



I hereby certify that the following is a true copy of a Minute of the Honourable the Executive Council of the Province of British Columbia approved by His Honour the Lieutenant-Governor.

2654

APPROVED AND ORDERED AUG. 14 1975

A. H. Kymes
Assistant Deputy Provincial Secretary

W. Allan
Lieutenant-Governor

AD EXECUTIVE COUNCIL CHAMBERS, VICTORIA AUG. 14 1975

Pursuant to the Municipal Act, and upon the recommendation of the undersigned, the Lieutenant-Governor, by and with the advice and consent of the Executive Council, orders that By-law No. 133 of the Regional District of Alberni-Clayoquot cited as "Land Use Contract No. 11, 1975" be approved in the form of by-law hereto attached.

A *Bylaw*
Minister of Municipal Affairs.

D. Grant
Presiding Member of the Executive Council.

REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

BY-LAW NO. 133

A BY-LAW TO AUTHORIZE THE REGIONAL BOARD TO ENTER INTO A LAND USE CONTRACT WITH AUBREY GORBMAN RESPECTING LOT 1, NW 1/4 SEC. 17, NE 1/4 SEC. 18, SE 1/4 SEC. 19 AND SW 1/4 SEC. 20, TP 1, BARCLAY DISTRICT, PLAN 3077

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. 11, 1975".

Read a first time this 18th day of April, 1975.
 Read a second time this 18th day of April, 1975.
 Read a third time this 28th day of May, 1975.

Approved by the Lieutenant-Governor in Council by

Order in Council No. 2654

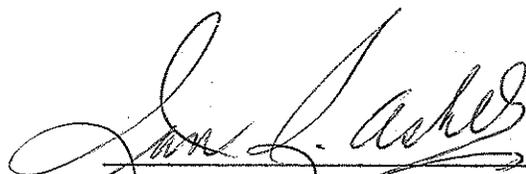
this 14th day of August, 1975.

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 27th day of August, 1975.

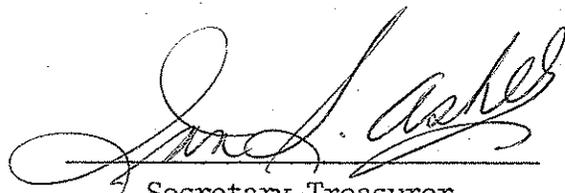


 Chairman



 Secretary-Treasurer

I hereby certify the foregoing to be a true and correct copy of By-law No. 133, cited as "Land Use Contract No. 11, 1975", as read a third time by the Regional Board on the 28th day of May, 1975.



 Secretary-Treasurer

11/15

Terms and Conditions of Land Use Contract

between

Regional District of Alberni-Clayoquot

and

Aubrey Gorbman

respecting Lot 1 of the NW 1/4 Sec. 17, NE 1/4 Sec. 18,
SE 1/4 Sec. 19, and SW 1/4 Sec. 20 of Tp 1, Barclay District,
Plan 3077

THIS AGREEMENT made this _____ day of _____, 1975.

BETWEEN REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT,
(hereinafter called the "District")

OF THE FIRST PART

AND AUBREY GORBMAN
(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 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 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 Lot 1, NW 1/4 Sec. 17, NE 1/4 Sec. 18, SE 1/4 Sec. 19 and SW 1/4 Sec. 20, Tp. 1, Barclay District, Plan 3077;

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. 132 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;

HG/S

NOW WHEREFORE THIS AGREEMENT WITNESSETH

that in consideration of the premises and covenants hereinafter set forth the District and the Developer agree as follows:

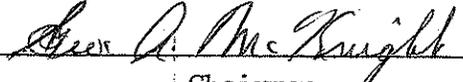
1. INTERPRETATION AND DEFINITION

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

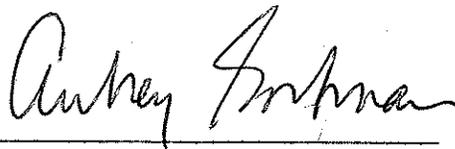
- a) Except as hereinafter specifically provided, the use and development of land shall be in accordance with the zoning regulations applied to the Small Holdings (A 1) District, and the Official Zoning Atlas of the "Alberni-Clayoquot Zoning By-law, 1971" shall be re-drawn so as to indicate the land and waters surrounding the land as though it were zoned "A 1";
- b) In addition to the uses otherwise permitted on the land, the developer may maintain one existing boat-building shed within and adjoining which the developer may perform, cause to be performed, or allow to be performed the activities of a boat-building and repair business, including the storage of small craft but excluding use of any area of the land not within fifty (50) feet of the said boat-building shed;
- c) This Contract shall not be deemed to restrict the subdivision of the land in accordance with all regulations which would apply if the land were zoned A 1, provided however that if the land is subdivided, this Contract shall be deemed not to apply to a new parcel so created if no part of the said new parcel lies within fifty (50) feet of the shed;
- d) Foreshore development ancillary to the business use of the boat-building shed shall not be permitted except within the boundaries of a water lease granted or approved by the Department of Lands, Forests and Water Resources.

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


Chairman


Secretary-Treasurer

Signed By Aubrey Gorbman



11-9-75

Date

