

July 14, 2004

File No.: GL-RZ-2004.6

To: Galiano Island Local Trust Committee

From: Brodie Porter
Regional Planning Manager
Southern Islands Team

Re: Rezoning Application for Lot A, Plan VIP68079, DL 88/89, Cowichan District, Galiano Island

Owner: Crystal Mountain Society for Eastern & Western Studies
Applicant: Helen or Stephen Foster
Location: Porlier Pass Road, North Galiano

Preliminary Report

THE PROPOSAL:

To amend the Official Community Plan and the Land Use Bylaw to allow for a Retreat Centre/Forest Retreat that includes:

- a. Housing and accommodation for up to 30 retreatants
 - i. 12 tent sites
 - ii. 8 sleeping cabins – 140 sq ft for less than 3 month retreat
 - iii. 4 cabins – 220 sq. ft. for 3 month to 1 year retreat
- b. Mediation Hall – 1200 sq.ft.
- c. dining hall – including kitchen, library, reception, office, staff apartment – 5000 sq. ft.
- d. workshop – 1800 sq. ft.
- e. bath house – 320 sq. ft.
- f. garage – 500 sq. ft.
- g. greenhouse/garden shop – 3000 sq. ft.
- h. caretakers cottage – 650 sq. ft.
- i. teachers housing – 3000 sq. ft.
- j. forest restoration and preservation
- k. regeneration of natural habitat.

The application would require the development of new OCP policy to address the proposed concept and new zoning designation or amendment to existing zoning designations to provide regulation for the proposed land use.

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

The Trust Policy Statement applies in its entirety to the consideration of this application. Some key policies for consideration include:

- 3.2.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development and land-use.
- 4.2.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
- 4.2.7 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address:
 - the retention of large land holdings and parcel sizes for sustainable forestry use, and
 - the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
- 4.2.8 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
- 5.2.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
- 5.2.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
- 5.6.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
- 5.8.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

Official Community Plan:

1. Current Land Use Designation

The property is designated Forest (F) in the Galiano Island Official Community Plan. The objections for this land use designation include:

- 1) to preserve a forest land base,
- 2) to protect the aesthetic value of forest land,
- 3) to encourage local economic opportunities for small scale sustainable forestry,
- 4) to protect riparian zones, sensitive ecosystems, watersheds and biodiversity, and
- 5) to create a non-profit community-owned forest and to ensure that the use of such forest is consistent with the sustainable forests principles set out elsewhere in this Plan, and that the lands so acquired are preserved for forestry use in perpetuity for future generations.

Various policies are included in the OCP that outline how these objectives can be implemented. These policies should be reviewed in their entirety as it relates to the consideration of the application, but a forest policy of note that relates to characteristics of this application, given the reference to education is:

- h) Appropriate small scale forest related activities such as the sustainable gathering of greenery products, food crops, hiking, bird watching and wildlife viewing, education and value added industry shall be encouraged.

2. Other OCP Principles, Objectives and Policies

a. Principles

The OCP contains 7 principles that would guide any consideration for amendment to the land use designations including: 1) Ecological Integrity; 2) Community Values; 3) Being an Island; 4) Diversity of Population; 5) Equitable Regulation; 6) Galiano's Provincial and National Role; and 7) Respect for the Object of the Islands Trust. The OCP provides more detail on these principles. With respect to the educational/cultural aspect of the proposal, the principle of Diversity of Population states:

“The social and economic diversity of the community contributes to our identity. Basic to this diversity is the encouragement of self sufficiency, individual empowerment and a vital local economy.”

b. Other Objectives and Policies

The OCP does not provide directly applicable objectives and policies for the proposed land use. A review of the OCP provides reference to the following topics that may provide some guidance:

Community Facilities

The OCP contains objectives and policies for community facilities. The objective for community facilities is:

- 1) to encourage community facilities that enhance the social, economic, educational, environmental and cultural aspects of life on the island and do not adversely affect the natural environment. Various policies guide the consideration of non-profit facilities and community service (schools, churches etc) facilities. A separate policy guides the consideration of affordable housing within the Forest designation under certain conditions.

Heritage Resources

When the Heritage Resource section of the OCP was drafted, the proposed activities may not have been envisioned as being part of the heritage classification. The Trust Policy Statement does identify “heritage” as a place, feature or event of historical, cultural, aesthetic, educational or scientific significance, so reference is made here to that section of the OCP. The objectives for Heritage Resources are:

- 1) to identify, preserve, protect and enhance local heritage, and
- 2) to recognize First Nations involvement in heritage conservation.

Policies in this section are not directly applicable to the proposed land use, but can have an indirect impact in any considerations.

3. Other OCP Map Designations

Map Schedule D – Water Resources

The property is within the North Trincomali Channel Major Groundwater Region and Spotlight Creek is located in the southwest corner of the property.

Schedule E – Environmental Resources, Sensitive Areas and Heritage Resources

Approximately the eastern one third of the property is identified as being within a groundwater recharge area. The western boundary of this groundwater recharge area is identified as a possible hazard land due to escarpment slope greater than 80%, cliffs, eroded gulley, wet and low lying areas.

Schedule G – Riparian and Shoreline Areas

The riparian areas 15 metres on either side of the natural boundary of Spotlight Creek are designated as development permit area for the protection of the natural environment, its ecosystems and biological diversity.

Land Use / Zoning Bylaw:

The property is zoned Forest (F1) in the Land Use Bylaw. The permitted uses in the F1 zone include:

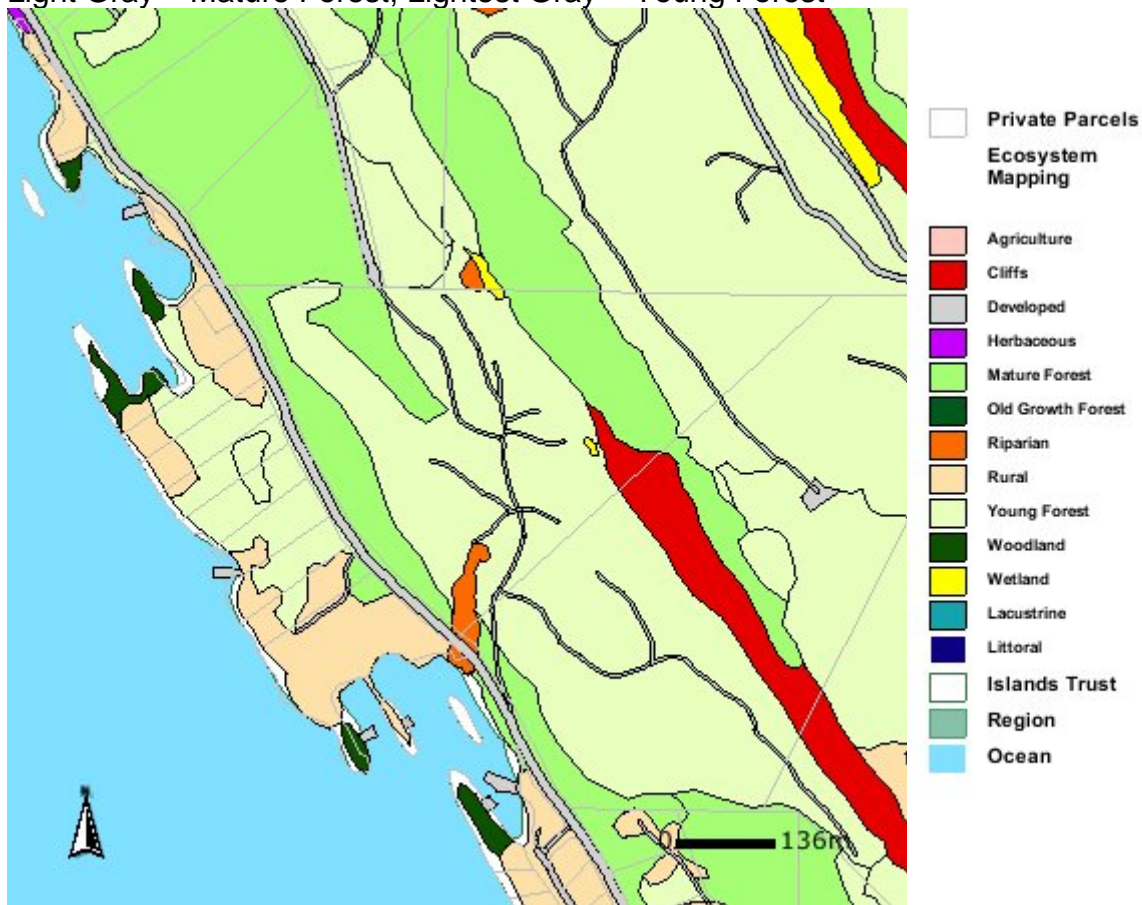
- 1 timber production and harvesting
- 2 accessory forestry uses including the sawmilling and planing of timber harvested on the same lot and the growing of seedlings in nurseries.

There are no existing zones that would authorize the uses as proposed.

Other:

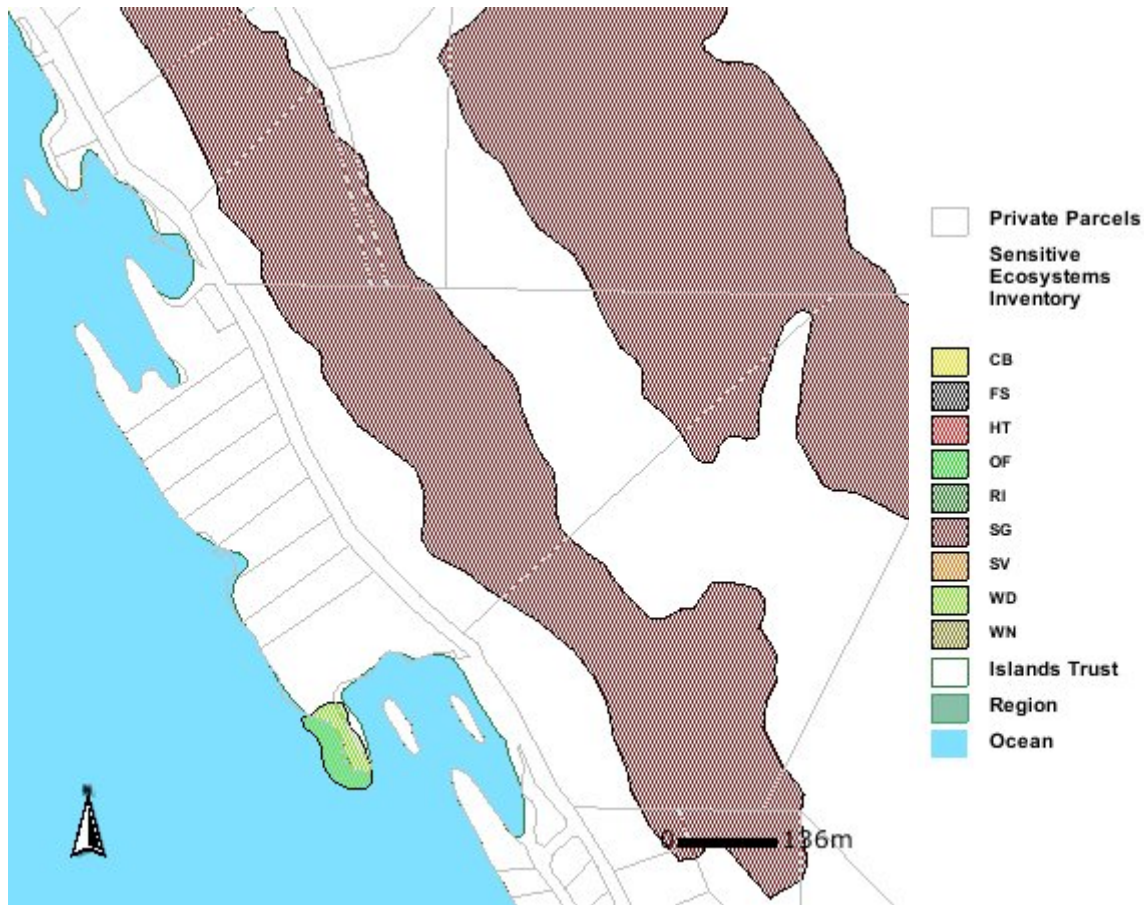
1. Ecosystem Mapping

Gray Tone Interpretation: Darkest – Cliffs, Dark – Riparian
Light Gray – Mature Forest, Lightest Gray – Young Forest



2. Sensitive Ecosystems Inventory

SG – Older



3. Covenants

The property is subject to two covenants that have been granted to the Capital Regional District:

- One covenant establishes areas of the lot that may have a geotechnical hazard and which require approval from a registered professional engineer before building may occur.
- The second covenant establishes a 15 metre setback from the natural boundary of Spotlight Creek and other elevation measures for flood protection.

SITE CONTEXT:

A geotechnical report completed in 1998 describes the area that was subdivided to create the subject property as follows: "The property consists of a series of wide,

generally gentle to moderate northeast sloping benches with intervening cliffs and talus slopes oriented roughly northwest/southeast. The cliff areas range from 2 to 10 m high near vertical rock faces to cliff and talus slopes which reach about 120 m in total height, with the upper half a steep to near vertical rock face with some overhanging portions and the lower half of blocky talus apron. Several shall swales/gullies are present on the site, usually below the cliffs or talus slopes.”

The surrounding area is:

- North Lot 8 is currently vacant. District Lot 87 is undeveloped forest land. District Lot 90 contains a Rural 2 zoned 14 lot subdivision. Lot 9 is owned by the applicants and contains an international peace pagoda/monument
- Southeast Lot B, DL 89 is undeveloped managed forest land.
- Southwest An 8 lot Small Lot Residential waterfront subdivision, most with residential structures on the property.

No site inspection has been completed as of the date this report was prepared.

COMMUNITY INFORMATION MEETING(S):

None held to date

RESULTS OF CIRCULATION:

No circulation to date

ISSUES SUMMARY:

At this stage in the review of the application, the fact that the proposal does not comply with current OCP policy is the most significant issue. Further review of the application may identify other issues related to site development, access, community impacts etc, but resources have not been devoted to such analysis at this preliminary stage of review.

STAFF COMMENTS:

Given that the proposal does not comply with OCP policy, staff seeks direction from the Local Trust Committee as to whether there is support in principle for further review of the proposal. Establishing a position of support for further review does not fetter the LTC’s authority with regards to any later decisions that must be made regarding this application, but rather confirms that at this early stage, there is no apparent reason not to provide further consideration to the proposal.

In support of the proposal is Trust Policy that directs LTCs to address social impacts of development (5.2.3); identification, protection, preservation and enhancement of local heritage (5.6.2); and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities

and services (5.8.6). In addition OCP policy recognizes some value in education on forest lands (Forest policy h); diversity of population (Principle 4), enhancement of the social, economic, educational, environmental and cultural aspects of life (Community Facility objective); and to identify, preserve, protect and enhance local heritage (Heritage Resources Objective 1).

It is also noted that the applicants propose some means of forest restoration and preservation and regeneration of natural habitat which is compatible with the Forest objectives of the OCP.

Preliminary reasons why further consideration may not be justified include the fact that the proposed land use does not comply with current forest land objectives or policies and because the proposed land use does introduce a type and scale of activity that was not envisioned by the OCP and by area residents.

Options available to the Local Trust Committee at this time are:

1. Direct staff to further review the application, discuss issues with the applicants where actions or decisions by the applicants may help resolve an issue and report back on the various issues and options that are identified as part of that review;
2. Deny the application as being inconsistent with OCP policy and with the principles and objectives of the OCP (if so determined by the Local trust Committee)

RECOMMENDATIONS:

Given that existing Trust Policy and OCP guidance provides some opportunity for further review of the proposal, it is recommended that:

Staff further review application GL-RZ-2004.6, discuss issues with the applicants where actions or decisions by the applicants may help resolve an issue and report back on the various issues and options that are identified as part of that review.

As part of the review staff would consult with agencies as to their interests and observations. The Local Trust Committee may wish to consider referring the proposal to the APC for comment, but if such a resolution is adopted, it is recommended that the APC be asked to comment on the principle as to whether the proposed land use would be acceptable. Discussion of details about the development would best be left until more information is available and a planning report has been developed that identifies pertinent issues. If the application is referred to the APC it is recommended that:

Application GL-RZ-2004.6 be referred to the Galiano Island Advisory Planning Commission with a request to comment in principle on the suitability of amending

the OCP and land use bylaw regulations to allow for a retreat centre/forest retreat, but reserve comments on the details of the proposal until more information is provided.

Respectfully submitted by:

July 14, 2004

Brodie Porter

Date