

# THE CITY OF DAWSON



## COMMITTEE OF THE WHOLE MEETING #CW19-17

**DATE:** MONDAY, JUNE 17, 2019  
**TIME:** 7:00 PM  
**LOCATION:** Council Chambers, City Office

### 1. CALL TO ORDER

### 2. ACCEPTANCE OF ADDENDUM & ADOPTION OF AGENDA

- a) Committee of Whole Agenda CW19-17

### 3. DELEGATIONS AND GUESTS

- a) Jeremy Lancaster and Kathy Webster RE: Redevelopment Plan and Security Deposit for Moving Structures
- b) Mark Roberts, Director, Infrastructure Development RE: Infrastructure Update

### 4. ADOPTION OF THE MINUTES

- a) Committee of Whole Meeting Minutes CW19-15 of May 27, 2019

### 5. BUSINESS ARISING FROM THE MINUTES

- a) Committee of Whole Meeting Minutes CW19-15 of May 27, 2019

### 6. SPECIAL MEETING, COMMITTEE, AND DEPARTMENTAL REPORTS

- a) Detailed Priority Review
- b) Request for Decision RE: *Official Community Plan Bylaw* Amendment, *Zoning Bylaw* Amendment and Subdivision Application #19-027 – Lot 1047-2, Klondike Highway
- c) Request for Decision RE: Dawson Daily News Alley Encroachment

### 7. BYLAWS AND POLICIES

- a) Request for Direction RE: Draft Development Incentive Policy and Development Cost Charge Program Design
- b) Request for Decision RE: Cannabis Regulations

### 8. CORRESPONDENCE

### 9. PUBLIC QUESTIONS

### 10. INCAMERA SESSION

- a) Land Related Matter

### 11. ADJOURNMENT

**MINUTES OF COMMITTEE OF WHOLE MEETING CW19-15** of the council of the City of Dawson called for 7:00 PM on Monday, May 27, 2019 in the City of Dawson Council Chambers.

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**PRESENT:** Mayor Wayne Potoroka  
Councillor Natasha Ayoub  
Councillor Stephen Johnson  
Councillor Molly Shore

**REGRETS:** Councillor Bill Kendrick

**ALSO PRESENT:** A/CAO Marta Selassie  
EA Heather Favron  
CDO Clarissa

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**Agenda Item:** Call to Order

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The Chair, Wayne Potoroka called the meeting to order at 7:00 p.m.

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**Agenda Item:** Agenda

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**CW19-15-01** Moved by Mayor Potoroka, seconded by Councillor Shore that the agenda for committee of the whole meeting #CW19-15 be accepted as amended. Carried 4-0

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**Agenda Item:** Delegations and Guests

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a) Sarah Cooke RE: Set Backs for Cannabis Retail Stores

Sarah Cooke explained to the committee that YG regulations require a cannabis retail store to be 150 m from any school. The property where her building is located and where she is proposing to operate a cannabis retail store is 132 m from the school property line being 18 m short of the regulation. Under the Act municipalities were given the authority, by bylaw, to vary some of the regulations and the setback from schools is one those regulations. Under the new *Zoning Bylaw* recently adopted by council, cannabis retail stores are an allowable use in all Core Commercial zones including those located under the 150 m setback.

Sarah Cooke explained she was in attendance to seek clarification on whether the intent of the newly adopted *Zoning Bylaw* was to allow cannabis retail stores in all core commercial zones no matter their location, and to also request council consider her situation when contemplating any future bylaws or setbacks.

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**Agenda Item:** Business Arising from Delegations

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**CW19-15-02** Moved by Mayor Potoroka, seconded by Councillor Johnson that committee of the whole take a 3-minute recess. Carried 4-0

**CW19-15-03** Moved by Mayor Potoroka, seconded by Councillor Shore that committee of whole recommends to council they confirm cannabis retail stores are allowed in areas zoned commercial, a designation which, at present, does not include any setbacks from elementary and post-secondary schools. For further clarity, the mayor will write a letter confirming any retailer operating a cannabis retail store in areas zoned commercial would be compliant with our zoning bylaw in its current form. Carried 4-0

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**Agenda Item: Adoption of the Minutes**

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a) Committee of Whole Meeting Minutes CW19-14 of May 6, 2019

**CW19-15-04** Moved by Mayor Potoroka, seconded by Councillor Shore that the minutes of committee of the whole meeting #CW19-14 of May 6, 2019 be accepted as presented. Carried 4-0

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**Agenda Item: Special Meeting, Committee and Departmental Reports**

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a) Request for Decision RE: Subdivision Application #18-023 Request for Extension

**CW19-15-05** Moved by Mayor Potoroka, seconded by Councillor Ayoub that committee of the whole forwards the request for decision RE: Subdivision 18-023: Extension Request to council with a recommendation to approve. Carried 4-0

b) Request for Decision RE: Official Community Plan Bylaw Amendment, Zoning Bylaw Amendment and Subdivision Application #19-027 – Lot 1047-2, Klondike Highway

Committee raised concerns regarding process and how an applicant is able to apply for an OCP and zoning bylaw amendment when they are not the owner of the property. Committee requested further information regarding access and how the proposed development fits in with the broad planning of the area.

The CDO informed the committee that the City of Whitehorse recently entered into an MOU with Government of Yukon regarding process for spot land applications. She has requested to meet with the person who negotiated the MOU to find out if there is a possibility of negotiating a similar one for the city so that the process is clearly outlined as to what we can expect moving forward in terms of spot land applications and lot enlargements. To date it has been a bit ad hoc and having that clarity would be very important in moving forward.

The CDO offered to request a letter from the Lands Department stating they formally support the development and that the development does not conflict with the planning being done on the Industrial Infill 2 area.

**CW19-15-06** Moved by Councillor Johnson, seconded by Mayor Potoroka that committee of the whole forwards the request for decision RE: Official Community Plan Amendment #19-010, Zoning Bylaw Amendment #19-011, and Subdivision Application #19-027: Lot 1047-2 Klondike Highway to council with a recommendation to approve option 2.

**CW19-15-07** Moved by Mayor Potoroka, seconded by Councillor Ayoub that committee of the whole refer the matter to next committee of whole meeting. Carried 4-0

c) Request for Decision RE: Official Community Plan Bylaw Amendment and Zoning Bylaw Amendment – Mining Claims included under WUL PM17-019 and MLU AP17019

**CW19-15-08** Moved by Mayor Potoroka, seconded by Councillor Shore that committee of the whole forwards the request for decision RE: Official Community Plan Amendment #18-140 & Zoning Bylaw Amendment #18-141 to council with a recommendation to approve.

**CW19-15-09** Moved by Mayor Potoroka, seconded by Councillor Johnson that committee of whole move in camera for the purposes of discussing a legal matter. Carried 4-0

- CW19-15-10** Moved by Mayor Potoroka, seconded by Councillor Ayoub that committee of the whole move to an open session of committee of the whole. Carried 4-0
- CW19-15-11** Moved by Mayor Potoroka, seconded by Councillor Johnson that committee of the whole postpone matter to next committee of whole meeting. Carried 4-0

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**Agenda Item:** Bylaws and Policies

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- a) Request for Direction RE: Draft Development Incentive Policy and Development Cost Charge Program Design

Committee provided the following input:

Page 17: interested to see what bylaws exist that would allow us to take possession of derelict buildings without compensation to the owner as well as incentives for vacant and derelict buildings.

Page 22, #8: suggested addition of student housing, housing be available year-round, and defining the type of housing eligible under the policy.

Survey responses: very limited sample size, and some comments provided were not accurate.

The CDO asked the committee a list of questions to assist in gathering desired comments and input.

- 1) Have the policy's original objectives been met and are they still valid?
- 2) If yes to above, what potential changes could make the policy more effective and/or reflective of 2019 circumstances around housing, specifically?
- 3) Given City financial and administrative capacity, are there other pressing development issues in Dawson that warrant incentives to address?
- 4) What is your response to the consultant's recommendations? Are there ones you disagree with and do not want pursued any further?
- 5) Given the background and rationale for DCCs as charged in other jurisdictions, do you think this approach is appropriate in general for Dawson?
- 6) Which of the options presented do you prefer? What would make the introduction of a development-related charge worthwhile and successful in your opinion?

The CDO confirmed to forward the list of questions to the committee.

- CW19-15-12** Moved by Mayor Potoroka, seconded by Councillor Shore that committee of the whole extend meeting #CW19-15 no longer than 1 hour. Carried 3-1
- CW19-15-13** Moved by Councillor Johnson, seconded by Mayor Potoroka that committee of the whole acknowledges receipt of the Draft Development Incentive Policy and Development Cost Charge Program Design. Carried 4-0

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**Agenda Item: Correspondence**

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Committee of the whole requested Sue Lancaster's letter be forwarded to Public Works for consideration and a report back.

**CW19-15-14** Moved by Mayor Potoroka, seconded by Councillor Shore that committee of the whole acknowledges receipt of the following correspondence Kelli Taylor, ADM RE: Yukon University Legislation, and Sue Lancaster RE: Request for Garbage Bin at Guggieville Subdivision. Carried 4-0

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**Agenda Item: In camera Session**

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**CW19-15-15** Moved by Mayor Potoroka, seconded by Councillor Shore that committee of the whole move into a closed session for the purposes of discussing human resource and land related matters as authorized by section 213 (3) of the Municipal Act. Carried 4-0

**CW19-15-16** Moved by Mayor Potoroka, seconded by Councillor Shore that committee of the whole reverts to an open session of committee of the whole and proceeds with the agenda. Carried 4-0

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**Agenda Item: Adjournment**

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**CW19-15-17** Moved by Mayor Potoroka, seconded by Councillor Shore that committee of the whole meeting CW19-15 be adjourned at 10:50 p.m. with the next regular meeting of committee of the whole being June 17, 2019. Carried 4-0

**THE MINUTES OF COMMITTEE OF WHOLE MEETING CW19-15 WERE APPROVED BY COMMITTEE OF WHOLE RESOLUTION #CW19-\_\_-\_\_ AT COMMITTEE OF WHOLE MEETING CW19-\_\_ OF JUNE 17, 2019.**

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Wayne Potoroka, Chair

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Cory Bellmore, CAO

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## 1 Land Planning & Affordable Lots

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Housing is a fundamental need for residents and the continued growth and vitality of our community. The desire for the availability of a range and mix of housing continues to increase and has been a council priority item for many years.

Unavailable lots as well as under developed lots have left the community in a housing crisis.

There have been several tactics employed to reduce the level of under developed lots, including the introduction of a Development Incentive Policy in 2015 as well as an increasing minimum tax rate. It is necessary to continue to evaluate these strategies and evolve as we move forward.

With the impending completed updated Official Community Plan and Zoning Bylaw, efforts can be focused in putting those plans and goals into action and planning forward for the future of the community

### Land Planning and Lot Development

- Plan to the detailed design phase - Slinky West – YG was waiting for our OCP to change and want specific direction on type of residential development – YG has received the Stantec report as well as notes from council discussion (aiming for urban residential)
- Continue to investigate and plan the Slinky East Bench for future development – Majority of the E bench is currently designated as Parks. Some small R3 development in areas in the existing Dome Road Subdivision. Further planning for this area required
- Develop, Service and release lots in the North End Development area. North End development ongoing – currently awaiting Environmental testing Phase II & ICIP approval.
- Identify areas suitable for industrial lots and prioritize this with Yukon Government as required lot development Industrial Infill 1 and 2 have been identified as priority areas for development. YG has requested that Council provide explicit direction on the type of development desired in these locations. COW discussion is forthcoming.
- Revive the Dredge Pond Phase II design and evaluate if they still fit with development in that area
- Lots 1-20 Block Q - Currently attempting to determine if capacity would allow this planning work to occur in house.
- Lot in the N End available for sale? Will this go for lottery sometime soon? – Query into YG.
- Inventory of vacant YG lots in town – also would like municipal and privately owned un or underdeveloped lot listings. Administration has begun to collect this data.

### Planning, Policy and Bylaw Review

- Review and update the Development Incentive Policy - currently underway – draft received – questions posed. At council for review
- Heritage Bylaw (s) Review - is currently on the agenda for HAC review then to be forwarded to Council

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## 2 Recreation Facilities and Programs

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The City of Dawson has determined that Art and Margret Fry Recreation Centre has now passed its useful life. The decision has been made to plan for a new recreation center and to only maintain the current facility as necessary to keep recreation programming available to the residents.

Recreation has been recognized as a necessary function, especially in rural and remote communities. Ensuring we are managing and delivering recreation programming in facilities safe and sustainable is an important function of municipal government.

### New Recreation Center

- Pre-Design and conceptual plan for new AMFRC by the end of 2019 that includes site selection and public engagement – **Meeting with Stantec June 12, 2019**
- Work with YG to prioritize funding for this priority infrastructure.

### Planning, Policy and Bylaw Review

- Parks and Recreation Master Plan  
Complete the Parks and Recreation master plan and implement recommendations  
**In progress – next step – draft plan to council (currently waiting for parallel Facility Planning)**

Although these two goals are separate in action, they are expected they will complement each other and occur in parallel

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## 3 Waste & Diversion

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Solid waste management is one of the primary utility responsibilities of the municipal government. Waste management is important in the daily lives of our residents and in the long term vitality of our community.

Increased efforts and education for diversion of solid waste along with implementing measureable will increase the longevity of our current facility and reduce the growing ecological footprint generated by residents waste.

In 2018 a contract was completed to look at the Solid waste management and assess how we are managing our waste and provide options and costs to implement diversion across the city

### Solid Waste Program Design

- Implement the roadmap provided in the solid waste assessment in steps to achieve measurable results in operations at the landfill
- Re-design current operations and the solid waste facility
- Evaluate the collection system and determine operational efficiencies in the short and long term  
**how can we do a better job of this? On demand commercial pick up is the highest. Is once a week garbage pick up to often?**
- Continue discussions with YG on Regional agreements – **On going discussions with YG**

### Diversion Center

- Work with CKS on the planning and design of a new diversion center and diversion programs – **update on where we are at with the diversion center planning**
- Work with Yukon Government to prioritize funds for the design and construction of a new Diversion center
- **Collect oil containers locally? Hazardous Waste Shed in the 2019 budget**

#### **Planning, Policy and Bylaw Review**

- Future Landfill Planning  
Work with stakeholders and determine the process of planning for the future landfill

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## **4** *Water*

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Ensuring we are providing clean and safe water in a manner that is reliable and attainable for our residents is a high priority.

Currently a new Water Treatment plant being constructed, and it is anticipated that when this facility comes online, the cost of delivering this important municipal infrastructure will increase. In order to continue to supply this utility in an efficient manner it is also important for residents to take responsibility for their utility usage and equally important for the City to deliver the water in a measurable method.

#### **Water Metering Program Design**

- Build the bleeder education program into the regular operations of ensuring a sustainable and efficient water system – **This program has now been incorporated into regular operation**
- Design the water meter program, determine costs and timelines for implementation

#### **Water Delivery**

- For the residents of the City of Dawson who are currently not connected to the utility infrastructure for water, it is important to have a reasonable system to have water delivered to their residence/business.
- Ensure Municipal responsibility and liability are attained with a long-term delivery contract

#### **Planning, Policy and Bylaw Review**

- Water Delivery Bylaw – will this encompass both metering and trucked delivery?

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## 5 Operational Efficiencies/policy and bylaw review

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Good governance of a municipality is informed by effective and relevant policies and bylaws. As a community changes and grows, it is good practice to ensure that the policies and bylaws that govern decisions are updated over time.

Some examples of policies and bylaws that should have ongoing review to ensure they are achieving the goals of the organization are:

- **Asset Management Policy -**  
It is important to have a policy in place to ensure we are maintaining and replacing assets in a timely fashion. It is common to try to use an asset beyond its useful life as a fiscal policy, but it is important to ensure that it is not leading to future inefficiencies. **Completed and passed by council**
- **Procurement policy**  
Ensures controls are in place to procure services and supplies in a timely manner and to not impede operational efficiency
- **Records Management Policy**  
A lot of time and energy is spent managing information. Operational Efficiency is low when a lot of time is spent searching for relevant information.
- **Management Bylaw**
- **Business License Bylaw**
- **Rec Board/Community Grants/Facility rental/Temp-road closure – are currently under a combined review as they all interact with each other – at the department head review level**
- **New website – currently being populated with data**

# Report to Council



For Council Decision     For Council Direction     For Council Information

In Camera

<b>SUBJECT:</b>	Official Community Plan Amendment #19-010, Zoning Bylaw Amendment #19-011, and Subdivision Application #19-027: Lot 1047-2 Klondike Highway	
<b>PREPARED BY:</b>	Clarissa Huffman, CDO	<b>ATTACHMENTS:</b> 1. Applications & Supporting Documentation 2. Further Correspondence from Applicant 3. Letter from RLD
<b>DATE:</b>	May 21, 2019	
<b>RELEVANT BYLAWS / POLICY / LEGISLATION:</b> Municipal Act Subdivision Bylaw Official Community Plan Zoning Bylaw		

## RECOMMENDATION

It is respectfully recommended that Council:

1. Forward to first reading an Official Community Plan amendment that amends the OCP map as shown in Figure 4 of the RFD.
2. Forward to first reading a Zoning Bylaw amendment that amends the ZBL map as shown in Figure 5 of the RFD, subject to the following condition:
  - 2.1. Third and final reading of the Zoning Bylaw amendment cannot occur until the Official Community Plan Amendment has passed through third and final reading.
3. Grant subdivision authority to consolidate a portion of Disposition 2018-3280 as outlined in Figures 4 and 5 with Lot 1047-2, subject to the following conditions:
  - 3.1. Final authority is not granted until third and final reading of the Official Community Plan and Zoning Bylaw amendments.
  - 3.2. The applicant submit a Stormwater Management Plan to the satisfaction of the CDO and Public Works Superintendent.
  - 3.3. The applicant submits a plan of subdivision completed by a certified lands surveyor drawn in conformity with the approval.
  - 3.4. The applicant shall, on approval of the subdivision plan by the City of Dawson, take all necessary steps to enable the registrar under the Land Titles Act to register the plan of subdivision.

## ISSUE

The applicant has submitted applications for an Official Community Plan (OCP) amendment, a Zoning Bylaw (ZBL) amendment, and a subdivision in order to facilitate a lot enlargement at Lot 1047-2 Klondike Highway.

## BACKGROUND SUMMARY

In September 2018, the applicant submitted an application for an expansion to the existing shop, at which time some existing non-compliant setbacks were identified. The existing shop was identified as non-conforming in two ways:

1. Legally non-conforming front-yard setback due to lawful construction prior to the Zoning By-Law.
2. Non-compliant side-yard setback due to a subdivision approved in error. The setback was not identified as non-compliant by the CDO at the time, causing Council to create a non-compliant lot.

The application to build an addition was heard by the Board of Variance (#18-100 and #18-116) and confirmed that the practical difficulties that the applicant was facing met the criteria for a variance, and that no significant negative impact was identified. This legitimized the two currently non-compliant setbacks, allowing the applicant to proceed with their development permit application now that the legally non-conforming status has been removed. In large part, this decision was based on the fact that the non-compliant setback was caused by a municipal error and was not the fault of the applicant, meaning that the variance could not be considered special treatment. The applicant is aware that regardless of the outcome of this application, they need to confirm the location of the missing east property pin to confirm setback compliance prior to construction of the addition.

In November 2018, the applicant also applied to Yukon Government for a lot enlargement to resolve outstanding encroachment issues caused by a misunderstanding of property lines. The applicants have been occupying untitled Yukon Government land by using this land for parking and vehicle storage under the assumption that the occupied land was part of their titled property. The applicant is now wishing to resolve this issue and has requested to purchase the land, alongside some additional land for expansion.

When this application was discussed at Committee of the Whole in May 2019, Council asked for the applicant to confirm the following:

1. Are the setbacks in the site plans accurate?
2. What is the intent for the land, and why can the development not be accommodated on the existing property?
3. Has Yukon Government Lands Branch issued a conditional approval for this application?
4. What is the position of Yukon Government Rural Land Development with respect to this application?

These questions will be discussed in more detail in the analysis section of this report.

## ANALYSIS / DISCUSSION / ALIGNMENT TO OCP & STRATEGIC PRIORITIES

### Municipal Act

S. 277 of the *Municipal Act* states that “*official community plans and related matters may be prepared and adopted to*

*(a) achieve the safe, healthy, and orderly development and use of land and patterns of human activities in municipalities;*

*(b) maintain and improve the quality, compatibility, and use of the physical and natural environment in which the patterns of human activities are situated in municipalities; and*

*(c) consider the use and development of land and other resources in adjacent areas*

*without infringing on the rights of individuals, except to the extent that is necessary for the overall greater public interest”.*

Based on this, an amendment to the OCP could be considered if, in the opinion of Council, the proposed amendment meets the three listed criteria. If a proposed amendment is accepted for consideration by Council, the amendment must proceed through the same process as the passing of the OCP, namely three readings of a bylaw, a public hearing, and Ministerial approval, as per s. 285. Similarly, for the ZBL, the amendment must pass through three readings of a bylaw and a public hearing as per s. 294 and s. 296.

For simplicity, these two public hearings will be held together after first reading, should the application move forward. Based on the subject property's location outside of the historic townsite, the notice will be circulated, after first reading, to all property owners within 1km of the subject property. Additionally, the application has been circulated to all department heads for comment, and no negative outcomes were identified at the time of writing this report. Further, s. 288(2) states that council must not adopt a zoning bylaw, or an amendment to a zoning bylaw, that is not consistent with an official community plan, and s. 288(3) goes on to state that "any part of a zoning bylaw that is inconsistent with an official community plan is of no force and effect to the extent of the inconsistency".

The Municipal Act s. 314 also details the requirements for any proposed plan of subdivision to have direct access to the highway to the satisfaction of the approving authority. In this case, there is no new access, and therefore this section does not apply.

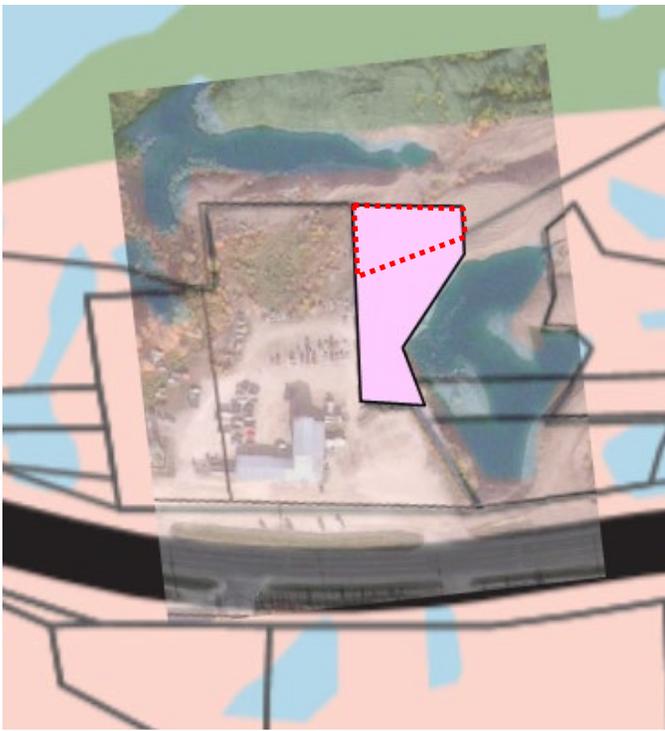
S. 319 stipulates that a subdivision approval may be valid for a period of up to twelve months. If the applicant has not provided proof that the conditions of approval have been met, under the Act approval is void. The applicant can request an extension of a further twelve months, which may be granted in whole or in part, at the discretion of the approval authority.

### **Subdivision Bylaw**

Subdivision Control By-Law S3.01 states that every subdivision of land must be made in accordance with the Municipal Act, the Official Community Plan, the Zoning Bylaw, and the Subdivision Control Bylaw. The Analysis/Discussion section of this report is intended to discuss the proposal's conformity with the provisions outlined in the relevant legislation, policies, and plans.

### **Official Community Plan**

The existing titled property is currently designated as MU – Mixed Use. Uses associated with this designation primarily include a range of commercial and industrial structures. Therefore, the consolidated lot would be required to retain the same designation. Any new use or development on the proposed lots would be required to conform to the OCP designation. For titled properties, designations follow property lines, so you cannot have one property with two designations – if this application moves forward, an Official Community Plan Amendment Application would need to be approved prior to subdivision approval by the City of Dawson. Figure 1 shows the OCP map with the land disposition currently requested for purchase shown as an overlay. The added polygon is the Disposition 2018-3280, which is the land requested for consolidation with Lot 1047-2.



**Figure 1.** Current OCP Designation

It needs to be mentioned that in the process of constructing this overlay, administration identified a mapping error in the OCP that was not extremely noticeable until the maps were zoomed in and examined at a smaller scale. The consultant who worked on these maps in the review of the OCP and ZBL designated anything with an 'undevelopable' slope and anything within the ordinary high water mark of a river as P1 in the ZBL, acknowledging that it is not likely that that land would be developed, which was the rationale behind where the FP line was drawn; this can be seen in Figure 2. This is not explicitly clear in the mapping because some layers, such as topography, were turned off on the zoning maps to reduce visual clutter. However, this boundary appears to have been missed in the OCP, where the MU: Mixed Use designation creates a straight line, rather than following the same boundary line as the ZBL. Administration has assessed this situation and feels that the correct intent is displayed in the ZBL maps, rather than the OCP maps. However, this creates a situation in which the OCP is in contravention of s. 288 of the Municipal Act for the portion of land where the OCP designates the space as MU: Mixed Use, but the ZBL designates it as P1: Parks. The area requested as part of this application that contravenes s. 288 is delineated with red hatch marks in Figures 1 and 2 for clarity. In order to resolve this situation, the options presented in this report assume that this discrepancy needs to be addressed, whether the application is successful or not.



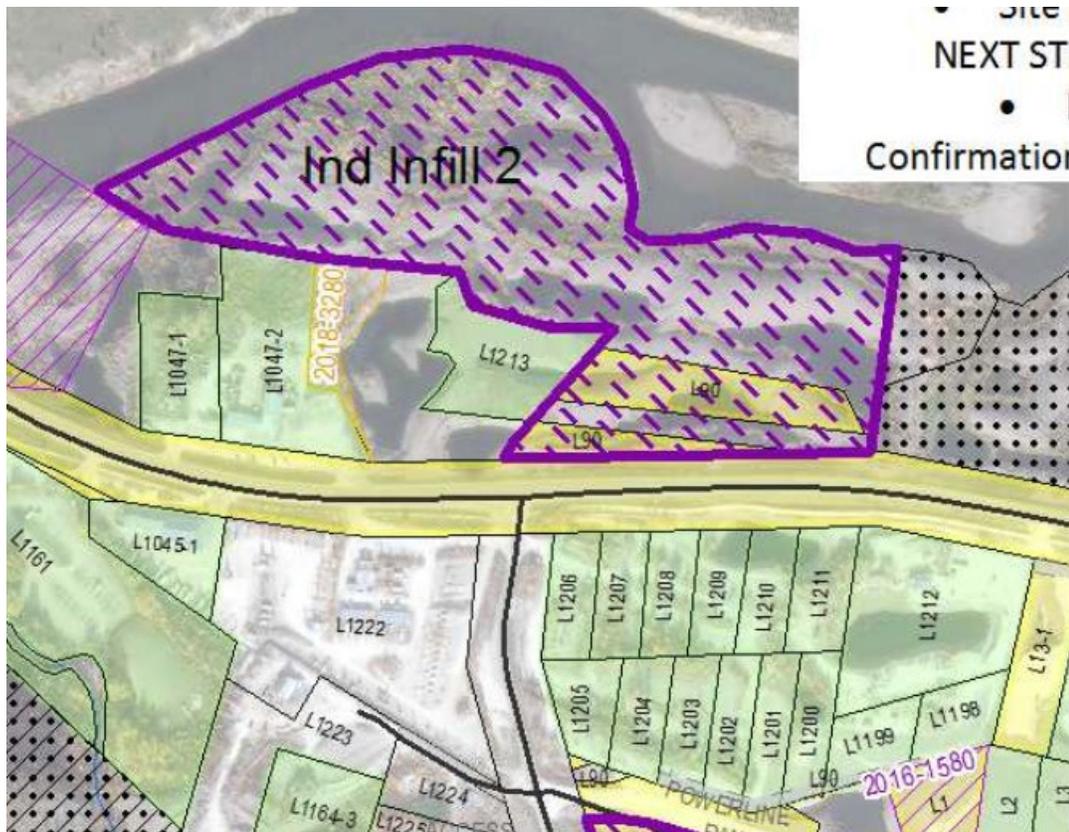
**Figure 2.** Current ZBL Configuration

### **Zoning Bylaw**

Lot 1047-2 Quad 116B/3 North Klondike Hwy is currently zoned as C2 – Service Commercial. The main characteristic of a Service Commercial lot is the provision of services to local industries, specifically highway tourism. Examples of this would be auto body shops, motels and gas stations. Similar to the OCP, zone designations follow property lines, so a ZBA would be required to be approved prior to subdivision approval by the City of Dawson.

Additionally, s. 5.1.1 of the Zoning Bylaw states that “Council shall not approve any application for the subdivision of any land within any zone or on any site where the parcels do not meet the minimum requirements prescribed for that zone”. Therefore, a zoning assessment was conducted on this lot, and no new zoning discrepancies have been identified. It is worth noting that some discrepancies had been noted during the assessment period for Development Permit #18-100 for an addition to the shop, namely the structure is non-conforming, as identified in the background section above. From a subdivision perspective, this application is compliant.

However, s. 5.1.2 states that “spot land applications and parcel enlargements can be approved at the sole discretion of Council and will not be approved by Council unless the application conforms to the long-term plan for those lands, as described in the OCP or other applicable approved plans”. Therefore, this application needs to be assessed based on the current planning work being completed regarding industrial lot development. This area was identified as outside of the “Industrial Infill 2” in a recent planning exercise, as seen in Figure 3.



**Figure 3.** Industrial Infill 2 Area

Yukon Government Rural Land Development (RLD) was asked to provide comments on this application and stated that the only reason that Industrial Infill 2 did not include the proposed expansion area is because the application for lot enlargement had already taken place, creating a disposition for that area. Council could decide to postpone or decline this application in order to consider the disposition area as part of Industrial Infill 2; RLD feels that given the circumstances, allowing the lot enlargement may be the best use of this land, though without further detailed analysis, it would be difficult to say with 100% certainty.

Specifically regarding access, the main access point for this development is tentatively proposed in the old Hunker Road ROW. RLD has stated that because Industrial Infill 2 is a relatively small development area, it likely would not require a second access point through the enlargement area. Further, more analysis would be required to determine if the area would even be a viable access point. Aerial imagery suggests that at its narrowest point, the potential second access is only 6m wide at its narrowest, which would then require a substantial amount of fill in order to widen this area into a viable access.

In short, it appears that approving this enlargement would not restrict the ability to plan Industrial Infill 2 and based on context it is likely that further investigations may show that this enlargement may be the best use of the land. Council could choose to proceed by approving the application in whole or in part based on the likelihood that the impacts of approving this application are likely to be minimal, or alternatively could take a precautionary approach by declining this application and request that RLD have the entire disposition area included in the detailed planning for Industrial Infill 2.

Administration also had extensive conversations about the spot land and lot enlargement approvals process and how to clarify and streamline this. Information and recommendations on how to proceed generally will be forthcoming. However, of note to this application, it is not the common practice of Lands Branch to issue a conditional approval for lot enlargement prior to an OCP amendment, as the OCP amendment process is strenuous and Lands Branch typically issues a conditional approval if/once the OCP designation is correct. Therefore, to the knowledge of administration, a conditional approval has not yet been issued for this application and will not be issued until the OCP amendment application has been decided upon.

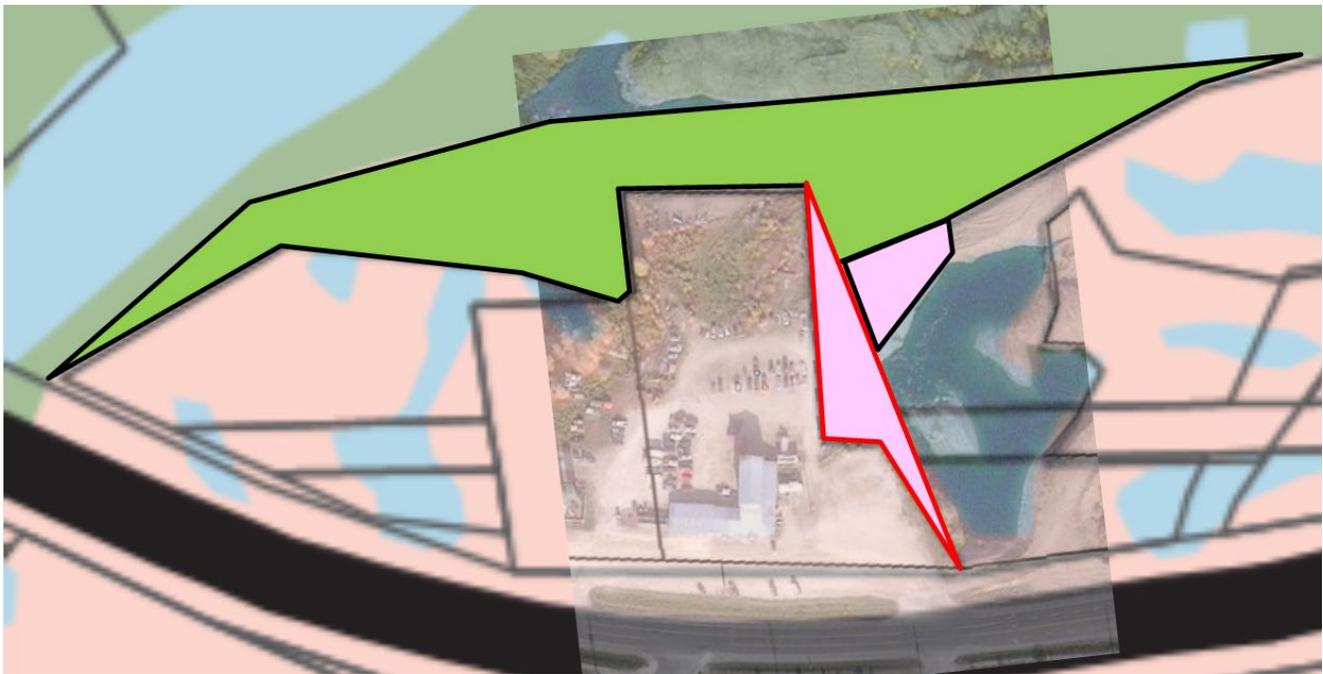
## Recommendation and Rationale

Based on all of the above information, a partial approval is recommended. In further correspondence from the applicant, it was indicated that a smaller portion of the disposition area would resolve the concerns of the applicant, and this may be a reasonable solution. The smaller area would create a straight line from property corner to corner on the east side of the property. This revised area would resolve the existing encroachment issues, create a clean property line, and would not result in the sale and consolidation of land in excess of what is needed to meet the needs of the applicant.

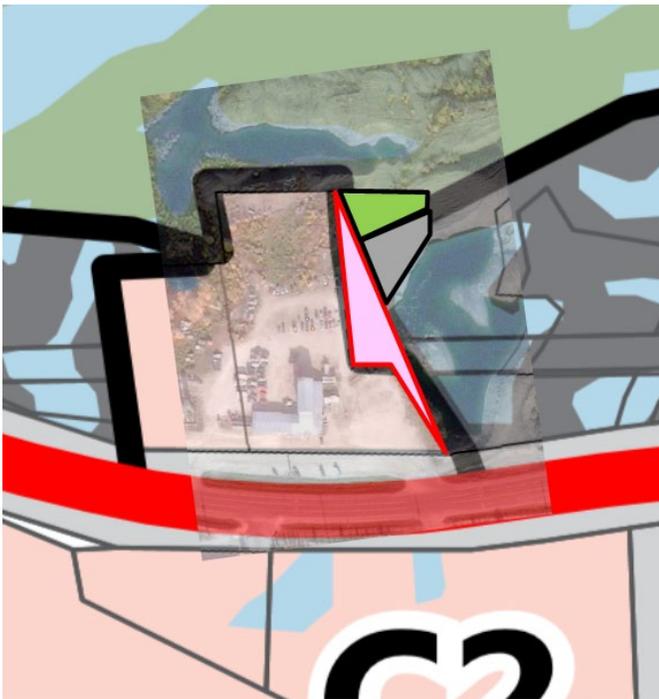
Partial approval would mean that the western portion of the disposition will be consolidated with Lot 1047-2 and designated as MU: Mixed Use in the OCP and SC: Service Commercial in the ZBL. The remainder of the disposition will not be consolidated with Lot 1047-2 and will be designated as P in the OCP and P1 in the ZBL or will remain as MU/FP depending on location, as seen in Figures 4 and 5. The outlined red portions of Figures 4 and 5 are the portions to be included in the sale and consolidation.

Approving the sale and consolidation of the P1 area may not be fully compliant with s. 277, specifically regarding safe development and use of land. Therefore, this recommendation posits that it would be rationale to decline the ZBL amendment/purchase for the much of the P1 area in order to preserve as much greenspace area given that the area, that without further detailed research, is considered to be undevelopable. A small sliver of P1 is included in the approval in order to create a clean and straight property line that encompasses the minimum amount of space required to resolve the identified encroachment issues. Through Industrial Infill 2 background research, it may be determined that this P1 area could be developed, and the non-consolidated portion is located in such a way that it may be able to be included in future lot development without the constraint of the large tailings pond.

By still approving the sale and consolidation of the FP area, this option would still improve the quality and compatibility of the physical environment by resolving the longstanding encroachment issue relating to vehicle parking and storage on the cleared portion of Yukon Government land and would facilitate the development of the addition. Administration believes there could be rationale to accept the ZBL amendment for the southern portion that is currently zoned FP because it is restricted by P1 space to the north, and a large tailings pond to the east which would likely be extremely expensive to fill completely for development. In our view, accepting this application would not hinder our ability to plan the "Industrial Infill 2" area, mainly due to the location of the tailings pond. This tailings pond means that it would be challenging to create an access point or a stand-alone lot in this location, thus allowing this land to be developed as an enlargement of an existing lot may be the best use of this land. This is contextually different than other spot land applications that have been recently refused or tabled by Council, where the dispositions being requested could plausibly be required for safe access or new lot development. Neither of these scenarios are considered to be particularly plausible or feasible in this context, making the land of little value to anyone other than the applicant. RLD agreed with administration's interpretation that filling the pond for development would be costly, and that this extension would not likely impact the "Industrial Infill 2" development area.



**Figure 4.** Option 2 OCP Amendment Configuration



**Figure 5.** Option 2 ZBL Amendment Configuration

APPROVAL		
<b>NAME:</b>	Cory Bellmore, CAO	<b>SIGNATURE:</b> <i>C. Bellmore</i>
<b>DATE:</b>	June 13, 2019	

Advance North Mechanical Ltd.  
KM 712 North Klondike HWY  
Dawson City, YT, Y0B 1G0  
Ph: 867-993-5785  
Email: service@ANMechanical.com



OCTOBER 4, 2018

To Whom it May Concern,

This letter is to accompany our application for a lot enlargement. Currently we operate a NAPA parts store that services miners, locals and tourists. In addition, we run the largest automotive repair facility in the Dawson area with 4 mechanic bays and a tire repair area. The business has been in operation since the early 1980s and during that time business has increased steadily. We are facing a major increase in tourist traffic and mining operations in the area have been expanding. In applying for a lot enlargement, we hope to be able to build an additional service bay and expand our tire repair area to accommodate demand. The proposed addition will be on the property currently owned by 536114 Yukon Inc. (we own this company, as well as Advance North).

The land being applied for has always been used as parking and storage (as you can see from the aerial shots). In securing the lot enlargement, the nature of the usage would not change much. We only require legal title of this land so we can construct the addition and adhere to the setback rules the City of Dawson has outlined.

Please contact Philip Biernaski or myself should you have additional questions or require further details regarding the proposed project.

Regards,

  
Katherine Dalgarno

**Advance North Mechanical**



# THE CITY OF DAWSON

Box 308 Dawson City, YT Y0B 1G0  
PH: 867-993-7400 FAX: 867-993-7434  
[www.cityofdawson.ca](http://www.cityofdawson.ca)

OFFICE USE ONLY	
APPLICATION FEE:	March 10 35
DATE PAID:	March 5
ADVERTISING FEE:	
DATE PAID:	
APPLICATION #:	19-1001 010

## OCP AMENDMENT APPLICATION

PLEASE READ THE ATTACHED INSTRUCTIONS, GUIDELINES AND APPLICATION REQUIREMENTS PRIOR TO COMPLETING FORM.

### AUTHORIZED AGENT INFORMATION

APPLICANT / AUTHORIZED AGENT NAME(S): Katherine / Chris Dalgarno  
 COMPANY NAME: Northern Superior Mechanical (536119 Yukon Inc.)  
 MAILING ADDRESS: Box 7000, Dawson, YT, Y0B 1G0 POSTAL CODE: Y0B 1G0  
 EMAIL: Service@anmechanical.com FAX #: \_\_\_\_\_  
 PHONE #: 867-993-5785 ALTERNATE PHONE #: \_\_\_\_\_

### OWNER INFORMATION

OWNER NAME(S): Katherine / Christopher Dalgarno  
 MAILING ADDRESS: Box 944, Dawson, YT POSTAL CODE: Y0B 1G0  
 EMAIL: Katherinedalgarno@gmail.com FAX #: \_\_\_\_\_  
 PHONE #: 867-333-9355 ALTERNATE PHONE #: 867-993-3944

DOCUMENTATION OF OWNERSHIP ATTACHED TO APPLICATION

### PROPOSED AMENDMENT

A.) RE-DESIGNATION: (Attach map showing the scale, dimensions and proposed change in the context of adjacent land)

CIVIC ADDRESS: 32495 (Km 712) North Klondike PARCEL SIZE OR LAND AREA: 1.36 (hec)  
 LEGAL DESCRIPTION: LOT(S) 1047-2 BLOCK \_\_\_\_\_ ESTATE Quad 116 B/3 LTD PLAN# 2012-0181

PROPOSED AMENDMENT:  
 FROM ZONING DESIGNATION: Parks & Natural Space TO ZONING DESIGNATION: Service Commercial

REASON FOR PROPOSED AMENDMENT: Please provide justification of the proposed amendment.  
Building extension / addition

B.) TEXT AMENDMENT: (Attach additional sheets if required)

DESCRIPTION OF PROPOSED AMENDMENT: Please provide a description of the proposed amendment.  
Current proposed enlargement includes park / green space zoning & we would like it changed to Service Commercial

REASON FOR PROPOSED AMENDMENT: Please provide justification of the proposed amendment.  
We would like to build an addition on our building to accommodate growing business but need the easement moved to comply & build



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[www.cityofdawson.ca](http://www.cityofdawson.ca)

APPLICATION #:	
----------------	--

APPLICATION REQUIREMENT CHECK LIST	
	Completed Development Application Form, in full, including written statement to describe and justify the proposed amendment.
	Application fee as per the City of Dawson Fees and Charges Bylaw
	Advertising fee as per the City of Dawson Fees and Charges Bylaw - required advertising associated with the application
	Documentation of Ownership
	Map showing scale, dimensions and the proposed change in the context of adjacent land
	Any additional information requested by the Development Officer.
◆	
◆	
◆	
◆	

## DECLARATION

- I/WE hereby make application for a zoning amendment under the provisions of the City of Dawson Zoning Bylaw No. 12-27 and in accordance with the supporting information submitted and attached which form part of this application.
- I/ WE have reviewed all of the information supplied to the City of Dawson with respect to an application for an Official Community Plan amendment and it is true and accurate to the best of my/our knowledge and belief.
- I/WE understand that the City of Dawson will rely on this information in its evaluation of my/our application for an Official Community Plan amendment and that any decision made by the City of Dawson on inaccurate information may be rescinded at any time.
- **I/WE hereby give my/our consent to allow Council or a person appointed by its right to enter the above land and/or building(s) with respect to this application only.**

**I/WE HAVE CAREFULLY READ THIS DECLARATION BEFORE SIGNING IT.**

02/06/19  
DATE SIGNED

[Signature]  
SIGNATURE OF APPLICANT(S)

02/06/19  
DATE SIGNED

[Signature]  
SIGNATURE OF OWNER(S)

TO BE COMPLETED BY DEVELOPMENT OFFICER:

<b>FOR OFFICE USE ONLY</b>
----------------------------

DATE APPLICATION RECEIVED

SIGNATURE OF DEVELOPMENT OFFICER

## OCP AMENDMENT INSTRUCTIONS AND GUIDELINES

**IT IS IMPORTANT TO READ AND UNDERSTAND THE FOLLOWING INSTRUCTIONS PRIOR TO COMPLETING THE APPLICATION FORM.**

1. OCP Amendments:
  - a) Text Amendments: Any person may apply for an amendment to the text of the OCP by paying the required fees and submitting all text amendment application requirements.
  - b) Re-Designation Amendments: An owner of land in the City, or an authorized agent of an owner, may apply to have the OCP designation of the land amended to another OCP designation by paying the required fees and submitting all amendment application requirements.
  - c) If it appears that the proposed amendment is one that 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.
  
2. Information Requirements:
  - a) An application may not be considered to have been received until all application requirements have been submitted to the satisfaction of a Development Officer. Notwithstanding these requirements, the application may be considered if, in the opinion of a Development Officer, it is of such a nature as to enable a decision to be made without some of the required information.
  - b) A Development Officer may request the applicant to provide an analysis by a qualified professional, of the potential impact on land use, traffic, utilities, and other City services and facilities if the amendment proposes an increase in density or other intensification of use.
  - c) Failure to complete this form and to supply the required support information may result in delays in the processing of the application.
  
3. Review Process:
  - a) Upon receipt of a completed application for a text amendment or re-designation, a Development Officer shall initiate or undertake an investigation and analysis of the potential impacts of development under the proposed designation. The analysis shall be based upon the full development potential of the uses and development regulations specified in the proposed designation and not on the merits of any particular development proposal. The analysis shall, among other factors, consider the following criteria:
    - i. relationship to and compliance with the Official Community Plan, and other approved municipal plans and Council policy;
    - ii. relationship to and compliance with municipal plans in preparation;
    - iii. compatibility with surrounding development in terms of land use function and scale of development;
    - iv. traffic impacts;
    - v. relationship to, or impacts on, services such as water and sewage systems, public transit and other utilities and public facilities such as recreational facilities and schools;
    - vi. relationship to municipal land, right-of-way, or easement requirements;
    - vii. effect on the stability, retention and rehabilitation of desirable existing uses, buildings, or both in the area;
    - viii. necessity and appropriateness of the proposed text amendment or zone in the view of the stated intentions of the applicant; and
    - ix. relationship to any documented concerns and opinions of area residents and land owners regarding the application.
  - b) Subsequently, the Development Officer shall:
    - i. prepare a report on the proposed amendment; and
    - ii. submit a copy of the application, their recommendation and report to the Council.
  - c) Before approving a text amendment or re-designation, Council shall comply with the requirements and notification procedures set out in the Municipal Act.
  
4. Resubmission Interval:
  - a) Where an application for an amendment to this bylaw has been refused by Council, another application for the same or substantially the same amendment shall not be submitted within twelve months of the date of the refusal unless Council otherwise directs.
  
5. Public Notification:
  - a) Written notification letters produced by the City of Dawson describing the area affected by the proposed amendment, stating the date, time and place for the public hearing and the reasons for the amendment and an explanation of it shall be mailed to all properties prior to the public hearing within the following radii of the subject property:
    - i. within the Historic Townsite, 100m (328 ft.); and
    - ii. all other areas, 1km (3,281 ft.).
  - b) For amendments proposed for one property, an OCP amendment notification sign shall be placed on the subject property following First Reading until such time as Council has ruled on the application. The sign shall state the details of the amendment and the date, time and place of the public hearing as well as contact information of the City of Dawson.
  - c) The applicant shall allow a sign manufacturer contracted by the City to install the sign on the subject property in a conspicuous location. The applicant shall pay the required fee for the sign as specified in the Fees Bylaw in addition to the application fee.



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[www.cityofdawson.ca](http://www.cityofdawson.ca)

OFFICE USE ONLY	
APPLICATION FEE:	410
DATE PAID:	march 5
ADVERTISING FEE:	
DATE PAID:	
APPLICATION #:	19-011

## ZONING AMENDMENT APPLICATION

PLEASE READ THE ATTACHED INSTRUCTIONS, GUIDELINES AND APPLICATION REQUIREMENTS PRIOR TO COMPLETING FORM.

### AUTHORIZED AGENT INFORMATION

APPLICANT / AUTHORIZED AGENT NAME(S): Katherine / Chris Dalgarno  
 COMPANY NAME: Northern Superior Mechanical (536114 Yukon Inc)  
 MAILING ADDRESS: Box 7000 Dawson, YT POSTAL CODE: Y0B 1G0  
 EMAIL: Service@anmechanical.com FAX #:  
 PHONE #: 867-993-5785 ALTERNATE PHONE #:

### OWNER INFORMATION

OWNER NAME(S): Katherine / Christopher Dalgarno  
 MAILING ADDRESS: Box 944, Dawson, YT POSTAL CODE: Y0B 1G0  
 EMAIL: Katherine.dalgarno@gmail.com FAX #:  
 PHONE #: 867-333-9355 ALTERNATE PHONE #: 867-993-3944

DOCUMENTATION OF OWNERSHIP ATTACHED TO APPLICATION

### PROPOSED AMENDMENT

A.) REZONING: (Attach map showing the scale, dimensions and proposed change in the context of adjacent land)

CIVIC ADDRESS: (#32495) Km. 712 North Klondike PARCEL SIZE OR LAND AREA: 1.36 (hec.)  
 LEGAL DESCRIPTION: LOT(S) 1047 - 2 BLOCK ESTATE Wood 116 B/3 LTD PLAN# 2012-0181

PROPOSED AMENDMENT:

FROM ZONING DESIGNATION: Parks & Natural Space TO ZONING DESIGNATION: Service Commercial

REASON FOR PROPOSED AMENDMENT: Please provide justification of the proposed amendment.

Building extension/addition

B.) TEXT AMENDMENT: (Attach additional sheets if required)

DESCRIPTION OF PROPOSED AMENDMENT: Please provide a description of the proposed amendment.

Current proposed enlargement includes park/green space zoning & we would like it changed to Service Commercial

REASON FOR PROPOSED AMENDMENT: Please provide justification of the proposed amendment.

We would like to build an addition on our building to accommodate growing business but need the set back to comply & build.



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APPLICATION #:	
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APPLICATION REQUIREMENT CHECK LIST	
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	Application fee as per the City of Dawson Fees and Charges Bylaw
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	Map showing scale, dimensions and the proposed change in the context of adjacent land
	Any additional information requested by the Development Officer.
◆	
◆	
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## DECLARATION

- I/WE hereby make application for a zoning amendment under the provisions of the City of Dawson Zoning Bylaw No. 12-27 and in accordance with the supporting information submitted and attached which form part of this application.
- I/ WE have reviewed all of the information supplied to the City of Dawson with respect to an application for a zoning amendment and it is true and accurate to the best of my/our knowledge and belief.
- I/WE understand that the City of Dawson will rely on this information in its evaluation of my/our application for a zoning amendment and that any decision made by the City of Dawson on inaccurate information may be rescinded at any time.
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**I/WE HAVE CAREFULLY READ THIS DECLARATION BEFORE SIGNING IT.**

02/06/19  
DATE SIGNED

[Signature]  
SIGNATURE OF APPLICANT(S)

02/06/19  
DATE SIGNED

[Signature]  
SIGNATURE OF OWNER(S)

TO BE COMPLETED BY DEVELOPMENT OFFICER:

### FOR OFFICE USE ONLY

DATE APPLICATION RECEIVED

SIGNATURE OF DEVELOPMENT OFFICER

## ZONING AMENDMENT INSTRUCTIONS AND GUIDELINES

**IT IS IMPORTANT TO READ AND UNDERSTAND THE FOLLOWING INSTRUCTIONS PRIOR TO COMPLETING THE APPLICATION FORM.**

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- c) Failure to complete this form and to supply the required support information may result in delays in the processing of the application.

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  - i. relationship to and compliance with the Official Community Plan, and other approved municipal plans and Council policy;
  - ii. relationship to and compliance with municipal plans in preparation;
  - iii. compatibility with surrounding development in terms of land use function and scale of development;
  - iv. traffic impacts;
  - v. relationship to, or impacts on, services such as water and sewage systems, public transit and other utilities and public facilities such as recreational facilities and schools;
  - vi. relationship to municipal land, right-of-way, or easement requirements;
  - vii. effect on the stability, retention and rehabilitation of desirable existing uses, buildings, or both in the area;
  - viii. necessity and appropriateness of the proposed text amendment or zone in the view of the stated intentions of the applicant; and
  - ix. relationship to any documented concerns and opinions of area residents and land owners regarding the application.
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  - i. prepare a report on the proposed amendment; and
  - ii. submit a copy of the application, their recommendation and report to the Council.
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### 4. Resubmission Interval:

- a) Where an application for an amendment to the zoning bylaw has been refused by Council, another application for the same or substantially the same amendment shall not be submitted within twelve months of the date of the refusal unless Council otherwise directs.

### 5. Public Notification:

- a) Written notification letters produced by the City of Dawson describing the area affected by the proposed amendment, stating the date, time and place for the public hearing and the reasons for the amendment and an explanation of it shall be mailed to all properties prior to the public hearing within the following radii of the subject property:
  - i. within the Historic Townsite, 100m (328 ft.); and
  - ii. all other areas, 1km (3,281 ft.).
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- c) The applicant shall allow a sign manufacturer contracted by the City to install the sign on the subject property in a conspicuous location. The applicant shall pay the required fee for the sign as specified in the Fees Bylaw in addition to the application fee.



# THE CITY OF DAWSON

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PH: 867-993-7400 FAX: 867-993-7434  
[www.cityofdawson.ca](http://www.cityofdawson.ca)

32262

OFFICE USE ONLY	
APPLICATION FEE:	
DATE PAID:	
PERMIT #:	19-027

## SUBDIVISION/CONSOLIDATION APPLICATION

PLEASE READ THE ATTACHED INSTRUCTIONS, GUIDELINES AND SUBMISSION REQUIREMENTS PRIOR TO COMPLETING FORM.

### PROPOSED DEVELOPMENT

CIVIC ADDRESS: Lot 1097-2, Quad 116B/103 VALUE OF DEVELOPMENT: \_\_\_\_\_

EXISTING USE OF LAND / BUILDINGS: Automotive Parts Store / Repair Garage + Veh. Storage yard

PROPOSED DEVELOPMENT: Please provide a brief description of the proposed development, including the legal description (lot, block, estate, plan) of each part to be subdivided/consolidated.

No building will take place on the proposed enlargement. We require the land to add on to our existing building & be within setback (easement?). Land in question is currently used as vehicle parking/storage.

### APPLICANT INFORMATION

APPLICANT NAME(S): Chris & Katherine Dalgarno

COMPANY NAME: 536114 Yukon Inc (COA Northern Superior Mechanical)

MAILING ADDRESS: Box 1319, Dawson, YT POSTAL CODE: Y0B 1G0

EMAIL: Service@ANMechanical.com FAX #: \_\_\_\_\_

PHONE #: 993-5785 ALTERNATE PHONE #: 333-9355

### OWNER INFORMATION

OWNER NAME(S): Katherine & Chris Dalgarno (536114 Yukon Inc)

MAILING ADDRESS: Box 1319, Dawson, YT POSTAL CODE: Y0B 1G0

EMAIL: Service@ANMechanical.com FAX #: \_\_\_\_\_

PHONE #: 993-5785 ALTERNATE PHONE #: 333-9355

It is the responsibility of the applicant to ensure that all plans conform to the provisions of the City of Dawson Zoning Bylaw and applicable territorial and federal legislation.

### FURTHER INFORMATION

ACCESS: Does the proposed development require additional access to any public road or highway? If yes, please name the road and describe the location of the proposed access.

No, access will be through existing driveway/road



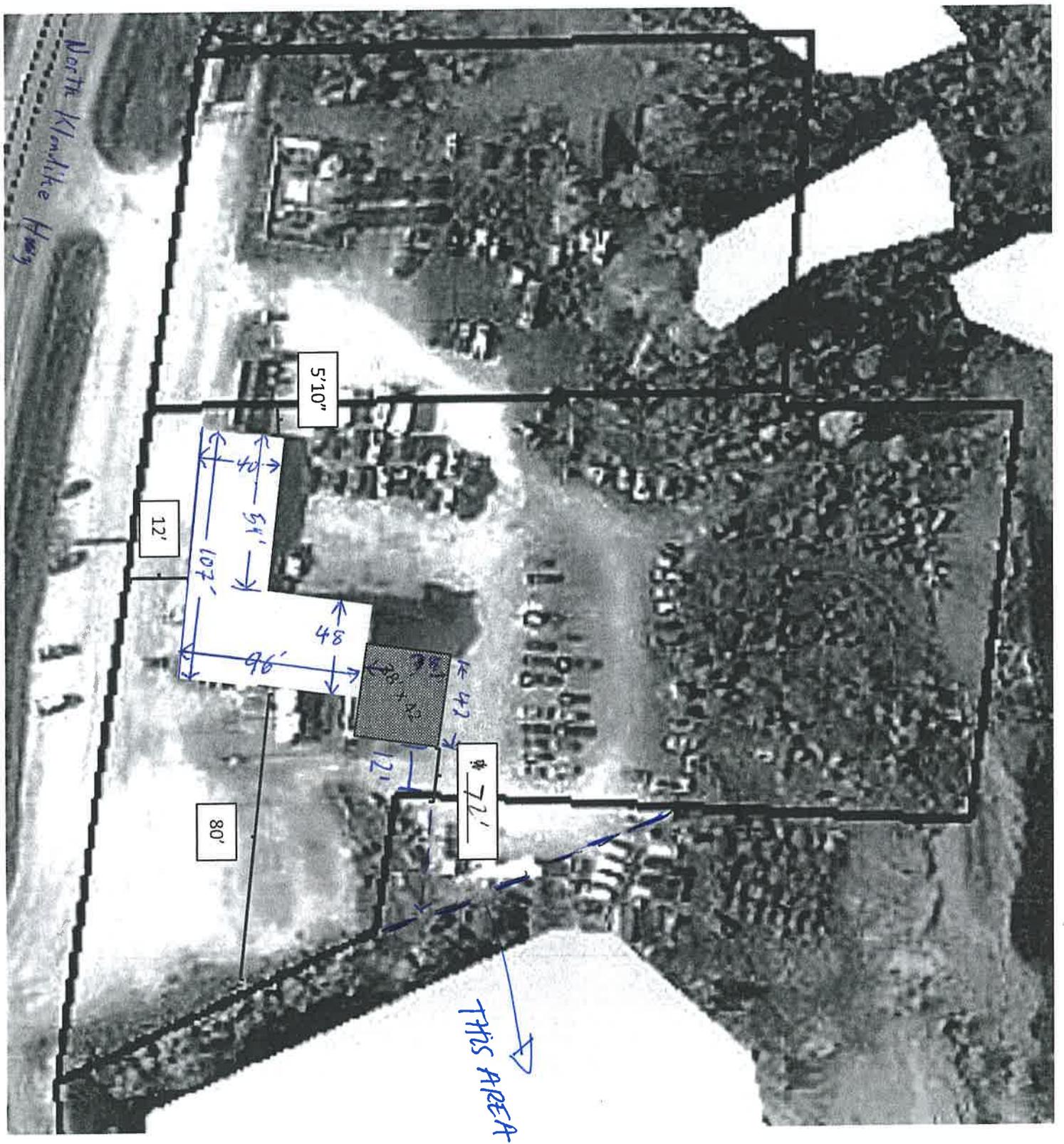
Current Address:

Lot 1047-2

Armed 116 B13 LTD

Plan #2012-0181

(Km 712 North  
Klondike Hwy.)





CANADA  
YUKON TERRITORY  
TERRITOIRE DU YUKON

# CERTIFICATE OF TITLE CERTIFICAT DE TITRE

YUKON LAND REGISTRATION DISTRICT  
LAND TITLES OFFICE  
CIRCONSCRIPTION D'ENREGISTREMENT DES  
BIEN-FONDS DU YUKON

Title: 2013Y0516  
Titre

I hereby certify that this is a true copy  
of the original Certificate of Title.

Consideration: \$22,000.00  
Considération

19 Feb 20 16 at 1522 Hours

Certificate: 131324

Enlargement: 212081

  
REGISTRAR

TO WIT: This is to certify that  
La présente certifie que

NORTHERN SUPERIOR MECHANICAL LTD

Post Office Address:

Adresse postale

NORTHERN SUPERIOR  
MECHANICAL LTD

BOX 7000 DAWSON CITY YUKON TERRITORY Y0B 1G0

NOW OWNS AN ESTATE IN Fee Simple OF AND IN:

est le/la propriétaire actuel(le) du domaine en FIEF SIMPLE dans le territoire du Yukon suivant:

Lot	Portion	Block/Bloc	Quad	Group	Plan No/# de Plan
1047-2			116 B/03	Dawson City	2012-0181 Yukon Territory

Particulars/Particuliers:

NO DUPLICATE CERTIFICATE OF TITLE HAS BEEN ISSUED;

subject to the encumbrances, liens and interests notified by memorandum underwritten or endorsed hereon, or which may hereafter be made in the Register.  
sous réserve des charges, privilèges et droits énoncés dans la note ou le mémorandum inscrit à la suite du présent certificat, ou qui peut être à l'avenir inscrit dans le registre.

In witness whereof, I have hereunto subscribed my name and affixed my official seal,  
En foi de quoi, j'ai apposé aux présentes ma signature et mon sceau officiel.

**From:** Philip Biernaski

(for Advanced North Mechanical;

Chris & Katherine Dalgarno)

**To:** Miranda.Adams@gov.yk.ca

**Cc:** Clarissa Huffman, Community Development

And Planning Officer, City of Dawson

**Sent:** June 11,2019

**Subject:** FW: 2018-3280 536114 Yukon Inc.

Hi Miranda:

In refence to your letter dated May 28, 2019 3:10 PM, the City of Dawson Mayor, Wayne Potoroka visited the property. The existing trailer with septic tank and electricity, and asphalt pad with used oil drums and tanks were observed and deemed important to the lot enlargement. It seemed to both parties the most reasonable lot line would be a straight and continuous line from the south border end point to the north border end point on the east side of the property. Both parties strongly feel that a visit to the property is the preferred method of evaluation.

As per map Yukon Lands Viewer Advanced North Mechanical, June 10, 2019 "A" indicates the space used for the waste oil storage. This area is outside of the present lot. It is important that the waste oil storage remain here as it is the only area on asphalt, facilitating easier clean-up of leakage and overflow of oil drums. This is the area that has continuously been used for this purpose since before purchase by the present owner.

Area shown as "B" on the map includes the trailer, septic tank, water line and electrical line hook-ups. This was also a preexisting condition before purchase by the present owner.

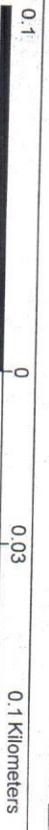
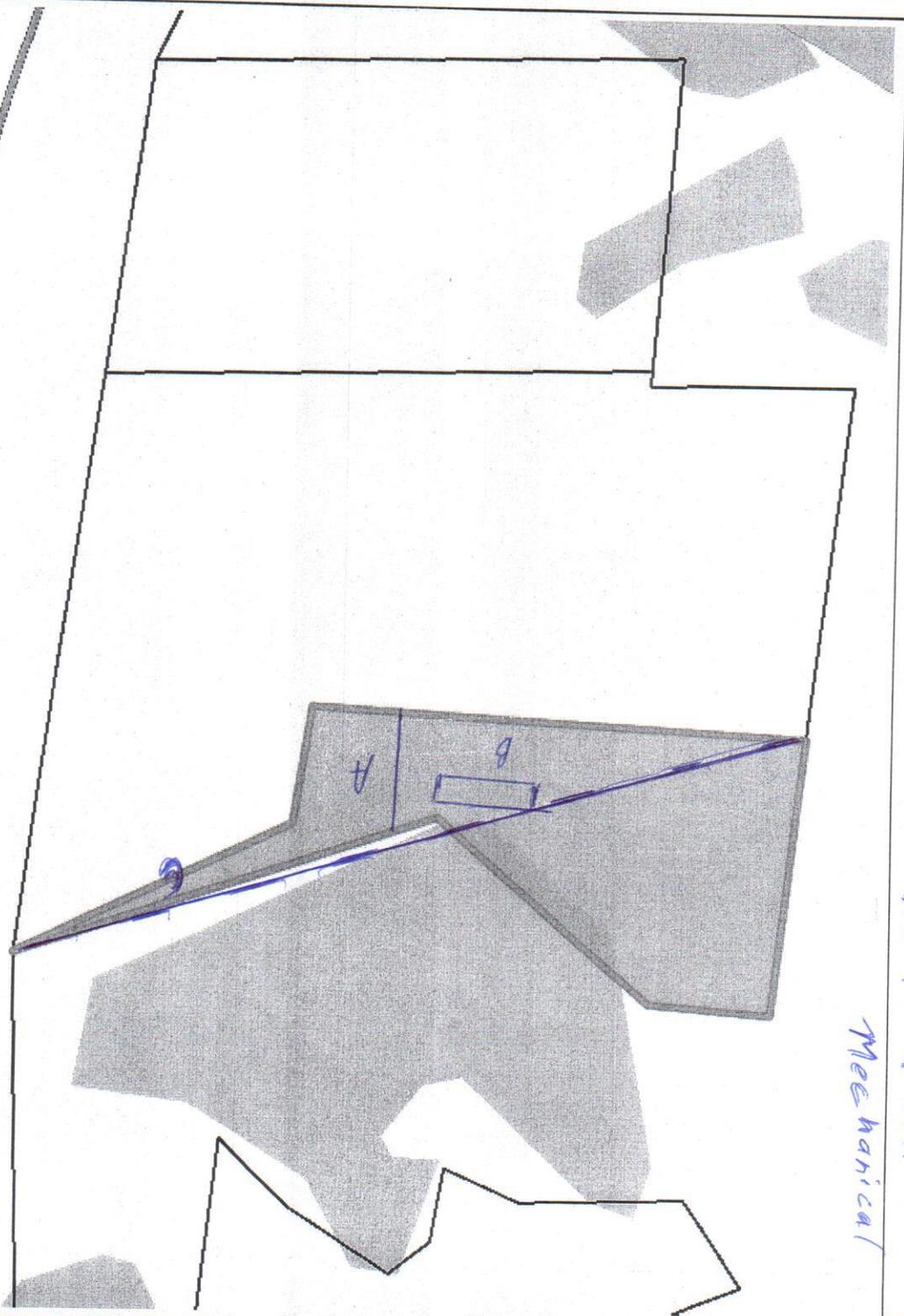
Area "C" includes a RV/Bus dumping station, flush out and underground holding tanks which are not fully on Advance North property.

The proposed lot line revision would address the concerns of all parties involved. This plan has been drawn up to remedy past actions over which we had no control. It has no impact on the proposed addition to Advance North's vehicle repair facility, as all setbacks are within the allowed parameters.

Thank you for your time and consideration in this matter.

Philip Biernaski

*Advanced North Mechanical*



Yukon Albers  
Produced from: Yukon Lands Viewer

1: 1,280



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.  
Date Printed: 28-May-2019



- Legend**
- Land Applications - Active
  - Land Dispositions
  - Transfer Request
  - Agreement for Sale
  - Easement
  - Lease
  - Reservation
  - Land Licences
  - Lots for Sale
  - Notations
  - Development Hold Areas
  - Agricultural Planned Land App
  - Agricultural Land Applications
  - Agricultural
  - Grazing
  - Agricultural Land Dispositions
  - Agricultural
  - Grazing
  - Surveyed Land Parcels (<80k)
  - Settlement Lands (Surveyed)
    - A: Surface and Subsurface Rights
    - B: Surface Rights
    - FS: Fee Simple
    - 4.1.1 Retained Reserve
  - Settlement Lands (Unsurveyed)
    - A: Surface and Subsurface Rights
    - B: Surface Rights

**Notes**

*June 10, 2019*



June 10, 2019

To: Clarissa Huffman  
Community Development and Planning Officer – City of Dawson

From: Kevin Fisher, Senior Program Manager  
Land Development Branch, Community Services – Government of Yukon

**RE: Proposal Infill Development near Lot Enlargement Application 2018-3280**

Land Development Branch, in coordination with the City of Dawson, is currently considering proposed infill development on an approximately 25 acre area within an existing developed area north of the Klondike Highway, across from Bonanza Road. Refer to attached drawing "Dawson City Industrial Infill Area 2" identifying the boundary of the area under consideration for infill development.

The 25 acre boundary for this infill development area was determined based on available land at the time we identified potential areas for industrial infill development. The Lot Enlargement application 2018-3280 was already in place when we identified potential infill areas, and therefore the lands under application were not available to Land Development Branch in order to be included in our proposal development area.

If the City of Dawson decides to decline the application or postpone a decision on the application pending further planning and assessment work of the greater area, Land Development Branch can include the area currently under Lot Enlargement application 2018-3280 within the area to be considered for planned infill development.

A potential access point to this infill development area via the old Hunker Road right-of-way has already been identified, and any development in this area would require a turn-around. Until we complete assessment and planning work for this area, we can't determine if a second access to this development area is warranted or if there is a viable access point from the Klondike Highway within the lands under application.

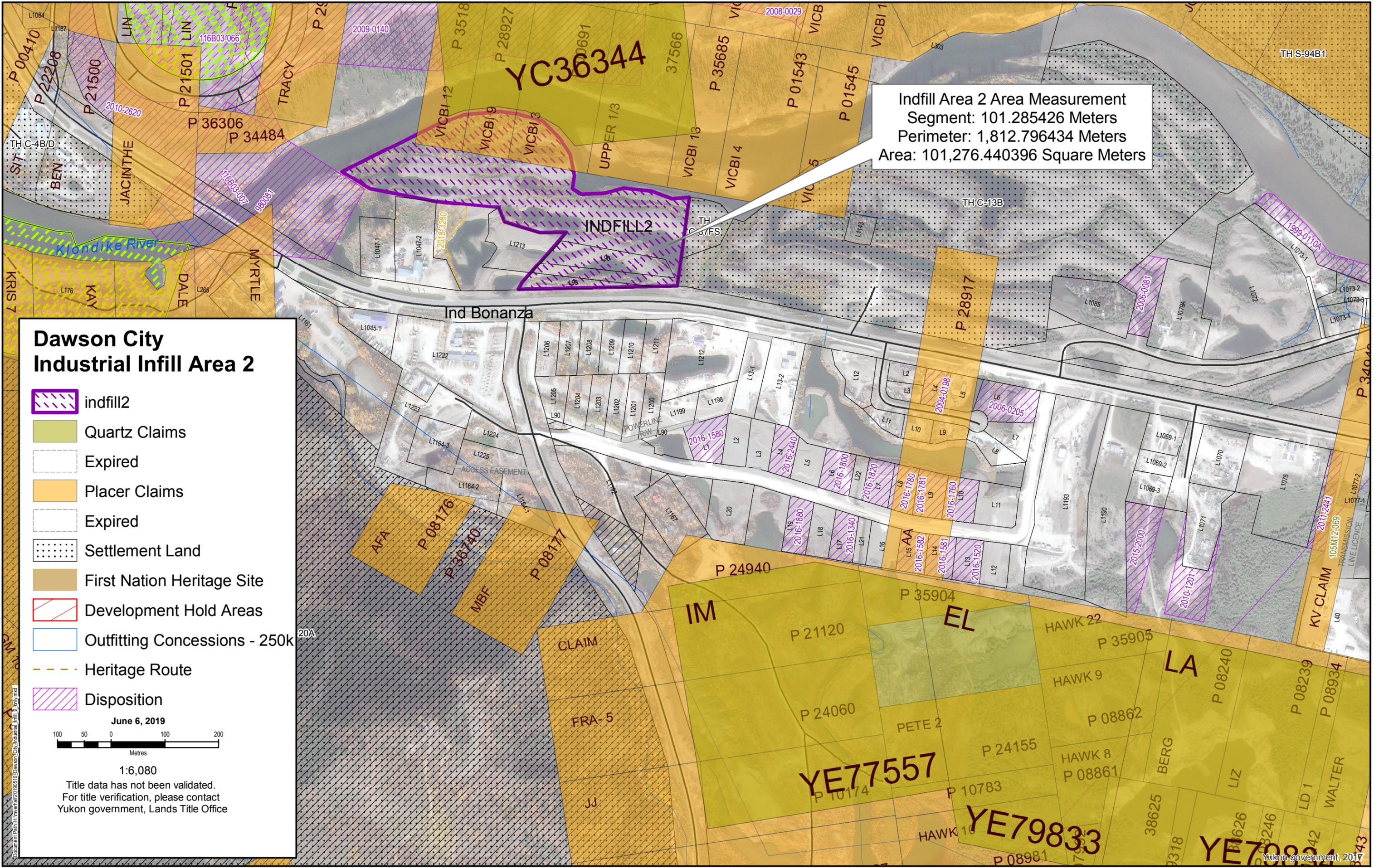
Should the City of Dawson wish to include the lands under application 2018-3280 within the larger planned infill development area, please advise so that a new boundary for infill development area 2 can be confirmed.

Regards,

A handwritten signature in black ink, appearing to be "Kevin Fisher", written over a white background.

Kevin Fisher, Senior Program Manager  
Land Development Branch, Community Services  
Government of Yukon

Attachment: drawing entitled "Dawson City Industrial Infill Area 2" - June 6, 2019



Indfill Area 2 Area Measurement  
 Segment: 101.285426 Meters  
 Perimeter: 1,812.796434 Meters  
 Area: 101,276.440396 Square Meters

### Dawson City Industrial Infill Area 2

- indfill2
- Quartz Claims
- Expired
- Placer Claims
- Expired
- Settlement Land
- First Nation Heritage Site
- Development Hold Areas
- Outfitting Concessions - 250k
- Heritage Route
- Disposition



June 6, 2019

1:6,080

Title data has not been validated.  
 For title verification, please contact  
 Yukon government, Lands Title Office

Document Path: H:\m\m\20190606\_0\_Dawson\_City\_Industrial\_Infill\_2\_Softproof

# Report to Council



For Council Decision     For Council Direction     For Council Information

In Camera

<b>SUBJECT:</b>	Dawson Daily News Alley Encroachment	
<b>PREPARED BY:</b>	Clarissa Huffman, CDO	<b>ATTACHMENTS:</b> 1. Parks Canada Email 2. DDN Site Plan
<b>DATE:</b>	June 11, 2019	
<b>RELEVANT BYLAWS / POLICY / LEGISLATION:</b>	Encroachment Policy	

## RECOMMENDATION

It is respectfully recommended that Council:

1. Direct administration to enter into a Licence of Occupation for the portion of alley adjacent to Lot 5, Block L, Ladue Estate for the purposes of remedying an encroachment, subject to Parks Canada submitting an information package confirming the status of the building and the addition, including a detailed site plan to the satisfaction of the CDO.

## ISSUE

Parks Canada and the City of Dawson are seeking a mutually satisfactory resolution to the Dawson Daily News (DDN) alley encroachment.

## BACKGROUND SUMMARY

In 2018, a resident came forward to request an alley closure for the northern portion of the alley bounded by Lots 6-15, Block L, Ladue Estate. This request was ultimately declined after much conversation, though one follow-up action item from Council was to direct administration to research how and why the southern portion of this alley had become 'informally' closed.

Research and anecdotal evidence indicate that the main reason this alley has been informally closed (i.e. the alley is blocked but is not legally closed by bylaw) is due to the addition that was built on the DDN building during its rehabilitation in the 1980s. The building was rehabilitated according to its original footprint, with a small addition that encroached approximately 8 inches onto City of Dawson property. This small encroachment caused the alley to, over time, move east to accommodate this encroachment, which resulted in a portion of the alley crossing private property behind DDN. This conflict resulted in boulders being placed to restrict access and prevent people from driving on the portion of alley that crosses private property.

It is timely to discuss a resolution to this issue, as Parks Canada is looking to conduct further rehabilitation work on DDN this summer. The City of Dawson would be unable to approve a development permit for this work without first resolving the encroachment issue. Therefore, Parks Canada, Public Works, and Planning had a joint meeting to discuss potential options based on the situation on the ground and the options laid out in the Encroachment Policy.

**ANALYSIS / DISCUSSION / ALIGNMENT TO OCP & STRATEGIC PRIORITIES**

The Encroachment Policy is intended to be read sequentially, i.e. one would only move to the next option if the first option is not recommended or not possible. The analysis section of this report considers options in the order they appear in the Policy.

*1. Closure and Sale of Alley*

For reasons discussed in previous reports, it has been previously recommended that this alley not be permanently closed. Reasons include traffic flow, historic streetscapes, and emergency services. In fact, a solution suggested by Council to reduce pressure on the north end of this alley was to research ways that the south end of the alley could be re-opened. Therefore, recommending closure and sale of this alley for consolidation with adjacent properties for the purposes of resolving this encroachment would be counter to previous assessments of the public interest.

A second option within this section would be to sell only the portion of the alley occupied by DDN to Parks Canada and negotiate a purchase agreement with the adjacent property owner whose land the alley currently crosses. This would allow the alley to (legally) bend around DDN and be open along its entire length. This would be an ideal option, however based on responses to recent requests that this owner consider selling their land, it is not likely that this option would be successful.

*2. Moving of the Structure off City of Dawson Property*

If Council agrees that full closure and sale of the alley is not the ideal option for the reasons listed above, the next option would be to require the building be moved out of the ROW to effectively remove the encroachment. This option is not likely to be palatable to Parks Canada. To move the entire building forward is not possible, as the building as it is takes up almost its entire 50x100 lot. Therefore, to move the building forward would solve the problem on the rear property line but would create a new encroachment on the front property line and restrict the boardwalk.

The second option within this section would be to remove the modern addition. Parks did not indicate support for this option, and it has not been explored fully. Council could direct administration to explore this option if there was consensus that this was the most appropriate way to move forward.

*3. Licence of Occupation (recommended)*

If Council is not interested in requiring Parks to remove the addition, the final option would be a Licence of Occupation. Administration does not typically recommend a Licence of Occupation unless all other options have been exhausted, because it is an interim rather than a permanent solution to a problem. However, in this case, both Public Works and Planning feel that this is the ideal solution to move forward at this time.

First, this option removes the liability of having a structure occupying City land without permission, as Parks Canada would be required to assume liability for the portion of land that they are occupying. Second, this option does not necessitate the removal of a portion of the structure (historic or otherwise). Third, the Licence of Occupation is by nature temporary, so if the situation changes at any point, the situation could be revisited and renegotiated. Finally, this option keeps the alley legally open (though it will remain informally closed for now). By keeping the alley legally open, it leaves room to potentially negotiate a land sale to reopen the alley at some point in the future should the ownership of adjacent properties change hands. While this option does not fully resolve the problem, and the alley could not be opened immediately, it does lay the groundwork for future negotiations to resolve this problem.

APPROVAL		
<b>NAME:</b>	Cory Bellmore, CAO	<b>SIGNATURE:</b> 
<b>DATE:</b>	June 12, 2019	

**From:** [Bunbury, Theresa \(PC\)](#)  
**To:** [Clarissa Huffman](#)  
**Subject:** DDN info for Dawson City  
**Date:** June 11, 2019 4:18:54 PM  
**Attachments:** [DDN PI, Easement and Bldg. distances.pdf](#)

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Hello Clarissa,

Below is some information for consideration of Dawson City Council regarding the issue of encroachment of the building Dawson Daily News (DDN), a part of the Dawson Historical Complex and managed by Parks Canada.

Stabilization work proposed/planned for Dawson Dailey News (DDN) - 2019:

The proposed scope of work for Dawson Daily News includes upgrades to the foundation, roof, and structure and abatement for all hazardous materials. The foundation replacement for Dawson Daily News includes excavation and backfill with native granular materials. As part of the foundation replacement, DDN needs to be temporarily relocated off of the property. Once the foundation work is complete, the building will be returned to the property, and aligned to the property boundaries. PCA is working with local property owners for permission for temporary storage locations for DDN with the goal of minimizing transportation distance for the structure. The elevations of the building will be raised and the lots graded for proper water management, in order to create positive drainage away from the structure to promote proper storm water management. Structural upgrades to the building are to enhance the internal structural members, which will promote future occupancy for adaptive re-use options for the buildings. The roof will be stabilized, protected with water proofing membrane and re-surfaced with historic metal roofing materials. Eavestroughs will be added to both buildings to collect water runoff and divert it to an appropriate discharge locations.

The challenge is preparing to complete this work is the size of the building on the lot space and meeting requirements for effective stabilization while also respecting the heritage character of the building and the standards established in Dawson City.

Image of site plan for DDN attached. Also attached as PDF.

Some detailed information about sizes/distances will be available tomorrow.

Parks Canada looks forward to working with Dawson City in the delivery of this project.

Thanks

Theresa

Theresa Bunbury  
A/Site Superintendent | Directrice pi  
Parks Canada Agency | Agence Parcs Canada

Klondike National Historic Site | Lieux historiques nationaux du Klondike  
Box 390 | CP 390  
Dawson City, YT

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# Report to Council



For Council Decision  
  For Council Direction  
  For Council Information

In Camera

<b>SUBJECT:</b>	Development Incentives Policy and Development Cost Charge Program Design: Draft Policy	
<b>PREPARED BY:</b>	Clarissa Huffman, CDO	<b>ATTACHMENTS:</b> 1. DIPDCC Discussion Paper No. 2
<b>DATE:</b>	June 11, 2019	
<b>RELEVANT BYLAWS / POLICY / LEGISLATION:</b>	n/a	

## RECOMMENDATION

It is respectfully requested that Council provide feedback on the attached discussion paper.

## BACKGROUND

Groundswell Planning was commissioned in January 2019 to conduct a review on the current Development Incentives Policy (DIP) and the associated load capacity charge program structure, as these two factors are intimately linked due to the wording of the policy.

Groundswell conducted interviews with key stakeholders & DIP grant recipients throughout March, April, and May, as well as conducted substantial research into best practices and current practices in other jurisdictions. A community survey in mid-May provide some insights from the general public regarding this program and potential changes to it.

Groundswell Planning submitted a draft report which was included in the Committee of the Whole package for May 27, 2019. A few councillors had not yet read the report, so feedback at this meeting was minimal. The CDO facilitated discussion by asking a series of questions to help guide the conversation towards feedback that would help the project team effectively integrate Council's priorities and perspectives into the draft policy. The CDO was asked to provide the discussion questions in writing so that councillors could consider the questions and provide feedback via email through the CAO. At the time of writing this report, no additional feedback had been received through the CAO, so the project team has developed a revised report with a specific set of feedback questions required to be answered in order to be able to proceed.

## NEXT STEPS

Because Council did not provide feedback to the previous report, administration and the consultant were unable to draft a new policy, as there are still many outstanding questions. The session today is intended to resolve those outstanding questions to facilitate the development of the new drafts. The following timeline is critical for two reasons. First, it allows Council as many opportunities as possible over the next month to review and digest the recommendations for this challenging topic. Second, it allows administration to complete this project within the allocated timeline and move on to other priorities. This project has already received two extensions from the funder and is not likely to receive a third.

1. June 24 Council – Draft DIP and DCC Framework accepted as information, with all Council discussion and feedback recorded by the CDO to update the two documents prior to circulation.
2. June 27 to July 8– Circulation to public for comments, with an in-person session proposed on July 4.

3. July 22 COW – Final report and policies discussed.
4. July 29 Council – Council to accept final report.
5. July 30 – Administration to submit final report to funder.
6. Implementation of recommendations will occur as appropriate and as administrative capacity allows starting in late summer 2019.

APPROVAL		
<b>NAME:</b>	Cory Bellmore, CAO	<b>SIGNATURE:</b> 
<b>DATE:</b>	June 13, 2019	

# Development Incentives Policy and Development Cost Charges Review

Follow-Up Report to Council

Submitted by Groundswell Planning

June 13, 2019

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## Background

Groundswell Planning submitted a discussion paper to Council for the May 27 Committee of the Whole (COW) meeting. There was some high-level discussion around both incentives and development charges but Council requested additional time to review the document prior to providing City administration and Groundswell with specific direction on either topic.

Council made number of key points during the initial discussion, including:

- The original rationale for the policy was affordable rental housing; ownership-based housing was not the intention
- The policy has been effective in encouraging development but the need is still there and incentives should continue
- There may need to be bigger incentives for secondary suites to encourage more of this development
- The topic is “dense” and “dry” and it will be hard to interest the public; however, survey results indicate that education is needed
- Moving from tax incentives to cash-funded grants may be too big a step for Council
- Staff and student housing need to be included in the policy as they are key needs
- In general, Council should be making it easier for people to build affordable homes in town. Working with YG to make land available is the way for Council to have the biggest impact

The following report is intended to update Council and provide more context to inform the discussion scheduled for the June 17<sup>th</sup> COW meeting.

## Development Incentives Policy

Additional research and a new stakeholder discussion undertaken since the May 27<sup>th</sup> meeting yielded the following information and considerations for Council:

### Research

- The construction of a rental suite could have varying impacts on the assessed value of a property. A secondary suite that doesn't increase the living area of a dwelling may have a negligible impact unless it involves a new kitchen/bathroom. A separate garden suite is very likely to result in an increased property value. In actual practice, three Dawson property owners who developed rental suites under the incentive program had assessment value increases ranging from \$5020-\$12,400 (equating to approximately \$78 to \$193 in taxes).

- YG Property Assessment and Taxation Branch does not currently apportion assessment value to residential and/or commercial uses in a mixed development unless the related units are part of a condominium development (and thus treated as separate properties). In a June 11 conversation, staff indicated there was a possibility the Branch could undertake this type of assessment for a non-condo mixed development if the volume of requests was very low.
- The Municipal Matching Rental Construction Program administered by YHC, and which provides a matching incentive to the City of Dawson, is expended and currently under review. Confirmation of new funding and possibly revised parameters is expected in late June or July 2019. It may be advisable to postpone any final revisions to Dawson’s policy until this time to ensure compatibility.
- Tax incentives for a recent ownership-oriented multi-unit residential project in Whitehorse is being provided to the original developer, even though it is selling most units and will ultimately have minimal ownership interest. So long as the unit owners pay their property taxes, the taxable amount on the improvement (i.e. the unit) will be granted back to the developer for the 10-year period. The assumption is that the developer will pass on the savings to purchasers. Home ownership incentives of this nature are rare overall, but one similar program found in Regina requires the developer to transfer the incentive to the new unit owner.

#### Stakeholder Interviews

- One company didn’t realize there was an incentives policy for Dawson!
- Commercial development in downtown Dawson poses unique challenges; the parking requirement is key among them. Incentives should be provided to convert vacant land to parking to assist new development.
- Private sector cautions against policies with “unintended consequences”. Incentives should be widely available; for example, instead of a “first come, first serve” approach, have set intake dates and pro-rate available funding across projects if oversubscribed.
- Mixed-use incentives need to be applied carefully so that new commercial activity does not compete with existing businesses that did not benefit from the incentives. Applying the incentive to the residential portion only could help keep the playing field “level” for the business community.
- A range of housing solutions are needed in Dawson; financial support for transporting modular housing could help
- Getting bank financing in Dawson is very difficult and it can be prohibitively expensive to complete the environmental due diligence work (i.e. environmental site assessments) required by banks. The City could assist by coordinating such work across multiple properties and creating an economy of scale for everyone involved.
- Numerous vacant or underutilized lots in the Historic Townsite are owned by government and difficult for government to sell; however, there may be interest in long-term leases. The policy should extend eligibility to third parties undertaking redevelopment or new development on government-owned parcels.

#### Framework and Key Questions for Council to Consider

In order to proceed with drafting a revised policy, Groundswell and administration require Council direction. The following table provides a **potential** framework for revisions to currently incentivized development types as a starting point. It may also help Council consider their answers to the questions below that will form the basis for discussion on June 17th.

Development Type	Proposed Incentive
<b>Anywhere within City limits</b>	
Secondary Suite or Garden/Detached Suite	<ul style="list-style-type: none"> <li>• 10 years, 100% grant back</li> <li>• Waiver of development charges</li> </ul>
Supportive Housing (minimum of 4 units)	<ul style="list-style-type: none"> <li>• 10 years, 100% grant back</li> <li>• Waiver of development charges</li> </ul>
<b>Anywhere within Historic Townsite</b>	
Affordable Rental Unit (minimum of 4 units)	<ul style="list-style-type: none"> <li>• 10 years, 100% grant back</li> <li>• Waiver of development charges</li> </ul>
Market Rental or Staff/Student Housing (minimum of 4 units)	10 years, 100% grant back
Market Ownership Unit (minimum of 4 units)	• 5 years, graduated incentive (decreasing 10% per annum)
Affordable Ownership Unit (minimum of 4 units)	<ul style="list-style-type: none"> <li>• 10 years, 100%, contingent on resale restrictions (if possible), possibly an eligibility mechanism for initial purchasers</li> <li>• Waiver of development charges</li> </ul>
Mixed-Use Development (minimum of 5 units)	<ul style="list-style-type: none"> <li>• 10 years, graduated incentive (decreasing 10% per annum) OR 10 years full incentive on residential portion only</li> <li>• Waiver of development charges for affordable units</li> </ul>
<p>*ANY OF THE ABOVE INCENTIVES COULD ALSO HAVE CAPITAL GRANTS "STACKED" ON THEM I.E. HERITAGE, AFFORDABLE HOUSING, CONVERSION OF VACANT/DERELICT LAND, ETC. (keeping in mind policy and criteria needs and City capacity);</p> <p>*COUNCIL COULD ALSO ELECT TO HAVE ADDITIONAL "STAND-ALONE" TAX INCENTIVES UNRELATED TO HOUSING (ADAPTIVE RE-USE OF HERITAGE BUILDING, VACANT/DERELICT PROPERTY USE, ETC.)</p>	

1. Assuming the same geographic extent as current policy, what types of dwellings should the policy continue to apply to?
  - Multi-residential market rental units?
  - Multi-residential market owned units?
  - Rental secondary/garden suites?
  - Multi-residential affordable rental units?
  - Multi-residential affordable owned units?
  - Mixed-use development?

2. For any dwelling units you indicated as warranting continued incentives, how would you rank them in terms of strategic priority or importance for the City or Dawson in general?
3. Should staff and student housing be treated differently than typical rentals that are widely available? (Consider competition/fairness factor between two businesses, one of which has received an incentive to build staff housing and one which hasn't).
4. Should the nature of the developer factor in or should the end residential use ultimately dictate the incentive? (This could relate to a private company vs. non-profit providing staff housing or even affordable housing).
5. Does offering taxation incentives for the commercial portion of a mixed-use development create unfairness for other businesses that were unable to receive such support? If so, how could this be remedied?
6. Do you agree with:
  - Eliminating maximum taxation incentive thresholds (i.e. \$50K, \$500K) but maintaining minimum # of units? (Note that YHC funding will likely continue to apply maximum thresholds)
  - Substituting the graduated grant for full incentive for smaller developments?
  - Extending the geographic area for multi-residential incentives to the Historic Townsite (vs. Downtown Core)?
  - Waiving development charges in addition to applying tax incentives for higher priority development?
7. Do you support the idea of applying an annual cap or maximum threshold on City financial commitments under the incentives policy? (e.g., maximum of \$100K/yr)
8. Keeping in mind limited City capacity for administration, are there other priority development issues that warrant incentives? If so, what are they?
9. Do you think that the City should award cash-funded grants:
  - To help promote priority development?
  - For priority development that is already eligible for a tax incentive? (i.e. "stacking" incentives)
  - For priority development that is not eligible for a tax incentive?
  - If grants need to be funded without a new revenue stream?
  - If grants can be funded through a new development charge?
10. Do you agree with the recommended Options #1 or #6 for a development charge framework?
11. Looking at the revenue vs. cost increase implications for Option #6, is there a scenario that best achieves the main objectives?
12. Do the potential benefits of a charge warrant the potential administrative burden?

## Development Charges

There was very limited time for discussion on this topic. In order to advance the discussion, Groundswell further explored what its recommended options - #1 and #6 – might look like in practice.

### OPTION 1. Maintain and/or revise the Load Capacity Charge

Groundswell has no new information to share at this time (City Public Works staff has been unavailable to discuss) but hopes to by Monday’s meeting!

### OPTION 6. Implement a development charge combining elements of Options #3-5

- Option #3: Proportionality to Whitehorse and/or market’s ability to pay
- Option #4: Revenue neutral factoring in related incentives
- Option #5: Geared towards achievement of OCP/growth priorities

#### Condition 1. Proportionality/Ability to Pay

- City of Whitehorse administration recommending a DCC of \$35/m<sup>2</sup>
- 2016 Dawson household median income = 75.2% of Whitehorse median income
- Community Spatial Price Index (CSPI) for Dawson (2018) = 121.3 (Whitehorse = 100)

Recommended Whitehorse DCC	Proportional Dawson Charge: Median Income	Proportional Dawson Charge: CSPI	Proportional Dawson Charge: Income + CSPI
\$35/m <sup>2</sup>	\$26.25/m <sup>2</sup>	\$27.55/m <sup>2</sup>	\$20.66/m <sup>2</sup>

These numbers serve as a starting point for the charge/revenue scenarios on pages 2-4 from which “ability to pay” is further explored.

#### Condition 2. Geared towards achievement of OCP/growth priorities

*How could the charge be administered to satisfy this condition?*

- Per square metre rate is a growing trend that recognizes larger homes create a larger burden on municipal infrastructure and indirectly incentivizes smaller, more affordable housing
- Charge can be waived for specific types of development aligned with priority and preferential growth objectives in OCP (i.e. affordable housing, Downtown revitalization, etc.)
- Revenues collected can be used to 1) offset the foregone revenues associated with incentives and 2) fund cash grant-based incentives

#### Condition 3. Revenue neutrality

In 2017, the Klondike Development Organization forecasted Dawson housing needs for the 2018 to 2030 time period, from which Groundswell calculated an annual pro-rated need as follows:

Unit Type	Total	Ownership	Rental	Pro-rated owned units/yr	Pro-rated rental needs/yr
1-bedroom	190	30	160	2.5	16
2-bedroom	115	65	50	5.4	10
3-bedroom	30	30		2.5	
<b>TOTALS</b>	<b>335</b>	<b>125</b>	<b>210</b>		

To understand the potential implications of a charge on local residents, businesses, and the City itself, Groundswell generated a number of different scenarios using numerous baseline assumptions:

1. Garden and secondary suites continue to be exempt from development charges;
2. Development charges are waived (plus tax incentive) for affordable multi-residential rental units;
3. 2/3 of rental units built annually are affordable;
4. Average dwelling unit sizes are: 1 bedroom - 635 ft<sup>2</sup> (59 m<sup>2</sup>); 2-bedroom – 1200 ft<sup>2</sup> (111.5 m<sup>2</sup>); 3 bedroom – 1925 ft<sup>2</sup> (178.8 m<sup>2</sup>) (Note: based on Whistle Bend actual averages)
5. Half of KDO's forecasted annual housing needs are built for each housing type;
6. Average size of major renovations and commercial units are equivalent to 1-bedroom and 2-bedroom residential units, respectively;
7. No homeownership units are exempt from DCCs; and
8. 2017/2018 average for new commercial and major alterations are maintained.

**Scenario 1: Development Charge Geared to Median Income, Commercial and Major Renovations Included**

Project	# units	Average area (m <sup>2</sup> )	Charge per m <sup>2</sup>	Total charges	Per unit charge	DCC- LCC	% Increase (vs LCC)
1-bedroom affordable rental	10.56	59	\$0	\$0.00	\$0.00	(\$1,500.00)	-100
1-bedroom rental	5.44	59	\$26.25	\$8,425.20	\$1,548.75	\$48.75	3.25
1-bedroom ownership	2.5	59	\$26.25	\$3,871.88	\$1,548.75	\$48.75	3.25
2-bedroom affordable rental	6.6	111.5	\$0.00	\$0.00	\$0.00	(\$1,500.00)	-100
2-bedroom rental	3.3	111.5	\$26.25	\$9,658.69	\$2,926.88	\$1,426.88	95.13
2-bedroom ownership	5.4	111.5	\$26.25	\$15,805.13	\$2,926.88	\$1,426.88	95.13
3-bedroom ownership	2.5	178.8	\$26.25	\$11,733.75	\$4,693.50	\$3,193.50	212.90
Commercial	4	111.5	\$26.25	\$11,707.50	\$2,926.88	\$1,426.88	95.13
Major Alterations	8	59	\$26.25	\$12,390.00	\$1,548.75	\$48.75	3.25
<b>TOTALS</b>				<b>\$73,592.14</b>			
<b>LCC amount for 48 units (@\$1500 ea)</b>				\$72,000			
<b>Difference</b>				\$1,592.14			

**Scenario 2: Development Charge Geared to CSPI, Commercial and Major Renovations Included**

Project	# units	Average area (m <sup>2</sup> )	Charge per m <sup>2</sup>	Total charges	Per unit charge	DCC- LCC	% Increase (vs LCC)
1-bedroom affordable rental	10.56	59	\$0.00	\$0.00	\$0.00	(\$1,500.00)	-100.00
1-bedroom rental	5.44	59	\$27.55	\$8,842.45	\$1,625.45	\$125.45	8.36
1-bedroom ownership	2.5	59	\$27.55	\$4,063.63	\$1,625.45	\$125.45	8.36
2-bedroom affordable rental	6.6	111.5	\$0.00	\$0.00	\$0.00	(\$1,500.00)	-100.00
2-bedroom rental	3.3	111.5	\$27.55	\$10,137.02	\$3,071.83	\$1,571.83	104.79
2-bedroom ownership	5.4	111.5	\$27.55	\$16,587.86	\$3,071.83	\$1,571.83	104.79
3-bedroom ownership	2.5	178.8	\$27.55	\$12,314.85	\$4,925.94	\$3,425.94	228.40
Commercial	4	111.5	\$27.55	\$12,287.30	\$3,071.83	\$1,571.83	104.79
Major Alterations	8	59	\$27.55	\$13,003.60	\$1,625.45	\$125.45	8.36
<b>TOTALS</b>				<b>\$77,236.70</b>			
<b>LCC amount for 48 units (@\$1500 ea)</b>				<b>\$72,000</b>			
<b>Difference</b>				<b>\$5,236.70</b>			

**Scenario 3: Development Charge Geared to Median Income & CSPI, Commercial and Major Renovations Included**

Project	# units	Average area (m <sup>2</sup> )	Charge per m <sup>2</sup>	Total charges	Per unit charge	DCC- LCC	% Increase (vs LCC)
1-bedroom affordable rental	10.56	59	\$0.00	\$0.00	\$0.00	(\$1,500.00)	-100.00
1-bedroom rental	5.44	59	\$20.66	\$6,631.03	\$1,218.94	(\$281.06)	-18.74
1-bedroom ownership	2.5	59	\$20.66	\$3,047.35	\$1,218.94	(\$281.06)	-18.74
2-bedroom affordable rental	6.6	111.5	\$0.00	\$0.00	\$0.00	(\$1,500.00)	-100.00
2-bedroom rental	3.3	111.5	\$20.66	\$7,601.85	\$2,303.59	\$803.59	53.57
2-bedroom ownership	5.4	111.5	\$20.66	\$12,439.39	\$2,303.59	\$803.59	53.57
3-bedroom ownership	2.5	178.8	\$20.66	\$9,235.02	\$3,694.01	\$2,194.01	146.27
Commercial	4	111.5	\$20.66	\$9,214.36	\$2,303.59	\$803.59	53.57
Major Alterations	8	59	\$20.66	\$9,751.52	\$1,218.94	(\$281.06)	-18.74
<b>TOTALS</b>				<b>\$57,920.52</b>			
<b>LCC amount for 48 units (@\$1500 ea)</b>				<b>\$72,000</b>			
<b>Difference</b>				<b>(\$14,079.48)</b>			

**Scenario 4: Development Charge Geared to “Ability to Pay” (i.e. % Increase Capped at 100%), Commercial and Major Renovations Included**

Project	# units	Average area (m <sup>2</sup> )	Charge per m <sup>2</sup>	Total charges	Per unit charge	DCC- LCC	% Increase (vs LCC)
1-bedroom affordable rental	10.56	59	\$0.00	\$0.00	\$0.00	(\$1,500.00)	-100.00
1-bedroom rental	5.44	59	\$16.75	\$5,376.08	\$988.25	(\$511.75)	-34.12
1-bedroom ownership	2.5	59	\$16.75	\$2,470.63	\$988.25	(\$511.75)	-34.12
2-bedroom affordable rental	6.6	111.5	\$0.00	\$0.00	\$0.00	(\$1,500.00)	-100.00
2-bedroom rental	3.3	111.5	\$16.75	\$6,163.16	\$1,867.63	\$367.63	24.51
2-bedroom ownership	5.4	111.5	\$16.75	\$10,085.18	\$1,867.63	\$367.63	24.51
3-bedroom ownership	2.5	178.8	\$16.75	\$7,487.25	\$2,994.90	\$1,494.90	99.66
Commercial	4	111.5	\$16.75	\$7,470.50	\$1,867.63	\$367.63	24.51
Major Alterations	8	59	\$16.75	\$7,906.00	\$988.25	(\$511.75)	-34.12
<b>TOTALS</b>				<b>\$46,958.79</b>			
<b>LCC amount for 48 units (@\$1500 ea)</b>				\$72,000			
<b>Difference</b>				<b>(\$25,041.21)</b>			

The four scenarios show a range of potential implications from a development charge, both in terms of generated revenues and effects on new owned dwellings, which presumably would not receive an incentive.

The highest revenue generator is Scenario 1 (charge proportional to CPSI) and results in \$73,592, with virtually no impact on total development costs (compared to the LCC) for 1-bedroom dwellings but an almost doubling and quadrupling of costs for 2-bedroom and 3-bedroom dwellings, respectively. The lowest revenue generator (charge geared to maximum 100% cost increase cap, or \$16.75/m<sup>2</sup>) generates \$46,959, reduces costs by over 1/3 for 1-bedroom units and limits increases for 2 and 3-bedroom dwellings to 25% and 100% respectively. Please refer to the table below.

Scenario	Charge	Total revenues	% Cost Increase for 1-bdm owned	% Cost Increase for 2-bdm owned	% Cost Increase for 3-bdm owned
<b>1 – Median Income</b>	\$26.25	\$73,592.14	3.25	95.13	212.9
<b>2 – CPSI</b>	\$27.55	\$77,236.70	8.36	104.79	228.40
<b>3 – Median Income + CPSI</b>	\$20.66	\$57,920.52	-18.74	53.57	146.27
<b>4 – 100% Cost Increase Cap</b>	\$16.75	\$46,958.79	-34.12	24.51	99.66

The question of how to allocate the revenues generated by a new development charge relies on a more detailed understanding of how the current Load Capacity Charge of \$1500 actually relates to real costs incurred by the City. If in fact the \$1500 offsets infrastructure maintenance or expansion costs not covered through City utility fees and taxes, then only Scenarios 1 and 2 provide additional revenues from which grants could be funded, however nominal (\$1592 and \$5237, respectively).

However, if that relationship can't be clearly established, Council could theoretically allocate the revenues to one or more grant programs directed towards OCP/growth priorities, such as heritage, affordable housing, or Downtown revitalization.

# Report to Council



For Council Decision     For Council Direction     For Council Information

In Camera

<b>SUBJECT:</b>	Cannabis Regulations	
<b>PREPARED BY:</b>	Clarissa Huffman, CDO	<b>ATTACHMENTS:</b> n/a
<b>DATE:</b>	June 5, 2019	
<b>RELEVANT BYLAWS / POLICY / LEGISLATION:</b>	Cannabis Control and Regulation Act Official Community Plan Zoning Bylaw	

## RECOMMENDATION

It is respectfully recommended that Council provide feedback on what cannabis regulations they wish to vary, and direct administration to prepare a zoning bylaw amendment for first reading to enact a set of City of Dawson cannabis land use regulations.

## ISSUE

Yukon Government passed the Cannabis Control and Regulation Act in 2018. The regulations specify regulations that must be followed by all licensees, and also indicates that some regulations may be varied by municipalities. Council may now wish to consider these regulations and which, if any, regulations are to be varied.

## BACKGROUND SUMMARY

Yukon Government passed the Cannabis Control and Regulation Act in 2018, and applicants could apply for a retail licence as of Spring 2019. The City of Dawson has already received notice of one such application within the City of Dawson. Prospective licensees can apply for one of two types of licence: either a sub-class 1 (store within a store), where a portion of the store is restricted access and dedicated specifically to cannabis sales, or a sub-class 2 (stand-alone), where cannabis retail sale is the sole purpose of the space.

There are a set of common provisions which apply to all cannabis retail locations, and these cannot be varied:

- The store must restrict access to individuals below the age at which you are legally able to purchase cannabis.
- Cannabis must be purchased from the distributor corporation.
- Consumption of cannabis is not allowed within the premises.
- The location must secure with a burglar alarm and video surveillance systems.
- Licensees must submit criminal record checks to the Yukon Liquor Corporation as part of their licence application.
- Licensees are responsible for ensuring that criminal record checks have been completed for employees as per the Cannabis Licensing Regulation.
- Retailers must sell products in the original and sealed packaging (i.e. no bulk bins or self serve).

- Retailers will be required to report their financial information, product inventory and other information to the Yukon Liquor Corporation.

Part of the application process is for Yukon Liquor Corporation to review municipal bylaw compliance, and a licence will not be issued for an application that does not conform to municipal bylaws. Therefore, it is in the best interest of the municipality to decide what cannabis sales will look like in Dawson, and how to implement this vision with appropriate regulations.

## ANALYSIS / DISCUSSION / ALIGNMENT TO OCP & STRATEGIC PRIORITIES

### **Cannabis Control and Regulation Act**

There are several regulations that may be varied by the municipality based on their interests for the community and the implementation of cannabis retailing. Council may wish to consider these regulations, and how they achieve the vision for cannabis sales in the City of Dawson. This may result in varying some or all of these conditions to be context-specific for the City of Dawson.

#### *1. Tobacco or Alcohol sales*

Under the territorial regulations, neither tobacco nor alcohol may be sold in the licensed premises. Municipalities, by bylaw, may decide that to allow for the sale of either or both of these regulated products in the same premise as cannabis. Not allowing for the sale of products other than cannabis and cannabis accessories, seems to be a common public safety regulation; for example, in British Columbia, the regulations do not allow for a cannabis retail location to sell snacks, tobacco, or items not related to cannabis. It does not appear that other jurisdictions in the Yukon have varied this regulation.

#### *2. Hours of Operation*

The maximum hours of operation are from 9:00 a.m. to 2:00 a.m. the following day. The Cannabis Licensing Board and Municipalities are permitted to further **restrict** the hours of operation. The City of Dawson could choose to further restrict these hours but cannot relax them. For example, Teslin further restricted operating hours to 9am-8pm.

#### *3. Setbacks*

The required setback from an elementary or secondary school is 150 metres in the current regulation, unless varied by a municipal bylaw. Teslin varied the setback to 300 metres from any school, any registered day care, and any community centre, as well as 300 metres from any other cannabis retail location. Another example is Whitehorse, who in addition to the 150m regulation for schools, added a buffer that is 100 metres from any parks with a play structure, from any service providers to youth at risk, any temporary shelter services, and any other cannabis retail locations.

This regulation has garnered the most conversation in Dawson to date, as it has been brought to the Council table by a potential cannabis retailer. Conversations thus far regarding setbacks have varied but it has been concluded that with the current inclusion in the zoning bylaw that allows this activity as a permitted use in the commercial zone, we have already created a variance to the federal regulation. While the initial intention was to allow this activity, it was not necessarily intended to vary the regulations as this distinct discussion has not yet occurred. It would be prudent to have further discussions on this issue as an allowable variable to the federal regulation by council to ensure we are reflecting the vision for this activity in the community. For example, is there a desire to vary the 300 m between cannabis retailers?

#### *4. Sale of Cannabis Accessories*

Under the regulations, cannabis retail stores can also sell cannabis accessories (for example rolling papers, lighters, smoking paraphernalia). If desired, Council could restrict or disallow the sale of these types of accessories. Administration is not aware of an example of a jurisdiction which chose to vary this regulation.

#### *5. Sale of Goods*

Currently, cannabis retail stores are not allowed to sell non-regulated goods other than cannabis accessories (such as snacks, clothing, promotional materials). Council could, if desired, vary this to allow the sale of non-regulated goods. Administration is not aware of an example of a jurisdiction which chose to vary this regulation.

## 6. Other Provisions

In a bylaw, the City of Dawson could choose to implement any other regulations to manage cannabis retail sales, as long as they do not conflict with required territorial regulations. For example, Teslin regulated the permitted signage locations and sizes for cannabis retail locations, as well as required licensees to provide a management plan for mitigating potential noxious odours. Council may wish to consider if there are any other regulations that they feel would benefit the community by minimizing any negative impacts on the community.

One such regulation that has been discussed previously by Council is that of including a definition for an 'indoor growing facility', and in what zones such a use would be considered compatible/appropriate. Previous discussions have included trying to determine whether such a use fits under a different definition such as garden centre or greenhouse, but neither of these definitions match the purpose and intent of an indoor growing facility as it has been presented. The simplest way to solve this would be to include a new definition and identify it as a permitted use in the appropriate zones. Considerations include:

1. Whether this use should be considered a permitted use in commercial, industrial, or agricultural zones (or several of these);
2. Whether an indoor growing facility is intended to capture only cannabis plant growing, or other commercial growing as well (i.e. food or bedding plants).
3. The specific instances in which a cannabis grower can grow at their residence. The only permitted growing on a residential property is for personal use. The regulations allow for four plants per owner-occupied residential property. This is not a variable regulation; i.e. the number does not increase to 8 plants if a residence has two non-related adults (such as the owner and a renter), and the provision only applies to primary dwellings, not non-owner-occupied rental properties. Further, industrial/commercial cannabis production is federally regulated. Canada's *Cannabis Regulations* s.40 states that "a holder of a [cultivation] licence must not conduct any activity that is authorized by the licence at a dwelling-house". Therefore, it is clear that cannabis growing above and beyond personal use cannot be located on a residential property and could not be considered as a home occupation or home industry.

## Official Community Plan

The Downtown Core designation in the OCP is intended to accommodate a broad range of uses focusing on the commercial, cultural, and community needs of residents and visitors. Further, one of the stated Long-Term Goals for Economic Development (s. 8.1) states that the City should be considering implementation of programs and policies that help to ensure that "new economic sectors have an opportunity to succeed".

Therefore, the City of Dawson should be considering how this new economic sector (cannabis retail) fits into the community fabric, and what implementation approaches are required to ensure the success of this sector, while also considering broader community impacts (both positive and negative) and how regulations may change the balance between economic success of the industry, potential land use conflicts, and community health and safety.

## Zoning Bylaw

In the ZBL, cannabis retail service is defined as "the retail sale of cannabis and products containing cannabis to the public; this includes storing cannabis onsite to support the operations of those premises". Additionally, in s. 12.1.1, cannabis retail services is listed as a permitted use in the Commercial zone.

In order to provide clarity to potential applicants and YLC inspectors checking for compliance, a zoning bylaw amendment will be required to outline in detail which regulations the City of Dawson has varied or added.

**APPROVAL****NAME:** Cory Bellmore, CAO**SIGNATURE:****DATE:** June 12, 2019A handwritten signature in blue ink that reads "C. Bellmore". The signature is written in a cursive style with a large initial "C".