Monday, January 7, 2019 at the Rock Creek Medical Centre, 100 Cut Off Rd, commencing at 6 pm

PRESENT: Jamie Haynes, Florence Hewer, Fred Marshall, Frank Van Oyen, Grant Harfman, Lynne Storm

ABSENT with notification: Randy Trerise, Michael Fenwick-Wilson

Absent without notification

RDKB DIRECTOR: Vicki Gee
RDKB STAFF: Brad Elenko, Ryan Culligan

1. **CALL TO ORDER**

   The meeting was called to order at 6 pm.

2. **ADOPTION OF AGENDA**

   **Recommendation:** That the January 7, 2019 Electoral Area 'E'/West Boundary Planning Commission Agenda be adopted as presented.

   Moved by: Flo, seconded by Jamie       Motion carried
3. **ELECTION OF CHAIR, VICE-CHAIR AND SECRETARY**

Chair Marshall turned the meeting over to Director Gee to conduct elections.

Director Gee called 3 times for nominations for the position of Chair. Fred Marshall was nominated. He agreed to the nomination and was acclaimed as Chair.

Director Gee called 3 times for nominations for the position of Vice-Chair. Grant Harfman was nominated. He agreed to the nomination and was acclaimed as Vice-chair.

Director Gee called 3 times for nominations for the position of Secretary. Randy Trerise was nominated. Although not present, he had indicated to Chair Marshall his willingness to stand for this position again. He was acclaimed as Secretary.

The role of chair was returned to Fred Marshall.

4. **ADOPTION OF MINUTES**

**Recommendation:** That the October 1, 2018 Electoral Area 'E'/West Boundary Planning Commission Minutes be adopted as presented.

Moved by: Flo, seconded by Lynn Motion carried

5. **DELEGATIONS**

Brad Elenko from McElhanney Consulting presented his client Ryan Culligan’s application during that section of the agenda.

6. **UPDATES TO APPLICATIONS AND REFERRALS**

Vaagen Fibre Canada

There was discussion about their response to comments from APC. Members were disappointed in the response. Although they recognized that the applicant was following the legislation regarding forest practices, members felt they gave no indication of striving to do more than the minimum to sustain
healthy forests for the future.

7. **NEW BUSINESS**

a) **Ryan Culligan**  
**RE: ALC Subdivision**  
RDKB File: E-775s-04096.010

Discussion/Observations:

Brad Elenko presented the plan and explained the history of ownership and strata development:
- When Kellys subdivided, they chose to create a bare land strata for the lots
- The alternative would have been to designate the road as public, which would have required paving, which would be prohibitively expensive
- When the Land Commissioner approved this subdivision & strata creation, they required that a covenant be placed on the property disallowing future subdivision
- There are access issues with the lot currently owned by Pat Lawrence Contracting
- It’s undetermined whether it is land locked presently
- In order to do the lot line adjustment, the current strata will need to be collapsed and a new strata created (because the lot definitions are changing)
- If it wasn’t for this, the approving officer at ALC could have approved the application, as no new lots are being created and no land is being removed from the ALR
- They decided to give the ALC 2 options, one with an 8 ha lot remaining for Culligans, and the 2nd with a 24 ha lot remaining
- The 24 ha size would retain a pole barn and a 70’ x 150’ coverall on Culligan’s lot
- This plan allows the Lawrences a broader land base and secures access to the area they currently own
- They did assess the private access road, found it to be of sound base, but estimates to pave it are prohibitively expensive at $150,000

Questions & comments from APC members:
- The Lawrences are a multi-generational ranching family from Keremeos, who run about 400 head of cattle in their operation
- This is good grazing land
- Better to retain a larger lot for Culligans, to increase the possibility of it being used for agriculture, and retaining the out buildings
- Brad and Ryan were questioned about the involvement of the owner of lot 2
- APC member had personal knowledge that they weren’t made directly aware of the application
- There was discussion about how their interests might be affected as a member of the strata
- There was discussion about cost sharing for ongoing maintenance of the road
- Ryan said that he does the road maintenance, at no charge to the other strata members
- There was a question about whether there were any bylaws for the strata
- Consultant committed to contacting the owners of lot 2 personally

It was moved by Frank, seconded by Jamie and resolved that the APC recommend to the Regional District that the application be: Supported with conditions:
- That there be consultation with owner of lot 2
- That the covenant restricting future subdivision remain in place
- That there be a recommendation to the ALC to go with the option that creates the larger lot for Culligans

Motion carried.

b) Ron & Elizabeth Everson
RE: ALC Subivision
RDKB File: E-164s-2704-01981.005

Discussion/Observations:

- APC members discussed their criteria in making a recommendation on this subdivision referral. They decided that they should only consider the effect on agriculture, not the family story. Members noted other applications in Area E in the past where the argument was made that subdivision would help families, and then the land was sold immediately after approval was given.
- The 2015 fire burned a lot of topsoil
- The land is marginal for farming; would require a lot of water to irrigate and make it more viable
- Subdivision wouldn’t promote agriculture, it likely wouldn’t hurt it either
- Discussion about how the parcel size fit in with other parcels in the area; it’s an area of large parcel sizes

- Concern about whether MoTI would approve highway access at that point, as there is a curve in the road there

- A suggestion was made that a more suitable plan might be to allow subdivision along the ALR boundary, rather than divide the ALR portion

It was moved by Jamie and seconded by Lynn and resolved that the APC recommend to the Regional District that the application be Not supported for the following reasons:

- The current plan separates the ALR; it should be kept in tact
- Highway access concerns need to be addressed
- The applicants could consider revising the subdivision plan to keep the ALR portion intact

Motion carried.

c) Interfor
   RE: Tree Farm License
   RDKB File: I-1E

Discussion/Observations:

- There was disappointment that the projected AAC isn’t taking forest resiliency and sustainability into consideration
- Members recalled that the 300 year plan didn’t mention climate change
- There was discussion about the extraordinarily large cut block sizes we’re seeing, in spite of the Kootenay Boundary Higher Level Plan recommending a maximum size of 40 ha
- One at Boundary Creek was about 450 ha
- One member drove past Chenier today and said you can now see all the way to Baldy after recent logging
- Members questioned why 100% of logging was now clear cut
- In the past, there was more selective logging

It was moved by Frank and seconded by Jamie and resolved that the APC recommend to the Regional District that the Management Plan not be supported because we don’t see any provision for climate change, insects, disease and increased fire events, and
FURTHER, that we encourage the RDKB to advocate to government to improve plan/operating standards and enforcement to address these issues in Forestry in general.

Motion carried.

d) BC Timber Sales
   RE: Operating Plan 14
   RDKB File: B-54-E

Discussion/Observations:

- Members cannot comment on the Jewel Lake cut block as no mapping was provided
- They expressed concern that no mapping was provided when this cut block is the only one that is close to human habitation
- Serious concerns about the extraordinary size of the cut blocks, when the Kootenay Boundary Higher Level Plan recommends a maximum of 40 ha
- One cut block was 275 ha
- The average of all the cut blocks was well over 40 ha
- Concern about contribution to flooding and landslide events with such large disturbances
- Adjacency problems; mapping shows adjacent areas that were only recently harvested; this further expands the disturbance on the landscape
- There is no buffer next to the park
- No plan was provided for future road status relative to deactivation or rehabilitation
- No indication on maps of WTRA (Wildlife Tree Retention Areas) in cut blocks
- We encourage selective harvesting
- On some blocks, access is unclear (West Kettle 01 & 02)
- On some blocks access seems excessive (West Kettle 12 & 19), where there seems to be a duplication of roads

It was moved by Frank, seconded by Jamie and resolved that the APC recommend to the Regional District that the application not be supported because of the concerns expressed above.
e)  **Peter Grosch**  
**RE: MOTI Road Closure**  
RDKB File: E-2360-05151.000

Discussion/Observations:

- Current property owner has been there since the 1990s
- It’s not just the road allowance where there’s been incursion, also crown land
- Concern for blocking access to crown land on other side of property if right of way is sold
- Concerned that if MoTI does approve road closure that the property owner has to pay a fair price

It was moved by Grand and seconded by Lynn and resolved that the APC recommend to the Regional District that the application not be supported, because:

- Dealing with the current application doesn’t address other incursion on crown land
- Approval could frustrate crown disposition of other lots beyond applicants’ property

Motion carried.

f)  **Kettle Valley Golf Club**  
**RE: Liquor Primary Structural Change**  
RDKB File: E-514-03113.000

It was moved by Jamie and seconded by Frank and resolved that the APC recommend to the Regional District that the application be supported.

Motion carried.
8. **FOR INFORMATION**

- List of 2019 APC members

- 2019 Planning & Development Department Application Process and Meeting Schedule

- APC Guide

Please note that the following meeting dates fall on Statutory holidays; July 1st, August 5th and September 2nd. Members may want to consider holding those meetings on the following day. Please let staff know if you wish to change the date. Also please note that the October meeting is scheduled for September 30th.

- The APC provided no comments regarding the above information items.

9. **FOR DISCUSSION**

10. **ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 8:30 p.m.