

ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: September 6, 2022
RE: Zoning Amendment – Ta’an Kwäch’än Council Parcel C-16B

ISSUE

An application to amend the zoning of a portion of Ta’an Kwäch’än Council (TKC) Settlement Land Parcel C-16B from FP – Future Planning to RSx – Residential Single Detached (modified) for a proposed residential development.

REFERENCES

- [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 2022-36

HISTORY

TKC Settlement Land Parcel C-16B (Parcel C-16B) is a 4.35-hectare parcel, located at 1805 Birch Street in the neighbourhood of Porter Creek. The proposed rezoning from FS – Future Planning to RS – Residential Single Detached is for a portion of the parcel, approximately 2.1 hectares in area (Appendix A). A special modification is also proposed to permit mobile homes as a principal use.

Through a survey TKC distributed 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 25 lots 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 subdivision approval process through a development agreement. TKC will develop the dwellings and will lease them to TKC citizens and remain the landlord. In the future, there may be an option to offer leasehold interests to occupants or future lessees.

Sections of the rezoning area to the south and to the west are also planned to be retained as a treed buffer.

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 lot configuration and TKC’s inability to subdivide to create leasehold titled parcels until their SGA is updated. There were also concerns that the topography of the subject site may impact the development feasibility of the rezoned area.

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 leasehold titled parcels of their land that would allow for additional residential development opportunities. TKC also revised the rezoned area and amended the configuration of the proposed lots to address concerns with the topography of the subject site.

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

Parcel C-16B is located west of the Alaska Highway on Birch Street in the Porter Creek neighbourhood. There are two lots to the south of Parcel C-16B that contain a City water main and are undevelopable. To the north of the subject site, is a property zoned CH – Highway Commercial. Properties south of the water main are zoned RS and the Benchmark Trailer Park, which contains mobile homes, is also located less than a kilometre to the north. The proposed rezoning of the subject site to RS, modified to permit mobile homes, will therefore align with the existing residential properties in the area.

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-16B, unless agreed upon by the City or the Government of Yukon. Therefore, TKC, must proceed through the City’s rezoning process in order to rezone the subject portion of Parcel C-16B.

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 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 already provided within the Porter Creek 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 RS with a special modification permitting mobile homes, which are otherwise a conditional use in the RS zone. The purpose of the RS zone is to provide a zone for single detached housing on urban lots with a broad range of residential related uses, including single detached, duplex, and triplex housing.

The RS zone allows TKC to provide a mixture of housing to their citizens in conjunction with another residential development on TKC Settlement Parcel C-9B, also currently going through the rezoning process and intended for townhouses. Additionally, the proposed residential development seeks to provide affordable housing for TKC citizens in immediate need of housing and allowing mobile homes as a principal use provides a greater variety of housing options, allowing TKC to house its citizens in a cost-effective and timely manner.

The RS zone and mobile homes are also compatible with residential neighbourhoods in the area which are zoned RS and RP.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2022-36, a bylaw to amend the zoning of TKC Settlement Land Parcel C-16B, to allow for a residential development, be brought forward for consideration under the bylaw process.