

## Lauri Feindell

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**From:** Danielson, Steven <Steven.Danielson@fortisbc.com>  
**Sent:** July 11, 2018 11:40 AM  
**To:** Planning  
**Subject:** Old Main Rd, 891 & 945 Naramata (E2018.095-ZONE)

With respect to the above noted file,

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Old Main Road. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

For more information, please refer to FBC(E)'s overhead and underground design requirements:

**FortisBC Overhead Design Requirements**

<http://fortisbc.com/ServiceMeterGuide>

**FortisBC Underground Design Specification**

<http://www.fortisbc.com/InstallGuide>

In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). Please have the following information available in order for FBC(E) to set up the file when you call.

- Electrician's Name and Phone number
- [FortisBC Total Connected Load Form](#)
- Other technical information relative to electrical servicing

Otherwise, FBC(E) has no concerns with this circulation.

It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

If you have any questions or comments, please contact me at your convenience.

Best Regards,

*Steven Danielson,*  
*Contract Land Agent for:*

**Nicholas Mirsky, B.Comm., AACI, SR/WA**  
**Supervisor | Property Services | FortisBC Inc.**

2850 Benvoulin Rd  
Kelowna, BC V1W 2E3  
Office: 250.469.8033  
Mobile: 250.718.9398  
Fax: 1.866.636.6171  
[nicholas.mirsky@fortisbc.com](mailto:nicholas.mirsky@fortisbc.com)





July 19, 2018

Ecora File No.: CP-17-409-CVS

Regional District of Okanagan-Similkameen  
101 Martin Street  
Penticton, B.C. V2A 5J9

**Attention:** Planning Department

**Reference:** Rezoning Application for 945 and 891 Old Main Road, Naramata

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This letter is a follow-up to the July 9 meeting of the Advisory Planning Commission where the above rezoning application was considered. At this meeting the owner offered to place a restrictive covenant on 891 Old Main Road (Lot A) to restrict development on this site to one principal dwelling only and clearly state that no accessory dwelling is permitted. The intent is to advise property purchasers of this restriction.

The covenant also recognizes that zoning bylaws change, as they did in 2017, and provides for potential future bylaw amendments. The proposed wording of the covenant is:

*As a condition for approving construction of an accessory dwelling in excess of 90 m<sup>2</sup> on Lot B, Lot A is restricted from developing or constructing an accessory dwelling. This restrictive covenant, applicable only on Lot A, shall expire in the event the RDOS zoning bylaw is amended at any time, such that the amendment would, absent this restrictive covenant, allow an accessory dwelling to be developed or constructed on Lot A.*

We recognize that the RDOS lawyer prepares covenant documents and that the above wording may be altered, in consultation with the owner.

We are also attaching letters of support from neighbours/agricultural operations.

We would appreciate that the Regional Board be advised of the proposed covenant and support letters when the application is being considered on the August 2 Board Agenda. Thank you for your assistance.

Sincerely

**Ecora Engineering & Resource Group Ltd.**

Donna M. Butler, MCIP, RPP

Senior Planner

Direct Line: 250.492-2227 (1070)

donna.butler@ecora.ca



# Feedback Form

**Regional District of Okanagan Similkameen**

101 Martin Street, Penticton, BC, V2A-5J9

Tel: 250-492-0237 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

OKANAGAN  
SIMILKAMEEN

**TO:** Regional District of Okanagan Similkameen

**FILE NO.:** E2018.095-ZONE

**FROM:** Name: Robert Mackenzie Architect, AIBC, MRAIC

(please print)



**RE:** Electoral Area "E" Zoning Amendment Bylaw No. 2459.31, 2018.  
891 and 945 Old Main Road, Naramata

My comments / concerns are:

I do support the proposed development.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2459.31.

See attached RMA Comments dated July 6, 2018

Feedback Forms must be completed and returned to the Regional District  
no later than Tuesday July 10, 2018

Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act* (British Columbia) ("FIPPA"). Any personal or proprietary information you provide to us is collected, used and disclosed in accordance with FIPPA. Should you have any questions about the collection, use or disclosure of this information please contact: Manager of Legislative Services, RDOS, 101 Martin Street, Penticton, BC V2A 5J9, 250-492-0237.

July 6, 2018

Robert Mackenzie Architect, AIBC, MRAIC

**TO:** Regional District of Okanagan Similkameen **FILE NO.:** E2018.095-ZONE

**RE:** Electoral Area "E" Zoning Amendment Bylaw No. 2459.31, 2018,  
891 and 945 Old Main Road, Naramata

Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2459.31.

Comments : I am in support of this Amendment Bylaw for a number of reasons :

- The project is respectful of the objectives of the OCP in maintaining consistent quality farming operation in the community . The owner is dedicated to the long term preservation of the land and the village as a whole, and keen to contribute to its improvements and character. This is very much a small scale, cluster character project , reflective of the local ecology, similar to the fine generational Finca's of Andalucia.
- The Owner has made sound effort , under our assistance, to do minimal alteration of the old farm home footprint , by clustering and replacing the deteriorating buildings, and improving access in the same general areas on 945 Old Main Road (LOT B). This clustering is a sustainable solution preventing the spreading of buildings over planted areas, while sharing and in part re-using, Services and Waste control areas.
- By investing in the community, the Farm Owner has his own particular needs in developing a fine and successful , workable facility, and a land use program which maintains a comfortable balance of lifestyle with a successful economic operation.
- In order to encourage long term farm help, a slightly more spacious accessory dwelling asked for , would encourage say, a potential small family, providing affordable housing for new community members while offering a particular respectful rural lifestyle .
- With the most recent Bylaw change from 140m2 allowance to 90M2 / Accessory Dwelling in both 891 (Lot A) and 945 (Lot B) Old Main Road, gaining better accommodation through One Building with an Extra Bedroom, ( lost in Lot B with the new reduced allowance), is a certain asset. This is proposed by reducing the allowance from Lot A owned by the same owner , thereby not asking for more square footage , but simply exchanging an allowance from one lot to the other. In fact the total allowance for Lot B + A would be only 140 M2, less than the new allowances combined of 90 + 90 = 180 M2. The Lot A Accessory Dwelling in this proposal , would be disallowed in the new Amendment , thus preventing breaking more ground for another building on the farm .
- The owner , in fact, acquired Lot B not too long ago, with the knowledge of an accessory dwelling allowance of 140 m2 . It is to this scale, that the new limitation to 90M2 may be considered a hardship to their operational goals and aspirations .

Robert Mackenzie, Architect AIBC, MRAIC

## Lauri Feindell

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**From:** Heidi Noble [REDACTED]  
**Sent:** July 16, 2018 12:25 PM  
**To:** Planning  
**Cc:** Mark Smith  
**Subject:** Feedback Form - File no. E2018.095-Zone

Dear RDOS,

RE: Electoral Area "E" Zoning amendment Bylaw No. 2459.31.2018 891 and 945 Old Main Road Naramata

I would like to state my support for the proposed development.

I am a direct neighbour of Mark Smith to the south east of the property, at JoieFarm Winery on Aikens Loop (2825 Naramata Road)

I would like to state my support of Mark's proposal to combine the the allowable accessory dwellings into one efficient apartment for his farm property manager proposed above his equipment shed. Instead of building two smaller apartments, Mark is looking to build a more efficient and quality unit in a vertically integrated way above a proposed farm building used for farm equipment storage .

The proposal in my opinion is an efficient use of building materials, proposes a minimal impact footprint on farmland and simply allows more ALR farmland to be farmed in this case.

I also support the initiative to bring up the need to re-address the size of an ancillary dwelling for farm help. The quality and availability of staff accommodation for agricultural and the value-added manufacturing that is involved with winery workers is a critical concern for many wineries in Area E. I myself am concerned for the available of quality housing for my own staff.

The 90 m squared, assumes, that farm help is single, (often single male) does not have a partner or family. I myself lived in my own small farm apartment last season, with my son, my partner his two children and two farm dogs and that indeed was close quarters for a family. I have since purchased another home in Naramata as that living arrangement was not a comfortable for a family of 5. I think as a working farmer and agricultural business owner (I manage 70 acres of grapes (a combination of owned, long-term leased land) in the RDOS and crush 230 tons at Joie) that it is critical that my staff (I have 8 core staff members that employ year-round) have quality places to live. It is a know fact that the rental market in Penticton is poor and an even worse situation in Naramata. It is very hard for my staff to find quality accommodations. I three of my 2 core members are in their early-thirties and are starting families in the next year, one of my core staff members is living in Naramata in a small cabin with no running hot water and another in a cabin with no heat. I am committed to employing these staff all-year round and have cross-trained them as such in other areas of my business to ensure they can have meaningful and viable employment and not just seasonal agricultural work. Assuming that agricultural workers are male, single and potentially migrant workers, is not a reality in my business. As business owners and owners who are actively farming we require quality and realistic accommodations for enthusiastic and dedicated staff members who are essential to keeping our farmland farmed.

From,

Heidi Noble  
Owner, JoieFarm Winery

From: Mike Keen [mailto: [REDACTED]]  
Sent: Friday, July 06, 2018 10:21 AM  
To: ewilliamson@rdos.bc.ca  
Subject: File number E2018.095.zone

I am writing this letter to show my support for Amendment Bylaw No 2459.31 2018  
Re: 891 and 945 Old Main Road, Naramata.

My wife and I reside on the property mentioned and have for the past 2 1/2 years. While renting the house we provide some property management duties. We are the "eyes and ears" for the owner Mark Smith. The vineyard is the number one concern for the property and as such we ensure the security of the property. Because we have made it our home we keep the house area green and landscaped, reducing fire and animal threat. We control the wildlife fence around the property in order to keep the bears and deer etc. out. We have built relationships with the vineyard crew that helps to create a pride and security for the property.

I would like to be able to attend the meeting on July 9, but unfortunately due to another matter I will be away.

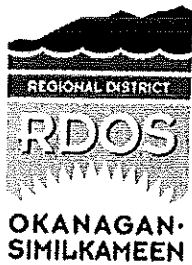
I have no hesitation in supporting Mark Smiths plans as they will only add to the viability of the vineyard, and I think add to the quality of life in Naramata.

Mike and Marlene Keen  
[REDACTED]

I Matthew Mikulic, from Earlco Vineyards Ltd support the Zoning Bylaw Amendment – Electoral Area “E” as submitted for 891 and 945 Old Main Road, Lot A & Lot B, DL 209, SDYD, Plan KAP52428. The proposed development is consistent with the Agricultural Objectives in the Naramata Community Plan, “to preserve agricultural land with continuing value for agriculture for current and future production”. The proposed development as detailed in the application will support the existing vineyard agricultural operation by clustering buildings on the existing 945 Old Main Road building site. The proposed buildings will support property security, wildlife management, worker safety and storage of vineyard supplies and equipment. The objective of the vineyard operation has consistently focused on continuous improvement of fruit quality and the development proposal as detailed remains consistent with this objective.

Yours truly,  
Matthew Mikulic





# Feedback Form

Regional District of Okanagan Similkameen

101 Martin Street, Penticton, BC, V2A-5J9

Tel: 250-492-0237 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

TO: Regional District of Okanagan Similkameen

FILE NO.: E2018.095-ZONE

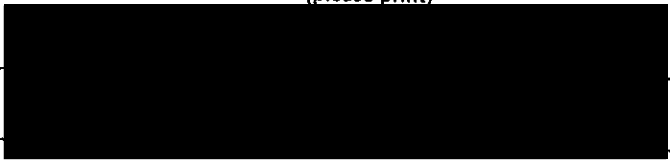
FROM: Name:

JOHN LANGUNCO

(please print)

Street Address:

Tel/Email:



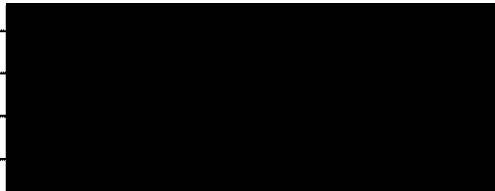
RE: Electoral Area "E" Zoning Amendment Bylaw No. 2459.31, 2018.  
891 and 945 Old Main Road, Naramata

My comments / concerns are:

- I do support the proposed development.
- I do support the proposed development, subject to the comments listed below.
- I do not support the proposed development.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2459.31.

SIGNIFICANT CONSIDERATION SHOULD BE GIVEN TO THE LARGE INVESTMENT IN THE PROPERTY IMPROVEMENTS MADE TO DATE BY THE OWNER AND THE ECONOMIC UPLIFT THAT THIS HAS AND CONTINUES TO HAVE FOR THE REGION.



Feedback Forms must be completed and returned to the Regional District no later than Tuesday July 10, 2018





# Feedback Form

**Regional District of Okanagan Similkameen**

101 Martin Street, Penticton, BC, V2A-5J9

Tel: 250-492-0237 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

**TO:** Regional District of Okanagan Similkameen

**FILE NO.:** E2018.095-ZONE

**FROM:** Name: Schalk & Elizabeth van Heerden

(please print)

Street Address: \_\_\_\_\_

Tel/Email: \_\_\_\_\_

**RE:** Electoral Area "E" Zoning Amendment Bylaw No. 2459.31, 2018.  
891 and 945 Old Main Road, Naramata

My comments / concerns are:

- I do support the proposed development.
- I do support the proposed development, subject to the comments listed below.
- I do not support the proposed development.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2459.31.

Ad hoc site specific rezoning should be the exception, not the rule.

Owner's presentation and constructive motivation in this instance justifies approval of rezoning application, subject to certain conditions.

As per APC's debate and recommendations, covenant to be placed on 891 Old Main Road in favour of RDOS to prohibit future erection of accessory dwelling on this lot.

Unresolved concern remains that accessory dwellings of such nature -- as proposed for 945 Old Main Road -- could very easily be used for vacation rentals in future, contrary to the current good intentions and declarations.

Perhaps this concern could be alleviated by incorporating into the covenant the restriction that there will never be approval of a Temporary Use Permit issued for the accessory dwelling in question?

**Feedback Forms must be completed and returned to the Regional District  
no later than Tuesday July 10, 2018**

RDOS Development Application  
Regional District of Okanagan-Similkameen  
Area 'E' Advisory Planning Commission Meeting  
330, 3<sup>rd</sup> Street, Naramata B.C.  
7:00 to 7:30 pm, Monday, July 9, 2018

**Administrative Report – Response Comments**

Hello.

My name is Mark Smith and I am the owner of the properties at 891 and 945 Old Main Road. Thank you for providing me the opportunity to present comments related to the proposed development application that has been referred to the Advisory Planning Commission (APC). I will keep my comments brief and appreciate your consideration as I attempt to convey the vision and passion I have for the development of the Old Main Road properties.

Naramata is a wonderful community that is enhanced by and benefits from the agricultural community. As stated in the Naramata Community Plan, the objective of the proposed application is to enhance the agricultural benefit of the Old Main Road properties by remaining consistent to the agricultural objective to preserve agricultural land with continuing value for agriculture for current and future production.

My initial introduction to the Naramata community occurred in 2006 during a family vacation. During 2007, I made an initial minor investment in the properties on Old Main Road. I will not dwell on the history of this initial involvement but actions were required to correct inappropriate behaviour of the General Partner. To resolve issues, I increased my involvement in the Old Main Road properties with the purchase of the 891 property during 2010. With the engagement of Earlco Vineyards Ltd, this allowed me to initiate development of the 891-property vineyard from the bare lot. During 2014, I completed the resolution of the property ownership with the purchase of the 945 Old Main Road property. The combined purchase of both lots remains consistent with the initial property division which consisted of both lots.

Since the purchase of 891 Old Main Road in 2010, the objective for the property has been to strive for continuous improvement of fruit quality that will differentiate the Naramata region for comparison at the highest levels. The purchase of the 945 property further enhanced the ability to strive for this objective. Significant progress in this objective has been achieved and higher standards continue to be strived for.

As presented in the application, the existing buildings are 70 years old and considered fully depreciated and in need of replacement. The proposed development application honours the Naramata agricultural objective of preserving agricultural land by placing the new buildings on the existing "home plate" with minimal disturbance to existing vineyard development and maximum utilization of existing power and water infrastructure. Septic upgrades will be done within the existing development foot print. The application for the combined properties further honours the agricultural objective by limiting development to one accessory dwelling rather than two. Additionally, the proposed accessory dwelling would take advantage of natural terrain features that would allow the building to be positioned over the garage / vineyard services building. The positioning of the accessory dwelling above the garage avoids building an additional structure on the property which further honours the Naramata agricultural objective of preserving agricultural land.

A significant challenge for agricultural operation in the Naramata region and probably most agricultural operations is the ability to attract and retain top quality support services. A critical component to the success of the Old Main Road property is the ability to maintain an environment that will allow for the attraction and retention of these talents, specifically an on-site property manager. The Old Main Road property is currently developed with 4.2 ha (10.5 acres) of vines, with potential to for an additional 0.4 ha (1.0 acre) of vine development. The presence of a full-time property manager is critical for the protection of this investment.

Vineyard operations are a year round activity. The proposed development is designed to meet the objective to provide appropriate housing for an on-site property manager to be present on the property year round. The property manager position is intended to be a long term participant in the development and management of the property. The proposed size of 140 m<sup>2</sup> for the accessory dwelling allows for reasonable accommodation for the manager and his family.

The benefit of having a year-round manager on-site provides,

- security for both the property and the Naramata community,
- assists with wildlife management and protection on the property and surrounding area,
- maintains a consistent watch for and defense against wildfires,
- enhances worker safety, and
- provides ability for prompt response to maintenance issues.

### **Property Consolidation**

The subject property has two legal titles. Under the current zoning regulations each title is recognized to have development potential for a principal residence and an accessory dwelling. This application is based on the current regulations which allow two accessory dwellings of 90 m<sup>2</sup> each or a combined area of 180 m<sup>2</sup>. The proposed rezoning application is for an accessory dwelling of 40 m<sup>2</sup> less total floor area than permitted. The proposal to limit development to one accessory dwelling results in an optimization of the building development.

The proposal to consolidate the foot print of the accessory dwellings appears to be consistent with previous Site Specific Agricultural Zoning applications that were approved in 2016 and 2017, which were supported by the RDOS staff and subsequently approved. The zoning bylaw at that time permitted two accessory dwellings of 140 m<sup>2</sup> and 70 m<sup>2</sup> on each property and both applications requested one larger accessory dwelling of 184 m<sup>2</sup> in one case and 210 m<sup>2</sup> in the other. Both applications also proposed to restrict any additional accessory dwellings.

Arguments in favour of the applications included:

- a. The Site Specific zones will not substantially vary the intent of the zones or strategic land use objectives
- b. Consistent with the Official Community Plan (OCP) objectives to preserve farm land, protect land from incompatible uses and support diversification of farms
- c. Reduction in the overall square footage of the accessory dwellings preserves farmland
- d. By combining the floor area of the two permitted accessory dwellings, effectively results in the reduction of the development footprint
- e. There was no concern mentioned about future applications for additional accessory dwellings

Although two properties are involved in the current application, these points are very applicable.

### **Long Term Viability**

The Administrative Report expressed concern about the proposal to consolidate the allocated areas of the accessory dwellings between the two properties as not being viable over the long-term. In response to this concern, I would encourage that the merits of the current application should be considered at this time. If a future application is made, then that application would be considered on its merits.

As the owner of the combined properties; the vision for the property is based on multi-generational considerations. I have carefully evaluated the merits of the development application as presented for several years. The development application as presented has been in formulation since 2010 and further evolved in 2014 when full ownership of the property was achieved. During this period of property acquisition and concept formulation, the RDOS zoning by-laws allowed for an accessory unit of 140 m<sup>2</sup> on each lot.

As stated in the Draft of the Bylaw provided for this application; I agree with clause 3 as stated in its entirety. In addition, to the proposed zoning bylaw restrictions on 891 Old Main Road, I am prepared to offer registration of a restricted covenant on the title of 891 Old Main Road so that future buyers, if there are any, would be aware that only one dwelling is permitted on the site.

### **Farm Residential Footprint**

The RDOS Staff acknowledge that the larger farm help unit is to be built in the “home plate” area which is a very popular concept for housing in farming areas that minimizes impact on agricultural land. There is not adequate recognition of the benefits of the proposed rezoning amendment on farmland and that there will be much more limited loss of cultivated land with this proposal.

### **Conclusion**

The proposed application provides a viable development plan to replace the existing buildings which are fully depreciated. As mentioned, the existing buildings are 70 years old. Originally, the property was developed as a pear orchard and has been transitioned to a vineyard operation. This highlights the need for the replacement buildings to be suitable for operation of the property as a vineyard and provide long term service to the sustainable benefit of the property.

The development proposal as presented provides;

- optimization of agricultural land use,
- limits the total building foot print by reducing the number of accessory dwellings and by building the accessory dwelling above the garage,
- enhances utilization of existing power, water and septic infrastructure,
- provides opportunity to attract and retain required services that will benefit the long-term sustainability of the agricultural operation,
- enhances security for both the property and community,

- enhances monitoring and potential response to wildfires, specifically the undeveloped Steel Road Creek ravine,
- supports worker safety.

This rezoning application is now required since the RDOS amended the maximum size of an accessory dwelling from 140 m<sup>2</sup> to 90 m<sup>2</sup>. The development proposal requested is much less than the floor area permitted when I purchased the property, especially when considering the combination of both properties.

The benefit of the development proposal as presented is considered critical to the agricultural operation of the property.

Thank you for your consideration of my comments. Should you have any questions regarding the application I would welcome the opportunity to respond.

Mark Smith