

# INSTITUTION / NON-PROFIT Land Application Policy

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## 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 of 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**

Interdepartmental / intergovernmental process coordinated by the Lands Branch, Government of Yukon, 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.

**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 or lease 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 (on sales) 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.
  - a) Local area plans (where they exist) are the primary screen for the review of applications.
  - b) When an application is conditionally approved in an area where zoning does not conform to the local area plan, a zoning amendment will be required prior to final approval.
  - c) Where no institutional / non-profit areas have been identified in a local area plan, applications may be accepted in areas designated hinterland in the plan.
  - d) Applications will not be considered in areas designated either in a local area plan or zoning regulation for Future Development (FD).
- ✓ 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 directly off the;

- a) Alaska and Klondike Highways will be considered on a case-by-case basis but are normally directed to existing nodes.
- b) Haines Road are directed to identified nodes at Quill Creek, Kathleen Lake and the north end of Desadeash Lake (Map of nodes may be viewed in the Whitehorse Lands Office or the Haines Junction Client Services and Inspections Office).

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 to access from a highway 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.
  - ✓ 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, e.g. forestry, wildlife 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**

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

**APPLICATION REVIEW PROCEDURES**

Applications for residential purposes will be reviewed as required by the *Yukon Environmental and Socio-economic Assessment Act (YESAA) and Regulations* or as required by the Yukon government land review.

**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**
**Maintained Roads Inventory**

90 m from Centerline Alaska Highway and Haines Road  
 60 m other Highways  
 30 m Subdivisions

| <b>Road #</b> | <b>Road Name</b>      | <b>Length (km)</b> | <b>Location</b>                              | <b>Maintenance Schedule</b> |
|---------------|-----------------------|--------------------|--|-----------------------------|
| 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              | 2.5         | Whitehorse                       | Year Round           |
| 312    | Hunker Granville Sulpher Loop | 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.                 | 9.6         | Mayo                             | Summer Only          |
| 133    | Mayo Subd. & Mayo Grp Home    | 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.