

To the Galiano Trustees and Planners,

The Crystal Mountain Society Rezoning Committee would like to take the opportunity to address the recent letter submitted by John Ronsley dated March 7, 2022 posted publicly on the IT website. We are deeply concerned about the content of this document. We would like to have our responses attached to the corresponding letter. Please see below.

Thank you,

*Janice Oakley, Libby McClelland, Leslie Cain*

CMS Rezoning Committee

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<b>John Ronsley letter to LTC March 7, 2022. Direct quotes from the letter:</b>	<b>Crystal Mountain Society's Response / Correction</b>
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“Its revenue which it uses to buy properties on this island rather than contribute to charities as its “Charitable Status” would suggest comes from the “sale of goods and services.”

“And its business model which is to fly tourists from all corners of the globe to its retreats on Galiano Island runs counter to the OCP’s emphasis on respect for the climate. “

“It is not open to the general public.”

- It is claimed “*It has a pecuniary interest in multiple properties on the north end of Galiano*”; the only properties CMS owns or has any financial interests in are the 2 lots in the rezoning proposal. These two properties were purchased with funds donated for that purpose, are lien free and no money has been spent on acquiring property since December of 1999.
- The courses and retreats we run are referred to as our charitable activities as they fulfil the mandates for our charitable status. The fees charged to attend help offset the expenses to run the programs and are subsidised for those who need financial assistance. Fees are listed as the sale of “*goods and services*” by the CRA even though we sell no goods and all services are, by law, limited to our approved charitable activities
- This statement is not true. CMS has no business model; we have a mandate that dictates what our Society can do.
- This information is false. **All classes and retreats are available to the general public.** There are no barriers to participation, including financial, much like community use of a public library. The CRA only bestows charitable status on organisations that are of benefit to the public.

“The response of the LTC to this has been to propose an OCP amendment, bylaw amendment 256 that defies logic and the very spirit of the OCP. The proposed amendment has also been found to be outside of its own legal parameters. The notion that the Crystal Mountain Society is a Community Facility under the OCP is ridiculous”

- **Our new zoning** is most appropriate under the **Land Use** category of “**Community Facilities and Utilities**” like the Millard Learning Centre and St. Margaret’s Church. Crystal Mountain is not, and does not intend to become, a commercial for-profit accommodation business of any type. We serve people interested in spiritual education only, primarily from Galiano and British Columbia, not travellers looking to book guest accommodation by the night. We do not advertise to attract the travelling public, take reservations or charge for accommodation on the land, nor do we offer any type of “guest services” such as a restaurant or recreational facilities.
- **OCP Bylaw 215: Zoning for a community facility shall be considered on a site-specific basis**

<p>“The Crystal Mountain Society wants to bring large numbers of tourists to live and stay on its property during mainly the summer months of the year.”</p>	<ul style="list-style-type: none"> <li>• Unlike a for-profit business, <b>as a charitable nonprofit organization</b>, the society does not share any profits with "owners or shareholders" but does support the Society's purpose and constitution. <b>By the Canada Revenue Agency's definition in granting charitable status, our purpose must be exclusively for the public benefit. Our proposal's draft bylaws reflect spiritual education use and specifically disallow any commercial tourism-oriented use.</b> This also closes the door to a future owner intent on using this retreat property for purposes other than what the zoning specifically describes.</li> </ul>
<p>“Society's activity which is not legal on the property and continues to the present day.”</p>	<ul style="list-style-type: none"> <li>• We continue with 1 month summer only retreats and teachings while the rezoning is in process. This decision has been upheld several times in LTC meetings during the CMS application period. <b><i>Motion Passed July 6,2020 b. The applicant may request that the Local Trust Committee proceed with consideration of the application while the use is continuing; and, where the Local Trust Committee considers there is a community need to process the application....the Local Trust</i></b></li> <li>• <b><i>Committee may direct that bylaw enforcement actions, including the issuing of notices, cease.</i></b> The situation with CMS's application was incorporated into the discussion and remains as the above mentioned decision.</li> </ul>
<p>“now not one but six days during the year when the limits of daily use are exceeded”</p>	<ul style="list-style-type: none"> <li>• Retreat Use: At any given time, <b>the total number of people on the land including overnight and day participants would be limited to 35.</b> We are currently in discussion about an appropriate number of special use days per year, where the limit of 35 may be exceeded.</li> <li>• We have been willing to work with the new concept of restricting numbers of people on the land during the day. As nobody else on Galiano has restrictions on day use, we feel that at least 6 days gives us flexibility for special occasions e.g. community open houses.</li> </ul>
<p>“Rezone its Forest Lot ”</p>	<ul style="list-style-type: none"> <li>• The Crystal Mountain Society rezoning proposal includes <b>two properties</b> – a 50-acre Forest 1 zoned Lot (Lot A) and the 10 acre residentially zoned property (Lot 9). The proposal includes the transfer of <b>75%</b> of the two lots to the Islands Trust Conservancy (along with a \$30,000 endowment to cover the costs to support ongoing conservation management) to be rezoned to <b>Nature Protection</b>. This is recognized as a valuable community benefit in exchange for the acceptance of our proposal. The most ecologically valuable land, the residential parcel, will be entirely <b>Nature Protection</b>. The net result for Lot 9 is removal of the current residential rights of a house, guest cottage, accessory buildings, home-based business, and gardens as well as loss of the assessed value, \$495,000. <b>CMS has committed to protect 60%of the forest cover in its retreat areas, resulting in a total of 90% conservation protection of the original two parcels.</b></li> </ul>
<p>“Crystal Mountain land use proposal continues to demand not one but two</p>	<ul style="list-style-type: none"> <li>• <b>Galiano Island Advisory Planning Commission - 2021 (APC) Report: Regarding hooked property, its creation by subdivision, and its access:</b> <i>“The proposed CMS property is a single property with a hooked configuration that has direct public road access from Devina.</i></li> </ul>

<p>separate development sites”</p> <p style="text-align: center;">&amp;</p> <p>“There is no road access to the upper ridge nor is one part of a Road Network Plan”.</p>	<p><b><i>The hooked portion of the property in the upper ridge also has a legal access to Cook Road via registered easement across neighbouring Lots B and C.” ...</i></b></p> <ul style="list-style-type: none"> <li>• <i>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 legal access to Cook Road via a 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 the 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”.</i></li> </ul>
<p>“The proposed two development sites on a single lot or so-called hooked development will have a negative ecological impact for the whole property, including the portion that would be transferred to the Islands Trust Conservancy. It will fragment the forest and restrict public utilization access to the area between the two development sites which is designated “nature protection.”</p>	<ul style="list-style-type: none"> <li>• <b>Forest Fragmentation - OCP Forest Policy Subsection (k)</b> <i>“The fragmentation of forest-designated lands by roads or other service or communication corridors shall be minimized”.</i> The Crystal Mountain proposal addresses forest fragmentation and ecosystem protection at many levels. At a broad scale, it ensures that identified, high priority, contiguous tracts of forest extending through the lot from neighbouring properties are maintained, and that key ecological linkages such as riparian corridors, rare ecosystems, and ridgelines are undisturbed and protected within the 18-hectare conservation area. The unusual shape of the proposed lots was specifically designed to achieve these ecological objectives.</li> <li>• Zooming into the six-hectare area where development may occur, the proposal ensures that contiguous forest cover is maintained, and no new roads or utility corridors are created. At the finest scale, it protects the continuity of forest genetics, soil biodiversity and forest structure by protecting individual legacy trees and their root systems.</li> <li>• Current zoning for Lot 9 (residential) and Lot A (forest 1) does not require adherence to the same rigor of ecosystem-based planning. The permitted uses, including the potential for industrial logging, could result in loss of habitat and associated forest fragmentation that far exceeds what is proposed by Crystal Mountain.</li> <li>• An alternative scenario for development, where the existing residential rights on Lot 9 are realized and Lot A is rezoned to Forest 3 (resulting in a 2-hectare residential envelop on the upper portion of the lot and sustainable forestry on the rest), would again, not be subject to the level of ecosystem-based planning applied to the Crystal Mountain proposal. This scenario would most likely result in a higher degree of habitat loss and forest fragmentation than what Crystal Mountain proposes. Our OCP does <b>not</b> explicitly forbid forest fragmentation. Rather it states that <b><i>“The fragmentation of forest-designated lands by roads or other service or</i></b></li> </ul>

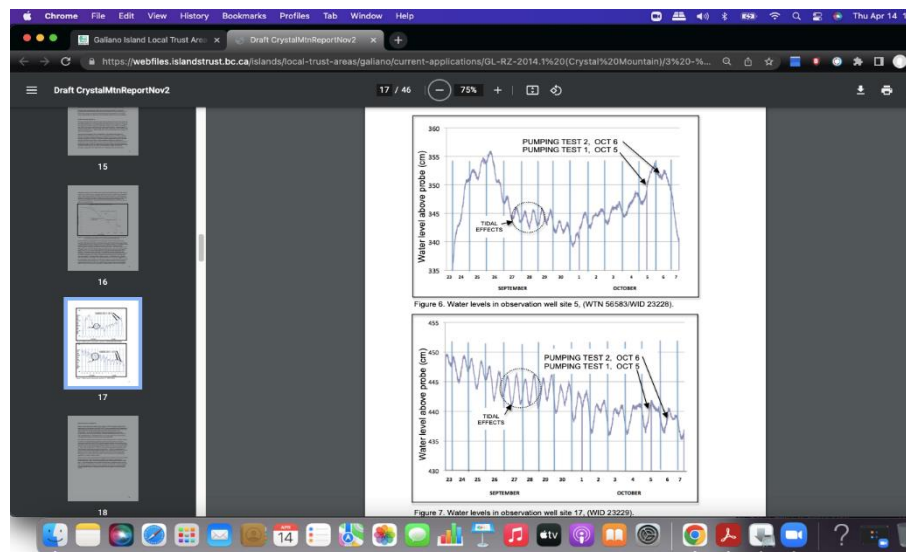
	<p><b>communication corridors shall be minimized". OCP Forest Policy k, p. 16</b></p> <p><a href="https://islandstrust.bc.ca/document/galiano-ltc-ocp-bylaw-no-108/">https://islandstrust.bc.ca/document/galiano-ltc-ocp-bylaw-no-108/</a><b>In the Islands Trust Policy directives: 4.2.7 "... the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forest".</b></p> <ul style="list-style-type: none"> <li>Given the potential impacts from existing and alternative uses of the land, the Crystal Mountain proposal provides the highest level of security for achieving OCP objectives for minimizing fragmentation in the forest.</li> <li>As for public access to the Nature Protection areas: The Islands Trust Conservancy will be the owners and will engage in community consultations regarding access.</li> </ul>
<p>The property itself is situated in an area where the groundwater aquifer has already been designated as "vulnerable"</p>	<ul style="list-style-type: none"> <li><b>Quoting William Shulba, P.Geo. Sr. Freshwater Specialist/Islands Trust in a response letter, April 14, 2022, to a concerned resident regarding water: <i>"You correctly identified that CMS is within a vulnerable groundwater region. This status is in respect of the regional groundwater availability assessment completed by GW Solutions and the presence of risk of saltwater intrusion (Klassen and Allen). Islands Trust staff created these critical designations of groundwater regions based on these assessments. These critical classes have informed Staff to request the LTC - monitoring and reporting requirements of the applicant - in addition to several mitigation measures within the Water Management Plan. Identifying critical areas is not a moratorium, but rather a caution to mitigation measures and further analysis."</i></b></li> <li>CMS has 2 wells, both of which already have data loggers for professional reports. One of these wells is designated as an observation well which is a benefit for the entire Galiano community and beyond. The conservative calculation</li> </ul>

	<p>through rigorous testing of the well’s capacity shows clearly that there is ample water for our operations without affecting neighbouring wells, including those at Spotlight Cove. Required metering and testing will be reported to the province weekly, monthly, and annually through the water licensing agreement. The extensive study and research of our regional water reserves informs this rezoning, as well as current community water use. Crystal Mountain has reviewed recent Islands Trust groundwater studies and it appears there are no flags raised in terms of the proposed water use.</p> <ul style="list-style-type: none"> <li>• The CMS central well is located within an area ranked as having a “moderately low intrinsic groundwater susceptibility” (*to contamination) by the ‘Galiano Groundwater Study’ (March 31, 2011 - Waterline Resources Inc.). Further, the CMS property is located within the “North Trincomali Channel” groundwater region where the groundwater demand versus recharge is 1.4% under normal conditions and 2.6% in the driest scenario. The groundwater region is not considered to be under stressed conditions according to the Islands Trust Area Groundwater Availability Assessment (October 18, 2021, GW Solutions Inc.). With a combination of conservation methods and our Water Management Plan, our water stewardship will be exemplary in comparison to how water has historically been managed throughout the Gulf Islands.</li> </ul>
<p>“the Crystal Mountain proposal using water data that has been collected outside of the dry months of the year and outside of the time of maximum negative impact”</p>	<ul style="list-style-type: none"> <li>• “the Crystal Mountain proposal using water data that has been collected outside of the dry months of the year and outside of the time of maximum negative impact” <b><i>“I found that the analysis of the pumping test was completed in accordance with professional guidance documents and EGBC code-of-ethics of the day. Likely Mr. Kohut used a one or more pumping test solution equations to arrive at the sustainable yield.<a href="http://www.aqtesolv.com/summary_of_solutions.htm">http://www.aqtesolv.com/summary_of_solutions.htm</a> Note that estimated yield in the Well Record is a rough estimate by the driller during the time of development of the well following drilling. This method is done using forced air, known as air-lifting, which causes a venture effect to pulse water out of the well. This method is only a crude estimate with significant associated error and is difficult to determine the sustainable yield from such a test. A controlled pumping test is the correct way to investigate pumping rates and comparing the two as a long-term drawdown analysis has many associated scientific issues”.</i></b></li> <li>• <b>Pump Testing was done during dry season on CMS land in Oct 2015</b></li> <li>• <a href="https://webfiles.islandstrust.bc.ca/islands/local-trust-areas/galiano/current-applications/GL-RZ-2014.1%20(Crystal%20Mountain)/3%20-">https://webfiles.islandstrust.bc.ca/islands/local-trust-areas/galiano/current-applications/GL-RZ-2014.1%20(Crystal%20Mountain)/3%20-</a></li> </ul>

[%20Professional%20Reports/2015-11%20-%20Groundwater%20Assessment.pdf](#)

- See diagram below: ***CMS Pump Testing Results October 2015/AI Kohut Professional GeoHydrologist***

continued...



### CMS Pump Testing Results October 2015/AI Kohut Professional GeoHydrologist

- **WHAT TIME OF YEAR SHOULD A PUMPING TEST BE DONE?**  
An approving agency may require a pumping test to be conducted during a low recharge period (e.g., dry period) or other time of the year. In the absence of this requirement, a pumping test may be done at any time of the year. However, it is recommended to avoid large volume tests during periods of severe drought. For fractured bedrock and other low-yielding wells, a pumping test should be done during a dry period when water tables are least likely to be affected by temporary rainfall events. **Optimal times for testing in B.C. are summer and fall in coastal areas and fall and winter in the Interior. Quoted from:**
- [https://www2.gov.bc.ca/assets/gov/environment/air-land-water/water/water-wells/guide\\_to\\_conducting\\_pumping\\_tests.pdf](https://www2.gov.bc.ca/assets/gov/environment/air-land-water/water/water-wells/guide_to_conducting_pumping_tests.pdf)

“There is no water management plan at all for the proposed development site on the upper ridge. “

- Use by up to 3 people in the upper area is included in the estimations of water use in the Water Management Plan.
- The same regulations by VIHA apply before any permits will be authorised.
- As well, this rezoning will include the registration of a legal covenant restricting development on the area for 2 factors: assurance of potable water and restriction of siting of all structures in accord with the ecological assessment on the whole development. It will also include elements of the Water Management Plan.
- The covenant goes one step beyond the bylaws to ensure at the



	<p>finest scale that building of structures and ongoing use respects ecological and hydrological values in perpetuity.</p>
<p>“sewage treatment isn’t being addressed at all.”</p>	<p>This is a false statement.</p> <ul style="list-style-type: none"> <li>• <a href="https://crystalmountain.org/wp-content/uploads/2022/02/Septic-Permit-Lower-Level.pdf">https://crystalmountain.org/wp-content/uploads/2022/02/Septic-Permit-Lower-Level.pdf</a></li> <li>• The development of sewage treatment begins with the requirement to operate under Island's Trust and BC's Island Health Authority regulations.</li> <li>• The septic plan designs, drawings, ground testing, and septic permits for CMS were done by Fred Stevens a Registered Onsite Wastewater Practitioner (ROWP) March 31, 2021</li> </ul>
<p>“There are only access and egress solutions that have been negotiated between the applicant and the planner without community input.”</p>	<ul style="list-style-type: none"> <li>• Main entrance change to Devina further assures “preserve and protect” as it was established to satisfy the requirements of Islands Trust Conservancy, future title holder, for protection of the Nature Protection zone and had nothing to do with the Planner. The community has been aware of this since 2017.</li> <li>• <b>An emergency access route through this Devina entrance</b> for north-end neighbourhoods will be secured. This proposal will realise a long-standing emergency route that is designated in our Official Community Plan Road Network Plan.</li> <li>• All solutions have been arrived at through community consultations of which we have had 18 between Sept 2015 and Aug 2020.</li> </ul>
<p>There is no vehicle parking location for dozens of visitors in a small area of the island”.</p>	<p><b>Report from APC August 9, 2021</b></p> <ul style="list-style-type: none"> <li>• “At least 22 parking spots would seem a more appropriate number based on current parking regulations;”</li> <li>• ◦ LUB 14. PARKING REGULATIONS Number of Spaces Required: <ul style="list-style-type: none"> <li>▪ 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</li> </ul> </li> </ul>

	<p>table 14.1.12 for schools - 1 per staff member plus 1 per 10 students);</p> <ul style="list-style-type: none"> <li>▪ 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;</li> <li>▪ 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;</li> </ul> <ul style="list-style-type: none"> <li>• APC Report: “Minimizing car traffic would be a desired outcome if there is a mechanism to do so.</li> <li>• 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”</li> </ul>
<p>“There are no specified setbacks for buildings in the proposed development areas from streams, wetlands and the cliff forming the upper ridge”</p>	<p>This statement is demonstrably false.</p> <ul style="list-style-type: none"> <li>• Development area boundaries are already outside the riparian area setbacks. Please see the site map:</li> <li>• <a href="https://crystalmountain.org/wp-content/uploads/2022/02/Crystal-Mountain-Site-Plan-1.pdf">https://crystalmountain.org/wp-content/uploads/2022/02/Crystal-Mountain-Site-Plan-1.pdf</a></li> <li>• Please see the link below for Galiano Island Land Use Bylaws:</li> <li>• <a href="https://islandstrust.bc.ca/wp-content/uploads/2020/12/gl-ltc-lub-bl-127_consolidated_july2020.pdf">https://islandstrust.bc.ca/wp-content/uploads/2020/12/gl-ltc-lub-bl-127_consolidated_july2020.pdf</a></li> <li>• Minimum Setbacks 8.2.6</li> <li>• Buildings and structures must be sited <ul style="list-style-type: none"> <li>8.2.6.1 at least 7.5 metres from any front, rear or exterior side lot line; and</li> <li>8.2.6.2 at least 6 metres from any interior side lot line. BL182; 209</li> <li>8.2.7</li> </ul> </li> <li>• Like every other property owner building with permits, we too must follow the regulations.</li> </ul>