



File No.: GL-RZ-2014.1 (Crystal Mountain)

DATE OF MEETING: September 7, 2021

TO: Galiano Island Local Trust Committee

FROM: Brad Smith, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager
Kate Emmings, Manager, Islands Trust Conservancy

SUBJECT: Rezoning Application – Public Hearing for Bylaws No. 256 and 257

Applicant: Crystal Mountain Society (CMS)

Location: District Lot (DL) Lot 90 Lot 9 and DL 88 & 89 Lot A, North Galiano Island

RECOMMENDATION

1. That the Galiano Island Local Trust Committee Bylaw No. 256, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2016”, be read a first time.
2. That the Galiano Island Local Trust Committee Bylaw No. 257, cited as “Galiano Island Land Use Bylaw 127, 1999, Amendment No. 1, 2016” be read a first time.
3. That the Galiano Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directive Policies Checklist and determined that proposed Bylaw No. 256 and 257 are not contrary to or at variance with the Islands Trust Policy Statement.
4. That the Galiano Island Local Trust Committee direct staff to schedule a Public Hearing on application GL-RZ-2014.1 (Crystal Mountain).
5. That the Galiano Island Local Trust Committee direct staff to schedule a Community Information Meeting in conjunction with the Public Hearing on application GL-RZ-2014.1 (Crystal Mountain).
6. That the Galiano Island Local Trust Committee direct the applicant to draft a suitably worded Land Title Act Section 219 covenant that reflects the required conditions of rezoning prior to the public hearing.
7. That the Galiano Island Local Trust Committee direct the applicant to register an emergency access right of way that is granted to and acceptable to Capital Regional District prior to the public hearing.

REPORT SUMMARY

The purpose of this report is to provide an update to the Galiano Island Local Trust Committee (LTC) on application GL-RZ-2014.1 (Crystal Mountain), to provide results of referrals, and to seek direction from LTC with respect to the scheduling of a Public Hearing for draft Bylaws No. 256 and 257.

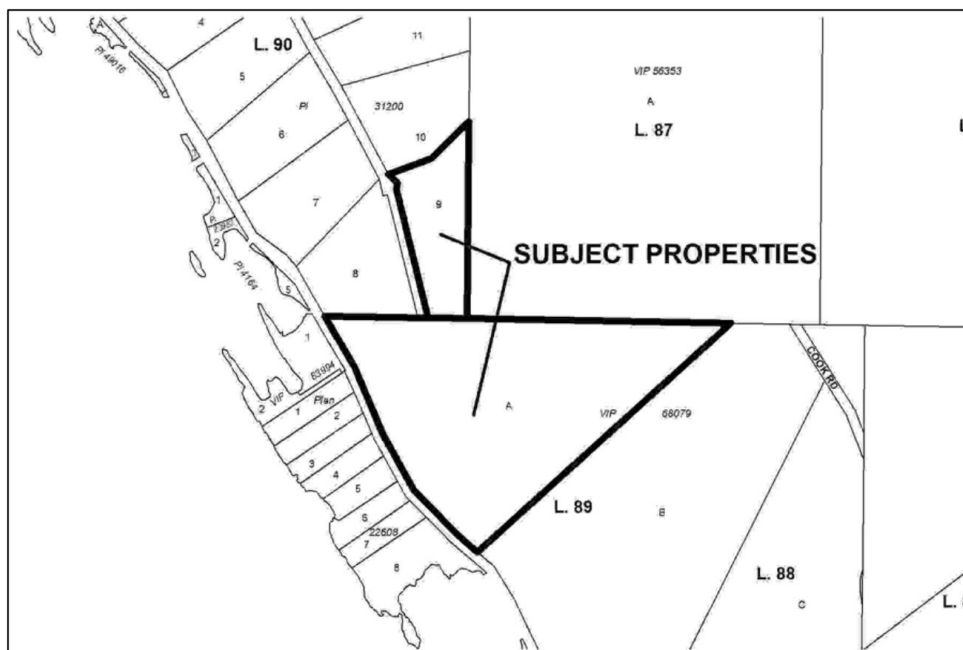
The above recommendations are supported as:

- The applicant has worked diligently to understand community concerns and has revised their proposal substantially to address those concerns including reductions in proposed density and agreement to transfer 75% of the land to a conservation organization;
- Draft Bylaws No. 256 and 257 have now been vetted at a community information meeting (CIM);
- There were no significant concerns raised during the agency/First Nation referral period;
- APC has reviewed the proposal and is generally supportive;
- Proceeding to a public hearing will allow for additional community input;
- A Section 219 covenant will be a required as part of rezoning approval and should be prepared in time for consideration at a public hearing.; and,
- An Emergency Access Right-of-Way (RoW) must be formally established and an agreement to register this RoW should be in place with the Capital Regional District (CRD) prior to the public hearing.

BACKGROUND

This application is to rezone two subject properties (DL Lot 90 Lot 9 and DL 88 & 89 Lot A) on the north end of Galiano Island in order to permit a *spiritual education* land use (Figure 1). Lot 9 is currently zoned Rural 2 (R2) and Lot A is zoned Forest 1 (F1). The rezoning application has been open since 2014.

Figure 1. Subject property map



At the October 2, 2020 LTC meeting LTC directed staff to amend draft Bylaws No. 256 and 257 to reflect the updated CMS proposal, which is based on a 75/25% split with the 75% portion going to the Islands Trust Conservancy (ITC).

At the April 12, 2021 LTC meeting, staff presented amended draft Bylaws No. 256 and 257 and LTC directed staff to undertake a Community Information Meeting, to send the revised application back to the APC for further comment, and to complete agency and First Nation referrals.

These tasks are completed and staff are now seeking further direction from LTC with respect scheduling a Public Hearing for draft Bylaws No. 256 (Attachment 1) and 257 (Attachment 2).

Further background to this application, including previous staff reports, is available on the Islands Trust website: <http://www.islandstrust.bc.ca/islands/local-trust-areas/galiano/current-applications/current-application-documents/>

ANALYSIS

Proposal Amendments – Density Reduction

At the June 9, 2021 CIM, the applicant proposed changes to the overall density of their proposal to now only accommodate up to 22 summer participants and 17 winter participants for overnight stays. Participants would be accommodated within 17 sleeping huts (reduced from 22) and 5 seasonal tent sites (reduced from 8).

These revised numbers are reflected in draft Bylaw No. 257 that is included as Attachment 1 (in track changes).

Lot coverage of all structures in the revised proposed (including tent platforms) = 1.55%.

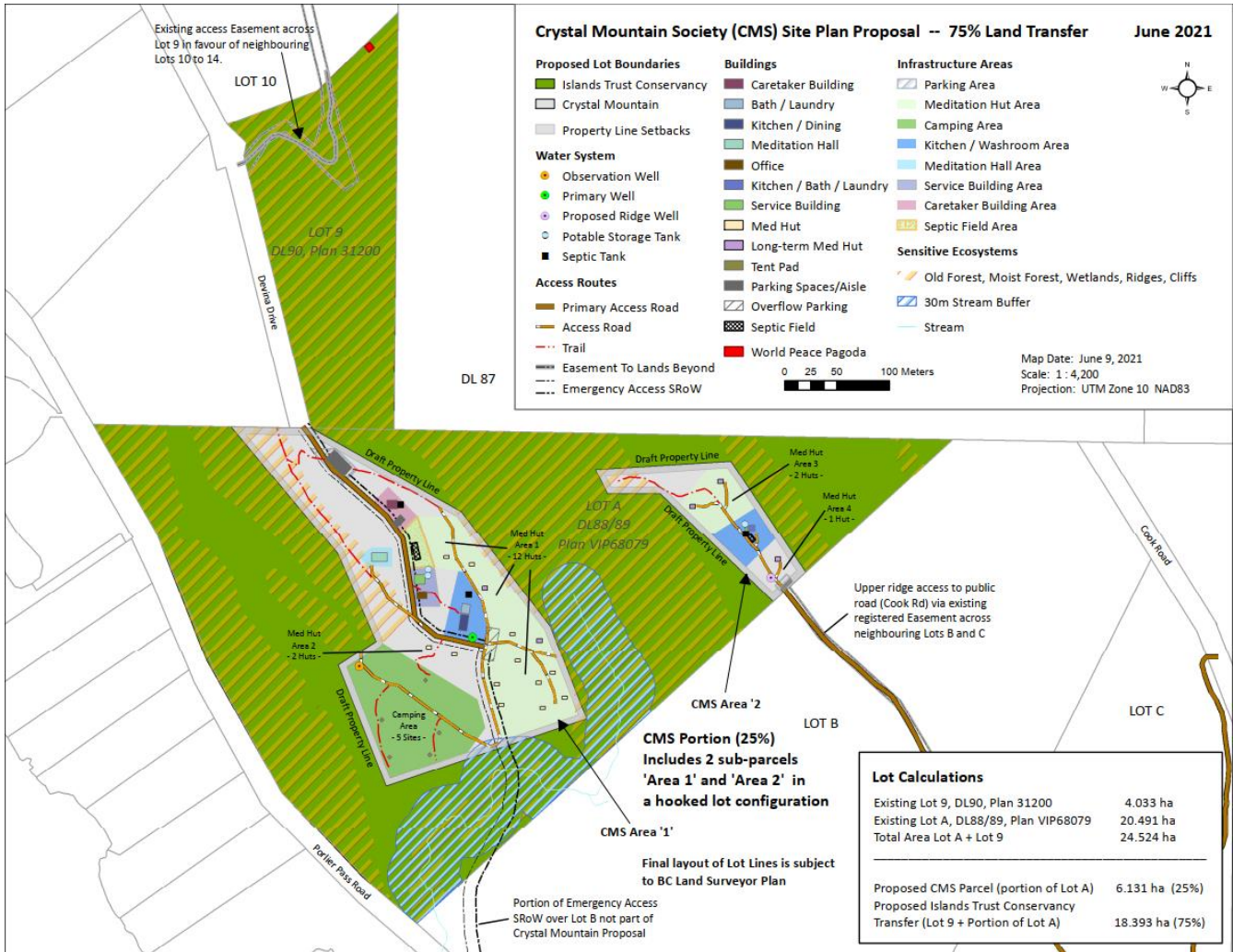
Table 1. List of Structures and Cumulative Lot Coverage

Area	# Structures	Area (m2)	Area (ft2)
LOWER SITE "AREA 1"			
Meditation Hall	1	125	1346
Kitchen / Dining Hall	1	125	1346
Bath / Laundry	1	70	753
Storage / Workshop	1	80	861
Office	1	70	753
Sleeping Hut @21m2/226ft2	2	42	452
Sleeping Hut @15m2/161ft2	12	180	1938
Caretaker Building	1	80	861
Seasonal Tent Platforms @14m2/150ft2	5	70	753
Total Area A	25	842	9063
UPPER RIDGE SITE "AREA 2"			
Kitchen / Bath / Laundry	1	36	388
Storage Building	1	10	108
Sleeping Hut (@21m2/226ft2)	3	63	678
Total Area B	5	109	1173
Total Structures Entire Parcel	30	951	10,237
LOT COVERAGE (based on 6.131 ha. Lot)			1.55%

Table 2. Infrastructure Footprint: Structures, Parking Areas and Sewerage by Infrastructure Area

Infrastructure Area	~Size of area where infrastructure may be sited (ha)	Infrastructure Included	Infrastructure Footprint (m²)
Area 1 Kitchen / Washroom	0.2	Kitchen (125m ²) Bath/Laundry (70m ²) Septic Tank	195
Service Building Area	0.1	Office (70m ²) Storage/Workshop (80m ²)	150
Caretaker Building Area	0.1	Caretaker Bldg (80m ²) Septic Tank	80
Meditation Hall Area	0.05	Meditation hall (125m ²)	125
Septic Field Area	0.1	Primary field (80m ²)	80
Parking Area	0.15	9 spaces/aisle* - Devina (284m ²) 2 spaces/aisle* - caretaker (75m ²) 12 spaces/aisle - overflow (380m ²) 2 spaces/aisle* - upper ridge (75m ²) *includes 1 disability space	814
Meditation Hut Area 1	1.2	10 Sleeping huts @ 15m ² 2 Sleeping huts @ 21m ²	192
Meditation Hut Area 2	0.3	2 Sleeping huts @ 15m ²	30
Camping Area	1.0	5 seasonal tent platforms @ 14m ²	70
Area 2 Kitchen / Washroom / Services (Upper Ridge)	0.2	Kitchen/Bath/Laundry (36m ²) Storage Bldg. (10m ²) Upper ridge field (32m ²)	78
Meditation Hut Area 3 (Upper Ridge)	0.25	2 Sleeping huts @ 21m ²	42
Meditation Hut Area 4 (Upper Ridge)	0.15	1 Sleeping hut @ 21m ²	21
TOTAL	3.8	25 x buildings 5 x seasonal tent platforms 2 x septic fields 25 x parking spaces	881 70 112 814 1,877

The applicant's site plan has been updated to consider these changes (Figure 2 and Attachment 3). A finalized site plan would be included in a Land Title Act Section 219 covenant as a condition of rezoning to ensure the development proceeds as proposed on the land base.



Bylaw 256 – Community Facility versus Economic Activity

Staff have analysed the question of whether the proposed land use is a better fit under the Community Facilities and Utilities or Economic Activity policies section within the Galiano Island Official Community Plan No. 108 (OCP). In general, staff conclude that the current placement under Community Facilities and Utilities is appropriate as:

- The OCP policies under 4.1 -4.3 are not applicable in this case as the newly proposed OCP section 4.4 establishes a new set of land use policies unique to the *spiritual retreat* land use;
- The proposed policies under 4.4 create suitable limits to distinguish the proposed non-commercial land use from the more commercial land uses allowed under the Economic Activity policies;
- In this case, the proposed land use is intended to be conducted on a not-for-profit basis and the proponent is a registered charitable organization;
- Placement under Economic Activity could set a precedent for other applicants seeking increased density on forest lots for similar types of program delivery that may occur on a *for-profit* basis; and,
- The site specific zoning and associated covenants will further restrict land uses specific to the subject property and ensure that densities, building footprints, water, power and other key resources that could enable expansion to a larger commercial enterprise are limited to what is being proposed.

To provide additional assurance that spiritual education land uses are not deemed an economic activity or being sought to generate a profit, staff recommend the following policy (d) be added to draft Bylaw No. 256:

Spiritual Education Policies

- a. The principal use shall be spiritual education including spiritual education retreat use.
- b. Zoning for any spiritual education use, including a spiritual education retreat, shall be considered on a site-specific basis.
- c. Zoning for spiritual education retreat use:
 - i) shall not support, provide, or permit any commercial tourism-oriented use, including nature related tourism or visitor accommodation.
 - ii) shall restrict the number of buildings and structures and maximum floor area to minimize their impact on sensitive ecosystems.
- d. **Spiritual education retreat land use programs should be operated on a non-profit basis.**

Despite the above recommendation from staff, LTC could still decide that the proposed land use is a better fit under Economic Activity and direct staff to propose amendments that would reflect that change.

For clarity and consistency, staff also recommend a minor change to the wording of the Spiritual Education objective in the OCP to replace the word *residents* with *retreat users*, as below:

Spiritual Education Objective

The objective of this subsection is:

- 1) to allow for spiritual education facilities that enhance the knowledge and wellbeing of ~~residents~~ **retreat users** and visitors and that do not adversely affect the natural environment.

An amended draft Bylaw No. 256 showing these changes (in track changes) is included as Attachment 1.

Bylaw 257 – Additional Amendments

Occupancy Limit Provisions

Staff have reviewed the question of whether the proposed LUB amendments are valid with respect to defining *residents* the same as *retreat users* and whether single occupancy limits can be established in the huts and tent platforms. In general, staff conclude that the language proposed in the bylaw is appropriate as:

- Retreat users are distinguishable from permanent residents in that they are paying a program fee that includes food, lodging and program participation for a set duration of time;
- The OCP does not establish or define a permanent resident including what minimum duration of time must pass before a person becomes a permanent resident;
- Unlike a residential land use where residential occupancy limits are not typically limited in a bylaw, limits to the number, duration and housing occupancy for program participants (ie. retreat users) should be enforceable;
- The proposed bylaw definition of *spiritual education retreat* includes a maximum duration of 6 months stay at the facility for any given retreat user to limit the risk of someone living there permanently; and,
- In this case references to *single-occupancy* are confined to the definitions of sleeping hut and tent platform, not explicit in the site-specific zoning itself to ensure that all future ‘sleeping huts’ and ‘tent platforms’ would be restricted to a single-user regardless of location and land use.

To further ensure occupancy is limited to a maximum of 22 overnight retreat users, staff recommend the following addition to the density provisions of draft Bylaw No. 257:

8.6.6 Overnight accommodation for retreat users is not to exceed 17 sleeping huts and 5 tent platforms, nor exceed a total of 22 persons.

This is similar to the approach that is taken for the Environmental Education and Nature Protection Zone (EE/NP) in the LUB to limit overnight density for program participants to 76 in respect of the Millard Learning Centre lands that are owned and operated by the Galiano Conservancy.

Staff also propose other revisions as follows to the *Lot Coverage* section of Bylaw No. 257 with new calculations based on the now reduced number of sleeping structures and to be more consistent with the approach taken for the EE/NP zone lot coverage/density provisions.

Permitted Density

- 8.6.4 Permanent structures are not to exceed a total of 1063 m².**
- 8.6.5 Total lot coverage is not to exceed 1.55 %.**
- 8.6.6 Overnight accommodation for retreat users is not to exceed 17 sleeping huts and 5 tent platforms, nor exceed a total of 22 persons.**
- 8.6.7 Not more than one accessory dwelling is permitted with a maximum floor area of 80 m².**

An amended draft Bylaw No. 257 showing these changes (in track changes) is included as Attachment 2.

Potential Restrictions on Day Use

Staff do not recommend that restrictions on day use be inserted into draft Bylaw No. 257 as:

- There is no other precedent in the LUB that limits the maximum number of daily visitors for any approved land use or property in the Galiano Island Trust Area;
- The intended land use does not consider exceptionally large gatherings nor is there history of this occurring to date; and,
- Bylaw enforcement of day use would be impractical and difficult to administer.

Despite the above recommendation from staff, LTC could still decide to pursue day use limits and direct staff to further explore the legal and other ramifications of this approach.

Islands Trust Policy Statement

Staff have reviewed the application against the Islands Trust Policy Statement and the application is deemed to be not contrary to the policies of the ITPS (Attachment 4).

While there is some inevitable impact of the proposed development, the applicant has been diligent in seeking a proposal that minimizes these impacts and clusters development in less sensitive areas. Further to that, a large majority of the most sensitive habitat features are included in the 75% portion that would be transferred to ITC. Alternative land uses on the forest zoned lot could include clear cut logging which would be far more impactful than the land use being proposed by CMS.

Islands Trust Conservancy- Update on Conditions of Land Transfer

At its May 25, 2021 meeting, the Islands Trust Conservancy Board passed the following resolutions regarding the revised proposal to transfer land to create the Crystal Mountain Nature Reserve on Galiano Island:

ITC-2021-019

It was MOVED and SECONDED, 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.

ITC-2021-020

It was MOVED and SECONDED, 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.

ITC-2021-021

It was MOVED and SECONDED, 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.

ITC-2021-022

It was MOVED and SECONDED, 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.

ITC-2021-023

It was MOVED and SECONDED, 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.

An associated letter from the ITC Board is included as Attachment 5. With respect to trails on the property, the letter states that any decisions about trail locations and use will be determined through a management planning process following land transfer and that ecological impact and public safety will be ITC's primary considerations for location and management of trails.

Subdivision with Hooked Lot Configuration

Subdivision will be completed by the Islands Trust Conservancy under Section 99(1)(h) of the *Land Title Act*. As a designated Crown Agency, the Islands Trust Conservancy does not require Approving Officer signature for a Section 99 subdivision plan.

Crystal Mountain has retained the services of a registered Land Surveyor to complete the subdivision plan. The surveyor has contacted the Deputy Registrar of the Land Title Office (LTO) in regard to the Crystal Mountain proposed subdivision. The Deputy Registrar has confirmed that there are no concerns from the LTO regarding this subdivision plan since the upper portion of the hooked Lot (Area 2) has access to a public road (Cook Road) via registered easement.

Boundary Adjustment for Pagoda

CMS is proposing a boundary adjustment that conveys a small area of Lot 9 that includes the Pagoda to neighbouring Lot 10, and conveys an equal area of Lot 10 that includes wetland ecosystems to Lot 9 (to be owned by ITC). This will relieve ITC of responsibility for managing the Pagoda and will protect additional ecologically valuable lands. The owner of Lot 10 has agreed in principle. ITC has resolved that this is their preferred solution (as above).

Figure 3 shows the proposed boundary adjustment – the orange hash area, currently part of Lot 9, contains the Pagoda and will become part of lot 10. The red hash area, currently part of Lot 10, would become part of the ITC protected area on Lot 9.

Figure 3. Proposed Boundary Adjustment for Pagoda



Water Management Plan Update

A revised water management plan dated July 6, 2021 was submitted by the applicant. This latest draft WMP reflects comments provided by staff on a previous draft version and appears complete in terms of general scope and content. However, staff have not had time yet to provide detailed comments on this draft version.

Detailed comments will be provided shortly to the applicant as time permits and a more finalized WMP will be presented to LTC in a future staff report. LTC may also provide comments at this time on the draft WMP.

Water License Update

Crystal Mountain has been using water from the "Central Well" since July 2000 to support seasonal spiritual education use. As this water use existed prior to February 29th, 2016, when new groundwater regulation was enacted, Crystal Mountain applied for an 'Existing Use' water license. The application was submitted on April 9th, 2021 and is under review.

On August 17, 2021 Crystal Mountain corresponded with Ben Robinson (Senior Water Officer, FLNRO), who stated that applications for 'Existing Use' in our region are not a priority for review and that existing use may continue while they are in the system. He stated that if increased water use is anticipated, Crystal Mountain may submit an application for 'new use'. He stated that Crystal Mountain should make the 'new use' application 2 to 3 years in advance of when the new use is anticipated to occur, and that the "existing use" application will likely remain in the system until then. He stated that applications for "new use" are a higher priority for Ministry staff.

Crystal Mountain anticipates that an increase in use, in accordance with zoning if the application is successful, would not occur for at least several years.

Consultation

Summary of June 12, 2021 Community Information Meeting

A CIM for the rezoning proposal was held electronically via Zoom on June 1, 2021. At the CIM, the Galiano Island Planner provided a summary of the Islands Trust rezoning process and the current status of the application. Draft bylaw No. 256 and 257 were also presented by staff. The applicant then presented details of their proposal including results of updated ecological assessment work, amended site plans and further proposed reductions in density. Professional Hydrogeologist Al Kohut also attended on behalf of the applicant to speak to groundwater assessment completed with respect to the proposal.

Following the presentations, the public was invited to ask of questions of staff, the applicant (including their representatives) and LTC regarding the proposal. A total of 27 members of the public attended the CIM. Minutes from the CIM are provided as Attachment 6.

Results of First Nation and Agency Referrals

The application was referred to the following First Nations:

- Stz'uminus First Nation
- Lake Cowichan First Nation
- Halalt First Nation
- Lyackson First Nation
- Penelakut Tribe
- Semiahmoo First Nation
- Pauquachin First Nation
- Tsartlip First Nation
- Tseycum First Nation
- Cowichan Tribes
- Tsawwassen First Nation
- Tsawout First Nation
- Musqueam Indian Band

Tsawout and Tsawwassen First Nations have responded indicating no concerns with the proposal at this time. Lyackson First Nation has flagged some general concerns regarding a limited capacity to respond to referrals without funding and a lack of clarity on how the proposed zoning will respect traditional ways of being or support traditional cultural practices. Staff, including the Senior Intergovernmental Policy Advisor, will follow up with Lyackson to better understand their concerns and how they might be addressed prior to the scheduling of a public hearing.

The application was referred to the following agencies:

Provincial Agencies

- Ministry of Forests, Lands & Natural Resource Operations – Water Licensing Branch
- Ministry of Municipal Affairs
- Ministry of Transportation and Infrastructure (MOTI)

Adjacent Local Trust Committees

- Mayne Island Local Trust Committee

- Salt Spring Island Local Trust Committee
- Thetis Island Local Trust Committee
- Gambier Island Local Trust Committee

Regional Agencies

- CRD, Planning and Protective Services, Building Inspection
- CRD, Integrated Water Services
- Island Health
- Galiano Island Fire Rescue – North Department

Non-Agency Referrals

- Galiano Trails Society

The four Local Trust Committees responded that their *interests are unaffected by the bylaw*.

MOTI responded recommending approval with no objections to the rezoning. The Galiano Trails Society has provided the following feedback:

The Galiano Trails Society is actively collaborating with other societies and agencies to develop a recreational trail network extending across the entire island and linking residential neighbourhoods with adjacent forest areas. Partners in this program include the Galiano Club, the Galiano Conservancy Association, the Galiano Parks and Recreation Commission, CRD Parks, and BC Parks. The Galiano Trails Society is working closely with BC Parks and owners of key private properties to expand the North Galiano trail network with improved connections between Bodega Ridge and Dionisio Point Provincial Parks. The Crystal Mountain lands are contiguous to District Lot 87, expected to be officially part of Dionisio Point Provincial Park after completion of First Nations consultations presently underway.

Dionisio Point Park is expected to be expanded further and fully unified with a linking parkland corridor along Bodega Beach Drive when presently contemplated rezonings of District Lots 85 and 86 are completed. The Galiano Trails Society has had very friendly conversations with Crystal Mountain and the neighbours on adjacent Lots B and C of District Lots 88 and 89, and is looking forward to collaborative discussions with the Islands Trust Conservancy in its planning of the lands to be donated by Crystal Mountain. We are entirely respectful of landowner prerogatives on their own land, and are happy with the excellent atmosphere for future collaboration in this area of North Galiano.

The Crystal Mountain proposal includes very generous donations of forest land to the Islands Trust Conservancy and substantial funding for management and restoration of that forestland. As the majority of the forest lands in North Galiano are relatively young forest in great need of biodiversity restoration and fuel load reduction work, it is urgent that serious forest restoration investments be mobilized in this and other areas of the island. As such work greatly enhances the recreational aesthetics and wildfire safety of our forests, promotion of these efforts are closely linked to the interests of the Trails Society. The new Galiano EcoForestry Association intends to pursue the educational role previously taken by the Galiano Island Forest Association (GIFA), while expanding this role towards more hands-on initiatives. There will be great opportunities for collaboration with the Islands Trust Conservancy, BC Parks and adjacent North Galiano private landowners.

No other agency responses were received.

APC Referral Report

The APC has provided the LTC a final report, dated August 9, 2021 that provides a summary of conclusions and recommendations with respect to the Crystal Mountain application and the associated bylaws (Attachment 7).

In general, the APC's findings are supportive of the proposal with respect to the proposed land transfer and subdivision, density of use, water supply, concerns of habitat fragmentation, potential precedents on other forest lots and emergency access. APC does provide a few recommendations that should be considered:

- The APC recommends that zoning requirements specify that lot coverage does not exceed 5% of the lot reducing the impact of fragmentation on the overall forest ecosystem. *Note: in Bylaw 257 maximum lot coverage is established at 1.55%*
- A concern was raised for the proximity of the meditation platform to the sensitive ecosystems including arbutus trees - The APC recommends that this be identified as an area of concern and the platform's impact should be evaluated in the longer term.
- An emergency plan could be requested of the applicants and considered a part of the rezoning process.
- The provision of parking spaces does not match requirements in the LUB for accommodations (based on 12 in previous proposal). The APC recognises that insufficient parking may lead to considerable disruption in the neighbourhood with cars parking on the street and that a careful plan must be made to accommodate parking. *Note: the applicant's latest proposal provides for 25 parking spots to address this concern.*

Statutory Requirements

In accordance with regular statutory requirements, a public hearing would be required as part of the bylaw amendment process to rezone the property. Staff are recommending that the application proceed to public hearing at this time.

Should the application proceed to public hearing, public hearing notice would be posted as per statutory and bylaw requirements in advance of any public hearing.

Community Information Meeting

As it is common practice to hold a CIM prior to a public hearing, and a standalone CIM has already been held recently, staff are recommending that a second CIM be scheduled to be held concurrently with a public hearing.

Rationale for Recommendation

Based on the foregoing, the recommendations on page 1 are supported as:

- The applicant has worked diligently to understand community concerns and has revised their proposal substantially to address those concerns including reductions in proposed density and agreement to transfer 75% of the land to a conservation organization;
- Draft Bylaws No. 256 and 257 have now been vetted at a community information meeting (CIM);
- There were no significant concerns raised during the agency/First Nation referral period;
- APC has reviewed the proposal and is generally supportive;
- Proceeding to a public hearing will allow for additional community input;
- A Section 219 covenant will be a required as part of rezoning approval and should be prepared in time for consideration at a public hearing.; and,

- An Emergency Access Right-of-Way (RoW) must be formally established and an agreement to register this RoW should be in place with the Capital Regional District (CRD) prior to the public hearing.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

Resolution:

That the Galiano Island Local Trust Committee request that the applicant submit to the Islands Trust _____.

2. Request additional amendments to draft Bylaw No. 256/257 prior to consideration of next steps.

The LTC may request that additional amendments be made to the existing draft bylaws.

Resolution:

That the Galiano Island Local Trust Committee direct staff to make the following amendments to draft Bylaws No. 256 and 257 _____.

3. Give 1st and 2nd reading prior to a Public Hearing

The LTC may give first and second reading to draft Bylaw No. 256 and 257 prior to a Public Hearing.

Resolutions:

That the Galiano Island Local Trust Committee Bylaw No. 256, cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2016", be read a first time.

That the Galiano Island Local Trust Committee Bylaw No. 257, cited as "Galiano Island Land Use Bylaw 127, 1999, Amendment No. 1, 2016" be read a first time.

4. Hold the application in abeyance

The LTC may choose to hold the application in abeyance pending completion of a significant study or OCP process, etc.

Resolution:

That the Galiano Island Local Trust Committee hold application GL-RZ-2014.1 (Crystal Mountain) in abeyance.

5. Deny the application

The LTC may deny the application.

Resolution:

That the Galiano Island Local Trust Committee proceed no further with application GL-RZ-2014.1 (Crystal Mountain).

NEXT STEPS

With direction from LTC, staff will:

- Provide detailed comments to applicant on draft Water Management Plan
- Develop draft s. 219 covenant for consideration of approval by LTC
- Schedule a public hearing including the completion of statutory notifications.

Submitted By:	Brad Smith, Island Planner	August 30, 2021
Concurrence:	Robert Kojima, RPM	August 31, 2021

ATTACHMENTS

- Attachment 1. Draft Bylaw No. 256 with proposed amendments in Track Changes
- Attachment 2. Draft Bylaw No. 257 with proposed amendments in Track Changes
- Attachment 3. Amended Site Plan – June 2021
- Attachment 4. Islands Trust Policy Statement
- Attachment 5. ITC Board Letter
- Attachment 6. CIM Minutes
- Attachment 7. APC Final Report

DRAFT

GALIANO ISLAND LOCAL TRUST COMMITTEE
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 MUNICIPAL AFFAIRS AND HOUSING THIS DAY OF , 20__

ADOPTED THIS DAY OF , 20__

SECRETARY

CHAIRPERSON

**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. A new subsection 4.4 is inserted as follows in Section II (Community Facilities and Utilities), after Subsection 4.3 (Health and Wellness Facilities) and preceding Subsection 5 (Economic Activity).

“4.4 Spiritual Education

Spiritual Education Objective

The objective of this subsection is:

- 1) to allow for spiritual education facilities that enhance the knowledge and wellbeing of ~~residents~~ retreat users and visitors and that do not adversely affect the natural environment.

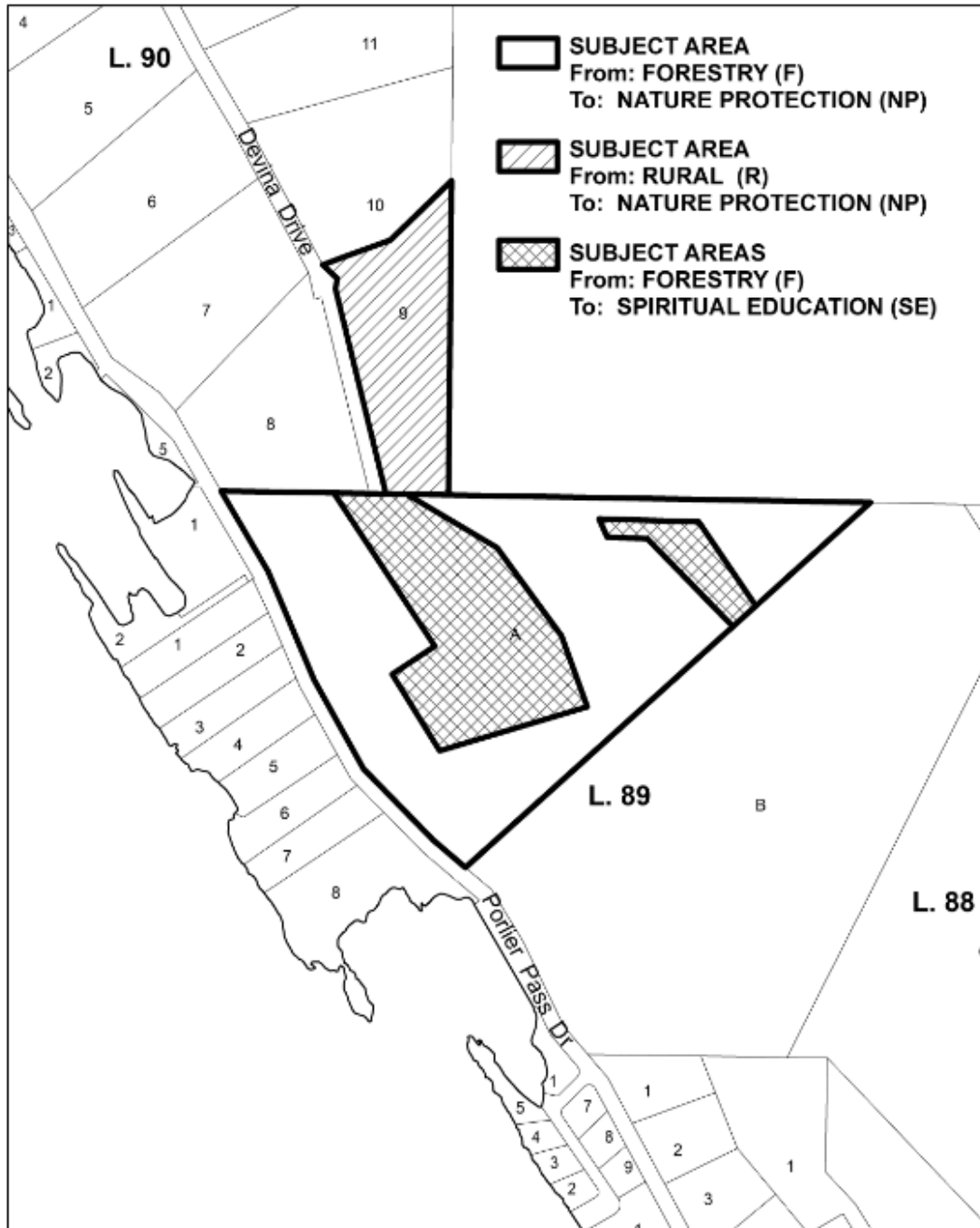
Spiritual Education Policies

- a. The principal use shall be spiritual education including spiritual education retreat use.
- b. Zoning for any spiritual education use, including a spiritual education retreat, shall be considered on a site-specific basis.
- c. Zoning for spiritual education retreat use:
 - i) shall not support, provide, or permit any commercial tourism-oriented use, including nature related tourism or visitor accommodation.
 - ii) shall restrict the number of buildings and structures and maximum floor area to minimize their impact on sensitive ecosystems.
- d. Spiritual education retreat use programs should be delivered on a non-profit basis.

2. Schedule B (Land Use Designations) 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 Plan 1 below.

GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 256

PLAN 1



DRAFT

GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 257

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

The Galiano Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Galiano 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 Land Use Bylaw 127, 1999, is amended as follows:

2.1 Part 4 (Creation and Extension of Zones) Section 4.1 is amended by:

- 1) inserting a new zone in Column 1 named “Crystal Mountain Spiritual Education Retreat” directly below ‘Community Housing 1’ and directly above ‘Utility Service’
- 2) Inserting a new zone abbreviation in Column 2 named “(SE1)” directly below ‘(CH1)’ and directly above ‘(U)’

2.2 The following is inserted after section 8.6, as a new Section 8.7:

“8.7 Crystal Mountain Spiritual Education Retreat (SE1) Zone

Permitted Uses

8.6.1 The following uses and no others are permitted in the SE1 Zone:

- 8.6.1.1 contemplative, spiritual or meditative education retreat uses
- 8.6.1.2 contemplative, spiritual or meditative educational activities and facilities with accessory overnight accommodation and camping
- 8.6.1.3 accessory dwelling unit for a person or persons acting as a caretaker for the spiritual education retreat.

~~Permitted Density~~ Buildings and Structures

8.6.2 The following buildings and structures and no others are permitted in Area A on Schedule D – Plan 6:

- 8.6.2.1 2 sleeping huts, each with a maximum floor area of 21 square metres;
- 8.6.2.2 ~~17-12~~ sleeping huts, each with a maximum floor area of 15 square metres;
- 8.6.2.3 one meditation hall restricted to contemplative, spiritual or meditative education uses only with a maximum floor area of 125 square metres;

- 8.6.2.4 one dining/kitchen building with a maximum floor area of 125 square metres;
- 8.6.2.5 one communal bathroom and laundry building with a maximum floor area of 70 square metres;
- 8.6.2.6 one storage/workshop structure with a maximum floor area of 80 square metres;
- 8.6.2.7 one office with a maximum floor area of 70 square metres;
- 8.6.2.8 one accessory dwelling unit with a maximum floor area of 80 square metres, and
- 8.6.2.9 ~~six~~ five tent platforms, each with a maximum floor area of 14 square metres.

8.6.3 The following buildings and structures and no others are permitted in Area B on Schedule D – Plan 6:

- 8.6.3.1 three sleeping huts, each with a maximum floor area of 21 square metres;
- 8.6.3.2 one communal kitchen/bathroom/laundry building with a maximum floor area of 36 square metres; and
- 8.6.3.3 one storage building with a maximum floor area of 10 square metres.

~~Lot Coverage~~ Permitted Density

- 8.6.4 Permanent structures are not to exceed a total area of 1063 m²
- 8.6.5 Total lot coverage is not to exceed 1.55 %.
- 8.6.6 Overnight accommodation for retreat users is not to exceed 17 sleeping huts and 5 tent platforms, nor exceed a total of 22 persons.
- 8.6.7 Not more than one accessory dwelling is permitted with a maximum floor area of 80 m². ~~Lot coverage must not exceed 1,479 square metres.~~

Permitted Height

- 8.6.~~85~~ The maximum height of an accessory dwelling unit is 9 metres.
- 8.6.~~96~~ The maximum height of a sleeping hut, or a building or structure other than an accessory dwelling unit, is 5 metres in height.

Minimum Setbacks

- 8.6.~~107~~ All buildings and structures must be sited
 - 8.6.~~107~~.1 at least 7.5 metres from front and rear lot lines; and
 - 8.6.~~107~~.2 at least 6.0 metres from interior and exterior side lot lines.

Minimum Lot Size

- 8.6.~~118~~ No lot having an area less than 6.1 hectares may be created by subdivision.

Parking

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

- 8.6.129.1 1 parking space per 3 sleeping huts or tent platforms combined;
and
- 8.6.129.2 2 parking spaces per accessory dwelling unit.”

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

“spiritual education retreat” means a facility that provides contemplative, spiritual or meditative educational opportunities for retreat users who typically stay at the facility for a period of at least 3 days, but in no case for more than 6 months, and are accommodated in sleeping huts or tent platforms, but does not include, offer, or provide any form of commercial short term or temporary accommodation for the travelling public, or any restaurant or other forms of food service to the general public.

“sleeping hut” means a single-occupancy hut with a maximum floor area of 21 square metres for sleeping, shelter and the practice of contemplative, spiritual or meditative educational activities, but does not include a kitchen or any cooking or food preparation facilities, or any plumbing fixtures.

“tent platform” means a single-occupancy platform with a maximum floor area of 14 square metres for the erecting of a tent for sleeping, shelter and the practice of contemplative, spiritual or meditative educational activities, but does not include a kitchen or any cooking or food preparation facilities, or any plumbing fixtures, or any semi-permanent or permanent walls and roof coverings.

- 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 “A” to Bylaw No. 127 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 Spiritual Education Retreat (SE1) 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 “A” to Bylaw No. 127 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”.

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____

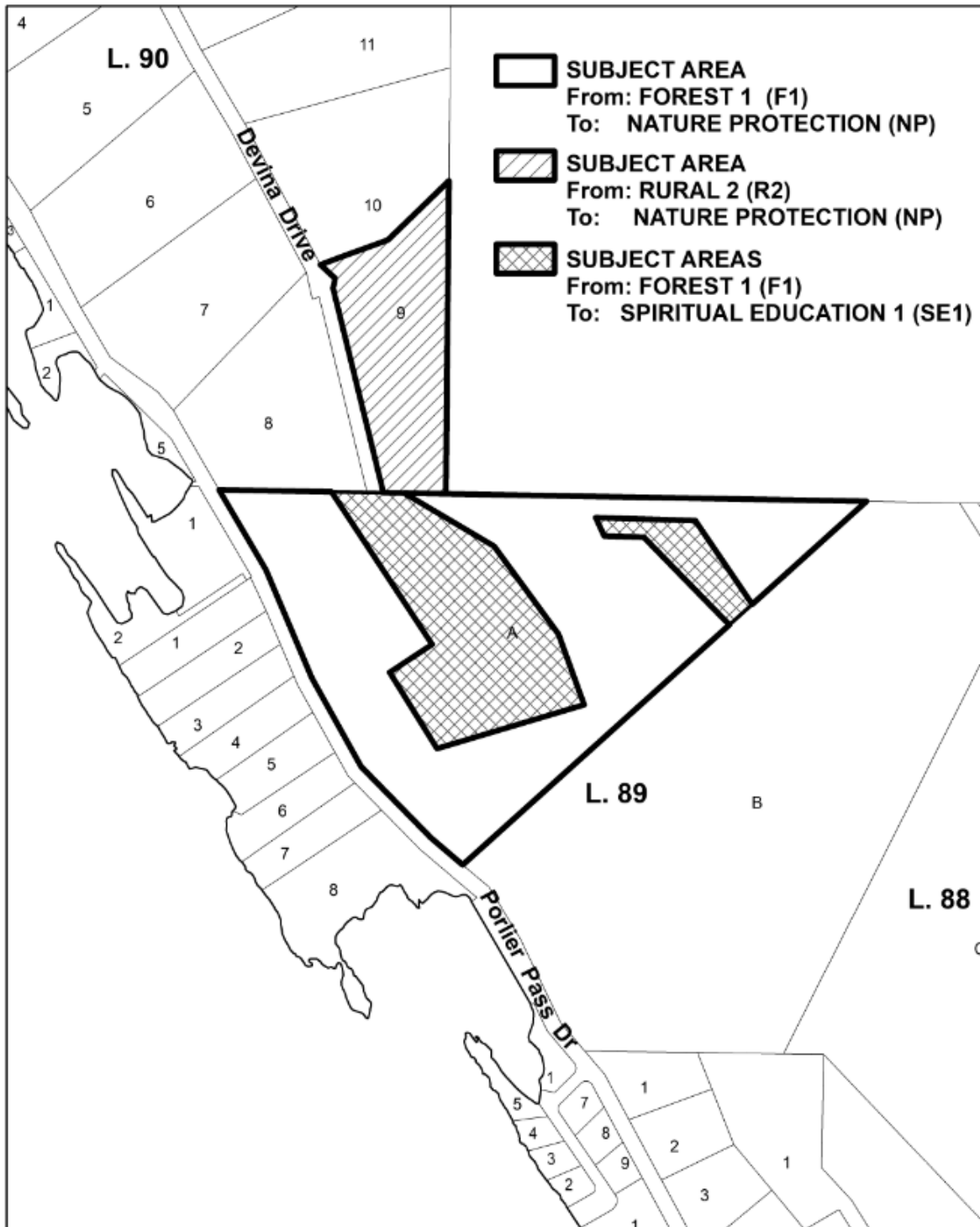
ADOPTED THIS _____ DAY OF _____ 20____

CHAIR

SECRETARY

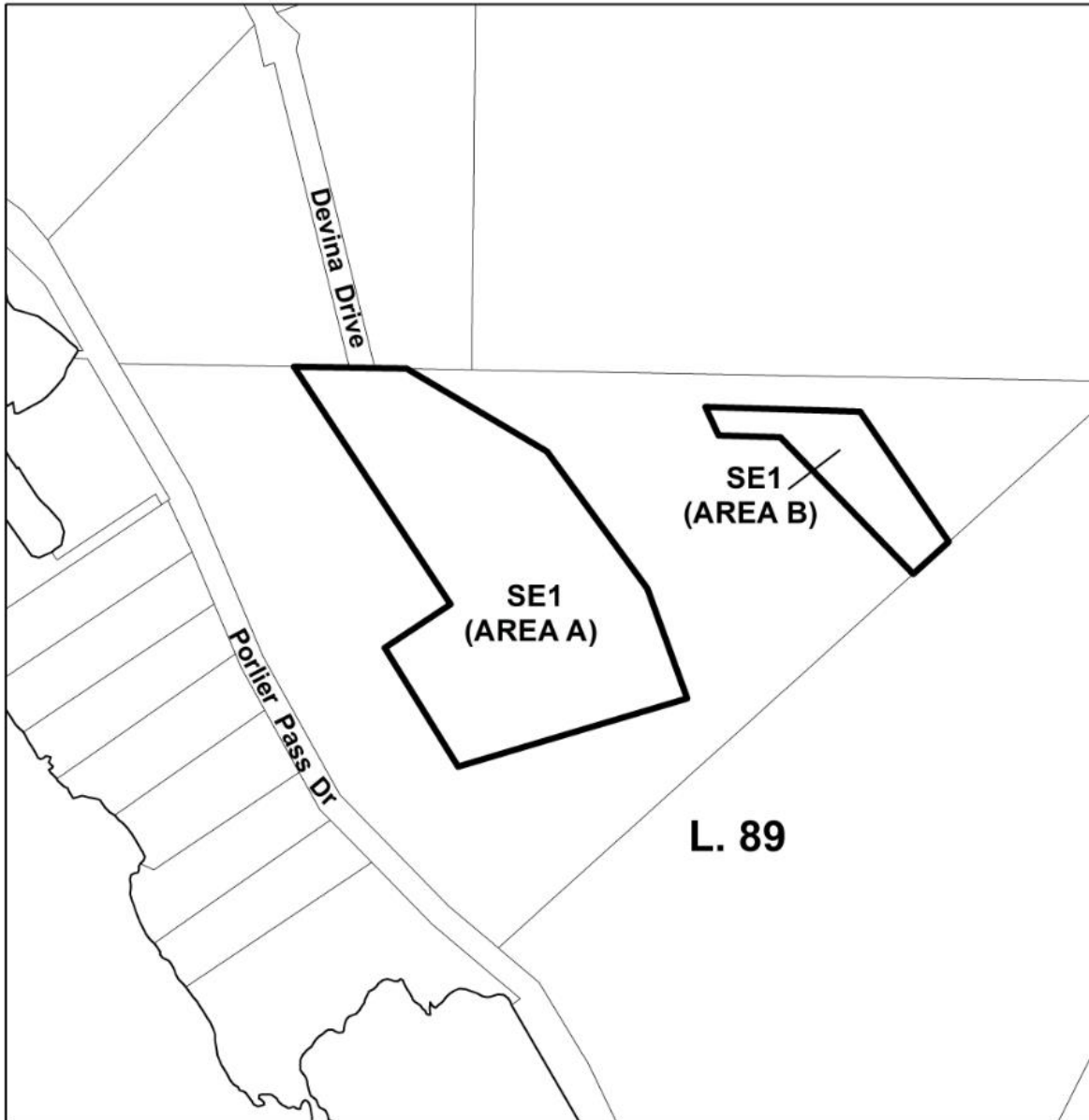
GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 257

Plan No. 1



GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 257

Plan No. 2





Existing access Easement across Lot 9 in favour of neighbouring Lots 10 to 14.

LOT 10

LOT 9
DL90, Plan 31200

DeVine Drive

DL 87

Proposed Lot Boundaries

- Islands Trust Conservancy
- Crystal Mountain
- Property Line Setbacks

Water System

- Observation Well
- Primary Well
- Proposed Ridge Well
- Potable Storage Tank
- Septic Tank

Access Routes

- Primary Access Road
- Access Road
- Trail
- Easement To Lands Beyond
- Emergency Access SRoW

Buildings

- Caretaker Building
- Bath / Laundry
- Kitchen / Dining
- Meditation Hall
- Office
- Kitchen / Bath / Laundry
- Service Building
- Med Hut
- Long-term Med Hut
- Tent Pad
- Parking Spaces/Aisle
- Overflow Parking
- Septic Field
- World Peace Pagoda

Infrastructure Areas

- Parking Area
- Meditation Hut Area
- Camping Area
- Kitchen / Washroom Area
- Meditation Hall Area
- Service Building Area
- Caretaker Building Area
- Septic Field Area

Sensitive Ecosystems

- Old Forest, Moist Forest, Wetlands, Ridges, Cliffs
- 30m Stream Buffer
- Stream

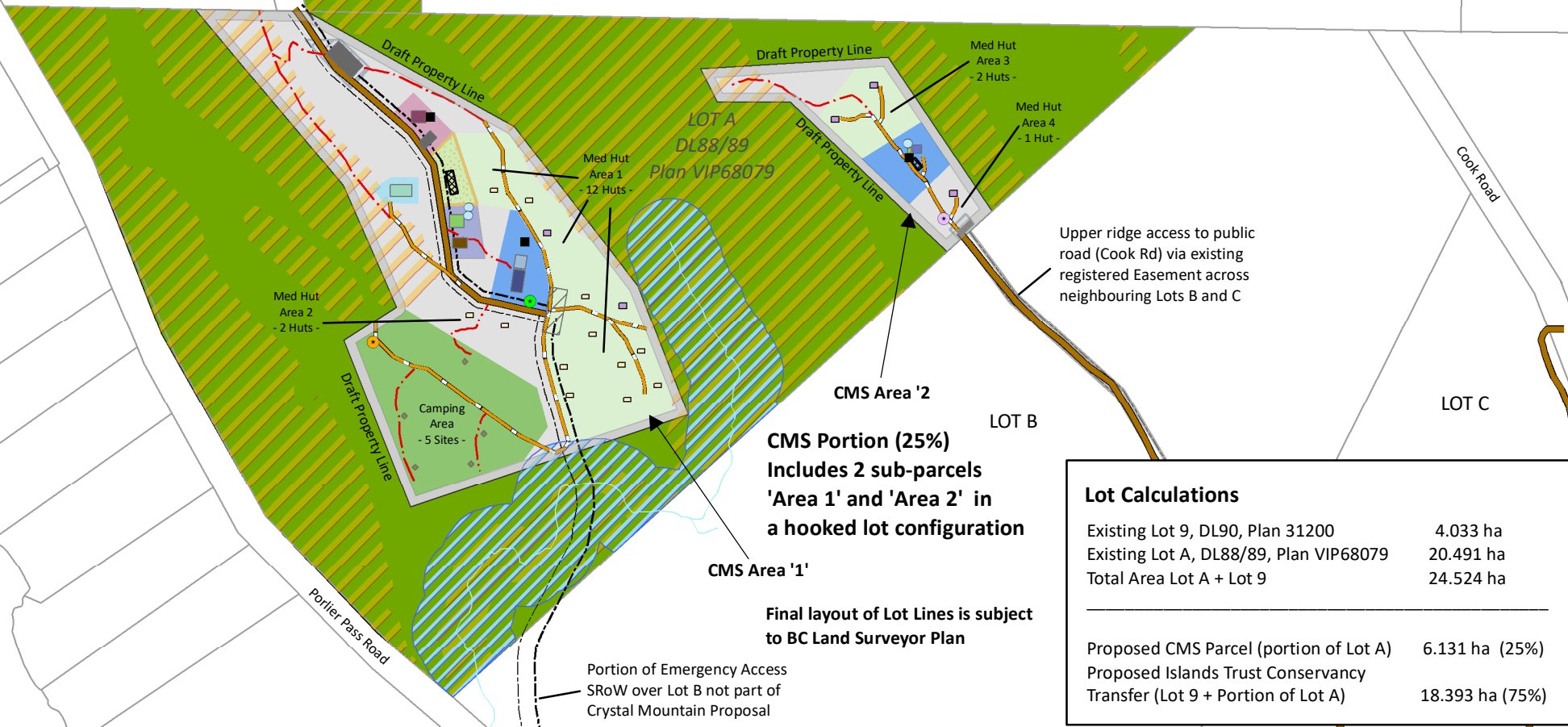
0 25 50 100 Meters



Map Date: June 9, 2021

Scale: 1 : 4,200

Projection: UTM Zone 10 NAD83



CMS Portion (25%)
Includes 2 sub-parcels 'Area 1' and 'Area 2' in a hooked lot configuration

CMS Area '1'

CMS Area '2'

LOT B

LOT C

Final layout of Lot Lines is subject to BC Land Surveyor Plan

Portion of Emergency Access SRoW over Lot B not part of Crystal Mountain Proposal

Upper ridge access to public road (Cook Rd) via existing registered Easement across neighbouring Lots B and C

Lot Calculations	
Existing Lot 9, DL90, Plan 31200	4.033 ha
Existing Lot A, DL88/89, Plan VIP68079	20.491 ha
Total Area Lot A + Lot 9	24.524 ha
<hr/>	
Proposed CMS Parcel (portion of Lot A)	6.131 ha (25%)
Proposed Islands Trust Conservancy Transfer (Lot 9 + Portion of Lot A)	18.393 ha (75%)



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: 278 (LUB)
SA-6500-20 LUB Technical Amendments
LTC Endorsement:

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committee address certain matters in their official community plans and regulatory bylaws and Island Municipalities address certain matters in their official community plans and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECK LIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is **consistent** with the policy from the Policy Statement, or
- ✘ if the bylaw is **inconsistent (contrary or at variance)** with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
✓	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
✓	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
✓	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
✓	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
✓	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.

CONSISTENT	NO.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
✓	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
✓	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
✓	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
✓	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
✓	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
✓	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
✓	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	NO.	DIRECTIVE POLICY
	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.

N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
✓	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
✓	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

POLICY STATEMENT COMPLIANCE	
✓	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:



June 9, 2021

File Number: GL-OWN-2021.2

Crystal Mountain Society
PO Box 123
Galiano Island BC V0N 1P0

Attn: Libby McLelland, Director

Re: Crystal Mountain Society land transfer to Islands Trust Conservancy

Dear Libby,

I am pleased to let you know that at its May 25th meeting, the Islands Trust Conservancy (the Conservancy) Board passed the following regarding your revised Conservation Proposal to transfer land to create the Crystal Mountain Nature Reserve on Galiano Island:

ITC-2021-019

It was MOVED and SECONDED, 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.

ITC-2021-020

It was MOVED and SECONDED, 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.

ITC-2021-021

It was MOVED and SECONDED, 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

TC-2021-022

It was MOVED and SECONDED, 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.

ITC-2021-023

It was MOVED and SECONDED, 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.

In the updated proposal, Crystal Mountain Society indicated your interest in ensuring that any public access to the proposed nature reserve does not disturb or impair the quiet mediation goals of your forest retreat centre. Any decisions about trail locations and use will be determined through a management planning process following land transfer. Ecological impact and public safety will be the Conservancy's primary considerations for location and management of trails.

Continued work on this project can be conducted with the Conservancy's Ecosystem Protection Specialist, Kathryn Martell (kmartell@islandstrust.bc.ca, 250-405-5176). Kathryn will coordinate with your contractor, Keith Erickson, to arrange for a site visit and continued progress with the other steps and requirements for land transfer.

Sincerely,



Kate-Louise Stamford
Chair, Islands Trust Conservancy Board

EC: Galiano Island Local Trust Committee
Brad Smith, Island Planner, Islands Trust
Keith Erickson, RP Bio

DRAFT



Galiano Island Local Trust Committee Minutes of Special Meeting

Date: June 14, 2021
Location: Electronic Meeting (Zoom Webinar)

Members Present: Dan Rogers, Chair
Jane Wolverton, Local Trustee
Tahirih Rockafella, Local Trustee

Staff Present: Brad Smith, Island Planner
William Shulba, Senior Freshwater Specialist
Carly Bilney, Recorder
Maple Hung, Planning Team Assistant (Host)

Public: There were approximately 27 members of the public.

1. CALL TO ORDER

Chair Rogers called the meeting to order at 12:30 p.m. He acknowledged that the meeting was being held in the traditional territories of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following amendment to the agenda was proposed:

- Add Item 4 – In-camera meeting.

By general consent, the agenda was approved as amended.

3. COMMUNITY INFORMATION MEETING

Re: The proposed rezoning of District Lot 90, Lot 9 and District Lot 88 & 89 Lot A, North Galiano Island, to allow for the development of a spiritual education retreat facility – Crystal Mountain Society (CMS)

3.1. Rezoning Process Overview and Draft Bylaws 256 & 257 – Staff

Planner Smith reviewed the rezoning application, provided an outline of the draft bylaws and summarized where the process currently sits.

3.2. Proposal Overview – Crystal Mountain Society

Representatives of Crystal Mountain Society (CMS) provided an overview of the rezoning proposal, including how the proposal relates to the Galiano Official Community Plan (OCP), the history and context of CMS, the nature of CMS retreats, how the property facilitates meditation, and ecological considerations. The applicants made the following comments:

- In response to feedback from community members, the proposal has been amended to reduce the maximum overnight guest accommodation from 30 people to 22, with up to 17 overnight participants in the winter and up to 22 overnight participants in the summer using 17 sleeping huts and 5 seasonal tent sites;
- The application raises the bar for future rezoning and sets important precedence for land protection; and
- CMS hopes to schedule a tour for community members in July.

Hydrogeologist Alan Kohut reviewed the findings of his water report as it relates to the application.

3.3. Question & Answer Session

Members of the community were invited to comment and the following questions and comments were raised:

(Note: “Q” is questions/comments from the members of the public. “A” means answer from the applicants, professionals or Islands Trust staff.)

Q: Is it possible to add a provision to the application to ensure that if the property owner sells or leases the land that the bylaws would revert to the current zoning?

A: Zoning would be specific to the land and not to the owner of the land. The goal is to limit the bylaw and site plan to what is being proposed and what would be expected in the future.

Q: What is the procedure for answering questions that cannot be fully answered during the current Community Information Meeting (CIM)?

A: Staff reports attempt to answer all questions as they are raised. Additional questions can be vetted in writing to LTC and/or staff.

Q: Is there a constrained time-frame for questions after which no other questions can be asked, and will written questions be given written responses?

A: The Local Trust Committee (LTC) does its best to answer questions as they are received. It is best to ask specific questions as early in the process as possible. The only time-frame that cuts the end of the public process off is when the LTC finishes a public hearing and Trustees cannot hear anything further, unless they reopen a public hearing (but even then, information can be sought via the staff).

Q: Why do the draft bylaws in the proposed zoning fall under *Community Facilities Policies* in the Official Community Plan (OCP)?

A: The current LTC and staff inherited the draft bylaws in the *Community Facilities* section of the OCP when the original bylaw was amended in 2015, likely to limit the zoning to non-profit activity. The current LTC could consider if it would prefer to move this zoning elsewhere in the OCP, such as under the *Economic Activity* subheading.

Q: Why do the proposed bylaws not control the number of people that may use the property? (i.e., Could a special event be held that included hundreds of people?)

A: Maximum event capacities might be captured in a covenant condition; the LTC and staff may need to seek legal support to determine whether day use can be restricted.

Q: How does the proposed property use differ from visitor or international accommodation?

A: The LTC could consider where the draft bylaws might better fit in the OCP, perhaps in the 'Visitor Accommodation' section.

Q: Would CMS consider taking away the upper portion of the ridge in the development proposal as a gesture of goodwill to the community?

A: The three huts on the upper ridge portion are integral to the retreat centre.

Q: Has CMS consulted with Indigenous groups?

A: CMS has sent information to the Penelakut First Nation and they are aware of the plans and activities on the lands. Islands Trust also refers all proposed bylaw amendments to potentially affected First Nations including Penelakut.

Q: Given the length of their stay, retreat participants might better be defined as a resident rather than a visitor; how do the bylaws explain this incompatibility?

A: Retreatants would be program participants.

Q: Is it possible to reduce the footprint of the structures on the land?

A: The total lot coverage of buildings represents less than two percent of the CMS-owned portion of the lot and there may be opportunity to combine some of the structures (such as the kitchen and laundry area and office and workshop).

Q: What is the definition of "Spiritual Education?"

A: The definition as written in the draft bylaw was shared and it was noted that the explicit use of the word "religious" is not allowed because it conflicts with Canadian law.

Q: Is the LTC worried about precedence that may be set by the application?

A: Yes, precedence will be a consideration for the LTC as to whether or not to proceed with the application.

Q: If the rezoning application does not proceed, what could potentially happen on Lot 9?

A: The property owners could leave the land zoned F1 where private forest regulations would apply, or seek rezoning to allow for residential use on a portion of the lot.

Q: Can the LTC assure islanders that it will focus on what the maximum that can be achieved under a draft bylaw might be and consider what may happen in the future?

A: The bylaws would have to be written in such a way that limits whatever CMS is going to do to whatever is agreed upon. Density limits must be clearly established if this were to go ahead.

Q: How do the sleeping huts differ from residences when people will be using them for numerous months?

A: The huts would be treated as part of a program rather than long-term housing that can be rented through a provincial rental tenancy agreement (RTA). Retreatants would purchase the ability to participate in a program that includes their lodgings, food and programming.

Q: If program participants staying in the sleeping huts were from British Columbia, would they have the right to vote in Galiano Island elections?

A: Program participants staying in the sleeping huts will not be able to vote in local elections; they will have not a fixed address just as someone who stays in a hotel for a month does not gain the right to vote in the municipality in which their hotel is.

Q: Can the applicant provide further clarification as to how they structure participants in their retreats?

A: The retreats have set beginning and ending dates, and where people sleep is designated in their program packages.

Q: Has the assumption in the water study been adjusted based on use of flush toilets?

A: The 2015 report provides a summary of uses and does include the common bathroom facility as well as the kitchen facility; additional plumbing facilities proposed are for the common bathroom in the upper ridge area, and Al Kohut is adjusting his report to reflect the changes to project design and density.

Q: Was there any modelling done to estimate the effect of climate change on Spotlight Creek?

A: There have been predictions about the effects of climate change on this part of the Southern Gulf Islands and some studies suggest we will be getting more precipitation, although this may not be falling in the same precipitation patterns that we have today. This is an ongoing area of research and there has not been detailed monitoring taking place. A greater concern in the Spotlight Creek area is the possibility for saltwater intrusion as erosion increases.

Q: Did the water study assess the aquifer parameters?

A: The effects of the pumping test was monitored and no effect was shown on nearby wells, which suggests there will be no effect on wells in neighbouring properties.

Q: How will a constant draw on water effect the wells in properties below Crystal Mountain?

A: The proposed draw on the well for CMS is not a very large quantity and existing observation wells show no effect. Instrumentation in monitoring wells were measured to within a centimetre in the most optimal time of year (late fall). In its management plan, CMS proposes to have 50,000 litres of groundwater storage for trickle feed to reduce concerns about a constant draw.

Q: Has there been any continuous monitoring with data loggers on the well to collect water over a long period of time and on any adjacent wells?

A: There was a 12-hour pump test as well as monitoring done prior to, during and after the pumping test that showed what was happening in the observation wells.

Q: Will the Trustees propose a motion for continuous data water logging prior to a rezoning decision being made?

A: Further analysis is required. Staff need time to assess this request and provide advice to LTC.

Q: Is the LTC concerned about the precedent setting involved with the transfer of title that fragments the forest between the upper and lower area?

A: The bylaws are currently in a draft stage and the LTC is nowhere near a decision; more information is to be received.

Q: How do the draft bylaws address the issue of maintaining safe standards of access?

A: CMS will be preparing an emergency plan as part of the rezoning process. There has been an inspection by the North End Fire Chief of suitability of emergency access to the upper road. If there is to be a building constructed on the upper lot the fire department would have to be consulted. Addressing questions related to access have been posed by staff to the applicant, and the applicant must present a plan that meets all the requirements of the Province and other authorities.

Q: If the Islands Trust does not have a legislative tool to enforce occupancy, then how can a single occupancy sleeping hut be a legal form of accommodation?

A: Further analysis is required. Staff may need to seek legal advice as to whether single occupancy as proposed in this application is allowed.

Q: Will CMS restore the areas that have been damaged by the two houses near the water course and the view ridge on Lot A?

A: It has been recommended that the two sleeping huts in the lower area that are outside of the parcel that would belong to CMS be moved to within CMS-owned boundaries and the land they are moved from be restored prior to transfer to the Islands Trust Conservancy.

Q: Are the Trustees satisfied with this meeting as a means of public communication?

A: This is not the last time the LTC and community will get together to discuss the proposal. New information provided by the applicants at this meeting can be examined prior to a future meeting.

4. IN-CAMERA MEETING

GL-2021-055

It was Moved and Seconded,

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1)(a)(d)(f) for the purpose of considering:

- Legal matters

AND that the recorder and staff attend the meeting.

CARRIED

5. ADJOURNMENT

By general consent, the meeting was adjourned at 4:24 p.m.

Dan Rogers, Chair

Certified Correct:

Carly Bilney, Recorder



Galiano Island Advisory Planning Commission

Report in response to GL-2021-024 regarding Crystal Mountain Rezoning Application GL-RZ-2014.1

August 9, 2021

GL-2021-024: The Galiano Island Local Trust Committee direct staff to refer application GL-RZ-2014.1 (Crystal Mountain) and draft Bylaws No. 256 and 257 to the Galiano Island Advisory Planning Commission for comment.

The Galiano Island Advisory Planning Commission (APC) makes the following comments and recommendations to the Local Trust Committee (LTC) in response to GL-2021-024:

LTC/APC concerns raised on previous proposals:

- It appears that the applicants have been diligent in meeting Local Trust Committee (LTC) and past APC considerations;
- Crystal Mountain Society (CMS) has addressed concerns of the previous APC by proposing to transfer 75% of the land to the Islands Trust Conservancy (ITC); and
- CMS is working to remove encumbrances on land that would be managed by the ITC under the proposal.

Precedent of Forest Zoned property rezoning:

- The APC acknowledges the rezoning as an unusual situation, and it should not apply to every forest lot on the island;
- Zoning distinctions are not glaring in going from a forest lot to a community facility as a “spiritual education zone;”
- From Planner Brad Smith:
 - The key principle is that circumstances are different in each case. CMS has taken over 17 years to play out and the current bylaws are written with a very specific land use and layout that is quite restrictive. Any new proposal would have to be proven on its own merits, just as this one is undergoing that test within the community and LTC.
 - This proposal is different in that they bring a RR zoned parcel with built-in densities; most F1 proposals do not have this built in so the conversation and starting point is different.

Fragmentation:

- The applicants admit that the proposal does fragment the land somewhat, but that will have minimal environmental impact and is absolutely necessary to the proposed use, and the applicant’s original proposal has been considerably reworked to form the current proposal;
- The percentage of land to be retained by Crystal Mountain Society (CMS) that contains fragile ecosystem is minimal compared to that of the land going to the Islands Trust Conservancy (ITC) for nature protection;
- The land that CMS proposes to give away is contiguous with DL 87, which is a protected provincial park land;

- But, the hooked portion of the lot is not a desirable configuration;
- The APC recommends that zoning requirements specify that lot coverage does not exceed 5% of the lot reducing the impact of fragmentation on the overall forest ecosystem.

Regarding the hooked property, its creation by subdivision, and its access (CMS):

- The proposed CM property is a single property with a hooked configuration that has direct public road access from Devina. The hooked portion of the property on the upper ridge also has a legal access to Cook Road via registered easement across neighbouring Lots B and C. Because the purpose of the subdivision is to provide a community benefit to a Crown Agency (Islands Trust Conservancy) the subdivision process will be completed by the Islands Trust Conservancy under the Section 99 1)h provision in the Land Title Act. There are no additional lots being created for private benefit.
- As such the subdivision requires only approval of the Registrar and is not subject to other approval through Ministry of Transportation or typical referral agencies. That is why items of public concern, such as ensuring that the upper ridge is not developed without having a source of potable water, will be addressed in a registered covenant at the time of rezoning.

Meditation Platform:

- A concern was raised for the proximity of the meditation platform to the sensitive ecosystems including arbutus trees;
- The APC recommends that this be identified as an area of concern and the platform's impact should be evaluated in the longer term.

Density of use:

- Asking for 22 sleeping huts + 6 tenting platforms + 1 caretaker's cabin
 - presumably these would be single occupancy: 28 overnight guests
 - plus caretaker(s);
- Similar zone: C7 has 30 overnight guests/staff, on 5 acres;
- CMS created an attendance chart of retreat participants that included a projection into the near future, and the proposed number of huts allows for a small amount of growth;
- The usual attendance at summer retreats is about 20 participants;
- Concern was expressed about the number of retreat participants where a number of APC members felt 28 people was too high a number given that CMS has had up to 16 people at any one time over the past number of years;
 - Fewer people would be better for the people on retreat;
 - More people will also have a greater impact on water and septic;
 - The number of participants should be limited to 20; and
 - Limiting the number of people to 20 would help to respond to neighbours who wish to maintain the rural character of the neighbourhood.
- Dissenting opinions held that a maximum number of 28 retreat participants was not too many for the following reasons:
 - Stewardship of the land has improved since CMS has owned it;
 - Specifying rules related to land management is more important than the exact numbers of people on retreat;
 - A greater number means more people will be available to steward the land; and

- Lot coverage is small, impact to the land is light, and the retreats are silent.

Number of people:

- A concern was raised by a neighbour that there was no limit on number of people on site;
- Members are unaware of any zone that has absolute limits on number of people allowed on a property at one time, other than overnight accommodation;
- From Land Use Bylaw:
 - 9.5 Commercial Private Film School Zone – C7
 - 9.5.3 Overnight accommodation of students and staff must not exceed 30 people at any time
 - 8.5 Environmental Education and Nature Protection Zone – EE/NP
 - 8.5.2.1 In association with research and education facilities:
 - [4] sleeping quarters for staff and program participants, not to exceed 76 persons, which may include up to 12 structures and up to 18 tent platforms with floor areas not to exceed 10m²
- There will be restrictions on the numbers in the dining facilities, and fire egress restriction; and
- Attendees to the property may be accommodated elsewhere on the island.

Water supply/water use:

- The management plan follows the recommendation of 12 thousand gallons of water storage which would be trickle fed and used to temper water demand during the driest months to reduce impact on the well;
- During retreats, food is produced communally and therefore uses less water; additionally, other water needs that are associated with residential use, such as gardening and washing cars, will not be necessary;
- Water catchment systems are not approved by the Vancouver Island Health Authority for commercial use, but
 - A pending water report from Eco-Sense will become part of the covenant that is registered on the land and subject to bylaw enforcement; and
 - A waste water system will be designed in such a way that manages grey and black water use in compliance with Island Health.

Emergency access:

- Fire access should be addressed as part of the application given the concern about propane and fires in the dry season;
- Lot access is at the end of Devina Drive because the road touches the CMS portion of the lot whereas the driveway from Porlier Pass Road is not contained within Lot A and it is in a more ecologically sensitive area;
- An emergency access route will be dedicated at part of the rezoning. The applicants would be open to improving the emergency access route where it entered their proposed lot; and
- An emergency plan could be requested of the applicants and considered a part of the rezoning process.

Parking:

- The provision of parking spaces does not match requirements in the Land Use Bylaw for accommodations;
- At least 22 parking spots would seem a more appropriate number based on current parking regulations;
 - LUB 14. PARKING REGULATIONS Number of Spaces Required:
 - 14.1 If land or the surface of water is used for any of the purposes set out on the left hand column of Table 2, the owner or occupier must provide the number of motor vehicle parking spaces indicated opposite that use in the right hand column of the table (14.1.8 for a guest house, inn or resort - 1 per visitor accommodation room, visitor accommodation sleeping room, visitor accommodation unit or cabin; 14.1.12 for schools - 1 per staff member plus 1 per 10 students);
 - 14.2 The number of spaces required for a use that is not specifically listed is the number required for the most similar listed use;
 - 14.3 If more than one use is located on a lot, the total number of spaces required is the sum of the requirements for the uses calculated separately;
 - 14.4 If the number of spaces required includes a fraction, the owner or occupier must provide the next highest whole number of parking spaces.
- Minimizing car traffic would be a desired outcome if there is a mechanism to do so;
- The applicant is committed to do so, and wishes to minimize the impact of parking facility construction. There is a clearing around the kitchen that can be used as overflow parking; and
- The APC recognises that insufficient parking may lead to considerable disruption in the neighbourhood with cars parking on the street and that a careful plan must be made to accommodate parking.

Bylaw enforcement:

- There was concern expressed for how any of these provisions would be enforced;
- Generally, bylaw enforcement is complaints driven, and there is a Bylaw Officer who will investigate and make enforcement decisions;
- Other members pointed out that enforcement is a difficulty for properties across all zones;
- The applicant is currently out of compliance and attempting to rezone to come into compliance; and
- Numerous complaints have been made and enforcement actions have been taken.