

## **CITY OF WHITEHORSE**

### **COUNCIL POLICY**

- POLICY:** Downtown Escarpment Land Use
- PURPOSE:** To provide a definitive policy on the use and disposition of land within the Downtown Whitehorse Escarpment control zone.
- AUTHORITY:** Federal Treasury Board Minute No. 729337, May 30, 1974  
*Municipal Act* Section 312  
Council Resolution #2012-16-05 dated September 10, 2012

### **DOWNTOWN ESCARPMENT LAND USE POLICY**

#### **BACKGROUND**

The Whitehorse Escarpment area has been a focus of attention since the 1930's. A series of land and mud slides raised questions about the safety and security of private residences located adjacent to the escarpment area. A geotechnical and engineering study was undertaken by the Federal Government to determine the extent of the area subject to instability. In 1974 a land acquisition program was established with funding from the Federal Government. Under the program a total of 80 properties were identified for purchase.

In 2002, the City commissioned a slope stability and hazard evaluation and risk assessment of the Whitehorse Escarpment. The study established three geohazard zones (Low, Moderate and High) to replace the single "set forward line" to guide potential development near the escarpment. A key recommendation of the study was that development applications proposed within the Moderate Hazard Zone would require a detailed slope stability assessment to evaluate terrain hazards that could affect the properties and to develop site-specific recommendations to reduce risk.

In 2012, the study was revised with a more detailed slope stability assessment focussed on the southern portion of Downtown. The goal of the study was to determine whether new development areas proposed in the Downtown South Master Plan (adopted in July, 2011) could proceed. The study recommended that development could proceed with suitable protection infrastructure and construction and maintenance methods. The zoning within the escarpment area was revised to reflect the PE – Environmental Protection zone which form the boundaries of the Downtown Whitehorse Escarpment Control Zone.

Development promoting human habitation is not permitted within the Downtown Whitehorse Escarpment Control Zone itself. Certain restricted activities such as trails, parks, public utilities and escarpment mitigation measures may be permitted as long as

they are supported in the City's Official Community Plan, Zoning Bylaw, and the Downtown Escarpment Land Use Policy.

## **POLICY STATEMENT**

To establish guidelines for the use of land within the Downtown Whitehorse Escarpment Control Zone

## **OBJECTIVE**

To provide a clear statement of the permitted uses for land within the Downtown Whitehorse Escarpment Control Zone as shown on the sketch attached hereto as Appendix "A".

## **DEFINITIONS**

In this policy,

**City** – means the Corporation of the City of Whitehorse.

**Community garden** – means the use of land by a registered organization such as a community association, condominium corporation, or non-profit group for cultivating or growing plants. Greenhouses may be permitted subject to Council approval.

**Council** – means the duly elected Council of the City of Whitehorse.

**Official Community Plan (OCP)** – means the City of Whitehorse Official Community Plan adopted by City Council.

**Parking lot** – means the use of land and premises for temporary parking of more than one vehicle by the public at large.

**Parks** – means any public outdoor area or lot set aside specifically for passive or active recreation including buffers, environmental protection areas, greenbelts, nature interpretation areas, playgrounds, trails, staircases, tot-lots, walkways, and similar uses.

**Public utilities** – means buildings, facilities, or equipment whether owned or operated by or for the City, or by a corporation or commission, which furnishes services and facilities available to or for the use of all the inhabitants of the City, including but not limited to pump houses; lift stations; water, sewer and storm mains; ditches; berms; storm or groundwater collection ponds; electrical and telecommunication infrastructure; and public roads.

**Trails** – means a path or track used for recreational purposes that provides a visibly apparent route to follow through the landscape, including any structures associated with them such as bridges, boardwalks, viewing decks, stairs, interpretive signage and lighting. Trails may be multi-use and designed for non-motorized activities including walking, jogging, biking, cross-country skiing, rollerblading, and skateboarding.

**Whitehorse Escarpment Control Zone (Escarpment Control Zone)** – means the area comprising the exposed slope located directly west of Downtown Whitehorse. The limits of the control zone are shown on the attached Appendix "A".

**Zoning Bylaw** – means the City of Whitehorse Zoning Bylaw adopted by City Council.

## **RESPONSIBILITIES**

1. City Council shall:
  - (1) approve the disposition of land according to criteria established by the Official Community Plan, Zoning Bylaw and this policy; and
  - (2) have final approval of the allocation and use of all land located within the Escarpment Control Zone.
2. The Planning Services Department shall:
  - (1) be responsible for accepting, reviewing and making recommendations to Council with respect to land use within the Escarpment Control Zone in support of the Official Community Plan and Zoning Bylaw.
3. The Parks and Recreation Department shall:
  - (1) review and make recommendation on park and trail development applications within the Escarpment Control Zone;
  - (2) review and make decisions on all applications for temporary use of parks and trails within the Escarpment Control Zone; and
  - (3) be responsible for the development and maintenance of parks and trails within the Escarpment Control Zone.
4. The Engineering Department shall:
  - (1) review and make recommendations on the impact of an application on infrastructure, services, and roads; and
  - (2) review and make recommendations on the impact of an application on the stability of the escarpment.

## **GENERAL POLICIES**

5. Land within the Escarpment Control Zone shall be used for the development of such facilities that promote or encourage the use of the land by the general public. Such uses may include trails, playgrounds, parks, community gardens and greenhouses, nature interpretation facilities, and parking lots. Public utilities and mitigation measures aimed at stabilizing the escarpment and reducing the hazard may also be permitted including deflection berms, ditches, settling ponds, and slope restoration on the escarpment face. Overall policy direction on the use of the Escarpment Lands is provided for in the Official Community Plan. Land uses that promote the development of facilities that could be used for human habitation shall not be permitted.
6. All development must conform to the City of Whitehorse Zoning Bylaw.
7. Land use and access shall be of such nature that they can be enjoyed by a broad spectrum of the general public.

8. Parking lots shall be used for the public, including employees, visitors, residents and patrons. Parking lots shall not be used to satisfy parking requirements for private developments.
9. Land uses are restricted to those that do not adversely impact the environmental sensitivity or stability of the escarpment lands.
10. Disposition of the land shall be by lease or land use permit only.
11. No use will be permitted that may pose a safety hazard to the general public.
12. All uses must preserve the natural vegetation in the escarpment except where removal is approved by the City.

## **PROCEDURES**

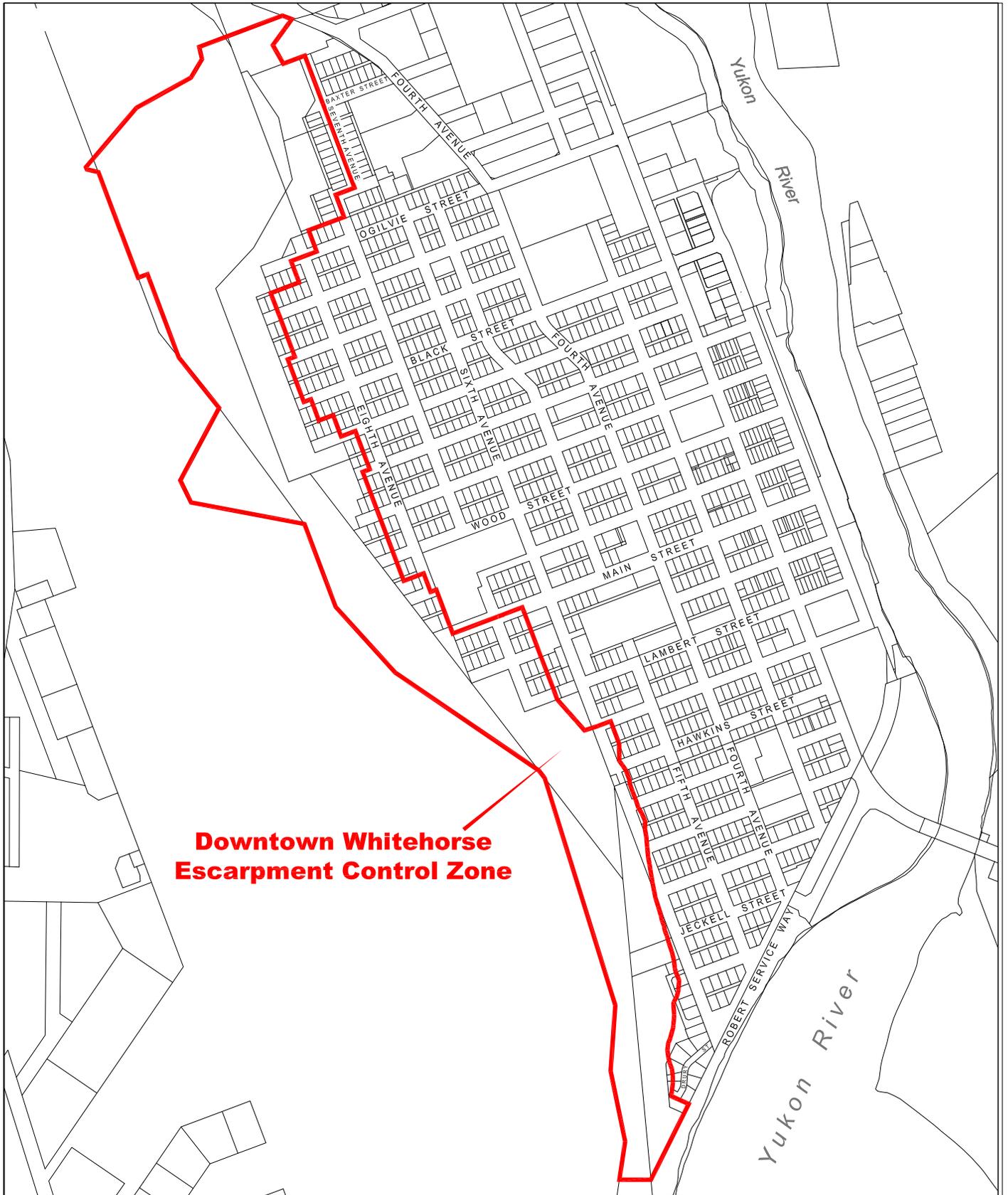
### **11. Application**

- (1) Anyone interested in obtaining permission to use any part of the escarpment land for a public use must receive approval from the City of Whitehorse. Interested applicants must apply in writing to the Manager of Planning and Development Services. Each application must be accompanied with a site plan and a detailed development proposal.
- (2) All applications will be reviewed for compliance with the City of Whitehorse Official Community Plan and the City of Whitehorse Zoning Bylaw. Recommendations will be made to the City Planning Standing Committee and Council by the Development Review Committee, having regard for any other study or report prepared for or by the City that affects this area.
- (3) No development or use of the Escarpment Control Zone land shall occur prior to approval of the application by City of Whitehorse Council.
- (4) City Council may attach conditions on the application in order to minimize impacts on the escarpment. Such conditions may include, but not be limited to, geotechnical studies prepared by the applicant or construction of deflection berms and other mitigation measures.

### **12. Public Notification**

All applications for use or development of publicly owned land within the Escarpment Control Zone (except temporary uses) shall be advertised in a local newspaper at least once no less than seven days prior the Council meeting at which the application is to be considered. In addition, a notice will be mailed out to all assessed property owners within 100 metres of the proposed development.

■2012-09-11



SCALE: NTS	DWN. BY: BRC
DATE: SEPTEMBER 4, 2012	R.No: 0
FILE No: ESCARPMENT POLICY	
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CITY OF WHITEHORSE - PLANNING & DEVELOPMENT SERVICES

**DOWNTOWN ESCARPMENT LAND USE POLICY**

**APPENDIX A**

