

CITY OF WHITEHORSE – STANDING COMMITTEES

Monday, April 15, 2024 – 5:30 p.m.

Council Chambers, City Hall

CALL TO ORDER

ADOPTION OF AGENDA

PROCLAMATIONS Earth Day (April 22, 2024)

DELEGATIONS Skeeter Wright – City Development Permits

DEVELOPMENT SERVICES COMMITTEE

1. Rental Housing Development Incentive Application – 28 Olive May Way
2. Rental Housing Development Incentive Application – 410 Cook Street
3. Non-Profit Organization Development Incentive Application – 84 Rampart Avenue
4. New Business

CITY OPERATIONS COMMITTEE

1. Interim City Curbside Recycling Program
2. New Business

COMMUNITY SERVICES COMMITTEE

1. New Business

PUBLIC HEALTH AND SAFETY COMMITTEE

1. Seasonal Preparedness Update – For Information Only
2. New Business

CORPORATE SERVICES COMMITTEE

1. Upcoming Procurements (May/June) – For Information Only
2. Election Procedures Bylaw
3. Adjust June Cycle of Council – FCM Travel
4. New Business

CITY PLANNING COMMITTEE

1. Supplemental Information Report – Copper Ridge Development Area Master Plan
2. Public Hearing Report – Zoning Amendment – Housing-Related Amendments
3. Zoning Amendment – Municipal Services Building
4. Public Hearing Report – Zoning Amendment – Mining Activities
5. New Business



PROCLAMATION

EARTH DAY

April 22, 2024

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 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, 2024 to be Earth Day in the City of Whitehorse.

Laura Cabott
Mayor

CITY OF WHITEHORSE
DEVELOPMENT SERVICES COMMITTEE
Council Chambers, City Hall



Chair: Dan Boyd

Vice-Chair: Mellisa Murray

April 15, 2024

Meeting #2024-08

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1. Rental Housing Development Incentive Application – 28 Olive May Way
Presented by Doug Spencer, Manager, Land and Building Services
 2. Rental Housing Development Incentive Application – 410 Cook Street
Presented by Doug Spencer, Manager, Land and Building Services
 3. Non-Profit Organization Development Incentive Application – 84 Rampart Avenue
Presented by Doug Spencer, Manager, Land and Building Services
 4. New Business

ADMINISTRATIVE REPORT

TO: Development Services Committee
FROM: Administration
DATE: April 15, 2024
RE: Rental Housing Development Incentive Agreement – 28 Olive May Way

ISSUE

Housing Development Incentive applications for a phased 105-unit rental housing development.

REFERENCE

- [Housing Development Incentives Policy](#)
- Housing Development Incentive Agreement
- City Grant-making Policy

HISTORY

The City has received seven applications for a Housing Development Incentive related to a rental housing development located at 28 Olive May Way in Whistle Bend. This development meets the criteria for the rental and supportive incentive as set out in the new Housing Development Incentives Policy. As per the policy, Administration is bringing the application forward for Council approval.

In response to Council's strategic priorities on housing, the updated policy is aimed at providing assistance to rental and supportive housing projects, as well as developments undertaken by non-government or non-profit organizations. Under this policy, developments that meet the rental or supportive housing criteria are eligible for a reduction of Development Cost Charges (DCCs) and a yearly monetary grant from the City. The value of the grant is \$2,000 per unit, to a maximum of \$60,000 annually.

Per the Policy, a combined maximum of \$500,000 (DCC reduction value plus annual grants) is eligible and is authorized through a development incentive agreement with Council.

ALTERNATIVES

1. Approve the Rental and Supportive Housing Development Incentive application; or
2. Refer the application back to Administration.

ANALYSIS

Project Details

The proponent has provided appropriate site plans and construction drawings and has been issued a development permit for the project. The development consists of seven buildings, each with 15 units. For the purposes of the incentive applications, each building is considered a separate phase, and therefore eligible for its own incentive. The first phase

would be initiated in spring 2024. The final phase of construction would be completed in late 2026.

This project conforms to all City zoning regulations and meets the criteria for a Rental and Supportive Housing Development Incentive.

Financial Impact to the City

If Council approves the applications as presented, the value for each building would be:

- DCC Reduction: \$32,775
- Annual Grant: \$30,000 (\$2,000 x 15 units)
- Total Grant over 10 years: \$300,000
- Total Incentive Value: \$332,775

The total financial implication to the City for the seven incentive applications would be \$2,329,425 over 10 years (\$229,425 in DCC reductions and \$2,100,000 in annual grants). Grant payments would begin one year after occupancy is issued for each building.

The proposed incentive meets the terms of the City Grant-Making Policy.

Housing Development Incentive Agreement

The Development Incentive Agreement lists the maximum value of the incentive as \$500,000, which includes both a reduction in DCCs and annual grants, the timeline for the grant payments, specifies that the building must be operated as rental housing for a minimum of 10 years, and that the property may not be used for short-term rentals, or the proponent will be required to repay the City for all grants disbursed. Other conditions that the developer/property owner must meet to remain eligible for the grants are also specified.

ADMINISTRATIVE RECOMMENDATION

THAT Council approve a Rental Housing Development Incentive with respect to 28 Olive May Way.

ADMINISTRATIVE REPORT

TO: Development Services Committee
FROM: Administration
DATE: April 15, 2024
RE: Rental Housing Development Incentive Agreement – 410 Cook Street

ISSUE

Rental Housing Development Incentive application for a 10-unit rental housing development.

REFERENCE

- [Housing Development Incentives Policy](#)
- Housing Development Incentive Agreement
- City Grant-making Policy

HISTORY

The City has received an application for a Housing Development Incentive related to a rental housing development located at 410 Cook Street in Downtown Whitehorse. This development meets the criteria for the rental and supportive incentive as set out in the new Housing Development Incentives Policy. As per the policy, Administration is bringing the application forward for Council approval.

In response to Council's strategic priorities on housing, the updated policy is aimed at providing assistance to rental and supportive housing projects, as well as developments undertaken by non-government or non-profit organizations. Under this policy, developments that meet the rental or supportive housing criteria are eligible for a reduction of Development Cost Charges (DCCs) and a yearly monetary grant from the City. The value of the grant is \$2,000 per unit, to a maximum of \$60,000 annually.

Per the Policy, a combined maximum of \$500,000 (DCC reduction value plus annual grants) is eligible and is authorized through a development incentive agreement with Council.

ALTERNATIVES

1. Approve the Rental and Supportive Housing Development Incentive application; or
2. Refer the application back to Administration.

ANALYSIS

Project Details

The proponent has provided appropriate site plans and construction drawings and has been issued a Development Permit for the project. The development consists of a three storey, 10-unit mixed-use building. There are six 1-bedroom and four studio units proposed. A commercial unit is located on the main floor. Building construction would be completed in mid-2025.

This project conforms to all City zoning regulations and meets the criteria for a Rental and Supportive Housing Development Incentive.

Financial Impact to the City

If Council approves the incentives application as presented, the value of the incentive for this project would be:

- DCC Reduction: \$21,850
- Annual Grant: \$20,000 (\$2,000 x 10 units)
- Total Grant over 10 years: \$200,000
- Total Incentive Value: \$221,850

Grant payments would begin one year after occupancy is issued for all eligible units, which is currently expected in 2025.

The proposed incentive meets the terms of the City Grant-Making Policy.

Housing Development Incentive Agreement

The Development Incentive Agreement lists the maximum value of the incentive as \$500,000, which includes both a reduction in DCCs and provision of annual grants, the timeline for the grant payments, specifies that the building must be operated as rental housing for a minimum of 10 years, and that the property may not be used for short-term rentals, or the proponent will be required to repay the City for all grants disbursed. Other conditions that the developer/property owner must meet to remain eligible for the grants are also specified.

The applicant has agreed to the terms of the Agreement.

ADMINISTRATIVE RECOMMENDATION

THAT Council approve a Rental Housing Development Incentive with respect to 410 Cook Street.

ADMINISTRATIVE REPORT

TO: Development Services Committee
FROM: Administration
DATE: April 15, 2024
RE: Non-Profit Organization Development Incentive Agreement – 84 Rampart Avenue

ISSUE

Housing Development Incentive applications for a 32-unit Non-Profit Organization (NPO) housing development.

REFERENCE

- [Housing Development Incentives Policy](#)
- Housing Development Incentive Agreement
- City Grant-making Policy

HISTORY

The City has received an application from a non-profit organization (NPO) for a Housing Development Incentive related to a housing development located at 84 Rampart Avenue in Whistle Bend. This development meets the criteria for the NPO incentive as set out in the new Housing Development Incentives Policy. Per the policy, Administration is bringing the application forward for Council approval.

In response to Council's strategic priorities on housing, the updated policy is aimed at providing assistance to rental and supportive housing projects, as well as developments undertaken by a NPO. Under this policy, developments that meet the NPO criteria are eligible for a reduction of Development Cost Charges (DCCs) and a grant offsetting development fees, to a maximum of \$60,000.

ALTERNATIVES

1. Approve the Non-Profit or Non-Governmental Organization Housing Development Incentive application; or
2. Refer the application back to Administration.

ANALYSIS

Project Details

The proponent has provided appropriate site plans and construction drawings and has been issued a development permit for the project. The development consists of two buildings, each with 16 units. This project conforms to all City zoning regulations and meets the criteria for a NPO Housing Development Incentive.

Financial Impact to the City

The development fees eligible for an offsetting grant attributed to this project include:

- Development permit - \$3,373 (\$400 + \$1.10/m² area)
- Building permit - \$85,350 (\$150 + 0.71% construction value)
- Plumbing permit - \$1,650 (\$150 + \$7.50/fixture)
- Total development fees - \$90,373

The City Grant-Making Policy caps individual grant applications at \$60,000. Therefore, if Council approves the incentives application as presented, the value of the incentive for this project would be:

- DCC Reduction: \$69,920
- Development Fee Grant: \$60,000
- Total Incentive Value: \$129,920

DCC reductions are enabled through the Fees and Charges bylaw and are not considered grants. Therefore, these fee reductions do not impact the annual budget for the incentives program.

Per the policy, Administration recommends a grant of \$60,000 for this project.

ADMINISTRATIVE RECOMMENDATION

THAT Council approve a Non-Profit Organization Housing Development Incentive for a 32 unit housing development at 84 Rampart Avenue, which includes a development fees grant of \$60,000.

CITY OF WHITEHORSE
CITY OPERATIONS COMMITTEE
Council Chambers, City Hall



Chair: Jocelyn Curteanu

Vice-Chair: Michelle Friesen

April 15, 2024

Meeting #2024-08

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1. Interim City Curbside Recycling Program
Presented by Ira Webb, Associate Manager, Waste Services
 2. New Business

ADMINISTRATIVE REPORT

TO: City Operations Committee
FROM: Administration
DATE: April 15, 2024
RE: Interim City Curbside Recycling Program

ISSUE

Council direction is required on an interim City run curbside collection program.

REFERENCE

- *Environment Act* Extended Producer Responsibility Regulation (EPR) O.I.C. 2024/19

HISTORY

In response to Raven ReCentre's announcement that they would be closing their free public drop off for non-refundable recycling, the City and Yukon Government (YG) established a Recycling Committee to identify options to maintain recycling services and support the transition to an industry managed EPR system for packaging and paper products (PPP). The Committee identified a residential curbside recycling program as a viable option to maintain or increase diversion and establish service levels in advance of EPR. The City released a Request for Information (RFI) in November of 2023 to solicit feedback from potential service providers as to their interest and capacity to deliver a City-wide recycling program. Based on the responses to this RFI, there is capacity within the local market to deliver this service. Yukon Government has committed up to \$2.4M in funding support over the next two years only, including 50% of the costs of collection and continued diversion credit funding for processing of curbside materials to help offset the costs of a curbside collection program.

ALTERNATIVES

1. Administration participate in stakeholder consultation and bring forward a recommendation in June of 2024 on the City's next steps with respect to the implementation of a curbside collection program; or
2. Administration stop work on establishing a temporary City-run program and bring forward a budget amendment in June 2024 to establish a temporary fee-for-service depot for collection of PPP at the City's Waste Management Facility; or
3. Refer the matter back to Administration for further analysis.

ANALYSIS

Yukon Government's EPR Regulation was passed in January 2024, setting the framework for producers of materials to manage end of life of a variety of materials including PPP. Under this regulation, producers will be required to develop and implement a stewardship plan approved by the Yukon Government that sets diversion targets the producers will be required to meet. Costs to manage the program identified in the stewardship plan will be the responsibility of the producers of the PPP material and the program will be run by a Producer Responsibility Organization (PRO).

Yukon’s EPR Regulation requires producers to engage with stakeholders during development of their stewardship plan. Participation in this consultation would allow Administration to provide the most accurate information to Council regarding the future of a potential curbside program under EPR. In recent discussions with a PRO, they have advised they will be undertaking consultations with stakeholders in April and May of this year. By participating in the consultation process, Administration will be better able to identify and develop a proposed level of service for recycling collection that may be supported and included in the stewardship plan submitted by a PRO to YG. Producers would be required to deliver this agreed upon level of service when the plan is approved.

If a feasible service level for a curbside collection program is identified through the stakeholder consultations and development of the stewardship plan, Administration would bring forward a budget amendment and commencement report to Council in June 2024 to implement a curbside program. This program would be initially funded through utility fees and managed by the City until the producer stewardship plan comes into effect, at which point the City would likely turn over program management to producers. Once producers assume program management, City utility fees for recycling may be eliminated. Developing this program in consultation with a PRO reduces the risk of the City establishing a service level that would not be supported by producers once EPR is in place.

If a feasible service level cannot be established through the stakeholder consultations, Administration could still bring forward a budget for a curbside program which the PRO would be expected to continue but there would likely still be a requirement to augment the costs of the program through monthly utility fees.

If Council does not wish to pursue implementation of a curbside recycling program prior to EPR, the City could establish a temporary collection point for residential PPP at the City’s Waste Management Facility, in order to provide continued access to recycling services should the existing public drop-off services cease. This service would be intended as a temporary measure, not a replacement of the existing drop off services, as there is not adequate space or resources to manage existing recycling volumes at the City’s facility. Costs to provide this service would need to be recovered through fees. There is limited existing space at the Transfer Station for a full scale depot. This option is also not recommended at this time as there is uncertainty as to what volumes would be received under a fee-for-service drop off, and management costs for a drop off would be significant.

Once EPR regulations come into effect, the PRO would be responsible to implement whatever approved program they feel will meet the diversion targets set in their stewardship plan. This could include a depot, curbside program or combination thereof.

In the event of an immediate closure of Raven and P&M’s public drop offs, residents will be encouraged to enroll in the existing private curbside collection service for the interim.

ADMINISTRATIVE RECOMMENDATION

THAT Administration participate in stakeholder consultation with the PRO and bring forward a recommendation on the City’s next steps with respect to a curbside collection program in June 2024.

CITY OF WHITEHORSE
COMMUNITY SERVICES COMMITTEE
Council Chambers, City Hall



Chair: Kirk Cameron

Vice-Chair: Ted Laking

April 15, 2024

Meeting #2024-08

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1. New Business

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



Chair: Mellisa Murray

Vice-Chair: Kirk Cameron

April 15, 2024

Meeting #2024-08

1. Seasonal Preparedness Update – For Information Only
Presented by Travis Whiting, Fire Chief;
Luc Bibeau, Manager, Prevention and Mitigation, Yukon
Wildland Fire Management
Keith Fickling, Regional Protection Manager, Yukon
Wildland Fire Management

2. New Business

ADMINISTRATIVE REPORT

TO: Public Health and Safety Committee
FROM: Administration
DATE: April 15, 2024
RE: Seasonal Preparedness Update – For Information Only

ISSUE

To provide an update on collaborative preparations for the upcoming wildfire season.

REFERENCE

- [Civil Emergency Measures Act](#)
- [Emergency Measures Bylaw 2013-36](#)
- [Crisis Communication Plan](#)

HISTORY

The City's responsibilities in Emergency Management fall within the *Civil Emergency Measures Act* (territorial) and the City of Whitehorse Emergency Measures Bylaw. In light of recent major events across western Canada and the Territories, including the 2023 fires in Yellowknife, staff continue to review plans to ensure the City is appropriately preparing for known hazards and risks, specifically flooding, landslides and wildfires.

The City's response to events are outlined in a number of key documents including the City Crisis Communication Plan, Public Safety Protection Plan and Department Hazard Specific Plans that all operate under the umbrella of the Emergency Management Plan. Each of these documents are annually reviewed to be current, through efforts from across multiple City departments.

Although the City does have a responsibility to lead local responses to emergencies, the Government of Yukon has often assisted the City in those responses. Efforts continue for agencies to coordinate efforts and resources during large scale or prolonged events. In addition to plan reviews, the City of Whitehorse and Yukon Wildland Fire Management (YFM) are collaborating on a number of critical fuel mitigation programs. As with each year, staff are completing emergency exercises and training to assess with territorial staff and other stakeholders to ensure seasonal readiness.

ANALYSIS

Emergencies, when they occur, are dynamic events that require collaboration across the organization and in partnership with key stakeholder agencies such as the Yukon Government Emergency Measures Organization (YG EMO) and YFM. The City uses a multi-departmental approach to managing its Emergency Operations Centre (EOC), using the broad, professional skills found across the organization. This work is supported directly by the YG EMO, and that support has proven key in past events. This year, development of an internal Common Operating Picture (COP) program will ensure

an efficient sharing of real time information during any emergency that may occur and will aid in ensuring informed decisions are made jointly to support the community.

Specific to wildfire responses, support to the community will be informed by a unified command between the Whitehorse Fire Department (WHFD) and YFM. WHFD and YFM will be working together to ensure timely, local information on fire conditions are monitored and provided out to ensure a clear, accurate understanding of risk, especially in relation to the broader picture seen nationally.

In preparation for the upcoming season, there are a number of key initiatives underway. These focus on collaboration between agencies, and also on the role the public can play in creating a resilient community. These efforts include:

- Media campaign – focused on seasonal readiness, and where to find local information;
- Annual review of all related plans, including the Crisis Communications Plan, Public Safety Protection Plan, and Emergency Management Plan;
- Table-Top EOC exercise with YG EMO focused on cross government collaboration;
- Participation in the Whitehorse Emergency Management Working Group, which includes local partner agencies, First Nations Governments and relevant YG departments;
- Cross training and planning between WHFD and YFM; and
- FireSmart Public Education Campaign - Enhanced focus on the role of residents can play to build resilience. This will include a complementary home assessment program and public education through various media.

Yukon Wildland Fire Management Fuel Mitigation Projects and FireSmart

- YFM prevention and mitigation program has made progress on the Whitehorse South Fuel break to reduce the overall risk of wildfire to the community.
- FireSmart Funding Program
 - The Yukon Government's FireSmart Funding Program provides financial and technical support to eligible organizations to implement wildfire hazard reduction projects. These projects typically involve reducing forest fuels on public and First Nation Settlement Lands that are near Yukon communities.

CITY OF WHITEHORSE
CORPORATE SERVICES COMMITTEE
Council Chambers, City Hall



Chair: Ted Laking

Vice-Chair: Jocelyn Curteanu

April 15, 2024

Meeting #2024-08

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1. Upcoming Procurements (May/June) – For Information Only
Presented by Svetlana Erickson, Manager, Financial Services
 2. Election Procedures Bylaw
Presented by Valerie Braga, Director of Corporate Services
 3. Adjust June Cycle of Council – FCM Travel
Presented by Valerie Braga, Director of Corporate Services
 4. New Business

ADMINISTRATIVE REPORT

TO: Corporate Services Committee
FROM: Administration
DATE: April 15, 2024
RE: Upcoming Procurements (May/June) – For Information Only

ISSUE

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

REFERENCE

- [Procurement Policy 2020-03](#)
- Attachment 1 – 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 2024. The information as compiled by the Financial Services department is enclosed as Attachment 1.

**Attachment 1
Upcoming Procurement Projects Information Report**

Report Number 2024-03

Date of Meeting: April 15, 2024

Subject: Upcoming Procurement Projects

Period: May - June 2024

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	Engineering Services	Utility Stations - Upgrades	Construction services for upgrades to water and sanitary sewer utility stations	240c00124/224/ 324/424	No, the project value is less than \$500k	May 29, 2024
2	Property Management	CGC - Aquatic Centre Domestic Water Line Upgrade	Upgrade of the aging domestic water distribution piping line throughout the CGC Aquatic Centre	360c00224	Yes, the project value is over \$500k	May 30, 2024
3	Property Management	RSCG Fire Suppression Pond	Contract services for the creation of a pond on the northwest section of the new Robert Service Campground (RSCG) Building	320c00420	No, the project value is less than \$500k	June 21, 2024
4	Property Management	Electric Vehicles (EV) Charging Stations	Purchase and installation of EV chargers on various City of Whitehorse sites for charging City Battery Electric Vehicles	360c00223	No, the project value is less than \$500k	May 28, 2024
5	Property Management	Commissioning - WOB Administration Office Expansion	Commissioning services for the Whitehorse Operation Building (WOB) administration office expansion	360c00723	No, the project value is less than \$500k	May 16, 2024
6	Property Management	Payment Certifier - WOB Administration Office Expansion	Payment Certifier for the Whitehorse Operation Building (WOB) administration office expansion	360c00723	No, the project value is less than \$500k	May 21, 2024
7	Property Management	Commissioning - City Hall Energy Upgrade and Transit Hub	Commissioning services for the City Hall Energy upgrade and new downtown Transit Hub Building	360c00823 & 360c00923	No, the project value is less than \$500k	June 18, 2024
8	Property Management	Construction Manager - City Hall Energy Upgrade and Transit Hub	Construction Manager for the City Hall Energy Upgrade and new downtown Transit Hub Building	360c00823 & 360c00923	No, the project value is less than \$500k	May 14, 2024
9	Property Management	Commissioning- Selkirk Water Treatment Plant	Commissioning services for the new Selkirk Water Treatment Plant	650c00421	No, the project value is less than \$500k	June 27, 2024
10	Fleet & Transportation Maintenance	Additional Pumper Truck - Station 3	Purchase of a pumper truck for the Whitehorse Fire Department - Station 3	500c00524	Yes, the project value is over \$500k	May 1, 2024
11	Water & Waster Services	Storm Water Management Plan	Consulting services for the Storm Water Management Plan that is required for the City's water use license	650c00224	No, the project value is less than \$500k	May 1, 2024
12	Water & Waster Services	Crestview Lagoon Outfall - Phase 1 Design	Consulting services for an engineering assessment and design for the Crestview Lagoon outfall	650c00724	No, the project value is less than \$500k	May 1, 2024
13	Water & Waster Services	Storm Sewer Maintenance	Contract service to perform inspection, cleaning, and camera inspection to the City's storm collection system in Downtown, Riverdale and Marwell	650c01523	No, the project value is less than \$500k	May 1, 2024

ADMINISTRATIVE REPORT

TO: Corporate Services Committee
FROM: Administration
DATE: April 15, 2024
RE: Election Procedures Bylaw

ISSUE

Consideration of a bylaw to establish procedures for the 2024 municipal election.

REFERENCE

- *Municipal Act* (RSY 2002, c. 154)
- Proposed Bylaw 2024-11 (Attachment 1)

HISTORY

The *Municipal Act* requires council to pass a bylaw in a scheduled election year to provide for the holding of the election.

ALTERNATIVES

1. Proceed with Bylaw 2024-11 as presented; or
2. Refer the bylaw back to Administration for further review.

ANALYSIS

The election procedures bylaw now being brought forward addresses issues including:

- Incorporating regulations and procedures for the primary election and any subsequent by-elections over the 2024 – 2028 term of Council;
- Delegating the responsibility to appoint a Returning Officer and Alternative Returning Officer who have the authority to administer the election to the City Manager;
- Establishing the duties and honorariums to be paid to election officials;
- Establishing the date, time, and place for the submission of nominations;
- Providing for the use of an electronic list of electors and dispensing with the requirement for a Board of Revision;
- Allowing for paper ballot, special ballot and internet voting with identification, and other processes specified;
- Delegating authority to the Returning Officer to establish:
 - polling places;
 - mobile institutional polls and mobile special ballot polls; and
- Allowing for the use of tabulators to count votes with processes specified.

ADMINISTRATIVE RECOMMENDATION

THAT Bylaw 2024-11, a bylaw to regulate the 2024 municipal election in the City of Whitehorse, be brought forward for consideration under the bylaw process.

CITY OF WHITEHORSE
BYLAW 2024-11

A bylaw to establish regulations and procedures for the 2024 municipal election.

WHEREAS section 53 of the *Municipal Act* provides that Council may by bylaw regulate the conduct of an election;

AND WHEREAS section 56 of the *Municipal Act* provides that Council shall by bylaw:

- (a) appoint a returning officer to be responsible for the administration of the election or public vote;
- (b) establish the place for making nominations;
- (c) establish places that are reasonably accessible to electors who are physically incapacitated at which polls will be held if a poll is required and, subject to section 85, set hours during which polls shall be open;
- (d) appoint deputy returning officers as required, or delegate to the returning officer the power to appoint deputy returning officers; and
- (e) otherwise arrange for the holding of the election or public vote.

AND WHEREAS in accordance with sections 53 and 56 of the *Municipal Act*, the City will in each election year bring forward an elections procedures bylaw to otherwise regulate the conduct of the municipal election with procedures and precautions to ensure that each elector votes only once in the Election;

AND WHEREAS voter information obtained from Elections Yukon pursuant to sections 60(1) and (2) of the *Municipal Act* is sufficient to meet the needs of the 2024 municipal election in the City of Whitehorse, and negates the need for a Board of Revision;

AND WHEREAS section 58 of the *Municipal Act* provides that Council may by bylaw provide for special ballots and provide the method by which a person may request a special ballot;

AND WHEREAS section 104(1) of the *Municipal Act* provides that Council may by bylaw provide for the taking of votes of the electors by voting machines, vote recorders or automated voting systems, or other devices; and

AND WHEREAS section 146.01 of the *Municipal Act* provides that Council shall set a time to fill vacancies on Council through a by-election;

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

SHORT TITLE

1. This bylaw may be cited as the "**Election Procedures Bylaw**".

Election Procedures Bylaw 2024-11

INTERPRETATION

2. In this bylaw,

“BY-ELECTION” means an election, other than a general election, that must be conducted upon the arising of a vacancy on Council.

“CANDIDATE” means a person running for office in an Election.

“CITY” means the Corporation of the City of Whitehorse.

“COUNCIL” means the elected Council of the City.

“ELECTION” means the 2024 municipal election and any By-elections that may occur during the 2024-2028 term of Council.

“ELECTION OFFICIALS” means the Returning Officer and Alternate Returning Officer appointed pursuant to this bylaw, and also includes Senior Deputy Returning Officers, Deputy Returning Officers, Poll Clerks, Poll Attendants, Revision Officers, Tabulator Operators and Standby Election Officers appointed and sworn in by the Returning Officer to assist with the conduct of the election, all as further described under section 8 of this bylaw.

“ELECTOR” means a person qualified to vote in the Election pursuant to section 48 of the *Municipal Act*.

“ELECTOR INFORMATION” means the necessary information for internet voting in the municipal election sent by the Returning Officer to registered Electors in accordance with this bylaw.

“IDENTIFICATION” means documentation that verifies that the Elector is the person whose name appears on the List of Electors or the person applying to be included on the List of Electors. Such identification shall include the birthdate of the Elector and a current residential address.

“INTERNET BALLOT” means an image of a ballot on a screen of a personal computing device, including all the choices available to an Elector and the spaces in which an Elector marks their vote.

“INTERNET VOTING PROVIDER” means the vendor retained on behalf of the City to provide the Internet Voting System.

“INTERNET VOTING SYSTEM” means the entire system including, but not limited to, hardware, programming, and processes, provided by the Internet Voting Provider that allows an Elector to remotely mark an Internet Ballot and vote online in the 2024 municipal election and By-Elections.

“LIST OF ELECTORS” means the list of registered Electors being used by the City in the Election.

“MOBILE INSTITUTIONAL POLL” means a poll that has been established under this bylaw in order that Electors may cast their votes while residing in a hospital or extended care facility.

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“MOBILE SPECIAL BALLOT POLL” means a poll that has been established under this bylaw in order that Electors may cast their votes by special ballot if they are incapable of attending at a poll by reason of physical incapacity or their attendance at Whitehorse Correctional Centre.

“TABULATOR” means a device that scans marked paper ballots, interprets voter marks on the paper ballot, and safely stores and tabulates each vote from each paper ballot.

3. Except as otherwise provided in this bylaw the Election shall be conducted in accordance with the provisions of Part 3 of the *Municipal Act*.

AUTHORIZATION

4. The City Manager, Returning Officer, or designate is hereby authorized to enter into agreements with various agencies or service providers for assistance in the conduct of the Election.

ELECTION OFFICIALS

5. The City Manager is hereby delegated the responsibility for appointing a Returning Officer for the 2024 municipal election and any By-elections that may occur during the 2024-2028 term of Council.
6. The City Manager is hereby delegated the responsibility to appoint an Alternate Returning Officer who is authorized to act in the absence of the Returning Officer or as otherwise required by the Returning Officer in their sole discretion.
7. The Returning Officer is hereby delegated the authority to appoint Election Officials in sufficient numbers to assist in the conduct of the Election. Election Officials so appointed will include, without limitation, Senior Deputy Returning Officers, Deputy Returning Officers, Revision Officers, Poll Clerks, Poll Attendants, Tabulator Operators and Standby Election Officers.
8. The role of the following election officials are defined as follows:
 - (1) “ALTERNATE RETURNING OFFICER” means the person appointed under this bylaw to assist the Returning Officer in the administration of the Election.
 - (2) “DEPUTY RETURNING OFFICER” means a person who has been appointed and sworn in by the Returning Officer to oversee a polling station during the Election and ensure that rules and procedures are followed at that polling station. The Deputy Returning Officer will also ensure that registration tasks including verification of eligibility, form completion, and entry into the List of Electors are completed.
 - (3) “POLL ATTENDANT” means a person who has been appointed to provide information and support at a polling place.

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- (4) "POLL CLERK" means a person who has been appointed and sworn in by the Returning Officer or Deputy Returning Officer to support the administration of the voting at each polling station.
 - (5) "RETURNING OFFICER" means the person appointed under this bylaw to be responsible for the administration of the Election. The Returning Officer will be delegated the responsibility to modify voting procedures, as long as the integrity of the vote is maintained.
 - (6) "REVISION OFFICER" means a person who has been appointed and sworn in by the Returning Officer to support the administration of the voting at a polling place by completing registration tasks including verification of eligibility, form completion, and entry into the list of Electors. Revision Officers may be employed at registration kiosks prior to normal polling dates if such kiosks are established by the Returning Officer.
 - (7) "SENIOR DEPUTY RETURNING OFFICER" means a person appointed and sworn in by the Returning Officer to oversee a polling place at which more than one Deputy Returning Officer is working.
 - (8) "STANDBY ELECTION OFFICER" means a person trained to provide election operations continuity in the event of no-shows, relief, or additional capacity requirements on polling days. Persons hired as standby election officers shall be sworn in by the Returning Officer and employed as required for partial or full periods when polls are open for advance polls and on polling day.
 - (9) "TABULATOR OPERATOR" means a person who has been appointed and sworn in by the Returning Officer to operate the tabulator at a polling place.
9. During their employment for the Election, Election Officials shall refrain from any active or public support for, or criticism of, any candidate running in the Election.
10. Senior Deputy Returning Officers will be appointed for each polling place where more than one Deputy Returning Officer is working. The additional responsibilities of Senior Deputy Returning Officers will include:
- (1) Overseeing the setup of the polling place;
 - (2) Setup and activation of the Tabulator at the opening of the poll;
 - (3) Shutdown of the Tabulator at the close of the poll, ensuring the security of the results card, and reporting the results of the poll to the Returning Officer;
 - (4) Supervision of the Tabulator operator while the poll is open;
 - (5) Supervision of Revision Officers and Poll Attendants assigned to work at a polling place and tasked with registration duties, door-keeping, crowd control and other miscellaneous responsibilities;
 - (6) Overseeing the closing of the polling place and the secure return of the ballot box, results card and Tabulator to the Returning Officer; and
 - (7) Such further and other duties as may be assigned to them by the Returning Officer or their designate.

Election Procedures Bylaw 2024-11

11. Standby Election Officers will be hired to provide continuity in the event of no-shows, relief or additional capacity requirements. Standby Election Officers will:
- (1) Be trained to take over the position of a Deputy Returning Officer, Revision Officer, Poll Clerk, Tabulator Operator, or Poll Attendant as required;
 - (2) Report for duty on polling day as assigned by the Returning Officer for a minimum of three hours or until they are reassigned;
 - (3) Assist with the set-up at their assigned polling place;
 - (4) Be available for call back during all the hours the polls are open;
 - (5) If assigned to take over the position of an Election Official, or called back after the initial work, be paid for the day at the rate of the position assigned rather than at the standby rate; and
 - (6) Such further and other duties as may be assigned to them by the Returning Officer or their designate.
12. The following honorariums shall be paid to persons acting as Election Officials on polling day and advance polls:

Position	Per day	Notes
Senior Deputy Returning Officer (SDRO)	\$400.00	
Deputy Returning Officer (DRO)	\$315.00	
Poll Clerk (PC)	\$275.00	
Revision Officer (RevO)	\$275.00	
Tabulator Operator (TA)	\$275.00	
Poll Attendant (PA)	\$260.00	
DRO (Institution Poll)	\$23.00 per hour	Paid for a minimum of 4 hours
PC (Institution Poll)	\$21.00 per hour	Paid for a minimum of 4 hours
Standby Election Officers (SEO)	\$75.00	Based on 3 hours at the polling place; if the SEO covers another position, pay is adjusted to reflect that position's pay.

13. In addition to the honorarium above, Election Officials will receive a \$70.00 honorarium for time spent in training based on a maximum of four hours.
14. Election Officials appointed pursuant to section 6 of this bylaw may be employed on more than one polling day, and therefore are eligible to work at advance polls as well as at a regular poll on polling day.

Election Procedures Bylaw 2024-11

NOMINATION PLACE AND TIME

15. Tuesday, 10th of September 2024 is hereby established as the designated date when nominations will open to prospective candidates for the 2024 municipal election. Candidate packages will be available at City Hall.
16. Thursday, 26th of September 2024, between the hours of 10:00 a.m. and 12:00 noon, is hereby established as the designated date and time where the Returning Officer shall receive the candidates' nomination papers for the 2024 municipal election. The Returning Officer shall have the delegated power to determine a designated date to receive the candidates' nomination papers for any By-election.
17. Council Chambers in City Hall, located at 2121 Second Avenue, or alternate location as determined by the Returning Officer is hereby designated as the place where the Returning Officer shall receive the candidates' nomination papers.
18. Notwithstanding sections 15 and 16 of this bylaw, candidates may arrange an appointment with the Returning Officer to file nomination papers between the date of the nomination notice issued under the *Municipal Act* and 10:00 a.m. on the nomination day designated under this bylaw.
19. Notwithstanding sections 15 and 16 of this bylaw, candidates for a By-election may arrange an appointment with the Returning Officer to file nomination papers between the date of the By-election nomination notice issued under the *Municipal Act* and 10:00 a.m. on the nomination day determined by the Returning Officer for the By-election.

POLLING DAY

20. Polling day for the 2024 municipal election shall be Thursday, October 17, 2024. Subsequent By-elections may be held as authorized by Council resolution in accordance with section 146.01 of the *Municipal Act*.

ELECTRONIC LIST OF ELECTORS

21. The City will use an electronic List of Electors for the Election. In accordance with a Memorandum of Understanding between the City and Elections Yukon, an electoral district based on City boundaries will be created in the VoterView software used by Elections Yukon, and this software will be updated in September 2024 for use by the City in the 2024 municipal election.
 - (1) The electronic List of Electors will be an alphabetical list for the entire City;
 - (2) When an Elector is duly identified at any polling station and is subsequently provided with a ballot, said Elector shall be marked on the List of Electors as having voted, and the electronic list will be updated at all polling places to show that the said Elector has already voted;

Election Procedures Bylaw 2024-11

- (3) To facilitate the use of an electronic List of Electors, all polling places will be established in places with Wi-Fi or internet-based connectivity;
- (4) In the event of a power failure, some polls may be temporarily closed until power is restored; and
- (5) In the event that power is unable to be restored in a timely manner, some polls may remain closed, and Electors will be directed to an alternate polling place. The List of Electors will be manually updated to ensure that it accurately reflects the names of Electors who have already voted until the power is restored or until the close of the polls.

22. Pursuant to the provisions of section 60(2) of the *Municipal Act*, and section 21 above, the requirement for a Board of Revision is dispensed of.

IDENTIFICATION OF ELECTORS

23. Electors will be required to produce identification at the poll, when applying for a special ballot and when requesting Elector Information for Internet Voting to verify that they are the person whose name appears on the List of Electors.
24. If the elector does not have photo ID such as a driver's license or general identification card, two other pieces of identification showing the Elector's name and address shall be deemed acceptable provided that at least one of the alternate pieces of identification:
 - (1) shows the Elector's date of birth; and
 - (2) provides proof of residency in the City.
25. If an Elector's official identification shows only a post office address, the Elector will be required to produce additional documentation to show that they have a residential address in the City.
 - (1) In the event that an Elector does not have documentation to show that they have a residential address in the City, an Elector may still be issued a ballot provided that they sign a solemn declaration of their residential address and their qualification as an Elector in accordance with the *Municipal Act*.
26. For the purposes of this bylaw,
 - (1) For proof of identity and/or date of birth, the following documents will be deemed acceptable if it is valid and not expired:
 - (a) Canadian birth certificate;
 - (b) Canadian passport;
 - (c) Citizenship and Immigration Canada documents;
 - (d) Secure Certificate of Indian Status card;
 - (e) Yukon driver's license; or
 - (f) Yukon general identification card.

Election Procedures Bylaw 2024-11

- (2) For proof of Whitehorse residency, any one of the following current documents will be deemed acceptable as long as it shows the full residential address of the Elector:
 - (a) A banking statement or a stamped banking profile from a bank with a physical branch located within the City;
 - (b) A bill showing a service location address (for example, a City utilities bill, an ATCO Electric bill or a Northwestel bill);
 - (c) A City property tax notice;
 - (d) A credit card statement;
 - (e) Employment confirmation, signed and on company letterhead;
 - (f) An income tax return or notice of assessment from the Canada Revenue Services (for the current year or within 2 years);
 - (g) Mortgage documentation;
 - (h) A signed residential tenancy agreement; or
 - (i) Social assistance benefit confirmation.

27. If an Elector's birth certificate, valid passport or other such identification document does not reflect the Elector's name as shown on the List of Electors, additional documentation will be required for proof of identity. In most instances, and subject to the discretion of the Election Officials, the proof of residency documents permitted under this bylaw in conjunction with one or more of the identity documents permitted under this bylaw will be sufficient to establish identification under the Bylaw. For greater certainty:
 - (1) Minor discrepancies in spelling, as determined by Election Officials in their sole discretion, between documents will not invalidate an elector's documentation.
 - (2) In the event that proof of identity or residency documents are deemed invalid by Election Officials, electors may still be issued a ballot provided that they sign a solemn declaration that they qualify as an Elector.

28. Electors whose names do not appear on the List of Electors may be sworn in at the poll, as follows:
 - (1) Electors who do not have the required identification and whose name does not appear on the List of Electors may be issued a ballot provided that:
 - (a) they sign a solemn declaration that they are an Elector, and
 - (b) they are accompanied by an Elector whose name appears on the list of electors and who:
 - (i) provides the required identification; and
 - (ii) vouches for the Elector by signing a solemn declaration that the said Elector is eligible to vote in accordance with this bylaw and the *Municipal Act*.

Election Procedures Bylaw 2024-11

- (2) A registered Elector may vouch for the eligibility of no more than one unregistered Elector in each Election.

MEANS OF VOTING

29. Electors will be able to vote through paper ballots and internet voting subject to procedures established by the Returning Officer for the municipal election and By-elections.
30. Internet Ballots shall be an electronic ballot accessed by an Elector using the Internet Voting System that shall include the names of each Candidate listed in the order determined at the close of the nomination period.
31. Paper, Special and Internet Ballots shall include a designated voting space next to each Candidate's name.

POLLING PLACES

32. The Returning Officer shall establish, in their sole discretion, polling places in various areas of the City suitable for public assembly.
33. Polling places established in accordance with this bylaw shall be in premises of convenient access, including access for persons with disabilities.
34. A sign identifying the polling place shall be maintained in place outside each polling place during the time that the poll is open.
35. Private voting compartments shall be provided for the use of Electors in marking their ballots, along with a writing surface and a pen.

HOURS OF THE POLLS

36. Except as otherwise provided in this bylaw, regular polls shall be open on polling day between the hours of eight o'clock in the morning and eight o'clock in the afternoon (8:00 a.m. to 8:00 p.m.). However, for greater certainty hours of other polls may vary:
 - (1) If a poll is established under this bylaw at the Whitehorse General Hospital, it shall be open for some period between the hours of 8:30 a.m. and 5:30 p.m.
 - (2) Polls established at care homes, and other similar institutions, shall be open for limited hours in accordance with a schedule arranged in advance by the Returning Officer, in their sole discretion, in consultation with staff at such institutions.
37. Election staff attending at polls established under sections 36(1) and 36(2) of this bylaw will collect all ballots cast at those polls in a ballot box and deliver the sealed ballot box to the Returning Officer. Such ballot boxes will be opened following the close of the polls and the ballots will be scanned by a Tabulator as the means of counting the votes. These ballots will be included in the tally of votes from mobile polls.

Election Procedures Bylaw 2024-11

SPECIAL BALLOTS

38. Electors may apply for a special ballot, which shall be available from the office of the Returning Officer as of the 27th day of September 2024. The Returning Officer has sole discretion to determine whether an Elector meets the eligibility requirements for a special ballot in accordance with section 58 of the *Municipal Act*.
39. A special ballot poll shall be established by the Returning Officer and located on City controlled premises. This special ballot poll will be open from 8:30 a.m. to 4:30 p.m. every business day from September 27th to and including October 16th, 2024.
40. The special ballot poll established under this section of the Bylaw shall be open on polling day, October 17th, 2024, from 8:30 a.m. until 2:00 p.m. to serve Electors who have identified themselves as being at personal risk if their name or address is disclosed.
41. Special ballots issued by the Returning Officer to Electors must be returned to the Returning Officer by no later than 2:00 p.m. on polling day in order to be counted.
42. An Elector who applies for and receives a special ballot is deemed to have voted when the special ballot has been issued, and the List of Electors shall be marked to indicate that the Elector has already voted. This includes an Elector to whom a special ballot has been mailed.
43. An Elector who applies for and receives a special ballot shall return the ballot to the Returning Officer or deposit the ballot in a designated drop box by no later than 2:00 p.m. on the polling day for the Election. Under no circumstances may an Elector take a special ballot to a polling station on polling day and vote in person using that special ballot, and the Returning Officer retains the discretion not to count any special ballot so used.
44. Secure drop boxes shall be put in place at designated City controlled premises for the collection of special ballots. Such drop boxes will be clearly identified as collection sites for special ballots. An additional drop box may be deployed if deemed necessary at the discretion of the Returning Officer.
45. Electors who have received a special ballot may return their ballot by depositing it in one of these designated special drop boxes.
46. Special ballots may be mailed to Electors who indicate that they require the ballot to be mailed to them. It shall be the responsibility of the Elector to ensure that such ballots are returned to the Returning Officer by no later than 2:00 p.m. on the polling day for the Election.
47. Mobile Special Ballot Polls, as determined by the Returning Officer in their sole discretion, will be available to Electors incapable of attending a poll by reason of physical incapacity or to those in correctional facilities. Mobile Special Ballot Polls will not be available on the polling day for the Election.

Election Procedures Bylaw 2024-11

48. Electors applying for Mobile Special Ballot Polls because of physical incapacity will be subject to approval by the Returning Officer in their sole discretion.

ADVANCE POLL

49. Any Elector may vote at an advance poll.
50. Advance polls shall be established by the Returning Officer at City controlled premises on Thursday, October 10th, 2024, between the hours of 8:00 a.m. and 8:00 p.m.

INTERNET VOTING INFORMATION

51. Data from the electronic List of Electors will be utilized to provide the Internet Voting Provider with necessary Elector data.
52. The Internet Voting Provider will prepare the Elector Information according to instructions from the Returning Officer.
53. The Elector Information will include all of the information Electors require to cast their vote using the Internet Voting System, including, without limitation, the Uniform Resource Locator (URL) for the voting site, an Elector ID number, a voting PIN for use by an Elector to access the Internet Voting System, and any other information deemed necessary by the Returning Officer.
54. Elector Information will be emailed by Elections Yukon to eligible Electors who request Elector Information for the purpose of internet voting.

INTERNET VOTING PROCEDURE

55. Electors will be able to cast their Internet Ballot using the Internet Voting System from September 27th until Election day. Approval of applications for internet voting will be suspended from 7:59 AM until 8:01 PM during the advance poll on October 10th, and receipt of applications will end at 7:59 AM on polling day, October 17th.
56. The voting website shall be hosted by the Internet Voting Provider and will be accessible through the URL provided to Electors in the Elector Information.
57. At the opening of the voting period, the Returning Officer shall ensure that the total votes for all Candidates are zero in the Internet Voting System and open the vote.
58. Voters entering the voting website will be required to:
 - (1) enter their Elector ID number;
 - (2) enter their voting PIN;
 - (3) enter their date of birth in the format indicated by the Returning Officer;
 - (4) complete a captcha challenge;
 - (5) read and accept the mandatory declaration and offences statements;
 - (6) complete their ballot according to the instructions provided by the Internet Voting System;

Election Procedures Bylaw 2024-11

- (7) prior to casting their ballot, Electors will be provided an opportunity to review their vote and/or modify their selection; and
 - (8) cast their ballot.
59. An Elector will not be able to cast more than one ballot.
60. Once an Elector has selected to cast their ballot according to the Internet Voting System instructions, they will no longer be able to make any further changes to their vote. All ballots, once cast, shall be encrypted and stored according to the Internet Voting System's design and protocols. The Internet Voting System will provide the Elector with notification that voting is complete and their ballot was successfully cast.
61. Electors who have cast their ballot will not be able to re-enter the Internet Voting System. With the successful casting of their ballot, the Elector ID and voting PIN shall be disabled and the Elector will be recorded as having voted.

MOBILE INSTITUTIONAL POLLS

62. Mobile Institutional Polls may be established to attend at care homes, including without limitation Copper Ridge Place and Whistle Bend Place, at which electors who reside in the said institutions may cast their vote.
- (1) Electors who work at or may be visiting at an institution where a mobile poll has been established may cast their votes at such mobile polls.
 - (2) If care homes are closed to the public during the election period, the Returning Officer is delegated the authority to arrange with the individual care homes to allow residents and staff to vote by special ballot. Arrangements may include training staff within the location to assist residents with their forms and voting as required.
63. Except as provided in section 62 of this bylaw and in relevant provisions of the *Municipal Act*, mobile polls shall be conducted in the manner provided by the *Municipal Act* for the conduct of other polls in an election.
64. Election staff attending at mobile polls will secure all ballots cast at those polls in a ballot box and deliver the sealed ballot box to the Returning Officer. Such ballot boxes will be opened following the close of the polls and the ballots will be scanned by a tabulator as the means of counting the votes cast at the mobile polls.

VOTING SECRECY AND INTERFERENCE

65. The Returning Officer will be responsible for maintaining the secrecy of paper ballots and special ballots. The Returning Officer and the Internet Voting Provider will be responsible for maintaining the secrecy of internet voting.
66. The Internet Voting Provider shall ensure that the Internet Voting System maintains the secrecy of voting.
67. No person shall interfere or attempt to interfere in a municipal election by obtaining or attempting to obtain:

Election Procedures Bylaw 2024-11

- (1) a paper or special ballot that belongs to another Elector;
 - (2) an Elector ID number and/or voting PIN that belongs to another Elector; or
 - (3) an Elector ID number and/or voting PIN when not eligible to do so because they are not an Elector or they have already voted.
68. No person shall interfere or attempt to interfere with an Elector while in the process of voting unless expressly requested and authorized by the Elector.
69. No person shall obtain or attempt to obtain information about how an Elector intends to vote or has voted.
70. Any Election Official requested by an Elector to assist them with voting is required to maintain the secrecy of the vote cast by the Elector and shall vote according to the instructions and wishes of the Elector.

TABULATOR SYSTEM

71. The City will use a poll-based ballot scanning and tabulation system for the 2024 municipal Election and for future Elections and By-elections.
72. A paper ballot will be marked by the Elector and then scanned by a Tabulator.
73. One ballot will be used for the Election of one Mayor and up to six Councillors. In the event that Council opts to include referendum or plebiscite questions at the time of the Election, such questions may be included on that same ballot.
74. At each poll, Electors will mark their selections on a paper ballot by filling in the voting targets next to their choices.
75. The Elector will insert the completed paper ballot into a secrecy folder and return the folder with the ballot inside to the Tabulator Operator.
- (1) In the presence of the Elector (if desired) the Tabulator Operator will insert the ballot into the Tabulator. The secrecy folder ensures the security of the ballot. The Tabulator will:
 - (a) Scan the ballot;
 - (b) Indicate that the ballot was read correctly, and may, if desired, also indicate if the ballot is valid;
 - (c) Redundantly store and tally the results; and
 - (d) After the polls have closed, print cumulative totals of all votes cast.

COUNTING PROCEDURES

76. A results tally and reporting module will be installed on computer at City Hall. This module will integrate Election results, including:
- (1) Results for each contest at each poll; and
 - (2) Contest overview results.

Election Procedures Bylaw 2024-11

77. Reports from the results tally and reporting module will be generated based on filter fields including:
- (1) Contest (Mayor, Councillor, plebiscite, etc.);
 - (2) Tabulator identifier;
 - (3) Polling location; and
 - (4) Counting group (the number of polls at the polling location).
78. Following the close of the polls, the Senior Deputy Returning Officer at each polling location will direct the Tabulator Operator to print a paper tape from the Tabulator showing the preliminary results. The paper tape will be printed in the presence of, and immediately delivered to, the Senior Deputy Returning Officer.
79. Following the close of the polls, each Tabulator's memory card will be physically delivered to City Hall. Thereafter each memory card will be inserted into a memory card reader attached to the results tally computer.
- (1) The results files will be loaded into the results tally module and consolidated results will be verified, tabulated and published; and
 - (2) Consolidated results will be published for public review via results reports in PDF format or an internet-based real-time graphical report display.

RECOUNT PROCEDURES

80. In the event of a recount, the Tabulators will be used to speed up the process, but the paper ballots will be available to be counted and examined.

BY-ELECTIONS

81. Council shall pass a resolution for the scheduling of a By-election no earlier than 30 days and no later than 45 days after any event that results in a vacancy on Council, such as:
- (1) resignation of the Mayor or one or more Councillors;
 - (2) upon the death of the Mayor or a Councillor; or
 - (3) if the Mayor or a Councillor is disqualified for a violation of one of sections 193.04 or 195(1)(a) of the *Municipal Act*.
82. A resolution for the scheduling of a By-election will not be required if the vacancy of the Mayor or one more Councillors occurs after the first day of February in an election year.
83. If Council is not able to meet quorum as a result of vacancies after the month of February in an election year, Council shall pass a resolution for the scheduling of a By-election.

USE OF CITY ADVERTISING SPACE DURING AN ELECTION

Election Procedures Bylaw 2024-11

84. During an election, a limited number of advertising spaces may be available in City facilities and on City transit buses for fees as established in the Fees & Charges Bylaw. Space for advertisements may be purchased on a first-come, first-served basis for a fee provided that they:

- (1) Conform to the [Canadian Code of Advertising Standards](#);
- (2) Comply with the laws, statutes, regulations and bylaws in force in the Yukon;
- (3) Clearly and visibly state “This advertisement was paid for by (name of candidate or sponsor)”; and
- (4) Clearly and visibly state, “*The opinions expressed in this advertisement or by the sponsor of this advertisement do not in any way represent the opinions of, and are not endorsed by, the City of Whitehorse*”.

BYLAW REPEAL

85. Bylaw 2018-01, including all amendments thereto, is hereby repealed.

COMING INTO FORCE

86. This bylaw shall come into full force and effect on and from the final passing thereof.

FIRST and SECOND READING:

THIRD READING and ADOPTION:

ORIGINAL BYLAW SIGNED BY:

Laura Cabott, Mayor

Corporate Services

ADMINISTRATIVE REPORT

TO: Corporate Services Committee
FROM: Administration
DATE: April 15, 2024
RE: Reschedule the June 10 Council Meeting

ISSUE

Rescheduling the June 10 Council meeting.

REFERENCE

- [Council Procedures Bylaw 2021-12](#)

HISTORY

The 2024 Annual Conference and Tradeshow of the Federation of Canadian Municipalities will be held in Calgary from June 6-9, 2024. To allow for return travel for the five members of council who will be attending, there may not be a quorum available for the June 10 Standing Committee meeting. When it is known in advance that a quorum will be unavailable, a meeting is either rescheduled or cancelled.

ALTERNATIVES

1. Reschedule the meeting.
2. Do not reschedule the meeting.

ANALYSIS

The Procedures Bylaw establishes the date and time of meetings, and a council resolution is required to reschedule or cancel a meeting. Members of council have indicated that they will be available for a meeting on June 11th. Rather than cancel the meeting, it would be beneficial to reschedule it.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that the Council meeting scheduled for June 10, 2024, be rescheduled to Tuesday, June 11, 2024.

CITY OF WHITEHORSE
CITY PLANNING COMMITTEE
Council Chambers, City Hall



Chair: Michelle Friesen

Vice-Chair: Dan Boyd

April 15, 2024

Meeting #2024-08

-
1. Supplemental Information Report – Copper Ridge Development Area Master Plan
Presented by Mathieu Marois, Senior Planner, Planning Services
 2. Public Hearing Report – Zoning Amendment – Housing-Related Amendments
Presented by Darcy McCord, Senior Planner, Planning Services
 3. Zoning Amendment – Municipal Services Building
Presented by Peter Duke, Manager, Planning Services
 4. Public Hearing Report – Zoning Amendment – Mining Activities
Presented by Peter Duke, Manager, Planning Services
 5. New Business

ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: April 15, 2024
RE: Supplemental Information Report – Copper Ridge Development Area Master Plan

ISSUE

Provision of additional information on the Copper Ridge Development Area Master Plan (the Plan), a document providing guidance and a framework for the future development of Yukon Government (YG) Lots 518 and 519 (Copper Ridge Place) and City of Whitehorse (City) Lot 520.

REFERENCES

- [2040 Official Community Plan](#)
- [Zoning Bylaw 2012-20](#)
- [Subdivision Control Bylaw 2012-16](#)
- [Draft Copper Ridge Development Area Master Plan – Final Report](#)
- [Copper Ridge Development Area – What We Heard Report](#)
- Location Map (Attachment 1)
- Copper Ridge Development Area Master Plan March 2024 (Attachment 2)

HISTORY

The City has developed a plan for the future residential development of City and YG properties in the Copper Ridge neighbourhood (Attachment 1). The YG lot 519 was originally planned as a school site. YG has since determined the lot is no longer required for this purpose. The remainder of the area consists of a 2 ha City parcel (lot 520) and a portion of the Copper Ridge Place lot.

The Plan was introduced at the Regular Council meeting of January 29, 2024. A Public Input Session on the Plan was held on February 26, 2024 and a Public Input Session report was presented at the Regular Council meeting of March 25, 2024. An amended Plan responding to concerns raised in the submissions received for the Public Input Session was brought forward at this Regular Council meeting (Attachment 2). Council directed Administration to provide supplemental information on the following items:

- Impacts of Immediate Housing-Related Zoning Amendments; and
- Impacts of revising the concept to include additional greenspace.

ALTERNATIVES

1. Approve the Plan as amended; or
2. Refer the matter back to Administration.

ANALYSIS

Immediate Housing-Related Zoning Amendments

Housing-related amendments to the Zoning Bylaw to allow for a wider range of opportunities for residential development were introduced at the Regular Council meeting of February 26, 2024. A decision on the amendments is scheduled for April 22, 2024. The proposed housing-related amendments to be advanced include among others to allow up to four units per lot in all urban 'single detached' zones.

The Plan's concept envisions a mix of land uses with the predominant land use consisting of lower and medium density residential. The northern portion of the site is projected as lower density residential allowing for a mix of single-detached, duplex and triplex housing (i.e. up to three units per lot).

Concerns were raised that the Immediate Housing-Related Zoning Amendments currently before Council would result in a greater permissible density within the Plan area than that currently proposed. It was considered that the public was not appropriately consulted on the potential density of the concept due to these amendments.

The concept is projected to result in a maximum of approximately 102 new housing units with approximately 47 being low-density. A Municipal Servicing Assessment undertaken in 2022 to inform the Plan highlighted limitations in the surrounding water network and fire flow availability for development on the site. Current services would support low-density residential development for approximately 102 units. Upgrades would be needed to accommodate additional units.

The housing-related amendments to the Zoning Bylaw are considered to have limited impact to allowing more than three units per lot within the Plan area due to these infrastructure constraints. Notwithstanding this, with current services, if additional density was allowed within the lower density areas, this would need to be balanced out with less density within the medium density areas.

In addition, the Plan provides an overarching framework intended to inform subsequent preparation of zoning amendment, subdivision, detailed engineering design, development permit, and other regulatory applications within the planned area, providing the City with a basis for evaluating the level of compliance of these submissions with the City's vision for this area.

Regardless of infrastructure constraints, future regulatory applications within the planned area and their associated approval are expected to align with the Plan, such as density requirements.

As the housing-related amendments would apply city-wide and as a decision has yet to be made, Administration considers examining the need to further restrict density within the Plan area to be better suited as part of the upcoming zoning amendment application(s) related to the Plan. In addition, this density restriction could also be included as a Development Agreement when obtaining subdivision approval. By then a decision on the housing-related amendments will have been made and Administration will be better able to assess their impact on the concept and if a special modification is required to any future zoning amendment relating to the lower density residential areas.

Additional Greenspace

Concerns were raised that the greenspace between the proposed residential land uses and Copper Ridge Place was insufficiently wide to provide an appropriate buffer, noting that the eight meter wide buffer provided around Whistle Bend Place is insufficient for this purpose.

The Plan's concept envisions a linear open space along Copper Ridge Place to provide outdoor amenity spaces and facilitate safe connections to the future development area. A natural greenbelt buffer also spans the entire western edge of the site. The greenspace area between the proposed residential land uses and Copper Ridge Place would range in size from 20 m to more than 90 m towards the western side of Copper Ridge Place.

The proposed lower residential area closest to Copper Ridge Place ranges in depth between 26 m and 34 m. These are considered minimum lot depths required to appropriately accommodate lower density residential uses. Increasing the width of the greenspace buffer would require the lower residential area depth to be reduced resulting in an unfeasible depth for residential development within this area.

To offset the loss of residential units, greater density would need to be accommodated elsewhere within the concept, either resulting in greater densities than anticipated in other locations or requiring amending the concept configuration entirely.

Amending the concept configuration at this stage in the project would require a budget amendment and significant delays to the project to undertake further information gathering, conceptualization, and engagement.

It is noted that the concept envisions approximately 30 percent of the Plan area as greenspace, with the buffer between the proposed residential land uses and Copper Ridge Place being at its narrowest more than double that provided around Whistle Bend Place. In comparison, a minimum 10 percent public use land dedication of no specific width is typically required under the Subdivision Control Bylaw.

In addition, the average amount of PR – Parks and Recreation zoned land per neighbourhood is approximately 4.36 percent, with Copper Ridge being slightly over at 5.50 percent. Copper Ridge is however below the average amount of overall greenspace zoned land (i.e. PR, PE – Environmental Protection, and GB – Greenbelt) with 11.70 percent out of a 31.40 percent average, noting it is however located near two conceptual regional parks (Chasàn Chuà/McIntyre Creek Park and Paddy's Pond/Ice Lake Park).

Considering the amount of PR zoned land is not proposed to be reduced, the concept will not impact the percentage of PR zoned land within the Copper Ridge neighbourhood. The proposed minimum 20 m buffer between the low-density residential area and Copper Ridge Place is also considered wide enough to provide development separation, visual barrier, and noise buffering in this instance.

Amended Plan

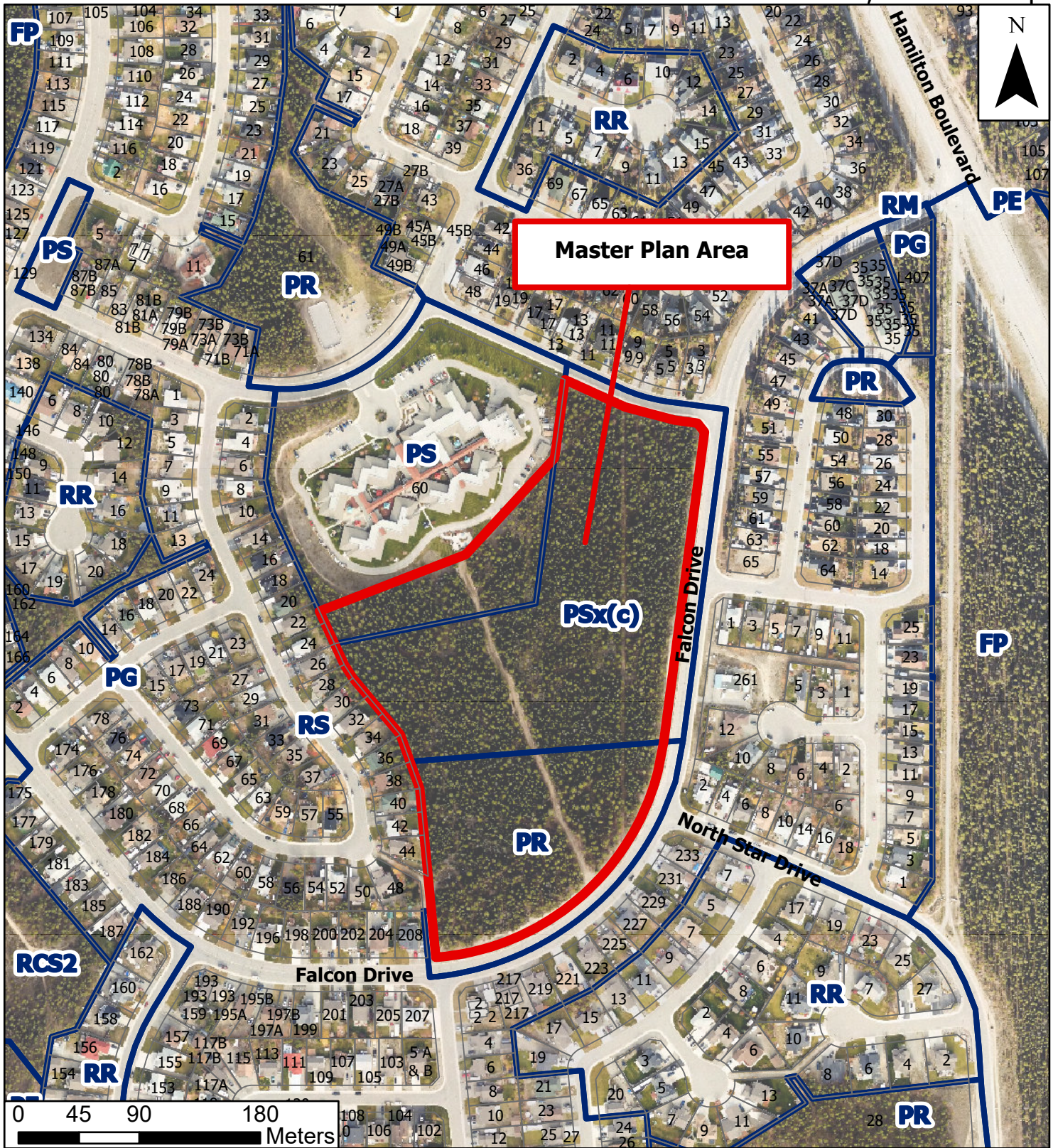
To address concerns raised in the submissions received for the Public Input Session, Administration recommended the following amendments to the Plan:

- Add a policy to section 4.1 to require a detailed housing pro-forma study is undertaken prior to any zoning amendment relating to the Plan area being adopted to determine the feasibility of including affordable, supportive, accessible, and/or sustainable housing types, sizes, and tenures within the Plan area; and
- Change wording in section 5 to allow for YG to develop the land instead of releasing to the private sector by removing reference to implementation by the private sector and the transfer of Lot 520 to YG as shown on page 40 of Attachment 2.

No additional amendments are recommended with regards to density and greenspace.


ADMINISTRATIVE RECOMMENDATION

THAT Council approve the amended Copper Ridge Development Area Master Plan, a document providing guidance and a framework for the future development of YG Lots 518 and 519 and City of Whitehorse Lot 520.



DATE:
January 10, 2024

FILE NO:

 Plan Area

CITY OF WHITEHORSE - PLANNING AND SUSTAINABILITY SERVICES

Copper Ridge Development Area Master Plan

Advancing the Copper Ridge Development Area Master Plan for Council approval on the residential development of Yukon Government lots 518 (in part), 519, and the City of Whitehorse owned lot 520.





COPPER RIDGE DEVELOPMENT AREA

LAND USE MASTER PLAN

JANUARY 2024

CITY OF WHITEHORSE



March 2024 Amendments

Section 2 (Pages 18 to 19)

Section 4 (Pages 33 to 39)

Section 5 (Pages 40 to 41)



2.3 Direction Documents

Several City documents provide direction on the overall vision and potential land uses for the Plan area. These documents helped inform the development of the Plan.

2.3.1 Official Community Plan

The Official Community Plan is the highest-level policy document for the City that provides the overall long-term vision for the City and guides growth and development. The OCP was adopted by City Council in March 2023 and designates the Plan area as Residential – Urban (Figure 7).

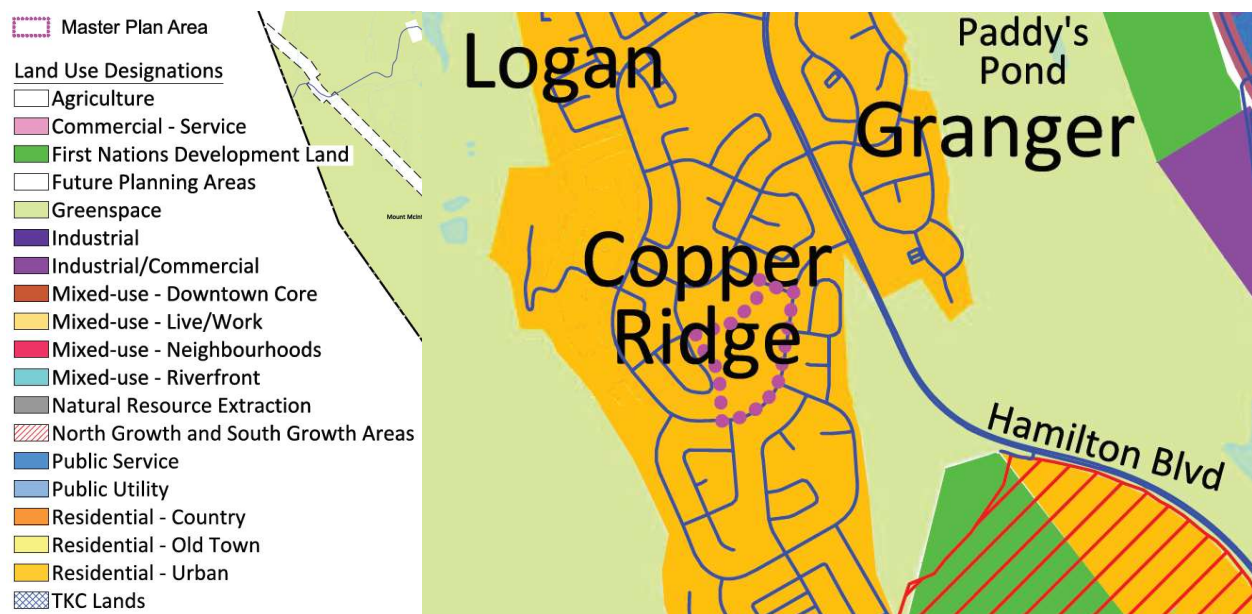


Figure 7: Official Community Plan Land Use Designations

Section 8 of the OCP (Development and Growth) projects growth in Whitehorse's Urban Containment Boundary (UCB) and provides a framework for growth management. The OCP aims to direct development efforts to the most suitable locations within the UCB, with all neighbourhoods, including Copper Ridge, accommodating new residents through intensification development.

Goal 8 (a) of section 8 seeks to reduce urban sprawl to preserve the natural environment, minimize new infrastructure, reduce greenhouse gas emissions, and use existing infrastructure efficiently. Policy 8.1 directs development to be compact to ensure existing public services are used efficiently, transportation impacts are minimized, wilderness spaces are preserved for as long as possible, and neighbourhoods are more walkable. Policy 8.2 also directs that the City will accommodate the demand for residential growth through a mixture of development types including intensification development and greenfield development.



Section 9 of the OCP encourages the construction of a variety of housing types including affordable housing, rental housing, and housing that allows for aging in place. OCP policies also support compact residential development to ensure existing public services are used efficiently. Section 9 also includes the City’s Residential Growth Strategy which seeks to accommodate 1,100 new dwelling units within neighbourhoods outside of the Urban Core and [Urban Growth Areas](#) [Greenfield Neighbourhoods](#), such as Copper Ridge. This development will help the City achieve these goals.

Section 15 of the OCP also establishes the purpose of the Residential – Urban designation, which is intended to accommodate a wide range of residential housing forms and compatible uses. Uses suitable for Residential – Urban areas include, but are not limited to, residential uses of varying density and forms, parks and natural areas, playgrounds, schools, places of worship, community halls, recreation facilities, retail shops, and personal service uses.

Given the OCP’s broad scope, its policies do not provide the same level of detail as a land use master plan or plans for specific topics (e.g. Sustainability Plan). The OCP and land use master plans provide direction in terms of future land use that may lead to Zoning Bylaw amendments, subject to Council approval, and guidance to development permit applicants for specific areas and types of development (Figure 8).

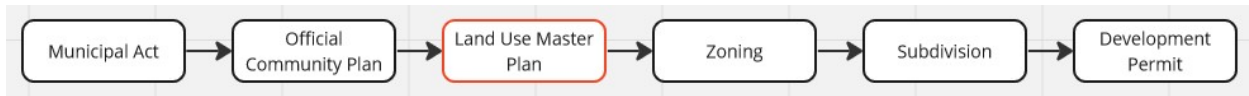


Figure 8: Planning Process

2.3.2 Sustainability Plan

The City’s 2015-2050 Sustainability Plan identifies twelve long-term goals, with associated action items and targets that the City strives to achieve to create environmental and social benefits (Figure 9). Specifically to housing, the Sustainability Plan aims to address affordable housing and poverty reduction, with a strategy to use planning, zoning, and development tools to encourage or require the inclusion of affordable housing and to support less expensive and denser housing.

To meet this goal, the Sustainability Plan seeks to reduce the percentage of households spending more than 30% of total before tax income on shelter costs by 20% by 2050, with other targets also seeking to increase active transportation and the liveability of neighbourhood by improving transit connections and establishing and incorporating liveability criteria into planning, development, and monitoring. The construction of a variety of housing types in existing neighbourhoods will help the City achieve this goal.



4 Policies

The following policies aim to guide development to achieve the vision, principles and concept of the Plan area, through the development of a diversity of uses and building forms, vital green and open spaces, and high-quality trails and other transportation amenities.

The policies pertaining to the Residential and Greenspace areas apply to the relevant land use areas shown in the Land Use Concept Plan, while the policies pertaining to transportation and servicing apply to the entire Plan area.

4.1 Residential Areas

A majority of land (3.42 ha) is planned for residential development. The Residential areas consist of yellow low-density and blue medium-density blocks in the Land Use Concept Plan. Zoning planned for this area may include:

- Low-density
 - RS – Residential Single Detached;
 - RS2 – Residential Single Detached 2;
 - RCS – Comprehensive Residential Single Family;
 - RCS2 – Comprehensive Residential Single Family 2; and
 - RCS3 – Comprehensive Residential Single Family 3.
- Medium-density
 - RCM – Comprehensive Residential Multiple Family;
 - RCM3 – Cottage Cluster Homes;
 - RCT – Comprehensive Residential Townhomes; and
 - RCT2 – Courtyard Townhomes.

Note that the above zones are based on the City's current 2012-20 Zoning Bylaw (Consolidated to Bylaw 2023-10) and are indicative only. Special modifications to these zones may be required to align with the Plan. The City is also currently undertaking a rewrite of the Zoning Bylaw. Zones may therefore no longer be applicable and new or other zones may become appropriate following amendments to the Zoning Bylaw.

Overall housing forms and design will be determined through the Zoning Amendment and Development Permit application processes based on the following policies:

- **Policy 4.1.1** [A detailed Housing Pro-Forma Study, to determine the feasibility of including affordable, supportive, accessible, and sustainable housing types, sizes, and tenures within the Plan area, will be undertaken prior to any zoning amendment relating to the Plan area being adopted.](#)
- **Policy 4.1.2** Reasonable efforts shall be made to provide a mix of housing types and sizes to accommodate a broad range of households, including living/garden, affordable, supportive, accessible, and rental housing within the Residential areas.



- **Policy 4.1.23** Where possible, buildings and structures, paths, and the adjacent green areas, will be designed with the aim of reducing opportunities for crime and to increase public safety through the application of *Crime Prevention Through Environmental Design* principles.⁵
- **Policy 4.1.34** Where possible, buildings, structures, paths, and the adjacent green areas, will be designed with the aim of minimizing the risk and spread of heat transfer through the application of *FireSmart* principles.⁶
- **Policy 4.1.45** The adoption of green building practices will be encouraged for all new buildings.⁷

The concept also intends to provide a mix of low- and medium-density housing types based on the following specific areas.

4.1.1 Low-Density Residential

The objective of the Low-Density Residential area is to provide for a low-density residential style of development, including single-detached homes, duplexes and triplexes. The Low-Density Residential area consists of yellow blocks in the Land Use Concept Plan. The two yellow hatched blocks designate areas that only provide for duplex and triplex housing types, to allow a transition between the two residential densities.

The specific residential zoning and subdivision design will be determined through the Zoning Amendment and Development Permit application processes based on the following policies:

- **Policy 4.1.56** Low-density residential uses shall be the predominant land use, allowing for single-detached housing, duplexes, and triplexes throughout the area.
- **Policy 4.1.67** A mix of single-detached, duplex and triplex shall be provided, with a majority of development being duplexes and triplexes.
- **Policy 4.1.78** Only duplexes and triplexes shall be provided within the yellow hatched blocks, to provide a transition between building massing and height.
- **Policy 4.1.89** Where laneways are not feasible, individual front yard parking and access should be considered appropriate for duplex and triplex housing.

4.1.2 Medium-Density Residential

The objective of the Medium-Density Residential area is to provide for a Medium-Density Residential style of development, including apartment, cottage cluster, courtyard, four-plex, and townhouse housing types. The Medium-Density Residential area consists of blue blocks in the Land Use Concept Plan.

⁵ <https://cptedcanada.com/cpted-principles/>

⁶ <https://www.whitehorse.ca/living-in-whitehorse/my-property/fire-smarts/>

⁷ <https://www.cagbc.org/>



The specific residential zoning and subdivision design will be determined through the Zoning Amendment and Development Permit application processes based on the following policies:

- **Policy 4.1.910** Medium-density residential uses shall be the predominant land use, allowing for cottage cluster, four-plex, five-plex, townhomes, apartment and multi-plex housing forms throughout the area.
- **Policy 4.1.1011** Medium-density cluster housing will be encouraged within the Medium-Density Residential area between Falcon Drive and the internal road system.
- **Policy 4.1.1112** Where possible, properties within the Medium-Density Residential area between Falcon Drive and the internal road system should be designed to preserve mature trees and existing vegetation.
- **Policy 4.1.1213** Medium-density four-plex, five-plex, townhomes and multi-plex housing will be encouraged within the central block.
- **Policy 4.1.1314** Where possible, buildings shall be oriented along the perimeter of the central block to create opportunities for courtyards in the interior of the block, which can function as private or semi-private open spaces.
- **Policy 4.1.1415** For smaller medium-density cottage cluster housing properties, with no laneway access, individual front yard parking and access should be considered appropriate to avoid excessive pavement in rear yard areas. In these cases, attention to design is required to emphasize front entryways, pedestrian access, patios, porches, front yard landscaping, and tree planting space, and ensure a pedestrian friendly building façade.
- **Policy 4.1.1516** Development of properties adjacent to a laneway should include a modest setback from the laneway's edge to accommodate landscape or pedestrian areas between the lane (or parking) and the building. Development of these properties should be sited to preserve mature trees and provide tree planting spaces which enhances the appearance of the laneway.
- **Policy 4.1.1617** The design of buildings shall be thoughtfully considered to avoid monolithic forms and reduce massing and height impacts on adjacent outdoor spaces and buildings.

4.2 Greenspace Area

The Greenspace area, consisting of vegetated and open spaces, is a major component of the Plan concept, comprising approximately 30% of the land area (2 ha). The Greenspace area consists of a single green block in the Land Use Concept Plan. It is anticipated that additional public amenities in this area will be constructed by the developer. The City will ensure these community amenities are built as part of the development through the development agreement process. The City will maintain the public amenities once constructed as per the requirements of applicable bylaws and policies.

A combination of walking and biking trails that are comfortable and safe for all ages and abilities are envisioned within this area and connecting to adjacent areas to create opportunities for recreational activity. In addition to the non-motorized multi-use and universally accessible designed paths, green space amenities planned for this area may include:

- outdoor gathering space;
- multi-generational space;
- dog park; or



- community garden.

Zoning planned for this area may include:

- PG – Greenbelt; and
- PR – Parks and Recreation.

Notwithstanding the applicable zoning requirements, overall greenspace amenities and design will be determined based on the following policies:

- **Policy 4.2.1** Trees and native landscaping are provided along all streets, and in all greenspace areas, covering at least 30% of the overall site. Acceptable landscape planting species are described in the City's *Recommended Tree Species* document⁸.
- **Policy 4.2.2** Street trees and native landscaping will be planted at generally regular intervals along Falcon Drive, and within bump-outs on the internal road system, to double as traffic-calming.
- **Policy 4.2.3** A continuous 3 m All Ages and Abilities (AAA) Non-Motorized Multi-use Paved Path will be provided along Falcon Drive, Diamond Way and the western edge of the Plan area, as shown on the Land Use Concept Plan.
- **Policy 4.2.4** A continuous 3 m universally accessible designed intra-neighbourhood path will be provided within the Greenspace area, as shown on the Land Use Concept Plan.
- **Policy 4.2.5** The non-motorized multi-use and universally accessible designed paths shall be paved, have a smooth surface and vertical disruptions will be avoided for ease of use by people with wheeled mobility devices, strollers, and bicycles.
- **Policy 4.2.6** Where possible, structures, paths, and the adjacent green areas, will be designed with the aim of reducing opportunities for crime and to increase public safety through the application of *Crime Prevention Through Environmental Design* principles.
- **Policy 4.2.7** Where possible, structures, paths, and the adjacent green areas, will be designed with the aim of minimizing the risk and spread of heat transfer through the application of *FireSmart* principles.

The concept also intends to provide both passive and active open space opportunities for users, connected by a planned internal path network, based on the below specific areas.

4.2.1 Open Space

The objective of the Open Space (OS) area is to provide for a welcoming area to foster community cohesion. The non-hatched green block area in the Land Use Concept designates the open space

⁸ <https://www.whitehorse.ca/wp-content/uploads/2022/05/CoW-Recommended-Woody-Plants-revised-2023.pdf>



area. The specific open space amenities and design will be determined based on the following policies:

- **Policy 4.2.8** A minimum 20 m wide continuous open space area will be provided adjacent to Copper Ridge Place, as shown on the Land Use Concept Plan, and include a range of hard and soft scape spaces that will support events aimed at bringing residents together and increasing everyday community cohesion such as community gatherings, picnics, outdoor yoga and fitness classes, etc.

4.2.2 Greenbelt

The objective of the Greenbelt (GB) area is to provide for a natural green space for active and passive recreation and to provide a buffer between existing and new developments. The hatched green block area in the Land Use Concept designates the greenbelt area. The specific greenbelt amenities and design will be determined based on the following policies:

- **Policy 4.2.9** A minimum 20 m continuous vegetated area for active and passive recreation will be provided along the western and southern edges of the development, as shown on the Land Use Concept Plan, to buffer existing properties on Tigereye Crescent and Falcon Drive from the future development area.

4.3 Transportation

Walking, cycling and vehicular movements, among others, will be supported within the Plan area by way of an internal road and trail system, as shown on the Land Use Concept Plan. This internal transportation network will connect to adjacent areas to create opportunities for neighbourhood connectivity.

The below policies focus on ensuring the compatibility and safety of these systems, while making a concerted effort to create an environment that facilitates and encourages active transportation and recreational activity. Overall transportation infrastructure design will be determined based on the following policies:

- **Policy 4.3.1** A detailed Transportation Impact Study, including all modes of transportation, will be undertaken prior to any zoning amendment relating to the Plan area being adopted.
- **Policy 4.3.2** Both the multi-use and the universally accessible designed paths will extend outside of the Plan area and provide universally accessible designed connections with adjoining properties, such as Lot 518, and the adjoining transportation network, such as Falcon Drive and Lazulite Drive, as shown on the Land Use Concept Plan.
- **Policy 4.3.3** Pedestrian safety within and adjoining the Plan area shall be prioritized through the provision of traffic calming devices such as speed bumps and curb extensions as required.
- **Policy 4.3.4** Two points of vehicular ingress and egress will be provided, one off Diamond Way and another off Falcon Drive, connecting to an internal road system articulated as shown on the Land Use Concept Plan.



- **Policy 4.3.5** The internal road system shall include a 1.5 m wide sidewalk along at least one side of the entire internal road system to accommodate pedestrian traffic.
- **Policy 4.3.6** No laneway or driveway access shall be allowed along Falcon Drive and Diamond Way.
- **Policy 4.3.7** Thoughtfully re-designing off-site intersections shall be considered to improve traffic flow, safety, and reduce conflicts between people walking, cycling, and driving. This shall be based on the findings of the Transportation Impact Study and approved by the City's Engineering Services department. Possible measures could be a traffic circle at North Start Drive and Falcon Drive, median refuges, or a signalized intersection.
- **Policy 4.3.8** Mid-block connections shall be provided to maximize access to green / open spaces.
- **Policy 4.3.9** Where possible, both the multi-use and the universally accessible designed paths will extend outside of the Plan area and connect with the adjoining transportation network, such as Falcon Drive and Lazulite Drive, as shown on the Land Use Concept Plan.
- **Policy 4.3.10** Traffic calming devices and off-site intersections, such as any curb extensions and traffic circles, shall be designed to ensure adequate width for snow removal equipment to safely operate.

4.4 Servicing

The concept envisions a typical urban level of service, including municipal waste collection, snow removal, and potable water distribution and stormwater and wastewater collection supplied by the existing municipal water, stormwater and sanitary sewer systems. Power and telecommunications can also be provided by ATCO Electric and local telecommunications companies.

The Land Use Concept Plan design accommodates a multitude of ways in which phasing can be approached to the servicing and development based upon the logical extension of municipal utilities to the site. As indicated in the Municipal Servicing Assessment, water, stormwater and sanitary sewer services are located within the surrounding streets providing the Plan area an opportunity to tie-into the services. These services will be investigated in greater detail during the preliminary and detailed design phases for the development of the site. Ultimately, phasing of the site is contingent on the developers' proposed subdivision plan and overall preference for extending services based on the following policies:

- **Policy 4.4.1** The municipal water distribution and sanitary sewer systems shall be extended to service the Plan area. This includes the implementation of an on-site gravity sanitary sewer system to tie into the nearby municipal sanitary sewer system.
- **Policy 4.4.2** A Preliminary Engineering assessment will be undertaken prior to any zoning amendment relating to the Plan area being adopted.
- **Policy 4.4.3** Existing water system upgrades shall be considered to improve system pressures and minimum pipe velocities. This shall be based on the findings of the Preliminary Engineering assessment and approved by the City's Engineering Services department.
- **Policy 4.4.4** Site grading revisions and onsite stormwater infrastructure where required shall direct stormwater runoff from the Plan area to Diamond Way where it will enter the existing storm sewer system.



- **Policy 4.4.5** A detailed Stormwater Management Plan to address post development runoff, including the provision of storage systems and extensions to municipal infrastructure where required, will be undertaken prior to any zoning amendment relating to the Plan area being adopted.
- **Policy 4.4.6** Prior to development, a geotechnical investigation will be conducted to determine the subsurface soil stratigraphy, depth to bedrock and properties as they impact the proposed development.

All new road and walkway lighting within the Plan area will be designed appropriately for the intended use, in accordance with the City's Servicing Standards Manual, specifically section 2.10 on street lighting, and based on the following policy:

- **Policy 4.4.7** Consider lighting where it can increase the use of greenspaces and increase perceptions of safety.
- **Policy 4.4.8** Lighting designs shall be carefully considered to keep light pollution to a minimum by minimizing light trespass and controlling glare.



5 Implementation

The implementation of this Land Use Master Plan is anticipated to occur over the next few years. The following policies outline the details of the implementation of this Plan, including land disposition and plan modifications, reviews and amendments.

Once the Plan is approved by Council, the ~~City will transfer Lot 520 to YG. The~~ portion of Lot 518 included within the Plan area will ~~then~~ be subdivided off ~~and amalgamated~~ to enable joint development with ~~Lots~~ lots 519 and 520 ~~to create a single lot that can be sold to a private developer.~~ The developer will be responsible for moving forward with YESAA (if applicable), the transportation impact and geotechnical studies, rezoning, subdivision, detailed engineering design, and ultimately the development of the land and release of lots. ~~Alternatively, YG can develop the land if no private interest is received.~~

To allow ~~enable~~ the ~~private sector to implement the Plan, disposition~~ implementation of the ~~properties located~~ Plan, subdivision of the lots within the Plan area will proceed based on the following policies:

- **Policy 5.1** The section of Lot 518 located within the Plan area shall be subdivided into an individual lot. ~~to be developed jointly with Lots 519 and 520.~~
- ~~Policy 5.2 The City will transfer Lot 520 to the Government of Yukon.~~

Development of the land shall proceed in a way to minimize the impact of construction activities anticipated to occur as per the City's Maintenance Bylaw and based on the following policies:

- **Policy 5.32** Reasonable efforts shall be made to ensure initial site clearing, stripping and grading is limited to road and utility construction that will be part of the first phase for development of the site.
- **Policy 5.43** Following internal road construction, perimeter landscaping, servicing and road landscaping will proceed.
- **Policy 5.54** Greenspaces and residential lots will remain as much as possible in their natural state until developed. The intent is to keep undeveloped areas natural with existing vegetation.

The Plan is intended to be flexible and adaptable to emerging or changing conditions. Review and amendments shall proceed based on the following policies:

- **Policy 5.65** Subdivision of the entire Plan area must be approved within ten (10) years of the Plan being approved by Council.
- **Policy 5.76** If subdivision approval is not received within ten (10) years of the Plan approval, an update to the Plan must be submitted to the City for review and approval by Council. Where appropriate, the update process should include public consultation.
- **Policy 5.87** Applications to amend the Plan may be submitted to the City for review and approval by Council. Where appropriate, the amendment process should include public consultation.
- **Policy 5.98** Increases to density within certain Plan areas may be considered as part of a Plan Amendment process, provided that:



- the overall density of the Plan area remains the same or servicing upgrades are completed to allow for an increase; and
- it is demonstrated that a community benefit(s) results from the increase, such as:
 - an increase in greenspace area or improvements to greenspace areas beyond what is noted in this Plan;
 - off-site improvements to the neighbourhood beyond what is noted in this plan; or
 - provision of affordable, supportive, accessible, or rental housing (as defined in the OCP);⁹

The zoning and actual subdivision pattern will be delineated more precisely, on a stage by stage basis, as individual stages of zoning and subdivision are proposed to the City for approval and will proceed based on the following policy:

- **Policy 5.409** The basic layout depicted in the Land Use Concept is intended to be flexible and may be modified to provide for:
 - Variations in parcel size;
 - Variations in roadway access;
 - Adjustments to topography and provision of stormwater management;
 - Adaptation of servicing requirements to meet the needs of particular land uses;
 - Accommodation of potential large parcel uses; and
 - Increases in greenspace areas.

⁹ Policy 5.9. is subject to any future density bonus policy developed by the City.

ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: April 15, 2024
RE: Public Hearing Report – Zoning Amendment – Housing-Related Amendments

ISSUE

Public Hearing Report on housing-related amendments to the Zoning Bylaw to allow for a wider range of opportunities for residential development.

REFERENCES

- [Whitehorse 2040 Official Community Plan](#)
- [2021-2024 Wildfire Risk Reduction Strategy and Action Plan](#)
- [Maintenance Bylaw 2017-09](#)
- [Subdivision Control Bylaw 2012-16](#)
- [Snow and Ice Control Policy](#)
- [Transportation Master Plan](#)
- [Zoning Bylaw 2012-20](#)
- [Housing Development Incentives Policy](#)
- [Guide to Proposed Changes](#)
- Housing Accelerator Fund Contribution Agreement
- Proposed Zoning Amendment Bylaw 2024-16 (Attachment 1)

HISTORY

As part of the Zoning Bylaw Rewrite project, and recognizing the pressing need to enable a wider range of opportunities for residential development, Administration is advancing an immediate round of housing-related amendments to the Zoning Bylaw. The proposed amendments are based on recommendations made to Council by the Housing and Land Development Advisory Committee (HLDAC) on August 7, 2023 (Attachment 1), and refined by the consultant working on the Zoning Bylaw Rewrite project.

The City has entered into a contribution agreement with Canada Mortgage and Housing Corporation (CMHC) to implement various initiatives to accelerate housing development. The proposed amendments are intended advance Initiative #1 of the contribution agreement : to advance greater housing density, diversity, and affordability through zoning changes.

The proposed housing-related amendments to be advanced immediately are:

1. Allow up to four units per lot in all urban ‘single detached’ zones;
2. Relax site coverage and setbacks in some zones where additional units are provided;
3. Relax living and garden suite regulations;
4. Enable more units in RCM – Comprehensive Residential Multiple Family and RCM3 – Cottage Cluster Homes zones; and
5. Relax some parking regulations.

Notices of the Public Hearing were distributed in accordance with the Zoning Bylaw 2012-20, including:

- Large newspaper advertisements were published in the Whitehorse Star and Yukon News on March 1 and March 8, 2024;
- Email notifications were sent to the Kwanlin Dün First Nation, Ta'an Kwäch'än Council, Government of Yukon Land Management Branch, the Zoning Bylaw Rewrite Advisory Group, and all community associations;
- A Public Service Announcement was released on March 1, 2024;
- A Media Technical Briefing was held on March 14, 2024;
- Paid advertisements were published on social media platforms as well as on City social media accounts; and
- A notification was posted on Engage Whitehorse with a plain language guide describing the proposed amendments. A newsletter was also emailed to all subscribers of the project on Engage Whitehorse.

A Public Hearing for this item was held on March 25, 2024. Twenty-one written submissions were received, eight in support, six with concerns, and seven in opposition of the proposed zoning amendments. Four members of the public spoke to the item at the Public Hearing.

ALTERNATIVES

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

ANALYSIS

The following matters were raised in the public input submissions:

- Character of existing neighbourhoods;
- Property values;
- Health effects;
- Bird habitat;
- Infrastructure and public transportation;
- Housing needs;
- Residential – Country areas;
- Wildfire impacts;
- Parking and traffic;
- Confusing regulations; and
- Other.

Character of existing neighbourhoods

Some members of the public expressed opposition to the proposed amendments as they feel that allowing four units on all urban single detached lots would erode the character of their neighbourhoods which have been mostly comprised of single detached dwellings for many years. Members of the public feel it is unfair to retroactively change zoning regulations and that if an individual would like to own four units on one lot, they should purchase a lot zoned for multi-family use upfront. Members

of the public suggest that the RR-Restricted Residential zone should be exempted from the proposed amendments or that only living suites, and not garden suites, should be permitted in the RR zone.

Zoning in the city has changed significantly since the first Zoning Bylaw was adopted in 1952, when there were only five districts, to the current Zoning Bylaw that has 42 zones. Urban planning and zoning is dynamic, changing over time, to adapt to changing social, economic, and environmental values to meet the needs of current and future residents.

Currently the city is experiencing significant population growth and a shortage of housing. The OCP provides a 20-year residential growth strategy which requires various types of residential development in order to meet the current and anticipated housing needs, including residential intensification.

The OCP has several policies that support residential intensification. Most notably, OCP Policy 8.1 states that development will be compact to ensure existing public services are used efficiently, transportation impacts are minimized, wilderness spaces are preserved for as long as possible, and neighbourhoods are more walkable. OCP Policy 9.8 also states that the development of suites will be supported.

The Housing Accelerator Fund agreement with CMHC provides that the City will make zoning changes to advance greater housing density, diversity, and affordability. Without applying these changes to existing neighbourhoods, it will be challenging for the City to meet the targets set out in the funding agreement.

Property values

Members of the public expressed concerns that allowing four units on single detached lots will impact the values of surrounding properties. Some members of the public feel that infill will decrease the value of surrounding properties while some members of the public feel that infill would increase the value of surrounding properties. A member of the public also feels that the proposed amendments could relieve homeowners from the rising costs of housing by providing them with the option to rent out a unit while also providing more rental options. Overall, administration does not expect a significant change in property values stemming from these proposed amendments.

Properties impacted by the proposed amendments are designated as Residential – Urban in the OCP. Property owners have the right to manage the use of their property, within the confines of the OCP and Zoning Bylaw. Zoning regulations will ensure that development is built to the same standards as other neighbourhoods or properties within the same zone.

Health effects

Members of the public voiced concerns that allowing four units on single detached lots would have negative health effects. There are concerns that densification will provide less contact with nature, insufficient sunlight, fewer trees which will reduce the amount of shade and increase air pollution, no room for a garden or a backyard for children to play in, and more noise. The extent of these impacts depends on the site design for any specific property, but the proposed setbacks and site coverage limitations continue to enable enough open space on a property to create yards with trees or gardens.

On the other hand, members of the public also noted that higher density housing reduces urban sprawl and preserves greenspaces and wildlife habitat, which would enable residents to continue to have opportunities to connect with nature.

The proposed amendments would allow reduced setbacks and increased site coverage in some zones where a second unit (or more) is provided. The proposed site coverage and setback relaxations for providing two or more dwelling units are no more permissive than what is already allowed in some other residential zones such as the RCS2 – Comprehensive Residential Single Family 2 and RD – Residential Downtown zones. Of note, there are no changes to maximum building heights so there will be no effect on shadowing compared to current regulations.

The proposed amendments would allow a maximum of 50 percent site coverage, 1.5 m side yard setbacks, and 3 m rear yard setback when providing more than one dwelling unit in the RCS-Comprehensive Residential Single Family, RCS3-Comprehensive Residential Single Family 3, RR-Restricted Residential Detached, RS-Residential Single Detached, and RS2-Residential Single Detached 2 zones. The proposed reduction in setbacks and increase in site coverage complements the other proposed amendments that allow additional units as it provides a greater area of a lot that can be developed. There are no proposed changes to site coverage in the Downtown, which was a concern expressed by a member of the public.

Property owners are not required to build to the maximum site coverage. A property owner can construct a dwelling that covers less of their lot if they wish to dedicate more space for a garden or backyard. Some property owners may not want a large backyard and prefer to instead construct an additional dwelling unit and the proposed amendments provide more flexibility to do so. Furthermore, the landscape planting requirements in the Zoning Bylaw are remaining unchanged so there will not be a decrease in the required number of trees.

The Maintenance Bylaw regulates noise in the city and is not changing. All residents, regardless of density, are required to abide by the Bylaw and violations can be enforced.

Bird habitat

A member of the public raised concerns that the proposed amendments will lead to a loss of mature trees and that new plantings will take many years to achieve a size that provides good bird habitat.

The Zoning Bylaw encourages the preservation of existing vegetation through regulation 5.5.2.9. The proposed increases in site coverage is modest, and no more permissive than is already permitted in some other residential zones. The number of additional trees that could be affected by the change in site coverage is expected to be modest. Adding density to our established areas also means that forested areas of natural habitat is not disrupted through urban sprawl that would otherwise accommodate these units.

Infrastructure and public transportation

Members of the public expressed concerns that increased density will overload existing municipal infrastructure.

Any development that proposes additional units on existing lots will be required to demonstrate through professional engineering analysis that adequate servicing exists to support the development. The capacity of existing services, including water, sewer, and electrical, may constrain the number of units that can be provided on particular lots or in particular areas. Developers will be required to design their project to work within the existing service capacity, or upgrade services at their expense if needed to meet the servicing requirements for the proposed development. Applications will also be reviewed for adverse operational impacts.

Members of the public also expressed support for the proposed amendments as they believe they will maximize efficiency and encourage compact development. They believe the proposed amendments will increase public transportation ridership and save money on critical infrastructure and public services, while simultaneously increasing the tax base to support municipal infrastructure, operations, and services. A member of the public also expressed that intensification will also improve the walkability of neighbourhoods which will contribute to shorter commutes, new commercial businesses, and cleaner air. These are goals shared by the OCP and other City plans and policies.

Housing needs

A member of the public acknowledged that some people may have concerns about shade, wind, parking, or neighbourhood character, but that these concerns should be balanced against the importance of housing. They expressed that they are all valid interests, but they are not equal.

An anti-poverty Non-Governmental Organization expressed that housing is a fundamental human right and that it provides a foundation for economic security, educational attainment, and overall well-being. They felt that the proposed amendments, by increasing the availability of affordable housing, empowers individuals to break free from the cycle of poverty and build futures for themselves and their families.

The proposed amendments would enable the development of smaller and more affordable housing options in existing and new neighbourhoods, helping to alleviate the housing shortage.

Residential – Country areas

A member of the public voiced that the City should consider the implications the proposed amendments will have on wells and septic fields in country residential areas.

The proposed amendments to allow additional units on residential lots is limited to urban lots only and does not apply to lots in areas designated as Residential – Country in the OCP.

Another member of the public expressed disappointment that the City's Suite Development Incentive only applies within the Urban Containment Boundary. There are no changes to the Housing Development Incentives Policy proposed in relation to these proposed zoning amendments.

Wildfire impacts

A member of the public raised concerns that the increased density that could result from allowing four units on all urban single detached lots would increase wildfire impacts. Another member of the public expressed concerns that a 1 m setback between garden suites and the principle building poses wildfire risk.

The intent of reducing the setback between a garden suite and principle building to 1.0 m is to match the required setback of 1.0 m between accessory structures and principle buildings per Zoning Bylaw section 5.1.2 e). The proposed amendments would permit a garden suite in any location that an accessory structure is currently permitted.

To reduce the risk of fire spreading between structures, the National Building Code provides requirements for fire-rated wall assemblies and limits to unprotected openings for buildings that are close to other buildings or property lines.

Council adopted a Wildfire Risk Reduction Strategy and Action Plan for 2020-2024 as a guiding document which provides recommendations to reduce structural vulnerabilities to wildfires and strengthen community resilience. Action 3 specifically recommends that the Zoning Bylaw be amended to require Firesmart landscaping. Administration is currently working on a separate set of amendments to the Zoning Bylaw that will propose new fire-resistant landscaping requirements.

Parking and traffic

Members of the public expressed concerns that the proposed amendments will cause parking and traffic issues and that the current parking demand already exceeds the available or required parking. Members of the public expressed concerns that there will be issues with snow clearing and backing trailers into driveways. A member of the public suggested that, if anything, parking should be increased to two off-street parking spaces per suite.

The OCP lists personal modes of transportation, such as driving, as the lowest priority on the hierarchy of transportation per Policy 11.2. The City will encourage a shift towards the increased use of active and shared transportation modes per OCP Policy 11.7. The Transportation Master Plan (TMP) further details transportation targets and implementation strategies. The TMP aims to increase the sustainable transportation mode share to 40 percent for all commute trips in the city by 2040. Strategies to achieve the sustainable mode share target are aimed at enhancing active transportation infrastructure, promoting the use of public transit, and making the urban environment more pedestrian and cyclist-friendly. Requiring more parking per unit or suite is contrary to the transportation goals and mode share targets for the city.

Furthermore, the City is responsible for snow removal on municipal roads. Per Policy 31 of the Snow and Ice Control Policy, the City has the ability to implement parking bans as required in order to provide for snow and ice removal operations.

Members of the public also expressed support for the proposed reductions in parking requirements. A member of the public expressed that reducing parking requirements allows land to be put towards more beneficial uses than private vehicle storage and will increase housing affordability. They also expressed that reducing parking requirements provides a signal that single occupancy vehicles are on the low priority end of desired

transportation options and supports the goal of shifting the mode share to active transportation and public transit described in the Transportation Master Plan. These opinions are in line with the parking-related policies in the OCP.

Confusing regulations

A member of the public expressed confusion over how the specific use regulations in section 6 are applied in relation to the zone-specific regulations in section 9 through 13. Specifically, a member of the public questioned whether units in the CM2 zone could be residential, minor home-based businesses, and/or major home-based businesses.

These concerns do not relate to the proposed amendments. However, as part of the larger Zoning Bylaw Rewrite project, it is a priority to improve the readability and organization of the Zoning Bylaw, including ensuring that specific use regulations complement and do not conflict with zone-specific regulations.

Engagement

A member of the public expressed concerns that the public is not being adequately engaged on the proposed amendments.

The first round of engagement for the larger Zoning Bylaw Rewrite project was launched in November 2023 to understand how the general public would like the city to grow and develop into the future. The engagement included an online survey and targeted interviews.

Related to housing, respondents indicated a need for more diverse, accessible, and affordable housing forms. There was broad general support for allowing more units per lot, smaller lots, taller buildings, and additional housing forms. Additionally, it was generally felt that the regulations in the Zoning Bylaw should be more flexible to allow for more creativity, efficiency, and innovation in development and reduce constraints and requirements that hinder density.

Additionally, the notification process was expanded for these proposed housing-related amendments in order to reach more people. Paid advertisements on social media platforms were published and notifications were posted on City social media accounts, a public service announcement was released, a media technical briefing was held, a notification was posted on Engage Whitehorse with a plain language guide describing the proposed amendments, and a newsletter was emailed to all subscribers of the project on Engage Whitehorse, all of which are above and beyond the normal notification process for Zoning Bylaw amendments.

Other

A member of the public expressed various concerns including that building overhangs should not count towards the maximum site coverage, that facades, colours, and material requirements should either be enforced or removed from the Zoning Bylaw, vinyl siding should be banned for its environmental impacts, and drainage plans should be inspected after development is complete.

As part of the larger Zoning Bylaw Rewrite project, these suggestions can be considered but they are outside of the scope of the proposed housing-related amendments.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2024-16, a bylaw to amend the Zoning Bylaw to allow for a wider range of opportunities for residential development, be brought forward for second and third reading under the bylaw process.

CITY OF WHITEHORSE
BYLAW 2024-16

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 wider range of opportunities for residential development;

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

1. Section 2 of Zoning Bylaw 2012-20 is hereby amended by modifying the existing definitions in subsection 2.2 of “GARDEN SUITE”, “HOUSING, DUPLEX”, “HOUSING, SINGLE DETACHED”, “HOUSING, TOWNHOUSE”, “HOUSING, TRIPLEX”, and “LIVING SUITE” to read as follows:

“GARDEN SUITE” means a secondary dwelling unit located on a lot where the principal use is single detached, duplex, triplex, or townhouse housing.”

“HOUSING, DUPLEX” means two dwelling units in a single building side by side or above and below each other. Each duplex unit may contain up to two living suites.”

“HOUSING, SINGLE DETACHED” means a detached building that may contain one principal dwelling unit and up to two living suites, including modular homes but excluding mobile homes.”

“HOUSING, TOWNHOUSE” means three or more side-by-side dwelling units in a single building, sharing common interior walls and each having a private ground oriented entrance. Each townhouse unit may contain up to two living suites.”

“HOUSING, TRIPLEX” means three individual dwelling units in a single building, each having a private ground oriented entrance. Each triplex unit may contain up to two living suites.”

“LIVING SUITE” means a separate, self-contained, dwelling unit within a single detached house, or duplex, triplex, or townhouse unit.”

2. Section 6 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 6.7.1 d) and renumbering the remaining subsections accordingly.
3. Section 6 of Zoning Bylaw 2012-20 is hereby amended by modifying existing subsections 6.7.1 f), 6.7.1 g), and 6.7.1 h) to read as follows:

“6.7.1 Garden suites, when permitted, shall:

- f) be limited to up to two suites per lot;
- g) have a minimum setback of 1.0 m from the principal building; and
- h) have a maximum of 60 m² gross floor area on the second storey in urban residential areas.”

4. Section 6 of Zoning Bylaw 2012-20 is hereby amended by modifying existing section 6.7.2 to read as follows:

“6.7.2 When permitted, garden suites may be located in the front, side, or rear yard.”

5. Section 6 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 6.7.3 and renumbering the remaining subsections accordingly.

6. Section 6 of the Zoning Bylaw 2012-20 is hereby amended by adding new subsection 6.7.4 to read as follows and renumbering the remaining subsections accordingly:

“6.7.4 The minimum setbacks for garden suites in the RC1 and RC2 zones shall be the same as the setbacks applicable to the principal uses in each zone.”

7. Section 6 of the Zoning Bylaw 2012-20 is hereby amended to delete existing subsection 6.7.5, subsection 6.7.6, and subsection 6.7.7, and renumbering the remaining subsections accordingly.

8. Section 6 of the Zoning Bylaw 2012-20 is hereby amended by adding new subsection 6.7.5 to read as follows and renumbering the remaining subsections accordingly:

“6.7.5 The minimum setbacks for garden suites in urban residential areas are as follows:

- a) The front yard setback shall be the same as the setback applicable to principal uses in each zone;
- b) For garden suites under 4.5 m in height, the minimum required side and rear yard setbacks are 1.5 m. One of the side yard setbacks may be reduced to 0.6 m when the garden suite is located in the side or rear yard;
- c) For garden suites 4.5 to 7.0 m in height, the minimum side and rear yard setbacks required are 1.5 m;
- d) Notwithstanding section 6.7.5 a) and b), the minimum rear yard setback for garden suites with lane access is 0.6 m. The rear yard setback for garden suites without lane access may also be reduced to 0.6 m, at the discretion of the Development Officer, if the rear lot line is adjacent to a public right-of-way or undeveloped or publicly owned land such as greenbelt, parks, schools, etc.; and

- e) In no case shall the side yard setback for a garden suite be 0 m.”

9. Section 6 of the Zoning Bylaw 2012-20 is hereby amended by adding new subsection 6.7.6 to read as follows and renumbering the remaining subsections accordingly:

“6.7.6 When side or rear yard setbacks are reduced to less than 1.5 m, the following applies:

- a) building entryways and doorways are prohibited on the side of the building facing the reduced side yard setback, unless it is adjacent to a lane;
- b) windows are placed so as to minimize overlook onto adjacent properties; and
- c) the development complies with any other additional provisions a Development Officer deems necessary to preserve the privacy of adjacent properties.”

10. Section 6 of the Zoning Bylaw 2012-20 is hereby amended by modifying existing subsection 6.7.8 to read as follows:

“6.7.8 Garden suites may be permitted where a living suite or garden suite is established, up to a maximum of two living or garden suites in any combination on a single parcel (e.g., two garden suites, two living suites, or one of each), unless otherwise specified in this bylaw.”

11. Section 6 of the Zoning Bylaw 2012-20 is hereby amended by modifying existing subsection 6.7.9 to read as follows:

“6.7.9 Garden suites shall have unobstructed pedestrian access to a street frontage and a parking area to the satisfaction of a Development Officer.”

12. Section 6 of the Zoning Bylaw 2012-20 is hereby amended by modifying existing subsection 6.7.10 to read as follows:

“6.7.10 Garden suites shall only be permitted where the principal use is single detached housing, duplex, triplex, or townhouse housing.”

13. Section 6 of the Zoning Bylaw 2012-20 is hereby amended by modifying existing subsection 6.7.11 to read as follows:

“6.7.11 Garden suites must be maintained on the same parcel as a principal dwelling.”

14. Section 6 of the Zoning Bylaw 2012-20 is hereby amended by modifying existing subsection 6.13.1 to read as follows:

“6.13.1 Living suites shall conform to the following regulations:

- a) living suites may not exceed more than 100 m² gross floor area, including basement floor area; and
 - b) living suites are only permitted in a single detached house, duplex, triplex, or townhouse unit, unless otherwise specified in this bylaw.”
15. Section 6 of the Zoning Bylaw 2012-20 is hereby amended by modifying existing subsection 6.13.2 to read as follows:

“6.13.2 Living suites may be permitted where a garden suite is established, up to a maximum of two living or garden suites in any combination on a single parcel (e.g., two living suites, two garden suites, or one of each), unless otherwise specified in this bylaw.”

16. Section 6 of the Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 6.13.3 and renumbering the remaining subsections accordingly.
17. Section 6 of the Zoning Bylaw 2012-20 is hereby amended by modifying existing subsection 6.13.4 to read as follows:

“6.13.4 Living suites shall have unobstructed pedestrian access to a street frontage and a parking area to the satisfaction of a Development Officer.”

18. Section 7 of the Zoning Bylaw 2012-20 is hereby amended by modifying the existing rows titled “Housing, Apartment*”, “Housing, Multiple (excluding apartments)*”, and “Living and Garden Suites” in Table 7.3.6 a) Residential Parking Requirements to read as follows:

Housing, Apartment*	1	Dwelling unit	1	Up to 930m ² GFA	1 per building
	1 visitor	7 dwelling units	1	Over 930m ² GFA	
Housing, Multiple (excluding apartments)*	1	Dwelling unit	N/A	N/A	1 per building
	1 visitor	7 dwelling units	N/A	N/A	
Living and Garden Suites	1	2 living or garden suites	N/A	N/A	N/A

19. Section 7 of the Zoning Bylaw 2012-20 is hereby amended by adding new subsection 7.3.8 to read as follows and renumbering the remaining subsection accordingly:

“7.3.8 Residential uses in the CC, CM1, CM2, CN, CNC, and CN2 zones are exempt from providing off-street visitor parking and loading spaces.”

20. Section 7 of the Zoning Bylaw 2012-20 is hereby amended by modifying existing subsection 7.6.3 to read as follows:

“7.6.3 In a residential zone, off-street parking spaces:

- a) may be located within a driveway with a 1.0 m setback from the front property line or exterior side property line; and
- b) shall not be located in an interior side yard setback adjacent to a public thoroughfare (lane, trail, etc.), unless the parking area is screened from view by either fencing or landscaping.”

21. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by adding new subsection 9.1.6 a) to read as follows and renumbering the remaining subsections accordingly:

“9.1.6 Other Regulations

- a) A maximum of one living suite or one garden suite shall be permitted.”

22. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by adding new subsection 9.2.6 a) to read as follows and renumbering the remaining subsection accordingly:

“9.2.6 Other Regulations

- a) A maximum of one living suite or one garden suite shall be permitted.

23. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by modifying existing subsection 9.3.2 b) to read as follows:

“9.3.2 Principal Uses

- b) housing: multiple, residential care homes”

24. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by modifying existing subsection 9.3.6 a) to read as follows:

“9.3.6 Other Regulations

- a) the minimum number of units per building is three.”

25. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 9.3.6 c) and renumbering the remaining subsections accordingly.

26. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by adding a new subsection 9.5.3 e) to read as follows:

“9.5.3 Secondary Uses

- e) living suites”

27. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 9.5.6 d) and renumbering the remaining subsections accordingly.

28. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by modifying existing subsection 9.6.1 to read as follows:

“9.6.1 Purpose

To provide a comprehensive development zone for compact fee-simple single detached, duplex and multiple housing that is developed as part of a complete neighbourhood.”

29. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by modifying existing subsection 9.6.2 b) to read as follows:

“9.6.2 Principal Uses

- b) housing: single detached, duplex, multiple, residential care homes”

30. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by modifying existing subsections 9.6.5 b), 9.6.5 c), and 9.6.5 j) to read as follows:

“9.6.5 Development Regulations

- b) the minimum lot area for single detached, duplex, and multiple housing is 320 m².
 c) the minimum lot area for duplex housing where each unit is on a separate fee simple lot is 275 m².
 j) the minimum rear yard setback is 11.0 m for the principal building, except:
 (1) in the case that the principal building is one storey, the rear yard setback may be reduced to 6.0 m, or
 (2) if more than one dwelling unit is provided, the rear yard setback may be reduced to 3.0 m.”

31. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by modifying existing subsection 9.6.6 b) to read as follows:

“9.6.6 Other Regulations

- b) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (bed and breakfast lodging, home based businesses, etc.); the parking regulations of section 7; and the sign regulations of section 8. Regulations in Section 6.14 Multiple Housing do not apply to multiple housing developments in this zone.”

32. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by adding new subsections 9.6.6 a) and 9.6.6 b) to read as follows and renumbering remaining subsections accordingly:

“9.6.6 Other Regulations

- a) The maximum number of dwelling units per lot is four. Up to two of these units may be living or garden suites.
 b) Lots with a dwelling that is attached to another dwelling on a separate adjacent lot (e.g., duplex with each unit on a

separate, fee simple lot) cannot build up to four dwelling units, but can provide up to two suites.”

33. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by modifying existing subsection 9.7.2 b) to read as follows:

“9.7.2 Principal Uses

- b) housing: single detached, duplex, multiple, residential care homes”

34. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by modifying existing subsections 9.7.5 c), and 9.7.5 d) to read as follows:

“9.7.5 Development Regulations

- c) the minimum lot area for single detached, duplex, and multiple housing is 490 m².
d) the minimum lot area for duplex housing where each unit is on a separate fee simple lot is 390 m².”

35. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 9.7.5 d) and renumbering the remaining subsections accordingly.

36. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by modifying existing subsection 9.7.6 b) to read as follows:

“9.7.6 Other Regulations

- b) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (bed and breakfast lodging, home based businesses, etc.); the parking regulations of section 7; and the sign regulations of section 8. Regulations in Section 6.14 Multiple Housing do not apply to multiple housing developments in this zone.”

37. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by adding new subsections 9.7.6 a) and 9.7.6 b) to read as follows and renumbering remaining subsections accordingly:

“9.7.6 Other Regulations

- a) The maximum number of dwelling units per lot is four. Up to two of these units may be living or garden suites.
b) Lots with a dwelling that is attached to another dwelling on a separate adjacent lot (e.g., duplex with each unit on a separate, fee simple lot) cannot build up to four dwelling units, but can provide up to two suites.”

38. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by modifying existing

subsection 9.8.1 to read as follows:

“9.8.1 Purpose

To provide a zone for single detached, duplex, and multiple housing on urban lots with a broad range of residential related uses.”

39. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by modifying existing subsection 9.8.2 b) to read as follows:

“9.8.2 Principal Uses

- b) housing: single detached, duplex, multiple, residential care homes”

40. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by modifying existing subsections 9.8.5 b), 9.6.5 c), and 9.6.5 d) to read as follows:

“9.8.5 Development Regulations

- b) the minimum lot area for single detached, duplex, and multiple housing is 400 m².
 c) the minimum lot area for duplex housing where each unit is on a separate fee simple lot is 337 m².
 d) the maximum site coverage is 35%. The maximum site coverage may be increased to 50% if more than one dwelling unit is provided.”

41. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by modifying existing subsection 9.8.6 b) to read as follows:

“9.8.6 Other Regulations

- b) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (bed and breakfast lodging, home based businesses, etc.); the parking regulations of section 7; and the sign regulations of section 8. Regulations in Section 6.14 Multiple Housing do not apply to multiple housing developments in this zone.”

42. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by adding new subsections 9.8.6 a) and 9.8.6 b) to read as follows and renumbering remaining subsections accordingly:

“9.8.6 Other Regulations

- a) The maximum number of dwelling units per lot is four. Up to two of these units may be living or garden suites.
 b) Lots with a dwelling that is attached to another dwelling on a separate adjacent lot (e.g., duplex with each unit on a separate, fee simple lot) cannot build up to four dwelling units,

but can provide up to two suites.”

43. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by adding new subsections 9.9.3 d) and 9.9.3 f) to read as follows and renumbering remaining subsections accordingly:

“9.9.3 Secondary Uses

- d) garden suites
- f) living suites”

44. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by modifying existing subsection 9.11.5 c) to read as follows:

“9.11.5 Development Regulations

- c) the minimum lot area is 360 m².”

45. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by modifying existing subsection 9.11.6 a) to read as follows:

“9.11.6 Other Regulations

- a) The maximum number of dwelling units per lot is four. Up to two of these units may be living or garden suites.”

46. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by adding new subsection 9.11.6 b) to read as follows and renumbering remaining subsections accordingly:

“9.11.6 Other Regulations

- b) Lots with a dwelling unit that is attached to another dwelling on a separate adjacent lot (e.g., duplex with each unit on a separate fee simple lot) cannot build up to four dwelling units, but can provide up to two suites.”

47. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by modifying existing subsection 9.14.1 to read as follows:

“9.14.1 Purpose

To provide a zone for single detached, duplex, and multiple housing on larger urban serviced lots with a restricted range of associated uses.”

48. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by modifying existing subsection 9.14.2 b) to read as follows:

“9.14.2 Principal Uses

- b) housing: single detached, duplex, multiple”

49. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by adding a new subsections 9.14.3 b) and 9.14.3 d) to read as follows and renumbering the

remaining subsections accordingly:

“9.14.3 Secondary Uses

- b) garden suites
- d) living suites”

50. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by modifying existing subsections 9.14.4 b), 9.14.4 c), 9.14.4 f), and 9.14.4 h) to read as follows:

“9.14.4 Development Regulations

- b) the minimum lot area is 700 m².
- c) the maximum site coverage is 35%. The maximum site coverage may be increased to 50% if more than one dwelling unit is provided.
- f) the minimum side yard setback is 3.0 m on one side and 1.5 m on the other side. The minimum side yard setback may be reduced to 1.5 m on both sides if more than one dwelling unit is provided.
- h) the minimum rear yard setback is 6.0 m except on a corner lot. The minimum rear yard setback may be reduced to 3.0 m if more than one dwelling unit is provided.”

51. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by modifying existing subsections 9.14.5 a), 9.14.5 b), and 9.14.5 c) to read as follows:

“9.14.5 Other Regulations

- a) All housing developments shall install a hard-surfaced driveway, walkway, and complete landscaping of the front yard in accordance with section 5.5.2.8 of this bylaw within one year of issuance of the occupancy permit. Where a lot fronts on two streets, the landscaping standard shall apply to both frontages.
- b) Occupancy approval shall not be granted for any housing until the building exterior has been completed.
- c) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (bed and breakfast lodging, home based businesses, etc.); the parking regulations of section 7; and the sign regulations of section 8. Regulations in Section 6.14 Multiple Housing do not apply to multiple housing developments in this zone.”

52. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by adding new subsection 9.14.5 a) to read as follows and renumbering the remaining subsections accordingly:

“9.14.5 Other Regulations

- a) The maximum number of dwelling units per lot is four. Up to two of these units may be living or garden suites.”

53. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by modifying existing subsection 9.15.1 to read as follows:

“9.15.1 Purpose

To provide a zone for a range of single detached, duplex, and multiple housing on urban lots with a broad range of residential related uses.”

54. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by modifying existing subsection 9.15.2 b) to read as follows:

“9.15.2 Principal Uses

- b) housing: single detached, duplex, multiple, residential care homes”

55. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by deleting existing subsections 9.15.5 e), 9.15.5 f), and 9.15.5 m) and renumbering the remaining subsections accordingly.

56. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by modifying existing subsections 9.15.5 c), 9.15.5 d), 9.15.5 g), and 9.15.5 j) to read as follows:

“9.15.5 Development Regulations

- c) the minimum lot area for single detached, duplex, and multiple housing is 462 m².
- d) the minimum lot area for duplex housing where each unit is on a separate fee simple lot is 372 m².
- g) the maximum site coverage is 40%. The maximum site coverage may be increased to 50% if more than one dwelling unit is provided.
- j) the minimum rear yard setback is 3.0 m on one side and 1.5 m on the other side except that:
 - (1) where there is access to the rear of the lot by a lane, the side yard setback requirement may be reduced to 1.5 m on both sides; and
 - (2) in the case of a side-by-side duplex on separate, adjacent lots, one side yard setback may be reduced to zero and the other shall be 3.0 m; and
 - (3) where more than one dwelling unit is provided, the side yard setbacks may be reduced to 1.5 m on both sides.”

57. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by modifying existing subsection 9.15.6 c) to read as follows:

“9.15.6 Other Regulations

- c) In addition to the regulations listed above, other regulations

may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (bed and breakfast lodging, home based businesses, etc.); the parking regulations of section 7; and the sign regulations of section 8. Regulations in Section 6.14 Multiple Housing do not apply to multiple housing developments in this zone.”

58. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by adding new subsections 9.15.6 a) and 9.15.6 b) to read as follows and renumbering remaining subsections accordingly:

“9.15.6 Other Regulations

- a) The maximum number of dwelling units per lot is four. Up to two of these units may be living or garden suites.
- b) Lots with a dwelling that is attached to another dwelling on a separate adjacent lot (e.g., duplex with each unit on a separate fee simple lot) cannot build up to four units, but can provide up to two suites.”

59. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by modifying existing subsection 9.16.2 b) to read as follows:

“9.16.2 Principal Uses

- b) housing: single detached, duplex, multiple, residential care homes”

60. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by deleting existing subsections 9.16.5 e), 9.16.5 f), and 9.16.5 n) and renumbering the remaining subsections accordingly.

61. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by modifying existing subsections 9.16.5 c), 9.16.5 d), 9.16.5 g), and 9.16.5 j) to read as follows:

“9.16.5 Development Regulations

- c) the minimum lot area for single detached, duplex, and multiple housing is 462 m².
- d) the minimum lot area for duplex housing where each unit is on a separate fee simple lot is 372 m².
- g) the maximum site coverage is 40%. The maximum site coverage may be increased to 50% if more than one dwelling unit is provided.
- j) the minimum rear yard setback is 3.0 m on one side and 1.5 m on the other side except that:
 - (1) where there is access to the rear of the lot by a lane, the side yard setback requirement may be reduced to 1.5 m on both sides; and

- (2) in the case of a side-by-side duplex on separate, adjacent lots, one side yard setback may be reduced to zero and the other shall be 3.0 m; and
- (3) where more than one dwelling unit is provided, the side yard setbacks may be reduced to 1.5 m on both sides.”

62. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by modifying existing subsection 9.16.6 c) to read as follows:

“9.16.6 Other Regulations

- c) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (bed and breakfast lodging, home based businesses, etc.); the parking regulations of section 7; and the sign regulations of section 8. Regulations in Section 6.14 Multiple Housing do not apply to multiple housing developments in this zone.”

63. Section 9 of the Zoning Bylaw 2012-20 is hereby amended by adding new subsections 9.16.6 a) and 9.16.6 b) to read as follows and renumbering the remaining subsections accordingly:

“9.16.6 Other Regulations

- a) The maximum number of dwelling units per lot is four. Up to two of these units may be living or garden suites.
- b) Lots with a dwelling that is attached to another dwelling on a separate adjacent lot (e.g., duplex with each unit on a separate fee simple lot) cannot build up to four units, but can provide up to two suites.”

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

FIRST READING:	February 26, 2024
PUBLIC NOTICE:	March 1, 2024 and March 8, 2024
PUBLIC HEARING:	March 25, 2024
SECOND READING:	
THIRD READING and ADOPTION:	

Laura Cabott, Mayor

Corporate Services

ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: April 15, 2024
RE: Zoning Amendment – Municipal Services Building

ISSUE

An application to amend the zoning of 4210 4th Avenue from CM2 – Mixed Use Commercial 2 to CM2(x) – Mixed Use Commercial 2 (modified) to ensure the redevelopment of the Municipal Service Building (MSB) site includes a residential use.

REFERENCE

- [Zoning Bylaw 2012-20](#)
- [Whitehorse 2040 Official Community Plan](#)
- [2022-2024 Strategic Priorities](#)
- [2018 Downtown Plan](#)
- Location Map (Attachment 1)
- Proposed Zoning Amendment Bylaw 2024-25 (Attachment 2)

HISTORY

Administration is bringing forward an application to rezone 4210 4th Avenue (the old Municipal Services Building) from CM2 – Mixed Use Commercial 2 to CMX2x – Mixed Use Commercial 2 (modified) to ensure future development includes a residential use.

The MSB was vacated in 2020 and is currently underutilized as it is only used for cold storage of active and seasonal equipment. Due to its condition, the building must be demolished and the land remediated in order to allow for redevelopment.

On March 13, 2024, the Development Review Committee (DRC) reviewed the proposed amendment and recommended including density targets with consideration to servicing capacity. Following the DRC meeting, Engineering Services confirmed that upon initial review current servicing in the vicinity of the MSB site is not considered prohibitive for larger developments. However, further review would be required at conceptual design.

At the 2024 Housing Summit, the City facilitated a breakout session on the “Next Life of the former Municipal Service Building”. The main concerns raised were related to traffic, wind, and market housing being constructed. Opportunities identified consisted of:

- Potential collaboration between private, public, and non-governmental sectors;
- Enhancement of the commercial streetscape, the pedestrian/cycling network, and greenspace/civic amenities along 4th Avenue; and
- Provision for a mixed-use high-density development with variations in built form and housing types.

On January 29, 2024, Council approved the Housing Accelerator Fund (HAF) Action Plan for the City of Whitehorse and authorized the Mayor to enter into a contribution agreement with Canada Mortgage and Housing Corporation (CMHC) to receive program funds which may be used for Housing-related Infrastructure, such as demolition, that prepares the site for residential development.

The proposed schedule for the Zoning Bylaw amendment is:

Planning Committee:	April 15, 2024
First Reading:	April 22, 2024
Newspaper Ads:	April 26 and May 3, 2024
Public Hearing:	May 27, 2024
Report to Committee:	June 17, 2024
Second and Third Reading:	June 24, 2024

ALTERNATIVES

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

ANALYSIS

Site Context

The subject site is located on 4th Avenue, nestled between Ogilvie Street and Baxter Street in Downtown. Directly northeast, the area is zoned CS – Commercial Service, while CM1 is designated to the southwest, and CM2 for the remaining surrounding properties. The subject site is located in close proximity to NVD Place at 4201 4th Avenue and the Qwanlin Mall at 303 Ogilvie Street. Furthermore, there are established residential uses both south and west of the subject site. Buildings are generally one to two storeys in height. The proposed residential use will complement surrounding existing uses and also help support downtown commercial vitality.

Corporate Plans and Strategic Priorities

Council's 2022 to 2024 Strategic Priorities seek to improve the overall housing supply and to evaluate the opportunities for redevelopment of the MSB site.

The subject site is designated as Mixed-use - Downtown Core in the Official Community Plan (OCP). The OCP seeks to increase the number of people living in this area by encouraging high density housing forms (Policy 8.32). OCP Policy 8.35 underscores the City's commitment to evaluating the redevelopment potential of the subject site (former MSB) to facilitate intensification of uses within the Downtown area.

Under Policy 15.8.7, buildings up to 30 m may be considered within the Mixed Use – Downtown Core designation to promote the concentration of commercial and higher-density residential uses within the Downtown.

The subject site is also located within the planning area of the Downtown Plan, which designates it as a high-priority site for redevelopment (Policy 6.3.17). This prioritization extends to the sale and redevelopment of the City's Municipal Services Building, following the relocation of staff and services.

Zoning Bylaw

The purpose of the CM2 zone is to provide for a mix of low intensity commercial and residential uses for the transitional area around the periphery of the downtown commercial core. The CM2 zone allows for many principal uses including offices, retail services and housing, but does not restrict a development from providing just one of the uses permitted as principal or conditional uses in the zone. Therefore, the intention of the proposed amendment is to include a special modification ensuring that the site's redevelopment incorporates a mandatory residential use.

In addition, under Appendix C of the Zoning Bylaw, the maximum height for the MSB site and adjoining properties is 25 m. The proposed amendment therefore also includes a special modification to increase the height to 30 m to provide greater flexibility in designing a higher residential density development.

Housing Accelerator Fund (HAF)

Permitted Uses of HAF funding include investments in Housing-related Infrastructure such as site preparation for housing developments. CMHC has confirmed that demolition and land remediation meet the intent of site preparation for the purposes of allocating HAF funding to Permitted Uses.

This zoning amendment will allow Administration to demonstrate to CMHC that the demolition and land remediation work will effectively be undertaken to support the site preparation of a housing development, as a permitted use of the HAF program funding. The units achieved through this development are key to achieving the City's HAF targets.

Development Targets

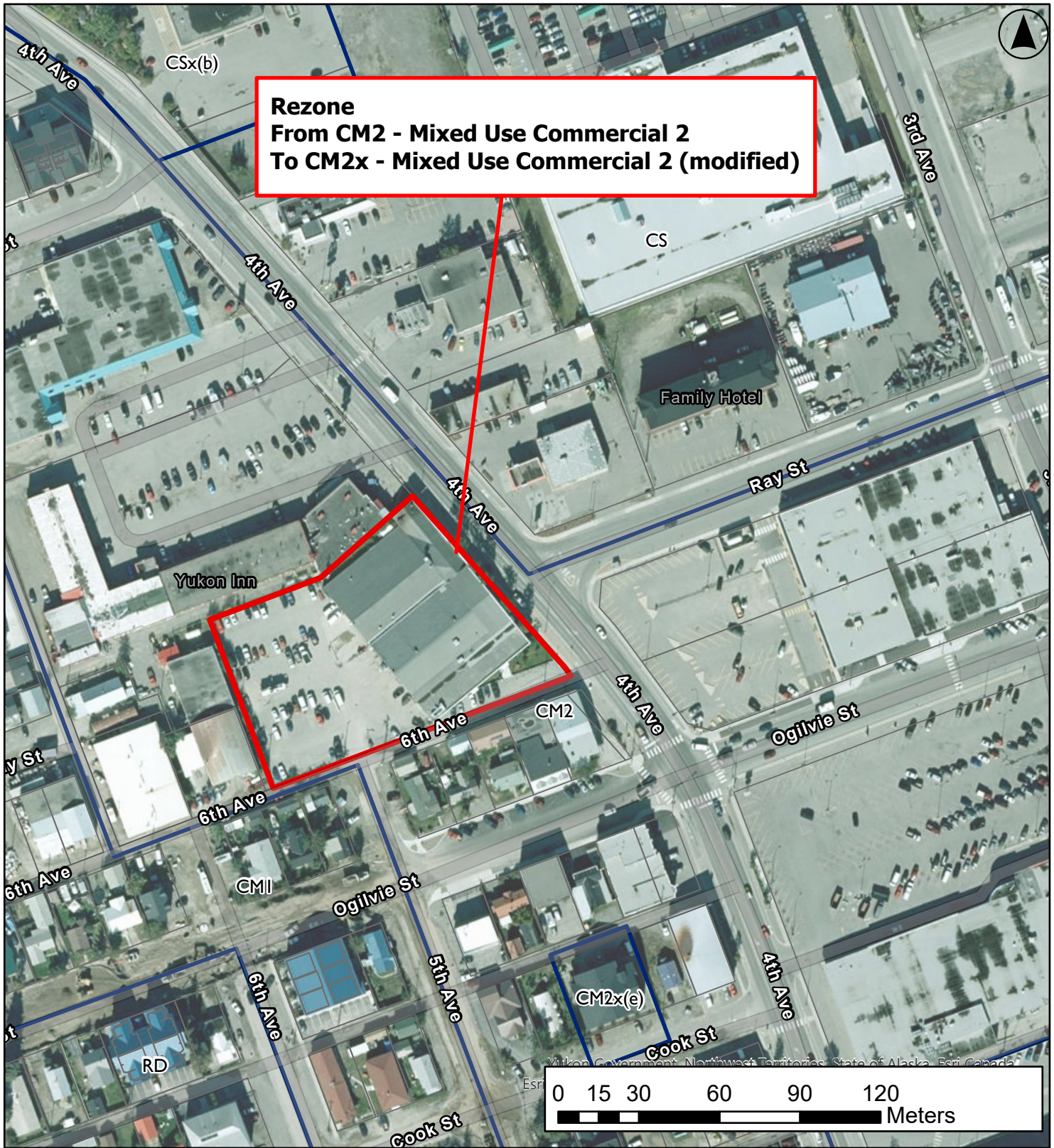
Density targets and any additional site and/or development design requirements such as servicing capacity, and/or the opportunity to enhance the landscape of 4th Avenue in its location through public amenities and building massing, have not been included in the special modification as they are considered better addressed through the land disposition process.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2024-25, a bylaw to amend the zoning at 4210 4th Avenue, be brought forward for consideration under the bylaw process.




**Rezone
From CM2 - Mixed Use Commercial 2
To CM2x - Mixed Use Commercial 2 (modified)**



DATE:
2/26/2024 1:41 PM

FILE:
Z-XX-2024 - 4210 4th Ave

 Subject Site

CITY OF WHITEHORSE - PLANNING AND SUSTAINABILITY SERVICES

Proposed Rezoning Application - Location Map

4210 4th Avenue
Parcel C Whitehorse



CITY OF WHITEHORSE
BYLAW 2024-25

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 the redevelopment of the Municipal Service Building site 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 10.6 of Zoning Bylaw 2012-20 is hereby amended by adding a new subsection 10.6.7 i) as follows:
 - “j) Amended Parcel C Plan Number 65281 CLSR, located at 4210 4th Avenue in the Downtown area, is designated CM2x(j) with the special modifications being:
 - (1) Commercial uses are not permitted above the first storey, except for home-based businesses in residential uses; and
 - (2) Any commercial use must be accompanied with the development of an allowable residential use.
 - (3) The maximum height is 30 m.”
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 Amended Parcel C Plan Number 65281 CLSR from CM2-Mixed Use Commercial 2 to CM2x(j)-Mixed Use Commercial 2, modified as indicated on Attachment 1 and forming part of this bylaw.
3. This bylaw shall come into force and effect upon the final passing thereof.

FIRST READING:

PUBLIC NOTICE:

PUBLIC HEARING:

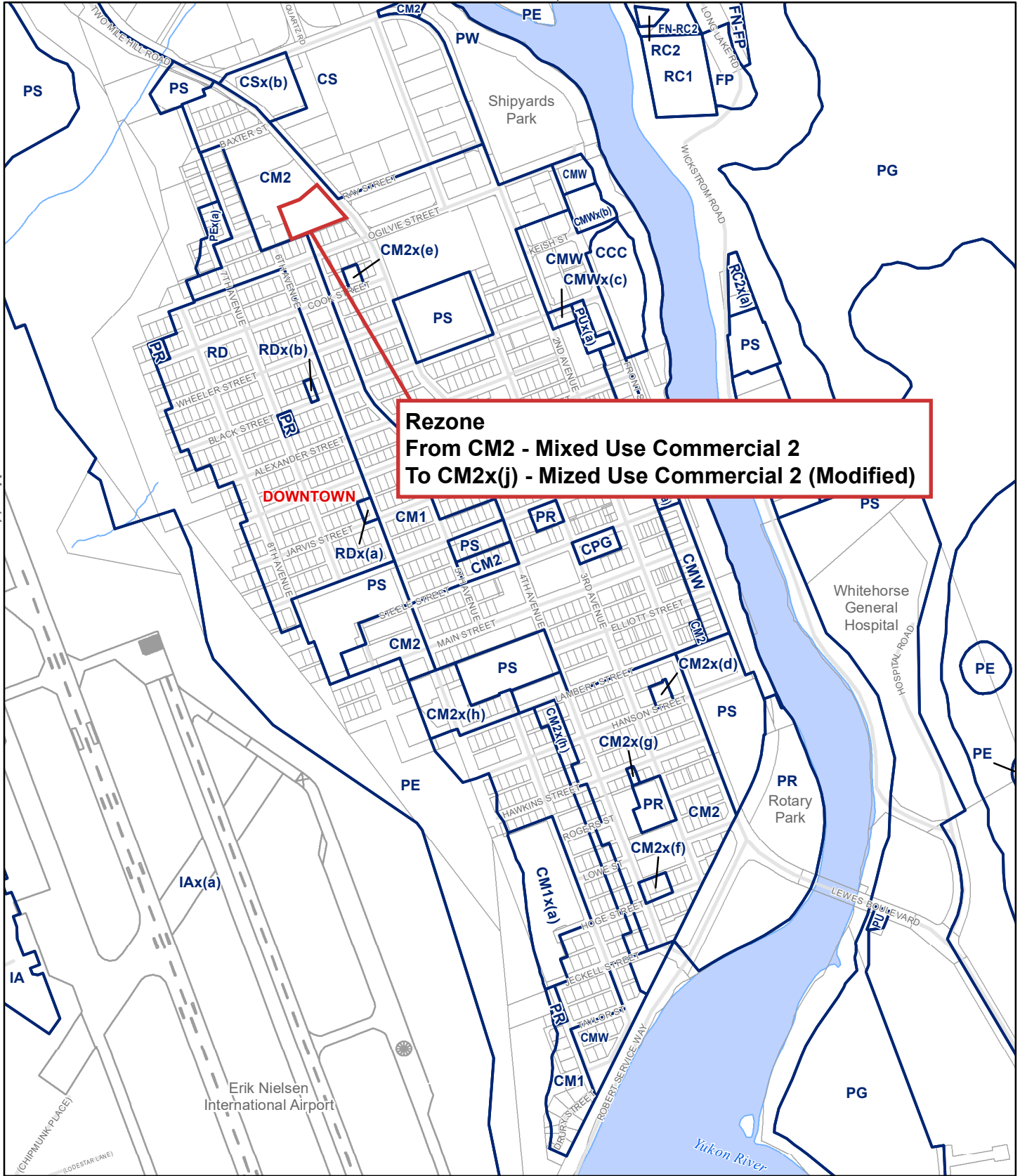
SECOND READING:

THIRD READING and ADOPTION:

Mayor

City Clerk

Map 11



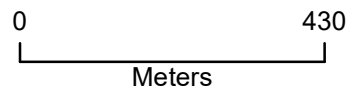
Rezoning
From CM2 - Mixed Use Commercial 2
To CM2x(j) - Mixed Use Commercial 2 (Modified)

Map 14

Map 18

Map 16

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.



Consolidation date:
June 15, 2023

Projection: NAD 1983 UTM Zone 8

ADMINISTRATIVE REPORT

TO: City Planning Committee
FROM: Administration
DATE: April 15, 2024
RE: Public Hearing Report – Zoning Amendment – Mining Activities

ISSUE

Public Hearing Report on text amendments to the Zoning Bylaw to ensure that there is a public process and Council decision on all mineral exploration and mineral development activities within city limits.

REFERENCES

- [Whitehorse 2040 Official Community Plan](#)
- [Zoning Bylaw 2012-20](#)
- [Municipal Act SY 2022, c. 2](#)
- [Quartz Mining Act SY 2003, c. 14](#)
- [Yukon Environmental and Socio-economic Assessment Act S.C. 2003, c. 7](#)
- [2021 Yukon Mineral Development Strategy and Recommendations](#)
- [The Canadian Critical Minerals Strategy](#)
- [2015-2050 Sustainability Plan](#)
- [Maintenance Bylaw 2017-09](#)
- [2021 The Significance Of Cumulative Effects As a Matter to be Considered in YESAB Assessments](#)
- [Bylaw 2014-36 Fees and Charges Manual](#)
- [Council Procedures Bylaw 2021-12](#)
- [Prohibition of Entry on Certain Lands \(City of Whitehorse\) Order O.I.C 2012/145](#)
- Initial Proposed Zoning Amendment Bylaw 2024-23 (Attachment 1)
- Amended Proposed Zoning Amendment Bylaw 2024-23 (Attachment 2)

HISTORY

The current City process for issuing permits for mineral exploration does not include a public input process. If the proposal is compliant with the OCP and/or Zoning Bylaw a permit must be issued by a Development Officer. Conditions of approval can be applied; however, the *Municipal Act* requires that the City issue the permit. City Council currently has no role in reviewing these applications.

The City received an application to amend the text of the Official Community Plan and Zoning Bylaw to prohibit mineral exploration and mining within city limits. Administration provided an alternative option that included the following amendments to the Zoning Bylaw:

- New definitions for “mineral development” and “mineral exploration”;
- Adding “mineral development” and “mineral exploration” as conditional uses in the IQ-Quarries and IH-Heavy Industrial zones; and
- A new section added to the Temporary Use Development Permit regulation to require temporary use permits for mineral exploration follow conditional use procedures and be issued by Council.

Bylaw 2024-23, Administration’s alternative option, received First Reading on February 12, 2024. 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 February 16 and February 23, 2024;
- Email notifications were sent to Kwanlin Dün First Nation (KDFN), Ta’an Kwäch’än Council, Government of Yukon (YG) Land Management Branch, Whitehorse Chamber of Commerce, Yukon Chamber of Commerce, and the Yukon Chamber of Mines; and
- Property owners in the IQ-Quarries and IH-Heavy Industrial zones were notified by mail.

A public hearing for this item was held on March 11, 2024. Seven written submissions were received, all voicing concerns or opposition, and fifteen members of the public spoke to the item at the Public Hearing. Two delegations on behalf of local mineral exploration companies were made at a February 5, 2024 Council Standing Committee meeting.

The City also received a letter from KDFN on March 8, 2024 requesting a meeting to discuss KDFN’s jurisdiction, rights, and responsibilities with respect to its lands and mining activities.

ALTERNATIVES

1. Proceed to second hearing under the bylaw process; or
2. Amend the bylaw, defer consideration of second reading, and direct that a second public hearing be held.

ANALYSIS

The following matters were raised at the Public Hearing:

- Legislation;
- Water contamination;
- Impacts to wildlife and nuisance impacts;
- Recreational impacts;
- Green economy;
- Mineral exploration versus mining;
- Additional costs and delays;
- Abandoned mines;
- Compensation;
- City capacity and expertise;
- Impacts to local economy;
- Return of fee; and
- Other

Legislation

Some members of the public expressed concerns that the City does not have the legislative authority to decline a development permit for mining activities under

proposed Bylaw 2024-23 if a YESAA decision document permits a project. Therefore, they prefer a ban on mining activities within city limits and oppose proposed Bylaw 2024-23.

Some expressed that they believe the City does have the legislative authority to decline a development permit for mining activities. Another wanted clarification on the City's legal authority related to mining activities.

Quartz Mining Act

A member of the public raised concerns that Section 50 of the *Quartz Mining Act*, which states that the holder of a mineral claim is entitled to all minerals within the boundaries of their claim, would require that the City issue a development permit for mineral exploration or extraction, regardless of whether it wanted to or not.

Although the *Quartz Mining Act* is one of the principal documents that regulates mining and exploration activities in the Yukon, the *Municipal Act* grants municipalities jurisdiction over land uses, including mining and exploration, within their boundaries, which includes the ability to prohibit such activities. Section 289 of the *Municipal Act* states that municipalities are permitted to “prohibit, regulate, and control the use and development of land and buildings in a municipality.” Neither Act takes priority and each of them simultaneously applies.

Yukon Environmental and Socio-economic Assessment Act (YESAA)

A delegate raised concerns that section 83(2) under YESAA would require that the City issue a development permit for mining activities, whether it wanted to or not, if a decision document issued by the territorial minister through a Yukon Environmental and Socio-economic Assessment determined that a project should proceed.

Section 83(2) of YESAA states that “to the extent of its authority under the *Yukon Act*, territorial laws or municipal by-laws, every territorial agency and every municipal government undertaking a project, requiring it to be undertaken or taking any action that enables it to be undertaken shall implement a decision document issued by the territorial minister in respect of the project.”

The decision document is not a licence or permit for a project to be undertaken but rather a document allowing a project to proceed to the licensing and permitting stages. The City is bound to follow the decision document under YESAA, but only where the required permits or approvals are being provided for the project. The effect of the decision document is not to supersede the regulatory authority of municipalities or to otherwise bind municipalities to approve a project. In other words, the City is not obligated to enable or issue permits for a project approved through a YESAA decision document.

The *Municipal Act* grants municipalities jurisdiction over land uses, including mining and exploration, within their boundaries, which includes the ability to prohibit such activities. Section 289 of the *Municipal Act* states that municipalities are permitted to “prohibit, regulate, and control the use and development of land and buildings in a municipality.”

New Mining Legislation

Delegates expressed a desire for the new territorial mineral resource legislation, which will replace the *Quartz Mining Act*, to come into effect prior to the City making any

decisions on mining or exploration projects within municipal boundaries. Delegates voiced discontent with the outdated *Quartz Mining Act* and encouraged the City to call on YG to enact the new legislation in a timely manner.

A Yukon Mineral Development Strategy was released by YG in 2021 which recommended new mineral legislation for quartz and placer mining be enacted by the end of 2025. Administration is supportive of YG enacting new mineral legislation that is more reflective of current circumstances and best practices. However, Administration received a complete Zoning Bylaw text amendment application and the applicable application fee in December 2023. Therefore, the City is required to proceed through the review process under section 15.3 of the Zoning Bylaw and cannot rely on legislation that may be enacted in the future, but rather legislation that is currently in place.

Water contamination

Several members of the public expressed concerns that mining activities within city limits could lead to the contamination of drinking water and expose residents to radon gas. Drill holes allow a path for radon gas to migrate through groundwater or aquifers, up private water wells, and into dwellings exposing residents to it. A delegate representing a mineral exploration company stated that they have been working with the Government of Yukon to expand water monitoring and the testing of wells.

A resident highlighted that the University of Calgary has published a research paper that concluded that rural areas have higher radon concentrations. They noted that the research found that any private water well within 600 m of drill holes could provide a pathway for radon to enter dwellings. They also stated that Yukon University is conducting research on radon contamination in the city and that it may provide valuable information.

Most residents in the city rely on groundwater for drinking water. Buildings connected to the municipal water system rely on the Riverdale Aquifer where water is pumped to the Selkirk Pumphouse. The water quality is continuously monitored at the Selkirk Pumphouse and weekly at 25 locations throughout the system. Some dwellings are connected to a private well and others have water delivered to holding tanks. Since the water quality of private wells is not monitored, unless by individual property owners, potential water contamination and radon gas exposure from mining activities is of a higher concern.

A YESAA assessment is required for a Class 2, 3, or 4 exploration program. As part of the assessment, drainage, distances of proposed activities to waterbodies, erosion, and sedimentation among other items are reviewed. The YESAA review can provide recommendations and the subsequent decision document can provide conditions of approval such as monitoring plans. Additionally, a water licence from the Yukon Water Board is required for the use of water or deposit of waste and is typically required for production-level projects.

Furthermore, the OCP requires a 30 m riparian setback per policy 7.7. Mineral activities are only permitted in areas designated as Natural Resource Extraction or Industrial in the OCP. There is an approximate 300 m buffer required between Natural Resource Extraction activities and areas designated as Residential and Heavy Industrial uses are

subject to a 500 m buffer from areas designated as Residential. Additionally, the City will not support uses or activities that will have a significant negative impact on surface or groundwater quality per OCP policy 7.17.

The proposed amendments allow Council to have oversight over all mining activities within the city and evaluate each proposed project on a case-by-case basis. If new data shows that larger separations between mining activities and residential areas are recommended to prevent water contamination or exposure to radon gas, Council has the ability to reject proposed projects that do not meet those separations. Council also has the ability to require conditions to mitigate or monitor potential impacts.

Impacts to wildlife and nuisance impacts

Residents expressed concerns that mining activities within city limits would negatively impact wildlife. They also raised concerns with noise and dust impacts that mining activities could have on nearby residents.

The OCP Map 1 - Greenspace Network Plan and Parks, shows environmentally sensitive areas which includes high value habitat areas and wildlife corridors. Per OCP policy 7.1.2, development will be limited in environmentally sensitive areas. Additionally, per OCP policy 7.3, natural area fragmentation will be limited to support wildlife and ecosystem health.

As stated previously, mining activities are limited to the Natural Resource Extraction and Industrial designations in the OCP and are required to maintain separation distances for development separation, visual barrier, and noise buffering. OCP policy 15.12.3 requires mitigations to address traffic, dust, noise, and wildlife impacts. Additionally, any mining activities within city limits will need to comply with the Maintenance Bylaw in regard to noise and air pollution.

Recreational impacts

Members of the public were concerned that trails and the enjoyment of recreational activities would be negatively impacted if mining activities were permitted within city limits. The Whitehorse Cross Country Ski Club expressed a desire for the establishment of Chasàn Chuà/McIntyre Creek Park as an official park and that mining should be prohibited within the park boundaries.

The City is committed to working with Kwanlin Dün First Nation, Ta'an Kwäch'än Council, Yukon University, Parks Canada, and YG to formally establish the Chasàn Chuà/McIntyre Creek Park per OCP policy 14.3. As part of this process, a comprehensive management plan for Chasàn Chuà/McIntyre Creek Park will be completed to confirm the Park's boundary, vision, and level of protection. The Park is designated as Greenspace where mineral exploration or development activities are not permitted.

Green economy

Some members of the public and a delegate representing a local mineral exploration company claimed that mining activities are required in order to transition to the green economy. A delegate representing a local mineral exploration company also noted the benefits of exploring and mining closer to existing infrastructure, which would result in a

reduction of travel and shipping time and their associated carbon costs. In 2022, the federal government released the Canadian Critical Minerals Strategy which aims to increase the supply of responsibly sourced critical minerals and support the development of domestic and global value chains for the green and digital economy. The Strategy identifies 31 critical minerals that are required for the transition to a low-carbon economy. The Yukon Chamber of Mines stated that the Yukon is known to have 26 of these 31 critical minerals.

Members of the public expressed that copper is identified as a critical mineral, which has historically been found in the city, and is an essential element in renewable energy technologies, such as solar panels, wind turbines, and electric vehicles. Whitehorse can benefit economically while also contributing to the ongoing green energy transition by allowing mining activities within city limits.

Administration recognizes that critical minerals are required for the production of renewable energy resources and indirectly required in order to meet the City's greenhouse gas reduction targets described in the Sustainability Plan. Proposed Bylaw 2024-23, would allow Council to make site-specific decisions after hearing from interested parties. This will allow Council to consider the costs and benefits of a proposed project and balance competing interests and values.

Mineral exploration versus mining

Several members of the public expressed that there is a difference between mineral exploration and mining. Mining cannot occur without mineral exploration but mineral exploration can and does occur the majority of the time without any further mineral development. They questioned how Council could make sound decisions on mining activities if it does not know if, how much, or where minerals are located within city limits; mineral exploration answers these questions.

A representative of the Canadian Parks and Wilderness Society Yukon Chapter voiced concerns that a Class 1 quartz exploration project has relatively little disturbance but they have concerns that it can progress to Class 3 or 4 project and they question whether the City would deny a project from proceeding to a Class 3 or 4 if it has already approved a Class 1 project. They were also worried about the cumulative effects of mining activities.

The City will continue to consider mineral exploration and mining on a case by case basis. If a proponent would like to proceed from a City-approved Class 1 project to a Class 2, 3, or 4 project, the project would be first subject to a YESAA assessment. Cumulative effects are considered as part of YESAA assessments and any findings or recommendations are provided in the publically-available Yukon Environmental and Socio-economic Assessment Board (YESAB) evaluation report. The Decision Body then either accepts, rejects, or varies the YESAB recommendation. If a proposed project, of which cumulative effects will be considered, is rejected, it will not proceed to the City for approvals.

The proposed zoning amendments ensure that there is a public process, through a conditional use public input session, and a Council decision on all mineral exploration and development activities within city limits. This will allow for greater public

involvement, transparency, and Council oversight on all mining activities within the city limits.

Additional costs and delays

Some members of the public noted that the mining industry is already heavily regulated and that the proposed amendments will add additional costs and delays.

The proposed amendments will add some costs and delays. The processes prior to the City approvals, such as YESAA assessments, will however remain the same. With the proposed zoning amendments, a proposed project related to mining activities will be required to proceed through a Council process when it may not currently be required to. This will add approximately three months to the timeline, and possibly a bit more if Council requests a public meeting per section 15.5.3 of the Zoning Bylaw, for a proponent to receive a decision. The cost associated with a rezoning application is \$2,000 and the cost associated with a conditional use application is \$1,250. Additional consultant costs may also apply in order to support an application.

Administration believes that the additional time and costs are relatively minimal to ensure a transparent process that includes the ability for the public to provide input and for Council to have oversight over mining activities. The City is responsible for coordinating land use planning and infrastructure expansion and maintenance, and mining in particular can have significant impacts on the implementation of City plans.

Abandoned Mines

Some members of the public stated that other mining projects in the Yukon resulted in abandoned mines that tax payers must now pay to remediate. They argued prohibiting mining activities in the city is a small area in comparison to the total area where mining activities are permitted in the Yukon and would prevent a situation where a mine could be abandoned near residential areas.

Administration acknowledges that there have been several abandoned mines in the Yukon that have caused contamination and costly remediation efforts. However, YG can collect a security, per section 139 of the *Quartz Mining Act*, for a mine or mineral exploration projects to address the reclamation and closure liability of a site. The total value of financial securities held by YG for mining projects in the Yukon is approximately \$196 million and approximately \$4 million for exploration projects.

Administration believes that the ability of YG to require a security will ensure that financial resources are available to remediate and close a mine. Under the proposed bylaw, Council can also require a development permit agreement or add conditions to a development permit if it were to approve a proposed project to mitigate concerns.

Compensation

Concerns were raised regarding the potential for an increase in stakes being claimed with the intention of seeking compensation in the future when or if mining activities are prohibited in the city. The Peel Watershed Planning Region was provided as an example where an increase in stakes occurred when a prohibition on mining activities was being contemplated in certain areas.

The proposed amendments will not ban mining activities within city limits. There is a path for a proponent to undertake mining activities within the city. It is not anticipated that significant increases in staking nor compensation will be sought if the proposed amendments are approved. The YG led mineral staking ban, *Prohibition of Entry on Certain Lands (City of Whitehorse) Order*, has already limited the available areas that remain open for staking.

City capacity and expertise

A member of the public expressed concern that the City does not have the capacity or expertise to evaluate proposed mining activity projects.

As stated previously, a YESAA assessment is required for any Class 2, 3, or 4 quartz exploration project which occurs prior to any City decisions or approvals. A water license from the Yukon Water Board may also be required.

Administration is unlikely to duplicate processes or assessments that have already occurred in regards to a proposed project. If the evaluation of a proposed project, or an aspect of a proposed project, is outside of the expertise or capacity of Administration, a third party review can be sought.

Impacts to local economy

A member of the public, and representatives of local mineral exploration companies spoke to the positive benefits that mineral exploration and mining provide to the local Whitehorse economy, particularly economic diversification, job creation, direct investment, and indirect support of local businesses. The delegates expressed additional concerns, suggesting that the proposed amendments could undermine the operations of legitimate businesses that adhere to established legislative frameworks.

OCP Policy 10.3 states the City will continue to work with partners to support the resource development and mining industry. As stated previously, the proposed amendments will not ban mining activities within city limits and the proposed amendments will allow for this work to continue, with additional oversight by Council and opportunities for public input.

Per Sections 277 through 297 of the *Municipal Act*, the City has the right to prepare OCPs and Zoning Bylaws that may restrict land uses to the extent that is necessary for the overall greater public interest. The proposed amendments still allow for mining activities to occur within city limits and will allow Council to better understand the greater public interest through a public input process.

Return of fee

The applicant of the initial OCP and Zoning Bylaw amendment proposals has requested that the fee they paid in the amount of \$3,000 for their proposed amendments be returned.

If it appears that the proposed amendment is one which is applicable to, and for the benefit of the city at large, or most of the persons affected in the area, then Council may direct that the application fee be returned to the applicant per section 15.2.7 of the Zoning Bylaw. Administration believes that the applicant's proposed amendment was for the benefit of the city at large and the fee should be returned.

Other

Since the closure of the public hearing on March 11, 2024, Administration received a substantial number of additional public input submissions. Since they were received after the closure of the public hearing, they cannot be considered under the *Council Procedures Bylaw*.

Administration is of the opinion that these submissions have the potential to raise significant new information which Council may want to receive for further consideration.

Council may pass a resolution authorizing a second public hearing to be held as per section 89(4) of the *Council Procedures Bylaw* which would allow for receipt of significant new information after the closure of the public hearing held on March 11, 2024. If Council proceeds with a second public hearing, Administration recommends that the proposed Bylaw 2024-23 be amended to modify the definition of “Natural Resource Extraction.” Proposed Bylaw 2024-23 amendments were designed to remove “mining” from the definition of “Natural Resource Extraction”, and create a separate definition for “Mineral Development”. Unfortunately, the change to the “Natural Resource Extraction” definition was not included within the zoning amendment Bylaw 2024-23 due to an error.

Administration received an Official Community Plan and Zoning Bylaw text amendment application from a member of the public which initiated this process. Administration is required to adhere to the bylaw process which has resulted in less engagement than if it would have been a City-initiated project. There are some factors that were not fully considered when Administration initially responded to the application. These factors include engagement with First Nation governments with special attention to their Type 1 lands, tiers of mineral exploration such as those with low impact or short duration activities on previously disturbed sites, and public and industry engagement.

Administration is therefore recommending that Council not proceed with second and third reading so that Administration can conduct meaningful engagement with First Nation governments, industry, and the public as well as conduct further research and jurisdictional reviews prior to bringing proposed amendments to Council for consideration. A consultant would likely be hired to conduct this work with updates anticipated to be available in early 2025.

In the meantime, mineral exploration and mining would continue to be regulated as per the status quo. Development permits for mining activities compliant with the Zoning Bylaw and temporary use development permits for mining activities that are compliant with the OCP will be issued by Development Officers. Council will continue to make decisions regarding mining activities if an OCP amendment, Zoning Bylaw amendment, or conditional use is required.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2024-23, a bylaw to ensure that there is a public process and Council decision on all mineral exploration and mineral development activities within city limits, be brought forward to second reading and defeated; and

THAT Council direct that the application fee be returned to the applicant per section 15.2.7 of the Zoning Bylaw

CITY OF WHITEHORSE
BYLAW 2024-23

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 provide greater oversight over mineral exploration and extraction within city limits;

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

1. Section 2.2 of Zoning Bylaw 2012-20 is hereby amended by adding the definitions of “Mineral Development” and “Mineral Exploration” to read as follows:

“MINERAL DEVELOPMENT” means the construction of a facility or work for the production of minerals, extraction of a mineral from the land, or treating a mineral that has been extracted from the land.

“MINERAL EXPLORATION” means any activity or group of activities undertaken for the sole or principal purpose of assessing land for its suitability for the production of minerals.

2. Section 3.2.2 a) of Zoning Bylaw 2012-20 is hereby amended to read as follows:

“a) shall receive and decide upon completed applications for development permits, temporary use permits (excepting mineral exploration temporary use permits), and *Certificates of Zoning Compliance*;”

3. Section 4.11 of Zoning Bylaw 2012-20 is hereby amended to add section 4.11.1 f) to read as follows:

“4.11.1 f) temporary use permits for mineral exploration shall be issued by Council according to section 4.8 *Notice of Proposed Conditional Use* and section 4.9 *Conditional Use Decisions*.”

4. Section 11.2.4 of Zoning Bylaw 2012-20 is hereby amended to add “mineral development” and “mineral exploration” as conditional uses of the IH – Heavy Industrial zone to read as follows:

“11.2.4 Conditional Uses

- a) land treatment facilities
- b) mineral development
- c) mineral exploration
- d) natural resource extraction”

5. Section 11.3.4 of Zoning Bylaw 2012-20 is hereby amended to add “mineral

development” and “mineral exploration” as conditional uses of the IQ – Quarries zone to read as follows:

- “11.3.4 Conditional Uses
- a) asphalt plants
 - b) land treatment facilities
 - c) mineral development
 - d) mineral exploration”

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

FIRST READING:

PUBLIC NOTICE:

PUBLIC HEARING:

SECOND READING:

THIRD READING and ADOPTION:

Laura Cabott, Mayor

Corporate Services

CITY OF WHITEHORSE
BYLAW 2024-23

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 provide greater oversight over mineral exploration and extraction within city limits;

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

1. Section 2.2 of Zoning Bylaw 2012-20 is hereby amended by modifying the definition of “Natural Resource Extraction” and adding the definitions of “Mineral Development” and “Mineral Exploration” to read as follows:

“NATURAL RESOURCE EXTRACTION” includes the quarrying, processing, removal and off-site sale of sand, gravel, earth, water, or other similar natural materials but does not include the extraction of “minerals” as defined in the Quartz Mining Act SY 2003, c. 14.”

“MINERAL DEVELOPMENT” means the construction of a facility or work for the production of minerals, extraction of a mineral from the land, or treating a mineral that has been extracted from the land.

“MINERAL EXPLORATION” means any activity or group of activities undertaken for the sole or principal purpose of assessing land for its suitability for the production of minerals.

2. Section 3.2.2 a) of Zoning Bylaw 2012-20 is hereby amended to read as follows:

“a) shall receive and decide upon completed applications for development permits, temporary use permits (excepting mineral exploration temporary use permits in certain circumstances), and *Certificates of Zoning Compliance*;”

3. Section 4.11 of Zoning Bylaw 2012-20 is hereby amended to add section 4.11.1 f) and 4.11.1 g) to read as follows:

“4.11.1 f) temporary use permits for mineral exploration shall be issued by Council according to section 4.8 *Notice of Proposed Conditional Use* and section 4.9 *Conditional Use Decisions*.”

g) notwithstanding 4.11.1 f), a Development Officer may issue a temporary use permit for temporary, limited term, low impact exploration, on previously disturbed sites.

4. Section 11.2.4 of Zoning Bylaw 2012-20 is hereby amended to add “mineral development” and “mineral exploration” as conditional uses of the IH – Heavy Industrial zone to read as follows:

“11.2.4 Conditional Uses
a) land treatment facilities
b) mineral development
c) mineral exploration
d) natural resource extraction”

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SECOND READING:

THIRD READING and ADOPTION:

Laura Cabott, Mayor

Corporate Services