

THE CITY OF DAWSON



COMMITTEE OF THE WHOLE MEETING #CW19-15

DATE: MONDAY, May 27, 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 CW19-15

3. DELEGATIONS AND GUESTS

- a) Sarah Cooke RE: Set Backs for Cannabis Retail Store

4. ADOPTION OF THE MINUTES

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

5. BUSINESS ARISING FROM THE MINUTES

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

6. SPECIAL MEETING, COMMITTEE, AND DEPARTMENTAL REPORTS

- a) Request for Decision RE: Subdivision Application #18-023 Request for Extension
- 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: *Official Community Plan Bylaw* Amendment and *Zoning Bylaw* Amendment – Mining Claims included under WUL PM17-019 and MLU AP17019

7. BYLAWS AND POLICIES

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

8. CORRESPONDENCE

- a) Kelli Taylor, ADM RE: Yukon University Legislation
- b) Sue Lancaster RE: Request for Garbage Bin at Guggieville Subdivision

9. PUBLIC QUESTIONS

10. INCAMERA SESSION

- a) Human Resource and Land Related Matters

11. ADJOURNMENT

MINUTES OF COMMITTEE OF WHOLE MEETING CW19-14 of the council of the City of Dawson called for 7:00 PM on Monday, May 06, 2019 in the City of Dawson Council Chambers.

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

REGRETS:	Councillor	Bill Kendrick
-----------------	------------	---------------

ALSO PRESENT:	CAO EA	Cory Bellmore Heather Favron
----------------------	-----------	---------------------------------

Agenda Item: Call to Order

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

Agenda Item: Agenda

Mayor Potoroka declared conflict, passed the Chair to Deputy Mayor Johnson and stepped down from council at 7:01 p.m.

CW19-14-01 Moved by Councillor Ayoub, seconded by Councillor Shore That Committee of Whole accepts Wayne Potoroka RE: Request to Purchase as a time sensitive item pursuant to Section 7(1) of Bylaw #11-12 being the Council Proceedings Bylaw. Carried 3-0

CW19-14-02 Moved by Councillor Shore, seconded by Councillor Ayoub that the agenda for committee of the whole meeting #CW19-14 be accepted as amended. Carried 3-0

Mayor Potoroka rejoined council at 7:02 p.m. Deputy Mayor Johnson passed the chair to Mayor Potoroka.

Agenda Item: Delegations and Guests

a) Sarah Cooke and Anna Radzimirska RE: Cannabis Retail Licenses for the City of Dawson

Sarah Cooke and Anna Radzimirska were present to request the city cap cannabis retail licenses in the City of Dawson to one. The presentation included an overview of the reasons why they feel only one cannabis retail store should be allowed, which included

- One store can adequately supply the population of Dawson City.
- It is in the best interests of Dawson City for an ethical, engaged local entrepreneur to hold the license and not a faceless corporate entity from outside.
- Pricing and low profit margin due to restrictions and regulations.
- Product coming from the same supplier.
- High cost of license, fees, and operating costs. The costs are the same whether you have a population of 2300 or 35,000. In Vancouver there is 1 store per 11,000 people.
- Help ensure business is operated by a business owner that considers the impact on our town and the responsibility of distributing these products.
- Currently they are the only submission for Dawson City and it would save them and others the stress of opening a business that would otherwise struggle
- Allow them to focus efforts on a viable business

They are both moms, homeowners and active community members who have every intention of running the business in an ethical, respectful and discrete manner. In the event their application is successful the store will be located above the CIBC bank. They plan to petition YG to improve packaging and prices and intend on finding smaller, high quality suppliers which are inline with their values: organic, as little packaging as possible, and recyclable packaging. They hope to work with a local grower to bring in local products and support other aspects of the industry to improve the product, the environmental impact and the sustainability.

Mayor Potoroka declared conflict, passed the Chair to Deputy Mayor Johnson and stepped down from council at 7:12 p.m.

b) Wayne Potoroka RE: Request to Purchase

Wayne Potoroka was in attendance to present council with a history and overview of outstanding property issues, and to reiterate his longstanding request to purchase city land required to resolve some of the outstanding property issues.

Outstanding property issues include

- surface water draining onto septic field
- road encroaching onto property
- past approvals, old lot reconfigurations, and in complete development plans resulting in poor lot configuration and unsafe setbacks for his property
- geotechnically unstable ground
- city owned neighbouring property is rapidly becoming a sink hole which is compromising the lateral support of his property and foundation

The foundation needs to be built up and eleven to twelve feet would be the minimum amount of land required to accomplish the project. However, the road is also part of the request to ensure lateral stability of property and structure into the future.

Mayor Potoroka rejoined council at 7:47 p.m. Deputy Mayor Johnson passed the chair to Mayor Potoroka.

c) Jane Koepke, Groundswell Planning RE: Interim Report: Recreation Department Master Plan

Jane Koepke was in attendance to present council with the draft plan framework for the Parks & Recreation Master Plan and to discuss and gather feedback regarding:

- Vision
- Guiding Principles
- Roles of the City in fulfilling the vision
- Goals and Actions

Agenda Item: Business Arising from Delegations

c) Jane Koepke, Groundswell Planning RE: Interim Report: Recreation Department Master Plan

Committee of Whole requested the matter be included as an agenda item for the May 13th council meeting.

Agenda Item: Adoption of the Minutes

- a) Special Committee of Whole Meeting Minutes CW19-11 of April 09, 2019

CW19-14-03 Moved by Mayor Potoroka, seconded by Councillor Ayoub that the minutes of special committee of the whole meeting #CW19-11 of April 09, 2019 be accepted as presented. Carried 4-0

- b) Special Committee of Whole Meeting Minutes CW19-12 of April 11, 2019

CW19-14-04 Moved by Mayor Potoroka, seconded by Councillor Shore that the minutes of special committee of the whole meeting #CW19-12 of April 11, 2019 be accepted as presented. Carried 4-0

- c) Committee of Whole Meeting Minutes CW19-13 of April 15, 2019

CW19-14-05 Moved by Mayor Potoroka, seconded by Councillor Ayoub that the minutes of committee of the whole meeting #CW19-13 of April 15, 2019 be accepted as presented. Carried 4-0

Agenda Item: Special Meeting, Committee and Departmental Reports

- a) Request for Direction RE: Subdivision Application #18-026 Request for Extension

CW19-14-06 Moved by Councillor Ayoub, seconded by Councillor Johnson that committee of the whole forwards the Request for Decision RE: Subdivision 18-026: Extension Request with a recommendation to approve. Carried 4-0

- b) Request for Direction RE: RE: Subdivision Application 18-133: Lot 9 & 10 Block LE, Harper

CW19-14-07 Moved by Mayor Potoroka, seconded by Councillor Shore that committee of the whole forwards the Request for Decision RE: Subdivision Application #18-133: Lots 9 and 10, Block LE, Harper Estate with a recommendation to approve subject to the conditions presented in report. Carried 4-0

Agenda Item: Correspondence

- a) Senator Pat Duncan RE: National Health and Fitness Day

CW19-14-08 Moved by Mayor Potoroka, seconded by Councillor Ayoub that committee of the whole acknowledges receipt of the letter from Senator Pat Duncan and forwards a recommendation to council to proclaim Saturday June 1st as National Health and Fitness Day in the City of Dawson. Carried 4-0

Agenda Item: In camera Session

CW19-14-09 Moved by Mayor Potoroka, seconded by Councillor Johnson that committee of the whole move into a closed session for the purposes of discussing legal and land related matters as authorized by section 213 (3) of the Municipal Act. Carried 4-0

- CW19-14-10** Moved by Councillor Johnson, 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 2-1
- CW19-14-11** Moved by Councillor Johnson, seconded by Councillor Shore that committee of the whole extend meeting CW19-14 no longer than 30 mins.
Carried 2-1
- CW19-14-12** Moved by Councillor Johnson, seconded by Councillor Shore that committee of the whole reverts back to closed session of committee of the whole. Carried 3-0
- CW19-14-13** Moved by Councillor Johnson, seconded by Councillor Ayoub that committee of the whole reverts to an open session of committee of the whole and proceeds with the agenda.
Carried 3-0

Agenda Item: Adjournment

- CW19-14-14** Moved by Councillor Johnson, seconded by Councillor Shore that committee of the whole meeting CW19-14 be adjourned at 10:08 p.m. with the next regular meeting of committee of the whole being May 27, 2019. Carried 3-0

**THE MINUTES OF COMMITTEE OF WHOLE MEETING CW19-14 WERE APPROVED BY
COMMITTEE OF WHOLE RESOLUTION #CW19-__-__ AT COMMITTEE OF WHOLE MEETING
CW19-__ OF MAY 27, 2019.**

Wayne Potoroka, Chair

Cory Bellmore, CAO

Report to Council



☒ For Council Decision ☐ For Council Direction ☐ For Council Information

☐ In Camera

SUBJECT:	Subdivision 18-023: Extension Request	
PREPARED BY:	Clarissa Huffman, CDO	ATTACHMENTS: 1. Extension Request Letter
DATE:	May 21, 2019	
RELEVANT BYLAWS / POLICY / LEGISLATION: Municipal Act Official Community Plan Zoning Bylaw Subdivision Bylaw		

RECOMMENDATION

That Council approve an extension for Subdivision Application #18-023, until September 30, 2019.

ISSUE

The applicant wishes to extend their subdivision approval #18-026 for an additional few months.

BACKGROUND

The application was granted subdivision authority by Council on June 12, 2018 with resolution C18-19-13; therefore, subdivision authority expires on June 12, 2019. The applicant has requested an extension until the end of July. To avoid complications, administration is recommending approval of an extension to the end of September. The applicant states his confidence that the conditions can be fulfilled by the end of July, but by providing until the end of September, there is a small buffer in the event of delays.

ANALYSIS / DISCUSSION / ALIGNMENT TO OCP & STRATEGIC PRIORITIES

The status of the applicant's conditions is as follows:

- 1.1. The applicant submits a Stormwater Management Plan to the satisfaction of the CDO and Public Works Superintendent.
- 1.2. PRIOR to approval of a plan of subdivision, the applicant shall provide confirmation to the satisfaction of the CDO that all retained structures are raised to the minimum standards listed in S. 8.2 and 4.8 of the Zoning By-Law, OR that the applicant receives relief of S 8.2 and 4.8 from the Board of Variance for the existing structures.
- 1.3. The applicant submits a plan of subdivision completed by a certified lands surveyor drawn in conformity with the approval.
- 1.4. 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.
- 1.5. Access details for the two proposed lots submitted as per the Municipal Act S. 314, to the satisfaction of the CDO and the Public Works Superintendent.

It should be noted that condition 1.2 is based on ZBL #12-27, which is no longer in effect. It is best practice, in order to be fair to an applicant, that their application is assessed based on the bylaws in effect at the time of the submission of a complete application. Given that this approval is an extension of an approval that was issued under ZBL #12-27, the conditions should still apply as is. If subdivision authority were to lapse, a new application would need to be considered based on the provisions of ZBL #2018-19.

None of the conditions have been fulfilled to date. The applicant has provided a letter indicating that they were unable to meet their conditions due to being out of the territory for 6 months. Administration has not identified any negative impacts that could result from approving this extension. S. 319(2) of the Municipal Act states that *“approval of an application shall be valid for a period of 12 months and may be subject to renewal for one more period of 12 months at the discretion of the approving authority”*. Therefore, Council has the authority to approve this extension request.

APPROVAL		
NAME:	Cory Bellmore, CAO	SIGNATURE:
DATE:		

To: City of Dawson


Attn: Clarissa Huffman

RE: Subdivision Application #18-023

I would like to ask for an extension beyond May 16 to complete the terms outlined in the approval letter from May 16 2018. I have just returned to the Yukon after 6 months away and have not completed all that is required.

I am sure I can have all conditions met by the end of July.

Thank you

Carl MacKenzie


Thomas Whilling LTD
202 - War Eagle Way
Whitehorse Yukon T

Y1A 0C2
Ph 332-8337

Report to Council



☒ For Council Decision ☐ For Council Direction ☐ For Council Information

☐ In Camera

SUBJECT:	Official Community Plan Amendment #19-010, Zoning Bylaw Amendment #19-011, and Subdivision Application #19-027: Lot 1047-2 Klondike Highway	
PREPARED BY:	Clarissa Huffman, CDO	ATTACHMENTS: 1. Applications & Supporting Documentation
DATE:	May 21, 2019	
RELEVANT BYLAWS / POLICY / LEGISLATION: 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 entire discrepancy area to P: Parks, as shown in Figure 6 of the RFD.
2. Forward to first reading a Zoning Bylaw amendment that amends the southern portion of Disposition 2018-3280 to SC: Service Commercial, as shown in Figure 7 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 the southern portion of Disposition 2018-3280 as outlined in Figures 6 and 7 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 development has not yet occurred, as this expansion is required to facilitate the required setbacks.

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.

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.

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 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 3, where the boundary between the P1 and FP zones follows a seemingly arbitrary boundary, which is actually the boundary between what is considered a developable slope and not. This is not explicitly clear in the mapping because the topographical layers were turned off on the zoning maps to reduce visual clutter. However, this topographical boundary appears to have been missed in the OCP, where the MU: Mixed Use designation creates a straight line, rather than following the underlying contour lines. 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 contravening s. 288 is delineated with red hatch marks in Figures 1 and 3 for clarity. In order to resolve this situation, the options presented in this report assume that this discrepancy needs to be addressed.

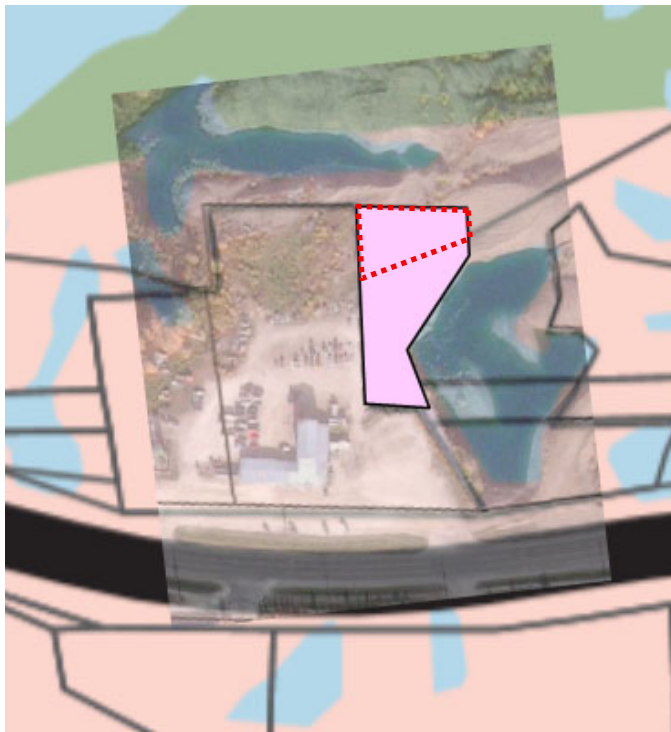


Figure 1. Current OCP Designation

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 2.

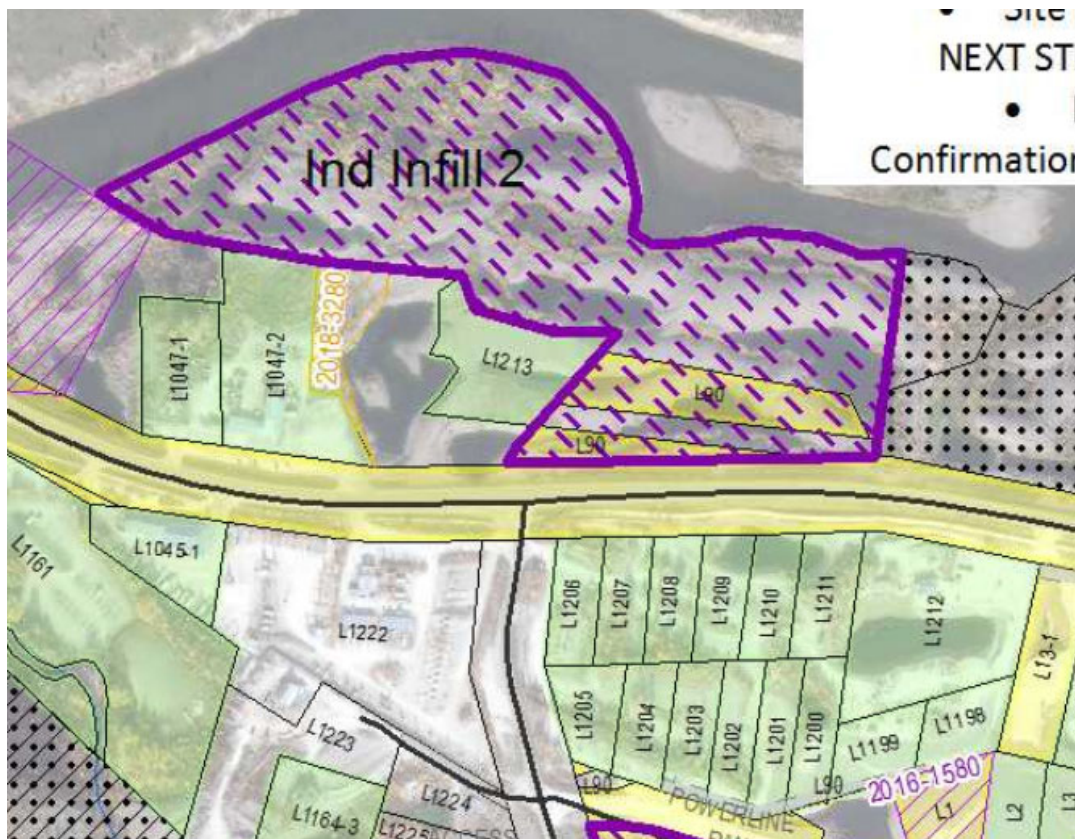


Figure 2. Industrial Infill 2 Area



Figure 3. Current ZBL Configuration

Recommendations and Rationale

Option 1: Full Approval

Full approval of this application would mean that the entire disposition will be consolidated with Lot 1047-2 and designated as MU: Mixed Use in the OCP and SC: Service Commercial in the ZBL, as seen in Figures

4 and 5. This option also amends the remainder of the discrepancy area in the OCP back to P1, as administration believes this is consistent with the intent of the documents.

This approach may not be fully compliant with s. 277, specifically regarding safe development and use of land. Option 1 would mean the sale and consolidation of a portion of land that is considered to have an undevelopable slope. It can be seen in the imagery that the northernmost portion of Lot 1047-2 is not even cleared for development, presumably due to the fact that this area also falls within the area deemed to be undevelopable, but could not be designated P1 because it was already part of a privately titled C2 lot. However, it could be argued that the impact of selling this northern portion is minimal because the property owners already own a portion of land that juts into the P1 area, and to add to that is of negligible difference.

On the other hand, 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 undevelopable 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, as it is not identified in the preliminary assessment area shown in Figure 2, and would not be the most feasible option for access due to the location of the tailings pond. 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.

This option would 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.

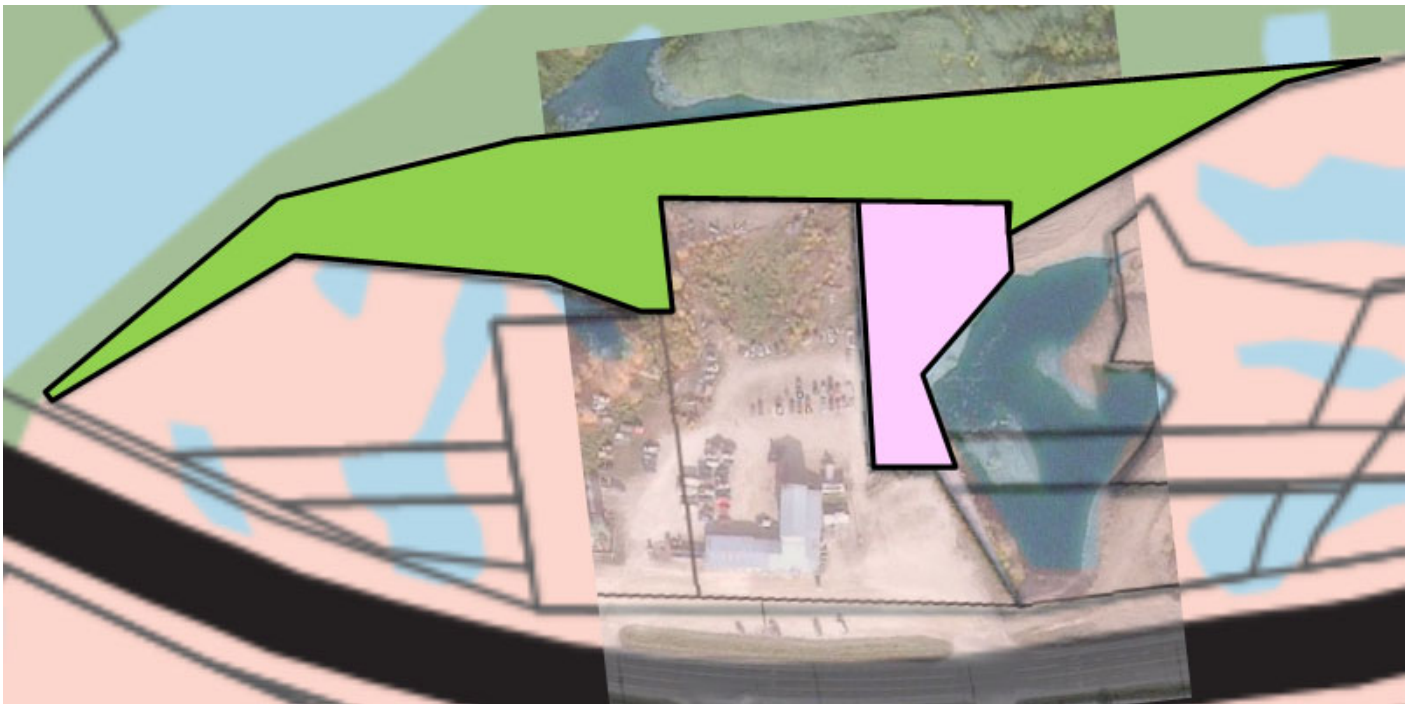


Figure 4. Option 1 OCP Amendment Configuration



Figure 5. Option 1 ZBL Amendment Configuration

Option 2: Partial Approval (Recommended)

Partial approval would mean that the southern 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 northern part 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, along with the remaining discrepancy area, as seen in Figures 6 and 7.

As mentioned in Option 1, 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, Option 2 posits that it would be rationale to decline the ZBL amendment/purchase for the P1 area in order to preserve the greenspace area given that the slope is considered to be undevelopable. This reduces the likelihood for potential negative outcomes due to slope in the future and is not likely to drastically impact the overall outcome for the applicant.

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. As mentioned above, administration believes there could be rationale to accept the ZBL amendment for the southern portion that is currently zoned FP, for the same reasons as have already been identified. Yukon Government Rural Land Development was consulted on this application and their opinion is that if the City wants the northern portion to remain Parks and Greenspace, than there would be reasonable justification for declining that portion. Their interpretation goes on to state that they agree with administration's interpretation that filling the pond for development would be costly, and that this extension, in full or in part, would not likely impact the "Industrial Infill 2" development area. Therefore, from YG's perspective, neither option 1 or 2 would impact future development.

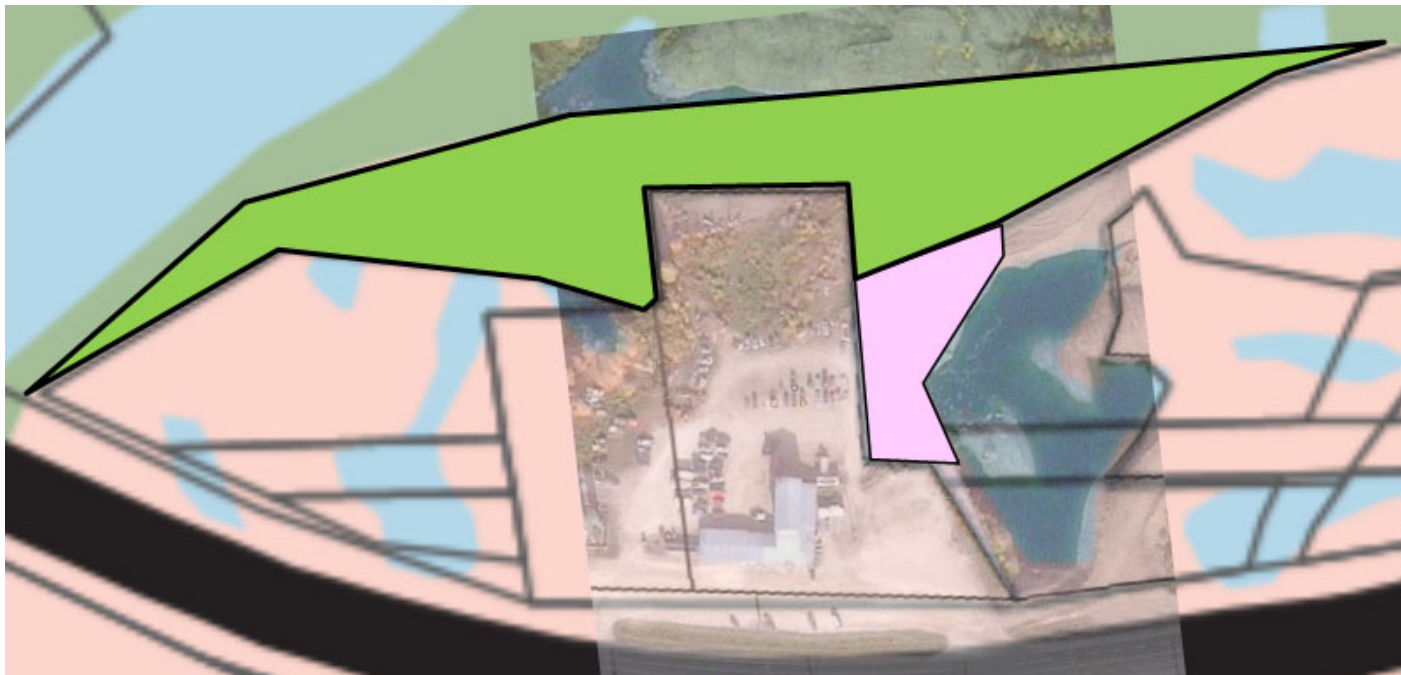


Figure 6. Option 2 OCP Amendment Configuration



Figure 7. Option 2 ZBL Amendment Configuration

Option 3: Decline the application

Option 3 is to decline the sale and consolidation of the disposition with Lot 1047-2. In this case, the northern portion of the disposition would be designated as P in the OCP and P1 in the ZBL in order to resolve the noted inconsistency, and the southern portion of the disposition would retain its current designations of MU in the OCP and FP in the ZBL. The new OCP designation is shown in Figures 8 and 9. Having something designated MU in the OCP and then FP in the ZBL is not problematic or in contravention of s. 277 in the view of administration, because FP is not inconsistent with MU, it is simply stating that the City will be doing more research to determine the zoning provisions for a future zoning designation that fits within the characteristics of the MU OCP designation. The same cannot be said for the part that is Parks, as there is a clear inconsistency between the goals of the MU designation and the Parks zone.

This option would allow Council to proceed with the “Industrial Infill 2” development, though an expansion to include the disposition area would likely require in-depth discussions about whether or not the benefits of

filling in the pond for development would outweigh the costs. The applicant could reapply for this amendment and consolidation once it has been determined definitively that there is no intent to expand the “Industrial Infill 2” area to include the disposition. This option does not resolve the encroachment issues identified in the application letter, and Yukon Government may, at any point, require the applicant to remedy this situation by removing the encroaching storage.

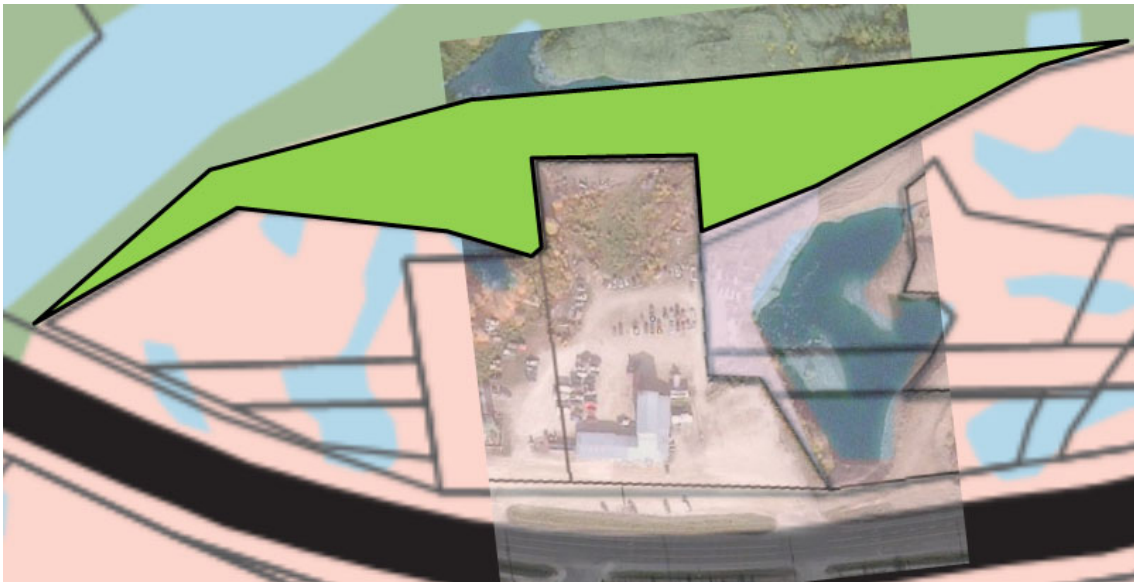


Figure 8. Option 3 OCP Amendment Configuration



Figure 9. Option 3 ZBL Amendment Configuration

APPROVAL		
NAME:	Cory Bellmore, CAO	SIGNATURE:
DATE:		

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

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

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 (536114 Yukon Inc.)
MAILING ADDRESS: Box 7000, Dawson, YT, Y0B 1G0 POSTAL CODE: Y0B 1G0
EMAIL: Service@nsmechanical.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: Park & 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



THE CITY OF DAWSON

Box 308 Dawson City, YT Y0B 1G0
PH: 867-993-7400 FAX: 867-993-7434
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 OF APPLICANT(S)

02/06/19
DATE SIGNED


SIGNATURE OF OWNER(S)

TO BE COMPLETED BY DEVELOPMENT OFFICER:

FOR OFFICE USE ONLY

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.



THE CITY OF DAWSON

Box 308 Dawson City, YT Y0B 1G0
PH: 867-993-7400 FAX: 867-993-7434
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 Ynkon 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 Quand 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.



THE CITY OF DAWSON

Box 308 Dawson City, YT Y0B 1G0
PH: 867-993-7400 FAX: 867-993-7434
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 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.
- 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 OF APPLICANT(S)

02/06/19
DATE SIGNED


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.

1. Bylaw Amendments:

- a) Text Amendments: Any person may apply for an amendment to the text of the City of Dawson zoning bylaw by paying the required fees and submitting all text amendment application requirements .
- b) Rezoning Amendments: An owner of land in the City, or an authorized agent of an owner, may apply to have the zoning designation of the land amended to another zoning designation by paying the required fees and submitting all rezoning 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 rezoning, a Development Officer shall initiate or undertake an investigation and analysis of the potential impacts of development under the proposed zone. The analysis shall be based upon the full development potential of the uses and development regulations specified in the proposed zone 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 rezoning, 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 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.).
- b) For zoning amendments proposed for one property, a zoning 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.



THE CITY OF DAWSON

Box 308 Dawson City, YT Y0B 1G0
PH: 867-993-7400 FAX: 867-993-7434
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

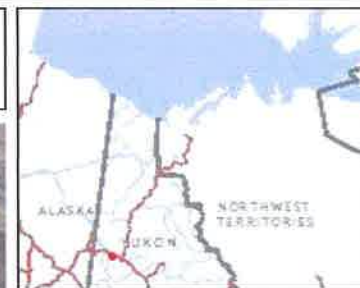
OWNER NAME(S): Katherine & Chris Dalgarno (536114 Yukon Inc.)
MAILING ADDRESS: Box 1319, Dawson, YT POSTAL CODE: Y0B 1G0
EMAIL: Service@ANMechanical.com FAX #: _____
PHONE #: 993-5785 ALTERNATE PHONE #: 333-9355

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



Legend

- ☐ Surveyed Land Parcels (<80k)
- ☐ Surveyed Easements (<80k)



0.1 0 0.03 0.1 Kilometers

Yukon Albers
Produced from: EMR Internal Viewer

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: 24-Aug-2018

Notes

Current Address:

Lot 1047-2

Quad 116 B/3 LTO

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

Consideration: \$22,000.00
Considération

Certificate: 131324
Enlargement: 212081

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

19 Feb 2016 at 1522 Hours

for 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		2012-0181

Dawson City

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 memorandum 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.



Report to Council

☒ For Council Decision

☐ For Council Direction

☐ For Council Information

☐ In Camera

SUBJECT:	Official Community Plan Amendment #18-140 & Zoning Bylaw Amendment #18-141	
PREPARED BY:	Clarissa Huffman, CDO	ATTACHMENTS: 1. Applications & Supporting Documentation 2. TH Comments
DATE:	May 15, 2019	
RELEVANT BYLAWS / POLICY / LEGISLATION: Municipal Act Official Community Plan Zoning Bylaw		

RECOMMENDATION

It is respectfully recommended that Council:

1. Not forward areas 1, 2, or 3 for amendment.
2. Forward area 4 for first reading of a bylaw to amend from Future Planning to Industrial.
3. Forward area 5 for first reading of a bylaw to amend from Parks and Greenspace to Industrial.

ISSUE

The applicant has submitted an application for an OCP/ZBL amendment to amend the designations for their claims from Future Planning & Parks and Greenspace to Industrial, to facilitate an existing Class 4 placer mining operation.

BACKGROUND SUMMARY

Nuway Crushing Ltd has an active Water Use Licence PM17-019 (WUL), and an active Class 4 Mining Land Use Approval AP17019 (MLU), for the claims identified in Figure 1.

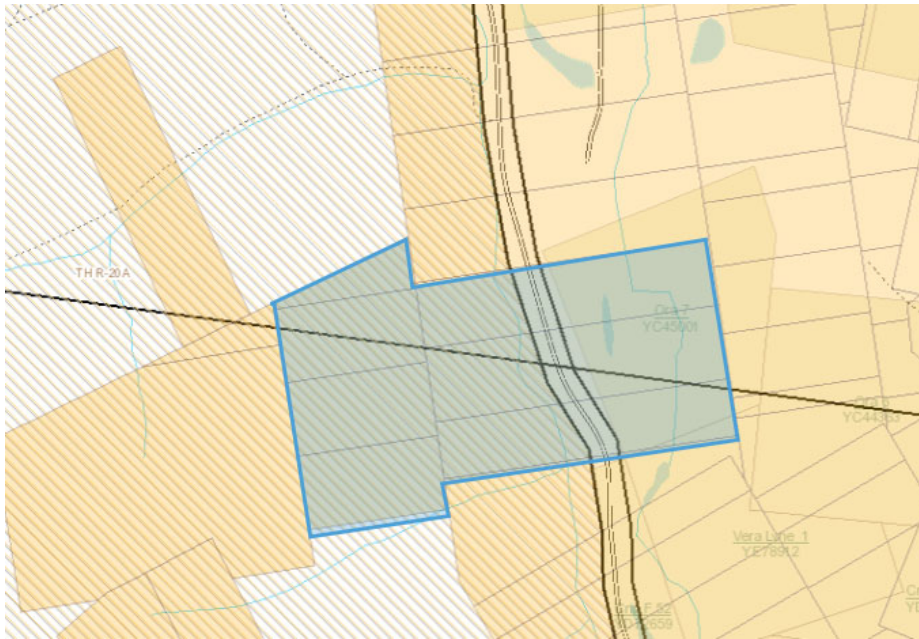


Figure 1. WUL and MLU Locations.

Claims located in the shaded blue area are included under WUL PM17-019 and MLU AP17019. It should be noted that the claim area is bisected by the municipal boundary; claims, or portions thereof, outside the municipal boundary are not included in this application. Additionally, comparing Figure 1 and Figure 2, it is clear that in addition to proposing an amendment for the active licences, the applicant is proposing an amendment to land/claims not currently included in the active WUL and MLU.

ANALYSIS / DISCUSSION / ALIGNMENT TO OCP & STRATEGIC PRIORITIES

This application is quite complex, so for ease of understanding, the claim area has been broken down into sections/areas based on jurisdiction and current planning designations, as seen in Figure 2. It should be noted that Figure 2 is not a georeferenced overlay, so there is a margin of error; however this map is the closest approximation with available tools.

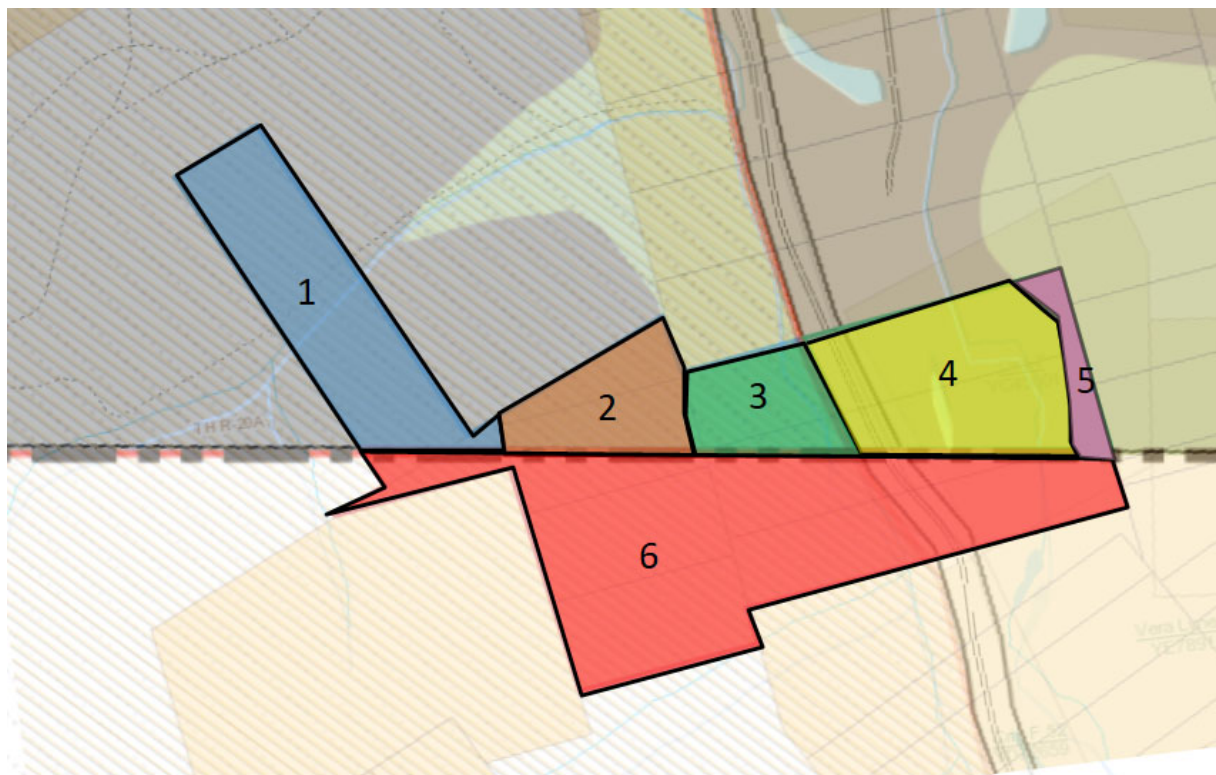


Figure 2. Colour Coded Explanation of Jurisdiction and Designations (OCP with claim map overlay).

Area	Description
1	Overlaps Tr'ondëk Hwëch'in (TH) Settlement Land Parcel R-20A. Currently designated Future Planning at the request of TH during recent OCP planning process. Claims in area 1 are not covered by an active WUL or MLU.
2	Overlaps Tr'ondëk Hwëch'in (TH) Settlement Land Parcel R-20A. Currently designated Future Planning at the request of TH during recent OCP planning process. Claims in area 2 are covered under the above-mentioned active WUL and MLU.
3	Overlaps Tr'ondëk Hwëch'in (TH) Settlement Land Parcel R-20A. Currently designated Parks and Greenspace. Claims in area 3 are covered under the above-mentioned active WUL and MLU.
4	Currently designated Future Planning. Claims in area 4 are covered under the above-mentioned active WUL and MLU.

5	Currently designated Parks and Greenspace. Claims in area 5 are covered under the above-mentioned active WUL and MLU.
6	Claims are held by the applicant but are outside the municipal boundary and therefore not included in this application. Area 6 will not be discussed further in this report.

Table 1. Explanations of areas shown in Figure 2.

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. Finally, given that this application is partially located on TH Settlement Land, TH has been requested to comment on this application.

Official Community Plan

In order to assess whether or not this amendment is aligned with the purpose and intent of the OCP, the application has been assessed based on the three criteria listed in s. 277, as outlined above.

Areas 4 and 5 could be viewed as achieving a safe, healthy, and orderly development of the land. These areas also maintain the compatibility of the patterns of activity and development in that area. These areas

are clustered in a relatively small area on Bonanza Creek Road at the edge of the municipal boundary. This area is not titled property, nor is it Settlement Land, and has historically been used for mining and mineral extraction related activities.

Area 4 is currently designated Future Planning. Future Planning designation is given to an area when further research and investigation is required before assigning a preferred designation, to avoid designating parcels of land with a vision that is not feasible. In preliminary planning work completed by Yukon Government in consultation and collaboration with the City of Dawson administration and Mayor and Council, this area was not identified as a potential area for short-medium term location for industrial lot development, in large part due to the many active placer claims in the area. Area 5 was designated Parks and Greenspace due to the slope of the land making it unsuitable for development. Mitigating conditions for safety and reclamation are included in the WUL and MLU, and thus administration has no concerns with allowing mining to occur in this area, particularly because this area is not likely to be developed. Based on this, allowing this mining project to proceed by amending the designation from Future Planning to Industrial may facilitate future industrial lot development by allowing the claims to be worked and exhausted while other priority areas are developed.

Areas 1,2, and 3 are more problematic. These areas overlap with TH Settlement Land Parcel R-20A, and are designated Future Planning, at the request of TH. TH, in their comments on this proposal, hold a clear position that they do not support this amendment application. Specifically, their comments read as follows: “TH has specific concerns and interests relating to marketable timber, aggregate resources, reclamation, and security that were brought up in the proponent’s original [application]...We consider that amending the ZBL and OCP to enable the mining activity to go ahead without a full consultation process with our First Nation does not adequately address or recognize our concerns and interests”. Therefore, administration would not recommend proceeding with this amendment at this time.

Zoning Bylaw

The zoning designations in this area correspond with the OCP designations as described above. Natural resource extraction is a permitted use in an Industrial zone, so this amendment would facilitate the ability of the applicant to obtain a development permit for this work and comply with all municipal and territorial requirements.

Areas 4 and 5 have slight complexities. Area 4 was designated Industrial in the previous ZBL and is now designated as Future Planning. Based on s. 5.2.1.6 of the ZBL, the applicant would have been permitted to continue mining had an approved development permit already been issued. An application was never submitted, presumably because it would be more efficient to submit a development permit application for the entire project. Further, areas 4 and 5 bring up an interesting conversation related to legally non-conforming status. Area 4 was previously designated Industrial and is now Future Planning. Given that a development permit had not previously been issued, natural resource extraction is not a permitted use in Area 4 as it is currently designated. Area 5 was previously designated Industrial and has now been zoned Parks and Greenspace due to the slope of the land. However, as contemplated in other mining applications, the City’s stance on legally non-conforming with respect to natural resource extraction is not yet defined. On one hand, it has been argued by some that the valid Class 4 license could be sufficient to indicate intent, thus meaning areas 4 and 5 are legally non-conforming due to an active Class 4 MLU. Alternatively, it could be argued that legally non-conforming status would be proven with a track record of approved development permits showing that the land has been used at least once every 12 months as per the *Municipal Act*. Precedent has not been set for this decision. It should also be noted that the zoning review process was not intended to zone people out of compliance – the zoning review looked at current land use and open development permits, but did not look for every Class 4 MLU, especially ones that are not yet permitted by the municipality.

Recommendations and Rationale

Based on the above analysis, administration recommends the following:

Areas 1, 2, and 3 not be forwarded for amendment.

TH has significant concerns with incompatibility of mining and other interests on this land. Therefore, it is recommended that the project not proceed without substantial further consultation.

Area 4 be forwarded for first reading of a bylaw to amend from Future Planning to Industrial.

Area 4 was not identified as a priority area for industrial lot development at this time and allowing this project to proceed may be a strategic decision to help reduce encumbrances and conflicts on and near potentially developable land.

Area 5 be forwarded for first reading of a bylaw to amend from Parks and Greenspace to Industrial.

For the reasons outlined above, this area is not likely to ever be developed due to its proximity to Bonanza Creek, and to allow the claims to be mined and exhausted may assist the efforts to come up with an amenable way to reduce encumbrances and conflicts in and surrounding potentially developable areas.

APPROVAL		
NAME:	Cory Bellmore, CAO	SIGNATURE:
DATE:		



THE CITY OF DAWSON

Box 308 Dawson City, YT Y0B 1G0
PH: 867-993-7400 FAX: 867-993-7434
www.cityofdawson.ca



OFFICE USE ONLY

APPLICATION FEE:	
DATE PAID:	
ADVERTISING FEE:	
DATE PAID:	
APPLICATION #:	18-140

OCP AMENDMENT APPLICATION

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

AUTHORIZED AGENT INFORMATION

APPLICANT / AUTHORIZED AGENT NAME(S): Travis Adams

COMPANY NAME: Nuway Crushing Ltd

MAILING ADDRESS: 6 MacDonald Road Whitehorse, Yukon **POSTAL CODE:** Y1A 4Y5

EMAIL: nuwaycrushing@gmail.com **FAX #:** 867-633-5354

PHONE #: 867-333-1144 **ALTERNATE PHONE #:** 867-668-3664

OWNER INFORMATION

OWNER NAME(S): Nuway Crushing Ltd

MAILING ADDRESS: 6 MacDonald Road Whitehorse, Yukon **POSTAL CODE:** Y1A 4Y5

EMAIL: nuwaycrushing@gmail.com **FAX #:** 867-633-5354

PHONE #: 867-333-1144 **ALTERNATE PHONE #:** 867-668-3664

☒ **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: P36732, P36927, P36924, P33723, 42076, 420077 **PARCEL SIZE OR LAND AREA:** 184,903m2

LEGAL DESCRIPTION: LOT(S) BLOCK ESTATE PLAN#

PROPOSED AMENDMENT:

FROM ZONING DESIGNATION: unknown **TO ZONING DESIGNATION:** Industrial

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

Within the application area (see attached map) portions of our existing placer claims are zoned Industrial while the other portions are not. We would like the remaining portions rezoned as Industrial be able to perform mining activities.

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

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

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



THE CITY OF DAWSON

Box 308 Dawson City, YT Y0B 1G0
PH: 867-993-7400 FAX: 867-993-7434
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.

11/02/18
DATE SIGNED

[Signature]
SIGNATURE OF APPLICANT(S)

11/02/18
DATE SIGNED

[Signature]
SIGNATURE OF OWNER(S)

TO BE COMPLETED BY DEVELOPMENT OFFICER:

FOR OFFICE USE ONLY

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.



THE CITY OF DAWSON

Box 308 Dawson City, YT Y0B 1G0
PH: 867-993-7400 FAX: 867-993-7414
www.cityofdawson.ca



OFFICE USE ONLY	
APPLICATION FEE:	
DATE PAID:	
ADVERTISING FEE:	
DATE PAID:	
APPLICATION #:	18-141

ZONING AMENDMENT APPLICATION

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

AUTHORIZED AGENT INFORMATION

APPLICANT / AUTHORIZED AGENT NAME(S): Travis Adams
COMPANY NAME: Newway Crushing Ltd.
MAILING ADDRESS: 6 MacDonald Rd Whitehorse YT POSTAL CODE: Y1A 4Y5
EMAIL: newwaycrushing@gmail.com FAX #: 867-633-5354
PHONE #: 867-333-1144 ALTERNATE PHONE #: 867-668-3664

OWNER INFORMATION

OWNER NAME(S): Newway Crushing Ltd.
MAILING ADDRESS: 6 MacDonald Rd Whitehorse, YT POSTAL CODE: Y1A 4Y5
EMAIL: newwaycrushing@gmail.ca FAX #: 867-633-5354
PHONE #: 867-333-1144 ALTERNATE PHONE #: 867-668-3664

☒ 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: 40076, 420077
P36732, P36927, P6924, P33723 PARCEL SIZE OR LAND AREA: 184 903 m²
LEGAL DESCRIPTION: LOT(S) _____ BLOCK _____ ESTATE _____ PLAN# _____
PROPOSED AMENDMENT: See attached map
FROM ZONING DESIGNATION: _____ TO ZONING DESIGNATION: Industrial

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

Within the application area (see attached) portions of our existing placer claims are zoned industrial while the portions are not. We would like the remaining portions rezoned as industrial to allow us to perform mining activities.

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

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

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



THE CITY OF DAWSON

Box 308 Dawson City, YT Y0B 1G0
PH: 867-993-7400 FAX: 867-993-7434
www.cityofdawson.ca

APPLICATION #:

APPLICATION REQUIREMENT CHECK LIST

<input checked="" type="checkbox"/>	Completed Development Application Form, in full, including written statement to describe and justify the proposed amendment.
<input checked="" type="checkbox"/>	Application fee as per the City of Dawson Fees and Charges Bylaw
<input checked="" type="checkbox"/>	Advertising fee as per the City of Dawson Fees and Charges Bylaw - required advertising associated with the application
<input checked="" type="checkbox"/>	Documentation of Ownership
<input checked="" type="checkbox"/>	Map showing scale, dimensions and the proposed change in the context of adjacent land
<input checked="" type="checkbox"/>	Any additional information requested by the Development Officer.
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	

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.
- 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.

DATE SIGNED

11/02/18

SIGNATURE OF APPLICANT(S)

[Signature]

DATE SIGNED

11/02/18

SIGNATURE OF OWNER(S)

[Signature]

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.

1. Bylaw Amendments:

- a) **Text Amendments:** Any person may apply for an amendment to the text of the City of Dawson zoning bylaw by paying the required fees and submitting all text amendment application requirements.
- b) **Rezoning Amendments:** An owner of land in the City, or an authorized agent of an owner, may apply to have the zoning designation of the land amended to another zoning designation by paying the required fees and submitting all rezoning 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 rezoning, a Development Officer shall initiate or undertake an investigation and analysis of the potential impacts of development under the proposed zone. The analysis shall be based upon the full development potential of the uses and development regulations specified in the proposed zone 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 rezoning, 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 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.).
- b) For zoning amendments proposed for one property, a zoning 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.

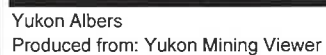


Legend

- ☐ Current Placer Class 1 Notification Submissions
- ☒ Current Quartz Class 1 Notification Submissions
- ☐ Areas defined by OIC
- ☐ First Nation Surveyed Lands - Category A & B
- ☐ First Nation Unsurveyed Lands - Category A & B
- Placer Claims (50K)
 - ☐ Active and Pending
 - ☐ Expired
- Prospecting Leases
 - ☐ Active and Pending
 - ☐ Expired
- ☒ Adjoin Placer
- Placer Mining Land Use Permit
 - ☐ Class 3
 - ☐ Class 4
- Placer Baselines (50K)
- Placer Baselines (surveyed)
- Quartz Mining Licence
- Quartz Staking Direction
- Coal Exploration Licence
 - ☐ Active and Pending
 - ☐ Expired
- Coal Mining Lease
 - ☐ Active and Pending
 - ☐ Expired
- ☐ Surveyed Mineral Claims
- ☒ Areas withdrawn from staking mineral claims
- 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
 - ☐ FS: Fee Simple
- ☐ Interim Protected Lands (Unsurveyed)
- ☒ Current Placer Class 1 Notification Submissions
- ☒ Current Quartz Class 1 Notification Submissions
- ☐ Areas defined by OIC
- ☐ First Nation Surveyed Lands - Category A & B
- ☐ First Nation Unsurveyed Lands -
- Placer Baselines (50K)
- Placer Baselines (surveyed)
- Quartz Mining Licence
- Quartz Staking Direction
- Coal Exploration Licence
 - ☐ Active and Pending
 - ☐ Expired
- Coal Mining Lease
 - ☐ Active and Pending
 - ☐ Expired
- ☐ Surveyed Mineral Claims
- ☒ Areas withdrawn from staking mineral claims
- 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
 - ☐ FS: Fee Simple
- ☒ Interim Protected Lands (Unsurveyed)



Notes



1: 10,000

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: 02-Nov-2018



May 23, 2019

Clarissa Huffman, Community Development Officer
City of Dawson
Box 308
Dawson City, YT
Y0B 1G0

Dear Clarissa Huffman,

RE: OCP Amendment 18-140 & ZBL Amendment 18-141 – R-20A

Tr'ondëk Hwëch'in (TH) has reviewed Official Community Plan (OCP) Amendment 18-140 and Zoning Bylaw (ZBL) Amendment 18-141.

TH does not support a change of ZBL zoning and OCP designation from "Parks and Recreation" to "Industrial" on the portion of Settlement Land parcel R-20A overlapping with NuWay Crushing's placer claims. Settlement Land parcel R-20A and the surrounding area are already highly impacted by mining activity, and the continued conduct of mining and reclamation activities will have a long-term impact on TH use of Settlement Land (i.e. rural residential or commercial development and traditional pursuits).

The OCP designation for this parcel was determined through consultation between the City of Dawson (COD) and TH. Replicating this planning and consultation would require an investment of time and resources that TH does not currently have available. TH received a copy of OCP Amendment Application 18-140 & ZBL Amendment Application 18-141 on May 21, 2019 with a request to review and respond by May 23, 2019. This is despite the applications being stamped as received December 11, 2018.

We understand that the proponents' project is operating in a layered context of First Nation, municipal, and placer mining jurisdiction and that some interpretations of legislation may deem NuWay Crushing to have a legally non-conforming right to mine these claims. TH has specific concerns and interests relating to marketable timber, aggregate resources, reclamation, and security that were brought up in the proponent's original Placer Mining Land Use Permit Application (see attached TH comments on YESAB Project #2016-0198). We consider that amending the ZBL and OCP to enable the mining activity to go ahead without a full consultation process with our First Nation does not adequately recognize or address our concerns and interests.

If you have any questions please contact me at (867) 993-7100 ext. 160.

Sincerely,

Darren Taylor
Director of Natural Resources
TR'ONDËK HWËCH'IN

TR'ONDĚK HWĚCH'IN COMMENTS



YESAB Project #:	2016-0198		
Project Title:	Placer Mine – Bonanza Creek		
Proponent:	NuWay Crushing Ltd.		
Date:	January 25, 2017		
Contact:	Kirsten Scott		
Department:	Natural Resources	Branch:	Land and Resources
Submitted to:	Assessment Officer YESAB Dawson Designated Office Box 5060 Dawson City, Yukon Y0B 1G0		

Settlement Land

Value:

During treaty negotiations, Tr'ondëk Hwëch'in (TH) selected land parcels to provide for the present and future of its citizens. Under our Final Agreement, we now own only 2,600 km² out of a Traditional Territory of approximately 64,000 km² – about 4 percent. In general, we own both the surface and sub-surface rights on Category A lands like R-20A, but under the Final Agreement, pre-existing mineral rights were grandfathered to allow continued access and mining by claimholders. TH respects miners' Final Agreement rights to work these grandfathered claims on Settlement Land. At the same time, we expect diligent attention to environmental responsibility and reclamation, and will work with proponents to ensure that mining projects benefit both TH and miners.

Effect:

Failure to use Settlement Land responsibly can cause adverse environmental effects and infringe on treaty rights. In addition, a failure to engage with First Nations on projects affecting our Settlement Lands or Traditional Territory can limit the realization of socioeconomic benefits and undermine community relations. The conduct of mining and reclamation activities will also have a long-term impact on TH use of affected Settlement Land.

Information:

All of the project claims either entirely or partially overlap Settlement Land parcel R-20A (in contrast to the proponent's statement that the claims are "adjacent to and slightly within THFN Category A settlement land" on box 13 of YOR doc # 2016-0198-009). TH is therefore a Decision Body for this project with authority to issue an Access Notice Certificate and/or Land Use Permit. The proponent has filled out a TH Access Notice Certificate/Land Use Permit application form.

Many TH citizens have filed expressions of interest in land on Settlement Land parcel R-20A, whether for residential development or traditional use. Indeed, a section of TH land grant allocation # 01-27-11-01 (see YOR document 2010-0247-038 for more details) overlaps with a small portion of the southern-most claim in this project, 42408 (Peg 1). The allocation holder's right of enjoyment and use of this area on R-20A should not be impeded by the mining project regardless of whether there is direct physical impact or not. TH has discussed this with the project agent and the allocation holder,

TR'ONDĚK HWĚCH'IN COMMENTS



who has no issues with the proposed project, given the small size (about 1,200m²) of the overlap. The project agent mentioned the proponent may be willing to work with the allocation holder where possible to meet any specific needs the allocation holder may have.

As per chapter 17 of our Final Agreement, TH owns forest resources on its Settlement Land. TH subsequently had discussions with the project agent regarding the amount of vegetation, including merchantable timber, on R-20A that will be disturbed. The proponent estimated a maximum area of 162,472 m² of vegetation and brush could be removed from R-20A. TH has determined that some of this vegetation is of merchantable quality, i.e. white spruce and birch approximately 16m high.

A portion of R-20A, including where some project claims overlap, lies within the municipal limits of the Dawson City. The *Municipal Act* requires all municipalities to have an Official Community Plan (OCP) addressing use of all land in the municipality, including Settlement Land. As such, this part of R-20A is zoned Parks & Natural Space in the OCP.

As per YOR document # 2016-0198-027, the City of Dawson has advised "the proponent must apply to change the zoning in the Official Community Plan from Parks & Natural Space to Industrial where this zoning overlaps with the proposed project" since Industrial is the only zoning where resource extraction is an approvable use. In the event that the applicant does apply for this zoning change, TH does not support a change of zoning to "industrial" on the portion of R-20A overlapping with project claims, or anywhere else on R-20A.

In addition, TH has concerns in general with mining within municipal boundaries. TH supports any efforts on the part of the City of Dawson to impose reasonable terms and conditions through its Development Permit. TH is of the view that the proponent should have been required to complete and submit the Development Permit application as part of the YESAA process along with other permit applications. Recommendations should explicitly note that the City of Dawson Development Permit must be issued before mining can proceed.

As the surface rights owner, TH is committed to the principle that mining on Settlement Land must not compromise citizens' long-term interest in using the land for the purposes for which it was selected. The proponent is operating under their company "NuWay Crushing Ltd.", a road construction company based in Whitehorse, and is not an established placer miner. Consequently, TH has concerns about the proponent being able to carry out the project and subsequent reclamation in a responsible and timely manner. We are also concerned that the proponent will not be able to financially support the project and final reclamation. This could result in a situation where TH Settlement Land will not be properly reclaimed nor usable for its selected purposes.

We are particularly concerned that adequate reclamation take place on R-20A because it is a unique Settlement Land parcel. It is easily accessible via the Bonanza Road, only a short distance from Dawson City. It therefore offers the opportunity for TH citizens to live a rural residential lifestyle, which infers larger allocations of land in a less populated, accessible area. The great majority of other Settlement Land parcels that offer such straightforward road access are found on the Klondike Highway and the majority of these parcels require Land Management Plans before they can be allocated to TH citizens. R-20A does not require a detailed Land Management Plan, and is therefore an ideal choice with regard to allocation in a timely fashion. Many TH citizens have a recorded interest in R-20A and the parcel is large enough to peaceably accommodate them. It is part of the current Chief and Council's mandate to get citizens back out on the land and this is an ideal parcel to do so. However there is a significant history of mining on R-20A and much of this was done in times when no reclamation was required. We do not want new placer mines to continue contributing to

TR'ONDĚK HWĚCH'IN COMMENTS



reclamation issues (i.e. large piles of tailings devoid of topsoil or vegetation) that make both citizen use of and natural ecosystem functions on the parcel challenging.

Mitigations:

- TH will issue an Access Notice Certificate/Land Use Permit for activities on Settlement Land. This will contain terms and conditions to protect the First Nation's long-term interest in the parcel, as well as the interests of its Citizens.
- TH and the proponent will discuss activities to take place on claim 42408 (Peg 1) where it overlaps with TH land grant allocation # 01-27-11-01.
- TH suggested that the proponent contact TH Land and Resources prior to stripping or trail development on R-20A so that we may have the opportunity to cut and clear the merchantable timber (such as white spruce and birch). The agent has indicated this is workable and an on-site meeting could take place between TH and the proponent in the spring/early summer of 2017, following the issuance of permits, to identify merchantable timber useful to TH. Both parties would then set out a timetable for TH to undertake timber removal in a safe manner, particularly to avoid cutting wood near an active mine site.
- In the event that the applicant applies for the zoning change from Parks & Natural Space to Industrial for claims within municipal boundaries, TH does not support a change of zoning to "industrial" on the portion of R-20A overlapping with project claims. If the City of Dawson decides to change the zoning to Industrial, TH will proceed with a Resolution (i.e. a law) that zoning on R-20A remain Parks & Natural Space, subject to Chapter 18 of the TH Final Agreement.
- To ensure reclamation is completed to standards acceptable to TH, we have asked EMR to request security from the proponent for mining on Settlement Land.
- To protect the First Nation's long-term interest in the parcel, as well as the interests of its citizens, TH has requested a "quit claim" agreement for five years from the start of the project. Given that these are only seven claims in this project, it is quite reasonable to expect that they will be able to finish mining within five years, and not require a ten year licence.

Water

Value:

Clean water and aquatic health matter to the Tr'ondëk Hwëch'in. Maintaining water resources in a natural condition while providing for sustainable use is a primary objective of the Tr'ondëk Hwëch'in Final Agreement. Under 14.8.1 of the Tr'ondëk Hwëch'in Final Agreement, the First Nation "has the right to have Water which is on or flowing through or adjacent to its Settlement Land remain substantially unaltered as to quantity, quality and rate of flow, including seasonal rate of flow."

Effect:

Ecosystem health, fish production and the maintenance of healthy fish and wildlife habitat depend on clean and adequate water. Without effective mitigation, contamination from exploration and mining projects can adversely affect water quality, and interfere with our use and enjoyment of our land, particularly when mining activities occur upstream of Settlement Lands.

Information:

The proponent is proposing intermittent permanent diversions of "a handful of short reaches" of Bonanza Creek on R-20A on claims 42076, and 42077 and/or 42408. TH notes that in this area the eastern boundary of R-20A is formed by the westerly boundary of the 60m right-of-way for Bonanza Creek Road. Bonanza Creek runs very close to this boundary, but within the Settlement Land parcel.

TR'ONDĚK HWĚCH'IN COMMENTS



In some locations, there is about 8m between the right limit of the creek, in its current location, and the Settlement Land boundary.

If the proponent diverts the creek in these locations, TH may lose portions of Bonanza Creek from R-20A. This would represent a substantial alteration to water flowing through Settlement Land and affect TH Final Agreement rights. TH is therefore not in favour of any permanent diversions that move Bonanza Creek into the Bonanza Creek Road right-of-way and off R-20A.

Additionally, diversions of Bonanza Creek are likely to cause changes to water quality as sedimentation occurs due to water flowing over the newly-engineered creek bed. Negative impacts to water quality not only impact TH's rights to unaltered water quality but may also have downstream effects on fish habitat.

Bonanza Creek flows into the Klondike River about 2.7km downstream from this project. Here, the placer stream classification model designates Area of Special Consideration – Ecological, and this is known salmon spawning habitat. TH has concerns about cumulative impacts of sediment loading in the Klondike River on Chinook salmon.

Mitigations:

- Terms and conditions should ensure that the project does not diminish the water quality, quantity or rate of flow of Bonanza Creek as it passes through R-20A. This includes:
 - Proponent should clarify proposed location of diversions.
 - Proponent should not construct permanent diversions of Bonanza Creek in such a way that any portion of the creek is moved from Settlement Land parcel R-20A.
 - Any diversions constructed should be done in such a way to minimize potential for sediment.
- Proponent should refer to [Best Management Practices for Works Affecting Water in Yukon \(www.env.gov.yk.ca\)](http://www.env.gov.yk.ca) to minimize impacts to water.
- Note that performance of work within a highway right-of-way requires permitting from Yukon Highways and Public Works. Presumably this would apply to any placer mining activities that may take place in the right-of-way of Bonanza Creek Road.

Heritage Resources

Value:

To the Tr'ondëk Hwëch'in (TH), heritage resources are valuable because they are at the core of who we are as a people. They are both physical and intangible markers of our identity. Heritage resources are imbued with our traditional knowledge and help enable us to continue our traditional pursuits. Some examples of heritage resources are:

- Harvestable resources such as wildlife, fish, plants, and their habitats;
- Migration routes, waterways, salt licks, calving areas;
- Traplines and/ or subsistence trapping of fur-bearing animals;
- Traditional medicines;
- Raw materials such as bark, wood, stone, bone, fibres and dyes;
- Place names, stories and where they connect with the land;
- Camps, trails, caches, sacred and burial sites;
- Traditional knowledge; and
- Archaeological and historic sites.

TR'ONDĚK HWĚCH'IN COMMENTS



Effect:

Many of our heritage resources are fragile and can be easily damaged. Such damage to heritage resources can be caused, for example, by the use of heavy equipment. Resources such as burials can be damaged by inadvertently walking over old markers and fences. Some plants and medicines can take decades to grow back following a disturbance as minor as hiking through their habitat. Additionally, continued scarification of the land and the introduction of new roads have cumulative impacts on TH Traditional Territory and result in an deterioration of our heritage resources, along with our aboriginal rights guaranteed to us by our Final Agreement.

Information:

There are no known historic sites or archaeological sites within the project footprint. There are several historic sites related to early mining history of the region within the immediate adjacent claims south of the project. This may increase the likelihood of accidental discovery of artifacts or historic features during as a result of mining activities.

In the event that heritage resources are encountered, please contact the TH Heritage Department at (867) 993-7100 ext. 113. Assistance in identifying heritage resources is also available from the TH Heritage Department, as well as the Yukon Government's Heritage Resources Unit at (867) 667-5386. Please note that the definition of Heritage Resources in our Final Agreement is broader than the comparable definition used by the Yukon Government. See above for examples.

There are many heritage resources within the traditional territory that have not yet been documented and/or ground-truthed. We encourage project proponents to take note of any heritage resources located during the course of their project and provide us with as much documentary information as possible, including GPS coordinates, photographs, location descriptions, etc.

The Yukon Government's [Handbook for the Identification of Heritage Sites and Features](http://www.tc.gov.yk.ca) (www.tc.gov.yk.ca) is a helpful resource for identifying a variety of built and/or physical heritage resources. We similarly encourage proponents to familiarize themselves with the [Tr'ondëk Hwëch'in Best Practices for Heritage Resources](http://www.trondek.ca) booklet (www.trondek.ca), also available in hard copy from the Heritage Department.

Mitigations:

- Proponent should maintain a 30 m buffer around any known heritage resources. If heritage resources (i.e. historic/archaeological, paleontological or human remains) are accidentally discovered during operations, they must be immediately flagged and protected from further disturbance by stopping work in the immediate area and creating a 30 m buffer around the site.
- Heritage resources, as defined by TH, are protected through a variety of mechanisms including the TH Final Agreement, *Yukon Historic Resources Act*, TH policies/legislation, and our traditional laws/protocols. Any heritage resources found by the proponent while working in the Traditional Territory shall be reported to the TH Heritage Department at (867) 993-7100 ext. 113. Information on the location of these resources is appreciated: GPS coordinates, photographs, location description, etc.

Waste and Fuel Management

Value:

Proper waste and fuel management techniques minimize the potential for negative effects on soil, air and water resources. Clean water and uncontaminated soil help sustain healthy ecosystems and wildlife and fish populations in the Traditional Territory, which are highly valued by TH.

TR'ONDĚK HWĚCH'IN COMMENTS



Effect:

Failure to operate using sustainable waste and fuel management techniques can lead to contaminated soil and water. Even small spills can cause negative impacts on water, wildlife and habitat. Burning of toxic materials contributes to air pollution, and unnecessary combustion of any material adds carbon dioxide and other climate-changing greenhouse gases to the atmosphere.

Information:

The *Spill Contingency Plan* should list TH as a contact for all spills in the Traditional Territory. Additionally, the proponent does not state where the Spill Contingency Plan will be posted. Lastly, the proponent should ensure that an absorbent pad or drip tray is used to contain any leaking fuels when refueling is done outside of any lined and bermed areas.

Box 109 of the Mining Land Use Approval (MLUA) Application (YOR doc # 2016-0198-012) mentions "Both the refuelling site adjacent to the stationery tank and the refuelling site near the active mine cut are comprised of a near level pad with an excavated ditch on the downhill side that is capable of capturing any accidental spills." TH would like to know where these ditches lead (e.g. to waterways?).

The proponent has mentioned that fuel tanks will be run down at the end of the season and property checks can be done by local friends/family. No mention is made of marking out the fuel storage area; this is a concern as it is close to the road and Dawson City and could be accessed by members of the public in the winter.

All solid waste must be disposed of according to the *Solid Waste Regulations*, as per Schedule 1, Section 10 *Placer Mining Land Use Regulations*. Burying waste is no longer an acceptable waste management practice unless a proper landfill operation is in place and appropriate permits are active. Special wastes, including used oil, used fuel, used batteries, etc., must be handled according to the Yukon *Special Waste Regulations*, as per Schedule 1, Section 16 *Placer Mining Land Use Regulations*.

Yukon Environment regulations permit the burning of waste oil in approved furnaces to extract heat value. Small quantities of waste oil can also be deposited at many Yukon landfills, but this option is currently not available at the local Dawson (Quigley) landfill, however the proponent can deposit small quantities of waste oil at licensed facilities able to use the waste. Currently the only licensed operating facility in the Dawson area accepting waste oil is Northern Superior, contact at (867) 993-5710 for more information. For additional details on furnaces approved for burning waste oil, or where these appliances can be purchased, contact Yukon Energy, Mines and Resources (867) 667-3130.

The Yukon Government also operates an annual Special Waste Collection service where the proponent pays only the disposal costs of the waste. The proponent can also arrange for waste oil pick-up outside of the Special Waste Collection period, but must pay for transport and disposal. For more information on these services and regulations, please contact the Yukon Government at 1-800-661-0408 ext. 3436 or 5885, or General Waste Management at (867) 668-4004.

Mitigations:

- The proponent should update the *Spill Contingency Plan* such that:
 - The prevention section clearly states an absorbent pad or drip tray will be used under fuel nozzle to contain drips when re-fueling outside a lined and bermed area;
 - Tr'ondëk Hwëch'in Natural Resources Department contact information (867-993-7100 ext. 145) is included to enable timely notification in the event of a spill.

TR'ONDĚK HWĚCH'IN COMMENTS



- Post *Spill Contingency Plan* in central locations and refueling areas so it is visible to employees and emergency numbers for fuel spill reporting are accessible.
- Clarify end point of ditches leading away from refuelling sites near tank and near active mine cut.
- Mark fuel storage area clearly at end of season to ensure the area and all storage tanks are evident under snow cover.
- The removal of waste to a designated waste handling facility such as the Dawson (Quigley) Landfill is the preferred waste management solution.
- All special waste, including waste oil and containers, must be disposed of according to the Yukon's *Special Waste Regulations*.
- Proponent should recycle waste oil or burn it for heat in an approved furnace.

Wildlife and Wildlife Habitat

Value:

The objectives of Chapter 16 of our Final Agreement recognize the critical role that fish and wildlife play in sustaining the culture, lifestyle and traditions of TH citizens. Since time immemorial, we have harvested wildlife as a traditional economic resource activity in all seasons throughout our Traditional Territory. The TH *Fish and Wildlife Act* and Section 16.4.2 of our Final Agreement illustrate the high value we place on harvesting rights, the wildlife and wildlife habitat that support harvesting activities.

Effect:

The increasing number of mining and exploration activities in our Traditional Territory may unduly stress wildlife and reduce habitat. Fragmentation of habitat and human disturbance on the landscape is known to contribute to declines in wildlife populations and the extrication of species in particularly heavily-used areas. This disturbance to wildlife may threaten species' survival or force them to abandon traditional harvest areas, undermining our right to hunt and compromising TH lifestyles and cultural traditions.

Information:

The proposed project is located in an area with extensive historic and ongoing placer development. The region nevertheless provides valuable wildlife habitat. Ensuring coexistence between wildlife and human activity is important to TH.

A portion of project claims overlap with a late winter (Feb-Apr) upland habitat Wildlife Key Area (WKA) for moose. While the project is unlikely to interfere directly with winter moose habitat use, project activities may still have an adverse effect. Trail- and road-building or improvement can increase hunter and predator access, potentially affecting the long-term sustainability of moose populations. When animals are exposed to disturbance, the increased stress can affect cow health and impact successful calving rates. Moose is a key traditional food and holds much importance for TH citizens. TH notes that the proponent has suggested they may not seasonally reclaim all areas of work due to ongoing activities and we are concerned about ensuing impacts to winter moose habitat. Additionally, the proponent discusses upgrading 230m of roads on the left limit and bench, however box 125 of the MLUA has not been checked (YOR doc # 2016-0198-012).

The project falls within the winter range of the Fortymile Caribou Herd, which has been in a recovery program for nearly two decades. While herd numbers have rebounded in recently, range expansion remains a significant goal of the program and for the first time the herd is reoccupying previously abandoned range within TH Traditional Territory. Proponent's summer activities may not directly interfere with winter use but the project may still have an adverse effect. Caribou tend to avoid areas

TR'ONDĚK HWĚCH'IN COMMENTS



under active development so camp activities, trenching, and road/ trail use and/or upgrades, will reduce available habitat by discouraging use of the Klondike River watershed. Also barren-ground caribou rely on lichens as their primary food source. Once disturbed by stripping or contamination, lichens can take up to 40 years to regrow, and are very sensitive to fuel spills. More generally, the herd's continued recovery will depend on the availability of suitable habitat in its Yukon range and YESAB should consider future needs of barren-ground caribou in evaluating projects such as this.

Stripping is proposed from May to June, which overlaps with key nesting periods for migratory birds. TH Fish & Wildlife Branch suggest that the proponent conduct a non-intrusive search for nesting activity or nests. Any nesting activity should be respected by postponing clearing activities planned for the immediate area.

TH citizens have the right to harvest fish and wildlife for subsistence purposes throughout TH Traditional Territory in all seasons of the year, including on Crown Land. TH assures the proponent that safe hunting practices will be followed while carrying out these traditional activities.

The proposed project overlaps trapping concession **#27 and 53**. The proponent should contact the trappers directly to inquire about their current trapping activities, including placement of trapping trails and established trapping sets in the area to ensure that the proposed project does not negatively impact the trapper. Please contact Yukon Environment for more information.

Minimizing contact between humans and bears helps to sustain viable bear populations as well as protecting people out on the land from negatively conditioned bears.

Additional information regarding fish and wildlife is available from the TH Fish and Wildlife Branch at (867) 993-7100 ext. 115 or Yukon Environment at (867) 667-5652.

Mitigations:

- Proponent should take precautions to avoid wildlife contact to maintain healthy populations and minimise adverse effects on resident species and their habitat.
- Ensure site is left in a clean and secure manner to avoid injury to moose and caribou in the winter.
- Cap/plug drill holes and design earthworks to prevent entrapment or injury of wildlife. Drill holes should be securely covered when proponent is not on site and earthworks backfilled in the fall.
- Minimize building of new roads/trails. All roads/trails should be reclaimed as soon as mining activities have been completed.
- Adjust box 125 of MLUA to reflect that road upgrades will take place.
- If the Fortymile Caribou Herd migrate into an active work area, the proponent should discontinue operations until the herd have left the area.
- Avoid destroying lichens and follow fuel spill response plan to minimize any spill impacts to lichens.
- Proponent should conduct a non-intrusive search for bird nesting activity or nests, and any active nests should be respected by postponing clearing planned for the immediate area. Refer to [Avoidance measures for Incidental Take of Migratory Birds in Canada](http://www.ec.gc.ca) (www.ec.gc.ca).
- TH citizens have the right to harvest wildlife on both Settlement Land and Crown Land in all seasons of the year, subject to safety and other considerations, as per Chapter 16 of the TH Final Agreement.
- Proponent has the primary responsibility for ensuring the project does not damage traps and traplines. Proponent should contact trapline operators directly on an annual basis to inquire about trap locations and activity.

TR'ONDĚK HWĚCH'IN COMMENTS



- Proponent should minimize disturbance to the vegetative mat and preserve the intact topsoil, seedbank and roots for careful replacement after stripping is complete.
- To help monitor wildlife health, TH Fish and Wildlife Branch requests that the proponent report any sightings of animal species not normally found within our Traditional Territory. Contact the Branch at (867) 993-7100 ext. 115.
- The Proponent shall report any incidents involving wildlife to the Dawson District Conservation Officer at (867) 993-5492, and report when bears are frequenting the camp area for advice and further mitigation.
- Proponent should refer to: [Guidelines for Industrial Activity in Bear Country](http://www.env.gov.yk.ca) (www.env.gov.yk.ca); [Why Should I Care About Invasive Species?](http://www.yukoninvasives.com) (www.yukoninvasives.com).

General Concerns/Mitigations

TH stresses the importance of adhering to the most sustainable placer mining practices available, giving specific consideration to:

- Minimizing impact to land and watercourses;
- Preserving the vegetative mat;
- Avoiding conflict with wildlife and preserving wildlife habitat;
- Proper handling, storage and efficient use of fuels;
- An effective Fuel Spill Contingency Plan, including timely notification of TH;
- Effective reclamation techniques; and
- Effective monitoring of mining projects and timely enforcement of land use regulations.

For Further Information

Please contact Kirsten Scott at (867) 993-7100 ext. 105 or kirsten.scott@trondek.ca if you have any questions, concerns, or require additional information about this YESAA comment submission.

Report to Council



☐ For Council Decision ☒ For Council Direction ☐ For Council Information

☐ In Camera

SUBJECT:	Development Incentives Policy and Development Cost Charge Program Design: Draft Report	
PREPARED BY:	Clarissa Huffman, CDO	ATTACHMENTS: 1. DIPDCC Draft Report
DATE:	May 21, 2019	
RELEVANT BYLAWS / POLICY / LEGISLATION:	n/a	

RECOMMENDATION

It is respectfully requested that Council provide feedback on the attached draft report, prior to the submission of a final report.

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.

At this time, Groundswell is seeking Council feedback on the draft report in order for comments and concerns to be adequately addressed prior to submission of a final report to Council.

NEXT STEPS

Next steps for this project are as follows:

1. Council to provide feedback on draft report at May 27 COW meeting.
2. Second follow-up survey regarding the draft recommendations, along with follow-up interviews with key stakeholders where necessary. This follow-up is scheduled for early June.
3. Final report provided to Council on June 17 which incorporates Council and community feedback.
4. Submission of final report to Yukon Government Economic Development (project funder) by report deadline of June 28, 2019.
5. Implementation of recommendations will occur as appropriate and as administrative capacity allows starting in late summer 2019.

APPROVAL

NAME:	Cory Bellmore, CAO	SIGNATURE:
DATE:		



Development Incentives Policy Review &

Development Cost Charge Program Design

DISCUSSION PAPER

Submitted by
Groundswell Planning

To



MAY 2019

CONTENTS

1.0	Introduction	1
2.0	Engagement Findings - Incentives	3
2.1	<i>Overview</i>	3
2.2	<i>Interview Results</i>	3
2.3	<i>Survey Results</i>	4
3.0	Strategic Considerations for Expanded Incentives	8
4.0	Cross-Jurisdictional Review of Incentives	10
4.1	<i>Similar Policies in Small and Large Municipalities</i>	10
4.2	<i>City of Whitehorse Lessons Learned</i>	10
4.3	<i>Small Municipality Incentives – Miscellaneous</i>	14
4.4	<i>Housing Affordability Approaches and Incentives</i>	14
4.5	<i>Heritage Protection and Adaptive Reuse Incentives</i>	14
4.6	<i>Vacant and/or Derelict Property Incentives</i>	17
5.0	Conclusion and Recommendations: DIP	19
5.1	<i>Key Issues and Considerations</i>	19
5.2	<i>Recommendations</i>	22
6.0	Development Charges Overview	24
6.1	<i>Load Capacity Charge</i>	24
7.0	Engagement Findings - DCCs	25
8.0	Cross-Jurisdictional Review of DCCs	26
8.1	<i>British Columbia</i>	26
8.2	<i>Alberta</i>	29
8.3	<i>Ontario</i>	30
8.4	<i>City of Whitehorse</i>	31

9.0	Conclusion and Recommendations: DCCs	32
5.1	<i>Key Issues and Considerations</i>	32
5.2	<i>Framework Options</i>	33
5.3	<i>Recommendations</i>	36

Appendices

A	Online Survey Results	39
B	Stacked Incentive Examples	65

1.0 Introduction

The City of Dawson's Development Incentives Policy (DIP) was passed in 2015 in an effort to encourage the creation of market rental housing units in the community, and more specifically in the Downtown Core as identified in the 2012 Official Community Plan (OCP)¹. The policy followed on the heels of the City's Downtown Revitalization Plan, which recommended a number of different incentives-based approaches to increasing vibrancy in this part of the Historic Townsite. The policy was modeled after the City of Whitehorse's DIP and varies only in regards to the number of residential units required for eligibility.

Since the policy was passed, 38 rental units have been (or will imminently be) developed throughout Dawson under the three different incentives levels and their respective eligibility requirements. Please refer to the table below for an overview of the incentives and associated uptake.

Level	Eligibility	Type of Incentive	# of Agreements
Minor	Develop a secondary suite permitted by the City of Dawson	Waiver of up to 100% of the cost of development permit fees and 100% of the load capacity charge	2016 – 5 2017 – 3 2018 - 0
Standard	1) Develop multi-unit residential building Downtown with a minimum of 4 units; 2) Develop a Downtown mixed-use development	10 years of graduated grants in amount of taxes owing on assessed value of improvements, starting at 100% in Year 1 and decreasing 10% each year until full taxation applies; maximum of \$50,000	2 applicants 1 agreement signed in 2018 but no construction started
Major	1) Provide a multi-unit residential building Downtown with a minimum of 8 rental units for a minimum term of 10 years; 2) Provide a Downtown mixed-use development with a minimum of 5 rental housing units for a minimum term of 10 years; or 3) Provide a minimum of four Supportive Housing units.	10 years of grants in amount of taxes owing on assessed value of improvements to a maximum value of \$500,000	Two 8-plexes One 14-plex (Dates of agreements unknown but construction initiated in 2016 & 2018)

In 2018, Council and City administration decided to undertake a review of the DIP to ensure that it was meeting its intended objectives. At the same time, the City wished to explore the related issue of how new development is currently charged within the City and consider an alternative framework modeled more closely on the Development Cost Charge (DCC) programs in common use in other municipalities across Canada. The current Load Capacity Charge (LCC) has been in place for many years and pertains specifically to the recovery of costs

¹ The updated 2018 OCP maintained the same boundaries for the Downtown Core as the 2012 OCP.

associated with new connections to the City's water and sewer infrastructure, limiting its ability to assist the City in recovering broader growth-related costs for infrastructure and/or services.

The objectives of the City of Dawson Development Incentives Review and Development Cost Charge Program Design Project are to:

- Amend or draft a new Development Incentives Policy that is reflective of the needs of the community and an assessment of the current program in relation to industry best practice;
- Development charges that are more reflective of the current cost of development and allow the City to provide increased community benefit through the collection of these costs;
- Development of a development charge system that is fair and transparent so that those paying the charges know what they are paying for and why it is necessary; and,
- Promote strong fiscal management by identifying where incentive dollars come from within the municipal budget, and where development charge revenues will be allocated (in keeping with relevant provisions of the Official Community Plan).

Between February and June of 2019, Groundswell Planning of Whitehorse was retained by the City to review the DIP and consider potential frameworks for a Dawson-specific development charge program.

The following background report is intended to inform City administration and Council's deliberations of the following issues:

- *What potential revisions should be made to the DIP to increase its effectiveness and to reflect the governance, market and community context of Dawson City in 2019?*
- *What other development issues and/or opportunities warrant potential inclusion in a revised DIP and how might they be best addressed?*
- *Is the concept of a Development Cost Charge framework as conventionally applied in other jurisdictions appropriate for the City of Dawson to adopt?*
- *What does the City of Dawson wish to specifically achieve through the implementation of a development-related charge and what options are best suited for it?*

The background report provides an overview of resident and stakeholder views and relevant examples and practices from other municipalities. A summary analysis and recommendations for Council consideration are included for both incentives and development charges.

2.0 Engagement Findings - Incentives

2.1 Overview

Community and stakeholder engagement consisted of both semi-structured interviews and an online survey.

Semi-structured interviews were conducted with recipients of Dawson development incentives to inform an assessment of the program's effectiveness and potential areas for policy and/or program improvement. The semi-structured lines of questioning included:

- *How would you describe your experience working with the City of Dawson to receive an incentive? Was the process straightforward and simple to navigate?*
- *Did you receive other funding to develop housing?*
- *To what degree did the City of Dawson incentive influence your decision to proceed?*
- *How could the City offer or deliver the existing incentives to encourage the development of more housing units in Dawson?*
- *Are there other incentives that you think the City should consider including in the policy moving forward? What other development challenges should it try to address?*

A total of 14 interviews were conducted with:

- Six of eight Minor Incentive recipients;
- Two of two Standard Incentive recipients/applicants;
- Three representing both Major Incentive recipient organizations;
- One prospective Major Incentive recipient organization (and major community employer);
- Tr'ondëk Hwëch'in; and
- Dawson City Chamber of Commerce.

In addition to the interviews, 35 responses were received to the online survey, which ran from May 13-21 and was promoted via Facebook, City e-newsletter, and direct mail-outs to households. The results are discussed in Section 2.3.

Figure 1. Poster Promoting Survey



2.2 Interview Results

Minor Incentive Recipients

- Most recipients heard about the program through word-of-mouth or online.
- Most reported that the process was fairly straightforward. One recipient appreciated the low amount of paperwork and administration required; however, two others felt that the process (or lack thereof) conveyed a lack of transparency and/or legitimacy.
- Everyone reported that the City was helpful and accommodating during the process.
- Virtually all recipients received YHC's grant of \$10,000 under the Municipal Matching Rental Construction Program. The YHC grant, versus the City incentive, was the catalyst for most recipients to pursue the development of rental housing. However, numerous recipients commented literally, or to the effect, that "every little bit helps".

Standard Incentive Recipients

- One applicant was unable to proceed because the timing of the City's new zoning bylaw (which would have allowed his proposed eight "cluster" rental units to meet the definition of "multi-unit residential") extended beyond the funding deadline for YHC's Municipal Matching Rental Construction program. The status of his project is now uncertain; even with the City incentive, the business case for the development was marginal.
- The other applicant (with whom an agreement has been signed) is currently navigating code and engineering requirements for his project, a 4-unit, 3-storey town home concept. This project will likely proceed without incentives from either the City of Dawson or YHC and there are several interested purchasers.
- Both applicants reported that the City was very accommodating and easy to work with through the application process.
- One interviewee commented that the City should try to expand the policy to allow for more innovation and new projects on the home ownership, versus rental, end of the housing continuum. The City could potentially partner with private and/or non-profit developers to "pilot" affordable home ownership projects and establish a precedent for subsequent projects.

Major Incentive Recipients (or Prospective Recipients)

- A two-time recipient organization reported that the initial round was administratively confusing and that the City was quite tentative due to the "newness" of the policy. The second round proceeded with less confusion; the process was better understood and the interviewee commented that the City seemed highly invested as a result of helping bring the first project to fruition.
- Interviewees noted that City exhibited high levels of willingness to "make things work" in regards to their housing projects.

- Several interviewees explained how relatively low property values and higher construction costs seriously undermine the financial viability of larger-scale projects in Dawson City. As an example, the construction budget for one project was \$1.5-million dollars, resulting in a building asset valued at \$1.3-million dollars. They felt that the perception of some that people are “getting rich” off of development in Dawson is distorted and uninformed.
- As with the other levels of incentive, recipients reported that maximizing the matching contribution of YHC funding was critical to project viability. In the case of two developments, the value of the anticipated tax grants was simply too low to trigger the maximum YHC matching limit (\$500,000) and some creativity was required to raise the value of the City’s contributions.
- Several interviewees felt that the stipulation of a “Downtown” location is too restrictive due to there being relatively few larger parcels available in the area not owned by government.
- The two-time recipient noted that the initial project has been highly successful. There has been only minor tenant turn-over, a waitlist of 15 individuals is maintained, and tenants seem generally satisfied with their housing situation.
- One interviewee noted that the incentive application process requires clarification by the City. They felt that the administrative process is very loosely defined in the policy and could benefit from an intake application and more defined review and approval process. The organization has been contracted by another organization to help it navigate the development of 8 units via the Major Incentive and YHC programs. It is also regularly contacted by local residents interested in building secondary suites.
- One recipient noted that the jump from \$50,000 to \$500,000 places the development of 6-plexes at a distinct disadvantage. On the basis of one recipient’s experience, a 6-plex is the maximum size of building that can be realistically accommodated on one standard city lot while leaving sufficient space for parking; as such, this specific development size/density should be better positioned to succeed in a land-constrained Dawson.
- Recipients suggested that other incentives could target the redevelopment of vacant land, placing special emphasis on the adaptive reuse of heritage cabins for rental accommodation, targeting highly expensive larger heritage building renovations/conversions, and promoting the use of vacant properties as public amenity spaces. Other suggestions simply related to the City working with other governments to target specific parcels for strategic development.
- Providing sufficient on-site parking has posed some challenges and one interviewee indicated that the City has been unwilling to show flexibility around this requirement.
- It was noted that phasing larger projects is not uncommon in Dawson with the limited labour force and weather/winter contingencies. Allowing for longer terms (i.e. more than 12 months) for project completion would be more reflective of typical Dawson construction realities.
- Tying the development incentive to the issuance of a development permit can pose challenges for applicants working to meet other funding program deadlines, according to one recipient. For example, an eligible design project still working through the design phase (and hence without a development permit) may have an impending deadline for funding contingent on the City of Dawson’s. Having the development incentive agreed to in a ‘subject to’ manner is seen as being “incredibly helpful”.
- One interviewee reported that a rough capital breakdown of 40% mortgage and 60% grants makes a multi-unit residential project viable accounting for affordable rents, construction costs, and ongoing maintenance and operating costs (building management, maintenance, utilities, snow removal, etc.) The tax grant effectively eases the pressure of operations and maintenance for the first ten years and allows

for the housing provider to achieve a more stable fiscal position as larger maintenance and replacement expenses are incurred during the second decade of building life.

- One interviewee suggested that a different consideration be employed for non-profit entities as they may have a different objective versus a private developer and by virtue of legislation have to be fully transparent about their finances.
- One interviewee felt that a strategic yet challenging source of developable land for housing projects is public land located in the Downtown. Ideally, there would be an allowance for an incentive to benefit a third party leasing Crown or federal land to build rental housing that could work with the policy provisions around fellow governments being ineligible.

Other Stakeholder Interviews

- One interviewee indicated a strong interest in having geographic eligibility for projects extended to facilitate development on suitable fee simple Settlement Land parcels that have access to municipal servicing. The geographic eligibility limitation of Downtown is unnecessarily limiting.
- One interviewee suggested that the City should be promoting alternative homeownership developments – such as tiny and cluster housing - that make efficient use of land.
- One interviewee raised concerns about the cost and fairness to Dawson taxpayers. He commented that businesses already face “astronomical” taxes in Dawson and can’t afford more. He felt that the City needs to prove that it is not harming the taxpayer through incentives before expanding further, and Dawson has to remain competitive.
- One interviewee felt that business loan programs may be a more appropriate vehicle to support redevelopment and recirculate tax dollars in a manner that benefits the community and reduces exposure to Dawson taxpayers as a whole. The benefits of using municipal tax dollars should be distributed across the entire taxpayer base.
- One organization commented that housing is critical to it’s ability to attract and retain workers and felt that the benefits of tax incentives highly outweigh the risks. The City is contributing to a viable business community through the incentives program.

2.3 Survey Results

A total of 35 responses were received for the online survey. The complete results are included in Appendix A. The following section includes a high-level summary by key topic only.

- **Respondent Profile:** Almost 2/3 of respondents were long-time (16 years or more) residents of Dawson City. Almost 1/3 own businesses and ¼ have built their own home or secondary suite. Only 2 respondents had actually received an incentive under the policy.
- **Awareness:** A majority (66%) of respondents indicated being “somewhat” or “very” aware of the policy prior to the survey.

- **Policy Effectiveness:** Almost 69% of respondents felt that the policy had helped to increase the supply of rental housing in Dawson. The remainder of responses were either neutral or “don’t know” versus disagreement.
- **Housing Need:** 100% of respondents felt that the availability of rental housing has a significant impact on the appeal of Dawson City as a place to live, work, and do business. 79% feel that Dawson is still experiencing a serious shortage of rental housing.
- **Agreement with Policy Rationale:** 69% of respondents felt that it is appropriate for the City to intervene to make rental housing development more affordable. Just over half (52%) agreed that costs of construction are too high for affordable rents to happen without government support, while a high percentage (38%) indicated either neutrality or uncertainty on that point.
- **Level of Support for Incentives:** A healthy majority (76%) of survey respondents indicated support for the continuation of the Minor Incentive as currently administered, with somewhat softer support (71%) and more opposition (25%) expressed for the Standard Incentive. Slightly less than half of respondents (48%) indicated support for continuing the Major Incentive, while 30% opposed it.

Concerns raised included the ability of the City to provide services for the new development during the incentive period without burdening other taxpayers, and the incentive paying “for other people to get richer”. One respondent suggested that further research is required to determine if this level of incentive is still warranted given the large number of housing projects recently (or due to be) completed.

- **Other Areas for Incentives:** When asked to pick the “Top 3” aspects of development the City should continue to or begin to address through incentives, 50% of respondents chose rental housing and heritage building adaptive reuse, slightly less (46%) chose affordable homeownership, and 43% chose energy efficiency. Only 7% indicated no support for the City using incentives.
- **Comments, Ideas, and Suggestions:** Respondents provided a range of comments covering everything from the need for new developments to have onsite parking and disincentives for vacant and derelict buildings to support for increased incentives and the suggestion to increase the incentives for secondary suites moving forward.

3.0 Strategic Considerations for Expanded Dawson Incentives

As part of the review of the Development Incentives Policy, City Council and administration wished to consider the matter of whether additional incentives should be considered for inclusion in an updated policy. Groundswell approached the matter from a slightly different angle, asking which development issues and/or opportunities warrant an incentive in the first place.

With limited administrative and fiscal capacity at the City, Groundswell submits that incentives may be best limited to addressing issues and/or opportunities that meet most (if not all) of the following criteria:

- The incentive helps to address a significant inherent disadvantage of Dawson, as compared to other Yukon communities, as a place to live, work, and do business;
- Few to no other incentives are available and/or sufficient to help address the issue;
- The issue is a priority for local residents;
- The incentive addresses complex, persistent or seemingly intractable issues that are unlikely to resolve within the short-to-medium term without some form of intervention;
- The incentive directly supports the fulfillment of the guidance and priorities outlined in the Official Community Plan;
- The direct benefit to recipients from an incentive is matched and/or exceeded by the indirect benefits provided to the community as a whole;
- The incentive has minimal potential to negatively impact the interests of local residents, community groups, and/or other governments; and
- Incentives will help developers lever other project capital and/or the incentivized project is likely to act as a catalyst for other development beneficial to the community.

Utilizing some of the key highlights of the OCP and survey results as guidance, Groundswell developed a rudimentary matrix to help evaluate the performance of previously identified development issues and opportunities in the community – or at least those for which a financial incentive from the City could potentially effect change – in achieving those criteria. The results – cursory as they are – suggest that housing availability and affordability, heritage building adaptive reuse, and vacant/underutilized land are the development issues that best satisfy the majority of, if not all, criteria. Please refer to the following page.

This cursory evaluation is intended primarily to help frame Council thinking and priorities and Groundswell welcomes further elaboration and interpretation of it. For the purposes of the cross-jurisdictional research, it served to pinpoint which development aspects to “dig deeper” into. These four issues are given further consideration in the following section.

Issue/ Opportunity	Address Dawson weakness	Few/no other incentives	Local priority	Fulfill OCP	Shared benefits	Complex	Low negative impact	Catalyst potential
Housing availability	x	x	x	x	x	x	x	x
Housing affordability	x	x	x	x	x	x	x	x
Energy efficiency			?	x	x		x	
Downtown vitality		x	x	x	x		x	x
Economic development			x	x	x		x	x
Heritage adaptive reuse	x	x	x	x	x	x	x	x
Conformance with Heritage Guidelines	x	x	?	x	x	x	x	
Vacant/under utilized land	x	x	x	x	x	x	x	x

4.0 Cross-Jurisdictional Review of Incentives

To inform Council and administration's thinking about revisions to and potential new incentive areas for Dawson's DIP, an Internet-based review of policies and programs was conducted with two primary lines of enquiry:

- Policies and/or programs administered in similar-sized jurisdictions with potential relevance to Dawson City; and,
- Policies and/or programs geared towards addressing the priority Dawson development issues/opportunities identified in the previous section in both similar-sized and larger jurisdictions.

The following section summarizes the key findings from the review.

4.1 Similar Policies in Small and Large Municipalities

An online search of municipal development incentives for the construction of secondary suites and multiple unit residential buildings in similar-sized Canadian jurisdictions yielded fairly minimal results. It would appear that very few (if any) municipalities of Dawson's size are administering policies or incentives with the same objective. What the jurisdictional scan did indicate was that the smaller municipalities that *do* have incentive programs are typically promoting different objectives – typically economic revitalization and repopulation.

Due to the low number of results, Groundswell expanded its review to relevant policies and programs in medium and larger municipalities. Even this expanded search found that larger municipalities typically target tax incentives specifically towards *affordable* housing. Similar to Dawson's policy, most programs identified utilized an exemption or rebate in the amount of the taxable amount of assessable improvements from new development or redevelopment. The amount taxable on the land is almost always exempt. A few larger municipalities offer both tax incentives and cash grants for specific types of development in priority areas.

Policies and programs with similar and/or relevant objectives to Dawson's DIP from both small and larger municipalities are presented in Tables 1 and 2.

4.2 City of Whitehorse – Lessons Learned

The City of Whitehorse's policy is virtually identical to Dawson City's, the primary difference being the number of residential units required to receive an incentive. As such, a review of the Whitehorse DIP and City administration's successes and challenges with it to date was considered as pertinent, if not more so, than what is happening in small-sized jurisdictions outside of the territory.

The City is currently reviewing its policy (as well as Development Cost Charge regime) to ensure it remains relevant to Council priorities and Whitehorse's development context. The policy has been highly successful in the view of administration and Council, with 169 projects completed or in process since its adoption in 2011, broken down as follows:

Table 1. Similar Programs/Policies in Other Small Municipalities

Community	Population (2016)	Program/Policy	Eligibility	Details	Noteworthy Practice
Town of Oliver, BC	4928	Revitalization Tax Exemption Program (RTEP)	<p>Oliver's RTEP has two relevant components: the Downtown Core Commercial Revitalization and Core Area Residential Revitalization programs.</p> <p>The Downtown Core program applies to new commercial construction or expansion of existing buildings, including construction of residential dwelling units above the ground floor.</p> <p>The Core Area program applies to construction of not less than four units and not less than two stories high.</p>	<p>10 years of tax exemptions are granted as follows:</p> <ul style="list-style-type: none"> Downtown Core - Year 1 exemption is set at 100%, followed by a graduated reduction of 20% in Years 6-9, and a final 10% reduction in Year 10. Core Area - exemption of 100% is granted in Years 1-5, value of improvements and 35% of land value are then reduced by 20% and 5% respectively in Years 6-9, and then 10% and 5% in Year 10. 	The policy applies to strata developments (both restricted and non), whereas most policies tend to exclude them. In most incentive programs, the land value portion of the assessment is also usually ineligible.
Municipality of Jasper, AB	4590	Caribou Creek Loan Guarantee Bylaw	The municipality passed a bylaw in 2012 to guarantee the mortgage for a housing project being developed by Caribou Creek Non-Profit Housing Ltd. The bylaw guaranteed the indebtedness of the non-profit to a credit union, with a ceiling of 30% of the financing of the development.		High degree of administrative and legislative due diligence in dealing with exceptional circumstances
City of Meadow Lake, SK	5244	Infill Housing Incentive	New and infill development in established residential neighbourhoods	A rebate is issued in the amount of the municipal tax and school tax based on residential assessment on improvements, and base tax on improvements in the following amounts: 100% of levy in 1 st year, 75% in second year, 50% in third year.	
Town of Ladysmith, BC	8537	DCC Reduction for Downtown Specified Area Bylaw	Any type of development occurring within the Downtown Specified Area	The bylaw allows for a waiver of applicable development charges	

Table 2. Similar Policies/Programs from Medium to Large Municipalities

Community	Population (2016)	Program/Policy	Eligibility	Details	Noteworthy Practice
District of North Cowichan, BC	28,807	Revitalization Program Bylaw	Residential developments with a minimum density of 100 dwelling units/ha, mixed-use development with a minimum density of 100 dwellings units/ha, or supportive housing. The waiver applies to all lands zoned for industrial uses (with a few minor exceptions).	Waiver of Development Cost Charges	Uses density versus number of units to establish eligibility. Conversion of underutilized industrial lands.
City of Kelowna	127,380	Rental Housing Incentives Programs	The Rental Housing Grants program applies to developers of purpose-built rental housing with 5 or more units at the time of building permit issuance. Rental Housing Tax Exemptions are applicable to purpose-built rental housing of 5 or more units anywhere in the city but only when the vacancy rate is at or below 3%.	Grant of up to \$8000 for 3+ bedroom units, \$4000 for 2-bedroom units, and \$2000 for bachelor or 1-bedroom units. The tax exemption applies to 100% of the value of improvements for a period of 10 years.	Program includes a linkage to market conditions to help avoid overbuilds and ensure prudent use of municipal funds.
City of Regina	215,106	Housing Incentives Policy	Full range of new market rental and homeownership housing units in specific areas of the municipality	<ul style="list-style-type: none"> • Tax exemption varying from 5 years at 25% of value of improvements (for garden and secondary suites) to 5 years at 100% for affordable housing • Affordable rental and homeownership projects eligible for a capital grant of up to \$25/\$15K. 	Allows for “stacking” of incentive and grant for preferred or high priority projects and utilizes a Score Card to assess the grant provided.
City of Saskatoon, SK	246,376	New Rental Construction Land Cost Rebate Program, Secondary Suites Program	<p>The rebate program applies to the construction of new market rentals. Units must remain on the rental market for 15 years.</p> <p>The Secondary Suites program applies to illegal, substandard suites.</p>	<ul style="list-style-type: none"> • Up to \$5000 rebate per new unit in capital grants and a five-year incremental property tax abatement on improvements • 25% rebate on permit required to legalize an existing suite and a 100% rebate on building and plumbing permits 	Stacking of both tax abatement and rebate; eligibility of existing substandard housing.
City of Edmonton	932,546	Multi-Unit Mixed-Use or Residential Development	Mixed-use, market housing project predominantly located above ground floor retail or commercial uses and multi-unit market housing projects with no commercial component	<ul style="list-style-type: none"> • Grant of \$12,000 per new dwelling for mixed-use • Grant of \$7000 per new dwelling for no commercial component 	

Incentive Level	# of Incentives	Resulting Housing Units/Types
Minor	145	145 secondary and/or garden suites
Standard	12	55 residential units
Major	11	21 supportive housing, 172 rental, 50 residential units

The City planner leading the review feels that the policy needs to become more sophisticated to reflect the increasingly complex housing market and community it applies to. The original policy was essentially geared towards development of the Downtown area. Moving forward, housing and particularly affordable housing, versus mixed-use development, will be the focus. In the past few years, Council has questioned the appropriateness of incentives for larger private (and sometimes upscale) condominium developments for which there is a reasonable business case without incentives. The updated policy is likely to focus specifically on supportive and rental housing and increasing density in targeted areas.

The grants in the amount of Development Cost Charges (DCCs) applicable to Minor Incentives will also be revamped moving forward. The DCC grant was implemented as opposed to a tax grant because YG Property Assessment and Taxation apparently does not adequately reflect the value of improvements on secondary suites. Currently, DCCs and taxes pertinent to incentives are collected into general revenues and the City has to budget out for both; changes in construction plans can create discrepancies between budgeted and actual amounts. Administering the DCC and tax grants requires about two weeks of City planning staff time annually, in addition to the time required from finance staff.

The preferred (and recommended) approach is to avoid tax grants altogether except for rental and supportive housing. Administration is recommending that DCCs for both be set to zero and tax grants be administered in addition. Technically, any development for which zero DCCs may apply will still be required to submit an application and will in principle “receive” an incentive; however, the administrative burden will be much less.

Other anticipated changes include clarifying that eligibility extends to First Nation development corporations to ensure consistency with the policy’s practical application to date. The City administratively closed a loophole last year by including a provision in development agreements to bar recipients of incentives to utilize their rental units for short-term rental (STR) purposes.

Groundswell tried to clarify one confusing element of the DIP as currently written with City staff with relatively little success. The challenge relates to the valuation of the grant in the case of multi-unit residential development geared for homeownership versus rental. In theory, the original development corporation would retain little (if any) interest in the completed building after the strata corporation is formed and individual units have been sold. How, and to whom/what, the tax relief is being enjoyed over the 10-year incentive period is not clear. Should the City of Dawson wish to continue extending eligibility for multi-unit homeownership developments, this warrants further investigation.

4.3 Small Municipality Incentives - Miscellaneous

To help Council and City administration understand what types of other incentives small municipalities are administering, Groundswell compiled an assortment of more relevant, fulsome examples from communities in British Columbia. The examples identified highlight the fact that municipalities can incentivize any range of priority policy or development issues, relative to their financial and administrative capacity to do. For the most part, the incentives programs identified focus on economic and Downtown revitalization through Revitalization Tax Exemption Programs (RTEPs), which are enabled by the *Community Charter* in BC.

An assortment of potentially relevant incentives policies and programs offered by small municipalities in British Columbia, Alberta, and Saskatchewan are presented in Table 3.

4.4 Housing Affordability Incentives & Approaches

Traditionally the domain of provincial and federal governments, affordable housing has become a major focus for municipal planning policy and incentives over the past few decades. Local governments have various policy, planning, and financial tools to create or help create affordable housing units. Generally speaking, they can use tax and spending powers to subsidize the creation of units. They can leverage their planning and regulatory approval powers to encourage private sector participants to build affordable units as part of market housing development projects. In some cases, they can also elect to provide direct financial contributions.

Planning and zoning tools are probably the most common municipal approach to promoting affordable housing. Reducing setbacks, allowing smaller lot sizes, supportive zoning for secondary units, garden suites, mixed-use and multi-residential buildings, and waiving off-street parking requirements are all common measures taken to encourage higher densities and lower the cost of housing. Two specific approaches – density bonusing and inclusionary zoning – directly link zoning permission and development approval to the actual creation of housing (please see examples below).

Where financial tools are utilized by smaller municipalities, they are typically limited to the waiver or reduction of development-related costs and the use of tax incentives. Only one example of a tax incentive was identified, and direct cash/municipal reserved funded approaches – such as loans to homeowners - appear to be similarly rare.

Please refer to Table 4 for an overview of housing incentives and related policy/planning approaches from small to large jurisdictions in British Columbia, Alberta, and Saskatchewan.

4.5 Heritage Protection and Adaptive Reuse Incentives

Research suggests that the “Top 5” most significant factors discouraging heritage property development are low Return on Investment (ROI), limits on development potential, complexity of Building Code compliance, fear of unknowns, and delayed ROI (National Trust for Canada, 2014). Conversely, the top priorities for encouraging heritage development include ongoing property tax relief, income tax credits, heritage grants, and property tax abatement (Ibid).

Key criteria for determining the effectiveness of a heritage incentive is working include the degree of annual uptake, encouragement of conservation work that may not have otherwise happened, adherence to accepted

Table 3. Miscellaneous Incentives Programs/Policies in Small Municipalities

Community	Population (2016)	Program	Eligibility	Details	Noteworthy Practice
Keremeos, BC	1502	Business Façade Improvement	Commercial and retail buildings in the Downtown	50% reimbursement grant up to a maximum of \$2000 per building/project	
Tumbler Ridge, BC	1987	Revitalization Tax Exemption Program	New construction (min. \$100,000 value) and upgrades (min. \$25,000 value) in the town's commercial and industrial zones including improvements that are accessible to persons with disabilities and contribute to environmental sustainability and carbon neutrality	Four levels of tax incentives: <ul style="list-style-type: none"> • Basic – Year 1 – 100%, Year 2- 50% • Accessible – Year 1 – 100%, Years 2-4 – 75%/50%/25% • Green – Same as Accessible • All – Years 1/2 – 100%, Years 3-5 – 75%/50%/25% 	"Stacking" feature that promotes the achievement of multiple development objectives
City of Rossland, BC	3729	Revitalization Tax Exemption Program	Commercial, recreational, or industrial development/redevelopment (both min. \$10,000 value) that meets a minimum of two of six objectives: <ul style="list-style-type: none"> • Economic development • Heritage property conservation • Green building technology • Water or energy conservation • Improved aesthetics and/or amenities 	Maximum term of 5 years. 100% exemption in Year 1 and graduated in Years 2-5 to reduce by 20% until full assessment is reached in Year 6	Promotes the achievement of multiple growth and sustainability objectives while allowing for flexibility for individual property owners
Sparwood, BC	3784	Revitalization Tax Exemption Program	Two specific addresses, all hotel/motel development, and/or new construction or significant renovation of commercial buildings within a designated revitalization area	Tax exemptions range from \$100,000 to the total value of improvements and may be granted for a period from three (3) to seven (7) years	
Municipality of Jasper, AB	4590	Off-Site Levy Reduction	New development achieving high standards of environmental and energy performance	50-90% reduction depending on level of LEED, Built Green, Energuide, and R-2000 standards achieved	
City of Meadow Lake, SK	5244	Exterior Improvements and Commercial Tax Incentives Programs	<ul style="list-style-type: none"> • Projects that improve the image and attractiveness of the city and use of local labour and materials • Commercial and industrial projects in the downtown revitalization area 	<ul style="list-style-type: none"> • Rebate of \$50 per \$1000 of construction value up to a maximum grant of \$1000 • 5-year rebate starting at 100% in Year 1 and decreasing in 25% increments until full taxation is reached in Year 6 	

Table 4. Affordable Housing Programs/Policies in Other Municipalities

Community	Population (2016)	Program/Policy	Eligibility	Details
Ucluelet, BC	1717	Official Community Plan - Various	OCP sets out a number of provisions aimed at making housing more affordable, including: <ul style="list-style-type: none"> • A requirement for 15-20% of new multi-family developments to be affordable. • Encouragement for developers to set aside 15-20% of all units for employees of new developments. • Density bonusing in medium/high density zones (i.e. increase of 20 units/ha where 30% of units are affordable) 	
Tofino, BC	1932	Affordable Housing Reserve, Land Banking, Community Housing	The Tofino Housing Corporation (established by the District) is working with a non-profit partner to build units using its Affordable Housing Reserve and revenues from the Municipal and Regional District Tax. This is an example of a very small municipality establishing an Affordable Housing Reserve Fund (ARHF). ARHFs are common in larger municipalities throughout BC. Some municipalities contribute to them via municipal general revenues while others utilize density bonusing programs to secure major funds from developers.	
Town of Osoyoos, BC	5085	Near-Market Affordable Housing Program	NMAH operates in designated areas of Osoyoos to deliver lower cost affordable homes at a discount below comparable market housing to qualified applicants. Developers build and help subsidize a required share of modestly priced affordable homes in their residential projects as a condition of zoning approval, and sell them to approved program recipients registered on a waiting list by the Town's Affordable Housing Authority (AHA). Each home stays in the Town's Affordable Housing Pool for a 15-year term and can only be resold by the homeowner at a maximum fixed price equal to the original purchase price, plus an annualized rate of interest aligned with BC Based Consumption Price Index.	
City of Parksville, BC	12,514	Development Cost Charge Waiver Bylaw	The bylaw allows for the 100% reduction of DCCs payable for affordable rental housing, including supportive living housing	
Town of Canmore, AB	13,992	Perpetually Affordable Housing (PAH) Policy	The PAH contribution policy applies to residential, business and development sectors. Typically development requires the inclusion of PAH units that become the property of the Canmore Community Housing Corporation (CCHC). The homes are offered as leasehold tenures and restrictions are placed on maximum resale price and the CCHC holds a Restrictive Covenant and Option Agreement on title.	
City of Penticton, BC	37,035	Development Cost Charge Reduction Bylaw	The bylaw allows for the 100% reduction of DCCs payable for affordable rental housing, including supportive living housing, or a 50% reduction for projects that achieve a high score on the City's Sustainability Checklist	
City of Saskatoon, SK	246,376	Mortgage Flexibilities Support Program	The program was created by the City, Canada Mortgage and Housing Corporation (CMHC) and the Saskatchewan Housing Corporation (SHC) to increase affordable homeownership opportunities. With a 5% down payment grant from the City and mortgage loan insurance from CMHC, qualified homebuyers (i.e. who meet maximum income thresholds) have the means to finance the purchase of affordable units brought to market by private homebuilders leading "designated" projects. Developers contribute 3% of the down payment and the City contributes 2%.	

heritage conservation principles, and achievement of measurable heritage conservation outcomes (Jeanes, 2014). Not surprisingly, municipal heritage-related programs and policies appear to be more common in eastern Canada than other parts of the country. Ontario in particular has a wealth of heritage incentive programs, most (if not all) of which draw from three primary mechanisms, as reported by the Ministry of Heritage (Ibid):

- 1) Grants and loans (48 programs in 36 municipalities as of 2014);
- 2) Heritage property tax relief (\$3.3M of relief in 2012 and 40 municipalities); and
- 3) Community Improvement Plan incentives (which overlap with Heritage Conservation Districts)

Please refer to Table 5 for an overview of heritage protection and adaptive reuse incentives from small to large jurisdictions in British Columbia, Ontario, and Nova Scotia.

4.6 Vacant and/or Derelict Property Incentives

An online review of Canadian municipal solutions to the issue of vacant and/or derelict properties yielded very little of potential application to Dawson. Many medium to large municipalities have specific brownfield development incentives but the issue of more generic vacant land development is typically addressed indirectly through broader revitalization tax incentives.

Municipal vacant building bylaws are common in larger cities throughout Canada but these are primarily concerned with issues of public safety versus neighbourhood vitality. Winnipeg's *Vacant and Derelict Buildings Bylaw* allows the City to take possession of a derelict building with no compensation to the owner. This approach appears to be unusual; in fact, many Ontario properties are eligible for a provincial rebate if they have commercial and/or industrial buildings that have been vacant for a consecutive minimum number of months.

With the exception of the City of Vancouver, it would seem there is little to no municipal precedent for a "stick"-oriented taxation tool to addressing vacant properties in Canada. The online scan found no other municipalities that charged similar taxes.

Two potentially useful examples of taxation-related approaches to addressing vacant land are presented in Table 6.

Table 5. Heritage Incentive Programs/Policies in Other Municipalities

Community	Population (2016)	Program/Policy	Eligibility	Details
Town of Cobourg, ON	19,440	Heritage Programs (Various)	The Town of Cobourg administers a number of different heritage-oriented programs, including: <ul style="list-style-type: none"> • Permit Fee Program – waives building and planning fees for projects in the Core Heritage Conservation District and allows for a 50% waiver elsewhere; • Heritage Loan Program – loan of up to \$15,000 per project available to support exterior restoration of <i>Ontario Heritage Act</i> designated properties; • Heritage Tax Incentive Program – available only to projects in the Core Heritage Conservation District; provides a 10-year grant equal to annual increase in the town portion of property taxes; and • Development Charges Credit on Existing Buildings Program – credits are made available to offset applicable development charges where a redevelopment project utilizes an existing building 	
East Hants, NS	23,000	Heritage Property Incentive Program	The program assists municipally registered heritage properties not used exclusively for commercial purposes (unless owned by a non-profit society). The cash grant covers 50% of eligible repairs or renovations to the building exterior (or structural upgrades) up to a maximum of \$2000 per property. Architectural, engineering, and other consulting fees are eligible for funding.	
City of Victoria	85,792	Tax Incentive Program	The City of Victoria first enacted the Tax Incentive Program (formerly the Downtown Heritage Tax Incentive Program) in the late 1990s. Formerly restricted to the Downtown area, the revamped program is available to all private property owners of eligible heritage designated commercial, industrial and institutional city-wide. The program applies to the seismic upgrading costs specific to the conversion of existing space to residential uses or for the rehabilitation of heritage designated buildings for uses other than residential. Both professional design and engineering services as well as construction work is eligible. The term of the incentive is based on the cost of seismic upgrades and current taxation, with no upper limit. For example, a \$200,000 seismic upgrade on a property (currently) taxed at \$20,000/year would be eligible for 10 years of a 100% exemption on the assessable improvements.	

Table 6. Vacancy-Related Programs/Policies in Other Municipalities

Community	Population (2016)	Program/Policy	Eligibility	Details
City of Saskatoon, SK	246,376	Vacant Lot and Adaptive Reuse Incentive Program	<p>The original VLAR program was designed to encourage development on existing vacant or brownfield sites, and the reuse of vacant buildings in specific areas of the city by providing financial and/or tax based incentives to owners of eligible properties. A Maximum Incentive Amount is equivalent to the increment between the existing property taxes (city portion) and the taxes paid upon completion, multiplied by five years.</p> <p>The amount of the final grant is determined through an evaluation system, based on points linked to policy objectives identified in the City's Official Community Plan. The points are used to determine what percentage of the total Maximum Incentive Amount may be available to the applicant. Under the Program, applicants are given a choice of a 5-year tax abatement, or a grant.</p> <p>In 2016, a policy amendment allowed for gardening on vacant lots as an interim use to promote urban agriculture as well as address the aesthetic and safety issues of vacant lots. The establishment of a garden on a vacant lot does not affect the opportunity for future incentives under the VLAR Program when the lot becomes developed. To earn the incentive, applicants must convert a minimum of 50% or 100 m² of a vacant lot, whichever is smaller, into a garden and maintain the site in a safe and orderly manner. All noxious weeds must be controlled, and the garden must not generate odour, dust, drainage impacts, or noise that may impact neighbouring properties or the right of way.</p> <p>The garden-specific incentive is an annual grant for the property owner equal to 50% of municipal land tax, for up to five years. A written agreement is required between the property owner and gardener(s) if they are not one and the same to indicate that there is an arrangement in place to permit a garden to operate on the vacant lot.</p> <p>The policy was amended again in 2017 to include all new residential or office developments (without a vacancy requirement) and encourage heritage building protection by specifying such sites only be eligible for adaptive reuse (again without a minimum vacancy requirement or change of use).</p>	
City of Vancouver, BC	603,500	Empty Homes Tax	The City of Vancouver Empty Homes Tax charges 1% of the assessable taxable value to homes deemed empty. Property owners in certain areas are required to sign and submit a formal declaration on an annual basis verifying the property is occupied.	

5.0 Conclusions and Recommendations: DIP

5.1 Key Issues and Considerations

City Administrative Capacity

Administrative capacity must be kept “top of mind” in considering potential revisions and expansions to the policy. Record keeping for the DIP in its early years was reportedly minimal, and while staff is working to institute a more consistent administrative approach with an application checklist and spreadsheet to track applications and tax grants, it is possible that additional “catch-up” is warranted. For example, according to recipients of the Major Incentive, the City may not have yet registered an interest on title for the properties in question. The interviews highlighted the potential need for an application form and at least semi-defined process timelines, as well as accompanying background information to help Dawson residents understand their options. This should not be onerous and there are many examples to draw from (the City of Whitehorse’s materials being one), but it will nonetheless require time and resources. Ideally, a new policy would not substantively add to the City’s administrative burden without a requisite benefit to the community.

City Financial Capacity

The jurisdictional review indicates that the use of cash-funded incentives, versus tax exemptions, is generally limited to larger municipalities. The survey results indicate there some residents may have concerns about the impact of incentives on the ability of the City to deliver services without increasing taxes. Expanding from tax incentives to financial grants and other direct funding mechanisms may be warranted only for the highest priority challenges and in areas for which a municipal funding stream can be identified or created.

Flexibility vs. Consistency and Transparency

In order to bring housing online in Dawson’s highly challenging development context, the City has had to administer the policy in a flexible manner. This flexibility has pertained to the eligibility of projects by geographic location, the means by which the City has maximized the value of its contribution to facilitate the leveraging of maximum YHC funding, and other elements that may have otherwise rendered larger housing initiatives unviable. There is a strong argument for the “ends justifying the means” in each of these cases; however, there is an opposing argument to be made for the City failing to follow its own policy. A revision to the policy presents an opportunity to address some of the discrepancies between “policy on paper” and “policy in practice”. It also allows for a clarification of some ambiguous and confusing language that could lead to, or indeed has already led to, unnecessary staff and Council time to interpret and resolve during the administrative of incentives.

New and unforeseen circumstances may continue to present themselves and warrant similar flexibility going forward; as such, there may be a benefit to broadly outlining the conditions for it.

Current and Future Housing Needs: Quantity

On the basis of discussions with incentive recipients and the survey results, it can be concluded that the policy has succeeded in helping bring market rental housing and some mixed development into the Historic Townsite, including the Downtown Core.

Klondike Development Organization (KDO) estimated in 2018 that a total of 335 new housing units will be needed between 2018 and 2030 (please see the following page). The 22 new multi-residential units due for completion in 2019, and the likely development of 8 more in 2020, represent significant progress towards meeting these housing targets. However, population growth can be expected to place ongoing pressure on Dawson's housing stock.

Housing Type	# of Units	# of Lots Required
Home ownership	30 1-bedroom 65 2-bedroom 30 3-bedroom	105 – 70 urban serviced & 30 country residential <i>*20 units are assumed to be accommodated on Settlement Land</i>
Rental	<u>Secondary/garden suites</u> 48 1-bedroom 12 2-bedroom <u>Multi-unit residential</u> 77 1-bedroom 23 2-bedroom	None – growth to be accommodated on existing lots 17 urban serviced lots

Previous surveys referenced by KDO have established that housing is the top priority for improving Dawson and its economy (ahead of recreation, transportation, infrastructure and other investments). The survey conducted for this exercise reinforces that residents feel the availability of rental housing remains a critical success factor for Dawson. There is a strong case to be made for the continuation of incentives to help ensure these projected housing needs are at least partially met. At the same time, there may be value in having a “minimum test” of need integrated into the plan to help ensure that the housing in question

Current and Future Housing Needs: Diversity and Affordability

Housing needs relate not just to aggregate quantity, but also diversity and suitability of available options. What the policy has not necessarily facilitated to date, at least directly, is affordability and a diversity of options representing various points along the housing continuum.

Both demand and demographics bear mentioning here. Dawson has a higher percentage of single-occupant households (45%) than the Yukon average (32%) and future population/demographic projections will see this trend apply to a greater proportion of residents; smaller 1-2 bedroom units are the priority need. There is also latent demand for home ownership, not just rental opportunities. The KDO found that 44% of Dawson City renters are planning to build a home in the next 5 years, and 36% indicated they may wish to build. Renters surveyed indicated that the primary barrier to moving from rental to home ownership is lack of land, versus affordability or access to financing.

There is potential for highly inefficient use of a limited land base should detached single family dwellings remain the predominant housing form in Dawson City. One approach is to encourage new private development forms – such as town homes, row houses and cluster housing – to meet latent demand for home ownership options in a land-constrained community (at present, semi-detached market housing is virtually non-existent in the Historic Townsite). The other approach is to encourage the utilization of as much the developable land base as possible,

which includes idle City, Crown and federal lands that may not be available for sale but could potentially be leased.

Affordable homeownership is generally not promoted directly through taxation incentives but through planning and zoning tools. Density bonusing and inclusionary zoning, both of which are effective revenue sources for municipal affordable housing funding, are unlikely to have much success in a Dawson context given the very high capital costs of multi-unit residential construction. The establishment of a municipal housing corporation would require considerable City administrative capacity and seems unwarranted given the proven experience and willingness of local non-profit organizations like Klondike Development Organization and possibly a few private developers to provide housing solutions. Ideally the City would position itself to support their efforts and partner around strategic projects.

Other lower risk/effort tools could also be applied to promote both density and affordability. The best option in this regard is applying development charges – whether they be the current Load Capacity Charge or new charge – on a per m² versus a flat rate (please refer to the discussion in Section 7.0). Should the City wish to consider higher risk/effort tools such as homeownership grants or loans, development charges could potentially serve as seed money.

Lastly, the jurisdictional review indicates that the practice of providing equal incentives to affordable market (rental or ownership) housing and market (rental or ownership) housing – which the DIP currently does - is unusual. Addressing this policy element could help to satisfy concerns of both survey respondents and some interviewees that incentives are benefiting private developers at the expense of taxpayers.

Downtown Revitalization vs. Smart Growth

Currently, development in the Downtown Core is prioritized in the policy on the basis of revitalization of this area; however, this priority does not align with the realities of land availability in a highly geographically constrained market. The principles of Smart Growth (dense development oriented to utilize existing infrastructure) may be as valid a criterion to apply towards incentive eligibility for multi-unit residential projects as Downtown Core revitalization. Presumably, a property located outside of the Downtown Core but still within the serviced portions of the Historic Townsite would utilize City infrastructure and services to an equivalent degree.

Reuse and Renovation

The language of the policy suggests eligibility for new development but redevelopment is not explicitly mentioned. Given the strong built heritage values in the Historic Townsite and substandard housing conditions evident in some parts of Dawson, adaptive reuse and renovations may merit equal consideration to new construction – and accordingly explicit mention in the policy. Reuse and renovation are included as eligible

A combination of land/lot scarcity, high construction and infrastructure costs, and lower household incomes are arguably the most significant limiting factors to orderly growth in Dawson. None of these are likely to resolve in the foreseeable future, notwithstanding the possibility of a major mine development that could address incomes but greatly exacerbate land scarcity and costs.

5.2 Recommendations

“Housekeeping” Revisions

1. Make minor revisions to the Background section to align language and terminology with the Canada Mortgage and Housing Corporation’s Housing Continuum framework.
2. Add a definition for “multiple unit residential building” and ensure consistency with the recently passed Zoning Bylaw.
3. Revise the definitions of “Economic Development Incentive” and “Graduated Economic Development Incentive” so that the language is more consistent between the two.
4. Clarify that eligibility extends to First Nation development corporations.
5. Clarify the “development fees” under Section 11 or eliminate this clause entirely and provide certainty through a development fee/charge waiver embedded directly in the incentives (see below).
6. Specifically refer to “redevelopment”, “upgrades”, or “renovations” as an eligible activity assuming the outcome is new housing units on the market.
7. Replace the term “provide” under the Major Development Incentive with “develop” or similar language to make consistent with the Standard and Minor Incentives;
8. Clarify that staff housing meets the eligibility criteria and determine whether or not the condition of “rental” has to apply;
9. Revisiting timelines and approval procedures to ensure that projects are positioned for matching funding and can undertake phased projects;
10. Develop an application form and processing timeline and incorporate these into the policy.

“Scope and Intent” Revisions

11. Include a provision in the policy explicitly allowing Council and/or administration to exercise flexibility in order to assist applicants in leveraging other funding, subject to certain conditions (i.e., low risk to City finances, independent review of project financials, verification of alternatives unsuccessfully pursued, etc.);
12. Create an additional incentive level that better positions 6-7 unit buildings for economic viability;
13. Consider linking the granting of incentives for market rental housing to a minimum vacancy rate² and/or (where vacancy rate threshold is exceeded) independent market research proving the need;
14. Cease eligibility for private homeownership-oriented multi-unit residential developments unless they are geared to affordable housing. Alternately, clarify in policy and implementation how the tax incentive will apply to both the original development corporation and subsequent strata corporation.
15. Extend the geographic eligibility for multiple-unit residential buildings to serviced portions of the Historic Townsite (versus Downtown only);

² The Yukon Bureau of Statistics Rent Survey would be the logical guide.

16. Consider extending additional zoning/planning flexibility to bring affordable housing to market, including relation of parking requirements;
17. Consider an incentive for renovations that bring illegal secondary or garden suites into Code compliance;
18. Consider restricting eligibility, or providing a funding advantage, to affordable housing developments. For example, both development charge waivers and a tax incentive could be offered to affordable housing projects only. This could apply solely to non-profit organizations and/or more broadly;
19. Consider including a provision to accommodate potential developments on leased government land subject to the taxable entity being the lessee;
20. Consider a provision that allows for Council to pursue partnerships with non-profit and/or private developers to “pilot” affordable homeownership initiatives, subject to satisfaction of certain objectives or criteria;
21. Consider a points or incentives “stacking” system that maintains the core focus on increasing the housing stock, particularly in serviced areas, but awards additional incentives for affordability, heritage building re-use, and energy efficiency;

Related Programs and/or Policies

22. Consider formalizing the Heritage Grant as mentioned in the *Heritage Management Bylaw* and award grants along with tax incentives for adaptive reuse of heritage buildings and associated design or engineering work, subject to an evaluation framework. The grant could be funded via general municipal revenues or a new revenue stream tied to development charges; and,
23. Consider creating a grant geared towards community-oriented interim uses of vacant land or property or the costs of due diligence-related work (i.e. studies, etc.) required to facilitate redevelopment of parcels with constraints. Council can weigh in on the appropriateness of a taxation-based disincentive separate to this exercise. The jurisdictional review would suggest that this approach is not in common practice; however, there is no obvious impediment to enacting such a policy in the *Municipal Act*.

6.0 Development Charges Overview

A development charge is a fee paid by developers and builders to fund local growth-related infrastructure. Development charges take some of these growth-related costs off the property tax base, and instead charges those who directly trigger the spending.

Development charges (also called capital cost charges, infrastructure charges or offsite levies) are collected as part of the approval process for a new development. They can apply to many different kinds of developments – residential, commercial, industrial and institutional. They are typically levied to cover some or all of the growth-related infrastructure costs resulting from the new development, such as water and sewage services, roads, parks, community facilities and libraries. The new demand created as a byproduct of growth does not always relate to works that are located on or adjacent to the property being developed. For example, new development may require a local government to increase the size of a pre-existing water storage reservoir.

These charges help ensure developers, rather than existing taxpayers, pay for the infrastructure costs triggered by development. While development charges are increasingly being used to support planning goals by providing incentives (and disincentives) for certain types of development and growth, the literature indicates that their policy-related aspects are less understood and underutilized by municipalities (Baumeister, 2012).

All provinces allow municipalities to levy some form of development charge. The rules surrounding how the charges are structured, and what costs they can cover, vary from province to province. British Columbia, Alberta, Saskatchewan, Ontario and Halifax, Nova Scotia are the only jurisdictions in which development charge programs are widely employed and well-established (Ibid).

6.1 Load Capacity Charge

The City of Dawson currently charges a Load Capacity Charge for any new development requiring connection to the City's municipal water and sewer system. The *Fees and Charges Bylaw* sets a flat rate of \$1500 per development unit. City staff reports that it would be very difficult to ascribe specific costing to sewer and water connections; the \$1500 is somewhat of a "ballpark" figure as a result.

7.0 Engagement Findings – DCCs

A total of 35 responses were received for the online survey. The complete results are included in Appendix A. The following section includes a high-level summary by key topic only. It should be noted that a smaller sample of respondents actually completed the development charge related questions (versus the ones pertaining to development incentives).

- **Respondent Profile:** Almost 2/3 of respondents were long-time (16 years or more) residents of Dawson City. Almost 1/3 own businesses and ¼ have built their own home or secondary suite. Only 2 respondents had actually received an incentive under the policy.
- **Agreement with DCC Rationale:** Almost 2/3 (65%) of respondents felt that the infrastructure and services required by new development should be paid for by beneficiaries versus existing taxpayers, while slightly more (68%) felt that it is appropriate for the City to use charges to promote development prioritized in the Official Community Plan. There was slightly less agreement (61%) with the need for the City to adopt more sophisticated policy and fiscal tools. The use of other jurisdictions as a benchmark for City fees and charges was highly divisive, with 30% disagreeing, 30% agreeing, and 30% indicating neither agreement or disagreement.
- **Appropriate Use of Development Charges:** When given four options for the allocation of development charges, respondents indicated the most support for water and sewer (56%), followed by roads (61%) and recreation facilities (55%). "Planning and background studies" garnered most opposition (32%) than support (23%), along with considerable uncertainty (27%).
- **Conditions for Supporting a Cost Increase:** When asked to indicate the conditions under which they would potentially support a development-related cost increase under a new DCC program, consistent and fair application and clear revenue tracking and transparent allocation were selected most frequently (57% and 52%, respectively). 22% indicated no support for charge increases under any condition.
- **Level of Support for DCCs:** A majority of respondents indicated neutrality (44%) or uncertainty (22%) when asked to indicate their support for a DCC. 22% showed support versus 13% showing opposition.
- **Comments, Ideas, and Suggestions:** Respondents provided a range of comments, including the need for developers to pay their costs, charges needing to reflect relative costs of multi-family versus single family residences, the need for progressive levies, and the need to treat non-profit organizations differently. One respondent pointed out a perceived contradiction between asking about incentives for developers while increasing charges on individual residents and suggested that homeownership be incentivized.

A few stakeholder interviews explored the issue of development charges and potential criteria for community acceptance. Generally speaking, the idea of a charge raised concerns about increased development costs in an already highly challenging market. Several questioned whether or not such a charge was actually necessary, or simply the City looking to generate general revenues. One interviewee felt that a new development charge could be received more favourably if introduced in tandem with a review of (and corresponding reduction in) what are felt to be inordinately high labour rates the City charges out to homeowners/developers for the connection of properties to City water and sewer infrastructure.

8.0 Cross-Jurisdictional Review of DCCs

The following section provides an overview of development charges as administered in British Columbia, Alberta, and Ontario, with a particular focus on British Columbia.

8.1 British Columbia

Overview

Sections 932 through 937 of the *Local Government Act* sets out the general requirements under which local governments, by way of a bylaw, may charge Development Cost Charges (DCCs). Using DCCs, local government can apply a common set of rules and charges to all development within a community. DCCs are applied as one-time charges against residential, commercial, industrial and institutional developments. They are usually collected from developers at the time of subdivision approval or at the time of issuing a building permit.

DCCs must be kept in a separate fund from a local government's general operating fund. A local government may only spend DCC monies, and the interest earned on them, for the specific projects and services for which they were originally collected. For example, DCCs collected for sewer infrastructure in a new development may only be spent on that specifically.

Generally, infrastructure construction begins after enough DCCs have been collected by the local government for the project; however, in certain circumstances construction must begin before enough funds have been collected. In these circumstances either the local government or the developer will "front-end" the cost. These costs are then recovered through DCCs as the development progresses. If either the local government or the developer borrows funds to pay these costs the interest paid on these borrowed monies can be recovered through future DCCs.

Guiding Principles

The Government of British Columbia's *Development Cost Charge Best Practices Guide* establishes six Guiding Principles that should be followed by municipalities in the development of a DCC bylaw, as follows:

1. **Integration** – DCC programs should be subordinate to and consistent with broader community planning goals and comprise only one element of a municipality's approach to address land use efficiency, housing affordability and community sustainability.
2. **Benefiter Pays** – Those who will use and benefit from the installation of systems should pay.
3. **Fairness and Equity** – Costs should be distributed between existing users and new development in a fair manner. Furthermore, DCCs should equitably distribute costs between the various land uses and different development projects.
4. **Accountability** – The establishment of charges should be a transparent local government process and all information upon which DCCs are based should be accessible to stakeholders.

5. **Certainty** – Stable charges and orderly construction of infrastructure should be cornerstones of a DCC program, and sufficient DCC funds must be collected to ensure that infrastructure development can proceed in a timely manner.
6. **Consultative Input** – Adequate opportunities for meaningful and informed input from the public and other interested parties should be provided.

Eligible Infrastructure

The *Local Government Act* permits DCCs to be established for providing, constructing, altering, or expanding facilities related only to the following local government services:

- Roads (other than off-street parking)
- Sewage
- Water
- Drainage; and,
- Parkland acquisition.

It is important to note some exceptions to this rule. The Vancouver Charter allows the City to collect DCCs for acquiring property for childcare facilities and affordable housing. The Resort Municipality of Whistler Act allows for the collection of DCCs for employee housing.

Rate Calculation

Rate calculation is generally an involved and complex exercise undertaken by municipalities with external support. Municipalities have to carefully consider broad policy matters as well as technical issues prior to establishing DCCs. In setting rates, local governments also have to take into account whether the proposed DCCs will:

- Be excessive in relation to the capital cost of prevailing standards of service
- Deter development; or
- Discourage the development of reasonably priced housing or reasonably priced serviced land.

In the simplest terms, a DCC rate is calculated by dividing the new recoverable costs of projected development by the projected units of growth as follows:

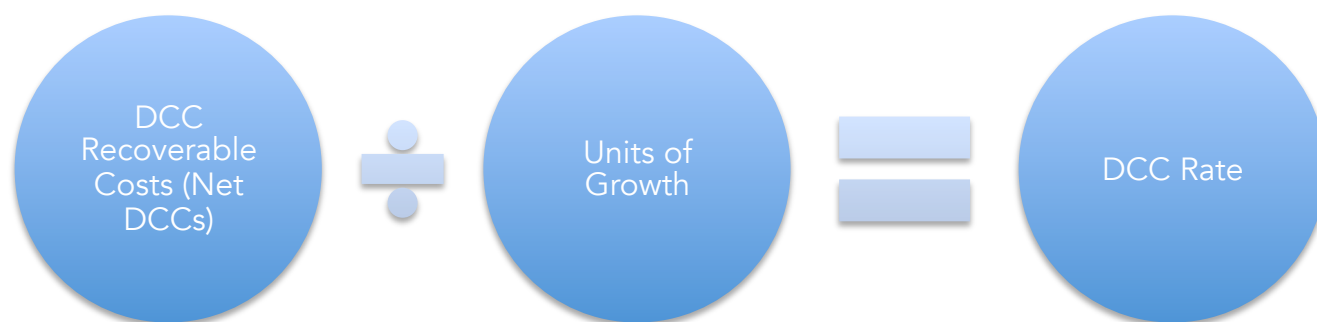
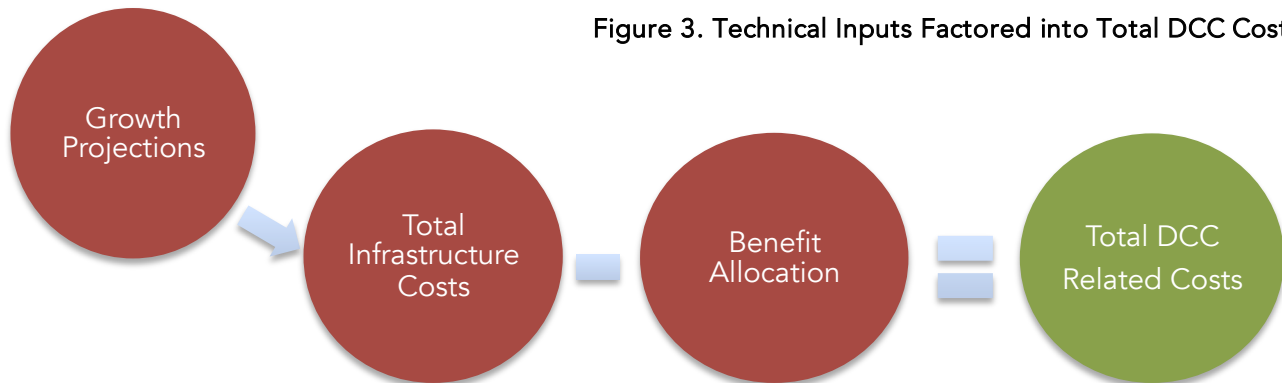


Figure 2. General DCC Rate Formula

DCC recoverable costs (gross versus net) are calculated using a combination of technical inputs and policy-related inputs. The technical inputs include the projected types and amount of new development, the infrastructure and services required by the projected new growth, and the allocation of benefits conferred by that infrastructure between existing and new development. Please refer to the figure below.

Figure 3. Technical Inputs Factored into Total DCC Costs



Some of the overarching policy decisions that need to be made by municipalities prior to the calculation of technical inputs include:

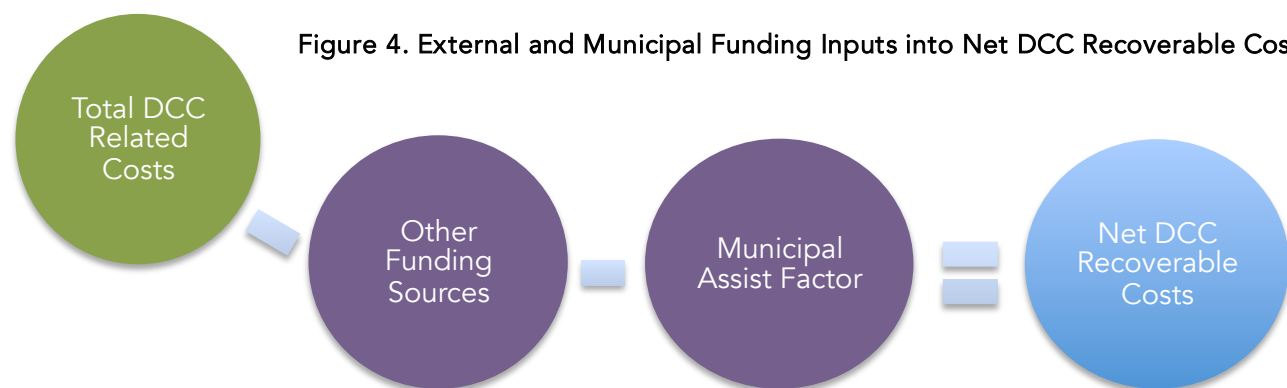
- *Will DCCs be applied on a municipal-wide or area-specific basis?*
- *What timeframe will the DCC program relate to? (i.e. revolving or build-out)*
- *What categories of development will be charged?*
- *To what level of detail will land uses be broken down?*
- *What units will be used to calculate DCCs? (i.e., lots, units, floor area)*

Considerable effort and level of detail is required to address the technical inputs. Growth projections should account for unit types, number of units, and/or floor area requirements for all classes of development (i.e., residential, commercial, institutional, etc.) All infrastructure project costs must be calculated to the class of cost estimate enabled by the planning horizon or level of technical information available. Typically infrastructure is outlined as lists of projects under each DCC category, each with an accompanying sheet detailing project-specific costs. The various project components related to planning, engineering, and legal aspects are incorporated. While the allocation of benefit is prone to subjectivity, municipalities should include supporting technical documentation where possible.

These technical inputs should be closely informed by overarching municipal planning documents, such as Official Community Plans, Servicing Plans, and Financial Plans. These documents should identify where and how much growth is anticipated to occur and how the municipality plans to service it. A municipality – or more typically the engineering consultant team it retains – should theoretically have a solid planning foundation upon which to calculate DCC costs.

Once the total development related costs are determined, other policy and financial aspects are factored in. Other funding sources – including the amount of money in existing DCC reserves and provincial funding – are deducted from total costs, as the municipality's "assist factor", to arrive at a final calculation of net recoverable costs. Please refer to the figure below.

Figure 4. External and Municipal Funding Inputs into Net DCC Recoverable Costs



In general, determining the appropriate level of detail can be challenging and municipalities need to strike a balance between levying excessive charges in relation to prevailing standards of service versus being underfunded. In arriving at the final

DCCs in Practice

On the basis of an Internet-based review, Groundswell concludes that most British Columbia communities of Dawson City's size do not have DCC programs in place. The exceptions tend to be small communities facing serious private development pressures in rapidly growing areas such as Vancouver Island and the Interior. The table below gives an overview of DCC rates for single family and multi-family dwellings in smaller BC municipalities. Most utilize a flat per dwelling unit rate for both types of dwellings but Tofino applies the practice of basing rates on floor area as well. This approach is typically used for commercial, industrial, and institutional development.

Community	Population (2016)	DCC – Single Family Dwelling (2018)	DCC – Multi-Family Unit (2018)
Cumberland, BC	3753	\$19,742	\$12,429
Enderby, BC	2964	\$7050	n/a
Lantzville, BC	3605	\$15,913.42	\$11,206.82
Peachland, BC	5428	\$19,356 - \$19,658	\$11,525
Tofino, BC	1932	\$18,248	\$92.73/m ²
Ucluelet, BC	1717	\$12,882	\$9720

Some BC communities are adopting increasingly complex DCC frameworks that take into fuller account the impact of both density and location on infrastructure and service costs. The City of Kelowna, for example, structures its residential DCC rates using six different residential density categories and numerous area-specific categories. Smaller municipalities are likely to follow suit in the coming years.

8.2 Alberta

Overview

Alberta's equivalent to the DCC is the Offsite Levy, enabled by the *Municipal Governance Act*. The specific use of the term "off-site" is a somewhat nuanced but noteworthy difference from British Columbia's DCC. An off-site

levy helps pay for infrastructure required outside or "off" the site of a particular development or subdivision that will directly or indirectly serve that development. Developers pay for the full cost of infrastructure within their development site, including roads and utility infrastructure, but assist municipalities by contributing to the costs of growth by paying a "levy" towards capital costs related to other infrastructure. The DCC as applied in British Columbia is less prescriptive on the off-site versus on-site issue.

Offsite levies were originally restricted to projects relating to water, sewer, storm water and roads. A 2017 amendment to the Off Site Levies Regulation allows for a levy to be used to pay for all or part of the capital cost (including any related land acquisition) of new or expanded recreation facilities, fire halls, police stations, and libraries. Similar to BC, the legislation sets out a standard for municipalities to follow in establishing levies, including consultation with affected parties and the acquisition of supporting technical data and analysis.

Rate Calculation

The calculation process is very similar to the one utilized in BC. The final charges are typically expressed on a per hectare basis.

DCCs in Practice

Similar to British Columbia, it appears that most Alberta communities of Dawson City's size do not have Offsite Levy programs in place. The table below gives an overview of applicable rates for single family and multi-family dwellings in smaller Alberta municipalities (converted from ha to m² for easy comparison to British Columbia examples).

Community	Population (2016)	DCC – Single Family Dwelling (2018)	DCC – Multi-Family Unit (2018)
Banff, AB	7851	\$21.14/m ²	\$21.14/m ²
Fort MacLeod, AB	2967	\$4.94/ m ²	\$4.94/ m ²
Jasper, AB	4590	\$20.60/m ²	\$20.60/m ²
Peace River, AB	6842	\$3.24 - \$6.04/m ²	\$3.24 - \$6.04/m ²
Rocky Mountain House	6635	\$7.95/ m ²	\$7.95/m ²

Offsite levies have been the subject of various court cases in the province, primarily related to the apportionment of infrastructure benefits – and accordingly costs between new and existing development. Interestingly, the Municipality of Crowsnest Pass repealed its Offsite Levy Bylaw in 2012 due to concerns that it was making the community less competitive in attracting new development ().

8.3 Ontario

The *Development Charge Act* sets out a process by which municipalities can pass their own development charge bylaws. Similar to British Columbia and Alberta, these bylaws are accompanied by a background study. A development charges bylaw can only be passed within one year of a background study's completion, and there are mandatory public meetings that take place as the information is prepared by municipal staff. Once that occurs, a municipality can impose charges against land that is ready to be newly developed or redeveloped.

Collected revenue pays for increased capital costs related to both “hard” – roads, water, stormwater, and wastewater - and “soft” – libraries, recreational facilities, and parkland development - services. The collection of charges for “soft” services is subject to a 10% discount to ensure that municipalities do not “gold plate” services with development funding above and beyond general municipal standards already established.

8.4 City of Whitehorse

Development cost charges were first introduced to Whitehorse in 1995, with the enabling bylaw having been updated most recently in 2012. The original charge was set at \$2500, although a technical report commissioned by the City preceding the enactment of the bylaw apparently recommended a charge of \$12,000 (Shewfelt, pers. comm). Council felt that such a charge could not be borne by prospective homebuilders, nor be politically palatable, and arbitrarily set a rate of \$2500 instead (Ibid). Council approved a 40% increase to \$3500 in 2012 and annual increases in 2013, 2014, and 2015 of 2% to reflect inflation.

Currently, City administration is revisiting the charge in tandem with the Development Incentives Policy. The current rate for a DCC for a single family unit is \$3641. This flat rate indirectly confers an advantage on larger units, the difference being \$15/m² between a 1500 ft² home and a 3500 ft² home. A jurisdictional scan of other similar sized municipalities in British Columbia and Alberta found that the average DCC was \$10,465 per unit, and that none charge on a per m² basis for single family development (Kosick, pers. comm). Using the smallest, average, and largest residential home sizes on record from the first two phases of Whistle Bend as a proxy, staff have played with some pricing scenarios. A potential adoption of a \$40/m² rate would have no cost impact on the smallest unit, whereas the average and largest units would see their costs increase by about \$3300 and \$7500 respectively (Ibid).

A similar inequity exists in multiple family residential units. City staff found that most other municipalities charge on a per m² basis, with the average DCC being \$67/m² and \$7724/unit for a flat rate. Pricing scenarios identified \$40/m² as the threshold at which studio and 1-bedroom units did not see a substantial DCC increase.

City staff has recommended to Council that DCC rates be set at \$35/m² for both single and multiple family dwellings. The rationale is that this rate results in the proposed changes to the linked DIP being close to or at cost neutral based on development projections.

9.0 Conclusions and Recommendations: DCCs

9.1 Key Issues and Considerations

Technical Input Constraints

Development cost charges as legislated and applied in British Columbia, Alberta, and Ontario set a high threshold of accountability and technical rigour and rely on comprehensive Official Community Plans and accompanying servicing and financial plans to specify where and how growth will be accommodated and what the servicing and financial implications are. The City of Dawson's OCP serves as a useful guide of priority direction and policy, but it largely leaves the hard questions of growth unanswered. As such, the OCP provides a somewhat inadequate planning foundation upon which to base a technical, development cost-focused framework.

"Developer Pays" Principle

The concept and underlying rationale for DCCs stems from a historic development context in which private developers were not contributing to the incremental, or indirect, costs of municipal infrastructure. The fundamental principle of "growth pays for growth" or "user pays" underpinning DCCs is poorly satisfied in a Yukon context, where the territorial government is the land developer. Furthermore, the territory already funds the majority of upgrades to existing infrastructure and is anticipated to continue doing so (as per the funding sources indicated in the 2019 Capital Plan recently passed).

Given the preceding point, the considerable cost and effort associated with projecting and costing the land and infrastructure needs to service future growth, as is consistent with best practice, would be in the service of a "moot point" when considering the latter step of factoring in government funding contributions into the net recoverable DCC calculation. In most instances, the final computation will be simple: total DCC related costs minus territorial and federal government contributions will be at or close to zero. In a Dawson City development context, the municipal contribution can reasonably be anticipated to be negligible, notwithstanding administration and Council time.

In fact, it could be argued that the levying of a new infrastructure-related charge constitutes "double-charging" in so far as the individual home builder would theoretically pay both the City for growth through a DCC as well as Government of Yukon through territorial/federal income taxes.

Transparency and Community Buy-In

The survey results indicated an expectation of fair and consistent application and clear tracking and targeted spending of collected charges. The continuation of offsetting incentives and OCP fulfillment are lesser considerations. Overall, the response to a prospective DCC is neutral and/or uncertain, leaning slightly towards positive.

With major infrastructure needs perhaps an unsuitable rationale upon which to base the introduction of a new DCC, the City could try to base a DCC on other costs associated with population growth and development. In doing so, it would want to rationalize to what extent the pinpointed growth-related costs are not adequately

covered through associated increases in the municipal tax base. Survey results indicate more opposition than support for utilizing charges to pay for “soft” costs of preparing for and responding to development, such as planning and backgrounds studies. Pursuing this direction would need to be carefully rationalized and substantiated with information from City departments.

BC’s *Best Practices Guide*’s foundational principles serve as a useful guide for Dawson, despite the contrasting contexts for application of a DCC. The “Benefiter Pays” principle is problematic for obvious reasons but the remainder could be achieved. Further, the “test” of ensuring charges are not excessive or deterring development enshrined in DCC legislation in BC should also be applied to a prospective Dawson charge.

Support for OCP Objectives and Linkage to Incentives

Survey results showed fairly strong agreement in principle with using charges to promote OCP objectives, as well as the adoption of more sophisticated policy and tools. Given the challenges identified around incentivizing homeownership, instituting a charge that confers a direct or indirect advantage to smaller dwellings is an important policy “win”, and one that would reflect emerging best practice. Such a charge would work in tandem with incentives to promote preferred and strategic development forms.

9.2 Framework Options

On the basis of the preceding discussion, Groundswell developed a suite of six potential options for the City to considering in determining how (or whether) to proceed with a DCC, as follows:

Option 1. Maintain and/or revise the Load Capacity Charge as the sole development charge.	
Description	Maintain the Load Capacity Charge as the sole “development charge” levied on new construction. A review could try to determine whether or not the charge is adequate, or alternately - excessive.
Advantages	Simple and likely to be the most palatable to the public and business community
Disadvantages	The City misses an opportunity to strategically direct growth and/or potentially generate revenues from which to fund incentives. In the case of a revised LCC, attributing specific costs may prove to be a challenging exercise for City administration.

Option 2. Implement a DCC based on growth-related “soft” costs not adequately funded otherwise.	
Description	City administration in each department would need to inventory the growth-incurred services and/or infrastructure prone to funding “gaps” in the municipality – i.e. items funded neither via municipal taxes or territorial/federal funding – and determine how to attribute costs to them. These costs could then be tracked for a given timeframe and projected for a future specified timeframe.
Advantages	This approach could help generate revenues to better enable the City to supplement tax revenues for incremental service increases.
Disadvantages	Attributing costs in a transparent, technically rigorous manner could be highly challenging and leave the City open to an ongoing debate with detractors as to costing

	"minutiae". This exercise could also be demanding of staff time.
Option 3. Implement a DCC proportional to Whitehorse and/or market's ability to pay.	
Description	Using Whitehorse's proposed DCC increase as a baseline, develop a Dawson DCC pro-rated to reflect differences in median income and cost of living. Alternately and/or in conjunction with this approach, a maximum threshold for increase over the currently administered LCC could be set (similar to Whitehorse council's approach in both 1995 and 2012). Given the vastly different development context, basing a DCC on similar-sized jurisdictions in BC and/or Alberta is not advised.
Advantages	This approach could be relatively straightforward and it reflects survey guidance to treat Dawson's circumstances as unique versus adopting other small jurisdiction rates.
Disadvantages	This approach may fail to go far enough in treating Dawson's circumstances as unique. Unless the revenues are clearly tracked, Council will be vulnerable to criticisms of unnecessary charges unless there is a clear and defined purpose. This approach would also rely on the City to conclude its DCC review prior to implementing Dawson's rate.

Option 4. Implement a DCC structured to be at (or close to) revenue neutral factoring in related incentives.	
Description	Based on past building permit and construction activity, an estimate of future development (by type) and "unfunded" incentives such as DCC waivers and grants could be made. A corresponding target could be developed for DCC revenues that would need to be generated to offset these costs and divided by the number of un-incentivized developments.
Advantages	This approach may satisfy potential concerns about Council instituting a charge that would be subsumed into general revenues and not used for its intended purpose
Disadvantages	This approach would rely on good estimates of projected development by building type over the short to medium-term. Given the relatively small scale of development in Dawson and corresponding low revenues, revenue neutrality may hinder Council's ability to use financial incentives to make a demonstrable impact on priority issues unless charges were set quite high. A higher administrative burden may be required to track and report on revenue neutrality, and the City would need a mechanism to adjust charges on an ongoing basis.

Option 5. Implement a DCC geared towards achievement of Official Community Plan priorities.	
Description	OCP objectives could be achieved in two ways: first, through the promotion of specific development forms and areas with preferential charges; and second, through the utilization of collected charges as seed money for grant-based incentives. Such a DCC would ensure equity between smaller, more affordable dwellings and denser development forms in the historic townsite. Charges would be structured on a per m ² basis in keeping with emerging best practice. DCCs collected could be allocated to funds or reserves specifically earmarked for the achievement of affordable housing (rental and/or homeownership), heritage adaptive reuse, and/or interim uses of vacant properties. To emphasize its purpose, the charge could be renamed a “Strategic/Smart Growth” charge or similar.
Advantages	Fully transparent in terms of outcomes and shows strong Council commitment to achievement of the OCP. Charges could help to establish stable funding for new and beneficial grants.
Disadvantages	This approach may not reflect the market’s ability to pay. A higher administrative burden on tracking and reporting would be required. The small scale of development may result in minimal funds being raised for grants.

Option 6. Implement a DCC combining elements of Options #3-#5.	
Description	A combined approach could utilize Whitehorse’s DCC and the current LCC as a starting point and be geared towards the achievement of OCP priorities through a gradient charge framework that factors in square footage and location. Revenue neutrality would be a subordinate consideration to OCP/smart growth and market capacity for increased costs. Council could determine its relative importance. Depending on how development proceeds in any given year, there may be charge-related revenues held in reserve by the City. Alternately, requests for related exemptions or grants could account for all DCC revenues.
Advantages	Benefits from all of the advantages of the related options.
Disadvantages	This approach would require tracking and reporting on achievement of outcomes. Revenues generated to help fund grant-based incentives could be minimal.

9.3 Recommendations

Groundswell recommends that Council pursue either Option #1 or Option #6. Presumably, implementing any new charge of this nature would warrant the development of a new bylaw.

Literature Sources

EDITORIAL NOTE MAY 24: STILL BEING COMPLETED

BC Ministry of Community Services. Revitalization Tax Exemptions: A Primer on the Provisions in the Community Charter. Retrieved from: https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/local-governments/finance/community_charter_revital_tax_exemptions.pdf

Canadian Union of Public Employees. N.D. Development Charges: A Primer. Retrieved from: <https://cupe.ca/development-charges>

City of Vancouver. N.D. Empty Homes Tax. Retrieved from: <https://vancouver.ca/home-property-development/empty-homes-tax.aspx>

City of Edmonton. 2018. Commercial Development and Multi-Unit Residential Reinvestment Program Guide. Retrieved from: https://www.edmonton.ca/business_economy/documents/PDF/Development-Incentive-Program_Guides_Commercial-and-Residential-2018.pdf

City of Regina. January 1, 2018. Housing Incentives Policy. Retrieved from: <https://www.regina.ca/opencms/export/sites/regina.ca/residents/housing/.media/pdf/2018-housing-incentives-policy.pdf>

Municipality of East Hants. N.D. Heritage Property Incentive Program. Retrieved from: <https://www.easthants.ca/government/council/municipal-grants/heritage-property-incentive-program/>

Jeanes, Andrew. May 24, 2014. Financial Incentives for Conserving Built Heritage. Presentation delivered to Ontario Heritage Conference. Retrieved from: <http://www.heritagegreyhighlands.com/resources/Ontario%20Financial%20Incentives.pdf>

National Trust for Canada. 2014. Financial Measures to Encourage Heritage Development: Final Report. <https://archive.nationaltrustcanada.ca/sites/www.nationaltrustcanada.ca/files/Final%20Report%20Financial%20Measures-2016%20use%20this.pdf>

District of Tumbler Ridge. 2010. Revitalization Tax Exemption Bylaw No. 570, 2010. https://investtumbleridge.ca/wp-content/uploads/2018/11/Revitalization_Tax_Exemption_Consolidation.pdf

Town of Osoyoos. 2019. Town of Osoyoos Policy Manual PLA-017: Near-Market Affordable Housing (NMAH) Program Guidelines. Retrieved from: <https://www.osoyoos.ca/content/near-market-housing-meadowlark-place-near-pro><https://osoyoos.civicweb.net/document/82411>

Wikipedia. List of Municipalities in Alberta. Retrieved from: https://en.wikipedia.org/wiki/List_of_municipalities_in_Alberta

Wikipedia. List of Municipalities in British Columbia. Retrieved from: https://en.wikipedia.org/wiki/List_of_municipalities_in_British_Columbia

Wikipedia. List of Municipalities in Ontario. Retrieved from:
https://en.wikipedia.org/wiki/List_of_municipalities_in_Ontario

Town of Oliver. Revitalization Tax Exemption Bylaw 1328. Retrieved from:

The Corporation of the District of North Cowichan. Revitalization Program Bylaw. Retrieved from:
https://www.northcowichan.ca/assets/Municipal~Hall/Bylaws/Revitalization_Program_Bylaw.pdf

Province of British Columbia. Policy and Planning Tools for Housing. Retrieved from:
<https://www2.gov.bc.ca/gov/content/housing-tenancy/local-governments-and-housing/policy-and-planning-tools-for-housing/incentives-for-housing>

Baumeister, Mia. 2012. Development Charges Across Canada: An Underutilized Growth Management Tool? IMFG Papers on Municipal Finance and Governance. Munk School of Global Affairs. University of Toronto.

Village of Keremeos. N.D. Business Façade Improvement Program. Retrieved from:
<http://www.keremeos.ca/business-facade-improvement-program>

Municipality of Jasper. Bylaw #160. CCNPHC Loan Guarantee Bylaw #2012. Retrieved from: <https://www.jasper-alberta.com/DocumentCenter/View/105/Caribou-Creek-Loan-Guarantee-Bylaw-PDF?bidId=>

District of Lantzville Bylaw No. 52. A Bylaw to Impose Development Cost Charges for Water, sewage, Drainage, Highway Facilities and Park Land. Retrieved from: <https://www.lantzville.ca/cms.asp?wpID=513>

Town of Fort MacLeod. By-law No. 1750. <https://fortmacleod.com/download/bylaw-1750-off-site-levy/?wpdmdl=932&ind=1469384891082>

Town of Banff. Bylaw No. 59-4. A Bylaw of the Town of Banff in the Province of Alberta to Authorize the Levy of Off-site Costs on Developed or Redeveloped Lands Within the Town for Residential and Non-Residential Properties. Retrieved from: <http://www.banff.ca/DocumentCenter/View/253>

[https://www.penticton.ca/assets/City~Hall/Bylaws/Land~Use/Development%20Cost%20Charge%20Reduction%20\(Bylaw%202010-11\).pdf](https://www.penticton.ca/assets/City~Hall/Bylaws/Land~Use/Development%20Cost%20Charge%20Reduction%20(Bylaw%202010-11).pdf)

<http://www.rockymtnhouse.com/index.aspx?NID=153>

<https://peaceriver.ca/wp-content/uploads/2019/05/2044-Offsite-Levy-Bylaw.pdf>

<https://www.ladysmith.ca/docs/bylaws/1781-dcc-reduction-for-downtown-specified-area-bylaw.pdf?sfvrsn=12>

<https://www.saskatoon.ca/business-development/development-regulation/developers-homebuilders/incentives-builders-developers>

<https://www.saskatoon.ca/business-development/development-regulation/developers-homebuilders/incentives-builders-developers>

<https://www.saskatoon.ca/services-residents/housing-property/secondary-suites-boards>

Smart Growth BC. A Toolkit for BC Municipalities on Creating Market and Non-Market Affordable Housing.
Retrieved from: <https://toolkit.bc.ca/resource/creating-market-and-non-market-affordable-housing-toolkit-bc-municipalities>

<https://www.auma.ca/advocacy-services/programs-initiatives/municipal-planning-hub/land-use-planning-alberta/municipal-land-use-planning/land-use-planning-tools-municipal-government-act>

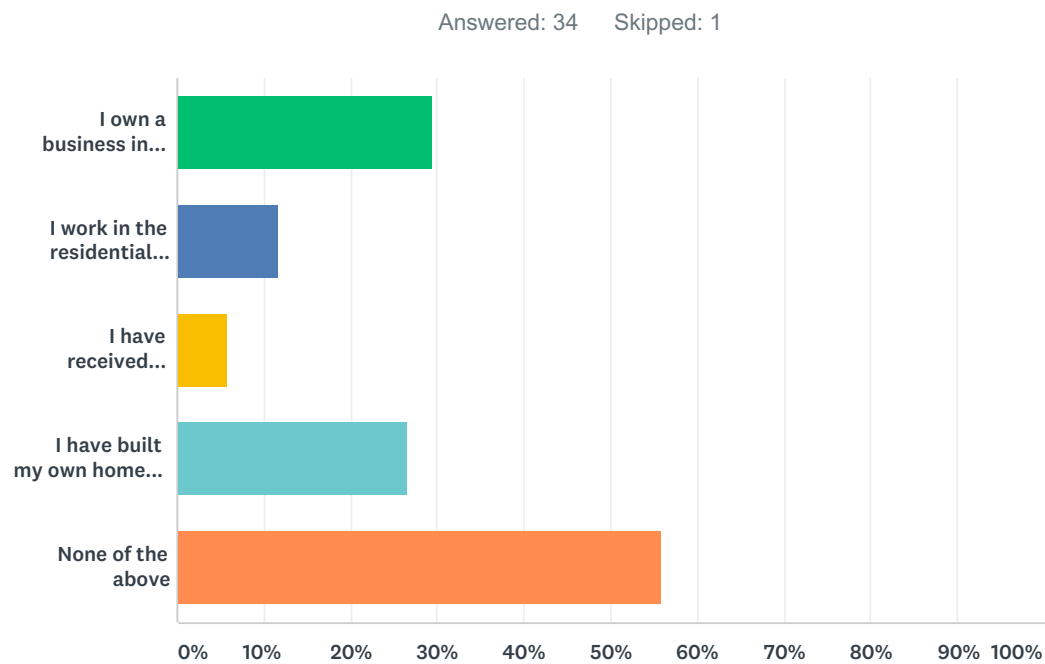
Passherald.ca/archives/120508/index2.htm

<http://www.mah.gov.on.ca/AssetFactory.aspx?did=10253>

APPENDIX A

Online Survey Results

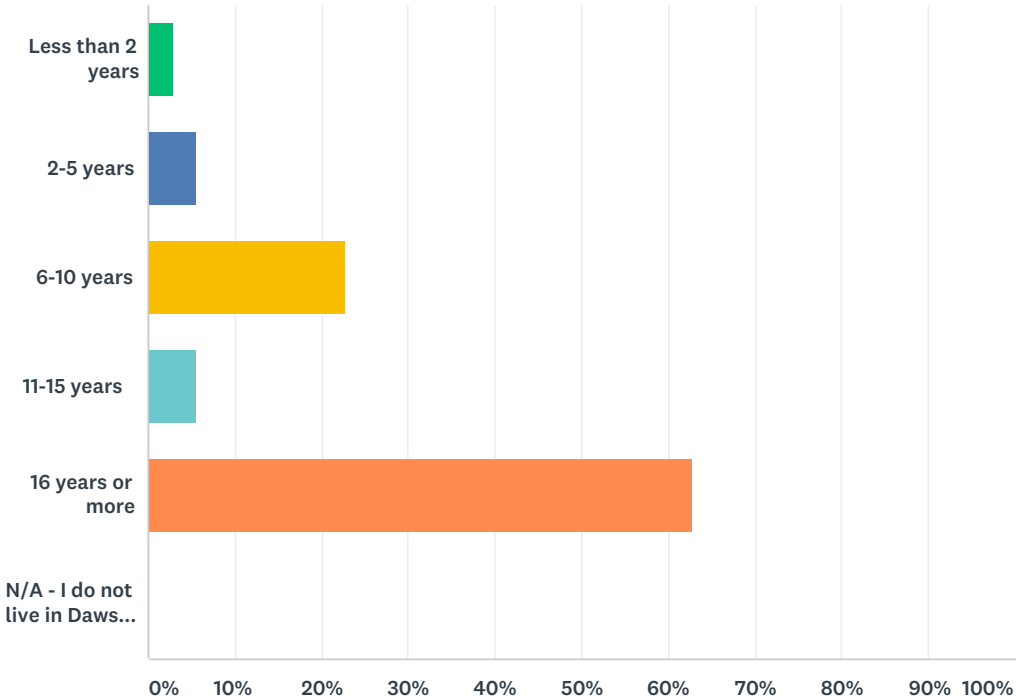
Q1 Which of the following describes you? You may select more than one option.



ANSWER CHOICES	RESPONSES	
I own a business in Dawson City	29.41%	10
I work in the residential construction and/or development field	11.76%	4
I have received assistance under the City of Dawson's Development Incentives Policy	5.88%	2
I have built my own home and/or secondary suite	26.47%	9
None of the above	55.88%	19
Total Respondents: 34		

Q2 How long have you lived in Dawson City?

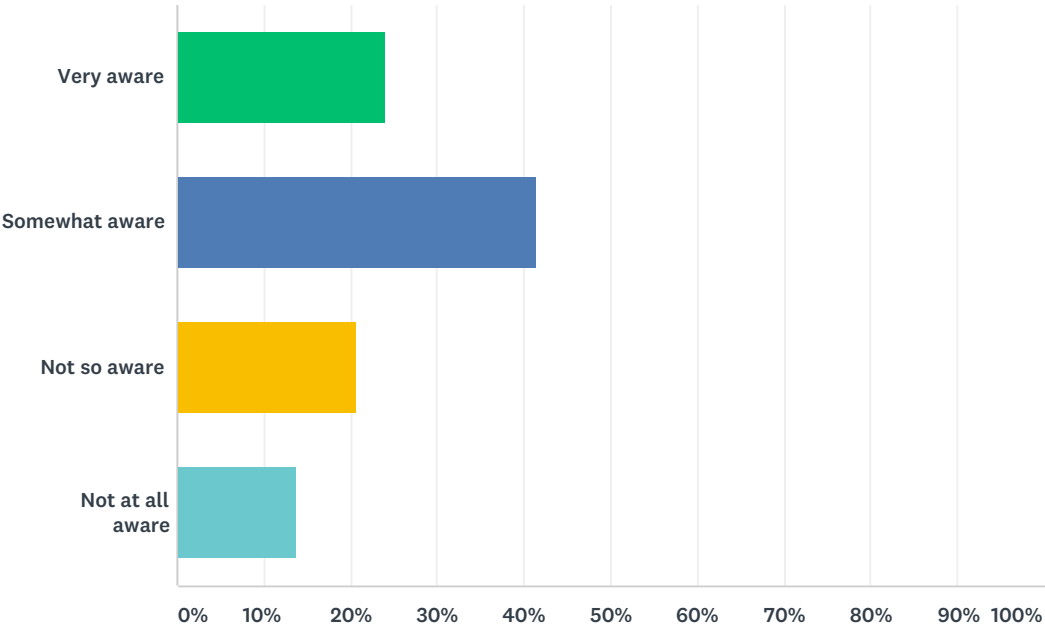
Answered: 35 Skipped: 0



ANSWER CHOICES	RESPONSES	
Less than 2 years	2.86%	1
2-5 years	5.71%	2
6-10 years	22.86%	8
11-15 years	5.71%	2
16 years or more	62.86%	22
N/A - I do not live in Dawson City	0.00%	0
TOTAL		35

Q3 Which of the following describes your level of awareness (prior to this survey) about the City’s Development Incentives Policy:

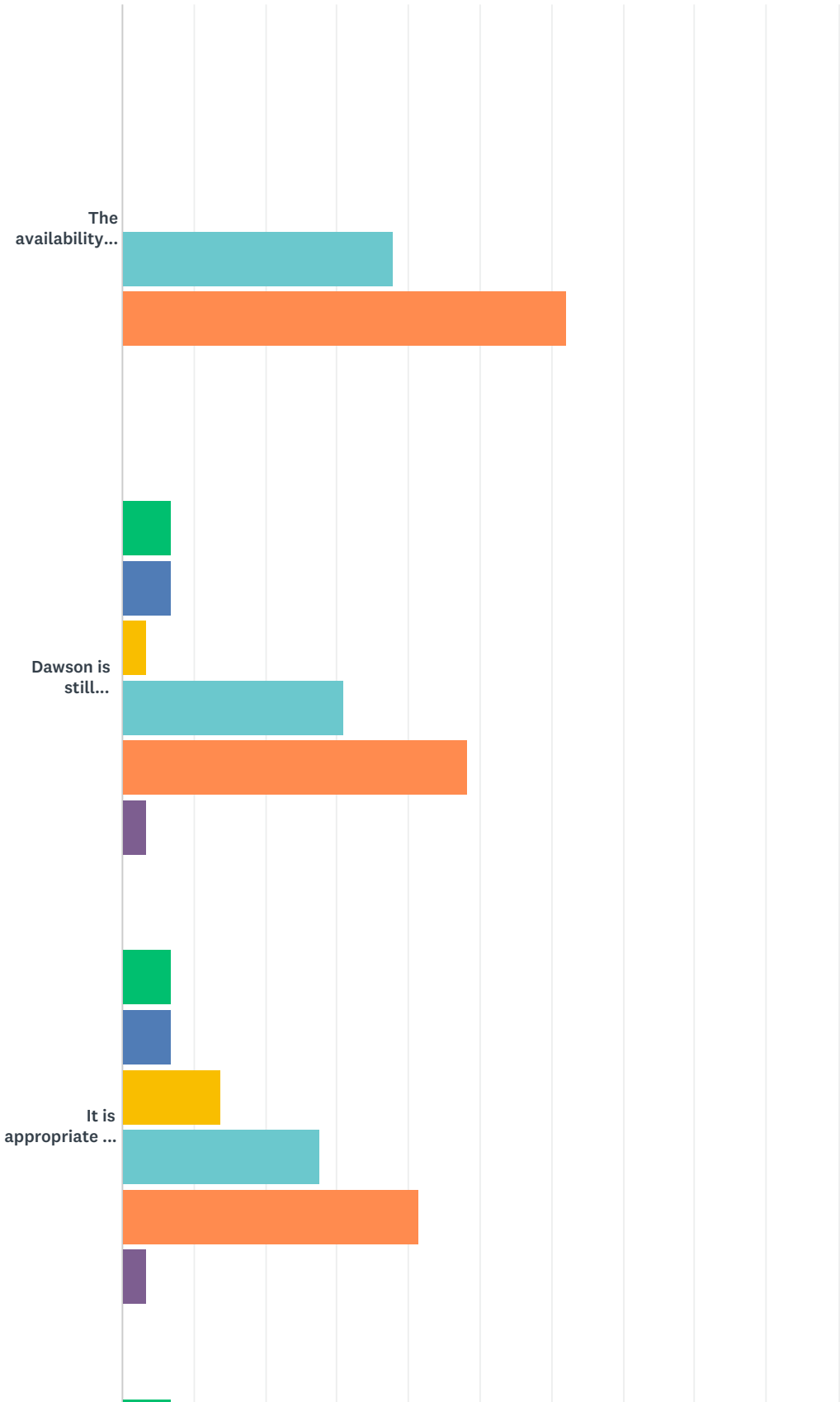
Answered: 29 Skipped: 6

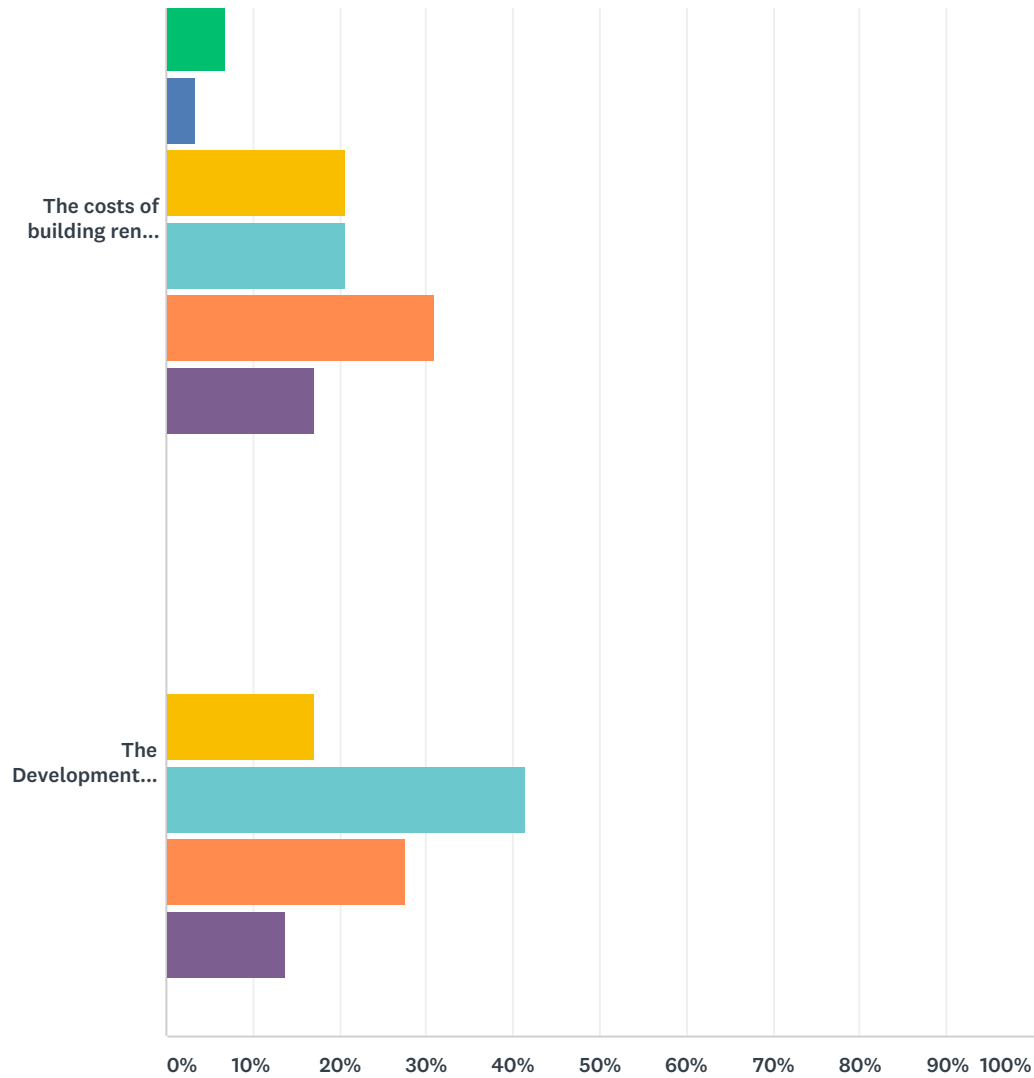


ANSWER CHOICES	RESPONSES	
Very aware	24.14%	7
Somewhat aware	41.38%	12
Not so aware	20.69%	6
Not at all aware	13.79%	4
TOTAL		29

Q4 Please indicate your level of agreement with the following statements:

Answered: 29 Skipped: 6



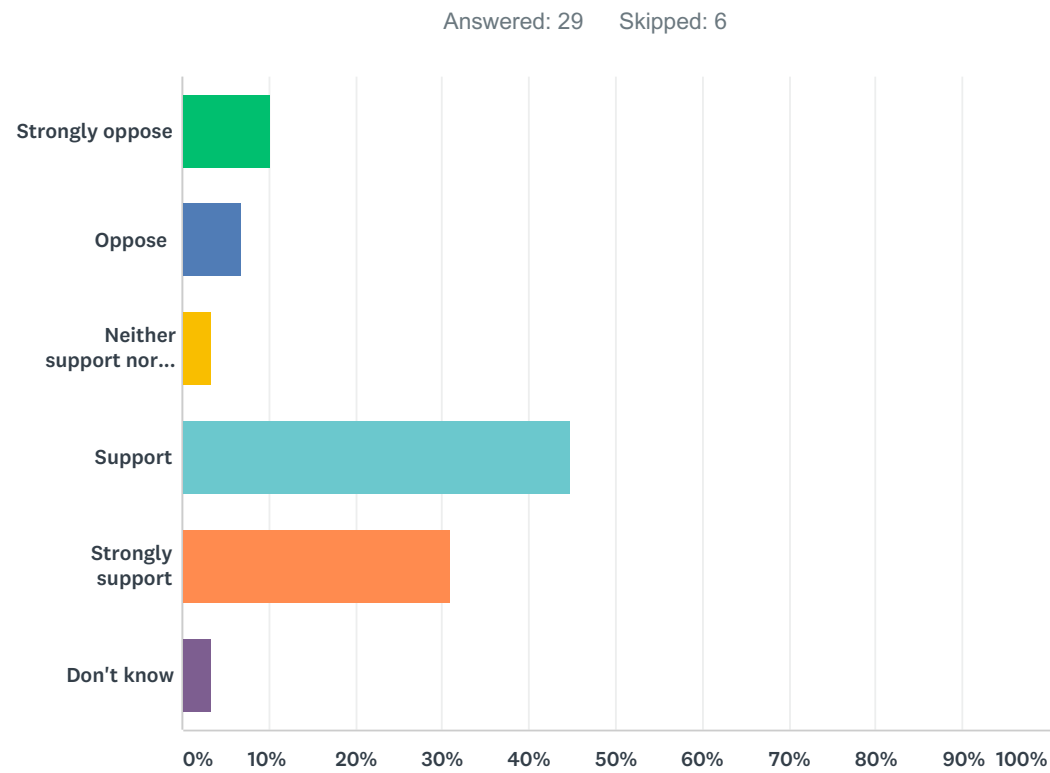


Strongly disagree Disagree Neither agree nor disagree Agree Strongly agree Don't know

	STRONGLY DISAGREE	DISAGREE	NEITHER AGREE NOR DISAGREE	AGREE	STRONGLY AGREE	DON'T KNOW	TOTAL
The availability of rental housing has a significant impact on the appeal of Dawson City as a place to live, work, and do business	0.00% 0	0.00% 0	0.00% 0	37.93% 11	62.07% 18	0.00% 0	29
Dawson is still experiencing a serious shortage of rental housing and the issue needs attention from the City	6.90% 2	6.90% 2	3.45% 1	31.03% 9	48.28% 14	3.45% 1	29
It is appropriate for the City to intervene to make rental housing development in Dawson more affordable	6.90% 2	6.90% 2	13.79% 4	27.59% 8	41.38% 12	3.45% 1	29

The costs of building rental housing in Dawson City are too high for developers to charge affordable rents without government intervention	6.90% 2	3.45% 1	20.69% 6	20.69% 6	31.03% 9	17.24% 5	29
The Development Incentives Policy has helped to increase the supply of rental housing in Dawson	0.00% 0	0.00% 0	17.24% 5	41.38% 12	27.59% 8	13.79% 4	29

Q5 The smallest incentive offered under the policy is the “Minor” and involves the waiver of up to 100% of development permit fees and load capacity charge (i.e. for City water/sewer “hook-up”) for the construction of a secondary suite – usually about \$1600 in total. Please indicate your level of support for the City continuing to administer the Minor Incentive as outlined above:



ANSWER CHOICES	RESPONSES	
Strongly oppose	10.34%	3
Oppose	6.90%	2
Neither support nor oppose	3.45%	1
Support	44.83%	13
Strongly support	31.03%	9
Don't know	3.45%	1
TOTAL		29

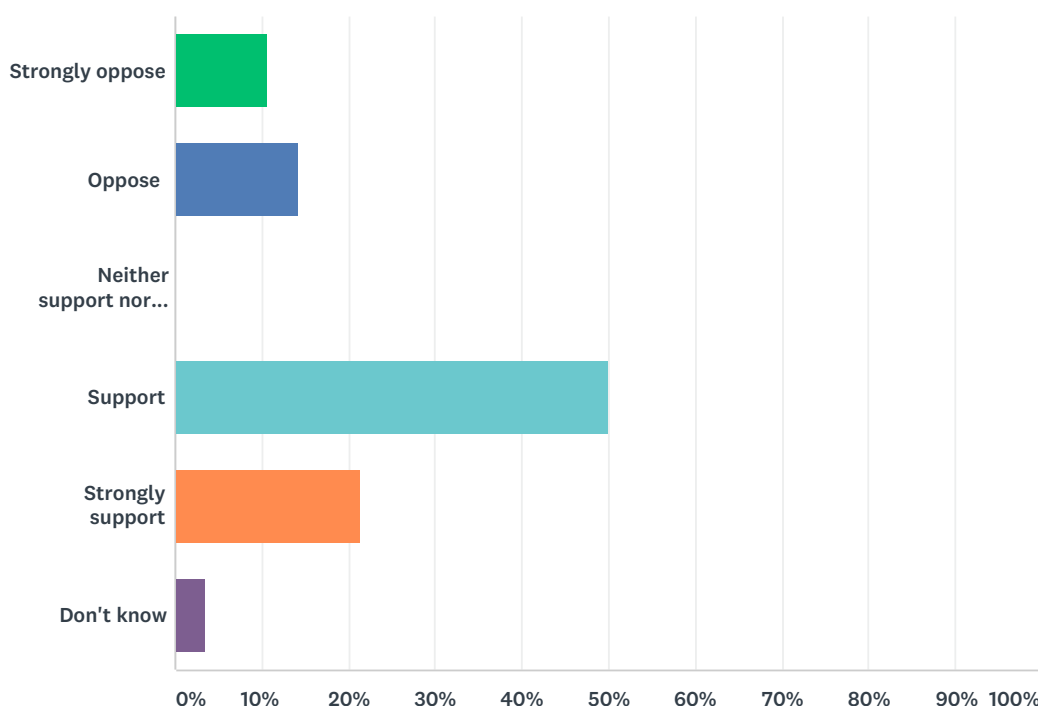
Q6 If you indicated opposition to the City continuing to administer the Minor Incentive as per the existing policy, please tell us why. (Please skip ahead to the next question if you indicated support)

Answered: 5 Skipped: 30

#	RESPONSES	DATE
1	Minor incentive should involve more support \$\$ for people.... it's currently not much of an incentive	5/20/2019 11:02 PM
2	Taxpayers are paying for policy in the end	5/20/2019 3:05 PM
3	Load capacity only relates to properties connected to city water and sewer. There are many other properties within municipal limits that are not able to connect to water and sewer system. Other options for these properties should be looked at.	5/16/2019 1:24 PM
4	It's not a large amount of money to the property owner and the property owner will have a rental income in the end.	5/15/2019 11:00 PM
5	I would strongly support this IF the mill rate does not increase for the lifetime of the program. Why do the other taxpayers have to fund this program? These on-suite units are generally under the table rents that the landlords do not report as income. There are already programs out there that can be accessed for single units.	5/13/2019 2:46 PM

Q7 The medium level of incentive is the “Standard” and involves a grant back of up to \$50,000 in City property taxes over a 10-year period for a mixed use or residential building with a minimum of four residential units in the Downtown Core. The incentive is effectively a medium-term loss of tax revenues to the City in exchange for achieving community development objectives and gaining long-term tax revenues on a property that otherwise may not be developed at all. Please indicate your level of support for the City continuing to administer the Standard Incentive as outlined above:

Answered: 28 Skipped: 7



ANSWER CHOICES	RESPONSES	
Strongly oppose	10.71%	3
Oppose	14.29%	4
Neither support nor oppose	0.00%	0
Support	50.00%	14
Strongly support	21.43%	6
Don't know	3.57%	1
TOTAL		28

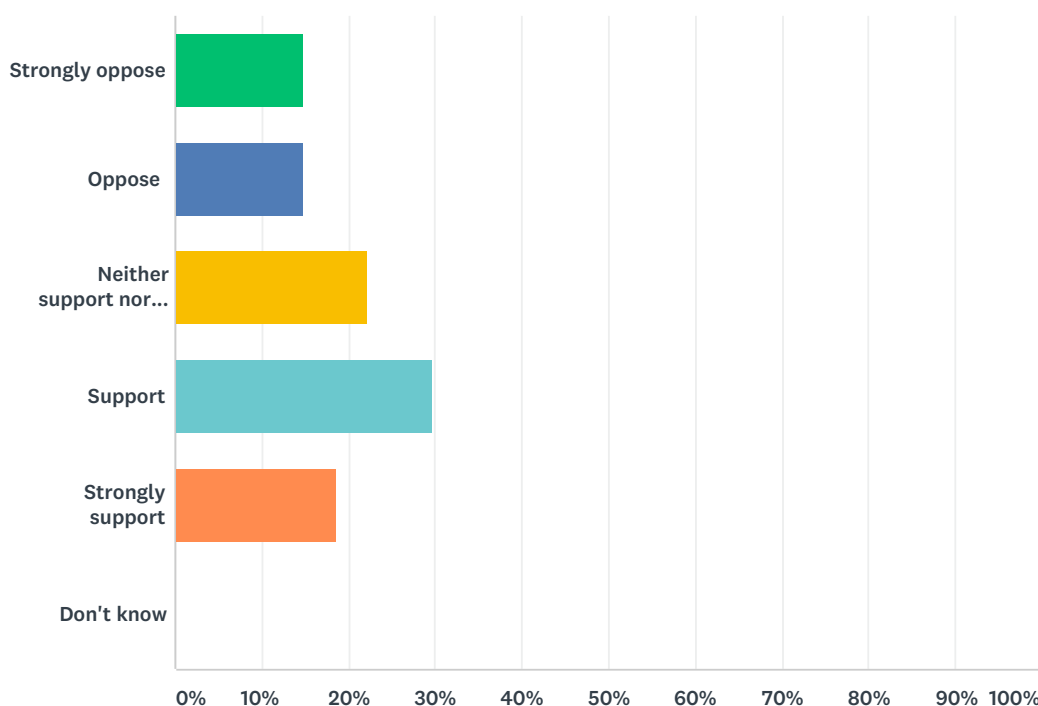
Q8 If you indicated opposition to the City continuing to administer the Standard Incentive as per the existing policy, please tell us why. (Please skip ahead to the next question if you indicated support)

Answered: 5 Skipped: 30

#	RESPONSES	DATE
1	I don't want to see my own taxes increased as the City tries to recuperate its tax losses due to this kind of incentive.	5/20/2019 11:10 PM
2	Tax payers pay for incentive and higher priority items need to be completed instead.	5/20/2019 3:05 PM
3	The property owner will gain income from a rental. The city needs every penny in order to manage the facilities in Dawson for the residents to enjoy.	5/15/2019 11:00 PM
4	The rationale is that the property may not have ever been developed. The reality is that the property was developed and now that property is using the infrastructure within the City. I would support perhaps 1 or 2 years but 10 years is too long. This size development makes a difference in the rental pool making it beneficial to the community.	5/13/2019 2:46 PM
5	The developer should bring more add-on value in order to receive the subsidy, than just conducting their own business for profit.	5/13/2019 2:04 PM

Q9 The highest level of incentive is the “Major” and involves a grant back of up to \$500,000 in City property taxes over a 10-year period for a Downtown Core residential building with a minimum of eight residential units, a Downtown Core mixed use development with minimum of five residential units, or a minimum of four supportive housing units anywhere in Dawson. The incentive is effectively a medium-term loss of tax revenues to the City in exchange for achieving community development objectives and gaining long-term tax revenues on a property that otherwise may not be developed at all. Please indicate your level of support for the City continuing to administer the Major Incentive as outlined above:

Answered: 27 Skipped: 8



ANSWER CHOICES	RESPONSES	
Strongly oppose	14.81%	4
Oppose	14.81%	4
Neither support nor oppose	22.22%	6
Support	29.63%	8
Strongly support	18.52%	5
Don't know	0.00%	0
TOTAL		27

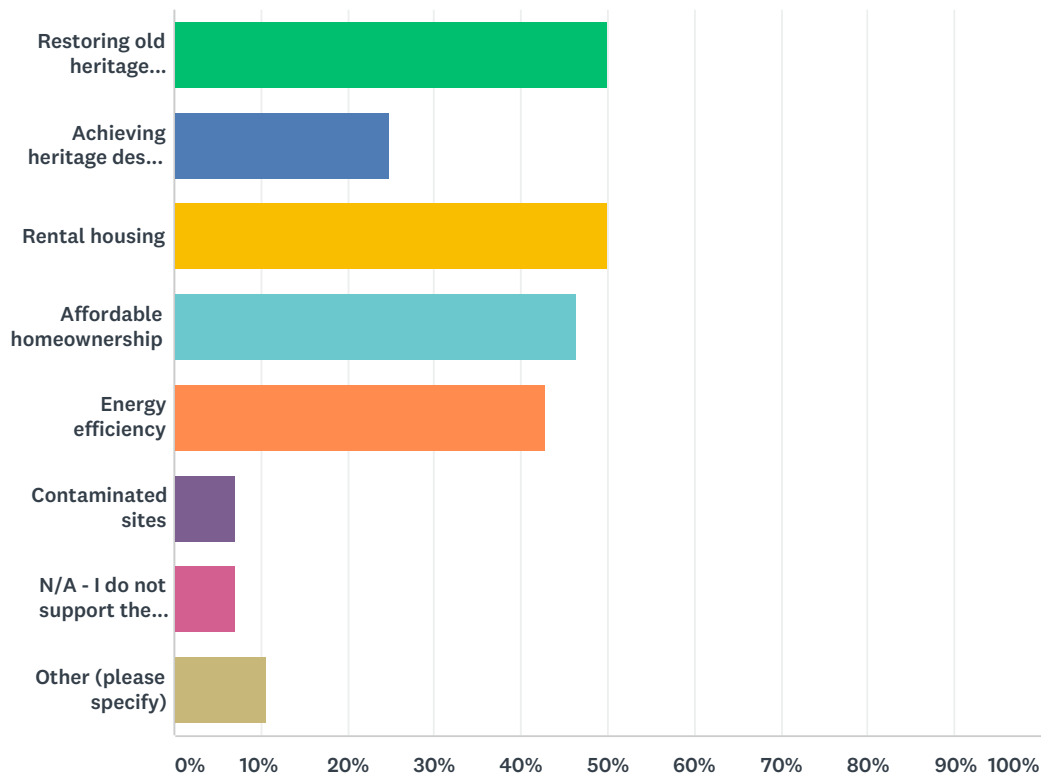
Q10 If you indicated opposition to the City continuing to administer the Major Incentive as per the existing policy, please tell us why. (Please skip ahead to the next question if you indicated support)

Answered: 8 Skipped: 27

#	RESPONSES	DATE
1	I don't want to see my own taxes increase as the City tries to recuperate its losses due this kind of incentive.	5/20/2019 11:10 PM
2	Increasing tax base should occur not decreasing the tax base and increasing taxes on the current tax payers.	5/20/2019 3:05 PM
3	I do not want to pay for other people to get richer	5/16/2019 8:14 PM
4	I didn't indicate opposition, however I do have comments to provide. I believe research is required to determine if this level should be continued. To date there have been a number of large projects that have added a significant number of housing units to Dawson.	5/16/2019 1:24 PM
5	As much as I support rental opportunities I'm unsure whether I support helping a company/individual who already gets an income from the rental investment. It feels a bit like keeping the wealthy wealthier. "You make the most, so you pay less"	5/14/2019 10:38 AM
6	Just seems like a huge sum lost in property tax income where the services will still need to be provided	5/13/2019 5:18 PM
7	The rationale is that the property may not have ever been developed. The reality is that the property was developed and now that property is using the infrastructure within the City. I would support perhaps 1 or 2 years but 10 years is too long. This size development makes a difference in the rental pool making it beneficial to the community.	5/13/2019 2:46 PM
8	The developer should bring more add-on value in order to receive the subsidy, than just conducting their own business for profit.	5/13/2019 2:04 PM

Q11 Bearing in mind the City's limited financial and administrative capacity, what are the top 3 aspects of development it should continue or begin to address with financial incentives? (Please choose 3 maximum)

Answered: 28 Skipped: 7



ANSWER CHOICES		RESPONSES	
Restoring old heritage buildings for active uses		50.00%	14
Achieving heritage design guidelines for new construction		25.00%	7
Rental housing		50.00%	14
Affordable homeownership		46.43%	13
Energy efficiency		42.86%	12
Contaminated sites		7.14%	2
N/A - I do not support the City using financial incentives to facilitate development		7.14%	2
Other (please specify)		10.71%	3
Total Respondents: 28			

#	OTHER (PLEASE SPECIFY)	DATE
1	core infrastructure and recreation	5/20/2019 3:05 PM
2	YG has open lots in Dawson. This should be dealt with. offer to give incentives to parks Canada to move the yard at the north end to bear creek or some other area to open up that giant lot. Move the downtown campground.	5/13/2019 10:07 PM

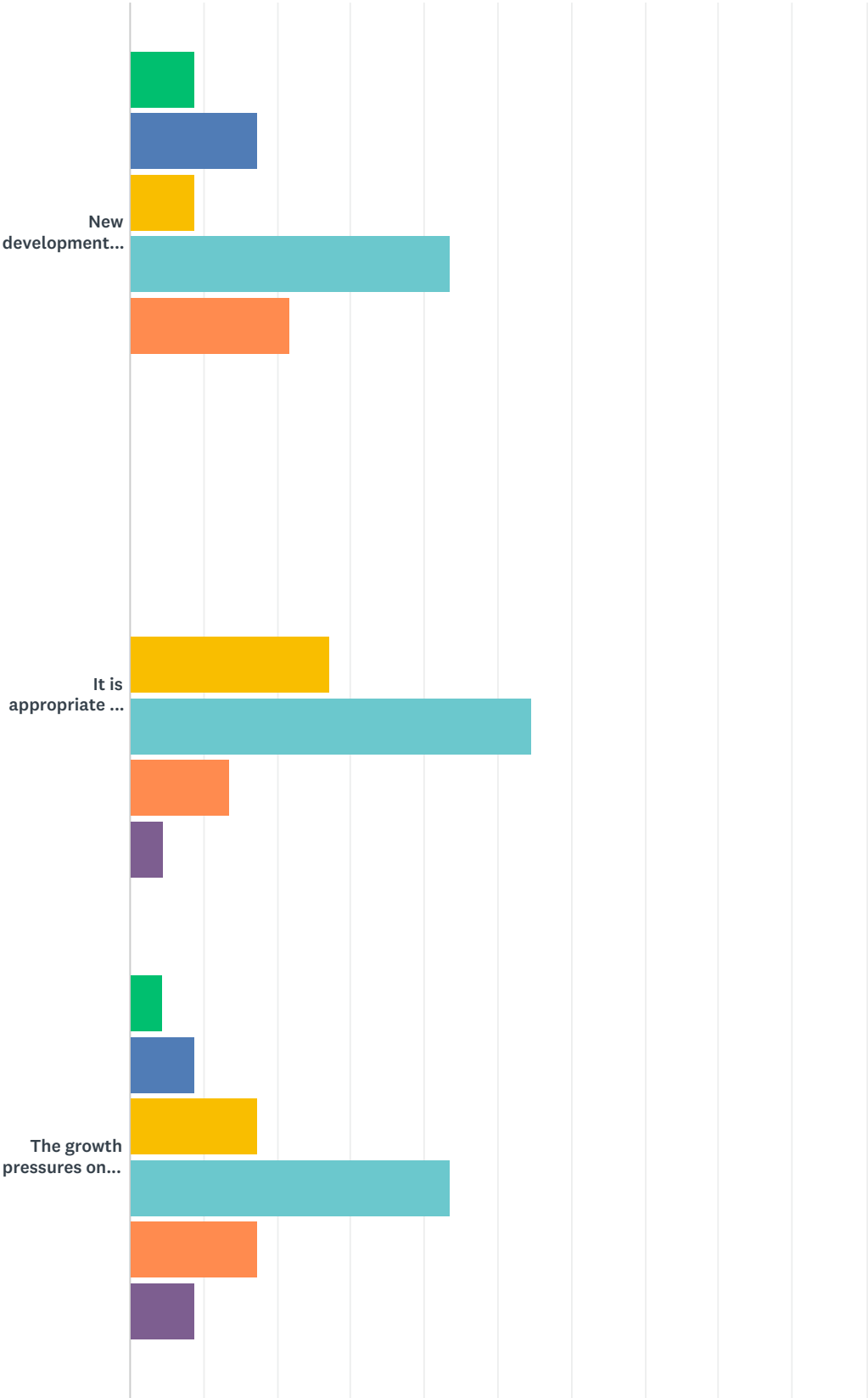
Q12 Please share any ideas, comments or suggestions you have about the Development Incentives Policy and how to make it work most effectively for Dawson City.

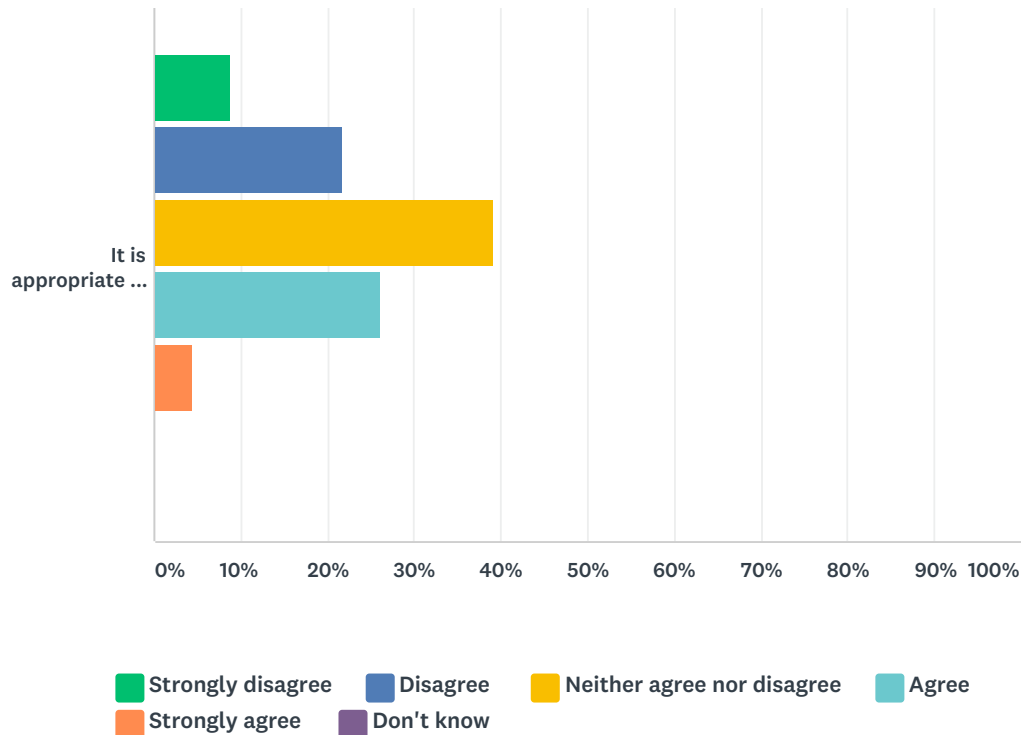
Answered: 9 Skipped: 26

#	RESPONSES	DATE
1	1. Any new developments need to have designated parking for tenants-not only for winter time plug ins for vehicles but also to get those vehicles off the streets. It's difficult for people with mobility issues to get near 2nd Avenue right now with all the contractors parking there, so where will the tenants park? 2. All new developments should have wheelchair access! The new apartment building on 3rd Avenue has a front entry sidewalk that is higher than the sidewalks beside it? How the heck was this allowed? It shouldn't have any different sidewalk height, just common sense. 3. Why is (NOTE: NAMES REDACTED) the sole individuals benefiting from these new projects financially? Is this stuff contracted out or just handed to them? Is (NOTE: NAME REDACTED) business on the City payroll? 4. Have public meetings about each development project, heck-have many and get public feedback! We are the taxpayers after all! Nobody would have allowed the mess of a sidewalk in front of the 3rd Avenue apartment building, what senior is going to be able to access that safely?	5/20/2019 11:38 PM
2	Incentives should be able to benefit everyone, not just rich developers who can add multi unit buildings to the town. This approach does not make for a fair playing field. Other types of development need to be considered for our town to experience balanced growth and for residents to achieve a consistently positive quality of life.	5/20/2019 11:10 PM
3	The large projects have worked well, maybe time now to give those incentives a break, and increase incentives for in-fill secondary suites.	5/20/2019 11:02 PM
4	I think that these incentive programs are great, but have mostly been under utilized, likely cause most folks didn't know they existed. On my end, I only found out about it due to an application to Yukon Housing's Municipal Matching grant. I know that we have improved the amount of rental spaces in Dawson, which has been great, but affordability remains an issue. Most of the new rentals are priced way too high. I think we need to re-create some sort of "Tent City" or other extremely affordable place to setup for a summer to accommodate summer transient workers. I know that's not what this survey is about, but I think that's one of the biggest issues in Dawson currently.	5/20/2019 10:37 PM
5	Stop incentive policy and focus on proper prudent financial management. Complete important infrastructure projects	5/20/2019 3:05 PM
6	Work with YG and TH to develop lots south of town extending the length of city limits. Just makes sense to give people access to a highway, power and a bit of land.	5/15/2019 11:00 PM
7	If anything, the City should be encouraged to increase the degree to which they support developments of rental housing, of the renovation of heritage buildings and derelict buildings in the downtown core, and in the development of land for residential housing to be built. The City should acknowledge that these 'losses of tax revenue' referred to above would NOT EXIST AS REVENUES AT ALL if the development never happens... therefor they should think of the tax incentives as a means of generating revenue for the City via taxes over the long term rather than focusing on imaginary "losses" over the short term. You cannot "lose" what you would not have at all if the development did not occur.	5/14/2019 1:57 PM
8	I feel Dawson is doing a good job with regards to their development incentive policies but a miserable job of controlling the heritage build side of things; we are still getting buildings that do not meet heritage standards and some of these are ones built by the City, hard to convince everyone to "play the game" when the organization that writes the rules and enforces them doesn't.	5/13/2019 4:39 PM
9	please raise taxes or some other disincentive to leaving a lot undeveloped or a derelict building just sit there taking up space. A vacant/unused building should bear a significantly higher bill than an occupied building, to better reflect the cost to the community in lost opportunity, lost business revenue and other non-monetary (aka social) costs associated with derelict buildings!	5/13/2019 3:12 PM

Q13 Please indicate your level of agreement with the following statements:

Answered: 23 Skipped: 12

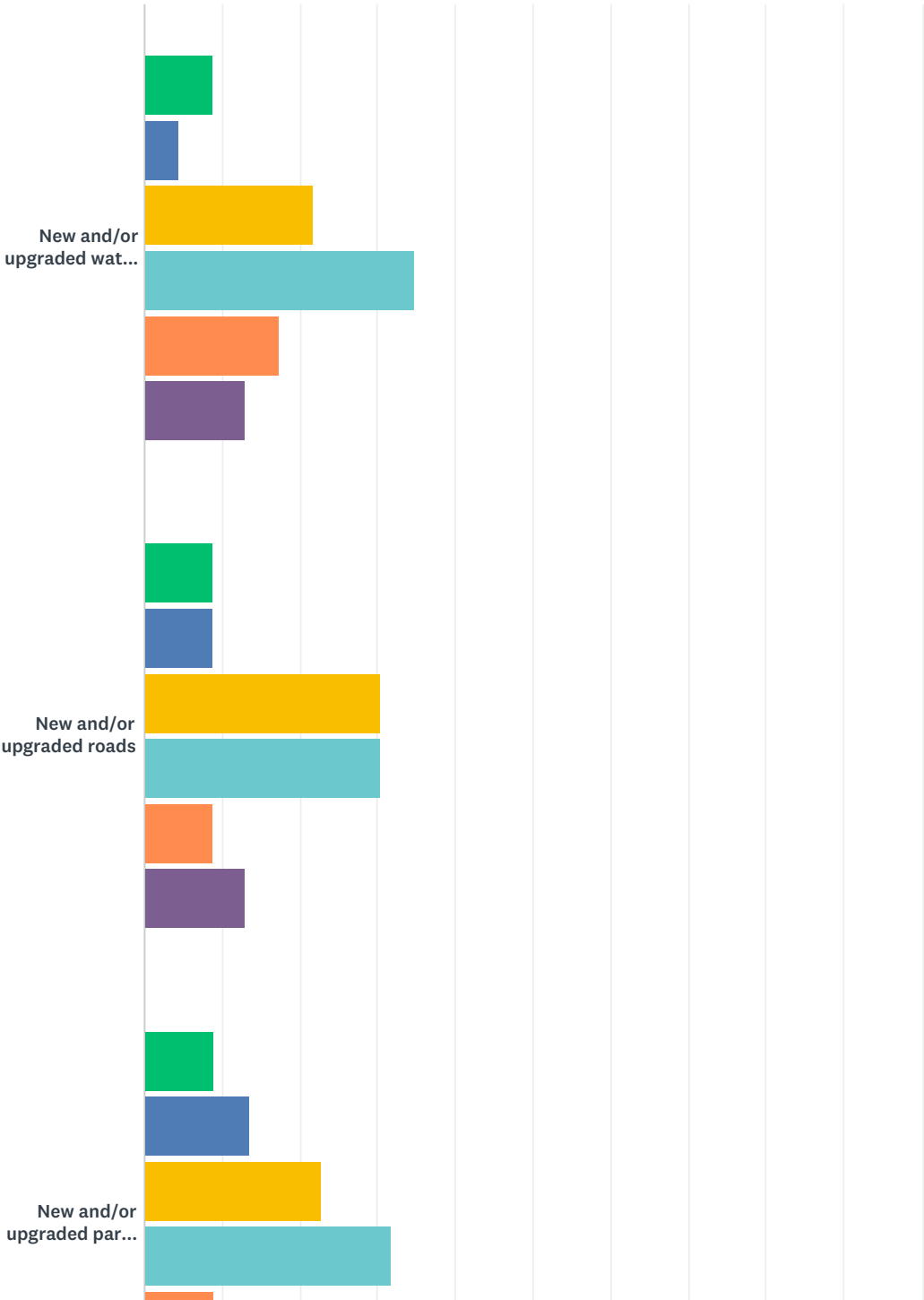


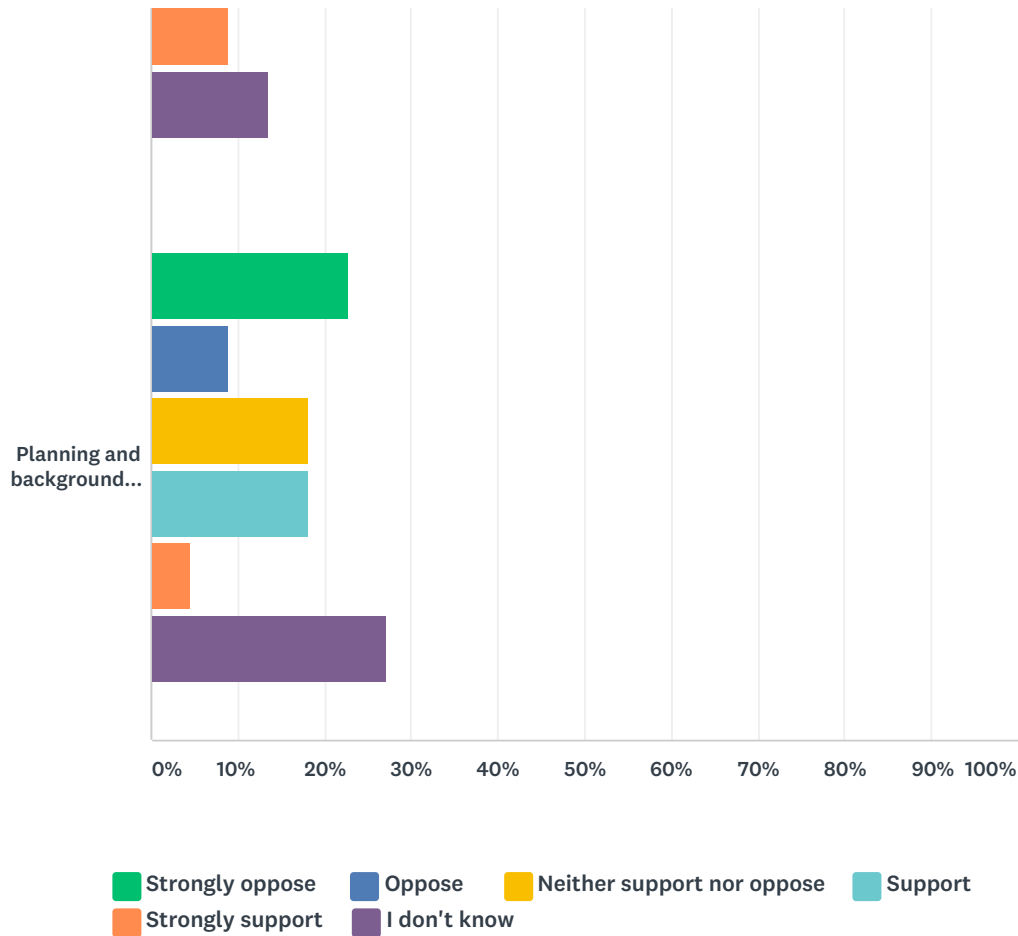


	STRONGLY DISAGREE	DISAGREE	NEITHER AGREE NOR DISAGREE	AGREE	STRONGLY AGREE	DON'T KNOW	TOTAL
New development that requires new infrastructure or services should be paid for by the beneficiaries of that new development versus existing taxpayers	8.70% 2	17.39% 4	8.70% 2	43.48% 10	21.74% 5	0.00% 0	23
It is appropriate for the City to use charges in a manner that helps promote the types of development prioritized in the Official Community Plan	0.00% 0	0.00% 0	27.27% 6	54.55% 12	13.64% 3	4.55% 1	22
The growth pressures on Dawson City and its unique development challenges requires the City to adopt more sophisticated policy and fiscal tools	4.35% 1	8.70% 2	17.39% 4	43.48% 10	17.39% 4	8.70% 2	23
It is appropriate for the City to align its development fees and charges practices with those of other jurisdictions of similar size	8.70% 2	21.74% 5	39.13% 9	26.09% 6	4.35% 1	0.00% 0	23

Q14 The City of Dawson currently charges a Load Capacity Charge (LCC) which helps to offset the costs of providing water and sewer for new development. The replacement of the LCC with a DCC could provide the City with financial resources to respond to a greater range of growth-related needs in the community. Please indicate your level of agreement with using DCCs to finance the following City infrastructure and services:

Answered: 23 Skipped: 12



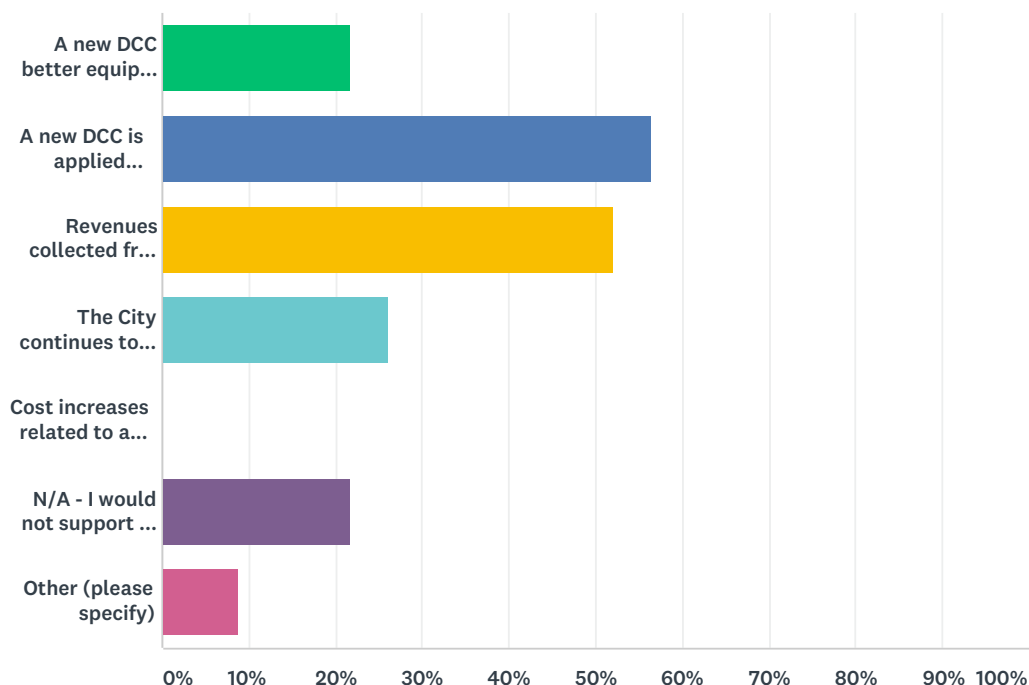


	STRONGLY OPPOSE	OPPOSE	NEITHER SUPPORT NOR OPPOSE	SUPPORT	STRONGLY SUPPORT	I DON'T KNOW	TOTAL
New and/or upgraded water or sewer	8.70% 2	4.35% 1	21.74% 5	34.78% 8	17.39% 4	13.04% 3	23
New and/or upgraded roads	8.70% 2	8.70% 2	30.43% 7	30.43% 7	8.70% 2	13.04% 3	23
New and/or upgraded parks and recreation facilities and/or services	9.09% 2	13.64% 3	22.73% 5	31.82% 7	9.09% 2	13.64% 3	22
Planning and background studies related to new development	22.73% 5	9.09% 2	18.18% 4	18.18% 4	4.55% 1	27.27% 6	22

#	OTHER (PLEASE SPECIFY)	DATE
1	If the city did not already subsidize the past and current development the tax base would be increasing and increasing taxes or adding fees would not be as nesenary	5/20/2019 3:12 PM
2	it seems like you are asking simple questions about a subject that is actually quite complex, so i feel unable to answer as my responses would 'depend' on specific scenario in question.	5/14/2019 2:08 PM
3	Fix what we have	5/13/2019 2:50 PM

Q15 Currently, the City's Load Capacity Charge (LCC) totals around \$1500 for a new single family dwelling. In combination with a development permit fee and the cost of water/sewer hookup, City-related development charges total around \$10,000 per home. The cost of a DCC could potentially be lower or higher than the current \$1500 for the LCC, depending on the type of development. Please indicate the conditions under which you would potentially support a cost increase under a new DCC program. You may select more than one option.

Answered: 23 Skipped: 12



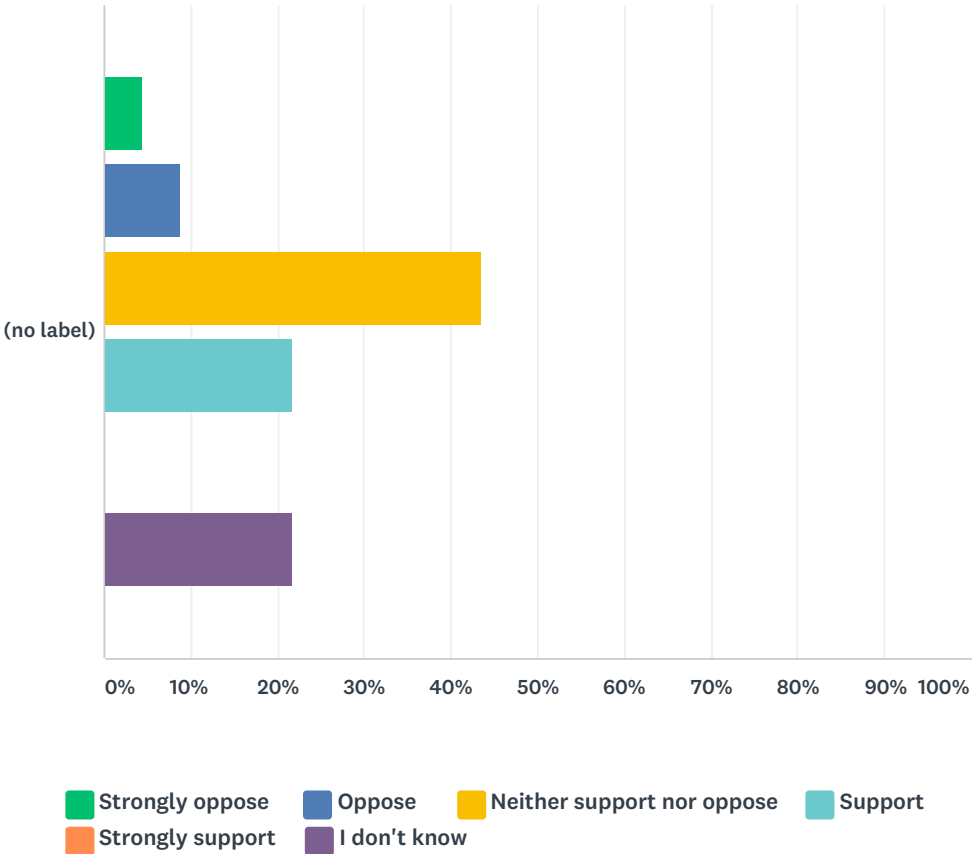
ANSWER CHOICES	RESPONSES	
A new DCC better equips the City to plan for and respond to growth and development	21.74%	5
A new DCC is applied consistently and fairly	56.52%	13
Revenues collected from a new DCC are clearly tracked and used for their intended purpose	52.17%	12
The City continues to provide financial incentives to promote the types of development prioritized in the Official Community Plan	26.09%	6
Cost increases related to a new DCC apply to development not prioritized in the Official Community Plan	0.00%	0
N/A - I would not support a charge increase for any reason	21.74%	5
Other (please specify)	8.70%	2
Total Respondents: 23		

#	OTHER (PLEASE SPECIFY)	DATE
---	------------------------	------

1	Whether or not it needs to be paid immediately or over, say, 5 years, makes a difference in how I would answer this question.	5/20/2019 11:08 PM
2	Depends.... if the City had an OCP that provided good/real guidance, maybe. I just think that all of this depends on the type of development, and I can't say that it is related to the OCP or to fairness. Generally I think the City should be very very careful about creating inflexible DCCs or other fees that would prevent good projects and developments from going ahead.	5/14/2019 2:08 PM

Q16 In general, how supportive are you of the City replacing the Load Capacity Charge with a Development Cost Charge?

Answered: 23 Skipped: 12



	STRONGLY OPPOSE	OPPOSE	NEITHER SUPPORT NOR OPPOSE	SUPPORT	STRONGLY SUPPORT	I DON'T KNOW	TOTAL	WEIGHTED AVERAGE
(no label)	4.35% 1	8.70% 2	43.48% 10	21.74% 5	0.00% 0	21.74% 5	23	3.70

Q17 Please share any general comments or suggestions you have about development-related charges and how to make them work most effectively for Dawson City.

Answered: 6 Skipped: 29

#	RESPONSES	DATE
1	Developers should pay the associated costs. It's already difficult enough to make a living and maintain a high quality of life in this town. Perhaps consider basing the increase on household income so those who can afford to pay more in taxes do so.	5/20/2019 11:17 PM
2	Development charges should reflect the relative cost to the city of servicing multi-family vs. single family residences. (city should also permit multi-family residences over entire historic townsite)	5/20/2019 10:45 PM
3	development charges may not be as necessary if the city was not already subsidising organizations and other levels of government in building	5/20/2019 3:12 PM
4	Why not incentivize home ownership if you do it for renters? Can't you see the discrepancy between talking about giving up to 500K in breaks to developers on one page and asking to charge home owners for upgrading roads and parks, for example, on the next?	5/17/2019 7:01 AM
5	Good and needed non-profit developments (for example a new daycare facility or affordable rental housing) should be treated differently than private enterprises that are for-profit. Non-profits do the lions share of good work in our community and they should be supported whenever possible rather than making it more and more difficult for them to exist and provide services.	5/14/2019 2:08 PM
6	Charges/levies should be progressive. Don't make people with no money pay even more to get into the housing market. Make DCC payable over a ten-year period.	5/13/2019 8:34 PM

APPENDIX B

Stacked Incentives Examples

Example: Tumbler Ridge Revitalization Tax Exemption Program

Level	Eligibility	Term
RTE-Basic	Meets zoning criteria Alteration valued at \$25,000 or more or Construction valued at \$100,000 or more	Year 1 – full minus base assessment Year 2 – 50% of difference Year 3 and beyond – no exemption
RTE-Accessible	All requirements of RTE Basic plus Meets accessibility criteria	Year 1 – full minus base assessment Year 2 -4 decreases 25% over Year 1 annually Year 5 and beyond – no exemption
RTE-Green	All requirements of RTE Basic plus Project incorporates 75% of guidelines set out in BC Hydro Energuide	Same as accessible
RTE-All	Meets requirements of Basic, Accessible and Green levels	Years 1/2 – full minus base assessment Year 3 - 5 decreases 25% over Year 1 annually Year 6 and beyond – no exemption

Example: City of Regina Affordable Housing Policy

Unit type	Area 1 – City Centre	Area 2 – Inner City & Established Neighbourhoods	Area 3 – Developed and New Areas
Market Rental Unit development	5 Years, 100%	5 Years, 100%	None
Market Ownership Unit development	3 years, 100% ¹	none	none
Below Market/Affordable Housing Rental development (Unit must be eligible for capital grant)	5 Years, 100%	5 Years, 100%	5 Years, 100%
Below Market/Affordable Ownership development (Unit must be eligible for a capital grant)	5 Years, 100%	5 Years, 100%	5 Years, 100%
Detached Dwelling Unit with a Secondary Suite ²	5 years, 25%	5 years, 25%	None
Laneway or Garden Suite ³	5 years, 25%	5 years, 25%	5 years, 25%



Education
PO Box 2703, Whitehorse, Yukon Y1A 2C6

May 17, 2019

City of Dawson
Box 308
Dawson City, Yukon
Y0B 1G0

Dear Mayor Wayne Potoroka,

Re: Share your thoughts on Yukon University legislation

On May 7, we sent you a letter to let you know that we would be requesting your feedback on legislation for Yukon University.

The Government of Yukon is currently developing legislation for Yukon University and would like you to weigh in on the options we are considering.

Attached is an information package for you to look through before you provide your feedback. Please ensure you have the latest version of [Adobe Reader](#) to view it. If you have any trouble opening it, please contact Tara-Lynn Thompson at (867) 456-6751 or tara-lynn.thompson@gov.yk.ca.

To provide your feedback:

You can send back a written response by writing your feedback into the text box below each question. You can send it back in a couple of different ways:

- Once you've fill out your feedback, click "Submit" at the end. The submit button will attach your saved document to an e-mail that will go to the Department of Education. Just click send.
- You can also print off the document and hand write your feedback. You can scan it and e-mail to tara-lynn.thompson@gov.yk.ca or fax it to 393-6254 to the attention of Tara-Lynn Thompson.
- You can also mail it back to the Department of Education at Box 2703, Whitehorse, Yukon, Y1A 2C6.

Alternatively, if you prefer to provide your input directly to a representative from the Department of Education, please contact Tara-Lynn to discuss.

We hope that you will provide your feedback by June 30th.

Share with your community:

We also hope that you will share this opportunity with your community.

Members of the public can fill out an online survey at: survey.gov.yk.ca/YukonU.aspx until June 30th. We have attached a poster you can print and post in your office and forward to community members.

If you would like us to send some hardcopy surveys or posters directly by mail, please let us know.

Thank you very much for your time and for your valuable feedback.

Sincerely,

A handwritten signature in black ink, appearing to be 'Kelli Taylor', with a long, sweeping horizontal line extending to the right.

Kelli Taylor
Assistant Deputy Minister, Policy and Partnerships
Department of Education

Cc: Cory Bellmore

Share your thoughts on Yukon University legislation



Share your thoughts at:

[Survey.gov.yk.ca/YukonU.aspx](https://survey.gov.yk.ca/YukonU.aspx)

Learn more at:

[Engageyukon.com/en/2019/yukon-university-legislation](https://engageyukon.com/en/2019/yukon-university-legislation)

**Yukon**

Share your thoughts on Yukon University legislation

The Government of Yukon is currently drafting legislation that will enable Yukon College to transition to Yukon University.

To ensure Yukon University continues to meet the diverse education needs of Yukon citizens, the Government of Yukon is asking the public, partners and Yukon First Nations for feedback on key aspects of the legislation, including:

- university mandate;
- government oversight and university autonomy;
- university accountability;
- university governance; and
- program delivery in Yukon communities.

Fill out our survey

Please fill out our online survey until June 30th at survey.gov.yk.ca/YukonU.aspx.

Learn more at:

Learn more at: engageyukon.ca/en/2019/yukon-university-legislation

FOR MORE INFORMATION OR QUESTIONS:

Contact Tara-Lynn Thompson at tara-lynn.thompson@gov.yk.ca.



Yukon University legislation

Background information for feedback



Introduction

Yukon College is in the process of transitioning to Yukon University. Yukon University will be a hybrid university that will continue to offer existing college programming, such as trades, adult basic education and second language support, and also new university degrees.

In Canada, the provinces and territories oversee post-secondary institutions. The Government of Yukon oversees Yukon College through the [Yukon College Act](#). However, new legislation is needed to meet the requirements that university status demands. This new legislation will provide a framework that defines a university in Yukon.

To ensure Yukon University meets the diverse education needs of Yukoners, the Government of Yukon is asking the public, partners and Yukon First Nations for feedback on key aspects of the legislation, including:

- University Mandate
- Government Oversight and University Autonomy
- University Accountability
- University Governance
- Program Delivery in Yukon Communities

How can we provide our input on this new legislation?

Please read through the information included below. You may provide a collective response from your municipality, or individual responses from your councillors and relevant staff. You can submit your written response in a couple different ways:

- Enter your feedback into the document and click “Submit” at the end. The submit button will attach your saved document to an e-mail that will go to the Department of Education. Please include the name of your municipality in the e-mail and click send.
- You can print off the document and hand write your feedback. You can scan it and e-mail to tara-lynn.thompson@gov.yk.ca or fax it to 393-6254 to the attention of Tara-Lynn Thompson.
- You can print it off and mail it back to the Department of Education at Box 2703, Whitehorse, Yukon, Y1A 2C6.



Alternatively, if you prefer to provide your input directly to a representative from the Department of Education, please contact Tara-Lynn Thompson at (867) 456-6751 or tara-lynn.thompson@gov.yk.ca to discuss.

For more information, visit: engageyukon.ca/en/2019/yukon-university-legislation



Contents

Key terms	4
University Mandate.....	6
Government Oversight and University Autonomy.....	8
University Accountability	10
University Governance.....	12
Program Delivery in Yukon Communities	15
Additional feedback.....	17



Key terms

Accountability: In post-secondary education, accountability refers to the requirement for the post-secondary institution to be accountable to the public on the actions they are taking to fulfil their mandate and whether they are meeting their performance goals and the needs of citizens. Post-secondary institutions are often required to report on things like finances, and operational plans. They may also report on other performance measures such as student enrolment numbers, satisfaction of students and the number of graduates who have found work in their fields.

Accountability Indicators: Accountability Indicators are often used to indicate which areas post-secondary institutions should report on annually to the public. Accountability Indicators outline specific information and outcomes that a university reports on to show how it is fulfilling its mandate, meeting its performance goals and the needs of citizens. Examples include:

- student enrolment and graduation numbers;
- satisfaction of students and graduates;
- employment rates of graduates; and
- credentials awarded each year (including diplomas, certificates, trades and academic upgrading).

Autonomy: In post-secondary education, autonomy refers to the ability of a post-secondary institution to govern itself, including freedom to make decisions about budget spending, enrolment levels, admission and graduation requirements and curriculum content for programs and courses without intervention from government.

Bi-cameral: In post-secondary education, a bi-cameral model of governance splits the responsibility for governing a post-secondary institution between two distinct bodies: a Board of Governors and an Academic Senate. The Board of Governors has authority over the administrative activities of the institution, while the Senate has authority over the academic activities of the institution.

Faculty: faculty members are academic staff who are educators, such as professors.



Hybrid-institution: In the context of post-secondary education, a hybrid institution is one that offers college and university degree programming.

Legislation: Legislation are written laws, often referred to as Acts, which are enacted by the government. Currently, Yukon College is governed by the [Yukon College Act](#). Yukon University will have powers beyond a college, and therefore, new legislation is required to govern the university.

Mandate: The mandate of an organization is a broad statement that outlines the vision, mission, values and goals of the organization. Organizations take actions and make decisions based on the vision, mission, value and goals outlined in their mandate. In this context, the mandate of Yukon University will guide decisions around the types of educational programming it may offer.

Members at large: In this context, members at large are members of the public whose main responsibility is to provide strategic direction to the College/University.

Non-faculty: Non-faculty staff are other staff members who are not part of the academic operations of the university, such as administrative staff and counsellors.

Oversight: In this context, oversight refers to the responsibility of the government to oversee the educational programming and activities offered by post-secondary institutions (colleges, universities) to ensure they are high quality and meet certain performance standards.

School faculties: the different divisions of subject areas in a post-secondary institution, such as the Faculty of Education.

University Governance: University Governance is the processes and practices that a university uses to organize itself, including how decisions are made, accountability, control and codes of conduct.



University Mandate

A piece of legislation normally begins with a description of its intended purpose. This is often referred to as the Objects and Purpose of the legislation. In university legislation, the Objects and Purpose section establishes the university's mandate. This mandate informs the types of educational programs it will offer.

The Objects and Purpose below are being considered for the new university legislation:

Objects:

- To honor and support the implementation of Yukon First Nations Final and Self-Government Agreements by building capacity through education and research;
- To advance learning and distribute knowledge for the betterment of society;
- To serve the educational needs of all Yukon University students, including Indigenous students and students from other jurisdictions;
- To enhance the economic and social well-being of Yukon by supporting a broad range of educational opportunities; and
- To serve as a platform for people from Canada and around the world to experience and learn about Yukon.

Purpose:

- To offer earned certificates, diplomas, and university degree programs rooted in our northern and diverse environment;
- To offer post-secondary and adult basic education and training;
- To undertake and maintain research and scholarly activities for the purpose of investing in the North.



NAME OF ORGANIZATION:

(Please indicate your organization for our records)

Question to consider for feedback:

1. Do you agree with the objects and purpose that are being considered for Yukon University legislation? Do you think anything needs to be added or changed?



Government Oversight and University Autonomy

Government Oversight

Governments provide oversight for post-secondary education on behalf of the public. Oversight is important to ensure that post-secondary education is high quality, affordable and accessible, contributes to the social and economic development of the territory and meets the needs of Yukon students and citizens.

Governments oversee post-secondary education in several ways, including through legislation, regulations and policies, and by identifying priorities for the post-secondary education system.

University Autonomy

Institutional Autonomy is understood as the ability of universities to set and implement their own strategies and operations, independent of government, corporate or other intervention, and to uphold academic freedom, which includes the ability to set research and educational priorities.

Finding the right balance: Finding the right balance between government oversight and university autonomy is important to ensuring that universities are autonomous but continue to be accountable to the public.

Some areas where government oversight and university autonomy can intersect are:

- Cost of tuition fees
- Student enrollment priorities
- Student outcome priorities
- Education and research priorities



Question to consider for feedback:

2. What activities of Yukon University should the government oversee through legislation, regulations or policy?



University Accountability

To be autonomous, publicly funded universities, including Yukon University, must also be accountable to the broader public. Accountability is especially important in building public trust in universities by ensuring the university is fulfilling its mandate, meeting its performance goals and the needs of citizens.

Accountability Indicators are often used to indicate in which areas post-secondary institutions should be accountable to the public.

It is common for post-secondary institutions to report on finances and other business and operational plans, but there are some other Accountability Indicators that may also be considered.

Examples include:

- Student enrollment and number of graduates
- Yukon First Nations student enrollment and number of graduates
- Other Indigenous student enrollment (non-Yukon First Nations, Métis and Inuit) and number of graduates
- Integration of Yukon First Nations and northern perspectives into the programming and culture of the university
- Number of first generation post-secondary students (students whose parents did not attend a post-secondary institution)
- Student satisfaction with university services (for example, effective program advising, cultural or social supports)
- Satisfaction of graduates with their program/coursework
- Employment rates of graduates
- Credentials awarded (degrees, diplomas, certificates, trades and academic upgrades)
- Credentials awarded to Yukon First Nations students
- Credentials awarded to other Indigenous students
- Students' sense of belonging to an inclusive university community
- Satisfaction of students with student involvement in university governance



Question to consider for feedback:

3. What activities should Yukon University be accountable for to the public?



University Governance

Bi-Cameral Governance

A bi-cameral governance model is being considered for Yukon University. This model is one of the most common governance models in universities across Canada and represents a balance between two distinct bodies: (1) a Board of Governors and (2) an Academic Senate. The new legislation for Yukon University would outline the powers and membership of the Board of Governors and the Academic Senate.

The Board of Governors and the Academic Senate often include faculty and non-faculty staff, as well as students, alumni and members of the public.

Board of Governors

The Board of Governors is responsible for the administration of the university, such as setting enrolment levels, managing the university's budget, and establishing faculties within the university. Across Canada, the number of board members varies. Members can be voting and non-voting.

Current Yukon College Board of Governors (As outlined in the [Yukon College Act](#)):

- President
- 3 First Nations representatives
- 3 community representatives
- 1 student representative
- 1 staff representative
- 3 members at large

For consideration for the Yukon University Board of Governors: Based on discussions with Yukon College, the Government of Yukon is considering the following makeup:

Voting members

- 1 Chancellor (member as required by their position)
- 1 President (member as required by their position)
- 3 First Nation representatives
- 3 rural community representatives
- 6 members at large

Non-voting members

- 1 faculty representative
- 1 staff representative
- 1 student representative



Academic Senate

An Academic Senate is responsible for academic oversight. For example, the Senate may be responsible for admission and graduation requirements, approving curriculum content for programs and courses, and awarding scholarships and bursaries. Yukon College currently has an [Academic Council](#) with 18 members. Members come from different areas of the college and are made-up of faculty, administration and support staff.

In Canada, the number of Senate members varies. University Senates are often made up of a majority of faculty as it is primarily an academic body.

For consideration for the Yukon University Academic Senate: Based on discussions with Yukon College, the Government of Yukon is considering the following makeup. Membership is by percentage to allow the Academic Senate to grow and evolve as required.

- **Faculty:** No less than 60% should be faculty from the university; faculty should represent different teaching and research units.
- **Non-faculty:** the remaining 40% of the Senate should be non-faculty (such as librarians, students and alumni of the university).
- **Indigenous faculty or representatives:** 30% of the Senate faculty and non-faculty members should be Indigenous.
- **Rural community faculty:** a minimum of one faculty member should be from a rural campus.
- **Staff Members:** One staff member (non-faculty).



Question to consider for feedback:

4. Do you agree with the membership that is being considered for the Board of Governors and the Academic Senate? Do you think anything else should be considered?



Program Delivery in Yukon Communities

It is important that communities have a say when it comes to educational programming and opportunities in their community. Legislation can ensure community needs are met through collaboration, representation in governance, and a commitment in principle to deliver and expand programming in rural Yukon communities.

To ensure the new legislation for Yukon University remains flexible and responsive to community needs over time, the Government of Yukon is considering the following three items to be included in the new legislation:

- Yukon University delivers and expands educational opportunities in rural Yukon communities;
- Community education is identified in the university's mandate;
- There is community representation on the Senate and Board of Governors.



Question to consider for feedback:

5. Do you think the inclusion of the three items identified will ensure the educational needs of rural communities in Yukon are being met? What else, if anything, should be considered?



Additional feedback

Question to consider for feedback:

6. Do you have any additional feedback the Government of Yukon should consider as we are drafting the legislation for Yukon University?



May 10, 2019

To: Chief & Council
cc: Works Department

I am writing with regards to the idea of placing a large garbage bin across from Guggieville Subdivision at the pull out on Bonanza Creek Road. There are now a large number of residence in the Subdivision along with those on Bonanza Creek Road. Adding to that there are a large portion of people that travel the road going to Dredge #4 and Claim 33.

I believe it would be an ideal spot for a garbage bin like those placed at the bottom of the Dome road and Dredge Pond. Most people in the area need to travel with their garbage either to one of these spots or to the dump. The build up of garbage that gets torn apart by ravens and small animals has increased with the number of people living in the area.

Thank you for considering this idea.

Sue Lancaster
Guggieville Subdivision
867-993-3631