

THE CITY OF DAWSON



COMMITTEE OF THE WHOLE MEETING #CW18-25

DATE: TUESDAY, SEPTEMBER 11, 2018

TIME: 7:00 PM

LOCATION: Council Chambers, City Office

1. **CALL TO ORDER**
2. **ACCEPTANCE OF ADDENDUM & ADOPTION OF AGENDA**
 - a) Committee of Whole Agenda CW18-25
3. **PUBLIC HEARING**
 - a) 2018 Permanent Road Closure RE: Close Alley Bounded by Lots 8-10 & 11-14, Block HA, Ladue Estate for Consolidation with Adjacent Lots
4. **DELEGATIONS AND GUESTS**
5. **ADOPTION OF THE MINUTES**
 - a) Committee of Whole Meeting Minutes CW18-23 of July 24, 2018
6. **BUSINESS ARISING FROM THE MINUTES**
 - a) Committee of Whole Meeting Minutes CW18-23 of July 24, 2018
7. **SPECIAL MEETING, COMMITTEE, AND DEPARTMENTAL REPORTS**
 - a) Request for Decision RE: Subdivision Application #18-036: Lot 1075, Quad 116 B/03
 - b) Request for Decision RE: Subdivision Application #18-075: Lot 1 & Pt Lot 2, Block LG, Ladue Estate
 - c) Request for Decision RE: Subdivision Application #18-068: Pt Lot 6 & Lot 7, Block 13, Government Reserve
8. **BYLAWS AND POLICIES**
9. **CORRESPONDENCE**
10. **PUBLIC QUESTIONS**
11. **INCAMERA SESSION**
 - a) Land, Financial and Legal Related Matters
12. **ADJOURNMENT**



THE CITY OF DAWSON

P.O BOX 308, DAWSON CITY, YUKON Y0B 1G0
PH: (867) 993-7400, FAX: (867) 993-7434

NOTICE OF PUBLIC HEARING

Permanent Road Closure

Subject Property: Alley Bounded by Lots 8-10 and 11-14, Block HA, Ladue

Date: September 11, 2018

Time: 7:00 pm

Location: Council Chambers, City Offices



The City of Dawson is now requesting input from the public regarding a proposal close the alley bounded by Lots 8-10 and 11-14, Block HA, Ladue Estate for consolidation with the adjacent lots.

For more information, to view the application details, or to provide your input confidentially prior to the public hearing, please contact the Community Development Officer using the following contact information:

Clarissa Huffman

Community Development Officer

Box 308, Dawson City, YT, Y0B1G0

cdo@cityofdawson.ca

867-993-7400 ext. 414

MINUTES OF COMMITTEE OF WHOLE MEETING CW18-23 of the council of the City of Dawson called for 7:00 PM on Tuesday, July 24, 2018 in the City of Dawson Council Chambers.

PRESENT: Mayor Wayne Potoroka
Councillor Stephen Johnson
Councillor Bill Kendrick
Councillor Kyla MacArthur

ABSENT: Councillor Jay Farr

ALSO PRESENT: CAO Cory Bellmore
EA Heather Favron
CFO Obrian Kydd

Agenda Item: Call to Order

The Chair, Wayne Potoroka called the meeting to order at 7:00 p.m.

Agenda Item: Agenda

CW18-23-01 Moved by Councillor Kendrick, seconded by Councillor MacArthur that the agenda for committee of the whole meeting #CW18-23 be accepted as presented. Carried 4-0

Agenda Item: Public Hearing

a) Subdivision Application #18-063 RE Lots 1199 & 1212, Guggieville

The Chair called for submissions.

The Chair called a second time for submissions.

The Chair called a third and final time for submissions, and hearing none declared the public hearing closed at 7:02 p.m.

The committee inquired what legal access exists for lot #1199.

Agenda Item: Adoption of Minutes

a) Committee of Whole Meeting Minutes CW18-22 of July 10, 2018

CW18-23-02 Moved by Councillor MacArthur, seconded by Councillor Kendrick that the minutes of committee of the whole meeting #CW18-22 of July 10, 2018, be accepted as presented. Carried 4-0

Agenda Item: Business Arising from the Minutes

The committee inquired when additional information would be forthcoming regarding the road naming. The CAO informed the committee that the issue is ongoing and the owner has requested to meet with the CAO for further discussions.

The committee inquired if the Heritage Advisory Committee had an opportunity to review the proposed road name. The CAO will investigate and report back to the committee.

CW18-23-03 Moved by Councillor Kendrick, seconded by Mayor Potoroka that committee of whole recommends council forward the road naming to the Heritage Advisory Committee for input. Carried 4-0

7. Agenda Item: Special Meeting, Committee, and Departmental Reports

a) Request for Decision RE: Klondike Development Organization License of Occupation

The committee requested clarification if the proposed encroachment was an awning or a balcony.

CW18-23-04 Moved by Mayor Potoroka, seconded by Councillor MacArthur that committee of whole recommends that council to direct administration to enter into a License of Occupation with KDO for the purposes of encroaching onto City of Dawson property. Carried 4-0

b) Association of Yukon Communities Briefing Report RE: Council Endorsement of Solid Waste Management System

CW18-23-05 Moved by Mayor Potoroka, seconded by Councillor Johnson that committee of whole recommends to council to endorse Ministerial Committee on Solid Waste recommendations for Action towards a Sustainable Solid Waste Management System for Yukon. Carried 4-0

8. Agenda Item: Bylaws and Policies

a) Sale of Municipal Land Policy #2018-03

Comments, questions and discussion of the committee included:

- Should market value under section 6(b) be changed to assessed value? What is market value if it only has value to the adjacent property owner? What are the costs of obtaining market value opinion? Assessed value may be more realistic.
- Should lot values under section 6(b) and 7(b) be included in the Fees and Charges bylaw. Varied opinions were noted.
- Does the policy delineate between lots with services connected and those without services connected? The CAO explained the sale values would be different as the assessed values would be different. Was policy designed to apply to everyone in these situations? The CAO confirmed it was.
- Some of the tiny parcels and alleyways that have not been utilized in many years really have no value to the City in terms of useable space and it would be good to clean up those areas of town as well as allowing for people to better develop their properties.
- Does the policy include a distinction between core commercial and residential zones? The CAO responded the policy does not, however assessed values should be different.
- Section 6 may require additional information to help clarify intention and the different full lots situations.

Would the city want to sell full lots that are not serviced in the downtown core? These lots have value for planning. Need to differentiate between lots the city is putting up for sale versus those where property owners are requesting to purchase feral un-serviced adjacent lots.

What happens if you have a full lot that has no chance to ever be developed, and at what point can the city say the lot has or does not have value to the town? Examples: the lot will one day be connected to water and sewer, or the lot has been determined through a planning exercise to have no chance of ever being developed. Perhaps the policy should require a municipal plan in place for these full lots. What would the cost be for lots where the city has identified they have no value?

What qualifies as an official plan?

There should be a process for deeming lots surplus and what does it mean to be surplus?

Is it a full lot if it does not meet our minimum lot size requirement? The CAO explained it would not as it could not be developed as per bylaw.

Does this policy account for newly developed lots or new subdivisions? Policy may need to differentiate between full lots identified as surplus as they have no value to the city, and full lots that the city has developed and are available for sale.

b) Asset Management Policy #2018-04

CW18-23-06 Moved by Mayor Potoroka, seconded by Councillor Johnson the committee of the whole recommends council approve the Asset Management Policy #2018-04. Carried 4-0

c) Council Remuneration Bylaw #2018-10

The committee spelling error of the word "remuneration" in Appendix B.

CW18-23-07 Moved by Councillor MacArthur, seconded by Councillor Johnson that Committee of the Whole forwards Council Remuneration Bylaw #2018-10 to council with a recommendation to proceed with second reading. Carried 4-0

Agenda Item: In Camera Session

CW18-23-08 Moved by Mayor Potoroka, seconded by Councillor Johnson that committee of the whole move into a closed session for the purposes of discussing land related matters as authorized by section 213 (3) of the Municipal Act. Carried 4-0.

CW18-23-09 Moved by Mayor Potoroka, seconded by Councillor Kendrick that committee of the whole reverts to an open session of committee of the whole and proceeds with the agenda. Carried 4-0

CW18-23-10 Moved by Mayor Potoroka, seconded by Councillor Kendrick that Committee of the Whole forwards Waste Water Treatment Plant Service Agreement Bylaw #2017-02 to council with a recommendation to proceed with readings. Carried 4-0

CW18-23-11 Moved by Mayor Potoroka, seconded by Councillor Kendrick that committee of the whole recommends
1. Council, by bylaw, permanently close the section of alley bounded by Lots 8-10 and 11-14, Block HA, Ladue Estate, for the purpose of disposing of the land by bylaw, and

2. Council, by bylaw approve the disposition of Lots 8 and 9, Block HA, Ladue Estate, Part of Lot 10, Block HA, Ladue Estate, and the adjoining alley to The Bunkhouse (536006 Yukon Inc.), subject to the following conditions:

- 1.1. Purchase price to be \$2140.00 +GST, at a rate of \$1 per square foot.
- 1.2. The lots are to be consolidated in accordance with Figure 3 and a plan of subdivision drawn by a licensed surveyor be submitted to the City of Dawson for approval.
- 1.3. Upon approval, the purchaser must take all steps necessary to register the survey in accordance with the Land Titles Act.
- 1.4. Purchaser to pay all costs associated with the sale and consolidation.
- 1.5. Consolidation to be completed within one year of notice of approval, as per the Municipal Act S. 333(3).

Carried 4-0

CW18-23-12 That committee of the whole recommend to council to direct administration to initiate a land planning exercise for block Q, Ladue Estate.

Carried 4-0

Agenda Item: Adjournment

CW18-23-12 Moved by Councillor MacArthur, seconded by Councillor Johnson that committee of the whole meeting CW18-23 be adjourned at 9:57 p.m.

Carried 4-0

THE MINUTES OF COMMITTEE OF WHOLE MEETING CW18-23 WERE APPROVED BY COMMITTEE OF WHOLE RESOLUTION #CW18-__ - __ AT COMMITTEE OF WHOLE MEETING CW18-__ OF AUGUST 21, 2018.

Wayne Potoroka, Chair

Cory Bellmore, CAO

Report to Council



For Council Decision For Council Direction For Council Information

In Camera

SUBJECT:	Subdivision Application #18-036: Lot 1075 Quad 116 B/03 (Fireweed)	
PREPARED BY:	Clarissa Huffman, CDO	ATTACHMENTS: 1. Subdivision Application #18-036 2. Map of Proposed Subdivision 3. YG Correspondence
DATE:	Aug 30, 2018	
RELEVANT BYLAWS / POLICY / LEGISLATION:	Municipal Act Official Community Plan Zoning Bylaw Subdivision Bylaw	

RECOMMENDATION

It is respectfully recommended that Council select one of the following options:

1. Approve the application, subject to the following conditions:
 - a. The applicant submit a Stormwater Management Plan to the satisfaction of the CDO and Public Works Superintendent.
 - b. The applicant submits a plan of subdivision completed by a certified lands surveyor drawn in conformity with the approval.
 - c. The applicant shall, on approval of the subdivision plan by the City of Dawson, take all necessary steps to enable the registrar under the Land Titles Act to register the plan of subdivision.
2. Council decline Subdivision Application #18-036 on the basis that Council has set a precedent that spot land applications are not approved within municipal boundaries unless the area has been adequately planned.

ISSUE

The applicant wishes to purchase a piece of property from Yukon Government in order to extend the existing boundaries of the lot.

BACKGROUND

The applicant received conditional approval from Yukon Government Land Management Branch for a lot enlargement at Lot 1075 Quad 116 B/03. The condition that must be met in order to finalize this application is consolidation of the lot, and therefore subdivision approval from the City of Dawson. This application was first heard in September of 2016. An approval was issued on September 21, 2016 based on Council Resolution C16-30-02. However, the Municipal Act requires registration of a plan of subdivision be completed within one year of approval. Therefore, this subdivision approval lapsed as of September 21, 2017 because the plan of subdivision was not registered with the Land Titles Office. Therefore, a new application was submitted.

This application was advertised beginning on April 30, 2018. The public hearing for this application occurred on May 22, 2018, and no comments were heard.

At Committee of the Whole on July 10, 2018 Council requested additional information regarding this application, specifically the status of this application in Yukon Government's system. Administration reached out to the approving authority at YG and was informed that this application is also expired from a Yukon Government perspective, and a new authority will need to be issued prior to moving forward. This new authority will still be conditional upon the authority to subdivide being granted by City of Dawson Mayor and Council. Applications that are refused by Council are assessed on a case-by-case basis at the Yukon Government level for next steps. The Community Development Officer was advised via CC that if the applicant does not advise Yukon Government of their intent to proceed by August 13, 2018, the Agreement for Sale will be cancelled.

On August 16, 2018, the City of Dawson was copied on a renewed approval from Yukon Government, conditional upon City of Dawson subdivision approval. Through historic correspondence with Yukon Government Land Management Branch, it has been noted that if this lot enlargement proceeds, other access points to a potential new development could be considered. However, it should be clarified that this correspondence did not state that access in this location would not be suitable.

ANALYSIS / DISCUSSION / ALIGNMENT TO OCP & STRATEGIC PRIORITIES

No significant concerns were raised regarding this application, and it meets all of the legislative and policy requirements of the City of Dawson. However, previous Council decisions such as the decision to decline similar spot land applications in 2017, set a precedent that Council does not support spot land applications, and therefore the recommendation for this application is to refuse, in order to be consistent between similar applications.

Alternatively, Council could choose to approve this application based on the previous approval received in 2016 for this lot, though there is no obligation to do so.

Comments

Public Works was asked to comment on this application for purposes of assessing access, lot grading, slope stability, and other operating requirements. No negative impacts were identified.

The application was also circulated to every property owner in a 1km radius of this property, inviting comments and questions. No comments in opposition to this application were received at the time of writing this report.

Subdivision By-Law

Subdivision Control By-Law S3.01 states that every subdivision of land must be made in accordance with the Municipal Act, the Official Community Plan, the Zoning Bylaw, and the Subdivision Control Bylaw. The Considerations/Discussion section of this report is intended to discuss the proposal's conformity with the provisions outlined in the relevant legislation, policies, and plans.

Municipal Act

The Municipal Act S. 314 details the requirements for any proposed plan of subdivision to have direct access to the highway to the satisfaction of the approving authority. In this case, there is no new access, and therefore this section does not apply.


S. 319 stipulates that an approval may be valid for a period of up to twelve months. If the applicant has not provided proof that the conditions of approval have been met, under the Act approval is void. The applicant can request an extension of a further twelve months, which may be granted in whole or in part, at the discretion of the approval authority.

Official Community Plan

The property is currently designated as IND - Industrial. Uses associated with this designation include resource extraction, manufacturing, storage, warehousing, and the like. Therefore, the two proposed lots would retain the same designation. Any new use or development on the proposed lots would be required to conform to the OCP designation, or else apply for an OCP Amendment.

Zoning By-Law

The property is currently zoned M1 - Industrial. The Zoning By-Law is intended to implement the goals of the OCP. Therefore, the purpose of the M1 zone as per the Zoning By-Law is to permit a wide range of industrial uses such as light manufacturing, warehousing, and storage. A full range of permitted uses and associated provisions are contained in the Zoning By-Law, and any future development of the proposed lots must also conform with the Zoning By-Law. Given that the applicant is enlarging the lot, the minimum size requirement of 1 acre has already been met. The existing size of the lot is approximately 2.51 hectares, and the new parcel is approximately 0.55 hectares, creating a total lot size of 3.06 hectares.

APPROVAL	
NAME: Cory Bellmore, CAO	SIGNATURE: 
DATE: September 5, 2018	

FORM 1A - BYLAW #95-08

<p>APPLICATION FOR SUBDIVISION/CONSOLIDATION APPROVAL</p> <p><input checked="" type="checkbox"/> By plan of subdivision</p> <p><input checked="" type="checkbox"/> By plan of consolidation</p> <p><input type="checkbox"/> By other instrument</p>	<p align="center">FOR OFFICE USE ONLY</p> <p>Date of Receipt: <u>APR 11 23</u> File # <u>18-036</u></p> <p>Fees Submitted: <u>250</u> Received by: <u>GB</u></p>
<p align="center">THIS FORM IS TO BE COMPLETED IN FULL WHEREVER APPLICABLE BY THE REGISTERED OWNER OF THE LAND WHICH IS THE SUBJECT OF THE APPLICATION OR BY AN AUTHORIZED PERSON ACTING ON HIS BEHALF.</p>	
<p>1. a. Name (printed) of registered owner of land: FIREWEED HELICOPTERS LTD</p> <p>b. Address & telephone number of registered owner: BOX 5450, WHITEHORSE, YT Y1A 5H4</p>	
<p>2. a. Name (printed) of Authorized person acting on behalf of owner: GLEN LAMERTON</p> <p>b. Address & telephone number of authorized person: BOX 928, DAWSON CITY, YT Y0B 1G0</p>	
<p>3. FULL LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED/CONSOLIDATED: LOT 1075, QUAD 116B/3, PLAN 98-158</p>	
<p>4. LOCATION OF LAND TO BE SUBDIVIDED/CONSOLIDATED</p> <p>a. Is the land situated within 0.5 miles of a river, stream, watercourse, lake or other permanent body of water, or a canal or drainage ditch? <input type="checkbox"/></p> <p align="center">Yes <input checked="" type="checkbox"/> No</p> <p>b. If yes, state its name: _____</p>	
<p>5. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED/CONSOLIDATED</p> <p>a. Describe existing use of the land: COMMERCIAL</p> <p>b. Describe proposed use of the land: COMMERCIAL</p>	
<p>6. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED/CONSOLIDATED</p> <p>a. Describe the nature of the topography of the land (flat, rolling, steep, mixed): TAILINGS</p> <p>b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, etc, & sloughs, creeks, etc.): TAILINGS WHICH HAVE BEEN LEVELED IN MOST PORTIONS OF PROPERTY</p> <p>c. Describe the kind of soil on the land (sandy, loam, clay, etc.): _____</p>	
<p>7. EXISTING BUILDINGS ON THE LAND PROPOSED TO BE SUBDIVIDED/CONSOLIDATED Describe any buildings, historical or otherwise, and any structures on the land and whether they are to be demolished or moved: HANGER & OFFICE & PILOT HOUSING - ALL TO REMAIN AS IS</p>	
<p>8. REGISTERED OWNER</p> <p>I, <u>FIREWEED HELICOPTERS LTD.</u> hereby certify that I am the registered owner and that the information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application for subdivision/consolidation approval.</p> <p align="center"><i>Glen Lamerton</i></p> <p>SIGNATURE OF REGISTERED OWNER DATE <u>APRIL 18, 2018</u></p>	



Energy, Mines and Resources
Land Management Branch (K-320)
PO Box 2703, Whitehorse, Yukon Y1A 2C6
www.emr.gov.yk.ca/landmanagement



File No: 2848-20-116B03/112441

August 16, 2018

Fireweed Helicopters
Box 1069
Dawson City, YT, Y0B 1G0

Dear Mr. Dewindt:

RE: Authority to Apply for Subdivision and Survey Yukon Land – Adjoining Lot 1075, Callison

This letter serves as authorization for you to apply for Subdivision and then Survey the below land, as indicated in red on the attached sketch dated May 27, 2013.

- 0.6 hectares, more or less, adjoining Lot 1075, 81962, CLSR, 98-158 LTO, Callison Subdivision, near Dawson City, in Quad 116 B/3, Yukon Territory, as shown in red on the attached sketch dated May 27, 2013.

Subdivision and Survey of this land will be subject to the following:

1. Subdivision Approval from the City of Dawson

Your next step is to present this letter, along with the subdivision fee to Clarissa Huffman, City of Dawson at 1336 Front Street, Dawson City to initiate the Subdivision process. You have one year from the date of this letter to apply for Subdivision.

Please note that physical survey work cannot occur until Subdivision Approval has been granted.

This letter also serves as authority to survey. You may present this letter along with your Subdivision Approval letter to the surveyor of your choice to proceed with surveying. The Authority to Survey is valid for a period of one year from the date of Subdivision Approval. Please note that Yukon government is not responsible for costs incurred in the subdivision or surveying of this land.

If you have any questions please contact Sheila Smith (Lands Officer) at 667- 3174 or, toll free at 1-800-661-0408 ext 3174 or at Sheila.Smith@gov.yk.ca.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Susan Antpoebler', with a long horizontal flourish extending to the right.

Susan Antpoebler
Manager, Land Client Services

cc. C. Huffman, City of Dawson
Glen Lamerton
District Office - Klondike District office (Dawson & Old Crow) (K-DC)

encl. Sketch Map



Energy, Mines and Resources
Land Management Branch (K-320)
PO Box 2703, Whitehorse, Yukon Y1A 2C6
www.emr.gov.yk.ca/landmanagement

File No: 2848-20-116B03/112441



July 13, 2018

Fireweed Helicopter Limited
Attn Scott Dewindt
Box 1069
Dawson City, YT, Y0B 1G0

Dear Mr. Dewindt:

RE: Agreement of Sale 2011-2441, Commercial - adjoining Lot 1075, Callison Subdivision

We are in the process of reviewing your expired Agreement for Sale 2011-2441, a condition of your Agreement of Sale is that you will have the land surveyed and consolidated with Lot 1075, Plan 98-158, as of today's date no registered survey plan has been received.

Please advise this office in writing what your intension are regarding the survey, we are unable to raise title to a parcel that is not legally surveyed. If we do not hear from you by August 13, 2018, we will cancel your Agreement of Sale and close your file in our records.

If you have questions on this matter, please contact me directly at (867)-667-3174, or by e-mail at Sheila.Smith@gov.yk.ca. If you are outside the Whitehorse area and within Yukon please telephone toll-free at 1-800-661-0408 extension 3174.

Sincerely,

A handwritten signature in cursive script that reads "Sheila Smith".

Sheila Smith
Lands Officer

CC City of Dawson – Community Development and Planning Officer, C. Huffman

THE CITY OF DAWSON

Box 308 Dawson City, YT Y0B 1G0
PH: 867-993-7400 FAX: 867-993-7434
www.cityofdawson.ca



September 21, 2016

Scott DeWindt
Fireweed Helicopters Ltd.
Box 1069
Dawson City, YT Y0B 1G0

RE: Subdivision Approval by Plan of Consolidation RE: Lot Enlargement – Lot 1075, Quad 116B/3, Klondike Highway

Dear Mr. DeWindt,

Please be advised Council reviewed your subdivision application at their meeting on September 20, 2016. I am pleased to inform you the application was approved as per the following resolution and you are authorized to proceed with the survey as per the plan presented.

C16-30-02 Moved by Mayor Potoroka, seconded by Councillor Kendrick that Council approves the subdivision / consolidation application to allow for an expansion of lot 1075, Quad 116B/03, Dawson, Yukon, Plan 81962 CLSR; as per the plan presented.

Please ensure that your surveyor provides this office with the survey plan for review and approval. Should you have any questions or concerns, please feel free to contact the City Office.

Regards,

A handwritten signature in black ink, appearing to read "cAo", is written over a horizontal line.

André Larabie
CAO

Report to Council



For Council Decision For Council Direction For Council Information

In Camera

SUBJECT:	Subdivision Application #18-075: Lot 1 & Pt Lot 2, Block LG, Ladue Estate	
PREPARED BY:	Clarissa Huffman, CDO	ATTACHMENTS: 1. Subdivision Application #18-075 2. Map of Proposed Subdivision
DATE:	Aug 30, 2018	
RELEVANT BYLAWS / POLICY / LEGISLATION: Municipal Act Official Community Plan Zoning Bylaw Subdivision Bylaw		

RECOMMENDATION

1. That Council approve Subdivision Application #18-075, subject to the following conditions:
 - 1.1. The application successfully passes through a public hearing.
 - 1.2. The applicant submit a Stormwater Management Plan to the satisfaction of the CDO and Public Works Superintendent.
 - 1.3. The applicant submits a plan of subdivision completed by a certified lands surveyor drawn in conformity with the approval.
 - 1.4. The applicant shall, on approval of the subdivision plan by the City of Dawson, take all necessary steps to enable the registrar under the Land Titles Act to register the plan of subdivision.

ISSUE

Subdivision Application #18-075 was received on July 11, 2018. The applicant is requesting to consolidate the two portions of the lot to legitimize a legally non-conforming use.

ANALYSIS / DISCUSSION / ALIGNMENT TO OCP & STRATEGIC PRIORITIES

Comments

The application was also circulated to every property owner in a 1km radius of this property, inviting comments and questions. No comments in opposition to this application were received at the time of writing this report.

Subdivision By-Law

Subdivision Control By-Law S3.01 states that every subdivision of land must be made in accordance with the Municipal Act, the Official Community Plan, the Zoning Bylaw, and the Subdivision Control Bylaw. The Analysis/Discussion section of this report is intended to discuss the proposal's conformity with the provisions outlined in the relevant legislation, policies, and plans.

Municipal Act

The Municipal Act S. 314 details the requirements for any proposed plan of subdivision to have direct access to the highway to the satisfaction of the approving authority. In this case, there is no new access, and therefore this section does not apply.


S. 319 stipulates that an approval may be valid for a period of up to twelve months. If the applicant has not provided proof that the conditions of approval have been met, under the Act approval is void. The applicant can request an extension of a further twelve months, which may be granted in whole or in part, at the discretion of the approval authority.

Official Community Plan

The property is currently designated as R1 – Urban Residential. Uses associated with this designation include single detached dwellings, duplexes, secondary suites, and home occupations. Therefore, the new consolidated lot would retain the same designation. Any new use or development on the proposed lot would be required to conform to the OCP designation, or else apply for an OCP Amendment.

Zoning By-Law

The property is currently zoned R1 – Single Detached/Duplex Residential. The Zoning By-Law is intended to implement the goals of the OCP. Therefore, the purpose of the R1 zone as per the Zoning By-Law is to permit medium density single-detached residential lots. A full range of permitted uses and associated provisions are contained in the Zoning By-Law, and any future development of the proposed lots must also conform with the Zoning By-Law. No zoning discrepancies were identified on this lot or as a result of this consolidation.

APPROVAL		
NAME:	Cory Bellmore, CAO	SIGNATURE: 
DATE:	September 5, 2018	



THE CITY OF DAWSON

Box 308 Dawson City, YT Y0B 1G0
PH: 867-993-7400 FAX: 867-993-7434
www.cityofdawson.ca

PAID
JUL 11 2018
29836

OFFICE USE ONLY	
APPLICATION FEE:	105 + GST
DATE PAID:	
PERMIT #:	18-075

Public Hearing Sept 11, 2018

SUBDIVISION/CONSOLIDATION APPLICATION

PLEASE READ THE ATTACHED INSTRUCTIONS, GUIDELINES AND SUBMISSION REQUIREMENTS PRIOR TO COMPLETING FORM.

PROPOSED DEVELOPMENT

CIVIC ADDRESS: 854 7 Ave VALUE OF DEVELOPMENT: _____

EXISTING USE OF LAND / BUILDINGS: residential

PROPOSED DEVELOPMENT: Please provide a brief description of the proposed development, including the legal description (lot, block, estate, plan) of each part to be subdivided/consolidated.

Consolidate properties to legitimize legally nonconforming house

APPLICANT INFORMATION

APPLICANT NAME(S): Chris Cleland

COMPANY NAME: _____

MAILING ADDRESS: 807 Dawson City POSTAL CODE: Y0B-1G0

EMAIL: 76cleland@gmail.com FAX #: _____

PHONE #: 993-3777 ALTERNATE PHONE #: 993-5206

OWNER INFORMATION

OWNER NAME(S): same as above

MAILING ADDRESS: _____ POSTAL CODE: _____

EMAIL: _____ FAX #: _____

PHONE #: _____ ALTERNATE PHONE #: _____

It is the responsibility of the applicant to ensure that all plans conform to the provisions of the City of Dawson Zoning Bylaw and applicable territorial and federal legislation.

FURTHER INFORMATION

ACCESS: Does the proposed development require additional access to any public road or highway? If yes, please name the road and describe the location of the proposed access.

two driveways on seventh avenue will be maintained.

WATER: Is the land situated within 0.5 miles of a river, stream, watercourse, lake or other permanent body of water, or a canal or drainage ditch? If yes, please name the body of water and describe the feature.

no

TOPOGRAPHY: Describe the nature of the topography of the land (flat, rolling, steep, mixed), the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, etc., & sloughs, creeks, etc.), and the kind of soil on the land (sandy, loam, clay, etc.).

mostly flat

EXISTING BUILDINGS: Describe any buildings, historical or otherwise, and any structures on the land and whether they are to be demolished or moved:

1 dwelling built 1901 approx 1900 sq. ft.
1 shed built 2014 (approx), approx 12x25 ft.

DECLARATION

- I/WE hereby make application for a Development Permit under the provisions of the City of Dawson Zoning Bylaw No. 12-27 and in accordance with the plans and supporting information submitted and attached which form part of this application.
- I/ WE have reviewed all of the information supplied to the City of Dawson with respect to an application for a Development Permit and it is true and accurate to the best of my/our knowledge and belief.
- I/WE understand that the City of Dawson will rely on this information in its evaluation of my/our application for a Development Permit and that any decision made by the City of Dawson on inaccurate information may be rescinded at any time.
- I/WE hereby give my/our consent to allow Council or a person appointed by its right to enter the above land and/or building(s) with respect to this application only.

I/WE HAVE CAREFULLY READ THIS DECLARATION BEFORE SIGNING IT.

11-07-18

DATE SIGNED



SIGNATURE OF APPLICANT(S)

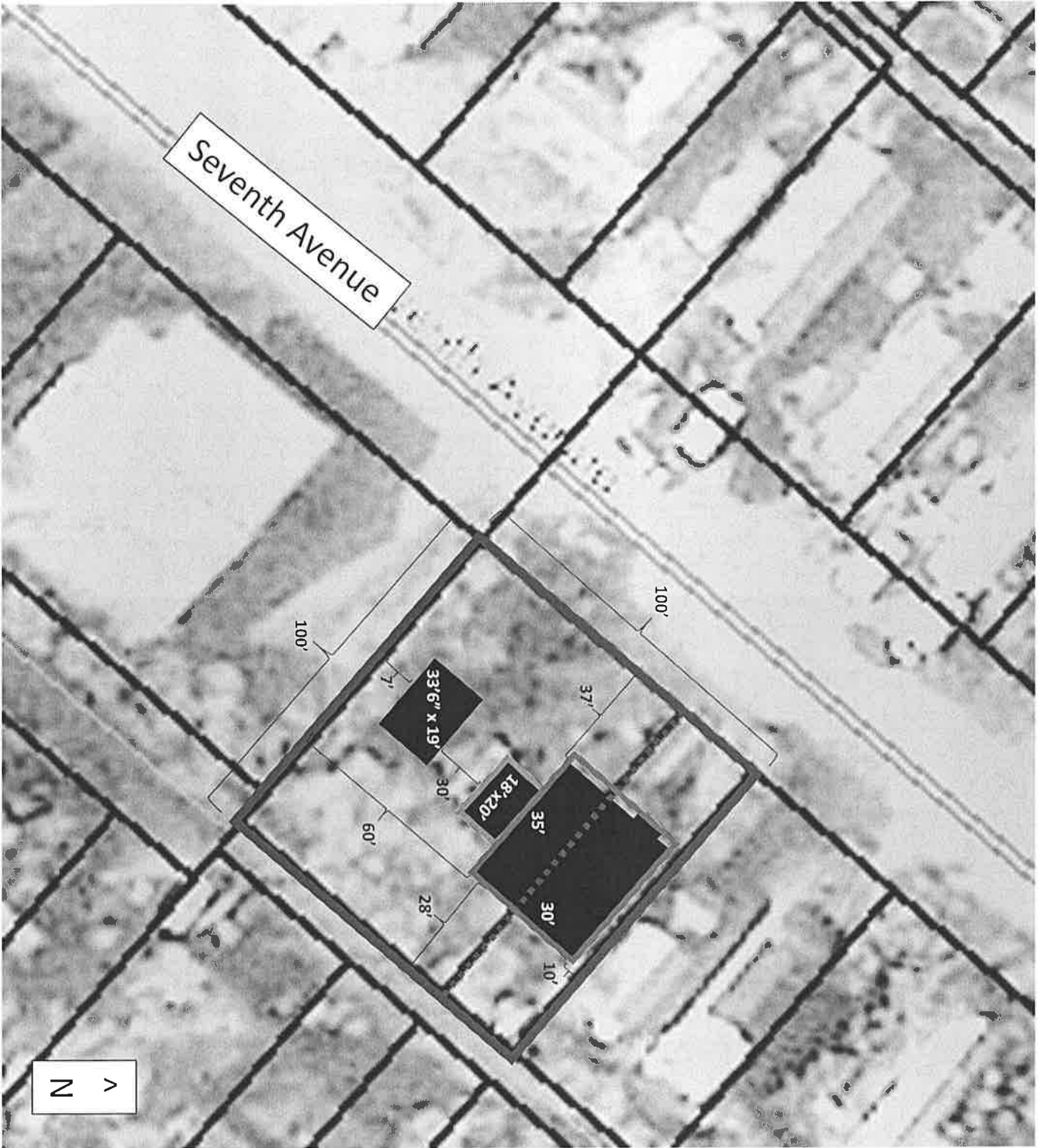
11-07-18

DATE SIGNED



SIGNATURE OF OWNER(S)

Seventh Avenue



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Report to Council

For Council Decision For Council Direction For Council Information

In Camera

SUBJECT:	Subdivision Application #18-068: Pt Lot 6 & Lot 7, Block 13, Government Reserve	
PREPARED BY:	Clarissa Huffman, CDO	ATTACHMENTS: 1. Subdivision Application #18-068 2. Map of Proposed Subdivision
DATE:	Aug 30, 2018	
RELEVANT BYLAWS / POLICY / LEGISLATION: Municipal Act Official Community Plan Zoning Bylaw Subdivision Bylaw		

RECOMMENDATION

1. That Council approve Subdivision Application #18-068, subject to the following conditions:
 - 1.1. The application successfully passes through a public hearing.
 - 1.2. The applicant submit a Stormwater Management Plan to the satisfaction of the CDO and Public Works Superintendent.
 - 1.3. That the applicant provide separate water and sewer connections to each proposed lot to the satisfaction of the CDO and Public Works Superintendent.
 - 1.4. The applicant submits a plan of subdivision completed by a certified lands surveyor drawn in conformity with the approval.
 - 1.5. The applicant shall, on approval of the subdivision plan by the City of Dawson, take all necessary steps to enable the registrar under the Land Titles Act to register the plan of subdivision.

ISSUE

Subdivision Application #18-068 was received on June 28, 2018. The applicant is requesting to subdivide their residential lot into two lots to facilitate the construction of a second single-family dwelling.

ANALYSIS / DISCUSSION / ALIGNMENT TO OCP & STRATEGIC PRIORITIES

Comments

Public Works was asked to comment on this application for purposes of assessing access, lot grading, slope stability, and other operating requirements. It was identified that the utilities for Lot B would run through Lot A, and a plan for correcting this would have to be developed before this can be approved.

The application was also circulated to every property owner in a 1km radius of this property, inviting comments and questions. No comments in opposition to this application were received at the time of writing this report.

Subdivision By-Law

Subdivision Control By-Law S3.01 states that every subdivision of land must be made in accordance with the Municipal Act, the Official Community Plan, the Zoning Bylaw, and the Subdivision Control Bylaw. The

Analysis/Discussion section of this report is intended to discuss the proposal's conformity with the provisions outlined in the relevant legislation, policies, and plans.

Municipal Act

The Municipal Act S. 314 details the requirements for any proposed plan of subdivision to have direct access to the highway to the satisfaction of the approving authority. In this case, there is no new access, and therefore this section does not apply. Parking for both lots is indicated to be off the rear alley.

S. 319 stipulates that an approval may be valid for a period of up to twelve months. If the applicant has not provided proof that the conditions of approval have been met, under the Act approval is void. The applicant can request an extension of a further twelve months, which may be granted in whole or in part, at the discretion of the approval authority.

Official Community Plan

The property is currently designated as R1 – Urban Residential. Uses associated with this designation include single detached dwellings, duplexes, secondary suites, and home occupations. Therefore, the two proposed lots would retain the same designation. Any new use or development on the proposed lots would be required to conform to the OCP designation, or else apply for an OCP Amendment.

Zoning By-Law

The property is currently zoned R1 – Single Detached/Duplex Residential. The Zoning By-Law is intended to implement the goals of the OCP. Therefore, the purpose of the R1 zone as per the Zoning By-Law is to permit medium density single-detached residential lots. A full range of permitted uses and associated provisions are contained in the Zoning By-Law, and any future development of the proposed lots must also conform with the Zoning By-Law. Both lots would also be required to meet the minimum lot size of 232.3 square metres. The two proposed lots are 575.16 and 504.14 square metres, thus meeting the minimum requirement.

A preliminary zoning assessment identified several zoning discrepancies on this lot.

Lot A

Proposed Future House exterior side-yard setback: Required 10', Proposed 4'11"

Garage Rear-yard setback: Required 10', Actual 1'10"

Garage Exterior side-yard setback: Required 2', Actual 1'10"

Separation between Proposed Future House & Garage: Required 10', Proposed 7'


The zoning discrepancies on the proposed future house are not required to be considered for this subdivision but have been included as part of the zoning assessment as the house was shown in the plan of subdivision. Understanding the zoning discrepancies early on will assist the applicant in resolving these issues during the development permit process. The approval of this subdivision does not preclude the applicant from the requirement to have an approved development permit for the construction of the new dwelling. The garage was identified by the applicant as being built in the late 1970's and could likely be considered legally non-conforming. Recent interpretations of the Municipal Act with respect to legally non-conforming structures during subdivision indicates that lots with a pre-existing legally non-conforming use or structure may be subdivided so long as the subdivision does not increase the legally non-conforming nature of the use or structure. Therefore, it is recommended by administration that this garage does not impede the ability of Council to approve the subdivision.

Lot B

Workshop rear-yard setback: Required 10', Actual 8'3"

Workshop exterior side-yard setback: Required 10', Actual 8'6"

The applicant identified that the workshop was constructed in 2010/2011, which was confirmed as being permitted under DP#10-61. Therefore, the development would have been bound by the Zoning By-Law 09-03. The minimum rear-yard setback in this bylaw was 4'10". The side yard setback for an accessory building specifies only an interior side-yard setback of 2' and does not specify an exterior side-yard setback. Therefore, it is likely that the CDO of the time interpreted the interior and exterior side-yard setbacks to be equal, in lieu of stronger direction. In this case, given that the shop appears to meet the provisions of Zoning By-Law #09-03, it could be determined that the workshop is also legally non-conforming, and does not impede the ability of Council to approve the subdivision, similar to the assessment of the Lot A garage above.

APPROVAL	
NAME: Cory Bellmore, CAO	SIGNATURE: 
DATE: September 5, 2018	



THE CITY OF DAWSON

Box 308 Dawson City, YT Y0B 1G0
PH: 867-993-7400 FAX: 867-993-7431
www.cityofdawson.ca

PAID
JUN 28 2018
29412

OFFICE USE ONLY	
APPLICATION FEE:	A250 + gst
DATE PAID:	
PERMIT #:	18-068

SUBDIVISION/CONSOLIDATION APPLICATION

PLEASE READ THE ATTACHED INSTRUCTIONS, GUIDELINES AND SUBMISSION REQRIMENTS PRIOR TO COMPLETING FORM.

PROPOSED DEVELOPMENT

CIVIC ADDRESS: 485 DUGAS ST. DAWSON CITY, YT VALUE OF DEVELOPMENT: _____

EXISTING USE OF LAND / BUILDINGS: Residential with home base business

PROPOSED DEVELOPMENT: Please provide a brief description of the proposed development, including the legal description (lot, block, estate, plan) of each part to be subdivided/consolidated.

Subdivide Lot 7 & Easterly 33 ft. of lot 6, Block 13, Gov't RESERVE Addition Plan 8395 to make two residential lots. Existing lot is 116' x 100', 35.41 x 30.48 meters. The proposed subdivision would be: 1 lot - 18.87 x 30.48 meters or 61.8' x 100' and the other lot - 16.54m x 30.48 m or 54.2' x 100'. The proposed plan outlines the proposed new house. Any changes meet the new zoning bylaws. The existing building setbacks are consistent with properties along the same block.

APPLICANT INFORMATION

APPLICANT NAME(S): Richard and Joanne Van Nostrand

COMPANY NAME: _____

MAILING ADDRESS: Box 690, Dawson City, YT POSTAL CODE: Y0B 1G0

EMAIL: yogawithjoanne@me.com FAX #: _____

PHONE #: 867-993-5185 ALTERNATE PHONE #: 867-334-9328 (Dick's cell)

OWNER INFORMATION

OWNER NAME(S): Richard + Joanne VAN Nostrand

MAILING ADDRESS: Box 690, Dawson City, YT POSTAL CODE: Y0B 1G0

EMAIL: yogawithjoanne@me.com FAX #: _____

PHONE #: 867-993-5185 ALTERNATE PHONE #: 867-334-9328 (Dick's cell)

It is the responsibility of the applicant to ensure that all plans conform to the provisions of the City of Dawson Zoning Bylaw and applicable territorial and federal legislation.

FURTHER INFORMATION

ACCESS: Does the proposed development require additional access to any public road or highway? If yes, please name the road and describe the location of the proposed access.

No

WATER: Is the land situated within 0.5 miles of a river, stream, watercourse, lake or other permanent body of water, or a canal or drainage ditch? If yes, please name the body of water and describe the feature.

No

TOPOGRAPHY: Describe the nature of the topography of the land (flat, rolling, steep, mixed), the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, etc., & sloughs, creeks, etc.), and the kind of soil on the land (sandy, loam, clay, etc.).

Developed flat residential lots with grass & gardens.

EXISTING BUILDINGS: Describe any buildings, historical or otherwise, and any structures on the land and whether they are to be demolished or moved:


Currently, on lot 7 is a log house and workshop. These would remain in place. A garage is situated on lot 6. It would remain in place. Future plan is to build a house on lot 6 and Easterly part of lot 7.

DECLARATION

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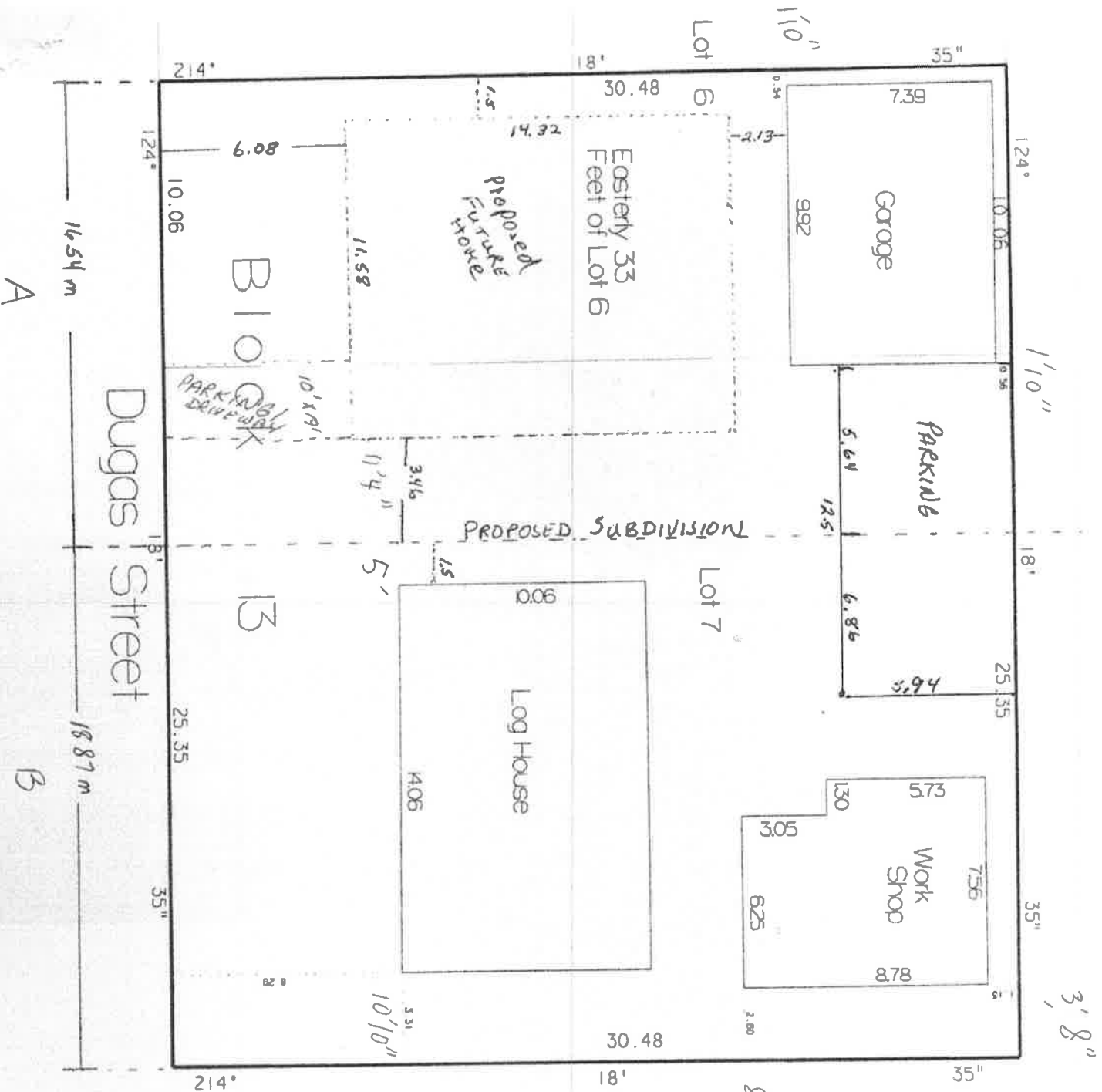
June 25/18
DATE SIGNED


SIGNATURE OF APPLICANT(S)

June 25/18
DATE SIGNED


SIGNATURE OF OWNER(S)



A

B

Dugas Street

Seventh Avenue

Sketch of Lot 7 & Easterly 33 Feet of Lot 6 Block 13, Government Reserve Addition Dawson City, Yukon



Garage = 2010/2011
Shop = 2010/2011

Scale: 1:125

For: J. & R. Van Nostrand
June 21, 2018

Lamerton Land Surveys
Dawson City, YT
File: 18027