



REPORT

To: Chair and Directors

Report Number: DS-BRD-150

From: Kathy Suggitt, General Manager of Development Services

Date: April 29, 2021

Subject: Non-Farm Use within the ALR, PRRD File No. 21-003 ALR NFU

OPTIONS: [Corporate Unweighted]

1. That the Regional Board support ALR Non-Farm Use application 21-003 ALRNFU, to permit the mining of silica sand from a ± 12.8 ha portion of lands within the ALR identified as PID 007-921-490, 008-378-991 and 007-920-740, and authorize the application to proceed to the Agricultural Land Commission.
2. That the Regional Board respectfully refuse ALR Non-Farm Use application 21-003 ALRNFU, to permit the mining of silica sand from a ± 12.8 ha portion of lands within the ALR identified as PID 007-921-490, 008-378-991, and 007-920-740, to proceed to the Agricultural Land Commission.

BACKGROUND/RATIONALE:

Proposal

The applicant intends to mine silica sand from a portion of a $\pm 1,343.0$ ha project area. The mine is proposed over a ± 307.4 ha portion within the project area. A portion of the mine area (± 12.8 ha) is in the Agricultural Land Reserve (ALR) as shown on the attached maps.

The applicant has obtained a License of Occupation (Disposition No. 938165) and has applied for a Notice of Work to the Ministry of Energy, Mines and Low Carbon Innovation for a Frac Sand (Silica) Mine.

File/Site Details

Owner: Ministry of Forests, Lands, Natural Resource Operations and Rural Development
(Crown Lands)
Agent: 543077 Alberta Ltd.
Area: Electoral Area D
Location: Tupper & Kelly Lake Areas
Legal: Section 3, 9, and 10 of Township 27, Peace River District
PIDs: 007-921-490, 008-378-991, and 007-920-740
Project Area: $\pm 1,343.0$ ha
Mine Area: ± 307.4 ha
ALR Area: ± 12.8 ha
ALC ID: 62419

Official Community Plan (OCP)

Pursuant to the Peace River Regional District Rural Official Community Plan Bylaw No. 1940, 2011, the subject lands are designated Agriculture-Rural (Ag-Rural). Policy 2 of Section 7 in the Agriculture-Rural designation states the principal use of land will generally be limited to: uses required for operating a farm; agriculture; agri-tourism; communal farm; residential use; home-based businesses; kennels; trapping, hunting, outfitting establishments; ecological reserves and work that supports ecological protection or restoration.

However, Section 15 Resource, policy 12 of the OCP states that all sand and gravel deposits are recognized by the Regional District as being within the provincial jurisdiction, under various pieces of legislation.

Therefore, based on Section 15 policy 12, the proposed non-farm use is consistent with the Official Community Plan.

Land Use Zoning

Pursuant to Dawson Creek Rural Area Zoning Bylaw No. 479, 1986 (Zoning Bylaw), the subject land is designated A-2 (Large Agricultural Holdings Zone). Section 6.11(A)(xi) states that mining, including gravel extraction and processing facilities is permitted in the A-2 zone.

Therefore, the proposed non-farm use is consistent with the Zoning Bylaw.

Fire Protection Area

The property is outside of all Fire Protection Areas.

Mandatory Building Permit Area

The property is outside of the Mandatory Building Permit Area.

Development Permit Areas

The property is outside of all Development Permit Areas.

Development Cost Charge Area

The property is outside of the Development Cost Charge Area.

ALTERNATIVE OPTIONS:

1. That the Regional Board support ALR Non-Farm Use application 21-003 ALRNFU, to permit the mining of silica sand from a ± 12.8 ha portion of lands within the ALR identified as PID 007-921-490, 008-378-991, and 007-920-740, and authorize the application to proceed to the Agricultural Land Commission with recommended conditions of approval.
2. That the Regional Board provide further direction.

STRATEGIC PLAN RELEVANCE:

☒ Not Applicable to Strategic Plan.

FINANCIAL CONSIDERATION(S):

None at this time.

COMMUNICATIONS CONSIDERATION(S):

The Regional Board's decision will be communicated to the agent.

OTHER CONSIDERATION(S):

The Area Director raised two queries in the referral comments; the applicant response has been attached as Attachment 4.

Attachments:

1. Maps
2. ALC Application (ALC ID 62419)
3. Comments from Electoral Area Director
4. Applicant response for the Area Director queries