

From: j oakley [REDACTED]
Sent: Thursday, March 3, 2022 8:02 PM
To: Jane Wolverton
Cc: Leslie Cain; Morning Beach
Subject: Attached CMS Update
Attachments: Update-FinalLetterMarch3_22.pdf

Hi Jane, here is the document we have been working on as an update to community as well as response to the petition. Lots of detailed references!

Janice, Libby and Leslie

Update to the Galiano Islands Local Trust Committee and Community Regarding: The Crystal Mountain Society Spiritual Education Forest Retreat Proposal-2022

Changes in land use zoning in a small island community need to be carefully considered. Crystal Mountain Society would like to take this opportunity to share our proposal with the greater Galiano community by inviting you to take a bit of time to focus on this unique model and complex process to rezone the use of forested lands with preservation and protection at the forefront of planning. The Galiano's Official Community Plan and Islands Trust Policy are the guiding land use regulations. Our update references the correlation between our proposal and Galiano's specific policies and directives regarding sustainable stewardship and ecological integrity that support healthy forests.

Crystal Mountain Society has been on Galiano quietly studying and practicing meditation for over 40 years now. We have always welcomed reasonable and fair discussions regarding our application to rezone and have listened to and reshaped the applications based on wise and intelligent concerns by Galiano residents, Trustees and Planners.

We have carefully prepared an introductory summary followed by a more detailed progress update as well as corrections to an opposing narrative that has been circulated as a petition in the community.

Introductory Summary

- The Crystal Mountain Society rezoning proposal includes **two properties**, the 50-acre F-1 zoned Lot A and the 10-acre residentially zoned property, Lot 9. Along with the rezoning of the F-1 lot to allow for Spiritual Education use on our remainder parcel, the majority of the forest lot plus the residential property will all be rezoned to **Nature Protection**, removing the current residential rights of Lot 9. *Read more below: #1*
- Under existing zoning (F-1 and residential), ecosystems have no protections on a **single acre of the 60**, other than by DPA's. The 10 acres are subject to unfettered residential development and the 50 acres are subject to unregulated logging. *Read more below:# 1 & 2*
- Through community consultations and past models used in rezoning F1 lots, we understood that in order to increase intensity of use of our F1 lot, **Transfer of Title to 75% of the land for ecosystem protection** is recognized as the most valuable community benefit in exchange for the acceptance of our proposal. The Islands Trust Conservancy agreed to accept the title, requiring a \$30,000 endowment fee from CMS to support ongoing conservation management. And important to note is that CMS is voluntarily consolidating our RR zoned lot 9 with the forest lot, thus maximizing the amount of ecosystem protection.

- **Further conservation on our 25% resulting in a total of 90% protection:** This rezoning is setting a new and positive example for all land use: that we offer protection of 60% of the forest cover **on our designated remainder area of 15 acres.** [Read more below: # 2](#)
- The proposal is unequivocally the most **ecologically progressive** rezoning involving a forest lot to date on Galiano. Less than 2% lot coverage by development, plus effective ecosystem protection of 90% of the total acreage shows clearly how the proposal directly supports the Islands Trust “preserve and protect” mandate and Galiano’s OCP. [Read more below: # 3](#)
- **Water Management Plan:** CMS is required to operate under the Island's Trust and Island Health approved regulations. All of the testing, analysis, calculations and recommendations from recognized and respected professionals are part of a comprehensive Water Management Plan. **Water metering and data reporting** are requirements for a licensed well. [Read more below: # 4](#)
- **Numbers on the land:** To accommodate 22 students in summer and 17 students in winter CMS proposes 17 total small basic single-use sleeping huts (avg. 180sf) with no plumbing (14 in Lower Area A and 3 in Upper Area B); 5 summer campsites; plus proposed day only use.
- **Upper Area B Infrastructure (hooked configuration):** Three of these small huts will be located in a separate 1 hectare area with a common service building consolidating kitchen, bathroom and storage use. This will offer up to 3 students the opportunity for deep, solitary retreat intentionally removed to an isolated area away from everyday distractions. Total area of the 4 buildings, plus the pumphouse, will be 1,174 square feet.

Galiano Island Advisory Planning Commission-2021 (APC) Report: Regarding hooked property, its creation by subdivision, and its access:

*“The proposed CMS property is a single property with a hooked configuration that has direct public road access from Devina”.
The hooked portion of the property in the upper ridge also has a legal access to Cook Road via a registered easement across neighbouring lots B and C. [Read more below: # 5 & 7](#)*

- **Forest Fragmentation: OCP Forest Policy BL124-Subsection (k)**“*The fragmentation of forest-designated lands by roads or other service or communication corridors shall be minimized*”.

The biological imperative of the forest fragmentation concept is loss of habitat. By conservation of 90% of the ecosystems through rezoning, and a development footprint of less than 2%, we **will preserve far more habitat** than would be achieved through a) the pre-existing residential and forestry uses which are already permitted on the land; or through b) an alternate rezoning path for F1 lots to allow increased

density a residential subdivision requiring no mechanisms for protecting ecosystems but with the proliferations of “roads and service corridors. [Read more below # 5](#)

- **No tourism, not a commercial enterprise:** Our new zoning is most appropriate under the **Land Use** category of “Community Facilities and Utilities”, with 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. [Read more below: #6](#)
- Islands Trust Rezoning are all **Site Specific**. According to IT Planners and Trustees rezonings do not set legal precedents. Concerns of setting legal precedents are unfounded, therefore no aspects of our proposal can be leveraged in other rezonings.

OCP Community Facility Policies 215 c) Zoning for a community facility shall be considered on a **site specific** basis
[Read more below: # 10](#)

- The IT Policies referenced below are from both the current document, April 2003 and the new Islands Trust policy draft dated July 15, 2021. We understand the primary changes in the draft involve climate change, ecosystem protection and Indigenous engagement, these are areas of strength in our proposal. [Read more below: # 2,4, 8, & 9](#)

The following section provides a detailed description of the CMS proposal as well as corrections to the petition in opposition with factual information:

1. ***The petition ‘fact sheet’ inaccurately states that the Crystal Mountain proposal “would rezone land from F-1”.*** A critical unacknowledged fact is that the CMS proposal **includes two properties**, one 50-acre F-1 zoned Lot A and one 10-acre residentially zoned property, Lot 9. The residential property is currently undeveloped and is characterised by mature forest and wetland ecosystems. Along with rezoning and subdividing the F-1 lot to allow for Spiritual Education use and a Nature Protection Zone, the CMS proposal will also rezone the residential property to Nature Protection with the Islands Trust Conservancy. The net result for Lot 9 is the removal of the current residential rights of a house, guest cottage, home based business, and gardens as well as loss of the assessed value, \$495,000.

The addition of the residential lot into the equation makes the CMS proposal unique when compared to other forest rezoning applications. Having significant development and resource use already permitted on this ecologically valuable piece of land changes the discussion around the net impacts and benefits of the proposal.

2. The Crystal Mountain Society proposal is in compliance with Islands Trust Directives.

Quoting the New Draft IT Policy Statement No. 183-Updated July 15, 2021:

*The mandate to “preserve and protect” aims to ensure the continued existence, either at current or enhanced levels, of the unique amenities and environment of the Trust Area. This involves first identifying the unique amenities and environment in each local planning area and then instituting measures for their preservation and protection. **Appropriate developments can thus be guided to areas which are most suitable, with minimal impact to the unique amenities and environment of the area.** Official community plan and bylaw provisions such as setbacks and parcel size can be used as site specific protection measures where development is permitted.*

The Crystal Mountain proposal includes conservation measures that legally “preserve and protect” 90% of the ecosystems, including all the most valuable habitat on the properties.

In the existing Islands Trust Policy Statement under: *Policies for Ecosystem Preservation and Protection:*

New Draft Policy 2021	Current Policies 2003	<u>Current 2003 Policies for Ecosystem Preservation & Protection</u>	<u>Comments</u>
4.1.7	3.1.3	address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.	Site selection is within the area "most suitable, with minimal impact" avoiding the unique sensitive areas: it is based on a professional biologist assessments; 219 covenant will provide further protections
4.1.6	3.1.4	address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.	Transferring title to ITC secures the protection and effectively maintains the existing network of contiguous forest and ecological integrity. The final zoning will be Nature Protection.
4.1.8	3.1.5	address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.	CMS has demonstrated septic viability/adequate water supply through professional assessments Al Kohut-Professional Hydrologist Gord Bair-Water Specialist. We will use a combination of solar, and propane heat, both of which are considered cleaner energy sources. Wood burning will only be for backup
4.3.6	3.2.2	Address the protection of unfragmented forest ecosystems within their planning areas from potentially adverse impacts of growth, development, and land-use	Site layout seeks to minimize tree removal and other impacts 219 covenant will provide further protection

3. CMS proposal is in compliance with Galiano's Official Community Plan. The proposal does, in fact, follow OCP principles **that apply to the application:**

- Preservation and protection of ecosystems; especially vulnerable Coastal Douglas Fir biogeoclimatic zone. (No.2b)
- Maintaining and restoring forest ecosystems; (No.2.c)
- Supports continued and strengthened collaboration and cooperation with First Nations; (No.2d)
- Social and economic diversity and creativity of the island community; (No.2.f,g)
- Passive contemplation, spiritual connection and low-impact recreational and educational access to the forest. (No.2.m)

OCP Principles		OFFICIAL COMMUNITY PLAN	COMMENTS
	No. 2b	This Plan supports the preservation and protection of Galiano's ecosystems. Galiano is part of the vulnerable Coastal Douglas-fir biogeoclimatic zone. This is the smallest and rarest biogeoclimatic zone in British Columbia and it has the highest density of species that are of both provincial and global conservation concern of any B.C. biogeoclimatic zone.	The intact mature forest, cliffs and ecologically significant wetland, stream and riparian ecosystems that extend through the CMS properties from neighbouring lots are entirely protected, maintaining network integrity
	No.2c	The forested landscape is integral to Galiano's character. Maintaining and restoring Galiano's forest ecosystem is critical for ecosystem-based sustainable forest management.	Less than 2% development footprint, 219 covenant implementation includes tree protection on 60% of CMS remainder parcel
	No 2d	Several First Nations have traditional ties and territories on Galiano. The community supports continued and strengthened collaboration and cooperation with First Nations in planning land and resource management and protection of cultural heritage and sites.	We are in contact and communication with First Nations involved.
	No.2f	A sustainable community requires a viable local economy.	As we are a charitable society, economic benefit will be through the use of Island trades and services.
	No.2g	Diversity is integral to a sustainable and healthy community.	We offer a diverse use of the forest lands while preserving and protecting them. Spiritual and educational aspects of this facility will greatly benefit the community. This is a unique public offering.
	No.2i	Galiano's natural beauty and tranquillity are valued by residents and visitors alike. The Island provides opportunities for renewal of body, mind, and spirit.	The landscape in its natural state is conducive to renewal of body, mind and spirit through silent study, meditation and contemplation.
	No.2k	There are often competing interests to consider in land use decisions. To achieve a balance among these interests land use policies and regulations must be articulated clearly and administered equitably.	A community based educational spiritual development that protects the forest ecosystem is unique and site specific, balancing equitable land use in comparison to typical residential use.
	No.2l	The climate is changing. This plan supports policies to reduce greenhouse gas emissions, to work towards carbon neutrality, and to adapt to climate change.	See below #9.
	No.2m	This Plan supports the passive contemplation, spiritual connection, and low impact recreational and educational access to the forest.	Our proposed spiritual and educational centre manifests this principle in the OCP

The CMS proposal is **unequivocally** the most ecologically progressive rezoning involving a F-1 forest zoned lot to date on Galiano. The measures outlined above resulting in the protection of 90% of the F-1 and residentially zoned lands show clearly how it directly supports the forward thinking path of the Galiano OCP and its forward thinking path for the well-being of the community.

4. The development of a Water Management Plan begins with the requirement to operate under Island's Trust and BC's Island Health Authority approved regulations.

All of the testing, analysis, calculations and recommendations for CMS are from recognized and respected professionals. (HyGeo Consulting and Ecosense Water Management). This will cover groundwater, stormwater, water demand and treatment, potable water safety plan, fire suppression, water storage including rainwater, and wastewater (septic).

Groundwater Update

<http://crystalmountain.org/Portals/0/Groundwater-Update-2021-by-Alan-Kohut.pdf?ver=2021-08-05-172710-090>

Ecosense Water Management

Plan:<http://crystalmountain.org/Portals/0/Water-Management-Plan-2021.pdf?ver=2021-08-05-174347-887>

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 through rigorous testing of the well's capacity shows clearly that there is ample water for our operations without affecting the 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. 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.

In the OCP Water Supply Objectives, Bylaw 124:

Bylaw 216 #3) to ensure that the local trust area develops only in a manner that utilizes the precautionary principle and the best information available regarding water resources, so that the resource will be reserved for current and future use.

In the Islands Trust Policy Statement:

TOPIC	NO.	Islands Trust Policy Statement	COMMENTS
FreshWater Resources	4.4	Policies for the Stewardship of Resources	
	4.4.2	address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.	The applicant has provided well pump test data and data logger study results from qualified professionals that conclude water supply from the source well is adequate with the application of a safety factor that exceeds provincial standards; A conditional water license has been applied for; a professionally developed water management plan provides additional water storage, use monitoring and other management measures. See link above to CMS WMP

CMS Lot 9: Current Allowable Residential Water Use

Lot 9 already has a well and a ‘right’ to a domestic residential use of water for a house and cottage.

According to our OCP’s Land Use Bylaws (BL278 ,BL130; 209 section 13.24) a parcel with a house and a cottage must be able to **produce** at least 2,275 litres per day of potable water.

According to the BC Water Sustainability Act, a parcel has a residential **allowed usage** of 4,000 litres per day for a house and cottage.

According to our Water Management Plan a **total projected water use** is 2900 litres per day. (2616 Area A, 284 Area B). This projected use will be drawing far less than the 4,000 litres that is already allowed on Lot 9 alone. Our point is that our groundwater maximum daily use for the Centre falls well within the parameters allowed for just 1 parcel use. According to our Water Management Plan, our sustainable yield in Area 1 alone is 4,069 litres per day. Our required storage capacity will be 54,000 litres. In addition, a comparable hypothetical rezoning of Lot A to an F3 residential land use would allow an additional 2000 litres per day.

As a footnote: The petition incorrectly states that the proposal is “not compliant with policies and directives for water use in a critically vulnerable watershed”. We are not within the category identified as “critically vulnerable watershed”. Clarification has been given by IT Staff at the September 2021 Islands Trust Water Sustainability Groundwater Science Project Webinar.

<https://collaboratevideo.net/MaxPlayer/default.aspx?cid=isthost&pid=vod&vid=210901B&bw=720p&webcastID=IST-210901B>

5. *Is CMS in compliance with policies and directives regarding: “Forest Fragmentation”?*

Fragmentation refers to the **pattern** of habitat loss rather than the quantity of habitat being lost. It is the quantity of habitat being lost that is the single most prescient concern for the well being of wildlife species and ecosystems on Galiano.

The CMS proposal results in the conservation of, effectively, 90% of the land. The quantity of habitat being saved is 54 acres of the original 60, which includes all the most valuable and sensitive areas.

- Our OCP does **not** “explicitly forbid forest fragmentation” as falsely stated in the petition. Rather it states that “***The fragmentation of forest-designated lands by roads or other service or communication corridors shall be minimized***”. OCP Forest Policy BL124, k,pg 16 <https://islandstrust.bc.ca/document/galiano-ltc-ocp-bylaw-no-108/>
- **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*”.
- **3.2.2 under Forest ecosystems:** “Local Trust Committees... *address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use*”.
- **The APC report on the CMS proposal from Aug. 2021** “recommends that zoning requirements specify that lot coverage does not exceed 5% of the lot”. The CMS proposed lot coverage is less than 2%

The proposed primary development, both lower and upper areas, is accessed by **existing roads**, built during industrial logging of Lot A prior to CMS’s purchase in 1999. New utilities will follow existing roads as will the emergency access route designated in the OCP Road Network Plan.

The proposal also ensures that:

- The intact mature forest, cliffs and ecologically significant wetland, stream and riparian ecosystems maintain the network of ecological integrity through the CMS properties from neighbouring lots. **In the APC report Aug. 2021,** “*The land that CMS proposes to transfer is contiguous with DL87 which is protected provincial park land*”.
- 60% of forest cover on the retreat centre remainder parcel will be protected with the 219 conservation covenant. Trees from 39 cm wide and larger within our development are mapped, marked and listed on a tree schedule, and their root zones are sited for protection and environmental integrity.
- IT Policy Directives, Policies for Sustainable Communities: 5.2.2 “***Tree cover on the island is of great importance and should be preserved.***”

Although new building anywhere results in a degree of habitat loss, the conservation measures embedded in the proposal do an exceptional job of protecting 90% of the CMS land ecosystems. All infrastructure will be clustered within impacted areas of the property.

When compared to the residential and forestry uses that are already permitted on this land, the Crystal Mountain rezoning will significantly reduce the potential for ecological impact and what some have labeled "forest fragmentation".

6. **Our new zoning is most appropriate under the *Land Use category of "Community Facilities and Utilities"***, with the Millard Learning Centre and St. Margaret's church. The retreat centre will **not** be a "commercial visitor accommodation" any more than is the Millard Learning Centre. We serve people interested in spiritual education, primarily from Galiano and British Columbia, not travelers looking to book guest accommodation by the night. We do not advertise to attract the traveling 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. Unlike a for-profit business, as a charitable nonprofit organization, the society does not share any profits with "owners or shareholders" but does support the Society's purpose and constitution. By CRA definition in granting charitable status, our purpose must be of benefit to the community. Our draft bylaws reflect educational use and **specifically disallow any commercial tourism-oriented use**. This also closes the door to a future owner intent on using the retreat property for purposes other than what it's zoning describes.

CMS Draft Land Use bylaw amendments 8.7 new SE1 zone:

- 2.1 (1) *Crystal Mountain Spiritual Education Retreat (LUB amendment)*
- *Under new subsection 4.4 Spiritual Education use (OCP amendment)*

Spiritual Education Policies:

c. *Zoning for spiritual education retreat use:*

- i) ***shall not support, provide, or permit any commercial tourism-oriented use, including nature related tourism or visitor accommodation.***

d. *spiritual education retreat use programs should be delivered on a non-profit basis*

7. ***Is CMS's application compliant with policies and directives for the "Consolidation of Infrastructure"?*** The point of clustering is to preserve the integrity of ecosystems. As this application is protecting 90% of the land's ecosystems, clustering has already been an important factor in designing the Retreat Centre. All infrastructure is clustered within the CM remaining 15 acres. **The siting of buildings has taken into consideration the areas already impacted by industrial logging placing all the main infrastructure together within these affected areas.** Finally, the proposed building footprint covers less than 2% of land, compared to OCP/LUB allowed development footprint of 25% lot coverage.

The OCP policy reference cited is for clustering newly subdivided lots within a forest zone. It is not as implied here for the buildings within a lot. OCP Section 3 Forest Policies: a) pg 16

APC Report: Regarding the hooked property, its creation by subdivision, and its access (CMS): *“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 a legal access to Cook Road via 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”.*

- 8. Inappropriately claims that CMS is not compliant with policies and directives regarding “Indigenous Reconciliation”:** We support the augmentation of Indigenous Reconciliation in the new draft of the Islands Trust Policy Statement that reinforces the now established federal and provincial directives. In 2020 we shared information with the Penelakut Nation about our application by sending a formal letter to Chief Joan Brown and have since had conversations with people in the nation who are involved with cultural claims to land. We have been advised by Trustees to contact those in the IT who are tasked with these issues. We are in a continuing conversation with Lisa Wilcox, Senior Intergovernmental Policy Advisor. In collaboration with the ITC we have invited a Cultural Knowledge Holder to visit our lands.
- 9. Petition falsely states that CMS is not compliant with policies and directives regarding “Climate Change Mandates of Islands Trust Policy Statement.”:** In reading the new draft IT Policy Statement 4.1.9 *“Ecosystem Preservation and Protection identifies means to reduce climate vulnerability and support climate adaptation measures for ecosystems within the planning area”.*

What scientists have been telling us now for decades though, is that preservation of ecosystems, especially forest habitat, is of utmost importance to maintaining health on the planet. By preserving 90% of the forest ecosystems described throughout the document, this application becomes part of the solution to the climate emergency. On Galiano at this time there is little to no protection of habitat outside of DPA’s. This rezoning is setting a new and positive example. Further, the proposal includes on-site solar energy production that will produce as much or more electricity than is used. By implementing water conservation measures, our Water Management Plan will reduce potential pressure on the aquifer in response to a potential for increased drought periods .

The OCP, in section 4, Conservation and Environment, subsection 6, Climate Change Mitigation and Adaptation are discussed on pg 43 and 44. CMS acknowledges and complies with these suggested policies and actions:

- Regarding potential Greenhouse Gas Emissions: **use of a combination of solar, and propane heat, both of which are considered clean energy sources.** Wood burning will only be a secondary and back up use.
- Development located in an area **“accessible to existing transportation”**
- **New development** “utilizing building technology that minimizes energy use”:
 - Net zero electricity use goal
 - Energy efficient design
 - No concrete foundation for huts
 - Grid -tied Solar pV system
 - Super insulated
 - Firesmart materials and design
- CMS "supports **alternative transportation initiatives**" by organizing carpooling. Only weekly supplies ‘in’ and recycling and trash ‘out’ use vehicles during retreat.

10. What are the implications of this rezoning for future applications? According to the Planners and IT lawyers, land use rezonings do not set legal precedents therefore no aspects of our proposal can be leveraged to the advantage of other rezonings. Each application is considered on a site specific basis. For example the *OCP Community Facility Policies 215 c) Zoning for a community facility shall be considered on a site specific basis.*

APC Report, Aug 9 2021: *From the IT Planner: “The key principle is that circumstances are different in each case. CMS has taken over 17 years to play out and the current bylaws are written with a very specific land use and layout that is quite restrictive. Any new proposal would have to be proven on its own merits, just as this one is undergoing that test within the community and LTC. This proposal is different in that they bring an RR zoned parcel with built-in densities; most F1 proposals do not have this built in so the conversation and starting point is different”.*

In conclusion, we hope the above information helps to clarify perspectives on our application and the process of land use rezoning.

The Crystal Mountain “Spiritual Education Retreat Centre” is unique and forward-thinking regarding the climate emergency and the access to a place of contemplation and study during these difficult times. Our application is based on years of meaningful and honest communications. We welcome in-person meetings with anyone who comes to us in good faith, open to learning more about the planned Centre.

Respectfully,

Crystal Mountain Society Rezoning Committee

Janice Oakley, Libby McClelland, Leslie Cain

