



Land Use Operational Policy Commercial - General

NAME OF POLICY:	Commercial – General Policy
APPLICATION:	Applies to all commercial uses of Crown upland and aquatic land not covered under more specific land use policies, including policy for filming, marinas and golf courses. This policy does not apply to activities that are authorized under the Adventure Tourism Policy.
ISSUANCE:	Assistant Deputy Minister, Rural Development, Lands and Innovation
IMPLEMENTATION:	Ministry of Forests, Lands, Natural Resource Operations and Rural Development
REFERENCES:	<i>Land Act</i> (Ch. 245, R.S.B.C., 1996)
RELATIONSHIP TO PREVIOUS POLICY:	This policy replaces the previous Commercial - General policy dated June 1, 2011.

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Date:

APPROVED AMENDMENTS:		
Effective Date	Briefing Note /Approval	Summary of Changes:

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1. POLICY APPLICATION

This policy applies to:

- commercial uses of Crown land that involve the selling, storage or servicing of goods and commodities (except as otherwise noted below);
- commercial filming, marinas and golf course developments;
- all Crown land.
- commercial floating structures except where such structures are permitted as ancillary to primary uses authorized under other Crown land use policies.

This policy does not apply to activities authorized under other Crown land use policies, including activities specified under the [Adventure Tourism Policy](#).

Aquatic land under the jurisdiction of a harbour board, harbour commission, or other legitimate administrative agency is not subject to the provisions of this policy.

2. PRINCIPLES AND GOALS

For information on Crown land allocation principles see [Crown Land Allocation Principles](#).

3. DEFINITIONS AND ABBREVIATIONS

For a glossary of definitions and abbreviations see [Glossary and Abbreviations](#).

4. APPLICANT ELIGIBILITY

For standard policy information on eligibility see [Eligibility and Restrictions](#).

5. FORM OF LAND ALLOCATION

For standard policy information on forms of allocation see [Form of Crown Land Allocation](#).

Refer to Appendix 1 for a summary of the forms and terms of Crown tenure available for commercial operations.

5.1 Permission

Some short term, low impact activities may not require a tenure if they qualify for authorization by a permission. For more information refer to the [Permissions Policy](#).

5.2 Temporary Licence

The maximum term for a temporary licence is 2 years.

5.2.1 Commercial Film

A temporary licence may be used as a method of authorizing commercial film production in cases where use of Crown land is limited to the filming of scenery or backdrops with no improvements, camps, large equipment, or major modifications to the land.

5.2.2 Marina

A temporary licence may be provided over the proposed marina development area for a one-year term. The temporary licence will include a letter from the Authorizing Agency committing the land subject to a marina operator obtaining all necessary approvals in principle from other agencies. The temporary licence may be renewed for a further year at the discretion of the Authorizing Agency.

5.3 Licence of Occupation

The maximum term for a licence of occupation is 30 years.

Licence of occupation is the form of tenure used to authorize commercial use of Crown land where:

- the proposed use is in a remote location or the intended duration of use is 30 years or less;
- where commercial tenures administered as special use permits by the Ministry responsible for the Forest Act are being converted to Land Act lease or fee simple tenure and the survey requirements have not yet been satisfied; and,
- in the case of aquatic land, precise boundaries are not required.

5.3.1 Commercial Film

In the case of commercial film production, a licence may be issued where improvements, camps, vehicles and large equipment and/or land modifications are to be part of a film production operation. The area under licence is not to exceed 4 hectares.

The term is limited to the period required for preparation, filming and clean-up (normally 1 year).

5.3.2 Marina

Upon receipt of all approvals and a management plan, a licence of occupation may be issued for phase I of the marina development.

5.4 Lease

The maximum term for a lease is 30 years.

5.4.1 Marina

Upon receipt of all approvals and a management plan, a lease may be issued for phase I of the marina development.

Upon initiation of the marina operation, a lease tenure may be issued for a standard 30-year term.

5.4.2 Golf Course

A lease may be issued for golf course developments. At the discretion of the Authorizing Agency, the maximum term of a golf course lease is 30 years and may include a provision for lease replacement at mid-term.

5.5 Sale

Fee simple disposition is preferred for long-term commercial use, golf course developments and filled areas for marinas and yacht clubs.

6. PRICING POLICY

For information on pricing see the [Pricing Policy](#).

For information on application and service fees see the [Crown Land Fees Procedure](#).

7. ALLOCATION PROCESSES

For detailed standard information on allocation processes see [Allocation Procedures - Applications](#).

Additional and special requirements for Commercial – General allocations are provided below.

7.1 Applications

Commercial Crown land is available by direct application:

- in rural and remote locations,
- for aquatic land,
- where an existing shoreland tenure qualifies for purchase, and,
- for commercial film production.

Crown land for commercial uses in urban areas is generally disposed of through competitive process, see section 7.3.

7.1.1 Crown Shoreland Restrictions

Disposition of Crown shoreland is to be limited such that a minimum of 25% of the shoreland around each water body is to be retained in public use to ensure protection of beaches and other public recreational opportunities. This is over and above the public road access to the waterfront provided for in subdivision plans.

7.1.2 Referrals - Commercial Film

For commercial film production, a referral of an application for a licence of occupation should be sent to [BC Film Commission/Creative BC](#).

7.2 Issuing Documents

7.2.1 Marinas

Coastal commercial marina tenure documents will include a clause which does not allow the tenure holder to restrict the use of any service or facility to a limited group of persons – the marina is to be available for use by all members of the public.

For marina documents, the clause requiring prior consent for any assignments is to include the following: “If the Lessee/Licencee is a corporation, then a change in control

(as that term is defined in the *Business Corporations Act*) of the Lessee/Licencee is deemed to be an assignment of this lease/licence.”

7.2.2 Environmental Tenure Provisions and Schedules

Tenure terms and conditions may be selected from standard tenure document template provisions or in some cases they may be drafted to address specific issues identified through the processing of an application. For more details on Environmental Tenure Provisions see the [Tenure Administration Procedure](#).

7.3 Competitive Process

Commercial Crown land is disposed of by a competitive process except for those uses listed in 7.1.

7.4 Direct Sale

A management plan is normally required to accompany all applications and submissions for sales.

7.4.1 Marina

Filled areas for marinas and yacht clubs will be disposed of by direct sale.

7.4.2 Golf Course

Direct sale is the preferred option for golf course developments.

8. TENURE ADMINISTRATION

For standard tenure administration information see the [Tenure Administration Procedure](#).

Additional and special requirements for commercial allocations are provided below.

8.1 Insurance

8.1.1 Commercial Film

Insurance for commercial film tenures will be \$3 million and must include fire coverage as well as third party liability.

8.2 Security/Financial Guarantee

8.2.1 Commercial Film

The minimum security bond for film is \$5000 per tenure.

8.3 Assignment and Sub-Tenuring

Assignees of shoreland tenures may be provided with the opportunity for purchase where the use of the land, access and location are considered appropriate for sale.

8.3.1 Commercial Film

Assignment of a commercial film production tenure is not permitted.

8.3.2 Marinas

As a condition of assignment for coastal commercial marinas the following paragraphs must be inserted where they are not already part of the tenure documents:

“In using the Land as permitted by this Lease/Licence, the Lessee/Licencee will not restrict or permit the restriction of the use of any service or facility set out above to a defined or limited group of persons, it being the intention of the parties that such services and facilities will be available for use by all members of the public.

The Lessee/Licencee shall not assign, mortgage, sublet or transfer this lease/licence without the prior consent of the Lessor. If the Lessee/Licencee is a corporation, then a change in control (as that term is defined in the *Business Corporations Act*) of the Lessee/Licencee is deemed to be an assignment of this lease/licence.”

9. VARIANCE

Variances to this policy must be completed in accordance with the [Policy Variance Procedure](#).

Appendix 1. Commercial - General Policy Summary

TENURE	TERM	METHOD OF DISPOSITION
Temporary Licence	2 years	Application
Licence of Occupation (General)	30 years	Competitive process or Application
Licence of Occupation (Film)	1 year	Application
Licence of Occupation (Marinas)	30 years	Application
Lease (General)	30 years	Competitive process or Application
Lease (Marinas)	30 years	Application
Lease (Golf Courses)	30 years	Application
Fee Simple	Perpetuity	Competitive process; or by application in rural and remote locations.

Appendix 2. Examples of Type A and B Commercial Uses

2.1 Type A Commercial Uses

retail and wholesale outlets, wholesale distribution warehouses
entertainment centres (commercially operated)
repair centres
motels and hotels
gas/service stations
fuel docks
fuel storage depots
equipment rental business
air/boat charter facilities
volume tourist attractions (exception: tourist attractions that are authorized under the AT Policy).
restaurants
commercial office buildings
commercial education/instruction centres
medical service centres, food and beverage processing/packing (where associated with production of commodity on an adjacent site)
pubs
cash (fish) buyers
shopping malls
trailer courts

2.2 Type B Commercial Uses

boat launching ramps
seasonal marinas
churches
summer kiosks
commercial helipad (exception: helipads authorized under the AT Policy)
sewage disposal site/field for marinas, trailer parks
docks and wharves required for moorage space associated with an upland hotel or motel on private land for which no moorage rate is directly levied.

N.B. Both Type A and Type B commercial categories include aquatic land improvements that are associated with the particular use (fills, piling, wharves, docks, moorage, etc.).