

THE CITY OF DAWSON



COMMITTEE OF THE WHOLE MEETING #CW19-28

DATE: WEDNESDAY, NOVEMBER 6, 2019

TIME: 7:00 PM

LOCATION: Council Chambers, City Office

- 1. CALL TO ORDER**
- 2. ACCEPTANCE OF ADDENDUM & ADOPTION OF AGENDA**
 - a) Committee of Whole Agenda CW19-28
- 3. PUBLIC HEARING**
 - a) Consolidation Application RE: Lots 1 & 2, Block 7, Day Addition
- 4. DELEGATIONS AND GUESTS**
- 5. BUSINESS ARISING FROM DELEGATIONS**
- 6. ADOPTION OF THE MINUTES**
 - a) Committee of Whole Meeting Minutes CW19-26 of October 23, 2019
- 7. BUSINESS ARISING FROM THE MINUTES**
 - a) Committee of Whole Meeting Minutes CW19-26 of October 23, 2019
- 8. FINANCIAL AND BUDGET REPORTS**
- 9. SPECIAL MEETING, COMMITTEE, AND DEPARTMENTAL REPORTS**
 - a) Request for Decision RE: Council Appointments
 - b) Request for Decision RE: Official Community Plan Amendment Application #18-140 & Zoning Bylaw Amendment Application #18-141
- 10. BYLAWS AND POLICIES**
 - a) *Official Community Plan Bylaw #2018-18 & Zoning Bylaw #2018-19* RE: Annual Review
 - b) *Heritage Bylaw #2019-04*
- 11. CORRESPONDENCE**
- 12. PUBLIC QUESTIONS**
- 13. INCAMERA SESSION**
 - a) Land Related Matter
- 14. ADJOURNMENT**



THE CITY OF DAWSON

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



NOTICE OF PUBLIC HEARING: CONSOLIDATION APPLICATION

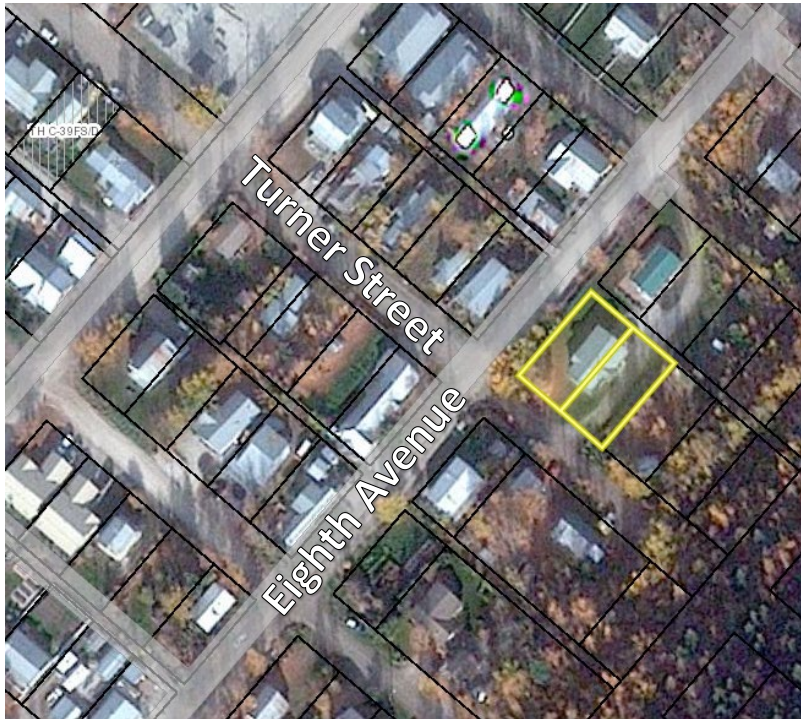
Subdivision Application: #19-136

Subject Property: Lots 1 and 2 Block 7 Day's Addition

Date: November 6, 2019

Time: 7:00pm

Location: Council Chambers, Town Hall



As per the *Municipal Act*, S. 319.4, upon receiving an application for subdivision, council must give public notice of the application.

Therefore, the City of Dawson is now requesting input from the public regarding the consolidation of Lots 1 and 2, Block 7, Day's Addition into one lot.

For more information, to view the application details, or to provide your input prior to the public meeting, please contact the Community Development Officer using the following contact information:

Clarissa Huffman

Community Development Officer

Box 308, Dawson City YT Y0B1G0

cdo@cityofdawson.ca

867-993-7400 ext. 414

DAWSON CITY — HEART OF THE KLONDIKE

MINUTES OF COMMITTEE OF WHOLE MEETING CW19-26 of the council of the City of Dawson called for 7:00 PM on Wednesday, October 23, 2019 in the City of Dawson Council Chambers.

PRESENT:	Mayor Councillor Councillor Councillor Councillor	Wayne Potoroka Natasha Ayoub Stephen Johnson Bill Kendrick Molly Shore
ALSO PRESENT:	CAO EA CDO Planning Assistant	Cory Bellmore Heather Favron Clarissa Huffman Libby Macphail

Agenda Item: Call to Order

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

Agenda Item: Agenda

CW19-26-01 Moved by Mayor Potoroka, seconded by Councillor Johnson that the agenda for committee of the whole meeting #CW19-26 be accepted as presented. Carried 5-0

Agenda Item: Delegations & Guests

a) Royal Canadian Legion RE: First Poppy Presentation

John Mitchell, Diane Baumgartner and Diana McCready were in attendance on behalf of the Royal Canadian Legion, Branch No. 1, to officially present the First Poppy to Mayor and Council.

John Mitchell provided a presentation that included the history of the poppy and the historic contributions of Dawson, Yukon and its people in various conflicts over the centuries that Canada has been a part of. It is the government's declaration of war that calls our men and women to fight, and perhaps to die. It is only fitting that the same government lead the way in the act of remembrance.

The Royal Canadian Legion, Branch No. 1, officially presented the First Poppy to Mayor and Council, a visual pledge to never forget and lead our community in the time of remembrance.

Agenda Item: Adoption of the Minutes

a) Committee of Whole Meeting Minutes CW19-25 of September 30, 2019

CW19-26-02 Moved by Councillor Shore, seconded by Councillor Ayoub that the minutes of committee of the whole meeting #CW19-25 of September 30, 2019 be accepted as presented. Carried 5-0

Agenda Item: Business Arising from the Minutes

Page 1: The committee noted the response to Dredge Pond residents to be an outstanding action item.

The committee suggested contacting Property Assessment to determine how they assess new builds.

The committee requested to hear from Public Works on some of the issues Dredge Pond residents raised, including road clearance, signage, garbage bins, and the work that needs to be done to bring services for these residents in line with the rest of residents.

Page 4: The committee discussed whether the letter to Minister Frost should be an information letter or a letter requesting permission.

Agenda Item: Special Meeting, Committee, and Departmental Reports

a) Request for Decision RE: Consolidation Application #19-136 Lots 1& 2, Block 7, Days' Addition

The committee inquired if it was possible to look at city surplus land to see if any could be put to market. The CDO informed the committee it was a project being worked on as time permitted. The committee requested to see what work has been done to date.

CW19-26-03 Moved by Councillor Shore, seconded by Councillor Ayoub that committee of the whole forwards the Request for Decision RE: Consolidation Application #19-136: Lots 1 and 2, Block 7, Day's Addition to council with a recommendation to approve subject to the conditions presented in the report. Carried 5-0

b) Information Report RE: Update on Mining Activity Within the Municipal Boundary

Councillor Johnson departed council at 7:34 PM.

Councillor Johnson rejoined council at 7:36 PM.

The committee recommended a follow up letter regarding mining within municipal boundaries, along with the Information Report, be sent to YG.

CW19-26-04 Moved by Councillor Shore, seconded by Councillor Kendrick that committee of the whole acknowledges receipt of Information Report RE: Update on Mining Activity Within the Municipal Boundary; provided for informational purposes. Carried 5-0

Agenda Item: Bylaws and Policies

a) Request for Decision RE: *Heritage Bylaw*

Section 4.11 The committee recommended adding "voting member".

CW19-26-05 Moved by Councillor Shore, seconded by Councillor Ayoub that committee of whole forwards the Heritage Bylaw to council with a recommendation to proceed with second reading. Carried 5-0

Agenda Item: Correspondence

- CW19-26-06** Moved by Councillor Kendrick, seconded by Councillor Johnson that committee of the whole acknowledges receipt of the following correspondence:
- Minister Pillai RE: Disposition of Land within Municipal Boundaries
 - Minister Dendys RE: Worker's Compensation Act and Occupational Health & Safety Act Public Engagement Process
 - Kelli Taylor, Assistant Deputy Minister RE: Yukon University Legislation Tabled
 - KATTS RE: Continuing Efforts to Protect the Klondike East Bench
 - Shayna Hammer, Yukon Quest RE: 2020 Yukon Quest International Sled Dog Race for informational purposes. Carried 5-0
- CW19-26-07** Moved by Mayor Potoroka, seconded by Councillor Ayoub that committee of the whole recommends council submit a letter of opposition on YESAB project 2019-0161 sale of land because it does not meet a fair and transparent process / standard for land disposition within the City of Dawson.
- CW19-26-08** Moved by Mayor Potoroka, seconded by Councillor Kendrick to remove resolution from table. Carried 3-2
- CW19-26-09** Moved by Mayor Potoroka, seconded by Councillor Shore that committee of the whole recommends council submit a public comment to YESAB Project 2019-0161 sale of land. Carried 5-0

The committee recommended a letter of response be sent to KATTS.

Agenda Item: In Camera Session

- CW19-26-10** Moved by Mayor Potoroka, seconded by Councillor Shore that committee of the whole move into a closed session for the purposes of discussing a land related matter as authorized by section 213 (3) of the Municipal Act. Carried 5-0
- CW19-26-11** Moved by Councillor Shore, seconded by Mayor Potoroka that committee of the whole reverts to an open session of committee of the whole and proceeds with the agenda. Carried 5-0
- CW19-26-12** Moved by Councillor Shore, seconded by Mayor Potoroka that committee of the whole forwards the Request for Decision RE: Alley Behind Lots 3-9, Block LC, Ladue Estate: Request to Purchase to council with a recommendation to approve. Carried 4-1

Agenda Item: Adjournment

- CW19-26-13** Moved by Mayor Potoroka, seconded by Councillor Johnson that committee of the whole meeting CW19-26 be adjourned at 9:32 p.m. with the next regular meeting of committee of the whole being November 6, 2019. Carried 5-0

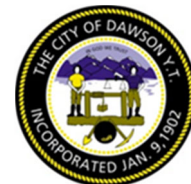
THE MINUTES OF COMMITTEE OF WHOLE MEETING CW19-26 WERE APPROVED BY COMMITTEE OF WHOLE RESOLUTION #CW19-__-__ AT COMMITTEE OF WHOLE MEETING CW19-__ OF NOVEMBER 6, 2019.

Wayne Potoroka, Chair

Cory Bellmore, CAO

Report to Council

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



AGENDA ITEM:	Council Appointments	
PREPARED BY:	Cory Bellmore, CAO	ATTACHMENTS: ▪
DATE:	October 30, 2019	
RELEVANT BYLAWS / POLICY / LEGISLATION:		

RECOMMENDATIONS

That Committee of the Whole review council appointments for KVA, AYC and KDO and forwards the following recommendation to council

That council hereby

- Appoint / reappoint Councillor _____ as council's representative for the Klondike Visitors Association (KVA) Board for a one-year term.
- Appoint / reappoint Councillor _____ as council's representative for the Association of Yukon Communities (AYC) Board for a one-year term.
- Reappoints Colm Cairns as council's appointee for the Klondike Development Organization Board.

ISSUE / PURPOSE

To review council appointments for representatives to the KVA, AYC and KDO.

BACKGROUND SUMMARY

Resolution passed by council at the November 19, 2018 council meeting:

- C18-36-10** Moved by Mayor Potoroka, seconded by Councillor Johnson that council hereby makes the following appointments:
- Bill Kendrick as Council's representative for the Klondike Visitors Association Board, and
 - Molly Shore as Council's representative on the Association of Yukon Communities Board.
- Motion Carried 5-0

Colm Cairns was appointed as council's appointee for the KDO in 2016. The appointment term has expired.

The KDO lets the City determine how they want to appoint board members, but once they have a board member, they like to keep them as long as the member is still willing and participating. Colm Cairns was appointed by Council to the KDO board after council did a call out to the community for persons interested in representing the City from a resident perspective. Colm Cairns has been an active and contributing board member since 2016.

APPROVAL		
NAME:	Cory Bellmore, CAO	SIGNATURE:
DATE:		

Report to Council



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

☐ In Camera

SUBJECT:	Official Community Plan Amendment #18-140 & Zoning Bylaw Amendment #18-141	
PREPARED BY:	Clarissa Huffman, CDO	ATTACHMENTS: 1. Applications & Supporting Documentation 2. TH Response Letter
DATE:	October 28, 2019	
RELEVANT BYLAWS / POLICY / LEGISLATION: Municipal Act Official Community Plan Zoning Bylaw		

RECOMMENDATION

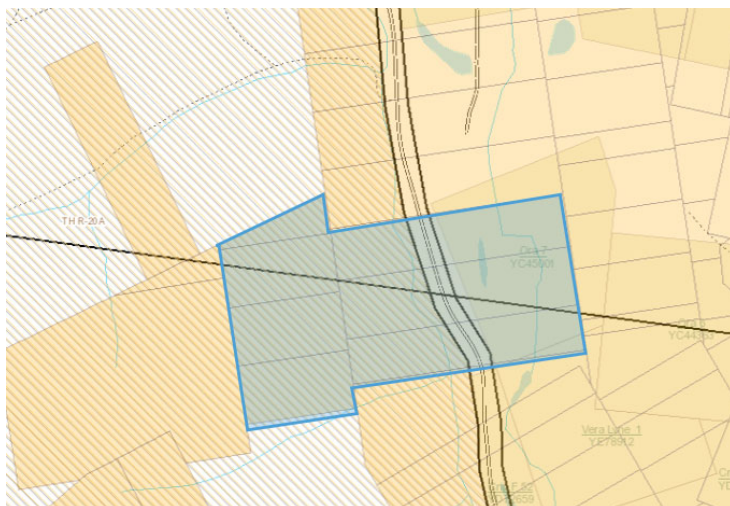
It is respectfully recommended that Council:

1. Not forward areas 1, 2, or 3 for amendment.
2. Forward area 4 for first reading of a bylaw to amend from Future Planning to Industrial.
3. Forward area 5 for first reading of a bylaw to amend from Parks and Greenspace to Industrial.
4. Recommendation 2 and 3 are subject to the following conditions:
 - 4.1. Prior to third and final reading of an OCP or ZBL amendment, a legal agreement between the City of Dawson and the proponent shall be ratified indicating that subsurface rights to Areas 4 and 5 will be relinquished on or before August 2, 2027.

ISSUE

An application was received for an OCP/ZBL amendment to amend the designations for their claims from Future Planning & Parks and Greenspace to Industrial, to facilitate a Class 4 placer mining operation.

BACKGROUND SUMMARY

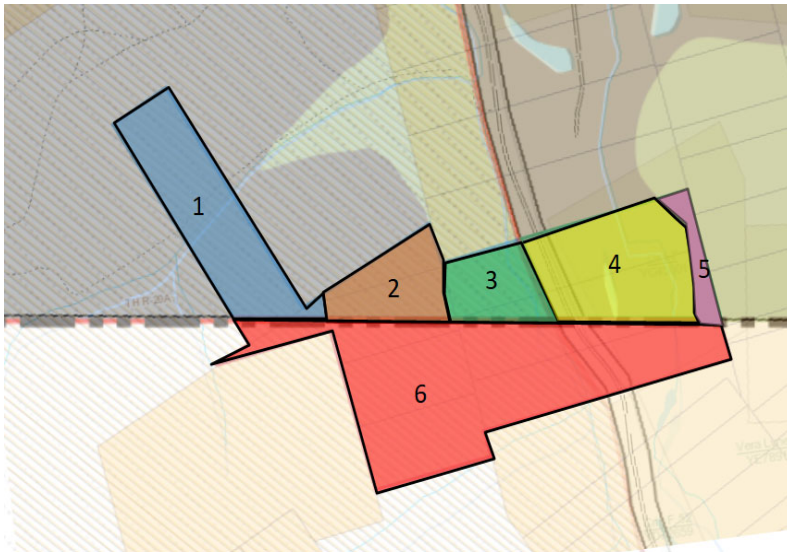


Nuway Crushing Ltd has an active Water Use Licence PM17-019 (WUL), and an active Class 4 Mining Land Use Approval AP17019 (MLU), for the claims identified in Figure 1.

Figure 1. WUL and MLU Locations.

Claims located in the shaded blue area are included under WUL PM17-019 and MLU AP17019. It should be noted that the claim area is bisected by the municipal boundary; claims, or portions thereof, outside the municipal boundary are not included in this application. Additionally, comparing Figure 1

and Figure 2, it is clear that in addition to proposing an amendment for the active licences, the applicant is proposing an amendment to land/claims not currently included in the active WUL and MLU.



This application is quite complex, so for ease of understanding, the claim area has been broken down into sections/areas based on jurisdiction and current planning designations, as seen in Figure 2. It should be noted that Figure 2 is not a georeferenced overlay, so there is a margin of error; however this map is the closest approximation with available tools.

Figure 2. Colour Coded Explanation of Jurisdiction and Designations (OCP with claim map overlay).

Area	Description
1	Overlaps Tr'ondëk Hwëch'in (TH) Settlement Land Parcel R-20A. Currently designated Future Planning at the request of TH during 2018 OCP planning process. Claims in area 1 are not covered by an active WUL or MLU.
2	Overlaps Tr'ondëk Hwëch'in (TH) Settlement Land Parcel R-20A. Currently designated Future Planning at the request of TH during 2018 OCP planning process. Claims in area 2 are covered under the above-mentioned active WUL and MLU.
3	Overlaps Tr'ondëk Hwëch'in (TH) Settlement Land Parcel R-20A. Currently designated Parks and Greenspace. Claims in area 3 are covered under the above-mentioned active WUL and MLU.
4	Currently designated Future Planning. Claims in area 4 are covered under the above-mentioned active WUL and MLU.
5	Currently designated Parks and Greenspace. Claims in area 5 are covered under the above-mentioned active WUL and MLU.
6	Claims are held by the applicant but are outside the municipal boundary and therefore not included in this application. Area 6 will not be discussed further in this report.

Table 1. Explanations of areas shown in Figure 2.

Since Areas 1-3 overlap TH Settlement Land, the Tr'ondëk Hwëch'in First Nation was asked to provide written comments on this application (attached). Since the written comments do not indicate support or consent for amending the zone designations of R-20A, administration does not feel confident recommending an amendment to these areas.

Municipal Act

S. 277 of the *Municipal Act* states that “official community plans and related matters may be prepared and adopted to

(a) achieve the safe, healthy, and orderly development and use of land and patterns of human activities in municipalities;

(b) maintain and improve the quality, compatibility, and use of the physical and natural environment in which the patterns of human activities are situated in municipalities; and

(c) consider the use and development of land and other resources in adjacent areas without infringing on the rights of individuals, except to the extent that is necessary for the overall greater public interest”.

Based on this, an amendment to the OCP for Areas 4 and 5 could be considered if, in the opinion of Council, the proposed amendment meets the three listed criteria. An OCP amendment requires three readings of a bylaw, a public hearing, and Ministerial approval. A ZBL, the amendment also requires three readings of a bylaw and a public hearing.

For simplicity, these two public hearings could be held together after first reading. Based on the subject property’s location outside of the historic townsite, the notice will be circulated, after first reading, to all property owners within 1km of the subject property. Additionally, the application has been circulated to all department heads for comment, and no negative outcomes were identified at the time of writing this report.

Official Community Plan

In order to assess whether or not this amendment is aligned with the purpose and intent of the OCP, the application has been assessed based on the three criteria listed in s. 277, as outlined above.

Areas 4 and 5 could be viewed as achieving a safe, healthy, and orderly development of the land. These areas also maintain the compatibility of the patterns of activity and development in that area. These areas are clustered in a relatively small area on Bonanza Creek Road at the edge of the municipal boundary. This area is not titled property, nor is it Settlement Land, and has historically been used for mining activities.

Area 4 is designated Future Planning (FP). FP designation is given to an area when further research is required before assigning a preferred designation to maintain consistency with the current vision. In preliminary planning work, this area was not identified as a potential industrial area for the short-medium term, in large part due to the many active placer claims in the area. Area 5 was designated Parks and Greenspace due to the slope of the land making it unsuitable for development. Mitigating conditions for safety and reclamation are included in the WUL and MLU, and thus administration has no concerns with the proposed activity. Further, allowing this mining project to proceed by amending the designation from Future Planning to Industrial will facilitate future industrial lot development by allowing the claims to be worked and exhausted. The applicant has indicated that they are willing to relinquish their subsurface rights for all areas rezoned in this process, allowing the land to be unencumbered after the WUL expiry on August 2, 2027.

Zoning Bylaw The zoning designations in this area correspond with the OCP designations as described above. Natural resource extraction is a permitted use in an 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 requirements.

S. 17.4 of the Zoning Bylaw states that “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”. Therefore, if the proposal proceeds as recommended, the proponent will need to wait until at least November 21, 2020 to re-apply for an OCP/ZBL amendment for Areas 1-3.

Recommendations and Rationale

Areas 1, 2, and 3 not be forwarded for amendment.

TH has significant concerns with incompatibility of mining and other interests on this land. This incompatibility could be considered from the perspective of broader public interest; with many existing and proposed future surface interests on R-20A, it may not serve the public interest to proceed with mineral extraction until mitigation conditions can be negotiated between TH and the proponent. Therefore, it is recommended that the project not proceed in Areas 1-3 at this time.

Area 4 be forwarded for first reading of a bylaw to amend from Future Planning to Industrial.

Area 4 was not identified as a priority area for industrial lot development at this time and allowing this project to proceed may be a strategic decision to help reduce encumbrances and conflicts on and near potentially developable land.

Area 5 be forwarded for first reading of a bylaw to amend from Parks and Greenspace to Industrial.

For the reasons outlined above, this area is not likely to ever be developed due to its proximity to Bonanza Creek, and to allow the claims to be mined and exhausted may assist the efforts to come up with an amenable way to reduce encumbrances and conflicts in and surrounding potentially developable areas.

Sustainable Community Development Imperatives

Economic

A Class 4 mining operation can have positive economic impacts when considering the raw materials being extracted and entered into economy. Additionally, a mine in this location would bring employment to the community and potentially additional workforce to Dawson to participate in the local economy.

Social

This application is the first OCP/ZBL amendment proposal put forward for a mineral extraction operation since the implementation of the Future Planning designations. Based on the assessment above, approving a rezoning for Areas 4 and 5 could be considered compatible with the community vision, and can help set the precedent for a positive working relationship between the City of Dawson and the mining community. Further, the fact that the proponent has offered in good faith to relinquish the rezoned claims upon the expiry of the current water licence is a positive aspect of this project, as land development in this area could proceed with unencumbered development after the culmination of the project.

Environmental

Considering the environmental impacts of mining applications is outside of the scope and expertise of administration. However, the YESAB and Water Board processes and resulting recommendations are intended to mitigate negative environmental impacts, and the City of Dawson has the opportunity to participate in this assessment process for projects within the municipal boundary. The City of Dawson submitted comments during the YESAB assessment process indicating that the applicant would need to proceed with the municipal approval process before having the authority to proceed within the municipal boundary. Mitigations for environmental concerns such as wildlife, invasive species, restoration, and fuel storage are considered in the MLU. Concerns specific to the use and protection of the quantity and quality of water are considered in the 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:	
DATE PAID:	
ADVERTISING FEE:	
DATE PAID:	
APPLICATION #:	18-140

OCP AMENDMENT APPLICATION

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

AUTHORIZED AGENT INFORMATION

APPLICANT / AUTHORIZED AGENT NAME(S): Travis Adams

COMPANY NAME: Nuway Crushing Ltd

MAILING ADDRESS: 6 MacDonald Road Whitehorse, Yukon **POSTAL CODE:** Y1A 4Y5

EMAIL: nuwaycrushing@gmail.com **FAX #:** 867-633-5354

PHONE #: 867-333-1144 **ALTERNATE PHONE #:** 867-668-3664

OWNER INFORMATION

OWNER NAME(S): Nuway Crushing Ltd

MAILING ADDRESS: 6 MacDonald Road Whitehorse, Yukon **POSTAL CODE:** Y1A 4Y5

EMAIL: nuwaycrushing@gmail.com **FAX #:** 867-633-5354

PHONE #: 867-333-1144 **ALTERNATE PHONE #:** 867-668-3664

☒ **DOCUMENTATION OF OWNERSHIP ATTACHED TO APPLICATION**

PROPOSED AMENDMENT

A.) RE-DESIGNATION: (Attach map showing the scale, dimensions and proposed change in the context of adjacent land)

CIVIC ADDRESS: P36732, P36927, P36924, P33723, 42076, 420077 **PARCEL SIZE OR LAND AREA:** 184,903m2

LEGAL DESCRIPTION: LOT(S) BLOCK ESTATE PLAN#

PROPOSED AMENDMENT: See attached map.

FROM ZONING DESIGNATION: unknown **TO ZONING DESIGNATION:** Industrial

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

Within the application area (see attached map) portions of our existing placer claims are zoned Industrial while the other portions are not. We would like the remaining portions rezoned as Industrial be able to perform mining activities.

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.



THE CITY OF DAWSON

Box 308 Dawson City, YT Y0B 1G0
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www.cityofdawson.ca

APPLICATION #:

APPLICATION REQUIREMENT CHECK LIST

✓	Completed Development Application Form, in full, including written statement to describe and justify the proposed amendment.
✓	Application fee as per the City of Dawson Fees and Charges Bylaw
✓	Advertising fee as per the City of Dawson Fees and Charges Bylaw - required advertising associated with the application
✓	Documentation of Ownership
✓	Map showing scale, dimensions and the proposed change in the context of adjacent land
	Any additional information requested by the Development Officer.
♦	
♦	
♦	
♦	

DECLARATION

- I/WE hereby make application for a zoning amendment under the provisions of the City of Dawson Zoning Bylaw No. 12-27 and in accordance with the 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 an Official Community Plan amendment 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 an Official Community Plan amendment 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

SIGNATURE OF APPLICANT(S)

DATE SIGNED

SIGNATURE OF OWNER(S)

TO BE COMPLETED BY DEVELOPMENT OFFICER:

FOR OFFICE USE ONLY

DATE APPLICATION RECEIVED

SIGNATURE OF DEVELOPMENT OFFICER

OCP AMENDMENT INSTRUCTIONS AND GUIDELINES

IT IS IMPORTANT TO READ AND UNDERSTAND THE FOLLOWING INSTRUCTIONS PRIOR TO COMPLETING THE APPLICATION FORM.

1. OCP Amendments:

- a) Text Amendments: Any person may apply for an amendment to the text of the OCP by paying the required fees and submitting all text amendment application requirements.
- b) Re-Designation Amendments: An owner of land in the City, or an authorized agent of an owner, may apply to have the OCP designation of the land amended to another OCP designation by paying the required fees and submitting all amendment application requirements.
- c) If it appears that the proposed amendment is one that is applicable to, and for the benefit of the City at large, or most of the persons affected in the area, then Council may direct that the application fee be returned to the applicant.

2. Information Requirements:

- a) An application may not be considered to have been received until all application requirements have been submitted to the satisfaction of a Development Officer. 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.
- b) A Development Officer may request the applicant to 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.
- c) Failure to complete this form and to supply the required support information may result in delays in the processing of the application.

3. Review Process:

- a) Upon receipt of a completed application for a text amendment or re-designation, a Development Officer shall initiate or undertake an investigation and analysis of the potential impacts of development under the proposed designation. The analysis shall be based upon the full development potential of the uses and development regulations specified in the proposed designation and not on the merits of any particular development proposal. The analysis shall, among other factors, consider the following criteria:
 - i. relationship to and compliance with the Official Community Plan, 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, public transit and other utilities and public facilities such as recreational facilities and schools;
 - vi. relationship to municipal land, right-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 zone in the view of the stated intentions of the applicant; and
 - ix. relationship to any documented concerns and opinions of area residents and land owners regarding the application.
- b) Subsequently, the Development Officer shall:
 - i. prepare a report on the proposed amendment; and
 - ii. submit a copy of the application, their recommendation and report to the Council.
- c) Before approving a text amendment or re-designation, Council shall comply with the requirements and notification procedures set out in the Municipal Act.

4. Resubmission Interval:

- a) Where 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 twelve months of the date of the refusal unless Council otherwise directs.

5. Public Notification:

- a) Written notification letters produced by the City of Dawson describing the area affected by the proposed amendment, stating the date, time and place for the public hearing and the reasons for the amendment and an explanation of it shall be mailed to all properties prior to the public hearing within the following radii of the subject property:
 - i. within the Historic Townsite, 100m (328 ft.); and
 - ii. all other areas, 1km (3,281 ft.).
- b) For amendments proposed for one property, an OCP amendment notification sign shall be placed on the subject property following First Reading until such time as Council has ruled on the application. The sign shall state the details of the amendment and the date, time and place of the public hearing as well as contact information of the City of Dawson.



THE CITY OF DAWSON

Box 308 Dawson City, YT Y0B 1G0
PH: 867-993-7400 FAX: 867-993-7414
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OFFICE USE ONLY	
APPLICATION FEE:	
DATE PAID:	
ADVERTISING FEE:	
DATE PAID:	
APPLICATION #:	18-141

ZONING AMENDMENT APPLICATION

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

AUTHORIZED AGENT INFORMATION

APPLICANT / AUTHORIZED AGENT NAME(S): Travis Adams
COMPANY NAME: Newway Crushing Ltd.
MAILING ADDRESS: 6 MacDonald Rd Whitehorse YT POSTAL CODE: Y1A 4Y5
EMAIL: newwaycrushing@gmail.com FAX #: 867-633-5354
PHONE #: 867-335-1144 ALTERNATE PHONE #: 867-668-3664

OWNER INFORMATION

OWNER NAME(S): Newway Crushing Ltd.
MAILING ADDRESS: 6 MacDonald Rd Whitehorse, YT POSTAL CODE: Y1A 4Y5
EMAIL: newwaycrushing@gmail.ca FAX #: 867-633-5354
PHONE #: 867-333-1144 ALTERNATE PHONE #: 867-668-3664

☒ DOCUMENTATION OF OWNERSHIP ATTACHED TO APPLICATION

PROPOSED AMENDMENT

A.) REZONING: (Attach map showing the scale, dimensions and proposed change in the context of adjacent land)

CIVIC ADDRESS: 40076, 420077, P36732, P36927, P6924, P33723 PARCEL SIZE OR LAND AREA: 184 903 m²
LEGAL DESCRIPTION: LOT(S) _____ BLOCK _____ ESTATE _____ PLAN# _____
PROPOSED AMENDMENT: See attached map
FROM ZONING DESIGNATION: _____ TO ZONING DESIGNATION: Industrial

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

Within the application area (see attached) portions of our existing placer claims are Zoned industrial while the portions are not. We would like the remaining portions rezoned as industrial to allow us to perform mining activities.

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.



THE CITY OF DAWSON

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

APPLICATION #:

APPLICATION REQUIREMENT CHECK LIST

<input checked="" type="checkbox"/>	Completed Development Application Form, in full, including written statement to describe and justify the proposed amendment.
<input checked="" type="checkbox"/>	Application fee as per the City of Dawson Fees and Charges Bylaw
<input checked="" type="checkbox"/>	Advertising fee as per the City of Dawson Fees and Charges Bylaw - required advertising associated with the application
<input checked="" type="checkbox"/>	Documentation of Ownership
<input checked="" type="checkbox"/>	Map showing scale, dimensions and the proposed change in the context of adjacent land
<input checked="" type="checkbox"/>	Any additional information requested by the Development Officer.
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	

DECLARATION

- I/WE hereby make application for a zoning amendment under the provisions of the City of Dawson Zoning Bylaw No. 12-27 and in accordance with the 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 zoning amendment 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 zoning amendment 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

11/02/18

SIGNATURE OF APPLICANT(S)

[Signature]

DATE SIGNED

11/02/18

SIGNATURE OF OWNER(S)

[Signature]

TO BE COMPLETED BY DEVELOPMENT OFFICER:

FOR OFFICE USE ONLY

DATE APPLICATION RECEIVED

SIGNATURE OF DEVELOPMENT OFFICER

ZONING AMENDMENT INSTRUCTIONS AND GUIDELINES

IT IS IMPORTANT TO READ AND UNDERSTAND THE FOLLOWING INSTRUCTIONS PRIOR TO COMPLETING THE APPLICATION FORM.

1. Bylaw Amendments:

- a) **Text Amendments:** Any person may apply for an amendment to the text of the City of Dawson zoning bylaw by paying the required fees and submitting all text amendment application requirements.
- b) **Rezoning Amendments:** An owner of land in the City, or an authorized agent of an owner, may apply to have the zoning designation of the land amended to another zoning designation by paying the required fees and submitting all rezoning application requirements.
- c) If it appears that the proposed amendment is one that is applicable to, and for the benefit of the City at large, or most of the persons affected in the area, then Council may direct that the application fee be returned to the applicant.

2. Information Requirements:

- a) An application may not be considered to have been received until all application requirements have been submitted to the satisfaction of a Development Officer. 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.
- b) A Development Officer may request the applicant to 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.
- c) Failure to complete this form and to supply the required support information may result in delays in the processing of the application.

3. Review Process:

- a) Upon receipt of a completed application for a text amendment or rezoning, 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 upon 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. The analysis shall, among other factors, consider the following criteria:
 - i. relationship to and compliance with the Official Community Plan, 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, public transit and other utilities and public facilities such as recreational facilities and schools;
 - vi. relationship to municipal land, right-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 zone in the view of the stated intentions of the applicant; and
 - ix. relationship to any documented concerns and opinions of area residents and land owners regarding the application.
- b) Subsequently, the Development Officer shall:
 - i. prepare a report on the proposed amendment; and
 - ii. submit a copy of the application, their recommendation and report to the Council.
- c) Before approving a text amendment or rezoning, Council shall comply with the requirements and notification procedures set out in the Municipal Act.

4. Resubmission Interval:

- a) Where an application for an amendment to the zoning bylaw has been refused by Council, another application for the same or substantially the same amendment shall not be submitted within twelve months of the date of the refusal unless Council otherwise directs.

5. Public Notification:

- a) Written notification letters produced by the City of Dawson describing the area affected by the proposed amendment, stating the date, time and place for the public hearing and the reasons for the amendment and an explanation of it shall be mailed to all properties prior to the public hearing within the following radii of the subject property:
 - i. within the Historic Townsite, 100m (328 ft.); and
 - ii. all other areas, 1km (3,281 ft.).
- b) For zoning amendments proposed for one property, a zoning amendment notification sign shall be placed on the subject property following First Reading until such time as Council has ruled on the application. The sign shall state the details of the amendment and the date, time and place of the public hearing as well as contact information of the City of Dawson.
- c) The applicant shall allow a sign manufacturer contracted by the City to install the sign on the subject property in a conspicuous location. The applicant shall pay the required fee for the sign as specified in the Fees Bylaw in addition to the application fee.



<input type="checkbox"/>	Current Placer Class 1 Notification Submissions	<input type="checkbox"/>	Placer Baselines (50K)
<input type="checkbox"/>	Current Quartz Class 1 Notification Submissions	<input checked="" type="checkbox"/>	Quartz Mining Licence
<input type="checkbox"/>	Areas defined by OIC	<input type="checkbox"/>	Quartz Sinking Direction
<input type="checkbox"/>	First Nation Surveyed Lands - Category A & B	<input type="checkbox"/>	Coal Exploration Licence
<input type="checkbox"/>	First Nation Unsurveyed Lands - Category A & B	<input type="checkbox"/>	Active and Pending
<input type="checkbox"/>	Placer Claims (50K)	<input type="checkbox"/>	Expired
<input type="checkbox"/>	Active and Pending	<input type="checkbox"/>	Surveyed Mineral Claims
<input type="checkbox"/>	Expired	<input type="checkbox"/>	Areas withdrawn from staking mineral claims
<input type="checkbox"/>	Prospecting Leases	<input type="checkbox"/>	Settlement Lands (Surveyed)
<input type="checkbox"/>	Active and Pending	<input type="checkbox"/>	A Surface and Subsurface Right
<input type="checkbox"/>	Expired	<input type="checkbox"/>	B Surface Right
<input type="checkbox"/>	Adjoin Placer	<input type="checkbox"/>	FS: Fee Simple
<input type="checkbox"/>	Placer Mining Land Use Permit	<input type="checkbox"/>	4.1.1 Reclaimed Reserve
<input type="checkbox"/>	Class 3	<input type="checkbox"/>	Settlement Lands (Unsurveyed)
<input type="checkbox"/>	Class 4	<input type="checkbox"/>	A Surface and Subsurface Right
<input type="checkbox"/>	Placer Baselines (50K)	<input type="checkbox"/>	B Surface Right
<input type="checkbox"/>	Placer Baselines (Surveyed)	<input type="checkbox"/>	FS: Fee Simple
<input type="checkbox"/>	Quartz Mining Licence	<input type="checkbox"/>	4.1.1 Reclaimed Reserve
<input type="checkbox"/>	Quartz Sinking Direction	<input type="checkbox"/>	Settlement Lands (Unsurveyed)
<input type="checkbox"/>	Coal Exploration Licence	<input type="checkbox"/>	A Surface and Subsurface Right
<input type="checkbox"/>	Active and Pending	<input type="checkbox"/>	B Surface Right
<input type="checkbox"/>	Expired	<input type="checkbox"/>	FS: Fee Simple
<input type="checkbox"/>	Coal Mining Lease	<input type="checkbox"/>	FS: Fee Simple
<input type="checkbox"/>	Active and Pending	<input type="checkbox"/>	Interim Protected Lands (Unsurveyed)
<input type="checkbox"/>	Expired	<input type="checkbox"/>	Current Placer Class 1 Notification
<input type="checkbox"/>	Surveyed Mineral Claims	<input type="checkbox"/>	Current Quartz Class 1 Notification
<input type="checkbox"/>	Areas withdrawn from staking mineral claims	<input type="checkbox"/>	Submissions
<input type="checkbox"/>	Settlement Lands (Surveyed)	<input type="checkbox"/>	Areas defined by OIC
<input type="checkbox"/>	A Surface and Subsurface Right	<input type="checkbox"/>	First Nation Surveyed Lands - Category A & B
<input type="checkbox"/>	B Surface Right	<input type="checkbox"/>	First Nation Unsurveyed Lands - Category A & B
<input type="checkbox"/>	FS: Fee Simple	<input type="checkbox"/>	
<input type="checkbox"/>	4.1.1 Reclaimed Reserve	<input type="checkbox"/>	
<input type="checkbox"/>	Settlement Lands (Unsurveyed)	<input type="checkbox"/>	
<input type="checkbox"/>	A Surface and Subsurface Right	<input type="checkbox"/>	
<input type="checkbox"/>	B Surface Right	<input type="checkbox"/>	
<input type="checkbox"/>	FS: Fee Simple	<input type="checkbox"/>	
<input type="checkbox"/>	FS: Fee Simple	<input type="checkbox"/>	
<input type="checkbox"/>	Interim Protected Lands (Unsurveyed)	<input type="checkbox"/>	
<input type="checkbox"/>	Current Placer Class 1 Notification	<input type="checkbox"/>	
<input type="checkbox"/>	Current Quartz Class 1 Notification	<input type="checkbox"/>	
<input type="checkbox"/>	Submissions	<input type="checkbox"/>	
<input type="checkbox"/>	Areas defined by OIC	<input type="checkbox"/>	
<input type="checkbox"/>	First Nation Surveyed Lands - Category A & B	<input type="checkbox"/>	
<input type="checkbox"/>	First Nation Unsurveyed Lands - Category A & B	<input type="checkbox"/>	

0.5
0
0.25
0.5 Kilometers

Yukon Albers
Produced from: Yukon Mining Viewer
1: 10,000

This map is a user-generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.
Date Printed: 02-Nov-2018



8 October 2019
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 Ms. Huffman,

RE: OCP Amendment 18-140 & ZBL Amendment 18-141 – R-20A

Tr'ondëk Hwëch'in (TH) has reviewed the applications for *Official Community Plan* (OCP) amendment 18-140 and *Zoning Bylaw* (ZBL) amendment 18-141. The amendments propose to re-designate the land underlying NuWay Crushing's claims P36732, P36927, P36924, P33723, P42408, 42076, and 420077 from "Parks and Natural Space" and "Future Planning" to "Industrial." The proposed amendments would allow the proponent to conduct placer mining activities on TH settlement land (R-20A) within the municipal boundary, a land use not currently permitted under the ZBL for this area.

As the landowner of R-20A, TH does not support a decision by the City of Dawson (COD) to make any changes to the OCP and ZBL with respect to R-20A. This decision was made by TH Chief and Council via Resolution 2019-09-26-02. The present designations under the OCP and ZBL are consistent with TH's intended use of R-20A.

The current OCP and ZBL designations of "Parks and Natural Space" and "Future Planning" for the portions of R-20A within the municipal boundary were derived by the COD through consultations with TH during 2018 updates to the City's planning bylaws. TH provided feedback during these consultations, informed by more than 20 Expressions of Interest from TH citizens to access land on R-20A. This parcel has also been identified as a priority parcel for TH commercial, residential, and government development through TH's *Central Tr'ondëk Land Management Area Regulations*. TH acknowledges that the City's OCP and accompanying ZBL are generally consistent with TH's plans for settlement land within the municipality and asks that this consistency remain.

If you have any questions please contact myself, Darren Taylor, Director of Natural Resources, at (867) 993-7100 ext. 160 or darren.taylor@trondek.ca.

Sincerely,

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

Report to Council



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

☐ In Camera

AGENDA ITEM:	Official Community Plan and Zoning Bylaw 2019 Annual Review	
PREPARED BY:	Clarissa Huffman, CDO	ATTACHMENTS: none
DATE:	October 23, 2019	
RELEVANT BYLAWS / POLICY / LEGISLATION: Municipal Act Official Community Plan Zoning Bylaw		

RECOMMENDATION

It is respectfully recommended THAT:

- 1.1. Council forward an Official Community Plan (OCP) amendment to Council for first reading, as outlined in this report.
- 1.2. Council forward a Zoning Bylaw (ZBL) Amendment to Council for first reading, as outlined in this report.

ISSUE / PURPOSE

The OCP is required to be reviewed on an ongoing basis, specifically in October each year.

BACKGROUND SUMMARY

OCP s. 16.2 states that "Council shall schedule a review of the OCP at the first regular meeting in the month of October in each year and proceed to amend it as deemed advisable at that time". Due to scheduling, this item was held back until the first meeting of November.

ANALYSIS / DISCUSSION

Municipal Act

S. 288(1) requires a municipality to have a ZBL that is consistent with the OCP. Therefore, in order to maintain effective and consistent planning tools, this report considers issues and challenges that have been identified in both the OCP and ZBL over the course of 2019, as well as recommends proposed solutions for adoption through an amendment to each bylaw. These amendments are not intended to be a full review of either document; rather, this review is intended to capture identified issues within the existing planning framework.

Official Community Plan

1. Amend Schedule C as follows:

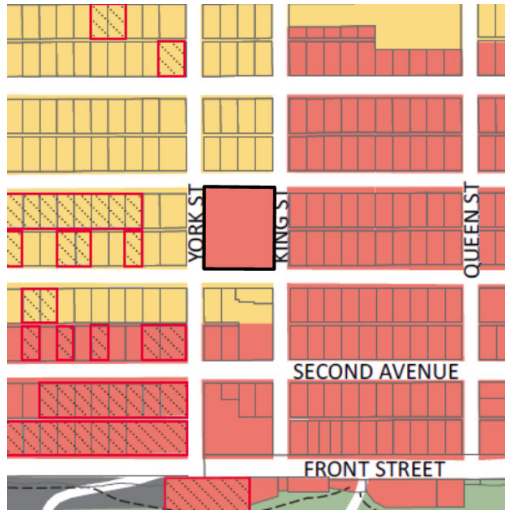


Figure 1. Amendment to Schedule C showing Block M (outlined in black) re-designated as Downtown Core.

In Schedule C of the OCP, Block M, Ladue Estate (Klondike Kate's) has been mistakenly designated as UR: Urban Residential. In Schedule C of the ZBL, as well as in OCP Bylaw #12-23 and ZBL #12-27, Block M is correctly identified as C1: Core Commercial (ZBL), and DC: Downtown Core (OCP). Therefore, it is recommended that a correction be made to Schedule C to resolve this issue.

Zoning By-Law: Housekeeping Changes

This section includes small wording changes that improve the clarity and functionality of sections in the Zoning Bylaw which have been identified through active interpretation and application of the bylaw. New proposed wording is represented in this report with **bold red text**.

1. Repeal s. 1.9.1 and replace with the following:

S. 1.9.1 "Lots created before the approval of this bylaw that are less than the minimum dimensions **or more than the maximum dimensions** required of the zone they are in shall be considered to be conforming lots for the purposes of this bylaw".

2. Insert the following definition:

"RENEWABLE ENERGY DEVICE means a device where energy is derived from sources that are not depleted by using them, including but not limited to solar-electric or solar-thermal panel systems."

3. Repeal s. 2.0 Definitions (SLEEPING UNIT) and replace with the following:

"SLEEPING UNIT means a portion of a building, whether occupied or not, used or intended to be used **for commercial purposes as** temporary accommodation such as a hotel or motel. Sleeping units may contain sleeping and sanitary facilities but shall not contain cooking facilities."

4. Insert the following definition:

"STRUCTURAL ALTERATION means any change in the supporting members of a structure, including but not limited to foundations, exterior load-bearing walls, door and window openings, roof, and access/egress components (such as decks or porches). For the purposes of this bylaw, full removal of a structural element and replacing it in its entirety constitutes structural alteration."

5. Insert the following clause:

S. 4.2.10 **"wall tents or similar temporary structures provided the wall tent consists only of a frame and canvas walls. For the purposes of this bylaw, construction of a structure with a floor, walls, or roof requires an approved development permit."**

6. *Insert the following clause:*

S. 4.2.11 “**roof-mounted renewable energy devices outside of the historic townsite.**”

7. *Repeal s. 4.3.6 and replace with the following:*

S. 4.3.6 “an application shall not be **deemed complete** until all requirements above have been submitted to the satisfaction of a development officer. **Partially complete applications that are inactive for a period of six months or more may be cancelled at the discretion of the development officer.**”

8. *Repeal s. 5.3 and re-insert the clause as s. 4.8.*

9. *Repeal s 12.2 and replace with the following:*

S. 12.2 “The purpose of the C2 zone is to permit a wide range of commercial uses that provide service to local industry and/or highway tourism and service needs. **Small-scale** residential uses in this district are **permitted, though the area remains predominately a service commercial zone.**”

10. *Update Table 12-3 as follows:*

Repeal the line “minimum setback of buildings from front parcel line: 15.24m/50ft” and replace with “minimum setback of buildings from front parcel line: **6.10m/20ft**” to align with side and rear-yard setbacks.

11. *Insert the following clause:*

S. 17.2.3 (VII) “**development assessment documentation as detailed in s. 4.3 Development Permit Applications.**”

12. *Insert the following clause:*

S. 4.4.1.5 (V) “**the applicant is unable to prove the extent of a development using valid survey instruments**”.

13. *Repeal s 16.4 and replace with the following:*

S. 16.4 “If the corrective measures described in a notice of offence order issued pursuant to section 16.3 are not completed within the specified time, [clause removed] the person to whom the order was issued may be issued an offence ticket by a development officer”

14. *Insert the following clause:*

S. 16.4.4 “**for greater certainty, a person found to be in contravention of this bylaw on an ongoing basis may be fined for each day the contravention continues, as per section 340 of the Yukon Municipal Act.**”.

15. *Repeal s 16.5 and 16.6 and replace with the following:*

S. 16.5 “**Summary Conviction Penalties**

- .1 A person who fails or refuses to comply with an offence ticket is liable to sanctions as described in section 343 of the Yukon Municipal Act.**
- .2 In addition to the penalties provided for under section 16.4 of this bylaw, a person convicted of an offence pursuant to section 1.2, may be ordered to remove such development and reclaim the site at that person’s own expense.**

- .3 Should any person owning or occupying real property within the City refuse or neglect to pay any penalties that have been levied pursuant to this bylaw, the development officer may inform such person in default that the charges shall be added to, and shall form part of, the taxes payable in respect of that real property as taxes in arrears if unpaid on December 31 of the same year.**
- .4 When a development officer has issued a ticket under section 16.4 that results in a summary conviction, the development officer shall report this information to Council.”**

16. *Repeal the following bylaws which are currently inactive but not yet repealed:*

- a) #80-08: Zoning Bylaw and all associated amendments (#'s 82-16, 83-11, 83-20, 84-07, 85-01, 87-13, 87-14, 88-16, 88-23, 89-06, 89-07, 89-18, 89-26, 90-01, 90-21, 92-08, 93-21, 94-08, 93-21, 94-08, 94-15, 97-07, and 97-15)
- b) #97-25: Zoning and Historical Control Bylaw and all associated amendments (#'s 00-19, 03-15, 06-10, 07-01, 07-08, 08-15, and 09-01)

Zoning By-Law: Policies Requiring Further Review

The following policies are recommended for an in-depth review based on the experience of administration when attempting to interpret and implement policies that are unclear, not achieving their intended purposes, or could be redesigned to be more effective. Administration will be reviewing these policies on an ongoing basis to determine next steps and/or present proposed solutions to Council.

1. Temporary Development Permits & Vendor Stalls

In an administrative working group tasked with assessing the processes in place for using City of Dawson land and facilities, it was identified that there are discrepancies between the language and policies surrounding vendor stalls in the Zoning Bylaw and the Business Licence Bylaw. Stemming from this, it was discussed that the temporary development permit process is not clear and is not being implemented the way it is written in the Zoning Bylaw. In order to resolve this, both of these policies need to be reviewed in greater detail with a cross-departmental lens.

2. Secondary Suites and Tiny Homes

Culturally, as demographics and housing preferences shift, challenges have emerged with respect to 'new' forms of housing such as secondary suites and tiny homes. The nuances that differentiate different styles of small dwellings create challenges from a zoning bylaw perspective. For example, what happens when a tiny home is built elsewhere and brought to Dawson, but does not meet heritage standards? How are tiny homes serviced? Is a tiny home treated differently if it is built on a trailer axis rather than a permanent foundation? These examples illustrate the need to develop more tangible policy wording about tiny homes in concert with the Camping Bylaw to ensure that dwelling units are safe and habitable for all. Best practices have emerged in other jurisdictions that may help to inform this work.

3. Parking, Loading, and Cash in Lieu of Parking

The relationship between on- and off- street parking is a challenging one in Dawson due to small lot sizes, topography, high ownership of multiple vehicles, and limited enforcement mechanisms. The existing cash in lieu of parking program is infrequently accessed due to ambiguous wording, lack of clear policy direction, and perceived unfairness. Further nuanced is the recent Council decision to waive parking requirements for secondary suites that access the Development Incentives Policy. Therefore, in order to adequately assess and improve the parking situation, further study is required in concert with the Traffic Bylaw.

4. Restoration and Development of Mobile and Modular Homes

Similar to the emergent challenges with tiny homes, mobile and modular homes are an option for those looking for affordable and speedy solutions to home ownership. This is not a new phenomenon; the mobile homes brought into Dawson after the 1979 flood are a good illustration of this. Currently, mobile homes are not a permitted use in the historic townsite, rendering a significant number of homes from that influx to be legal non-conforming. This is challenging as the ability of owners to upgrade these homes is limited with a legal non-conforming designation. Two predominant options that have been brought forward to address this situation include; allowing for development and redevelopment of mobile and modular homes so long as they meet the heritage standards, and/or choosing an area of town (not necessarily in the historic townsite) that could be rezoned to a new residential zone that specifically allows for this type of housing. This is a common and growing solution in many jurisdictions.

5. Demolition and Moving Permits

Demolition and moving permits have been a source of tension in the ZBL for many years. In the 2018 review, the policies were modified to be clearer and more specific, however these policy changes may have unanticipated negative consequences, specifically regarding redevelopment plans and deposits. The challenges over the last year indicate that a more fulsome discussion about these policies and potential positive and negative outcomes is warranted.

6. Setbacks between primary and accessory structures

Recent inspection and enforcement of development permits has caused a non-compliance scenario due to the requirement for a 10-foot setback between primary and accessory structures. It has been suggested that this requirement is outdated. Administration has attempted to contact Building and Safety standards to discuss the implications of reducing or removing this requirement.

7. Appeal Process

Further to the above, increased enforcement has resulted in some challenges with the appeal process. The appeal process as currently laid out in the ZBL is vague and ambiguous and has led to challenges when attempting to follow proper process in navigating an appeal. This can lead to confusion on the part of the applicant, particularly because appeals are typically triggered so infrequently. It has become apparent that more clarity on the process for different types of appeals is warranted.

8. Bed and Breakfasts and AirBNBs

The current ZBL does not adequately deal with growing trend of using a single-detached dwelling for short-term rentals through sharing platforms such as AirBNB. Different than a traditional bed and breakfast, but offering a similar use, these properties require further discussion on assessing and licencing as a lack of adequate policy creates uncertainty for administration when assessing development permit and business licence applications. Similar to tiny homes and secondary suites, best practices have emerged in other jurisdictions that may help to inform this work.

APPROVAL		
NAME:	Cory Bellmore, CAO	SIGNATURE:
DATE:		

Report to Council



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

☐ In Camera

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

RECOMMENDATION

It is respectfully recommended that Council:

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

ISSUE

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

BACKGROUND SUMMARY

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

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

ANALYSIS / DISCUSSION / ALIGNMENT TO OCP & STRATEGIC PRIORITIES

No changes have been proposed since second reading.

APPROVAL		
NAME:	Cory Bellmore, CAO	SIGNATURE:
DATE:	November 1, 2019	



THE CITY OF DAWSON

Heritage Bylaw

Bylaw No. 2019-04

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

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

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

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

and has sufficient historic significance to be so designated.

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

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

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

PART I - INTERPRETATION

1.00 Short Title

1.01 This bylaw may be cited as the *Heritage Bylaw*.

2.00 Purpose

2.01 The purpose of this bylaw is to outline:

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



THE CITY OF DAWSON

Heritage Bylaw

Bylaw No. 2019-04

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THE CITY OF DAWSON

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3.00 Definitions

3.01 In this Bylaw:

- (a) Unless expressly provided for elsewhere within this bylaw the provisions of the *Interpretations Act*, RSY 2002, c. 125, shall apply;
- (b) "CAO" means the Chief Administrative Officer for the City of Dawson;
- (c) "city" means the City of Dawson;
- (d) "council" means the Council of the City of Dawson.
- (e) "designation" means a process of choosing an area or place, parcel of land, building or structure, the exterior or interior portion of a building or structure that is by itself, or by reason containing a historic resource to be a Municipal Historic Site.
- (f) "Development Officer" means the Community Development and Planning Officer or their delegate as appointed by the Chief Administrative Officer (CAO).
- (g) "Heritage Inventory" means a listing of historic resources within the City of Dawson that includes relevant information from the Yukon Historic Sites Inventory (YHSI). The Heritage Inventory is intended to complement, not duplicate, the YHSI.
- (h) "Historic Townsite" means the combined area of the Downtown Heritage Management Area and the Residential Heritage Management Area as defined by the *Zoning Bylaw*.
- (i) "Historic Resource" means a historic site, historic object, or any work or assembly of works of nature or human endeavor listed in the Yukon Historic Sites Inventory.
- (j) "Historic Resources Permit" means a permit issued by the Development Officer to authorize any proposed alteration to a historic resource.
- (k) "Minister" means the Minister of the Yukon Legislative Assembly responsible for the Historic Resources Act.
- (l) "Municipal Historic Site" means an area or place, parcel of land, building or structure, or the exterior or interior portion of a building or structure that is by itself, or by reason of containing a historic resource, designated by Council as a Municipal Historic Site.



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

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

PART II – APPLICATION

4.00 Heritage Advisory Committee Structure and Proceedings

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



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



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



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



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



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10.00 Protection of Historic Sites

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

11.00 Historic Resources Permit

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

12.00 Heritage Fund

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



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

13.00 Heritage Incentives

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



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



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



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

14.00 Penalties

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



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



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



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PART III – FORCE AND EFFECT

15.00 Severability

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

16.00 Bylaw Repealed

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

17.00 Enactment

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

17.02 This bylaw shall be reviewed every 5 years.

18.00 Bylaw Readings

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

Original signed by

Name of Presiding Officer, Title
Presiding Officer

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