



Salt Spring Island Local Trust Committee Minutes of Special Meeting

Date: Tuesday, December 17, 2019

Location: Harbour House Hotel
121 Upper Ganges Road, Salt Spring Island, BC

Members Present: Peter Luckham, Chair
Laura Patrick, Local Trustee
Peter Grove, Local Trustee

Staff Present: Stefan Cermak, Regional Planning Manager (RPM)
Jason Youmans, Island Planner
Claire Negrin, Island Planner
Kristine Mayes, Planner 1
William Shulba, Senior Freshwater Specialist
Sarah Shugar, Recorder

Media and Others Present: Approximately 8 members of the public

These minutes follow the order of the agenda although the sequence may have varied.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 9:37 a.m. and acknowledged that the Local Trust Committee is meeting within Coast Salish Territory.

2. APPROVAL OF AGENDA

By general consent the agenda was approved.

3. BUSINESS ITEMS

3.1 Local Trust Committee Chair's Welcome and Opening Remarks

Chair Luckham welcomed everyone to the meeting and presented opening remarks. Chair Luckham advised this Community Information Meeting would be an opportunity for members of the public to ask questions regarding the proposed bylaw.

3.2 Planner Presentation on Salt Spring Island Bylaw No. 518 Regulation of Cannabis

Planner Negrin presented an overview of proposed Salt Spring Island Local Trust Committee Bylaw No. 518. Bylaw No. 518 would amend the Salt Spring Island Land Use

Bylaw to regulate cannabis production. Planner Negrin presented the following highlights of the proposed bylaw: To permit cannabis production as a distinct use, rather than a general agricultural activity; to permit cannabis production on land that is within the Agricultural Land Reserve (ALR) and prohibit cannabis production on land that is not within the ALR; to establish a 200 square meter lot coverage maximum for indoor cannabis production facilities and establish setbacks for indoor cannabis production.

3.3 Question and Answer Period

A member of the public asked if products such as cannabinoid (CBD) bath bombs would be considered a cannabis product and therefore be prohibited.

Planner Negrin reported manufacturing of cannabis products would not be permitted.

A member of the public asked the following questions:

- Are Trustees aware what pesticides the provincial government allows to be used for cannabis production?
- Are Trustees aware that groundwater licenses are not issued for commercial cannabis productions?
- Are Trustees aware that the result of Bylaw No. 518 would be to prohibit cannabis production on Salt Spring Island?
- Do the Trustees know how many residents of Salt Spring Island are involved in the illegal production of cannabis and noted an estimate of 200 illegal cannabis grow operations and 1,200 to 1,500 people involved in the economic benefits of local cannabis production.

Planner Negrin reported the purpose of Bylaw No. 518 is to regulate where cannabis production can occur, restricting cannabis production to land within the ALR and that cannabis production is considered a farming activity and protected by the British Columbia Farm Practices Protection (Right to Farm) Act.

A member of the public expressed concern regarding water demands of cannabis productions and asked whether there would be consideration regarding water availability.

Planner Negrin reported the draft bylaw does not address water demands and/or water availability and the Right to Farm Act regulates the ability to access groundwater within the ALR.

A member of the public asked why the draft bylaw restricts indoor cannabis productions and does not restrict outdoor cannabis productions.

Planner Negrin reported the Agricultural Land Commission (ALC) does not permit local governments to regulate outdoor production.

A member of the public asked why indoor cannabis production is being limited to land within the ALR.

Planner Youmans reported the ALC regulations specify the types of cannabis productions that local governments can regulate within the ALR. He reported local governments can regulate concrete based cannabis productions within the ALR and local governments cannot regulate soil based cannabis productions within the ALR.

Freshwater Specialist Shulba reported any commercial use of groundwater or surface water requires a groundwater license and rainwater harvesting for commercial use is unregulated at this time.

A member of the public spoke to a current indoor cannabis facility, including the water use for growing cannabis and reported that legal indoor cannabis operators are inspected by Health Canada and required to have an air filtration systems that do not emit any odor. The member of the public asked the following questions:

- Why is the Local Trust Committee establishing a new zone for indoor cannabis production?
- Will manufacturing products be permitted on ALR land?
- What is driving the process to restrict the legal cannabis production operations?
- What is the motivation to add another layer of regulations to an industry that is already highly regulated?
- Do local governments have the right to overrule the ALC regulations?
- Will soil based greenhouse operations be regulated by the bylaw?
- Why does the bylaw require a 1,000-meter setback when it is not a requirement of Health Canada?

Planner Negrin reported draft Bylaw No. 518 considers “growing cannabis” as “production” and “manufacturing cannabis products” is considered “a light industrial use”. A property owner could apply to have a property rezoned to allow farm related industry uses. The Bylaw is an attempt to minimize the negative impacts of cannabis productions and add neighbor notification into the application process. Draft Bylaw No. 518 does not prohibit cannabis production on ALR land and only prohibits cannabis production on non-ALR land. A future land use amendment could allow cannabis production on non-ALR land. Local governments cannot regulate soil based cannabis production and the intent of the 1,000-meter setback is to respond to community concerns.

RPM Cermak reported the Local Trust Committee received correspondence from School District 64, Superintendent Scott Benwell, concerning cannabis production facilities in proximity to schools.

A member of the public asked why Bylaw No. 518 does not address air pollution from cannabis productions.

Planner Negrin reported local governments are not permitted to regulate air pollution within the ALR.

A member of the public reported Health Canada allows four plants to be grown per household for personal use.

Chair Luckham thanked everyone for the questions and advised there would be an opportunity to provide the LTC with opinions on draft Bylaw No. 518 at the Town Hall portion of the regular Local Trust Committee meeting.

4. ADJOURNMENT

By general consent the meeting adjourned at 10:15 a.m.

Peter Luckham, Chair

CERTIFIED CORRECT:

Sarah Shugar, Recorder