
To: Mayor and Council
From: Paul Gipps, CAO
Meeting Date: July 15, 2025
Meeting Type: Regular Council Meeting
Prepared by: Sheeja Vimalan, Planner
Department: Planning and Development
Title: Temporary Use Permit | TUP00111 | 14864, 14838 & 14824 Carrs Landing Road
Description: Application to allow use of three existing docks located on three adjacent properties for commercial purposes

RECOMMENDATION

THAT Temporary Use Permit TUP00111 (Attachment A in the Report to Council dated July 15, 2025) for the properties at 14864, 14838 & 14824 Carrs Landing Road, legally described as LOT 1 SEC 5 TWP 14 ODYD PLAN EPP77578 (PID: 030-326-231), LOT A SEC 5 TWP 14 ODYD PLAN EPP101104 (PID: 031-065-317), and LOT B SEC 5 ODYD TWP 14 PLAN EPP101104 (PID: 031-065-325), allowing limited commercial use of the lands and associated existing docks, be approved.

EXECUTIVE SUMMARY

The application is a Temporary Use Permit (TUP) to allow use of three existing docks located on three adjacent properties (O'Rourke Family Vineyards properties) for commercial purposes subject to the conditions in the *Permit* (attachment A). The aim is to utilize the currently constructed docks in a commercial fashion to allow boat owners to be shuttled to various O'Rourke Family Vineyard (OFV) properties in the area, so more effectively utilizing the lake as a transportation option instead of adding additional vehicle traffic on local roads.

The applicant confirms that the OFV would only allow docking and undocking during nautical hours consistent with those regulations currently observed by the Districts Okanagan Safe Centre Harbour Regional Park and would install no buoys nor permit any docking via buoy at the facility.

A Temporary Use Permit is regulated under the Local Government Act (Division 8) and permits a Temporary Use to occur on a specified parcel for 3 years (until July, 2028) which can be renewed (s.497-*Local Government Act*), subject to Council decision, for another 3 years (until July, 2031).

The proposal aligns with the relevant policies outlined in the Official Community Plan (OCP). Staff have no concerns with the proposed commercial use as the temporary use and recommend the issuance of the Temporary Use Permit for three (3) years.

BACKGROUND

Application Information			
Application Type	Temporary Use Permit	Application Date:	May 15, 2025
Applicant:	SUREWAY CONSTRUCTION	Owner:	O'ROURKE FAMILY VINEYARDS LTD
Application Description	Request to allow use of three existing docks located on three adjacent properties for commercial purposes.		

Property Information: General			
	Property 1	Property 2	Property 3
Civic Address:	14864 Carrs Landing Rd	14838 Carrs Landing Rd	14824 Carrs Landing Rd
Folio/Roll #:	01751.015 & 01751.016	01751.014 & 01751.021	01751.022 & 01751.023

Legal Description	LOT 1 SEC 5 TWP 14 ODYD PLAN EPP77578	LOT A SEC 5 TWP 14 ODYD PLAN EPP101104	LOT B SEC 5 ODYD TWP 14 PLAN EPP101104
PID	030-326-231	031-065-317	031-065-325
Parcel Size:	~ 0.40 ha/0.99 ac	~0.32 ha/0.80 ac	~0.31 ha/0.76 ac
Official Community Plan	Rural		
Zoning Designation:	RR3 – Rural Residential 3 & W1 - Recreational Water Use		
Land Use Contract	No		
ALR:	No		
Development Permit Areas:	Agricultural and Natural Environmental		
Adjacent Land Summary:	Zoning:	Use:	
<i>North:</i>	RR3- Rural Residential 3	Residential	
<i>East:</i>	A1- Agricultural 1	Road & Agricultural	
<i>South:</i>	RR3- Rural Residential 3	Residential	
<i>West:</i>	W1-Recreational Water Use	Okanagan Lake	

Property Information: Infrastructure and Development Engineering	
Road Network	Existing minor connector
Driveway Access	Permit required
Water Supply:	Private
Sewer:	Municipal
Drainage / Stormwater	Ditch
Comments:	no comment

ANALYSIS

Background

The subject properties are currently developed with residential buildings, a boat house, and docks. The properties are accessible by Carrs Landing Road, through a shared driveway easement, and Okanagan Lake (Attachment B).

The proponent has requested a permit, for a three-year period, to allow the properties associated with O'Rourke Family Vineyards (OFV) to test the feasibility of operating the docks in a commercial manner as described in their application letter (Attachment C). The proposed use of the properties includes a controlled environment so as not to disrupt local residents. The proponent would like to use the existing boat house as a meeting area before people are taken to Peak Cellars Winery, Garden Bistro and/or O'Rourke Family Estate; food and beverage service would be offered.

OFV confirms that they would ensure the docks and operations associated with the docks would be to an industry standard level. The proposal includes limiting hours of docking and undocking to nautical hours consistent with those regulations currently observed by the Okanagan Centre Safe Harbour Regional Park. Traffic would be limited to 4 boats per dock (up to a maximum of 12 vessels combined) at any one time during the permitted operating hours, and OFV does not intend to install buoys, nor permit any docking via buoy at the facility. (Attachment C).

Local Government Act

Section 493 (2) *A temporary use permit may do one or more of the following:*

- (a) *allow a use not permitted by a zoning bylaw;*
 - (b) *specify conditions under which the temporary use may be carried on;*
 - (c) *allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued.*
- (3) *If a local government delegates the power to issue a temporary use permit under this section, the owner of land that is subject to the decision of the delegate is entitled to have the local government reconsider the matter.*

Section 497 (1) *The owner of land in respect of which a temporary use permit has been issued has the right to put the land to the use described in the permit until the earlier of the following:*

- (a) the date that the permit expires;
 (b) 3 years after the permit was issued.
- (2) A person to whom a temporary use permit has been issued may apply to have the permit renewed, subject to the restriction that a temporary use permit may be renewed only once.

Official Community Plan

- The current Future Land Use Designation in the Official Community Plan (OCP) is Rural.
- A Temporary Use Permit allows for land use not permitted by the applicable Zoning Bylaw to occur on a specified property.
- Official Community Plan policies include:
 - a) *The District will consider the issuance of a Temporary Use Permit provided that the proposed use:*
 - *Is temporary or seasonal.*
 - *Not be noxious or undesirable because of smoke, noise, vibration, dirt, glare, odour, radiation, electrical interference or an offensive trade within the meaning of the Health Act, as amended from time to time.*
 - *Have no negative impact on adjacent lands.*
 - *Create no significant increase in the level or demand for services.*
 - *Not permanently alter the site upon which it is located.*
 - b) *The District may apply any conditions to the permit, including but not limited to: the hours of operation, square footage, appearance, screening, site rehabilitation or clean up, or any other matters deemed appropriate by Council.*
 - c) *Temporary Use Permits may be issued for a period of up to three years, and may be renewed once for a second period of up to three years.*
 - d) *Temporary Use Permits may be issued in all areas of the District.*
- Section 18.1 states that Lake Country “presents several opportunities for neighbourhood and tourist commercial development.
- Objective 18.1.8 is to “Provide opportunities for tourist commercial development”.
- Policy 18.1.7, indicates that the District supports neighbourhood commercial development which minimizes impacts (i.e. number and frequency) of vehicle trips and impacts to the neighbourhood.

The proponent has put forth an application which would help reduce traffic on local roads by allowing guests to arrive by boat, and has limit the number of boats to a maximum of 12 at any one time. The proposal does not include the construction of any additional buildings.

Zoning Bylaw

- The Zoning Bylaw assigns two zoning districts to the subject properties, with the upland portion being RR3 – Rural Residential 3, and the waterside portion being W1- Recreational Water Use.
- The RR3 zone aims to provide a zone for country residential development, and complementary uses, on smaller sized lots in areas of high natural amenity and rural services. Commercial uses are not permitted within the RR3 zone and therefore a Temporary Use Permit is necessary for this business endeavor.
- The W1 zone purposes to provide a zone that allows for the recreational enjoyment of upland property owners and foreshore public access while minimizing impacts on fish, wildlife, and vegetation communities. This zone does permit the uses permitted by Provincial Crown Lands, and the use of private docks.

DOCKS, COMMUNITY means a structure available for use by the general public that is permanently affixed to aquatic land.

DOCKS, PRIVATE means a structure, used for personal or private purposes, permanently affixed to aquatic land and used on a year-round basis. Docks do not include seasonal private moorage facilities which are withdrawn from the water and are stored on the upland during the winter season.

The Province has permitted the three existing docks to be constructed for private residential purposes; the applicant is currently working with the Province to amend the dock licenses for private commercial purposes.

The applicant would have to meet all the Federal and Provincial requirements for the use of docks for commercial purposes.

Temporary Use Permit (TUP) Rationale:

- Issuing a TUP would:
 - provide a flexible, lower-impact alternative to permanent rezoning,
 - provide the proposed business, and the community, the opportunity to try this type of business model under defined conditions for a limited term,
 - provide additional employment opportunities within the community, and
 - allow types of services offered by this business to expand and therefore further contribute to the local economy.
- Denial of the TUP could impact the District's approach to economic development and employment opportunities, particularly as Lake Country's economy continues to become more tourism based.

District staff are supportive of the proposed temporary use as it integrates into facilities currently existing at the site, and has potential to benefit the area and contribute to the community at large.

FINANCIAL IMPLICATIONS

☒ None ☐ Budget Previously Approved ☐ Other (see below)

COMMUNICATION

- This application was referred to internal departments and comments were provided and shared with the applicant.
Land Agent: 14824 Carrs Landing Rd (PID 031-065-325) has covenant KJ1739 registered on title, which limits development adjacent to the foreshore.
- The Planning Department has prepared the appropriate letter/signage and landowner notifications prior to the application being presented to Council for consideration. Any comments received from the notification would be forwarded to Council for consideration.
- As per the *Local Government Act* (s.494) and the Development Approvals Procedure Bylaw, neighbourhood consultation, a development notice sign has been installed on the property, notice has been advertised in the local newspaper, and letters have been sent out to neighbouring property owners and tenants within 100m of the subject property.

ALTERNATE RECOMMENDATION(S)

Should Council not concur with the staff recommendation, the following resolutions could be considered:

1. THAT Temporary Use Permit TUP00111 (Attachment A in the Report to Council dated July 15, 2025) for the properties at 14864, 14838 & 14824 Carrs Landing Road, legally described as LOT 1 SEC 5 TWP 14 ODYD PLAN EPP77578 (PID: 030-326-231), LOT A SEC 5 TWP 14 ODYD PLAN EPP101104 (PID: 031-065-317), and LOT B SEC 5 ODYD TWP 14 PLAN EPP101104 (PID: 031-065-325), allowing limited commercial use of the lands and associated existing docks, not be approved.
2. THAT Temporary Use Permit TUP00111 (Attachment A in the Report to Council dated July 15, 2025) for the properties at 14864, 14838 & 14824 Carrs Landing Road, legally described as LOT 1 SEC 5 TWP 14 ODYD PLAN EPP77578 (PID: 030-326-231), LOT A SEC 5 TWP 14 ODYD PLAN EPP101104 (PID: 031-065-317), and LOT B SEC 5 ODYD TWP 14 PLAN EPP101104 (PID: 031-065-325), allowing limited commercial use of the lands and associated existing docks, be deferred pending receipt of additional information as identified by Council.

Respectfully Submitted,
Sheeja Vimalan, Planner

Report Approval Details

Document Title:	Temporary Use Permit - TUP00111 - O'Rourke Family Vineyards Ltd - 14864 14838 14824 Carrs Landing Road.docx
Attachments:	- Attachment A-TUP00111-Draft TUP.pdf - Attachment B-TUP00111-Location Map and Orthophoto.pdf
Final Approval Date:	Jul 10, 2025

This report and all of its attachments were approved and signed as outlined below:

Steven Gubbels, Development Engineering Manager - Jul 7, 2025 - 10:43 AM

Carie Liefke, Manager of Current Planning - Jul 7, 2025 - 10:48 AM

Jeremy Frick, Director of Development Approvals - Jul 8, 2025 - 9:32 AM

Reyna Seabrook, Director of Corporate Services - Jul 8, 2025 - 9:47 AM

Paul Gipps, Chief Administrative Officer - Jul 10, 2025 - 7:36 AM

Makayla Ablitt, Legislative & FOI Coordinator - Jul 10, 2025 - 5:20 PM