



STAFF REPORT

July 25, 2005

File No.: GL-RZ-2004.6

To: Galiano Island Local Trust Committee

From: Brodie Porter
Regional Planning Manager
Southern Islands Team

Re: **Crystal Mountain Society**

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 is further to previous reports dated July 14, 2004, May 26, 2005 and July 15, 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 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 with amendments based upon discussions held at the July 20, 2005 LTC meeting.

In summary the applicants wish to rezone to create a retreat. They own two properties, one of which is zoned Rural 2 (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.

The technical reason for the LTC to seek a third party to the covenants is to insure that there is a partner to the covenant that has expertise to administer the terms of the covenant. The concept of a covenant for sustainable forestry management was envisioned to accommodate a third party who would have forestry management expertise. It may not be as necessary to have a third party for a conservation covenant, given the administration of conservation covenants is relatively more straight forward.

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 residential development associated with a retreat that which could otherwise be created if Lot 9 retained its R2 zoning and Lot A was rezoned to RR/FH. This approach to density entitlement has been applied as the applicants are choosing to place Lot 9 within a forestry designation, but request that density entitlement and area allotted for a retreat be calculated as though the Lot 9 retained its R2 zoning. This equates to a maximum of 3 dwellings and 3 cottages as outlined in the discussion under bylaw 188. Other scenarios are discussed under bylaw 188. 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.”

a. Uses/Floor Area

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 RR/FH (a zone available under current OCP Forest 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 / 2 dwellings/2 cottages if rezoned to RR/FH	3 dwellings/3 cottages if Lot A was RR/FH 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)		

The applicants are proposing one dwelling and two cottages (as equivalents) while under their proposal for the RR/FH equivalent they would be able to have 3 dwellings and 3 cottages. The applicants propose that the sleeping huts and accessory bath house and dining hall facilities might be considered as equivalent to the unused two dwellings and one cottage. In this review the sleeping huts and accessory bath house and dining facility is addressed as accessory buildings to the retreat.

The other retreat accessory uses and their floor areas as proposed by the applicants are as follows:

PROPOSED USE	# of UNITS	FLOOR AREA PER UNIT sq. ft./ sq. m.	TOTAL FLOOR AREA sq. ft./ sq. m.
Sleeping Hut	1	140 / 13	140 /13
Sleeping Hut with Kitchenette	3	200./ 18.5	600/55.5
Triple Hut (3 sleeping huts connected)	6 (18 sleeping huts)	420/39	2520/234
Meditation Hall	1	1200/111.5	1200/111.5
Dining Hall (includes staff apartment)	1	5000/464.5	5000/464.5
Workshop	1	1400/130	1400/130
Bath-house	1	450/42	450/42
Garage	1	500/46.5	500/46.5
Total			11810/1097

There is also a pagoda of unspecified size at the north end of Lot 9.

The accessory building floor area is therefore 0.45 % of the total lot area and 1.18% of the area defined for retreat use on the attached map.

b. Parking

The applicants have identified 43 parking spaces on their development plan and have suggested that peak parking demands could be accommodated on both sides of Devina Drive. 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
22 Sleeping huts	1 per cottage	22
111.5 sq. m. Meditation Hall	1 per 3.25 square metres of floor area	34
TOTAL		60

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 60 spaces. Options to identify capacity for up to 60 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.) or alternatively reduce the actual number of required parking spaces. Further research on parking standards would be required if reduction in parking requirements was to be considered.

c. 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 9.29 hectares (22.95 acres) based upon their GIS calculations, being approximately 38% of the total lot area. **(Note: the actual size of the lots differs from the lot area provided by the applicants due to different methods used to define lot area (surveyor's calculation vrs. GIS calculation. Consequently all references to areas and percentage of area should be considered as approximate only).** The applicants are proposing a development using the RR/FH model for Lot A and retaining the area of Lot 9 as a reference for defining a maximum retreat area. The following table outlines the

area entitlements based on the RR/FH option and other options that might be considered:

Note: the Maximum actual area for the Retreat and the Area Proposed by the Applicants are not in direct correlation due to the method of measurement used. These numbers are approximate only. The area for the “Applicants Proposal” would be the same in these last two columns if a similar form of measurement was used.

Forest option	Formula	Max % of land for nonforest purposes	Maximum actual area for the Retreat	Area Proposed by Applicants (based on GIS)
Applicants Proposal	Area of L. 9 plus 25% of L. A	37.2%	9.12 ha./22.53 ac.	9.29 ha./22.95 ac.
RR/FH on complete property	25% of total area	25%	6.12 ha./15.12 ac.	9.29 ha/22.95 ac.
F3 and Lot 9 retained	2 ha. plus area of L. 9	24.4%	6.0 ha./ 14.82 ac.	9.29 ha/22.95 ac
F3 option	2 ha as it is less than 10% of area	10% (proposed by covenant up to 2 ha.)	2 ha.	9.29 ha/22.95 ac

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 setbacks 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.

Respectfully submitted by:

Brodie Porter

Date