

From: Risa Smith <[REDACTED]>

Sent: Monday, December 6, 2021 9:56 AM

To: Dan Rogers <drogers@islandstrust.bc.ca>; Jane Wolverton <jwolverton@islandstrust.bc.ca>; Tahirih Rockafella <trockafella@islandstrust.bc.ca>; Brad Smith <bsmith@islandstrust.bc.ca>

Cc: Tom Mommsen <[REDACTED]>

Subject: Planners Report on Crystal Mountain

Dear Local trust Committee,

We just looked at the Staff report for today.

1. Re Non-Profit designation. As we have been saying all along the legal opinion has confirmed that the non-profit designation is not legally defensible to distinguish Crystal Mountain from any other visitor accommodation facility on Galiano. We are sure you will agree that we should not have language in our Land Use Bylaws or OCP that is not legally defensible. We therefore implore you to remove the non-profit designation from this rezoning, which will put it in the Economic section of the OCP and LUBs, where it clearly belongs. We feel that it has been a waste of scarce staff resources to get a second legal opinion on this when you already had one from 2016.

2. Re Day-Use Limitations. We are pleased that the staff have confirmed that limiting day use is legally defensible. We implore you to put a day use limit of not more than 35 people, which would cover the 28 people who can stay there and 7 additional people. This is important considering that the additional build out around the site is now significant and they could likely have a retreat double that size from people who would be staying in private residences of supporters who have recently or are in the process of building large houses to accommodate CMS retreatants. We recognize that the planner says it would be difficult to enforce this - but we don't see why that should be a problem as the trust finds it difficult to enforce any of its by-laws. It would give the trust the legal ability to enforce this if CMS has large gatherings.

3. Water use - it is indefensible that CMS has not been required to have a draw down water use study in the dry summer months, when their use is highest and water is scarce on the island. The watershed is already over-subscribed and this is one of the major concerns of property owners around CMS, most of whom already have summer water problems - whether or not they are on a community water system. This has been required of GALI, which is definitely a proposal with community benefit. Why not CMS?

Sincerely,

Risa Smith and Tom Mommsen

[REDACTED]
Galiano

Risa Smith

[REDACTED]