



ADOPTED

Galiano Island Local Trust Committee Record of a Public Hearing Proposed Bylaws 256 and 257

Date: May 6, 2023
Location: Galiano Lions Park Society
992 Burrill Road, Galiano Island BC

Members Present: Tim Peterson, Chair
Ben Mabblerley, Local Trustee
Lisa Gauvreau, Local Trustee

Staff Present: Brad Smith, Island Planner
Fran Munro, Recorder

Others Present: Approximately 90 members of the public were present.

4.1 GL-RZ-2014.1 (Crystal Mountain) - Proposed Bylaws 256 and 257

Chair Peterson called the Public Hearing to order at 1:20 p.m. He read a statement outlining the content, purpose, and process of the Public Hearing.

Planner Smith read a statement related to the purpose of proposed Bylaw Nos. 256 and 257 and their development to date

The documents for review are in the public hearing binder and on the Islands Trust website. Written submissions must be submitted by the close of this hearing.

There were 86 submissions received. Chair Peterson gave a 3-minute period for each speaker attending in-person today. Galiano Island Local Trust Committee proposed Bylaw No. 256, cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2016" and "Galiano Island Official Community Plan Bylaw No. 257, 1999, Amendment No. 1, 2016" public hearing is now open. It may be adjourned and reconvened.

There was a written speakers list, with speakers having three minutes each.

Colleen Doty was satisfied that the applicant, staff, and LTC have done their due diligence and supports the proposed bylaws.

Elizabeth Latta stated that Crystal Mountain showed respect for the environment and is a benefit to the community. She noted Crystal Mountains' efforts to engage the community and the Penelakut. The Islands Trust will have to start a new process for consulting with the Penelakut. She supports the application and rezoning moving forward.

Doug Latta stated that Crystal Mountain would look after the land and was in favour of the Crystal Mountain application and requested that Islands Trust consult the indigenous community.

Patrick Ramsay was wholly in favour of moving forward with the application.

Sheila Anderson was concerned that this proposal would lead to forest fragmentation. She wanted the Trust Committee to consider whether this proposal achieves minimal forest fragmentation.

Lorelei Allan believed that Crystal Mountain is a benefit to the community and would like to see the proposal moved forward.

Stephen Rybak grudgingly supported the application. He did not believe that Crystal Mountain should be classified as a community facility.

Cheryl Fraser described the benefits of the meditation services offered by Crystal Mountain and commended everyone for continuing to support meditation on Galiano Island.

Emma Davis explained that Crystal Mountain provides wilderness education and noted that other rezoning applications have been approved on that basis. She stated that Crystal Mountain programming benefits the community and creates jobs and supports the application and would like to see it approved.

Susan van Asselt noted that Crystal Mountains' educational programs were the reason why she and her husband moved to Galiano. She supports the application because she believed that Crystal Mountain would preserve the land in an environmentally sensitive manner.

Arjan van Asselt was thankful for all the work done and was in full support of the application. He stated that Crystal Mountain provides valuable opportunities to the community, first class environmental protection, and exceeds planning guidelines.

Kiyo Okuda was not against the Crystal Mountain development specifically, but was concerned about up-zoning in the forest and compromising emergency access. He asserted that Crystal Mountain's local benefit is meagre and all the time and resources spent on the rezoning is inappropriate.

Jane Wolverton believed that Crystal Mountain is appropriately designated as a community facility.

Carmita de Menyhart stated that Bylaws 256 and 257 are contrary to the official community plan and did not support the rezoning. She expressed concern that Crystal Mountain's proposal will set a precedent for further proposals to rezone forest land.

Jennifer Margison thought that Crystal Mountain had its merits, but had issues with its effects on the ecosystem and forest fragmentation. She did not believe this proposal is compliant with the Trust policy, particularly when it comes to forest fragmentation and the detrimental impact of that.

Art Moses thought it was presumptuous of staff to recommend proceeding with this application in advance of the public hearing. He noted that bylaws 256 and 257 violate the official community plan and would set a precedent.

Akasha Forest supported taking the time to have a good consultation with the First Nations in the area. She read a letter of complaint by one of the neighbours of the Crystal Mountain resort, which stated that Crystal Mountain owners, members, and guests have been trespassing on the easement road without permission. The authors of the letter did not support the rezoning.

Suzanne Fournier urged the LTC to reject the rezoning that would convert the F1 land to an intensive year-round retreat and resort. She stated that the development would fraction the forest into two sections and was concerned that no septic testing on the upper ridge had been done and believed Crystal Mountain was not in compliance with the Capital Regional District and the Vancouver Island Public Health Authority for 20 years. She read a statement sent to her by Penelakut Counsellor Ken Thomas. The Penelakut did not receive notice of this public hearing. The Penelakut used this land in historical times as a lookout and for homes. The Penelakut leadership did not support this land proposal by Crystal Mountain given the lack of consultation, and it should not proceed until there has been meaningful consultation with the Penelakut.

Pat Mayhill read a letter stating that Crystal Mountain was waging a war against the bylaws of the Islands Trust for a long time. The author argued that Crystal Mountain ignored the community plan and their estimates on water usage did not make sense. The author did not see Crystal Mountain as a community benefit and considered it to be a commercial enterprise.

Risa Smith wanted the Trust to find an independent body to monitor compliance with the covenant. She stated that wellness retreats are the fastest growing tourist industry in the world, and believed that these retreats should be classified as a commercial activity and noted that this decision is precedent setting.

Hayden Pritchard stated that Crystal Mountain is an immediate neighbour and they are good quiet neighbors. He was concerned that this application will change Crystal Mountain from a small seasonal operation into a massive commercial cost-recovery operation and noted his understanding that Crystal Mountain had been operating illegally for 20 years and had been building without permits. He reluctantly supported the rezoning, but stipulated that they should restrict the expansion and operation as proposed.

George Harris recalled his experience as a Trustee and recognized that Crystal Mountain was extremely open to making changes. He strongly supported this application, and he did not believe it was precedent setting because each application is evaluated individually. He agreed that there has been an issue with indigenous consultation, but reiterated that this application should proceed.

BREAK – 2:30pm – 2:45pm

Anthony Peirce was a neighbour to Crystal Mountain. His concern was with the groundwater quantity and did not believe that enough testing had been done. He referred to a report that stated 30 people overnight would use 10,000 litres of water per day. He thought a hydrograph should be put there to ensure Crystal Mountain would not do harm by increasing the people in the area.

Kiyo Okuda does not see Crystal Mountain doing the work to preserve forest integrity, sustainability, diversity, and risk mitigation. He did not believe this development was in the community plan and provided little or no public or local benefit. He did not support this plan and hoped the Trustees understand their obligation to preserve the forest zone.

Michael Maclean hoped that any issues can be resolved in a positive way to allow this wonderful opportunity to realize itself.

Jane Wolverton did not believe this development should be considered forest fragmentation because the area is naturally fragmented by a cliff and lower bench area. She agreed that the Trust should work with the First Nations here to avoid confrontation. She believed Crystal Mountain reached out to the tribe over the past three years and asserted that Crystal Mountain has addressed all the issues raised within the context of the OCP and supports moving forward with this application.

Carmita de Menyhart identified that the resort would require accommodation for their guests and it would increase pressure on the groundwater demands and accommodation. She contended that Galiano cannot sustain both more visitor accommodation and housing, and that the Trust will need to choose one. She hopes the Trust will not pass the second and third reading.

Art Moses raised the concern that this plan violates the Official Community Plan. He thought these changes should be done by public process and not site by site rezoning. The F1 zoning is designed to maintain forest land, preserve the rural character, and help mitigate climate change and this application would set a precedent for more rezoning. He reiterated that the fragmented development plans are contrary to the OCP and Islands Trust policy.

Suzanne Fournier maintained that the rezoning was not about the people but about the land and the size and scale of the development is the problem. There was no arrangement to monitor the effects on the groundwater in the upper ridge. Her main concern was that Crystal Mountain should not be considered a community facility, but a lucrative business that attracts a large international audience. She reiterated that the First Nations consultations have not been sufficient and referrals from a government agency should provide capacity funding to allow them to conduct a thorough review and adequately respond.

Pat Mayhill reiterated that Crystal Mountain is not a benefit to the community. She believed this application ignored the Official Community Plan. She is concerned that the rezoned lot will be sold for hefty profit and noted that the Islands Trust groundwater specialist had classified the lot as a class 1 high vulnerability area. She described Galiano as the driest island, and was concerned about the amount of available potable water and the resort guest's use of the water.

Akasha Forest emphasized that the zoning is not about the benefits of mediation, but is based on the land. She noted that First Nations were not included in the creation of the original community plan and stated that indigenous land rights and consultation must be considered now, and not put aside for another time.

Paula Uyenaka wanted to speak to the complexity of consultations with First Nations and urges Islands Trust to co-create a process. The consultation needs to be indigenous led, from nation to nation. There are many questions that need to be resolved to create a meaningful consultation process, as the current referral package is not adequate.

Nancy McPhee had been with the Justice Institute of BC for 30 years and believed this is not a collaborative conflict resolution process. She stated that the land was logged before Crystal Mountain bought the land. She argued that Crystal Mountain has made great effort to preserve and protect the forest in the area.

Quetzo Herejk attended meetings for the last 10 years and felt like the goal posts were constantly moving and hoped indigenous members of the region could be included in consultation and believed Crystal Mountain is interested in improving the existing framework for consultation. She contended that the current F1 zoning allows for unsustainable logging, but Crystal Mountain's rezoning application would protect 90% of the forest.

Laurene Stefanyk Stated Crystal Mountain has negotiated in good faith over the last 17 years and they took time to go to Penelakut and meet with elders in an act of reconciliation. She requested that the Islands Trust invest money to improve the consultation process and urged the Committee to continue to the third reading of this application.

Bonny Norton identified herself as a Neighbour of Crystal Mountain. She believes the water issue could affect the whole island. She wanted Crystal Mountain to remain as it is for five years so that we can look at the impact on the water and the region.

Sarah Knoebber was frustrated that the application had been taking so long and thought that we could figure things out to move along. She lives on the ridge, and has not been impacted by Crystal Mountains' water usage.

Colleen Doty spoke to the discussion about profiteering and wanted to clarify that as a charity, Crystal Mountain is only allowed to transfer property to other charities and it restricts what they are able to do with the property.

Written submissions were handed in.

Chair Peterson called three times for speakers.

The Chair explained that legislatively, the LTC can not hear new information about this application following the public hearing.

There being no new further submissions, Chair Peterson closed the Public Hearing at 3:43 p.m.

I CERTIFY THAT THIS IS A FAIR AND ACCURATE SUMMARY OF THE NATURE OF REPRESENTATIONS RESPECTING THE MEETING HELD.

RECORDER

DATE