



THE GOVERNMENT OF
THE PROVINCE OF BRITISH COLUMBIA

1346

APPROVED AND ORDERED APR. 29 1976

Administrator

EXECUTIVE COUNCIL CHAMBERS, VICTORIA APR. 29 1976

Pursuant to the Municipal Act, and upon the recommendation of the undersigned, the Administrator, by and with the advice and consent of the Executive Council, orders that By-law No. 163 of the Regional District of Alberni-Clayoquot cited as "Land Use Contract No. 21, 1975" be approved in the form of by-law hereto attached.

Minister of Municipal Affairs.

Presiding Member of the Executive Council.

REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

BY-LAW NO. 163

A BY-LAW TO AUTHORIZE THE REGIONAL BOARD TO ENTER INTO A LAND USE CONTRACT WITH IRWIN C. AND ETHEL M. SHERWOOD RESPECTING a) LOT A, D.L. 136, PLAN 18037 EXCEPT THEREOUT PLAN 19384; b) PART OF LOT A, DD 398285-I, D.L. 136, EXCEPT PLAN 25943; c) PORTION OF THOSE PARTS OF D.L. 136 AS OUTLINED IN RED ON PLAN 274 R/W "ALL SITUATE IN ALBERNI DISTRICT".

The Board of the Regional District of Alberni-Clayoquot, in open meeting assembled, enacts as follows:

- 1. The Board is hereby authorized to enter into the Land Use Contract marked Schedule "A", attached hereto and made part of this By-law.
2. This by-law may be cited as "Land Use Contract No. 21, 1975".

Read a first time this 17th day of December, 1975.
Read a second time this 17th day of December, 1975.
Read a third time this 14th day of January, 1976.

Approved by the Lieutenant-Governor in Council by

Order in Council No. _____
this _____ day of _____, 1976.

Reconsidered and finally adopted by a two-thirds majority of all the Directors of the Regional Board having among them a two-thirds majority of all the votes on the Regional Board, and including among them a two-thirds majority of the Directors of those parts of the Regional District of Alberni-Clayoquot to which this By-law applies having among them a two-thirds majority of the votes allotted to those parts of the Regional District to which this By-law applies.

this _____ day of _____, 1976.

Chairman

Secretary-Treasurer

I hereby certify the foregoing to be a true and correct copy of By-law No. 163, cited as "Land Use Contract No. 21, 1975", as read a third time by the Regional Board on the 14th day of January, 1976.

[Handwritten signature]
Secretary-Treasurer

Approved under the Controlled Access Highways Act

this 24th day of March 1976

[Handwritten signature]
Deputy Minister, Department of Highways

Terms and Conditions of

LAND USE CONTRACT

between

Regional District of Alberni-Clayoquot

and

Irwin C. and Ethel M. Sherwood

Respecting a) Lot A, D.L. 136, Plan 18037 except thereout Plan 19384;
 b) Part of Lot A, DD 398285-1, D.L. 136, except Plan 25943;
 c) Portion of those parts of D.L. 136 as outlined in red
 on Plan 274 R/W
 "all situate in Alberni District".

THIS AGREEMENT made this day of

BETWEEN	REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT (hereinafter called the "District")	OF THE FIRST PART
AND	IRWIN C. AND ETHEL M. SHERWOOD (hereinafter called the "Developer")	OF THE SECOND PART
WHEREAS	the District, pursuant to Section 702A of the Municipal Act may, notwithstanding any by-law of the District or sections 712 and 715 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 by the owner, 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 Regional Board of the District consider the criteria set forth in subsections 702(2) and 702A(1) in arriving at the terms, conditions and considerations contained in a Land Use Contract;	
AND WHEREAS	the Developer is the owner of a) Lot A, D.L. 136, Plan 18037 except thereout Plan 19384; b) Part of Lot A, DD 398285-1, D.L. 136, except Plan 25943; c) Portion of those parts of D.L. 136 as outlined in red on Plan 274 R/W "all situate in Alberni District";	
AND WHEREAS	the lands are presently zoned in accordance with the "Alberni-Clayoquot Zoning By-law, 1971";	
AND WHEREAS	the lands have been designated by the District's By-law No. 15 as a development area;	
AND WHEREAS	the Developer has presented to the District a scheme of use and development of the lands and has requested the District to enter into a Land Use Contract under the terms and conditions and for the consideration hereinafter set forth;	
AND WHEREAS	the Regional Board of the District, having given due consideration to the criteria set forth in subsections 702(2) and 702A(1) of the Municipal Act, have agreed to the terms, conditions, and considerations herein contained;	
AND WHEREAS	the District and Developer both acknowledged that the Regional Board of the District could not enter into this Land Use Contract until the District had held a Public Hearing thereon in accordance with the provisions of Section 702A of the Municipal Act;	

NOW THEREFORE THIS AGREEMENT WITNESSETH
that in consideration of the premises and covenants
hereinafter set forth the District and the Developer
agree as follows:

1. INTERPRETATION AND DEFINITION

to the extent that words or phrases in this
Land Use Contract require definition, the
provisions of Section 3 of the "Alberni-Clayoquot
Zoning By-law, 1971" shall apply

2. USE AND DEVELOPMENT OF LAND

- (a) all development shall be primarily for light industrial uses, such as those permitted within the Industrial Park (M-1) district;
- (b) notwithstanding clause (a), development of suitable types of commercial activity is not ruled out;
- (c) only those developments shall be allowed whose requirements for water supply and sewage are minimal;
- (d) no structures are to be constructed within 100 feet of the top of the bank of the Roger Creek ravine and a strip 50 feet wide is to be left as greenbelt along the top of this bank;
- (e) a 50 foot buffer shall be left in its natural state along the east boundary of Lot A, D.L. 136, Plan 18037, Alberni District;
- (f) prior to 4th reading of this By-law the Developer shall supply the Board with a plan drawn by a registered B.C.L.S. showing the proposed subdivision and road allowance and public access as required under Section 86B of the Land Registry Act along with a topographic outline of the top of the bank of the Roger Creek ravine;
- (g) this contract anticipates the provision for potable water supply, fire protection devices, storm drainage and solid and liquid waste disposal, subject to the terms of valid permits from the authorities having jurisdiction provided always that the Regional Board of the District may authorize the Developer to provide such modifications to these systems as may be necessary to enable their integration into systems of works and utilities affecting other parcels of land;
- (h) unless the Developer has affixed his signature or signatures to this Land Use Contract within 90 days following fourth reading of this By-law the said contract shall be null and void;

- 3. This agreement shall be construed as running with the land and shall be registered in the Offices of the Victoria Land Registration District pursuant to the provisions of Section 702A of the Municipal Act.

The Corporate Seal of the Regional District of Alberni-Clayoquot was affixed in the presence of:

Chairman

Secretary-Treasurer

Signed by Irwin C. and Ethel M. Sherwood

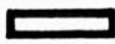
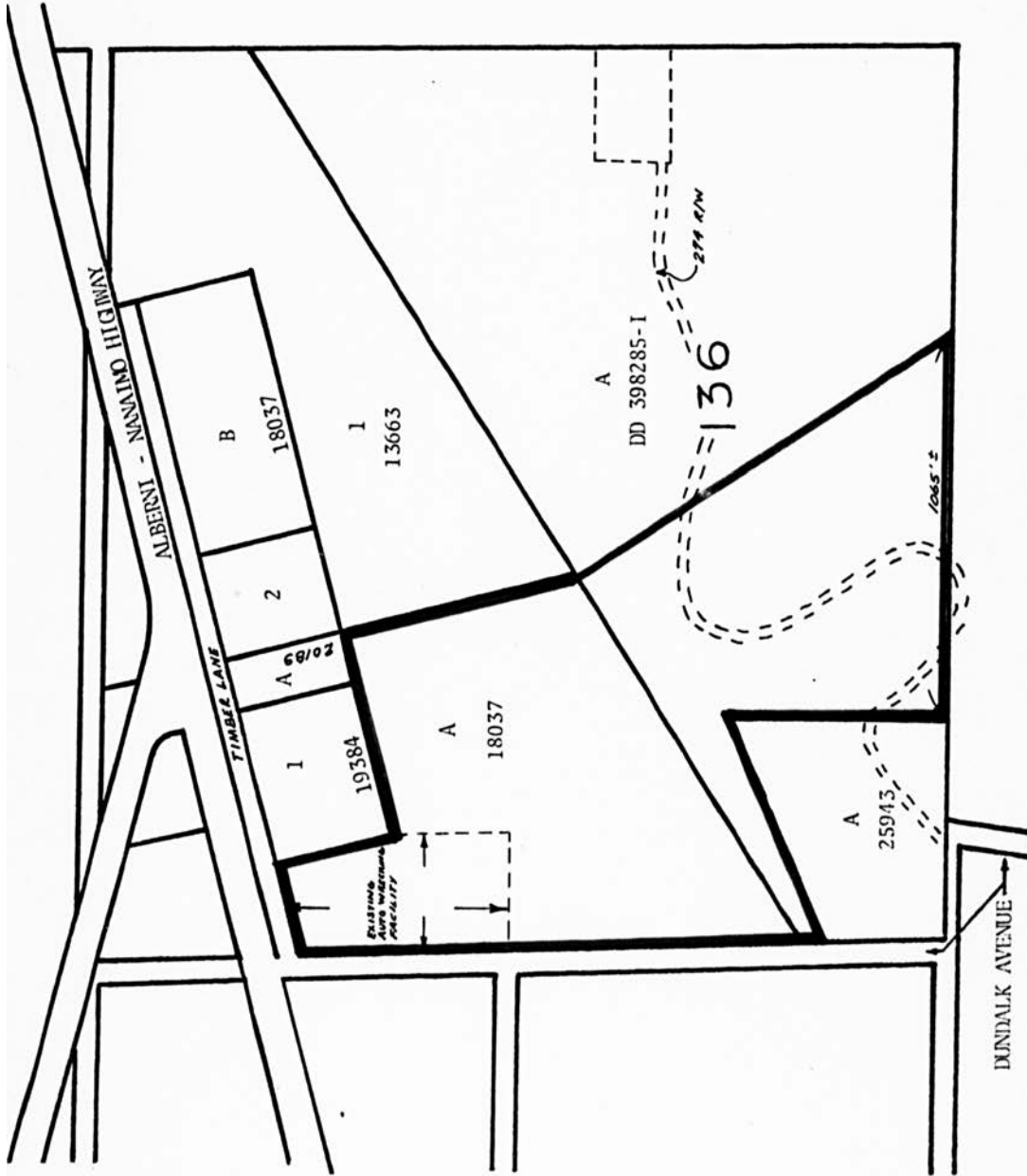
Date

Approved under the Controlled Access Highways Act

this 24th of March 1976

[Signature]
 Deputy Minister, Department of Highways

This sketch is to be attached to and forms part of
By-law 163, Land Use Contract No. 21



Those parts of D.L. 136, Alberni District
as outlined within Land Use Contract No. 21