

**Date:** January 25, 2016

**File No.:** GL-RZ-2014.1  
Crystal Mountain

**To:** Galiano Island Local Trust Committee  
For the meeting of February 1, 2016

**From:** Kim Farris  
A/Planner 2

**CC:** Robert Kojima  
Regional Planning Manager

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**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:**

This staff report will provide an update on the status of this application and options to proceed with the application. Background information on the property, the proposal, correspondence, and previous staff reports are available on the LTC webpage under [Current Applications](#)

**BACKGROUND:**

At the December 7, 2015 regular meeting the Galiano Island Local Trust Committee (LTC) passed the following resolution:

**“GL-2015-115**

**It was MOVED and SECONDED,**

THAT, the Galiano Island Local Trust Committee support the recommendation of the Galiano Island Advisory Planning Commission dated June 29, 2015;

“The Galiano Island Advisory Planning Commission recommends that the Local Trust Committee work with the Trust Fund Board to produce, in writing, options that can be considered to make the transfer of title to the Trust Fund Board to provide the necessary privacy for the applicant that is integral for their project while providing the community benefit, as required by the Official Community Plan.”

And that staff be requested to arrange a meeting between the Galiano Island Local Trust Committee and the Trust Fund Board to discuss this matter.”

**“GL-2015-116**

**It was MOVED and SECONDED,**

THAT, the Galiano Island Local Trust Committee directs staff to report back with research regarding Retreat Zones on other islands and analysis of the potential for using the Visitor Accommodation Zone.”

A reference was made in the November 27, 2015 staff report to a discussion between the Islands Trust Fund (staff) and Islands Trust Planning staff. It should be noted that at this time a land donation by the applicant has not been presented nor discussed with the Trust Fund Board. The Trust Fund Board has received a conservation covenant proposal from the applicant. At the November 2014 Trust Fund Board meeting, the following motion was 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.”

**STAFF COMMENTS:**

**Trust Fund Board Meeting:**

At the December 7, 2015 the LTC requested staff, based on recommendations from the Galiano Island Advisory Planning Commission (APC), to organize a meeting between the Trust Fund Board and the LTC to discuss transferring title (land donation) for the Crystal Mountain rezoning proposal.

During the process of discussing meeting options with the Manager of the Island Trust Fund (ITF), it became apparent that the Trust Fund Board’s specific policies concerning covenant or land transfer proposals made it difficult for the TFB to meet with the LTC as requested (see attached Trust Fund Board Policies 2.2 and 3.2).

The following is an excerpt from Islands Trust Fund Board Policy 3.2 - Communicating Information Regarding Covenant and Acquisition Projects (Policy 3.2 attached to staff report):

*Projects Initiated by Local Trust Committee/Island Municipality and Landowner:*

3. If a Local Trust Committee wishes to initiate a project with the Trust Fund Board the following will be required before the Board will consider the project:

- the Local Trust Committee/Island Municipality to facilitate a meeting of Islands Trust Fund and Planning staff with the landowner, if necessary, to determine if the project meets the criteria of the Trust Fund Board and to explain the Board’s processes and timeframes.
- Islands Trust Fund staff to conduct a site visit if it appears the project fits the Board’s criteria to document the features and values and property characteristics.

- A conservation proposal from the landowners, or planner on behalf of the LTC/IM, (see conservation proposal outline: [www.islandstrustfund.bc.ca/media/43652/2015-conservation-proposal-form-development.pdf](http://www.islandstrustfund.bc.ca/media/43652/2015-conservation-proposal-form-development.pdf)). The conservation proposal will clarify that the landowner's position regarding the dissemination of information.

As an option, staff could organize a meeting with the Islands Trust Fund (ITF) staff to discuss options for the Crystal Mountain proposal with regards to land donation or a conservation covenant. However, the applicants have re-iterated in recently submitted correspondence to the LTC (attached) that "Crystal Mountain's intentions are that the whole of its lands remain a forest, unfragmented by subdivision and protected by a forest restoration covenant as a community benefit."

Any meeting involving the LTC would be scheduled as a Special LTC Meeting, would involve the applicants, and be open to the public. If the LTC wishes to move forward with scheduling a meeting with the ITF staff, the time and place of the meeting will be posted on the LTC website.

### **Retreat Zones:**

The following are examples of retreat zones or land use contracts within the Islands Trust.

#### Salt Spring Island:

Retreat name: Kunzang Dechen Osel Ling (Mount Tuam Buddhist Retreat)  
Salt Spring Land Use Bylaw No. 355 – Rural Uplands 1(b) – RU1(b):

- "(22) The following additional uses, buildings and structures are permitted:*
- (a) Religious retreat, including reception and retreat centres.*
  - (b) Meditation halls and meditation cabins.*
  - (c) Farm buildings and structures.*
- (23) The following use is not permitted:*
- (a) Intensive agriculture.*
- (24) The following regulations regarding size, siting and density apply:*
- (a) There are to be no more than 2 retreat centres, 1 meditation hall, 6 meditation cabins and 1 reception centre per 65 ha.*
  - (b) No building or structure may be located within 20 metres of any front, rear, interior side or exterior side lot lines.*
- (25) The minimum area of an individual lot that may be created through subdivision is 32 ha."*

Retreat name: Salt Spring Centre of Yoga - Dharma Sara Satsang Society  
Salt Spring Land Use Contract Bylaw No. 12, 1978 (Amended by Bylaw No. 178 in 1988):

- "Permitted Uses - the following uses and no others shall be permitted on the land described in Schedule G:*
- a) Educational and religious programs and assembly dealing with physical, spiritual and mental health and the creative arts;*
  - b) Agriculture and Silviculture;*
  - c) Artist and artisan studios;*
  - d) Staff housing;*
  - e) Provision of food and lodging for residents, staff and for participants in programs allowed in (a) above;*

*f) Accessory recreational use.”*

Denman Island:

Retreat name: Dharma Fellowship - DE-RZ-2007.2

Denman Island Land Use Bylaw No. 186 – Split Zoned A(7) and IN(4)

Agriculture 7 (A(7)) – Site Specific Zoning:

*“1 - In addition to the uses listed in Table 1 of this section, hermitage is a permitted accessory use.*

*2 - In addition to the buildings and structures listed in Table 2 of this section, mobile accessory buildings for overnight accommodation of people participating in the activities or programs of a hermitage on the same lot are permitted.*

*3 - Despite section 2.1(4) up to eight mobile accessory buildings with a floor area not greater than 10m<sup>2</sup> each may be used for overnight accommodation of hermitage participants.”*

Institutional 4 (IN(4)) – Site Specific Zoning:

*“1 - Despite Table 1 of this section, only hermitage is a permitted use.*

*2 - In addition to the buildings and structures listed in Table 2 of this section, buildings and structures to accommodate a hermitage including those for overnight accommodation of hermitage participants are permitted.”*

The Denman Island LUB defines hermitage as “a spiritual retreat centre that may also offer educational programs and provides overnight accommodation and meals to guests participating in its programs and activities.”

**Other Accommodation Uses:**

The following are examples of another type limited and specific accommodation uses (religious camps) in other Local Trust Area’s (LTAs) land use bylaws:

Gambier Island LUB

Recreational Camps - mean a use managed by a non-profit society or other noncommercial organization which provides for public or private assembly and overnight accommodation for recreational, educational and religious purposes, and may include upland area facilities for meeting, camping, sleeping and recreation and marine area facilities including moorage, boat launching facilities and swimming floats but excludes correctional and related rehabilitational uses.

North Pender Island LUB

Camp Facility - means lands, buildings, and structures used periodically for eating, sleeping, recreation and education activities serving the needs of organizations or large groups and not intended for commercial guest accommodation or use by the travelling public.

Generally, visitor accommodation is intended to provide temporary accommodation to the traveling public while providing accessory visitor services. While visitor accommodation is generally a commercial-based use as it has a pay-for-service function intended to generate a profit, the above are examples of how zoning can also permit narrowly defined and site specific accommodation uses.

Uses in visitor accommodation zones, or in any zone, can be narrow in scope to allow a certain specific use, or alternatively, include multiple permitted uses. There are pros and cons to each approach. Allowing only a site specific use limits the reuse of the property. A similar example is the site specific zoning for the Woodstone Inn property. In 2009 a portion of the property was rezoned to allow for a site specific use – a treatment facility for eating disorder uses. The treatment clinic is no longer in operation and now a potential property purchaser must apply for a Temporary Use Permit (TUP) or rezone the property to permit any other uses. A benefit to this approach is the LTC has the ability to review and approve new land proposals for the property through the rezoning or TUP process. On the other hand, allowing multiple uses allows the property to be used for other proposals that comply with the current zoning.

In summary, the above are examples of how zoning can provide for a narrowly defined use that would permit the type of activity that Crystal Mountain is proposing without permitting more conventional commercial visitor accommodation uses.

In addition, other land use regulatory tools such as a covenant could be placed on the property that would limit the use of the land as a retreat meditation use for non-profit societies only. The applicant has stated that the Crystal Mountain Society is a non-profit charitable organization that collects fees to cover costs, with additional funds received as charitable donations.

### **Correspondence:**

All correspondence received by the LTC will be posted on the LTC's [Current Applications - correspondence](#) webpage.

### **Options:**

As the applicants are proposing to provide a covenant at this time, the Local Trust Committee has the following options:

1. resolve to proceed no further with application in the absence of a land donation;
2. proceed with the application and give direction to staff to draft bylaws on the basis that 75 percent of the land be protected with a conservation covenant; or
3. defer further consideration and request staff schedule a meeting between the LTC, the applicant, and Islands Trust Fund staff.

Given the LTC's direction at the last meeting, staff suggest that there may still be merit in scheduling a special meeting between Islands Trust Fund staff, the applicant, and the LTC to discuss options to covenant or donate land.

### **RECOMMENDATIONS:**

1. THAT the Galiano Island Local Trust Committee request staff proceed with scheduling a Special Meeting with the LTC and Islands Trust Fund staff to discuss the Trust Fund Board policies and procedures in relation to the Crystal Mountain rezoning application.

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Prepared and Submitted by:



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A/Planner 2

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January 25, 2016

Date

Concurred in by:



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Robert Kojima  
Regional Planning Manager

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January 25, 2016

Date

Attachment:

1. Trust Fund Board Policy 2.2 – Assessing Conservation Proposals
2. Trust Fund Board Policy 3.2 – Communicating Information Regarding Covenant and Acquisition Projects
3. Crystal Mountain correspondence dated January 18, 2016



ISLANDS TRUST FUND

# TRUST FUND BOARD POLICY

**Policy number:** 2.2

**Title:** Assessing Conservation Proposals

**Approved By:** Trust Fund Board      **Date:** Jan. 23, 2014      **Resolution #:** TFB-2014-004

**Chair Signature:**

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## PURPOSE

To describe how the Trust Fund Board assesses proposals for conservation covenants and land donations that support the protection of lands of ecological significance in the Islands Trust Area.

## SCOPE

This policy does not apply to land donation proposals where the purpose is to sell the donated land and use the proceeds to advance the Trust Fund Board's mandate.

Proposals that include an application for the Natural Area Protection Tax Exemption Program are also guided by TFB Policy 2.5 Natural Area Protection Tax Exemption Program.

## BACKGROUND

The *Islands Trust Act* establishes the Trust Fund Board to acquire, hold and manage land and receive donations for the purpose of carrying out the object of the Islands Trust. The object of the Islands Trust, first legislated by the Province in 1974, is *"to preserve and protect the trust area and its unique amenities and environment for the benefit of residents of the trust area and of the province generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the Government of British Columbia"*.

The Board primarily uses statutory covenants and land donations to achieve its mandate. However, the Board may also accept land or covenants that are a requirement of a development approval process, and may occasionally work with partners to purchase land.

## A: Policy - General

1. The Board will only consider a proposal that is accompanied by a completed Conservation Proposal Form and Staff Report.
2. The Board will normally only consider the acquisition of lands that meet the Board's definition of "Nature Reserve"<sup>1</sup>.

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<sup>1</sup> A Trust Fund Board Nature Reserve is an area that has been set aside because it has regionally significant natural ecosystems (landscape units with little or no human development) and may contain nationally and provincially identified ecosystems and species that are considered endangered, threatened or of special concern.

3. The Board will only accept proposals that meet one or more of the goals or objectives of the Regional Conservation Plan, and that will result in the protection of ecosystems and features identified as priorities in the Regional Conservation Plan.
4. When considering proposals, the Board will give priority to those proposals that protect larger areas of land, and may defer or decline smaller proposals.
5. The Board will only consider accepting covenants and land acquisitions of less than 2 hectares (4.9 acres) if:
  - the property contains significant habitat<sup>2</sup> for species at risk and/or a significant number of species at risk<sup>3</sup>;
  - the property adds area to an existing adjacent or nearby protected area;
  - the property is an islet or small island; or,
  - the property contains an ecosystem that is not represented in existing protected areas in that local trust area.
6. The Board will evaluate any risks that may hamper the Board's ability to protect the land's natural values in perpetuity, as identified by the Staff Report. Risks that will be assessed in the Staff Report include, without limitation:
  - contaminated soil, oil tanks or other environmental hazards;
  - mineral and water rights issues;
  - surrounding land use;
  - requested reserved rights (e.g. trails or firewood removal);
  - structures and utilities (e.g. septic fields, pumphouses, wells, etc.); and
  - encumbrances on title (e.g. easements, mortgages, liens).

The Staff Report will evaluate whether any identified risk can be reduced, eliminated or managed.

7. The Board may consider proposals that protect recreational, cultural and heritage features (such as trails, significant historic or cultural landscapes and archaeological sites), but only where the proposal also meets at least one of the goals and objectives of the Regional Conservation Plan.
8. The Board will only consider accepting proposals that need extensive ecological restoration or substantial management if:

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The primary purpose of a Nature Reserve is the preservation and protection of the natural ecosystem. The size of a Nature Reserve should be sufficient to ensure that these ecosystems remain viable over the long term.

Activities permitted on a nature reserve will have minimal impact on the land and in general will only include hiking and only in areas that are considered not sensitive to this activity. The location and extent of hiking trails will be determined through the management plan process.

<sup>2</sup> For example, Critical Habitats as defined by the federal Species at Risk Act.

<sup>3</sup> For example, several species of concern and at least one species that is identified as threatened or endangered federally or provincially.



- a. the Board has adequate staff resources to manage the on-going requirements;
  - b. a substantial cash donation that is adequate to cover on-going restoration and/or management costs is provided ; and,
  - c. the Board has adequate funds available to undertake immediate restoration and/or management requirements.
9. The Board will not accept or acquire any lands where there is an obligation to maintain buildings or structures.
10. The Board may accept and acquire lands that have buildings on-site that can be removed or maintained at the Board's discretion, but will only consider maintaining buildings if:
- a. the Board has adequate staff resources to manage the on-going requirements;
  - b. a substantial cash donation that is adequate to cover on-going maintenance costs is provided ; and,
  - c. the Board has adequate funds available to undertake immediate maintenance requirements.
- If the Board chooses to maintain a building, it may consider leasing the building to a suitable group for long-term management.
11. At the time of considering a proposal, the Board will consider whether adequate funds and staff resources are in place to properly complete the acquisition or covenant. The Board may consider options for securing adequate funds, such as grants, fundraising, or endowments.
12. The Board will assess the need for the ongoing management and future legal defence of conservation properties and may, as part of an approval, request or require an endowment or restricted donation to cover management and defence costs associated with the land or covenant.
13. The Board may impose a time-limited moratorium on accepting proposals if it concludes that it has inadequate resources to support further proposals in the current fiscal year.
14. The Board will confirm its acceptance or rejection of a proposal by resolution and staff will then inform the applicant of the Board's decision.

## **B: Policy: Voluntary Land Donation or Covenant**

15. Unless the applicant waives confidentiality in writing, all voluntary proposals, with the exception of proposals under the Natural Area Protection Tax Exemption Program, will be considered at *in camera* meetings until the covenant is registered on title or the land is transferred to the Board or partner agency.
16. In the case of a voluntary land donation or voluntary covenant, the applicant is responsible for all costs incurred by the applicant to complete the land donation or covenant, except for registration in the Land Titles office, which will be the responsibility of the Board. An applicant who is donating land is also responsible for all property taxes for which the Trust Fund Board cannot receive a statutory exemption. The Board may consider requests from the applicant for assistance with these costs.

## **C: Policy: Land Donation or Covenant Associated with a Development Application**

17. The Board will only consider a proposal for a conservation covenant or land donation connected with a development application where the applicant provides an ecological assessment by a qualified ecologist/biologist and an archeological review of both the proposed protected area and the proposed development. The assessment and review must be completed within one year prior to the application to the Board. For covenants and acquisitions that are part of density transfers or amenities rezoning applications, this assessment must be done for both the receiving and sending areas, or for the area that is being down zoned and the area that is up zoned.
18. The applicant is responsible for all costs incurred by the applicant to complete the covenant or land transfer, and for the costs of registration in the land title office. The applicant is also responsible for all property taxes for which the Trust Fund Board cannot receive a statutory exemption.
19. The Board may require an endowment or restricted donation to cover the future management of the donated land or the covenant. Charitable tax receipts will not be issued for financial contributions directly connected with a development application, but may be issued for discretionary endowments or additional gifts of land the applicant may freely offer, as permitted by law.
20. All proposals that are part of a development application are considered public and will be considered at the Board's regular meetings.

### **REFERENCES**

*Islands Trust Act*

Islands Trust Fund's Regional Conservation Plan

Islands Trust Fund Plan

TFB Policy 2.1 Board Approval of Land and Financial Transactions

TFB Policy 2.4 Conservation Covenants

ITF Conservation Proposal Form (voluntary)

ITF Conservation Proposal Form for Conservation Projects Connected with a Development Application



ISLANDS TRUST FUND

## TRUST FUND BOARD POLICY

**Policy number: 3.2**

**Title: Communicating Information Regarding Covenant and Acquisition Projects**

**Approved By: Trust Fund Board      Date: November 15, 2001      Resolution #: TFB 01/441**

**Revised      Date: January 16, 2002 for TC Referral      Resolution #: TFB 02/447**

**Revoked      Date: May 15, 2002 and replaced with new policy dated May 7, 2002,  
for TC Referral      Resolution #: TFB 02/467**

**Revised      Date: July 10, 2002      Resolution #: TFB02/489**

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### PURPOSE

To provide a guideline regarding communication of information about conservation covenant and land acquisitions projects of the Trust Fund Board, particularly Local Trust Committees and Island Municipalities.

### BACKGROUND

The Islands Trust Fund can receive donations of land and interests in land (e.g., covenants) and can purchase lands for conservation purposes. Negotiations related to such acquisitions are confidential to the Board and its related staff.

Local trustees have asked that they be informed of land conservation projects that are on-going on their islands.

The 1996 Memorandum of Agreement between the Islands Trust Council and the Trust Fund Board has been revised to require the Board to create a policy and procedure regarding communications about land conservation projects.

### Policy

#### General

1. The Trust Fund Board's (Board) land conservation negotiations are confidential and will be treated as such by all Board members and staff of the Islands Trust Fund.

2. Generally, information about on-going covenant and land donation projects will not be discussed or announced publicly until the project is complete.

### **Projects Initiated by Local Trust Committee/Island Municipality and Landowner**

3. If a Local Trust Committee wishes to initiate a project with the Trust Fund Board the following will be required before the Board will consider the project:
  - the Local Trust Committee/Island Municipality to facilitate a meeting of Islands Trust Fund and Planning staff with the landowner, if necessary, to determine if the project meets the criteria of the Trust Fund Board and to explain the Board's processes and timeframes.
  - Islands Trust Fund staff to conduct a site visit if it appears the project fits the Board's criteria to document the features and values and property characteristics.
  - A conservation proposal from the landowners, or planner on behalf of the LTC/IM, (see conservation proposal outline May 2002). The conservation proposal will clarify that the landowner's position regarding the dissemination of information.
4. Following the Board's meeting, Islands Trust Fund staff will notify the landowners, Local Trust Committee/Island Municipality and planning staff to let all know if the proposal is accepted or not.
5. If the Board accepts the proposal Islands Trust Fund staff will work with the local planning staff and Local Trust Committee/Island Municipality to further the project as it relates to the Trust Fund Board. The Board generally does not comment on details of planning applications but only on the project as it relates to the Trust Fund Board interests.
6. When completed, the project will be jointly announced, unless the Local Trust Committee / Island Municipality do not wish to do so, in which case the Trust Fund Board will announce the Board's involvement in the project.

### **Land or Covenant Donations Initiated directly between the Board and Landowner**

7. The conservation proposal form of the Trust Fund Board will include questions for the landowner regarding permission to let the Local Trust Committee/Island Municipality and appropriate staff know of project (e.g. the intent of the project and the location of the property). Further, the landowner will be asked if they approve of the information being made public or if they wish to have it remain confidential (i.e., Board, LTC, appropriate staff) until the project is complete.
8. Based on the landowner's wishes, Local Trust Committee/Island Municipality members and staff may be requested to keep all information provided by the Board relating to a covenant or land donation confidential until such time as the project is completed by

the Trust Fund Board (i.e., confirmation of covenant registered on title or land transferred to the Board).

9. If the landowner provides written permission allowing the Trust Fund Board to make the project, or any part of the project, publicly known, Islands Trust Fund staff will determine the best means and timing for a public announcement and will discuss the proposed timing with the island planner and will notify the local trustees prior to any announcement.
10. If the landowner does not provide permission to communicate details of the project to the Local Trust Committee and/or Planner the Board will notify the Local Trust Committee that it is working on a project within the Local Trust Area and, at the request of the landowner, all information will remain confidential until the project is completed.
11. Islands Trust Fund will publicly announce conservation accomplishments in a variety of ways based on the particulars of each project. If the landowner has indicated a willingness to have information made public before completion of the project, the Landowner and Islands Trust Fund staff, with partner groups and the island planner will determine the best method and timing for any announcement. Involvement of the Board and the Local Trust Committee will be invited.
12. Generally, Islands Trust Fund will not hold media events for completed projects (land donations or covenant projects) but will assist with and attend, as possible, such events planned by partner groups.

**Projects Initiated by Other Individuals or Groups (e.g. trustee, conservancy, interested party) - most often purchase projects/occasionally covenants**

13. The Trust Fund Board will require, through the conservation proposal, that the individual or group provide signed correspondence from all landowners including:
  - name(s), address(es), contact number(s) of all owners
  - an indication that the landowners have seen and are in agreement with the proposal
  - an indication regarding if they agree to have confidential information about the project provided to the Local Trust Committee/Island Municipality and planner responsible for their island, or not
  - their permission for a site visit to be conducted if necessary
  - an indication regarding whether the individual submitting the proposal is acting on behalf of the landowner and can be provided with confidential information or not.
14. If the Board accepts the project and the landowner has indicated information can be provided to the Local Trust Committee/Island Municipality, the Board will send a confirmation letter to the project initiator and any partner groups, the landowner, the

Local Trust Committee/Island Municipality, and planning staff for the island indicating the Board's acceptance and providing the key project information.

15. In some circumstances during a project (such as purchase projects) information may be confidential between the Trust Fund Board and the group (acquisition partners) initiating the proposal (e.g., while negotiating an offer to purchase the negotiations, appraisal, etc. are confidential to the Board and are not provided to the owner).
16. Islands Trust Fund staff will provide brief written updates to the Local Trust Committee/Island Municipality, through the island planning staff, regarding the progress of the project.
17. If the landowner has provided approval for the project to be publicly announced the Islands Trust Fund staff will consult with the planning staff and project partners regarding when and how to best announce the project. Planning staff will be asked to address the question with their local Trustees/Islands Municipality reps.
18. On land purchase projects, the Board will work with its acquisition partner groups to raise public awareness of the land project(s) and the need for contributions as soon as possible after notifying the Local Trust Committee and appropriate staff of the project.
19. If the landowner does not provide permission to communicate details of the project to the Local Trust Committee/Island Municipality and/or Planner, the Board will notify the Local Trust Committee/Island Municipality that it is working on a project within the Local Trust Area and, at the request of the landowner, all information will remain confidential until the project is completed.
20. As necessary, as soon as the project is completed, Islands Trust Fund staff will contact the Local Trust Committee/Island Municipality to make them aware of the conservation success on their island.
21. The Board will use the Islands Trust's electronic newsletter, or other internal vehicles, to provide all trustees with information about completed conservation projects.
22. The Trust Fund Board will provide an update of completed projects at each Trust Council meeting (through its report).

## References

3.2.1 Procedures for Communicating Information Regarding Covenant and Acquisition Projects  
Conservation Proposal Form



CRYSTAL MOUNTAIN - A SOCIETY FOR EASTERN AND WESTERN STUDIES  
A REGISTERED CHARITABLE AND EDUCATIONAL SOCIETY  
20300 Portier Pass Road, Galiano Island, British Columbia, Canada



COPIED TO

PLANNER

LTC

DEPUTY SECRETARY

Monday, January 18, 2016

Respectfully submitted; To the Galiano Island Local Trust Committee,

After some time to consider the discussion at the LTC meeting on Dec. 7, we would like to speak to a few of the points made concerning Crystal Mountain's rezoning proposal.

**1) It was stated that the only way the rezoning can go forward is through land subdivision and that land transfer is the only community benefit.**

We are unclear about the underlying assumptions by which title transfer is being considered. We understand that such a recommendation came from a forest advisory committee during the OCP review in 2010. The following quote is from the report:

*"We also agree that the LTC should require, whenever possible, maintenance of large forest areas, and discourage subdivision to less than 50 acres (20 hectares). We are in substantial agreement that subdivision of less than 50 acres should only be permitted through a process of community benefit, with the benefit of greatest value being donation of land for community forest, wilderness preserve or park (pg.4)."*

While pointing in a clear direction, the language used suggests not a single and exclusive outcome but a scale in judging community benefit. Note that Crystal Mountain's intentions are that the whole of its lands remain a forest, unfragmented by subdivision and protected by a forest restoration covenant as a community benefit.

There is specific language in the OCP and LUB referring to public benefit and support for well-considered, site specific, unique proposals for accessory use of forest zoned land. This language refers to retaining large forested parcels, volunteerism, low impact small scale forest related activities, educational use, ecosystem based land use planning and ecological restoration. These values are the backbone of the Crystal Mountain proposal.

Further, given that the forest ecosystem is the core priority of the retreat centre, that the design has been drafted on a thorough ecosystem based assessment, and that the commitment to a sustainable forest restoration plan will be fully secured by covenant, then the retreat centre use qualifies as accessory use to the forest. The land supporting the study and practice of meditation is an amenity available and accessible to the local and wider community. As an organization with federal charity status, Crystal Mountain is recognized (and required) to work towards the public benefit.

So from our point of view the proposed retreat centre is a 100% community benefit.

Also, how can a recommendation for land donation to permit subdivision become a condition to drafting bylaws, where no subdivision is proposed?

**2) There was a question about CMS Forest Meditation Retreat Centre being a commercial operation.**

The dictionary definition of commercial is "acting with sole or chief emphasis on saleability, profit, or success; related to or used in the buying and selling of goods and services; concerned with earning money; relating to or based on the amount of profit that something earns."



CRYSTAL MOUNTAIN - A SOCIETY FOR EASTERN AND WESTERN STUDIES  
A REGISTERED CHARITABLE AND EDUCATIONAL SOCIETY  
20300 Porlier Pass Road, Galiano Island, British Columbia, Canada

This is a definition that describes neither the activities nor motivation of Crystal Mountain Society, a nonprofit charitable organization, nor the operation of its proposed Forest Retreat Meditation Centre. All that CMS accomplishes is through the strength of community donations and sustained volunteer effort.

We would refer you to the Mt. Tuam Retreat Centre on Salt Spring Island. This facility is listed under Other Community Land Uses in the OCP and as Rural Upland Zone 1 in the LUB. Crystal Mountain, like Mt. Tuam, collects fees to cover costs, with additional funds received as charitable donations and acknowledged with a receipt for tax purposes.

Following this example, would the Crystal Mountain Forest Retreat Center be more appropriately zoned as a 'Community Facility'?

**3) It was stated at the LTC meeting that there is great opposition toward this application and that Crystal Mountain's rezoning proposal would not have community support regardless of the benefits proposed.**

Our experience has been quite the opposite. Through Crystal Mountain's open house last summer, after meetings to inform the community of the proposal at both the north and south end of the island, and after several days engaging many people at a table in the local shopping area, we have heard from over 100 people that they strongly support our application and would like to see the proposal succeed.

#### **4) The question of site-specific zoning**

Since acquiring 20 acres of land 35 years ago, we have been in conversation with the trust about the kind of zoning we would require to create a forest meditation and retreat centre. We were asked to look at church zoning, though the notion of a single building of worship, parking considerations, etc. left that as an inappropriate fit. We were asked to consider ourselves as visitor accommodation, now with a commercial focus. But we are not proposing to build multiple dwellings for residential or commercial use.

We have studied the forest and carefully designed our site plan to be consistent with the desires of the community as expressed in the OCP. By doing so we have come to see that this proposal is a unique initiative and a community benefit, especially for those who share our belief in the value of contemplative time spent in a natural environment.

Our hope is that the LTC will consider the Crystal Mountain application as a unique proposal, and as an opportunity for great benefit to the Galiano community.

Thank you for your consideration,

Crystal Mountain Rezoning Committee

Stephen Foster, Janice Oakley, Kim Lenglet, Libby McClelland, Helen Foster and Leslie Cain