

AGENDA - COUNCIL MEETING #C22-07 WEDNESDAY, April 13, 2022 at 7:00 p.m. Council Chambers, City of Dawson Office

Join Zoom Meeting

https://us02web.zoom.us/j/82317793651?pwd=dDNrTkxvVjEzbHQ4cTJGdHdQbUNSUT09

Meeting ID: 823 1779 3651 Passcode: 844294

# 1. CALL TO ORDER

# 2. ADOPTION OF THE AGENDA

a) Council Meeting Agenda #C22-07

# 3. ADOPTION OF THE MINUTES

a) Council Meeting Minutes C22-06 of March 30, 2022

# 4. BUSINESS ARISING FROM MINUTES

a) Council Meeting Minutes C22-06 of March 30, 2022

# 5. SPECIAL MEETING, COMMITTEE, AND DEPARTMENTAL REPORTS

- a) Request for Decision: Dawson City Farmer's Market Society Lease Amendment
- b) Request for Decision: Subdivision Application #18-036- Lot 1075, Quad 116B/03
- c) Request for Decision: Upper Hammarstrand Trail Build Tender Award
- d) Information Report: Laundromat Water & Sewer Rates

# 6. BYLAWS & POLICIES

- a) Bylaw 2022-05: Official Community Plan Amendment No. 6 Bylaw Second Reading (Klondike East Bench Direct Control District)
- b) Bylaw 2022-06: Zoning Bylaw Amendment No. 16- Second Reading (Lot 5,6,7 Block R Ladue Estate)
- c) Bylaw 2022-06: Zoning Bylaw Amendment No. 16- Third Reading (Lot 5,6,7 Block R Ladue Estate)
- d) Bylaw 2022-07: Official Community Plan Amendment No. 7 Bylaw First Reading (Klondike River Bench Direct Control District)
- e) Bylaw 2022-08: Official Community Plan Amendment No. 8 Bylaw- First Reading (Infill #1)
- f) Bylaw 2022-10: Zoning Bylaw Amendment No. 17 Bylaw- First Reading (Infill #1)
- g) Bylaw 2022-09: Official Community Plan Amendment No. 9- First Reading (Infill #2)
- h) Bylaw 2022-11: Zoning Bylaw Amendment No. 18- First Reading (Infill #2)

# 7. PUBLIC QUESTIONS

# 8. ADJOURNMENT

**MINUTES OF COUNCIL MEETING C22-06** of the Council of the City of Dawson held on Wednesday, March 30, 2022 at 7:00 p.m. via City of Dawson Council Chambers

PRESENT:	Mayor	William Kendrick
	Councillor	Elizabeth Archbold
	Councillor	Alexander Somerville
	Councillor	Patrik Pikálek
	Councillor	Brennan Lister
REGRETS:		
ALSO PRESENT:	A/CAO	Kim McMynn
	CDO	Stephanie Pawluk
	PWM	Jonathan Howe

The Chair, Mayor Kendrick called Council meeting C22-06 to order at 7:01 p.m.

#### Agenda Item: Agenda

**C22-06-01** Moved by Councillor Somerville, seconded by Councillor Pikálek that the agenda for Council meeting C22-06 of March 30, 2022 be accepted as presented. Motion Carried 5-0

Agenda Item: Public Hearings

a) Official Community Plan Bylaw Amendment No. 6 (2022-05)

The Chair called for submissions. The Chair called for submissions a second time. The Chair called for submissions a third and final time, and hearing none declared the Public Hearing closed.

#### Agenda Item: Minutes

- a) Council Meeting Minutes C22-05 of March 9, 2022
- **C22-06-02** Moved by Councillor Somerville, seconded by Councillor Archbold that the minutes of Council Meeting C22-05 of March 9, 2022 be accepted as presented. Motion Carried 5-0

Agenda Item: Business Arising from Minutes

- c) Special Council Meeting Minutes C22-05 of March 9, 2022
- Councillor Pikálek and Councillor Somerville will present a poem at the April 13<sup>th</sup> Council Meeting
- Dan Davidson will present a poem at the April 27<sup>th</sup> Committee of the Whole Meeting

Agenda Item: Budget & Financial Reports

- a) Accounts Payable 22-03 Cheques #57440-57484
- **C22-06-03** Moved by Councillor Somerville, seconded by Mayor Kendrick that Council acknowledges receipt of the Accounts Payables 22-03 Cheques #57440-57484, provided for informational purposes. Motion Carried 5-0

- b) Accounts Payable 22-04 Cheques #57485-57540 & EFT's
- C22-06-04 Moved by Mayor Kendrick, seconded by Councillor Pikálek that Council acknowledges receipt of the Accounts Payables 22-04 Cheques #57485-57540 & EFT's, provided for informational purposes. Motion Carried 5-0
  - c) January Visa Statement
- **C22-06-05** Moved by Councillor Pikálek, seconded by Councillor Somerville that Council acknowledges receipt of the January Visa statement, provided for informational purposes. Motion Carried 5-0

Agenda Item: Bylaws and Policies

- a) Bylaw 2022-02: 2022 Annual Operating Budget & Capital Expenditure Program Bylaw Third & Final Reading
- **C22-06-06** Moved by Councillor Somerville, seconded by Councillor Pikálek that Council give Bylaw 2022-02, being the 2022 Annual Operating Budget & Capital Expenditure Program Bylaw, third and final reading. Motion Carried 5-0
  - b) Bylaw 2022-03: Fees & Charges 2022 Amendment Bylaw- Third & Final Reading
- **C22-06-07** Moved by Councillor Pikálek, seconded by Councillor Somerville that Council give Bylaw 2022-03, being the Fees and Charges 2022 Amendment Bylaw, third and final reading. Motion Carried 5-0
  - c) Bylaw 2022-04: 2022 Tax Levy Bylaw- Third & Final Reading
- **C22-06-08** Moved by Councillor Somerville, seconded by Councillor Pikálek that Council give Bylaw 2022-04, being the 2022 Tax Levy Bylaw, third and final reading. Motion Carried 5-0

Agenda Item: Special Meeting, Committee and Departmental Reports

- a) Request for Decision: Juliette's Manor Lease Agreement
- **C22-06-09** Moved by Councillor Somerville, seconded by Councillor Pikálek that Council authorize administration to enter into a lease agreement with Juliette's Manor (Bed & Brunch) Inc., as per the attached lease. Motion Carried 4-1

Recorded Vote:

Votes For: Councillor Somerville, Councillor Archbold, Councillor Lister, Councillor Pikálek Votes Against: Mayor Kendrick

- b) Request for Decision: Water Metering Contract Award
- **C22-06-10** Moved by Mayor Kendrick, seconded by Councillor Somerville that Council move into Committee of the Whole for the purposes of asking the Public Works Manager questions. Motion Carried 5-0

- **C22-06-11** Moved by Mayor Kendrick, seconded by Councillor Somerville that Committee of the Whole revert to an open session of Council to proceed with the agenda. Motion Carried 5-0
- **C22-06-12** Moved by Mayor Kendrick, seconded by Councillor Somerville that Council award the Water Meter install and implementation to Neptune Technology Group for \$931,195, as per their bid submitted. Motion Carried 5-0
  - c) RCMP 2022 Policing Priorities

C22-06-13 Moved by Mayor Kendrick, seconded by Councillor Pikálek that Council issue a letter to Dawson City RCMP notifying them the priority issues Council would like the local detachment to focus on for 2022/23 are: Police / Community Relations Positive Relationships between Youth and the Police Road Safety & Impaired Driving Keeping drugs and alcohol away from youth Substance Abuse specifically Harm Reduction Restorative Justice Motion Carried 5-0

- d) Request for Decision: Landfill Metal Removal Contract Award
- **C22-06-14** Moved by Mayor Kendrick, seconded by Councillor Somerville that Council award the 2022 Landfill Removal of End-of-Life Vehicles (ELVs) and Bulk Metals to Davis Trading and Supply LTD, as per their submitted bid. Motion Carried 4-1
  - e) Request for Decision: Subdivision Approval (Conventional Condominium): Lot 8, Block R, Ladue Estate
- C22-06-15 Moved by Councillor Somerville, seconded by Mayor Kendrick that Council approve Condominium Subdivision Application #22-001 to subdivide Lot 8, Block R, Ladue Estate into 4 conventional condominium 'strata' units, subject to the following conditions:
   1.1. The applicant submit a Stormwater Management Plan to the satisfaction of the CDO and Public Works Manager.
   1.2. The applicant submits a plan of subdivision completed by a certified lands surveyor

1.2. The applicant submits a plan of subdivision completed by a certified lands surveyor drawn in conformity with the approval.

1.3. 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.

Motion Carried 5-0

Agenda Item: Correspondence

C22-06-16 Moved by Councillor Somerville, seconded by Councillor Pikálek that Council acknowledges receipt of correspondence from:

 a) Premier Silver RE: City of Dawson Donation to Yukon First Nation Governments Burial Investigation Committee
 b) Minister Mostyn RE: Dawson Lagoon Project
 c) Joel Famularo,
 for informational purposes.
 Motion Carried 5-0

#### Agenda Item: Business Arising from Correspondence

- b) Minister Mostyn RE: Dawson Lagoon Project
- Refer to next Committee of the Whole Meeting
- c) Joel Famularo
- Add Rec Centre discussion to the next Committee of the Whole Meeting

#### Agenda Item: Public Questions

**C22-06-17** Moved by Councillor Somerville, seconded by Councillor Pikálek that Council moves to Committee of the Whole for the purposes of hearing public questions. Motion Carried 5-0

Dan Davidson: If they're (Yukon Government) asking us how we want to manage a project I'm wondering why after all this time, because their announcement that something had to be done about our wastewater situation was made some time ago with the last Council. Why do we, at this point, still don't have any sense where that lagoon might go?

Council: This Council has yet to get a substantive update on the topic whatsoever. We're waiting to get the latest proposed locations. Don't want to comment on the letter because it has been sent to Committee of the Whole.

Cheyenne Rear: Is there somewhere we can review the plan for water metering? How will it look? Council: All information relating the water metering is on the website <u>www.Dawsoncitywater.ca</u>.

**C22-06-18** Moved by Councillor Somerville, seconded by Councillor Pikálek that Committee of the Whole revert to an open session of Council to proceed with the agenda. Motion Carried 5-0

#### Agenda Item: Adjourn

**C22-06-19** Moved by Mayor Kendrick, seconded by Councillor Pikálek that Council Meeting C22-06 be adjourned at 8:28 p.m. with the next regular meeting of Council being April 13, 2022. Motion Carried 5-0

# THE MINUTES OF COUNCIL MEETING C22-06 WERE APPROVED BY COUNCIL RESOLUTION #C22-07-02 AT COUNCIL MEETING C22-07 OF APRIL 13, 2022.

William Kendrick, Mayor

Kim McMynn, A/CAO

# **Report to Council**



or Council Decision For Council Direction

For Council Information

In Camera

AGENDA ITEM:	Farmers Market Lease Amendmen	rmers Market Lease Amendment	
PREPARED BY:	C Bellmore	ATTACHMENTS: - Dawson City Farmers Market Society	
DATE:	April 7, 2022	Lease Amending Agreement	
RELEVANT BYL	AWS / POLICY / LEGISLATION:		

## RECOMMENDATION

That council directs Administration to amend the lease agreement with the Farmers Socitey as per the attached amendments

### **ISSUE / PURPOSE**

To expand the time period of the current lease to include Sundays with a smaller footprint

### BACKGOUND SUMMARY

The Farmers Market Society has successfully ran the Farmers Market at the Front Street location for several years. They have received a request from local vendors to request an expansion of the time period the market can be open to allow for more participation from local vendors.

## ANALYSIS / DISCUSSION

Council received the Farmers Market Delegation on March 16, 2022 where the request for an expanded market time was received. Council directed administration to amend the lease with the following conditions:

- Market space will be reduced in size to 105 ft
- No overnight parking of vendor vehicles or merchandise is permitted.

APPRO\	/AL	
NAME:	C Bellmore	SIGNATURE:
DATE:	07-04-2022	KBellmore



# LEASE AMENDING AGREEMENT

This Lease Agreement dated this 14 day of April, 2022.

Between Dawson City Farmer's Market Society Box 1213 Dawson City, Yukon Y0B 1G0

(Hereinafter known as the "DCFMS", of the First Part)

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

(Hereinafter known as the "City", of the Second Part)

### BACKGROUND:

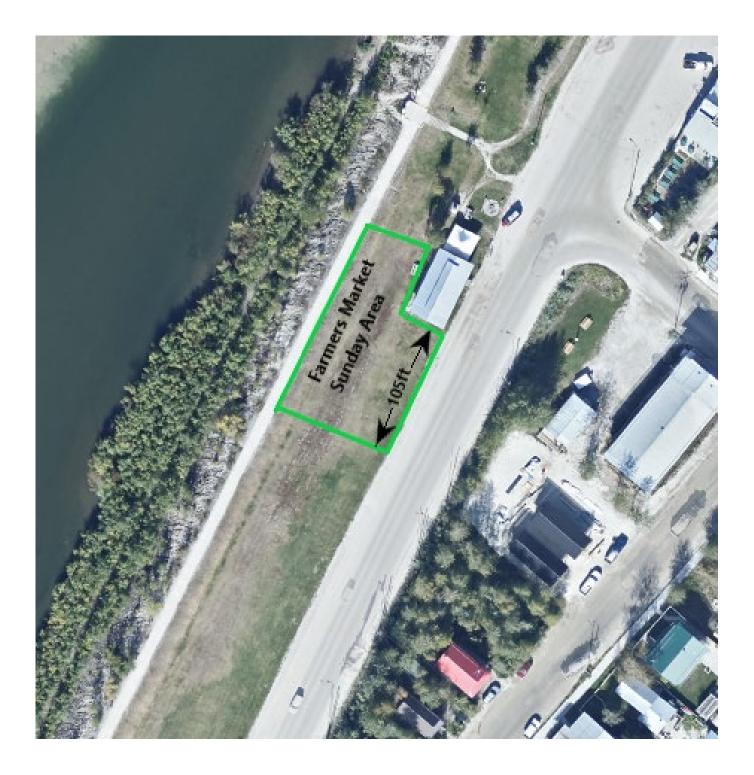
- A. The City and DCFMS entered into the lease (the "Lease Agreement") dated January 1, 2021, for the parcel of land comprising of 210ft, more or less, located on Front Street, adjacent to CLSR 8338A.
- B. The City and the DCFMS desire to amend the Lease Agreement on the terms and conditions set forth in this Lease Amending Agreement (the "Agreement"), which will take effect April 14, 2022.
- C. This Agreement is the first amendment to the Lease Agreement.

### 1.0 AMENDMENTS

- 1.01 Delete Section 1.04 of the Lease Agreement and replace with: "This Agreement allows DCFMS to operate a "Farmers Market" each Saturday & Sunday from May to October (20 weeks) between the hours of 9:00 am to 8:00 pm.
- 1.02 Add a new section, Section 2.02, to read as follows: On Sundays, DCFMS agrees to only use the parcel of land comprising of 105ft, more or less, starting from the Front Street Picnic Shelter to 105ft south.
- 1.03 Amend Section 4.03 to add "Sunday".
- 1.04 Add Schedule "B" with a map that reflects the Sunday Farmer's Market area.

### 2.00 NO OTHER CHANGE

2.01 Except as otherwise expressly provided in this Agreement, all of the terms and conditions of the Lease Agreement remain unchanged and in full force and effect.



In Witness whereof the parties have executed this agreement by their respective proper signatures as of the day and year written below:

### FOR DCFMS

Date

Witness name (printed clearly)

Name (printed clearly)

Witness Signature

Signature

FOR THE CITY OF DAWSON

Date

Witness name (printed clearly)

Witness Signature

Cory Bellmore, CAO





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or Council Decision For Council Direction

For Council Information

In Camera

SUBJECT:	Subdivision Application #18-036: Lot	1075 Quad 116 B/03 (Fireweed)		
PREPARED BY:	Stephanie Pawluk, CDO Stephani McPhee, PDA	ATTACHMENTS: 1. Map		
DATE:	April 6, 2022	<ol> <li>December 15, 2021 YG Authority to Subdivide and Survey Letter</li> </ol>		
<b>RELEVANT BYL/</b> Municipal Act Official Communit Zoning Bylaw Subdivision Bylaw	-			

## RECOMMENDATION

It is respectfully recommended that Council approve Subdivision Application #18-036 subject to the following conditions:

- 1. The addition of 'heliports' to the list of permitted uses in the M1 zone through the passing of Zoning Bylaw Amendment No.14 (#2021-15).
- 2. An amendment of the M1 'Zone-Specific Regulations' to grant subdivision authority to parcels with a pre-existing legally non-conforming use or structure, so long as the subdivision does not increase the legally non-conforming nature of the use or structure through the passing of Zoning Bylaw Amendment No.14 (#2021-15).
- 3. The applicant submits a Stormwater Management Plan to the satisfaction of the CDO and Public Works Manager.
- 4. The applicant submits a plan of subdivision completed by a certified lands surveyor drawn in conformity with the approval.
- 5. 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 wishes to purchase a piece of property from Yukon Government in order to extend the existing boundaries of the lot. This application was tabled in 2018 until YG Land Development Branch planning work took place for the surrounding YG-owned land. Since this work is now complete, a decision on this application is warranted.

The 'Zone-Specific Requirements' in the individual zone sections of the ZBL require the property to conform to the current ZBL in order to receive a subdivision. This means that subdivisions may not occur on legally nonconforming properties. An amendment to the ZBL has been proposed through Zoning Bylaw Housekeeping Amendment No. 14 (#2021-15) for each zone's 'Zone-Specific Requirements' to allow subdivision authority to legally non-conforming properties, so long as subdivision does not increase non-conformity. This is line with existing section 5.1.1.I.

## BACKGROUND

**2016-2017:** The applicant received conditional approval from Yukon Government Land Management Branch for a lot enlargement at Lot 1075 Quad 116 B/03. The condition that must be met in order to finalize this application is consolidation of the lot, and therefore subdivision approval from the City of Dawson. This application was first heard in September of 2016. An approval was issued on September 21, 2016 based on Council Resolution C16-30-02. However, the Municipal Act requires registration of a plan of subdivision be completed within one year of approval. Therefore, this subdivision approval lapsed as of September 21, 2017 because the plan of subdivision was not registered with the Land Titles Office. Therefore, a new application was submitted in 2018 for the same, previously approved consolidation.

**2018:** This 2018 application was advertised beginning on April 30, 2018. The public hearing for this application occurred on May 22, 2018, and no comments were heard.

On September 11, 2018, Committee resolved to table the Request for Decision RE: Subdivision Application #18-036 (CW18-25-04). From the minutes: "Committee requested additional information. They would like to hear from Government of Yukon on how the proposed application fits into the long term plan for the area".

Administration received permission to table the subdivision application from the applicant, as per an email dated September 25, 2018.

**2019-2021**: As per Council resolutions C19-15-10 – C19-15-15, YG and CoD initiated development feasibility work for infill development in three areas (including the requested land adjacent to Lot 1075).

**2021**: YG Land Development Branch conducted heritage, geotechnical, and environmental studies for 'infill area #3' to determine suitable land for a new industrial subdivision. The requested land was included in the study and was deemed unsuitable for development by LDB. A such, it was removed from infill development area #3.

Bylaw #2021-12 zones the selected 'developable' area for infill development area #3 industrial to proceed with lot development. This does not include that land that is being applied for in this application.

**2021:** In December 2021, Administration reached out to the approving authority at YG regarding the status of this application from a YG perspective. YG informed that an agreement for sale remains open and issued a new authority to subdivide letter (attached). This authority is conditional upon the authority to subdivide being granted by City of Dawson Mayor and Council. Since the reason for tabling this application has been resolved, Administration is now putting the application forth for decision.

## ANALYSIS

No significant concerns were raised regarding this application when it was circulated to Department Heads in 2018. The application was also circulated to every property owner in a 1km radius of this property in 2018, inviting comments and questions. As per previous Council reports and the records, no comments in opposition to this application were received. The application meets all of the legislative and policy requirements of the City of Dawson. However, previous Council decisions on similar spot land applications have set a precedent that Council does not support spot land applications, generally.

## Subdivision Bylaw

Subdivision Control Bylaw S. 3.01 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. This section of the report is intended to discuss the proposal's conformity with the provisions outlined in the relevant legislation, policies, and plans.

### Municipal Act

The Municipal Act S. 314 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 an 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.

S. 320(2) states that the decision for an application may be extended if agreed upon by the applicant. Previous CDO, Ms. Huffman, confirmed an agreement was made with Scott Dewindt regarding the tabling of this application in an email dated September 25, 2018.

# Official Community Plan

Lot 1075 is currently designated as IND - Industrial. Uses associated with this designation include resource extraction, manufacturing, storage, warehousing, and the like. Therefore, the two proposed lots would retain the same designation. Any new use or development on the proposed lots would be required to conform to the OCP designation, or else apply for an OCP Amendment.

# Zoning Bylaw

The property is currently zoned M1 - Industrial. The Zoning Bylaw is intended to implement the goals of the OCP. Therefore, the purpose of the M1 zone as per the Zoning Bylaw is to permit a wide range of industrial uses such as light manufacturing, warehousing, and storage. A full range of permitted uses and associated provisions are contained in the Zoning Bylaw, and any future development of the proposed lots must also conform with the Zoning Bylaw.

### Use

Heliports were previously permitted in the 2009 ZBL, but the use was discontinued in ZBLs thereafter. According to the Applicant, Fireweed Helicopters has been continuously operating at this location since before 2000, as confirmed January 6, 2022. Therefore, this heliport use has legally nonconforming status of, as per the Municipal Act.

Further, heliports are being added to the list of permitted uses in the M1 zone through the 2021 Zoning Bylaw housekeeping amendment (Bylaw #2021-15). The passing of this amendment will bring the use of the lot into compliance.



Figure 1: Aerial imagery of Lot 1075

Given that the applicant is enlarging the lot, the minimum size requirement of 1 acre has already been met. The existing size of the lot is approximately 2.51 hectares, and the new parcel is approximately 0.55 hectares, creating a total lot size of 3.06 hectares.

# Legally Nonconforming Setbacks

Past development permits have been located, which confirms the legally nonconforming status of the front setbacks on the lot.

In 1998, a development permit was approved for the office building, and in 1999 for the hangar. In 2006, a development permit was approved, in which the site plan drawing includes the hangar, office, shed, and trailer structures (see Figure 1). The Zoning Bylaw in effect at the time of approval of both development permits on file was Bylaw #92-27. According to the 1992 Zoning Bylaw; no front, side, or building-building setbacks were required. Therefore, the front setbacks of both the hangar and shed are legally non-conforming.

It appears that the "existing office" that was approved in 2006, is now used as a house, and that an additional structure was erected adjacent to the hangar and shed, which is now used as an office (see Figure 2). There is no record of a development permit to validate the structure (highlighted in Figure 2); however, it was in conformity with all ZBLs that may have been in place at the time of its construction (Zoning Bylaw #97-25, #09-03, and #12-27).

Based on this analysis, all buildings on the lot are considered to have legally non-conforming status.

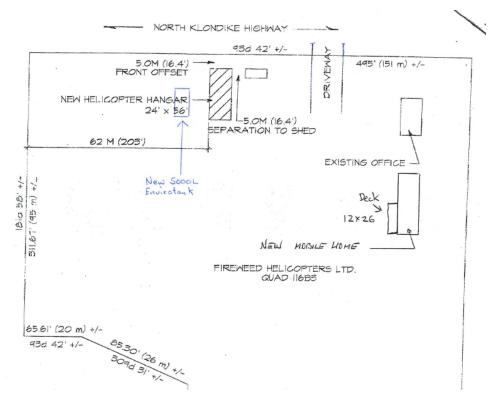
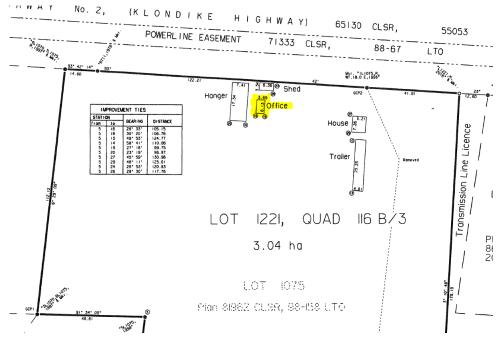


Figure 1. 2006 approved site plan, detailing the location of 4 structures.





S. 13.1.3 under the Industrial (M1) Zone section states:

"On a parcel located in an area zoned M1, no plan of subdivision shall be approved and no building or structure shall be constructed, altered, or located in such a way that contravenes the regulations set out in the table below, in which column 1 sets out the matter to be regulated and column 2 sets out the regulations."

## TABLE 13-1: M1 ZONE MINIMUM PARCEL REQUIREMENTS

Column 1	Column 2	
Minimum parcel size	0.4 ha	(1 acre)
Minimum setback of buildings from		
front parcel line	6.10 m	(20 ft.)
interior side parcel line	6.10 m	(20 ft.)
accessory building	6.10 m	(20 ft.)
exterior side parcel line	6.10 m	(20 ft.)
rear	6.10 m	(20 ft.)
Minimum setback of building from interior and rear parcel	15.24 m	(50 ft.)
lines when they abut an R zone		
Maximum building height	10.67 m	(35 ft.)

This means that properties that had developments erected prior to the enactment of this ZBL are unable to subdivide, consolidate, or adjust the boundaries of their property if the minimum parcel requirements (setbacks, parcel size, building height etc.) were different at the time they received a development permit and built. Administration believes it is unreasonable for a property owner to have to come into compliance in order to subdivide a property so long as:

- A) the noncompliance is legal nonconforming, and
- B) the subdivision/consolidation/boundary adjustment does not increase the noncompliance.

Administration has brought forward the following proposed amendment to the M1 zone's parcel requirements (S.13.1.3.1) in the ZBL through Zoning Bylaw Housekeeping Amendment No.14 (#2021-15). The proposed amendment offers consistency with what already exists in S.5 'Subdivision Process' of the ZBL and is consistent with the Municipal Act. The same amendment has been proposed to each other zone:

- "13.1.3.1 On a parcel located in an area zoned M1,
  - I. no plan of subdivision shall be approved in such a way that contravenes the regulations set out in the table below unless S. 5.1.1.I applies.
  - II. and no building or structure shall be constructed, altered, or located in such a way that contravenes the regulations set out in the table below, in which column 1 sets out the matter to be regulated and column 2 sets out the regulations."

For context, S.5.1.1.I of the ZBL states,

"At the sole discretion of Council, parcels with a pre-existing legally non-conforming use or structure may be subdivided so long as the subdivision does not increase the legally non-conforming nature of the use or structure."

Administration recommends the successful passing of Subdivision Application #18-036 conditionally to the successful passing of the proposed amendments to the ZBL through the Housekeeping Amendment Bylaw #2021-15.

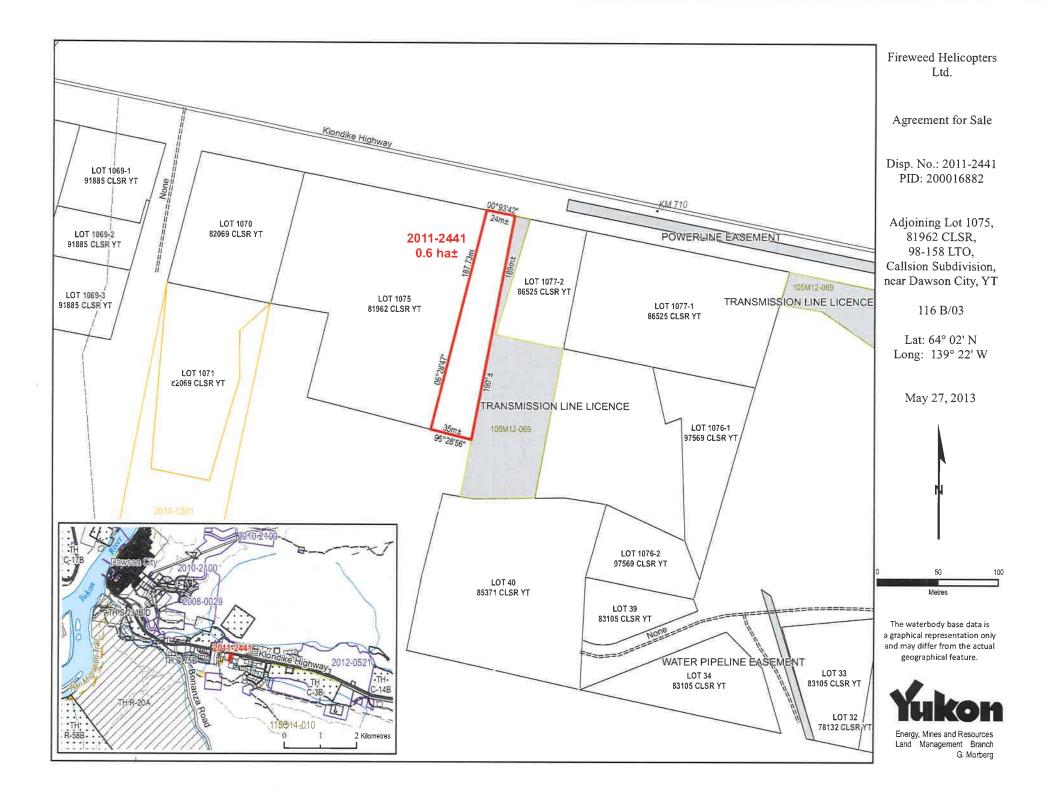
## OPTIONS

- 1. Approve Subdivision Application #18-036 subject to the following conditions:
  - 1.1 The addition of 'heliports' to the list of permitted uses in the M1 zone through the passing of Zoning Bylaw Amendment No.14 (#2021-15).
  - 1.2 An amendment of the M1 'Zone-Specific Regulations' to grant subdivision authority to parcels with a pre-existing legally non-conforming use or structure, so long as the subdivision does not increase the legally non-conforming nature of the use or structure through the passing of Zoning Bylaw Amendment No.14 (#2021-15).
  - 1.3 The applicant submits a Stormwater Management Plan to the satisfaction of the CDO and Public Works Manager.
  - 1.4 The applicant submits a plan of subdivision completed by a certified lands surveyor drawn in conformity with the approval.

- 1.5 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.
- 2. Deny Subdivision Application #18-036

3. Table Subdivision Application #18-036 until such a time that a decision is made on the 2021 Housekeeping Zoning Bylaw Amendment.

APPRO	/AL	
NAME:	Cory Bellmore, CAO	(L.Ballmarka)
DATE:	April 8, 2022	SIGNATURE:





Energy, Mines and Resources Land Management Branch (K-320) PO Box 2703, Whitehorse, Yukon Y1A 2C6 <u>yukon.ca/en/housing-and-property/land-and-property</u>

File No: 2848-20-116B03/112441

December 15, 2021

Fireweed Helicopters Ltd. Box 1069 Dawson City, YT YOB 1G0

Re: Authority to Apply for Subdivision and Survey Yukon Land – #2011-2441, Adjoining Lot 1075, Callison Subdivision

This letter serves as authorization for you to apply for Subdivision and then Survey the below land, as indicated in red on the attached sketch dated May 27, 2013.

• 0.6 hectares, more or less, adjoining Lot 1075, 81962 CLSR, 98-158 LTO, Callison Subdivision, near Dawson City, in Quad 116B/03, Yukon Territory

Subdivision and Survey of this land will be subject to the following:

1. Subdivision Approval from the City of Dawson

This letter also serves as authority to survey. You may present this letter along with your Subdivision Approval letter to the surveyor of your choice to proceed with surveying. The Authority to Survey is valid for a period of one year from the date of Subdivision Approval. If you have questions on this matter, please contact Lands Officer Pia Blake directly at (867) 667-3174, or by e-mail at <u>Pia.Blake@yukon.ca</u>. If you are outside the Whitehorse area and within Yukon please telephone toll-free at 1-800-661-0408 ext 3174.

Sincerely,

Susan Antpoehler

Manager, Client Services

Enclosed: Sketch Map

cc: Stephanie Pawluk, Community Development and Planning Officer, City of Dawson Donna Michon, Compliance Monitoring and Inspections, Klondike District Office EMR

# **Report to Council**



Х	For Council Decision		For Council Direction		For Council Information
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SUBJECT:	Upper Hammarstrand Trail Build Contract Award		
PREPARED BY:	Paul Robitaille, Parks and Recreation Manager	ATTACHMENTS:	
DATE:	April 11, 2022		
RELEVANT BYLA	WS / POLICY / LEGISLATION:		
Procurement Policy	/ # 14-02		

## RECOMMENDATION

That Council award the Upper Hammarstrand Trail Build to Transition Industries for \$57,000, as per their submitted bid.

## **ISSUE/PURPOSE**

To award the contract for the completion of Upper Hammarstrand Trail Build

### **BACKGROUND SUMMARY**

The City of Dawson undertook the development of implementation of the Trail Management in August 2015. Part of this plan focused on the creation of multiple biking trails to diversify and improve the local network to appeal to new users. These trails, including Hammarstrand were built up to the municipal boundary, as a Land Use Permit was necessary to proceed with any trail work. In 2021, the City undertook the steps necessary to process and get approval on a YESAB assessment and Land Use Permit for the completion of Upper Hammarstrand. Now that Land Use has been allocated by Yukon Government, we are ready to proceed with awarding a contract to initiate this build.

### ANALYSIS / DISCUSSION

With the approval of the 2022 Capital Budget, Council gave direction to staff to initiate projects within that document. Based on this direction, staff issued a Request for Quotations (RFQ) on March 28, which closed April 11, for the building of Upper Hammarstrand Trail.

One bid was received for this RFQ from Transition Industries. This bid met the minimum requirements of our RFQ, which asked for the following:

- 1. Design and layout of Hammarstrand Trail as an intermediate, downhill biking primary trail.
- 2. Construction of Hammarstrand Trail, including:
  - a. Supervision of trail crew and sub-contractors
  - b. Coordination and scheduling of equipment rentals and trail building materials
- 3. The Contractor shall determine the best approach in accordance with industry standards.
- 4. The Contractor shall source the materials and equipment needed to perform the work.
- 5. The Contractor will provide the City of Dawson with photographs detailing the work completed and the materials used.

- 6. The Contractor shall provide the City of Dawson with a letter of warranty at time of job completion for five (5) years.
- 7. Project should be completed by August 31, 2022.

A budget of \$50,000 was approved in the 2022 capital budget for this item. The bid provided was \$57,000, which is \$7,000 over budget. Although this is more than was budgeted, bid provided requires more time, equipment, and labourers to complete this project than previously expected. It also utilizes the expertise of a local contractor, who has a proven track record of providing high quality trail design and build.

As such, Administration recommends that council support the decision to award this contract to Transition Industries for \$57,000.

APPRO\	/AL		
NAME:	Cory Bellmore, CAO		(LRanger a)
DATE:	April 11, 2022	SIGNATURE:	Adelmore





For Council Decision For Council Direction

x For Council Information

In Camera

AGENDA ITEM:	Laundromat Water and Sewer Rate
PREPARED BY:	Kim McMynn
DATE:	April 6, 2022
<b>RELEVANT BYLAWS / POLICY / LEGISLATION:</b> Fees and Charges Amendment Bylaw 2022-03	

## **ISSUE / PURPOSE**

Council directed Administration to review the rates charged to Laundromats for the Water and Sewer.

### BACKGOUND SUMMARY

Residents in the community have approached Council about the lack of Laundromat services in the City. During this past winter, the only public laundromat services had to shut down due to vandalism. There has been speculation that one of the barriers to the business community providing this service is the water and sewer rates levied.

## ANALYSIS / DISCUSSION

In this analysis, it is assumed that the average laundromat machine might be used for 10 loads per day, 5 days per week, producing approximately 2600 loads per year. The annual water charge for a commercial washing machine is \$466.90 while the sewer charge is \$355.43. Therefore, using these numbers, the cost of each load for water and sewer is \$.32 per load.

In the analysis of whether the City is charging a reasonable and equitable amount for water and sewer, the charge per cubic meter must be considered in relation to the cost of producing/delivering and elimination of water (sewer). A laundromat style washing machine uses approximately 40 gallons of water per load (or .18 cubic meter). The estimated cost to produce a cubic meter of water at the City is \$1.50 per cubic meter. The current approximate cost to the City per cubic meter for sewer is \$.29 per cubic meter. Therefore, the cost of producing/delivering water for a load is \$.27 and sewer is \$.05 for a total of \$.32, which is currently the estimated charge for a load.

It might be of note what other municipalities are charging for laundromats for water on an annual basis. Those at a flat rate (similar to the City) have been noted separately from those using meters. The cost for metered water below assumes the washer is used for 2600 loads per year.

Fixed Rate	Est. Population	Annual Water Fee	Annual Sewer Fee	Total
City of Dawson		\$466.90	\$355.43	\$822.33
Nakusp	1,112	\$297.13	\$250.79	\$547.92
Salmon Arm	16,065	\$731.30	\$365.65	\$1,096.95
Columbia Regional District	51,366	\$430.00	\$433.00	\$863.00
Metered Rate				
Mackenzie	2,856	\$621.00	\$534.00	\$1,155.00
Kitimat	6,727	\$386.40	\$160.10	\$546.50
Whistler	9,974	\$406.08	\$538.40	\$944.48
Summerland	9,860	\$661.44	\$440.64	\$1,102.08
Dawson Creek	11,706	\$604.80	\$362.80	\$967.60
Kamloops	92,442	\$442.84	\$347.48	\$790.82
Richmond	216,288	\$391.68	\$341.61	\$733.29
Victoria	363,222	\$457.92	\$241.17	\$699.09

Fixed Rate	Est. Population	Annual Water Fee
City of Dawson		\$466.90
Nakusp	1,112	\$297.13
Salmon Arm	16,065	\$731.30
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Whistler	9,974	\$406.08
Summerland	9,860	\$661.44
Dawson Creek	11,706	\$604.80
Kamloops	92,442	\$442.84
Richmond	216,288	\$391.68
Victoria	363,222	\$457.92

NAME:	C Bellmore	SIGNATURE:
DATE:	April 8, 2022	Hellmore

# **Report to Council**



X For Council Decision

For Council Direction

For Council Information

In Camera

AGENDA ITEM:	OCP Bylaw Amendment No. 6 (Bylaw #2022-05) -Provision of Direct Control Districts & Designation of Klondike East Bench Direct Control District	
PREPARED BY:	Stephanie Pawluk, CDO	ATTACHMENTS: - Bylaw #2022-05
DATE:	April 5, 2022	- Yukon Government letter of March 3,
RELEVANT BYLAWS / POLICY / LEGISLATION: Municipal Act Official Community Plan Zoning Bylaw		2022

## RECOMMENDATION

That Council give Second Reading to Official Community Plan (OCP) Bylaw Amendment No. 6 (Bylaw #2022-05).

### **ISSUE / PURPOSE**

This OCP Bylaw amendment provides for the use of Direct Control Districts in the OCP and Zoning Bylaw (ZBL) generally, as well as designates the Klondike East Bench Direct Control District (DCD).

The purpose of DCDs generally, is to enable Council to directly regulate areas where "development may require a more specific, sensitive, and flexible means of land use and development control, including, but not limited to, time limited uses."

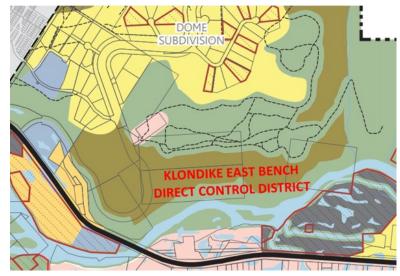
The purpose of the designation of the Klondike East Bench DCD "is for Council to directly control land use and development within the area to enable time limited mineral extraction activity and subsequently, the intended future residential development."

### BACKGOUND SUMMARY

First reading occurred on February 23, 2022. The public was notified as per S. 280 of the Municipal Act, providing opportunity to provide comments and/or attend the public hearing that took place on March 30, 2022.

# Klondike East Bench Mining Area

This OCP amendment will not include a map amendment. The exact area of the DCD is to be depicted in a future associated Zoning Bylaw map amendment that specifically establishes the area of the DCD. This is the general area of the Klondike East Bench:



## **Development Permit #21-025**

**Issue**: The applicant had previously applied for six development permits for the East Bench (2017-2019), all of which were denied. Each time a permit was denied, the options were outlined, including the option to pursue a ZBL/OCP amendment, which the applicant never pursued. Mr. Carey applied for this application on the grounds that a legal nonconforming use exists, as per s. 301 of the Municipal Act.

Outcome: Development permit #21-025 was denied on April 22, 2021 for the following reasons:

- The proposed use is not a permitted use within the Future Residential Planning (FRP), Future Planning (FP), or Parks and Natural Space (P) designations of the Official Community Plan Bylaw #2018-18 (OCP). Nor is it a permitted use in the Future Planning (FP) or Parks and Natural Space (P1) zones in the Zoning Bylaw #2018-19 (ZBL).
- 2. The City of Dawson was not able to confirm using the documentation provided with your application that the proposed uses constitute a legal non-conforming use as laid out in the Municipal Act. Although your application included a statement that your proposed mining operation is a legal non-conforming activity, you included no particulars to support this statement. The City of Dawson requires particulars of mining activity along with supporting documentation as they relate to the locations identified in the map attached to your application. This information will allow the City to determine whether there was a legal non-conforming use and whether or not this legal non-conforming use was discontinued for a period of twelve months or longer. Although it was not included with your application, the unsworn affidavit of Darrell Wayne Carey that was provided by your lawyer was also reviewed. The unsworn affidavit and its attachments do not appear to provide this information.

The applicant was advised, as written in the denial letter, on possible next steps:

- 1. Appeal the decision to Council within 30 days of the date of the decision, as per s. 4.4.2 of the Zoning Bylaw.
- 2. Apply to amend the Official Community Plan and Zoning Bylaw.
- 3. Submit a new development permit application accompanied by detailed particulars of mining activity and supporting documentation as they relate to the locations identified in the map attached to your application to definitively support the statement that the use is legal non-conforming, to the satisfaction of Council based on the Municipal Act s. 301.

Following the denial of Development Permit #21-025, the applicant elected to pursue an appeal to Council.

### **Development Permit #21-025 Appeal**

C21-18-04 Moved by Mayor Potoroka, seconded by Councilor Shore that Council denies Mr. Carey's appeal regarding Development Permit #21-025 and communicates this decision to Mr. Carey and directs administration to provide reasons for the decision.

Motion Carried 3-2

Excerpt from Council decision letter:

"YG has been working on the Dome Road Master Plan for future development in the City, which does overlap claims in this section of town. It makes sense for both the landowner and claim holder to line up development so that both parties have the opportunity for maximum benefit for future settlement of this area."

Recent case law examples show that municipalities have the right to enact an OCP and ZBL, and to plan areas for future development, regardless of subsurface rights that may exist. It also shows that municipalities have the right to require the permitting process for mineral extraction activities, and that this requirement is not considered expropriation.

There is no further direction from YG on the matter of mining within the municipality. As a result, the municipality is doing the best it can with limited resources and antiquated legislation to address mining applications on a one-by-one basis, given the individual complexities, in a fair and equitable way. It is believed that Direct Control Districts provide a path forward in addressing numerous mineral extraction activities in the municipality as this form of development does not fit well within the existing framework of the Zoning Bylaw.

# ANALYSIS

Administration has explored the feasibility of different options to implement the above noted Council direction. Direct control districts have been identified as the most viable and appropriate tool.

# **Direct Control Districts**

S. 291 of the Municipal Act (M.A) under Division 2: 'Zoning Bylaws' provides a zoning tool that enables municipalities to create direct control districts in both the OCP and ZBL to directly regulate land use and development of selected area(s). Direct control districts are intended to provide for development that may be outside of the land uses and regulations of standard zoning. It is a short section with three clauses:

- The council of a municipality may designate direct control districts in its official community plan if it wants to directly control the use and development of land or buildings in the area individually rather than establish rules common to all buildings and land in the area.
- If a direct control district is designated in a zoning bylaw, the council may, subject to the official community plan, regulate the use or development of land or buildings in the district in any manner it considers necessary.
- 3) In respect of a direct control district, the council may decide on a development permit application itself, or may delegate the decision to a development authority that may be created under section 191 with directions that it considers appropriate.

The implementation of DCDs is unprecedented in the Yukon. The only known instance of a municipality exercising S. 291 is the City of Whitehorse. CoWH has designated a DCD in the OCP, but never designated the DCD in the ZBL and therefore has not yet implemented this tool.

Albertan and Saskatchewan legislation also permits Direct Control Districts. Both Albertan and Saskatchewan legislation enacts Direct Control Districts through the equivalent of the Zoning Bylaw, although Saskatchewan requires OCPs to provide *guidelines* that enables the designation of DCDs in the ZBLs.

Municipalities in Saskatchewan provide a useful model for Dawson, as Yukon and Saskatchewan legislation are similar in that DCDs must be *designated* (Yukon) / have *guidelines* provided (Sask) in the OCP in order to designate a DCD in the ZBL. For example, the City of Regina outlines a series of general guidelines in the OCP (attached), which enables the ZBL to specifically implement DCDs. The locations and development regulations of DCDs are not detailed and mapped in the OCP. The City of Regina uses DCDs like a regular zone, but the difference is the level of regulation that DCDs allows the municipality. Having a DCD for a specific area allows a City to specifically regulate activities, setbacks, building materials etc. in a way that regular zones do not allow for.

The powers granted to municipalities under the Yukon M.A to create direct control districts are broad and, once created, Council has significant discretion in how a development in a direct control district is regulated. The Yukon M.A requires both the designation of direct control districts in the OCP and the designation of direct control districts in the ZBL. Administration is working to determine the logistics and requirements for designating DCDs in the ZBL.

## DCD Pros

- Increased public transparency as decisions on development permits for Direct Control Districts are approved by Council.
- Allows Council to more closely regulate development on this land. For example, Council may impose conditions on permits that do not exist in Bylaws (this is not possible for regular development permits as per. S. 298 (2) of the M.A).

# DCD Cons

- Efficiency:
  - Each application would have to be considered on its own merits by Council.
  - Time required for Administration to recommend conditions of approval outside of the regular review process.
- Unclear regulations that are open to interpretation (e.g. "in any manner it considers necessary").
- Cons for applicants:
  - o Longer review and approval times than regular development permits.
  - Uncertainty of approvals (as a result of unclear regulations) from the applicants' perspective.

# OPTIONS

Council may:

- 1. Pass the Public Hearing of OCP Bylaw amendment No. 6 (Bylaw #2022-05)
- 2. Not pass the Public Hearing of OCP Bylaw amendment No. 6 (Bylaw #2022-05)

APPRC	APPROVAL		
NAME:	Cory Bellmore, CAO	SIGNATURE:	
DATE:	March 25, 2022	KBellmore	



Official Community Plan Amendment No. 6 Bylaw

#### Bylaw No. 2022-05

**WHEREAS** section 265 of the Municipal Act, RSY 2002, c. 154, and amendments thereto, provides that a council may pass bylaws for municipal purposes.

**WHEREAS** section 278 of the Municipal Act, RSY 2002, c. 154, and amendments thereto, provides that a council must, within three years of formation or alteration of municipal boundaries, adopt or amend by bylaw an official community plan.

**WHEREAS** section 285 of the Municipal Act, RSY 2002, c. 154, and amendments thereto, provides that an official community plan may be amended, so long as the amendment is made in accordance with the same procedure established for adoption of an official community plan.

**THEREFORE**, pursuant to the provisions of the *Municipal Act* of the Yukon, the council of the City of Dawson, in open meeting assembled, **ENACT AS FOLLOWS**:

## **PART I - INTERPRETATION**

### 1.00 Short Title

This bylaw may be cited as the Official Community Plan Amendment No. 6 Bylaw

### 2.00 Purpose

- 2.01 The purpose of this bylaw is to provide for
  - (a) The provision of Direct Control Districts.
  - (b) The designation of the Klondike East Bench Direct Control District.



Official Community Plan Amendment No. 6 Bylaw

Bylaw No. 2022-05

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Official Community Plan Amendment No. 6 Bylaw

#### Bylaw No. 2022-05

### 3.00 Definitions

- 3.01 In this Bylaw:
  - (a) Unless expressly provided for elsewhere within this bylaw the provisions of the *Interpretations Act,* RSY 2002, c. 125, shall apply;
  - (b) "Bylaw Enforcement Officer" means a person employed by the City of Dawson to enforce bylaws;
  - (c) "CAO" means the Chief Administrative Officer for the City of Dawson;
  - (d) "city" means the City of Dawson;
  - (e) "council" means the Council of the City of Dawson;

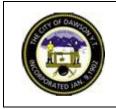
## PART II – APPLICATION

### 4.00 Amendment

4.01 Insert a new subsection 6.3 'Implementation Approaches'. The new subsection 6.3.3 titled 'Direct Control Districts' shall read as follows:

"A Direct control district may be considered at Council's discretion in an area where, in the opinion of Council, development may require a more specific, sensitive, and flexible means of land use and development control, including, but not limited to, time limited uses.

Direct Control Districts shall be designated and implemented under the Zoning Bylaw and regulated as per section 291 of the Municipal Act. For greater certainty, if Council designates time limited Direct Control Districts in the Zoning Bylaw, upon expiry of the time limited Direct Control District, no legal non-conforming uses are thereby created as per section 301 of the Municipal Act.



Official Community Plan Amendment No. 6 Bylaw

Bylaw No. 2022-05

4.02 Council Designates the following Direct Control District under subsection 6.3.3 as follows:

<u>Klondike East Bench</u>; the area with mining land use approval for mineral extraction activity on the Klondike East Bench, as designated in the Zoning Bylaw. The purpose of this Direct Control District is for Council to directly control land use and development within the area to enable time limited mineral extraction activity and subsequently, the intended future residential development."

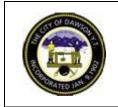
# PART III – FORCE AND EFFECT

### 5.00 Severability

5.01 If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder unless the court makes an order to the contrary.

## 6.00 Enactment

6.01 This bylaw shall come into force on the day of the passing by Council of the third and final reading.



Official Community Plan Amendment No. 6 Bylaw

Bylaw No. 2022-05

6.02

## 7.00 Bylaw Readings

Readings	Date of Reading
FIRST	February 23, 2022
MINISTERIAL NOTICE	February 24, 2022
PUBLIC HEARING	March 30, 2022
SECOND	
MINISTERIAL APPROVAL	
THIRD and FINAL	

Original signed by

William Kendrick, Mayor

**Presiding Officer** 

Cory Bellmore, CAO

**Chief Administrative Officer** 



March 3, 2022

## Re: City of Dawson Proposed Official Community Plan Amendment

The Land Planning Branch has conducted a review of the City Of Dawson's proposed OCP amendment, and we have found no inconsistencies with the Municipal Act, however we have provided some recommendations to promote clarity in the proposed amendment. Our comments are listed below:

4.01 – the phrase 'in the opinion of council' may require substantiation- consider whether the activation of a Direct Control District requires a council vote, council meeting etc... Section 291 (3) of the Municipal Act states that council may decide on development permit applications, or may delegate this authority to a development authority under section 191 of the Municipal Act.

**4.01** – Time limitation on Direct Control Districts is not contemplated under the Municipal Act section 291. This amendment should contemplate the specifics of time limitation as applied to section 291- potentially including provisions for:

- Establishment and specification of duration of the time limitation;
- Ability to, by council decision, to cease direct control over the specified area prior to the end of a specified time limitation;
- Ability to, by council decision, extend a specified time limitation;
- Any other related specifics concerning how a time limit will function.

**4.02** – This section would benefit from clarity on how time limitation will function- see comment above.

**4.02** – Will mineral extraction have to conclude in the entirety of the Direct Control District prior to residential development commencing? Will residential development be active during mineral extraction or decommissioning of mineral extraction activities? Consider specifying.

If the City of Dawson wants to discuss any of these comments, please contact Land and Resources Planner Duncan Martin at <u>duncan.martin@yukon.ca</u> or at 867-332-0607

Regards,

Duncan Martin, Government of Yukon Land and Resources Planner





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For Council Decision For Council Direction

For Council Information

In Camera

SUBJECT:	Zoning Bylaw Amendment Application #22-006: Lots 5,6,7, Block R, Ladue Estate Zoning Bylaw Amendment No.16 (Bylaw #2022-06)	
PREPARED BY:	Stephanie Pawluk, CDO	ATTACHMENTS: Zoning Bylaw Amendment No. 16
DATE:	April 5, 2022	(Bylaw #2022-06)
<b>RELEVANT BYLAWS / POLICY / LEGISLATION:</b> Municipal Act Official Community Plan Zoning Bylaw Heritage Bylaw		

### RECOMMENDATION

It is respectfully recommended that Council give Second and Third Reading of Zoning Bylaw Amendment No.16 (Bylaw #2022-06) on the following condition:

1. The applicant shall take all necessary steps to enable the registrar under the Land Titles Act to register the plan of subdivision, as per approved subdivision permit #22-007.

### **ISSUE / BACKGROUND**

Zoning Bylaw Amendment Application #22-006 was received on February 8, 2022, which applies to rezone Lots 5,6, and 7, Block R, Ladue Estate from R2: multi-unit residential to R1: single-detached/duplex residential. The application was originally submitted to accommodate the development of 6 small single-detached homes, which an accompanying development permit applied for. On March 30, 2022, the applicant submitted a letter withdrawing the development permit application (#22-002).

This application is related to Subdivision Application #22-007 which was approved on March 9, 2022 to subdivide these three lots into six smaller lots with 25' frontages. A condition on this subdivision approval is "The passing of Zoning Bylaw Amendment No.16 (Bylaw #2022-06)"; therefore, the subdivision cannot proceed without the passing of this Bylaw.



Figure 1: Context map of proposed lots to be rezoned

# Comments

This proposed zoning amendment has been circulated internally for review and no comments have been received at the time of writing this report.

The application was also circulated to every property owner within a 100m radius of this property, inviting comments and questions. One comment was received from the Klondike Development Organization indicating support of the proposed ZBL amendment and associated subdivision application. No comments in opposition to this proposed amendment were received.

First reading of this bylaw and the public hearing occurred on March 9<sup>th</sup>, 2022. No concerns were raised at the Public Hearing.

### **Municipal Act**

The Municipal Act s. 289(2) states:

The council of a municipality shall not pass a zoning bylaw or any amendment thereto that does not conform to the provisions of an existing official community plan.

Therefore, this report will consider whether the proposed amendment is consistent with the Official Community Plan. Further, sections 294-296 outline the specific process required for public consultation with respect to a zoning bylaw amendment.

# **Official Community Plan**

The properties are currently designated as UR – Urban Residential. Uses associated with this designation include residential lots that are smaller in size than Country Residential lots. While the area predominantly consists of low- and medium-density residential uses, small-scale open spaces are also permitted in these areas. The rezoned lots conform to the current OCP designation and therefore would retain the same OCP designation. Any new use or development would be required to conform to the OCP designation, or else apply for an OCP Amendment.

The proposed zoning amendment in combination with the associated subdivision application meets the objective of increasing housing density in the community, through the provision of smaller lots (25 ft frontages), as per Subdivision Application #22-007. The proposed development that would be enabled by this ZBL amendment also meets the OCP Housing goals of "meet[ing] the full spectrum of housing needs in the community" by "encouraging the development of a range of housing types" and "minimized[ing] the amount of vacant or underutilized residential land in the historic townsite."

## Zoning Bylaw

The Zoning Bylaw is intended to implement the goals of the OCP. Lots 5,6,7 are zoned R2 – Multi-Unit Residential. The intent of this rezoning to R1 – Single-detached/Duplex Residential is to accommodate the development of smaller single- detached residential dwellings; however, given that the development permit has been rescinded, Council must be comfortable with the possibility of this development not proceeding in the immediate future.

While Administration notes that a decrease in density is something that Council should consider carefully given the current residential needs in the community, it is believed that the intended development meets the goals of the OCP as noted above. The passing of this ZBL amendment, however, requires a degree of good faith that the subdivision will indeed occur to enable a higher density of housing development and that the development of housing will occur. In other words, it is possible that these properties are rezoned to R1 with the passing of this bylaw, and the applicant may choose not to conduct a subdivision or submit a new development permit application; thus, leaving these as three R1 lots and not meeting the goal of increasing housing density or type. As such, a condition has been added to the passing of this Bylaw.

Any future development of the proposed lots is required to obtain a development permit and conform with the Zoning Bylaw.

# Heritage Bylaw

Lots 5,6,7, Block R, Ladue Estate are situated in the Historic Townsite and thus are subject to the City's Heritage Bylaw. Any new development will be required to conform to the Design Guidelines for Historic Dawson and Heritage Management Plan as required by the Heritage Bylaw.

APPROVAL		
NAME:	Cory Bellmore, CAO	SIGNATURE:
DATE:	07-04-2020	KBellmore



Zoning Bylaw Amendment No. 16 Bylaw

Bylaw No. 2022-06

**WHEREAS** section 265 of the Municipal Act, RSY 2002, c. 154, and amendments thereto, provides that a council may pass bylaws for municipal purposes, and

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

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

**THEREFORE**, pursuant to the provisions of the *Municipal Act* of the Yukon, the council of the City of Dawson, in open meeting assembled, **ENACT AS FOLLOWS**:

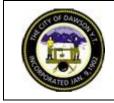
## PART I - INTERPRETATION

## 1.00 Short Title

1.01 This bylaw may be cited as the **Zoning Bylaw Amendment No. 16 Bylaw**.

## 2.00 Purpose

- 2.01 The purpose of this bylaw is to provide for
  - (a) An amendment to the Zoning Bylaw from R2: Multi-unit residential to R1: Singledetached/duplex residential, located at Lots 5,6,7, Block R, Ladue Estate.

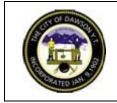


Zoning Bylaw Amendment No. 16 Bylaw

Bylaw No. 2022-06

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Zoning Bylaw Amendment No. 16 Bylaw

Bylaw No. 2022-06

## 3.00 Definitions

- 3.01 In this Bylaw:
  - (a) Unless expressly provided for elsewhere within this bylaw the provisions of the *Interpretations Act*, RSY 2002, c. 125, shall apply;
  - (b) "city" means the City of Dawson;
  - (c) "council" means the Council of the City of Dawson;

## PART II – APPLICATION

## 4.00 Amendment

4.01 This bylaw amends Lots 5,6,7, Block R, Ladue Estate from R2: Multi-unit residential to R1: Single-detached/duplex residential I in the Zoning Bylaw Schedule C: Historic Townsite, as shown in Appendix A of this bylaw.

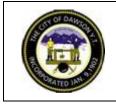
## PART III – FORCE AND EFFECT

## 5.00 Severability

5.01 If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder unless the court makes an order to the contrary.

## 6.00 Enactment

6.01 This bylaw shall come into force on the day of the passing by Council of the third and final reading.



Zoning Bylaw Amendment No. 16 Bylaw

Bylaw No. 2022-06

## 7.00 Bylaw Readings

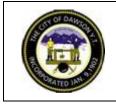
Readings	Date of Reading
FIRST	March 9, 2022
PUBLIC HEARING	March 9, 2022
SECOND	
THIRD and FINAL	

William Kendrick, Mayor

**Presiding Officer** 

Cory Bellmore, CAO

**Chief Administrative Officer** 



Zoning Bylaw Amendment No. 16 Bylaw

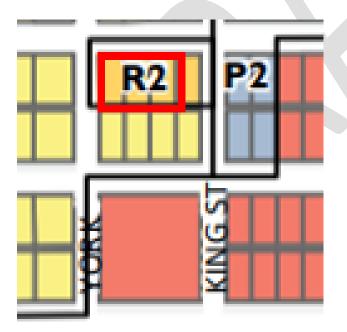
Bylaw No. 2022-06

## PART IV – APPENDIX A

## Figure 1. Location Map



## Figure 2. Amended area



# **Report to Council**



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For Council Decision For Council Direction

For Council Information

In Camera

AGENDA ITEM:	OCP Bylaw Amendment No. 7 (Bylaw #2022-07) -Designation of Klondike River Bench Direct Control District		
PREPARED BY:	Stephanie Pawluk, CDO ATTACHMENTS: - Draft Bylaw #2022-07		
DATE:	April 5, 2022		
RELEVANT BYLAWS / POLICY / LEGISLATION: Municipal Act Official Community Plan Zoning Bylaw			

## RECOMMENDATION

It is respectfully recommended that Council give First Reading to Official Community Plan (OCP) Bylaw Amendment No. 7 (Bylaw #2022-07).

## **ISSUE / PURPOSE**

This OCP Bylaw amendment designates the Klondike River Bench Direct Control District (DCD).

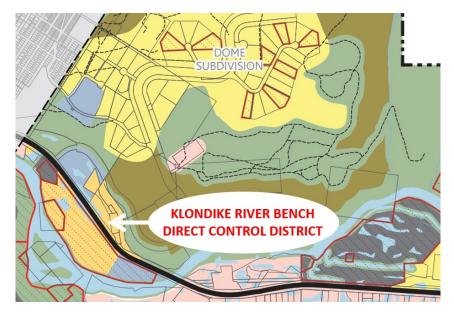
The purpose of DCDs generally, is to enable Council to directly regulate areas where "development may require a more specific, sensitive, and flexible means of land use and development control, including, but not limited to, time limited uses."

The purpose of the designation of the Klondike River Bench DCD "is for Council to directly control land use and development within the area to enable time limited mineral extraction activity and subsequently, the intended future land development."

## **BACKGOUND SUMMARY**

## Klondike River Bench Mining Area

This OCP amendment will not include a map amendment. The exact area of the DCD is to be depicted in a future associated Zoning Bylaw map amendment that specifically establishes the area of the DCD. This is an approximation of the general area of the Klondike River Bench:



The Klondike River Bench is related to Council's direction on the East Bench (reference development permit #21-025 appeal) as this area is also part of the Dome Road Master Planning work for future lot development.

C21-18-04 Moved by Mayor Potoroka, seconded by Councilor Shore that Council denies Mr. Carey's appeal regarding Development Permit #21-025 and communicates this decision to Mr. Carey and directs administration to provide reasons for the decision.

Motion Carried 3-2

Excerpt from the Council decision letter on the development permit #21-025 appeal:

"YG has been working on the Dome Road Master Plan for future development in the City, which does overlap claims in this section of town. It makes sense for both the landowner and claim holder to line up development so that both parties have the opportunity for maximum benefit for future settlement of this area."

This DCD is in line with this Council direction.

Recent case law examples show that municipalities have the right to enact an OCP and ZBL, and to plan areas for future development, regardless of subsurface rights that may exist. It also shows that municipalities have the right to require the permitting process for mineral extraction activities, and that this requirement is not considered expropriation.

There is no further direction from YG on the matter of mining within the municipality. As a result, the municipality is doing the best it can with limited resources and antiquated legislation to address mining applications on a one-by-one basis, given the individual complexities, in a fair and equitable way. It is believed that Direct Control Districts provide a path forward in addressing numerous mineral extraction activities in the municipality as this form of development does not fit well within the existing framework of the Zoning Bylaw.

## **Municipal Act**

Following first reading, Ministerial Notice will be given, and the public will be notified as per S. 280 of the Municipal Act, providing opportunity to provide comments and/or attend a public hearing.

S. 291 of the Municipal Act (M.A) under Division 2: 'Zoning Bylaws' provides a zoning tool that enables municipalities to create direct control districts in both the OCP and ZBL to directly regulate land use and development of selected area(s). Direct control districts are intended to provide for development that may be outside of the land uses and regulations of standard zoning. It is a short section with three clauses:

- The council of a municipality may designate direct control districts in its official community plan if it wants to directly control the use and development of land or buildings in the area individually rather than establish rules common to all buildings and land in the area.
- 2) If a direct control district is designated in a zoning bylaw, the council may, subject to the official community plan, regulate the use or development of land or buildings in the district in any manner it considers necessary.
- 3) In respect of a direct control district, the council may decide on a development permit application itself, or may delegate the decision to a development authority that may be created under section 191 with directions that it considers appropriate.

## **Official Community Plan**

OCP Amendment Bylaw no. 5, which has passed First Reading and a Public Hearing, provides for the use of Direct Control Districts in the OCP and Zoning Bylaw. The passing of this Bylaw is dependent on the successful passing of OCP Amendment Bylaw no. 5.

## OPTIONS

- 1. Pass First Reading of OCP Bylaw amendment No. 7 (Bylaw #2022-07)
- 2. Do not pass First Reading of OCP Bylaw amendment No. 7 (Bylaw #2022-07)

APPROVAL			
NAME:	Cory Bellmore, CAO	SIGNATURE:	
DATE:	April 8, 2022	KBellmore	



Official Community Plan Amendment No. 7 Bylaw

### Bylaw No. 2022-07

**WHEREAS** section 265 of the Municipal Act, RSY 2002, c. 154, and amendments thereto, provides that a council may pass bylaws for municipal purposes.

**WHEREAS** section 278 of the Municipal Act, RSY 2002, c. 154, and amendments thereto, provides that a council must, within three years of formation or alteration of municipal boundaries, adopt or amend by bylaw an official community plan.

**WHEREAS** section 285 of the Municipal Act, RSY 2002, c. 154, and amendments thereto, provides that an official community plan may be amended, so long as the amendment is made in accordance with the same procedure established for adoption of an official community plan.

**THEREFORE**, pursuant to the provisions of the *Municipal Act* of the Yukon, the council of the City of Dawson, in open meeting assembled, **ENACT AS FOLLOWS**:

## **PART I - INTERPRETATION**

## 1.00 Short Title

This bylaw may be cited as the Official Community Plan Amendment No. 7 Bylaw

## 2.00 Purpose

- 2.01 The purpose of this bylaw is to provide for
  - (a) The designation of the Klondike River Bench Direct Control District.



Official Community Plan Amendment No. 7 Bylaw

Bylaw No. 2022-07

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Official Community Plan Amendment No. 7 Bylaw

### Bylaw No. 2022-07

## 3.00 Definitions

- 3.01 In this Bylaw:
  - (a) Unless expressly provided for elsewhere within this bylaw the provisions of the *Interpretations Act,* RSY 2002, c. 125, shall apply;
  - (b) "Bylaw Enforcement Officer" means a person employed by the City of Dawson to enforce bylaws;
  - (c) "CAO" means the Chief Administrative Officer for the City of Dawson;
  - (d) "city" means the City of Dawson;
  - (e) "council" means the Council of the City of Dawson;

## PART II – APPLICATION

## 4.00 Amendment

4.01 Council Designates the following Direct Control District under subsection 6.3.3 as follows:

<u>Klondike River Bench</u>; the area with mining land use approval for mineral extraction activity on the Klondike River Bench, as designated in the Zoning Bylaw. The purpose of this Direct Control District is for Council to directly control land use and development within the area to enable time limited mineral extraction activity and subsequently, the intended future land development."

## PART III – FORCE AND EFFECT

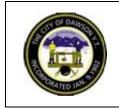
## 5.00 Severability

5.01 If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder unless the court makes an order to the contrary.

Official Community Plan Amendment No. 7 Bylaw

Page 3 of 5

Presiding Officer



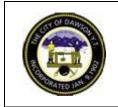
Official Community Plan Amendment No. 7 Bylaw

Bylaw No. 2022-07

## 6.00 Enactment

6.01 This bylaw shall come into force on the day of the passing by Council of the third and final reading.

CAO



Official Community Plan Amendment No. 7 Bylaw

Bylaw No. 2022-07

6.02

## 7.00 Bylaw Readings

Readings	Date of Reading
FIRST	
MINISTERIAL NOTICE	
PUBLIC HEARING	
SECOND	
MINISTERIAL APPROVAL	
THIRD and FINAL	

Original signed by

William Kendrick, Mayor

**Presiding Officer** 

Cory Bellmore, CAO

**Chief Administrative Officer** 

Presiding Officer

CAO

# **Report to Council**



X For Council Decision

For Council Direction

For Council Information

In Camera

SUBJECT:	YG Land Development Branch Infill Projects 1 & 2		
PREPARED BY:	Stephanie Pawluk, CDO	ATTACHMENTS: 1. Infill Project #1 Concept Plan	
DATE:	April 6, 2022	<ol> <li>Draft Bylaw #2022-08 (OCP amendment no. 8)</li> </ol>	
RELEVANT BYLAWS / POLICY / LEGISLATION: Municipal Act Official Community Plan Zoning Bylaw Land Development Protocol		<ol> <li>Draft Bylaw #2022-10 (ZBL amendment no. 17)</li> <li>Infill Project #2 Concept Plans</li> <li>Draft Bylaw #2022-9 (OCP amendment no. 9)</li> <li>Draft Bylaw #2022-11 (ZBL amendment no. 18)</li> <li>KDO Report: Industrial and Commercial Land Needs Survey Results</li> <li>KDO Report: Commercial and Industrial Lot Need Indicators</li> </ol>	

## RECOMMENDATION

It is respectfully recommended that

- Council accept the KDO Industrial and Commercial Land Needs reports as information
- Council give First Reading of 2022-08 being the OCP amendment no. 8 (Infill #1)
- Council give First Reading of 2022-10 being Zoning Bylaw Amendment no. 17 (Infill #1)
- Council give First Reading of 2022-09 being -OCP amendment no. 9 (Infill #2)
- Council pass First Reading of 2022-11 being Zoning Bylaw Amendment no. 18 (Infill #2)

## ISSUE / BACKGROUND

The Yukon Government Land Development Branch (LDB) is pursuing infill lot development on three sites, following Council direction and as per the Official Community Plan.

LDB followed direction from both the OCP and Council Resolution C19-15-10 and pursued development based on this direction. LDB had intended to apply for the rezoning, given that these sites are currently zoned Industrial and Future Planning, for a modified C2 zoning; however, since the direction changed, the Bylaws are being brought forth Administratively following Council direction. LDB requires firm direction, in the form of Bylaw amendments, on the land use of the sites before allocating further resources to this development.

For Infill #1, LDB recommended pursuing phased development -two unserviced commercial lots on the west side of the road in the short-term and two commercial lots on the east side of the road in a later phase.

For infill #2, recommended pursuing serviced commercial development: ~22 lots at 0.3 to 1.0 acres in size.

Work done to date includes:

- Infill Area 1:
  - Feasibility work (Phase 1 ESA, desktop and drilling geotechnical studies, heritage assessments, pond assessments).
  - Planning report with conceptual site plan options.

- Consultation with TH.
- Infill Area 2:
  - Feasibility work (Phase 1 ESA, desktop and drilling geotechnical studies, heritage assessments, pond assessments).
  - Planning report with conceptual site plan options.
  - Work plan outlining CoD & YG roles & responsibilities.

## **Council Direction**

Council Resolution C19-15-10 directed administration to pursue commercial infill for sites 1 and 2 and industrial infill for site 3.

**C19-15-10** Moved by Councillor Johnson, seconded by Councillor Ayoub that council direct administration to begin preliminary development planning work for Industrial Infill Areas 1, 2, and 3 and Dome Residential Areas A, C, and D, as shown in Development Boundary Maps 1 and 2.

Following this resolution, feasibility work and conceptual planning work was conducted as per commercial/industrial development requirements. There are different feasibility work requirements depending on the final land use types. For example, environmental contamination standards are different for industrial/commercial lots than residential lots. Residential standards are much higher so feasibility studies need to be revised to reflect the higher standards to ensure the lots are suitable for that use. Another example is geotechnical assessments that will need to be reexamined to ensure that drainage requirements, foundations, well and septic systems, and final grades reflect residential buildings, and not commercial buildings.

Following LDB's presentation to Committee of the Whole CW21-09 on April 21, 2021, Council made a decision on infill site 3, but postponed the decisions for sites 1 and 2 as per the following resolutions:

Council meeting C21-11

Request for Decision- YG Land Development Branch Infill Projects 1-3:

**C21-11-11** Moved by Councillor Shore, seconded by Mayor Potoroka that Council direct administration to pursue the potential option of releasing a raw land parcel (Infill #3) to the private sector for development.

Motion Carried 5-0

- **C21-11-12** Moved by Mayor Potoroka, seconded by Councillor Johnson that Council postpone to a Committee of the Whole meeting the discussion of:
  - 1. Pursuing phased development of two unserviced lots on the west side of the road in the short-term and two unserviced lots on the east side of the road in a later phase for Infill Area 1.
  - Pursuing serviced development of ~22 lots at 0.3 to 1.0 acres in size for Infill Area 2.

Motion Carried 4-1

At Committee of the Whole C21-15 on June 15<sup>th</sup>, 2021, CoW resolved to change the direction of these sites as per the following resolution:

**CW21-15-03** Moved by Councillor Kendrick, seconded by Councillor Ayoub that Committee of the Whole forward the following decision to Council:

Pursue phased development of one C2 and one R3 unserviced lots on the west side of the road in the short-term and two R3 unserviced lots on the east side of the road in a later phase for Infill Area 1.

Carried 3-2

**CW21-15-04** Moved by Councillor Johnson, seconded by Councillor Ayoub that Committee of the Whole forward the following decision to Council:

Pursue serviced development of C2 and residential lots for Infill Area 2.

Carried 4-1

On August 3<sup>rd</sup>, 2021, Council resolved to pursue a mix of commercial and residential development for infill sites 1 and 2. Additionally, direction was given to work with KDO to conduct a commercial and industrial lot need and demand study to support this decision making. As quoted from the August 3<sup>rd</sup>, 2021 RFD on the proposed study: "Following discussion with council and change of direction on Infill lots I and II from C2 to include residential zoning, council questioned what the need and demand is for lots zoned other than residential in the community and directed Administration to pursue a study."

Request for Decision: Land Development Branch (YG) Infill Projects 1 & 2

- **C21-16-08** Moved by Councillor Kendrick, seconded by Councillor Johnson that Council direct administration to:
  - 1. Pursue phased development of one C2 and one R3 unserviced lots on the west side of the road in the short-term and two R3 unserviced lots on the east side of the road in a later phase for Infill Area 1.
  - 2. Pursue serviced development of C2 and residential lots for Infill Area 2.

Motion Carried 4-1

Request for Decision: KDO Commercial and Industrial Lot Need and Demand Analysis

**C21-16-12** Moved by Councillor Kendrick, seconded by Councillor Shore that Council direct administration to contract the Klondike Development Organization to carry out a Commercial and Industrial Lot Need and Demand Analysis as per the attached proposal.

Motion Carried 5-0

## ANALYSIS

## Infill #1 OCP Land Use Designation & Zoning

This site is designated as MU Mixed Use in the Official Community Plan. The Mixed Use OCP designation allows for Industrial or Commercial Mixed Use zoning. Residential zoning (R1, R2 & R3) is not permitted under this OCP designation. As such, an OCP amendment is required to enable residential lot development; Lots A, B & D must be re-designated to Country Residential.

In line with the OCP, lots A, B & D must be re-zoned to Country Residential and lot C must be rezoned to C2 Commercial Mixed Use by the Zoning Bylaw.

An outstanding issue is that the proposed lot layout for infill #1 is that two of the lots are under-sized and therefore non-compliant to the Zoning Bylaw.

Administration is awaiting on a response from LDB to proposed options including expanding the development area to ensure the lot sizes meet the min requirement. If it is determined that meeting the requirement is infeasible, a future RFD will present Council with 2 options:

- 1. Create the two undersized lots through a text amendment to the ZBL as a special modification (done through this bylaw amendment), similar to the zoning amendment bylaw no. 6. There are cautions to doing this including precedent setting; however, it is arguably a justified decision considering the Stantec report on infill #1 and #2 finds development to be feasible on the proposed lot sizes, and considering lot demand.
- 2. Direct YG to create 1 large lot with the driveway easement going through it, instead of two lots.

## Infill #2 OCP Land Use Designation & Zoning

Similarly, this entire site is currently designated as MU Mixed Use in the Official Community Plan. As per Council direction, the lots along the river are to be re-designated to UR Urban Residential, as these are intended to be residential properties connected to piped water and sewer.

The entire infill area #2 must be rezoned given that it is currently zoned Future Planning. In line with the OCP, the lots by river must be re-zoned to R1 Single Detached / Duplex Residential, with the other lots re-zoned to C2 Commercial Mixed Use, as per Council direction.

## Land Use Needs: Klondike Development Organization

Following resolution C21-16-12, the Klondike Development Organization released a public online survey, for which the goal was "to source additional information about the types of commercial activities that individuals, businesses and entrepreneurs are looking to undertake, and aim to better understand their needs." Findings from this survey can be found in the attached KDO Report: 2022 Industrial and Commercial Land Needs Survey Results.

Further, KDO conducted a review of available statistical and other information including changes in the regional economy and population growth, that may provide insights into upcoming demand for additional commercial and industrial land. This information can be found in the attached KDO Report: Commercial and Industrial Lot Need Indicators.

The purpose of this work is as follows: "to investigate local and Territory-wide indicators of economic growth and potential lot need with commercial and industrial zoning and to provide baseline information that may help inform decisions about land use and development, but the scope of work outlined here is not intended as an exhaustive study of commercial and industrial lot needs for the entire Dawson and Klondike region. In order to limit the scope of work, we will focus this project on need and demand for commercial/industrial lots OUTSIDE of the historic downtown core."

The intent is that these reports will aid in Council land use decision making for infill areas #1 and #2.

## Land Use Needs: YG Land Development Branch

Following Committee of the Whole C21-15 where Council expressed the desire to have a higher-level conversation about land use regarding what is needed and the timing in which different land use classes will come available in Dawson, LDB provided the following response:

- In our workplan that we submitted to Council, we provided targeted lot deliveries for all types of projects. This includes:
  - North End Development
  - Dome Road Development serviced residential lots; phase 1 tentatively targeted for release in 2022. Lots could be provided over the long-term, with Phase 1 providing ~10-20 lots.
  - $\circ$  Vacant Lot Releases 3-4 serviced residential lots.
  - Dredge Pond II country residential development; release in 2023. Lots could be provided over the long-term, with approximate total number of lots ranging from 20-70.
- The above mentioned projects all provide residential lots; while the Infill 1-3 sites are the only commercial/industrial sites identified in Dawson. It would make sense to pursue these as commercial as it follows the OCP, are in areas where there is neighbouring commercial/industrial uses, etc. We are hoping that Infill 1 and 3 (not 2) will be made available in late 2021. Overall, it's important to have a balance of land use projects so we're not specifically targeting only one land use (residential) and disregarding others (commercial/industrial). We feel that the residential projects above sufficiently addresses the residential priority in the short and long term.
- KDO prepared a report in 2017 here: <u>https://www.klondikedevelopment.com/wp-content/uploads/2011/03/2017-Dawson-BRE-Survey-Results.pdf</u>. The report looked at the state of businesses within Dawson and forecasted short-term demand. The report found that businesses are growing (45% of businesses have expanded in last two years); growth in the mining, construction, and services sectors is occurring; and most businesses expect sales and profit to continue

increasing. This report does help to indicate that there is commercial and industrial demand. As well, the report found that "land shortages" was one of the barriers to future expansion.

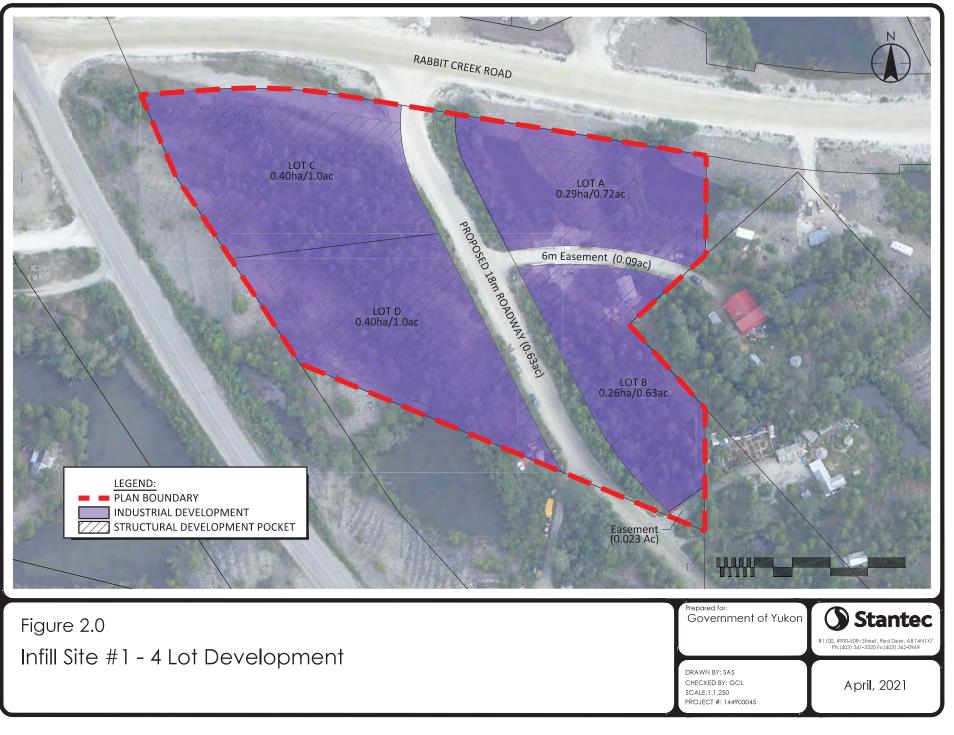
- Accessory residential uses are still allowed in the C2 zone which would help indirectly address residential demand as well. Live/work type uses would be ideal fits in these two areas.
- The following OCP goals supports this proposed C2 land use:
  - Section 8.0 Economic Development "Ensuring there is an adequate supply of commercial and industrial land"; "Thriving and supported economic sectors"; "New economic sectors have an opportunity to succeed"; and "The needs of Dawson's population are met through local commercial development".

## Options

- 1. Council may accept the KDO Industrial and Commercial Land Needs reports as information and pass First Reading of OCP amendment no. 8 and Zoning Bylaw Amendment no. 17 for Infill #1 and OCP amendment no. 9 and Zoning Bylaw Amendment no. 18 for Infill #2.
- 2. Council may accept the KDO Industrial and Commercial Land Needs reports as information and not pass First Reading of OCP amendment no. 8 and Zoning Bylaw Amendment no. 17 for Infill #1 and OCP amendment no. 9 and Zoning Bylaw Amendment no. 18 for Infill #2.

APPROVAL		
NAME:	Cory Bellmore, CAO	SIGNATURE:
DATE:	April 7,2022	KBellmore

## Project 1: Commercial/Industrial Infill Area 1





Official Community Plan Amendment No. 8 Bylaw

### Bylaw No. 2022-08

**WHEREAS** section 265 of the Municipal Act, RSY 2002, c. 154, and amendments thereto, provides that a council may pass bylaws for municipal purposes.

**WHEREAS** section 278 of the Municipal Act, RSY 2002, c. 154, and amendments thereto, provides that a council must, within three years of formation or alteration of municipal boundaries, adopt or amend by bylaw an official community plan.

**WHEREAS** section 285 of the Municipal Act, RSY 2002, c. 154, and amendments thereto, provides that an official community plan may be amended, so long as the amendment is made in accordance with the same procedure established for adoption of an official community plan.

**THEREFORE**, pursuant to the provisions of the *Municipal Act* of the Yukon, the council of the City of Dawson, in open meeting assembled, **ENACT AS FOLLOWS**:

## **PART I - INTERPRETATION**

## 1.00 Short Title

This bylaw may be cited as the Official Community Plan Amendment No. 8 Bylaw

## 2.00 Purpose

- 2.01 The purpose of this bylaw is to provide for
  - (a) The redesignation of Infill #1 Lots A, B, and D from MU: Mixed Use to CR: Country Residential.



Official Community Plan Amendment No. 8 Bylaw

Bylaw No. 2022-08

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Official Community Plan Amendment No. 8 Bylaw

### Bylaw No. 2022-08

## 3.00 Definitions

- 3.01 In this Bylaw:
  - (a) Unless expressly provided for elsewhere within this bylaw the provisions of the *Interpretations Act,* RSY 2002, c. 125, shall apply;
  - (b) "Bylaw Enforcement Officer" means a person employed by the City of Dawson to enforce bylaws;
  - (c) "CAO" means the Chief Administrative Officer for the City of Dawson;
  - (d) "city" means the City of Dawson;
  - (e) "council" means the Council of the City of Dawson;

## PART II – APPLICATION

### 4.00 Amendment

4.01 This bylaw re-designates Infill #1 Lots A, B, & D from MU: Mixed Use to CR: Country Residential, as shown in Appendix A.



Official Community Plan Amendment No. 8 Bylaw

Bylaw No. 2022-08

## PART III – FORCE AND EFFECT

### 5.00 Severability

5.01 If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder unless the court makes an order to the contrary.

### 6.00 Enactment

6.01 This bylaw shall come into force on the day of the passing by Council of the third and final reading.

## 7.00 Bylaw Readings

Readings	Date of Reading
FIRST	
MINISTERIAL NOTICE	
PUBLIC HEARING	
SECOND	
MINISTERIAL APPROVAL	
THIRD and FINAL	

Original si	gned by		
William Kendrick, Mayor	C	Cory Bellmore, CAO	
Presiding Officer	Chief Administrative Officer		
Official Community Plan Amendment No. 8 Bylaw	Page 4 of 5	CAO Presiding	

Officer



Official Community Plan Amendment No. 8 Bylaw

Bylaw No. 2022-08

## 8.00 Appendix A

Figure 1. Location context map

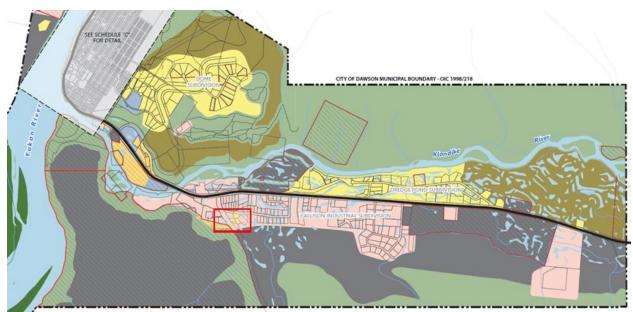
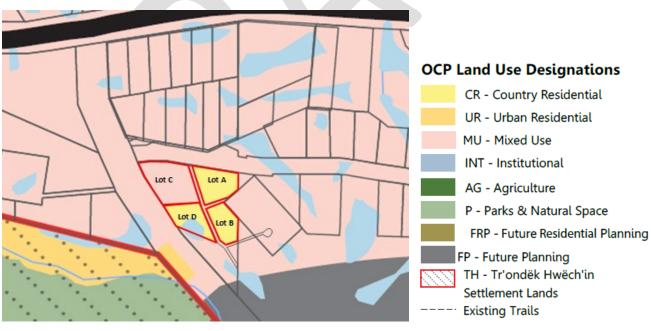


Figure 2. Amendment to Schedule B



Official Community Plan Amendment No. 8 Bylaw

Presiding Officer



Zoning Bylaw Amendment No. 17 Bylaw

Bylaw No. 2022-10

**WHEREAS** section 265 of the Municipal Act, RSY 2002, c. 154, and amendments thereto, provides that a council may pass bylaws for municipal purposes, and

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

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

**THEREFORE**, pursuant to the provisions of the *Municipal Act* of the Yukon, the council of the City of Dawson, in open meeting assembled, **ENACT AS FOLLOWS**:

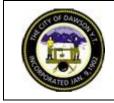
## PART I - INTERPRETATION

## 1.00 Short Title

1.01 This bylaw may be cited as the **Zoning Bylaw Amendment No. 17 Bylaw**.

## 2.00 Purpose

- 2.01 The purpose of this bylaw is to provide for
  - (a) An amendment to Infill #1 Lots A, B, and D from M1: Industrial to R3: Country Residential and Lot C from M1: Industrial to C2: Commercial Mixed Use.

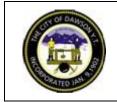


Zoning Bylaw Amendment No. 17 Bylaw

Bylaw No. 2022-10

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PART IV	/ – APPENDIX (APPENDICES)	5



Zoning Bylaw Amendment No. 17 Bylaw

Bylaw No. 2022-10

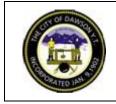
## 3.00 Definitions

- 3.01 In this Bylaw:
  - (a) Unless expressly provided for elsewhere within this bylaw the provisions of the *Interpretations Act,* RSY 2002, c. 125, shall apply;
  - (b) "city" means the City of Dawson;
  - (c) "council" means the Council of the City of Dawson;

## PART II – APPLICATION

### 4.00 Amendment

4.01 This bylaw amends Infill #1 Lots A, B, and D from M1: Industrial to R3: Country Residential and Lot C from M1: Industrial to C2: Commercial Mixed Use in the Zoning Bylaw Schedule B, as shown in Appendix A of this bylaw.



Zoning Bylaw Amendment No. 17 Bylaw

Bylaw No. 2022-10

## PART III – FORCE AND EFFECT

### 5.00 Severability

5.01 If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder unless the court makes an order to the contrary.

### 6.00 Enactment

6.01 This bylaw shall come into force on the day of the passing by Council of the third and final reading.

## 7.00 Bylaw Readings

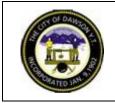
Readings	Date of Reading
FIRST	
PUBLIC HEARING	
SECOND	
THIRD and FINAL	

William Kendrick, Mayor

**Presiding Officer** 

Cory Bellmore, CAO

## **Chief Administrative Officer**

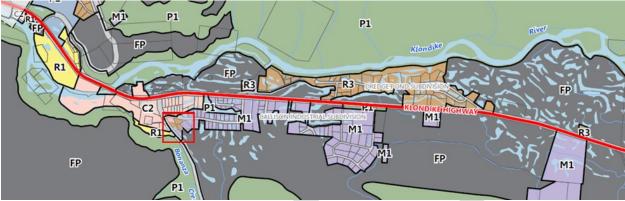


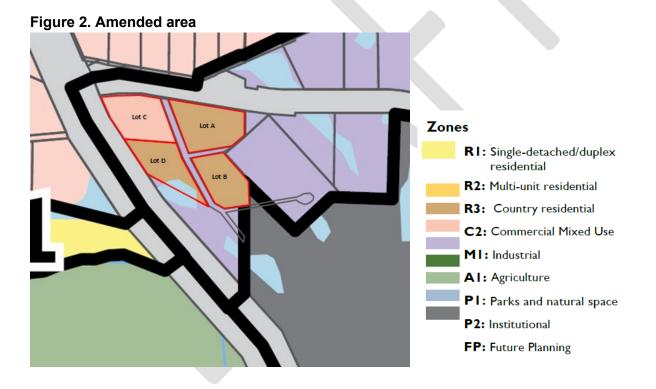
Zoning Bylaw Amendment No. 17 Bylaw

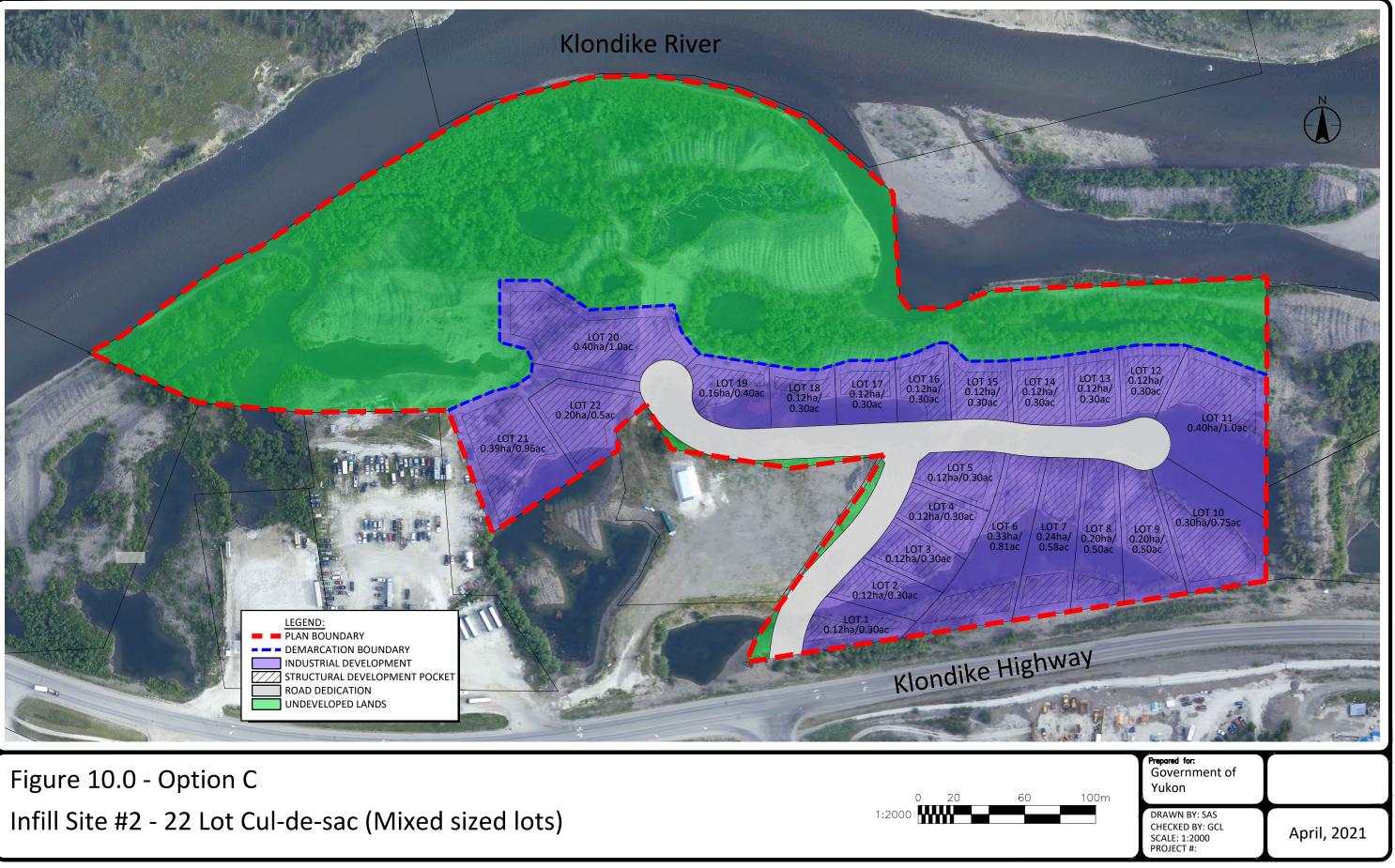
Bylaw No. 2022-10

## PART IV – APPENDIX A

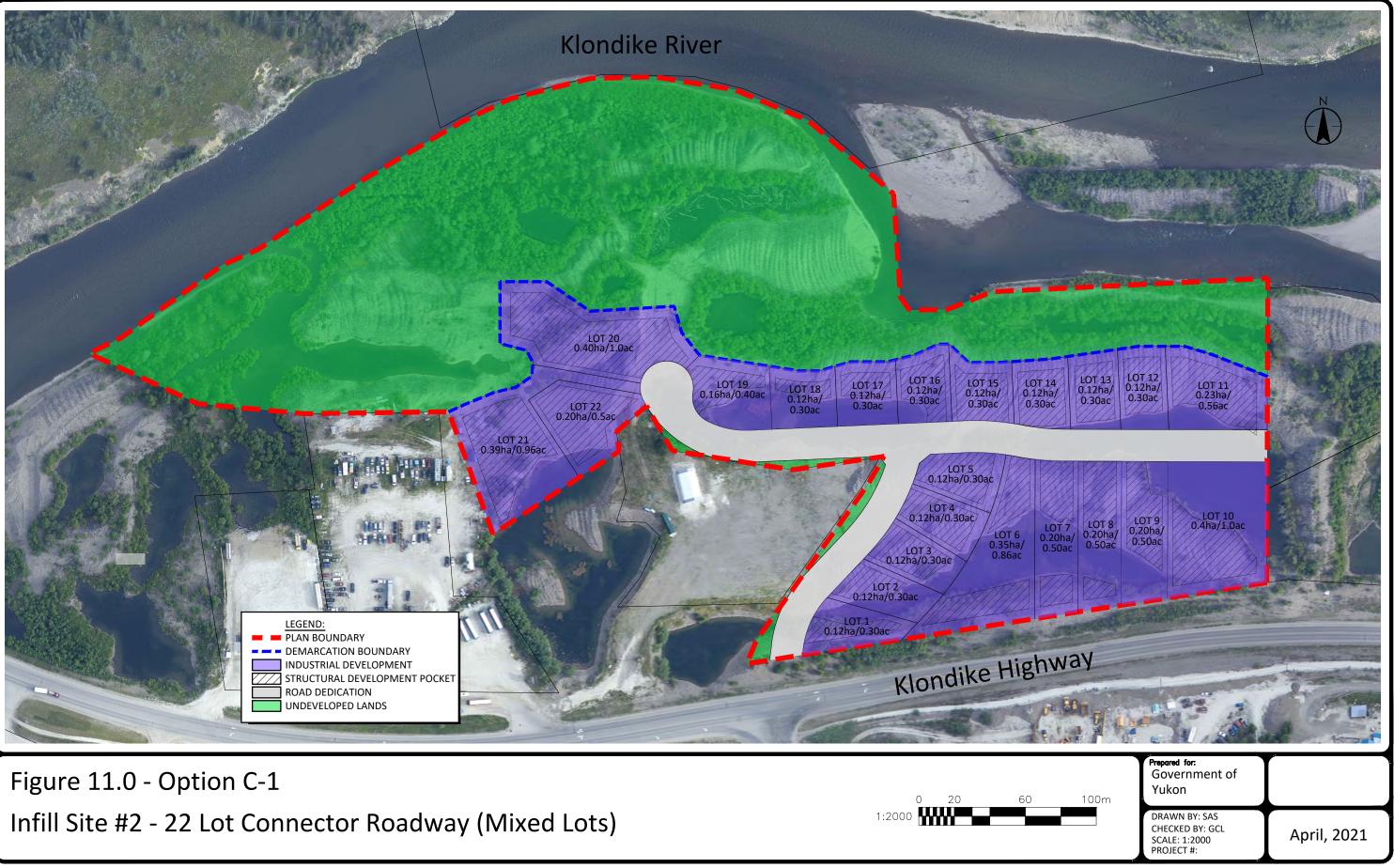
## Figure 1. Location Map













Official Community Plan Amendment No. 9 Bylaw

### Bylaw No. 2022-09

**WHEREAS** section 265 of the Municipal Act, RSY 2002, c. 154, and amendments thereto, provides that a council may pass bylaws for municipal purposes.

**WHEREAS** section 278 of the Municipal Act, RSY 2002, c. 154, and amendments thereto, provides that a council must, within three years of formation or alteration of municipal boundaries, adopt or amend by bylaw an official community plan.

**WHEREAS** section 285 of the Municipal Act, RSY 2002, c. 154, and amendments thereto, provides that an official community plan may be amended, so long as the amendment is made in accordance with the same procedure established for adoption of an official community plan.

**THEREFORE**, pursuant to the provisions of the *Municipal Act* of the Yukon, the council of the City of Dawson, in open meeting assembled, **ENACT AS FOLLOWS**:

## **PART I - INTERPRETATION**

## 1.00 Short Title

This bylaw may be cited as the Official Community Plan Amendment No. 9 Bylaw

## 2.00 Purpose

- 2.01 The purpose of this bylaw is to provide for
  - (a) The redesignation of Infill #2 Lots 11-20 from MU: Mixed Use to UR: Urban Residential.



Official Community Plan Amendment No. 9 Bylaw

Bylaw No. 2022-09

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Official Community Plan Amendment No. 9 Bylaw

### Bylaw No. 2022-09

## 3.00 Definitions

- 3.01 In this Bylaw:
  - (a) Unless expressly provided for elsewhere within this bylaw the provisions of the *Interpretations Act,* RSY 2002, c. 125, shall apply;
  - (b) "Bylaw Enforcement Officer" means a person employed by the City of Dawson to enforce bylaws;
  - (c) "CAO" means the Chief Administrative Officer for the City of Dawson;
  - (d) "city" means the City of Dawson;
  - (e) "council" means the Council of the City of Dawson;

## PART II – APPLICATION

## 4.00 Amendment

4.01 This bylaw re-designates Infill #2 Lots 11-20 from MU: Mixed Use to UR: Urban Residential, as shown in Appendix 1.



Official Community Plan Amendment No. 9 Bylaw

Bylaw No. 2022-09

## PART III – FORCE AND EFFECT

### 5.00 Severability

5.01 If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder unless the court makes an order to the contrary.

### 6.00 Enactment

6.01 This bylaw shall come into force on the day of the passing by Council of the third and final reading.

## 7.00 Bylaw Readings

Readings	Date of Reading
FIRST	
MINISTERIAL NOTICE	
PUBLIC HEARING	
SECOND	
MINISTERIAL APPROVAL	
THIRD and FINAL	

Original si	gned by		
William Kendrick, Mayor	C	Cory Bellmore, CAO	
Presiding Officer	Chief Administrative Officer		
Official Community Plan Amendment No. 9 Bylaw	Page 4 of 5	CAO Presiding	

Officer

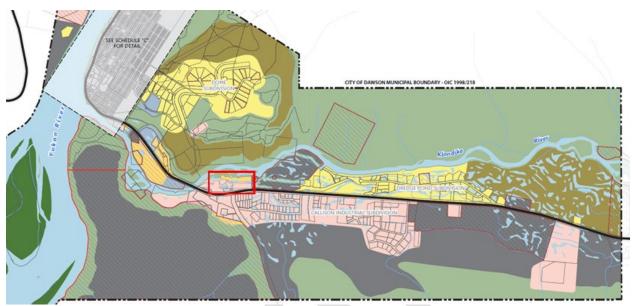


Official Community Plan Amendment No. 9 Bylaw

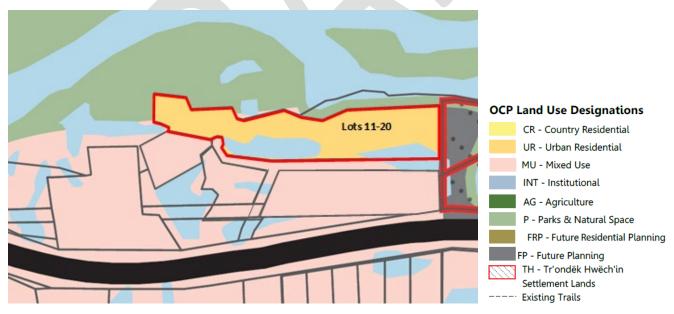
Bylaw No. 2022-09

## 8.00 Appendices

Appendix 1. Location Context Map

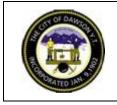


Appendix 2. Amendment to Schedule B



Official Community Plan Amendment No. 9 Bylaw

CAO



Zoning Bylaw Amendment No. 18 Bylaw

Bylaw No. 2022-11

**WHEREAS** section 265 of the Municipal Act, RSY 2002, c. 154, and amendments thereto, provides that a council may pass bylaws for municipal purposes, and

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

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

**THEREFORE**, pursuant to the provisions of the *Municipal Act* of the Yukon, the council of the City of Dawson, in open meeting assembled, **ENACT AS FOLLOWS**:

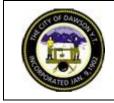
#### PART I - INTERPRETATION

#### 1.00 Short Title

1.01 This bylaw may be cited as the **Zoning Bylaw Amendment No. 18 Bylaw**.

#### 2.00 Purpose

- 2.01 The purpose of this bylaw is to provide for
  - (a) An amendment to Infill #2 Lots 11-20 from FP: Future Planning to R1: Single-Detached/Duplex Residential and Lots 1-10, 21, and 22 from FP: Future Planning to C2: Commercial Mixed Use.

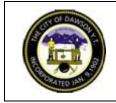


Zoning Bylaw Amendment No. 18 Bylaw

Bylaw No. 2022-11

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7.00	Bylaw Readings	4
PART IV	/ – APPENDIX A (APPENDICES)	5



Zoning Bylaw Amendment No. 18 Bylaw

Bylaw No. 2022-11

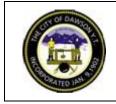
#### 3.00 Definitions

- 3.01 In this Bylaw:
  - (a) Unless expressly provided for elsewhere within this bylaw the provisions of the *Interpretations Act,* RSY 2002, c. 125, shall apply;
  - (b) "city" means the City of Dawson;
  - (c) "council" means the Council of the City of Dawson;

#### PART II – APPLICATION

#### 4.00 Amendment

4.01 This bylaw amends Infill #2 Lots 11-20 from FP: Future Planning to R1: Single-Detached/Duplex Residential and Lots 1-10, 21, and 22 from FP: Future Planning to C2: Commercial Mixed Use in the Zoning Bylaw Schedule B, as shown in Appendix A of this bylaw.



Zoning Bylaw Amendment No. 18 Bylaw

Bylaw No. 2022-11

### PART III – FORCE AND EFFECT

#### 5.00 Severability

5.01 If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder unless the court makes an order to the contrary.

#### 6.00 Enactment

6.01 This bylaw shall come into force on the day of the passing by Council of the third and final reading.

#### 7.00 Bylaw Readings

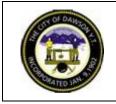
Readings	Date of Reading
FIRST	
PUBLIC HEARING	
SECOND	
THIRD and FINAL	

William Kendrick, Mayor

**Presiding Officer** 

Cory Bellmore, CAO

#### **Chief Administrative Officer**

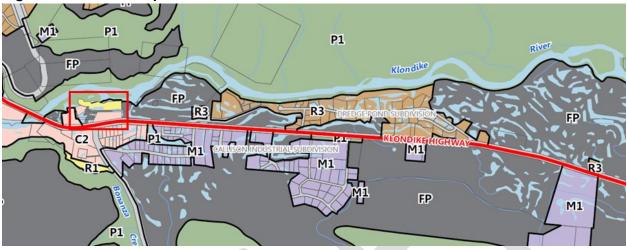


Zoning Bylaw Amendment No. 18 Bylaw

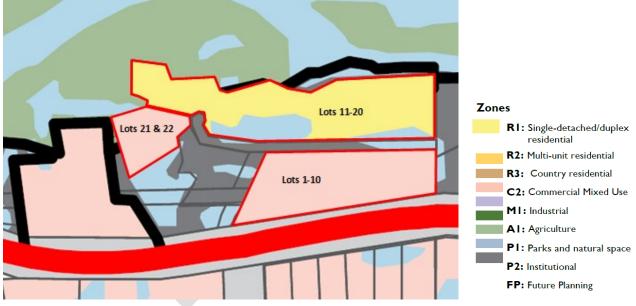
Bylaw No. 2022-11

### PART IV – APPENDIX A

### Figure 1. Location Map







# Industrial and Commercial Land Needs Survey, Dawson City

February, 2022 43 Responses

Prepared by Klondike Development Organization



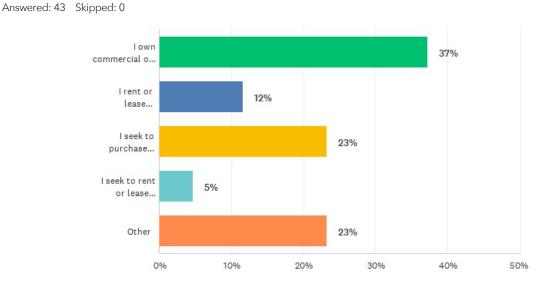
As Dawson City's population growth results in a variety of municipal pressures, questions have arisen about whether our available land supply can meet the needs of increased commercial and industrial activity.

The purpose of this survey was to get a sense of community interest in commercial and industrial land development and begin to define what the land needs are in terms of lot type, size, zoning, and timeline. We also sought opinions around integrating commercial or industrial and residential uses.

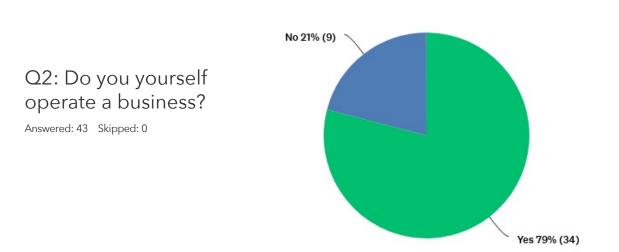
To complement community input sourced through this online survey, we also compiled statistical and other contextual information such as indicators of economic growth that may influence potential commercial and industrial zoned lot need. Please see the companion report *Commercial and Industrial Lot Need Indicators.* 

The scope of work undertaken here was limited to time and resources available and is not presented as an exhaustive study of commercial and industrial lot needs for the entire Dawson and Klondike region.

# Q1: Which of the following best describe your perspective in completing this survey?



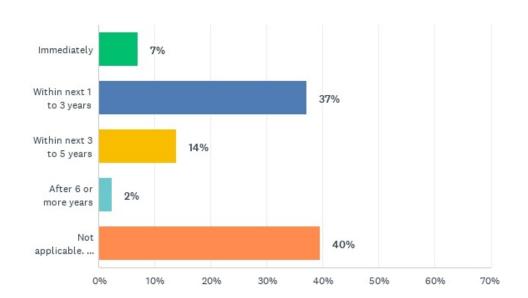
ANSWER CHOICES RESPONSES 37% 16 I own commercial or industrial property in the Dawson area 12% 5 I rent or lease commercial or industrial property in the Dawson area 23% 10 I seek to purchase commercial or industrial property 5% 2 I seek to rent or lease commercial or industrial property 23% 10 Other TOTAL 43



Industrial and Commercial Land Needs Survey, Dawson City, 2022

## Q3: If your plans involve purchasing commercial or industrial property (or additional commercial/industrial property), how soon would you need it?

Answered: 43 Skipped: 0



ANSWER CHOICES	RESPON	ISES
Immediately	7%	3
Within next 1 to 3 years	37%	16
Within next 3 to 5 years	14%	6
After 6 or more years	2%	1
Not applicable. I have no need for commercial or industrial property.	40%	17
TOTAL		43

### Q4: What types of activity would it be used for?

Answered: 35 Skipped: 8

# mining yard equipment industrial Commercial storage shop support residential



Q5:Are there other land needs present in the business/ commercial/industrial community besides your own that you are aware of? If so, please describe your observations:

Answered: 30 Skipped: 13

	Use Responses
1	Yes. Shortage of housing and short building seasons are an issue for many people. Making commercial/industrial space available to accommodate housing projects where housing components (walls, floors, roofs, cabinets, etc.) can be prefabricated and errected quickly during the building season would be helpful for many
2	car wash , laundry mat, storage units
3	Residencial
4	Commercial office space
5	With no lots there is little room to speculate for anyone
6	There are no lots for sale at reasonable price. That signifies that demand is high and supply is too low.
7	Office space including coworking space such as Yukonstruct. Empty commerical buildings or lots in the historic townsite that aren't owned by Mike Palma. I actually would love to own and refurbish the old motel on 5th but he'd probably want a ridiculous price for it. His land banking is not just negatively affecting residential development, commerical development is suffering too.
8	There is a high demand for both industrial and residential lots. This is well known, there is a housing shortage in Dawson. I think the demand is about even for residential and industrial
9	Yes. All types of lots are needed
10	Aviation lots (have been proposed for over 5 years and still no action). I'll soon be too old to be interested!
11	There is a lot of focus on residential but little on light industrial
12	We are not the only ones seeking access. Many placer mine operators need town based staging areas to support their creek operations
13	industrial land uses- equipment storage, maintenance, operations base plus office and some businesses need a place to live on site- either for themselves or incoming staff
14	yes
15	2 acres
16	We currently lease some of our space out, but will need to reclaim it due to our business growth, leaving other small businesses looking for new spaces
17	housing, storage, seasonal rental
18	Where are the C2 lots? The lots where people can have a business/light industrial operation AND a house?
19	Pre-COVID there certainly was, post COVID who knows.
20	1 acre small home with septic system building lots
21	Yes, there is a shortage of industrial lots
22	Open lots to operate on
23	Residential /business
24	some industrial lots. more camps setting up shops for storage and winter use

25- 6 people indicated not applicable or having no knowledge of other use needs

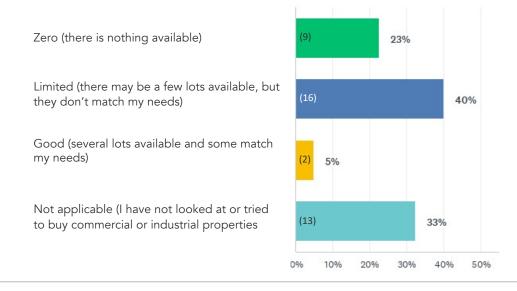
Q6: What size of lot would best suit your plans or what lot size do you believe is most needed in the Dawson area for the use(s) you have listed above?

Answered: 34 Skipped: 9

Size	# Responses for this size				
50' x 100'	4				
100' × 100'	4				
Between 1/2 and 1 acre	3				
Between 1 and 2 acres	6				
Between 2 and 3 acres	10				
Between 3 and 5 acres	2				
Over 5 acres	2				
Unsure	1				
2 people commented that any new subdivision should have a variety of sizes of lots available					

Q7: Have you looked for or tried to buy commercial or industrial property in the last 5 years, and if so, how would you describe availability of lots in the market?

Answered: 40 Skipped: 3



Industrial and Commercial Land Needs Survey, Dawson City, 2022

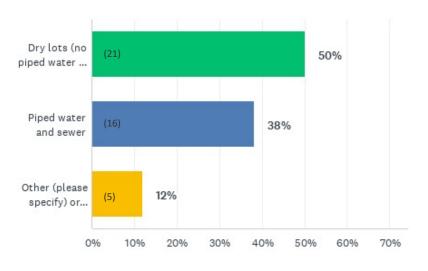
Q8: If the Municipal or Territorial Government were to develop additional properties where commercial or industrial activities could take place as either a primary or secondary use, what type would best suit your needs?

Answered: 42 Skipped: 1

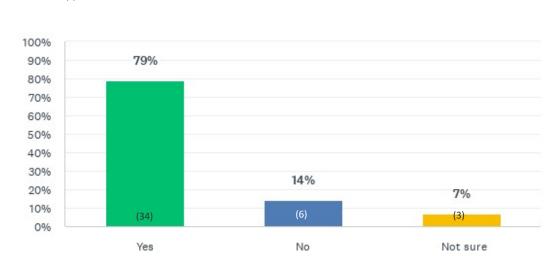
ANSWER CHOICES	RESPO	NSES
Commercial Mixed Use: this zone permits a wide range of commercial uses that provide service to local industry and/or highway tourism and service needs. Residential dwellings are allowed, and do not have to be secondary activities. In this zone, typical single-detached family homes can occur next door to large- scale commercial businesses, and vice versa.	38%	16
Industrial: this zone permits industrial services, light manufacturing, warehousing, and storage. Residential is only allowed as a secondary activity.	29%	12
Multi-Unit Residential: this zone permits multi-unit residential development such as apartments and townhouses. Home-based businesses are also permitted.	10%	4
Country Residential: low density single-detached housing in a rural setting, where home-based businesses and industry are also permitted.	14%	6
Other (please specify) or Comment:	10%	4
TOTAL		42

Q9: In addition to electricity and telephone/internet, which of the following service levels do you think are required in a new development of commercial or industrial properties in the Klondike Valley (outside of Dawson's historic core)?

Answered: 42 Skipped: 1



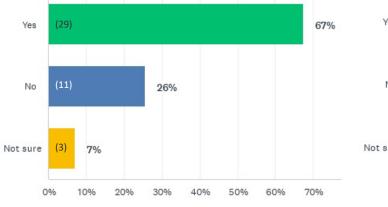
# Q10: Do you support the integration of commercial/industrial and residential uses on the same property?



Answered: 43 Skipped: 0

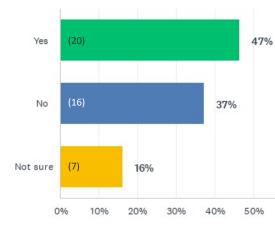
# Q11: Do you support the integration of commercial and residential uses in the same subdivision?

Answered: 43 Skipped: 0



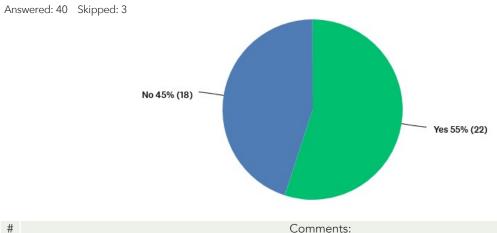
Q12: Do you support the integration of industrial and residential uses in the same subdivision?

Answered: 43 Skipped: 0



Industrial and Commercial Land Needs Survey, Dawson City, 2022

### Q13: Do you think it would 'work' to add some residential zoned lots within an area that is predominantly made up of industrial zoned lots (for example, Callison)?



- #
- 1 Also provides safety
- 2 I think this might require spot zoning which may present future difficulties.
- 3 there are already many, many residential users /units /multi-residential properties already developed at Callison
- Why would people want to live next to lots of mineral extraction related industry? There are more desirable 4 places the city should and could look at first!
- Once a non industrial person moves into an industrial area, they will start to complain about surrounding 5 industries (noise, smells, traffic). You already have prime examples in Dawson. Soon there would be a push to get rid of industry. Just like the idiots that make residential areas at the end of existing airstrips. An industrial person can live with these things because the proximity of the living /work space is to their advantage. Security of the lot is also a big advantage of living on it.
- 6 too many conflicts of use
- Adding residential lots into a industrial area seems like a recipe for conflict. I think that if you are adding properties into callison these should all be industrial or commercial zoned that way the expectation is for there to be potentially noisy activities happening. But that being said, I don't think the City needs to be so strict in industrial zone with residential- why does it have to be only a secondary use and how do you actually evaluate that? If the zoning in an area is consistent and geared to industrial and commercial use, that sets the tone for the area- but the extent of how primary or secondary a residence is not that important. Flexibility to the business to use the land as they need, whether industrial or whatever should be a priority.
- 8 it comes back to the problem of what people expect. If you are moving to an industrial area it will be industrial and their will be noise, dust and perhaps heavy equipment being moved in and out.
- 9 Noise, dust, Callison works at night too. Would be idiotic to consider it.
- 10 These are not activities that mix well UNLESS you're home is part of an industrial operation. Too much mixing will only lead to conflicts later on.
- 11 It's already mixed with residential houses on the industrial lots so not sure what the change would be
- 12 As long as "residents" understand they live in an industrial area and do not interfere with the potential noise generated by nearby businesses. The same reasoning as to why downtown commercial lots should remain commercial and not be converted to residential.
- 13 Industrial needs to be redefined heavy industrial vs light industrial. Residential use can be part of light industrial.
- 14 In the past unless the residents are related to the commercial business there is too great a risk of conflict
- 15 The industrial lots in Callison are hidious with waste cars, heavy equipment and other rusting junk. We need to have some action taken to make sure that the ulgy mess in Callison is resolved before we put residential lots in beside them because of the toxicity.
- 16 Some people move in that area then complain about noise and walk around the area on the road, it's dangerous

Q14: If governments were to develop a new subdivision that would encourage a mixture of residential and commercial or even light industrial uses on the same property, which of the following examples do you think provide the best model for a new development in the Dawson area?

Answered: 38 Skipped: 5

Dredge Pond Subdivision- an area that is residential with home-based commercial activities also taking place

The former Guggieville campground area on the Klondike Highway at Bonanza Creek Road- an area that is mostly commercial, but where single-detached houses also occur

Callison Industrial Subdivision- an area that is predominantly industrial with some residences occurring as secondary uses.



#	Comment:					
1	Why are these the only 3 options? None of them work particularly well.					
2	not sure					
3	I think that we should try to keep Calison mostly industrial and if we could put more of the residential along the highway or in Guggieville that would be goodleave the dredge pond subdivision alone. Lets try to minimize conflict between industrial and residential unless the resident of the industrial is there because they have an industrial lotmixing the two is something to avoid.					
4	Mixed use lots with commercial use off the highway and residential behind the commercial/industrial, where the residential lots are closer to the river, or in the quieter areas					

5 When it is outside of Dawson proper I don't think it matters as long as it isn't done right along the highway as Guggieville, it does not present a nice entrance to Dawson

6 Most Dawson Idustrial users are light industrial. Storage and parking of heavyequipment.

7 Callison area is full and so is guggieville why bring them up show a maps of where is the possible areas

# Q15: Is there anything else you'd like to say about commercial and industrial lot development in the Dawson area?

Answered: 25 (4 were no or N/A and not shown below to save space) Skipped: 18

#### #

#### Responses

- 1 development applications need to have more flexibility / individualization for developments. we tried applying and are just told that is not allowed and no there is no way to apply for it etc
- 2 We are pleased to see Council recognizing the need for commercial/ tourist spaces in Dawson which enhances the tax base and provides impetus for tourist businesses to continue to operate.
- 3 Say no; But watching to see if anything comes of this that does not fill the pockets of the established class in DAWSON
- 4 Affordable lots
- 5 For people starting businesses it is important to be able to live on the same lot at your business runs on. This significantly reduces the land costs for entrepreneurs to run a business and live.
- 6 I would perhaps make sure you have consistency. Planning staff and Council have directed YG to develop Dome Road and Dredge Pond 2 to have limited commercial activity so as to not draw out activity from the historic townsite. If that is the case, why are you now exploring the opposite for Callison and other industrial areas? Light commercial would make sense in a residential subdivision, it's disappointing this isn't being pursued. In doing so the city have basically said that anyone living in these new subdivisions will need a vehicle to access any commercial service, including retail.
- 7 level it and use all the land, Dredge pond wastes to much land. Dawson will never have enough flat places. Move the planned sewer lagoon away from town. Stand up for he city. No one wants it next door
- 8 flexibility in favor of the commercial/industrial/business land owner & don't put purely residential lots in predominantly industrial area.
- 9 Lets not go too fast. I hope that in the next ten years the mining claims within the city limits will mostly be mined and suddenly there will be a lot more areas available for subdivision.....that is my hope. lets expedite the mining in some of these areas now with the understanding that when its finished its available to the city.
- 10 Please connect water to town grid. Or don't bother expanding.
- 11 We need to look forward, and imagine a growing population. What will this all look like 50-100 years from now? What makes sense.
- 12 I have NO idea why plans for mixed commercial lots was scrubbed. How many residential lots do we need to plan for? We need lots of all types. The pursuit of nothing but residential lots is the height of madness.
- 13 Make it as difficult to see from the highway as possible
- 14 We need C2 lots. The previous Council decision to prioritize CR lots for land previously zoned as C2 was ridiculous. Lots of planning for residential. Where does C2 go? Nowhere it seems. Change that back.
- 15 All set backs in commercial or industrial should follow the National Building Code only.
- 16 Dawson needs more affordable lots for both residential and industrial. There are a lot of small and family businesses in Dawson that would benefit from the cost savings in of running their small businesses from home
- 17 Please think about and resolve issues with water and sewer before you develop anything anywhere in Dawson. We are just creating toxic waste dumps, expensive pump out systems and junk the way things are now. The way things are now are not sustainable at all. Not to mention on the dome and in the north end houses are sliding down the hills inch by inch year by year. think sustainable, eco friendly, reasonable cost of sewage and water installation, operation and maintenance before you go I step further. Also consider lowering taxes out town commercial and residential lots/houses/building as the taxes are the same as in town and out of town folk get nothing for the extremely high taxes they pay. In short, right now folks are facing high costs, the water table is being polluted, the land is toxic with old car and equipment junk leaching into the ground with no regulations at all being enforced, and there is no plan in place for sewer dumping as the existing lagoon is already full, water delivery is expensive and wells are out of the question with all the toxic pollutants in the ground. I am 100% in favor of sustainable, ecofriendly development in the Dawson area. So far we have none of that.
- 18 get at it
- 19 Just putting this survey out on site will not get you the answers you need
- 20 Please provide residential lots first.
- 21 commercial and industrial lots are not being enforced to their intended uses now. how will it be any different with a new development?

### Project Report Commercial and Industrial Lot Need Indicators

A compilation of information to accompany results of Commercial and Industrial Land Needs Survey

March 2022 Dawson City

Prepared by Klondike Development Organization



### Commercial and Industrial Lot Need Indicators

### Introduction

Presented here is an overview of available statistical and other information that may provide insights into upcoming demand for additional commercial and industrial land. We explore two factors expected to exert positive influence on the demand for these types of land: changes in the regional economy and population growth. Factors tempering growth include labour shortages and the impacts of the pandemic.

This report notes statistics and economic trend information intended to complement community opinion and need/demand indicators sourced via a February 2022 survey. This report, considered along with the survey data may contribute to a more comprehensive view of Dawson's potential commercial and industrial land development context.

The following may be used as background data to help inform decision making, however this is not a Need and Demand Analysis and in no way intended to forecast Dawson's industrial and commercial real estate demand- a task that would be challenging even following in-depth analysis of macro/micro economic and demographic factors.

### Economic Outlook for Yukon

Growth in a region's economy is expected to have a positive influence on commercial and industrial land demand.

### Mining and Exploration

Earlier this month (March 2022), the Conference Board of Canada released a report predicting economic growth for Yukon as a whole: "The outlook for Yukon is strong thanks to rising mineral production in the coming years. Following estimated economic growth of 7.5 per cent in 2021, the economy of Yukon will expand by 7.6 per cent in 2022"<sup>1</sup>

Government of Yukon agrees, stating in their recent Economic Outlook that "Prices of key metals are forecast to remain elevated in 2022 and continue to be relatively strong over the remainder of the forecast horizon. Prices for gold, silver and copper are all expected to remain

<sup>&</sup>lt;sup>1</sup> Territorial Outlook (March 24, 2022). The Conference Board of Canada.

above pre- pandemic levels. High prices could spur development of new operations and increased exploration activity."<sup>2</sup>

The expectation is that mines such as Eagle Gold, Minto and Keno Hill will increase production. While it is unclear to what extent Dawson City's local economy may be affected by these large mines, high gold prices bode well for local placer operations, a key part of our economy and a significant factor in industrial land demands.

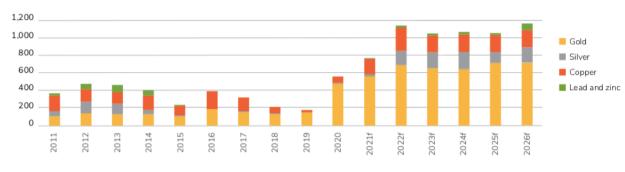
Figures 1 to 3 excerpted from Fiscal and Economic Outlook, Yukon Government, March 2022

### Figure 1. Metal Prices



Metal prices (Index; January 1, 2020 = 100)

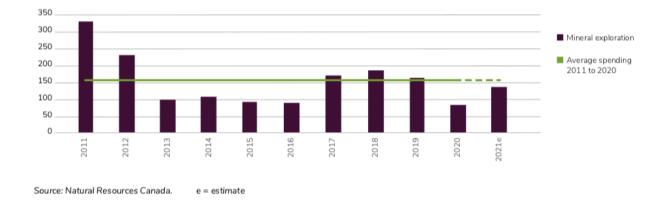
### Figure 2. Value of Metal Production



Value of metal production in the Yukon (\$millions)

Source: Natural Resources Canada, Department of Finance. f = forecast

<sup>2</sup> 2022-23 Fiscal and Economic Outlook (March 1, 2022). Government of Yukon



### Figure 3. Value of mineral exploration and deposit appraisal (\$millions)

#### Tourism

Although it remains to be seen how quickly visitation to the Yukon and specifically to Dawson City will bounce back now that travel and other restrictions related to the COVID-19 pandemic have lifted in Canada, there is optimism around this industry. Local optimism for summer 2022 is driven in part by reports from hotel, campground and tour operator businesses of strong bookings, as well as the return of Holland America cruise line tours and Condor flights direct from Frankfurt to Whitehorse.



The Conference Board of Canada, in its *Yukon Travel Markets Outlook*<sup>3</sup>, projects that tourism expenditures and visitation in the Yukon will return to 2019 levels in 2024.

One factor that may slow our community's ability to capitalize on tourism rebounding is the labour shortage that Dawson City (as well as most of Canada) is experiencing. Labour shortages have been and may continue to be exacerbated by waves of COVID-19. As we saw during the past two years, and as recently as the 2022 Thaw-di-Gras celebrations, spreading of illness impacts workers' ability to fulfill their roles. When businesses are already short-staffed, temporarily losing any number of employees to illness can result in reductions of operating hours and even periods of closure for the business.

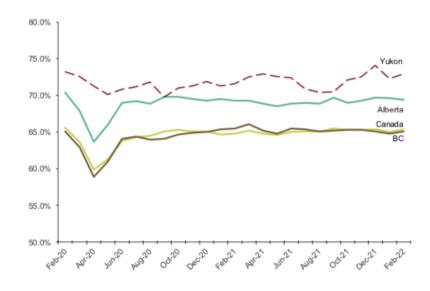
<sup>&</sup>lt;sup>3</sup> Northern Lights at the End of the Tunnel. (September 21, 2021). The Conference Board of Canada.

### Labour Shortage Slowing Economic Growth

Observing Canada-wide trends, RBC Economics reports that "Labour shortages will continue to intensify, putting a cap on the productive potential of the economy, slowing growth and keeping upward pressure on costs."<sup>4</sup> They note this being evident particularly in the industrial and hospitality sectors.

Yukon already has a higher-than-average labour market participation rate (the percentage of the population aged 15 years and over, which is working or actively looking for work). In February 2022, Yukon's participation rate (72.9%) was the third highest in Canada.<sup>5</sup>

Figure 4. Participation Rate 2020 to 2022: Comparing Yukon to Canada, BC and AB (YBS, Yukon Employment Report, February 2022)



<sup>&</sup>lt;sup>4</sup> Squeeze Play: Higher Wages Alone Won't Solves Canada's Labour Shortage Problem, (November 2021). RBC Economics.

<sup>&</sup>lt;sup>5</sup> Yukon Employment Report (February 2022). Yukon Bureau of Statistics, Government of Yukon.

### **Population Trends**

The Yukon has been experiencing dramatic growth in recent years alongside a healthy economy. In a February 2022 report, the Yukon Bureau of Statistics (YBS) projected ongoing population growth for the Territory to the year 2040 (Table 1).

Dawson City's population trends are not identical to that of the Yukon as a whole but are subject to the same general trends influencing growth.

No population projections are available at the community-specific level however Dawson City's population has shown steady growth over the past decade, from 1928 people in 2011 to 2323 people in 2021 (Figure 5).



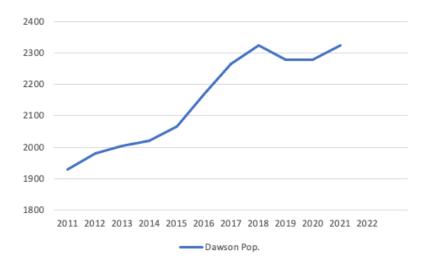


Table 1. Projected population growth for Yukon Territory (YBS, 2022)

Year	Projection: Preferred Total	Projectec Growth Rate
2020	42,198	1.9%
2021	43,118	2.2%
2022f	44,020	2.1%
2023f	44,880	2.0%
2024f	45,620	1.6%
2025f	46,380	1.7%
2026f	47,200	1.8%
2027f	48,090	1.9%
2028f	48,940	1.8%
2029f	49,660	1.5%
2030f	50,380	1.4%
2031f	51,230	1.7%
2032f	52,020	1.5%
2033f	52,700	1.3%
2034f	53,360	1.3%
2035f	54,020	1.2%
2036f	54,660	1.2%
2037f	55,300	1.2%
2038f	55,960	1.2%
2039f	56,610	1.2%
2040f	57,280	1.2%

Although the Yukon Bureau of Statistics and Census Canada utilize different methodologies to determine our population, the growth is corroborated by the most recent Canada Census Data, which tracks Dawson City's population change between 2016 and 2021 at a rate of 14.7%.

### Commercial and Industrial Real Estate Demand

Setting residential real estate aside (despite relevance as a general economic indicator) we specifically sought insights about commercial and industrial property demand in our community. Government of Yukon Property Assessment & Taxation provided data on commercial and industrial real estate transactions for the past three years. No new lots have been available during that time, so the following shows existing commercial or industrial property changing hands (averaging more than 13 transactions per year despite the economic uncertainty imposed by the COVID-19 pandemic for two of those years).

Table 2. Commercial and Ind	lustrial Property Sales in Dawson	area Jan. 2018 – Jan. 2022

Zone	Number of Real Estate Transactions
MSI (industrial, service or light)	16
CMH (commercial highway or tourist	7
CMC (Commercial central or comprehensive	16
CML: (Commercial local or airport)	1
Total	40

Notes: Zone designations are those used by Yukon Property Assessment and Taxation, not the municipality.

In terms of new vacant land, the most recent industrial lot development was undertaken by Government of Yukon, with lot sales made between 2013 and 2016. These 20, 1-acre lots (0.4 to 0.416 hectares) along Rabbit Creek Road priced between \$72,000 and \$75,000 have all sold. Around that same time, the former Guggieville campground was privately subdivided into approximately 12 commercial mixed-use zoned lots and subsequently sold.

No new commercial land has been developed in the historic townsite in recent memory, but several vacant commercial lots remain in the downtown area, in addition to properties with vacant structures in various condition, and with varying historical value. The downtown area has seen gradual infill of vacant commercial lands over the past decade, along with a few examples of adaptive re-use of heritage buildings.

In 2018 Klondike Development Organization conducted a vacant land survey, counting a total of 43.25 vacant commercial lots in the historic townsite (not including parking lots). In 2022, we count 33. Not all of these lots are available or on the market, however. Approximately 9 are owned by Government of Yukon (the former Korbo Apartment lots earmarked for new Yukon Housing developments, and the former McDonald Lodge site awaiting use designation). 5.5 are owned by City of Dawson. There is room for various enterprises to occupy the remaining vacant properties in the future, aided by commercial zoning that is reasonably flexible in terms of use, however purchasing these sites can be difficult.

### Construction

Building permits are noted here to illustrate trends of construction activity taking place on commercial and industrial zoned lands.

Building permits can be used as a measure of upcoming construction investment and indicator of consumer and business confidence. Numerous factors can affect whether individuals or businesses invest in new construction. One may see reflections in the data below for example, of the 2011 mineral exploration boom, the influence of land becoming available both commercial and residential (North-East development, lower Dome/Mary McLeod road area, Guggieville and Rabbit Creek Road) and in 2020 the dramatic affects of the COVID-19 pandemic.

### Table 4. Building permits, Dawson City. Source: YBS annual statistical review 2020 (Note the 2021 review is not yet available)

	Тс	otal1	F	Residentia	I	Indus	strial	Gov't/I	nstn'l	Comm	ercial
	(no.)	(\$000)	(all) <sup>2</sup>	(new)3	(\$000)	(no.)	(\$000)	(no.)	(\$000)	(no.)	(\$000)
2020	62	5,116	47	5	2,801	1	5	4	1,764	10	547
2019	90	5,966	53	11	1,686	0	0	5	438	32	3,842
2018	76	30,379	48	25	5,348	1	13,697	6	5,869	21	5,465
2017	76	6,786	56	14	1,730	0	0	5	644	15	4,412
2016	71	4,481	52	18	2,766	0	0	1	5	19	1,714
2015	54	2,617	36	14	1,514	0	0	3	24	13	1,069
2014	85	11,670	62	28	1,759	3	84	2	72	18	9,755
2013	96	3,966	70	12	1,315	5	65	2	28	19	2,558
2012	85	4,289	52	10	1,577	4	40	7	2,024	22	648
2011	122	20,842	98	10	5,684	1	85	11	18,931	12	221

(Note the 2021 review is not yet available)

### Industrial and Commercial Land Needs Survey

In February 2022, KDO conducted a public online survey to assist in gauging demand, and gain understanding of use, size and other characteristics of the industrial and commercial land need in the community. For the full results, please see the Data Presentation for Industrial and Commercial Land Needs Survey, 2022.

### Some highlights

Profile: 43 Respondents, 79% operating a business.

The number of survey responses is comparable that received by a similar, recent Whitehorsebased commercial and industrial land survey, and can be considered a general indicator of opinion on the questions asked, however caution should be used not to over-emphasize these results.

#### Timeline for demand:

16 people indicated they were looking to purchase land in the next 1 to 3 years, with 6 more within 3-5 years.

#### Uses:

Uses for the commercial or industrial land seekers ranged widely, however commercial activities including use/maintenance/storage of equipment, shops and mining support were prominent, with residential uses (caretaker, employee or other) mentioned frequently as well.

# mining yard equipment industrial Commercial

storage shop support residential



Lot Type:

Size

Size needs also vary widely, but about half (18) of the respondents answering this question were looking for lots between 1 and 3 acres in size. Offering a variety of lot sizes in a new subdivision would help serve diverse businesses types, activities and budgets.

Size	# Respondents choosing this size
50' x 100'	4
100 x 100'	4
Between ½ and 1 acre	3
Between 1 and 2 acres	6
Between 2 and 3 acres	10
Between 3 and 5 acres	2
Over 5 acres	2
Unsure	1

#### Zone

Commercial mixed-use and Industrial zonings were preferred. The former Guggieville campground/Rabbit Creek Road area was favoured by over 40% of respondents as a model for further commercial/industrial development where residential uses are not limited to secondary activities.

While respondents indicated a high level of support for the integration of commercial/industrial and residential uses on the same property (79% support this), they were less supportive of placing residential and commercial use lots in the same subdivision (67% support this), and much less supportive of placing residential and industrial lots in the same subdivision (only 47% support this). Several comments reveal concerns about conflict (of expectations, noise, dust, traffic, operating hours, safety, etc.) should residential designations be introduced into industrial areas. On the other hand, there seems to be appetite for increased flexibility for residences on commercial and industrial zoned property, possibly because conflicts are perceived to be reduced when commercial or industrial zoning sets the tone and priority of activity for the area- i.e. residents would not be expecting, for example, a rural residential experience in the heart of a busy/noisy enterprise-focused subdivision. Maximizing the land for dual uses could introduce added affordability and/or revenue potential for the property as well.

### Demand

It is difficult to gauge the level of demand for new or vacant commercial and industrial lots outside of the town core, however responses to the survey do give some indication that the market is currently undersupplied. 19 respondents described availability of lots in the market as limited (there may be a few lots available, but they don't match needs), and 6 respondents described availability as being zero. Together, these represent 63% of the people answering the lot availability/needs match question.

Please see full data presentation for detailed survey results.

### Summary

Noting that an in-depth land demand study has not been undertaken, the combination of available indicators and survey responses suggest that additions to Dawson's commercial and industrial land supply may be required in order to support the growth of a full range of private sector enterprises in the years ahead.

Flexible integration of residential uses into commercial and industrial zoned areas may aid businesses and individuals in meeting their needs, but consideration should be given to avoid creating conflicts between user/zone types.

### **Statistical References**

#### Government of Yukon

Yukon population projections: <u>https://yukon.ca/sites/yukon.ca/files/ybs/fin-population-projections-2020-2040-february-2022.pdf</u>

Yukon Employment Historical Data 2011 — 2020: https://yukon.ca/sites/yukon.ca/files/ybs/historical\_lfs\_2020\_r.pdf

2022-23 Economic and Fiscal Outlook: <u>https://yukon.ca/sites/yukon.ca/files/fin/fin-2022-23-fiscal-and-economic-outlook.pdf</u>

#### Statistics Canada

Census Profile. 2021 Census: <u>https://www12.statcan.gc.ca/census-recensement/2021/dp-</u> pd/prof/details/page.cfm?Lang=E&SearchText=Dawson&DGUIDlist=2021A00056001029&GE <u>NDERlist=1&STATISTIClist=1&HEADERlist=0</u>

Canada Labour Force Survey, 2021: <u>https://www150.statcan.gc.ca/n1/daily-quotidien/220107/dq220107a-eng.htm</u>