



# Meeting Notes

## Zoning Bylaw Public Engagement Session

### April 11, 2024

**Purpose of engagement:** The purpose of the April 11, 2024 Zoning Bylaw Public Engagement Session was to get input on commercial/industrial zoning.

#### Introductory remarks

- Zoning Bylaw is law by which the Official Community Plan (OCP) is implemented.
- Questions we wish to discuss this evening include:
  - How can Zoning encourage development of vacant lots in the downtown core?
  - Should single family dwellings be permitted as accessory uses on industrial and commercial properties?
  - Should multi family residential development be permitted on commercial lots in downtown core?
  - How can zoning enable commercial/industrial development in the community?

#### Discussion Topic: What's changed in the latest draft of Zoning Bylaw

Introductory remarks: Have taken out cannabis production/retail, renewable energy/independent power production for now. Desire to slim the document to focus on what is relevant to Haines Junction at the moment.

- The old bylaw was difficult to read, how does this differ, is this material on the table the old bylaw or proposed changes?
  - It would be difficult to compare old to proposed as structure is quite different.
  - Used to be discretionary uses in old bylaw, have proposed moving these to accessory or permitted uses.
- If we make changes to definitions of zones, how does this affect current/existing/active uses under the zoning bylaw?
  - These would be grandfathered in
  - All new developments would have to follow new bylaw.
  - Map would be changed to reflect intended use.

#### Discussion Topic: Multi-Residential in the Downtown Core

Introductory comments -- The OCP suggests bringing more residents into downtown core area, this is why multi-unit residential is proposed to be permitted in downtown core. The Housing Need Assessment and Vacant Lot Assessment points to permitting this sort of use. The current bylaw allows mixed commercial e.g. commercial on ground floor and residential above.

- Is this needed? Area 1 is opening a lot of new housing lots. Prefer to keep downtown core for commercial use.
- Will there be multi-residential lots in Area 1? This is missing in this community.
  - Only one multi-residential lot in Area 1.
- As a business owner in the downtown core, would prefer to see commercial development in the downtown core. Would like more commercial neighbours. There are few restaurants and services for tourists. Lots of land, can put multi-family elsewhere, doesn't need to be in commercial area.
- Too many vacant lots in the core. Dawson – minimum non-residential property tax is \$1,100; it is \$400 here. Minimum for vacant residential in Dawson is \$1,600. Increasing minimum taxes will encourage development.
  - Council has given direction to Admin to investigate this, desire to incentivize development of vacant lots.
- What if multi family was allowed in mixed commercial but not tourist commercial -- this would protect the focus of the downtown on traditional commercial uses.
  - Zoning may not fix downtown abandoned core. Most vacant lots are along the highway. Multiple lots along the highway would be considered contaminated lots. This may be why there is no development – no one wants to take over responsibility. This may not be a matter of rezoning, may be a matter of dealing with contaminated soils to get these lots developed. The cost of consultants is the limiting factor. Dust control used to be oil. Don't want to test because once you know you need to do something about it.
  - Land remediation costs are high and would exceed Villages ability to pay for to remediate the soils.
  - Land Treatment Facilities are being planned.
  - Why would a business invest in the downtown if lots are contaminated?
- Multi family residential – parking, families, kids – is this appropriate on the highway corridor?
- It is a slippery slope to include multi-residential in a commercial area – bakery shows how complicated this can get.
- Seniors benefit from a walkable neighbourhood.
- A previous resident wanted to build multi-residential across from Cozy Corner, it wasn't compliant with zoning and their request to change the zoning was denied. Complaints that there would be too much traffic or noise. He could have put in a 50-room hotel without any zoning changes and that would have been allowed.
- Mixed commercial is intended to be a bridge between residential and commercial. At one point commercial was along the highway, mixed was the back one street of the strip, and then residential behind that.

#### Discussion Topic: Residential in Commercial and Industrial Zones

Introductory remarks -- Is it currently ok to have a dwelling on industrial and commercial lots?

- Why not say first floor is commercial, but second floor can be residential in either commercial zone. This allows people to create efficiencies – can live upstairs or rent out upstairs. Contributes to a walkable downtown core. Balanced development may make it easier for development to proceed.
  - Are there any challenges in applying for a mortgage on a commercial lot?
  - What a bank is willing to finance can depend on how land is zoned.
  - Commercial mortgages require more of a down payment.
  - If have a home on tourist commercial it is difficult to sell because it is difficult to mortgage.
  - A multi-residential dwelling on a commercial lot shouldn't have difficulty getting a mortgage?
  - Scotia bank won't provide a mortgage on industrial lots under \$500k.
  - This has been an issue in Whitehorse.
- There is a desire for larger lots. Industrial are 1 acre – desirable, people have built homes, and some haven't really had industrial uses.
  - Caretaker suite quarters are allowed on industrial lots as accessory to a business.
  - Dwellings are also allowed as accessory buildings on commercial lots. If a business ceases being a business, is an accessory dwelling is no longer permitted?
  - Can only build accessory dwelling when primary use is under construction.
- Does it matter to the community whether the commercial/industrial accessory dwelling is rented or occupied by the owner?
  - Having someone on lot provides for security – lots that aren't occupied are vulnerable to theft.
  - If becomes wide open they could resent existing zoning and request zoning be changed – have a real problem with this, light industrial is an integral part of a zoning plan in any community. We need industrial lots inside the community.
- Were illegal residences put on commercial/industrial lots from the get-go (example given of someone citing a “typewriter repair” business).
  - If someone applies for a permitted use in the zoning bylaw, the development permit cannot be denied.
- Residences on light industrial lots have no right to complain about uses of lots for light industrial purposes. Imperative light industrial stays light industrial.
- Why don't we have residential neighbourhoods separate from commercial neighbourhoods and separate from light industrial neighbourhoods? Mixed use increases risks to children. This is why we shouldn't have residential neighbourhoods with Air B&Bs in them as people are coming and going. We want a safe and health community without conflict between neighbours. Village bakery example, had to get involved with lawyers, neighbours shouldn't have to go to bat for neighbours, should have policies and policies should be followed so don't disturb a quiet neighbourhood.

- Language for industrial that has been proposed would have been helpful for the Bearberry Subdivision – imperative that the industrial subdivision stays industrial and does not convert to agricultural and residential.
- Option to have a smaller house with a storefront is more affordable for small business owners, there are a lot of small businesses in this community that could benefit from this. There is a need for a hub in this community. In the summer there is the outdoor market. Having this expand into shops and storefronts would be very positive. Walkability is a benefit for small businesses.
- If starting out, when young, need to start somewhere.
- Must establish business first, then build a residence. Know people that have grown up ok in an industrial area.
- Caretaker/little house ok, not sure about multi-residential.

#### Discussion Topic: Balance between mixed commercial and tourist commercial

Introductory comments -- Would multi family be more appropriate in one zone or another? There are very few mixed commercial zoned lots. Most is tourist commercial (80%).

Random placement of a few mixed commercial, most near highway. Area designated as downtown core in OCP is 80% tourist commercial, there is a lot of vacant lots in this area.

- Highway corridor shouldn't be multi family housing. Ok if it is located back one street.
- Where will commercial lots go when eventually these lots are built up? We are constrained by river, CAFN lots.
- What is the barrier / reason for abandoned lots – is it a cost of development/remediation issue, or is it a zoning issue? Is there a shortage of commercial property? Are people looking for commercial property? Some commercial land doesn't have servicing (water/sewer) which adds to cost of development.
- There is a need for multi-residential in town, but this doesn't make sense for future growth to have this on the highway – there is no office space or retail space. A street back makes more sense than on the highway.
- When the town started, everyone lived on the highway.
- We need to attract more light industrial business, one way to do this is to allow dwellings as an accessory use in mixed commercial.
- Allowing multi-family in mixed commercial is not going to result in a bunch of apartments – cost of rental can not match cost of development.
- May only see YHC or CAFN taking advantage of this zoning. But it may open a few doors that could attract a business or two.

#### Discussion Topic: Screening and fencing of industrial properties

Introductory remarks -- Should screening and fencing of industrial properties be required? How prescriptive should the community be? Any need to fence for aesthetic reasons?

- Don't think this is needed. Industrial is laid out in a way that it is all industrial, it is separate from other zoned area. Neighbours in industrial area don't need other industrial neighbours to build a fence.
- Hazardous materials and storage of old cars pose a liability – kids, vandalism.
- If security is a concern, property owners should go ahead and build a fence. Right now, only the Village's Public Works Yard and one other lot is fenced.
- If want people to develop business we need to make it easy, not more difficult -- fencing is expensive.
- If storing hazardous materials -- should be fenced.
- Who would fencing for visual reasons benefit? It is an industrial area.
- If need to keep children out from trespassing in junkyard, need to build a taller fence.

#### Discussion Topic: Hazardous materials storage

- Situation in Watson Lake where abandoned vehicles leaked fluids and contaminated neighbours' lots – protection from this sort of situation is needed.
- Grading, drainage can be addressed by Municipality.
- This may be better dealt with by Government of Yukon than by municipality. Municipality has little capacity to take on issues that deal with complex legal issues.
- Zoning could address setbacks, where hazards can be stored on a property.
- Need a lot grading plan /stormwater drainage management plan in industrial zones (and residential zones)
- May need to push this to next version of bylaw as it is a more complex issue (like Air B&Bs). Desire to get version 1.0 ready before start of build season.

#### Discussion Topic: Encouraging entrepreneurial activity in the community

Introductory remarks -- How could zoning help with this? Are there examples where businesses have been held back by zoning regulations that we can learn from? Has this been a barrier to business development in the community?

- How able to develop an industrial lot is quite restricted because of the zoning. If something fails would like flexibility to transition to another use. Flexibility would be helpful, options to be able to make something work, enable change over time.
  - List is not intended to be the only activities, intended to be examples of the character and intensity of use that is permitted.

#### Discussion Topic: Air B&Bs

- Providing lodging, Air B&B's, Area 1 lots are soon coming up for sale, people may want to build and rent these as Air B&B's – this may have an impact on the community. Whitehorse is requiring people to live in a home and only rent out part

of it as an Air B&B. Want people to be able to run hotels sustainably, hotels contribute to community in a way that Air B&Bs don't.

- This is an issue across the country. A lot of policy work is underway. Wading into this now would delay approval past the start of the build season. Would prefer to give this conversation more time. Laws coming in at provincial level.
- There are 28 in and around Haines Junction at this time.
- Need this in place before new lots go up for sale. Would be unfair to change this after lots are sold.
  - Intention of new bylaw – less restrictive but more enforced.
  - New lots likely on market early next summer.
- No point in waiting. Air B&B already having an effect on hotels. Start early and quash before this has momentum. This isn't fair to businesses who are trying to invest.
- Could say short term rentals are not allowed in new buildings after this date?
  - Or would it be more appropriate to allow a density within a certain neighborhood.
- Problem is enforcement, don't know when people have these units.
- 300 listings in Whitehorse.
- Some people running B&B's are subsidizing their income to pay off their mortgage.
- Community is lacking long-term rentals.
- Could also see Air B&B's popping up in secondary dwellings/garden suites. Is this what this community/council wants? If not, say no new construction of Air B&B.
  - Two options: moratorium or status quo, until bylaw is revisited on this issue. Which option is preferred? Majority in support of a moratorium for the time being.
- Local builder constructed an Air B&B last year on pretense that owner was going to live in it for part of the year, these plans didn't materialize. Support nipping in the bud as soon as possible.
  - B&Bs are already in bylaw, have to live on property – this has been ok for past 30 years. Is Air B&B included in this definition?
- Some Air B&Bs are needed by single parents to pay a mortgage. By and large it is about building wealth.
- Is it about having to live on the property, or is it about the length of rental (harder to enforce)?
- Perhaps we need a combination of both regulatory tools.
- Allow a percentage of each say 5%.
- Mixed / tourist commercial be exempt from regulation (overnight accommodation is permitted).
- Air B&B is better called short term rental.
- Do we currently regulate B&Bs?
- Relate to percentage of rental houses in community. Links to intent – Village does not want certain percentage of housing to be short term rentals or vacant housing.

- Desire that we not allow ‘grandfathering’ in – this may need to be in another bylaw to capture existing activities. Could also be addressed in property taxation bylaw – not taxed at residential rate.
- Sometimes we rely on Air B&B for events when don’t have enough hotel accommodation.
- Hesitate to have only one mechanism for oversight.

#### Discussion Topic: Home office, home business, home industry

Introductory remarks – Draft bylaw proposes home offices are ok on any residential property. Home business – may have a few employees, a greenhouse in the backyard, a few people visiting daily, accounting service or physiotherapy service. Not operating between 8pm and 8am. Home industry - only on country residential properties. Carpentry shops out the back. Light retail sales of what you have made.

- Home Business
  - Could limit to 9 to 5.
  - Limiting to four clients may be too restrictive, e.g. if operating a nail salon.
  - Would be hard to enforce four visits per day. Soften so intent not enforcement driven.
  - This information is to help VHJ assess intent of the business to see if it is appropriate for the zone.
  - Tie into parking – business needs to provide onsite parking for clients.
- Home industry.
  - Goods and materials must be stored in dwelling or accessory building. Not realistic. Better to say can’t be visible from road.
  - May need a separate bylaw – property maintenance bylaw – to address storage of materials so commercial properties are required to maintain their properties to a certain standard. Not having this discourages people from starting businesses.
  - Would this allow parking and storage of heavy equipment and trucks?

#### Discussion Topic: Dwellings on Industrial Lots

- Are there minimum sizes for dwellings on light industrial lots?
  - This is not in existing bylaw, why not?
  - We heard feedback on residential house sizes on minimum home size during earlier public engagement, would likely apply same.
  - It may be problematic to not have a minimum. If smaller minimum in industrial than in residential that would be problematic. It is a way to build something really small and create a “business”.
  - There aren’t a lot of options for industrial lot development – why keeping industrial zones for industrial uses is important.

- Only one residential home on light industrial? Allowing two dwellings on residential lots, same for residential? What is the intent of allowing residential on industrial? Is this to have a caretaker?
  - In favour of keeping industrial lots industrial, so this doesn't make sense – especially when next industrial development may have better views than any current development.
- Seasonal housing ok in light industrial? E.g. as required for workers? Is this currently allowed?
  - Old bylaw didn't have heavy industry, only light. Would we want to address this in the future? Maybe well site trailers would be ok in heavy industry.

Final questions and comments from the public:

- We have desired a biomass facility in community, is there a provision for this type of facility to be put within the boundary?
  - This wouldn't be heavy industry, considered light industry
  - Would fall under renewable energy piece that is being deferred.
- HJ is going to run out of land. We need to be careful with what we have. Country residential really takes up land.
- Individual outdoor boilers – will this be in new bylaw or deferred?
  - Based on discussion tonight there is good chance we can include a moratorium on this as discussed for Air B&Bs
- Light industrial standards for beautification (how to build fence and prune shrubs) are higher than for commercial zones, seems onerous. Is this needed?
  - No interest to establish architectural guidelines for residential zones that are up to the discretion of the development authority
  - Commercial is limited to screening if adjacent to residential.
  - Leaning towards separate bylaw for property maintenance for commercial lots.