



Crystal Mountain Society –  
A Society for Easter and Western Studies  
c/o 300B - 2555 Cook Rd,  
Galiano Island, BC V0N 1P0

June 25<sup>th</sup>, 2021

Galiano Island Local Trust Committee  
c/o Brad Smith  
Island Planner, Southern Team  
200 – 1627 Fort Street  
Victoria, BC, V8R 1H8

Re: Zoning Designation for Crystal Mountain Society Rezoning Application (GL-RZ-2014.1)

Dear Trustees,

During the Community Information meeting held on June 14<sup>th</sup>, 2021, the issue of whether “Community Facility” was an appropriate zoning designation for the Crystal Mountain proposal was raised. Unfortunately, we were not prepared to provide a succinct rationale during the meeting. Further, the possibility of designating the proposed use under “Economic Activity” was brought forward for consideration.

Based on historical discussion with Islands Trust planning staff along with examination of the OCP and Land-use Bylaws, Crystal Mountain has developed a rationale for the designation of its site-specific proposal under the “Community Facility” sections.

- 1) The purpose of Crystal Mountain Society is to provide opportunities for in-depth, forest based, spiritual education. All permitted facilities and infrastructure are accessory to and in support of this purpose.

This clearly fits within the stated OCP objective for Community Facilities:

*to promote the establishment of community facilities that enhance the social, economic, educational, environmental, and cultural aspects of life on the island and in a manner that minimizes impacts on the natural environment.*

- 2) Crystal Mountain Society is a registered charity and not-for-profit organization. The proposed use of the land directly achieves Crystal Mountain’s charitable mandate and is therefore definitively considered of ‘public’ benefit (see attached appendix for supporting

documentation). A facility that directly supports a public benefit would be well placed in the “Community Facility” designation.

- 3) Upon examination of the Land-Use Bylaw, a compelling case can be made that the closest existing use and zoning to that proposed by Crystal Mountain is the “Environmental Education and Nature Protection Zone” (EE/NP) under the “Community Facility” designation. This zone provides for ‘environmental education’ use along with a long list of accessory uses and accessory facilities including sleeping accommodations, camping, kitchen/dining halls, classrooms, administrative buildings, and a residence.

Proposed Crystal Mountain use very closely resembles that described under EE/NP, with the primary distinction being ‘spiritual’ education, rather than ‘environmental’.

As per the EE/NP zone, proposed Crystal Mountain use is not a commercial enterprise or commercial in nature.

*Commercial (Merriam-Webster): “occupied with or engaged in commerce or work intended for commerce”; “viewed with regard to profit”*

As per the EE/NP zone, Crystal Mountain’s primary use is ‘educational’, with participant accommodations being accessory to that use.

- 4) While Crystal Mountain is non-sectarian, it is a spiritual organization that shares similarities with other spiritual or religious groups. It serves a local constituency of Galiano residents along with those from off-island. While not directly comparable, it is worth noting that other spiritual use on Galiano, (St. Margaret’s of Scotland Church) is zoned as a “Community Facility” under the “Community Facility” designation.

While Crystal Mountain is supportive of the current proposed zoning designation under “Community Facility”, we are open to hearing the rationale for consideration of a different option.

Crystal Mountain Society would like to offer a suggestion that the naming of the zone in the proposed Land Use Bylaw amendment be changed to drop the word “Retreat” so that it reads “Crystal Mountain Spiritual Education”, thus reflecting only the primary intended use, not the accessory use.

Sincerely,

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

## APPENDIX

*This document is compiled to support the status of CRYSTAL MOUNTAIN SOCIETY as a public benefit to the GALIANO ISLAND COMMUNITY.*

*The information here has been gleaned from a Canadian Government document titled:*

### **Guidelines for registering a charity: Meeting the public benefit test**

Policy statement Reference number CPS-024

*The full document can be viewed by following the link [Share this page](#)*

#### **1.0 About this document**

Although these guidelines are primarily concerned with the application of the test for public benefit during the registration process, it is important to keep in mind that an organization must be established for the benefit of the public at all times for it to be considered a charity.

#### **2.0 The fundamentals of charity**

At common law, an applicant organization will be determined charitable only if it meets two fundamental requirements:

1. The organization's purposes must be exclusively and legally charitable
  2. It must be established for the benefit of the public or a sufficient segment of the public
- As part of the first requirement, an organization's purposes are considered legally charitable only if they fall within one of the four categories of charity set out in the 19<sup>th</sup> century decision,

*Upon CMS registration we were assigned the third category purposes for the advancement of religion*

#### **3.0 The test for public benefit**

##### **3.1.1 When is proof required?**

The extent to which an applicant charity is required to meet the first part of the public benefit test will depend, in large part, under which category the proposed purposes fall. When the purposes fall within the first three categories of charity, a presumption of benefit exists. This presumption arises because purposes falling within these categories—relief of poverty, advancement of education, and advancement of religion—have historically been recognized as beneficial to the public. However, this presumption only arises once it has been clearly established that the purposes fall within these categories.

##### **3.2.1 What constitutes a sufficient segment of the community?**

A key part of the process of determining charitable status involves a consideration of the question of who will be benefiting. Although most organizations applying to be registered as charitable under the Act will be offering services or programs aimed at the public at large, there are others that will be set up for the purpose of providing services or programs directed at or serving specific groups or classes of people.

2. Whether or not a class of eligible beneficiaries is a sufficient segment is determined in relation to the charitable purpose proposed. A group of beneficiaries may be sufficient for one purpose, but not another. For example, a religious charity may well be limited to those who are adherents of that particular faith, whereas that same limitation would not suffice for an organization established to assist persons with a disability.

5. Although the potential number of beneficiaries is an important factor and should not be numerically negligible, the mere fact that only a limited number of persons are able to avail themselves of a benefit at a given time will not necessarily offend the public benefit test.

### **3.2.3 Public benefit and member organizations**

Some member-based organizations that advance the interests of their members may be charitable if, at the same time, the benefit can either directly or indirectly extend to others or the public at large,

### **3.2.5 Is the issue of public benefit affected by charging fees?**

Many charities—for example, museums, arts organizations, and some religious institutions—charge fees for their services. Charging fees does not of itself offend the public benefit principle, although under certain circumstances it may. The concern for public benefit arises when the effect of the charge would be to exclude members of the public, in which case, the organization would ordinarily not be considered charitable.

Several factors are taken into account when determining whether the charging of fees is incompatible with public benefit:

- >charges should be reasonable in the circumstances and should typically aim at cost recovery
- >exceptionally, charges may, if appropriate to the overall purposes of the charity, be set at a rate that generates a surplus to help fund the organization's charitable programs and activities for the benefit of the public
- >any charge should not be set at a level that deters or excludes a substantial proportion of those served by the charity
- >the service provided should not in practice cater only to those who are financially well-off—it should be open to all potential beneficiaries
- >it should be clear that there is a sufficient general benefit to the community, directly or indirectly, from the existence of the service

*CRYSTAL MOUNTAIN SOCIETY has established a Practitioner Support Fund where interested parties can apply for financial support to attend all retreats and classes. We typically support one or two registrants per session but it has been up to five in a single program.*

*CMS has continuously held Charitable status since 1982.*

*Thank you*