

ADMINISTRATIVE REPORT



TO: Advisory Planning Commission
FROM: B. Newell, Chief Administrative Officer
DATE: August 8, 2022
RE: Temporary Use Permit – Electoral Area “E”

Purpose: To allow for the use of a Recreational Vehicle as a temporary accessory dwelling **Folio:** E-02183.000

Civic: 3305 McGibney Road **Legal:** Lot 10, Plan KAP9727, District Lot 210, SDYD

OCP: Low Density Residential (LR) **Zone:** Low Density Residential Two (RS2)

Proposed Development:

This application is seeking approval to formalise the use of a recreational vehicle (RV) as an accessory dwelling on a parcel less than 1.0 ha in an area that is not connected to a community sewer system.

In support of this proposal, the applicant has stated that the application is “to allow [her] RV to be on the property so [she] can help care for [her] mother...allowing her to stay home and not a care facility.”

Site Context:

The subject property is approximately 1,440 m² ha in area and is situated on the west side of McGibney Road, in Naramata. It is understood that the parcel is comprised of a single detached dwelling.

The surrounding pattern of development is generally characterised by orchards to the south, a cemetery to the east and similar residential parcels to the north and west.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on November 17, 1958, while available Regional District records indicate that a building permit for an addition (1975) has previously been issued for this property.

Under the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 2458, 2008, the subject property is currently designated Low Density Residential (LR).

The western two thirds of the property is identified under the GG Runka Soil Stability report as having hazards of slumps and slides.

Section 22.3.4 of Electoral Area “E” OCP Bylaw establishes the following criteria in evaluating a Temporary Use Permit application:

- The use must be clearly temporary or seasonal in nature;
- Compatibility of the proposal with adjacent uses;

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- Impact of the proposed uses on the natural environment, including groundwater, wildlife, and all environmentally sensitive areas;
 - Intensity of the proposed use;
 - Opportunity to conduct the proposed use on land elsewhere in the community; and
 - The remedial measures to be carried out to mitigate any damage to the natural environment as result of the temporary use.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Low Density Residential Two (RS2) which permits a principal dwelling and accessory dwelling on the parcel only if there is a connection to a community sewer system. Since the property is on a septic system and it is under 1.0 ha in size, an accessory dwelling is not permitted on the parcel under Section 7.2.4.

The property has been the subject of enforcement related to the residential occupancy of the recreational vehicle.

BC Assessment has classified the property as “Residential” (Class 01).

Analysis:

Administration has significant concerns regarding this proposal, particularly the use of a vehicle as a dwelling unit as well as allowing an accessory dwelling on an inadequately serviced parcel (e.g. absence of a community sewer connection).

Administration considers that dwelling units types permitted through either the Zoning Bylaw or a temporary use permit should uphold the public interest as it relates to health and safety standards for occupants (e.g. adequate ventilation, heating, etc.) as well as environmental health (e.g. proper sewage disposal).

Allowing year-round residential use of a recreational vehicle does not meet this standard as such vehicles cannot be inspected or certified for a permanent residential use (i.e. the Regional District can neither inspect nor issue a building permit for such vehicles). As a result, the Regional District cannot ensure the health and safety of future occupants of such units.

It is Administration’s view that dwellings should meet safety standards for year-round living in order to be permitted for residential use.

In this instance, the applicant’s proposed use of an RV for year-round residential purposes fails to meet these standards and cannot be supported by Administration.

Administration further considers that other options are available to the applicant, namely the development of a secondary suite in the existing principal dwelling, as this is permitted by the zoning bylaws and would be subject to building inspection requirements to ensure compliance with the BC Building Code.

Servicing:

With regard to the servicing of the proposed RV dwelling unit, the Regional District previously updated the Electoral Area zoning bylaws to prohibit accessory dwellings on parcels less than 1.0 ha in area serviced by a septic system.

This change was at the direction of the Okanagan Basin Water Board (OBWB) who advised that such a restriction would need to be in place if the Regional District wished to continue to qualify for grant funding from the OBWB for infrastructure projects such as the Okanagan Falls Sewer Treatment Plant and Osoyoos Lake Northwest Sewer Extension.

As there is currently no community sewer system servicing the community of Naramata or private sewer system in the vicinity of the subject property that the applicant could connect to, they are not able to meet this requirement.

Given other options are available to the applicant, such as the development of a secondary suite on the property, as well as the potential implications for future grant funding eligibility (e.g. Naramata sewer system) if the Regional District begins to permit accessory dwellings serviced by septic systems on sub-1.0 ha parcels, Administration cannot support this request.

Alternative:

Conversely, it could be argued that the use of an RV as a dwelling unit represents a creative re-use of a vehicle for residential purposes, and one that offers the added benefit of mobility.

In addition, authorization of an RV accessory dwelling unit through a TUP will ensure that the vehicle is not retained on the property permanently.

While the applicant has indicated that currently they retain Superior Septic to pump out the black and grey water from the RV on a monthly basis, Administration considers that a dwelling unit should formally be connected to a sewer system. In this case, that would be the septic system associated with the principal dwelling unit and has included this as a condition in the permit.

It is not known, however, if the existing septic system has the capacity to support the additional volume of wastewater from the RV and it is likely that an upgraded or new septic system may be required to support this use.

Summary:

For the reasons stated above, Administration cannot support the use of a recreational vehicle (RV) for the purposes of an accessory dwelling on a parcel less than 1.0 ha in area serviced by a septic system and is recommending that this application be denied.

Administrative Recommendation:

THAT the APC recommends to the RDOS Board of Directors that the proposed temporary use be denied.

Options:

1. THAT the APC recommends to the RDOS Board of Directors that the proposed temporary use be approved.
2. THAT the APC recommends to the RDOS Board of Directors that the proposed temporary use be approved with the following conditions:
 - i) *TBD*

3. THAT the APC recommends to the RDOS Board of Directors that the proposed temporary use be denied.

Respectfully submitted:

Fiona Titley

Fiona Titley, Planner II

Endorsed By:

CG

C. Garrish, Planning Manager

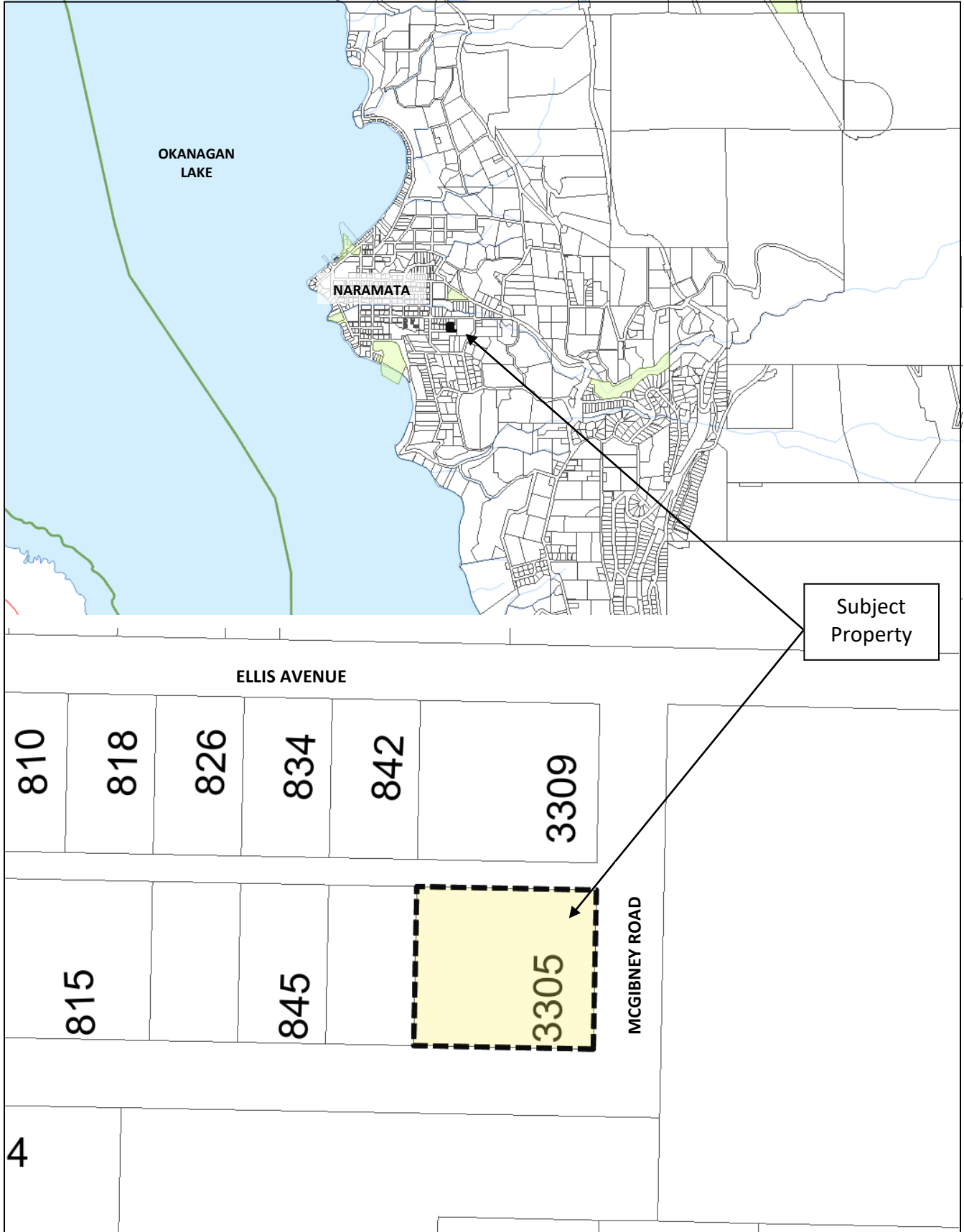
Attachments: No. 1 – Context Maps

No. 2 – Applicant’s Site Plan

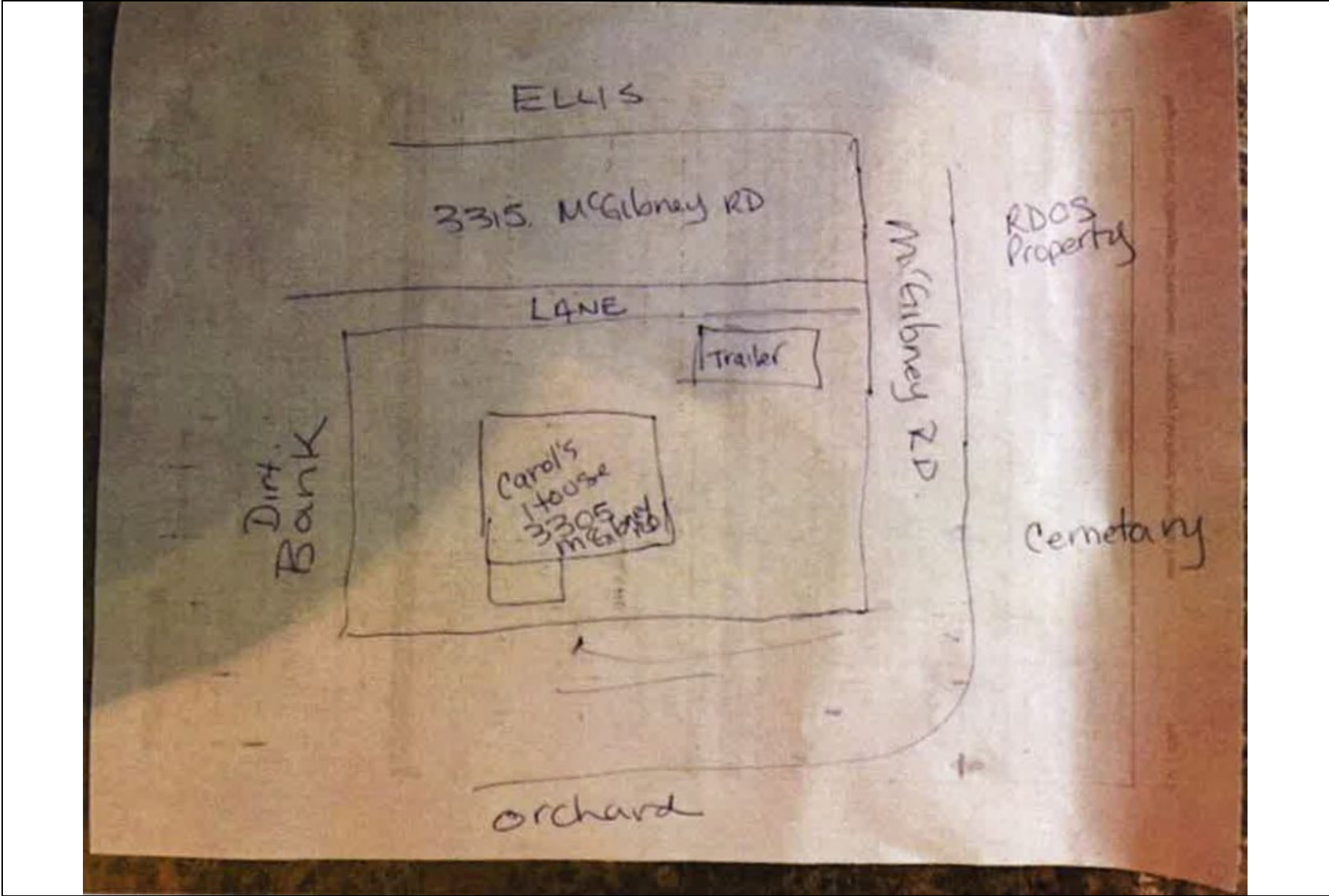
No. 3 – Applicant’s Aerial Photo

No. 4 – Site Photo (May 2022)

Attachment No. 1 – Context Maps



Attachment No. 2 – Applicant's Site Plan



Attachment No. 3 – Applicant’s Aerial Photo



Attachment No. 4 – Site Photo (May 2022)

