



Meeting Notes

Zoning Bylaw Public Engagement Session

May 23, 2024

Purpose of engagement:

The purpose of the May 23, 2024 Zoning Bylaw Public Engagement Session was to get feedback on the latest draft that was updated based on outcomes of two recent public engagements. Specifically, we were looking for input on the following proposals:

- The Mobile Residential Zone is *proposed* to be incorporated into the Single-Family Residential Zone.
- The front and rear yard setback requirements are *proposed* to be reduced.
- A maximum lot size is *proposed* for the Single-Family Residential Zone.
- Increasing density to allow for two dwellings in residential zones is *proposed*.
- Short-term rentals are *proposed* to be prohibited in new developments, specifically Area 1 and Area 3.

Key takeaways:

- Suggestion is to send a message to Council, when re-doing the OCP, look at changing Area B to country residential as this is a more suitable use for this land.
- The room was supportive of the proposed reduction in front and rear yard setbacks, with different requirements for yards with/without alley/greenspace/laneway (without =10 feet, with = 5 feet)
- The room was supportive of the proposal to incorporate the mobile home into single family residential.
- A clear definition of how house size, setbacks are measured that ensures bylaw is interpreted the same way by different people.
- Remove Area 1/Area 3 STR restriction and instead limit any new STR's to being located on a property that is the owner's principal residence.
- Remove caps on B&B's (room size, length of stay, number of rooms)
- Add workshops and light manufacturing to light industrial uses.
- Increase number of dwellings on country residential to 3, noting need to meet environmental health requirements for septic.
- Consider 3 dwellings on limited ag (limited in size)
- Village requested to take over control of subdivision bylaw as there is a lack of trust in the community with YG making these decisions.

Q. from Public: Will new bylaw address enforcement?

- New development is monitored.
- Intention isn't to go out and punish people that didn't comply with bylaw of the day; rather focus on moving forward.
- May be some degree of enforcement going backward but unclear how this will work.

Q. from Public: What happens to people living in the light industrial zone that are not using the lot for light-industrial purposes?

- Existing homes will be grandfathered in.
- Won't be allowed going forward.
- Proposing a maximum house size.
- Desire is to encourage people to conform with bylaw without causing massive upset in the process, will take many years.
- A small caretaker suite, not a family home, is suggested to be allowed going forward so the current situation doesn't happen again.

Q. from Public: Area B

- Why is Area B not highlighted as Future Development on zoning map?
 - We just got a hold of the GIS files and will be making some corrections, including this correction.
 - Area B was identified in OCP, but there is no immediate plan to develop this area for industrial.
- Why is such a nice area being set aside for industrial when there seems to be more demand for residential?
 - Area A is currently under consideration, this is in the very early days.
 - Part of Area A may not be able to be developed because of proximity to sewage lagoons.
 - Argument put forward that it is better to have industrial land and not need it than need it and not have it.
 - Concern expressed that a lot of land is set aside for industrial – both Area A and Area B.
- Can Area B just be open space?
 - No – this is identified in the OCP as future industrial development.
 - Area B is unlikely to be developed any time soon.
 - This map is a conceptual zoning Map. A process of master planning is required to formalize any zoning change. For example, part of Area 1 has now been rezoned.
- Has there been demand for industrial land?
 - We have one larger project in very early stages that would likely build their own roads and infrastructure if it goes ahead.
- Suggestion is to send a message to Council, when re-doing the OCP, look at changing Area B to country residential as this is a more suitable use for this land.

Q. from Public: Is there a minimum lot size requirement for a second residence noting old 50x100 residential lots are tiny, can they really fit two dwellings?

- There is a maximum lot coverage of 50%

Prompt from Facilitator: Thoughts on proposed reduction in front and rear yard setbacks, with different requirements for yards with/without alley/greenspace/laneway (without =10 feet, with = 5 feet)?

- Concern expressed at what was proposed by Council last week when backyards are abutting. This only affects inner Otter and Alesk/Rainbow) where Council proposed leaving the setbacks as is. That reduced rear yard setbacks would be allowed on the other side of the street doesn't seem fair. Happier with iteration that has been proposed today than what Council proposed. What Council proposed will make it harder for this small area in Alesk/Rainbow/Otter to have a secondary suite. Should be the same for everyone to be fair. Most existing houses are in the middle of their lot so it will be hard to create a second dwelling, particularly if setbacks are not relaxed. To be fair everyone should have this option, could make house/lot worth less because unable to create a second dwelling.
- Is there a fire restriction for how close together houses can be?
 - Yes. Building safety has ultimate say on this. What is proposed here is within acceptable distance between buildings.
- Support expressed proposal allowing more encroachment – house on Rainbow cited as an example -- if garage burned down would not be able to rebuild with current setback requirements. Location of house on lot is prohibitive of putting a deck on side yard which is needed as a second exit for safety reasons.
- No opposition expressed to proposal for with/without alley/greenbelt setbacks.

Q. from Public: Measurements of house size and setbacks

- Is there guidance on how floor area is to be measured? E.g. from exterior or interior.
 - Proposing to measure minimum floor size from interior area/living space.
- And how are setbacks to be measured?
 - Setbacks are measured from exterior wall.
- How is 100 square foot measured (below which no development permit is required)?
 - 100 square feet measured by internal floor area.
- To exterior wall is not a clear definition. Need a clear definition so interpretation doesn't change as staffing changes, particularly when in the middle of a project – which has happened before (different CAO's have interpreted the bylaw differently)
- Dave Weir offered to look through the draft and provide feedback.
- Note that this minimum house size from country residential may in fact be increased.
- If now basing size on interior square footage, the minimum requirement has increased which is counter to making things more affordable.
- This has changed over time based on how measured, has changed by CAO's interpretation of the bylaw – different CAOs have interpreted differently.

Q. from Public: What happened with earlier conversations about not having a minimum square footage?

- Reduced from 754 to 256 in urban residential.

- Concerns raised about doing this in country residential – people would purchase and put a tiny home on it and use it to get title and tie up the land with very little investment.

Q. from Public: Short term rentals

- How is short term defined? Insurance defines STR as anyone renting out their home for less than one year – this is not a bylaw issue. Landlord Tenant Act also has a definition for STR.
 - A definition has been included in the draft bylaw: defined as less than 30 consecutive days, not including hotels, hostels and B&Bs.
- How is this enforced?
 - Business licenses
 - Work through advertising so easy to follow up to see who advertising is.
- Bring tourists to the area, for economic reasons it makes sense for some people to have these. Does this bylaw facilitate STRs?
 - Explained desire to get bylaw passed, this has been flagged as a complex issue, first plan was to leave this for version 1.1 Got a lot of feedback from community to put in limitations now before Area 1 and Area 3 go ahead. Compromise suggested is to define STR's and prohibit from Area 1 and Area 3 – for now. And then do more work going to
 - In many communities a separate bylaw exists for regulating STR's, it isn't part of the zoning bylaw. Zoning is about what can happen where.
- Concerns raised about these homes being removed from rental market.
- Concerns raised with having geographic limitations. Better to address through business licenses. Better to put moratorium on any future granting of business licenses until this is looked at in depth. Need to find a balance. Not easy to do but should be defined geographically.
 - Intention was to have a temporary quick fix before new lots go for sale until the new bylaw is developed.
 - May be legalities in limiting number of business licenses. Rush on licenses at business licence renewal season.
- Better if temporary fix is not geographic. In community's better interest to have a moratorium on future rentals.
- Suggestion that many STRs may not have a business license.
- Should be allowed to do STR within your primary residence as a mortgage helper. This is important for younger generation looking to get into the market.
 - Hard to prove that someone lives there full time.
- Suggestion to charge a room tax.
 - Yukon does not have ability to set a room tax by use of property.
- Suggestion to regulate based on family income.
 - unable to do this at this level of government because of privacy legislation.
- B&B's are allowed – have to live on property. Must provide food. Must rent a room and not a suite.
- Air B&B travellers are not as inclined to stay in someone's home (B&B)
- Ok if renting to people we need in the community e.g. construction workers, teachers, nurses.

- Feels privacy-infringing.
- What is the problem we are trying to solve – people buying up land and not living here?
 - Lot sales are through YG – can't be discriminatory on who land is sold to.
- Concern raised about 2 lots sold through YG this winter on wintergreen that were sold within a minute to someone from outside the territory.
- Second dwellings both increase density and availability of units and create economic opportunities for homeowners. Don't want to close door on certain segment of tourist economy that want to travel this way, and to diversifying the economy. Renting to locum nurse or helicopter pilot here for a month is also considered a short-term rental.
- Can't count missed opportunities and things we are saying no to. We don't know what opportunities we are missing for say conferences or staffing of positions. It is a lot to ask someone to move here who hasn't been here before to have to buy a lot and build a house before knowing if they like it here. Don't know what we are saying no to.
- Go through names of who bought on Spruce and wintergreen. A lot took 8 years to build and were not HJ residents. Properties sat longer than development agreements. Yukon Lands fumbles regularly. How lands handles sales of property is causing problems.
- We don't know how much STR out community can accommodate. We don't know what the market is. Could be short 100 rooms every summer but we don't know.
- There is a lot to figure out in this conversation! Need to find balance. Putting a temporary moratorium puts heat on council and staff to sort this out. HAF funding could go towards finding out what a reasonable number is. A geographic approach is the wrong way.
- Instead of Area 1/Area 3 --- focus on absentee landlords as the present primary issue – focus on capping this. Suggest allowing a business license for STR if live on property so single moms or lower income can have economic opportunity (for now). Business licenses can determine whether live on property so this proposal should be easily enforceable.
- Caution about doing limitations on STRs until work is done well as could stay for many, many years.
- Zoning document vs: Business License – different tools for different things.
- Seasonal workers are part of the Yukon workforce, could be supported through STRs
- If moratorium is based on people having to live there, this will have an impact. It will deter a certain type of traveller coming to the community that wants to rent a whole house.
- Traditionally, commercial, and residential uses have been separated into different districts for a reason. Requiring STR to be in a principal residence address some of these concerns.

Q. from Public: B&B

- Why is this capped at 2 rooms?
- Why is this limited to 14 days? This limits for example a locum nurse.

- This was drafted in the 1996/existing bylaw and hasn't changed.
- Room size requirements are close to minimum house size!

Q. from Public: Home office vs home business

- No where to meet in town in wintertime.
- Most community meetings happen in people's living rooms.
- Encouragement of infilling on one hand, but discouraging of using it for B&Bs, STRs, having people visiting your office. Seems at cross-purposes.
 - Desire to find balance between enabling and not having to great an impact on neighbours.
 - Typically, people enjoy less regulations until something happens next door.
 - Need to have some limitations if things go too far.

Q. from Public: Light service industrial

- Workshops (carpentry, artists) – consider adding as a permitted use.
- It is hard to put all uses on the list, look for something comparable.
- What is temporary retail sales – e.g. pop up shop, like Evelyn's place
- Restaurant? Example of Winterlong
- Could add light manufacturing.

Q. from Public: Light service industrial

- How address issues created by there being no available industrial lots and people want to park heavy equipment in a residential zone as a result?
 - On one hand we have people living on residential, and on the other hand we have people needing industrial – why is market not functioning, e.g. people who have industrial lots being approached by people who need it to purchase it from them?
 - If people aren't incentivized to move graders off their residential property, they won't be incentivized to approach industrial lot owners to purchase.

Q. from Public: Country Residential Dwellings

- What is reason for limiting dwellings on 2 acres to same as on 50x100 lot? Suggestion to increase to 3.
 - Arguments against – septic field limitations
 - Need space for second septic as first may go kaput – has happened.
 - 3 dwellings are on realtor.ca for millions – issue, counter to affordability.
- Grizzly valley can build two houses and 4 cabins.
- Can't build a dry cabin?
 - Can, but need septic / holding tank.

Q. from Public: Dwellings on Agricultural Lots

- Zoning only allows 2 and the lots are 9 acres, suggest increasing to 3.
 - Ag. General vs. Limited Ag.
 - This bylaw is Limited Ag (not Ag. General – this is a typo).
- We used to have Ag. General (way back) – there was a taxation code of 0.5% -- check to see if what our property taxation bylaw allows.

- Ag. General -- YG has regulations on this that we default to.
- Limited Ag doesn't exist elsewhere in Yukon.
 - Defining Ag. General is being deferred until the future.
- Can become problematic – land grabs, meadow lakes golf course for example, intended purpose was for agriculture and use is changed and then property can't sale and expect government to help either with sale or rezoning to actual use.
- BC Agriculture Land Reserve – no subdivision. A way to keep agriculture as agriculture.
- Subdivision of agriculture would require a rezoning.
- Tate's field is Agriculture General.
- Need to maintain agricultural land and integrity of these lots.
- Hard to make money on ag here so case to be made for having 3 homes, also need seasonal workers accommodations. Could limit size of housing.

Q. from Public: Subdivision of Agriculture and CR lots

- Municipality could take control of subdivision bylaw (this is now through YG although municipality is consulted, YG is required to make decisions consistent with OCP). Would like Council to take on this authority – YG is no longer trusted because of Area 1
- Want Ag Branch to be directly petitioned to prevent subdivision of ag land in Yukon.
- Only 10 lots in Willow Acres are subdividable – issue is lack of faith with YG and wanting decision making to reside locally.
- Subdivision requests are extremely rare so not likely to be a crushing workload.

Prompt from Facilitator: Thoughts on proposal to merge mobile homes and residential?

- Great idea, no place to put a mobile home right now.
- Pros – more options for affordable housing, option for people who don't have ability to do a construction project or need a place fast. Option when there are limited builders available. Prevents ghettoization.
- Cons – concerns about impact on value of neighbouring properties. Mitigating this concern by requiring newer mobile homes
- Modular homes are permitted – distinct from a mobile home which is on a chassis and can be moved and put on a foundation and a skirt put on it.
- Tiny home can be built on a trailer and put onto a permanent foundation and hook up to water and power and can be used to get title.
- Title with YG doesn't require you to have septic and water, YG just requires to be clad to weather / now requiring occupancy which does require hookups.
 - Note: VoHJ is working on changing building requirements.
- Are we ok if Area 1 is all trailers? Example of Arkell in Whitehorse that is a nice neighbourhood because people own their lots.
- Consensus that we've struck a good balance here.

Q. from Councillor Charlebois: Architectural Requirements for Area 1?

- Could be a way to help this neighbourhood to be more attractive.

- This town likes its independence – didn't get support from the room.
- Might be hard to find the right aesthetic.
- People love that all houses on spruce street look different.
- In general Area 1 is seen as a landscaping issue, need trees.
- This was in an earlier in the draft and was removed. Desire to keep ZB simple; entertaining developing a property maintenance bylaw.
- Working with YG on “tree vouchers” so once lot is developed can have mature trees brought in and planted. Would like berry shrubs/for birds included.