



DATE OF MEETING: May 8, 2025

TO: Salt Spring Island Local Trust Committee

FROM: Oluwashogo Garuba, A/Planner 2
Salt Spring Island Team

COPY: Chris Hutton, Regional Planning Manager

SUBJECT: Land Use Bylaw amendment to bring existing use into compliance at the expiration of existing Land Use Contract Bylaw 195
Applicant: Daryl Janyk
Location: 355 Blackburn Road, Salt Spring Island

RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee request staff to proceed with processing application PLRZ20240021.
2. That the Salt Spring Island Local Trust Committee request staff to prepare a draft bylaw to amend Salt Spring Island Land Use Bylaw No. 355, 1999, to rezone THE NORTH EAST 1/4 OF SECTION 85, SOUTH SALT SPRING ISLAND, COWICHAN DISTRICT EXCEPT THAT PART IN PLAN 35855, from Agriculture 2 (A2) to Agriculture 2 variant c (A2 (c)).

REPORT SUMMARY

The purpose of this report is to present the Salt Spring Island Local Trust Committee (SS LTC) with a preliminary staff report which introduces the proposed amendments to the Salt Spring Island Land Use Bylaw No. 355, 1999 (LUB), to permit the current uses on the subject property and bring it into compliance with the LUB at the expiration of the existing Land Use Contract (LUC) Bylaw No. 195.

This staff report examines relevant policies (Salt Spring Island Official Community Plan Bylaw (OCP) No. 434 and the Islands Trust Policy Statement (ITPS)), evaluates the proposed rezoning in consideration of these policies, and provides recommendations on how to proceed with the application. The application as submitted would amend the LUB by rezoning the subject property from **Agriculture 2 (A2)** to **Agriculture 2 variant c (A2 (c))**. Staff recommends the LTC request draft amendments to the LUB be prepared for consideration. This recommendation is supported as:

- The rezoning will bring the subject property into compliance with Salt Spring Island Land Use regulations;
- The current use of the property has been ongoing for over forty (40) years and no negative impact has been reported or observed.

BACKGROUND

The 26.8 ha (66.23 ac) property is located on Blackburn Road on North East end of Salt Spring Island, zoned Agriculture 2 (A2) is currently occupied by a program building, pump house, Greenhouse, sauna, fitness Yurt, garden house, Single family dwelling – Director’s residence, school building, cabins, tool shed, agritourism cabin, workshop, storage shed, shower house and school picnic shelter.

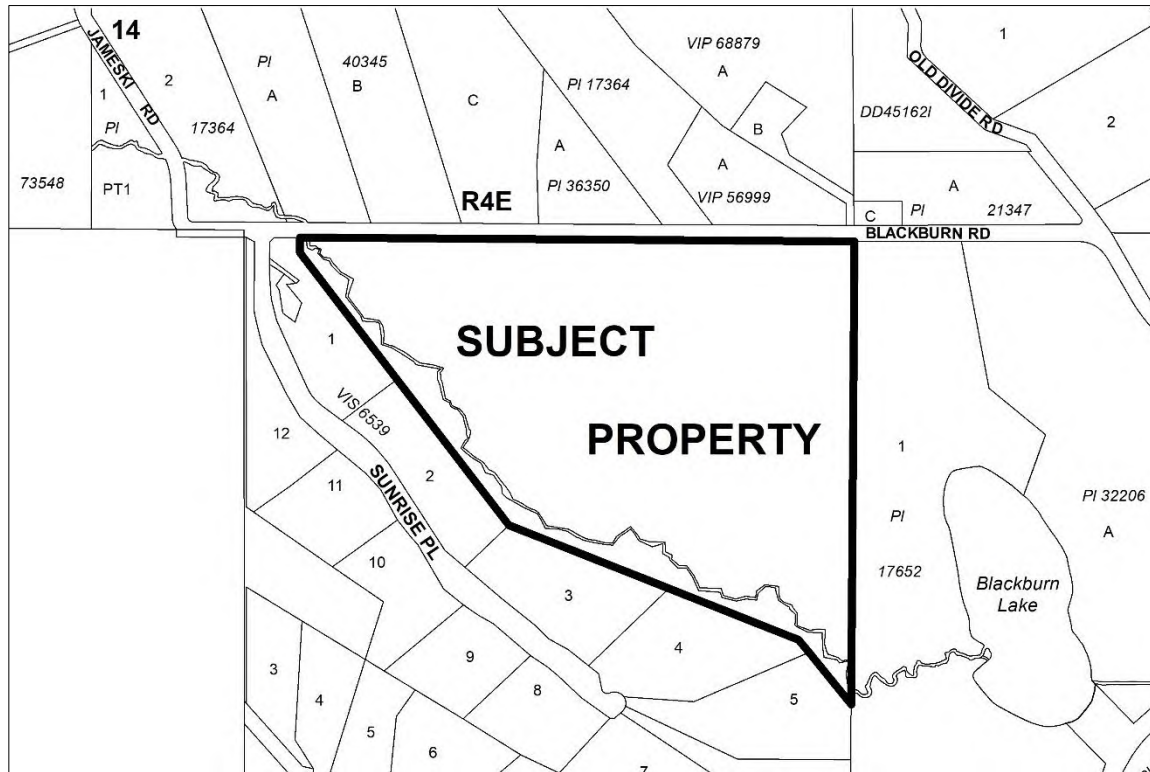


Figure 1: Subject Property Map

The subject property had a land use contract, which permitted some uses in addition to those permitted in the Agriculture 2 (A2) zone. However, this Land Use Contract Bylaw 195 (LUC), adopted in 1988 expired June 2024 (along with all other land use contracts in the province, following a legislative change that phased them out at that time), thereby making the current uses legal non-conforming. Subject property therefore has become subject to the zoning bylaw according to Section 547 (2) of the *Local Government Act*.

In order to bring the current uses into compliance, the applicant has applied for an amendment to change the current zone to a new zone A2 variant c A2(c).

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement

Relevant policies of the Islands Trust Policy Statement (ITPS) relating to this rezoning and OCP amendment proposal are:

3.3.2: *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.*

Planner Comments: The subject property has Development Permit Area 4 – lakes, streams and wetlands and Development Permit Area 7 – riparian areas located on it, therefore the proposed rezoning needs to ensure that there is no further loss or degradation of watercourses, wetlands and riparian zones located within and close to the subject property. The use shall be considered to determine if there is any anticipated negative impact on water quality in Blackburn Creek and Blackburn Lake. The current use of the property which is being sought to be brought into compliance with the LUB has been ongoing for over forty (40) years and has not been found to be non-compliant with this policy. Therefore, the proposed rezoning is not anticipated to bring about further degradation or loss to the watercourses, wetlands and riparian areas especially Blackburn Creek and Blackburn Lake, therefore in compliance with this policy directive.

4.1.4 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.*

Planner Comments: The subject property is within the Agricultural Land Reserve (ALR) and therefore subject to Agricultural Land Commission (ALC) use regulations and also must ensure that the proposed use is not detrimental to agricultural uses in the surrounding agricultural areas. The use of the property for which a rezoning is being requested has not been identified as having any detrimental effect on agricultural land use in the areas and therefore supported by this policy directive.

4.4.3 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses.*

Planner Comments: Due to the subject property being located close to Blackburn Lake and Blackburn Creek, the LTC needs to consider this policy directive in ensuring that water use on the subject property is not detrimental to in-stream uses. This bylaw amendment is supported by this policy directive as no direct detrimental impact to the nearby waterbodies has been attributed to the subject property in over forty (40) years of use.

If LTC decides to proceed with drafting bylaws, the ITPS policy checklist will be presented to LTC for review and consideration in a future staff report if at such time draft bylaws are presented for first and second reading.

Official Community Plan:

The subject property is currently designated as Watershed Agriculture in the Salt Spring Island Official Community Plan (OCP) Bylaw No 434, 2008. Staff have evaluated the application against relevant policies contained in the OCP and note several policies that relate to the proposed rezoning, but have not noted any inconsistency with the OCP at this time.

Applicable OCP policies relevant to Watershed-Agriculture

B.6.2.2.4 *Zoning within the Agriculture and Watershed-Agriculture Designations will continue to allow the land uses, structures and densities allowed by existing zoning and subdivision bylaws. Where existing zoning allows general employment and commercial uses, these will remain as permitted uses unless the property owner applies for a zoning change.*

Planner Comments: The above policy supports land uses, structures and densities permitted by existing zoning bylaws. The existing land uses and structures on subject property were permitted by the LUC Bylaw No 195 up until its expiration in 2024. The proposed bylaw amendment to bring this existing land use and structures into compliance is therefore supported by this policy.

B.6.2.2.10 *The Local Trust Committee could consider changing zoning to permit the following land uses, where permitted by the Agricultural Land Reserve Act or regulations, on individual properties in the Agriculture Designation: small-scale processing and sales of island-grown forest products; farming schools; farm-based tourist accommodation; waste management facilities. Such uses should only be allowed where farming capability is minimal and the planned use would not interfere with land productivity. Preference should be given to proposals that would improve the viability of an existing farm operation.*

Planner Comments: This policy supports the proposed bylaw amendment as the existing uses on the subject property have been permitted by the ALC, therefore, this application is supported by this policy.

B.6.2.2.17 *When it considers rezoning applications that are not related to farming, the Local Trust Committee will ensure the availability of water for farming would not be reduced because of a zoning change. If a rezoning application would result in an increase in water use, the Local Trust Committee will ask the Agricultural Advisory Committee for advice about the potential impacts on farming.*

Planner Comments: This application is not in conflict with this policy as the use has not been found to bring about a reduction in the availability of water for farming and therefore it is not anticipated that this zoning change will cause a reduction in water availability for farming activities.

B.6.2.2.19 *When it considers rezoning applications for land that borders or drains into agricultural land, the Local Trust Committee will ensure that zoning changes are not made in a way that would have a negative effect on farming. For example, the Committee could require that a vegetation buffer be maintained on land that is being rezoned next to farm land, if the proposed use could result in conflicts with a farming operation. The Committee should also ensure that a zoning change would not result in detrimental changes to natural drainage or pollution of water supplies. The Agricultural Advisory Committee will be asked for advice about rezoning applications on land that borders or drains into agricultural land.*

Planner Comments: Although the subject property borders an agricultural land, its current use has not been found to have any negative effect on farming, therefore, the above policy supports the application for a zoning amendment of the subject property.

Development Permit Areas

The subject property is within these Development Permit Areas (DPA): DPA 4 – Lakes, Streams and Wetlands and DPA 7 – Riparian Areas. No development is proposed at this time, and no permit is required for existing development.

Should the application proceed, a checklist for compliance with the applicable OCP Policies would be presented to LTC for review and consideration. As proposed, the summary overview of the proposed plans aligns largely with this subsection.

Land Use Bylaw:

The subject property is zoned as Agriculture 2 (A2) in the LUB. The following are the uses permitted in A2 zone according to the LUB:

- 1) Agriculture, farm buildings, and structures;
- 2) Single-family dwellings (1);
- 3) Home based businesses; and

- 4) Commercial guest accommodations in a campground on agricultural land classified as a farm under the assessment act.

Despite the existing zoning regulations, the subject property had a LUC Bylaw that outlined land use regulations specifically to the subject property up until June 2024 when it was terminated. The following uses were permitted in the Land Use Contract, which expired June 2024:

- a) Educational and religious programs and assembly dealing with physical, spiritual and mental health and the creative arts;
- b) Agriculture and Silviculture;
- c) Artist and Artisan Studios;
- d) Staff Housing;
- e) Provision of food and lodging for residents, staff, and for participants in programs allowed in (a) above; and
- f) Accessory recreational use (not commercial or entrepreneurial, and in facilities costing no more than \$5,000.00).

Further, permitted buildings include:

- a) Program Buildings used to provide overnight accommodation for program participants, assembly, studio, education and health program facilities, and a banquet room and kitchen;
- b) School building used to provide kindergarten; elementary school; assembly use; resident, staff or program participant accommodation; and farm use;
- c) Fitness Buildings used for the provision of facilities for the promotion of overall health;
- d) Resident and Staff buildings used for the housing of residents and staff employed on the land
- e) Seminar Participant Building used for the accommodation of persons registered in programs or educational activities conducted on the land; and
- f) Buildings for farm use.

These uses are in addition to the following set of uses established within the A2 zoning:

- 1) Agriculture, farm buildings, and structures;
- 2) Single-family dwellings (1);
- 3) Home based businesses; and

Commercial guest accommodations in a campground on agricultural land classified as a farm under the assessment act. Upon termination of the subject property has become subject to the LUB, therefore in order to bring the current uses into compliance, the applicant has decided to apply for a zoning bylaw amendment.

Islands Trust Conservancy:

In accordance with Islands Trust Conservancy Board Policy 3.3.1, the Islands trust Conservancy (ITC) does not have covenants on the subject property or adjacent properties, therefore the application has no considerations for the ITC. However, the subject property is within the Medium relative value area for important natural areas and therefore has medium considerations for regional conservation according to the Islands Trust Regional Conservation Plan 2018 - 2027.

Agricultural Land Reserve (ALR)

The property is located within the Agricultural land Reserve (ALR) and therefore all non-farm uses are subject to permission from the Agricultural Land Commission (ALC). If the non-farm use is permitted by the ALC and consistent with the LUB, it may be permitted. The ALC issued a letter (see Attachment 3) indicating the Commission's permission for certain uses on the subject property. These uses include: school facility, exercise room, program building, staff residence, director's residence and studios. These are in addition to the uses permitted in the Agricultural 2 (A2) Zone. Although the ALC has permitted the current uses, the subject property is subject to the other applicable regulations and bylaws including the *Local Government Act* and LUB.

Consultation

Provided that further policy analysis confirms no inconsistency with the OCP, a public hearing may not be required for this application, in accordance with Section 464 (3) of the *Local Government Act*.

Agencies

Should the application proceed, staff have identified the following agencies for bylaw referral. LTC may direct staff to include additional agencies for referral:

- Capital Regional District, Building Inspections
- Agricultural Land Commission,
- Agricultural Advisory Commission
- Advisory Planning Commission

First Nations

Desktop review indicates that there are areas of known archaeological potential within the subject property. Staff has directed the applicant to submit an Archaeological Information Request form prior to the commencement of any development activity on the subject property. In the event that archaeological features or materials are found, either intact or disturbed on the subject property, work should stop immediately and the BC Archaeological Branch should be contacted at 250-953-3334 or archaeology@ov.bc.ca. The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act directly to the applicants.

Staff have identified the following First Nations for early engagement and referral:

- Cowichan Tribes
- Halalt First Nation
- Lyackson First Nation
- Pauquachin First Nation
- Penelakut Tribe
- Semiahmoo First Nation
- Stz'uminus First Nation
- Tsartlip First Nation
- Tsawout First Nation
- Tsawwassen First Nation
- Tseycum First Nation
- Ts'uubaa-Asatx (Lake Cowichan) First Nation

If the LTC decides to proceed, staff would notify these First Nations and request for their input on the proposed rezoning application.

Rationale for Recommendation

The recommendations on page 1 are supported as:

- The proposed rezoning will bring the current use of the subject property into compliance with the LUB;
- The application appears to be consistent with the OCP policies and objectives.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee request that the applicant submit to the Islands Trust...

2. Deny the application

The LTC may deny the application. If this alternative is selected, the LTC should state the reasons for denial. Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee proceed no further with PLRZ20240021...

3. Hold the application in abeyance

The LTC may choose to hold the application in abeyance pending completion of a significant study or OCP process, etc.

Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee hold application PLRZ20240021 in abeyance [list reason].

NEXT STEPS

If the LTC supports proceeding, amending bylaws would be drafted and brought back for considerations for First reading, referrals and public notification.

Submitted By:	Oluwashogo Garuba, A/Planner 2	April 24, 2025
Concurrence:	Chris Hutton, Regional Planning Manager	April 25, 2025

ATTACHMENTS

1. Site Context
2. Applicant's Letter of Rationale
3. ALC Letter

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	THE NORTH EAST 1/4 OF SECTION 85, SOUTH SALT SPRING ISLAND, COWICHAN DISTRICT EXCEPT THAT PART IN PLAN 35855
PID	013-510-827
Civic Address	355 Blackburn Road, SSI
Lot Size	26.8 ha (66.23 ac)

LAND USE

Current Land Use	Agriculture 2 (A2)
Surrounding Land Use	Rural (R), Rural Watershed 1 (RW1)

HISTORICAL ACTIVITY

File No.	Purpose
SS-ALR-1989.9	ALC permission for use supported by LUB
SS-BP-2006.43	No information available
SS-BP-2018.89	To build picnic shelter

POLICY/REGULATORY

Official Community Plan Designations	Salt Spring Island Official Community Plan Bylaw #434, 2008 - Watershed Agriculture Development Permit Areas: DPA 4 – Lakes, Streams and Wetlands DPA 7 – Riparian Areas
--------------------------------------	---

Land Use Bylaw	Salt Spring Island Land Use Bylaw #355, 1999 – Agriculture 2 (A2)
Other Regulations	Agricultural Land Reserve Use Regulations
Covenants	Land Use Contract: H608 (Expired June 2024) Covenant: K55201 Covenant: K55202
Bylaw Enforcement	None

SITE INFLUENCES

Islands Trust Conservancy	The application has no considerations for the Islands Trust Conservancy
Regional Conservation Strategy	This application has relative medium value considerations for the Regional Conservation Plan.
Species at Risk	Western painted turtle
Sensitive Ecosystems	None currently mapped
Hazard Areas	Steep slopes mapping indicates medium to low hazard at the subject property
Archaeological Sites	Desktop review indicates known areas of archaeological potential on subject property. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the Heritage Conservation Act. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a Heritage Conservation Act permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	No additional impacts to GHG emissions anticipated as a result of this application
Shoreline Classification	N/A
Shoreline Data in TAPIS	N/A

355 Blackburn Road Rezoning Application.**SECTION 3 How the Development Application furthers Official Community Plan Goals**

For 41 years Dharma Sara Satsang Society and the Salt Spring Centre of Yoga has been a community dedicated to the principles and practices of classical ashtanga yoga, including spiritual practice, selfless service, and community. We hold a strong and unified vision for progress in all key areas of endeavour, including programs, the farm and community life.

Sunday Satsang is a time for all people from the Island and beyond to gather for spiritual song, readings and meditation. Other offerings occur throughout the week.

As communal stewards of the land we continue to recognize and protect our natural environment through maintaining and restoring our organic agricultural and forest land while protecting the rural character of our community.

We have worked cooperatively with the Island Salmon Enhancement Society to enhance the quality of stream and wildlife habitat on this property.

The Centre runs it's own programs and retreats to create an environment for the attainment of peace. There are several Yoga classes for the public to attend weekly. The Centre also provides a venue for other organizations to safely conduct their own programs for well being. The Salt Spring Centre is also a space for craft fairs and community.

The Salt Spring Centre of Yoga provides meaningful living wage employment with mentorship from our elders in the farm and programs. The farm provides organic local food to the community.

The Centre provides safe, healthy housing for staff that enables young people to remain on the Island.

The Salt Spring Centre School was founded in 1983 on this land. It provides a small community based school with an aim of teaching ways to learn to live and learn in peace, through non-harming. Our mission is to offer a secure educational environment in which a child's inherent love of learning is celebrated.

**British Columbia
Agricultural
Land Commission**

September 29, 1989

ATTACHMENT 3

Telephone: (604) 660-7000
Faxcom: (604) 660-7033

Room 133, 4940 Canada Way, Burnaby, B.C. V5G 4K6

Reply to attention of
Shirley Brightman

Sidney Filkow
Box 1371, Ganges
Salt Spring Island, B.C.
VOS 1EO

Dharma Sara Satsang Society
Box 1133
355 Blackburn Road
Salt Spring Island, B.C.
VOS 1EO

Dear Mr. Filkow:

Re: Application #21-C-23775 I.T.

This is to advise that the Provincial Agricultural Land Commission has considered your application regarding land described as the Northeast 1/4 Section 85 except Plan 25855, South Salt Spring Island.

Pursuant to Section 20(1) of the Agricultural Land Commission Act, the Commission, by Resolution #914/89 has agreed that the Dharma Sara Satsang Society be allowed to:

1. Finish and convert the existing 35' x 60' agricultural storage and repair shop into a school facility capable of accommodating up to a maximum of sixty students.
2. Expand the existing 400 square foot exercise room to include a sauna, jacuzzi, change rooms and additional exercise areas.
3. Renovate the Manor House to include a program area, upgraded dining and kitchen facilities and rooms for overnight guest accommodation. In recognition of the long term plans of the Society, the Commission has agreed to allow the construction of up to 6 additional rooms for overnight guest accommodation.
4. Convert the existing 15' x 45' farm machinery storage building into three bedrooms with common room and bathroom for staff and/or farmhand use. In recognition of the long term plans of the Society, the Commission has agreed to the construction of up to 5 additional bedrooms for staff. This staff housing should preferably be dormitory style.
5. Retain the 14' x 70' mobile home which serves as the Director's home.

....2

Page 2

6. construct up to four small studios of approximately 15 by 20 feet each for painting, drawing, pottery etc. subject to the confinement of the above described uses within the 43.24 hectares (8 acres) area which was specifically approved by the Commission under Resolution #11306/79. The land referred to in the application will continue to be subject to the provisions of the Agricultural Land Commission Act and regulations except as provided by this approval.

This approval in no way relieves the owner or occupier of the responsibility of adhering to all other legislation, including zoning, subdivision and other land use bylaws of a municipality or regional district and decisions of responsible authorities which may apply to the land.

Before your development can proceed, other requirements such as public road dedications, highway access permits, sewage disposal permits, etc. may be necessary and we urge you to check with the responsible authorities.

Please quote Application #21-C-23775 I.T. in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION



PER: R. P. Murdoch, General Manager

SB/lv

cc: Islands Trust (#ALR.09.1989)
Approving Officer, Hwys - Victoria
B.C. Assessment Authority - Victoria
Mr. Mark Raetzen