

**Village of Haines Junction
Special Council Meeting Minutes
June 17, 2024**

Present:
Mayor Tomlin
Councillor Nassiopoulos
Councillor Charlebois

Absent:
Councillor Strand

CAO Fairbank, Recorder Ogden, Project Manager Grice

Call to Order

The meeting was called to order at 6:33pm

Acknowledgement of Champagne and Aishihik First Nations Traditional Territory

Mayor Tomlin acknowledged that we are on the traditional territory of the Champagne and Aishihik First Nations

Adoption of Agenda

#182-24 It was moved and seconded
 THAT the agenda be adopted as presented.

Motion #182-24 was **CARRIED**.

Declaration of Pecuniary Interest

Adoption of Minutes of Regular and Special Council Meetings

Proclamations

Delegations

Public Hearings and Public Input Sessions

Old Business

Review of Public Hearing Report from the 1st Reading of the 2024 Draft Zoning Bylaw

CAO Report:

- The report on the public hearing, held on June 12, 2024 was reviewed. Council was asked to provide direction on the concerns raised at the hearing.
- We haven't received many development permit applications for this summer.

Discussion:

- Council raised concerns that allowing STRs in Limited Agriculture will create inequities as Limited Agriculture pays a lower tax rate than say commercial zones
- Council agreed with concerns raised over the residential use of agricultural land, noting the lower tax rate is supposed to incentivise agricultural use of agricultural land.
- Council supports adjusting minimum house size to reflect wall thickness so there is no effective change in minimum house size by measuring house size from the interior walls instead of exterior.
- Council supports looking into property tax rates based on use of land vs zoning as a potential way to avoid a land grabs.
- Council supports keeping a larger minimum size on the first dwelling in Country Residential as proposed in the draft bylaw.
- Council supports either a maximum of 100 poultry, and may consider not imposing maximums/ restrictions on poultry, noting most chickens only last 7 weeks. Council doesn't want to overstep into managing business, and if someone has a business model where this makes sense Council would want to see this supported. Council further indicated that it would be nice to attract people away from Country Residential to Agriculture zones who want to raise chickens.
- Is there a requirement to build a house on Agriculture Limited zones in YG's agreement of sale?
 - No, YG does not require a house to be built on Agriculture Limited lots.
- Most of the Agriculture Limited lots have turned out to be large Country Residential lots as they are not being actively farmed. If we move in the direction of Agriculture General, what additional uses would be permitted?
- Council supports encouraging Agriculture, and agrees with the need to change the minimum lot size on the Agriculture General to discourage subdivision
 - This has been addressed by increasing minimum lot size in the Agriculture General zone from 6ha to 40ha.
 - Agriculture General cannot be subdivided unless Council approves a zoning change to Limited Agriculture. This also ensures that Council retains decision making authority over such subdivision requests.
 - The previous Zoning Bylaw did not address the Agriculture General zone at all.
 - The current draft does not propose any limits on the number of domestic livestock in Agriculture General.
 - Agriculture Limited lots cannot be subdivided; they are already at the minimum size.
- Why do we set a maximum combined number of livestock on Agriculture Limited at 6? How is domestic livestock defined?
 - This is how current bylaw is drafted.
 - We stuck with what bylaw currently says as we've not done a deep dive on every aspect of the bylaw. Agriculture is an area where there hasn't been a deep dive.
 - Someone having 150 pigs will make a big difference to neighbours.
 - Council would like to see this drafted to be easier to understand and with fewer restrictions, noting that raising livestock is quite seasonal.
 - There is a wide diversity of animals that can be raised – guinea pigs, cows, llamas, horses, rabbits, pigs, etc. – it is hard to define a specific number of animals for every type of animal. Some bylaws create "Animal Units" This is somewhat complex way of

planning/managing livestock numbers. (Note: Animal Units or AU's are most frequently used as a way to plan and manage forage use by grazing livestock where one AU is the equivalent of a 1000 pound cow, with or without an unweaned calf, with such a cow being assumed to consume 26 pounds of forage dry matter per day)

- Council doesn't want to set seasonal limits, as this would get complicated.
- Agriculture is an area that could use more public input, noting this is likely written well somewhere else and we could take a revised and clearer draft to the public. Bring forward a few options for the public to comment on from places where it works well.
- Council noted that the current bylaw from 1996 doesn't get many complaints, which may mean it is working well as written?
- Council noted that we heard from one resident who does agriculture, would be good to hear from others. This could be a targeted public engagement; it does not need to be a public meeting. There are 12 to 14 lots in Bearberry. Administration could talk with each lot owner in Bearberry individually.
- How does YG regulate Agriculture General?
- Council has a desire to not get too far off target dates for completing the updated bylaw.
- Encouraging appropriate agricultural fencing has been addressed in the draft Bylaw.
- Concerns were raised about potential future conflicts around residences on industrial lots
 - Council would like this question to be taken back out to the public as a targeted question – the OCP limits what we can do, can't call residential industrial for example. How can we minimize impact on those who have built a house in industrial area?
 - Maximum house size affects current lot owners; if house burns down, they will be limited on the size of home they can rebuild and won't be able to rebuild if they don't have an industrial use.
 - Can we state in bylaw that rebuilding requirements wouldn't be required in the case of a natural disaster e.g. forest fire? If so, we should also note this on Commercial properties as well?
 - The downside of this idea is that we won't be incentivizing use that is closer to the intended use over time as non-conformity will be protected.
 - This also goes against the OCP Page 2 of bylaw, S1.8.6 is from the Municipal Act this states that a non-confirming building that is destroyed by fire may not be rebuilt or repaired except in conformity with the OCP and Zoning Bylaw then in effect.
 - Council wants to ensure that the Public understand the Municipal Act requirements with regards to non-confirming buildings, and would like this question to be part of the next public engagement.
- Re: taking steps to avoid land grabs
 - Land grabs and affordability need to be balanced.
 - Taxation is a good way to address buying and sitting on land and not developing it.
 - Terms and conditions of Agreement of Sale is another way.
 - Prefer to incentivize proper use than penalize improper use.
 - Do Municipalities elsewhere have a buy-back bylaw? e.g. if fail to meet terms and conditions of development, the Municipality would buy back land?
 - Council indicated is not totally clear on what the problem is that needs to be solved.

- It was noted that land grab concerns are a bit off topic for a zoning bylaw. There is not much a zoning bylaw can do to incentivize development.
- Dawson has a much higher vacant lot tax rate/minimum tax. Residential is \$1,600, Commercial is \$1,155. Watson Lake is also moving in this direction; currently, the vacant lot tax/minimum tax is set at \$1,100.
- Proposed rear-yard setbacks – earlier draft proposed different setbacks for a yard with an alley than without.
 - This comment was addressed in the latest draft. Setbacks reduced from present requirement of 15 feet to 10 feet where a yard is abutting a rear lot and 5 feet where a rear yard is abutting an alley.
- Drawing down subdivision authority from Yukon Government
 - This can be written up as a Report to Council.
- Short-Term Rentals (STR)– this will be addressed through a separate STR Bylaw
 - Need to hear from the Tourism Industry on the data. What shortages do we have in rooms and at what points in time during the year?

Review of Draft Zoning Map

CAO Report:

- Administration has noted errors requiring correction in the Draft Zoning Map and would like to take the map out to the public for review to see if there are any other errors.
- Because this is a late addition to the public engagement package, we are opening the comment period on map today. All are invited to come into look at map to let us know if they see any errors and provide comments before July 10.
- Would also like feedback on the proposal to offer property owners on one street back from Highway the ability to change zoning from tourist commercial to mixed commercial. This proposal would be consistent with intended use as defined by OCP and would bring more properties into conformity with the Bylaw. This will be discussed at the July 15 public meeting.

Discussion:

- Council noted that the OCP is the mechanism for changing zoning, not the zoning bylaw.
- Council raised concerns with changing zoning maps to reflect current use noting the zoning map is intended to reflect the OCP.
- The OCP is not the legal tool for what can/can't be done with land – this is the zoning bylaw.
- So long as zoning map changes are consistent with the OCP, we are ok to revise.
- Can someone apply for a temporary non-compliant use? E.g. have chickens in a commercial zone that is being used for residential?
 - This is not the intention of the zoning bylaw.
 - This would require an application for an amendment to a zoning bylaw
- Would it not be better to allow a temporary non-compliant special circumstance than enshrining present temporary use in longer term zoning?
 - There is an ability to provide an allowance for short term temporary uses that are in the public interest.

- Edits noted as being needed to the map:
 - Area B is future development, not Open Space
 - Brewster’s Lease – need to correct, should be open space not commercial
 - Tourist Commercial lot across from landfill/near lagoon – can’t operate food service – this may require a notation.
- Action: Send 1 page notification mailout to every property owner to check map on website

Next Steps/Schedule:

- Mark Wickham is away starting Sunday for holidays, returning July 27th
- Dave will do knock on doors in Bearberry to get feed back on questions raised around land use in the Agriculture Limited zone.
- Comments on map are due July 10th. Changes will be incorporated, and a revised map will be available at the Public Meeting
- Public Meeting is scheduled for Monday July 15th
- July 24th Second Reading
- August 14th Third Reading

New Business

Bylaws – Reports, Readings and Adoption

Correspondence

Council Reports

Questions from the Public

Motion to Close Meeting to the Public

#183-24 It was moved and seconded
THAT the meeting be closed to the public at 8:15pm.

Motion #183-24 was **CARRIED**.

Motion to Extend Meeting beyond 9:00pm

184-24 It was moved and seconded
THAT the meeting be extended beyond 9:00pm

Motion #184-24 was **CARRIED**.

Motion to Reopen Meeting to the Public

#185-24 It was moved and seconded

THAT the meeting be reopened to the public at 9:46

Motion #185-24 was **CARRIED**.

Adjournment

#186-24 It was moved and seconded

THAT the meeting be adjourned.

Motion #186-24 was **CARRIED**

Meeting adjourned at 9:46.



Mayor Bruce Tomlin



CAO David Fairbank

