

**DRAFT**



## Galiano Island Local Trust Committee Minutes of Special Meeting

**Date:** June 14, 2021  
**Location:** Electronic Meeting (Zoom Webinar)

**Members Present:** Dan Rogers, Chair  
Jane Wolverton, Local Trustee  
Tahirih Rockafella, Local Trustee

**Staff Present:** Brad Smith, Island Planner  
William Shulba, Senior Freshwater Specialist  
Carly Bilney, Recorder  
Maple Hung, Planning Team Assistant (Host)

**Public:** There were approximately 27 members of the public.

### 1. CALL TO ORDER

Chair Rogers called the meeting to order at 12:30 p.m. He acknowledged that the meeting was being held in the traditional territories of the Coast Salish First Nations.

### 2. APPROVAL OF AGENDA

The following amendment to the agenda was proposed:

- Add Item 4 – In-camera meeting.

**By general consent**, the agenda was approved as amended.

### 3. COMMUNITY INFORMATION MEETING

**Re: The proposed rezoning of District Lot 90, Lot 9 and District Lot 88 & 89 Lot A, North Galiano Island, to allow for the development of a spiritual education retreat facility – Crystal Mountain Society (CMS)**

#### 3.1. Rezoning Process Overview and Draft Bylaws 256 & 257 – Staff

Planner Smith reviewed the rezoning application, provided an outline of the draft bylaws and summarized where the process currently sits.

### 3.2. Proposal Overview – Crystal Mountain Society

Representatives of Crystal Mountain Society (CMS) provided an overview of the rezoning proposal, including how the proposal relates to the Galiano Official Community Plan (OCP), the history and context of CMS, the nature of CMS retreats, how the property facilitates meditation, and ecological considerations. The applicants made the following comments:

- In response to feedback from community members, the proposal has been amended to reduce the maximum overnight guest accommodation from 30 people to 22, with up to 17 overnight participants in the winter and up to 22 overnight participants in the summer using 17 sleeping huts and 5 seasonal tent sites;
- The application raises the bar for future rezoning and sets important precedence for land protection; and
- CMS hopes to schedule a tour for community members in July.

Hydrogeologist Alan Kohut reviewed the findings of his water report as it relates to the application.

### 3.3. Question & Answer Session

Members of the community were invited to comment and the following questions and comments were raised:

(Note: “Q” is questions/comments from the members of the public. “A” means answer from the applicants, professionals or Islands Trust staff.)

**Q:** Is it possible to add a provision to the application to ensure that if the property owner sells or leases the land that the bylaws would revert to the current zoning?

**A:** Zoning would be specific to the land and not to the owner of the land. The goal is to limit the bylaw and site plan to what is being proposed and what would be expected in the future.

**Q:** What is the procedure for answering questions that cannot be fully answered during the current Community Information Meeting (CIM)?

**A:** Staff reports attempt to answer all questions as they are raised. Additional questions can be vetted in writing to LTC and/or staff.

**Q:** Is there a constrained time-frame for questions after which no other questions can be asked, and will written questions be given written responses?

**A:** The Local Trust Committee (LTC) does its best to answer questions as they are received. It is best to ask specific questions as early in the process as possible. The only time-frame that cuts the end of the public process off is when the LTC finishes a public hearing and Trustees cannot hear anything further, unless they reopen a public hearing (but even then, information can be sought via the staff).

**Q:** Why do the draft bylaws in the proposed zoning fall under *Community Facilities Policies* in the Official Community Plan (OCP)?

**A:** The current LTC and staff inherited the draft bylaws in the *Community Facilities* section of the OCP when the original bylaw was amended in 2015, likely to limit the zoning to non-profit activity. The current LTC could consider if it would prefer to move this zoning elsewhere in the OCP, such as under the *Economic Activity* subheading.

**Q:** Why do the proposed bylaws not control the number of people that may use the property? (i.e., Could a special event be held that included hundreds of people?)

**A:** Maximum event capacities might be captured in a covenant condition; the LTC and staff may need to seek legal support to determine whether day use can be restricted.

**Q:** How does the proposed property use differ from visitor or international accommodation?

**A:** The LTC could consider where the draft bylaws might better fit in the OCP, perhaps in the 'Visitor Accommodation' section.

**Q:** Would CMS consider taking away the upper portion of the ridge in the development proposal as a gesture of goodwill to the community?

**A:** The three huts on the upper ridge portion are integral to the retreat centre.

**Q:** Has CMS consulted with Indigenous groups?

**A:** CMS has sent information to the Penelakut First Nation and they are aware of the plans and activities on the lands. Islands Trust also refers all proposed bylaw amendments to potentially affected First Nations including Penelakut.

**Q:** Given the length of their stay, retreat participants might better be defined as a resident rather than a visitor; how do the bylaws explain this incompatibility?

**A:** Retreatants would be program participants.

**Q:** Is it possible to reduce the footprint of the structures on the land?

**A:** The total lot coverage of buildings represents less than two percent of the CMS-owned portion of the lot and there may be opportunity to combine some of the structures (such as the kitchen and laundry area and office and workshop).

**Q:** What is the definition of "Spiritual Education?"

**A:** The definition as written in the draft bylaw was shared and it was noted that the explicit use of the word "religious" is not allowed because it conflicts with Canadian law.

**Q:** Is the LTC worried about precedence that may be set by the application?

- A:** Yes, precedence will be a consideration for the LTC as to whether or not to proceed with the application.
- Q:** If the rezoning application does not proceed, what could potentially happen on Lot 9?
- A:** The property owners could leave the land zoned F1 where private forest regulations would apply, or seek rezoning to allow for residential use on a portion of the lot.
- Q:** Can the LTC assure islanders that it will focus on what the maximum that can be achieved under a draft bylaw might be and consider what may happen in the future?
- A:** The bylaws would have to be written in such a way that limits whatever CMS is going to do to whatever is agreed upon. Density limits must be clearly established if this were to go ahead.
- Q:** How do the sleeping huts differ from residences when people will be using them for numerous months?
- A:** The huts would be treated as part of a program rather than long-term housing that can be rented through a provincial rental tenancy agreement (RTA). Retreatants would purchase the ability to participate in a program that includes their lodgings, food and programming.
- Q:** If program participants staying in the sleeping huts were from British Columbia, would they have the right to vote in Galiano Island elections?
- A:** Program participants staying in the sleeping huts will not be able to vote in local elections; they will have not a fixed address just as someone who stays in a hotel for a month does not gain the right to vote in the municipality in which their hotel is.
- Q:** Can the applicant provide further clarification as to how they structure participants in their retreats?
- A:** The retreats have set beginning and ending dates, and where people sleep is designated in their program packages.
- Q:** Has the assumption in the water study been adjusted based on use of flush toilets?
- A:** The 2015 report provides a summary of uses and does include the common bathroom facility as well as the kitchen facility; additional plumbing facilities proposed are for the common bathroom in the upper ridge area, and Al Kohut is adjusting his report to reflect the changes to project design and density.
- Q:** Was there any modelling done to estimate the effect of climate change on Spotlight Creek?

**A:** There have been predictions about the effects of climate change on this part of the Southern Gulf Islands and some studies suggest we will be getting more precipitation, although this may not be falling in the same precipitation patterns that we have today. This is an ongoing area of research and there has not been detailed monitoring taking place. A greater concern in the Spotlight Creek area is the possibility for saltwater intrusion as erosion increases.

**Q:** Did the water study assess the aquifer parameters?

**A:** The effects of the pumping test was monitored and no effect was shown on nearby wells, which suggests there will be no effect on wells in neighbouring properties.

**Q:** How will a constant draw on water effect the wells in properties below Crystal Mountain?

**A:** The proposed draw on the well for CMS is not a very large quantity and existing observation wells show no effect. Instrumentation in monitoring wells were measured to within a centimetre in the most optimal time of year (late fall). In its management plan, CMS proposes to have 50,000 litres of groundwater storage for trickle feed to reduce concerns about a constant draw.

**Q:** Has there been any continuous monitoring with data loggers on the well to collect water over a long period of time and on any adjacent wells?

**A:** There was a 12-hour pump test as well as monitoring done prior to, during and after the pumping test that showed what was happening in the observation wells.

**Q:** Will the Trustees propose a motion for continuous data water logging prior to a rezoning decision being made?

**A:** Further analysis is required. Staff need time to assess this request and provide advice to LTC.

**Q:** Is the LTC concerned about the precedent setting involved with the transfer of title that fragments the forest between the upper and lower area?

**A:** The bylaws are currently in a draft stage and the LTC is nowhere near a decision; more information is to be received.

**Q:** How do the draft bylaws address the issue of maintaining safe standards of access?

**A:** CMS will be preparing an emergency plan as part of the rezoning process. There has been an inspection by the North End Fire Chief of suitability of emergency access to the upper road. If there is to be a building constructed on the upper lot the fire department would have to be consulted. Addressing questions related to access have been posed by staff to the applicant, and the applicant must present a plan that meets all the requirements of the Province and other authorities.

**Q:** If the Islands Trust does not have a legislative tool to enforce occupancy, then how can a single occupancy sleeping hut be a legal form of accommodation?

**A:** Further analysis is required. Staff may need to seek legal advice as to whether single occupancy as proposed in this application is allowed.

**Q:** Will CMS restore the areas that have been damaged by the two houses near the water course and the view ridge on Lot A?

**A:** It has been recommended that the two sleeping huts in the lower area that are outside of the parcel that would belong to CMS be moved to within CMS-owned boundaries and the land they are moved from be restored prior to transfer to the Islands Trust Conservancy.

**Q:** Are the Trustees satisfied with this meeting as a means of public communication?

**A:** This is not the last time the LTC and community will get together to discuss the proposal. New information provided by the applicants at this meeting can be examined prior to a future meeting.

**4. IN-CAMERA MEETING**

**GL-2021-055**

**It was Moved and Seconded,**

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1)(a)(d)(f) for the purpose of considering:

- Legal matters

AND that the recorder and staff attend the meeting.

**CARRIED**

**5. ADJOURNMENT**

**By general consent,** the meeting was adjourned at 4:24 p.m.

---

Dan Rogers, Chair

Certified Correct:

---

Carly Bilney, Recorder