



Date: 20/02/2024

To: Chair and Directors, Cariboo Regional District Board

And To: Murray Daly, Chief Administrative Officer

From: Nigel Whitehead, Manager of Planning Services

Date of Meeting: Cariboo Regional District Board_Mar01_2024

File: 4600-20/2237

Short Summary:

Request from property owner for removal of covenant

4072 Lac La Hache Station Road

Lot 1, District Lot 2866, Lillooet District, Plan 30570

(4600-20/2237 – Cariboo Resorts Ltd.) (Current Owner: 2 & 2 Holdings Ltd., Inc. No.

BC0775551) (Agent: Wade Balbirnie)

Director Richmond

Voting:

Stakeholder Vote – Unweighted – All Electoral Areas

Memorandum:

This property was the subject of a rezoning application which was adopted March 20th, 1998.

First and second reading of the zoning amendment bylaw were given by the board on October 17, 1997:

That the Cariboo Regional District Zoning Bylaw No. 3346, 1997 be read a first and second time, subject to staff preparing the necessary major text amendment to the Lac La Hache Area Official Community Plan to establish a distinction in the plan's policies wherein the current policies would continue to apply in the unserviced areas, but larger mobile home parks could be considered in the serviced townsite area.

Further, that the proposed text amendment accompany the official community plan map redesignation application.

Further, that the Supervisor of Works prepare a report to detail how this proposal will impact on the Lac La Hache water and sewer systems.

Third reading of the zoning amendment bylaw was given by the Board on January 16, 1998:

That the Cariboo Regional District Zoning Amendment Bylaw No. 3346, 1997 be read a third time this 16th day of January, 1998, subject to the applicants offering to enter into a registered covenant, prior to the final approval, specifying that:

- a) The design of the site will be in substantial conformance with the development plan attached as Schedule "A";
- b) No more than 99 mobile homes, exclusive of a residence for the owner/ manager may be placed within the development;
- c) No vehicular access/ egress to McKinley Drive shall be permitted except for the owner's residence and for emergency purposes;
- d) Notwithstanding subsections (e) and (f), prior to occupancy of any mobile home space, that an animal-proof fence be erected on the perimeter boundaries of the development;
- e) A solid 6 foot high cedar board fence be erected prior to the development of the subject property where it abuts the Lac La Hache cemetery property;
- f) A solid 5 foot high cedar board fence be erected along the south boundary of Lot 25, District Lot 2866, Lillooet District, Plan 11347. As an option to construction of the aforementioned fence, landscaping may be substituted by mutual agreement between the two property owners;
- g) All fencing pertaining to subsections (d), (e), and (f) to be maintained at all times; and,
- h) No mobile home shall be placed on any lot unless said mobile home was constructed within 5 years preceding placement in the mobile home park.

Further, that all costs associated with the registration of the covenant be borne by the applicant.

Covenant KM021341 was registered on March 4, 1998 encompassing the aforementioned requirements.

The conditions included in the covenant were in response to the public hearing held for the rezoning and letters from members of the public expressing concerns. The applicant has requested that sections 1 (d) and 1 (e) be removed entirely and section 1(g) be amended to reflect the removal of sections 1(d) and 1(e).

Planning staff are supportive of the removal of section 1(e) as both the applicant and those responsible for the cemetery would like to replace the original wood fence with a chain-link fence. The Cariboo Regional District provided a grant for assistance for the cemetery to repair the fence in 2023. The removal of 1(d) is highly dependent on the opinion of the adjacent properties who would be directly impacted by the removal of the covenant. The applicant has stated that many of the property owners have already removed the portions of fence adjacent to their property and asked that the fence not be replaced. The amendment of section 1(g) will be dependent on the changes that occur in sections 1(d) and 1(e).

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 process.

Attachments:

Previous Information Package from 4600-20/2237

Financial Implications:

N/A

Policy Implications:

N/A

Alignment with Strategic Plan:

- Infrastructure and Asset Management:** To establish a systematic, predictable approach to managing the regional district's assets and infrastructure that builds on current asset management data and condition assessments.
- Enhanced Communications and Engagement:** To build trust and credibility of the regional district by enhancing our communications and engagement with citizens, stakeholders, and volunteers.
- Effective and Responsive Land Use Planning and Development:** To ensure our land use planning and development is responsive to future growth and housing needs, anticipates risks and hazards associated with climate change and provides efficient and consistent processes for landowners and developers.
- Relationships with First Nations:** To foster a healthy and inclusive region by building and strengthening our relationships with First Nations and embracing the principles of reconciliation.

[Click here to enter text.](#)

CAO Comments:

[Click here to enter text.](#)

Options:

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

Recommendation:

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 amendment of covenant KM021341 on title of Lot 1, District Lot 2866, Lillooet District, Plan 30570.