



Galiano Island Advisory Planning Commission

Report in response to GL-2021-024 regarding Crystal Mountain Rezoning Application GL-RZ-2014.1

August 9, 2021

GL-2021-024: The Galiano Island Local Trust Committee direct staff to refer application GL-RZ-2014.1 (Crystal Mountain) and draft Bylaws No. 256 and 257 to the Galiano Island Advisory Planning Commission for comment.

The Galiano Island Advisory Planning Commission (APC) makes the following comments and recommendations to the Local Trust Committee (LTC) in response to GL-2021-024:

LTC/APC concerns raised on previous proposals:

- It appears that the applicants have been diligent in meeting Local Trust Committee (LTC) and past APC considerations;
- Crystal Mountain Society (CMS) has addressed concerns of the previous APC by proposing to transfer 75% of the land to the Islands Trust Conservancy (ITC); and
- CMS is working to remove encumbrances on land that would be managed by the ITC under the proposal.

Precedent of Forest Zoned property rezoning:

- The APC acknowledges the rezoning as an unusual situation, and it should not apply to every forest lot on the island;
- Zoning distinctions are not glaring in going from a forest lot to a community facility as a “spiritual education zone;”
- From Planner Brad Smith:
 - The key principle is that circumstances are different in each case. CMS has taken over 17 years to play out and the current bylaws are written with a very specific land use and layout that is quite restrictive. Any new proposal would have to be proven on its own merits, just as this one is undergoing that test within the community and LTC.
 - This proposal is different in that they bring a RR zoned parcel with built-in densities; most F1 proposals do not have this built in so the conversation and starting point is different.

Fragmentation:

- The applicants admit that the proposal does fragment the land somewhat, but that will have minimal environmental impact and is absolutely necessary to the proposed use, and the applicant’s original proposal has been considerably reworked to form the current proposal;
- The percentage of land to be retained by Crystal Mountain Society (CMS) that contains fragile ecosystem is minimal compared to that of the land going to the Islands Trust Conservancy (ITC) for nature protection;
- The land that CMS proposes to give away is contiguous with DL 87, which is a protected provincial park land;

- But, the hooked portion of the lot is not a desirable configuration;
- The APC recommends that zoning requirements specify that lot coverage does not exceed 5% of the lot reducing the impact of fragmentation on the overall forest ecosystem.

Regarding the hooked property, its creation by subdivision, and its access (CMS):

- The proposed CM property is a single property with a hooked configuration that has direct public road access from Devina. The hooked portion of the property on the upper ridge also has a legal access to Cook Road via registered easement across neighbouring Lots B and C. Because the purpose of the subdivision is to provide a community benefit to a Crown Agency (Islands Trust Conservancy) the subdivision process will be completed by the Islands Trust Conservancy under the Section 99 1)h provision in the Land Title Act. There are no additional lots being created for private benefit.
- As such the subdivision requires only approval of the Registrar and is not subject to other approval through Ministry of Transportation or typical referral agencies. That is why items of public concern, such as ensuring that the upper ridge is not developed without having a source of potable water, will be addressed in a registered covenant at the time of rezoning.

Meditation Platform:

- A concern was raised for the proximity of the meditation platform to the sensitive ecosystems including arbutus trees;
- The APC recommends that this be identified as an area of concern and the platform's impact should be evaluated in the longer term.

Density of use:

- Asking for 22 sleeping huts + 6 tenting platforms + 1 caretaker's cabin
 - presumably these would be single occupancy: 28 overnight guests
 - plus caretaker(s);
- Similar zone: C7 has 30 overnight guests/staff, on 5 acres;
- CMS created an attendance chart of retreat participants that included a projection into the near future, and the proposed number of huts allows for a small amount of growth;
- The usual attendance at summer retreats is about 20 participants;
- Concern was expressed about the number of retreat participants where a number of APC members felt 28 people was too high a number given that CMS has had up to 16 people at any one time over the past number of years;
 - Fewer people would be better for the people on retreat;
 - More people will also have a greater impact on water and septic;
 - The number of participants should be limited to 20; and
 - Limiting the number of people to 20 would help to respond to neighbours who wish to maintain the rural character of the neighbourhood.
- Dissenting opinions held that a maximum number of 28 retreat participants was not too many for the following reasons:
 - Stewardship of the land has improved since CMS has owned it;
 - Specifying rules related to land management is more important than the exact numbers of people on retreat;
 - A greater number means more people will be available to steward the land; and

- Lot coverage is small, impact to the land is light, and the retreats are silent.

Number of people:

- A concern was raised by a neighbour that there was no limit on number of people on site;
- Members are unaware of any zone that has absolute limits on number of people allowed on a property at one time, other than overnight accommodation;
- From Land Use Bylaw:
 - 9.5 Commercial Private Film School Zone – C7
 - 9.5.3 Overnight accommodation of students and staff must not exceed 30 people at any time
 - 8.5 Environmental Education and Nature Protection Zone – EE/NP
 - 8.5.2.1 In association with research and education facilities:
 - [4] sleeping quarters for staff and program participants, not to exceed 76 persons, which may include up to 12 structures and up to 18 tent platforms with floor areas not to exceed 10m²
- There will be restrictions on the numbers in the dining facilities, and fire egress restriction; and
- Attendees to the property may be accommodated elsewhere on the island.

Water supply/water use:

- The management plan follows the recommendation of 12 thousand gallons of water storage which would be trickle fed and used to temper water demand during the driest months to reduce impact on the well;
- During retreats, food is produced communally and therefore uses less water; additionally, other water needs that are associated with residential use, such as gardening and washing cars, will not be necessary;
- Water catchment systems are not approved by the Vancouver Island Health Authority for commercial use, but
 - A pending water report from Eco-Sense will become part of the covenant that is registered on the land and subject to bylaw enforcement; and
 - A waste water system will be designed in such a way that manages grey and black water use in compliance with Island Health.

Emergency access:

- Fire access should be addressed as part of the application given the concern about propane and fires in the dry season;
- Lot access is at the end of Devina Drive because the road touches the CMS portion of the lot whereas the driveway from Porlier Pass Road is not contained within Lot A and it is in a more ecologically sensitive area;
- An emergency access route will be dedicated at part of the rezoning. The applicants would be open to improving the emergency access route where it entered their proposed lot; and
- An emergency plan could be requested of the applicants and considered a part of the rezoning process.

Parking:

- The provision of parking spaces does not match requirements in the Land Use Bylaw for accommodations;
- At least 22 parking spots would seem a more appropriate number based on current parking regulations;
 - LUB 14. PARKING REGULATIONS Number of Spaces Required:
 - 14.1 If land or the surface of water is used for any of the purposes set out on the left hand column of Table 2, the owner or occupier must provide the number of motor vehicle parking spaces indicated opposite that use in the right hand column of the table (14.1.8 for a guest house, inn or resort - 1 per visitor accommodation room, visitor accommodation sleeping room, visitor accommodation unit or cabin; 14.1.12 for schools - 1 per staff member plus 1 per 10 students);
 - 14.2 The number of spaces required for a use that is not specifically listed is the number required for the most similar listed use;
 - 14.3 If more than one use is located on a lot, the total number of spaces required is the sum of the requirements for the uses calculated separately;
 - 14.4 If the number of spaces required includes a fraction, the owner or occupier must provide the next highest whole number of parking spaces.
- Minimizing car traffic would be a desired outcome if there is a mechanism to do so;
- The applicant is committed to do so, and wishes to minimize the impact of parking facility construction. There is a clearing around the kitchen that can be used as overflow parking; and
- The APC recognises that insufficient parking may lead to considerable disruption in the neighbourhood with cars parking on the street and that a careful plan must be made to accommodate parking.

Bylaw enforcement:

- There was concern expressed for how any of these provisions would be enforced;
- Generally, bylaw enforcement is complaints driven, and there is a Bylaw Officer who will investigate and make enforcement decisions;
- Other members pointed out that enforcement is a difficulty for properties across all zones;
- The applicant is currently out of compliance and attempting to rezone to come into compliance; and
- Numerous complaints have been made and enforcement actions have been taken.