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## ADMINISTRATIVE REPORT

**TO:** City Planning Committee  
**FROM:** Administration  
**DATE:** April 7, 2026  
**RE:** Official Community Plan Text Amendment - Mineral Exploration

### ISSUE

An application to amend the text of the Official Community Plan (OCP) to permit broader allowances for mineral exploration.

### REFERENCE

- [Zoning Bylaw 2012-20](#)
- [Whitehorse 2040 Official Community Plan](#)
- [Municipal Act SY 2022, c. 2](#)
- [Quartz Mining Act SY 2003, c. 14](#)
- [Yukon Environmental and Socio-economic Assessment Act S.C 2003, c.7](#)
- [Prohibition of Entry on Certain Lands \(City of Whitehorse\) Order O.I.C 2012/145](#)
- [Draft Mineral Exploration and Development Framework](#)
- [Active Crown Grants / Mineral Claims and Whitehorse 2040 OCP Designations](#)
- [2023 OCP Designation Map and YESAA Approved Exploration Work](#)
- Proposed OCP Amendment Bylaw 2026-11 (Attachment 1)

### HISTORY

An application has been filed to amend the OCP to enable broader permission to undertake mineral exploration on existing claims within the City of Whitehorse. In the context of this amendment, mineral exploration is understood as the practice of using a diamond drill to remove core samples from subsurface layers to assess mineral potential. Mineral exploration is one of the first steps in determination if natural resource extraction (mining) is viable in a given area.

The intent of the proposed amendment is to enable holders of valid Crown Grants or quartz mineral claims to undertake exploratory drilling within City limits. As proposed, permission to undertake mineral exploration would be contingent on work being:

- Enabled by an existing Crown Grant or quartz claim
- Quartz Act compliant
- YESAA compliant (if applicable)

The applicant has proposed to add a new clause to *Section 16-Administration of the OCP* to amend the plan as follows:

*“Where valid mineral tenure exists as of the date of adoption of this policy, temporary mineral exploration activities conducted in accordance with applicable territorial legislation, including the Quartz Mining Act, and the terms and conditions of any authorization issued thereunder, and, where applicable, assessed under the Yukon Environmental and Socio-economic Assessment Act, shall be considered compatible with, and not contrary to, the objectives of the applicable land use designation under this Official Community Plan, and shall not require amendment to land use designation.”*

A decision document has recently been issued under the Yukon Environmental Assessment Act (YESAA) that approves Class 3 exploration activities within four target areas for a period of five years. Some of the work areas identified are within Whitehorse city limits. Class 3 exploration allows higher impact exploration work, including broader allowances for vegetative clearing and road / trail construction. It is Administration’s understanding the applicant wishes to amend the OCP to enable exploration work recently approved by the Yukon Government in alignment with the Quartz Act as outlined in Attachment 3.

### **Prohibition of Entry on Certain Lands (City of Whitehorse) Order**

Since 2012, entering municipal lands for the purpose of locating a claim, prospecting, or mining for minerals was prohibited on a large portion of the city through the approval of the *Prohibition of Entry on Certain Lands (City of Whitehorse) Order*. No new claims can be staked in the prohibited area; however, there are many stakes that were claimed in the prohibited area prior to the *Order* coming into effect (Attachment 2). These stakes are grandfathered and do not expire so long as they are kept in good standing. It is these areas the applicant wishes to explore through proposed OCP amendment.

### **Development Review Committee and Administrative Review**

On March 11, 2026, the application was reviewed by the Development Review Committee (DRC). Since this amendment seeks to make changes to *Section 16 – Administration of the OCP*, no site-specific information was provided as part of the amendment.

The DRC provided the following comments:

- Staff noted that with a broad scope text amendment, the proposal does not identify specific locations for exploration and therefore may not trigger studies typically required for map amendments.
- Concerns were raised that allowing exploration within green space without defined parameters could result in environmental impacts.
- Environmental and heritage considerations would normally be evaluated if specific areas were proposed for land use redesignation.
- Concerns were raised that if exploration were broadly permitted, it could create additional challenges in managing access and gate control along access routes (Copper Haul Rd) and the road may need upgrading to support extended year-round use.

DRC Recommended the application proceed to Council.

Administration met with the applicant to discuss their proposed OCP amendment. During that meeting, administration indicated the scope of the proposed amendment was overly broad. Administration advised the preferred approach was to pursue a “map amendment” that would geographically define the applicant’s proposed work area. This would allow the City to evaluate if mineral exploration is appropriate in a specified area based on land use considerations. It would also allow the City to request studies of proposed work areas to determine if exploration activity is suitable based on specific site considerations.

The applicant received this information but has indicated their objectives are best accommodated by a broader text amendment. The applicant did revise their original application to stipulate allowances for exploration under this amendment apply only to existing claims / grants, in good standing at time of proposed policy adoption. This would preclude exploration of new claims if restrictions in the *Prohibition of Entry on Certain Lands (City of Whitehorse) Order* were reconsidered.

### **Draft Mineral Exploration and Development Framework**

Administration is in the process of developing a Mineral Exploration and Development Framework that is intended to more clearly regulate mineral exploration and development within city limits. In response to a previous OCP amendment application in 2024 which sought to ban mineral exploration and mining within City limits, Council directed Administration to develop a comprehensive strategy to regulate mineral exploration and development in Whitehorse. The draft mineral framework was released for public input in February 2026, with the engagement process closing March 9. It is anticipated Administration will bring the draft framework to Council for consideration in summer of 2026.

The applicant is aware of the draft framework but has indicated it does not enable exploration in all of their desired work areas. For this reason, they are seeking the proposed OCP amendment. The draft framework relies on mapped OCP designations and their associated policies to determine the appropriate location for mineral exploration and development. The framework proposes a “tiered” system to regulate exploration based on land use impact. Broader allowances are given to lower impact forms of exploration.

### **OCP Amendment Proposed Schedule**

The proposed schedule for the OCP amendment is:

Planning Committee:	April 7, 2026
First Reading:	April 13, 2026
Newspaper Ads:	April 17 and April 24
Public Hearing:	May 11, 2026
Public Hearing Report:	June 1, 2026
Second Reading:	June 8, 2026
*Ministerial Review:	July 31, 2026 (assuming full 45-day review period)
Third Reading:	August 10, 2026

### **ALTERNATIVES**

1. Proceed with the proposed OCP amendment under the bylaw process; or
2. Do not proceed with the proposed amendment

## **ANALYSIS**

The applicant has proposed amending section *16-Administration of the OCP*, to establish a “notwithstanding” policy that would permit mineral exploration throughout the City of Whitehorse, but would be geographically constrained to areas where existing Crown Grants or quartz claims exist.

The amendment does not propose to regulate mineral exploration based on mapped land use designations, but rather to rely on compliance with territorial legislation. Valid Crown Grants and / or quartz mineral claims exist in Future Planning, Agricultural, Commercial Service, Greenspace, Industrial, Mixed-Use Industrial, Natural Resource Extraction, Public Utilities, Residential Country and Residential Urban OCP designations.

### **Quartz Mining Act and Municipal Act**

The *Quartz Mining Act (QMA)* is one of the principal documents which regulate mining and exploration activities in the Yukon. The *Municipal Act (MA)* grants municipalities the powers used to administer city government. Neither act takes priority and each simultaneously applies. The MA grants municipalities jurisdiction over land use, including mining and exploration within their boundaries, which includes the ability to regulate such activities. Section 289 of the MA, states that municipalities are permitted to “...prohibit, regulate, and control the use and development of land and buildings in a municipality”. Land use planning by municipalities is implemented through policy in an official community plan (OCP) and regulation in a zoning bylaw. The required contents of an OCP and regulatory parameters of a zoning bylaw are outlined in the MA.

### **Official Community Plan**

*The Whitehorse 2040 Official Community Plan* contains general policy statements that reference mining and mineral activity including:

#### *Economy:*

*10.3 The City will continue to work with partners to support the resource development and mining industry, and Whitehorse’s role as its commercial, service, and supply centre hub.*

#### *Land Management:*

*13.3 Any mineral development, including to maintain existing mineral claims in good standing, or for remediation or reclamation activities, is subject to all applicable legislation, regulatory requirements, and City bylaws.*

The OCP provides more specific direction through policy in *Section 15 Land Use Designations:*

*Natural Resource Extraction: Support local and regional economic activity and construction through accommodating the extraction and management of raw materials.*

*15.12 The Natural Resource Extraction designation is intended to support local and regional economic activity and construction through accommodating the extraction and management of raw materials*

OCP policy 15.12.3 supports application of mitigative measures when undertaking Natural Resource Extraction activities:

*15.12.3 Development requirements will be applied to mitigate risk and nuisance factors associated with Natural Resource Extraction activities, particularly in proximity to new and existing Residential areas, environmentally sensitive areas, or agricultural uses. Mitigations must address traffic, dust, noise, and wildlife impacts*

Typically, municipal land use planning relies on application of policy in relation mapped areas illustrated in an official community plan. These mapped policy areas are referred to as designations and contain context specific policies that outline appropriate land use based on characteristics of that area. This proposed amendment would not rely on mapped land use designation to determine where mineral exploration is appropriate. Rather, the amendment would grant broad allowances for exploration to occur regardless of land use designation in the OCP, provided exploration work is consistent with Territorial legislation. This approach to regulation of mineral exploration would preclude the City from applying designation specific land use policies intended to ensure compatible development and limit land use conflict.

### **Zoning Bylaw**

The Zoning Bylaw does not explicitly define mineral exploration as a land use. The bylaw does list “Natural Resource Extraction” as a principal use, which encapsulates mineral exploration and development activities. The Zoning Bylaw defines development as:

*“...the carrying out of any activity involving a material change to any use on, over or under the land or buildings on the land that results, or is likely to result, in a change of use or intensity of use.”*

Once a given activity meets the threshold for “development”, land use regulations in the Zoning Bylaw are applied through the development permit process. Given mineral exploration has the potential to impact land and can lead to a change in the intensity of land use, it meets the definition of development and is subject to land use regulation in the Zoning Bylaw. Development requires a permit from the City to be authorized.

In recognition that mineral exploration often functions as a temporary land use, Administration currently enables mineral exploration to be established through a Temporary Use Permit in alignment with section 4.11 *Temporary Use Development Permit* in the Zoning Bylaw. Regulations in 4.11.1 allow Administration to approve development through a Temporary Use Permit provided it is “...not contrary to the Official Community Plan.” This regulation enables approval of mineral exploration through a Temporary Use Permit in the Natural Resource Extraction designation.

Section 4.11. c) of the Zoning bylaw states Temporary Use Permits are intended to accommodate “...interim land use with a defined life-span of less than one year, unless otherwise excepted by section 4.11.2.” If mineral exploration is not extracting “gravel, sand

or rock” and is not governed by a Council approved Master Plan, this activity would not be exempt from the one-year limit per section 4.11.2.

If this amendment were approved, it is anticipated a Temporary Use Permit would still be required to authorize mineral exploration, as this activity constitutes development and is within City limits. If the proposed exploration project exceeds the one-year timeframe, a zoning amendment may be required to authorize long term exploration projects.

### **Conclusion**

The proposed OCP amendment is broad in scope and does not geographically define specific areas proposed for mineral exploration. The proposal to rely entirely on Territorial legislation and current grant / claim location precludes the City’s ability to effectively regulate mineral exploration as a land use, as empowered by the *Municipal Act*. If approved, the amendment would enable exploration in any land use designation and would effectively remove the City’s ability to regulate mineral exploration as a land use. The proposed amendment would rely on territorial legislation to regulate mineral exploration. The location of exploration work would be determined by where valid mineral grants or claims exist, irrespective of OCP land use designation. If approved, policies in section 15 intended to regulate Natural Resource Extraction would no longer be applicable in the context of mineral exploration.

Administration is developing regulations for mineral exploration and development as directed by Council. The proposed amendment differs significantly from the draft framework that has recently been shared with Kwanlin Dün First Nation, Ta’an Kwäch’än Council, the Yukon Government, stakeholder groups and the broader public. The proposed amendment as written, would nullify the draft Mineral Exploration and Development Framework as written.

For these reasons Administration is not in support of the proposed amendment. Despite opposition, Administration does recommend the application proceed to Public Hearing to enable public input and subsequent Council decision. Administration proposes a minor addition to the applicant’s submitted wording to ensure if amended, the OCP would remain an internally consistent document. The recommended amendment would read as follows with proposed changes in bold:

*16.3 “Where valid mineral tenure exists as of the date of adoption of this policy, temporary mineral exploration activities conducted in accordance with applicable territorial legislation, including the Quartz Mining Act, and the terms and conditions of any authorization issued thereunder, and, where applicable, assessed under the Yukon Environmental and Socio-economic Assessment Act, shall be considered compatible with, and not contrary to, the objectives of the applicable land use designation under this Official Community Plan, and shall not require amendment to land use designation. **To the extent there is any conflict between this provision and any other provision in the OCP, this provision will govern.**”*

### **ADMINISTRATIVE RECOMMENDATION**

THAT Council direct that Bylaw 2026-11, a bylaw to amend text within the Official Community Plan, be brought forward for consideration under the bylaw process.