

**Village of Haines Junction
Special Council Meeting Minutes
September 19, 2024**

Present:

Mayor Tomlin

Councillor Strand

Councillor Nassiopoulos (via Zoom)

Absent:

Councillor Charlebois

CAO Fairbank, Recorder Ogden

Call to Order

The meeting was called to order at 7:30pm

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

Adoption of Agenda

#284-24 It was moved and seconded

THAT the agenda be adopted as presented.

Motion #284-24 was **CARRIED**.

Declaration of Pecuniary Interest

Adoption of Minutes of Regular and Special Council Meetings

Proclamations

Delegations

Public Hearings and Public Input Sessions

Old Business

CMx Designation for Vacant Commercial Mixed lots

CAO Presentation:

- At the second reading of the Zoning bylaw the Commercial Mixed zone (CM) was changed to move single family dwellings from primary to secondary use. This would mean that a compliant commercial business would be required before a residence, with a maximum size limit, could be constructed in CM zones.

- In addition, Council rezoned the second streets along the main highway corridor and along the west Alaska Highway from tourist commercial to commercial mixed.
- In addition, to avoid making existing residences in the CM zone legally non-conforming, Council requested that a new designation CMx be created that would allow a single-family dwelling to be the primary use on these properties and that CM properties with existing residences be listed in the bylaw.
- It has come to staff's attention that vacant CM properties should also be granted this special designation as without it, under the new Zoning Bylaw residences will no longer be able to be constructed without building a commercial enterprise first and the size of a future home would be limited which reduces development options and could affect property resale values.
- Staff recommended adding these properties to the list of CMx as the intention of this rezoning was to increase opportunities for development and also to restrict the unfettered development of residences in a commercial zone. The desire was not to affect properties in areas that are primarily residential and have already been rezoned to CM.

Discussion:

- Have all the property owners been asked about this designation applied to their property?
 - Not all, but all who have been approached have strong feelings about having the CMx zoning applied to their property and not seeing a diminishment in the value of their property.
- Will this designation alleviate concerns for these property owners?
 - Yes, with the CMx designation there would effectively be no change in the allowable uses from what is permitted under the current zoning.
- So these owners would be allowed to build a primary residence without a commercial enterprise?
 - Yes
- The intention of the bylaw was to encourage more commercial use.
 - Yes
- Concerns that we are not covering everybody. We are basically spot zoning these properties to make them conform. Previous Councils wanted to get away from spot zoning.
- If someone comes along later and is in the same boat, what do they do? Want to make sure we are inclusive of everybody. Want to make sure this doesn't create a headache down the road.
 - Everybody can apply to have the zoning changed, this happens all the time.
 - At second reading Council, at staff's recommendation, specified existing CM properties that have a residence on them. This change would extend this designation to all existing CM properties, which increases the number from the initial list.
 - Most existing CM properties are already developed, it is just a handful that are vacant.
 - In the OCP this area is zoned commercial these properties have to be designated in one of the commercial zones.
- Understand there is a desire to have this bylaw passed before the end of this Council's term; however, would like to have a report that shows everyone affected by this change has been contacted, and that we aren't creating a bigger problem by rushing these changes through.

- Everyone with a dwelling on an existing CM property, or a CT to be rezoned to CM property, was sent a letter. It was because we sent letters that we became aware of this issue.
- There has been a considerable amount of public engagement and advertisements, including a mailout to everyone who owns a lot in Haines Junction. We've gone above and beyond the threshold of notifications required in the Municipal
- That this designation protects existing use to what is currently allowed in the Zoning bylaw, there is not impact on the property owner.
- The Official Community Plan and Draft Zoning Bylaw has been in front of more than one Council. It doesn't feel comfortable to not see this through and leave it to a new Council. A lot of time has been spent on this, and there has been a lot of engagement that wasn't rushed.
- Was the idea behind the Commercial Mixed discussion to stimulate the highway corridor? Want to make sure we not making it difficult for property owners in the second streets. Support making sure all who are affected are contacted.
 - It was clarified that changing the second streets from Tourist Commercial to Commercial Mixed was part of the original discussion alongside the highway corridor.
 - Adding the vacant properties to the CMx list ensures there is no impact on these properties.

#285-24 It was moved and seconded

THAT Council directs staff to add the following properties to the CMx list in the Draft Zoning Bylaw:

Properties without residences CM only						
Address	Block	Lot	Use	Zone Change	Use	
101 Auriol		7	19 Vacant	CM>CMx		Owens 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		Owens adjacent home
112 Kathleen		7	22 Vacant/shop	CM>CMx		Owens adjacent home
176 Lucania		8	13 Post Office	CM>CMx		Commercial
183 Backe		11	23 Vacant	CM>CMx		

Motion #285-24 was **CARRIED**.

Mobile homes in Residential Zones

CAO Presentation:

- At the CoW on May 14th Council deliberated the question of doing away with the Mobile Home Zone and allowing mobile homes in all residential zones.

- This was a concept that had arisen from prior public engagement sessions in March and April.
- This proposed change was integrated into subsequent bylaw drafts and also discussed and commented on at all subsequent public hearings between May 14th and now that included two public engagement sessions, one Special Council Meeting as well as the first and second readings of the zoning bylaw.
- At the September 11th Regular Council Meeting, Council received a delegation from George Van Sickle expressing concern about the potential impact on property values for existing homeowners who have invested in stick built or modular homes. A follow up email to the Delegation is attached to the agenda package.
- Council directed staff to discuss concerns about potential impacts of allowing mobile homes in the R-1 zone with the Zoning Bylaw Contractor and to provide Council with recommendations, including exploring limiting the total percentage of allowed mobile homes in the community.
- Having discussed those options with the Contractor, he has made the following recommendations which is to include this in S1.12 which would add a review process where by March 1 of each Calendar Year the Development Officer would provide Council with a report on all development permit applications from the previous year, and the report will 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.
- Staff also recommend that each issuance of a development permit for a mobile home be noted at each Council meeting in year 2025 to provide Council with an opportunity to act should any worrying patterns develop such as a concentration of mobile home permits being issued in an area.
- In response to adding a percentage or fixed cap on the number of mobile homes, the Contractor raised several concerns including:
 - There is nothing to indicate that there will be an influx of mobile home development permit requests
 - The inclusion of a review process would allow Council time to respond
 - A cap or percentage limit is arbitrary and may not stand up to legal review. If 50 units are allowed, and you are 51, that would seem quite unfair that you are not allowed to develop when others are, which could lead to legal concerns.
 - A cap is also contrary to the consensus heard at each of the public engagement sessions and for Council to make a change at this time without an opportunity for public debate, while within Council's power, is strongly recommended against.
 - A better way to achieve this would be to reintroduce Mobile Home zoning and intersperse these zonings throughout the community – this would be a more legally sound approach. This would not be spot zoning as it wouldn't be making a special exemption, it is just adding particular properties to a particular zone.
 - If Council were to make this change the recommendation would be to have more public engagements as we did for the other changes between 1st and 2nd reading, and between 2nd and 3rd reading and would require moving the passage of this bylaw to the next Council.

Discussion:

- Supportive of not limiting mobile homes

- do not want to have to have to justify why the early birds got the option to while later purchasers may not.
- An annual report on development permits and community growth needs will be helpful in so many ways.
- As stated, there was support for removing RM zoning and allowing new, retrofitted, approved mobile homes at the public meetings
- Mobile homes have really improved in standards, efficiency and aesthetics in the past 15 years
- Not many people can afford a 90k lot plus \$450/square foot to build and may not qualify for a mortgage for construction.
- Housing can be within reach if we allow this.
- Support adding the review clause suggested by the Contractor
- Affordability is a primary consideration; when talk about affordability, it is the affordability of the lot. Council should be developing more RM lots, that are smaller lots, beside Otter Crescent. If you want affordability, you create smaller lots, not a mobile home park, but small individual lots that people can own. Merging RM and R-1 creates a bigger issue down the road.
- Costs of the land and the upcoming lots are higher than they need to be, and this is a key issue. Also need to make sure we are addressing everyone's needs and have reservations about the picking spots for RM that are dispersed around the community. A cap, while arbitrary, is a hard number that people can look at. Will enabling a review be able to respond fast enough? What mechanisms will future Councils have to address too many applications going into one area? How does it look if Council wants to make a change – if it is arbitrary to have a cap, would making a change not be arbitrary as well?
 - We've had one development permit / expression of interest so far to put a mobile home on an R-1 lot.
 - This allowance has been included in the Draft Bylaw from prior to first reading, so people are aware of it.
 - There is a multi-year wait to get a new mobile home
 - The market to purchase a used mobile home that is less than 10 years old is constrained.
 - Older mobile homes may be allowed at the discretion of the Development Officer, but they would have to be completely retrofitted so it would maintain the desired appearance.
 - Don't see this being a runaway train that Council can't resolve in two meetings, should an issue arise.
 - A better way to address this issue, as mentioned by the Contractor, would be to look at new subdivisions or lots that have been turned back and pick one out of every X number of lots and designate it as an RM zone, and sell these lots with that designation. If future Council were to do this than any existing development that was approved would have to be grandfathered in.
- What is on our desks?
 - Six articles were sent to the CAO to share with Council and couple were printed out and put on Council's desks (last minute). Several of these were lengthy scholarly reviews -- 300 page reports and were not printed.

- Basically, they say that there are stereotypes around the impact of mobile homes on property values and crime, this collection of articles say these stereotypes are a misconception.
- Have not yet been shared with Councillor Nassiopoulos.
- What options are there to take more time to review this? Just got the package today. Out of respect for everyone's concerns, want to ensure there are enough tools available for the next Council to make a correct call if a tone of mobile home development permits come in. Like idea of another area for mobile homes behind Otter Crescent. Still like idea of setting a threshold so know when going over what concentration of mobile homes is comfortable. Also respect the public engagement sessions which showed ample support for this concept, and Administration's advice that there is a process they could use to make sure things aren't getting out of control.
 - September 25th is considered to be the last Regular Council meeting, as October 9th has been scheduled for the Transition Binder Review.
 - Could extent the 3rd reading to October 9th and take more time to review this information.
 - If the outcome of this deliberation is to make a substantial change to the Draft Zoning Bylaw, our Contractor's recommendation is to defer passing to the new Council.
 - Next Council can amend this, or any, bylaw.
 - If this is postponed, Councillor Charlebois would be here and here response is known. The need for affordable housing is key.
 - If concerns are percolating up, community members, Administration, Council members, returning council members – all these forces combined will make any concerns hard to miss. A moratorium could be imposed if this appropriate to the future Council, or future Council could decide to intersperse mobile home properties throughout new development areas.

#286-24 It was moved and seconded

THAT Council directs staff to include the language recommended by the Zoning Bylaw Contractor regarding monitoring and review to the draft Zoning Bylaw and further to provide updates on all mobile home development permits issued at Regular Council Meetings in the 2025 calendar year.

Motion #286-24 was **CARRIED**.

New Business

Bylaws – Reports, Readings and Adoption

Correspondence

Council Reports

Questions from the Public

Question:

- When consultation first started, were all stakeholders invited (existing homeowners on Spruce Street)? As a policy analyst, who has done a lot of public consultation, consultations should go to the stakeholders first before going public in order to avoid situations like this where someone tries to kaibosh it. It doesn't sound like anything was sent to the existing landowners about this particular bylaw change.

Discussion:

- It was clarified that this discussion is about all the R-1 zone, not just Spruce Street.
- All engagement sessions were open to the public.
- The engagement sessions were structured and put forward specific questions for discussion. The first session focused on residential zones and that was where this idea arose. Others were focused on commercial and industrial zones. There was time at all sessions for more broad open discussion. Each were summarized and notes were made public. There was also a public hearing for the 1st and 2nd readings, 2 Committee of the Whole meetings. At each of these there was opportunity to engage. All events were well advertised.

Comment:

- The Village's process is inconsistent. The Village reached out to all CM homeowners, but not to those affected by changes to allow mobile homes.
- Concerned about process – a private email was sent to the CAO that has been published for the public record, that is not right. This email had other individuals' names in it and it was not intended to be part of the public record, it was a private communication.
- The Village is not following its own rules in allowing mobile homes to be sited in R1 against the current bylaw.
- Would like to thank everyone who came out tonight – it is hard to talk about these things and have controversy in the community. This is how we figure things out.
- Also want to say to the couple that owns the mobile home that the Village allowed to be sited, that despite concerns raise are supportive of what they are doing. This isn't just about this home, there are two other mobile homes nearby including 2 on Jackson Street. Ok with low density.
- Objection is that there is no limit on the density of mobile homes; it is easy for a consultant or whoever to say that there aren't going to be many mobile homes, but we don't know that. None of us know what the market is going to do going forward. The Consultant hasn't provided evidence.
- As written the bylaw doesn't protect an affordable housing in our community; we don't have areas set aside where maybe the lots are smaller and designated for mobile homes.
- The solution that has been promoted here doesn't mitigate individual harms. Once put in place and permits are issued you can't take them out, and this could result in financial harm.
- Our point is that this bylaw is not impacting everyone equally. The majority is asking the minority to potentially take the hit financially.

- House built with the understanding that the community had a certain set of rules, no issues with setting new rules for an existing subdivision, but don't change the rules on existing developments.

Discussion:

- The CAO apologized for sharing the email that wasn't intended for public distribution.

Question:

- When was the last time there was a bylaw regarding mobile homes? When was the zoning bylaw last reviewed?

Discussion:

- It has had some periodic review and amendment, but it is substantially as written in 1996.
- Very outdated.

Comment:

- Attended all of the engagement sessions on the Zoning Bylaw and was a witness to many conversations that took place publicly. Also participated in many side conversations around the integration of mobile home technology into the new zoning bylaw.
- Heard a lot of positive comments and feedback throughout about the integration of mobile homes. Have been looking into bringing mobile home units into the community to solve the housing crisis that we're continuing to face as we live in this community and welcome new people and want to encourage our young people to stay.
- Mobile homes is a great and affordable solution. They don't look the same as they used to.
- We have to be open to new mobile home technology.
- Example – the new Spa in Dawson city is 3 mobile units that were constructed in Edmonton and shipped up.
- We can bring affordable housing units to this community for \$163,000 landed with an additional \$20k for installation.
- They look better than most of the existing housing structures in our community, and you'd never know they were mobile.
- Important to keep an open mindset about the opportunity this technology is bringing to our community.

Comment:

- Research on mobile homes – when owned, there is no noticeable impact on market of local neighbourhood

Comment:

- Could the CAO clear up any confusion that there may be about modular homes and mobile homes.
- A modular home is often a flat-pack, pre-fabricated wall assemblies that are shipped. They can be put on a truck and transported down the highway.

- A mobile home is typically shipped on a chassis that would support them in transit, and are 12 feet wide.
- Both are prefabricated but some site assembly is required for modular homes.
- Modular homes are allowed anywhere.

Adjournment

#287-24 It was moved and seconded
THAT the meeting be adjourned.

Motion ##287-24 was **CARRIED**

Meeting adjourned at 8:35 pm.



Mayor Bruce Tomlin



CAO David Fairbank

