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# COMMERCIAL INDUSTRIAL Land Application Policy

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## OBJECTIVE

To facilitate provision of land for commercial and industrial purposes. Applications for commercial wilderness uses will not be considered under this policy.

## PURPOSE

This policy is intended to provide clear 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 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

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

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

**Planning Scheme**

Includes 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*.

**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.

**PRINCIPALS**

Land tenures must comply with existing planning schemes.

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

Land tenures in rural areas will be directed to nodes in order 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.

For all land tenures issued pursuant to this policy, public access will be retained as required to facilitate public recreation and multiple use of land and natural resources.

**POLICY PARAMETERS****A. Form of Tenure**

1. Tenure may be provided under a licence, lease or agreement for sale.
2. Terms of a lease or licence variable depending upon nature of activities.
3. Three year agreement for sale.
4. The following development conditions would apply:
  - ✓ Commercial or industrial building improvements valued at not less than \$20,000.00 for Whitehorse and surrounding area and \$10,000.00 for other communities. Improvements can include cost of fencing, installation of sewage disposal systems and site developments such as roadwork and provision of power. Building requirements determined on a case-by-case basis and must clad to the weather and comply with the *Building Standards Act* and *Regulations*.
  - ✓ Development to meet existing planning schemes and other regulatory requirements.
  - ✓ Legal survey completed by a Canada Lands Surveyor registered within 1 year of entering the agreement for sale.

- ✓ Title provided when development conditions have been met, survey registered and payment of purchase price.
5. Quarry leases are issued for five or ten year terms and are subject to requirements of the *Quarry Regulation* or *Territorial Quarry Regulation*.

**B. Cost of Land**

- ✓ Lease/licence fees based on 10% of market value.
- ✓ Quarry lease fees based on 5% of market value as required under the *Yukon Lands Act* or as required under the *Territorial Quarry Regulations*.
- ✓ 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.

**C. Area of Tenure**

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

**D. Site Criteria**

1. Applications will be considered if they:
  - ✓ Are suitable for their intended purpose, including having regard to the evaluation criteria outlined in Section 8, *Subdivision Regulations*.
  - ✓ Comply with existing zoning regulations and approved land use plans.
  - ✓ Are located in areas identified for commercial/industrial purposes through preliminary screening processes.
  - ✓ Are not located in areas identified in Section 6, below.
2. Applications located directly off major highways, (i.e. Alaska and Klondike Highways and the Haines Road), will be considered on a case-by-case basis and will normally be 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.
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. As a general rule, lake or river frontage shall not exceed twenty-five (25) percent of the overall parcel boundary.
6. Applications will not be considered if they:
  - ✓ Propose to access from a road that is not maintained on a year-round basis i.e. highways listed as not receiving year round maintenance in Schedule 1 Maintained Highway, *Highways Regulations* e.g., South and North Canal Roads, Mt. Nansen Road, Aishihik Lake Road (See Appendix A: Maintained Highways, Excel format attachment).
  - ✓ Are located in areas identified as exclusion zones, e.g., key habitat areas, through preliminary screening processes.
  - ✓ Encroach on highway right-of-way and other public infrastructure corridors.
  - ✓ Restrict the enlargement capability of adjacent lots.
  - ✓ Are on a slope exceeding fifteen (15) percent.
  - ✓ Are on lands unsuitable for commercial/industrial purposes.
7. Applications that propose to change/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. Environmental Assessment Criteria**

- ✓ 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 metres where the 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.

**F. Resource Management Criteria**

- ✓ Unique or representative landscape features, environmentally sensitive areas and archaeological sites are normally retained for public use rather than alienated for private use.
- ✓ Sites needed to accommodate public access and use of land or water resources are normally retained for public use rather than alienated for private use.

- ✓ Applications under this policy will comply with approved planning schemes use and resource management plans, where applicable.
- ✓ Applications are reviewed to ensure that the needs of other public and commercial resource users are considered in an equitable manner.
- ✓ Consideration will be given to the need for spatial separation between commercial/industrial applications and other land and resource users in order 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 REQUIREMENTS**

1. Applicant must provide, with the application, a detailed business and development plan which should include:
  - a) Sketch showing the proposed scheme for development and justification of need for land requested, i.e. existing or proposed structures, road layout, parking, water/sewer/utility design, landscaping, etc.
  - b) Relevant business experience.
  - c) Justification or need for the product or service being offered, e.g. any relevant private or public market studies that have been undertaken, etc.
  - d) Number of employees proposed (family or otherwise).
  - e) Anticipated time-frame of operations (seasonal/year round).
  - f) Expected capital expenditures to bring proposal to full operation or production.
  - g) Timelines or phasing of stages of development and operation.
  - h) Proposed plans for accessory residential building improvements.
  - i) If quarry application, relevant geotechnical information and quantity of material and submission of draft operational and rehabilitation plan.
2. If an enlargement of an existing operation, the applicant shall provide a) to i) as it relates to the area requested.

- 3 Information submitted that may impact financial interests of the applicant will not be disclosed, if requested, in writing, to be withheld by the applicant.

**APPLICATION REVIEW PROCEDURES**

Applications for commercial purposes will be reviewed by the Land Application Review Committee (LARC). See LARC Terms of Reference.

**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*  
*Yukon Environmental Assessment Act*  
*Wildlife Act / Regulations*

**Policy**  
*Land Application Review Committee Terms of Reference*  
*Land Value Appeal Policy*

Hwy #	Name	Location	Total KM	Year Round Maintenance
198	Aishihik Lake Road	Haines Junction South of Watson Lake to west of Beaver Creek	16	Yes
1	Alaska Highway	Creek	957.15	Yes
108	Annie Lake Road	Carcross	27.2	Yes
318	Anvil Range Road	Faro	22.1	No
104	Army Beach Road	Whitehorse Tagish Road to BC Border	2.6	Yes
7	Atlin Road	Border	42.4	Yes
134	Bear Creek Subdivision Road	Dawson	1.8	Yes
606	Beaver Creek Community Roads		2	Yes
153	Blind Creek Road	Drury Creek	10.2	Yes
199	Bonanza Creek Road	Haines Junction	43.4	No
115	Braeburn Lake Subdivision Road	Carmacks	2	Yes
154	Brooks Brook Road	Teslin	0.7	Yes
155	Burma Road	Whitehorse	1.92	Yes
604	Burwash Community Roads		3.8	Yes
4	Campbell Highway	Faro to Carmacks	168	Yes
4	Campbell Highway	Watson Lake to Faro	415	Yes
603	Carcross Community Roads		12	Yes
110	Carmacks By-Pass Road	Carmacks	0.31	Yes
37	Cassiar Highway	Watson Lake	3.4	Yes
197	Champagne Access Road	Whitehorse	0.28	Yes
128	Chootla Subdivision Road	Carcross	2.9	Yes
302	Clear Creek Road	Dawson	35	No
301	Clinton Creek Road	Dawson	17.6	No
121	Constabulary Beach Subdivision Road	Whitehorse	5.4	Yes
149	Cookies Road	Whitehorse	1.07	Yes
111	Cowley Lake Road	Carcross	2.5	Yes
194	Cranberry Point Road	Whitehorse	0.32	Yes
186	Cranberry Road	Watson Lake	0.7	Yes
189	Creek Road	Whitehorse	0.75	Yes
303	Dalton Post Road	Stewart Crossing	40	No
157	Deep Creek Road	Whitehorse	3.1	Yes
158	Deep Creek South Road	Whitehorse Klondike Hwy to NWT Border	1.91	Yes
5	Dempster Highway	Border	465	Yes
605	Destruction Bay Community Roads		2.8	Yes
609	Dome Road		4	Yes
304	Duncan Creek Road	Blanchard	5.7	No
103	East Point Road	Whitehorse	1.32	Yes
190	Echo Valley Road	Whitehorse	0.78	Yes
305	Ethel Lake Road	Mayo	41	No
106	Fish Lake Road	Whitehorse	9.4	Yes
306	Five Mile Lake Road	Stewart Crossing	27.2	No
125	Five Mile Road	Whitehorse	1.5	Yes
127	Five Mile Road	Carcross	6.2	Yes

159	Fossil Point Road	Whitehorse	1.52	Yes
307	Freegold Road	Mayo	1.6	No
308	Frenchman Lake Road	Carmacks	62.9	No
161	Gartner Road	Whitehorse	0.2	Yes
160	Gentian Road	Whitehorse	2.44	Yes
119	Golden Horn Subdivision Road	Whitehorse	7	Yes
191	Grayling Place	Whitehorse	0.72	Yes
105	Grizzly Valley Road	Whitehorse	2	Yes
3	Haines Road	Alaska Border to Haines Junction	175	Yes
309	Hansen/McQuesten Road	Carmacks	50	No
185	Henderson Corner Subdivision	Dawson	2	Yes
162	Hett/Hase Road	Teslin	0.45	Yes
163	Horse Creek Road	Whitehorse	2.5	Yes
310	Hunker Creek/ Granville/Sulphur	Mayo	20.8	No
164	Ingo's Road	Carcross	0.9	Yes
113	Jackfish Bay Road	Whitehorse	4.6	Yes
129	Jackson Lake Road	Whitehorse	4.7	Yes
192	Jackson Road	Whitehorse	0.81	Yes
183	Johnson Crossing West	Teslin	0.6	Yes
193	Johnston Road	Whitehorse	0.8	Yes
120	Judas Creek Road	Whitehorse	10.2	Yes
329	Keno City Community Roads	Dawson	3	Yes
312	Klukshu Road	Blanchard	1.6	No
131	Kookatsoon Lake Road	Whitehorse	0.8	Yes
313	Kusawa Lake Road	Whitehorse	24	No
136	Lewes Dam Road	Whitehorse	1.48	Yes
166	Lewes Lake Road	Carcross	1.6	Yes
188	Little Choutla Sub.	Carcross	0.5	Yes
152	Little Salmon Subdivision Road	Drury Creek	1.5	Yes
132	Lowey's Lane	Whitehorse	0.5	Yes
138	Marshall Creek Road	Haines Junction	1	Yes
139	Mayo Firebreak Road	Mayo	0.2	Yes
314	Mayo Lake Road	Mayo	9.6	No
133	Mayo Subdivision & Mayo Group Home Road	Mayo	2.9	Yes
122	McClintock Place Road	Whitehorse	0.94	Yes
177	McClintock River Valley Road	Whitehorse	6.1	Yes
187	Meadow Road	Carcross	0.7	Yes
140	Mendenhall Road	Whitehorse	8.6	Yes
315	Minto Lake Road	Mayo	18.4	No
15	Mitchell Road	Faro	10.8	Yes
195	Mitchie Road	Whitehorse	0.5	Yes
317	Mount Nansen Road	Carmacks	60	No
10	Nahanni Range Road	Tuchitua	134	Yes
6	North Canol Road	Ross River to NWT Border	234.7	No
142	North Fork East Road	Dawson	18.1	Yes
169	North Fork West Road	Dawson	3.3	Yes
2	North Klondike Highway	Alaska Highway to Dawson	524	Yes





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123	North McClintock Road	Whitehorse	2.1	Yes
143	Nygren Subdivision Road	Haines Junction	2	Yes
107	Old Alaska Highway	Whitehorse	6.4	Yes
170	Old Constabulary Subdivision Road	Whitehorse	0.8	Yes
602	Old Crow Community Roads	Stewart Crossing	8	Yes
141	Papineau Road	Blanchard	0.3	Yes
601	Pelly Crossing Community Roads	Stewart Crossing	6.4	Yes
701	Pelly Ranch Road		0 to 41.2 41.2 to 51.2	Yes No
702	Pelly Ranch Road			
702	Pelly Ranch Road Stewart Crossing			
118	Pilot Mountain Road	Whitehorse	3.2	Yes
144	Pine Lake Road	Haines Junction	3.7	Yes
145	Policeman's Point Road	Whitehorse	2	Yes
319	Quartz Creek Road	Dawson	20	No
179	Rivendell Farm Road	Whitehorse	2.3	Yes
130	River Valley Road	Whitehorse	1.6	Yes
311	Road	Dawson	98.3	No
172	Robinson Subdivision Road	Carcross	7	Yes
135	Rock Creek Subdivision Road	Dawson	2.4	Yes
173	Ross River Access Road	Ross River	9.6	Yes
607	Ross River Community Roads		7.8	Yes
184	Scott Road	Whitehorse	0.4	Yes
196	Scout Bay Road	Whitehorse	0.51	Yes
174	Scout Lake Road	Whitehorse	2	Yes
126	Shallow Bay Road	Whitehorse	1.6	Yes
146	Silver City Road	Haines Junction	3.2	Yes
11	Silver Trail	Klondike Hwy to Keno City	110	Yes
320	Simpson Lake Road	Tuchitua	1.6	No
321	Sixty Mile Road	Dawson	11	No
137	Smiths Road	Whitehorse	1.3	Yes
322	Snafu Lake Road	Carcross	2.4	No
323	Snag Road	Beaver Creek	27.4	No
6	South Canol Road	Johnson's Crossing to Ross River	219.1	No
2	South Klondike Highway	Alaska Border to Alaska Highway	133.7	Yes
124	South McClintock Road	Whitehorse	3.3	Yes
324	South McQuesten Road	Mayo	25.6	No
102	Stewart Crossing Subdivision Road	Stewart Crossing	2.4	Yes
325	Sunnydale Road	Dawson	5.3	No
156	Tagish Estate Road	Carcross	5.6	Yes
116	Tagish Lake Subdivision Road	Carcross	4.5	Yes
109	Tagish River Road	Carcross	3.5	Yes
8	Tagish Road	Alaska Hwy to Klondike Hwy	54	Yes
14	Takhini Hot Springs Road	Whitehorse	9.2	Yes
147	Takhini River Road	Whitehorse	10.7	Yes
117	Taku Subdivision Road	Carcross	8.3	Yes
326	Tarfu Lake Road	Carcross	4.1	No
148	Ten Mile Road	Whitehorse	0.8	Yes



### Commercial Industrial Policy

167	Teslin Airport Subdivision Road	Teslin	0.9	Yes
150	Teslin Lake Subdivision Road	Teslin	3	Yes
168	Three Mile Road	Whitehorse	0.9	Yes
9	Top of the World Highway	Dawson to Alaska Border	105	No
178	Triple Cross Road	Carcross	0.7	Yes
175	Two Horse Creek Road	Carcross	2.1	Yes
328	Upper Bonanza Road	Dawson	28	No
608	Upper Liard Community Roads		4	Yes
165	Vista Road (Lebarge Tower Road)	Whitehorse	3	Yes
182	Watson River Subdivision	Carcross	2.4	Yes
181	West Dawson Subdivision.	Dawson	2.2	Yes
112	Windid Lake Road	Watson Lake	0.8	Yes
180	Woodland Road	Whitehorse	0.6	Yes