

# THE CITY OF DAWSON



## COMMITTEE OF THE WHOLE MEETING #CW19-26

**DATE:** WEDNESDAY, OCTOBER 23, 2019

**TIME:** 7:00 PM

**LOCATION:** Council Chambers, City Office

- 1. CALL TO ORDER**
- 2. ACCEPTANCE OF ADDENDUM & ADOPTION OF AGENDA**
  - a) Committee of Whole Agenda CW19-26
- 3. DELEGATIONS AND GUESTS**
  - a) Royal Canadian Legion RE: First Poppy Presentation
- 4. BUSINESS ARISING FROM DELEGATIONS**
- 5. ADOPTION OF THE MINUTES**
  - a) Committee of Whole Meeting Minutes CW19-25 of September 30, 2019
- 6. BUSINESS ARISING FROM THE MINUTES**
  - a) Committee of Whole Meeting Minutes CW19-25 of September 30, 2019
- 7. FINANCIAL AND BUDGET REPORTS**
- 8. SPECIAL MEETING, COMMITTEE, AND DEPARTMENTAL REPORTS**
  - a) Request for Decision RE: Consolidation Application #19-136 Lots 1& 2, Block 7, Days' Addition
  - b) Information Report RE: Update on Mining Activity Within the Municipal Boundary
- 9. BYLAWS AND POLICIES**
  - a) Request for Decision RE: *Heritage Bylaw*
- 10. CORRESPONDENCE**
  - a) Minister Paillai RE: Disposition of Land within Municipal Boundaries
  - b) Minister Dendys RE: *Worker's Compensation Act* and *Occupational Health & Safety Act* Public Engagement Process
  - c) Kelli Taylor, Assistant Deputy Minister RE: Yukon University Legislation Tabled
  - d) KATTS RE: Continuing Efforts to Protect the Klondike East Bench
  - e) Shayna Hammer, Yukon Quest RE: 2020 Yukon Quest International Sled Dog Race
- 11. PUBLIC QUESTIONS**
- 12. INCAMERA SESSION**
  - a) Land Related Matter
- 13. ADJOURNMENT**

**MINUTES OF COMMITTEE OF WHOLE MEETING CW19-25** of the council of the City of Dawson called for 7:00 PM on Monday, September 30, 2019 in the City of Dawson Council Chambers.

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<b>PRESENT:</b>	Mayor Councillor Councillor Councillor	Wayne Potoroka Stephen Johnson Bill Kendrick Molly Shore
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<b>REGRETS:</b>	Councillor	Natasha Ayoub
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<b>ALSO PRESENT:</b>	CAO EA A/CDO	Cory Bellmore Heather Favron Libby Macphail
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**Agenda Item:** Call to Order

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

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**Agenda Item:** Agenda

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**CW19-25-01** Moved by Mayor Potoroka, seconded by Councillor Shore that the agenda for committee of the whole meeting #CW19-25 be accepted as presented. Carried 4-0

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**Agenda Item:** Delegations

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a) Dredge Pond Residents RE: Tax Rate Bylaw and Rural Services

The delegation of Dredge Pond residents in attendance were provided an opportunity to address council. Comments and concerns raised by the residents included:

- High tax rate when there are no services, no garbage collection, no water and sewer, no water delivery, and poor road services
- Same mill rate as the rest of residential Dawson without the services
- Mill rate is one of highest in Canada
- Disparity with assessment value and mill rate
- Significant annual increases in property tax amounts
- Poor and degrading road maintenance services, including no calcium on roads creating extreme dust conditions
- Trees being cleared due to grading of road
- No signage and vehicles speeding in the neighbourhood
- Garbage bins are a mess and are heavily used by non-Dredge Pond residents
- New builds being assessed very high
- Difficulty obtaining septic field approvals from Environmental Health
- Blighted properties and abandoned vehicles; little enforcement from city.

b) Rachel Wiegers and Steve Shatilla RE: Lot 40 Dome Road

Rachel Wiegers and Steve Shatilla were in attendance to ask for one final extension to their agreement with the city for lot 40, Dome Subdivision. They explained to the committee the building process was more challenging than they expected and coupled with personal issues lead to them not meeting the requirements. They explained to the committee they should have come to the city earlier to request extension but were embarrassed as they had not completed project even with the extension already

provided. To date they have done a lot of work on the property including driveway, pad and a septic field. They have a lot to lose if they are not able to complete their project.

Should council agree to the extension, they have a plan and timeline to get a prefabricated house on the lot in a short amount of time and have working with the Building Inspector and other contractors to ensure it can be accomplished. They have requested an extension to March 31, 2020 to provide them the opportunity to complete their project and hope that council will give them one last chance to do that.

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**Agenda Item: Business Arising from Delegations**

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The committee recommended the concerns of Dredge Pond residents be summarized and a letter of response be forwarded to them.

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**Agenda Item: Adoption of the Minutes**

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a) Committee of Whole Meeting Minutes CW19-23 of August 26, 2019

**CW19-25-02** Moved by Councillor Shore, seconded by Councillor Kendrick that the minutes of committee of the whole meeting #CW19-23 of August 26, 2019 be accepted as presented. Carried 4-0

b) Special Committee of Whole Meeting Minutes CW19-24 of September 10, 2019

**CW19-25-03** Moved by Councillor Shore, seconded by Councillor Kendrick that the minutes of special committee of the whole meeting #CW19-24 of September 10, 2019 be accepted as presented. Carried 4-0

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**Agenda Item: Business Arising from the Minutes**

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The committee inquired about the status of the Recreation Facility Planning contract and when they could expect it to be brought forward. The CAO will investigate and report back.

The committee inquired if the city had followed up on letter to Minister Frost regarding animal control. The CAO will investigate and report back

The committee inquired if the remaining owners of Block 5, Days Addition had been contacted. The A/CDO informed the committee the department was currently waiting to hear back from the proponent and that the owners had not yet been contacted.

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

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a) Request for Decision RE: Subdivision Application Lot 19, Callison Subdivision

**CW19-25-04** Moved by Councillor Shore, seconded by Councillor Kendrick that committee of whole forwards the request for decision RE: Subdivision Application #19-111: Lot 19 Callison Subdivision to council with a recommendation to approve. Carried 4-0

b) Regular Council and Committee Meeting Dates

**CW19-25-05** Moved by Councillor Shore, seconded by Mayor Potoroka that committee of the whole forwards a recommendation to council that regular meeting dates of council and committee of the whole shift from Mondays to Wednesdays for the remainder of 2019, effective the week of October 21, and continue on Wednesdays in the 2020 calendar.

**CW19-25-06** Moved by Mayor Potoroka, seconded by Councillor Johnson that resolution be amended to remove all wording after comma. Carried 4-0  
Main Motion Carried 4-0

c) Municipal Involvement at YESAB Stage

The committee requested answers to the following questions:

1. What elements of these infrastructure projects went to YESAB?
2. How did YESAB scope them? and
3. How did the City get involved?

The CAO will report back with a response to questions.

d) Association of Yukon Communities (AYC) Update

Councillor Shore provided a verbal report regarding the outcome of the recent AYC Board Meeting. Due to a death in the community efforts were made to reschedule the meeting, however a new date was not possible so a shorter version of the meeting took place by conference call.

**CW19-25-07** Moved by Mayor Potoroka, seconded by Councillor Johnson that committee of the whole acknowledges receipt of the verbal council report RE: Association of Yukon Communities Update for information purposes. Carried 4-0

e) Climate Change

**CW19-25-08** Moved by Mayor Potoroka, seconded by Councillor Kendrick that committee of whole forwards the proposed Climate Change resolution to council with a recommendation to approve.

**CW19-25-09** Moved by Mayor Potoroka, seconded by Councillor Johnson that proposed resolution be amended to remove "up to standard water pipes". Carried 4-0  
Main Motion Carried 4-0

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**Agenda Item: Bylaws and Policies**

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a) Request for Decision RE: Heritage Bylaw

Committee provided the following comments

- 4.11 HAC Honorarium Conversation
  - General consensus that we shouldn't track hours
  - Should pick a flat fee rather than a wage
  - Something middle of the road and based off of other YT communities
- No CAO definition
- Grammar mistakes: 4.01, 10.01, 10.03
- 13.05 Ensure consistency of terms throughout Bylaw (Historic vs. Heritage)
- 7.09 Joint Meetings should be a bi-annual report from HAC as HAC is a committee of council.

**CW19-25-10** Moved by Mayor Potoroka, seconded by Councillor Shore that committee of whole forwards the Heritage Bylaw to council with a recommendation to proceed with second reading. Carried 4-0

b) Bylaw Update RE: Single use Plastic Bags and Straws

**CW19-25-11** Moved by Councillor Kendrick, seconded by Councillor Shore that committee of whole forwards the Draft Single Use Plastics Bylaw, as amended, to council with a recommendation to proceed with first reading, that committee of the whole recommends council include plastic utensils be included in the bylaw, that committee of the whole recommends council include polystyrene (Styrofoam) takeout containers and cups be included in the bylaw, that committee of the whole recommends council authorize sending a request to Yukon Environment Minister Pauline Frost asking permission to introduce restrictions on single-use plastics. Carried 4-0

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**Agenda Item: In Camera Session**

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**CW19-25-12** Moved by Mayor Potoroka, seconded by Councillor Shore that committee of the whole extend meeting CW19-25 no longer than 1 hour. Carried 4-0

**CW19-25-13** Moved by Mayor Potoroka, seconded by Councillor Shore that committee of the whole move into a closed session for the purposes of discussing land and legal related matters as authorized by section 213 (3) of the Municipal Act. Carried 4-0

**CW19-25-14** Moved by Mayor Potoroka, seconded by Councillor Johnson that committee of the whole reverts to an open session of committee of the whole and proceeds with the agenda. Carried 4-0

**CW19-25-15** Moved by Mayor Potoroka, seconded by Councillor Shore that committee of the whole forwards the request for direction RE: Lot 40, Dome Subdivision to council with a recommendation to proceed with option 1: Enter into a signed amendment with the original purchaser until March 31, 2020. Carried 4-0

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**Agenda Item: Adjournment**

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**CW19-25-16** Moved by Mayor Potoroka, seconded by Councillor Shore that committee of the whole meeting CW19-25 be adjourned at 10:59 p.m. with the next regular meeting of committee of the whole being October 21, 2019. Carried 4-0

**THE MINUTES OF COMMITTEE OF WHOLE MEETING CW19-25 WERE APPROVED BY COMMITTEE OF WHOLE RESOLUTION #CW19-\_\_-\_\_ AT COMMITTEE OF WHOLE MEETING CW19-\_\_ OF OCTOBER 23, 2019.**

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Wayne Potoroka, Chair

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Cory Bellmore, CAO

# Report to Council



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

☐ In Camera

<b>AGENDA ITEM:</b>	Consolidation Application #19-136: Lots 1 and 2, Block 7, Day's Addition	
<b>PREPARED BY:</b>	Libby Macphail, Acting CDO	<b>ATTACHMENTS:</b> 1. Consolidation Application 19-136
<b>DATE:</b>	October 15, 2019	
<b>RELEVANT BYLAWS / POLICY / LEGISLATION:</b> Municipal Act Subdivision Bylaw Official Community Plan Zoning Bylaw		

## RECOMMENDATION

It is respectfully recommended THAT:

1. Council approve Subdivision Application #19-136 subject to the following conditions:
  - 1.1. The application successfully passes through a public hearing.
  - 1.2. The applicant submits a Stormwater Management Plan to the satisfaction of the CDO and Public Works Superintendent.
  - 1.3. The applicant submits a development permit application, as well as all applicable documents and the appropriate fee, to the satisfaction of the CDO.
  - 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.

## ISSUE / PURPOSE

Consolidation Application #19-136 was received on September 24, 2019. The applicant is requesting to consolidate Lots 1 and 2, Block 7, Day's Addition in response to C19-001 Order to Comply.

## BACKGROUND SUMMARY

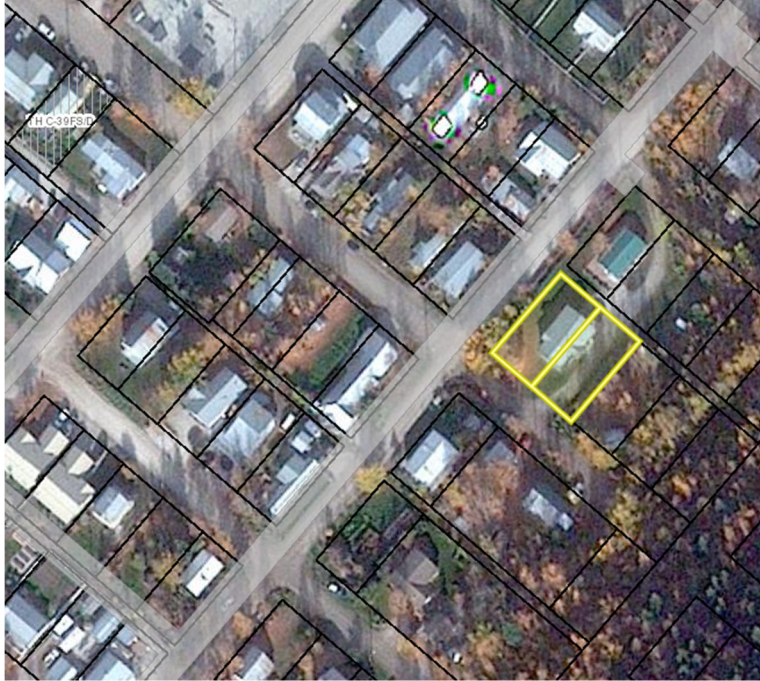
In July of 2018, applicant Jeremy Germaine submitted Development Permit Application #18-042 for a new deck and door. The application was denied because the structure is legally non-conforming, as per S. 302 of the Municipal Act. Under this section, the City of Dawson does not have the authority to approve development permits that seek to enlarge, add to, rebuild, or structurally alter legally non-conforming buildings except to increase their conformity. At this time, administration recommended to the applicant to consolidate the lots in order to bring the property into compliance and lift the legally non-conforming status of the house.

Administration audited denied 2018 development permits on June 4, 2019, where administration discovered that the deck and entrance had been constructed without an approved development permit. As a first step to bring the property into compliance, administration again recommended to the applicant to consolidate the lots. The property owner submitted an application to consolidate on September 24, 2019.

## ANALYSIS / DISCUSSION

### Comments

The application was circulated to all department heads, and no negative impacts were identified. The application will be circulated to every property owner in a 100 metre radius of this property, inviting comments and questions. A public hearing will take place at a future upcoming meeting. It will be a condition of approval that the application passes successfully through this public hearing. If substantial concerns are raised, the application may be required to return to a future COW meeting.



**Figure 1. Lots 1 and 2 Block 7 Day's Addition on the corner of 8<sup>th</sup> Avenue and Turner Street.**

### Subdivision By-Law

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

### 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. No new access is proposed as a result of this application.

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 the 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.

### Official Community Plan

The property is currently designated as UR – Urban Residential. Uses associated with this designation include single detached dwellings and duplexes. Therefore, the consolidated 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 By-Law

The property is currently zoned R1– Single Detached/Duplex Residential. The Zoning By-Law is intended to implement the goals of the OCP. Therefore, the purpose of the R1 zone as per the Zoning By-Law is to permit a single detached and duplex dwellings. A full range of permitted uses and associated provisions are contained in the Zoning By-Law, and any future development of the proposed lots must also conform with the Zoning By-Law. A zoning assessment was conducted and all structures meet the minimum requirements of the Zoning Bylaw. The most recent deck and door development has not been permitted, and therefore, as a condition of consolidation, a development permit application should be received and approved.

### Options

1. Council decline Consolidation Application #19-136.

2. Council approve Subdivision Application #19-136 subject to the following conditions:
- 2.1. The application successfully passes through a public hearing.
  - 2.2. The applicant submits a Stormwater Management Plan to the satisfaction of the CDO and Public Works Superintendent.
  - 2.3. The applicant submits a development permit application, as well as all applicable documents and the appropriate fee, to the satisfaction of the CDO.
  - 2.4. The applicant submits a plan of subdivision completed by a certified lands surveyor drawn in conformity with the approval.
  - 2.5. 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.

APPROVAL		
<b>NAME:</b>	Cory Bellmore, CAO	<b>SIGNATURE:</b> 
<b>DATE:</b>	Oct 16, 2019	





## THE CITY OF DAWSON

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

### OFFICE USE ONLY

APPLICATION FEE:	105 + GST
DATE PAID:	Sept. 24, 2019
RECEIPT #:	33813
PERMIT #:	19-136

## SUBDIVISION APPLICATION

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

### PROPOSED DEVELOPMENT

☐

Subdivision

☒

Consolidation

☐

Boundary Adjustment

CIVIC ADDRESS: 601 Turner St VALUE OF DEVELOPMENT: \_\_\_\_\_

LEGAL DESCRIPTION: LOT(S) 1+2 BLOCK 7 ESTATE Day's Addition PLAN# 2B 742

**PROPOSED DEVELOPMENT:** Please provide a brief description of the proposed development, including the number of proposed lots and their sizes.

We would like to merge lots 1+2 of Block 7, to bring our property into compliance with the municipal act which will allow us to make any appropriate renovations to the existing structure.

### APPLICANT INFORMATION

APPLICANT NAME(S): Isla and Jeremy Germaine

MAILING ADDRESS: 31 Aksala Dr. Whitehorse, Y.T. POSTAL CODE: Y1A 0K9

EMAIL: isla-germaine@hotmail.com PHONE #: 867-334-3181

### OWNER INFORMATION (IF DIFFERENT FROM APPLICANT)

OWNER NAME(S): \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_ POSTAL CODE: \_\_\_\_\_

EMAIL: \_\_\_\_\_ PHONE #: \_\_\_\_\_

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

### FURTHER INFORMATION

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

No



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### OFFICE USE ONLY

PERMIT #:

**WATER:** Is the land situated within 0.5 miles of a river, stream, watercourse, lake or other permanent body of water, or a canal or drainage ditch? If yes, please name the body of water and describe the feature.

No

**TOPOGRAPHY:** Describe the nature of the topography of the land (flat, rolling, steep, mixed), the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, etc. & sloughs, creeks, etc.), and the kind of soil on the land (sandy, loam, clay, etc.).

Flat, trees (birch + spruce, grass + some poplar.  
Ground soil, mixture of gravel + dirt + sand.

**EXISTING BUILDINGS:** Describe any buildings, historical or otherwise, and any structures on the land and whether they are to be demolished or moved:

Home on Lot 1 + 2

### DECLARATION

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

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

Sept 13, 2019  
DATE SIGNED

Sept 13, 2019  
DATE SIGNED

SIGNATURE OF APPLICANT(S)

SIGNATURE OF OWNER(S)



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### OFFICE USE ONLY

PERMIT #:

### COMPLETE APPLICATION SUBMISSION REQUIREMENTS

As per the Municipal Act s. 320(1), a subdivision will be granted, granted with conditions, or refused within 90 days of receipt of a complete application. An application is not deemed complete until the following information is submitted to the satisfaction of a Development Officer.

- ☐ Application Form (completed in full)
- ☐ Application Fee as per City of Dawson Fees and Charges Bylaw & Zoning Bylaw
- ☐ Site Plan that includes:
  - o a north arrow and scale
  - o property lines shown and labelled as per the most recent legal survey
  - o dimensions and areas of all proposed lots
  - o all easements and rights of way shown and labelled
  - o the location and labelling of all abutting streets, lanes, highways, road rights of way, sidewalks, water bodies, and vegetation
  - o the topography and other physical features of the subject land
  - o the location, size, type, and dimensions of all existing buildings and/or structures on the subject land, as well as the distance of the buildings and/or structures from the proposed property lines
  - o the location of retaining walls and fences (existing and proposed)
  - o the location, dimensions, and number of onsite parking areas
  - o the location of loading facilities
  - o the date of the plan
- ☐ Certificate of Title (if owner does not match Assessment Roll)
- ☐ Stormwater management plan
- ☐ Other as required by the CDO: \_\_\_\_\_

### OFFICE USE ONLY

LEGAL DESCRIPTION: LOT(S) \_\_\_\_\_ BLOCK \_\_\_\_\_ ESTATE \_\_\_\_\_ PLAN# \_\_\_\_\_

ZONING: \_\_\_\_\_ DATE COMPLETE APPLICATION RECEIVED: \_\_\_\_\_

TYPE OF APPLICATION: \_\_\_\_\_

APPLICANT NAME(S): \_\_\_\_\_

OWNER NAME(S): \_\_\_\_\_

☐ APPLICATION REJECTED

☐ APPLICATION APPROVED / PERMIT ISSUED

A letter [ ] has OR [ ] has not been attached to this permit explaining reasons and/or permit conditions. If a letter is attached, it constitutes a valid and binding component of this permit.

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_



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### OFFICE USE ONLY

PERMIT #:

### INSTRUCTIONS AND GUIDELINES

**IT IS IMPORTANT TO READ AND UNDERSTAND THE FOLLOWING INSTRUCTIONS PRIOR TO COMPLETING THE APPLICATION FORM. THESE GUIDELINES ARE FOR REFERENCE ONLY. IN THE EVENT OF A DISCREPANCY WITH THE ZONING BYLAW OR OTHER BYLAWS/LEGISLATION, THE BYLAW/LEGISLATION PREVAILS.**

1. Council shall not approve any application for the subdivision of any land within any zone or on any site where the parcels do not meet the minimum requirements prescribed for that zone.
2. 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.
3. Spot land applications and parcel enlargements can be approved at the sole discretion of Council and will not be approved by Council unless the application conforms to the long-term plan for those lands, as described in the OCP or other applicable approved plans.
4. Notwithstanding the above, Council may approve an application for the subdivision of any land within the historic townsite into lots that do not meet the minimum site area requirements prescribed for the underlying zoning district as a heritage conservation incentive, provided:
  - a. that subdivision is in keeping with the heritage integrity of the community; and
  - b. the development proposed for those lots meets the heritage management policies and guidelines of the OCP and the Zoning Bylaw
5. Prior to final approval, Council shall hold a public hearing to hear and consider all submissions respecting the proposed subdivision. The public hearing shall be held no earlier than seven days after the last date of publication of the notice.
6. The notice must be circulated, in a method approved by Council, once a week for two successive weeks.
  - a. Methods of notice circulation may include posting on the City website, in local newspapers, and/or on the City and Post Office Bulletin Boards, as well as sending written notification.
  - b. The notice shall:
    - i. describe the area affected by the proposed subdivision
    - ii. state the date, time, and place for the public hearing respecting the proposed subdivision
    - iii. include a statement of the reasons for the subdivision and an explanation of it
7. Written notification letters shall be mailed prior to the public hearing to all properties within the following radii of the subject property:
  - a. 100 m (328.1 ft.) for properties within the historic townsite
  - b. 1 km (3,280.1 ft.) for properties outside the historic townsite
8. A notification sign shall be placed on the subject property for a minimum of seven days.
  - a. The sign shall state the details of the subdivision and the date, time, and place of the public hearing, as well as the City's contact information.
  - b. The sign shall be provided by the City and shall be returned to the City on the day following the public hearing.
  - c. Signs not returned will be subject to an advertising fee equal to the replacement of the sign materials.
9. Every applicant who applies for subdivision of land shall provide to each lot created by the subdivision direct access to a highway satisfactory to the approving authority.
10. On receipt of a completed application for subdivision, Council will, within 90 days, approve it, refuse it, or approve it with conditions. Approval of an application shall be valid for a period of 12 months and may be subject to renewal for one more period of 12 months at the discretion of Council.
11. If Council refuses an application for subdivision, no subsequent unaltered application for approval of a proposed subdivision of land that provides for the same use of the land shall be made by the same or another person within six months of the date of the refusal.
12. If an application for a proposed subdivision of land is approved with or without conditions the applicant shall:
  - a. submit to the CDO a plan of subdivision or an instrument drawn in conformity with the approval; and
  - b. on approval of the subdivision plan, take all necessary steps to enable the registrar under the Land Titles Act to register the plan of subdivision.
13. If approval of an application for subdivision is refused, the applicant may, within 30 days after the date on which the notice was mailed to the applicant, appeal in writing to the Yukon Municipal Board.



# THE CITY OF DAWSON

P.O BOX 308, DAWSON CITY, YUKON Y0B 1G0  
PH: (867) 993-7400, FAX: (867) 993-7434



## SUBDIVISION/CONSOLIDATION APPLICATION CHECKLIST

Permit #: 19-136

Applicant Name: Isla + Jeremy Germaine

Legal Description: L.1+2 Bl.7 Day's

Mailing Address: 31 Aksala Dr.  
Box 10003 Y1A 7A1

Step	Signature	Date
Completed Application and Supporting Documentation Submitted	LM	Sept. 24
Permit Paid, Stamped, and Listed in Permit Database	LM	Sept. 24
Pre-Consultation and Zoning Assessment	LM	Oct. 15
Public Notice <u>Oct. 24th</u> <ul style="list-style-type: none"><li>• Copy of Public Notice emailed to Heather and added to RFD folder</li><li>• Mailed to affected property owners [ ], posted at COD office [ ], posted at Post Office [ ], COD website [ ], E-news [ ], Klondike Sun [ ]</li><li>• Circulation to Other Depts (Public Works, Fire, By-Law, Recreation)</li><li>• Posted at site</li><li>• Email notice to Trondek Hwechin (if adjacent landowner)</li></ul>		
Public Hearing Date: <u>Nov. 6th, 2019</u>		
CDO Report	LM	Oct. 15
Permit Decision <ul style="list-style-type: none"><li>• Council makes decision based on Public Hearing and CDO Report</li><li>• Letter detailing decision drafted. Letter must include:<ul style="list-style-type: none"><li>legal description of lands to be subdivided/consolidated</li><li>written description of subdivision details</li><li>map outlining approved configuration</li><li>any conditions imposed by Council</li><li>explanation of expiry date</li></ul></li></ul>		
Permit Filing <ul style="list-style-type: none"><li>• Original Permit, letter, &amp; supporting documentation in open subdivisions file</li><li>• Scanned in to CDO Z: drive &amp; Saved in appropriate location</li><li>• Copy of permit only put in binder</li><li>• Copy of letter &amp; permit mailed to applicant</li><li>• Conditions tracked in subdivision/consolidation tracking database</li></ul>		
Finalization <ul style="list-style-type: none"><li>• Legal survey received from applicant and filed in land file with original permit, letter, and supporting documentation</li><li>• Copy of survey sent to Protective Services for Civic Addressing</li></ul>		



# THE CITY OF DAWSON

P.O BOX 308, DAWSON CITY, YUKON Y0B 1G0

PH: (867) 993-7400, FAX: (867) 993-7434

## Zoning Assessment

File Number: 19-136

Date: Oct. 15, 2019

Zone: R1

Assessment Completed By: Libby M.

### 1. Application Type

OCP Amendment

Zoning Amendment

Subdivision

Variance

☒ Development

☒ Other Consolidation

2. Official Community Plan Designation: UR- Urban Res.

Does the proposed development meet OCP requirements? ☒ yes ☐ no ☐ unknown

3. Zoning By-Law Designation: R1- Single Detached

Does the proposed development meet ZBL requirements? ☒ yes ☐ no ☐ unknown

4. Heritage Management Plan Designation: East Slope

Does the proposed development require HAC review? ☐ yes ☒ no ☐ unknown

### 5. Zone Specific Regulations:

Provision	Permitted	Proposed	Compliant	Variance Required
Permitted Use	<u>Single detached</u>	<u>✓</u>	<input checked="" type="radio"/> Y / N	
Minimum Parcel Size	<u>2500 sq. ft.</u>	<u>10,000 sq. ft.</u>	<input checked="" type="radio"/> Y / N	
Maximum Parcel Size	<u>—</u>	<u>—</u>	Y / N	
Minimum Parcel Width	<u>25 ft.</u>	<u>100 ft.</u>	<input checked="" type="radio"/> Y / N	
Minimum Setback (Front)	<u>10 ft.</u>	<u>30 ft.</u>	<input checked="" type="radio"/> Y / N	
Minimum Setback (Side)	<u>10 ft.</u>	<u>29 ft.</u>	<input checked="" type="radio"/> Y / N	
Minimum Setback (Side)	<u>5 ft.</u>	<u>37.6 ft.</u>	<input checked="" type="radio"/> Y / N	
Minimum Setback (Rear)	<u>5 ft.</u>	<u>21.7 ft.</u>	<input checked="" type="radio"/> Y / N	
Minimum Floor Area	<u>256 sq. ft.</u>	<u>1613.22 sq. ft.</u>	<input checked="" type="radio"/> Y / N	

DAWSON CITY — HEART OF THE KLONDIKE





# THE CITY OF DAWSON

P.O BOX 308, DAWSON CITY, YUKON Y0B 1G0

PH: (867) 993-7400, FAX: (867) 993-7434

Maximum Height (Principal)	35 ft.	? ✓	Y/N	
Maximum Height (Accessory)	—	—	Y/N	
Maximum Parcel Coverage	50%.	16.13%.	Y/N	
Maximum Floor Area Ratio (FAR)	—	—	Y/N	
Minimum Off-Street Parking Spaces	1 space	✓	Y/N	
Minimum Setback (Between Principal and Accessory)	—	—	Y/N	
Zone Specific: _____			Y/N	
Zone Specific: _____			Y/N	

6. Notes:

DAWSON CITY — HEART OF THE KLONDIKE

Eighth Avenue

Lot 1

Lot 2

Turner Street

HOUSE

$\sim 21.7'$

$\sim 29'$

$\sim 48.3'$

$\sim 33.4'$

$\sim 37.6'$

$\sim 30'$

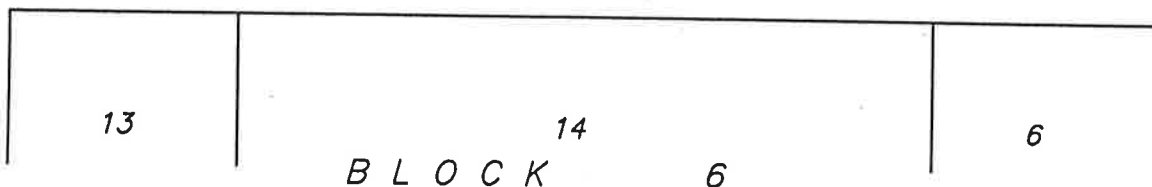
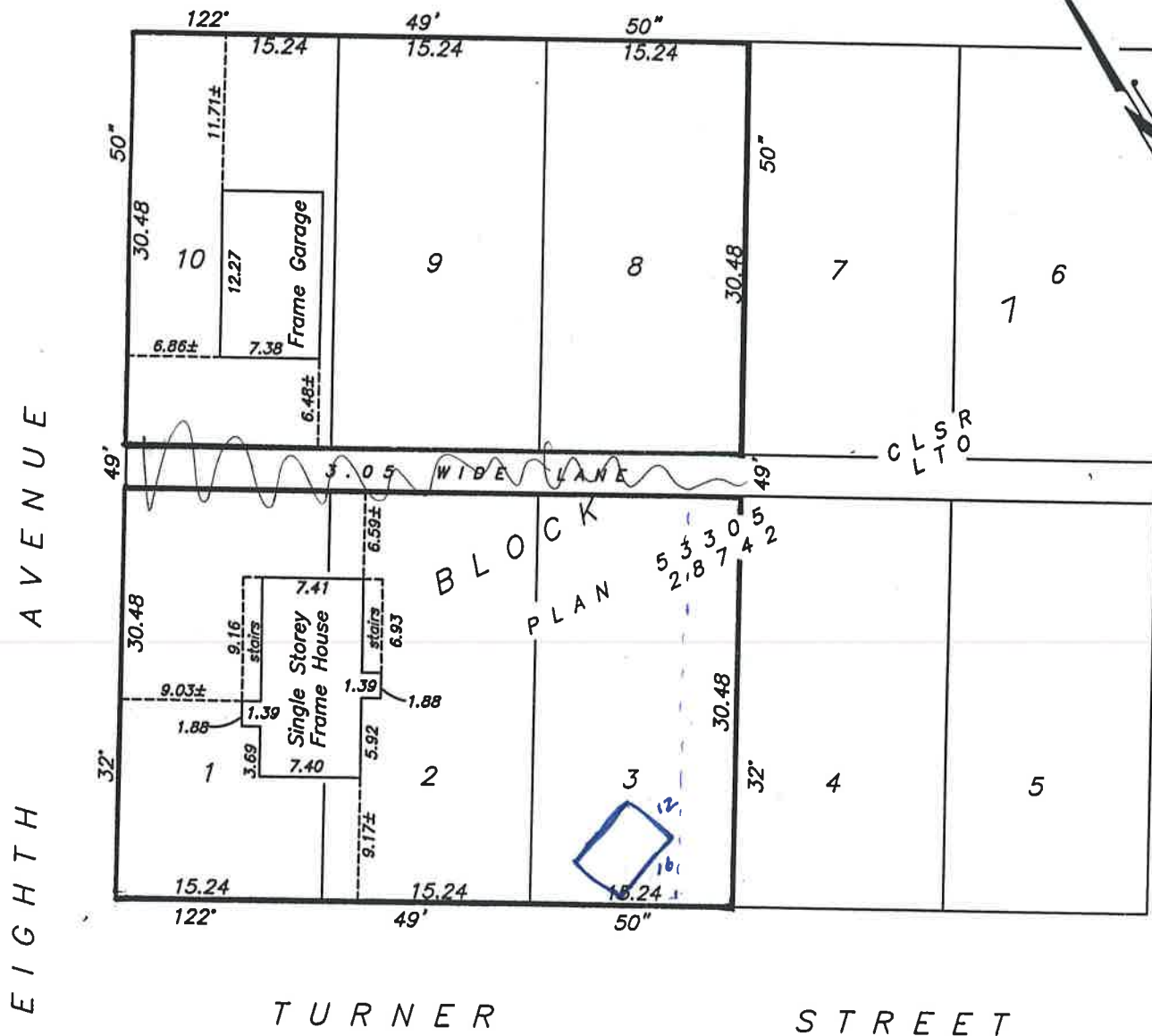
Lot Line to be removed during consolidation





Surveyor's Certificate  
 Lots 1 to 3 and 8 to 10, Block 7  
 Day's Addition,  
 City of Dawson  
 Yukon Territory

SCALE 1 : 500



I hereby certify that the structures shown hereon lie totally within the boundaries of the above described parcels, and further, that there are no encroachments on the said parcels, either from without or from within.

CANADA LANDS SURVEYS RECORDS  
5 3 3 0 5  
Date 13 APRIL 1967

PLAN OF  
SUBDIVISION OF PART OF

**LOT 5 GROUP 2**  
(Day's Addition to Dawson Townsite)

Y.T.

Scale : 100 ft. to an inch.

Dawson Y.T.

*Whit H. Day*  
Signed in presence of

*Rufus Lowe*

I, James Gibson Dawson, Land Surveyor for Yukon Territory, do hereby certify that this plan accurately shows the subdivision of the land described in the foregoing, and that the same is in accordance with the provisions of the Land Title Act, 1954.

Dated at Dawson this 2nd day of  
Signed in presence of  
*Victor Grant*

*James Gibson*  
D.L.S.

*Victor Grant*  
I, Victor Grant, of Dawson, do hereby certify that this plan accurately shows the subdivision of the land described in the foregoing, and that the same is in accordance with the provisions of the Land Title Act, 1954.

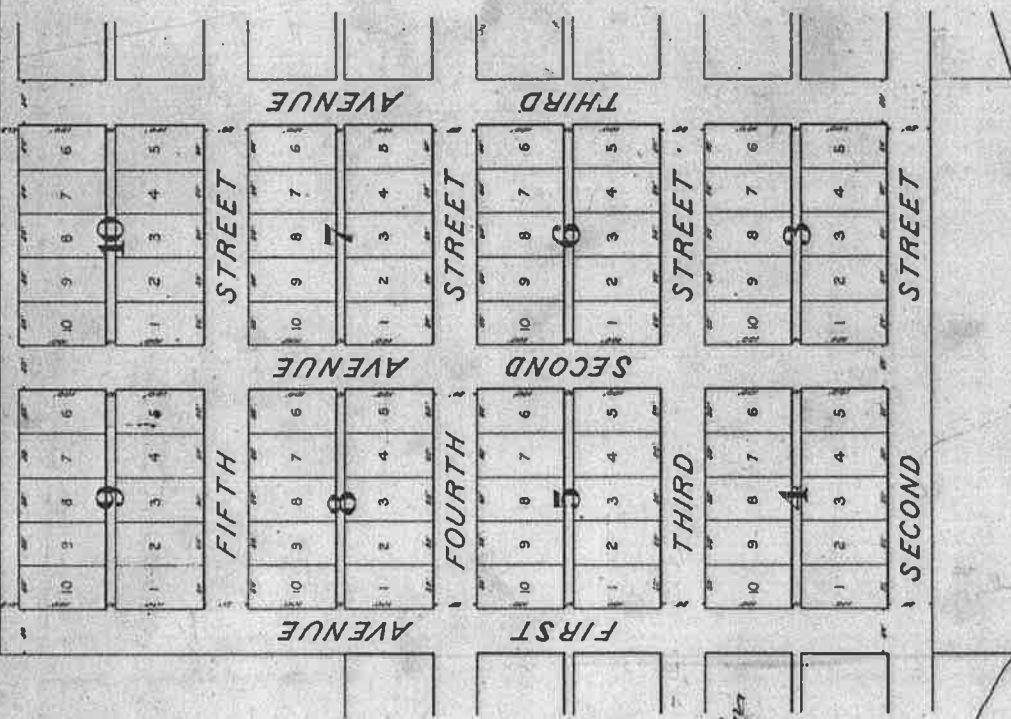
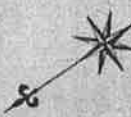
*Victor Grant*

*Rufus Lowe*  
I, Rufus Lowe, of Dawson, do hereby certify that this plan accurately shows the subdivision of the land described in the foregoing, and that the same is in accordance with the provisions of the Land Title Act, 1954.

*Rufus Lowe*

*James Gibson*  
D.L.S.

*Victor Grant*



KLONDIKE

RIVER

CANADA LANDS SURVEYS RECORDS  
5 3 3 0 5



## Legend

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

## Notes



1: 1,280

0.1 0.03 0 0.1 Kilometers

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.  
Date Printed: 15-Oct-2019



# Report to Council



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

☐ In Camera

<b>SUBJECT:</b>	Update on Mining Activity Within the Municipal Boundary	
<b>PREPARED BY:</b>	Libby Macphail, Acting CDO	<b>ATTACHMENTS:</b> None.
<b>DATE:</b>	September 16, 2019	
<b>RELEVANT BYLAWS / POLICY / LEGISLATION:</b> Municipal Act Official Community Plan Zoning Bylaw		

## RECOMMENDATION

It is respectfully recommended that Council accept the following report as information.

## ISSUE

The City of Dawson is experiencing an increase in mining development permit applications from previous years. To keep a transparent discussion around mining within the municipal boundaries, administration has summarized various development permit applications for mining projects within the municipal boundary received in the last couple of years.

## DISCUSSION / ALIGNMENT TO OCP & STRATEGIC PRIORITIES

### Nuway Crushing

Nuway Crushing submitted OCP Amendment #18-140 and Zoning Bylaw Amendment #18-141 to amend from Future Planning and Parks and Greenspace to Industrial. Nuway Crushing's claims are situated half within the municipal boundary and half outside. One very small portion of the area within the municipality can be permitted due to its legally non-conforming status. The application is currently tabled, as administration is working with the proponent and Tr'ondëk Hwëch'in to ensure a comprehensive analysis is achieved. An updated recommendation is scheduled to go to the Committee of the Whole in November.

### The East Bench

The proponent submitted three Mining Development Permit Applications (#19-075, #19-095 and #19-101) for the East Bench under water licence #17-086. The proponent also submitted two previous applications (#17-119 and #17-127) in 2017. All permits have been denied as the proposed use is not a permitted use within the Future Residential Planning (FRP), Future Planning (FP), or Parks and Open Space (P) designations of the Official Community Plan Bylaw #2018-18 (OCP).



Figure 1. East Bench Claims under Water Use License #17-086.

The proponent did not exercise his right to appeal the decision to Council for any of the above noted applications, nor have they yet to submit an application to amend the OCP and Zoning By-Law. The proponent did receive a decision document and water license for these claims that buffered work around the trails by 30 m.

### **The Slinky Mine**

The proponent submitted an original Mining Development Permit Application #19-008, which was denied on June 24, 2019, as at the time, the City was not able to definitively determine with the information provided that the work could be constituted as legally non-conforming or was occurring within the boundaries of the claims. After receiving new information from the proponent, he was granted Mining Development Permit #19-083 on July 12, 2019. The proposed work was confirmed to be occurring in the right location on a site visit done on July 8, 2019. The work is operating on a legal non-conforming basis as an extension to the work permitted in 2018. The mining permit expires June 1, 2020 to correspond with the expiry of Water Use License PM14-045.



**Figure 2. Claims Lin P34307 and Wedge 3 P36298 in relation to Boutillier Road, Dome Road, and Klondike Highway.**

### **The Rose Claims**

The proponent submitted Mining Development Permit Application #19-102 to do assessment work on the Rose Claims. Last year, the proponent also submitted Mining Development Permit Application #18-059. The applications were denied because the proposed use is not a permitted use within the Future Residential Planning (FRP) designation of the Official Community Plan #2018-18, or the Future Planning (FP) designation of the Zoning Bylaw #2018-19. The proponent has not yet exercised his right to appeal the decision to Council for his application, nor has he submitted an application to amend the OCP and Zoning By-Law. From conversations with the proponent, our understanding is that they have been requesting a quit claim from Yukon Government in exchange for titled property for this area. The Rose Claims were set to expire in 2018, but they were extended by the mining recorder when the proponent provided the denial letter for the 2018 permit. Administration is unsure if they have received another extension in conjunction with his most recent denial letter.

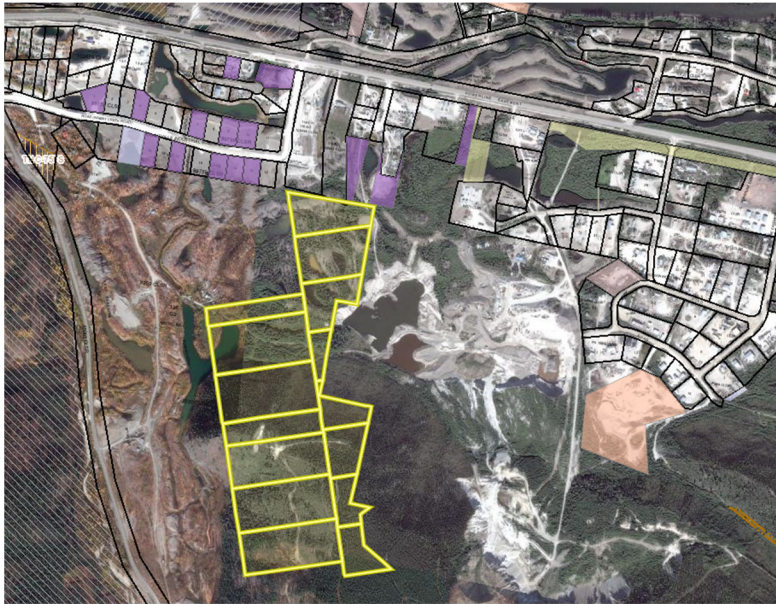
**Figure 3. Rose Claims in relation to Dredge Pond Subdivision and the Klondike Highway.**





## The Hawk Grouping

The proponent submitted Mining Development Permit Application #19-134 to do assessment work on the Hawk Grouping. The application was denied on August 10, 2019, as the proposed use is not a permitted within the Future Planning (FP) designation of the Official Community Plan #2018-18, or the Future Planning (FP) designation of the Zoning Bylaw #2018-19. The proponent submitted an application to amend the OCP and Zoning By-Law on October 15, 2019.



**Figure 4. Hawk Grouping in relation to Callison Industrial Subdivision, Guggieville Subdivision and the Klondike Highway.**

APPROVAL		
NAME:	Cory Bellmore, CAO	SIGNATURE: <i>C Bellmore</i>
DATE:	Oct 18, 2019	

# Report to Council



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

☐ In Camera

<b>SUBJECT:</b>	DRAFT Heritage Bylaw	
<b>PREPARED BY:</b>	Clarissa Huffman, CDO	<b>ATTACHMENTS:</b> 1. DRAFT Heritage Bylaw
<b>DATE:</b>	September 11, 2019	
<b>RELEVANT BYLAWS / POLICY / LEGISLATION:</b> Official Community Plan		

## RECOMMENDATION

It is respectfully recommended that Council:

1. Forward Heritage Bylaw 2019-04 to Council for second reading.

## ISSUE

The existing Heritage Program is currently challenging to navigate, split between 5 very similar bylaws, and contains outdated programming and interpretation language. Feedback received from HAC and the public indicated that this program required review.

## BACKGROUND SUMMARY

In February and March 2019, YG Historic Sites provided funding to review all of the heritage-related bylaws and provide feedback on next steps for improvement to clarity, ease of interpretation, consistency, and removal of duplication. The overall result of this review indicated that the most efficient way to manage the heritage program would be through one bylaw that consolidated the efforts of the current five bylaws. Throughout the June and July, the Heritage Advisory Committee provided feedback on iterations of this DRAFT bylaw and is now satisfied with its contents.

This report does not repeat previous analyses and only discusses the questions raised at the most recent meeting.

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

### S. 3.01- Designation Definition

A definition for the term “designation” was added to S. 3.01. The definition is as follows:

“A process of choosing a site, object, or any work or assembly of works of nature to be a Municipal Historic Site.”

The designation process is outlined in S. 8.00 Municipal Historic Sites.

### S. 7.09- Joint Council Meetings

S. 7.09 was reworded to state that “HAC shall report to Council on a biannual basis”. 7.09 (a) continues to state that “the biannual dates shall be determined at the beginning of the calendar year”. This change is to reflect the nature of the Council and HAC relationship, as the committee serves at the pleasure of council. This section was broadened to allow for flexibility in how HAC wishes to report to Council, whether it is through a delegation, presentation, report, or other means.

Council expressed concerns on the administrative burden possibly made by this requirement. The workload of a joint council meeting is arguably more burdensome due to scheduling difficulties, creation of agendas, and minute taking. Administration does not anticipate undue burden due to this requirement and anticipates that a reporting requirement in the Bylaw will serve the wants and needs of the committee better than a joint meeting, as action items proposed by HAC can be better considered by Council and resolution items can be determined.

#### **Clarification of S. 13.05**


Clarification was asked regarding what a “non-designated Historic Resource” means. A Historic Resource refers to a historic site, object or work of nature that is listed on the Yukon Historic Sites Inventory. The reason this term is differentiated by the phrase “non-designated” is that Municipal Historic Sites can also be on the Yukon Historic Sites Inventory and can also Historic Resources, but they have undergone the designation process. It is important to keep the phrase “non-designated” to close any loopholes in the funding structure.

#### **Other Amendments**

The bylaw was reviewed for grammatical errors. Extensive copy-editing for style, consistency and grammar is anticipated to occur between second and third reading.

#### **Next Steps (in approximate order of completion)**

1. Amendment to the Reserve Fund Bylaw and the Heritage Management Plan.
2. Development of a municipal Heritage Inventory, a Historic Resources Permit, and a Development & Heritage Guide.
3. Amendment to the Zoning Bylaw.

APPROVAL		
NAME:	Cory Bellmore, CAO	SIGNATURE: 
DATE:	Oct 4, 2019	





# THE CITY OF DAWSON

## *Heritage Bylaw*

Bylaw No. 2019-04

**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 37(1) of the *Historic Resources Act*, RSY 2002, c. 109, and amendments thereto, provides that a municipal council may, by bylaw, designate as a municipal historic site, any site in the municipality that, in the opinion of the council, has sufficient historic significance in accordance with section 15 of the *Act*.

**WHEREAS** section 15 of the *Historic Resources Act*, RSY 2002, c. 109, and amendments thereto, provides that a municipal council designate any site as a historic site when satisfied that the site is, whether in itself or because of

- a) historic resources or human remains discovered or believed to be at the site, an important illustration of the historic or pre-historic development of the Yukon or a specific locality in the Yukon, or of the peoples of the Yukon or locality and their respective cultures; or
- b) the natural history of the Yukon or a specific locality in the Yukon,

and has sufficient historic significance to be so designated.

**WHEREAS** section 179 of the *Municipal Act*, RSY 2002, c. 154, section 48(f) of the *Historic Resources Act*, RSY 2002, c. 109, and amendments thereto, provides that a municipal council may establish a committee to advise council on heritage matters.

**WHEREAS** section 245 of the *Municipal Act*, RSY 2002 c. 154 and amendments thereto, provides that council may by bylaw provide grants as council considers expedient to any person, institution, association, group, government, or body of any kind.

**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 *Heritage Bylaw*.

### **2.00 Purpose**

2.01 The purpose of this bylaw is to outline:

- (a) The duties and responsibilities of the Heritage Advisory Committee;
- (b) The designation and protection of municipal historic resources; and
- (c) The framework of a Heritage Fund program;



# THE CITY OF DAWSON

## *Heritage Bylaw*

Bylaw No. 2019-04

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# THE CITY OF DAWSON

## *Heritage Bylaw*

Bylaw No. 2019-04

### **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) "CAO" means the Chief Administrative Officer for the City of Dawson;
- (c) "city" means the City of Dawson;
- (d) "council" means the Council of the City of Dawson.
- (e) "designation" means a process of choosing an area or place, parcel of land, building or structure, the exterior or interior portion of a building or structure that is by itself, or by reason containing a historic resource to be a Municipal Historic Site.
- (f) "Development Officer" means the Community Development and Planning Officer or their delegate as appointed by the Chief Administrative Officer (CAO).
- (g) "Heritage Inventory" means a listing of historic resources within the City of Dawson that includes relevant information from the Yukon Historic Sites Inventory (YHSI). The Heritage Inventory is intended to complement, not duplicate, the YHSI.
- (h) "Historic Townsite" means the combined area of the Downtown Heritage Management Area and the Residential Heritage Management Area as defined by the *Zoning Bylaw*.
- (i) "Historic Resource" means a historic site, historic object, or any work or assembly of works of nature or human endeavor listed in the Yukon Historic Sites Inventory.
- (j) "Historic Resources Permit" means a permit issued by the Development Officer to authorize any proposed alteration to a historic resource.
- (k) "Minister" means the Minister of the Yukon Legislative Assembly responsible for the Historic Resources Act.
- (l) "Municipal Historic Site" means an area or place, parcel of land, building or structure, or the exterior or interior portion of a building or structure that is by itself, or by reason of containing a historic resource, designated by Council as a Municipal Historic Site.



# THE CITY OF DAWSON

## *Heritage Bylaw*

Bylaw No. 2019-04

(m) "Municipal Historic Sites Inventory" means a listing of the Municipal Historic Sites designated by Council.

(n) "Registered Owner" means the individual(s) listed as the owner on the current land titled for the property.

## **PART II – APPLICATION**

### **4.00 Heritage Advisory Committee Structure and Proceedings**

- 4.01 Council shall, by resolution, appoint a minimum of three (3) and a maximum of five (5) voting members to the Heritage Advisory Committee (HAC). Members shall be residents of, or be the registered owner of property/properties in, the City of Dawson but are not required to be Canadian citizens.
- 4.02 Terms for voting members shall be of a two-year period and shall be staggered so that the terms of members end in alternate years. Appointments shall be to terms concluding on September 30<sup>th</sup> of any given year. Members may be reappointed to succeeding terms.
- 4.03 Members serve at the pleasure of Council.
- 4.04 Where a member of HAC has failed to attend three (3) consecutive HAC meetings without the consent of the chair, HAC may, by resolution, recommend to Council that Council revoke the appointment of such member by resolution.
- 4.05 At the first regular meeting following September 30<sup>th</sup> in any year, HAC shall, by resolution, appoint a chair and deputy chair for a term not exceeding one year.
- (a) Members may volunteer their names for consideration. If no volunteers come forward, chair and deputy chair shall fall to the two longest-standing members of HAC.
- (b) A chair may serve for more than one successive term.
- 4.06 Council shall appoint up to four (4) heritage professional advisory members to HAC, with one (1) each invited from Tr'ondëk Hwëch'in, Parks Canada, Yukon College, and Government of Yukon.
- (a) Each professional advisory member may appoint an alternate who may participate on their behalf should they be unavailable to attend a meeting.
- (b) The Yukon College professional advisory member should be teaching or studying in a relevant building related field such as carpentry.
- (c) Individuals not affiliated with one of the organizations listed in 4.06 may serve as professional advisory members under the following conditions:
- I. There are currently less than four (4) professional advisory members appointed by Council; and
  - II. The number of voting members appointed to HAC has already reached the maximum of five (5) members.



# THE CITY OF DAWSON

## *Heritage Bylaw*

Bylaw No. 2019-04

- 4.07 Professional advisory members shall:
- (a) Be non-voting members of HAC with participation in all HAC meetings;
  - (b) Be appointed to a term not exceeding two years, but may be reappointed to succeeding terms; and
  - (c) Serve at the pleasure of Council.
- 4.08 Unless otherwise specified in this bylaw, conduct at meetings shall be in accordance with section 11 the *Council Proceedings Bylaw*, and amendments thereto.
- 4.09 Three (3) voting members of HAC shall constitute a quorum at any meeting.
- (a) If quorum is not present within 30 minutes after the time fixed for a regular or special meeting of HAC, the Development Officer shall ensure the names of members present are recorded and the meeting shall be adjourned until the next regular or special meeting.
  - (b) If a member arrives late, no prior discussion shall be reviewed for that member's benefit except with the unanimous consent of all members present at the meeting.
- 4.10 Members who are in conflict of interest must declare the conflict and step down from the table during discussion and voting for the related agenda item(s).
- (a) Members are considered to be in conflict where they may be perceived as unable to make an unbiased assessment of the matter at hand due to monetary or other tangible benefits relating to:
    - I. The member or the member's immediate family;
    - II. A corporation in which the member is a shareholder, director, or officer;
    - III. A society in which the person is a member, officer or employee; or
    - IV. A partnership or firm of which the person is a member.
  - (b) The withdrawal and return of the member shall be recorded in the minutes.
- 4.11 Each member of the Heritage Advisory Committee will be compensated with a monthly honorarium of \$200.00.
- 5.00 Heritage Advisory Committee Duties & Responsibilities**
- 5.01 HAC shall:
- (a) Consider and make recommendations to the Development Officer regarding historic resource permit applications;
  - (b) Consider and make recommendations to the Development Officer regarding heritage aspects of a development permit applications in the historic townsite;
  - (c) Consider and make recommendations to the Development Officer regarding nominations for designation of a Municipal Historic Site based on publicly available evaluation criteria;
  - (d) Provide a list of proposed heritage-related projects once per fiscal year for consideration in the Council annual operating budget process;





# THE CITY OF DAWSON

## *Heritage Bylaw*

Bylaw No. 2019-04

- (e) Provide feedback and input to the Development Officer to assist with the development and maintenance of a development & heritage guide to provide a consistent framework for decision making; and
- (f) Other duties as delegated to it by council from time to time.
- 5.02 HAC and its members shall not represent the City of Dawson in a formal or informal capacity unless requested and/or approved by council.
- 5.03 If, after two consecutive meetings, HAC is unable to make a decision on any matter once all information has been received, HAC shall refer the matter to council.
- 5.04 HAC members will be required to attend orientation and ongoing training as recommended by the Development Officer and determined by Council.
- 6.00 Heritage Advisory Committee Meetings**
- 6.01 At the last meeting of each calendar year, HAC shall establish the regular HAC meeting dates for the following year.
- 6.02 All regular meetings shall be scheduled from 7:00pm to 9:00pm. HAC may, by resolution, extend the hours of a regular meeting, not exceeding two periods of thirty (30) minutes.
- 6.03 When the day fixed for a regular meeting of HAC falls on a statutory holiday, the meeting shall be held on the following working day.
- 6.04 The Development Officer may recommend cancellation of a regular meeting if there are no matters referred to HAC.
- 6.05 Notwithstanding s. 6.04 above, HAC shall hold a minimum of one regular meeting per month.
- 6.06 Meetings shall be attended in person wherever possible. A member may participate by electronic means if it is not feasible to attend in person. Electronic participation contributes to the quorum of the meeting.
- 7.00 Heritage Advisory Committee Agendas and Minutes**
- 7.01 Notice for each meeting shall be given in the form of an agenda and meeting package distributed electronically not less than two (2) working days prior to the time of the meeting.
- 7.02 All matters to be considered at a meeting, including development permit and historic resources permit applications, shall be submitted to the Development Officer at least four (4) business days prior to the time of the meeting.
- 7.03 No business other than that stated in the regular meeting agenda shall be heard at that meeting unless all members present pass a resolution unanimously to accept a time-sensitive item.
- 7.04 Upon the meeting being called to order, the following shall be the order of business unless otherwise determined by unanimous consent of the members present at the meeting:



# THE CITY OF DAWSON

## *Heritage Bylaw*

Bylaw No. 2019-04

- (a) Call to Order
  - (b) Adoption of Agenda
  - (c) Delegations
  - (d) Business Arising from Delegations
  - (e) Adoption of Minutes
  - (f) Business Arising from Minutes
  - (g) Applications
  - (h) Reports
  - (i) Unfinished Business
  - (j) New Business
  - (k) Correspondence
  - (l) Information
  - (m) Adjournment
- 7.05 Delegates may register an interest in a specific topic, in advance, in order to address HAC about the topic, with a speaking time not to exceed ten (10) minutes.
- 7.06 Notwithstanding s. 7.05 above, delegations on standalone topics that are not associated with an application shall be no longer than ten minutes, and may only be accepted if time permits, at the discretion of the Development Officer.
- 7.07 All recommendations shall be approved by a resolution. Reasons and explanations for a resolution shall be outlined in the minutes.
- 7.08 The Chair, or any two members, may call special meetings as deemed necessary, provided that two (2) working days notice be given to all members prior to the meeting.
- 7.09 HAC shall report to Council on a biannual basis.
- (a) The biannual dates shall be determined at the beginning of the calendar year.
- 7.10 HAC may, by resolution, close a meeting to the public if the matter to be discussed is a matter contemplated by section 213(3)(b) of the *Municipal Act*.
- 7.11 The Development Officer shall ensure that minutes of all proceedings are legibly recorded and approved as accurate by resolution at the next regular meeting.
- (a) When approved as accurate, the Development Officer shall forward the minutes to Council as information.
- 8.00 Municipal Historic Sites**
- 8.01 Council may either, on its own motion, or upon nomination by any person or group of persons, designate any site as a Municipal Historic Site when it has determined, in its opinion, that the site is an important illustration of the historic development of the Klondike Valley, or the natural history or peoples and cultures of the Klondike Valley Cultural Landscape, as delineated in the *Heritage Management Plan*.



# THE CITY OF DAWSON

## *Heritage Bylaw*

Bylaw No. 2019-04

- 8.02 Designation of site as a Municipal Historic Site under s. 8.01 above must be in compliance with the requirements listed in Part 5 of the *Historic Resources Act* and amendments thereto.
- 8.03 When a person or group of persons wishes to designate a site as a Municipal Historic Site, they shall complete a nomination form and submit it to the Development Officer with the prescribed fee as per the *Fees and Charges Bylaw*.
- 8.04 When the Development Officer receives a nomination to designate a Municipal Historic Site, they shall:
- (a) Assess the application for completeness and accuracy;
  - (b) Present the nomination to HAC for evaluation; and
  - (c) Prepare a report including:
    - I. the recommendations of HAC;
    - II. whether the site meets the requirements of this bylaw and of the *Historic Resources Act*; and
    - III. an overall assessment of the nomination with respect to overall planning considerations.
  - (d) Present the report detailed in s. 8.04(b) above for Council consideration.
- 8.05 Prior to passing a bylaw to designate a Municipal Historic Site under s. 8.01 above, Council will give full consideration of the recommendations provided in the report provided under s. 8.04(b).
- 8.06 A bylaw to designate a Municipal Historic Site shall include, at minimum:
- (a) A legal description of the land to be designated, if available, and/or a written description of the land to be designated;
  - (b) A map delineating the land to be designated;
  - (c) Reasons for designation; and
  - (d) Any specific protection measures or prohibitions as determined necessary by Council.
- 8.07 All transfers or sales of Municipal Historic Sites shall be completed in accordance with S. 51 and 52 of the *Historic Resources Act*.
- 9.00 Heritage Inventory**
- 9.01 Council will maintain an inventory of
- (a) all designated Municipal Historic sites in compliance with S. 55 of the *Historic Resources Act*; and
  - (b) all existing historic resources within the municipality, including sites which have historical significance but which have not been designated by Council as a Municipal Historic Site.





# THE CITY OF DAWSON

## Heritage Bylaw

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### 10.00 Protection of Historic Sites

- 10.01 As per S. 48, 49, and 50 of the *Historic Resources Act*, the Development Officer is appointed by this bylaw to serve as an inspector for the enforcing of this bylaw and the *Historic Resources Act*.
- 10.02 No person shall make, demolish, move, or make alterations to a Municipal Historic Site and/or a site listed on the Heritage Inventory unless such alteration is carried out in accordance with a valid development permit or historic resources permit.
- 10.03 In addition to s. 10.01 and 10.02 above, no person shall carry out an activity that will, in the opinion of HAC, alter the character defining elements of a Municipal Historic Site, without a resolution by Council indicating approval.
- 10.04 Upon receipt of an application for a development permit or historic resources permit for an activity that may alter the historic character of a non-designated site listed on the Heritage Inventory, HAC may recommend that the Development Officer bring the application forward to determine if Council wishes to commence the process for designation as a Municipal Historic Site.

### 11.00 Historic Resources Permit

- 11.01 A historic resources permit is required for any proposed exterior alterations and/or alterations of a character defining element of a Municipal Historic Site and/or to a site listed on the Heritage Inventory that does not meet the threshold for a development permit as defined in the sections 4.1 and 4.2 of the *Zoning Bylaw*.
- 11.02 Historic resources permit will be assessed and approved by the Development Officer, with recommendations from HAC, in accordance with the following, as applicable:
- (a) Development & Heritage Guide;
  - (b) *Design Guidelines for Historic Dawson*;
  - (c) *Standards and Guidelines for the Conservation of Historic Places in Canada*;
  - (d) *Heritage Management Plan*;
  - (e) *Zoning Bylaw*; and
  - (f) Statement of significance and character defining elements.

### 12.00 Heritage Fund

- 12.01 As per the *Reserves Fund Bylaw* Appendix A, the Heritage Fund may be used to assist with the following:
- (a) Restoration, enhancement, or renovation of Municipal Historic Sites and sites listed on the Heritage Inventory;
  - (b) Acquisition, by the City of Dawson, of Municipal Historic Sites and sites listed on the Heritage Inventory for heritage conservation/restoration purposes;



# THE CITY OF DAWSON

## *Heritage Bylaw*

Bylaw No. 2019-04

- (c) Provision of financial assistance to owners or lessees of Municipal Historic Sites and sites listed on the Heritage Inventory for restoration, enhancement, or renovation of the site;
  - (d) Research to aid with interpretation of the culture and history of the Klondike Valley Cultural Landscape;
  - (e) Development of interpretive media such as signage, panels, or tours;
  - (f) Increasing public awareness of historic resources and heritage management of the City; and
  - (g) Other heritage purposes as specified by the resolution of Council.
- 12.02 Council shall transfer revenues from historic resources permits and Municipal Historic Site nominations to the Heritage Fund.
- 12.03 The Heritage Fund may be accessed by two project types:
- (a) Municipal projects, not exceeding a value of \$5,000 per fiscal year, that have been identified by HAC but have not been allocated budget funding; and
  - (b) Private projects that have proceeded through the Heritage Incentive application process as outlined in s. 13 of this bylaw.
- 12.04 Where HAC wishes to propose a project that meets the requirements for withdrawal from the Heritage Fund as per s. 12.01 and s. 12.03(a) above, HAC shall work with the Development Officer to devise a scope of work to be considered by Council. Municipal projects accessing the Heritage Fund will only be considered after the Heritage Incentive intake each year.
- 12.05 With respect to s. 12.03 above, Council shall hear project proposals for the Heritage Fund and may decide to:
- (a) Approve the project and transfer the full requested amount out of the Heritage Fund;
  - (b) Approve the project with minor changes transfer a full or partial amount out of the Heritage Fund;
  - (c) Request that changes are made to the project scope and returned with an updated proposal; or
  - (d) Decline the project because it is not eligible and/or is not deemed a project priority.

### **13.00 Heritage Incentives**

- 13.01 Registered owners or lessees (with written authorization from the registered owner) of a Municipal Historic Site or a site listed on the Heritage Inventory may apply to the Heritage Fund as per s. 12.01 above.
- 13.02 Eligible restoration, enhancement, or renovation costs for Tier I and II incentives include the following:
- (a) Repair or replacement of roofs or foundations;
  - (b) Sealing to weather;
  - (c) Stabilization and/or installation of additional bracing;



# THE CITY OF DAWSON

## Heritage Bylaw

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- (d) Repair or reproduction of doors and windows;
  - (e) Repair or replacement of cladding;
  - (f) Returning the exterior to its original appearance as per photographic evidence or other research as appropriate;
  - (g) Painting, where it can be demonstrated as a conservation activity;
  - (h) Interpretive signage and/or other publicly available interpretive media;
  - (i) Alterations that bring a structure into compliance with current bylaws in order to resolve a legal non-conforming status but do not impact the heritage values or character defining elements;
  - (j) Procurement of materials to undertake any of the above; and
  - (k) Procurement of skilled labour to undertake any of the above.
- 13.03 Non-eligible projects include the following:
- (a) Projects where a government is the applicant;
  - (b) Cyclical repair such as cosmetic repainting and landscaping;
  - (c) Private purchase of land or structures;
  - (d) Projects that have already commenced or are already complete;
  - (e) Projects on properties that have received funding under this bylaw within the last five (5) calendar years;
  - (f) Restoration or redevelopment that does not conform with the *Zoning Bylaw*, *Heritage Management Plan* and the *Design Guidelines for Historic Dawson*; and the *Standards and Guidelines for the Conservation of Historic Places in Canada*. Exceptions may be made for structures that are demonstrated to be legal non-conforming and meet the criteria for alterations to a legal non-conforming structure as per the *Municipal Act*.
  - (g) Projects on properties with outstanding property tax or compliance infractions with respect to any municipal bylaw;
- 13.04 Owners or lessees of a Municipal Historic Site are eligible for a Tier I Heritage Incentive, which constitutes up to 50% of an eligible project to a maximum of \$10,000.
- 13.05 Owners or lessees of a non-designated Heritage Resource are eligible for a Tier II Heritage Incentive, which constitutes up of 50% of an eligible project to a maximum of \$5,000.
- 13.06 Tier I and II Heritage Incentives are granted on an annual basis to a combined maximum that is equal to half of the Heritage Reserve Fund or \$20,000 per year, whichever is lesser.
- 13.07 Applications for Tier I and II Heritage Incentives will be considered complete when the following information is submitted to the Development Officer by April 15 of each year:
- (a) Completed application form;
  - (b) Project Proposal detailing:
    - I. Work plan and timeline;
    - II. Rationale for the project;



# THE CITY OF DAWSON

## Heritage Bylaw

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- III. Current state of the structure/site (with photographs);
  - IV. Explanation of how the project advances the goals of the *Heritage Management Plan* and preserves the heritage values and/or character defining elements of the site; and
  - V. Explanation of how the project will extend the life of the site and provide heritage value to the broader community;
- (c) Project budget, including details on proposed outside funding sources and ability to finance the project;
  - (d) Detailed drawings showing compliance with the *Zoning Bylaw*, *Heritage Management Plan*, *Design Guidelines for Historic Dawson*, and *Standards and Guidelines for the Conservation of Historic Places in Canada* where appropriate;
  - (e) Historical evidence of the site/structure's original use and features, such as historic photos or museum records; and
  - (f) Written approval from the registered owner of the site (where applicable).
- 13.08 Applications that do not meet all of the criteria listed in s. 13.07 above will not be assessed.
- 13.09 Applications for a heritage incentive will be assessed against the following criteria:
- (a) Whether the application is for a Tier I or II incentive, with Tier I being the highest weighted incentive;
  - (b) The degree of deterioration and necessity of restoration;
  - (c) The financial and technical ability of the applicant to complete the work;
  - (d) Ability of the applicant to access other funding for the project;
  - (e) The clarity, accuracy, and credibility of the project proposal;
  - (f) The degree of benefit to the heritage integrity of the site;
  - (g) The degree of community benefit; and
  - (h) Demonstration of commitment to using design features, materials, and styles that meet the *Design Guidelines for Historic Dawson* and the *Standards and Guidelines for the Conservation of Historic Places in Canada*.
- 13.10 Applicants may, upon request to the Development Officer, speak as a delegate to HAC to explain and get feedback on their proposal prior to formal submission of an application for a Heritage Incentive.
- 13.11 Council shall, upon the recommendation of HAC, determine by resolution whether an application, or any part thereof, should be:
- (a) Fully approved;
  - (b) Partially approved;
  - (c) Approved with additional conditions; or
  - (d) Denied.
- 13.12 Successful applications will be required to enter into a Contribution Agreement with the City of Dawson, detailing at minimum, the following conditions:



# THE CITY OF DAWSON

## Heritage Bylaw

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- (a) The proposed project shall not commence until the proponent has obtained a valid development permit and/or historic resources permit, as applicable.
  - (b) Funds will be released upon the completion of the project based on a site visit conducted by the Development Officer to confirm that the work has been completed to the specifications detailed in the plans submitted;
  - (c) Confirmation that any applicable territorial permits have been approved and closed;
  - (d) The applicant must remain in compliance with all relevant municipal and territorial legislation;
  - (e) The Contribution Agreement may be terminated if, in the opinion of the City of Dawson, the applicant fails to comply with any conditions of the Agreement;
  - (f) Any project-specific conditions as identified by the Development Officer, HAC, or council.
- 13.13 Receipt of an incentive through another funding opportunity does not change the eligibility of a project under this program.

### 14.00 Penalties

- 14.01 A development officer may enforce the provisions of this bylaw in accordance with the *Yukon Municipal Act*.
- 14.02 Any person who does the following commits an offence:
- (a) contravenes, causes, or permits a contravention of this bylaw or a historic resources permit;
  - (b) neglects or omits anything required under this bylaw or a historic resources permit;
  - (c) fails to comply with an order, direction, or notice given under this bylaw; or
  - (d) fails to provide entry for inspection under this bylaw.
- 14.03 If a development officer finds that a person is committing an offence under this bylaw, the development officer may require the person responsible for the violation to remedy it through a notice of offence order.
- 14.04 A development officer may issue a notice of offence order to:
- (a) the owner of the property;
  - (b) the person in possession of the land or buildings; or
  - (c) the person responsible for the offence.
- 14.05 The notice of offence order must be delivered in person, by registered mail, or by posting the notice in a conspicuous location on the site.
- 14.06 A notice of offence order shall:
- (a) describe the nature of the violation;
  - (b) describe the actions or measures required to remedy the violation, including the removal or demolition of a structure that has been erected or placed;
  - (c) state a time within which the person must comply with the directions or the order; and





# THE CITY OF DAWSON

## Heritage Bylaw

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- (d) state that if the person does not comply with the directions within a specified time an offence ticket will be issued and/or the municipality will take action or measure at the expense of the person.
- 14.07 Where a person fails or refuses to comply with the notice of offence order, a development officer may take such action as is necessary to enforce the order.
- 14.08 The costs and expenses incurred by the City in carrying out a notice of offence order shall be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on the land.
- 14.09 If the corrective measures described in a notice of offence are not completed within the specified time, or if development continues after a permit has been revoked or a fine has been issued, the person to whom the order was issued may be issued an offence ticket by a development officer.
- 14.10 All offence tickets shall be prepared and served in accordance with part 3 of the *Yukon Summary Convictions Act*.
- 14.11 An offence ticket shall be served by registered mail or in person.
- 14.12 Set fines under this section include the following:
- (a) Failure to obtain a historic resources permit - \$250.00
  - (b) Failure to obtain a historic resources permit (second or subsequent offence) - \$500.00
  - (c) Failure to comply with permit conditions - \$250.00
  - (d) Failure to comply with permit conditions (second or subsequent offence) - \$500.00
  - (e) Failure to comply with notice of offence order - \$250.00
  - (f) Failure to comply with notice of offence order (second or subsequent offence) - \$500.00
  - (g) Failure to grant right of entry - \$250.00
  - (h) Failure to grant right of entry (second or subsequent offence) - \$500.00
- 14.13 The costs and expenses incurred by the City in carrying out a notice of offence order shall be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on the land.
- 14.14 When a development officer is satisfied that there is a continued contravention of this bylaw and it appears the contravention will not be corrected in a timely manner, the development officer may report such a contravention to Council.
- 14.15 Council may, on finding that any development or use of land or buildings is in contravention of this bylaw:
- (a) direct the development officer to act on the matter;
  - (b) suspend or revoke a development permit with respect to such contravention; and/or
  - (c) apply to the Court for an injunction to restrain such contravention.
- 14.16 A person who fails or refuses to comply with a notice of offence order is liable to sanctions as described in section 343 of the *Yukon Municipal Act*.



# THE CITY OF DAWSON

## *Heritage Bylaw*

Bylaw No. 2019-04

- 14.17 In addition to the penalties provided for in this bylaw, a person convicted of an offence may be ordered to remove such development and reclaim the site at that person's own expense.
- 14.18 Should any person owning or occupying real property within the City refuse or neglect to pay any penalties that have been levied pursuant to this bylaw, the development officer may inform such person in default that the charges shall be added to, and shall form part of, the taxes payable in respect of that real property as taxes in arrears if unpaid on December 31 of the same year.



# THE CITY OF DAWSON

## Heritage Bylaw

Bylaw No. 2019-04

### PART III – FORCE AND EFFECT

#### 15.00 Severability

15.01 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.

#### 16.00 Bylaw Repealed

16.01 Bylaw 09-04, 09-06, 14-12, 15-06, and their amendments are hereby repealed.

#### 17.00 Enactment

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

17.02 This bylaw shall be reviewed every 5 years.

#### 18.00 Bylaw Readings

Readings	Date of Reading
FIRST	July 29, 2019
SECOND	
THIRD and FINAL	

Original signed by

\_\_\_\_\_  
*Name of Presiding Officer, Title*  
**Presiding Officer**

\_\_\_\_\_  
*Name of CAO (or designate), Title*  
**Chief Administrative Officer**





September 27, 2019

His Worship Wayne Potoroka  
Mayor of City of Dawson  
Box 308  
Dawson City, YT Y0B1G0

Dear Mayor Potoroka:

Re: Disposition of Land within Municipal Boundaries

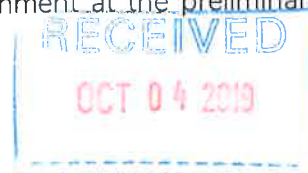
Thank you for your September 4, 2019 letter with your questions about land disposition within the boundaries of Dawson City.

I understand the challenges with respect to land availability and development in your community and we are working hard to address those issues through the Land Development Branch of the Department of Community Services.

The July 10, 2013 "Land Development Protocol" (enclosed) has been helpful to both of our governments in clarifying roles in the decision making process on whether to keep as is dispose of Commissioner's land within the boundary of the City of Dawson through a planning and development process.

The Land Management Branch does not accept certain types of applications within municipalities (e.g. Rural Residential) and, for other types of applications, seeks to determine the level of municipal support at the outset of the review of an application. However, the existing protocol could be updated to more clearly identify and formalize our respective roles in mutually considering whether and how to accept, process and review any "spot land" applications within the City of Dawson's municipal boundaries. This would be similar to the way in which spot land applications are managed within the boundaries of the City of Whitehorse (please see enclosed "Process Document for EMR/YG and the City of Whitehorse").

One of the basic premises of the agreement with the City of Whitehorse is that when the Yukon government receives an application for Commissioner's land within the boundary, the municipality is notified. Based on a preliminary review of zoning, municipal bylaws and/or policies, the municipality then provides a clear statement to the Land Management Branch as to whether it supports or does not support the application being accepted, reviewed and decided upon through the normal Yukon government process, which involves further municipal input. Notwithstanding the input provided to the Yukon government at the preliminary



stage, the municipality may change its support as more information becomes available through the normal review process.

Mayor Potoroka  
Page 2  
September 27, 2019

If a similar arrangement is of interest to your government, I would ask you to contact Colin McDowell, Director of the Land Management Branch at 867-667-5218 or [Colin.McDowell@gov.yk.ca](mailto:Colin.McDowell@gov.yk.ca) to pursue the next steps in updating the protocol.

Sincerely,

A handwritten signature in black ink, appearing to read "Ranj Pillai". The signature is fluid and cursive, with a small dot at the end.

Ranj Pillai  
Minister of Energy, Mines and Resources

Enclosure: YG/Dawson City Land Development Protocol  
Process Document for EMR – YG and City of Whitehorse

cc: Laura Prentice, Director Land Development Branch, Department of Community Services

**PROCESS DOCUMENT for EMR –YG AND CITY OF WHITEHORSE  
FOR REVIEW OF LAND APPLICATIONS on VACANT YUKON LANDS within CITY OF  
WHITEHORSE MUNICIPAL BOUNDARY**

**INTRODUCTION:** The signing of the Land Development Protocol Agreement between the City of Whitehorse and the Government of Yukon (May 2006) outlined several commitments including:

- 1) Yukon will work with the City to develop a process to sell raw land to developers, on a case by case basis, if both parties agree and it's supported by the OCP.
- 2) Yukon will consult with the City before making decisions regarding the disposal of raw land within the City of Whitehorse to any party other than the City.
- 3) Yukon will work co-operatively with the City in identifying and providing available land for development projects within the boundary of the City of Whitehorse.
- 4) Applications for parcels of land that require re-designation in the OCP will not be processed.

As a result, the City of Whitehorse (noted in this document as "City") and the Land Management Branch, EMR (noted here as "YG Lands") have agreed to develop a process document to work towards meeting commitments outlined in the Protocol.

**DEFINITIONS:**

**City Policy & Bylaws:** any land or development related municipal bylaw or policy (i.e. Official Community Plan (OCP), Zoning Bylaw, Subdivision Control Bylaw, etc.) that are utilized in the review of applications within the municipal boundaries.

**Raw Land or Vacant Yukon Land:** for purposes of this document is unencumbered lands administered by YG.

**EMR land application review process:** a land application submitted to YG Lands is subject to a review that ensures it complies with all YG policies, regulations and acts, which may include a YESAA screening.

**PURPOSE:** In order to provide clarification to administrators, public and any interested party, this process document outlines procedures for City and YG Lands in review of:

- 1) applications that conform to City Policies & Bylaws and Lands policies. These are primarily commercial (Industrial, non-residential enlargements and exclusive gravel leases).
- 2) Applications that require amendments to City Policies and Bylaws (excluding OCP).

**NOTE:** While this process document provides clarification on the review of spot applications located on Yukon Land within the City of Whitehorse, any land application for private development will be administered as per the provisions of the Development protocol and in conjunction with Community Infrastructure Branch, Community Services, YG and not through this process document. All applications remain subject to City of Whitehorse zoning and subdivision approval processes.

**PROCESS:**

- 1) When a client provides an interest for a parcel of land (as defined in the "Purpose" Section) YG Lands will:

- A) advise the client to visit City, Planning & Development Services for preliminary review to ensure it meets applicable criteria. City contact is Subdivision & Lands Coordinator.
  - B) provide the client with a copy of applicable policies, application form, map of the area and any other applicable material;
  - C) provide a preliminary review to see the area meets Lands policies, and is located on vacant Yukon Lands, etc. This advice is cursory in nature and will be subject to a full land application review process.
  - D) Lands contact person is Lands Officer. YG Lands will then notify City (via email) that the client has been advised to visit the City.
- 2) Once the client has proceeded to City, the City will:
- A) provide reference information to the client (i.e. aerial map, zoning info, etc.);
  - B) provide a preliminary review to confirm the area meets City Policies & Bylaws, and any relevant criteria. This advice is cursory in nature and be subject to a full review that will be provided by City as part of Lands application review process.
  - C) advise the client to return to YG Lands if the application meets the OCP and submit the completed land application *in addition to* any other information obtained from the City. If the cursory review determines that the application doesn't conform to the OCP, the City will notify the applicant at this stage.
  - D) City (through the Land Development Supervisor) will notify YG Lands via email (cc'd to Senior City Management Officials) and, through that email, shall identify clearly all relevant details of the application, including a clear statement as to whether the City of Whitehorse is in support (or not) of the client submitting an application to Lands - to be reviewed through normal process.
- 3) Upon receipt of the completed land application, YG Lands will:
- A) submit the application to the land application review process, including a review for policy constraints, application completeness as well as direct applicant to apply for a YESAA review;
  - B) Upon the receipt of the YG Lands application (as part of Lands review process), City will forward the application to the City's Development Review Committee (DRC) for review. The DRC recommendations will then be included in the City's written response to Lands. These recommendations will contain information pertaining to the application's compliance with City Policies & Bylaws.
- 4) Based on the information compiled (including the YESAA recommendation) YG Lands will provide a recommendation on the issuance of a land right.
- A) **If the land application is rejected**, the file will be closed and the applicant will be notified (via letter) by the YG Lands. Letter will be copied to the City;
  - B) **If the land application is approved in principal**, the file will be processed by YG Lands.
    - i. **If the land right is in compliance with City Policy and Bylaws**, then YG Lands will issue the land right and notify the City (via email).
    - ii. **If the land right isn't in compliance with City Policy and Bylaws (excluding OCP)**, the land right will be issued subject to the applicant receiving the required approvals noted by the City. YG Lands will notify the City (via letter) on the application decision.
    - iii. The City will notify YG Lands on whether or not the application subsequently receives the required City approvals.
      - 1. **If the applicant has received approval**, then the land right will be issued. City will notify YG Lands (via email) and provide the necessary documentation. The City will then be notified by YG Lands (via email) on final issuance.

2. If the applicant has been denied approval, then the City will notify YG Lands (via email) on the decision and Lands will close the land application file.

This process document is approved and executed by the parties by their Signatures below:



Brian Crist  
Director, Operations Division  
City of Whitehorse

2012/02/06

Date



Colin McDowell  
Director, Land Management Branch  
Energy, Mines and Resources  
Government of Yukon

Feb 6/12

Date

## **LAND DEVELOPMENT PROTOCOL**

### **BETWEEN:**

**GOVERNMENT OF YUKON** as represented by  
the Minister of Community Services and by the Minister of Energy Mines and  
Resources ("Yukon")

### **AND:**

**CITY of DAWSON** as represented by  
the Mayor of Dawson City ("City")

Collectively known as the parties ("Parties") to this Memorandum of Understanding  
("MOU")

### **WHEREAS:**

- A. The Parties have a mutual interest in providing land development activities in a timely, efficient and economic manner within the boundaries of the City of Dawson;
- B. The Parties recognize the importance of economic development to the City, including the identification of future land development requirements. Yukon's goal is to maintain an adequate supply of building lots for future development needs;
- C. The Parties agree when Yukon acts as a developer, lot prices will be established under the Regulations of the *Lands Act* on a development cost recovery basis or at a price not exceeding market value.
- D. The Parties agree that the City of Dawson, consistent with its Official Community Plan, should take a direct role in assessing the location and nature of future development of Yukon lands within its boundaries;

**NOW THEREFORE** the Parties have entered into this MOU, with the intention and desire to clarify their respective roles and responsibilities for land development, to ensure greater public clarity and facilitate the orderly and efficient provision of land for development within the boundaries of the City of Dawson.



### **Purpose**

1. The purpose of this MOU is to acknowledge the intent of the Parties to work together in the identification of development lands and in the provision of land development services within the City of Dawson. This MOU is intended by the Parties to be a record of their respective expectations and is not intended to create or hinder any legally enforceable rights or obligations.

### **Scope**

2. This MOU is limited in scope to an understanding of the general nature of involvement of the Parties with respect to land development within the City.
3. For greater certainty, the actual scope of each development project, the specific roles and services to be provided by the Parties (or third parties), and the relative financial contribution of each of the Parties will be set out in specific land development agreements, which the Parties intend to negotiate and enter into at a date subsequent to this MOU. Such land development agreements may be subject to further negotiations, funding appropriation, and the seeking of all requisite approvals.

### **Responsibilities**

#### **City**

4. The City will identify those areas within the boundaries of the City of Dawson which could be designated for development within the Official Community Plan ("OCP") or related area planning studies.
5. The City will identify for each Land Development project the desired developer, either YG, the City, or other, and the development process.
6. The City will be responsible for directing all public consultations, including consultations with local First Nation interests, in a manner consistent with those conducted by Yukon. Yukon will provide appropriate technical support to assist consultations where Yukon is the developer.
7. The City will negotiate and enter into land development agreements with Yukon, as determined necessary, on a case by case basis.
8. The City will work with Yukon to develop a public process for marketing of lots and lot disposition.

### **Yukon**

9. Yukon will work co-operatively with the City in identifying and providing available land for land development projects within the boundaries of the City of Dawson for potential Yukon Government, the City of Dawson and Private Sector developments.
10. Yukon will negotiate and enter into land development agreements with the City, on a case by case basis, to undertake the design and construction of a land development project.
11. Yukon will work with the City on public processes for sale of Yukon Lands to private development interests, on a case by case basis, if both parties agree and the area development plan is supported by the OCP.
12. Yukon will consult with the City before making decisions regarding the disposal of raw land within the City of Dawson to any party other than the City.
13. Yukon will be responsible for the disposition of developed land in a manner consistent with current practice, until such time as an alternate process is agreed upon by both parties.
14. Yukon, in it's capacity as developer, will consult with the City on the method of lot pricing under the regulations of the Lands Act. Yukon will include written recommendations from the City as one of the options for consideration in the formal approval process.

### **Block Land Transfer**

15. This MOU allows for the potential transfer of land to the City for specific agreed upon land developments. Preconditions for the transfer include:
  - a. The intended use must be allowable under the OCP.
  - b. A development plan that may include building commitments for reasonable time periods for development of the property, to ensure that the land does not remain vacant. Enforcement of building commitments will be the responsibility of the developer.
  - c. Standard requirements for survey, infrastructure, and subdivision as required by law or regulation, regardless of who develops it.
  - d. A plan for fair disposition of land to the public.

### **Eligible Projects**

16. This MOU applies to the provision of residential, commercial, and industrial lots within the City of Dawson. Such lots may be fully or partially serviced depending on their location, intended purpose, and respective needs.

### **Eligible Expenses**

17. Subject to the Parties negotiating and entering into a specific development agreement, expenses that are eligible for funding by Yukon may include:
- a) Public consultation expenses including advertising (radio, newspaper, signage, banners, etc.),
  - b) Private facility rental fees for public consultation events,
  - c) Expenses for hiring of a meeting moderator or facilitator; and
  - d) May include other expenses agreed to by Yukon.

### **Expenses not eligible for Funding**

18. Expenses not eligible for funding by Yukon are as follows:
- a) Costs associated with the preparation, consulting, and adoption of the OCP;
  - b) Costs associated with the normal operations and maintenance of the City Administrative Services and the Public Works Departments (including space rental, equipment, communications, heating, electrical bills, etc.);
  - c) Costs associated with the City's normal on-going responsibilities for infrastructure planning, operations and maintenance and refurbishment; unless agreed to otherwise by both Parties; and
  - d) Retroactive funding for any costs incurred prior to the effective date of this MOU.

### **Project Initiation Process**

19. Either party may initiate a specific project, by sending a letter signed by the appropriate elected representative to the other party. A positive letter response from the receiving party will lead to the negotiation of a specific land development agreement for the requested project.

### **Amending Process**

20. This MOU may be amended in writing at any time by mutual consent of the Parties.

### **Headings**

21. The headings used in this MOU are for convenience of reference only, are not part of this MOU and do not affect its interpretation.

**Representatives:**

For Yukon:

Director, Land Development Branch  
Government of Yukon  
Box 2703  
Whitehorse, Yukon  
Y1A 2C6

For City:

Chief Administrative Officer (CAO)  
City of Dawson  
P.O. Box 308  
Dawson City, Yukon  
Y0B 1G0

**Termination:**  
This MOU will remain in effect unless terminated by either of the Parties by providing to the other Party sixty (60) days notice in writing to be delivered by hand, facsimile or registered mail.

THIS MOU made this 10 day of July, 2013.

IN WITNESS WHEREOF the Parties have executed this MOU by their duly authorized signatories on the dates noted below.


**Government of Yukon**

  
Elaine Taylor  
Minister of Community Services

July 10, 13  
Date

  
Witness

**Government of Yukon**

  
Brad Cathers  
Minister of Energy Mines  
and Resources

July 10, 2013  
Date

  
Witness

**City of Dawson**

  
Wayne Potoroka  
Mayor

10.07.13  
Date

  
Witness

# THE CITY OF DAWSON

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



September 4, 2019

Honourable Ranj Pillai  
Minister of Energy, Mines and Resources  
Cabinet Office  
Box 2703 (CM-2)  
Whitehorse, YT  
Y1A 2C6

Dear Minister Pillai,

**RE: Disposition of Land within Municipal Boundaries**

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The City of Dawson is seeking clarification on Yukon Governments approach to the disposition of crown land within municipal boundaries through spot land applications. We have received several of these applications requesting feedback and approval from the City of Dawson in past years.

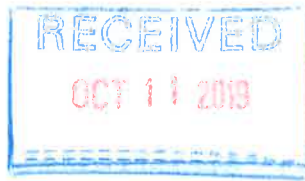
Under the Yukon's Lands Act, the minister can sell Yukon lands after an application with respect to those lands has been received or tenders for those lands have been called for by public notice. However, it is difficult to meet a standard of fairness and consistency with the spot land application process, especially when no public notice is involved. Further, it is impossible to understand the implications spot land applications might have on future development or where they might fit in broader subdivision planning. By their nature, spot land applications do not consider the wider area and focus on one, small parcel of land.

Current residents, businesses, and newcomers looking for property have been frustrated by the lack of available lots for sale and have looked to the spot land application process to solve this issue. Your response regarding how the Yukon Government intends to deal with spot land applications in our municipality and if they are your preferred method of land disposition would assist us in dealing with these requests.

Sincerely,

Mayor Wayne Potoroka





October 9, 2019

City of Dawson  
Box 308  
Dawson, YT Y0B 1G0

Attention: Wayne Potoroka, Mayor

Dear Wayne Potoroka:

In the spring, I committed to undergo a full review, modernization and amalgamation of the *Workers' Compensation Act* and the *Occupational Health and Safety Act* so they are in line with twenty-first century workplaces.

The goal is to reduce workplace incidents and injuries, increase the efficiency of claim administration, reduce red tape and delays, and maintain a solvent Compensation Fund.

I am pleased to announce that we are now prepared to begin the public engagement process.

I know there are many stakeholders, workers, employers and other members of the community whose voices will strengthen this new legislation.

In the coming days you will receive information from the Yukon Workers' Compensation Health and Safety Board detailing the ways in which you will be able to contribute your valued ideas and insights. If you have questions in the meantime, I encourage you to contact the Board at [wcb-cs@gov.yk.ca](mailto:wcb-cs@gov.yk.ca)

Sincerely,

Honourable Jeanie Dendys  
Minister responsible for the Yukon Workers' Compensation Health and Safety Board

cc. Mark Pike, Chair, YWCHSB  
Kurt Dieckmann, President/CEO, YWCHSB

Department of Education  
PO Box 2703, Whitehorse, Yukon Y1A 2C6

October 15, 2019

The City of Dawson

Dear Mayor Wayne Potoroka,

**Re: Yukon University legislation tabled**

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The Government of Yukon recently shared the “Yukon University legislation: What we heard” report with you.

This is to inform you that the *Yukon University Act* has now been tabled in the Legislative Assembly. The legislation was informed by the feedback we received from Yukon First Nations, Yukon College, municipalities, the public and other partners. Thank you for your time and attention to this important piece of legislation.

We have produced a helpful guide to show how feedback was included in the legislation. Check out the link below to view the guide. You can also review the full piece of legislation.

- View the guide on how feedback is reflected in the legislation: [yukon.ca/sites/yukon.ca/files/engage/engage-edu-yukonu-legislation.pdf](http://yukon.ca/sites/yukon.ca/files/engage/engage-edu-yukonu-legislation.pdf)
- View the full *Yukon University Act*: [yukonassembly.ca/sites/default/files/inline-files/34-3-Bill002-Yukon-University-Act.pdf](http://yukonassembly.ca/sites/default/files/inline-files/34-3-Bill002-Yukon-University-Act.pdf)

Thank you again for any feedback you may have provided on this important piece of legislation. We look forward to continuing to support the growth of post-secondary education in Yukon and new opportunities for all Yukoners.

Sincerely,



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



September 20<sup>th</sup>, 2019

Mayor and Council  
City of Dawson  
Box 308  
Dawson, Yukon  
Y0B 1G0

RE: **Continuing Efforts to Protect the Klondike East Bench**

Dear Mayor and Council,

I am writing on behalf of the Klondike Active Transport and Trails Society to thank-you for your efforts to preserve the trails on the Klondike East Bench and to volunteer to help in any way we can in this on-going crusade.

We understand that it would be useful for the City of Dawson, perhaps in conjunction with a community organization, to obtain tenure for the land upon which the trails sit. We further understand that the City has reached out to the Government of Yukon in this regard.

We would like to talk to City of Dawson representatives about how we might be able to help with this initiative, both before and after tenure is granted. Please let us know who we should talk to and the best way to proceed.

Thanks for your time,

Cathie Findlay-Brook  
KATTS President

CC Cory Bellmore



October 15, 2019

**Mayor and Council**  
**1336 Front Street**  
**P.O. Box 308, Dawson City, YT**  
**Y0B 1G0**

**Re: Yukon Quest International Sled Dog Race, travel through Dawson City in February 2020**

Dear Mayor and Council,

For the past 36 years the Yukon Quest International Association (Canada) (YQIA) has been traveling through Dawson City on the race journey between Whitehorse, YT and Fairbanks, AK, and (or vice versa), in order to carry out its International 1,000 Mile Sled Dog Race. Dawson City is a cornerstone of the race where mushers and dogs rest up, and the community of Dawson has traditionally welcomed volunteers, fans, mushers, staff, and other race followers with open arms.

The YQIA is deeply appreciative for all support and would like to once again let you know of its plans to travel through for our 37<sup>th</sup> running of the race in 2020.

The upcoming race starts on February 1<sup>st</sup> from Fairbanks, AK. We anticipate the first mushers to arrive in Dawson City on Wednesday, February 5<sup>th</sup> and the last musher to depart Monday, February 10<sup>th</sup>. We have once again been given approval from the Department of Highways and Public Works to use the Visitor Information Centre as our Checkpoint which we are very grateful for. Handlers, fans, race personnel and staff will be in Dawson a few days before the first mushers arrive, and some are likely to stay a day or two after the last ones depart. Like in years' past, mushers are required by race rules to stay in Dawson for their mandatory 36 hour layover. We are currently collaborating with the Klondike Visitor Association on a volunteer/Dawson City appreciation party and welcome everyone to attend. We will do all we can to support local businesses in hopes of creating a jovial and prosperous experience for all.

Again, on behalf of the Yukon Quest, I wish to thank you in advance for your assistance. We hope to see you at the race! If you have any questions please don't hesitate to call me at 867-668-4711 or e-mail [yukondirector@yukonquest.com](mailto:yukondirector@yukonquest.com)

Sincerely,

Shayna Hammer  
Executive Director  
Yukon Quest International Association (Canada)

**ALASKA**

550 First Avenue Fairbanks, AK 99701  
Phone: 907.452.7954 Fax: 907.452.7959  
Email: [yukonquest@mosquitonet.com](mailto:yukonquest@mosquitonet.com)



**YUKON**

#2 – 1109 First Ave. Whitehorse, YT Y1A 5G4  
Phone: 867.668.4711  
Email: [yukondirector@yukonquest.com](mailto:yukondirector@yukonquest.com)