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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, commercial fishing, agriculture, quarrying transportation or other industrial activity. Includes but is not limited to storage yards, processing facilities, machine shops, factories, warehouses and terminals.

**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.

Date last revised: April 1, 2007  
Date initially approved: April 1, 2003

**Clad to the Weather**

Exterior walls shall be protected with cladding, including flashing, trim, and other special-purpose accessory pieces required for the cladding system being used, to restrict the entry of rain and snow into the wall assembly.

**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*. Also includes Special Management Area plans as per obligations under the appropriate First Nation Final Agreement, Habitat Protection Areas under the *Wildlife Act*, and Parks under the *Parks Act*.

**Preliminary Screening Process**

Interdepartmental / governmental process coordinated by the Lands Branch, Yukon Government, to identify areas suitable and unsuitable for specific kinds of development (e.g. rural residential). Screening processes are normally initiated in response to development pressure (single or multiple applications) where there are other suitable areas for development. 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 will 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 for further commercial or industrial development.

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 licence, lease or 3 year 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 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.
  - ✓ 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 Regulations*.

**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*.
- ✓ Land will be sold at market value.
- ✓ Cost of survey deducted from value to establish purchase price.
- ✓ 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 existing and proposed 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* (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 approved use, a zoning amendment will be required prior to final approval.
    - c) Where no commercial or industrial 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 in a local area plan or zoning regulation for Future Development (FD).
- ✓ Are located directly off a highway maintained on a year round basis (within 1 kilometre, including un-serviced connecting 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 located in areas identified for commercial/industrial purposes through preliminary screening processes (see definitions).
  - ✓ Are not located in areas identified in Section 6, below.
2. Applications located directly off the Haines Road and Alaska and Klondike Highways are considered on a case-by-case basis but are normally 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. 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:
    - ✓ Propose to access from a highway 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* (See Appendix A: Maintained Highways).
    - ✓ Are located in areas identified as exclusion zones, e.g., key habitat areas, identified through preliminary screening processes.
    - ✓ Encroach on highway right-of-way and other public infrastructure corridors.
    - ✓ Are on lands unsuitable for commercial/industrial purposes, e.g. on slopes exceeding 15% or in sub-alpine or alpine areas.
  8. Consideration of applications within municipalities is subject to municipal direction per OCP (Official Community Plan) and Zoning criteria.

9. 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 30.48 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, shorelines 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 commercial / industrial applications and other land and resource users 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 REVIEW PROCEDURES**

Applications will be reviewed as required by either the assessment process through the *Yukon Environmental and Socio-economic Assessment Act and Regulations* or as required by the Yukon government land review.



If land development pressures are experienced in an area, the Lands Branch may hold review of the applications pending a “preliminary screening process” (See Definitions) to determine the suitability of the area for development.

**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*  
*YESAA /Regulations*  
*Wildlife Act / Regulations*  
*Waters Act / Regulations*  
*Park & Lands Certainty Act*

**Policy**

Land Value Appeal Policy

## APPENDIX A: Maintained Highways Maintained Roads Inventory

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

Road #	Road Name	Length (km)	Location	Maintenance Schedule
308	Five Mile Lake Rd.	1.6	Mayo	Summer Only
127	Five Mile Rd. Subd.	6.2	Carcross	Year Round
125	Five Mile Road	1.5	Whitehorse	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	Lebargé 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



Road #	Road Name	Length (km)	Location	Maintenance Schedule
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
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

<b>Road #</b>	<b>Road Name</b>	<b>Length (km)</b>	<b>Location</b>	<b>Maintenance Schedule</b>
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
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; and
- (p) compliance with applicable planning scheme.