

**Village of Haines Junction
Committee of the Whole Meeting
May 14, 2024**

Present:

Mayor Bruce Tomlin
Councillor Angie Charlebois
Councillor Mark Nassiopoulos
Councillor Diane Strand

CAO Dave Fairbank
Corporate Manager Aynslie Ogden
Consultant Mark Wickham

Agenda: Draft Zoning Bylaw

Call to Order

The meeting was called to order at 3:22pm

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

Introductory comments:

- The objective of the revising the Zoning Bylaw are to:
 - Implement the Official Community Plan
 - Enable a targeted relaxation of existing rules to support affordable housing; few new restrictions are proposed to enable housing development.
 - Produce a readable/implementable/understandable document.
- The purpose of today's meeting is to provide Council with an opportunity to
 - Reflect on the outcomes of the two public engagements held in March (on residential zones) and April (on commercial and industrial zones), and
 - Provide any other feedback on the latest draft.
- The goal for today is to discuss key topics that arose during public engagements, noted that the engagements were excellent community dialogues – attendees listened closely to one another, the tone of the conversation was very positive and very respectful.
- Proposed next steps are to:
 - Incorporate direction from Council today on several issues that came up during the public engagements,
 - Hold one additional public engagement session (tentatively scheduled for May 23)
 - Incorporate comments from the engagement into First Reading, where there will be an additional opportunity for public comment.

1. Second Dwellings

Questions for Council: Should we enable second dwellings in all residential zones (R-1 and CR)? Should a maximum site coverage be included e.g. 50%-60%? Should 3 dwellings be permitted in the larger RC zone properties?

Discussion:

- How is a dwelling defined? Does it include a suite within the same house, a separate garden suite?
 - It is a second dwelling in any form, to provide the owner with flexibility as long as dwellings are compliant with the building code and meet minimum size requirements (proposed at 256 sq ft).
 - This does not require identifying a principle and a secondary dwelling - the owner could choose to live in the smaller or the larger dwelling.
- How does this differ from multi-family residential?
 - Multi family properties are generally larger properties and have a minimum density requirement e.g. 25 units per hectare.
- Can lagoon accommodate Area 1, new CAFN developments, plus densification with regards to secondary dwellings?
 - We currently discharge every other year, and when we do, we are not at flood water levels.
 - We have capacity to roughly double the current population.

Council Direction: Supportive, noting this will require changing setbacks (as discussed below), and lot plans will need to ensure there is space for 2 parking spots for principle and 1 parking spot for secondary that are not within setbacks.

2. R-1 Minimum Dwelling Size

Questions for Council: Should the minimum dwelling size be reduced from 256 sq ft from 753 sq ft? Should the minimum be removed entirely (as has been done in Carmacks)?

Discussion:

- Are there any issues with building codes with constructing a 256 sq ft dwelling?
 - Below 450 sq ft the Government of Yukon allows a relaxation of the energy code (insulation levels) from what is in the building code to encourage the construction of smaller homes. It is a lot easier to meet energy code in a larger home than a tiny home.
- What does the rest of Yukon do?
 - Dawson is 256 sq ft
 - No minimum in Carmacks.
- Concern raised at public engagement is if size is reduced to where it is too affordable, people may build themselves a vacation residence, or pull in a tiny home on a trailer just to meet requirements to get title.

Council Direction: Supportive.

3. RC Minimum Dwelling Size

Questions for Council: Should we maintain minimum at 753 sq ft? Should we allow a 256 sq ft minimum for a second (or third) dwelling?

Discussion:

- We heard in public engagement that country residential are desirable lots, along with the concern that a 256 sq ft home would result in underutilization of these lots. This can be addressed by requiring one dwelling larger than 753 sq ft.
- Some of the new lots planned in Area 3 will be smaller than current country residential lots – will this be an issue for septic systems?
 - This is an issue that owners will need to address either by reducing water consumption or having a holding tank.
- Would a third dwelling encourage short-term residential? This feels like we are getting away from intention of country residential, which is to feel like you live in a less-dense area.

Council Direction: Maintain 753 for principal residence, 256 ok for second dwelling. Not super comfortable with idea of allowing a third dwelling.

4. R-1 Setbacks

Questions for Council: Should we reduce from 15 ft to 10 ft in front and 15 ft to 5 ft at back (as the back yards typically border alley or greenspace) and keep side setbacks per current 8ft requirement, to better enable second dwellings.

Discussion:

- In existing setbacks, could have two 36' x 36' buildings on a 50x100 lot. Most existing residential properties could not do this; however, this would be a possibility for new construction.
- Statistics show that 10% of new home developers include a garden house/carriage suite.
- There is opportunity for upset in changing rear yard setbacks when rear yards abut each other (e.g. were there is no alley or greenspace)
- Need to ensure there is space for parking. This is a current issue around town.
 - Development permit needs to outline how parking will be provided.
- Do setback changes affect accessibility by Fire Department?
 - No

Council Direction: Changing setbacks as proposed is ok except where no alley/greenspace between rear yards where rear setbacks should remain as they are in current bylaw.

5. Change RM Zone to R-1

Questions for Council: Should we remove all discriminatory zoning and allow mobile homes that meet 2020 National Building Code (CSA) including energy requirements in all R-1 zoning. All mobile homes are required to meet the same requirements for water, sanitary and other utility services.

Discussion:

- This means someone could build a stick home on a mobile home lot and vice versa, if mobile home meets 2020 building code requirement.
- With 2020 building code requirement, older homes would need to be put on a permanent foundation, new siding, new windows/door – effectively requiring replacement of entire shell. This would minimize impact on adjacent property values.
- Modular housing – now hard to distinguish from traditional stick-built housing. No longer considered to be a different form of housing.
- Currently only one neighbourhood where mobile zones are allowed. If want to upgrade to stick-build house because mobile home is aging, would need to move to another property, limiting flexibility to allow someone to plan for a replacement home on their current lot.
- This enables property owners to start with mobile home and build second dwelling that is a stick home in R1.
- This would allow second dwelling to be a mobile home in R1.
- RM and R1 are currently at the same tax rate.
- Construction can be daunting, not everyone has fortitude to oversee a house building project. In this way, mobile homes may be in lifestyle reach for people.
- Want to hear more about what current owners of mobile homes feel about this proposal.
- This could increase value of mobile homes, which could increase value of property (and property taxes).
- Could investigate whether zoning designation has an impact on YG property assessments.

Council Direction: Generally supportive -- want to hear more about what current owners of mobile homes feel about this proposal.

6. R-2 Zone

Questions for Council: Should we permit multi-unit residential in any building form if minimum density is met? Cluster homes are easier to build and finance than single large structures.

Discussion:

- Defined on p 56 as three or more dwelling units occupied by separate households.
- Current zoning allows someone to put a single dwelling on a multi-unit residential property. This is why they are not being put on the market at present; desire to close this loophole.
- Page 5 – typo in table (single)
- Minimum lot size seems small (same as R-1 where we allow only 2 dwellings)
 - For comparison, the Parkside Inn (zoned Tourist Commercial) has 5 rooms on a 50x100 lot, with a separate lot for parking.
- Table - Minimum number of dwellings needs to reflect >1 on multi-res lots
- City of Whitehorse discussing whether to allow fourplexes on R-1 – this is not what this draft is considering for R1 – a fourplex would need to be in R2.
- Some zoning bylaws require one large building in multi-res. This is tougher for builders with less financial capacity; could finance/build smaller building and then rent and then finance/build

second building etc. Like idea of this but concerned about enforceability. Would banks finance this approach?

- How would this be enforced? Development Agreements. Requiring occupancy/siding on approved DP to get title – need to work on building approvals process.
- We want to encourage multi-family, not every developer can finance an eightplex, need to do in phases which may take 7-10 years instead of 3-5 years.

Council Direction: Like idea of this but concerned about enforceability.

7. CM - Multi-Unit Residential

Questions for Council: Should multi-residential be permitted in Mixed Commercial Zone? Consider second street properties behind Highway corridor in Mixed Commercial? Consider multi-unit residential in all commercial zones?

Discussion:

- Heard strong desire to maintain commercial along Alaska Highway Corridor at public meeting.
- Tourist commercial vs. mixed commercial – CT is more prevalent than CM.
- Including multi-family in mixed commercial CM was proposed at public engagement e.g. Residential above or behind but not in front – ground floor frontage would need to be commercial.
- Haven't seen distinction between CM and CT on a map available to the public for some time.
- OCP maps tend to be generalized and may blend these zones together.
- Intention is that a CT would be highway corridor where we expect most visitors.
- Intention is that CM would be the backside of the alley that is not directly facing the highway - current uses would be permitted. Mixed commercial zone – extend to whole of second street back from highway.
- CT can be difficult to get funding from banks.
- Presently, there are a lot of commercial properties, and most properties are not being used for commercial purposes. Most are being used for residential lots. Changing these from CT to CM would bring them closer into compliance.

Council Direction: Comfort with changing CT/CM zoning map to focus CT on Highway Corridor and re-zone street back from highway corridor as CM. Existing uses would not be affected/grandfathered in.

8. Commercial and Industrial Dwellings

Questions for Council: Should we permit one small accessory dwelling on Commercial and Industrial properties? Adopt a minimum and maximum size? Require commercial or industrial use to be completed and operational first?

Discussion:

- Public engagement – consensus that community wants to see industrial lots to stay industrial lots because they are in limited supply in the community.

- Propose bringing in a maximum dwelling size (1070 sq ft) so caretaker homes that are needed for security purposes stay modest in size and are secondary to the industrial use.
- Dwelling can be a separate structure.
- Also proposing that the dwelling shall not exceed 40% of gross floor area of the combined buildings on the lot – some industrial uses, e.g. trucking, don't need a building and could build a home – need to show some industrial investment on the property.
- How many lots would be put out of compliance with this?
 - Few are in compliance to begin with...
- Desire to prevent any future light industrial to inadvertently become a mixed-use area.
- If industrial lots are not being used for industrial purposes, we want to encourage these people to move to residential properties.
- Desire for changes to not affect existing properties.
- Many commercial and industrial properties have residences on them.
- Screening of commercial properties adjacent to residential – if we switch zoning on street behind may require fencing to be put in which may be less sightly than what is already there e.g. trees – is this always necessary, particularly if some of these lots are really being used for residential. Preference to not have mandatory fencing requirements between commercial and residential properties – don't want to penalize someone doing commerce in town. May have unsightly residential lot and we don't penalize that. On the other hand, some residents may want this fence. If it is in as a requirement there is no flexibility. Desire for more public engagement on this topic.
- Fencing requirements was taken out for the industrial area based on public engagement.
- If commercial mixed property is currently being used as residential, owners could come forward to Council to request consideration for a change in zoning from CM to R1 (which would lower tax rates)

Council Direction: Supportive. Want more input from public on proposal to require fencing between commercial and residential lots. Want to reassure current owners that these changes will not affect them – the desire is to prevent any future light industrial/ commercial from inadvertently becoming a residential area as has happened in the past.

9. Short-term rentals 'moratorium'

Questions for Council: Should we prohibit in new residential subdivisions? To show clear intention that these are for community housing and directs short term rentals to existing neighbourhoods.

Discussion:

- Bed and Breakfast is already regulated in current bylaw – primary residence of property owner must be located on property, up to 14-day stays, max 2 bedrooms.
- Concerns raised at public engagement of new lots in Area 1 being bought up by investors to build vacation rentals and squeezing out local housing market.
- Two letters have been received from folks who operate short term rental. Neither felt comfortable speaking at public engagement. Indicated vacation rentals serve a unique market, some people may not visit community if not able to rent a whole house. Felt not in competition with hotels. Shared they attracted tourism dollars to broader community.

- If wealthy enough to buy a second home to come out on weekends vs. subsidizing this with a short-term rental – what does this do to the fabric of a neighbourhood? Probably not a significant risk to existing market because this is often a different market. Can be tough for travelling families to all be in the same room – can't be in a separate space from young children.
- Would be great to have a fulsome discussion, but hard to do if people who don't feel safe having this discussion in public.
- Changing zoning to allow a secondary suite on every lot – this will become difficult to enforce. Ok if live on lot and lot is set up for this. In this case would they pay commercial tax rates if garden suite is a short-term rental?
 - a. All licensed Air B&Bs, unless in a commercial zone, pay residential property taxes (if in a residential zone). S
 - b. If Vacation Rental is only use of property should have to have inspections – fire marshall etc., should have to pay taxes like a hotel does
 - c. Must have enough parking spots.
- Currently doing a review of business licenses. Makes it easier to assess what homes are being rented – can look at where rentals are advertised. So far have identified 6 or 7 or about 2% of housing stock. Working to ensure all current Air B&Bs have business licenses.
- Public engagement – started by staff indicating that we wanted to defer this to future as didn't want it to delay passing the rest of the bylaw, have time to come up with a more balanced approach. A new regulatory regime can be complex to study and develop, different dynamics/impacts in different neighbourhoods and communities. Could be a long and contentious discussion. Public asked for moratorium on Area 1.
- Need a better sense of what numbers are. Don't have enough hotel rooms when big events come to town – can't do a conference here. Would like to see more events in town.
- How do we explore this more and also pass a bylaw? Need a public meeting.
- Would Council want to allow short term (and long term) rentals in multi-family mixed commercial?
- Current application for ground floor commercial, second story short term rentals, third story convention space. Can't be approved under current bylaw.
- Not every landlord wants long term rentals above commercial space. Having flexibility to allow short-term rentals may increase business case for mixed commercial developments. Once in a commercial zone it is difficult to monitor how long someone stays.
- Short term rentals are already allowed/ok within commercial and within residential zones.
- Don't currently have a definition for short-term rental.
- People do live in hotels here for extended periods of time – in commercial areas.

Council Direction: No concerns with retaining B&B language from old zoning bylaw. Comfort with excluding short term rentals from being a permitted use in Area 1. Don't want to shut down current operators.

Next steps:

- Public engagement
 - Need to review how we've got here
 - Need to explain changes don't impact existing users.
 - Share target date for 1st reading – June 12th Council Meeting
 - Mark needs to turn around changes discussed today and we need to post/share so people can review prior to public session. Should be able to post by this Friday. Highlight key changes that people will be worried about and want to draw people's attention to e.g. setbacks won't change for people who don't have an alley.
- Need to update Zoning Map
 - Add Area 1, show CM/CT
 - There was a map approved in the OCP that we need to use
 - Don't want to delay a meeting because we need to change map
 - Absolutely need map for 1st reading
- Date for public engagement May 23, 2024
 - Bruce, Mark and Angie can attend
 - Doesn't work for Diane
 - Aynslie to send out invite so in everyone's calendars
 - Start time 5:30
 - Add note to posting that we will accept submissions in writing
 - Highlight key areas for discussion in advertisement as we've done in the past
 - Have something like was provided today – one pager – on the table – CAO offered to do this
 - Prepare highlights of most substantive changes from 1996 bylaw? Will be hard to do for Friday – better to just say this doesn't impact current uses.