

## ADMINISTRATIVE REPORT

**TO:** Planning Committee  
**FROM:** Administration  
**DATE:** August 3, 2020  
**RE:** Public Hearing Report – Zoning Amendment – Whitehorse Copper IH Lot

### ISSUE

Public hearing report for an application to amend the zoning of a property owned by Kalojen Corporation, Lot 287 REM in the Whitehorse Copper area, from IH-Heavy Industrial to IS-Service Industrial, and amend the zoning of a portion of Access Road from PG-Greenbelt to IS-Service Industrial

### REFERENCE

- 2010 Official Community Plan
- 2020 Draft Commercial and Industrial Land Study
- Zoning Bylaw 2012-20

### HISTORY

Kalojen Corporation (owner of Pelly Construction Ltd.) has applied to amend the zoning of a property owned by the company (Lot 287 REM, Group 804, Plan 41918 CLSR, 22000 LTO), located in the Whitehorse Copper area. The company is seeking to relocate the Pelly Construction office headquarters and equipment storage from 111 Industrial Road in Marwell to Lot 287 REM for consolidation of company activities.

The subject property is ~4.5 hectares in size. The company is proposing to construct a 9,204 ft<sup>2</sup> (855 m<sup>2</sup>) 3-storey office building and a shop with a wash bay. Lot 287 REM is zoned IH-Heavy Industrial, which does not allow for “offices” as a use. The company is requesting to have the zoning changed to IS-Service Industrial, which has “offices” listed as a secondary use (“general contractor services” would be the principal use).

At the north-east corner of the property is a surveyed road right-of-way (Plan 43240 CLSR, 22593 LTO) that the applicant has requested to have retired by the Registrar of Land Titles. Once retired, the area will revert back to ownership of the company (currently it is under the administrative control of the City). The applicant is requesting that a portion be zoned from PG-Greenbelt to IS-Service Industrial.

A development permit application was reviewed by the Development Review Committee on January 29, 2020. The applicant was redirected to initiate a rezoning application. Bylaw 2020-26 received 1<sup>st</sup> Reading on June 23. Notices were published in the newspapers on July 3 and July 10. A total of 122 letters were sent to property owners within 1 km of the property. The Government of Yukon (YG) Lands Department, Kwanlin Dün First Nation, and Ta’an Kwäch’än Council were also notified by mail.

A public hearing was held on July 27, 2020. Due to the COVID-19 pandemic, Council chambers were closed to the public. Input could be received in writing. Fifteen submissions were received and were posted to the City website (12 stated support or no concerns; three stated opposition or concerns).

The following concerns for potential impacts were raised:

- Safety issues with the property's access connection to the Alaska Highway and northbound highway approach.
- Compatibility with Alaska Highway corridor upgrade plans.
- Increased traffic to and from the site.
- Lack of public process to address access changes and safety.
- Diminished privacy for the adjacent property.
- Impacts to well water.
- Reduced property values.
- Reduced access to an adjacent toboggan hill area.

### **ALTERNATIVES**

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

### **ANALYSIS**

#### **Safety issues with the property's access connection to the Alaska Highway and northbound highway approach**

Several submissions raised concern regarding the access connection of the property to the Alaska Highway, and the sightline for northbound vehicles approaching the access. Particular concern was expressed for when vehicles encounter large trucks exiting slowly from the access and turning into the northbound traffic lane.

Site investigation by the YG Highways and Public Works department has occurred to review the subject property's access connection to the highway. The applicant explored several realignment options with YG before finalizing their access permit application for authorization to reconstruct the access.

The access permit application currently indicates relocation of the access road's centre line ~15 m north of its present location. The access would connect to the Alaska Highway at a 90° angle to provide a safety improvement over the 45° configuration of the current connection. This realignment is intended to provide vehicles exiting the property with a better sightline to the south for viewing oncoming northbound traffic.

The connection is located close to a mild crest in the highway ~100 m to the south, which is observed to impede visibility for northbound traffic beyond ~300 m from the access. There is also a slight curve in the highway beyond that distance.

YG has reviewed the past 20 years of collision data for the subject portion of the Alaska Highway. No records of collisions attributable to sight distance or the curve of the highway were identified.

No offsite improvements, or alternative access points, are being requested by YG at this time. Improvements to the highway may occur in the future as part of reconstruction work associated with the Alaska Highway corridor improvements.

### **Compatibility with Alaska Highway corridor upgrade plans**

Two submissions raised concerns about the proposal's compatibility with plans to upgrade the Alaska Highway corridor, including concern that the property is located too close to the right-of-way for upgrades to occur.

The detailed design work for highway upgrades for the subject section of highway have not been completed and are not scheduled to proceed in the near future (i.e., not within YG's five-year capital plan horizon). YG has prioritized other highway sections for reconstruction.

Design options for the subject section could include integration of the access into a standard four-way intersection, aligning with the facing access on the opposite side of the highway, and service road development, as required. Design and signalization would be studied and determined at the detailed design phase and would be reflective of traffic intensities observed at the time of study.

The closest portion of the subject property to the highway right-of-way is the north-east corner, which is set back ~15 m, and is ~65 m from the paving of the highway's southbound travel lane. YG has no concerns regarding this setback at this time.

### **Increased traffic to and from the site**

Three submissions indicated concern that new uses would increase traffic activity at the site. Two indicated concern about increased traffic compounding the safety concerns associated with the property's highway access. One indicated concern for noise associated with the traffic.

The subject property is currently used for salvage and equipment storage purposes, which generate low volumes of traffic activity and noise.

If the proposal proceeds, heavy equipment would continue to enter and leave the subject property as part of the property's ongoing industrial use. The construction phase of the new buildings would likely generate a temporary increase in traffic associated with development work. Post construction, the newly introduced office use would generate the normal daily traffic associated with administrative employment.

The proposed office building is anticipated to accommodate 18 employees, and the proposed shop building would have four employees. Employees are likely to drive regular sized vehicles that are able to enter and exit the property at higher speeds than heavy industrial vehicles.

### **Lack of public process to address access changes and safety**

A submission raised concern that access changes and associated highway safety considerations will not be discussed through a public process.

The City has received indication from YG that review through the Yukon Environmental Socio-economic Assessment Board will likely be required as part of the access permit application process.

### **Diminished privacy for the adjacent property**

The neighbouring property that shares the south-east boundary with the subject property raised concerns regarding privacy impacts associated with the proposed 3-storey office building.

Siting of new development on the property would be confirmed at the development permit stage, following the decision on zoning, and could change until the permit is issued.

The current proposal is for the new office and shop buildings to be constructed in the northern half of the property, more than ~200 m from the principal residence of the concerned property owner. The proposed plan for the southern half of the property is to maintain and add to the storage and salvage uses presently situated there.

A vegetated area ~0.3 ha is located at the south-east corner of the subject property that may be cleared. The adjacent owner has encroached into this area with installation of a fence and run for livestock. The applicant and neighbour have discussed the development plans. This situation is not an enforcement file for the City at this time.

The property line shared between the two properties is considered to be the front yard of the subject property. The minimum front yard setback of the IH-Heavy Industrial zone is 7.5 m. The minimum setback required for the IS-Service Industrial zone is 6 m.

In the IH zone, a 20 m height allowance applies. The nature of development that could occur includes shop-type facilities and/or a caretaker residence that would be accessory to the principal use of the property. In the IS zone, the building height allowance is 15 m. Uses include offices, which are typically designed with more window openings than shop facilities. Offices may have more privacy impacts than shops, but this is dependent on design and siting in relation to property lines.

### **Impacts to well water**

Concern was raised for potential impacts to well water from contaminants generated at the proposed wash bay facility, and from other site activities.

The applicant has indicated that the shop with wash bay facility has yet to be designed, but may include an area for vehicles and equipment that are stored outside during winter to be brought in for ice to melt onto the shop floor. A floor drain would collect the water which would go to an approved disposal area on-site, or would be stored for removal from the site.

The wash bay would likely include the same large parts scrubber unit currently used by the company, which cleans items such as engine blocks. This unit recycles water during the cleaning process and has a built in oil and grease separator. The contents of the system are stored for removal to an approved disposal facility. The company currently uses the unit on average of twice per month, and this frequency is expected to continue.

YG's departments of Environmental Health Services and Environmental Sustainability are responsible for authorization and enforcement associated with on-site waste water and sewage management.

### **Reduced property values**

Concern was raised for potential impacts to the value of nearby property.

The subject property was originally surveyed in 1954, and has been formally zoned for heavy industrial use since at least the 1970s. In 1990, the two properties to the south-east were zoned as residential, and were surveyed in 1991 through a squatter land legitimization process. Sale of the first phase of residential lots in the Whitehorse Copper subdivision occurred in 2007.

A downzoning of the industrial intensity of the subject property could be favourable to preserving the character of the country residential zoned areas, since under the current IH-Heavy Industrial zoning, a higher intensity of industrial use could occur. Principal uses allowed in the IH zone include asphalt plants, concrete plants, and heavy processing. Conditional uses include land treatment facilities and natural resource extraction.

The IS zone, however, features a range of uses that are of a higher commercial intensity and, by nature, have the potential to attract visitors to the site to purchase goods and services. Principal uses include animal clinics and shelters, business support services, equipment sales and service, garden centres, and vehicle sales and services. Secondary uses include offices. Conditional uses include eating and drinking establishments, and indoor participant recreation services.

To consider the full potential of use intensities under both the IH and IS zones, it is important to note that the property is ~4.5 ha and has the potential to be subdivided multiple times. In both zones, the minimum lot size requirement is 0.5 ha for un-serviced areas. The number of lots that could result would depend on lot and road configuration, as well as public land use dedication at the time of subdivision.

The property owner has not expressed an interest to sell or subdivide the property.

### **Reduced access to an adjacent toboggan hill area**

A submission raised concerns for impacts to a hill used informally for tobogganing located in the near vicinity of the subject property, to the north-east.

The applicant has indicated that the hill was formed when material was taken from the site for use in highway construction.

The parking area used to access the hill is likely to be reduced as a result of the proposed access improvements. Some parking would remain, which the applicant indicates would be sufficient for continued enjoyment of the activity. No other impacts are anticipated to the hill.

### **Support for the amendment**

Twelve submissions, including two from owners of the property, were received either stating support for the amendment or no concerns. Three submissions were received from nearby residences unaffiliated with the company, stating they did not believe additional nuisance would be generated by the proposed development. Other submissions of support were received from the business community.

The following were mentioned:

- The Pelly property at 111 Industrial Road is at capacity for storage and operations, and business expansion is needed; the amendment will allow the company to continue to grow and contribute to employment and the economy of Whitehorse.
- The uses proposed for the property are consistent with uses in the MacRae industrial area located across the highway, and other industrial areas.
- Downzoning the industrial intensity of the lot would improve compatibility of the property with the surrounding country residential use.
- Industrial operations are required to have Certificate of Recognition (COR) Safety Plans approved by the Northern Safety Network, which address operational safety considerations.

### **ADMINISTRATIVE RECOMMENDATION**

THAT Council direct that Bylaw 2020-26, a bylaw to amend the zoning of Lot 287 REM, Group 804, in the Whitehorse Copper area from IH-Heavy Industrial to IS-Service Industrial, and a portion of the access road to the property from PG-Greenbelt to IS-Service Industrial, be brought forward for second and third reading under the bylaw process.