

RESULTS OF PUBLIC MEETING

File No: 4600-20/2237

Date: July 30, 2024

Location: Lac La Hache Community Hall

Re: **COVENANT AMENDEMENT – LOCATED AT 4072 LAC LA HACHE STATION ROAD**

Persons Present:

- Director: Al Richmond
 - Owner(s): 2 & 2 Holdings Ltd.
 - Agent: Wade Balbirnie
 - Public: See attached list
 - Staff: Nigel Whitehead, Shivani Sajwan, Baban Kaur and Leasa Williamson
 - No public in attendance** (excluding owner/agent)
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- Meeting called to order at 7:05 pm.
- Welcome, introduction and the "Purpose of a Public Meetings", including the rules for the meeting and the specifics of the application were read out.
- The following verbal comments and questions were received: (add additional sheet if required)

Wade Balbirnie: Provided some background on what upgrades he has completed since purchasing the property and what he would like to do in the future including replacing the 25 year old, storm damaged boarding cedar fence but was stopped due to the existing covenant. January 5, 2024 applied to change the fencing for something more durable and was advised would need go through process of the covenant. Requested information on Animal proof from the Regional District and no reply was given. Chain link is too expensive, willing to go halves on a replacement cedar fence. If possible moving forward would like the cemetery group to maintain the fencing?

Nigel Whitehead: Provided an overview of covenant

Brent Rutherford: A former APC member when the covenant was put onto the property. Questioning why was there a restrictive covenant put on and have they lived up to their end? Does changing the covenant undermine the intent in 1998 rezoning?

Nigel Whitehead: Covenant was added as a result of the Public Hearing comments and original development proposal

Percy Ogden: - President of the LLH Cemetery Society – expressed concern that something needed to be done with the fence. Thinking chain link would be most durable but expensive. Asked people what substitute they wanted, i.e. bars like other cemeteries, consensus was appropriate, cost effective and easy maintenance fencing

Ron Johnson: Can the requirements be removed from the covenant?

Nigel Whitehead: Yes, Sections D, E & G are proposed for deletion, but F will need to stay

Sandi Irvine: Expressed OK with no change to F as it pertains to her property

Wade Balbirnie: Informed that Sandi Irvine and Wade Balbirnie have agreed to staggered boards, 5 ft high fence on Sandi's property off McKinley.

Wade Balbirnie: Am I only responsible for one side of the fence?

Nigel Whitehead: Yes one side, 6 ft, cedar or alternative by mutual agreement

Brent Rutherford: Is the fence surrounding the graveyard included?

Wade Balbirnie: Yes

Jerry English: Inquired if a privacy fence could be built on his property as the previous fence was taken down sometime ago?

Wade Balbirnie: Informed he took down some trees for Phase 2 and will need to remove more trees for Phase 3. Expressed he originally would use chain link for Phase 4 but was informed a privacy fence is preferred and added chain link is too expensive

Al Richmond: Does the fence need to be animal proof fencing?

Nigel Whitehead: Yes

Wade Balbirnie: Informed the staggered board fence will built by the end of August

Sandi Irvine: Can the new fence sit in concrete?

Wade Balbirnie: No, spear foundation, 7 ft high posts

Patty Kraigher: Have you considered metal?

Wade Balbirnie: Advised fencing type has already been agreed to

Patty Kraigher: Stated metal is more cost effective and it's the newest thing

Nigel Whitehead: Noted three fencing requirements of covenant - #1 perimeter fencing – animal proof; #2 6 ft cedar fence around the cemetery portion; #3 5 ft cedar around Sandi Irvine's property

Wade Balbirnie: Stated he did not want to use barbed wire due to looks, view and effect on property values. Stated if the covenant was removed would not have to fence entire property

Nigel Whitehead: Explained without the covenant, common law & Trespass Act would apply, landowners would share cost of fence

Jerry English: Expressed he also didn't want barbed wire and preferred a cedar privacy fence

Shelly Carr: Can we change the covenant for just the cemetery?

Nigel Whitehead: Advised the fencing requirement could be removed not including Sandi's property, cemetery & perimeter

Wade Balbarnie: Stated he didn't want to remove the fence just the maintenance requirement

Al Richmond: Advised that barbed wire is more friendly to deer, less hazardous to other animals and costs less, and what about Cattle?

Wade Balbarnie: Asked to define animal proof, what are we keeping out?

Wade Balbarnie: Stated he wants to have Covenant Section D – animal proof and the maintenance requirement removed

Al Richmond: Advised that this becomes a by-law issue and the fence will need to be replaced prior to any new permits being issued, asked Nigel Whitehead to explain the covenant requirements

Nigel Whitehead: Explained the covenant requirements

Wade Balbarnie: Stated Sandi's property applies to Sections D&E only, G needs to be amended

Brent Rutherford: Stated that the covenant was being cherry picked and should not be able to take parts out of the covenant

Nigel Whitehead: Explained that Covenants can be amended

Ruth Goertz: How do you amend a covenant?

Nigel Whitehead: Advised that It would be a CRD Board decision. This meeting, similar to a Public Hearing process is required prior to Board consideration

Gale Ogden: I'm not stuck on chain link, is it appropriate or not?

Al Richmond: Advised that a referendum would cost approx. \$25,000 which is not cost effective and that this is not a voting process but a Board decision. The cemetery could poll the people but not at this meeting

Rob Murphy: Question to Wade – your excavation work, long term plan up to 99 mobile homes, how close will homes be to two sides of the cemetery?

Wade Balbirnie: Showed group a map showing closest home to cemetery (cemetery perimeter), RV storage for the people who live at the park, this is not a commercial business, but for park residents only

Comment: Suggested we just deal with the cemetery, just leave the remainder of the covenant

Al Richmond: Advised that we can only deal with what the applicant applies for

Wade Balbarnie: Stated social media has affected the situation

Cindy Stockill-Grant & Brad Grant – expressed they are in agreement with removal of covenant sections

Patti Kraigher – will entry remain in tack?

Wade Balbirnie – Yes. Also advised Google maps brings everyone into the park, trying to have it changed also so it will stop people from accessing and will be putting up "no through road", signs and blocking motor bikes the best he can

Cindy Rust – stated she would like to see more signage

Wad Balbirnie – advised will get more signage

Al Richmond – Asked if anyone had any further questions or concerns?

Rob Murphy: Commented that this is a neat cemetery, not a municipal cemetery and feels nervous about not wanting to look at the parked RV's. Preference would be a privacy fence. This is a "special cemetery" folks need to think about what type of fencing not just chain link or cedar.

Wade Balbarnie: Stated the campfire area and benches have been removed as this is not a picnic area, they were a liability

Sandi Irvine: Asked when the work will be starting?

Wade Balbirnie: Advised August 23rd

Gale Ogden: Asked Director Richmond if he will talk to the Board?

Al Richmond: Advised he will review what he has heard this evening and consultation with the planning staff and will then make a recommendation to the board. Asked again if there were any further questions, comments or concerns and again for the 3rd time

- Attendees were asked three times for further comments and/or questions.
- The Chair called the meeting adjourned at 8:11 PM. **(Waited at least 10 mins from time of Calling to Order)**

I certify this is a fair and accurate report on the results of the public meeting.



Signature of Chair

Public Hearing OR Public Meeting Attendance
Covenant Amendment

Date of Public Meeting: July 30, 2024

Application: 4072 Lac La Hache Station Rd (4600-20/2237)

Name	Address
Wade Balbirnie	[REDACTED]
Dante Balbirnie	[REDACTED]
Rob Murphy	[REDACTED]
Patti Kraucher	[REDACTED]
JUNE SMITH	[REDACTED]
SANDY TRUINE	[REDACTED]
Linda Phelps	[REDACTED]
Dot Buckell	[REDACTED]
Mike + Shannon Bachman	[REDACTED]
Brent Rutherford	[REDACTED]
ROSINNE JOHNSON	[REDACTED] STATION
KOBY JOHNSON	[REDACTED]
Ellen Frings	[REDACTED]
Gale Ogden	[REDACTED]
Cindy Rust	[REDACTED]
JERRY ENGLISH	[REDACTED]

