



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.
Land Use Agrologist
Ministry of Agriculture, Food
and Fisheries
Alison.Fox@gov.bc.ca
(778) 666-0566



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

Kerri-Lynn Grell

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 use 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: [E2021.023-ZONE | RDOS](#)

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](#)

To : RDOS
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,

[Redacted signature]

Name: Chris Carson

[Redacted address line]

Address:

[Redacted address line]

Phone:

To : RDOS
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 Danjou

Naramata, BC. V0H 1N0
Address:

Phone:

To : RDOS
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: Roger Fox

Address: 01915Hwy 1779

Phone: _____

To: RDOS
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

Address:

Phone:

To : RDOS
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: Noah Johnson

0-0-0 0-0-0

Address:

Phone:

Kerri-Lynn Grell

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

Kerri-Lynn Grell

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

**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: DEBRA BURKHARDT

Address: NARAMATA VOHINI

Kerri-Lynn Grell

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 Rd

Follow Up Flag: Follow up
Flag Status: Flagged

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 [Healthy Built Environment](#).

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 14th 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 spam@interiorhealth.ca.

Re: Amendment Bylaw No. 2459.39, 2021

Application Webpage: [E2021.023-ZONE | RDOS](#)

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](#)

**To : RDOS
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: Jack Lewko

 Road

Naramata BC

Address:

Phone:

Kerri-Lynn Grell

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
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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 property owner 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 higher density nearby residential developments north-west of **Therapy**. As their helicopters fly unreasonable 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 your 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 any 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 farmers and not for an upscale tourist accommodation/operation ?

The property is classified as "farm" by BC Assessment. BC Assessment has certain requirements 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 supplementary income to farmers not the **main** income !

"Administration" is overlooking that Therapy even without the added use of one more bedroom **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 the minimum - Therapy wine tour helicopter traffic must be immediately discontinued permanently before reconsideration of this change in zoning !

Kerri-Lynn Grell

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:250-496-5316
naramatafc@rdos.bc.ca



Bylaw Referral

Regional District of Okanagan-Similkameen

OKANAGAN-SIMILKAMEEN

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

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 **WITHIN 30 DAYS**. 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

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Agricultural Land Commission | <input checked="" type="checkbox"/> Naramata Fire Department | <input checked="" type="checkbox"/> City of Penticton |
| <input checked="" type="checkbox"/> Interior Health Authority | <input checked="" type="checkbox"/> FortisBC | |
| <input checked="" type="checkbox"/> Ministry of Agriculture | <input checked="" type="checkbox"/> Ministry of Transportation and Infrastructure | |

RESPONSE SUMMARY

AMENDMENT BYLAW NO. 2459.39, 2021

- Approval Recommended for Reasons Outlined Below
- Interests Unaffected by Bylaw
- Approval Recommended Subject to Conditions Below
- Approval Not Recommended Due to Reasons Outlined Below

Signature:  _____

Signed By: Dennis Smith

Agency: Naramata Fire Dept

Title: Fire Chief

Date: Jan. 7, 2022

Kerri-Lynn Grell

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

**To : RDOS
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:

To : RDOS
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,

[Redacted signature]

Name: Skip Stothert

[Redacted address line]

Address:

[Redacted address line]

Phone:

Kerri-Lynn Grell

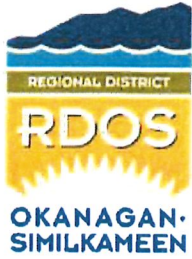
From: Elizabeth van Heerden
Sent: February 10, 2022 1:33 PM
To: Planning
Cc: Clean Face Vineyards
Subject: Feedback form E2021.023-ZONE
Attachments: RDOS_E2021-023_FeedbackForm _EvH.pdf

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 Okanagan Similkameen **FILE NO.:** E2021.023-ZONE

FROM: Name: Elizabeth van Heerden
(please print)

Street Address: _____

Date: February 9, 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 comments / concerns are:

- I do support the proposed rezoning of the subject parcel.
- I do support the proposed rezoning of the subject parcel, subject to the comments listed below.
- I do not support the proposed rezoning of the subject parcel.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2459.39.

In April 2018 the same application was submitted and eventually withdrawn after overwhelming rejection by the community at the July 2018 public hearing.

Application for rezoning for a non-compliant B&B by the previous owners was also rejected in 2007.

Simply put, it is still the same application as in 2018, but new facts are available which I would like to explore. Rezoning on agricultural land is now subject to comprehensive updated Agricultural Land Commission Act and Agricultural Land Reserve Use Regulation, which I will briefly touch on.

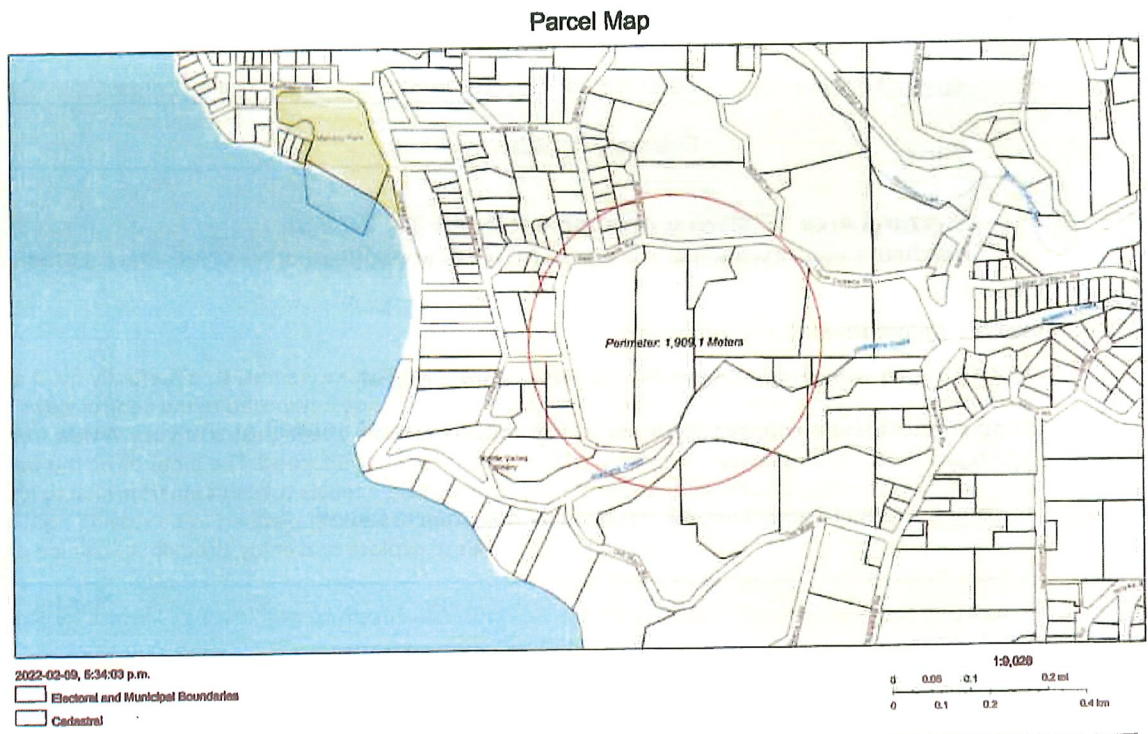
See 3 pages attached

Feedback Forms must be completed and returned to the Regional District prior to noon on the day of the applicable Regional District Board meeting.

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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 "Agri-tourism 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

Reviewed: March 9, 2021

10

Everyone should get the opportunity to stay here

🛏 Suite with Lake View

📅 2 nights · March 2021

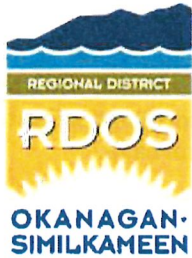
👫 Couple

😊 - 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.

😞 - 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.

👍 Helpful 👎 Not helpful

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: Regional District of Okanagan Similkameen **FILE NO.:** E2021.023-ZONE

FROM: Name: Schalk van Heerden
(please 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 comments / concerns are:

- I do support the proposed rezoning of the subject parcel.
- I do support the proposed rezoning of the subject parcel, subject to the comments listed below.
- I do not support the proposed rezoning of the subject parcel.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2459.39.

Please see attached explanations regarding:

1. setting of precedents
2. legislation changes regarding ALR and the subject property
3. suggestion to reintroduce feedback from identical application in 2018

"We keep having issues with people not knowing the zoning – or claiming they didn't know the zoning didn't allow it—and then they come back for a variance and we approve it.
I'd just like to know how long we're going to keep doing this?"
(Tom Siddon, RDOS Area D (Okanagan Falls/Kaledon)(2018-06-21)

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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 11th, 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..."

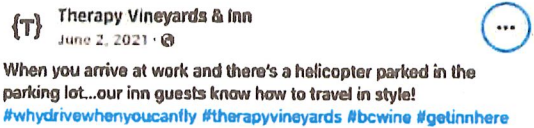
Records of the Public Hearing did not reflect the ALC's objections, and only mentioned: "*Clarified that ALR land must meet ALC Act requirements.*" The property is subject to split classification, and the Inn is Class 6, which is not "farm".

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 related 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 not 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 agri-tourism activity is permitted ... if **all** of the following apply:

- 1) the accommodation is in relation to an "agri-tourism activity". Agri-tourism uses must be secondary to, incidental to and compatible with the agricultural production activities.

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

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

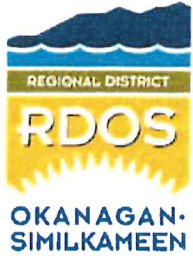
B. Tourist Accommodation (B&B's)

• **"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 of Okanagan Similkameen **FILE NO.:** E2021.023-ZONE

FROM: Name: Schalk van Heerden
(please print)

Street Address: 101 Martin Street, Penticton, BC V2A 5J9

Date: March 22nd, 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 comments / concerns are:

- I do support the proposed rezoning of the subject parcel.
- I do support the proposed rezoning of the subject parcel, subject to the comments listed below.
- I do not support the proposed rezoning of the subject parcel.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2459.39.

Electoral "E" Zoning Bylaw 2459, 2008 – Zone AG1:

- Conducting the business of a commercial inn is not an approved use of the property.
- Building, used as an inn, does not conform to the zoning requirements.

(A non-conforming building can not be legitimized by a permitted use.)

See discussion of the facts below.

Feedback Forms must be completed and returned to the Regional District prior to noon on the day of the applicable Regional District Board meeting.

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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 accessory 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 secondary 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 accessory building.

Section 10.2.1.(o).3 of the Bylaw expressly prohibits an accessory 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 accessory 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 detached building used for residential use of one family and consisting of one dwelling unit and a secondary suite if permitted in the applicable zone. May include a "modular home" but does not include a "mobile home";

"**secondary suite**" means a 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, but excludes processing and retail sales of farm products 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:
- 1) **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.
 - 2) **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:
...
4) 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**.
 - 6) No cooking facilities shall be provided for within individual **agri-tourism accommodation sleeping units**.
 - 7) 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:
- 1) 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;
 - 4) no cooking facilities shall be provided for within the bedrooms intended for the bed and breakfast operation;
 - 5) 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;
 - 6) 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.
 - 2) 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 m² in area, one storey in building height, and is limited to one (1) per parcel.

Lauri Feindell

From: dave
Sent: May 23, 2022 8:32 AM
To: Planning; Shannon Duong
Subject: E2021.023-ZONE

Follow Up Flag: Follow up
Flag Status: Completed

Re: E2021.023-ZONE
Electoral Area "E" Zoning Amendment Bylaw No. 2459.39
940/950 Lower Debeck Rd — Lot A, District Lots 209 and 210, SDYD, Plan 42748

I do not support the proposed rezoning of the subject parcel.

Incremental increase in traffic on Naramata Rd and Lower Debeck Rd should not be approved, especially for people driving extra slowly because they aren't sure where they are going or because they have been drinking (it's a winery), on roads which were not properly designed and are not properly maintained.

These roads served their purpose for many years with minimal traffic. That is not the case today.

You may recall that during the 2003 fire there was concern about not being able to evacuate

Naramata by road and a survey for available boats was done.

Dave Mackenzie

Naramata, BC

Re: Zoning Amendment for 940/950 Lower Debeck Road
File number E2021.023-Zone

The provincial government through the Agricultural Land Commission (ALC) has allowed tourist accommodation on land deemed Agricultural Land Reserve (ALR) to inform visitors on farm practices and to assist in supplementing agricultural income. The property in question is zoned AG1, an agricultural area. The existing RDOS zoning allows for 5 room tourist accommodation on an area this size. This is compliant with the Official Community Plan (OCP).

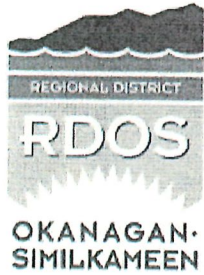
Currently there is a winery with a tasting room, 5 room accommodation listed at \$350 to \$450 per night along with a helipad which is frequently used to transport customers. The operation is in effect 365 days a year. Presently on their website it is listed "Therapy Vineyards and Inn". This is a hotel with a wine business on the side.

Agritourism was initiated to support the agricultural business. Now with the request for a 20% increase in the number of units, it wants to turn into a larger commercial venture concentrating on accommodation with agriculture on the side.

I'm afraid that if this request for this variance goes forward it will become the new model to circumvent present zoning from agricultural to an accommodation business which is not the intent of the ALC, OCP or zoning. It also contributes to rising land costs that decreases the viability of agriculture as a business.

Sincerely,

Robert Atkinson



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 Okanagan Similkameen **FILE NO.:** E2021.023-ZONE

FROM: Name: Lawrie Atkinson
(please print)

Street Address: _____

Date: 2 May 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 comments / concerns are:

- I do support the proposed rezoning of the subject parcel.
- I do support the proposed rezoning of the subject parcel, subject to the comments listed below.
- I do not support the proposed rezoning of the subject parcel.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2459.39.

please see below

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2 May 2022

I am not in favour of the proposed development variance request to rezone the property at 940/950 Lower Debeck Road. This is their second attempt to allow a 7 unit Inn. The owner planned for and built all 7 subject suites in 2018 even though it was not compliant with the zoning regulations at that time.

Zoning is set up in advance for a reason. It follows the official community plan (OCP). The RDOS declares a maximum of 5 units for guests to stay on agricultural land under the agritourism umbrella for this size of property. This prevents hotels from being built on land deemed agricultural. With this variance request, is this the new model designed to support a hotel or Inn on agricultural land? This also communicates to all that prearranged zoning designed with the community in mind, is no longer relevant.

Our agricultural land in the region is our valuable asset. An increase in 20% over the allowable number of units could contribute to the disruption of this farming community and could bring more noisy traffic including helicopters to the property for guest use 365 days a year.

Therapy Winery and Inn should be permitted to operate only the allowable number of units and if given permission to break previous zoning, it would lead the way for others to do the same, changing the landscape of our village in a negative direction.

We are an established farming community which has allowed for a limited commercial venture not a commercial venture which has allowed for farming. This is the significance of our official community plan.

Sincerely,

Laurie Atkinson

Naramata, BC V0H 1N1

Area "E" Zoning Bylaw Amendment: E2021.023-ZONE

Feedback: Elizabeth van Heerden

Date: submitted for Public Hearing on 2012-05-31

Address:

Notes:

At the information session in February 2022, the Owner stated that he spent "millions-and-millions" to update this non-compliant B&B to an Inn. I find this extremely selfish to ask the community to have compassion for a bad commercial investment decision and approve a re-zoning because the property bought was, and still is non-compliant after extensive renovations. This residence should have been a legal B&B!

This has been a frustrating 4 years living close to the Inn. I cannot imagine what it would be like in the future after Covid restrictions are lifted and the tourism and events season starts in earnest...

The re-zoning of any property is a permanent change that allows any other applicant the opportunity to demand the same leniency. Why are we even wasting our time to update the OCP to make Naramata a special place where families can live, by perpetuating a problem for the future generations?

I object to this rezoning from AG1 to AG1(S) to allow more than 5 Agri-tourism Accommodation units.

1. Naramata community faces huge problems with short term vacation rentals - mostly where there are absent owners using residences for commercial purposes. The farm residence was eventually converted into a 7 fully furnished en-suite Inn and are available year round with NO caretaker or Owner present at all, nor any further restrictions similar to TUP. The Inn surrounded by residences does not meet the vision of the current (or soon to be updated) Naramata Official Community Plan. No wonder the owner does not want to live here!
2. During the preceding 4 years since the first application in 2018, and even up to today, the Owner has not provided proof that any agri-tourism activities actually took place to substantiate the basis on which this rezoning is sought. I stated this in a feedback form in February 2022 and a few weeks thereafter the Inn's web page was duly changed to mention basic agri-tourism activities. Note that HELICOPTER TOURS are specifically prohibited as a agri-tourism activity by the Agricultural Land Commission. For example, 5 helicopter tours flying low, circling around, landing and later departing at Therapy Inn from May 12 - 15. The RDOS response is "submit your complaints to Bylaws " what an insult!
3. In reading the "Representations" uploaded to date, I noted that all but one responder supporting the rezoning added their name on a brief statement prepared, solicited and submitted by the Owner. No further explanation or reasons provided on why this is a good idea. Any objection requires full explanation, proving statements with facts, and begging to be taken seriously or even read by RDOS board members voting on the issue. I was even offered the same form and told to leave it at the wine shop, as well as being taken on a tour through the Inn!

Shannon Duong

From: Earl Roulston
Sent: May 30, 2022 2:38 PM
To: Shannon Duong
Subject: File no: E2021.023-zone 940/950 Lower Debeckrd

Brenda Lende / Earl Roulston

We do not support the proposed rezoning of the subject parcel.

Agricultural land is scarce and should be kept for agricultural purposes, not tourist accommodations. Existing rules should remain as is. If they are allowed this change then all the other wineries will be entitled to the same.

Therapy's property is on a natural amphitheater with all the buildings on the top east edge. This not only increases the level of noise but also radiates it out over a much larger area than usual. Many residents in this neighbourhood are working people whose days start at 6am or earlier. It is not fair to these residents to have to put up with loud parties and events that run very late into the night, any day of the week, not just weekends.

More growing, less building foot prints, not more. Therapy also uses a large part of their agricultural land as a helicopter land pad. Is this allowed in a residential neighbourhood? Better use would be more grapes.

Brenda Lende / Earl Roulston



Feedback Form

OKANAGAN-SIMILKAMEEN

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 Okanagan Similkameen FILE NO.: E2021.023-ZONE

FROM: Name: Beatrice & Ralph Suremann
(please print)

Street Address: [Redacted]
Date: [Redacted]

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 comments / concerns are:

- I do support the proposed rezoning of the subject parcel.
- I do support the proposed rezoning of the subject parcel, subject to the comments listed below.
- We do not support the proposed rezoning of the subject parcel.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2459.39.

THIS CURRENT ZONING ALLOWS FOR 5 ROOMS, WHICH IS ALREADY A LOT FOR AN AGRICULTURAL PROPERTY. AS THESE ROOMS ARE GOING AT THE RATE OF \$375 TO \$450 YEAR ROUND, IT DOESN'T SEEM TO SUPPORT THE AGRICULTURAL INCOME, BUT BECOME MORE THE MAIN FOCUS AND TURNING THE PLACE INTO A HOTEL. THERE IS NO OWNER ON SITE (NOT EVEN A CARETAKER). IN OUR OPINION, THIS IS NOT AGRITOURISM. THERE IS ALREADY A WINERY, A TASTING ROOM AND A HELICOPTER LANDING PAD, WHICH BRINGS A LOT OF NOISE AND TRAFFIC TO THE AREA.

WHAT IS THE PURPOSE OF A ZONING AND OCP WHEN OPERATIONS DO WHATEVER THEY WANT TO DO AND THEN APPLY FOR A VARIANCE AFTERWARDS? TO US THIS SEEMS A WORKAROUND TO TURN AGRICULTURAL LAND INTO A HOTEL BUSINESS TO THE BENEFIT OF SHAREHOLDERS, NOT FARMERS.

Feedback Forms must be completed and returned to the Regional District prior to noon on the day of the applicable Regional District Board meeting.

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.

Shannon Duong

From: Skip Stothert -Green Roads Recycling-
Sent: May 31, 2022 11:14 AM
To: Shannon Duong
Subject: project on 940/950 Lower Debeck RS

Hi Shannon,

We are in favour of allowing the use of six agritourism accommodation units instead five. Agritourism and the wine industry, in general, has been a priority of the BC Government since the inception of Farm Wineries. The entire concept was to encourage and bring more tourists to the Okanagan Valley. This operation is exactly what the government envisioned. The impact of going from 5 units to 6 units has a very minor impact on the surroundings, however it is a huge impact on the financial viability of the operation! The owners have shown incredible respect for their surroundings and the renting of these units to professionals is a plus for the Valley. RDOS needs to approve this amendment to encourage other year round operations and bring vitality to Naramata and the Valley.

Regards,
Skip and Judy Stothert
Naramata Residents

E2021.023-ZONE : PUBLIC HEARING

Two pertinent issues need to be addressed at this Public Hearing for **E2021.023-ZONE**:

1. The appropriateness of even making a decision at this particular point in time.
2. Rule-of-law and prospect of local government aiding an applicant flouting the law.

[Just for clarity, reference to “Local Government” will be as “RDOS”, with no distinction drawn between individuals, or Staff, or Board, unless the context specifically demands otherwise.]

Firstly, Area “E” Director is personally very much aware that the interpretation and implementation by the RDOS of the Zoning Bylaw has been challenged, and it was agreed that a number of pertinent questions would be referred to external corporate lawyers for exposition. Some of those questions are to a great extent at the crux of this application, as they principally relate to “*agri-tourism accommodation*” either being a “*use*” or a “*building*”?

Having converted a “single detached dwelling” into an inn, has rendered the entire building as an “accessory building or structure” in terms of the zoning bylaws’ definitions. The ramification thereof is the proverbial Pandora’s box: the questions that were to be posed to the corporate lawyers may attempt to offer some resolution, or alternatively create a quandary whereby the zoning disqualifies the building from such installations or use.

This application was brought forward under the guise of “*agri-tourism accommodation*”, and the presumption in the first instance that five (5) “*sleeping units*” is an approved accessory use. This premise is hypothetical at the moment, which means the application for a sixth (6th) “*sleeping unit*” resultantly remains moot.

It is therefore respectfully submitted that any conclusion in terms of this application and Public Hearing – prior to any feedback from the corporate lawyers and subsequent concurrence and closure within the RDOS – will be premature, and may even later possibly expose the Board to the risk of having made an *ultra vires* decision?

Secondly, from the outset the Applicant does not appear to be willing to submit to the bylaws. That behaviour was evident until now, for example:

- Construction started early January 2018 – without a Building Permit.
- Submitted drawings in 2018, and repeated in 2021, for rezoning applications – with false statements or incomplete final intent.
- Did not attend a Public Information Meeting, nor represented at the first Advisory Planning Committee (APC) meeting during 2018.
- Late in 2021 submitted a second duplicate application – which is the subject of this Public Hearing – defying the express and compulsory requirements for “proposal summary and rationale” on the 3rd page of the application forms **by submitting a blank form.**

In principle, the rule-of-law delivers accountability, just law, open government, and impartial justice in local government. More explicitly, the RDOS does have a Code of Conduct and a Code of Ethics as well. For any reader of the Representations during 2018 really paying attention, the following rather noteworthy statements might have been noticed and prompted further investigation:

“After the rejection of the proposal was made by the Naramata APC, {RDOS} said that the RDOS was going to go ahead with their approval of this application. ... What is the

E2021.023-ZONE : PUBLIC HEARING

*point of asking local community members for their feedback if it is going to be completely ignored and rejected? When I talked to {RDOS} about this at the end of the meeting, {I was told} **the decision was being made on a 'higher level'**. ... the RDOS would go ahead with their approval regardless of the resounding negative feedback from the community."*

Many a times during the past four years did we experience similar despondency and pondered the whole process seemingly being frustrated deliberately. To recall a few:

- During the second quarter of 2018 various individuals communicated with various RDOS entities enquiring about the ongoing construction, some **urging the RDOS to intervene and stop construction** of portions that do not comply with the zoning requirements. **No RDOS response or action.**
- RDOS refused to arrange for a second attempt at a Public Information Meeting after the applicant failed to show up. In stark contrast, the **RDOS remanded the APC to reconsider their first rejection**, and offered the applicant a second opportunity to represent. This specific item of the second APC agenda was not made prior public knowledge through the web page at that time.
Special consideration or treatment?
- Records from the Public Hearing in July 2018 (released two months later) show:
 - *"Clarified that ALR land must meet ALC Act requirements."*
However, a week prior, the ALC expressly advised the RDOS: *"For those reasons ALC Approval was not recommended."*
Ignored.
 - *"Seeking clarification if owners have already constructed sixth room".* All communications from the community to RDOS stating the obvious and requesting intervention swept under the carpet?

Then, the most startling and crucial revelation happened about ten months after construction started, and after an Occupancy Certificate had already been issued. The RDOS eventually orally disclosed that, ten days after the first rezoning application was opened, **a Building Permit was in fact issued on February 23rd, 2018, authorizing the construction of a seven bedroom inn, including the structures to create an enlarged footprint to the south of the inn.** This raises a number of thought-provoking questions:

- Does that not necessitate two sets of incompatible drawings being submitted simultaneously by the Owner – one set for the rezoning application, and another for a non-compliant building permit?
- Were there two sets of drawings being reviewed concurrently by the RDOS – one set for the rezoning application, and another for a (non-compliant) building permit?
- Early December 2018, RDOS was still adamant:
"A building permit cannot be issued unless the proposed use is permitted."
Then, finally, the admission in writing:
"It appears the issue stems from us approving a Building Permit prior to the Rezoning application being considered by the Board..."
Surely issuing a non-compliant Building Permit wasn't just a simple mistake, was it?

E2021.023-ZONE : PUBLIC HEARING

With **seven suites** available to rent since 2018, the RDOS was thus compelled to monitor compliance with the zoning regulations. Only recently revealed, and to quote from the Administrative Report to the Board during May 2022:

“Enforcement History:

*The Regional District has previously received a written complaint regarding vacation rentals being carried out on the subject property; in particular, that the property owner was renting one more room than permitted by the Zoning Bylaw. **The file was closed in July 2020.**”*

Once again, without any change in circumstances or justification, the RDOS again reneged its obligations to enforce compliance with the zoning requirements. Why?

Lastly, to motivate this current Public Hearing, the Board was advised:

“I think they’re using it for storage right now, but they want to convert it to a 6th sleeping unit. So they need to do a zoning amendment for that.”

“Convert”? Wasn’t an Occupancy Certificate issued for seven suites in 2018, and hasn’t the owner in fact exploited the opportunity for renting out **all seven suites** per occasion over the past four years?

To conclude, Canada prides itself on abiding by the rule-of-law. Here is an extremely articulate and relevant quote from Andrew Coyne of the Globe & Mail (the word “constitution” substituted with “bylaw”):

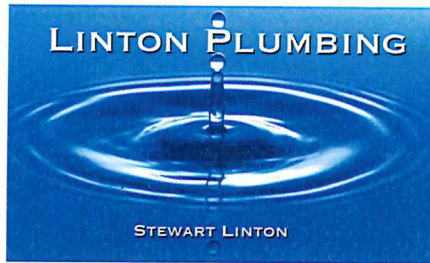
*“A {bylaw}, it is true, is more than the written text. It depends on a cultural consensus that the {bylaw} is something to be respected and not ignored, or overwritten, or **bent out of shape by interpretation**. The law of the land might be noble, free and fair. But **if people are not willing to submit themselves to it**, the law of the land is merely words, and what constitutes the nation is, instead, the will of the elites.”*

This parcel is in the Agricultural Land reserve (ALR). Accordingly, “*agri-tourism accommodation*” in the Land Use Regulations is a **bedroom** (nothing more; nothing less), equivalent to a vehicle, trailer or a tent.

No matter how hard one tries, in the end we simply cannot reconcile the ALR Land Use Regulations and the Area “E” Official Community Plan and Zoning Bylaw with the bent-out-of-shape interpretation of a hotel with communal areas, hot tub, and commercial grade kitchen as an approved accessory use for “*agri-tourism accommodation*” on a small parcel of agricultural land here in Naramata!

As citizens of Area “E”, we would like to be proud of the rule-of-law being sustained, and with the knowledge that our Local Government will be accountable, without any impairment of administrative staff, and for the law to be applied evenly to all citizens without special consideration, treatment, or advantage. Please oblige.

Schalk van Heerden,



May 30th 2022

To Whom It may concern regarding the zoning bylaw amendment for property address 950 Lower Debeck Road.

I would like to offer this letter of support in regard to this application.

I have the unique perspective of not only owning a property close to this business but I also do work on the subject property. Ever since the present owners took ownership of this property, as a neighbour I have not been aware of any noise at all, which was not true of the previous owners. The guests that have stayed in the guesthouse appear to respect the neighbourhood and there is no noticeable disturbance.

As someone who has worked on the property, I can see no reason why an extra 2 guests in the guest house would have any negative affect on the surrounding neighbours. The guesthouse is situated in the middle of a vast property, well away from any of the closest neighbours. The room is already located in the building and requires no further extensions to the structure. No land is being taken away from the ALR.

Therapy Winery has become a welcome addition to our neighbourhood, providing residents and visitors with a world class experience. From the quality wines to the exceptional view from the roof deck, this is a true agritourism business befitting of a "Slow" community such as Naramata.

Yours faithfully

Stewart Linton.

Linton Plumbing and Heating

Naramata
BC
V0H 1N1

Shannon Duong

From: Peter Simonsen
Sent: May 31, 2022 4:46 PM
To: Shannon Duong
Subject: To RDOS Board re Therapy Vineyard Rezoning application

Follow Up Flag: Follow up
Flag Status: Flagged

Dear RDOS Board Members,

As staff has no doubt informed you, Therapy Vineyards has had a long history of disregard for the laws that govern our community. I was at one time an alternate director.

While I understand that there is new ownership I would like to see the existing rules regarding agri tourism adhered to.

We are long time fruit growers in the area who benefit from agri tourism and I am also president of the BC Fruit Growers Association. I value the rules that allow agri tourism accommodation to take place on our properties and many of our members have taken advantage of them. I believe an exception made here and there would be detrimental to the farming community as a whole and relations with our neighbours and I urge you to reject this exception to our perfectly adequate rules.

Sincerely

Peter Simonsen

Cynthia Salting

Naramata