

CITY OF WHITEHORSE – STANDING COMMITTEES

Tuesday, May 21, 2024 – 5:30 p.m.

Council Chambers, City Hall

CALL TO ORDER

ADOPTION OF AGENDA

PROCLAMATIONS

DELEGATIONS

Bret Harper – Transit Payment Method Reconciliation
Nathan Millar, Downtown Residents Association –
Downtown Building Heights
Jim Gilpin, Yukon Pickleball Association – Pickleball Courts

CITY PLANNING COMMITTEE

1. Public Input Report – Valleyview South Master Plan
2. Zoning Amendment – 13, 23, and 33 McClimon Crescent
3. Land Use Master Plan Policy
4. Land Development Protocol and Land Disposition Policy
5. New Business

DEVELOPMENT SERVICES COMMITTEE

1. Housing and Land Development Advisory Committee Recommendation – Permit Process – For Information Only
2. New Business

CITY OPERATIONS COMMITTEE

1. New Business

COMMUNITY SERVICES COMMITTEE

1. New Business

PUBLIC HEALTH AND SAFETY COMMITTEE

1. Public Input Report – Vacant and Unoccupied Buildings Bylaw
2. New Business

CORPORATE SERVICES COMMITTEE

1. Commencement Report – Municipal Services Building
2. Commencement Report and Budget Amendment – Temporary Fee-For-Service Recycling Depot
3. New Business

CITY OF WHITEHORSE
CITY PLANNING COMMITTEE
Council Chambers, City Hall



Chair: Michelle Friesen

Vice-Chair: Dan Boyd

May 21, 2024

Meeting #2024-10

-
1. Public Input Report – Valleyview South Master Plan
Presented by Karmen Whitebread, Senior Planner, Planning Services
 2. Zoning Amendment – 13, 23, and 33 McClimon Crescent
Presented by Peter Duke, Manager, Planning Services
 3. Land Use Master Plan Policy
Presented by Peter Duke, Manager, Planning Services
 4. Land Development Protocol and Land Disposition Policy
Presented by Peter Duke, Manager, Planning Services
 5. New Business

ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: May 21, 2024
RE: Public Input Report – Valleyview South Master Plan

ISSUE

Public Input Report on advancing the Valleyview South Master Plan (the Plan) for Council approval on the direction and design concept for a new neighbourhood.

REFERENCES

- [2022-2024 Strategic Priorities](#)
- [Whitehorse 2040 Official Community Plan](#)
- [Zoning Bylaw 2012-20](#)
- [Valleyview South Master Plan](#)
- [Motion 2024-06-09 – Valleyview South Master Plan, March 25, 2024](#)
- [Motion 2023-10-05 – Naming New Subdivision Streets, May 23, 2023](#)
- Recommended Mapping Amendment (Attachment 1)
- Buffer Analysis (Attachment 2)

HISTORY

The City, with the assistance of a consultant, developed a plan for a new neighbourhood between the neighbourhoods of Valleyview, McIntyre, and Hillcrest, an area referred to as Valleyview South. The Plan area includes private, First Nation, Government of Yukon (YG), and City-owned lands.

The master planning process included extensive engagement with the public, stakeholders, community associations, landowners, and planning and urban design experts since the project started in fall 2022.

The Plan was introduced at the Regular Council meeting of March 25, 2024. At this meeting, Council passed Motion 2024-06-09 to limit the uses of the public/institutional area on Lot 66 and the adjacent unsurveyed Government of Yukon lots to require a recreational facility. At this meeting, Council also directed Administration to schedule a Public Input Session on the proposed Plan. Notices were published in the Whitehorse Star and Yukon News on April 5 and 12, 2024. Four notice signs were placed around the Plan area and property owners and renters within 500 m of the Plan area were notified by mail. The YG Land Management Branch and Highways and Public Works Transportation Aviation Branch, Kwanlin Dün First Nation (KDFN), Ta'an Kwäch'än Council (TKC), Valleyview Community Association, Takhini Neighbourhood Association, Granger Community Association, and Hillcrest Community Association were notified by email.

A Public Input Session was held on April 22, 2024. Nineteen written submissions and eight verbal submissions were received from 24 members of the public¹ as well as a letter from KDFN.

¹ Four members of the public submitted both written and verbal submissions.

ALTERNATIVES

1. Amend the proposed Valleyview South Master Plan as recommended and approve; or
2. Refer the matter back to Administration.

ANALYSIS

The following topics were raised in the submissions:

1. Council Motion;
2. Housing and density;
3. Greenspace West of Valleyview;
4. Greenspace South of Valleyview;
5. Transportation;
6. Grading and Contamination; and
7. Southern Tutchone names.

Issue 1: Council Motion 2024-06-09 – Modified Recommended Master Plan

KDFN and nine submissions raised concerns directly, or related to, the Council motion 2024-06-09 to amend the Plan. One submission supported a recreational facility. The Council motion made on March 25 revised the Public/Institutional Use on Lot 66 and the unsurveyed YG lot to replace the broad reference to a public facility with recreational infrastructure or facilities.

This motion removed the potential for non-recreational uses, such as a school or transit hub. It also removed the potential to use the area as the Urban Centre. It was to serve as an alternate location should KDFN be unwilling or unable to create the Urban Center on their Settlement Lands (C-117B and C-141B).

Planning Process

The letter from KDFN opposes the changes made by Motion 2024-06-09 on March 25, 2024, in part, because it was a unilateral decision to change a plan that was developed through consensus building with landowners and public input. The public/institutional area, with its broad range of uses, has been discussed throughout the process since January, 2023 at the initial design charrette and was presented to the public for input in June, 2023 regarding the two land use concept options.

Schools

The KDFN letter raised concerns about the potential need for a new school in this area. Since the Yukon Government decided not to pursue the development of a school site in Copper Ridge, the Plan area is the only potential option for a new school location for the above-the-airport neighbourhoods². Elijah Smith Elementary School is the only English-language school. Elijah Smith has been near capacity since at least 2016. The closest secondary schools for residents living above the airport are approximately 6.5 km away in Riverdale or Porter Creek. Council's motion removed the option for a school to be located the Plan area if the need arose.

² Above-the-airport neighbourhoods include Hillcrest, Valleyview, McIntyre, Ingram, Arkell, Logan, Granger, and Copper Ridge.

In June 2023 there were approximately 1,370 residents between 5 and 19-years old living in neighbourhoods above the airport.³ This represents 19% of the neighbourhoods' population. Valleyview South is estimated to have at least 4,200 people, including an estimated 800 school-aged residents.⁴ Adding Valleyview South students would bring the number of school-aged residents above the airport to over 2,170 with convenient access to only two schools: Elijah Smith and École Émilie Tremblay elementary schools.

In contrast, once Whistle Bend is built-out, it is anticipated to have approximately the same number of school-aged residents (2,100 students) but is planned to have two elementary schools and a secondary school, in addition to Porter Creek Secondary School which is only 3 km away from the centre of Whistle Bend.

The growth of school-aged residents living in neighbourhoods above the airport may put additional pressure on the existing elementary schools and require the majority of above-the-airport students to commute beyond their neighbourhoods to attend school.

The initial Public/Institutional area provided flexibility of broader option of public and institutional uses that could be considered in the future. The area has numerous benefits to developing as a recreational facility, but also as a school, transit hub, or other uses. Applying a broader lens to the Public/Institutional area could allow the area to accommodate a school if the need arose.

Recreational Facility

Nine public submissions opposed the recreational facility, while one submission welcomed the facility. Their concerns include increased noise at night and early morning, larger parking lots, increased traffic, and balance of cost verses benefit. Submissions recommend looking beyond the Valleyview South area for alternative locations, including west of Hamilton Boulevard, to avoid needing to cross the road, or elsewhere across the city for more equitable access to City recreational facilities.

A few submissions suggested the Public/Institutional area is too small to be considered for development at all. The net area of the site is approximately 1.7 ha, which is about the size of the École Whitehorse Elementary School lot. The Takhini Broomball Arena and Whistle Bend gymnasium/climbing gym are around 1.2 ha.

Dispersing recreational facilities would provide more equitable access to recreational opportunities and reduce the need to drive to the Hamilton Boulevard/Alaska Highway area to access major recreational facilities. The benefits of co-locating major facilities, such as overflow parking and shorter distances between venues, are observed only during specific events, usually very short, periods of time and by visiting participants. Conversely, the benefits of dispersing facilities are year-round by Whitehorse residents. A broader application of public/institutional uses could allow for more flexibility to address these concerns.

Urban Centre

³ Government of Yukon (Yukon Bureau of Statistics), Community Statistics, Population estimates by age and sex: <https://arcg.is/0CGOCf1>

⁴ This is a conservative estimate based on minimum unit density targets.

The KDFN letter expressed concern over removing the Urban Centre potential from the Public/Institutional area.

Since the motion removed the alternative Urban Centre location, KDFN would be the only site identified for the future Urban Centre to fulfill the OCP requirement. The original Plan, which had flexibility, was developed through close discussion with KDFN staff throughout the planning process.

Two submissions raised concern over the location of the Urban Centre, one which referenced the OCP which includes the conceptual location of the Urban Centre around the McIntyre Drive intersection.

The OCP's Urban Centre location is conceptual and subject to additional planning work, which has been completed through this master planning process. The OCP recognized the benefit of Urban Centres in developing "complete communities", "supports convenient access and use of services by residents", and "reduces the need to use a vehicle to access basic needs."

A location near the CGC has benefits due to this proximity to the CGC and Mount McIntyre facilities. It also benefits by being located on land owned by a willing party. Commercial development is typically the last to occur in a new neighbourhood because it needs the new residents for businesses to be viable. Alternatively, relocating the Urban Centre within the study area across, from the McIntyre Drive, could delay the development of housing since the owner of that land intends to develop this portion of their site in the short- to medium term. KDFN has indicated that developing their land in the area is a long-term project.⁵ Input from previous engagement activities included feedback that commercial uses near Valleyview would benefit the existing residents. There have been very few comments that McIntyre Drive area should be considered instead of the Sumanik Drive area for the Urban Centre.

Additional Discussion

Master Plans are high-level plans, not intended to establish specific uses. All other land uses within the master plan have a range of uses that could be applied. Limiting development options too early in the planning process can have unintended consequences, such as needing to bus or drive a large volume of students to other neighbourhoods and increasing traffic impacts. The specific impacts of a recreational facility have not been assessed. Additional work should be completed to determine the specific recommended use.

Administration recommends reverting to the original Plan that was presented to Council on March 25, 2024, to broaden the potential uses on the public/institutional area. It is premature to limit potential future option of the land adjacent to the CGC to only recreational uses. As the city grows there may become a need for another school, transit hub, or many other potential public/institutional facilities to support our growing community. Concentrating major recreational facilities in a single small area can increase traffic issues in a local area, rather than distributing it across the city.

⁵ Based on currently information, but the actual timing of any development will be at the discretion of each landowner.

Dispersing recreational facility into other neighbourhoods also provides more equitable access to recreational opportunities.

Administrative Recommendation

- Replace the wording under section 5.5.1 subheading Northern Area – North of Sumanik Drive with the following:
“The northern end of the planning area, bordering on Hamilton Boulevard and in proximity to the Canada Games Centre, is considered highly strategic for a future public facility, such as a recreational facility. Due to its strategic location the area is set aside for future community needs.”
- Add new bullet in Section 5.5.2 with the following:
“6. Should KDFN decide to not develop an Urban Centre on its Settlement Lands, consider the potential to develop one in this area.”
- Revise Appendix B maps B1 Land Use Plan as illustrated in Attachment 1 of this report.

Issue 2: Housing and Density

Six submissions acknowledge the need for housing. One submission raised concerns around higher density near Sumanik Drive and Hamilton Boulevard. To ease subsequent development steps, the Plan strived to ensure each landowner met the OCP requirement of 20 units/ha in the Urban Core (policy 8.38). The Plan establishes a minimum density target of 20 units/ha for mixed-use area at the Sumanik/Hamilton intersection, not 55 units/ha as the submission suggested. Other lots, with various land use types and densities, also align with an overall lot density of 20 units/ha but allow some areas within the lots to be higher to offset areas of lower density and provide a range and mix of housing options.

Issue 3: Greenspace West of Valleyview

Twenty submissions expressed concern over the reduction of greenspace west of Valleyview (Image 1). Concerns include loss of existing trails and playground, the buffer being too narrow to mitigate noise and pollution impacts from Hamilton Boulevard and the proposed recreational facility, the proposed stormwater management facility, and increasing the distance to greenspace. The primary request is to retain Lot 66 as greenspace or to retain the area zoned as a park.

City-owned Lot 66 is 3.6 ha and the adjacent unsurveyed YG lot to the west is 2.7 ha.

Administration has received these concerns throughout the planning process and have attempted to address them. The Plan seeks to find the appropriate balance between the needs and desires of current Valleyview residents, future residents in the Plan area, and residents across Whitehorse. As such, the Plan recognizes and protects the existing playground and ice rink near Valleyview and retains Lot 66 as greenspace, but in a reconfigured manner that remains approximately 3.6 ha in size.



Image 1: Land use map excerpt west of Valleyview

Loss of Recreational Opportunities - Playground

Eleven submissions were concerned about the loss of the playground. There is an existing park that extend approximately 85 m west of the residential lots. The park includes a playground, ice rink, and small dirt mound used for tobogganing. There are also remnants of a former baseball diamond, which has overgrown with trees up to approximately 10 m in height.

The Plan does not propose to remove or reduce the existing playground area. This is illustrated on Map B1 Land Use Plan with the symbol “P” for a park. The 60 m buffer is an approximate distance and will be refined through later steps once a use has been determined for the public/institutional area. Depending on the public/institutional use, the buffer could be wider in this area to accommodate the existing playground area or the playground could be reconfigured to be fully within the 60 m.

Loss of Recreational Opportunities - Trails

Fourteen submissions were concerns about the loss of trails.

There are no formal trails in the area, rather they are informal and unmaintained by the City. The Plan recommends creating formal trails, including a paved, multi-use path immediately adjacent to Valleyview which connects to approximately 4 km of trails within the planning area as well as to the CGC and Conceptual McIntyre Creek Regional Park to the west, the airport trail to the east, and to the Conceptual Paddy’s Pond/Ice Lake Regional Park to the south. The Plan also recommends a new bike lane along Sumanik Drive, from Valleyview Drive to Hamilton Boulevard and a multi-use path from the north end of Valleyview Drive to the Alaska Highway and Hamilton Boulevard intersection.

With these trails, the centre of Valleyview is within 200-800 m of the Conceptual McIntyre Creek Regional Park either walking north down the improved multi-use path, across Hamilton (at the highway), and west behind the CGC, or south along the new multi-use path or bike path and pedestrian-oriented Sumanik Drive. This distance to a regional park is well within the normal distance for other Whitehorse neighbourhoods.

Comments were also received about the Plan retaining greenspace north of Hillcrest while removing it near Valleyview (Image 2).

The greenspace north of Hillcrest was reviewed to determine its potential for development. However, only a small portion of the area is recommended to be developed due to topographic, servicing, and access constraints making the majority of the area unfeasible for development.

It is important to note the exceptional access

Valleyview has to a wide range of recreational options that other neighbourhoods do not. They are within walking distance or a very short bike or drive to the CGC, Mount McIntyre Recreational Facility, tennis courts, Mount McIntyre ski and mountain bike trails, and the Takhini Arena, which are much further from other neighbourhoods that generally only have easy access to open greenspace as their recreational option.



Image 2: Land use map excerpt north of Hillcrest

Vegetated Buffer

Ten submissions raised concerns that the buffer from Valleyview to Hamilton Boulevard and the future recreational facility in the proposed Public/Institutional area is not sufficient. Concerns included additional impacts from a new recreational facility, the presence of the rear lane, powerline, an ice rink within the vegetated buffer, the displacement of wildlife, and that Map B1 Land Use Plan inaccurately reflect the 60 m buffer. Submissions recommended retaining Lot 66 as greenspace. Concerns about the new recreational facility itself are discussed under Issue 1 (eg. location and site size); this section discusses the buffer to mitigate impacts from a future facility. Other buffer concerns are also discussed here.

A vegetated buffer does not prohibit other uses, therefore the entire 60 m buffer may not be fully vegetated. There is approximately 17.5 m of combined laneway and powerline setback that would not be vegetated. The intent of the buffer is to retain a noise-mitigating feature (vegetated space), while also maintaining space for active park features, such as the ice rink. The Plan also recommends that when a specific use for the adjacent Public/Institutional Use area is planned, it should consider noise mitigation measures to minimize the impact on Valleyview residents (policy 5.5.2.4). Noise mitigation strategies are also recommended during the rezoning process (policy 7.2.2.3). In addition, through the development process, noise assessments could be required and recommend noise mitigation measures for a specific proposed use.

The Plan seeks to retain Lot 66 as greenspace, but in an altered configuration that provides more equitable mitigation. The proposed reconfiguration of Lot 66 ensures all lots in Valleyview that border this area have the same 60 m buffer width. Without this reconfiguration, residents to the south would have about a 25 m buffer, while residents to the north would have up to about 115 m buffer.

While the Plan's 60 m buffer is generous when compared to other neighbourhoods along Hamilton Boulevard and near recreational facilities (see Table 1, and Attachment 2), there are unique impacts in this area. Existing buffers between major roads and residential lots range between zero to 30 m and there are no buffers to most major recreational facilities. If the laneway and ATCO maintenance area are removed from the buffer width, the buffer would be 42.5 m, which is 12.5 m wider than other buffers along Hamilton Boulevard. However, due to the unique context of the Valleyview neighbourhood, there are compounding impacts from the Canada Games Centre, Hamilton Boulevard, and the proposed Public/Institutional area.

Wildlife displacement will occur as a result of development across the Plan area. Retaining an additional 1.7 ha that is surrounded by major roads or residential lots would likely have limited wildlife benefit but could increase wildlife-vehicle conflicts and human-wildlife conflicts.

Administration reviewed the conceptual buffer width illustrated on Map B1 Land Use Plan and determined it is approximately 45 m wide. Administration recommends revising the land use map to more accurately illustrate the 60 m buffer. In addition, Administration recommends that the new public/instructional facility should incorporate a 10 m vegetative setback to help mitigate adverse impacts to existing Valleyview residents. This increased setback would restrict development on approximately 0.3 ha, reducing the net area for a potential facility to approximately 1.4 ha.

Table 1: Existing Vegetated Buffers Between Major Roads and Residential Lots

Buffer Location	Width (approximate)	Non-Vegetation Features
Buffers to Hamilton Boulevard		
Valleyview (existing buffer)	90- 270 m	Rear lane, powerline
Valleyview (proposed buffer)	60 m	Rear lane, powerline
McIntyre	5.5-15 m	Motorized trail
Arkell	30 m	Motorized trail
Granger	7.5-15 m	Vegetation only
Copper Ridge	15 m	Motorized trail
Alaska Highway		
Valleyview	7 m	Vegetation only
Takhini	0 m	N/A
Porter Creek	0 m	N/A
Crestview	0 m	N/A
Other Major Recreational Facilities		
Takhini Broomball Count	0 m	N/A
Takhini Arena	0 m	N/A
Takhini Ball Diamonds	0 m	N/A
Future Whistle Bend Gymnastics/Climbing Gym	0 m	N/A

Stormwater Management Facility

Three submissions are concerned the stormwater management facility will detract from the greenspace. However, when designed well they can enhance greenspaces by adding water features, such as a pond/wetland which could include a fountain in the summer to help mitigate noise and enhance the gateway feature of the Hamilton/Highway intersection (OCP policy 13.10iii).

Administrative Recommendation

- Replace policy 5.5.2.4 with the following:
 “A 10m setback should be provided to mitigate adverse impacts to Valleyview. The setback should be vegetated”.
- Revise Appendix B, Map B1 Land Use Plan to more accurately illustrate the 60 m buffer, as illustrated in Attachment 1 of this report.

Issue 4: Greenspace South of Valleyview

Eight submissions had concerns regarding the greenspace on Lot 12 and that this area is not a valid exchange for the loss of greenspace west of Valleyview (Image 3). This is the area where the Plan recommends closing Sumanik Drive between Valleyview Drive and the Alaska Highway, once the Range Road access is provided.

The Plan recognizes this area will be a mix of active and passive park space due to its topography, as well as including the lift station in the southeast corner of Lot 431 immediately to the south. This greenspace is not intended



Image 3: Land use Map excerpt south of Valleyview

as a direct trade-off for the proposed public/institutional development of the unsurveyed YG lot west of Valleyview, as it Lot 12 and 431 are already designated and zoned as greenspace.

However, the Plans recommends enhancing the area by converting the road, once closed, into a multi-use path. It also recognizes there is good viewpoints that could be capitalized, such as an airport view platform and a lookout towards Grey Mountain. The area could also be designed as a toboggan hill or for other uses.

Issue 5: Transportation

KDFN and two public submissions raised concern about the recommended road and active transportation network, including the impacts to Hamilton Boulevard, the road through KDFN Settlement Land, access to transit, and multi-use paths.

During the development of the Plan a Transportation Impact Assessment (TIA) was completed for the proposed road network and recommendations were incorporated into the transportation plan for the new neighbourhood.

Traffic Impact on Hamilton Boulevard

KDFN's letter raised concerns about traffic impacts of the new neighbourhood, particularly on McIntyre residents.

Based on the TIA results, the Plan recommends intersection upgrades along Hamilton Boulevard at McIntyre Drive, Sumanik Drive, and at the CGC to address the impact of additional vehicles along Hamilton Boulevard from the new neighbourhood. The Plan also recommends providing an improved east connection to the Alaska Highway that will relieve pressure from Hamilton Boulevard. These infrastructure improvements will be funded by the new development.

Road Connection through KDFN Settlement Land

KDFN's letter raised concerns about a potential road bisecting C-117B and C-141B and that KDFN prefers the alternative road alignment to the east.

The Plan provides a conceptual road network within the planning area, including a road that could bisect KDFN's land. The Plan also indicates an alternative road connection that would avoid bisecting C-117B or C-141B. This alternative alignment is preferred by KDFN, and would provide them with greater flexibility when designing their development.

Administration also supports the alternative alignment because it provides a more direct route into the heart of the new neighbourhood for transit, emergency vehicles, and personal vehicles. It also removes a collector-type intersection within the Urban Centre which would help foster a pedestrian-oriented area. Since the Plan does not illustrate every local road, this change would not prohibit a future road bisecting the KDFN Settlement Lands, but would recommend it be a smaller local road, rather than a collector road.

Distance to Transit

Two submissions were concerned the Plan would increase the distance to transit for existing Valleyview residents. The Plan will not increase the distance to transit. Rather the Plan recommends a road and multi-use path network for the new neighbourhood

that could bring transit closer and be more accessible to Valleyview residents, potentially within 5 to 250 m depending on which road alignment is built to bisect Sumanik Drive.

Snowmobile Use on Multi-Use Paths

One submission expressed concern over allowing snowmobiles on the City's non-motorized multi-use paths. The Plan recommends approximately 4 km of multi-use trails throughout the neighbourhood. Snowmobiles are allowed on most non-motorized trails across the city. However, the Plan seeks to create a pedestrian-friendly neighbourhood by recommending that multi-use paths within the area be maintained in the winter, where feasible. Winter maintenance would limit snowmobile activity. Further, the main north-south multi-use path is envisioned as an alternative to the motorized trail along Hamilton Boulevard to provide a quieter, neighbourhood-level experience.

Administrative Recommendation

- Replace policy 6.1.2.5 with the following:
“If the recommended road alignment that extends from the CGC into the Valleyview South area is determined to be unfeasible, an alternative road alignment that bisect C-117B and C-141B could be considered.”
- Revise Appendix B maps B1 Land Use Plan, B2 Transportation, and B4 Phasing Concept as illustrated in Attachment 1 of this report.

Issue 6: Grading and Contamination

One submission raised concerns about potential contamination and grading of the former Tank Farm area.

Development can only be permitted once the Ministry of Environment (MoE) has issued a Certificate of Compliance stating the area has been remediated to acceptable standards. Certificates of Compliance have been issued for the majority of the former Tank Farm area. If grading activity exposes contamination, landowners are legally obligated to inform the MoE.

The Plan outlines high level mitigations to reduce adverse impacts on the grading process, but additional information and specific mitigation measures will be determined through the landowners' application to extract the excess material to develop the area.

In addition, the plan recommends that an Environmental Site Assessment be required prior to zoning to rule out the presence of contamination (policy 7.2.2.4).

Issue 7: Southern Tutchone Names

One submission expressed a desire to use Southern Tutchone names and words in the new neighbourhood. The use of “Valleyview South” to refer to this area has been a temporary name and the Plan recommends the City continue to work with KDFN and TKC to explore the potential for and/or identify a suitable First Nation inspired neighbourhood name (policy 7.5.2.2a). That work is on-going.

In addition, on May 23, 2023 Council passed Motion 2023-10-05 to direct Administration to propose that streets in the next major subdivision be named after women who have

historically had a positive impact on and continue to influence Whitehorse and the Yukon. This area is anticipated to be the next major subdivision.⁶

Beside the neighbourhood and street names, the City could consider Southern Tutchone names when naming parks, trails, facilities, and other features at the appropriate next steps.

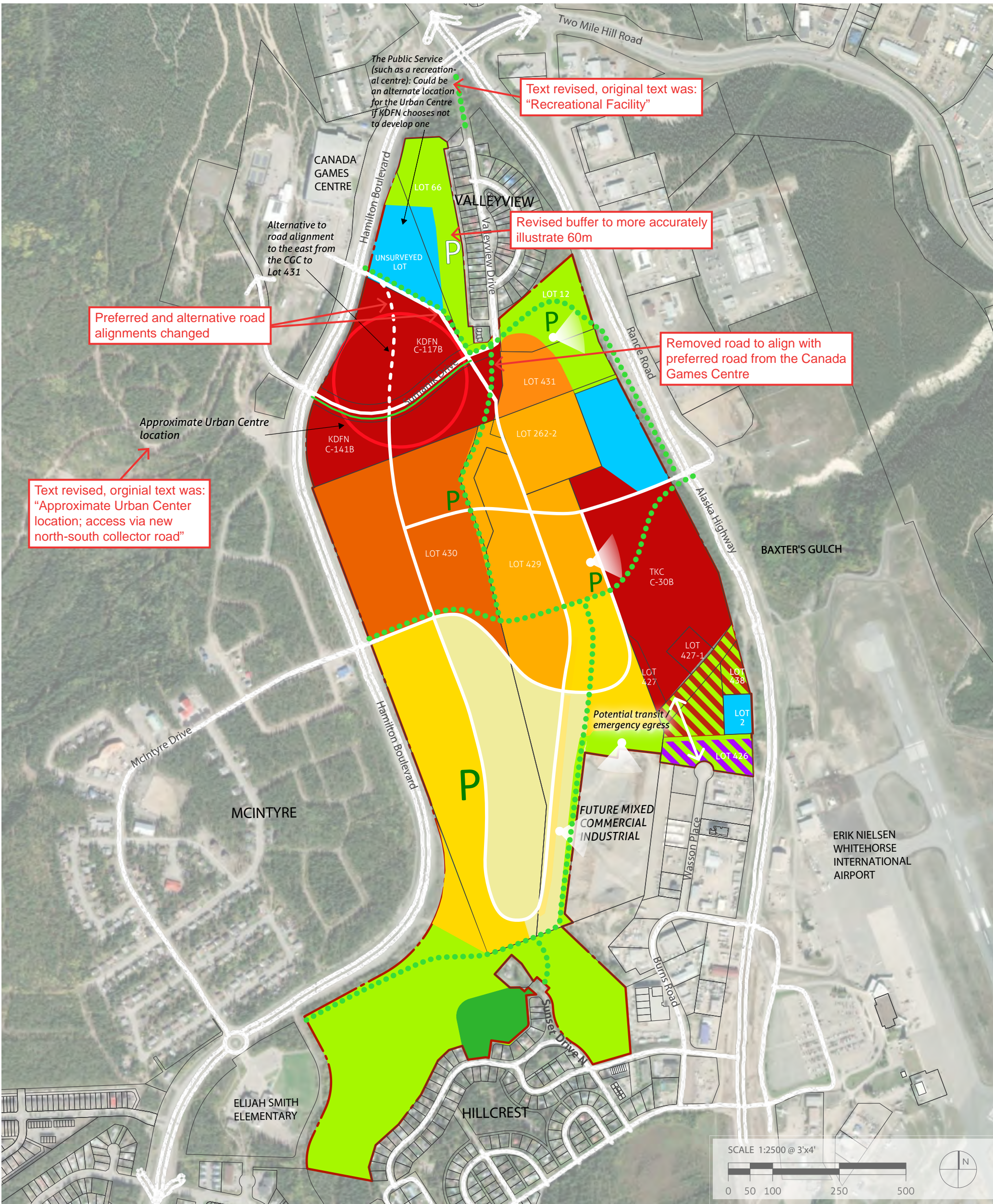
ADMINISTRATIVE RECOMMENDATION

THAT Council directs that the proposed Valleyview South Master Plan be amended in accordance with the Administrative Recommendations detailed in this report; and
THAT Council approve the amended Valleyview South Master Plan, a document providing guidance and a framework for the future development of the area.

⁶ Actual timing of any development will be at the discretion of each landowner.

Valleyview South Master Plan

B1. Land Use Plan



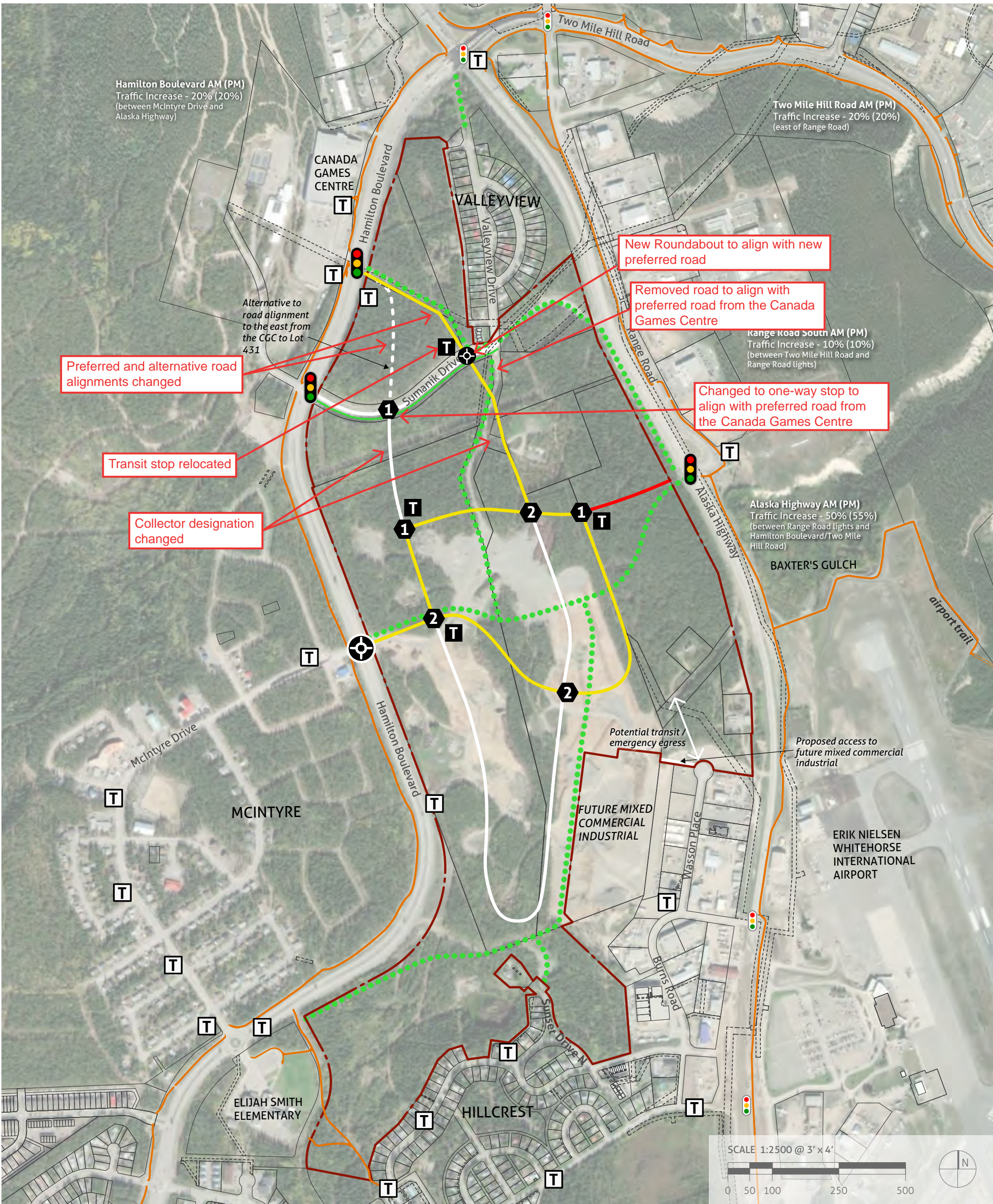
- Study Area Boundary
- Land Parcels
- Road
- Mixed-Use Industrial Commercial
- Mixed-Use Residential Commercial

- Public / Institutional
- Parks / Green Space
- Environmental Protection
- P Potential Park Location
- P Existing Park Location
- Multi-Use Pathway / Corridor

- Residential (gross)
- High Density (55 units/ha)
 - Medium Density (20 units/ha)
 - Low Density - Small Lots (10 units)
 - Low Density - Large Lots (8 units/ha)
 - ▲ Potential Viewpoint

Valleyview South Master Plan

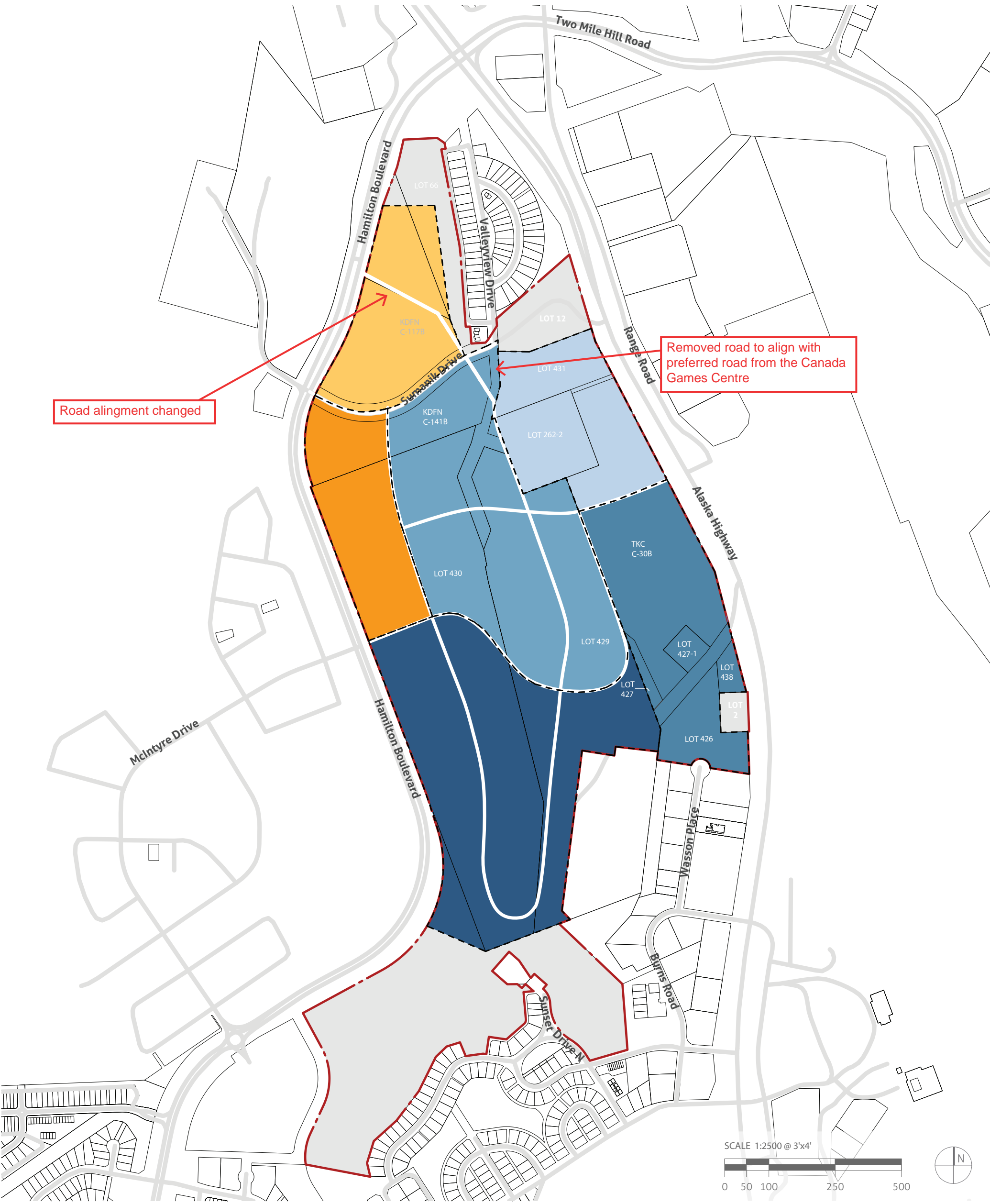
B2. Transportation



- | | | |
|-------------------------------|------------------------------------|---------------------------------|
| Study Area Boundary | Signalized Intersection | Multi-Way Stop |
| Parcel | Signalized Intersection Upgrade | Major Roundabout |
| Easement | Multi-Use Paved Pathway (Existing) | Minor Roundabout |
| Local Road | Multi-Use Paved Pathway (New) | Potential Transit Stop Location |
| Minor Urban Collector (22.5m) | Pedestrian Improvements | Existing Transit Stop |
| Major Urban Collector | | |

Valleyview South Master Plan

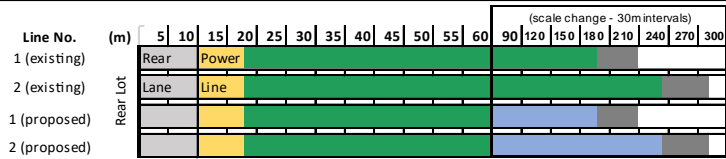
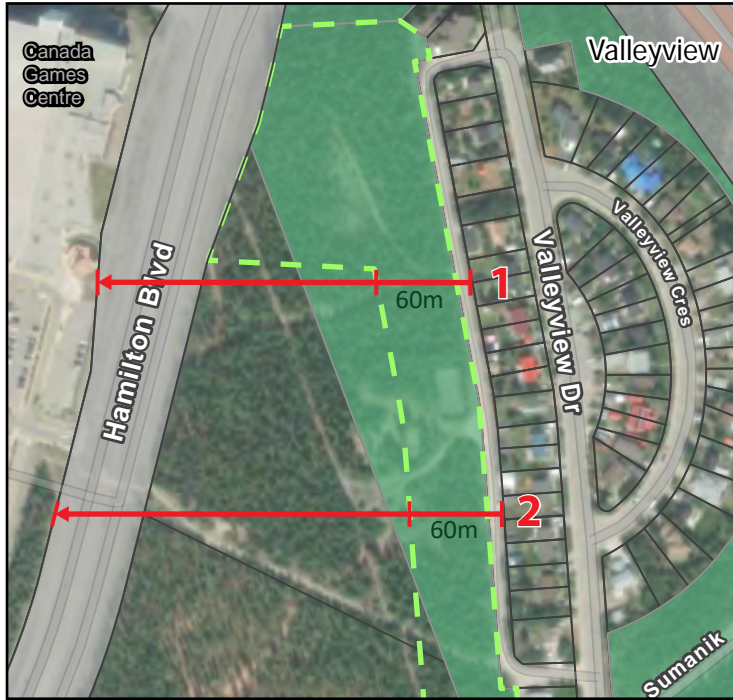
B4. Phasing Concept



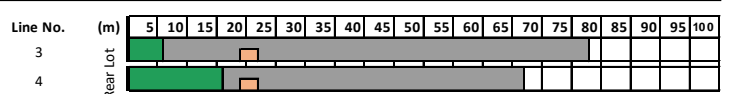
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|-----------------------|----------------------------------|-------------------------------------|
| Study Area Boundary | <u>Can Proceed Independently</u> | <u>Dependent on Previous Phases</u> |
| Parcel | Phase A | Phase D (Phase C required) |
| Roads | Phase B | Phase E (Phase C required) |
| Phase Boundary | Phase C | Phase F (Phase D required) |
| No Significant Change | | |

Attachment 2: Buffer Analysis - Hamilton Boulevard and Alaska Highway

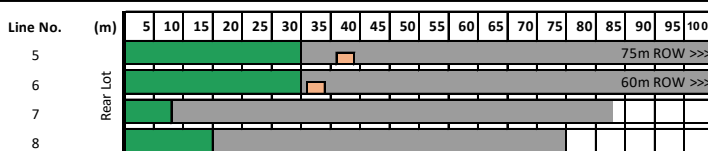
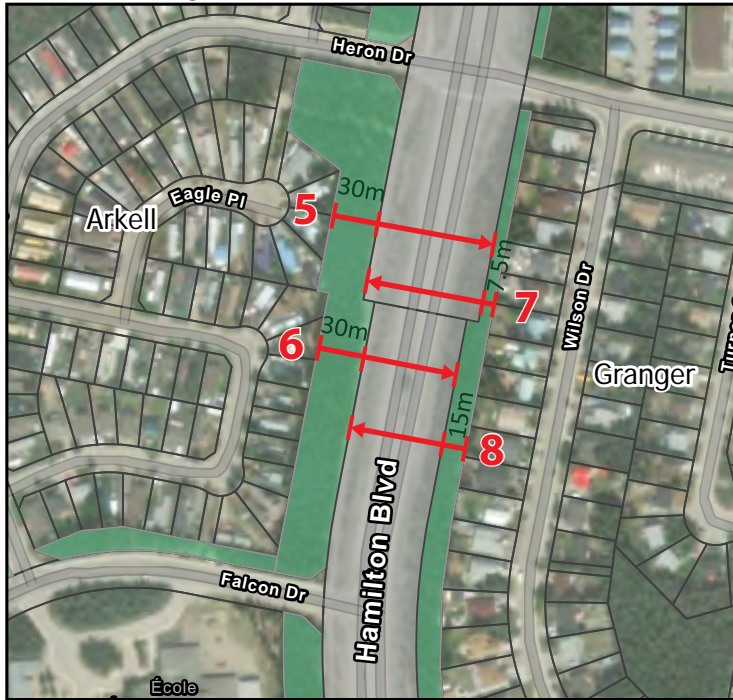
Valleyview



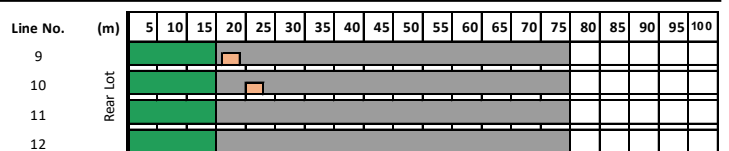
McIntyre



Arkell / Granger North



Copper Ridge / Granger South



Legend

- Rear Lane
- Powerline Clearance
- Protected Buffer
- Hamilton Boulevard Right of Way (ROW)
- Motorize Multi-Use Path
- Conceptual Lot 66 Reconfiguration/Buffer

Attachment 2: Buffer Analys - Hamilton Boulevard and Alaska Highway

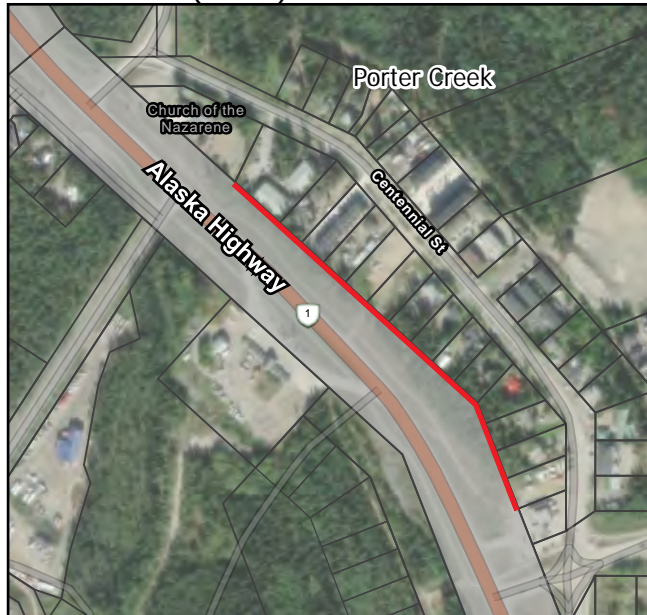
Valleyview



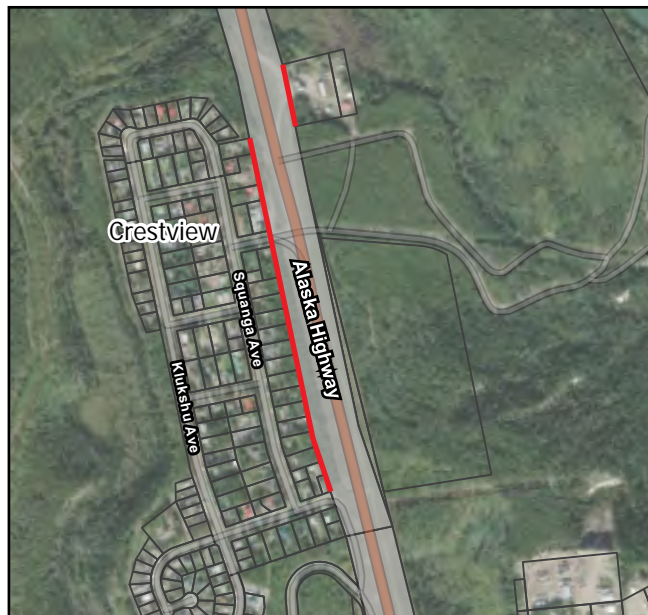
Takhini



Porter Creek (north)



Crestview



Porter Creek (south)



Legend

- Property Line with no buffer
- Protected buffer
- Alaska Highway Right of Way (ROW)
- Conceptual Lot 66 Reconfiguration / Buffer

ADMINISTRATIVE REPORT

TO: City Planning Committee
FROM: Administration
DATE: May 21, 2024
RE: Zoning Amendment – 13, 23, and 33 McClimon Crescent

ISSUE

An application to amend the zoning of 13, 23, and 33 McClimon Crescent, from FN-FP – First Nation Future Planning to FN-RS – First Nation Residential Single Detached, to allow for the development of townhouses.

REFERENCE

- [Zoning Bylaw 2012-20](#)
- [Whitehorse 2040 Official Community Plan](#)
- [2020 KDFN Community Lands Plan](#)
- [2018 Joint Declaration of Commitment](#)
- Location Map (Attachment 1)
- Proposed Bylaw 2024-34 (Attachment 2)

HISTORY

An application was received to rezone 13, 23, and 33 McClimon Crescent from FN-FP – First Nation Future Planning to FN-RS – First Nation Residential Single Detached to allow for the development of townhouses. The proponent intends to develop 12 townhouses on the lots for elders.

The applicant had originally applied to rezone the subject lots to FN-RM – First Nation Residential Multiple Housing. However, after the adoption of Bylaw 2024-16 on April 22, 2024, the housing-related amendments to the Zoning Bylaw, the proponent agreed to rezone to FN-RS – First Nation Residential Single Detached instead of FN-RM. Bylaw 2024-16 enabled the development of four units per lot in the RS zone, which better aligns with surrounding zones and with what is proposed for the parcels.

On April 24, 2024, the zoning amendment application was reviewed by the Development Review Committee (DRC). DRC noted that McClimon Crescent is not currently up to City standards and would require upgrades if KDFN intends for the City to maintain it.

Following DRC, the applicant clarified that upgrades to McClimon Crescent is anticipated to begin later this year in late June or July and that the road will meet City standards once upgraded. They confirmed that they intend for the City to maintain the road once the road work is complete.

The proposed schedule for the Zoning Bylaw amendment is:

Planning Committee:	May 21, 2024
First Reading:	May 27, 2024
Newspaper Ads:	May 31 and June 7, 2024
Public Hearing:	June 24 2024
Report to Committee:	August 5, 2024
Second and Third Reading:	August 12, 2024

ALTERNATIVES

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

ANALYSIS

Site Context

The subject sites are approximately 0.77 ha in total and are located on KDFN Settlement Land parcel C-41B in the McIntyre neighbourhood. There are several amenities that the future residents can benefit from in close proximity to the proposed development. The subject site is located to the west of the Kashgêk' building, KDFN's community hub. The Natsékhi Kù Health Centre is within 200 m to the south east of the subject site and the Nàkwät'à Kù Potlatch House is within 200 m to the east. Most lots within the McIntyre Subdivision are zoned FN-RS, including the lots across the street from the proposed development. The subject site is undeveloped but has been partially cleared of trees.

Official Community Plan and KDFN Community Lands Plan

The subject site is designated as First Nation Development Land in the Official Community Plan. First Nation Development Lands are areas where the First Nations may develop lands consistent with the Self Government Agreements and land planning policies and documents completed by the First Nation to guide development.

KDFN Settlement Land parcel C-41B is a Type 1 parcel. KDFN is able to exercise its self-government powers related to planning, zoning, and land development on Type 1 lands. KDFN has however chosen to adopt the City's Zoning Bylaw at this time rather than duplicating an existing regulatory regime with its own zoning bylaw.

The KDFN Community Lands Plan identifies Settlement Land parcel C-41B for residential development, public services infrastructure, and revenue generation. A guiding policy for community development on KDFN Community Lands states that in determining the appropriate locations for residential neighbourhoods and infrastructure, land use decisions should involve the principle of highest and best use. The subject site is in an area with existing residential uses and in close proximity to several amenities which would benefit future residents.

Rezoning the subject site for residential uses is consistent with policies and land uses identified in the OCP and KDFN Community Lands Plan.

Joint Declaration of Commitment

The Joint Declaration of Commitment signed by the City, KDFN, and Ta'an Kwäch'än Council in 2018 affirmed that the three parties would be respectful and supportive as neighbours and friends and collaborate on outstanding issues, with future generations in mind, to their mutual benefit. The zoning amendment process provides an opportunity to demonstrate this commitment.

Zoning Bylaw

The current zoning of the subject site is FN-FP, which is intended to protect land until such a time that planning has occurred to determine appropriate zoning. As noted, KDFN has completed a Community Lands Plan which identifies KDFN Settlement Land parcel C-41B

for residential development, public services infrastructure, and revenue generation. The FN-RS zone was selected to facilitate the development of four townhouses on each of the three lots.

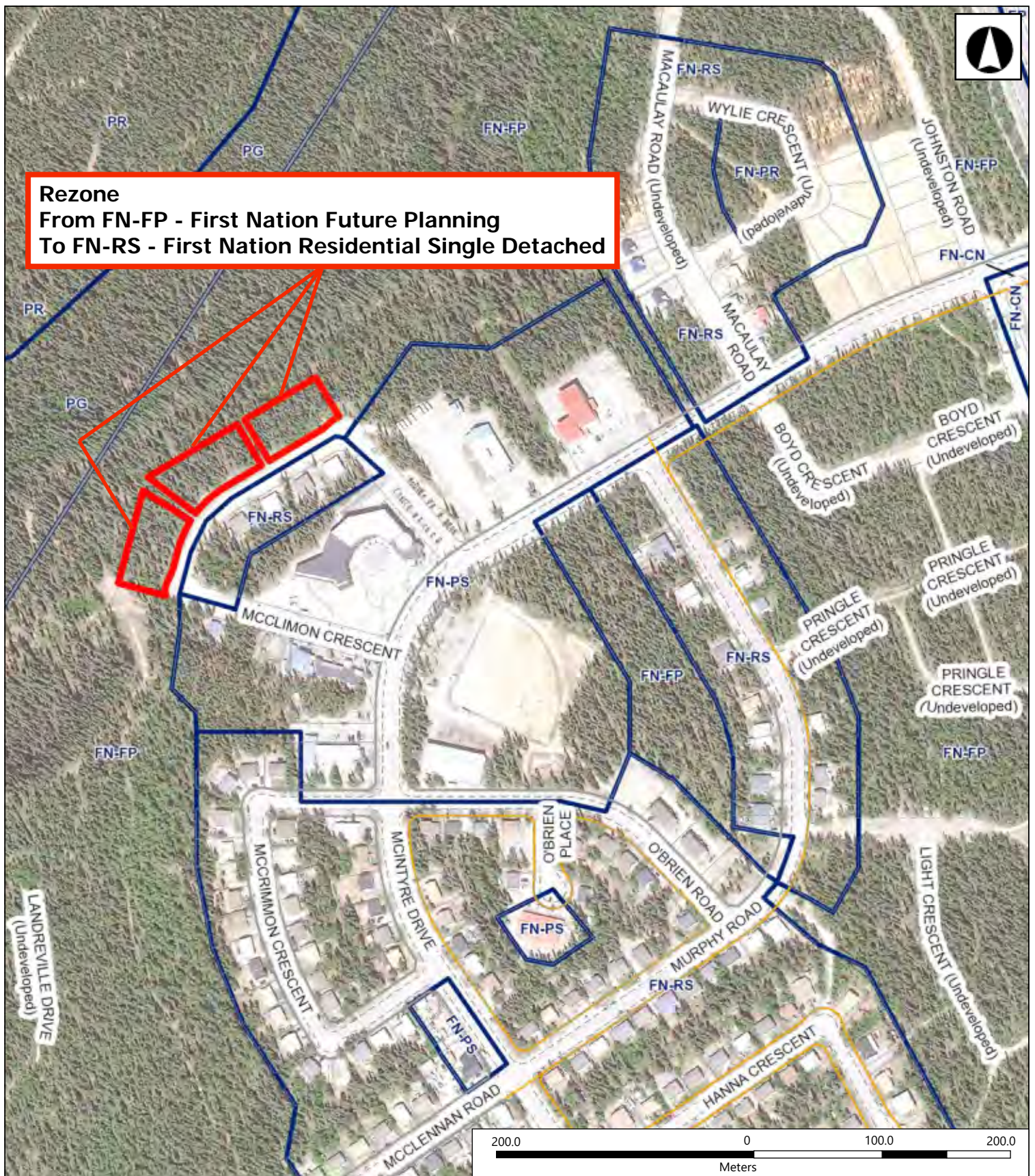
The purpose of the FN-RS zone is to provide a range of single detached, duplex, and multiple housing on urban lots with a broad range of residential related uses. The FN-RS zone allows for single-detached, duplex, and multiple housing, up to a maximum of four dwelling units per lot, as principal uses along with community gardens and greenhouses, residential care homes, and parks. Multiple housing is defined as any physical arrangement of three or more dwelling units including apartment, cottage cluster, courtyard, fourplex, townhouse, and triplex housing types. Administration considers the FN-RS zone an appropriate zone for the subject site.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2024-34, a bylaw to amend the zoning at 13, 23, and 33 McClimon Crescent to allow for the development of townhouses, be brought forward for consideration under the bylaw process.



**Rezone
From FN-FP - First Nation Future Planning
To FN-RS - First Nation Residential Single Detached**



SCALE:
1:4,000

DATE:
May 21, 2024

FILE:
13, 23, & 33 McClimon Crescent

CITY OF WHITEHORSE - PLANNING & SUSTAINABILITY SERVICES

Proposed Bylaw 2024-34

An application to amend the zoning of 13, 23, and 33 McClimon Crescent from FN-FP - First Nation Future Planning to FN-RS - First Nation Residential Single Detached



CITY OF WHITEHORSE
BYLAW 2024-34

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 Zoning Bylaw be amended to allow for the development of multiple housing dwelling units at Lots 742, 743, 744, Block 105D/11, Plan 93240 CLSR YT, municipally known as 13, 23, and 33 McClimon Crescent; 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 Lots 742, 743, 744, Block 105D/11, Plan 93240 CLSR YT, from FN-FP – First Nation Future Planning to FN-RS – First Nation Residential Single Detached, as indicated on Appendix A and forming part of this bylaw.
2. This bylaw shall come into force and effect upon the final passing thereof.

FIRST READING:

PUBLIC NOTICE:

PUBLIC HEARING:

SECOND READING:

THIRD READING and ADOPTION:

Laura Cabott, Mayor

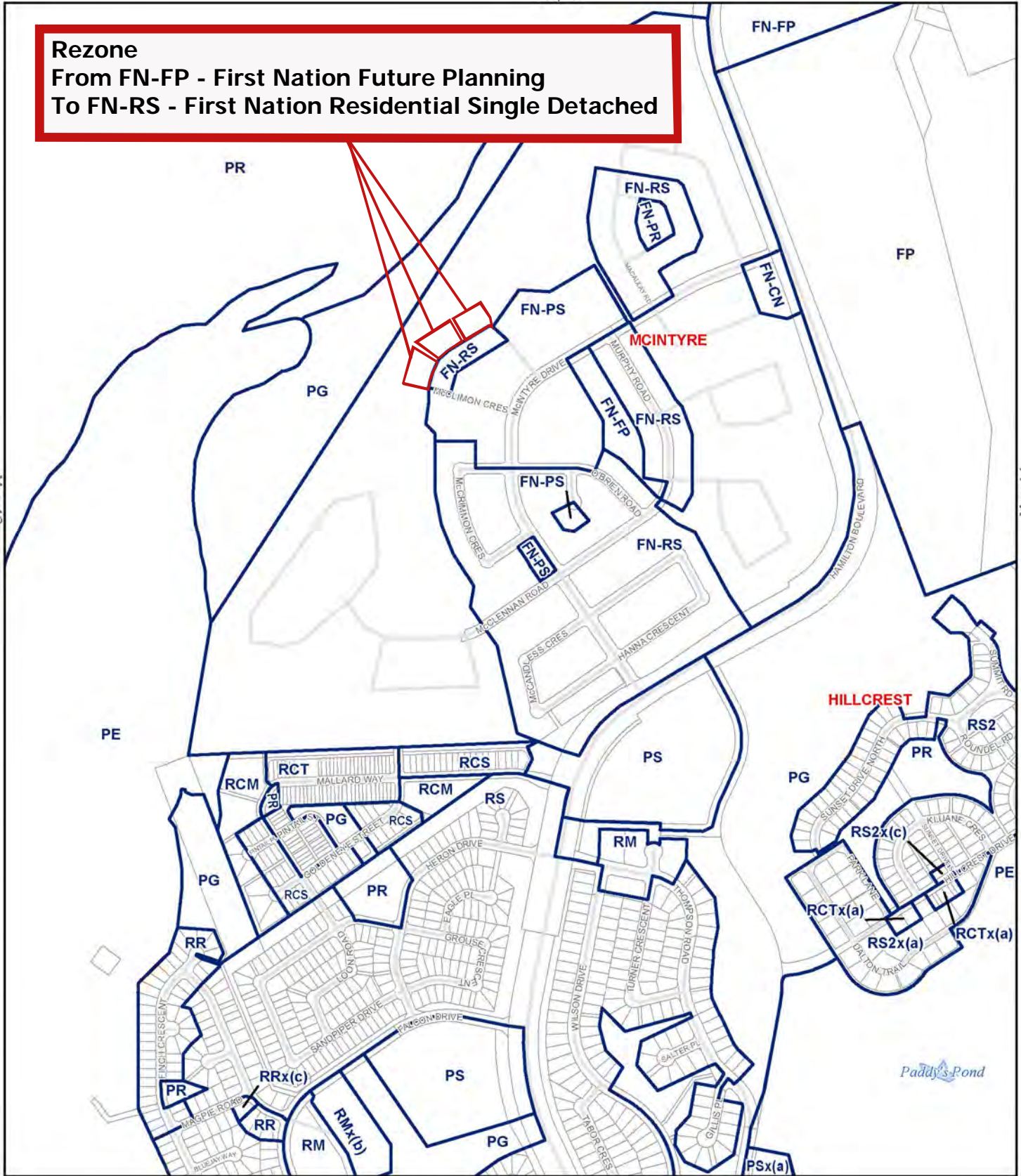
Corporate Services

Map 10

**Rezone
From FN-FP - First Nation Future Planning
To FN-RS - First Nation Residential Single Detached**

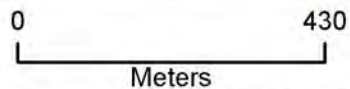
Map 12

Map 14



Map 17

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:
June 15, 2023

Projection: NAD 1983 UTM Zone 8

ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: May 21, 2024
RE: Land Use Master Plan Policy

ISSUE

Advancing a Land Use Master Plan Policy (the Policy) for Council approval.

REFERENCES

- [Whitehorse 2040 Official Community Plan](#)
- [Zoning Bylaw 2012-20](#)
- [Subdivision Control Bylaw 2012-16](#)
- [Municipal Act](#)
- Draft Land Use Master Plan Policy (Attachment 1)

HISTORY

The Whitehorse 2040 Official Community Plan (OCP) was adopted by Council in March 2023 and requires a Land Use Master Plan (Master Plan) approval for developments over 1.5 hectares before zoning amendments or subdivision.

Master Plans are critical to achieving the City's long-term growth strategy outlined in the OCP. These plans provide a level of certainty to developers when they are considering the investments required for subsequent stages of development.

For many years, the City has been requiring the development of Master Plans for larger development projects. The Policy was therefore drafted to establish procedures and criteria for the City to evaluate, accept, and potentially waive the Master Plan requirement outlined in the OCP to ensure consistency in rules and expectations for everyone.

The draft Policy was presented to the DRC on November 1, 2023 and April 3, 2024, and was shared with internal City departments, the Government of Yukon Land Development Branch, Kwanlin Dün First Nation Heritage, Lands, and Resources, Ta'an Kwäch'än Council Lands and Resources, and the Housing and Land Development Advisory Committee.

The main feedback received highlighted the desire for a clear sense of expectations and a tiered approach to avoid imposing a significant burden on developers of smaller and/or non-serviced sites. Public engagement requirements were adjusted to be less prescriptive and more value-driven, and the waiver process was also better defined to respond to feedback received. Other comments received generally related to corrections, clarifications, grammar, and document structure improvements and were addressed where possible to develop the draft Policy (Attachment 1).

The Policy must be approved through a Council resolution to come into effect.

ALTERNATIVES

1. Approve the Land Use Master Plan Policy; or
2. Do not approve the Land Use Master Plan Policy.

ANALYSIS

The draft Policy applies to all properties over 1.5 ha, requiring a zoning amendment and/or subdivision, within the boundary of the city, and does not apply to Master Plans already underway or completed and for which public engagement was undertaken. City-led Master Plans and Master Plans on City-owned land are also subject to the Policy.

Tiered Approach

A Master Plan shall be considered under one of three tiers, generally based on the size and location of the planning area, and follow specific procedural steps involving the submission of a Project Proposal followed by a Master Plan.

The tiered-approach results in additional steps and information requirements as a planning area increases in size and complexity, and whether the planning area is within or outside of the Urban Containment Boundary as shown on Map 3 of the OCP.

The procedure details and information requirements for each step are subject to the applicable tier and may be waived, increased, reduced, or modified through the review process.

Master Planning Process and Approvals

Master Plans must be prepared in accordance with key milestones outlined in the Policy. The process begins with a pre-project meeting followed by the submission of a Project Proposal to Planning and Sustainability Services (PSS). Once the project proposal is accepted, the applicant prepares a Draft Master Plan. The Draft Master Plan undergoes completeness review and potential revisions before being presented for Director or Council Decision.

Tier one Master Plans must be approved by both the Director of Development Services and the Director of Operations, while Tier two and three Master Plans would need to be approved by Council. The Policy outlines criteria the approving authority may consider when making a decision.

Council approval is made by resolution and would require a public input session. Council may waive the public input session requirement if they feel that the applicable public engagement requirements of the Policy have been met.

The Policy enables zoning amendment and/or subdivision applications that relate to a Master Plan be brought forward concurrently through the Council approval process if the Master Plan is considered to have met all applicable information and procedure requirements under the Policy, subject to applicable *Act* and Subdivision Control Bylaw requirements.

Public Engagement and Input Requirements

The Policy also outlines the circumstances and requirements for undertaking public engagement to inform the preparation of a Master Plan. The amount of public engagement activities is subject to the applicable tier and must meet the following criteria:

- Values based – identifies participants and understands any cultural, organizational, and/or subgroup values, interests, and lived experiences that might be represented;

- Goal driven - actively seeks the input, views, and perspectives of participants and, in return, commits to do something with the input;
- Impact oriented – demonstrates an understanding of the problem to be solved, the opportunity to be explored, or the decision to be made;
- Equity centered – demonstrates how the engagement process is equitably designed, who is reached, whose voices are heard, and how the engagement fosters a sense of safety, belonging and connection; and
- Relationship focused - commits to be in conversation and to seek to understand participants unique perspectives rather than through the lens of the role they play in the process.

Granular Resource Extraction

Due to Whitehorse’s geological landscape, it is anticipated that large planning areas will require removal of aggregate material to prepare the area for development. At the same time, there is a dual benefit of adding to a stable supply of gravel reserves that is an essential asset to Whitehorse’s local economy.

The Policy enables granular resource extraction to be proposed as part of a Master Plan if it can be demonstrated that a viable source of aggregate material will be removed from the site.

If granular resource extraction is proposed, additional permitting steps and information requirements will apply. A Master Plan will automatically fall under Tier two or three if granular resource extraction is proposed.

The approval of a Master Plan that includes granular resource extraction will enable the City to issue temporary use development permits for an interim granular resource extraction land use that aligns with the approved Master Plan. An amendment to the Zoning Bylaw to enable this new procedure will be brought forward for Council consideration through the Council approval process following adoption of this Policy.

Waiver and Updates

The Policy outlines the circumstances and procedures to evaluate and accept a request to waive the Master Plan requirement or to update an existing Master Plan. Both the Director of Development Services and Director of Operations would approve waiver and update requests and may elevate the decision to the City Manager at their discretion. The Policy outlines criteria the approving authority may consider when making a decision.

ADMINISTRATIVE RECOMMENDATION

THAT Council approve the proposed Land Use Master Plan Policy.

CITY OF WHITEHORSE

COUNCIL POLICY

Land Use Master Plan Policy

Policy Number:	2024-
Approved by:	Council Resolution _____
Effective date:	_____, 2024
Department:	Planning and Sustainability Services

PURPOSE

1. To establish the procedures and criteria for the City of Whitehorse to accept, assess, update, or waive a Master Plan as required in the *Whitehorse 2040: Official Community Plan* (OCP).

POLICY STATEMENTS

2. A Master Plan is a high-level planning document that directs how an area should be developed. Master Plans are critical to achieving the City's long-term growth strategy as outlined in the OCP. The Master Plan process aims to integrate community values at a local scale. It responds to site-specific opportunities and constraints and considers community, neighbourhood, and landowner(s) aspirations in shaping the physical, social, and economic development of an area.
3. Master Plans can be prepared either by private or public landowners (including the City) and are approved by the City. They provide the overarching framework for proceeding with future zoning amendment, subdivision, detailed engineering design, development permit, and other regulatory requirements for the development of an area.

SCOPE

4. This Policy shall apply to all properties over 1.5 hectares in size, requiring a zoning amendment and/or subdivision within the boundary of the City of Whitehorse.
5. This Policy shall not apply to Master Plans already underway or completed prior to the adoption of this Policy and for which public engagement was undertaken.
6. City-led Master Plans and Master Plans for City-owned land are also subject to this Policy.

DEFINITIONS

7. In this policy,

“Act” means the *Yukon Municipal Act* as amended from time to time.

“Applicant” means a person or persons applying to undertake a Master Planning Process, whether as the owner of the property subject to a Master Plan requirement or as agent for the owner or their contractor, including an agent representing multiple owners of land(s).

“Bylaw” means a regulation lawfully enacted by the City of Whitehorse.

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

“Council” means the duly elected Council of the City of Whitehorse.

“Council Procedures Bylaw” means the City of Whitehorse Council Procedures Bylaw adopted by Council and amended from time to time.

“Developable Area” means an area appropriate and suitable for development as demonstrated by feasibility assessments and including as a result of Granular Resource Extraction.

“Development” means the carrying out of any activity involving a material change to any use on, over or under the land or buildings on the land that results, or is likely to result, in a change of use or intensity of use that requires a development permit under the Zoning Bylaw or subdivision approval under the Subdivision Control Bylaw.

“Development Review Committee” means a committee composed of individuals from various City departments and other relevant organizations, such as utility providers and Federal, Territorial, and First Nation government agencies, that undertakes comprehensive technical reviews of development proposals.

“Engagement Report” means a document analyzing and summarizing input gathered from the public, governments, stakeholders, and other relevant community members or experts during a consultation or engagement process.

“Feasibility Assessment” means an assessment designed to analyze the viability of a development and determine whether the development is likely to be achievable.

“Granular Resource Extraction” means any quarrying, crushing, processing, and removal of sand, gravel, earth, rock, or other similar aggregate materials, including site preparation work, which results in a net removal of viable aggregate material from the site.

“Master Plan” means a series of documents establishing the vision and framework for an area and contains a land use concept map and report.

“Master Planning Process” means the process of preparing a Master Plan through multiple iterations of information gathering, conceptualization, analysis, engagement, and strategic decision-making.

“Master Plan Review Group”, means a group comprised of individuals from various City departments and other relevant organizations, such as utility providers and Federal, Territorial and First Nation governments, that will stay informed of the Master Planning Process and provide recommendations at various review steps throughout the Master Planning Process.

“Official Community Plan” means the City of Whitehorse Official Community Plan adopted by Council and amended from time to time.

“Planning and Sustainability Services or PSS” means the City’s department of Planning and Sustainability Services.

“Planning Area” means the defined geographic area being considered in the Master Planning Process.

“Project Proposal” means the submission of an information package proposing to undertake a Master Planning Process.

“Subdivision Control Bylaw” means the City of Whitehorse Subdivision Control Bylaw adopted by Council and amended from time to time.

“Urban Containment Boundary” means a mapped boundary drawn to contain urban densities, growth, and servicing (community, sewer, water, and storm), that outlines the serviced urban areas of Whitehorse, as shown on Map 3 Urban Growth Areas of the Official Community Plan.

“Zoning Bylaw” means the City of Whitehorse Zoning Bylaw adopted by Council and amended from time to time.

GENERAL POLICIES

8. A Master Plan will be required for all development of parcels over 1.5 hectares in size, prior to zoning amendments and/or subdivision, whichever comes first.
9. The Master Plan will relate to a defined Planning Area proposed by the Applicant and may include one or more lots and have one or more owners.

10. A Master Plan shall fall under one of the following tiers:

10.1 Tier One

- (1) Planning Area is located within the urban containment boundary, is less than five hectares, and Granular Resource Extraction is not proposed; or
- (2) Planning Area is located outside of the urban containment boundary, is less than 20 hectares, and Granular Resource Extraction is not proposed.

10.2 Tier Two

- (1) Planning Area is located within the urban containment boundary, is less than five hectares, and Granular Resource Extraction is proposed;
- (2) Planning Area is located within the urban containment boundary and is between five and 10 hectares;
- (3) Planning Area is located outside the urban containment boundary, is less than 20 hectares, and Granular Resource Extraction is proposed; or
- (4) Planning Area is located outside of the urban containment boundary and is between 20 hectares and 80 hectares.

10.3 Tier Three

- (1) Planning Area is located within the urban containment boundary and is more than 10 hectares; or
- (2) Planning Area is located outside of the urban containment boundary and is more than 80 hectares.

11. Master Plans must be prepared in accordance with the key milestones listed below and as detailed in Appendix A and also referred to as the Master Planning Process:

11.1 Project Proposal

- (1) Pre-Project Proposal Meeting;
- (2) Project Proposal Submission;
- (3) Development Review Committee Review;
- (4) Project Proposal Acceptance;

11.2 Master Plan

- (1) Master Plan Preparation;

(2) Master Plan Submission.

12. Project Proposals and Master Plans must include the information listed for the applicable tier in the Project Proposal Information Requirements and Master Plan Information Requirements sections of this Policy. A Project Proposal and a Master Plan shall not be considered complete until all required information has been submitted to the satisfaction of the Manager of PSS.

13. A Project Proposal must demonstrate that the Planning Area is appropriate and suitable for the proposed development and conforms with the OCP in order to proceed with the Master Planning Process, including demonstrating:

(1) How the Developable Area was determined; and

(2) How the Planning Area meets the applicable tier conditions.

Justification of these areas must be based on feasibility assessments.

14. PSS will confirm the appropriateness and suitability of the Planning Area as part of the Project Proposal Acceptance milestone.

15. Any required feasibility assessments must have been completed within 10 years of submitting a Project Proposal. Exemptions may apply where conditions are expected to have remained stable. More recent assessments may also be required if a situation has materially changed since the completion of an assessment.

16. The Planning Area must include all lands that are logically connected and where development in one area may impact development elsewhere. This includes non-developable areas that could be impacted by development and/or be planned for other uses, such as trails or open spaces.

17. A Project Proposal must confirm if Granular Resource Extraction is proposed to prepare the Planning Area for development. A Master Plan must meet the requirements of the Granular Resource Extraction section of this Policy if Granular Resource Extraction is proposed.

18. A subdivision approval and/or execution of a development agreement for significant groundwork or infrastructure development related to a Master Plan, unless for Granular Resource Extraction, must be issued within the following period succeeding City approval of the Master Plan or otherwise the Master Plan must be updated or expire and the Master Planning Process restarted:

(1) Tiers One and Two – Five years; and

(2) Tier Three - 10 years.

Exemptions may apply where conditions are expected to have remained stable.

19. PSS shall be the main point of contact for the Applicant. Applicants shall meet with PSS during each key milestone of the Master Planning Process to ensure requirements are followed.
20. PSS shall review Project Proposals and Master Plans to ensure that Applicants have followed the applicable requirements and submitted the required information under the applicable tier.
21. Requirements in this Policy may be waived, reduced, or modified through the review process. PSS may consider additional or alternative methods to meet requirements.

PROJECT PROPOSAL INFORMATION REQUIREMENTS

22. All Project Proposal Applications must include:

- (1) Application form and Applicant details, including who is leading the process and preparing the Master Plan;
- (2) Proof of ownership(s) of the proposed Planning Area and/or owner authorization;
- (3) Proposed Planning Area map showing size, boundaries, legal description, easements, and zoning;
- (4) Justification for the proposed Planning Area boundaries and applicable tier, including confirmation of Developable Area, anticipated use(s) and estimated development intensity;
- (5) Public Engagement Plan describing how the Master Planning Process will meet the Public Engagement and Input Requirements section of this Policy; and
- (6) Estimated Master Planning Process timelines.

23. Tier Two and Three Master Plan Project Proposals must also include:

- (1) Brief description of the history of the proposed Planning Area, surrounding uses, and existing opportunities and constraints;
- (2) Brief description of how the proposed project is in alignment with City policies, plans, bylaws, and studies and other approved First Nation, territorial, and federal plans and legislation;

- (3) Feasibility brief demonstrating the proposed Planning Area is appropriate and suitable for development, including:
 - a. Heritage assessment assessing potential impacts and proposing in consultation with First Nation governments mitigation measures to protect heritage resources;
 - b. Environmental site assessment to determine if areas of potential environmental concern and potential contaminants of concern exist in the Planning Area;
 - c. Geotechnical study and topographical survey of the Planning Area to confirm slope stability, appropriate top-of-bank setbacks, and Planning Area suitability; and
 - d. Municipal servicing assessment to confirm existing infrastructure, connections for on- and off-site infrastructure, servicing capacity and the threshold where feasible infrastructure upgrades would be required.

- (4) Any additional items requested by PSS.

24. Where required, section 23 items may also be requested by PSS for Tier One Master Plan Project Proposals.

MASTER PLAN INFORMATION REQUIREMENTS

25. All Master Plans must include:

- (1) Overall vision for what is being proposed for the Planning Area;
- (2) Description of proposed land uses and community amenities, with associated map(s) and shapefile(s);
- (3) Proposed land use area calculations with anticipated dwelling and/or commercial units, densities, and population and/or job projections;
- (4) Description of how the Master Plan aligns with City policies, plans, bylaws, and studies and other approved First Nation, territorial, and federal plans and legislation;
- (5) Municipal servicing assessment and plan to establish on- and off-site infrastructure upgrades and costs;

- (6) A summary of public engagement activities, results, key findings and actions taken to address key findings;
- (7) Description of how the Master Plan will be implemented and development build-out timelines; and
- (8) Summary of Project Proposal items.

26. Tier Three Master Plans must also include the following:

- (1) Transportation plan showing major internal on- and off-site roadways and connectivity to the City's surrounding transportation and mobility network, including active transportation and transit;
- (2) Transportation impact assessment to establish on- and off-site infrastructure upgrades;
- (3) Environment and special places assessment assessing potential impacts and proposing mitigation measures to protect natural resources, including the design and impact of trails, parks, or other recreational facilities in the Planning Area;
- (4) Engineered grading plan and phasing plans;
- (5) Baseline stormwater modeling assessment to establish the existing stormwater runoff patterns and behaviors in the Planning Area, to understand environmental impacts and inform sustainable land use and infrastructure planning;
- (6) Water and wastewater infrastructure assessments to establish offsite impacts/upgrades required; and
- (7) Any additional items requested by PSS.

27. Where required, section 26 items may also be requested by PSS for Tier One and Two Master Plans. PSS will confirm the applicable information requirements as part of the Project Proposal Acceptance milestone.

PUBLIC ENGAGEMENT AND INPUT REQUIREMENTS

28. The preparation of Tier One Master Plans must include at least an Initial Engagement conducted at the launch of the project.

29. The preparation of Tier Two and Three Master Plans must include all of the following types of public engagement:

- (1) Initial Engagement – conducted at the launch of the project;
- (2) Concept Engagement – conducted after drafting the land use concept(s); and
- (3) Plan Engagement – conducted after drafting the Master Plan.

30. Master Plans must include a Public Engagement Plan as part of the Project Proposal that identifies the public engagement activities to be undertaken and how they will meet the below objectives and as further described in Appendix B:

- (1) Value based – Engagement is focused on talking to people about what matters most to them and what matters most to the Applicant. It should include identifying participants and understanding any cultural, organizational, and/or subgroup values, interests, and lived experiences that might be represented.
- (2) Goal driven – Engagement is driven by a clear purpose, intention and goals. It should include actively seeking the input, views, and perspectives of engagement participants and, in return, committing to do something with the input.
- (3) Impact oriented – Engagement is oriented towards making decisions, having an impact, or implementing a change. It should include a clear understanding of the problem to be solved, the opportunity to be explored, or the decision to be made.
- (4) Equity centered – Engagement is focused on ensuring more power sharing in decision making and that all people are intentionally included, feel welcome and valued. It should include a clear understanding of how the engagement process is equitably designed, who is reached, whose voices are heard, and how the engagement fosters a sense of safety, belonging and connection.
- (5) Relationship focused – Engagement is focused on establishing a meaningful relationship with participants. It should include a commitment to be in conversation and to seek to understand participants as human beings rather than through the lens of the role they play in the process.

31. All public engagement activities and their findings must be summarized in an Engagement Report accompanying the Master Plan. Where appropriate, the Applicant shall provide any raw data (e.g. verbatim survey responses) to PSS with the Engagement Report.

32. The Engagement Report must include, but is not limited to, the following information:

- (1) Engagement Activities – This section should provide an overview of the various activities and methods used to engage the public, stakeholders, and governments. It should encompass details regarding the intended audience, scheduling, venue selection, promotional channels utilized, and methods for reaching a diverse range of individuals and organizations.
 - (2) Engagement Results – This section should present a summary of the data and information collected during the engagement activities. This may include survey responses, summary of interviews, webinar comments or summaries of discussions. The data should be in a clear and organized manner, using charts, graphs, or tables to illustrate key findings.
 - (3) Key Findings – This section should outline the most prominent insights, trends, and common themes that emerged from the engagement results in a high-level summary. These findings should provide a concise and comprehensive overview of what the public, stakeholders, and governments expressed as their main concerns, desires, or opinions.
 - (4) Next Steps – This section should outline the actions that were taken to address the findings identified in the report.
33. The Applicant shall facilitate and undertake at their cost all required public engagement activities and their notification. PSS may assist in facilitating public engagement activities, such as hosting and advertising online surveys, upon request by the Applicant.
34. All engagement material must be submitted to PSS for review prior to distribution. This may include surveys, presentation slides, display boards, or any other information for the public. PSS may recommend additional material or information is included, such as specific survey questions.
35. Prior to a public input session under the Council Procedures Bylaw, PSS shall:
- (1) Notify the following recipients of an engagement activity or public input session at least 10 working days prior to the event:
 - a. Kwanlin Dün First Nation;
 - b. Ta'an Kwäch'än Council;
 - c. Government of Yukon;
 - d. any relevant stakeholder and community organization; and

- e. within the urban containment boundary, all property owners and residents within 500 m of the Planning Area, and outside of the urban containment boundary, within two km outside of the Planning Area.
- (2) Advertise a Notice of Public Input Session at least twice using a method agreed upon by the Manager of PSS.
- (3) A notification sign shall be placed within the Planning Area or in a visible location near the Planning Area, at least 10 working days prior to a public input session. Such sign shall remain in place until after the end of the public input session.
- a. The Notice of Public Input Session and notification sign must describe:
 - i. The location of the Planning Area;
 - ii. A general description of the Master Plan;
 - iii. The date, time and place of the public input session; and
 - iv. Contact information where further information can be obtained.

36. Public input sessions and submissions will meet the requirements of the Council Procedures Bylaw.

GRANULAR RESOURCE EXTRACTION

37. This section does not apply to any quarrying, crushing, processing, and removal of sand, gravel, earth, rock, or other similar aggregate materials which does not result in a removal of aggregate material from the Planning Area.

38. The Master Plan shall include the following information if Granular Resource Extraction is proposed to prepare the Planning Area for development:

- (1) An estimate of the aggregate material to be extracted, an estimate of volumes removed from the Planning Area, an estimated time frame for completion of extraction, location of any proposed on-site processing, and off-site haul route location;
- (2) An assessment of aggregate quality prepared by a qualified professional demonstrating it is viable to extract;
- (3) An assessment demonstrating that Granular Resource Extraction will optimize the development potential of the Planning Area.

- (4) An overview of the potential impacts of extraction activities, including noise, dust, and traffic, and proposed mitigation measures;
- (5) Indicate whether the material needs to be processed (e.g. crushing or screening), stockpiled, and if the activity will take place within the Planning Area;
- (6) A grading plan demonstrating finished grades, cut/fill balance, depth to the water table, and an appropriate and suitable area for development; and
- (7) Any additional items requested by PSS.

39. Granular Resource Extraction is not allowed within Future Planning, Greenspace, and Agriculture designations, unless the designation is amended when a proposed Master Plan does not conform to the OCP.

40. Granular Resource Extraction will meet the requirements of the Zoning Bylaw. The approval of a Master Plan that includes the additional information listed in section 38 will enable the City to issue temporary use development permits for an interim Granular Resource Extraction land use that aligns with the approved Master Plan.

APPROVALS

41. Tier One Master Plans must be approved by both the Director of Development Services and the Director of Operations. The Directors may approve, deny, or refer the Master Plan back to PSS. At their discretion, they may also elevate the decision to the City Manager or Council.

42. The authority to approve Tier Two and Three Master Plans resides with Council. Council may approve, deny, or refer the Master Plan back to PSS.

43. If approved, the Applicant may proceed with subsequent regulatory requirements. If referred back to PSS, PSS may provide the Applicant with a list of items that need to be addressed within five working days of the decision. The Applicant shall have the opportunity to address the comments and resubmit the Master Plan to PSS for Director or Council decision. If denied, another proposal for the same or substantially the same Master Plan shall not be submitted within 12 months of the date of the refusal.

44. Council approval is made by resolution and typically includes a public input session. Council may waive the public input session if it appears that all applicable public engagement requirements of this Policy have been appropriately and suitably met.

45. Zoning amendment and/or subdivision applications that relate to a Master Plan may be brought forward concurrently through the Council approval process if the Master

Plan is considered to have met all applicable requirements of this Policy, subject to applicable Act and Subdivision Control Bylaw requirements.

46. In making a decision on a Master Plan, the approving authority may consider, but is not limited to, the following:

- (1) Relationship to and compliance with the Official Community Plan, Zoning Bylaw, City bylaws and policies, and other approved First Nation, territorial, and federal plans and legislation;
- (2) Compatibility with surrounding lands in terms of land use function and scale of development;
- (3) Relationship to, or impacts on, infrastructure such as stormwater, water, and sanitary systems, transportation systems including active transportation routes and public transit, other utilities, and public facilities such as recreational facilities and schools;
- (4) Relationship to public land, rights-of-way, or easement requirements;
- (5) Risk of natural hazard impacts to people, property, infrastructure, and the environment;
- (6) Any documented concerns of area residents, land owners, and the public regarding the proposal and proposed mitigations;
- (7) Financial impact of the proposed development to the City in terms of municipal operation and maintenance costs;
- (8) Any documented concerns of First Nations regarding impacts on treaty rights, settlement land, or powers associated with the Final and Self-Government Agreements; and
- (9) Any additional impacts considered relevant by the City.

MASTER PLAN WAIVER OR UPDATE REQUIREMENTS

47. The requirement for the preparation of a Master Plan may be waived if it can be demonstrated there is minimal impact to municipal infrastructure, drainage, surrounding properties, or other considerations.

48. Master Plans not initiated within the required period outlined in section 18 of this Policy must be updated or will expire and no longer be applicable. A request to update a Master Plan may also be submitted at any time following its approval.

49. Requests to waive the Master Plan requirement or to update an existing Master Plan must be submitted to PSS by the Applicant.

50. Requests for waivers will be assessed using the following criteria:

- (1) Zoning amendment and/or subdivision does not require additions or upgrades to City infrastructure;
- (2) Zoning amendment and/or subdivision does not require access and/or easements from surrounding properties;
- (3) Zoning amendment will not result in new or additional uses (e.g. text amendment);
- (4) Total zoning amendment, subdivision and/or Developable Area is less than 1.5 hectares;
- (5) Zoning amendment and/or subdivision is required to formalize existing occupations as lots and/or leases or for the purpose of consolidating lots and/or leases; and
- (6) Any additional criteria considered relevant by the City.

51. Requests for updates will be assessed using the following criteria:

- (1) Update does not result in a new or substantially different Master Plan;
- (2) Update does not involve an increase of the Planning Area;
- (3) Update is required to meet servicing requirements;
- (4) Update results in an increase of public land uses; and
- (5) Any additional criteria considered relevant by the City.

52. PSS will present the request for waiver or update to the Development Review Committee. The DRC will provide a recommendation to PSS and PSS shall bring the Master Plan waiver or update request forward for a Director decision.

53. The waiver of the Master Plan requirement or an update of an existing Master Plan must be approved by both the Director of Development Services and the Director of Operations. At their discretion, the Directors may elevate the decision to the City Manager or Council.

54. If approved, the Applicant may proceed with subsequent regulatory requirements. If denied, the requirements of this Policy will apply. Another request for the same or substantially the same Master Plan waiver or update shall not be submitted within 12 months of the date of the refusal.

ROLES AND RESPONSIBILITIES

55. The authority to administer the requirements of this Policy resides with Planning and Sustainability Services.

56. The City shall advocate for the best interests of the City as a whole and work with the Applicant to provide review comments and information in a timely manner.

57. Applicants shall endeavor to provide complete and accurate submissions to the City and acknowledge that the turnaround time for submissions is largely influenced by the quality and completeness of the material submitted.

HISTORY OF AMENDMENTS

Date of Council Decision	Reference (Resolution #)	Description

Appendix A

MASTER PLAN KEY MILESTONE DETAILS

Project Proposal

1. **Pre-Project Proposal Meeting** – The Applicant shall meet with PSS to discuss the Project Proposal and Policy requirements.
2. **Project Proposal Submission** – An initial Project Proposal shall be submitted in writing to PSS using the application form provided by PSS and accompanied by the required information. PSS shall review for completeness within 10 working days of receiving a Project Proposal deemed complete. If deemed incomplete, PSS shall provide the Applicant with a list of items that need to be addressed. The Applicant shall have the opportunity to address the comments and resubmit the Project Proposal to PSS for review.
3. **Development Review Committee (DRC) Review** – PSS shall present the Project Proposal to the DRC. A complete Project Proposal Submission must be provided three weeks prior to the DRC meeting. The DRC shall provide recommendations to PSS. This may include recommended changes to the Project Proposal.

Following the DRC meeting, PSS shall provide the Applicant within five working days of the DRC meeting a list of items that need to be addressed, if any. The Applicant shall have the opportunity to address the comments and resubmit the Project Proposal to PSS for review.

4. **Project Proposal Acceptance** – PSS shall review the revised Project Proposal for completeness within 10 working days of receiving a Project Proposal deemed complete. If deemed incomplete, PSS shall provide the Applicant with a list of items that need to be addressed. The Applicant shall have the opportunity to address the comments and resubmit the Project Proposal to PSS for review.

The Manager of PSS shall notify Council within 10 working days of an application being deemed complete that a Master Planning Process is being launched. The Applicant may be allowed to proceed with the Master Planning Process following Council notification.

Following Project Proposal acceptance, PSS shall form a Master Plan Review Group (MPRG). MPRC members shall represent the City for the purpose of engagement with the City. PSS shall be the main point of contact for the Applicant throughout the Master Planning Process. PSS shall communicate MPRC recommendations to the

Applicant, and if necessary, request changes to the Master Plan throughout the Master Planning Process.

Master Plan

5. **Master Plan Preparation** – The Applicant shall undertake the preparation of the Master Plan in accordance with the applicable tier requirements.
6. **Master Plan Submission** – Master Plans shall be submitted to PSS for Director or Council Decision. PSS shall review for completeness within 20 working days. If deemed complete, PSS shall bring the Master Plan forward for Director or Council Decision as required for each tier.

The Manager of PSS shall notify Council within 10 working days of a Tier 2 or 3 Master Plan application being deemed complete that a Master Plan will be brought forward for Council consideration.

If deemed incomplete, PSS shall provide the Applicant with a list of items that need to be addressed. The Applicant shall have the opportunity to address the comments and resubmit the Master Plan to PSS for review.

Any new or substantially different information provided may require previous steps to be redone (e.g. public engagement, council presentation, etc.).

Appendix B

PUBLIC ENGAGEMENT OBJECTIVES DETAILS

1. **Value based** – The Public Engagement Plan shall describe how the Applicant will engage the public in discussions that target the relevant organizations and individuals and their core concerns and values, aligning them with the Master Plan’s priorities. To achieve this, the Public Engagement Plan shall:
 - a. Identify members of the public, stakeholders, community associations, City, Government of Yukon, First Nation Governments, and others targeted for engagement;
 - b. Outline the value each identified participant will provide to the decision-making process; and
 - c. Identify priorities, topics and materials that will resonate with the identified participants’ concerns and values;

2. **Goal Driven** – The Public Engagement Plan shall describe the purpose of the engagement, outline the roles of participants, and the anticipated impact of their input. To achieve this, it shall:
 - a. Describe the purpose and intent of each engagement activity, detailing when and to what extent input is sought; and
 - b. Describe what is being asked of each identified participant and what will be done with their input.

3. **Impact oriented** – The Public Engagement Plan shall outline the process for analyzing engagement results and how it informs decision-making. To achieve this, the Public Engagement Plan shall:
 - a. Outline methods for reporting back to the public and other identified participants on findings, decisions made, and next steps, summarizing input in an Engagement Report prioritizing transparency and accountability in the decision-making process; and
 - b. Outline methods for public distribution of engagement reports, ensuring accessibility and broad dissemination of the findings for informed input and decision-making.

4. **Equity centered** – The Public Engagement Plan shall outline measures to promote equity and inclusion in engagement activities, recognizing systemic barriers to meaningful participation. To achieve this, the Public Engagement Plan should:

- a. Identify diverse outreach methods and communication channels to facilitate discussions, remove barriers to participation, and to collect input from a diverse audience, ensuring at least one citywide engagement opportunity;
 - b. Outline methods for undertaking culturally sensitive engagement with members of different cultures and demographics, including historically marginalized or underrepresented communities;
 - c. Identify engagement times and locations, whether in-person or virtual, that accommodate diverse schedules and accessibility features, such as:
 - i. Scheduling events during weekday evenings (4pm – 8pm) and weekends;
 - ii. Hosting in-person events near the Planning Area and/or within venues near transit routes and equipped with accessibility features;
 - iii. Hosting virtual events on platforms that incorporate assistive technologies; and
 - d. Outline methods for public distribution of event recordings and/or materials, ensuring accessibility and broad dissemination of the event for informed input and decision-making.
5. **Relationship focused** – The Public Engagement Plan should provide strategies for building and nurturing meaningful relationships with participants targeted for engagement. To achieve this, the Public Engagement Plan should:
- a. Describe the nature of the relationship between the Applicant and the identified participants and how the public engagement activities will help build and nurture long-term relationships and trust in the decision-making process;
 - b. Outline how the participant will be provided with the necessary information and tools to meaningfully provide input for each engagement activity; and
 - c. Identify timeframes for receiving input from each identified participant, ensuring sufficient time for meaningful engagement.

ADMINISTRATIVE REPORT

TO: City Planning Committee
FROM: Administration
DATE: May 21, 2024
RE: Land Development Protocol and Land Disposition Policy

ISSUE

Rescind the Land Development Protocol and amend the Land Disposition Policy.

REFERENCES

- [Whitehorse 2040 Official Community Plan](#)
- [Land Disposition Policy 2020-05](#)
- [Draft Land Use Master Plan Policy](#)
- 2006 Land Development Protocol (Attachment 1)
- Land Disposition Policy Redline Comparison (Attachment 2)

HISTORY

In 2006, the City entered into a Land Development Protocol (the Protocol) agreement with the Government of Yukon (YG). The Protocol acknowledges the intent of both parties to work together in the provision of land development within the city. It establishes responsibilities of both parties, eligible projects, and eligible expenses to be funded by YG (Attachment 1).

In 2023, the City approved its Official Community Plan (OCP). The OCP requires an approved Master Plan for developments over 1.5 ha, prior to zoning amendment and/or subdivision.

Following the adoption of the OCP, Administration developed a Land Use Master Plan Policy (the Policy) to establish the procedures and criteria for the City to accept, assess, update, or waive a Master Plan as required in the OCP (Attachment 2). In an effort to standardize land development responsibilities for all types of landowners, the Policy puts the responsibility for planning, design, approvals, and development on to landowners, including the City for City-owned land.

Due to these changes in land development responsibilities, the Land Development Protocol between the City and YG is no longer considered required and is proposed to be rescinded. Both the City and YG will be responsible for planning, design, consultation, approvals, development, and land disposition on their respective properties.

The Policy allows agents to undertake the preparation of Master Plans on behalf of an owner or multiple owners of land. The City can therefore still lead a Master Plan process for the development of lands it does not own on behalf of the landowners (e.g. Government of Yukon) subject to agreement negotiations.

It is also proposed to amend the Land Disposition Policy as it references the Protocol. The Land Disposition Policy provides guidelines for the orderly development and disposition of City-owned land. Amendments seek to remove references to the Protocol and clarify the new land development responsibilities (Attachment 3).

ALTERNATIVES

1. Rescind the Land Development Protocol and approve the amended Land Disposition Policy; or
2. Do not rescind the Land Development Protocol and do not approve the amended Land Disposition Policy.

ANALYSIS

The Protocol recognizes the importance of land development within the city and the intent of YG and the City to work together to provide residential, commercial, and industrial land development opportunities. Historically, the City has been primarily responsible for the planning, design, consultation and approvals for land owned by the City and YG whereas the YG has been responsible for the physical development and ultimate sale of the developed land.

While YG owns most of the undeveloped land in the city and has historically been the main land developer, the land development landscape is changing. Both Ta'an Kwäch'än Council (TKC) and Kwanlin Dün First Nation (KDFN) have significant land holdings in the city. In addition, interest in private sector land development is also growing.

The OCP commits the City to not only work with YG to ensure the availability of adequately serviced land supply within the Urban Containment Boundary, but also working with TKC, KDFN, and private developers. OCP policy 10.15 likewise states that the City will work cooperatively with YG, TKC, and KDFN to advance the development of commercial and industrial lands.

Furthermore, as stated previously, in order to implement the master plan requirement described in OCP policy 13.22, Administration has developed a Land Use Master Plan Policy. This Policy seeks to ensure consistency in rules and expectations for developing a master plan, putting the responsibility for planning, design, approvals, and development on to landowners, including the City for City-owned land.

The OCP, in conjunction with master plans approved under the Land Use Master Plan Policy, provides a high-level planning framework for land development within the city. Due to this change in policy, the Protocol is no longer representative of the current development landscape nor does it fully align with the newly established development responsibilities. The Protocol is therefore no longer considered necessary and is proposed to be rescinded in conjunction with the approval of the Land Use Master Plan Policy.

Administration is also recommending that the Land Disposition Policy is amended to remove references to the Protocol and align wording with the new development responsibilities (Attachment 2).

Termination of the Protocol

In order to terminate the Protocol, the City must provide YG with sixty (60) days written notice delivered by hand, facsimile, or registered mail. If Council were to rescind the Protocol, Administration would initiate termination of the Protocol.

ADMINISTRATIVE RECOMMENDATION

THAT Council rescind the Land Development Protocol and approve the amended Land Disposition Policy.



LAND DEVELOPMENT PROTOCOL AGREEMENT

BETWEEN

**GOVERNMENT OF YUKON as represented by
the Premier of the Government of Yukon ('Yukon')**

AND

**CITY OF WHITEHORSE as represented by
the Mayor of the City of Whitehorse ('City')**

(collectively the 'Parties').

WHEREAS:

- A. the Parties have a mutual interest in providing land development activities in a timely, efficient and economic manner within the boundaries of the City of Whitehorse;
- B. the Parties wish to develop and maintain a two year inventory of different types of lots;
- C. the Parties are in agreement that, when Yukon acts as a developer, lots will be developed on a cost recovery basis at development cost or at a value not to exceed market value;
- D. the Parties agree that the City has the authority to take a direct role in the planning required to determine the location and nature of future development of Territorial Crown land within its boundaries.

NOW THEREFORE the Parties have entered into this Protocol Agreement with the intention and desire to clarify their respective roles and responsibilities for land development to ensure greater public clarity and facilitate the orderly and efficient provision of land for development within the boundaries of the City of Whitehorse.

Purpose

1. The purpose of this Protocol Agreement ('Protocol') is to acknowledge the intent of the Parties to work together in the provision of land development within the City of Whitehorse. This Protocol is intended by the Parties to be a record of their respective expectations and is not intended to create or hinder any legally enforceable rights or obligations.

Scope

2. This Protocol is limited in scope to an understanding of the general nature of involvement of the Parties with respect to land development within the City of Whitehorse. For greater certainty, the actual scope of each development project, the specific services to be provided by the Parties and the relative financial contribution of each of the Parties will be set out in specific land development agreements which the Parties intend to negotiate and enter into at a date subsequent to this Protocol. Such land development agreements may be subject to further negotiations, funding appropriation and the seeking of all requisite approvals.

Responsibilities

City

3. The City will identify those areas within the boundaries of the City of Whitehorse which are designated for development within the City of Whitehorse Official Community Plan ('OCP') and provide a timetable for such development with the goal of maintaining a two year inventory of lots within the City of Whitehorse.
4. The City will undertake all planning, engineering and technical studies and complete legislated environmental assessment requirements prior to presenting a plan of subdivision for consideration by the City subdivision approval authorities.
5. The City will be responsible for conducting all public consultations in a manner consistent with those conducted by Yukon.
6. The City will negotiate and enter into land development agreements with Yukon, as determined necessary, on a case by case basis.
7. The City will work with Yukon to identify a clear public process for lot disposition including best efforts on the part of the City to assume the role of agent responsible for the counter sales of developed land within the City of Whitehorse.

Yukon

8. Yukon will work co-operatively with the City in identifying and providing available land for land development projects within the boundaries of the City of Whitehorse.
9. Yukon will negotiate and enter into land development agreements with the City on a case by case basis to undertake the design and construction of a land development project.
10. Yukon will work with the City to develop a process to sell raw land to private developers, on a case by case basis, if both parties agree and it's supported by the OCP.
11. Yukon will consult with the City before making decisions regarding the disposal of raw land within the City of Whitehorse to any party other than the City.
12. Yukon will work with the City to develop an alternate process which recognizes the City as the agent responsible for counter sales of developed land.
13. Yukon will be responsible for the disposition of developed land in a manner consistent with current practice until such time as an alternate process is agreed to by both parties.

Eligible Projects

13. This agreement applies to the provision of residential, commercial and industrial lots within the City of Whitehorse. Such lots may be fully or partially serviced depending on their location, intended purpose and respective needs.

Eligible Expenses

14. Subject to the Parties negotiating and entering into a specific a development agreement, expenses that are eligible for funding by Yukon will include:
 - (a) professional contracting services provided by engineers, land use planners, surveyors, economists, environmental scientists and other professionals or persons with technical skills;
 - (b) Environmental assessment project description and screening costs;
and

- (c) public consultation expenses including advertising (radio, newspaper, signage, banners, etc.); private facility rental fees for public consultation events, expenses for hiring of a meeting moderator or facilitator.

Expenses not eligible for Funding

15. Expenses not eligible for funding by Yukon are as follows:

- (a) costs associated with the preparation, consulting and adoption of the OCP;
- (b) costs associated with planning for areas not identified for land development in the OCP;
- (c) costs associated with the normal operations and maintenance of the City Planning and Development Services Department (space rental, equipment, communications, heating, electrical bills etc.);
- (d) costs associated with the City's normal ongoing responsibilities for infrastructure planning, operations and maintenance and refurbishment; and
- (e) costs associated with the preparation of applications to external funding sources.

Representatives

16. The representatives of the Parties with respect to this Protocol and the negotiation of the land development agreements will be as follows:

For Yukon:

Director of Community Infrastructure Branch
Government of Yukon
Box 2703
Whitehorse, Yukon
Y1A 2C6

For City:

Director of Operations
City of Whitehorse
2121- 2nd Avenue
Whitehorse, Yukon
Y1A 1C2

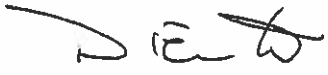
Termination

17. This Protocol will remain in effect unless terminated by either of the Parties by providing to the other Party sixty (60) days notice in writing to be delivered by hand, facsimile or registered mail.

IN WITNESS WHEREOF the Parties have executed this Protocol Agreement by their duly authorized signatories on the dates noted below.

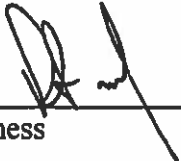
Government of Yukon

City of Whitehorse



Dennis Fentie
Premier, Yukon Government

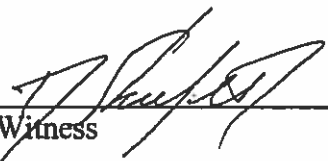
June 26/06
date



Witness

Ernie Bourassa
Mayor, City of Whitehorse

June 26/06
date



Witness

Attachment 2

CITY OF WHITEHORSE COUNCIL POLICY



LAND DISPOSITION POLICY

Policy Number:	2020-05
Approved by:	Council Resolution 2020-25-06 dated December 7, 2020
Effective date:	January 1, 2021
Department:	Land and Building Services/Legislative Services

PURPOSE

The purpose of the City of Whitehorse Land Disposition Policy is to provide guidelines for the orderly development and disposition of City owned land

POLICY STATEMENT

~~In accordance with the 2006 Land Development Protocol entered into by the City of Whitehorse and the Yukon Government,~~ The City is responsible for undertaking the planning, consultation, design and approvals for ~~both Yukon Government and~~ City-owned new land development projects.

In addition to the development of lots in new development areas, the City may wish to dispose of lots that are within or adjacent to existing neighbourhoods. These lots may be for residential, mixed-use, commercial or industrial uses and will need the proper Official Community Plan and zoning designations for development.

This policy should be read in conjunction with the City's applicable acts, bylaws, policies, protocols, procedures, and supporting references.

SCOPE

The Land Disposition Policy applies ~~to all developed lands to which the 2006 Land Development Protocol applies as well as~~ to any City-owned land with the exception of lands that are City premises as defined and addressed in the Disposal of Assets Policy.

Consequence of Non-Compliance

City staff charged with the administration of this policy will be accountable to the provisions under this policy and any related City Bylaws or Policies.

DEFINITIONS

“**appraisal**” means a method of determining market value as of a specified date by a qualified appraiser as outlined by the Appraisal Institute of Canada.

“**eligible non-profit organization**” means a not-for-profit society incorporated or continued under the Yukon *Societies Act* for a minimum of two continuous years in good standing.

“**market value**” means the most probable price, as of a specified date, in cash or in terms equivalent to cash, or in precisely revealed terms, for which the specified property rights should sell after reasonable exposure in a competitive market under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, and assuming that neither is under undue duress.

“**upset price**” means the minimum price the City will accept for a parcel of land.

BACKGROUND

Land development within the City of Whitehorse has a complex history in relation to which agency or level of government has the responsibility for the planning, design, approvals and ultimate development. ~~In an effort to provide greater clarity of the roles and responsibilities of each party, the City of Whitehorse and Yukon Government entered into a Land Development Protocol in 2006.~~

~~The 2006 Land Development Protocol states that~~Historically, ~~–~~the City of Whitehorse ~~will has been primarily be~~ responsible for the planning, design, consultation and approvals for land ~~development owned by the City and Yukon Government in the City and~~whereas the Yukon Government ~~will be~~has been responsible for the physical development and ultimate sale of the developed land. ~~Through this process, the City is taking a more active role in development of land in Whitehorse.~~

In an effort to standardize land development responsibilities for all types of landowners, the City approved in 2024 a Land Use Master Plan Policy which puts the responsibility for planning, design, approvals, and development on to landowners, including the City for City-owned land. The Land Development Protocol was therefore rescinded in conjunction with the Land Use Master Plan Policy approval.

The City of Whitehorse and the Yukon Government have strived to maintain a two year supply of building lots on inventory. This goal was to ensure that the building industry would have a supply of lots to draw upon and the general public would be able to purchase a lot of their choice over the counter as opposed to through a lottery process. The sale of land to the private sector facilitates land development and can generate revenue for the City.

The City is working on various residential development projects located on both Yukon Government and City-owned land. This policy is intended to provide guidance on how disposition of City-owned land will take place.

DISPOSITION PROCEDURE

1. The City has several options on how to dispose of land. The process selected will depend on the type, size, zoning and servicing of the lot. Lots will be sold at market value unless otherwise directed by Council, in a manner that will allow all interested parties an equal opportunity to purchase a lot.

Lottery Process

2. The lottery process may be used for single-family, duplex and triplex lots that are serviced, appropriately zoned, and otherwise ready for residential development. The City will establish the sale price for each lot in advance of the lottery.
 - (1) Only one application per person will be accepted and must be accompanied by an application fee and an administration fee.
 - (2) Applicants must be at least 19 years of age and must have been a Yukon

resident for at least six months prior to the lottery date. Proof of residency must be demonstrated by the applicant's possession of a valid Yukon General Identification Card or a Yukon Driver's Licence.

- (3) Applicants are not eligible to enter a lottery if they hold an existing residential land sale agreement with the City.
- (4) In each lottery, only one lot will be awarded per person.
- (5) Successful lottery applicants will also be required to provide a deposit amount as specified in the lottery package/sale agreement to secure the purchase of the lot being offered. For unsuccessful applicants, the administration fee will be refunded. Successful applicants who are offered a lot and decline to purchase the offered lot will not get the administration fee back. For successful applicants who accept the lot being offered, the administration fee will be applied as a deposit towards the purchase price of the property being purchased.
- (6) Successful lottery applicants will not be eligible to enter into another City land lottery for two years after the date of their successful lottery application.

Bid Process

3. The bid process will be used on multiple-family, townhouse, commercial, industrial and mixed-use lots or parcels of un-serviced land for future development and subdivision by a private developer. A Request for Bids will be issued and lots will be sold to the highest bidder.
 - (1) A Request for Bids will be issued describing the lots, setting an upset price and listing any specific conditions that may apply. Each bid must be accompanied by a deposit in the form of a certified cheque equalling 10% of the total lot price. The details of this requirement will be set in the Request for Bids.
 - (2) Once the highest bidder has been identified, the City and the successful bidder will then enter into a sale agreement.
 - (3) Bidders can submit bids on more than one lot. This may, for example, be desirable as it allows for a larger building which could take advantage of an economy of scale and be more efficient in terms of heating costs when compared to several stand-alone buildings.
 - (4) In the event of a tie, the first bid received will be deemed successful.

Proposal Process

4. This process is similar to the bid process except that prospective purchasers will be required to submit a proposal outlining the planned development. A Request for Proposals will be issued outlining the City's specific development goals, evaluation criteria and upset prices for all lots up for sale. Proposals may be submitted for more than one lot.
 - (1) The proposals will be reviewed and the lot awarded to the proposal that best satisfies the established development criteria. The City and the selected purchaser will then enter into a sale agreement.
 - (2) In some cases, bringing an amendment forward to City Council for the appropriate zoning may be the responsibility of the purchaser.

Lot Enlargement Process

5. In some instances, land may be sold to the public for lot enlargements to existing properties. Each lot enlargement request is reviewed on a case by case basis by the City's Development Review Committee (DRC). When requests for public land are received, the merits of the development initiatives are evaluated by the DRC along with factors which might warrant the land's restricted use and/or retention by the City.
6. Reasons to deny or limit the disposition of land for a lot enlargement might include anticipated City land needs, projected land requirements by other government agencies, local community interests, compatibility with adjacent land uses, and environmental risks. Upon review of the application for land, the DRC will make a recommendation on whether the land application merits presentation to Council.
 - (1) Application criteria that is taken into consideration as part of a lot enlargement request includes but is not limited to the following:
 - (a) Enlargements that legitimize historical land use that dates back to the origins of the property.
 - (b) Enlargements that result in an increase to a lot's conformity in relation to the City's Official Community Plan and/or Zoning Bylaw.
 - (c) Enlargements that correct an unusual development related hardship that has been imposed upon an owner through the irregular configuration or shape of a lot or through unusual topographic constraints.
 - (d) Enlargements involving land that is not viable for sale on its own or could not be developed as a stand-alone parcel.
 - (2) As a general rule, administration will refuse lot enlargement applications where one or more of the following criteria exist:
 - (a) Rear yard enlargements to existing single family residential lots located in established neighbourhoods.
 - (b) Lot enlargements that would enable subdivision potential which did not exist prior to the enlargement process.
 - (c) Enlargements to country residential lots where the lot area meets or exceeds the minimum lot area required under the current zoning regulations.
 - (3) If a lot enlargement application is supported by this policy, administration will prepare a disposition sketch that will be used by the applicant to acquire an appraisal. The appraised value will be incorporated into a draft sale agreement that will specify the closing date and terms applicable to the sale and require the endorsement of the applicant prior to presentation to Council.

- (4) City Council makes the final decision on the land disposition through the bylaw process. Land will be sold at market value. All costs associated with the land appraisal, land surveying and preparation of the land transfer documents will be paid for by the applicant in addition to the value of the land.

Unsold Lots from Lottery and Bid Processes – Over-the-Counter Sales

7. Lots not sold through the lottery and bid processes may be sold over the counter in the Land and Building Services Department after notification is provided in newspapers for two successive weeks.

Counter Draw on Initial Over-the-Counter Offering

8. Applicants will have until 2:00 p.m. on the first day of lots being released over the City counter to express their interest in a specific lot (or lots). No lots will be sold until this time. If by 2:00 p.m., two or more applicants are interested in the same lot, a draw process will be utilized to ensure fairness in the land disposition process. Applicants (or their authorized agents) must be present at the City counter in order to qualify for the draw process. The draw will occur on the same day at 2:00 p.m.
9. Any lots remaining will be available over the counter until sold or withdrawn by the City.

Land Valuation

10. Prices for the lots will be based on market value as determined by an appraisal completed by an independent appraiser or on the cost of development, whichever is higher. For lots sold by lottery, prices for each lot will be listed in the lottery information package. For lots sold using a bid or proposal process an upset price will be established.
11. Council may decide to use prices below market value for the purposes of facilitating a below-market price development or to expedite the sale of any land.

Sale Agreements and Closing Schedules

12. Once a lot is awarded through a lottery, bid process, proposal process or an over-the-counter sale, the purchaser will enter into a sale agreement with the City of Whitehorse.

Single Detached, Duplex and Triplex Lots

13. Sale agreements for single detached, duplex or triplex lots will specify a closing date of 90 days and will require that a non-refundable deposit of \$5,000.00 be provided.

Multiple-family, Townhouse, Commercial, Industrial, Mixed-use and Un-serviced Land

14. Sale agreements for multiple family, townhouse, commercial, industrial and mixed-use lots or parcels of un-serviced land will specify a closing date of 90 days and will require that a deposit equalling 10% of the purchase price be provided.

- (1) A purchaser will have the option of returning the lot prior to the established 90-day closing date and having the 10% deposit refunded, less a \$500.00 administrative charge that will be retained by the City from the deposit amount being held.
 - (2) A purchaser, or any individual or corporate entity affiliated with the purchaser, may not re-apply for the same lot within 30 days of the lot being returned to the City.
 - (3) Sale agreements may also include a provision for a time extension to the first closing date.
15. Time extensions for sale agreements for multiple-family, townhouse, commercial, industrial and mixed-use lots or parcels of un-serviced land shall be for an aggregate of no more than 180 days, subject to the purchaser providing a non-refundable deposit equalling 5% of the purchase price. The non-refundable deposit will be retained by the City if the lot is returned at any time during the extended period.
 16. In the event that the holder of an extended sale agreement determines that a more time may be required before the closing date, such agreement holder may apply to City Council for an additional extension. Council may by resolution grant such a time extension to a maximum of 60 additional days if the proposed development for the property supports priorities established by Council in the City of Whitehorse Strategic Plan.
 17. The non-refundable deposit provisions of section 15 of this policy will not apply to eligible non-profit organizations.

Proposals

18. Sale agreements for proposals can specify timelines for closing and development and can include an “option” for the City to re-acquire the lot or lots at the original purchase price less fees and costs if the purchaser does not comply with the terms of the agreement. Additional terms not covered by this policy may be added as directed by Council. A Development Agreement may also be required to set out further conditions such as servicing standards, residential densities and timelines.

Payment

19. Payment for the lots will occur according to timelines set out in the sales agreement. Title to the lots will be transferred to the purchaser once full payment has been received.

REPEAL OF EXISTING POLICY

20. The Land Disposition Policy adopted by council resolution #2010-15-08, including all amendments thereto, is hereby repealed.

◆ *December 2020*

Supporting References

Please note that some of the items below may not be publicly available.

Related Council Policies, bylaws, Administrative Directives and other applicable Acts and Regulations

Yukon Government *Municipal Act and Regulation* (Act: SY 2002, c.154) and (Regulation: O.I.C. 1988/43)

Contact the Land and Building Services Department for additional applicable Administrative Directives, Procedures, Bylaws, Acts and supporting references.

History of Amendments

<u>Decision Date</u>	<u>Resolution #</u>	<u>Description</u>
May 12, 2008	2008-09-03	Motorways Policy approved
July 14, 2009	2008-15-09	Initial approval of City-wide policy
August 23, 2010	2010-15-08	Revised policy adopted and Motorways Land Disposition Policy repealed
July 24, 2017	2017-15-03	New policy adopted
December 7, 2020	2020-25-06	Scope of the policy amended to align with the Asset Disposal Policy

CITY OF WHITEHORSE
DEVELOPMENT SERVICES COMMITTEE
Council Chambers, City Hall



Chair: Dan Boyd

Vice-Chair: Mellisa Murray

May 21, 2024

Meeting #2024-10

-
1. Housing and Land Development Advisory Committee Recommendation –
Permit Process – For Information Only
Presented by Mike Gau, Director of Development Services, and John
Vogt, Acting Chair of the Housing and Land Development Advisory
Committee
 2. New Business

ADMINISTRATIVE REPORT

TO: Development Services Committee
FROM: Administration
DATE: May 21, 2024
RE: Housing and Land Development Advisory Committee Recommendations – Permit Processes – For Information Only

ISSUE

Recommendations to Council from the Housing and Land Development Advisory Committee (HLDAC) on proposed City Development and Building Permit Process improvements focused on removing barriers to housing development.

REFERENCE

- [City of Whitehorse 2022-2024 Strategic Priorities](#)
- [Advisory Committee Bylaw 2021-12 – Schedule A - HLDAC Terms of Reference](#)
- [Development and Building Permit Questionnaire \(November 2023\)](#)
- Recommendations from HLDAC (2024-01-01) (Attachment 1)

HISTORY

Council's Strategic Priorities include overarching goals that include improving the overall housing supply and increasing land development in Whitehorse. Specific actions to achieve this include "Create a Housing Advisory Committee" and "Streamline the building/development permit processing".

HLDAC was established by Council in 2022 with a mandate to provide advice and recommendations to Council regarding strategic policy issues and procedures and bylaws as they affect housing and land development under the City's jurisdiction.

HLDAC has completed a comprehensive review of the Development and Building Permit processes that could be changed to remove barriers to housing development.

The recommendations provided by HLDAC attached to this report were informed by a Development and Building Permit Questionnaire that was released in November 2023 and multiple HLDAC meetings where staff from various departments attended to collaboratively work through concerns and ideas for improvements. A Builders Lunch was hosted in May 2023 which was poorly attended, but valuable input was received.

A report from the Committee that includes a Table of Recommendations with rationale and additional notes is provided as Attachment 1.

ANALYSIS

HLDAC's recommendations are wide ranging from handling of permits, enhancing communication, education and technology to timing of lot releases. Specifically, the recommendations list various actions with the goals to improve:

- timelines;
- burden on applicants and City staff;
- the management of complex Development Permits;
- the education about new guidelines and standards for engineering requirements;
- clarification of the master plan process;

- development agreement or permit documents to address phased and multi-year complex projects;
- the fairness of consistency and accountability of development permits and to increase the number of applications that are approved on first reviews;
- the communication of technical requirements for permits are provided prior to lot offering and permitting;
- timing of lot offerings (through developer) so that it works within City processes in time for building season;
- available mechanisms and processes to facilitate processing of paperwork and inspections of building; and
- opportunities for communications and education between City and development community.

While the departments involved in the permitting process are always striving for continuous improvement many changes are underway which align with the actions recommended by HLDAC. Some examples of these initiatives include:

- development for guidelines for simple and complex development permits;
- purchase of e-permitting software;
- improvements to City webpage;
- contractor outreach and education including (in last 8 months):
 - o Fire Safety Training;
 - o HLDAC Luncheon;
 - o 2020 NBC seminar;
 - o Kilrich Trade Show; and
 - o Three Home Builder meetings

Changes to policy or bylaws are not envisioned to be required to implement the proposed recommendations and are mainly procedural or aim to improve communication materials and contact with the building industry.

Some of the recommendations offer very specific changes. Further analysis or experience with the changes may result in a different outcome, while in keeping with the stated HLDAC goal.

Administration has concern with one of the recommendations (4c), which suggests that the City or developer provide a pre-designed grading/drainage plan per lot in an attempt to expedite permit reviews. The City is not currently resourced to do this. Of greatest concern is that this service would pass the liability for the drainage of each lot to the City. The City can only provide engineering design work for its own work. In keeping with goal of Recommendation #4 which is to ensure that the right communication of required technical requirements for permits is available to applicants, the City will continue to look for internal efficiency improvements and continue to work to clarify guidelines to assist applicants. Otherwise, Administration accepts HLDAC's recommendations.

There may be budget implications for enhanced communication materials and outreach which may be submitted to the next capital budget process. Administration will pursue industry and government partnerships that result in funding opportunities.

City of Whitehorse

HLDAC Recommendations (Development and Building Permit Review Process)

May 7, 2024

Page 1 of 3

Recommendation: HLDAC Recommendations Related to City Development and Building Permit Process

The Housing and Land Development Advisory Committee has reviewed the current City development and building permit processes. Several important issues were the focus of the review, including:

- process improvements;
- mechanisms to increase communication with applicants and others involved in the processes;
- identification of ways to improve the education and training of participants in the process;
- reduction of uncertainty in the process;
- how to address perceptions of inconsistency and unfairness; and
- how to increase the efficiency of processes and decision-making.

The Committee resolved and approved that Council direct administration to, as detailed in the attached table and summarized below,:

1. a. Reduce overall timelines where possible through the creation of an expedited and concurrent development and building permit process for simple applications. For these types of applications, the development permit and building permit would be issued at essentially the same time.
- b. Reduce the burden on both applicants and City staff by creating a system that can work to spread out permit volume over the year. This could be achieved by changing the application system to allow applicants to apply for permits up to 6 months before activation. This will include the requirement to:
 - pay the permit application fee at the time of application; and
 - pay the remaining fees and deposits at the time of activation of the permit. This new opportunity would apply only to applicants with a valid business license.
2. Continue to improve the management of complex development permit applications by:
 - a. Continue monitoring the effectiveness of new processes, including pre-application meetings between the City and applicant.
 - b. In situations where stamped engineered plans are required (complex, in-fill, and commercial/industrial applications):
 - i. the city should facilitate pre-submission discussions with the applicant and engineer;
 - ii. investigate the opportunity for plan submissions without a stamp for initial review by City Engineering prior to formal submission of the stamped plan.
 - c. Increase education of new guidelines and standards for engineering by establishing regular discussions with the Professional Association of Engineers Yukon to ensure understanding and reduce submission of information that does not meet requirements.
 - d. Clarification for the Master Plan Process in relation to requirements on complex applications should be produced. It is recommended that an overall development process guide and flow chart be created to outline the process.
 - e. Consider changes to the development agreement or permit documents that will clearly state that approval will be in effect over the life of the project.

- Once a development has been initiated; the developer can continue to undertake phased development to support the multi-year nature of most complex developments.
- f. Develop policy or guidance to provide conditional approvals on large projects that outline which details are required for each stage without being too prescriptive, which will allow flexibility but also accountability for both the developer and the City.
 - g. A template development agreement should be made available to potential developers that outlines the standard requirements contained in any situation.
 - h. Create a distinction in information products between requirements for raw land developments versus developments on serviced properties proposed for building.
3. To have a development review process that meets the tests of fairness, consistency, and accountability, and that recognizes that current approval numbers are concerning, the process should increase success for applicants the first time through the permit process by:
- a. Creating service standards for processes including tracking timelines and information requests Utilize a new online permitting system to improve communication and processes between departments and applicants. Potential for applicant tracking of their own application, tracking of timelines, etc.
 - b. For simple development permits:
 - i. Change the current approach of placing applications that have information requests outstanding at the bottom of the pile.
 - ii. Create mechanisms for administration and applicants to deal with small corrections quickly without having timelines impacted which may help move more applications into quicker approvals.
4. Ensure that prior to lot offerings and subsequent permitting, the right communication of required technical requirements for both development and building permits is available to applicants by:
- a. Creating clear information, standards, and templates that sets the technical requirement for applications, particularly information relating to drainage plans.
 - b. As part of development agreement requirements, Yukon and other developers must survey benchmarks in subdivisions to support tie-ins for drainage plan drafting.
 - c. For lots with a master drainage plan and for simple development permits, investigate options to simplify the process and requirements around drainage plans. Three options to consider are:
 - City or developer provides a pre-designed grading or drainage plan per lot that is provided to the builders as part of permitting, noting that if a builder wants to vary from the plan, they must create their own plan and go through the normal review process; or
 - Create simplified drainage plan requirements but still require the builder to submit the plan; or
 - Create another option that meets the goals.

The Committee requests that the City bring the recommended option back to the Committee for consideration and discussion.

5. Ensure that lot offering timing makes sense for builders of both simple and complex developments and works within the City processes to ensure permits can be issued in time for building season. In particular, the City should request that Yukon government, as the principal developer in the city:
 - a. Only offer lots after completion of the construction and acceptance of the infrastructure by City or create a pre-sale option that includes awarding of lots prior to completion but do not charge interest or collect the full deposit until construction is complete. Obligation dates in relation to the remainder of the deposit and building commitment would be tied to the date of construction completion, not the initial payment.
 - b. Schedule the offerings of single-family lots for late winter or spring with ready lots.
 - c. Schedule the offering of multi-family and other lots in the fall, ready to go, which provides time for builders to go through the complex process and get all their engineering, architect plans, etc. done before building season.
6. Identify mechanisms or processes that the city could adopt to facilitate both the processing of paperwork and the inspection of buildings through:
 - a. Investigating the purchase of mobile or handheld units or iPads that could be connected to the City information system to fill in inspections and sign off in the field.
 - b. Investigating if there is a way to do the inspection in the field and that a builder then has a set number of days to submit deficient information, which once submitted would result in permit issuance without need for a further site inspection.
 - c. Acquiring application processing software to support the administration of development and building permits that provides online applications, tracking, digital submission of information, and issuance of permits.
7. Create more opportunities for communication and education between the City and the development community in their entirety by
 - a. Utilizing a new online permitting system to provide real-time information on application processing for applicants. In the interim, create a way on the website to provide real-time information.
 - b. Create education sessions on upcoming building code requirements with builders, engineers, planning consultants, design professionals, surveyors, tradespeople, and other entities that are involved in development in the City;
 - c. Create information sheets on changes to building codes or zoning; and
 - d. Create a specific webpage for builders where information of interest to them can be consistently posted.

Attached: Table of Recommendations with rationale and additional notes

Draft Recommendations- City Development and Building Permit Review Process – Final May 7, 2024

	Intent/Goal	Recommendation	Rationale	Notes from Administration
1	<p>a. Reduce overall timelines where possible.</p> <p>b. Reduce burden on both applicants and City staff by creating a system that can work to spread out the permit volume over the year.</p>	<p>a. Create an expedited and concurrent development and building permit process for simple applications. For these types of applications, the development permit and building permit would be issued at essentially the same time.</p> <p>b. Change the application system to allow applicants to apply for permits up to 6 months before activation. This will include the requirement to:</p> <ul style="list-style-type: none"> • Pay the permit application fee at time of application; and • Pay the remaining fees/deposits at the time of activation of the permit. <p>This new opportunity will only apply to those applicants with a valid business license.</p>	<p>a. This change would recognize that for simple development projects, concurrent reviews could be accommodated, and timelines reduced.</p> <p>Permits would then be issued at the same time to allow builders to start their projects potentially weeks earlier than what is occurring now.</p> <p>Simultaneous DP and BP process likely possible without significant challenges and will be aided by software. This should be feasible for up to a triplex (simple application). More units increase complexity.</p> <p>b. Eases volumes of permits at any one time by allowing them to be spread out over the year and eases the fiscal burden on applicants by not requiring upfront payment of all fees until the permit is actioned.</p>	<p>a. Upcoming on-line system could help with reducing permit timelines.</p> <p>Typically, it takes 2 weeks for a development permit if drainage plan approved, 1-3 weeks for building permit- overall 1 month to 6 weeks.</p> <p>Operationally a simultaneous review system will require that communication and coordination is done carefully, which will be aided by new software (live updates, all reviewing same plan). Note that this was done for Whistle Bend 6B, where both the development permit and building permits were accepted.</p> <p>Key to this change is that City has signed off on the Construction Completion Certificate with the developer and that a Master Drainage Plan has been completed for the subdivision.</p> <p>There is a link to Recommendation 4 regarding requiring Master Drainage Plans and detailed lot drainage information as a condition of a development agreement with the developer.</p>

				<p>b. Allowing applicants to apply early before the work is due to happen will work to spread out permits over the year. More applicants could apply in the winter months and have their permits secured to begin in the spring.</p> <p>Not requiring all the charges to be collected at the time of application will work to keep capital in the builders' hands until it is due to the City. It is costly for builders to have money tied up during the application process.</p> <p>The City will still receive the required payments prior to any work undertaken on the permit as per usual practice.</p>
2	Continue to improve the management of Complex Development Permit Applications	<p>a. Continue monitoring effectiveness of new processes including pre-application meetings between City and applicant.</p> <p>b. In situations where stamped engineered plans are required (complex, in-fill, and commercial/industrial applications):</p> <p>i. the City should facilitate pre-submission discussions with applicant and engineer;</p> <p>ii. investigate the opportunity for plan submissions without a stamp</p>	<p>a. Look to process and guidance improvements as City and developers work through new requirements. These recommendations will support the ongoing working relationship between developers and City staff.</p> <p>b. These recommendations will reduce the number of deficient applications that the City must deal with and work to educate and inform both applicants and their engineers on the information and standards required.</p>	<p>a. Big/complex developments take more time to process. The new complex process and information guide seems to be working well for larger developments particularly the pre-application meeting to go over requirements. These meetings are not mandatory but are encouraged and are having positive results.</p> <p>b. The City is looking at facilitating better communication on requirements with applicants and their engineers which will support</p>

	<p>for initial review by City engineering prior to formal submission of the stamped plan.</p> <ul style="list-style-type: none"> c. Increase the education of new guidelines and standards for engineering by establishing regular discussions with the Professional Association of Engineers Yukon to ensure understanding to reduce submission of information that does not meet requirements. d. Clarification for the Master Plan Process in relation to requirements on complex applications should be produced. Recommend that an overall development process guide and flow chart be created to outline process. e. Consider changes to the development agreement or permit documents that will clearly state that the approval will be in effect over the life of the project. That once a development has been initiated, the developer can continue to undertake the phased development to support multi-year nature of most complex developments. f. Develop policy or guidance to provide conditional approvals on large projects 	<ul style="list-style-type: none"> c. This will both create and maintain a working relationship with engineers in Whitehorse and continue education on changes and rationale behind those changes. d. Increase understanding of the phased steps of planning and development for larger developments. e. For multi-year phased developments- need to determine the right information needs at the right time. 	<p>more efficient reviews of applications.</p> <ul style="list-style-type: none"> c. The Professional Association of Engineers Yukon will continue to be notified of all changes to the standards manual or guidelines. d. Changes can be considered in Master Plan Policy, Development Permits and Development Agreements to address clarity and phasing flexibility. <p>In most instances permit approvals are “grandfathered” if regulations change.</p>
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	<p>that outline which details are required for each stage without being too prescriptive which will allow flexibility but also accountability for both developer and City.</p> <p>g. A template development permit agreement should be made available to potential developers that outlines the standard requirements contained in any situation.</p> <p>h. Create a distinction in information products between requirements for raw land developments versus developments on serviced properties proposed for building.</p>	<p>f. Need a system that has some flexibility as the project progresses and things change from original plan. This impacts the financing of projects over the long term. Could it look at initially providing broad general approvals that are refined up to the issuance of the building permit?</p> <p>g. Changes to how these documents are worded may support developers financing arrangements and give comfort that the whole and phased development has received the necessary approvals.</p> <p>h. Will support consistency and up-front education and information to all parties.</p>	<p>h. Needs and requirements may be very different, and applicants would benefit from guidance for these two particular situations.</p>
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	Intent/Goal	Recommendation	Rationale	Notes from Administration
3	<p>To have a development permit review process that meets the tests of fairness, consistency, and accountability and that recognizes that current approval numbers are concerning, the process should increase success for applicants the first time through the permit process.</p>	<p>a. Create service standards for process including tracking of timelines and information request.</p> <p>Utilize new on-line permitting system to improve communication and processes between departments and applicants. Potential for applicant tracking of their own application, tracking of timelines, etc.</p> <p>b. For Simple development permits:</p> <p>i. Change current approach of placing applications that have information requests outstanding in the bottom of the pile.</p> <p>ii. Create mechanisms for Administration and applicant to deal with small corrections quickly without having timelines impacted which may help move more applications into quicker approvals.</p>	<p>a. Reduce uncertainty of process steps particularly where and how information requests are managed.</p> <p>Need to improve, where needed, departments working together to remove impediments to processing of development permit applications.</p> <p>The Committee recognizes that the City has purchased a new on-line permitting system that should be functional in fall 2024. It is felt that implementation of this type of system, which can provide real time interactions between the applicant, Land & Building, and Engineering will vastly improve the information available, the quality of the information and the speed of processing.</p> <p>b. The new on-line system should support process management of this issue. If a significant amount of redesign is required it will be dealt with as a new application.</p>	<p>a. 42-47% of applications are approved after a first revision. A further 27% are approved after a second revision and in total 69-77% of applications are approved in the 1st and 2nd revision.</p> <p>Volume of applications being reviewed at any one time will affect timelines.</p> <p>The City is developing new service standards for when information comes into their office in terms of days for processing.</p> <p>b. The City's review time does not start until all the information is received. The on-line system will clarify when the onus for some of the delays is on the applicants.</p> <p>Where an applicant has an outstanding information request, the clock stops and does not start until the information is submitted. The City will strive to deal with that submission on the day that the</p>

				information is received, and advise the applicant if it is sufficient or deficient. If deficient, it goes back to outstanding information request. If sufficient, application proceeds to next steps in process with no delay.
	Intent/Goal	Recommendation	Rationale	Notes from Administration
4	Ensure that prior to lot offerings and subsequent permitting, the right communication of required technical requirements for both development and building permits is available to applicants.	<p>a. Create clear information, standards and templates that sets the technical requirement for applications, particularly information relating to drainage plans.</p> <p>b. As part of development agreement requirements, require that Yukon and other developers survey benchmarks in subdivisions to support tie-ins for drainage plan drafting.</p> <p>c. For lots with a master drainage plan and for simple development permits: City is requested to investigate options simplify the process and requirements around drainage plans. Two options to consider are:</p> <ul style="list-style-type: none"> • City or developer provides a pre-designed grading/drainage plan per lot that is provided to the builders as part of permitting noting that if a builder wants to vary from the plan, they must create their own plan and go through the normal review process; or 	<p>a. It appears that creation of an acceptable drainage plan for simple projects can cause significant delays in processing of applications due to lack of information on the plan, incorrect information on the plan, etc.</p> <p>Creating better and standardized requirements and templates for applications to support applicants' submission of forms will increase process efficiency.</p> <p>b. Requesting developers to survey in benchmarks will allow other engineers and builders to use those reference points in creating their plans that match the overall grading and drainage plan for the subdivision.</p> <p>c. Notes on Options: Requiring that developers provide a pre-designed grading/drainable</p>	<p>There are two issues: the timeline for a drainage/civil design review, and the technical standards.</p> <ul style="list-style-type: none"> • Timeline: Review timeline varies based on a few factors: Number of other applications in the queue (typically seasonal – more applications during construction season) and/or whether it's a simple or complex development (different queues). • Technical standards: City has published a Lot Grading Guidelines for Simple Developments document in order to communicate standards to developers. Reasons for conflict with these standards include: <ul style="list-style-type: none"> • Design does not align with the standards; • Disagreement with the standards (e.g., developer feels that they shouldn't have to follow it); • Occasionally, complicated site conditions make following the

	<ul style="list-style-type: none"> • Create simplified drainage plan requirements but still require the builder to submit the plan; or • Create another option that meets the goals. <p>The Committee requests that the City bring recommended option back to the Committee for consideration and discussion.</p>	<p>plan per lot will allow the City to set the minimum floor height and provide the detail to the builder on where to situate the building on the lot, without having to get another individual lot drainage plan themselves. The predesign would include the City requirements and if the builder does not want to change anything, the drainage plan for that lot can be expedited in the development permit. However, if a builder wishes to change how they are situating the building, they will then have to provide their own engineered drainage plan to meet their individual plan.</p> <p>It is understood that this option requires up-front costs to either the developer or the City but there may be a way to cost recover.</p> <p>Second option retains normal process, however, recognizes that for most of these types of simple developments, the drainage/grading plan requirements are excessive to the type of development and could be simplified based on current information that is available from the</p>	<p>typical standards difficult/impossible. Servicing Standards Manual (SSM) provides typical drainage patterns for urban lots.</p> <p>There is more potential for friction in the complex developments, where the design is already being prepared by a Professional Engineer and the City still reviews it carefully.</p> <p>The subdivision developer (public, First Nation, or private) produces the subdivision grading plan which sets the drainage pattern for each lot and the perimeter grades. Since phase 5 of WB, subdivision construction has been required to be pre-graded to within 0.6 m of finish grade to ensure that lot developer can grade according to the plan without hardship</p>
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Intent/Goal	Recommendation	Rationale	Notes
<p>5 Ensure that lot offering timing makes sense for builders of both simple and complex developments and works within the City processes to ensure permits can be issued in time for building season.</p>	<p>City request that YG:</p> <ul style="list-style-type: none"> a. Only offer lots after completion of the construction and acceptance of the infrastructure by City or create a pre-sale option that includes awarding of lots prior to completion but do not charge interest, full deposit until construction is complete. Obligation dates in relation to remainder of deposit and building commitment would be tied to date of construction completion not initial payment. b. Schedule the offerings of single-family lots be in late winter/spring with ready lots. c. Schedule the offering of multi-family and other lots in the fall, ready to go- provides time for builders to go through complex process and get all their engineering, architect plans, etc. done before building season. 	<p>master drainage plan and known building requirements.</p> <ul style="list-style-type: none"> a. Ensures that when builders get lots, all the infrastructure work is done, signed off and ready to go. There is a cost to builders to hold lots that they cannot get permitted or build on. b. Late winter/spring offerings for single family lots provides time for builders to get their permits before the season starts. c. Fall offerings on multi-family etc. allows time for more complex plans to be developed and go through the City process 	<p>Release of lots that are not completed affects the ability of builders to complete their drainage and site plans as YG has not completed their overall plan or received approval from City yet. Permits cannot be issued till lots are ready.</p> <p>Ideal lot release time is likely Feb or March to allow for design and application in time for building in June.</p> <p>Letter could be sent to YG to consider timing recommendations.</p>
<p>6 Identify mechanisms or processes that the City could adopt to facilitate both processing of paperwork and</p>	<ul style="list-style-type: none"> a. Investigate purchase of mobile or handheld units/iPad that could be connected to City information system to fill in inspections and sign off in the field. 	<ul style="list-style-type: none"> a. Recognizing that inspectors have a heavy load particularly in building season. If inspectors had more on-line tools it may help with management of information. 	<p>Typically takes 1 to 2 days right now (80% of the time) for an inspection.</p> <p>Experience has demonstrated that if inspection is provided without documents provided, we realize poor compliance – many never come through</p>

<p>inspection of buildings.</p>	<p>b. Investigate if there is a way to do the inspection in the field and establish that a builder then has a set number of days to submit deficient information which once submitted would result in permit issuance without need for a further site inspection.</p> <p>c. Acquire application processing software to support administration of development and building permits that provides on-line applications, tracking and digital submission of information and issuance of permits.</p>	<p>b. This may help support, along with the on-line and mobile services, faster issuance of permits for simple developments.</p> <p>c. Purchase of permit management systems will help to reduce timelines, processing, tracking and communication of status of applications.</p> <p>Builders need to have better idea of timing of permit issuance to undertake their planning. Having an on-line public interface in real time on application progress would provide the tools for applicants to track and manage their applications.</p> <p>An on-line system will also provide staff with the tools to effectively engage with the applicant, undertake the technical reviews and issue permits.</p>	<p>in documents. Note that you cannot schedule an electrical inspection. Once ready they call day of that they are coming.</p> <p>Software likely to be able to help with this new process. A software solution has been procured.</p>
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	Intent/Goal	Recommendation	Rationale	Notes from Administration
7	Create more opportunities for communications and education between City and the development community in its entirety.	<p>a. Utilizing new on-line permitting system to provide real-time information on application processing for applicants. In the interim, create a way on the website to provide real time info.</p> <p>b. Create education sessions on upcoming building code requirements with builders, engineers, planning consultants, design professional, surveyors, tradespeople, and other entities that are involved in development in the City;</p> <p>c. Create information sheets on changes to building codes or zoning; and</p> <p>d. Create a specific webpage for builders where information of interest to them can be consistently posted.</p>	Ensuring that there is engagement with builders on an ongoing basis will support relationship building, level of knowledge around requirements and build trust in the process.	<p>Need to improve the contractor contact list and methods of outreach and improve Building Inspection webpage.</p> <p>Over the last nine months Land and Building has attended or hosted seven engagement or education sessions with builders including:</p> <ul style="list-style-type: none"> • Fire Safety Training • HLDAC Luncheon • 2020 NBC Change Seminar • Kilrich Trade Show • 3 Home Builder Meetings <p>Further outreach and education improvements are under development.</p>

CITY OF WHITEHORSE
CITY OPERATIONS COMMITTEE
Council Chambers, City Hall



Chair: Jocelyn Curteanu

Vice-Chair: Michelle Friesen

May 21, 2024

Meeting #2024-10

1. New Business

CITY OF WHITEHORSE
COMMUNITY SERVICES COMMITTEE
Council Chambers, City Hall



Chair: Kirk Cameron

Vice-Chair: Ted Laking

May 21, 2024

Meeting #2024-10

1. New Business

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



Chair: Mellisa Murray

Vice-Chair: Kirk Cameron

May 21, 2024

Meeting #2024-10

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1. Public Input Report – Vacant and Unoccupied Buildings Bylaw
Presented by Krista Mroz, Director of Community Services and Ryan Leef, Manager, Bylaw Services
 2. New Business

ADMINISTRATIVE REPORT

TO: Public Health and Safety Committee
FROM: Administration
DATE: May 21, 2024
RE: Public Input Report – Vacant and Unoccupied Building Bylaw

ISSUE

Report on public feedback on the proposed Vacant and Unoccupied Buildings Bylaw

REFERENCE

- Proposed Bylaw 2024-19 (Attachment 1)

HISTORY

Following the proposed Vacant and Unoccupied Building Bylaw presentation on April 2, 2024, the proposed bylaw was posted on the City’s website, and an email address was made available for public feedback. Newspaper advertisements for public input identified the designated email address and the public input session at the regular Council Meeting on May 13, 2024, and a notice was sent to the Whitehorse Chamber of Commerce and subsequently shared with their membership.

ALTERNATIVES

1. Bring forward the proposed Vacant and Unoccupied Building bylaw for 2nd and 3rd reading; or
2. Refer back to administration for further analysis.

ANALYSIS

Two written submissions with multiple comments and suggestions were received from residents, and two persons appeared at the public input session. The submissions have been summarized as follows:

One submission expressed support of the Bylaw, citing its importance in keeping the neighbourhood safe.

One submission expressed comments of concern that:

- The Bylaw wasn’t limited to the downtown core as initially intended.
- The threshold for considering a building vacant was too low.
- The Bylaw empowers city officials to enter and examine the interior of a building that is vacant.
- The term “part of a building” falls under the bylaw and City owned properties are exempt.

One attending delegate questioned why the Bylaw did not address shrubs and the outside conditions of property, including vacant or unoccupied properties.

- An additional delegate raised concerns about the Bylaw applying to snow birds or seasonal occupants and the over reaching ability to inspect homes and further challenges city staff would have in determining the length of time a property had sat vacant.
- A delegate suggested separating Vacant Building Bylaws from Unoccupied referencing other jurisdictions.

The public input session also heard questions raised as to why Government buildings were exempt from the Bylaw and the delegate asked if Governments would maintain the standards required under the Bylaw.

Response

It appears as though there is some confusion generated by the intentions of the tipping fee incentive initiative and the Vacant and Unoccupied Building Bylaw. The Temporary Tipping Fee Incentive aims to ensure timely demolition of vacant or abandoned buildings. While the program targets Downtown, it also allocates a portion of the funding for locations outside of Downtown. Vacant and unoccupied buildings pose potential safety risks regardless of their location within the municipality.

In respect to the threshold times period to consider a building vacant, Council was initially presented with a 30-day timeline, which administration increased to 60 days. This timeline exceeds the 30-day average used within other jurisdictions, but it was determined that the increase better reflects the realities and challenges of our northern community. The concern expressed largely revolved around the assumption that this timeline was too short for ‘snow birds’ or other seasonal occupancy. Section 4 of the Bylaw, however, provides clear exceptions to vacancy or unoccupied dwellings.

Entry into buildings is established under inspection sections which are common to other bylaws including the Emergency Measures Bylaw. The authority has expressed limitations and very specific purposes that form part of the conditions of a permit or during the process of determining the need for a license. Inspectors are required to provide reasonable notice with the only exception existing for emergencies.

“Part of a building” was included to ensure the capture of larger commercial properties, wings or annexes to a property that qualify as vacant, do not meet the terms of an exemption under section 4 and that may pose the risks or liabilities the bylaw intends to capture.

The Bylaw deals specifically with buildings and not property condition as the city’s Maintenance Bylaw sufficiently addresses the conditions under which a property must be maintained.

An emphasis on the exemption sections contained under Section 4 (a) - (c) clarifies the scope of the bylaw and its limited implications for snow birds, seasonal use, and properties under existing construction, building or maintenance permits, or buildings under offer for rent or for sale. Under these exemptions there would be no need for an owner to acquire a permit, nor authority or need for inspection.

Administration conducted a thorough cross jurisdictional scan identifying numerous jurisdictions with similar titles, mostly Vacant and Abandoned, with all of them covering buildings that had elements of vacancy, unoccupied, abandoned, derelict, hazardous, unsightly, dilapidated, and other similar conditions. The jurisdictional scan included larger, similar size and smaller jurisdictions including municipalities in rural and northern settings. The proposed Vacant and Unoccupied Building Bylaw presented is consistent in its title, scope, and scale to other jurisdictions across Canada with sufficient adaptation to the needs of the City of Whitehorse.

The Bylaw presented to council for 2nd and 3rd reading does not include exemptions for Government Buildings.

Administration has reviewed and considered all suggestions and recommendations.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2024-19, a bylaw to adopt the Vacant and Unoccupied Building Bylaw be brought forward for 2nd and 3rd reading under the bylaw process.

CITY OF WHITEHORSE
BYLAW NO. 2024-19

A bylaw to regulate vacant and unoccupied buildings in the City of Whitehorse.

WHEREAS the Council of the City of Whitehorse may by bylaw, regulate, prohibit and impose requirements in relation to buildings and other structures; and

WHEREAS the Council deems it appropriate to require property owners to safeguard, secure and protect vacant and unoccupied buildings from property damage, unauthorized entry or occupation for the protection of persons and property;

NOW THEREFORE the Council of the City of Whitehorse in open meeting assembled hereby enacts as follows:

SHORT TITLE

1. This Bylaw may be cited as the “**VACANT AND UNOCCUPIED BUILDINGS BYLAW.**”

DEFINITIONS

2. In this Bylaw,

“BUILDING” means any structure used or intended for supporting or sheltering any use or occupancy;

“BUILDING OFFICIAL” means individual(s) designated by the City as a Building Official;

“BYLAW ENFORCEMENT OFFICER” means individual(s) appointed as a Bylaw Enforcement Officer for the City;

“CATASTROPHIC EVENT” means a rare and unforeseeable ecological, environmental, or man-made incident which results in substantial damage or loss to real property, which was outside of the reasonable control of the Owner, but which does not include a loss or unavailability of financial resources of the Owner;

“CITY” means the City of Whitehorse;

“COUNCIL” means the Council of the City;

“DESIGNATE” means and includes:

- a) Deputy Fire Chief for the City;
- b) Fire Prevention Officer for the City;
- c) Chief Training Officer for the City; and
- d) Platoon Chief for the City;
- e) Or any person duly authorized by the Fire Chief to exercise any of the Chief’s powers or to carry out any of the Fire Chief’s duties under this Bylaw.

“FIRE CHIEF” means the person who is appointed by the City as head of Whitehorse Fire and Protective Services, or their Designate;

“INSPECTOR” means and includes:

- a) Fire Chief;
- b) Deputy Fire Chief for the City;
- c) Fire Prevention Officer for the City;
- d) Building Officials;
- e) Bylaw Enforcement Officers;
- f) regular members of the Royal Canadian Mounted Police (RCMP); and
- g) Any person acting under the direction and authority of an Inspector or the City Manager for the purposes of this Bylaw;

“OWNER” means and includes:

- a) The registered and/or beneficial owner of the real property on which the building is situated;
- b) The owner of a building;
- c) The person managing or receiving the rent of the land or the building, or who would receive the rent if the land and building were let, whether on the person’s own account or as agent or trustee or receiver of any other person;
- d) A vendor of the building under an agreement for sale who has paid any municipal taxes thereon or is required under the agreement for sale to pay municipal taxes, after the effective date of the agreement;
- e) Any person receiving installments of the purchase price if the Building or land is sold under an agreement for sale; and
- f) A lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the Building;

“SEASONAL BASIS” means a residential dwelling which is occupied by an Owner or a lawful occupant as a part-time residence, and which is not used or intended to be used for year-round occupancy, but which is occupied for at least six months per calendar year.

“VACANT and UNOCCUPIED BUILDING” means any Building which may include vacant, abandoned, or derelict buildings that may have one or more of the following characteristics or conditions:

- a) A Building in respect of which the water and/or electricity service has been intentionally discontinued, other than for temporary maintenance, repair or upgrading, so that the condition of the premises is not suitable for human habitation or other occupancy that is normally permitted;
- b) A Building that is being inhabited by squatters or by persons not lawfully entitled to enter the property for the purpose of temporary shelter;
- c) A Building where the owner or person in care and control of the property has deemed it unoccupied;

- d) A Building or any part of a Building, which has remained unoccupied by the Owner or any occupant lawfully entitled to occupy the Building for a continuous period of over sixty days; or
- e) A Building that is in such condition, by reason of want of repair, environmental damage, age or dilapidated condition, as to pose a danger to public safety, health or welfare, or is a fire hazard.

3. REQUIREMENTS FOR VACANT AND UNOCCUPIED BUILDINGS

- 3.1 Every Owner of an Vacant and Unoccupied Building in the City shall maintain the Vacant and Unoccupied Building in accordance with the requirements of this Bylaw.
- 3.2 No person shall allow a Building to become a Vacant and Unoccupied Building unless the Vacant and Unoccupied Building is in compliance with Section 3.3 of this Bylaw or the vacancy is otherwise authorized under Section 4 of this Bylaw.
- 3.3 Except where exempted under Section 4 of this Bylaw, every Owner of real property that contains a Vacant and Unoccupied Building must:
 - a) secure the Vacant and Unoccupied Building in compliance with all Federal and Territorial Building and Fire Code Requirements, Municipal Bylaws, and any other standards or requirements deemed necessary for public safety and fire prevention as directed by an Inspector;
 - b) maintain the Building in compliance with all Federal and Territorial Building and Fire Code Requirements, Municipal Bylaws, and any other standards or requirements deemed necessary for public safety and fire prevention as directed by an Inspector; and
 - c) within 30 days of the issuance of an order by an Inspector under section 7 of this Bylaw, provide proof of and maintain \$3,000,000 in general liability insurance for the Vacant and Unoccupied Building, or such other amount or types of insurance as required by the Inspector, and obtain a Vacant and Unoccupied Building Regulation Permit, all in accordance with this Bylaw.

4. EXEMPTIONS

- 4.1 No person shall allow a Building to become a Vacant and Unoccupied Building unless the person is in compliance with Section 3.3 of this Bylaw, or one of the following exemptions applies:
 - a) the Building is the subject of an active and unexpired building permit issued by the City for the construction, repair, rehabilitation, or demolition of the Building, and the Owner, in the opinion of the Inspector, is progressing diligently to complete the construction repair, rehabilitation, or demolition of the Building; and, the Owner is complying with the maintenance standards required under all Federal and Territorial Building and Fire Code Requirements, Municipal Bylaws, and any other standards or requirements deemed necessary for public safety and fire prevention as directed by an

Inspector while the Building is being constructed, repaired, rehabilitated or demolished;

- b) the Building meets all applicable codes, bylaws and regulations, has been approved for occupancy by the City and is actively being offered for sale, lease, or rent at fair market value; and the Building is supplied with minimum utilities to maintain the proper functioning of the facilities within the Building, as well as to prevent damage to mechanical and plumbing facilities from freezing. If the Building is classified to have a fire alarm and/or fire suppression system, the Owner must maintain electrical and heating systems to maintain these life safety components. In addition, the Owner of the Building must also ensure at all times:
 - i) that all combustible materials within the Building are removed to reduce any potential fire load;
 - ii) there is no illegal occupancy of the Building; and
 - iii) there are no rodents or any other potential health or safety risks;
- c) The Building is a dwelling unit located on real property occupied by the Owner, or a legal occupant, on a Seasonal Basis, provided that the Building is supplied with minimum utilities to maintain the proper functioning of the facilities within the Building, as well as to prevent damage to mechanical and plumbing facilities from freezing. If the Building is classified to have a fire alarm and/or fire suppression system, the Owner must maintain electrical and heating systems to maintain these life safety components. In addition, the Owner of the Building must also ensure at all times:
 - i) that all combustible materials within the Building are removed to reduce any potential fire load;
 - ii) there is no illegal occupancy of the Building; and
 - iii) there are no rodents or any other potential health or safety risks.

4.2 Owners of Vacant and Unoccupied Buildings are exempt from paying the permit fee where any of the following apply, provided the Owner otherwise complies with this Bylaw, including obtaining a Vacant and Unoccupied Building Regulation Permit from the City in accordance with this Bylaw:

- a) When a Building becomes a Vacant and Unoccupied Building due to a Catastrophic Event, the Owner shall be exempt from the permit fee, as specified in the Fees and Charges Bylaw, for a maximum period of two (2) years following the commencement of vacancy of the Vacant and Unoccupied Building;
- b) When a Building becomes a Vacant and Unoccupied Building due to the Owner being in full-time care in an accredited hospital, hospice, long-term care facility, assisted living residence, or home for special care, and the Vacant and Unoccupied Building was the principal residence of the Owner immediately prior to being in care, the Owner shall be exempt from the permit fee, as specified in the Fees and Charges Bylaw, for a maximum period of

two (2) years following the commencement of vacancy of the Vacant and Unoccupied Building; and

- c) When a Building becomes a Vacant and Unoccupied Building due to the death of the Owner, the Owner's estate, including any authorized representative or executor of the Owner's estate, shall be exempt from the permit fee, as specified in the Fees and Charges Bylaw, for a maximum period of two (2) years following the commencement of vacancy of the Vacant and Unoccupied Building, with any such exemption ending immediately on the transfer or sale of the Vacant and Unoccupied Building or real property on which the Vacant and Unoccupied Building is situated to a new owner.
- 4.3 The provisions of Section 4 do not apply to any property under an existing order issued under this Bylaw or any order made under the Maintenance Bylaw or The Emergency Measures Bylaw.

5 INSPECTIONS OF THE EXTERIOR OF VACANT AND UNOCCUPIED BUILDINGS WITHOUT NOTICE

- 5.1 An Inspector may enter onto land on reasonable notice, or without notice in the case of an emergency, and without the consent of the Owner in order to investigate a Building that appears to be a Vacant and Unoccupied Building in order to determine, without limitation:
- a) whether the Building is vacant and unoccupied;
 - b) whether the Building needs to be secured; and
 - c) whether the Building otherwise complies with this Bylaw.

6 OTHER INSPECTIONS

- 6.1 Without limiting the authority set out in Section 5 of this Bylaw, an Inspector is authorized to enter onto real property, including any Building on the real property, on reasonable notice to an Owner, to ascertain whether all regulations, orders, requirements or directions under this Bylaw are being observed.

7 INSPECTOR MAY ISSUE ORDERS AND IMPOSE REQUIREMENTS

- 7.1 Where an Inspector reasonably believes a Building on a real property is a Vacant and Unoccupied Building, the Inspector will notify the Owner in writing and order the Owner to do one or more of the following:
- a) apply for a Vacant and Unoccupied Building Regulation Permit;
 - b) apply for a Permit from the City to demolish or to renovate a Building so that it is in a state of safe occupancy, and to ensure that it complies with the City's bylaws, including without limitation the City's *Building and Plumbing Bylaw* and the City's *Maintenance Bylaw*; the Inspector may also require the Owner to retain a Professional Engineer licensed or registered to practice in Yukon to perform a field evaluation of the Building and any required remedial work to make the Building safe for occupation or further inspections by the City;

and/or

- c) such further and other requirements as determined by the Inspector to ensure compliance with this Bylaw.

7.2 The Inspector's powers under Section 7.1 are applicable notwithstanding the application of any of the exemptions set out in Section 4 of this Bylaw.

8 VACANT AND UNOCCUPIED BUILDING REGULATION PERMIT

8.1 In order to obtain a Vacant and Unoccupied Building Regulation Permit, an Owner of a building must, in addition to complying with the requirements under section 3.3 of this Bylaw:

- a) apply to the Inspector at least 30 days prior to any intended date on which a Building will be vacant and unoccupied for a Vacant and Unoccupied Building Regulation Permit, including paying all associated fees as set out under the City's *Fees and Charges Bylaw*;
- b) apply to the Inspector for an inspection of the Building within 30 days of receiving an Order by the Inspector under this Bylaw and pay the fee imposed for an inspection as specified in the *Fees and Charges Bylaw* in addition to the fee for the Vacant and Unoccupied Building Regulation Permit;
- c) provide the Inspector with valid contact information for service of notices and orders that may be issued under this Bylaw during the period that the Vacant and Unoccupied Building Regulation Permit is valid and thereafter, provide immediate notice to the Inspector of any change in the contact information given for service;
- d) provide the Inspector with a copy of the Certificate of Insurance demonstrating that the Owner has complied with the insurance requirements in Section 3.3 of this Bylaw;
- e) ensure that all combustible materials within the Vacant and Unoccupied Building are removed to reduce any potential fire load; and
- f) comply with any other requirements of the Inspector to obtain a Vacant and Unoccupied Building Regulation Permit.

8.2 Upon completion of the requirements in Section 8.1, to the satisfaction of the Inspector, a Vacant and Unoccupied Building Regulation Permit may be issued by the City for a period of 12 months from the date it is issued. If the Building remains a Vacant and Unoccupied Building at the time of the expiry of the Vacant and Unoccupied Building Regulation Permit, an Owner must obtain a new Vacant and Unoccupied Building Regulation Permit in accordance with this Bylaw, or, alternatively, remediate and occupy or demolish the Vacant and Unoccupied Building, all in accordance with this Bylaw.

8.3 On the sale or transfer by an Owner of the real property on which a Vacant and Unoccupied Building is situated, the Vacant and Unoccupied Building Regulation Permit is automatically transferred to the new Owner of the real property but for

clarity, it retains its original expiry date. Prior to any sale or transfer of real property with a Vacant and Unoccupied Building, the Owner must provide the City with valid contact information for service of notices and Orders under this Bylaw for the new Owner.

- 8.4 An Owner must display a Vacant and Unoccupied Building Regulation Permit in a prominent location of the Vacant and Unoccupied Building, as determined by the Inspector.
- 8.5 If an Owner fails to apply for a Vacant and Unoccupied Building Regulation Permit in accordance with this Bylaw, the Owner will be required to, prior to the issuance of any Vacant and Unoccupied Building Regulation Permit, pay fees set out in the Fees and Charges Bylaw at the rate of the determined length of the vacancy of the Vacant and Unoccupied Building, which shall be determined by the Inspector.

9 PARTIAL REFUND OF FEES

- 9.1 An Owner who has obtained a Vacant and Unoccupied Building Regulation Permit in accordance with this Bylaw is entitled to a partial refund of the permit fee on a pro-rated basis, as set out in the *Fees and Charges Bylaw*, if the Vacant and Unoccupied Building subject to the permit, is remediated and occupied or demolished, to the satisfaction of an Inspector, within the prescribed time frame set out in the Fees and Charges Bylaw. Any outstanding fees, utility charges or penalties imposed on the Owner pursuant to this or another Bylaw shall be deducted from any refund paid.

10 MONITORING INSPECTIONS FOLLOWING ISSUANCE OF A VACANT AND UNOCCUPIED BUILDING REGULATION PERMIT

- 10.1 Every Owner with a Vacant and Unoccupied Building Regulation Permit is responsible for monitoring and inspecting the Vacant and Unoccupied Building, or ensuring the Vacant and Unoccupied Building is monitored and inspected, to ensure compliance with this Bylaw and the terms of the Vacant and Unoccupied Building Regulation Permit at least every 30 days, including without limitation, ensuring:
- a) the Vacant and Unoccupied Building is secured against unauthorized entry in accordance with all Federal and Territorial Building and Fire Code Requirements, Municipal Bylaws, and any other standards or requirements deemed necessary for public safety and fire prevention as directed by an Inspector;
 - b) the Vacant and Unoccupied Building is maintained in accordance with all Federal and Territorial Building and Fire Code Requirements, Municipal Bylaws, and any other standards or requirements deemed necessary for public safety and fire prevention as directed by an Inspector;
 - c) that all combustible materials within the Vacant and Unoccupied Building are removed to reduce any potential fire load;
 - d) there is no illegal occupancy; and

- e) there are no rodents or any other potential health or safety risks.
- 10.2 Every Owner with a Vacant and Unoccupied Building Regulation Permit is responsible for ensuring compliance with all of the City's other Bylaws, including but not limited to the City's *Maintenance Bylaw* in relation to graffiti and snow and ice removal.
- 10.3 Every Owner with a Vacant and Unoccupied Building Regulation Permit shall allow for entry by an Inspector, at least every 90 days, or earlier if required by the Inspector, into the Vacant and Unoccupied Building for the purposes of ensuring, without limitation:
- a) the Vacant and Unoccupied Building is secured against unauthorized entry in accordance with all Federal and Territorial Building and Fire Code Requirements, Municipal Bylaws, and any other standards or requirements deemed necessary for public safety and fire prevention as directed by an Inspector;
 - b) the Vacant and Unoccupied Building is maintained in accordance with all Federal and Territorial Building and Fire Code Requirements, Municipal Bylaws, and any other standards or requirements deemed necessary for public safety and fire prevention as directed by an Inspector;
 - c) that all combustible materials within the Vacant and Unoccupied Building are removed to reduce any potential fire load;
 - d) there is no illegal occupancy; and
 - e) there are no rodents or any other potential health or safety risks.
- 10.4 Once a Vacant and Unoccupied Building Regulation Permit has been issued, no additional or subsequent Vacant and Unoccupied Building Regulation Permits may be issued in respect of the Vacant and Unoccupied Building unless the City Manager or their delegate has approved the issuance of an additional Permit under Section 11 of this Bylaw.

11 CITY MANAGER OR DELEGATE MAY ORDER ADDITIONAL PERMIT TO BE ISSUED

- 11.1 Upon application by an Owner in possession of a valid and unexpired Vacant and Unoccupied Building Regulation Permit and payment of any outstanding fees or penalties imposed under this Bylaw, the City Manager or their delegate may direct an additional Vacant and Unoccupied Building Regulation Permit to be issued in respect of the Vacant and Unoccupied Building, that is effective upon the expiry of the original Vacant and Unoccupied Building Regulation Permit.
- 11.2 In determining whether to approve an additional Vacant and Unoccupied Building Regulation Permit, the City Manager or their delegate may take into account:
- a) whether the Vacant and Unoccupied Building creates a hazard or nuisance, including to adjacent Buildings, the real property where the Vacant and Unoccupied Building is situated, or the surrounding neighbourhood;

- b) the viability and credibility of the Owner's plans, if any, to have the Vacant and Unoccupied Building remediated and occupied or demolished and to maintain the Building thereafter in compliance with this Bylaw and other City bylaws;
 - c) the Owner's past record of compliance or non-compliance with this Bylaw and other Bylaws of the City;
 - d) the number and length of any previous Vacant and Unoccupied Building Regulation Permits issued by the City under this Bylaw; and
 - e) Such further and other information as the City Manager or their delegate determine is relevant.
- 11.3 In approving the issuance of an additional Vacant and Unoccupied Building Regulation Permit, the City Manager or their delegate may impose any terms and conditions they consider are reasonable. The additional Vacant and Unoccupied Building Regulation Permit may be issued for any length of time up to a maximum of 12 months.
- 11.4 An additional Vacant and Unoccupied Building Regulation Permit issued under Section 11.2 is conditional upon payment as described in the *Fees and Charges Bylaw*, including payment for any additional inspections that the City Manager or their delegate has deemed necessary.
- 11.5 If an additional Vacant and Unoccupied Building Regulation Permit is not granted in accordance with this Bylaw, the Owner must take all steps to remediate and occupy the Vacant and Unoccupied Building, or demolish the Vacant and Unoccupied Building, including complying with this Bylaw and all other City Bylaws in respect of any such remediation, occupancy or demolition of the Vacant and Unoccupied Building.

12 ADDITIONAL COMPLIANCE ORDERS

- 12.1 If, in the opinion of the Inspector, an Owner of a Building fails to comply with a requirement of this Bylaw, including any requirement to remediate the Property in accordance with this Bylaw, the Inspector may issue a written order requiring that the Owner bring the Building into compliance with the provisions of this Bylaw within such time as the Inspector considers appropriate in the circumstances,.
- 12.2 Notice of an Order issued by an Inspector under Section 12.1 of this Bylaw must state:
- a) the civic address of the subject property;
 - b) the legal description of the subject property;
 - c) the particulars of the non-compliance with this Bylaw to be remedied; that the non-compliance with this Bylaw must be remedied within 14 days of the date of delivery of the order, or such other time period as determined by the Inspector; and
 - d) that if the Owner fails to comply with the order, the City may, without further notice, proceed to carry out the work required, and the cost of such work will

be added to the taxes of the real property, and the Owner may be subject to prosecution for an offence under this Bylaw.

13 NOTICE BY THE CITY

- 13.1 The Inspector may serve any notice or order under this Bylaw as follows:
- a) by registered mail addressed to the Owner as recorded in the property records of the City;
 - b) by hand-delivering it to the Owner of the real property that is subject to the notice, or by mailing a copy to the registered and records office of the Owner if the Owner is a registered company or society; and
 - c) if the Inspector is unable to effect notice pursuant to either (a) or (b) above, by posting at the real property that is the subject of the notice or order and the notice or order shall then be deemed to be validly and effectively served for the purposes of this Bylaw 5 calendar days immediately following the date the notice or order was posted.
- 13.2 Service of any notice or order under this Bylaw will be considered sufficient if a copy of the notice or order is provided as set out in Section 13.1 of this Bylaw and no liability or responsibility other than that set out in accordance with this Bylaw rests with the City to prove delivery of the notice or order.

14 CITY MAY CARRY-OUT WORK REQUIRED

- 14.1 If an Owner fails to comply with an Inspector's compliance order within the time period specified in the order, the City, including any employee, agent or contractor of the City, may on reasonable notice to the Owner, or immediately in the case of an emergency, enter the real property and take all necessary steps to bring about such compliance at the sole cost of the Owner. The City may recover all costs incurred by the City to achieve compliance with the Bylaw, including, but not limited to, administrative costs, costs to attend property by City employees, agents or contractors, and the costs of any works conducted at the property to bring the property into compliance with this Bylaw, including all removal, clean-up and disposal costs.
- 14.2 If an Owner defaults in paying any costs referred to in Section 14.1 of this Bylaw, to the City may, within 30 days after receipt of a demand for payment from the City, either recover from the Owner, in any Court of competent jurisdiction, the cost as a debt due to the City, or direct that the amount of the cost be added to the real property tax roll as a charge imposed in respect of a work or service provided to the real property of the Owner and be collected in the same manner as property taxes.
- 14.3 Subject to section 14.4 of this Bylaw, when a fire occurs at a Vacant and Unoccupied Building, the Owner of that Vacant and Unoccupied Building must pay, in addition to any other fees, charges or penalties imposed by the City under this Bylaw, a fire protection service fee in accordance with the *Fees and Charges Bylaw*.

- 14.4 The Owner of a Vacant and Unoccupied Building is not required to pay a fire protection service fee if any of the following apply:
- a) the Owner has a valid and unexpired Vacant and Unoccupied Building Regulation Permit for the Vacant and Unoccupied Building and the Vacant and Unoccupied Building is maintained in accordance with this Bylaw;
 - b) the Vacant and Unoccupied Building is exempt from the Bylaw under Section 4 and is maintained in accordance with this Bylaw;
 - c) the fire originates on another real property, and that real property is not owned by the same Owner at the time of the fire;
 - d) the fire is caused by a natural disaster; and
 - e) it is determined by the Fire Chief or their Designate that the fire originated independently of the Vacant and Unoccupied Building's condition of being vacant and unoccupied.

15 REMEDIAL ACTION REQUIREMENTS

- 15.1 Without limiting the foregoing, if at any time an Inspector determines that the Vacant and Unoccupied Building is a nuisance or creates a hazard, the Inspector may issue an order, which may include, without limitation, a requirement that the Owner demolish the Vacant and Unoccupied Building. Any such Order may be appealed in writing to the City Manager by an Owner within 14 days of the City delivering notice of the order to the Owner in accordance with this Bylaw. The City Manager, or their delegate, shall issue a written decision on any appeal within 30 days of receiving the written appeal from an Owner in accordance with this Bylaw. The decision of the City Manager, or their delegate, is final and binding on the Owner.
- 15.2 If an Owner fails to comply with a demolition order within the time period specified in the order, the City, including any employee, agent or contractor of the City, may on reasonable notice to the Owner, or immediately in the case of an emergency, enter the real property and take all necessary steps to complete the demolition of the Vacant and Unoccupied Building at the sole cost of the Owner. The City may recover all costs incurred by the City to complete the demolition, including, but not limited to, administrative costs, costs to attend property by City employees, agents or contractors, and the costs of any works conducted at the property to demolish the Vacant and Unoccupied Building, including all removal, clean-up and disposal costs.
- 15.3 If an Owner defaults in paying any costs referred to in Section 15.2 of this Bylaw, to the City may, within 30 days after receipt of a demand for payment from the City, either recover from the Owner, in any Court of competent jurisdiction, the cost as a debt due to the City, or direct that the amount of the cost be added to the real property tax roll as a charge imposed in respect of a work or service provided to the real property of the Owner and be collected in the same manner as property taxes.

16 OFFENCE

- 16.1 Every person who violates a provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention of or in violation of any provision of this Bylaw, or who neglects to or refrains from doing anything required to be done by any provision of this Bylaw, is guilty of an offence against this Bylaw and is liable to the penalties imposed under this Bylaw.
- 16.2 Each day that a violation continues to exist may be deemed to be a separate and continuing offence against this Bylaw.
- 16.3 Every person who commits an offence against this Bylaw is liable, on summary conviction, to a penalty of not more than \$10,000.00.

17 SEVERABILITY

- 17.1 If any section, subsection, clause, sub-clause or phrase of this Bylaw is for any reason held to be invalid, unlawful or unenforceable by the decision of any Court of competent jurisdiction, that section, subsection, clause, sub-clause or phrase shall be struck from the Bylaw and its severance shall not affect the validity of the remaining portions of this Bylaw.

18 COMING INTO FORCE

- 18.1 This bylaw shall come into full force on January 1st, 2025.

FIRST READING:	April 8, 2024
PUBLIC NOTICE:	May 8 and May 10, 2024
PUBLIC INPUT SESSION:	May 13, 2024
SECOND READING:	
THIRD READING and ADOPTION:	

Laura Cabott, Mayor

Corporate Services

CITY OF WHITEHORSE
CORPORATE SERVICES COMMITTEE
Council Chambers, City Hall



Chair: Ted Laking

Vice-Chair: Jocelyn Curteanu

May 21, 2024

Meeting #2024-10

-
1. Commencement Report – Municipal Services Building
Presented by Peter O’Blenes, Manager, Property Management
 2. Commencement Report and Budget Amendment – Temporary Fee-For-Service Recycling Depot
Presented by Ira Webb, Associate Manager, Water and Waste Services
 3. New Business

ADMINISTRATIVE REPORT

TO: Corporate Services Committee
FROM: Administration
DATE: May 21, 2024
RE: Commencement Report – Municipal Services Building Demolition

ISSUE

Council approval for the commencement of procurement for the abatement and demolition of the Municipal Services Building (MSB) at 4210 Fourth Avenue,

REFERENCE

- [Procurement Policy 2020-03](#)
- 2024-2027 Capital Expenditure Program 320c00318

HISTORY

In accordance with Section 3.1.1 of the Procurement Policy, Council authorization is required prior to the commencement of procurements with an estimated value of \$500,000 or more and of procurements less than \$500,000 that are deemed to be of significant risk, involve security concerns or may be of significant community interest. This procurement is anticipated to be over \$500,000.

The City took possession of the MSB facility in 1982. Originally known as the Cassiar Building, it was constructed in 1943 with sections added in 1955 and again in 1968.

By the fall of 2020, after completion of the Whitehorse Operations Building, the MSB facility was vacated and the heat and water turned off to the main sections of the building leaving only electrical heat to the active sprinkler room. To date, the building continues to remain dormant with no staff working out of that facility. Administration has been using it temporary as cold storage.

During the summer of 2021, an Environmental Site Assessment (ESA) II and a Hazardous Building Materials Investigation were conducted on the MSB site. This also included drilling ground bore hole samples both in the yard and in sections of the vacant building to verify if petroleum hydrocarbons, metals or volatile organic components are present in the ground and at what level. Results from the ESA II indicate that there are significant levels of asbestos in the interior and exterior walls as well as within pipe wrap and concrete pipe enclosures. Significant lead paint concentrations were also found throughout the building.

Funding for this project is included in the approved 2024-2027 Capital Expenditure Program.

ALTERNATIVES

1. Authorize Administration to commence the procurement for the MSB Demolition; or
2. Refer project consideration back to Administration for further analysis.

ANALYSIS

The MSB building is at the end of its useful life and will require a high-level abatement procedure prior to the demolition of the facility

The project will need to be completed in two stages. The first stage will require a full remediation of the building hazards that are in the walls and in pipe enclosures as well as the lead paint. The second stage will include a full demolition of the facility with its debris to go to the City of Whitehorse landfill.

Once complete City Administration will need to add more sampling or groundwater monitoring wells in the areas where the facility once stood. Some petroleum hydrocarbons and metals were found in some of original boreholes within the property. However, the concentration appears to be relatively close to the guideline values. It is not expected that property clean up efforts would be substantial. Final analysis will be completed and recommendations brought forth once the final ground testing has been completed.

The total approved budget for project 320c00318 is \$2,848,295.

PURCHASING

Procurement Policy Principles

Compliance: The RFT will follow City policy and procedures for procurements.

Supplier Access, Transparency, and Fairness: The RFT will be publicly available on the City's e-procurement platform, www.whitehorse.bonfirehub.ca

Best Value: The RFT will be publicly advertised and awarded to the lowest compliant bidder that can meet the specifications set by the City.

Local Procurement: Local contracting expertise is known to exist for this type of work.

Tentative Project Schedule

Item	Proposed date(s)
Issue Solicitation Document	June 2024
Issue Purchase Order/Contract	July 2024
Start of Project Demolition	August 2024
Substantial Performance	November 2024
Total Completion	December 2024

ADMINISTRATIVE RECOMMENDATION

THAT Administration be authorized to commence the procurement for the MSB Demolition.

ADMINISTRATIVE REPORT

TO: Corporate Services Committee
FROM: Administration
DATE: May 21, 2024
RE: Budget Amendment and Commencement Report – Temporary Fee-For-Service Recycling Depot

ISSUE

Operating budget amendment and commencement report to establish a temporary fee-for-service depot for collection of packaging and paper products (PPP).

REFERENCE

- [2024-2026 Operating Budget](#)
- [Procurement Policy 2020-03](#)
- [Environment Act Extended Producer Responsibility Regulation \(EPR\) O.I.C. 2024/19](#)

HISTORY

On April 22, Council directed Administration to participate in EPR stakeholder consultation with the producer responsibility organization (PRO) responsible for packaging and paper products (PPP) and directed Administration to bring forward a budget amendment to establish a temporary depot for collection of PPP. The PRO will publish a draft PPP stewardship plan on May 22, 2024, which will outline all collection services under EPR, including proposed depot services. A recommendation on curbside collection will be brought to Council in June following consultation with the PRO.

Currently the City only collects corrugated cardboard at its Waste Management Facility (WMF). Mixed recyclables collection at the WMF was discontinued in 2020 due to ongoing contamination issues and space restrictions. Raven ReCentre has indicated as of September 15 its public drop-off will be closed.

ALTERNATIVES

1. Amend the 2024 to 2026 Operating Budget to increase the solid waste operating budget in the amount of \$250,000 in 2024 year and \$750,000 in 2025 provisional year , and authorize Administration to commence the procurement for temporary recycling depot services; or
2. Refer the matter back to Administration for further analysis.

ANALYSIS

The estimated total costs to operate a temporary recycling drop-off during existing landfill hours are \$250,000 for 2024 and \$750,000 for 2025. The overall cost is based on estimates for contracted collection services and additional staff requirements for customer service, site maintenance and monitoring, and varies depending on hours of operation and frequency of collections. Administration would plan to begin operating on September 1, 2024, in advance of the Raven closure and cease provision of services once EPR is in effect. The estimated costs are based on the continued provision of diversion credits by

the Yukon Government and the City. Should either YG or the City stop providing diversion credits the estimated costs to operate the temporary depot will increase.

Cost Recovery

There is a high level of uncertainty as to the potential use of drop off if a fee is implemented. Given this, establishing an appropriate fee structure for recycling will be challenging. Because of the volumes dropped off per visit, a flat rate charge would be more appropriate than a per tonne charge. If the service operates at full cost recovery, the potential cost to drop off recyclables is estimated to be \$1.50 per bag. This is based on high level estimates for per household recycling of 6 bags per month from 7000 households utilizing the service. It's important to note that there is a high level of uncertainty with this estimate as there is limited data to estimate expected visits. This presents significant risk if the amount of visits are lower than expected, as operating costs would be largely fixed. Any potential shortfalls would need to be covered from reserves at fiscal year end. An update to both the Fees and Charges Bylaw and Waste Management Bylaw to provide this service will be brought forward to Council following procurement for depot services.

Staffing

Introducing recycling collection would require dedicated staff to monitor and ensure materials are sorted/uncontaminated, and to prevent illegal dumping. Existing resources are not sufficient to manage this increase in service and the additional staff would be required to be present during regular hours of operation.

Traffic and Site Operations

As part of the City's Transfer Station Upgrades project, significant construction work will be occurring on site this summer and fall. This will cause disruptions to operations and may conflict with site use if significant traffic increases are to occur due to the operation of a depot. Traffic increase and user safety is the most significant concern from an operational perspective. Depending on fees and uptake, visits to the landfill could double or triple, and if users are required to visit the gatehouse for payment there will be significant disruptions to current operations. Increased delays in landfill services may result and construction may need to be phased to mitigate safety risks or alternative locations for the depot considered.

ADMINISTRATIVE RECOMMENDATION

THAT Council amend the 2024 to 2026 Operating Budget to increase the solid waste expenditures budget in the amount of \$250,000 for the 2024 year and \$750,000 for the 2025 provisional year, offset by an increase in revenues from user fees; and
THAT Council authorize Administration to commence the procurement for temporary residential recycling depot services.