

From: Stephen Rybak <[REDACTED]>
Sent: Monday, October 3, 2022 11:51 AM
To: Brad Smith <bsmith@islandstrust.bc.ca>
Cc: Tahirih Rockafella <trockafella@islandstrust.bc.ca>; Dan Rogers <drogers@islandstrust.bc.ca>; Jane Wolverton <jwolverton@islandstrust.bc.ca>; Robert Kojima <rkojima@islandstrust.bc.ca>; William Shulba <wshulba@islandstrust.bc.ca>
Subject: Re: Crystal Mountain re-zoning: outstanding issues

Brad, you've misconstrued my questions.

The first - Mr. Shula once publicly categorized the development of Crystal Mountain as posing a risk to the already heavily used, and critical groundwater recharge zone. Could that categorization ever come back to haunt the LTC as a liability, especially that the risk was never quantified nor were any potential mitigation measures, if needed, described.

I do not believe the water management plan addresses that "risk" as the risk was never quantified. I am satisfied that the water management plan may well meet the requirements of the applicants once a water licence is approved. I support staff's recommendation that rezoning be made subject to water licence approval. But what is Mr. Shula's assessment of the evolving water management plan meeting his still unstated "risk" assessment?

My second question/comment was to urge Local Trustees, whomever they may be, to take up the challenge and assert their prerogative to re-assess whether or not the applications should be in an economic or commercial zone. I did not expect you to answer this question to Trustees, but thanks for the clarifications.

Stephen

On Oct 3, 2022, at 10:19 AM, Brad Smith <bsmith@islandstrust.bc.ca> wrote:

Hi Stephen,

I do not completely understand your first question with respect to what 'public description' you are referring to. What I heard from the professionals in the CIM is that the risks are mitigated in the water management plan and that the professional hydrogeologist is of the view that there is sufficient water from the proposed source well to meet the needs of the land use without impacting neighbours when supplemented with rainwater as per the water balancing model in the water management plan. Further to that, that the province is still adjudicating the water license application and that they may require further analysis or testing of the well before a decision is made. Staff have also stated that in their opinion if rezoning approval is to be considered it be made subject to water license approval.

With respect to your second question I did not make any statement in the CIM that a 'weak' recommendation was made, nor did I suggest that the LTC should re-examine whether or not the application should be in a commercial or economic zone, only that is their prerogative to do so if they choose as elected officials. The previous LTC decided that it fits better under the Community Facilities and Utilities header as a separate and unique designation and this current LTC up to now has chosen to keep it there.

In the September 7 staff report I make the following statement, it is not a recommendation. In my view, this rationale is well considered, not 'weak' as you contend.

<image002.jpg>

Following that statement, I did recommend that the LTC consider adding this to the policies to further ensure they are not an economic activity and LTC chose to do so.

<image003.png>

Following that I made this statement, and this was reiterated at the CIM.

<image004.png>

Further, as has been stated numerous times in public meetings and staff reports, this statement you make is not accurate as the Crystal Mountain application has its own set of unique objectives and policies under a proposed 4.4 Spiritual Education heading, it is not proposed to be designated a community facility.

The OCP defines community facilities as those that "enhance the social, economic, educational and cultural aspects of life on the island". As the Crystal Mountain application is essentially "closed" to community use - other than paying for access to a specific retreat - it does not belong in this land use zoning. It offers educational opportunities on a commercial basis and has limited visitor/user accommodation included in the experience. The case for a commercial land use designation is much stronger than the community facility designation proposed by staff.

Brad Smith, PAg

Island Planner, Southern Team

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[Islands Trust](#) *Preserving and protecting over 450 islands and surrounding waters in the Salish Sea.*

-----Original Message-----

From: Stephen Rybak [██████████]

Sent: Friday, September 30, 2022 2:10 PM

To: Tahirih Rockafella; Jane Wolverton; Dan Rogers

Subject: Crystal Mountain re-zoning: outstanding issues

My thanks to the proponents (and their experts) and staff for responses clarifying a number of issues raised during the recent Community Information Meeting. While my concerns regarding specifics in the water management plan were addressed, two issues are - for me - outstanding.

Notwithstanding the pending election for local Trustees, the first can be addressed by staff. It concerns the public description of the proponent's water management plan and licence application as a risk to the already stressed ground water resources in the neighbourhood. It could be a future liability unless that "risk" can be quantified or described and appropriate mitigation measures are proposed by Island Trust staff. I would have raised the issue if the IT water management specialist was in attendance, but his first child's birth certainly took precedence. Can we please get a public response to this concern, which I believe is shared by community members and appears to be driving current opposition to the re-zoning application?

My second issue is one that Local trustees will have to address - categorizing the application as a community facility. Trust staff rationale did nothing to strengthen the reasons for their admitted weak recommendation. Indeed, staff suggested Trustees re-examine whether or not the application should be in a commercial or economic zone. I urge - no challenge - Trustees to do just that.

Staff has and did work with the applicants to come up with a categorization that is good for the applicant, but is it the best for the community?

Crystal Mountain offers the public the opportunity to participate in spiritual education retreats on a full cost recovery basis. Its marketing efforts extend beyond the shores of Galiano Island, and far beyond the borders of British Columbia to an international clientele. Other organizations offering educational opportunities have operated on residential lands re-zoned for commercial or economic activities. The Galiano Film School is a primary example. The status of the applicant - non-profit or for-profit - should not be a factor in deciding the most appropriate re-zoning classification.

When one looks at the various community facilities described in the Official Community Plan, one defining attribute is that those community facilities are open to use by other Island organizations. An individual or organization can rent space from most, if not all of the community facilities. The proposed by laws actually prohibit Crystal Mountain for doing that by restricting use of the spiritual education retreat facilities to only the Crystal Mountain Society! The by law has transformed a purported community facility to an exclusive, single-use, gated operation. Even if Crystal Mountain wanted or had offered access to its facilities by Island groups, it cannot now do so. That type of operation is much more suited to a commercial or economic zoning.

The OCP defines community facilities as those that “enhance the social, economic, educational and cultural aspects of life on the island”. As the Crystal Mountain application is essentially “closed” to community use - other than paying for access to a specific retreat - it does not belong in this land use zoning. It offers educational opportunities on a commercial basis and has limited visitor/user accommodation included in the experience. The case for a commercial land use designation is much stronger than the community facility designation proposed by staff.

Staff, at the CIM, noted that the proposed by law restrictions or limitations could also be accomplished in a commercial or economic land use designation.

An educational facility, be it of a spiritual, academic or technical nature, that charges fees to a narrow range of participants is a commercial enterprise. It is not a community facility no matter how much the applicants truly believe they are bringing a valuable commodity into the community.

The Crystal Mountain Society has deep roots in the community and a very strong belief in its organizational mantra. I respect that. But its roots, membership or beliefs should not be factors in a land use decision, however difficult that might be for Trustees.

I hope Trustees will re-consider the land use designation as staff has suggested.

Thank you, again, for jobs well done over the past four years.

Stephen Rybak

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