

Summary of Key Updates Reflected in the Draft Land Administration By-law

	Section/Page Reference in By-law no. 4596	Current Regulation	Recommended Change	Explanation for Change
1	Application Page 1	<p>Application:</p> <p>2) This By-law shall not apply to easement agreements for public utility uses and structures as defined in the Zoning By-law or for site servicing.</p>	Delete current. Revised and reinstated in Section 3, Page 6, (2).	This By-law shall apply to easement agreements.
2	Section 2 Page 4	<p>Definition: Planning Administrator</p> <p>“Means a City employee responsible for Planning & Lands, or designate, appointed by the Senior Administrative Officer of the City of Yellowknife to administer, coordinate, and promote planning-related documents, policies, and by-laws such as the General Plan, Area Development Plan, the Zoning By-law, and other planning documents that Council has adopted plus the appropriate sections of the <i>Community Planning and Development Act</i>.”</p>	<p>Definition: Planning Administrator</p> <p>“means the City employee holding the Director of Planning & Development position, or their designate, for the City of Yellowknife.”</p>	The change clarifies that the Director of Planning and Development is the City’s senior management staff designated as the Planning Administrator.
3	Section 2 Page 5	<p>Definition: Senior Administrative Officer</p> <p>means the Senior Administrative Officer of the City appointed pursuant to the <i>Cities, Towns and Villages Act</i>, S.N.W.T. 2003, c.22.</p>	<p>Delete current and replace with: City Manager</p> <p>means the Senior Administrative Officer of the City of Yellowknife or their designate appointed pursuant to the <i>Cities, Towns and Villages Act</i>, S.N.W.T. 2003, c22;</p>	On February 22, 2021, Council adopted By-law No. 5035 to update the definition, duties and responsibilities of the Senior Administrative Officer including a title change.

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4	Section 3 Page 6	<p>Request or land application for Land Within the Municipal Boundary:</p> <p>Additional terms to address land acquisition and disposal authority within the municipal boundary. In addition, the Planning Administrator can refuse a land application if it does not align with Planning policies.</p>	<p>Add the following terms:</p> <p>2) Any request to acquire Territorial or Commissioner’s land shall be completed by the City following the Government of the Northwest Territories municipal land policy.</p> <p>3) Upon receipt of a land application, the Planning Administrator shall review the request for compliance with this by-law and any other applicable by-law or legislation and may:</p> <ul style="list-style-type: none"> a. approve b. refer any c. refuse the land disposal if it contradicts relevant policies and regulations, or the proposed use is prohibited. 	<p>The GNWT’s Municipal Land Policy states that a municipal corporation has, in the disposal of land to the public, a responsibility to reflect the needs and priorities of the community and to apply fair and consistent practices.</p>
5	Section 3 Page 6	<p>Acquisition by the City:</p> <p>Additional term</p>	<p>Add the following term:</p> <p>2) The City shall acquire a non-possessory right or easement to use or enter onto land without a by-law, to permit the passage of people or vehicles and to construct, maintain, operate, generate, transmit and supply utilities, including, but not limited to fire suppression, horizontal infrastructure and other related municipal infrastructure.</p>	<p>An easement is necessary to address access to municipal and private infrastructure installed on other properties. Even though an Acquisition By-law is not required for a non-possessory right or easement, it is necessary to include this policy in the Land Admin By-law to acquire and legalize access through an easement agreement.</p>

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6	Section 4 Pages 6 and 7	Disposal by the City: Additional term	Add the following term: 2) The City may dispose of a non-possessory right or easement to use or enter onto land without a by-law, to permit the passage of people or vehicles and to construct, maintain, operate, generate, transmit and supply utilities, including, but not limited to fire suppression, horizontal infrastructure and other related municipal infrastructure.	Similar to an easement acquisition, easement disposal is necessary to include in the Land Admin By-law to dispose of and legalize access through an easement agreement.
7	Section 11 Page 10	Land Development Fund Reporting: A detailed cash flow statement of the Land Development Fund will be provided to the Planning Administrator with quarterly updates based on current and projected sales and expenditures.	Delete current and add to Financial Administration By-Law No. 4206, as amended.	The Land Fund Reporting is located in Section 6, page 2 of Financial Administration By-Law No. 4206, as amended.
8	Section 9 Page 9	Council Discretion to a Development Contribution: (a) Notwithstanding Section 8 of this By-law, Council may at its sole discretion provide up to a 12% financial contribution to any development for off-site development levies or on-site development expenses relating to paving, curbing and sidewalk within a municipal right-of-way or a designated municipal park space. Provided the development entails the sale of municipal land of a value greater than the 12% development subsidy, the funds may come from the Land Development Fund. Alternatively or otherwise, such funds shall	Delete current.	This section was deleted due to the ambiguity and costs incurred by the City.

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		come from the Capital Fund the fiscal year following the approval of the Development Permit, or a period of time otherwise recommended by Administration.		
9	Section 16 Page 13	<p>Amending Land Agreements:</p> <p>(a) Council may amend any of the terms of any agreement for the purchase or lease of land by resolution, except the legal description or the description and identifying sketch of the affected land, which may be amended only by by-law.</p> <p>(b) Council may amend any of the terms of agreement for the sale, lease, or other disposition of land by resolution except the legal description of the land affected, which may be amended only by by-law.</p>	<p>Delete current and replace with:</p> <p>1) Council may amend any agreement's terms for the acquisition and disposal of land by resolution. The legal description or the description and identifying sketch of the affected land shall be amended only by by-law.</p>	<p>The current By-law sections a) and b) can be merged into one section for acquiring and disposing of land as the process is the same in either case.</p>
10	Section 16 Page 14	<p>Quarry Lease:</p> <p>(a) The City shall manage quarries in accordance with the statutes of the Government of the Northwest Territories.</p> <p>(b) The acquisition and disposal of land for quarry purposes will be subject to the requirements of this By-law.</p> <p>(c) Subject to authorization by by-law, the City may apply for quarry permits and land use permits from senior governments for quarry</p>	<p>Delete current and replace with:</p> <p>1) The City shall manage and regulate quarries on Commissioner's Land and Municipal Land in accordance with the applicable statutes of the Government of the Northwest Territories, the City's Zoning By-law and Development and Design Standards.</p> <p>2) The acquisition and disposal of land for quarry purposes shall be subject to the requirements of this By-law.</p> <p>3) Any agreement executed by the City to sublease, lease or sell land for quarry</p>	<p>In Yellowknife, there are three types of quarries in terms of land tenures: Leased Quarries on City Lands, Subleased Quarry on Commissioners Land, and Administrative Agreement Quarry on Commissioners Land (ex. Sandpits).</p> <p>The proposed change addresses how the quarry shall be developed, operated and restored, referencing the GNWT's guidelines and City policies. It also clears where quarry fees should be referred to and fund allocation due to different land tenures.</p>

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		<p>purposes, and issue quarry permits to other parties.</p> <p>(d) Any agreement executed by the City to lease or sell land for quarry purposes shall require the purchaser or lessee to restore the land at the quarry operator's own expense in accordance with the policies and guidelines established by the Government of the Northwest Territories and any other requirements of the City.</p> <p>(e) Before executing a lease agreement or transfer for quarry lands, the City shall require the lessee or purchaser to deliver and deposit security with the City to ensure complete restoration of the site. The terms and amount of this security shall be determined by the City's Director of Corporate Services. The security shall consist of cash or an Irrevocable Letter of Credit issued by a Chartered Bank or a Surety Company.</p>	<p>purposes shall require the purchaser or lessee to develop, operate and restore the land in accordance with the policies and guidelines established by the Government of the Northwest Territories, i.e., Northern Land Use Guidelines for Pits and Quarries and the City By-laws and any other requirements of the City.</p> <p>4) Before executing a lease agreement or transfer for quarry lands, the City shall require the purchaser or lessee to obtain an approved development permit and provide an environmental security deposit with the City to ensure proper development and restoration of the site. The terms and amount of this security shall be in accordance with the Fees and Charges By-law, as amended. In addition to the environmental security deposit, the City may require additional security deposit following the Zoning By-law requirements. The security shall consist of an Irrevocable Letter of Credit issued by a Chartered Bank, Surety Company, or Certified Cheque.</p> <p>5) The fees for Commissioner's Land and Municipal Owned Land quarries shall be charged under the City's Fees and Charges By-law, as amended. Fees collected for a quarry on Commissioner's Land shall be remitted to the Government of the Northwest Territories, and fees collected for a quarry on Municipal Owned Land shall be retained by the City and allocated to the appropriate fund.</p>	<p>Item 16(c), the issuance of quarry permit, was deleted as this is the authority of the GNWT and not the City. Under the Zoning By-law, the City is authorized to issue a development permit but not a quarry permit.</p>
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