as there has not been as many large construction projects as previously anticipated.
- Transfers from the Capital reserve are down as planned contributions to the operating budget are not required. This is largely due to the City deferring borrowing for the new operations building until 2019. This reduction in transfer revenue is offset by the savings in budgeted expenditures below for the debenture principle and interest of \$1.5M.

On the expense side, the following items are projected to vary from the budget:

<b>Expenses (brackets indicate lower than anticipated spending)</b>	
Debt Service Principal and Interest	(1,500,000)
Wages & Benefits	(633,813)
Heating Costs	57,694
Garage Charges	125,483
Repair Materials & Parts	149,151
Miscellaneous	283,881
Transfers to Reserve	1,668,432
<b>Total Expenses</b>	<b>\$ 150,828</b>

- Consistent with second quarter, Wages and Benefits are expected to come in lower than anticipated due primarily to corporate vacancies in the Business & Technology Systems, Financial Services, Landfill and Operations' Facility Maintenance and Summer Road Maintenance areas.
- Overall, heating costs are projected to be higher than budgeted as a result of the winter temperatures extending into the spring.
- Repair Materials & Parts are expected to be higher than anticipated as a result of unforeseen repairs in the facility maintenance and transit bus areas.
- Miscellaneous expenses are made up of multiple small amounts which vary slightly from budget including gas, oil and diesel costs, waste collection insurance and ground engagement tools.
- Transfers to Reserve are governed by the City's Reserve Bylaw. In this case the higher than expected Land Sales, Taxes, DCC Revenue, Utilities and Comprehensive Grant result in higher transfers to reserve.

*Overall department spending is controlled. Higher than anticipated revenues accompanied by staff vacancies has created a third quarter positive variance of \$441,053 which is well within 1% of the City's total operating budget.*

## Appendix A

<b><u>2018 Operating Budget Amendments</u></b>			
	Bylaw/Resolution Number	<b>2018</b>	
		Revenue	Expenses
<b>Approved Budget</b>	Bylaw 2018-07	<b>\$ 77,287,926</b>	<b>\$ 77,287,926</b>
Allocate Heritage Fund Grant to YHMA for the 2017 Yukon Stikine Heritage Fair		3,000	3,000
Waste Management Bylaw Changes	Bylaw 2018-19	29,489	29,489
Add budget for Free Tipping Fee Days 2018 per resolution	2018-08-04	17,500	17,500
Increase operating budget to Winter Rd Maintenance for Sand & Gravel to cover the additional costs of winter road sand funded by the General Reserve	2018-10-06	81,700	81,700
Increase operating budget for Mayor&Council -donations account to provide grant with respect to the Tiny House Development Project funded by the General Reserve	2018-16-14		10,449
	2018-16-14	10,449	
Increase operating budget for additional costs of organic waste removal	2018-16-10		3,899
	2018-16-10	3,899	
Increase operating budget to Misc. Council Donations to cover the grant to Challenge Disability Resource Group in support of the Cornerstone Project funded by the General Reserve	Bylaw 2018-44	1,000,000	1,000,000
<b>Summary of Amendments</b>		<b>1,146,037</b>	<b>1,146,037</b>
<b>Revised Budget</b>		<b>\$ 78,433,963</b>	<b>\$ 78,433,963</b>

**CITY OF WHITEHORSE  
CITY PLANNING COMMITTEE AGENDA**

Date: Monday, November 19, 2018

Location: Council Chambers, City Hall

Chair: Stephen Roddick

Vice-Chair: Jan Stick



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	<b>Pages</b>
<b>1. Development Incentive Agreement - 35 Tarahne Way</b>	1 - 12
Presented by K. Kosick	
<b>2. Zoning Amendment - 1 Roderick Place</b>	13 - 17
Presented by K. Kosick	
<b>3. Zoning Amendment - Child Care Centre at Days Inn</b>	18 - 22
Presented by K. Kosick	
<b>4. New Business</b>	



File #: DI-32-2018

## **ADMINISTRATIVE REPORT**

<b>TO:</b> Planning Committee
<b>FROM:</b> Administration
<b>DATE:</b> November 19, 2018
<b>RE:</b> Development Incentive Agreement – 35 Tarahne Way

### **ISSUE**

Development Incentive Agreements for the development of phases 2 and 3 at 35 Tarahne Way.

### **REFERENCE**

Development Incentives Policy	Development Incentive Agreement
Official Community Plan (2010)	Zoning Bylaw 2012-20
Resolution 2018-22-06 (City Grant-making Policy)	

### **HISTORY**

The City has received applications for two major development incentives from Da Daghay Development Corporation for the construction of 28 rental housing units over two phases at 35 Tarahne Way.

Council approved the Development Incentives Policy in 2011. Amendments were also adopted in 2015 and 2018. This policy is meant to encourage specific development in the city, including rental housing, mixed-used development, and supportive housing. Under this policy, developments that meet the specified criteria are eligible for a yearly monetary grant from the City. The value of the grant would be based on the increase in property taxation due to the improvements on the property.

Per the Policy, a Major Development Incentive would grant a developer a ten-year Economic Development Incentive (EDI) to a maximum of \$500,000. Multiple Major development incentives may be granted for separate phases of a project and are authorized through a development agreement with Council. Implementation is through a grant to the property owner after taxes have been paid in full.

The proponent previously received a development incentive for phase one of this project, which consisted of 42 rental housing units on the same lot.

### **ALTERNATIVES**

1. Approve the Development Incentive Agreements (attached).
2. Do not approve the Development Incentive Agreements.

## **ANALYSIS**

### **Project Details**

The proponent has provided appropriate site plans and construction drawings and has been issued Development Permits for both phases of the project. Each phase of this development consists of the construction of a 14-unit rental housing apartment building.

Once these two phases are constructed, the overall project on 35 Tarahne Way will consist of 70 rental housing units.

This project conforms to all City zoning and building regulations and the criteria for the major development incentive. Therefore, Administration is bringing the Development Incentive Agreements forward for Council approval.

### **Development Incentive Agreement**

The Development Agreement lists the total value of \$500,000 for each phase of development, the timeline for the major incentive, and specifies that the rental housing must be owned and operated by Da Daghay Development Corporation for a minimum of 10 years, or it will be required to repay the City for all grant money disbursed. However, the agreement can be transferred in full to another owner, with City approval, if the owner chooses to sell or transfer the property. Other conditions that the developer/property owner must meet to remain eligible for the grants are also specified.

The City Grant-making Policy states that cumulative grants per organization shall not exceed a total of \$50,000. However, Council passed a resolution on October 9<sup>th</sup> granting an exception to the grant cap for projects which had submitted a development permit application prior to October 1<sup>st</sup>, 2018. The permit applications for 35 Tarahne Way were received in advance of this date.

The City Grant-making Policy also includes visibility requirements that ensure the City receives full credit for its contribution to/assistance with the project. The applicant must meet these criteria should Council approve this application.

The Development Incentive Agreement will also state that the units may not be used for the purposes of an AirBnB or other 'sharing economy' short term rental.

Each phase of development at 35 Tarahne Way will be subject to a separate Development Agreement specifying the conditions of the Development Incentive approval.

## **ADMINISTRATIVE RECOMMENDATION**

THAT Council approve two Development Incentive Agreements with respect to two major development incentives for 14-unit rental housing developments at 35 Tarahne Way.

**DEVELOPMENT INCENTIVE AGREEMENT**

THIS Development Incentive Agreement made in triplicate as of this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**BETWEEN:**

**THE CITY OF WHITEHORSE**  
a municipal corporation  
(hereinafter called “the City”)

**BEING THE PARTY OF THE FIRST PART**

**AND:**

**DA DAGHAY DEVELOPMENT CORPORATION**  
(hereinafter called “the Developer”)

**BEING THE PARTY OF THE SECOND PART**

**IN RESPECT OF:**

**Lot 119**  
**Whistle Bend Subdivision**  
**Whitehorse, Yukon Territory**  
**Plan 2015-0011 LTO**

(hereinafter called the “Subject Land”)

**1) PREAMBLE**

WHEREAS the Developer is the registered owner of the Subject Land in fee simple; and

WHEREAS under Development Permit **2018-2137** the Developer applied under the City’s Development Incentives Policy (the “Policy”) for a Major Development Incentive in relation to the development of 14 rental housing units (**Phase 2**), which are maintained for a minimum of ten years (hereinafter called the “Development”), to be constructed on the Subject Land; and

WHEREAS the Whitehorse City Council, being satisfied that the development qualifies for a Major Development Incentive in accordance with paragraph (3) of the “ELIGIBILITY CRITERIA” section of the Policy, is given the authority to approve the application for a Major Development Incentive and the entering into of this Development Incentive Agreement.

NOW THEREFORE in consideration of the premises and mutual terms, covenants and conditions to be observed and performed by each of the parties hereto, the parties agree as follows:

**2) PROVISION OF DEVELOPMENT INCENTIVE GRANT**

- a) Provided that the Developer pays the full amount of the property taxes owed to the City in relation to the Land, the City shall, for ten years, commencing in the property tax year following occupancy approval for the Development, grant 100% of the increase of the property taxes for the Subject Land resulting from the construction of the Development

determined in accordance with the provisions of the Policy (the “Property Tax Increase”), up to a maximum of \$500,000.00 in total (the “Grant”).

- b) As per Council resolution **2018-22-06**, the Developer and/or the Subject Land are not subject to the \$50,000 Area Impact Cap as set out in the City Grantmaking Policy.
- c) The Developer agrees and acknowledges that the right of the Developer to receive the Grant and the obligation of the City to provide the Grant is conditional upon:
  - a. commencing construction of the Development within two years of issuance of an approved Building Permit from the City for the Development;
  - b. the Subject Land not being used for short term or nightly rental through a ‘sharing economy’ platform such as AirBnB;
  - c. meeting the Visibility Criteria and Conditions in the City Grant-making Policy;
  - d. the City passing a by-law each year authorizing the Grant for that year; and
  - e. the Developer submitting an annual written request for the Grant to Planning and Sustainability Services by August 1 in each year.
- d) The Developer acknowledges that a condition to receiving the Grant is the continued ownership of at least four rental housing units for a minimum of ten years, and in the event that the Developer transfers ownership, partial ownership, or implied interest in ownership of any parcel of the Subject Land against which this Development Incentive Agreement is registered, or uses the Subject Land for short term rental accommodation through an online sharing economy platform, such as Airbnb, without the written consent of the City, then the full amount of the Grant paid by the City to the Developer up to that date shall be repaid immediately by the Developer to the City, and to secure the repayment of the Grant, the Developer hereby mortgages to the City all of its estate and interest in the Subject Land.
- e) The Developer agrees and acknowledges that the right of the Developer to receive the Grant and the obligation of the City to provide the Grant terminates in the event that any Building Permit associated with the Development is cancelled due to inactivity or failure to obtain a final occupancy approval for the Development within a reasonable period of time.
- f) The Developer agrees and acknowledges that the right of the Developer to receive the Grant and the obligation of the City to provide the Grant terminates in the event that the Developer is in arrears of paying its municipal taxes for the Subject Land for a period of thirty days or more.

### **3) ASSIGNABILITY OF DEVELOPMENT INCENTIVE AGREEMENT**

- a) This Development Incentive Agreement and any of the rights or obligations created hereunder may be assigned or transferred by the Developer to a subsequent purchaser of the Subject Land.
  - i. It is understood between the parties that in the event that the Developer assigns any of its duties or obligations herein granted to it by the City pursuant to this Agreement, that the City, at its sole option, has the full right to request that a further Development Incentive Agreement be entered into by the assignee or transferee; and, where requested by the City, that no assignment of this Development Incentive Agreement shall be permitted unless the proposed assignee or transferee enters into such new Agreement.

- ii. The right of the assignee or transferee to receive the Grant and the obligation of the City to provide the Grant is conditional upon the assignee or transferee being endorsed as the registered owner of the Subject Land on a current Certificate of Title filed at the Yukon Land Titles Office.

**4) NOTICES**

- a) Whenever, under the provision of this Development Incentive Agreement, any notices, demands or requests are required to be given by either party to the other, such notice, demand or request may (except where expressly otherwise herein provided) be given by delivery by hand to, by sending the same by facsimile, or by registered mail sent to, the respective addresses or facsimile number hereinafter provided for, and if given by mail shall be deemed to have been served and given on the second business day following the date of mailing by registered mail and provided such addresses or facsimile number may change upon five (5) days notice. In the event that notice is served by mail at the time when there is an interruption of mail service affecting the delivery of mail, the notice shall not be deemed to have been served until one (1) week after the date that the normal service is restored. The respective addresses and facsimile number of the parties being, in the case of the City:

**THE CITY OF WHITEHORSE**  
 ATTENTION: Manager, Planning and Sustainability Services  
 2121 Second Avenue  
 Whitehorse, Yukon  
 Y1A 1C2  
Fax: (867) 668-8395

and in the case of the Developer:

**DA DAGHAY DEVELOPMENT CORPORATION**  
 ATTENTION: Ben Asquith, CEO  
 15-1114 Front Street  
 Whitehorse, YT Y1A 1A3

**5) GENERAL**

- a) This Development Incentive Agreement shall inure to the benefit of and be binding upon the parties, their heirs, executors, administrators, successors and permitted assigns.

**IN WITNESS WHEREOF** the parties hereto have executed this Development Agreement on the day and year first above written.

**THE CITY OF WHITEHORSE, per:** )

)

\_\_\_\_\_ )

**Dan Curtis, Mayor** )

)

\_\_\_\_\_ )

**Norma Felker, Assistant City Clerk** )

(SEAL)

**OWNER:** )

**DA DAGHAY DEVELOPMENT** )

**CORPORATION, per** )

)

)

\_\_\_\_\_  
**Ben Asquith, Chief Executive Officer**

)  
)

\_\_\_\_\_  
**Witness Signature**  
**Print Name:** \_\_\_\_\_

DRAFT

**AFFIDAVIT OF CORPORATE AUTHORITY  
(BODY CORPORATE SIGNING WITHOUT SEAL)**  
(s. 46(1)(b))

TO THE REGISTRAR:

NAME: **Ben Asquith, CEO**  
*(print full name of officer or director)*

I SWEAR / AFFIRM THAT:

1. I am the Chief Executive Officer of **Da Daghay Development Corporation**.
2. The above named body corporate is in good standing and legally entitled to hold and dispose of property in Yukon.
3. I have authority to execute the annexed instrument on behalf of the above named body corporate, without using a seal.
4. The above facts are true to the best of my knowledge, information and belief.

SWORN / AFFIRMED BEFORE ME ) at the City of Whitehorse in the Yukon Territory ) on the ____ day of _____, ) 2018. ) _____ ) <i>(Signature of Notary Public)</i> ) _____ ) <i>(print full name)</i> ) A Notary Public in and for the Yukon Territory ) My commission expires: _____ ) ) )	_____ ) <i>(Signature)</i> ) <b>Ben Asquith, CEO</b> ) ) ) ) ) ) )
---	--

*\* All Notaries and Commissioners outside of Yukon must affix seal*

**DEVELOPMENT INCENTIVE AGREEMENT**

THIS Development Incentive Agreement made in triplicate as of this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**BETWEEN:**

**THE CITY OF WHITEHORSE**  
a municipal corporation  
(hereinafter called “the City”)

**BEING THE PARTY OF THE FIRST PART**

**AND:**

**DA DAGHAY DEVELOPMENT CORPORATION**  
(hereinafter called “the Developer”)

**BEING THE PARTY OF THE SECOND PART**

**IN RESPECT OF:**

**Lot 119**  
**Whistle Bend Subdivision**  
**Whitehorse, Yukon Territory**  
**Plan 2015-0011 LTO**

(hereinafter called the “Subject Land”)

**1) PREAMBLE**

WHEREAS the Developer is the registered owner of the Subject Land in fee simple; and

WHEREAS under Development Permit **2018-2162** the Developer applied under the City’s Development Incentives Policy (the “Policy”) for a Major Development Incentive in relation to the development of 14 rental housing units (**Phase 3**), which are maintained for a minimum of ten years (hereinafter called the “Development”), to be constructed on the Subject Land; and

WHEREAS the Whitehorse City Council, being satisfied that the development qualifies for a Major Development Incentive in accordance with paragraph (3) of the “ELIGIBILITY CRITERIA” section of the Policy, is given the authority to approve the application for a Major Development Incentive and the entering into of this Development Incentive Agreement.

NOW THEREFORE in consideration of the premises and mutual terms, covenants and conditions to be observed and performed by each of the parties hereto, the parties agree as follows:

**2) PROVISION OF DEVELOPMENT INCENTIVE GRANT**

- a) Provided that the Developer pays the full amount of the property taxes owed to the City in relation to the Land, the City shall, for ten years, commencing in the property tax year following occupancy approval for the Development, grant 100% of the increase of the property taxes for the Subject Land resulting from the construction of the Development



determined in accordance with the provisions of the Policy (the “Property Tax Increase”), up to a maximum of \$500,000.00 in total (the “Grant”).

- b) As per Council resolution **2018-22-06**, the Developer and/or the Subject Land are not subject to the \$50,000 Area Impact Cap as set out in the City Grantmaking Policy.
- c) The Developer agrees and acknowledges that the right of the Developer to receive the Grant and the obligation of the City to provide the Grant is conditional upon:
  - a. commencing construction of the Development within two years of issuance of an approved Building Permit from the City for the Development;
  - b. the Subject Land not being used for short term or nightly rental through a ‘sharing economy’ platform such as AirBnB;
  - c. meeting the Visibility Criteria and Conditions in the City Grant-making Policy;
  - d. the City passing a by-law each year authorizing the Grant for that year; and
  - e. the Developer submitting an annual written request for the Grant to Planning and Sustainability Services by August 1 in each year.
- d) The Developer acknowledges that a condition to receiving the Grant is the continued ownership of at least four rental housing units for a minimum of ten years, and in the event that the Developer transfers ownership, partial ownership, or implied interest in ownership of any parcel of the Subject Land against which this Development Incentive Agreement is registered, or uses the Subject Land for short term rental accommodation through an online sharing economy platform, such as Airbnb, without the written consent of the City, then the full amount of the Grant paid by the City to the Developer up to that date shall be repaid immediately by the Developer to the City, and to secure the repayment of the Grant, the Developer hereby mortgages to the City all of its estate and interest in the Subject Land.
- e) The Developer agrees and acknowledges that the right of the Developer to receive the Grant and the obligation of the City to provide the Grant terminates in the event that any Building Permit associated with the Development is cancelled due to inactivity or failure to obtain a final occupancy approval for the Development within a reasonable period of time.
- f) The Developer agrees and acknowledges that the right of the Developer to receive the Grant and the obligation of the City to provide the Grant terminates in the event that the Developer is in arrears of paying its municipal taxes for the Subject Land for a period of thirty days or more.

### **3) ASSIGNABILITY OF DEVELOPMENT INCENTIVE AGREEMENT**

- a) This Development Incentive Agreement and any of the rights or obligations created hereunder may be assigned or transferred by the Developer to a subsequent purchaser of the Subject Land.
  - i. It is understood between the parties that in the event that the Developer assigns any of its duties or obligations herein granted to it by the City pursuant to this Agreement, that the City, at its sole option, has the full right to request that a further Development Incentive Agreement be entered into by the assignee or transferee; and, where requested by the City, that no assignment of this Development Incentive Agreement shall be permitted unless the proposed assignee or transferee enters into such new Agreement.

- ii. The right of the assignee or transferee to receive the Grant and the obligation of the City to provide the Grant is conditional upon the assignee or transferee being endorsed as the registered owner of the Subject Land on a current Certificate of Title filed at the Yukon Land Titles Office.

**4) NOTICES**

- a) Whenever, under the provision of this Development Incentive Agreement, any notices, demands or requests are required to be given by either party to the other, such notice, demand or request may (except where expressly otherwise herein provided) be given by delivery by hand to, by sending the same by facsimile, or by registered mail sent to, the respective addresses or facsimile number hereinafter provided for, and if given by mail shall be deemed to have been served and given on the second business day following the date of mailing by registered mail and provided such addresses or facsimile number may change upon five (5) days notice. In the event that notice is served by mail at the time when there is an interruption of mail service affecting the delivery of mail, the notice shall not be deemed to have been served until one (1) week after the date that the normal service is restored. The respective addresses and facsimile number of the parties being, in the case of the City:

**THE CITY OF WHITEHORSE**  
 ATTENTION: Manager, Planning and Sustainability Services  
 2121 Second Avenue  
 Whitehorse, Yukon  
 Y1A 1C2  
Fax: (867) 668-8395

and in the case of the Developer:

**DA DAGHAY DEVELOPMENT CORPORATION**  
 ATTENTION: Ben Asquith, CEO  
 15-1114 Front Street  
 Whitehorse, YT Y1A 1A3

**5) GENERAL**

- a) This Development Incentive Agreement shall inure to the benefit of and be binding upon the parties, their heirs, executors, administrators, successors and permitted assigns.

**IN WITNESS WHEREOF** the parties hereto have executed this Development Agreement on the day and year first above written.

**THE CITY OF WHITEHORSE, per:** )

)

\_\_\_\_\_ )

**Dan Curtis, Mayor** )

)

\_\_\_\_\_ )

**Norma Felker, Assistant City Clerk** )

(SEAL)

**OWNER:** )

**DA DAGHAY DEVELOPMENT** )

**CORPORATION, per** )

)

)

\_\_\_\_\_  
**Ben Asquith, Chief Executive Officer**

)  
)

\_\_\_\_\_  
**Witness Signature**  
**Print Name:** \_\_\_\_\_

DRAFT

**AFFIDAVIT OF CORPORATE AUTHORITY  
(BODY CORPORATE SIGNING WITHOUT SEAL)**  
(s. 46(1)(b))

TO THE REGISTRAR:

NAME: **Ben Asquith, CEO**  
*(print full name of officer or director)*

I SWEAR / AFFIRM THAT:

1. I am the Chief Executive Officer of **Da Daghay Development Corporation**.
2. The above named body corporate is in good standing and legally entitled to hold and dispose of property in Yukon.
3. I have authority to execute the annexed instrument on behalf of the above named body corporate, without using a seal.
4. The above facts are true to the best of my knowledge, information and belief.

SWORN / AFFIRMED BEFORE ME )  
at the City of Whitehorse in the Yukon Territory )  
on the \_\_\_\_ day of \_\_\_\_\_, )  
2018. )

\_\_\_\_\_) )  
*(Signature of Notary Public)* )  
\_\_\_\_\_) )  
*(print full name)* )

A Notary Public in and for the Yukon Territory )  
My commission expires: \_\_\_\_\_ )

\_\_\_\_\_) )  
*(Signature)* )  
**Ben Asquith, CEO** )

*\* All Notaries and Commissioners outside of Yukon must affix seal*

## **ADMINISTRATIVE REPORT**

<b>TO:</b> Planning Committee
<b>FROM:</b> Administration
<b>DATE:</b> November 19, 2018
<b>RE:</b> Zoning Amendment –1 Roderick Place

### **ISSUE**

An application to amend the zoning of a 0.3 ha parcel of vacant Commissioner's land from PR-Parks and Recreation to RC1-Country Residential 1 to allow for a lot expansion at 1 Roderick Place in Hidden Valley.

### **REFERENCES**

- 2010 Official Community Plan
- Zoning Bylaw 2012-20
- Bylaw 2018-55 and Appendix A
- Land Disposition Policy

### **HISTORY**

In 2017, the owners of 1 Roderick Place made a land application to the Yukon Government Lands Management branch which would allow for an expansion of their country residential lot. The purpose of the expansion was for the installation of a new septic field.

The Yukon Environmental and Socio-Economic Assessment Board (YESAB) reviewed this application and a decision document was issued in February 2018. The review by YESAB determined that there would be no significant adverse effects and no recommendations were attached to the decision.

The property owners have now applied to rezone the property from PR-Parks and Recreation to RC1-Country Residential 1, which is condition of their sale agreement with Yukon government.

### **ALTERNATIVES**

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

### **ANALYSIS**

#### **Development Proposal**

The existing lot located at 1 Roderick Place is 1.03 ha, which meets the minimum lot size in the RC1 zone (1.0 ha). The proposed expansion would extend the southern lot line of the subject lot by approximately 24 m with an area of approximately 0.3 ha, resulting in a 1.33 ha lot. This new lot would not be large enough to subdivide.

The intent of the expansion is to construct a new septic field in the area to replace the aging one that currently exists on the lot. The proponent has also stated that the proposed lot expansion would allow for additional privacy, fire smarting, as well as additional setback from a well-used trail in the area.

### **Official Community Plan (OCP) and Zoning**

The current OCP designation in this area is Residential – Country, which allows for single family housing outside the urban serviced area. The OCP requires that dwellings shall be maintained, where possible, on the basis of on-site sewage disposal and potable water sources. Allowing an expansion of the lot for a new septic system is supported by the OCP.

The current zoning of the subject parcel is PR-Parks and Recreation. The PR zone is part of a larger 78 ha parcel that contains natural greenspace and several trails. A portion of PR land along Couch Road was recently rezoned by the City and Yukon government to facilitate the creation of five country residential lots.

There is a trail that runs along the southern boundary of the proposed expansion area. Administration conducted a site visit and determined that there will likely not be any impact on the current trail route. Further confirmation of the trail location in relation to the proposed boundary should be determined through survey/subdivision.

### **Other Considerations**

The DRC review identified that an easement would be required for existing ATCO Electric infrastructure that is currently located on the eastern boundary of the subject area. Any required easements would be secured during the subdivision process.

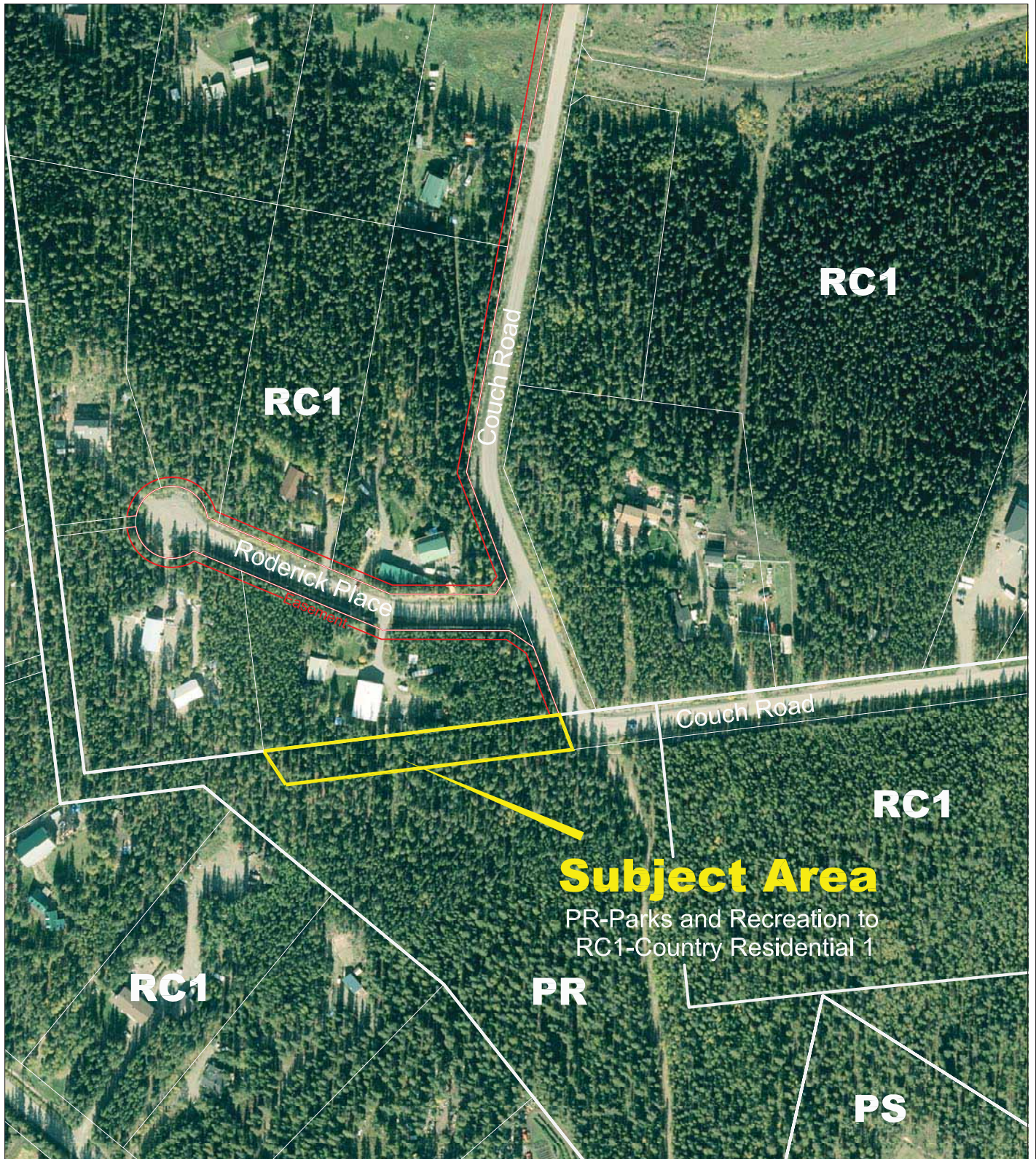
The City of Whitehorse Land Disposition Policy states that, as a general rule, Administration will refuse lot enlargement applications for country residential lots where the lot area already meets or exceeds the minimum lot area. However, a site inspection by Environmental Health deemed that it was not feasible or impractical to locate a new septic field elsewhere on the existing lot, due to setbacks from wells, accessory buildings, and site access. The policy allows for expansions where there is demonstrated need, such is the case with this application.

The proposed schedule for the amendment is as follows:

Planning Committee	November 19, 2018
1 <sup>st</sup> Reading	November 26
Newspaper Ads	November 30 and December 7
Public Hearing	January 14, 2019
Report to Committee	February 4
2 <sup>nd</sup> and 3 <sup>rd</sup> Reading	February 11

### **ADMINISTRATIVE RECOMMENDATION**


THAT Council direct that Bylaw 2018-55, a bylaw to amend the zoning of a 0.3 ha parcel of vacant Commissioner's land from PR-Parks and Recreation to RC1-Country Residential 1 to allow for a lot expansion at 1 Roderick Place in Hidden Valley, be brought forward for due consideration under the Bylaw process.



**BYLAW - 2018-55**

A bylaw to amend the zoning of a 0.3 ha of vacant Commissioner's land from PR to RC1 to allow for a lot expansion.

**LEGEND**

 SUBJECT AREA

**CITY OF WHITEHORSE**  
**BYLAW 2018-55**

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 to amend City of Whitehorse 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. The zoning maps attached to and forming part of Zoning Bylaw 2012-20 are hereby amended by changing the zoning of a 0.3 ha parcel of vacant Commissioner's land, located immediately south of 1 Roderick Place in Hidden Valley, from PR-Parks and Recreation to RC1 Country Residential 1, as indicated on the sketch attached hereto as Appendix "A" and forming part of this bylaw.
2. This bylaw shall come into force and effect upon the final passing thereof.

**FIRST READING:**

**PUBLIC NOTICE:**

**PUBLIC HEARING:**

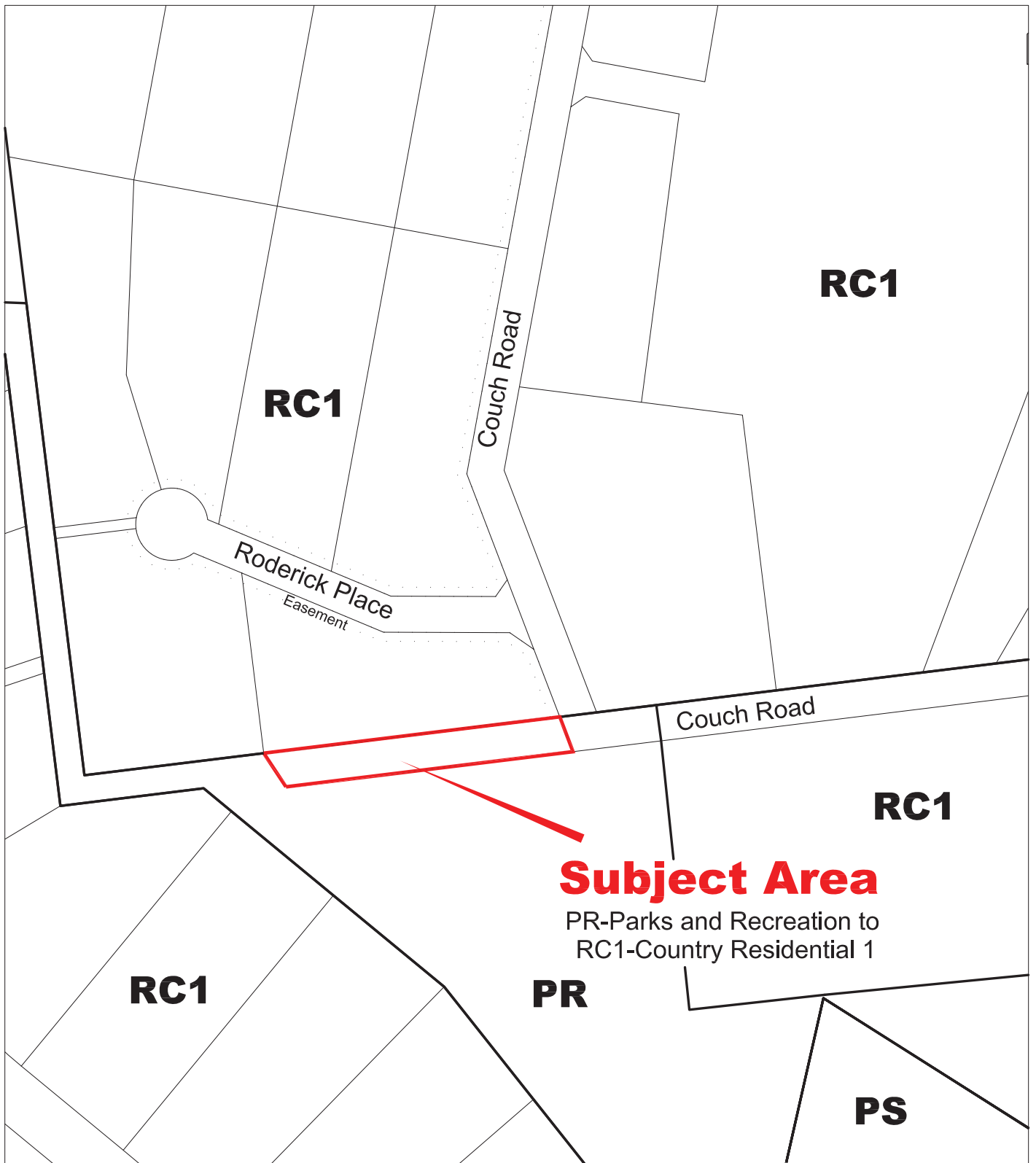
**SECOND READING:**

**THIRD READING and ADOPTION:**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk






**BYLAW - 2018-55**

A bylaw to amend the zoning of a 0.3 ha of vacant Commissioner's land from PR to RC1 to allow for a lot expansion.

**LEGEND**

 SUBJECT AREA

File #: Z-15-2018

## **ADMINISTRATIVE REPORT**

<b>TO:</b> Planning Committee
<b>FROM:</b> Administration
<b>DATE:</b> November 19, 2018
<b>RE:</b> Zoning Amendment – Child Care Centre at Days Inn

### **ISSUE**

A bylaw to allow a child care centre in the CS-Service Commercial zone.

### **REFERENCE**

- Zoning Bylaw 2012-20
- Bylaw 2018-57 and Appendix A
- Official Community Plan 2010

### **HISTORY**

Administration has received an application to amend the zoning of Lot A-7-1, Plan 36002 LTO (2288 Second Avenue) from CS-Service Commercial to CSx(b)-Service Commercial (modified) to allow for a child care centre as a principal use. The proposed child care centre would be located in the vacant portion of the Days Inn that was previously used as a night club.

The zoning application was reviewed by the Development Review Committee (DRC) on July 11<sup>th</sup>, 2018.

### **ALTERNATIVES**

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

### **ANALYSIS**

#### **Project Details**

Based on the information reviewed by the DRC, the proposed child care centre would accommodate children from one to five years of age. A maximum number of children attending the facility has not been determined, but will be subject to Yukon Government Health and Social Service legislation for Child Care Services.

The proponent is proposing a fenced play area of approximately 56 m<sup>2</sup>, which will be a combination of turf and sand. The play area is lineally-shaped (32 m x 2.2 m) and located immediately adjacent to the southern wall, between the building and parking spaces. This area will be used mainly by children three and under, while older children will use other parks and playgrounds.

Access to the building for drop-off would be provided through a right-in/right-out only entrance on 4<sup>th</sup> Avenue and an unrestricted access from 2<sup>nd</sup> Avenue.

The proposed development would also have to conform to additional regulations set out by the Zoning Bylaw, National Fire and Building Codes, and the Yukon Government department of Environmental Health.

## **Official Community Plan (OCP) and Zoning**

The subject lot is currently designated as Mixed-Use – Residential/Commercial in the 2010 OCP. This designation is intended to promote the mix and integration of multi-family residential and commercial uses. Policy 21.1.2 of the OCP states that where appropriate, the City may allow child care facilities in all commercial zones.

The subject lot is currently zoned as CS – Service Commercial. This zone is intended for a mix of land extensive businesses and vehicle-oriented commercial uses. A wide variety of service and vehicle-oriented uses are permitted in this zone, including eating and drinking establishments, gas bars, hotels, outdoor recreation equipment rentals/sales, and vehicle sales and service.

Section 6.6 of the Zoning Bylaw requires that child care centres provide access to an outdoor play area of at least 5 m<sup>2</sup> per child that is suitably landscaped, shaped, and located. Off-site play area may also be considered, but must be within a reasonable walking distance for the age groups involved. As discussed above, the applicant proposes using Shipyards Park (400 m), a park at 7<sup>th</sup> Avenue and Black Street (760 m), and LePage Park (990 m).

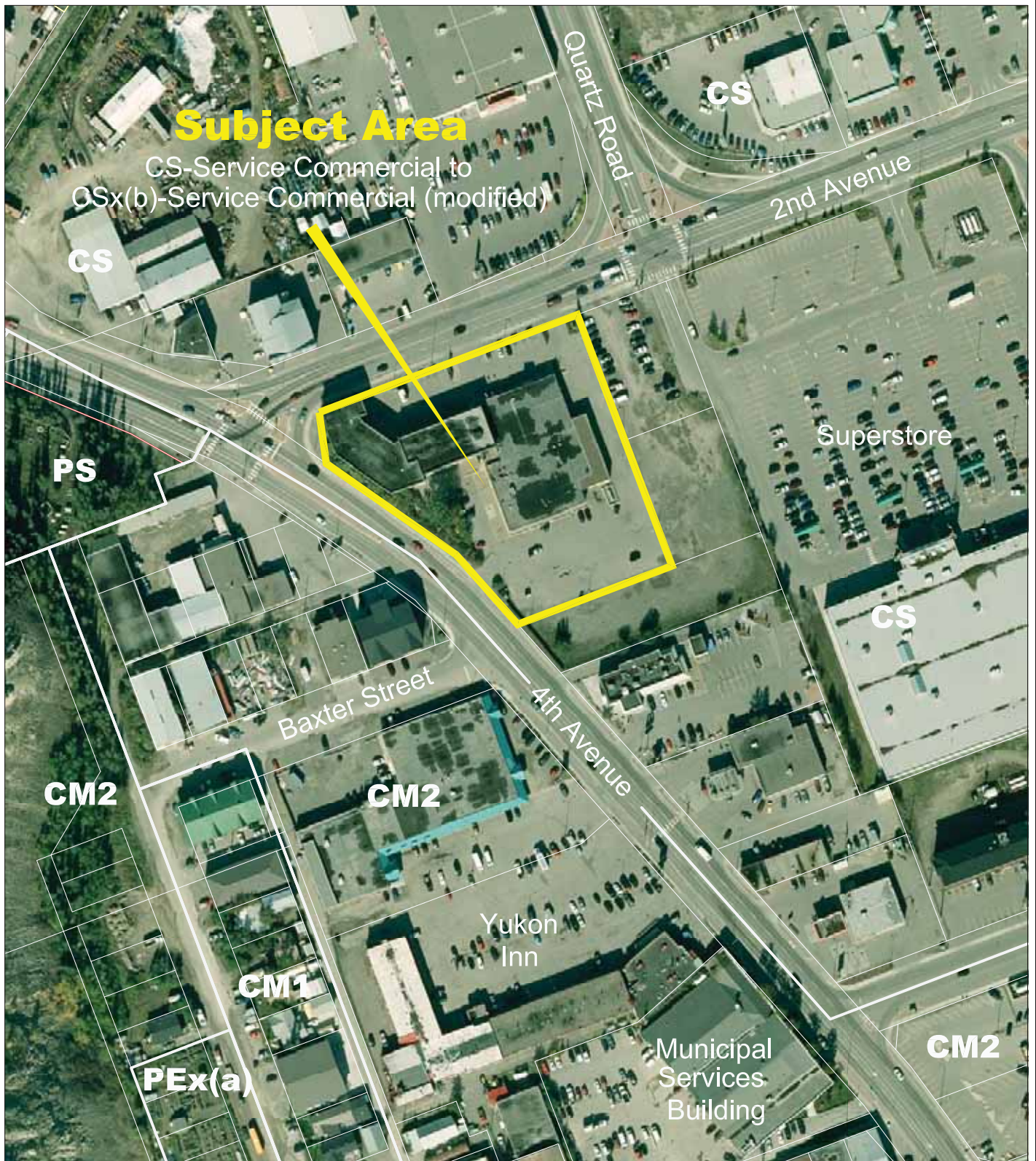
A distance of 400 m is determined to be an approximate five-minute walk and is often used in urban design and transit planning. This is likely suitable for older children attending the child care centre. The applicant has stated that children will be transported to these parks, as well as the applicant's other existing child care centre on Pelly Road using a 15 passenger van.

The proposed schedule for the amendment is as follows:

Planning Committee	November 19, 2018
1 <sup>st</sup> Reading	November 26
Newspaper Ads	November 30 and December 7
Public Hearing	January 14, 2019
Report to Committee	February 4
2 <sup>nd</sup> and 3 <sup>rd</sup> Reading	February 11

## **ADMINISTRATIVE RECOMMENDATION**


THAT Council direct Bylaw 2018-57, a bylaw to allow for a child care centre on Lot A-7-1, Plan 36002 LTO (2288 Second Avenue), be brought forward for due consideration under the bylaw process.



**Bylaw 2018-57**

A bylaw to amend the zoning of 2288 2nd Avenue (Days Inn) from CS to CSx(b) to allow for a child care centre.

**LEGEND**

 SUBJECT AREA

**CITY OF WHITEHORSE**  
**BYLAW 2018-57**

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 to amend City of Whitehorse Zoning Bylaw 2012-20;

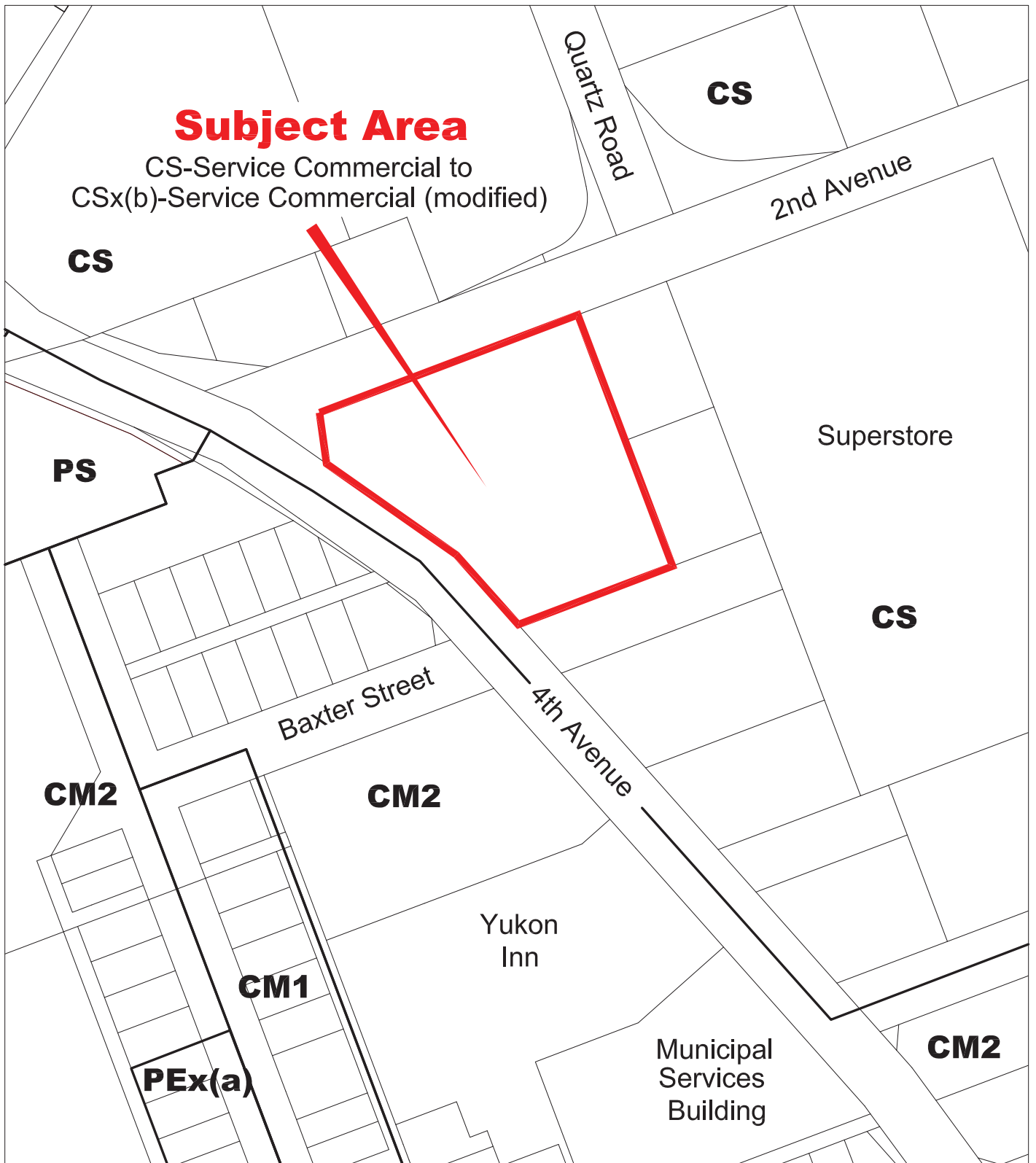
NOW THEREFORE the council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Section 10.13.7 is hereby amended by adding a new section 10.13.7 b) as follows:  
    “d) Lot A-7-1, Plan 36002 LTO (2288 Second Avenue), located in Downtown Whitehorse, is designated CSx, with the special modification that child care centres are permitted as a principal use.
2. The zoning maps attached to and forming part of Zoning Bylaw 2012-20 are hereby amended by changing the zoning of Lot A-7-1, Plan 36002 LTO (2288 Second Avenue) from CS – Highway Commercial to CSx(b) – Service Commercial x(d), as indicated on the sketch attached hereto as Appendix “A” and forming part of this bylaw.
3. This bylaw shall come into force and effect upon the final passing thereof.

**FIRST READING:**  
**PUBLIC NOTICE:**  
**PUBLIC HEARING:**  
**SECOND READING:**  
**THIRD READING and ADOPTION:**

\_\_\_\_\_  
Mayor


\_\_\_\_\_  
City Clerk



**Bylaw 2018-57**

A bylaw to amend the zoning of 2288 2nd Avenue (Days Inn) from CS to CSx(b) to allow for a child care centre.

**LEGEND**

 SUBJECT AREA

**CITY OF WHITEHORSE  
CITY OPERATIONS COMMITTEE AGENDA**

Date: Monday, November 19, 2018

Location: Council Chambers, City Hall

Chair: Dan Boyd      Vice-Chair: Samson Hartland



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**Pages**

**1. New Business**

**CITY OF WHITEHORSE  
COMMUNITY SERVICES COMMITTEE**

Date: Monday, November 19, 2018

Location: Council Chambers, City Hall

Chair: Jan Stick      Vice-Chair: Jocelyn Curteanu



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**Pages**

**1. New Business**