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LOT ENLARGEMENT

Land Application Policy

OBJECTIVE

To facilitate provision of land for residential and recreational lot enlargements.

PURPOSE

This policy is intended to provide clear direction regarding the review of applications for lot enlargements to titled residential and recreational properties. The purpose of the policy is to:

- ✓ Allow people to enlarge residential or recreational lots as may be required to accommodate legitimate land use activities;
- ✓ 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

From the 1950's to late 1970's, areas developed for recreational purposes were generally no more than 1/2 acre, with many lots being smaller. Greenbelts, setbacks access corridors and other development criteria vary significantly from subdivision to subdivision. Provision for enlargements, in keeping with the character of the subdivision, facilitates increased use while protecting the character of existing neighborhoods and communities.

Residential enlargements up to 3.99 hectares are provided to be consistent with the *Subdivision Act* and Regulations. The policy also allows for enlargements up to 6 hectares to achieve consistency with the Whitehorse periphery regulations. Residential enlargements that include minor commercial or non-commercial agricultural pursuits are accepted under this policy for consistency with the Rural Residential land application policy.

DEFINITIONS

Residential

For the purpose of this policy, residential means a location that serves as a principal residence. A residential designation may allow for bed and breakfast, home occupation or minor agricultural pursuits. Other commercial uses are not normally permitted under a residential designation.

Recreational

For the purposes of this policy, recreational means a location/lot that originally provided for private recreational use.

Planning Scheme

Includes a regional plan, a sub-regional plan, a district plan, a 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*.

PRINCIPLES

Land tenures must comply with existing and proposed planning schemes.

Land tenures are only authorized in an amount reasonably necessary to satisfy the purpose for which the land is needed. Residential land parcels will normally be 2 to 3.99 hectares (4.94 to 9.8 acres) unless otherwise requested by existing zoning.

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 will be provided under a one year agreement for sale.
2. The following conditions would apply:
 - ✓ Legal survey completed by a Canada Lands Surveyor registered prior to sale. Subdivision approval is required prior to survey.
 - ✓ Development to meet any *Area Development Regulation* and other regulatory requirements.
 - ✓ Title provided when survey registered and payment of purchase price received.

B. Cost of Land

- ✓ Land will be sold at market value.
- ✓ Cost of survey will be deducted from market value to establish purchase price.

C. Area of Tenure

- Enlargements for residential purposes will normally be up to 3.99 hectares as provided for in the *Subdivision Act* and regulations unless otherwise indicated in existing and proposed planning schemes or required to allow for rational lot boundaries. (Maximum parcel size of 3.99 prevents subdivision into 2 hectare parcels i.e. minimum size allowed under the *Subdivision Regulations*).
- ✓ Enlargements of recreational lots shall reflect the pattern and character of existing development and will normally be no more than double the size of the original lot.

- ✓ Enlargements of recreational lots shall comply with minimum sizes designated through 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 A).
 - ✓ 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 may be required prior to final approval.
 - ✓ Are not located in areas identified in Section 6, below.
2. Applications requiring a new highway access road will be subject to approval of access permit by the Department of Highways & Public Works.
3. In situations where driveway/access road relocation affects a neighboring lot and the existing access is not posing an immediate safety concern, the relocation must be resolved and confirmed in writing to the satisfaction of both parties. The applicant is responsible for ensuring support from the effected party and costs of relocation.
4. Land management factors such as the ability to extend the road to service additional lots 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:
 - ✓ Encroach on developed highway right-of-way and other public infrastructure corridors.
 - ✓ Are on lands unsuitable for proposed purposes, e.g. slopes exceeding 15% or in sub-alpine or alpine areas.
8. Enlargement applications that are received from a group of applicants, in an area that has development potential, or within an area being used by other residents, will usually undergo an area-specific subdivision planning exercise.
9. Enlargement(s) that propose a change to existing land use (i.e. commercial/industrial), 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 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.

ELIGIBILITY

The applicant must be:

- ✓ The title holder of the lot.
- ✓ Nineteen (19) years of age or older.

APPLICATION REVIEW PROCEDURES

- ✓ Applications for enlargements will be reviewed as required by the *Yukon Environmental and Socio-economic Assessment Act and Regulations* or as required by the Yukon government land review..
- ✓ Enlargement applications within an area for which a local or district area planning exercise is underway will be processed in accordance with existing and proposed regulations and policy guidelines.

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: 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

compliance with applicable planning scheme.