

# **CITY OF WHITEHORSE – STANDING COMMITTEES**

Monday, April 17, 2023 – 5:30 p.m.

Council Chambers, City Hall

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## **CALL TO ORDER**

## **ADOPTION OF AGENDA**

**PROCLAMATIONS**      2023 Earth Day (April 22)

**DELEGATIONS**      Territorial Resiliency – Florian Boulais

## **COMMUNITY SERVICES COMMITTEE**

1. New Business

## **PUBLIC HEALTH AND SAFETY COMMITTEE**

1. New Business

## **CORPORATE SERVICES COMMITTEE**

1. Budget Amendment – Transfer Station Upgrades
2. Upcoming Procurements (May and June) – For Information Only
3. Housing and Land Development Advisory Committee – Appointments
4. Association of Yukon Communities AGM Council Travel
5. New Business

## **CITY PLANNING COMMITTEE**

1. Zoning Amendment – Lot 55, Mount Sima Industrial Subdivision
2. New Business

## **DEVELOPMENT SERVICES COMMITTEE**

1. Road Closure Bylaw – 2023 Main Street Town Square
2. Lease, Encroachment and Property Use Policy Amendments
3. Encroachment Agreement Bylaw Approval, 308 Steele Street
4. New Business

## **CITY OPERATIONS COMMITTEE**

1. New Business



## **PROCLAMATION**

### **EARTH DAY – April 22, 2023**

WHEREAS the City of Whitehorse has a long tradition of environmental sustainability and stewardship, and has demonstrated a commitment to the environment through a variety of initiatives in addition to the promotion of environmental awareness and education; and

WHEREAS the City of Whitehorse officially declared a Climate Change Emergency on September 23<sup>rd</sup>, 2019; and

WHEREAS it is the responsibility of each of us to safeguard the environment; and

WHEREAS Earth Day is a time to celebrate and inspire environmental awareness, and also to encourage the conservation, protection, and appreciation of our natural resources;

NOW THEREFORE I, Mayor Laura Cabott, do hereby proclaim April 22, 2023 to be ***Earth Day*** in the City of Whitehorse;

Laura Cabott  
Mayor

**CITY OF WHITEHORSE**  
**COMMUNITY SERVICES COMMITTEE**  
**Council Chambers, City Hall**



**Chair:** Michelle Friesen

**Vice-Chair:** Kirk Cameron

April 17, 2023

Meeting #2023-08

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1. New Business

**CITY OF WHITEHORSE**  
**PUBLIC HEALTH AND SAFETY COMMITTEE**  
**Council Chambers, City Hall**



**Chair:** Jocelyn Curteanu

**Vice-Chair:** Mellisa Murray

April 17, 2023

Meeting #2023-08

- 
1. New Business



**CITY OF WHITEHORSE**  
**CORPORATE SERVICES COMMITTEE**  
**Council Chambers, City Hall**



**Chair:** Kirk Cameron

**Vice-Chair:** Ted Laking

April 17, 2023

Meeting #2023-08

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1. Budget Amendment – Transfer Station Upgrades  
Presented by Ira Webb, Manager, Waste Services
  2. Upcoming Procurements (May and June) for Information Only  
Presented by Svetlana Erickson, Manager, Financial Services
  3. Housing and Land Development Advisory Committee – Appointments  
Presented by Mike Gau, Director of Development Services
  4. Association of Yukon Communities AGM Council Travel  
Presented by Lindsay Schneider, Director of People and Culture
  5. New Business

## **ADMINISTRATIVE REPORT**

<b>TO:</b>	Corporate Services Committee
<b>FROM:</b>	Administration
<b>DATE:</b>	April 17, 2023
<b>RE:</b>	Budget Amendment – Transfer Station Upgrades

### **ISSUE**

Administration is requesting a \$2,200,000 budget amendment to the 2023 Capital Expenditure Program for Project 650c00819 Transfer Station Upgrades Project, now that ICIP funding has been approved.

### **REFERENCE**

- Bylaw 2020-36 2021-2024 Capital Expenditure Program
- Bylaw 2022-41 2023-2026 Capital Expenditure Program
- Appendix A – Proposed Bylaw 2023-17

### **HISTORY**

The purpose of the Transfer Station Upgrades project is to improve user safety, enhance revenue opportunities and improve daily operational effectiveness. The project was initially split into two separate construction projects that were approved by Council in the 2021-2024 Capital Expenditure Program. The intent was to complete the first phase of the \$750,000 project funded through the Canada Community Building Fund (CCBF) and the second phase of the \$2,200,000 project through the Investing in Canada Infrastructure Program (ICIP).

A CCBF project in the amount of \$750,000 was approved on July 30, 2021, and this portion of the project was moved to Appendix A of the Capital Budget. Delays in the approval of the \$2,200,000 in ICIP funding resulted in the budget amount not being moved into Appendix A in 2022 and not being carried forward to the 2023 budget.

### **ALTERNATIVES**

1. Amend the 2023 Capital Budget to add \$2,200,000 to Project #650c00819 for Transfer Station Upgrades now that the ICIP funding is in place; or
2. Refer the matter back to Administration for further analysis.

### **ANALYSIS**

The City's Waste Management Facility is a key component of the City's waste management infrastructure and requires upgrades to address safety issues and operational deficiencies. This project was originally planned in two separate phases in order to account for potential delays in ICIP approval and to allow the project to commence sooner. CCBF funding was approved to cover installation of fibre optic cable and a new weigh scale, as these were seen as the priority items for the project. Remaining design and upgrades were intended to be funded by ICIP. These upgrades include public safety protections and expanded collection area. Specific components of

this portion of the work include fall protections, concrete pads and barriers, signage, grading and altered traffic flow, as well as upgraded storage for hazardous wastes. An expanded collection area for metals and tires is also planned to increase operational efficiency and mitigate environmental risks associated with current material stockpiles.

In an effort to free up CCBF funding for other priority projects, Administration coordinated with Yukon Government Infrastructure Development to have the CCBF portion of the project moved under ICIP funding. In order to continue work on the project now that ICIP funding is approved, a budget amendment is required to authorize the \$2,200,000 originally approved in the 2022 Capital Budget. There are no changes to the total amount of the project since initial approval in 2021. The entire project budget of \$2,950,000 will be funded by ICIP upon receipt of the signed TPA, expected this month.

This project in its entirety has been previously approved by Council in prior year's Capital Budgets. This project is also within the Top 20 Infrastructure Projects for ICIP Funding submitted by the City of Whitehorse to Yukon Government at various intervals over the past five years.

#### **ADMINISTRATIVE RECOMMENDATION**

THAT the 2023 to 2026 Capital Expenditure Program be amended by increasing the 2023 budget for project number 650c00819 – Transfer Station Upgrades in the amount of \$2,200,000, funded by the Investing in Canada Infrastructure Program.

## **CITY OF WHITEHORSE**

### **BYLAW 2023-17**

A bylaw to amend the 2023 to 2026 Capital Expenditure Program Bylaw 2022-41

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WHEREAS Section 238 of the *Municipal Act* (R.S.Y. 2002) provides that Council shall by bylaw adopt an Annual Operating Budget and a multi-year Capital Expenditure Program; and

WHEREAS Section 241 of the *Municipal Act* provides that no expenditure shall be made which increases total expenditures above what was approved in the Annual Operating Budget or the Capital Budget unless such expenditure is approved by bylaw; and

WHEREAS it has become necessary to increase the 2023 Capital Budget to provide for funding approved associated with the Transfer Station Upgrades; and

NOW THEREFORE the Council of the Municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. The 2023 to 2026 Capital Expenditure Program is hereby amended by increasing the 2023 Capital Budget in the amount of \$2,200,000 to provide for the funding approved for the Transfer Station Upgrades.
2. This bylaw shall come into full force and effect upon final passing thereof.

**FIRST and SECOND READING:**

**THIRD READING and ADOPTION:**

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Laura Cabott, Mayor

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Wendy Donnithorne, City Clerk

## **ADMINISTRATIVE REPORT**

<b>TO:</b>	Corporate Services Committee
<b>FROM:</b>	Administration
<b>DATE:</b>	April 17, 2023
<b>RE:</b>	Upcoming Procurements – For Information Only

### **ISSUE**

Bi-monthly update on forthcoming procurement projects with an anticipated value greater than \$100,000.

### **REFERENCE**

- [Procurement Policy 2020-03](#)
- Appendix A – Upcoming Procurement Projects Information Report

### **HISTORY**

In accordance with the Procurement Policy, a list of forthcoming procurements with an anticipated value greater than \$100,000 must be provided to Council on a bi-monthly basis.

### **ANALYSIS**

Managers have been asked to review their Capital Projects and operating requirements and to provide information on their anticipated procurements over \$100,000 for the period of May and June 2023. The information as compiled by the Financial Services department is attached as Appendix A.

## Report Number 2023-03

**Purpose:** To provide Council with a bi-monthly update on forthcoming procurement projects with an anticipated value greater than \$100,000. All forthcoming procurements are subject to budget and/or rebudget authorization.

No	Department	Project Title	Brief Description	Budget (Operating / Capital)	Commencement Report Required (No/Yes + reason)	Anticipated Procurement Posting Date
1	Fleet & Transportation Maintenance	Three (3) One Ton Service Trucks	Supply and delivery of three (3) one ton service trucks for the Water & Waste Services department	#320c01422, #320c01522, #500c00823	No, Project value <\$500k	May 1, 2023
2	Fleet & Transportation Maintenance	Additional Loader Snowblower	Supply and delivery of one additional loader snowblower	#320c00217	No, Project value <\$500k	May 1, 2023
3	Property Management	Whitehorse Operations Building Heating (WOB) System Improvement	Mechanical services to improve the energy efficiency of WOB's heating system	#320c01810	No, Project value <\$500k	May 1, 2023
4	Water and Waste Services	Water Meter Reading System	Supply and Installation of Water Meter Reading System	#650c00322	No, Project value <\$500k	April 25, 2023
5	Water and Waste Services	Livingstone Trail Environmental Control Facility (LTECF) Dry Sludge Disposal	Contracting services for the transfer of dried boisolids for disposal	#650c00321	No, Project value <\$500k	April 25, 2023

## **ADMINISTRATIVE REPORT**

<b>TO:</b>	Corporate Services Committee
<b>FROM:</b>	Administration
<b>DATE:</b>	April 17, 2023
<b>RE:</b>	Housing and Land Development Advisory Committee - Appointments

### **ISSUE**

Housing and Land Development Advisory Committee (HLDAC) member appointments.

### **REFERENCE**

- [Advisory Committee Bylaw](#)
- Council Resolution 2022-27-04

### **HISTORY**

Advisory Committee members are formally appointed by Council for a two-year term, aligned with the term of the Committee under the Advisory Committee Bylaw. Tiffany Eckert-Maret was initially appointed as the representative for Ta'an Kwächän Council through Council Resolution 2022-27-04. Ta'an Kwächän Council has confirmed the resignation of Tiffany Eckert-Maret, and proposed Natalie Leclerc be appointed to the Committee.

### **ALTERNATIVES**

1. That Council revoke the appointment of Tiffany Eckert-Maret and appoint Natalie Leclerc to the Committee; or
2. That Council not approve the appointment.

### **ANALYSIS**

Under the Advisory Committee Bylaw, the Committee is to be composed of up to eight individuals. Ta'an Kwächän Council was invited to nominate a representative to the Committee, and this appointment would continue their participation.

In addition, Administration will be advertising shortly for applications to fill a current vacancy on the Committee, and provide additional housing and land development expertise.

### **ADMINISTRATIVE RECOMMENDATION**

THAT Council revoke the appointment of Tiffany Eckert-Maret from the Housing and Land Development Advisory Committee, and appoint Natalie Leclerc for the remainder of the two-year term.

## **ADMINISTRATIVE REPORT**

<b>TO:</b>	Corporate Services Committee
<b>FROM:</b>	Administration
<b>DATE:</b>	April 17, 2023
<b>RE:</b>	Association of Yukon Communities AGM Council Travel

### **ISSUE**

Authorization of travel expenses for Council to attend the Annual General Meeting and Conference.

### **REFERENCE**

- Council Remuneration Bylaw
- Travel Administrative Directive 2012-02
- Council Expense Policy
- [Mayor and Council Remuneration Bylaw 2020-27](#)

### **HISTORY**

Council's Expense Policy and Remuneration Bylaw require prior approval by Council for all requests for funding or reimbursement of expenses incurred in conjunction with travel by the Mayor and members of Council outside the City of Whitehorse.

### **ALTERNATIVES**

1. Authorize the requests for travel expenses and reallocation of travel expense budgets as needed; or
2. Deny the requests for travel expenses.

### **ANALYSIS**

The Association of Yukon Communities is hosting its Annual General Meeting & Conference in Watson Lake, Yukon from May 11<sup>th</sup> to 14<sup>th</sup>, 2023.

The travel expenses for the conference are anticipated to be within Council's 2023 overall travel budget allocation. Under the Mayor and Council Remuneration Bylaw 2020-27, Council has an overall budget, with each Council member allocated an annual allowance of \$3,750 for eligible expenses. However, if Council agrees, additional expenses for individuals can be covered through re-allocation of amounts not used by other Council members. This re-allocation would be completed once travel is complete and exact expenses are known.

### **ADMINISTRATIVE RECOMMENDATION**

THAT travel expenses be authorized for Council members to attend the Annual General Meeting and Conference being held in Watson Lake, Yukon May 11<sup>th</sup> to 14<sup>th</sup>, 2023, and that any expenses over the individual travel allocations for Council members be allocated from the overall Council travel budget.



**CITY OF WHITEHORSE**  
**CITY PLANNING COMMITTEE**  
**Council Chambers, City Hall**



**Chair:** Ted Laking

**Vice-Chair:** Michelle Friesen

April 17, 2023

Meeting #2023-08

- 
1. Zoning Amendment – Lot 55, Mount Sima Industrial Subdivision  
Presented by Mathieu Marois, Senior Planner, Planning and Sustainability Services
  2. New Business

## **ADMINISTRATIVE REPORT**

<b>TO:</b> Planning Committee
<b>FROM:</b> Administration
<b>DATE:</b> April 17, 2023
<b>RE:</b> 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**

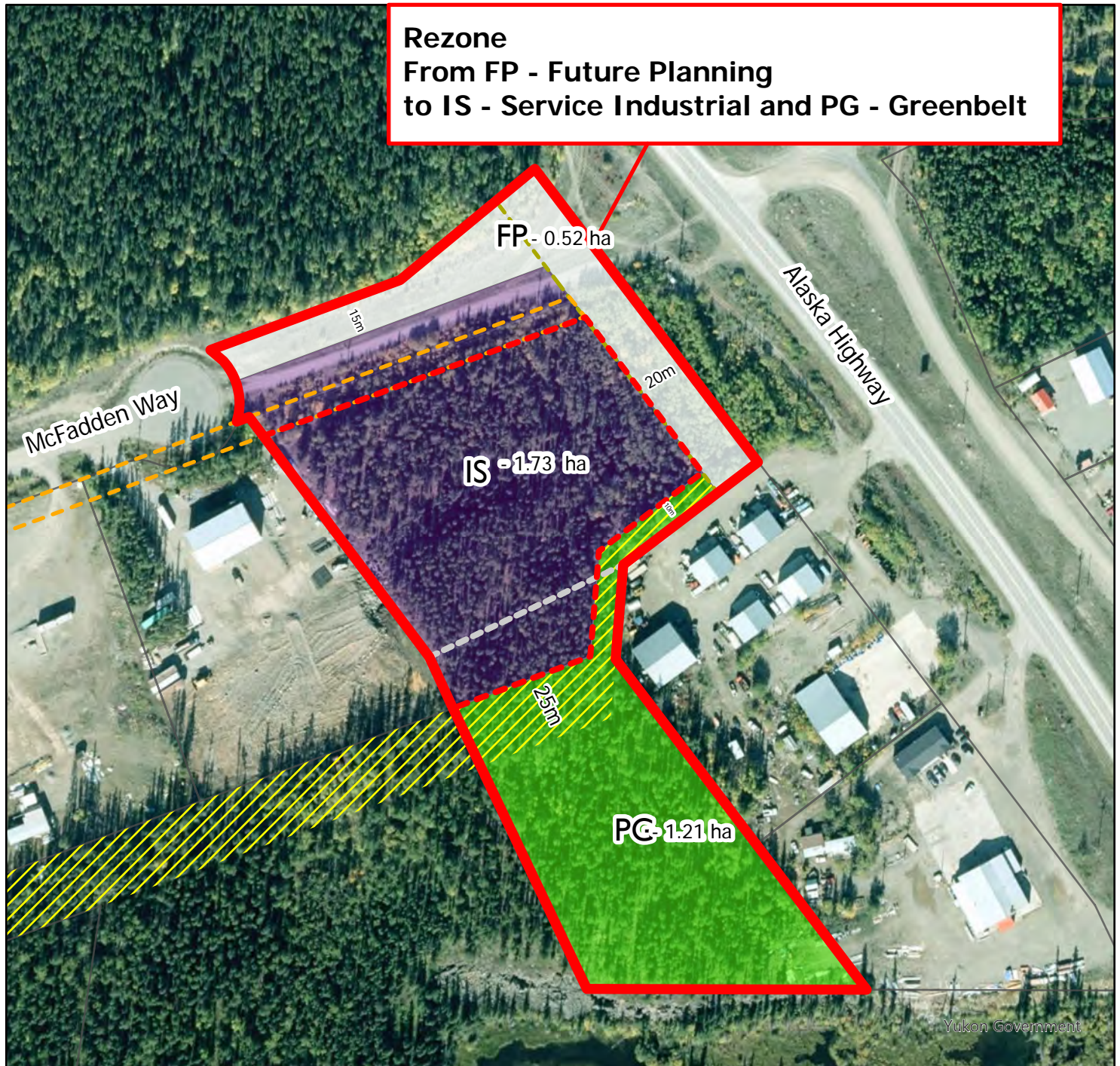
An adjacent lot owner (Lot 20, Mt. Sima Industrial Subdivision) is concerned that their existing lot drains onto the area subject to rezoning. The City previously approved the drainage plan for Lot 20 as part of a development permit which included the current grading and drainage design.

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.


**Proposed Zoning**

 IS - Service Industrial

 PG - Greenbelt

 FP - Future Planning

**Right of Way/Easement**


 South Trail Right of Way (Potential Future Use)

 YG Frontage Road Buffer

 Utility Easement


**Lot Boundaries**

 Current

 Proposed

DATE: February 20, 2023

FILE NO: Z-03-2023

 Lot 55 and 335

**CITY OF WHITEHORSE - PLANNING AND SUSTAINABILITY SERVICES****Bylaw 2023-11**

A Bylaw to amend the Zoning of Lot 55 and Lot 335, Mount Sima Industrial Subdivision from FP - Future Planning to IS - Service Industrial, and PG - Greenbelt



**CITY OF WHITEHORSE**  
**BYLAW 2023-11**

A bylaw to amend Zoning Bylaw 2012-20

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WHEREAS Section 289 of the *Municipal Act* provides that a zoning bylaw may prohibit, regulate and control the use and development of land and buildings in a municipality; and

WHEREAS Section 294 of the *Municipal Act* provides for amendment of the Zoning Bylaw; and

WHEREAS it is deemed desirable that the Whitehorse Zoning Bylaw be amended to allow for an Industrial Service development and the establishment of a Greenbelt on Lots 55 and 355, Mount Sima Subdivision.

NOW THEREFORE the Council of the Municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. The zoning maps attached to and forming part of Zoning Bylaw 2012-20 are hereby amended by changing the zoning of a portion of Lots 55 and 335, Mount Sima Industrial Subdivision, from FP – Future Planning to IS – Industrial Service and PG – Greenbelt (Appendix A).
2. This bylaw shall come into force and effect upon the final passing thereof.

**FIRST READING:**

February 27, 2023

**PUBLIC NOTICE:**

March 3, 2023 and March 10, 2023

**PUBLIC HEARING:**

March 27, 2023

**SECOND READING:**

**THIRD READING and ADOPTION:**

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Laura Cabott, Mayor

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Wendy Donnithorne, City Clerk

## Appendix A, Bylaw 2023-11

MT. SIMA



0 925  
Meters  
Projection: NAD 1983 UTM Zone 8

Consolidation date:  
December 17, 2021

**CITY OF WHITEHORSE**  
**DEVELOPMENT SERVICES COMMITTEE**  
**Council Chambers, City Hall**



**Chair:** Mellisa Murray

**Vice-Chair:** Dan Boyd

April 17, 2023

Meeting #2023-08

- 
1. Road Closure Bylaw – 2023 Main Street Town Square  
Presented by Stephanie Chevalier, Economic Development Coordinator,  
Development Services
  2. Lease Encroachment and Property Use Policy Amendments  
Presented by Darcy McCord, Senior Development Officer, Land and  
Building Services
  3. Encroachment Agreement Bylaw Approval, 308 Steele Street  
Presented by Darcy McCord, Senior Development Officer, Land and  
Building Services
  4. New Business

## **ADMINISTRATIVE REPORT**

<b>TO:</b>	Development Services
<b>FROM:</b>	Administration
<b>DATE:</b>	April 17, 2023
<b>RE:</b>	Road Closure Bylaw – Main Street Town Square

### **ISSUE**

A proposed bylaw for a temporary closure of a portion of Main Street and its adjacent alleyways between Front Street and Second Avenue, to enable a Main Street Town Square pilot project.

### **REFERENCE**

- Location Map (Attachment 1)
- Proposed Bylaw 2023-15 (Attachment 2)
- [2015 Municipal Act](#)
- [Special Events Road Closure Bylaw](#)
- [2022 – 2024 City of Whitehorse Strategic Priorities](#)
- [2018 Downtown Plan](#)
- [2020 National Building Code of Canada](#)
- [2020 National Fire Code of Canada](#)
- [Lease, Encroachment, and Property Use Policy](#)

### **HISTORY**

On January 16, 2023, Council approved a motion for Administration to prepare a proposal and analysis on developing a one-year pilot project to convert Main Street between Front Street and Second Avenue (study area) into a pedestrian-only town square for June, July, and August 2023.

The City conducted a survey for residents and business owners, which has received over 1500 responses. Administration is also consulting with adjacent and impacted businesses.

The study area is currently open to motor vehicle traffic year round and has paid meter parking along both sides of the street. Converting the study area to a Main Street Town Square will require the road to be temporarily closed to motor vehicle traffic for the previously mentioned months.



## **Road Closure Bylaw**

The *Municipal Act* requires a bylaw and Public Hearing for permanent road closures. The Special Event Road Closure Bylaw provides for closures for up to 7 days. As neither of these processes apply to a 3-month closure as proposed, a bylaw with a Public Input session is proposed to ensure opportunities to hear concerns from interested citizens.

The proposed schedule for the proposed Bylaw is:

Planning Committee:	April 17, 2023
First Reading:	April 24, 2023
Newspaper Ads:	April 28 and May 5, 2023
Public Input Session:	May 8, 2023
Report to Committee:	May 15, 2023
Second and Third Reading:	May 22, 2023

Administration will provide a Public Input Report at the May 15 Standing Committee, as well as a report on the engagement to date and with a budget amendment request for the materials and costs for the Pilot Project. These reports will come at the same time in order for Council to have all of the information for a final decision on May 22.

## **ALTERNATIVES**

1. Proceed with the proposed bylaw under the bylaw process; or
2. Do not proceed with the proposed bylaw.

## **ANALYSIS**

### **City of Whitehorse Strategic Priorities 2022 – 2024 and 2018 Downtown Plan**

One of the goals in the City of Whitehorse 2022 – 2024 Strategic Priorities and the Downtown Plan is to enhance the downtown core, reflecting its place as the centre of the City, more specifically in the core block between Main, Front and Steele Street, and Second Avenue.

### **Possible City Operational impacts**

Three accessible parking spaces within the study area may be impacted by a road closure, depending on the final design of the Main Street Town Square. Administration is exploring alternative parking spaces and design options that would replace lost accessible parking spaces.

Due to the fire hydrants located within the study area, Fire Services require a minimum 6-metre-wide access route to ensure the hydrants can be accessed and any operations can be conducted effectively and safely. This requirement is based on the National Building Code of Canada and the National Fire Code of Canada requirements for emergency access routes. The fire access route will need to be kept accessible, with light installations closing the road that can be removed quickly (such as a temporary barrier).

There are 30 paid parking metre spaces within the study area. Administration estimates the maximum potential revenue loss from removing these paid parking spaces as \$4,725 per week and \$75,600 for 16 weeks. These figures assume the spaces are rented for the

entire daily pay period, Monday to Saturday. A budget amendment will be required to reduce revenues for the determined period of closure which will be brought forward May 15.

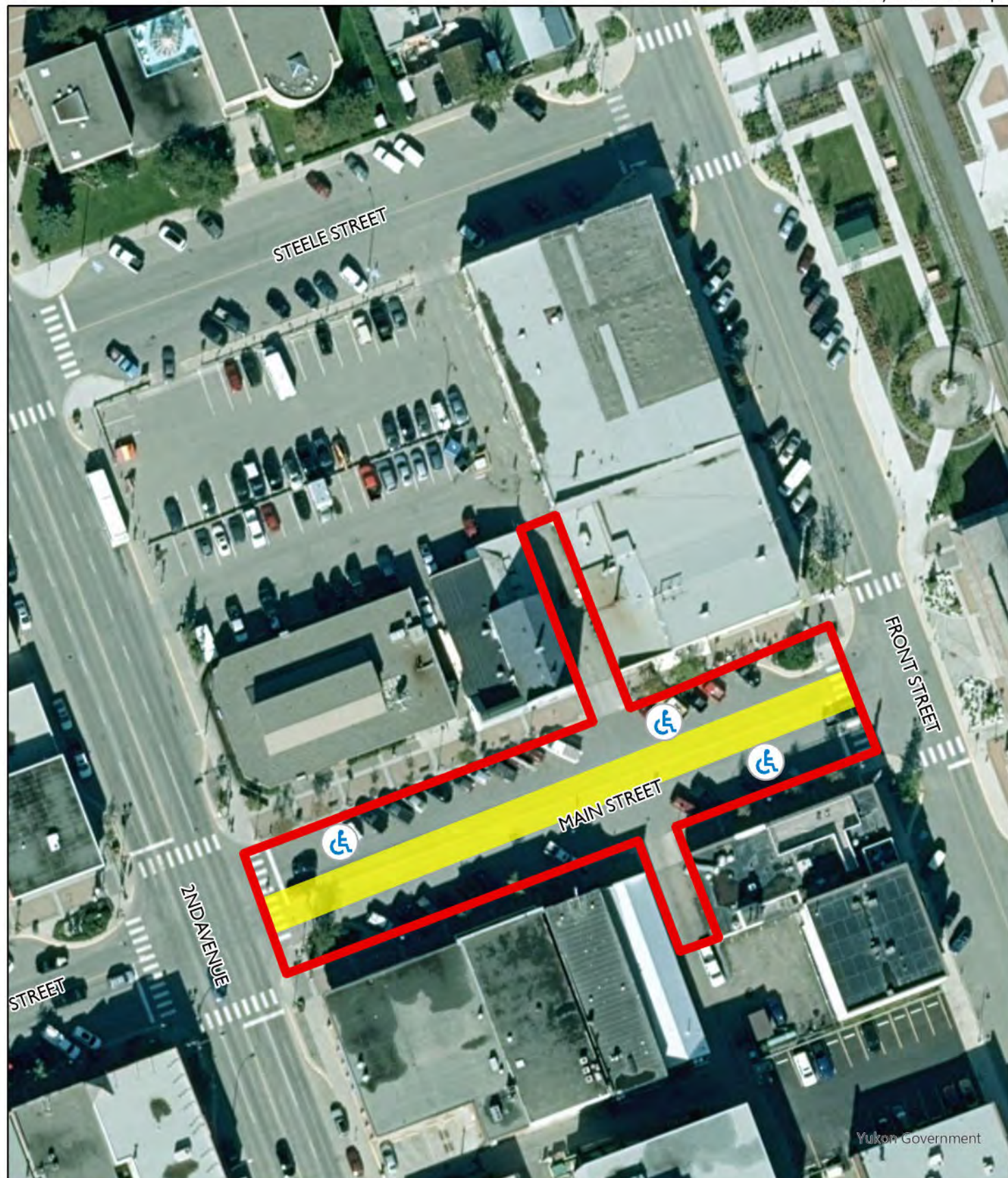
### **Benefits to road closure**

The project has many objectives related to the well-being of street users and urban life: increased pedestrian safety, reduction of automobile-related nuisances, commercial activity, and attractiveness of the environment.

Administration is exploring design options to extend existing patios, add planters and outdoors furniture such as picnic tables, enhance street beautification through art and to allow food and retail vendors to sell goods from the street.

### **ADMINISTRATIVE RECOMMENDATION**

THAT Council direct that Bylaw 2023-15, a bylaw to temporarily close a portion of Main Street and adjacent laneway right-of-ways, between Front Street and Second Avenue, be brought forward for consideration under the bylaw process.



DATE: April 17, 2023

## CITY OF WHITEHORSE - PLANNING AND SUSTAINABILITY SERVICES

### Bylaw 2023-15

A Bylaw to temporarily close a portion of Main Street and adjacent laneways, between Front Street and Second Avenue to enable a pedestrian only Main Street Town Square June 1st, 2023 to September 15, 2023.



Study Area



6 Metre Fire Access



Accessible Parking  
(Current)

**CITY OF WHITEHORSE**  
**BYLAW 2023-15**

A bylaw to authorize the closure of a portion of highway in the City of Whitehorse.

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WHEREAS Section 276 of the *Municipal Act* provides that a bylaw may close a highway within Council's jurisdiction;

WHEREAS it is deemed desirable that a portion of Main Street between Front Street and Second Avenue be closed temporarily from June 1, 2023 to September 15, 2023 to enable a pedestrian only Main Street Town Square;

NOW THEREFORE the Council of the Municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. The following described portion of highway in the City of Whitehorse, in open meeting assembled, is hereby closed temporarily from June 1, 2023 to September 15, 2023.

"That portion of Main Street between Second Avenue and Front Street, and adjacent lane right-of-ways, Plan 3807 LTO, as shown in red on the sketch attached hereto as Appendix 'A' and forming part of this bylaw."

2. This bylaw shall come into force and effect upon the final passing thereof.

**FIRST READING:**

**PUBLIC NOTICE:**

**PUBLIC INPUT SESSION:**

**SECOND READING:**

**THIRD READING and ADOPTION:**

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Laura Cabott, Mayor

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Wendy Donnithorne, City Clerk





## **ADMINISTRATIVE REPORT**

<b>TO:</b>	Development Services Committee
<b>FROM:</b>	Administration
<b>DATE:</b>	April 17, 2023
<b>RE:</b>	Lease, Encroachment, and Property Use Policy Amendment – Energy Retrofit Encroachments

### **ISSUE**

Amendment to the Lease, Encroachment, and Property Use Policy (the Policy) to allow for energy retrofits to existing buildings that would project onto a City street and/or lane.

### **REFERENCE**

- [Lease, Encroachment and Property Use Policy \(“the Policy”\)](#)
- [Building and Plumbing Bylaw 99-50](#)

### **HISTORY**

In the fall of 2022, a request was brought forward to consider an energy retrofit of an existing building downtown as an encroachment under the Policy. The application was reviewed at the November 30, 2022 Development Review Committee meeting. It determined that the energy retrofit proposal did not meet the criteria to be considered as either a regular or minor encroachment under Policy.

Administration is now proposing amendments to the Policy that would allow consideration of encroachments for energy retrofits to existing buildings that extend no more than 203 mm from the building face onto a City-owned street and/or lane.

### **ALTERNATIVES**

1. Approve the proposed amendments to the Lease, Encroachment and Property Use Policy; or
2. Do not amend the Policy.

### **ANALYSIS**

Section 3.7 of the Policy states that new construction shall not result in encroachments onto a City street and/or lane, which includes additions to a building face for the purpose of an energy retrofit. To address this situation Administration proposes to revise Section 3.7 of the policy to allow consideration of these types of encroachments with a limited depth so long as they conform with the Building and Plumbing Bylaw.

The proposed changes would allow for new encroachments into municipal lands when they are for the purpose of improving energy efficiency in older buildings. Requests for such encroachments would be reviewed to ensure they do not negatively impact the use of City sidewalks and lanes. Encroachments may be permitted to a maximum depth of 203 mm (8 inches) from the building face, which is sufficient to accommodate the thickness of a typical energy retrofit exterior wall assembly.

Council has identified “Climate Change and Adaptation” as a 2022-2024 Strategic Priority to respond and adapt to climate change. In support of this priority, the amendments will enable energy retrofit projects for existing buildings.

**ADMINISTRATIVE RECOMMENDATION**

THAT Section 3.7 of the Lease, Encroachment and Property Use Policy be amended to read as follows:

- “3.7 New construction shall not result in encroachments onto a City street and/or lane, unless:
- (1) construction is for the sole purpose of improving energy efficiency in existing buildings through an energy retrofit that extends no more than 203 mm (8 inches) from the existing building face;
  - (2) the City is satisfied that the proposed encroachment does not interfere with the design and use of existing City infrastructure, including sidewalks and lanes; and
  - (3) the energy retrofit wall assembly must be approved under Building and Plumbing Bylaw 99-50.”

## **ADMINISTRATIVE REPORT**

<b>TO:</b>	Development Services Committee
<b>FROM:</b>	Administration
<b>DATE:</b>	April 17, 2023
<b>RE:</b>	Encroachment Agreement – 308 Steele Street - Lynn Building

### **ISSUE**

Council consideration of an Encroachment Agreement for the Lynn Building located at 308 Steele Street, Lot 13, Block 27, Whitehorse, Yukon, Plan 57892 LTO to allow encroachments into a lane and road.

### **REFERENCE**

- [Lease, Encroachment and Property Use Policy \(“the Policy”\)](#)
- Location Sketch (Attachment 1)
- Proposed Bylaw 2023-14 9 (Attachment 2)

### **HISTORY**

In the fall of 2022 the owner of the Lynn Building requested an encroachment for an energy retrofit. The project was reviewed at Development Review Committee on November 30, 2022 where it was determined that there were a number of existing building encroachments into the adjacent lane that had not been authorized through an encroachment agreement, and that the newly proposed building encroachments were not supported by the Lease, Encroachment and Property Use Policy.

### **ALTERNATIVES**

1. Enter into the Encroachment Agreement; or
2. Do not enter into an Encroachment Agreement.

### **ANALYSIS**

#### **Lease, Encroachment, and Property Use Policy**

While the Policy does not currently support encroachments that are the result of new construction, Administration is also bringing forward a concurrent policy amendment in support of the proposed Lynn Building upgrades.

Should Council choose not to adopt the proposed amendment to the Policy, the encroachment agreement would be revised to exclude the proposed encroachments and Council would only consider authorization of the existing encroachments.

As required by the Policy, encroachment agreement has been drafted for a term that is not to exceed the life of the encroachment or the life of the structure located within the encroachment area.

The Policy requires an annual fee for the encroachment based on 10% of the market value of the land containing the encroaching entity pro-rated to the size of the encroachment. To



estimate current market value of the Lynn Building land, Administration has relied on a 2022 market value appraisal that was obtained by the property owner for the adjacent vacant lot. Using a conservative land value estimate of \$90/square foot, the value for the encroachments covered by the agreement is being proposed as \$698.40 per year.

As noted in the proposed encroachment agreement, the property owner will be required to provide and maintain public liability insurance in the amount of \$3,000,000. The Owner will also be responsible for any costs incurred by surveying and sketches for the encroachment agreement.

Encroachment agreements are formalized through the Policy where it makes the following statements for evaluating encroachment requests:

- It is the policy of the City of Whitehorse that there shall be no unauthorized encroachments onto road allowances or City property, including park property.
- Where an encroachment exists without City approval, the owner shall be required to remove the encroachment at his/her own expense, or seek permission from the City for the encroachment to remain.
- New encroachments will be considered only in unique circumstances.

New construction shall not result in encroachments onto a City street and/or lane.

### **Existing and Proposed Encroachments**

The existing unauthorized encroachments consist of a roof overhang, 4 storey building face, stairs, and a landing projecting into the lane.

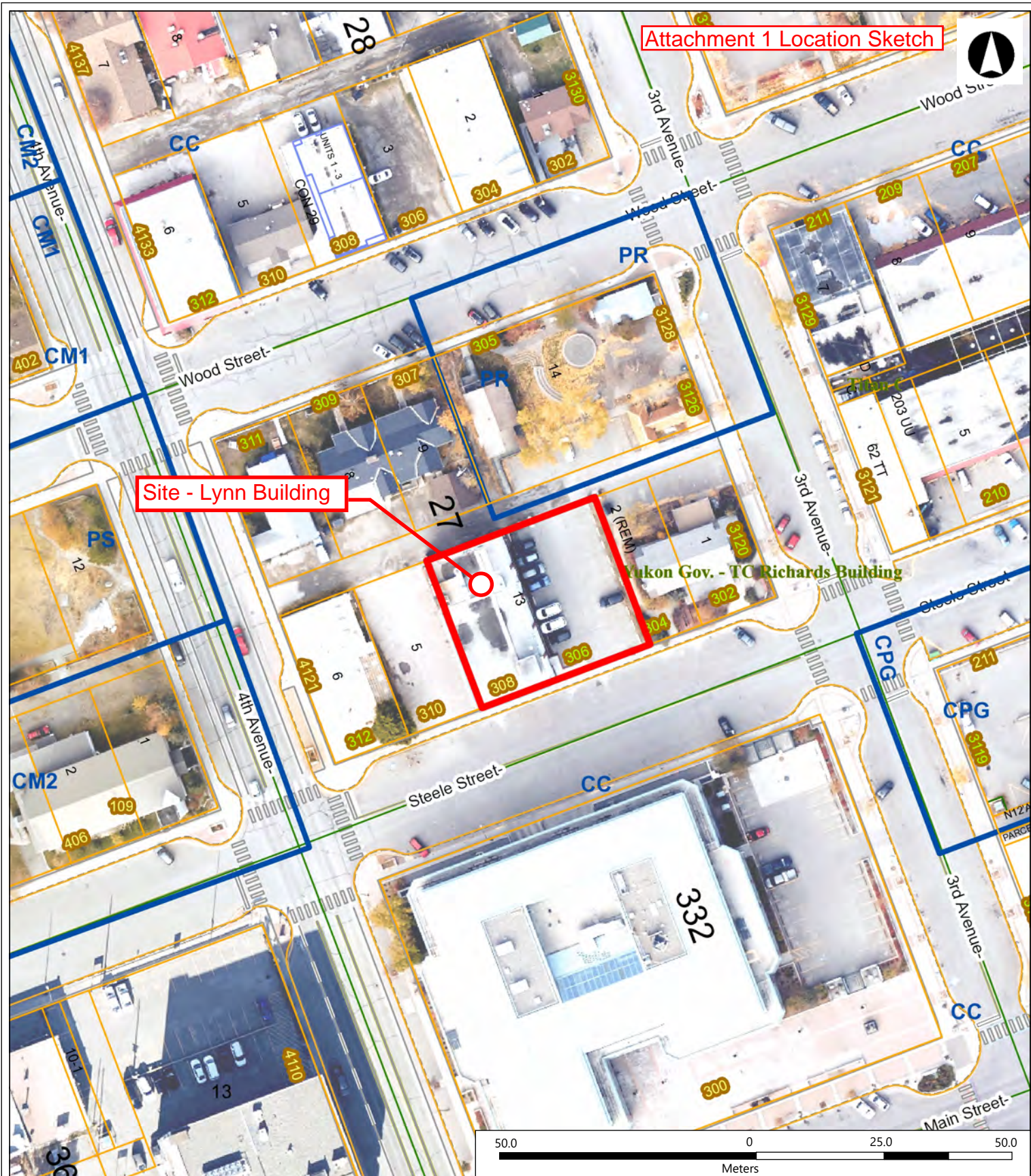
All of the proposed building encroachments are encompassed within two areas, detailed graphically in the agreement schedules and described as follows:

- Within the rear lane an area comprising approximately 7.08m<sup>2</sup> for the roof overhang, 4-storey stucco building face, stair, landing, and the proposed retrofit wall assembly, and
- Within the Steele St. right-of-way an area comprising approximately 0.13m<sup>2</sup> for the proposed retrofit wall assembly.

The proposed front encroachment area would extend over the Steele Street sidewalk by up to 37mm, tapering to within the private lot boundary at approximately the midpoint of the building. This proposed encroachment will not significantly impact existing pedestrian movement along Steele Street and will retain a minimum sidewalk width of 1.5m.

### **ADMINISTRATIVE RECOMMENDATION**

THAT Council direct that Bylaw 2023-14, a bylaw to enter into an Encroachment Agreement with the owner of Lot 13, Block 27, Whitehorse, Yukon, Plan 57892 LTO, be brought forward for consideration under the bylaw process.



SCALE:  
1:1,000

DATE:  
APRIL 17, 2023

FILE:  
BYLAW 2023-14

R:\Encroachments\2023\

DWN BY:  
MLB

REV NO:  
1

## CITY OF WHITEHORSE - LAND AND BUILDING SERVICES

Proposed Encroachment Agreement - Location Sketch

Lot 13, Block 27, Plan 57892 LTO, Whitehorse, Yukon  
Municipal Address: 308 Steele Street (Lynn Building)





## **CITY OF WHITEHORSE**

### **BYLAW 2023-14**

A bylaw to authorize an encroachment agreement.

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WHEREAS section 265 of the *Municipal Act (2002)* provides that Council may pass bylaws, subject to the *Highways Act*, for the management and control of municipal highways; and

WHEREAS the owner of Lot 13, Block 27, Plan 57892 LTO, located at 308 Steele Street, has applied for authorization of building encroachments within the lane between Steele Street and Wood Street and into the Steele Street road right-of-way to accommodate a building energy retrofit project and to legitimize historical encroachments; and

WHEREAS the Council of the City of Whitehorse in the circumstances deems it necessary and expedient to authorize such encroachment;

NOW THEREFORE the Council of the municipality of the City of Whitehorse in open meeting assembled HEREBY ENACTS AS FOLLOWS:

1. The City of Whitehorse is hereby authorized to enter into an Encroachment Agreement for building encroachments within portions of the Lane between Steele Street and Wood Street and the Steele Street road right-of-way located adjacent to Lot 13, Block 27, Plan 57892 LTO, as shown in the sketch attached hereto as Appendix A, and forming part of this bylaw.
2. The Mayor and Clerk are hereby authorized to execute the Encroachment Agreement attached hereto as Appendix B of this bylaw on behalf of the City of Whitehorse.
3. This bylaw shall come into full force and effect upon the final passing thereof.

**FIRST and SECOND READING:**

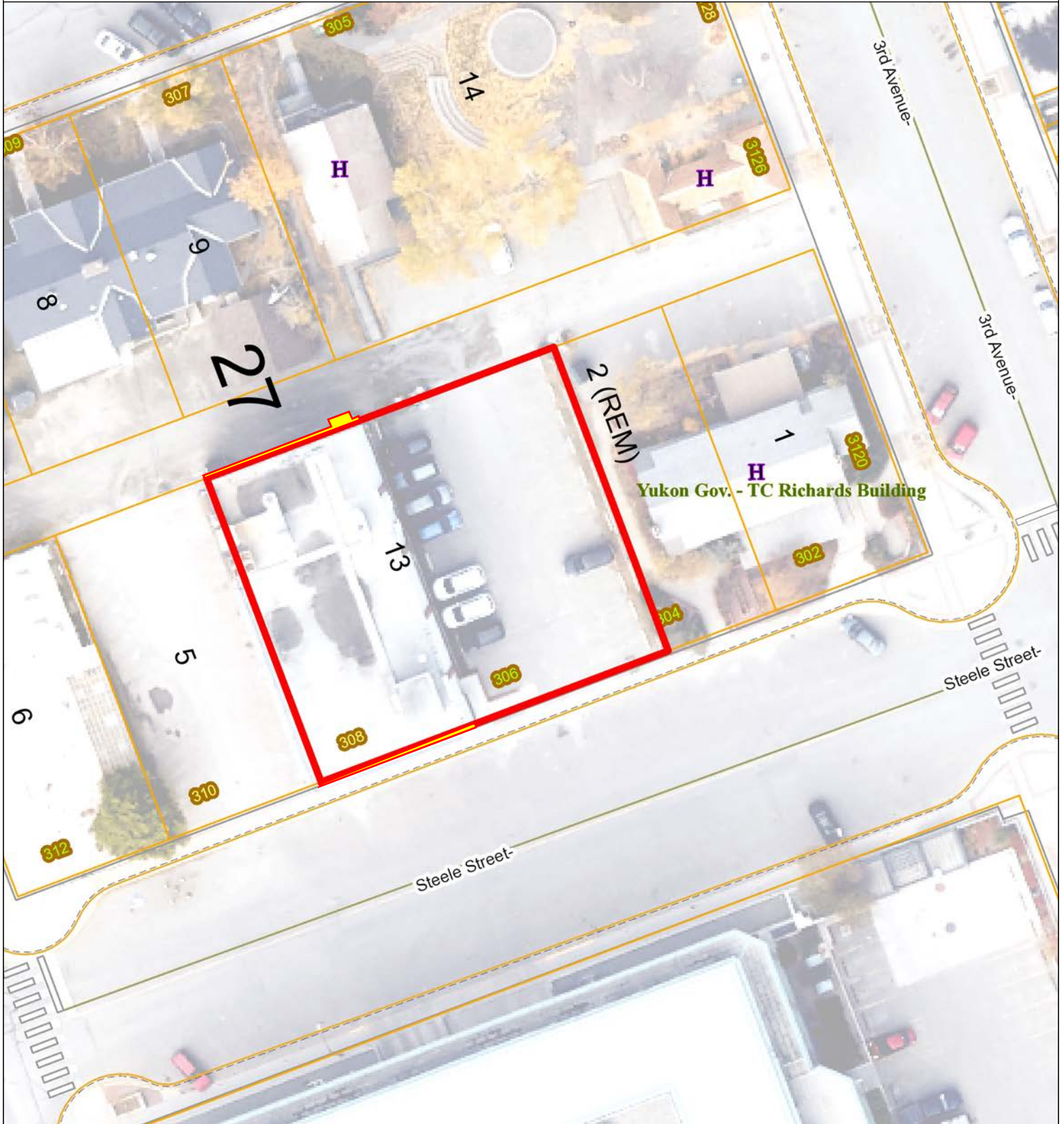
**THIRD READING and ADOPTION:**

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Laura Cabott, Mayor

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Wendy Donnithorne, City Clerk



#### Bylaw 2023-14

A bylaw to authorize an encroachment Agreement, to authorize encroachments into the Lane between Steele Street and Wood Street and into the Steele Street road right-of-way for the Lynn Building located at 308 Steele Street to the Owner.

#### LEGEND

 SUBJECT AREA

THIS AGREEMENT made in triplicate this day \_\_\_\_\_, of April, 2023.

BETWEEN:

**THE CITY OF WHITEHORSE**, a municipality duly incorporated pursuant to the provisions of the *Municipal Act* (hereinafter called the "City")

AND:

**33225 YUKON INC AS GENERAL PARTNER FOR LYNN BUILDING LIMITED PARTNERSHIP**, a corporation duly incorporated under the laws of the Yukon Territory (hereinafter called the "Owner")

## **ENCROACHMENT AGREEMENT**

WHEREAS the Owner is the registered owner in fee simple of those lands described as:

**Lot 13, Block 27, Plan 57892 LTO, Whitehorse, Yukon Territory**  
(hereinafter called the "Lands")

AND WHEREAS the Owner will maintain the above grade building face, the energy retrofit wall assembly, the building overhang and the wood stairs and landing encroaching upon the Lane between Steele Street and Wood Street behind the Lynn Building. Also a portion of the energy retrofit wall assembly encroaching upon the Steele Street road right-of-way, which is owned by the City adjacent to the Owner's Lands, which City Lands are described as:

**Road (Steele Street and Lane between Steele Street and Wood Street), Whitehorse, Yukon Territory Plan 3807**  
(hereinafter called the "City Lands")

AND WHEREAS the City has agreed to permit the Owner the right to maintain such encroachments on the City Lands;

IN CONSIDERATION of the rentals to be paid by the Owner, and pursuant to the provisions of the *Municipal Act*, the parties hereby agree as follows:

1. The City hereby grants to the Owner a license to allow the encroachments of the above grade building wall face, overhang, stairs/landing and the energy retrofit wall assembly onto the City Lands as outlined in red on the sketch attached as Schedule "A" hereto (collectively, the "Licence Area").
2. The Encroachment Agreement shall be for a period not exceeding the life of the encroachment, or the life of the appurtenant building or structure.

3. The encroachment may continue to be used by the Owner but the encroachment shall not be added to, rebuilt or structurally altered except:
  - a) as may be necessary to remove the encroachment, or
  - b) as may be necessary for the routine maintenance of the encroachment.
5. The license shall extend to the placement of the above grade building wall face, overhang, stairs and energy retrofit wall assembly as shown on the sketch attached as Schedule "A" hereto, and in no other manner.
6. The maximum area of encroachment permitted under the license granted shall be seven point one square meters ( $7.1 \text{ m}^{2\pm}$ ), more or less for the Lane encroachment area and zero point one three square meters ( $0.13 \text{ m}^{2\pm}$ ), more or less into the Steel Street road right-of-way.
7. The Owner shall pay to the City, in advance, the first year's annual rental fee of \$698.40 plus Goods and Services Tax (GST). Thereafter, the annual rental fee of \$698.40 plus Goods and Services Tax (GST) shall be due and payable in each and every year on the first day of the month in which this agreement is approved for signature by City Council, for the term of this agreement.
8. This Agreement may be terminated by the Owner at any time or by the City upon default or breach or non-performance by the Owner of any of the covenants or agreements contained herein, on written notice of termination to the other party, such termination to take effect ninety (90) days for the date of service of such notice, at which time the license granted shall cease.

The address for service for the City shall be:

The City of Whitehorse  
2121 Second Avenue  
Whitehorse, Yukon Y1A 1C2

The address for the Owner shall be:

Lynn Building Limited Partnership  
201A - 1191 Front Street  
Whitehorse, YT Y1A 0C6

9. The Owner acknowledges that the license granted does not convey or provide any right or use of the City lands, save as is expressly provided in this agreement.
10. Providing, however, and notwithstanding anything herein to be contrary, that the below grade building foundation and the above grade building overhang belonging to the Owner be demolished, destroyed or removed then the permit and license granted herein shall cease.

11. The Owner shall, at all times hereafter, indemnify and save harmless the City against all actions, causes of action, claims, debts, liabilities, dues, sums of money, and demands, of whatsoever kind or nature incurred by the City or that may be brought or made against the City by reason of anything done or omitted to be done by the Owner in the exercise or purported exercise of the rights and privileges of the licence hereby granted.

This indemnity shall include all reasonable costs and expenses incurred in defending any action brought against the City, including legal fees and expenses taxed as special costs.

12. The City in carrying out any work within the Encroachment Area shall not be liable or responsible for any damage or removal of any fencing or landscaping that may be located in the area. The Owner shall be responsible for any and all costs associated with the removal, damage and repair of these items.
13. The Owner shall provide and maintain in such and to such extent and with such companies, as required by and in a form satisfactory to the City, a Public Liability and Property Damage Policy in favour of the City in the minimum principal amount of three million (\$3,000,000.00) dollars, inclusive limits in respect of loss sustained by one or more persons or damage to property, executed under seal by an insurance company registered to do business within the Yukon Territory, indemnifying against liabilities, claims, actions, loss, damages, judgments, costs, and expenses which may accrue or be suffered by the encroaching improvements, which are the subject of this encroachment agreement.
14. Upon the termination of this Agreement, the Owner shall, at its own cost, charge and expense, and to the satisfaction of the City, alter or remove any and all structures from the Licence Area, and restore the affected Licence Area to the state that it was in prior to the construction of the structures, without being entitled to any compensation whatsoever for such alteration or removal and restoration. If the Owner neglects, refuses or fails to do so within 30 days of termination of this Agreement, then the City may remove the structures from the Licence Area at the cost, charge and expense of the Owner and the certificate of an engineer of the City as to the cost of such alteration or removal and restoration shall be final and binding upon the Owner and the City may recover such costs from the Owner in a like manner as taxes.
15. This Agreement and everything herein contained shall run with the Lands and the City Lands and enure to the benefit of and be binding upon the parties, their heirs, executors, administrators, successors and assigns. The liability under this Agreement shall be assumed by the owner of the Lands, from time to time, and any such owner is responsible for the liabilities which accrued prior to or during the time that such owner was, in fact, the owner of the Lands. Such owner is not responsible for liabilities which accrue after the owner transfers title to another.

**IN WITNESS WHEREOF** the Parties hereto have duly executed this Agreement as of the day and year first written above.

**THE CITY OF WHITEHORSE**, per:

\_\_\_\_\_  
**Laura Cabott, Mayor**

(SEAL)

\_\_\_\_\_  
**Wendy Donnithorne, City Clerk**

\_\_\_\_\_  
**33225 YUKON INC AS GENERAL PARTNER FOR  
LYNN BUILDING LIMITED PARTNERSHIP**, per:

\_\_\_\_\_  
**Rick O'Brien, Director**

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
(Print Name of Witness)



**CORPORATE SIGNING AUTHORITY  
AFFIDAVIT**

CANADA ) I, **Rick O'Brien**,  
 )  
YUKON TERRITORY ) of the City of Whitehorse, in the Yukon Territory,  
 )  
TO WIT: ) MAKE OATH AND SAY AS FOLLOWS:

- 1) I am a **Director** of the **33225 YUKON INC as general partner for Lynn Building Limited Partnership** (the "Corporation") who executed the annexed instrument.
- 2) I am the person who subscribed my name to the attached instrument.
- 3) I am authorized by the Corporation to subscribe my name to the attached instrument, and I have authority to do so without a corporate seal.
- 4) The Corporation exists as of the date hereof.

SEVERALLY SWORN BEFORE ME )  
at the City of Whitehorse, )  
in the Yukon Territory, )  
this day of \_\_\_\_\_, )  
2023. )

\_\_\_\_\_  
**Rick O'Brien, Director**

\_\_\_\_\_  
**A Notary Public in and for  
the Yukon Territory**

\_\_\_\_\_  
**Print Name of Notary Public**

Notary Public in and for Yukon;  
or Notary Public or Commissioner for Oaths in and  
for \_\_\_\_\_  
(My commission expires: \_\_\_\_\_)

## AFFIDAVIT OF WITNESS

CANADA ) I, \_\_\_\_\_  
 ) of the City of Whitehorse,  
 YUKON TERRITORY ) in the Yukon Territory,  
 )  
 TO WIT: ) MAKE OATH AND SAY AS FOLLOWS:

- 1) I was personally present and did see **Rick O'Brien** named in the within instrument, who identified himself to me to be the person named therein, duly sign and execute the same on behalf of the **33225 YUKON INC as general partner for Lynn Building Limited Partnership** for the purpose therein named;
- 2) The said instrument was executed at the City of Whitehorse, in the Yukon Territory, and that I am the subscribing witness thereto;
- 3) The said party is in my belief of the full age of nineteen years.

SWORN BEFORE ME )  
at the City of Whitehorse, )  
in the Yukon Territory, )  
this day of , \_\_\_\_\_ )  
2023. )

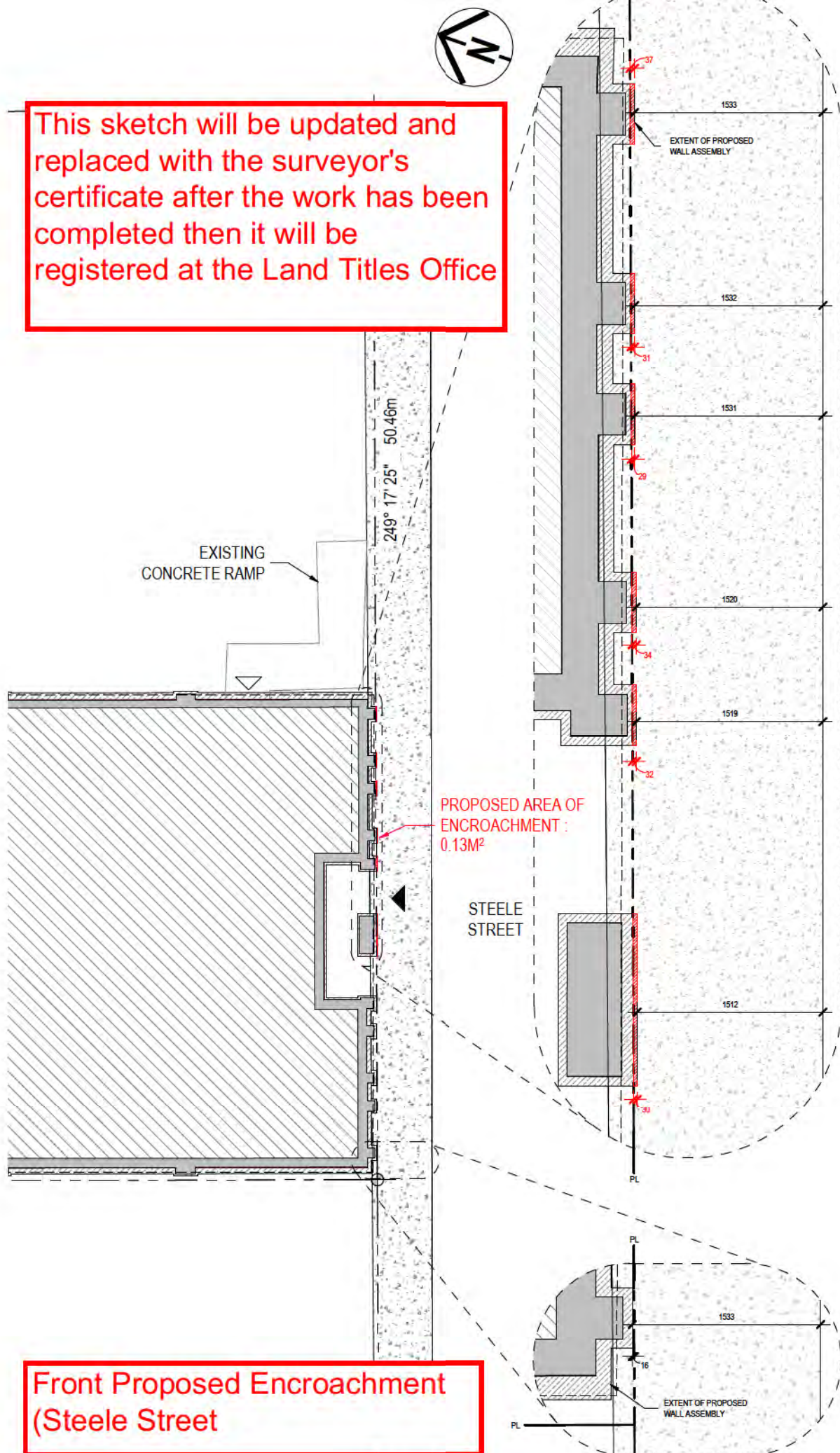
## A Notary Public in and for the Yukon Territory

**Witness Signature**

**Print Name of Notary Public**

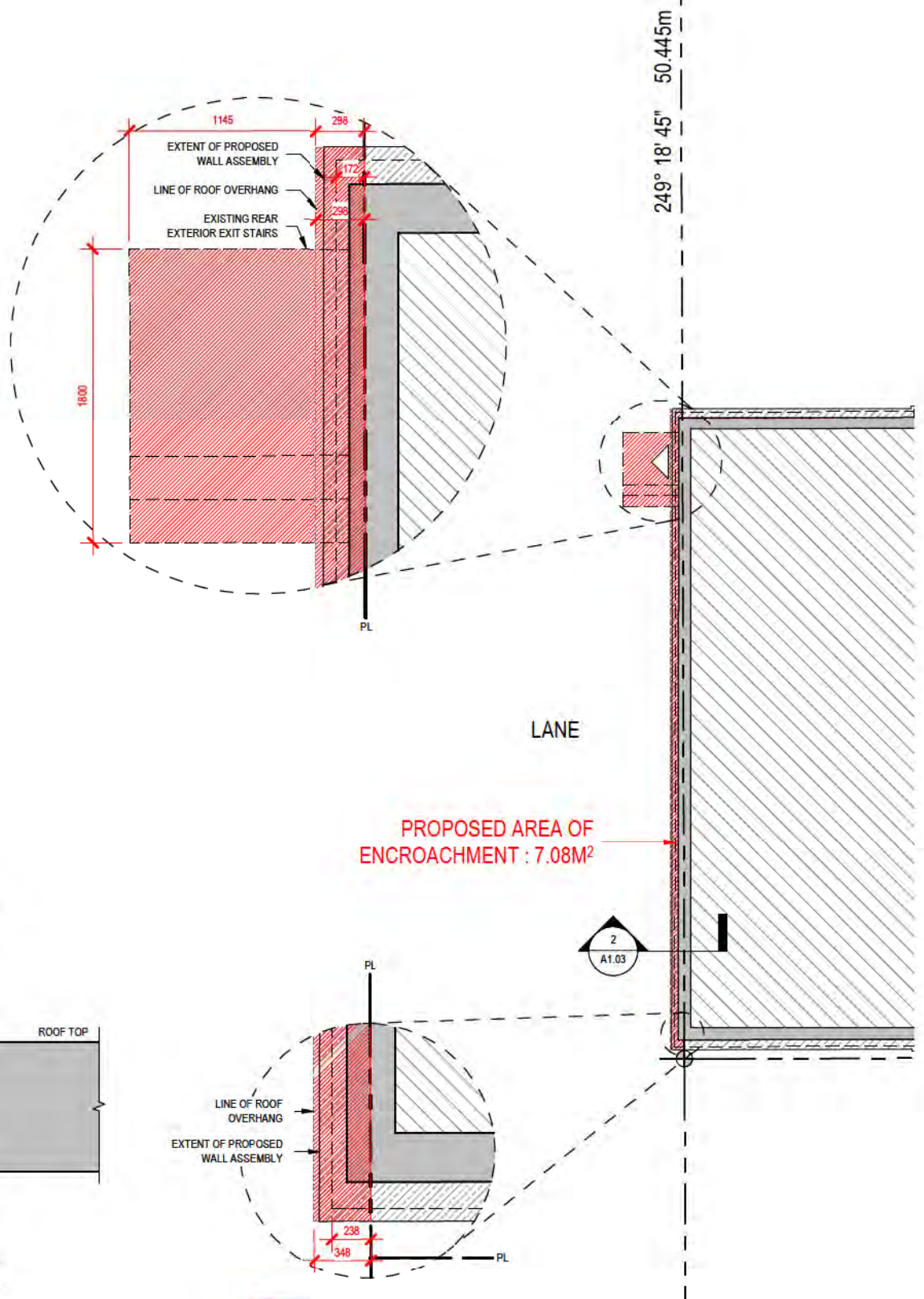
Notary Public in and for Yukon;  
or Notary Public or Commissioner for Oaths in and  
for \_\_\_\_\_  
(My commission expires: \_\_\_\_\_)

This sketch will be updated and replaced with the surveyor's certificate after the work has been completed then it will be registered at the Land Titles Office



Front Proposed Encroachment  
(Steele Street)





This sketch will be updated and replaced with the surveyor's certificate after the work has been completed then it will be registered at the Land Titles Office

Lane Proposed Encroachment

**CITY OF WHITEHORSE**  
**CITY OPERATIONS COMMITTEE**  
**Council Chambers, City Hall**



**Chair:** Dan Boyd

**Vice-Chair:** Jocelyn Curteanu

April 17, 2023

Meeting #2023-08

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1. New Business