



DATE OF MEETING: February 12, 2026

TO: Salt Spring Island Local Trust Committee

FROM: Oluwashogo Garuba, 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 10  
Applicant: Chris Schmah  
Location: 104 Atkins Road, SSI

## RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee request staff to proceed with processing application SS-RZ-2023.1.
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 LOT A, SECTION 4, RANGE 2 EAST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 3367, from Rural (R) to Commercial 1 (C1).

## 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. 10.

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 **Rural (R)** to **Commercial 1 (C1)**. 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 1.05 ha (2.6 ac) property located on Atkins Road on East North end of Salt Spring Island, zoned Rural (R) is currently occupied by a retail farm store and nursery with on-site growing. The subject property had a land use contract, which permitted these uses in addition to other uses. However, this Land Use Contract Bylaw No. 10 (LUC) (Attachment 3), adopted in 1978 expired in June 2024, thereby making the current uses on subject property legal non-conforming. Therefore, the subject property has become subject to the current zoning bylaws 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 the LUB to change the current zone of the subject property from Rural (R) to Commercial 1 (C1).

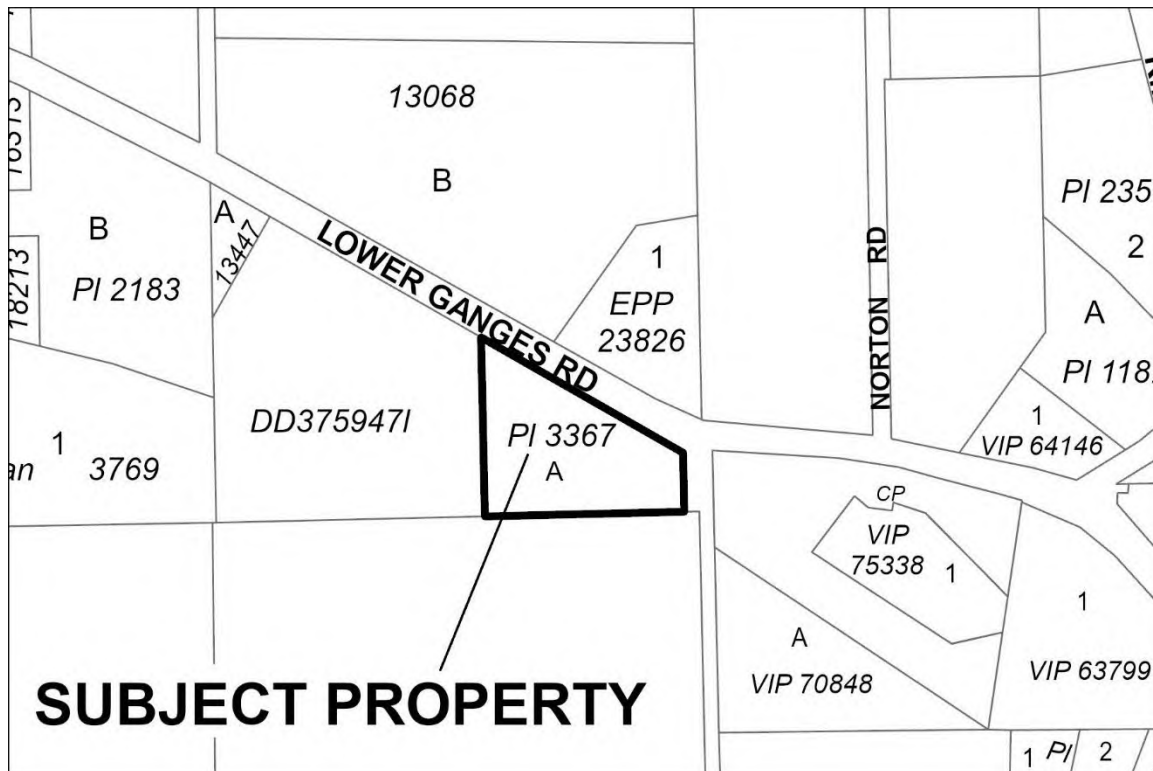


Figure 1: Subject Property Map

## 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:

#### Policies applicable to Agricultural Land

**4.1.5** Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.

**Planner comment:** the subject property is adjacent the ALR, however, the use of the property for which the rezoning application has been submitted has not been identified to have any negative relationship to farming and therefore this application is in compliance with this policy.

**4.1.6** Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.

**Planner comment:** the subject property, as noted above, is adjacent to the Agricultural Land Reserve (ALR); therefore, its use must be ensured so that it does not detrimentally affect adjacent agricultural uses. The current use of the property has not been identified as having any detrimental effects on agricultural activities in the surrounding area and is therefore considered to be in compliance with this policy.

#### Policies applicable to Freshwater Resources

**4.4.2** Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, 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.

**Planner comment:** the proposed bylaw amendment will not increase the intensity of land use or density. The uses on the property also have not been identified as having negative impact on the quality of water over the years and therefore in compliance with this policy.

#### Policies applicable to Aesthetic Qualities

**5.1.3** Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.

**Planner comment:** the application is in compliance with this policy as there have not been concerns about it negatively impacting the visual quality and scenic value of the Island.

#### Policies applicable to Growth and Development

**5.2.3** Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.

**Planner comment:** the proposal is not perceived to have any negative aesthetic, environmental or social impact and therefore supported by this policy.

#### Policies applicable to Economic Opportunities

**5.7.2** Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

**Planner comment:** the proposal is compatible with conservation of resources and protection of community character as it has not been found to be otherwise and thus in compliance with this policy.

#### ***Official Community Plan:***

The subject property is currently designated as Rural Neighbourhood 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 Rural Neighbourhood

B.2.5.2.2 Zones within the Rural Neighbourhoods Designation will continue to allow medium density residential development and the other rural uses allowed by existing zoning. Existing commercial and general employment zones will remain, but exceptionally large new commercial or general employment developments should not be allowed in this Designation. Existing zones that allow higher densities, smaller lots and multifamily use will also remain.

**Planner comment:** This policy supports existing commercial and general employment development and therefore provides support for the proposed LUB amendment application. The requested zoning amendment would bring the development into compliance with applicable zoning regulations. Furthermore, based on the density permitted within this designation, the scale of the development is consistent with what is anticipated and is not considered to be exceptionally large. Accordingly, the proposal is supported by this policy.

Applicable OCP policies relevant to Agricultural Land Use

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 comment:** the proposed zoning amendment is not anticipated to have negative effect on farming as current use of the property supports farming operations on the Island. The subject property borders land in the ALR and therefore, the application will be referred to the Agricultural Advisory Planning Commission (AAPC) for advice.

**Development Permit Areas**

There is no DPA on the subject property.

**Land Use Bylaw:**

The subject property is zoned Rural (R) in the LUB. The application requests to rezone the property to Commercial 1 (C1). Below is a comparison of the permitted uses, buildings and structures in both zones:

Rural (R)	Commercial 1 (C1)
<b>Principal Uses, Buildings and Structures</b>	
<ul style="list-style-type: none"> <li>• Single-family dwellings</li> <li>• Two family dwellings constructed before July 31, 1990</li> <li>• Dental and medical offices for a maximum of two medical practitioners</li> <li>• Elementary schools, pre-schools and child day care</li> <li>• Public health care facilities</li> <li>• Community halls</li> </ul>	<ul style="list-style-type: none"> <li>• Indoor retail sales and rentals</li> <li>• Indoor retail services, excluding Laundromats</li> <li>• Laundromats</li> <li>• Outdoor retail sales of nursery plants and home gardening supplies</li> <li>• Indoor production of food and drink items, clothing, crafts, artwork, jewellery and similar items for retail or wholesale sales,</li> </ul>

<ul style="list-style-type: none"> <li>• Churches and cemeteries</li> <li>• Veterinarian clinics and animal hospitals</li> <li>• Pet boarding services and kennels</li> <li>• Pounds</li> <li>• Active outdoor non-commercial recreation, excluding golf courses and activities primarily involving the use of power-driven means of conveyance</li> <li>• Lighthouse stations</li> <li>• Agriculture</li> <li>• Agriculture, excluding intensive agriculture</li> <li>• Public service uses</li> </ul>	<p>provided there is a retail outlet on the premises and provided water consumption does not exceed 1600 litres/day</p> <ul style="list-style-type: none"> <li>• Offices</li> <li>• Banks and credit unions</li> <li>• Indoor commercial recreation and amusement facilities</li> <li>• Restaurants</li> <li>• Churches</li> <li>• Libraries</li> <li>• Offices for use by building construction professionals and trades</li> <li>• Automobile rentals with a maximum of five vehicles stored on-site</li> <li>• Veterinarian clinics and animal hospitals</li> <li>• Indoor commercial and vocational schools</li> <li>• Day care centres for children, seniors, or people with special needs</li> <li>• Collection of recyclable materials, excluding outdoor sorting and storage</li> <li>• Public service uses</li> </ul>
<b>Accessory uses</b>	
<ul style="list-style-type: none"> <li>• Seasonal cottages subject to Section 3.14</li> <li>• Home-based business use, subject to Section 3.13</li> </ul>	<ul style="list-style-type: none"> <li>• Dwelling units accessory to a commercial use</li> </ul>

**Figure 2: Permitted uses in the R and C1 zone**

The LUB does not permit the current commercial uses on the subject property in the Rural zone, but these uses were permitted through the LUC. Upon the expiration of the LUC in June 2024, the existing uses became subject to the current zoning regulations. In order to ensure that these are in compliance with the LUB, a rezoning application is required.

***Islands Trust Conservancy:***

In accordance with Islands Trust Conservancy Board Policy 3.1, the Islands Trust Conservancy (ITC) does not have covenants on the property or adjacent properties and therefore the proposal has no considerations for the ITC.

**Consultation**

In accordance with regular statutory requirements, a public hearing is required for this application. It is common practice to hold a Community Information Meeting (CIM) prior to the public hearing. Should the application proceed further, the public hearing and CIM would be scheduled separately or concurrently after the draft bylaws have received First Reading.

**Agencies**

Staff recommends that the application be referred to the following agencies:

**Adjacent Local Trust Committees and Municipalities**

Galiano Island Local Trust Committee  
 Mayne Island Local Trust Committee

**Provincial Agencies**

Agricultural Land Commission  
 Ministry of Agriculture

North Pender Island Local Trust Committee  
Thetis Island Local Trust Committee  
Cowichan Valley Regional District

BC Assessment Authority  
Ministry of Municipal Affairs  
Ministry of Transportation & Infrastructure  
Front Counter BC

### **Non-Agency Referrals**

BC Ambulance Service  
RCMP  
SSI Fire-Rescue  
Salt Spring Island Coast Salish Society  
North Salt Spring Waterworks District

### **Regional Agencies**

CRD – All Referrals  
CRD – Ganges Sewer Commission  
Vancouver Island Health Authority  
SSI Advisory Planning Commission  
SSI Agricultural Advisory Planning  
Commission

### ***First Nations***

Desktop review indicates that the subject property is within 100 meters of known archaeological potential. 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@gov.bc.ca](mailto:archaeology@gov.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 recommendation on page 1 is supported as the proposal appears to be consistent with the policies of the Salt Spring Island Official Community Plan No. 434 (OCP) and Islands Trust Policy Statement (ITPS).

### **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 SS-RZ-2023.1...*

**3. Receive for information**

The LTC may receive the report for information

**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, Planner 2	January 20, 2026
Concurrence:	Chris Hutton, Regional Planning Manager	January 22, 2026

**ATTACHMENTS**

- 1. Site Context
- 2. Applicant’s Letter of Narrative
- 3. Land Use Contract Bylaw No. 10

## ATTACHMENT 1 – SITE CONTEXT

### LOCATION

Legal Description	LOT A, SECTION 4, RANGE 2 EAST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 3367
PID	004-343-271
Civic Address	104 Atkins Road, SSI
Lot Size	1.05 ha (2.6 ac)

### LAND USE

Current Land Use	Rural (R)
Surrounding Land Use	Agriculture 1 (A1), Residential 3 (R3), Residential 2 (R2)

### HISTORICAL ACTIVITY


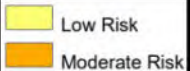
File No.	Purpose
SS-BP-2008.70	No details in TAPIS
SS-BP-2009.8	To replace greenhouse
SS-DVP-2004.1	No details in TAPIS
SS-DP-2008.10	No details in TAPIS
UN-DP-1985.19	No details in TAPIS

### POLICY/REGULATORY

Official Community Plan Designations	Salt Spring Island Official Community Plan Bylaw No. 434, 2008 Designation: Rural Neighbourhoods – RL Development Permit Areas: None
Land Use Bylaw	Salt Spring Island Land Use Bylaw No. 355, 1999 – <b>Rural (R)</b>
Other Regulations	None
Covenants	195491G- Easement & RC G60686 - Land Use Contract
Bylaw Enforcement	None

### SITE INFLUENCES

Islands Trust Conservancy	The application has no considerations for the Islands Trust Conservancy
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	None currently mapped
Sensitive Ecosystems	None currently mapped

Hazard Areas		
Archaeological Sites	<p>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 <i>Heritage Conservation Act</i>. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.</p>	
Climate Change Adaptation and Mitigation	<p>No additional impacts to GHG emissions anticipated because of this application.</p>	
Shoreline Classification	<p>N/A</p>	
Shoreline Data in TAPIS	<p>N/A</p>	

**From:** Chris Schmah [REDACTED]  
**Sent:** Friday, December 12, 2025 11:01 AM  
**To:** Chris Schmah; Oluwashogo Garuba  
**Subject:** Re: SS-RZ-2023.1 - 104 Atkins Road Applicant's Letter of Narrative Required

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I am sending this email letter in response to your request, as attached. Your request for a letter of narrative, while puzzling to me will be provided to you as a summary of what was all in the application already .

The reason for the application, is to return the property where Foxglove farm and garden supplies is located, back into legal compliance. You may or may not be aware of the fact that this property was covered under a specific land use agreement between the company and the Islands trust. As it was the islands trust request/requirement that this agreement be dissolved, we find ourselves out of compliance or Incorrectly zoned. Several years ago, we were advised that we would have to undertake, with the islands, trusts' approval and encouragement and apply for rezoning to Commercial. This would essentially return us to a compliance status operating as we have done on this property since 1978.

Regarding the current uses on the subject property, we have been operating a retail farm store, a retail nursery with on-site growing. We retail a whole host of products and supplies consistent with those listed in our Land use agreement. Perhaps a personal visit would indicate to you all of the things that are produced and sold on this property to the people of Saltspring Island.

With regards to the proposed uses, we feel that having had several meetings with trust planners, that the simplest thing would be for us to seek the basic commercial zoning, enabling us to sell retail products and serve the Island community. At this point, we do not wish to encumber or delay the process, and would like to keep it as simple as rezoning would allow. I'm happy to meet with you at any point to discuss this.

We understand that this may require a hearing or a public meeting, and in preparation for that I would expect that we have a meeting with yourselves well in advance to articulate the nuances of this file. Thank you for your attention.  
Sincerely, Chris Schmah

BY-LAW NO. 10

A By-law authorizing a Land Use Contract relating to Foxglove Farm and Garden Supply Ltd. for Lot A, Section 4, Range 2 East, Plan 3367, North Salt Spring Island, Cowichan Land District

WHEREAS it is deemed desirable by the Salt Spring Island Trust Committee, pursuant to Section 3(2)H of the "Islands Trust Act" and Section 702A of the "Municipal Act" to enter into a Land Use Contract with Foxglove Farm and Garden Supply Ltd. for the use and development of Lot A, Section 4, Range 2 East, Plan 3367, North Salt Spring Island, Cowichan Land District;

NOW THEREFORE the Salt Spring Island Trust Committee, being the Trust Committee having jurisdiction on and in respect of Salt Spring Island in the Province of British Columbia, pursuant to the Islands Trust Act, S.B.C., 1974, Chapter 43 as amended, in open meeting assembled enacts as follows:

- 1. The above mentioned Land Use Contract, a copy of which is attached hereto, and the execution thereof on behalf of the Salt Spring Island Trust Committee as signed by the Chairman and Manager of the Islands Trust are hereby authorized.
2. The said Land Use Contract shall be registered in the Victoria Land Registry Office.
3. This By-law may be cited as "Lot A, Section 4, Range 2 East, Plan 3367, North Salt Spring Island, Cowichan Land District, Land Use Contract By-law, 1978".

READ A FIRST TIME THIS 26th day of May 1978
READ A SECOND TIME THIS 26th day of May 1978
READ A THIRD TIME THIS 26th day of May 1978

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS 7th day of July, 1978

RECONSIDERED AND FINALLY ADOPTED THIS 13th day of July 1978

Certified a true and correct copy of By-law No. 10 for Salt Spring Island.

Administrative Officer

Date

[Handwritten signature of Manager]

Manager

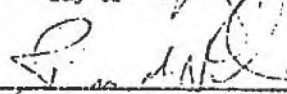
[Handwritten signature of Chairman]

Chairman

For the Officer of a Corporation

I HEREBY CERTIFY that, on the 20th day of July, 1918  
 at Victoria, in the Province of British Columbia MARC HOLMES  
 who is personally known to me,  
 appeared before me and acknowledged to me that he is the CHAIRMAN  
 of SALT SPRING ISLAND TRUST COMMITTEE, and that he is the person  
 who subscribed his name to the annexed instrument as such Officer of the said Corporation and  
 affixed the seal of the said Corporation to the said instrument, that he was first duly authorized  
 to subscribe his name as aforesaid, and affix the said seal to the said instrument and that such  
 Corporation is legally entitled to hold and dispose of land in the Province of British Columbia.

IN TESTIMONY WHEREOF I have hereunto set my  
 hand at Victoria in the Province of British Columbia,  
 this 20th day of July, 1918 ..

  
 A Commissioner for taking affidavits for British Columbia

Pearlman & Lindholm

LAND USE CONTRACT

THIS CONTRACT made the 13th day of July, 1978.

BETWEEN:

SALT SPRING ISLAND TRUST COMMITTEE  
having its offices at 835 Humboldt Street  
in the City of Victoria, Province of  
British Columbia

(hereinafter called the "Trust Committee")

OF THE FIRST PART

AND:

FOXGLOVE FARM AND GARDEN SUPPLY LTD.  
having its offices at 736 Broughton  
Street in the City of Victoria,  
Province of British Columbia

(hereinafter called the "Developer")

OF THE SECOND PART

WHEREAS the Trust Committee, pursuant to Section 3(2)H of the Islands Trust Act and Section 702A of the Municipal Act, may, notwithstanding any By-Law of the Trust Committee or Section 712 or 713 of the Municipal Act, enter into a land use contract containing such terms and conditions for the use and development of land as may be agreed upon with a Developer, and thereafter the use and development of the land shall be in accordance with the land use contract;

AND WHEREAS the Municipal Act requires that the Trust Committee consider the criteria set out in Section 702(2) and 702A(1) in arriving at the terms, conditions and consideration contained in a land use contract and the Trust Committee has considered such criteria in arriving at the terms and conditions herein contained;

AND WHEREAS the Developer has presented to the Trust Committee a scheme of use and development of the within described lands and premises that would be in contravention of the Zoning By-law of the Trust Committee and has requested that the Trust Committee enter into this contract under the terms, conditions and for the consideration hereinafter set forth;

AND WHEREAS the Trust Committee and the Developer both acknowledge that the Trust Committee cannot enter into this Contract, until the Trust Committee has held a public hearing in relation to this Contract, and considered any opinions expressed at such hearing, and unless two-thirds of the members of the Trust Committee present at the meeting at which the By-law to approve this Contract is adopted vote in favour of the Trust Committee entering into this Contract;

AND WHEREAS the Developer has obtained the consents of all persons having a registered interest in the Land as set out in Schedule "A" hereto to the registration of the contract in the Victoria Land Registry Office with priority over their respective interest, which consents are attached to the said Schedule "A" hereto;

AND WHEREAS the Salt Spring Island Trust Committee having given due regard to the consideration set forth in Section 702(2) and 702A(1) of the "Municipal Act" has agreed to the terms, conditions and consideration herein contained;

AND WHEREAS the Developer is the registered owner of all and singular that certain parcel or tract of land and premises situate, lying and being in the Gulf Islands Assessment District, in the Province of British Columbia and being more particularly known and described as:

Lot A, Section 4, Range 2 East, Plan 3367,  
North Salt Spring Island, Cowichan Land District

(hereinafter called "the Land")

AND WHEREAS the Land is within an area of Salt Spring Island designated as a development area pursuant to Section 702A(2) of the "Municipal Act";

NOW THEREFORE THIS CONTRACT WITNESSETH that in consideration of the premises and the conditions and covenants hereinafter set forth, the Trust Committee and the Developer covenant and agree as follows:

1. The use and development of the Land shall be in accordance with this Contract.
2. The use of the Land and any buildings or structures on the Land shall be used only for the purposes specified in Schedule "B" attached hereto.
3. The Land is to be developed and all buildings, structures, roads, accesses, walkways, off-street parking, landscaping and signs shall be provided, constructed and sited in accordance with Schedule "C" attached hereto.
4. Except as otherwise provided in this Contract, the use and development of the Land, including the buildings and structures constructed or placed thereon, shall comply with all regulations and by-laws, from time to time in force in the Regional District and without limiting the generality of the foregoing, the Salt Spring Island Trust Committee Zoning By-law, the Official Community Plan for Salt Spring Island and the Capital Regional District Building and Plumbing By-laws.
5. This Agreement shall be registered by the Salt Spring Island Trust Committee in the Victoria Land Registry Office as first charge against the Land having priority over any and all other charges, encumbrances and liens registered against the Land save only those certain charges specified in Schedule "D" hereto and shall have no force or effect unless and until it has been so registered but upon registration as aforesaid shall have the force and effect of a restrictive covenant running with the Land, PROVIDED HOWEVER that if the Salt Spring Island Trust Committee shall fail or neglect to apply for registration

of the same within the period of three (3) clear days after the Developer shall have made written demand in that behalf upon the Trust Committee, the Developer may thereafter apply as agent for the Salt Spring Island Trust Committee without further reference to or authority from the Trust Committee.

6. Whenever the singular or masculine is used herein, the same shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.

7. The Developer shall complete the development within one year of the registration of this Land Use Contract.

8. This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.



SCHEDULE "A"

C O N S E N T

-NIL-

SCHEDULE "B"

(referred to in Paragraph 2)

The Land shall only be used for the following uses and for no other:

1. Nursery - The growing, storage and sales of Plants and Trees.
2. Retail Sales - Feed
  - Seeds
  - Fertilizers
  - Farm and Garden Chemicals
  - Garden Tools
  - Farm Implements which are to be kept inside a building
  - Fencing
  - Landscaping Materials
  - Potting Material
  - Spray Equipment
  - Hay, Straw, and Grains
  - Top Soil and Mulch
  - Small Pets in Cages
  - Pet Supplies
  - Poultry
  - Hatching and Incubation Equipment
3. Pop Shoppe and Bottle Depot - is to be located inside a building.

There shall be no subdivision of the Land.

Trucks or Semi-trailers shall not be parked anywhere on the Land for the purpose of storage of merchandise and they may be parked for the purpose of loading and unloading only in the designated off-loading zone. Customers' trucks may, however, be parked in the customer parking area.

SCHEDULE "D"

(referred to in Paragraph 5)

<u>Nature of Charge</u>	<u>Charge Number</u>	<u>Owner of Charge</u>
Easement and Restrictive Covenant	195491-G	British Columbia Hydro & Power Authority
Mortgage	198891-G	Montreal Trust Company, In Trust, DD 122735-G etc.
Mortgage	204564-G 214439-G 240967-G 227555-G 253044-G	Montreal Trust Company, In Trust, DD 122735-G etc.

For the Officer of a Corporation

I HEREBY CERTIFY that, on the 20<sup>th</sup> day of July, 1978  
at Victoria, in the Province of British Columbia TOMMY ROSSER

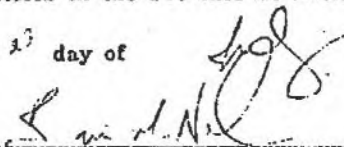
who is personally known to me,  
appeared before me and acknowledged to me that he is the MANAGER

of Salt Spring Island Trust Committee, and that he is the person  
who subscribed his name to the annexed instrument as such Officer of the said Corporation and  
affixed the seal of the said Corporation to the said instrument, that he was first duly authorized  
to subscribe his name as aforesaid, and affix the said seal to the said instrument and that such  
Corporation is legally entitled to hold and dispose of land in the Province of British Columbia. B

IN TESTIMONY WHEREOF I have hereunto set my

hand at Victoria in the Province of British Columbia,

this 20<sup>th</sup> day of July, 1978.

  
A Commissioner for taking affidavits for British Columbia

Pearlman & Lindholm