

CITY OF WHITEHORSE
REGULAR Council Meeting #2023-09

DATE: Monday, May 8, 2023

TIME: 5:30 p.m.

Mayor Laura Cabott
Deputy Mayor Ted Laking
Reserve Deputy Mayor Michelle Friesen

AGENDA

CALL TO ORDER 5:30 p.m.

AGENDA Adoption

PROCLAMATIONS

MINUTES Regular Council meeting dated April 24, 2023

DELEGATIONS

PUBLIC INPUT SESSION Conditional Use Application – 101 Mount Sima
Road Closure Bylaw – 2023 Main Street Town Square

STANDING COMMITTEE REPORTS

City Operations Committee – *Councillors Boyd and Curteanu*

Community Services Committee – *Councillors Friesen and Cameron*

1. Graffiti Policy Amendments

Public Health and Safety Committee – *Councillors Curteanu and Murray*

Corporate Services Committee – *Councillors Cameron and Laking*

1. Budget Amendment – Graffiti Management Program

2. Spring Recreation Grant Allocations

3. Council Donation – Yukon Learn Society

City Planning Committee – *Councillors Laking and Friesen*

1. Zoning Amendment – 2 Klondike Road

2. Conditional Use Application – 101 Mount Sima Road

Development Services Committee – *Councillors Murray and Boyd*

NEW AND UNFINISHED BUSINESS

1. Motion – Naming City Streets – *Mayor Cabott*

2. Motion – Hosting FCM Meeting – *Deputy Mayor Laking*

BYLAW

2022-49 Zoning Amendment – 2 Klondike Road 2nd and 3rd Reading

2023-14 Encroachment Agreement Bylaw 3rd Reading

2023-17 Budget Amendment – Transfer Station Upgrades 3rd Reading

ADJOURNMENT

MINUTES of **REGULAR** Meeting #2023-08 of the Council of the City of Whitehorse called for 5:30 p.m. on Monday, April 24, 2023, in Council Chambers, City Hall.

PRESENT: Mayor Laura Cabott
Councillors *Dan Boyd
Kirk Cameron
Jocelyn Curteanu
Michelle Friesen
Ted Laking
*Mellisa Murray

ALSO PRESENT: City Manager Jeff O'Farrell
Director of Community Services Krista Mroz
Director of Development Services Mike Gau
Director of People and Culture Lindsay Schneider
Director of Operations and Infrastructure Tracy Allen
Manager of Legislative Services Wendy Donnithorne

Mayor Cabott called the meeting to order at 5:30 p.m.

CALL TO ORDER

2023-08-01

AGENDA

It was duly moved and seconded

THAT the Agenda be amended to include delegate Peter Long; and,
THAT with all members present and in unanimous agreement, it be
amended to add a Motion for discussion and decision to New and
Unfinished Business from Councillor Murray, proposing that the City
request Yukon Government provide free transit.

Carried Unanimously

PROCLAMATIONS

Mayor Cabott proclaimed the month of May 2023 to be Jewish
Heritage Month.

Mayor Cabott proclaimed the month of May 2023 to be Asian Heritage
Month.

2023-08-02

MINUTES

It was duly moved and seconded

THAT the Minutes of the Regular Council meeting dated, April 11,
2023 be adopted as presented.

Carried Unanimously

DELEGATE SUBMISSIONS

Peter Long presented on the importance of the escarpment perimeter trail, and offered potential solutions and improvements for the trail.

Delegate – Peter Long –
Escarpment Perimeter Trail

COMMITTEE REPORTS

Community Services Committee

Mayor Cabott proclaimed April 22, 2023 to be Earth Day, a time to celebrate and inspire environmental awareness, and to encourage the conservation, protection, and appreciation of our natural resources.

Proclamation – 2023 Earth
Day

Public Health and Safety Committee

Delegate Florian Boulais presented information to Council about systems theory, and how it relates to potential emergency situations in the Yukon.

Delegate – Florian Boulais

Corporate Services Committee

2023-08-03

It was duly moved and seconded
THAT the 2023 to 2026 Capital Expenditure Program be amended by increasing the 2023 budget for Project 650c00819 – Transfer Station Upgrades, in the amount of \$2,200,000, funded by the Investing in Canada Infrastructure Program.

Budget Amendment – Transfer
Station Upgrades

Carried Unanimously

The Committee was presented with a bi-monthly update for information on forthcoming procurement projects with an anticipated value greater than \$100,000. In response to questions, additional information was provided about the water meter program, and the proposed heating system upgrade for the Whitehorse Operations Building.

Upcoming Procurements (May
and June) – For Information
Only

2023-08-04

It was duly moved and seconded
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.

Housing and Land
Development Advisory
Committee - Appointments

Carried Unanimously

2023-08-05

It was duly moved and seconded
THAT travel expenses be authorized for Council members to attend the Annual General Meeting and Conference of the Association of Yukon Communities being held in Watson Lake, Yukon from May 11 to 14, 2023, and that any expenses over the individual travel allocations for Council members be allocated from the overall Council travel budget.

Association of Yukon
Communities AGM Council
Travel

Carried Unanimously

City Planning Committee

2023-08-06

It was duly moved and seconded
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.

Zoning Amendment – Lot 55,
Mt. Sima Industrial Subdivision

Carried Unanimously

A Committee member requested an update on the anticipated multi-party park planning process for the new McIntyre Creek Park. Administration confirmed that the park planning is in the initial stages of discussion between the City and other responsible governments.

McIntyre Creek Park – For
Information Only

Development Services Committee

2023-08-07

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

Road Closure Bylaw – 2023
Main Street Town Square

Carried Unanimously

2023-08-08

It was duly moved and seconded
THAT Section 3.7 of the Lease, Encroachment and Property Use Policy be amended to read as follows:

Lease, Encroachment and
Property Use Policy
Amendments

“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.”

Lease, Encroachment and
Property Use Policy
Amendments
(continued)

Carried Unanimously

2023-08-09

It was duly moved and seconded
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; and

Encroachment Agreement –
308 Steele Street

THAT the Encroachment Agreement reflect current liability insurance requirements of \$5,000,000 under the Lease, Encroachment and Property Use Policy.

Carried Unanimously

A Committee member requested an update about the current policies and rules for controlled burning permits, particularly for burning construction materials.

Controlled Burning Permits –
For Information Only

City Operations Committee

Administration provided an update on the escarpment, recent technical briefing, and ongoing monitoring in the area. Work continues to be underway with further updates provided on an ongoing basis.

Escarpment Updates – For
Information Only

NEW AND UNFINISHED BUSINESS

Mayor Cabott provided a Notice of Motion for the next Regular Council meeting that streets in the next major subdivision of Whitehorse be named after women who have had a positive impact and influence on Whitehorse and the Yukon.

Notice of Motion – City Street
Names – Mayor Cabott

2023-08-10

It was duly moved and seconded
THAT Administration be directed to send a formal letter to the Government of Yukon, requesting funds be provided to suspend all bus fares until July 1, 2023.

Motion – Free Transit Request
Councillor Murray

Carried Unanimously

BYLAWS

2023-08-11

It was duly moved and seconded
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 given First Reading.

Carried Unanimously

BYLAW 2023-15

Road Closure Bylaw – 2023
Main Street Town Square
FIRST READING

2023-08-12

It was duly moved and seconded
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 given First Reading.

Carried Unanimously

BYLAW 2023-14

Encroachment Agreement –
308 Steele Street
FIRST READING

2023-08-13

It was duly moved and seconded
THAT Bylaw 2023-14 be given Second Reading.

Carried Unanimously

BYLAW 2023-14

Encroachment Agreement –
308 Steele Street
SECOND READING

2023-08-14

It was duly moved and seconded
THAT Bylaw 2023-17, a Bylaw to amend 2023 to 2026 Capital Expenditure Program by increasing the 2023 budget for Project number 650c00819 – Transfer Station Upgrades, in the amount of \$2,200,000, be given First Reading.

Carried Unanimously

BYLAW 2023-17

Budget Amendment – Transfer
Station Upgrades
FIRST READING

2023-08-15

It was duly moved and seconded
THAT Bylaw 2023-17 be given Second Reading.

Carried Unanimously

BYLAW 2023-17

Budget Amendment – Transfer
Station Upgrades
SECOND READING

2023-08-16

It was duly moved and seconded
THAT Bylaw 2023-11, a Bylaw to amend the zoning of Lots 55 and 335, Mount Sima Industrial Subdivision, be given Second Reading.

Carried Unanimously

BYLAW 2023-11

Zoning Amendment -- Mount
Sima Industrial Subdivision
SECOND READING

2023-08-17

It was duly moved and seconded
THAT Bylaw 2023-11 be given Third Reading.

Carried Unanimously

BYLAW 2023-11

Zoning Amendment -- Mount
Sima Industrial Subdivision
THIRD READING

2023-08-18

It was duly moved and seconded
THAT Bylaw 2023-16, a Bylaw to authorize the disposition of an
approximately 2.96 ha portion of land, be given Second Reading.
Carried Unanimously

BYLAW 2023-16
Land Disposition –
Puckett's Gulch
SECOND READING

2023-08-19

It was duly moved and seconded
THAT Bylaw 2023-16 be given Third Reading.
Carried Unanimously

BYLAW 2023-16
Land Disposition –
Puckett's Gulch
THIRD READING

ADJOURNMENT

There being no further business, the meeting adjourned at 6:52 p.m.

Laura Cabott, Mayor

Wendy Donnithorne, City Clerk

ADOPTED by Resolution at Meeting #2023-09

MEMORANDUM

TO: Mayor and Council

FROM: Administration

DATE: May 8, 2023

SUBJECT: Public Input Session at Regular Council Meeting May 8, 2023

Please be advised there will be a Public Input Session at the Regular Council Meeting of May 8, 2023, to hear from interested parties related to the following Conditional Use application:

Application for Conditional Use approval to allow an Eating and Drinking Establishment at 101 Mount Sima Road.

The Landed Bakehouse has submitted a conditional use application to allow for a 10 seat eating and drinking establishment to be developed within their existing building. Eating and drinking establishments are listed as a Conditional Use in the IS-Service Industrial zone, requiring approval by City Council.

A total of 55 letters were sent to property owners and stakeholders within a 1 km radius of the site. Kwanlin Dün First Nation, Ta'an Kwäch'än Council, and Yukon Government Lands Management Branch were also notified by mail and email. A notice of the proposed development was placed in the local newspapers on April 21, 2023.

Creed Swan
Development Officer

cc: Director of Development Services
Manager of Land and Building Services



Minutes of the meeting of the City Operations Committee

Date	May 1, 2023	2023-09
Location	Council Chambers, City Hall	
	Councillor Dan Boyd - Chair	
	Mayor Laura Cabott	
	Deputy Mayor Ted Laking	
Committee	Councillor Kirk Cameron	
Members	Councillor Jocelyn Curteanu	
Present	Councillor Michelle Friesen	
	*Councillor Mellisa Murray	
	Jeff O'Farrell, City Manager	
Staff	Krista Mroz, Director of Community Services	
Present	Lindsay Schneider, Director of People and Culture	
	Mike Gau, Director of Development Services	
	Tracy Allen, Director of Operations and Infrastructure	
	Wendy Donnithorne, Manager of Legislative Services	

* Indicates electronic participation

Your Worship, there is no report from the City Operations Committee.



Minutes of the meeting of the Community Services Committee

Date	May 1, 2023	2023-09
Location	Council Chambers, City Hall	
	Councillor Michelle Friesen – Chair	
	Mayor Laura Cabott	
	Deputy Mayor Ted Laking	
Committee	Councillor Dan Boyd	
Members	Councillor Kirk Cameron	
Present	Councillor Jocelyn Curteanu	
	*Councillor Mellisa Murray	
	Jeff O'Farrell, City Manager	
Staff	Krista Mroz, Director of Community Services	
Present	Lindsay Schneider, Director of People and Culture	
	Mike Gau, Director of Development Services	
	Tracy Allen, Director of Operations and Infrastructure	
	Wendy Donnithorne, Manager of Legislative Services	

* Indicates electronic participation

Your Worship, the Community Services Committee respectfully submits the following report:

1. Graffiti Policy Amendments

Administration presented recommended updates to the Council Graffiti Management Policy to support the City's 2023 graffiti management program. This year's program will include enhanced communications, support for businesses and residents, a legal art program and safety enhancements for the skateboard park equipment.

Committee members raised questions about enforcement provisions. Administration clarified that enforcement of the City's graffiti removal requirements is done under the City's Maintenance Bylaw, and that a comprehensive review of the Policy and the enforcement provisions are planned following the 2023 summer program.

Recognizing the distinct roles and responsibilities of the City, RCMP and other agencies, members were interested in referencing the City's commitment to enforcement and the Maintenance Bylaw in the Policy.

The Recommendation of the Community Services Committee is

THAT Council approve amendments to the Graffiti Management Policy, as recommended.

2. Proclamation - Red Dress Day

Mayor Laura Cabott proclaimed May 5, 2023 to be Red Dress Day, a day to recognize and honour the Missing and Murdered Indigenous Women and Girls and families, and to promote advocacy for change.

3. Red Dress Day - Events

A Committee member highlighted a number of important events happening as part of Red Dress Day on May 5 including a sacred fire and prayer circle.

4. Whitehorse Chamber of Commerce Business Excellence Awards

A Committee member acknowledged the recent Whitehorse Chamber Business Excellence Awards, which recognized numerous local businesses for their services and commitments to excellence in 2023.



Minutes of the meeting of the Public Health and Safety Committee

Date	May 1, 2023	2023-09
Location	Council Chambers, City Hall	
	Councillor Jocelyn Curteanu - Chair	
	Mayor Laura Cabott	
	Deputy Mayor Ted Laking	
Committee	Councillor Dan Boyd	
Members	Councillor Kirk Cameron	
Present	Councillor Michelle Friesen	
	*Councillor Mellisa Murray	
	Jeff O'Farrell, City Manager	
Staff	Krista Mroz, Director of Community Services	
Present	Lindsay Schneider, Director of People and Culture	
	Mike Gau, Director of Development Services	
	Tracy Allen, Director of Operations and Infrastructure	
	Wendy Donnithorne, Manager of Legislative Services	

* Indicates electronic participation

Your Worship, the Public Health and Safety Committee respectfully submits the following report:

1. Proclamation - Wildfire Community Preparedness Day

Mayor Cabott recognized May 6, 2023 as Wildfire Community Preparedness Day, a day to bring attention to wildfire dangers and share information and ways to minimize risk to families and homes.

2. Delegate – Yukon Fire Fitness Association – Myron Penner, Anna Kirkwood

A delegation led by Myron Penner, on behalf of Yukon Fire Fitness Association, presented a request for City support to host the 2023 Pacific Regional competition in 2025.



Minutes of the meeting of the Corporate Services Committee

Date	May 1, 2023	2023-09
Location	Council Chambers, City Hall	
	Councillor Kirk Cameron - Chair	
	Mayor Laura Cabott	
	Deputy Mayor Ted Laking	
Committee	Councillor Dan Boyd	
Members	Councillor Jocelyn Curteanu	
Present	Councillor Michelle Friesen	
	*Councillor Mellisa Murray	
	Jeff O'Farrell, City Manager	
Staff	Krista Mroz, Director of Community Services	
Present	Lindsay Schneider, Director of People and Culture	
	Mike Gau, Director of Development Services	
	Tracy Allen, Director of Operations and Infrastructure	
	Wendy Donnithorne, Manager of Legislative Services	

* Indicates electronic participation

Your Worship, the Corporate Services Committee respectfully submits the following report:

1. Budget Amendment – Graffiti Management Program

Council was presented with a request to amend the 2023 Operating Budget to reflect funding received from the Crime Prevention and Victim Services Trust Fund to support the City's 2023 Graffiti Management Program.

The Recommendation of the Corporate Services Committee is

THAT Council amend the 2023 Operating Budget to receive a \$37,940 contribution from the Crime Prevention and Victim Services Trust Fund to support the implementation of the 2023 Graffiti Management Program.

2. Spring Recreation Grant Allocations

Councillor Murray declared a conflict of interest and left Chambers for this item.

The Committee was presented with the 2023 Spring Recreation Grants recommended for Council approval under the Recreation Grant Policy. The allocations have been reviewed for eligibility under the Policy criteria, and the total amount of grants recommended is within the amount of funding available.

The Recommendation of the Corporate Services Committee is

THAT Council approve the allocation of \$154,296.21 for Recreation Grants as recommended by the Recreation Grant Task Force.

3. Council Donation – Yukon Learn Society

The Committee was presented with a request for a Council donation to Yukon Learn Society's annual golf fund raising tournament, planned for June 3, 2023 to raise funds for supporting adult literacy in the Yukon.

The Recommendation of the Corporate Services Committee is

THAT Council approve a grant of \$1,000.00 funded from the Council donation account.



Minutes of the meeting of the City Planning Committee

Date	May 1, 2023	2023-09
Location	Council Chambers, City Hall	
	Deputy Mayor Ted Laking - Chair	
	Mayor Laura Cabott	
Committee	Councillor Dan Boyd	
Members	Councillor Kirk Cameron	
Present	Councillor Jocelyn Curteanu	
	Councillor Michelle Friesen	
	*Councillor Mellisa Murray	
	Jeff O'Farrell, City Manager	
Staff	Krista Mroz, Director of Community Services	
Present	Lindsay Schneider, Director of People and Culture	
	Mike Gau, Director of Development Services	
	Tracy Allen, Director of Operations and Infrastructure	
	Wendy Donnithorne, Manager of Legislative Services	

* Indicates electronic participation

Your Worship, the City Planning Committee respectfully submits the following report:

1. Zoning Amendment – 2 Klondike Road

The Committee was presented with a supplemental report, as requested by Council, on the zoning amendment application for 2 Klondike Road. The application has undergone comprehensive review with two Public Hearings, and a number of adjustments made to the proposed bylaw to date.

The Committee requested additional information from Administration on required amenity space, potential residential uses, and accessible unit requirements. It was also noted that any potential traffic impacts will be considered at the development permitting stage, when more information is available.

The Recommendation of the City Planning Committee is

THAT Council direct that Bylaw 2022-49, a bylaw to amend the zoning of 2 Klondike Road to allow for a boundary realignment and consolidation of five lots, be amended to clarify that:

- (3) “Commercial uses are not permitted above the first storey, except for home-based businesses in residential uses; and
- (4) Any commercial use must be accompanied with the development of an allowable residential use.”

AND THAT Council direct that Bylaw 2022-49, a bylaw to amend the zoning of 2 Klondike Road, be brought forward for Second and Third reading under the bylaw process.

2. Conditional Use Application – 101 Mount. Sima Road

The Committee was presented with a Conditional Use Application to allow for an eating and drinking establishment at 101 Mount Sima Road,

It was confirmed that parking requirements have been considered and there are opportunities to coordinate parking needs with the neighbouring establishment.

The application is scheduled for a Public Input Session at the Regular Council meeting on May 8, 2023.



Minutes of the meeting of the Development Services Committee

Date	May 1, 2023	2023-09
Location	Council Chambers, City Hall	
	Councillor Dan Boyd - Chair	
	Mayor Laura Cabott	
	Deputy Mayor Ted Laking	
Committee Members	*Councillor Melissa Murray	
	Councillor Kirk Cameron	
Present	Councillor Jocelyn Curteanu	
	Councillor Michelle Friesen	
	Jeff O'Farrell, City Manager	
	Krista Mroz, Director of Community Services	
Staff	Valerie Braga, Director of Corporate Services	
Present	Lindsay Schneider, Director of People and Culture	
	Mike Gau, Director of Development Services	
	Tracy Allen, Director of Operations and Infrastructure	
	Wendy Donnithorne, Manager of Legislative Services	

* Indicates electronic participation

Your Worship, there is no report from the Development Services Committee.

1. **New Business**

There being no further business the meeting adjourned at 7:55 P.M.

Laura Cabott, Mayor

Wendy Donnithorne, City Clerk

Motion

TO: Council

From: Mayor Laura Cabott

Date: May 8, 2023 – Regular Council Meeting

Re: Motion – Naming City Streets After Impactful Women

I, Mayor Laura Cabott, having given a Notice at the Regular Council Meeting held April 24, 2023 now Move as follows:

WHEREAS one of the Strategic Priorities of Council is to develop and implement a plan to improve inclusivity and diversity in Whitehorse; and

WHEREAS historically many women have made and continue to make substantial contributions to Whitehorse as leaders, community builders, entrepreneurs, educators and advocates; and

WHEREAS naming streets after influential women will increase awareness of their importance in the history of Whitehorse and the Yukon;

THEREFORE, BE IT RESOLVED that Administration be directed to propose that streets in the next major subdivision of Whitehorse be named after women who have historically had a positive impact and continue to influence on Whitehorse and the Yukon.

Motion

TO: Council

From: Deputy Mayor Ted Laking

Date: May 8, 2023 – Regular Council Meeting

Re: Motion – Federation of Canadian Municipalities – Proposal to Host a Board of Directors Meeting in Whitehorse in 2025 or 2026

I, Deputy Mayor Ted Laking, having given a Notice at the Standing Committee Meeting held May 1, 2023 now Move as follows:

WHEREAS the Federation of Canadian Municipalities holds four Board of Directors meetings each year in September, November, March, and May; and

WHEREAS the September and March meetings are hosted by municipalities across Canada; and

WHEREAS a municipality that hosts an FCM Board Meeting sees significant economic benefits through the booking of up to 150 hotel rooms, conference space, sale of other tourism product and other related service and retail sales; and

WHEREAS in May 2023 the FCM issued its call for Requests for Proposals for a municipality to host a board meeting in 2025 or 2026; and

WHEREAS the closing date for the RFP process is June 30, 2023;

THEREFORE, BE IT RESOLVED that Council direct Administration to bring forward an Administrative Report with analysis on the feasibility of hosting an FCM Board Meeting in 2025 or 2026, along with an identification of key elements of a proposal, for direction by Council in time for the closure of the RFP process.

CITY OF WHITEHORSE

BYLAW 2022-49

A bylaw to amend Zoning Bylaw 2012-20

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 a boundary realignment and consolidation of five lots to be sold by the Government of Yukon for commercial and residential uses.

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

1. Section 10.9 of Zoning Bylaw 2012-20 is hereby amended by adding a new subsection 10.9.7 c) as follows:
 - “c) Lots 19-23, Plan 29528 LTO, and a portion of Lot 309, Plan 21330 LTO, located at 2 Klondike Road in the Riverdale area, is designated CNCx(c) with the special modifications being:
 - (1) Gas bars are not permitted;
 - (2) Housing: supportive is permitted as a secondary use;
 - (3) Commercial uses are not permitted above the first storey, except for home-based businesses in residential uses; and
 - (4) Any commercial use must be accompanied with the development of an allowable residential use.”
2. The zoning maps attached to and forming part of Zoning Bylaw 2012-20 are hereby amended by changing the zoning of a portion of Lot 309, Plan 21330 LTO from PG-Greenbelt to CNCx(c)-Comprehensive Neighbourhood Commercial, and Lots 19-23, Plan 29528 LTO from PS-Public Services to CNCx(c)-Comprehensive Neighbourhood Commercial, modified as indicated on Appendix A and forming part of this bylaw.
3. This bylaw shall come into force and effect upon the final passing thereof.

FIRST READING: November 28, 2022

PUBLIC NOTICES: December 2, and December 9, 2022
February 24, and March 3, 2023

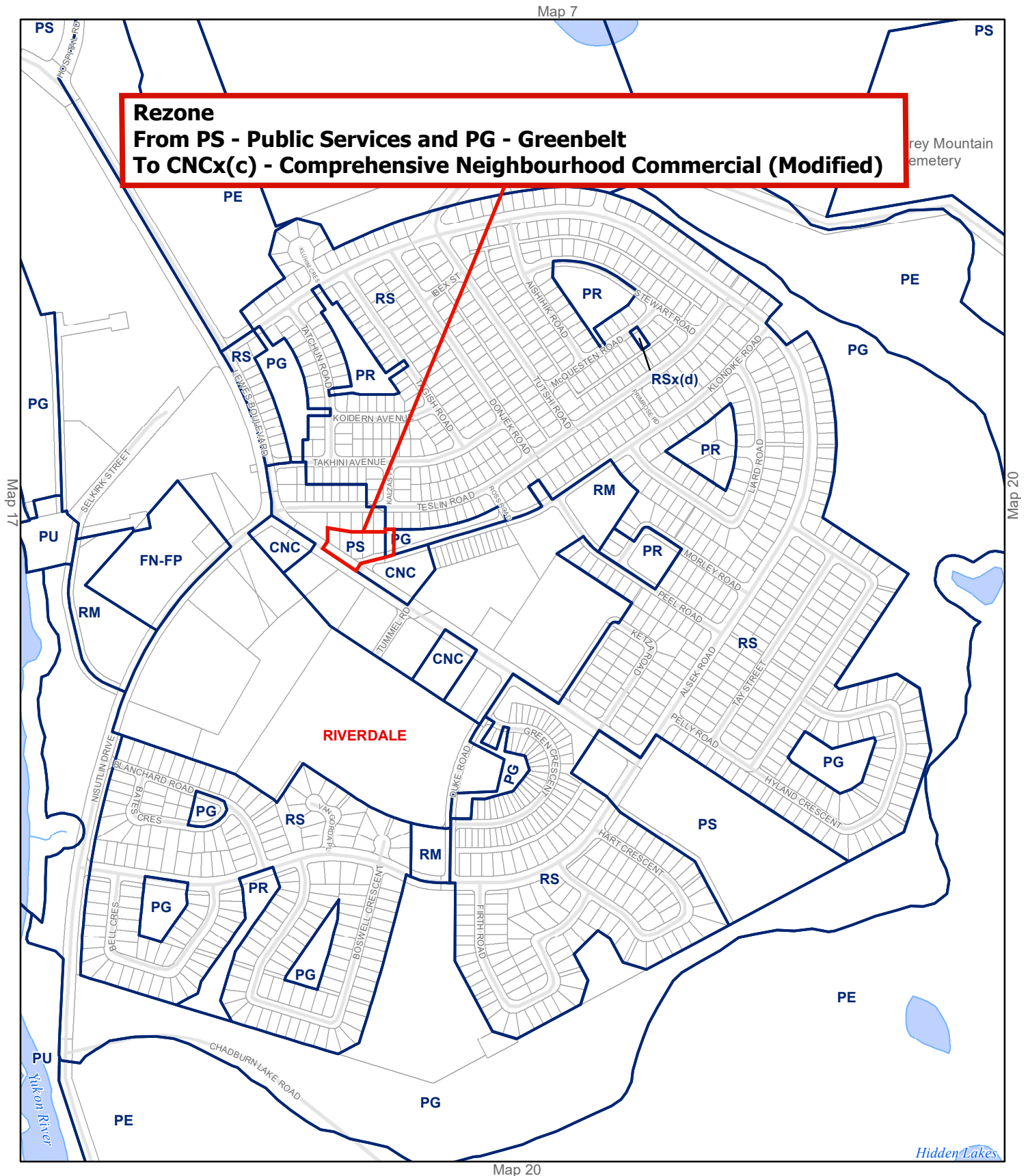
PUBLIC HEARINGS: January 16, 2023
March 13, 2023

SECOND READING:

THIRD READING and ADOPTION:

Laura Cabott, Mayor

Wendy Donnithorne, City Clerk



Where a letter appears in brackets following a zoning designation, e.g. RSx(a), the letter corresponds to the 'special restrictions' subsection for that zone.

0 370
Meters

Projection: NAD 1983 UTM Zone 8

Consolidation date:
December 17, 2021

CITY OF WHITEHORSE

BYLAW 2023-14

A bylaw to authorize an encroachment agreement.

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:

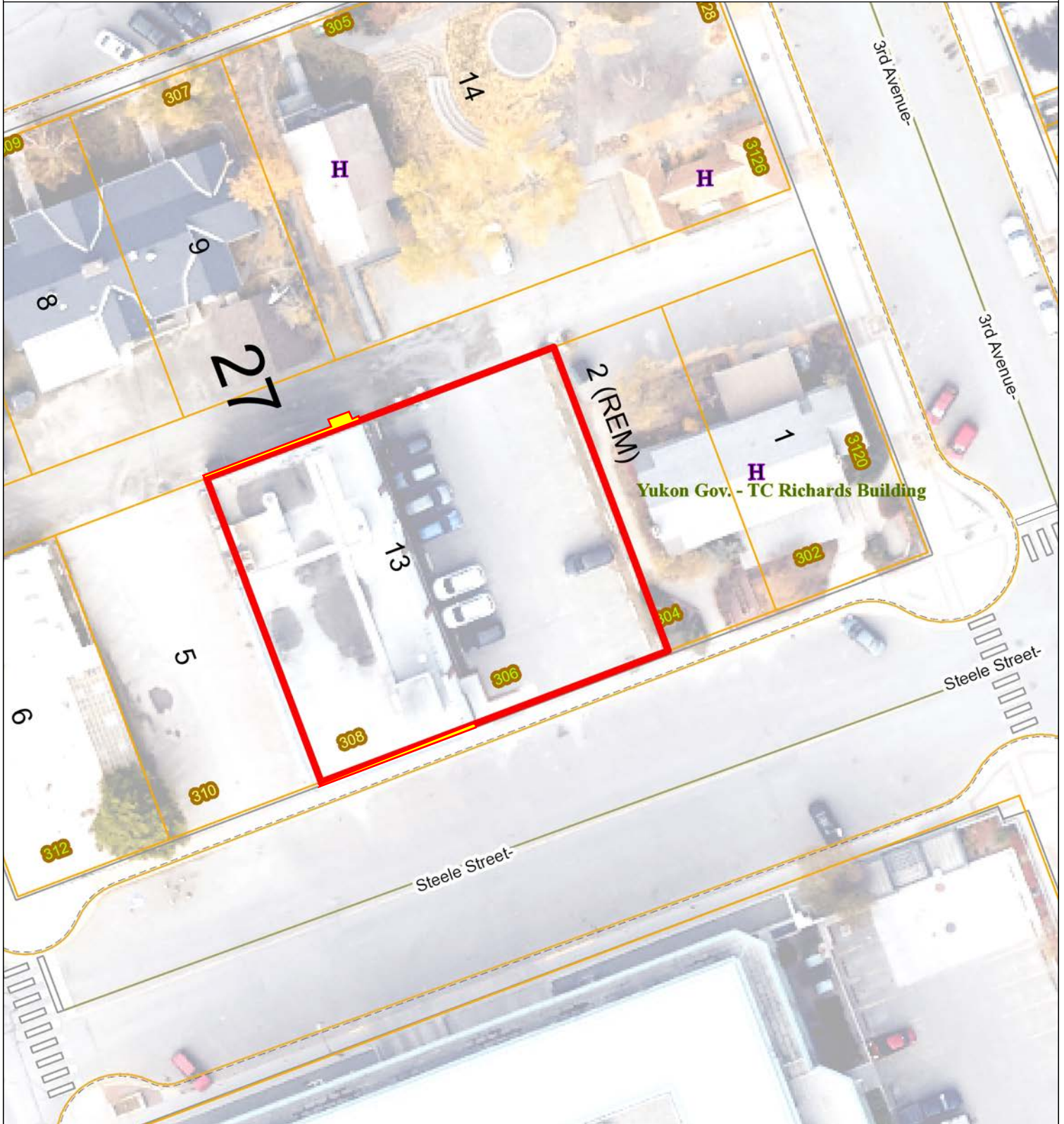
1. The City of Whitehorse is hereby authorized to enter into an Encroachment Agreement for building encroachments within portions of the Lane between Steele Street and Wood Street and the Steele Street road right-of-way located adjacent to Lot 13, Block 27, Plan 57892 LTO, as shown in the sketch attached 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: April 24, 2023

THIRD READING and ADOPTION: May 8, 2023

Laura Cabott, Mayor


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 ____, 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 five million (\$5,000,000.00) 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.)

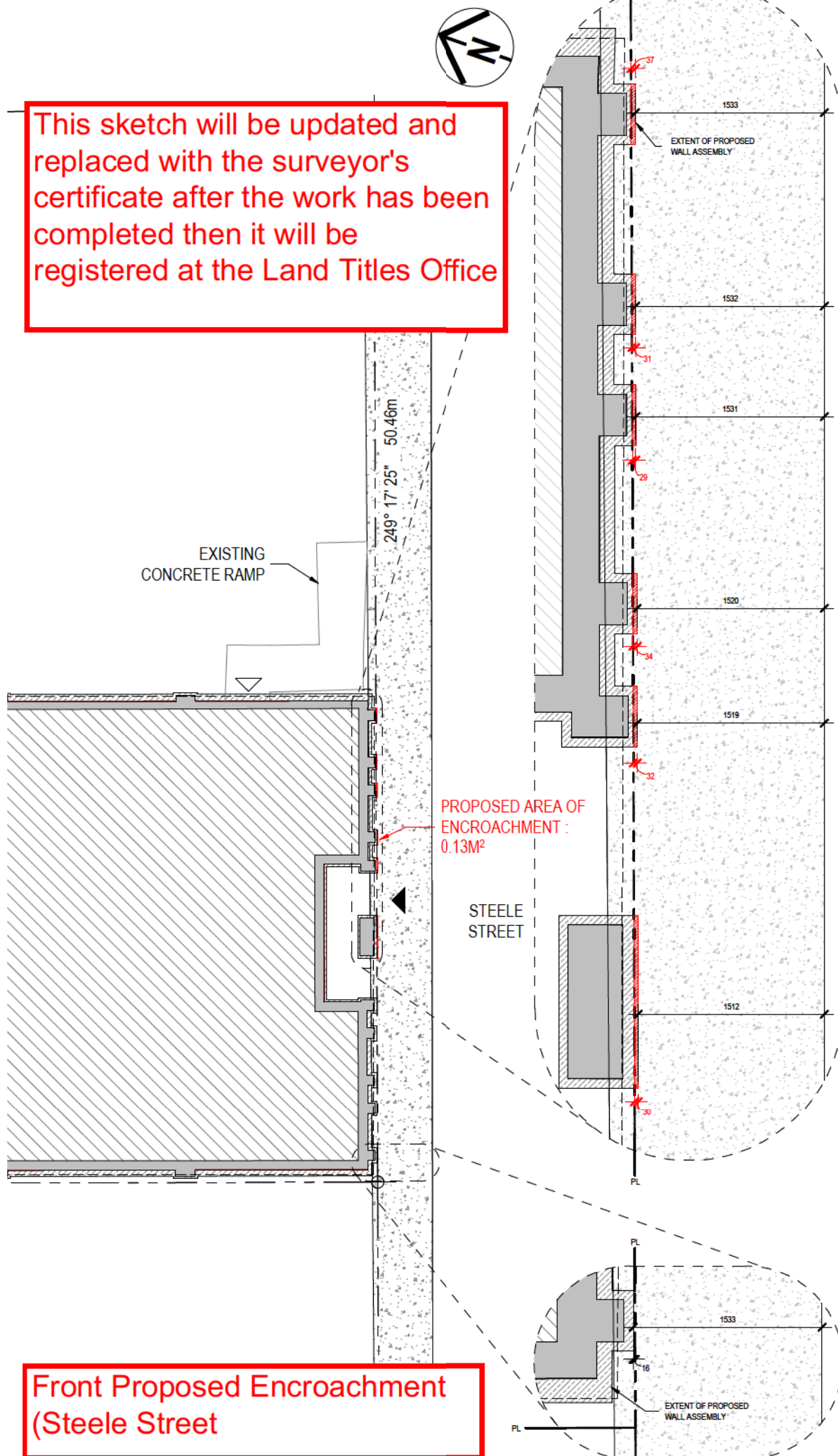
**A Notary Public in and for
the Yukon Territory**

Witness Signature

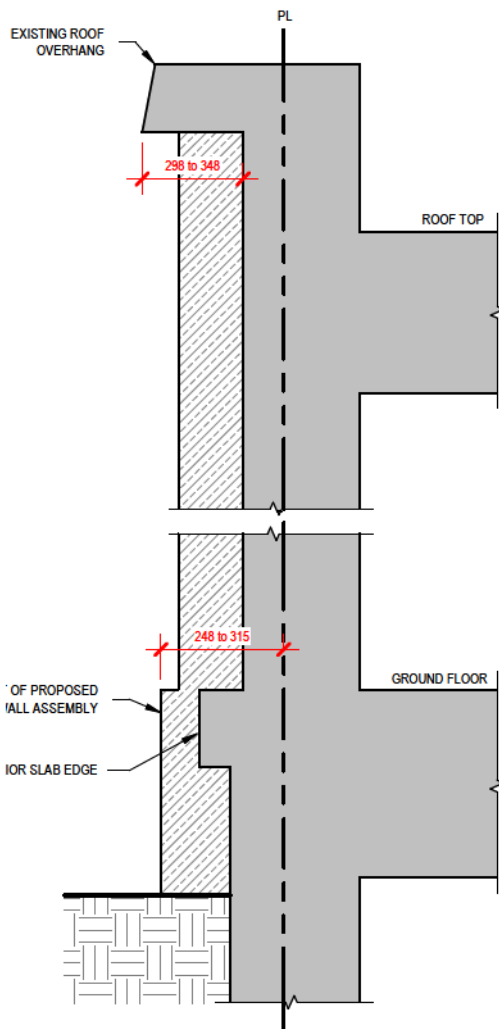
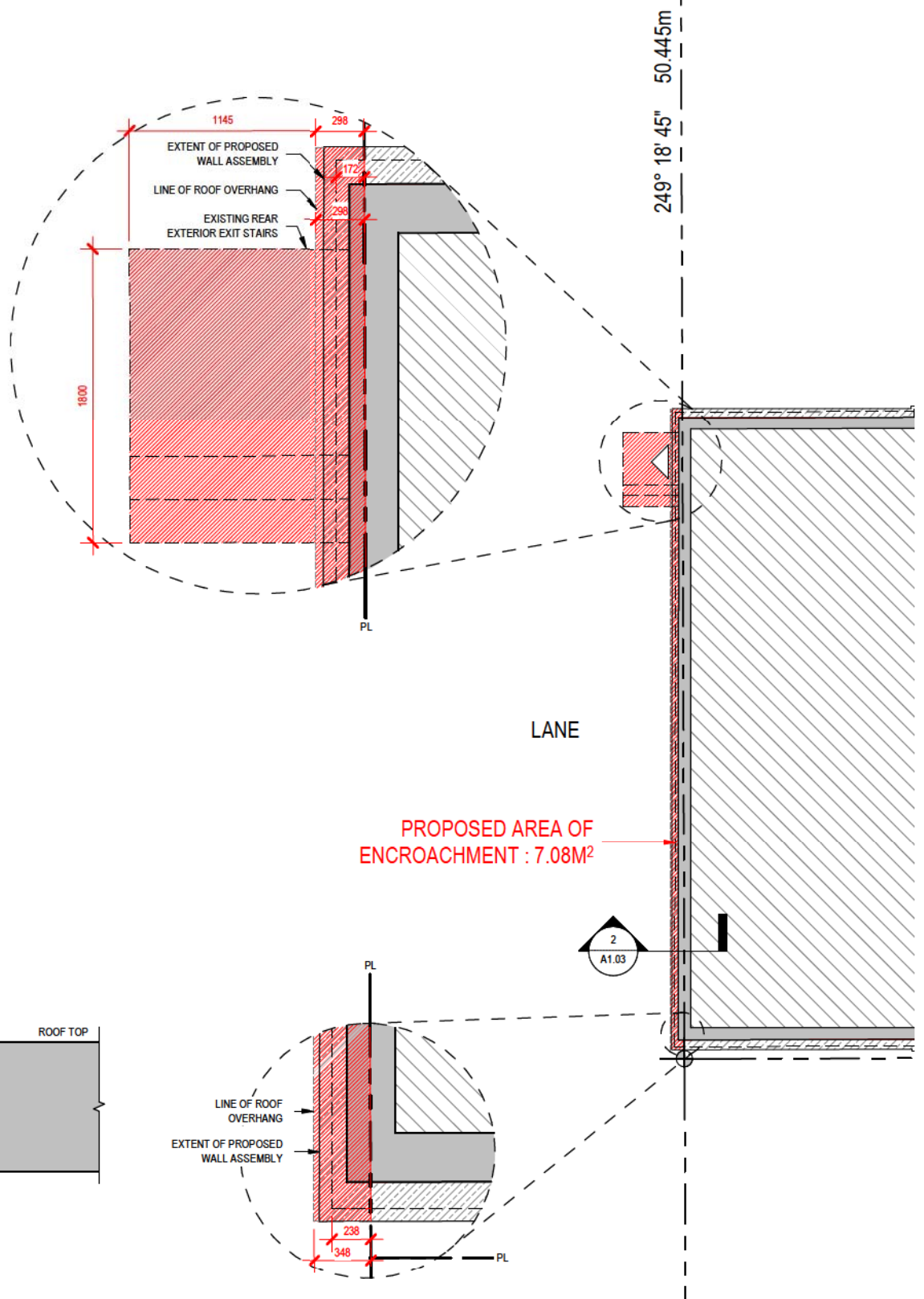
Print Name of Notary Public

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

BYLAW 2023-17

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

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: April 24, 2023

THIRD READING and ADOPTION: May 8, 2023

Laura Cabott, Mayor

Wendy Donnithorne, City Clerk