

Date: January 22, 2015

File No.: GL-RZ-2014.1
Crystal Mountain

To: Galiano Island Local Trust Committee
For the meeting of February 2, 2015

From: Kim Farris
A/Planner 2

CC: Robert Kojima
Regional Planning Manager

Re: Preliminary Report - Bylaw Amendment Application

Owner: Crystal Mountain – A Society for Eastern and Western Studies
Applicant: Stephen and Helen Foster
Location: Lot A, Districts Lots 88 and 89, Galiano Island, Cowichan District, Plan VIP68079 AND Lot 9, District Lot 90, Galiano Island, Cowichan District, Plan 31200

PURPOSE OF REPORT:

The purpose of this report is to provide a brief background and to seek direction from the Galiano Local Trust Committee (LTC) to proceed or not proceed with application GL-RZ-2014.1 (Crystal Mountain).

BACKGROUND:

A bylaw enforcement file associated with Lot A (See Figure 1) was opened in 2002 as there were numerous buildings located on the property (outdoor kitchen, tent platforms, and sleeping huts) and uses that were not permitted in the Forestry zoning. Subsequently, the applicants applied for a bylaw amendment application in 2004. The 2004 proposal included an amendment to the Galiano Island Official Community Plan and Land Use Bylaw in order to permit a retreat centre/forest retreat on Lot A and Lot 9. The proposal also included a list of buildings (existing and proposed) to be included in the rezoning in order to support the forest retreat centre.

The following timeline provides a brief overview of the application's history. Specific details on the application are not provided:

- July 2004 – Preliminary staff report at Galiano LTC meeting. The LTC asked staff to report back on the various issues and options identified as part of that review.

- March 2005 – Applicant amended the proposal by amending the number and floor area of the proposed buildings and to concentrate the buildings in two geographic clusters
- June 2005 – LTC Special Meeting - The discussion focused on the physical limitations of the site, the draft OCP amendment bylaw and concepts for a proposed LUB amendment bylaw.
- July 2005 – Draft OCP and LUB amendments presented at Galiano Island LTC meeting. The draft bylaws were forwarded to the APC for comment.
- January 2006 – LTC Special Meeting – General consensus that the applicants would wait until an OCP Forest Lands Review was complete. If policy developed that addressed Forest Retreats, then the applicants would consider coming forward with a rezoning proposal consistent with that policy framework.
- December 2007 to 2012 – Numerous letters sent from Islands Trust staff to close application due to inactivity.
- 2013 – Applicant provided an updated proposal and site plan. Three new huts were constructed on the property. These structures are currently not permitted by zoning and therefore are illegal.
- April 2014 – A staff report was reviewed at the April 2014 Galiano Island LTC meeting to discuss the progress of the 2004 application. The LTC resolved to proceed no further with application and directed staff to assist Crystal Mountain with any information regarding new application procedures.
- October 2014 – A new application was received by staff.

THE PROPOSAL:

This is a preliminary report to review a bylaw amendment application involving two subject properties (Lot A and Lot 9). Lot A is zoned Forest 1 (F1) and Lot 9 is zoned Rural 2 (R2) in the Galiano Island Land use Bylaw (LUB). The applicant wishes to proceed with the application to rezone the two subject properties to permit a year-round forest retreat centre on both lots.

The applicant is proposing to locate the buildable areas on 25% of the subject properties (6 ha) and register a conservation covenant on the other 75% of the properties (18.3 ha) as a community benefit. The three buildable areas as seen on site plan (Figure 3) are:

- 'Short Term Retreat Area' – Where a majority of the existing buildings are located and is considered the main gathering area for the forest retreat centre. This area has a total of 28 individual huts, tent sites, and facilities for the retreat centre.
- 'Long Term Retreat Area' – This area currently has 5 individual huts.
- 'Caretaker Area' – Location of the manager's cottage

Some of these structures noted above already exist on Lot A. The proposed forest retreat use would permit the construction and legalization of existing non-conforming structures and uses on the properties.

A larger version of the site plan can be found on the Galiano Island LTC website here: [Site Plan \(Crystal Mountain\)](#)

The applicant would also like to amalgamate the two lots (Lot A and Lot 9) together. This can be completed through a subdivision application if the bylaw amendments are successful.

SITE CONTEXT:

The rezoning application includes two subject properties: Lot A and Lot 9. Both properties are located on the northwestern end of Galiano Island. Lot A is currently designated Forest (F) in the Official Community Plan (OCP) and zoned Forest 1 (F1) in the Land Use Bylaw (LUB). It is approximately 20.5 ha (50.7 acre) in area. There are a number of structures located on Lot A: outdoor kitchen, sleeping/meditation huts, and multiple accessory structures (eg. tent platforms, etc.). Lot A has two road accesses: Porlier Pass Drive and Devina Drive. The main vehicle access to Lot A is from Porlier Pass Drive. There is a roughed-in access from Devina Drive which is currently blocked. Access to both lots can be achieved through Lot 9.

Lot 9 is designated Rural (R) in the OCP and is zoned Rural 2 (R2). It is approximately 4 ha (10 acre) in area. Lot 9 is largely undeveloped except for a small structure (a pagoda) located on the northern edge of the property. Lot 9 can be accessed through Devina Drive.

Figure 1: Subject Property Map

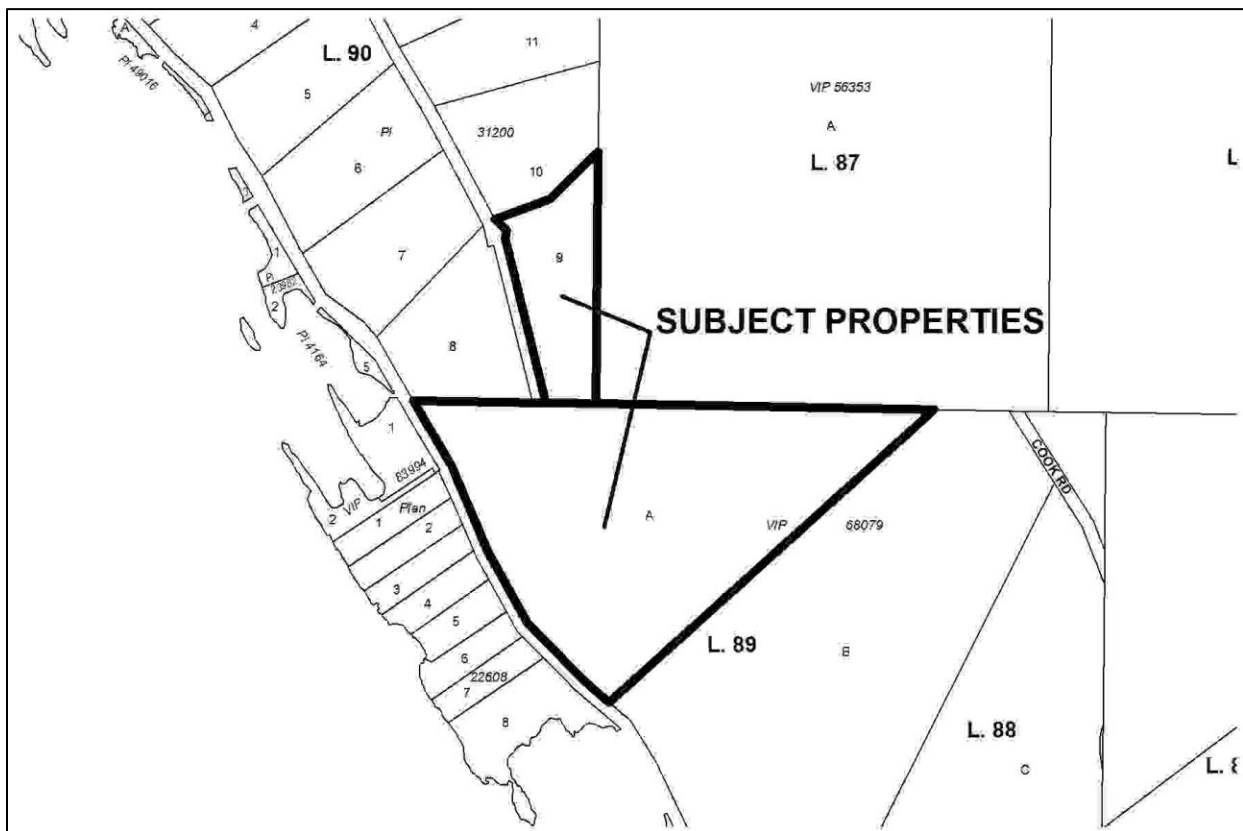
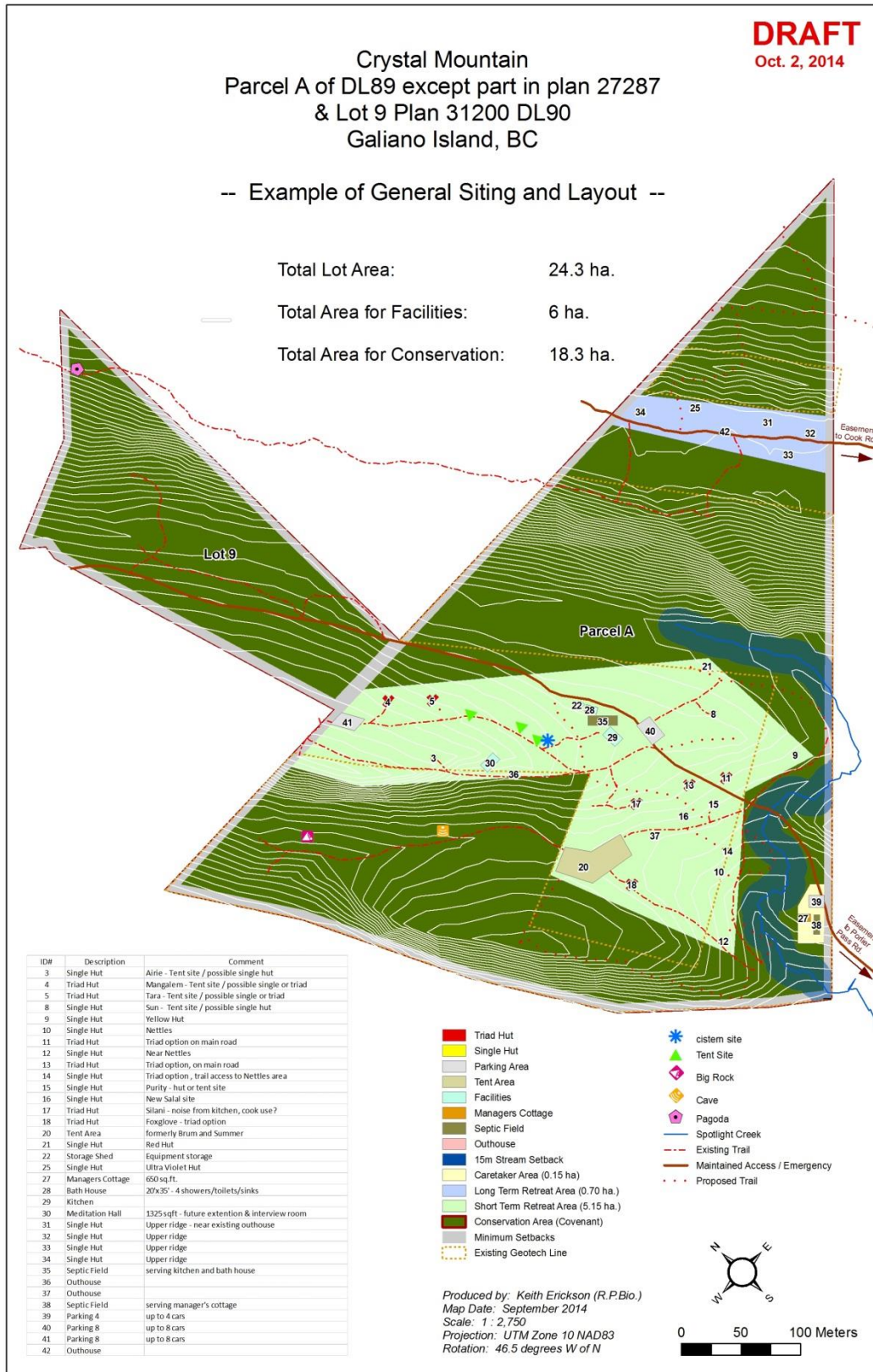


Figure 2: Orthophoto with 2 metre Contour Intervals



Figure 3: Site Plan



Picture 1: Outdoor Kitchen (on Lot A)



Picture 2: A trail on Lot A



Picture 3: Old meditation hut on Lot 9



Picture 4: Newly constructed meditation hut on Lot A



Picture 5: Pagoda (on Lot 9)



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

Directive policies relevant to this application include:

Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address:

- 3.1.3 - the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
- 3.2.2 - the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
- 3.3.2 - means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
- 4.2.6 - to protect the ecological integrity on a scale of forest stands and landscapes.

- 4.2.7 - address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
- 4.2.8 - the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
- 4.4.2 - 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.
- 5.1.3 – the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic values of the Trust Area.
- 5.2.3 - the aesthetic, environmental and social impacts of development.
- 5.2.4 - potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
- 5.2.5 – to achieve efficient use of the land base without exceeding any density limits defined in their official community plans.
- 5.2.6 - address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
- 5.3.5 - address the impacts of road location, design, construction and systems.
- 5.6.2 - the identification, protection, preservation and enhancement of local heritage.
- 5.6.3 – the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
- 5.7.2 - economic opportunities that are compatible with conservation of resources and protection of community character.
- 5.8.6 - address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

Official Community Plan:

Lot A is designated 'Forest' and Lot 9 is designated 'Rural' in the Galiano Island Official Community Plan (OCP).

The Rural policies relevant, but not limited, to this application include:

- a) The principal uses shall be residential and agriculture.

The Forest policies relevant, but not limited, to this application include:

- a) The principal use shall be forestry. All structures including dwellings (except dwellings on land rezoned to RR or CF) must be accessory to the principal forestry use and no uses should impair the long-term natural processes of forest growth and regeneration. Unplanned proliferation of residential uses throughout the forest would be contrary to many of the objectives and policies in this plan, including particularly those dealing with the integrity of forest ecosystems and surface water and groundwater supplies and the impact of residential services such as roads. Instead, in order to preserve and protect the forest resource, the plan favours the clustering of residential uses on sites within the forest, carefully selected as the basis of sound planning principles, with the balance of the lands being set aside for forest uses in perpetuity.
- c) The lot size for subdivision of Forest land shall be at least 20 hectares (49.4 acres).

- d) The protection of biodiversity shall be encouraged through appropriate forestry practices and the protection of riparian zones and other sensitive ecosystems.
- g) Appropriate small scale forest related activities such as the sustainable gathering of greenery products, food crops, hiking, bird watching and wildlife viewing, education and value added industry shall be encouraged.
- j) The siting, size, number and character of buildings for forest uses permitted on Forest-designated land shall be regulated, and buildings shall be located on the least productive portions of the land except where the site is a sensitive ecosystem, and in accordance with development approval information if it has been provided.
- k) The fragmentation of Forest-designated lands by roads or other service or communication corridors shall be minimized.
- l) A citizen association to provide information, education and advice on local forest practices shall be encouraged.
- n) Landowners are encouraged to protect the natural systems, biological sustainability, ecological services, and natural aesthetics of forest lands.
- o) Landowners are encouraged to protect riparian areas, marine shoreline areas, sensitive ecosystems, endangered habitat, soils, watersheds, biodiversity, old or large individual trees, and old growth stands.
- p) Landowners are encouraged to protect culturally modified trees and other heritage features.
- r) The Local Trust Committee encourages local economic opportunities for small-scale sustainable forestry through supporting:
 - i) the establishment of a non-profit community-owned forest that is consistent with ecosystem-based sustainable forest practices, and the lands so acquired are preserved for forestry use in perpetuity for future generations;
 - ii) the development of co-operative ecosystem-based sustainable forest management and value-added ventures;
 - iii) initiatives to provide tax incentives for maintaining ecosystem-based sustainable forest management activities;
 - iv) appropriate small scale forest related activities such as the sustainable gathering of non-timber forest products, food crops, hiking, bird watching and wildlife viewing, education and value added industry.

The current proposal is not consistent with a number of the OCP policies in each designation. If the application proceeds as is, an amendment to the OCP is required.

OCP Road Network Plan:

The Road Network Plan, Schedule C in the Galiano Island OCP, shows a proposed emergency access through Lot A from Porlier Pass Road to Devina Drive. The following are applicable Transportation polices in the OCP:

- The Road Network shown on Schedule C represents both existing and proposed roads, and is subject to the following:
 - the locations of proposed highways and emergency access routes shall be considered approximate locations;

- locations of proposed highways and emergency access routes shall be confirmed at time of rezoning, subdivision or building permit;
- highway and emergency access route connections at property boundaries should be consistent with the approximate locations identified on Schedule 'C', unless more detailed site investigation of all lots concerned identifies a more suitable point of connection consistent with the general continuity of routes through adjacent lots as identified on Schedule 'C';
- there should be no additional highway route or emergency access route interconnections, except for local access to lots within a new subdivision, other than provided for in Schedule 'C';

If the LTC wishes to proceed with the bylaw amendment application, staff recommend securing an emergency access route through the property that meets the OCP policies.

Development Permit Areas:

The subject properties are located within the following Development Permit Areas (DPAs):

- DPA 1 – Riparian Areas
- DPA 3 – Tree Cutting and Removal (applies to all properties on Galiano Island)
- DPA 5 – Sensitive Ecosystems
- DPA 7 – Steep Slope Hazard Areas

Generally zoning amendment applications do not initiate Development Permits (DPs). Staff are aware of existing buildings and structures located on the property although their exact location has not been surveyed; therefore, it is not clear if any of these buildings are located in the DPA. To date the property owner/applicant has not applied for any development permits for the buildings and structures located on the property. The applicant will be expected to apply for any necessary DPs and building permits.

Figure 4: Sensitive Ecosystems DPA

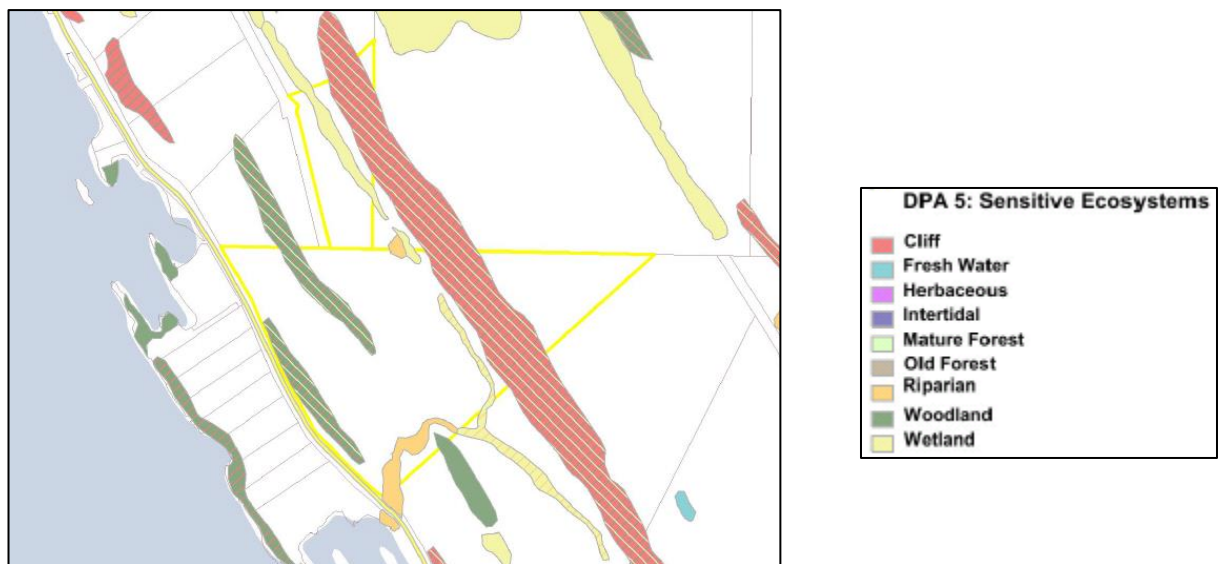
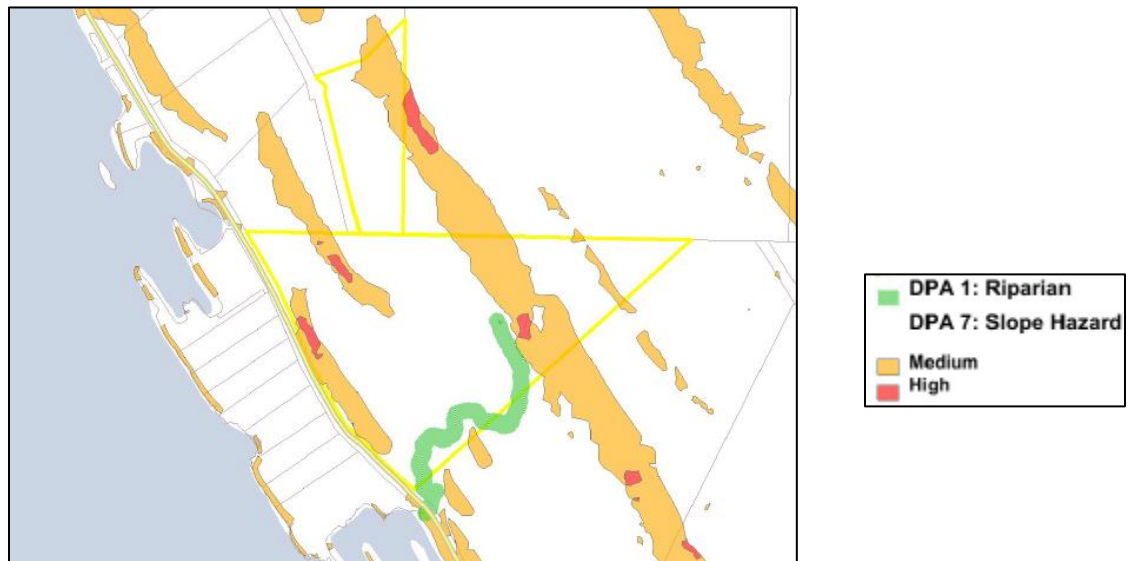


Figure 5: Steep Slope Hazard and Riparian Area DPAs



Land Use Bylaw:

Lot A is zoned Forest 1 (F1) and Lot 9 is zoned Rural 2 (R2) in the Galiano Island Land Use Bylaw, No. 127, 1999. The relevant regulations for the F1 zone are included below:

7.1.1 In the Forest 1 zone the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Parts 2 and 3, and all other uses including residential uses are prohibited.

7.1.1.1 timber production and harvesting

7.1.1.2 accessory forestry uses including the sawmilling and planting of timber harvested on the same lot and the growing of seedlings in nurseries
Buildings and Structures for Forestry Uses.

7.1.2 A single non-residential unenclosed building or structure with a floor area not exceeding 93 square metres is permitted in each lot and every such building or structure must be screened by a landscape screen not less than 9 metres in height and complying with the requirements of subsection 15.1.1 of this bylaw.

7.1.6 No lot having an area less than 65 hectares may be created by subdivision.

The relevant regulations for the R2 zone are included below:

5.5.1 In the Rural 2 (R2) zone the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Parts 2 and 3, and all other uses are prohibited.

5.5.1.1 dwellings

5.5.1.2 cottages

5.5.1.3 home occupations

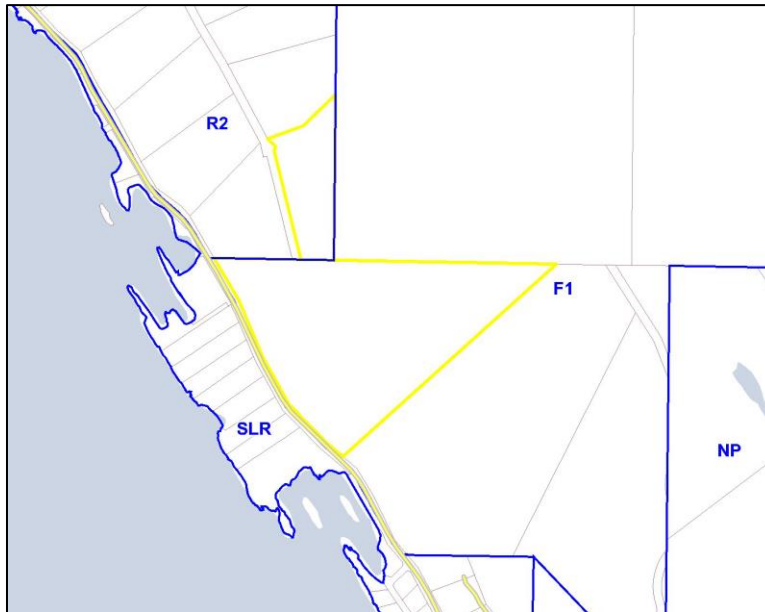
5.5.1.4 farm use

5.5.2 One dwelling is permitted on each lot, and one additional dwelling is permitted in respect of each 4 hectares of lot area over 4 hectares.

5.5.3 One cottage is permitted on each lot having an area of 0.4 hectares or more, in respect of each permitted dwelling.

5.5.4 Lot coverage must not exceed 25% of any lot.

Figure 6: Zoning Map



Islands Trust Fund:

The applicants have applied to the Islands Trust Fund to register a conservation covenant on the combined 18.3 ha of area on Lot 9 and Lot A – see Attachment 1. At the November 2014 Trust Fund Board meeting, the following motions were passed:

“It was moved and seconded that the Trust Fund Board approve the Crystal Mountain proposal to covenant approximately 18.3 ha of the lands described:

- a) Lot 9, District Lot 90, Galiano Island, Cowichan District, Plan 31200, PID# 000-851-035; and,
- b) Lot A, District Lots 88 and 89, Galiano Island Cowichan District, Plan VIP 68079, PID # 024-351-041, subject to the successful negotiation of an endowment.”

If the application proceeds, a referral will be sent to the Islands Trust Fund for comment on the proposal, environmental assessment report, and the proposal’s relationship, if any, with the Islands Trust Regional Conservation Plan.

Sensitive Ecosystems and Hazard Areas:

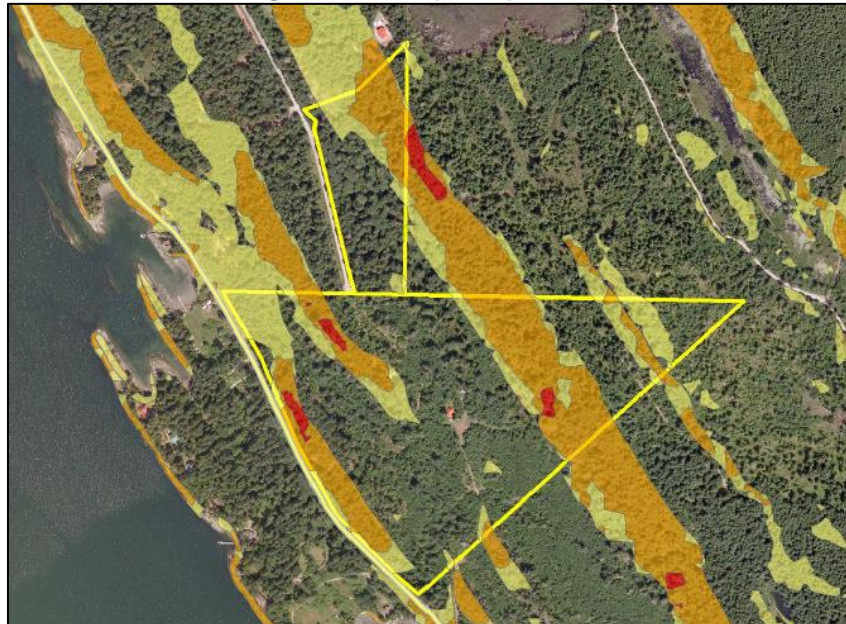
There are similar, linear areas of both sensitive ecosystems and hazard areas located on the subject properties. The subject properties contain cliff, woodland, riparian, and wetland sensitive ecosystems areas as noted in Figure 7. There are also areas of low, moderate, and high slope hazards. A majority of the proposed development will be outside of the sensitive ecosystems

and hazard areas. Staff will work closely with the applicant to ensure there will be no negative impact to the sensitive areas. Development Permits may be required for any land disturbance or construction within the Development Permit Areas to protect sensitive ecosystems and steep slopes.

Figure 7: Sensitive Ecosystem Map



Figure 8: Steep Slopes Map



Archaeological Sites:

There are no archaeological sites on the property or in close vicinity registered in the provincial database.

Covenants:

The property is subject to two covenants that have been granted to the Capital Regional District: one covenant establishes areas of the lot that may have a geotechnical hazard and which require approval from a registered professional engineer before building may occur and the second covenant establishes a 15 metre setback from the natural boundary of Spotlight Creek and other measures for flood protection.

Bylaw Enforcement:

There is an active bylaw enforcement file (GL-BE-2002.109) from 2002 associated with Lot A as there were numerous buildings located on the property that were not permitted by zoning. Generally, if there is an active bylaw amendment file with the intent to legalize the non-conforming use or density, the bylaw enforcement file will be placed on hold until the bylaw amendment application is finalized. As the applicants applied for a rezoning, the bylaw enforcement file has been placed on hold.

In 2013, additional buildings (meditation huts – Figure 4) were constructed without the benefit of a building permit on Lot A and are not permitted by zoning. Even though the bylaw amendment application is still active, no new buildings are permitted to be constructed. Bylaw Enforcement have been notified of this bylaw infraction. If the application does not proceed, bylaw enforcement will be initiated.

Climate Change Mitigation and Adaption

The preservation of natural areas and forest ecosystems is an important factor to reduce greenhouse gas emissions. Forests act as an important carbon sink—absorbing and storing carbon that would otherwise be circulating in the atmosphere. An OCP objective in the Forest designation is to preserve a forest land base and to maintain or enhance carbon storage and sequestration. The bylaw amendment proposal would also preserve 75% of the land in a conservation covenant as a long term community benefit and will have minimal impacts within the remaining 25% of the subject property.

Communications/Consultations:

The following agencies have been identified for referring draft bylaws for comment; the LTC may also direct staff to include other agencies not listed. Additionally the LTC may choose to refer the proposal to the Advisory Planning Commission.

- First Nations:
 - Cowichan Tribes
 - Halalt
 - Lake Cowichan
 - Lyackson
 - Malahat (TE'Mexw Treaty Association)
 - Pauquachin
 - Penelakut
 - Semiahmoo
 - Stz'uminus
 - Tsartlip
 - Tsawout
 - Tsawwassen
 - Tseycum

- Ministry of Transportation and Infrastructure
- Island Health
- CRD, Building Inspection Services
- CRD, Electoral Area Director
- Galiano Island Fire Rescue
- Mayne Island Local Trust Committee
- Salt Spring Island Local Trust Committee

Furthermore the public hearing notice would be circulated to all property owners and tenants within 100 m of the subject property in advance of the public hearing.

Professional Report:

The applicant provided a comprehensive ecosystem-based land use plan (environmental assessment) prepared by Keith Erickson (R.P. Bio). The purpose of the report is to:

1. Determine how to protect, maintain and where necessary, restore function ecosystems on the Crystal Mountain land; and,
2. Recommend ways to minimize the impacts of the Forest Retreat uses within the context of the identified ecological constraints.

The report designates the two subject properties into three management zones: the Protected Ecosystem Network, Short Term Retreat Zone (Area), and the Long Term Retreat Zone (Area). The short term and long term retreat zones, as mentioned in the proposal, are the designated buildable areas. The Protected Ecosystem Network represents the area to be covenanted for conservation.

The report provides numerous recommendations on the following:

- General siting and layout of buildings and facilities within the Short Term Retreat Area and the Long Term Retreat Area in order to mitigate threats to the sensitive ecosystems;
- Protection of groundwater within the Long Term Retreat Area;
- Emergency access linking the southeast end of Devina Drive with Porlier Pass Rd;
- Potential parking regulations;
- Minimizing impacts of existing and new Trails. The report supports low impact recreational and spiritual activities as they are consistent with the objectives for each management zone including the Protected Ecosystem Network;
- Control and removal of invasive species;
- Restoration within the Short Term Retreat Zone and the Long Term Retreat Zone;
- Forest restoration for the entire property;
- Reduction of wildfire risk; and
- Specific restoration recommendations for each sensitive ecosystem identified on the property.

If the LTC proceeds with the application staff recommends the assessment report's recommendations be conditions of the bylaw amendments approval. Staff will also refer the environmental assessment report to the Islands Trust Fund to ensure the report does not conflict with the objectives of the conservation covenant. The environmental assessment can be found on the Galiano Island LTC website here: [Environmental Assessment \(Crystal Mountain\)](#)

The LTC should advise staff if they believe any further information or professional reports that should be requested.

COMMUNITY INFORMATION MEETING(S):

At this preliminary stage in the process, there is no need for a community information meeting. If the application proceeds, staff recommends scheduling a community information meeting when draft bylaws are complete.

RESULTS OF CIRCULATION:

There has been no circulation associated with this application. As the application proceeds public and agency notification will be required.

STAFF COMMENTS:

The purpose of this report is to provide a brief background and to seek direction from the Galiano Local Trust Committee (LTC) to proceed or not proceed with zoning amendment application.

The applicant is proposing to rezone the two subject properties (Lot A and Lot 9) to permit a year-round forest retreat centre on both lots. Lot A is currently zoned Forest 1 (F1) and Lot 9 is currently zoned Rural 2 (R2). The applicant would also like to amalgamate the two lots (Lot A and Lot 9) together. This can be completed through a subdivision application if the bylaw amendments are successful.

The following are points of interest the LTC may wish to discuss prior to making a decision to proceed or not proceed with the application.

OCP Policy:

The bylaw amendment proposal to permit a forest retreat use currently does not comply with the OCP policies as the principal use for the Forest designation shall be forestry. In addition, the principal uses on Rural designated land shall be residential or agriculture. As the current proposal does not meet the guidelines or policies of the Forest or Rural designations, an amendment to the OCP will be required for both properties. The applicants are aware an OCP amendment will most likely be required to achieve their zoning amendment proposal. An application fee for an OCP and zoning amendment was received.

Existing & Proposed Buildings:

The Forest 1 zone permits timber production and harvesting, and accessory forestry uses in addition to permitting only one non-residential unenclosed building or structure on each lot. Over the past 20 years, the property owners have constructed buildings and structures, and have conducted uses which are in direct conflict with the permitted zoning. The property owners have also constructed additional meditation huts (3) in the past year. Staff recommends working with bylaw enforcement to regulate the use of the non-conforming buildings and structures until the bylaw amendment application has been finalized.

If the application proceeds, staff will require the applicant to provide a list of all existing buildings and a list of potential buildings as the current site plan is not clear as to which are currently constructed on the property and which buildings and structures are not yet constructed. The applicant also stated in their application that the kitchen and dining facilities were removed from the proposal. Staff is requesting the applicant clarify location of all cooking facilities; specifically, if each hut or tent will have their own individual cooking facilities.

Access:

Staff recommend securing an emergency access through Lot A as shown on Schedule C in the Galiano Island OCP. Currently the lot can be accessed by vehicle from Porlier Pass Road but the driveway from Devina Drive is blocked. The applicants have agreed to grant an emergency route from Porlier Pass Road through Lot A and Lot 9. There is also an opportunity to secure secondary emergency route through the Long Term Retreat Zone along an easement access to Cook Road (see site plan). If the application proceeds, a referral to the local fire department and CRD will be required to comment on emergency access.

The access from Porlier Pass Road should also be reviewed from the perspective of the existing covenant restricting development within 15 m of Spotlight Creek and that there is a Riparian Development Permit Area. It might be advisable to have the alternative entrance (Devina Drive) to be the primary entrance given this requirement to not be near the Creek.

Conservation Covenant:

The applicants are in the process of drafting a conservation covenant with the Islands Trust Fund in order to provide a community amenity for Galiano Island. If the application proceeds, staff will recommend that the LTC request the conservation covenant to be registered as a condition to final adoption.

Options:

The Local Trust Committee has generally three options at this time:

1. resolve to proceed no further with application;
2. direct staff to proceed with the application and to prepare draft bylaws; or
3. direct staff to proceed with the application and to clarify any outstanding issues with the applicant and bring forward a supplemental staff report to a subsequent Local Trust Committee meeting.

Staff believe this application is an improvement over the initial application proposal from 2004 as the applicant has provided the necessary information to satisfy the initial application requirements. The applicant provided a clear proposal, site plan, comprehensive environmental assessment, and is in the process of registering a conservation covenant on 75% of the subject properties which could be considered a benefit to the Galiano community.

Staff recommends proceeding with the application and for staff to prepare draft OCP and LUB amendment bylaws.

RECOMMENDATIONS:

1. THAT the Galiano Island Local Trust Committee direct staff to proceed with the application G-RZ-2014.1 (Crystal Mountain) and to prepare draft bylaws.

Prepared and Submitted by:



A/Planner 2

January 22, 2015

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

January 23, 2015

Date

Attachments:

1. Correspondence from Islands Trust Fund – December 4, 2014



ISLANDS TRUST FUND

A Conservancy for Canada's Islands in the Salish Sea

December 4, 2014

File Number: GL-COV-2014.1
GL-COV-2014.2

Crystal Mountain – A Society for Eastern and Western Studies
536 Rockmoyne Place
Bowen Island, BC V0N 1G2

Dear Stephen Foster,

Re: Conservation Proposal, Crystal Mountain, PIDs 024-351-041 & 000-851-035

We are happy to inform you that the Trust Fund Board passed the following motions at its November 2014 meeting:

It was moved and seconded that the Trust Fund Board approve the Crystal Mountain proposal to covenant approximately 18.3 ha of the lands described as:

a) Lot 9, District Lot 90, Galiano Island, Cowichan District, Plan 31200, PID # 000-851-035; and,

b) Lot A, District Lots 88 and 89, Galiano Island, Cowichan District, Plan VIP68079, PID # 024-351-041,

subject to the successful negotiation of an endowment.

TFB-2014-038

It was moved and seconded that the Trust Fund Board waive the requirement for an archeological assessment for the Crystal Mountain Conservation Proposal.

TFB-2014-039

The next step for your application process is to discuss the proposed endowment amount with Crystal Mountain and confirm an appropriate endowment amount with Islands Trust Fund staff. Note that Crystal Mountain will be responsible for the cost of registering the conservation covenant and associated charges on the land titles.

Once we have agreement regarding the endowment amount we will provide you with a draft conservation covenant for your review. Upon receipt of the draft conservation covenant, the next steps are to:

1. Review the draft covenant with your lawyer and financial advisor. If your lawyer or financial advisor has questions regarding the covenant please invite him or her to contact the Islands Trust Fund office.
2. Hire a certified land surveyor to complete a survey of the covenant area and provide us with a certified digital copy.

December 4, 2014

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3. Complete a baseline report of the covenant area consistent with the "Trust Fund Board Baseline Report Standard June 2012" available at http://www.islandstrustfund.bc.ca/media/43688/baseline_standard_and_guidelines.pdf. Note that this report must be done by an Environmental Professional that has been approved by TFB staff and should only be completed AFTER the surveyor has established the boundaries of the covenanted area(s).
4. Send a digital copy and a hard copy of the baseline report to Islands Trust Fund staff.

Once we are in receipt of a final covenant document and associated baseline report and survey, Islands Trust Fund staff will provide the document to the Trust Fund Board at its next available meeting for consideration. Meeting dates are posted at <http://www.islandstrustfund.bc.ca/about-us/meetings.aspx> and items for consideration should be received at least three weeks in advance. Subject to Board approval, the Trust Fund Board Chair will sign the covenant and provide it to you for registration.

Please quote the above noted file numbers on any correspondence or inquiries and note that, because the covenant is the requirement of a development process, Islands Trust Fund staff will keep the Islands Trust Local Planning Services informed about the application. **We also request that you not make any changes to the state of your land titles without first consulting us** as it could affect our ability to register a conservation covenant on your land.

Should you have any questions about your application, please do not hesitate to contact me. I look forward to working with you to protect the habitats on the Crystal Mountain property.

Yours truly,



Kate Emmings
Ecosystem Protection Specialist
(250) 405-5176
kemmings@islandstrust.bc.ca

cc: Galiano Island Local Trust Committee