



COMMUNITY INFORMATION MEETING

REZONING APPLICATION GL-RZ-2014.1
(CRYSTAL MOUNTAIN SOCIETY)

Galiano Island Local Trust Committee

June 14, 2021

CIM AGENDA

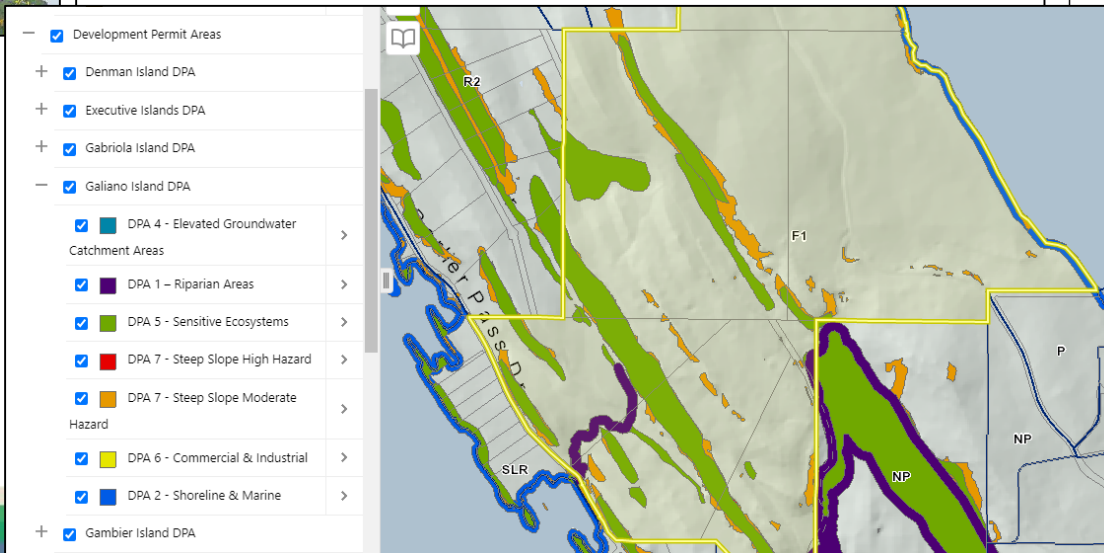
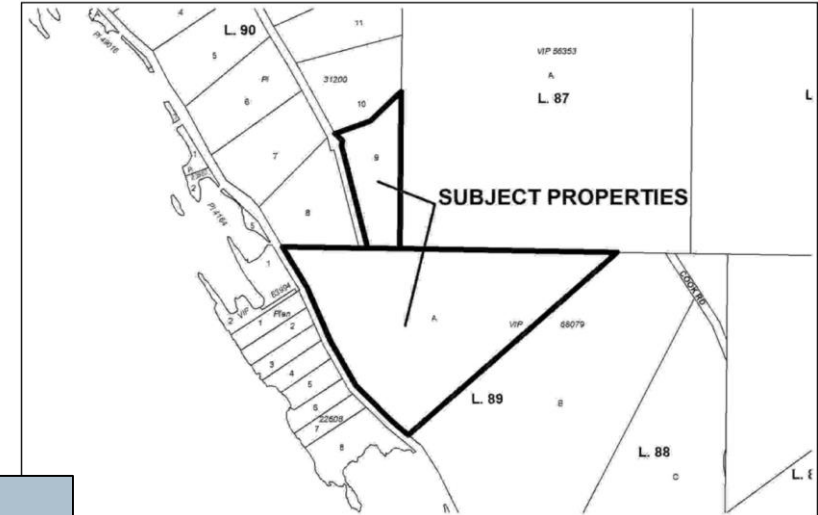
- Rezoning Process Overview and Summary of Draft Bylaws 256 & 257 - Staff
- Proposal Summary and Current Status – Crystal Mountain Society
- Questions and Answers



SITE CONTEXT



- 2 lots: District Lot (DL) Lot 90 Lot 9 and DL 88 & 89 Lot A
- Lot A zoned Forest 1 (F1) – only uses permitted in the F1 zone are timber harvesting/accessory forestry uses
- Lot 9 zoned Rural 2 (R2) would allow up for two dwellings with accessory cottages
- Both lots are owned by the Crystal Mountain Society
- DL A – 20.5 ha DL 9 - 4.05 ha – Total 24.55 ha



APPLICATION HISTORY



- **Current rezoning application ongoing since 2014**
 - 1st considered by this LTC in October 2020
 - Considered again by LTC in April 2021
- **Draft amending bylaws 256 and 257 first received by LTC in 2015**
- **2017 – LTC of the day resolved to accept 75% land transfer to Islands Trust Conservancy vs 100% covenant approach**
 - This followed extensive negotiation and community engagement by applicant
- **Focus of today's CIM is to present information and answer questions**

REZONING OVERVIEW



- Provincial legislation authorizes local governments to:
 - Adopt and amend Official Community Plans
 - Establish zoning through land use bylaws
- Rezoning processes are typically application driven
 - Final decision made by Local Trust Committee
 - In this case, OCP amendments are needed, so provincial approval would also be required
- A Public Hearing would be required prior to 3rd reading of the bylaws
- Currently the amending bylaws are only in draft form
- NO decisions have been made re: 1st and 2nd reading or a Public Hearing.

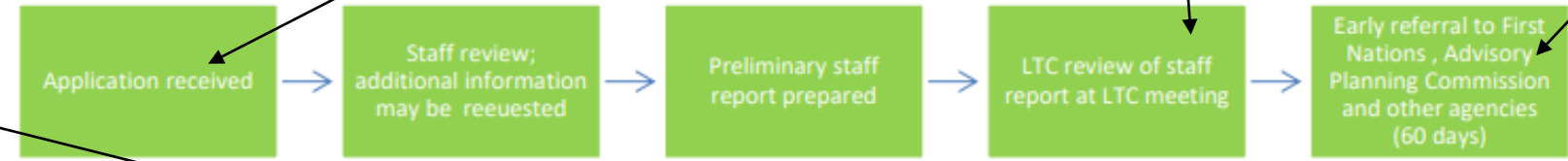
REZONING STATUS



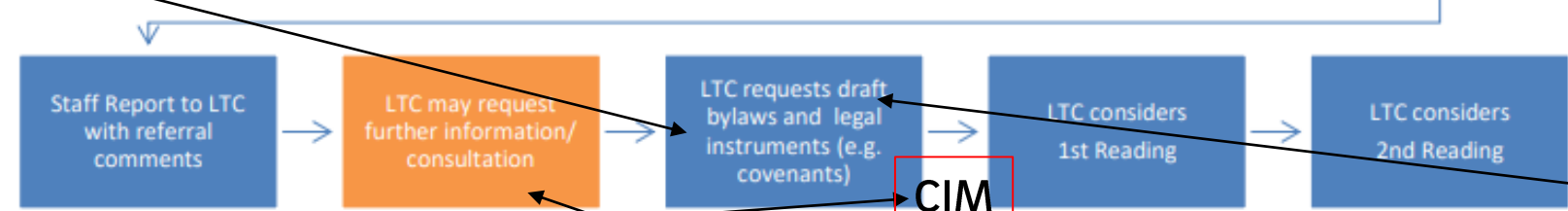
Updated application presented to this LTC via staff reports at Oct 5, 2020 and Apr 12, 2021 meetings

Application submitted in 2014

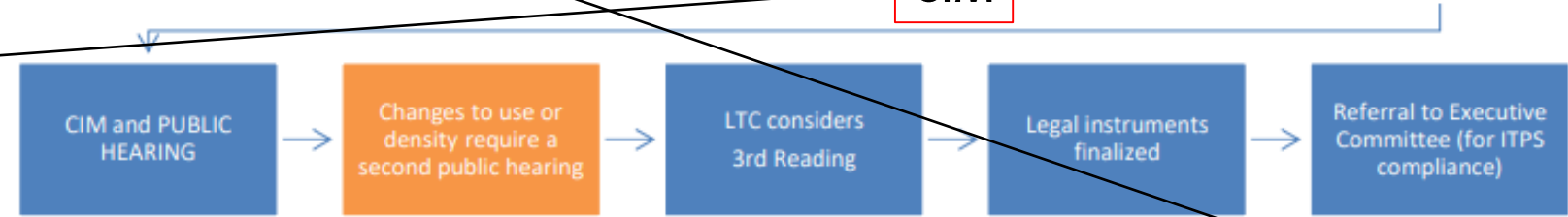
Amending of bylaws Requested by LTC Oct 5, 2020, Draft Bylaws 256 and 257 received by LTC Apr 12, 2021



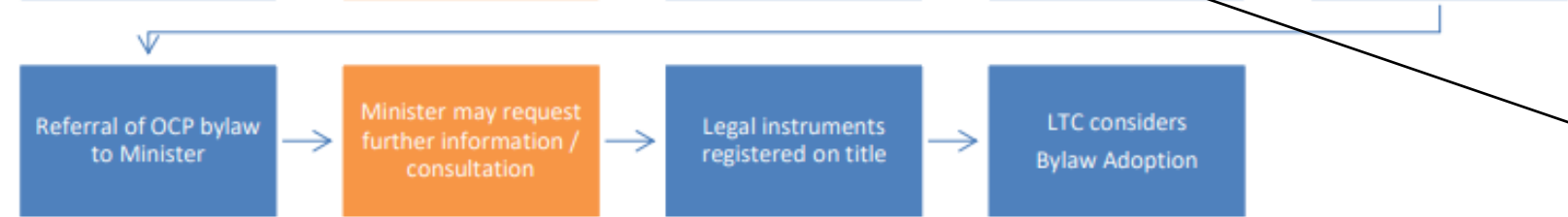
- APC, Agency and First Nations referrals underway



LTA S. 219 Covenant requirements may include site plan layout, water storage, upper lot proof of water condition etc.



2nd CIM added to process prior to LTC consideration of 1st reading of bylaws



LTC has directed applicant to develop water management plan, update ecological impact assessment, provide revised site plan

CIM

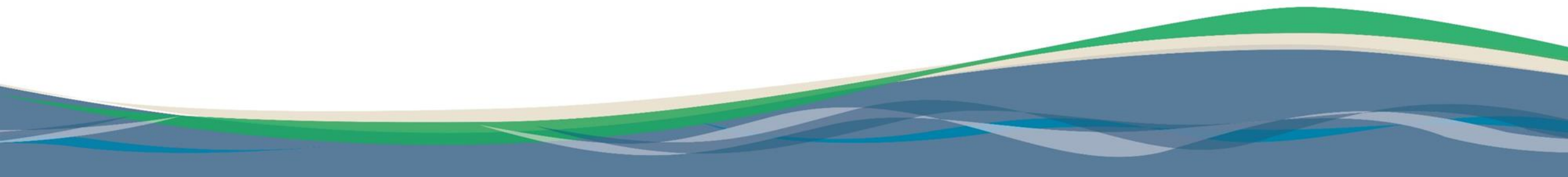
DECISIONS BY LTC – POST-2017



At the October 5, 2020 LTC meeting, LTC passed resolutions to:

- Direct staff to prepare amended draft bylaws 256 and 257 based on current CMS proposal;
- Direct staff to include language prohibiting cooking facilities in *huts*;
- Direct the applicant to develop a Water Management Plan including water catchment; and,
- Direct the applicant to update the environmental assessment report for the proposed development.

At the April 12, 2021 LTC meeting, LTC passed resolutions to:

- Receive amended draft Bylaws No. 256 and No. 257 for information and for use in public engagement;
 - Amend draft bylaw to include maximum hut size, tent platform size and lot coverage;
 - Amend Draft Bylaw No. 256 ss. 1 to replace the word “encourage” with the word “allow for”;
 - Require that the applicant include the biologists’ recommendations in a Land Title Act s. 219 covenant
 - Refer draft Bylaws No. 256 and 257 to the Galiano Island APC for comment; and,
 - Schedule a Community Information Meeting.
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OCP AMENDMENT – BYLAW 256



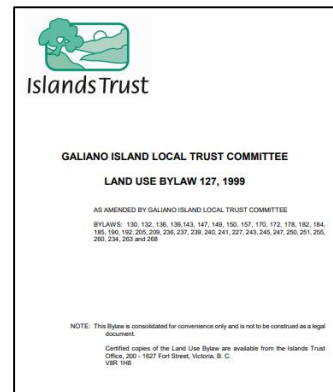
- If adopted as written, draft Bylaw No. 256 would result in:
 - The creation of a new health and wellness section of the OCP with policies specific to spiritual education
 - A 6.14 hectare portion of the two subject properties that are currently designated Rural (Lot 9) and Forestry (Lot A) in the OCP to be re-designated as **Spiritual Education**
 - The remainder of the two subject parcels to be designated as **Nature Protection (18.4 hectares)**.



LUB AMENDMENT – BYLAW 257



- If adopted as written, Bylaw No. 257 would result in:
 - A 6.14 hectare portion of the two subject properties currently zoned Rural 2 (R2 - Lot 9) and Forest 1 (F1 - Lot A) to be re-zoned to - **Crystal Mountain Spiritual Education Retreat (SE1)**
 - The remainder of the two subject parcels to be rezoned to **Nature Protection (NP)**
- The only uses currently permitted in the F1 zone are timber production and accessory forestry uses and residential in the Rural 2 zone. Rezoning to SE1 would allow for the spiritual education retreat on the 6.14 hectare portion retained by CMS
 - Cooking facilities would not be permitted in sleeping huts, just in the two communal kitchens
 - Definitions of *spiritual education retreat*, *sleeping hut* and *tent platform* are included
 - The # of caretaker dwellings, sleeping huts and all other structures would be restricted
- Max height: 9 metres for accessory dwelling and 5 metres for all other structures
- Standard setbacks of 7.5 m (front/rear) and 6.0 m (interior/exterior side lot)



ITC RESOLUTIONS



▪ On May 25, 2021, the Islands Trust Conservancy Board passed the following resolutions:

1. That the Islands Trust Conservancy Board accept the updated approximate lot configuration proposed by the Crystal Mountain Society, subject to staff assessment that adjusted lot boundaries meet ITC conservation goals and policies, based upon a site visit and review of any necessary additional ecological information from the applicant.
2. That the Islands Trust Conservancy Board accept the Crystal Mountain Society proposal to register a Statutory Right of Way across Lot A on the upper ridge, in favour of Islands Trust Conservancy, to provide legal access to the eastern part of Lot A via the legal easement across neighbouring Lots B and C.
3. That the Islands Trust Conservancy Board express support for the Crystal Mountain Society proposal to alter the lot boundaries of Lot 9 and Lot 10, prior to land transfer to Islands Trust Conservancy, to remove the pagoda from the proposed nature reserve, subject to staff assessment that adjusted lot boundaries meet ITC conservation goals and policies, based upon a site visit and review of any necessary additional ecological information from the applicant.
4. That the Islands Trust Conservancy Board request that the Crystal Mountain Society update the Ecological Inventory report and other relevant documents to reflect the proposed boundary changes, prior to transfer of the land.
5. That the Islands Trust Conservancy Board accept the Crystal Mountain Society proposal to register a Statutory Right of Way for emergency access on Lot A in favour of the Capital Regional District prior to subdivision, subject to Crystal Mountain Society's working with ITC staff to develop an appropriate agreement.
6. That the Islands Trust Conservancy Board Chair write a letter to Crystal Mountain Society, indicating that any decisions about trail location and use would be determined through a management planning process.

OTHER LEGAL INSTRUMENTS

Land Title Act Section 219 Covenant – charge secured against title

- Can be broadly applied to regulate the use of land or the construction of structures
- E.g. LTC could mandate that water storage infrastructure be installed prior to completion of dwellings and that development follow proposed site plan layout requirements
- LTC has already resolved that environmental assessment recommendations be included in covenant

Development Permit Areas

- The OCP requires that a Development Permit be issued for all subdivision of land where DPA 1 – Riparian and DPA 5 – Sensitive Habitat polygons are present
- Both of these DPA types exist on the CMS parcels
- Any future development within DPA areas may also require additional permits with respect to siting, mitigation of construction impacts etc.



OTHER APPROVALS AND AUTHORIZATIONS



- Other approvals required for the project to proceed include:
 - Issuance of a water license from the Ministry of Forests, Lands, Natural Resource Operations and Rural Development
 - Subdivision approval from province
 - All building permit and wastewater treatment system approvals from the Capital Regional District, Island Health and other applicable authorizing agencies
- LTC could choose to make rezoning subject to subdivision

NEXT STEPS IN REZONING



- Today's CIM will help inform LTC and community and generate additional questions
- Staff will summarize CIM and results of referrals in an upcoming staff report
- Staff will also update Bylaws 256 and 257 to reflect amended proposal from CMS
- Applicant is still required to submit Water Management Plan for staff and LTC to review
- LTC may then be in a position to consider 1st/2nd reading of draft bylaws and scheduling of a Public Hearing