



REGIONAL DISTRICT OF BULKLEY-NECHAKO
PLANNING DEPARTMENT REFERRAL REPORT
FILE NO. ALR 1251

APPLICATION SUMMARY

Name of Agent/Owners: Greg Burns (owner/agent) and Robin Burns (owner)

Electoral Area: A (Smithers/Telkwa Rural)

Subject Property: 6105 Hwy 16, legally described as The Fractional Southwest 1/4 of Section 4, Township 4, Range 5, Coast District, Except Plans 11348, PRP14394, and PRP41187 (PID 015-630-048)

Property Size: 37.45 ha (92.55 ac)

OCP Designation: Agriculture (AG) in "Regional District of Bulkley-Nechako Smithers Telkwa Rural OCP Bylaw No. 1704, 2014" (the OCP)

Zoning: Agricultural (Ag1) Zone in the "Regional District of Bulkley-Nechako Zoning Bylaw No. 1800, 2020" (the Zoning Bylaw)

Existing Land Uses: Sand and gravel pit/ residential

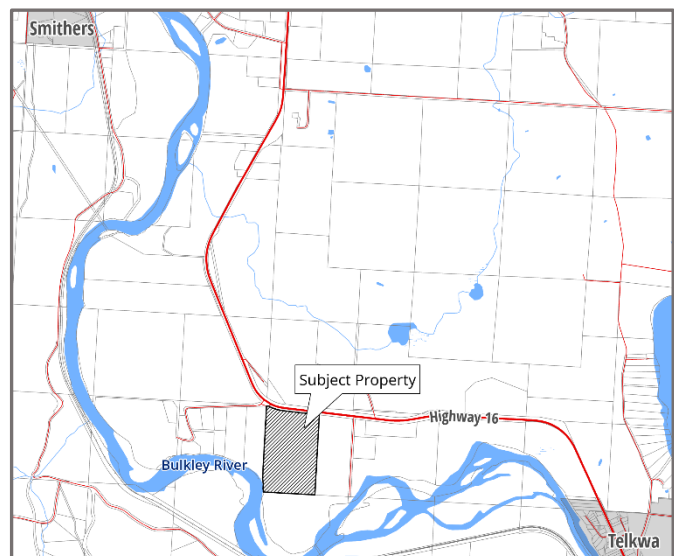
Location: At the corner of Hwy 16 and Raymond Road, about 2.3 km from the Village of Telkwa and 3.7 km from the Town of Smithers. The land to the north is Hwy 16/ a dairy farm. The land to the south is vacant land/ the Bulkley River. To the west are multiple residences on a parcel in the R7 (Manufactured Home Park) Zone, and to the east is a gravel pit.

Non-Farm Use Area: 7.8 ha (19.3 ac) proposed in application plus 11.6 ha (28.7 ac) existing non-farm use area.

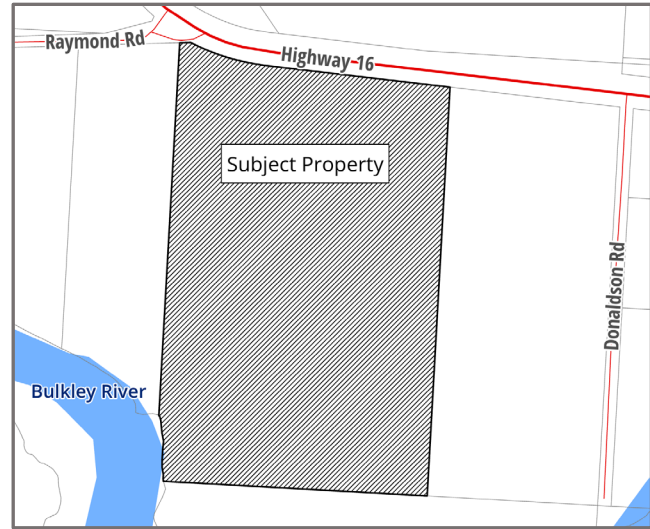
PROPOSAL

The purpose of this application is to allow the continued operation of a sand and gravel pit on lands that are in the Agricultural Land Reserve (ALR) as a Non-Farm Use - Removal of Soil (NFU). According to the applicant, the sand and gravel pit has been in operation for over 20 years.

The application indicates that over the 10-year project duration, the total soil removal



area is 9 ha (~22 ac) and the volume of material to be removed is 50,000 m³ (~65,400 yd³). The applicant proposes operations from 6:00 am to 6:00 pm, from April to November. The application indicates the aggregate will be crushed and screened (see Applicant Submission). A crushing and screening plant will require a Temporary Use Permit (TUP) from the Regional District. The applicant is waiting on the outcome of the Regional District's recommendation to the Agricultural Land Commission (ALC) before submitting a TUP.



DISCUSSION

Official Community Plan (OCP)

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”.*

Zoning

The property is zoned Agricultural (Ag1) pursuant to the Zoning Bylaw. The Zoning Bylaw cannot regulate the removal or deposit of soil. Aggregate processing is not a permitted use on the subject properties.

Ministry of Energy, Mines and Low Carbon Innovation (MEMLCI) and ALC History

In 1992, the ALC approved two extraction pits totalling 20 ha on the subject property for a three-year term. The sand and gravel pit did not have any authorization from the ALC between 1995 to 1998. In 1998, the ALC extended the 1992 approval to 2001.

The applicants received a Mines Permit in 1998 (amended in 2014) from MEMLCI.

In 2010, the ALC received an NOI application to extract gravel and an exclusion application for the subject property. Both were refused by the ALC.

In 2014, the ALC authorized a NOI to extract gravel from a 10.4 ha area. Both the ALC NOI and the MEMLCI permits expired in 2019.

In 2020, the applicant submitted a Notice of Work (NoW) new Mines Permit to MEMLCI, which also required an approved NFU application from the ALC. In 2020, the RDBN Board recommended approval of the NFU, provided the ALC require the applicant to develop an invasive weed management plan and revise the existing reclamation plan.

In 2022, the ALC's Soil and Fill Panel refused the NFU application. The Panel noted they found contradictory statements about agricultural capability in the Reclamation Plan and that the agrologist's recommendation to reclaim land for wildlife habitat rather than agricultural use did not align with the ALC's mandate.

Planning Department Comments: Reclamation Plan and Agricultural Capability

The applicant has provided a reclamation plan to reclaim the site for livestock ([see link](#)). There has been some progressive reclamation work undertaken within the gravel pit as well as some areas previously disturbed but not yet fully reclaimed (see attached Applicant Submission). The applicant stated that heavy equipment is inspected and washed prior to coming onsite to help prevent the spread of invasive plants.

While the Canada Land Inventory mapping shows the subject property's agricultural capability as approximately 30% Class 4 soils and 70% Class 5 soils (see Appendix A), based on the Agricultural Capability Assessment submitted with the application ([see link](#)), the portion of the lands that were Class 5 soils and have been remediated from past gravel extraction are not Class 4 and Class 2 soils. Class 2 is prime soil and higher than the typical Class 3 prime soil found in the region.

Referrals

This application has been referred to the the Ministry of Agriculture and Food; RDBN Agriculture Coordinator; and the Electoral Area A Advisory Planning Commission. A referral request has been sent to the Ministry of Transportation and Infrastructure for comment on potential traffic implications of the proposal.

ATTACHMENTS

1. Appendix A – Agriculture Capability
2. Appendix B – Surrounding ALR Applications
3. [Submitted ALR Application \(see link\)](#)
4. [Applicant Reclamation Plan \(see link\)](#)
5. [Agricultural Capability Assessment \(see link\)](#)

Appendix A

Agricultural Capability based on Canada Land Inventory Mapping

99.5% of the subject lands are:

30% Class 4M (soil moisture deficiency)

70% Class 5MP (soil moisture deficiency and stoniness)

0.5% of the subject lands are:

Class 5IM (inundation and soil moisture deficiency)

Class 4 Land in this class has limitations that require special management practises or severely restrict the range of crops, or both.

Class 5 Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

Agricultural Capability Map



APPENDIX B:

Surrounding Applications

ALR Application	Legal Description	Summary	Recommendation
13	Lot 2, SE 1/4 of Section 5, Township 4, Range 5, Coast District, Plan 7322	Request to remain in the ALR but to establish a trailer court.	Denial
			Approval
			Denied
58	NE 1/4 of Section 5, Township 4, Range, Coast District	Application to subdivide 5 ac from the parent property, located between the old and new Hwy 16.	Approval
			Approval
			Approved
63	Lot 2, SE 1/4 of Section 5, Township 4, Range 5, Coast District	Application to subdivide parcel into 4 ±5 ac lots.	Denial
			Approval
			Denied
96 (Subject property)	Fractional SW 1/4 of Section 4, Township 4, Range 5, Coast District	Application to construct a barn and place a mobile home.	Approval
			Approval
			Approved
114	NE 1/4 of Section 5, Township 4, Range 5, Coast District	Application to have an auto wrecking storage facility.	Denial
			Denial
			Denied
424 (Subject property)	Fractional SW 1/4 of Section 4, Township 4, Range 5, Coast District	Application to subdivide two parcels ±8.1 ha each from the ±64 ha parent property and subdivide the remainder into 2 ha lots.	Denial
			Denial
			Denied
452	Lot 2, SE 1/4 of Section 5, Township 4, Range 5, Coast District, Plan 7322	Application to subdivide ±9 ha into ±2 ha parcels.	Approval
			Approval
			Denied
561 (Subject property)	Fractional SW 1/4 of Section 4, Township 4, Range 5, Coast District	Application to subdivide ±24 ha from the ±64 ha parent property.	Approval
			Approval
			Approved
634	Lot 1, Section 4, Township 4, Range 5, Coast District, Plan 11348	Application to exclude the subject property from the ALR.	Approval (for NFU not exclusion)
			Approved
			Denied
739	NE 1/4 of Section 8, Township 4, Range 5, Coast District;	Application to subdivide ±2.1 ha parcel.	Approval
			Approval
			Approved

	NE 1/4 of Section 5, Township 4, Range 5, Coast District, except Plans 8398 and 14394		
744	Lot 3, Section 5, Township 4, Range 5, Coast District, Plan 7322	Application to subdivide 2.43 ha from the 6.03 ha parent property.	Approval
			Approval
			Denied
789	Lot 2, SE 1/4 of Section 5, Township 4, Range 5, Coast District, Plan 7322	Application to subdivide 9.19 ha into four lots of single family homesites.	Denial
			Denial
			Denied
841	NW 1/4 of Section 4, Township 4, Range 5, Coast District	Application to subdivide ±64 ha into one ±62 ha lot and one ±2.02 ha lot.	Approval
			Approval
			Approved
941	Lot A, Section 4, Township 4, Range 5, Coast District, Plan 11348, except Plan 14965	Application for a concrete batch plant.	Approval
			Approval
			Denied
996	Block B, District Lot 1096, Range 5, Coast District, except Plan 14846	Application to subdivide ±61.64 ha into three lots consisting of ±16.39 ha, ±21.85 ha and ±23.39 ha.	Denial
			Approval
			Denied
1080 (Subject property)	Fractional SW 1/4 of Section 4, Township 4, Range 5, Coast District, except Plans 11348, 14394 and 41187	Application to exclude property from the ALR.	Denied
			Denied
			Denial
1087	NE 1/4 of Section 5, Township 4, Range 5, Coast District, except Plans 8398 and 14394	Application for removal of sand and gravel to operate a temporary asphalt plant.	Approval
			Approval (for removal of sand and gravel)
			Approved (conditional)
1107	Lot 3, Section 5, Township 4, Range 5, Cost District, Plan 7322	Application to subdivide 6 ha into two parcels of 3.5 ha and 2.5 ha	Approval (conditions)
			Approval (conditions)
			Approved
1128	Lot A, Section 4, Range 5, Coast District, Plant 11348, except Plan 14965	Application for Non-Farm Use to legalize an existing motocross track.	Approval
			Approval
			Approval (conditions)

1131	Lot A, Section 4, Township 4, Range 5, Coast District Plan 11348, except Plan 14965	Application for Non-Farm Use to legalise an existing metal scrap and salvage operation.	Approval
			Approval
			Approval (conditions)
1157	Lot A, Section 4, Township 4, Range 5, Coast District, Plan 11348, except Plan 14965	Application for Non-Farm Use (removal of soil)	Application closed (NOI approved)
			N/A
			N/A
1221 (Subject property)	Fraction SW 1/4 of Section 4, Range 5, Coast District, except Plans 11348, 14394 and 41187	Application for Non-Farm Use (removal of soil) to continue operating an existing sand and gravel pit.	Approval
			Approval
			Denied
1237	NE 1/4 of Section 5, Township 4, Range 5, Coast District, except Plans 8393 and 14394	Application to renew existing approved non-farm use for an existing gravel pit (2010) and expand the area of the pit.	Approval
			Approval
			Approval (conditions)

Surrounding Applications Map

