

REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

BY-LAW NO. 113

A BY-LAW TO AUTHORIZE THE REGIONAL BOARD TO ENTER INTO A LAND USE CONTRACT WITH JAY-LEE MOBILE HOME PARK LTD. RESPECTING LOT 17, D.L. 18, ALBERNI DISTRICT, PLAN 906.

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. 8, 1974".

Read a first time this 27th day of November, 1974.
Read a second time this 27th day of November, 1974.
Read a third time this 17th day of December, 1974.

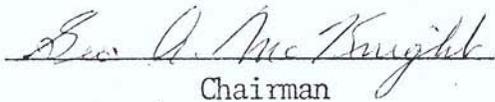
Approved by the Lieutenant-Governor in Council by

Order in Council No. 1095

this 25th day of March, 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 18th day of April, 1975.


Chairman


Secretary-Treasurer

I hereby certify the foregoing to be a true and correct copy of By-law No. 113, cited as "Land Use Contract No. 8, 1974", as read a third time by the Regional Board on the 17th day of December, 1974.


Secretary-Treasurer

Approved under the Controlled Access Highways Act
this 7th day of March 19 75
MGE/elm
Senior Approving Officer, Department of Highways

E.E.P.

Terms and Conditions of Land Use Contract
between
Regional District of Alberni-Clayoquot
and

Jay-Lee Mobile Home Park Ltd.

respecting Lot 17, D.L. 18, Alberni District, Plan 906

THIS AGREEMENT made this day of , 1975.

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

OF THE FIRST PART

AND JAY-LEE MOBILE HOME PARK LTD.
(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 develop-
ment 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 17, D.L. 18,
Alberni District, Plan 906;

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. 112 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;

E.E.P.

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 works 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) This Contract envisages the continued operation of a mobile-home park containing not more than twenty-four mobile-homes (all of which shall be located on concrete pads existing at the time of execution of this agreement or upon such otherwise lawful extensions of these existing concrete pads as may be authorized by the Regional Board of the District) and not more than two single family dwellings, together with one service building containing four hundred square feet more or less and such other service buildings and facilities as may from time to time be required by the authority having jurisdiction.
- b) Except for non-conformities existing at this time of execution of this Agreement and except as otherwise required by the Agreement, the layout and design of the mobile-home park development shall be in accordance with the "Alberni-Clayoquot Zoning By-law, 1971" as amended to the date of the execution of this Agreement with the subject land being dealt with as though it were included within the Mobile-home Park Residential (RMH) district;
- c) The development of the land shall be in accordance with the By-laws of the Cherry Creek Waterworks District;
- d) Except as required by this Agreement, the land shall not be subdivided except, with the permission of the Regional Board of the District, in order either to convey portions of the land to the Cherry Creek Waterworks District, to the Province of British Columbia or its agencies, or to Crown Corporations or to effect minor relocation of parcel boundaries;
- e) Subject to approval pursuant to the Land Registry Act, an area of not less than seventeen feet in width measured from the easterly boundary of the land and extending the full length of the land shall, together with such area at the south-easterly corner of the land as is deemed by the Approving Officer to be necessary for jog elimination be dedicated as highway;
- f) Normal vehicular access to an internal road system serving all mobile-home spaces in accordance with the provisions of the "Alberni-Clayoquot Zoning By-law, 1971" shall be from one point on Edland Road not more than 330 feet distant from the south-easterly corner of the land, as approved by the Department of Highways, provided that one additional vehicular access from Edland Road shall be maintained near the north-easterly corner of the land, for use only in times of emergency, being obstructed at all other times by a chain or such other device as may be approved by the building inspector and the district technical of the Department of Highways; all such normal vehicular access roads shall have an approved stop sign installed at the point of intersection with Edland Road;

between

Regional District of Alberni-Clayoquot

and

Jay-Lee Mobile Home Park Ltd.

respecting Lot 17, D.L. 18, Alberni District, Plan 906

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

OF THE FIRST PART

AND JAY-LEE MOBILE HOME PARK LTD.
(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 17, D.L. 18, Alberni District, Plan 906;

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. 112 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;

E.E.P.

- g) Except at points of access approved by the Department of Highways (which shall be considered as lanes for the purposes of section 6.14 of the "Alberni-Clayoquot Zoning By-law, 1971") and except as otherwise required by relevant statutes or by-laws of the District or Cherry Creek Waterworks District, an area of the land extending from the westerly boundary of Edland Road (as dedicated in accordance with this Agreement) to a point not less than forty-two feet west of the easterly boundary of the land (as determined by Plan 906) shall be planted not later than June 1st, 1975 with a continuously maintained evergreen hedge at all points where no existing plant material is growing, and shall otherwise be considered a "buffer area" as regulated by Division (5) of "The Mobile-home Parks Regulations, 1967" pursuant to the Health Act;
- h) Provisions for potable water supply, fire protection devices, storm drainage, and solid and liquid waste disposal shall be made, subject to the terms of valid permits or licences from the authorities having jurisdiction.

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

Bruce A. McKnight
Chairman

Jan L. Ashes
Secretary-Treasurer

Signed for Jay-Lee Mobile Home Park Ltd.

J.V. Mitchell

Ken Mitchell

May 5, 1975
Date

Approved under the Controlled Access Highways Act
7th day of March 1975
M.G. Estan
Senior Approving Officer, Department of Highways

E.E.P.

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E. E. J.

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- h) Provisions for potable water supply, fire protection devices, storm drainage, and solid and liquid waste disposal shall be made, subject to the terms of valid permits or licences from the authorities having jurisdiction.

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

Eric A. Mc Knight
Chairman

Jan L. Ashes
Secretary-Treasurer

Signed for Jay-Lee Mobile Home Park Ltd.

Mrs. L. Mitchell

J. L. Mitchell

May 5, 1975
Date

E. E. P.