

# **ADMINISTRATIVE REPORT**

<b>TO:</b> Planning Committee
<b>FROM:</b> Administration
<b>DATE:</b> April 2, 2024
<b>RE:</b> Official Community Plan Administrative Amendments

## **ISSUE**

Administrative Amendments to the Official Community Plan (OCP).

## **REFERENCE**

- [2010 Official Community Plan](#)
- [2040 Official Community Plan](#)
- [Municipal Act](#)
- [Zoning Bylaw 2012-20](#)
- [2017 Chadburn Lake Park Management Plan](#)
- Redline Comparison Document (Attachment 1)
- Proposed Bylaw 2024-22 (Attachment 2)

## **HISTORY**

The 2040 OCP was adopted by Council on March 27, 2023, thereby replacing the 2010 OCP. It is the highest level policy and planning document for the City, guiding decision-making, setting the long-term vision, guiding principles, and supporting policies for city growth and services. While the OCP is intended to provide a plan to 2040, major reviews occur every 8-10 years and amendments can be made at any time through the bylaw process.

Since the adoption of the OCP, Administration has identified various sections of the document which need amending due to errors or needing clarification or greater flexibility to better administer the document. The proposed amendments generally include the following and are further described in the Analysis:

- Undertaking corrections and updates to maps;
- Allowing greater flexibility to the riparian and slope policies;
- Allowing greater flexibility for residential uses in Urban Centres;
- Allowing greater flexibility for fuel abatement activities in the Greenspace designation;
- Providing clarification on permissible residential uses in the Public Service, Commercial – Service, Industrial, and Industrial/Commercial designations;
- Providing clarification on uses permitted within Future Planning Areas; and
- Providing other minor clarifications.

On March 13, 2024, the proposed OCP administrative amendments were reviewed by the Development Review Committee (DRC). DRC recommended that the proposed amendment to allow residential uses on the ground floor of mixed-use buildings in Urban Centres is revised to minimize impacts to the commercial streetscape and that a geotechnical professional should review the proposed slope setback amendments.

Following DRC, Administration finalized the proposed amendments including changes to allow flexibility in our Urban Centres and a geotechnical professional reviewed the proposed amendments to the slope setback policies. The geotechnical professional did not raise any concerns with the proposed changes.

A tentative schedule for the amendments is proposed as follows:

Planning Committee	April 2, 2024
First Reading:	April 8, 2024
Public Notices:	April 12 and April 19, 2024
Public Hearing:	May 13, 2024
Report to Committee:	June 3, 2024
Second Reading:	June 10, 2024
Ministerial Review:	August 2, 2024 (assuming a full 45-day review)
Third Reading:	August 12, 2024

### **ALTERNATIVES**

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

### **ANALYSIS**

A redline comparison of existing and proposed wording for the amendments are provided in Attachment 1, including an appendix showing the location of mapping errors and proposed updates.

### **Mapping Corrections and Updates**

Administration proposes to correct the following administrative mapping errors:

- Update the scale bar on Map 3 to show a correct scale;
- Update hatching on Kwanlin Dün First Nation (KDFN) Settlement Land parcel C-24B on Map 4 to cover entire parcel;
- Remove all of the KDFN Settlement Land parcels C-86B and C-153B from the South Growth Area boundary on Map 5;
- Add all of the KDFN Settlement Land parcels C-24B and C-57B into the South Growth Area boundary on Map 5;
- Designate Ta'an Kwäch'än Council (TKC) Settlement Land parcel C-10B, C-73B, and C-77B as Residential – Country on Map 5; and
- Designate Bert Law Island as Greenspace on Map 5.

KDFN and TKC staff were engaged on the mapping errors relating to their respective settlement lands and agreed to have them included as part of these administrative amendments.

Administration is also proposing to update Map 1 – Greenspace Network Plan and Parks to reflect the most recent environmental sensitivity information from the 2017 Chadburn Lake Park Management Plan (CLPMP). On Map 3 of the CLPMP, there are four environmental sensitivity ratings ranging from high sensitivity to minimal sensitivity. Map 1 in the OCP identifies Environmentally Sensitive Areas and Greenspace.

Administration proposes that the two highest environmental sensitivity ratings in the CLPMP, which are high sensitivity and moderate sensitivity, form the Environmentally Sensitive Areas within the Chadburn Lake Park boundaries on Map 1 in the OCP. Likewise, Administration proposes that any Environmentally Sensitive Areas in Map 1 of the OCP that are labeled as low sensitivity or minimal sensitivity in the CLPMP are amended to be shown as Greenspace.

### **Riparian Setback Policy Flexibility**

Administration proposes to revise OCP policy 7.9 to include an additional subsection iv allowing for improvements to existing trails within the 30 m riparian setback.

Policy 7.9 currently does not allow reductions in the riparian setback for the purpose of improving trails located entirely or in part within the riparian setback. Reductions are only allowed where trail development is proposed to cross riparian setbacks. This restricts the City's Parks and Community Development Department from undertaking improvements to significant trail networks within the city, such as increasing the width and grading of trails for accessibility purposes, as many existing trails run along the edge of water bodies (e.g. Riverfront Trail, Long Lake Loop, etc.).

### **Slope Policies Flexibility**

Administration proposes to revise OCP policies 7.15 and 7.16 to allow for flexibility when it can be demonstrated that site-specific conditions are safe for grading or development on or near steep slopes.

Current policies prohibit grading on slopes that exceed 30 per cent. This was only discouraged in the 2010 OCP. Grading can assist with removing or reducing steep slopes to provide and/or facilitate additional land for development. The amendment would allow for grading on slopes exceeding 30 per cent provided a professional geotechnical assessment, accepted by the City Engineer, can demonstrate reasonably safe conditions.

Current policies also require all new development to be setback a minimum of 15 m or 1.25 m multiplied by the height of slope, whichever is greater, from the top or bottom of any slope over 30 per cent. This can sometimes require significant development setbacks and only allows exceptions for critical infrastructure, trails, and viewpoints. This can result in significant areas of land being unavailable for development even though they are supported by site-specific geotechnical assessments. The amendment would allow for exceptions when reasonably safe conditions for reduced setbacks can be demonstrated by a site-specific geotechnical examination prepared by a qualified professional and accepted by the City Engineer.

It is noted that the escarpment setback will apply in the absence of a required and accepted geotechnical assessment and exceptions to the escarpment setback will not be permitted in the Downtown Whitehorse Escarpment Control Zone. Suitable setbacks to accommodate critical infrastructure, trails, and viewpoints may also be required when considering any potential reduction of the escarpment setback.

### **Urban Centres Flexibility**

Administration proposes to amend policy 8.19 to allow residential uses on the ground floor of mixed-use buildings in Urban Centres as long as the commercial streetscape is maintained, such as having dwellings units facing a rear lane or only allowing pedestrian access to accessible dwelling units located at the rear of a building.

The policy as currently written requires that mixed-use buildings in Urban Centres have commercial uses on the ground floor with residential uses above. The proposed amendment would still require commercial uses on the ground floor fronting a street to maintain the commercial character of Urban Centres. However the proposed amendment would also allow flexibility for residential uses where commercial uses may be less warranted, such as the rear of a site, or for ground-floor accessible units to avoid needing the use of elevators to access an accessible unit.

In the event of a fire emergency for example, elevators do not function, therefore accessible units cannot be truly considered accessible if they rely on an elevator for access.

### **Fuel Abatement Flexibility**

Administration proposes to add a “Fuel Abatement” subtitle before policy 13.6 and that policy 15.5.1 is revised to clarify that fuel abatement activities are permitted in the Greenspace designation.

Policy 13.6 which allows wildfire fuel abatement in any land use designation, subject to applicable bylaw and legislation, is currently under the “Public Uses” subtitle in the Land Management General Land Use Policies section. Fuel abatement activities are considered a distinctive land use that should be undertaken by both public and private individuals and organizations and is not solely the responsibility of the public sector. The addition of a subtitle for policy 13.6 would better emphasize this distinction.

Policy 15.5.1 notes that areas designated as Greenspace will be primarily kept in their natural state with minimal disturbance or development and that the City is committed to pursuing efforts that preserve the integrity and connectivity of environmentally sensitive areas to keep habitat intact and prevent fragmentation. This policy does not align with policy 13.6 noted above which allows for wildfire fuel abatement activities in any land use designation. As currently worded, this policy could be a barrier to wildfire fuel abatement projects. Considering the significant benefits fuel abatement activities provide to public safety, Administration proposes to clarify that wildfire fuel abatement activities are permitted in the Greenspace designation.

### **Residential Uses Clarification**

Administration proposes to modify policy 15.13.1 and subsequently add a new policy clarifying that residential uses, namely supportive housing, may be permitted in the Public Service designation to support public or privately owned facilities of an institutional or community service nature.

The PS-Public Service zone currently allows supportive housing as a principal use, caretaker residences as secondary uses, and multiple, single detached, and duplex housing as conditional uses. The amendments seek to clarify that these uses remain permitted in the Public Service designation.

Administration also proposes to modify the wording from the “Commercial – Service” intent in Table 2 and the preamble in section 15.2 to clarify that commercial or public uses can be combined with residential or industrial uses within the Commercial – Service designation, even though they are not typical combinations.

The CS – Service Commercial zone currently allows multiple housing as a secondary use. The amendments seek to clarify that these uses remain permitted in the Commercial - Service designation.

Finally, Administration proposes to add two new policies, one in the 15.6 Industrial section and one in the 15.7 Industrial/Commercial section, clarifying that accessory activities supporting the operation of uses in the Industrial and Industrial/Commercial designations, such as caretaker facilities, may be permitted.

The OCP does not currently clarify the allowance of caretaker facilities in the Industrial or Industrial/Commercial designations. The IH – Heavy Industrial, IQ – Quarries, IS – Service Industrial, and CIM – Mixed Use Industrial/Commercial zones currently allow caretaker residences as secondary uses. The amendments seek to clarify that these uses remain permitted in the Industrial and Industrial/Commercial designations.

### **Future Planning Area Clarifications**

Administration proposes to remove policy 15.4.1 as it states that existing development and activities within Future Planning Areas will continue to be recognized.

Administration also proposes to modify policy 15.4.2 as it refers to existing uses that should be permitted in Future Planning Areas.

Historic or grandfathered uses (i.e. existing uses) are regulated under the *Municipal Act* section 301(1) and do not need to be further addressed in the OCP. The proposed modification to policy 15.4.2 would also clarify that recreational uses in Future Planning Areas may be permitted subject to approval by the appropriate authority.

Administration also proposes to modify policy 15.4.3 to provide greater readability.

### **Other Minor Clarifications**

Administration proposes to move policy 12.19 from under the Section 12 Asset Management subtitle to under the Section 13 Costs of Development subtitle. Policy 12.19 states that the design and approval of new or expanded neighbourhoods must consider the City’s long-term responsibility for the proposed municipal assets including operational maintenance, repair, and replacement costs.

The policy move is proposed to emphasize that this policy should be considered for development projects (Section 13) rather than for existing assets (Section 12).

Administration also proposes to modify policy 13.2 ii to reference Section 15.12 rather than Section 15.13. Section 15.13 is an incorrect reference.

### **ADMINISTRATIVE RECOMMENDATION**

THAT Council direct that Bylaw 2024-22, amendments to the Official Community Plan, be brought forward for consideration under the bylaw process.