

THE CITY OF DAWSON



COMMITTEE OF THE WHOLE MEETING #CW20-03

DATE: WEDNESDAY, FEBRUARY 5, 2020

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 CW20-03

3. PUBLIC HEARING

4. DELEGATIONS AND GUESTS

5. BUSINESS ARISING FROM DELEGATIONS

6. ADOPTION OF THE MINUTES

- a) Committee of Whole Meeting Minutes #CW20-01 of January 15, 2019
- b) Committee of Whole Meeting Minutes #CW20-02 of January 29, 2019

7. BUSINESS ARISING FROM THE MINUTES

- a) Committee of Whole Meeting Minutes #CW20-01 of January 15, 2019
- b) Committee of Whole Meeting Minutes #CW20-02 of January 29, 2019

8. FINANCIAL AND BUDGET REPORTS

9. SPECIAL MEETING, COMMITTEE, AND DEPARTMENTAL REPORTS

- a) Request for Direction RE: Official Community Plan & Zoning Bylaw Amendment Application – Placer Claims #P35900 & P35902
- b) Request for Direction RE: Subdivision Application & Zoning Bylaw Amendment Application – 0.76 +/- ha between Lot 19 & 20, Guggieville Industrial Subdivision, 99759 CLSR Spot Land Application
- c) Information Report RE: Regional Landfill Agreements

10. BYLAWS AND POLICIES

11. CORRESPONDENCE

- a) St. Paul's Anglican Church RE: Request for Letter of Support

12. PUBLIC QUESTIONS

13. INCAMERA SESSION

14. ADJOURNMENT

MINUTES OF COMMITTEE OF WHOLE MEETING CW20-01 of the council of the City of Dawson called for 7:00 PM on Wednesday, January 15, 2020 in the City of Dawson Council Chambers.

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

ALSO PRESENT: CAO Cory Bellmore
EA Heather Favron
PW Superintendent Mark Dauphinee
A/CDO Libby Macphail

Agenda Item: Call to Order

The CAO called the meeting to order at 7:00 p.m.

CW20-01-01 Moved by Councillor Johnson, seconded by Councillor Shore that Councillor Kendrick be appointed to act as Chairperson of committee of the whole meeting #CW20-01.
Carried 4-0

Agenda Item: Agenda

CW20-01-02 Moved by Councillor Johnson, seconded by Councillor Shore that the agenda for committee of the whole meeting #CW20-01 be accepted as presented. Carried 4-0

Agenda Item: Adoption of the Minutes

a) Committee of Whole Meeting Minutes #CW19-27 of October 28, 2019

CW20-01-03 Moved by Councillor Shore, seconded by Councillor Kendrick that the minutes of committee of the whole meeting #CW19-27 of October 28, 2019 be accepted as presented. Carried 4-0

b) Committee of Whole Meeting Minutes #CW19-29 of November 27, 2019

CW20-01-04 Moved by Councillor Kendrick, seconded by Councillor Shore that the minutes of committee of the whole meeting #CW19-29 of November 27, 2019 be accepted as presented. Carried 4-0

c) Committee of Whole Meeting Minutes #CW19-30 of December 11, 2019

CW20-01-05 Moved by Councillor Shore, seconded by Councillor Johnson that the minutes of committee of the whole meeting #CW19-30 of December 11, 2019 be accepted as presented. Carried 4-0

Agenda Item: Special Meeting, Committee, and Departmental Reports

a) Request for Direction RE: Federation of Canadian Municipalities Annual Conference & Trade Show

Councillor Kendrick indicated an interest in attending the 2020 FCM Conference.

CW20-01-06 Moved by Councillor Kendrick, seconded by Councillor Johnson that committee of the whole acknowledges receipt of report RE: Federation of Canadian Municipalities (FCM) Annual Conference & Trade Show. Carried 4-0

b) Request for Direction RE: Wastewater Treatment Process Selection

Mark Dauphinee, Public Works Superintendent, City of Dawson; Elise Bingeman, Senior Project Manager, and Annika Palm, Project Manager, Infrastructure Development Branch; and Kirsti de Vries, Community Advisor, Community Affairs were in attendance to discuss wastewater treatment plant process selection with the committee.

The committee inquired if the direction sought from council also included looking at an aerated vs. an unaerated lagoon. The Public Works Superintended clarified the direction being sought from council was lagoon rather than a mechanical plant. If space allows an un-aerated lagoon might be considered but if space is limited or a smaller footprint is required then an aerated lagoon will be looked at.

The committee inquired if the sequential batch reactor technology was looked at and was informed it had not. The committee noted understanding with wanting to go with something tried and true but inquired if the project team could say with 100 percent certainty that there is not a mechanical option that is affordable and tried and true? The committee suggested the project team be prepared for questions of this nature and questions surrounding why various mechanical plant options had not being considered.

The project team is comfortable that lagoon is the preferred process for lower operation costs, ease of construction, and the history and ongoing performance of lagoons across the north.

The following information was provided in response to questions and comments raised by the committee:

- The plant in Carmacks has performed better in terms of meeting the requirements of the water licence over the years, however there is a major caveat in that they don't have drinking water supply. The water coming in is more consistent annually, it is less cold which really helps the performance of the plant. Carmacks has mentioned that the plant is a challenge and is a significant portion of their operating and maintenance budget. The committee noted it would be good to find out what the dollar per million litre figure is for the Carmacks plant and how many litres is pumped through their system.
- There is a project schedule and plan which has not changed significantly from the one previously presented. They do not have a firm budget yet as they are waiting for the feasibility study to be finalized.
- In terms of expected reductions in per capita flows based on installing recirc. lines on certain properties or certain areas of town, bleeder flow reductions as well as reductions from water metering, a 25 percent reduction in per capita flows by the time a new process comes on line is the rough number they have come up with.
- The project manager on YG side will be part time. YG project managers typically manage 3 to 6 projects at a time. The process plan to date includes the City asking Infrastructure Development Branch to manage the project.
- This is a council decision, so there will be multiple steps throughout the process where council will have oversight.

CW20-01-07 Moved by Councillor Johnson, seconded by Councillor Kendrick that committee of the whole forwards the RFD RE: Wastewater Treatment Process Selection to council with a recommendation to provide direction to Administration to proceed with the siting and conceptual design work on a lagoon-based process for the treatment of the City of Dawson's wastewater. Carried 4-0

c) Request for Direction RE: Dawson Wastewater – Public Engagement Plan

Mark Dauphinee, Public Works Superintendent, City of Dawson; Elise Bingeman, Senior Project Manager, and Annika Palm, Project Manager, Infrastructure Development Branch; and Kirsti De Vries, Community Advisor, Community Affairs were in attendance to present the proposed Dawson wastewater public engagement plan and to answer any questions of the committee.

Annika Palm provided a presentation to the committee in regards to the proposed plan for engaging the public to find a solution for Dawson's wastewater.

CW20-01-08 Moved by Councillor Johnson, seconded by Councillor Shore that committee of the whole forwards the RFD RE: Dawson Wastewater – Public Engagement Plan to council with a recommendation to provide direction to Administration to proceed with the Dawson Waste Water Public Engagement Plan as presented in the attached documents. Carried 4-0

Agenda Item: Bylaws and Policies

a) *Single Use Plastics Bylaw #2019-10*

The committee requested the following:

- correct bylaw footer
- correct numbering in section 5
- section 4.04, last sentence requires an apostrophe

CW20-01-09 Moved by Councillor Shore, seconded by Councillor Johnson that committee of the whole forwards the Single Use Plastics Bylaw #2019-10 to council, as amended, with a recommendation to proceed with second and third readings.

CW20-01-10 Moved by Councillor Kendrick, seconded by Councillor Ayoub that section 4.05 (b) be removed. Carried 3-1
Main Motion Carried 4-0

Agenda Item: Correspondence

CW20-01-11 Moved by Councillor Kendrick, seconded by Councillor Shore that committee of the whole acknowledges receipt of correspondence from Stephen J. Mills, Deputy Minister RE: Seasonal Time Change Public Engagement. Carried 4-0

Agenda Item: In Camera Session

CW20-01-12 Moved by Councillor Kendrick, 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

a) Land and Legal Related Matters

CW20-01-13 Moved by Councillor Kendrick, seconded by Councillor Shore that committee of the whole reverts to an open session of committee of the whole and proceeds with the agenda.
Carried 4-0

CW20-01-14 Moved by Councillor Shore, seconded by Councillor Johnson that committee of the whole recommends council Direct administration to enter into Licenses of Occupation with:
Owners of Lot 14, Block I Ladue Estate for the purposes of allowing Development Permit #19-093 to be approved.
Owners of Lot 15 &16, Block I, Ladue Estate for the purposes of allowing approved Development Permit #19-017 to be amended and for the purposes of providing essential services along the back alley.
Direct administration to require that a Boundary Adjustment be submitted for Lots 15 & 16 Block I Ladue Estate to address the encroachment of the building mostly located on Lot 16 prior to the signing of the Licence of Occupation. Carried 4-0

Agenda Item: Adjournment

CW20-01-15 Moved by Councillor Kendrick, seconded by Councillor Johnson that committee of the whole meeting CW20-01 be adjourned at 9:31 p.m.
Carried 4-0

THE MINUTES OF COMMITTEE OF WHOLE MEETING CW20-01 WERE APPROVED BY COMMITTEE OF WHOLE RESOLUTION #CW20-01-__ AT COMMITTEE OF WHOLE MEETING CW20-__ OF FEBRUARY 5, 2020.

Bill Kendrick, Chair

Cory Bellmore, CAO

MINUTES OF COMMITTEE OF WHOLE MEETING CW20-02 of the council of the City of Dawson called for 7:00 PM on Wednesday, January 29, 2020 in the City of Dawson Council Chambers.

PRESENT:

Mayor	Wayne Potoroka
Councillor	Natasha Ayoub
Councillor	Stephen Johnson
Councillor	Bill Kendrick
Councillor	Molly Shore

ALSO PRESENT:

A/CAO	Marta Selassie
EA	Heather Favron
A/CDO	Libby Macphail

Agenda Item: Call to Order

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

Agenda Item: Agenda

CW20-02-01 Moved by Mayor Potoroka, seconded by Councillor Ayoub that the agenda for committee of the whole meeting #CW20-02 be accepted as presented.
Carried 4-0

Councillor Kendrick joined Council at 7:01 PM.

Agenda Item: Special Meeting, Committee, and Departmental Reports

a) Request for Decision RE: Minto Park and Victory Gardens Transfer of Title

Committee requested Administration investigate the following for Block 15, Government Reserve:

- Lot 8 - property assessment and ensure the alley was properly consolidated
- Lot 9 – was there a bylaw to close the alley
- Lot 6 & 7 – was there a bylaw to close the alley and was it consolidated properly

CW20-02-02 Moved by Mayor Potoroka, seconded by Councillor Johnson that committee of the whole forwards the Report to Council RE: Minto Park and Victory Gardens Transfer of Title and recommend council direct administration to:

1. Prepare a Permanent Road Closure Bylaw for first reading to close the lane adjacent to Block 3 Government Reserve (Minto Park);
2. Prepare an Easement Agreement for the underground utilities that run under Block 3 Government Reserve (Minto Park) for Block 22 Government Reserve (The Hospital);

For the purposes of facilitating a transfer of title of Block 3 & 5 Government Reserve (Minto Park and the Victory Gardens) from Yukon Government to the City of Dawson.
Carried 5-0

Agenda Item: Bylaws and Policies

a) Draft Art Procurement Policy

Comments and suggestions discussed by the Committee included:

- Section 3 (a): May want to consider adding locally based / Yukon based
- Section 4 (a): May want to consider broader wording for this section. The 12 consecutive months criteria could prove challenging for resident artists to meet. May want to look at giving preference to residents within the municipal boundary ex: wording used in the City of Whitehorse's policy. Whether a definition for immediate family should be included.
- Section 5 (a): May want to revisit the idea of not allowing the purchase of art from artist's estate as there are some past examples where the city may have wanted to purchase pieces from the estate.
May also want to reconsider whether to purchase from the secondary market. Potential to have priority on primary with flexibility on secondary. Some examples where this might be favourable and some situations where it would not.
- Section 7 (a): Change "from the School of Visual Arts (SOVA)" to "recommended from the Dawson City Arts Society (DCAS)". Whether having a call out to the community at large should be included.
- Section 7 (g): May want to reconsider whether or not council should be the final approval similar to community grants process.
- Section 6 (a): Clarification required whether intent is 3 artworks ever, or per intake.
- Section 6 (c): Does not limit pieces already created.
- Section 8: Relevance of theme and local content bears further discussion.
- Section 8 (c): May want to consider deleting. Raises concerns about how to display, who will install the artwork, potential for offensive content, and not up for public vote.
- Section 9 (a): Concern with having a dollar value, as don't want to hamstring future councils. Would be interested to know what the reasoning is and what gives the most flexibility. Have the months following provisional budget prior to passing final budget been taken into consideration, and what is the plan for 2020?
- Section 10 (a): May want to allow for flexibility in this section, we may want to use some images for longer than one year.
- Section 11 (a): May want to relook at the first year to include other municipal buildings and not just City Hall i.e.: pieces that have relevance to other facilities.
- Role of Staff: Requires spelling correction, text and formatting amendments. Addition to section for staff to be responsible for record keeping and ensuring adequate insurance.
- Additional: Consulting KIAC to see what they think of the draft policy.
Does the policy address donations?
Disposal of assets.

CW20-02-03 Moved by Councillor Shore, seconded by Councillor Kendrick that committee of the whole accepts the draft Art Procurement Policy #2020-01 for information and provide feedback to Administration. Carried 5-0

Agenda Item: Correspondence

a) Alain Derepentigny RE: Mammoth Donation

Committee raised the following questions:

- Where would be a good location for the Mammoth Statue?
- Would the art piece be a baffling mammoth or would there be an artist statement to accompany the gift Will a plaque be required?
- What other considerations does council need to take into account i.e.: insurance?
- Is the Final Art Policy required in order to accept the gift?
- Would this art piece set the record for the largest Mammoth Statue?

Committee raised concern about the potential of losing out on this generous offer and noted it would be good to have it resolved by the end of February.

Agenda Item: In Camera Session

CW20-02-04 Moved by Mayor Potoroka, seconded by Councillor Johnson 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 5-0

a) Land and Legal Related Matters

CW20-02-05 Moved by Councillor Johnson, seconded by Councillor Kendrick that committee of the whole reverts to an open session of committee of the whole and proceeds with the agenda. Carried 5-0

Agenda Item: Adjournment

CW20-02-06 Moved by Councillor Johnson, seconded by Councillor Shore that committee of the whole meeting CW20-02 be adjourned at 9:11 p.m. with the next regular meeting of committee of the whole being February 5, 2020. Carried 5-0

THE MINUTES OF COMMITTEE OF WHOLE MEETING CW20-02 WERE APPROVED BY COMMITTEE OF WHOLE RESOLUTION #CW20-__-__ AT COMMITTEE OF WHOLE MEETING CW20-__ OF FEBRUARY 26, 2020.

Wayne Potoroka, Chair

Marta Selassie, A/CAO

Report to Council



For Council Decision For Council Direction For Council Information

AGENDA ITEM:	Official Community Plan & Zoning Bylaw Amendment #19-152: Vinnie Claims	
PREPARED BY:	Libby Macphail, A/CDO	ATTACHMENTS: Application and Supporting Documentation
DATE:	January 15, 2020	
RELEVANT BYLAWS / POLICY / LEGISLATION: Municipal Act Official Community Plan Zoning Bylaw		

RECOMMENDATION

It is respectfully recommended that Council:

1. Select Option 2 and:
 - 1.1 Forward an Official Community Plan amendment to amend the Vinnie Claims from FP: Future Planning to MU: Mixed Use.
 - 1.2 Forward a Zoning Bylaw Amendment to amend the Vinnie Claims from FP: Future Planning to M1: Industrial.
2. Recommendations 1.1 and 1.2 are subject to the following condition:
 - 2.1 Prior to 3rd reading, the applicant and the City of Dawson enter into a legally binding agreement to relinquish access to claims currently located in a Future Planning zone after an agreed-upon amount of time.

ISSUE / PURPOSE

The applicant has submitted an application for an OCP/ZBL amendment to amend the designations for their claims from Future Planning to Mixed Use/Industrial, to facilitate a Class 4 placer mining operation.

BACKGROUND SUMMARY

Charlie Brown has an active Water Use License PM17-054 (WUL) and an active Class 4 Mining Land Use Approval AP17054 (MLU), for the claims identified in Figure 1.



LEGEND

- Municipal boundary
- Mining Claims

Figure 1. WUL & MLU Locations.

The applicant has been working the other claims associated with this WUL & MLU outside of the municipal boundary, but now wishes to begin operations on the claims located within the municipal boundary adjacent to the Quigley Landfill and Quigley Drive.

ANALYSIS / DISCUSSION

Comments

All departments were circulated for comments, and comments were received from the Public Works Department. Two concerns were noted by the Public Works Superintendent:

- "Maintenance of the access road to the landfill needs to be addressed as this road is critical for our solid waste operations.
- The use of a large amount of water may have negative impacts on the groundwater flow in and surrounding the landfill. (This may be a moot point as the water licence has already been granted.)"

In past applications for mining activity within the municipal boundary, typically conditions to maintain the road are imposed during the mining development permit process rather than the OCP/ZBL amendment process. At the time the applicant submits a mining development permit, the approval will be conditional upon a distance buffer around the road to ensure solid waste operations are fully functional.

As mentioned briefly in the comments received by the Public Works Superintendent, the WUL, *Waters Act* and *Waters Regulation* regulates the impacts upon groundwater. Part F, no. 36 of the WUL states:

"If impacts to water quality are identified and attributed to the Licensee's mining operations, the mining activity shall cease until the concern is mitigated to the satisfaction of the Mining Inspector."

Given this, it is certain that the WUL and associated legislation properly control, monitor, and authorize water activity.

Comments were also received by Tr'ondëk Hwëch'in (TH) Natural Resources Department, as the claims are adjacent to TH Settlement Land parcel C-14B and C-3B. TH noted that they have current development plans for C-3B and no current development plans for C-14B (although the parcel is a good candidate for future residential/commercial development). TH noted that if the proposed mining project is completed and remediated within a 5 year timeline, no significant negative impacts will occur to the use of their settlement land. This almost corresponds with the expiry of the WUL, which expires in 2027. TH also supports approving the application with conditions and supports the proviso that the claim holder abandon claims under S. 35 of the *Placer Mining Act* in order to support the broader public interest of ensuring land within the municipality is unencumbered by existing subsurface interests.

Municipal Act

S. 288(2) of the *Municipal Act* states that "a council must not adopt a zoning bylaw, or an amendment to a zoning bylaw, that is not consistent with an official community plan". Therefore, the applicant was required to submit a joint application, since the proposed use is not compatible with the existing designations in either bylaw. Further, sections 285 and 294-296, in concert with s. 17.5 of the Zoning Bylaw, outline the specific process required for public consultation with respect to amendments. Therefore, should approval be recommended, a public hearing will be held after first reading and prior to second reading. Should legitimate concerns be raised with this application, it will be returned to Committee of the Whole for further discussion prior to being forwarded to second reading. The OCP amendment will be forwarded for ministerial approval before third and final reading.

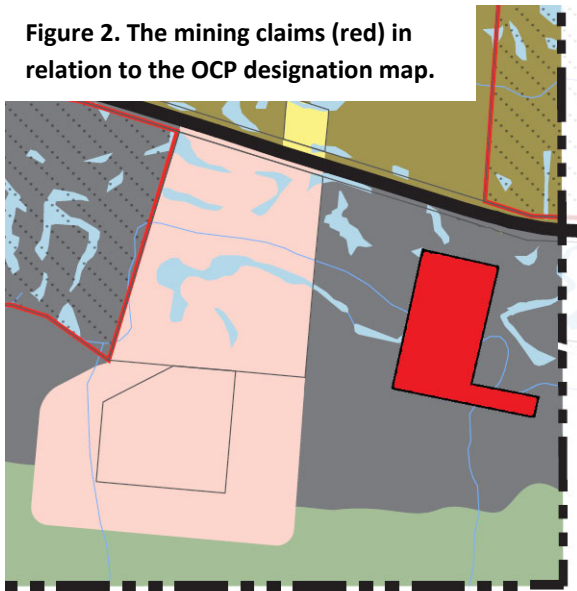
A question of legally non-conforming status has been brought up in similar applications, that should be discussed here. S. 303(1) of the *Municipal Act* states that "The lawful use of a portion of the land or part of a building or other structure existing at the time of the approval of an official community plan or zoning bylaw that does not conform to the official community plan or zoning bylaw may be extended throughout the rest of the building, other structure or land, but no structural alterations or construction of other buildings or other

structures, except those required by statute or bylaw, shall be made while the non-conforming use is continued.” The claim area was previously designated Industrial and is now Future Planning, and the WUL was issued when the previous OCP and ZBL were active that allowed its use.

Council has established their stance in previous applications that, because a mining development permit has not been received and that the land has not been used in recent history for mining purposes, legally non-conforming status does not apply and therefore the applicant is required to undergo the amendment process.

Official Community Plan

Figure 2. The mining claims (red) in relation to the OCP designation map.



The existing OCP Designation of the subject area is FP: Future Planning, as shown in Figure 2. The Future Planning designation in this location was intended to give Council an opportunity to consider development opportunities on a case-by-case basis while research and additional planning studies are completed to determine next steps and priority planning areas for development.

This area has not been identified as a potential area for a short-medium term location for industrial lot development. Therefore, allowing this mining project to proceed by amending the designation from FP to MU: Mixed Use may facilitate future industrial lot development by allowing the claims to be worked and exhausted while other priority areas are developed.

Zoning Bylaw

The zoning designation in this area correspond with the OCP designation above of FP: Future Planning. Natural resource extraction is a permitted use in an M1: Industrial zone, so this amendment would facilitate the ability of the applicant to obtain a development permit for this work and comply with all municipal and territorial requirements, including full operation of Quigley Drive.

Options

Option 1. Amend the Vinnie Claim Areas Only

This option would allow for the applicant to access and develop the claim with no restrictions above and beyond the municipal and territorial permitting processes. Given that the miner has obtained a WUL and MLU Approval, a Class 4 mineral development operation is likely to be proposed through the development permit process. This level of mineral development does not pose a short/medium term challenge for the municipality, as it is not adjacent to future lot development areas. A long term challenge could be posed with this option, as lot development in this location would likely not be possible until the exhaustion of minerals and remediation of the mine has occurred.

Option 2. Amend the Vinnie Claim Areas with a negotiation of relinquishment of claims as a condition (Recommended)

This option is similar to Option 1, with the exception that a condition be added that the applicant and the City of Dawson enter into a legally binding agreement to relinquish the claims after an agreed-upon amount of time. This option provides certainty that the land will be opened for unencumbered development in the long term.

Sustainable Community Development Imperatives

Social

The recommended option may help to reduce conflicts between those with surface and sub-surface interests. This allows the City of Dawson to ensure land within the municipality is unencumbered from mining claims, while also allowing sub-surface rights holders access to the minerals prior to possible land development.

Economic

This option brings economic benefit to the community in both the short-term through providing jobs and economic value associated with primary industry.

Environmental

Considering the environmental impacts of mining applications is outside of the scope and expertise of administration. The mining claims have been assessed through the YESAB and Water Board processes and resulting recommendations are intended to mitigate negative environmental impacts. Mitigations for environmental concerns such as wildlife, invasive species, restoration, and fuel storage have been considered in the applicant's MLU, and concerns specific to the use and protection of the quantity and quality of water are considered in the applicant's WUL.

APPROVAL	
NAME: Cory Bellmore, CAO	SIGNATURE:
DATE:	



THE CITY OF DAWSON

Box 308 Dawson City, YT Y0B 1G0
PH: 867-993-7400 FAX: 867-993-7434
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OFFICE USE ONLY	
APPLICATION FEE:	1440.00
DATE PAID:	Dec. 12, 2019
RECEIPT #:	34297
PERMIT #:	19-152

AMENDMENT APPLICATION

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

PROPOSED DEVELOPMENT

- Official Community Plan Amendment (OCPA)
 Zoning Bylaw Amendment (ZBA)
 Joint OCPA/ZBA

APPLICANT INFORMATION

APPLICANT NAME(S): Charlie Brown
 MAILING ADDRESS: P.O. Box 596 Dawson POSTAL CODE: Y0B 1G0
 EMAIL: diamondsunyukon@hotmail.com PHONE #: 778 232-3154

OWNER INFORMATION (IF DIFFERENT FROM APPLICANT)

OWNER NAME(S): _____
 MAILING ADDRESS: _____ POSTAL CODE: _____
 EMAIL: _____ PHONE #: _____

PROPOSED AMENDMENT

A.) REDESIGNATION/REZONING:
 CIVIC ADDRESS: P 35900, P35902 VALUE OF DEVELOPMENT: _____
 LEGAL DESCRIPTION: LOT(S) _____ BLOCK _____ ESTATE _____ PLAN# _____
 PROPOSED AMENDMENT: FROM DESIGNATION: _____ TO DESIGNATION: _____

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

Current zone: Future Planning doesn't allow for mineral extraction
 Change to M1-Industrial
 *Reason: subsurface mineral claims
 + received water license PM 17-054 and looking to begin operations on claims within the municipal boundary.



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

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

N/A
Map amendment

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

N/A
Map amendment.

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.

02/12/2019
DATE SIGNED

Charles Brown
SIGNATURE OF APPLICANT(S)

DATE SIGNED

SIGNATURE OF OWNER(S)



THE CITY OF DAWSON

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PERMIT #:	

COMPLETE APPLICATION SUBMISSION REQUIREMENTS

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:
 - a north arrow and scale
 - property lines shown and labelled as per the most recent legal survey
 - proposed rezoning/re-designation
 - all easements and rights of way shown and labelled
 - the location and labelling of all abutting streets, lanes, highways, road rights of way, sidewalks, water bodies, and vegetation
 - the topography and other physical features of the subject land
 - 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 property lines
 - the location, size, type, and dimensions of all proposed buildings and structures on the subject land, as well as the proposed distance of the buildings and/or structures from the property lines
 - the location of retaining walls and fences (existing and proposed)
 - the location, dimensions, and number of onsite parking areas
 - the location of loading facilities
 - the date of the plan
- Certificate of Title (if owner does not match Assessment Roll)
- Other as required by the CDO: Water license

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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www.cityofdawson.ca

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. Bylaw Amendments:

- a) Any person may apply for an amendment to the text of the OCP/ZBL by paying the required application fee, as specified in the Fees and Charges Bylaw, and submitting a written statement that describes and justifies the proposed amendment.
- b) An owner of a parcel in the City, or an authorized agent of an owner, may apply to have the designation of the land amended to another designation.
- c) An application for a re-zoning/re-designation shall be made in writing to the development officer using the form provided and accompanied by the following:
 - a. documentation of ownership;
 - b. a written statement to describe and justify the proposal;
 - c. a map showing the proposed change in the context of adjacent land;
 - d. the necessary processing and advertising fees as set out in the Fees and Charges Bylaw;
 - e. permission for right of entry onto the land by City staff for reasonable inspection; and
 - f. any additional information a development officer may require in order to prepare, evaluate, and make recommendations on the proposed amendment.
- d) A development officer may request the applicant provide an analysis by a qualified professional of the potential impact on land use, traffic, utilities, and other City services and facilities if the amendment proposes an increase in density or other intensification of use.
- e) intensification of use.
- f) An application may not be considered to have been received until all requirements have been submitted to the satisfaction of a development officer.
- g) Notwithstanding these requirements, the application may be considered if, in the opinion of a development officer, it is of such a nature as to enable a decision to be made without some of the required information.
- h) If it appears that the proposed amendment is one that is applicable to most of the persons affected in the area and/or will benefit the City at large, Council may direct that the application fee be returned to the applicant.

2. Review Process

- a. Upon receipt of a completed application for a text amendment or re-zoning, a development officer shall initiate or undertake an investigation and analysis of the potential impacts of development under the proposed zone. The analysis shall be based on the full development potential of the uses and development regulations specified in the proposed zone and not on the merits of any particular development proposal.
- b. The analysis shall, among other factors, consider the following criteria:
 - i. relationship to, and compliance with, the OCP and other approved municipal plans and Council policy
 - ii. relationship to, and compliance with, municipal plans in preparation
 - iii. compatibility with surrounding development in terms of land use function and scale of development
 - iv. traffic impacts
 - v. relationship to, or impacts on, services (such as water and sewage systems or public transit), utilities, and public facilities (such as recreational facilities and schools)
 - vi. relationship to municipal land, rights of way, or easement requirements
 - vii. effect on the stability, retention, and rehabilitation of desirable existing uses, buildings, or both in the area
 - viii. necessity and appropriateness of the proposed text amendment or re-zoning according to the stated intentions of the applicant
 - ix. analysis of any documented concerns and opinions of area residents and land owners regarding the application
- c. Subsequently, the development officer shall:
 - i. prepare a report on the proposed amendment; and
 - ii. submit a copy of the application and the development officer's recommendation and report to Council.
- d. Before approving a text amendment or re-zoning, Council shall comply with the requirements and notification procedures set out in the Act.



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 #:	

3. Resubmission Interval
 - a. When an application for an amendment to this bylaw has been refused by Council, another application for the same, or substantially the same, amendment shall not be submitted within 12 months of the date of the refusal unless Council directs otherwise.
4. Before a second reading of a bylaw proposing amendments is heard, Council shall hold a public hearing to hear and consider all submissions respecting the proposed amendments.
5. The public hearing shall be held no earlier than seven days after the last date of publication of the notice.
6. A notice must be circulated, in the method approved by Council, once a week for two successive weeks prior to the public hearing.
7. Methods of notice circulation may include the City of Dawson website, local newspapers, the City and Post Office Bulletin Boards, and written notification letters.
8. The notice shall:
 - a. describe the area affected by the proposed amendment;
 - b. state the date, time, and place for the public hearing respecting the proposed amendment; and
 - c. include a statement of the reasons for the amendment.
9. Written notification letters shall be mailed to all applicable properties within the following radii of the subject property prior to the public hearing:
 - a. 100 m (328.1 ft.) for properties within the historic townsite
 - b. 1 km (3,280.8 ft.) for properties in all other areas
10. For amendments proposed for one property, a notification sign shall be placed on the subject property following first reading until such time as Council has ruled on the application.
 - a. The sign shall state the details of the amendment; the date, time, and place of the public hearing; and 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.

YUKON WATER BOARD

Pursuant to the *Waters Act* and *Waters Regulation*, the Yukon Water Board hereby grants a Type B water licence for a placer mining undertaking to:

Charlie Brown
P.O. Box 569
Dawson City, YT
Y0B 1G0

LICENCE NUMBER: PM17-054 **APPROVAL NUMBER:** AP17054
LICENCE TYPE: B **UNDERTAKING:** Placer Mining
WATERSHED: Klondike River
WATER MANAGEMENT AREA: 02 Yukon
HABITAT CLASSIFICATION: Water Quality Zones
LOCATION: Latitude: 64° 01' 37" N
Longitude: 139° 15' 26" W
WATER SOURCE: Bear Creek, Deadman Gulch, Dredge Ponds and Groundwater, tributaries of the Klondike River
MAXIMUM QUANTITY: 18,500 cubic metres of water per day
EFFECTIVE DATE: The effective date of this licence shall be the date on which the signature of the Chairperson of the Yukon Water Board is affixed.
EXPIRY DATE: August 2, 2027

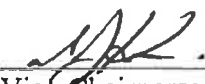
This licence shall be subject to the restrictions and conditions contained herein, and to the restrictions and conditions contained in the *Waters Act* and the *Waters Regulation* made thereunder.

Dated this 9th day of
August, 2017

Approved by:



Witness



Vice Chairperson
Yukon Water Board

PART A DEFINITIONS

“Act” means *Waters Act* and any amendments thereto.

“Action Level” means the end-of-pipe sediment concentrations that must not be exceeded, on average, for the life of the mining operation.

“Application” means application for water licence PM17-054 and placer mining land use approval AP17054, and any subsequent information presented to the Yukon Water Board up to the date of the Board’s decision.

“Board” means the Yukon Water Board.

“Compliance Level” means a maximum end-of-pipe effluent concentration that shall never be exceeded.

“Design Target” means the best settling facility that can be established at a placer mining operation, given the prevailing site characteristics.

“Inspector” means any person designated as an Inspector under the Act.

“In-stream Reservoir” means any water impoundment structure, where water is collected and retained for use, which is constructed in a natural channel or in a diversion, and through which the entire creek flow may be directed at any time.

“Natural Boundary” means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water is so common and usual, and so long continued, as to mark upon the soil of the bed of the lake, stream or other body of water, a character distinct from that of the banks thereof, both in respect to vegetation and in respect to the nature of the soil itself. In addition, the best estimates of the edge of dormant or old side channels and marsh areas are considered to be natural boundaries.

“Permanent Diversion” means any direct or indirect alteration of a portion, or all, of the water flowing in the route, bed, banks or boundaries of a river, stream, lake or watercourse and is in place for a period of over 5 years.

“Regulation” means the *Waters Regulation*.

“Riparian Zone” means a portion of the stream bank, either vegetated or not, immediately adjacent to the stream channel and is measured from the high water mark on each bank of the watercourse and follows the shape of the channel.

“Spill Contingency Plan” means the *SPILL CONTINGENCY PLAN* that was submitted as part of the Application and included in register PM17-054 as exhibit 1.3, and any subsequent revisions.

“Spring Freshet” means the sudden increase in flow carried by a stream as snowmelt occurs at higher elevations in the watershed.

“Temporary Diversion” means any direct or indirect alteration of a portion, or all, of the water flowing in the route, bed, banks or boundaries of a river, stream, lake or Watercourse and is in place for a period of 1 to 5 years.

“Waste” means any substance as defined in the Act.

“Watercourse” means a natural watercourse, body of water or water supply, whether usually containing water or not, and includes groundwater, springs, swamps, and gulches.

“Wetted Perimeter” means the horizontal extent of the present water level while the work is taking place.

“Work Areas” means any area disturbed or altered by mining activities, excluding any stable diversion channel.

PART B DESCRIPTION OF WATER USE AND DEPOSIT OF WASTE

1. The Licensee is hereby authorized to:
 - a) obtain water from:
 - Bear Creek at a maximum quantity of 5,000 cubic metres per day,
 - Deadman Gulch at a maximum quantity of 3,000 cubic metres per day,
 - Dredge Ponds at a maximum quantity of 10,000 cubic metres per day, and
 - Groundwater at a maximum quantity of 500 cubic metres per dayat a maximum combined quantity from all watercourses of 18,500 cubic metres per day;
 - b) use this water for a placer mining undertaking on the grant numbers listed in Appendix A, attached;
 - c) store water in out-of-stream reservoirs and out-of-stream settling facilities;
 - d) return a flow of water to Bear Creek and Dredge Ponds, and to deposit Waste in the form of sediment into Bear Creek and Dredge Ponds;
 - e) construct, use, maintain and decommission intake ditches to out-of-stream reservoirs;
 - f) construct, use, maintain and decommission Temporary Diversions of Deadman Gulch;
 - g) construct, use, and maintain Permanent Diversions of Bear Creek and Deadman Gulch;
 - h) construct, use, maintain, and decommission In-stream Reservoirs (dug outs) in Bear Creek and Deadman Gulch;

- i) use, maintain and decommission existing ford crossing of Bear Creek; and
 - j) construct, use, maintain, and decommission new ford crossings of Deadman Gulch, as described in the Application and subject to the conditions of this licence. Where there is a discrepancy between the Application and the conditions of this licence, then the conditions of this licence shall prevail.
2. All works associated with the storage or conveyance of water and effluent shall be constructed to withstand flood events and maintained in good repair.
 3. The Licensee shall comply with the Riparian Zone requirements for Water Quality Zones habitat suitability for the Klondike River Authorization for all original (un-modified) channels, previously reclaimed channels, and Permanent Diversion channels.
 4. Except as authorized by this licence, no Waste shall enter any Watercourse as a result of any activity carried out by the Licensee.
 5. Dredge ponds 4 and 6 shall not be used for the deposition of tailings.

Effluent Quality Standards

6. The Licensee shall comply with Water Quality Zones habitat suitability effluent discharge standards for any grab sample taken at the point in the effluent flow immediately before it enters the natural stream flow, as follows:
 - a) Water Quality Zones
 - i. The Compliance Level for effluent discharge shall be 2.5 ml/L.
7. All effluent discharge levels included in this licence are identified in excess of natural background concentrations in the Watercourse at the time of sampling.

PART C MINING ACTIVITIES AND OPERATING CONDITIONS

Water Storage, Settling Facilities, and Conveyance Structures

8. Settling facilities shall be provided for all mining wastewater.
9. All water storage and settling facilities, and associated spillways, drains and water supply ditches located outside the Watercourse channel shall be of adequate capacity and construction.
10. Armouring shall be installed at the confluence of any intake ditch and the Watercourse.
11. All water storage structures and settling facilities shall be constructed and maintained in a condition that prevents wildlife entrapment and does not impede the movement of wildlife.

Water Acquisition

12. All water intakes shall be screened to prevent the entrainment and/or impingement of fish, consistent with the requirements outlined in the most recent version of the Yukon Placer Secretariat *Guidebook of Mitigation Measures for Placer Mining in the Yukon*, including, but not limited to Dredge ponds 4 and 6.
13. The Licensee shall provide barriers consisting of fish guards, screens, coverings or nets on all water intakes as follows:
 - a) The barriers shall be monitored and maintained to ensure that they function effectively at all times when water is being withdrawn;
 - b) The barriers shall be designed and installed in such a manner that the screen is submerged and a uniform flow is maintained through the total screen area; and
 - c) Water shall not be withdrawn when the barrier is removed for renewal, repair or inspection.
14. The Licensee shall cease pumping or decanting and take remedial action if there is alteration to the Riparian Zone or the bed or banks of the Watercourse resulting from any activity related to the pumping or decanting.
15. All in-water activities or associated in-water structures, undertaken in fish-bearing waters, including, but not limited to dredge ponds 4 and 6, shall not interfere with fish passage or result in the stranding or death of fish.

Progressive Reclamation

16. Overburden shall be stockpiled and located where it will not adversely affect water quality in any Watercourse.
17. Reclamation shall be progressive over the life of this licence.

Watercourse Crossings – Fords

18. The Licensee may modify the bed or banks of streams to allow fording of the Watercourse as per the most recent version of the *Fish Habitat Design, Operation and Reclamation Workbook and Worksheets for Placer Mining in the Yukon Territory*.
19. The Licensee shall adhere to the following conditions when constructing, using, and maintaining new fords, and using and maintaining existing fords:
 - a) All crossings shall be at a right angle to the Watercourse;
 - b) Removal of vegetation adjacent to the crossings shall be minimized;
 - c) Non-erodible materials shall be placed up the bank on both sides of the crossing to stabilize the banks;
 - d) The Watercourse crossing approaches shall be low and stable enough to support the vehicles and equipment;

- e) The Watercourse shall be crossed on either a firm rock bottom or a coarse gravel bottom;
- f) Equipment crossing the Watercourse shall be mechanically sound and free of leaks; and
- g) The blade or bucket on equipment shall be raised above the Wetted Perimeter while crossing any Watercourse.

Diversion Construction and Restoration

- 20. The Licensee shall adhere to the channel design and restoration requirements of the most recent edition of the *Fish Habitat Design, Operation and Reclamation Workbook and Worksheets for Placer Mining in the Yukon Territory* for the construction of all diversions, redirection of the Watercourse, and restoration activities.
- 21. The bed and banks of any Permanent or Temporary Diversion channel shall be stable to prevent erosion.
- 22. A protective berm shall be constructed and maintained along any Watercourse channel diversion, if space allows or as determined by an Inspector.
- 23. Armouring shall be installed at both the upstream and downstream ends of any diversion.
- 24. When constructing a diversion, a plug shall be left in place at the upstream end and the downstream end until the diversion is completed.
- 25. Prior to the opening of any diversion channel, a sump shall be constructed at the downstream end of the diversion for dewatering purposes.
- 26. The Licensee shall construct all diversion channels so as to avoid the stranding of fish.
- 27. Upon completion of the construction of any diversion, the Licensee shall first remove the plug at the downstream end of the diversion and then gradually remove the plug at the upstream end of the diversion.
- 28. The bed and banks of any tributary of Bear Creek and Deadman Gulch shall be left in a stable condition and shall be left in such a manner so that erosion is controlled and revegetation is possible.

PART D SEASONAL CLOSURE

- 29. The Licensee shall contact an Inspector not less than 2 weeks prior to seasonal closure.
- 30. All mined or otherwise disturbed ground surfaces, including cut banks, fill slopes and tailings piles shall be stabilized annually to prevent erosion and surface runoff from carrying sediment into any Watercourse.

31. To prevent flood damage of out-of-stream structures during freshet, the Licensee shall:
- a) block all intakes that connect the Watercourse to out-of-stream structures; and
 - b) provide freeboard on all out-of-stream water reservoirs and settling facilities prior to seasonal closure.

PART E DECOMMISSIONING

32. Prior to final decommissioning or expiry of this licence, the Licensee shall:
- a) contact an Inspector not less than 2 weeks prior to final decommissioning;
 - b) ensure that the final creek channel approximates its pre-licence condition in length, gradient and stability, except as may otherwise be required in this licence;

PART F GENERAL CONDITIONS

Other Laws

33. No condition of this water licence limits the applicability of any statutory authority.
34. All work authorized by this licence shall occur on the property that the Licensee has the right to enter upon and use for that purpose.
35. Where there is a discrepancy between this licence and the *Klondike River Watershed Authorization*, as attached as Appendix B, then the conditions of the Watershed Authorization shall prevail.
36. The Licensee shall ensure their mining operations do not adversely impact Bear Creek subdivision and lot 1169 residents' surface and groundwater quality. If impacts to water quality are identified and attributed to the Licensee's mining operations, the mining activity shall cease until the concern is mitigated to the satisfaction of the Mining Inspector.

Correspondence

37. Where any direction, notice, order or report under this licence is required to be in writing, it shall be given:
- a) To the Licensee, if delivered or mailed by registered mail, to the address identified on page 1 of this licence, and shall be deemed to have been given to the Licensee on the day it was delivered, or 7 days after the day it was mailed, as the case may be; or

- b) To the Board, if delivered, faxed or mailed by registered mail, to the following address:

Yukon Water Board
Suite 106, 419 Range Road
Whitehorse, YT Y1A 3V1

Fax#: (867) 456-3890

and shall be deemed to have been given to the Board on the day it was delivered or faxed, or 7 days after the day it was mailed, as the case may be.

- c) The Board or the Licensee may, by notice in writing, change its address for delivery.

Camps

38. Sewage, including all human excreta and wastewater associated with daily camp operations, shall be deposited of in accordance with the *Public Health and Safety Act* of the Yukon.
39. The location of subsurface grey water pits or privies shall be not less than 30 metres from the Natural Boundary of any Watercourse, and at least 1.2 metres above bedrock or the water table.
40. If very permeable soils are encountered, the pit privy or grey water pit shall be lined with 0.6 metres of sand or silt.

Storage and Transfer of Fuel, Lubricants, Hydraulic Fluids and Coolants

41. Fuel, lubricants, hydraulic fluids, coolants and similar substances, with the exception of liquids associated with any water pump engine, shall be stored and transferred a minimum of 30 metres from the Natural Boundary of any Watercourse, in such a way that said substances are not deposited in or allowed to be deposited in waters.

Spills and Unauthorized Discharges

42. Where a spill or an unauthorized discharge occurs, that is of a reportable quantity under the Yukon *Spills Regulations*, the Licensee shall immediately contact the 24-hour Yukon Spill Report number, (867) 667-7244 and implement the Spill Contingency Plan. A detailed written report on any such event including, but not limited to, dates, quantities, parameters, causes and other relevant details and explanations, shall be submitted to the Board not later than 10 days after the occurrence.
43. The Licensee shall apply the relevant procedures in the Spill Contingency Plan. The Licensee shall review the Spill Contingency Plan annually and shall provide a summary of that review, including any revisions to the plan, as a component of the annual report.

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44. The Licensee shall maintain a log book of all spill or unauthorized discharge occurrences, including spills that are less than the reportable quantities under the Yukon *Spills Regulations*. The log book shall be made available at the request of an Inspector. The log book shall include, but not necessarily be limited to the:
- a) date and time of the spill;
 - b) substance spilt or discharged;
 - c) approximate amount spilt or discharged;
 - d) location of the spill;
 - e) distance between the spill or discharge and the nearest Watercourse; and
 - f) remedial measures taken to contain and clean-up the spill area or to cease the unauthorized discharge.
45. All personnel shall be trained in procedures to be followed and the equipment to be used in the containment of a spill.
46. The Spill Contingency Plan shall be posted on site for the duration of the works.

Non-Compliance

47. In the event that the Licensee fails to comply with any provision or condition of this licence, the Board may, subject to the Act, cancel the licence.

Minor Modifications

48. Where site conditions require modifications to any drawings for water use or Waste related structures previously submitted to the Board, the Licensee shall submit to the Board a minimum of 10 days prior to the commencement of the construction schedule:
- a) written details of the modifications proposed to be made to the specifications and quality assurance/quality control procedures previously submitted to the Board as part of the Application,
 - b) a written detailed construction schedule and the name and contact number(s) of the operator; and
 - c) an explanation for the change, including an assessment of the potential impact on the performance of the works.

Sampling

49. Where there is a surface discharge from the settling facilities, the Licensee shall take weekly samples at a point upstream of the water supply and intake and at a point in the effluent flow immediately before it enters the natural stream flow, and shall analyze these samples for settleable solids using the Imhoff cone 1 hour test.

50. Where no discharge from the settling facility to a Watercourse occurs, whether by surface discharge or seepage, no sampling is required.

Reporting

51. The Licensee shall submit annual reports to the Board by December 1 of each year.
52. Annual reports for the year reported shall include the information required by this licence and by the Regulation including, but not necessarily limited to:
- a) the quantity of water used under this licence;
 - b) the quantity, concentration and type of any Waste deposited under this licence;
 - c) a description of the reclamation that has taken place;
 - d) a list of grant numbers of claims where any reclamation has taken place;
 - e) details pertaining to the Spill Contingency Plan review and any updating information, as per the requirements of this licence; and
 - f) a summary of any spills or unauthorized discharges that occurred during the year reported.

PART G ADDITIONAL DECISION DOCUMENT TERMS

53. A plan to manage effluent deposition in drainage channels between the Klondike Highway and Klondike River shall be developed and implemented.
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APPENDIX A

Grant Number	Grant Number	Grant Number	Grant Number	Grant Number
P 49110	P 49107	P 49214	P 37735	P 508333
P 49111	P 49108	P 37335	P 508325	P 508334
P 49112	P 49109	P 37336	P 508326	P 46111
P 49113	P 46486	P 37337	P 508327	P 49126
P 49114	P 46487	P 37338	P 508328	P 49127
P 49115	P 48205	P 37731	P 508329	P 35900
P 49104	P 48206	P 37732	P 508330	P 35902
P 49105	P 49212	P 37733	P 508331	
P 49106	P 49213	P 37734	P 508332	



KLONDIKE RIVER WATERSHED
AUTHORIZATION FOR WORKS OR UNDERTAKINGS AFFECTING FISH HABITAT
FOR SPECIFIED STREAMS IN THE YUKON TERRITORY

Pursuant to Section 35(2) of the Federal *Fisheries Act*;

The Minister of Fisheries and Oceans Canada (the “Minister”) hereby rescinds the conditions of the Klondike Watershed River Authorization (08-HPAC-PA5-00051, April 11, 2008) pertaining to placer mining works or undertakings and sediment discharge standards in the Klondike River watershed.

The Minister hereby authorizes the “*harmful alteration, disruption or destruction of fish habitat*” resulting from placer mining works or undertakings and discharge of sediment at concentrations specified in this authorization, uncontaminated by deleterious substances, within certain streams or portions of streams in the Klondike River watershed as identified on the *Yukon Placer Fish Habitat Suitability Map - Klondike River Watershed* (Schedule 1).

Authorization issued to:

Individuals or companies conducting placer mining in certain streams or portion of streams within the Klondike River watershed, Yukon Territory that hold a valid Water Use License pursuant to the *Waters Act* (Yukon) for placer mining activities.

Location of Project

The works and undertakings are located within the drainage basin of the Klondike River watershed, in the Yukon Territory. This authorization applies to certain streams or portions of streams classified on the *Yukon Placer Fish Habitat Suitability Map - Klondike River Watershed* (Schedule 1). Larger-scale maps may be available from the Yukon Placer Secretariat or Fisheries and Oceans Canada.

Valid Authorization Period

The valid authorization period for the harmful alteration, disruption and destruction of fish habitat resulting from placer mining works or undertakings is from November 1, 2010 until such time as this authorization is revoked, rescinded, amended or replaced by the Minister.

Amendments or revisions to the terms and conditions identified in this authorization may be required if placer mining activities result in an unforeseen risk to fish or fish habitat resources as demonstrated through monitoring of management parameters (water quality, aquatic health, and physical habitat compensation or rehabilitation). An annual and 5-year review will be conducted to review results of monitoring activities and should amendments be recommended, the process will be guided by the *Adaptive Management Framework for Yukon Placer Mining*, available from the Yukon Placer Secretariat or Fisheries and Oceans Canada.

Description of Works or Undertakings

This authorization permits the harmful alteration, disruption or destruction of fish habitat, in certain streams or portions of streams in the Klondike River watershed resulting from placer mining works or undertakings: Those undertakings covered by this authorization are limited to:

- The construction of diversion channels,
- In-stream works,
- Water acquisition, and;
- Discharge of sediment from settling facilities.

Works or undertakings are completed in accordance with methods identified in the *Fish Habitat Design, Operation and Reclamation Workbook* available from the Yukon Placer Secretariat and Fisheries and Oceans Canada.

Conditions of Authorization

1. The general watershed conditions of this authorization notwithstanding, should any specific works, undertakings, or activities authorized by this authorization, due to weather conditions, different soil, local topography, updated fisheries information or other natural conditions, appear in the opinion of the Fisheries and Oceans Canada, likely to cause greater adverse environmental effect than was contemplated by this watershed authorization, then Fisheries and Oceans Canada may direct the specific Placer Mining operation to suspend or alter works and activities to avoid or mitigate adverse effects with respect to fisheries resources. In circumstances where DFO holds the view that greater adverse environmental effects will occur at a specific site than were contemplated by this watershed authorization Fisheries and Oceans Canada may also modify the application of this authorization to that specific site. Should Fisheries and Oceans Canada propose such modification Fisheries and Oceans Canada will give the Placer Mining operation the opportunity to discuss and respond to the proposed modification.
 2. All works or undertakings will be conducted in accordance with:
 - 2.1. The measures identified in the *Fish Habitat Design, Operation and Reclamation Workbook* as per the fish habitat suitability classification of streams or portions of streams identified on the *Yukon Placer Fish Habitat Suitability Map - Klondike River Watershed* (Schedule 1).
 - 2.2. Discharge standards for placer mine effluent identified in the *Sediment Discharge Standards for Placer Mine Effluent - Klondike River Watershed* (Schedule 2).
 - 2.2.1. Sediment discharge standards will be phased in as identified in Schedule 2.
 3. Prior to proceeding with placer mining works or undertakings that are likely to result in the harmful alteration, disruption or destruction of fish habitat, the proponent will complete the applicable *Fish Habitat Design, Operation and Reclamation Worksheets* (all required appendices of the *Fish Habitat Design, Operation and Reclamation Workbook*) and include these worksheets as a component of their submission for project review to the Yukon Environmental and Socio-economic Assessment Board and the Yukon Water Board.
-


-
4. Fish habitat reclamation measures will be identified in the *Fish Habitat Design, Operation and Reclamation Worksheets* in accordance with the measures identified in *Fish Habitat Design, Operation and Reclamation Workbook*. These worksheets are to be included in the submission for project review to the Yukon Environmental and Socio-economic Assessment Board and the Yukon Water Board.
 5. The proponent must ensure that all plans developed pursuant to this authorization have been duly prepared and acknowledges sole responsibility for all design, safety and workmanship aspects of all the works associated with this authorization.
 6. In the event that any of the forgoing conditions cannot be met, the provisions of this authorization do not apply and the proponent will apply to Fisheries and Oceans Canada for review prior to proceeding.
-

The holder of this authorization is hereby authorized under the authority of section 35(2) of the Federal *Fisheries Act*. R.S.C., 1985, c.F. 14, to carry out the work or undertaking described herein. This authorization is valid only with respect to fish habitat and for no other purposes. It does not purport to release the applicant from any obligation to obtain permission from or to comply with the requirements of any other regulatory agencies. Failure to comply with any condition of this authorization may result in charges being laid under the Federal *Fisheries Act*.

Authorization #: 08-HPAC-PA5-00051-2

Date of Issuance: November 1, 2010

Approved by:


Briar Young

Title: Manager, Oceans Habitat and Enhancement Branch
Yukon / Transboundary Rivers Area
Fisheries and Oceans Canada

Yukon Placer Fish Habitat Suitability Map - Klondike River Watershed (Category A)



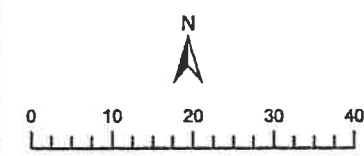
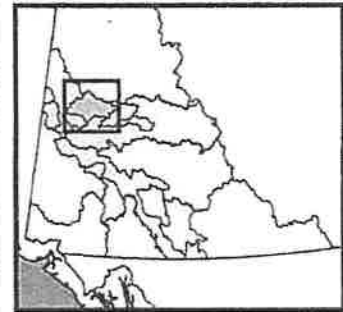
Watercourse Classification, Habitat Suitability Types

- Water Quality
- Low Suitability
- Moderate-Low Suitability
- Moderate-Moderate Suitability
- Moderate-High Suitability
- High Suitability
- Areas of Special Consideration - Ecological
- Areas of Special Consideration - Cultural

Development

- Current
- Historical
- Extensive

■ Lakes



Map Compiled: September, 2010

Appendix B

Sediment Discharge Standards for Placer Mine Effluent – Klondike River Watershed (Category A)

Habitat Suitability	Water Quality Objective ¹	Sediment Discharge Standard for Mine Discharge
High	<25 mg/L ¹	Compliance Level: <0 mg/L
Moderate-High	<25 mg/L ¹	Compliance Level: <200 mg/L
Moderate-Moderate	<50 mg/L ¹	Compliance Level: <200 mg/L
Moderate-Low	<80 mg/L ¹	Design Target: 0.2 ml/L Action Level: 0.8 ml/L Compliance Level: 1.2 ml/L
Low	<200 mg/L ¹	Design Target: 0.2 ml/L Action Level: 1.0 ml/L Compliance Level: 1.5 ml/L
Extensive Development Zones (previously developed areas in Hunker and Bonanza Creek only)	Downstream WQO mg/L ¹	Design Target: 0.2 ml/L Action Level: 1.0 ml/L Compliance Level: 2.5 ml/L <small>2.5ml/L is an interim standard with transition to 2.0ml/L within 3 years subject to monitoring and adaptive management.</small>
Water Quality Zones Bear Creek – Upstream of tailings at 1100 ft contour	Downstream WQO mg/L ¹	Consult Fisheries and Oceans Canada for guidance where you believe a natural barrier to fish exists Compliance Level: 2.5 ml/L
Areas of Special Consideration		To be determined by Fisheries and Oceans Canada if locations are identified other than those listed below
<i>Klondike River (main stem from mouth to Hunker Creek)</i>	<25 mg/L ¹	Compliance Level: <0 mg/L
<i>Klondike River (main stem downstream from Davidson Creek)</i>	<25 mg/L ¹	Compliance Level: <0 mg/L
<i>Lee Creek (lower main stem)</i>	<25 mg/L ¹	Compliance Level: <200 mg/L
<i>Flat Creek (lower main stem)</i>	<25 mg/L ¹	Compliance Level: <200 mg/L

¹ The water quality objective is established for management and effectiveness monitoring purposes. The placer mine operator is not required to monitor or report on this objective for compliance purposes.

General Notes Regarding Sediment Discharge Standards

- The point at which the above-listed Sediment Discharge Standards for Mine discharge will be measured will be a point in the effluent flow immediately before it enters the natural stream flow.
- Sediment Discharge Standards for Mine discharge include all releases of effluent (both point and non-point sources) into the natural stream flow of a watercourse.
- All effluent discharge levels are identified in excess of natural background concentrations at the time of sampling.
- When the sediment discharge standard is a settleable solids standard (ml/l), measurement will either involve laboratory analysis, or utilizing an Imhoff cone.
- When the sediment discharge standard is a suspended solids standard (mg/l), measurement will either involve laboratory analysis, or utilizing a portable digital turbidity/suspended solids correlation meter.
- Samples collected for the purpose of determining compliance with the above-listed Sediment Discharge Standards for Mine discharge will be analysed via laboratory analysis.

YUKON WATER BOARD REASONS FOR DECISION

Application for Water Licence PM17-054 and Class 4 Placer Mining Land Use Operating Plan Approval AP17054 Charlie Brown

Introduction

The Yukon Water Board (“Board”) has made decisions with respect to application PM17-054 for a placer mining undertaking on Bear Creek, Deadman Gulch, Groundwater and Dredge Ponds in the Klondike Valley. The application was submitted by Charlie Brown (“Licensee”) for a type B water licence and class 4 placer mining land use operating plan approval. The Board deliberated this application on August 2, 2017.

Notice of Application

In accordance with the requirements of the *Waters Act*, the *Placer Mining Land Use Regulation*, and the Umbrella Final Agreement (“UFA”), notice of the application was provided via the Yukon News, Whitehorse Star, and Waterline on June 14, 2017, with a deadline for comments of July 10, 2017. A review of the communication log of Waterline demonstrates that Tr’ondëk Hwëch’in and received notification.

Environmental and Socio-economic Assessment

This application required an environmental and socio-economic assessment under the *Yukon Environmental and Socio-economic Assessment Act* (“YESAA”).

Board Deliberations

In making licensing decisions pertaining to this application, the Board considered the:

- Application PM17-054
- YESAA Evaluation Report and Decision Document 2017-0053 (“Decision Document”) Recommendations from the interveners
- *Waters Act*
- *Waters Regulation*
- *Placer Mining Act*
- *Placer Mining Land Use Regulation*
- Chapter 14 of the *Umbrella Final Agreement* (“UFA”)
- Board policies and standard licence requirements

- The applicable Fisheries and Oceans Canada Authorization for Works or Undertakings Affecting Fish Habitat
- The applicable Yukon Placer Mining Fish Habitat Suitability Map
- Government of Yukon geographical information systems (GIS) area imagery

Decision Document and Evaluation Report

Prior to making licensing decisions, the Board reviewed the Decision Document issued by Government of Yukon, included in register PM17-054 as exhibit 9.2. As per section 86 of the YESAA, the Board is satisfied that the issuance of Water Licence PM17-054 (“Licence”) and Class 4 Mining Land Use Operating Approval AP17054 (“Approval”) is not contrary to the terms and conditions included in the Decision Document.

The Board included all pertinent conditions from the Decision Document in Part G of the Water Licence or Part M of the Approval. Conditions of the Decision Document that are captured by standard conditions of the licence and/or Approval under conditions are reflected elsewhere within the Approval and/or Licence.

The Board noted the vague nature of some Decision Document terms (12&13) and concluded that they were not of an enforceable nature, leading to uncertainty. However, the Board must not issue a licence that conflicts with terms and conditions of a Decision Document, so has elected to add *Part G – Additional Decision Document Terms*, to incorporate such terms relating to water use and *Part M – Additional Decision Document Terms*, of the approval for items of a non-water nature.

Interventions

The Board received interventions from the following parties:

- Government of Yukon, Energy, Mines and Resources, Compliance Monitoring & Inspections; and
- Government of Yukon, Energy, Mines and Resources, Mineral Resources Branch.

The Licensee did not respond to the interventions.

Public Hearing

No party requested a public hearing.

Government of Yukon, Compliance Monitoring & Inspections

Compliance Monitoring & Inspections (“CMI”) confirmed for the Board that the project is located within the Klondike River watershed and provided the applicable effluent discharge standards for the watershed authorization. CMI also recommended that the point of compliance should be at the point of entry to the stream. The Board included clause 5 for the effluent and point of compliance to satisfy the authorization.

CMI further noted that the Operator held a previous licence at this location. The Inspector considers this application to be a renewal due to the identical staging areas, camp, settling ponds and other facilities. Because the application for renewal was received by the Yukon Water Board after PM05-502 had expired, the Board does not consider this application a renewal.

CMI made the following requests of the Licensee:

- Requested that all organics be stockpiled during stripping, and stacked to the side.
- Requested that the applicant follows best practices for fording.

The Board considered these practices to be standard operating practices and supported the requests.

CMI additionally recommended that Licensee must notify Parks Canada upon the discovery of heritage resources. The Board added clause 27(g) in the mining land use approval to include this notification.

CMI's final recommendation was that progressive reclamation take place. Standard operating conditions in the regulations and standard clauses in both the licence and the approval were included to this effect.

Government of Yukon, Mineral Resources Branch

Mining Lands discussed fuel tank registration and that one of the tanks in the application is registered to another company.

Mining Lands discussed overlap with surface rights holders, especially the City of Dawson, and also discussed the requirement for security on lands owned or lawfully occupied by others. The Board considered these matters out of its jurisdiction, and considered them as information only.

Provided the Licensee follows the approved operating plan and complies with all applicable legislation and terms in the approval, Mining Lands had no further concerns.

Term of Licence and Approval

The Board approved the proposed 10 year term. The Board determined the expiry date of the water licence and approval to be August 2, 2027, which is based on the date of the Board's meeting upon which licensing decisions were made on this application.

Deposit of Waste

The Licence authorizes a deposit of Waste in the form of sediment only. The Licensee is prohibited from directly depositing anything toxic to fish, floating solids, visible oil or grease, and mercury into a receiving Watercourse, and from placing such substances in an area which could result in a deposit of Waste to a Watercourse.

Chapter 14 of the UFA

The Board examined the proposed use of water as it relates to Chapter 14 of the *Umbrella Final Agreement*, as to quantity, quality, or rate of flow of water flowing on, through or adjacent to Settlement Land, including seasonal rate of flow, as follows:


The project is within the Traditional Territory of the Tr'ondëk Hwëch'in. The First Nation was not a Decision Body for the YESAA assessment. The First Nation did not intervene to the Board regarding this project.

The closest parcel of Settlement Land is found 160 m north of the operation and is also located on the dredge tailings (TH C-14B). Other settlement land parcels are also found downstream of the operation, such as TH C-3B, TH C-5B, TH C-16B and TH C-70B. With the inclusion of an effluent quality discharge standard and typical conditions in the licence and approval, that will minimise sediment inputs to the water; the Board determined that the quality of water flowing on, through or adjacent to Settlement Land will not be substantially altered by this project.

The operation will withdraw up to 18,500 m³/day from the watercourses. The Board concluded that the quantity and rate of flow of water flowing on, through or adjacent to Settlement Land will not be substantially altered by this project.

Conclusion

The Board has relied on the representations, warranties and undertakings provided by the Licensee in the material filed in the application. The Board has approved the issuance of Water Licence PM17-054 and Class 4 Mining Land Use Operating Plan Approval AP17054.



Vice-Chairperson
Yukon Water Board

17-08-9
Date

**PLACER LAND USE APPROVAL FOR A CLASS 4
OPERATING PLAN**

Pursuant to the *Placer Mining Act* and the *Placer Mining Land Use Regulation* made thereunder, the Yukon Water Board hereby approves the Class 4 Placer Land Use Operating Plan as submitted by:

Charlie Brown
P.O. Box 569
Dawson City, YT
Y0B 1G0

APPROVAL NUMBER: AP17054 **WATER LICENCE:** PM17-054

WATERSHED: Klondike River

HABITAT CLASSIFICATION: Water Quality Zones

LOCATION: Latitude: 64° 01' 37" N
Longitude: 139° 15' 26" W

EFFECTIVE DATE: The effective date of this approval shall be the date on which the signature of the Chairperson of the Yukon Water Board is affixed.

EXPIRY DATE: August 2, 2027

The operating plan shall be subject to the restrictions and conditions contained herein, and to the restrictions and conditions contained in the *Placer Mining Act* and the *Placer Mining Land Use Regulation* made thereunder.

Dated this 9th day of
August, 2017

Approved by:



Witness



Vice Chairperson
Yukon Water Board

PART A DEFINITIONS

“Act” means the *Placer Mining Act*.

“Application” means application for water licence PM17-054 and placer mining land use approval AP17054, and any subsequent information presented to the Yukon Water Board up to the date of the Board’s decision.

“Board” means the Yukon Water Board.

“Claims” means any parcel of land located or granted for placer mining; and “Mining Property” includes, besides claims, any ditches or water rights used for mining thereon, and all other things belonging thereto or used in the working thereof, for mining purposes.

“Inspector” means any person designated as an Inspector under the Act.

“Operation” means a placer land use operation.

“Operator” means a person who engages in a placer mining land use Operation.

“Regulation” means *Placer Mining Land Use Regulation*.

“Road” means a pathway for vehicular traffic, the construction of which requires the movement of rock or earth.

“Special Waste Management Facility” means an operation which handles or disposes of special wastes generated by other persons or operations, and which is approved in accordance with the provisions of the *Special Waste Regulations* of the *Environment Act* of the Yukon Territory.

“Stripping” means excavation, undertaken as part of an operation, that is limited to the removal of trees, brush and vegetative mat.

“Trail” means an access to a site within a claim or lease that is constructed with little or no movement of rock or earth.

“Trenching” means excavation that extends below the vegetative mat, undertaken as part of an operation.

“Vegetative Mat” means the organic surface of soil characterized by the accumulation of organic matter, or partly decomposed organic matter, derived mainly from leaves, twigs and woody materials and includes the root mass of living vegetation.

PART B GENERAL CONDITIONS

1. This approval applies to those grant (claim) numbers that are included in water licence PM17-054, including any amendments thereto.
2. All operating activities must comply with the operating conditions contained in Schedule 1 of the *Placer Mining Land Use Regulation* and with the operating plan AP17054 submitted. Where there is a discrepancy between the operating plan submitted and this approval, the terms of this approval shall prevail.
3. The Operator must contact Department of Energy, Mines and Resources, Compliance Monitoring and Inspections Branch, every year before beginning operations and at least 2 weeks prior to leaving the site at the end of every season.
4. All risk of fire hazards must be avoided.
5. All solid waste, including debris, equipment, barrels, drums and scrap metal must be safely stored on the operation site while the Operation is carried out and must be disposed of in accordance with the *Solid Waste Regulations* when the Operation ceases.
6. No condition of this approval limits applicability of any statutory authority.

PART C WILDLIFE

7. The Operator shall report any incidents involving wildlife to the Dawson District Conservation Officer (C.O.) at (867) 993-5492. If bears are frequenting the camp area, the Operator shall contact the C.O. for advice on further mitigations that may be required.
8. Brush removed during the Operation must not be piled so that it blocks movement of wildlife or people.
9. At seasonal closure, any materials that may result in injury to wildlife including, but not necessarily limited to, wire, steel, glass or plastic must be removed or safely stored.

PART D INVASIVE PLANT SPECIES

10. The Operator shall implement best management practice for the management of invasive plant species. The Operator shall refer to the most current version of the *Best Practices for Managing Invasive Plants on Roadsides*.

PART E RESTORATION PRACTICES

11. If the Vegetative Mat is disturbed during the mining operation, it must be removed so as to protect the seed and root stock contained within the Vegetative Mat.
12. The seed and root stock must be stored separately from any overburden or bedrock removed for use in re-establishing the Vegetative Mat when the Operation ceases.
13. All areas disturbed during the mining operation including, but not limited to, fuel and waste storage areas, clearings, corridors, camps, supporting infrastructure, trenches and drill sites, must be left in a condition conducive to re-vegetation by native plant species comparable to similar, naturally occurring, environments in the area.
14. Conditions conducive to re-vegetation include provisions of an adequate soil layer with moisture retaining ability, no soil contamination by hydrocarbons or other hazardous substances, provision of adequate seed or root stock and contoured or otherwise stable slopes.
15. If adequate seed stock or root stock is not naturally available, re-seeding or transplanting of vegetation is required. Only non-invasive species may be used for re-seeding or transplanting.
16. All areas disturbed during the mining operation must be re-sloped, contoured or otherwise stabilized to prevent long-term soil erosion, slumping and subsidence.
17. All mining operations must be carried out to avoid or minimize damage to, and loss of, permafrost.
18. Available overburden must be stockpiled for use in future site restoration, and such stockpiles must be located where they will not adversely affect the water quality in any watercourse.
19. Tailings and overburden, or other relocated materials, must be levelled and contoured into low relief piles. The slope of these low relief piles must be no steeper than 2 horizontal to 1 vertical. Any such slope over 15 metres in height must be benched.
20. The following conditions apply to Stripping:
 - a) trees and brush must be cleared first;
 - b) when it is economically viable to do so, timber suitable for sale must be salvaged and stockpiled;
 - c) topsoil and organic material must be stockpiled separately;
 - d) overburden must be located no closer than 5 metres from any standing trees; and
 - e) overburden may be stacked along the valley wall, but must be contoured to blend with the natural topography.

-
21. All Trenching carried out by hand or with hand-held tools must be methodical. The trenches must be stabilized and marked in such a way as to minimize risk to the public.
 22. Trenches constructed with mechanized equipment must be backfilled by first depositing any removed overburden and bedrock and then replacing any vegetative mat that was removed to construct the trench.
 23. Trenches shall be maintained in a condition that prevents wildlife entrapment and public safety hazards.
 24. The Operator must ensure that all employees and contractors using equipment at trench sites are aware of these operating conditions for trenches.
 25. Reclamation shall be progressive over the term of this Placer Mining Land Use Approval.

**PART F HERITAGE RESOURCES AND ARCHAEOLOGICAL AND
PALAEOLOGICAL SITES**

26. All heritage resources and archaeological and palaeontological sites must be avoided.
27. If any heritage resources, archaeological objects or palaeontological objects are encountered, the Operator must:
 - a) immediately mark and protect the area from further disturbance;
 - b) contact the Chief of Placer Land Use at (867) 456-3822;
 - c) in the case of archaeological sites, human remains, grave sites, burial sites and all other abandoned, man-made structures older than 45 years old, immediately contact Heritage Resources and contact Tr'ondëk Hwëch'in at (867) 993-7100;
 - d) set aside and protect fossils that are unearthed, and at the end of each season the Operator shall contact Yukon Palaeontology at (867) 667-8089 and contact Tr'ondëk Hwëch'in;
 - e) immediately contact Yukon Palaeontology and contact Tr'ondëk Hwëch'in if any mummified fossil remains with intact flesh are discovered; and
 - f) prevent any further disturbances from being carried out within 30 metres of an archaeological or palaeontological site until the Chief of Placer Land Use indicates in writing that the activities may proceed.
 - g) If any heritage resources are discovered on claims adjacent to the Parks Canada Bear Creek Historic Site Reserve, the Operator shall notify Parks Canada, in addition to the organizations named above.

PART G ACCESS ROADS AND/OR TRAILS

28. Off-Road and Trail routes must be reconnoitred and must be used in a way that minimizes ground disturbances, damage to permafrost and sensitive wildlife habitat. Trail routes must be flagged.
29. Vehicles must be operated in a manner which avoids rutting or gouging of a Road or Trail.
30. If rutting, gouging, ponding or permafrost degradation occurs off-Road or Trail, vehicle use must be suspended or relocated to ground that is capable of bearing the weight of the vehicle without causing such damage, and the former routes must be restored in compliance with Part E of this approval.
31. If there is no Road or Trail, the Operator must comply with the following conditions when mobilizing heavy equipment to a site:
 - a) tracked vehicles with blades should be provided with mushroom pads to minimize terrain damage;
 - b) dozers must travel with the blade raised, so as not to rip up the Vegetative Mat;
 - c) vehicles may only be mobilized in ice-rich permafrost areas when the active layer is frozen, or when the surface is strong enough to support the vehicle without excessive permafrost degradation; and
 - d) use of skids on permafrost or wet ground is only allowed outside of winter, where it is not possible to use other means of equipment transportation.
32. At abandonment of a Road, the compacted Road surface must be scarified to promote re-vegetation.

PART H CAMPS

33. All campsites must be kept clean and tidy.
34. All buildings and other facilities must be on well-drained soil.
35. Combustible and odorous kitchen waste must not be permitted to accumulate.
36. All wood debris, empty drums, junked equipment and metal waste must be kept in a secure area for final disposal.
37. Compacted soil must be loosened to allow for natural re-vegetation. Areas not likely to re-vegetate naturally must be spread with topsoil.

PART I FUEL HANDLING AND TRANSPORTATION

38. A spill contingency plan for petroleum products and other hazardous substances must be in place, and a copy posted in the camp and at all fuel handling locations.
39. All petroleum products, hazardous waste and chemicals must be transferred and handled in such a manner so as to prevent spillage.
40. All petroleum products, hazardous waste and chemicals, with the exception of liquids associated with any water pump engine, must be stored in a secure manner no less than 30 metres from the ordinary high water mark of any water body.
41. All fuel tanks that exceed 4,000 litres must be registered with Government of Yukon Mining Recorder's Office.
42. When the fuel storage capacity exceeds 4,000 litres, secondary containment must be provided.
43. The secondary containment facility must be constructed of material impervious to petroleum products; and:
 - a) in the case of a single storage tank, be of sufficient size to accommodate at least 110% of the capacity of the storage tank; or
 - b) if there is more than one storage tank, be of sufficient size to accommodate 110% of the capacity of the largest tank or 10% of the total capacity of all the tanks, whichever size is greater.
44. All vehicles must be maintained and operated in a manner designed to prevent spills of fuel, lubricants, coolants or oil.
45. All waste petroleum products must be safely stored on site, be removed to a Special Waste Management Facility or disposed of in accordance with the *Special Waste Regulations*.
46. Sufficient spill clean-up equipment and materials must be in a state of readiness in order to clean-up all fuel spills.
47. If a spill or unauthorized discharge occurs, the Operator shall immediately implement the Spill Contingency Plan, and:
 - a) contain and clean up the spill;
 - b) contact the 24-hour Yukon Spill Report number, (867) 667-7244; and
 - c) contact an Inspector.

-
48. A detailed written report on any spills or unauthorized discharges including, but not limited to, dates, quantities, parameters, causes and other relevant details and explanations shall be submitted to the Board, and a copy to the Chief of Placer Land Use, no later than 10 days after its occurrence.
 49. All fuel and chemical containers must be sealed when not in use.
 50. All containers of petroleum products with a capacity of 200 litres or greater must be clearly marked with the Operator's name and the contents.

PART J DRILLING

51. Vegetation other than within a drill sump must not be covered with drill cuttings.
52. Drill mud must be re-circulated when possible.
53. All drill fluids must be contained within a small (natural or artificial) sump in a suitable manner.
54. All drill holes that pose a hazard or that lead to ground water must be plugged in a suitable manner.
55. All drilling must be done in a way that minimizes its impact on wildlife and the public.
56. The location of drill holes must be marked on the ground by flagging or other suitable means.
57. There shall be no direct discharge from the drilling site to a watercourse.

PART K SEASONAL CLOSURE

58. The mine site must be left in a stable condition at the end of each mining season.
59. All mined or otherwise disturbed ground surfaces, including cut banks, fill slopes and tailings piles, must be stabilized annually.

PART L DECOMMISSIONING

60. Unless authorized under the *Solid Waste Regulations*, at final decommissioning everything must be removed from the site including but not necessarily limited to: all buildings; machinery; materials; fuel drums; used hydrocarbons; and solid waste and metal waste including junked vehicles.

-
61. The Operator must contact an Inspector not less than 2 weeks prior to final decommissioning.
 62. The Operator may apply for a certificate of completion at the termination of the Operation, when all reclamation has been achieved.

PART M ADDITIONAL DECISION DOCUMENT TERMS

63. If active bird nests are discovered, project activities should be postponed in the nesting area until nesting is completed.
 64. A heritage resource impact assessment shall be completed in advance of ground disturbing activities in areas with elevated potential for heritage resources.
 65. In areas closer than 500 m to a private residence, the operation of heavy equipment for earthworks and processing shall be prohibited between the hours of 7:00 pm and 7:00 am.
 66. The Operator shall post signage in the area of the mine clearly notifying the public of contact Information for Compliance Monitoring and Inspections should the public have any concerns about the mine or operations. Form and content of the signage shall be approved by Compliance, Monitoring and Inspections, Energy Mines and Resources.
 67. The Operator shall identify how work will be conducted with local residents to address community issues and concerns.
-



0.5 0 0.25 0.5 Kilometers

1: 10,000



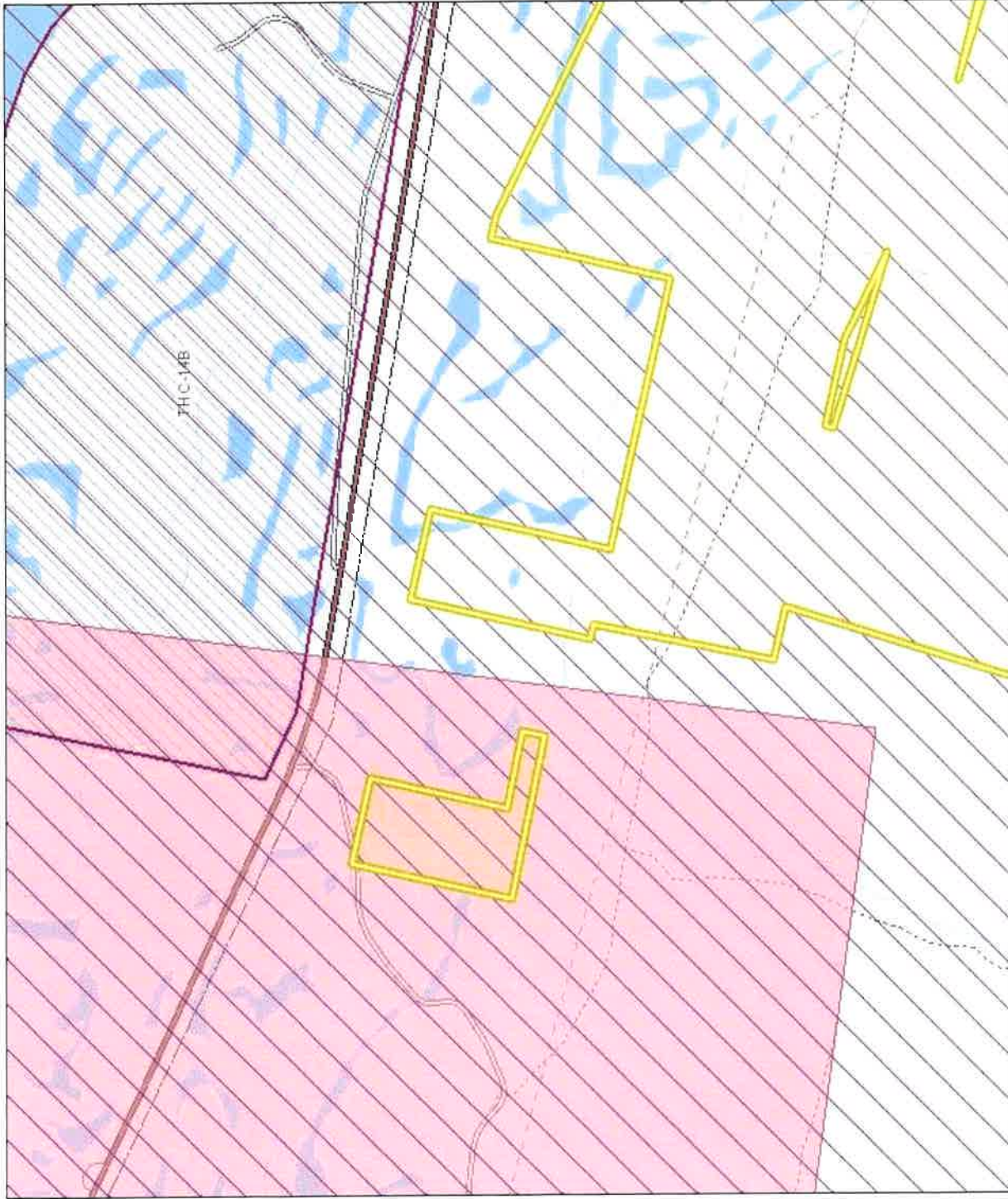
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Date Printed: 12-Dec-2019



Legend

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

Notes



Legend

- Class 1 Placer Land Use Operat
- Class 1 Quartz Land Use Operat
- Mining - Class 1 Notification Area
- First Nation Surveyed Lands - Category A & B
- First Nation Unsurveyed Lands - Category A & B
- Mining Prohibition of entry order
- Placer Mining Act
- Quartz Mining Act
- Settlement Lands (Surveyed)
- A: Surface and Subsurface Right
- B: Surface Rights
- FS: Fee Simple
- 4.1.1 Reclaimed Reserve
- Settlement Lands (Unsurveyed)
- A: Surface and Subsurface Right
- B: Surface Rights
- FS: Fee Simple
- Inclusion Excluded Lands (Unsurveyed)
- YEC Power Distribution Lines
- YEC Power Lines
- Utilities Line - 50k
- Transmission line
- Pipeline - underground
- Pipeline - aboveground
- Border - Survey
- Silver Trail
- 11: Trail / Vial
- 12: Fences / Faux
- Roads - 250k - Canvec - Primar
- Hwys by name
- Alaska Highway
- Cassiar Highway
- Haines Highway
- Haines Road
- Klondike Highway
- Robert Campbell Highway
- Silver Trail
- Stewart Cassiar Highway
- Tagish Road
- Top of the World Highway
- Roads - 250k - Canvec - Secondary Hwy
- Atlin Highway
- Atlin Road
- Canal Road
- Dempster Highway
- Highway 8
- Snag Road
- Sulphur Road
- Takhini Hot Springs Road
- Upper Bonanza Road
- Local Roads
- Ethel Lake Road
- Fair Mine Access Road
- Sney Mile Road
- Clinton Creek Road
- Freshwater Lake Road
- Pelly Ranch Road
- Freegold Road
- Mount Nansen Road
- Mitchell Road
- Roads - 50k - Canvec - Main Hw
- Alaska Highway
- Atlin Road
- Campbell Highway
- Canal Road
- Dempster Highway
- Haines Road
- Hwy 97
- Klondike Highway
- Klondike Highway
- Nahanni Range
- Silver Trail
- Stewart-Cassiar Highway
- Tagish Road
- Top of the World Highway
- Roads - 50k - Canvec - <20k - local
- 307: Alkemy/Alma / Rualla-Vok
- 308: Ardenal / Avire
- 309: Collector / Route collective
- 310: Expressway-Highway / Yokopole-Roads
- 315: Ramp / Beakelle
- 317: Resource-Recreation Cart Track / Resource-loaders plate charrelain
- 321: Service Line / Vole de deas
- 322: Winter / Hiver
- Roads - 50k - Canvec - <20k, local
- 312: Local-Strata / Local-Sentip
- 313: Local-Strata / Local-Plate
- 314: Local-Uniontown / Local-Pros
- Roads Ferry - 50k - Canvec
- Railroads - 50k - Canvec
- Limited Use Roads - 50k
- Limited-use road Cart track
- Limited-use road/Dry weather
- Limited-use road/Winter

Notes



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Date Printed: 12-Dec-2019

0.5 Kilometers



1: 10,000



January 24, 2020

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

Via email: Clarissa Huffman cdo@cityofdawson.ca

Dear Clarissa Huffman,

RE: OCP & ZBL Amendment Application 19-152

TH has reviewed Application 19-152 to amend the City of Dawson *Official Community Plan* and *Zoning Bylaw* designations for placer claims P35900 and P35902 from Future Planning to Mixed Use (OCP) and Industrial (ZBL).

The land in question is located across the Klondike Highway from TH Settlement Land parcel C-14B and in relatively close proximity to parcel C-3B. TH plans to develop C-3B in the coming years and, although there is no planning or design work currently underway for C-14B, its central location make it a good candidate for future residential or commercial development. However, if the proposed project is completed and reclaimed within a 5-year timeframe, TH does not foresee any significant negative impacts to our use of Settlement Land.

Given that this amendment is proposed on a previously disturbed area on the edge of the City, TH can see value in approving the application with conditions. TH would like to see the proponent provide a signed declaration that they will abandon the claims within the City of Dawson under Section 35 of the *Placer Mining Act* upon completion of their project. This approach would balance the interests of the proponents with the broader public interest by freeing up encumbered land within the City.

If you have any questions about this letter, please contact me at Darren.Taylor@Trondek.ca or at 867-993-7100 ext. 145.

Sincerely,

A handwritten signature in black ink, appearing to read "DT", is written over a white background.

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

Report to Council



For Council Decision For Council Direction For Council Information

In Camera

SUBJECT:	Zoning Bylaw Amendment 19-073 & Subdivision Application #19-081: 0.76 +/- ha Vacant Land Between Lots 19 and 20, Guggieville Industrial Subdivision	
PREPARED BY:	Clarissa Huffman and Libby Macphail; Planning and Development Department	ATTACHMENTS: 1. Applications & Supporting Documentation 2. Letter from the agent for the applicant.
DATE:	January 24, 2020	
RELEVANT BYLAWS / POLICY / LEGISLATION: Municipal Act Subdivision Bylaw Official Community Plan Zoning Bylaw		

RECOMMENDATION

It is respectfully recommended that Council:

1. Forward to first reading a Zoning Bylaw amendment that amends the ZBL map as shown in Figure 2 of the RFD, subject to the following conditions:
 - 1.1. Third and final reading of the Zoning Bylaw amendment cannot occur until administration receives a copy of conditional approval to purchase from Yukon Government Lands Branch.
 - 1.2. Third and final reading of the Zoning Bylaw amendment cannot occur until the receipt of a development permit application assessed as complete by the CDO.
2. Grant subdivision authority to create 'Parcel A' as shown in Figure 2, subject to the following conditions:
 - 2.1. Final authority is not granted until third and final reading of the Zoning Bylaw amendment.
 - 2.2. Application successfully passes through a public hearing.
 - 2.3. The applicant submit a Stormwater Management Plan to the satisfaction of the CDO and Public Works Superintendent.
 - 2.4. The applicant submit access location details to the satisfaction of the CDO and Public Works Superintendent.
 - 2.5. The applicant submits a plan of subdivision completed by a certified lands surveyor drawn in conformity with the approval.
 - 2.6. The applicant shall, on approval of the subdivision plan by the City of Dawson, take all necessary steps to enable the registrar under the Land Titles Act to register the plan of subdivision.

ISSUE

The applicant has submitted applications for a Zoning Bylaw amendment (ZBA) and a subdivision in order to facilitate a spot land application to purchase land in between Lots 19 and 20, Guggieville Industrial Subdivision.

BACKGROUND SUMMARY

The applicant submitted applications in June 2019 to facilitate a spot land application. Council tabled the application, as they had concerns that by forwarding the applications along to first reading, it would be non-compliant with the Lands Act. Council also had concerns regarding the hydrology and ecology components

of the application. The application has received conditional approval to purchase from Yukon Government Lands Branch and YESAB.

Along with tabling the application, administration was directed to work with Yukon Government Lands Branch to develop a new policy for how spot land applications are managed within the municipal boundary, as the current process has fairness and transparency issues. The policy will lay out a process so that these applications do not have to be dealt in an ad hoc manner.

ANALYSIS / DISCUSSION / ALIGNMENT TO OCP & STRATEGIC PRIORITIES

Municipal Act

S. 288(2) states that council must not adopt a zoning bylaw, or an amendment to a zoning bylaw, that is not consistent with an official community plan, and s. 288(3) goes on to state that “any part of a zoning bylaw that is inconsistent with an official community plan is of no force and effect to the extent of the inconsistency”.

The Municipal Act s. 314 also details the requirements for any proposed plan of subdivision to have direct access to the highway to the satisfaction of the approving authority. Given that new access would be required, it is a condition of subdivision approval that the access location is approved by administration.

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

Subdivision Bylaw

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

Official Community Plan

The existing titled property is currently designated as MU – Mixed Use. Uses associated with this designation primarily include a range of commercial and industrial structures. Therefore, the consolidated lot would be required to retain the same designation. Any new use or development on the proposed lots would be required to conform to the OCP designation.

Zoning Bylaw

The subject property is currently designated as Future Planning (FP). The FP designation is not incompatible with an MU OCP designation, as it simply implies that future research is needed before determining the specific zone provisions of the area. The future zone assigned to an FP designated area would need to comply with the provisions of the MU OCP designation. The applicant is proposing to rezone the subject property from FP to M1. This is compatible with an MU OCP designation and is compatible with the adjacent M1 uses. Administration supports the proposed zone designation. It is best practice to expect that an applicant applying for a rezoning provide details of the proposed development in order to assess compatibility, therefore this development information expected to be provided as a condition of approval.

Industrial Bonanza Infill Area Considerations

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

Bonanza” area as designated in a recent priority setting brainstorming session completed with Council and Yukon Government, as seen in Figure 1 (subject property outlined in red).



Figure 1. Industrial Bonanza Area

Yukon Government Land Development Branch was the original developer of the Guggieville subdivision. It was confirmed by a letter received on July 4, 2019 by the Land Development Branch, that the reason the lot was excluded from development was due to it being below grade and primarily under water, and the volume of fill required to bring it up to grade and the associated cost was not recoverable.

Specifically regarding access, this lot would not likely be required or preferred as an access point to a future phase of the subdivision, as access to Industrial Bonanza would be from Bonanza Creek Road and through the reserved allowance beside Lot 12 on the eastern edge of Guggieville.

Lands Act

S. 3(2)a of the Lands Act states: “The Minister may dispose of Yukon lands only after the Minister has received an application with respect to those lands”. Conditional approval was received by the applicant on January 30, 2020. Yukon Lands Branch will have a written decision on February 3, 2020 provided to the City of Dawson.

Hydrology and Ecology Concerns

The application underwent assessment by YESAB on December 9, 2019 under application #2019-0161. Pond S-26 is proposed to be filled and its size reduced by approximately 75%. The proponent proposed a “lift” fill approach with plans to begin in March while the pond is still frozen, in order to restrict sediment movement and reduce flood risk. The report states that the pond does not contain fish. Increased sedimentation will occur because of the project but starting the project during the winter “will ensure that the sediment loading will occur more slowly and be less impactful on the remaining portion of pond S-26”. No adverse environmental effects were found to soil and vegetation. The project “does not occur in any Wildlife Key areas or key habitat for any wildlife species”. YESAB concluded that the project be allowed to proceed, subject to:

1. “Should the proponent encounter unplanned events during the infilling process, such as water levels not gradually dropping during the infilling process, the Water Resources Branch shall be contacted.
2. The proponent shall limit the use of heavy machinery to between 7 am to 11 pm.

3. Upon discovery of a heritage resource, the Proponent shall notify the affected First Nations Heritage Departments and the Government of Yukon, Chief of Mining Land and Tourism-Heritage”.

Recommendation

Based on the above information, approval is recommended. Approving this application would create a new lot to be zoned M1, as seen in Figure 2.

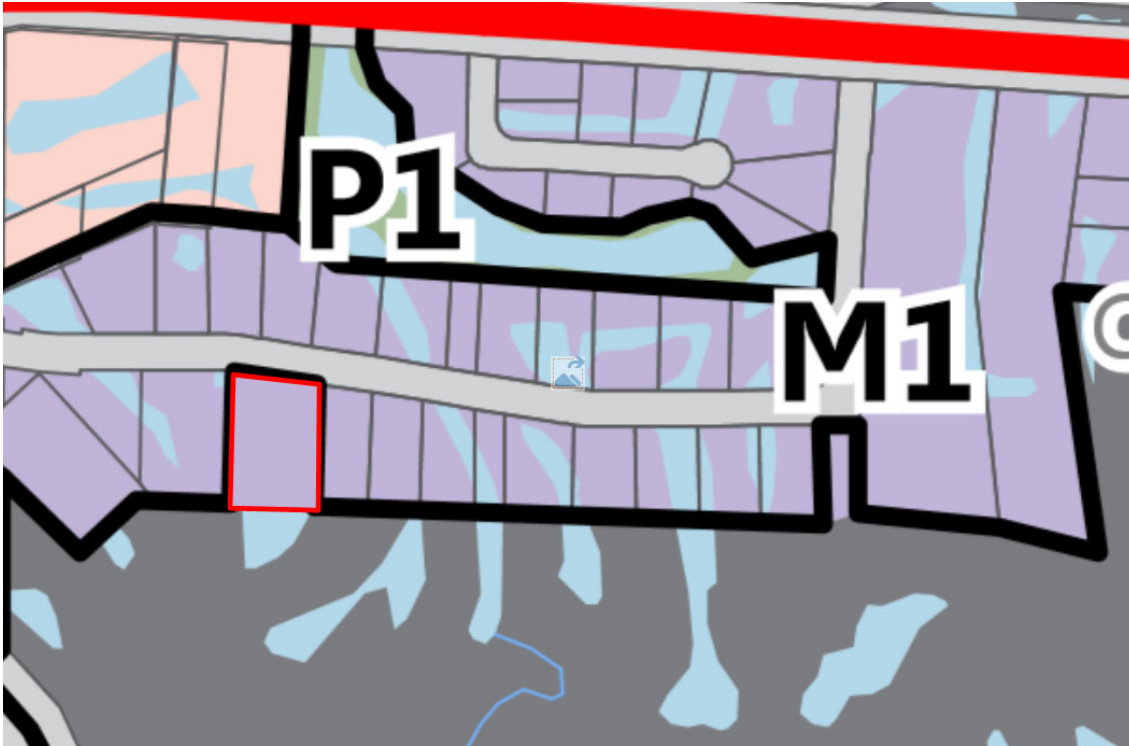


Figure 2. Proposed new lot with Industrial zoning

APPROVAL	
NAME: Cory Bellmore, CAO	SIGNATURE:
DATE:	

P.S. Sidhu Trucking Ltd.
10 Sunset Drive North,
Whitehorse, YT. Y1A 4M8

May 16, 2019

Ms. Clarissa Huffman, Community Development and Planning Officer,
City of Dawson,
P.O. Box 308, 1336 Front Street
Dawson City, YT. Y0B 1G0

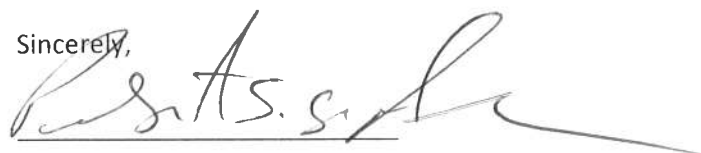
Subject: Authorization Inukshuk Planning & Development Ltd to Act for P.S. Sidhu Trucking Ltd

P.S. Sidhu Trucking Ltd has authorized Ian Robertson MCIP, RPP of Inukshuk Planning & Development Ltd to make application on our behalf to the Government of Yukon and coordinate any work necessary in relation to the consideration of our application to acquire a portion of unsurveyed crown land located between Lot 19 and lot 20, Plan 2011-0198, Guggieville Industrial Subdivision, Dawson City, Yukon.

We are currently leasing equipment storage space in the Guggieville subdivision in support of our current Dawson area construction projects. Our intention is to develop an industrial lot and local operational base. This will involve partly filling in part of an existing tailing pond (S-26) and squaring the rear property line to be consistent with neighbouring lots. Development of the Guggieville Industrial Subdivision included completing an environmental assessment under YESAB. EDI Environmental Dynamics Inc. undertook a fish habitat investigation in the fall of 2009 as part of that assessment concluding the pond in question is not fish habitat. It is our view that this is not a spot land application but rather an infill development within the existing planned industrial subdivision with the proposed use consistent and compatible with existing subdivision uses.

It is our understanding that the land in question is designated for light industrial/mixed use under the updated Official Community Plan and zoned future planning under the new Zoning Bylaw. The City of Dawson is also the subdivision approving authority. Inukshuk is authorized to act on our behalf with respect to the City of Dawson rezoning and subdivision approval processes.

Sincerely,



PS. Sidhu
Owner

Cc: Ian D. Robertson MCIP, RPP, Principal, Inukshuk Planning & Development Ltd.

P.S. Sidhu Trucking Ltd.
10 Sunset Drive North,
Whitehorse, YT. Y1A4M8

May 16, 2019

Government of Yukon,
Department of Energy, Mines and Resources,
Land Management Branch (K-320),
320 – 300 Main Street, Box 2703,
Whitehorse, YT. Y1A 2C6

Subject: Authorization Inukshuk Planning & Development Ltd to Act for P.S. Sidhu Trucking Ltd

P.S. Sidhu Trucking Ltd authorizes Inukshuk Planning & Development to make application on our behalf and coordinate any work necessary in relation to the consideration of our application to acquire a portion of unsurveyed crown land located between Lot 19 and lot 20, Plan 2011-0198, Guggieville Industrial Subdivision, Dawson City, Yukon.

Sincerely,

A handwritten signature in black ink, appearing to read 'P.S. Sidhu', written over a horizontal line.

PS. Sidhu
Owner

Cc: Ian D. Robertson MCIP, RPP, Principal, Inukshuk Planning & Development Ltd.



THE CITY OF DAWSON

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APPLICATION FEE:	
DATE PAID:	
RECEIPT #:	
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AMENDMENT APPLICATION

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

PROPOSED DEVELOPMENT

- Official Community Plan Amendment (OCPA)
 Zoning Bylaw Amendment (ZBA)
 Joint OCPA/ZBA

APPLICANT INFORMATION

APPLICANT NAME(S): _____

MAILING ADDRESS: _____ POSTAL CODE: _____

EMAIL: _____ PHONE #: _____

OWNER INFORMATION (IF DIFFERENT FROM APPLICANT)

OWNER NAME(S): _____

MAILING ADDRESS: _____ POSTAL CODE: _____

EMAIL: _____ PHONE #: _____

PROPOSED AMENDMENT

A.) REDESIGNATION/REZONING:

CIVIC ADDRESS: _____ VALUE OF DEVELOPMENT: _____

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

PROPOSED AMENDMENT: FROM DESIGNATION: _____ TO DESIGNATION: _____

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



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

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

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

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.

DATE SIGNED

Jan D. Robertson

SIGNATURE OF APPLICANT(S)

DATE SIGNED

SIGNATURE OF OWNER(S)



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COMPLETE APPLICATION SUBMISSION REQUIREMENTS

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:
 - a north arrow and scale
 - property lines shown and labelled as per the most recent legal survey
 - proposed rezoning/re-designation
 - all easements and rights of way shown and labelled
 - the location and labelling of all abutting streets, lanes, highways, road rights of way, sidewalks, water bodies, and vegetation
 - the topography and other physical features of the subject land
 - 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 property lines
 - the location, size, type, and dimensions of all proposed buildings and structures on the subject land, as well as the proposed distance of the buildings and/or structures from the property lines
 - the location of retaining walls and fences (existing and proposed)
 - the location, dimensions, and number of onsite parking areas
 - the location of loading facilities
 - the date of the plan
- Certificate of Title (if owner does not match Assessment Roll)
- 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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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. Bylaw Amendments:

- a) Any person may apply for an amendment to the text of the OCP/ZBL by paying the required application fee, as specified in the Fees and Charges Bylaw, and submitting a written statement that describes and justifies the proposed amendment.
- b) An owner of a parcel in the City, or an authorized agent of an owner, may apply to have the designation of the land amended to another designation.
- c) An application for a re-zoning/re-designation shall be made in writing to the development officer using the form provided and accompanied by the following:
 - a. documentation of ownership;
 - b. a written statement to describe and justify the proposal;
 - c. a map showing the proposed change in the context of adjacent land;
 - d. the necessary processing and advertising fees as set out in the Fees and Charges Bylaw;
 - e. permission for right of entry onto the land by City staff for reasonable inspection; and
 - f. any additional information a development officer may require in order to prepare, evaluate, and make recommendations on the proposed amendment.
- d) A development officer may request the applicant provide an analysis by a qualified professional of the potential impact on land use, traffic, utilities, and other City services and facilities if the amendment proposes an increase in density or other
- e) intensification of use.
- f) An application may not be considered to have been received until all requirements have been submitted to the satisfaction of a development officer.
- g) Notwithstanding these requirements, the application may be considered if, in the opinion of a development officer, it is of such a nature as to enable a decision to be made without some of the required information.
- h) If it appears that the proposed amendment is one that is applicable to most of the persons affected in the area and/or will benefit the City at large, Council may direct that the application fee be returned to the applicant.

2. Review Process

- a. Upon receipt of a completed application for a text amendment or re-zoning, a development officer shall initiate or undertake an investigation and analysis of the potential impacts of development under the proposed zone. The analysis shall be based on the full development potential of the uses and development regulations specified in the proposed zone and not on the merits of any particular development proposal.
- b. The analysis shall, among other factors, consider the following criteria:
 - i. relationship to, and compliance with, the OCP and other approved municipal plans and Council policy
 - ii. relationship to, and compliance with, municipal plans in preparation
 - iii. compatibility with surrounding development in terms of land use function and scale of development
 - iv. traffic impacts
 - v. relationship to, or impacts on, services (such as water and sewage systems or public transit), utilities, and public facilities (such as recreational facilities and schools)
 - vi. relationship to municipal land, rights of way, or easement requirements
 - vii. effect on the stability, retention, and rehabilitation of desirable existing uses, buildings, or both in the area
 - viii. necessity and appropriateness of the proposed text amendment or re-zoning according to the stated intentions of the applicant
 - ix. analysis of any documented concerns and opinions of area residents and land owners regarding the application
- c. Subsequently, the development officer shall:
 - i. prepare a report on the proposed amendment; and
 - ii. submit a copy of the application and the development officer's recommendation and report to Council.
- d. Before approving a text amendment or re-zoning, Council shall comply with the requirements and notification procedures set out in the Act.



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3. Resubmission Interval
 - a. When an application for an amendment to this bylaw has been refused by Council, another application for the same, or substantially the same, amendment shall not be submitted within 12 months of the date of the refusal unless Council directs otherwise.
4. Before a second reading of a bylaw proposing amendments is heard, Council shall hold a public hearing to hear and consider all submissions respecting the proposed amendments.
5. The public hearing shall be held no earlier than seven days after the last date of publication of the notice.
6. A notice must be circulated, in the method approved by Council, once a week for two successive weeks prior to the public hearing.
7. Methods of notice circulation may include the City of Dawson website, local newspapers, the City and Post Office Bulletin Boards, and written notification letters.
8. The notice shall:
 - a. describe the area affected by the proposed amendment;
 - b. state the date, time, and place for the public hearing respecting the proposed amendment; and
 - c. include a statement of the reasons for the amendment.
9. Written notification letters shall be mailed to all applicable properties within the following radii of the subject property prior to the public hearing:
 - a. 100 m (328.1 ft.) for properties within the historic townsite
 - b. 1 km (3,280.8 ft.) for properties in all other areas
10. For amendments proposed for one property, a notification sign shall be placed on the subject property following first reading until such time as Council has ruled on the application.
 - a. The sign shall state the details of the amendment; the date, time, and place of the public hearing; and 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.



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SUBDIVISION APPLICATION

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

PROPOSED DEVELOPMENT

- Subdivision
 Consolidation
 Boundary Adjustment

CIVIC ADDRESS: N/A VALUE OF DEVELOPMENT: purchase price to be determined by YG

LEGAL DESCRIPTION: LOT(S) _____ BLOCK _____ ESTATE _____ PLAN# 2011-0198

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

The proponent is proposing to create an infill lot out of vacant Commissioner's land between lots 19 and 20 of the Guggieville Industrial Subdivision which would be rezoned to conform with the existing industrial zoning on adjoining lots. The proposed use is outside storage.

APPLICANT INFORMATION

APPLICANT NAME(S): Paramjit Singh Sidhu on behalf of P.S. Sidhu Trucking Ltd

MAILING ADDRESS: 10 Sunset Drive, Whitehorse, Yukon POSTAL CODE: Y1A 4M8

EMAIL: ian@inukshukplanning.ca (agent for P.S. Sidhu Trucking Ltd) PHONE #: 667-4759

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, this will be an infill lot with services and access off Rabbit Creek Road.



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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.

yes, approximately 45% of the proposed lot is a former dredge pond identified as S-26 in the Fisheries Assessment Report compiled by EDI Environmental Dynamics Ltd. The report prepared in 2011 as part of the original subdivision development project YESAA submission concluded the pond did not contain fish or support sustainable fish habitat. The pond has no outlet. The proponent proposes to fill the former dredge pond to create the outside storage lot.

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.).

the front have of the site was rough graded when the original subdivision was developpe and consists of unconsolidated tailings. The edges of the tailing pond are slowly naturally revegetating with poplar, willow and birch where there is sufficient silts.

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

Site is 0.762 ha of vacant crown land situated between lots 19 and 20 Guggieville Industrial Subdivision Plan 2011-0198

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.

2019/06/27

DATE SIGNED

2019/06/27

DATE SIGNED

SIGNATURE OF APPLICANT(S)

SIGNATURE OF OWNER(S)



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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:
 - a north arrow and scale
 - property lines shown and labelled as per the most recent legal survey
 - dimensions and areas of all proposed lots
 - all easements and rights of way shown and labelled
 - the location and labelling of all abutting streets, lanes, highways, road rights of way, sidewalks, water bodies, and vegetation
 - the topography and other physical features of the subject land
 - 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
 - the location of retaining walls and fences (existing and proposed)
 - the location, dimensions, and number of onsite parking areas
 - the location of loading facilities
 - 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: _____



THE CITY OF DAWSON

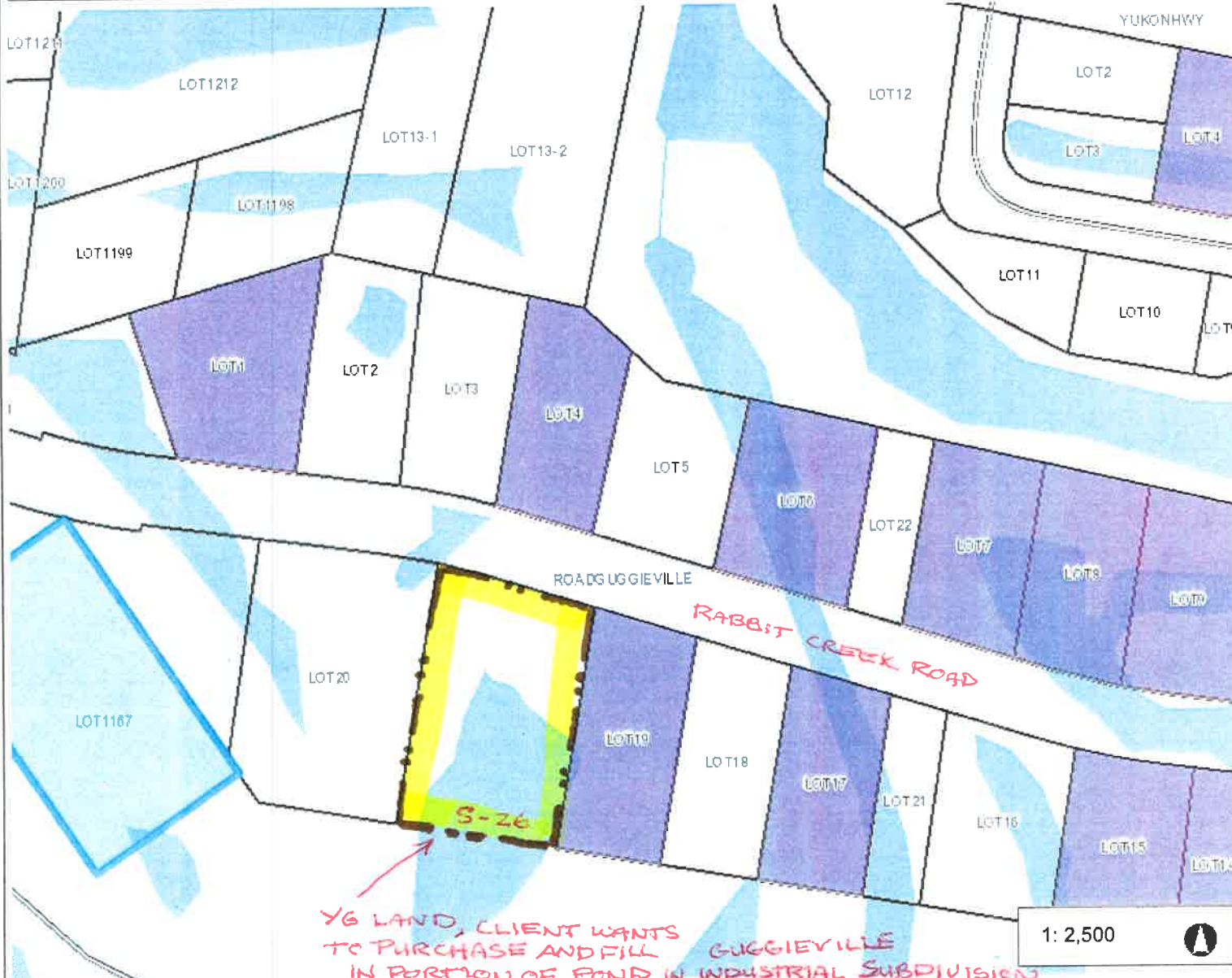
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INSTRUCTIONS AND GUIDELINES

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.



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

**P.S. SIDHU
TRUCKING LOT
APPLICATION**

0.1 0 0.06 0.1 Kilometers

CANADA LANDS SURVEYS RECORDS
 99759
 Date: December 8, 2011

Registered this 08 Day of
 Dec, 2011 at 1546
 under LTO NO. 2011-0198
 L. Lewis Registrar

PLAN AND FIELD NOTES
 OF SURVEY OF
Lots 1 to 22 and Road
Guggieville Industrial Subdivision
 AND
Lot 1192, Quad 116 B/3
 (Comprising Lot 236 Remainder, Group 2, Plan 54137 CLSR, F.B. 6673 CLSR,
 Part of Old Bonanza Road, Plan 10292 CLSR and Yukon Land)
 CITY OF DAWSON
 YUKON

SCALE 1 : 1,500

This survey was executed during the period of August 4 to 12, 2011, by Paul Lewis, CLS.

LEGEND:
 Bearings are UTM Grid, derived from Real Time Kinematic GPS observations and are referred to the central meridian of UTM Zone 7, (141° West Longitude).

Distances are horizontal at general ground level and are expressed in metres.

Fords and road centreline are plotted on plan from RTK GPS observations.

All placed posts are marked with the appropriate lot numbers, year of survey and 'R' for road where applicable.

UTRM denotes Unable to read markings.
 CS denotes counter sunk.
 PUL denotes Public Utility Lot.

GPS control station placed shown thus
 CLS 69 post found shown thus
 CLS Standard post found shown thus
 CLS 77 post found shown thus
 CLS 77 post placed shown thus
 Traverse lines shown thus
 Lands dealt with by this plan bounded thus

Edge of ponds shown thus

I, PAUL LEWIS, of the City of Whitehorse, Canada Lands Surveyor, do solemnly declare that this plan accurately shows the manner in which the land included therein has been surveyed and subdivided by me and that the said plan is prepared in accordance with the provisions of the Land Titles Act.

Certified Correct

November 29, 2011
 Date
 Paul Lewis, CLS
 Registrar

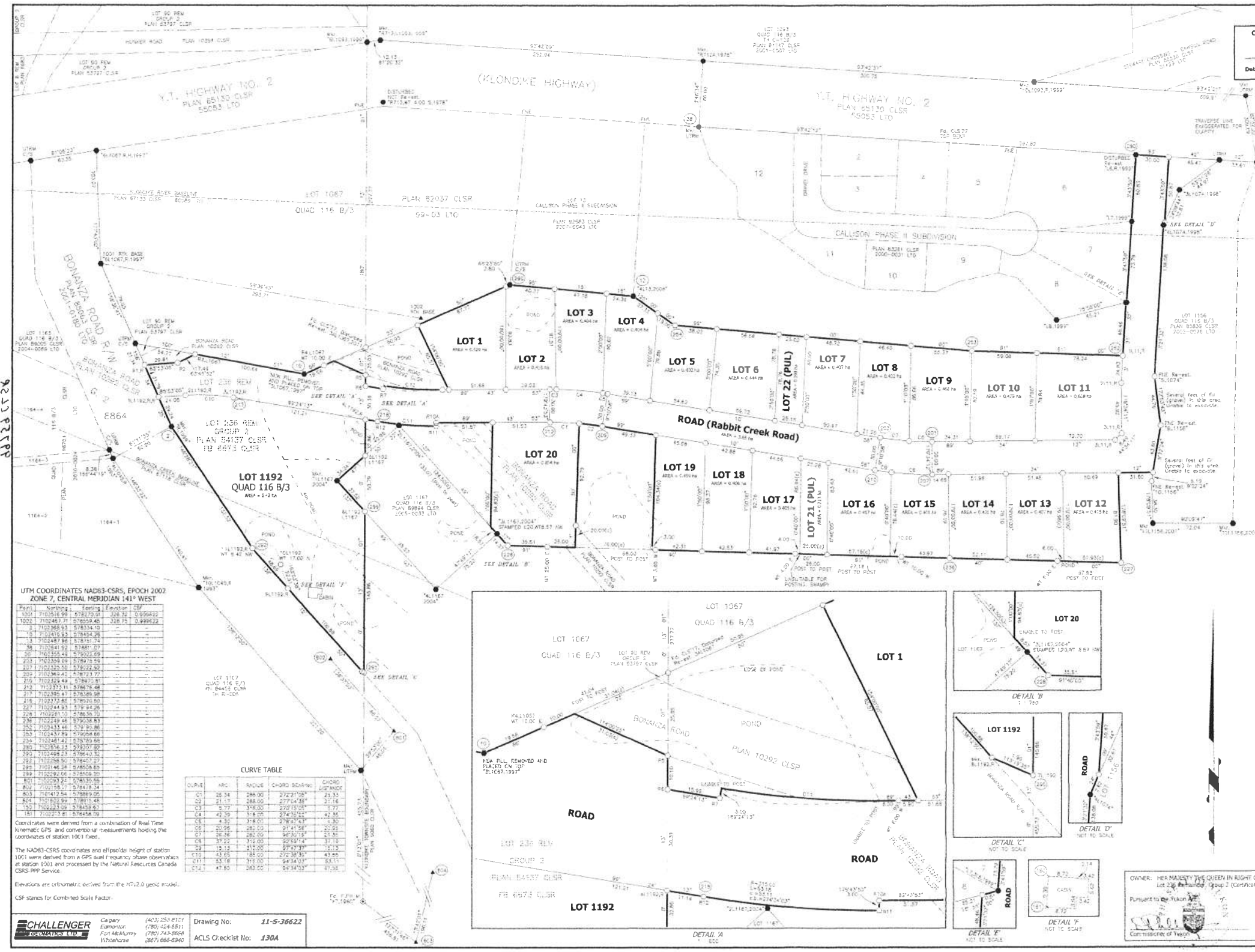
Department of Natural Resources
 Re: Section 25, Canada Lands Survey Act
 Confirmed insofar as Crown Canada Lands are affected:
 Brian Thompson, Head, Cadastral Services
 Surveyor General Branch, Yukon
 Date: Dec 7/11

APPROVED
 Commissioner of Yukon
 Date: Dec 5/11

Department of Natural Resources
 Whitehorse, Yukon Dec 7, 2011
 Re: Section 5, Land Titles Plans Regulations
 Brian Thompson, Head, Cadastral Services
 Yukon on behalf of the Surveyor General of Canada Lands
 Surveyor General Branch

OWNER: HER MAJESTY THE QUEEN IN RIGHT OF CANADA
 Lot 236 Remainder, Group 2 (Certificate of Title 37255)
 Pursuant to the Yukon Act
 Commissioner of Yukon
 Date: Dec 5/11

File: 99461-06
 Project: 2011-0198
 Date: Nov 29/11



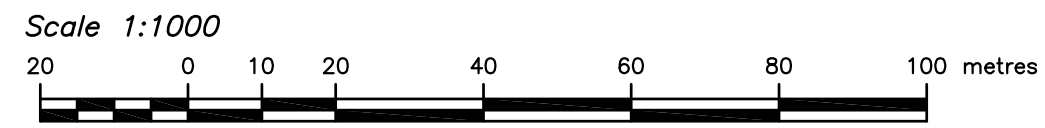
CHALLENGER
 Capax (403) 253-8121
 Edmonton (780) 424-5511
 Fort McMurray (780) 744-8004
 Whitehorse (867) 666-6340
 Drawing No: 11-5-36622
 ACLS Checklist No: J30A



SKETCH OF
**PROPOSED REZONING OF
 PARCEL A
 FROM FP (FUTURE PLANNING)
 TO M-1 INDUSTRIAL**

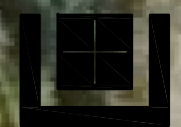
BEING A REZONING OF
 YUKON LAND, AND
 ROAD (BONANZA ROAD), PLAN 10292 CLSR

GUGGIEVILLE INDUSTRIAL SUBDIVISION
 CITY OF DAWSON
 YUKON



LEGEND:
 Bearings are UTM Grid derived from Plan 99759 CLSR, 2011-0198 LTO.
 Distances are horizontal at general ground level and are expressed in metres.

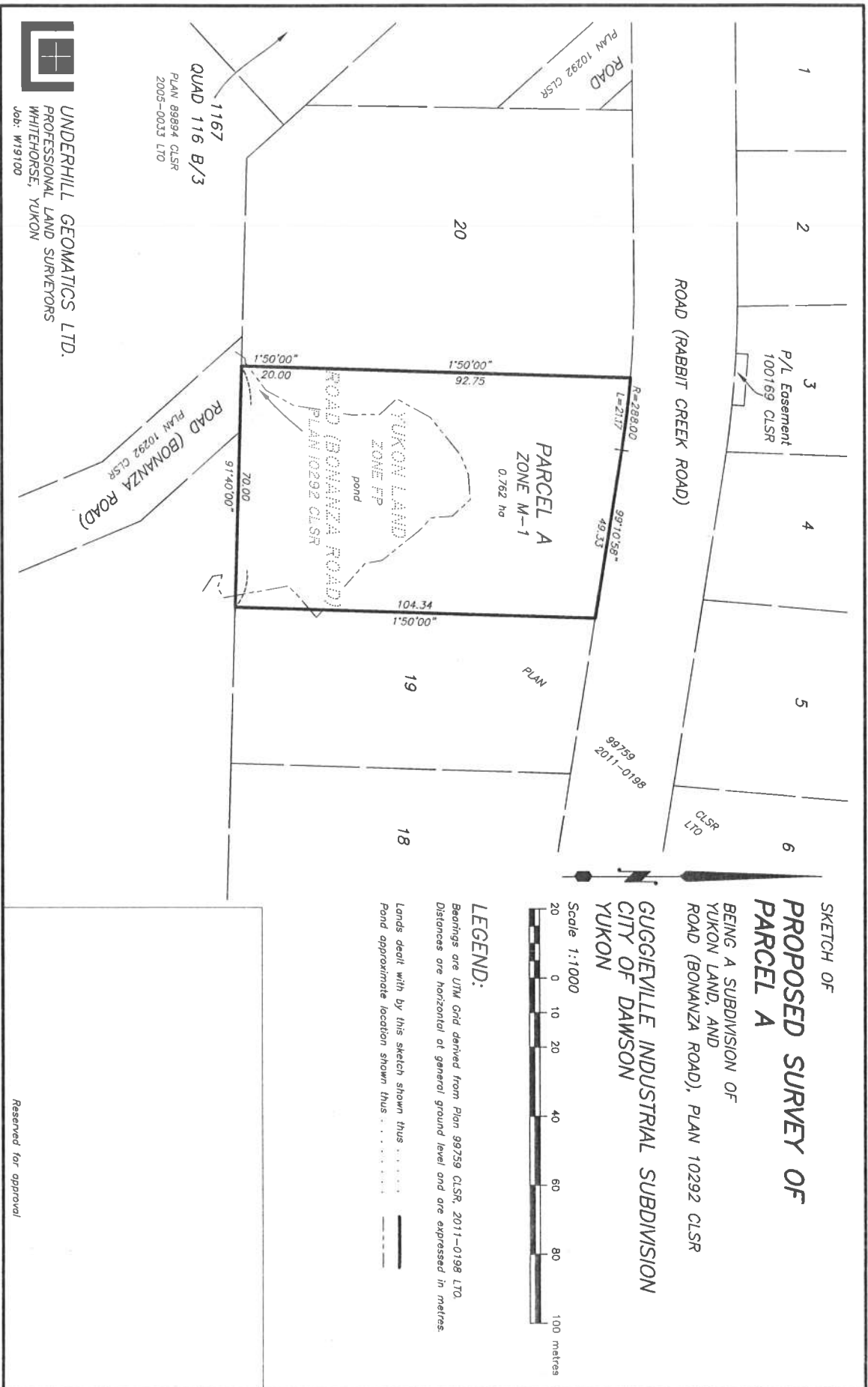
Lands dealt with by this sketch shown thus **—————**
 Pond approximate location shown thus **- - - - -**



UNDERHILL GEOMATICS LTD.
 PROFESSIONAL LAND SURVEYORS
 WHITEHORSE, YUKON
 Job: W19100

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Reserved for approval



SKETCH OF
**PROPOSED SURVEY OF
 PARCEL A**

BEING A SUBDIVISION OF
 YUKON LAND, AND
 ROAD (BONANZA ROAD), PLAN 10292 CLSR

GUGGIEVILLE INDUSTRIAL SUBDIVISION
 CITY OF DAWSON
 YUKON



LEGEND:

- Bearings are UTM Grid derived from Plan 99759 CLSR, 2011-0198 LTO.
- Distances are horizontal at general ground level and are expressed in metres.
- Lands dealt with by this sketch shown thus: ————
- Pond approximate location shown thus: - - - - -



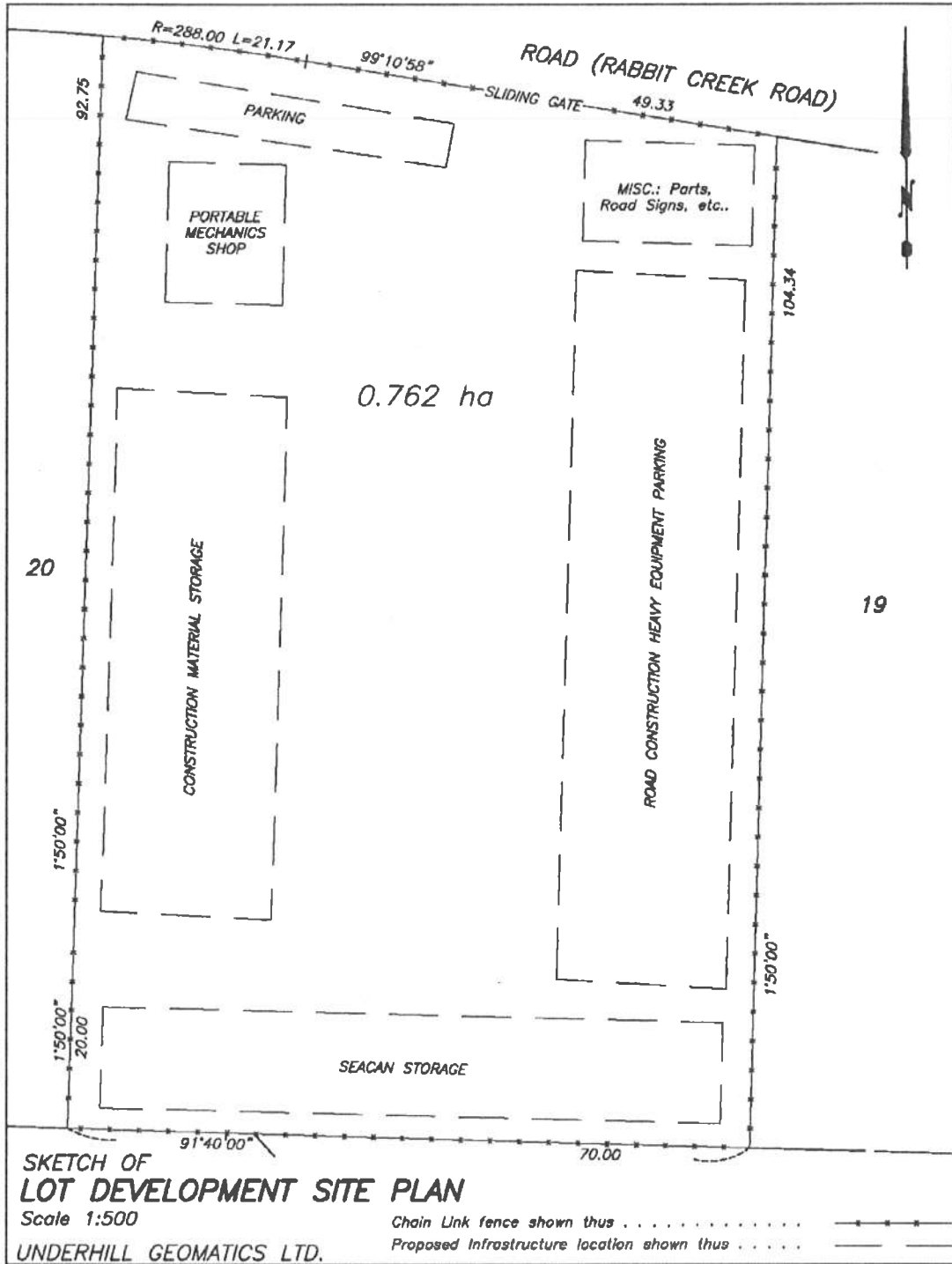
UNDERHILL GEOMATICS LTD.
 PROFESSIONAL LAND SURVEYORS
 WHITEHORSE, YUKON
 Web: W19100

1167
 QUAD 116 B/3
 PLAN 99894 CLSR
 2005-0033 LTO

D19-087SK_Sub

Reserved for approval

Business Plan Sidhu Guggieville Industrial Subdivision Land Purchase





2020-01-27

By E-Mail

Mayor & Council
City of Dawson,
Box 308, Dawson City, YT. Y0B 1G0

Subject: Rezoning Application # 19-073 & Subdivision Application # 19-081

I am writing as the agent for P.S. Sidhu Trucking Ltd. The company proposes to develop a new infill industrial lot between lots 19 and 20, Guggieville Industrial Subdivision. The project involves filling in the majority of tailings pond S-26 which is situated between lots 19 and 20. The rear property line of the new lot will match the rear property line of these existing, adjacent industrial lots.

As Mr. Sidhu and I explained at the original Council of the Whole meeting last summer, the original Yukon Government conceptual subdivision design anticipated infilling pond S-26 to create the additional lot now proposed at this location. EDI Environmental Dynamics undertook the fisheries work for the original YESAA submission in 2009. They concluded tailing pond S-26 did not contain fish or suitable fish habitat. Their work did determine some other ponds within the proposed subdivision contained fish and suitable fish habitat. This resulted in the preparation of a mitigation and compensation plan which was subsequently implemented.

Council of the day supported the development of the industrial subdivision but raised a concern about lot affordability. Rising development costs were attributed to new charges related to installation of power and telephone service, the cost of implementing the fisheries mitigation and compensation plan, and increases in overall tailing pond infill volumes. This resulted in the decision not to fill tailing pond S-26 at that time as a measure to keep development costs down. This context is relevant to the present application.

The City of Dawson Official Community Plan (OCP) and Zoning Bylaw (ZB) were updated in 2019. Under the OCP, the approved map clearly shows the Callison Industrial Subdivision as mixed use including the area of crown land being applied for. The ZB includes it within the larger Future Planning boundary to the south. This is an error. The OCP designation takes precedence. The proposed use is consistent with the OCP. Rezoning to M-1 Industrial is compatible with the OCP direction, zoning of adjacent existing uses within the existing subdivision and resolves the mapping inconsistency between the OCP and Zoning Bylaw maps.

The proponent has gone through a second YESAA review and the Lands Branch land purchase application processes. Both support the application proceeding. The YESAA recommendation was accepted and Lands Branch is now prepared to sell the land subject to City of Dawson rezoning and subdivision approval.

In the updated City of Dawson Zoning Bylaw Council does not in principle support spot land applications. It does recognize there may be exception. The rationale against spot land applications is based on discouraging sprawl and allowing site specific developments that subsequently complicate orderly development of the community in future.

This is an infill project within an existing developed industrial subdivision and therefore warrants the exception for the following reasons:

- As an infill project it meets the "highest and best use" criteria for the future use of an area previously placer mined by dredging and not reclaimed;
- The proponents proposed use is compatible with the current OCP, the purpose of the industrial subdivision and nature of uses permitted under the M-1 zoning and adjacent property use;
- Road access, power and telephone service already exist along Rabbit Creek Road;
- There is a known shortage of industrial lots and the new lot will be developed at the proponent's cost, generating sales revenue for YG and future tax revenue to the City of Dawson at no public cost;
- Potential environmental impacts have been addressed during the YESAA and Lands Branch reviews; and,
- Over the past decade no post development impacts, or issues have arisen within the existing subdivision on either groundwater levels, surface drainage, water movement through the tailings, downflow flooding or on fish and wildlife habitat.

There are also other benefits to the community. First, Sidhu Trucking can establish a regional base and greater presence in the community. Second, it gives the company a competitive advantage in bidding on contracts where equipment mobilization and demobilization costs can be significant cost on large municipal infrastructure and road construction upgrade projects. P.S. Sidhu Trucking Ltd also provides services and equipment support to the mining industry and a local presence in Dawson City is part of the company's long-term strategic business plan.

We respectfully request the City of Dawson Council to support the staff recommendation to bring forward the rezoning for first reading at the February 12th Council meeting and schedule the public hearing for March 4th, 2020. Assuming no issues arise at the public hearing we would then ask Council to pass 2nd and 3rd reading at the same meeting allowing the company to apply for a development permit to begin work shortly thereafter.



Ian D. Robertson MCIP, RPP (agent for)
P.S. Sidhu Trucking Ltd.

Report to Council



For Council Decision
 For Council Direction
 For Council Information

In Camera

AGENDA ITEM:		
PREPARED BY:	C Bellmore	ATTACHMENTS: Dawson Draft Regional Agreement
DATE:	Jan 18,2020	
RELEVANT BYLAWS / POLICY / LEGISLATION:		

RECOMMENDATION

Council receive this information in preparation for discussion at an upcoming COW meeting.

ISSUE / PURPOSE

The Yukon Government and Yukon Municipalities have been working through the Ministerial committee on Solid Waste. Communities and the committee are expecting to meet in February 2020 to discuss the regional agreements.

BACKGROUND SUMMARY

The City of Dawson had a landfill agreement with Yukon Government to assist in the cost of operations at the Quigley Landfill. This agreement has been extended, as it had expired, awaiting the work on the regional agreements. The draft regional agreement attached would replace this agreement.

Communities and Yukon Government have been discussing for many years solutions to solid waste in the Yukon. Servicing all Yukon residents equitably for solid waste has been a main goal and regional agreements are a step in that direction

ANALYSIS / DISCUSSION

In preparation for administration attending a workshop with all communities on the regional agreements in February, we would like to discuss the draft regional agreement and note any comments or concerns.

APPROVAL

NAME:	Cory Bellmore, CAO	SIGNATURE: 
DATE:	Jan 18,2020	

**City of Dawson
Regional Waste Management Facility
Draft Agreement**

DRAFT

BETWEEN:

THE CITY OF DAWSON, as represented by its Mayor (herein referred to as "DAWSON" or the "MUNICIPALITY")

And

GOVERNMENT OF YUKON, as represented by the Minister of Community Services, herein referred to as "YUKON")

WHEREAS:

1. YUKON has the responsibility to provide solid waste disposal opportunities for residents of unincorporated areas of Yukon for whom they have taxing authority; and
2. Municipal Governments have the responsibility under the Public Health and Safety Act to provide "for the collection and disposal of garbage and refuse" to the residents of their MUNICIPALITY; and
3. YUKON and the MUNICIPALITY agree that the most efficient and cost-effective manner to meet their respective responsibilities is to operate a joint use facility; and
4. Both parties are desirous of establishing, by written agreement, the roles and responsibilities of each partner;

NOW THEREFORE, the parties to this agreement would agree as follows:

1. DEFINITIONS

1.1. In this Agreement;

"Periphery" means unincorporated areas with residential areas within northwest Yukon as defined in the map attached as Appendix 1, titled Regional Waste Facility Boundaries. This includes areas adjacent the Alaska Highway northwest of Stewart Crossing at the McQueston River Bridge to the Yukon/Alaska border and the Dempster Highway to Eagle Plains.

"Funds" means any funding provided by Yukon under or related to this Agreement.

"Records" means any information, data, documents, graphics, or materials that arise out of this Agreement, whether in electronic or written format, and includes, but is not limited to invoices, receipts, financial statements, or any written materials related to revenue or expenditure of the Funds.

"Regional Waste Management Facility" means the DAWSON Solid Waste Facility.

"Solid Waste" means municipal solid waste including household garbage, construction and demolition waste, scrap metal, vehicles, brush, debris and

grubbing/stripping material, and any waste authorized to be accepted under the Regional Waste Management Facility Permit.

2. JOINT USE

- 2.1. The Regional Waste Management Facility shall be equally available, at the same level of service, for use of residents of the MUNICIPALITY and the Periphery of the MUNICIPALITY.
- 2.2. The residential population of the periphery that will utilize the Regional Waste Management Facility is estimated between 468 and 770, with an average of 583 people.
- 2.3. For the purposes of calculating funding in this agreement, the population estimate is set at XXX peripheral users.

3. PERIPHERAL SOLID WASTE FACILITIES

- 3.1. The parties acknowledge that no unincorporated peripheral Facilities near DAWSON that are operated by YUKON shall be closed to public in the near term, however, this may be considered in the future.
- 3.2. Specifically, the parties acknowledge that the Eagle Plains Solid Waste Facility may close at a date in the future.

4. RESPONSIBILITY

4.1. YUKON

- 4.1.1. With respect to the Regional Waste Management Facility, YUKON shall provide resources for upgrading of the Facility in the form of:
A capital contribution of up to \$250,000 from Investing in Canada Infrastructure Plan Fund, Unincorporated Gas Tax and/or other fund that will be used to:
 - i – install landfill gating, fencing, or access control infrastructure, at the entrance of the Facility;
 - ii – implement one or more capital projects that will contribute to
 - a) recycling, composting, materials recovery;
 - b) measurement of waste and recycling quantities; and
 - c) electrification of waste management/recycling facilities.
- 4.1.2. An annual operation and maintenance (O&M) contribution of XXXX based on \$150/peripheral user and a population of peripheral users.
- 4.1.3. Full cost for the transportation from the Facility, and subsequent disposal of any items for which there now is, or in the future may be, a point of sale fee or manufacturing fee collected and provided to YUKON. This currently includes tires, and electronic and electrical waste as defined under the *Designated Materials Regulation* and refundable beverage containers as defined under the *Beverage Container Regulation*.

- 4.1.4. Full cost associated with transportation from the Facility, and subsequent disposal of, special waste items listed here:
- 4.1.5. Household Hazardous Waste (residential products accepted under Community Services' Household Hazardous Waste Program)
- 4.1.6. YUKON shall create appropriate financial agreements (subject to appropriation of funds) to facilitate the provisions described in 4.1 and any other funding provisions resulting from this agreement.
- 4.1.7. YUKON shall be responsible for decommissioning any closed unincorporated Solid Waste Facilities in accordance with all applicable legislated requirements.
- 4.1.8. YUKON shall provide training for waste facility operators and administrators including hazardous waste training, landfill fire management, landfill safety, and conflict resolution.

4.2. MUNICIPALITY

4.2.1. SOLID WASTE PERMIT

- 4.2.1.1. The MUNICIPALITY, as the operator of the Facility, shall ensure all required permits and licenses are maintained.
- 4.2.1.2. The parties agree that the MUNICIPALITY shall take full responsibility for all permitting and license application requirements and shall ensure compliance with relevant legislative and regulatory requirements, including its obligations as a proponent for any prescribed assessments.

4.2.2. ADMINISTRATION, OPERATIONS AND MAINTENANCE

- 4.2.2.1. The parties agree that the MUNICIPALITY shall independently operate, maintain and administer the Facility excepting those items specifically noted in this agreement.
- 4.2.2.2. The parties agree that the MUNICIPALITY shall retain autonomy for decisions relating to 4.2, excepting those items specifically noted in this agreement.
- 4.2.2.3. The parties agree that the MUNICIPALITY will ensure Designated Materials (e.g. tires and electronic / electrical waste) are consolidated at the Facility or other mutually agreeable location.

4.2.3. USER FEES

- 4.2.3.1. The MUNICIPALITY shall implement unit based (by number of units, volume or weight) user fees at the Facility which do not discriminate between residents of the MUNICIPALITY and the Periphery within one year of signing of this agreement.
- 4.2.3.2. The date of implementing user fees shall be agreed upon in writing on or before March 31, 2020.
- 4.2.3.3. The MUNICIPALITY shall retain 100% of the fees collected.
- 4.2.3.4. The MUNICIPALITY shall ensure compliance with the Municipal Act in creating bylaws for any user fees related to the Facility.

DRAFT

4.2.4. REPORTING

4.2.4.1. The MUNICIPALITY agrees to provide YUKON with sufficient reports to describe the impacts and/or use of any Funds and to report on the O&M expenses of the Facility for information purposes. These reports are to provide information for federal gas tax funding reporting requirements, and to assess territorial waste management costs across jurisdictions. The reports should distinguish between Recycling, Waste Management and Waste Collection expenses.

4.2.5. POTENTIAL SIGNIFICANT FUTURE IMPACTS

4.2.5.1. It is hereby acknowledged that should there be a significant impact on the costs related to the Facility as a result of:

- a. regulatory changes,
- b. landfill liability requirements,
- c. any other significant event or initiative that impacts the operation of the Facility,

that YUKON and the MUNICIPALITY shall negotiate in good faith to share the financial implications of those changes.

5. LIABILITY

5.1. The MUNICIPALITY shall ensure that operational liability and property damage insurance is in place for the purposes of protecting users from harm.

5.2. Both parties do hereby acknowledge that they have liabilities relating to the Regional Landfill,

5.3. Both parties acknowledge that a more detailed agreement on liability relating to the Facility will be created independent of this agreement and that any such agreement will take precedence over any conflicts with this agreement.

6. TERM AND FORM OF AGREEMENT

6.1. The term of this agreement shall be 1 year from the date of Signing.

6.2. This agreement may be amended by consent of the parties at any time.

6.3. This agreement may be extended for such a term as may be agreed to by the parties, or this agreement may be replaced by another agreement of a longer term.

7. DISPUTE RESOLUTION

7.1. In the interest of maintaining a cooperative and harmonious partnership, the parties agree to use their best efforts to avoid conflict and to settle any disputes arising from or in relation to this agreement.

- 7.2. In the event that the parties fail to resolve matters, the parties shall seek settlement of the conflict by utilizing an agreed upon method of dispute resolution and recourse to the Courts shall be a means of last resort, except where public health and safety is concerned.
- 7.3. The cost of the agreed upon method for dispute resolution shall be shared equally by YUKON and the MUNICIPALITY.

WHEREFORE THE PARTIES HAVE EXECUTED THIS MEMORANDUM OF AGREEMENT BY THEIR DULY ASSIGNED OFFICIALS:

For:

GOVERNMENT OF YUKON

CITY OF DAWSON

Minister of Community Services

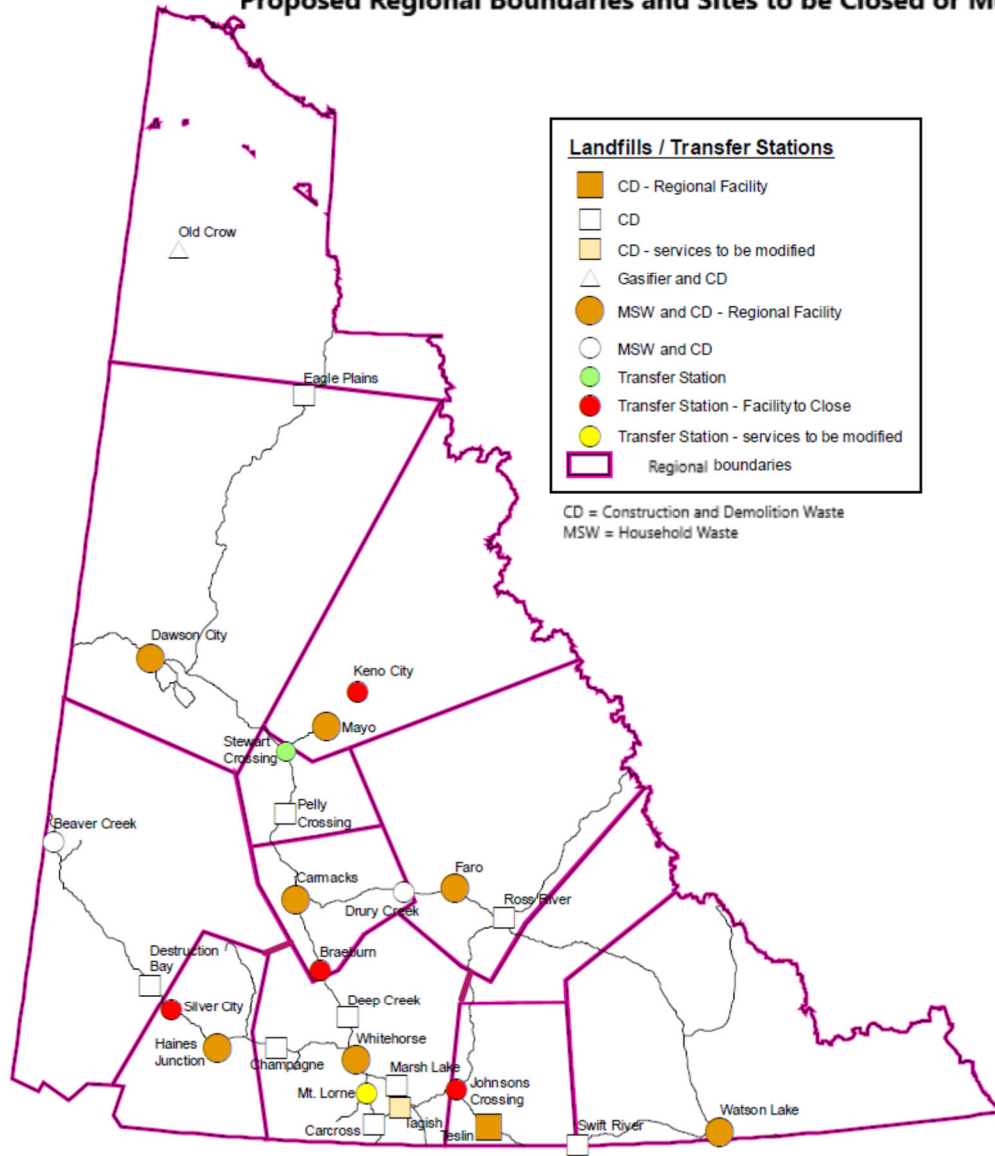
Mayor

Date

Date

APPENDIX 1

Yukon After Regionalization: Proposed Regional Boundaries and Sites to be Closed or Modified



Dear Mayor & Council,

I am writing to ask if you would write a letter of support for our application to **the Historic Properties Assistance Program** and **the Anglican Foundation** to replace the foundations for the Stringer House - St Paul's Anglican Church. I have attached a brief summary of the historical significance of Stringer below. When we asked Donny Flynn of Do Dat Construction to assess the Stringer House foundations last fall as the building was sagging and the ground floor was difficult to heat, he discovered the following situation:

- existing foundation consists of old-style screw jacks sitting on mud sills, which have deteriorated over time
- existing floor has no insulation,
- existing insulation is currently lying on the ground, and going to ruin
- evidence of rodent activity is plentiful

Donny's quote indicated the following replacement proposal

- Remove existing skirting
- remove all old insulation, and debris
- install temporary blocking to support building
- remove existing mud sills
- re-insulate floor with new R-28 insulation, and enclose with house wrap
- install 40 - 36" x 36 PWF pads
- install new 6" x 8" blocking throughout•
- remove temporary blocking, and level building
- re-install skirting, cleanup site and remove all equipment and debris

This restoration work would cost around \$30,000 which is more than our church can support at this time, but as you can see the work is essential and timely. We hope that you will be able to support us with a letter. The due date for the applications is March 1, but we are hoping to submit our request by Feb 17.

Thank you for your consideration of our needs.
Betty Davidson

There is much historical significance to our rectory, known as Stringer House and often referred to as Bishop's Court. It was originally constructed on its existing site by a gold rush lawyer, Mr. Ridley, in 1901 or 1902. It was acquired by the Anglican Church for Bishop Isaac O. Stringer, who moved into it in 1907 and gave it the name Bishop's Court. He added the east wing in 1911. They resided there until 1931 when he was elected Archbishop of Rupert's Land and moved to Winnipeg. Stringer House was central to the life of the town and church. When the capital was changed from Dawson City to Whitehorse in the early 50's, Dawson entered into a time of decline. After the seat of the Bishop was moved to Whitehorse, the church sold the building. It reacquired it in 1972, and, with private grant money and its own resources, restored the building to its Edwardian glory, saving what was condemned and about to be bulldozed, and returning it to full use. Tourists stop throughout the day to photograph it and to read the information signs placed out front. Every effort has been taken to keep the exterior and the grounds attractive and to comply with the local historic bylaws and preserve its historic appearance.