

CITY OF WHITEHORSE – STANDING COMMITTEES

Monday October 3, 2022– 5:30 p.m.

Council Chambers, City Hall

CALL TO ORDER

ADOPTION OF AGENDA

PROCLAMATIONS United Way Month

DELEGATIONS

PUBLIC HEALTH AND SAFETY COMMITTEE

1. New Business

CORPORATE SERVICES COMMITTEE

1. Notice of Motion (Councillor Laking) – Council Grant to Yukon Breeze Sailing Society

CITY PLANNING COMMITTEE

1. Zoning Amendment – 2220 2nd Avenue - Public Hearing Report
2. Zoning Amendment – Puckett’s Gulch - Public Hearing Report
3. Zoning Amendment – 11 Oak Street
4. Housing Development Incentive Approval – 76 Tyrell Crescent
5. Official Community Plan - Public Hearing Report
6. New Business

DEVELOPMENT SERVICES COMMITTEE

1. New Business

CITY OPERATIONS COMMITTEE

1. New Business

COMMUNITY SERVICES COMMITTEE

1. New Business



PROCLAMATION

UNITED WAY MONTH

October 2022

WHEREAS it takes every part of the community – individuals, businesses, governments and organizations – to supply the passion, expertise and resources needed to create lasting change that improves lives and builds stronger communities; and

WHEREAS the United Way advances the common good by creating opportunities for a better life for everyone, providing leadership and promoting volunteerism in all segments of the community, and providing funding for local programs that help improve our quality of life; and

WHEREAS the United Way kicks off its annual campaign every October in order to support these efforts,

NOW THEREFORE I, Mayor Laura Cabott, do hereby proclaim October 2022 to be ***United Way Month*** in the City of Whitehorse.

Laura Cabott
Mayor

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



Chair: Kirk Cameron

Vice-Chair: Jocelyn Curteanu

October 3, 2022

Meeting #2022-22

1. New Business

CITY OF WHITEHORSE
CORPORATE SERVICES COMMITTEE
Council Chambers, City Hall



Chair: Michelle Friesen

Vice-Chair: Kirk Cameron

October 3, 2022

Meeting #2022-22

-
1. Notice of Motion (Councillor Laking) – Council Grant to Yukon Breeze Sailing Society

MOTION

To: Council

From: Councillor Ted Laking

Date: October 3, 2022 – Standing Committees

Notice of Motion tabled at the September 26, 2022 – Regular Council

Re: Motion - Council Grant to Yukon Breeze Sailing Society

THAT the City of Whitehorse provide a grant from the Council Donation Fund in the amount of \$900 to the Yukon Breeze Sailing Society to offset the costs of the application fee for their most recent proposal for an amendment to their license of occupation.

CITY OF WHITEHORSE
CITY PLANNING COMMITTEE
Council Chambers, City Hall



Chair: Dan Boyd

Vice-Chair: Ted Laking

October 3, 2022

Meeting #2022-22

-
1. Zoning Amendment – 2220 2nd Avenue (Public Hearing Report)
Presented by Acting Manager Mathieu Marois
 2. Zoning Amendment – Puckett’s Gulch (Public Hearing Report)
Presented by Acting Manager Mathieu Marois
 3. Zoning Amendment – 11 Oak Street
Presented by Acting Manager Mathieu Marois
 4. Housing Development Incentive Approval – 76 Tyrell Crescent
Presented by Manager Pat Ross
 5. Official Community Plan (Public Hearing Report)
Presented by Manager Mélodie Simard
 6. New Business

ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: October 3, 2022
RE: Public Hearing Report – 2220 2 nd Avenue Zoning Amendment

ISSUE

An application to amend the zoning of 2220 2nd Avenue from CS – Service Commercial to CSx – Service Commercial (modified) to allow for a Retail Service, Restricted premise on the site located more than 100 m from a school.

REFERENCE

- [2002 Education Act](#)
- [2018 Cannabis Control and Regulation Act](#) (Territorial)
- [2018 Cannabis Control and Regulation Act – General Regulation](#) (Territorial)
- [2018 Cannabis Act](#) (Federal)
- [2019 Decision of the Cannabis Licensing Board](#)
- [2040 Proposed Official Community Plan \(August 2022\)](#)
- Proposed 2022 OCP Adopting Bylaw 2022-40
- Proposed Zoning Amendment Bylaw 2022-27
- [Zoning Bylaw 2012-20](#)

HISTORY

The proponent has applied to rezone the property from CS – Service Commercial to CSx – Service Commercial (modified) to allow for a Retail Service, Restricted (cannabis retail store) premise on the site located more than 100 m from a school.

Under section 11(1) of the Territorial *Cannabis Control and Regulation Act – General Regulation*, a cannabis retail store must be located more than 150 m from a building that is, or is part of, an elementary or secondary school. The proposed cannabis retail store does not meet this requirement as it is located within 150 m of the Whitehorse Individual Learning Centre (ILC) building, which is considered a school by the Government of Yukon.

Under section 11(2), a provision of a municipal bylaw however prevails over the requirements of section 11(1). The proponent is therefore seeking to amend the City's Zoning Bylaw to allow a cannabis retail store located more than 100 m from a school.

The proponent originally applied for a City-wide zoning amendment to allow restricted retail services located more than 100 m from all schools within the City of Whitehorse. However, City staff recommended the amendment relate only to 2220 2nd Avenue, where the cannabis retail store is proposed, as a City-wide zoning amendment would require a comprehensive assessment which is better suited for the Zoning Bylaw review. This review will occur in 2023 following the adoption of the proposed Official Community Plan currently going through the bylaw process.

Bylaw 2022-27 received First Reading on July 25, 2022. Public Hearing notifications were sent out in accordance with the Zoning Bylaw 2012-20, including:

- Notices were published in the Whitehorse Star and Yukon News on July 29 and August 5, 2022;
- The Kwanlin Dün First Nation, Ta'an Kwäch'än Council, and the Government of Yukon's Land Management Branch, Department of Education, Department of Health and Social Services, and Yukon Liquor Corporation (YLC) were notified by letter;
- One notice sign was placed on the subject site; and
- Property owners within 100 metres were notified by mail.

A Public Hearing was held on September 12, 2022. Fifty-two written submissions were received, with 33 voicing support and 19 voicing opposition and/or concerns, and eight submitters spoke to the item at the public hearing.

ALTERNATIVES

1. Proceed with the second and third readings under the bylaw process; or
2. Do not proceed with the second and third readings.

ANALYSIS

The below issues were raised in the written and verbal submissions:

- proximity to the Individual Learning Centre;
- consistency between regulations;
- adequacy of information;
- safety; and
- other issues

Proximity to the Individual Learning Centre

In 2019, the Yukon Cannabis Licensing Board issued a decision determining that the Individual Learning Centre meets the definition of a “secondary school” for the purposes of the *Cannabis Control and Regulation Act*, as it operates under the *Education Act*, ILC staff are employees of the Department of Education, and the ILC is administered by the Yukon Department of Education.

Comments in support of the amendment noted that the Individual Learning Centre should not be considered a school in the traditional sense. However, comments in opposition highlighted that the ILC is a school and should be considered as such. Although the ILC provides an alternative to regular secondary schools, it still provides services to young persons as it offers programs for youths aged 15 to 21. Of particular note, the ILC seeks to offer an alternative schooling option to youths who were not experiencing success in the mainstream system.

Submissions in opposition also considered the school buffer as a critical piece of youth protection as the increased proximity to a cannabis retail store increases its normalization and exposure. Submitters consider the opening of a cannabis store in proximity to the ILC would therefore contradict the goal of protecting youth, as outlined in the *Cannabis*

Control and Regulation Act, particularly since ILC students are considered at-risk youth. School buffer provisions should therefore apply to the ILC just as any other school.

School buffers are considered one regulatory mechanism, among others, to ensure the protection of young persons and discourage their access to, and consumption of, cannabis. A reduction in the school buffer around the ILC therefore has the potential to negatively impact young persons enrolled as students at the ILC.

Sight lines

Comments in support noted that there are no sight lines from the proposed restricted retail operation site to the school, which is located in a large multi-use building. Concerns raised however noted that the current Marble Slab sign is within view of the ILC.

It was observed during a site visit undertaken by City staff on June 16, 2022 that the Individual Learning School entrance and windows are located along the northern side of the multi-use building, along Ray Street. Part of the restricted retail operation building can be seen from the entrance and windows, although it is mostly screened by parked cars, structures in the road and buildings on adjacent sites.

Nevertheless, the buffer distance is also about diminishing ease of access, not just visibility of the store. While the proposed store may be designed to avoid any visible advertisement, ease of access will still be increased due to its proximity.

Measurement

The proponent raised in their public hearing submission that the proposed location for the cannabis shop would be approximately 198 m door-to-door from the ILC, much further than the 150 m required from lot line to building under the *Cannabis Control and Regulation Act*.

It is, however, a preferred practice by City Administration to consider the distance from lot line to lot line as buffer distances are measured in both directions, so any location changes from either use (i.e. either the school or the cannabis retail store) would impact the distance between the two uses.

As such, measuring from a building wall or door could restrict any future additions or alterations of the ILC or its relocation within the same building that could potentially reduce the buffer distance. Measuring from door to door would therefore restrict the ILC to their existing space or automatically create an encroachment into the buffer distance. Measuring from lot line to lot line allows flexibility for future additions and alterations within a site.

Consistency between regulations

Comments in support noted that there is a lack of alignment between the City and the Government of Yukon, which results in unnecessary costs, confusion, inefficiencies, disincentives, and is overall burdensome for new start-ups. Of particular note, the Whitehorse Chamber of Commerce provided a letter encouraging the City of Whitehorse and the Government of Yukon to improve and align cannabis licencing regulations from both levels of government.

As previously noted, the City's Zoning Bylaw will be reviewed following the adoption of the proposed Official Community Plan. As part of the Zoning Bylaw review, the

appropriateness of the current specific use regulations for restricted retail services, including the various buffer distances, and their alignment with territorial cannabis regulations will be reviewed. Examining the appropriateness of these requirements City-wide and determining the appropriate distances between uses, if any, is considered to be better suited as part of the comprehensive review of the Zoning Bylaw.

It is also noted that section 4(1) of the *Cannabis Control and Regulation Act* requires a comprehensive review at least once every five years. Since the *Cannabis Control and Regulation Act* was adopted in 2018, it is expected YG will commence a comprehensive review of the legislation in 2023. It is anticipated that the appropriateness of the current school buffers will be considered as part of this comprehensive review.

In addition, section 151.1 (1) of the Federal *Cannabis Act* requires a legislative review after three years of its adoption. The review must examine the administration and operation of the *Cannabis Act*, including a review of its impact on public health and, in particular, on the health and consumption habits of young persons in respect of cannabis use. On September 22, 2022, the Minister of Health and Minister of Mental Health and Addictions and Associate Minister of Health, announced the launch of this legislative review. Any changes to the *Cannabis Act* has the potential to require changes to the *Cannabis Control and Regulation Act* and municipal bylaws.

Adequacy of information

Comments both for and against the amendment referenced municipalities and studies that either support or oppose a 100 m or 150 m school buffer zone. Comments in opposition raised concerns with the limited information provided to support a reduction in the buffer distance and that any review should occur, as previously noted, through a City-wide process or the required comprehensive review of the *Cannabis Control and Regulation Act*.

It was noted by submissions in support and opposition that there are few studies specific to the proximity of cannabis stores to schools. Submissions in opposition therefore noted that the City should take a precautionary approach until further research is conducted to ensure harms are minimized.

Cannabis Buffer Map

Comments in support noted the inadequate amount of information on cannabis retail regulations provided by the permitting authorities. Specifically, information is lacking, unclear and inaccurate. This is in addition to limited retail space and strict zoning, legislation, and access regulations. As such, flexibility should be given to support small businesses.

Of particular note, the proponent raised in their public hearing submission that a Cannabis Buffer Map published by the City was inaccurate and showed the proposed cannabis store location as being outside of the school buffer. The proponent also raised that they had discussed the inaccuracy with City staff who acknowledged the error. The error was however raised with City staff after the proponent had entered into a lease agreement on the subject site and been told by YLC that they were non-compliant. The map has since been revised to show the proposed site as being within the school buffer.

The City's Private Retail Cannabis webpage notes that the map is for reference purposes only and that any potential applicants should contact the permitting authorities (City of Whitehorse Land and Building Services and Government of Yukon Liquor Corporation) to ensure accurate information. In addition, the map notes that buffers from schools are not regulated through City of Whitehorse zoning and as such, the information on the map may be incomplete. The note advises any potential applicants to contact the Government of Yukon Liquor Corporation for complete information on school buffers.

The purpose of the map is to facilitate the understanding of the Zoning Bylaw requirements for cannabis shops. It is an interpretative aid that cannot be regularly updated as uses change over time. It is not a policy or regulation, or intended to be used to determine compliance with the Zoning Bylaw requirements. In addition, the City is not always informed of changes in building uses, such as schools, which would be required to maintain an up to date and accurate map. Notwithstanding that the City does not regulate school buffers as well and therefore is not the permitting authority authorized to confirm compliance with this requirement.

The City issues development permits to confirm that a proposed development conforms to the applicable regulations of the Zoning Bylaw. The proposed cannabis retail operation received a development permit from the City as it met the City's Zoning Bylaw requirements against which the development permit application was assessed. The City is not responsible for ensuring businesses adhere to other government regulations, such as YG's *Cannabis Control and Regulation Act*, which restricts cannabis retail stores from locating within 150 m of a school.

Nevertheless, it was recommended during the development permit stage that any information contained in the Cannabis Buffer Map should be verified independently and any information regarding compliance with other legislation should be obtained and confirmed by the appropriate permitting authority, being the YLC in this instance.

Safety

Comments in support noted that there are other protections in place by the *Cannabis Control and Regulation Act* that ensure access and consumption are discouraged and public health and safety are protected. Namely, cannabis retail stores are required to verify a customer's identity. Students of the ILC would therefore not be able to purchase goods from the business. Submitters noted that lawfully purchased cannabis eliminates the black market and that there is a clear correlation between safe, responsible use and legal access.

Comments in opposition noted that youth are more likely to experience harm from cannabis use. Cognitive and mental health problems were raised as potential impacts. As previously noted, some submitters consider the increased proximity to a cannabis retail store increases its exposure and normalization. Submissions therefore consider important that the City rigorously enforces its provisions with regards to school buffers to ensure the protection of youth, per the purpose of the *Cannabis Control and Regulation Act*.

It is also noted that safety is not just related to the legal purchase of cannabis. Even if youth cannot obtain cannabis from a store, the store will still advertise to the public and

maintaining the existing buffer distance will minimize passive advertising of cannabis products to youth.

Other issues

Other matters raised in the written and verbals submissions, such as on-site parking, over-saturation of the cannabis market, due diligence, preferential treatment, process integrity and proximity to other uses are not considered to relate to this zoning amendment application to rezone the subject site.

Concerns relating to on-site parking and proximity to Shipyards Park and other uses and how they do not relate to the zoning amendment are however further explained below for clarity.

On-site parking

Comments in opposition note that parking is already congested in the area. On-site parking requirements are however considered at development permit stage. In addition, the subject site is zoned CS – Service Commercial and restricted retail services are permitted as a principal use in the zone. Parking impacts from the proposed use are therefore considered out of scope of the proposed zoning amendment as the use and its required on-site parking would otherwise be allowed on the site if compliance was achieved with territorial legislation.

Proximity to Shipyards Park

Comments in opposition note that the proposed site is too close to Shipyards Park, which has a play structure and is considered a park by many even though it is zoned PW – Public Waterfront and that buffer distances to restricted retail services do not apply to this zone. Submissions note that the zoning of the site should be reconsidered now that it has a play structure.

These submissions are not considered to relate to this zoning amendment application, being the location of a restricted retail service more than 100 m from a school. For example, a cannabis retail store could potentially be established on other surrounding properties, within a similar distance to Shipyards Park and outside of the school buffer.

It is noted that Shipyards Park was zoned PW – Public Waterfront prior to the legalization of cannabis. When the Shipyards Park play structure was built in 2021, it was not considered appropriate to rezone the site to a PR – Parks and Recreation zone, as the size of the site ensured the intent of the buffer distance from an otherwise PR – Parks and Recreation zoned site was met, being to protect youth.

Nevertheless, examining the appropriateness of the Shipyards Park zoning and determining the appropriate distance between the site and restricted retail services, if any, is considered to be better suited as part of a comprehensive review of the Zoning Bylaw, which will occur in the near future.

Proximity to other uses

Comments in support noted that the school is located within a multi-use building and that there are multiple other uses in proximity to the proposed cannabis retail store which are considered inappropriate for young persons, namely liquor stores and restaurants with

liquor licenses. As such, they consider the proposed cannabis commerce is compatible with surrounding uses and will not further impact youth.

In contrast, comments in opposition raised concerns with the increased density of these uses in a single area and other uses pertaining to youth or families located in the vicinity, namely the Aurora Virtual School and various daycare facilities and restaurants, in addition to being located where youth may congregate.

These submissions are also not considered to relate to this zoning amendment application, as a cannabis retail store could potentially be established on other surrounding properties, within a similar distance to the above mentioned uses and outside of the school buffer.

Nevertheless, it is noted that the Zoning Bylaw does not restrict the distances between a restricted retail service and daycare facilities, liquor stores, restaurants or areas youth may congregate. As previously noted, examining the appropriateness of locating restricted retail services in proximity to other uses and determining the appropriate distance between these uses, if any, is better suited as part of a comprehensive review of the Zoning Bylaw, which will occur in the near future.

Summary

Considering the above, namely:

- the status of the ILC as a school and that it is designed for at-risk youth;
- the intent of the *Cannabis Control and Regulation Act* to protect young persons and discourage their access to, and consumption of, cannabis;
- the lack of sufficient information to determine the impact the reduced buffer distance would have on the protection of youth; and
- the anticipated comprehensive reviews of the Zoning Bylaw and the *Cannabis Control and Regulation Act*, both of which are anticipated to commence next year; and
- the review of the *Cannabis Act* currently underway;

City staff consider appropriate in this instance to take a precautionary approach until further research is undertaken and information is obtained to determine the impacts a reduced buffer distance between a cannabis retail store and a school may have on the city's youth enrolled at the ILC. This examination and determination is considered better suited as part of a comprehensive review of the Zoning Bylaw, the *Cannabis Control and Regulation Act*, and the *Cannabis Act* which will occur in the near future or is already underway.

It is also considered that supporting this amendment will set a precedent where other cannabis retail stores may wish to apply for similar amendments near the same or other schools. Although each amendment is assessed on its own merits, previous precedents can be considered to justify an amendment. In addition, this precedent would need to be considered as part of the comprehensive Zoning Bylaw review as well. It is noted however that circumstances would need to be identical to be considered a legal precedent.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2022-27, a bylaw to amend the zoning of 2220 2nd Avenue to allow for a cannabis retail operation more than 100 m of a school, be brought forward to second reading and defeated.

CITY OF WHITEHORSE

BYLAW 2022-27

A bylaw to amend Zoning Bylaw 2012-20

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

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

WHEREAS it is deemed desirable that the Whitehorse Zoning Bylaw be amended to allow for a Retail Service, Restricted premise, located more than 100 metres from a school, on the site; and

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

1. The zoning map attached to and forming part of Zoning Bylaw 2012-20 are hereby amended by changing the zoning of Lot 2A Block 335 Whitehorse from CS – Service Commercial to CSx – Commercial Service (modified), as indicated on Attachment 1 and forming part of this bylaw.
2. Section 10.13 of Zoning Bylaw 2010-20 is hereby amended by adding a new subsection 11.3.7 as follows:
“11.3.7 Special Modifications
(a) Lot 2A Block 335 Whitehorse is hereby designated CSx, with the special modification being that the lot line of a Retail Services Restricted operation may not be within 100 metres of a lot used for a school.”
3. This bylaw shall come into force and effect upon the final passing thereof.

FIRST READING:

July 25, 2022

PUBLIC NOTICE:

July 29, 2022 and August 5, 2022

PUBLIC HEARING:

September 12, 2022

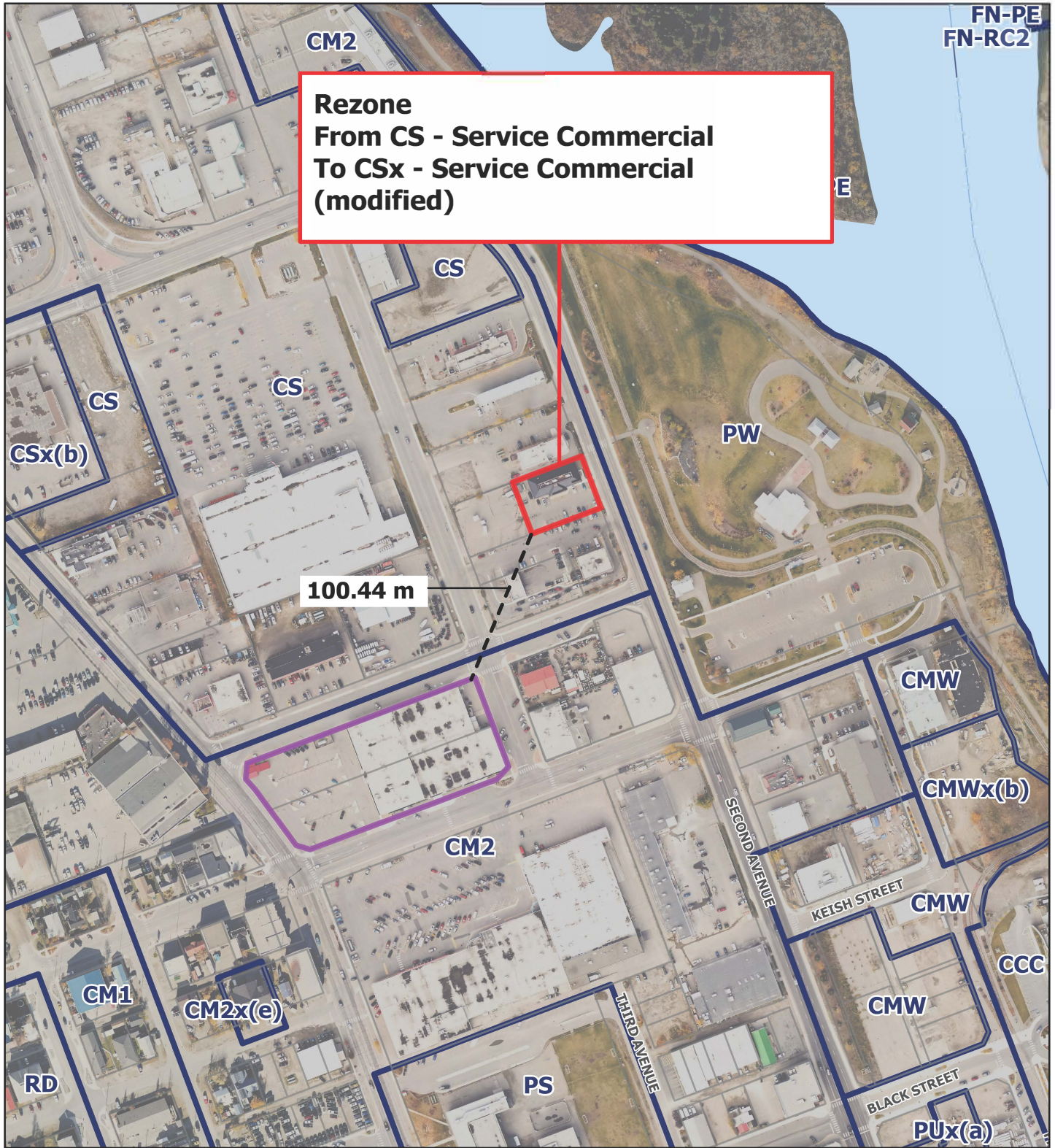
SECOND READING:

THIRD READING and ADOPTION:

Laura Cabott, Mayor

Wendy Donnithorne, City Clerk

**Rezone
From CS - Service Commercial
To CSx - Service Commercial
(modified)**



DATE:
July 4, 2022
FILE NO:
Z-15-2022

Subject Site
 Individual Learning Centre

CITY OF WHITEHORSE - PLANNING AND SUSTAINABILITY SERVICES

Bylaw 2022-27

A bylaw to amend the zoning of 2220 Second Avenue from CS to CSx (modified) to allow restricted retail over 100 metres from schools.



ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: October 3, 2022
RE: Public Hearing Report – Puckett’s Gulch/Airport Zoning Amendment

ISSUE

Public Hearing Report on a bylaw to amend the zoning at Puckett’s Gulch/Airport from PE – Environmental Protection to IAx(a) – Airport (modified) to allow for the transfer of land to the Government of Yukon to construct a runway end safety area, and relocate a trail, airside road, fence, and sanitary sewer line.

REFERENCES

- [Canadian Aviation Regulations SOR/96-433](#)
- [Trail Development Policy 2018-02](#)
- [2012 Downtown Escarpment Land Use Policy](#)
- [2020 Trail Plan](#)
- [2040 Proposed Official Community Plan \(August 2022\)](#)
- [Zoning Bylaw 2012-20](#)
- Proposed Zoning Amendment Bylaw 2022-31

HISTORY

The Government of Yukon (YG) has applied on behalf of the City of Whitehorse (City) to rezone a portion of City and YG land in the Puckett’s Gulch area to IAx(a) – Airport (modified) to allow for the construction of a 150 metre runway end safety area (RESA) at Erik Nielson Whitehorse International Airport (Airport).

In addition to adding a 150 metre RESA to Runway 14L, YG is proposing to move the airside road, airport perimeter fence, and a section of the airport perimeter trail as they do not currently comply with Transport Canada Standards. YG is also proposing to relocate a City sanitary sewer line around Runway 14R to tie-in to an existing sanitary sewer line within Puckett’s Gulch which would remove a manhole that is currently a safety concern.

The proposed rezoning involves portions of the following parcels:

1. LOT 1183, QUAD 105/D, PLAN 85401 CLSR YT;
2. LOT 423, GROUP 804, PLAN 52105 CLSR YT; and
3. LOT 18, GROUP 804, PLAN 8406 CLSR YT.

Proposed Bylaw 2022-31 was amended as it was determined that one of the subject parcels, Lot 18, previously thought to be owned by the City, is already owned by YG. A portion of the parcel still requires rezoning but will not be subject to the land transfer process.

As the other two parcels are currently owned by the City, further steps will be required should Council approve the rezoning to allow for the land transfer of a portion of the parcels. If Council approves this amendment, an amendment to the Downtown Escarpment Land Use Policy would be next, followed by the City land disposition, subdivision, including detailed engineering design approval, and land transfer processes.

Bylaw 2022-31 received First Reading on August 8, 2022. Public Hearing notifications were sent out in accordance with the Zoning Bylaw 2012-20, including:

- Notices were published in the Whitehorse Star and Yukon News on August 12 and August 19, 2022;
- The Kwanlin Dün First Nation, Ta’an Kwäch’än Council, and the Government of Yukon’s Land Management Branch, and the Downtown Residents Association were notified by email; and
- A notice sign was placed at the bottom of the Black Street Stairs and property owners within 100 metres were notified by mail.

A Public Hearing was held on September 12, 2022. Multiple written submissions from six different submitters were received, voicing opposition, concerns, suggestions or questions. Four individuals registered for, or spoke to, the item at the public hearing.

ALTERNATIVES

1. Proceed with the second and third readings under the bylaw process; or
2. Do not proceed with the second and third readings.

ANALYSIS

The following matters were raised in the public input submissions and at the public hearing:

- Opportunities to improve the airport perimeter trail;
- Geohazard risks;
- Not enough information was provided;
- Noise; and
- YG’s notification was not received.

Opportunities to improve the airport perimeter trail

Respondents provided several suggestions regarding potential improvements to the airport perimeter trail.

Obtain Airport land from YG and formalize the trail south of the project site

Several respondents requested that the airport perimeter trail south of the project site, between the Airport and the edge of the escarpment, be formalized. Respondents cited several policies in the proposed Official Community Plan (OCP): Whitehorse 2040 and the Transportation Master Plan as justification for the formalization of the trail.

Respondents noted that the trail will become more important as the proposed OCP intends to develop the South Growth Area, adding a projected 16,000 additional residents. Furthermore, the proposed OCP proposes new parks and other amenities for

Downtown and the Transportation Master Plan also attempts to reduce vehicle trips to the Downtown.

Additionally, a respondent suggested that since YG requires City land in order to complete their proposed airport improvements, there is an opportunity for the City to request some Airport land as compensation to ensure a viable trail can be maintained between the Airport and the edge of the escarpment.

The section of trail south of the Black Street Stairs between the Airport and the edge of the escarpment is not an official trail and the City’s Parks department advised that they do not intend on formalizing this section of the trail at this time. Various sources of information must be considered when contemplating establishing a new trail which may include, but not limited to, an environmental review, Yukon Environmental and Socio-Economic Assessment Act Decision Document, public and First Nation consultations, and site investigations which is outside of the scope of this zoning amendment.

The area south of the project site, between the Airport and the escarpment, will remain zoned as PE-Environmental Protection and accessible to the public. Applications for trail construction or trail enhancements can also be submitted by eligible applicants to the City’s Parks and Community Development office as per the Trail Development Policy.

Improve the accessibility of the trail

Respondents suggested that more of the airport perimeter trail should be made accessible. Suggestions included using crushed gravel instead of asphalt, that the trail should meet All Ages and Abilities guidelines, and that the development of a lower-grade trail through the Black Street gully would provide a more accessible, all-season alternative to the Black Street Stairs.

Alternative routes for the paved path can be considered in the Transportation Master Plan which is currently under review and being updated. The final details and design of the section of the trail impacted by the proposed project have not yet been determined. It is anticipated that the trail will follow a similar configuration to as it is now, adjacent to the airport perimeter fence. Geotechnical studies will inform the final design at a later stage.

Of note, the City also commits in the proposed OCP to advancing initiatives that improve accessibility throughout the community, including transportation planning. As previously noted, applications for trail enhancements can also be submitted by eligible applicants to the City’s Parks and Community Development office.

Geohazard Risks

Respondents raised concerns that the proposed project could destabilize the escarpment. The impacts of snow clearing, drainage, and the removal of trees on the stability of the escarpment were also raised as concerns.

It is acknowledged that the location of the proposed project and land transfer is within a geohazard area. Due to the sensitive location, additional steps have been added to the land transfer process to ensure that works do not increase the geohazards.

As a condition of the subdivision approval, which will occur prior to a land transfer, a development agreement will be required. Conditions of this development agreement will include that YG will need to submit a detailed engineering design for approval by the

City’s Manager of Engineering Services. The detailed engineering design will need to address the following items:

- Potential impacts to the escarpment area and slope stabilization;
- Potential impacts to the escarpment hazard zones at the bottom of the slope;
- Current slope stability issues in the project area and the expected stability issues after slope modification;
- A storm management plan around the area of interest for existing and modified conditions;
- Design of the proposed sanitary sewer manholes configuration; and
- A geotechnical review addressing any groundwater concerns.

The land will not be transferred until YG can demonstrate that the proposed project will not decrease the stability of the slope. The on-site geotechnical study, once complete, will also determine the type of vegetation that should be replanted in disturbed areas in order to provide the best slope stabilization.

Not enough information was provided

Respondents raised concerns that not enough information was provided regarding the impacts to the trail and geohazards, and that the information and potential mitigations should be provided prior to the transfer of land process, not after.

Following the First Reading, YG committed to holding a Public Information Session which was held on August 31, 2022. YG confirmed that 32 members of the public attended the session. The public had the opportunity to view a video that illustrated what the area, including the trail, would look like after the completion of the proposed project. The public also had the opportunity to clarify information and pose questions to the YG project managers and engineers.

Additionally, as previously noted, YG will need to submit a detailed engineering design for approval by the City’s Manager of Engineering Services, as part of the subdivision approval. This will occur prior to the transfer of land.

Noise

A concern was also raised at the Public Hearing that airplanes will be taking off and landing 150 metres closer to the Puckett’s Gulch and that the noise impacts are unknown. YG clarified that the runway is not being extended by 150 metres, but rather a RESA is being added which is only used in aircraft emergencies. It is not intended to be used for regular airplane take-offs or landings and as such noise will be no closer to the Puckett’s Gulch.

Did not receive YG’s notification

One respondent raised a concern that they did not receive YG’s notification about the project as part of YG’s initial engagement that occurred prior to the rezoning process. The City was not involved in YG’s notification process that they were required to do as per the requirements of Canadian Aviation Regulation 307.03 (CAR 307.03). Any concerns or questions regarding YG’s notification process under CAR 307.03 should be directed towards YG.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that revised Bylaw 2022-31, a bylaw to amend the zoning in the Puckett’s Gulch area, be brought forward at second and third reading under the bylaw process.

CITY OF WHITEHORSE
BYLAW 2022-31

A bylaw to amend Zoning Bylaw 2012-20

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

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

WHEREAS it is deemed desirable that the Whitehorse Zoning Bylaw be amended to allow for the expansion of an airport on a portion of three parcels that will be transferred to the Government of Yukon.

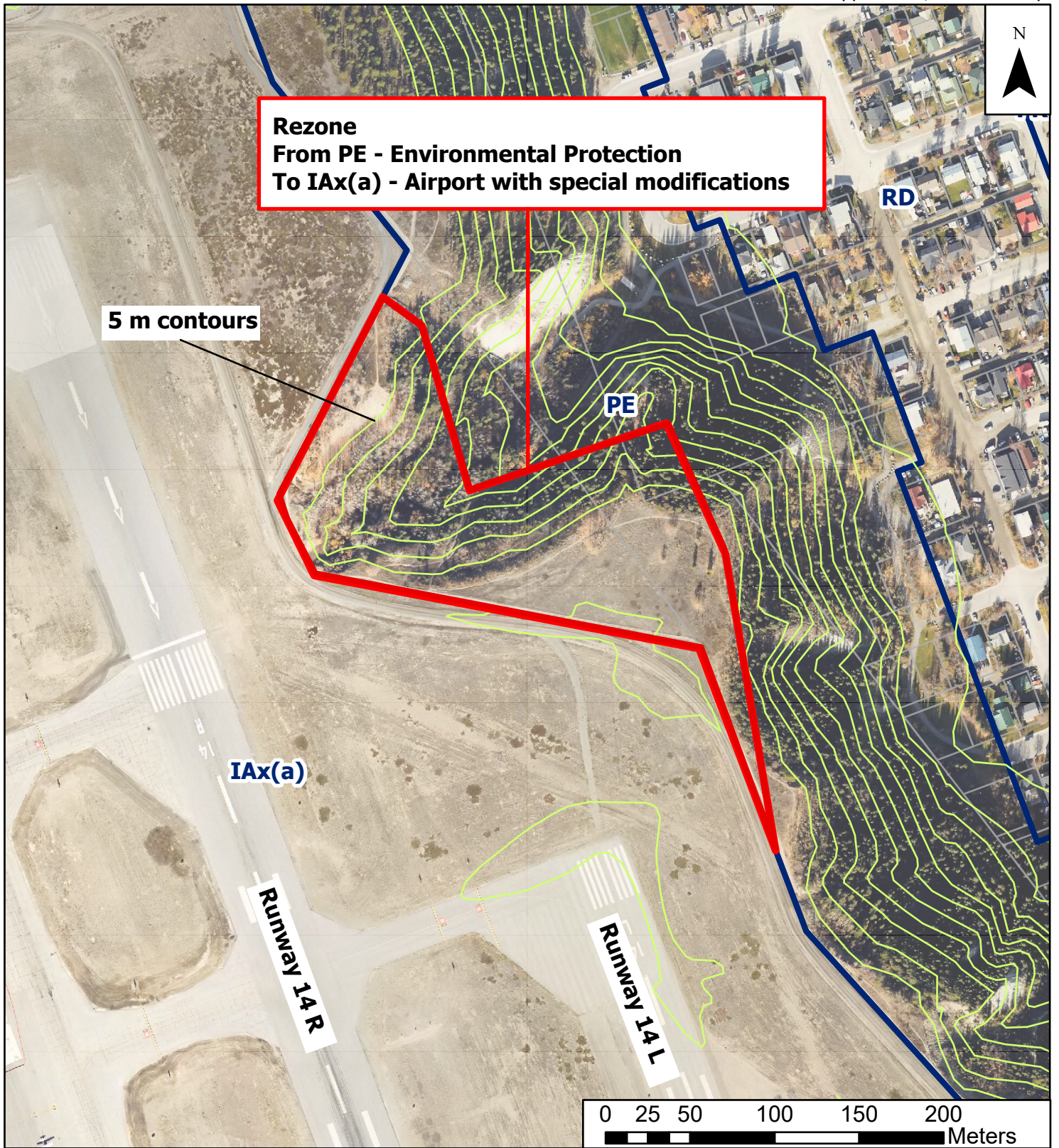
NOW THEREFORE the council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. The zoning maps attached to and forming part of Zoning Bylaw 2012-20 are hereby amended by changing the zoning of a portion of Lot 1183, Quad 105/D, Plan 85401 CLSR YT, a portion of Lot 423, Group 804, Plan 52105 CLSR YT, and a portion of Lot 18, Group 804, Plan 8406 CLSR YT from EP – Environmental Protection to IA – Airport. Modified as indicated on Attachment 1 and forming part of this bylaw.
2. This bylaw shall come into force and effect upon the final passing thereof.

FIRST READING: August 8, 2022
PUBLIC NOTICE: August 12, 2022 and August 19, 2022
PUBLIC HEARING: September 12, 2022
SECOND READING:
THIRD READING and ADOPTION:

Laura Cabott, Mayor

Wendy Donnithorne, City Clerk



**Rezone
From PE - Environmental Protection
To IAx(a) - Airport with special modifications**

5 m contours

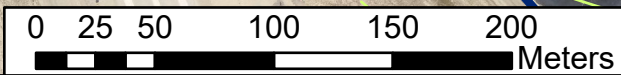
PE

RD

IAx(a)


Runway 14 R

Runway 14 L



DATE:
August 1, 2022

FILE NO:
Z-11-2022

 Subject Site

CITY OF WHITEHORSE - PLANNING AND SUSTAINABILITY SERVICES

Bylaw 2022-31

A Bylaw to amend the zoning of portions of Lot 18, Plan 20502 LTO, Lot 423 Plan 26839 LTO, and Lot 1183 Plan 2001-0273 LTO from PE-Environmental Protection to IAx(a)-Airport with special modifications.



ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: October 3, 2022
RE: Zoning Amendment – 11 Oak Street

ISSUE

An application to amend the zoning at 11 Oak Street from RS – Restricted Single Detached to RSx – Restricted Single Detached (modified) to reduce the rear yard setback to 0.9 metres to allow the conversion of an existing accessory structure into a garden suite.

REFERENCES

- [2010 Official Community Plan](#)
- [2040 Proposed Official Community Plan \(August 2022\)](#)
- [2022-2024 Strategic Priorities](#)
- [Zoning Bylaw 2012-20](#)
- Location Map (Appendix A)
- Proposed Zoning Amendment Bylaw 2022-38

HISTORY

The owners of 11 Oak Street have applied to rezone their property from RS – Restricted Single Detached to RSx (modified) to reduce the rear yard setback to 0.9 metres to allow the conversion of a detached garage into a garden suite. A garden suite is a secondary dwelling unit located on a lot where the principal use is either single detached housing or a fee simple duplex.

There is currently a detached garage on the property that the proponents intend to convert into a garden suite. The detached garage is on a concrete pad 0.9 metres from the rear property line which is within the rear yard setback of 3.0 metres. The garage already has a separate electrical panel, separate heating source, private driveway, and an off-street parking space. Moving it to come into compliance with the 3.0 metre rear yard setback would require knocking the structure down and would be cost prohibitive.

On June 15, 2022, the rezoning application was reviewed by the Development Review Committee (DRC) and the DRC had some recommendations. The DRC recommended that the proponent discuss allowable clearances under the Canadian electrical regulations with ATCO and to ensure that the potential financial costs to meet the Building Code were acceptable. The proponent considered the DRC's recommendations and agreed to proceed with the zoning amendment.

The proposed schedule for the Zoning Bylaw amendment is:

Planning Committee:	October 3, 2022
First Reading:	October 11, 2022
Newspaper Ads:	October 14 and October 21, 2022

Public Hearing:	November 14, 2022
Report to Committee:	December 5, 2022
Second and Third Reading:	December 12, 2022

ALTERNATIVES

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

ANALYSIS

Site Context

The subject property is located on Oak Street in the Porter Creek neighbourhood (Appendix A). Properties surrounding the subject property are also zoned RS. Rezoning the subject property to RSx (modified) to reduce the rear yard setback to allow the conversion of an existing garage into a garden suite would not contrast with the surrounding area as there are existing accessory structures in the neighbourhood that are also located close to the property lines. In addition, the only exterior change proposed is to replace the existing garage door with a bay window. The bay window would face towards the existing dwelling on the lot, and away from the neighbouring properties. Privacy would be maintained as there is an existing wooden fence around the property and there are no windows on the rear or east side of the existing garage which are closest to the neighbouring properties. Garden suites are also required to have a gross floor area of 100 m² or less and a height of 7.0 metres or less and therefore can resemble accessory structures.

2010 Official Community Plan, Proposed Official Community Plan (August 2022) and 2022-2024 Strategic Priorities

The subject lot is designated as Residential – Urban in the 2010 Official Community Plan (OCP), as well as the proposed 2040 OCP, which allows for a variety of residential development in close proximity to services and amenities. The rezoning will align with the intent of the OCP policies which promote a compact development pattern city-wide to ensure existing infrastructure is used most efficiently. The rezoning also aligns with policies supporting the creation of inclusive neighbourhoods by providing a diversity of housing types that may be accessible to a wide range of people.

The proposal also aligns with Council's 2022-2024 Strategic Priority to improve housing supply and to ensure a variety of housing within the City.

Zoning Bylaw

The purpose of the RS zone is to provide single-detached housing on urban lots with a broad range of residential related uses. It permits single-detached, duplex, and triplex housing as well as garden and living suites as secondary uses. The RS zone has a minimum rear yard setback of 3.0 metres.

The Zoning Bylaw regulations ensure garden suites remain secondary to the principal residence and have a low impact to the surrounding neighbourhood. A garden suite on the subject property would have minimal impact to the surrounding neighbourhood from a residential character, traffic, parking, or privacy perspective considering the required

maximum gross floor area and height which limit the number of people able to be accommodated by this secondary use. Additionally, the structure already exists and conversion of a detached garage into a garden suite would require minimal exterior changes.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2022-38, a bylaw to amend the zoning of 11 Oak Street to reduce the rear yard setback to allow a garden suite, be brought forward for consideration under the bylaw process.

CITY OF WHITEHORSE
BYLAW 2022-38

A bylaw to amend Zoning Bylaw 2012-20

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

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

WHEREAS it is deemed desirable that the Whitehorse Zoning Bylaw be amended to allow for a garden suite at Lot 603, Plan 32022 LTO YT, municipally known as 11 Oak Street; and

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

1. Section 9.15.7 of Zoning Bylaw 2012-20 is hereby amended by adding a new subsection 9.15.7 f) as follows:
 - “f) Lot 603, Plan 32022 LTO in the Porter Creek Subdivision, located at 11 Oak Street, is designated RSx(f) with the special modification being that the rear yard setback is 0.9 metres.”
2. The zoning map attached to and forming part of Zoning Bylaw 2012-20 are hereby amended by changing the zoning of Lot 603, Plan 32022 LTO, from RS–Residential Single Detached to RSx(f)-Residential Single Detached (Modified), as indicated on Attachment 1 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

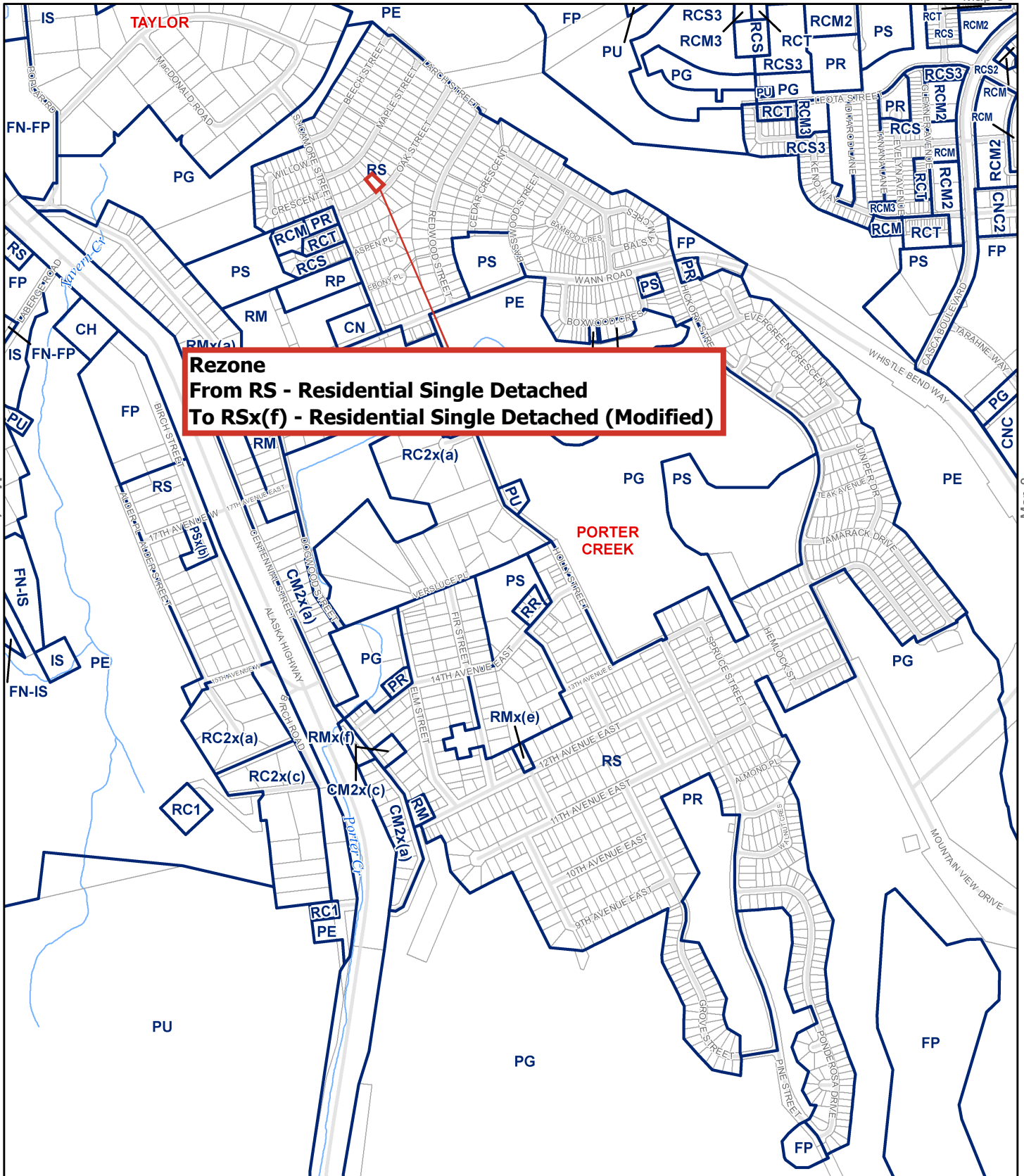
MAP 5

PORTER CREEK

Attachment 1

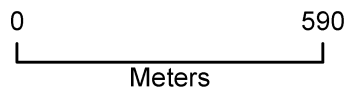
Bylaw 2022-38

Map 6



Map 11

Where a letter appears in brackets following a zoning designation, e.g. RSx(a), the letter corresponds to the 'special restrictions' subsection for that zone.



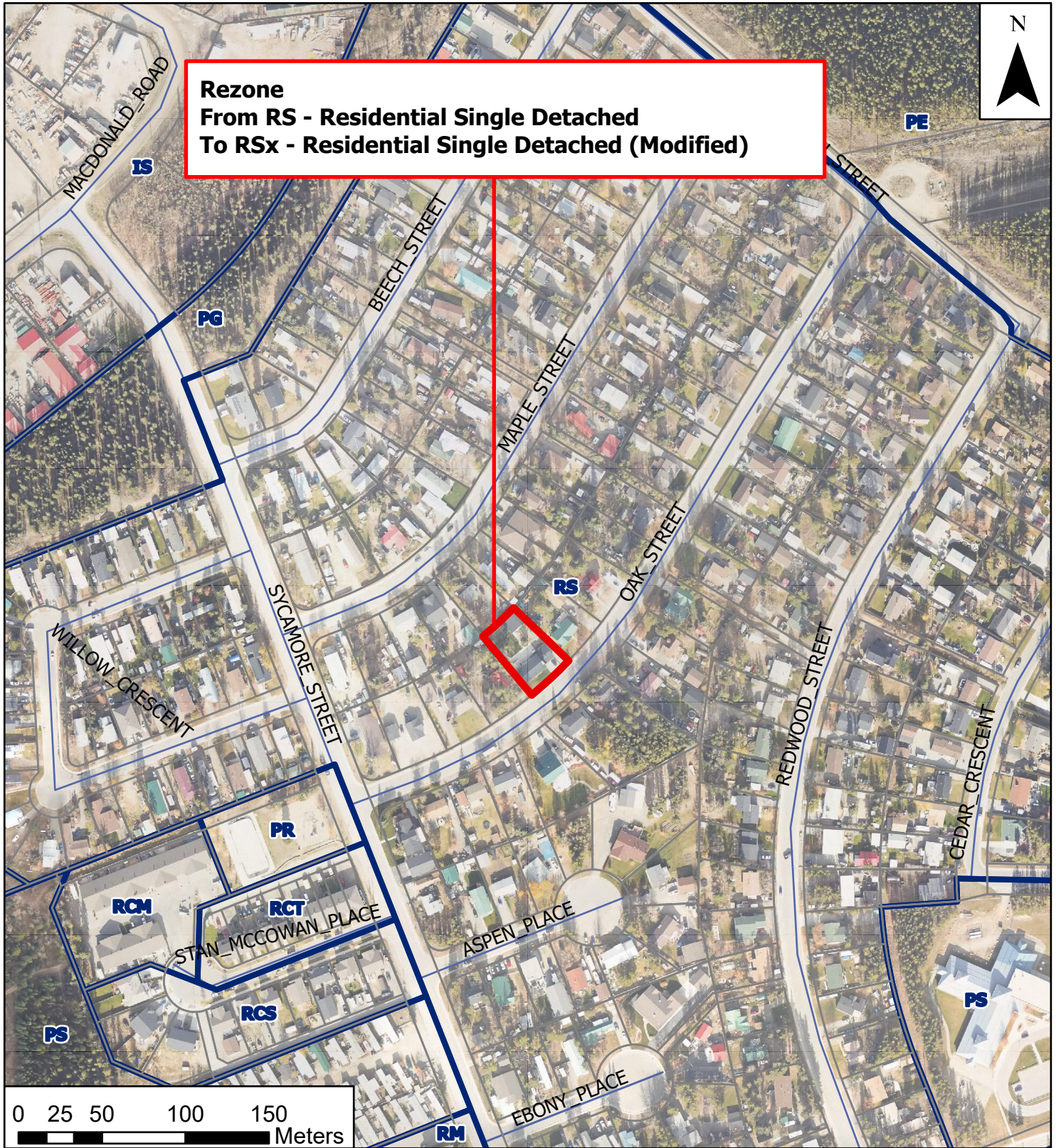
Consolidation date:
December 17, 2021

Projection: NAD 1983 UTM Zone 8

N



**Rezone
From RS - Residential Single Detached
To RSx - Residential Single Detached (Modified)**



DATE:
October 3, 2022

FILE NO:
Z-13-2022

 Subject Property

CITY OF WHITEHORSE - PLANNING AND SUSTAINABILITY SERVICES

Bylaw 2022-38

A Bylaw to amend the zoning of 11 Oak Street from RS to RSx (modified).



ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: October 3, 2022
RE: Housing Development Incentive Approval – 76 Tyrell Crescent

ISSUE

Approval of a housing development incentive for an 89-unit housing development.

REFERENCE

- [Housing Development Incentives Policy](#)
- [City Grant-making Policy](#)
- [Zoning Bylaw 2012-20](#)

HISTORY

The City has received an application for a housing development incentive for the construction of 89 apartment-style, market housing units at 76 Tyrell Crescent in Whistle Bend. This development meets the criteria for the RCM2 Zone Development Incentive, and Administration is bringing the application forward for Council approval, as specified in the policy.

In response to Council's strategic priorities on housing, this policy is meant to encourage smaller, denser housing forms in targeted areas. Under this policy, developments that meet the specified criteria are eligible for a reduction of Development Cost Charges (DCCs), a yearly monetary grant from the City, or both. The value of the grant would be based on the increase in taxation due to the improvements on the property.

Per the policy, an RCM2 Zone Development Incentive would result in a reduction of DCCs if the density achieved is 50% greater than the minimum required density in the RCM2 zone. The total value of DCCs for this project, without incentive, is \$194,465. If Council approves the incentive, the DCCs for this project would be reduced to \$0.

ALTERNATIVES

1. Approve the Development Incentive; or
2. Do not approve the Development Incentive.

ANALYSIS

Project Details

The proponent has provided appropriate site and development plans and has been issued a development permit for the project. The project includes three similar sized buildings, each comprised of a mix of one and two-bedroom units. The property, located at 76 Tyrell Crescent, is 0.987 hectares in size and the resulting density of the project is 90 units per hectare.

This meets the minimum requirement for eligibility for an RCM2 Zone Development Incentive and conforms to all City zoning regulations. Therefore, the development incentive application is being brought forward for Council approval.

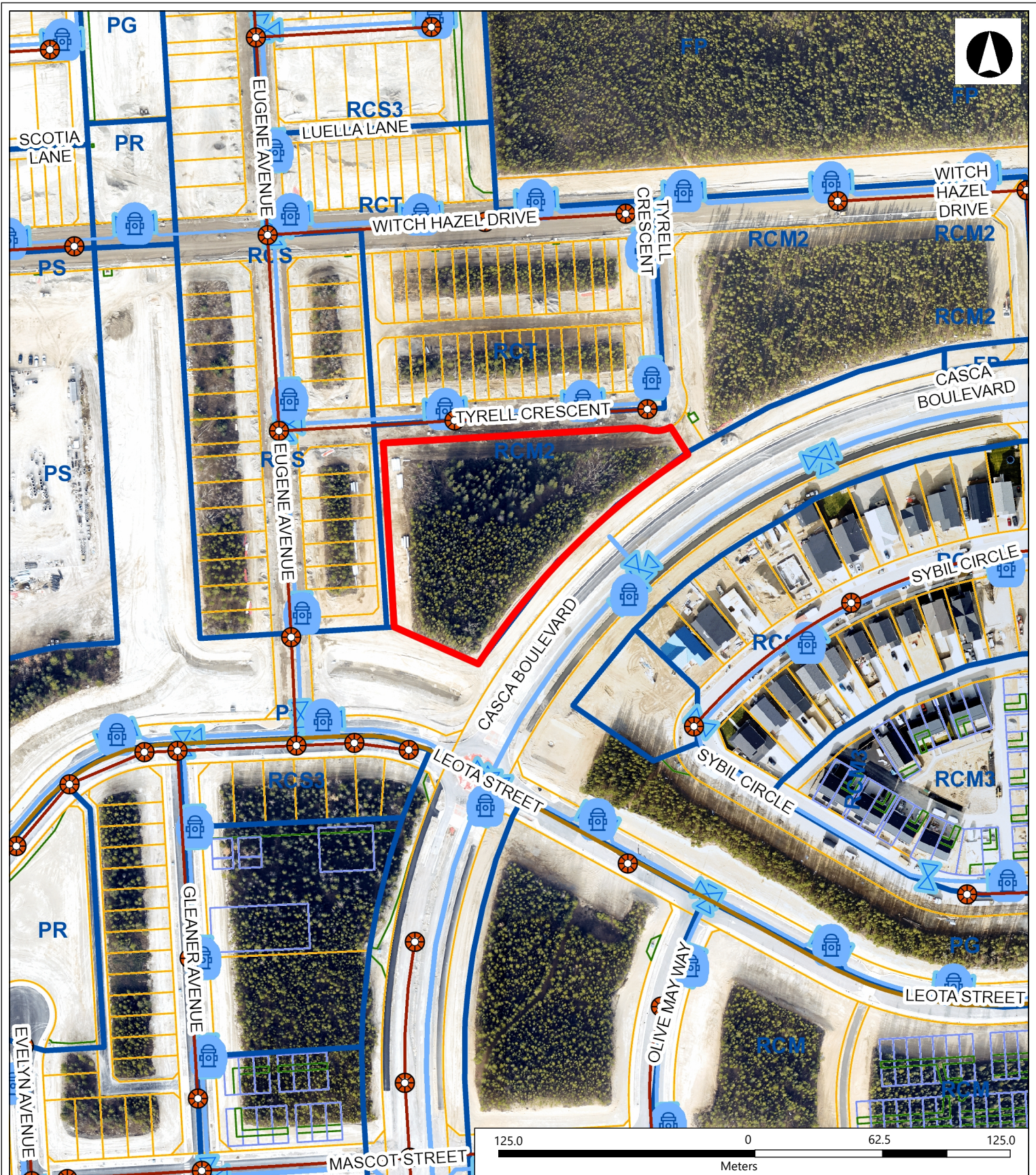
As there are no ongoing requirements associated with the RCM2 Zone Incentive, no Development Incentive Agreement is required.

City Grant-making Policy

The City Grant-making Policy states that cumulative grants per organization shall not exceed a total of \$50,000 per year. As the incentive for this project is a reduction in fees and not a tax grant, an exception to the City Grant-making Policy does not need to be considered.

ADMINISTRATIVE RECOMMENDATION

THAT Council approve an RCM2 Zone Housing Development Incentive with respect to the construction of 89 apartment housing units at 76 Tyrell Crescent in Whistle Bend.



SCALE:
1:2,500

DATE:
October 3, 2022

FILE:
DI-39-2022

DWN BY:
KK

REV NO:
1

CITY OF WHITEHORSE - LAND AND BUILDING SERVICES

Proposed RCM2 Development Incentive - Location Sketch

76 Tyrell Crescent - 89 units



ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: October 3, 2022
RE: Public Hearing Report – Proposed Official Community Plan: Whitehorse 2040

ISSUE

Public Hearing report for the proposed Official Community Plan (OCP): Whitehorse 2040.

REFERENCES

- [Municipal Act](#)
- [Official Community Plan \(2010\)](#)
- [Proposed OCP Adopting Bylaw 2022-40](#)
- [Whitehorse 2040 – Proposed Official Community Plan](#)
- [Whitehorse Sustainability Plan 2015-2050](#)
- [Zoning Bylaw 2012-21](#)
- Climate Change Emergency Declaration (Resolution 2019-17-07)
- Commercial and Industrial Land Study (Groundswell Planning, 2020)
- Review of Municipal Quarrying Policy and Practices (Groundswell Planning, 2020)
- Whistle Bend Transportation Network Impact Study (AECOM, 2009)
- McIntyre Creek Wildlife Corridor Assessment (Environmental Dynamics Inc., 2011)
- Planning & Preliminary Engineering Design Report for Whistle Bend (WSP, 2020)
- Paris Agreement (2016)
- Our Clean Future: A Yukon strategy for climate change, energy and a green economy
- Stevens Lake Commercial Aggregate Quarry Decision Document (YESAB file number 2020-0124) and supporting documents.
- Stevens Quarry Development Decision Document (YESAB file number 2012-0124) and supporting documents.

HISTORY

The OCP guides decision-making for the City by setting the long-term vision, guiding principles and supporting policies for City growth and services. The OCP is adopted by Council through a bylaw process, following robust public engagement. Prior to 3rd reading of the OCP bylaw, the Minister of Community Services is sent the proposed OCP for approval.

Bylaw 2022-40, the Official Community Plan Adopting Bylaw received First Reading on August 8, 2022. Public Hearing notifications were sent out in accordance with the *Municipal Act*, including:

- Newspaper advertisements posted in the Whitehorse Star and the Yukon News on August 12, 2022 and August 19, 2022; and
- Email notifications sent to the Government of Yukon (YG) Land Management Branch, Kwanlin Dün First Nation, Ta’an Kwäch’än Council, community associations, and the OCP email distribution list.

A Public Hearing was held on September 12, 2022. One hundred and fourteen (114) written submissions were received and over 21 people spoke at the public hearing.

ALTERNATIVES

1. Amend the proposed Whitehorse 2040 OCP as recommended and proceed under the bylaw process; or
2. Refer the proposed Whitehorse 2040 OCP back to Administration.

ANALYSIS

The analysis of issues below considers all input received as part of the OCP review Public Hearing process. Issues raised have been sorted into three groups:

1. Support
2. Change recommended
3. No change recommended

Additionally, a list of recommended housekeeping edits is included.

1. Support

The following support was received for the proposed OCP:

- Support for the proposed Chasàn Chùà / McIntyre Creek Park Management planning exercise and revised park boundary.
- Support for the additional study requirements prior to a decision on a transportation corridor through the future Chasàn Chùà / McIntyre Creek Regional Park.
- Support for the proposed OCP attainable housing policies.
- Support for granular extraction in the Stevens area.
- Support for the proposed OCP policy updates for Country Residential areas
- Support commercial and industrial land policies.
- Support for the South Growth Area planning.
- Support for many policy directions in Part B of the proposed OCP, including Equity and Inclusion, Heritage, Arts and Culture, Climate Action, Environmental Stewardship, Development and Growth, Housing, Economy, Transportation and Mobility, and Municipal Services & Assets.
- Support for concepts like “Complete Communities” and “Complete Streets” as defined in the proposed OCP.

For most of the above listed topics, the City also heard concerns and requests for policy changes. These comments are further described and analysed in the text that follows.

2. Topics where change is recommended by Administration

Issue 1: Climate Action

Public input called for updates to the Climate Action policies to reflect the urgency of the climate emergency. Specific comments included that the City should:

- Commit to reducing greenhouse gases by 50% by 2040 and reference its reduction targets;
- Use stronger and proactive language to mitigate the impacts, reflect the current and projected status of climate change in Whitehorse, and make the city a national leader in sustainability (relative to its size); and
- Add accountable actions to achieve emission reduction targets and advance the City's 2019 Climate Emergency Declaration, Sustainability Plan, and other strategic directives.

Analysis

The proposed OCP vision states that *“the City’s leadership is recognized across the country for (...) its actions to mitigate negative impacts and adapt to climate change.”* This vision is carried forward in the plan principles under “Sustainable City” and throughout the OCP, including in the Transportation and Mobility section and the Municipal Services and Assets section. The proposed OCP also provides a Climate Action section (section 6). This section lays the foundation to address global effects of climate change.

Recognizing that additional work is needed to confirm City climate actions, the proposed OCP includes a requirement under policy 6.2 for the City to develop and maintain a strategy that addresses climate change. Goal 6 (b) proposes that the City achieve or surpass its greenhouse gas emissions reduction targets. Additional language could be added to ensure that the City references its reduction targets and reviews them. These targets are currently found in the City of Whitehorse Sustainability Plan and are lower than the Yukon targets as described in the territorial Our Clean Futures climate action strategy or the ones found in the *Paris Agreement*, a legally binding international treaty on climate action.

GHG emissions monitoring and reporting requires a coordinated effort from all levels of government. Better coordination of information and technology sharing would be beneficial. To that end, proposed Policy 6.2 could be expanded to allow for collaboration with other governments (not just Government of Yukon) and stakeholders. Other policies could be updated as well to clarify the City’s commitments to climate action.

Administrative Recommendation

Update Goal 6(b) so that it reads:

- ***Achieve or surpass the City’s greenhouse gas emissions reduction targets, as described in the City Sustainability Plan or as updated from time to time.***

Revise Policy 6.2 as follows:

- *The City will develop and maintain a strategy that addresses climate change and sustainability. This may include **aligning greenhouse gas emission targets with other governments** and developing a monitoring program and reporting process that evaluates and reports on greenhouse gas emissions and sustainability performance in the community on an on-going basis through partnership and collaboration with ~~the Government of Yukon~~ **other governments and stakeholders**.*

Revise policies 6.3 and 6.5 to take out the term “where feasible”.

Revise policy 6.11 as follows:

- *When planning infrastructure, the City will ~~consider~~ **address** anticipated climate impacts, as guided by professional best practices and any reasonably available modeling or forecasting.*

Issue 2: Transportation Corridor Through the Proposed Chasàn Chùà / McIntyre Creek Regional Park

The City heard many suggestions to remove any consideration in the OCP of a potential transportation corridor through the future Chasàn Chùà / McIntyre Creek Regional Park. Common themes heard surrounding this topic included:

- A desire to have the City invest in existing roads, transit, and active transportation; thereby improving alternative options, rather than creating new transportation corridors.
- Concerns that developing a new road would encourage more vehicle transportation and greenhouse gas emissions, which would undermine the City’s progress in achieving its climate change mitigation goals.
- Concerns about the corridor’s impacts on wildlife, including bird species and moose; and a desire to protect the wetlands and mature forests in that area.
- Concerns that the land would be permanently disturbed.
- Lack of clarity regarding the need for a transportation corridor.
- Concerns about the corridor’s impacts on existing recreational use by residents, which was noted to be important for physical and mental wellbeing.

In addition to the themes listed above, one submission cited Stanley Park in Vancouver and Central Park in New York as examples of successful urban parks. Several submissions stated that the need for a transportation corridor through the future Chasàn Chùà / McIntyre Creek Regional Park has already been confirmed through previous studies and a new study was not needed.

Analysis

Engineering staff are currently completing the Transportation Master Plan to update their understanding of the city’s transportation network. Previous work on this topic includes:

- The AECOM Whistle Bend Transportation Network Impact Study in 2009, which showed that a new transportation corridor between Mountainview Drive and the Alaska Highway was desirable to better service residents in Whistle Bend and that in the absence of this corridor link, travel times and levels of service on 12th Avenue, Range Road, and Mountainview would deteriorate. The Alaska Highway connector road was recommended to be developed once the Whistle Bend neighbourhood was 50% complete or the city's population reached 30,000.
- The 2020 WSP Planning & Preliminary Engineering Design Report for Whistle Bend Future Areas & Town Square' report which noted that further analysis is required to better understand the potential impacts of Area C, a new development area in Whistle Bend, on the overall transportation network. It also noted that creating a new connection between Future Area C and the Alaska Highway north of MacDonald Road area in Porter Creek would strengthen connectivity between Whistle Bend and areas to the north.

To reflect previous studies, proposed OCP policy 7.9 acknowledges a transportation corridor may be needed in the future, subject to an updated transportation study. Whitehorse's population has reached 30,000.

In an effort to address public concerns, the policy 7.9 also included a requirement for the City to commission an additional study to better understand the potential environmental and heritage impacts of the transportation corridor. To be clear, the proposed OCP Policy as drafted does not direct the City to construct a road; it simply indicates that a transportation corridor in that area may be needed and more work needs to be completed to confirm if it is needed, and determine how to minimize its impacts. Although not completed by the City, it is recognized that there have been environmental and/or heritage studies completed by stakeholders and other governments on the topic of McIntyre Creek, which may inform this process. Those studies would require an independent review, which would be completed during the preparation of the Chasàn Chùà / McIntyre Creek Regional Park Management Plan.

When considering the potential inclusion of a transportation corridor in Chasàn Chùà / McIntyre Creek Regional Park, it should be noted that many urban parks, such as Stanley Park in Vancouver and Chadburn Lake Park in Whitehorse, include transportation corridors. These corridors facilitate access to recreational amenities and support users' enjoyment of the land while some provide essential commuter routes and also include active transportation modes.

As shown in Figure 1, the future Chasàn Chùà / McIntyre Creek Regional Park is highly disturbed with several dirt roads running throughout. While the alignment of the corridor would need to be considered through the completion of future studies, it is possible that the existing dirt roads could be partially or fully used, should a corridor be deemed necessary.

The City-commissioned study McIntyre Creek Wildlife Corridor Assessment (Environmental Dynamics Inc., 2011) recommended that a 125 – 175m buffer should be protected from the approximate centerline of the creek to preserve a wildlife corridor. Until such a time that additional information is prepared, this information can be

incorporated into the OCP to provide a level of protection for the Creek and wildlife in the area.

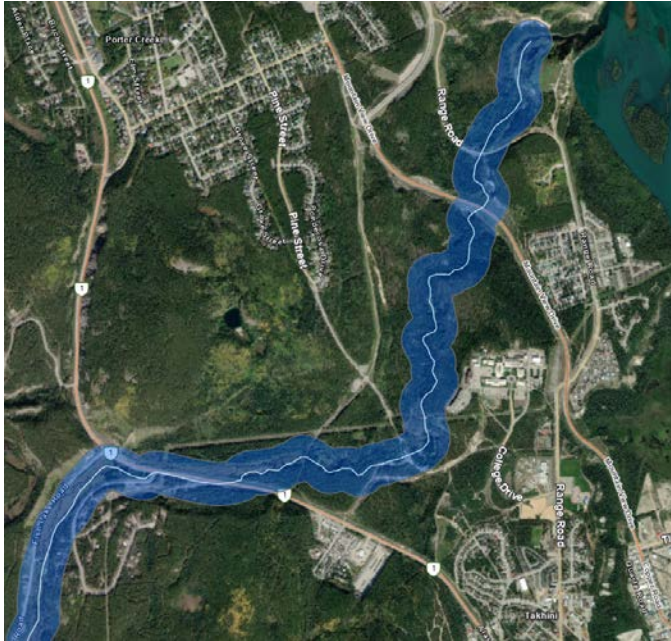


Figure 1 McIntyre Creek 125m Setback Buffer, McIntyre Creek Wildlife Corridor Assessment, 2011.

Administrative Recommendation

Revise policy 7.9.1 to add a new requirement that incorporates a minimum 125 setback buffer from Chasàn Chua / McIntyre Creek within the regional park:

- *7.9.1 (iii) To preserve existing wildlife corridors, no development in the Chasàn Chua / McIntyre Creek Regional Park will be permitted within a 125m setback buffer of McIntyre Creek, as measured from the approximate centreline of the Creek. Exceptions will be considered for low-impact trails, public utility infrastructure and a potential transportation corridor creek crossing, subject to municipal and other approvals.*

Issue 3: Housing

The City received comments regarding the proposed policies and ideas for action that seek to address affordable housing. Comments included:

- Lack of policy clarity, i.e. what does the City mean when it talks about “affordable housing”.
- Concerns that the proposed policies were not strong enough and would not lead to equitable housing outcomes for the residents of Whitehorse.
- City should complete a housing needs assessment to better understand the current needs of residents.
- OCP housing policies are too focused on land development.
- OCP housing policies are too focused on market housing and do not consider other aspects of housing, including the rental housing market.
- One comment sought to remove idea for action 46, which would examine the impact of short-term rentals since some percentage of the housing market should be

available for short-term, whereas another respondent stressed the need for the City to complete such an assessment and implement short-term rental requirements.

Analysis

The City has the ability to influence housing supply through its policies, plans, bylaws, programs and incentives, as well as partnerships. A new policy could be added to the Housing section to ensure that the City confirm its commitment to supporting affordable residential development through its partnerships with other governments, bylaws, policies, programs and incentives. The proposed OCP included policies on notable residential land development opportunities (policies 9.11 to 9.26). These policies were outlined in the Housing section of the plan. For greater clarity, these policies could be moved to the land use section of the plan where other land development policies are outlined.

Based on CMHC guidelines, housing is considered affordable if it costs less than 30% of a household's before-tax income. CMHC's definition of housing affordability is being recommended to be added in the Glossary Section of the OCP.

The proposed OCP idea for action 45 provides the base for a future housing needs assessment. A housing needs assessment is a study to understand the current housing supply and the current and future housing needs. A housing needs assessment would, among other things, determine the appropriate range and mix of housing types to meet the needs of residents today and in the future. It could provide a specific target for the range and mix of housing the city should have to accommodate current and future residents. Such a study should be completed in partnership, as recognized under idea for action 45, and as such no changes are recommended to this idea.

Short-term rentals are currently not monitored or regulated in the city. Unlike the hotel industry, there are no national standards that regulate short-term rentals to ensure the housing units are safe, secure, and appropriate. As a city with many short-term workers, short-term rentals can fill a housing need. However, the City needs to understand the impact it has on the housing market and neighbourhoods and if or how best to regulate and support this housing type. The investigation into short-term housing is not intended to pursue a prohibition on short-term rentals; it is a fact-finding exercise to help better understand the short-term rental market to inform City policies and bylaws. No changes are recommended to idea for action # 46.

Administrative recommendation

Update OCP structure as follows:

- *Move policies 9.11, 9.13-9-26 and associated subsection headers and preambles to the Land Use section of the OCP. Delete duplicate policy 9.12 (see housekeeping changes later in this report).*

Make the following changes to policy 9.4 and glossary:

- *Capitalize the term affordable housing and add a definition to the glossary, which is consistent with CMHC's definition.*

Add a new policy after 9.4:

- *The City will support affordable residential development through bylaws, policies, partnerships, and programs and incentives.*

Issue 4: Whistle Bend Way Area

The City heard concerns with the City's strategy to replace Porter Creek D, specifically, its plans to include the lands directly south and west of Tamarack Drive and North of Whistle Bend Way (Area A).



Figure 2 Whistle Bend Way, Proposed OCP Areas A & B.

Concerns included:

- Concerns with potential negative impacts to property values.
- Concerns with removal of trees and trails along Tamarack Drive.
- Concerns that the residents of the Tamarack Area, located close to Whistle Bend Way have not been consulted.

Analysis

The Whistle Bend Way area was identified with another area along Holly Street as replacement growth opportunities for Porter Creek D. Porter Creek D was projected to provide approximately 400 units at a relatively low density. The Porter Creek D replacement strategy includes three areas (area Along Holly Street, Area A and Area B). Combined and calculated at a similar density to Whistle Bend, these areas could accommodate up to 500 units, including up to 175 units in Area A. Area A is however considered marginal land due to its location, size, shape and topography, which would likely further reduce the projected unit yield.

Substantial public consultation was undertaken throughout the proposed OCP preparation, however, due to the city-wide aspect of the changes proposed, Administration was unable to undertake localized consultation to inform and seek the views of all the parties potentially impacted by changes.

Concerns relating to impacts on property values are associated with the removal of trails and the development of adjacent greenspaces in proposed Area A. The value placed on greenspace is subjective and varies from purchaser to purchaser. To address these concerns, Administration recommends removing Area A as a potential new residential area and identifying it as Greenspace.

Administrative Recommendation

The following changes are recommended:

- *Move policy 9.17 so that it is consolidated with the “Residential – Urban” designation policies (see housekeeping changes later in this report).*
- *Update policy 9.17 to remove Area A as a potential new residential area.*
- *Update Map 5 to replace Area A designation as a Residential Area with the Greenspace designation. Update Map 1 accordingly.*

Issue 5: Impact of Hard-surfacing on Environmentally Sensitive Areas and Drainage

The City heard that stronger policies and actions are needed to reduce the impact of impervious surfaces like paved roads and parking lots.

Analysis

Impervious surfaces can affect the extent to which surface water penetrates the soil, interacts with vegetation, and recharges aquifers or groundwater supplies.

Since 2010, the City began using wells in the Riverdale Aquifer as the main source for municipal water, keeping Schwatka Lake as backup. While Schwatka Lake and the Riverdale Aquifer are part of the same groundwater system, the potential risk associated with impervious surface runoff to municipal drinking water is relatively low.

Proposed OCP policies 7.20-7.25 already provide policy direction so that risks to the City water source are mitigated. Ideas for action 30 and 31 describe actions that the City may undertake to ensure groundwater protection. Proposed OCP policy 12.18 regarding asset management could be updated to addresses environmental stewardship. A new idea could also be added to identify that the upcoming Zoning Bylaw update could review requirements for hard-surfacing for new development.

Administrative Recommendation

Update Policy 12.18 as follows:

- *“The City will develop and maintain an effective and efficient asset management strategy that addresses future challenges, including climate change, **environmental impacts**, funding constraints, innovations, a need to reduce greenhouse gas emissions, and changing community needs.”*

Add a new idea for action under Environmental Stewardship:

- *As part of the Zoning Bylaw update, review the requirements for hard-surfacing.*

Issue 6: KDFN Lands Use Designations

The City heard from KDFN Department of Heritage, Lands and Resources (HLR) requested that the OCP:

- Apply the First Nation Development Lands designation to all Type 1 and Type 2 Settlement Land and R-40A and R-75A.
- Add a new policy to recognize that any use permitted under the KDFN self-governing agreement would be permitted under the OCP.

Analysis

Type 1 parcels

Under section 28.3 of the KDFN Self-governing Agreement (SGA), KDFN is given full control over all legislation in respect of zoning, land use, and health and safety affecting Type 1 parcels. In other words, any land use restrictions imposed by the City on Type 1 lands under the OCP would not be effective if the First Nation puts in place a contradictory land use regulation. The City may choose to apply and enforce any land use designation on Type 1 parcels at any time, although the effect of this designation will be limited if it contradicts existing or future land use designations by the First Nation.

Type 2 parcels

Most KDFN settlement within the City of Whitehorse are Type 2 lands. Under section 28.4.3 of the SGA, the First Nation can only implement legislation in respect of zoning or land use in accordance with the allowable land use designations under the SGA and consistent with the City's laws in relation to "planning, zoning and land development". In other words, any proposed regulations on land use from the First Nation must be consistent with the City's land use policies in order to be enacted (or must otherwise be resolved through the dispute resolution mechanism under the SGA).

The requested OCP designation approach from KDFN HLR is similar to the 2010 OCP approach where no designation was assigned to most Type 1 and Type 2 parcels and 2010 OCP policy 5.1.8 effectively waived the requirement for OCP amendments on these parcels. Other OCP tools (i.e. the required master planning prior to zoning confirmation), reduce or eliminate the need to assign City land use designations for KDFN parcels. To accommodate KDFN HLR's request, the City may amend Map 5 to show all Type 1 and Type 2 lands are First Nations Development land and add additional language to Section 15.3 to clarify the City's intent.

Administrative Recommendation

The following changes are recommended:

Update policy 15.3.2 as follows:

- *Master plans will be required for development on lots greater than 1.5 hectares, as stated in Section 13 Land Management, and subject to a review by the City.*

The master planning process will be used to confirm the land use, prior to zoning.

Update policy 15.3.3 as follows:

- *Once a land use is selected **through the master planning process**, the applicable land use policies for a similar City land use designation shall apply as well as any other applicable OCP policy.*

Delete policy 15.3.4 as this is proposed to be covered under new policy 15.3.2.

Issue 7: Riverfront Building Heights

Proposed OCP 15.12.4 states the maximum height in the Mixed-Use Riverfront designation is 10 metres. However, to promote the concentration of culture and tourism facilities, higher buildings may be considered within this designation. The City heard that this new policy exceeds current Zoning Bylaw requirements for some of the area and may be out of step with future development plans of a hotel, convention center, and residential uses. Further, it was argued that the proposed OCP policy will make it difficult to increase residential density in mixed-use buildings.

It was suggested that the City should increase the maximum building height in Mixed-Used – Riverfront designation to 20 metres.

Analysis

During previous rounds of public input into the draft OCP, the City heard a desire from many residents that the Riverfront area remain small-scale, with lower building heights so that the view corridors to the River are not obstructed. This vision is consistent with previous planning work (Downtown plans and the Riverfront Plan). Zoning Bylaw 2012-20 restricts building heights to 12.5 metres east of Front Street, and 10 metres along the river. Buildings up to 20 metres are allowed in a large portion of the area designated Mixed-Use – Riverfront. Consistent with the Zoning Bylaw allowances, the area designated Mixed-Use – Riverfront (Map 6) already features several buildings that exceed 10 metres. Policy 15.12.4 could be updated to remove the reference to 10 metres and replace it with a qualitative metric, similar to the 2010 OCP.

Administrative recommendation

Replace OCP 15.12.4 with a new policy:

- *“To protect views to the River, buildings shall generally be small scale. Larger buildings may be considered to promote the concentration of culture and tourism buildings within this designation. Building heights will be confirmed through the Zoning Bylaw update process.”*

Issue 8: Stevens Quarry

The City heard a variety of concerns from members of the public about the inclusion of the Natural Resource Designation for the Stevens area. It was requested that the identification of the Stevens area be removed as Natural Resource area.

Comment themes around this topic included:

- The dust emissions generated from the quarry and their potential negatively impact on air quality, surrounding residents' wellbeing, and settling on nearby agricultural crops and farms.
- Concerns with noise during construction and operations disturbing neighbours and wildlife.
- Concerns with increased traffic congestion and potential safety hazards along the highway as caused by increased movements and oversized vehicles.
- Concerns with impacts on natural habitat areas and corridors through disturbance and destruction.

Other themes included:

- Concerns that quarrying does not align with traditional land use plans.
- Fears over future quarry expansions causing more impacts.
- Concerns regarding City ability to ensure rehabilitation in the future.
- The potential for quarrying to contribute to landslides.
- The negative impacts the use may cause on recreational user experiences.
- Concerns that the value of nearby properties would be negatively impacted.

It was also noted that the development proposal for this area had been denied twice already in the past.

Analysis

The Stevens area has been identified in the City's OCP as a future resource extraction area since 1994 and is known to be the City's main gravel resource. It is understood that gravel is a fundamental element of community growth and Whitehorse's economy. Removing the opportunity for future quarrying in the Stevens area may have significant impact to the economy and therefore is not recommended by Administration.

YG applied to YESAB in 2012, for a 118.2 ha quarry divided into five separate lease parcels, with access coming off the Alaska Highway from the construction of a 2.27 km access road along the east face of the proposed quarry lots. YESAB recommended approval along with mitigation measures. The project was never pursued.

In the most recent investigation of the quarry, completed in 2020, YESAB recommended that a 21.7 hectare lease area (i.e., Lot 1) be permitted for quarry development, along with mitigation measures to limit the surrounding quarry's impacts on the area. During that investigation, it was estimated that natural resource extraction for Phase 1 would last up to 10-years (2030) YESAB determined that it was unlikely to result in significant negative effects to air and acoustic quality.

The following image shows the boundaries of Lot 1 within the potential Stevens Quarry area.



Figure 3 Lot 1 Proposed Quarry Location, YESAB 2020

Most of the concerns raised regarding this quarry apply to all quarries as they focused on the negative impacts generated for surrounding neighbours, and potentially unsafe interactions the equipment has with the community on the roadway network. To address these concerns, recommendations should be made that apply to all similar situations, not just those in the Stevens area. An additional policy, specific to the Stevens area, to ensure that excavation of the area is completed in phases could be considered.

As part of the OCP review, the City commissioned a cross-jurisdictional Review of Municipal Quarrying Policy and Practices (Groundswell Planning, June 2020). The review found that few Canadian municipal plans spoke directly to aggregate extraction. Notably, Ontario and Alberta plans seem to be more focused on protecting the aggregate area from premature development or incompatible development than protecting these lands uses from extraction.

In Whitehorse, Natural Resource areas are required to maintain a minimum 300 metre buffer for residential uses. The Groundswell review found that this buffer is generally in the range of buffers applied by municipalities in other parts of Canada. As such, no changes to the buffer requirements are recommended.

Administrative Recommendation

Revise policy 15.13.3:

- *Development requirements will be applied to mitigate risk and nuisance factors associated with Natural Resource Extraction activities, particularly in proximity to new and existing residential areas, **environmentally sensitive areas, or agricultural uses. Mitigations must address traffic, dust, noise, and wildlife impacts.***

Revise policy 15.13.5 as follows:

- ***Prior to development approval, mitigation measures to the public roadway network will need to be confirmed.** This may include a requirement for a separate, hard surface haul road, adherence to dust mitigation practices, turning lanes at intersections with public roadways, illumination, or travel limitations during off-peak hours.*

Add a new policy 15.15.6 and renumber subsequent policies accordingly:

- *Prior to development approval, a quarry phasing plan will be required for the Stevens quarry area.*

Issue 9: Country Residential Areas

The 2010 OCP disallows the creation of lots less than a minimum of 1.0 hectare in size in existing neighbourhoods. The proposed OCP policy 15.16.4 contemplates that lots of less than 1.0 hectare in size may be permitted in Country Residential areas as long as impacts may be mitigated. The City heard support and concerns for this new policy. It was noted that on the individual subdivision and development scale, geo-tech reports will typically be favourable, as they do not consider cumulative nitrogen load and water table drawdown impacts. It was further stated that controls need to be set through City policies and zoning requirements and it was suggested that the City consider removing secondary suite and home based-business allowances for lots less than 1.0 hectares in size.

Analysis

For most Country Residential areas, the 2010 OCP provides an allowance for up to two units per hectare (main dwelling + secondary suites). By opening up opportunities for additional lots through subdivision, the density of Country Residential areas may increase significantly. Administration's concerns about additional units in existing country residential areas and their potential impact on nitrogen loading and the water table remain unchanged. The proposed new policy 15.16.4 meant to provide an avenue where there exists adequate information on the aquifer and limited existing development.

Using the precautionary approach, the language of Policy 15.16.4 could be revised to clarify that the applicant will be required to demonstrate that the aquifer area has the capacity to accommodate long-term on-site servicing, prior to subdivision.

Rules concerning density caps in Country Residential areas are better addressed in the Zoning Bylaw.

It is not clear that all home-based businesses have the potential to impact on-site servicing. No policy changes are recommended to address this concern.

Administrative Recommendation

Update Policy 15.16.4 (i) so that it reads:

- *Notwithstanding the above, new residential development may occur with lot sizes of a minimum of 0.5 hectares so long as the applicant is able to adequately demonstrate the site and **aquifer** area has the capacity to accommodate long-term on-site servicing. **Further restrictions may be applied during the Zoning Bylaw update.***

Issue # 10 – KDFN-City Intergovernmental Processes Relating to Planning and Development

The City heard from KDFN HLR that the City and KDFN should develop procedures to give planning and development impacting KDFN's lands.

Analysis

The Proposed OCP includes an idea for action where City would investigate opportunities for joint planning. Additional clarity can be provided to this idea for action.

Administrative recommendation

Clarify idea for action 2 so that it reads:

- *Investigate opportunities for joint **land** planning ~~committee~~ with Ta'an Kwächa'an Council and Kwanlin Dün First Nation **to collaborate on land planning initiatives and develop procedures for land planning together.***

Move idea for action 2 so that it falls under the "land management" header.

Issues with no change recommended

The following issues have administrative recommendations that call for no edits to the proposed OCP.

- It would be helpful for the proposed OCP to use terminology that provides a clear urban hierarchy. "Urban hierarchy" is not a commonly understood term. The drafters of the OCP preferred the term "Strategic Growth Areas" to describe the urban hierarchy. See policies 8.22-8.39.
- Proposed OCP needs substantial editing. Consider changing terms used in OCP, e.g. instead of "Principles" say "Measurements of Successful Plan Implementation". Review the proposed OCP to ensure that it is more action-oriented and accountable. The proposed plan scope does provide an ability for the City to commit resources through policy. Actions will come through future processes as described in the proposed OCP.
- Consider aligning the OCP terminology with other City policies and plans. Efforts have been made, however, the OCP sits on the top of the City policy and planning

hierarchy. It is recognized that other documents may need to be updated to reflect the new OCP.

- Consider condensing the vision statement. The proposed vision statement was drafted following multiple rounds of input and has informed the drafting of the proposed OCP.
- Consider landswaps with Yukon Housing Corporation to reduce concentration of social or community housing in Downtown South. This could be captured under a larger initiative (i.e. idea for action 48).
- Request to add a policy where the City commits to collaborating with KDFN and the Government of Yukon on local area planning. This is already covered by policies 16.9, 16.11 and 16.12. Further, proposed OCP policies 7.2 and 7.4 reference the City's commitment to work collaboratively with First Nation Governments in sensitive area planning.
- Consider allowing interim agricultural use where fire and fuel breaks are established and in Future Planning Areas. Generally, these areas do not have good site access and require additional planning, prior to any land use allowances.
- Increase City commitments by working with other governments and community organizations to advance food sustainability. This is already captured under idea for action 24.
- Commit to no loss of agricultural designated lands. Under the *Municipal Act*, the City has no such powers.
- Require a soil assessment in new development areas for their agricultural potential prior to any development. Study requirements for new developments are described under Section 13.23 – Master Plans of the proposed OCP. Adding this requirement may increase the cost of development and add barriers to land supply. Idea for action 36 however proposes that the City collaborate on a soil assessment for selected areas and explore opportunities for expanding the OCP Agriculture designation to suitable areas.
- Consider adding a policy on dog parks in the plan. Location of dog parks do not belong in an OCP. Confirmation of dog park locations belong in other processes (e.g. master planning).
- Consider increasing commitments for arts and culture. Policy 5.4 already includes such commitments. Increased programming would need to be confirmed through other processes, i.e. budgeting.
- Consider replace the term “Heritage Management” by “Heritage Resource Management”. Under the City Heritage Bylaw, “Heritage Resource” means a historic site, historic object, or any work or assembly of works that is on the Heritage Registry. “Heritage” is a broader term that can also include non-tangible heritage.
- Consider stronger commitments to reducing light pollution, including a commitment to creating a comprehensive light pollution bylaw and policies that regulate low-

impact lighting requirements. This is already covered under policies 7.26-7.28 and idea for action 32.

- Request for addition of policies that clearly prioritize multimodal improvements over vehicles. This is already covered under policy 11.6 which provides a transportation hierarchy.
- Request for increased commitments on transit reliability. This is an operational issue, which does not belong in an OCP.
- Request to include targets for increasing active transportation percentage of all trips. Targets are found in the Transportation Demand Management Plan and don't require duplication in the City's OCP.
- Request for increased commitments on improved walkability and connectivity. This is already covered under policy 11.17.
- Request for a strategy to enhance active transportation and to improve safety. The proposed OCP provides the policy framework for active transportation, including safety, (policies 11.16-11.20) which will be implemented through other planning exercises, notably the Transportation Master Plan project, which is scheduled for completion in 2023.
- Request to improve congestion levels. Policy 11.3 provides that the City will use strategies and partnerships to reduce congestion at peak times. Implementation ideas will be further reviewed through the Transportation Master Plan project.
- Consider expanding policy 5.3 to clarify that the Heritage Registry identifies heritage buildings, add that the City will consider expanding the registry. This is already covered under ideas for action # 8 and 10. The Heritage Bylaw allows additions to registry already.
- Consider adding policies to the proposed OCP to ensure that new development in Whitehorse is aesthetically pleasing and characteristically Whitehorse. The proposed OCP has several policies that will guide new development, including policies 8.27, 15.12.7, 15.9.1, and 15.9.12. Combined, these policies provide the framework for this topic.
- Downtown building heights are too high. 2010 OCP provides an allowance of up to 25 m in most of Downtown. The proposed Whitehorse 2040 OCP would provide an allowance of up to 30 metres, north of Main Street on the condition that various factors are reviewed, including visual impact on streetscape. The proposed changes were recommended following previous rounds of public input where many residents shared that they would like to see increased building heights in the Downtown.
- A 20 m height limit on Main Street, west of 4th Avenue is too low. It was argued that the character of this stretch of Main Street is different to the lands east of 4th Avenue. During previous rounds of engagement, Administration heard from the public a strong desire for maintaining the existing character of Main Street.
- Concerns with proposed density in Old Town (from 4 units per typical lot to 6) and the potential building massing. Increasing the density in Old Town meets the City sustainability objectives. The building massing (i.e. height requirements, lot

coverage and other development requirements) will be confirmed through the Zoning Bylaw update, which will start once the OCP review is complete.

- Consider adding policies to ensure development and infrastructure are sensitive to the natural environment. The proposed OCP already provides such policies (see section 7 and subsection 15.6).
- Request for addition of policies regarding City integrated stormwater management approach. Proposed OCP Policies 12.9-12.13 address integrated stormwater management. Proposed OCP Policy 7.23 will also require the use of stormwater management initiatives.
- Request for addition of policies addressing development and infrastructure in a Winter City. Weather considerations are already included in the asset management and snow and ice control policies in the proposed OCP (policies 11.14, 12.18 and 12.20-12.22). Proposed OCP idea for action 13 (Winter City Strategy) may include opportunities for reviewing or establishing winter design guidelines for private development. Idea for action 58 proposed that the City continue to review and under winter transportation network maintenance practices and policies.
- Comments around parking, including reducing public parking in the Downtown, increasing parking in the Downtown and increasing parking requirements for private development. Proposed OCP policies 8.34i, 15.9.6, and idea for action 38 address parking. On-site parking requirements would be further reviewed in the Zoning Bylaw update, following the OCP review.
- Request for policies that favour a compact built form. Proposed OCP policy 8.1 states that development will be compact to ensure existing public services are used efficiently, transportation impacts are minimized, wilderness spaces are preserved for as long as possible, and neighbourhoods are more walkable. Other policies throughout the proposed OCP, particularly in section 8, support compact development (e.g. policy 8.37).
- Request for policies that ensure developers are responsible for the construction, installation, and oversizing of infrastructure. Proposed OCP policies 13.24-13.27 address the costs of development and developers will pay the appropriate share of new development infrastructure.
- South Growth Area: Concerns with urban sprawl and planning for growth that may not be needed. Planning is needed to ensure that supply does not fall behind demand.
- Improve links between OCP and 5-year capital budget planning. This is already captured under the proposed OCP asset management policies (12.17 to 12.19).
- Request that the proposed OCP discuss implications of economic leakage or dependence on the resource sector. Economic Leakage refers to money not being captured within a local economy and it is being spent outside of the local economy. Determining whether or not economic leakage or dependence on the resource sector are issues for Whitehorse, and how the issues could be addressed, is better suited to the forthcoming Economic Development Strategy.

- Concerns that the proposed OCP has no policies for the City to support lot enlargements in industrial areas, where appropriate (Commercial and Industrial Land Study recommendation # 24). A policy to capture this recommendation is already proposed in the proposed OCP (policy 16.13.ii).
- Concerns that the proposed OCP does not quantify the growth projection for the emerging sectors that will create a “diverse economy” in Whitehorse. Such numbers will change over the lifetime of the plan and are therefore not recommended to be added.
- Concerns by the lack of policies to support local business and the local economy. Proposed OCP Policies 10.2 through 10.10 are all aimed at supporting local businesses and the local economy.
- Concerns about a lack of firm plans to adequately supply commercial and industrial lands. The proposed OCP land use designations that will allow for the provision of commercial and industrial land use requirement to 2040 and beyond. The release of land is assisted by support from the OCP, but the ultimate decision to release these lands for commercial and industrial use is up to landowners and not something the proposed OCP can control. However, proposed OCP 10.15 states the City will work cooperatively with YG to advance development of commercial and industrial lands.
- Review of YESAA current and future processes. This does not belong in an OCP.
- Commit to adopting an access to information bylaw for the City. This is not an OCP-related issue.
- Discuss impacts of population growth within Whitehorse. This is considered throughout the proposed OCP.

Housekeeping Changes

The table that follows are housekeeping amendments that Administration recommends.

Change	Type of Change
Table of content <ul style="list-style-type: none"> • Update to reflect changes. 	Document update
Photo credit for Section 2.1 header. <ul style="list-style-type: none"> • Credit to Yukon Archives Fund, not the City of Whitehorse. 	Correction
Section 2.1.2, 4 th paragraph, page 9. <ul style="list-style-type: none"> • Replace “Downtown Whitehorse has an estimated 6,500 employees” with “As of early 2020, Downtown Whitehorse had an estimated 7,000 employees” 	Correction
Section 2.3.2, 1 st paragraph, 2 nd sentence. <ul style="list-style-type: none"> • Replace “has” by “as” 	Grammar
Policy 4.6.	Clarity

<ul style="list-style-type: none"> • Add “truth and” before reconciliation 	
<p>Policy 5.1</p> <ul style="list-style-type: none"> • Add a comma before “and the Government of Yukon” 	Grammar
<p>Replace policy 5.2 with the following text:</p> <ul style="list-style-type: none"> • The City will protect Municipal Historic Sites, as guided by the Heritage Resources Act and the Heritage Bylaw.” 	Clarity
<p>Policy 5.9: update as follows:</p> <ul style="list-style-type: none"> • Development that enhances opportunities to enjoy Whitehorse’s natural areas, Schwatka Lake and the Yukon River, including trails or other infrastructure, will be encouraged. 	Clarity
<p>Policy 6.2:</p> <ul style="list-style-type: none"> • Remove “and sustainability” 	Clarity
<p>Update the second to last sentence of the overview of section 7 – Environmental Stewardship so that it reads as follows:</p> <ul style="list-style-type: none"> • Since 2010, the City has obtained its municipal water only from the Riverdale Aquifer via a system of wells, however, Schwatka Lake continues to be reserved as the City’s secondary water source. 	Clarity
<p>Update policy 7.11 so that it reads as follows:</p> <ul style="list-style-type: none"> • The Riparian Setback may be increased for areas identified in environmental studies as have high capability for wildlife habitat, or due to erosion or potential flood risks 	Clarity
<p>Update policy 7.18 as follows:</p> <ul style="list-style-type: none"> • All development, including building, grading, and tree harvesting, will be prohibited on slopes that exceed 30% (3.3 horizontal to 1 vertical). The only exceptions will be for critical infrastructure, trails, and viewpoints, as illustrated on Figure 7 Illustration of Escarpment Setbacks, provided that, unless a professional geotechnical assessment, accepted by the City Engineer, can demonstrate reasonably safe conditions. 	Correction
<p>Update policy 7.19 as follows:</p> <ul style="list-style-type: none"> • All new development will be setback a minimum of 15 metres or 1.25 metres x multiplied by the height of slope, whichever is greater, from the top or bottom bank of any escarpment with a slope over 30%, as illustrated on Figure 7 - Illustration of Escarpment Setbacks. The only exceptions will be for critical infrastructure, trails, and viewpoints, as illustrated on Figure 7 Illustration of Escarpment Setbacks. 	Clarity
<p>Section 9 – Housing, Overview, second paragraph</p> <ul style="list-style-type: none"> • Take out: “Although the City does not directly provide housing, the” and replace with “The” 	Clarity
<p>Section 9 - Housing, Residential Growth Strategy</p> <ul style="list-style-type: none"> • As illustrated in Figure 10 Capacity to Accommodate Residential Growth, it is estimated that the Urban 	Clarity

<p>Containment Boundary, excluding the South Growth Area, has the capacity to accommodate the city’s projected high growth requirement to 2040.</p> <p>Figure 10:</p> <ul style="list-style-type: none"> • Replace “Whistle Bend” by “Greenfield Neighbourhoods” 	
<p>Update policy 9.5 as follows:</p> <ul style="list-style-type: none"> • The City is committed to supporting the development of various rental housing options types, as a means of increasing affordability and expanding the range of housing types in Whitehorse. 	Clarity
<p>Policy 9.7</p> <ul style="list-style-type: none"> • Replace “Single and multi-family housing forms” with “various housing types”. 	Clarity
<p>Policy 9.11</p> <ul style="list-style-type: none"> • Replace “high cost of infrastructure required (e.g., likely over \$550M for either the North or South Growth Area)” with “high cost of capital and operational required (e.g., likely over \$550M capital costs for either the North or South Growth Area) 	Clarity
<p>Notable Residential Land Development Opportunities header and policy 9.12</p> <ul style="list-style-type: none"> • Remove “Notable Residential Land Development Opportunities” header and preamble paragraph. • Remove policy 9.12 as this is already covered under the proposed OCP’s Master Planning requirements (Policies 13.21-13.23). <p>Whistle Bend header to policy 9.17</p> <ul style="list-style-type: none"> • Move to section 15.18 and renumber accordingly. <p>Policy 9.11, South Growth Area header to policy 9.22</p> <ul style="list-style-type: none"> • Move to section 15.18 and renumber accordingly. • Move policy 9.11 so that it follows proposed OCP policy 9.20 (which is also moved to 15.8. 	Document Structure Improvements / Removal of duplicate policy
<p>First Nations Settlement Lands header to Policy 9.13</p> <ul style="list-style-type: none"> • Move to Section 14 – First Nations Settlement Lands, directly under the section header. Renumber policy 9.13 and new policy 14.1 and renumber other policies accordingly. 	Document Structure Improvements
<p>Take out the last sentence in the Whistle Bend preamble (before policy 9.14).</p>	Clarity
<p>Update policy 9.15 (i) as shown:</p> <ul style="list-style-type: none"> • Policy 9.15.i The Urban Centre location shown in the Valleyview South Development Area is intended to be approximate and will be refined with detailed boundaries of the Urban Centre defined through a future Master Plan for the area. 	Clarity

<p>Kwanlin Dün McIntyre Subdivision and Crow and Swan Streets header to Policy 9.18 (page 52) Move to Section 14, following historical submissions policy.</p>	<p>Document Structure Improvements</p>
<p>Policy 9.23</p> <ul style="list-style-type: none"> Remove “is selected” after “North Growth Area” 	<p>Grammar</p>
<p>North Growth Area Header to Section 9.26 (page 53)</p> <ul style="list-style-type: none"> Move to Section 15.4. 	<p>Document Structure Improvements</p>
<p>Policy 10.15</p> <ul style="list-style-type: none"> Remove “and” after “The City”. 	<p>Grammar</p>
<p>Preamble under the header “Aerodromes” (sections 11.28-11.30). Update as shown:</p> <p>The Erik Nielsen Whitehorse International Airport, Schwatka Lake Water Aerodrome, and Cousins aerodrome. Airstrips are all owned by the Government of Yukon, located within the city boundary, and are federally-regulated. The aviation industry is critical for the Yukon. In addition to supporting the tourism and mining sectors, many people and goods are transported via aircraft through Whitehorse. # Aviation also provides emergency response for medical transport, RCMP support, and during emergencies such as wildfire suppression. The City acknowledges the role that aviation plays in supporting the territory’s well-being.</p>	<p>Grammar / Clarity</p>
<p>Policy 15.1 – Agriculture. Update as shown:</p> <ul style="list-style-type: none"> The Agriculture land use designation is intended to support local food production by accommodating agriculture and associated uses. While Whitehorse does not have the climatic conditions or industries to support a complete reliance on locally produced food, urban agriculture can bring many benefits to the community, including strengthening the local economy; advancing education about food systems; encouraging entrepreneurship; enhancing connectivity to the land, nature, and culture; and increasing sustainability. By providing space for community gardens or greenhouses, and allowing other non-soil based agriculture such as backyard chickens or apiaries, residents can offset the cost of importing the majority of their food base. Promoting local food production and supporting local farms market also helps to diversify and strengthen the local economy. <p>The Government of Yukon has the primary responsibility for administering agriculture in the Yukon territory. The City supports local food production through land administration, leases to gardening associations, grants for sustainability projects, and by producing agriculture-grade compost at the municipal organics facility.</p>	<p>Clarity</p>

<ul style="list-style-type: none"> Remove subpolicy 15.9.7 (i) and renumber subsequent subpolicy accordingly. 	Clarity
<p>Update policy 15.9.7 (ii) to remove the following bullets:</p> <ul style="list-style-type: none"> Proposed approach to accommodating parking requirements; Architectural design of the building Update policy 15.9.7 (ii) to take out the word “inside” after “proposed amenity spaces” on the second bullet 	
<p>Update policy 15.9.7 (ii) to replace the term “taller buildings” by “buildings taller than 25 metres”</p>	Clarity
<p>Update policy 15.13.7: Replace typo. Should read “completed”, not “competed”</p>	Grammar
<p>Update policy 15.14.3: Aviation and aviation-related uses will be encouraged to locate on or near the Erik Nielsen Whitehorse International Airport and Cousins Aerodrome to create convenient nodes for aviation-related activity.</p>	Correction
<p>Policy 15.17 preamble (Old Town)</p> <ul style="list-style-type: none"> Replace typo, last sentence. Should read “a historical character” 	Grammar
<p>Policy 16.12</p> <ul style="list-style-type: none"> Replace “process” by “processes” 	Grammar
<p>Add a definition of “Municipal Historic Site” to the glossary that is consistent with the City’s Heritage Bylaw to the Glossary, to read:</p> <ul style="list-style-type: none"> Municipal Heritage Site: As described by the City of Whitehorse Heritage Bylaw, as amended or updated, an area or place, parcel of land, building or structure, or the exterior or interior portion of a building or structure that is by itself, or by reason of containing a heritage resource, designated by Council as Municipal Historic Site (2002-10).” 	Clarity
<p>“Truth and Reconciliation Committee”</p> <ul style="list-style-type: none"> Replace the word “Committee” by “Commission”, where referenced 	Correction
<p>“Float plane”</p> <ul style="list-style-type: none"> Replace with “float plane” 	Grammar
<p>Chasàn Chùà</p> <ul style="list-style-type: none"> Add this term throughout the document, where the term “McIntyre Creek” is used 	Clarity
<p>Map 5</p> <ul style="list-style-type: none"> Change the designation north of Cousins Airstrip back to Country Residential designation (same as 2010 OCP) 	Correction
<p>Ideas for action 35 & 36</p> <ul style="list-style-type: none"> Eliminate idea for action 35 as it is captured under idea # 36 Idea for action 36: Take out the work “criteria” before “selected areas” 	Grammar / Removal of duplicate policy

Second Public Hearing

Whitehorse 2040 OCP is a complete review and rewrite of the 2010 OCP. Through the public hearing process policy adjustments can be made to address comments heard at the hearing. Council has the authority to direct a second Public Hearing. In Administration's opinion the recommended changes in this report do not merit a second public hearing as changes address feedback heard at the hearing and either clarify or mitigate concerns heard, or provide an alternative solution to achieve the proposed Plan's policy direction.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that the proposed "Whitehorse 2040: Official Community Plan" be amended in accordance with the Administrative Recommendations detailed in the Administrative Report dated October 3, 2022; and

THAT Council direct that Bylaw 2022-40, a bylaw to adopt the 2022 Official Community Plan, "Whitehorse 2040" be brought forward for second reading under the bylaw process.

CITY OF WHITEHORSE

BYLAW 2022-40

A bylaw to adopt a new Official Community Plan

WHEREAS Section 278 of the *Municipal Act* (SY 2016, c.8) provides that a municipality shall by bylaw adopt an Official Community Plan in accordance with Part 7, Division 1 of the *Act*; and

WHEREAS section 279 of the *Municipal Act* provides that an Official Community Plan shall address the future development and use of land, the provision of municipal services and facilities, environmental matters, the development of utility and transportation systems, provisions for the regular review of the Official Community Plan and the Zoning Bylaw, and any other matter the Council considers necessary; and

WHEREAS The City of Whitehorse has completed a comprehensive review and rewrite of the 2010 Official Community Plan;

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

1. This bylaw shall be cited as “The Official Community Plan Adopting Bylaw”.
2. The Official Community Plan, named Whitehorse 2040, policy document and its appendices, attached here as Appendix “A”, is hereby adopted by this bylaw.
3. The 2010 Official Community Plan, including all of its amendments, is hereby repealed by this bylaw.
4. The Official Community Plan shall be adopted as at the date that this bylaw comes into full force and effect upon its final passing.

FIRST READING:	August 8, 2022
PUBLIC NOTICE:	August 12, 2022 and August 19, 2022
PUBLIC HEARING:	September 12, 2022
SECOND READING:	
EXECUTIVE COUNCIL MEMBER APPROVAL:	
THIRD READING and ADOPTION:	

Laura Cabott, Mayor

Wendy Donnithorne, City Clerk

CITY OF WHITEHORSE
DEVELOPMENT SERVICES COMMITTEE
Council Chambers, City Hall



Chair: Jocelyn Curteanu

Vice-Chair: Mellisa Murray

October 3, 2022

Meeting #2022-22

1. New Business

CITY OF WHITEHORSE
CITY OPERATIONS COMMITTEE
Council Chambers, City Hall



Chair: Ted Laking

Vice-Chair: Dan Boyd

October 3, 2022

Meeting #2022-22

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1. New Business

CITY OF WHITEHORSE
COMMUNITY SERVICES COMMITTEE
Council Chambers, City Hall



Chair: Mellisa Murray

Vice-Chair: Michelle Friesen

October 3, 2022

Meeting #2022-22

1. New Business