

## ADMINISTRATIVE REPORT

**TO:** Planning Committee  
**FROM:** Administration  
**DATE:** October 3, 2022  
**RE:** Public Hearing Report – Proposed Official Community Plan: Whitehorse 2040

### ISSUE

Public Hearing report for the proposed Official Community Plan (OCP): Whitehorse 2040.

### REFERENCES

- [Municipal Act](#)
- [Official Community Plan \(2010\)](#)
- [Proposed OCP Adopting Bylaw 2022-40](#)
- [Whitehorse 2040 – Proposed Official Community Plan](#)
- [Whitehorse Sustainability Plan 2015-2050](#)
- [Zoning Bylaw 2012-21](#)
- Climate Change Emergency Declaration (Resolution 2019-17-07)
- Commercial and Industrial Land Study (Groundswell Planning, 2020)
- Review of Municipal Quarrying Policy and Practices (Groundswell Planning, 2020)
- Whistle Bend Transportation Network Impact Study (AECOM, 2009)
- McIntyre Creek Wildlife Corridor Assessment (Environmental Dynamics Inc., 2011)
- Planning & Preliminary Engineering Design Report for Whistle Bend (WSP, 2020)
- Paris Agreement (2016)
- Our Clean Future: A Yukon strategy for climate change, energy and a green economy
- Stevens Lake Commercial Aggregate Quarry Decision Document (YESAB file number 2020-0124) and supporting documents.
- Stevens Quarry Development Decision Document (YESAB file number 2012-0124) and supporting documents.

### HISTORY

The OCP guides decision-making for the City by setting the long-term vision, guiding principles and supporting policies for City growth and services. The OCP is adopted by Council through a bylaw process, following robust public engagement. Prior to 3<sup>rd</sup> reading of the OCP bylaw, the Minister of Community Services is sent the proposed OCP for approval.

Bylaw 2022-40, the Official Community Plan Adopting Bylaw received First Reading on August 8, 2022. Public Hearing notifications were sent out in accordance with the *Municipal Act*, including:

- Newspaper advertisements posted in the Whitehorse Star and the Yukon News on August 12, 2022 and August 19, 2022; and
- Email notifications sent to the Government of Yukon (YG) Land Management Branch, Kwanlin Dün First Nation, Ta'an Kwäch'än Council, community associations, and the OCP email distribution list.

A Public Hearing was held on September 12, 2022. One hundred and fourteen (114) written submissions were received and over 21 people spoke at the public hearing.

## **ALTERNATIVES**

1. Amend the proposed Whitehorse 2040 OCP as recommended and proceed under the bylaw process; or
2. Refer the proposed Whitehorse 2040 OCP back to Administration.

## **ANALYSIS**

The analysis of issues below considers all input received as part of the OCP review Public Hearing process. Issues raised have been sorted into three groups:

1. Support
2. Change recommended
3. No change recommended

Additionally, a list of recommended housekeeping edits is included.

### **1. Support**

The following support was received for the proposed OCP:

- Support for the proposed Chasàn Chùà / McIntyre Creek Park Management planning exercise and revised park boundary.
- Support for the additional study requirements prior to a decision on a transportation corridor through the future Chasàn Chùà / McIntyre Creek Regional Park.
- Support for the proposed OCP attainable housing policies.
- Support for granular extraction in the Stevens area.
- Support for the proposed OCP policy updates for Country Residential areas
- Support commercial and industrial land policies.
- Support for the South Growth Area planning.
- Support for many policy directions in Part B of the proposed OCP, including Equity and Inclusion, Heritage, Arts and Culture, Climate Action, Environmental Stewardship, Development and Growth, Housing, Economy, Transportation and Mobility, and Municipal Services & Assets.
- Support for concepts like “Complete Communities” and “Complete Streets” as defined in the proposed OCP.

For most of the above listed topics, the City also heard concerns and requests for policy changes. These comments are further described and analysed in the text that follows.

## 2. Topics where change is recommended by Administration

### Issue 1: Climate Action

Public input called for updates to the Climate Action policies to reflect the urgency of the climate emergency. Specific comments included that the City should:

- Commit to reducing greenhouse gases by 50% by 2040 and reference its reduction targets;
- Use stronger and proactive language to mitigate the impacts, reflect the current and projected status of climate change in Whitehorse, and make the city a national leader in sustainability (relative to its size); and
- Add accountable actions to achieve emission reduction targets and advance the City's 2019 Climate Emergency Declaration, Sustainability Plan, and other strategic directives.

#### *Analysis*

The proposed OCP vision states that *“the City’s leadership is recognized across the country for (...) its actions to mitigate negative impacts and adapt to climate change.”* This vision is carried forward in the plan principles under “Sustainable City” and throughout the OCP, including in the Transportation and Mobility section and the Municipal Services and Assets section. The proposed OCP also provides a Climate Action section (section 6). This section lays the foundation to address global effects of climate change.

Recognizing that additional work is needed to confirm City climate actions, the proposed OCP includes a requirement under policy 6.2 for the City to develop and maintain a strategy that addresses climate change. Goal 6 (b) proposes that the City achieve or surpass its greenhouse gas emissions reduction targets. Additional language could be added to ensure that the City references its reduction targets and reviews them. These targets are currently found in the City of Whitehorse Sustainability Plan and are lower than the Yukon targets as described in the territorial Our Clean Futures climate action strategy or the ones found in the *Paris Agreement*, a legally binding international treaty on climate action.

GHG emissions monitoring and reporting requires a coordinated effort from all levels of government. Better coordination of information and technology sharing would be beneficial. To that end, proposed Policy 6.2 could be expanded to allow for collaboration with other governments (not just Government of Yukon) and stakeholders. Other policies could be updated as well to clarify the City’s commitments to climate action.

#### ***Administrative Recommendation***

Update Goal 6(b) so that it reads:

- ***Achieve or surpass the City’s greenhouse gas emissions reduction targets, as described in the City Sustainability Plan or as updated from time to time.***

Revise Policy 6.2 as follows:

- *The City will develop and maintain a strategy that addresses climate change and sustainability. This may include **aligning greenhouse gas emission targets with other governments** and developing a monitoring program and reporting process that evaluates and reports on greenhouse gas emissions and sustainability performance in the community on an on-going basis through partnership and collaboration with ~~the Government of Yukon~~ **other governments and stakeholders**.*

Revise policies 6.3 and 6.5 to take out the term “where feasible”.

Revise policy 6.11 as follows:

- *When planning infrastructure, the City will ~~consider~~ **address** anticipated climate impacts, as guided by professional best practices and any reasonably available modeling or forecasting.*

## **Issue 2: Transportation Corridor Through the Proposed Chasàn Chùà / McIntyre Creek Regional Park**

The City heard many suggestions to remove any consideration in the OCP of a potential transportation corridor through the future Chasàn Chùà / McIntyre Creek Regional Park. Common themes heard surrounding this topic included:

- A desire to have the City invest in existing roads, transit, and active transportation; thereby improving alternative options, rather than creating new transportation corridors.
- Concerns that developing a new road would encourage more vehicle transportation and greenhouse gas emissions, which would undermine the City’s progress in achieving its climate change mitigation goals.
- Concerns about the corridor’s impacts on wildlife, including bird species and moose; and a desire to protect the wetlands and mature forests in that area.
- Concerns that the land would be permanently disturbed.
- Lack of clarity regarding the need for a transportation corridor.
- Concerns about the corridor’s impacts on existing recreational use by residents, which was noted to be important for physical and mental wellbeing.

In addition to the themes listed above, one submission cited Stanley Park in Vancouver and Central Park in New York as examples of successful urban parks. Several submissions stated that the need for a transportation corridor through the future Chasàn Chùà / McIntyre Creek Regional Park has already been confirmed through previous studies and a new study was not needed.

### *Analysis*

Engineering staff are currently completing the Transportation Master Plan to update their understanding of the city’s transportation network. Previous work on this topic includes:

- The AECOM Whistle Bend Transportation Network Impact Study in 2009, which showed that a new transportation corridor between Mountainview Drive and the Alaska Highway was desirable to better service residents in Whistle Bend and that in the absence of this corridor link, travel times and levels of service on 12th Avenue, Range Road, and Mountainview would deteriorate. The Alaska Highway connector road was recommended to be developed once the Whistle Bend neighbourhood was 50% complete or the city's population reached 30,000.
- The 2020 WSP Planning & Preliminary Engineering Design Report for Whistle Bend Future Areas & Town Square' report which noted that further analysis is required to better understand the potential impacts of Area C, a new development area in Whistle Bend, on the overall transportation network. It also noted that creating a new connection between Future Area C and the Alaska Highway north of MacDonald Road area in Porter Creek would strengthen connectivity between Whistle Bend and areas to the north.

To reflect previous studies, proposed OCP policy 7.9 acknowledges a transportation corridor may be needed in the future, subject to an updated transportation study. Whitehorse's population has reached 30,000.

In an effort to address public concerns, the policy 7.9 also included a requirement for the City to commission an additional study to better understand the potential environmental and heritage impacts of the transportation corridor. To be clear, the proposed OCP Policy as drafted does not direct the City to construct a road; it simply indicates that a transportation corridor in that area may be needed and more work needs to be completed to confirm if it is needed, and determine how to minimize its impacts. Although not completed by the City, it is recognized that there have been environmental and/or heritage studies completed by stakeholders and other governments on the topic of McIntyre Creek, which may inform this process. Those studies would require an independent review, which would be completed during the preparation of the Chasàn Chùa / McIntyre Creek Regional Park Management Plan.

When considering the potential inclusion of a transportation corridor in Chasàn Chùa / McIntyre Creek Regional Park, it should be noted that many urban parks, such as Stanley Park in Vancouver and Chadburn Lake Park in Whitehorse, include transportation corridors. These corridors facilitate access to recreational amenities and support users' enjoyment of the land while some provide essential commuter routes and also include active transportation modes.

As shown in Figure 1, the future Chasàn Chùa / McIntyre Creek Regional Park is highly disturbed with several dirt roads running throughout. While the alignment of the corridor would need to be considered through the completion of future studies, it is possible that the existing dirt roads could be partially or fully used, should a corridor be deemed necessary.

The City-commissioned study McIntyre Creek Wildlife Corridor Assessment (Environmental Dynamics Inc., 2011) recommended that a 125 – 175m buffer should be protected from the approximate centerline of the creek to preserve a wildlife corridor. Until such a time that additional information is prepared, this information can be

incorporated into the OCP to provide a level of protection for the Creek and wildlife in the area.

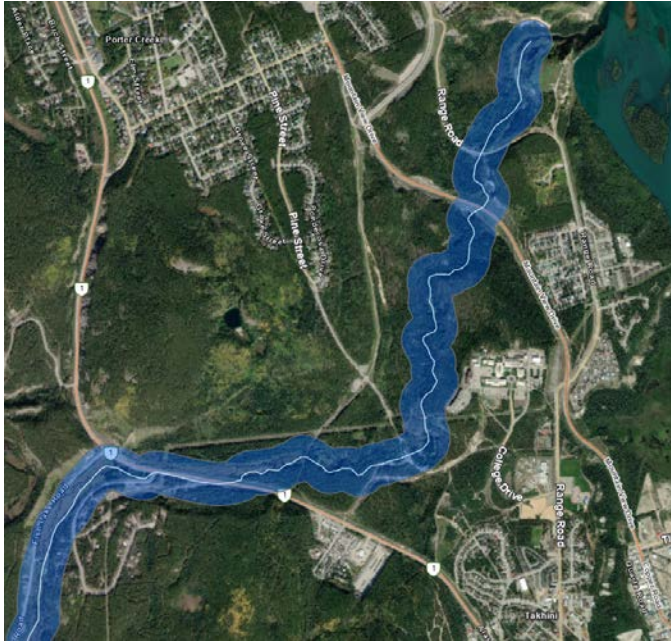


Figure 1 McIntyre Creek 125m Setback Buffer, McIntyre Creek Wildlife Corridor Assessment, 2011.

### **Administrative Recommendation**

Revise policy 7.9.1 to add a new requirement that incorporates a minimum 125 setback buffer from Chasàn Chua / McIntyre Creek within the regional park:

- *7.9.1 (iii) To preserve existing wildlife corridors, no development in the Chasàn Chua / McIntyre Creek Regional Park will be permitted within a 125m setback buffer of McIntyre Creek, as measured from the approximate centreline of the Creek. Exceptions will be considered for low-impact trails, public utility infrastructure and a potential transportation corridor creek crossing, subject to municipal and other approvals.*

### **Issue 3: Housing**

The City received comments regarding the proposed policies and ideas for action that seek to address affordable housing. Comments included:

- Lack of policy clarity, i.e. what does the City mean when it talks about “affordable housing”.
- Concerns that the proposed policies were not strong enough and would not lead to equitable housing outcomes for the residents of Whitehorse.
- City should complete a housing needs assessment to better understand the current needs of residents.
- OCP housing policies are too focused on land development.
- OCP housing policies are too focused on market housing and do not consider other aspects of housing, including the rental housing market.
- One comment sought to remove idea for action 46, which would examine the impact of short-term rentals since some percentage of the housing market should be

available for short-term, whereas another respondent stressed the need for the City to complete such an assessment and implement short-term rental requirements.

### *Analysis*

The City has the ability to influence housing supply through its policies, plans, bylaws, programs and incentives, as well as partnerships. A new policy could be added to the Housing section to ensure that the City confirm its commitment to supporting affordable residential development through its partnerships with other governments, bylaws, policies, programs and incentives. The proposed OCP included policies on notable residential land development opportunities (policies 9.11 to 9.26). These policies were outlined in the Housing section of the plan. For greater clarity, these policies could be moved to the land use section of the plan where other land development policies are outlined.

Based on CMHC guidelines, housing is considered affordable if it costs less than 30% of a household's before-tax income. CMHC's definition of housing affordability is being recommended to be added in the Glossary Section of the OCP.

The proposed OCP idea for action 45 provides the base for a future housing needs assessment. A housing needs assessment is a study to understand the current housing supply and the current and future housing needs. A housing needs assessment would, among other things, determine the appropriate range and mix of housing types to meet the needs of residents today and in the future. It could provide a specific target for the range and mix of housing the city should have to accommodate current and future residents. Such a study should be completed in partnership, as recognized under idea for action 45, and as such no changes are recommended to this idea.

Short-term rentals are currently not monitored or regulated in the city. Unlike the hotel industry, there are no national standards that regulate short-term rentals to ensure the housing units are safe, secure, and appropriate. As a city with many short-term workers, short-term rentals can fill a housing need. However, the City needs to understand the impact it has on the housing market and neighbourhoods and if or how best to regulate and support this housing type. The investigation into short-term housing is not intended to pursue a prohibition on short-term rentals; it is a fact-finding exercise to help better understand the short-term rental market to inform City policies and bylaws. No changes are recommended to idea for action # 46.

### ***Administrative recommendation***

Update OCP structure as follows:

- *Move policies 9.11, 9.13-9-26 and associated subsection headers and preambles to the Land Use section of the OCP. Delete duplicate policy 9.12 (see housekeeping changes later in this report).*

Make the following changes to policy 9.4 and glossary:

- *Capitalize the term affordable housing and add a definition to the glossary, which is consistent with CMHC's definition.*

Add a new policy after 9.4:

- *The City will support affordable residential development through bylaws, policies, partnerships, and programs and incentives.*

#### **Issue 4: Whistle Bend Way Area**

The City heard concerns with the City's strategy to replace Porter Creek D, specifically, its plans to include the lands directly south and west of Tamarack Drive and North of Whistle Bend Way (Area A).



Figure 2 Whistle Bend Way, Proposed OCP Areas A & B.

Concerns included:

- Concerns with potential negative impacts to property values.
- Concerns with removal of trees and trails along Tamarack Drive.
- Concerns that the residents of the Tamarack Area, located close to Whistle Bend Way have not been consulted.

#### **Analysis**

The Whistle Bend Way area was identified with another area along Holly Street as replacement growth opportunities for Porter Creek D. Porter Creek D was projected to provide approximately 400 units at a relatively low density. The Porter Creek D replacement strategy includes three areas (area Along Holly Street, Area A and Area B). Combined and calculated at a similar density to Whistle Bend, these areas could accommodate up to 500 units, including up to 175 units in Area A. Area A is however considered marginal land due to its location, size, shape and topography, which would likely further reduce the projected unit yield.



Substantial public consultation was undertaken throughout the proposed OCP preparation, however, due to the city-wide aspect of the changes proposed, Administration was unable to undertake localized consultation to inform and seek the views of all the parties potentially impacted by changes.

Concerns relating to impacts on property values are associated with the removal of trails and the development of adjacent greenspaces in proposed Area A. The value placed on greenspace is subjective and varies from purchaser to purchaser. To address these concerns, Administration recommends removing Area A as a potential new residential area and identifying it as Greenspace.

### **Administrative Recommendation**

The following changes are recommended:

- *Move policy 9.17 so that it is consolidated with the “Residential – Urban” designation policies (see housekeeping changes later in this report).*
- *Update policy 9.17 to remove Area A as a potential new residential area.*
- *Update Map 5 to replace Area A designation as a Residential Area with the Greenspace designation. Update Map 1 accordingly.*

### **Issue 5: Impact of Hard-surfacing on Environmentally Sensitive Areas and Drainage**

The City heard that stronger policies and actions are needed to reduce the impact of impervious surfaces like paved roads and parking lots.

#### *Analysis*

Impervious surfaces can affect the extent to which surface water penetrates the soil, interacts with vegetation, and recharges aquifers or groundwater supplies.

Since 2010, the City began using wells in the Riverdale Aquifer as the main source for municipal water, keeping Schwatka Lake as backup. While Schwatka Lake and the Riverdale Aquifer are part of the same groundwater system, the potential risk associated with impervious surface runoff to municipal drinking water is relatively low.

Proposed OCP policies 7.20-7.25 already provide policy direction so that risks to the City water source are mitigated. Ideas for action 30 and 31 describe actions that the City may undertake to ensure groundwater protection. Proposed OCP policy 12.18 regarding asset management could be updated to addresses environmental stewardship. A new idea could also be added to identify that the upcoming Zoning Bylaw update could review requirements for hard-surfacing for new development.

### **Administrative Recommendation**

Update Policy 12.18 as follows:

- *“The City will develop and maintain an effective and efficient asset management strategy that addresses future challenges, including climate change, **environmental impacts**, funding constraints, innovations, a need to reduce greenhouse gas emissions, and changing community needs.”*

Add a new idea for action under Environmental Stewardship:

- *As part of the Zoning Bylaw update, review the requirements for hard-surfacing.*

### **Issue 6: KDFN Lands Use Designations**

The City heard from KDFN Department of Heritage, Lands and Resources (HLR) requested that the OCP:

- Apply the First Nation Development Lands designation to all Type 1 and Type 2 Settlement Land and R-40A and R-75A.
- Add a new policy to recognize that any use permitted under the KDFN self-governing agreement would be permitted under the OCP.

#### *Analysis*

##### Type 1 parcels

Under section 28.3 of the KDFN Self-governing Agreement (SGA), KDFN is given full control over all legislation in respect of zoning, land use, and health and safety affecting Type 1 parcels. In other words, any land use restrictions imposed by the City on Type 1 lands under the OCP would not be effective if the First Nation puts in place a contradictory land use regulation. The City may choose to apply and enforce any land use designation on Type 1 parcels at any time, although the effect of this designation will be limited if it contradicts existing or future land use designations by the First Nation.

##### Type 2 parcels

Most KDFN settlement within the City of Whitehorse are Type 2 lands. Under section 28.4.3 of the SGA, the First Nation can only implement legislation in respect of zoning or land use in accordance with the allowable land use designations under the SGA and consistent with the City's laws in relation to "planning, zoning and land development". In other words, any proposed regulations on land use from the First Nation must be consistent with the City's land use policies in order to be enacted (or must otherwise be resolved through the dispute resolution mechanism under the SGA).

The requested OCP designation approach from KDFN HLR is similar to the 2010 OCP approach where no designation was assigned to most Type 1 and Type 2 parcels and 2010 OCP policy 5.1.8 effectively waived the requirement for OCP amendments on these parcels. Other OCP tools (i.e. the required master planning prior to zoning confirmation), reduce or eliminate the need to assign City land use designations for KDFN parcels. To accommodate KDFN HLR's request, the City may amend Map 5 to show all Type 1 and Type 2 lands are First Nations Development land and add additional language to Section 15.3 to clarify the City's intent.

#### ***Administrative Recommendation***

The following changes are recommended:

Update policy 15.3.2 as follows:

- *Master plans will be required for development on lots greater than 1.5 hectares, as stated in Section 13 Land Management, and subject to a review by the City.*

***The master planning process will be used to confirm the land use, prior to zoning.***

Update policy 15.3.3 as follows:

- *Once a land use is selected **through the master planning process**, the applicable land use policies for a similar City land use designation shall apply as well as any other applicable OCP policy.*

Delete policy 15.3.4 as this is proposed to be covered under new policy 15.3.2.

### **Issue 7: Riverfront Building Heights**

Proposed OCP 15.12.4 states the maximum height in the Mixed-Use Riverfront designation is 10 metres. However, to promote the concentration of culture and tourism facilities, higher buildings may be considered within this designation. The City heard that this new policy exceeds current Zoning Bylaw requirements for some of the area and may be out of step with future development plans of a hotel, convention center, and residential uses. Further, it was argued that the proposed OCP policy will make it difficult to increase residential density in mixed-use buildings.

It was suggested that the City should increase the maximum building height in Mixed-Used – Riverfront designation to 20 metres.

#### *Analysis*

During previous rounds of public input into the draft OCP, the City heard a desire from many residents that the Riverfront area remain small-scale, with lower building heights so that the view corridors to the River are not obstructed. This vision is consistent with previous planning work (Downtown plans and the Riverfront Plan). Zoning Bylaw 2012-20 restricts building heights to 12.5 metres east of Front Street, and 10 metres along the river. Buildings up to 20 metres are allowed in a large portion of the area designated Mixed-Use – Riverfront. Consistent with the Zoning Bylaw allowances, the area designated Mixed-Use – Riverfront (Map 6) already features several buildings that exceed 10 metres. Policy 15.12.4 could be updated to remove the reference to 10 metres and replace it with a qualitative metric, similar to the 2010 OCP.

#### *Administrative recommendation*

Replace OCP 15.12.4 with a new policy:

- *“To protect views to the River, buildings shall generally be small scale. Larger buildings may be considered to promote the concentration of culture and tourism buildings within this designation. Building heights will be confirmed through the Zoning Bylaw update process.”*

### **Issue 8: Stevens Quarry**

The City heard a variety of concerns from members of the public about the inclusion of the Natural Resource Designation for the Stevens area. It was requested that the identification of the Stevens area be removed as Natural Resource area.

Comment themes around this topic included:

- The dust emissions generated from the quarry and their potential negatively impact on air quality, surrounding residents' wellbeing, and settling on nearby agricultural crops and farms.
- Concerns with noise during construction and operations disturbing neighbours and wildlife.
- Concerns with increased traffic congestion and potential safety hazards along the highway as caused by increased movements and oversized vehicles.
- Concerns with impacts on natural habitat areas and corridors through disturbance and destruction.

Other themes included:

- Concerns that quarrying does not align with traditional land use plans.
- Fears over future quarry expansions causing more impacts.
- Concerns regarding City ability to ensure rehabilitation in the future.
- The potential for quarrying to contribute to landslides.
- The negative impacts the use may cause on recreational user experiences.
- Concerns that the value of nearby properties would be negatively impacted.

It was also noted that the development proposal for this area had been denied twice already in the past.

### *Analysis*

The Stevens area has been identified in the City's OCP as a future resource extraction area since 1994 and is known to be the City's main gravel resource. It is understood that gravel is a fundamental element of community growth and Whitehorse's economy. Removing the opportunity for future quarrying in the Stevens area may have significant impact to the economy and therefore is not recommended by Administration.

YG applied to YESAB in 2012, for a 118.2 ha quarry divided into five separate lease parcels, with access coming off the Alaska Highway from the construction of a 2.27 km access road along the east face of the proposed quarry lots. YESAB recommended approval along with mitigation measures. The project was never pursued.

In the most recent investigation of the quarry, completed in 2020, YESAB recommended that a 21.7 hectare lease area (i.e., Lot 1) be permitted for quarry development, along with mitigation measures to limit the surrounding quarry's impacts on the area. During that investigation, it was estimated that natural resource extraction for Phase 1 would last up to 10-years (2030) YESAB determined that it was unlikely to result in significant negative effects to air and acoustic quality.

The following image shows the boundaries of Lot 1 within the potential Stevens Quarry area.



Figure 3 Lot 1 Proposed Quarry Location, YESAB 2020

Most of the concerns raised regarding this quarry apply to all quarries as they focused on the negative impacts generated for surrounding neighbours, and potentially unsafe interactions the equipment has with the community on the roadway network. To address these concerns, recommendations should be made that apply to all similar situations, not just those in the Stevens area. An additional policy, specific to the Stevens area, to ensure that excavation of the area is completed in phases could be considered.

As part of the OCP review, the City commissioned a cross-jurisdictional Review of Municipal Quarrying Policy and Practices (Groundswell Planning, June 2020). The review found that few Canadian municipal plans spoke directly to aggregate extraction. Notably, Ontario and Alberta plans seem to be more focused on protecting the aggregate area from premature development or incompatible development than protecting these lands uses from extraction.

In Whitehorse, Natural Resource areas are required to maintain a minimum 300 metre buffer for residential uses. The Groundswell review found that this buffer is generally in the range of buffers applied by municipalities in other parts of Canada. As such, no changes to the buffer requirements are recommended.

### **Administrative Recommendation**

Revise policy 15.13.3:

- *Development requirements will be applied to mitigate risk and nuisance factors associated with Natural Resource Extraction activities, particularly in proximity to new and existing residential areas, **environmentally sensitive areas, or agricultural uses. Mitigations must address traffic, dust, noise, and wildlife impacts.***

Revise policy 15.13.5 as follows:

- ***Prior to development approval, mitigation measures to the public roadway network will need to be confirmed.** This may include a requirement for a separate, hard surface haul road, adherence to dust mitigation practices, turning lanes at intersections with public roadways, illumination, or travel limitations during off-peak hours.*

Add a new policy 15.15.6 and renumber subsequent policies accordingly:

- *Prior to development approval, a quarry phasing plan will be required for the Stevens quarry area.*

### **Issue 9: Country Residential Areas**

The 2010 OCP disallows the creation of lots less than a minimum of 1.0 hectare in size in existing neighbourhoods. The proposed OCP policy 15.16.4 contemplates that lots of less than 1.0 hectare in size may be permitted in Country Residential areas as long as impacts may be mitigated. The City heard support and concerns for this new policy. It was noted that on the individual subdivision and development scale, geo-tech reports will typically be favourable, as they do not consider cumulative nitrogen load and water table drawdown impacts. It was further stated that controls need to be set through City policies and zoning requirements and it was suggested that the City consider removing secondary suite and home based-business allowances for lots less than 1.0 hectares in size.

#### *Analysis*

For most Country Residential areas, the 2010 OCP provides an allowance for up to two units per hectare (main dwelling + secondary suites). By opening up opportunities for additional lots through subdivision, the density of Country Residential areas may increase significantly. Administration's concerns about additional units in existing country residential areas and their potential impact on nitrogen loading and the water table remain unchanged. The proposed new policy 15.16.4 meant to provide an avenue where there exists adequate information on the aquifer and limited existing development.

Using the precautionary approach, the language of Policy 15.16.4 could be revised to clarify that the applicant will be required to demonstrate that the aquifer area has the capacity to accommodate long-term on-site servicing, prior to subdivision.

Rules concerning density caps in Country Residential areas are better addressed in the Zoning Bylaw.

It is not clear that all home-based businesses have the potential to impact on-site servicing. No policy changes are recommended to address this concern.

### **Administrative Recommendation**

Update Policy 15.16.4 (i) so that it reads:

- *Notwithstanding the above, new residential development may occur with lot sizes of a minimum of 0.5 hectares so long as the applicant is able to adequately demonstrate the site and **aquifer** area has the capacity to accommodate long-term on-site servicing. **Further restrictions may be applied during the Zoning Bylaw update.***

### **Issue # 10 – KDFN-City Intergovernmental Processes Relating to Planning and Development**

The City heard from KDFN HLR that the City and KDFN should develop procedures to give planning and development impacting KDFN's lands.

#### *Analysis*

The Proposed OCP includes an idea for action where City would investigate opportunities for joint planning. Additional clarity can be provided to this idea for action.

#### *Administrative recommendation*

Clarify idea for action 2 so that it reads:

- *Investigate opportunities for joint **land planning committee** with Ta'an Kwächa'an Council and Kwanlin Dün First Nation **to collaborate on land planning initiatives and develop procedures for land planning together.***

Move idea for action 2 so that it falls under the "land management" header.

### **Issues with no change recommended**

The following issues have administrative recommendations that call for no edits to the proposed OCP.

- It would be helpful for the proposed OCP to use terminology that provides a clear urban hierarchy. "Urban hierarchy" is not a commonly understood term. The drafters of the OCP preferred the term "Strategic Growth Areas" to describe the urban hierarchy. See policies 8.22-8.39.
- Proposed OCP needs substantial editing. Consider changing terms used in OCP, e.g. instead of "Principles" say "Measurements of Successful Plan Implementation". Review the proposed OCP to ensure that it is more action-oriented and accountable. The proposed plan scope does provide an ability for the City to commit resources through policy. Actions will come through future processes as described in the proposed OCP.
- Consider aligning the OCP terminology with other City policies and plans. Efforts have been made, however, the OCP sits on the top of the City policy and planning

hierarchy. It is recognized that other documents may need to be updated to reflect the new OCP.

- Consider condensing the vision statement. The proposed vision statement was drafted following multiple rounds of input and has informed the drafting of the proposed OCP.
- Consider landswaps with Yukon Housing Corporation to reduce concentration of social or community housing in Downtown South. This could be captured under a larger initiative (i.e. idea for action 48).
- Request to add a policy where the City commits to collaborating with KDFN and the Government of Yukon on local area planning. This is already covered by policies 16.9, 16.11 and 16.12. Further, proposed OCP policies 7.2 and 7.4 reference the City's commitment to work collaboratively with First Nation Governments in sensitive area planning.
- Consider allowing interim agricultural use where fire and fuel breaks are established and in Future Planning Areas. Generally, these areas do not have good site access and require additional planning, prior to any land use allowances.
- Increase City commitments by working with other governments and community organizations to advance food sustainability. This is already captured under idea for action 24.
- Commit to no loss of agricultural designated lands. Under the *Municipal Act*, the City has no such powers.
- Require a soil assessment in new development areas for their agricultural potential prior to any development. Study requirements for new developments are described under Section 13.23 – Master Plans of the proposed OCP. Adding this requirement may increase the cost of development and add barriers to land supply. Idea for action 36 however proposes that the City collaborate on a soil assessment for selected areas and explore opportunities for expanding the OCP Agriculture designation to suitable areas.
- Consider adding a policy on dog parks in the plan. Location of dog parks do not belong in an OCP. Confirmation of dog park locations belong in other processes (e.g. master planning).
- Consider increasing commitments for arts and culture. Policy 5.4 already includes such commitments. Increased programming would need to be confirmed through other processes, i.e. budgeting.
- Consider replace the term “Heritage Management” by “Heritage Resource Management”. Under the City Heritage Bylaw, “Heritage Resource” means a historic site, historic object, or any work or assembly of works that is on the Heritage Registry. “Heritage” is a broader term that can also include non-tangible heritage.
- Consider stronger commitments to reducing light pollution, including a commitment to creating a comprehensive light pollution bylaw and policies that regulate low-



impact lighting requirements. This is already covered under policies 7.26-7.28 and idea for action 32.

- Request for addition of policies that clearly prioritize multimodal improvements over vehicles. This is already covered under policy 11.6 which provides a transportation hierarchy.
- Request for increased commitments on transit reliability. This is an operational issue, which does not belong in an OCP.
- Request to include targets for increasing active transportation percentage of all trips. Targets are found in the Transportation Demand Management Plan and don't require duplication in the City's OCP.
- Request for increased commitments on improved walkability and connectivity. This is already covered under policy 11.17.
- Request for a strategy to enhance active transportation and to improve safety. The proposed OCP provides the policy framework for active transportation, including safety, (policies 11.16-11.20) which will be implemented through other planning exercises, notably the Transportation Master Plan project, which is scheduled for completion in 2023.
- Request to improve congestion levels. Policy 11.3 provides that the City will use strategies and partnerships to reduce congestion at peak times. Implementation ideas will be further reviewed through the Transportation Master Plan project.
- Consider expanding policy 5.3 to clarify that the Heritage Registry identifies heritage buildings, add that the City will consider expanding the registry. This is already covered under ideas for action # 8 and 10. The Heritage Bylaw allows additions to registry already.
- Consider adding policies to the proposed OCP to ensure that new development in Whitehorse is aesthetically pleasing and characteristically Whitehorse. The proposed OCP has several policies that will guide new development, including policies 8.27, 15.12.7, 15.9.1, and 15.9.12. Combined, these policies provide the framework for this topic.
- Downtown building heights are too high. 2010 OCP provides an allowance of up to 25 m in most of Downtown. The proposed Whitehorse 2040 OCP would provide an allowance of up to 30 metres, north of Main Street on the condition that various factors are reviewed, including visual impact on streetscape. The proposed changes were recommended following previous rounds of public input where many residents shared that they would like to see increased building heights in the Downtown.
- A 20 m height limit on Main Street, west of 4<sup>th</sup> Avenue is too low. It was argued that the character of this stretch of Main Street is different to the lands east of 4<sup>th</sup> Avenue. During previous rounds of engagement, Administration heard from the public a strong desire for maintaining the existing character of Main Street.
- Concerns with proposed density in Old Town (from 4 units per typical lot to 6) and the potential building massing. Increasing the density in Old Town meets the City sustainability objectives. The building massing (i.e. height requirements, lot

coverage and other development requirements) will be confirmed through the Zoning Bylaw update, which will start once the OCP review is complete.

- Consider adding policies to ensure development and infrastructure are sensitive to the natural environment. The proposed OCP already provides such policies (see section 7 and subsection 15.6).
- Request for addition of policies regarding City integrated stormwater management approach. Proposed OCP Policies 12.9-12.13 address integrated stormwater management. Proposed OCP Policy 7.23 will also require the use of stormwater management initiatives.
- Request for addition of policies addressing development and infrastructure in a Winter City. Weather considerations are already included in the asset management and snow and ice control policies in the proposed OCP (policies 11.14, 12.18 and 12.20-12.22). Proposed OCP idea for action 13 (Winter City Strategy) may include opportunities for reviewing or establishing winter design guidelines for private development. Idea for action 58 proposed that the City continue to review and under winter transportation network maintenance practices and policies.
- Comments around parking, including reducing public parking in the Downtown, increasing parking in the Downtown and increasing parking requirements for private development. Proposed OCP policies 8.34i, 15.9.6, and idea for action 38 address parking. On-site parking requirements would be further reviewed in the Zoning Bylaw update, following the OCP review.
- Request for policies that favour a compact built form. Proposed OCP policy 8.1 states that development will be compact to ensure existing public services are used efficiently, transportation impacts are minimized, wilderness spaces are preserved for as long as possible, and neighbourhoods are more walkable. Other policies throughout the proposed OCP, particularly in section 8, support compact development (e.g. policy 8.37).
- Request for policies that ensure developers are responsible for the construction, installation, and oversizing of infrastructure. Proposed OCP policies 13.24-13.27 address the costs of development and developers will pay the appropriate share of new development infrastructure.
- South Growth Area: Concerns with urban sprawl and planning for growth that may not be needed. Planning is needed to ensure that supply does not fall behind demand.
- Improve links between OCP and 5-year capital budget planning. This is already captured under the proposed OCP asset management policies (12.17 to 12.19).
- Request that the proposed OCP discuss implications of economic leakage or dependence on the resource sector. Economic Leakage refers to money not being captured within a local economy and it is being spent outside of the local economy. Determining whether or not economic leakage or dependence on the resource sector are issues for Whitehorse, and how the issues could be addressed, is better suited to the forthcoming Economic Development Strategy.

- Concerns that the proposed OCP has no policies for the City to support lot enlargements in industrial areas, where appropriate (Commercial and Industrial Land Study recommendation # 24). A policy to capture this recommendation is already proposed in the proposed OCP (policy 16.13.ii).
- Concerns that the proposed OCP does not quantify the growth projection for the emerging sectors that will create a “diverse economy” in Whitehorse. Such numbers will change over the lifetime of the plan and are therefore not recommended to be added.
- Concerns by the lack of policies to support local business and the local economy. Proposed OCP Policies 10.2 through 10.10 are all aimed at supporting local businesses and the local economy.
- Concerns about a lack of firm plans to adequately supply commercial and industrial lands. The proposed OCP land use designations that will allow for the provision of commercial and industrial land use requirement to 2040 and beyond. The release of land is assisted by support from the OCP, but the ultimate decision to release these lands for commercial and industrial use is up to landowners and not something the proposed OCP can control. However, proposed OCP 10.15 states the City will work cooperatively with YG to advance development of commercial and industrial lands.
- Review of YESAA current and future processes. This does not belong in an OCP.
- Commit to adopting an access to information bylaw for the City. This is not an OCP-related issue.
- Discuss impacts of population growth within Whitehorse. This is considered throughout the proposed OCP.

**Housekeeping Changes**

The table that follows are housekeeping amendments that Administration recommends.

<b>Change</b>	<b>Type of Change</b>
Table of content <ul style="list-style-type: none"> <li>• Update to reflect changes.</li> </ul>	Document update
Photo credit for Section 2.1 header. <ul style="list-style-type: none"> <li>• Credit to Yukon Archives Fund, not the City of Whitehorse.</li> </ul>	Correction
Section 2.1.2, 4 <sup>th</sup> paragraph, page 9. <ul style="list-style-type: none"> <li>• Replace “Downtown Whitehorse has an estimated 6,500 employees” with “As of early 2020, Downtown Whitehorse had an estimated 7,000 employees”</li> </ul>	Correction
Section 2.3.2, 1 <sup>st</sup> paragraph, 2 <sup>nd</sup> sentence. <ul style="list-style-type: none"> <li>• Replace “has” by “as”</li> </ul>	Grammar
Policy 4.6.	Clarity

<ul style="list-style-type: none"> <li>• Add “truth and” before reconciliation</li> </ul>	
<p>Policy 5.1</p> <ul style="list-style-type: none"> <li>• Add a comma before “and the Government of Yukon”</li> </ul>	Grammar
<p>Replace policy 5.2 with the following text:</p> <ul style="list-style-type: none"> <li>• The City will protect Municipal Historic Sites, as guided by the Heritage Resources Act and the Heritage Bylaw.”</li> </ul>	Clarity
<p>Policy 5.9: update as follows:</p> <ul style="list-style-type: none"> <li>• Development that enhances opportunities to enjoy Whitehorse’s natural areas, <b>Schwatka Lake</b> and the Yukon River, including trails or other infrastructure, will be encouraged.</li> </ul>	Clarity
<p>Policy 6.2:</p> <ul style="list-style-type: none"> <li>• Remove “and sustainability”</li> </ul>	Clarity
<p>Update the second to last sentence of the overview of section 7 – Environmental Stewardship so that it reads as follows:</p> <ul style="list-style-type: none"> <li>• Since 2010, the City has obtained its municipal water only from the Riverdale Aquifer via a system of wells, <b>however, Schwatka Lake continues to be reserved as the City’s secondary water source.</b></li> </ul>	Clarity
<p>Update policy 7.11 so that it reads as follows:</p> <ul style="list-style-type: none"> <li>• The Riparian Setback may be increased for areas identified in environmental studies as have high capability for wildlife habitat, or due to <b>erosion or</b> potential flood risks</li> </ul>	Clarity
<p>Update policy 7.18 as follows:</p> <ul style="list-style-type: none"> <li>• All development, including building, grading, and tree harvesting, will be prohibited on slopes that exceed 30% (3.3 horizontal to 1 vertical). <b>The only exceptions will be for critical infrastructure, trails, and viewpoints, as illustrated on Figure 7 Illustration of Escarpment Setbacks, provided that, unless</b> a professional geotechnical assessment, accepted by the City Engineer, can demonstrate reasonably safe conditions.</li> </ul>	Correction
<p>Update policy 7.19 as follows:</p> <ul style="list-style-type: none"> <li>• All new development will be setback a minimum of 15 metres or 1.25 metres <del>x</del> <b>multiplied by</b> the height of slope, whichever is greater, from the top <del>or</del> bottom bank of any <del>escarpment</del> <del>with a slope over 30%, as illustrated on Figure 7 -</del> <b>Illustration of Escarpment Setbacks.</b> The only exceptions will be for critical infrastructure, trails, and viewpoints, <del>as illustrated on Figure 7 Illustration of Escarpment Setbacks.</del></li> </ul>	Clarity
<p>Section 9 – Housing, Overview, second paragraph</p> <ul style="list-style-type: none"> <li>• Take out: “Although the City does not directly provide housing, the” and replace with “The”</li> </ul>	Clarity
<p>Section 9 - Housing, Residential Growth Strategy</p> <ul style="list-style-type: none"> <li>• As illustrated in Figure 10 Capacity to Accommodate Residential Growth, it is estimated that the Urban</li> </ul>	Clarity

<p>Containment Boundary, excluding the South Growth Area, has the capacity to accommodate the city’s projected high growth requirement to 2040.</p> <p>Figure 10:</p> <ul style="list-style-type: none"> <li>• Replace “Whistle Bend” by “Greenfield Neighbourhoods”</li> </ul>	
<p>Update policy 9.5 as follows:</p> <ul style="list-style-type: none"> <li>• The City is committed to supporting the development of various rental housing <del>options</del> <b>types</b>, as a means of increasing affordability and expanding the range of housing types in Whitehorse.</li> </ul>	Clarity
<p>Policy 9.7</p> <ul style="list-style-type: none"> <li>• Replace “Single and multi-family housing forms” with “various housing types”.</li> </ul>	Clarity
<p>Policy 9.11</p> <ul style="list-style-type: none"> <li>• Replace “high cost of infrastructure required (e.g., likely over \$550M for either the North or South Growth Area)” with “high cost of capital and operational required (e.g., likely over \$550M capital costs for either the North or South Growth Area)</li> </ul>	Clarity
<p>Notable Residential Land Development Opportunities header and policy 9.12</p> <ul style="list-style-type: none"> <li>• Remove “Notable Residential Land Development Opportunities” header and preamble paragraph.</li> <li>• Remove policy 9.12 as this is already covered under the proposed OCP’s Master Planning requirements (Policies 13.21-13.23).</li> </ul> <p>Whistle Bend header to policy 9.17</p> <ul style="list-style-type: none"> <li>• Move to section 15.18 and renumber accordingly.</li> </ul> <p>Policy 9.11, South Growth Area header to policy 9.22</p> <ul style="list-style-type: none"> <li>• Move to section 15.18 and renumber accordingly.</li> <li>• Move policy 9.11 so that it follows proposed OCP policy 9.20 (which is also moved to 15.8.</li> </ul>	Document Structure Improvements / Removal of duplicate policy
<p>First Nations Settlement Lands header to Policy 9.13</p> <ul style="list-style-type: none"> <li>• Move to Section 14 – First Nations Settlement Lands, directly under the section header. Renumber policy 9.13 and new policy 14.1 and renumber other policies accordingly.</li> </ul>	Document Structure Improvements
<p>Take out the last sentence in the Whistle Bend preamble (before policy 9.14).</p>	Clarity
<p>Update policy 9.15 (i) as shown:</p> <ul style="list-style-type: none"> <li>• Policy 9.15.i The Urban Centre location shown in the Valleyview South Development Area is intended to be approximate <b>and will be refined</b> <del>with detailed boundaries of the Urban Centre defined</del> through a future Master Plan for the area.</li> </ul>	Clarity

<p>Kwanlin Dün McIntyre Subdivision and Crow and Swan Streets header to Policy 9.18 (page 52)                  Move to Section 14, following historical submissions policy.</p>	<p>Document Structure Improvements</p>
<p>Policy 9.23</p> <ul style="list-style-type: none"> <li>Remove “is selected” after “North Growth Area”</li> </ul>	<p>Grammar</p>
<p>North Growth Area Header to Section 9.26 (page 53)</p> <ul style="list-style-type: none"> <li>Move to Section 15.4.</li> </ul>	<p>Document Structure Improvements</p>
<p>Policy 10.15</p> <ul style="list-style-type: none"> <li>Remove “and” after “The City”.</li> </ul>	<p>Grammar</p>
<p>Preamble under the header “Aerodromes” (sections 11.28-11.30). Update as shown:</p> <p>The Erik Nielsen Whitehorse International Airport, Schwatka Lake Water Aerodrome, and Cousins aerodrome. <b>Airstrips are</b> all owned by the Government of Yukon, located within the city boundary, and are federally-regulated. The aviation industry is critical for the Yukon. In addition to supporting the tourism and mining sectors, many people and goods are transported via aircraft through Whitehorse. # Aviation also provides emergency response for medical transport, RCMP support, and during emergencies such as wildfire suppression. The City acknowledges the role that aviation plays in supporting the territory’s well-being.</p>	<p>Grammar / Clarity</p>
<p>Policy 15.1 – Agriculture. Update as shown:</p> <ul style="list-style-type: none"> <li><b>The Agriculture land use designation is</b> intended to support local food production by accommodating agriculture and associated uses. While Whitehorse does not have the climatic conditions <b>or industries to support a complete reliance</b> on locally produced food, urban agriculture can bring many benefits to the community, including strengthening the local economy; advancing education about food systems; encouraging entrepreneurship; enhancing connectivity to the land, nature, and culture; and increasing sustainability. <b>By providing space for community gardens or greenhouses, and allowing other non-soil based agriculture such as backyard chickens or apiaries, residents can offset the cost of importing the majority of their food base. Promoting local food production and supporting local farms market also helps to diversify and strengthen the local economy.</b></li> </ul> <p>The Government of Yukon <b>has the primary responsibility</b> for administering agriculture in the <del>Yukon</del> territory. <b>The City supports local food production through land administration, leases to gardening associations, grants for sustainability projects, and by producing agriculture-grade compost at the municipal organics facility.</b></p>	<p>Clarity</p>

<ul style="list-style-type: none"> <li>Remove subpolicy 15.9.7 (i) and renumber subsequent subpolicy accordingly.</li> </ul>	Clarity
<p>Update policy 15.9.7 (ii) to remove the following bullets:</p> <ul style="list-style-type: none"> <li>Proposed approach to accommodating parking requirements;</li> <li>Architectural design of the building</li> <li>Update policy 15.9.7 (ii) to take out the word “inside” after “proposed amenity spaces” on the second bullet</li> </ul>	
<p>Update policy 15.9.7 (ii) to replace the term “taller buildings” by “buildings taller than 25 metres”</p>	Clarity
<p>Update policy 15.13.7:                  Replace typo. Should read “completed”, not “competed”</p>	Grammar
<p>Update policy 15.14.3:                  Aviation and aviation-related uses will be encouraged to locate on or near the Erik Nielsen Whitehorse International Airport <b>and Cousins Aerodrome</b> to create convenient nodes for aviation-related activity.</p>	Correction
<p>Policy 15.17 preamble (Old Town)</p> <ul style="list-style-type: none"> <li>Replace typo, last sentence. Should read “a historical character”</li> </ul>	Grammar
<p>Policy 16.12</p> <ul style="list-style-type: none"> <li>Replace “process” by “processes”</li> </ul>	Grammar
<p>Add a definition of “Municipal Historic Site” to the glossary that is consistent with the City’s Heritage Bylaw to the Glossary, to read:</p> <ul style="list-style-type: none"> <li>Municipal Heritage Site: As described by the City of Whitehorse Heritage Bylaw, as amended or updated, an area or place, parcel of land, building or structure, or the exterior or interior portion of a building or structure that is by itself, or by reason of containing a heritage resource, designated by Council as Municipal Historic Site (2002-10).”</li> </ul>	Clarity
<p>“Truth and Reconciliation Committee”</p> <ul style="list-style-type: none"> <li>Replace the word “Committee” by “Commission”, where referenced</li> </ul>	Correction
<p>“Float plane”</p> <ul style="list-style-type: none"> <li>Replace with “float plane”</li> </ul>	Grammar
<p>Chasàn Chùà</p> <ul style="list-style-type: none"> <li>Add this term throughout the document, where the term “McIntyre Creek” is used</li> </ul>	Clarity
<p>Map 5</p> <ul style="list-style-type: none"> <li>Change the designation north of Cousins Airstrip back to Country Residential designation (same as 2010 OCP)</li> </ul>	Correction
<p>Ideas for action 35 &amp; 36</p> <ul style="list-style-type: none"> <li>Eliminate idea for action 35 as it is captured under idea # 36</li> <li>Idea for action 36: Take out the work “criteria” before “selected areas”</li> </ul>	Grammar / Removal of duplicate policy

## **Second Public Hearing**

Whitehorse 2040 OCP is a complete review and rewrite of the 2010 OCP. Through the public hearing process policy adjustments can be made to address comments heard at the hearing. Council has the authority to direct a second Public Hearing. In Administration's opinion the recommended changes in this report do not merit a second public hearing as changes address feedback heard at the hearing and either clarify or mitigate concerns heard, or provide an alternative solution to achieve the proposed Plan's policy direction.

## **ADMINISTRATIVE RECOMMENDATION**

THAT Council direct that the proposed "Whitehorse 2040: Official Community Plan" be amended in accordance with the Administrative Recommendations detailed in the Administrative Report dated October 3, 2022; and

THAT Council direct that Bylaw 2022-40, a bylaw to adopt the 2022 Official Community Plan, "Whitehorse 2040" be brought forward for second reading under the bylaw process.