

## RESPONSE SUMMARY

### AMENDMENT BYLAW NO. 2459.28, 2018

☐ Approval Recommended for Reasons  
Outlined Below

☒ Interests Unaffected by Bylaw

☐ Approval Recommended Subject to  
Conditions Below

☐ Approval Not Recommended Due  
to Reasons Outlined Below

The proposal will not increase the footprint of development at this location, and thus have no effect on biophysical attributes of critical habitat for Species At Risk (Lewis's Woodpecker, Western Rattlesnake, Great Basin Gophersnake, and Desert Nightsnake).

The proposal will not increase the footprint of development at this location, and thus it should not be necessary to add conditions of avoiding harm to Migratory Birds and their nests, as per the Migratory Bird Convention Act and Regulations.



Signature: 

Signed By: Darcy Henderson

Agency: Canadian Wildlife Service

Title: Head (Acting) Conservation Planning

Date: March 8, 2018



March 13, 2018

File: 58000-20/2018026  
Your File: E2018.023-ZONE

Regional District of Okanagan Similkameen  
101 Martin Street  
Penticton BC V2A 5J9

Attention: Evelyn Riechert, MCIP RPP

Re: Bylaw Referral to amend a zoning bylaw in order to renovate an existing Bed & Breakfast into six agri-tourism accommodation units at 940 & 950 DeBeck Road,  
Naramata, B.C.

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The Ecosystems Section of the Ministry of Forests, Lands and Natural Resource Operations (FLNRO) provides the following response to the above noted referral.

To ensure proposed activities are planned and carried out with minimal impacts to the environment and in compliance with all relevant legislation, the proponent and approving agency are advised to adhere to guidelines in the provincial best management practices (BMP's) document: Develop with Care: Environmental Guidelines for Urban & Rural Land Development (<http://www.env.gov.bc.ca/wld/BMP/bmpintro.html>) .

It is the proponent's responsibility to ensure their activities are in compliance with all relevant legislation.

If you have any other questions or require further information please feel free to contact me.

Yours truly,

Brian Robertson  
Ecosystems Officer

BR/cl

## Lauri Feindell

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**From:** Danielson, Steven <Steven.Danielson@fortisbc.com>  
**Sent:** March 16, 2018 5:20 PM  
**To:** Planning  
**Subject:** Lower DeBeck 940-950 Naramata (E2018.023-ZONE)

With respect to the above noted file,

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

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

FortisBC Overhead Design Requirements

<http://fortisbc.com/ServiceMeterGuide>

FortisBC Underground Design Specification

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

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

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

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

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

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

Best Regards,

*Steven Danielson,  
Contract Land Agent for:*

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

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

## Lauri Feindell

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**From:** Cooper, Diana FLNR:EX <Diana.Cooper@gov.bc.ca>  
**Sent:** March 20, 2018 2:44 PM  
**To:** Planning  
**Cc:** Lauri Feindell  
**Subject:** RE: Bylaw Referral - E2018.023-ZONE (2459.28)

Hello RDOS planning team,

Happy Equinox. ☺

Thank you for your referral regarding 940 and 950 Lower DeBeck Road, Naramata, PID 015858324, L A DLS 209 & 210 SIMILKAMEEN DIVISION YALE DISTRICT PL 42748. According to Provincial records there are no known archaeological sites recorded on the subject property. However, archaeological potential modeling for the area indicates there is the possibility for unknown/unrecorded archaeological sites to exist on the property.

Archaeological sites (both recorded and unrecorded, disturbed and intact) are protected under the *Heritage Conservation Act* and must not be altered or damaged without a permit from the Archaeology Branch.

Prior to any land alterations (*e.g.*, addition to home, property redevelopment, extensive landscaping, service installation), an Eligible Consulting Archaeologist should be contacted to review the proposed activities and, where warranted, conduct a walk over and/or detailed study of the property to determine whether the work may impact protected archaeological materials. An Eligible Consulting Archaeologist is one who is able to hold a Provincial heritage permit that allows them to conduct archaeological studies. Ask an archaeologist if he or she can hold a permit, and contact the Archaeology Branch (250-953-3334) to verify an archaeologist's eligibility. Consulting archaeologists can be contacted through the BC Association of Professional Archaeologists ([www.bcapa.ca](http://www.bcapa.ca)) or through local directories.

If the archaeologist determines that development activities will not impact any archaeological deposits, then a permit is not required. Occupying an existing dwelling or building without any land alterations does not require archaeological study or permitting.

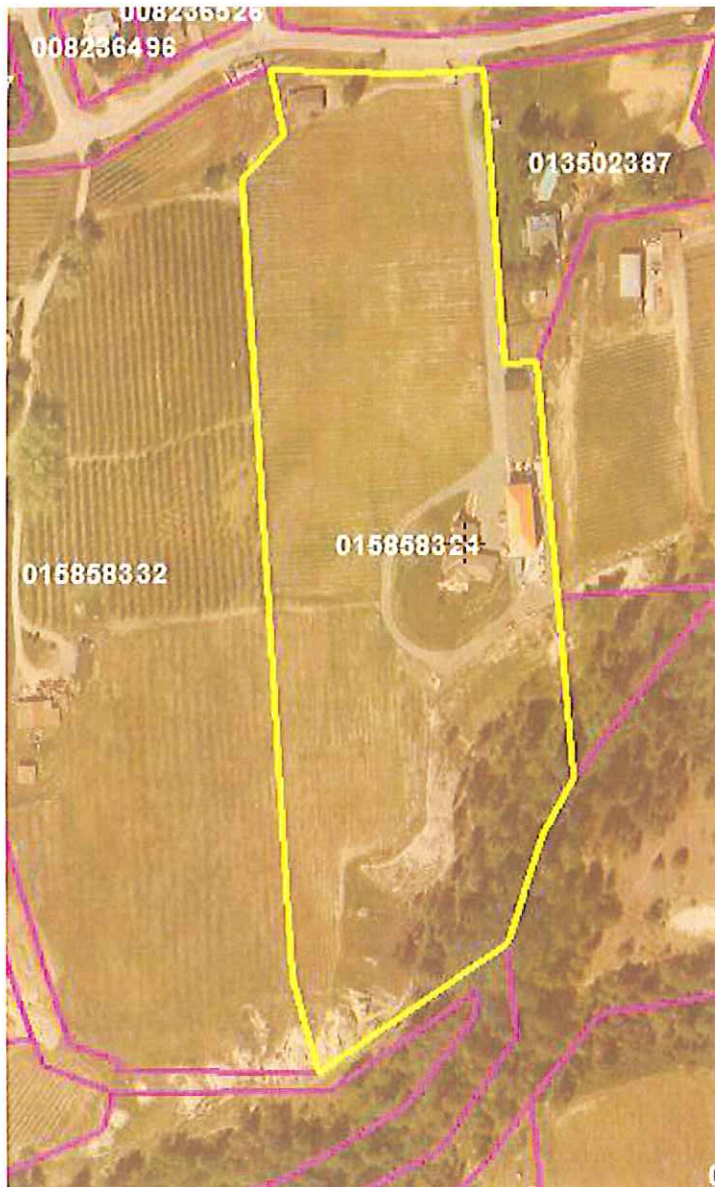
In the absence of a confirmed archaeological site, the Archaeology Branch cannot require the proponent to conduct an archaeological study or obtain a permit prior to development. In this instance it is a risk management decision for the proponent.

If any land-altering development is planned and proponents choose not to contact an archaeologist prior to development, owners and operators should be notified that if an archaeological site is encountered during development, activities **must** be halted and the Archaeology Branch contacted at 250-953-3334 for direction. If an archaeological site is encountered during development and the appropriate permits are not in place, proponents will be in contravention of the *Heritage Conservation Act* and likely experience development delays while the appropriate permits are obtained.

Please review the screenshot of the property below (outlined in yellow) in relation to the archaeological potential. In this case, the entire area within which the property is located has high potential for unknown/unrecorded archaeological materials, as indicated by the brown/orange colouration of the screenshot. If this does not represent the property listed in the referral, please contact me.

Kind regards,

Diana



**Diana Cooper** | Archaeologist/Archaeological Site Inventory Information and Data Administrator

**Archaeology Branch** | Ministry of Forests, Lands, Natural Resource Operations and Rural Development  
Unit 3 – 1250 Quadra Street, Victoria, BC V8W2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W9W3  
Phone: 250-953-3343 | Fax: 250-953-3340 | Website: <http://www.for.gov.bc.ca/archaeology/>

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**From:** Lauri Feindell [mailto:lfeindell@rdos.bc.ca]

**Sent:** Tuesday, March 6, 2018 10:15 AM

**To:** HBE@interiorHealth.ca; FLNR DOS Referrals CSNR:EX; Skinner, Anne E AGRI:EX; Cooper, Diana FLNR:EX; Pellett, Tony ALC:EX; 'fbclands@fortisbc.com'; Referral Apps REG8 FLNR:EX; lucy.reiss@canada.ca

**Subject:** Bylaw Referral - E2018.023-ZONE (2459.28)

Project No.: E2018.023-ZONE

Proposed Bylaw Amendment No. 2459.28, 2018

## RESPONSE SUMMARY

### AMENDMENT BYLAW NO. 2459.28, 2018

☐ Approval Recommended for Reasons Outlined Below

☐ Interests Unaffected by Bylaw

☒ Approval Recommended Subject to Conditions Below

☐ Approval Not Recommended Due to Reasons Outlined Below

that applicant; Retain the services of an Authorized Person, under the BC Sewerage System Regulation, to assess the sewerage system given the proposed changes may affect daily design flow to the existing system

Signature: J. M. Hall

Signed By: Janelle R. Smith

Agency: Interior Health

Title: Environmental Health Officer

Date: April 3, 2018

Appt: Apr 9, 2018



## RESPONSE SUMMARY

### AMENDMENT BYLAW NO. 2459.28, 2018

☐ Approval Recommended for Reasons  
Outlined Below

☐ Interests Unaffected by Bylaw

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Conditions Below

☒ Approval Not Recommended Due  
to Reasons Outlined Below

The "ADDITIONAL INFORMATION" box is not functioning on  
ALC computers.

No evidence has been supplied to confirm that all or part of the parcel on which  
the accommodation is located is classified as a farm under the Assessment Act.  
The ALC will need to view the proposed zoning bylaw amendment.

RECEIVED  
Regional District

MAR 23 2018

101 Martin Street  
Penticton BC V2A 5J9

Signature: KA Pellett

Signed By: KA Pellett

Agency: Agricultural Land Commission

Title: Regional Planner

Date: March 16, 2018

Agent: Apr 9, 2018

**Lauri Feindell**

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**To:** Evelyn Riechert  
**Subject:** RE: Rezoning of 950 and 940 Lower DeBeck Road, Naramata

**From:** Heather & Peter Schnurr [REDACTED]  
**Sent:** March-29-18 8:10 AM  
**To:** Evelyn Riechert <[eriechert@rdos.bc.ca](mailto:eriechert@rdos.bc.ca)>  
**Subject:** Rezoning of 950 and 940 Lower DeBeck Road, Naramata

Good morning Evelyn,  
We received your March 22nd letter regarding the above noted properties. For your information work has been underway on the new facility for a many weeks already. If I recall, the first B & B was developed prior to obtaining the necessary approvals. So, more of the same from these property owners.

regards, Heather Schnurr  
[REDACTED]  
Naramata





# Feedback Form

Regional District of Okanagan Similkameen

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

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

TO: Regional District of Okanagan Similkameen

FILE NO.: E2018.023-ZONE

FROM: Name: Elizabeth van Heerden  
(please print)

Street Address:

Tel/Email:

RE: Electoral Area "E" Zoning Amendment Bylaw No. 2459.28 2018.  
940 and 950 Lower DeBeck Rd, Naramata

My comments / concerns are:

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

Seven members of public were present at the Information Meeting held on April 9, 2018, all whom wanted to raise very pertinent questions and concerns – but Owner, nor his Agent, did not attend the Information Meeting and the APC Meeting thereafter. NO APOLOGIES > TOTAL DISRESPECT.

One of the major concerns is that the Owner has already embarked on the execution of the construction works in the absence of the rezoning approval. Once built, will the community (and RDOS) therefore be confronted with *fait accompli* ? – How will this currently be halted or rectified?

Our other concerns are:

- the updated web page (as of April 2018) of Therapy refers to an Inn (or Guesthouse). See attached images taken from some of Therapy's web page: "year round availability, celebrating with a big group – sleeps up to 22 people, reserve the whole house. So grab a bottle, gather some friends, turn on some music and enjoy!"
- neither the owner, nor anybody from his company, seems to be living on the premises. The "caretaker's cottage" could be used as a seventh bedroom, as it mimics all other rooms in layout and functionality. We as neighbours are then tasked to "enforce compliance by complaint"
- the RDOS Planning staff report to the APC is still not available on the RDOS web site for the public to view (as of April 12), but we understand the report indicates support for the application

Our view is that:

- an "illegal" (meaning non-compliant) operation is being perpetuated.
- full disclosure of overall and eventual intent of this whole development is lacking in this zoning application, but the site plan indicates a large commercial operation with extensions to the winery building (with upper floor event gallery) / pool / second level over wine shop / outdoor patio (disguised as a "roof over crush pad").
- no motivation has been submitted in support of the current application ("why is this a good idea?")
- proposed use of land does not fit into ALR or Naramata OCP strategic direction and objectives
- an Inn is pertinently excluded from Agri-tourism Accommodations - this should be assessed and approved by the ALC as this property is in the ALR.
- the size of the parcel is only 4.39 Ha, which barely meets the minimum requirements for Agri-tourism Accommodations of the RDOS. Furthermore, this property is very close to residential and small holding parcels.

Our perception is that the Developer (Owner) will continue to show the same disrespect to the RDOS Process and Regulations and the community of Naramata will have to continue to live with this "bending of the rules" attitude for many years to come.

## DIVINE INTERVENTION

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With extraordinary views of Okanagan lake, Giant's Head Mountain, and gorgeous vineyards, our inn suites provide you with the perfect escape.

Romantic getaway? Our six new rooms can be reserved individually. All of our rooms have full use of the living space located on the main floor. Have a big group? Book the whole house.

Each room offers its own separate entry, semi-private patio, full ensuite bathroom, large screen television, DVD player, clock radio, coffee maker, telephone, wine fridge, and high-speed internet. For an extra measure of comfort, our rooms feature "Heavenly Beds" (made famous by the Westin Hotel Group), micro-fibre robes and oversized towels. You can also enjoy the view from our hot tub!

*We welcome our guests with a free wine tasting in our wine shop and a 10% discount on wine purchases.*

Don't worry about breakfast - we provide you with a gourmet breakfast of pastries, fruit, and more, served to your patio each morning.

Our Inn is undergoing an extensive makeover. Check out the renderings below! **We are currently taking bookings beginning June 2018.**

If you have any questions about our rooms or rates please do not hesitate to contact our Inn Manager at 250-496-5217 ext. 5, or at [guesthouse@therapyvineyards.com](mailto:guesthouse@therapyvineyards.com)

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## EVERYONE NEEDS A LITTLE THERAPY

We're on a mission to bring great wine to great people.  
Wine should be delicious and approachable.  
Our focus is on the essence and not on the pretense.

We want to keep things simple:  
LIVE WELL, DRINK WELL

## GUESTHOUSE

Romantic getaway, or celebrating with a big group.

Sleeps up to 22 people.

Reserve individual rooms, or the whole house.

Gorgeous vineyard and lake views - very therapeutic!

BOOK A SUITE



# Feedback Form

**Regional District of Okanagan Similkameen**

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

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

**TO:** Regional District of Okanagan Similkameen **FILE NO.:** E2018.023-ZONE

**FROM:** Name: Schalk & Elizabeth van Heerden  
(please print)

Street Address: [REDACTED]

Tel/Email: [REDACTED]

**RE:** Electoral Area "E" Zoning Amendment Bylaw No. 2459.28 2018.  
940 and 950 Lower DeBeck Rd, Naramata

My comments / concerns are:

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

Written submissions received from this information meeting will be considered by the  
Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2459.28.

As local farmers, supplying grapes to the local wineries, we are certainly not opposed to developments within the industry.

As local farmers, early to rise to toil in the vineyards, we do have concerns as direct neighbours in regards to the long term  
consequences of having substantial commercial accommodations and events centre operating next door.

Note: construction is well underway already, with public advertising of availability for accommodation for big group of up to  
22 people, and taking bookings beginning June 2018. How will RDOS currently enforce compliance within zoning limitations?

The Application for rezoning, as it stands, is not acceptable.

See attached justification for our recommendation to reject the current application.

Feedback Forms must be completed and returned to the Regional District  
no later than Wednesday **April 15, 2018**

## E2018.023-ZONE:RDOS

Application for rezoning, as available through RDOS web page for feedback, is ambiguous and in fact specious.

- Application Form :
  - Current Land Use: *Winery and B&B*
  - Supporting Rationale: *The existing (6) six bedroom lower floor has been reduced to (4) four suites. No proposed increase to tasting and B&B footprint.*
  - No mention of “Purpose” on Application Form
    - RDOS web page indicates: *To allow 6 agri-tourism accommodation units on a parcel less than 8.0 ha*
- Documents – Site Plan : Inn (as true intent, already being implemented)
- Current business promotions : Bed-and-breakfast / Guesthouse / Inn

Proposed response:

Application for:	Propose:	Justification:	Refer
Agri-tourism accommodation	Reject	Year round accommodation as commercial inn not deemed “agri-tourism accommodation”	A
Bed & Breakfast	Reject	No principal dwelling on parcel No more than four (4) rooms	B
Inn	Reject	Outside of RDOS jurisdiction; ALC application	C

Local communities are governed by their values and Policies, which are then formulated by Regulations for officials to implement and administer. Such Regulations must be deemed fully rational, purposeful, and be fair across a wide spectrum of purposes and population. Of course, all local Regulations are also subservient to overarching Provincial and Federal legislation.

Here, an Applicant submits a request to be exempted from such established and firm local Regulations. In particular and expressly, the prescribed Bylaw Amendment Application Form instructs the Applicant with “... why is this a good idea?”.

Certain arrogance and disdain for the process is quite apparent: an existing establishment, which in the first instance does not comply with the current Regulations, is being reduced to something which, after all, still exceeds those very same Regulations. And this is then purported to be the “Supporting Rationale”?

Purely out of principle, this Application should be rejected with a reciprocal disdain.  
**No motivation – not even an honest or primitive one; accordingly, no approval.**

This application is a fragment of what the Applicant really wishes to establish on Agricultural Land Reserve. The Site Plan, as submitted with the application, requires some interpretation as to the likely true intent of the Applicant. Hiding behind the

veil of “agri-tourism”, all indications to the contrary are that this property will be converted into an “Entertainment District”:

- Proposed 6 room vineyard inn and caretaker’s suite to accommodate large groups up to 22 people – no mention even of a residence on the property?
- Vineyard Inn / Inn parking 7 stalls – agri-tourism accommodation?
- New roof over crush pad – this area might indeed have been used for winemaking, but long after tourist season is over. For the entire summer this location has been used as an exterior patio (with mobile kitchen and live music)?
- Proposed upper floor event gallery – clearly in contravention of the allowed use of Agricultural Land Reserve?



Perhaps even more eye opening is the Applicant’s promotional web page, stating *While the concept is the same, some things around here are changing:*

<https://www.therapyvineyards.com/About-Us>

“Crush Pad”, with a roof over, showing tables and chairs, to serve in future as a patio restaurant?

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## Reference ‘A’

Agri-tourism accommodation is not bed-and-breakfast (B&B).

Whereas a B&B located in Zone 1 of ALR is compelled to be in a “single family dwelling”, which is also the “primary dwelling”, agri-tourism accommodations are meant to be temporary, such as camp sites or cabins.

Whereas a B&B requires persons residing in such principal dwelling to operate the B&B as an occupation, and must be present during patrons’ stay, agri-tourism accommodation Regulations remain silent on such requirements. Why? Firstly and by definition, agri-tourism is a well-defined seasonal activity – if a being a festival or event, still only of a short duration – on a parcel that has farm classification. Secondly, under a reasonable presumption, accommodation will be a subordinate accessory in support of such short term activities. Thirdly, and by the true intent of agri-tourism, it is a reasonable presumption that the activities will be lead by the farmer – for the benefit of the farmer – therefore being present on the farm.

A luxurious inn, on a parcel without a principal dwelling and with non-resident "farmer", cannot by any stretch of the imagination be deemed as agri-tourism accommodation.

***Order of Lieutenant Governor in Council (July 29, 2017)***  
***Section 1 of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, B.C. Reg. 17112002, is amended***

**"agri-tourism" means**

(a) **an activity** referred to in subsection (4)

1. (i) that is carried out on land that is classified as a farm under the *Assessment Act*,
2. (ii) to which members of the public are ordinarily invited, with or without a fee, and
3. (iii) **in connection with which permanent facilities are not constructed or erected**, and

(b) services that are ancillary to activities referred to in paragraph (a);

(4) **Agri-tourism** on a farm means the following:

- a) an agricultural heritage exhibit displayed on the farm;
- b) a tour of the farm, an educational activity or demonstration in respect of all or part of the farming operations that take place on the farm, and activities ancillary to any of these;
- c) cart, sleigh and tractor rides on the land comprising the farm;
- d) subject to section 2 (2) (h), activities that promote or market livestock from the farm, whether or not the activity also involves livestock from other farms, including shows, cattle driving and petting zoos;
- e) dog trials held at the farm;
- f) harvest festivals and other seasonal events held at the farm for the purpose of promoting or marketing farm products produced on the farm;
- g) corn mazes prepared using corn planted on the farm.

**Policy L-05 October 2016**

**ACTIVITIES DESIGNATED AS A PERMITTED NON-FARM USE:**

**AGRI-TOURISM ACCOMMODATION IN THE AGRICULTURAL LAND RESERVE ("ALR")**

**Agri-tourism accommodations are temporary and must not be constructed in such a way that there is a potential for them to become permanent accommodations or year round rentals on agricultural land.** This means there should be no extension of municipal servicing including sewer and water for agri-tourism accommodation uses unless local governments or health officials determine it is necessary. All structures will only contain accommodation units. Accommodation must not include cooking facilities. Space for additional uses such as food and alcohol service, meeting rooms, conference facilities or event space is not permitted.

B.C. Reg. 171/2002 O.C. 571/2002

***Agricultural Land Commission Act***

**AGRICULTURAL LAND RESERVE USE, SUBDIVISION AND PROCEDURE REGULATION**

[includes amendments up to B.C. Reg. 204/2017, November 9, 2017]

**3** (1)The following non-farm uses are permitted in an agricultural land reserve

(a) accommodation for agri-tourism on a farm if

(i) all or part of the parcel on which the accommodation is located is classified as a farm under the *Assessment Act*,

(ii) the accommodation is limited to 10 sleeping units in total of seasonal campsites, seasonal cabins or short term use of bedrooms including bed and breakfast bedrooms under paragraph (d), and

(iii) the total developed area for buildings, landscaping and access for the accommodation is less than 5% of the parcel;

***RDOS : Update of Agricultural Regulations Amendment Bylaw No. 2728, 2017***

**“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

**“farm operation”** means a farm operation as defined by the Province under the *Farm Practices Protection (Right to Farm) Act*

The Province dictates a maximum of four (4) agri-tourism accommodation units. Already RDOS, through “Update of Agricultural Regulations Amendment Bylaw No. 2728, 2017”, has taken a more lenient view than the restrictive Provincial legislation:

PARCEL AREA	MAXIMUM NUMBER AGRI-TOURISM ACCOMMODATION SLEEPING UNITS
Less than 4.0 ha	0
4.0 ha to 8.0 ha	5
Greater than 8.0 ha	10

RDOS relaxes the Province’s directives to five (5) units. Yet, the Applicant contends that six (6) – at 150% in excess of Provincial legislation – should be acceptable?

It should also be noted that the Applicant’s property at 4.39ha (10.8 acres) barely falls into the category allowing 5 units by RDOS. Almost double the land area is required before additional units can be allowed. There does not appear to be an incremental or proportional approach contemplated to additional units?

## Reference 'B'

**"bed and breakfast"** means an occupation conducted within a principal dwelling unit, by the residents of the dwelling unit, which provides sleeping accommodations to the traveling public and includes the provision of a morning meal for those persons using the sleeping accommodations

By definition, a B&B is a principal dwelling for residents being 'exploited' to augment those residents' income. The Applicant's site plan clearly indicates the establishment of an **Inn** run by a caretaker – there is **no principal residence** on the property. And, four rooms or more, in any case falls under the auspices of the BC Hotel Room Tax Act, which would therefore most likely will reclassify the accommodations structure under Class 6 of the BC Assessment Act – resulting that a portion of the parcel that no longer can maintain "farm" status (and thus not available for agri-tourism either)?

B.C. Reg. 171/2002

O.C. 571/2002

***Agricultural Land Commission Act***

**AGRICULTURAL LAND RESERVE USE,**

**SUBDIVISION AND PROCEDURE REGULATION**

[includes amendments up to B.C. Reg. 204/2017, November 9, 2017]

- 3 (1) The following non-farm uses are permitted in an agricultural land reserve
- (d) **bed and breakfast use of not more than 4 bedrooms** for short term tourist accommodation or such other number of bedrooms as specified in a local government bylaw

**Policy L-06 October 2016**

**ACTIVITIES DESIGNATED AS A PERMITTED NON-FARM USE:**

**BED AND BREAKFAST USE IN THE AGRICULTURAL LAND RESERVE ("ALR")**

The Regulation allows a maximum of 4 bedrooms for short term bed and breakfast accommodation use on a parcel in the Agricultural Land Reserve ("ALR").

For bed and breakfast use in the ALR (unlike agri-tourism accommodation), there is no requirement that the parcel has farm classification under the *Assessment Act*.

The bed and breakfast use must be accessory to the residential or farm use of the property and the bedrooms must be located in the primary dwelling.

**accessory** means that the bed and breakfast is subordinate to the primary residential or farm use of the land on the same parcel(s).

## ***Electoral Area 'E' Zoning Bylaw 2459, 2008***

### **7.19 Bed and Breakfast Operation**

A bed and breakfast operation is permitted where listed as a permitted use, provided that:

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;
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.

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## **Reference 'C'**

### **Unauthorized Use of ALR Land**

Unauthorized uses may include, but are not limited to:

- Fill placement or removal of soil on ALR land;
- Aggregate extraction;
- Parking or storage of commercial or industrial vehicles;
- Operating a commercial business unrelated to farming;
- Construction of buildings other than a principal residence without a permit;
- Impacting/obstructing a watercourse.

### **Policy L-05 October 2016**

**ACTIVITIES DESIGNATED AS A PERMITTED NON-FARM USE:**

**AGRI-TOURISM ACCOMMODATION IN THE AGRICULTURAL LAND RESERVE ("ALR")**

Other types of permanent accommodation including lodges, motels, inns, resorts, resort based campgrounds and RV parks with full servicing and amenities and bare land strata ownership require a non-farm use application and approval of the Commission.

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# Feedback Form

Regional District of Okanagan Similkameen

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

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

TO: Regional District of Okanagan Similkameen

FILE NO.: E2018.023-ZONE

FROM: Name:

BRENDA LENDE / EARL ROULSTON  
(please print)

Street Address:

Tel/Email:

RE: Electoral Area "E" Zoning Amendment Bylaw No. 2459.28, 2018.  
940 and 950 Lower DeBeck Rd, Naramata

My comments / concerns are:

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

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2459.28.

#1 concern is increased noise at night. This is a working neighbourhood, many are up at 5am. In the past Therapy has hosted many special events that were extremely loud & went well past midnight. As they are advertising on their web site a desire to host even more events, we can only expect the noise levels to rise. This is not acceptable. We are not for any future expansion at this site.

Feedback Forms must be completed and returned to the Regional District  
no later than Wednesday April 15, 2018



# Feedback Form

Regional District of Okanagan Similkameen

101 Martin Street, Penticton, BC, V2A-5J9  
Tel: 250-492-0237 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

TO: Regional District of Okanagan Similkameen

FILE NO.: E2018.023-ZONE

FROM: Name:

Jeff Brenneman

(please print)

Street Address:

Tel/Email:

RE: Electoral Area "E" Zoning Amendment Bylaw No. 2459.28, 2018.  
940 and 950 Lower DeBeck Rd, Naramata

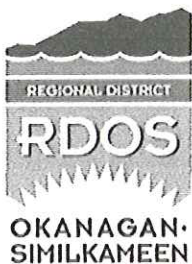
My comments / concerns are:

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

Written submissions received from this information meeting will be considered by the  
Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2459.28.

It is a quiet neighborhood and noise is a  
concern as it has been in the past

Feedback Forms must be completed and returned to the Regional District  
no later than Wednesday **April 15, 2018**



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TO: Regional District of Okanagan Similkameen FILE NO.: E2018.023-ZONE

FROM: Name: JAMES HIBBERT  
(please print)

Street Address:

Tel/Email:

RE: Electoral Area "E" Zoning Amendment Bylaw No. 2459.28, 2018.  
940 and 950 Lower DeBeck Rd, Naramata

My comments / concerns are:

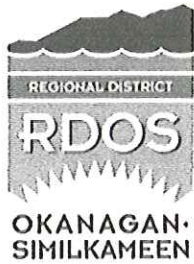
- ☐ I do support the proposed development.
- ☐ I do support the proposed development, subject to the comments listed below.
- ☒ I do not support the proposed development.

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- My concerns are noise that carries from their parties/weddings ect  
- Hours of operation  
- Commercial use of ALR lands and the bending of rules under the site specific zoning bylaws favouring future development for large gatherings impacting local residents

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? SUNDAY 7



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TO: Regional District of Okanagan Similkameen

FILE NO.: E2018.023-ZONE

FROM: Name:

JEFF LYESINK

(please print)

Street Address:

Tel/Email:

RE: Electoral Area "E" Zoning Amendment Bylaw No. 2459.28, 2018.  
940 and 950 Lower DeBeck Rd, Naramata

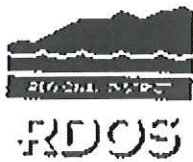
My comments / concerns are:

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

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NOISE!

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# 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](mailto:planning@rdos.bc.ca)

TO: Regional District of Okanagan Similkameen FILE NO.: E2018.023-ZONE

FROM: Name: JOHN ROBINSON  
(please print)

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

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

RE: Electoral Area "E" Zoning Amendment Bylaw No. 2459.28, 2018.  
940 and 950 Lower DeBeck Rd, Naramata

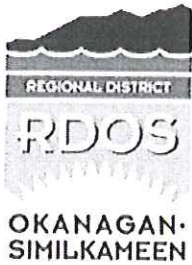
My comments / concerns are:

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

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DO NOT FEEL ANY RE-ZONING IS A GOOD  
IDEA

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TO: Regional District of Okanagan Similkameen

FILE NO.: E2018.023-ZONE

FROM: Name:

Judy Kingston

Street Address:

Tel/Email:

RE: Electoral Area "E" Zoning Amendment Bylaw No. 2459.28, 2018.  
940 and 950 Lower DeBeck Rd, Naramata

My comments / concerns are:

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

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Please see attached form.

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I have seven items of concern with respect to this application:

1. Mysterious paperwork The public document that Therapy has got filed is for extended bedrooms for a Bed and Breakfast. For some reason and not filed by Therapy, there is now a form at RDOS that states that they are asking for 6+1 bedrooms based on Agri-Tourism use. As they would not be permitted 6+1 bedrooms as a B&B, Agri-Tourism was their only way to get their 6+1 bedrooms. It seems fairly suspect that this second application was not even filed by Therapy. The +1 bedroom is supposed to be for live-in staff, however no staff have ever lived on the premises.
2. Already non-compliant For the past several years, Therapy has been advertising 8+1 bedrooms as B&B accommodation. The current rules for B&B accommodations in Naramata is that there are only to be four bedrooms, and the owner is to be present and living on the premises. At Therapy, there is neither an owner nor staff living on the premises. This has continued both with the previous owner and the current owner. They are in violation of the B&B rules in two facets – they have too many bedrooms, and nobody living on the premises. At the Public Information Meeting in Naramata on April 9, 2018, Evelyn, representing RDOS, told me that it was the position of the RDOS that it was not worth the effort to bring Therapy into compliance for all these years.
3. Agri-Tourism Some wineries have now been brought into the Agri-Tourism umbrella. At the previous Naramata APC meeting, it was decided that Naramata did not want Agri-Tourism, as the farms in Naramata are much smaller than the farms in other parts of the Okanagan. In the application for Agri-Tourism for Therapy, they have asked for 6+1 bedrooms. The guidelines for Agri-Tourism in the regulations state that between 4-8 hectares, the maximum number of sleeping units is 5. Under four hectares, there are 0 sleeping units allowed. Therapy has only 4.3 hectares, and so is in the very low end for allowing five sleeping units. Their application is now for seven sleeping units, which they call 6+1 sleeping units. The new owner is not living at the premises, so the +1 unit would actually turn the sleeping units into 7. Furthermore, it states in the bylaws that Agri-Tourism is to be for the benefit of the farm. As Therapy is reducing their bedrooms from 8+1 to 6+1, this is not really a benefit as they are reducing their sleeping units.
4. Complete disregard for permits and processes There has not yet been a building permit issued for the Agri-Tourism units, however Therapy has been undertaking construction since January on the property. Furthermore, it was also mentioned at the meeting that Therapy does not have official farm status. This is required for Agri-Tourism. Without farm status, this application should be null and void.
5. Lack of support from community On April 9 2018 the Naramata APC met after the Public Information Meeting. They rejected Therapy's application. There were also members of the community there, who also voiced concerns about the application and did not want it to proceed. After the rejection of the proposal was made by the Naramata APC, Evelyn, who was at the meeting on behalf of RDOS, said that the RDOS was going to go ahead with their approval of this application. She said this in spite of the fact that the Naramata APC outright rejected this application, as well as the community members present. What is the point of asking local community members for their feedback if it is going to be completely ignored and rejected? When I talked to Evelyn about this at the end of the meeting, she told me the decision was being made on a 'higher level'.
6. Height concerns I am concerned with the height of the addition to the current wine shop at Therapy. We are in a farming community, and we are in the ALR. People should not be able to build tall buildings here. I am their next door neighbour, and what will happen for me is with their tall winery, the new roof between the winery and the wine shop, and their new tall wine shop, I will substantially lose my view. This will affect my property value.
7. Lack of respect for the community's input Clearly this decision seemed to be a *fait accompli* with their relationship with the RDOS, as nobody from Therapy even showed up. The results of the meeting clearly had no impact on Evelyn's decision, as she said RDOS would go ahead with their approval regardless of the resounding negative feedback from the community.