

## **ADMINISTRATIVE REPORT**

<b>TO:</b> Planning Committee
<b>FROM:</b> Administration
<b>DATE:</b> November 7, 2022
<b>RE:</b> Public Hearing Report – Zoning Amendment – TKC Parcel C-9B

### **ISSUE**

Public Hearing Report on a bylaw 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.

### **REFERENCES**

- [2002 Ta'an Kwäch'än Council Final Agreement](#)
- [2020 WSP Planning & Preliminary Engineering Design Report for Whistle Bend Future Areas & Town Square](#)
- [2010 Official Community Plan](#)
- [2020 City of Whitehorse Servicing Standards Manual](#)
- [2015 National Building Code of Canada](#)
- [Zoning Bylaw 2012-20](#)
- Proposed Zoning Amendment Bylaw 2022-35

### **HISTORY**

TKC has applied to rezone a portion of TKC Settlement Land Parcel C-9B from FP – Future Planning to RCT – Comprehensive Residential Townhouses. TKC parcel C-9B is located in Whistle Bend and accounts for 44 per cent of Future Area B. The proposed rezoning is for a portion of the parcel, approximately 1.0 hectare in area, which will result in approximately 24 townhouses.

Bylaw 2022-35 received First Reading on September 12, 2022. Public Hearing notifications were sent out in accordance with the Zoning Bylaw 2012-20, including:

- Newspaper advertisements were posted in the Whitehorse Star and Yukon News on September 16 and September 23, 2022;
- Email notifications were sent to the Government of Yukon Land Management Branch, Kwanlin Dün First Nation, and TKC;
- Mail notifications were sent to property owners within 100 metres of the subject site; and
- A notice sign was placed on the subject site.

A public hearing for this item was held on October 11, 2022. Two written submissions were received, one in opposition and one with concerns. The proponent also spoke to the item at the public hearing.

## **ALTERNATIVES**

1. Proceed with the second and third readings under the bylaw process; or
2. Do not proceed with the second and third readings.

## **ANALYSIS**

The following matters were raised in the public input submissions:

- Housing priority for TKC citizens and for people of all levels of income;
- Traffic congestion in Whistle Bend;
- Trails and greenspace are being taken away;
- Proximity of the proposed development will pollute the Yukon River; and
- The number of proposed townhouses will pose a fire hazard.

### **Housing priority for TKC citizens and for people of all levels of income**

The proponent spoke at the Public Hearing and clarified the purpose of their application and proposed development.

The proponent clarified that they seek to provide housing for TKC citizens as a priority, but that they will potentially house other members of the community once TKC citizens' needs are met. The proposed development is therefore not solely for TKC citizens. The proposed development is also not reserved for just one level of income.

### **Traffic congestion in Whistle Bend**

A respondent noted that traffic congestion already exists in Whistle Bend and that additional housing will further contribute to the issue.

Traffic congestion within the overall Whistle Bend neighborhood is being examined through the Transportation Master Plan currently being developed which will address long-term transportation issues, both current and anticipated, across the City.

TKC parcel C-9B was included in the Whistle Bend neighbourhood since the initial planning of the area began in 2006. The subject site is designated as Residential – Urban in the Official Community Plan and therefore a residential development is anticipated to occur in this location. Notwithstanding this, the proposed development will result in 24 additional units and is not anticipated to result in significant increases to traffic within the overall Whistle Bend neighborhood.

### **Trails and greenspace are being taken away**

Two respondents noted that access to trails on the subject site would be lost with the proposed development.

TKC selected the subject parcel as part of the 2002 TKC Final Agreement and retains rights to manage the use and occupation of its Settlement Land. Any trails that exist on the subject parcel are informal and were not authorized by TKC. TKC is not obligated to maintain public access to them.

The area north of TKC parcel C-9B is, however, anticipated to be designated as greenspace. Future Area B was designed to contribute 16.0 hectares of greenbelt and park space to the overall greenspace network in Whistle Bend, in addition to that which

may be provided on TKC parcel C-9B. The proposed TKC development will therefore not impact the implementation of the proposed greenbelt and park space areas intended for the area north of the subject site.

**Proposed development will pollute the Yukon River**

A respondent noted that the proximity of the proposed development to the Yukon River would pollute it.

The proposed development is not anticipated to result in any contamination of the river due to it being more than 600 metres away from the water body. In addition, greenspace is proposed between the subject site and the river which will assist in filtering any contaminant run-offs. It is also noted that other Whistle Bend areas are far closer to the river than the proposed development.

The final design of the proposed development will also be refined through detailed engineering and will be required to meet site drainage standards.

**The number of proposed townhouses will pose a fire hazard**

A respondent commented that having so many townhouses on one street poses a fire hazard.

Fire hazards posed by buildings are managed by the National Building Code and National Fire Code. These codes address the structural protection of buildings from fire and the operation and maintenance of fire protection measures in buildings. The implementation of the City of Whitehorse Servicing Standards Manual also mitigates the impacts of fire hazards by specifying the maximum allowable spacing between fire hydrants for each zoning type as well as minimum fire flows. The final design of the proposed development will be refined through detailed engineering and will be required to meet all fire protection standards.

It is noted that the proposed development is similar to other townhouse developments already existing in Whistle Bend, such as along Olive May way. The development will need to comply with the requirements of the RCT zone, including setbacks and maximum site coverages, just as any other development.

**ADMINISTRATIVE RECOMMENDATION**

THAT Council direct that Bylaw 2022-35, a bylaw to amend the zoning of a portion of TKC Settlement Land Parcel C-9B from FP – Future Planning to RCT – Comprehensive Residential Townhouses, be brought forward for second and third reading under the bylaw process.