

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** J. Zaffino, Chief Administrative Officer  
**DATE:** July 25, 2024  
**RE:** Temporary Use Permit Application – Electoral Area “E” (E2024.003-TUP)

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## Administrative Recommendation:

**THAT Temporary Use Permit No. E2024.003-TUP, to allow for the residential use of four (4) recreational vehicles at 6447 Chute Lake Road, Naramata, be denied.**

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Legal: Lot 3, Plan EPP62943, District Lot 391, SDYD      Folio: E-02767.015  
OCP: Small Holdings (SH)      Zone: Small Holdings Four (SH4)

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## Proposed Development:

This application is seeking to allow the residential use of four (4) recreational vehicles on the subject property through the issuance of a Temporary Use Permit (TUP).

In support of this proposal, the applicant has stated (amongst other things) that:

- *We were about to build the first permanent homes, but unfortunately, during COVID, our family faced housing and financial challenges, and rather than building right away chose these temporary housing options.*
- *We believe we align with BC’s evolving policies and reflect the province’s growing leniency in the housing crisis towards atypical housing situations, as seen in policies by the Ministry of Forests and Rural Development.*

## Site Context:

The subject property is approximately 2.0 ha in area and is situated on the west side of Chute Lake Road, approximately 6 km north of Naramata and approximately 1.6 km south of Okanagan Mountain Provincial Park. It is understood that the parcel is comprised of multiple recreational vehicles and accessory buildings.

The surrounding pattern of development is generally characterised by vacant Crown land to the east and large rural holdings parcels to the north, west and south. Available aerial imagery appears to indicate that multiple adjacent properties include recreational vehicles without an established principal use.

## Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on October 20, 2016, while available Regional District records indicate that building permits have not previously been issued for this property.

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## Official Community Plan

Under the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 3010, 2023, the subject property is currently designated Small Holdings (SH), and is the subject of Watercourse Development Permit (WDP) and Environmentally Sensitive Development Permit (ESDP) Area designations.

## Zoning Bylaw

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Small Holdings Four (SH4) which limits the density of dwelling units to no more than two (2). On parcels greater than 1.0 hectare, one (1) accessory dwelling may be in the form of a mobile home.

With regard to “recreational vehicles”, the zoning bylaw sets out the following:

- the use of a recreational vehicles (RVs) as a dwelling unit is prohibited in all zones;
- one (1) RV belonging to a property owner or resident may be stored or parked on a parcel;
- stored RVs shall not be connected to a sewage disposal system, water system or power source;
- an RV may be temporarily lived in while a new house is being constructed.

## Building Inspection

Recreational vehicles in British Columbia are generally regulated under the *Motor Vehicle Act* and the *Safety Standards Act*, and not by the *Building Act*.

For this reason, the BC Building Code does not apply to recreational vehicles and the long-term residential use of recreational vehicles is not subject to inspection or certification for health and safety.

## Enforcement

The property has been the subject of a Stop Work Notice for constructing multiple dwelling units and multiple accessory structures on the property without a valid building permit.

## Provincial Housing Legislation

In 2022 the Town of Oliver submitted a resolution to the Union of BC Municipalities requesting that the Province of BC review the BC Building Code to address barriers to tiny home development.

In response, the Province stated that it would not be amending the Building Code for the following reasons:

*The BC Building Code establishes minimum life-safety measures such as structural integrity, smoke alarms, means of egress, and ventilation, and health measures like plumbing. Reducing or removing these measures compromises the health and safety of building occupants.*

*The Building Code has no limit on how small a house can be built, provided it meets the minimum standard for the protection of people and protection of the environment ...*

In November 2023, the Province gave royal assent to three ‘Housing Statutes’ Bills, with the aim to increase the supply of housing in the Province and subsequently published the *Provincial Policy Manual & Site Standards Guide: Small-Scale Multi-Unit Housing* to provide guidance to local governments when amending land use bylaws to facilitate housing.

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Regarding the residential use of RVs, tiny homes and other “alternative housing options”, the Policy Manual states that “...local governments should still not [emphasis added] permit the use of travel trailers, recreational vehicles, and other forms of housing on temporary foundations as dwelling units”.

**Public Process:**

Adjacent property owners will have received notification of this application with written comments being accepted up until one (1) week prior to the Board’s regular meeting at which the application is to be considered. All comments received are included as a separate item on the Board’s Agenda.

**Analysis:**

In reviewing this proposal, Administration considers it to be inconsistent with the Electoral Area “E” OCP Bylaw and representative of the type of “rural sprawl” that the Regional District’s land use bylaws seek to prevent from occurring within the electoral areas.

This is because “rural sprawl” is often characterized by low-density, scattered, and un-planned growth that results in an efficient use of land (e.g. conversion of natural habitats), the inadequate provision of infrastructure (e.g. community water and sewer systems) and can change the character of an area.

For these reasons, development in rural-residential areas is generally limited by zoning to a maximum density of two (2) dwelling units and restrictions against “alternative housing options” such as converted vehicles and non-habitable structures (tents, shed, etc.) as these may not be able to be inspected for health and safety.

Administration maintains its previous position that residential uses authorized by a local government should uphold the public interest by maintaining standards for the health and safety of occupants (e.g. adequate ventilation, heating, etc.). As RVs are unable to meet these requirements, they are seen to unsuitable and unhealthy for long term occupancy.

While the applicant has stated that they believe their proposal aligns “with BC’s evolving policies and reflect the province’s growing leniency in the housing crisis”, Administration does not share this interpretation and considers the statements from the province regarding “alternative housing options” to speak against proposals such as this (see above).

Administration is further concerned that the emerging pattern of development on the subject property more closely aligns with that of a “manufactured home park” (MHP), and that new MHPs are required to be serviced by community infrastructure (e.g. water and sewer systems) and located within designated growth areas (e.g. “Lower Naramata”).

In this instance, the subject property is outside of the Naramata Rural Growth Area boundary and is to be serviced by a private on-site septic system that has been designed to accommodate one (1) single detached dwelling.

Alternative

Conversely, Administration recognises that the applicant has indicated that the proposed use is an interim measure until and that the long-term plan for this property is to establish a single detached dwelling on the property.

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As it is unknown if this on-site septic system can adequately accommodate the flows from the proposed RVs and washroom facility, Administration is recommending that any approved TUP include the following condition:

- the submission of a letter from a qualified person (i.e. a Registered Onsite Wastewater Practitioner or a Professional Engineer) indicating that the septic system is adequate for the proposed use within 6 months of approval.

The Board is asked to be aware that the applicant has indicated that this recommended condition would add unnecessary cost and has requested that if the temporary use permit is approved, that existing records of filing from Interior Health for the existing septic system be deemed sufficient.

Summary

In summary, due to concerns related to OCP consistency, rural sprawl, health and safety, and adequate sewage disposal, Administration is recommending that the proposal be denied.

Should the Board resolve to deny this permit, it may wish to give consideration to providing a date by which the applicant is expected to achieve zoning compliance (e.g. by removing all un-authorized structures and vehicles).

This would be similar to what occurred in relation to a comparable situation in Electoral Area "F" in 2023 wherein an applicant was provided 5 months to achieve compliance following the denial of a TUP related to the residential use of an RV.

**Alternatives:**

1. THAT the Board of Directors approve Temporary Use Permit No. E2024.003-TUP with conditions requiring proof of adequate sewage disposal; or
2. THAT the Board of Directors approve Temporary Use Permit No. E2024.003-TUP without conditions requiring proof of adequate sewage disposal.

**Respectfully submitted:**

Ben Kent

Ben Kent, Planner II

**Endorsed By:**

CG

C. Garrish, Senior Manager of Planning

Attachments: No. 1 – Agency Referral List

No. 2 – Aerial Photo

No. 3 – Site Photo

No. 4 – Site Photo

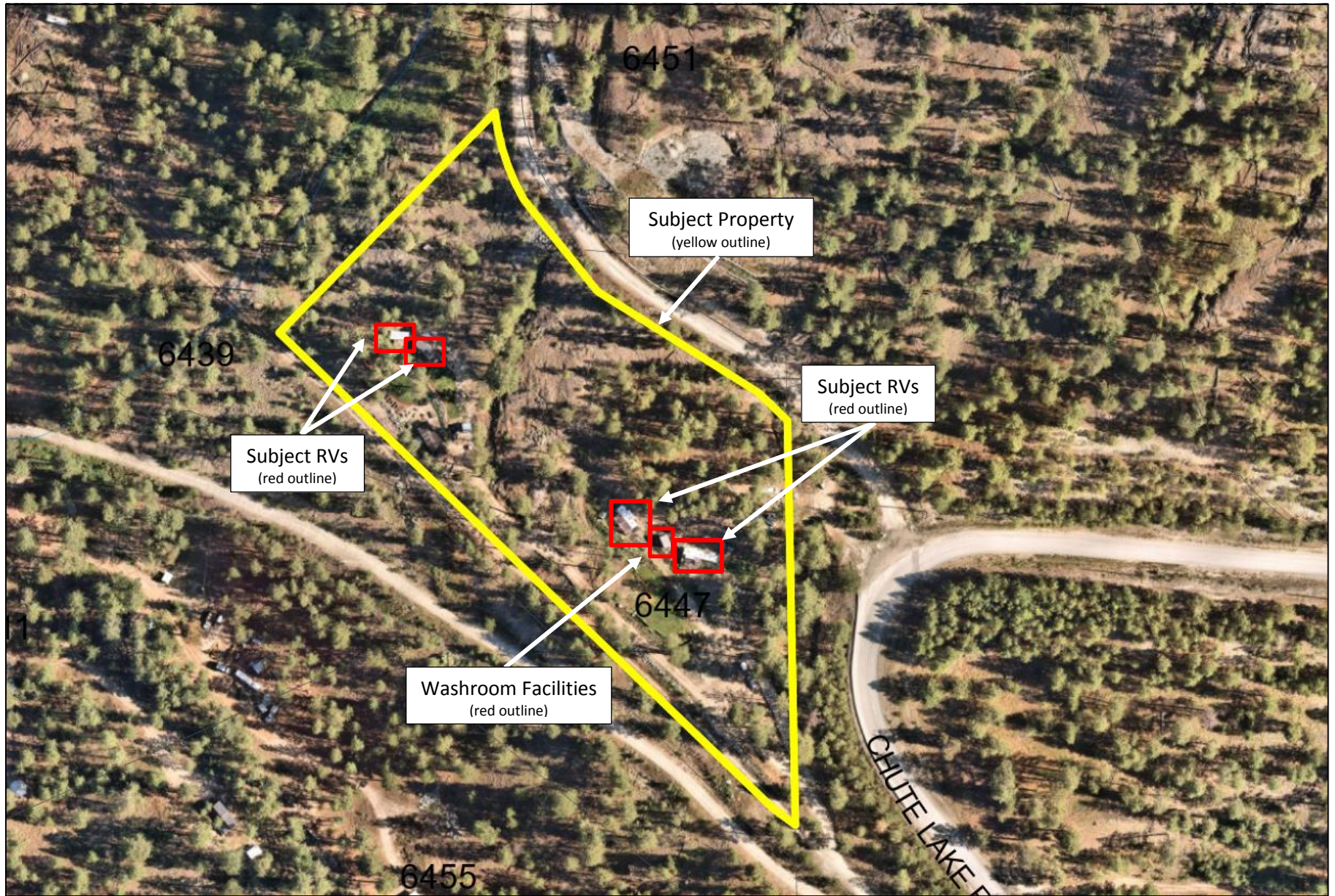
No. 5 – Site Photo

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , prior to the Board considering Temporary Use Permit No. E2024.003-TUP.

<input type="checkbox"/>	Agricultural Land Commission (ALC)	<input checked="" type="checkbox"/>	Fortis
<input checked="" type="checkbox"/>	Interior Health Authority (IHA)	<input type="checkbox"/>	City of Penticton
<input type="checkbox"/>	Ministry of Agriculture	<input type="checkbox"/>	District of Summerland
<input type="checkbox"/>	Ministry of Energy, Mines & Petroleum Resources	<input type="checkbox"/>	Town of Oliver
<input type="checkbox"/>	Ministry of Municipal Affairs & Housing	<input type="checkbox"/>	Town of Osoyoos
<input type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Ecosystem Section)	<input type="checkbox"/>	Town of Princeton
<input type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Archaeology Branch)	<input type="checkbox"/>	Village of Keremeos
<input type="checkbox"/>	Ministry of Jobs, Trade & Technology	<input type="checkbox"/>	Okanagan Nation Alliance (ONA)
<input type="checkbox"/>	Ministry of Transportation and Infrastructure	<input type="checkbox"/>	Penticton Indian Band (PIB)
<input type="checkbox"/>	Integrated Land Management Bureau	<input type="checkbox"/>	Osoyoos Indian Band (OIB)
<input type="checkbox"/>	BC Parks	<input type="checkbox"/>	Upper Similkameen Indian Band (USIB)
<input type="checkbox"/>	School District #53 (Areas A, B, C, D & G)	<input type="checkbox"/>	Lower Similkameen Indian Band (LSIB)
<input type="checkbox"/>	School District #58 (Area H)	<input type="checkbox"/>	Environment Canada
<input type="checkbox"/>	School District #67 (Areas D, E, F, I)	<input type="checkbox"/>	Fisheries and Oceans Canada
<input type="checkbox"/>	Central Okanagan Regional District	<input type="checkbox"/>	Canadian Wildlife Services
<input type="checkbox"/>	Kootenay Boundary Regional District	<input type="checkbox"/>	OK Falls Irrigation District
<input type="checkbox"/>	Thompson Nicola Regional District	<input type="checkbox"/>	Kaleden Irrigation District
<input type="checkbox"/>	Fraser Valley Regional District	<input type="checkbox"/>	Irrigation District / improvement Districts / etc.
<input checked="" type="checkbox"/>	Naramata Volunteer Fire Department	<input type="checkbox"/>	

Attachment No. 2 – Aerial Photo



Attachment No. 3 – Site Photo



Attachment No. 4 – Site Photo





Attachment No. 5 – Site Photo

