

CITY OF MERRITT

AGENDA FOR THE COMMITTEE OF THE WHOLE MEETING OF THE CITY OF MERRITT COUNCIL, TUESDAY, FEBRUARY 15, 2000, AT 7:00 P.M., CITY HALL COUNCIL CHAMBERS, 2185 VOGHT STREET, MERRITT, B.C.

AGENDA

PAGE

- 1. PRESENT:
- 2. CALL TO ORDER:
- 3. ADOPTION OF THE AGENDA:
 - A. Agenda, Committee of the Whole Meeting, February 15, 2000. 1
- 4. REPORTS:
 - A. Claude Lelievre, Active Mountain Entertainment Corporation; Letter Dated January 6, 2000. Active Mountain Entertainment Corporation – Access Provision; Engineer’s February 8, 2000 Memorandum. 2-6
 - B. City Advertising; Recreation Facilities Manager’s January 31, 2000 Memorandum. Merritt Morning Market January 12, 2000 Letter. Radio NL December 10, 1999 Memorandum. 7-11
 - C. Superstar Properties’ City Planner’s January 19, 2000 Memorandum. 12-25
- 5. ADJOURNMENT:



JAN 06 08 03:31 PM CITY MUSIC FEST P.1

Active Mountain Entertainment Corp.

Second Floor 613, 5th. Avenue New Westminster British Columbia Canada V3M 1X3
Tel: (604) 525-3330 Fax: (604)525-3382

Jan 25th
Meeting

MEMO

January 06, 2000

To: *Mayor and Council Members*

c/o City of Merritt
P.O. Box 189
2185 Voght Street
Merritt, B.C.
V1K 1B8

Tel. (250)-378-4224 *FAX 378-2600*

From: Claude Lelievre

Dear members of Council..

All of us at A.M.E.C. wish to offer Council Members and City staff and their families, our best wishes for the New Year.

We are in receipt of a letter received from the City's legal firm as a reply to our attorney's correspondence with regards to un-resolved issues pertaining to our land development on Lot A. We are pleased to hear that the city would rather resolve these issues without litigation; it has always been our opinion right from the start.

We request a meeting with City Council and staff members at your earliest convenience. Please advise us of the date and time that such meeting can take place and we will arrange to attend and hopefully finalize those outstanding items.

Yours truly;

Active Mountain Entertainment Corp.

Per: Claude Lelievre
General manager

Producers of the Merritt Mountain Music Festival

2

Memo

City of Merritt

To: Joe Barry, Acting Administrator

For Council:
Committee of the Whole: February 15, 2000

From: Dale McTaggart, Engineer

Date: February 8, 2000

Subject: Active Mountain Entertainment Corporation – Access Provision

Recommendation:

For information only.

Purpose:

To provide Council background documentation regarding provision of access to Active Mountain Entertainment Corporation (AMEC) land development at the south end of the Houston Street Bridge.

Policy:

No Council Policy.

Discussion:

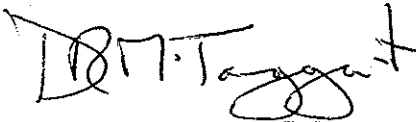
At the Regular Council Meeting of January 25, 2000, Council passed the following motion:

"That Council meet with representatives from Active Mountain Entertainment Corporation after Council has time to deliberate on documentation provided by Staff and that this issue be scheduled for the Committee of the Whole Meeting, February 15, 2000."

Through research of our files, the chronological background correspondence related to this issue was circulated to Council under separate cover. In addition to the information previously provided, the attached correspondence of November 12, 1999 to Walter Construction regarding acceptance of the truck route construction works and a reminder that as part of their contract with the City, they were responsible for provision of access to AMEC lands.

I have prepared an estimate (\$20,000) for the road widening only to allow for left and right turn lanes into AMEC lands. AMEC have submitted their cost estimate (\$80,000, see correspondence from Thompson, MacDonald & Omichinski dated October 22, 1999) which includes all related work, storm sewers, rock excavation, street lighting, etc. that are required as a result of the subdivision development.

Respectfully submitted,



Dale McTaggart, P.Eng.
City Engineer

DM:Ima

Att.

Date February 7, 2000

2000 WORKS ESTIMATE

Project I.D. Active Mtn Access

Estimator Dale McTaggart

Project Description

Active Mountain access improvements

Project Details

Widen Houston Street at Active Mountain Intersection to allow left turn lane southbound and right turn lane northbound.

Cost Table 2000UNIT

Code	Description	Quantity	Unit	Cost	Extension
	Relocate no-post guard rails	100	M	\$ 5.00	\$ 500
	Widening on west side Houston Street				
RP06 A	Road base, Pitrun, 600mm depth	225	M2	\$ 13.76	\$ 3,096
RC10 A	Road base, Crush, 100mm depth	225	M2	\$ 2.74	\$ 617
AS04 A	Asphalt surfacing, 75mm depth, <100 t (<625 sq.m)	225	M2	\$ 12.90	\$ 2,903
	Widening on east side Houston Street				
RP06 A	Road base, Pitrun, 600mm depth	80	M2	\$ 13.76	\$ 1,101
RC10 A	Road base, Crush, 100mm depth	80	M2	\$ 2.74	\$ 219
AS04 A	Asphalt surfacing, 75mm depth, <100 t (<625 sq.m)	550	M2	\$ 12.90	\$ 7,095
HATL B	Hatching, lane dividers	150	M	\$ 2.46	\$ 369
ARRO B	Painted directional arrow	6	EACH	\$ 9.80	\$ 59

NET	\$ 15,958
ENG. & CONTINGENCY	\$ 3,989
TOTAL COST	\$ 19,947
BUDGET ESTIMATE	\$ 20,000

5



CITY OF MERRITT

2185 VOGHT STREET, P.O. BOX 189

MERRITT, B.C. V1K1B8

PHONE: (250) 378-4224 / TOLL FREE: 1-888-446-3377 / FAX: (250) 378-2600

EMAIL: info@city.merritt.bc.ca / WEBSITE: www.city.merritt.bc.ca

November 12, 1999

Our File:8621

COF

Mr. Norm Tennock
Vancouver District Vice-President
Walter Construction
10711 Cambie Road, Suite 220
Richmond, BC
V6X 3G5

Dear Mr. Tennock:

Subject: Merritt Truck Route

Thank you for your letter of November 1, 1999, regarding acceptance of the deficiency works recently undertaken. City Staff conducted a site inspection of these works during the week of October 25, 1999 and the deficient works were corrected to our satisfaction. Therefore, the City accepts the warranty works.

The release of the enclosed funds to Walter Construction is being done on the basis that the City of Merritt does not release Walter Construction from any failure to perform the company's obligations under the contract. In particular, you are aware that the City of Merritt is dealing with a claim from Active Mountain Entertainment Corporation with regard to the provision of access to AMEC's lands adjoining the highway works, and that Walter Construction was responsible for coordinating the provision of that access. The City of Merritt is not satisfied that Walter Construction has met its obligation in that regard.

I trust that the above is to your satisfaction; however, if you have any further questions or concerns, please give me a call at 378-4224.

Yours truly,

Dale McTaggart, P. Eng.
City Engineer

DM:lma

cc: Tom Day, Administrator

S:LEIAN:ENGINEER:WALTER CONSTRUCTION LETTER NOV 12

6

C.O.W. FEB. 15

Memo

City of Merritt

To: Joe Barry, Acting Administrator
From: J. Norburn, Recreation Facilities Manager
Date: January 31, 2000
Subject: City Advertising

Recommendation:

1. That the City review its current policy regarding City advertising, and that Council provide direction to staff on how the City wishes to proceed with this issue after the current contract with the Merritt Herald expires.
2. That the City negotiate with the Merritt Herald to extend the current contract, due to expire on February 28, 2000, on a week-by-week basis, until after a policy decision is made and can be implemented.

Purpose:

To provide direction to staff regarding the City's Advertising Policy.

Policy:

On March 11, 1997 Council passed the following motion (#242/97): *"That the City of Merritt's advertising be published in one local newspaper only, and that bid proposals be requested once per year in order that the cost to the City remains competitive and to allow for a period of review."*

Background:

The advertising policy for the City of Merritt has been altered many times over recent years. In March of 1991 Council passed a motion to advertise in both local newspapers. In February of 1992 a motion was passed to advertise in only one newspaper. In December of 1993 the City altered this policy to again advertise in both papers. The current policy to advertise in one local newspaper only, was established in March of 1997.

City advertising can essentially be divided into one of two categories; 1) Advertising for which there is a statutory requirement to print, and 2) Other Advertising. "Other Advertising" may include job postings, and the promotion of meetings, programs, and other events, for which there is no statutory requirement to post.

Prior to March 1997, the City paid between \$4.13 - \$4.50 per column inch for its advertising, with all advertisements duplicated between both newspapers. Under the current agreement with the Merritt Herald the City pays \$2.80/ column inch. There has been a substantial reduction in the rates charged through this competitive process. In 1999 the City spent approximately \$8,000 - \$10,000 on advertising. When reviewing the advertising policy, consideration should be given to ensuring that the City continues to receive good value for its advertising dollar.

The issue of circulation has been the most contentious one of the bid process in recent years. For non-statutory advertising, where the City is trying to get a message out to as many people as possible, the issue of which media outlet best reaches that audience has been the subject much discussion. Legal advertisements must appear in print in a local newspaper and therefore only the Merritt Herald and the Merritt News are suitable for this purpose. Other advertising however may be delivered effectively through alternative sources including radio and other publications. Advertising exclusively in one local newspaper may not be the best means for the City to promote its own programs, meetings, events, and job postings. There may be times when the City wishes to promote an activity of the City, as widely as possible, and in these instances the City may wish to advertise through multiple media outlets. When reviewing the advertising policy, consideration should be given to how the City's message can best be delivered.

Summary:

The City has two separate and distinctly different advertising needs, and may wish to consider these needs separately. The City must print its legal advertising in compliance with the Municipal Act. There are restrictions on where, how and when this advertising is to be done, and there is no advantage to the City in duplicating these ads. Advertising for job postings, meetings, programs, events, and public service announcements on the other hand, are different, in that the City may want the flexibility to determine the best means possible, in each individual case, to get its message out through whatever media outlets are available.

The City should work to develop a policy that provides the taxpayer with the most competitive price possible for City advertising, while providing increased flexibility to enable the City to reach as many people as possible for its non-statutory advertising.

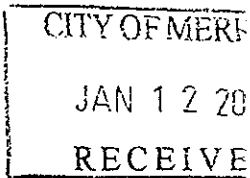
Respectfully Submitted

Jeff Norburn,
Recreation Facilities Manager

Agenda

MERRITT MORNING MARKET

P.O. Box 313, Merritt, BC V1K 1B8 Tel: (250) 378-5717 Fax: (250) 378-4700 email: market@uniserve.com



January 12, 2000

Dear Mayor Baird & Councillors,

We are writing to you regarding the City of Merritt's use of advertising.

As you know, the newspaper-reading community is very loyal to their media of choice — and this extends beyond just the big chain publications to the locally-owned & operated publications as well.

The Merritt Morning Market consistently publishes City press releases and covers council meetings, and would appreciate the revenue generated by occasional City of Merritt information ads, to be able to continue keeping our readers informed. We would like to suggest that council spread both the revenue & the public information around in an effort to reach the most Merrittonians.

This suggestion comes after the problems & discussion encountered last year by the council of the day, & our new Council's commitment to public information & involvement.

We feel that it is time to keep the money circulating and keep the information flowing in the community, and that we are well-positioned to help in this regard. We will be happy to meet with you, at your convenience, to discuss your advertising needs & options available in the Merritt Morning Market.

Please find attached an ad rate sheet, for your information.

Regards,
Kim Leclair & Stephen Hardy

Kim Leclair

MERRITT MORNING MARKET

Box 313, Merritt, BC V1K 1B8 Tel: (250) 378-5717 Fax: (250) 378-4700



MERRITT MORNING MARKET

**WE BELIEVE IN
MERRITT...**

**THE MERRITT MORNING MARKET IS
THE MOST FLEXIBLE AND
REASONABLY PRICED PRINT
ADVERTISING OPPORTUNITY
IN THE NICOLA VALLEY – AND
TRULY 100% LOCALLY OWNED**

- High-profile front page ads with attention to design detail
- Published 3 times a week
- Flexible advertising opportunity
*(no minimum insertion time,
make ad changes as often as you like,
choose the size of ad you like)*
- Maximum value for your advertising dollar
(starting from as little as \$12.50)
- Distributed where the readers are:
restaurants & coffee shops, corner stores,
businesses, doctors' offices, post office, etc.
Serving Merritt, Lower Nicola, Quilchena
& Logan Lake.

MERRITT MORNING MARKET

- An exclusive business directory
- News, community events & free classifieds
 - A Merritt tradition

For more information, please contact
Kim or Stephen at 378-5717, or fax 378-4700

TO: _____
FAX: _____
FROM: _____
DATE: _____

Display advertising in the Market has many advantages:

- supports the community news items, written concisely, for an efficient and informed reader
- supports the free buy & sell classifieds for individuals, which posts consistently 70± new listings per week
- functions as an exclusive directory, keeping your telephone number and address in a highly visible "paper shopping mall"
- allows the opportunity and flexibility that on a 3-times-a-week publication can give -- more frequent exposure, with no limit on ad changes
- accommodates a range of ad sizes, built on modules of the standard business card size ad. Pricing is based on the number of modules per month

AD RATES

Business card ad size 2" x 2-7/8"

1 to 5 ads per month are \$15 each

6-11 ads per month...\$14 each

12 or more ads a month \$12.⁵⁰ each

TIP: stack up 2 or 3 business card ads for a striking & unique format!

Queen-size ad 5-1/2" x 5-1/2" (Available Saturdays only during the garage sale season - April to October)

\$55 each

If you don't see the size you need,
let us know how we can customize a size for you!

- PROFESSIONAL GRAPHIC DESIGN
- WIDEST READERSHIP & DISTRIBUTION IN THE VALLEY
- PRINTED & DISTRIBUTED 3 TIMES A WEEK



Tel: (250) 378-4288 • Fax: (250) 378-6979

TO: JOE BARRY
CITY OF MERRITT,

FROM: SHIRLEY VARGA
RADIO NL

DATE DECEMBER 10 1999

JOE.....I WOULD TO LIKE EXTEND THE OFFER OF THE HONORARIUM YOU HAVE USED IN THE PAST THREE MONTHS FOR A FULL YEAR, THE PRICE WOULD REMAIN THE SAME AT 416.67 PER MONTH OR \$5000.00 FOR THE YEAR.

IN THE PAST THREE MONTHS THE CITY HAS USED THE HONORARIUM A NUMBER OF 689 TIMES, IF YOU WOULD HAVE RAN THIS SAME NUMBER OF COMMERCIALS WITHOUT THE OFFER THE INVESTMENT COST WOULD HAVE BEEN $689 \times \$15.00 = 10335.00$ THAT IS A SAVINGS OF 9085.00.

AFTER USING THE HONORARIUM FOR THE PAST THREE MONTHS I FEEL THERE ARE A FEW AREAS WE NEED TO CLEAR UP. THIS OFFER IS TO BE USED TO PROMOTE THE CITY AND KEEP THE RESIDENTS OF MERRITT AWARE OF WHAT'S HAPPENING IN THEIR COMMUNITY. ANYTHING THE CITY IS DOING THAT DOES NOT HAVE REVENUE INVOLVED CAN GO UNDER THE HONORARIUM UMBRELLA, BUT IF A CHARGE IS INVOLVED WE CANNOT EXTEND THE HONORARIUM, THE REASON BEING WHEN YOU PUT A PRICE ON SOMETHING YOU ARE THEN COMPETING WITH OTHER BUSINESS IN THE COMMUNITY FOR THE DISPOSABLE DOLLAR AND WE CAN NOT EXTEND THE SAME OFFER TO THEM. WE WILL BE HAPPY TO GIVE THE CITY THE 2 FOR 1 FOR ALL ADVERTISING THAT DOES NOT FALL WHEN IN THE HONORARIUM.

IF YOU HAVE ANY QUESTIONS PLEASE GIVE ME A CALL AT 378-4288 AND I WILL BE HAPPY TO ANSWER THEM.

SHIRLEY VARGA

RADIO NL

Memo

City of Merritt

To: T.C. Day, Administrator

For Council 01/25/2000

From: Jason Johnson, City Planner/Approving Officer

Date: January 19th, 2000

Subject: Official Community Plan Amendment Bylaw No. 1671
Zoning Amendment Bylaw No. 1672
Superstar Properties – File No. OCP1997-09 / RZ1997-14

Recommendation:

1. THAT Council adopt Official Community Plan Amendment Bylaw No. 1671.
2. THAT Council adopt Zoning Amendment Bylaw No. 1672.

Purpose:

To change the land use designations on that portion of the property (Airport Lands) as indicated in Schedule 1 of the attached bylaws from the Official Community Plan designation of Service Commercial to Highway Commercial and from the C3 (Service Commercial) zone to the C4 (Highway Commercial) zone. This amendment will facilitate the development of a campground on the proposed lands.

History of the Application:

The Planning Department has been working with this property owner since he purchased the property in July of 1995. The applicant, Superstar Properties has authorized Oberto Oberti Architects to act as their agents on behalf of this application.

The Planning Department received this official community plan and zoning amendment application December 12th, 1997. The original application requested that the property be rezoned from C3 (Service Commercial) to C6 (Recreational Commercial). The applicant subsequently requested an amendment to the application to C4 (Highway Commercial) zoning rather than C6 (Recreational Commercial).

This file has taken quite some time to come before Council for their consideration. The delay can be attributed to a number of factors including traffic issues and uncertainty on the part of the Developer on how to proceed. The Planning Department has been

Planning Department Memorandum
January 19th, 2000
Page 2

working with the applicant and Ministry of Transportation and Highways to resolve traffic concerns relating to the site. This was required as the property is within 800 meters of a controlled access highway, which resulted in a statutory referral to the Ministry of Transportation and Highways. Prior to the Ministry providing approval on this application they required a traffic impact assessment. The Ministry also has a covenant registered on title with respect to concerns they had regarding the traffic impact of any development on the adjacent highway system. This covenant was registered in 1986 to allow another development plan (submitted by the previous owners of the property) to obtain approval without providing a detailed study on the impacts of the adjacent highway system. The Planning Department, Ministry and Developer have all worked towards resolving the covenant issue and traffic impacts. The Ministry indicated a willingness to remove their existing covenant with the devolution of Voght Street to the City of Merritt. Honorable Minister Harry Lali forwarded a letter January 28th, 1999 to this effect (a copy of this letter is included for Council's review). The City also consented to the removal of this covenant in favor of a new covenant that references the Developer's traffic impact assessment. In April of last year the Developer consented to this approach. The Developer has registered the covenant (as per the previous Council's motion) and the Ministry of Transportation and Highways has given final approval to the zoning bylaw amendment. Council may now consider adopting the proposed bylaws.

Relevant Information:

The property that these amendments pertain to is directly adjacent to the Coquihalla Highway (please see the attached bylaw schedules for a map indicating the property location). This property is commonly referred to as the Airport Lands. The parcel is currently designated as Service Commercial in the Official Community Plan and zoned as C3 (Service Commercial) in the zoning bylaw. The applicant wishes to change the OCP designation of the property to Highway Commercial and have it rezoned C4 (Highway Commercial). Surrounding land uses include the municipal airport to the Southeast, the Coquihalla Highway to the North and West and the remainder of the Superstar Property to the Northeast (bare land and the forestry building). As Council may be aware, the applicant has also applied for a development permit (for a truck stop development) and subdivision (five-lot subdivision) on this property (the City has received the applicant's engineering submission which we are currently reviewing).

The applicant wishes to zone the land C4 to enable development of a campground/resort. The existing zoning designation on the property (C3 Service Commercial) does not permit campground/resort. The C3 zone is predominately vehicle related commercial uses of low intensity requiring areas for large storage of goods, materials and equipment. The C4 zone encourages the orderly

development of services which cater to transient motorists at locations in proper relationship to thoroughfares and surrounding uses. The C4 zone permits the following uses:

- Automobile, boat, trailer and recreational vehicle showroom and rental lot including related minor repair shop (also permitted in the C3 zone);
- Car wash establishment and drive-in business (also a permitted use in the C3 zone);
- Restaurant;
- Gasoline service station and accessory building (also permitted in the C3 zone);
- Motel/Hotel;
- Fruit stand;
- Campground or resort including an accessory dwelling unit and convenience store;
- Convenience store in conjunction with gasoline service station (also a permitted use in the C3 zone).

A Traffic Impact Assessment has been completed for this property and the entire site owned by Superstar Properties (required as part of the preliminary approval process for the Ministry of Transportation and Highways). The conclusions reached in the study point to improvements necessary such as right turn bays, stacking distances and left turn movements. These improvements facilitate acceptable traffic movements for the successive phases of development (both time horizons and trip generation) proposed for the site. This approach has been utilized in the Northeast Sector where a covenant was registered on all of the developments that contributed to the traffic volumes in this area. This traffic impact assessment is similar in methodology, however implementation of the recommendations is much simpler as only one development is increasing the traffic capacity. Therefore the improvements required are directly attributed to only one property owner which is easier for implementation.

Council will note that this property is located within a Development Permit Area. The Development Permit guidelines have been established for this property for the protection of hazardous conditions (geotechnical concerns) and for form and character (this property is located at one of the primary entrances to the community). Prior to any building permits being issued for construction Council will have the opportunity to review the plans for any development proposed on the entire Airport Lands.

Agency Referrals

The property owner has completed a site profile application; the site profile did not require any further action, as there were no Schedule Two activities noted by the property owner.

This application was referred to the Ministry of Transportation and Highways for preliminary approval. The Ministry requested a traffic impact assessment with respect to this application; this assessment has been completed and approved by the Ministry and City. The City received preliminary approval subject to the following conditions:

1. Implementation of the recommendations in the Stanley Consulting Group LTD's August 13th, 1998 Traffic Impact Analysis – Final Report;
2. Compliance with the existing restrictive covenant under charges X156405 and X156406 which requires prior approval of this Ministry prior to improvements or developments being constructed on the lands;
3. No direct access to the Coquihalla Arterial, 944R.

The Ministry also provided comments with respect to the intersection with Airport Road and Voght Street, as the Ministry is no longer responsible for this section of roadway the City is now responsible for administering future off-site improvements recommended in the Stanley Report. The Planning Department and Engineer will ensure that these improvements are implemented as a result of the required development permit applications. Since the conditions of their preliminary approval have been met the Ministry has given the zoning bylaw final approval. Staff will work with the Ministry in order to ensure that the letter of credit in regards to intersection improvements is transferred to the City as we now have jurisdiction over this area.

Planning Department Comments

The Planning Department supports the proposed amendment to the official community plan and zoning bylaw as the applicant has registered a section 219 covenant which addresses the improvements recommended in the traffic impact assessment.

These amendments will facilitate a logical transition between the existing land uses on the Superstar Properties site and the surrounding land uses. The C4 (Highway Commercial) zone is a higher and more efficient use of land surrounding the Coquihalla Highway than either the current zoning (C3) or the rezoning that was originally proposed by the applicant (C6). The proposed amendment conforms to the OCP and promotes the following policies outlined in the Community Plan:

- encourage and take advantage of the highway and tourist commercial opportunities, which occur as a result of traffic generated from the Coquihalla Highway system;
- location of these uses should be within close proximity to the on and off ramp systems of the Coquihalla Highway so as to gain maximum exposure to tourist and transient traffic from the highways, while allowing for easy ingress and egress to and from the developments.

As this property is located on one of the primary entrances to the City the visual appearances and aesthetic design of any developments must promote a favorable impression of the City and be compatible with surrounding development. The existing Development Permit guidelines established for this property ensure that the form and character of any buildings on the site are screened and massed in such a way that they portray a favorable impression of the City.

As noted earlier in the report, the C4 zone includes a number of the uses already established in the C3 zone as well as uses related to transient traffic. Council should be cognizant that the proposed zoning amendment would enable development of restaurants and hotels/motels on this property. This has the potential to result in development of this nature on both sides of the Coquihalla Highway rather than just the West Side of the Coquihalla. Council should also recognize that the property is currently zoned to allow for gasoline service stations, which would permit development similar in nature to that already existing on the West Side of the Coquihalla (with the exception of motel/hotel and restaurants) without a rezoning. Council may wish to consider limiting restaurant, hotel and motel as a permitted use on this property through a restrictive covenant. Should Council wish to pursue this option, a motion requesting a covenant be in place prior to final adoption would be required.

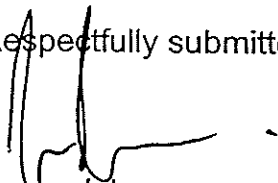
Council should note that this amendment would add to an already large amount of undeveloped C4 (Highway Commercial) property throughout the City, particularly around the two primary entrances to Merritt.

The Planning Department supports this application with our noted reservations listed above. The Developer's current plans for a Campsite/Resort will be a positive addition to the tourist commercial facilities in our community.

Recommendation

1. THAT Council adopt Official Community Plan Amendment Bylaw No. 1671.
2. THAT Council adopt Zoning Amendment Bylaw No. 1672.

Respectfully submitted,



Jason Johnson
City Planner/Approving Officer

S: PLANNING / 1671-2 SUPERSTAR MEMO



BRITISH COLUMBIA

JAN 28 1999

Reference: 69716

Thomas Allan Palmer
Oberto Oberti Architecture and Urban Design Inc.
300 1445 West Georgia St
Vancouver BC V6G 2T3

Dear Thomas Allan Palmer:

Re: Request for Removal of Restrictive Covenant

I am writing in response to your letter of December 11, 1998, regarding the removal of two covenants registered against the title of properties held by your client (Superstar Properties Ltd.) in the City of Merritt. Please accept my apologies for the lateness of my reply.

These covenants were charged against the property titles in 1986 to allow the pre-zoning of the properties (then known as the Parker Estate) which would allow a similar development to that proposed by your client. At that time, my Ministry had several concerns that the proposed development could have a severe impact on the highway system, given its proximity to the north (Nicola) interchange of the newly-constructed Coquihalla Highway. My Ministry staff have discussed the rationale behind the covenants with you on several occasions over the past three years.

With respect to your specific request to remove the covenants from the property title, my Ministry is prepared to release the covenants or revise them upon the recommendations of the City of Merritt. Ministry staff have indicated that the existing covenants could be revised to make reference to the Traffic Impact Analysis prepared by the Stanley Consulting Group.

To discuss this matter further, please contact Douglas Kirk, District Highways Manager. He can be reached at (250) 378-9359, or at PO Box 4400 Station Main, Merritt, British Columbia, V1K 1B8.

...12



BRITISH
COLUMBIA

Ministry of Transportation and Highways

Nicola Highways District
Box 4400 Stn. Main
(3499 Voght St)
Merritt, B.C.
V1K 1B8
Tel: 378-9359
Fax: 378-9364

January 14, 2000
Your File: Bylaw 1672, 1999
Our File: 02-014-11271

City of Merritt
P.O. Box 189
Merritt, B.C.
V1K 1B8

Attn.: Jason Johnson
City Planner/Approving Officer

Dear Jason:

Re: Final Approval – City of Merritt Bylaw No. 1672, 1999 – Superstar Properties Ltd.
and Gold Trail Ventures Inc.

The above-noted bylaw is returned duly signed and approved pursuant to Section 54(2) of the Highway Act.

As suggested in our November 2, 1999 letter, it would seem appropriate to transfer the existing Letter of Credit covering the proposed intersection improvement works which are now solely within the City's jurisdiction.

Please call me so that appropriate arrangements can be made to effect the transfer from the Ministry to the City.

Yours truly,

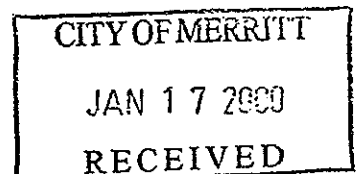
D.S. Kirk
District Highways Manager
per

G. Brent McDonald, ASCT
Senior District Development Technician

Encl.

Cc: Lee Dodds, Provincial Approving Officer
Norm Parkes, P.Eng. – Regional Traffic Engineer

0114gbm2/nm



CITY OF MERRITT

BYLAW NO. 1671

**A BYLAW TO AMEND CITY OF MERRITT OFFICIAL COMMUNITY PLAN
BYLAW NO. 1460, 1994.**

WHEREAS the Council of the City of Merritt has adopted an Official Community Plan pursuant to Section 875 of the Municipal Act (R.S.B.C. 1996 Chap. 323);

AND WHEREAS the Council of the City of Merritt wishes to amend the City of Merritt Official Community Plan;

AND WHEREAS the Council of the City of Merritt has examined the proposed amendment in conjunction with its most recent capital expenditure program under Section 329 of the Municipal Act, and any waste management plan or economic strategy plan that is applicable in the municipality to ensure consistency between them;

AND WHEREAS the Council of the City of Merritt has held a Public Hearing on the proposed amendment to the Official Community Plan.

NOW THEREFORE the Council of the City of Merritt in open meeting assembled, hereby enacts as follows:

1. That this bylaw shall be cited as **"CITY OF MERRITT OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW NO. 1671, 1999"**.

2. That the City of Merritt Official Community Plan Bylaw No. 1460, 1994 is hereby AMENDED by changing the land use designation on:

Lot B, Section 23, Township 91, Kamloops Division Yale District, Plan KAP54971;
And that part of Lot A, Sections 23 and 24, Township 91, Kamloops Division Yale District, Plan KAP54971, as shown striped on Schedule "A", attached to and forming part of this bylaw, from Service Commercial to Highway Commercial.

3. That the City of Merritt Official Community Plan Map being Schedule "B" of the City of Merritt Official Community Plan No. 1460, 1994 is hereby AMENDED to depict the change.

...2...

CITY OF MERRITT
BYLAW NO. 1671
Page 2 - Cont'd.

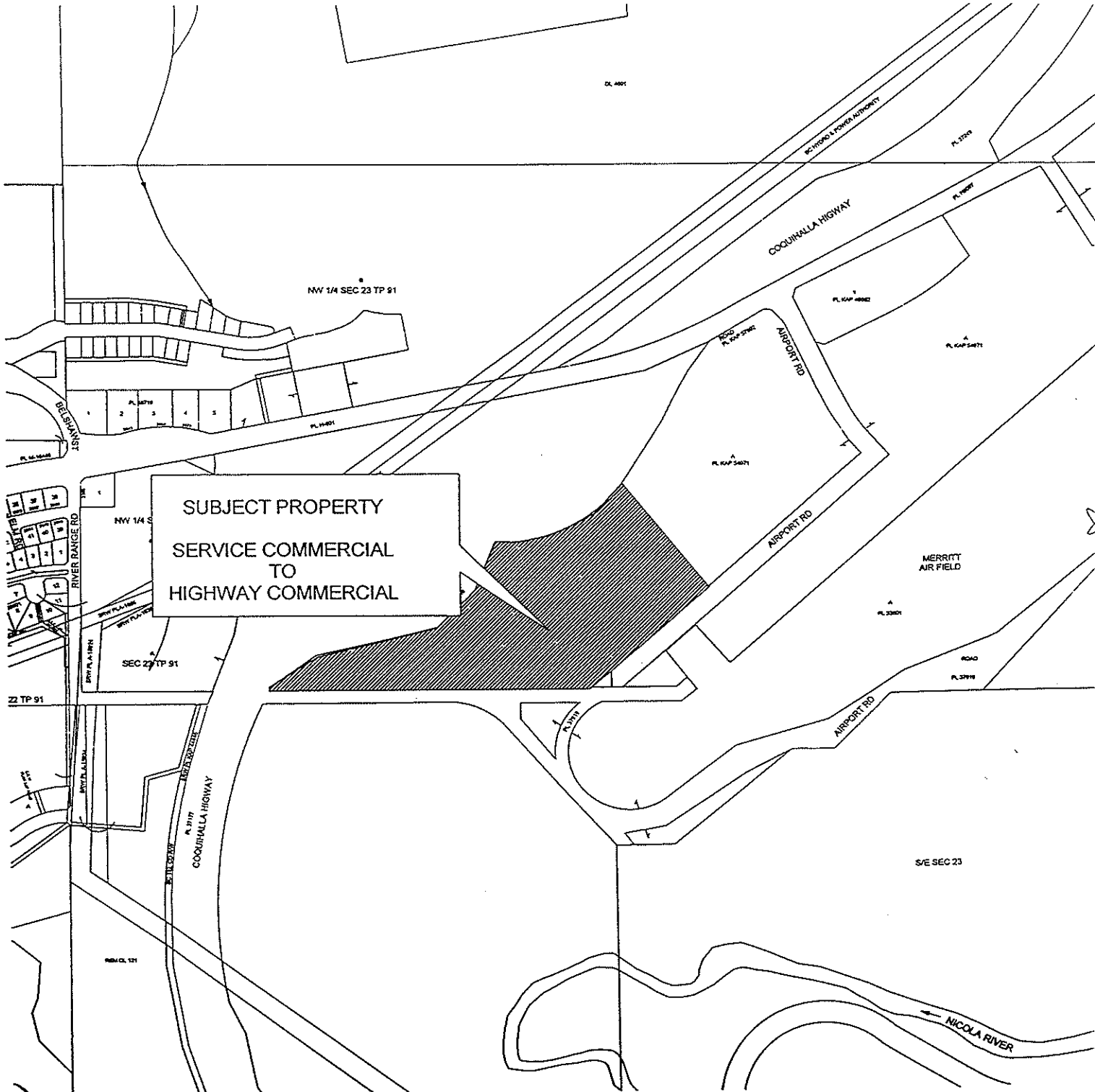
READ A FIRST TIME THIS	11th	day of	May	1999
READ A SECOND TIME THIS	11th	day of	May	1999
PUBLIC HEARING HELD THIS	22nd	day of	June	1999
READ A THIRD TIME THIS	22nd	day of	June	1999
ADOPTED THIS		day of		2000.

Robert H. BAIRD, MAYOR

J. E. BARRY, CLERK

CITY OF MERRITT

BYLAW NO. 1671 SCHEDULE "A"



CITY OF MERRITT

BYLAW NO. 1672

A BYLAW TO AMEND CITY OF MERRITT ZONING BYLAW NO. 1530, 1995.

WHEREAS the Council of the City of Merritt has adopted the City of Merritt Zoning Bylaw No. 1530, 1995;

AND WHEREAS the Council of the City of Merritt wishes to amend the City of Merritt Zoning Bylaw No. 1530, 1995;

AND WHEREAS the Council of the City of Merritt has held a Public Hearing pursuant to Section 890 of the Municipal Act (R.S.B.C. 1996 Chap. 323);

NOW THEREFORE the Council of the City of Merritt in open meeting assembled, enacts as follows:

1. That this bylaw shall be cited as **"CITY OF MERRITT ZONING AMENDMENT BYLAW NO. 1672, 1999"**.
2. That City of Merritt Zoning Bylaw No. 1530, 1995 is hereby AMENDED by changing the zoning on:

Lot B, Section 23, Township 91, Kamloops Division Yale District, Plan KAP54971;
And that part of Lot A, Sections 23 and 24, Township 91, Kamloops Division Yale District, Plan KAP54971,
as shown striped on Schedule "A", attached to and forming part of this bylaw, from the C3 (Service Commercial) zone to the C4 (Highway Commercial) zone.
3. That the City of Merritt Official Zoning Map being Schedule "A" of the City of Merritt Zoning Bylaw No. 1530, 1995 is hereby AMENDED to depict the change.

...2...

READ A FIRST TIME THIS 11th day of May 1999
READ A SECOND TIME THIS 11th day of May 1999
PUBLIC HEARING HELD THIS 22nd day of June 1999
READ A THIRD TIME THIS 22nd day of June 1999

RECEIVED MINISTRY OF TRANSPORTATION AND HIGHWAYS APPROVAL THIS
14th day of January 2000

ADOPTED THIS day of 2000.

Robert H. Baird, MAYOR

J. E. Barry, CLERK

CITY OF MERRITT

BYLAW NO. 1672 SCHEDULE "A"

