



# STAFF REPORT

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July 15, 2005

File No.: GL-RZ-2004.6

To: Galiano Island Local Trust Committee

From: Brodie Porter  
Regional Planning Manager  
Southern Islands Team

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Re: **Crystal Mountain Society (Replaces Report Dated July 11, 2005)**

**Owner:** Crystal Mountain - A Society for Eastern and Western Studies  
**Applicant:** Stephen Foster or Helen Foster  
**Location:** North Galiano Island

## Preliminary Report

**THE PROPOSAL:** - This report replaces an earlier version of this report dated July 11, 2005 that was identified as containing an error.

This report is further to previous reports dated July 14, 2004 and May 26, 2005 respectively and is in regards to the proposed rezoning of Lot 9, DL 90, Plan 31200, Galiano Island Cowichan District and Lot A, Plan VIP68079, DL 88/89, Cowichan District, Galiano Island to allow for a proposed retreat.

## STAFF COMMENTS:

The Local Trust Committee last met with the applicants at a special meeting of the LTC on June 13, 2005 to discuss the rezoning application. A draft of the OCP bylaw amendment that had been tabled at that meeting and comments were provided by the trustees and applicants. Staff committed to the preparation of revisions to the draft OCP bylaw and to prepare a draft LUB bylaw. This report presents those draft bylaws for further consideration.

In summary the applicants wish to rezone to create a retreat. They own two properties, one of which is zoned R2 and the other is zoned F. They are requesting to rezone both properties to allow the retreat. This report examines the implications of removing the uses associated with the existing zoning and the entitlements that may be created with the proposed zoning.

## Draft OCP Bylaw 187

Bylaw 187 continues to uphold the concepts introduced in the May 26, 2005 staff report with the following amendments:

1. Section d.1) iv) is amended to provide that the LTC and at least one other covenantee hold the conservation covenant or covenant for sustainable forestry management that may be granted. This is consistent with the approach used with other forest land covenants and provides a degree of permanence to the covenant as requested by the LTC.  
Caution should be applied to the consideration of this amendment. Land use regulation, either by bylaw or covenant, should be available for amendment thru due process based on changing issues, legal parameters and community objectives. A covenant involving two parties (the covenantee and the covenantor) can be amended subject to agreement of the two parties and thru due process that would involve a public hearing in this instance. If a third party is added then all three parties must agree to the amendment and any one party can prevent such amendments from proceeding.  
This section also defines that the covenant that is granted will define the areas of retreat use and the forestry management areas.
2. The last paragraph in section d.1) has also been amended to establish policy specifically for the two lots owned by the applicants and to limit development to one dwelling, one cottage and one apartment not exceeding 60 square metres in association with retreat facilities for the total area. While the policy does not address lot consolidation it is recommended that the LTC require the applicants to consolidate the two lots for effective administration of this policy prior to adopting any rezoning amendment.

## Draft LUB Bylaw 188

Bylaw 188 has been drafted to reflect the development proposal submitted by the applicants, within the framework of OCP Land Use Policy b) which states:

“The overriding policy of this plan with regard to the net residential density of the local trust committee is that it will not be increased through rezoning beyond what is explicitly allowed for in this plan.”

The following table outlines the existing residential entitlements for the properties, based upon current zoning and zoning that applies if Lot A was rezoned to F3 (the most similar zone available under current OCP policy)

	Lot 9, Plan 31200	Lot A, Plan VIP68079	Total
Current Zoning	R2	F1	
Lot Size	4 ha.	20.5 ha.	24.5 ha.
Current Residential Potential	1 dwellings/ 1 cottage	0 dwellings / 1 dwelling if rezoned to F3	2 dwellings/1 cottage if Lot A was F3 zone
Proposed Zoning	FR-C	FR-C	
Proposed Residential Potential	- 1 dwelling - 2 cottages(1 as staff apartment in dining hall and 1 caretaker residence)		

There are 11 sleeping huts, one of which will have a kitchenette, that are limited to 13 square metres each (18.5 square metres for hut with kitchenette) that will be used for retreat use and not for residential purposes associated with the retreat. The remaining development entitlements are a reflection of the proposed uses and building sizes provided by the applicants.

#### Parking

The applicants have identified 14 parking spaces on their development plan. A review of current parking standards would suggest that the following standards could apply:

Use	Standard	# of Parking Spaces
1 Staff Apartment	1 per cottage	1
1 Caretaker cottage	1 per cottage	1
1 Dwelling	2 per dwelling	2
11 Sleeping huts	1 per cottage	11
111.5 sq. m. Meditation Hall	1 per 3.25 square metres of floor area	34
<b>TOTAL</b>		49

The bylaw has been drafted to reflect these standards. The sleeping huts have been treated as cottages due to the potential for full occupancy of individual persons who may drive to the site. The Meditation Hall has been allocated separate parking requirements in anticipation of day use events that may require parking. The other facilities on the site are interpreted to be accessory to the retreat and were not considered to generate separate parking demands.

The use of this site may not generate parking demands as calculated if the users come from off island and car pool to minimize costs. Given the proposed use of this property, it may not be necessary to create formal parking areas for 49 spaces, but it may be necessary to identify capacity for up to 49 vehicles on the property in a combination of assigned parking spaces and in overflow locations that may have other functions as well (landscaping, storage, side of driveway etc.)

## Area Multigons

The area multigons are the areas proposed by the applicants for retreat development. The area multigons as defined by the applicants total approximately 6.67 hectares, being 27.2% of the total lot area. This allocation is slightly larger than 25% of land that could be established for non forestry purposes under the RR/FH option. It would be consistent if viewed from the perspective of Lot 9 maintaining its residential entitlement (rather than being rezoned) as Lot 9 is 8.13 hectares. It is not consistent with the proposed F3 sample covenant which suggests that the residential area should be the lesser of 10% of the lot area or two hectares.

Secondly the area multigons do impact some areas that are subject to covenant, but the covenants do provide for flexibility to adjust such boundaries with more on site geotechnical review. The applicants advise they have examined this issue on a preliminary basis and are confident that a geotechnical review would allow for development as proposed.

## Site Plan (Plan No. 1 attached to the bylaw)

A plan has not yet been attached to the bylaw as Plan No. 1. Instead this report provides a copy of the most recent development plan proposal. This proposal reflects the general concept of Plan No. 1 but will require some minor amendments for bylaw purposes. Specifically the boundaries of the multigons will have to be defined in terms of distance from property lines. Secondly, while the bylaw as drafted does not require the definition of specific building locations, (provided they are contained within a multigon) there may be a need for some further definition of siting as discussions progress.

## **RECOMMENDATIONS:**

It is recommended that proposed bylaws 187 and 188 be received and that the bylaws be referred to the APC and to agencies for comment.

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Respectfully submitted by:

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Brodie Porter

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Date