

CITY OF WHITEHORSE

BYLAW 2026-23

A bylaw to amend the Official Community Plan

WHEREAS Section 289 of the *Municipal Act* provides that a municipality shall by bylaw adopt an Official Community Plan in accordance with Part 7, Division 1 of the Act; and

WHEREAS Section 285 of the *Municipal Act* provides for amendment of an Official Community Plan, in accordance with the same approvals as established in Division 1 for the preparation and adoption of an Official Community Plan; and

WHEREAS it is deemed desirable and expedient to amend the 2040 Official Community Plan to enable the Mineral Exploration and Development Framework;

NOW THEREFORE the Council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Section 13 of the Whitehorse 2040 Official Community Plan is hereby amended by modifying the existing “Mineral Development” subtitle to read as follows:

“Mineral Exploration and Mineral Development”

2. Section 13 of the Whitehorse 2040 Official Community Plan is hereby amended by adding policy 13.3.1 to read as follows:

“13.3.1 Mineral Exploration and Mineral Development applications will be evaluated using intensity-based tiers outlined in Table 2, and in accordance with regulation in the Zoning Bylaw.”

3. Section 13 of the Whitehorse 2040 Official Community Plan is hereby amended by adding Table 2 Mineral exploration tiers immediately after policy 13.3.1 to read as follows and renumbering subsequent tables accordingly:

Table 2 Mineral Activity Tiers

Mineral Activity Classification		Mineral Activity Allowances per OCP Designation	Land Use Type
Tier 1	Low Impact Mineral Exploration	All designations outside the Urban Containment Boundary except in Greenspace and Residential - Country	Temporary Land Use
Tier 2	Low Impact Mineral	All designations outside the Urban Containment Boundary except	Temporary

Mineral Activity Classification		Mineral Activity Allowances per OCP Designation	Land Use Type
	Exploration	Greenspace, Future Planning, and Country - Residential	Land Use
Tier 3	Medium Impact Mineral Exploration	Industrial and Natural Resource Extraction	Temporary Land Use
Tier 4	High Impact Mineral Exploration	Natural Resource Extraction	Principal Land Use
Tier 5	Mineral Development	Natural Resource Extraction	Principal Land Use

4. Section 13 of the Whitehorse 2040 Official Community Plan is hereby amended by adding policies 13.3.2, 13.3.3, 13.3.4, 13.3.5, 13.3.6, 13.3.7, 13.3.8, 13.3.8.1, 13.3.8.2, 13.3.9, and 13.3.10 to read as follows:

“13.3.2 Mineral Exploration may be permitted as a Temporary Use where both of the following criteria are met:

- i. Where valid mineral tenure exists in good standing.
- ii. In select OCP designations based on the applicable tier, as outlined in Table 2.

13.3.3 Tiers 1 and 2 Low Impact Mineral Exploration, and Tier 3 Medium Impact Mineral Exploration will require a Temporary Use Development Permit that may be approved in accordance with regulations in the Zoning Bylaw.

13.3.4 Where not permitted, Tier 4 High Impact Mineral Exploration and Tier 5 Mineral Development shall require a Zoning Bylaw amendment to rezone subject lands to the appropriate zone in accordance with regulations in the Zoning Bylaw.

- i. Prior to rezoning of land to permit Tier 4 High Impact Mineral Exploration or Tier 5 Mineral Development, a Master Plan shall be required for any proposed work area exceeding 1.5 hectares in area. Master Plans shall be developed in accordance with OCP policies 13.22, 13.23, and 13.24.

13.3.5 Tier 4 High impact Mineral Exploration and Tier 5 Mineral Development are considered Principal Land Uses and shall require a Development Permit that shall be approved in accordance with regulations in the Zoning Bylaw and in alignment with federal requirements, territorial legislation and other City bylaws.

-
- i. A Development Permit Agreement may be required to mitigate impacts and address project-specific considerations.
- 13.3.6 Where Mineral Exploration (Tiers 1-4) occurs in proximity to residential uses, a 500 metre setback will be required to provide development separation, visual barrier, and noise buffering. The setback will be measured from the subject drill pad to the nearest adjacent residential property line.
- 13.3.7 Where Tier 5 Mineral Development occurs in proximity to residential uses, a setback will be required to provide development separation, visual barrier, and noise buffering. The buffer areas should be, where practical, vegetated and publicly owned.
- i. The setback shall be determined through independent noise and vibration studies conducted by a professional engineer or other qualified professional.
- ii. Under no circumstance shall the required setback be less than 500 metres from the property line of the nearest residential use.
- 13.3.8 Where Mineral Exploration (Tiers 1-4) or Mineral Development (Tier 5) are in proximity to a Watercourse, a Watercourse setback will be required to protect Riparian Areas. Areas along both sides of all rivers, streams, lakes, and wetlands must be protected from development and remain in a natural condition along both sides of all rivers, streams, lakes and wetlands. Government of Canada and Government of Yukon environmental guidelines, and applicable City bylaws must be followed in all cases.
- 13.3.8.1 For Mineral Exploration (Tiers 1-4), the Watercourse setback shall be 100 metres.
- i. An environmental study prepared by a qualified professional is required to consider any potential reduction to the Watercourse setback. The study shall provide justification for the proposed setback and should include strategies that mitigate the impact of the proposed development on the adjacent Watercourse.
- ii. For Tiers 1-3, the Watercourse setback shall be measured from the ordinary high-water mark of the Watercourse to the subject drill pad. For Tier 4, the Watercourse setback shall
-

-
- be measured from the ordinary high-water mark of the Watercourse to the applicable Mineral Exploration zone boundary.
- iii. Under no circumstance shall the required Watercourse setback for Mineral Exploration (Tiers 1-4) be less than 30 metres from the ordinary high-water mark.
- 13.3.8.2 For Mineral Development (Tier 5), an environmental study prepared by a qualified professional will be required to determine the appropriate Watercourse setback. The study shall provide justification for the proposed setback and should include strategies that mitigate the impact of the proposed development on the adjacent Watercourse.
- i. The Watercourse setback shall be measured from the ordinary high-water mark of the Watercourse to the applicable Mineral Development zone boundary.
- ii. Under no circumstance shall the required Watercourse setback for Mineral Development (Tier 5) be less than 30 metres from the ordinary high-water mark.
- 13.3.9 A Reclamation Plan, prepared by a qualified professional and to the satisfaction of the City, will be required as part of permit approval for Mineral Exploration or Mineral Development (Tiers 1-5).
- 13.3.10 In the event new mineral claims are staked within city limits after the date of this amendment, authorization to explore a new claim shall require Council approval.
5. Section 15 of the Whitehorse 2040 Official Community Plan is hereby amended by adding policy 15.5.8 to read as follows:
- “15.5.8 Any application to redesignate Greenspace land shall include a professional environmental study that provides justification for the proposed amendment. This report should also include strategies that mitigate the impact of proposed development on Whitehorse’s ecosystems.”
6. Section 15 of the Whitehorse 2040 Official Community Plan is hereby amended by adding a new subtitle and policy 15.6.11 immediately after policy 15.6.10 to read as follows:
- “Mineral Exploration**
-

Please refer to Section 13 Mineral Exploration and Mineral Development for additional policies regarding Mineral Exploration.

15.6.11 Tiers 1, 2, and 3 Mineral Exploration may be permitted as a Temporary Land Use in the Industrial designation.

7. Section 15 of the Whitehorse 2040 Official Community Plan is hereby amended by modifying the preamble to subsection 15.12 Natural Resource Extraction to read as follows:

“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.

Gravel extraction is fundamental to Whitehorse’s local economy as it supplies the foundation for new construction such as buildings and roadways. Having a stable supply of gravel will be required to keep up with housing demand as the population grows.

Notable areas of mineral and gravel potential include the Whitehorse Copper Belt, Sleeping Giant Hill, and McLean Lake. Gravel can supply pit run, crushed basecourse, sub-base, asphalt and concrete aggregate, concrete, bedding sand, and drain rock. These materials are typically used for road and highway development, building foundations, and other forms of construction. It is an essential asset for any community to have significant gravel reserves rather than importing them from other communities or rural areas at great expense.

Mineral Exploration and Development have played formative roles in shaping the socio-economic identity of the Yukon, most notably through the Klondike Gold Rush. Whitehorse continues to serve as the economic and service hub to the broader mining industry in the Yukon. Numerous valid mineral grants and claims exist within city limits. Responsible and well managed Mineral Exploration and Mineral Development may occur within the city subject to alignment with the OCP and Zoning Bylaw.”

8. Section 15 of the Whitehorse 2040 Official Community Plan is hereby amended by modifying policy 15.12.1 to read as follows:

“15.12.1 Uses that may be suitable for inclusion in the Natural Resource Extraction designation include:

- i. Quarry operations, which is recognized as fundamental to the local economy as it supplies raw materials for new construction;
- ii. Mineral Exploration; and
- iii. Mineral Development.”

-
9. Section 15 of the Whitehorse 2040 Official Community Plan is hereby amended by adding a new subtitle immediately after policy 15.12.1 to read as follows:

“Granular Resource Extraction”

10. Section 15 of the Whitehorse 2040 Official Community Plan is hereby amended by adding a new subtitle, preamble, and policies 15.12.9 and 15.12.10 immediately after policy 15.12.8 to read as follows:

“Mineral Exploration

“15.12.9 Tiers 1, 2 and 3 Mineral Exploration may be permitted as a Temporary Land Use in the Natural Resource Extraction designation.

15.12.10 Tier 4 Mineral Exploration may be permitted as a Principal Use in the Natural Resource Extraction designation.”

Please refer to Section 13.3 Mineral Exploration and Mineral Development for additional policies regarding Mineral Exploration.

11. Section 15 of the Whitehorse 2040 Official Community Plan is hereby amended by adding a new subtitle, preamble, and policy 15.12.11 immediately after policy 15.12.10 to read as follows:

“Mineral Development

15.12.11 Tier 5 Mineral Development may be permitted in the Natural Resource Extraction designation.”

Please refer to Section 13 Mineral Exploration and Mineral Development for additional policies regarding Mineral Development.

12. The Glossary of the Whitehorse 2040 Official Community Plan is hereby amended by modifying the existing table by adding definitions for “Granular Resource Extraction”, “Mineral Development”, “Mineral Exploration”, “Principal Land Use”, “Temporary Land Use”, and “Watercourse” in alphabetical order to read as follows:

Term	Definition
Granular Resource Extraction	Means a land use where gravel, sand, and rock are being removed from the ground and processed on site. This use is also commonly referred to as quarrying.
Mineral Development	The construction of a facility or undertaking of work resulting in the removal and production of subsurface minerals on site but excludes exploration work for the sole or principal purpose of assessing land for its suitability for the production of minerals. This use is also commonly referred to as mining.

Mineral Exploration	Mineral Exploration means activities undertaken for the sole or principal purpose of assessing land for its suitability for the production of minerals, including but not limited to drilling and associated drill site preparation, conducted in accordance with a valid authorization issued under the Quartz Mining Act or applicable territorial legislation and City bylaws.
Principal Land Use	The primary or predominant use of any lot, building, or structure.
Temporary Land Use	Means a use established for a fixed period of time with the intent to discontinue the activity upon the expiration of the fixed time period. Typical development may include fairs, special events, investigation of land, and the use of land for storage of materials or equipment or a site office while construction work is in progress.
Watercourse	A naturally occurring body of water that can be classified as a river, stream, lake or wetland.

13. This bylaw shall come into force and effect upon the final passing thereof.

FIRST READING:

PUBLIC NOTICE:

PUBLIC HEARING:

SECOND READING:

EXECUTIVE COUNCIL MEMBER APPROVAL:

THIRD READING and ADOPTION:

Kirk Cameron, Mayor

Corporate Services