



## REGIONAL DISTRICT OF BULKLEY-NECHAKO

### Planning Department Referral Report

File No. TUP A-01-23

Written By: Danielle Patterson, Senior Planner

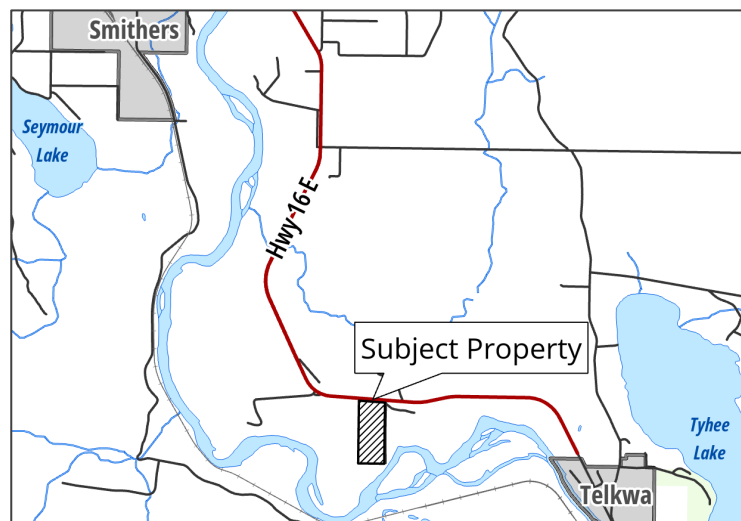
#### APPLICATION SUMMARY

<b>Name of Agent/Owner:</b>	Leigh Norton, West Fraser Concrete Ltd.
<b>Electoral Area:</b>	A (Smithers/Telkwa Rural)
<b>Subject Property:</b>	Lot A, Section 4, Township 4, Range 5, Coast District, Plan 11348 Except Plan PRP14965 (PID 004-310-128)
<b>OCP Designation:</b>	Agriculture (AG) in the Smithers Telkwa Rural Official Community Plan, Bylaw No. 1704, 2014 (the OCP)
<b>Zoning:</b>	Agricultural (Ag1) in the Regional District of Bulkley-Nechako Zoning Bylaw No 1800, 2020 (the Zoning Bylaw)
<b>ALR Status:</b>	Within the ALR
<b>Existing Land Use:</b>	Gravel Pit
<b>Location:</b>	Near the intersection of Hwy 16 and Donaldson Road, approximately 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.
<b>Property Area:</b>	22.69 ha (56.06 ac)
<b>TUP Areas:</b>	<u>Proposed Site A:</u> approximately 1,300 m <sup>2</sup> (~13,995 ft <sup>2</sup> ) <u>Proposed Site B:</u> approximately 4,400 m <sup>2</sup> (~4,7360 ft <sup>2</sup> ) <u>Total:</u> Approximately 5,700 m <sup>2</sup> (~6,140 ft <sup>2</sup> )

#### Proposal:

The applicant is requesting a three-year Temporary Use Permit (TUP) to continue aggregate processing on two sites with areas of approximately 1,300 m<sup>2</sup> (shown as Site A) and 4,400 m<sup>2</sup> (shown as Site B) on the subject property. The combined areas are 5,700 m<sup>2</sup> (0.57 ha).

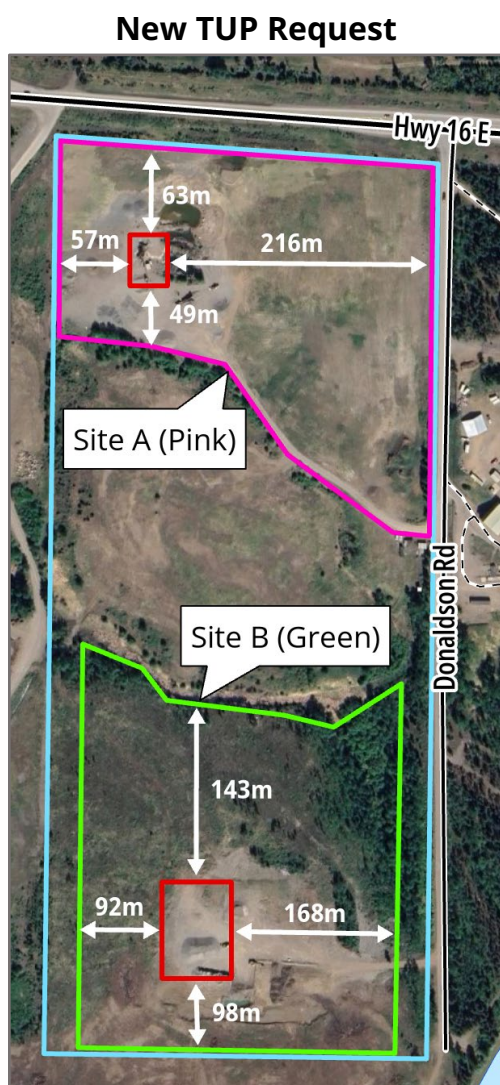
The applicant proposes removing 6,000 m<sup>3</sup> (~7,850 yd<sup>3</sup>) of material from the subject property during



March to December of each year. As part of the operations, they want to operate a temporary crushing unit, a wash plant, and loader 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. This is a re-referral as the TUP area (location and size) has changed since the original 2024 referral request (see Discussion below for details).

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

The mining proposal recently received conditional Agricultural Land Commission (ALC) approval. An amended Ministry of Energy, Mines and Low Carbon Innovation (MEMLCI) permit to continue operations is an outstanding requirement.



- Two TUP sites (shown in red)
- Smaller total TUP area (0.57 ha)



- One TUP site (shown in red)
- Larger total TUP area (2.64 ha)

## DISCUSSION

### Site Details

Planning staff performed a site visit of the south end (Site B) TUP area in 2024. Site B is cleared of trees (see [link](#) for Site Visit Photos – Site B). The proposed processing area is level and sits at a lower elevation from the lands to the north containing a former landfill site. The Site B TUP area is reasonably well screened by trees, except to the south towards the Bulkley River and some thinning of trees along the northwest side of the parcel. The south parcel boundary has some earthworks that act as a low berm. The Site B 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.

The applicant provided photos of the existing wash pit and the wash plant of the north end (Site A) TUP area ([see link for Applicant Photos](#)). Staff took photos of Site A from Hwy 16 the surround side roads ([see link for Site Visit Photos – Site A](#)). While the wash plant has some tree coverage, the site is mostly visible from Highway 16 and the side roads.

To the west of the subject property is a gravel pit. A total of four properties, including the Smithers/Telkwa Transfer Station and Recycling Depot are accessed from Donaldson Road. The nearest dwelling is approximately 400 m from the permit area. There are four dwellings within 500 m, 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 Process and Conditional Approval**

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.

In 2024 the applicant’s TUP request for the same property was sent out for referral. At the time, the applicant had requested a 2.64 ha TUP area on the south end (Site B) of the subject property for crushing and screening only. The property owner had a history of processing aggregate on the north end (Site A) of the property. Regardless, the applicant wanted to move all aggregate processing to the south end of the property due to its relatively remote location; its proximity to the property owner’s local concrete plant; and due to ongoing site remediation on the north end (Site A) of the subject property.

In December 2024, the ALC approved an alternative site plan for the applicant’s NFU application request, summarized as follows, with conditions:

- 10-year conditional approval requiring \$66,200 security to the ALC for reclamation.
- Reduced aggregate processing area.
- The applicant is required to keep the wash plant at the north end (Site A) of property, as the land is already disturbed at this site.
- Status reports to the ALC required every two years.
- Reclamation work is required to be overseen by a qualified registered professional.

Given this ALC approval, the applicant has modified their TUP request to include the wash plant and to include two smaller TUP areas rather than one larger TUP area. Planning staff are sending the proposal out for a limited re-referral given the proximity and visibility of proposed Site A from Highway 16 and the addition of the wash plant.

### **MEMCLI Process**

The property owner had an Amended Sand and Gravel Permit from MEMLCI (Permit Number G-2-131; Mine Number 0200455) issued in 2014 for the north end of the subject property, not include Site A. Given this, the applicant requires an amendment to the permit to operate on the south end of the property.

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 wash pit used for aggregate processing is regulated through the MEMCLI permitting process.

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**

#### **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.

#### **Referral Responses**

##### Original TUP proposal in 2024

At their October 7, 2024 meeting, the Electoral Area A (Smithers/Telkwa Rural) Advisory Planning Commission (APC) recommended the proposal for approval.



The **Town of Smithers** stated they have no concerns with the proposal, given its distance from Town boundaries and that *“the proposed project’s impact on the residents [of Smithers] (arising from factors such as air quality, noise, traffic etc.) will be minimal.”*

### 2023 NFU Application 1253

Below are the referral responses for the associated ALC NFU application 1253 for aggregate extraction and processing.

The **Ministry of Agriculture and Food** provided the attached referral letter (see Attachments for 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.”*

### **Re-Referrals**

Given the addition of a TUP area at “Site A” for a washing plant close to Highway 16, the application is being re-referred to the Village of Telkwa, the Town of Smithers, and the Electoral Area A Advisory Planning Commission.

### **ATTACHMENTS**

- [July 22, 2023 ALC 1253 Board report \(link\)](#)
- [Site visits photos \(link\)](#) for Site B (near Bulkley River)
- [Applicant photos for Site A \(link\)](#)
- [Site visit photos \(link\) for Site A \(near Hwy 16\)](#)
- [Ministry of Agriculture and Foods referral letter \(link\)](#)