

THE CITY OF DAWSON

COMMITTEE OF THE WHOLE MEETING #CW22-12

DATE: WEDNESDAY September 14, 2022

TIME: 7:00 PM

LOCATION: City of Dawson Council Chambers



Join Zoom Meeting

<https://us02web.zoom.us/j/81887264110?pwd=eGlYjZqOGFBalNLZDFnZ29xVnFYUT09>

Meeting ID: 818 8726 4110

Passcode: 623180

- 1. CALL TO ORDER**
- 2. ACCEPTANCE OF ADDENDUM & ADOPTION OF AGENDA**
 - a) Committee of the Whole Meeting CW22-12
- 3. MINUTES**
 - a) Committee of the Whole Meeting Minutes CW22-11 of August 10, 2022
- 4. BUSINESS ARISING FROM MINUTES**
- 5. SPECIAL MEETING, COMMITTEE, AND DEPARTMENTAL REPORTS**
 - a) Request for Direction: Administration Building Heating Fuel Options
 - b) Request for Direction: Demolitions of Historic Buildings
 - c) Request for Direction: Demolition Permit Application #22-110
- 6. BYLAWS & POLICIES**
 - a) 2022-10: Zoning Bylaw Amendment No. 17 (Infill #1)
 - b) 2022-15: Zoning Bylaw Amendment No. 19 (East Bench DCD)
- 7. CORRESPONDENCE**
 - a) HAC Public Notice
- 8. PUBLIC QUESTIONS**
- 9. IN CAMERA**
 - a) Personnel Related Matter
- 10. ADJOURNMENT**

MINUTES OF COMMITTEE OF THE WHOLE MEETING CW22-11 of the Council of the City of Dawson held on Wednesday, August 10, 2022 at 7:00 p.m. via City of Dawson Council Chambers

PRESENT:

Mayor Kendrick
Councillor Somerville
Councillor Lister
Councillor Spriggs

REGRETS:

Councillor Pikálek

ALSO PRESENT:

CAO: Cory Bellmore
EA: Elizabeth Grenon
PDM: Stephanie Pawluk
PWM: Jonathan Howe
CFO: Kim McMynn
Comms: Valerie Gayle Williams
Rec Manager: Paul Robitaille

	1	Acknowledgement of the passing of Former Mayor Peter Jenkins
	2	Call To Order The Chair, Mayor Kendrick called Council meeting CW22-11 to order at 7:05 p.m.
CW22-11-01	3	Acceptance of Addendum & Adoption of Agenda Moved By: Mayor Kendrick Seconded By: Councillor Somerville That the agenda for Committee of the Whole meeting CW22-11 of August 10, 2022 be adopted as presented. CARRIED 4-0
	4	Delegations & Guests
	4.1	Riley Grey RE: Washing Machine Rates Mike Ellis (Yukon Spaces) stepped in for Riley to discuss the matter. They had questions regarding the rates for washing machines and for a laundromat and wanted clarity on whether a laundromat was considered a non-residential washing machine or something else like institutional. There was discussion around the fact that the current rates may not be taking into consideration today's more modern washing machines that use less water and power. Like the residential relief on taxes, because there is a need for residential properties, would Council consider a similar relief system in order to make a laundromat a more viable public service?
	4.2	Carolyn Relf, Chair, Moosehide Slide Working Group RE: Moosehide Slide Landslide Monitoring and Risk

Carolyn Relf presented an update on the Moosehide Slide Landslide Monitoring and Risk. She gave an overview of the Moosehide Slide Working Group and what has been done up to date.

The two main purposes of the group are to develop a mitigation plan, to address the risk associated with Moosehide Slide, and a communication plan so that residents are aware of both the risk and what's being done to address it.

Next steps:

- BCG crew arrive and begin installation (late August)
- City of Dawson to develop an Emergency Response Plan (fall/winter)
- Yukon Geological Survey will work with BGC to monitor slope and determine what is "normal"

	5	Business Arising from Delegations & Guests
	6	Minutes
CW22-11-02	6.1	<p>Committee of the Whole Meeting Minutes CW22-09 of July 20, 2022 Moved By: Mayor Kendrick Seconded By: Councillor Somerville</p> <p>That the minutes of Committee of the Whole Meeting CW22-09 of July 20, 2022 be approved as amended. CARRIED 4-0</p> <p>-change spelling of tons to tonnes</p>
CW22-11-03	6.2	<p>Special Committee of the Whole Meeting Minutes CW22-10 of July 27, 2022 Moved By: Mayor Kendrick Seconded By: Councillor Spriggs</p> <p>That the minutes of Special Committee of the Whole Meeting CW22-10 of July 27, 2022 be approved as amended. CARRIED 4-0</p> <p>- Item 3.2 of minutes: change the words "extra lots" to "the two lots #1 and #6"</p>
	7	Business Arising From Minutes
	7.1	<p>Special Committee of the Whole Meeting Minutes CW22-10 of July 27, 2022</p> <p>- is demolition permit application #22-052 coming back to Council? - Will there be a townhall meeting in October?</p>
	8	Special Meeting, Committee, and Departmental Reports
CW22-11-04	8.1	<p>Request for Direction: North End Phase I Project Moved By: Councillor Somerville Seconded By: Councillor Lister</p>

That Committee of the Whole accept the North End Project Phase I update and forward to Council the direction to pursue Option B-Lots 1-5 and civil infrastructure to existing properties to Judge Street.

CARRIED 4-0

- Council discussed the Pros and Cons list from the Request for Decision.

CW22-11-05

8.2

Second Quarter Variance Report

Moved By: Councillor Somerville

Seconded By: Councillor Lister

That Committee of the Whole accept the second quarter variance report, for informational purposes.

CARRIED 4-0

- Will need to do a budget amendment for fuel (heating buildings, vehicles, etc.)

9

Bylaws & Policies

CW22-11-06

9.1

Taxation of Vacant Residential Lands Policy

Moved By: Mayor Kendrick

Seconded By: Councillor Somerville

That Committee of the Whole provide revisions to the Taxation of Vacant Residential Lands Policy and forward to Council for approval.

CARRIED 4-0

Council held discussion regarding the Taxation of Vacant Residential Lands Policy

- Section 3.03- should be changed so there is no "discretion" on the part of the CFO
- Section 5.01(b)(iii)- "encroachment" is too general
- proposed Section 6.02- add "residential" to vacant land tax

CW22-11-07

9.1.1

Extend Meeting

Moved By: Mayor Kendrick

Seconded By: Councillor Somerville

That Committee of the Whole Meeting CW22-11 be extended not to exceed one hour.

CARRIED 4-0

9.2

Customer Service Standards Policy

Council held discussion regarding the Customer Service Standards Policy.

- the policy will eventually be attached as an appendix to an overarching bylaw

- should Mayor and Council be mentioned in the policy? does it apply to them?

10

Public Questions

Dan Davidson: Is a laundromat what they are proposing to do with the old warehouse building? Council: We are not sure.

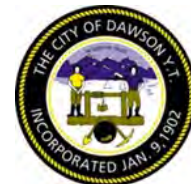
	11	In Camera
CW22-11-08	11.1	Move to In Camera Moved By: Mayor Kendrick Seconded By: Councillor Somerville That Committee of the Whole move into a closed session of Committee of the Whole, as authorized by Section 213(3) of the Municipal Act, for the purposes of discussing a personnel related matter. CARRIED 4-0
CW22-11-09	11.1.1	Revert to Council from COW Moved By: Mayor Kendrick Seconded By: Councillor Somerville That Committee of the Whole revert to an open session of Council to proceed with the agenda. CARRIED 4-0
CW22-11-10	12	Adjournment Moved By: Mayor Kendrick Seconded By: Councillor Somerville That Committee of the Whole Meeting CW22-11 be adjourned at 10:24 p.m. with the next regular meeting of Committee of the Whole being September 14, 2022. CARRIED 4-0

THE MINUTES OF COMMITTEE OF THE WHOLE MEETING CW22-11 WERE APPROVED BY COUNCIL RESOLUTION #CW22-12-XX AT COMMITTEE OF THE WHOLE MEETING CW22-12 OF SEPTEMBER 14, 2022.

William Kendrick, Chair

Cory Bellmore, CAO

Report to Council



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

☐ In Camera

AGENDA ITEM:	Administration Building Heating Fuel Options	
PREPARED BY:	Owen Kemp-Griffin	ATTACHMENTS: <ul style="list-style-type: none">
DATE:	08/09/2022	
RELEVANT BYLAWS / POLICY / LEGISLATION: <ul style="list-style-type: none">2018 City of Dawson 15 Year Capital Building Maintenance Plan		

RECOMMENDATION

That committee of the whole confirm resolution C21-15-05 (below).

ISSUE / PURPOSE

To replace an aged heating system with a new energy efficient system.

BACKGROUND SUMMARY

This agenda item is to follow up on the comments, direction and recommendations from council regarding the agenda item "Request for Decision: Propane Boiler Upgrade" from June 1st 2022 Council Meeting #C22-13.

The boilers serving the Administration building are past their end of life and needed to be replaced in 2020 according to the City of Dawson 15 Year Capital Building Maintenance Plan. There is funding secured from the Yukon Government with a Community Institutional Energy Efficiency Program for the replacement of the boilers on the condition that the replacement boilers are either biomass, propane, or near-condensing.

In 2021 Administration received direction from council to pursue this work with the following resolution:

C21-15-05 Moved by Mayor Potoroka, seconded by Councillor Johnson that Council direct administration to switch from oil to propane as a heating fuel and pursue further design & planning in regard to replacing existing oil-fired boilers within the Administration building with a hybrid propane boiler/heat pump system. Motion Carried 4-0

In May 2022, council postponed the award of this contract and requested it move back to committee of the whole for further discussion on the project

C22-13-10 Moved by Mayor Kendrick, seconded by Councillor Somerville that Council postpone the Propane Boiler Install Tender Award to a Committee of the Whole meeting. Motion Carried 4-0

Reports and Funding

After an initial ASHRAE Level 2 Energy Audit by 3D Energy Ltd. (March 2020), a Transfer Payment Agreement was signed with the Yukon Government for the funding of several energy upgrades in the Administration and Public Works buildings including the boilers for the Administration building. The heat options for the Administration Building from this energy audit were biomass or near-condensing boilers. A subsequent Recommissioning and Engineering Assessment Report was completed by Futureproof My Building Consulting Ltd. (April 2021); this report further developed the feasibility of implementing a biomass boiler option and added propane boilers as a recommended backup heating option.

Findings

The biomass heating option will require a separate feasibility study and will provide district heating to both the Public Works and Administration building; with potential of including the Chief Isaac compound as well. This option is outside the scope of the funding agreement and timeline. The biomass heating option will require a backup heat source. The choices for backup heating options are propane or oil.

Discussion

The replacement boilers will serve as the primary heat source as the biomass option is explored. They will then become backup when/if the biomass district heating option is implemented.

The advantages and disadvantages for the two fuel types are as follows:

Oil burning heating system advantages

- Simple to use
- Efficient and relatively clean burning
- Infrastructure is locally available for servicing, maintenance, and fuel delivery

Oil burning heating system disadvantages

- Oil spills and storage tank leaks are environmental concerns and expensive to clean up
- Oil burning equipment needs to be inspected and maintained every year
- Insurance coverage is expensive
- Oil price fluctuation

Propane burning heating system advantages

- Simple to use
- Minor maintenance costs
- Very efficient and clean burning
- Higher modulation options for better fuel efficiency
- Reduced GHG emissions
- Propane as a backup to biomass is the model the Territorial Government is working to implement

Propane burning heating system disadvantages

- Availability of local licenced propane boiler servicing personnel
- Propane price fluctuation
- Heating of propane tanks required in extreme cold conditions (-42C)

Fuel pricing will be a significant factor in this direction. As of August 2022, the price per liter of both fuels in Dawson City are approximately as follows: Fuel oil 2 – 1.9 \$/L, propane – 1.05 to 1.1 \$/L. Comparing with

approximate fuel pricing in Dawson City from August 2021: Fuel oil – 1.05 \$/L, propane – 0.94 \$/L. An important note, propane has approximately 2/3's the btu output per liter compared to fuel oil. This means for every two liters of fuel oil used, three liters of propane is needed. The following graph compares the average price of propane vs heating oil in Canada for the last 3 years.

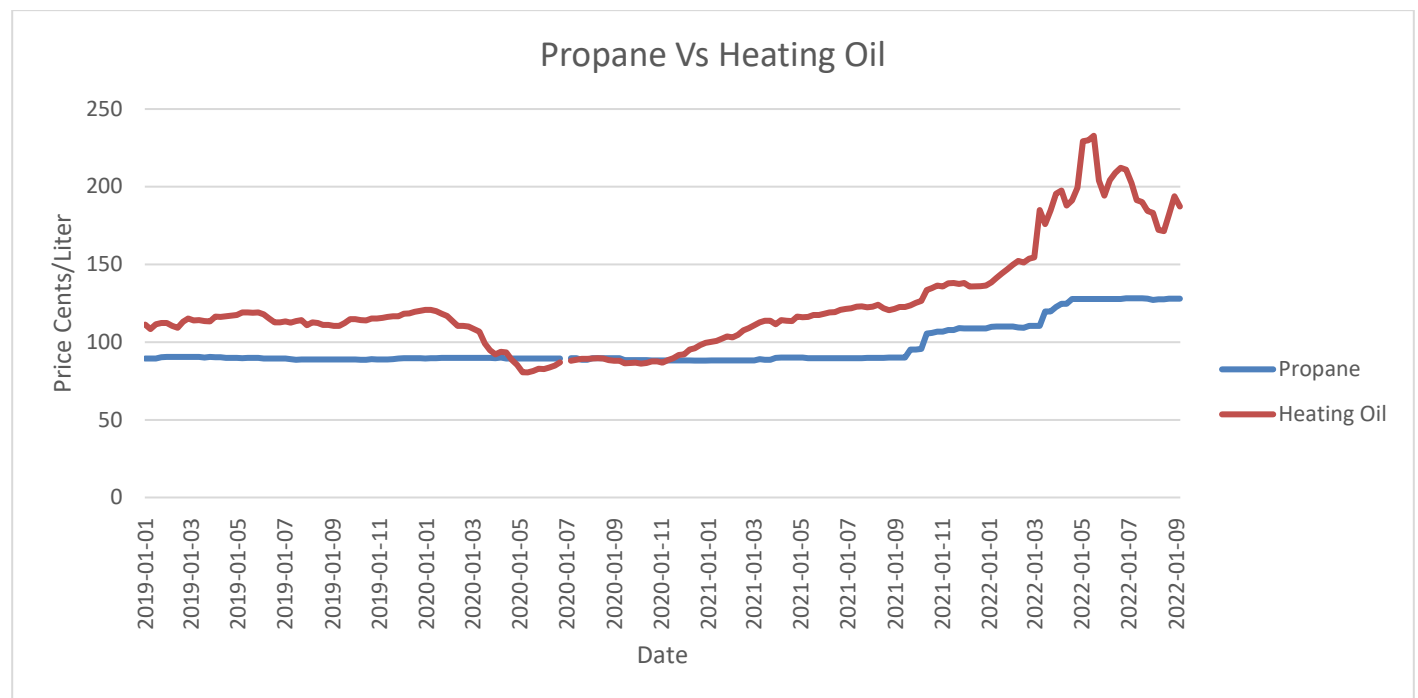


Figure 1: Propane vs Heating oil price - Canadian average 3 year

APPROVAL		
NAME:	Cory Bellmore, CAO	SIGNATURE: <i>C. Bellmore</i>
DATE:	September 9, 2022	

Report to Council



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

☐ In Camera

AGENDA ITEM:	Demolitions of Historic Buildings	
PREPARED BY:	Planning & Development	ATTACHMENTS: <ul style="list-style-type: none">- Municipal Historic Sites Directory: https://www.cityofdawson.ca/p/municipal-historic-sites-directory- Yukon Register of Historic Places: http://register.yukonhistoricplaces.ca/
DATE:	September 8, 2022	
RELEVANT BYLAWS / POLICY / LEGISLATION: Official Community Plan Zoning Bylaw Heritage Bylaw Heritage Management Plan Property Maintenance & Nuisance Abatement Bylaw #07-03 Fire Protection and Life Safety Bylaw #13-02		

RECOMMENDATION

That Committee of the Whole direct Administration on how to proceed with Yukon Historic Sites Inventory (YHSI) listed building demolition applications.

ISSUE / PURPOSE

1. There is currently a lack of clarity and transparency in how historic building demolitions are addressed. Application-driven demolitions go through a different process than Protective Services-administered Orders for Demolition. Administration is seeking direction on how demolitions should be processed moving forward.
2. Practice has been to forward YHSI listed structures to the HAC and Council for recommendation and approval respectively, given that there are many highly valued historic resources listed on YHSI and to ensure a public process is followed. Does Council wish for this practice to continue to be followed?

ANALYSIS / DISCUSSION

1. Demolition Process

Planning Process

Section 4.1.1 of the Zoning Bylaw titled 'Demolitions' outlines the following requirements:

1. Demolition of a structure will only be permitted if the proposed demolition and/or replacement would improve the quality of the built environment.
2. All service connections must be removed before demolition begins.
3. An acceptable security deposit of \$1.00 per square foot of the lot under consideration shall be posted by the developer upon issuance of a development permit for a demolition in order to ensure that the intended re-development proceeds.
4. Demolition must be accompanied by an approved redevelopment plan to the satisfaction of the development officer.

5. Demolition of a structure listed in the Yukon Government Historic Sites Registry shall occur only in extenuating circumstances, and must be approved by Council in consultation with the Heritage Advisory Committee and Yukon Government Historic Sites.

The Planning process for demolitions is as follows:

1. A demolition request is triggered by the submission of a demolition application.
2. The Zoning Bylaw requires both a redevelopment plan and receipt of a security deposit to ensure the intended redevelopment occurs.
3. The demolition application is forwarded to the HAC for review and decision on the proposed redevelopment and recommendation on the demolition to Council. This includes review by YG Historic Sites Unit.
4. Demolition of buildings listed in the YHSI are forwarded to Council for decision. S. 4.1.1.5 refers to buildings in the 'register' not the 'inventory'; however, it has been practice to take all YHSI demolitions to Council for decision for a more transparent process since there are many highly valued YHSI listed structures.

S. 4.1.1.5 "Demolition of a structure listed in the *Yukon Government Historic Sites Registry* shall occur only in extenuating circumstances, and must be approved by Council in consultation with the Heritage Advisory Committee and Yukon Government Historic Sites.

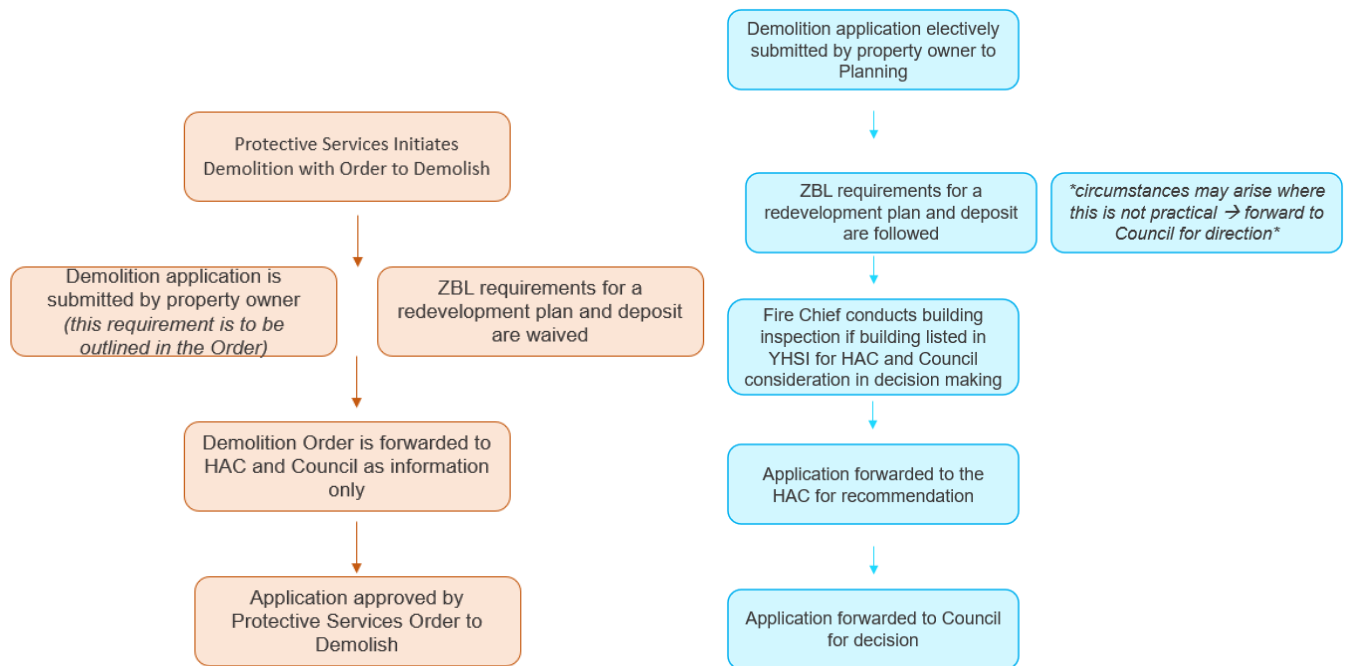
Protective Services Process

The Protective Services process for issuing Orders to Remedy are as follows:

- Inspection
 - Fire Chief conducts inspection. Outcome= inspection report including recommendation for remedy.
- Issue first letter
 - Opening conversation
 - Include heritage incentive information.
Relevant clause from the HMP: *"The City should discourage demolition of unsafe buildings and encourage their repair by offering incentives."*
- Issue Compliance Order(s) outlining compliance infraction, remedy and deadline
 - Remedy could range from demolition to clean up of property.

Proposed Processes Moving Forward

For clarity, Administration provides two processes that could be followed for the two different circumstances:



Amendments to section 4.1.1 of the Zoning Bylaw may be made to accommodate this process or add clarity during the 2022 housekeeping review of the Zoning Bylaw in October.

2. Demolition of YHSI-listed Structures

Discussion was held at the August 2, 2022 joint Council and HAC meeting regarding historic building demolitions. S. 4.1.1.5 of the Zoning Bylaw was discussed in reference to what the intent of the “*Yukon Government Historic Sites Registry*” was -was it intended to refer only to the Yukon Register of Historic Places or to Yukon Historic Sites Inventory listed structures? Council discussed the possibility of reviewing this section of the Zoning Bylaw to provide clarity.

Few privately owned structures are on the Yukon Register of Historic Places. The following 8 sites are listed on the Yukon Register of Historic Places:

1. Arctic Brotherhood Hall
2. Bank Of Commerce
3. Dawson City Telegraph Office
4. Harrington's Store
5. Minto Park
6. Moosehide Slide
7. P. Denhardt Cabin
8. Yukon Sawmill Company Office

For additional context, there is also a Canadian Register of Historic Places. The following 27 sites (within the municipal boundary) are listed on the Canadian Register of Historic Places:

- | | | |
|-------------------------------------|---------------------------------|--------------------------|
| 1. St. Andrew's Presbyterian Church | 2. Winaut's Store | 3. Courthouse |
| 4. Dawson City Telegraph Office | 5. Yukon Sawmill Company Office | 6. Mme. Tremblay's Store |
| 7. St. Andrew's Manse | 8. Dawson Daily News | 9. Robert Service Cabin |
| 10. Ruby's Place | 11. Harrington's Store | 12. Black Residence |

13. NWMP Married Quarters	14. 1North West Mounted Police Stables	15. Old Territorial Administration Building National Historic Site of Canada
16. North West Mounted Police Jail	17. Lowe's Mortuary	18. Yukon Hotel National Historic Site of Canada
19. BYN Ticket Office	20. Commissioner's Residence	21. Commanding Officer's Residence
22. Third Avenue Hotel, Building 14	23. KTM Building	24. Canadian Bank of Commerce National Historic Site of Canada
25. Post Office	26. Bank of British North America	27. Tr'ochëk National Historic Site of Canada

The following 6 sites have been designated as Municipal Historic Sites:


1. Harrington's Store
2. Paul Denhardt Cabin
3. Canadian Bank of Commerce
4. Minto Park
5. Arctic Brotherhood Hall
6. Moosehide Slide

In the recent 2021 annual housekeeping zoning amendment bylaw, s. 4.05 added 'Historic Structure' as a definition:

"HISTORIC STRUCTURE means, for the purposes of this bylaw, a structure that is listed in the Municipal Inventory of Historic Sites and constructed prior to the adoption of Zoning Bylaw #203. This includes structures that are designated as a Municipal Historic Site or listed in the Yukon Register of Historic Places, the Canadian Register of Historic Places, or the Yukon Historic Sites Inventory within the Historic Townsite, and constructed prior to the adoption of Zoning Bylaw #203."

Council may wish to consider that this definition considers a 'historic structure' to include a structure listed in the YHSI that was constructed prior to the adoption of the first zoning bylaw.

Given that there are so few structures listed on the Yukon Register of Historic Places, it has been Administrative practice to forward YHSI listed structures to the HAC and Council for recommendation and approval, respectively, given that there are many highly valued historic resources listed on YHSI and to ensure a public process is followed. Administration recommends the continuation of this practice.

APPROVAL		
NAME:	Cory Bellmore, CAO	SIGNATURE: 
DATE:	Sept 9, 2022	

Report to Council



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

☐ In Camera

AGENDA ITEM:	Demolition Application #22-110	
PREPARED BY:	Planning & Development	ATTACHMENTS: <ul style="list-style-type: none">- Demolition Application #22-110- Fire Chief's Building Inspection Report
DATE:	September 8, 2022	
RELEVANT BYLAWS / POLICY / LEGISLATION: Official Community Plan Zoning Bylaw Heritage Bylaw Heritage Management Plan Property Maintenance & Nuisance Abatement Bylaw #07-03 Fire Protection and Life Safety Bylaw #13-02		

RECOMMENDATION

That Committee of the Whole forward the recommendation to Council to waive the requirements under sections 4.1.1.3 and 4.1.1.4 of the Zoning Bylaw for a security deposit and redevelopment plan for Demolition Application #22-110.

ISSUE / PURPOSE

Administration has received demolition application #22-110 to demolish a YHSI-listed structure in the North End Phase I area. Administration is requesting direction from Council on whether section 4.1.1.3 and 4.1.1.4 of the Zoning Bylaw may be waived given this particular context.

BACKGROUND

The property owner submitted an application to demolish the structure currently on Lot 8, Block C Smith Addition due to the property being "unsafe and beyond repair". The intent is to develop the property with two small rental cabins once connections to water and sewer are established through the North End project. The key consideration in this case is that the re-development is dependent on the North End Phase I project bringing water and sewer to the property; as such, Administration does not believe it is reasonable to require the property owner to submit a redevelopment plan at this time or post a security deposit to ensure the intended redevelopment occurs. For this reason, it is requested that Council consider the waiving of sections 4.1.1.3 and 4.1.1.4 of the Zoning Bylaw for demolition application #22-110.

ANALYSIS / DISCUSSION

Planning Demolition Process

Section 4.1.1 of the Zoning Bylaw titled 'Demolitions' outlines the following requirements:

1. Demolition of a structure will only be permitted if the proposed demolition and/or replacement would improve the quality of the built environment.
2. All service connections must be removed before demolition begins.

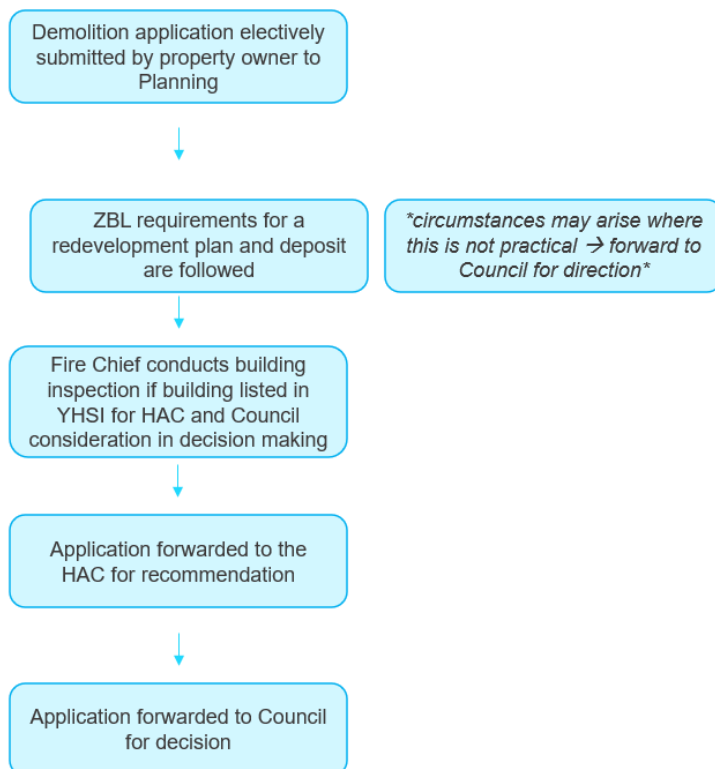
3. An acceptable security deposit of \$1.00 per square foot of the lot under consideration shall be posted by the developer upon issuance of a development permit for a demolition in order to ensure that the intended re-development proceeds.
4. Demolition must be accompanied by an approved redevelopment plan to the satisfaction of the development officer.
5. Demolition of a structure listed in the Yukon Government Historic Sites Registry shall occur only in extenuating circumstances, and must be approved by Council in consultation with the Heritage Advisory Committee and Yukon Government Historic Sites.

The Planning process for demolitions is as follows:

1. A demolition request is triggered by the submission of a demolition application.
2. The Zoning Bylaw requires both a redevelopment plan and receipt of a security deposit to ensure the intended redevelopment occurs.
3. The demolition application is forwarded to the HAC for review and decision on the proposed redevelopment and recommendation on the demolition to Council. This includes review by YG Historic Sites Unit.
4. Demolition of buildings listed in the YHSI are forwarded to Council for decision. S. 4.1.1.5 refers to buildings in the 'register' not the 'inventory'; however, it has been practice to take all YHSI demolitions to Council for decision for a more transparent process since there are many highly valued YHSI listed structures.

S. 4.1.1.5 "Demolition of a structure listed in the *Yukon Government Historic Sites Registry* shall occur only in extenuating circumstances, and must be approved by Council in consultation with the Heritage Advisory Committee and Yukon Government Historic Sites.

For clarity, this is the process that is being followed:



Demolition of YHSI-listed Structures


Discussion was held at the August 2, 2022 joint Council and HAC meeting regarding historic building demolitions. S. 4.1.1.5 of the Zoning Bylaw was discussed in reference to what the intent of the “*Yukon Government Historic Sites Registry*” was -was it intended to refer only to the Yukon Register of Historic Places or to Yukon Historic Sites Inventory listed structures? Council discussed the possibility of reviewing this section of the Zoning Bylaw to provide clarity.

In the recent 2021 annual housekeeping zoning amendment bylaw, s. 4.05 added ‘Historic Structure’ as a definition:

“HISTORIC STRUCTURE means, for the purposes of this bylaw, a structure that is listed in the Municipal Inventory of Historic Sites and constructed prior to the adoption of Zoning Bylaw #203. This includes structures that are designated as a Municipal Historic Site or listed in the Yukon Register of Historic Places, the Canadian Register of Historic Places, or the Yukon Historic Sites Inventory within the Historic Townsite, and constructed prior to the adoption of Zoning Bylaw #203.”

Council may wish to consider that this definition considers a ‘historic structure’ to include a structure listed in the YHSI that was constructed prior to the adoption of the first zoning bylaw.

Given that there are so few structures listed on the Yukon Register of Historic Places, it has been Administrative practice to forward YHSI listed structures to the HAC and Council for recommendation and approval, respectively, given that there are many highly valued historic resources listed on YHSI and to ensure a public process is followed. Administration recommends the continuation of this practice.

APPROVAL		
NAME:	Cory Bellmore, CAO	SIGNATURE: 
DATE:	Sept 9, 2022	



THE CITY OF DAWSON

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

OFFICE USE ONLY

APPLICATION FEE:	\$210 + GST
DATE PAID:	
RECEIPT #:	
PERMIT #:	22-110

DEMOLITION/MOVE PERMIT APPLICATION

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

PROPOSED DEVELOPMENT



Demolition



Building Move

CURRENT LOCATION:

CIVIC ADDRESS: _____ VALUE OF DEVELOPMENT: _____

LEGAL DESCRIPTION: LOT(S) 7 & 8 BLOCK C ESTATE Smith Addition PLAN# _____

MOVE TO (if applicable):

CIVIC ADDRESS: _____ VALUE OF DEVELOPMENT: _____

LEGAL DESCRIPTION: LOT(S) _____ BLOCK _____ ESTATE _____ PLAN# _____

Yukon Historic Sites Inventory ID (if applicable): _____

AGE OF STRUCTURE: Please provide the age of the structure you wish to demolish/move and attach supporting evidence.

Unknown. Neighbour says 1930's

RATIONALE:

Build is unsafe and beyond repair

PROPOSED RE-DEVELOPMENT: Please provide a description of your redevelopment plan, and attach a development permit application for the redevelopment, if applicable.

I intend to build 2 small rental units on the lots if the sewer and water development goes ahead



THE CITY OF DAWSON

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

OFFICE USE ONLY

PERMIT #:

APPLICANT INFORMATION

APPLICANT NAME(S): FRANK HAWKER
MAILING ADDRESS: Box 966 Dawson City POSTAL CODE: Y0B1G0
EMAIL: fkhawker@icloud.com PHONE #: 867 993 6920

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.

DECLARATION

- I/WE hereby make application for a Development Permit under the provisions of the City of Dawson Zoning Bylaw #2018-19 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.

7 Sept 2022

DATE SIGNED

FAH

SIGNATURE OF APPLICANT(S)

DATE SIGNED

SIGNATURE OF OWNER(S)



202 Judge Street Fire and Life Safety Hazard

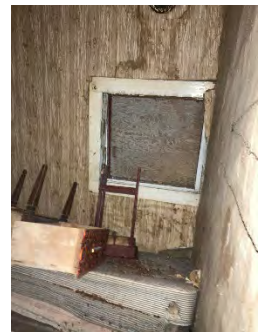
This is an exterior view of the existing building located at 202 Judge Street, note the roof line dipping in the middle. The dip in the middle of the roof line was caused by a structural collapse due to rotten floor joist (support) as is indicated in picture #1. The hole in the floor on the left side was where the wood burning stove was, it can now be seen below floor level on the dirt below the building. Mr. Hawker is standing on a spongy floor hunched below the sagging ceiling that is



Picture # 1



Picture #2



Picture # 3

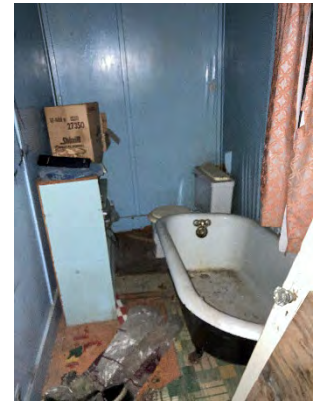
supported with a 6 X 8 through the hole in the middle of living room floor, without this support the roof would likely have already collapsed. In picture # 2 you can see the outside walls have sunken into the ground causing the floor to collapse at the outside walls and heave in the center of the room. This is also evident in the bedrooms picture # 3 the floor has dropped along the wall by the boarded window, and picture # 4 the bed has fallen through the floor by the wall



Picture # 4



Picture # 5



Picture # 6

and is resting on the dirt below the floor. The chest of drawers in picture # 4 is also falling through the rot holes by the door and the bed, and the leaking roof has caused the ceiling and wallpaper to fall apart. Picture # 6 is the bathroom that has dropped at the outside wall beside the toilet at the back of the room.



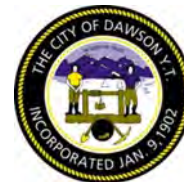
Picture # 7



Picture # 8

Picture # 5, of the backside of the structure that show how rotten the exterior wood has become, the board where the window opening is too rotten to hold nails. The board is leaning against the building. The gable end picture # 7 shows a rotted porch below a collapsing roof and logs are bulging as can be seen by looking at the door. Picture # 8 show how much the exterior walls have rooted and sunk into the ground. This building is rooted beyond the point of being able to secure it to prevent anyone from entering the structure and potentially falling through the floor. This structure should be fenced off until it can be demolished to prevent anyone from entering and injuring themselves. It is extremely unstable and is a safety and fire hazard to our community.

Report to Council



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

☐ In Camera

SUBJECT:	YG Land Development Branch Infill Project #1 ZBL Amendment		
PREPARED BY:	Planning & Development	ATTACHMENTS: 1. Bylaw #2022-10 (ZBL amendment no. 17) 2. Infill Project #1 Options 3. 2021 Mar 22 Letter from Tr'ondëk Hwëch'in re. Infill #1	
DATE:	August 26, 2022		
RELEVANT BYLAWS / POLICY / LEGISLATION: Municipal Act Official Community Plan Zoning Bylaw Land Development Protocol			

RECOMMENDATION

It is respectfully recommended that Committee of the Whole direct administration to pursue one of the four options provided and forward Bylaw #2022-10 being the Zoning Bylaw amendment no. 17 (Infill #1) to Second Reading.

ISSUE / BACKGROUND

Work done to date includes:

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

Council Direction

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

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

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

C21-11-12 Moved by Mayor Potoroka, seconded by Councillor Johnson that Council postpone to a Committee of the Whole meeting the discussion of:

1. Pursuing phased development of two unserviced lots on the west side of the road in the short-term and two unserviced lots on the east side of the road in a later phase for Infill Area 1.
2. Pursuing serviced development of ~22 lots at 0.3 to 1.0 acres in size for Infill 2.

Motion Carried 4-1

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

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

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

Carried 3-2

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

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

Carried 4-1

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

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

C21-16-08 Moved by Councillor Kendrick, seconded by Councillor Johnson that Council direct administration to:

1. Pursue phased development of one C2 and one R3 unserviced lots on the west side of the road in the short-term and two R3 unserviced lots on the east side of the road in a later phase for Infill Area 1.
2. Pursue serviced development of C2 and residential lots for Infill Area 2.

Motion Carried 4-1

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

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

Motion Carried 5-0

At Council meeting C22-07 on April 13, 2022, Council accepted the Klondike Development Organization Industrial and Commercial Land Needs Report as information and passed first reading of the OCP and Zoning Bylaw amendments associated with Infill #1 and #2 (which includes this Bylaw). A public hearing was held on May 18, 2022.

OCP amendment no. 8 Bylaw #2022-08 passed second reading on July 6, 2022 and is awaiting approval to proceed to third reading from the Minister. The adoption of OCP amendment no. 8 is required prior to third reading of this Bylaw.

ANALYSIS

Infill #1 OCP Land Use Designation & Zoning

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

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

An outstanding zoning issue regarding the proposed lot layout for infill #1 is that two of the lots are under-sized and therefore non-compliant to the Zoning Bylaw. Additionally, there are two non-conforming driveway accesses to Lot 1167 that pose constraints to this infill area. The Surveyor General Branch confirmed that the 2004 subdivision approval did not approve these two driveway accesses. There are no development permits issued by the City of Dawson on record that permitted the two additional access points. As such, Administration concludes that these two accesses were never approved by the City of Dawson.



Figure 1. Non-approved accesses

LDB has proposed four options to address the minimum lot size requirement:

1. Option #1:
 - Option 1 allows for Lot A and B to be combined into one large, compliant lot. This option requires that an easement is created from the proposed 18m roadway to connect Lot 1167, thus formalizing the existing access to noncompliant Lot 1167 or re-location of the current driveway
 - LDB advises against an easement going through a lot and therefore does not recommend this option.
2. Option #2:
 - The creation of two existing noncompliant, undersized lots.
 - Create the two undersized lots through a text amendment to the ZBL as a special modification, similar to the zoning amendment bylaw no. 6. A caution to this option is the precedent setting of permitting undersized lots.
 - Would maintain and formalize the existing accesses to noncompliant Lot 1167.
3. Option #3:
 - This option adds area to both Lots A and B but does not bring them into compliance with the minimum size requirement.
 - The driveway to Lot 1167 would have to be re-routed to the south to allow for the expansion of Lot A.
4. Option #4:
 - This option adds area to both Lots A and B to bring them into compliance with the minimum size requirement. Lot A= 1.03 acres; Lot B= 1.08 acres.
 - The driveway to Lot 1167 would have to be re-routed significantly in this option to the south to allow for the expansion of Lot A. This would require working with the property owner of Lot 1167 to relocate the driveway and register an access easement.

- Additional feasibility work would be required. This would include geotechnical assessment, a phase 1 environmental assessment, and a heritage overview assessment. LDB conducted these for the existing project boundary, but if the project area is expanded, these studies would be required for the additional area.

Bylaw map amendment to be amended as per Council direction.

Settlement Parcel C-75FS

Council had previously requested information on communications with Tr'ondëk Hwëch'in regarding this infill development project. In response to YG LDB, two letters from Tr'ondëk Hwëch'in were received regarding Infill Development Area #1 (attached). It is understood that the OCP and Zoning amendments adequately addresses the incompatibility issue raised in the letter as Council has decided to zone the new lot adjacent to SL parcel C-75FS as Country Residential as opposed to Industrial, which was the initial direction. The Infill #1 and #2 bylaws were sent to Tr'ondëk Hwëch'in in July confirming this understanding.

Options

1. Council may pass Second Reading of Bylaw #2022-10 being the Zoning Bylaw amendment no. 17.
2. Council may not pass Second Reading of Bylaw #2022-10 being the Zoning Bylaw amendment no. 17 and forward to Committee of the Whole for discussion.

APPROVAL

NAME:	Cory Bellmore, CAO	SIGNATURE: 
DATE:	September 9, 2022	



Option 1 allows for Lot A and B to be combined. This option requires that an easement is created from the proposed 18m roadway to connect Lot 1167 (144 Rabbit Creek Rd).



0 15 30 60 Meters

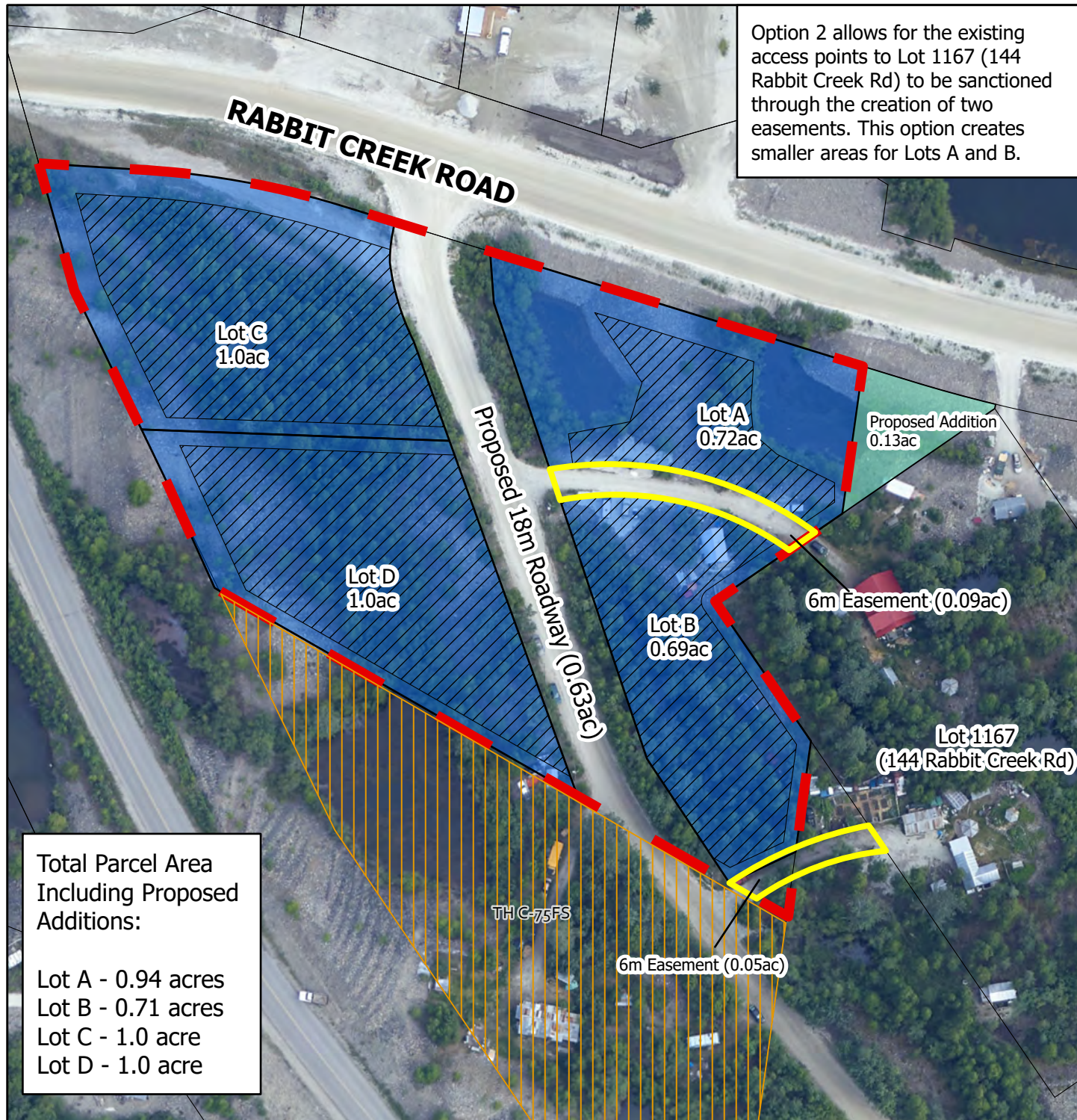
- Structural Development Pocket
- Easement
- Plan Boundary
- Proposed Addition
- Proposed Lot Boundaries
- Land Parcels Polygon - Surveyed
- First Nation Settlement Lands - Unsurveyed

Yukon

Data credits: Government of Yukon
 Imagery source: Maxar, 2021-07-21
 Drawn by: Land Development Branch
 Date: 7/4/2022



Projection, NAD 1983 Yukon Albers



OPTION 2: Two Lots; Two Driveways.



0 15 30 60 Meters

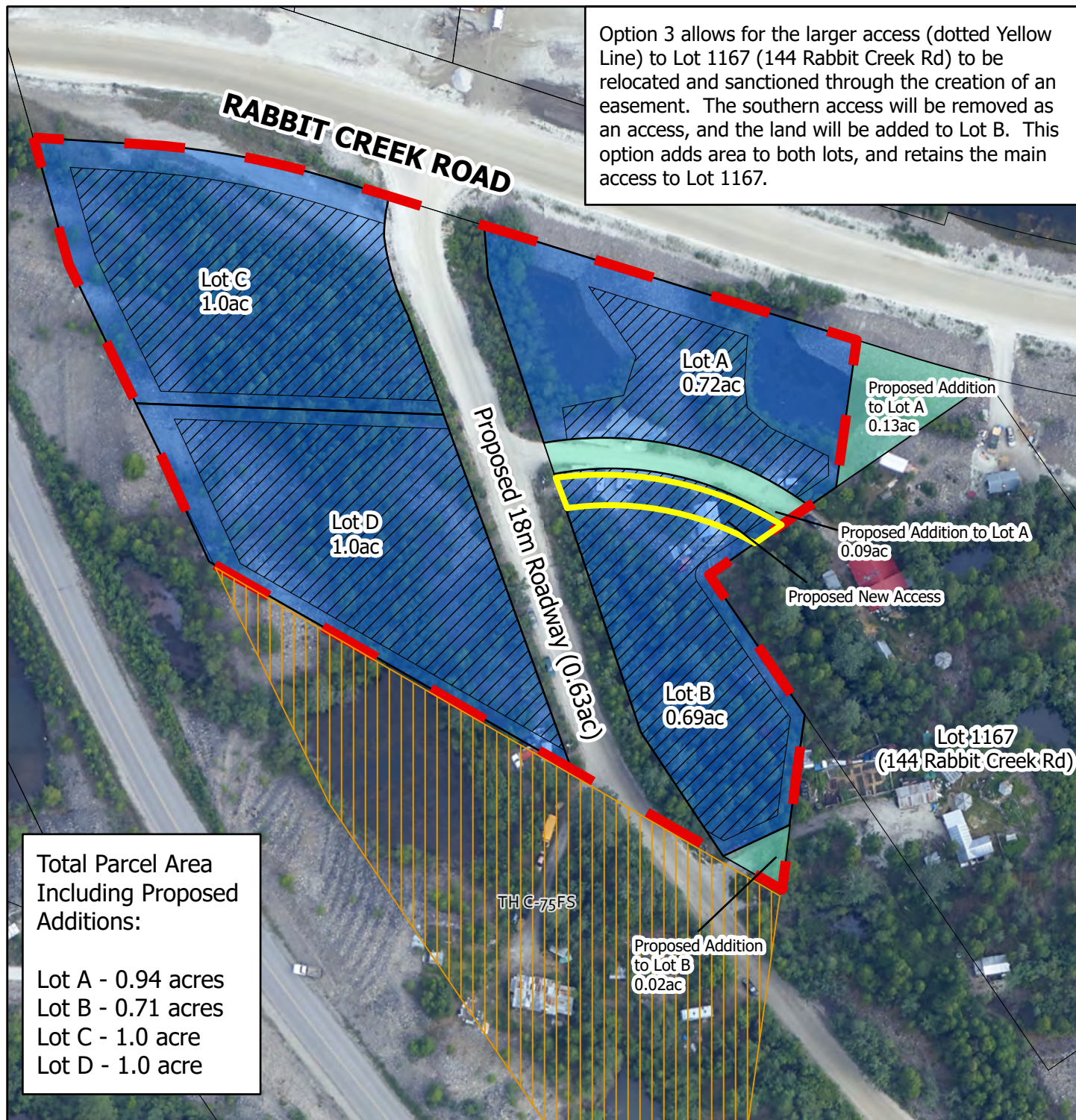
- Structural Development Pocket
- Easement
- Plan Boundary
- Proposed Addition
- Proposed Lot Boundaries
- Land Parcels Polygon - Surveyed
- First Nation Settlement Lands - Unsurveyed



Yukon

Data credits: Government of Yukon
 Imagery source: Maxar, 2021-07-21
 Drawn by: Land Development Branch
 Date: 7/5/2022

Projection, NAD 1983 Yukon Albers



Option 3 allows for the larger access (dotted Yellow Line) to Lot 1167 (144 Rabbit Creek Rd) to be relocated and sanctioned through the creation of an easement. The southern access will be removed as an access, and the land will be added to Lot B. This option adds area to both lots, and retains the main access to Lot 1167.



0 15 30 60 Meters

- Structural Development Pocket
- Easement
- Plan Boundary
- Proposed Addition
- Proposed Lot Boundaries
- Land Parcels Polygon - Surveyed
- First Nation Settlement Lands - Unsurveyed



Yukon

Data credits: Government of Yukon
Imagery source: Maxar, 2021-07-21
Drawn by: Land Development Branch
Date: 7/5/2022

Projection, NAD 1983 Yukon Albers



THE CITY OF DAWSON

Zoning Bylaw Amendment No. 17 Bylaw

Bylaw No. 2022-10

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

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

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

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

PART I - INTERPRETATION

1.00 Short Title

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

2.00 Purpose

2.01 The purpose of this bylaw is to provide for

- (a) An amendment to Infill #1 Lots A, B, and D from M1: Industrial to R3: Country Residential and Lot C from M1: Industrial to C2: Commercial Mixed Use.



THE CITY OF DAWSON

Zoning Bylaw Amendment No. 17 Bylaw

Bylaw No. 2022-10

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THE CITY OF DAWSON

Zoning Bylaw Amendment No. 17 Bylaw

Bylaw No. 2022-10

3.00 Definitions

3.01 In this Bylaw:

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

PART II – APPLICATION

4.00 Amendment

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



THE CITY OF DAWSON

Zoning Bylaw Amendment No. 17 Bylaw

Bylaw No. 2022-10

PART III – FORCE AND EFFECT

5.00 Severability

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

6.00 Enactment

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

7.00 Bylaw Readings

Readings	Date of Reading
FIRST	April 13, 2022
PUBLIC HEARING	May 18, 2022
SECOND	
THIRD and FINAL	

William Kendrick, Mayor
Presiding Officer

Cory Bellmore, CAO
Chief Administrative Officer



THE CITY OF DAWSON

Zoning Bylaw Amendment No. 17 Bylaw

Bylaw No. 2022-10

PART IV – APPENDIX A

Figure 1. Location Map

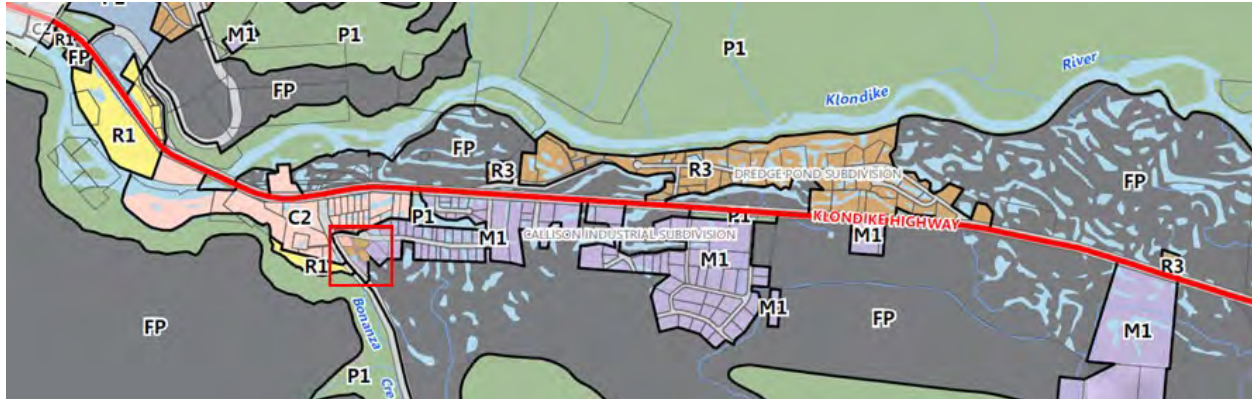


Figure 2. Amended area



Zones

- R1:** Single-detached/duplex residential
- R2:** Multi-unit residential
- R3:** Country residential
- C2:** Commercial Mixed Use
- M1:** Industrial
- A1:** Agriculture
- P1:** Parks and natural space
- P2:** Institutional
- FP:** Future Planning



Ben Campbell
Senior Project Manager
Land Development Branch

Dear Ben Campbell,

Re: Planning and Land Development Work – Proposed Lot 1218, Quad 116 B/3, Dawson City

Tr'ondëk Hwëch'in (TH) has reviewed the September 10, 2020, letter regarding consultation about potential incompatibility issues between Settlement Land Parcel C-75FS and proposed infill lot 1218.

As described in your letter, *Tr'ondëk Hwëch'in Self-Government Agreement* provisions regarding Compatible Land Use apply to SL parcel C-75FS. Section 25.1.2 states that, "where a proposed land use of Non-Settlement Land may have significant impact on the use of adjacent Settlement Land, the Yukon or the affected municipality, as the case may be, shall Consult with the Tr'ondëk Hwëch'in for the purpose of resolving an actual or potential incompatibility in land use of the Non-Settlement Land and adjacent Settlement Land." C-75FS is currently used for residential purposes, despite being zoned M1 "Industrial." In our opinion, there is a potential for incompatibility between the residential use on C-75FS and the proposed infill industrial lots.

This incompatibility would be best resolved by rezoning C-75FS and the proposed infill lots to C2 "Commercial Mixed Use". The C2 zone allows for a range of commercial activities as well as residential uses. The C2 zoning would better reflect the existing uses in the area and would align with the zoning of lots directly to the north and west of the project area. The difference between the C2 and M1 zoning is not vast, but M1 does permit additional noxious uses such as "bulk fuel facility [...] heavy equipment storage [...] junkyard [and] processing of raw materials," which could create land use conflicts and impair the peaceful use and enjoyment of C-75FS.

TH understands that there is significant demand for commercial and industrial land within the City of Dawson. We hope that infill lots with the C2 zoning will satisfy that demand while also minimizing potential land use conflicts with C-75FS.

A TH Citizen owns the house located on C-75FS - TH staff have attempted several times to contact him during this consultation period, but have not been able to document any concerns which he may have regarding these proposed lots. TH understands that this project will require a YESAB assessment and will provide any feedback from the TH Citizen either through the assessment process or as a follow-up to this letter.

Please contact me at (867) 993-7100 ext. 146 if you have any questions or concerns, or if you require additional information.

Sincerely,

A handwritten signature in black ink, appearing to be 'DT' followed by a stylized flourish.

Darren Taylor
Director of Natural Resources
Tr'ondek Hwech'in



March 22, 2021

Ben Campbell
Senior Project Manager
Land Development Branch

Dear Ben Campbell,

Re: Planning and Land Development Work – Proposed Lot 1218, Quad 116 B/3, Dawson City

Thank you for providing the *Draft Development Suitability Review* for the proposed "Industrial Infill 1" site at our meeting on 23 February 2021. Upon further review of the proposed lot layout, TH is interested in suggesting additional design elements to mitigate possible incompatibilities between C-75 and the proposed commercial/industrial lots.

TH finds that the most impactful uses permitted within the C2 zone (including service station, manufacturing, vehicle sales, and contractor services) may be incompatible with the adjacent residential use of C-75. Although C-75 is presently zoned "Industrial," we view this as an administrative oversight as the use of this parcel has always been residential. However, the Compatible Land Use provisions of the TH SGA refer to the **use** of the land, not to the zoning of the land.

We would like to note that Section 8.1 of the City of Dawson OCP creates the following long-term goal: "Conflicts between industrial uses and other uses are avoided or minimized." This communicates to TH that the City of Dawson is sensitive to compatibility issues between industrial and other uses and has committed to mitigating those issues.

The size of the planning area does not accommodate four lots at the minimum parcel size for Industrial (1 ac) or Mixed-Use Commercial (1 ac) zoning. It would, however, accommodate the minimum lot size for the R1 zoning (2,500 ft²). TH understands that the City of Dawson and the Yukon Government are presently considering a variance application which would allow for the creation of commercial or industrial lots at less than the minimum required size.

TH proposes two possible design features which would help to mitigate potential future land conflicts in the planning area:

- Re-zone the area from Industrial to Residential. This would enable YG to create lots that fit within the minimum parcel size and which fit in with the surrounding residential uses;
or

- Provide a 10m buffer strip of undeveloped crown land between the north end of SL parcel C-75 and southern boundary of "Lot D" thereby reducing the size of "Lot D" in the current conceptual plan from 1 acre to 0.9 acres. This reduced size is larger than lots A and B, for which the City of Dawson and Yukon Government are currently considering providing a variance to accommodate the development of lots smaller than the current minimum parcel size.

Additionally, we understand that YG and COD are considering numerous alternate sites which may be sufficient to satisfy the demand for commercial and industrial lots. If you are able to provide an indication of the level of demand for commercial and industrial lots as well as other areas currently being considered to satisfy that demand, that information would help us justify to our membership that this project is necessary.

Sincerely,

A handwritten signature in black ink, appearing to read 'DT', with a stylized, flowing script.

Darren Taylor
Director of Natural Resources
Tr'ondek Hwech'in
869-993-7100 ext. 145

Report to Council



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

☐ In Camera

AGENDA ITEM:	Zoning Bylaw Amendment No. 19 (Bylaw #2022-15) -Provision of Direct Control Districts, Designation of Klondike East Bench Direct Control District & Text Amendments	
PREPARED BY:	Planning & Development	ATTACHMENTS: <ul style="list-style-type: none">- Bylaw #2022-15- YG EMR East Bench Permitted Mining Area Map 2022- Moose Mountain Ski Trails map 2019- Placer Land Use Approval 17-086- Water Licence 17-086
DATE:	September 6, 2022	
RELEVANT BYLAWS / POLICY / LEGISLATION: Municipal Act Official Community Plan Zoning Bylaw		

RECOMMENDATION

That committee accept this report as information, accept the amendments to Zoning Bylaw Amendment No. 19 (Bylaw #2022-15) and forward to council for 3rd reading once the following conditions are met:

1. Signing of a statutory declaration
2. Dismissal of the judicial review on a without costs basis

ISSUE / PURPOSE

The City is working to balance land planning and mineral extraction land use needs through the creation of a time limited Direct Control District (DCD) for the Klondike East Bench area that will enable mineral extraction activity in the medium term, with the longer term goal of land development. To facilitate this goal, DCD is being established. Additionally, it has been advised that the City require the two aforementioned conditions prior to adoption of this bylaw.

This Zoning Bylaw (ZBL) amendment inserts a general section on DCDs in the Zoning Bylaw and establishes the Klondike East Bench Direct Control District. This is enabled by the recently passed Official Community Plan Amendment No. 6 (Bylaw #2022-05) (passed July 6, 2022) that provides for the use of DCDs in the OCP and ZBL generally, as well as designates the Klondike East Bench DCD in the OCP.

The purpose of DCDs generally, is to enable Council to directly regulate areas where “development may require a more specific, sensitive, and flexible means of land use and development control, including, but not limited to, time limited uses.” The purpose of the designation of the Klondike East Bench DCD “is for Council to directly control land use and development within the designated area to enable time limited mineral extraction activity until June 5, 2024, or until June 5, 2034 provided there is an active placer land use approval and water license in effect for the mineral claims contained within the Klondike East Bench Direct Control District.”

This ZBL amendment also adds ‘reclamation’, ‘remediation’ and ‘land development preparation’ definitions to the ZBL and permits these uses in all zones. The broad goal of this is in line with achieving sustainable development goals and addressing current permitting conflicts.

Council Resolutions

First reading of this Bylaw was passed on August 3, 2022:

C22-17-13 Moved By: Mayor Kendrick

Seconded By: Councillor Somerville

That Council give Bylaw 2022-15, being Zoning Bylaw Amendment No. 19, first reading and place the following conditions on third Reading:

1. Signing of a statutory declaration
2. Dismissal of the judicial review on a without costs basis.

CARRIED 4-0

A public hearing was held and second reading passed as per the following resolutions on August 31, 2022:

Public Hearing: Zoning Bylaw Amendment No. 19 (2022-15) – Klondike East Bench

The Chair read out loud a letter from Daniel Coles, lawyer for Darrell Carey.

The Chair called for submissions.

The Chair called for submissions a second time.

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

C22-19-13 Moved By: Councillor Somerville

Seconded By: Mayor Kendrick

That Council give Second Reading to Bylaw 2022-15 being Zoning Bylaw Amendment No. 19 and require the following conditions to be met prior to third reading:

1. Signing of a statutory declaration
2. Dismissal of the judicial review on a without costs basis.

CARRIED 5-0

C22-19-14 Moved By: Mayor Kendrick

Seconded By: Councillor Somerville

That Council forward Bylaw 2022-15, being Zoning Bylaw Amendment No. 19, to Committee of the Whole prior to third reading.

CARRIED 5-0

As per resolution C22-19-14, this Bylaw is being presented to Committee of the Whole for review of the amended clauses, prior to third reading. The following issues were discussed by Council on August 31, 2022 and requested that the bylaw be amended prior to third reading to address the following two issues:

1. **Quarrying activity:** Council requested that the Bylaw include an explicit clause that prevents any quarrying activity from occurring. Specifically, Council wants to ensure that no fill material will leave the East Bench site. This includes transferring material from the East Bench to the Lower Klondike Bench.
 - S. 4.8.1 states: “Granular material excavated from any mining operations site may be relocated from one area of the site to another, but no material may be removed from the site, other than for a permitted Natural Resource Extraction use.”
 - As per Council request, the following clause has been added to this Bylaw:
s. 4.8.2 “No quarrying activity is permitted, as an otherwise permitted Natural Resource Extraction use.”
2. **Time limit:** Here is an excerpt from the letter from Daniel Coles, lawyer for Darrell Carey, which was read during the public hearing on August 31, 2022:

“Section 4.06 of the Bylaw places a “time limited” restriction on mineral extraction uses until June 5, 2024. That gives Darrell essentially one season (summer of 2023) – which from his point of view is of little or no economic value (set up and take down costs being significant). I gather this date is tied to the expiry of his existing Water Licence/Land Use Permit. Darrel has already applied for a new 10 year licence/permit.”

Council considered this request and directed Administration to draft an amendment to Section 4.06 of the Bylaw to provide the requested flexibility and certainty for mining activity to occur over the next ten years, but with a clear time limit.

As such, the following clauses have been added/amended in this Bylaw prior to third reading:

- s. 4.6: “4.06 Council designates the Direct Control District titled “Klondike East Bench” under subsection 15.3.1 as follows:

“The purpose of the Klondike East Bench Direct Control District is for Council to directly control land use and development within the designated area to enable time limited mineral extraction activity until June 5, 2024, **or until June 5, 2034 provided there is an active placer land use approval and water license in effect for the mineral claims contained within the Klondike East Bench Direct Control District.** For greater certainty, the allowable mineral extraction uses in the Klondike East Bench Direct Control District will expire on June 5, 2024, **or, provided there is at all times an active placer land use approval and water license in effect for the mineral claims contained within the Klondike East Bench Direct Control District, the Klondike East Bench Direct Control District will expire on June 5, 2034.**”
- s. 4.9: “The zoning maps attached to and forming part of Zoning Bylaw 2018-19 are hereby amended by changing the zoning of a portion of the Amended Area from Future Planning to Klondike East Bench Direct Control District, as shown in Appendix 1, until June 5, 2024, **or, provided there is at all times an active placer land use approval and water license in effect for the mineral claims contained within the Klondike East Bench Direct Control District, the Klondike East Bench Direct Control District will expire on June 5, 2034.**”
- s. 4.10: “The zoning maps attached to and forming part of Zoning Bylaw 2018-19 are hereby amended by changing the zoning of a portion of the Amended Area from Parks and Greenspace to Klondike East Bench Direct Control District, as shown in Appendix 1, until June 5, 2024 **or, provided there is at all times an active placer land use approval and water license in effect for the mineral claims contained within the Klondike East Bench Direct Control District, the Klondike East Bench Direct Control District will expire on June 5, 2034.**”

ANALYSIS

Administration had explored the feasibility of different options to implement the Council direction (below); direct control districts were identified as the most viable and appropriate tool.

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

Direct Control Districts

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

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

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

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

East Bench Direct Control District

Council may wish to add or alter the regulations for this DCD outlined in the draft bylaw. Things Council may wish to consider:

- The hours of operation have been set in alignment with the Placer Land Use Approval, but Council may wish to consider imposing further limitation. Based on measurements taken on GeoYukon, the distance from the mine site to the Dome Road properties to the north of the mining site is ~400m, and ~460m to the anticipated Infill #2 residential development area.
- The requirement of a natural treed buffer maintained between land uses and roads could be included for the purpose of mitigating noise, visual, and dust impacts.

The red on the map shows the area encompassed by the DCD. The blue reflects the outline of the claims for context. The DCD area is smaller than the claims as it removes the ski trails area, the M1 zoned parcel used for the KDO solar project, a portion of Settlement Parcel THC-13B, the Dome Road, and the Klondike River. The DCD is not as limited as the attached map provided by YG Energy, Mines & Resources because that map only shows the area where mining work is permitted, but not exploration work. The DCD encompasses both mining and exploration.

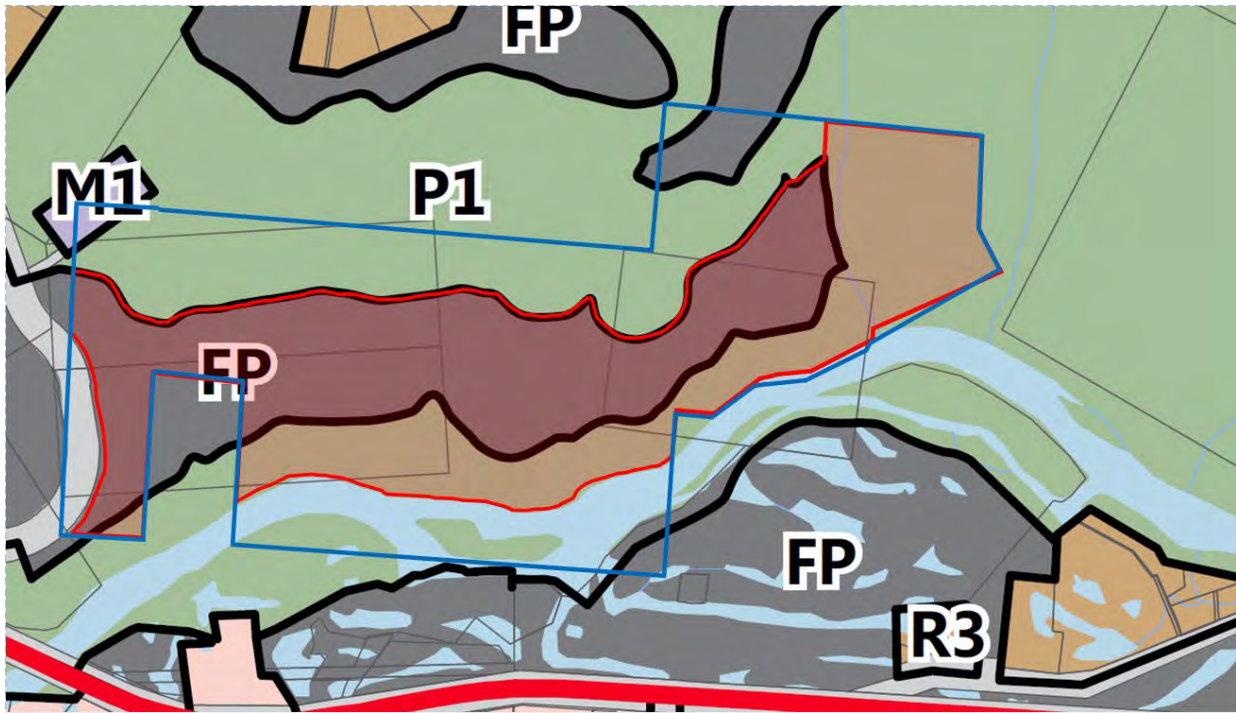


Figure 1. East Bench Direct Control District Area

Reclamation, Remediation & Land Development Preparation *(separate from, but related to DCDs)*

A currently unresolved issue is the conflict between the goal of the YG Department of Energy, Mines and Resources of implementing reclamation work and the fact that the City cannot issue a development permit to enable this work to occur on unpermitted and nonconforming natural resource development operations. Reclamation of mining sites is considered to be of general benefit to the community. As such, Administration is proposing the separation of reclamation activity from the ‘natural resource development’ definition to enable the permitting of reclamation work without zoning natural resource extraction activity into compliance.

Options

- 1) Reclamation, remediation & land development preparation permitted in all zones *(proposed)*

PRO	CON
<ul style="list-style-type: none"> • Meets the goal of encouraging both mining reclamation and environmental remediation without creating unnecessary barriers. • Effort toward sustainable development/land use. • Aligns with numerous OCP goals (see below). • There is precedent in the Whitehorse ZBL that suggests that it’s reasonable to permit environmental remediation in all zones. • Equitable for applicants wishing to pursue reclamation work across all zones, regardless of natural resource development compliance. Does not enable claims in one zone vs. another. 	<ul style="list-style-type: none"> • Risk associated with establishing a legal-nonconforming status beyond reclamation, into natural resource development. • We may not understand the scale, size, and impacts of all remediation projects (could be more intrusive than foreseen). • Possible impacts on neighboring properties.

- 2) Reclamation as discretionary use; remediation & land studies permitted in all zones

PRO	CON
<ul style="list-style-type: none"> Enables a case-by-case review of proposed reclamation by Council, enabling a better understanding of scale and impacts of each proposal and more nimble regulation. 	<ul style="list-style-type: none"> Risk associated with establishing a legal-nonconforming status beyond reclamation, into natural resource development. Can be time consuming. Can create a grey area and less transparency in decision making. Eg. Uncertainty for claim holders and YG on whether reclamation will be permitted. In regard to fair and equitable decision making, it could go against s. 3.1 of OCP. Generally, Administration is hesitant to implement discretionary uses for the above two reasons. Could disincentivize remediation work – which goes against the intent of s.10 of OCP (Environmental Stewardship: “Addressing local environmental impacts is essential to Dawson’s overall sustainability”).

The following definitions have been added to this bylaw amendment:

“LAND DEVELOPMENT PREPARATION” means activity related to the preparation of land to facilitate future development in line with the Official Community Plan, including grading, clearing and/or environmental, geotechnical, hydrological, heritage, or similar assessments and work that is conducted by a certified professional.

“RECLAMATION” means the process of reconvertng disturbed land, **whether or not the disturbance of such land was done lawfully or unlawfully**, to its former state or other productive state and/or use in line with the Official Community Plan, **including but not limited to natural resource development**.

- Note that the changes in red have been added since first reading, upon recommendation.

“REMEDIATION” means the treatment of material to lower the concentration of contaminants to levels below those specified in the Yukon Environment Act and Yukon Contaminated Sites Regulations, as amended from time to time.

Add the following to s. 8 ‘Specific Use Regulations’:

s. 8.11 ‘Reclamation, Remediation and Land Development Preparation’

.1 Reclamation of former natural resource development sites, land development preparation, and remediation of land containing contaminated material is permitted in all zones.

.2 Upon abandonment or termination of resource extraction operations, the remaining redevelopment and reclamation of the site shall begin immediately and be carried out in cooperation with the appropriate authorities. These areas shall be reclaimed to as natural a state as possible through slope grading, landscaping, and reforestation, or reclaimed to another productive state and/or use in line with the Official Community Plan. Prior to reclamation, the reclamation plan may be revisited to determine if an alternate use is feasible.

.3 All reclamation activity must have a valid Placer Land Use Approval and Water License.

.4 All reclamation, remediation and land development preparation activity must have a valid development permit.

This s. 8.11 has been developed in line with existing section 8.7 ‘Public Utilities’.

Considerations:

- There is no guarantee that reclamation equates the end of natural resource development activity on a set of claims. After reclamation, the claims don't expire. It is merely the culmination of a particular project/license. As such, it is important to ensure that permitting reclamation work does not set these claims up for legal nonconforming status.
- Enacting a DCD for a scenario like this is burdensome both for the applicant/YG and the City. It may not be sensible to enact a DCD in an area zoned FP when there aren't any future plans in the area and the reclamation work is only to occur over a short period of time. Question for consideration= do we want to pursue creating DCDs for all these possible reclamation scenarios (multi month processes for each scenario).
- The decision/direction is precedent setting. Similar scenarios could arise at any time.

Justification for permitting reclamation and remediation as a use in all zones:

- There is a desire to create mechanisms whereby sustainable development is enabled and encouraged. Fundamentally, remediation is an effort toward sustainable development – reversing the damage/negative impacts of natural resource extraction. The OCP provides support for this.

Relevant OCP clauses:


- S. 3.5 Promote Environmental Stewardship: “Protect and respect the natural environment • Support a healthy ecosystem and biodiversity • Mitigate environmental hazards” – remediation attempts to ‘undo’ negative impacts of natural resource extraction where possible, to bring the land back from its healthy state by removing contaminants, etc.
- S. 8.0 Economic Development: “• New economic sectors have an opportunity to succeed.” – setting future land use up for success so that land is not only available (or accessible) to mining operations. Rather remediation can make land available for alternative uses.
- S. 10.0 Environmental Stewardship: “Addressing local environmental impacts is essential to Dawson’s overall sustainability.” – creating mechanisms to do so aligns with the intent of the OCP.

OPTIONS

Council may:

2. Accept this report as information and forward Zoning Bylaw Amendment No. 19 (Bylaw #2022-15) for third reading once the following conditions are met:
 1. Signing of a statutory declaration
 2. Dismissal of the judicial review on a without costs basis; or,
3. Refer to Committee of the Whole for further discussion.

APPROVAL

NAME:	Cory Bellmore, CAO	SIGNATURE: 
DATE:	Sept 9, 2022	



THE CITY OF DAWSON

Zoning Bylaw Amendment No. 19 Bylaw

Bylaw No. 2022-15

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

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

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

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

PART I - INTERPRETATION

1.00 Short Title

This bylaw may be cited as the ***Zoning Bylaw Amendment No. 2022-15.***

2.00 Purpose

2.01 The purpose of this bylaw is to provide for:

- (a) The provision of Direct Control Districts.
- (b) The designation of the Klondike East Bench Direct Control District.
- (c) A series of text amendments.



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3.00 Definitions

3.01 In this Bylaw:

- (a) Unless expressly provided for elsewhere within this bylaw the provisions of the *Interpretation Act*, RSY 2002, c. 125, shall apply;
- (b) “City” means the City of Dawson; and
- (c) “Council” means the Council of the City of Dawson.

PART II – APPLICATION

4.00 Amendment

- 4.01 Insert the following definition to S.2.2: “LAND DEVELOPMENT PREPARATION means activity related to the preparation of land to facilitate future development in line with the Official Community Plan, including grading, clearing and/or environmental, geotechnical, hydrological, heritage, or similar assessments and work that is conducted by a certified professional.”
- 4.02 Insert the following definition to S.2.2: “RECLAMATION means the process of reconverting disturbed land, whether or not the disturbance of such land was done lawfully or unlawfully, to its former state or other productive state and/or use in line with the Official Community Plan, including but not limited to natural resource development.”
- 4.03 Insert the following definition to S.2.2: “REMEDIATION means the treatment of material to lower the concentration of contaminants to levels below those specified in the Yukon Environment Act and Yukon Contaminated Sites Regulations, as amended from time to time.”
- 4.04 Insert subsection 8.11 titled “Reclamation, Remediation and Land Development Preparation” as follows:



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1. "Reclamation of former natural resource development sites, land development preparation, and remediation of land containing contaminated material is permitted in all zones.
 2. Upon abandonment or termination of resource extraction operations, the remaining redevelopment and reclamation of the site shall begin immediately and be carried out in cooperation with the appropriate authorities. These areas shall be reclaimed to as natural a state as possible through slope grading, landscaping, and reforestation, or reclaimed to another productive state and/or use in line with the Official Community Plan. Prior to reclamation, the reclamation plan may be revisited to determine if an alternate use is feasible.
 3. All reclamation activity must have a valid Placer Land Use Approval and Water License.
 4. All reclamation, remediation and land development preparation activity must have a valid development permit."
- 4.05 Insert a new subsection 15.3 "DCD (Direct Control Districts)". The new subsection 15.3 shall read as follows:

"A direct control district is an area where, in the opinion of Council, development may require a more specific, sensitive, and flexible means of land use and development control, including, but not limited to, time limited uses.

Council shall decide on development permit applications in direct control districts.

Direct control districts shall be regulated as per section 291 of the Municipal Act. For greater certainty, for designated time limited direct control districts, upon expiry of the time limited direct control district, no legal non-conforming uses are thereby created under section 301 of the Municipal Act or otherwise."

- 4.06 Council designates the Direct Control District titled "Klondike East Bench" under subsection 15.3.1 as follows:

"The purpose of the Klondike East Bench Direct Control District is for Council to directly control land use and development within the designated area to enable time limited mineral extraction activity until June 5, 2024, or until June 5, 2034 provided there is an active placer land use approval and water license in effect for the mineral claims



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contained within the Klondike East Bench Direct Control District. For greater certainty, the allowable mineral extraction uses in the Klondike East Bench Direct Control District will expire on June 5, 2024, or, provided there is at all times an active placer land use approval and water license in effect for the mineral claims contained within the Klondike East Bench Direct Control District, the Klondike East Bench Direct Control District will expire on June 5, 2034.

1. The area of the Klondike East Bench Direct Control District is depicted by the map amendment in section 8 of this bylaw (the “Amended Area”). This specifically includes the Grant Numbers listed in Table 1 of this bylaw”.

4.07 Insert subsection 15.3.1 titled “Permitted Uses” as follows:

“The following use(s) are permitted in the Klondike East Bench Direct Control District:

1. Land development preparation
2. Natural resource development
3. Reclamation
4. Remediation”

4.08 Insert subsection 15.3.2 titled District-Specific “Regulations” as follows:

1. “Granular material excavated from any mining operations site may be relocated from one area of the site to another, but no material may be removed from the site, other than for a permitted Natural Resource Extraction use.
2. No quarrying activity is permitted, as an otherwise permitted Natural Resource Extraction use.
3. Mining operations must at all times be in compliance with the Property Maintenance & Nuisance Abatement Bylaw #07-03.
4. Hours of operation for mining operations sites shall be limited to 7:00 a.m to 7:00 p.m
5. Vehicles that may rut, mark, or otherwise damage a road may not be operated on a City road right-of-way. Any violations will be subject to the terms, conditions and penalties set out under the Traffic By-Law #00-21.
6. A person operating a mining operations site shall post adequate notices on the boundaries of the active mining area notifying the public that they are entering an active mine site. The notices posted must be visible and legible to the public at all times.
7. A person operating a mining operations site must report any suspected naturally occurring asbestos immediately to both the City and to the Medical Officer of Health with Yukon Government, Health and Social Services.



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8. A person operating a mining operations site shall contact the City immediately in the event of a reportable petroleum hydrocarbon spill.
 9. The Operator must not mine, access or in any way disturb the trails referred to as the Moose Mountain Cross Country Ski trails. A 30 m buffer must be maintained for all trails, in which no mining activity of any kind shall take place.
 10. No activity shall take place within 100 m of curtilage of an existing residence (defined as the developed areas of a property) unless the person operating a mining operations site provides the City with written approval from all affected residents to operate within that buffer zone.
 11. The only septic system allowed for a mining operation is a septic holding tank which is to be operated in accordance with the Public Health and Safety Act, RSY 2002, c. 176.
 12. In addition to the above-listed conditions, all mining operations must comply with all applicable municipal bylaws and policies, and non-compliance will be subject to any applicable enforcement and penalties as set out in the applicable bylaws and policies.”
- 4.09 The zoning maps attached to and forming part of Zoning Bylaw 2018-19 are hereby amended by changing the zoning of a portion of the Amended Area from Future Planning to Klondike East Bench Direct Control District, as shown in Appendix 1, until June 5, 2024, **or, provided there is at all times an active placer land use approval and water license in effect for the mineral claims contained within the Klondike East Bench Direct Control District, the Klondike East Bench Direct Control District will expire on June 5, 2034.**
- 4.10 The zoning maps attached to and forming part of Zoning Bylaw 2018-19 are hereby amended by changing the zoning of a portion of the Amended Area from Parks and Greenspace to Klondike East Bench Direct Control District, as shown in Appendix 1, until June 5, 2024, **or, provided there is at all times an active placer land use approval and water license in effect for the mineral claims contained within the Klondike East Bench Direct Control District, the Klondike East Bench Direct Control District will expire on June 5, 2034.**

PART III – FORCE AND EFFECT

5.00 Severability

- 5.01 If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion



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shall be severed and the part that is invalid shall not affect the validity of the remainder unless the court makes an order to the contrary.

6.00 Enactment

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

7.00 Bylaw Readings

Readings	Date of Reading
FIRST	August 3, 2022
PUBLIC HEARING	August 31, 2022
SECOND	August 31, 2022
THIRD and FINAL	

William Kendrick, Mayor

Presiding Officer

Cory Bellmore, CAO

Chief Administrative Officer



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8.00 Appendices

Appendix 1. Amended Area

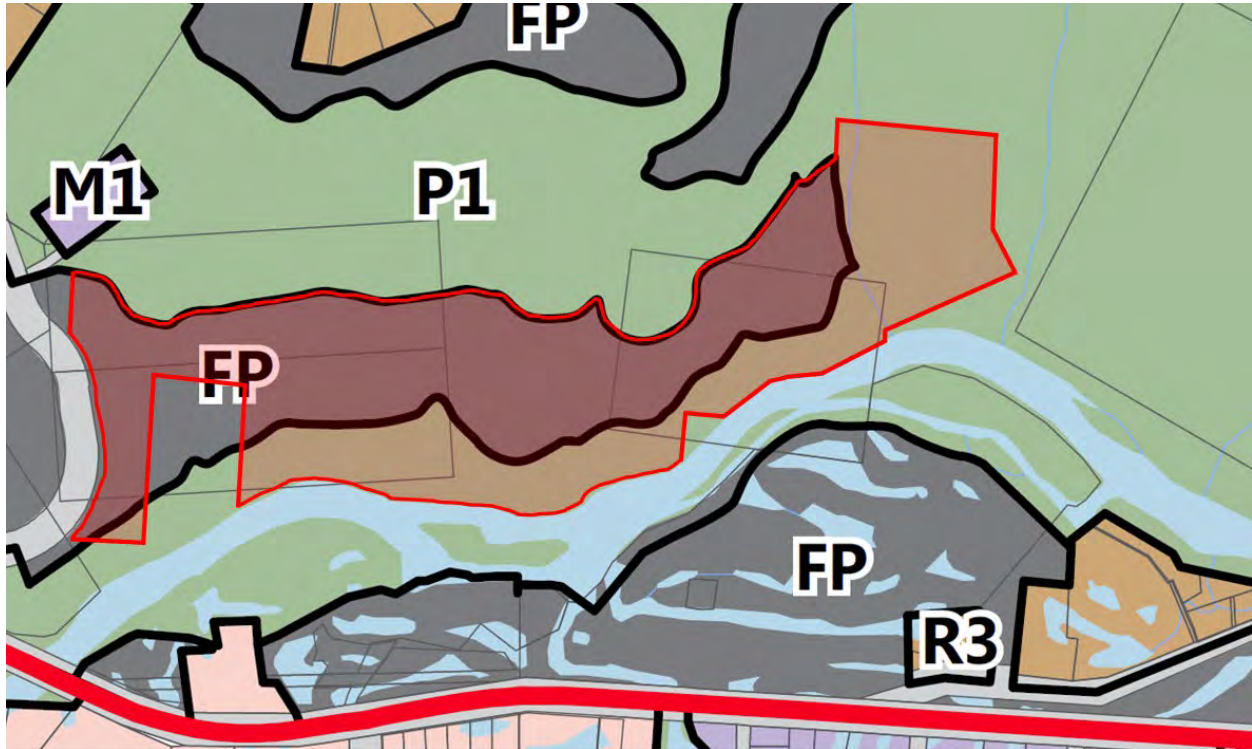


Figure 1. Map amendment.

P 38790	P 33141	P 33143
P 34949	P 37566	P 00691
P 04455	P 04456	P 22058
P 28927	P 34978	P 35171
P 35187	P 35685	P 36281
P 36282	P 37027	P 37068
P 29645	P 29759	P 01543



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P 01545

Table 1. Grant Numbers within the Amended Area as per the active Placer Land Use Approval and Water License.



City of Dawson

PUBLIC NOTIFICATION – Heritage Advisory Committee

The City of Dawson is soliciting 1 volunteer to sit on its Heritage Advisory Committee.

The Heritage Advisory Committee (HAC) is a council appointed citizen committee. Terms for voting members are a two-year period. The position available will run from September 30th, 2022 to September 30, 2024.

The HAC:

- considers and makes recommendations to the Development Officer regarding:
 - heritage aspects of development permit applications in the historic townsite,
 - historic resource permit applications, and
 - nominations for the designation of a Municipal Historic Site based on publicly available evaluation criteria.
- provides a list of proposed heritage-related projects once per fiscal year for consideration in the Council annual operating budget process, and
- provides 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.

HAC Meetings: Regular HAC meetings are held on the 1st & 3rd Thursday of each month in Council Chambers. Meetings are open to the public and have a standard start time of 7:00 PM.

The HAC also sits on the Board of Variance. The Board of Variance hears and decides upon applications for variances before the board in accordance with the provisions of the *Yukon Municipal Act*. Within 30 days of receipt of an application, the Board of Variance shall approve, refuse, or approve with conditions an application that, in the board's opinion, meets the four tests as outlined in the *Zoning Bylaw*, and preserve the purposes and intent of the *Dawson City Heritage Management Plan*.

Board of Variance Meetings: Board of Variance meetings are held as required and depending on when applications are received.

Written self-nominations, briefly outlining the applicant's statement of intent and relevant experience, may be emailed to planningmanager@cityofdawson.ca or planningofficer@cityofdawson.ca and physically delivered to City Hall at 1336 Front St., or may be addressed to:

PDO, City of Dawson
PO Box 308
City of Dawson, YT
Y0B 1G0

Nominations must be received by **Monday, September 19th, 2022 at 5:00pm**.

If you have any questions or require any further clarification concerning HAC membership, please contact Stephani McPhee, the City of Dawson's Planning & Development Officer by email at planningofficer@cityofdawson.ca, or by phone at 867-993-7400 – extension 420.