



**INFORMATION PACKAGE
AND INSTRUCTIONS**

**To apply for an Agriculture Lot through the
Agriculture Planned Land Application Review
(APLAR) Process**

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Agriculture Branch

Yukon Government

Energy, Mines and Resources

Elijah Smith Building, Room 320A (300 Main st.)

Box 2703 (K-320),

Whitehorse, Yukon Y1A 2C6

Phone: 667-3022

Toll Free: 1-800-667-0408 ex 3022

Land.coordinator@gov.yk.ca

1 AGRICULTURE PLANNED LAND APPLICATION REVIEW (APLAR) INFORMATION

1.1 Introduction

This document contains information to assist applicants in submitting an application under APLAR. Please read all documentation before starting your agricultural lot application. The documentation consists of an APLAR Release Package for the specific lot, as well as this Information Package and Instructions to apply for an Agriculture Lot through the APLAR Process.

If you have any questions about the application process or any other related matter, call the Agriculture Branch Office at (867) 667-3022, or visit our office located on the 3rd Floor, Elijah Smith Building, 300 Main street, Room 320A. We are happy to assist you.

1.2 Background

The Agriculture Branch (AB), part of the Yukon government's Department of Energy, Mines and Resources, is responsible for supporting the growth of a successful local agricultural economy. Sale of planned agriculture parcels is one way that the AB supports the growth of agriculture.

The sale of agricultural land is governed by the Lands Act and Regulations. The Regulations require that all agricultural land sales be conducted according to a land application process administered by the AB, that the Minister may sell land to the successful applicant under a 7 year agreement for sale, and that agreements for sale must include a Farm Development Agreement (FDA). FDAs must contain a plan for development and management of the farm lands. Development expenditures can be used to off-set the cost of purchasing the agricultural land.

Historically, AB used a lottery process to select the successful applicant for planned agricultural land and then assisted the applicant in creating a FDA. However, the emphasis on development did little to ensure that the farm would be commercially successful.

1.3 The APLAR Process

The APLAR process requires all applications to include a "Project plan" that demonstrates that the land acquisition will be a sustainable commercial farming enterprise. The Project plan consists of 11 sections (see Appendix 1). Each Project plan will be compared to and rated against Project plans submitted by other applicants for the same parcel. The lot will be offered to the applicant that submits a Project plan that best describes an economically viable operation. By shifting the emphasis from development to economic viability, the resulting

project will have a greater potential for commercial success and thus will contribute to the growth of the local agricultural economy.

1.4 Additional Information

The lot will be sold on an “as is, where is” basis.

The allowable activities on the lot will be governed by the applicable Development Area Regulation, zoning, and the Proponent Commitments and Terms & Conditions stated in the relevant Yukon Environmental and Socio-Economic Assessment Board (YESAB) review. These documents set out the terms and conditions that must be met by the successful applicant.

2. Glossary of Terms

Non-soil based agriculture – An agriculture activity that is not dependant on the soil quality of the land. (i.e. greenhousing, and livestock production are examples of non-soil based activities).

Soil-based agriculture – An agriculture activity which is dependant on the quality of the soil of the lands on which it is carried out. (i.e. crop production)

Applicant Information Form – a component of an application, which, when completed includes information about the applicant. The Applicant Information Form will be included in the APLAR Release Package.

Project Plan – a component of an application, which, when completed includes information about the proposed activities and financial information. A Project Plan Outline will be included in the APLAR Release Package.

3 SUBMITTING AN APPLICATION

3.1 Eligible Applicants

3.1.1. Only an eligible applicant (“**Eligible Applicant**”) as defined in this document can submit an application.

3.1.2 An Eligible Applicant is defined as:

- a. subject to section 3.1.3, an individual, 19 years of age or older, who is a Canadian citizen or permanent resident of Canada and who has resided continuously in Yukon for at least one year prior to applying to Yukon government (YG) for agricultural land;
- b. subject to section 3.1.3., a corporation which is incorporated under the law of Yukon or Canada, where the majority of shareholders are Canadian citizens or permanent residents of Canada who have resided continuously in Yukon for at

least one year prior to applying to YG for agricultural land for the exclusive benefit of its shareholders; and

- c. subject to section 3.1.3., a society registered in Yukon whose officers are Canadian citizens or permanent residents of Canada who have resided continuously in Yukon for at least one year prior to applying to YG for agricultural land.

3.1.3 Individuals, corporations, or societies who, after September 1, 2006 enter into an agreement for sale for agricultural lands or who receive a notification of title and:

- a. who assign their agreement for sale at any time before completing the agreement for sale; or
- b. transfer their title within one-year from the date they received title,

are prohibited from applying for agricultural land for one-year from the date they assigned their agreement for sale or transferred their title.

3.1.4. Individuals, corporations, or societies who are currently under an agriculture agreement for sale with YG are not eligible to apply for agricultural land under this program until the current agreement for sale is completed.

3.1.5. Eligible Applicants can only submit one application.

3.2 Agent

3.2.1 Subject to the following, an agent may participate in the application process

- a. no agent may act for an individual;
- b. a director of an applicant corporation may act as agent for the corporation;
- c. an officer of an applicant society may act as agent for the society; and
- d. an agent may only act for one applicant corporation or society and may not act for themselves as well.

3.2.2 In addition to the application components set out in section 3.3.1., in order for an application to be complete, an agent acting on behalf of a corporation or society must provide the following:

- a. in the case of a corporation:
 - i. written authority from the corporation's Director or Board of Directors as the case may be, allowing agent to enter the process on the corporation's behalf; and

- ii. a “Statutory Declaration” for Eligible Applicants (found in the APLAR Release Package) of each eligible shareholder as well as a list of all the shareholders.
- b. In the case of a society:
 - i. written authority from the society’s officers allowing agent to enter the process on the society’s behalf; and
 - ii. a “Statutory Declaration” for Eligible Applicants (found in the APLAR Release Package) of each officer as well as a list of all the officers

3.3 Application Components

3.3.1. A complete application consists of the following four components (see section 3.2.2. for additional requirements for corporations and societies):

- a. the Applicant Information Form (found in the APLAR Release package), completed, signed and dated by the applicant(s);
- b. a Project plan (an outline is found in the APLAR Release package);
- c. a “Statutory Declaration” for Eligible Applicants (found in the APLAR Release Package) affirmed and signed by the applicant(s) and notarized by a Notary Public in and for Yukon; and
- d. payment of the non-refundable \$26.25 application fee (\$25.00 application fee plus \$1.25 GST), payable by cash, cheque, money order, bank draft, debit or credit card (Visa, MasterCard, or American Express). Make cheques, money orders and bank drafts payable to the “Territorial Treasurer”.

3.3.2. Any component listed in clause 3.3.1. (a) to (d) that is faxed or electronically transmitted to AB is deemed to have not been submitted.

3.4.2. If any component listed in clause 3.3.1 (a) to (d) is not received at the Application Submission Location, the application will be deemed to have not been submitted.

3.4 Application Submission Location and Application Deadline

3.5.1. Applications **must** be submitted by mail or by hand to the Application Submission Location as described in the Summary of Key Information in the APLAR Release Package.

3.5.2. The application **must** be submitted to the Application Submission Location by the Application Deadline as described in the Summary of Key Information in the APLAR Release Package.

- 3.5.3. The AB may, by public or other appropriate notice, extend the Application Deadline at any time prior to the Application Deadline.
- 3.5.4. It is the responsibility of the applicant to confirm the Application Deadline and the Application Submission Location and to ensure that applications are submitted accordingly.

4. AMENDING AN APPLICATION

- 4.1. Applications that have been received by the AB may be amended once, provided the amendment is delivered by mail or by hand prior to the Application Deadline.
- 4.2. Any application amendment shall be signed by the applicant, or Agent as the case may be. Failure to sign the amendment shall cause the amendment to be rejected in which case the original application shall prevail.
- 4.3. Any amendment received after the Application Deadline shall be rejected and the original application shall prevail.

5. WITHDRAWING AN APPLICATION

Applicants or their agent may withdraw an application from consideration by submitting a written request signed by the applicant and mailing or delivering the request to the Application Submission Location. A withdrawal becomes effective upon the request being received at the Application Submission Location and once an application is withdrawn it cannot be revived; however, applicants are free to submit a new application if they so choose.

6. NO APPEAL

There is no appeal of decisions made regarding the evaluation of Project plans. AB will be pleased to meet and discuss an evaluation score with the applicant.

7. SCORING

- 7.1. The applicant that attains the highest score will be offered the opportunity to purchase the lot under an agreement for sale. Please refer to the specific APLAR Release Package for details on scoring.
- 7.2. In the event of a tie, those applicants will be entered into and chosen by a random draw.

8. Eligibility list

An eligibility list will be created in case the successful applicant decides to return the lot. The returned lot will then be offered to the next highest scoring applicant on the eligibility list for that lot.

9. SUCCESSFUL APPLICANTS

- 9.1. Only the successful applicant will be contacted.
- 9.2. If a successful applicant already has an agriculture land application in the review process, they must proceed with only one application. They will have to give up either this application or the previous application.
- 9.3. A certified cheque or money order payable to the Territorial Treasurer is required for 100% of the Government of Yukon's development costs plus 5%GST prior to signing the agreement for sale. The development cost for the lot is comprised of the survey, roadwork, evaluating, administrative fees and advertising costs.
- 9.4. The successful applicant will enter into a 7 year agreement for sale with AB, Government of Yukon. If an agreement for sale is not signed, their application will be terminated and the lot will then be offered to the next highest scoring applicant on the eligibility list for that lot.
- 9.5. Development proposed in the Project plan will become a contract commitment listed in the FDA which is Schedule 'A' of the agreement for sale.
- 9.6. The agreement for sale holder will have seven years from the effective date of the agreement for sale to complete the farm development outlined in the FDA. The Agriculture Development Officer will verify that all commitments are met before the agreement for sale holder can request title. There is also an inspection at years three, five and seven of the agreement to gauge the progress of all development taking place.
- 9.7. Transfer of title will be issued by Agriculture Branch once all conditions of the agreement for sale have been met.

Appendix 1: ADDITIONAL SOURCES OF INFORMATION

Agriculture Branch

Yukon Government
Energy, Mines and Resources
Elijah Smith Bldg Room 320
Box 2703 (K-320), Whitehorse, Yukon
Y1A 2C6
Phone: 667-3022
Toll Free: 1-800-667-0408 ex 3022
Land.coordinator@gov.yk.ca

For inquiries regarding the evaluation and Agreement for Sale process.

Land Planning Branch

Yukon Government
Energy, Mines and Resources
Elijah Smith Bldg Room 320
Box 2703 (K-320 LP), Whitehorse, Yukon
Y1A 2C6
Phone: 456-3827

For inquiries regarding zoning requirements.

Building Safety

Community Services
2071 2nd Ave.
Box 2703 (C-13)
Whitehorse, Yukon Y1A 2C6
Phone: 667-5741
Toll Free: 1-800-661-0408 (ex) 5741

For inquiries regarding building and plumbing permits outside of Whitehorse, and electrical and gas permits throughout Yukon

Environmental Health Office

#2 Hospital Rd.
Whitehorse, Yukon Y1A 3H8
Phone: 667-8391

For inquiries regarding, and applications for permits for private sewage disposal systems.

Multi-Year Development Plan; Yukon Agriculture and Agri-Food 2008-2012

http://www.emr.gov.yk.ca/agriculture/pdf/yukon_multi_year_development_plan.pdf