

ADMINISTRATIVE REPORT

TO:	City Planning Committee
FROM:	Administration
DATE:	October 5, 2026
RE:	Official Community Plan and Zoning Bylaw Amendment – Mineral Exploration and Development Framework

ISSUE

An application to amend text of the Official Community Plan and Zoning Bylaw to implement a land use framework to regulate Mineral Exploration and Mineral Development in Whitehorse.

REFERENCE

- [Zoning Bylaw 2025-37](#)
- [Whitehorse 2040 Official Community Plan](#)
- [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-February 2026](#)
- [Municipal Act, RSY 2002, c. 154](#)
- [Active Crown Grants / Mineral Claims and Whitehorse 2040 OCP Designations](#)
- [Mineral Exploration and Development Engagement “What We Heard” Report 1](#)
- [Mineral Exploration and Development Engagement “What We Heard” Report 2](#)
- [Whitehorse 2040 Official Community Plan - Redline Document](#)
- [Zoning Bylaw 2025-37 - Redline Document](#)
- Proposed OCP Amendment Bylaw 2026-23 (Attachment 1)
- Proposed Zoning Bylaw Amendment Bylaw 2026-32 (Attachment 2)
- Mineral Exploration and Development Framework Map (Attachment 3)

HISTORY

Renewed interest in mineral exploration within Whitehorse city limits was a key driver in the development of the Proposed Mineral Exploration and Development Framework (Proposed Framework). In December 2023, a member of the public submitted an application to amend the Official Community Plan (OCP) and Zoning Bylaw to ban mineral exploration and extraction within city limits. In early 2024, Council an OCP amendment to ban mineral exploration and development city-wide. Council did not proceed with second and third reading so that Administration could conduct meaningful engagement with First Nation governments, industry, and the public as well as conduct further research and jurisdictional reviews prior to bringing proposed amendments to Council for consideration. Following the hiring of a consultant in 2025, the City started this review, which culminated with a Proposed Mineral Exploration and Development Framework, which is now ready for Council’s consideration.

New enabling policy in the OCP is the foundation of the Proposed Framework. An accompanying set of regulations in the Zoning Bylaw provides detailed guidance on how Mineral Exploration and Development can occur. A description of the Proposed Framework is provided in the analysis section of this report.

Quartz Mining Act and Municipal Act

The *Quartz Mining Act* is one of the principal documents that regulates mining and exploration activities in the Yukon. The *Municipal Act* grants local governments jurisdiction over land use, including mining and exploration when those uses are undertaken within their boundaries. Section 289 of the *Municipal Act* states municipalities are permitted to “prohibit, regulate, and control the use and development of land and buildings in a municipality”. Neither act takes priority and each simultaneously applies.

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 is prohibited in 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. There are many claims that were staked in the prohibited area prior to the *Order* coming into effect. These claims are grandfathered and do not expire so long as they are kept in good standing. A claim can be kept in good standing by undertaking representation work each year or by paying a nominal fee.

Yukon Environmental and Socioeconomic Assessment Act (YESAA) and Yukon Government Permitting

Under the Yukon Environmental and Socio-Economic Assessment Act (YESAA), some intensities of mineral exploration are subject to review by the Yukon Environmental and Socioeconomic Assessment Board (YESAB).

Development of the Mineral Exploration and Development Framework

Following the above Council decision, Administration retained a consultant to conduct research including development of a jurisdictional scan. The consultant also assisted in facilitation and analysis of public and government engagement.

Public Engagement

An online survey was released for public participation from June 24 to July 28, 2025. A total of 430 respondents completed the survey. The survey was intended to illicit high-level feedback on mineral exploration and development in the city. In addition to the survey, members of the project team met with representatives of the mining and exploration industry on July 31, 2025, to understand perspectives on how mining and exploration should be regulated in the city. The project team also met with members of environmental non-government organizations (ENGO) in a separate meeting on July 31, 2025 to understand conservation perspectives related to mining and exploration. A What We Heard Report summarizing findings from the survey and industry meetings was released on August 29, 2025.

In early February 2026, the Proposed Framework was released to the public. Between February 9 and March 9, 2026, a second online survey was released to elicit comment and gauge understanding related to the Proposed Framework. 167 respondents completed the survey.

Two open houses were held on February 23 and February 26, 2026. Meetings to discuss the Proposed Framework with mining industry professionals and ENGOs were held on February 9, 2026 and February 13, 2026 respectively. A second What We Heard Report summarizing the second phase of public engagement was released on June 5, 2026.

Engagement with Kwanlin Dün First Nation (KDFN)

Members of the project team met with KDFN staff in July 2025 to initiate conversations regarding development of a Proposed Framework. Administration met again with KDFN in February 2026 to discuss the Proposed Framework. KDFN sought clarification as to how Category A Settlement lands would be impacted by the Proposed Framework, given KDFN has the ability to draw legislative authority over subsurface rights in Category A land. The Proposed Framework will not hinder the ability of any First Nation to exercise its land use rights under a self-government agreement, including Category A and B lands. KDFN also identified the need for a map correction to reflect First Nations Settlement Land near Fish Lake Road, which was mistakenly designated as Greenspace.

Engagement with Ta'an Kwäch'än Council (TKC)

A meeting was held with TKC staff in July 2025 and again in January 2026, to discuss the Proposed Framework.

TKC staff indicated a desire for better explanation of how the Proposed Framework interacts with Chasàn Chùà Territorial Park. Confirmation was provided that Chasàn Chùà Territorial Park is predominantly designated as Greenspace, where exploration is not permitted in the Proposed Framework. TKC staff also identified heritage protection as a concern. In response to these comments, Administration confirmed all exploration projects will require Development Review Committee (DRC) review. TKC and KDFN are members of DRC and can participate in review of all mineral applications to ensure appropriate heritage reviews occurs.

TKC staff also questioned whether the Proposed Framework could negatively impact TKC's ability to undertake gravel extraction. Administration confirmed that no changes to gravel extraction regulations will result from the Proposed Framework. Other concerns included enforcement and cumulative effect. The Proposed Framework will outline inspection powers and standard enforcement tools will be used to ensure compliance. Bonding will be required as part of the Proposed Framework to ensure adequate remediation occurs in the event of delinquency. Unfortunately the City is not equipped to address macro level environmental considerations, sometimes referred to as cumulative effects. In these instances, the City relies on YESAB and YG to impose conditions that can address broader environmental concerns.

In response to concerns, Administration will ensure KDFN and TKC will continue to have the opportunity to participate in the City's DRC when applications related to mineral exploration or development are received.

Engagement with the Government of Yukon (YG)

The Land Planning Branch of the Energy, Mines and Resources Department at YG was sent the Proposed Framework in late 2025 for comment. YG confirmed municipalities cannot restrict where mineral claims are staked but can influence where and how mineral exploration and development occurs through land-use planning. OCPs and zoning bylaws can set permitted levels of exploration activity, define when development permits are required, and establish thresholds that trigger rezoning applications. Proponents may apply to amend the OCP or amend the Zoning Bylaw to allow exploration or mining where the proposed activities do not align with the existing OCP or Zoning Bylaw.

Development Review Committee and Administrative Review

On June 24, 2026 the Proposed Framework was reviewed by the DRC. The DRC provided the following comments:

- Consider consistent language between proposed “watercourse setback” and existing “riparian setback”;
- Consider if policy should enable requirement of setbacks greater than 100 m from watercourses if justified by environmental study;
- Need trail construction standards;
- Consider security deposits for reclamation of Tier 1 and 2 exploration activities;
- Deposits require standardized calculations based on disturbance area;
- Secondary uses in new Other Mineral Exploration (OME) and Other-Mineral Development (OMD) zones should be limited in scope;
- Temporary accessory structures can be appropriate in this context; and
- Development Areas should be based on defined work area within Yukon Government issued permits.

Following DRC, Administration has incorporated this feedback into proposed OCP policy and Zoning Bylaw regulation. Internal training will occur to ensure consistent application of the Proposed Framework.

OCP Amendment Proposed Schedule

The proposed schedule for the OCP amendment is:

Planning Committee:	October 5, 2026
First Reading:	October 13, 2026
Newspaper Ads:	October 23 and 30, 2026
Public Hearing:	November 9, 2026
Public Hearing Report:	December 7, 2026
Second Reading:	December 14, 2026
Ministerial Review:	February 8, 2027 (assuming full 45-day review period)
Third Reading:	February 8, 2027

ALTERNATIVES

1. Proceed with the proposed OCP and Zoning Bylaw amendment under the bylaw process as outlined in Attachment 1 and Attachment 2; or
2. Do not proceed with the proposed amendment.

ANALYSIS

Existing OCP policies allow mineral exploration and development in the Natural Resource Extraction and Industrial land use designations. Similarly, zoning regulations allow mineral exploration and development in the Other-Quarry (OQR) zone as a principal use and in the Industrial-Heavy (IHV) zone as a conditional use. Despite these allowances, the City needs greater clarity with respect to its policies and regulations to increase public transparency and limit legal risk when regulating land uses related to mineral exploration and development.

Three (3) primary deficiencies currently exist in the OCP and Zoning Bylaw:

1. Mineral exploration and development have been classified under the same rules as granular resource (gravel, sand, and rock) extraction in current “Natural Resource Development” terminology in the OCP and Zoning Bylaw.
2. Mineral Exploration and Mineral Development are not uniquely defined, failing to acknowledge the significant differences between these two land uses.
3. Current policy and regulation do not adequately address broader land use planning objectives in relation to existing mineral claims and grants.

Proposed Mineral Exploration and Development Framework

The Proposed Framework applies a “tiered” system to regulate exploration based on land use impact. Broader allowances are given to lower impact forms of exploration. Proposed Framework OCP policies categorize exploration using a tiered system, with increasingly stringent permitting requirements based on intensity of use and potential impact. The Proposed Framework establishes a clear distinction between mineral exploration and mineral development. Mineral exploration refers to drilling practices where rock core is removed for geological study to determine the location, concentration and characteristics of mineral deposits. Mineral exploration is not mining and does not result in large scale mineral extraction and processing of material on site. Mineral development is synonymous with mining. Mining has the potential to pose significant land use impact and is subject to multi-level government regulation. The Proposed Framework relies on mapped OCP designations and their associated policies to determine the appropriate location for Mineral Exploration and Development.

Tier 1-3 exploration would be enabled through Temporary Use Permits as regulated in the Zoning Bylaw. Undertaking more intensive Tier 4 exploration would require applicants to rezone subject lands into a newly proposed Other-Mineral Exploration (OME) zone. Tier 4 exploration may require an OCP amendment to designate the land as Natural Resource Extraction if another designation is currently in place. OCP and Zoning Bylaw amendments are subject to Public Hearing and Council approval.

The Proposed Framework considers Mineral Development (mining) as a Tier 5 activity and establishes land use policies regarding potential location, master planning requirement, buffering and reclamation obligations. Detailed regulations are not provided for mineral development at this time, given technical mining regulations are the purview of YG. In the event a mine is proposed within city limits, additional comprehensive planning work is required. The Proposed Framework defines “Mineral Development” and enables this land use in the Natural Resource Extraction OCP designation only. In addition to municipal bylaw regarding land use, Mineral Development would be subject to all applicable territorial regulations. A Mineral Development project would require rezoning subject lands into a newly proposed Other-Mineral Development (OMD) zone. An OCP amendment may also be required if the subject lands are not already designated as Natural Resource Extraction. OCP and Zoning Bylaw amendments require Public Hearing and Council approval.

The Proposed Framework’s tiered system is more conservative than the class system currently applied by YG through the *Quartz Act*. The class system enables broad exploration activity under a Class 1 permit and notification. Class 2-4 mineral activities are subject to review under YESAA. Current Class 3 approvals that enable Mineral Exploration in Whitehorse permit higher impact activities including new road and trail construction. Approved Class 3 activities would require Tier 4 approval under the City’s Proposed Framework.

Proposed OCP Amendments

Several changes to the OCP are required to implement the Proposed Framework (Attachment 1). Proposed changes define Mineral Exploration and Mineral Development, clarify where Mineral Exploration and Mineral Development are appropriate, and empower the creation of detailed regulations in the Zoning Bylaw.

Proposed OCP changes include:

- New definitions for Mineral Development, Mineral Exploration, Principal Land Use and Watercourse;
- A new definition for Granular Resource Extraction and modifications of associated policy to separate Quarry uses from Mineral Exploration and Mineral Development uses in policy;
- Establishment of intensity-based tiers for Mineral Exploration and Development
 - Enables Tier 1, 2 and 3 Mineral Exploration through Temporary Use Permit; and
 - Tier 4 Mineral Exploration and Tier 5 Mineral Development are permitted as a principal use in the Natural Resource Extraction designation and will require a Development Permit and potentially a Development Permit Agreement;
- Direction on where types of mineral activity are permitted based on OCP designation;
- Establishment of a 500 m separation between Mineral Exploration and residential uses;
- Establishment of setback criteria between Mineral Development and residential uses based on independent engineering analysis;

- Establishment of a 100 m setback between Mineral Exploration and watercourses (with the potential to reduce the setback to a minimum of 30 m if an environmental study is prepared);
- New requirement that a reclamation plan be provided as part of Mineral Exploration and Mineral Development applications;
- New requirement that any application to redesignate Greenspace land must include a report prepared by a certified environmental professional that justifies the proposed redesignation and identifies mitigation strategies to address potential environmental impacts; and
- Clarify Master Plan requirement applies when undertaking Tier 4 Mineral Exploration or Tier 5 Mineral Development on sites 1.5 ha or greater in size.

The Proposed Framework would enable Mineral Exploration in new designations including Future Planning, Agriculture, and Public Utilities. The Proposed Framework would increase exploration areas from approximately 1,128 ha to 4,548 ha. Expansion of exploration allowances acknowledge the presence of existing mineral claims and grants. The Proposed Framework enables exploration on existing mineral tenure provided it aligns with OCP policy intent and complies with new policy and regulations that aim to mitigate land use impacts. The Proposed Framework does not propose any OCP mapping changes. All designation areas remain unchanged as part of the Proposed Framework.

Engagement with KDFN and TKC did identify two OCP mapping concerns. A mapping error related to settlement land near Fish Lake Road will be corrected at a later date. Changes to OCP designations within Chasàn Chùà Territorial Park will be addressed as part of future Park Management Planning. Claims holders within Chasàn Chùà Territorial Park have made a commitment to relinquish those claims.

Proposed Zoning Bylaw Amendments

Implementation of the Proposed Framework requires several Zoning Bylaw amendments as outlined in Attachment 2. Proposed amendments to the Zoning Bylaw would impose regulation based on equipment type, vegetative cutting, inspection requirement, project duration, trail construction, permitting requirements, OCP land use designation and zoning requirements. City review is based on land use considerations and is after and in addition to YG review under the *Quartz Act*.

Zoning Bylaw amendments are empowered by the proposed OCP amendments. Proposed amendments include:

- Adding geotechnical drilling and well monitoring to the Development Permit Exemptions list;
- Removal of reference to “minerals” in any existing “granular resource” or “natural resource” language;
- A new section under 2.13 Temporary Use Development Permit specifically regulating Tier 1, 2 and 3 Mineral Exploration;
- New definitions including:
 - Geotechnical Drilling;
 - Well Monitoring;

- Mineral Development;
- Mineral Exploration;
- Watercourse;
- Established Access;
- Temporary Equipment Access;
- Exploratory Drilling;
- Skid Mounted Equipment;
- Rubber Tracked Equipment;
- Pre-existing Trail;
- Reclamation Plan;
- Tree Limbing;
- Brushing;
- Site Inspection Report; and
- Definition for each of the five mineral activity tiers;
- *New Specific Use Regulations* for Mineral Exploration:
 - Specify application requirements for development permit and require development permit applications include a YESAB decision document and/or YG approval letter;
 - A table specifying:
 - Approved project methods;
 - Vegetative cutting allowances;
 - Inspection requirements;
 - Permitting requirements;
 - OCP designation allowances;
 - Zone allowances;
 - Maximum project duration;
 - Trail construction allowances; and
 - Development Review Committee review;
 - Establishment of a 100 m Watercourse setback (with the potential to reduce the setback to a minimum of 30 m if an independent environmental study supports reduction);
 - Establishment of a 500 m Mineral Exploration setback from residential uses;
 - Establishment of setback criteria for Mineral Development;
 - Requirement that applicants submit surface water monitoring data (where applicable) at time of permit application;
 - Requirement that drill holes be back filled and capped;
 - Requirement for a Spill Response Plan;
 - Prohibition on drawing of water from any naturally occurring watercourse;
 - Requirement for site reclamation; and
 - Requirement for bonding to ensure reclamation in the event of delinquency;
- Two new zones:
 - Other-Mineral Exploration (OME) zone to enable Tier 4-Mineral Exploration;
 - Other-Mineral Development (OMD) zone to enable Tier 5-Mineral Development;
 - New (OME) and (OMD) zones would not be applied to any land initially;

- An applicant would need to submit a zoning bylaw amendment to rezone lands to either of these zones to enable Tier 4 or Tier 5 mineral activity; and
- This ensures a Council decision and public hearing for any Tier 4 or Tier 5 activities is required.

How would this amendment work?

Tiers 1, 2, or 3

If the proposed amendment were approved, the following process would occur to evaluate an application to undertake Tier 1, 2 or 3 Mineral Exploration:

- Confirm existing mineral tenure is in place;
- Confirm proposed work aligns with the definition of Mineral Exploration;
- Confirm proposed work aligns with defined Tier of mineral activity;
- Confirm proposed work can be accommodated in subject OCP designation; and
- Confirm proposed work aligns with OCP and Zoning Bylaw requirements.

If all above criteria are met, the City may issue a Temporary Use Permit subject to standard conditions of approval.

Tier 4

The following process would occur to evaluate an application to undertake Tier 4 Exploration:

- Confirm existing mineral tenure is in place;
- Confirm proposed work aligns with defined Tier 4 Mineral Exploration;
- Confirm proposed work is within the Natural Resource Extraction OCP designation. If not, an OCP amendment would be required subject to Council decision;
- If proposed work area exceeds 1.5 ha, the Master Planning process is triggered and must adhere to policies 13.22-13.24 in the OCP;
- If the Master Plan is approved the applicant would then submit the mandatory zoning bylaw amendment to rezone land into the Other-Mineral Exploration (OME) zone. The rezoning application would proceed through bylaw process including a public hearing;
- If rezoning is approved by Council, applicant would apply for a Development Permit;
- Development permit issued subject to alignment with OCP policy, Zoning Regulation, Development Permit Agreement (if applicable) and standard conditions of approval.

Tier 5

The following process would occur to evaluate an application to undertake Tier 5 Mineral Development:

- Confirm existing mineral tenure is in place
- Confirm proposed work aligns with defined Tier 5 Mineral Development
- Confirm proposed work is within a Natural Resource Extraction OCP designation

- If not, an OCP amendment would be required subject to Council decision
- If proposed work area exceeds 1.5 hectares, Master Planning process is triggered and must adhere to policies 13.22-13.24 in the OCP
- If the Master Plan is approved the applicant would then submit the mandatory zoning amendment to rezone land into the Mineral Development (OMD) zone
 - Rezoning application proceeds through bylaw process including public hearing
- If rezoning is approved by Council, applicant would apply for a Development Permit
- Development permit issued subject to OCP policy, Zoning Regulation, Development Permit Agreement (if applicable) and standard conditions of approval

All City approval processes occur after and in addition to applicable YG and YESAB review and permitting.

Conclusion

The Proposed Framework attempts to provide a consistent policy and regulatory framework that can be used to effectively guide Mineral Exploration and Mineral Development in the city. The Proposed Framework is informed by current legislation, policy and regulation. Public and government consultation, jurisdictional scans, and lessons learned while permitting mineral exploration in the city were also key inputs into Proposed Framework development. The proposed amendments attempts to balance broad land use objectives outlined in the OCP with an increasing interest in exploration of existing mineral tenure within city limits. The Proposed Framework utilizes powers granted in the *Municipal Act* to regulate Mineral Exploration and Mineral Development as land uses through the OCP and Zoning Bylaw, while providing application pathways for Council consideration of more intensive mineral activities in the future.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2026-23 and Bylaw 2026-32, bylaws to amend the text of the Official Community Plan and the Zoning Bylaw to implement the Mineral Exploration and Development Framework, be brought forward for consideration under the bylaw process