

# TUP00111

## SCHEDULED FOR

### July 15, 2025

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## TABLE OF CONTENTS

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**Legal Description: PID: 031-065-325; PID: 031-065-317; PID: 030-326-231**

**Purpose: TUP for commercial dock use in Carrs Landing**

**A. Advertisements and Notices**

**B. Surrounding Property Owner Letter**

**C. Proposed Permit**

**D. Staff Reports to Council (incl. attachments)**

- July 15, 2025 – Temporary Use Permit | TUP00111 | 14864, 14838 & 14824 Carrs Landing Road

**E. Staff Presentation to Council**

**F. Public Comments**

**G. Council Resolution(s)**

# Tab A

## Advertisements and Notices



# TEMPORARY USE PERMIT

**WHEN:** Tuesday, July 15th 2025 at 7:00 pm

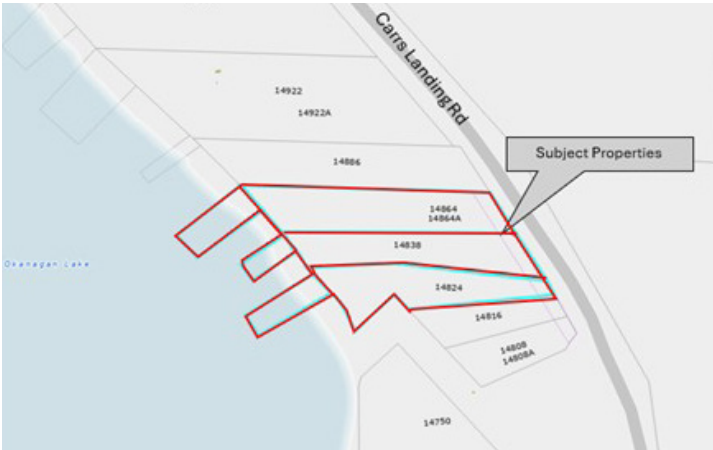
**WHERE:** Council Chambers, Municipal Hall  
10150 Bottom Wood Lake Rd OR Live Streaming: Visit [www.lakecountry.bc.ca/council-meeting-calendar](http://www.lakecountry.bc.ca/council-meeting-calendar) for link

**FILE #:** TUP00111

**WHAT:** Council has been asked to consider a Temporary Use Permit to allow the use of three existing docks located on three adjacent properties for commercial purposes.

A Temporary Use Permit may be used for a maximum period of three years and may be renewed once. After that time, they may reapply for a new Temporary Permit. Council may specify conditions under which a Permit may be carried on.

**PROPERTY:** CIVIC: 14864, 14838 & 14824 Carrs Landing Rd  
Folio #: 1751.015, 1751.016, 1751.014, 1751.02, 1751.023 & 1751.022  
Search by civic or PID in online mapping at [www.lakecountry.bc.ca](http://www.lakecountry.bc.ca)



**INFORMATION:**  
Documents submitted with this application will be available:

- for review at the Municipal Hall, Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding weekends and statutory holidays
- by email request to [planning@lakecountry.bc.ca](mailto:planning@lakecountry.bc.ca).

The Council Agenda package including the staff report and any correspondence received to date will be published on the District of Lake Country website no later than Friday prior to the Council Meeting.

View the Agenda Package at:  
<http://www.lakecountry.bc.ca/council-meeting-calendar>

**ADDITIONAL QUESTIONS:**  
Planning & Development Department: 250-766-6674  
Subscribe at [lakecountry.bc.ca/subscribe](http://lakecountry.bc.ca/subscribe) to stay up to date

Written submissions are included in the Temporary Use Permit package and will be posted on the District’s website.

**HAVE YOUR SAY:**

- Email [planning@lakecountry.bc.ca](mailto:planning@lakecountry.bc.ca)
- Mail to 10150 Bottom Wood Lake Road, Lake Country, BC V4V 2M1

Subscribe at [lakecountry.bc.ca/subscribe](http://lakecountry.bc.ca/subscribe) to stay up to date.

## TEMPORARY USE PERMIT

**WHEN:** Tuesday, July 15<sup>th</sup> 2025 at 7:00 pm

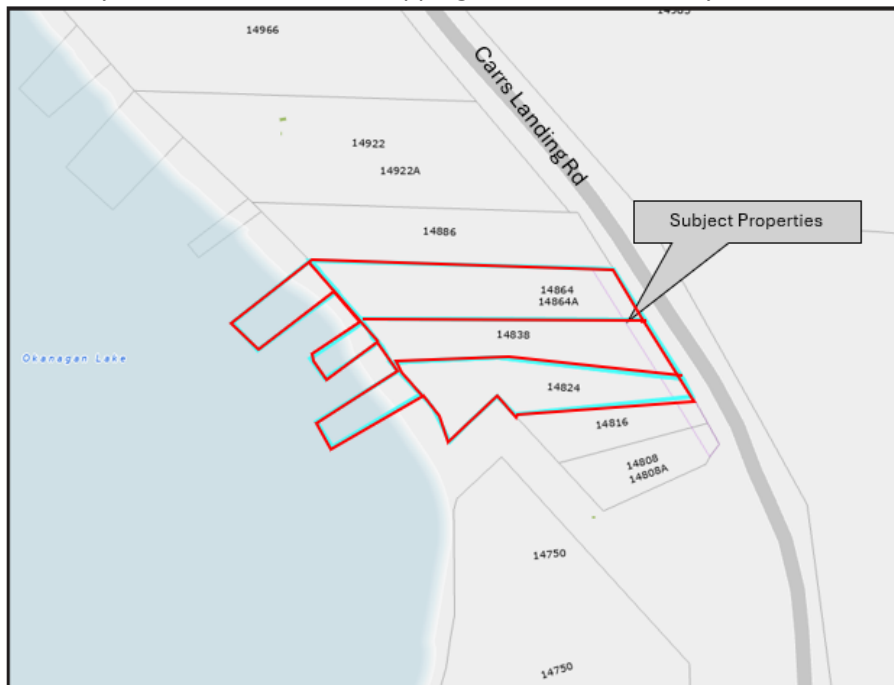
**WHERE:** Council Chambers Municipal Hall 10150 Bottom Wood Lake Rd  
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**Folio #:** 1751.015, 1751.016, 1751.014, 1751.02, 1751.023 & 1751.022  
Search by civic or PID in online mapping at [www.lakecountry.bc.ca](http://www.lakecountry.bc.ca)



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**ADDITIONAL QUESTIONS:**

Planning & Development Department: 250-766-6674

Subscribe at [lakecountry.bc.ca/subscribe](http://lakecountry.bc.ca/subscribe) to stay up to date

Written submissions are included in the Temporary Use Permit package and will be posted on the District's website.

Reyna Seabrook, Corporate Officer

<Date>, 2025

**HAVE YOUR SAY:**



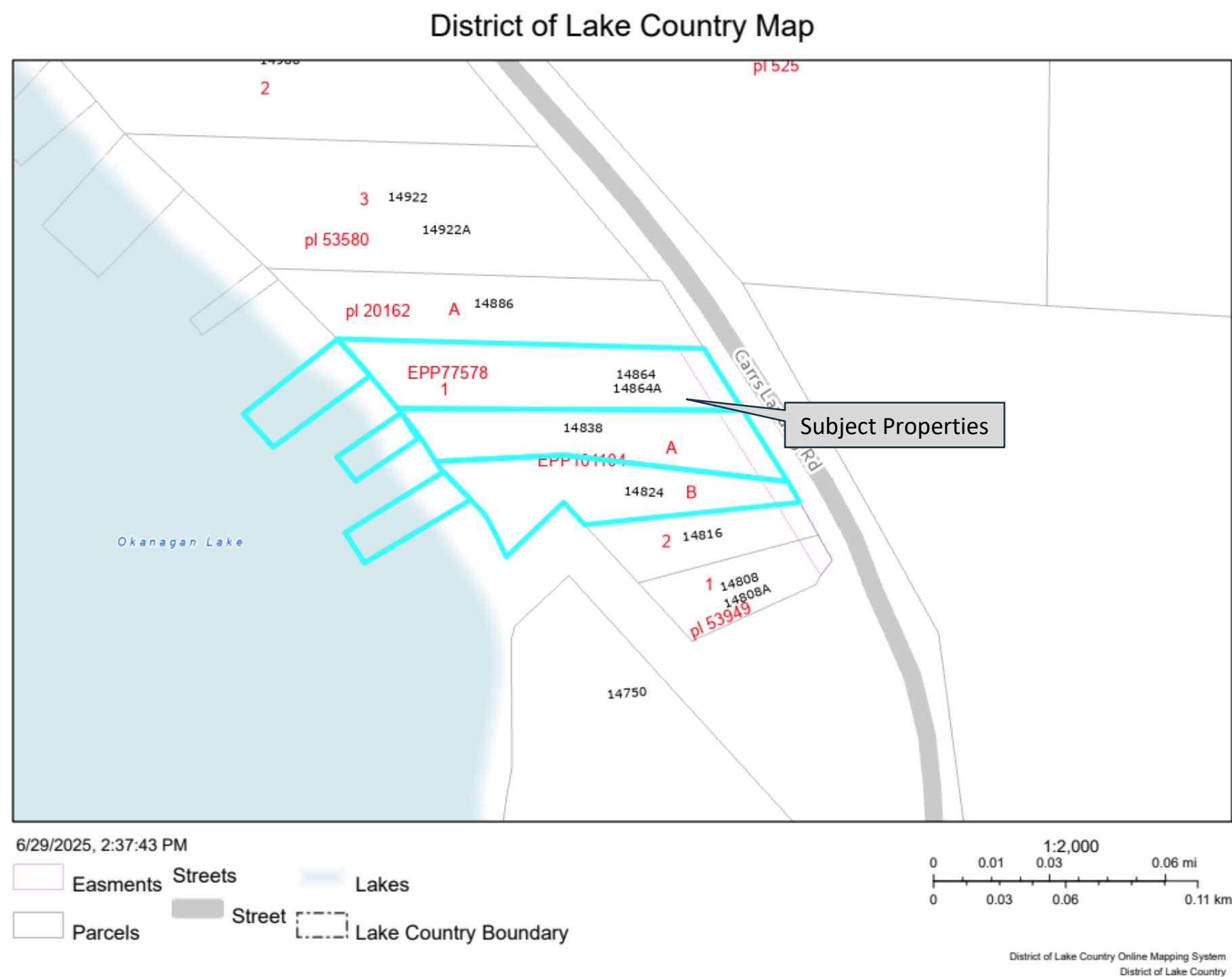
Email [planning@lakecountry.bc.ca](mailto:planning@lakecountry.bc.ca)



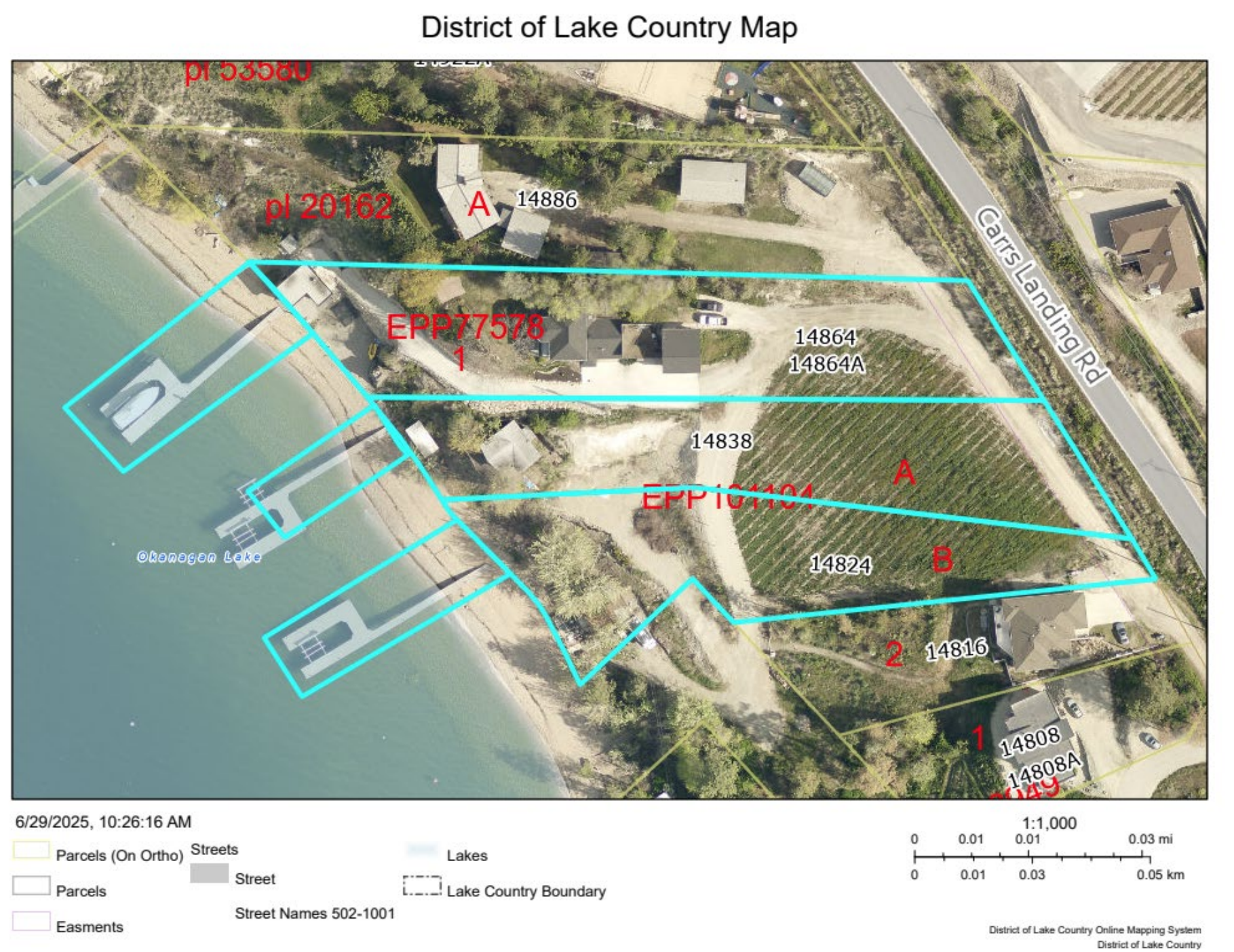
Mail to 10150 Bottom Wood Lake Road, Lake Country, BC V4V 2M1



# Location Map



# Orthophoto



# TEMPORARY USE PERMIT

- WHEN:** Tuesday, July 15<sup>th</sup>, 2025 at 7:00 pm
- WHERE:** Council Chambers Municipal Hall 10150 Bottom Wood Lake Rd
- FILE #:** TUP00111 – **Temporary Use Permit (TUP)**
- WHAT:** Council has been asked to consider a Temporary Use Permit allowing the use of three existing docks located on three adjacent properties for commercial purposes.
- PROPERTY:** CIVIC: **14864, 14838 & 14824 Carrs Landing Road**  
PID: 030-326-231, 031-065-317 & 031-065-325
- INFORMATION:** The proposed TUP and relevant information are available at the Municipal Hall, Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding weekends and statutory holidays.
- HAVE YOUR SAY:** Email [planning@lakecountry.bc.ca](mailto:planning@lakecountry.bc.ca), mail or drop off written submissions must be received by 4:30 PM July 15<sup>th</sup>, 2025
- ADDITIONAL QUESTIONS:** Contact the Planning & Development Department: 250-766-6674.

# Tab B

## Surrounding Property Owner Letter



July 2, 2025

File Number: TUP00111  
Roll Number: 1751015, 1751016,  
1751014, 175102, 1751023  
& 1751022

O'ROURKE FAMILY VINEYARDS LTD  
15595 COMMONAGE RD  
LAKE COUNTRY BC V4V 1C5

SENT VIA Email: [tom@peakcellars.com](mailto:tom@peakcellars.com)

**Re: Temporary Use Permit Application No. TUP00111 – 14864,14838 & 14824 Carrs Landing Road,  
Development Notice Sign**

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This correspondence confirms that your application has been scheduled for Council consideration on July 15<sup>th</sup>, 2025. Development Notice Signs must be posted in accordance with Development Approvals Procedure Bylaw 1227, 2024. Please refer to the attached Information Bulletin for details regarding the posting of the notification sign.

One Development Notice Sign is required for each 100m of road frontage on the property. Therefore, two **(2) signs are** required to be posted as per the Development Notice Sign Location Map.

Signs must be posted by **July 4, 2025**, in accordance with the attached map.

If you have any questions regarding the information provided, please contact me at 778-738-2704 or [svimalan@lakecountry.bc.ca](mailto:svimalan@lakecountry.bc.ca).

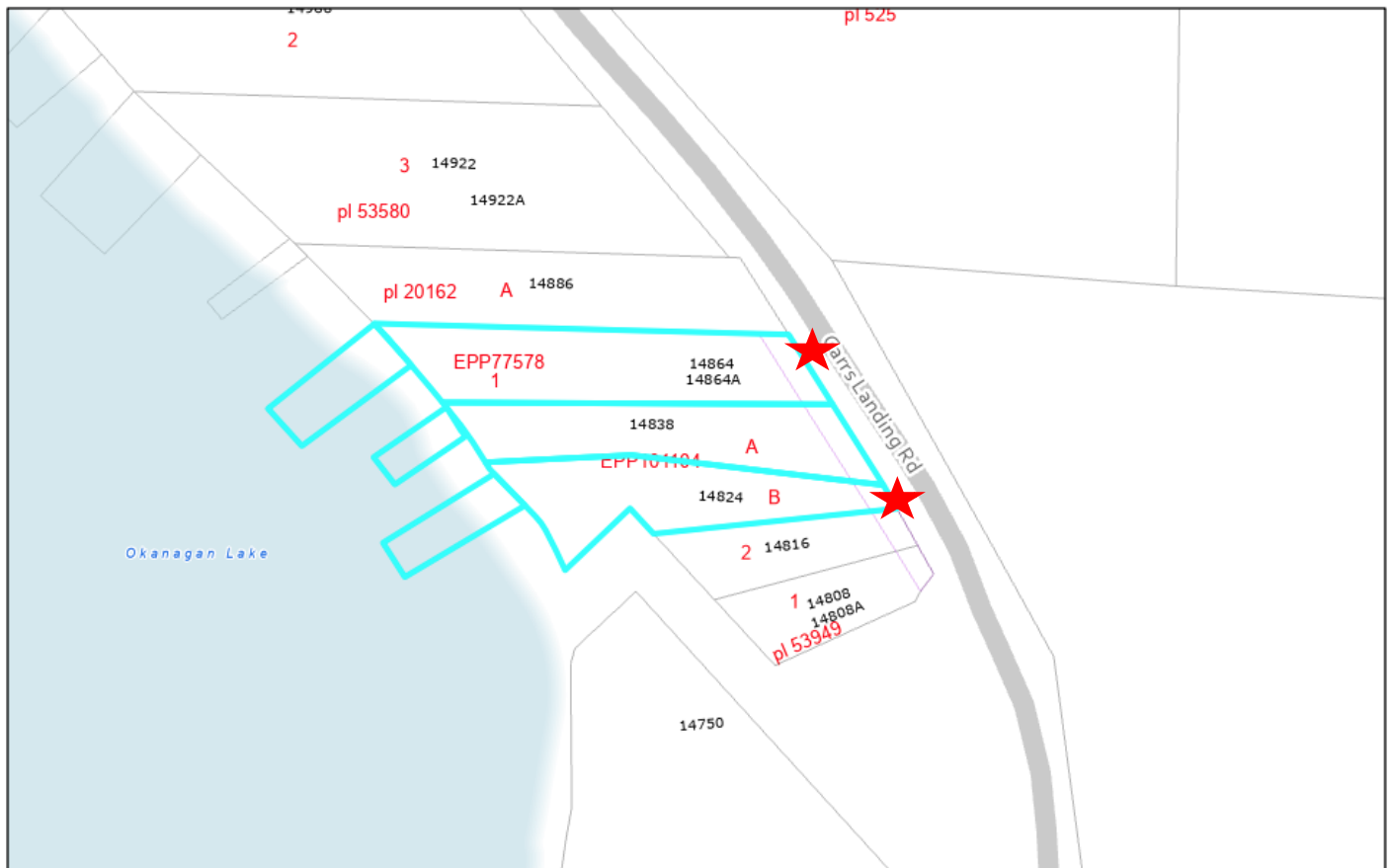
Yours truly,

Sheeja Vimalan, CPT, CIP (Candidate Member)  
Planner,  
PLANNING & DEVELOPMENT DEPARTMENT

LAKE COUNTRY



# Development Notice Sign Location Map



★ Approximate Signs Location



LAKE COUNTRY  
Life. The Okanagan Way.

# Tab C

## Proposed Permit

**TEMPORARY USE PERMIT**

**District of Lake Country**  
10150 Bottom Wood Lake Road  
Lake Country, BC V4V 2M1  
t: 250-766-6674 f: 250-766-0200  
lakecountry.bc.ca

**APPROVED ISSUANCE OF TEMPORARY USE PERMIT (pursuant to Sec. 493 of the Local Government Act)**

PERMIT #: TUP00111

FOLIO #: 1751015, 1751016, 1751014, 1751021, 1751023 & 1751022

ZONING DESIGNATION: RR3 – Rural Residential 3 & W1 – Recreational Water Use

ISSUED TO: O'Rourke Family Vineyards Ltd

SITE ADDRESS: 14864, 14838 & 14824 Carrs Landing Road

LEGAL DESCRIPTION: LOT 1 SECTION 5 TOWNSHIP 14 OSOYOOS DIV OF YALE LAND DISTRICT PLAN EPP77578,  
LOT A SECTION 5 TOWNSHIP 14 OSOYOOS DIV OF YALE LAND DISTRICT PLAN EPP101104,  
LOT B SECTION 5 TOWNSHIP 14 OSOYOOS DIV OF YALE LAND DISTRICT PLAN EPP101104

PARCEL IDENTIFIER: 030-326-231, 031-065-317 & 031-065-325

**SCOPE OF APPROVAL**

This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.

Applicants for Development Permits should be aware that the issuance of a Permit limits the applicant to be in strict compliance with all District bylaws unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which have not been identified as required Variances by the applicant or Municipal staff.

If any term or condition of this permit is for any reason held to be invalid by a decision of a Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this permit.

**1. TERMS AND CONDITIONS**

Temporary Use Permit TUP00111, for lands located at 14864, 14838 & 14824 Carrs Landing Road and 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) (the "Lands") is approved allowing limited commercial use of the lands and associated existing docks, subject to the following conditions:

- a) Development and business operations shall be conducted in compliance with the provisions of the District's various bylaws including Nuisance Bylaw 857, 2013, Business Licensing Bylaw 1000, 2017, Signage Regulation

Bylaw 501, 2004, and Zoning Bylaw 561, 2007 except as explicitly varied or supplemented by the terms of this permit subsequent permits, amendments(s) and/or development variance permits;

- b) limited commercial use of the Lands specifically includes: lake-side arrival/departure area (existing docks) and lobby (existing boathouse) for guests of O'Rourke Family Vineyard (OFV) properties within the District of Lake Country, which shall include but is not limited to Peak Cellars Winery, Garden Bistro and the O'Rourke Family Estate (the "Properties");
- c) vessel traffic (boats, etc.) shall be restricted to a maximum of 4 vessels per dock (up to a maximum of 12 vessels combined) at any one time;
- d) no buoys shall be installed by the permittee, and no boats may dock via a buoy;
- e) hours of operation are limited to nautical hours consistent with the following:
  - Jan 1 to Feb 28: 6 AM-6 PM
  - Mar 1 to May 31: 6 AM-9 PM
  - Jun 1 to Aug 31: 6 AM-11 PM
  - Sept 1 to Oct 14: 6 AM-9 PM
  - Oct 15 to Dec 31: 6 AM-6 PM;
- f) all use must occur by appointment only;
- g) all use must occur under direct supervision of an OFV employee;
- h) the permittee shall be responsible and liable for maintaining and insuring safe access a) between the docks and the Lands, and b) between the Lands and the Properties;
- i) the use must maintain an industry standard level;
- j) no new structures or buildings may be constructed as part of this permit;
- k) Temporary Use Permit (TUP) must not occur on the land until overall permits have been granted;
- l) failure to adhere to any condition contained within this permit can result in the termination of the permit;
- m) this permit, issued as per Section 493 of the Local Government Act, is valid from the approval date to the expiry dated indicated below; and
- n) at the end of the term of this permit all uses on this property must revert back to uses permitted under the zoning bylaw of the day.

## 2. DEVELOPMENT

The land described herein shall be developed strictly in accordance with the terms, conditions and provisions of this Permit and any plans and specifications attached to shall form a part hereof.

This permit is not transferrable unless specifically permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

**THIS IS NOT A BUILDING PERMIT  
OR A CERTIFICATE TO COMMENCE  
CONSTRUCTION**

**3. APPROVALS**

Authorizing resolutions passed by the Council on the \_\_\_\_ day of \_\_\_\_, 2025.

Issued by the Corporate Officer of the District of Lake Country this \_\_\_\_ day of \_\_\_\_, 2025.

**4. EXPIRY**

Temporary Use Permit TUP00109 (14864, 14838 & 14824 Carrs Landing Road) expires on the \_\_\_\_ day of \_\_\_\_ 2028.

\_\_\_\_\_  
Corporate Officer, Reyna Seabrook



# Tab D

## Staff Reports to Council

**July 15, 2025 – Temporary Use Permit |  
TUP00111 | 14864, 14838 & 14824 Carrs  
Landing Road**

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**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

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### 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			
<b>Application Type</b>	Temporary Use Permit	<b>Application Date:</b>	May 15, 2025
<b>Applicant:</b>	SUREWAY CONSTRUCTION	<b>Owner:</b>	O'ROURKE FAMILY VINEYARDS LTD
<b>Application Description</b>	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
<b>Civic Address:</b>	14864 Carrs Landing Rd	14838 Carrs Landing Rd	14824 Carrs Landing Rd
<b>Folio/Roll #:</b>	01751.015 & 01751.016	01751.014 & 01751.021	01751.022 & 01751.023

<b>Legal Description</b>	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
<b>PID</b>	030-326-231	031-065-317	031-065-325
<b>Parcel Size:</b>	~ 0.40 ha/0.99 ac	~0.32 ha/0.80 ac	~0.31 ha/0.76 ac
<b>Official Community Plan</b>	Rural		
<b>Zoning Designation:</b>	RR3 – Rural Residential 3 & W1 - Recreational Water Use		
<b>Land Use Contract</b>	No		
<b>ALR:</b>	No		
<b>Development Permit Areas:</b>	Agricultural and Natural Environmental		
<b>Adjacent Land Summary:</b>	<b>Zoning:</b>	<b>Use:</b>	
<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	
<b>Road Network</b>	Existing minor connector
<b>Driveway Access</b>	Permit required
<b>Water Supply:</b>	Private
<b>Sewer:</b>	Municipal
<b>Drainage / Stormwater</b>	Ditch
<b>Comments:</b>	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:	<ul style="list-style-type: none"> <li>- Attachment A-TUP00111-Draft TUP.pdf</li> <li>- Attachment B-TUP00111-Location Map and Orthophoto.pdf</li> <li>- Attachment C-TUP00111-Rationale Letter.pdf</li> </ul>
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**

**TEMPORARY USE PERMIT**

**District of Lake Country**  
10150 Bottom Wood Lake Road  
Lake Country, BC V4V 2M1  
t: 250-766-6674 f: 250-766-0200  
lakecountry.bc.ca

**APPROVED ISSUANCE OF TEMPORARY USE PERMIT (pursuant to Sec. 493 of the Local Government Act)**

PERMIT #: TUP00111

FOLIO #: 1751015, 1751016, 1751014, 1751021, 1751023 & 1751022

ZONING DESIGNATION: RR3 – Rural Residential 3 & W1 – Recreational Water Use

ISSUED TO: O'Rourke Family Vineyards Ltd

SITE ADDRESS: 14864, 14838 & 14824 Carrs Landing Road

LEGAL DESCRIPTION: LOT 1 SECTION 5 TOWNSHIP 14 OSOYOOS DIV OF YALE LAND DISTRICT PLAN EPP77578,  
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**SCOPE OF APPROVAL**

This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.

Applicants for Development Permits should be aware that the issuance of a Permit limits the applicant to be in strict compliance with all District bylaws unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which have not been identified as required Variances by the applicant or Municipal staff.

If any term or condition of this permit is for any reason held to be invalid by a decision of a Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this permit.

**1. TERMS AND CONDITIONS**

Temporary Use Permit TUP00111, for lands located at 14864, 14838 & 14824 Carrs Landing Road and 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) (the "Lands") is approved allowing limited commercial use of the lands and associated existing docks, subject to the following conditions:

- a) Development and business operations shall be conducted in compliance with the provisions of the District's various bylaws including Nuisance Bylaw 857, 2013, Business Licensing Bylaw 1000, 2017, Signage Regulation

Bylaw 501, 2004, and Zoning Bylaw 561, 2007 except as explicitly varied or supplemented by the terms of this permit subsequent permits, amendments(s) and/or development variance permits;

- b) limited commercial use of the Lands specifically includes: lake-side arrival/departure area (existing docks) and lobby (existing boathouse) for guests of O'Rourke Family Vineyard (OFV) properties within the District of Lake Country, which shall include but is not limited to Peak Cellars Winery, Garden Bistro and the O'Rourke Family Estate (the "Properties");
- c) vessel traffic (boats, etc.) shall be restricted to a maximum of 4 vessels per dock (up to a maximum of 12 vessels combined) at any one time;
- d) no buoys shall be installed by the permittee, and no boats may dock via a buoy;
- e) hours of operation are limited to nautical hours consistent with the following:
  - Jan 1 to Feb 28: 6 AM-6 PM
  - Mar 1 to May 31: 6 AM-9 PM
  - Jun 1 to Aug 31: 6 AM-11 PM
  - Sept 1 to Oct 14: 6 AM-9 PM
  - Oct 15 to Dec 31: 6 AM-6 PM;
- f) all use must occur by appointment only;
- g) all use must occur under direct supervision of an OFV employee;
- h) the permittee shall be responsible and liable for maintaining and insuring safe access a) between the docks and the Lands, and b) between the Lands and the Properties;
- i) the use must maintain an industry standard level;
- j) no new structures or buildings may be constructed as part of this permit;
- k) Temporary Use Permit (TUP) must not occur until all necessary Federal and Provincial permits have been granted;
- l) failure to adhere to any condition contained within this permit can result in the termination of the permit;
- m) this permit, issued as per Section 493 of the Local Government Act, is valid from the approval date to the expiry dated indicated below; and
- n) at the end of the term of this permit all uses on this property must revert back to uses permitted under the zoning bylaw of the day.

## 2. DEVELOPMENT

The land described herein shall be developed strictly in accordance with the terms, conditions and provisions of this Permit and any plans and specifications attached to shall form a part hereof.

This permit is not transferrable unless specifically permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

**THIS IS NOT A BUILDING PERMIT  
OR A CERTIFICATE TO COMMENCE  
CONSTRUCTION**

**3. APPROVALS**

Authorizing resolutions passed by the Council on the \_\_\_\_ day of \_\_\_\_, 2025.

Issued by the Corporate Officer of the District of Lake Country this \_\_\_\_ day of \_\_\_\_, 2025.

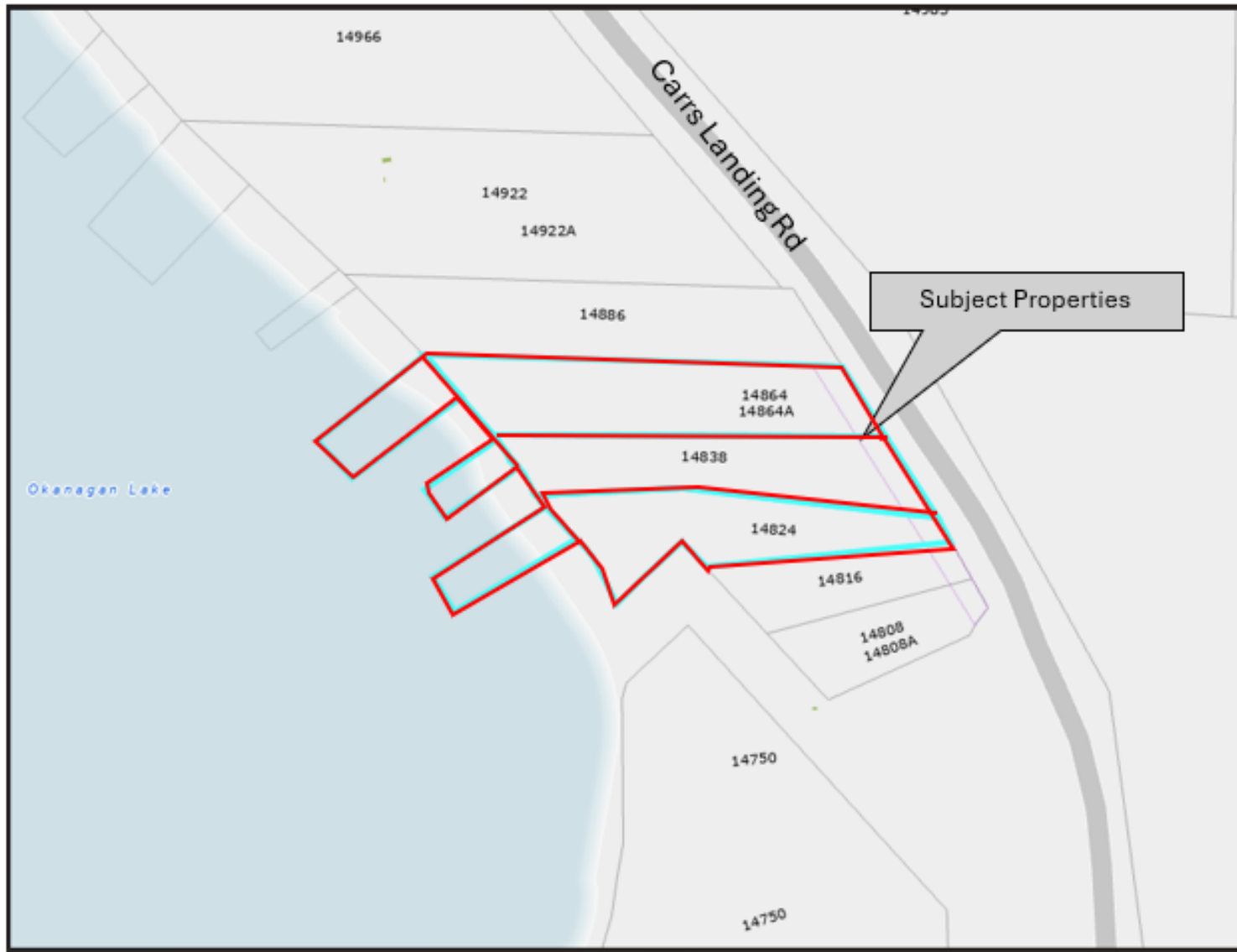
**4. EXPIRY**

Temporary Use Permit TUP00109 (14864, 14838 & 14824 Carrs Landing Road) expires on the \_\_\_\_ day of \_\_\_\_ 2028.

---

Corporate Officer, Reyna Seabrook

## LOCATION MAP





# ORTHOPHOTO

## District of Lake Country Map



6/29/2025, 10:26:16 AM

Parcels (On Ortho)
  Streets
  Lakes
  Lake Country Boundary

Parcels
 Street Names 502-1001

Easements

1:1,000

0 0.01 0.01 0.03 mi

0 0.01 0.03 0.05 km

District of Lake Country Online Mapping System  
District of Lake Country



May 15, 2025  
District of Lake Country  
10150 Bottom Wood Lake Rd.  
Lake Country, BC  
V4V 2M1

**Attention: Jeremy Frick, Director of Development Approvals**

**Re: Temporary Dock Permit for Commonage Road Properties.**

Dear Mr. Frick

Further to our recent discussion and site meeting it is our understanding that O'Rourke Family Vineyards Ltd (OFV) could submit a Temporary Use Permit Application to the District to request that Council consider allowing us to use three existing docks located on three adjacent properties for a three year period for commercial purposes.

Please consider the outline below as a summary of our intentions with respect to usage of these docks.

1. The overarching concept is to utilize the currently constructed docks in a commercial fashion to allow boat owners to be shuttled to various OFV properties in the area, more effectively utilizing the lake as a transportation option instead of adding additional vehicle traffic on local roads.
2. 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;
3. OFV would provide adequate signage to ensure responsible operation at safe speed at observed times;
4. 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 which are as follows:

**General:** Open dawn to dusk, with seasonal variations.

**Jan 1 to Feb 28:** 6 AM-6 PM.

**Mar 1 to May 31:** 6 AM-9 PM.

**Jun 1 to Aug 31:** 6 AM-11 PM.

**Sept 1 to Oct 14:** 6 AM-9 PM.

**Oct 15 to Dec 31:** 6 AM-6 PM

**Attachment C-TUP00111-Rationale Letter**

5. Docking would be by appointment only and be associated with attendance at any facility located at or associated with O'Rourke Family Vineyard's which includes but is not limited to Peak Cellars Winery, Garden Bistro and the O'Rourke Family Estate properties;
6. The permit request would be for a three-year period allowing us to test the commercial feasibility of operating the docks in a commercial manner under a controlled environment so as not to disrupt local residents.
7. The docks would be under OFE employee supervision during all hours of operation;
8. OFV would be responsible and liable for maintaining and insuring safe access to and from the docks and the adjacent properties;
9. OFV would insure the docks and operations associated with same to an industry standard level;
10. OFV would install no buoys nor permit any docking via buoy at the facility.
11. Boat house will be used as a meeting area before people are taken to the Peak and/or OFV, we would offer it for food and beverage service;
12. I have attached a copy of the property plan and easement;
13. OFV is committed to working with Front Counter BC to allow the docks to be used for commercial purposes;
14. TUP request would be for both the land (RR3 zone) and the water (W1 zone);
15. OFV will operate this area the same as all other OFV facilities that server alcohol. OFV works with Responsible Service BC and key staff is required to take the Serving It Right Exam, which is a mandatory certification for individuals serving alcohol in British Columbia;
16. OFV will hire dock specific staff to ensure clients are safe on arrival and departure.
17. OFV will shuttle customers from the lake lots to OFV as per the map attached.
18. OFV has reached out to the Girl Guides/Camp Arbuckle they have no objections to our proposal.

I trust this is satisfactory for your needs. If you have any questions or concerns, feel free to contact me at your earliest convenience.

Thank you,



Michael Leitch



14838

PP101104

A

14824

B

2

14816

4808

4808A

pl 53949

Carrs Landing Rd

1488

200ft

14750

734 866 East

# Tab E

## Staff Presentations to Council

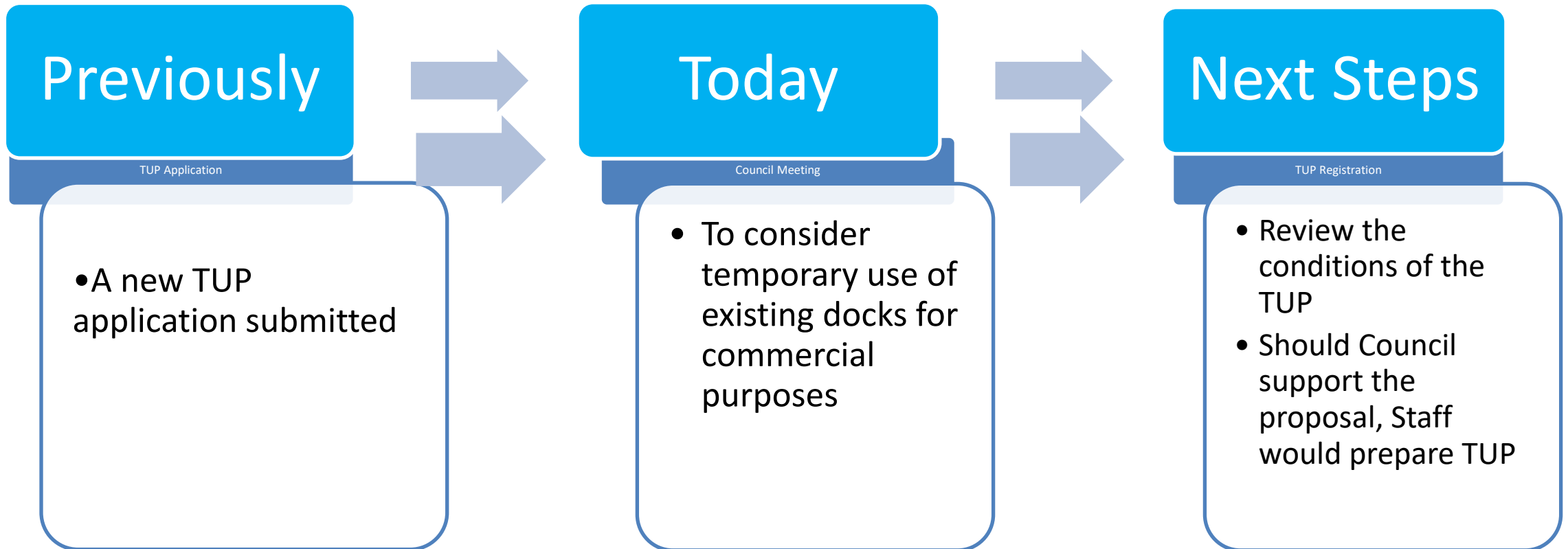




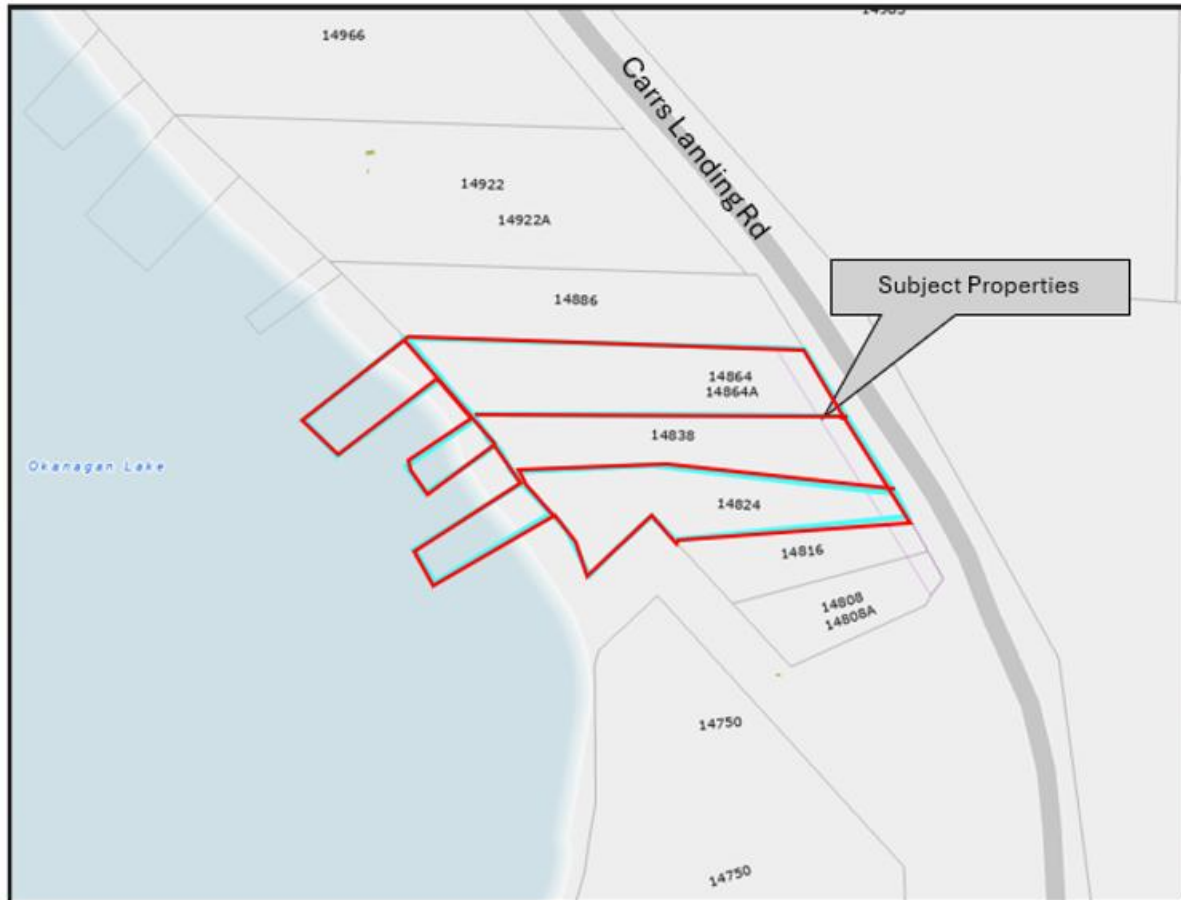
# Temporary Use Permit

<b>File Number:</b>	TUP00111
<b>Civic Address:</b>	14864, 14838 & 14824 Carrs Landing Road
<b>Official Community Plan:</b>	Rural Residential
<b>Zoning:</b>	RR3 – Rural Residential 3 & W1 - Recreational Water Use
<b>Meeting Date:</b>	<b>July 15<sup>th</sup>, 2025</b>
<b>Purpose:</b>	To consider a Temporary Use Permit to allow the use of three existing docks located on three adjacent properties for commercial purposes

# Application Process



# Location & Site Conditions





Site Photos  
14864 Carrs Landing





## Site Photos-14838 Carrs Landing Rd





## Site Photos-14824 Carrs Landing Rd





# OFE Travel Map



# 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

- Objective:

Section 18.1.8. Provide opportunities for tourist commercial development.

- Policies:

Section 18.1.11.

c. Temporary Use Permits may be used to allow businesses to temporarily locate in non-commercially zoned areas.

d. Only consider Temporary Use Permits that do not draw businesses away from the Town Centre

# Proposed Conditions of TUP

- Development and business operations shall be conducted in compliance with the provisions of the District's various bylaws;
- vessel traffic (boats, etc.) shall be restricted to a maximum of 4 vessels per dock (up to a maximum of 12 vessels combined) at any one time;
- no buoys shall be installed by the permittee, and no boats may dock via a buoy;
- hours of operation are limited to nautical hours consistent with the conditions in Permit.
- all use must occur by appointment only;
- all use must occur under direct supervision of an OFV employee;
- the permittee shall be responsible and liable for maintaining and insuring safe access a) between the docks and the Lands, and b) between the Lands and the Properties;
- the use must maintain an industry standard level;

Continued...



## Proposed Conditions of TUP- Continued

- no new structures or buildings may be constructed as part of this permit;
- Temporary Use Permit (TUP) must not occur until all necessary Federal and Provincial permits have been granted;
- failure to adhere to any condition contained within this permit can result in the termination of the permit;
- this permit, issued as per Section 493 of the Local Government Act, is valid from the approval date to the expiry dated indicated below; at the end of the term of this permit all uses on this property must revert back to uses permitted under the zoning bylaw of the day
- The permit is valid for a three (3) year period; and
- At the end of the permit, all uses on the property must comply with zoning regulations.



# TUP Support

- Provide opportunities for tourist commercial development;
- Would be designed in order to fit in with the surrounding residential neighbourhood;
- The proposal does not include the construction of any additional buildings, integrates into facilities existing at the site and has potential to benefit the area and contribute to the community;
- Per LGA, Temporary Use Permits (TUP) is an allowable use if not permitted by a zoning bylaw;
- Per OCP, TUP may be used to allow businesses to temporarily locate in non-commercially zoned areas

Staff are supportive of the proposed temporary use



# 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.

# Options

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, be denied and the file be closed.
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.



# Questions



## Public Consultations:

- Neighborhood Consultation was completed by the applicant during the week of June 27, 2025, no responses or objections were received to the application.
- A Development Notice Sign was posted on July 4, 2025.
- Development Notice letters were mailed to the surrounding property owners within 100m.
- Additionally, staff placed advertisements in the Lake Country Calendar for two consecutive weeks (July 3<sup>rd</sup> & July 10<sup>th</sup>) leading up to the July 15, 2025 Council meeting.



# Posted TUP Development Sign Images





## Internal Referral:

- Land Agent:

PID 031-065-325 has covenant KJ1739 registered against its property title. This covenant restricts the location of buildings to more than 7.5 meters from the natural boundary of Okanagan Lake and restricts the elevation of the floor to be above 343.66 meters Geodetic Survey of Canada.

This property appears to be in violation of its covenant terms. KJ1739.

# Tab F

## Public Comments

# Tab G

## Council Resolution(s)