

ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: August 5, 2024
RE: Public Hearing Report – Zoning Amendment – Interim Granular Resource Extraction

ISSUE

Public Hearing Report on a bylaw to amend the Zoning Bylaw to enable interim granular resource extraction as a multi-year temporary use to prepare a site for subsequent development.

REFERENCE

- [Whitehorse 2040 Official Community Plan \(OCP\)](#)
- [Zoning Bylaw 2012-20](#)
- [Land Use Master Plan Policy](#)
- Proposed Bylaw 2024-33 (Attachment 1)

HISTORY

Administration is bringing forward a proposed amendment to the Zoning Bylaw to enable interim granular resource extraction as a multi-year temporary use to prepare a site for subsequent development.

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. Currently, the Zoning Bylaw enables a Development Officer to issue Temporary Use Permits for projects with a defined lifespan of less than one year. However, interim granular resource extraction uses are likely to have a lifespan greater than one year, requiring an amendment to the Zoning Bylaw 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.

Bylaw 2024-33 received First Reading on June 11, 2024. Public Hearing notifications were sent out in accordance with Zoning Bylaw 2012-20, including:

- Newspaper advertisements published in the Yukon Star and Yukon News on June 21 and 28, 2024;
- Email notifications sent to Kwanlin Dün First Nation, Ta'an Kwäch'än Council, Government of Yukon Land Management Branch, Whitehorse Chamber of Commerce, Yukon Chamber of Commerce, and Yukon Chamber of Mines.

A public hearing for this item was held on July 8, 2024. No public input submissions were received and nobody registered for, or spoke to, the amendment at the public hearing.

ALTERNATIVES

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

ANALYSIS

No issues were raised with this proposed zoning amendment through the public hearing process.

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 to prepare a site for subsequent development, be brought forward for second and third reading under the bylaw process.

CITY OF WHITEHORSE
BYLAW 2024-33

A bylaw to amend Zoning Bylaw 2012-20

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

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

WHEREAS it is deemed desirable that the Whitehorse Zoning Bylaw be amended to allow granular resource extraction as an interim land use;

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

1. Section 4 of Zoning Bylaw 2012-20 is hereby amended by modifying the existing subsection 4.11.1 c) to read as follows:

“4.11.1 A Development Officer may issue a temporary use permit for a temporary development or use provided that such development or use is not contrary to the Official Community Plan and:

- c) it is an interim land use with a defined life-span of less than one year, unless otherwise excepted by section 4.11.2;”

2. Section 4 of Zoning Bylaw 2012-20 is hereby amended by adding a new subsection 4.11.2 to read as follows and renumbering the remaining subsections accordingly:

“4.11.2 A Development Officer may issue a temporary use permit for an interim natural resource extraction use with a defined lifespan exceeding one year, provided that such development is not contrary to the Official Community Plan and:

- a) the resource to be extracted is limited to gravel, sand, and rock (hereafter called granular resource extraction);
- b) a Master Plan for the area subject to the temporary use permit has been approved by Council, and the application aligns with the approved Master Plan;
- c) The temporary use permit will be issued for a period not exceeding one year, with the potential to apply for subsequent one-year permits upon satisfactory demonstration that the extraction activities have been performed in accordance with the approved plans from the previous permit; and
- d) Permits issued for subsequent years may provide new or modified conditions of approval as may be required to ensure compliance with this bylaw or any other City plans, policies, or bylaws.

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3. Section 4 of Zoning Bylaw 2012-20 is hereby amended by modifying existing subsections 4.19.1 to read as follows:

“4.19.1 Where the Development Officer has required certain improvements be made to a property, documents prepared or other actions completed as a condition to the issuance of a development permit for the property (the “required improvements”), and has required security in the form of cash or a letter of credit be deposited with the City pursuant to any of the provisions of this bylaw, including without limiting the generality of the foregoing, sections 5.5.2.3, 5.5.3.1, 5.5.5, 5.5.8.1, 6.15.6 or 7.2.8:

- a) Upon completion of the required improvements and the filing of a written request for the release of any cash security deposited with the City, such cash security shall be paid to the property owner, notwithstanding that the person named on the development permit or that provided the security is not the property owner.
- b) Notwithstanding that the development permit was issued to another person, the property owner is responsible for completing the required improvements.

4. Section 6 of Zoning Bylaw 2012-20 is hereby amended by adding new subsection 6.15.6 to read as follows and renumbering the remaining subsections accordingly:

6.15.6 Granular resource extraction permitted as a temporary use under Section 4.11.2 shall be subject to the following:

- a) In addition to any information required by the Development Officer under Sections 4.4 and 4.5 of this bylaw, the Development Officer may require the applicant to provide a quarry management plan, including any or all of the following:
 - (1) Detailed grading plan, showing existing and proposed final elevations and grades throughout the site, and including surrounding area showing how the grading will tie in with surrounding conditions;
 - (2) Extraction and reclamation plan, including the extent of area to be cleared and extracted, where extraction will start and direction of progress of working face, location and size of stockpiles, location where overburden will be stored, phasing of extraction areas, volume of material to be extracted at each phase, and phasing of reclamation/site preparation;
 - (3) Anticipated impacts from dust, noise, and traffic, and measures to mitigate such impacts;
 - (4) An Erosion and Sediment Control Plan, for management of stormwater throughout extraction activities, including erosion control measures to prevent the pollution, degradation, or siltation of natural areas, watercourses, roads, and adjacent sites;

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- (5) Machinery to be used on site;
 - (6) Any ancillary activities to be performed on the site, including crushing, and screening;
 - (7) Haul route(s) and destination(s) of extracted material;
 - (8) Measures to ensure public safety and site security; and
 - (9) Total estimated duration of extraction activities, with annual milestones.
- b) The Development Officer may require the applicant to provide a general overview of local market demand for the product, demonstrating that there is a realistic prospect of extracting material at the rate identified in the timeline.
 - c) The size of granular material stockpiles on the site shall not exceed the volume of material extracted in the previous year. Stockpiles shall be removed from the site within one year of completion or cessation of extraction activities.
 - d) When applying for a subsequent one-year permit to complete or continue work authorized by a previous temporary use permit, the Development Officer may require the applicant to provide a progress report, noise and dust monitoring reports based on activities performed under a previous permit, revised plans, scope of work for the upcoming year, and/or a new security calculation.
 - e) The Development Officer may require that, as a condition of issuing a temporary use development permit, the applicant provide security in accordance with Section 4.19 to ensure that the granular resource extraction is completed expediently and in accordance with the approved plans, and to ensure that the applicant commences subsequent development or reclaims the site within one year of completion or cessation of extraction activities. The value of the security shall be based on a full-cost calculation provided by a qualified third party. The calculation shall consider the cost to reclaim the site to a natural condition, including grading and contouring, replacing soil and vegetative cover, and seeding and/or planting new trees/shrubs as required, if the City were to hire a third-party to carry out the work. The security amount may be adjusted annually, taking into account the developer's progress to date and work plan for the following year.
 - f) The granular resource extraction security shall be held by the City until the Development Officer is satisfied that the portion of the site that is subject to the security has commenced subsequent development, or has been reclaimed.

5. This bylaw shall come into force and effect upon the final passing thereof.

FIRST READING:	June 11, 2024
PUBLIC NOTICE:	June 21 and June 28, 2024
PUBLIC HEARING:	July 8, 2024
SECOND READING:	
THIRD READING and ADOPTION:	

Laura Cabott, Mayor

Corporate Services