


**Public Notice of Special Council Meeting
Yukon Municipal Act Section 214(1) & (2)**

Pursuant to Yukon Municipal Act Section 214(1) & (2), a Special Council Meeting is hereby called on Thursday September 19, 2024. The meeting will take place in Council Chambers and will begin at 7:30 pm

**Village of Haines Junction
September 19, 2024**

Special Council Meeting 7:30 pm

This meeting will be held in Council Chambers.

AGENDA

- 1. Call to Order
- 2. Acknowledgement of Champagne and Aishihik First Nations Traditional Territory
- 3. Adoption of Agenda
- 4. Declaration of Pecuniary Interest
- 5. Adoption of Minutes of Regular and Special Council Meetings
- 6. Proclamations
- 7. Delegations
- 8. Public Hearings and Public Input Sessions
- 9. Old Business
 - a. Draft Zoning Bylaw
 - i. CMx designation for vacant Commercial Mixed lots
 - ii. Mobile homes in Residential Zones
- 10. New Business
- 11. Bylaws – Reports, Readings and Adoption
- 12. Correspondence
- 13. Council Reports
- 14. Questions from the Public
- 15. Motion to Close Meeting to the Public
- 16. Adjournment

The next Regular Council Meeting will take place at 7:00 pm on September 25, 2024 in Council Chambers and via Zoom <https://us02web.zoom.us/j/8676347100>

*The Village of Haines Junction respectfully acknowledges that we are situated on the
Traditional Territory of the Champagne and Aishihik First Nations.*



Village of Haines Junction
Report to Council

September 19, 2024

Council Decision
 Council Direction
 Council Information
 Closed Meeting

RE: Proposed Additions to CMx List for Draft Zoning Bylaw

Background

At the Second Reading of the Draft Zoning Bylaw, the Commercial Mixed zone (CM) was changed to move single family dwellings from primary to secondary use. This meant that a compliant commercial endeavour would be required before a residence could be constructed in CM zones. At the same time a rezoning of ‘second street’ commercial properties from Tourist Commercial to CM. The intention was to increase development opportunities in the Highway corridor.

It was identified at that time that existing residences would need a special allowance to maintain the residence without being ‘legally non-conforming’ and the creation of CMx zones was used to make this allowance for the residences.

Current Status

It has come to staffs’ attention that vacant CM properties have not been given the CMx designation. This raised concerns for the property owners as they will no longer be able to construct homes on their properties without also building a commercial enterprise. Additionally, the size of a future home will also be limited per the new Draft Zoning Bylaw. This in effect reduces the value of the property when the Bylaw is passed.

Below is a list of existing CM properties without residences.

Properties without residences CM only						
Address	Block	Lot	Use	Zone Change	Use	
101 Auriol		7	19	Vacant	CM>CMx	Owns adjacent home
113 Auriol		7	13	Rental Cabins	CM>CMx	Commercial Own property across street
117 Auriol		7	11	YH & KPMB	CM>CMx	Commercial
100 Kathleen		7	1	Vacant	CM>CMx	
102 Kathleen		7	2	Vacant	CM>CMx	
104 Kathleen		7	3	Vacant	CM>CMx	Owns adjacent home
112 Kathleen		7	22	Vacant/shop	CM>CMx	Owns adjacent home
176 Lucania		8	13	Post Office	CM>CMx	Commercial
183 Backe		11	23	Vacant	CM>CMx	



All of these properties were at some point rezoned at the request of the owner to CM.

These properties are primarily located near the highway junction, and several are adjacent to the homeowners residence. The exceptions are:

- 117 Auriol - locally owned, commercial use
- 100, 102 Kathleen St. – Locally owned, Vacant
- 176 Lucania – Canada Post Building, commercial use
- 183 Backe – Numbered company, Vacant



Discussion/Analysis

Each of these properties were rezoned to CM at the request of the owners. Since the Draft Zoning Bylaw changes will impact the ability to develop or sell these lots moving forward, Council must consider if the intent of the zoning changes was to limit residential development in this area and if Council is comfortable with making a zoning change that impacts the owners.

Recommendation

Reviewing the minutes from the first reading of the Zoning Bylaw (Notes from second reading below) it appears that the intention was to limit development of single-family dwellings in the newly created CM areas along the highway corridor and not to adversely affect existing CM properties.

Draft Motion:

Council directs staff to add the above noted properties to the CMx list in the draft Zoning Bylaw.

Prepared by

Dave Fairbank
Chief Administrative Officer

Minutes from Zoning Bylaw, Second Reading

- Which of the following options for amendments to Mixed Commercial Zoning is Council supportive of? 1) Allow for single family dwellings as a principal use; 2) List existing residences in commercial zone as exemptions, or 3) Proceed as written with limitations on maximum home size in the event of catastrophic loss and other restrictions as outlined in the Municipal Act.
 - Council is not supportive of Option 1
 - Grandfathering properties affects current homeowners without commercial use of properties in these zones in terms of sale of property (as it is non-conforming) and in case of fire, a home could only be rebuilt after a commercial business is established.
 - Council is in support the option provided by the lawyer to exempt current residences in commercial zones.

#203-24 It was moved and seconded

THAT Administration update the Draft Zoning Bylaw to : not reduce the minimum dwelling size in RC and AR zones, that CT properties be permitted to rezone to CM off the highway frontage and on the highway west, and to use the option provided by the lawyer to exempt current residences in commercial zones.



Village of Haines Junction
Report to Council

September 19, 2024

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RE: Consideration of Restricting Mobile Home Development in Residential Subdivisions

Background

At the Committee of the Whole Meeting held on May 14, 2024, Council deliberated on the question of doing away with Mobile Residential zones in the community and allowing mobile homes (MH's) in all residential zones. This concept arose from community members at public engagement sessions held in March and April and was integrated into all subsequent drafts of the Zoning Bylaw for further consideration and comments from the public. Between May 14th and now, there have been two public engagement sessions, one Special Council meeting, as well as First and Second readings of the Draft Zoning Bylaw.

Current Status

On September 11th, 2024, Council received a delegation from George Van Sickle expressing concerns about the potential impact on property values for existing homeowners who have invested in stick built or modular homes. Attached as Appendix A is the letter provided for the delegation.

Council passed motion #282-24

“THAT Council directs staff to discuss concerns about potential impacts of allowing mobile homes in R-1 Zones with the Zoning Bylaw Contractor and provide Council with recommendations including exploring limiting the total percentage of allowed mobile homes in the community.”

Staff have discussed with the contractor and recommend including the following language in the Draft Zoning Bylaw:

1.12 REVIEW

1.12.1 The Development Officer shall provide Council with a report of all applications and development permits issued under this bylaw for the previous calendar year by March 1st of the subsequent year. The report shall include recommendation of any amendments necessary to ensure the zoning bylaw is consistent with meeting the vision, principles and land use objectives of the Official Community Plan.

1.12.2 Council shall schedule a review of the zoning bylaw at the first regular meeting after receipt of the Development Officer report to consider its recommendations.

Additionally, staff recommend that each issuance of a Development Permit for a mobile home be noted at the next Regular Council Meeting.

This review of Development Permits would provide Council with an opportunity to act should any worrying patterns develop. The salient example in this case would be a concentration of development permits for mobile homes being concentrated in a specific region.

When asked about the possibility of adding a percentage or fixed cap on the number of mobile homes in the community, the Contractor raised several concerns:

- There is nothing to indicate that there will be an influx of mobile home development permit requests. The inclusion of a review process will allow the new Council with the time and information needed to make an informed decision.
- A cap or percentage limit on mobile homes is somewhat arbitrary and may not stand up to legal challenge. A more typical solution to reach the intended goal would be to intersperse mobile homes lots through R-1 zones.
- A cap or percentage limit on mobile homes would be contrary to the overwhelming consensus heard at each of the public engagement sessions. For Council to make a change, against this consensus, before Third Reading and without an opportunity for public debate is within Council's power, but strongly recommended against.
- If Council wished to make the change, the recommendation was to have further public engagement to determine if the proposed change has broad support. This would require moving the passage of the Draft Zoning Bylaw to the next Council, which is problematic for numerous reasons.

Draft Motion:

Council directs staff to include the above notes section 1.12 to the Draft Zoning Bylaw, and to provide an update to Council of all mobile home developments permits issued at Regular Council Meetings in the 2025 calendar year.

Prepared by

Dave Fairbank
Chief Administrative Officer