

From: Art Moses [REDACTED] >
Sent: Sunday, December 5, 2021 10:24 PM
To: Dan Rogers <drogers@islandstrust.bc.ca>; Jane Wolverton <jwolverton@islandstrust.bc.ca>; Tahirih Rockafella <trockafella@islandstrust.bc.ca>
Cc: giltc@islandstrust.bc.ca; Brad Smith <bsmith@islandstrust.bc.ca>; [REDACTED]
Subject: Dec. 6 staff report re Crystal Mountain rezoning proposal

To the Galiano Island Local Trust Committee

From: Art Moses, [REDACTED]

RE: Staff report for Dec. 6/21 LTC meeting re Crystal Mountain Society rezoning proposal Dec. 5, 2021

Hello trustees,

Because I am unable to attend the Dec. 6 meeting I am providing written comments on the staff report.

Day use limits:

As a neighbour of the proposed year-round multi-unit retreat centre, designed to host visitors from around the world, I am pleased the planner reports that limits on the numbers of users at this facility during daytime hours would be legal under the Municipal Act. This is particularly important because members of the applicant's organization have been purchasing residential properties in the neighbourhood, with the potential to house many more event participants than those who would stay overnight at the retreat centre.

The planner suggests that these day use limits would be hard to enforce, whereas limits on the number and size of buildings would be easier to enforce. This is highly questionable. The fact is that there has been little to no effective enforcement of land use bylaws and other regulations on this property at all for more than 20 years. Throughout that time the applicant has held retreats every year on the property using buildings it has constructed that are prohibited on this land, which is zoned exclusively for forestry. This includes retreats held during an international pandemic. As for waste disposal on the site, until this year the applicant exclusively used outhouses which have been prohibited by Island Health since 2007.

The choice of which regulations to impose should not be determined by which ones are easiest to enforce. Trustees need to assure residents that they have a workable mechanism to ensure that this applicant follows all bylaws and conditions, including those in the proposed Section 219 Covenant if this rezoning is approved.

Use of the word "Non-profit":

I am also pleased to see that once again staff have received legal advice that the use of the term "non-profit" to describe the use of this property has no legal force. (This was already confirmed in legal advice received in 2016 but for some reason the issue was brought back for another go) The latest legal opinion eliminates the validity of attempts to distinguish this facility from any other facility for commercial visitor accommodation. Adding the word "non-profit" has no value or relevance.

Accordingly, this proposed rezoning must be removed from Community Facilities and Utilities and placed under Economic Activity as visitor accommodation, the same as all other island resorts and the film school.

Water

The planner notes the applicant has placed a data logger in one of its wells as requested by the LTC to monitor the level of the aquifer during the fall recharge period. However, trustees have not required the applicant to conduct data logging during the critical dry summer months. This is in sharp contrast to what has been required of the island's two proposed affordable housing projects, for which there clearly is a demonstrated community need.

This on-going failure to properly monitor the aquifer at CMS, in what the Islands Trust water specialist calls an area of "High Vulnerability", needs urgent attention from trustees. Why would you treat this facility for the private enjoyment of mostly off-island tourists so much more leniently than projects that would provide badly needed housing for island workers and their families?

Thank you for your attention to these matters. I would appreciate receiving a response.

Art Moses