Crystal Mountain Society Spiritual Education Rezoning Proposal Summary of Key Information and Issues - April, 2022

Prepared by the Crystal Mountain Rezoning Committee

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Introduction

Changes in land use zoning in a small island community need to be carefully considered. Crystal Mountain Society has worked to develop a model that meets the requirements of Galiano's Official Community Plan and Land Use Bylaw. In this document we present this unique model and complex process to rezone the use of our forested lands, with preservation and protection at the forefront of planning. Galiano's Official Community Plan, Land Use Bylaw and Islands Trust Policy are the guiding land use regulations. Our update outlines the relationship between our proposal and Galiano's specific policies and directives regarding sustainable stewardship and ecological integrity that support healthy forests. We have always welcomed discussions regarding our application to rezone and have listened to and reshaped the application based on wise and intelligent concerns by Galiano residents, Trustees and Planners. We have prepared a summary of the current proposal followed by a more detailed progress update. We also seek to correct some of the misinformation that has been circulated in the community. A map of the proposed site plan is included at the end of the document.

We believe the proposal is the most **ecologically progressive** rezoning involving a forest lot to date and shows clearly how it supports the Islands Trust "preserve and protect" mandate and Galiano's OCP.

Crystal Mountain Society has been on Galiano quietly studying and practicing meditation for over 40 years. Participants have included many from Galiano, surrounding islands, the province, the U.S. and a handful from other parts of the world. Anyone interested in practicing meditation is welcome to join our classes.

Highlights of the Proposal

- The Crystal Mountain Society rezoning proposal includes two properties a 50-acre Forest 1 zoned Lot (Lot A) and a 10 acre residentially zoned property (Lot 9). The residential property is currently undeveloped and is characterized by mature forest and wetland ecosystems. The proposal will result in the transfer of 75% of the land, including the entirety of Lot 9, to the Islands Trust Conservancy (along with a \$30,000 endowment to cover the costs to support ongoing conservation management). This transferred land will be rezoned to Nature Protection. This is recognized as a valuable community benefit in exchange for the acceptance of our proposal.
- The most ecologically valuable land, Lot 9, will be protected and have current residential rights of a house, guest cottage, accessory buildings, home-based business, and gardens removed, resulting in the loss of the assessed value, \$495,000.
- Crystal Mountain will retain ownership of 25% of the land, where it may situate infrastructure for spiritual education retreats. Infrastructure may be located within two separate areas of the Forest Lot that were quite degraded by previous extensive logging. The Advisory Planning Commission report on the CMS proposal from August 2021 "recommends that zoning requirements specify that lot coverage does not exceed 5% of the lot." If full buildout was achieved, Crystal Mountain structures would occupy 1.55% of the development lot, and less than 0.4% of the original 60 acres.

- In addition to the 75% lands transferred for nature protection, Crystal Mountain has committed to protect 60% of the forest cover in its retreat areas, resulting in a total of 90% conservation protection of the original two parcels. This rezoning is setting a new and positive example for all land use and our relationship with the land.
- Further environmental protection, specifically for older, maturing trees located within the retreat area that survived the last clearcut is included in a restrictive covenant registered on title. The covenant will ensure that these trees will not be cut, and that their root systems are protected from disturbance.
- Numbers of Retreatants To accommodate 22 students in summer and 17 students in winter, Crystal Mountain Society proposes 17 small, basic, single-person sleeping huts with an average footprint of 180 sqft, serviced by a central kitchen and washroom. There would be no plumbing or kitchen facilities in the huts. There also would be five summer single person tent platforms. At any given time, the total number of people on the land including overnight and day participants would be limited to 35. We are currently negotiating an appropriate number of special-use days per year (6 or less), where the limit of 35 may be exceeded.
- Additional infrastructure to support spiritual education use includes a teaching hall, small office, storage building, caretaker cottage, septic, solar pV, and onsite parking.
- Water Management Plan Crystal Mountain Society is required to operate under Island's Trust and Island Health approved regulations. All testing, analysis, calculations, and recommendations are from recognized and respected professionals and are part of a comprehensive Water Management Plan. Water metering and data reporting are requirements for a licensed well. In addition, Crystal Mountain Society will make available one of its unused wells for an Observation Well connected to the Provincial Observation Well Network, contributing valuable data that will be available to the public for future groundwater water planning and assessment.
- Upper Area B Infrastructure Three of the small, single person, un-serviced huts will be located in a separate one-hectare area, serviced by a common building (388 sqft) with kitchen, bathroom and storage. This will offer up to three students the opportunity for deep, solitary retreat, up to six months at a time.
- An emergency access route for north-end neighbourhoods connecting Devina Drive to Porlier Pass Road will be secured. This proposal will realize a long-standing emergency route that is designated in our Official Community Plan.

Concerns We Have Heard

Tourist Accommodation

Our new zoning is most appropriate under the **Land Use** category of *"Community Facilities and Utilities"* like the Millard Learning Centre and St. Margaret's Church. Crystal Mountain is not, and does not intend to become, a commercial for-profit accommodation business of any type. We serve people interested in spiritual education only, primarily from Galiano and British Columbia, not travelers looking to book guest accommodation by the night. We do not advertise to attract the travelling public, take reservations or charge for accommodation on the land, nor do we offer any type of "guest services" such as a restaurant or recreational facilities.

Unlike a for-profit business, as a charitable nonprofit organization, the society does not share any profits with "owners or shareholders" but does support the Society's purpose and constitution. By Canada Revenue Agency's definition in granting charitable status, our purpose must be exclusively for the public benefit. All classes and retreats are available to the general public. There are no barriers to participation, including financial. Our proposal's draft bylaws reflect spiritual education use and **specifically disallow any commercial tourism-oriented use**. This also closes the door to a future owner intent on using this retreat property for purposes other than what the zoning specifically describes.

Forest Fragmentation

The Crystal Mountain proposal addresses forest fragmentation and ecosystem protection at many levels. At a broad scale, it ensures that identified, high priority, contiguous tracts of forest extending through the lot from neighbouring properties are maintained, and that key ecological linkages such as riparian corridors, rare ecosystems, and ridgelines are undisturbed and protected within the 18-hectare conservation area. The unusual shape of the proposed lots was specifically designed to achieve these ecological objectives.

Zooming in to the six-hectare area where development may occur, the proposal ensures that contiguous forest cover is maintained, and no new roads or utility corridors are created. At the finest scale, it protects the continuity of forest genetics, soil biodiversity and forest structure by protecting individual legacy trees and their root systems.

Current zoning for Lot 9 (residential) and Lot A (forest 1) does not require adherence to the same rigor of ecosystem-based planning. The permitted uses, including the potential for industrial logging, could result in loss of habitat and associated forest fragmentation that far exceeds what is proposed by Crystal Mountain.

An alternative scenario for development, where the existing residential rights on Lot 9 are realized and Lot A is rezoned to Forest 3 (resulting in a 2-hectare residential envelop on the upper portion of the lot and sustainable forestry on the rest), would again, not be subject to the level of ecosystem-based planning applied to the Crystal Mountain proposal. This scenario would most likely result in a higher degree of habitat loss and forest fragmentation than what Crystal Mountain proposes.

Our **OCP does not explicitly forbid forest fragmentation**. *OCP 'Forest Policy k'* states that "The fragmentation of forest-designated lands by roads or other service or communication corridors shall be <u>minimized</u>". (https://islandstrust.bc.ca/document/galiano-ltc-ocp-bylaw-no-108/ - p.16)

In the Islands Trust Policy directives: 4.2.7 "... the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forest".

Given the potential impacts from existing and alternative uses of the land, the Crystal Mountain proposal provides the highest level of security for achieving OCP objectives for minimizing fragmentation in the forest.

Hooked Lot

The issue of the hooked lot configuration, its creation by subdivision and its access was addressed by the Galiano Island Advisory Planning Commission in their 2021 (APC) Report for the Crystal Mountain proposal:

"The proposed CMS property is a <u>single property</u> with a hooked configuration that has direct public road access from Devina. The hooked portion of the property in 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 the 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".

Precedent Setting

Islands Trust Rezonings are all **Site Specific**. According to Trust Planners and Trustees, rezonings do not set legal precedents. *OCP Community Facility Policies c*) "Zoning for a community facility shall be considered on a site-specific basis". *APC Report*, August 2021: From IT Planner: • 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.

Consolidation of Infrastructure

The point of clustering is to preserve the integrity of ecosystems. As this application is protecting 90% of the land's ecosystem, clustering has already been an important factor in designing the Retreat Centre. All infrastructure is clustered within the CMS's remaining 15 acres. The siting of buildings has taken into consideration the areas already impacted by industrial logging placing all the main infrastructure together within these affected areas. Finally, the proposed building footprint covers less than 1.6% of land, compared to OCP/LUB allowed development footprint of 25% lot coverage for residential land.

The OCP policy reference cited is for clustering newly subdivided lots within a forest zone. It is not as implied here for the buildings within a lot. (OCP Section 3: Forest Policies: a) [page 16])

Indigenous Relations

We support the augmentation of Indigenous Reconciliation in the new draft of the Islands Trust Policy Statement that reinforces the now established federal and provincial directives. In 2020, we 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 been advised by Trustees to contact those in the IT who are tasked with these issues. We are in a continuing conversation with Lisa Wilcox, Senior Intergovernmental Policy Advisor. In collaboration with the ITC, we have invited a Cultural Knowledge Holder to visit our lands.

Islands Trust Policy Statement and Crystal Mountain Society

The Crystal Mountain proposal includes conservation measures that legally "preserve and protect" 90% of the ecosystems, including all the most valuable habitat on the properties. In the existing Islands Trust Policy Statement under Policies for Ecosystem Preservation and Protection:

Current Policy 2003	Current 2003 Policies for Ecosystem Preservation & Protection	<u>Comments</u>
3.1.3	address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.	Site selection is within the area "most suitable, with minimal impact" avoiding the unique sensitive areas: it is based on professional biologist assessments; Section 219 covenant will provide further protections.
3.1.4	address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.	
3.1.5	address the regulation of land use and development to restrict emissions to land, air, and water to levels not harmful to humans or other species.	CMS has demonstrated septic viability/adequate water supply through professional assessments. Al Kohut-Professional Hydrologist and Gord Baird- Water Specialist. We will use a combination of solar, and propane heat, both of which are considered cleaner energy sources.

Compliance with Galiano's Official Community Plan

CMS is also in compliance with Galiano's Official Community Plan. The following OCP principles apply to the application:

Sec #	Summary of OCP Principle	How CMS proposal is compliant or addresses Principle	
2b	This Plan supports the preservation and protection of Galiano's ecosystems. Galiano is part of the vulnerable Coastal Douglas-fir biogeoclimatic zone. This is the smallest and rarest biogeoclimatic zone in British Columbia and it has the highest density of species that are of both provincial and global conservation concern of any B.C. biogeoclimatic zone.	The intact mature forest, cliffs and ecologically significant wetland, stream and riparian ecosystems that extend through the CMS properties from neighbouring lots are entirely protected, maintaining network integrity.	
2c	The forested landscape is integral to Galiano's character. Maintaining and restoring Galiano's forest ecosystem is critical for ecosystem-based sustainable forest management.	75% of most productive and sensitive forest ecosystems are protected through transfer of land to ITC. Within the remainder development area, 60% of forest cover is protected, the footprint is limited to less than 1.6%, and all older trees are protected outright.	
2d	Several First Nations have traditional ties and territories on Galiano. The community supports continued and strengthened collaboration and cooperation with First Nations in planning land and resource management and protection of cultural heritage and sites.	We are in contact and communication with First Nations, working towards potential collaborative use of the land, and identifying values to guide stewardship of the land.	
2e	Supports space, privacy and aesthetic qualities along with social and economic diversity and creativity and recoginizes the importance of volunteer-based groups.	Crystal Mountain Society is one such volunteer driven charity, providing critical service to many residents and contributes to the diversity and creativity that defines Galiano's identity.	
2f	A sustainable community requires a viable local economy.	As we are a charitable society, economic benefit will be through the ongoing use of Islands trades and services.	
2g	Diversity is integral to a sustainable and healthy community.	We offer a diverse use of the forest lands while preserving and protecting them. Spiritual and educational aspects of this facility will greatly benefit many in the community. This is a unique public offering.	

2h	Supports protection of water resources;	The proposal includes the dedication and monitoring of a permanent observation well, the first in the north end, and a highly valued community asset that will aid future land-use decision making and protection of water resources.
2i	Galiano's natural beauty and tranquility are valued by residents and visitors alike. The Island provides opportunities for renewal of body, mind, and spirit.	The landscape in its natural state is conducive to renewal of body, mind and spirit through silent study, meditation and contemplation.
2k	There are often competing interests to consider in land use decisions. To achieve a balance among these interests, land use policies and regulations must be articulated clearly and administered equitably.	A community based spiritual education development that protects the forest ecosystem is unique and site specific, balancing equitable land use in comparison to typical residential use.
21	The climate is changing. This plan supports policies to reduce greenhouse gas emissions, to work towards carbon neutrality, and to adapt to climate change.	See below #9.
2m	This Plan supports the passive contemplation, spiritual connection, and low impact recreational and educational access to the forest.	Our proposed spiritual education centre manifests this principle in the OCP.

The proposal also supports OCP objectives of the two 'parent' zones, Residential (Lot 9) and Forest (Lot A).

In terms of residential objectives, one cottage is proposed to provide affordable, secure housing for a caretaker.

In terms of forest objectives, the proposal:

- 1. Preserves the forest land base (see 2c above),
- 2. Is specifically designed to protect forest biodiversity, integrity and ecological services,
- 3. Includes ongoing economic benefit to the community (though not through forestry),
- 4. Will result in restoration of degraded forest stands, both on the protected 75% under ITC management and on the CMS portion.
- 5. Provides outright security for carbon storage and sequestration.

Water Management

The development of a Water Management Plan begins with the requirement to operate under Island's Trust and BC's Island Health Authority approved regulations. All testing, analysis, calculations, and recommendations for CMS are from recognized and respected professionals. (HyGeo Consulting and Ecosense Water Management). This covers groundwater, stormwater, water demand and treatment, potable water safety plan, fire suppression, water storage including rainwater and wastewater (septic).

See Groundwater Updates

Estimated Water Supply Demands – July 19, 2021 - HyGeo Consulting July 19 21Crystal Mountain Groundwater Level Monitoring – Jan 22, 2022 – HyGeo Consulting Crystal Mountain Monitoring 2021 22 Water Management Plan – February 2022 – Gord Baird, Eco Sense

Water Management Plan – February 2022 – Gord Baird, Eco-Sense https://crystalmountain.org/wp-content/uploads/2022/02/Water-Management-Plan-2021.pdf

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 and beyond. The conservative calculation through rigorous testing of the well's capacity shows clearly that there is ample water for our operations without affecting neighbouring wells, including those at Spotlight Cove. Required metering and testing will be reported to the province weekly, monthly, and annually through the water licensing agreement.

The extensive study and research of our regional water reserves informs this rezoning, as well as current community water use. Crystal Mountain has reviewed recent Islands Trust groundwater studies and it appears there are no flags raised in terms of the proposed water use. The CMS central well is located within an area ranked as having a "moderately low intrinsic groundwater susceptibility" (*to contamination) by the 'Galiano Groundwater Study' (March 31, 2011 - Waterline Resources Inc.). Further, the CMS property is located within the "North Trincomali Channel" groundwater region where the groundwater demand versus recharge is 1.4% under normal conditions and 2.6% in the driest scenario. The groundwater region is not considered to be under stressed conditions according to the Islands Trust Area Groundwater Availability Assessment (October 18, 2021, GW Solutions Inc.).

With a combination of conservation methods and our Water Management Plan, our water stewardship will be exemplary in comparison to how water has historically been managed throughout the Gulf Islands.

OCP Water Supply Objectives

#3 to ensure that the local trust area develops only in a manner that utilizes the precautionary principle and the best information available regarding water resources, so that the resource will be reserved for current and future use.

ТОРІС	NO.	Islands Trust Policy Statement	COMMENTS
FreshWater Resources	4.4	Policies for the Stewardship of Resources	
	4.4.2	address 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, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.	CMS has provided well pump test data and data logger study results from qualified professionals that conclude water supply from the source well is adequate with the application of a safety factor that exceeds provincial standards; A conditional water license has been applied for; a professionally developed water management plan provides additional water storage, use monitoring and other management measures. See link above to CMS WMP

Islands Trust Policy Statement - Water

CMS Lot 9: Current Allowable Residential Water Use

Lot 9 already has a well and a 'right' to domestic residential use of water for a house and cottage. According to our OCP's Land Use Bylaws (Section 13.24) a parcel with a house and a cottage must be able to produce at least 2,275 litres per day of potable water. According to the BC Water Sustainability Act, a parcel has a residential allowed usage of 4,000 litres per day for a house and cottage.

According to the CMS Water Management Plan the **total projected water use** is 2,900 litres per day. (2,616 in Area A, 284 in Area B). This projected use will be drawing far less than the 4,000 litres that is already allowed on Lot 9 alone. Our point is that our groundwater maximum daily use for the Centre falls well within the parameters allowed for just one parcel use. According to our Water Management Plan, our sustainable yield in Area 1 alone is 4,069 litres per day. Our required storage capacity will be 54,000 litres.

Tree Cover

The intact mature forest, cliffs and ecologically significant wetland, stream and riparian ecosystems maintain the network of ecological integrity through the CMS properties from neighbouring lots. In the APC report from August, 2021, "The land that CMS proposes to transfer is contiguous with DL87 which is protected provincial park land". 60% of forest cover on the retreat centre remainder parcel will be protected with the Section 219 conservation covenant. Trees from 39 cm and larger within our development area are mapped, marked, and listed on a tree schedule, and their root zones are sited for protection and environmental integrity.

IT Policy Directives, Policies for Sustainable Communities: 5.2.2*"Tree cover* on the island is of great importance and should be preserved."

Although new building anywhere results in a degree of habitat loss, the conservation measures embedded in the proposal do an exceptional job of protecting 90% of the CMS land ecosystems. All infrastructure will be clustered within impacted areas of the property. When compared to the residential and forestry uses that are already permitted on this land, the Crystal Mountain rezoning will significantly reduce the potential for ecological impact and "forest fragmentation".

Land Use Category

Our new zoning is most appropriate under the Land Use category of "Community Facilities and Utilities", with the Millard Learning Centre and St. Margaret's Church. The retreat centre will <u>not</u> be a "commercial visitor accommodation" any more than is the Millard Learning Centre. We are a charity with a mission to serve people interested in spiritual education for the benefit of Galiano Island and the surrounding region. We are seeking a zoning that reflects this use and have no interest in a commercial operation.

CMS Draft Official Community Plan (OCP) and Land Use Bylaw (LUB) amendments:

Create a new OCP subsection 4.4 – Spiritual Education

Proposed 'Spiritual Education' Policies include

- c. Zoning for spiritual education retreat use:
 - *i)* shall not support, provide, or permit any commercial tourism-oriented use, including nature related tourism or visitor accommodation.

d. spiritual education retreat use programs should be delivered on a non-profit basis. Create a new LUB section Section 8.7 – Crystal Mountain Spiritual Education (SE1) Zone

Climate Change

CMS is compliant with policies and directives regarding "Climate Change Mandates of Islands Trust Policy Statement." The new draft Islands Trust Policy Statement states in section 4.1.9

"Ecosystem Preservation and Protection - identifies the means to reduce climate vulnerability and support climate adaptation measures for ecosystems within the planning area"

Scientists have been telling us now for decades that preservation of ecosystems, especially forest habitat, is of utmost importance to maintaining health on the planet. By preserving 90% of the forest ecosystem as described throughout this document, this application becomes part of the solution to the climate emergency both as a carbon sink and as refuge for biodiversity. Currently on Galiano there is little to no protection of habitat on residential lots. This rezoning is setting a new and positive example. Further, the proposal includes on-site solar energy production that will produce as much or more electricity than is used. By implementing water conservation measures, our Water Management Plan will reduce potential pressure on the aquifer in response to a potential for increased drought period.

CMS acknowledges and complies with the suggested policies and actions contained in the OCP, in section 4, Conservation and Environment, subsection 6, Climate Change Mitigation and Adaptation.

- a) regarding potential Greenhouse Gas Emissions: use of a combination of solar and propane heat both of which are considered clean energy sources. Wood burning will only be a secondary and back up use.
- b) development located in area" accessible to existing transportation"
- e) new development "utilizing building technology that minimizes energy use":
 - *Net Zero Electricity Use goal
 - *Grid-tied Solar pV System
 - *Energy efficient design
 - *Super insulated
 - *No concrete foundation for huts
 - *Firesmart materials and design
- f) CMS "supports alternative transportation initiatives" by organizing carpooling. Only weekly supplies "in" and recycling and trash "out" use vehicles during retreat.

Conclusion

The following excerpt from the new, draft Islands Trust Policy Statement is particularly relevant to the Crystal Mountain proposal:

"Sustainable Stewardship and Nature Based Solutions" as : As humans modify the Trust Area, ecosystems are subject to various pressures. With sustainable, regenerative use, ecosystems will be healthier, more resilient, and better able to support human wellbeing in a variety of ways. Sustainability, in this context, is defined as the ability to meet the needs of the present without compromising the ability of future generations to meet their own needs. Stewardship, in this context, refers to the responsible use and protection of natural systems, through conservation and sustainable use. In seeking integrated solutions that address the impacts of climate change on both ecosystems and communities, nature-based solutions offer opportunities for multiple co-benefits. Nature-based solutions are actions to protect, sustainably manage, and restore ecosystems that address societal challenges effectively and adaptively, simultaneously providing human well-being and biodiversity benefits.

We at CMS are committed to Sustainable Stewardship and Nature Based Solutions.

We are serious about our relationship with our Galiano community, the forests, and wetlands as well as our Indigenous hosts. We particularly are aligned with the Islands Trust. This application is a creative and positive change in the way we all look at and interact with the land in the Trust Area.

We hope the above information helps to clarify perspectives on our application and the process of land use rezoning. The Crystal Mountain *Spiritual Education Forest Retreat Centre* is unique and forward-thinking regarding the climate emergency and access to a place of contemplation and study during these difficult times. Our application is based on years of meaningful and honest communications. We welcome in-person meetings with anyone who comes to us in good faith, open to learning more about the Centre.

Respectfully,

Crystal Mountain Society Rezoning Committee - Janice Oakley, Libby McClelland, Leslie Cain

Detailed Professional Reports for CMS can be found @ <u>Rezoning – Crystal Mountain</u>

