

ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: June 3, 2024
RE: Zoning Amendments - Interim Granular Resource Extraction

ISSUE

Amendments to the Zoning Bylaw to enable interim granular resource extraction as a multi-year temporary use to prepare a site for subsequent development.

REFERENCE

- [Zoning Bylaw 2012-20](#)
- [Whitehorse 2040 Official Community Plan](#)
- [Municipal Act SY 2022, c. 2](#)
- [2022-2024 Strategic Priorities](#)
- [Land Use Master Plan Policy](#)
- Proposed Zoning Amendment Bylaw 2024-33 (Attachment 1)

HISTORY

The Whitehorse 2040 Official Community Plan (OCP) was adopted on March 27, 2023. The OCP sets the vision and policy direction for how the City should develop over the time horizon set out in the plan. The OCP acknowledges that gravel is an essential asset to the community and provides policies to guide granular material extraction. Section 13.2 provides that granular resource extraction may be considered as an interim land use on lands designated for development that have an approved Master Plan, with approval through a Temporary Use Development Permit. The newly adopted Master Plan Policy provides additional requirements for information to be included in Master Plans where granular resource extraction is needed to achieve the finished grade for the planning area.

Amendments to the Zoning Bylaw are required to implement a process to enable interim granular resource extraction as a temporary use. The Zoning Bylaw already enables a Development Officer to issue Temporary Use Development Permits for an interim use with a defined lifespan of less than one year. However, interim granular resource extraction uses contemplated under section 13.2 of the OCP will in most cases have a defined lifespan greater than one year, so an amendment to the Zoning Bylaw is required to enable extraction as a multi-year temporary use. Amendments are also required to establish the criteria to apply for a permit and to identify the application requirements.

Development Review Committee

On April 3, 2024, the proposed zoning amendments were reviewed by the Development Review Committee (DRC). Members of DRC emphasized that it was important that the process be designed to ensure that granular material extraction is completed expediently and in accordance with the approved plans.

Schedule

The proposed schedule for the Zoning Bylaw amendment is:

Planning Committee:	June 3, 2024
First Reading:	June 10, 2024
Newspaper Ads:	June 14 and June 21, 2024
Public Hearing:	July 8, 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

Enabling granular resource extraction prior to development of a planning area has the potential to provide a range of benefits to the community. It provides a nearby supply of gravel for other development projects in the City, the material is being extracted from an area that will be disturbed anyhow, and it can improve the conditions at the site to optimize subsequent development. It also has the potential to improve the economic viability of a new land development project by enabling up-front revenue generation for a developer at the start of a project. This is a new and innovative approach to land development, helping to fulfil a Council Strategic Priority to increase land development in Whitehorse.

Developers wishing to carry out granular resource extraction as an interim use to prepare a site for subsequent development will be required incorporate the extraction component into all stages of the typical development process. At the Master Plan stage, the Master Plan will identify that granular resource extraction is required to carry out the plan, and provide a grading plan and estimated volumes of material to be extracted along with the anticipated timeline for completing the extraction. Additionally, the Master Plan will identify impacts such as noise, dust, and traffic, and outline measures to mitigate these impacts. The Master Plan, including information about the intent to extract granular resources prior to development, must be approved by Council prior to moving on to the next stages of the development process.

If the project is assessable under the Yukon Environmental and Socioeconomic Assessment Act (YESAA), the assessment must be completed and decision document issued prior to application for a Temporary Use Development Permit for granular resource extraction, and any conditions of the decision would need to be respected through subsequent City approvals.

Following Master Plan approval and completion of a Yukon Environmental and Socio-economic Assessment Board (YESAB) assessment, and in advance of zoning amendment and/or subdivision, the proponent could apply for a Temporary Use Development Permit for granular resource extraction. Temporary use permits could be issued for interim granular material extraction in any zoning designation, provided it aligns with the OCP and the approved Master Plan.

The review and approval process is designed to ensure that extraction activities are completed expediently, and potential impacts to the community are minimized. Permits would be issued for a duration of one year, with potential to issue subsequent one-year permits. The proponent would be required to demonstrate satisfactory progress in the previous year when applying for subsequent one year permits. Approvals would be made by a Development Officer, in consultation with the Development Review Committee. Permits would be issued subject to conditions, including a requirement to provide a security sufficient to cover the cost to reclaim the site to a natural condition should the proponent fail to complete the granular resource extraction or fail to commence subsequent development.

Zoning amendment and subdivision approval are normally required as part of the development process. A zoning amendment application could be made while granular resource extraction is underway, provided the proponent can demonstrate that the extraction and grading has been, or will be completed in accordance with the approved plans. Application for subdivision would be made once the granular resource extraction is completed, or nearly completed, with the subdivision grading plan reflecting the finished as-built grading of the planning area at completion of the extraction.

Next Steps

If the proposed zoning amendments are adopted, education and communication materials will be developed to advise developers and the general public of these changes.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2024-33, a bylaw to amend the Zoning Bylaw to enable interim granular resource extraction as a multi-year temporary use, be brought forward for consideration under the bylaw process.