



Date: 25/08/2022

To: Chair and Directors, Cariboo Regional District Board

And To: John MacLean, Chief Administrative Officer

From: Nigel Whitehead, Manager of Planning Services

Date of Meeting: Cariboo Regional District Board_Sep01_2022

File: 4600-20/2050

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 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 16th 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:

Previous Information Package from 4600-20-2050

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. Endorse recommendation;
2. Deny;
3. Defer.

Recommendation:

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.

DIRECTOR A. Richmond
ELECTORAL AREA "G"

APPLICATION FOR REZONING - INFORMATION SHEET

File No: 2050-G Date Referred: November 25, 1994

Name: Cariboo Resorts Ltd./Karl Hubert Post

Description: Part of Lot 1, District Lots 199, 200, 838, 837, 3552, and 3554, Lillooet District, Plan 32540, except Plan KAP46622; and, Lot 8, District Lot 199, Lillooet District, Plan 19248

Zone
Classification: From Rural I (RR-I) zone to Small Holding Residential (R-II) zone

Medical Health Officer Date Received December 5, 1994

Approval Recommended for Reasons Outlined Below:

Our office has no objections to this proposal.

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Ministry of Transportation & Highways Date Received December 7, 1994

The Ministry of Transportation and Highways has no objections in principle to the above-noted rezoning application subject to subdivision requirements being met.

=====

Advisory Planning Commission Date Received December 6, 1994

Approval Recommended Subject to Conditions Below:

Area G APC has no objection to this application provided that the applicant enter into a restrictive covenant limiting the uses to a single family dwelling (as per Section 9.1(a) of the Zoning Bylaw No. 1000). Further, that the restrictive covenant include restrictions preventing the applicant from building any structure that would impede the view of adjacent landowners.

File No. 2050-G

Ministry of Environment

Date Received December 6, 1994

BC Environment has received your letter regarding the above-noted proposal. As we are unable to meet your deadline, we request that you hold this referral in abeyance until we have had an opportunity to fully review the proposal. We also request that you inform the proponent there may be a delay in processing the application.

Thank you for your cooperation in this matter.

December 8, 1994

BC Environment's Water Management has no specific comments on the above noted proposals.

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Ministry of Municipal Affairs

Date Received December 8, 1994

Interests unaffected by bylaw.

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Other

Date Received _____

=====

Planning Department

Date Received November 27, 1994

The Planning Department recommends that this application be approved. Approval will allow the subject property to be resurveyed to resolve an encroachment of an existing residence in the property line setback.

File No. 2050-G

Development Services Committee

Date Received December 7, 1994

Moved Director Richmond;

Seconded Director Wolbers:

That the Cariboo Regional District Zoning Amendment Bylaw No. 2966, 1994 be read a first and second time. 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.

Carried Unanimously

File No. 2050-G

Regional Board

December 16, 1994

Moved Director Richmond;

Seconded Director Wolbers:

That the Cariboo Regional District Zoning Amendment Bylaw No. 2966, 1994 be read a first and second time this 16th 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.

Carried Unanimously

January 20, 1995

Moved Director Richmond;

Seconded Director Sehn:

That the Cariboo Regional District Zoning Amendment Bylaw No. 2966, 1994 be read a third time this 20th day of January, 1995.

Carried Unanimously

Date Received April 28, 1995

Moved Director Richmond;

Seconded Director Sehn:

"That the Cariboo Regional District Zoning Amendment Bylaw No. 2966, 1994, be adopted this 28th day of April, 1995."

Carried Unanimously

ZONING BYLAW AMENDMENT - FACT SHEET

Date of Application: *November 14th, 1994*

File No. *2050-G*

A. GENERAL INFORMATION:

Property Owner's Name: *1) Cariboo Resorts Ltd. 2) Karl Hubert Post*

Applicant's Name: *Michael Kidston, Kidston and Hemingway, BCLS*

Legal Description(s): Size of Parcel:

1) Part of Lot 1, District Lots 199, 200, 838, 837, 3552 and 3554, Lillooet District, Plan 32540, Except Plan KAP46622

±0.055 ha

2) Lot 8, District Lot 199, Lillooet District, Plan 19248

±0.545 ha

Existing Zoning:

Min. Lot Size Permitted:

Rural I (RR-I) zone

4 ha

Proposed Zoning:

Min. Lot Size Permitted:

Small Holding Residential (R-II) zone

0.4 ha

Approximate Location: *Pierrerooy Crescent, 108 Mile Ranch*

No. of Proposed Lots: *one*

Size of Proposed Lots: *±0.6 ha*

Proposed Use: *To allow for one residential lot to be created by consolidating Lot 8 and part of Lot 1.*

ADJOINING PROPERTIES: (SOURCE: B.C.A.A.)

	Land Use:	Lot Sizes:
(a) North	<i>residential</i>	<i>±0.2 ha to ±2.4 ha</i>
(b) South	<i>residential</i>	<i>±0.4 ha</i>
(c) East	<i>hotel residential</i>	<i>±2.4 ha ±0.4 ha</i>
(d) West	<i>Sepa Lake residential</i>	<i>±0.4 ha</i>

Vegetative Cover (cleared area, crop type, etc.): *Residential land, partially cleared of trees, golf course is cleared to the edge of the fairway.*

General Topography and Soil Type (if available): *generally flat*

Name and type of existing road system: *Pierreroys Crescent - paved*

SERVICES AVAILABLE:

- | | | | |
|----------------------|---------------------------------|------------|----------------------------------------|
| (a) Hydro: | <i>yes - currently existing</i> | (d) Water: | <i>108 Mile Community Water System</i> |
| (b) Telephone: | <i>yes - currently existing</i> | (e) Other: | <i>none</i> |
| (c) Septic Disposal: | <i>septic system</i> | | |

Existing Structures (type and construction): *Lot 8 - single family dwelling, Lot 1 - golf course*

Within the influence of a Controlled Access Highway: *no*

Within the confines of the Agricultural Land Reserve: *no*

Within an Official Community/Settlement Plan Area: *yes*

Name of OCP/OSP: *100 Mile House Official Settlement Plan*

Plan Designation: *Rural Residential 4 (RR4)*

In Conformance with OCP/OSP Designation: *yes*

Required to comply with Management Strategy For Lake Shoreland Development: *no*

Name of Lake/Contributing River: *n/a*

Lake Classification: *n/a*

ZONING BYLAW AMENDMENT - FACT SHEET (Cont'd)

- B) PREVIOUS APPLICATIONS WITHIN CLOSE PROXIMITY OF THE PROPOSAL:
(Locations numbered on attached map)

PREVIOUS APPLICATION **# 1**

Owner's Name: *John and Barbara Royce* File No.: *1779-838-G and 1785-199-G(LUC)*

Legal Description: *Lot 99, District Lot 838, Lillooet District, Plan 19290 and Part of Lot 1, District Lot 199, 200, 838, 837, 3552 and 3554, Lillooet District, Plan 32540*

Zoning (Prior to Application): *Rural I (RR-I) zone*

Proposed Zoning: *Single Family Residential (RS-I) zone*

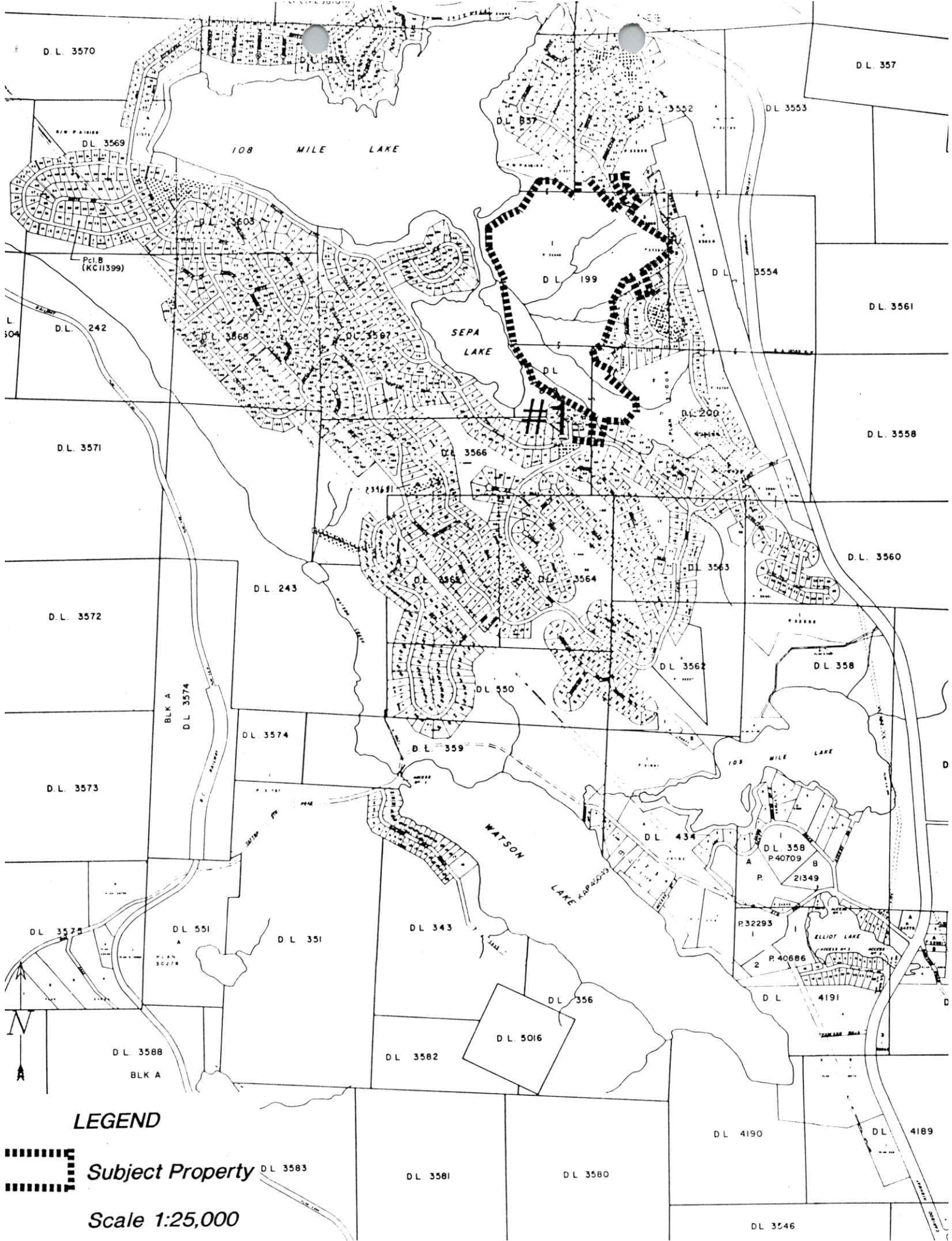
Current Zoning: *Single Family Residential (RS-I) zone*

Current Number of Lots: *one*

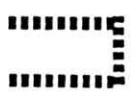
Various Recommendations (Date Referred): *January 11, 1991*

- A) Health: *Our office has no objections to this proposal and its accompanying OSP and Land Use Contact amendments.*
- B) Highways: *no objection*
- C) A.P.C.: *no objection*
- D) Environment: *No objection provided that the proposal complies with Table 3, Appendix III, of the CRD's Management Strategy for Lake Shoreland Development and that all lots created conform with sewage disposal requirements pursuant to the Health Act.*
- E) Municipal Affairs: *no objection*
- F) Planning Department: *recommends approval*
- G) Board: *No objection provided that the property be rezoned to Single Family Residential (RS-I) instead of Single and Two Family Residential I (R-I) as originally proposed.*

Present Status of Application: *adopted*



LEGEND



Subject Property DL 3583

Scale 1:25,000

LEGEND Scale 1:1,250



PROPOSED SMALL HOLDING RESIDENTIAL (R-II)

Lot 1 Plan 32540
(Golf Course)

D.L.

A
Plan
20897

6

199

19248

7

PROPOSED LOT A
+/-0.6 ha

8

9

10

P.

Kemmi Cres.

33

P.19248

Pcl.A

(KG42339)

Pierroy Cres.

