ADMINISTRATIVE REPORT

TO: Planning Committee

FROM: Administration **DATE**: June 3, 2024

RE: Public Hearing Report – Official Community Plan Administrative Amendments

ISSUE

Public Hearing Report on administrative amendments to the Official Community Plan (OCP).

REFERENCES

- Zoning Bylaw 2012-20
- Municipal Act SY 2022, c. 2
- 2017 Chadburn Lake Park Management Plan
- Trail Maintenance Policy 2021-02
- Wildfire Risk Reduction Strategy and Action Plan for 2020-2024
- Redline Comparison Document (Attachment 1)
- Proposed Map Amendments (Attachment 2)
- Proposed Bylaw 2024-22 (Amended) (Attachment 3)

HISTORY

Since the adoption of the OCP, Administration has identified various sections of the document which need amending due to errors or needing clarification or greater flexibility to better administer the document. The proposed amendments include the following:

- Undertaking corrections and updates to maps;
- Allowing greater flexibility to the riparian and slope policies;
- Allowing greater flexibility for residential uses in Urban Centres;
- Allowing greater flexibility for fuel abatement activities in the Greenspace designation;
- Providing clarification on permissible residential uses in the Public Service,
 Commercial Service, Industrial, and Industrial/Commercial designations;
- Providing clarification on uses permitted within Future Planning Areas; and
- Providing other minor clarifications.

Bylaw 2024-22 received First Reading on April 8, 2024. Public Hearing notifications were sent out in accordance with the Zoning Bylaw 2012-20, including:

- Newspaper advertisements were posted in the Whitehorse Star and Yukon News on April 12 and April 19, 2024;
- Email notifications were sent to Kwanlin Dün First Nation (KDFN), Ta'an Kwäch'än Council (TKC), the Government of Yukon (YG) Land Management Branch, the Canadian Parks and Wilderness Society Yukon Chapter, the Yukon Conservation Society, and all community associations; and

 The YG Minister of Community Services was notified through email and provided copies of the proposed bylaw and newspaper ads per section 280 (3) of the Municipal Act.

A public hearing for this item was held on May 13, 2024. Two members of the public spoke to the item at the public hearing. A delegate also spoke to this item at the Regular Council meeting on April 8, 2024.

The proposed amendments directly affect KDFN and TKC settlement land parcels and therefore both First Nation governments reviewed the amendments. KDFN provided a grammatical suggestion and TKC indicated that it had no comments.

ALTERNATIVES

- 1. Amend the bylaw at second reading and proceed under the bylaw process; or
- 2. Refer the matter back to Administration.

ANALYSIS

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

- Trails;
- Definitions:
- OCP maps;
- OCP policy 13.2 ii;
- Wildfire risk reduction: and
- Other.

Trails

A delegate raised concerns with the proposed amendment to OCP Policy 7.9 that would allow an exception to the City's 30 m riparian setback requirement for improvements to trails on a site-by-site basis. The delegate stated that the Chadburn Lake Park Management Plan requires a 30 m riparian setback for trails which suggests the sensitivity of such areas and their importance for maintaining biodiversity.

The delegate raised concerns that per OCP Policy 7.11, an environmental study may be required when considering any potential reduction of the riparian setback. They felt that an environmental study should always be required. The delegate also raised concerns that there are no limits to the width of trails.

The proposed OCP amendment to allow an exception to the riparian setback for trail improvements is only for improvements to existing trails and is not intended for the development of new trails. There are existing trail networks in the city that run along the edge of water bodies, such as the Riverfront Trail. From time to time, trail improvements are required in order to improve accessibility and safety. Per OCP policy 5.11, the City will continue to maintain and enhance a diverse trail network that accommodates a range of users.

Additionally, per OCP policy 7.10, where encroachment within the riparian setback is required and permitted, it must include mitigation steps to minimize impacts from the

proposed development on the riparian area, and to protect the proposed development from potential flooding. So although environmental studies may not always be required per OCP policy 7.11, mitigations to minimize impacts on the riparian area are a requirement for all riparian setback encroachments. Furthermore, the Trail Maintenance Policy defines trail types and provides policy direction regarding trail maintenance.

Administration recommends clarifying that the proposed amendment to OCP policy 7.9 to allow an exception to the riparian setback for trail improvements applies to existing trails only. It is also noted that there was an error in the numbering of the exception for trail improvements in the proposed Bylaw. The suggested wording for OCP policy 7.9 is as follows (red for existing amendment, underline for addition, and strikethrough for deletion):

"Exceptions to the City's Riparian Setback requirement will be reviewed and considered on a site-by-site basis:

i. where steep banks contain the riparian area, the setback shall be applied from the top of bank;

ii. for businesses that utilize waterbody access as part of their business; and iii. where trail, utility, or road access for development is proposed to cross Riparian Setbacks.: and

viiv. where improvements to <u>existing</u> trails are proposed within a Riparian Setback."

Definitions

A delegate suggested that the following terms be added to the glossary and defined: environmentally sensitive areas; greenspace; greenbelt; passive recreation; and active recreation.

Environmentally sensitive areas, in the context of the OCP, include water bodies, water courses, wetlands, high value habitat areas, and wildlife corridors as defined in the glossary and per OCP Policy 7.1. Environmentally sensitive areas are generally shown on Map 1 – Greenspace Network Plan and Parks. The delegate suggested that the term be used consistently across all City documents. While a review of all City documents for the consistent use of terms may have merits, it would take significant resources to potentially amend these documents, and is outside of the scope of the subject OCP amendments.

Greenspace is a land use designation in the OCP with the intent to protect and maintain the integrity of sensitive ecosystems, encourage ecosystem connectivity, promote connection to the land and water, and provide outdoor recreation opportunities across the community as described in the Land Use Designations Quick Reference. OCP section 15.5 provides policies specifically applicable to the Greenspace land use designation. Administration believes it is unnecessary to add the Greenspace land use designation to the glossary as no other land use designation appears there.

The term greenbelt appears once in the OCP and is used to describe Whitehorse as a wilderness city. The term is used generally and has no implication on the interpretation of any policies within the OCP. Administration does not consider it necessary to add the term to the glossary.

OCP maps

Two members of the public expressed that it is difficult to determine the OCP land use designation boundaries on Map 1 – Greenspace Network Plan and Parks and Map 5 – Land Use Designations due to the scale of the maps. They suggested that a footnote be added to the maps regarding interpretation of the boundaries that ensures consistency but also allows for some flexibility.

OCP Policy 16.1 states that all information on Map 1 is to be interpreted for general information and that confirmation of exact boundaries may require additional studies or investigation. OCP Policy 16.2 states that all boundaries in Map 5 are to be interpreted as generalized and are not precise. The zone boundaries in the Zoning Bylaw provide more precision than the land use designation boundaries in the OCP. The purpose of the Zoning Bylaw is to implement the policy direction provided in the OCP and other Council-approved plans and policies and therefore the mapping and zone boundaries need to be more precise. Section 1.5 of the Zoning Bylaw contains the regulations regarding the interpretation of the zone boundaries. As such, no changes to the administrative amendments are recommended to addresses this public input.

OCP policy 13.2 ii

KDFN provided suggested wording for OCP policy 13.2 ii to improve the clarity and grammar of the policy. The suggested wording is as follows (red for existing amendment, underline for addition, and strikethrough for deletion):

"When determining permit regulations, the policies outlined in Section 15.12 Natural Resource Extraction should be reviewed and considered to minimize impacts on surrounding uses such as <u>by requiring</u> buffers, screening, and <u>anticipated addressing</u> traffic <u>management issues</u> volumes may be required."

Administration agrees that KDFN's suggested wording improves the clarity and grammar of the policy and recommends amending the administrative amendments as suggested.

Wildfire risk reduction

A member of the public expressed that it would be useful to identify areas within the city where the land can be better utilized to support the expansion of private businesses while also reducing wildfire risk by acting as a fire break.

The OCP is the highest level policy and planning document for the City and it provides direction to other City tools and documents. The OCP provides broad direction regarding emergency management planning such as policy 12.5 which states that wildfire risk reduction initiatives will be pursued throughout the community.

Council adopted a Wildfire Risk Reduction Strategy and Action Plan for 2020-2024 as a guiding document which provides recommendations to reduce structural vulnerabilities and strengthen community resilience to wildfires as suggested by this public input. The recommended actions in the Plan include amendments to the Zoning Bylaw, Maintenance Bylaw, Building and Plumbing Bylaw, Tree Removal Policy, and the Parks and Open Spaces Bylaw.

Although the OCP is not the appropriate tool for prescribing specific wildfire risk reduction regulations, Administration has proposed an amendment to OCP policy 15.5.1 which clarifies that fuel abatement activities are permitted in the Greenspace land use designation.

Other

Public input also included comments regarding particular businesses, specific lot enlargement applications, and the functions and operations of the City's Development Review Committee and did not relate to the subject OCP amendments. As such, they were not considered further for this application.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2024-22, administrative amendments to the Official Community Plan, be amended at second reading and proceed through the bylaw process.

Redline Comparison Document

Proposed Bylaw 2024-22

Bylaw 24-22 #	POLICY	PROPOSED CHANGE			
MAPPING CORREC	MAPPING CORRECTIONS AND UPDATES (SEE APPENDIX)				
1	Мар 1	Use the most recent environmental sensitivity information from the Chadburn Lake Park Management Plan to update the map.			
2	Мар 3	Update scale bar.			
3	Map 4	KDFN Parcel C-24B hatching is incomplete.			
4	Map 5	Remove KDFN Settlement Land parcels C-86B and C-153B from the South Growth Area boundary.			
4	Мар 5	South Growth Area boundary should include a portion of KDFN Settlement Land parcel C-24B and all of parcel C-57B.			
4	Map 5	TKC Parcel C-10B change from Commercial - Service to Residential – Country.			
4	Map 5	TKC Parcel C-73B change from Green Space to Residential – Country.			
4	Map 5	TKC Parcel C-77B change from Future Planning to Residential – Country.			
4	Map 5	Add Greenspace not shown for Bert Law Park.			
RIPARIAN POLICY					
5	Policy 7.9	Add subsection 7.9 vi: "Exceptions to the City's Riparian Setback requirement will be reviewed and considered on a site-by-site basis: i. where steep banks contain the riparian area, the setback shall be applied from the top of bank; ii. for businesses that utilize waterbody access as part of their business; and iii. where trail, utility, or road access for development is proposed to cross Riparian Setbacks.; and iv. where improvements to existing trails are proposed within a Riparian Setback."			

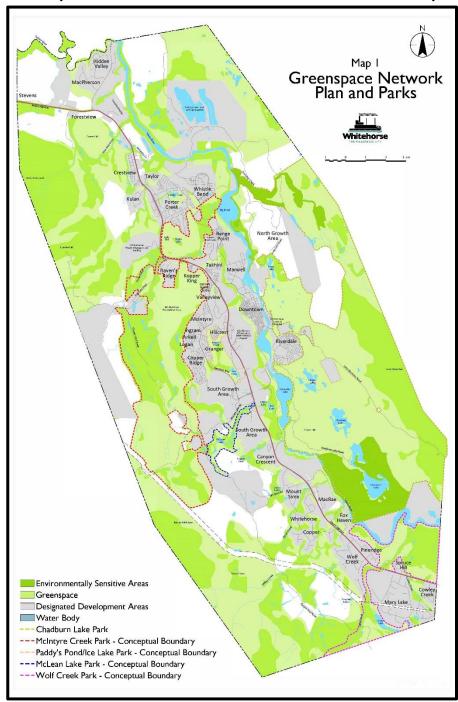
SLOPE POLICIES		
6	Policy 7.15	Modify the policy as follows: "All development, including building, grading, and tree harvesting, will be prohibited on slopes that exceed 30% (3.3 horizontal to 1 vertical). The only exceptions will be for critical infrastructure, grading, trails, and viewpoints, provided that a professional geotechnical assessment, accepted by the City Engineer, can demonstrate reasonably safe conditions."
7	Policy 7.16	Modify the policy as follows: "All new development will be setback a minimum of 15 metres or 1.25 metres multiplied by the height of slope, whichever is greater, from the top or bottom of any slope over 30%, as illustrated on Figure 7 – Illustration of Escarpment Setbacks. The only exceptions will be for critical infrastructure, trails, and viewpoints. The only exceptions will be when reasonably safe conditions for reduced setbacks can be demonstrated by a site-specific geotechnical examination prepared by a qualified professional and accepted by the City Engineer. Suitable setbacks to accommodate critical infrastructure, trails, and viewpoints may be required when considering any potential reduction of the Escarpment Setback. The Escarpment Setback will apply in the absence of a required and accepted geotechnical assessment. Exceptions to the City's Escarpment Setback are not permitted within the Downtown Whitehorse Escarpment Control Zone, as identified on Appendix A of the City's Downtown Escarpment Land Use Policy."
URBAN CENTRES		
8	Policy 8.19	Modify the policy as follows: "Where mixed-use buildings are proposed in Urban Centres, commercial uses will be on the ground floor with residential uses above. The inclusion of dwelling units, as secondary uses to the primary commercial uses, may be permitted on the ground floor to provide flexibility in providing alternative dwelling units while maintaining a commercial streetscape. As examples, this may include commercial uses facing the street with dwelling units facing a rear lane or with pedestrian access to accessible dwelling units located at the rear of a building."

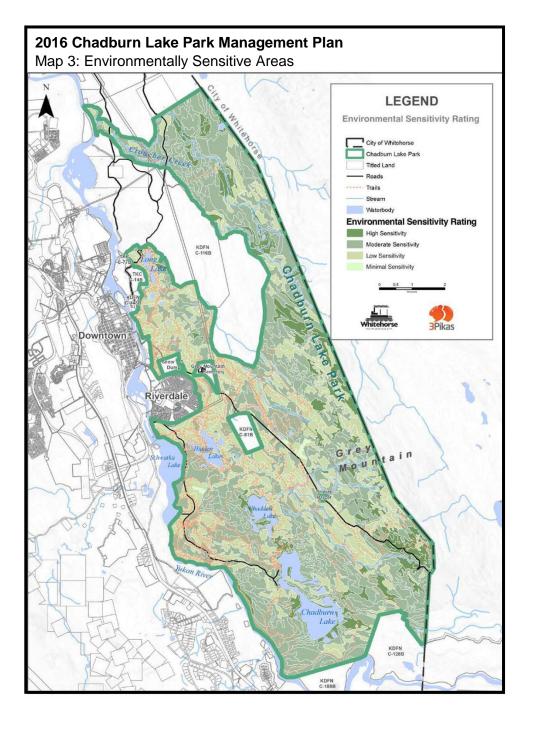
OTHER		
9	Policy 12.19	Move from "Asset Management" section to "Costs of Development" section and renumber subsequent policies accordingly: "12.19 13.29 The design and approval of new or expanded neighbourhoods must consider the
		City's long-term responsibility for the proposed municipal assets including operational maintenance, repair, and replacement costs."
10	Policy 13.2 ii.	Modify the policy as follows: "When determining permit regulations, the policies outlined in Section 45.1315.12 Natural Resource Extraction should be reviewed and considered to minimize impacts on surrounding uses such as by
		requiring buffers, screening, and anticipated addressing traffic management issues. volumes may be required."
FUEL ABATEME	ENT	
		Add a subtitle:
11	Policy 13.6	"Fuel Abatement 13.6 Wildfire fuel abatement is permitted, as appropriate, in any land use designation, subject to applicable bylaws and environmental guidelines."
RESIDENTIAL U	ISES	
12	Table 2	Modify the intent of "Commercial – Service:"
		"Accommodate commercial or public uses that are not typically combined with residential or industrial uses and are largely vehicle-oriented."
13		Modify Section 15.2 as follows:
	Section 15.2	"Commercial - Service areas are intended to accommodate commercial or public uses that are not typically combined with residential uses and are largely vehicle-oriented. This type of commercial development typically requires significant onsite parking and/or loading facilities creating large expanses of undeveloped space; as such, they are often in contrast with lively, pedestrian-focused locations."

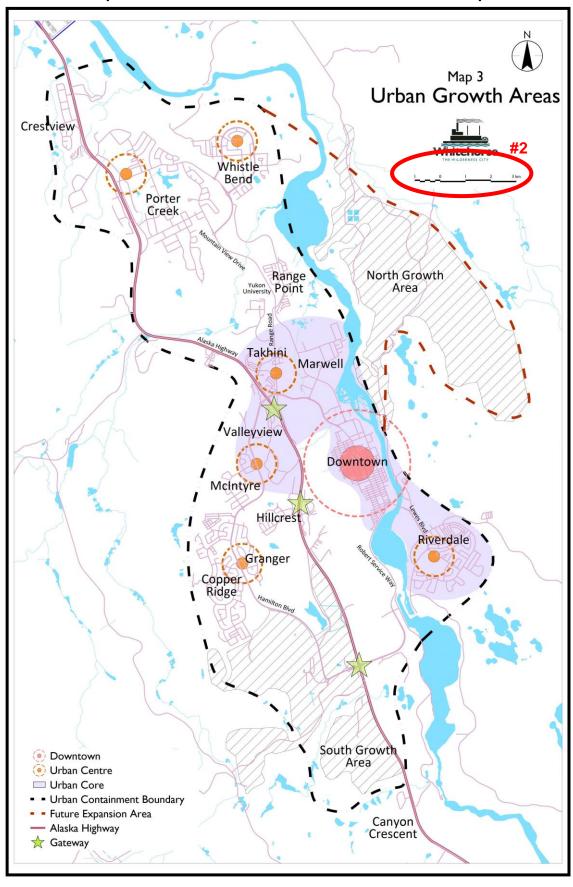
FUTURE PLANNING AREAS				
14		Delete policy and renumber subsequent policies.		
	Policy 15.4.1	Existing development and activities within Future Planning Areas will continue to be recognized, subject to applicable zoning requirements.		
15		Modify the policy as follows:		
	Policy 15.4.2	Existing uUses primarily associated with Greenspaces, such as outdoor recreation trails or domestic fuel woodcutting, shouldmay be permitted subject to approval by the appropriate authority.		
		Rephrase the policy as follows:		
16	Policy 15.4.3	To preserve Future Planning Areas' capacity for future development, limited new uses such as trails and public utilities should be considered (e.g., new trail accesses, public utilities).		
FUEL ABATEME	NT			
17		Add sentence clarifying that fuel abatement activities are permitted in the Greenspace designation.		
	Policy 15.5.1	The City is committed to pursuing efforts that preserve the integrity and connectivity of environmentally sensitive areas to keep habitat intact and prevent fragmentation. Areas identified as Greenspace and are primarily kept in their natural state, with minimal disturbance or development. The only exception will be for wildfire fuel abatement activities.		
RESIDENTIAL U	SES			
18		Add a new policy regarding caretaker residences:		
	Policy 15.6.5	"Policy 15.6.5 Accessory activities that support the operation of uses in the Industrial areas, such as caretaker facilities, may be permitted."		
19		Add a new policy regarding caretaker residences:		
	Policy 15.7.6	"Policy 15.7.6 Accessory activities that support the operation of uses in the Industrial/Commercial areas, such as caretaker facilities, may be permitted."		
20	Policy 15.13.1	Modify policy as follows:		

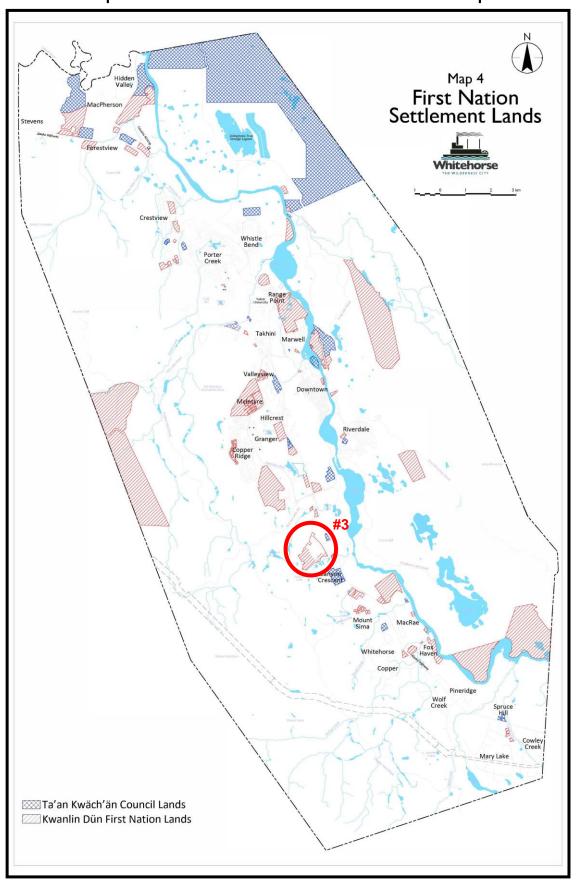
		"Uses that may be suitable for inclusion in the Public Service designation include but are not limited to hospitals, major recreation facilities, arts, culture, and heritage facilities, post-secondary institutions, cemeteries, corrections facilities, supportive housing, and aerodromes."
21	Policy 15.13.2	Add a new policy and renumber subsequent policies accordingly:
		"Residential dwellings units may be permitted to support public or privately owned facilities of an institutional or community service nature."

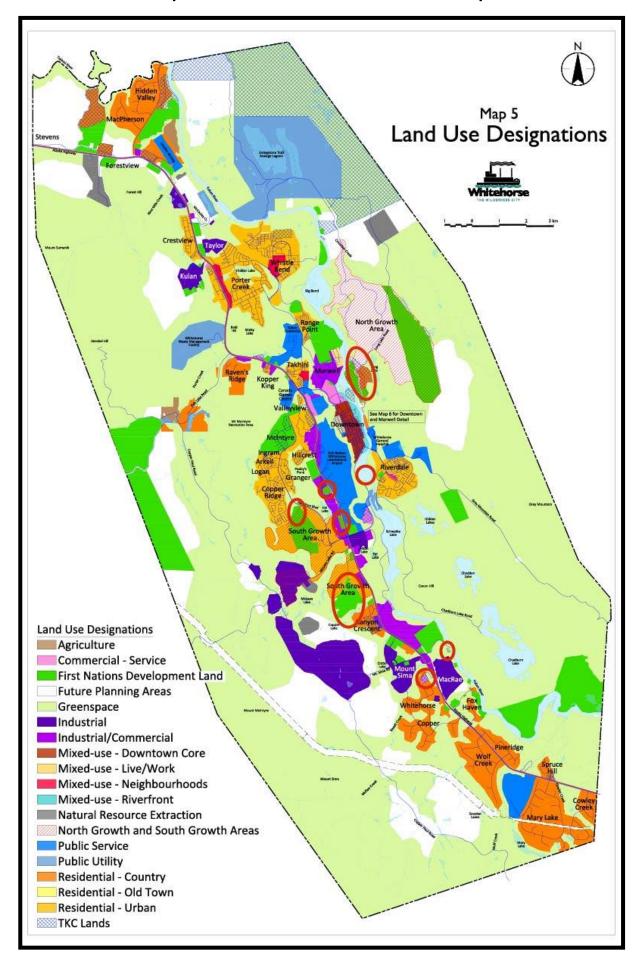
Attachment 2











CITY OF WHITEHORSE BYLAW 2024-22

A bylaw to amend the Official Community Plan

WHEREAS Section 289 of the *Municipal Act* provides that a municipality shall by bylaw adopt an Official Community Plan in accordance with Part 7, Division 1 of the Act; and

WHEREAS Section 285 of the *Municipal Act* provides for amendment of an Official Community Plan, in accordance with the same approvals as established in Division 1 for the preparation and adoption of an Official Community Plan; and

WHEREAS it is deemed desirable and expedient to amend the 2040 Official Community Plan;

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

- 1. The Greenspace Network Plan and Parks Map 1 forming part of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by incorporating the environmental sensitivity information from Map 3 Environmentally Sensitive Areas in the 2017 Chadburn Lake Park Management Plan, as indicated on Appendix A and forming part of this bylaw.
- 2. The Urban Growth Areas Map 3 forming part of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by modifying the scale bar, as indicated on Appendix A and forming part of this bylaw.
- 3. The First Nation Settlement Lands Map 4 forming part of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by identifying Lot 1218, Quad 105D/11 as Kwanlin Dün First Nation Lands, as indicated on Appendix A and forming part of this bylaw.
- 4. The Land Use Designation Map 5 forming part of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by changing the designation of Lot 1223, Quad 105D/11, Lot 1222, Quad 105D/11, Lot 1218, Quad 105D/11, Lot 1270, Quad 105D/11, Lot 1194, Quad 105D/11, Lot 1138, Quad 105D/10, Lot 1196, Quad 105D/11, and Bert Law Park (PIN 9996177), as indicated on Appendix A and forming part of this bylaw.
- 5. Section 7 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by adding a new subsection 7.9 vi. to existing policy 7.9 to read as follows:

- "7.9 Exceptions to the City's Riparian Setback requirement will be site-by-site reviewed and considered on basis: а i. where steep banks contain the riparian area, the setback shall applied from the top bank: ii. for businesses that utilize waterbody access as part of their business: iii. where trail, utility, or road access for development is Riparian Setbacks; proposed cross to ivvi. where improvements to existing trails are proposed within a
- 6. Section 7 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by modifying existing policy 7.15 to read as follows:

Riparian Setback."

- "7.15 All development, including building and tree harvesting, will be prohibited on slopes that exceed 30% (3.3 horizontal to 1 vertical). The only exceptions will be for critical infrastructure, grading, trails, and viewpoints, provided that a professional geotechnical assessment, accepted by the City Engineer, can demonstrate reasonably safe conditions."
- 7. Section 7 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by modifying existing policy 7.16 to read as follows:
 - "7.16 All new development will be setback a minimum of 15 metres or 1.25 metres multiplied by the height of slope, whichever is greater, from the top or bottom of any slope over 30%, as illustrated on Figure 7 Illustration of Escarpment Setbacks. The only exceptions will be when reasonably safe conditions for reduced setbacks can be demonstrated by a site-specific geotechnical examination prepared by a qualified professional and accepted by the City Engineer.

Suitable setbacks to accommodate critical infrastructure, trails, and viewpoints may be required when considering any potential reduction of the Escarpment Setback.

The Escarpment Setback will apply in the absence of a required and accepted geotechnical assessment.

Exceptions to the City's Escarpment Setback are not permitted within the Downtown Whitehorse Escarpment Control Zone, as identified on Appendix A of the City's Downtown Escarpment Land Use Policy."

8. Section 8 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by modifying existing policy 8.19 to read as follows:

- "8.19 Where mixed-use buildings are proposed in Urban Centres, commercial uses will be on the ground floor with residential uses above. The inclusion of dwelling units, as secondary uses to the primary commercial uses, may be permitted on the ground floor to provide flexibility in providing alternative dwelling units while maintaining a commercial streetscape. As examples, this may include commercial uses facing the street with dwelling units facing a rear lane or with pedestrian access to accessible dwelling units located at the rear of a building."
- 9. Section 12 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by moving existing policy 12.19 to Section 13, renumbering the policy as policy 13.29, and renumbering the remaining policies accordingly.
- 10. Section 13 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by modifying existing policy 13.2 ii to read as follows:
 - "13.2 ii. When determining permit regulations, the policies outlined in Section 15.12 Natural Resource Extraction should be reviewed and considered to minimize impacts on surrounding uses such as by requiring buffers, screening, and anticipated_addressing traffic management issues_volumes_may be required."
- 11. Section 13 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by adding a subtitle immediately before existing policy 13.6 to read as follows:

"Fuel Abatement

- 13.6 Wildfire fuel abatement is permitted, as appropriate, in any land use designation, subject to applicable bylaws and environmental guidelines."
- 12. Section 15 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by modifying the Intent of "Commercial Service" in Table 2 Land Use Designations Overview to read as follows:
 - "Accommodate commercial or public uses that are not typically combined with residential or industrial uses and are largely vehicle-oriented."
- 13. Section 15 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by modifying existing Section 15.2 Commercial Service to read as follows:
 - "Commercial Service areas are intended to accommodate commercial or public uses that are not typically combined with residential uses and are largely vehicle-oriented. This type of commercial development typically

requires significant onsite parking and/or loading facilities creating large expanses of undeveloped space; as such, they are often in contrast with lively, pedestrian-focused locations."

- 14. Section 15 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by deleting policy 15.4.1 and renumbering the remaining policies accordingly.
- 15. Section 15 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by modifying existing policy 15.4.2 to read as follows:
 - "15.4.2 Uses primarily associated with Greenspaces, such as outdoor recreation trails or domestic fuel woodcutting, may be permitted subject to approval by the appropriate authority."
- 16. Section 15 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by modifying existing policy 15.4.3 to read as follows:
 - "15.4.3 To preserve Future Planning Areas for future development, limited new uses such as trails and public utilities should be considered."
- 17. Section 15 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by modifying existing policy 15.5.1 to read as follows:
 - "15.5.1 The City is committed to pursuing efforts that preserve the integrity and connectivity of environmentally sensitive areas to keep habitat intact and prevent fragmentation. Areas identified as Greenspace are primarily kept in their natural state, with minimal disturbance or development. The only exception will be for wildfire fuel abatement activities."
- 18. Section 15 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by adding a new policy 15.6.5 to read as follows and renumbering the remaining policies accordingly:
 - "15.6.5 Accessory activities that support the operation of uses in the Industrial areas, such as caretaker facilities, may be permitted."
- 19. Section 15 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by adding a new policy 15.7.6 to read as follows:
 - "15.7.6 Accessory activities that support the operation of uses in the Industrial/Commercial areas, such as caretaker facilities, may be permitted."

- 20. Section 15 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by modifying existing policy 15.13.1 to read as follows:
 - "15.13.1 Uses that may be suitable for inclusion in the Public Service designation include but are not limited to hospitals, major recreation facilities, arts, culture, and heritage facilities, post-secondary institutions, cemeteries, corrections facilities, supportive housing, and aerodromes."
- 21. Section 15 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by adding a new policy 15.13.2 to read as follows and renumbering the remaining policies accordingly:
 - "15.13.2 Residential dwellings units may be permitted to support public or privately owned facilities of an institutional or community service nature."
- 22. This bylaw shall come into force and effect upon the final passing thereof.

FIRST READING:	April 8, 2024
PUBLIC NOTICE:	April 12 and 19, 2024
PUBLIC HEARING:	May 13, 2024
SECOND READING:	
EXECUTIVE COUNCIL MEMBER APPROVAL:	
THIRD READING and ADOPTION:	
Laura Cabott, Mayor	
- ,	
Corporate Services	
Corporate Corvides	

