



## Village of Haines Junction Report to Council

July 24th, 2024

☒ Council Decision  
☐ Council Direction  
☐ Council Information  
☐ Closed Meeting

### RE: Draft Zoning Bylaw Second Reading Report

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#### Recommendation

That Council provide decisions on the three questions posed in the Discussion/Analysis section of this report.

#### Background

The Draft Zoning Bylaw was read for the first time on June 12<sup>th</sup>, 2024. In the meeting Council heard from residents who raised concerns:

- *Minimum home size proposed in the Bylaw for Agriculture Residential (AR) and Country Residential (RC) currently at 592' GFA. Concern this would contribute to increased cost of ownership and lead to economic stratification.*
- *In AR zones concern that limitations on the number of animals allowed is too low and a desire to allow more agricultural pursuits, agri-business.*

Minutes from the First Reading included as **Appendix A**

The Village held a Public Engagement session on July 15, 2024, to address the following issues:

1. Residential use of Industrial and Commercial properties
2. How the Municipal Act impacts legally non-conforming properties
3. How to promote agricultural land use on AR lots.
4. Proposed rezoning of Tourist Commercial (TC) to Mixed Commercial (CM) off the highway corridor and designated Downtown Core.

Minutes from the meeting are included as **Appendix B**.

Key take aways include:

- The OCP mandate's locations of residential, commercial, and industrial zones.
- The OCP can be amended but is an involved process, Ministerial approval, Etc.
- *Desire from existing residents in commercial zone along West highway to retain ability to rebuild dwelling in the event of catastrophic loss and to make structural additions while maintaining the ability to pursue commercial enterprise.*
- *Limited land availability pushed residents to develop residential properties in Commercial and Industrial zones.*
- *Expressed need to maintain separation of commercial, and industrial uses from residential areas.*
- *Provide option to rezone TC to CM outside of Highway frontage*

- *Desire to increase allowance for agricultural pursuits on AR land, proposed unlimited animals in AR.*
- *Recommendation to revise build conditions on AR to remove the 5-year build term and allow agriculture first. I.e., build a shop, then clear land, then build a home.*

## **Current Status**

Based on comments received at the Second Reading and subsequent Public Engagement event Staff have made the following changes to the Draft Zoning Bylaw:

- Increase allowance for animals in AR zone (not unlimited). Added provision for Development Authority to approve increased animals based on submitted management plan.
- Reduced parking requirements (per HAF recommendations)
- Removed Max # of visits to home business (per HAF recommendations)

Staff have also incorporated numerous smaller changes based on recommendations from HAF review.

## **Discussion/Analysis**

The following considerations require Council decision. Once determined edits will be made to the draft Zoning Bylaw in advance of the Third Reading.

5. Option to reduce Min dwelling size in RC and AR zones, currently 592' GFA.
6. Option to permit rezoning of TC properties off the highway frontage in downtown core, and properties on the highway west, to CM.
7. Options to amend the CM zoning to:
  - a. allow for single family dwellings as principal use
  - b. list existing residences in commercial zone as exemptions
  - c. Proceed as written, with limitations on maximum home size in the event of catastrophic loss and other restrictions as outlined in the Municipal Act

Prepared by

David Fairbank  
Chief Administrative Officer

## Appendix A

### Public Hearings and Public Input Sessions

#### Bylaw 411-21 2024 Zoning Bylaw

Materials provided: Draft Zoning Bylaw, Notes from Public Engagements (March 11, 2024, April 11, 2024 and May 23, 2024) and Committee of the Whole Meeting (May 14, 2024)

#160-24 It was moved and seconded

**THAT** discussion on the 411-21 2024 Zoning Bylaw be opened to the public.

Motion #160-24 was **CARRIED**.

#### CAO Report

- Since March, three public engagement sessions and a Committee of the Whole meeting with Council have been held
- Purpose of this evening is to hear thoughts from public on the latest draft of the Zoning Bylaw from the public and to collect information on any outstanding concerns or changes that have not been addressed to date.
- OCP is the guiding document, we cannot pass zoning contrary to the OCP

#### Public comments:

- The main think I'd like to say is that it is great to see so many positive changes in this bylaw. Thoroughly in favour of 90% of it. Would like to raise a disagreement with one aspect of the bylaw, and this is with the minimum house size on country residential and agriculture limited. There is a lot of concern in the community about affordable housing. House size is very much tied to housing size. A difference of 400 square feet equals \$160,000. More expensive to develop limited ag and country residential because they need septic systems (about \$50,000 in development costs). Bylaw is effectively saying that one has to spend \$200,000 more to live on country residential. This contributes to ghettoization. The minimum size is also effectively increased because we are now measuring minimum size on the inside, instead of the outside. Today house walls are 18 inches thick. This also works against affordable housing.
- Limited Agriculture -- now called ag-residential. Asked to increase number of chickens -- 25 is not enough. Also need to raise number of livestock. Request setting numbers in a regulation that is easier to amend. 25 is not enough to run an agriculture business. Want to promote agricultural businesses. Want to see bylaw also encourage appropriate agricultural fencing.
- Question about R1, R2 and RC zones. Provision for short term rentals to only be on principle residence and be in receipt of a business license. Will there be another round of public hearings on this?
  - CAO explained that this Language is meant to create a bit of a buffer while Village creates a short-term rental policy. Many communities have a STR policy that is separate from the Zoning Bylaw. This work is expected to take significant

effort; this is a stopgap measure. There will be more public hearings on this issue.

- Council clarified that this is a first reading. Council will receive a report prior to second reading and can create more opportunities for public comment if deemed necessary.
- Regarding the Agriculture Residential, Agriculture Limited and Agriculture General zones, Haines Junction is the only jurisdiction in the Yukon that has Agriculture Limited (now referred to as Agriculture Residential). Concerned that this zone is now effectively a large country residential zone, as opposed to an agricultural zone. This impacts what can and cannot be done in these areas. Minimum and maximum lot sizes are much smaller for Agriculture Residential than they are for Agriculture General. Agriculture Residential also has a very different tax rate (almost double), while what can be done on these lots is restricted. Could do a whole lot more if zoned Agriculture General. Concerned that Agriculture Limited/Ag Residential is getting the short end of the stick. Intention should be to support agricultural activities in a smaller context, because smaller lots.
- Concerned about potential for subdivision of agricultural lots. None of the lots within Bearberry can be subdivided—totally support this, keep agriculture agricultural. Agriculture General has a minimum lot size of 14 acres. This means that some of the large fields such as Tait field could be subdivided -- have concerns over this. Council should take over control of subdivisions from YG. Much better if Village decides what can/can't be subdivided. Would like to see a moratorium on Agriculture Residential and Agriculture General subdivisions.
  - CAO Question: If were to increase minimum lot size on Agriculture General zoning such that existing 5 properties could not be subdivided, would this alleviate concerns?
    - This is one way to do this, but not necessarily the right way. Suggest merging agriculture into one zone to simplify. This is the only jurisdiction with to agricultural zones. If we want to promote agricultural activity, need to ensure agricultural land remains agricultural. Incentives – tax break for ag general applied to ag limited. Desire is to protect land that has been developed for agriculture.
  - Council noted there are 5 Agriculture General properties in town. Council suggests we talk to owners to get a sense of what their plans are for their properties.
- In support of more latitude for developing properties. Having rental suites or additional residences is a good step – supportive of this on all properties. Drawback is that the more that you build, the more your assessed value for taxes (as is the case for everywhere else).

#161-24 It was moved and seconded

**THAT** discussion on the 411-21 2024 Zoning Bylaw be closed.

Motion #161-24 was **CARRIED**.

## Appendix B

### Public Engagement minutes – July 15, 2024

#### OTHER

- Land use must adhere to OCP
  - Zoning changes are a separate process from variance hearings.
  - Zoning can be amended within OCP i.e. urban residential to country residential
- Enforcement of Bylaws is either at permit application or complaint driven
  - Could look to do “major non-compliance reviews” in the future (if staffed)

#### Residential use of Commercial or Industrial lots

- Maximum dwelling unit size and other measures to direct land use towards compliance
- Maximum dwelling unit size imposed to ensure accessory use to primary commercial or industrial use
- Tourist Commercial lots on North Alaska Highway
  - Limited availability pushed people to purchase non-conforming properties
  - Some other commercial lots in other areas of municipality have been rezoned to other residential uses
  - Tourist commercial should be treated differently than mixed-use commercial
- OCP and proposed zoning correct use of properties on Kluane Street/Auriol Street to urban residential (The Yukon Housing properties)
  - Current bylaw zoned as Tourist Commercial, will change to residential.
- OPTIONS TO MOVE FORWARD
  - Maintain wording in proposed bylaw
  - Dilute definition of mixed-commercial to allow residential use only
  - List of existing non-conforming commercial properties included in zoning bylaw with exemption from rebuild requirements
    - Does not help with trending towards zoning compliance
    - Does offer security to property owners
  - Give existing properties option of tourist commercial or mixed-use commercial
  - Allow non-conforming properties to change to residential and be able to switch back to commercial in future
    - Land use must conform with OCP (would require amendment to OCP)
  - Add third commercial zone to allow legacy non-conforming properties to continue to exist without rebuild limitations
  - Allow residential use first and commercial or industrial use second (not enforceable)
  - Allow current owners to have relaxed rebuild restrictions but not future owners
- Current land development trends will increase availability of urban and country residential lots means less future pressure to have residential primary use in wrong zone
- Keep industrial and commercial uses in correct zone rather than enabling incorrect use
  - Fairer to neighbouring residential properties
  - Empathize with non-conforming property owners but need to maintain separation of commercial, industrial and residential. Don't dilute different zones
- Non-conforming property owners can lease space to other party to undertake commercial or industrial use
  - Problem or opportunity?
- How many non-conforming properties actually exist?
  - Not insignificant number (approx. 20 commercial and 8 Ind.)
  - What have other municipalities done? Wording in proposed bylaw is reflective of other municipalities. (other communities similar to the bylaw as written)

### **Non-conforming properties**

- Municipal Act – non-conforming building/structure
- Revised zoning bylaw follows municipal act

### **Promoting agricultural land use**

- Proposed zoning bylaw now increases number of livestock, increase maximum number of dwelling units, STR okay if primary residence is on same property
- Concerns about limited number of Agricultural General lots
- Most Agricultural Residential lots don't have primary agricultural use
  - Bear Berry lots were sold with 5-year residential build requirement. Essentially large country residential with lower tax rate. Original request to develop subdivision was to make horse pasture available.
  - No agricultural development requirement
- How to incentivise agricultural use?
  - Remove restrictions on number of livestock entirely, enforce fencing requirements
  - Taxation – not zoning bylaw but would allow RC tax rate for non-agricultural use in AR
- No clearing requirements allows different agricultural practices working with land ie. permaculture
- Listen to agricultural uses on what they want
- Proposed zoning bylaw minimum dwelling size same as country residential
  - Creates stratification of income and zoning
  - Same minimum dwelling size for all zones
  - Ag branch revised policy on development to focus on agricultural use
- Development/build conditions should be revised for future AR development
- STR are complementary to Agricultural, must ensure it is secondary to ag use and owner lives on property
- Not zoning bylaw – draw down subdivision authority to Village
  - Do not allow subdivision of agricultural property

### **Relaxation of commercial zoning off highway corridor**

- OCP put a lot of effort into defining commercial property along highway corridor
- Provide option to rezone properties without highway frontage to mixed-use commercial ie. rear face of highway blocks
  - Provide more rental and affordable housing options
  - Mix of reluctant and enthusiastic support, generally accepting
- Reach out to St. Elias Chamber of Commerce for comment
  - Chamber decided not to speak as a whole rather as individual businesses
- Opinion that tourist commercial uses compete with residential use in commercial area
  - Use of tourist commercial as subsidized housing competes with intended use of tourist commercial. YG sends people to community as there's no place in Whitehorse for them to stay, end up here without social supports needed.
  - Doesn't know anyone who would choose to live in a small apartment
  - Define vision for downtown core
    - OCP lays out vision for downtown and community core
- Encourage development of commercial lots (mixed-use and tourist), generally makes tourist commercial more valuable
- Not zoning bylaw – increase minimum tax rate, vacancy rate... Noted Council direction to review mill rate Bylaw
- Do we have the capacity to enforce bylaws?
  - Complaint based or at start of development
  - Opportunity for more education on enforcement and bylaw

**Zoning map**

- Show development set-backs around lagoon and landfill to show true picture of development opportunities