

THE CITY OF DAWSON

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



NOTICE OF SPECIAL COUNCIL MEETING #C20-08

In response to COVID-19 the public gallery in Council Chambers is closed to the public & meetings will not be broadcast on cable channel #12 until further notice.

Watch Meeting: online via Zoom @
<https://us02web.zoom.us/j/82585515774?pwd=UVFwZFMZkxHWIV3c2k1M0RCQVZ0Zz09>
Meeting ID: 825 8551 5774 Password: 396808

This is to inform you a special meeting of City Council will be held as follows:

DATE OF MEETING: MAY 22, 2020
PLACE OF MEETING: COUNCIL CHAMBERS, CITY OFFICE
TIME OF MEETING: 12:00 PM

PURPOSE OF MEETING:

1. Zoning Amendment No. 9 Bylaw #2020-09 RE: Vacant Land Adjacent to Lots 19 & 20, Guggieville Industrial Subdivision
 - a. Second Reading
 - b. Third and Final Reading
2. In Camera Session RE: Legal Related Matter

DATE MEETING REQUESTED: May 20, 2020
MEETING REQUESTED BY: WAYNE POTOROKA, MAYOR

Original signed by: _____ May 21, 2020
Cory Bellmore, CAO Date

Report to Council



For Council Decision For Council Direction For Council Information

In Camera

SUBJECT:	Bylaw# 2020-09- Zoning Bylaw Amendment No. 9 (Appliction#19-073): 0.76 +/- ha Vacant Land Between Lots 19 and 20, Guggieville Industrial Subdivision	
PREPARED BY:	Clarissa Huffman, Elizabeth Grenon Planning and Development Department	ATTACHMENTS: 1. Applications & Supporting Documentation 2. Letter from the agent for the applicant. 3. YG Conditional Approval
DATE:	April 7, 2020	
RELEVANT BYLAWS / POLICY / LEGISLATION: Municipal Act Lands Act Official Community Plan Zoning Bylaw		

RECOMMENDATION

It is respectfully recommended that Council:

1. Gives second, third and final reading to **Zoning Bylaw Amendment No. 9** that amends the ZBL map as shown in Figure 4 of the RFD

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

Applications for re-zoning and subdivision approval were submitted in June 2019 to facilitate a spot land application. The application has received conditional approval to purchase from YG Lands Branch and YESAB.

Council granted subdivision authority by resolution C20-03-10 to create “parcel A” as shown in figure 4 subject to the following conditions:

- Final authority is not granted until third and final reading of the Zoning Bylaw amendment No. 9 has passed.
- Final authority is not granted until third and final reading of a 2020 Permanent Road Closure Bylaw No 1 has passed.
- Application successfully passes through a public hearing.
- The applicant submit a Stormwater Management Plan to the satisfaction of the CDO and Public Works Superintendent.
- The applicant submit access location details to the satisfaction of the CDO and Public Works Superintendent.
- The applicant submits a plan of subdivision completed by a certified lands surveyor drawn in conformity with the approval.
- 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.

Council gave first reading to Bylaw #2020-09 at the March, 25, 2020 Council meeting with the condition that third and final reading could not occur until a bylaw was passed closing (at minimum) the portion of Old Bonanza Road which overlaps with the subject property. Bylaw #2020-10 – 2020 Permanent Road Closure Bylaw received Third and final reading on April 22, 2020

A public hearing was held on April 22, 2020 for this subdivision application and zoning amendment.

Council tabled this application, requesting input to several questions prior to considering 2nd and 3rd reading for this zoning bylaw amendment.

ANALYSIS / DISCUSSION / ALIGNMENT TO OCP & STRATEGIC PRIORITIES

Following the public hearing and prior to 3rd reading, the following confirmations were requested (responses in italics)

- 1) An email from a Yukon land officer to the proponent about emails the former received regarding the application are not adequate submissions for the purposes of a public hearing. That should be made clear to the owner of the land, the Yukon Government.

[This was not a question but rather instruction to notify YG EMR of the City of Dawson process for public hearings] I have responded to YG EMR with a copy of the submission provided by the proponent in the public hearing and let them know that this wasn't considered during the public hearing, nor would this type of submission ever be considered in this process

- 2) A majority of submissions spoke to the unfair nature of this process. Can Yukon Government confirm, in writing, they followed all the legislative guidelines for selling this land and that it is still their intention to sell this land via proposal?

[Response from YG EMR] Yes, the applicant used the Commercial and Industrial Land Application policy which is one of the Land Management Branch's land application policies. These policies are supported by the Lands Act and the Territorial Lands (Yukon) Act and are approved by cabinet. Subject to the applicant moving successfully through the City of Dawson processes of subdivision, rezoning and the associated road closure, and the remaining LMB processes – including agreement to pay the land's appraised value, we will sell the land to the applicant.

- 3) Further to the above and assuming this is the preferred method of land disposition, what steps will Yukon take going forward to ensure the Yukon's land-disposition methods as described in territorial legislation are advertised and understood by others interested in purchasing Yukon land within the municipal boundary?

[Response from YG EMR] We understand that planned and developed land may be the City of Dawson's preferred method for making land available inside the municipal boundary – and the Department of Community Services continues to work with the City on those processes. Through the Land Development protocol agreement between the Land Management Branch and the City of Dawson, the Land Management Branch prevents all types of spot land applications inside the municipal boundary except for commercial and industrial land applications (of which the Sidhu application is one). The commercial and industrial land application process is a public process available to all and advertised on our website (<https://yukon.ca/en/housing-and-property/land-and-property/apply-undeveloped-land-your-business>). Though this option remains available to clients, any application is subject to policy constraints as well as subject to other relevant public review processes, including through YESAB and all of the relevant municipal authorizations as well (e.g. in this case – subdivision, rezoning, road closures if relevant). Developed lots, on the other hand, must first be offered through a public process (e.g. lottery or tender) before being made available for public sale.

- 4) It was noted in a submission that the area in question was left vacant for a reason. I also know Council asked for information on why the pond was originally left unfilled, but not certain it was ever received. Can they please provide it?

[Response from YG EMR] Our understanding is that the developers (Dept of Community Services) of the lot left that lot vacant originally because including it in the development would have required spending more money than at the time was deemed prudent to deal with the water on the lot and therefore would have raised the cost of the overall development and the average cost per lot.

- 5) What impact does this have on other spot land applications we have received but have been rejected for one reason or another?

[Response from CoD administration] All applications received for both spot land applications as well as lot enlargement applications that have made it past the EMR screening of future land development reserves within the City of Dawson boundary are assessed on it's individual merits in conjunction with land development/planning in the vicinity and in the near future. This application was assessed based on the current planning work being completed regarding industrial lot development. This area was identified as outside the "Industrial Bonanza" area as designated in a recent priority setting session and was deemed to be unlikely to be required or preferred as an access point to a future phase of the subdivisions as access for that would be from Bonanza Creek road and through an existing reserve allowance. Other applications that have been rejected were based on the merits in those areas as being potential future access to future industrial. Once that future development area is deemed suitable and planned and the expansion is not required for access or the area is not deemed suitable for future development, the applicants may again re-submit their applications.

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 OCP, 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".

Official Community Plan

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

Zoning Bylaw

The applicant is applying 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.

Recommendation

Approving this application would create a new lot to be zoned M1, as seen in Figure 2.

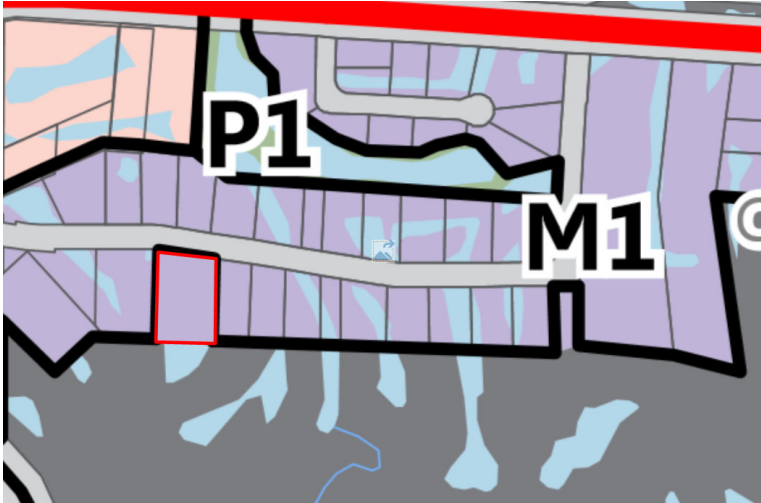


Figure 2. Proposed new lot with Industrial zoning

APPROVAL	
NAME: Cory Bellmore, CAO	SIGNATURE: <i>C. Bellmore</i>
DATE: May 21, 2020	



THE CITY OF DAWSON

Zoning Bylaw Amendment No. 9 Bylaw

Bylaw No. 2020-09

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

WHEREAS section 288 of the Municipal Act, RSY 2002, c. 154, and amendments thereto, provides that a council, within two years after the adoption of an official community plan, or as soon as is practicable after the adoption of an amendment to an official community plan, a council must adopt a zoning bylaw.

WHEREAS section 288 of the Municipal Act, RSY 2002, c. 154, and amendments thereto, provides that no person shall carry out any development that is contrary to or at variance with a zoning bylaw.

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

PART I - INTERPRETATION

1.00 Short Title

1.01 This bylaw may be cited as the ***Zoning Bylaw Amendment No. 9 Bylaw***.

2.00 Purpose

2.01 The purpose of this bylaw is to provide for

(a) An amendment to the Zoning Bylaw from FP: Future Planning to M1: Industrial.



THE CITY OF DAWSON

Zoning Bylaw Amendment No. 9 Bylaw

Bylaw No. 2020-09

Table of Contents

PART I - INTERPRETATION	1
1.00 Short Title	1
2.00 Purpose	1
3.00 Definitions	3
PART II – APPLICATION	3
4.00 Amendment	3
PART III – FORCE AND EFFECT	3
5.00 Severability	3
6.00 Enactment	4
7.00 Bylaw Readings	4
8.00 Appendices	5
Appendix A. Approved Lot Configuration for Rezoning	5



THE CITY OF DAWSON

Zoning Bylaw Amendment No. 9 Bylaw

Bylaw No. 2020-09

3.00 Definitions

3.01 In this Bylaw:

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

PART II – APPLICATION

4.00 Amendment

4.01 This bylaw amends a portion of vacant land adjacent to Lots 19 and 20 Guggieville Industrial Subdivision from FP: Future Planning to M1: Industrial in the Zoning Bylaw Schedule B: Valley, Confluence and Bowl, as shown in Appendix A of this bylaw.

PART III – FORCE AND EFFECT

5.00 Severability

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



THE CITY OF DAWSON

Zoning Bylaw Amendment No. 9 Bylaw

Bylaw No. 2020-09

6.00 Enactment

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

7.00 Bylaw Readings

Readings	Date of Reading
FIRST	March 25, 2020
PUBLIC NOTICE	April 1, 2020
PUBLIC NOTICE	April 8, 2020
PUBLIC HEARING	April 22, 2020
SECOND	May 22, 2020
THIRD and FINAL	May 22, 2020

Wayne Potoroka, Mayor

Presiding Officer

Cory Bellmore, CAO

Chief Administrative Officer



THE CITY OF DAWSON

Zoning Bylaw Amendment No. 9 Bylaw

Bylaw No. 2020-09

8.00 Appendices

Appendix A. Approved Lot Configuration for Rezoning

