



South Pender Island Local Trust Committee Regular Meeting Agenda

Date: September 4, 2018
Time: 10:00 am
Location: South Pender Fire Hall
8961 Gowlland Point Road, South Pender Island, BC

			Pages
1.	CALL TO ORDER	10:00 AM - 10:00 AM	
2.	APPROVAL OF AGENDA		
3.	TOWN HALL AND QUESTIONS	10:00 AM - 10:15 AM	
4.	COMMUNITY INFORMATION MEETING	10:15 AM - 10:45 AM	
4.1	South Pender Island Local Trust Committee Bylaw 115		
5.	PUBLIC HEARING	10:45 AM - 11:15 AM	
5.1	Recess for Public Hearing		
5.1.1	<u>South Pender Island Local Trust Committee Bylaw 115</u>		
5.2	Recall to Order		
6.	MINUTES	11:15 AM - 11:20 AM	
6.1	Adopted Local Trust Committee Minutes Dated June 12, 2018 (for Information)		4 - 12
6.2	Section 26 Resolutions-without-meeting Dated August 2018		13 - 13
6.3	Advisory Planning Commission Minutes		
	none		
7.	BUSINESS ARISING FROM THE MINUTES	11:20 AM - 11:25 AM	
7.1	Follow-up Action List Dated August 2018		14 - 15
8.	DELEGATIONS		
	none		

9.	CORRESPONDENCE	11:25 AM - 11:35 AM	
	<i>Correspondence received concerning current applications or projects is posted on the LTC webpage</i>		
9.1	P.Daniel, Anglican Diocese of BC Letter Dated July 17, 2018 re: Church of Good Shepherd Historical Registry (attached)		16 - 18
10.	APPLICATIONS AND REFERRALS	11:35 AM - 11:45 AM	
10.1	Saturna Island Local Trust Committee Bylaws 120 & 121 Referral (attached)		19 - 21
	For response		
10.2	Saturna Island Local Trust Committee Bylaws 122 & 123 Referral (attached)		22 - 24
	For response		
11.	LOCAL TRUST COMMITTEE PROJECTS	11:45 AM - 12:15 PM	
11.1	Pedestrian and Bicycle Paths - Staff Memo - Bylaw No. 115 (attached)		25 - 31
	For further consideration		
12.	REPORTS	12:15 PM - 12:30 PM	
12.1	Work Program Reports (attached)		
12.1.1	<u>Top Priorities Report Dated August 2018</u>		32 - 32
12.1.1.1	<u>Church of the Good Shepherd</u>		
12.1.1.1.1	<u>Heritage Designation Update</u>		
12.1.1.1.2	<u>South Pender Historical Society Grant Approval</u>		
12.1.2	<u>Projects List Report Dated August 2018</u>		33 - 33
12.2	Applications Report		
	none		
12.3	Trustee and Local Expense Report Dated June 2018 (attached)		34 - 34
12.4	Adopted Policies and Standing Resolutions (attached)		35 - 35
12.5	Local Trust Committee Webpage		
12.6	Chair's Report		
12.7	Trustee Report		
12.8	Trust Fund Board Report Dated May & July 2018 (attached)		36 - 39

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|------|---|--------------------|
| 13. | NEW BUSINESS | 12:30 PM - 1:15 PM |
| 13.1 | Retail Cannabis Licensing - Staff Report (attached) | 40 - 46 |
| 13.2 | Housing Needs Assessment Report - Staff Report (attached) | 47 - 49 |
| 13.3 | Trust Programs Committee, Service Integrations - Staff Briefing (attached)

For LTC response | 50 - 50 |
| 13.4 | Islands Trust Conservancy, Incorporating the Regional Conservation Plan into Land Use Planning - Staff Briefing (attached)

For information | 51 - 54 |
| 14. | UPCOMING MEETINGS | |
| 14.1 | Next Regular Meeting Scheduled for November 13, 2018 at the South Pender Fire Hall, Pender Island | |
| 15. | TOWN HALL | 1:15 PM - 1:30 PM |
| 16. | CLOSED MEETING (Distributed Under Separate Cover) | 1:30 PM - 1:45 PM |
| 16.1 | <p>Motion to Close the Meeting</p> <p><i>That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1) (a &d) for the purpose of considering:</i></p> <ul style="list-style-type: none"> • <i>Adoption of In-Camera Meeting Minutes Dated April 11, 2017</i> • <i>Memberships of BOV Members</i> <p><i>AND that the recorder and staff attend the meeting.</i></p> | |
| 16.2 | Recall to Order | |
| 16.3 | Rise and Report | |
| 17. | ADJOURNMENT | 1:45 PM - 1:45 PM |

South Pender Island Local Trust Committee Minutes of Regular Meeting

Date: June 12, 2018
Location: South Pender Fire Hall
8961 Gowlland Point Road, South Pender Island, BC

Members Present: Peter Luckham, Chair
Wendy Scholefield, Local Trustee
Bruce McConchie, Local Trustee

Staff Present: Robert Kojima, Regional Planning Manager
Jason Youmans, Planner
Shannon Brayford, Recorder

1. CALL TO ORDER

Chair Luckham called the meeting to order at 10:00 a.m. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

It was recommended that item 13.3 South Pender Island Local Trust Committee Meeting Procedures Bylaw No. 93, *Draft Amendment to Allow Electronic Meetings* be removed from the agenda.

By general consent the agenda was approved as amended.

3. TOWN HALL AND QUESTIONS

Paul Weyer spoke on behalf of Moving Around Pender (MAP) and noted the organization's support of South Pender Island Local Trust Committee Bylaw No. 115.

4. COMMUNITY INFORMATION MEETING

4.1 South Pender Island Local Trust Committee Bylaw No. 115

Planner Youmans provided an overview of the Bylaw. He noted that printed copies had been posted around the room, and invited community members to take time to read the documents and ask questions.

Brad Henshaw requested details of the responses from consultations with First Nations. Details of the process were provided, and it was noted that proposed amendments reflect the recommendations from the consultation process.

John Chapman requested information on whether the language of the amendment will necessarily preclude paths on heritage roads, such as that which runs beside the Enchanted Forest. The answer was no, not necessarily, but the intent is to recognize that there may be other values to consider.

5. PUBLIC HEARING

None

6. MINUTES

6.1 Adopted Local Trust Committee Minutes Dated April 3, 2018

SP-2018-013

It was MOVED and SECONDED,

That the South Pender Island Local Trust Committee rescind the adopted minutes of April 3, 2018.

CARRIED

SP-2018-014

It was MOVED and SECONDED,

That the minutes of April 3, 2018 be amended with the following changes:

- Page 1, the comments of Tara Parkinson be amended to say “Heritage Designation”, not “Historical Designation”.
- Page 1, the comments of Paul Weyer be amended to say “Historical Society”, not “Heritage Society”.
- Page 5, the report of Trustee Scholefield be amended to say “Historical Society”, not “Heritage Society”.

CARRIED

SP-2018-015

It was MOVED and SECONDED,

That the South Pender Island Local Trust Committee adopt the minutes of April 3, 2018 as amended.

CARRIED

6.2 Section 26 Resolutions-without-meeting Dated June 2018

Received for information

6.3 Advisory Planning Commission Minutes

None

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated June 2018

RPM Kojima provided an overview of the report.

8. DELEGATIONS

None

9. CORRESPONDENCE

Correspondence received concerning current applications or projects is posted on the Local Trust Committee (LTC) webpage.

None

10. APPLICATIONS AND REFERRALS

None

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Pedestrian and Cycle Routes - Bylaw No. 115 - Staff Report

Planner Youmans provided an overview of the report, including the recommendations made through consultation with First Nations.

A discussion was held regarding item 3ii and the role of the LTC in the development of automobile, pedestrian and bicycle infrastructure.

SP-2018-016

It was MOVED and SECONDED,

That the South Pender Island Local Trust Committee amend Clause 3ii of Bylaw No. 115 as shown in Appendix 1 of Staff Report dated June 12, 2018 as follows:

The Local Trust Committee will only support development of automobile, pedestrian and bicycle infrastructure where it believes there has been adequate consultation with First Nations regarding heritage, cultural, or other features of significance.

CARRIED

SP-2018-017

It was MOVED and SECONDED,

That the South Pender Island Local Trust Committee amend Bylaw No. 115 as shown in Appendix 1 of Staff Report dated June 12, 2018 to include a new Clause 3iii, as follows:

The Local Trust Committee will only support the development of automobile, pedestrian and bicycle infrastructure where it believes it will not unduly compromise the unique or heritage features of the Scenic/Heritage roads identified in Schedule "H";

and that the articles be renumbered accordingly.

CARRIED

SP-2018-018

It was MOVED and SECONDED,

That the South Pender Island Local Trust Committee will amend Clause 5v of Bylaw No. 115 as shown in Appendix 1 of Staff Report dated June 12, 2018 as follows:

Agencies and community groups, in consultation with area First Nations and the British Columbia Archaeology Branch, should ensure that installation of pedestrian and bicycle infrastructure does not compromise heritage, cultural, or other features of value of First Nations.

CARRIED

SP-2018-019

It was MOVED and SECONDED,

That South Pender Island Local Trust Committee Bylaw No. 115, cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2018", be further amended as shown in Appendix 1 of the staff report for the June 12, 2018 regular meeting and read a second time as amended.

CARRIED

SP-2018-020

It was MOVED and SECONDED,

That the South Pender Island Local Trust Committee direct staff to schedule a public hearing for Bylaw No. 115.

CARRIED

11.2 Heritage Conservation - Community Heritage Register - Staff Report

Planner Youmans provided an overview of the report, including the significance of a Community Heritage Register.

Chair Luckham recommended changes to the order of the pictures and the changes were noted by Planner Youmans.

SP-2018-021

It was MOVED and SECONDED,

That the South Pender Island Local Trust Committee establish a Community Heritage Register

CARRIED

SP-2018-022

It was MOVED and SECONDED,

That the South Pender Island Local Trust Committee add the Church of the Good Shepherd at 8978 Gowlland Point Road in its Community Heritage Register using the amended Statement of Significance shown in Appendix 1 of the staff report dated June 12, 2018.

CARRIED

SP-2018-023

It was MOVED and SECONDED,

That the South Pender Island Local Trust Committee direct staff to add a new webpage to the South Pender Island Local Trust Committee website that will include the introductory text shown in Appendix 2 of this staff report and a link to the Statement of Significance in Appendix 1.

CARRIED

SP-2018-024

It was MOVED and SECONDED,

That the South Pender Island Local Trust Committee give notice, in accordance with Section 592 of the Local Government Act, to the owner of the Church of the Good Shepherd that the property has been included in a Community Heritage Register.

CARRIED

SP-2018-025

It was MOVED and SECONDED,

That the South Pender Island Local Trust Committee direct staff to give notice, in accordance with Section 595 of the Local Government Act, to the Heritage Minister that a Community Heritage Register has been established and that it includes the Church of the Good Shepherd.

CARRIED

SP-2018-026

It was MOVED and SECONDED,

That the South Pender Island Local Trust Committee direct staff to seek inclusion of the Church of the Good Shepherd in the British Columbia and Canadian Registers of Historic Places.

CARRIED

SP-2018-027

It was MOVED and SECONDED,

That the South Pender Local Trust Committee direct staff to arrange for colour printing of twenty-five copies of the Statement of Significance for the Church of the Good Shepherd.

CARRIED

By general consensus, the LTC directed staff to include notice of the Community Heritage Register in the News section of the Islands Trust website and also in emails to the subscriber list.

John Chapman noted that the address in the document is incorrect and should be Gowlland Point Road.

Planner Youmans noted that change.

Paul Weyer noted that the amendments to Bylaw No. 115 did not appear to reflect the Malahat First Nations' recommendation to strengthen the language of intent.

Chair Luckham recommended that the comments be sent by writing to allow the LTC to consider changes prior to the final reading.

12. REPORTS

12.1 Work Program Reports (attached)

12.1.1 Top Priorities Report Dated June 2018

Received for information.

12.1.2 Projects List Report Dated June 2018

Trustee McConchie provided an overview of the projects completed by this LTC under the project to "Lower Ecological Footprint".

SP-2018-028

It was MOVED and SECONDED,

That the South Pender Local Trust Committee remove "Lower Ecological Footprint" from the Project List dated June 5, 2018.

CARRIED

A discussion was held regarding the remaining projects on the list.

12.2 Applications Report

None

12.3 Trustee and Local Expense Report Dated March 2018

Received for information.

12.4 Adopted Policies and Standing Resolutions

Received for information.

12.5 Local Trust Committee Webpage

Chair Luckham noted that earlier in the meeting the LTC had requested staff to include notice of the Community Heritage Register in the News section of the Islands Trust website and also in emails to the subscriber list.

12.6 Chair's Report

Chair Luckham reported that there is an upcoming Quarterly Trust Council meeting on Saturna Island, and he encouraged the public to attend.

12.7 Trustee Report

Trustee Scholefield reported on the completion of the Community Heritage Register, which she worked on in collaboration with Planner Youmans and local community groups.

Trustee McConchie reported that he has continued his ongoing work as both a Trustee and a community member regarding freighters in Plumper Sound. He also reported that he will be making a Request for Decision for Trust Council to elevate the issue to a top priority for the Executive Committee.

12.8 Trust Fund Board Report Dated April 2018

Chair Luckham provided an overview of the report and noted that the name "Islands Trust Fund" has been changed to "Islands Trust Conservancy".

Note: Planner Youmans departed the meeting at 11:41 a.m.

13. NEW BUSINESS

13.1 Annual Report for LTC Endorsement - Staff Report

A discussion of the Staff Report was held.

SP-2018-029

It was MOVED and SECONDED,

That the South Pender Island Local Trust Committee approve the attached text for inclusion in the 2017-2018 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs and Housing.

CARRIED

13.2 Approval Process for Community Water System on Salt Spring Island - Staff Memo & attachment

Received for information.

13.3 Grant Application from the South Pender Historical Society

RPM Kojima provided an overview of the matter and the recent decision of the Executive Committee.

SP-2018-030

It was MOVED and SECONDED,

That the South Pender Local Trust Committee request that the Executive Committee amend the approval of Funding for the South Pender Island Historical Society pamphlet:

- To fund one pamphlet on the history of the Church of the Good Shepherd
- To increase the funding level for the project to better meet the budget provided by the South Pender Historical Society

CARRIED

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for September 4, 2018, at 10:00 a.m at the Fire Hall, Pender Island

15. TOWN HALL

John Chapman thanked the LTC for their work in support of bike trails.

Paul Weyer noted the progress being made by Moving Around Pender (MAP). A discussion was held regarding the cost factors that limit progress.

16. CLOSED MEETING

None

17. ADJOURNMENT

By general consent the meeting was adjourned at 12:00 p.m.

Peter Luckham, Chair

Certified Correct:

Shannon Brayford, Recorder



Resolutions Without Meeting

South Pender Island

Resolution #	Action	Resolution Description	Resolution Date
2018-05	In Favour	That the South Pender Island Local Trust Committee minutes of June 12, 2018, be Adopted, as amended.	02-Aug-2018

Follow Up Action Report

South Pender Island

12-Jun-2018

Activity	Responsibility	Target Date	Status
6.1 Minutes of April amended and adopted as amended	Sharon Lloyd-deRosario	18-Jun-2018	On Going
11.1 Bylaw 115:	Sharon Lloyd-deRosario	18-Jun-2018	Done
1. Second Reading as amended - Done	Jason Youmans		
2. Schedule Public hearing (for Sept regular meeting)			
11.2 Community Heritage Registry	Jason Youmans	29-Jun-2018	Done
1. Revise Statement of Significance			
2. Create webpage for heritage registry and statement of significance			
3. Draft notice to owner and Minister			
4. Apply for inclusion in BC and Canadian register of historic places			
5. subscriber email with link to webpage			
6. add link to latest news			
7. Colour print 25 copies of statement of significance			
12.1.1 Amend Projects list by removing 'Lower Ecological Footprint'	Robert Kojima	12-Jun-2018	Done
13.1.1 Annual report approved	Robert Kojima	12-Jun-2018	Done

Follow Up Action Report

13.4 SPHS Grant application: request to EC that EC amend approval to fund 1 pamphlet for church of the good shepherd and request consideration of an increase of the amount up to \$1000.

Robert Kojima

29-Jun-2018

Done



ANGLICAN DIOCESE
OF BRITISH COLUMBIA

900 Vancouver Street
Victoria BC V8V 3V7
p 250.386.7781 t 1.800.582.8627
bc.anglican.ca

SP Heritage Conservation
Project



To: Peter Luckham, Chair
South Pender Island Local Trust Committee
200-1627 Fort Street, Victoria, BC V8R 1H8

Re: Church of the Good Shepherd, South Pender Island

Dear Mr. Luckham:

We received your registered letter this morning advising the Diocese of BC that the above property has been included in the Heritage Register pursuant to Section 598 of the Local Government Act.

In the past we have notified Island Trust of our concerns about Heritage Registration and Designation after learning that the local heritage society had requested Designation of our property without our knowledge or advice.

Please take note that Heritage Registration and Designation violates Diocesan Canon Laws.

Islands Trust has not requested or received Diocese approval to Register this property.

We request that you revisit this matter and apply for Diocese Approval.

Yours truly,

Peter Daniel, Asset Manager, Diocese of BC

assetmgmt@bc.anglican.ca; 250-386-7781

cc. Bishop Logan McMenamie
Ellen Willingham, Minister of the Parish (via email)
South Pender Island Local Trust Committee (via email)
Robert Gill, Vice Chancellor (via email)

South Pender Historical Society

May 25, 2015

Wendy Scholefield
Bruce McConchie



Dear South Pender Local Trust Committee

Re: Land Use Bylaw Review

The South Pender Historical Society is committed to preserving the history of South Pender Island including land and structures of historical value. We are specifically interested in preserving and maintaining the buildings, grounds and Memorial Garden of the Church of the Good Shepherd for the benefit and use of the Pender community and visitors.

The Society would like to explore with the LTC options under the South Pender OCP and LUB to support this goal.

In particular, the Society is interested in:

1. the designation of the Church as a heritage cultural resource under S 5.2.1(b) of OCP;
2. the development of a bylaw to protect the Church property as a Heritage Conservation Area under S 5.2.2(f) as part of the current Land Use Bylaw review; and,
3. the addition of the church property to Schedule D of our OCP for consideration of future parkland as a Community Heritage Park.

The Society has had a preliminary meeting with the PIPRC to discuss these options on March 27, 2015 and they were well received. We would welcome an opportunity to make a presentation to the LTC at a future meeting in support of these possible options.

Thank you for your consideration of this request.

Yours Truly,


Bert Hol, President
South Pender Historical Society

Cc: Michael Symons, Chair
Pender Islands Parks and Recreation Commission

From: Peter Daniel [<mailto:assetmgmt@bc.anglican.ca>]
Sent: Tuesday, July 03, 2018 3:14 PM
To: South Pender Island Local Trust Committee
Subject: Letter to Peter Luckham - Church of the good Shepherd South Pender Island

Good Afternoon:

Please see the attached letter sent to Peter Luckham today regarding the Diocese property Church of the good Shepherd on South Pender Island.

Regards, Peter



Renewed Hearts, Renewed Spirits, Renewed People

Peter Daniel

Asset Manager

250-386-7781-local 246 Office

250-514-7797 mobile

assetmgmt@bc.anglican.ca

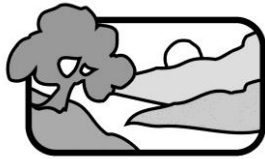
900 Vancouver Street

Victoria, BC V8V 3V7

assetmgmt@bc.anglican.ca

bc.anglican.ca

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Islands Trust

BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street
Victoria, B.C. BC V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Saturna Island Local Trust Area **Bylaws No.:** 120 & 121 **Date:** June 20, 2018

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 20 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Ron Hall – 206 Narvaez Bay Road
Barry Crooks – 104 Narvaez Road

PURPOSE OF BYLAW:

The purpose of the bylaws is to transfer subdivision density from an approximately 59 ha. predominantly Rural General (RG) zoned lot (206 Narvaez Bay Road) to an approximately 45.5 ha Forest General (FG) portion of a lot (104 Narvaez Road). The number of lots presently permitted on the RG zoned portion of the 59 ha. property is 29. The present number of lots permitted on the FG zoned portion of the 45.5 ha property is 2. Various zones and OCP designations apply to the two properties. The 29 lots being transferred have a potential of having a house and cottage on each.

Professional reports and staff reports are available on the Saturna Island webpage: [Application documents](#)

GENERAL LOCATION:

Saturna Island Local Trust Area

LEGAL DESCRIPTION:

NE ¼ of Section 2, Saturna Island, Except Part in Plan 31309 and Lot A, Plan EPP34445, Saturna Island

SIZE OF PROPERTY AFFECTED:

NE ¼ of Section 2 – 59 ha.
Lot A, Plan EPP34445 - 45.5 ha

ALR STATUS:

Yes – Portion of the
NE¼ of Section 2

**OFFICIAL COMMUNITY PLAN
DESIGNATION:**

various

OTHER INFORMATION:

Additional information, including the current bylaws, is available at: www.islandstrust.bc.ca

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: Gary Richardson

Title: Island Planner
Contact Info: Tel: 250-405-5157
Email: grichardson@islandstrust.bc.ca

PLEASE TURN OVER

This referral has been sent to the following agencies:

Federal Agencies

Provincial Agencies

Agricultural Land Commission
Ministry of Transportation & Infrastructure

Non-Agency Referrals

Regional Agencies

Capital Regional District – Building Inspection
Island Health

Adjacent Local Trust Committees and Municipalities

North Pender Island Local Trust Committee
Mayne Island Local Trust Committee
South Pender Island Local Trust Committee

First Nations

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Malahat First Nation - TE'Mexs Treaty Association
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Stz'uminus First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐ Approval Recommended for Reasons Outlined Below

☐ Approval Recommended Subject to Conditions Outlined Below

☐ Interests Unaffected by Bylaw

☐ Approval Not Recommended Due to Reason Outlined Below

Saturna Island Local Trust Area

(Island)

120 & 121

(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)



Islands Trust

BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street
Victoria, B.C. BC V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Saturna Island Local Trust Area **Bylaws No.:** 122 & 123 **Date:** June 20, 2018

You are requested to comment on the attached Bylaws for potential effect on your agency's interests. We would appreciate your response within 20 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Saturna Island Local Trust Committee Initiated

PURPOSE OF BYLAW:

To allow Secondary Suites of a limited size, within residences on Saturna Island, except for areas of known to have water quantity or quality problems.

Professional reports and staff reports are available on the Saturna Island webpage: [Secondary Suites Information](#)

GENERAL LOCATION:

Saturna Island Local Trust Area

LEGAL DESCRIPTION:

n/a

SIZE OF PROPERTY AFFECTED:

Saturna Island Local Trust Area

ALR STATUS:

Will apply to ALR lands

**OFFICIAL COMMUNITY PLAN
DESIGNATION:**

various

OTHER INFORMATION:

Additional information, including the current bylaws, is available at: www.islandstrust.bc.ca

Please fill out the Response Summary on the back of this form. If your agency's interests are "*Unaffected*", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: Gary Richardson

Title: Island Planner
Contact Info: Tel: 250-405-5157
Email: grichardson@islandstrust.bc.ca

PLEASE TURN OVER

This referral has been sent to the following agencies:

Federal Agencies

Provincial Agencies

Agricultural Land Commission
Ministry of Forest, Lands & Natural Resource Operations
- Water Protection – Pat Lapsevic
Ministry of Transportation & Infrastructure

Non-Agency Referrals

Lyll Harbour/Boot Cove Water District
David Elford Holding Co. Ltd.
Old Point Farm
Saturna Shores Improvement District

Regional Agencies

Capital Regional District – Building Inspection
Capital Regional District – Infrastructure Engineering (Lyll Harbour/Boot Cove Water System)
Island Health

Adjacent Local Trust Committees and Municipalities

North Pender Island Local Trust Committee
Mayne Island Local Trust Committee
South Pender Island Local Trust Committee

First Nations

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Malahat First Nation - TE'Mexs Treaty Association
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Stz'uminus First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

Saturna Island Local Trust Area

(Island)

122 & 123

(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)

File No.: Pedestrian and Cycle
Routes

DATE OF MEETING: September 4, 2018
TO: South Pender Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
SUBJECT: Pedestrian and Bicycle Route Mapping Project

RECOMMENDATION

1. That the South Pender Island Local Trust Committee proposed Bylaw No. 115, cited as “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2018” be read a Third time.
2. That the South Pender Island Local Trust Committee proposed Bylaw No. 115 be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.
3. That the South Pender Island Local Trust Committee proposed Bylaw No. 115 be forwarded to the Minister of Municipal Affairs and Housing for approval.

REPORT SUMMARY

Bylaw 115 contains map amendments to OCP Schedules “D” and “H” to include the preferred route for a multi-modal roadside path on South Pender Island. Bylaw 115 also contains OCP policy amendments to support the referenced map amendments.

BACKGROUND

The bylaw received second reading at the regular meeting of June 12, 2018, following a community information meeting. A public hearing is scheduled for September 4th. A public hearing is a quasi-judicial process within and following which specific procedures must be followed.

Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps following the close of the hearing are as follows:

1. Consideration of Third Reading (this may include amendments to alter a bylaw).
2. Forwarding of the bylaw to Executive Committee for approval.
3. Forwarding of the bylaw to the Minister’s office for approval (OCP amendment bylaws only).
4. Reconsideration and adoption.

Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The

courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

A bylaw may be altered after the hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner's consent.

If the Executive Committee and Minister approve the bylaw, the next step for the LTC would be to adopt the bylaw.

Rationale for Recommendation:

The map and policy amendments in proposed bylaw reflect the direction given by the LTC respond to referral responses.

ALTERNATIVES

1. Make amendments to the bylaw(s)

The LTC may amend the bylaw) provided the amendments would not alter use or increase density

Resolution:

That South Pender Island Local Trust Committee proposed Bylaw No. 115, cited as ""South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2018" be amended as follows:

2. Proceed no further

The LTC may proceed no further with readings of the bylaw, effectively ending the project.

3. Hold the project in abeyance

The LTC may choose to hold the bylaw in abeyance pending completion of further analysis.

Submitted By:	Robert Kojima, Regional Planning Manager	August 21, 2018
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ATTACHMENTS

1. Bylaw 115 (Second Reading)

PROPOSED

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 115

A BYLAW TO AMEND SOUTH PENDER ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 107, 2011

The South Pender Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2018”.

2. SCHEDULES

2.1 South Pender Island Official Community Plan No. 107, 2011, Schedule “A” is amended as shown on Schedule 1, attached to and forming part of this bylaw.

2.2 South Pender Island Official Community Plan No. 2017, 2011, Schedule “D” is amended as shown on Schedule 2, attached to and forming part of this bylaw.

2.3 South Pender Island Official Community Plan No. 2017, 2011, Schedule “H” is amended as shown on Schedule 3, attached to and forming part of this bylaw.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS 3RD DAY OF APRIL 2018

READ A SECOND TIME THIS 12TH DAY OF JUNE 2018

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS _____ DAY OF _____ 20____

APPROVED BY THE MINISTER COMMUNITY, SPORT AND CULTURAL DEVELOPMENT THIS _____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 115**

SCHEDULE 1

The South Pender Island Official Community Plan No. 107, 2011, Schedule “A” is amended as follows:

1. Subsection 6.1.2 Article (a) – “Transportation General Policies” - is deleted in its entirety and replaced with the following:
 - a) Except for pedestrian and bicycle paths, construction of transportation infrastructure is to be in response to, rather than in anticipation of, increased demand.
2. The paragraph under Subsection 6.1.3 – “Land Transportation” - is deleted in its entirety and replaced with the following:

“The location and classification of the island’s roads, plus any intended or additional phased roads, heritage roads, car stops and pedestrian and bicycle paths are shown on Schedule “H”. The functional characteristics of these classifications are:”
3. Subsection 6.1.3 Article (b) – “Land Transportation Policies” - is amended by adding new clauses after clause i) as follows:
 - ii) The Local Trust Committee will only support the development of automobile, pedestrian and bicycle infrastructure where it believes there has been adequate consultation with First Nations regarding heritage, cultural, or other features of significance.
 - iii) The Local Trust Committee will only support the development of automobile, pedestrian and bicycle infrastructure where it believes it will not unduly compromise the unique or heritage features of the Scenic/Heritage roads identified in Schedule “H”.
 - iv) The Local Trust Committee will support agency and community group efforts to develop the network of bicycle routes, pathways, walkways and trails shown on OCP Schedules “D” and “H”.
 - v) Subject to 6.1.3(b)(ii) above, the Local Trust Committee will use rezoning applications as an opportunity to work toward development of the network of bicycle routes, pathways, walkways and trails shown on OCP Schedules “D” and “H”.
 - vi) The Local Trust Committee will support implementation of the Capital Regional District Gulf Islands Regional Trails Plan on South Pender Island.

And by renumbering the subsequent clauses of the subsection to effect these changes.

4. The introductory paragraph and first bullet point of Advocacy Policy 6.1.3 Clause ii) are deleted in their entirety and replaced with the following:

“The creation of the network of bicycle and pedestrian paths, walkways and trails along routes shown on Schedules “D” and “H” is to be pursued by:

- requesting the Ministry of Transportation and Infrastructure to assist by developing pathways, walkways, and trails within road rights-of-way where their locations coincide with network routes and to provide bicycle paths along Minor Road rights-of-way shown in Schedules “D” and “H”.

5. Subsection 6.1.3 - “Advocacy Policies” - is amended by adding new clauses after clause ii) as follows:

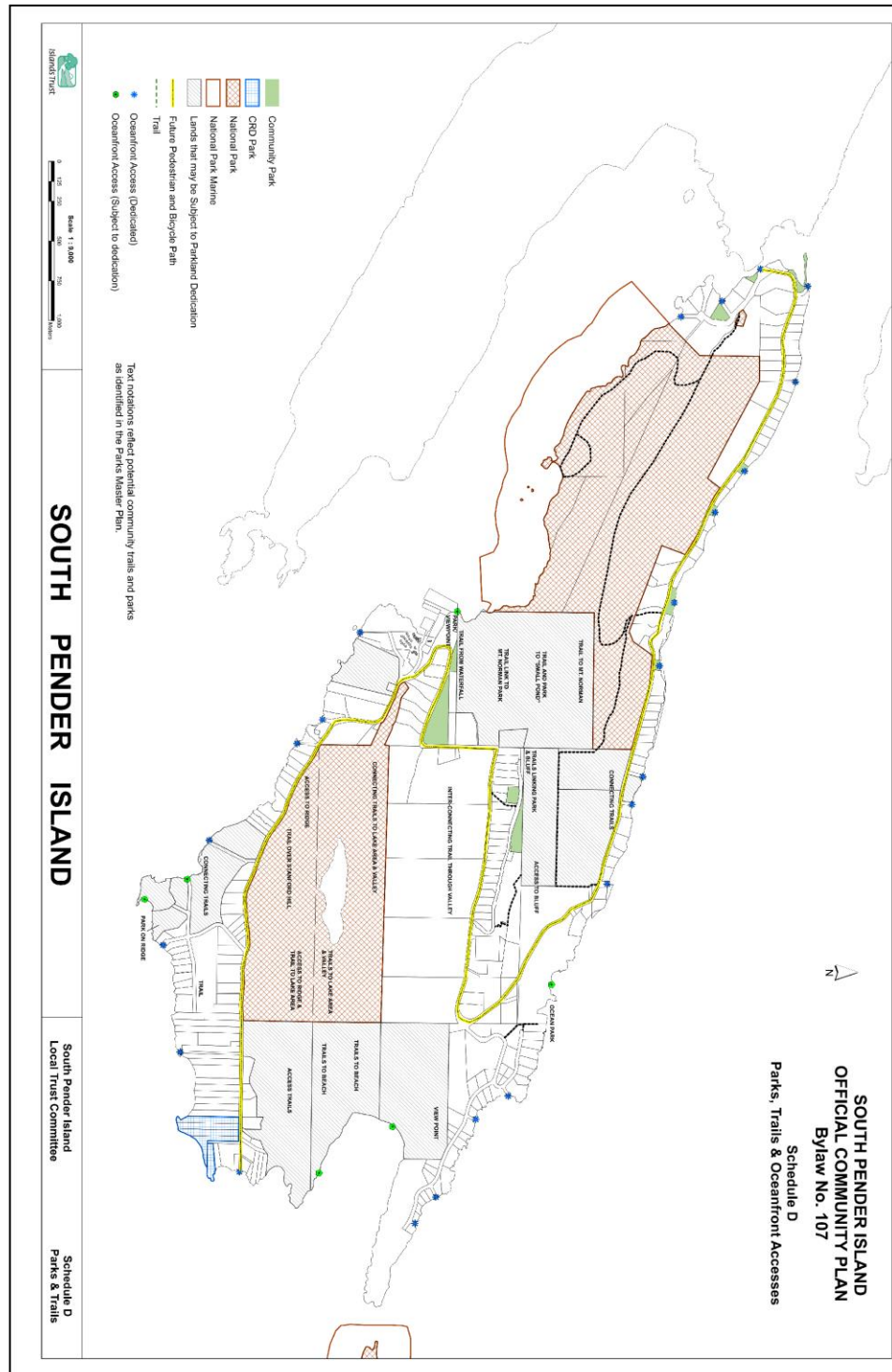
- iii) Agencies and community groups are requested to prioritize separated bicycle and pedestrian paths over on-road bicycle lanes where feasible and where they will not have adverse effects on the natural environment.
- iv) The pedestrian and bicycle path shown in Schedules “D” and “H” should, where feasible, be constructed within the Ministry of Transportation and Infrastructure right-of-way.
- v) Agencies and community groups, in consultation with area First Nations and the British Columbia Archaeology Branch, should ensure that installation of pedestrian and bicycle infrastructure does not compromise heritage, cultural or other features of value to First Nations.
- vi) Agencies and community groups, in consultation with the Local Trust Committee, should ensure that installation of pedestrian and bicycle infrastructure does not compromise the unique scenic or heritage features of the Scenic/Heritage roads identified in Schedule “H”.

And by renumbering the subsequent clauses of the subsection to effect these changes.

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 115**

SCHEDULE 2

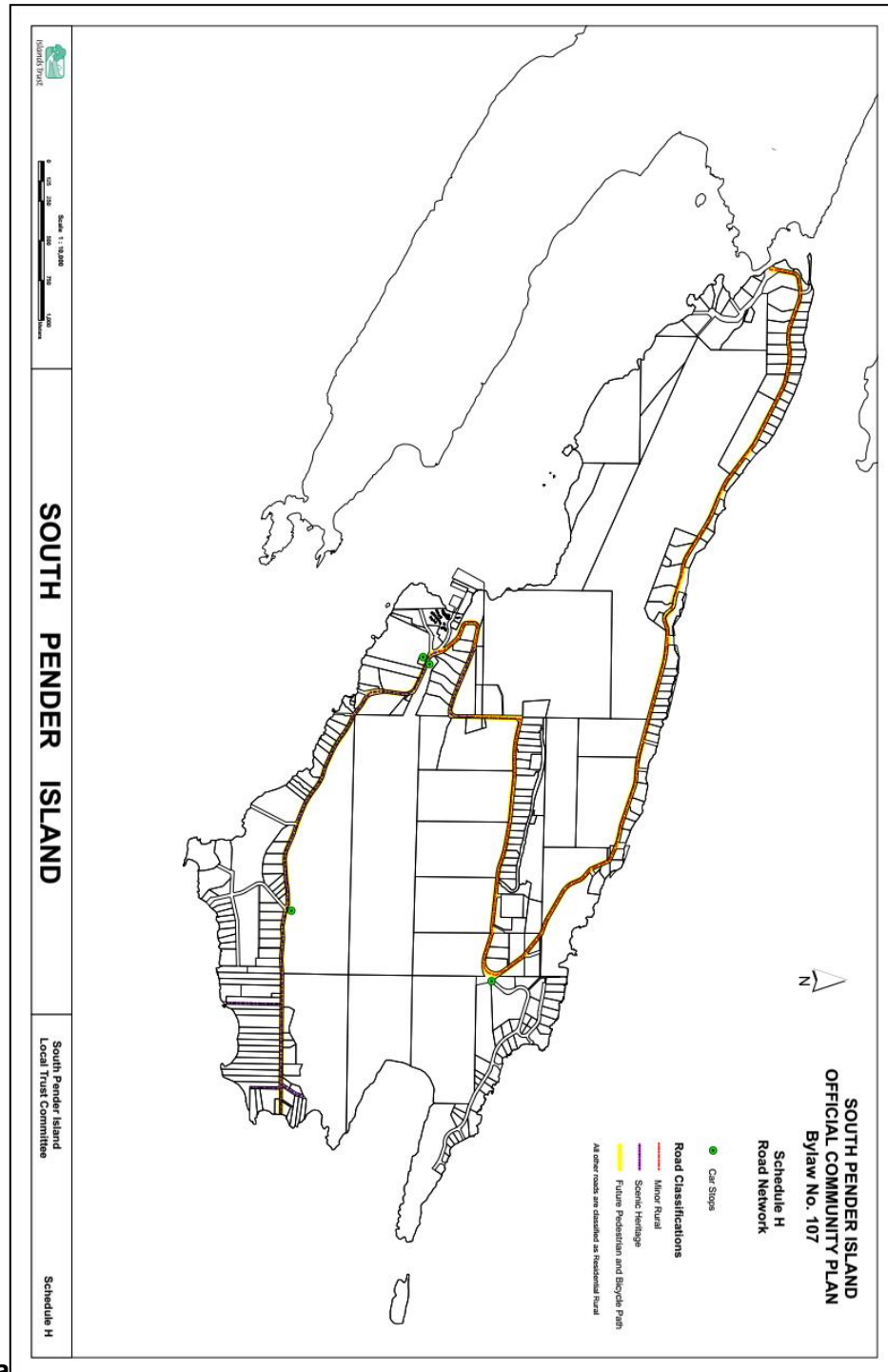
The South Pender Island Official Community Plan No. 107, 2011, Schedule “D” - “Parks, Trails and Oceanfront Accesses” is amended as follows:



SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 115

SCHEDULE 3

The South Pender Island Official Community Plan No. 107, 2011, Schedule “H” - “Road Network” is amended as follows



Top Priorities

South Pender Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	First Nations Reconciliation	To work with South Pender community to explore reconciliation initiatives on South Pender Island and to apply for a Community to Community grant for 2018	16-Jan-2017	Fiona MacRaild	01-Nov-2018
2	Heritage Conservation	To review options for designating church of the good shepherd	19-Sep-2017	Jason Youmans	01-Nov-2018
3	Pedestrian and Cycle Routes	Consider amending OCP map schedule and policies to designate future cycle / pedestrian routes	14-Nov-2017	Jason Youmans	01-Nov-2018



Projects

South Pender Island

Description	Activity	R/Initiated
Agricultural Land Review		06-Sep-2016
Development Permit Areas	review existing DPAs for sensitive ecosystems to determine current status	28-Apr-2015
Sea level Rise and Shoreline Erosion		28-Apr-2015

Islands Trust
LTC EXP SUMMARY REPORT F2019
Invoices posted to Month ending June 2018

665 South Pender	Invoices posted to Month ending June 2018	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-665	LTC "Trustee Expenses"	750.00	29.04	720.96
LTC Local				
65200-665	LTC - Local Exp - LTC Meeting Expenses	2,000.00	356.13	1,643.87
65210-665	LTC - Local Exp - APC Meeting Expenses	500.00	0.00	500.00
65220-665	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-665	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>3,250.00</u>	<u>356.13</u>	<u>2,893.87</u>
Projects				
73001-665-4092	south Pender Cycle and Pedestrian Route Map	2,000.00	0.00	2,000.00
73001-665-4093	south Pender first nations relations	1,500.00	0.00	1,500.00
TOTAL Project Expenses		<u>3,500.00</u>	<u>0.00</u>	<u>3,500.00</u>

South Pender Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Revised: April 28, 2015

No	Meeting Date	Resolution No.	Issue	Policy
1.	May 23, 2006	SP-LTC-12-06	Adoption of Minutes	That staff prepare draft of meeting minutes for Local Trust Committee reading, correction and amendment as soon as possible following meetings. The South Pender Island Local Trust Committee will adopt these minutes by Resolution without Meeting within fourteen business days, if possible, of each meeting. [The adopted minutes will be posted to the website as soon as possible and a copy will also be included in the next meeting's agenda package].
2.	October 5, 2010		Follow up action list	Send FUAL to trustees once drafted following the meeting.
3.	April 28, 2015	SP-2015-015	Printed Agenda Pkgs	That whereas full agendas are available for public perusal on the website, and whereas the SPILTC endeavours to lower its ecological footprint be it moved that full paper printed agenda packages no longer be provided for future SPILTC meetings. [Copies of the agenda cover will be brought to the meetings]



Trust Fund Board Report to Local Trust Committees and Bowen Island Municipality May 2018

Islands Trust Fund Name Change

The TFB is thrilled to have received notice that the name change to Islands Trust Conservancy has been approved. Staff has prepared a Name Change Implementation Plan that outlines a two-staged approach to implement the name change over the next few months.

Medicine Beach Nature Sanctuary Management Plan

The TFB received and approved an updated management plan for the Medicine Beach Nature Sanctuary. The TFB requested that an article be submitted to the Pender Post to provide community awareness about the management issues for this popular location.

Approval of Parks Canada – Sidney Island Forest Restoration Proposal

The TFB reviewed information and provided support in principle for Parks Canada's Sidney Island Forest Restoration Proposal, which includes eradication of fallow deer.

2017-2018 Annual Report Submission

The TFB approved text for inclusion in the 2017-2018 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs and Housing.

Summary of Current Island-by-Island Activities

Denman

Staff are finalizing the revised management plan for Morrison Marsh Nature Reserve, to be completed by July 2018. Invasive species removal and trail clearing, sign installation, tree caging for forest restoration continues at all three TFB nature reserves on Denman.

Gabriola

Construction of a boardwalk around a large western red cedar tree at Elder Cedar

S'ul-hween X'pey Nature Reserve is now complete and volunteers have mulched the area with woodchips.

Gambier

Staff visited Keats Island to view the proposed Sandy Beach Nature Reserve. Restoration continues at Brigade Bay Bluffs and Long Bay Wetland Nature Reserves protecting and planting tree seedlings.

Lasqueti

The Salish View campaign continues, in partnership with the Lasqueti Island Nature Conservancy (LINC). A news release has been issued, and with a recent grant awarded to LINC, the campaign is 40 per cent of the way to a \$250,000 goal.

Thetis

Staff are negotiating a conservation covenant for Fairyslipper Forest Nature Reserve with the Thetis Island Nature Conservancy and the Cowichan Community Land Trust. Ecological information is in the process of being collected to inform the covenant baseline report and the management plan for the protected area.

Please feel free to contact members of the Trust Fund Board or Islands Trust Fund staff for more details.

Tony Law, Chair tlaw@islandstrust.bc.ca
Islands Trust Fund itfmail@islandstrust.bc.ca



Islands Trust Conservancy Board Report to Local Trust Committees and Bowen Island Municipality July 2018

Islands Trust Conservancy Manager – Temporary Assignment with BC Parks

The Islands Trust Conservancy Manager, Jennifer Eliason, advised the board she is leaving for a temporary assignment with BC Parks for the next eight months. The board praised Jennifer for her hard work the last ten years and thanked her for her dedication. She will be missed.

Board Vacancy

The board of the Islands Trust Conservancy is thrilled to have received a list of candidates from the Crown Agency and Board Resourcing Office for a vacant board position for an appointed member. The vacancy is due to the completion of Ron Bertrand's appointed term with the board. The board sincerely thanks Ron for his commitment and valuable contributions to the Islands Trust Conservancy over his term.

Letter from Minister Robinson re: ITF Five-Year Plan 2018-2022

The board received and reviewed a response letter from Minister Robinson on the ITF Five-Year Plan that included congratulations on the recent name change.

Audited Financial Statements

The board received and approved the Audited Financial Statements for the 2017-2018 fiscal year. The KPMG auditor's opinion was consistent with previous years.

Local Trust Committee Briefing on Regional Conservation Plan

The board requested staff to circulate the Regional Conservation Plan briefing document to Local Trust Committees and Bowen Island Municipality, and to bring it back to the board's September meeting for further direction.

Summary of Current Island-by-Island Activities

Denman

The board approved the finalised management plan for the Morrison Marsh Nature Reserve, dated July 17, 2018. Board members discussed the report's findings, including intervening in naturally occurring events such as beaver dams, and discussed invasive species removal, First Nations relations, stewardship programs and information sharing.

Lasqueti

The Salish View campaign continues, in partnership with the Lasqueti Island Nature Conservancy (LINC). The campaign is over 40 per cent of the way to a \$250,000 goal.

Salt Spring Island

The board considered and approved a request from the Salt Spring Island Conservancy for a waiver to the Andreas Vogt Nature Reserve Covenant to girdle Douglas-fir trees that are encroaching on the Garry Oak meadows in the nature reserve to protect against future impacts of climate change on Garry oak meadows habitat. The board suggested public communication regarding management techniques to ease possible concerns from the public.

Thetis

Staff continue to negotiate a conservation covenant for Fairyslipper Forest Nature Reserve with the Thetis Island Nature Conservancy and the Cowichan Community Land Trust. Public consultation dates are in the process of being organized with the Thetis Island Nature Conservancy and the Cowichan Community Land Trust to inform the management plan for the protected area.

*Please feel free to contact members of the board of the Trust Fund Conservancy or Islands Trust Conservancy staff for more details. Note: The Islands Trust Fund has changed its legal name to the **Islands Trust Conservancy**. We are in the process of switching over all references to the Islands Trust Fund/Trust Fund Board to the new name. Look for a public launch of our new website and social media in the fall.*

Tony Law, Chair tlaw@islandstrust.bc.ca
Islands Trust Conservancy itcmail@islandstrust.bc.ca

File No.: 6500-20
(LTC Cannabis Regulation)

DATE OF MEETING: September 4, 2018

TO: Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Saturna Island Local Trust Committee
South Pender Island Local Trust Committee

FROM: Robert Kojima, Regional Planning Manager
Southern Team

COPY: David Marlor, Director of Local Planning Services

SUBJECT: Regulation of Cannabis Production and Retail Sales and Non-Medical Cannabis Retail License Application Fees

RECOMMENDATION

1. That the South Pender Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications:

- Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee.
- The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical.
- The public consultation process shall be determined by the local trust committee after initial review of the proposal.
- However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information:
 - Name of the applicant and a description of the proposal in general terms
 - The location of the proposed establishment and the subject site
 - The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered.
 - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application
 - How public comments may be submitted to the local trust committee.

2. That the South Pender Island Local Trust Committee request that staff prepare a draft bylaw to amend the fees bylaw to specify a separate fee for Liquor and Cannabis Regulation Branch non-medical cannabis retail license applications in the amount of \$2,000.

REPORT SUMMARY

This report provides information to local trust committees regarding the proposed *Cannabis Act* and describes options for the regulation of cannabis production and non-medical cannabis retail sales. The LTC is asked to consider:

- Adopting a standing resolution to process Liquor and Cannabis Regulation Branch (LCRB) non-medical cannabis retail applications;
- Amending the LTC fees bylaw to include a specific fee for the processing of LCRB non-medical cannabis retail applications;
- As an option, reviewing its land use regulations applicable to cannabis production and retail sales.

BACKGROUND

Regulatory Framework

Cannabis Act

The *Cannabis Act*¹ provides a framework for the production, distribution, sale and possession of cannabis, which would be jointly regulated by federal, provincial and local governments across Canada. Under the *Cannabis Act*, the federal government's primary responsibilities include licensing both medical and non-medical cannabis producers, regulating the industry (advertising, marketing, and promotion), and determining health and safety standards (e.g. potency and ingredients). Provinces and territories would license and oversee the distribution and retail sale of cannabis.²

Until the *Cannabis Act* comes into force October 17, 2018, the *Access to Cannabis for Medical Purposes Regulation (ACMPR)* released 2016³ remains the authority for lawful cannabis production and possession; cannabis may only be grown by registered persons or licensed producers for medical purposes; and retail distribution of cannabis in dispensaries and storefronts is illegal.⁴

The *Cannabis Act* includes a broad definition of cannabis:

- Any part of the cannabis plant, other than mature stalks that do not contain leaves, flowers or seeds, the cannabis plant fibre, or the plant root.
- Any substance or mixture of substances that contains or has on it any part of a cannabis plant.
- Any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.

Marihuana is a form of cannabis. "Cannabis" is preferable to "marihuana" for the regulatory context.⁵

¹ Proposed *Cannabis Act*. <http://www.parl.ca/DocumentViewer/en/42-1/bill/C-45/royal-assent>

² FCM. 2018. Municipal Guide to Cannabis Legalization. <https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf>

³ The *Access to Cannabis for Medical Purposes Regulation* replaced the *Marihuana for Medical Purposes Regulation*.

⁴ FCM. 2018. Municipal Guide to Cannabis Legalization. <https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf>

⁵ IBID.

BC Cannabis Control and Licensing Act

The *BC Cannabis Control and Licensing Act (BCCLA)*, proclaimed on May 31, 2018, establishes provincial control over the sale, supply and possession of non-medical cannabis, and establishes licensing of private cannabis retailers, including registration and training requirements for those who will work in cannabis retail. The *Act* outlines restrictions on the possession, personal cultivation and consumption of cannabis by adults and prohibitions for minors.

The *BCCLA* requires notification to the local government or Indigenous nation for the area in which a retail establishment is proposed to be located or is located.

Upon receipt of notification, the applicable local government must take into account any prescribed criteria and, in the prescribed circumstances, gather the views of residents by one or more of the following methods:

- a) By receiving written comments in response to a public notice of the application;
- b) By conducting a public hearing in respect of the application;
- c) By holding a referendum;
- d) By using another method the local government or Indigenous nation considers appropriate.

The *BCCLA* further states that a licence must not be issued or amended unless the local government for the area gives a recommendation that the licence be issued or amended.⁶

In BC, the wholesale distribution of non-medical cannabis will be solely through the Liquor Distribution Branch (LDB). The LDB will be the operator of government-run retail stores and the Liquor and Cannabis Regulation Branch (LCRB) will be responsible for licensing and monitoring the retail sector using a mixed public/private model.

Local Government Land Use Authority

Local governments have delegated authority from the Province, through the *Local Government Act (LGA)*, to regulate, through zoning regulations, the location, size, and siting of cannabis businesses.

Both the production of medical marihuana, and as of July 2018, cannabis production for retail sale, are now a permitted farm use in the ALR under the *Agricultural Land Reserve (ALR) Use, Subdivision and Procedure Regulation*. However, this regulation was amended on July 13, 2018 by removing the outright permission and replacing it with a provision allowing “the lawful production of cannabis” if produced either outdoors in a field, or inside a structure that (i) has a soil base or (ii) existed or was being constructed for the purpose of growing crops before July 13, 2018.

ANALYSIS

Issues and Opportunities

Land Use (Zoning) Authority

Local trust committees are responsible for consideration for the types and locations of land uses in their communities, and specific regulations to mitigate the potential for land use conflict. In accordance with the proposed Cannabis Act, LTCs have the ability to regulate the location, size, and siting of cannabis production and retail sales. This may occur in a variety of ways:

⁶ *Cannabis Control and Licensing Act*. <https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/3rd-session/bills/progress-of-bills>

1. Permissive zoning

Cannabis retail sales would theoretically be permitted in all zones where retail uses are permitted (potentially including home occupations where retail sales are permitted, subject to the criteria of the LCRB) where the applicable Land Use Bylaw permits retail sales and the definition of retail sales is broad or absent.

Similarly, LUB regulations may allow cannabis production anywhere agriculture is permitted (depending on the LUB definition of agriculture and in which zones agriculture is permitted). Cannabis production is, as noted earlier, an outright permitted use in the ALR with only limited ability to regulate structures.

2. Prohibitive Zoning

Cannabis retail sales could be prohibited in all zones (other than the ALR) if the applicable Land Use Bylaw included a regulation such as “Cannabis retail sales are prohibited in all zones” and a distinct definition of “cannabis retail sales”.

Cannabis production could be prohibited outside the ALR (although the federal government will retain exclusive authority to license producers).

3. Discretionary Zoning

Cannabis retail sales may be permitted in select zones (e.g. commercial zones) and/or a minimum distance from other cannabis retail sales establishments or other land uses (e.g. dwellings, schools, parks, museums, libraries, or medical facilities).

Cannabis production outside the ALR could be limited to select zones. Within the ALR, LTCs may regulate the siting and size of cannabis production facilities.

The LTC should consider whether or not it would like to pursue LUB amendments to strengthen its regulatory control with respect to the zoning and siting of cannabis retail sales or cannabis production facilities outside the ALR. This may occur through a resolution to add an LUB review project to the projects list or top priorities list.

Fees Bylaw

LTCs have the ability to charge fees for processing applications for LCRB non-medical cannabis retail licenses or license amendments. All southern LTCs currently require an \$825 fee for “Liquor Control Licensing Branch” applications.

The application fees collected for review of LCRB applications are used to offset staff time and notification costs in relation to the review of the applications. Generally, the fees collected for LCRB applications are insufficient to cover the costs of processing applications where the views of residents are gathered, prior to the LTC making a recommendation to the LCRB.

Staff recommend that each LTC enact a distinct and higher fee for LCRB cannabis retail applications, in anticipation of a high degree of public interest and corresponding staff resources and costs to process these applications. For reference, the Regional District of Nanaimo has amended its fees bylaw to include a fee of \$4,000 for processing non-medical cannabis license applications. LTCs and the public may, however, view inordinately high fees as being unfair or intentionally prohibitive. For this reason, staff are recommending a lesser fee in the amount of \$2,000; this is more in line with the 2004 Trust Council Model Fee for LCRB applications, following a CPI adjustment, and would offset some costs associated with staff application review, public notification, and conducting a public meeting.

Staff can proceed with the preparation of a draft bylaw to amend the LTC fees bylaw; this would require minimal staff time. Such a bylaw amendment would require three readings, and approval by the Executive Committee prior to final adoption. No public hearing would be required.

As an aside, LTCs may consider whether or not there are other application fees which are either absent or require adjustment and could be included in a fees bylaw amendment.

Consultation Requirements

The *BCCLA* does impose a responsibility onto local governments to consider applications referred through a notice by the Liquor Control and Licensing Branch (LCRB) in accordance the *BCCLA*. In doing this, each LTC should turn its mind to the “prescribed criteria”, and option to gather the views of local residents under “prescribed circumstances”.

The evaluation criteria and/or a policy for considering such applications may be formalized through the adoption of a standing resolution. Staff have recommended the following standing resolution, which may be amended (either prior to initial adoption or from time to time):

- Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee.
- The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical.
- The public consultation process shall be determined by the local trust committee after initial review of the proposal.
- However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information:
 - Name of the applicant and a description of the proposal in general terms
 - The location of the proposed establishment and the subject site
 - The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered.
 - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application
 - How public comments may be submitted to the local trust committee.

RATIONALE FOR RECOMMENDATION

Local trust committees must be referred notice of any cannabis license proposals, and are obligated to respond to such notices. Because a specific consultation process is not prescribed through provincial legislation or LTC bylaws, staff are recommending that LTCs adopt a standing resolution to deal with these types of applications. LTCs would have the flexibility to readily amend such a standing resolution over time to adapt to their community’s unique needs. Furthermore, because of the likelihood that these applications will attract significant public interest and involve significant staff resources to process, staff are recommending that LTCs amend their

fees bylaws to include a specific fee for LCRB cannabis retail applications, which is distinct from and higher than liquor license applications.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Adopt an Amended Standing Resolution

Should the LTC wish to proceed with a standing resolution, it may adopt an amended resolution in lieu of the recommended resolution.

2. Proceed with Land Use Bylaw Amendments

The LTC may wish to pursue amendments to its LUB. This would require that a project be added to the projects list or top priorities list and for the project to be scoped and funded. Staff still recommend that a standing resolution be passed to address applications which may be received prior to adoption of LUB amendments. Should the LTC wish to pursue an LUB review project, the following resolution may be passed:

That the South Pender Island Local Trust Committee add to its [Projects/Top Priorities List], “Review of land use regulations for cannabis production and retail sales”.

3. Request further information

NEXT STEPS

A standing resolution adopted by the LTC would take effect immediately. Fees bylaw amendments would require preparation of an administrative bylaw amendment, three readings, and approval by the Executive Committee prior to adoption.

Submitted By:	Robert Kojima, Regional Planning Manager	August 22, 2018
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REFERENCES

- *Proposed Cannabis Act*. <http://www.parl.ca/DocumentViewer/en/42-1/bill/C-45/third-reading>
- Federation of Canadian Municipalities. Municipal Guide to Cannabis Legalization. <https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf>
- Agricultural Land Commission. Information Bulletin 04: Cannabis Production in the ALR. https://www.alc.gov.bc.ca/assets/alc/assets/legislation-and-regulation/information-bulletins/information_bulletin_04_cannabis_production_in_the_alr.pdf
- Liquor and Cannabis Regulation Branch: Local Governments’ Role in Licensing Non-Medical Cannabis Retail Sales. https://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/business-management/liquor-regulation-licensing/documents/local_government_role_in_licensing_cannabis_retail_stores.pdf
- *Access to Cannabis for Medical Purposes Regulation* <http://laws.justice.gc.ca/eng/regulations/SOR-2016-230/page-1.html>
- *Cannabis Control and Licensing Act*. <https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/3rd-session/bills/progress-of-bills>

- Cannabis licensing website: <https://justice.gov.bc.ca/cannabislicensing/>



DATE OF MEETING: September 4, 2018
TO: South Pender Island Local Trust Committee
FROM: David Marlor, Director
Local Planning Services
SUBJECT: Housing Needs Assessment Report

RECOMMENDATION

1. That the South Pender Island Local Trust Committee receive the "Southern Gulf Islands Housing Needs Assessment", report by JG Consulting Services Ltd dated February 2018; and
2. That the South Pender Island Local Trust Committee request Staff to publish the "Southern Gulf Islands Housing Needs Assessment", report by JG Consulting Services Ltd dated February 2018 on the Islands Trust website.

REPORT SUMMARY

The purpose of this report is to provide a Housing Needs Report to the Local Trust Committee and to meet the requirements of the new legislation on Housing Needs Reports.

BACKGROUND

In the 2017/18 Fiscal Year the Capital Regional District (CRD) undertook Housing Needs Assessments for Galiano, Mayne, North Pender, Saturna, and South Pender islands using similar methodology undertaken on a 2015 Salt Spring housing needs assessment. The final report was submitted to Trust Council in June 2018.

The Southern Gulf Islands Housing Needs Assessment (attached) used both qualitative and quantitative research methods; the surveys were met with very high response rates. Like the results in the Northern region, the report finds that affordable and adequate housing is unattainable for many Southern Gulf Island residents. As noted in the staff report from the Capital Regional District (attached as appendix 2(a)), the particular findings include:

- *A gap in the availability of timely housing data between Census periods, particularly on the rental market on the Southern Gulf Islands;*
- *Rental supply is low and unit numbers are decreasing;*
- *A high proportion (44%) of renters paying more than 30% of their income on shelter costs with 44 renters who answered a survey indicating they were paying more than 50% of their income on shelter costs;*
- *Home ownership becoming increasingly out of reach for many households in the area. The median household income is \$54,000 annually, but it would take an income of over \$99,000 annually to afford a home sold at the median sale price of \$580,000 (February 2018);*
- *A very low and declining rate of permanent residency in the area with dwellings increasingly being used as vacation or short-term vacation purposes;*

- *High incidence of low income households; and*
- *Households with children and seniors showing particular vulnerability to housing stress.*

Islands Trust Community Housing Strategy

Improving the availability of affordable, accessible, and appropriate housing has been a strategic priority for Islands Trust Council over the 2014-2018 political term. Over the course of the term, this has been largely pursued through the work of Local Planning Committee:

1. June 2013, Local Planning Committee hosted a community housing forum with over 70 participants from across the region. The forum showcased examples of affordable/community housing throughout the Trust Area.
2. Completed a [baseline inventory](#) of housing policies and regulations for each LTA across the Trust Area
3. Completed the final report: [Community Housing in the Islands Trust Area](#) and advanced through Trust Council 15 recommendations for action.
4. Completed Housing Needs Assessment for the Northern and Southern regions. Islands Trust now has a complete data set identifying housing needs in each region.
5. Established the administrative capacity for the administration of housing agreements by Islands Trust:
 - A housing agreement guide for planners
 - A housing agreement reference list
 - An application guide for affordable housing proponents
 - A roles and responsibilities checklist
 - Housing Agreement Templates
 - Information Brochure (on-going)
 - Monitoring Procedure (for Leg. Clerks or potential new Project Coordinator job)
 - Annual Monitoring Letter Template
 - Monitoring and Enforcing Guide

Trust council has directed staff to update the Community Housing report and consider creating a Trust wide community housing strategy designed to meet the needs identified in the Housing Needs Assessments. Such a strategy could include recommendations for Local Trust Committee land use planning processes, Trust Council advocacy, and communications to be pursued by Trust Council in the 2018-2022 political term.

Provincial Housing Needs Reports Legislation

In Spring 2018 the Provincial Government gave Royal Assent to Bill 18, 2018, amendments to the Local Government Act that requires that local governments, including local trust committees, adopt housing needs reports, update those reports every five years, and consider those reports when undertaking Official Community Plan text or mapping amendments that relate to housing.

Bill 18, 2018 comes into effect on adoption of regulation by the Lieutenant Governor-in-council, which is expected sometime in 2018.

The transitional section of the Bill 18, 2018 states that adoption of a housing needs report under Section 585.31(3)(a) of the legislation does not apply if a local government, on or after January 2, 2018 and before this section comes into force, receives, by resolution, an interim housing needs report, and publishes the interim housing needs report. Under the transitional section of Bill 18, 2018, this interim housing needs report is deemed to be the first housing needs report.

ALTERNATIVES

1. Not Receive or Publish the Housing Needs Assessment

Not receive or publish the “Housing Needs Assessment, Northern Region of Islands Trust “Southern Gulf Islands Housing Needs Assessment” report by JG Consulting Services Ltd dated February 2018. The Local Trust Committee would have to undertake a housing needs report within three years of the enactment of Bill 18, 2018 (which is expected by regulation this year).

NEXT STEPS

Staff will publish the report to the Islands Trust website, and update staff reports to ensure that consideration of the Housing Needs Assessment is undertaken for Official Community Plan text and mapping amendments that affect housing.

Local Trust Committees can consider making housing a top priority and engaging a community process that considers how land use bylaws and official community plans can be amended to respond to the needs identified in the reports.

Submitted By:	David Marlor, Director of Local Planning Services	July 5, 2018
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LINKS

1. [“Southern Gulf Islands Housing Needs Assessment”, report by JG Consulting Services Ltd dated February 2018](#)

BRIEFING

To: Local Trust Committees/Bowen Island Municipality **For the Meeting of:** Various

From: Trust Programs Committee **Date Prepared:** July 16, 2018

SUBJECT: Service Integration

PURPOSE: To request input from local trust committees/Bowen Island Municipality about any service integration concerns.

BACKGROUND: The Trust Programs Committee working group has been meeting to consider potential improvements to service delivery by the various government service providers, including the Islands Trust, to Salt Spring Island and the wider Trust area. This work was initiated in response to the incorporation process on Salt Spring Island in 2017, and specifically, to address a critique of the governance model on Salt Spring Island that is characterized by multiple agencies delivering community services in a non-coordinated manner. Trust Council (TC) has tasked the working group with: ***Identifying potential governance or operational changes that could be adopted in order to improve the delivery and integration of all the types of services that are delivered to the Islands Trust Area.***

TPC would like local trust committees and Bowen Island Municipality to create inventories of barriers experienced in engaging service providers and other agencies and to provide those responses to TPC via the Director of Trust Area Services. A suggested resolution for conveying any concerns is as follows:

That the XX Island LTC/BIM advises Trust Programs Committee that the LTC/BIM has experienced barriers to engaging service providers/other agencies when addressing the following topics:

- 1.
- 2.
- 3.

ATTACHMENT(S):

1. None.

FOLLOW-UP: TPC will consider responses received by August 20, 2018 meeting. At its August 20, 2018 meeting, TPC will discuss how to handle responses received after August 20.

Prepared By: Clare Frater, Director, Trust Area Services

Reviewed By/Date: Brian Crumblehulme, TPC Chair
David Marlor, Director, Local Planning Services



BRIEFING

To: Local Trust Committees and Bowen Island Municipality **For the Meeting of:** September 4, 2018

From: Islands Trust Conservancy **Date Prepared:** July 17, 2018

SUBJECT: Incorporating the Regional Conservation Plan into Land Use Planning

PURPOSE: The Islands Trust Conservancy is providing all local trust committees and Bowen Island Municipality with a briefing to provide information on the ways the Islands Trust Conservancy's 2018-2027 Regional Conservation Plan and associated mapping and data can be incorporated into Official Community Plans, Land Use Bylaws and local planning initiatives and projects.

BACKGROUND:

In March, Trust Council endorsed the Islands Trust Fund's Regional Conservation Plan. At its April 2018 meeting, the Trust Fund Board (now Islands Trust Conservancy) passed the following resolution:

That the Trust Fund Board direct staff to provide a briefing to all local trust committees and Bowen Island Municipality requesting that consideration be given to incorporating elements of the 2018-2027 Regional Conservation Plan (including associated data and mapping) into Official Community Plans.

The Regional Conservation Plan contains significant information about regional conservation priorities that could be considered when making land use planning decisions. This information is informed by conservation area modelling, which uses multiple data sets regarding biodiversity priorities and threats to ecosystems. The information is available by local trust area/island municipality.

Why do we have a Regional Conservation Plan?

The rich diversity of life in the Islands Trust Area makes the region ecologically significant, not only locally, but globally. Most of the region is within the Coastal Douglas-fir zone, one of the rarest of British Columbia's 16 biogeoclimatic zones. The Douglas-fir ecosystems of this zone, including Garry oak and associated ecosystems, are globally rare – in the entire world they occur only on the east coast of southern Vancouver Island, the islands of the Georgia Basin, and a small area of the mainland. The Islands Trust Area is also home to several other sensitive and rare ecosystems and hundreds of rare terrestrial and marine plants and animals.

Despite its ecological significance, biodiversity in the Islands Trust Area is exposed to significant threats. With over 68% of the Islands Trust Area in private land ownership and over 3.3 million people living in the surrounding areas, the pressures to develop and change the natural landscape in the islands are substantial.

Because of the significance of the ecosystems found in the Islands Trust Area and the threats they are under, conservation planning is an important tool to ensure that the natural beauty that draws so many to the region is not lost. Since 2005, the work of the Islands Trust Conservancy has been guided by regional conservation plans. These plans have also, in some cases, supported the planning work of the Islands Trust.

What's in the Regional Conservation Plan?

The Regional Conservation Plan provides background on the ecosystems in the Islands Trust Area, evaluates their current status, identifies priorities and threats, and sets goals and objectives for the Islands Trust Conservancy for the next ten years. The goals identified in the 2018-2027 Regional Conservation Plan are:

1. Identify, investigate and communicate about important natural areas to generate action on conservation priorities
2. Strengthen relationships with First Nations to identify and collaborate on shared conservation goals
3. Continue to secure and manage Islands Trust Conservancy lands and conservation covenants to maximize ecological integrity
4. Continue to build internal and shared organizational strength and resilience to ensure long-term nature conservation in the Islands Trust Area

There are island profiles in Appendix II of the RCP with information specific to each local trust committee area and Bowen Island.

How can the Regional Conservation Plan support land use planning?

The Regional Conservation Plan can help trustees and planners identify opportunities and inform priorities for land use planning activities across the Islands Trust. During the 2018-2022 local government term, each Islands Trust LTC/IM will identify top priorities for land use planning activities and should ensure that existing Official Community Plans and Land Use Bylaws meet the goals of the Islands Trust Policy Statement and support the goals of the Regional Conservation Plan.

LTCs and BIM can use the following table to identify land use planning projects to initiate during the 2018-2022 term to advance the Islands Trust Policy Statement Goal: *to Foster preservation and protection of the Trust Area's ecosystems* and the directive policies:

Directive Policy	Available resources (Regional Conservation Plan, mapping, etc.):	What can LTCs/IM do with this information?
3.1 Ecosystems		
3.1.3 LTCs/IMs shall, in their OCPs and regulatory bylaws <i>address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.</i>	The Regional Conservation Plan highlights the following as biodiversity priorities for the region: <ul style="list-style-type: none">• Sensitive ecosystems• Healthy forests• Species and ecosystems at risk• Marine shorelines and nearshore areas• Islets and small islands• Size, corridors and connectivity to other protected areas Available information and data/mapping to support these directive policies: <ul style="list-style-type: none">• updated Sensitive	Development of maps; Official Community Plan (OCP) policy language and Land Use Bylaw (LUB) regulations that: <ul style="list-style-type: none">• Identify and protect environmentally sensitive areas• Identify and protect significant natural sites/features/landforms• Support the development of protected area networks (or "greenways")• Identify contiguous forest cover Designate Development Permit Areas (DPAs) to protect environmentally sensitive areas
3.1.4 LTCs/IMs shall, in their OCPs and regulatory bylaws <i>address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.</i>		

	<p>Ecosystem Mapping</p> <ul style="list-style-type: none"> • Species at Risk/Critical Habitat Mapping • Ecosystem Disturbance Mapping • Priority Lands for Conservation (regional scale) 	<p>and significant natural features</p> <p>Prioritize bylaw investigation and enforcement on matters negatively impacting ecosystem health</p>
3.2 Forest Ecosystems		
<p>3.2.2</p> <p>LTCs/IMs shall, in their OCPs and regulatory bylaws: <i>address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development and land-use.</i></p>	<p>Available information and data/mapping to support this directive policy:</p> <ul style="list-style-type: none"> • Mapping of Forested Ecosystems, including forest type and age • Regional Conservation Plan: Biodiversity Priorities; Forest Ecosystem descriptions and statistics • RCP Island Profiles: Sensitive Ecosystems, Forest Ecosystems and Ecosystem Disturbance for each LTA/BIM 	<p>Designate DPAs to protect unfragmented forest ecosystems</p> <p>Reduce site coverage density in land use bylaws</p> <p>Negotiate covenants to protect contiguous forest as conditions of rezoning</p> <p>Integrate conservation subdivision principles into land use bylaw requirements for subdivision (lot clustering, density transfer, conservation planning)</p> <p>Prioritize bylaw investigation and enforcement on matters negatively impacting forest ecosystems</p> <p>Adopt Tree Protection Bylaws (for municipalities)</p>
3.3 Freshwater and Wetland Ecosystems and Riparian Zones		
<p>3.3.2</p> <p>LTCs/IMs shall, in their OCPs and regulatory bylaws: <i>address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.</i></p>	<p>Available information and data/mapping to support this directive policy:</p> <ul style="list-style-type: none"> • Mapping of Sensitive Ecosystems, including wetlands, freshwater and riparian • RCP: Island Profiles - Sensitive Ecosystems • Watershed mapping • Water courses mapping (TRIM) • Riparian Areas Regulation data/mapping in select areas 	<p>Designate DPA's to protect sensitive freshwater, wetland and riparian areas</p> <p>Implement the <i>Riparian Areas Regulation (RAR)</i> including protection of non RAR watercourses</p> <p>Develop LUB setbacks from water bodies</p> <p>Develop LUB landscape buffers along water bodies</p> <p>Implement freshwater planning tools and regulations available in the <i>Water Sustainability Act</i></p> <p>Develop aquifer mapping and water budgets</p>

		<p>Designate DPAs for water conservation for all new construction/development</p> <p>Prioritize bylaw investigation and enforcement on matters negatively impacting freshwater, wetland and riparian ecosystems</p>
3.4 Coastal and Marine Ecosystems		
<p>3.4.4</p> <p>LTCs/IMs shall, in their OCPs and regulatory bylaws: <i>address the protection of sensitive coastal areas.</i></p>	<p>Available information and data/mapping to support these directive policies:</p> <ul style="list-style-type: none"> • Eelgrass mapping • Forage fish habitat mapping (for some islands) • Species at Risk Critical Habitat Mapping – Southern Resident Orca • Shorezone mapping • New Sand Ecosystems Mapping • Dock mapping (point data) 	<p>Include mapping of marine ecosystems in OCPs and policies for regulation of development in sensitive coastal areas</p> <p>Designate DPAs to protect sensitive coastal areas and the intertidal zone</p> <p>Include DPA guidelines that address fragmentation of the coastline by subdivision</p> <p>Amend LUBs to create landscape buffers along the shoreline</p> <p>Increase LUB setbacks from the natural boundary of the sea based on the provincial 2100 sea level rise predictions</p> <p>Amend LUBs to limit development of private docks/structures in the marine zones</p> <p>Prioritize bylaw investigation and enforcement on matters negatively impacting coastal and marine ecosystems</p>
<p>3.4.5</p> <p>LTCs/IMs shall, in their OCPs and regulatory bylaws: <i>address the planning for and regulation of development in coastal regions to protect natural coastal processes.</i></p>		

ATTACHMENT(S):

No attachments. For reference, the 2018-2027 Regional Conservation Plan is available online [here](#).

FOLLOW-UP:

- Consider this briefing when establishing work program priorities
- Request planning advice on how to integrate conservation data and mapping resources when considering applications, projects, etc.
- Local trust committees/island municipalities wishing to create specific maps using conservation modeling (land prioritization based on multiple data sets) or ecosystem mapping should request assistance from ITC and GIS staff.

Prepared By: Jennifer Eliason, Islands Trust Conservancy Manager

Reviewed By/Date: Regional Planning Managers and Director of Local Planning Services/July 3, 2018
Clare Frater, Director of Trust Area Services/July 9, 2018
Islands Trust Conservancy Board/July 17, 2018