



# COUNCIL QUESTIONS & ANSWERS

Meeting date: April 6<sup>th</sup>

## 1. Can we issue interest on security deposits or use a bond?

The purpose of securities is to ensure required improvements are completed in accordance with approved plans within a timely manner. It has not been customary for the City to pay interest on funds held for this purpose because:

- Paying interest may discourage property owners from requesting return of the funds in a timely manner upon completion of the required improvements; and,
- There is a staff-time cost to the City to administer the securities, and the very modest interest earned by the City in holding the funds is not likely enough to offset that cost. Paying interest would create additional costs to administering the securities, which would then be borne by all taxpayers.

A brief scan of other municipalities' zoning bylaws was conducted. While most enabled the municipality to collect a security to ensure completion of required improvements, none stated whether interest would be paid or not.

Administration could explore the possibility of adding bonds to the list of acceptable forms of security in a subsequent zoning amendment process. Generally, bonds are used where there is a contract between the property owner (whether it be a government or private owner) and the contractor, to insure that the work described in the contract will be completed in accordance with the terms of the contract. If the contractor fails to perform, the bonding agent steps in to cover the cost of the uncompleted work, subject to the terms of the bond. Bonding typically costs about 1% of the construction value, but varies with each bonding company.

Additional research would be required to determine whether bonds could be utilized in standard development scenarios in favour of the permitting authority as opposed to the issuer of a contract.

It is noted that currently, developers not wishing to put up cash as a security have the alternative option to provide a Letter of Credit instead.



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### 2. In regard to the Zoning Amendment for 107 Range Road:

#### a. What is the breakdown for the petitions received, how were numbers collected, and how are they reflected in the report?

Two petitions were submitted in response to this application. The public hearing report states that two petitions of support were received with more than 2,200 signatures. The report noted that many signatures were duplicates or from non-residents and that some were not on topic.

Petition #1 had 1,920 signatures behind the following petition statement:

*“Greetings, Help support the Dairy Queen”*

The public hearing report references that this petition is in support of the application. Although it should be noted that the petition does not provide commentary on the proposed zoning amendment; it requests support for a specific commercial tenant.

Petition #2 had 302 signatures behind the following petition statement:

*“HELP SUPPORT FUTURE DAIRY QUEEN*

*Dear Mayor and Council,*

*Reference: Zoning Amendment - 107 Range Road - Public Hearing Input*

*I am writing to provide my input into the Public Hearing for the proposed zoning amendment at 107 Range Road to allow for a drive-through restaurant.*

*I support amending the zoning of this parcel to allow for the development of a Dairy Queen restaurant, with a drive-through. A drive-through restaurant at this location will provide a much-needed service to the travelling public, people who live and work in this area, and Whitehorse residents in general.*

*Thank you for considering my input.*

*Regards,”*

The petition was provided as one submission by the proponent’s agent under four cover letters. The petition mentions a proposed commercial tenant twice. Therefore, it is difficult to confirm if the public that signed the petition was speaking to the actual amendment, or for a particular tenant. The zoning amendment review process issue with considering a specific tenant is addressed in the public hearing report.



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### **b. Why is there a difference between how the petition was handled with the OCP Tank Farm report and the Zoning Amendment at 107 Range Road?**

The September 8, 2020 public hearing report for the OCP Amendment (Tank Farm) summarized public input that included a petition received from the proponent. The public hearing report for the Tank Farm states that the petition received was not a valid formal petition as it was not completed according to the Petition, Plebiscite and Referendum Bylaw. This petition wording was directly related to the proposed OCP amendment. The public hearing report for this amendment stated the number of signatures received in support of the application.

The public hearing report for the zoning amendment at 107 Range Road also stated the number of signatures in support and considers the petitions as two submissions in support of the application. The report also noted that some of the submissions were off topic, meaning that they supported a particular commercial tenant rather than for the proposed zoning amendment for a drive-through. During the presentation by Administration at the Committee Meeting, this statement was further clarified. The first petition expressed support for a Dairy Queen restaurant. The other petition's title included Dairy Queen and supported the development of a drive-through restaurant, while also expressing support for Dairy Queen as the potential tenant. Therefore, it is difficult to confirm if the public that signed the petition was speaking to the actual amendment, or for a particular tenant.

### **c. What is the purpose of a public hearing report, compared to an administrative analysis?**

There are typically two administrative reports provided to Planning Committee as part of a zoning amendment process. The purpose of the initial administrative report for a zoning application is to investigate and analyze potential impacts of development under the proposed zone. As required by the Zoning Bylaw (section 15.3) the analysis is based upon the full development potential of the uses and development regulations specified in the proposed zone and not on the merits of any particular development proposal. This report is presented to Planning Committee to review and forward the application along with its recommendations and comments to Council. The analysis considers the following impact criteria:

- a) Relationship to and compliance with the Official Community Plan, other approved municipal plans, and council policy;
- b) Relationship to and compliance with municipal plans in preparation;



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- c) Compatibility with surrounding development in terms of land use function and scale of development;
- d) Traffic impacts;
- e) Relationship to, or impacts on, services such as water and sewage systems, public transit and other utilities, and public facilities such as recreational facilities and schools;
- f) Relationship to municipal land, right-of-way, or easement requirements;
- g) Effect on the stability, retention and rehabilitation of desirable existing uses, buildings, or both in the area; and
- h) Necessity and appropriateness of the proposed text amendment or zone in view of the stated intentions of the applicant.

The second administrative report is the public hearing report and is completed after the public hearing has been held. The purpose of the report is to summarize documented concerns and opinions of area residents, land owners, and the general public regarding the application. Staff analysis on public input is provided to address information presented to the Committee based on further research and comment on the alignment with other City plans.

## **d. Is the project contingent upon a drive-through component?**

The proponent's agent responded to a request for this information, stating that the restaurant component of the proposal for this location is not financially viable without a drive-through.

## **3. In regard to lift stations:**

### **a. How many does the City have?**

19.

### **b. Are all the pumps similar?**

No. Major lift stations used differing pumps based upon required size and power. Pumps are sized to the particular duty expectation and differ across the inventory.

### **c. Is there any other information that is relevant to the decision about another emergency pump purchase?**



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The cause of the wear on the Lift #1 pump will be determined once it can be replaced and removed / rebuilt. It will be kept in inventory as a spare unit.