



**Date:** 26/10/2022

**To:** Chair and Directors, Cariboo Regional District Board

**And To:** Alice Johnston, Deputy CAO

**From:** Nigel Whitehead, Manager of Planning Services

**Date of Meeting:** Cariboo Regional District Board\_Nov10\_2022

**File:** 4600-20/2050

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## Short Summary:

Request from property owner for removal of two restrictive covenants  
4858 Pierreroy Cres.

Lot A, District Lot 199, Lillooet District, Plan KAP55211

(4600-20/2050 – Cariboo Resorts Ltd.) (Current Owners: Carol and Arnold Ducsay)

Director Richmond

## Voting:

Stakeholder Vote – Unweighted – All Electoral Areas

## Memorandum:

This item is being brought forward for consideration following the October 17, 2022, public meeting.

At the September 1, 2022 Board Meeting, the following was resolved:

*That the agenda item summary dated August 25, 2022, from Nigel Whitehead, Manager of Planning Services, regarding an owner's request for removal of covenants KJ032869 and KK014234 from the title of Lot A, District Lot 199, Lillooet District, Plan KAP55211, be received.*

*Further, that staff be directed to undertake public notice and facilitate a public information meeting, at the applicant's expense, with respect to the Board's consideration of discharge of covenant KJ032869.*

*And further, that the request to discharge covenant KK014234 be rejected as it is not in the public interest.*

*August 12<sup>th</sup> AIS Memo Info:*

This property was the subject of rezoning and Land Use Contract applications which were adopted April 28, 1995. First and second reading of the zoning amendment bylaw was given by the Board on December 16, 1994:

That Cariboo Regional District Zoning Amendment Bylaw No. 2966, 1994 be read a first and second time this 16<sup>th</sup> day of December, 1994. Further, that consideration of final adoption of this bylaw be subject to the following conditions:

- (1) the applicant entering into a covenant to restrict the permitted residential use on Lot 8, District Lot 199, Lillooet District, Plan 19248, to that of a single family dwelling only;
- (2) the applicant providing a letter of intent to enter into a covenant to prohibit construction on that portion of proposed Lot A, which is currently described as that part of Lot 1, District Lots 199, 200, 838, 837, 3552, and 3554, Lillooet District, Plan 32540, except Plan KAP46622; and,
- (3) that all costs associated with the registration of the above-noted covenants be borne by the applicant.

There were no further conditions resolved at third reading.

Covenant KJ032869 was registered May 2, 1995. This covenant restricts the use of land to one single family residence.

Covenant KK014234 was registered February 26, 1996. This covenant restricts part of the land as only being used for a fence and no other uses.

The rezoning, land use contract discharge, and covenants were a result of rectifying a setback contravention with the unlawful location of the dwelling into the rear setback. To rectify the contravention, a 626 sq. m (0.15 ac.) portion of the 108 resort/golf course lands was rezoned and transferred to the subject property, conditional on registration of the above noted covenants.

Staff are supportive of removing the restriction (covenant KJ032869) of additional structures on the property (in compliance with current R 1-1 zone), as this would be a reasonable expectation of neighbouring property owners and should not have a negative impact on the neighbourhood development pattern. However, staff are not supportive of removing the restriction (covenant KK014234) on the use (other than fencing) of the 626 sq. m. portion of the previous golf course/108 resort lands, as it would not be consistent with the expected development pattern of lots backing onto the resort lands.

Staff recommend that a public information meeting and public notice be provided regarding the proposed covenant discharge. This would align with common law best practice to provide due notice to the public of the covenant discharge, as the condition of the original covenant may have impacted the public's support or non-support of the proposal at the time of consideration of the initial rezoning and land transfer process.

### Attachments:

1. Previous Information Package from 4600-20-2050
2. Results of the Public Meeting

### Financial Implications:

N/A

### Policy Implications:

N/A

### Alignment with Strategic Plan:

- Communication:** Facilitate communication strategies throughout the entire Cariboo Regional District that meet the needs of residents, community stakeholders, and other levels of government.
- Planning:** Intentionally plan services and activities of the CRD to prepare for future needs of residents and community stakeholders.
- Economic Sustainability:** Foster an environment to ensure the economic sustainability of CRD communities and the region.
- Governance:** Ensure that CRD governance policy and practices are intentional, transparent, and respectful.

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### CAO Comments:

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### Options:

1. Receipt;
2. Approval of covenant discharge;
3. Deny;
4. Defer.

### Recommendation:

**#1:** That the agenda item summary dated October 26, 2022, from Nigel Whitehead, Manager of Planning Services, regarding an owner's request for removal of covenant KJ032869 from the title of Lot A, District Lot 199, Lillooet District, Plan KAP55211, be received.

**#2:** That the Board consider the results of the public meeting when making a determination as to whether or not to approve the discharge of covenant KJ032869.

*Further, that subject to deliberation regarding the public meeting results, the Board may wish to consider the following resolution:*

That staff be directed to discharge covenant KJ032869 from the title of Lot A, District Lot 199, Lillooet District, Plan KAP55211.