

COMMERCIAL INDUSTRIAL

Land Application Policy

OBJECTIVE

To facilitate provision of land for commercial and industrial purposes. Applications for remote commercial uses (i.e. more than 1 km from maintained roads) will not be considered under this policy.

PURPOSE

This policy provides direction regarding the review of applications for commercial and industrial uses. The purpose of the policy is to:

- ✓ Allow people to acquire public land or enlarge existing properties for commercial and industrial purposes.
- ✓ Ensure community interests are protected with respect to the management and disposition of public land.
- ✓ Meet development standards as defined in the *Subdivision Act and Regulations*, planning schemes (see Definitions), other regulatory authorities, and resource management plans and policies.

BACKGROUND

As the private sector cannot satisfy all demand for commercial and industrial lands, the Lands Branch makes land available in response to individual applications. The Department of Community Services also develops planned commercial/industrial lots in most communities. These lots are sold by public tender through Energy Mines and Resources. Prior to making application under this policy, applicants should contact the Lands Branch, EMR to determine if suitable lots are available.

DEFINITIONS

Commercial

Describes a use in connection with a trade, business, profession, manufacture or other venture for profit. Includes, but is not limited to stores, restaurants and highway tourism. Does not include bed and breakfast.

Industrial

Describes a light/heavy use related to construction, forestry, mining, commercial fishing, agriculture, quarrying transportation or other industrial activity. Includes but is not limited to storage yards, processing facilities, machine shops, factories, warehouses and terminals.

Note: These definitions provide a general description of 'typical' commercial/industrial land use activities and are not meant to be all-inclusive. Applications are reviewed on a case-by-case basis to ensure compliance of the activity with the class of land use.

Clad to the Weather

Exterior walls protected with cladding, including flashing, trim, and other special-purpose accessory pieces required for the cladding system being used, to restrict the entry of rain and snow into the wall assembly.

Planning Scheme

A regional plan; sub-regional plan; district plan; community plan; local area plan; or land use policies and regulations made under the *Area Development Act*, the *Highways Act*, the *Lands Act* or the *Territorial Lands (Yukon) Act*. Also includes Special Management Area plans created to fulfill obligations under the appropriate First Nation Final Agreement, Habitat Protection Areas under the *Wildlife Act*, and Parks under the *Parks Act*.

Cumulative Effects

Changes of an environmental, social, or economic nature caused by the combination of past, existing, proposed, and reasonably foreseeable future development.

Grouping of Applications

If more than one application (of any type) exists in an area and have not yet received decisions, or if there are particular sensitivities in an area, applications may be grouped together in order to consider social, economic and environmental information and to ensure that consistent information is considered in each application.

Pre-planning Process

A process coordinated by the Lands Branch, Yukon Government to assess an area for its suitability for development, which may involve input from the departments of Environment, Highways and Public Works, and Community Services, and any other department with responsibilities or interests in the area. A pre-planning process may consider social, economic, and environmental information in areas that have no planning scheme and that are experiencing heightened interest, such as where multiple applications are received; where multiple sensitivities are identified through a land application review; where planning is occurring or anticipated; or where consultation with other governments, such as First Nations, is advisable. A pre-planning process may result in Lands Branch closing off an area to applications, or deferring or denying applications pending more comprehensive review.

PRINCIPLES

Land dispositions must comply with existing and proposed planning schemes (see Definitions).

Land dispositions are only authorized in an amount reasonably necessary to satisfy the purpose for which the land is needed.

Land applications in rural areas will be directed to developed nodes to provide for the rational delivery of services and to minimize the impact on other resource users and the environment. In areas with planned development, this would include areas designated for further commercial or industrial development.

Land required to facilitate public recreation and multiple use of land and natural resources will normally be retained for public use rather than alienated for private use.

POLICY PARAMETERS

A. Form of Tenure

1. Tenure may be provided under a licence, lease or three-year agreement for sale.

2. Terms of a lease or licence may vary depending on the nature of activities.
3. The following development conditions apply to the three-year agreement for sale:
 - ✓ Commercial or industrial building improvements will value not less than \$20,000.00 for Whitehorse and surrounding area and \$10,000.00 for other communities. Improvements can include fencing, installation of sewage disposal systems, and site developments such as roadwork and provision of power. Building requirements are determined on a case-by-case basis and must be clad to the weather and comply with the *Building Standards Act* and *Regulations*.
 - ✓ Development is to meet existing and proposed planning schemes and other regulatory requirements.
 - ✓ Legal survey by a Canada Lands Surveyor is to be registered within 1 year of entering into the agreement for sale. Subdivision approval is required prior to survey.
 - ✓ Title is provided when development conditions and all other terms and conditions of the agreement for sale have been met, the survey is registered and full purchase price paid.
4. Quarry leases are issued for five- or ten-year terms and are subject to requirements of the *Quarry Regulations*.

B. Cost of Land

- ✓ Annual lease and licence fees are 10% of market value.
- ✓ Annual quarry lease fees are 5% of market value as required under the *Yukon Lands Act*.
- ✓ Land will be sold at market value.
- ✓ Provision of an independent market value appraisal undertaken by an accredited commercial land appraiser may be required as a condition of sale. The applicant may be required to incur the cost of the appraisal.
- ✓ All development costs are the responsibility of the applicant, including survey costs.

C. Area of Tenure

- ✓ Lot sizes will conform to the *Subdivision Act* and *Regulations* and existing and proposed planning schemes.
- ✓ Land will be provided as reasonably required to carry out approved activities.

D. Site Criteria

1. Applications may be considered if they:
 - ✓ Are suitable for their intended purpose, including having regard to the evaluation criteria outlined in Section 8, *Subdivision Regulations* (See Appendix B).

- ✓ Comply with existing and proposed planning schemes:
 - a) Local area plans (where they exist) are the primary screen for the review of applications.
 - b) Applications will not be considered in areas designated in a local area plan or zoning regulation for Future Development (FD).
 - ✓ Are accessible by land directly off a highway maintained on a year round basis (within 1 kilometre, including un-serviced connecting roads). Highways receiving year-round maintenance are listed in Schedule 1 Maintained Highways, *Highways Regulations* (See Appendix A); or
 - ✓ Are located on secondary roads intersecting with maintained highways (within 1 kilometre of intersection) where nodal development may be appropriate or already existing.
 - ✓ Are located in areas identified for commercial/industrial purposes through preliminary screening processes (see Definitions).
 - ✓ Are not located in areas identified in Section 7, below.
2. Applications located directly off the Haines Road and Alaska and Klondike Highways are considered on a case-by-case basis but are normally directed to existing nodes,
 3. Applications requiring a new highway access road will be subject to approval of access permit by the Department of Highways & Public Works. These applications will also be considered according to the provisions of the *Yukon Environmental and Socio-Economic Act* (YESAA) and regulations to determine whether an environmental assessment will be required.
 4. Land management factors, such as the ability to extend the road to service additional commercial / industrial lots, and so facilitate nodal development, will be considered in the review of applications.
 5. The interests of adjacent land owners will be considered in the review of any application that restricts the enlargement capability of adjacent lots.
 6. As a general rule, road, lake or river frontage shall not be more than 25% of the overall parcel boundary.
 7. Applications will not be considered if they:
 - ✓ Propose to access from a highway that is not maintained on a year-round basis *i.e.* highways listed as not receiving year round maintenance in Schedule 1 of the *Highways Regulations* (See Appendix A: Maintained Highways).
 - ✓ Are located in areas identified as exclusion zones *e.g.* key habitat areas, identified through preliminary screening processes.
 - ✓ Encroach on highway rights-of-way and other public infrastructure corridors.
 - ✓ Are on lands unsuitable for commercial/industrial purposes, *e.g.* on slopes exceeding 15% or in sub-alpine or alpine areas.

8. Consideration of applications within municipalities is subject to municipal direction as per the Official Community Plan and zoning criteria.
9. Applications that propose to change or enlarge an existing land use will be reviewed in light of compatible land use principles and may require a specific zoning regulation and/or more comprehensive consultation to legitimize proposed use of the enlargement area.

E. Resource Management Criteria

1. Parcels will normally be set back a minimum of 60 metres from the ordinary high water mark (OHWM) of lakes and rivers and a minimum of 10 metres from creeks.
 - ✓ The setback may be increased where a greater setback is required due to environmental, cultural or scenic values, or to facilitate other land uses or management considerations.
 - ✓ The setback may be decreased to as little as 30.48 metres where the additional reserve is not required to address the interests of existing or potential public recreation or other resource users, and is not required for environmental protection purposes.
2. Unique or representative landscape features, environmentally sensitive areas, shorelines and archaeological sites are normally retained for public use rather than alienated for private use.
3. Sites that accommodate public access to, and use of land or water resources are normally retained for public use rather than alienated for private use.
4. Applications under this policy will comply with existing and proposed planning schemes and resource management plans, *e.g.* forestry, wildlife where applicable.
5. Applications are reviewed to ensure that the needs of other public and commercial resource users are considered in an equitable manner.
6. Consideration will be given to the need for spatial separation between commercial / industrial applications and other land and resource users to facilitate integrated resource management and avoid land use conflicts.

ELIGIBILITY

- ✓ Corporations, partnerships *etc.* registered with Corporate Affairs, Department of Community Services and in good standing.
- ✓ An individual 19 years or older.
- ✓ If applying for an enlargement to an existing property, the applicant must be the registered owner of the property proposed for enlargement.

APPLICATION REVIEW PROCEDURES

1. Applications for commercial or industrial purposes will be reviewed as required under the *Yukon Environmental and Socio-economic Assessment Act (YESAA) and Regulations* or under the Yukon government land review process.
 - ✓ The Yukon government land application review process is outlined in the document “Guide to the Spot Land Application Process.”
2. Applications within municipalities require written acknowledgement from the municipality that the application may proceed to public review.
3. An application review may result in an approval, a conditional approval, a denial, or a deferral pending more information.
4. If development pressures are experienced in an area, the Yukon government may choose to:
 - ✓ conduct a pre-planning process (see definitions);
 - ✓ group applications (see definitions) to consider the cumulative effects of multiple applications;
 - ✓ learn the outcomes of a planning process already underway; or
 - ✓ initiate a neighbourhood plan or similar plan.

Any of the above actions may result in a decision to not accept applications in an area, which will be communicated by a public means, and to the applicant in writing. For applications that have already been reviewed through the public review process, the above process may also result in the deferral or denial of an application.

AUTHORITIES

Acts / Regulations

- Yukon Lands Act / Regulations*
- Territorial Lands (Yukon) Act / Regulations*
- Subdivision Act / Regulations*
- Area Development Act / Regulations*
- Municipal Act / Regulations*
- Highways Act / Regulations*
- Building Standards Act / Regulations*
- Public Health and Safety Act*
- Public Health Regulations*
- Sewage Disposal System Regulation*
- Environment Act / Regulations*
- YESAA /Regulations*
- Wildlife Act / Regulations*
- Waters Act / Regulations*
- Park & Lands Certainty Act*

Policy

- Land Value Appeal Policy

APPENDIX A: MAINTAINED HIGHWAYS**Highways & Public Works, Maintained Roads Inventory**

This list is derived from the *Yukon Highways Act and Regulations* and can be modified by the Department of Highways and Public Works. Where a discrepancy exists between this list and the *Highways Regulations*, the list in the Regulations prevails.

Highway Number	Name	Kilometres	Location	Year-Round Maintenance
301	Aishihik Lake Road	43.4	Haines Junction	No
1	Alaska Highway	957.15	South of Watson Lake to west of Beaver Creek	Yes
108	Annie Lake Road	27.2	Carcross	Yes
319	Anvil Range Road	22.1	Faro	No
104	Army Beach Road	2.6	Whitehorse	Yes
7	Atlin Road	42.4	Tagish Road to BC Border	Yes
134	Bear Creek Subdivision Road	1.8	Dawson	Yes
607	Beaver Creek Community Roads	2	Beaver Creek	Yes
153	Blind Creek Road	10.2	Drury Creek	Yes
302	Bonanza Creek Road	17.6	Dawson	No
115	Braeburn Lake Subdivision Road	2	Carmacks	Yes
154	Brooks Brook Road	0.7	Teslin	Yes
155	Burma Road	1.92	Whitehorse	Yes
605	Burwash Community Roads	3.8	Burwash	Yes
4	Campbell Highway	168	Faro to Carmacks	Yes
4	Campbell Highway	415	Watson Lake to Faro	Yes
604	Carcross Community Roads	12	Carcross	Yes
110	Carmacks By-Pass Road	0.31	Carmacks	Yes
37	Cassiar Highway	3.4	Watson Lake	Yes
199	Champagne Access Road	16	Haines Junction	Yes
128	Chootla Subdivision Road	2.9	Carcross	Yes
304	Clear Creek Road	40	Stewart Crossing	No
303	Clinton Creek Road	35	Dawson	No
121	Constabulary Beach Subdivision Road	5.4	Whitehorse	Yes
149	Cookies Road	1.07	Whitehorse	Yes
189	Cousins Airstrip Road	0.75	Whitehorse	Yes
111	Cowley Lake Road	2.5	Carcross	Yes
195	Cranberry Point Road	0.5	Whitehorse	Yes
186	Cranberry Road	0.7	Watson Lake	Yes
190	Creek Road	0.78	Whitehorse	Yes
305	Dalton Post Road	5.7	Blanchard	No
157	Deep Creek Road	3.1	Whitehorse	Yes
158	Deep Creek South Road	1.91	Whitehorse	Yes
5	Dempster Highway	465	Klondike Hwy to NWT Border	Yes
606	Destruction Bay Community Roads	2.8	Destruction Bay	Yes
701	Dome Road	4	Dawson	Yes
306	Duncan Creek Road	41	Mayo	No
103	East Point Road	1.32	Whitehorse	Yes
191	Echo Valley Road	0.72	Whitehorse	Yes
307	Ethel Lake Road	27.2	Stewart Crossing	No
106	Fish Lake Road	9.4	Whitehorse	Yes
308	Five Mile Lake Road	1.6	Mayo	No
125	Five Mile Road	1.5	Whitehorse	Yes
127	Five Mile Road	6.2	Carcross	Yes
159	Fossil Point Road	1.52	Whitehorse	Yes
309	Freegold Road	62.9	Carmacks	No
310	Frenchman Lake Road	50	Carmacks	No
161	Gartner Road	0.2	Whitehorse	Yes
160	Gentian Road	2.44	Whitehorse	Yes

Highway Number	Name	Kilometres	Location	Year-Round Maintenance
119	Golden Horn Subdivision Road	7	Whitehorse	Yes
192	Grayling Place	0.81	Whitehorse	Yes
105	Grizzly Valley Road	2	Whitehorse	Yes
3	Haines Road	175	Alaska Border to Haines Junction	Yes
311	Hansen/McQuesten Road	20.8	Mayo	No
185	Henderson Corner Subdivision	2	Dawson	Yes
162	Hett/Hase Road	0.45	Teslin	Yes
163	Horse Creek Road	2.5	Whitehorse	Yes
312	Hunker Creek/ Granville/Sulphur	98.3	Dawson	No
164	Ingo's Road	0.9	Carcross	Yes
113	Jackfish Bay Road	4.6	Whitehorse	Yes
129	Jackson Lake Road	4.7	Whitehorse	Yes
193	Jackson Road	0.8	Whitehorse	Yes
183	Johnson Crossing West	0.6	Teslin	Yes
194	Johnston Road	0.32	Whitehorse	Yes
120	Judas Creek Road	10.2	Whitehorse	Yes
601	Keno City Community Roads	3	Keno	Yes
313	Klukshu Road	1.6	Blanchard	No
131	Kookatsoon Lake Road	0.8	Whitehorse	Yes
314	Kusawa Lake Road	24	Whitehorse	No
136	Lewes Dam Road	1.48	Whitehorse	Yes
166	Lewes Lake Road	1.6	Carcross	Yes
188	Little Choutla Sub.	0.5	Carcross	Yes
152	Little Salmon Subdivision Road	1.5	Drury Creek	Yes
132	Lowey's Lane	0.5	Whitehorse	Yes
138	Marshall Creek Road	1	Haines Junction	Yes
139	Mayo Firebreak Road	0.2	Mayo	Yes
315	Mayo Lake Road	9.6	Mayo	No
133	Mayo Subd. & Mayo Group Home Road	2.9	Mayo	Yes
122	McClintock Place Road	0.94	Whitehorse	Yes
177	McClintock River Valley Road	6.1	Whitehorse	Yes
187	Meadow Road	0.7	Carcross	Yes
140	Mendenhall Road	8.6	Whitehorse	Yes
317	Minto Lake Road	18.4	Mayo	No
15	Mitchell Road	10.8	Faro	Yes
197	Mitchie Road	0.51	Whitehorse	Yes
318	Mount Nansen Road	60	Carmacks	No
10	Nahanni Range Road	134	Tuchitua	Yes
6	North Canol Road	234.7	Ross River to NWT Border	No
142	North Fork East Road	18.1	Dawson	Yes
169	North Fork West Road	3.3	Dawson	Yes
2	North Klondike Highway	524	Alaska Highway to Dawson	Yes
123	North McClintock Road	2.1	Whitehorse	Yes
143	Nygren Subdivision Road	2	Haines Junction	Yes
107	Old Alaska Highway	6.4	Whitehorse	Yes
170	Old Constabulary Subdivision Road	0.8	Whitehorse	Yes
603	Old Crow Community Roads	8	Old Crow	Yes
141	Papineau Road	0.3	Blanchard	Yes
602	Pelly Crossing Community Roads	6.4	Pelly	Yes
702	Pelly Ranch Road	0 to 41.2	Stewart Crossing	Yes
702	Pelly Ranch Road	41.2 to 51.2	Stewart Crossing	No
118	Pilot Mountain Road	3.2	Whitehorse	Yes
144	Pine Lake Road	3.7	Haines Junction	Yes
145	Policeman's Point Road	2	Whitehorse	Yes
320	Quartz Creek Road	20	Dawson	No
179	Rivendell Farm Road	2.3	Whitehorse	Yes
130	River Valley Road	1.6	Whitehorse	Yes
172	Robinson Subdivision Road	7	Carcross	Yes

Highway Number	Name	Kilometres	Location	Year-Round Maintenance
135	Rock Creek Subdivision Road	2.4	Dawson	Yes
173	Ross River Access Road	9.6	Ross River	Yes
608	Ross River Community Roads	7.8	Ross River	Yes
184	Scott Road	0.4	Whitehorse	Yes
198	Scout Bay Road	0.28	Whitehorse	Yes
174	Scout Lake Road	2	Whitehorse	Yes
126	Shallow Bay Road	1.6	Whitehorse	Yes
146	Silver City Road	3.2	Haines Junction	Yes
11	Silver Trail	110	Klondike Hwy to Keno City	Yes
321	Simpson Lake Road	1.6	Tuchitua	No
322	Sixty Mile Road	11	Dawson	No
137	Smiths Road	1.3	Whitehorse	Yes
323	Snafu Lake Road	2.4	Carcross	No
324	Snag Road	27.4	Beaver Creek	No
6	South Canol Road	219.1	Johnson's Crossing to Ross River	No
2	South Klondike Highway	133.7	Alaska Border to Alaska Highway	Yes
124	South McClintock Road	3.3	Whitehorse	Yes
325	South McQuesten Road	25.6	Mayo	No
102	Stewart Crossing Subdivision Road	2.4	Stewart Crossing	Yes
326	Sunnydale Road	5.3	Dawson	No
156	Tagish Estate Road	5.6	Carcross	Yes
116	Tagish Lake Subdivision Road	4.5	Carcross	Yes
109	Tagish River Road	3.5	Carcross	Yes
8	Tagish Road	54	Alaska Hwy to Klondike Hwy	Yes
14	Takhini Hot Springs Road	9.2	Whitehorse	Yes
147	Takhini River Road	10.7	Whitehorse	Yes
117	Taku Subdivision Road	8.3	Carcross	Yes
328	Tarfu Lake Road	4.1	Carcross	No
148	Ten Mile Road	0.8	Whitehorse	Yes
167	Teslin Airport Subdivision Road	0.9	Teslin	
150	Teslin Lake Subdivision Road	3	Teslin	Yes
168	Three Mile Road	0.9	Whitehorse	Yes
9	Top of the World Highway	105	Dawson to Alaska Border	No
178	Triple Cross Road	0.7	Carcross	Yes
175	Two Horse Creek Road	2.1	Carcross	Yes
329	Upper Bonanza Road	28	Dawson	No
609	Upper Liard Community Roads	4	Upper Liard	Yes
165	Vista Road (Lebarge Tower Road)	3	Whitehorse	Yes
182	Watson River Subdivision	2.4	Carcross	Yes
181	West Dawson Subdivision	2.2	Dawson	Yes
112	Windid Lake Road	0.8	Watson Lake	Yes
180	Woodland Road	0.6	Whitehorse	Yes

APPENDIX B: Section 8, Subdivision Regulations: Application Evaluation Criteria

In making the decision required by paragraph 7(c), the approving officer shall consider comments submitted pursuant to paragraph 7(b) and the suitability of the land having regard to:

- (a) its topography;
- (b) its soil characteristics;
- (c) its surface and subsurface drainage;
- (d) any potential hazards such as flooding, erosion, subsistence, landslides, wildland fires, avalanches, or similar risks;
- (e) quality of the water and availability and adequate supply;
- (f) availability and adequacy of sewage disposal system and solid waste disposal;
- (g) existing and prospective uses of the land proposed for subdivision and land in the vicinity;
- (h) provision for and number of existing and proposed accesses to a highway;
- (i) layout and lighting of roads and accesses from lots to roads;
- (j) design and orientation of the subdivision including the size and shape of each lot;
- (k) anticipated need for school sites, recreational facilities and parks;
- (l) protection of sensitive environmental areas and critical fish and wildlife habitat;
- (m) protection of significant natural, historical and heritage features;
- (n) protection against pollution and other environmental and public health risks;
- (o) the completed development checklist; and
- (p) compliance with applicable planning scheme.