



STAFF REPORT

File No.: GL-RZ-2011.1

November 28, 2011

To: Galiano Island Local Trust Committee
Robert Kojima, RPM
Prepared for the December 12, 2011 LTC Meeting

From: Gary Richardson, Island Planner

Re: Rezoning Application – Lot 1, District Lot 3, Plan 29196, Galiano Island

Owner: Catherine Konantz
Applicant: Galiano Land and Community Housing Trust (GLCHT)
Location: 409 Porlier Pass Road

THE PROPOSAL:

The application is requesting to have a vacant lot rezoned from Agriculture and Rural Residential to Community Facility – Affordable housing to permit up to 20 dwellings for affordable housing purposes. If only the Rural Residential portion is considered for rezoning up to 15 units for affordable housing is being requested.

A staff report dated November 3, 2011 was presented to the Galiano Local Trust Committee (LTC) at its November 14, 2011 business meeting.

The LTC passed the following resolutions at the November 14, 2011 meeting:

Resolution GL-LTC-223-11

It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to prepare draft bylaws that would amend the designation/zoning of the subject property from Rural Residential to an affordable housing zone/designation that allows a residential density not exceeding 15 units.

Resolution GL-LTC-224-11

It was Moved and Seconded that the Galiano Island Local Trust Committee directs staff to report back with recommendations concerning housing agreement and covenant restrictions, potential development permit area designation, community consultation and

a timeline.

This report contains two draft bylaws, 233 (OCP) and 234 (LUB), both are attached for the LTCs consideration.

The report also contains recommendations regarding: housing agreements, covenant restrictions, development permit area designation, community consultation and a proposed timeline.

Draft Bylaws

233 (OCP)

Draft Bylaw 233 amends the Rural Residential portion of the subject property from the Rural Residential designation to the Community Housing designation. This is required so that the proposed LUB amendments are consistent with OCP policy.

234 (LUB)

Draft Bylaw 234 amends the Rural Residential portion of the subject property from the Rural Residential zone to the new Community Housing 1 zone. A new zone was created as there are no existing zones in the LUB that would suit this proposal.

The bylaw restricts the total number of residences to 15 per hectare as 15 units was requested in the application and the Rural Residential portion of the lot is 1 hectare in size. The bylaw also limits the maximum floor area permitted for each dwelling to 180 square metres to ensure there are no very large houses on the 1 ha portion of the lot. Water catchment and storage is also a requirement this will help ensure an adequate supply of potable water.

A 7.5 metre setback is required from all lot lines, this has been put in to allow for a reasonable separation between the residences on the affordable housing property and the surrounding lots.

Section 2.17 of the LUB is amended by this bylaw to allow for residences to be constructed closer than 15 metres of the Agricultural zone.

A minimum lot size for subdivision of 10 hectares was put in the bylaw. This will ensure this lot is not subdivided.

Housing Agreements

Section 905 of the *Local Government Act* gives local governments the authority to enter into housing agreements. Housing agreements are used as section 905 allows conditions that are beyond the scope of 219 covenants and zoning powers. The conditions can include: form and tenure of the units; their availability to classes of

persons identified in the agreements; the administration of the units including the means by which they will be made available to their intended occupants; and rent, lease, share or sale prices of the units and the rates at which these may be increased over time. The conditions in housing agreements are put in place to ensure the housing is used for its intended purpose, in perpetuity.

Housing agreements can range from simple to complex. Examples of housing agreements in the Islands Trust area from Mayne, Saltspring and Mayne are being provided under separate cover.

Administering housing agreements is required to ensure affordability is maintained. Resources are required for the administration of housing agreements. The Islands Trust does not have sufficient staff to administer and enforce housing agreements, nor the authority to create corporations or societies to administer housing agreements. The LTC may enter into separate agreements with other local governments, such as the CRD, to administer housing agreements on the LTC's behalf.

It is recommend that staff work with Galiano Land and Community Trust (GLCHT) to determine the type of housing agreement that will be most suitable for all parties involved that ensures the long-term affordability of the housing.

It is also recommended that staff meet with the CRD to determine if there is an appetite to administer a housing agreement on Galiano Island.

It should also be noted that housing agreements are adopted by bylaw and are therefore subject to the same process as adopting a land use bylaw.

The timeline on this is difficult to estimate as there are many unknowns; however it will likely take several months to prepare a final draft of a housing agreement. It is recommended that the LTC not adopt OCP and LUB amendments until the housing agreement is finalized.

Covenants

A Section 219 covenant may be required to help ensure that any purchaser is aware of the restrictions contained in the housing agreement. A covenant may also be required for other purposes. The requirement of the covenant can be determined as the process proceeds.

Development Permit area designation

The Local Government Act s 919.1(1)(e) allows development permit areas to be designated for the establishment of objectives for the form and character of intensive residential development.

This type of designation may include requirements respecting the character of the development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

As the proposed buildings will be dwellings similar to any other dwelling on the island it there does not seem to be any obvious benefit to control the form and character of the land and buildings on this property. If concerns about impacts of the proposed development arise during public consultation that could be effectively addressed through designation of a DPA the LTC may want to revisit the need for a development permit designation. Staff would provide options and recommendations with respect to DPA objectives and guidelines at that time.

Community Consultation

Staff is recommending at least two opportunities for community consultation. The first consisting of a meeting where GLCHT presents the proposal without having the housing agreement finalized. This will give the community an early opportunity to comment on the general concept and provide comments for the LTC and GLCHT to consider when preparing a final housing agreement.

A 2nd community information meeting should be subsequently held once the amending bylaws have been given 1st reading and a housing agreement has been drafted.

Timelines

The table below lists suggested timelines for the implementation of OCP amendments, LUB amendments and the adoption of a housing agreement.

	Dec/11	Jan/12	Feb /12	Mar/12	April/12	May/12	June/12	July/12
draft bylaws 233 (OCP) and 234 (LUB)	1 st reading	refer to agencies and APC				public hearing	executive committee and ministerial approval	LTC to consider final adoption
community information meeting 1			*					
community information meeting 2					*			
housing agreement		- staff to meet with GLCHT - staff to meet with CRD	1 st draft	legal review	final draft 1 st reading refer to agencies	public hearing	executive committee approval	LTC consider final adoption

Options:

1. Proceed no further with the application.
2. Endorse the proposed timeline and proceed accordingly.
3. Provide direction to staff on changes to the draft bylaws and/or the proposed timeline

RECOMMENDATIONS:

1. That the Galiano Island Local Trust Committee endorses the proposed timeline and directs staff to carry out work as outlined in the timeline.
2. That Draft Bylaw 233, cited as “Galiano Island Official Community Plan No.108, 1995, amendment No.15, 2011” be read a 1st time.
3. That Draft Bylaw 234, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No.4, 2011” be read a 1st time.
4. That Draft Bylaw 233 cited as “Galiano Island Official Community Plan No.108, 1995, amendment No.15, 2011” and Draft Bylaw 234 cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No.4, 2011” be forwarded to the Galiano APC.
5. That the Galiano Island Local Trust Committee directs staff to arrange a public hearing for Draft Bylaw 233 cited as “Galiano Island Official Community Plan No.108, 1995, amendment No.15, 2011” and Draft Bylaw 234 cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No.4, 2011”.

Prepared and Submitted by:

Gary Richardson

November 28, 2011

Date

Concurred in by:

Robert Kojima

November 30, 2011

Date

DRAFT

GALIANO ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 233

**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 26, except sections 932 to 937 and 939, 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. 15, 2011.”

2. SCHEDULES

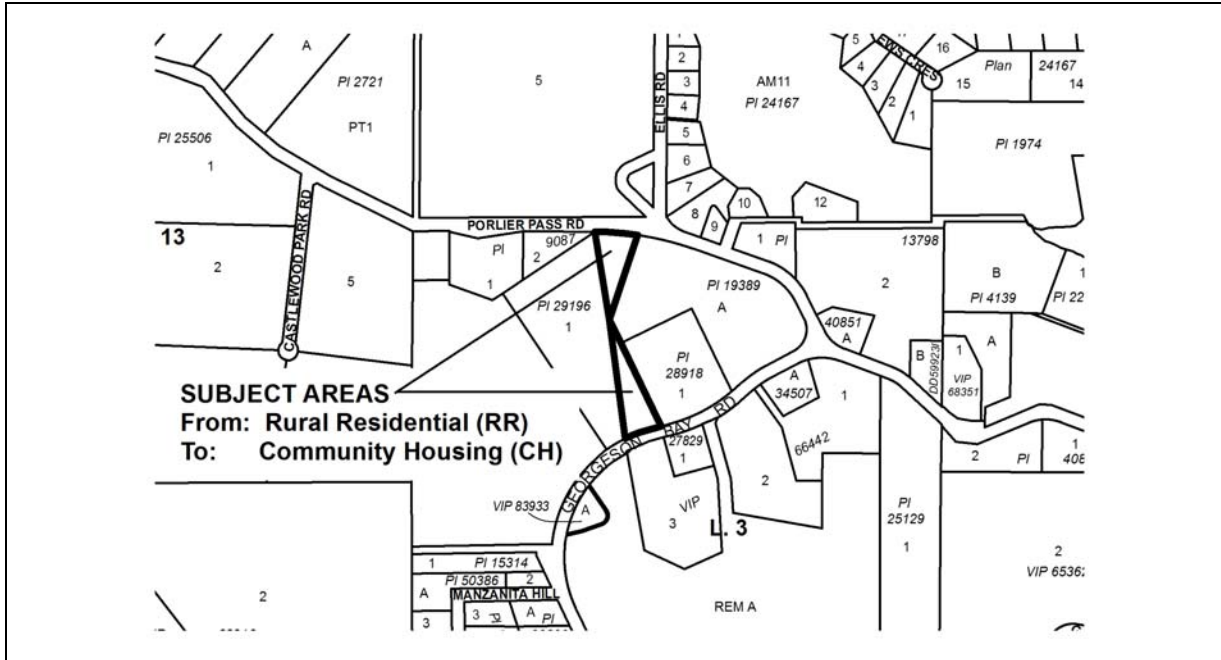
Galiano Island Official Community Plan No. 108, 1995 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

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.

**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 233
SCHEDULE 1**

1. Schedule B (Land Use Designations) is amended for a portion of the lands legally described Lot 1, District Lot 3, Galiano Island, Cowichan District, Plan VIP29196 as depicted on the map below.



A BYLAW TO AMEND GALIANO ISLAND LAND USE BYLAW NO. 127, 1999

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

1. Bylaw No. 127, cited as “Galiano Island Land Use Bylaw No. 127, 1999” is amended as follows:

- a) By amending section 2.17 by adding the words “This setback does not apply to buildings and structures in the Community Housing 1 zone” immediately following the words “of the Agricultural (AG) zone.”.
- b) By adding “Community Housing 1 (CH1)” in Section 4.1 after “Health and Wellness (HW)”.
- c) By adding the following after Section 8.5:

“8.6 Community Housing 1 – CH1

Permitted Uses

8.6.1 In the Community Housing 1 zone 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 Dwellings for the provision of affordable housing.

Permitted Density

8.5.4 The density of development must not exceed 15 dwellings per hectare.

8.5.5 Maximum floor area of a residence must not exceed 180 square metres.

Permitted Height

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

Minimum Setbacks

8.5.7 Buildings and structures must be sited at least 7.5 metres from all lot lines.

Minimum Lot Size

8.5.8 No lot having an area less than 10 hectares may be created by subdivision.

- d) Section 13.22 is amended by adding the words “or in an area zoned Community Housing 1” immediately following the words “on Schedule C”.

- e) Map Schedule "B", is amended as follows:
 - (i) By changing the zoning of a portion of the lands legally described as Lot 1, District Lot 3, Plan 29196, Galiano Island, Cowichan District from the Rural Residential - (RR) zone to the Community Housing 1 (CH1) zone as shown on Plan No. 1 which is attached to and forms part of this bylaw.
 - (ii) By adding Community Housing 1 (CH1) to the map legend.

B. This bylaw may be cited for all purposes as the "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 4, 2011".

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

DEPUTY SECRETARY

CHAIRPERSON

**GALIANO ISLAND LOCAL TRUST COMMITTEE
 BYLAW NO. 234
 PLAN NO. 1**

