



REGIONAL DISTRICT OF BULKLEY-NECHAKO

Planning Department Referral Report

File No. TUP A-01-23

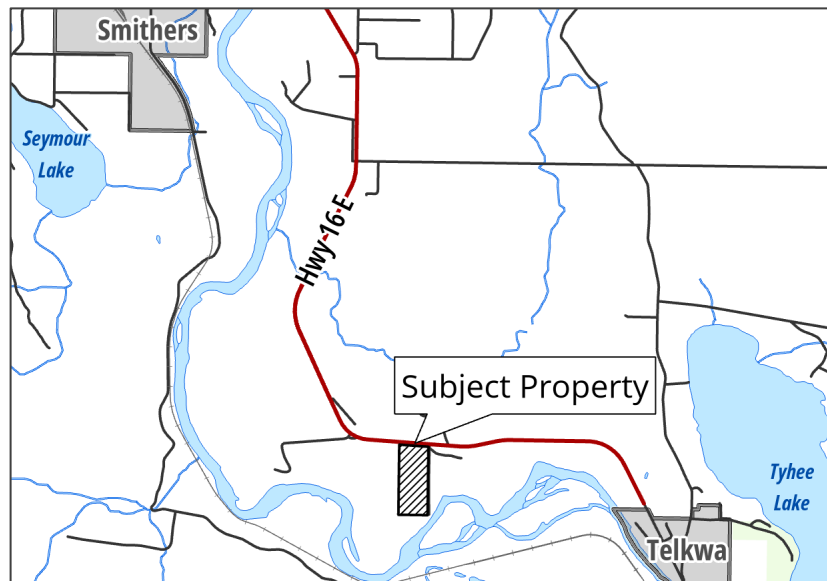
Written By: Danielle Patterson, Senior Planner

APPLICATION SUMMARY

Name of Agent/Owner:	Leigh Norton, West Fraser Concrete Ltd.
Electoral Area:	A (Smithers/Telkwa Rural)
Subject Property:	Lot A, Section 4, Township 4, Range 5, Coast District, Plan 11348 Except Plan PRP14965 (PID 004-310-128)
OCP Designation:	Agriculture (AG) in the Smithers Telkwa Rural Official Community Plan, Bylaw No. 1704, 2014 (the OCP)
Zoning:	Agricultural (Ag1) in the Regional District of Bulkley-Nechako Zoning Bylaw No 1800, 2020 (the Zoning Bylaw)
ALR Status:	Within the ALR
Existing Land Use:	Gravel Pit
Location:	Near the intersection of Hwy 16 and Donaldson Road, about 2.3 km from the Village of Telkwa and 3.7 km from the Town of Smithers. To the north is Hwy 16 and a dairy farm. To the south is vacant land and the Bulkley River. To the west is a gravel pit and to the east is the Smithers/Telkwa Transfer Station and Recycling Depot.
Property Area:	22.69 ha (56.06 ac)
TUP Area:	Approximately 2.64 ha (~ 6.52 ac)
Proposal:	

The applicant is requesting a three-year Temporary Use Permit (TUP) to the continued processing of aggregate on approximately 2.64 ha of the subject property.

The applicant proposes removing 6,000 m³ (~7,8 50 yd³) of material from the subject property from March to December of each year. As



part of those operations, they want to operate a temporary crushing unit for up to 21 days per year between the hours of 7:00 am and 6:00 pm. No additional buildings or other structures are proposed to be constructed.

The property owner previously processed aggregate on the northern end of the subject property, which is now in the process of being reclaimed. The applicant states the new aggregate processing on the south end of the property is appropriate due to its location within a remote property and proximity to the property owner's local concrete plant, which would utilize this aggregate.

The lands are in the Agricultural Zone (Ag1), which does not permit aggregate processing, including crushing and screening; therefore, a TUP is required. Aggregate extraction cannot be regulated by the RDBN.

The mining proposal requires Agricultural Land Commission (ALC) approval and an amended Ministry of Energy, Mines and Low Carbon Innovation (MEMLCI) permit to continue operations.

DISCUSSION

Site Details

Planning staff performed a site visit of the TUP area, which has recently been cleared of trees in preparation for aggregate processing (see [link](#) for Site Visit Photos). The proposed processing area is level and sits at a lower elevation from the lands to the north, where a ridge forms at the boundary of the former landfill site. The TUP area lies within an area reasonably well screened by trees, except to the south towards the Bulkley River and some thin sections in the trees along the northwest side of the parcel. The south parcel boundary has some earthworks that act as a low berm. The TUP area is not visible from Highway 16 and has limited visibility from Donaldson Road. There is one gate for entering and exiting the subject property. There is a small storage structure on site and the applicant has been referred to Building Inspection to confirm whether the structure requires a building permit.



To the west of the subject property is a gravel pit. A total of four properties, including the application property and the Smithers/Telkwa Transfer Station and Recycling Depot are accessed from Donaldson Road. The nearest dwelling is approximately 400 m from the permit area, with four dwellings within 500 metres, and approximately 20 dwellings within 1 km.

Official Community Plan

The subject property is designated Agriculture (AG) under the OCP. The intent of the designation is to preserve and encourage the utilization of land for agricultural purposes. OCP Policy 3.1.2(2) states “[t]he Provincial Ministry should ensure that agricultural lands used for aggregate extraction are adequately restored for agricultural purposes”. Additionally, OCP policies 3.1.2(6) states:

“6) Non-farm use of agricultural land shall be avoided. Applications for exclusions, subdivisions, and non-farm uses within the Agricultural Land Reserve may only be considered under the following circumstances.

(a) There is limited agricultural potential within the proposed area.

(b) Soil conditions are not suitable for agriculture.

(c) Neighbouring uses will not be compromised.

(d) Adequate provisions for fencing are provided, where a proposed development is adjacent to an existing agricultural use.

(e) The application is in the best interest of the community.

(f) The proposed development considers and addresses potential impacts and potential improvements to recreational features and the environment, including wildlife habitat.

(g) And, traffic management issues will be considered and addressed appropriately”.

Temporary Use Permits Explained

A TUP allows a use not permitted by zoning to occur for up to three years, with the option for the applicant to request that the Board consider renewing the TUP for a maximum of three additional years. After the renewed TUP expires, the applicant can submit a new application to allow the use to continue.

The TUP must be in accordance with the policies identified in Section 6.2 of the OCP, which allows for the issuance of a Temporary Use Permit on the following basis:

“(a) The proposed temporary use will not create an amount of traffic that will adversely affect the natural environment, or rural character of the area;

(b) The environment would not be negatively affected by the proposed temporary use.

(c) The proposed temporary use will not have adverse effects on neighbouring land uses or property owners.

(d) The applicant has provided, for consideration as part of the application process, a decommissioning and reclamation plan, if the temporary use requires a significant amount of capital investment in a particular location, or otherwise results in the need for site reclamation.

(e) The need for security in the form of an irrevocable letter of credit with an automatic extension clause has been considered to ensure that required decommissioning and reclamation is completed.

(f) The proposed temporary use has the support of the Agricultural Land Commission if the land is within the Agricultural Land Reserve (ALR)."

ALC and MEMCLI Processes

In June 2023 the RDBN Board considered ALC Non-Farm Use (NFU) application 1253 for aggregate extraction and processing on the subject property (see [link](#) to ALR 1253 Board report). The Board recommended ALC approval and requested the ALC ensure appropriate phased remediation throughout the life of the gravel pit. The applicant informed staff that they have been working with the ALC to finalize the details of their application before final consideration by the ALC for their proposed use. While the proposed TUP area may need refined depending on the outcome of the ALC's decision, Planning Staff are comfortable moving the application to the referral stage as the general TUP location is not anticipated to change.

The property owner had an Amended Sand and Gravel Permit from MEMCLI (Permit Number G-2-131; Mine Number 0200455) issued in 2014 for the north end of the subject property, which is not part of the TUP proposal. Given this, the applicant requires an amendment to the permit to operate on the south end of the property, which includes the TUP area.

The existing permit requires a 5 m buffer to be maintained, lands to be remediated to an "agriculture" standard, and direction on working around watercourses. The applicant's existing reclamation plan includes mitigation measures for noise, dust, groundwater, invasive plants, erosion, and sediment control. Final reclamation use shall be for agriculture, examples including livestock grazing or crops such as alfalfa.

Referral and approval process

Notice of this application will be published on the Regional District's website, the Regional District's Official Facebook page, and in the Interior News informing the public of the time and location of the Board's consideration of the application, and their ability to provide input to the Board in writing. Property owners and tenants within 100 metres of the subject property will be sent a similar notice. A sign must be placed on the subject property at least

10 days before the Board considers the permit. Comments received from the public or referral agencies will be presented to the Board for consideration.

This application is being referred to Witset First Nation and the Office of the Wet'suwet'en, the Village of Telkwa, the Town of Smithers, and the Electoral Area A Advisory Planning Commission. Below are referral responses received for the associated ALC NFU application 1253 for aggregate extraction and processing.

The **Ministry of Agriculture and Food** provided the attached referral letter (see link).

The **Regional District Agriculture Coordinator** stated, *"this property has already been fundamentally altered from it's [sic] natural state as a function of the activities that have already occurred (the reclaimed landfill site and existing gravel removal operation). A portion of Site B has already been prepared for mining (i.e., logged and the topsoil stripped off and piled); prioritizing both the monitoring of invasive plant species establishment and spread, and protecting ground water quality from deleterious substances should be considered as both environmental impacts could affect the future agricultural use of this property."*

ATTACHMENTS

- [Site visits photos \(link\)](#)
- [July 22, 2023 ALC 1253 Board report \(link\)](#)
- [Ministry of Agriculture and Foods referral letter \(link\)](#)