

April 11, 2021

To Jane Wolverton, Tahirih Rockafella and Dan Rogers
jwolverton@islandstrust.bc.ca ; trockafella@islandstrust.bc.ca; drogers@islandstrust.bc.ca,

Dear Trustees,

I am writing to comment on the most recent iteration of Crystal Mountain Society's application for rezoning of their two properties near Spotlight Cove on North Galiano.

Focus on Climate Crisis

There are many other critical aspects that should be considered before taking any further steps on this application. Four of those are briefly mentioned below.

Primarily, I will focus on the Climate Change Mitigation and Adaptation portion of our OCP. How is it possible to even consider a developer's application that fails to include climate change, mitigation and greenhouse gas emissions (GHG)?

As you know, *Local Government Act* now requires that all local governments include in their Official Community Plans targets to reduce greenhouse gas (GHG) emissions and policies and actions to achieve these targets.

Further, under Climate Change Policies and Actions it is stated:

In reviewing development applications, the local trust committee will assess the potential greenhouse gas emission and climate change impacts anticipated to result from the development.

....

The Local Trust Committee should consider amending zoning regulations to permit or facilitate small-scale renewable energy production, such as solar collectors, wind turbines and geothermal heating.

....

The Local Trust Committee encourages, and may require, new development to utilize building technology that minimizes energy use.

Any developer must consider these aspects before sitting down and working on a rezoning.

We are in climate and biodiversity crises that require drastic and immediate action. In fact, the IPCC in their Oct 2018 publication specifically states that to reach the 1.5 °C limit increase listed in the Paris Climate Agreement, GHG emissions must be reduced from 2010 levels by at least 45% by 2030. This must be achieved on societal and individual levels. Energy acquisition, use and emissions are key components in this context.

How is it possible to have to consider an application in 2021 that neither mentions climate change nor lists any attempts to drastically reduce the GHG emissions of their actions? The development proposal fails to outline power requirements, sources of power, inherent GHG

emissions, energy conservation or steps towards climate change mitigation. Not a word on whether the buildings (including huts) are compliant with the BC building code (massive) insulation in walls, floors and ceilings. The current huts are woefully inadequate from any energy perspective.

It should be noted that the developers' traditional approaches to using propane – a powerful greenhouse gas in itself – and a massive source of GHG emissions run completely counter to the urgent need to reduce GHG emissions. As some point, visitors counted over 25 propane tanks scattered over the lower portion of the property.

Proposing 22 small and distributed huts (with huge surface areas per person footprint) instead of a clustered development required by the OCP, with propane heaters for water and air, propane cooking, propane-power refrigeration is *a priori* ill-advised for a forested area that experiences extended summer droughts that will only increase in severity with climate change. Worse, it leads to continuation of fossil fuel use and inherent GHG emissions, when emphasis must be on abandoning 'burning stuff' and releasing greenhouse gases and instead emphasizing the use of less GHG emitting alternatives.

The report on predicted water use recommends trickle feeding of water tanks from a low production well and a yet to be drilled well on the upper ridge. Considering that the developments in question are not tied to the grid, the developers are likely using gasoline, propane or diesel powered generators. In a climate crisis world, this is incompatible with the OCP and defies every imperative to decrease GHG emissions: 1. Generators are fossil fuel powered. 2. Small generators are the least efficient way to generate electricity with the highest GHG emissions per kWh generated, 3. Small generators release many partial combustion compounds with their own very large global warming potential and 4. are not designed for continuous use as required for trickle pumping in the first place.

Just for the record, I want to mention other massive flaws in the current proposal:

1. Fragmentation

I don't think I need to repeat my previous comments on how inappropriate it is to fragment a fragile ecosystem into three poorly connected sections. In fact, the current proposal's fragmentation of the ecosystem is even worse than the previous proposals. As you know this runs completely counter to the spirit and text of the existing OCP that tries to accommodate developers of F1 lands to allow limited and clustered development in exchange for transferring contiguous sections of forests to the community – emphasis on contiguous. Any fragmentation must be seen as the strongest red flag to deny any development. For your interest, I am including a link to the Saltspring Island LTC that adopted a project charter for the rare coastal-douglas fir ecosystem that specifically lists 'maintain contiguous forest cover', 'protect and restore functioning ecosystem' and 'protect watershed ecology' – which all apply to the current application and are based on an Islands Trust toolkit.

<http://www.islandstrust.bc.ca/media/346674/cdf-toolkit-final-web.pdf>

2. Exclusion of public from public land

In fact, each new proposal by this developer is more outrageous than the previous iteration. The most recent proposal with its hooked design on the upper ridge not only cuts into the small section of truly sensitive forested area (clearly stated in Keith Eriksson's ecological assessment) but also cuts off all community access to the upper ridge.

3. Increased density and distributed, not clustered development

The number of huts – originally request was 12 – is now increased to 22 (plus 6 tenting sites), and the size of the huts seems to be increasing with each iteration. This is not what could be considered to be negotiation in good faith – this is straight bullying by a developer that completely ignores the existing official community plan (OCP), runs counter to what is allowed or what it appropriate for any area in the Trust Area.

4. Lack of community benefit

How is the 'preserve and protect mandate' reflected in this application? The ecosystem is fragmented, there is little or no reference to water usage and disposal and where is the protection? There is absolutely no community benefit included into this application. In fact, one could argue that by using the fragmentation/hooked design, the applicant *de facto* creates a pincer around the rock face and wetland, thus preventing public access (and the badly needed stewardship) to what on paper appears to be land that has been 'transferred' to the public.

I urge you to very carefully re-examine the proposal in light of the existing OCP and the urgent climate crisis imperatives.

Best regards,

Tom Mommsen

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From: Madison Cappe [REDACTED]
Sent: Sunday, April 11, 2021 9:08 PM
To: Jane Wolverton; Tahirih Rockafella; Dan Rogers
Subject: Crystal Mountain Concerns

Hello,

I just wanted to send a letter / reach out about how I am extremely upset and concerned about 'Crystal Mountain' and that they have not been shut down after all these years of illegally developing/operating "retreats" on their land.

I have attached a letter outlining my questions/concerns.

Thank you for taking the time to listen & I hope that the best decision for the environment and local community is made,

Madison Cappe
[REDACTED]

To Whom It May Concern:

I am writing to you today about 'Crystal Mountain Society' (and their outrageous requests for rezoning). I am EXTREMELY CONCERNED and upset about what is currently taking place on Crystal Mountain and the loopholes that certain people are finding to develop and set up businesses.

I am a 28 year old organic farmer who lives at the north-end of Galiano and I believe in fighting for protecting local ecosystems and communities. There are so many people who are fighting to protect Galiano & British Columbia's last remaining forests and intact ecosystems. BUT there are also people who are trying to find economic opportunities for themselves, at the cost of these forests & this community.

There are SO MANY things that I find upsetting, concerning and suspicious about 'Crystal Mountain' and their rezoning.

The first thing that I find extremely concerning is that they have been RUNNING ILLEGAL RETREATS ON THIS LAND FOR YEARS BUT NO ONE STOPS THEM AND NOW THEY MIGHT BE ALLOWED TO REZONE!?! What is the point of bylaws if you clearly don't have to follow them!?

For an area that currently allows NO BUILDINGS Crystal Mountain is proposing a very large density of buildings for the development! (On the lower retreat area - 19 sleeping cabins, one house for the caretaker, parking spaces, large outdoor kitchen, office, bathhouse, meditation hall.) What's wrong with keeping the land for forestry the way it's zoned now? OR telling them to rezone it as allowed now under the Official Community Plan for just one house and a sustainable forestry covenant?

I also am curious why when the local bylaws PROHIBIT fragmentation of the forest there is a second area for development (the upper ridge) which is cut off from the other retreat area?

Why are the boundaries drawn to cut off public access to the best trails and lookouts? And why isn't the Trust requiring the developer to create trails as a benefit to the public?

I grew up in downtown Toronto and have seen development spread like wildfire. Communities like Galiano Island are extremely rare, and should be a top priority for preservation and protection from people who do not truly prioritize preserving these places as they are.

Crystal Mountain can define itself however it wants to, but you have to be pretty naive to think that it is not just another tourist facility. These businesses contribute nothing to the local community, while scamming people to come and destroy the local forest. There are more than enough places on Galiano for tourists to stay, visit or "retreat" to... we don't need another one!

Sincerely,

Madison Cappe


10th April 2021

[REDACTED]
[REDACTED]
[REDACTED]

Re: Development permit application for Crystal Mountain Society

Dear Trustees

As 21-year owner of property adjacent to the proposed development and a more recent full-time resident, I am writing to add my concerns to the growing list of significant challenges that face CMS in their application and indeed to you, our trustees, to act in the best interest of Galiano Residents and the spirit and details of our OCP.

In dealing with change of land use in a community such as Galiano, there is well established precedence for the assignment of a portion of the lot in question to become public land in an exchange for variance acceptance in a development permit application. In many cases, this has worked a win-win situation and the change has been successful on many fronts. Unfortunately, the proposed arrangement for the Crystal Mountain Society land is unprecedented in its details and totally without merit in its current form.

At first view, the contribution of a significant portion of the forest lot to become public lands seems workable but when one reaches into the details, the significant flaws in the plan become clear:

1. The request to fragment the lot into two isolated developed areas and a discontinuous allocation to public lands is absolutely unique and but it clearly cheats the notion that the central portion has value to the residents of Galiano. In reality, there is no workable functional access to the land which separates the two proposed development areas. Accordingly, this will result in the establishment a "private nature reserve" on public lands to which residents will have no possible access. This proposal insults and cheats the process of the exchange of land for a favourable decision on the development.
2. The proposed placement of buildings on the "upper" cliff will prevent public access to view corridors that have a long historical use by the residents of Galiano. Likewise, the land to become public on the lower slopes has little or no recreational or health and wellness benefit to the public. Overall, even though the land to be donated has significant ecological value, the functional (indeed spiritual) value to the residents can only be described as near zero. It will basically be two unscalable cliffs and an inaccessible central valley. Again, this cheats the intent of the land swap notion and should be heavily criticized.

From: Art Moses [REDACTED]
Sent: Wednesday, March 31, 2021 1:34 PM
To: Jane Wolverton; Tahirih Rockafella; Dan Rogers
Cc: Art Moses
Subject: Crystal Mountain application

To: Galiano Local Trust Committee
From: Art Moses, [REDACTED]
March 31, 2021

After six months of virtual silence, the Crystal Mountain application for a retreat resort development at the North End is apparently on the agenda for your upcoming meeting.

The lengthy hiatus confirms what neighbours said when this application was last before you on Oct. 1 – that the application had so many unresolved issues and unanswered questions that it was not ready to be codified into draft bylaws.

Among the missing details were:

- No detailed, updated, accurate site plan
- No final survey of land to be retained and land to be transferred to the Islands Trust Conservancy
- No plan for servicing the upper retreat area with water or septic
- No plan for accessing the upper retreat area with service vehicles including pump-out trucks if no septic service is provided
- Discrepancy about how many huts there would be in each area, with the planner's report showing five huts on the upper area and the applicant saying there were only four
- No estimate of water usage for a retreat resort designed to operate year-round
- No environmental assessment of road building planned to bypass the existing access route designated for emergency access in the Official Community Plan
- An outdated, incorrect version of the last draft bylaws submitted to trustees in 2016 after consultation with legal counsel
- No mention of the prohibition against cooking facilities in the huts contained in the correct version of the last draft bylaws
- No acknowledgement that the "hooked lot" configuration represents fragmentation of the forest, contrary to the OCP

Nevertheless, at that Oct. 5 meeting trustees asked the planner to draft amended bylaws for this application. These draft bylaw amendments will presumably be before you April 12.

Unfortunately, contrary to the cause of proper public process and transparency, these draft bylaw amendments and any revisions and clarifications to the application won't be known to the public or to trustees until less than seven days before your meeting.

Therefore. I am requesting that - given the amount of concern in the neighbourhood and public interest in the proposal - the trustees hold off on proceeding further with the application until there is full and widespread information-sharing and discussion about the application with neighbours and with the wider Galiano community.

I also believe it would be incumbent on the trustees to follow what the previous LTC did and request that Crystal Mountain meet with neighbours again to present and discuss the latest version of their proposal. The last meeting, requested by neighbours, was last August when

a final site plan and many details were extremely fluid and CM reps made unanticipated requests for kitchens and larger huts in their proposed upper retreat area.

This application would create the largest resort for visitor accommodation anywhere on the island, on land that is zoned currently for forestry only.

It is far too significant to the future of the island to be steamrolled forward without full and comprehensive public consultation. I hope you will agree that widespread community consultation and involvement before proceeding further is essential.

Thank-you.

Art Moses

From: Holly Schofield <[REDACTED]>
Sent: Sunday, June 6, 2021 6:20 PM
To: gltwebmail <gltwebmail@islandstrust.bc.ca>; Jane Wolverton <jwolverton@islandstrust.bc.ca>; Tahirih Rockafella <trockafella@islandstrust.bc.ca>; Dan Rogers <drogers@islandstrust.bc.ca>
Subject: Crystal Mountain development application

This letter is to express my opposition to the proposed Crystal Mountain development (GL-RZ-2014.1). The pending application should be denied because:

- It does not respect the Islands Trust mandate of Preserve and Protect.
- It does not follow the recommendations in the recent Coastal Douglas-fir Zone & Associated Ecosystems An Islands Trust Toolkit
- The scale of development would have a huge footprint and require much forest fragmentation.
- It has too high density for the area. Indeed, there is no small contained area on Galiano that can support 30+ people in close proximity and have sustainable water and septic operations;
- It infringes upon ecologically sensitive areas. We created DPAs for a reason and should abide by them.
- There has been insufficient study on the impact on wells in neighbouring properties;
- There is no provision for food waste and garbage.
- Fire safety will be difficult due to the number of propane heaters and stoves
- Decades of local history have shown that the applicant does not value the environment nor do they respect the law, as demonstrated by repeated bylaw infractions for residency of guests, the negative impact on Spotlight Creek, the on-going large garbage pit, and the lack of consultation with neighbors. Basically, over the many versions of the application, the applicant has not negotiated in good faith.
- There appears to be no succession plan. The society would be quite free to sell it to a different "spiritual education" society which could be even more abusive to the land and disregard bylaws even more. The same is true if Mark Webber were to step down -- a different leader would have far too wide a latitude.
- This sets a precedent regarding rezoning Forest Lots, one which has many and far-reaching repercussions. It is naive to think otherwise.

Basically, this proposal is far too large for the island. Galiano's carrying capacity needs to be factored into any large development, regardless of whether it's for retreats, affordable housing, or tourism.

This application, in various forms, has gone on far too long and has consumed too many Islands Trust hours and dollars. As demonstrated by the time limit given to Application GL-RZ-2005.1 (Romagnoli-Smith) at the recent LTC, there is a point where an application is ultimately declined. Crystal Mountain has reached that point. It is an ill-conceived and massively overlarge project that needs to be removed from consideration.

Please, Trustees, deny this application in finality.

Thank you,
Holly Schofield