

This info sheet outlines the steps and approvals that are necessary to have your agricultural land subdivided (home site subdivision).

When do I need subdivision approval?

You must have subdivision approval to divide or reconfigure any privately titled lot.

The *Subdivision Act* (2007) was amended in December 2007 to allow subdivision of land originally granted for agricultural purposes. The intent is to provide retiring farmers the opportunity to create a home site parcel and sell or lease the main agriculture parcel.

May I subdivide my agricultural land?

Yes, if you are eligible. There are a number of factors and criteria that determine if it is feasible or possible for you to subdivide your agricultural land. Besides physical site considerations such as topography, access and utilities, the *Subdivision Act* (2007) identifies a set of criteria that determine whether or not you can apply for subdivision.

You should first discuss your preliminary proposal with the Land Planning Branch to determine if you meet this criterion.

What are the criteria for determining whether I am eligible or not to make an application?

You will need to meet *all* of the following criteria:

- You have owned the parcel for at least ten (10) years;
- The parcel you want to subdivide is your primary residence; and
- The development area in which your parcel is located allow subdivision.

Are there any limitations to subdividing agricultural land?

Yes. The following limitations are established in the *Subdivision Act* (2007):

- The size of the home site parcel is 6.0 hectares or the minimum lot size for agricultural properties (no bigger, no smaller) according to the development area regulation;
- Both parcels must remain zoned agricultural;
- The resulting configuration of both parcels must not impede access to the parcels or impair the agricultural use; and
- Neither of the two parcels may be further subdivided, unless for a public benefit (roads, protected areas, etc..)

General info:

www.emr.gov.yk.ca/lands/

Map viewer:

<http://mapservices.gov.yk.ca/lands/>

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ADMINISTRATIVE JURISDICTIONS

YUKON GOVERNMENT

Manages the majority of Yukon (public) land in the territory.

ENERGY, MINES AND RESOURCES

Land Management Branch

accepts applications to buy, lease and use public land. Administers Yukon government's non-titled land registry.

Agriculture Branch administers Yukon agriculture and grazing programs.

Land Planning Branch manages local area plans, zoning regulations and subdivision requests (outside Whitehorse and Dawson City).

Forest Management Branch administers timber permits and forestry planning.

COMMUNITY SERVICES

Community Infrastructure Branch develops planned subdivisions.

YUKON FIRST NATIONS

Control their own Settlement Lands.

MUNICIPALITIES

Administer lands, community plans and zoning bylaws within their jurisdictions.

Whitehorse and Dawson also control subdivision within their boundaries.

CANADA

Natural Resources Canada provides the survey system for Canada Lands (national parks, territories, offshore land, and Indian reserves).

How do I apply for subdivision of agricultural parcel?

The restrictions on subdividing agricultural land in the *Subdivision Act (2007)* do not apply to land within municipalities as subdivision in municipalities is controlled by the *Municipal Act*.

In Whitehorse and Dawson City, you must apply directly to the municipality for subdivision approval. In all other cases, submit your subdivision application, along with a non-refundable filing fee of \$100 plus GST, to the Land Planning Branch.

Your application must include:

- A completed subdivision application form, signed by all registered owners;
- A sketch plan, drawn to scale, outlining the subdivision proposal, lots, roads, existing and proposed structures, etc.;
- A copy of the Certificate of Title for the land to be subdivided (available from Land Titles Office); and
- Proof that your property taxes are paid.

What happens after I submit my application?

First, your subdivision application is reviewed by the Land Planning Branch to make sure that your proposal complies with Yukon laws and regulations. Then, it is distributed to several agencies for technical review. Finally, the Subdivision Approving Officer approves, approves with conditions or denies the application. This process takes up to 90 days.

What else should I do after receiving the approval?

If the application is approved, you must hire a Canada Lands Surveyor to have the land surveyed. The Survey Plan must be registered with the Land Titles Office within 12 months of the approval date.

What can I do if my application is denied or I don't agree with the conditions?

If you don't agree with the decision of a Subdivision Approving Officer, in most cases, you may make an appeal to the Subdivision Appeal Board.

Are there any other fees?

Yes. The fee for creating one lot from an agricultural parcel is \$100.00.

What other consents might I need?

Before any sale can take place, you may have to provide the Land Titles Office with the consent of anyone who holds a mortgage or other interest against your property. The Land Titles Office can provide you with more information.

When can I sell my newly subdivided land?

You may sell the new lot(s) after the final Plan of Survey is registered at the Land Titles Office and you have raised title to the new lot. Your Canada Lands Surveyor will be able to advise you of this process. You may sell your new parcel(s) as you would any other property, either privately or through a real estate agent.

For further information on subdivision, please contact Land Planning Branch at:

Phone: (867) 667-8877

Toll free: 1-800-661-0408 ext 8877

Fax: (867) 393-6340

Email: land.planning@gov.yk.ca

CONTACTS

YUKON GOVERNMENT

www.gov.yk.ca

Toll free: 1-800-661-0408 + extension
(last 4 digits of desired number)

ENERGY, MINES AND RESOURCES

320-300 Main Street, Whitehorse

Land Management Branch

Tel: (867) 667-5215

Fax: (867) 667-3214

land.disposition@gov.yk.ca

- land applications, developed lot sales

land.use@gov.yk.ca

- land use permits

Land Planning Branch

Tel: (867) 667-3530

Fax: (867) 393-6340

land.planning@gov.yk.ca

- subdivision and zoning in rural Yukon

COMMUNITY SERVICES

Building Safety

Tel: (867) 667-5741

Fax: (867) 393-6249

- building and construction permits
outside Whitehorse

JUSTICE - Land Titles

Tel: (867) 667-5612

Fax: (867) 393-6358

YUKON HOUSING CORPORATION

Loans Administration

Tel: (867) 667-8114

Fax: (867) 667-3664

- lot financing, agreements-for-sale

ENVIRONMENTAL HEALTH SERVICES

Tel: (867) 667-8391

Fax: (867) 667-8322

- septic systems

OTHER AGENCIES

CITY OF WHITEHORSE

www.city.whitehorse.yk.ca

Planning Services

Tel: (867) 668-8335

Fax: (867) 668-8395

- development charges, planning, zoning

Building Inspection

Tel: (867) 668-8340

Fax: (867) 668-8395

CITY OF DAWSON

www.cityofdawson.ca

Tel: (867) 993-7400

Fax: (867) 993-7434

- subdivision, planning and zoning

NRCAN-SURVEYOR GENERAL

Tel: (867) 667-3950

Fax: (867) 393-6707

- legal survey maps, plans, approvals

Survey plans available at <http://clss.nrcan.gc.ca/plansearch-rechercheplan-eng.php>