

January 31, 2022

File: 0280-30

Local Government File: E2021.023 - ZONE

Shannon Duong, Planner I Regional District of Okanagan-Similkameen Via Email: planning@rdos.bc.ca

Dear Shannon Duong,

Re: Zoning Amendment to allow for one additional Agri-Tourism Accommodation Unit at 940/950 Lower Debeck Rd, Naramata (PID 015-858-324) the Subject Property.

Thank you for providing the Ministry of Agriculture, Food and Fisheries (Ministry) staff the opportunity to comment on a zoning amendment to the Electoral Area "E" Zoning Bylaw 2459, 2008, from Agriculture 1 (AG1) to Agriculture 1 Site Specific (AG1s) to include an additional room for a total of six agri-tourism accommodation units on the Subject Property. Ministry staff have few concerns with the proposal, provided that it is consistent with s. 33 of the Agricultural Land Reserve Use Regulation, and add the following comments from an agricultural perspective:

- By adding an additional sleeping unit to the existing building with no proposed change to the footprint or parking stalls this should pose no impact to agricultural lands or operations.
- While it appears that guests renting the accommodations would understand they
  will be staying on a vineyard property, they may not be aware that they will be
  staying within an active agriculture area that is associated with farmers using

Ministry of Agriculture, Food and Fisheries

Extension and Support Services Branch Mailing Address: Ste. 200 – 1690 Powick Road Kelowna BC V1X 7G5 Telephone: 250 861-7211 Toll Free: 1 888 332-3352 Web Address: http://gov.bc.ca/aff/ "normal farm practices". If possible, RDOS may wish to require signage at the accommodation stating that guests should expect to experience "normal farm practices" such as noise, odour, and spray drift during their stay on the Subject Property. Some suggested wording is as follows:

"Please be advised that you are staying within an active agricultural area that is commonly associated with noise from farm operations at various times of the day, farm odours, chemical spray and dust"

Please contact Ministry staff if you have any questions regarding the above comments.

Sincerely,

Alison Fox, P.Ag.

allian fox

Land Use Agrologist Ministry of Agriculture, Food

and Fisheries

Alison.Fox@gov.bc.ca

(778) 666-0566

Philip Gyug

Philip Gyug, P.Ag.
Regional Agrologist
Ministry of Agriculture, Food

and Fisheries Philip.Gyug@gov.bc.ca

(250) 378-0573

Email copy: Michael McBurnie, ALC Regional Planner, Michael.McBurnie@gov.bc.ca

From:

McBurnie, Michael ALC:EX < Michael. McBurnie@gov.bc.ca>

Sent:

January 14, 2022 3:47 PM

To:

Shannon Duong

Subject:

RE: Bylaw Referral - Zoning Amendment - Electoral Area "E" - 940/950 Lower Debeck

Rd

Attachments:

Information Bulletin 06 - Accommodation for Tourists in the ALR.pdf

Follow Up Flag:

Follow up

Flag Status:

Completed

Hi Shannon,

There isn't enough information in the referral package to determine whether the proposed use meets all of the criteria for an agri-tourism accommodation in the ALR, as described in ALC Information Bulletin 06 - Accommodation for Tourists in the ALR (attached). If it does, then the proposed use would be an allowed us in the ALR. Generally, ALC staff have no concerns with landowners carrying out uses that are permitted under the ALC Act or Regulations.

If you have any further questions, please let me know.

Michael McBurnie (he/him)
Regional Planner, Northeast, Interior, and Okanagan Regions
Agricultural Land Commission
michael.mcburnie@gov.bc.ca | 236.468.3246

From: Shannon Duong <sduong@rdos.bc.ca>

Sent: January 7, 2022 11:41 AM

To: McBurnie, Michael ALC:EX < Michael. McBurnie@gov.bc.ca>; Forbes, Christina D AFF:EX

<Christina.Forbes@gov.bc.ca>; hbe@interiorhealth.ca; Naramata Fire Chief <NaramataFC@rdos.bc.ca>;

referrals@fortisbc.com; development@penticton.ca

Subject: Bylaw Referral - Zoning Amendment - Electoral Area "E" - 940/950 Lower Debeck Rd

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Re: Amendment Bylaw No. 2459.39, 2021

Application Webpage: <u>E2021.023-ZONE | RDOS</u>

The Regional District of Okanagan-Similkameen (RDOS) is seeking input from agencies whose interests may be affected by a zoning amendment bylaw.

Please find attached a referral for a Zoning Amendment Bylaw and a link above to the rezoning application, draft amendment bylaw, and related documents. Please review this information and if you have any questions, please do not hesitate to contact me.

Once reviewed, if you have any comments/concerns, please forward them to planning@rdos.bc.ca by February 7, 2022.

# Regards,



Shannon Duong, MRM • Planner I
Regional District of Okanagan-Similkameen
101 Martin Street, Penticton, BC V2A 5J9
p. 250.490.4384 • t.f. 1.877.610.3737 • f. 250.492.0063
sduong@rdos.bc.ca • RDOS

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To: RDOS
Planning Clerk / Development Services
Penticton, BC

Attn: Karla Kozakevich Kerri-Lynn Grell

receiving approval for one additional agritourism room in the Inn. As a resident of Please let this letter acknowledge my support of Therapy Vineyards & Inn Naramata, I'm in support of their application.

Best regards,

Name: Chris 6

Address:

Phone:

Planning Clerk / Development Services

Penticton, BC

Attn: Karla Kozakevich Kerri-Lynn Grell

Please let this letter acknowledge my support of Therapy Vineyards & Inn receiving approval for one additional agritourism room in the Inn. As a resident of Naramata, I'm in support of their application.

Best regards,

Name: Brian Danjoy

Naramata, BC. VOH INO

Address:

Phone:

Rest regards

**Planning Clerk / Development Services** 

Penticton, BC

Attn: Karla Kozakevich

**Kerri-Lynn Grell** 

Please let this letter acknowledge my support of Therapy Vineyards & Inn receiving approval for one additional agritourism room in the Inn. As a resident of Naramata, I'm in support of their application.

Dest regulas,	
Name: Ropger	FO
Name: / \ 604C/\	
Yes	= A
Address:	NAKAMITIA
Phone:	<del></del> :

**Planning Clerk / Development Services** 

Penticton, BC

Attn: Karla Kozakevich

Kerri-Lynn Grell

Please let this letter acknowledge my support of Therapy Vineyards & Inn receiving approval for one additional agritourism room in the Inn. As a resident of Naramata, I'm in support of their application.

Best regards,	
*	
Name: DAN	
STEWART	
· 10 W/ N man	20.00
Address:	
^	
_ 00 110	
Phone:	

**Planning Clerk / Development Services** 

Penticton, BC

Attn: Karla Kozakevich Kerri-Lynn Grell

Please let this letter acknowledge my support of Therapy Vineyards & Inn receiving approval for one additional agritourism room in the Inn. As a resident of Naramata, I'm in support of their application.

Name: Nogh Johnson

Address:

From:

Karla Kozakevich

Sent:

February 8, 2022 8:14 PM

To:

Planning

Subject:

Fwd: Therapy Vineyards - Zoning Bylaw Amendment - E2021.023-ZONE

Follow Up Flag:

Follow up

Flag Status:

Flagged

----- Forwarded message -----

From: Ben Hindson

Date: Feb 8, 2022 7:53 PM

Subject: Therapy Vineyards – Zoning Bylaw Amendment – E2021.023-ZONE

To: Karla Kozakevich < kkozakevich@rdos.bc.ca>

Cc:

Good evening Director Kozakevich,

I hope finds you well.

I am writing in regards to the above mentioned at Therapy Vineyards.

As a member of the public, I would like to express my support in this amendment being approved.

Mr. Boyd owns the property next to my family in North Naramata (near Indian Rock) and as a neighbour, has been nothing but courteous. He always informs the neighbouring land owners of any significant developments and adamantly follows permitting and legal processes to the letter.

As the proprietor at Therapy, he has faced the uphill battle of correcting a bad reputation that the previous owners unfortunately left behind. He continues to do a great of righting this by supporting local trades and businesses, hiring locals, encouraging customers to support other local businesses, and generally being neighbourly as I mentioned above.

Lastly, it seems like there is a major shortage of accommodations in the area during the season and, in general, increasing rooms is a logical step. Especially considering that the room in question is readily available.

I would greatly appreciate it if you could confirm receipt of this email.

Thank you for your consideration and service to the community.

Regards,

### **Ben Hindson**

President

From:

Info E-Box

Sent:

February 7, 2022 11:01 AM

To:

Planning

Subject:

FW: attn Karla support of Therapy vineyard and Inn

**Attachments:** 

therapy inn approval 001.jpg

From: Max and Deb Hines

Sent: February 7, 2022 10:27 AM To: Info E-Box <info@rdos.bc.ca>

Subject: attn Karla support of Therapy vineyard and Inn

Hi Karla;

It is Max and Deb from area 27 and Burnt Grass vineyards.

We got a request from Therapy vineyard and Inn to support the expansion of the inn to 6 guest rooms. attached is the signed support letter.

See you soon

Max

# Penticton, BC

# Attm: Karia Kozakewich Kerri-Lynn Grell

receiving approval for one additional agrittourism room in the Imm. As a resident of Please let this letter acknowledge my support of Therapy Vineyards & Inn Naramata, I'm in support of their application.

Best regards,

Name: DEPRO BURKHARIT

KARDHATA VOHINI

Address

From:

HBE <HBE@interiorhealth.ca>

Sent:

January 7, 2022 1:52 PM

To:

Shannon Duong

Subject:

RE: Bylaw Referral - Zoning Amendment - Electoral Area "E" - 940/950 Lower Debeck

Ro

Follow Up Flag:

Follow up

Flag Status:

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Hi Shannon,

The IH Healthy Community Development Team has received the above captioned referral from your agency. Typically we provide comments regarding potential health impacts of a proposal. More information about our program can be found at <a href="Healthy Built Environment">Healthy Built Environment</a>.

An initial review has been completed and no health impacts associated with this proposal have been identified. As such, our interests are unaffected by this proposal.

If you have any questions, please feel free to contact me at 250-549-5758.

Take care,

Janelle

Janelle Rimell, B.Sc, B.Tech, C.P.H.I.(C) (she/her)

Healthy Communities Healthy Families Interior Health Authority 1440 14<sup>th</sup> Avenue, Vernon, BC V1B 2T1

Office: 250-549-5758 Cell: 250-540-8380

Email: janelle.rimell@interiorhealth.ca

www.interiorhealth.ca



We recognize and acknowledge that we are collectively gathered on the traditional, ancestral, and unceded territories of the seven Interior Region First Nations, where we live, learn, collaborate and work together. This region is also home to fifteen Chartered Metis Communities. It is with humility that we continue to strengthen our relationships with First Nation, Metis, and Inuit peoples across the Interior.

From: Shannon Duong <sduong@rdos.bc.ca>
Sent: Friday, January 07, 2022 11:41 AM

**To:** McBurnie, Michael ALC:EX <Michael.McBurnie@gov.bc.ca>; christina.forbes@gov.bc.ca; HBE <HBE@interiorhealth.ca>; Naramata Fire Chief <NaramataFC@rdos.bc.ca>; referrals@fortisbc.com;

development@penticton.ca

Subject: Bylaw Referral - Zoning Amendment - Electoral Area "E" - 940/950 Lower Debeck Rd

**CAUTION!** This email originated from outside of Interior Health. Do not click links or open attachments unless you recognize the sender, their email address, and know the content is safe. If you suspect this is a phishing or fraudulent email please forward it to <a href="mailto:spam@interiorhealth.ca">spam@interiorhealth.ca</a>.

Re: Amendment Bylaw No. 2459.39, 2021

Application Webpage: <u>E2021.023-ZONE | RDOS</u>

The Regional District of Okanagan-Similkameen (RDOS) is seeking input from agencies whose interests may be affected by a zoning amendment bylaw.

Please find attached a referral for a Zoning Amendment Bylaw and a link above to the rezoning application, draft amendment bylaw, and related documents. Please review this information and if you have any questions, please do not hesitate to contact me.

Once reviewed, if you have any comments/concerns, please forward them to planning@rdos.bc.ca by February 7, 2022.

Regards,



Shannon Duong, MRM • Planner I
Regional District of Okanagan-Similkameen
101 Martin Street, Penticton, BC V2A 5J9
p. 250.490.4384 • t.f. 1.877.610.3737 • f. 250.492.0063
sduong@rdos.bc.ca • RDOS
FACEBOOK • YOUTUBE • Sign up for REGIONAL CONNECTIONS

Planning Clerk / Development Services

Penticton, BC

Attn: Karla Kozakevich

Kerri-Lynn Grell

Please let this letter acknowledge my support of Therapy Vineyards & Inn receiving approval for one additional agritourism room in the Inn. As a resident of Naramata, I'm in support of their application.

Best regards,

		-
Name: <u>Jac</u>	ch	Lewto
0	***	Road
Naram	ata	BC
Address:		
.E 55		
Phone:		<del>,</del>

From:

Manitou Movies

Sent:

February 7, 2022 1:26 PM

To:

Shannon Duong

Subject:

Re: Shannon Duong

Follow Up Flag:

Follow up

Flag Status:

Flagged

Thanks for your prompt reply to which a response is provided in green.

07.02.2022, 11:51, "Shannon Duong" <sduong@rdos.bc.ca>:

Good morning,

Thank you for your email with your concerns and questions about the rezoning application at 940/950 Lower Debeck Rd.

I've provided responses to your questions below in blue.

If you'd like to submit a written representation on this file (i.e. by email or letter), I'd encourage you to revise your concerns such that they pertain to the merits of the rezoning proposal (to use an additional bedroom as part of their agri-tourism accommodation use).

Kind regards,

Shannon Duong • Planner I

Regional District of Okanagan-Similkameen

101 Martin Street, Penticton, BC V2A 5J9

p. 250.490.4384 • tf. 1.877.610.3737 • f. 250.492.0063

OKANAGAN, www.rdos.bc.ca • sduong@rdos.bc.ca

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From: Manitou Movies <

Sent: Sunday, February 6, 2022 10:03 PM

To: Planning <planning@rdos.bc.ca>; Shannon Duong <sduong@rdos.bc.ca>

Subject: Shannon Duong

Sorry for not being able to attend your virtual 'webex' meeting

Monday, February 7th, 2022 Time: 6:00 p.m. - 6:30 p.m.Meeting Number: 2480 072 5386

a) Apparently the applicant (Dominic Unsworth) lives in his home located across the lake from

Kaleden?

Dominic Unsworth is the agent for this file. He has been authorized to represent the application on behalf of the property owner.

- 1) Are you indicating that a property owner or investor who may not even live there can refuse to personally apply for a rezoning on their own private property and the RDOS is willing to proceed via a representative or agent who is not the anonymous owner of the property in question?
- b) Who is the owner of 940/950 Lower Debeck Rd, Naramata and where does that person live most of the time?

I am unable to provide the name of the property owner as a matter of privacy.

Are you stating that you know the name of that property owner but refuse to provide it to the public review because that person refuses to reveal their identity to their concerned neighbors? I do not know where the owner lives most of the time – this information is not requested as part of our application process as it is not relevant to the proposal.

- 2) You are stating that an anonymous, non-resident investor can purchase a farm in Naramata and utilize that farm property to create another income without personally being the farmer, while receiving farm subsidies, tax breaks etc. for non-farming businesses when the RDOS states that it doesn't support that?
  - 1) It is understood that property hosts alcohol consumption related tours, entertainment, accommodations &/or festivals.
  - 2) Does that property owner (name?) actually carry out all Therapy Vineyard tours personally during every month of the year while accommodations etc. are also being provided?
    The agent has indicated that vineyard tours take place every month of the year.
  - 3) So, does the application falsely state that;

the <u>property owner</u> carries out "vineyard tours as [they] explain the grape growing process

throughout the growing season" and "the wine making process [they] take [guests] through

happen every month [of] the year"

3) The frequent helicopter wino tours **Therapy Vineyard** engages in are a LOUD nuisance and additional danger to the adjacent <u>higher density</u> nearby residential developments north-west of **Therapy**. As their helicopters fly <u>unreasonable</u> low over these neighbors homes/properties when attempting to land at or leave **Therapy**. We can see the white of those tourists eyes peering down over us! Therapy was contacted numerous times about this matter but appear to be trying to ignore these complaints.

While understanding of your concerns, helicopter use is not the focus of this application (i.e. it is not the purpose of the rezoning); as such, this application would not be the most appropriate avenue to address this concern. If you have concerns regarding the compliance of the property with the RDOS Noise Bylaw, a written complaint may be submitted to the RDOS Bylaw Enforcement Coordinator.

More information regarding the Bylaw Enforcement process can be found here: Bylaw Enforcement RDOS

- 4) Are you saying Shannon, that the zoning has nothing to do with how adjacent residents are impacted and is exclusively dealing with the buildings structural capacity and if so, why is the RDOS requesting input from the neighbors or public?
- 5) Are you familiar with that RDOS noise bylaw while referring people to a bylaw which has no control over air traffic and either way would it now be <u>your</u> duty to refer this matter?
  - 4) The owner appears to be making much of the income off of **Therapy** on activities other than farming . Does the owner actually do <u>any</u> farming whatsoever, personally? The property contains vineyards; however, I do not know whether the property owner personally tends for and/or harvests the grapes on-site or if they hire staff to do this. This is a question I would need to ask the agent for clarification on and get back to you.

# 6) Okay, thank-you. Please ask all of these questions at your virtual meeting this evening and reply here in writing.

5) Does THERAPY alcohol tours, accommodations, festivals, sales etc. benefit from agricultural incentives & tax reductions created for actual food <u>farmers</u> and not for an upscale tourist accommodation/operation?

The property is classified as "farm" by BC Assessment. BC Assessment has <u>certain requirements</u> to obtain "farm" status and there are specific "qualified agricultural uses". I'd recommend reaching out to BC Assessment for more information on these qualified uses and the tax implications of their "farm" classification.

# 7) The RDOS has made it clear that THERAPY is utilizing farm land to create it's main income outside of farming.

"Land that is used for a purpose other than farming will be classified according to that use."

6) Due to complaints received regarding the use of the guesthouse in 2005, a rezoning application

was submitted to formalize agri-tourism accommodation units on the property. The application was

refused by the Regional District Board at its meeting of April 5, 2007.

The Regional District also received a rezoning application from the current property owner requesting

the use of six agri-tourism accommodation sleeping units on the property in 2018. The application

was withdrawn by the applicant. Why?

As I was not employed with the RDOS at the time of the 2018 application, I am unclear on the specifics of the withdrawal.

# 8) Do you feel Shannon that it is necessary to familiarize yourself with 'specifics' regarding the history of this application before proceeding?

The Regional District has previously received a written complaint regarding vacation rentals being

carried out on the subject property. That the property owner was renting one more

room than permitted by the Zoning Bylaw.

Value-added activities are meant to provide <u>supplementary</u> income to farmers not the **main** income!

"Administration" is overlooking that Therapy even without the added use of one more bedroom  $\underline{\textbf{is}}$  resulting

in conflicts with surrounding residential properties while "Administration" notes that the primary use of agricultural lands should be for agricultural production and that use of such land for tourist accommodation contributes to the commercialization

of agricultural parcels when in this case value-added commercial uses does predominate over existing agricultural production and "Administration" does not support the creation of ad hoc and spot zoning where they are divorced from

broader strategic land use objectives. In this regard, spot zonings grant privileges to a single parcel, which are not granted or extended to other parcels in the vicinity. Yet somehow "Administration" is generally supportive of the proposed rezoning! Who exactly is "Administration" in this case?

Administration refers to RDOS staff; specifically, Planning department staff.

- 9) Are you able to specifically identify that RDOS staff in this case referred to as "Administration" or can they remain anonymous as well, as a matter of privacy?
- 7) At thee minimum Therapy wine tour helicopter traffic must be immediately discontinued permanently before reconsideration of this change in zoning!

From:

Dennis Smith .

Sent:

January 7, 2022 11:52 AM

To:

Planning

Subject:

2459.39 Referral Sheet

**Attachments:** 

Proposed Amendment Bylaw No. 2459.39 Referral Sheet (2022-01-07).pdf

Follow Up Flag:

Follow up

Flag Status:

Flagged

Hi Shannon,

This proposal doesn't affect our service.

Thanks ☺

**Dennis Smith, Fire Chief** Naramata Fire

Ph:250-496-531

naramatafc@rdos.bc.ca

Regional District of Okanagan-Similkameen

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

SIMILKAMEEN Telephone: 250-492-0237 / Email: planning@rdos.bc.ca

OFFICE USE ONLY

Date: January 7, 2022

Bylaw: 2459.39

File: E2021.023-ZONE

You are requested to comment on the attached bylaw for potential effect on your agency's interests. We would appreciate your response <u>WITHIN 30 DAYS</u>. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

Please email your reply to planning@rdos.bc.ca by February 7, 2022.

**PURPOSE OF THE BYLAWS:** The applicant is seeking to amend the zoning of their property in order to allow for the use of six agri-tourism accommodation units on the subject property. Specifically, it is being proposed to:

• amend the zoning of the property under the Electoral Area 'E' Zoning Bylaw No. 2459, 2008, from Agriculture One (AG1) to Agriculture One Site-Specific (AG1s).

LEGAL DESCRIPTION: Lot A, District Lots 209 and 210, SDYD, Plan 42748

CIVIC ADDRESS: 940/950 Lower Debeck Rd

PID: 015-858-324

AREA OF PROPERTY AFFECTED:

**ALR STATUS:** 

**OCP DESIGNATION:** 

ZONING:

4.32 ha

Yes

Agriculture (AG)

Agriculture One (AG1)

### OTHER INFORMATION:

The applicant is proposing to use six agri-tourism accommodation sleeping units within an existing building on the subject property. The existing building was formerly a single family dwelling which was converted into agri-tourism accommodation (referred to as a "guestroom inn") in 2018.

### According to the agent:

- the agri-tourism activities which take place on-site include "seasonal & harvest festivals in support of the winery operations on the property";
- the applicant carries out "vineyard tours as [they] explain the grape growing process throughout the growing season" and "the wine making process [they] take [guests] through happen every month [of] the year"; and,
- the applicant is "one of the only wineries on the bench that [stays] open year round to accommodate people throughout the year and take them through all the [processes] in growing grapes and making wine".

The property currently contains vineyards, a wine shop and storage building, a winery production building, as well as the subject guestroom inn. The guestroom inn contains six bedrooms as well as a caretaker's suite; of which, five are used for agri-tourism accommodation. The remaining room is not currently being used for agri-tourism accommodation. The caretaker's suite is not rented to the public.

The current AG1 zoning of the property allows for a maximum of five agri-tourism accommodation sleeping units on parcels between 4.0 ha to 8.0 ha in size.

A rezoning is required in order for the applicant to utilize the remaining bedroom for agri-tourism accommodation purposes.

A majority of the property is within the Agricultural Land Reserve (ALR). The southern portion of the property is subject to an Environmentally Sensitive Development Permit (ESDP) Area as well as a Watercourse Development Permit (WDP) Area.

BC Assessment has classified the subject property as Residential, Light Industry, Business and Other, and Farm (Classes 01, 05, 06, 09).

Additional information can be found at the following location: E2021.023-ZONE | RDOS

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected" no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this bylaw.

Shannon Duong Planner I

	Agency Referral List	
☑ Agricultural Land Commission	☑ Naramata Fire Department	☑ City of Penticton
☑ Interior Health Authority	☑ FortisBC	
☑ Ministry of Agriculture	☑ Ministry of Transportation and Infrastructure	

# **RESPONSE SUMMARY**

NO. 2459.39, 2021
Interests Unaffected by Bylaw
☐ Approval Not Recommended Due to Reasons Outlined Below
Signed By: Dennis Smith
Title: Fire Chief

From:

mindy rollins

Sent:

January 22, 2022 9:55 AM

To:

Planning

Subject:

**Expansion of Therapy wines** 

I am not in favour of increased room rentals at Therapy wines. 5 units seems already excessive and more like a motel. This is an ongoing request also seemingly trying to subvert original intents of B and B. The noise created at this facility can be heard at my home especially loud events with pa systems. Also the helicopter is noisy.

Will there be public input on landing permits for helicopters?

Mindy Rollins

Naramata BC

**Planning Clerk / Development Services** 

Penticton, BC

Attn: Karla Kozakevich Kerri-Lynn Grell

Please let this letter acknowledge my support of Therapy Vineyards & Inn receiving approval for one additional agritourism room in the Inn. As a resident of Naramata, I'm in support of their application.

Best regards,	
Name: Ria Schutter	
ੀ - =∞**!	
Address:	
Phone:	

receiving approval for one additional agritourism room in the Inn. As a resident of Please let this letter acknowledge my support of Therapy Vineyards & Inn Planning Clerk / Development Services Naramata, I'm in support of their application. Attn: Karla Kozakevich Kerri-Lynn Grell Name: Skip Stothert Penticton, BC Best regards, RDOS Address: Phone: ...

From:

Elizabeth van Heerden

Sent:

February 10, 2022 1:33 PM

To:

Planning

Cc:

Clean Face Vineyards

Subject:

Feedback form E2021.023-ZONE

**Attachments:** 

 $RDOS\_E2021-023\_FeedbackForm\_EvH.pdf$ 

Hello Lauri

After attending and voicing my concerns during the Webex Public Information meeting as well as listening in to the APC meeting on Monday February 7 on Therapy Inn application for Zoning Bylaw Amendment, I have no option but to formally submit the feedback form about conflicting or vague information provided to support this application and facts that seem to be contradicting those.

I do not have any personal motive against this application and think the property looks beautiful.

Elizabeth van Heerden



# Feedback Form

# Regional District of Okanagan Similkameen

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

Tel: 250-492-0237 / Email: planning@rdos.bc.ca

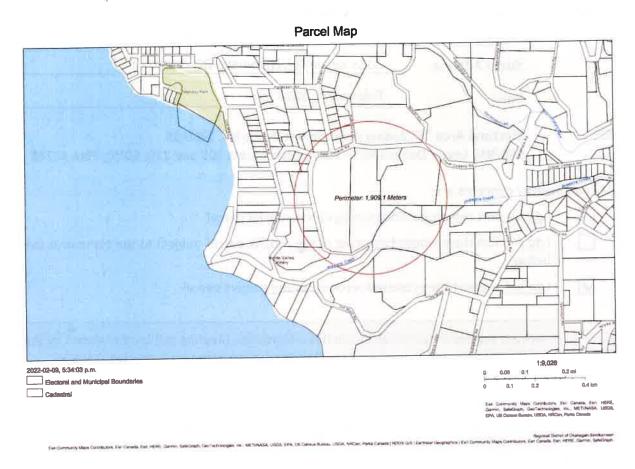
TO:	Regional District of	of Okanagan Similkameen	FILE NO.:	E2021.023-ZONE
FROM:	FROM: Name: Elizabeth van Heerden			
			please print)	
	Street Address:	- 2ª	was wondered	2
	Date:	February 9, 2022		<del></del>
RE:		' Zoning Amendment Bylav ebeck Rd — Lot A, District I		Plan 42748
My com	ments / concerns are:			
	I <u>do</u> support the propo	sed rezoning of the subject	parcel.	
	I <u>do</u> support the propo below.	sed rezoning of the subject	parcel, subject to the cor	mments listed
$\checkmark$	I do not support the pr	oposed rezoning of the sub	eject parcel.	
		eceived from this informati loard prior to 1 <sup>st</sup> reading of		
In And	10040 H			
		tion was submitted and eve te July 2018 public hearing.		erwhelming
		n-compliant B&B by the pre		ejected in 2007.
Simply pu	ıt, it is still the same app	lication as in 2018, but new	facts are available which	I would like to explore.
Rezoning	g on agricultural land is n	ow subject to comprehensi	ve updated Agricultural La	and Commission Act
and Agric	cultural Land Reserve Us	se Regulation, which I will b	riefly touch on.	
		See 3 pages atta	ched	

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Why am I not supporting this re-zoning application?

1. This is a family owned, but large scale commercially operated Winery and Inn, with a year round open tasting room and helicopter tours, patio, large roof top deck and food truck, plus huge hot tub, fire pit, commercial kitchen in the Inn catering for visitors and social Events. The property is situated between similar or smaller sized agricultural land surrounded by smallholdings and residential homes. There are 22 properties with residences affected by year round noise, traffic and events within 300 m radius from the Inn.



2. According to the RDOS Administrative report, The Winery and Inn base it's application on "Agritourism activities" e.g harvest festivals, vineyard tours, wine making process. None of these activities are generally observed, nor seem to be advertised or promoted on Therapy Inn web page, local news outlets, or reviewed by visitors on official media platforms and begs the question as to the real purpose of this application. The only attraction visible is advertising a romantic Valentine's weekend in the Inn! This is a sample review:

"This place would be amazing to rent for a corporate retreat or wedding".

3. The applicant duly advertises 5 rooms available, but the Inn has been converted into 7 en-suite rooms with capacity to sleep up to 3 people in the larger rooms. There is no full time owner or even permanent resident caretaker on the premises and reviews mention that phone calls after hours are not responded to. Conflicting information about the "caretaker's suite" and the "storage / office" smaller suite on the lower level is evident. Reviews on rental platforms and social media indicate that since 2018 more than 5 rooms have been rented out - see specifically reviews on Tripadvisor hereunder: guests in the Silhouette room (which is actually the caretaker's suite on the main level south east corner) and book out 6 rooms for Events.



shtabyss wrote a review Sep. 2019

♥ Vancouver, Canada • 24 contributions • 33 helpful votes





### Quiet, comfortable stay in Naramata

"This inn has beautiful views of vineyards overlooking the lake. The inn is small, so a perfectly quiet place for couples. We stayed in the Silhouette room which, while off to side compared to the central views of the other rooms, was completely separate from all the other rooms offering extra privacy. A view from our room is included with this review. Everything at this inn was recently updated. The pictures on the website are a good representation of what to expect. The Japanese-style toilets take this inn from nice to luxury. The inn is pricey, but we were not disappointed, and we were especially pleased to be staying right in the heart of Naramata, where there are so many ice wineries to explore and enjoy. Breakfast was nice and Danica was a perfect host during our stay."

Read less -

Date of stay: August 2019

Trip type: Travelled as a couple



Sarah Canada





Couple

Reviewed: March 9, 2021

# Everyone should get the opportunity to stay here

10

- (a) The location was incredible, beautiful views honestly they can't be beat. The room was super clean and gorgeous, with an incredible bathroom and fire place. The Inn has a HUGE hot tub and fire pit which are super fun. I honestly think this place would be the perfect place (post covid) for a big family gathering where you book out the 6 rooms. Breakfast included was delicious and fresh baked cookies every afternoon is what dreams are made of. You have access to a dining/ lounge with an espresso machine and some kitchen equipment. Fantastic Value for money.
- ② · The balcony doors open to a shared balcony, other guests would walk in front of our room after going back from the hot tub. Which was kind of annoying for privacy reasons. (I didn't realize and left the curtains open while changing). But as long as you closed the curtains at night you have tons of privacy. Also the view makes you forget about all your troubles... The only thing we missed from the room was a safe. I honestly wish I lived there full time.

- 3. The application for **AG1s** zoning is setting a precedent, because if it is approved, similar zoning privileges might have to be granted in future Naramata properties sold for exorbitant prices to "investors" and nothing seems to be able to stop the exploitation of Agricultural Land.
- 4. The property is in the Agricultural Land Reserve (ALR) and is only 10.8 Acre (approx. 4.32 Ha), which barely meets the RDOS AREA E zoning classification for 5 "agri-tourism sleeping units" on property zoned AG1 land size of 4 8 Ha, therefore even 5 units would be excessive. (NOTE this observation does not even address the additional restrictions of "no hotels" within the ALR)
- 5. Since the previous application, The *Agricultural Land Commission Act* and the Agricultural Land Reserve Use Regulation were amended on February 22, 2019, July 5, 2019, and April 26, 2021. Unfortunately, RDOS bylaws and definitions are not aligned and could lead to misconceptions allowing people to claim they didn't know the zoning did not allow it on Agricultural Land, and rely on ad-hoc interpretations for demanding variances.



# Feedback Form

# Regional District of Okanagan Similkameen

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

Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: E	Regional District o	Regional District of Okanagan Similkameen FILE NO.: E2021.0		E2021.023-ZONE	
FROM:	M: Name: Schalk van Heerden				
		(pleas	se print)		
	Street Address:			•	
	Date:	February 13, 2022			
RE:	Electoral Area "E" Zoning Amendment Bylaw No. 2459.39 940/950 Lower Debeck Rd — Lot A, District Lots 209 and 210, SDYD, Plan 42748				
My com	ments / concerns are:				
	I <u>do</u> support the proposed rezoning of the subject parcel.				
	I <u>do</u> support the proposed rezoning of the subject parcel, subject to the comments listed below.				
<b>✓</b>	I <u>do not</u> support the pr	oposed rezoning of the subject p	oarcel.		
		eceived from this information me loard prior to 1 <sup>st</sup> reading of Ame		· ·	
	Please see attached	explanations regarding:			
	1. setting of prece	dents			
	2. legislation chan	ges regarding ALR and the sub	pject property		
	3. suggestion to re	introduce feedback from identi	cal application in 20	018	
zoning I'd just i	didn't allow it—and then like to know how long we	eople not knowing the zoning – they come back for a variance e're going to keep doing this?" kanagan Falls/Kaleden)(2018-0	and we approve it.		
		<u> </u>			

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Approval of this rezoning application will set at least three precedents:

- Commercial self-interest can outweigh provincial government and public desire for the preservation of agriculture
- Once non-conforming facilities have been created, local government will be obliged to condone such facilities
- Existing zoning bylaws can be circumvented simply by application for rezoning without any merit or justification.

Applicant for E2021.023-ZONE submitted RDOS Land Use Bylaw Amendment Application form with page three of four left **BLANK**. On this page the Applicant must justify the variance from zoning requirements by "Supporting Rationale – the reason why you are seeking a rezoning must be included (i.e. what will the new zoning allow you to do and why is this a good idea?)".

There appears to be no official record of any declarations, made under signature by the Applicant, why this rezoning application must be approved. This patently breaches the guideline of the RDOS: "Only complete applications will be accepted. A complete application will include: ... a proposal summary and rationale."

July  $11^{\rm th}$ , 2018, prior to the Public Hearing for former application E2018.023-ZONE, the ALC communicated with the RDOS regarding the former application using quite pertinent language:

"For those reasons ALC Approval was not recommended."

"Agri-tourism uses must be secondary, incidental and compatible with the agricultural production activities and are allowed only if the land is classified as 'farm' under the Assessment Act. Agri-tourism accommodation in the ALR is also allowed only if that part of the parcel on which the accommodation is located is classified as a farm under the Assessment Act. Please advise the ALC whether (or when) the relevant part of the land is classified as a farm under the Assessment Act..."

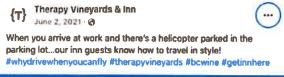
Records of the Public Hearing did not reflect the ALC's objections, and only mentioned: "Clarified that ALR land must meet ALC Act requirements." The property is subject to split classification, and the Inn is Class 6, which is <u>not</u> "farm".

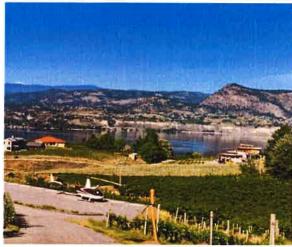
Flowing from the ALC correspondence, for the Applicant to succeed on the basis of "agri-tourism", as also asserted by the Administration in the Administrative Report to the Area "E" APC, the following must be demonstrated by the Applicant:

- exhibits of historical and ongoing promotions, such as advertisements, brochures, publications, web page content, or social media pages, to invite the general public to join in the agri-tourism activities (thereby to meet the requirements for the benefit of accommodation in the sleeping units)
- tours on the land are being conducted customarily note that "land" does not include permanent structures (winery) and commercial activities (wine

shop), and that such tours through the vineyards by its very nature will have to be seasonal (and thus cannot be year-round for <u>related</u> accommodation)

• the locations where participants in the agri-tourism activities usually park in the vineyards (and not at asphalt parking lots, or arrival by helicopters).





The "parking lot", which incidentally used to be part of the vineyards...

With **one major exception**, all circumstances and conditions of this application remained the same since first application made in 2018. The major exception is that, during early 2019:

- the Agricultural Land Reserve Use Regulation (B.C. Reg. 30/2019) was revised,
- followed by changes to Agri-Tourism Activities In The ALR (POLICY L-04), and
- the issuance of **Accommodation For Tourists In The ALR** (INFORMATION BULLETIN 06).

In these changes, certain earlier ambiguities were expressly curtailed:

# "The ALR is <u>not</u> intended to be the venue for hotels or motels. The types of accommodation permitted in the ALR are very limited..."

In addition, certain new and express distinctions, specifically with regards to accommodation for tourists, were made, and segregated definitions were introduced for:

This information bulletin provides guidance to assist in interpreting the *Agricultural Land Commission Act*, ... and the Agricultural Land Reserve Use Regulation ... in relation to **agri-tourism accommodation** and **tourist accommodation** in the agricultural land reserve.

Both applications were made under the guise of "Agri-Tourism Accommodation" and "sleeping units". In order for such rezoning, as premised, to be approved, it has to comply with the following ALC (redacted) requirements:

# A. Agri-Tourism Accommodation

The use of land in the ALR for providing accommodation in relation to an agritourism activity is permitted ... if **all** of the following apply:

 the <u>accommodation is in relation to an "agri-tourism activity"</u>. Agritourism uses must be secondary to, incidental to and compatible with the <u>agricultural production activities</u>.

**Agri-tourism** <u>activities</u>, as the obligatory cause/prerequisite for <u>related</u> accommodation, demand that:

- members of the public are <u>ordinarily invited to the activity</u>
- tour of the land, an educational activity or demonstration of the farm operation conducted on that land
- parking areas must <u>not</u> be permanent (asphalt, concrete, gravel, etc)

# B. Tourist Accommodation (B&B's)

"Tourist accommodation" may only occur in a principal residence.

This class of accommodation is not available to the Applicant in the absence of a principal residence, and would in any event have restricted the accommodation to only four bedrooms.

E2021.023-ZONE is in all material aspects identical to former E2018.023-ZONE.

Virtually all feedback in relation to the earlier application, plus the contents related to its Public Hearing, are therefore equally applicable to the current application and ought to be acknowledged or referenced as current Representations into the this duplicate application.



# Feedback Form

# Regional District of Okanagan Similkameen

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

Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO:	Regional District o	of Okanagan Similkameen	FILE NO	<b>).:</b>	E2021.023-ZONE	
FROM:	Name:	Schalk van Heerden				
			(please print)			
	Street Address:		a vuH 1N1			
	Date:	March 22 <sup>nd</sup> , 2022				
RE:	Electoral Area "E" Zoning Amendment Bylaw No. 2459.39 940/950 Lower Debeck Rd — Lot A, District Lots 209 and 210, SDYD, Plan 42748					
My com	ments / concerns ar	re:				
	I <u>do</u> support the p	proposed rezoning of the su	bject parcel.			
		proposed rezoning of the su	bject parcel, subject to	the com	ments listed	
	below.					
	I <u>do not</u> support t	he proposed rezoning of th	e subject parcel.			
		ons received from this inforr rict Board prior to 1 <sup>st</sup> readin	_		•	
Electora	al "E" Zoning Bylav	w 2459, 2008 – Zone AG	1:			
• (	Conducting the bus	siness of a commercial ir	ın is not an approved ı	use of th	ne property.	
• E	Building, used as a	in inn, does not conform	to the zoning requiren	nents.		
(	A non-conforming	building can not be legiti	mized by a permitted	use.)		
	1,5		-2			
See dis	cussion of the fact	s below.				

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The proposed use on this specific property in zone AG1 is **NOT** permitted by Electoral "E" Zoning Bylaw 2459, 2008.

Principal use in this particular instance can either be "agricultural", or "winery". The winery will consequently be located in the principal *building*. (Note: there is no 'single detached dwelling' on this parcel.) Every permitted indoor principal use is contingent upon the *building* in which the use is conducted to be an approved *building* as well.

There are currently four <u>accessory</u> **buildings** on the parcel: a tiny gatehouse, a farm building, retail sales & storage facilities, and an "inn". The "inn" is openly and publicly promoted as such by the Applicant. An "inn" is well defined in the Bylaw as a **building** for "tourist accommodation". Conducting business as an "inn" – which in other relevant Provincial legislation see no distinction drawn between an inn, hotel, motel, etc. – is **NOT** an approved primary or secondary use.

"Agri-tourism accommodation" is a permitted <u>secondary</u> use in zone AG1. Every permitted secondary use indoors is also contingent upon the *building* in which the use is conducted to be an approved *building* as well. The sleeping units as applied for, with its cooking facilities, are contained in an <u>accessory</u> *building*.

Section 10.2.1.(o).3 of the Bylaw expressly prohibits an <u>accessory</u> **building** from containing habitable rooms (other than an accessory dwelling of course), and accordingly sleeping units for agri-tourism accommodation is **NOT** permitted.

In fact, the entire "inn" **building**, as an <u>accessory</u> **building**, is non-conforming in as far as it contains showers, bathtubs, bedrooms (seven of them), sleeping facilities, balconies and decks.

For ease of reference, some relevant excerpts from the Bylaw:

"principal use" means the main purpose for which a parcel, building or structure, as applicable, is used;

"secondary (accessory) use" means a use that is permitted only in conjunction with a designated principal use for each zone;

"single detached dwelling" means a <u>detached building</u> used for residential use of <u>one family</u> and consisting of <u>one dwelling unit</u> and <u>a secondary suite</u> if permitted in the applicable zone. May include a "modular home" but does not include a "mobile home";

"secondary suite" means <u>a</u> second *dwelling unit* that is located entirely within a *single detached dwelling* and that is clearly accessory to the *principal dwelling unit*, with direct access to the open air without passage through any portion of the *principal dwelling unit*;

"dwelling unit" means one or more habitable rooms constituting one self-contained unit which has a separate entrance, and which contains washroom facilities, and not

more than one set of cooking facilities (unless a secondary suite is permitted in the applicable zone), and which is designed to be used for living and sleeping purposes;

"agriculture" means the use of land, buildings or structures for growing, harvesting, packing, storing and wholesaling of agricultural crops for the purposes of providing food, horticultural, medicinal or farm products, <u>but excludes processing and retail sales of farm products</u> and "cannabis production, indoor".

"winery" means an establishment involved in the manufacture, packaging, storing and sales of grape and fruit-based wines, including a wine bar, food & beverage lounge and an eating and drinking establishment.

"hotel" means a *building* containing commercial guest *sleeping units*, and a lobby area for guest registration and access to the sleeping units and may contain accessory uses such as a restaurant, licensed drinking facilities, accessory retail store, and meeting rooms;

"agri-tourism" means a tourist activity, service or facility accessory to land that is classified as a farm under the Assessment Act;

"tourist accommodation" means a *building* or *buildings* providing temporary accommodation for the travelling public, such as tourist cabins, lodges, motels, *hotels*, inns, or hostels, which may include common public facilities, such as an eating and drinking establishment, gift shop; personal services, or spa; but shall not include recreational vehicles, park model trailers or mobile homes;

"agri-tourism accommodation" means accommodation for rental to the traveling public on an operating farm which is accessory to and related to, the *principal* farm use of the parcel;

"sleeping unit" means one or more habitable rooms used or intended to be used for sleeping or sleeping and living purposes, but does not include cooking facilities;

# **10.2 AGRICULTURE ONE ZONE (AG1)**

### 10.2.1 Permitted Uses:

### Principal uses:

- (a) **agriculture**, subject to Section 7.23 {Keeping of Livestock and Honeybees};
- (b) brewery, cidery, distillery, meadery or winery, subject to Section 7.24 {Provisions for Retail Sales of Farm and/or Off-Farm Products};
- (c) equestrian centre;
- (d) packing, processing and storage of farm and off-farm products;
- (e) **single detached dwelling** or mobile home;
- (f) veterinary establishments:

# Secondary uses:

- (g) accessory dwelling, subject to:
  - 1) An accessory dwelling shall not be attached to a principal building containing one or more dwelling units.
  - 2) No accessory dwelling shall have a floor area greater than 125.0 m2, unless otherwise specified.
  - 3) An accessory dwelling cannot be subdivided under the Strata Property Act.
  - 4) An accessory dwelling shall not be permitted on parcels less than 1.0 ha in area unless connected to a community sewer system.
  - 5) An accessory dwelling shall have an amenity space for the residents of that dwelling of not less than 15.0 m2.
  - 6) A parking space for an accessory dwelling shall not be provided in tandem with parking spaces provided for any other use on a parcel.
  - 7) On a parcel greater than 4.0 ha in area, an accessory dwelling may be in the form of a mobile home;
  - 8) In the Commercial, Tourist Commercial and Industrial zones, an accessory dwelling:
    - i. shall be located at the rear of a building on the ground floor, or above the first storey;
    - ii. shall have a separate entrance from the exterior of the building and shall not share a common hallway with commercial, tourist commercial or industrial uses; and
    - iii. despite section 7.11.4, may be permitted on a parcel less than 1.0 ha in area if no other dwelling unit is situated on the parcel.
- (h) agri-tourism accommodation, subject to:
  - Agri-tourism accommodation is permitted only on a parcel if all or part of the parcel is classified as a "farm" under the Assessment Act.
  - Agri-tourism accommodation shall be for short term use by a person up to a maximum stay of 30 consecutive days with 30 days in between any subsequent stay.
  - 3) The number of agri-tourism accommodation sleeping units permitted parcel shall be as follows:
  - All agri-tourism accommodation sleeping units shall be contained under one roof.
  - 5) No agri-tourism accommodation sleeping unit shall have an area of greater than 30.0 m2. A washroom is not included as part of the area of the agri-tourism accommodation sleeping unit.
  - No cooking facilities shall be provided for within individual agri-tourism accommodation sleeping units.
  - One (1) parking space per agri-tourism accommodation sleeping unit is required in addition to parking required for the principal single detached dwelling.
- (i) bed and breakfast operation, subject to:
  - It is located within one principal dwelling unit on the parcel;
  - 2) no more than eight (8) patrons shall be accommodated within the dwelling unit;
  - 3) no more than four (4) bedrooms shall be used for the bed and breakfast operation;
  - no cooking facilities shall be provided for within the bedrooms intended for the bed and breakfast operation;
  - no patron shall stay at the bed and breakfast operation for more than thirty (30) consecutive days with 30 days in between any subsequent stay;
  - no retail sales other than the sale of goods produced on the parcel are permitted;
  - 7) no commercial vehicle, exceeding 1 tonne in weight, associated with or used in the conduct of the bed and breakfast operation shall be parked or otherwise located outside an unenclosed building; Electoral Area "E" Zoning Bylaw 2459, 200842

- 8) only persons residing in the *principal dwelling unit* may carry on the bed and breakfast operation on the parcel occupied by the *principal dwelling unit*, and must be present on the property during a patron's stay; and
- 9) the bed and breakfast operation shall not generate traffic congestion or parking demands within the District and shall not produce a public offence or nuisance of any kind.
- (j) home industries, subject to:
  - 1) No home industry shall be permitted on a parcel less than 2.0 hectares in size.
  - 2) The maximum floor area utilized for a home industry, including the indoor or outdoor storage of materials, commodities or finished products associated with the home industry shall not exceed 200.0 m2.
  - 3) A home industry shall be conducted within an enclosed building or structure.
  - 4) ...
- (k) home occupations, subject to Section 7.17;
- (l) kennels, subject to Section 7.25;
- (m) retail sales of farm and off-farm products, subject to Section 7.24;
- (n) secondary suites, subject to Section 7.12;
- (o) accessory **buildings** and **structures**, subject to:
  - 1) A building or structure, other than a building or structure containing one or more dwelling units, attached to a principal building is deemed to be a portion of the principal building if all of the following conditions are satisfied:
    - i. the building or structure shares a common wall with the principal building, where the common wall constitutes at least 50% or 5.0 metres, whichever is lesser, of the vertical and adjacent plane of the principal building; and
    - ii. the *building* or *structure* shares, with the *principal building*, a common:
      - 1. foundation; or
      - 2. roof.
  - Notwithstanding s. 7.13.1, a carport attached to a *principal building* is deemed to be a portion of the *principal building* if the carport shares a common foundation and roof with the *principal building*.
  - 3) No accessory building or structure shall contain showers and bathtubs, bedrooms, sleeping facilities, balconies or decks, with the exception of an accessory building or structure in the RA, AG1, AG2 and LH1 Zones where one (1) shower is permitted, with a maximum floor area of 3.0 m2.
  - 4) The maximum number of bathrooms permitted in an accessory building or structure shall be one (1) and shall not exceed a maximum floor area of 3.0 m2, with the exception of an accessory building or structure in the RA, AG1 and LH1 Zones where the maximum floor area of a bathroom may be 6.0 m2.
  - 5) No accessory **building** or **structure** shall be situated on a parcel unless:
    - a. a principal building has already been erected on the same lot;
    - b. a *principal building* will be erected simultaneously with the accessory *building* or *structure* on the same lot; or
    - c. the accessory *building* or *structure* does not exceed 10.0 m<sup>2</sup> in area, one storey in building height, and is limited to one (1) per parcel.

Phone:

Planning Clerk / Development Services

Penticton, BC

Attn: Karla Kozakevich

Kerri-Lynn Grell

Please let this letter acknowledge my support of Therapy Vineyards & Inn receiving approval for one additional agritourism room in the Inn. As a resident of Naramata, I'm in support of their application.

Best regards,	71	
F - 2,5		
Name: Jan z	Zeller	
. 1		, 0,
<u>Naramata</u> Address:	BC	NOH-INI
ë a		