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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 is intended to provide clear 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 as may be 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 public institutions and non-profit societies.

DEFINITIONS

Public Institution

An institution owned or operated by the government, e.g. municipality or other local governing body; board of education, college or other educational body; hospital, special care home or other health care body; an institution or body that derives its funds in whole or in part from the government; any 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; church, community, sporting and educational organizations.

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*.

Preliminary Screening Process

Process coordinated by the Lands Branch, Government of Yukon, in consultation with LARC members, to identify areas suitable and unsuitable for specific kinds of development (e.g., *rural residential*). Screening processes are normally initiated in response to pressure for development (*land applications*) where there are known land use conflicts. Once areas of potential suitability are identified, applicants who have applied in unsuitable areas are directed to re-apply in identified areas. Applications are then reviewed by the Land Application Review Committee (LARC).

PRINCIPALS

Land tenures must comply with existing and proposed planning schemes (See definitions).

Land tenures 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 lease, licence or an agreement for sale.
2. Terms of a lease or licence variable 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 would apply:
 - ✓ Agreement for sale entered into on basis of field staking and map description.
 - ✓ Legal survey completed by a Canada Lands Surveyor registered within one year of entering the agreement for sale. Subdivision approval is required prior to survey.
 - ✓ Building requirements determined on a case-by-case basis and must be clad to the weather and comply with the *Building Standards Act and Regulations*.
 - ✓ Development to meet existing and proposed planning schemes and other regulatory requirements.
 - ✓ Title provided when building conditions have been met, survey registered and payment of purchase price received

B. Cost of Land

- ✓ Yukon lands are normally sold at market value or rented at 10% of market value.
- ✓ 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 reduction to a nominal fee.

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 will 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. Applications will be reviewed in the context of local area land use plans and other planning schemes taking into account current land management issues. Where no corresponding institutional/non-profit areas have been identified, applications may be accepted in hinterland areas.
- ✓ Are located 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).
- ✓ Are located on 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 7, below.

2. Applications located on the Alaska and Klondike Highways and Haines road 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 will 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. 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 road that is not maintained on a year-round basis, e.g. highways listed as not receiving year round maintenance in Schedule 1 Maintained Highway, *Highways Regulations*, unless they are seasonal use only facilities.
 - ✓ 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 lands unsuitable for the institutional/non-profit purpose, e.g. on slopes exceeding 15% or in sub-alpine or alpine areas.

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

ELIGIBILITY

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

APPLICATION REVIEW PROCEDURES

Applications for residential purposes will be reviewed by the LARC.
(See LARC Terms of Reference) or as required by the *Yukon Environmental and Socio-economic Assessment Act and Regulations*.

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
Yukon Environmental Assessment Act
Yukon Environmental and Socio-economic Assessment Act/Regulations
Wildlife Act / Regulations

Policy

Land Application Review Committee Terms of Reference
Land Value Appeal Policy

APPENDIX A: Maintained Highways
Maintained Roads Inventory

90 m from Centerline Alaska Highway and Haines Road

60 m other Highways

30 m Subdivisions

Road #	Road Name	Length (km)	Location	Maintenance Schedule
301	Aishihik Lake Rd.	43.4	Haines Junction	Summer Only
1	Alaska Hwy	944.9	South of Watson Lake to west of Beaver Creek	Year Round
108	Annie Lake Road	25	Carcross	Year Round
104	Army Beach Subd.	2.6	Whitehorse	Year Round
7	Atlin Road	41	Tagish Road to B.C. Border	Year Round
134	Bear Creek Subd.	1.8	Dawson	Year Round
607	Beaver Crk. Com. Rds	3.6	Beaver Creek	Year Round
153	Blind Creek Road	10.2	Drury Creek	Year Round
302	Bonanza Rd.	17.6	Dawson	Summer Only
115	Braeburn Lake Subd.	2	Carmacks	Year Round
154	Brooks Brook Road	0.7	Teslin	Year Round
155	Burma Road	1.9	Whitehorse	Year Round
605	Burwash Com. roads	2.7	Destruction Bay	Year Round
4	Campbell Hwy	582.9	Watson Lake to Carmacks	Year Round
6	Canol Road	454.7	Johnson's Crossing to NWT Border	Summer Only
604	Carcross Comm. Roads	12	Carcross	Year Round
110	Carmacks By-Pass Road	1.1	Carmacks	Year Round
37	Cassiar Hwy.	3.4	Watson Lake	Year Round
199	Champagne Access Rd.	15.4	Haines Junction	Year Round
128	Chootla Subd.	2.9	Carcross	Year Round
304	Clear Creek Rd.	40	Stewart Crossing	Summer Only
303	Clinton Creek Rd.	35	Dawson	Summer Only
121	Constabulary B. Subd.	3.5	Whitehorse	Year Round
149	Cookies Road	1.1	Whitehorse	Year Round
151	Cormier Creek Road	1.4	Watson Lake	Year Round
189	Cousins Airstrip Rd.	0.7	Whitehorse	Year Round
111	Cowley Lake Road	2.5	Carcross	Year Round
195	Cranberry Point	0.5	Whitehorse	Year Round
186	Cranberry Road	0.7	Watson Lake	Year Round
190	Creek Rd.	0.7	Whitehorse	Year Round
305	Dalton Post Rd.	5.7	Blanchard	Summer Only
157	Deep Creek Road	3.1	Whitehorse	Year Round
158	Deep Creek South Rd	1.9	Whitehorse	Year Round
5	Dempster Hwy.	465	Klondike Highway to NWT Border	Year Round
606	Dest. Bay Com. Rds.	2.2	Destruction Bay	Year Round
701	Dome Road	4	Dawson	Year Round
306	Duncan Creek Rd.	38.7	Mayo	Summer Only
103	East Point Road	1.3	Whitehorse	Year Round
132	Echo Lane	0.5	Whitehorse	Year Round
191	Echo Valley Rd.	0.7	Whitehorse	Year Round
307	Ethel Lake Rd.	27.2	Stewart Crossing	Summer Only
319	Faro Mine Access Road	22.1	Drury Creek	Summer Only
106	Fish Lake Road	9.4	Whitehorse	Year Round
308	Five Mile Lake Rd.	1.6	Mayo	Summer Only

Road #	Road Name	Length (km)	Location	Maintenance Schedule
125	Five Mile Road	1.5	Whitehorse	Year Round
127	Five Mile Rd. Subd.	6.2	Carcross	Year Round
159	Fossil Point Road	1.5	Whitehorse	Year Round
309	Freegold Road	62.9	Carmacks	Summer Only
310	Frenchman Lake Rd.	50	Carmacks	Summer Only
161	Gartner Road	0.2	Whitehorse	Year Round
160	Gentian Road	2.4	Whitehorse	Year Round
119	Golden Horn Subd	7	Whitehorse	Year Round
192	Grayling Place	0.8	Whitehorse	Year Round
105	Grizzly Valley Road	1.8	Whitehorse	Year Round
3	Haines Road	174.8	Alaska Border to Haines Junction	Year Round
101	Hakonson Subdivision	1	Dawson	Year Round
311	Hansen/McQuesten Rd.	20.8	Mayo	Summer Only
185	Henderson Corner Sub	2	Dawson	Year Round
162	Hett/Hase Drive	0.3	Teslin	Year Round
163	Horse Creek Road Hunker Granville Sulpher Loop	2.5	Whitehorse	Year Round
312	Ingo's Road	98.3	Dawson	Summer Only
164	Ingo's Road	0.9	Carcross	Year Round
113	Jackfish Bay Road	4.4	Whitehorse	Year Round
129	Jackson Lake Road	4.7	Whitehorse	Year Round
193	Jackson Rd.	0.8	Whitehorse	Year Round
114	Johnson Crossing East Road	1.5	Teslin	Year Round
183	Johnson Crossing West	0.8	Teslin	Year Round
194	Johnston Rd.	0.3	Whitehorse	Year Round
120	Judas Creek Subd.	9.5	Whitehorse	Year Round
601	Keno City Com. Rds.	3.6	Mayo	Year Round
2	Klondike Hwy.	657.9	Alaska Border to Dawson	Year Round
313	Klukshu Rd.	1.5	Blanchard	Summer Only
131	Kookatson Lake Road	0.8	Carcross	Year Round
314	Kusawa Lake Road	24	Whitehorse	Summer Only
165	Lebarge Tower Rd/ Vista Rd	3	Whitehorse	Year Round
136	Lewes Dam Road	1.3	Whitehorse	Year Round
166	Lewes Lake Road	1.6	Carcross	Year Round
188	Little Chouta Sub	0.5	Carcross	Year Round
152	Little Salmon Subd.	1.5	Drury Creek	Year Round
138	Marshall Creek Road	1	Haines Junction	Year Round
139	Mayo Firebreak Rd.	0.2	Mayo	Year Round
315	Mayo Lake Rd. Mayo Subd. & Mayo Grp Home	9.6	Mayo	Summer Only
133	McClintock Valley Road	2.9	Mayo	Year Round
177	McClintock Valley Road	6.1	Whitehorse	Year Round
122	McClintock Place Sub.	0.9	Whitehorse	Year Round
187	Meadow Road	0.7	Carcross	Year Round
140	Mendenhall Roads	8.6	Whitehorse	Year Round
317	Minto Lake Rd.	18.4	Mayo	Summer Only
15	Mitchell Rd.	10.8	Drury Creek	Year Round
197	Mitchie Rd.	0.5	Whitehorse	Year Round
318	Mount Nansen Rd.	60	Carmacks	Summer Only
10	Nahanni Range Road	134	Campbell Highway to NWT Border	Year Round
142	North Fork East Rd.	13.2	Dawson	Year Round
169	North Fork West Rd.	3.3	Dawson	Year Round

Road #	Road Name	Length (km)	Location	Maintenance Schedule
123	North McClintock Road	2.1	Whitehorse	Year Round
143	Nygren Subd.	1.2	Haines Junction	Year Round
107	Old Alaska Highway	6.5	Whitehorse	Year Round
170	Old Constabulary Sub.	1.5	Whitehorse	Year Round
603	Old Crow Comm. Roads	8	Old Crow	Year Round
141	Papineau	0.2	Blanchard	Year Round
702	Pelly Ranch Rd.	15.5	Stewart Crossing	Year Round
702	Pelly Ranch Rd.	35.7	Stewart Crossing	Summer Only
602	Pelly X-ing Com. Rds.	6.4	Stewart Crossing	Year Round
118	Pilot Mountain Subd	3.2	Whitehorse	Year Round
144	Pine Lake Road	3.7	Haines Junction	Year Round
145	Policemans Point Road	2	Whitehorse	Year Round
320	Quartz Creek Rd.	20	Dawson	Summer Only
179	Rivendel Farm Road	2.3	Whitehorse	Year Round
130	River Valley Road	1.6	Whitehorse	Year Round
172	Robinson Subd.	5.8	Carcross	Year Round
135	Rock Creek Subd.	2.4	Dawson	Year Round
173	Ross River Access Rd.	9.9	Ross River	Year Round
608	Ross River Com.Rds.	8.6	Ross River	Year Round
184	Scott Road	0.4	Whitehorse	Year Round
198	Scout Bay Rd.	0.3	Whitehorse	Year Round
174	Scout Lake Road	2	Whitehorse	Year Round
126	Shallow Bay Road	1.6	Whitehorse	Year Round
146	Silver City Road	4	Haines Junction	Year Round
11	Silver Trail	110	Klondike Highway to Keno City	Year Round
321	Simpson Lake Road	1.6	Tuchitua	Summer Only
322	Sixty Mile Rd.	11	Dawson	Summer Only
137	Smiths Road	1.3	Whitehorse	Year Round
323	Snafu Lake Rd.	2.4	Carcross	Summer Only
324	Snag Road	27.4	Beaver Creek	Summer Only
124	South McClintock Rd.	3.3	Whitehorse	Year Round
325	South McQuestion Rd.	25.6	Mayo	Summer Only
102	Stewart Xing Subdivision	2.4	Stewart Crossing	Year Round
326	Sunnydale Road	5.3	Dawson	Summer Only
156	Tagish Estates Road	4.1	Carcross	Year Round
116	Tagish Lake Subd.	4.5	Carcross	Year Round
109	Tagish River Subd.	3.5	Carcross	Year Round
8	Tagish Road	54	Alaska Highway to Klondike Highway	Year Round
14	Takhini Hot Springs	9.2	Whitehorse	Year Round
147	Takhini River Road	10.7	Whitehorse	Year Round
117	Taku Subd.	10.5	Carcross	Year Round
328	Tarfu Lake Rd.	4.1	Carcross	Summer Only
148	Ten Mile Road	0.8	Whitehorse	Year Round
167	Teslin Airport Sub.	0.9	Teslin	Year Round
150	Teslin Lake Subd.	2.4	Teslin	Year Round
168	Three Mile Road	0.8	Whitehorse	Year Round
9	Top of the World	105	Dawson to Alaska Border	Summer Only
178	Triple Cross Road	1.1	Carcross	Year Round
175	Two Horse Creek Rd.	1.8	Carcross	Year Round
329	Upper Bonanza Rd.	28	Dawson	Summer Only
609	Upper Liard Com. Rds	4.4	Watson Lake	Year Round

Road #	Road Name	Length (km)	Location	Maintenance Schedule
182	Watson River Subdivision Rd.	2.4	Carcross	Year Round
181	West Dawson Subdivision	2.2	Dawson	Year Round
112	Windid Lake Road	1	Watson Lake	Year Round
180	Woodland Road	0.6	Whitehorse	Year Round

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.