



CITY OF YELLOWKNIFE

GOVERNANCE AND PRIORITIES COMMITTEE REPORT

Monday, June 27, 2022 at 12:05 p.m.

Report of a meeting held on Monday, June 27, 2022 at 12:05 p.m. in the City Hall Council Chamber. The following Committee members were in attendance:

Chair: Mayor R. Alty,
Councillor N. Konge,
Councillor S. Morgan,
Councillor J. Morse,
Councillor C. Mufandaedza,
Councillor S. Payne,
Councillor S. Smith, and
Councillor R. Williams.

The following members of Administration staff were in attendance:

S. Bassi-Kellett,
W. Newton,
M. Roland,
K. Sulzer,
C. White,
G. White,
S. Woodward, and
S. Jovic.

<u>Item</u>	<u>Description</u>
1.	(For Information Only) Mayor Alty read the Opening Statement.
2.	(For Information Only) There were no disclosures of pecuniary interest.
3.	(For Information Only) Committee heard a presentation from Mr. Kenny Ruptash, owner of Nahanni Construction Ltd., regarding whether to approve a proposed “Natural Resource Extraction” use on a portion of Lot 4, Block 316, (located south of Giant Mine on the west bank of Yellowknife



Bay) as a conditionally permitted use in the GM - Growth Management Zone, under Zoning By-law No. 4404, as amended. Mr. Ruptash noted that Nahanni Construction Ltd. owns that parcel of land and that he would like to grade the land in order that it slopes gently. Mr. Ruptash further noted that he has no intention of operating as a traditional quarry.

4. **Committee read a memorandum regarding whether to approve a proposed “Natural Resource Extraction” use on a portion of Lot 4, Block 316, (located south of Giant Mine on the west bank of Yellowknife Bay) as a conditionally permitted use in the GM - Growth Management Zone, under Zoning By-law No. 4404, as amended.**

Committee noted that the City of Yellowknife has received a proposal from Nahanni Construction Ltd. for a Natural Resource Extraction use to be established on a portion of Lot 4, Block 316 (the “Subject Lands”). The Subject Lands are 4 hectares of privately owned land; located south of Giant Mine on the west bank of Yellowknife Bay and are accessed off of the road leading to Giant mine, formerly known as Ingraham Trail / Highway 4 (see Map 1 – Subject Lands Context Map). The property is the site of the historic Martin Bode Cabin, constructed approximately in 1939.

Existing Use

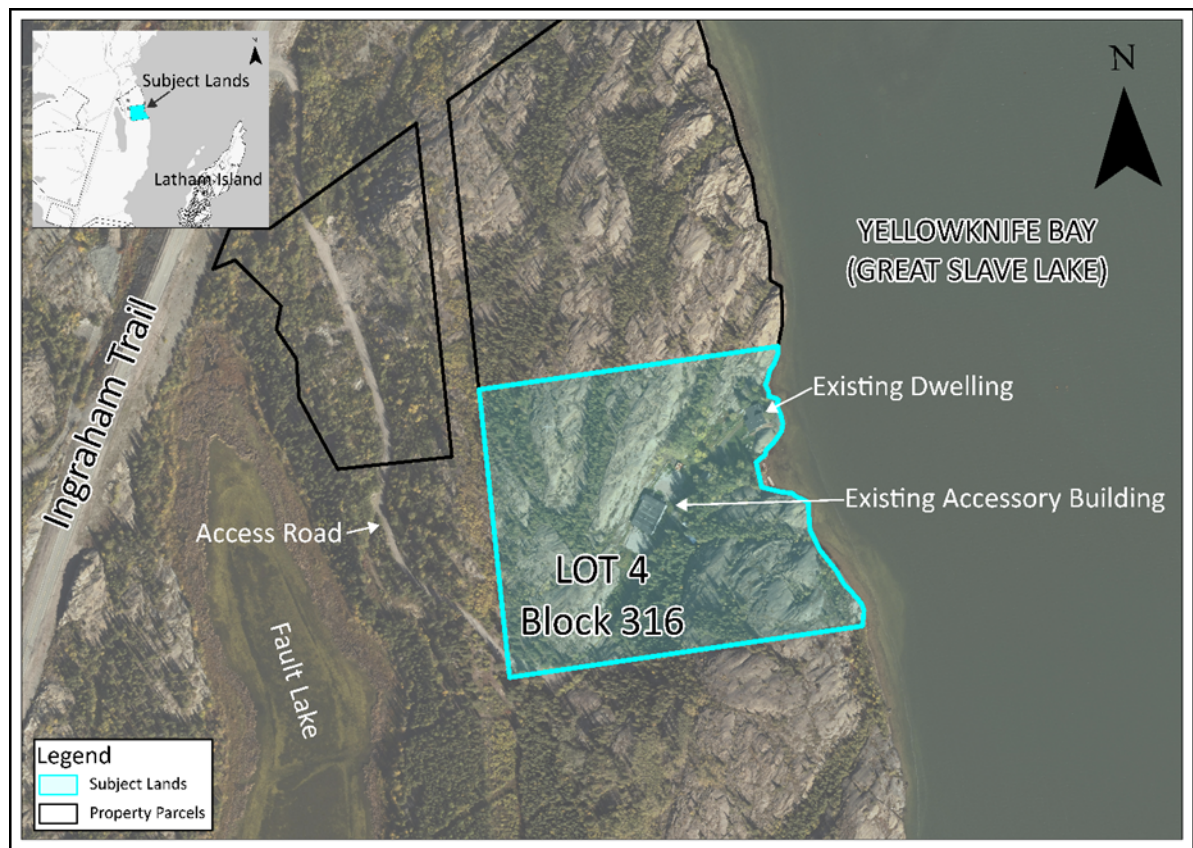
The site includes a legal non-conforming single detached dwelling. The identified accessory building is a worker accommodation building and holds no status under Zoning By-law No. 4404, as amended. No new residential, worker accommodation or other development is being proposed as part of this application. The application indicates that the proposal will make a greater proportion of the lot available “to create a useful area on the property sloped at a gentle 1% from back of lot (west) to the east toward the Lake”.

Proposal

Nahanni Construction Ltd. is proposing to remove 275,000 to 325,000 cubic metres of material through a Natural Resource Extraction operation. The proposal will result in the clearing and leveling of approximately 70% (2.88 ha) of the total site area, while maintaining a natural buffer (approximately 1 ha) between the area to be excavated and the single detached dwelling on Great Slave Lake. Figure 1, submitted by the applicant, shows the proposed site development and Figure 2, extrapolated by the City, provides an approximation of what the site would look like as viewed from the water of Great Slave Lake looking west, if the proposal were approved with conditions.



Map 1: Subject Lands Context Map



Committee noted that applicable legislation, by-laws, studies or plans include:

1. *Cities, Towns and Villages Act S.N.W.T. 2003;*
2. *Community Planning and Development Act S.N.W.T. 2011, c.22;*
3. *Mackenzie Valley Resource Management Act S.C, 1998, c.25;*
4. 2020 Community Plan, By-law No. 5007;
5. Zoning By-law No. 4404; and
6. Zoning By-law No. 5045.

Legislative

Pursuant to the *Community Planning and Development Act*, the City may approve conditionally permitted uses, through the Zoning By-law.

Section 1.8 of Zoning By-law No. 5045 states:

1.8. Transition

An application for a Development Permit, or amendment to the Zoning By-law commenced prior to the effective date of this By-law shall be evaluated under the regulations of Zoning By-law No. 4404, as amended.

This application was made under Zoning By-law No. 4404, as amended; as such it will be continued to decision under that by-law's regulatory environment. The application process



requires a decision by Council and the recommendation includes conditions to be satisfied prior to development.

Mackenzie Valley Land and Water Board

The Mackenzie Valley Land and Water Board (MVLWB) regulates the use of land and water through the issuance of Land Use Permits in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA) and the Mackenzie Valley Land Use Regulations (MVLUR). The objective of the Board's operation is to provide for the conservation, development and utilization of land and water resources that will provide optimum benefit.

MVLWB Land Use Permits authorize temporary use of land for activities associated with granular resource development for periods of five years with a possible extension of 2 years. Land Use Permits are designed to minimize environmental disturbances and can contain conditions regarding environmental protection, location and area constraints, timing of operations, type and size of equipment, abandonment and clean-up. Activities that require a Land Use Permit within the City of Yellowknife's municipal boundaries include those which involve the use of heavy vehicles and machinery for earth moving, the use of explosives, land clearing which meet or surpass the thresholds set by the MVRMA and uses where potential impact to a waterbody may occur.

A quarry is defined in Territorial Quarrying Regulations. Residents of the Northwest Territories are allowed to take up to 38 m³ (50 cubic yards) of sand, gravel or stone per calendar year for their own personal use without having to obtain a quarrying permit or pay any fees (where the Minister has authority). A quarry is the location of extraction of rock materials by digging, cutting or blasting; they usually yield large stone that may then be crushed.

2020 Community Plan

Special Management Zone, section 4.17.

The subject property is designated Special Management Zone. Adjacent land to the north, south and west are all designated Special Management Zone and are not currently designated for a specific use today or in the near future. The intention of the Community Plan is that the lands are to be left generally unaltered until an appropriate use is identified, effectively planned for, and the lands are re-designated and zoned to facilitate the proposed use. The Community Plan does acknowledge that there are aggregate resources on lands within this zone and that they may provide for community aggregate need through new quarrying activities in the future. Where the need is determined extraction is permitted by the policy.

Environmental Policy, section 5.1.2.

Environmental policies direct that the City will work to protect the Natural Environment in an effort to ensure long-term prosperity, environmental health and social well-being. This includes conserving biodiversity and protecting natural resources to ensure long term ecological function. Community Plan policy requires a 100' (30 m) reserve on land adjacent to waterbodies and that no harmful contaminants will be permitted to run off properties



into rivers, streams or waterbodies. In addition, industrial land uses are required to maintain a buffer of natural vegetation on the perimeter of the property. Specific to aggregate extraction, the policy states that a remediation plan is required to be implemented once a resource is exhausted.

Transportation, section 5.2.

Transportation systems should be safe, energy efficient, facilitate the movement of goods and projected needs. A consideration in supporting new land use establishment is the transportation network; will the system in place be capable of supporting the proposed use. The subject lands are serviced by a private road and connect to Northwest Territories Highway No. 4. No municipal road is directly impacted by the proposal. Any heavy equipment permits for the use of the Highway as a haul routes are under the authority of the Government of the Northwest Territories and will be the obligation of the applicant to obtain.

Municipal Infrastructure, section 5.3.

The subject lands are currently developed with a single detached dwelling which is not connected to piped municipal sewer or water services. No expansion of infrastructure is proposed or permitted to the site as part of the development. The City does not support expansion of infrastructure to unplanned lands. The proposed use of natural resource extraction does not require municipal servicing.

Subdivision and Land Sequencing, section 5.4.

Policies in the Community Plan are clear, section 5.4 must be implemented at the time of development not permitted by the Community Plan or Zoning By-law. The Planning and Development Department states that no development other than the natural resource extraction use has been reviewed, contemplated or considered as part of the evaluation of this application for decision. The recommendation of approval, is only supported with conditions, and does not suggest that the site in future will be approved for planned development. The processes outlined in the Community Plan section 5.4 are required to be followed. Any future development will be required to complete a comprehensive review, including at minimum, applications for an area development plan, and rezoning. The clearing, grading and removal of aggregate from the site is not to be construed as approval, permission or planning for future use of the site.

Zoning By-law No. 4404, as amended

The Subject Lands are zoned GM – Growth Management. The purpose of the GM zone is to control and regulate land use to ensure that future planned development may proceed in an orderly manner. Natural Resource Extraction is a Conditionally Permitted Use in the GM Zone. Natural Resource Extraction is defined to mean the mining, quarrying, removal and/or excavation of any mineral, ore body, stratum, rock, earth, clay, sand, gravel, black dirt, peat, or other natural resources to supply material for construction, manufacturing, industrial, landscaping and other commercial activities. This definition does not include any excavation or work incidental to the development of a building, structure, or use for which a development permit has been issued.



Buffer

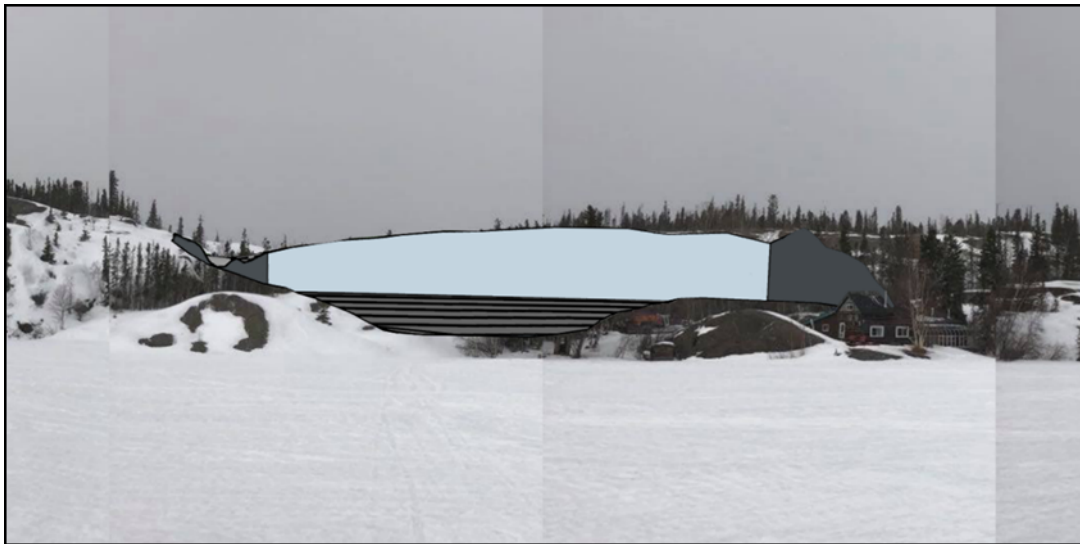
To minimize the negative impacts to the cultural landscape of Great Slave Lake waterfront, the applicant is proposing a buffer area between the lands to be excavated and the shoreline as seen in Figure 1. As proposed, the buffer ranges from 41m to 93m. Section 10.2 (3)(b) requires a minimum 50m setback for development next to a waterbody. Consideration will have to be given to whether the proposed development fulfils the intention of the Zoning By-law.

Figure 1: Proposed Site Development





Figure 2: Render of Proposed Development – View from Great Slave Lake



Planning Justification

In accordance with Section 2.4(1) of the Zoning By-law, Council shall:

- (a) Make decisions and state any terms and conditions for development permit applications for those uses listed as Conditionally Permitted Uses.
- (f) Consider and state any terms and conditions on any other planning, subdivision or development matter referred to it by the Development Officer or Planning Administrator, or with respect to which it has jurisdiction under this by-law.

Section 3.1 (4) of City of Yellowknife Zoning By-law No. 4404, as amended, states that in addition to meeting the requirements of this by-law, it is the responsibility of an applicant to obtain all other approvals or licenses that may be required by the City, Territorial or Federal departments or agencies. The MVLWB permits apply within the boundary of the municipality where the municipality does not regulate the uses. The City of Yellowknife does not have permits, or processes to address the identified matters and therefore will rely on the qualified expertise of the MVLWB and other agencies. Completed and approved permits outlined in the conditions must be provided to the City of Yellowknife prior to the proposed development initiating on site. This includes but is not limited to: Land Use Permits, Water License, Quarry Permit, Timber Permit, and any authorizations required for the use of explosives and extraction of aggregate.

The proposed use of “natural resource extraction” does not conform to the policies of the Community Plan and does not meet the regulations of the Zoning By-law No. 4404, as amended. The satisfaction of all conditions is required to create conformity required for the proposed development to proceed. If the conditions are not satisfied the development permit will not be issued.



Conditions of Approval:

1. That the applicant enter into a Development Agreement with the City which will stipulate the following:
 - a. That an application will be made to the MVLWB for a Land Use Permit, a copy of the application will be provided to the City, and prior to work occurring on the site the permit must be approved and in effect;
 - b. Where, the MVLWB requires conditions of approval, a copy of the conditions and supporting documentation be provided to the City;
 - c. That an application will be made to the MVLWB for a Water License, a copy of the application will be provided to the City, and prior to work occurring on the site the Water License must be approved and in effect;
 - d. The required, Explosives Permits will be obtained and a copy of the approved permit will be provided to the City;
 - e. The required, Timber Permits will be obtained and a copy of the approved permit will be provided to the City;
 - f. That the aggregate be tested by a qualified professional to determine if it is "Potentially Acid Generating" (PAG) rock. The results of the report are to be provided to the City;
 - g. The site remediation plan is to be submitted to the City, 12 months prior to the end of the Natural Resource Extraction use for comment, unless required by another permit, in which case the lead authorities' timeline will be followed;
 - h. The natural resource extraction use is determined to be a Quarry and for the purpose of extraction by the GNWT, MVLWB or another approval agency, the following will be required:
 - i. a report demonstrating the market need and supporting activities in this area is required to demonstrate existing resources are exhausted . The report is required to be provided to the City in accordance with Section 4.17 of Community Plan By-law No. 5007;
 - ii. a quarry development plan which will include existing features, the boundary of the extraction area, internal haul roads, elevation of the established ground water table on the site and confirmation that the final depth of extraction is at least 2 m above the established water table, existing surface water drainage and drainage facilities on the site, the location and type of fencing being used, the location of stockpiles to be located on the site, location of fuel storage on the site, all excavation faces and rehabilitation areas, the location of berms and their height, the stamp and signature of a professional engineer or other qualified person approving the development;
 - iii. a quarry operation plan which will include the sequence and direction of the development, detailed stripping and stockpiling plan, the maximum number of lifts and the height of lifts, the location of entrances and exits, the final extraction elevation of the site using



- spot elevations, details on how the berms will be vegetated and/or maintained, details on how on site dust will be mitigated including description of dust suppressants used, the general types of equipment to be used on the site, details on the hours of operation, details on how tress and stumps will be disposed of or utilized, how any variations from the operation plan will be recorded and reported, details on active monitoring of the site, including but not limited to water, noise and vibration, an expression of the maximum cubic metres of aggregate to be removed from the site in a calendar year and a detailed monitoring program, prepared by a professional engineer or other qualified person; and
- iv. a quarry rehabilitation plan which outlines the sequence and direction of progressive rehabilitation, detailed design and type of vegetation that will be established on the site, how the slope will be established on the excavation faces and floor, details on how progressive rehabilitation will be conducted in relation to the operational sequences and if proposed, details on the importation of topsoil or inert material to facilitate rehabilitation of the site.
 - i. A detailed plan on the use, quantity, frequency and timing of explosives and blasts on the site;
 - j. A plan will be prepared by a qualified professional detailing how the onsite use of explosive and blasting will meet or exceed the Department of Fisheries and Oceans guidelines for blast vibrations, to be submitted to the City;
 - k. A detailed plan on access to ensure the provision of and access by emergency services can be provided to the site at all times, to both the natural resource extraction use and the single detached dwelling, approved by the City;
 - l. The development use of Natural Resource Extraction is permitted for five (5) years following the date the Director of Planning determines the conditions of the Development Agreement are satisfied;
 - m. Where an extension of the permitted use time period is required, an application for an amendment to the conditions of the Development Permit must be made not later than six (6) months prior to the expiration of the five (5) year term;
 - n. Where an extension of the permitted use time period is required, the application for extension will be brought before Council for a decision as the use is conditionally permitted;
 - o. Where extraction will occur during times of the year (early spring, late autumn or winter) where there is limited daylight hours, a lighting plan will be created and will be reviewed and approved by the City;
 - p. The shoreline setback will remain in place during and after the completion of the natural resource extraction use in the measurements and locations as indicated on site plan and grading plan submitted by EDS Group March 2022, where the minimum shoreline setback where no extraction will occur is 41 m from the high watermark; and



- q. That all necessary means and protections will be put in place during the natural resource extraction use to ensure no damage or negative impacts occurs to the historic single detached dwelling located on the subject property;
2. Haul routes and the traffic generated by the proposed natural resource extraction use shall be considered through the preparation of a traffic impact assessment by a qualified professional and approved by the City and GNWT ministry responsible for Highways. The traffic impact assessment shall address, but is not limited to, the projected volume of truck traffic related to the proposed natural resource extraction use and existing similar uses using the proposed routes, the physical suitability of the haul routes for truck traffic with aggregate load, any requirements for improvements to the haul routes, the location and design of a safe entrance from the Highway to the site, noise impacts indicating an acceptable decibel level and any other impacts stipulated by another agency having jurisdiction.

Committee noted that Council has the authority to make decisions and state any terms and conditions for development permit where a Conditionally Permitted Use is proposed. The identified Nahanni Construction Ltd.'s proposal to create a Natural Resource Extraction operation does not conform to the policies of City of Yellowknife's Community Plan or satisfy the regulations of the Zoning By-law No.4404, as amended. City Administration is not the qualified authority related to confirmation of compliance with permits and licenses as required by the Mackenzie Valley Land and Water Board and other relevant authorities. The development may conform to the Community Plan upon the issuance of permit by the qualified authority. The conditions of approval must be provided to the written satisfaction of the Director of Planning prior to development on site occurring.

(For Information Only)

5. Councillor Smith left the meeting at 12:58 p.m.

(For Information Only)

6. Committee continued its discussion regarding a memorandum regarding whether to approve a proposed "Natural Resource Extraction" use on a portion of Lot 4, Block 316, (located south of Giant Mine on the west bank of Yellowknife Bay) as a conditionally permitted use in the GM - Growth Management Zone, under Zoning By-law No. 4404, as amended.

(For Information Only)

7. Committee recessed at 1:23 p.m. and reconvened at 1:33 p.m.

(For Information Only)

8. Committee continued its discussion regarding a memorandum regarding whether to approve a proposed "Natural Resource Extraction" use on a portion of Lot 4, Block 316, (located south of Giant Mine on the west bank of Yellowknife Bay) as a conditionally permitted use in the GM - Growth Management Zone, under Zoning By-law No. 4404, as



amended. In response to questions from Committee, Administration undertook to provide property classification for Lot 4, Block 316 and number of private parcels under Growth Management Zone.

Committee noted that the majority of proposed conditions were not required as City by-laws already require any development to meet Territorial or Federal regulations.

Committee recommended that Council approve the proposed “natural resource extraction” use on a portion of Lot 4, Block 316, as a conditionally permitted use in the GM-Growth Management Zone with the following conditions:

- 1. The development use of Natural Resource Extraction is permitted for ten (10) years following the date the Director of Planning determines the conditions of the Development Agreement are satisfied;**
- 2. Where an extension of the permitted use time period is required, an application for an amendment to the conditions of the Development Permit must be made not later than six (6) months prior to the expiration of the five (5) year term;**
- 3. Where an extension of the permitted use time period is required, the application for extension will be brought before Council for a decision as the use is conditionally permitted;**
- 4. The shoreline setback will remain in place during and after the completion of the natural resource extraction use in the measurements and locations as indicated on site plan and grading plan submitted by EDS Group March 2022, where the minimum shoreline setback where no extraction will occur is 41 m from the high watermark;**
- 5. That all necessary means and protections will be put in place during the natural resource extraction use to ensure no damage or negative impacts occurs to the historic single detached dwelling located on the subject property; and**
- 6. Haul routes and the traffic generated by the proposed natural resource extraction use shall be considered through the preparation of a traffic impact assessment by a qualified professional and approved by the City and GNWT ministry responsible for Highways. The traffic impact assessment shall address, but is not limited to, the projected volume of truck traffic related to the proposed natural resource extraction use and existing similar uses using the proposed routes, the physical suitability of the haul routes for truck traffic with aggregate load, any requirements for improvements to the haul routes, the location and design of a safe entrance from the Highway to the site, noise impacts indicating an acceptable decibel level and any other impacts stipulated by another agency having jurisdiction.**

MOVE APPROVAL



- (For Information Only)
9. Councillor Mufandaedza moved,
Councillor Payne seconded,

That Committee move in camera at 2:01 p.m. to discuss a memorandum regarding whether to appoint members to serve on the Mayor's Task Force on Economic Development.

MOTION CARRIED UNANIMOUSLY

- (For Information Only)
10. Committee discussed a memorandum regarding whether to appoint members to serve on the Mayor's Task Force on Economic Development.

- (For Information Only)
11. Councillor Konge moved,
Councillor Morse seconded,

That Committee return to an open meeting at 2:06 p.m.

MOTION CARRIED UNANIMOUSLY

- (Business Arising from in Camera Session)
12. **Committee read a memorandum regarding whether to appoint members to serve on the Mayor's Task Force on Economic Development.**

Committee noted that the Mayor's Task Force on Economic Development was created in May 2019 to provide input into the development of the City of Yellowknife Economic Development Strategy (2020-2024) (the "Strategy"). The purpose of the Task Force was also to provide ongoing advice in the implementation phase of the Strategy.

Input and feedback from the Mayor's Task Force has been a great asset to Administration since its inception.

On April 11, 2022, Council amended the Terms of Reference for the Mayor's Task Force on Economic Development to extend the term of the Committee to December 31, 2024.

It is the practice of the City of Yellowknife to advertise all vacancies for boards and committees. The City has advertised vacancies on the Mayor's

Committee noted that Council's policies, resolutions or goals include:

Council Goal #2 Delivering efficient and accountable government.

Council Goal #3 Ensuring a high quality of life for all, including future generations.



Council Motion #0146-19

That Council:

1. Adopt the Terms of Reference for the Mayor's Task Force on Economic Development for the purpose of providing input in the development of the 2020-2024 Economic Development Strategy and providing ongoing advice in the implementation phase of the strategy.
2. Direct Administration to undertake the necessary steps to recruit members to the Committee.

Council Motion #0057

That Council amend the Terms of Reference for the Mayor's Task Force on Economic Development to extend the term of the Committee to December 31, 2024.

Committee noted that applicable legislation, by-laws, studies or plans include:

1. Council Procedures By-law No. 4975, as amended; and
2. *Cities, Towns and Villages Act*.

Legislation

Section 122 of Council Procedures By-law No. 4975, as amended, states:
Special Committees of Council

122. Where Council deems it necessary to establish a special committee to investigate and consider any matter, Council shall:
- (1) name the committee;
 - (2) establish terms of reference;
 - (3) appoint members to it;
 - (4) establish the term of appointment of members;
 - (5) establish requirements for reporting to Council or a standing committee;
and
 - (6) allocate any necessary budget or other resources to it.

Procedural Considerations

All appointments to Special Committees and Subcommittees must be approved by Council.

It is the practice of the City of Yellowknife to advertise all vacancies that arise on City Boards and Committees.

Committee noted that Yellowknife's economy is multi-faceted and collaboration between stakeholders is crucial for successful implementation of the City's Economic Development Strategy (2020-2024). Through the Mayor's Task Force on Economic Development, Council is able to receive input and advice from potential partners who share an interest in economic development in Yellowknife.

Appointment of members to the Committee will ensure that these tasks are undertaken in a timely manner.



Committee recommends that Council appoint the following representatives to serve on the Mayor's Task Force on Economic Development:

Organization	Name
Tourism	Joe Bailey
Minerals	Kelly Brenton
Agriculture and Fisheries	Kyle Thomas
Aviation, transportation, and logistics	Peter Houweling
Post-secondary	Patrick Arsenault
Business Owner	Sean Ivens
Det'on Cho Corporation	John Henderson
Yellowknife Chamber of Commerce	Robert Warburton
NWT and Nunavut Chamber of Mines	Kenny Ruptash
CDETNO	François Afane
Any additional representatives as deemed appropriate by Council	Mark Brajer

MOVE APPROVAL

13. The meeting adjourned at 2:07 p.m.