

## CITY OF WHITEHORSE BYLAW 2026-32

A bylaw to amend the Zoning Bylaw 2025-37

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WHEREAS section 289 of the *Municipal Act* provides that a zoning bylaw may prohibit, regulate and control the use and development of land and buildings in a municipality; and

WHEREAS section 294 of the *Municipal Act* provides for amendment of the Zoning Bylaw; and

WHEREAS it is deemed desirable that the City of Whitehorse Zoning Bylaw be amended 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 2 of Zoning Bylaw 2025-37 is hereby amended by modifying existing Table 2: Development Permit Exemptions by adding "Geotechnical drilling" and "Well monitoring" to in alphabetical order to read as follows and renumbering subsequent exemptions in the Table accordingly:

| Development               | Permit Not Required                                                                                                 |
|---------------------------|---------------------------------------------------------------------------------------------------------------------|
| (7) Geotechnical drilling | Use of drilling equipment to undertake shallow subsurface drilling used to assess land for development feasibility. |
| (16) Well monitoring      | Use of drill equipment to assess the quality of water.                                                              |

2. Section 2 of Zoning Bylaw 2025-37 is hereby amended by adding subsection 2.13(4) to read as follows:

- “(4) The Development Officer may issue a Temporary Use Development Permit for Mineral Exploration as outlined in this bylaw, provided such development:
- (a) is not contrary to the Official Community Plan;
  - (b) is temporary in nature;
  - (c) the temporary use permit will be issued for a period of time outlined in Table 13, with the potential to apply for subsequent permits upon satisfactory demonstration that Mineral Exploration activities have been performed in accordance with the approved plans from the previous permit and in accordance with Specific Use Regulation in Part 5 of this bylaw.
  - (d) subsequent permits may provide new or modified conditions of approval as may be required to ensure compliance with this Bylaw or any other City plans, policies, or bylaws.

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- (e) the applicant shall restore the site to its original condition, or a condition acceptable to the Development Officer, upon expiration or revocation of the Temporary Use Development Permit.
  - (f) all Temporary Use Permits shall be approved in accordance with Use Specific Regulations for Mineral Exploration in Part 5 of this bylaw."
3. Section 3 of Zoning Bylaw 2025-37 is hereby amended by adding definitions in subsection 3.1(1) of "Brushing", "Established Access", "Geotechnical Drilling", "Mineral Development", "Mineral Exploration", "Pre-existing Trail", "Reclamation Plan", "Rubber Tracked Equipment", "Site Inspection Report", "Skid Mounted Equipment", "Tier 1-Low Impact Mineral Exploration", "Tier 2-Low Impact Mineral Exploration", "Spill Response Plan", "Tier 3-Medium Impact Mineral Exploration", "Tier 4-High Impact Mineral Exploration", "Tier 5-Mine Development", "Tier 1 Temporary Equipment Access", "Tier 2 Temporary Equipment Access", "Tier 3 Temporary Equipment Access", "Tree Limbing", "Watercourse", and "Well Monitoring" in alphabetical order to read as follows:

"**BRUSHING** means the process of selectively removing herbaceous and woody vegetation by manual or mechanical means. Brushing does not include the practice of Tree Limbing or tree removal."

"**ESTABLISHED ACCESS** means any road, route, or cleared corridor that was previously constructed or used for any purpose involving ground disturbance or vegetation clearing, and that is identifiable on the ground by one or more of the following:

- a) The vegetative mat is absent in the wheel track or travel surface area, consistent with prior sustained vehicle passage, regardless of vegetative regrowth on the corridor margins or centre;
- b) An existing roadbed, compacted surface, or corridor width consistent with prior equipment passage remains identifiable; or
- c) Cleared corridor margins, stumpage, or cut vegetation consistent with prior clearing activity are present.

Restoration of an established access route to pass ability by selective removal of regrown vegetation with no movement of rock or earth does not constitute construction of a new route. Where regrowth within an established access corridor can be removed by brushing with no movement of rock or earth, selective removal constitutes restoration of established access and does not require Temporary Equipment Access standards."

"**GEOTECHNICAL DRILLING** means the use of drilling equipment to undertake shallow subsurface drilling used to assess land for development feasibility. Geotechnical drilling does not include drilling associated with a Mineral Exploration project."

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**“MINERAL DEVELOPMENT** means 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** 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 bylaw.”

**“PRE-EXISTING TRAIL** means a trail that was in place prior to the application being made, that is not otherwise slated for deactivation. Trail classification shall be the discretion of the Manager of Parks.”

**“RECLAMATION PLAN** means a plan outlining how a site that has been disturbed either by development, natural resource extraction or exploration activities, will be returned to its previous state or a condition where it is deemed suitable for redevelopment.”

**“RUBBER TRACKED EQUIPMENT** means a vehicle with self-propelled rubber tracks that produces no more than 28 kilopascals of ground pressure.”

**“SITE INSPECTION REPORT** means a report submitted to the City confirming current site conditions of a given property. A site inspection report can be required at the beginning and end of a land use process to ensure adequate reclamation has occurred.”

**“SKID MOUNTED EQUIPMENT** means equipment including an exploratory drill, mounted on a skid intended to be pushed or pulled into the desired position.”

**“SPILL RESPONSE PLAN** means a plan that outlines steps to safely prevent, stop, contain, clean up, and report accidental releases of hazardous materials.”

**“TIER 1-LOW IMPACT MINERAL EXPLORATION** means the lowest intensity form of Mineral Exploration that can be conducted within the City of Whitehorse in alignment with OCP policy and Zoning Bylaw regulation.”

**“TIER 2-LOW IMPACT MINERAL EXPLORATION** means a low intensity form of Mineral Exploration that can be conducted within the City of Whitehorse in alignment with OCP policy and Zoning Bylaw regulation.”

**“TIER 3-MEDIUM IMPACT MINERAL EXPLORATION** means medium intensity form of Mineral Exploration that can be conducted within the City of Whitehorse in alignment with OCP policy and Zoning Bylaw regulation.”

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**“TIER 4-HIGH IMPACT MINERAL EXPLORATION** means the highest intensity form of Mineral Exploration that can be conducted within the City of Whitehorse in alignment with OCP policy and Zoning Bylaw regulation.”

**“TIER 5-MINERAL DEVELOPMENT** means Mineral Development or mining can occur in this tier of land use activity.”

**“TIER 1 TEMPORARY EQUIPMENT ACCESS** means access to a Mineral Exploration work area on valid mineral tenure in good standing, achieved by rubber-tracked equipment, or by metal-tracked equipment during winter conditions where required for safe operation, where the following standards are met:

- a) No movement of rock or earth occurs, except for the removal of individual obstructions necessary for safe equipment operation, with prior notification to the development officer;
- b) The vegetative mat remains intact — incidental compression by approved equipment passage does not constitute removal of the vegetative mat;
- c) No trees with a stem diameter exceeding 15 cm at 1.5 m above ground are felled, except where removal of an individual tree is necessary for safe equipment operation, with prior notification to the development officer;
- d) No equipment blade is used to grade the surface or remove the vegetative mat; and
- e) Temporary equipment access shall not exceed a maximum width of 5 m, with the cumulative area of disturbance under a single Temporary Use Permit not exceeding 0.5 ha, calculated using actual route length and actual disturbed width, to a maximum width of 5 m. Cutting shall be limited to necessary, selective cutting to achieve temporary access only.

Where temporary equipment access does not involve removal of the vegetative mat or alteration of ground slope or grade, deactivation consists of removal of any felled material and restoration of natural drainage where affected, and confirmation that the vegetative mat remains in place and in good condition. Full recontouring and revegetation are not required where grade and slope are unchanged.”

**“TIER 2 TEMPORARY EQUIPMENT ACCESS** means access to a Mineral Exploration work area on valid mineral tenure in good standing, achieved by skid mounted, track mounted or truck mounted equipment where the following standards are met:

- a) No movement of rock or earth occurs, except for the removal of individual obstructions necessary for safe equipment operation, with prior notification to the development officer;
- b) The vegetative mat remains intact — incidental compression by approved equipment passage does not constitute removal of the vegetative mat;
- c) No trees with a stem diameter exceeding 15 cm at 1.5 m above ground are

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- felled, except where removal of an individual tree is necessary for safe equipment operation, with prior notification to the development officer;
- d) No equipment blade is used to grade the surface or remove the vegetative mat; and
  - e) Temporary equipment access shall not exceed a maximum width of 5 m, with the cumulative area of disturbance under a single Temporary Use Permit not exceeding 0.5 ha, calculated using actual route length and actual disturbed width, to a maximum width of 5 m. Cutting shall be limited to necessary, selective cutting to achieve temporary access only.

Where temporary equipment access does not involve removal of the vegetative mat or alteration of ground slope or grade, deactivation consists of removal of any felled material and restoration of natural drainage where affected, and confirmation that the vegetative mat remains in place and in good condition. Full recontouring and revegetation are not required where grade and slope are unchanged.”

**“TIER 3 TEMPORARY EQUIPMENT ACCESS** means access to a Mineral Exploration work area on valid mineral tenure in good standing, achieved by skid mounted, track mounted or truck mounted equipment where the following standards are met:

- a) No movement of rock or earth occurs, except for the removal of individual obstructions necessary for safe equipment operation, with prior notification to the development officer;
- b) The vegetative mat remains intact — incidental compression by approved equipment passage does not constitute removal of the vegetative mat;
- c) No trees with a stem diameter exceeding 20 cm at 1.5 m above ground are felled, except where removal of an individual tree is necessary for safe equipment operation, with prior notification to the development officer;
- d) No equipment blade is used to grade the surface or remove the vegetative mat; and
- e) Temporary equipment access shall not exceed a maximum width of 5 m, with the cumulative area of disturbance under a single Temporary Use Permit not exceeding 0.5 ha, calculated using actual route length and actual disturbed width, to a maximum width of 5 m. Cutting shall be limited to necessary, selective cutting to achieve temporary access only.

Where temporary equipment access does not involve removal of the vegetative mat or alteration of ground slope or grade, deactivation consists of removal of any felled material and restoration of natural drainage where affected, and confirmation that the vegetative mat remains in place and in good condition. Full recontouring and revegetation are not required where grade and slope are unchanged.”

**“TREE LIMBING** means the process of selectively removing branches from a standing tree or fallen tree.”

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**“WATERCOURSE** means a naturally occurring body of water that can be classified as a river, stream, lake or wetland.”

**“WELL MONITORING** means the use of drilling equipment to assess the quality of water. Well monitoring is typically undertaken on behalf of a government entity.”

4. Section 3 of Zoning Bylaw 2025-37 is hereby amended by modifying the existing definition in subsection 3.1(1) of “INDUSTRIAL (RESOURCES)” to read as follows:

**“INDUSTRIAL (RESOURCES)** means the quarrying, processing, removal and off-site sale of sand, gravel, earth, water, or other similar natural materials.”

5. Section 5 of Zoning Bylaw 2025-37 is hereby amended by modifying existing subsection 5.14(2) to read as follows:

“(2) Industrial (resources) developments may be subject to environmental and socio-economic review as part of the applicable legislated assessment process. The City will not approve any development that is contrary to the decision or conditions set out by the authority having jurisdiction.”

6. Section 5 of Zoning Bylaw 2025-37 is hereby amended by adding new subsection 5.16 and new regulations 5.16(1) to 5.16(19) to read as follows and renumbering subsequent subsections accordingly:

**“5.16 MINERAL EXPLORATION**

- (1) As part of a development permit application the following additional information is required to support Mineral Exploration:
- (a) Description of work and estimated Tier of Mineral Exploration;
  - (b) Anticipated duration of the proposed Mineral Exploration project;
  - (c) A Reclamation Plan to be implemented upon conclusion of permitted work;
  - (d) Yukon Environmental and Socio-Economic Assessment Board (YESAB) decision document and subsequent Government of Yukon approval document if applicable; and
  - (e) Any surface water quality monitoring data as required by other government permit or license.
- (2) Mineral Exploration projects may be subject to environmental and socio-economic review as part of the applicable Territorial legislated assessment process. The City will not approve any development that is contrary to the decision or conditions set out by the authority having jurisdiction.
- (3) Mineral Exploration and Mineral Development may be approved in accordance with regulations in Table 13.

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- (4) Tier 4 Mineral exploration shall not be permitted as a Temporary Use.
  - (5) Tier 4 High Impact Mineral Exploration may be established as a Principal Use in the Other-Mineral Exploration (OME) zone.
  - (6) Mineral Exploration sites shall be remediated to pre-work site conditions in accordance with an approved Reclamation Plan.
  - (7) Test pits established as part of Mineral Exploration work shall be filled in to pre-existing grades and checked for slumping the following year.
  - (8) Where Mineral Exploration is permitted, the applicant shall be required to post security **in accordance with section 2.18** to ensure the City can undertake reclamation work in the event of applicant delinquency.
    - (a) The value of the security shall be based on a full-cost calculation provided by a qualified third party capable of providing remediation estimates. The calculation shall consider the cost to reclaim the site to a natural condition, including grading and contouring, replacing soil and vegetative cover, and seeding and/or planting new trees/shrubs as required, if the City were to hire a third-party to carry out the work. The security amount may be adjusted annually, taking into account the developer's progress to date and work plan for the following year.
  - (9) Upon abandonment or termination of operations, reclamation of the site shall begin immediately and be carried out in cooperation with the appropriate authorities. Unless an alternate end use is approved by the City through a separate planning process, the site shall be reclaimed to as natural a state as possible through measures such as slope grading, landscaping, and reforestation. If an alternate end use is approved, the reclamation plan may be revisited accordingly prior to implementation.
  - (10) When applying for a permit in an area where Mineral Exploration has previously been permitted by the City, the Development Officer may require the applicant to provide a progress report, reports based on activities performed under a previous permit, revised plans, scope of work for the upcoming year, and/or a new security calculation.
  - (11) Where Mineral Exploration Uses are in proximity to a Watercourse, a 100 m Watercourse setback will be required to protect Riparian Areas.
    - (a) 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.
    - (b) The Watercourse setback will be measured from the ordinary high-water mark of the river, stream, lake, or wetland to the subject drill pad.
    - (c) An environmental study prepared by a qualified professional will be required to consider any potential reduction to the Watercourse setback.
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- i) The study shall provide justification for the proposed reduction in setback. This report should also include strategies that mitigate impact of proposed development on the adjacent Watercourse.
    - (d) Under no circumstances shall the required Watercourse setback be less than 30 m from the ordinary high-water mark.
  - (12) Under no circumstances shall Mineral Exploration uses draw water from a naturally occurring watercourse. Water used for Mineral Exploration may be brought to site or drawn from a City approved, non naturally occurring watercourse.
  - (13) Where Mineral Exploration occurs in proximity to residential uses, a 500 m 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.
  - (14) Drill holes established for the purpose of Mineral Exploration shall be back filled to the frost line (approximately 1.5 – 2.0 m below grade) and capped using cement or equivalent material to protect against wildlife entrapment and infiltration of surface waters into subsurface environments
  - (15) Tier 2 Mineral Exploration equipment allowances may be used in Tier 1 areas when drilling occurs between December 1 and February 28
  - (16) When undertaking Tier 1 Mineral Exploration, supporting vehicles and equipment must rubber tracked, or if wheeled, remain on established roads or pre-existing trails. ATV's, UTV's and snowmobiles may be used for site access.
  - (17) When undertaking Tier 2 or 3 Mineral Exploration, supporting vehicles and equipment must be track mounted, or if wheeled, remain on established roads or pre-existing trails. ATV's, UTV's and snowmobiles may be used for site access.
  - (18) A Spill Response Plan must be submitted to the City as part of permit application if onsite fueling or fuel storage is proposed.
  - (19) Upon receipt of any Mineral Exploration or Mineral Development application, the Development Officer shall notify Kwanlin Dün First Nation and Ta'an Kwäch'än Council in writing and shall request a response within 30 days as to whether the proposed application may impact heritage resources or other land use considerations.
6. Section 5 of Zoning Bylaw 2025-37 is hereby amended by adding new Table 13: Mineral Exploration and Development Regulations immediately after regulation 5.16(19) to read as follows:
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**Table 13: Mineral Exploration and Development Regulations**

|                                         | <b>Tier 1-Low<br/>Impact<br/>Exploration</b>                                                                                                                                     | <b>Tier 2-Low<br/>Impact<br/>Exploration</b>                                                                                                                                      | <b>Tier 3-<br/>Medium<br/>Impact<br/>Exploration</b>                                                                                                                             | <b>Tier 4-High<br/>Impact<br/>Exploration</b>                                                                                  | <b>Tier 5-Mineral<br/>Development</b>                                         |
|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| <b>Approved<br/>project<br/>methods</b> | Rubber tracked drilling equipment only                                                                                                                                           | Drilling equipment may be skid mounted, track mounted, or truck mounted                                                                                                           | Drilling equipment may be skid mounted, track mounted, or truck mounted                                                                                                          | Exploratory drilling of any form may take place by any means in alignment with Territorial approval                            | Permitted in alignment with the OCP, Zoning Bylaw and Territorial legislation |
| <b>Vegetative<br/>cutting</b>           | Limbing and brushing permitted<br><br>No cutting of trees with stump diameter greater than 15 cm<br><br>Vegetative cutting in accordance with Tier 1 Temporary Equipment Access. | Limbing and brushing permitted<br><br>No cutting of trees with stump diameter greater than 15 cm.<br><br>Vegetative cutting in accordance with Tier 2 Temporary Equipment Access. | Limbing and brushing permitted<br><br>No cutting of trees with stump diameter greater than 20 cm<br><br>Vegetative cutting in accordance with Tier 3 Temporary Equipment Access. | Cutting and clearing up to 2 hectares in area                                                                                  | Determined at Development Permit issuance                                     |
| <b>Inspection<br/>requirements</b>      | Pre and post Site Inspection Report required                                                                                                                                     | Pre and post Site Inspection Report required                                                                                                                                      | Pre and post Site Inspection Report required<br><br>Inspections also required on bi-weekly basis throughout                                                                      | Pre and post Site Inspection Report required<br><br>Inspections also required on a bi-weekly basis throughout drilling project | Determined at Development Permit issuance                                     |

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|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|----------------------------------|
|                                      |                                                                                                                             |                                                                                                                                  | drilling project                                                                                                                |                                                                                           |                                  |
| <b>Permitting requirements</b>       | Temporary Use Permit                                                                                                        | Temporary Use Permit                                                                                                             | Temporary Use Permit                                                                                                            | Development Permit                                                                        | Development Permit               |
| <b>OCP Designation allowances</b>    | All designations outside the Urban Containment Boundary <b>except</b> in Greenspace and Residential - Country               | All designations outside the Urban Containment Boundary <b>except</b> in Greenspace, Future Planning, and Residential - Country. | Industrial and Natural Resource Extraction                                                                                      | Natural Resource Extraction                                                               | Natural Resource Extraction      |
| <b>Zoning Bylaw allowances</b>       | All zones                                                                                                                   | All zones                                                                                                                        | All zones                                                                                                                       | “OME” Mineral Exploration zone                                                            | “OMD” Mineral Development Zone   |
| <b>Yukon Government permit</b>       | Class 1 permit                                                                                                              | Class 1 permit                                                                                                                   | Class 1 permit                                                                                                                  | Class 3 permit                                                                            | Class 4 permit                   |
| <b>Maximum Project duration</b>      | 3 months                                                                                                                    | 6 months                                                                                                                         | 1 years                                                                                                                         | 4 years                                                                                   | Determined at Development Permit |
| <b>Trail Construction allowances</b> | No trail or road construction<br><br>Work areas to be accessed by Established Access and Tier 1 Temporary Equipment Access. | No trail or road construction<br><br>Work areas to be accessed by Established Access and Tier 2 Temporary Equipment Access.      | Work areas to be accessed by Established Access and Tier 3 Temporary Equipment Access.<br><br>Trail or road construction may be | Trail or road construction may be permitted by the City Engineer on a case-by-case basis. | Determined at Development Permit |

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|--|--|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
|  |  |  | <p>permitted by the City Engineer on a case-by-case basis.</p> <p>Permissions granted by the City Engineer to enable trail and road construction may exceed Tier 3 Temporary Equipment Access allowances.</p> |  |  |
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7. Section 6 of Zoning Bylaw 2025-37 is hereby amended by adding new subsection 6.27 and regulations 6.27(1) to 6.27(4) to read as follows and renumbering subsequent subsections accordingly:

**“6.27 OTHER – MINERAL EXPLORATION (OME)**

(1) Purpose

To provide a zone for high impact on-site drilling and other exploratory work needed to assess subsurface mineral potential as defined in this bylaw. Mineral exploration is not mining and is separate from Mineral Development as defined in this bylaw.

(2) Principal Uses

(a) Tier-4 High Impact Mineral Exploration

(3) Secondary Uses

(a) accessory structure

(4) Development Regulations

(a) minimum lot area is 2.5 ha

i) in the event land is un-surveyed, “lot area” is to be determined based on the area of permitted work approved by the Government of Yukon

(b) maximum height is 20.0 m

(c) minimum front, side, and rear yard setback is 7.5 m”

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8. Section 6 of Zoning Bylaw 2025-37 is hereby amended by adding new subsection 6.28 and regulations 6.28(1) to 6.28(4) to read as follows and renumbering subsequent subsections accordingly:

**“6.28 OTHER – MINERAL DEVELOPMENT (OMD)**

- (1) Purpose
  - To provide a zone for the on-site removal, extraction, and primary processing of mineralized rock, found on or under the site.
- (2) Principal Uses
  - (a) Tier-5 Mine Development
- (3) Secondary Uses
  - (a) accessory structure
- (4) Development Regulations
  - (a) minimum lot area is 2.5 ha
    - i) in the event land is un-surveyed, “lot area” is to be determined based on the area of permitted work approved by the Government of Yukon
  - (b) maximum height is 20.0 m
  - (c) minimum front, side, and rear yard setback is 7.5 m”

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

**FIRST READING:**

**PUBLIC NOTICE:**

**PUBLIC HEARING:**

**SECOND READING:**

**THIRD READING and ADOPTION:**

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Kirk Cameron, Mayor

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Corporate Services