



REGIONAL DISTRICT OF BULKLEY-NECHAKO
PLANNING DEPARTMENT REFERRAL REPORT
FILE NO. ALR 1258

APPLICATION SUMMARY

Name of Agent/Owners: Chaplin Construction Ltd. /Clinton & Cynthia Pidherny

Electoral Area: A (Smithers/Telkwa Rural)

Subject Property: The Southeast ¼ of Section 17, Township 4, Range 5, Coast District, Except Plans 1299, 6996, 7016, 10073, and PRP14226 (PID 009-082-263)

Property Size: 38.92 ha (96.17 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)

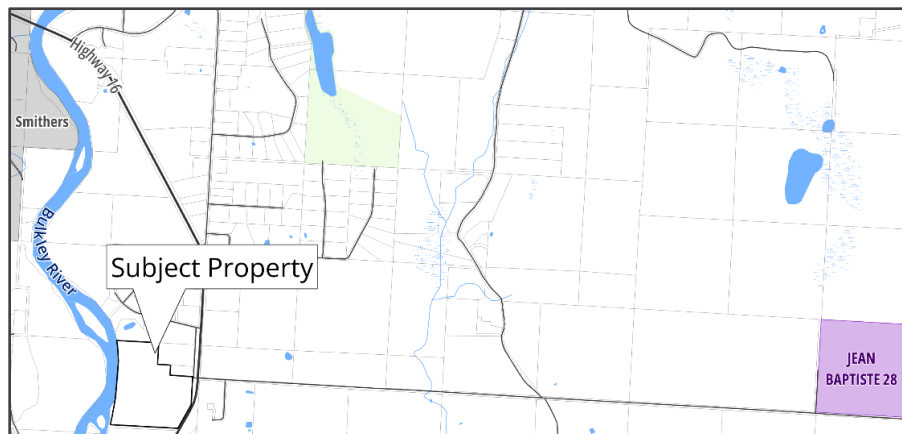
Existing Land Uses: Agriculture/residential/sand and gravel extraction

Location: 2925 Laidlaw Frontage Road, abutting Highway 16, approximately 1.4 km west of the Town of Smithers and 5.4 km from Jean Baptist 28 IR. To the north and west are hayfields. To the east is Hwy 16 and a multi-unit residential development. To the south are hayfields/ a treed area.

Non-Farm Use Area: 3.75 ha (9.27 ac)

PROPOSAL

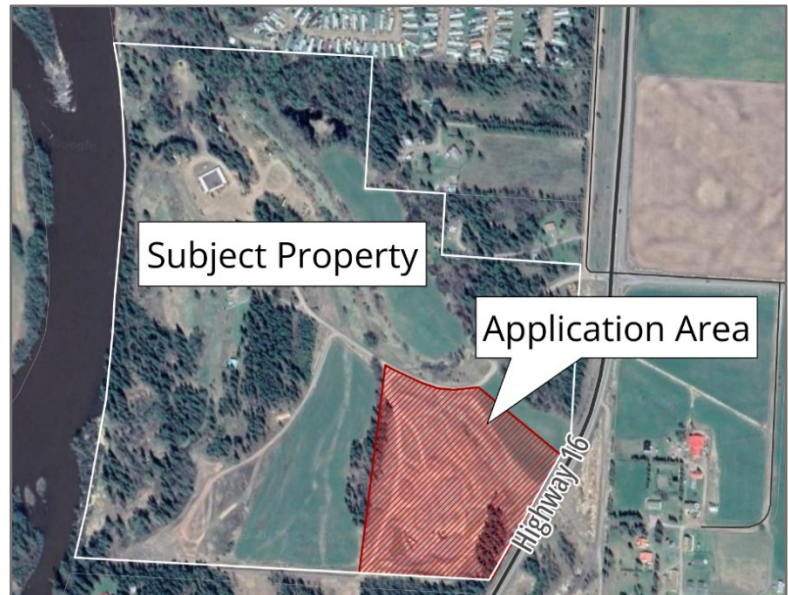
The applicant is requesting ALC approval for a Non-Farm Use – Removal of Soil (NFU) to operate a sand and gravel pit on the subject property until 2053 (see [link](#) for ALC application and see [link](#) for Mine Plan).



A sand and gravel pit already exists on the subject property and the applicant states they plan to continue extraction on the same disturbed site.

The applicant proposes removing between 2,500 tonnes (~2,755 tons) and 4,999 tonnes (~5,510 tons) of material annually over the next 15 to 20 years from a 3.75 ha (9.27 ac) NFU area shown in the subject property map below. The different types of aggregate are separated by product type on site. The applicant proposed intermittent operations from Monday to Saturday, 8:00 am to 6:00 pm, excluding winters.

The applicant proposes screening and crushing in the southern portion of the pit for a few weeks a year, using an unauthorized crushing and screening plant located on the site. Staff have informed the applicant that screening and crushing cannot legally occur prior to the issuance of a Temporary Use Permit (TUP) from the Regional District. Additional site equipment proposed includes a loader and an excavator.



DISCUSSION

Site and location details

The application states the subject property contains 3.18 ha of woodlands, a 0.92 ha field for grazing, and a 5 m tree buffer between the road and the extraction site. The application states the existing soil stockpile forms a vegetated barrier, reducing the visibility of the gravel operation from Highway 16. There is a residence and outbuildings on the subject property. The proposed NFU area is approximately 110 m (260 ft) from the nearest residence, approximately 150 m (~490 ft) from a multi-unit residential development, and approximately 460 m (~1,500 ft) from a 94-unit manufactured home park.

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 (such as screening and crushing) is not a permitted use in the Ag1 Zone

Property history

In December 2001, the property owner received a Section 10 *Mines Act* Permit from the Ministry of Energy and Mines (approval number Smi-2002-0200582-17), with a site plan similar to the current proposal. The 2001 permit contained the following conditions:

- A 20 m tree buffer be maintained between the Right of Way (RoW) and gravel pit development, and
- Trucks use the west entrance off Laidlaw Road unless there are safety concerns (such as school buses) requiring use of an alternate entrance.

In February 2002, the RDBN issued a *Soil Conservation Act* Permit to remove soil from the subject property for a 3.75 ha area in the general vicinity of the current application area. In February 2008, the *Soil Conservation Act* Permit expired.

In March 2002, a *Mines Act* permit was issued to Pidherny Contracting Ltd (Permit number G-2-130), with additional amendments to the permit in November 2010 and May 2016. The 2002 permit documents state a 20 m tree buffer was in place from the original permit. Additionally, soil was stockpiled on the northeast corner of the property to reduce the visibility of the gravel operations.

Reclamation plan and agricultural capability

The applicant has provided a reclamation plan to reclaim the non-farm use area to lands suitable for hay production, with an expected land use of grazing (Reclamation Plan - [see link](#)). The reclamation plan states all mining infrastructure and roads will be decommissioned and removed from the mine site at closure. Pit walls will have 2:1 to 3:1 slope gradient; covered in prepared soil material; and seeded with mixture of 30 per cent timothy, 30 per cent smooth brome, 20 per cent alfalfa, and 20 per cent alsike clover.

The Canada Land Inventory mapping identifies the subject property's agricultural capability as approximately 36 per cent Class 3 soils, 17 per cent Class 4 soils, and 47 per cent Class 5 soils (see Appendix A). Based on the site plan provided by the applicant, approximately 50 per cent of the NFU area is Class 4M, with the remainder a mix of Class 5 and Class 3. The reclamation plan and soil survey plan ([see link](#)) estimates soils will be Class 4AP post-reclamation.

Staff comments

While the 2002 *Mines Act* permit stated there is a 20 m tree buffer between the Right of Way and gravel pit development and the maintenance of a 20 m tree buffer was a condition of the 2001 ALC approval, the current application states there is a 5 m tree buffer.

Referrals

This application has been referred to the the Ministry of Agriculture and Food; RDBN Agriculture Coordinator; the Town of Smithers, and the Electoral Area A Advisory Planning Commission.

ATTACHMENTS

1. Appendix A – Agriculture Capability
2. Appendix B – Surrounding ALR Applications
3. [Submitted ALC application \(see link\)](#)
4. [Applicant Reclamation Plan \(see link\)](#)
5. [Applicant 2023 Mine Plan \(see link\)](#)
6. [Applicant 2000 Soil Survey Report \(see link\)](#)

Appendix A

Agricultural Capability based on Canada Land Inventory Mapping

67.6% of the subject lands are:

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

30% Class 3M (limited by soil moisture deficiency).

22.8% of the subject lands are:

60% Class 3C (limited by adverse climate).

40% Class 4M (limited by soil moisture deficiency).

7.6% of the subject lands are 100% Class 4M (limited by soil moisture deficiency).

2.0% of the subject lands are 100% Class 3X (limited by cumulative and minor adverse conditions)

Class 3 Land in this class has limitations that require moderately intensive management practises or moderately restrict the range of crops, or both.

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
27	Block A, W 1/2 DL 880, R5CD, Plan 6783	Application to subdivide for residential use.	Staff: Denial
			Board: Approval
			ALC: Denied
67	Rem SW 1/2, S21, T4, R5CD	Application for subdivision, non-farm use ALR exclusion	Staff: Denial
			Board: Approval
			ALC: NFU denied
76	Block 1, NE 1/4, S17, T4, R5CD	Application to subdivide 11 ac from the subject property.	Staff: Approval
			Board: Denial
			ALC: Denied
117	NE 1/4, S17, T4, R5CD	Application to subdivide 19.18 ha property into 8 parcels.	Staff: Denial
			Board: Approved 7 lot subdivision
			ALC: Denied
153	Block 1, S17, T4, R5CD, Plan 5806	Application to subdivide 5 ac from 37.62 ac subject property.	Staff: Approval
			Board: Approval
			ALC: Approved
203	Lot 3, S8, T4, R5CD, Plan 4027	Application to operate a repair shop.	Staff: Denial
			Board: Denial
			ALC: Approved
213	Frac NW 1/4, S8, T4, R5CD, lying north and west of the Bulkley River	Application to subdivide ±8 ha from subject property.	Staff: Approval
			Board: Approval
			ALC: Approved
266	Block A, DL 880, R5CD, Plan 6782	Application for exclusion from the ALR.	Staff: Denial
			Board: Denial
			ALC: Denied
281	Block 1, NW 1/4, S17, T4, R5CD, Plan 1671	Application to subdivide 1.4 ac and consolidate ±0.5 ac with Block 6 and ±0.9 ac with Block 5.	Staff: Approval
			Board: Approval
			ALC: Approved
309	Frac NW 1/4, S17, T4, Except Block 1, 51, lying west of the Bulkley River as shown on PRP1671	Application to subdivide ±5 ac from subject property.	Staff: Approval
			Board: Approval
			ALC: Approved
328 (Subject Property)	SE 1/4, S17, T4, R5CD, except Plans 1299, 6996 and 7016	Application to subdivide ±2 ha from subject	Staff: Approval with conditions
			Board: Approval

		property to be used for a veterinary clinic.	ALC: Approved
336	Frac NW 1/4, S8, T4, R5CD, lying north and west of the Bulkley River	Application to use ± 8 ha of the subject property as a sawmill.	Staff: Denial
			Board: Approval
			ALC: Approved
358	NE 1/4, Sec 16, T4, R5CD	Application to subdivide 47 ha subject property into 22 lots of 2 ha each.	Staff: Denial
			Board: Denial
			ALC: Denied
397	Block A, NE 1/4, S17, T4, R5CD	Application to subdivide subject property to create a road.	Staff: Approval
			Board: Approval
			ALC: Approved
430	Block 1 & 2, NW 1/4, S17, T4, R5CD, Plan 9513	Application to establish a 19-pad mobile home park.	Staff: Denial
			Board: Denial
			ALC: Approved
464	DL 880A, R5CD	Application to subdivide 13.77 ha into 4.65 ha and 9.12 ha parcels	Staff: Denial
			Board: Denial
			ALC: Denied
492	NW 1/4, DL 877, R5CD	Application to construct a second dwelling on 64.8 ha subject property.	Staff: Denial
			Board: Denial
			ALC: Denied
493	Portions of S2, 11, 14, 22 & 27, Township 1A, Portions of S21 & 29, T4, Portions of DLs 865 & 4268, R5CD	Application to exclude land from the ALR.	Submitted by RDBN
			Submitted by RDBN
			ALC: Approved
550	Frac NW 1/4, S17, except Plans 1671 & 10255; Lot 4, S18, T4, R5CD, Plan 5915	Application to subdivide ± 1.87 ha from 28.4 ha parcel and consolidate with a 3.54 ha parcel.	Staff: Approval
			Board: Approval
			ALC: Approved
555	Block A, DL 880, R5CD, Plan 6782	Application to subdivide 15.01 ha into 4.9 ha and 11.1 ha parcels.	Staff: Approval
			Board: Approval
			ALC: Approved
678	Lot 2, S17, T4, R5CD, Plan 11401	Application to build a church on the subject property.	Staff: Approval
			Board: Approval
			ALC: Approved
702	NE 1/4, S17, T4, R5CD, Plan 8754	Application to subdivide subject property.	Staff: Approval
			Board: Approval
			ALC: Approved
718	NW 1/4, DL 877, R5CD	Application to subdivide ± 64.75 ha into two ± 32.38 parcels.	Staff: Denial
			Board: Denial
			ALC: Denied

731	SW 142 ac, S17, T4, R5CD	Application to subdivide 57.5 ha into 12.7 ha and 44.8 ha parcels.	Staff: Conditional approval
			Board: Conditional approval
			ALC: Approved (conditions)
738	Lot A, S17, T4, R5CD, Plan 10073	Application to construct a second dwelling.	Staff: Approval
			Board: Approval
			ALC: Approved
739	NE 1/4, S8, T4, R5CD; NE 1/4, S5, T4, R5CD, Except Plans 8393 & PRP 14394	Application to subdivide a ± 2.1 parcel	Staff: Approval
			Board: Approval
			ALC: Approved
751	NW 1/4, DL 877, R5CD	Application to increase size of temporary dwelling	Staff: Denial
			Board: Denial
			ALC: Denied
799	Lot 2, S17, T4, R5CD, Plan 8754	Application to subdivide 2.2 ha into 0.8 and 1.4 ha parcels.	Staff: Denial
			Board: Denial
			ALC: Denial
830	Part Block C, S16, T4, R5CD, except Plan 8749	Application to continue operating Residential Attendance Program for Young Offenders	Staff: Approval
			Board: Conditional approval
			ALC: Approved (conditions)
878	Lot A, S20, T4, R5CD, Plan 10304	Application to subdivide 4 ha from 60 ha parcel.	Staff: Conditional approval
			Board: Conditional approval
			ALC: Approved
883	Rem Block 1, S17, T4, R5CD, Plan 5806, Except Plan 8753	Application to expand manufactured home park, and construct R.V park and convenience store.	Staff: Approval
			Board: Approval
			ALC: Approved
914	Block C, S16, T4, R5CD, Except Plan 8749	Application to subdivide 0.8 ac containing former institutional use.	Staff: Approval
			Board: Approval
			ALC: Approved
971	Part NE 1/4, S8, T4, R5CD, except Plans 1264, 3293, 3546, 4027 & 12521	Application to construct an additional third dwelling.	Staff: Denial
			Board: Denial
			ALC: Denied
1000	Lot A, S20, T4, R5CD, Plan 10304, except Plan PRP41884	Application to subdivide ± 60 ha into ± 46 ha and ± 14 ha parcels as divided by Hwy 16.	Staff: Approval
			Board: Approval
			ALC: Approved (conditions)
1005	Lot A, S8, T4, R5CD, Plan PRP43710	Application to subdivide ± 19.22 ha into ± 2.02 ha and ± 5.76 ha parcels	Staff: Approval
			Board: Approval
			ALC: Approved
1039			Staff: Approval

	Block 1, S17, T4, R5CD, Except Plans 8753 & EPP1193	Application to subdivide 2.95 ha from subject property.	Board: Approval
			ALC: Approved (conditions)
1082	Lot A, S17, T4, R5CD, Plan 10073	Application for non-farm use.	Staff: Approval
			Board: Approval
			ALC: Approval
1090	Lot 3, S20, T4, R5CD, BCP25354	Application to subdivide 2 parcels as divided by Hwy 16	Staff: Approval
			Board: Approval
			ALC: Approved
1152	Lot 2, S8, T4, R5CD, Plan 4027	Application for non-farm use to rent a 3000 ft2 carpentry shop.	Staff: Approval
			Board: Approval
			ALC: Denied
1171	Lot 2, S17, T4, R5CD, Plan 11401	Application for non-farm use to continue a sheet metal fabricating business.	Staff: Conditional approval
			Board: Conditional approval
			ALC: Approved (conditions)
1226	Block C, S16, T4, R5CD, Plan 6397, Except Plans 8749 & PRP47360; Lot 1, S16, T4, R5CD, Plan PRP47360	Application for non-adhering residential to allow 18 existing dwellings.	Staff: Approval
			Board: Approval
			ALC: Denied
1232	Lot 2, S17, T4, R5CD, Plan 11401	Application for non-farm use to allow existing sheet metal fabrication business.	Staff: Approval
			Board: Approval
			ALC: Approved (conditions)

Surrounding Applications Map

