

## **ADMINISTRATIVE REPORT**

<b>TO:</b> City Planning Committee
<b>FROM:</b> Administration
<b>DATE:</b> May 5, 2025
<b>RE:</b> Public Hearing Report – Zoning Amendment – 92340 Alaska Highway Lot Expansion

### **ISSUE**

Public Hearing Report on a bylaw to amend the zoning of a 0.81 ha parcel of Commissioner's land from FP – Future Planning to ISx – Service Industrial (modified), to allow for the expansion of a service industrial use on Lot 1175 Quad 105D/14.

### **REFERENCES**

- [Zoning Bylaw 2012-20](#)
- [Migratory Birds Convention Act](#)
- Location Map (Attachment 1)
- Proposed Zoning Amendment Bylaw 2025-19 (Attachment 2)

### **HISTORY**

An application was received to rezone a 0.81 ha parcel of Commissioner's land from FP – Future Planning to ISx – Service Industrial (modified), to allow for the expansion of a service industrial use on Lot 1175 (92340 Alaska Highway).

Bylaw 2025-19 received First Reading on March 10, 2025. Public hearing notifications were sent out in accordance with the Zoning Bylaw 2012-20, including:

- Newspaper advertisements were posted in the Yukon News on March 28 and April 4, 2025;
- Email notifications were sent to Kwanlin Dün First Nation, Ta'an Kwäch'än Council, and the Government of Yukon Land Management Branch;
- Notifications were mailed to property owners within 1 kilometre of the subject site; and
- A notice sign was placed on the side of the highway at the entrance to 92340 Alaska Highway.

A public hearing for this item was held on April 14, 2025. One public input submission was received and nobody spoke to the amendment 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**

A member of the public, while not opposed to the amendment, expressed concern regarding the protection of nesting birds during site clearing. Specifically, they highlighted that vegetation must either be cleared outside the main breeding bird season (May 3 to August 15) or be preceded by a survey conducted by a qualified avian professional to ensure no active nests are present.

In Canada, the protection of migratory birds and their nests is governed by the Migratory Birds Convention Act, 1994 and its associated regulations. While there is no specific prohibition on vegetation clearing during the breeding season, it is an offence to disturb or destroy active nests of migratory birds. As a result, it is considered best practice to avoid clearing vegetation during the main breeding season. If clearing must occur during this period, a qualified avian biologist should first survey the area to ensure no active nests are present.

In this case, the applicant proposed to complete vegetation clearing outside of the breeding season, during the fall or winter and the project was reviewed by the Yukon Environmental and Socio-economic Assessment Board, which recommended it proceed without terms or conditions.

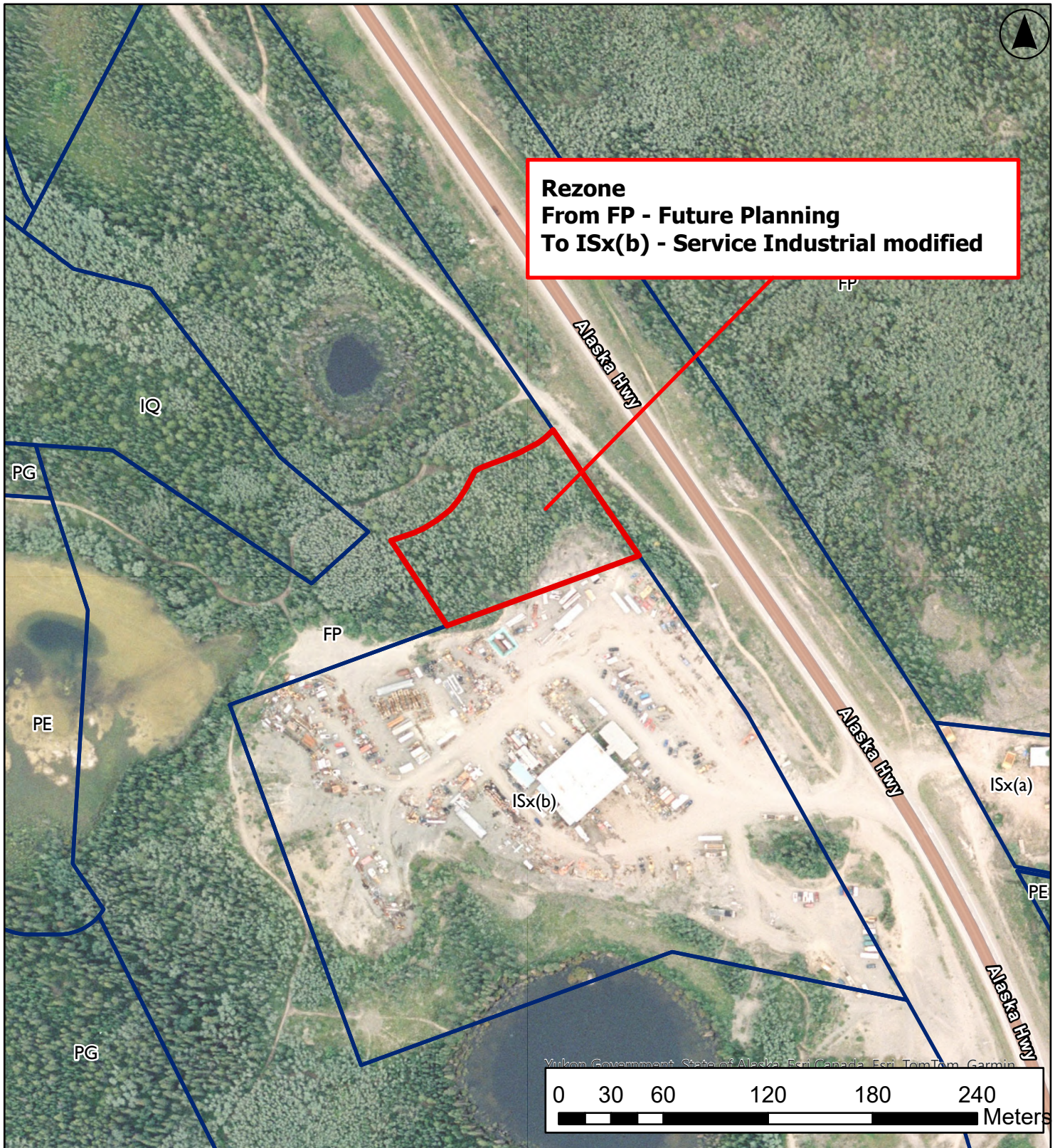
### **ADMINISTRATIVE RECOMMENDATION**

THAT Council direct that Bylaw 2025-19, a bylaw to amend the zoning of a 0.81 ha parcel of Commissioner's land from FP – Future Planning to ISx – Service Industrial (modified), be brought forward for second and third reading under the bylaw process.






**Rezone  
From FP - Future Planning  
To ISx(b) - Service Industrial modified**



DATE:  
2/19/2025 10:13 AM

FILE:  
Z-18-2024 - Location Map

 Subject Site

**CITY OF WHITEHORSE - PLANNING AND SUSTAINABILITY SERVICES**

**Zoning Bylaw Amendment**

A proposal to amend the zoning of a 0.8 ha parcel of Commissioner's land adjoining Lot 1175 Quad 105D/14 from FP - Future Planning to ISx - Service Industrial modified





**CITY OF WHITEHORSE**  
**BYLAW 2025-19**

A bylaw to amend Zoning Bylaw 2012-20

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

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

WHEREAS it is deemed desirable that the City of Whitehorse Zoning Bylaw be amended to allow for the expansion of an industrial development on 0.81 ha of Commissioner's land, adjoining Lot 1175, 72082 CLSR, Plan 89-79 LTO, Quad 105 D/14; and

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

1. Section 11.4.7 of the Zoning Bylaw 2012-20 is hereby amended by modifying subsection b) as follows:
  - b. Lot 1175 Quad D/14 (92340 Alaska Highway) and an adjoining parcel of 0.81 ha of Commissioner's land is designated ISx, the special modification being that only the following uses shall be permitted:
    - 1) Principal uses
      - a. Industrial, general
      - b. Service stations
    - 2) Secondary Uses
      - a. Accessory building/structure
      - b. Caretaker residence
2. The zoning maps attached to and forming part of Zoning Bylaw 2012-20 are hereby amended by changing the zoning of the parcel of Land comprising 0.81 ha, adjoining Lot 1175, 72082 CLSR, Plan 89-79 LTO, Quad 105 D/14 from FP – Future Planning to ISx(b) as indicated on Appendix “A” attached hereto and forming part of this bylaw.
3. This bylaw shall come into force and effect upon the final passing thereof.

**FIRST READING:**

March 10, 2025

**PUBLIC NOTICE:**

March 28 and April 4, 2025

**PUBLIC HEARING:**

April 14, 2025

**SECOND READING:**

**THIRD READING and ADOPTION:**

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Kirk Cameron Mayor

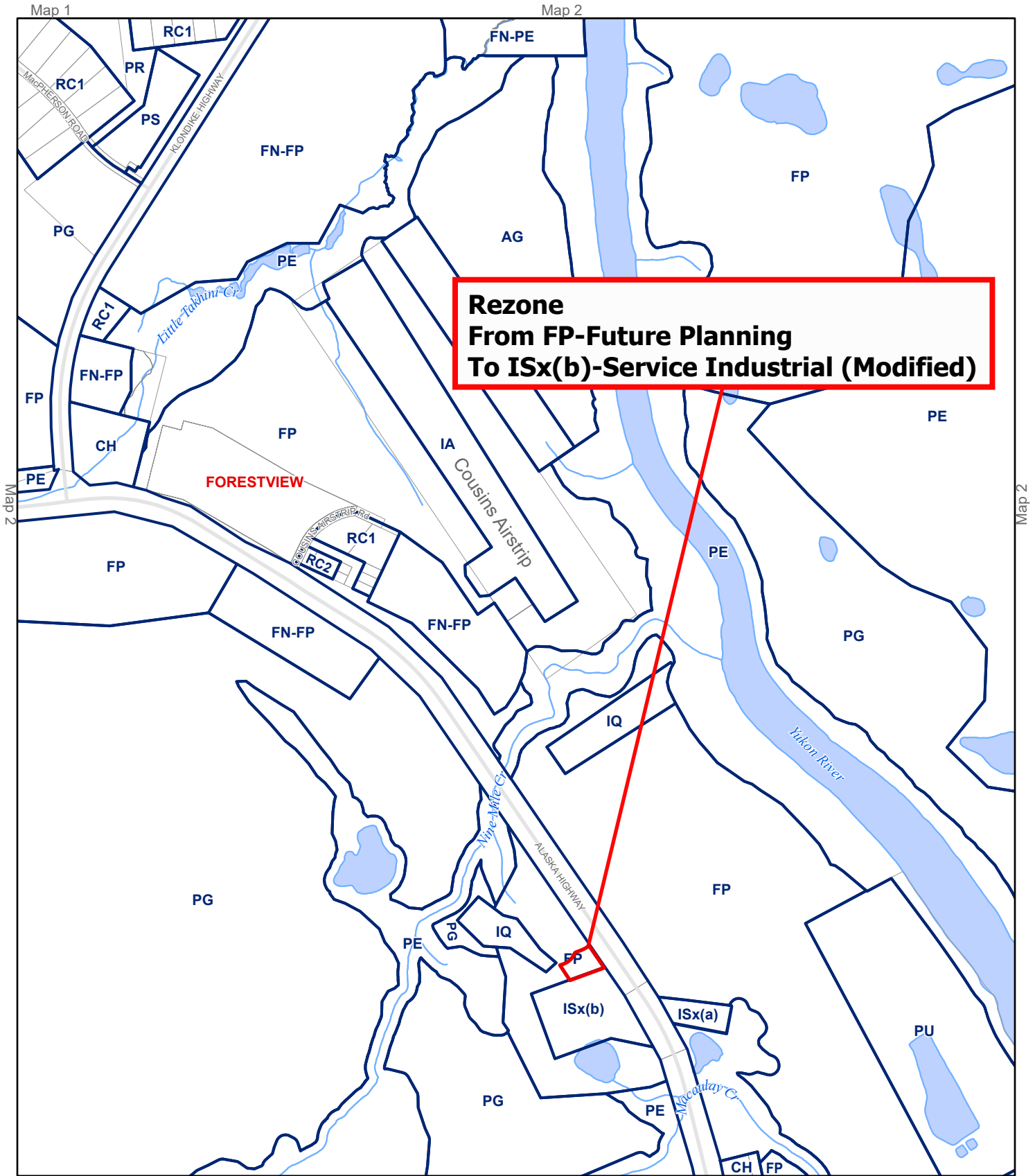
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Corporate Services

# MAP 3

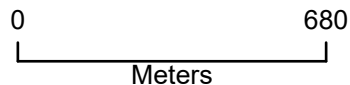
Appendix A, Bylaw Map  
Bylaw 2025-19

FORESTVIEW



**Rezone  
From FP-Future Planning  
To ISx(b)-Service Industrial (Modified)**

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:  
September 13, 2024

Projection: NAD 1983 UTM Zone 8