

**ADOPTED**  
**MINUTES of the SALT SPRING ISLAND**  
**LOCAL TRUST COMMITTEE REGULAR MEETING**  
**Thursday, December 12, 2013 - 9:30 AM**

**Harbour House Hotel, Orchard Room, 121 Upper Ganges Road, Salt Spring Island**

**Members Present:**

Sheila Malcolmson, Chair  
George Grams, Local Trustee  
Peter Grove, Local Trustee

**Staff Present:**

Leah Hartley, Regional Planning Manager (RPM)  
Carmen Thiel, Legislative Services Manager (LSM) (by telephone)  
Miles Drew, Bylaw Enforcement Manager (BEM)  
Justine Starke, Island Planner  
Stefan Cermak, Planner 2  
Kelly Gesner, Contract Planner  
Kathryn Luttin, Recorder

**Media and Others Present:**

Gulf Islands Driftwood Reporter  
Approximately 3 members of the public – a.m.  
Approximately 7 members of the public – p.m.

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

**1. CALL TO ORDER**

Chair Malcolmson called the meeting to order at 9:30 a.m. She introduced herself, the Trustees and staff. She acknowledged that the Local Trust Committee is meeting in the traditional territory of the Coast Salish People.

**2. APPROVAL OF AGENDA**

The following changes were made to the agenda:

- supplemental to Item 5.1 – Health Canada Licence to Produce Medical Marihuana - correspondence from M. Leichter dated December 9, 2013 and correspondence from W. Hewitt dated December 9, 2013;
- add Item 5.3 – Booth Canal Advocacy;
- add Item 5.4 – RW1 Watershed Zoning;
- remove Item 12.2 – Delegations - Rollie Cook – Bullock Lake Cottages Development – SS-RZ-2013.5 – 315 Robinson Road.

**By general consent** the agenda was approved, as amended.

**3. MINUTES AND RESOLUTIONS WITHOUT MEETING**

**3.1 Draft Minutes of the November 14, 2013 SSILTC Regular Meeting**

**By general consent** the Salt Spring Island Local Trust Committee Regular Meeting minutes of November 14, 2013 were adopted, as presented.

### **3.2 Draft Minutes of the October 17, 2013 Advisory Planning Commission**

The minutes were received for information.

### **3.3 Resolutions-Without-Meeting Report**

The report was received for information.

## **4. LOCAL TRUST COMMITTEE PROJECTS**

### **4.1 Riparian Areas Regulation**

Planner Cermak reviewed the staff report dated December 5, 2013 regarding feedback received from early consultations and material for the Community Information Meeting to be held in early 2014.

By general consent, the LTC requested amendments to Appendix 1 of the staff report as follows:

- page 5 – all references to “proposed bylaw” should be changed to “draft bylaw”;
- page 6 - Participants – add excavators, septic installers, the contractors’ association, landscapers, realtors, foresters, and loggers;
- page 7 - under “Applicability” – include an information note about soil bylaw dealing with disturbance of soil and mention of soil;
- page 8 - Exemption 1a – reword during public comment phase to remove the double negative for clarity;
- page 8 - Guideline 1 – add “by a Qualified Environmental Professional” at the end of the bullet;
- page 8 - Guideline 4 – spell out acronyms.
- Pages 7 and 9 – Clarify that Option 2 is DP and LUB, further that Option 1 is an OCP Amendment Bylaw (DP Only)
- Add to the community meeting the pros and cons of Options 1 and 2. Specifically whether or not both require retention of a Qualified Environmental Professional (QEP).

Further to discussion, the following resolutions were introduced:

#### **SSI-269-13**

It was **MOVED** and **SECONDED** that the Salt Spring Island Local Trust Committee approve, in general, the Salt Spring Island Riparian Areas Community Information Meeting Outline attached to and forming part of the staff report dated December 5, 2013, as amended Dec. 12, 2013. **CARRIED**

#### **SSI-270-13**

It was **MOVED** and **SECONDED** that the Salt Spring Island Local Trust Committee approve, in general, the communication materials titled “Optional Components of a Riparian Areas Regulation Implementation Bylaw” attached to and forming part of the staff report dated December 5, 2013, as amended December 12, 2013. **CARRIED**

### **4.2 Watershed Management**

Island Planner Starke reviewed the staff report dated December 4, 2013 regarding updates on 1) the Salt Spring Island Watershed Protection Authority (SSIWPA), 2) Community

Engagement, 3) Salt Spring Island Special Property Tax Requisition Request, and 4) Real Estate Foundation Grant Application.

By general consent, the LTC requested changes to the Project Charter as follows:

- page 1, second to last paragraph, second to last sentence - remove the word "informal";
- page 2, Project Objectives, third to last bullet – insert the word "remediation" before the word "options";
- page 5, Project Budget – remove the "Legal Review" item.

Further to discussion, the following resolutions were introduced:

**SSI-271-13**

It was **MOVED** and **SECONDED** that the Salt Spring Island Local Trust Committee direct staff to pursue a grant from the Real Estate Foundation to support a multi-stakeholder planning process for watershed management and collaborative governance of St. Mary Lake. **CARRIED**

**SSI-272-13**

It was **MOVED** and **SECONDED** that the Salt Spring Island Local Trust Committee request staff to conduct further public consultation on the special tax requisition proposal for watershed management. **CARRIED**

**SSI-273-13**

It was **MOVED** and **SECONDED** that the Salt Spring Island Local Trust Committee endorse the Project Charter for Watershed Management Version 4.0, last updated December 4, 2013, as amended December 12, 2013. **CARRIED**

Chair Malcolmson called for a recess at 10:25 a.m. The meeting reconvened at 10:33 a.m.

**4.3 Bylaw 473 – Amendments to SSILTC Meeting Procedures Bylaw 391**

LSM Thiel reviewed the staff report dated December 4, 2013 regarding a proposed procedures amendment bylaw which responds to requests made by the Salt Spring Island Local Trust Committee.

**SSI-274-13**

It was **MOVED** and **SECONDED** that the Salt Spring Island Local Trust Committee amend Bylaw No. 473 in sections 18, 27, 36, and 39 as follows: where it now refers to items "on the Islands Trust Council's advocacy program" replace with "within the jurisdiction of Trust Council." **CARRIED**

**SSI-275-13**

It was **MOVED** and **SECONDED** that the Salt Spring Island Local Trust Committee give First Reading to Bylaw No. 473, as amended, cited as "Salt Spring Island Local Trust Committee Meeting Procedures Bylaw No. 391, Amendment Bylaw No. 1, 2013". **CARRIED**

**SSI-276-13**

It was **MOVED** and **SECONDED** that the Salt Spring Island Local Trust Committee give Second Reading to Bylaw No. 473, cited as "Salt Spring Island Local Trust Committee Meeting Procedures Bylaw No. 391, Amendment Bylaw No. 1, 2013". **CARRIED**

**5. NEW BUSINESS**

**5.1 Health Canada License to Produce Medical Marihuana**

RPM Hartley reviewed the staff report dated December 5, 2013 regarding an overview of the new *Marihuana for Medical Purposes Regulation*.

The supplemental correspondences from M. Leichter dated December 9, 2013 and from W. Hewitt dated December 9, 2013 were received.

Further to discussion, the following resolution was introduced:

*This resolution was rescinded at the July 21, 2016 Salt Spring Island Local Trust Committee regular meeting.*

**SSI-277-13**

It was ~~MOVED~~ and ~~SECONDED~~ that the Salt Spring Island Local Trust Committee direct staff to implement Option 2 in Reporting to Local Trust Committee, as described in the December 5, 2013 staff report titled "Health Canada Licence to Produce Medical Marihuana".

**CARRIED**

**5.2 Bylaw Enforcement Report to Trust Council**

BEM Drew reviewed the staff briefing dated November 7, 2013.

**5.3 Booth Canal Advocacy**

The topic was discussed.

**By general consent** it was asked that Booth Canal Advocacy be added to the next agenda.

**5.4 RW1 Watershed Zoning**

The topic was discussed.

**By general consent** it was asked that the matter of Rural Watershed 1 (RW1) Watershed Uses be added to an agenda in April 2014 after the budget is adopted.

**6. REPORTS**

**6.1 Work Program Top Priorities Report**

The report was reviewed.

**6.2 Projects List**

The list was reviewed.

**6.3 Applications with Status Report**

The report was reviewed.

**6.4 Application Summary Report**

RPM Hartley reviewed the staff memorandum dated November 30, 2013.

#### **6.5 Expense Summary Report**

The report was reviewed.

### **7. BUSINESS ARISING FROM MINUTES**

#### **7.1 Follow-Up-Action-List**

The list was reviewed.

### **8. CORRESPONDENCE**

#### **8.1 D. Rajala to Minister of Agriculture – dated November 9, 2013 – regarding Loss of ALR Land on Salt Spring Island**

The correspondence was received.

Chair Malcolmson called for a recess at 11:42 a.m. The meeting reconvened at 12:05 p.m. At that time, she welcomed the members of the public and thanked them for coming. She introduced the Trustees and staff, and reviewed the audio recording practices.

### **9. TRUSTEE REPORTS**

Trustee Grove reported that he attended the following meetings: with the Salt Spring Island Fire Protection District; with the owner of the Fulford Inn; with the Salt Spring Island Community Economic Development Commission; with the Salt Spring Island Governance Study Committee; with the Salt Spring Island Water Council; the Bullock Lake development open house (Plat:form Properties); the first birthday celebration and fundraiser for the abattoir; Trust Council in Victoria, with special mention of the budget and economic sustainability discussions; and the BC Ferries open house.

Trustee Grams reported that he attended the following meetings: with the Salt Spring Island Fire Protection District; with constituents; with CRD Director Wayne McIntyre; with the editor of the Driftwood; with the Fire Chief and residents regarding the new fire hall; with the Salt Spring Island Governance Study Committee; with the Salt Spring Island Watershed Protection Authority's Technical Advisory Committee and at the public meeting of the Salt Spring Island Watershed Protection Authority; with the Bullock Lake development open house (Plat:form Properties); Trust Council in Victoria where he spoke to some of the highlights; and the BC Ferries open house.

### **10. CHAIR'S REPORT**

Chair Malcolmson reported on the following from the Trust Council meeting in Victoria: presentations and discussions regarding economic development; and Trust Council resolutions passed regarding the Agricultural Land Reserve and BC Ferries. She noted the December 20, 2013 deadline for the current phase of community input on BC coastal ferry service.

11. **CRD DIRECTOR'S REPORT – none**

12. **DELEGATIONS**

Chair Malcolmson reviewed guidelines for Delegations and the Town Hall.

12.1 **Tom Varzeliotis – SSILTC Meeting Procedures Bylaw**

Tom Varzeliotis provided a verbal presentation about censorship of delegation material and about advocacy regarding Booth Canal. He provided a written submission titled “Moving to a New Phase of the Battle of Booth Canal – A Letter to the SSI LRTC” dated December 12, 2013.

13. **TOWN HALL**

Chair Malcolmson opened the Town Hall at 12:27 p.m. Members of the public expressed the following:

- that the Fulford Inn is located within a sensitive estuary area;
- that applicants should not be allowed to speak to their applications during the Town Hall segment as they are normally invited to speak during the review of their application;
- that a 15 minute limitation on the Town Hall segment may not allow all comments about agenda items to be heard;
- that the Rural Watershed 1 (RW1) zone requires more protection from agriculture;
- that the LTC should not allow marihuana production to be a farm operation; that it should be kept out of RW1 (rural watershed) zones.

14. **APPLICATIONS, PERMITS, BYLAWS AND REFERRALS**

14.1 **SS-DVP-2013.7 – N. Morie - 110 Meadow Lane**

Contract Planner Gesner reviewed the staff report dated November 21, 2013 regarding the proposal to construct a garage within the front-yard setback area.

The applicant was present and was invited to speak.

Further to discussion, the following resolution was introduced:

**SSI-278-13**

It was **MOVED** and **SECONDED** that the Salt Spring Island Local Trust Committee approve issuance of Development Permit SS-DVP-2013.7 for Lot 10, Block 2, Section 8, Range 2 West, North Salt Spring Island, Cowichan District, Plan 22298 (N. Morie, 110 Meadow Lane).

**CARRIED**

14.2 **SS-DP-2013.8 – Capital Regional District - 129 McPhillips Avenue**

RPM Hartley reviewed the staff report dated December 3, 2013 regarding the proposal to replace a pedestrian footbridge.

The applicant was not present.

Further to discussion, the following resolution was introduced:

**SSI-279-13**

It was **MOVED** and **SECONDED** that the Salt Spring Island Local Trust Committee approve amendment SS-DP-2013.8 to Development Permit application SS-DP-2010.6 by the Capital Regional District regarding the property described as Lot A, Section 1, Ranges 3 and 4 East, North Salt Spring Island, Cowichan District, Plan EPP10411 (129 McPhillips Avenue).

**CARRIED**

**14.3 SS-DP-2013.7 – N. Morie - 106 Purvis Lane**

Island Planner Starke reviewed the staff report dated December 4, 2013 regarding the proposal to amend Development Permit SS-DP-1979.06 in order to include the Treehouse Restaurant in this Development Permit and allow for the Treehouse to complete upgrades, including enclosing the outdoor seating of the restaurant for winter use.

The applicant was present and was invited to speak.

Further to discussion, the following resolution was introduced:

**SSI-280-13**

It was **MOVED** and **SECONDED** that the Salt Spring Island Local Trust Committee approve issuance of Development Permit SS-DP-2013.7 for Lot A, Section 1, Range 4 East, North Salt Spring Island, Cowichan District, and District Lots 174 and 351, Cowichan District, Plan 43270 (N. Morie, 106 Purvis Lane).

**CARRIED**

**14.4 SS-RZ-2013.1 – Bylaw 472 – MacAlpine - 1351 Mountain Road**

RPM Hartley reviewed the staff report dated December 5, 2013 regarding the proposal to rezone the shoreline portion of the subject property in order to permit an existing breakwater and a dock float.

The applicant was present, was invited to speak and requested further work on the proposed covenant for clarity.

Further to discussion, the following resolutions were introduced:

**SSI-281-13**

It was **MOVED** and **SECONDED** that the Salt Spring Island Local Trust Committee give First Reading to Bylaw No. 472, cited as “Salt Spring Island Land Use Bylaw, 2001, Amendment No. 5, 2013” (SS-RZ-2013.1, 1351 Mountain Road).

**CARRIED**

**SSI-282-13**

It was **MOVED** and **SECONDED** that the Salt Spring Island Local Trust Committee direct staff to refer Bylaw No. 472 to public agencies for comment, as shown in Appendix 3 of the staff report dated December 5, 2013 (SS-RZ-2013.1, 1351 Mountain Road).

**CARRIED**

**SSI-283-13**

It was **MOVED** and **SECONDED** that the Salt Spring Island Local Trust Committee receive the proposed covenant as shown in Appendix 2 of the staff report dated December 5, 2013 (SS-RZ-2013.1, 1351 Mountain Road).

**CARRIED**

**SSI-284-13**

It was **MOVED** and **SECONDED** that the Salt Spring Island Local Trust Committee direct staff to schedule a Public Hearing for Bylaw No. 472, cited as “Salt Spring Island Land Use

Bylaw, 1999, Amendment No. 5, 2013" (SS-RZ-2013.1, 1351 Mountain Road).  
**CARRIED**

**14.5 SS-RZ-2013.6 – Bylaws 474 & 475 – Island Marine Construction Services, 2850 Fulford-Ganges Road (Fulford Landing)**

Contract Planner Gesner reviewed the staff report dated November 30, 2013 regarding the proposed expansion of the existing marina.

The applicant was not present.

Further to discussion, the following resolutions were introduced:

**SSI-285-13**

It was **MOVED** and **SECONDED** that the Salt Spring Island Local Trust Committee give First Reading to Bylaw No. 474, cited as "Salt Spring Island Official Community Plan Bylaw, 2008, Amendment No. 2, 2013" (SS-RZ-2013.6, 2850 Fulford-Ganges Road). **CARRIED**

**SSI-286-13**

It was **MOVED** and **SECONDED** that the Salt Spring Island Local Trust Committee give First Reading to Bylaw No. 475, cited as "Salt Spring Island Land Use Bylaw, 2001, Amendment No. 6, 2013" (SS-RZ-2013.6, 2850 Fulford-Ganges Road). **CARRIED**

**SSI-287-13**

It was **MOVED** and **SECONDED** that the Salt Spring Island Local Trust Committee direct staff to refer Bylaws No. 474 and No. 475 to the Local Trust Committees of Mayne, Galiano, Thetis, and North Pender Islands; Capital Regional District Parks and Recreation Commission, Capital Regional District Transportation Commission and Capital Regional District Fulford Sewer System; Transport Canada; Ministry of Forests, Lands and Natural Resource Operations' Crown Lands Branch; Harbour Authority of Salt Spring Island; and Vancouver Island Health Authority (SS-RZ-2013.6, 2850 Fulford-Ganges Road).  
**CARRIED**

Chair Malcolmson called for a recess at 1:18 p.m. The meeting reconvened at 1:30 p.m.

**15. CLOSED MEETING RESOLUTION**

**SSI-288-13**

At 1:31 p.m. it was **MOVED** and **SECONDED** that the Salt Spring Island Local Trust Committee close this meeting to the public subject to Community Charter Sections 90(1)(f) and (g) for matters of law enforcement and litigation, and Section 90(1)(m) for matters pertaining to another enactment; and that staff be invited to remain. **CARRIED**

**16. OPEN MEETING RESOLUTION**

**SSI-289-13**

At 2:05 p.m. it was **MOVED** and **SECONDED** that the Salt Spring Island Local Trust Committee re-open this meeting to the public subject to Section 89 of the Community Charter. **CARRIED**



**17. RISE AND REPORT**

Chair Malcolmson reported on the following:

**17.1 Applications for License to Produce Medical Marihuana**

That the Salt Spring Island Local Trust Committee receive the Notice of Application for Licence to Produce Medical Marihuana from Salt Spring Island Botanimed Inc., and request staff to respond to the applicant and to Health Canada.

That the Salt Spring Island Local Trust Committee receive the Notice of Application for Licence to Produce Medical Marihuana from 0980421 B.C. Ltd and request staff to respond to the applicant and to Health Canada.

**18. UPCOMING MEETINGS**

The next regular meeting of the Salt Spring Island Local Trust Committee is scheduled for 9:30 a.m. on Thursday, January 9, 2014 at the Hart Bradley Hall (Lions Club), 103 Bonnet Avenue, Salt Spring Island.

Appreciation was expressed for minute taker Kathryn Luttin, as this was her last meeting with the Islands Trust.

**19. ADJOURNMENT**

**By general consent** the meeting adjourned at 2:20 p.m.

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Sheila Malcolmson, Chair

**CERTIFIED CORRECT:**

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Kathryn Luttin, Recorder