

# **Crystal Mountain Development Plan – Brief 1:**

## **Procedural Problems and Errors**

The following lists the most concerning procedural issues with this application and the process having been taken to date by the Galiano Local Trust Committee. It is not intended to be exhaustive, but is a highlight report briefing the Trustees on the most concerning problems.

### **1. Proposed Zoning**

- Proposed zoning under ‘Community Facility and Utilities’ is a vastly inaccurate and misleading representation of what has been occurring on this land for some 20 years and what will occur if the rezoning is approved:
  - a. Despite this proposal being a type of wellness tourism, accommodating guests who will pay fees for their stay, staff are not placing it under commercial zoning like all other facilities for visitor accommodation on the island. Instead it is being placed in a section called Community Facilities and Utilities, designed for uses such as seniors’ and community housing and halls, schools, libraries, health and emergency services.
  - b. There is no demonstrated local community need for a spiritual retreat centre, as there is for the existing Community Facility & Utilities sites (*e.g.* firehalls, medical centre, community halls, seniors residential, community housing).
  - c. There are no programs offered specifically for Galiano residents, free or for fees.
  - d. The public is excluded from using the forest trails or site for wellness activities. This has been made explicitly clear during this application process.
  - e. The excessive sprawl described in the application (with well over twenty buildings) neither fits into the existing OCP nor into ‘Community Facility & Utilities’.
  - f. Not a single private interest is currently listed under Community Facility & Utilities.
- Commercial zoning is the most accurate representation of what is occurring on this land.
- Commercial zoning needs to use main road frontage, which Crystal Mountain has (Porlier Pass Rd), but chooses not to use. Note that traffic to the proposed retreat zone areas will add non-residential traffic through residential (Devina) or heritage (Cook) roads.
- If put under OCP Economic Activity, as it should, the development would need a site-specific commercial zone for a retreat. As such, a new ‘zone’ would still be required, accurately reflecting the type of land use, instead of shoehorning it as a ‘Community Facility & Utilities’.
- Comparisons with the Millard Learning Centre (MLC) are inappropriate: the MLC offers multiple programs to Galiano residents (many free of charge), provides public trails all year, has public EV chargers, is carbon neutral and serves as a public emergency gathering point offering shelter and water.

### **2. Disregard for Official Community Plan (OCP) and Land-use Bylaws (LUB)**

- The Galiano OCP and LUBs are not meant to be suggestions: they are legally enforceable; decision making for rezoning applications is not exempt from the implications of these documents. As such, the Galiano OCP represents thousands of hours of community discussions resulting in a compromise document that is not ‘subject to negotiation’. The role of the planners – who are civil servants - is to make developers compliant with the OCP and not to shoehorn non-

compliant applications by opening up the OCP or to develop artificial workarounds that make a mockery of the existing OCP.

- When challenged on why the proposed zoning for Crystal Mountain has remained in ‘Community Facility & Utilities’ despite strong community support for a ‘Commercial’ zoning designation, the planner’s explanation was that it will not be in opposition to the OCP because it requires the addition of a new zone to the OCP. So in essence, it does not need to reflect the community’s pre-approved zoning options because planning staff choose to make a new classification.
- Although pointed out repeatedly to the applicant and the two recent planners, the problem of critical fragmentation depicted in the application fails to be addressed. Ecosystem, land and forest fragmentation contravenes the Galiano OCP and the Island Trust Policy Statement.
- Proposed activities (gas or diesel heaters, gas cooking, gas generator, etc.) contravene Islands Trust policies regarding climate change mitigation.

### **3. Conflict of Interest**

- Professional arm’s length conduct is critical for reducing bias and maintaining integrity in professional advice, assessments, and findings. The BC Professional Governance Act has a [report on professional reliance](#) in the natural resources.
- The fact that the “third party” ecological assessment professional is also the Project Manager for Crystal Mountain’s rezoning process creates a clear conflict of interest. This generates unavoidable bias and lack of credibility in this process. The Galiano LTC must seriously consider the requirement for an arms-length third-party environmental assessment of this proposed development before proceeding any further.
- Consider the precedent being set by the LTC accepting professional advice from the same individual being paid to successfully rezone a property. This sets the stage for the LTC to allow this conflict of interest to repeat in future rezoning applications.

### **4. Density of Development**

- With the present densities being considered, this offers Crystal Mountain the highest resort density on the island, located adjacent to single-family home residential areas. Other business operators may – fairly – respond with applications to increase density on their own resort sites.
- Consider downstream consequences of a high level of density and the precedent setting it will inevitably cause.

### **5. Precedent Setting**

- Consider the guarantee of precedent setting from the above issues for all of Galiano Island. It is not simply a risk but a guarantee, if the Galiano LTC proceeds on its current trajectory with this application. Precedents include:
  - a. Over-riding the OCP and allowing retreat development on forest lands;
  - b. Defining a community facility that provides no community benefit;
  - c. Over-riding the requirement for consolidation of infrastructure to prevent forest fragmentation;

- d. Ignoring climate change mandates delineated in Islands Trust Policy Statements;
- e. Allowing the expansion of retreat developments into residential neighbourhoods;
- f. Regularizing illegal activities because the developer wants to continue illegal uses, rather than setting the boundaries for development based on the LUBs;
- g. Unprecedented density of dwelling units and excessive build-out, contravening the mandate to cluster development and minimize environmental impact;
- h. Allowing two separate developments both with maximum sprawl and duplicated infrastructure (well, water storage, septic tank, septic field, shower facility, etc.) and separate access roads
- i. Dismissing the need for impact on neighbours of groundwater use in already stressed and vulnerable water zones;
- j. There has been no enforcement of by-laws on this property, and others. The message to all land-owners is that you can do whatever you want and eventually the Trust will bend Galiano's LUBs to make illegal activities compliant.

## 6. Development Permit Areas

- The Upper Ridge development appears to be in the steep slope DPA (see Galiano Island OCP Bylaw No. 108, Development Permit Areas Compilation Map), as acknowledged by Planner Smith at the most recent LTC (Sept. 7, 2021). As such, any development will need to be assessed by a qualified engineer as part of Development Information as required by the OCP.
- Development Permit process must be completed before this rezoning application can proceed to public hearing.

## 7. Indigenous Consultation / Interests

- Indigenous interests, which are considerable in this area, have not been adequately addressed. We have included a more detailed brief (brief #5) on why this matters and why it must be addressed before the proposal can go any further.

*This document (Brief 1 of 5) was prepared by Galiano residents and landowners who are concerned about the Crystal Mountain application: Sheila Anderson, Serena Coutts, Jenna Falk, Akasha Forest, Suzanne Fournier, Dan Gaucher, Bob Grist, Diana Lilly, Brad Lockett, Pat Mayhill, Ian Mayhill, Tom Mommsen, Art Moses, Sandy Pottle, John Ronsley, Risa Smith*