

## **ADMINISTRATIVE REPORT**

<b>TO:</b> Planning Committee
<b>FROM:</b> Administration
<b>DATE:</b> June 6, 2022
<b>RE:</b> Zoning Amendment – Interim Mt. Sima Quarry

### **ISSUE**

An application to amend the zoning of a parcel of vacant Commissioner's Land on Copper Haul Road from FP–Future Planning to IQx–Quarries (modified) to allow for an interim quarry use.

To ensure the interim use does not restrict future development of the area, the proposed special modification to the IQ zone will restrict the quarry use to a five-year interval with the possibility to extend the use for four additional five-year intervals to a maximum of 25 years. An updated final grading plan will be required for each extension to ensure a developable area is kept available for future use prior to closure of the quarry.

### **REFERENCE**

- Location Map (Appendix A)
- Proposed Zoning Amendment Bylaw 2022-23
- 2017-0058 Yukon Environmental & Socio-economic Assessment Act (YESAA) Decision Document
- 2017-0058 Yukon Environmental and Socio-economic Assessment Board (YESAB) Designated Office Evaluation Report
- 2019 Tetra Tech Travolion Gravel Lease Assessment
- 2021 Travolion Industries Ltd. Quarrying – Operation and Rehabilitation Plan
- 2010 Official Community Plan (OCP)
- Zoning Bylaw 2012-20
- 2020 Commercial and Industrial Land Study (CILS)

### **HISTORY**

The proponent has applied to rezone 12.4 hectares of vacant Commissioner's land to allow for a 25-year quarry operation as an interim land use before long-term industrial development of the area. The subject area is located at the northeast corner of Copper Haul Road and Mount Sima Road, directly west of the former Whitehorse Copper Mine site (Appendix A).

The potential quarry site was identified through a test pit program completed in 2015. The lease area was based on the topography and investigation of the site. Tetra Tech completed a geotechnical assessment in 2019 and considered a quarry a compatible land use for the area.

The quarry is estimated to contain 375,000 m<sup>3</sup> of aggregate. The proponent expects to extract and store approximately 15,000 m<sup>3</sup> of material at the outset of production and

maintain this quantity annually. An aggregate base will however be established, maintained, and informed by current demand and future planning.

On-site activities will include active quarrying of stone, sand, and gravel, as well as crushing, stockpiling, use of heavy equipment, and transport of aggregate off-site. Activity on-site would generally occur between April 1 and October 31 each year, but crushing would be limited to a two to three-week period. Hauling would occur throughout the annual operation period as demand for material necessitates.

No permanent buildings or structures will be on-site and the proposed site access is from an existing cleared access route off Mount Sima Road.

An initial area will be quarried in the southeast section of the parcel to limit overall site development in favour of annual assessment and staged development. The operation will progressively move northward, with site reclamation also occurring progressively as the quarry is developed.

To ensure the interim use does not restrict future development of the area, and notwithstanding the provisions of section 4.11.1(c) of the Zoning Bylaw which restricts an interim land use to less than one year, the proposed IQ zone will have a special modification which restricts the use to a five-year interval with the possibility to extend the use for four additional five-year intervals to a maximum of 25 years.

The special modification will require an updated final grading plan for each extension to ensure a developable area is kept available for future use prior to closure of the quarry. The final grading concept will include a level floor (i.e. slopes of 3% or less) which will align with the existing adjacent quarry operations to maximize future developable area. The quarry's operation and rehabilitation plan will also be updated every five years in concert with the on-site field reviews required by the YG quarry lease.

### **YESAB**

The YESAB Whitehorse Designated Office's evaluation of the project (Evaluation Report 2017-0058) determined that the quarry will not have significant adverse effects on environmental quality, but is likely to have significant negative socio-economic effects on other land users, specifically those that use the Trans Canada Trail.

The adverse effects on other land users could be eliminated or reduced by a 30 m buffer between the Trans Canada Trail and the quarry operations. The quarry will exceed this requirement by having its boundary set back 45 m from the Trans Canada Trail. Lease area boundaries will be surveyed and established through cut lines to create a visual boundary. A decision document (Decision Document 2017-0058) was issued on July 5, 2017, to allow the project to proceed, subject to specified terms and conditions.

### **Development Review Committee Review**

The proposed rezoning was reviewed by the Development Review Committee (DRC) on June 3, 2020 and May 4, 2022. Several issues were raised at both DRC meetings which were addressed by the applicant, namely the parcel size, rehabilitation, and setbacks from the adjacent roads and lake.

The proposed schedule for the amendment is as follows:

Planning Committee	June 6, 2022
1 <sup>st</sup> Reading	June 13, 2022
Newspaper Advertisements	June 17 and 24, 2022
Public Hearing	July 11, 2022
Report to Committee	August 1, 2022
2 <sup>nd</sup> and 3 <sup>rd</sup> Reading	August 8, 2022

## **ALTERNATIVES**

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

## **ANALYSIS**

The area surrounding the Whitehorse Copper Mine site is considered ideal for quarry activities since it is relatively central and easily accessible from the Alaska Highway, as well as located away from residential areas, significant wildlife corridors, and other conflicting land uses. There are also numerous other quarry operations nearby. A quarry therefore fits in the surrounding context. Two quarry leases situated approximately one km north of the subject area on Copper Haul Road are also similar in size (11 ha and 19 ha) to the requested quarry area (12.4 ha).

### **Official Community Plan**

The subject land is designated Industrial in the current Official Community Plan. Section 8.1.3 of the OCP states that rock and sand quarries are permitted within this designation, potentially serving as an interim land use, before long-term industrial development

As per section 8.2.3, natural resource areas must be more than 300 m from any Residential designation. The nearest land designated for residential development is the Canyon Crescent neighbourhood, more than two km away from the subject area.

Sections 8.3.2, 8.3.3 and 8.3.7 require that appropriate environmental and socio-economic studies and management plans are conducted and reviewed before any gravel extraction. The project was reviewed by YESAB, and included a spill response plan, wildlife and vegetation assessment, a geotechnical investigation, heritage assessment, and a reclamation plan.

Section 8.3.5 also contains several policies that restrict quarry operations and require mitigation measures to reduce potential impacts on nearby land uses. This includes dust abatement practices, the placement of signs, gates and fences, restrictions on hours of operation and noise exposure, and the requirement for a natural treed buffer between the quarry and the haul road. The applicant will be required to submit detailed information confirming compliance with these items to obtain a development permit.

The proposed quarry lease will also be set back more than 30 m from an adjacent lake, as required under section 1.3.1 of the OCP.

### **Zoning Bylaw**

The current zoning for the subject land is FP–Future Planning. It is proposed to rezone the subject land to IQ–Quarries. This zone allows for natural resource extraction and concrete plants as principal uses. Accessory buildings and caretaker residences are also permitted as secondary uses, and asphalt plants and land treatment facilities are permitted as conditional uses.

The IQ zone is considered an appropriate interim zone in this instance until further planning occurs to determine the appropriate zoning for long-term industrial development.

Section 6.15 of the Zoning Bylaw also applies conditions to quarry developments, similar to the OCP section 8.3.5 policies, and requires a reclamation plan and a YESAB decision document before any gravel extraction. These conditions and requirements have all been sufficiently addressed by the proponent at this stage.

### **Commercial and Industrial Land Study**

The proposed quarry location is identified in the CILS as an area potentially suitable for future commercial and industrial development. The desired terrain types described in the study were considered in the proponent’s operation and reclamation plan. The post quarry development terrain will mostly remain classified as an ‘Area with Good Development Potential’ as per the intent of the study.

The City’s Engineering Services department reviewed the conceptual final grading and advised it will not restrict future access and development of the parcel for long-term industrial use.

### **ADMINISTRATIVE RECOMMENDATION**

THAT Council direct that Bylaw 2022-23, a bylaw to amend the zoning of a parcel of vacant Commissioner’s Land on Copper Haul Road to allow for an interim quarry use, be brought forward for consideration under the bylaw process.