

Date: June 22, 2016

File No.: GL-RZ-2014.1
Crystal Mountain

To: Galiano Island Local Trust Committee
For the meeting of July 4, 2016

From: Kim Stockdill, A/Planner 2

CC: Robert Kojima, Regional Planning Manager

Re: LUB and OCP Bylaw Amendments Application

Owner: Crystal Mountain – A Society for Eastern and Western Studies

Applicant: Stephen and Helen Foster

Location: Lot A, Districts Lots 88 and 89, Galiano Island, Cowichan District, Plan VIP68079 & Lot 9, District Lot 90, Galiano Island, Cowichan District, Plan 31200

PURPOSE OF REPORT:

The purpose of this staff report is to present a draft version of the Official Community Plan (OCP) amendment bylaw No. 256 and the Land Use Bylaw (LUB) amendment bylaw No. 257 prior to proceeding to a Community Information Meeting (CIM).

At the June 6, 2016 staff recommended scheduling a CIM in order to present the draft bylaws, conservation covenant, and proposal from the applicant to the community. The LTC requested that the draft bylaws be considered by the LTC at the July LTC meeting before moving forward with scheduling the CIM. The draft bylaw amendments are attached to this staff report for the LTC's review.

Previous to this, at the May 2, 2016 regular LTC meeting, the LTC passed the following resolutions:

“GL-2016-031

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee requests the applicant explore additional community benefit options.”

“GL-2016-032

It was MOVED and SECONDED,

THAT, the Galiano Island Local Trust Committee amends the Official Community Plan by re-designating the portion of the land to protected by conservation covenant to Nature Protection and by amending the existing Health and Wellness Facilities designation for 25 percent of the land where the retreat activities would occur.”

Draft Bylaws:

OCP Amendment Bylaw

The OCP amendment bylaw is attached for the LTC's review. The bylaw would redesignate the two lots to Health and Wellness and Nature Protection. Amendments are also proposed to the existing Health and Wellness designation to include policies for a comprehensive spiritual retreat.

Land use Bylaw

The subject properties (Lot 9 and Lot A) are currently zoned Rural 2 and Forest 1 respectively. The attached LUB amendment would rezone Lot 9 to Nature Protection (NP) and would split zone Lot A into NP and a Crystal Mountain Comprehensive Development Zone (CD1) based on the updated site plan provided by the applicant (attached). The CD1 zone is further separated into two Areas – Area 1 and Area 2 (see Plan No. 2 in attached bylaw). The purpose of creating two areas is to have specific regulations associated with the northern and southern developable areas.

The NP zone does not permit any buildings or structures of any kind, other than signs. There is currently a pagoda located on Lot 9. Although this structure is not permitted in the NP zone, it will be protected as a pre-existing non-conforming structure under Section 529 of the *Local Government Act*.

The applicant has requested sleeping huts to provide sleeping accommodation for up to 30 participants. Staff have limited the maximum number of sleeping huts for the southern developable area (Area 1) and the northern developable area (Area 2) in the attached LUB amendment bylaw. Determining the sufficient number of sleeping huts is crucial at the land use bylaw amendment stage as after final adoption of bylaws, if the applicant wishes to increase the number of sleeping huts, a rezoning would be required (a Development Variance Permit cannot vary use or density).

Covenants:

The conservation covenant between the applicant and the Trust Fund Board is still in progress. In order to eliminate delays with registering the conservation covenant as a condition of rezoning, staff recommend requiring a draft version of the conservation covenant prior to the CIM and certainly by the time of Public Hearing. The following is an update from Jennifer Eliason, Islands Trust Fund Manager:

“A template conservation covenant was provided to Crystal Mountain for review and comment, and Islands Trust Fund (ITF) has now received initial comments back from Crystal Mountain and their lawyer. Negotiations are progressing, and both ITF and Crystal Mountain feel confident that we can come to agreement on a conservation covenant that will ensure the protection of the natural features of the land while allowing for low impact use by the retreat participants. We also have discussed the development of a management plan that would guide restoration activities on the land, including invasive species removal and tree thinning to improve forest structure and diversity. The management plan would be referred to in the covenant and would need to be approved by the covenant holders. Management activities could be carried out by Crystal Mountain and its retreatants as long as they follow the approved plan. The restrictions in the covenant are still under negotiation, but will restrict development of any new trails or improvements, disturbance of soil or rock, and removal of native vegetation (except as prescribed in management plan).” – June 24, 2016

In addition, staff recommend registering an additional s. 219 covenant on the property if such a covenant could further restrict the use of the land for non-profit societies only.

Correspondence:

All correspondence received by the LTC will be posted on the LTC's [Current Applications - correspondence](#) webpage.

Community Information Meeting:

No formal community consultation for this application has taken place at this time. A Community Information Meeting (CIM) often takes place in advance of a public hearing in order to provide the public with an opportunity to ask questions regarding the application and for any changes to be incorporated in the proposed bylaws. Staff recommend scheduling a Community Information Meeting (CIM) to provide an opportunity to present and discuss the draft bylaws, draft conservation covenant, and finalized applicant proposal (community benefit). The CIM would be scheduled as a Special Meeting once the conservation covenant is drafted and all requested information from the applicant is received.

Options:

The LTC should consider the following options:

1. request staff to schedule a community information meeting, contingent upon draft covenants being prepared ; OR
2. request staff make further changes to the draft bylaws; OR
3. resolve to proceed no further with application.;

Staff recommends scheduling a CIM for the fall 2016 to present the draft bylaws, the conservation covenant, and the applicant's finalized application with comments on community benefit.

RECOMMENDATIONS:

1. THAT the Galiano Island Local Trust Committee request staff to schedule a Community Information Meeting for GL-RZ-2014.1 (Crystal Mountain) in order to present draft bylaws, the draft conservation covenant, and the finalized application proposal.

Prepared and Submitted by:



Kim Stockdill
A/Planner 2

June 22, 2016

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

June 23, 2016

Date

1. Draft OCP Amendment Bylaw No. 256
2. Draft LUB Amendment Bylaw No. 257
3. Updated applicant site plan

GALIANO ISLAND LOCAL TRUST COMMITTEE

DRAFT

BYLAW NO. 256

**A BYLAW TO AMEND THE GALIANO ISLAND
OFFICIAL COMMUNITY PLAN BYLAW NO. 108, 1995**

WHEREAS the Galiano Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Galiano Island Local Trust Area, pursuant to the Islands Trust Act;

AND WHEREAS Section 29 of the *Islands Trust Act* gives the Galiano Island Local Trust Committee the same power and authority of a Regional District under Part 14, except sections 558 to 570 and 507 to 508, of the *Local Government Act*;

AND WHEREAS the Galiano Island Local Trust Committee wishes to amend the Galiano Island Official Community Plan Bylaw No. 108, 1995;

AND WHEREAS the Galiano Island Local Trust Committee has held a Public Hearing;

NOW THEREFORE the Galiano Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2016".

2. SCHEDULES

Galiano Island Official Community Plan No. 108, 1995 is amended as shown on Schedule 1, 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 day of , 20.

PUBLIC HEARING HELD this day of , 20.

READ A SECOND TIME 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 OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT this day of , 20.

ADOPTED this day of , 20.

SECRETARY

CHAIRPERSON

DRAFT

GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 256
SCHEDULE 1

A. Bylaw No. 108, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995” is amended as follows:

1. Section II, Subsection 4.3 (Health and Wellness Facilities) is deleted and replaced with:

“4.3 Health and Wellness

Health and Wellness Objective

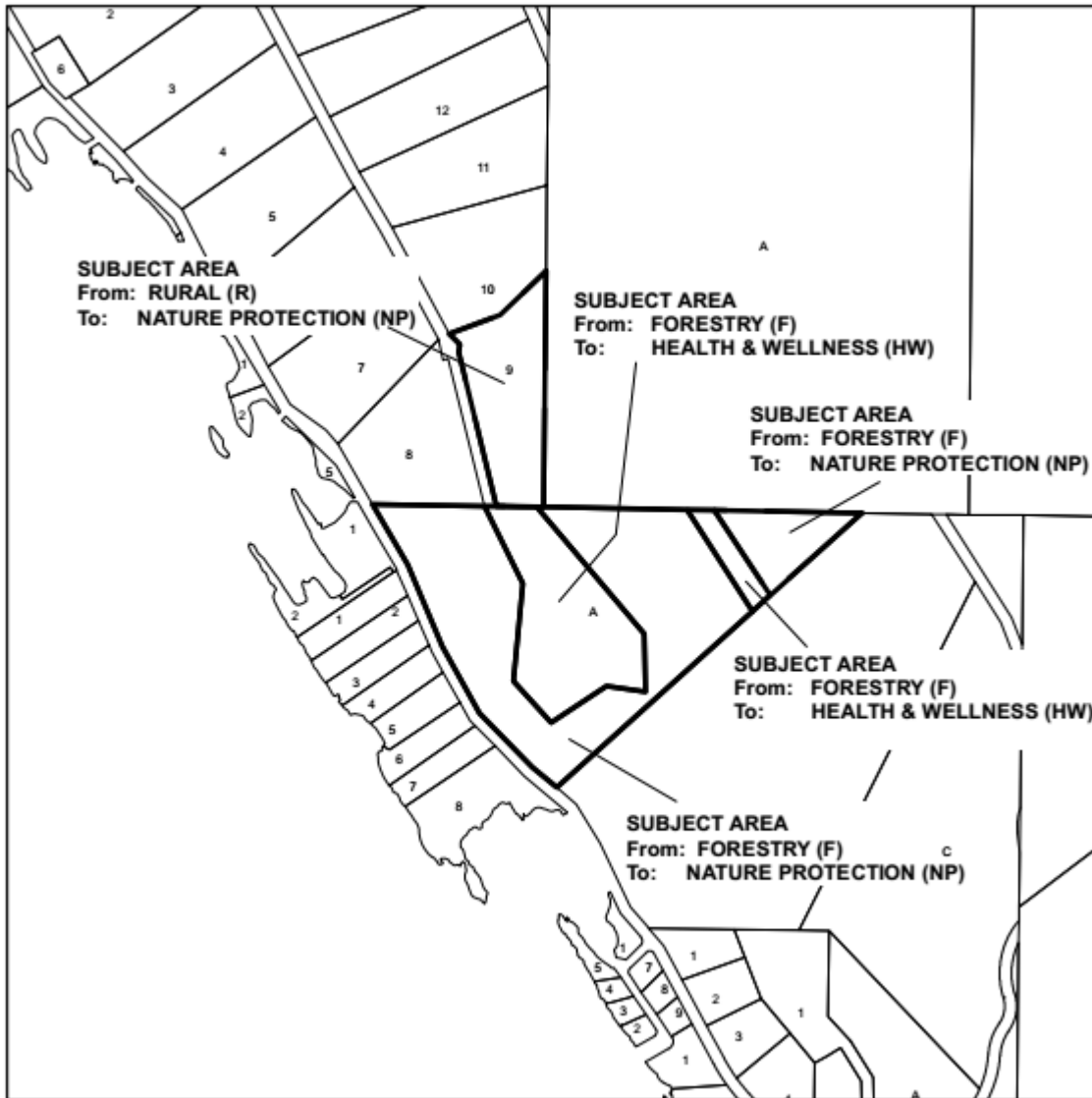
The objective of this subsection is:

1) to encourage health and wellness facilities that enhance the health of residents and visitors and that do not adversely affect the natural environment.

Health and Wellness Policies

- a) The principal use shall be health and wellness including comprehensive spiritual retreat use.
- b) Zoning for any health and wellness use, including comprehensive spiritual retreat, shall be considered on a site specific basis.
- c) Zoning for comprehensive spiritual retreat use:
 - i) shall only be permitted for non-profit organizations.
 - ii) shall not support, provide, or permit, at any time, commercial use including nature related tourism or visitor accommodation.
 - iii) shall restrict the number of buildings and structures and maximum floor area.
 - iv) Shall regulate the location of buildings and structures to minimize their impact on sensitive ecosystems.

2) Schedule B (Land Use Designation) is amended for the lands legally described as Lot 9, District Lot 90, Galiano Island, Cowichan District, Plan 31200 and Lot A, District Lots 88 and 89, Galiano Island, Cowichan District, Plan VIP68079 as depicted in the map below.



DRAFT

GREEN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 257

A BYLAW TO AMEND GALIANO ISLAND LAND USE BYLAW 127, 1999

The Green Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Green Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “Galiano Island Land Use Bylaw 127, 1999, Amendment No. 1, 2016”.

2. Galiano Island Local Trust Committee Bylaw No. 257, cited as “Galiano Island Land Use Bylaw 127, 1999,” is amended as follows:

2.1 Inserting the following as a new Section 8.6 following Section 8.5:

“8.6 Crystal Mountain Comprehensive Development One (CD1) Zone

Permitted Uses

8.6.1 In the Crystal Mountain Comprehensive Development One Zone (CD1), the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Parts 2 and 3, and all other uses are prohibited:

8.6.1.1 comprehensive spiritual retreat

8.6.1.2 sleeping huts

8.6.1.3 dwelling unit accessory to the comprehensive spiritual retreat use for the use of a caretaker:

Permitted Density

8.6.2 The following are only permitted to be located in the area designated as Area A on Schedule D – Plan 6:

8.6.2.1 26 sleeping huts with a maximum floor area of 15 square metres;

8.6.2.2 one meditation hall restricted to meditation use only with a maximum floor area of 125 square metres;

8.6.2.3 one dining/kitchen building with a maximum floor area of 125 square metres;

8.6.2.4 one bathing and laundry building not exceeding a floor area of 70 square metres;

8.6.2.5 accessory structures not exceeding a total maximum floor area of 20 square metres;

8.6.2.6 one workshop not exceeding a floor area of 130 square metres;

8.6.2.7 one accessory storage structure with a maximum floor area 70 square metres; and

8.6.2.8 one accessory dwelling unit with a maximum floor area of 100 square metres.

8.6.3 The following are only permitted to be located in the area designated as Area B on Schedule D – Plan 6:

8.6.3.1 4 sleeping huts with a maximum floor area of 15 square metres;

8.6.3.2 one dining/kitchen building with a maximum floor area of 35 square metres; and

8.6.3.3 accessory structures not exceeding a total maximum floor area of 10 square metres.

Permitted Height

8.6.4 No building or structure for a use permitted in this section may exceed 9 metres in height.

8.6.5 No sleeping hut, or accessory building or structures may exceed 5 metres in height or one-storey, except an accessory dwelling unit must not exceed 9 metres.

Minimum Setbacks

8.6.6 All buildings and structures must be sited

8.6.6.1 at least 7.5 metres from front and rear lot lines; and

8.6.6.2 at least 6.0 metres from an interior and exterior side lot lines.

Minimum Lot Size

8.6.7 No lot having an area less than 20 hectares may be created by subdivision.

Parking

8.6.8 Despite Section 14.1, the minimum number of off-street parking spaces is as follows:

8.6.8.1 1 parking space per 3 sleeping huts. “

2.2 Section 17 (Definitions) is amended by inserting the following as new definitions in alphabetical order and subsequent subsections are re-numbered accordingly:

“comprehensive spiritual retreat” means a facility that provides contemplative, spiritual or meditative opportunities for visitors and accommodation solely for participants in the retreat in the form of sleeping huts. For certainty a comprehensive spiritual retreat shall not be used as a comprehensive resort, resort, inn, visitor accommodation cottage, visitor accommodation room, visitor accommodation unit, short term vacation rentals, bed and breakfast, or any other form of accommodation for the travelling public and shall not provide for restaurant or other forms of food supply to the general public.

“sleeping hut” means a hut that provides for the sleeping, shelter and contemplative, spiritual or meditative opportunities for a participant in a comprehensive spiritual retreat.

2.3 Schedule “A” – Zoning Map, is amended by changing the zoning classification of Lot 9, District Lot 90, Galiano Island, Cowichan District, Plan 31200 from Rural 2 (R2) to Nature Protection (NP), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “1” to Bylaw No. 257 as are required to effect this change.

2.4 Schedule “A” – Zoning Map, is amended by changing the zoning classification of Lot A, Districts Lots 88 and 89, Galiano Island, Plan VIP68079 from Forest 1 (F1) to Crystal Mountain Comprehensive Development One (CD1) and to Nature Protection (NP), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “1” to Bylaw No. 257 as are required to effect this change.

2.5 Schedule D is amended by inserting the plan attached to and forming part of this bylaw as Plan No. 2 as a new “Plan 6”.

READ A FIRST TIME THIS _____ DAY OF _____ 20____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A SECOND TIME 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____

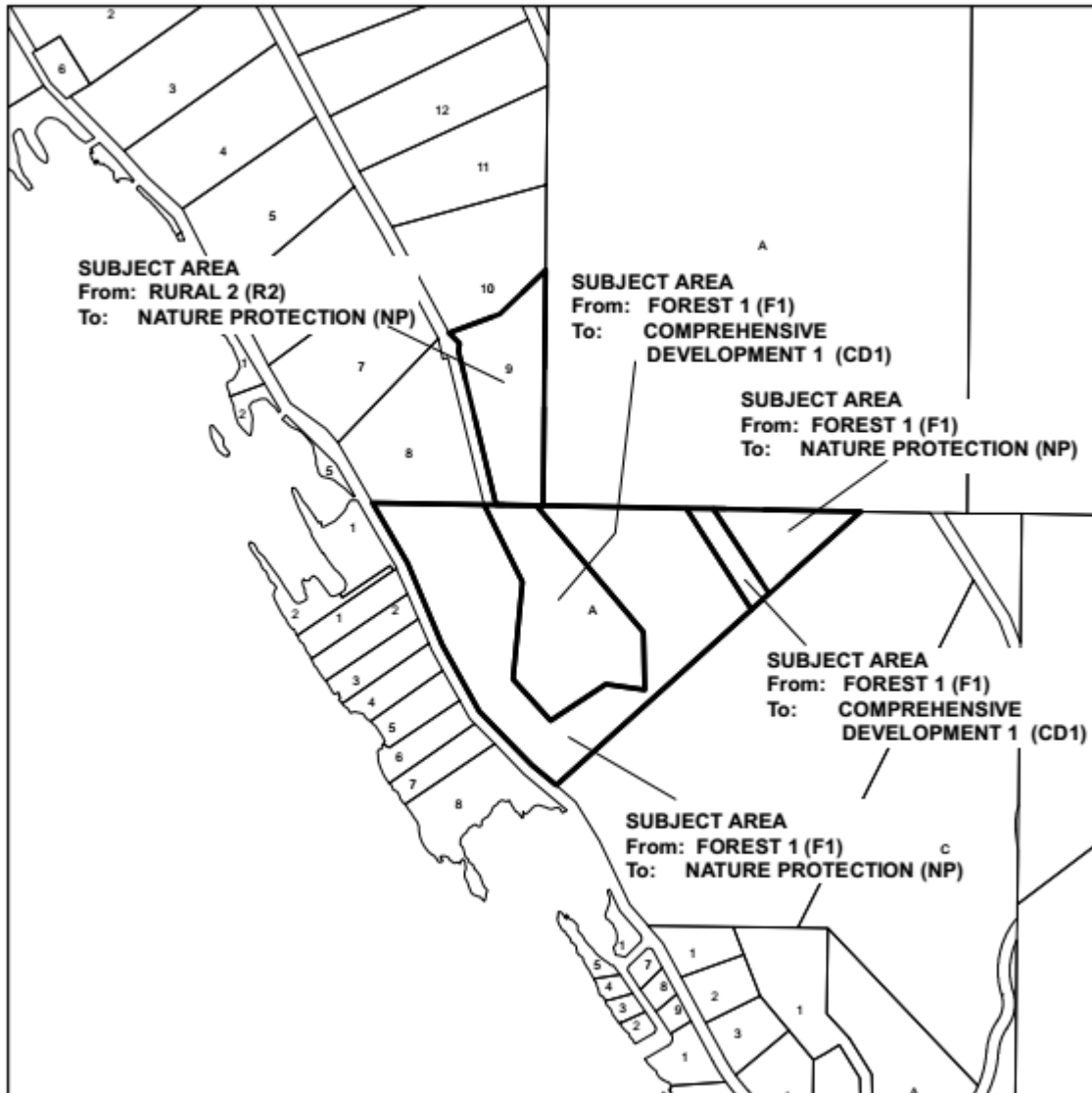
ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

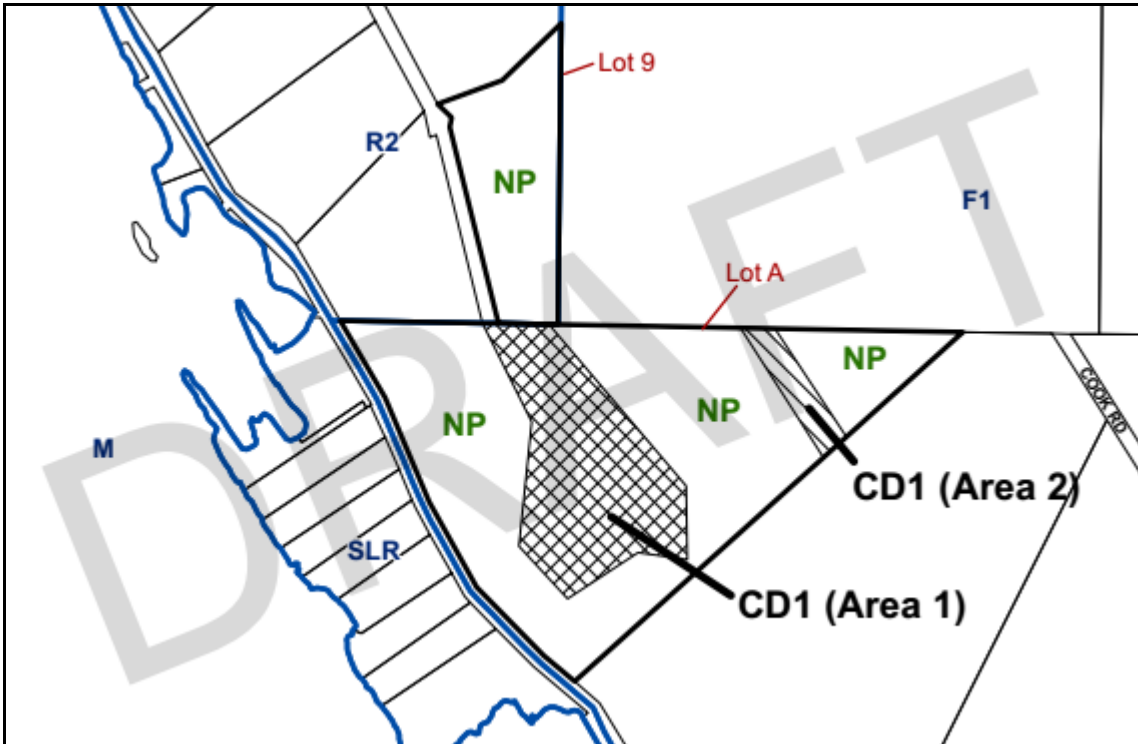
GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 257

Plan No. 1



GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 257

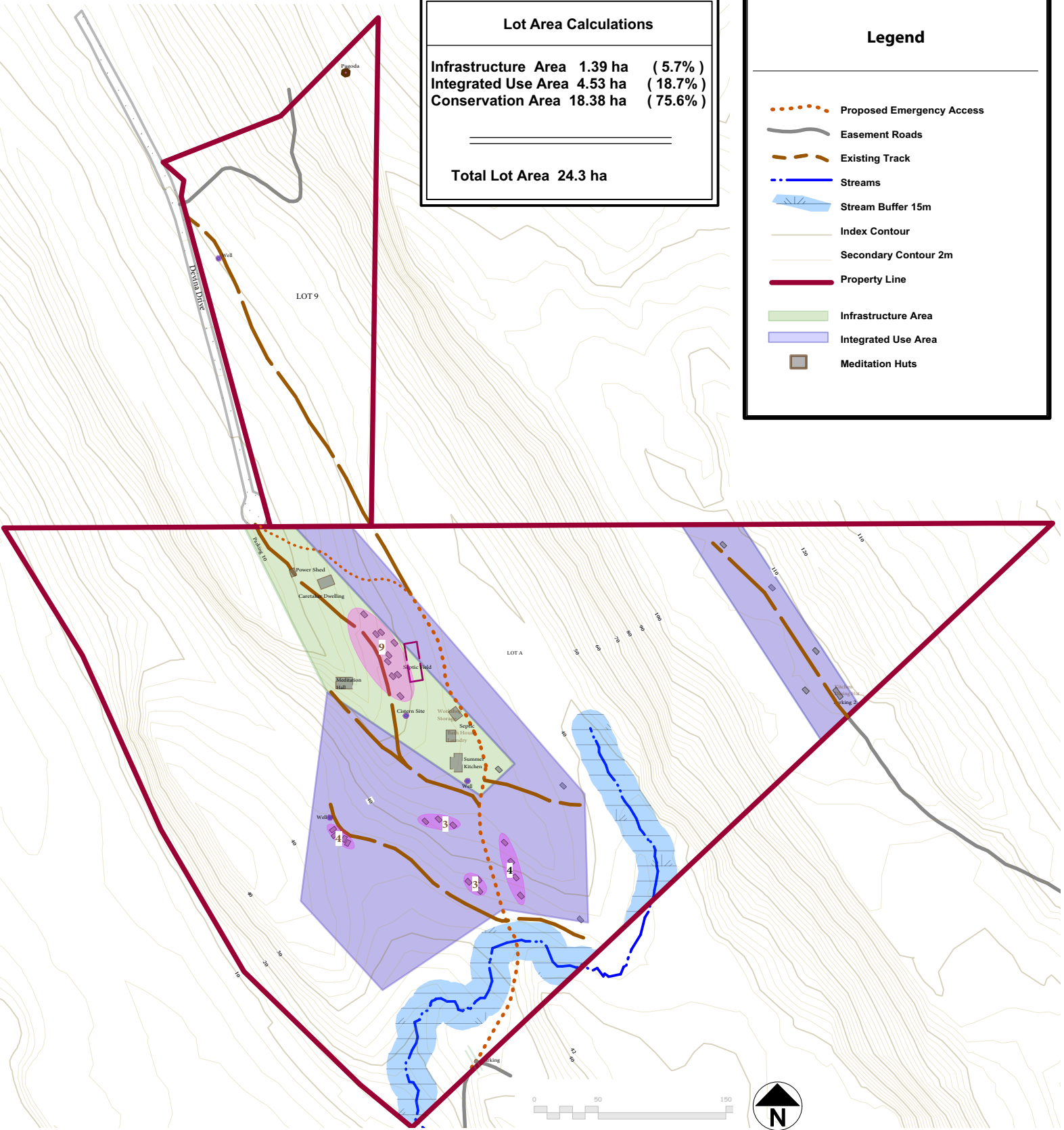
Plan No. 2



Lot Area Calculations		
Infrastructure Area	1.39 ha	(5.7%)
Integrated Use Area	4.53 ha	(18.7%)
Conservation Area	18.38 ha	(75.6%)
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Total Lot Area	24.3 ha	

Legend

- Proposed Emergency Access
- Easement Roads
- Existing Track
- Streams
- Stream Buffer 15m
- Index Contour
- Secondary Contour 2m
- Property Line
- Infrastructure Area
- Integrated Use Area
- Meditation Huts



*Crystal Mountain -
A Society for Eastern and Western Studies*

Site Plan 1:4000m
June 24, 2016