Lauri Feindell

Subject: FW: Inquiry Regarding RDOS File No. E2023.020-DVP

From: Black Widow Winery
Sent: May 18, 2023 2:44 PM
To: Planning <planning@rdos.bc.ca>
Subject: Inquiry Regarding RDOS File No. E2023.020-DVP

We are concerned about the DVP for this site, as placing concrete on the land will permanently remove it from having agricultural value other than for the single purpose of the proposed Cannabis operation. The original approvals should remain as is.

Yours,
R. Lancaster

Lauri Feindell

Subject: FW: Variance - Proposed Cannabis Faciiity Arawana Rd
Attachments: Garrish ltr 21 May 2023.docx

From: Victoria Rogers
Sent: May 21, 2023 2:36 PM
To: Planning <planning@rdos.bc.ca>
Subject: Variance - Proposed Cannabis Faciiity Arawana Rd

Attn: Chris Garrish

Please see attached letter with commentary on the proposed cannabis production facility on Arawana Rd. Thank You, Victoria

21 May 2023

Christopher Garrish
Planning Manager
RDOS

Dear Chris,

I am in receipt of a letter dated May 11, 2023 and draft Development Variance permit regarding the property at 2864 Arawana Rd. The DVP proposes that the requirement of a native soil floor or base would be varied to permit a concrete "foundation." The use of the word "foundation" is quite misleading. There is an existing building that already has a foundation, but clearly, the requirement that is being "varied" would be the requirement for a native soil floor or base. Under no circumstances should this variance be allowed.

The cannabis regulation under the Agricultural Land Resource Use Regulation (ALR) clearly states that cannabis production *cannot be prohibited* under the following conditions (all of which must be met):

- The structure must have a base consisting entirely of soil;
- The structure must have been built prior to July 13, 2018;
- The structure must have been built for the purpose of producing cannabis lawfully;
- The construction of said structure must have continued without interruption from inception to completion;
- The structure must not have been altered since July 13, 2018 to change the size or material of the base.

This proposed DVP violates a number of these provisions. First, it was approved, started and largely completed prior to the "deadline" date of July 13, 2018. When members of the community questioned this and inquired about the "grandfathering" of this facility, our questions were never adequately answered by the planning department. However, that date is clearly stated in the ALR regulation. Moreover, the approval was given despite massive protests from the community surrounding the proposed project. I would argue that the project should never have been approved, based on the clearly stated ALR regulations.

Further, a proposed change to the structure at this juncture would violate the fourth provision above, that the construction of the structure must have continued without interruption from inception to completion. Moreover, it violates the final provision above, that the structure must not have been altered since July 13, 2018 to change the size or material of the base.

Clearly, this variance, if approved, will violate the letter and spirit of the ALR by allowing cannabis to be produced on concrete rather than soil. I have detailed the other violations in the paragraphs above. Since all of the above-mentioned provisions must be met in order that cannabis production cannot be prohibited, it is clear that cannabis production on this property

can, in fact, be legally prohibited. It clearly can, and **should**. Therefore, it is evident that this variance should **not** be approved. I urge you not to compound an earlier error by approving yet one more variance that is clearly in violation of the ALR. Do **not** approve this variance.

Sincerely,

Victoria Rogers

22 May 2023

Christopher Garrish
Planning Manager
RDOS

Dear Chris,

I am in receipt of a letter dated May 11, 2023 and draft Development Variance permit regarding the property at 2864 Arawana Rd. The DVP proposes that the requirement of a native soil floor or base would be varied to permit a concrete "foundation." The use of the word "foundation" is quite misleading. There is an existing building that already has a foundation, but clearly, the requirement that is being "varied" would be the requirement for a native soil floor or base. Under no circumstances should this variance be allowed.

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Sincerely,

Anne French

Lauri Feindell

From:	Kim Hoath <
Sent:	May 23, 2023 2:35 PM
To:	Planning
Cc:	Adrienne Fedrigo
Subject:	Variance Permit Application #2023.020-DVP (2864 Arawana Road, Naramata)

Hello Planning Department/ Christopher Garrish

Please add our comments and request to DENY this application for a concrete floor for an indoor cannabis production facility. This is in direct violation of the rules for such an operation. Specifically...

Agricultural Land Commission Act

Agricultural Land Reserve Use Regulation

[Last amended August 31, 2022 by B.C. Reg. 36/2022]

Cannabis

8 (1) The use of agricultural land for producing cannabis lawfully may not be prohibited as described in section 4 if the cannabis is produced

(a) outdoors in a field, or

(b) inside a structure that, subject to subsection (2), has a base consisting entirely of soil.

(2) The use of agricultural land for producing cannabis lawfully may not be prohibited as described in section 4 if the cannabis is produced inside a structure that meets both of the following conditions:

(a) the structure was, before July 13, 2018,

(i) constructed for the purpose of growing crops inside it, including but not limited to producing cannabis lawfully, or

(ii) under construction for the purpose referred to in subparagraph (i), if that construction

(A) was being conducted in accordance with all applicable authorizations and enactments, and

(B) continues without interruption from the date it began until the date the structure is completed, other than work stoppages considered reasonable in the building industry;

(b) the structure has not been altered since July 13, 2018 to increase the size of its base or to change the material used as its base.

This application goes in direct confrontation with these regulations, which I am sure the applicant, nor the RDOS would not wish to run afoul of. This building seemed to be assembled in large time spans, and not a consistent time frame.

It is believed that this warehouse type facility may already have a concrete floor, where as this application would therefore be now saddled with a different purpose and structure.

NOT approving facilities as this in a residential, farming area where there are houses surrounding this property, would lead one to conclude that the governing body would actually care about the rules and regulations, and the ability of homeowners to live in relative peace without the potential of fumes that could escape from any production at this location.

Ensuring that rules and regulations are kept, is the job of the RDOS. You were put in this position of trust to apply legal principles to applications as this. Approving this, or allowing variances to this application goes against that public trust.

Again, we the undersigned request you DENY any variance to these regulations that were designed to facilitate proper and orderly operations.

Please send a return notice that you have received this letter to deny this application.

Thank you.
Mr. Kim Hoath
Mr. Randall Hunter

Naramata, British Columbia

Thorns may hurt you, men dessert you, sunlight turn to fog; But your never friendless ever, if you have a dog ! ...Douglas Malloch

Lauri Feindell

From: Nick
Sent: May 25, 2023 8:39 AM
To: Planning
Cc: Adrienne Fedrigo; Victoria Rogers
Subject: Development Variance Permit (DVP) Application No. 2023.020 - DVP 2864 Arawana Rd (Naramata)

Attention: Christopher Garrish, Planning Manager; Adrienne Fedrigo Electoral Area "E" Director

Like everyone in the neighbourhood, we strongly support Victoria Rogers' message/letter of May 21, 2023 to Mr. Garrish, Planning Manager of the RDOS.

As a long-time resident of the Arawana Rd area we oppose the variance request.

On a number of important points this variance request is clearly contradictory to the conditions set out in the ALR use regulating cannibas production and would only serve to further undermine the integrity of the variance process and reward the bad decisions that have already been made in this case.

Thank you for your attention.

Nick and Berna Gammer

Lauri Feindell

From: B Pipars
Sent: May 25, 2023 2:05 PM
To: Planning
Subject: Fwd: E2023.020-DVP 2864 Arawana Rd.

Get BlueMail for Android
On May 25, 2023, at 9:55 p.m., B Pipars <bpipars@telus.net> wrote:

The variance requested would suggest that the initial project hadn't been completed by July 13 2018 if the requested alteration is necessary for cannabis production. The construction doesn't seem to have been uninterrupted. More importantly, the ALR regulation requires that a structure base consist entirely of soil to preserve the integrity of that portion of soil to have the ability to support plant life, as it did prior to the construction of the building. Existing ALR land is precious and any alterations that would effectively and permanently reduce it for future use should not be allowed. The ground preparation for a concrete pad in a large building does indeed permanently alter the viability of productive soil. Soil removal and placement and packing of a drain rock base is not conducive to future agricultural productivity. Soil covered with concrete would be ruined forever. This is contrary to ALR regulations which were formulated to preserve such land. Granting this variance would minimize the amount of ALR land on this property. Please give serious consideration to denying this unacceptable request for a variance. Thank you. Sincerely, Bob Pipars Naramata resident.
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Lauri Feindell

From: Christine Brundage
Sent: May 26, 2023 3:49 PM
To: Planning
Subject: Inquiry Regarding RDOS File No. E2023.020-DVP

Follow Up Flag: Follow up
Flag Status: Completed

Hello,

My property is 3304 Juniper Drive and the said property applying for the permit is right below me. I am against this type of development of Cannabis growing in my area. I have extreme allergies and I also feel it will attract crime and undesirables. I live alone and this type of thing would make me very nervous and feel unsafe in my own home. I know most of my neighbors feel the same and we were all against it the last time he applied for the variance/permit to grow cannabis. He already cleared the bird sanctuary out and has no regard or care of what the neighbors think. I worry about his electric fence that he did not shut down during fire season.

Naramata is such a wonderful place with amazing people who care and are helpful and kind. He is not one of them!

This is my forever home and I want to feel safe here.

Thank you for letting me put my 2 cents in.

Christine Brundage

Sent from Mail for Windows

Lauri Feindell

From: Dave And Donna Andrew <
Sent: May 29, 2023 4:31 PM
To: Planning
Subject: DVP Application No. E2023.020-DVP 2864 Arawana RD

Follow Up Flag: Follow up
Flag Status: Completed

To whom it may concern: May 29,2023

I am responding to your letter regarding File E23.020-DVP.

My wife and I cannot understand how we can be expected to have a concern on learning our neighbour wants to pour a concrete floor in a building on his property unless you suspect it will affect us in some negative way. Why was the pouring of the floor not allowed at the initial build? What restrictions were on the initial building permit? Was the initial permit for a cannabis growing facility?

Up until last week we thought that the project was in limbo for some reason or other and we had no idea that the large building was built on a dirt floor. Who does that, and why? This is no pole barn.

Were we to be asked to comment on a cannabis production facility we would firmly ask for information on downdraft smell at night, downwind smell at other times, security lighting at night, increased truck traffic, and the impact on the quality and enjoyment of our property.

David and Donna

Naramata, BC V0H 1N1

Sent from my iPad

Lauri Feindell

From: Harvey King
Sent: June 2, 2023 9:11 AM
To: Planning
Subject: Fwd: Proposed Development Variance at 2864 Arawana Road
Attachments: June 2_Letter to CGarrish_re_Cannabis_facility.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Since Mr. Garrish is away, I am copying you on this,

HK
****
Harvey King

Begin forwarded message:

From: Harvey King
Subject: Proposed Development Variance at 2864 Arawana Road
Date: June 2, 2023 at 9:09:09 AM PDT
To: cgarrish@rdos.bc.ca
Cc: Tracy Kuhtz <

Dear Mr. Garrish,

Please see the attached letter opposing the Proposed Development Variance at 2864 Arawana Road in Naramata.

Yours Truly,

Harvey
****
Harvey King

June 2, 2023

Christopher Garrish
Planning Manager
Regional District of Okanagan-Similkameen

Dear Mr. Garrish,

We have received notification of a draft Development Variance permit regarding the property at 2864 Arawana Road. The DVP proposes that the requirement of a native soil floor or base would be varied to permit a concrete foundation. We are opposed to this variance being allowed. We think it would **set a dangerous precedent**, as this would allow what is essentially an industrial facility into an area that considers of agricultural land with a high mix of residential land.

The original structure that was developed was built under the regulations that allowed cannabis production with a base consisting entirely of soil. In conversations with the neighbours, the owner stated he was building for a medical marijuana operation. This structure was approved and built mostly before July 13, 2018, although construction did continue on it until quite recently. It has sat unused since then. Although we are not happy with the potential of this structure, we realize that it was grandfathered under older regulations, and was considered to be an agricultural operation, **especially if it went ahead with a soil floor base.** However, now the owner wishes to materially change the structure in a manner NOT covered by the grandfathering, by moving to a concrete foundation, which will **make this an industrial operation, not an agricultural operation.** **We are strongly opposed to this variance being approved.**

By all indications, the owner made some bad business decisions. Like many in the cannabis sector, he has over-estimated the potential market. In addition, he assumed the low interest rates that were around when he built would continue. As a result, he has ended up in a situation where he is unable to make the business model work unless he moves to a more industrial structure. However, such a structure is in violation of the existing ALR regulations, and we argue it MUST be rejected. Those of us who are neighbours to this structure should not pay for his bad business decisions by the conversion of the structure into what is essentially an industrial complex that violates the ALR regulations.

Yours Truly,

Harvey King and Tracy Kuhtz

Naramata, BC