

ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: September 6, 2022
RE: Zoning Amendment – Ta’an Kwäch’än Council Parcel C-9B

ISSUE

An application to amend the zoning of a portion of Ta’an Kwäch’än Council (TKC) Settlement Land Parcel C-9B from FP – Future Planning to RCT – Comprehensive Residential Townhouses for a proposed residential development.

REFERENCES

- [2020 WSP Planning & Preliminary Engineering Design Report for Whistle Bend Future Areas & Town Square](#)
- [2002 Ta’an Kwäch’än Council Self-Government Agreement](#)
- [2018 Joint Declaration of Commitment](#)
- [2010 Official Community Plan](#)
- [2040 Proposed Official Community Plan \(August 2022\)](#)
- [Zoning Bylaw 2012-20](#)
- Location Map (Appendix A)
- Proposed Zoning Amendment Bylaw 2022-35

HISTORY

TKC Settlement Land Parcel C-9B (Parcel C-9B) is a 20.0-hectare parcel, located in the neighbourhood of Whistle Bend, north of Witch Hazel Drive. The proposed rezoning is for a portion of the parcel, approximately one hectare in area (Appendix A). The current zoning of the subject site is FP – Future Planning which requires rezoning to allow for development.

Planning for the Whistle Bend neighbourhood began in 2006 with a Master Plan approved in 2009 for the development of phases 1 to 7. In 2020, the City completed the planning and preliminary engineering work for three new areas: Areas A, B, and C. Parcel C-9B accounts for approximately 44 per cent of Area B. TKC participated as a partner in the planning and design process for the new development areas. A TKC workshop was held on June 11, 2018 with TKC Chief and Council, TKC citizens, the City, and the Government of Yukon to explore options and opportunities for Parcel C-9B and to ensure that the surrounding area was designed to be compatible with TKC’s vision. TKC however elected to continue with additional internal planning prior to designing Parcel C-9B.

Through a survey to its citizens in 2019, affordable housing was identified as a major issue. TKC intends to construct a residential development that will result in approximately 24 affordable townhouses to address this issue. It is expected that the City will maintain the road which will require an easement. This can be addressed in the future subdivision

approval process through a development agreement. TKC will develop the townhouses and will lease them to TKC citizens and remain the landlord. In the future, there may also be an option to offer leasehold interests to occupants or future lessees.

YESAB

A proposal for the subject development was submitted to YESAB on June 30, 2022 and is currently under review. Any terms and conditions outlined in the decision document will be addressed in the subdivision approval process through a development agreement.

Development Review Committee

The proposal was reviewed by the Development Review Committee (DRC) on July 6, 2022. The Committee raised concerns regarding the road alignment and TKC’s inability to subdivide to create leasehold titled parcels until their SGA is updated.

A subsequent meeting was held with the proponent and the DRC’s concerns were addressed. TKC confirmed that the residential development will initially be used to develop housing for their citizens. TKC also confirmed that they intend to update their SGA to allow for the creation of potential leasehold titled parcels of their land that would allow for additional residential development opportunities. TKC also clarified that the road and the location and orientation of the development area are to allow the road to be extended in the future to service further developments on Parcel C-9B.

The proposed schedule for the Zoning Bylaw amendment is:

Planning Committee:	September 6, 2022
First Reading:	September 12, 2022
Newspaper Advertisements:	September 16 and September 23, 2022
Public Hearing:	October 11, 2022
Report to Committee:	October 24, 2022
Second and Third Reading:	November 7, 2022

ALTERNATIVES

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

ANALYSIS

Site Context

The area to the south of the subject site is zoned RCM2 – Comprehensive Residential Multiple Family 2 but has yet to be developed, and the area to the west is zoned RCS3 – Comprehensive Residential Single Family 3. East and north of the subject site is an undeveloped treed area which forms the remainder of Parcel C-9B, which will remain FP-zoned at this time. Existing dwellings southwest of the subject site are zoned RCT. The proposed rezoning of the subject site to RCT will therefore complement the existing residential neighbourhood.

TKC Self-Government Agreement

Per section 28.1 of the Self-Government Agreement (SGA), TKC shall not exercise its powers to enact laws in relation to certain defined matters, including planning, zoning, and land development, for specific Settlement Land, which includes the Parcel C-9B, unless agreed upon by the City or the Government of Yukon. Therefore, TKC must proceed through the City’s rezoning process to rezone the subject portion of Parcel C-9B.

Joint Declaration of Commitment

The Joint Declaration of Commitment signed by the City, Kwanlin Dün First Nation, and TKC in 2018 affirmed that the three parties would be respectful and supportive as neighbours and friends and collaborate on outstanding issues, with future generations in mind, to their mutual benefit. This zoning amendment process provides an opportunity to demonstrate this commitment.

2010 Official Community Plan and Proposed Official Community Plan (August 2022)

The subject site is designated as Residential - Urban in the 2010 OCP, as well as in the proposed 2040 OCP, which allows for a variety of residential development. The proposed rezoning will align with this intent by enabling a residential development in close proximity to services and amenities either already provided or planned to be provided within the Whistle Bend neighbourhood.

Zoning Approach

The current zoning of the subject site is FP, which is intended to protect land until such a time that planning has occurred to determine the appropriate zoning. It was determined that the most appropriate zoning for the subject site is RCT. The purpose of the RCT zone is to provide a comprehensive development zone for higher density, ground oriented, fee simple townhouses, developed as part of a complete neighbourhood.

The RCT zone would allow TKC to provide a mixture of housing to their citizens in conjunction with another residential development on TKC Settlement Parcel C-16B, also currently going through the rezoning process and intended for single detached dwellings and mobile homes. The RCT zone is also compatible with the adjacent residential neighbourhood as lots nearby are zoned RCT.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2022-35, a bylaw to amend the zoning of TKC Settlement Land Parcel C-9B, to allow for a residential development, be brought forward for consideration under the bylaw process.