

From: j oakley <[REDACTED]>
Sent: Monday, November 29, 2021 1:14 PM
To: Brad Smith <bsmith@islandstrust.bc.ca>
Cc: Leslie Cain <[REDACTED]>; Morning Beach <[REDACTED]>
Subject: Response to Petition Opposing CMS Rezoning

In the context of responding to the petition opposing our application, we would like to share our thorough and studied response. We feel compelled to do this because the petition presents a false interpretation of our application especially through key omissions. We fully appreciate your continued attention to our application.

Response to the Petition to the Galiano Islands Local Trust Committee Regarding the Crystal Mountain Society (CMS) Rezoning Application

Crystal Mountain Society (CMS) would like to take this opportunity to address the misinformation campaign about our rezoning application. We have broken down the claims of the petition, addressing each accusation and demonstrating the lack of candor and honesty in this attempt to persuade the public to oppose the CMS application.

CMS welcomes, and has always welcomed reasonable and fair arguments and has for 14 years listened to and reshaped our rezoning application based on wise and intelligent concerns raised by Galiano residents, Trustees and Planners.

Partial and Misleading Information: "What the rezoning would do"

The petition fact sheet states that the Crystal Mountain proposal "*would rezone land from F-1 to a zone that allowed...*". This is a half truth that misleads prospective signers. The CMS proposal, in fact, includes two properties, one 50-acre F-1 zoned lot and one 10-acre residentially zoned property. The residential property is currently undeveloped and is characterized by mature forest and wetland ecosystems. Along with rezoning the F-1 lot to allow for Spiritual Education use, (including infrastructure to support program participants for weeks to months of study), the CMS proposal will rezone the residential property to Nature Protection, removing the current residential rights of a house, guest cottage, home based business, gardens etc.

The addition of the residential lot into the equation makes the CMS proposal unique when compared to other forest rezoning applications. Having significant development and resource use already permitted on this ecologically valuable piece of land changes the discussion around the net impacts and benefits of the proposal. Leaving this critical fact out of the petition is misleading and can create ill informed dissent towards the CMS application.

Misleading Claim: "Forest Fragmentation and duplication of infrastructure"

Forest fragmentation and habitat loss tend to go hand in hand. 'Fragmentation' refers to the pattern of habitat loss rather than the quantity of habitat being lost. It is the quantity of habitat being lost that is the single most prescient concern for the well being of wildlife species and ecosystems on Galiano.

The Crystal Mountain proposal protects, outright, 75% or 45 acres of the 60 acres being put forward for rezoning. It achieves this by transferring that portion to the Islands Trust Conservancy where it will be managed for conservation. CMS will also provide a \$30,000 endowment to the Islands Trust Conservancy to support ongoing conservation management.

The Crystal Mountain proposal additionally protects 60% of the forest cover on the 15 acres being rezoned for Spiritual Education use. It will achieve that through a legally binding Covenant registered on title.

The net result is the conservation of 90%, or 54 acres, including all the most valuable and sensitive habitat, out of the original 60.

Under existing zoning (F-1 and residential), not a single acre of the 60 is protected, with 10 acres being subject to unfettered residential development and 50 acres being subject to unregulated logging.

All of Crystal Mountain's infrastructure will be clustered within areas of the property that have already been clear-cut logged. No mature or old forest will be impacted. All the rare, sensitive and most ecologically productive ecosystems will be protected. Even the few scattered, larger diameter, young trees that are growing within the clear-cut area are protected by an additional clause in the covenant. All development is accessed by existing roads, built prior to Crystal Mountain's ownership when the property was logged. No new roads or utility corridors will be constructed. The CMS driveway will also double as an emergency evacuation route for the Devina Drive and north end neighbourhoods, providing an identified community benefit with no additional fragmentation.

We understand that the claims of 'forest fragmentation' are based on Crystal Mountain's plan to include a more isolated area for longer-term study on the upper portion of the property, thus dividing the proposed Crystal Mountain lot into two distinct pieces. This upper area is naturally cut off from the lower portion of the property by a steep mature forest slope and cliff along with a stream and wetland at its base. Rather than fragment these highly valued ecosystems by extending the proposed lot boundaries through them, the Crystal Mountain proposal creates a split or 'hooked' lot with the upper area accessed from an existing legal driveway that connects to Cook Road. It also limits all infrastructure in the upper area to a previously clear-cut, young forest where the road and compacted forestry landing sites already exist, set well back (50m +) from the sensitive ridge. Further, the proposed silent meditation retreat use of this area would be of minimal disturbance to the surrounding ecology and wildlife.

This admittedly unusual configuration allows for the protection of the most valuable habitats. It also ensures that the intact mature forest, and ecologically significant wetland, stream and riparian ecosystems that extend through the Crystal Mountain properties from neighbouring lots are not fragmented. Infrastructure required to support this upper area includes a 200 square foot kitchen and washroom shed along with a water catchment tank, a drilled well and a small septic field. These will be located on sites previously disturbed by logging.

While the rezoning and development of proposed infrastructure to support CMS Spiritual Education will undoubtedly result in some habitat loss and forest fragmentation, the conservation measures embedded in the proposal do an exceptional job of protecting 90% of the land. The Crystal Mountain rezoning will result in a significant reduction of potential ecological impact and forest fragmentation when compared to the existing residential and forestry uses that are already permitted to occur on the subject properties.

Untruthful Accusation: “Contrary to Galiano’s Official Community Plan (OCP)”

The petition falsely states that the Crystal Mountain proposal “*is not in compliance with Galiano’s OCP:*” The proposal does, in fact, follow OCP directives that apply to the application. It directly addresses Forest Policy Principles:

- 2.B Preservation and protection of ecosystems;
- 2.C Maintaining and restoring forest ecosystems;
- 2.E Social and economic diversity and creativity of the island community;
- 2.M Passive contemplation, spiritual connection and low-impact recreational and educational access to the forest.

The proposal is unequivocally the most ecologically progressive rezoning involving a forest lot to date on Galiano. The measures outlined in the section above resulting in the protection of 90% of the F-1 and residentially zoned lands show clearly how it directly supports the Islands Trust “preserve and protect” mandate.

False Claim: “...not compliant with policies and directives... Climate Change”

After consulting with trustees and the trust planner we are not aware of which policies and directives the petition is referring to. However, the CMS proposal is climate forward planning, following prescribed biological science directives to preserve wetland and forest ecosystems that are critical for biodiversity, for carbon storage and for carbon sequestration. By preserving 90% of the forest ecosystem this application becomes part of the solution to the climate emergency according to the most recent IPCC reports. This is a ‘climate win’ on Galiano, where currently, there is little to no protection of forest cover and the carbon storage it represents on residential lots or on forest lots.

Our rezoning is setting a new and positive precedent for all land use: that we protect 60% of the forest cover, on our designated “development” area of 15 acres and full protection in the 45 acre community conservation area; we are following COP26 directives.

Further, the proposal includes on-site solar energy production that will produce as much or more electricity than is used. In addition to implementing water use conservation measures, an extensive, professionally designed roof fed cistern water system will augment well water use and reduce pressure on the aquifer in response to the potential for increased drought periods.

False Claim: “Putting groundwater at risk”

The petition falsely claims that the proposal is “*not compliant with policies and directives: for water use in a critically vulnerable watershed:*” CMS is required to operate under an Island's Trust and Island Health approved management plan which it follows. All of the testing, analysis, calculations and recommendations are from recognized and respected professionals. (HyGeo Consulting and Ecosense). Rainwater storage and rainwater harvesting are included in the professional recommendations. CMS has 2 wells, both of which already have data loggers for professional reports. One of these wells is designated as an observation well which is a benefit for the entire Galiano community.

The conservative calculation through rigorous testing of the well’s capacity year round, shows clearly that there is ample water for our operations without affecting the neighbours’ wells, including those at Spotlight Cove. With a combination of conservation methods, our water stewardship will be exemplary in comparison to how water has historically been handled throughout the gulf islands.

Additionally, the protection of 90% of the forest cover on the properties along with all of the freshwater systems and their riparian areas is a major win for protecting the watershed and groundwater resources of the area. It is the forest cover that is responsible for slowing precipitation and allowing it to infiltrate into the ground more effectively during rainy months, and preventing the ground from drying out too quickly in the summer.

Inappropriate claim: “Indigenous consultation inadequate”

The petition states that there is a “*Lack of First Nations Consultation and Indigenous reconciliation:*” In fact, in 2020 Crystal Mountain shared information with the Penelakut Nation about our application by sending a formal letter to Chief Joan Brown and have since had conversations with people in the nation who are involved with cultural claims to land. We have contacted Lisa Wilcox in the Islands Trust who are officially and legally tasked with these issues. We have been advised by you, our Trustees, that it is not appropriate for an applicant to

be soliciting support for an application or attempting to do the work of reconciliation on behalf of the Islands Trust.

Misleading and previously discredited information: “Improper rezoning designation”

The petition states that the CMS proposal is “wellness tourism” and “commercial” in nature. As is well known to you, the Trustees and Planner Smith, CMS has never been a commercial operation and is not allowed to be under the Provincial Charities Act. CMS is a not-for-profit charity and covers its costs through donations and participant fees. CMS does its best to remove barriers to study through providing scholarships for students and the economically disadvantaged. There is no tourism, spa, accommodation or commercial purpose, so the application does not belong in a commercial accommodation category; just like Millard Learning Centre and St. Margaret’s church are not commercial.

Crystal Mountain serves people who are interested in spiritual education and development, not travelers looking for guest accommodation. Its mandate is to teach and guide people in the ancient western and eastern traditions of deep and silent meditation retreat. The draft bylaws reflect this use and close the possibility for a future owner intent on using the property for purposes other than what it is rezoned for: silent meditation and study. If the rezoning is permitted, then CMS can better fulfill its charitable mandate by facilitating guided meditation, solo retreat and study for the residents of Galiano. CMS provides a community service, of benefit to the mental health and well being of many Galiano residents.

Statement: “This proposed development would be precedent setting and impact the whole of Galiano Island.”

Land use rezonings do not set legal precedents as presented by the Planners and IT lawyers. Each application is site specific. The CMS plan includes the most comprehensive ecological protection of any rezoning involving a forest lot to date, thereby is an excellent model to follow for other rezonings. This application is a creative and positive change in the way we all look at and interact with the land in the Trust area. That we actually put “Preserve and Protect” as our first and most important goal in rezoning these 60 acres, 10 of which are currently zoned as residential. CMS is protecting this land for the community, including the residentially zoned 10 acres that holds some of the richest habitat in the area.

We are looking forward to moving past unfounded claims and into the next stages of the application process.

Respectfully,

Crystal Mountain Society Rezoning Committee

Janice Oakley, Libby McClelland, Leslie Cain

Petition against the Crystal Mountain Society rezoning proposal

Fact sheet

The proposed rezoning for Crystal Mountain Society's (CMS) scattered retreat complex at the North End would set many dangerous precedents for development on forest land throughout Galiano.

What the rezoning would do

The proposal would rezone land from F-1 (forestry only, no enclosed buildings) to a zone that allowed 17 sleeping cabins, 5 tent platforms and separate buildings for kitchens, bathhouses/laundry, storage, meditation hall, parking spaces and a caretaker residence, spread throughout the site. The goal is for a facility that would operate year-round.

Forest fragmentation & duplication of infrastructure

In exchange for this level of density and intensity of use on 25 percent of their land, CMS is proposing to transfer the other 75 percent to the Islands Trust Conservancy (ITC). However, this exchange is badly compromised by a second swath of land CMS insists it must develop cutting through the land to be transferred to the ITC. As a result, the development would create two separate retreat areas, with duplicate infrastructure, with no possibility of moving from one area to the other, except by nearby public roads and an easement. The plan would badly fragment the forest and forest ecosystem.

Contrary to Galiano's Official Community Plan (OCP)

This disjointed development is completely outside what the community contemplated when we developed Galiano's OCP. Forest fragmentation is also explicitly prohibited by the OCP and by directives in the Islands Trust Policy Statement. Neither does the OCP envisage converting forest land into accommodation for visitors. The OCP requires residential development on forest land to be clustered: it does not allow the extensive sprawl described in the proposal. The proposed extensive use of fossil fuels is in contravention to the Climate Change Mandates of Islands Trust Policy Statement.

Putting groundwater at risk

The proposed rezoning could also jeopardize groundwater resources. The Islands Trust Freshwater Specialist calls the area "highly vulnerable", and "an area in need of critical attention". However, CMS water testing has been inadequate, the amount of water required to run a year-round retreat has been seriously underestimated, and no testing has been done on neighbouring wells.

Indigenous consultation inadequate

Consultation with indigenous people went no further than a routine 30-day opportunity to comment sent to area First Nations. However, significant indigenous interests are at stake: the proposed development is adjacent to Crown Land District Lot 87 which may be the basis of a treaty settlement. This calls for meaningful face-to-face discussions to discuss indigenous interests.

Improper zoning designation

Despite this proposal being a type of wellness tourism, accommodating guests who will pay fees for their stay, staff are not placing it under commercial zoning like all other facilities for visitor accommodation on the island. Instead it is being placed in a section called *Community Facilities and Utilities*, designated for uses such as seniors' and community housing, schools, libraries, health and emergency services.

Please sign the petition asking the Galiano Local Trust Committee to proceed no further with this plan.

This fact sheet was prepared by Galiano residents and landowners who are concerned about the Crystal Mountain application: Sheila Anderson, Serena Coutts, Jenna Falk, Akasha Forest, Suzanne Fournier, Dan Gaucher, Bob Grist, Diana Lilly, Brad Lockett, Pat Mayhill, Ian Mayhill, Tom Mommsen, Art Moses, Sandy Pottle, John Ronsley, Risa Smith

**Petition to the Galiano Islands Local Trust Committee
Regarding Crystal Mountain Society Development Proposal**

We, the undersigned, request the Galiano Island Local Trust Committee reject the Crystal Mountain Development Proposal, because it is not in compliance with Islands Trust Directives and Galiano Official Community Plan, Policies and By-Laws.

We are particularly concerned that the Crystal Mountain Society Development Proposal is not compliant with policies and directives for water use in a critically vulnerable watershed, forest fragmentation, community facilities, commercial visitor retreats, consolidation of infrastructure, Indigenous reconciliation, and climate change.

This proposed development would be precedent setting and impact the whole of Galiano Island.

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