

21 MARCH 2023 (REVISED 14 JUNE 2023)

**ATTN: YVONNE MITCHELL
CITY OF WEST KELOWNA | PLANNING**

**RE: TUP Application 23-01 for 815 & 819 Douglas Rd
Operated by Mt. Boucherie Estate Winery**

Dear City of West Kelowna Staff & Council Members,

Mt. Boucherie Estate Winery is writing with the purpose of providing a more complete and detailed rationale for the TUP Applications submitted by Mt. Boucherie Estate Winery regarding the proposed STA properties at 815 & 819 Douglas Rd.

OFFICIAL COMMUNITY PLAN BYLAW ACCORDANCES

Mt. Boucherie Estate Winery feels strongly that this application not only has merit insofar as a generator of tourism and as a catalyst of economic growth to the West Kelowna tourism and hospitality industries in general, but that it also ideally meets the criteria set for in Section 4, Bylaw 100.42, Item #13 of the City of West Kelowna Official Community Plan, as outlined below.

Per Section 4, Bylaw 100.42 Item #13:

“a. The use must be clearly temporary or seasonal in nature;”

The use is temporary as the temporary use permit term is being used as a trial period for the use to see if it will work long term.

While Mt. Boucherie Estate Winery is open to the public year-round, and while the proposed TUP STA accommodations would also be available year-round, it should be noted that the intention of the TUP application is to capture the majority of bookings and revenue during the peak seasonal tourism months between May-October, demonstrating a clearly seasonal usage pattern.

“b. The use should not create an unacceptable level of negative impact on surrounding permanent uses;”

Mt. Boucherie Estate Winery and the adjacent properties located at 811, 815, and 819 Douglas Rd have been operating since 2020 without any known record of disturbance, negative impact, or complaints from neighbouring residents. Mt. Boucherie Estate Winery, as the operator of the adjacent residential homes, have gone out of their way consistently over the years to ensure the comfort of all neighbouring residents by creating proactive solutions to prevent issues or disturbances before they may have occurred. Please see the upcoming section entitled “Proactive Neighbourhood Considerations” for more information.

OFFICIAL COMMUNITY PLAN BYLAW ACCORDANCES | CONTINUED

Per Section 4, Bylaw 100.42 Item #13:

“c. An applicant must submit an outline detailing when and how the use in that location will be ended, the buildings to be used, the area of use, the hours of use, appearance, landscaping and buffering, and site rehabilitation. CWK may require security to ensure compliance;”

In accordance with the new STA regulations of the City of West Kelowna, Mt. Boucherie is seeking temporary use status on account of the fact that both 815 & 819 Douglas Rd do not possess a long-term tenant or primary resident. The hours of use would be potentially 24 hours per day, 7 days per week, however, as stated above, with the majority of this activity taking place between the months of May-October. The check-out time for these properties would be 10am. The check-in time for these properties would be 4pm.

Landscaping and buffering areas were completed at the time of construction with ample regard and consideration for the neighbourhood residents. Buffering areas for 815 & 819 Douglas Rd can be viewed in detail via the WestMap application on the City of West Kelowna website.

Regarding the ending of the temporary use of location, Mt. Boucherie Estate Winery has been advised by City of West Kelowna officials that should a TUP be issued for these properties, that they could be utilized for up to two separate terms of 3 years in length, at which point, after a total of 6 years operating as TUP STAs, that Mt. Boucherie Estate Winery consider re-zoning the properties to commercial/boutique resort zoning in keeping with similar properties in the area. Mt. Boucherie Estate Winery is willing to work with this potential re-zoning date of January 1, 2029 as a timeframe for ending the temporary use of these two properties.

“d. No temporary use permits for industrial uses will be considered for sites located within any of the Residential or Parks and Natural Areas Land Use Designations, nor will they be permitted in the Boucherie/Westbank Centre or Neighbourhood Centre Growth Management Designation;”

“e. A temporary use permit may not exceed three years and may only be renewed as per the Local Government Act;”

With regard to items D & E in Section 4, Item #13, the proposed usage of these properties is not industrial in any way. Mt. Boucherie Estate Winery understands the limits of term and renewal with regards to TUPs.

PROACTIVE NEIGHBOURHOOD CONSIDERATIONS | EXAMPLES

- Notably, the parking site plans for both the winery and the residences were designed to keep as much, if not all, vehicular traffic off of Douglas Rd and Kerry Ln and therefore out of site of the neighbourhood residents. All staff of Mt. Boucherie Estate Winery are required to avoid parking on Kerry Ln or Douglas Rd and instead utilize the parking facilities on the winery proper. This proactive measure has ensured a minimal, if non-existent, vehicular footprint as it pertains to neighbourhood residents.
- In 2021, Mt. Boucherie Winery successfully arrived at a solution to one (1) neighbour's concern surrounding production noise during permitted time periods per CWK Good Neighbour Bylaw No. 151. At the time the concern was raised, Mt. Boucherie Estate Winery promptly installed appropriate sound barriers at the winery's cost to mitigate noise originating from their production facilities. The noise concerns were deemed to have been solved at that time and have not since been raised.
- In 2021, lights on the exterior of the production facility were mentioned to winery principles by one (1) neighbour as a visual perturbation, however slight, despite these lights not being in contravention to City of West Kelowna bylaws or regulations in any way. Regardless, Mt. Boucherie Estate Winery promptly installed an alternative lighting solution that directed the lights downward rather than outward, removing them from the sight lines of said neighbour, who was notably appreciative of this effort.

Since commencing operation in 2020, Mt. Boucherie Estate Winery has received several letters that can be provided upon request from neighbourhood residents commenting on the standing of Mt. Boucherie Estate Winery and the adjacent properties at 811, 815, and 819 Douglas Rd as good neighbours within the community along with extolling the positive benefits of the business' operation along with the convenient hospitality, entertainment, and essential services brought to the community. Mt. Boucherie Estate Winery continues to seek out engagement with neighbouring residents as it pertains to their satisfaction with the winery's impact on the neighbourhood as a whole, with overwhelmingly positive feedback that can be supported as per the attached documentation.

TUP DEVELOPMENT PROPOSAL | NEIGHBOURHOOD ENGAGEMENT

Principles of Mt. Boucherie Estate Winery have posted visible signage and actively engaged in communication with the residential neighbours on both Douglas Rd and Kerry Ln in an attempt to educate them about the current TUP Development Proposal for the properties at 815 & 819 Douglas Rd as well as seek feedback regarding their potential operation. These residents have also been invited to submit their feedback, should they wish to participate in the comment period, officially to the City of West Kelowna.

PROOF OF CONCEPT | MINIMAL IMPACT

It should be noted that before the official City of West Kelowna STA regulations were finalized, that while in operation during the past 2+ years, these residences were temporarily rented as short-term accommodations without any recorded issues or complaints from the neighbouring properties, therefore proving the viability of their usage as low-impact STA properties.

BENEFITS OF PROPOSED TUP

Mt. Boucherie Estate Winery appreciates, respects, and supports the necessity of the STA regulations and initiatives with regards to mitigating rental costs for residents and ensuring that West Kelowna is a liveable city for its residents. The winery, however, would like to politely note that in the case of a denial of TUPs for the properties in question, the residences would not likely be made available as long-term rentals.

The winery raises this point gently with the intention of directing the Council's attention to the potential benefits of TUPs in this case in terms of generating taxable revenue, contributing to the tourism and hospitality industries, along with assisting in building the cultural attraction of West Kelowna as a both a desirable destination for visitors and residents. It certainly is the hope of the winery that it may operate these properties under the proposed TUP conditions in order to grow the operation's commitment to acting as a productive employer of West Kelowna residents as well as a sustainable, viable, and respectful business beloved by its neighbours near and far.

SUMMARY

In summary, Mt. Boucherie Estate Winery would like to reiterate their commitment to operating in peaceful accordance with the City of West Kelowna's Official Community Plan Bylaws as well as the Good Neighbour Bylaws. Combined with their proven track record of neighbourly respect, it is the feeling of the winery that should TUPs be granted to the residential properties located at 815 & 819 Douglas Rd that they will generate significant taxable revenue and contribute in a significant manner to the hospitality and tourism sectors of the West Kelowna economy.

Mt. Boucherie Estate Winery and its operating principles look forward to hearing back from the appropriate staff and councillors within the City of West Kelowna and would be most willing to discuss and address any outstanding concerns that may be held.

Please address any matters to VP & CEO Craig McCulloch via email at craig@mtboucherie.com.

Sincerely on behalf of Mt. Boucherie Estate Winery,

CRAIG MCCULLOCH | VP & CEO

JESSE HARNDEN | GENERAL MANAGER

STEVEN LANE | SALES & MARKETING SPECIALIST

LOGAN JACOBS | HOSPITALITY MANAGER