

From: [James Ross](#)
To: [Public Input](#)
Subject: Re: Ta'an Proposed Development, Birch Street
Date: Tuesday, October 11, 2022 10:52:17 AM
Attachments: [Ta'an Development Birch Street .pdf](#)

Let me know if you can read the PDF

On Tue, Oct 11, 2022 at 10:27 AM James Ross [REDACTED] wrote:

Good Day,

Please see the attached letter OPPOSING the proposed Ta'an development at Birch St, Whitehorse.

Sincerely

James Ross

Representing:

43926 Yukon Inc.
DBA Trails North Car and Truck Stop

October 11, 2022

TO: THE CITY OF WHITEHORSE

Re: Proposed Development, Ta'an Kwach'an Council, Porter Creek

To Whom it May Concern,

Regarding the proposed development on Birch Street by the Ta'an Council (TN), Trails North Car and Truck Stop (TRAILS) is OPPOSED to the development.

TRAILS has been in operation for over 50 years. The road access to the commercial property has not changed during this time. TRAILS has 2 highway access points to the property. The proposed development will potentially eliminate one of these access points and this will result in material harm to the TRAILS.

YTG has previously proposed a frontage road spanning from Birch Street to Kulan Road. Although an inconvenience to TRAILS, this was not expected to have a material impact to TRAILS as access to the property remained intact at a north and south access point. TN is seeking to have the business frontage road changed which would result in a single access point to TRAILS. This is simply not suitable to TRAILS.

The scope of this hearing regards the development itself and not the roadway access. However, as parcel to the application, TN has approached YTG and the City of Whitehorse. In this approach, they have worked behind the scenes to offer change to the frontage road. TRAILS was never consulted as part of the proposed change to the frontage road. Trails has made several requests to meet with Ta'an, the City, and YTG. TRAILS has been granted an audience with junior employees only at YTG. At no time did the City of Whitehorse, Ta'an, or senior level employees at YTG commit to meet with representatives of TRAILS.

Regarding the City, TRAILS pays its annual property taxes with the added benefit of a water tax applied. TRAILS is not connected to City water or sewer services nor is there an access point that is cost effective for TRAILS. TRAILS relies on water delivery and septic to conduct its business at a significant cost to TRAILS. In effect, TRAILS pays the City for water and sewer services but does not have the services of water or sewer to the property. Should this development be approved and proceed, TRAILS would expect that water services be brought to the property line with a volume suitable for 80 residential units.

TRAILS is located on prime land in Porter Creek. The property enjoys notable mountain views, proximity to a range of service including retail, transportation, and green space access, as well as easy access to the downtown. The property is a prime location for residential redevelopment in order to help with the needs of the local housing crisis.

Should the TN development proceed, the viability of a redevelopment of this property shall be negatively impacted.

Initially, the TN development was proposed as a low-cost housing development. It was only in a recent letter that TRAILS was informed that the development may or may not include provisions for mobile homes on the property. TRAILS remains committed that a mobile home

park is not the best use of the property concerning the development. TRAILS was initially informed that the development was for low-cost single family dwellings, not mobile homes.

In summary, TRAILS remains opposed for these reasons:

1. A complete lack of consult with the the owner of TRAILS
2. A long term negative material impact to TRAILS as a commercial enterprise
3. YTG proposes a business frontage road that maintains north and south access to TRAILS. This development proposal changes this assumption.
4. The proposed development will effect the viability of TRAILS
5. The development shall impact future use potential of the TRAILS lands. Future development may include residential, commercial, or a mixed use model. Without adequate access to the property, redevelopment would be limited and would not meet the long term needs of the City in terms of growth, housing needs or services for visitors.
6. This proposal includes the involvement of 3 levels of government. TRAILS does not have the time or resources to challenge, participate, or cooperate with 3 levels of government. TRAILS has been specifically excluded from discussions concerning this proposal from all 3 levels.
7. TN has proposed the inclusion of mobile homes in the development. TN has not indicated if the the development is intended to be exclusively a mobile home park or a mix of Single Family Dwellings and mobile homes or mobile homes entirely. TRAILS cannot consent to a development that lacks detail on specificity of the rezoning.

The proposal has been entirely unfair to TRAILS and we assume that this development proposal has not been effectively communicated to local residents. At no time was the owner approached by Ta'an, the City, or senior agents of YTG.

Should this proposal pass with Councils consent, TRAILS reserves the right to seek legal representation in this matter. Material loss and the impact to future value of the property are certainly defined by precedent as grounds to litigate. Should the development include the construction of water and sewer access points to the property line at TRAILS, this may or may not mitigate legal challenges. Given that TRAILS already pays the tax for water and sewer to the city, it is the opinion of TRAILS that, should the development be approved, water and sewer should be brought to the property line at TRAILS with no cost to TRAILS whatsoever. The water and sewer would need to be adequate to support residential use of 80 individual dwellings. Further, adequate physical barriers such as fencing should be required.

Sincerely,

James E. Ross

Representing 43972 Yukon Inc.

DBA: Trails North Car and Truck Stop