

ADMINISTRATIVE REPORT

TO: City Planning Committee
FROM: Administration
DATE: July 2, 2024
RE: Zoning Amendment – Ta’an Kwäch’än Council Parcel C-9B Phase 2

ISSUE

An application to amend the zoning of a portion of Ta’an Kwäch’än Council (TKC) Settlement Land Parcel C-9B, from FP – Future Planning to RCS – Comprehensive Residential Single Family, to allow for residential development.

REFERENCE

- [Zoning Bylaw 2012-20](#)
- [2002 Ta’an Kwäch’än Council Self-Government Agreement](#)
- [Whitehorse 2040 Official Community Plan](#)
- [Land Use Master Plan Policy 2024-04](#)
- Location Map (Attachment 1)
- Proposed Bylaw 2024-30 (Attachment 2)

HISTORY

TKC Settlement Land Parcel C-9B (Parcel C-9B) is a 20.0-hectare parcel, located in Whistle Bend, north of Witch Hazel Drive. The proposed rezoning to RCS – Comprehensive Residential Single Family is for a portion of the parcel, approximately 1.49 ha in area (Attachment 1). The current zoning of the subject site is FP – Future Planning which requires rezoning to allow for development.

The zoning for Phase 1 was approved in November 2022 which enables the development of 24 townhouses. The subject site, Phase 2, would allow for the development of an additional 24 lots with a mixture of single-detached dwellings and duplexes.

Planning for the Whistle Bend neighbourhood began in 2006 with a master plan approved in 2009 for the development of phases 1 to 7. In 2020, the City completed the planning and preliminary engineering work for three new development areas: Areas A, B, and C. Parcel C-9B accounts for approximately 44 per cent of Area B. TKC participated as a partner in the planning and design process for the new development areas.

A TKC workshop was held on June 11, 2018 with TKC Chief and Council, TKC citizens, the City, and the Government of Yukon to explore options and opportunities for Parcel C-9B and to ensure that the surrounding area was designed to be compatible with TKC’s vision. TKC elected to continue with additional internal planning prior to designing Parcel C-9B.

As part of a Socio-economic Gap Closing Plan, TKC distributed a survey to its citizens in 2019. Affordable housing was identified as a major issue. TKC identified Parcel C-9B as an area that residential development could occur to help address this issue.

TKC has the legislative authority within its Self-Government Agreement (SGA) to register leasehold interest with the Yukon Land Titles Office. The intent is to register the parcels and therefore TKC is proposing to create individually surveyed lots. If rezoning and subdivision are approved, TKC will undertake the development of the dwellings on each lot. It is anticipated that initially lots and their housing units will be leased directly to TKC citizens. In the future, there may be an option for offering a leasehold interest to the current occupants or future leasees.

Development Review Committee

The proposal was reviewed by the Development Review Committee (DRC) on June 5, 2024. The Committee did not have any concerns with the proposed zoning. It was however noted that in order to service the Phase 2 lots, roadwork underway for Phase 1 would likely either be delayed until, or have to be redone at the developer’s expense when Phase 2 subdivision is approved. Communications between the City and TKC are ongoing regarding the roadwork required for Phase 1 and Phase 2.

The proposed schedule for the Zoning Bylaw amendment is:

Planning Committee:	July 2, 2024
First Reading:	July 8, 2024
Newspaper Ads:	July 19 and July 26, 2024
Public Hearing:	August 12, 2024
Report to Committee:	September 3, 2024
Second and Third Reading:	September 9, 2024

ALTERNATIVES

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

ANALYSIS

Site Context

The area to the south of the subject site is Parcel C-9B Phase 1, which is intended to provide 24 Townhouses, and is currently being developed. The areas to the west and southwest are composed of a mix of townhomes and single detached dwellings. East and north of the subject site is an undeveloped treed area which forms the remainder of Parcel C-9B, which will remain zoned as FP at this time. The proposed rezoning of the subject site to RCS will allow up to four residential units per lot in various forms and complement the existing residential neighbourhood.

TKC Self-Government Agreement

Per section 28.1 of the SGA, TKC shall not exercise its powers to enact laws in relation to certain defined matters, including planning, zoning, and land development, for specific Settlement Land, which includes the Parcel C-9B, unless agreed upon by the City or the Government of Yukon. Therefore, TKC must proceed through the City’s rezoning process in order to rezone the subject portion of Parcel C-9B.

Official Community Plan (OCP)

The subject site is designated as Residential - Urban in the OCP, which allows for a variety of residential development. The proposed rezoning will align with this intent by enabling a residential development in close proximity to services and amenities either already provided or planned to be provided within the Whistle Bend neighbourhood.

Zoning Approach

The current zoning of the subject site is FP, which is intended to protect land until such a time that planning has occurred to determine the appropriate zoning. It was determined that the most appropriate zoning for the subject site is RCS. The purpose of the RCS zone is to provide a comprehensive development zone for compact fee-simple single detached, duplex and multiple housing that is developed as part of a complete neighbourhood.

Master Planning

TKC has contracted a consultant to assist with a creation of a master plan for the remainder of Parcel C-9B. As the subject site rezoning and master planning process began prior to the adoption of the City's Land Use Master Plan Policy, they are not subject to the policy. Nevertheless, efforts are being taken during the master planning process to align with the draft policy as much as possible.

The subject site has been designed to be less than 1.5 hectares and to allow for future connections to the remaining C-9B area. Administration does not anticipate any conflict between this rezoning and the master planning for the larger area. The master plan will also include greenspace and other aspects of neighbourhood planning, not currently provided in Phase 1 or proposed in Phase 2.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2024-30, a bylaw to amend the zoning of a portion of Ta'an Kwäch'än Council Settlement Land Parcel C-9B, from FP – Future Planning to RCS – Comprehensive Residential Single Family to allow for residential development, be brought forward for consideration under the bylaw process.