

ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: April 17, 2023
RE: Public Hearing Report – Lots 55 and 335, Mount Sima Industrial Subdivision

ISSUE

Public Hearing Report on a bylaw to amend the zoning of a portion of Lot 55 and the entirety of Lot 335, located in the Mount Sima Industrial Subdivision, from FP – Future Planning to IS – Industrial Service and PG – Greenbelt, to enable the release of a lot for industrial use.

REFERENCES

- [Location Map](#) (Attachment 1)
- [Proposed Zoning Bylaw Amendment 2023-11](#) (Attachment 2)
- [Zoning Bylaw 2012-20](#)
- 2013 Development Permit Grading and Drainage Plan – Lot 20, Mount Sima Industrial Subdivision

HISTORY

The applicant has applied to amend the zoning of a portion of Lot 55 and the entirety of Lot 335 in the Mount Sima Industrial Subdivision (Mt. Sima). The lots are currently zoned FP – Future Planning and the application is to rezone them in part to IS – Industrial Service and PG – Greenbelt.

If the rezoning is approved, the boundaries of Lots 55 and 335 will be adjusted through a subsequent subdivision application to enable the release of a revised 1.41 hectare lot for future industrial development. A Right-of-Way (ROW) parcel will also be created to provide access to the future industrial lot. Lot 335 will include the remainder of the area and is not anticipated to be sold.

Bylaw 2023-11 received First Reading on February 27, 2023. 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 March 3 and March 20, 2023;
- Email notifications were sent to the Government of Yukon Land Management Branch, Kwanlin Dün First Nation, and Ta'an Kwäch'än Council;
- Mail notifications were sent to property owners within 1 km of the subject site; and
- A notice sign was placed on the subject site.

A Public Hearing for this item was held on March 27, 2023. Written submissions from one member of the public were received, expressing concern. The same member of the public spoke at the hearing, reiterating their concern. No one else spoke 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

An adjacent lot owner (Lot 20, Mt. Sima Industrial Subdivision) is concerned that their existing lot drains onto the area subject to rezoning. The City previously approved the drainage plan for Lot 20 as part of a development permit which included the current grading and drainage design.

It is the responsibility of each lot owner to ensure their stormwater runoff is not directed onto adjacent privately held property. However, in this case, the adjacent property is publicly owned, which is considered an allowable discharge location when assessing development permit applications.

The proposed rezoning anticipates the creation of a new lot that will potentially receive stormwater runoff from Lot 20. The City has notified the applicant of this issue, and it will be the responsibility of the applicant (or any prospective buyer) to remedy the drainage issue at the subdivision or development permit stage of development. The owner of Lot 20 is not responsible to rectify this issue.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2023-11, a bylaw to amend the zoning of a portion of Lot 55 and the entirety of Lot 335, from FP – Future Planning to IS – Service Industrial and PG – Greenbelt, be brought forward for Second and Third Reading under the bylaw process.