



Committee Report

Date of Report: August 28, 2024
Date & Type of Meeting: October 07, 2024, Rural Affairs Committee
Author: Sadie Chezenko, Planner 1
Subject: Non Farm Use in the Agricultural Land Reserve
File: A2402B – Blackmore
Electoral Area/Municipality B

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Board to consider an Agricultural Land Commission (ALC) application for a Non-Farm Use within the Agricultural Land Reserve (ALR) in Electoral Area ‘B’.

The applicant is proposing to place, crush and process 252,150 m³ of rock on a 0.94ha portion of the property within the ALR. This rock is proposed to be excavated from the non-ALR portion of the property. The applicant has stated that once the excavation is complete and the processed rock has been removed from the site, the area where the rock was placed and processed will be reclaimed with the “saved topsoil”. The project is proposed to be completed within a six (6) year timeframe.

Staff have received significant feedback from the community expressing opposition to this proposal. In addition, the proposed industrial activity is inconsistent with the property’s agricultural designation and zoning. Given the community opposition, conflict with the current policies and regulations and lack of proposed benefit to agriculture, staff recommend that the Board deny this application, and thereby not advance it to the ALC for further consideration.

SECTION 2: BACKGROUND/ANALYSIS

The Agricultural Land Reserve (ALR), is a provincial land use zone in which agriculture is recognized as the priority use. An ALC application is required when a property owner wants to use their ALR land for a “Non-Farm Use.”

GENERAL INFORMATION
Property Owner: Julia and Jonathon Blackmore
Property Location: 2445 Lloyd Road, RDCK Region
Legal Description: LOT 10 DISTRICT LOT 812 KOOTENAY DISTRICT PLAN 1494 (PID: 015-750-698)
Property Size: 24.6 hectares (60.78 acres)
Current Zoning: Agriculture 2 (AG2) – Comprehensive Land Use Bylaw No. 2316, 2013
Current Official Community Plan Designation: Agriculture (AG) – Comprehensive Land Use Bylaw No. 2316, 2013

SURROUNDING LAND USES

North: Agriculture (within the ALR)
East: Agriculture/Quarry (partially within the ALR)
South: Agriculture (partially within the ALR)
West: Country Residential (partially within the ALR)

Site Context

The subject property is located in the Canyon/Lister area of Electoral Area ‘B.’ The property is mostly within ALR, except for approximately 1.8 ha on the southwest corner. The surrounding properties are also partially or entirely within the ALR. The parcel is zoned Agriculture 2 (AG2) and designated Agriculture (AG) under *Electoral Area ‘B’ Comprehensive Land Use Bylaw No. 2316, 2013*. The property is not used for agricultural production and is currently vacant.

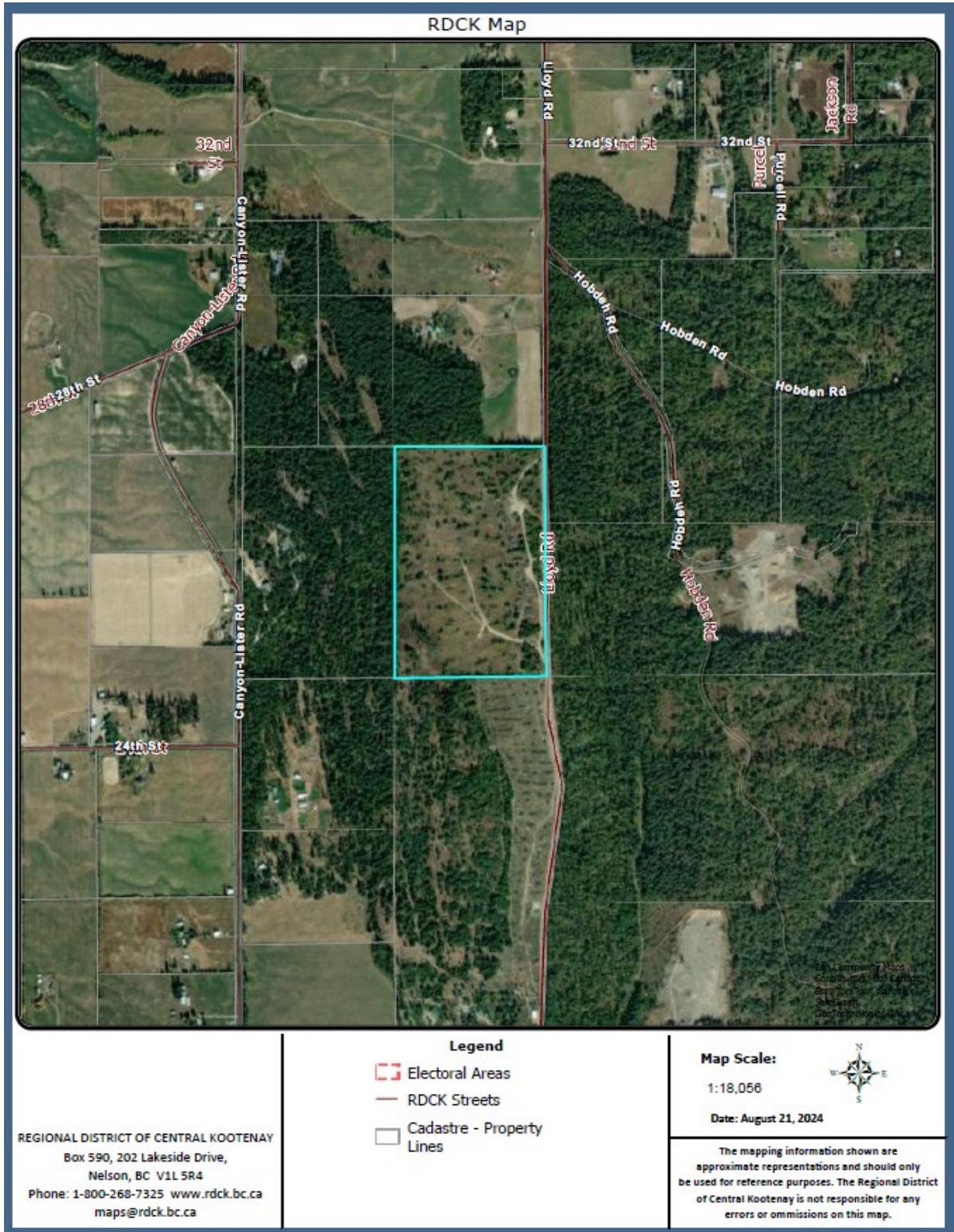


Figure 1: Subject Property

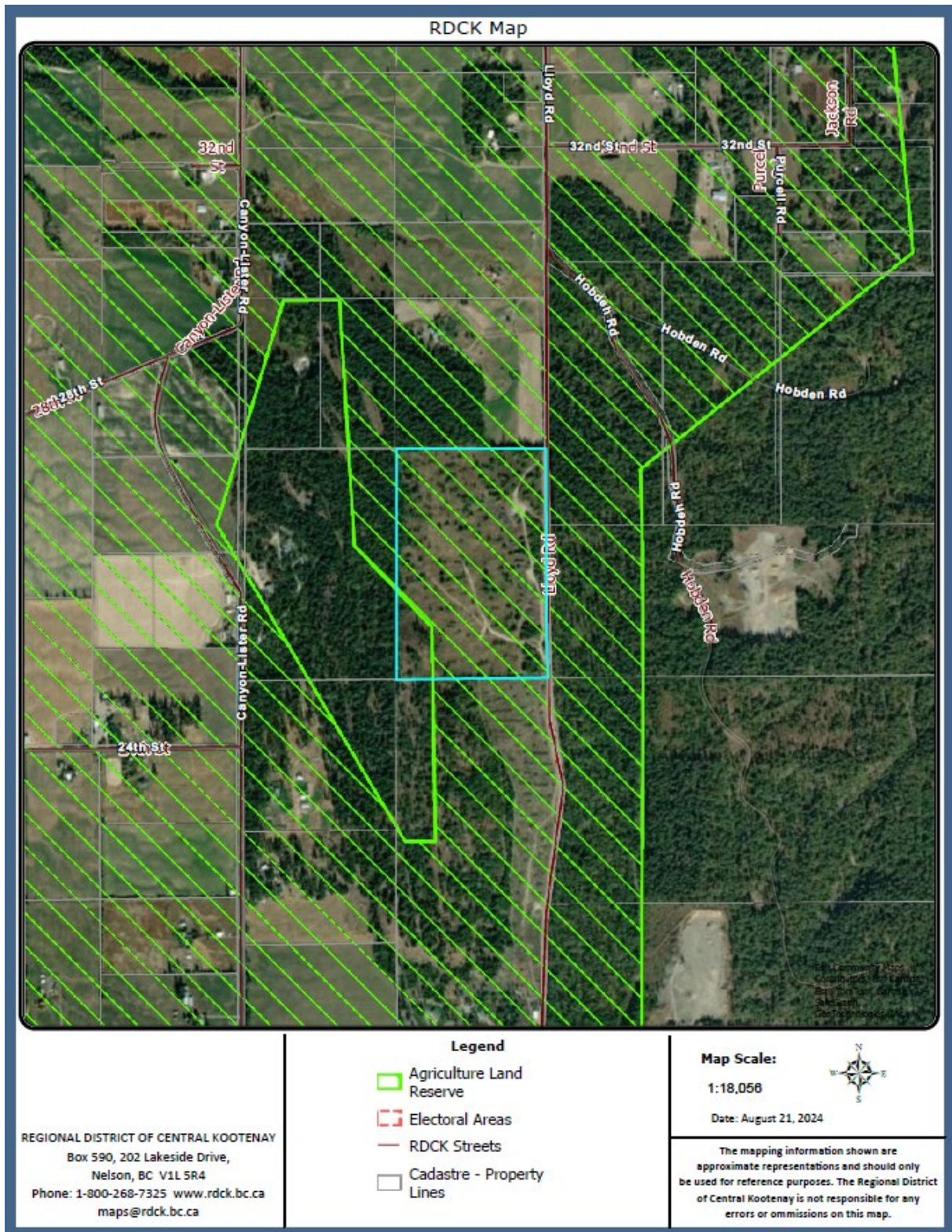


Figure 2: ALR Zoning

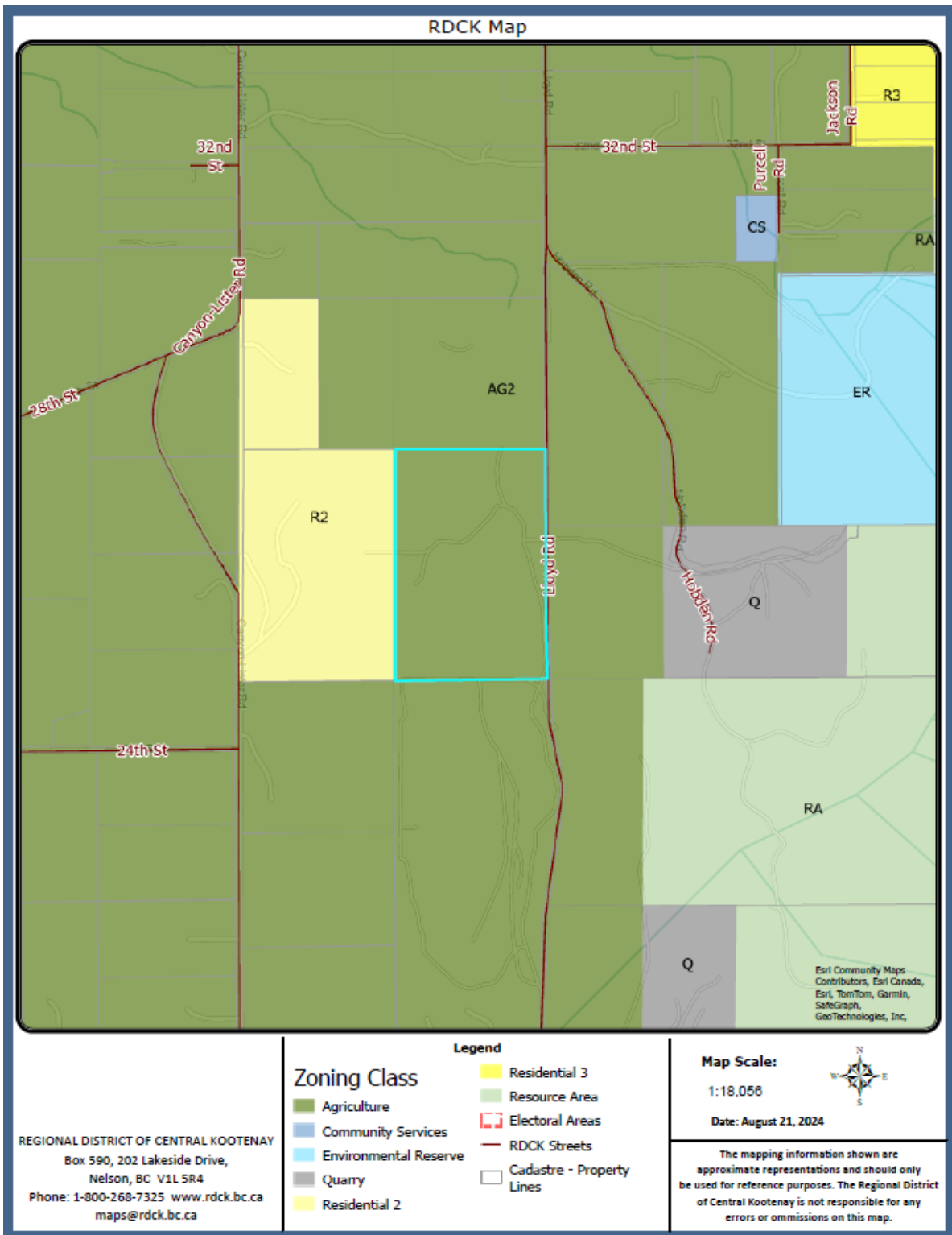


Figure 3: RDCK Zoning

Development Proposal

The applicant is requesting approval to place, crush and process 252,150 m³ of rock on a 0.94ha (2.32 ac) portion of the property within the ALR. This rock is proposed to be excavated from a 1.402ha, non-ALR portion of the property. The applicant has stated that he is requesting to do this processing on ALR land because there is not enough room to process the rock on the non-ALR portion of the property. The applicant stated that once the excavation is complete and the processed rock has been removed from the site, the area where the rock was placed and processed will be reclaimed with "saved topsoil". The applicant has indicated that the ALR portion of the property will be returned to its natural state once complete. The project is proposed to be completed within a three (3) to six (6) year timeframe.

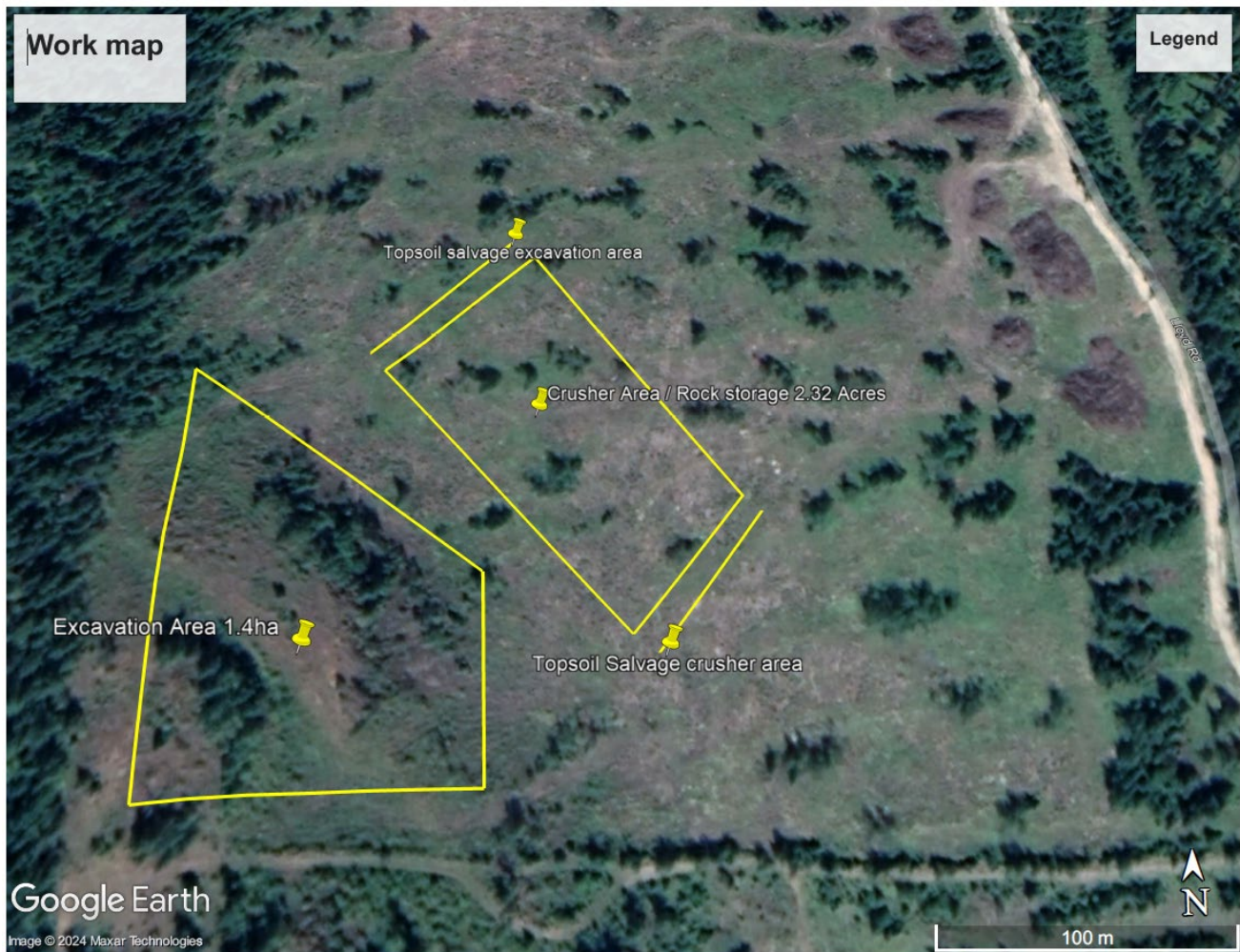


Figure 4: Applicant's Map of Proposed Works

RDCK Agriculture Plan

The Regional District's Agricultural Plan (2011) aims to both realize and protect the agricultural potential of the area, reflecting the priorities and needs of Central Kootenay residents. The plan is designed to support a secure food supply for the region by ensuring that agricultural capabilities are effectively utilized and preserved. Agriculture in the region is diverse, with larger operations primarily in the Creston Valley and numerous small farms distributed throughout the RDCK. The plan's recommendations cover all types and sizes of farming operations. During its development, public consultation highlighted various challenges faced by farmers and food producers. The report includes several recommendations addressing agricultural viability, capability, and food security. Relevant recommendations for this application are listed below:

CAPABILITY RECOMMENDATION #3 It is recommended that the RDCK encourage the protection of agricultural land where appropriate, through the Official Community Plan process and other land use planning tools.

Agricultural Land Use Inventory

The RDCK's Agricultural Land Use Inventory (ALUI) was created to foster a comprehensive understanding of agriculture within the RDCK.

The ALUI details the types and extents of agricultural activities within the ALR and identifies areas with potential for farming. This includes areas with natural and semi-natural vegetation without physical or operational constraints; areas in managed vegetation (managed for landscaping, dust or soil control); and non-built or bare areas. Parcel size is a key factor in evaluating agricultural potential. Larger parcels offer farmers greater flexibility to adapt or expand their operations in response to economic and market changes. In the RDCK, 15% of ALR parcels are smaller than 1 hectare, while only 1.6% exceed 128 hectares. Most parcels fall within the 4 to 8 hectare range. The subject property is large by RDCK standards, approximately 24 ha in size and vacant. The land cover is natural/semi-natural vegetation and this property lies within an agricultural area.

Agricultural activities in the area include the following:

- Livestock: Horse, beef, alpaca
- Crop: Trees, forage/pasture, herb
- Cereals and Oilseeds: Wheat, oats, barley, rye, canola
- Fruits and Vegetables: Mixed vegetables, root vegetables
- Nursery Trees: Forestry stock, grass, rough grass, Christmas trees

The ALUI identifies that the Creston Valley will continue to be the hub of agriculture in the RDCK.

Agricultural Capability Rating

Approximately 19ha of the subject property has an unimproved agricultural capability rating of Class 3 (70%) with the limitations being topography and undesirable soil structure and Class 4 (30%) with the limitations being topography and stoniness. This is shown as yellow in 'Figure 5.' The remaining portion of the subject property, approximately 5.5ha has an unimproved agricultural capability rating of Class 6 with the limitations being topography and shallow soil over bedrock and/or bedrock outcroppings. This is shown as brown in 'Figure 5.' More details regarding soil classes and limitation subclasses can be found in the tables below:

Approximate area of property	Unimproved Capability Class	Improved Capability Class
19 ha	7:3TD~3:4TP	7:3TD~3:4TP
5.5 ha	6TR	6TR

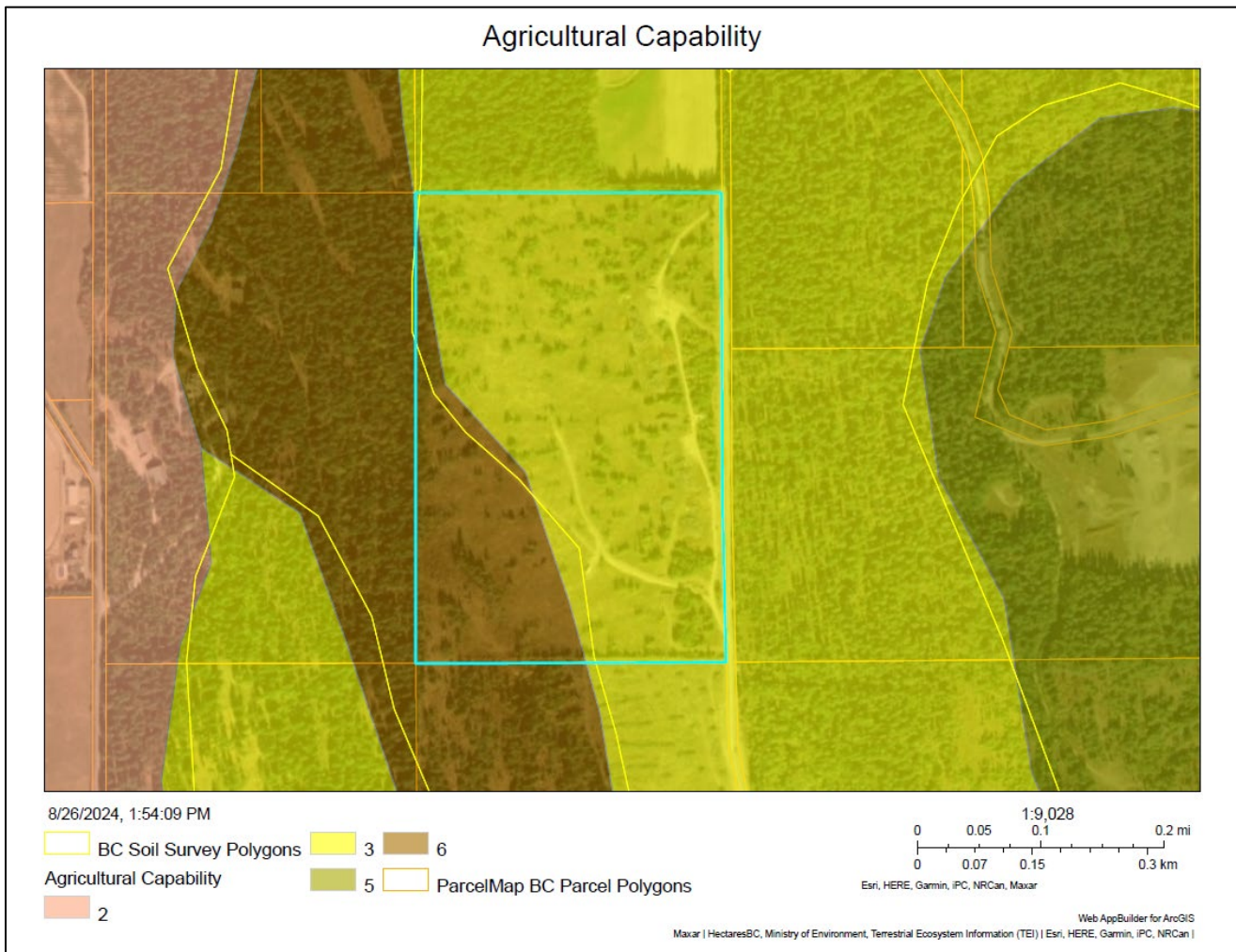


Figure 5: Unimproved Agricultural Capability Rating

Soil Class	Description
Class 3	Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.
Class 4	Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.
Class 6	Land in this class is non-arable but is capable of producing native and/or uncultivated perennial forage crops.

Limitation Subclass	Description
D	Undesirable soil structure
P	Stoniness

R	Shallow soil over bedrock and/or bedrock outcroppings
T	Topography

Soil Type



The Soil Resources of the Nelson Area published by the BC Ministry of Environment categorizes soils having similar agriculturally important characteristics into 'soil association descriptions'. The subject property is composed of soils from the Tye, Lister and Burtontown Soil Associations. The shaded areas in 'Figure 6' identifies the portions of the lot that are composed of each soil type. Descriptions of each soil type are included in table below:

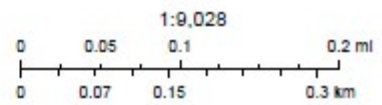
Soil Class	Description
Tye	Tye soils are moderately suitable for agriculture. The main limitations are topography and stoniness.
Lister	Lister soils are mostly arable and are good "dry-farming" soils. Their high soil water holding capacities diminish the need of irrigation for most crops. The main limitations are adverse topography and poor soil structure.
Burtontown	Burtontown soils are non-arable because of steep topography and shallow stony soils, These soils have moderate grazing

Soil Survey



8/27/2024, 10:19:57 AM

-  BC Soil Survey Polygons
-  ParcelMap BC Parcel Polygons



Esri, HERE, Garmin, IPC, NRCAN, Measur

Figure 6: BC Soil Survey

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: Yes No Financial Plan Amendment: Yes No
Debt Bylaw Required: Yes No Public/Gov't Approvals Required: Yes No

The applicant has paid the \$750 RDCK Referral Fee pursuant to the Planning Fees and Procedures Bylaw No. 2457, 2015.

3.2 Legislative Considerations (Applicable Policies and/or Bylaws):

This application was processed in accordance with Planning Fees and Procedures Bylaw No. 2457, 2015.

Agricultural Land Commission Act (ALCA)

Section 25(3) of the ALCA states that a non-farm use application may not be proceed to the Agricultural Land Commission (ALC) unless authorized by resolution of the local government. Section 34.1(2) states that a local government may include comments and recommendations regarding an application should it resolve to forward the application to the ALC.

Section 25(1) of the Act states that when making a decision on an application for a non-farm use in the ALR, the ALC may do one of the following:

- (a) refuse permission;
- (b) grant permission with or without limits or conditions;
- (c) grant permission for an alternative non-farm use with or without limits or conditions.

Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013 (Official Community Plan)

Agriculture Objectives

1. To preserve and promote the use of agricultural land for current and future agricultural production, and to protect this land from uses which are inconsistent with agricultural use or are incompatible with existing agricultural uses in the area.
2. To encourage the agricultural sector's viability by pursuing supportive land use policies within and adjacent to farming areas and to ensure adequate water and land resources for agricultural purposes with recognition of the importance of local food production.
3. To support agricultural land use practices that do not adversely affect the surrounding environment nor compromise the capability of the land for future food production.
4. To support agricultural land use practices within and adjacent to farming areas that seek to minimize conflicts between agriculture and other land uses.
5. To support a strategy for diversifying and enhancing farm income by creating opportunities for uses secondary to and related to agricultural use.
6. To recognize distinct agricultural areas reflecting unique historical development trends, soils and climate.

Relevant Agricultural Policies:

The Regional Board:

1. Directs that the principal use of land designated 'Agriculture' shall be for agricultural use.
2. Supports that all new land use and subdivision of land within the ALR shall be in accordance with the provisions of the Agricultural Land Commission Act, associated regulations, orders and decisions of the Provincial Agricultural Land Commission (ALC).
3. May require that new development adjacent to agricultural areas provide sufficient buffering in the form of setbacks, fencing or landscaping.

4. Supports directing intensive agricultural operations to larger lots or increasing building setbacks and other possible mitigation measures to prevent potential conflicts with adjacent land uses

Aggregate and Mineral Resources Objectives:

1. To identify land having recoverable deposits of sand and gravel from adjacent uses that would limit or prohibit extraction.
2. To minimize conflict between sand and gravel processing operations and adjacent land uses.
3. To support Provincial requirements for rehabilitation and reclamation of resource extraction sites.

Relevant Aggregate and Mineral Resources Policies:

The Regional Board:

1. Encourages that priority shall be placed on the extraction and processing of sand and gravel on lands having recoverable deposits and situated in locations having minimal conflict with adjacent land uses. Other development in conformity with long-term land uses proposed within the Plan area may be considered after extraction is complete and rehabilitation has occurred. Areas designated for future settlement uses and which contain sand and gravel deposits should have the resource extracted prior to final development.
2. Encourages the protection and maintenance of sources of domestic and irrigation water supply as an integral part of the extraction and processing process for aggregates and other resources.
3. Encourages full utilization of recoverable deposits prior to development in areas where recoverable deposits are located

Electoral Area ‘B’ Comprehensive Land Use Bylaw No. 2316, 2013 (Zoning Bylaw)

The subject property is zoned Agriculture 2 (AG2) under *Electoral Area ‘B’ Comprehensive Land Use Bylaw No. 2316, 2013*. The AG2 zone contemplates activities such as agriculture, nurseries and single detached housing as principal uses. The AG2 zone does not authorize the use of the property for the excavation or processing of rock or aggregate. This type of use is permitted only in the Quarry (Q) zone.

3.3 Environmental Considerations

The proposed industrial activities have the potential to adversely impact the property and the surrounding environment from the creation of noise, dust and contamination. A more fulsome understanding of these impacts and mitigation measures would be reviewed as part of a Temporary Use Permit or Bylaw Amendment application.

3.4 Social Considerations:

There has been significant opposition from the community to this application. The RDCK received correspondence from eight members of the public as well as a petition signed by 53 members of the public. The petition cites opposition to the development proposal for various reasons including potential noise pollution, groundwater contamination and impacts to the ALR. In addition, 55 members of the public attended the Creston Valley Agricultural Advisory Commission meeting where this application was considered. Attendees asked questions and express concerns about this proposal. A summary of their questions/concerns from that meeting are also included for information. The above noted correspondence and petition is attached to this report as ‘Attachment B.’

3.5 Economic Considerations:

None anticipated.

3.6 Communication Considerations:

Pursuant to the Planning Fees and Procedures Bylaw no. 2457, 2015, the application was referred to RDCK departments, Local Area Directors, Ministry of Agriculture staff, the Creston Valley Agricultural Advisory Commission and First Nations.

The following responses were received for this referral:

Area B Advisory Planning and Heritage Commission

Moved and seconded,

AND Resolved:

That the Area B Advisory Planning Commission (APHC) defer the decision on the Agricultural Land Reserve Referral to Jon Blackmore for the property located 2445 Lloyd Road, Creston, Electoral Area 'B' and legally described as LOT 10 PLAN NEP1494 DISTRICT LOT 812 KOOTENAY LAND DISTRICT until the APHC obtains additional information on the impacts to water and the wildlife corridor, as well as input from the Creston Valley Agricultural Advisory Commission.

Creston Valley Agricultural Advisory Commission

Moved and seconded,

AND Resolved:

That the Creston Valley Agricultural Advisory Commission SUPPORT the Agricultural Land Reserve Referral for Non-Farm Use to Jon Blackmore for the property located 2445 Lloyd Road, Creston and legally described as LOT 10 PLAN NEP1494 DISTRICT LOT 812 KOOTENAY LAND DISTRICT AND FURTHER that we recommend any future Temporary Use Permit applications that apply to the property located at 2445 Lloyd Road, Creston require a Contract Security to ensure site remediation.

Ktunaxa Nation Council

The Ktunaxa Nation Council would like to share the Chance Find Procedures. The entire bench lands in Canyon Lister have archaeological potential. Yaqaan Nukiy also feels a number of surveys are required before we can comment further. This would include Surveys by a QP regarding wildlife, birds, SAR, etc. Also a Management Plan needs to be developed for dust management, noxious weeds, etc.

Ministry of Agriculture and Food

Thank you for providing Ministry of Agriculture and Food (Ministry) staff the opportunity to comment on File A2402B that proposes to use a portion of the Subject Property that is located within the Agricultural Land Reserve (ALR) to store and process rock material that will be excavated from the non-ALR portion of the Subject Property. From an agricultural planning perspective, Ministry staff offer the following comments:

- Ministry staff are aware that the Subject Property is not currently being used for agricultural purposes and from the information provided, the applicant has no future plans to commence a farm operation.*
- Ministry staff suggest that, if not already done, RDCK review the applicant's reclamation plan in relation to ALC Policy P-13 Reclamation Plans for Aggregate Extraction, including Appendix A 'Best Management Practices for Aggregate Extraction Activities Occurring in the Agricultural Land Reserve'. Particular attention to the prevention of invasive plants and weeds is recommended, as under the provincial Weed Control Act the land occupier has a legal obligation to control noxious weeds on the site.*
- In viewing the Subject Property on Google Earth, Ministry staff note that the extraction area is approximately 500 metres from the nearest residences located on adjacent properties to the west and southwest of the Subject Property. Despite this considerable distance, blasting and other extraction related activities will generate dust and noise which may impact surrounding properties.*
- Ultimately, although the applicant proposes to strip and store the topsoil and place it back on the impacted area after extraction activities are complete, this project is unlikely to benefit agriculture on the Subject Property.*

Please contact Ministry staff if you have any questions about the above comments.

Thank you for the opportunity to provide comments from an agricultural perspective with respect to this file.

RDCK Water Services

The property is outside of the Lister Water System service area boundary, and so our interests are unaffected. Should the applicant apply for a Temporary Use permit in the future, the RD would have the ability to request a study that identifies impacts on the aquifer at that time.

3.7 Staffing/Departmental Workplace Considerations:

Following a Board resolution, staff will forward the report to the Agricultural Land Commission.

3.8 Board Strategic Plan/Priorities Considerations:

Not applicable.

SECTION 4: OPTIONS & PROS / CONS

Although the relevant application before the Board at this time is to consider approval of a non-farm use in the ALR, the owner has also applied for a Temporary Use Permit (TUP). That application is on hold pending the outcome of this non-farm use application process. Should the Board recommend advancing this application to the ALC for a decision, and should the ALC grant that approval of the non-farm use application, the TUP application process would then be activated. The RDCK would subsequently process the TUP application in accordance with the LGA and the RDCK Planning Procedures and Fees Bylaw. In this case, Staff recommend the non-farm use application not advance to the ALC for further consideration, and the reasons for that area explained below.

New applications for industrial or aggregate uses often face community opposition, especially in established areas. In this case, there has been significant concern from local residents regarding the proposed activities. Issues raised include noise, environmental impacts, effects on farming, groundwater contamination, dust, increased truck traffic, diminished property values, and conflicts with adjacent land uses.

While local sources of aggregate are important for construction and infrastructure development, the current policy in Electoral Area B does not support new industrial activities on lands not designated for such uses or where they conflict with neighboring land uses. Additionally, there are no policies supporting new industrial activities on land designated for agriculture, even on a temporary basis.

The agricultural designation of this property underscores the need to preserve and protect land for agricultural use. Although the applicants have indicated that the processing area will be restored to its “natural state” after the project concludes, the proposed activities will prevent agricultural use during the operation, which is expected to last 3-6 years, and do not align with the property’s agricultural purpose. The activities area also incompatible with existing agricultural uses in the area.

Given the community opposition, potential negative impacts, and the lack of benefit to agriculture, staff recommend that the Board not support the application and not forward the application to the ALC.

Options

Option 1

That the Board DENY application A2402B for the proposed Non-Farm Use in the Agricultural Land Reserve proposed by Jon Blackmore for property located at 2445 Lloyd Road, Electoral Area ‘B’ and legally described as LOT 10 PLAN NEP1494 DISTRICT LOT 812 KOOTENAY LAND DISTRICT (PID: 015-750-698)

and that the Board directs Staff to NOT ADVANCE the subject application to the Agricultural Land Commission for consideration.

Option 2

That the Board PROVIDE NO COMMENT regarding application A2402B for the proposed Non-Farm Use in the Agricultural Land Reserve proposed by Jon Blackmore for property located at 2445 Lloyd Road, Electoral Area ‘B’ and legally described as LOT 10 PLAN NEP1494 DISTRICT LOT 812 KOOTENAY LAND DISTRICT (PID: 015-750-698)

and that the Board directs Staff to ADVANCE the subject application to the Agricultural Land Commission for consideration.

SECTION 5: RECOMMENDATIONS

That the Board NOT APPROVE application A2402B for the proposed Non-Farm Use in the Agricultural Land Reserve proposed by Jon Blackmore for property located at 2445 Lloyd Road, Electoral Area ‘B’ and legally described as LOT 10 PLAN NEP1494 DISTRICT LOT 812 KOOTENAY LAND DISTRICT (PID: 015-750-698)

and that the Board directs Staff to NOT ADVANCE the subject application to the Agricultural Land Commission for consideration.

Respectfully submitted,



Sadie Chezenko, Planner 1

CONCURRENCE

Planning Manager – Nelson Wight **Digitally Approved**

General Manager Development & Sustainability – Sangita Sudan **Digitally Approved**

Chief Administrative Officer – Stuart Horn **Digitally Approved**

ATTACHMENTS:

Attachment A – ALC Application

Attachment B – Community Correspondence



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 100716
Application Type: Non-Farm Uses within the ALR
Status: Submitted to L/FNG
Applicant: Blackmore et al.
Local/First Nation Government: Central Kootenay Regional District

1. Parcel(s) Under Application

Parcel #1

Parcel Type Fee Simple
Legal Description LOT 10 DISTRICT LOT 812 KOOTENAY DISTRICT PLAN 1494
Approx. Map Area 24.47 ha
PID 015-750-698
Purchase Date Jul 15, 2019
Farm Classification No
Civic Address 2445 Lloyd Road
Certificate Of Title TITLE-CB84795-PID-015-750-698.pdf

Land Owner(s)	Organization	Phone	Email	Corporate Summary
Jon Blackmore	No Data	2504219360	jonrockypine@gm ail.com	Not Applicable
Julia Blackmore	No Data	2504219360	jonrockypine@gm ail.com	Not Applicable

2. Other Owned Parcels

Do any of the land owners added previously own or lease other parcels that might inform this application process? No

3. Primary Contact

Will one of the landowners or government contacts added previously be the primary contact? Yes

Type Land Owner
First Name Jon
Last Name Blackmore
Organization (If Applicable) No Data
Phone 2504219360
Email jonrockypine@gmail.com

4. Government

Local or First Nation Government: Central Kootenay Regional District

5. Land Use

Land Use of Parcel(s) under Application

Describe all agriculture that currently takes place on the parcel(s). As such time vacant Land

Describe all agricultural improvements made to the parcel(s). Fenced the stumped the East side of the property

Describe all other uses that currently take place on the parcel(s).

In the process of securing a temporary use permit from the RDCK, and ALC to start property development.

Choose and describe neighbouring land uses

	Main Land Use Type	Specific Activity
North	Agricultural / Farm	Hay fields
East	Other	Crown Land
South	Agricultural / Farm	Mountain grazing
West	Agricultural / Farm	Forest

6. Proposal

How many hectares are proposed for non-farm use? 1 ha

What is the purpose of the proposal? We are applying for the non farm use permit we want to excavate rock from the Southeast portion of the property which is outside the ALC on the same property and move it onto the ALC portion of the property to process the rock and use it for the development of Lloyd Rd and further development of the property. The portion of the rock once excavated down will be the future location of our shop. 252,149.98m3 of rock in total will be placed on the area but not at one time. Once the excavation is complete and the processed rock has been removed from the area the storage area will be recovered with the saved topsoil.

Could this proposal be accommodated on lands outside of the ALR? Where we are digging down the rock face it does not allow us enough room to process the rock in the area we will be extracting the rock from.

Does the proposal support agriculture in the short or long term? Yes it will as the area we will be using for processing and storage will be put back to its natural state after the project is complete.

Proposal Map / Site Plan map 3.pdf

Do you need to import any fill to construct or conduct the proposed Non-farm use? Yes

Soil and Fill Components

Describe the type and amount of fill proposed to be placed. A total of 252149.98 m³ of rock will be placed in our projected processing area but not at one time.

Briefly describe the origin and quality of fill. The origin of the material is from a prortion of the same property that is outside the ALC portion. The rock will be free of all topsoil's and vegetations prior to being moved to the processing area.

Placement of Fill Project Duration 6 years

Fill to be Placed

Volume	252149.98 m ³
Area	252149.98 ha
Maximum Depth	0.3 m
Average Depth	0.03 m

7. Optional Documents

Type	Description	File Name
Professional Report	Global Raymac Survey	24IC0020_SS.pdf
Professional Report	volume survey	24IC0020-Volume Report.pdf
Other files that are related	application to RDCK temp use	04012024094452.pdf

Written Correspondence # 1

From: [Stephanie](#)
To: [Johnson](#)
Subject: Concerns of Gravel Pit and Subsequent Development Proposal Lloyd Road in Canyon
Date: Monday, July 15, 2024 2:25:54 PM

You don't often get email from dshamilja.egli@alumni.uleth.ca. [Learn why this is important](#)

CAUTION This email originated from outside the organization. Please proceed only if you trust the sender.

Good afternoon Stephanie Johnson,

I am writing to express concerns over the gravel pit and subsequent development proposal at the end of Lloyd Road in Canyon, at 2445 LLOYD ROAD, CRESTON, ELECTORAL AREA 'B' LOT 10 PLAN NEP1494 DISTRICT LOT 812 KOOTENAY LAND DISTRICT (PID: 015-750-698), File A2402B. As we understand it, there is a plan to develop the property for housing after the gravel is taken out. Where would the water come from if this went ahead? Nelson Wight said the RDCK is not aware of any subsequent housing development planned; however, in the application it does say "development of Lloyd Road and future development on the property". Please see the screenshot attached. In a time of such climate change challenges as we have, it is an obligation of governing bodies such as the RDCK and ALC to ensure water sources are not depleted, and to be proactive in protecting all water sources that have the potential to be depleted. If it already says in the application that there will be future development on the property, it is only likely that the applicants will sooner or later be seeking water connection to the property.

Many thanks,

Dshamilja Egli

Sadie Chezenko

From: Gary Cote
Sent: Friday, July 19, 2024 8:17:19 PM
To: Roger Tierney <RTierney@rdck.bc.ca>
Subject: Re: John Blackmore Gravel Pit

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

*** CAUTION: This email originated from outside the organization. Please proceed only if you trust the sender.***

Hey Roger, this is Gary. We spoke briefly at the meeting today.

After letting things percolate a little it's becoming clear the intent of the development is not to improve Lloyd road but rather to improve Lloyd road so that dump trucks can access the gravel pit there. When you look at it in that light, the intent is to turn a property in the ALR into a commercial property, even if only temporarily. Recently we had a young guy forced to stop selling lumber from his yard because he was in the ALR. This is absolutely no different.

The road development is solely to exploit the resources there. The resulting truck traffic will have a long term, cumulative, detrimental effect on the roads. In the quest for money the residents along the route will have to endure the increase of heavy truck traffic, and the diesel emissions that accompany it. We'll also have to deal with the degradation of the roads. How many loads have the projected? 23,000? Can that be right? Would you like 23,000 dump trucks driving past your house? What right do they have to impinge upon my right to peace? How does their right to exploit their natural resources become more important than my right to enjoy my property?

If the RDCK can't see it's more about greed and avarice than developing a place to build a home then they need to take a step back. Seeing it from another perspective shows you the true intent of the development. It's about exploitation at any cost.

I will vehemently defend and voice my opposition to the development. Please add me to the email list for upcoming meetings.

Kind regards,

Gary Cote
[REDACTED]

Jeff and Crystal Karbonik
[REDACTED]

July 15, 2024

Stephanie Johnson, Planner
Development and Community Sustainability
Services Regional District of Central Kootenay
Box 590, 202 Lakeside Drive
Nelson BC V1L 5R4
plandept@rdck.bc.ca

Re: ALR Referral RDCK File A2402B

Dear Ms. Johnson,

We are writing to express our concerns regarding Agricultural Land Reserve Referral File A2402B to allow non-farm use of Lot 10 Plan NEP1494 District Lot 812 Kootenay Land District (PID: 015-750-698). This application is to permit for the destruction of a natural rock structure and the creation of a gravel operation that is expected to be in operation for six (6) years.

Why is this important?

The impact of mining and excavation projects spill out into the surrounding commons. While this project may not be the first of its kind proposed in the area, each application must be assessed on its merits and impacts to the surrounding area. The process used to assess the request must be carried out in a planned and thoughtful way to ensure the needs of the community are considered along with the needs of the applicant. Any decision to quickly pass a project such as this may set an unsustainable development precedent by enabling regulatory slippage, which describes “the situation where something that is legally mandated to happen fails to happen” (Farber 1999). Whole and complete planning processes; including an Environmental Impact Assessment (EIA) must be conducted.

After assessing the ALR variance request we have identified the following concerns which need to be taken into consideration when making a decision that will have a lasting impact on the people and environment.

1. Fair and Meaningful Participation

The planning process has caused significant worry among local residents due to a lack of transparency. Directly affected parties were not given complete information or advanced notice of planning events. This lack of transparency suggests the possibility of something untoward occurring and raises serious concerns about the social and regulatory due diligence being observed. Going forward we ask that the RDCK Planning Committee adhere to the Impact Assessment Act of Canada, which will

ensure meaningful participation and informational transparency for all directly affected parties and concerned residents.

2. Impacts on Agricultural Land Reserve (ALR)

The proposed gravel operation contravenes the designated use of the ALR, threatening the agricultural viability of the land. This land is vital for local agricultural activities and food production, and converting it to industrial use, even for the short-term, undermines the purpose of the ALR, which is to preserve agricultural land for future generations.

3. Groundwater Contamination, Disruption and Ecological Impacts

Blasting and / or fracking operations pose significant risks to groundwater, which is the primary water source for many local residents. The potential for groundwater contamination and disruption of the aquifer system cannot be overlooked. Studies have shown that such industrial activities can have long-lasting impacts on water quality and availability, critical concerns for rural communities dependent on groundwater (refer to guidelines from the Groundwater Foundation and other water management authorities). The use of fracking or foam injection to fracture rock poses several environmental risks including, but not limited to:

- Chemical Contamination - Foam injection involves the use of various chemical additives to create the foam. These chemicals can be hazardous if they migrate into groundwater or surface water sources (e.g. either directly or as a result of spills or leaks).
- Groundwater Contamination - Foam and its associated chemicals can potentially migrate through fractures created in the rock, reaching groundwater aquifers or adjacent wells.
- Soil Contamination - Some chemicals used in foam injections can persist in the environment and may not break down easily, leading to long-term contamination issues.
- Air Quality Impact - The chemicals used in foam can include Volatile Organic Compounds, which can be released into the atmosphere during the injection process, contributing to air pollution and posing health risks to nearby communities.
- Climate Change – Fracturing of rock can release methane, a potent greenhouse gas, into the atmosphere, exacerbating climate change.
- Ecological Impact - The chemicals used in fracking and / or foam agents used to fracture rock can be toxic to aquatic and terrestrial wildlife if they enter water bodies or soil ecosystems. Further, the physical process of foam injection and the associated infrastructure can disrupt local habitats, affecting biodiversity.

4. Noise Pollution

The continuous operation of heavy machinery, along with the possibility of blasting will generate substantial noise pollution, adversely impacting the wildlife in the area (most notably, the elk corridor and various birds; including Species at Risk) and disrupting the quiet rural lifestyle that residents moved to the valley to enjoy.

The rock fracture process will generate excessive noise through one or more of the following activities:

- Drilling Operations - Drilling involves the use of heavy machinery and equipment, which generates significant noise levels.
- Injection Equipment - High-pressure pumps and compressors used to inject fracking or foam agents into the rock create continuous and loud operational noise.
- Heavy Machinery and Vehicles - The movement and operation of trucks and other heavy machinery involved in transporting equipment, fracking or foam agents, and water contribute to the overall noise pollution. This includes engine noise, loading and unloading operations, and general site activity.
- Fracturing Process - The actual process of fracturing the rock with blasting, fracking or foam agents will produce loud cracking or popping sounds as the rock breaks apart.
- Generators and Auxiliary Equipment - Generators used to power equipment and other auxiliary machinery on-site also contribute to noise levels.

This project is scheduled to last six years and is expected to remove over 252,150 M3 of rock material. The rock aggregate will be stored on ALR designated lands. 36,000 tons of rock, necessitating the operation of one gravel truck every 13 minutes throughout the project's duration.

This prolonged noise exposure can lead to adverse health effects, including stress, sleep disturbances, and cardiovascular problems for nearby residents, which contradicts best practice planning principles that prioritize the well-being and quality of life of residents (see World Health Organization guidelines on noise pollution). Noise created through the extraction and transportation of rock materials will disturb the daily lives of people living near the site, affecting their quality of life and considering the extended time period that is being proposed may lead to potential conflicts between residents, the company conducting the operations and the group proposing the change in land use.

In addition noise pollution will disrupt local wildlife, affecting their natural behaviors, communication, mating patterns, and habitat use. This can lead to displacement and increased mortality rates for sensitive species.

5. Traffic and Road Infrastructure

At the June 25th, 2024 meeting, one of the RDCK Planning Committee members indicated that there would be approximately 35,000 truckloads of gravel extracted from the area. Assuming a 6-month season and a 6 year project term, residents can expect to have a truck travel past their property or travel on one or more of the connector roads once every 10 minutes on work days. The rural roads leading to and from the proposed extraction site / gravel pit are not rated to support the anticipated heavy truck traffic. The increase in heavy vehicle traffic will accelerate road degradation, increase maintenance costs, and pose safety risks to residents. Best practices in transportation planning emphasize the need for infrastructure assessments before approving projects that significantly alter traffic patterns (refer to the American Planning Association's guidelines on transportation and infrastructure planning).

6. Environmental and Community Impact

The environmental impact of this project extends beyond wildlife and groundwater. The cumulative effects of blasting, industrial noise, increased traffic, dust, and habitat destruction will degrade the local environment, contradicting sustainable development principles. Moreover, the community's proximity to nature and its quiet, rural character will be fundamentally altered, affecting property values and residents' quality of life.

7. Wildlife Corridor Disruption

The proposed site is within a sensitive wildlife corridor that supports elk, deer, wolves, coyotes, bears, and other species. Heavy industrial activity, heavy machinery operation and the irreparable destruction of the natural habitat will cause the displacement and potential harm to local wildlife. Preserving these corridors is crucial for maintaining biodiversity and ecological balance, as supported by best practices in environmental planning (e.g., the Wildlife Corridors Initiative).

8. Reclamation Ambiguity

There is deep concern related to the absence of clear guidelines and processes that will be used to ensure proper land reclamation. It is essential to ensure that the impacted lands will be restored to a state that harmonizes with the surrounding environment, enabling the return of the natural landscape and indigenous wildlife. We also emphasize the need for dedicated funding to guarantee that reclamation activities are carried out effectively and overseen by the appropriate approving body.

9. Governance

There appears to be a lack of governance with respect to how, if approved, the gravel extraction operations will be monitored. This includes noise and pollution management, long-term impacts to the health and wellness of the residents and wildlife. Adherence to the appropriate standards and management of the reclamation of the impact lands. Until the governance framework can be identified along with the standards and processes that will be used to manage the operations this request must not be allowed to move forward.

Its important to note that Agricultural Land Reserve Referral File A2402B will irreparably change the area. In light of this and the issues raised above, we urge the RDCK Planning Committee to reject the application for the gravel operation. The substantial risks to the ALR, groundwater, community lifestyle, local infrastructure, and wildlife cannot be adequately mitigated. Preserving the land for agricultural and environmental purposes, in adherence to established planning guidelines and best practices, is clearly in the best interest of the community and environment.

Thank you for considering our concerns. I trust that the RDCK Planning Committee will make a decision that prioritizes the long-term welfare of our community and environment.

Respectfully,

Jeff and Crstal Karbonik

Stephanie Johnson, Planner
Development and Community Sustainability Services
Regional District of Central Kootenay
Box 590, 202 Lakeside Drive
Nelson BC V1L 5R4
plandept@rdck.bc.ca

Re: ALR Referral RDCK File A2402B

Dear Ms. Johnson,

I own and reside [REDACTED] involved in this application (file A2402B). I have several serious concerns in regards to this applications and the potential and real impacts on my land and the surrounding area.

1) My well is on the same ridge where the intended rock wall demolition and blasting is to occur. This creates the concern that with any blasting there may be an effect on the fractures in the rock which in turn will negatively impact on my wells water production. It was stated by the proposal presenter that the rock in the area is extremely fractured and based on that statement there can be no guarantees as to how this might affect surrounding rock. My well on this same ridge provides our only source of potable household water. While we do have access to the Lister system, due to the elevation of our home, we are not permitted to connect that system to our home.

2) I object to the develop of this ALR land as heavy industrial land, even as a “temporary” situation. The application makes it clear that they intend this development to be at least 6 years, with extensions expected (mentioned several times during the June 25, 2024 meeting). I did not move to an agricultural area to reside next to rock crushers, aggregate trammels and other heavy duty equipment that may end up running any number of hours any number of days of the week. Not only is my peace and enjoyment of my property negatively affected, but there will be a negative affect on my property value. People seeking to buy agricultural properties such as ours would not chose an industrial aggregate operation as a neighbour.

As I have specifically chosen to purchase, reside and try to develop an agricultural business in an agricultural zone, I find it very unsettling that this development is being considered as a Non-Farm Use within the ALR. (Versus a development on industrial zoned property.)

3) The “35,000” gravel trucks of aggregate that will be produced by this project (the number quoted to us in the meeting of June 25, 2024 by the individual presenting the proposal) causes me concern. If this number of trucks runs past my home over a 6 month season over 6 years, that work out to almost 6 trucks / hour, or one every 10 minutes. I am sure I do not need to explain why this is an issue to me.

Further, the current roads in the area, including the currently existing Lloyd Road and 36th Street, which is the access from the north of the subject property to Canyon-Lister road, is not, in my opinion, able to support this type of traffic. It already suffers from the short term trucking that occurs some summers from the Hobden Road gravel pit (used seasonally and sporadically for road repairs in the area but which do provide community benefit - ie improved roads).

4) I am very concerned and upset by the lack of engagement of stakeholders in this proposal. While it was sent out to some of the local organizations as listed on the application, it was not shared with even the direct neighbours [REDACTED] and yet will have a direct affect on myself and my property.


This application was not, to the best of my ability to search, even listed on the RDCK website prior to the meeting or the day after when I did a search for the application by the File Number A2402B the following day. I do see that it is as of today (July 11) now posted on the Active RDCK Land Use Applications. This does raise questions in my mind about the project transparency.

5) Much of the wildlife in the area will be negatively affected by this proposed development. [REDACTED] in this application, we have pictures from our game cameras on that ridge of wolves, grizzlies, elk, deer, and bobcats. This was one of the reasons for us purchasing in this area. While many human developments affect wildlife in many ways, some of my own development being part of that (fencing to keep elk out of the garlic patch), I am not happy about the heavy duty industrial nature of this proposal in ALR land as that effect will likely have a much broader and more drastic effect on the said wildlife than usual agricultural pursuits.

In closing, I would appreciate being notified of this proposal as it moves forward, including updates to the proposal when posted to the RDCK website, any open meetings at which it will be discussed and any requests for comments from organizations, the public, and affected individuals, which includes direct neighbours.

Sincerely,
Laura Koop

[REDACTED]



July 19, 2024

To Whom It May Concern.

As a resident of Canyon and as a valley resident, I feel compelled to speak out against the recent proposal of a gravel operation in my neighbourhood on Lloyd Road. The OCP clearly defines what types of developments are permitted throughout our valley in order to ensure best development practises. This proposal is clearly in contravention of that. You will have already seen a letter outlining all the harmful outcomes including traffic, dust, water wastage etc. but I wish to draw your attention to harm that will ensue from diminished air quality, hillside disturbance and noise.

Having lived in the valley for over 30 years, I have helped to develop individual OCP's for most areas it encompasses. We now have unique Official Community Plans for each area within our valley; whereas prior, it was one OCP for all. I ran CASM, Creston Airshed Management for over 25 years and was successful in far reducing Idaho field smoke, smoke from woodburning stoves, application and removal of winter road abrasives which caused air particulation and secured the two months free dropoff of backyard debris at our landfill, to minimize burning and further improve air quality. All this was done as a volunteer. I worked with the Idaho Conservation League to stop plans for the Waste to Energy Incinerator some years back that was being considered by the Kootenay Tribe of Idaho for use as a garbage burner for trucked-in garbage from Eastern Washington, Western Montana and Northern Idaho and which would have sent dioxins directly into our valley. This is not a complete list by any means, but it serves to hopefully illustrate that I love this valley and work voluntarily to preserve its environment and the resultant health of its residents.

As anyone who lives on the Skimmerhorns as I do will attest, echoes from it reverberate along its slopes North and South and certainly outward from it. Rocks rolling down its shale slopes or a gunshot at the current Hedland gravel dump is heard in my backyard on Jackson Road as though it originated from my property. We hear elk bugling, coyotes howling and many different species of birds that have their natural sounds magnified for our enjoyment. My 30 acres of forest is my own species habitat and it connects along the mountain side as the sound does, to other species of animals and birds, creating what oldtimers here refer to as the "Lister Forest".

To think that a gravel operation would be allowed to destroy our property values and our natural peace and quiet of our neighbourhood leaves me feeling disturbed beyond words. Why have I used my retirement to voluntarily serve on numerous boards, Area B APC, OCP input meetings etc. to now be facing a proposal that will negatively impact our air quality, quiet surroundings etc with no benefit to the community beyond one individual's desire to profit? Why would a Regional District which also works so hard to protect this valley and beyond, even consider such a proposal?

No matter what is being promised and by whom, there is only one guarantee: that is, that outcomes both immediate and in the future, will never manage to compensate for what is being done if this project goes ahead.

I therefore urge the reader to take into account my concerns of damage to the Skimmerhorns and the surrounding area where noise will be heard all the way to the Kootenay Meadow Dairy, the golf course and other parts of the valley. On some occasions, I hear the Hushcroft Mill across the river in Erickson, so noise travels so much farther than many realize. Industry must remain on land zoned for it, not in the middle of residential and environmentally valued areas; not in this valley and not while I live and breathe.

With Sincere Candor,
Ms. Patricia Martin

I had the pleasure of being invited by Jon Blackmore along with my neighbours, Jo and Jeremy Ferris, to view the site at which he is seeking to build his home and to use a portion of his property to mine rock with a rock crusher in order to build the road from Lloyd Road and 20th to the home site. Here are my thoughts from that field trip.

----personal information about the applicant removed by RDCK staff ---- He talks about a fence on the property in question to allow the elk herd that visits regularly to pass without impedence. A road to his property access needs gravel. thus the impetus for the rock crusher. His plan is to sell excess crush to buyers.

He doesn't seem to have a detailed understanding of how it works in terms of water usage and volume or of noise that will ensue. This needs to be further investigated. He claims that export of crush will only involve 2 dump truck fulls per day over a normal work week and will involve no dump truck loads when road bans are on.

With the crush created, he will build his dream of a home in a magnificent view location. A single residence will appear on it as he crushes more rock over a 6 year period. I discussed with him the subject of posting a bond and he seemed a little surprised but not shocked. He stated he had posted bonds in the past of eg \$200K. He also stated that Dept of Transportation wants him to gravel the road at least to his home on Lloyd Road and to maintain it. He offered that he would use the 20th and Lloyd Rd. route for his dump trucks. He has a contractor from Cranbrook who would be involved.

He has promised to not go further north to 32nd which is non negotiable anyway because the community is adamant it does not want that. But the noise and the water usage and why the need for 6 years is where I have concerns.

I have learned he must obtain a mining license from the Ministry of Mines and Resources as well as being successful with his application to the Agriculture Land Commission to store mined matter on the portion of his land that is in the ALR. The portion that is being mined is approximately 3 acres and is not in the ALR.

There may be a reason for the proposed 6 year time frame that originates in a requirement by the ALC for a three year term that has the option to be increased to another 3 years if needed and that may be where the 6 year term of license comes from. Mr. Blackmore may not have requested a 6 year period in which to complete his rock crushing venture

My contacts at the RDCK have been Stephanie Johnson (RDCK planner) who is out of office and in the field with all the emergency plans for the wildfires but should be back in the office next week. Also, I have sent my letter to her via Roger Tierney, our director. I had a phone call with

Nelson Wight | Planning Manager
Regional District of Central Kootenay
Phone: 250.352.8184 | Cell: 250.354-8781 | Fax: 250.352.9300

And he has indicated that concerns in the form of letters should now be sent to

Plandept@rdck.bc.ca Or to:

sjohnson@rdck.bc.ca

So I would urge each household to send an email outlining concerns, questions or suggestions and these should be sent now. It will take a period of sometimes months before an ALR application is approved or declined and when that happens, the RDCK planning staff will have a better idea as to the situation if letters are already in hand.

In addition, I would like to share with you my personal feelings on this matter. I have always been someone who likes communities to be congenial and to be ones where we are tolerant and understanding of different factions within a community. I am so hoping that this request is handled in a businesslike manner and that facts are shared and not rumours. If a meeting on the issue is called at some point, I would feel devastated if tempers flared or oppositional talk mounted to the state where rifts were formed.


[REDACTED] I like that he now owns the Canyon Store and I wish nothing but the best for those still within the Bountiful community as well as for Jon Blackmore and his family.

Having sent my original letter, which I now somewhat regret as I got up on my high horse with indignation as I have been known to do, I now know more about the project and want to send a second letter to one of the email addresses above with some remaining concerns that may, if provided with answers that satisfy those concerns, be far more conciliatory. That letter will be asking:

- bond amount and protocol if project fails ie enforcement agency
- how do we determine in advance the noise factor (decibels)? Are there maximums enforced by Min of Environment
- How is it determined in advance, the volume of water required for a rock crusher

I do not wish to imply that I am in any way “taking the lead” on this issue. I am just one resident making an attempt to clear away some misconceptions in order to assist in bringing this issue to a satisfactory conclusion for all.

Your neighbour,
Pat Martin


July 26, 2024

Planning Department
RDCK

My concerns for the gravel producing project proposed on Lloyd Road in Canyon are the result of having looked at the proposal more closely. My initial response was shock that such a plan was even being considered. But after walking on the property with the applicant, I still have questions. I have sent a letter to you indicating that, after taking part in a field trip on July 23rd.

Now, I am focusing on specifics as follows:

Noise: Is there a way of determining how loud a rock crushing endeavour of this type would be? I presume a visit to a rock crusher of the same size might answer this question.

Water usage: There must be a way to determine how much water such a project would waste.

Bond: What amount will a bond be and how will it be enforced if the project fails to stop at the required term or is left unfinished by unforeseen circumstances?

Chemicals: Now that dynamite has been abandoned as a means of loosening rock surfaces, what are the effects both immediate and longterm of any chemical treatment that is replacing it?

Alternatives: This project is situated right beside the Hedlund Gravel dump where gravel for this project already exists in a closer supply than others in the valley would have to pay to access for roads on their property. There is a cost, but is this not the case in building a project of this type?

Precedent: Will approval set precedent for other landowners wishing to make profit or provide crush for their own road systems?

In closing, provided approval is acquired from the agencies which have received application for this project, it seems to me that the questions I have raised here need to be answered to the satisfaction of the community. I would expect that the onus is on the applicant and his contractor to provide these answers. Once provided, there is useful information available to community members when a public meeting is scheduled.

Towards reaching a fair conclusion,

Pat Martin

Jeff and Crystal Karbonik

July 15, 2024

Stephanie Johnson, Planner
Development and Community Sustainability Services
Regional District of Central Kootenay
Box 590, 202 Lakeside Drive
Nelson BC V1L 5R4
plandept@rdck.bc.ca

Re: ALR Referral RDCK File A2402B

Dear Ms. Johnson,

We are writing on behalf of the local residents to express our collective concerns regarding Agricultural Land Reserve Referral File A2402B to allow non-farm use of Lot 10 Plan NEP1494 District Lot 812 Kootenay Land District (PID: 015-750-698). This application is to permit for the destruction of a natural rock structure and the creation of a gravel operation that is expected to be in operation for six (6) years.

Why is this important?

The impact of mining and excavation projects spill out into the surrounding commons. While this project may not be the first of its kind proposed in the area, each application must be assessed on its merits and impacts to the surrounding area. The process used to assess the request must be carried out in a planned and thoughtful way to ensure the needs of the community are considered along with the needs of the applicant. Any decision to quickly pass a project such as this may set an unsustainable development precedent by enabling regulatory slippage, which describes “the situation where something that is legally mandated to happen fails to happen” (Farber 1999). Whole and complete planning processes; including an Environmental Impact Assessment (EIA) must be conducted.

The impacted community has identified the following concerns which need to be taken into consideration when making a decision that will have a lasting impact on the people and environment.

1. Fair and Meaningful Participation

The planning process has caused significant worry among local residents due to a lack of transparency. Directly affected parties were not given complete information or advanced notice of planning events. This lack of transparency suggests the possibility of something untoward occurring and raises serious concerns about the social and regulatory due diligence being observed. Going forward we ask that the RDCK Planning Committee adhere to the Impact Assessment Act of Canada, which will

ensure meaningful participation and informational transparency for all directly affected parties and concerned residents.

2. Impacts on Agricultural Land Reserve (ALR)

The proposed gravel operation contravenes the designated use of the ALR, threatening the agricultural viability of the land. This land is vital for local agricultural activities and food production, and converting it to industrial use, even for the short-term, undermines the purpose of the ALR, which is to preserve agricultural land for future generations.

3. Groundwater Contamination, Disruption and Ecological Impacts

Blasting and / or fracking operations pose significant risks to groundwater, which is the primary water source for many local residents. The potential for groundwater contamination and disruption of the aquifer system cannot be overlooked. Studies have shown that such industrial activities can have long-lasting impacts on water quality and availability, critical concerns for rural communities dependent on groundwater (refer to guidelines from the Groundwater Foundation and other water management authorities). The use of fracking or foam injection to fracture rock poses several environmental risks including, but not limited to:

- **Chemical Contamination** - Foam injection involves the use of various chemical additives to create the foam. These chemicals can be hazardous if they migrate into groundwater or surface water sources (e.g. either directly or as a result of spills or leaks).
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4. Noise Pollution

The continuous operation of heavy machinery, along with the possibility of blasting will generate substantial noise pollution, adversely impacting the wildlife in the area (most notably, the elk corridor and various birds; including Species at Risk) and disrupting the quiet rural lifestyle that residents moved to the valley to enjoy.

The rock fracture process will generate excessive noise through one or more of the following activities:

- Drilling Operations - Drilling involves the use of heavy machinery and equipment, which generates significant noise levels.
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8. Reclamation Ambiguity

There is deep concern related to the absence of clear guidelines and processes that will be used to ensure proper land reclamation. It is essential to ensure that the impacted lands will be restored to a state that harmonizes with the surrounding environment, enabling the return of the natural landscape and indigenous wildlife. We also emphasize the need for dedicated funding to guarantee that reclamation activities are carried out effectively and overseen by the appropriate approving body.

9. Governance

There appears to be a lack of governance with respect to how, if approved, the gravel extraction operations will be monitored. This includes noise and pollution management, long-term impacts to the health and wellness of the residents and wildlife. Adherence to the appropriate standards and management of the reclamation of the impact lands. Until the governance framework can be identified along with the standards and processes that will be used to manage the operations this request must not be allowed to move forward.

Its important to note that Agricultural Land Reserve Referral File A2402B will irreparably change the area. In light of this and the issues raised above, we urge the RDCK Planning Committee to reject the application for the gravel operation. The substantial risks to the ALR, groundwater, community lifestyle, local infrastructure, and wildlife cannot be adequately mitigated. Preserving the land for agricultural and environmental purposes, in adherence to established planning guidelines and best practices, is clearly in the best interest of the community and environment.

Thank you for considering our concerns. I trust that the RDCK Planning Committee will make a decision that prioritizes the long-term welfare of our community and environment.

Respectfully,

Residents of Canyon Lister and Surrounding Area

The undersigned have reviewed and agree with the request to oppose the applicant's proposal to develop a gravel operation (see RDCK File A2402B) on lands designated for agricultural use under the existing Agriculture Land Reserve statute. The undersigned believe that approving this development would contravene the intended purpose of the Agriculture Land Reserve and adversely and irreparably affect the community and environment. We urge the RDCK Planning Committee to reject the application and preserve the integrity of our agricultural lands.

Date	Name (Print)	Signature
July 18/24	Amanda Friesen	Amanda Friesen
July 18, 2024	Ryan Friesen	R
July 18, 2024	CARTER FRIESESEN	CF
July 18/24	LUCAS FRIESEN	LF
July 18/24	Lorraine Sommerfeld	L Sommerfeld
July 18/24	Scott Sommerfeld	Scott Sommerfeld
July 18/24	GARY C. SMITH	G C Smith
July 18/24	SUSAN L. SMITH	S L Smith
July 18-24	Barbara Agnew	B Agnew
July 18/24	Mike Ramarathya	M Ramarathya
July 18/24	Wayne Stewart	W Stewart
July 18/24	GUNDA STEWART	G Stewart
July 18/24	Ulrike Egli-Mueller	Ulrike Egli-Mueller
July 18/24	Peter Egli	P Egli
July 18/24	Dshamila Egli	Dshamila Egli
July 18/24	Flavia Egli	Flavia Egli
July 18.24	BERND STENGL	Bernd Stengl
July 18.24	Lynn Russell	Lynn Russell
July 18 24	Joanne Gailius	J Gailius
July 18 24	DREW GAILIUS	D Gailius
July 18 24	Grace Hamilton	G. Hamilton
July 18 24	C. HAMILTON	C Hamilton
July 18 24	Shayla Stuart	Shayla Stuart

	PRINT	Signature
July 18	BEN YARSCHEWKO	<i>Ben Yarschewko</i>
July 18	Adam Kleitsch	<i>Adam Kleitsch</i>
July 18	4341 Muzzey Road Canyon BC. Jean Blackstock	<i>Jean Blackstock</i>
July 18	4322-36th St. Canyon, BC.	<i>Jell Jell</i>
July 19	36th Street	<i>Catherine Jell</i>
July 19	Claudio Herrera	<i>Claudio</i>
July 19	133-36th St. Lana Jackson Canyon	<i>Lana Jackson</i>
July 19	James Johnson	<i>James Johnson</i>
July 19	Jo Ferris	<i>J. Ferris</i>
July 19	Jeremy Ferris	<i>Jeremy Ferris</i>
July 19	Rita Berikoff	<i>Rita Berikoff</i>
July 19	Pat Martin	<i>Pat Martin</i>
July 19	Kevin Kelly	<i>Kevin Kelly</i>
July 19	DANIEL KELLY	<i>Daniel Kelly</i>
July 19	Rebecca Kelly	<i>Rebecca Kelly</i>
July 19	Shrene Dubeau	<i>Shrene Dubeau</i>
July 19	Roland Dubeau	<i>R. Dubeau</i>
July 19-24	Kendra Lee	<i>Kendra Lee</i>
July 19-24	Susan Isaac	<i>Susan Isaac</i>
July 19-24	Byron Isaac	<i>Byron Isaac</i>
July 19/24	Sydney Karbonik	<i>Sydney Karbonik</i>
JULY 19/24	Crystal Keffe	CRYSTAL KARBONIK.
JULY 19/24	Jeff Karbonik	<i>JEFF KARBONIK</i>
July 19/24	Dets Nelius	<i>Dets Nelius</i>
July 19/24	Rick Low	<i>Rick Low</i>
July 19	Marcus Olson	<i>Marcus Olson</i>
July 19	JEFF TAYLOR	<i>Jeff Taylor</i>

Questions from the public:

- **Question:** When it comes to cracking, how deep are they going to go?

Answer (Agent): Using foam the depth allows is what the surveyor shows. Twenty feet standard drill round for blasting which includes 200 holes. The whole area will get worked before we go town a bench. Take a full layer off the top.

This is just for them to build a shop and their house. The house will go on this site...this Shelf will be leveled. The plan is for three years with no guarantee of renewal. Taking down level by level by level. At the end they need to put a road up to their house.

- **Question:** Does the rock shelf...go over the property lines?

Answer: Geo technical review or study needs to be done first.: if you want to return it to the ALR...data point to what it was...to take it back to the AG. Back to it's original this process to be reviewed

- **Question:** Future development was referred to. If the land is being brought back to the ALR what future developments could happen?

Answer (Commission): There is crown land...we don't know what the future is.

- **Question:** What is the future development???

Response (RDCK Planner): if there was future development...if it's not allowed RDCK and ALR zoning...it has to come back to the RDCK and ALR for non-farm use, etc...require new applications.

- **Question:** is the fracking material environmentally friendly?

Answer (Agent): When it breaks down the ground...agent has to be cleaned up and moved away...taken to the landfill. It cannot be mixed with gravel for road...

- **Question:** You are tearing down that mountain...lots of damage...it's not that simple.

Answer (Commission): We are here to just Agriculture 2 zone. Perhaps there could be Security to ensure that the land will be brought back to Agricultural Land Reserve.

- **Question:** Fracking is worse than blasting. Are there institution in this process. Will the ground water be protected? Limit the damage...someone in the government needs to confirm...

Answer (Area A Director): These questions cannot be answered by the Creston Valley Agricultural Advisory Commission.

- **Question:** Gravel is being made then a house to be built. A document was circulated around the that the next planning stage was going to create 25 lots.

Response (Sadie): The Planning Department has not seen any applications...but any applications for subdivision would go through the Ministry of Transportation and Infrastructure.

- **Question:** When we bought the farm In Lister...we had a patch the size of this room...went down 16 feet culvert ...dried up. Aquafer....fracking could change the path of a water supply...water protection.

- **Question:** Is there any consideration for all the Agricultural Land Reserve? With the vibrations - how it affects the land, animals and nearby farms...the dump trucks are noisy.

- **Zoom Question:** What is the chemical make of the foam or brand of the patent?

Answer (Agent): Will send the information to the RDCK Planner. Fracking uses chemicals, sand mud and oil and a lot of water. Pumped into one hole with lots of pressure to break bedrock...thousands of feet deep down.

This cracking agent is nothing like that. You can put it in your back yard...moves slow high expanding foam that will split rock...moves outwards. Cracking agent can only expand in the hole.

- **Question:** When you did the site visit did you see any surface water on that property?? Any creeks? Above ground water?

Answer (Commission): We did not see any water.

- **Question:** There is a lot of concern...the process is not transparent....how we can have the opportunity to be heard. This discussion was not seen in the last meeting minutes. You are discounting other conversations. I hope in the meeting minutes...consider the questions and feedback and the amount of people are represented here today.

This process by no means do they address the process of harm along this path if this gets approved. We are not backing off. You are here to represent us. How do we understand how the vote looks?

How can we engage as a community? How are we going to be engaged...there are more people want to be heard....what steps is the RDCK making to ensue everyone is heard? I need some assurances...next steps are visible....I want a push of information....I want the info delivered to me. I don't want to look for it.

Many steps....there is hope there is an opportunity that these issues will be heard. Understanding of the process...written a letter and signatures collected. I want it recorded.

Response (RDCK Planner): Bylaw procedures are helpful with any application. This is an Agricultural Land Reserve referral. This is not our application we were asked to review it. I can send anyone the procedures; no one is trying to hide anything.

- **Question:** Where is the water coming from?

Answer (Agent): Water trucks.

- **Question:** We heard that he was going to sell gravel.

Answer (Agent): Yes, to recoup costs for building the road. The site is to build a house. It is NOT a prime piece of property.