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INSTITUTION / NON-PROFIT

Land Application Policy

OBJECTIVE

To facilitate provision of land for public institutions and registered non-profit societies.

PURPOSE

This policy provides direction regarding the review of institutional and non-profit society applications for land. The purpose of the policy is to:

- ✓ Allow public institutions and non-profit societies to lease, licence or purchase Yukon land required to support their public/non-profit programs.
- ✓ Provide tenure for these purposes at a reduced rent/cost.
- ✓ 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

The Yukon government provides land for public institutions and non-profit societies in good standing, in response to applications. Policy guidelines provide for the review of applications from different types of public institutions and non-profit societies.

DEFINITIONS

Public Institution

An institution owned or operated by the government, such as a municipality or other local governing body; board of education, college or other educational body; hospital, special care home or other health care body; institution or body that derives its funds in whole or in part from the government; and other institution or body designated by Order-in-Council as a public institution for the purposes of this policy.

Non-Profit Society

A non-profit society incorporated under the *Societies Act* in good standing. Societies are of a charitable or non-charitable nature and may include but are not limited to service clubs; and church, community, sporting and educational organizations.

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 First Nation Final Agreements; 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 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 may be directed to 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 hinterland.

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 lease, licence or agreement for sale.
2. Terms of a lease or licence vary depending upon the nature of activities, up to a maximum of thirty years.
3. Three- or five- year agreement for sale.
4. The following conditions apply:

- ✓ An agreement for sale or lease is entered into on the basis of field staking and map descriptions.
- ✓ Legal survey by a Canada Lands Surveyor is to be registered within one year of entering an agreement for sale. Subdivision approval is required prior to survey.
- ✓ 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.
- ✓ Title (on sales) is provided when all terms and conditions of the agreement for sale have been met, the survey is registered and the full purchase price has been received by Lands Branch.

B. Cost of Land

- ✓ Yukon lands are normally sold at market value or rented at 10% of market value per annum.
- ✓ Public institutions and non-profit societies may request a reduction in rental fees or purchase price. The request should be included in the application.
- ✓ An Order-in-Council regulation is required to approve a reduction in purchase price, or a reduction in the annual rental fee.
- ✓ All development costs are the responsibility of the applicant, including survey costs.

C. Area of Tenure

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

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 either in a local area plan or zoning regulation for Future Development (FD).
- ✓ Are accessible by land off a highway maintained on a year-round basis, (within 1 kilometre, including un-serviced connector roads). Highways receiving year round

- maintenance are listed in Schedule 1 Maintained Highways, *Highways Regulations* (See Appendix A); or
- ✓ Are accessible by land off secondary roads intersecting with maintained highways (within 1 kilometre of intersection) where nodal development may be appropriate or already existing.
 - ✓ Are not located in areas identified in Section 8, below.
2. Applications located directly off the Haines Road and Alaska and Klondike Highways will be considered on a case-by-case basis but are normally directed to existing nodes.
 3. When an application is within a municipal boundary and the municipality supports the application, it may be recommended that the municipality administers the land via a lease or other tenure to ensure that community interests are recognized.
 4. Applications requiring a new highway access road will be subject to approval of access permit by the Department of Highways & Public Works.
 5. Land management factors, such as the ability to extend the road to service additional development and facilitate nodal development, will be considered in the review of applications.
 6. The interests of adjacent land owners will be considered in the review of any application that restricts the enlargement capability of adjacent lots.
 7. As a general rule, road, lake or river frontage shall not be more than 25% of the overall parcel boundary.
 8. Applications will not be considered if they:
 - ✓ Are located in areas identified in local area plans or zoning regulations for Future Development FD.
 - ✓ Propose access from a highway that is not maintained on a year-round basis unless they are seasonal use only facilities. Highways that receive maintenance are listed in Schedule 1 Maintained Highways, *Highways Regulations* (See Appendix A).
 - ✓ Are located in areas identified as exclusion zones, such as key habitat areas, through preliminary screening processes.
 - ✓ Encroach on highway rights-of-way or other public infrastructure corridors.
 - ✓ Are on lands unsuitable for the institutional/non-profit purpose, e.g. on slopes exceeding 15% or in sub-alpine or alpine areas.

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 institutional and non-profit applicants and other public and commercial resource users in order to avoid land use conflicts.

ELIGIBILITY

Public institutions or non-profit societies incorporated under the *Societies Act* in good standing.

APPLICATION REVIEW PROCEDURES

1. Applications for institutional or non-profit 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 Regulation
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

Highway Number	Name	Kilometres	Location	Year-Round Maintenance
161	Gartner Road	0.2	Whitehorse	Yes
160	Gentian Road	2.44	Whitehorse	Yes
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

Highway Number	Name	Kilometres	Location	Year-Round Maintenance
179	Rivendell Farm Road	2.3	Whitehorse	Yes
130	River Valley Road	1.6	Whitehorse	Yes
172	Robinson Subdivision Road	7	Carcross	Yes
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;
- (p) and compliance with applicable planning scheme.