

# Report

**City of Merritt**  
**REGULAR Council Meeting**  
**August 26, 2025**

**File Number: XXXX**

**To:** Cynthia White, Chief Administrative Officer  
**From:** Purnesh Jani, Manager Planning and Development Services  
**Date:** August 1, 2025  
**Subject:** Discharge of Covenant LB265645 – 3299 River Ranch Road

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**RECOMMENDATION:**

**THAT Council direct staff to discharge Covenant “LB265645”, which was required at the time of approving rezoning application RZ2008-10, for 3299 River Ranch Road.**

**Background:**

The City of Merritt approved a rezoning application RZ2008-10 requiring a *Section 219 Convent (Attachment A) of the Land Title Act* for the property addressed as 3299 River Ranch Road with the legal description LOT 1 DISTRICT LOT 121 AND SECTION 22 TOWNSHIP 91 KAMLOOPS DIVISION YALE DISTRICT PLAN KAP58641 (PID: 023-698-438). The motion was passed on November 25<sup>th</sup>, 2008, at the Council meeting (Attachment B).

The Council required a covenant registered on the title as a condition for approving the rezoning, since the definition of '**STORY**' was not clearly outlined in Zoning Bylaw No. 1894, 2004. The Council report dated 25<sup>th</sup> November 2008, for RZ2008-10 application (Page 13 in Attachment C) stated the following:

*“A legal letter of undertaking meeting all the requirements was received but Council further decided at the November 18<sup>th</sup>, 2008, regular meeting that absolute building heights be required since “story” is not defined in the zoning Bylaw and could potentially be interpreted as any height.*

*The new wording in the covenant will read similar to:*

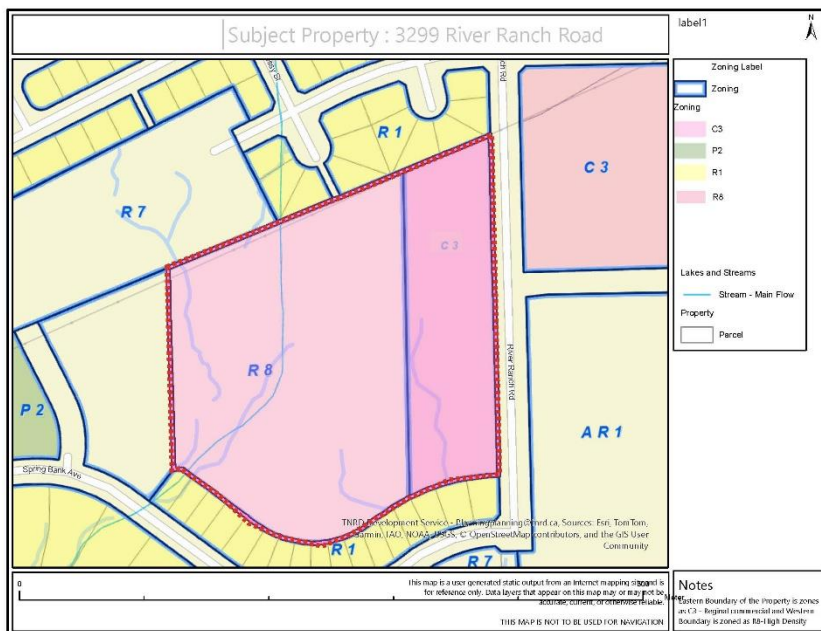
“any principal building for a residential use (including a home-based business) permitted under the Covenantee’s zoning Bylaw in effect at that time shall not exceed two (2) storeys nor 12m in height; and

any building or structure for commercial use permitted under the Covenantee’s zoning Bylaw in effect at that time shall not exceed one (1) story nor 10m in building height”

### Zoning Bylaw

The Subject Property is located within a split zoning designation, and the eastern portion is zoned C3 – Regional Commercial Zone, and the western portion is zoned R8 – High Density Residential Zone (Attachment E).

This split zoning allows for a combination of commercial and High Density Residential uses on the property, subject to the respective zoning regulations outlined in the current zoning bylaw.



The current Zoning Bylaw 2284, 2020 defines “**STOREY**” (below) and permits lesser of 22m or 5 storeys for the Apartment and Lesser of 18 meters or 4 storeys for Townhome for the R8- High Density Residential Zone. Furthermore, the current zoning allows a lesser of 22 meters or a five-storey height for the permitted principal and dictionary use in the C3 – Regional Commercial Zone.

Therefore, the covenant LB265645 is redundant and restricts the application of the current zoning bylaw regulations and limits the development potential of the Subject Property.

“**STOREY** means that part of a building other than a basement or loft which is situated between the top of any floor and the top of the next floor above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.”

### Official Community Plan

The subject property has a split land use designation (Attachment F), allowing for General Commercial and Mixed-Use development along the eastern boundary, and Medium- to High-Density Residential development along the western boundary.

The OCP supports low and mid- rise Medium- to High-Density Residential Designation.

- 3.3.5 Medium to High Density Residential may include low and mid-rise buildings. (p.29)

Additionally, the Development Permit Area guidelines for Commercial and Mixed-Use Development support low and mid-rise buildings for commercial/mixed-use and residential developments

### Options / Discussion

1. THAT Council rescind the previous motion related to Covenant “LB265645”, which was required at the time of rezoning application RZ2008-10, and direct staff to proceed with discharging the covenant to allow current zoning regulations to apply to the property located at 3299 River Ranch Road;

Under *Section 219 of the Land Title Act*, the covenant may be discharged by the holder of the charge, which is the municipality. The Council’s direction is required to initiate this process. Once discharged, current zoning regulations will apply without the restrictions imposed by the covenant.

2. THAT Council receives this report as information

### Financial / Risk Implications:

None.

### Strategic Plan Reference:

The following policies of the Council’s Strategic Plan 2024 – 2026;

The City of Merritt will create great communities by developing land use policies and zoning that promote high-quality development that is sensitive to context, contains vibrant public spaces, and allows for creativity and innovation

### Others Consulted:

Rick Green, Director of Public works and Engineering  
Kevin Natkinniemi , Director of Finance  
Linda Brick, Director of Corporate Service  
Cynthia White, CAO

**Attachments:**

Attachment A – Covenant LB265645  
Attachment B – Council Motion: November 25, 2008  
Attachment C – Council Report: November 25, 2008  
Attachment D – Meeting Minutes: November 18, 2008  
Attachment E – Current Zoning Bylaw Map and Regulations  
Attachment F – Excerpt from Land Use Designation Map.

**Respectfully submitted,**

**Purnesh Jani**  
**Manager – Planning and Development Services**