

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: May 18, 2023

RE: **Temporary Use Permit Application – Electoral Area “F” (F2023.011-TUP)
Motion to Reconsider**

Administrative Recommendation:

THAT Temporary Use Permit No. F2023.011-TUP, to allow the residential occupancy of a recreational vehicle at 903 Newton Drive, be brought back for reconsideration.

Legal: Lot 85, Plan KAP5817, District Lot 5076, ODYD Folio: F-07383.000

OCP: West Bench Small Holdings (SH5) Zone: Small Holdings (SH)

Proposed Development:

To formalize the year-round residential use of a recreational vehicle through a Temporary Use Permit (TUP).

Site Context:

The subject property is approximately 0.48 ha in area and is situated on the south side of Newton Drive approximately proximity 1.1 km west of the municipal boundary of the City of Penticton.

The parcel is comprised of a single detached dwelling, pool, garage, an accessory structure (cabana), and the recreational vehicle (fifth wheel) that is the subject of this application. The surrounding development is similarly sized residential parcels that have been developed with single detached dwellings.

Background:

At the meeting of 4 May 2023, the following motion was adopted:

MOVED and SECONDED

THAT Temporary Use Permit No. F2023.011-TUP, to allow the residential occupancy of a recreational vehicle at 903 Newton Drive be approved for one year and that there be no option to renew after one year. -**CARRIED**

Should the motion to reconsider be approved, this motion comes automatically back to the floor .

Official Community Plan:

The property is designated Small Holdings with a policy to restrict density in the Greater West Bench area due to geotechnical hazards by prohibiting accessory dwellings, secondary suites and the

subdivision of land. The property is zoned West Bench Small Holdings (SH5) which permits one single detached dwelling as a principal use but prohibits additional accessory dwelling due to the geotechnical hazards associated with this area.

The Zoning Bylaw further requires that only one recreational vehicle belonging to the owner or occupier of a principal single detached dwelling may be stored or parked on the same parcel.”

Bylaw Enforcement:

In August 2022, a complaint was submitted regarding the use of recreational vehicles on the property and the connection of the vehicles to a septic system. Similar complaints were received by the Regional District in 2009. The property owner was advised at that time that this was not permitted and that only a single RV could be stored on the property.

Analysis:

The RV has mechanical issues. it is also permanently fixed, has a deck, is skirted and connected to water and septic. The use of the RV is residential and defined as an accessory dwelling.

Health & Safety:

Recreational Vehicles do not meet the standards established in the Building Code for a year-round residential use as they can't be inspected or certified and the health and safety of occupants may be compromised.

Interior Health has recently provided guidance regarding “healthy housing”, stating:

RVs do not meet quality standards for living in long-term and may be susceptible to potential health hazards (e.g. extreme heat or cold). Recreational vehicles are not intended, designed or constructed as a permanent form of housing.


Geotechnical Hazard:

The Greater West Bench is known to be geo-technically unstable and, to help mitigate future risk, the land use bylaws have, for many decades, sought to limit density in the area by restricting the number of dwelling units to one per parcel.

Alternatives:

1. THAT the Board of Directors deny Temporary Use Permit No. F2023.011-TUP;

Respectfully submitted:



Fiona Titley, Planner II

Endorsed By:



C. Garrish, Planning Manager

Attachments: No. 1 – Agency Referral List

No. 2 – Applicant’s Site Plan

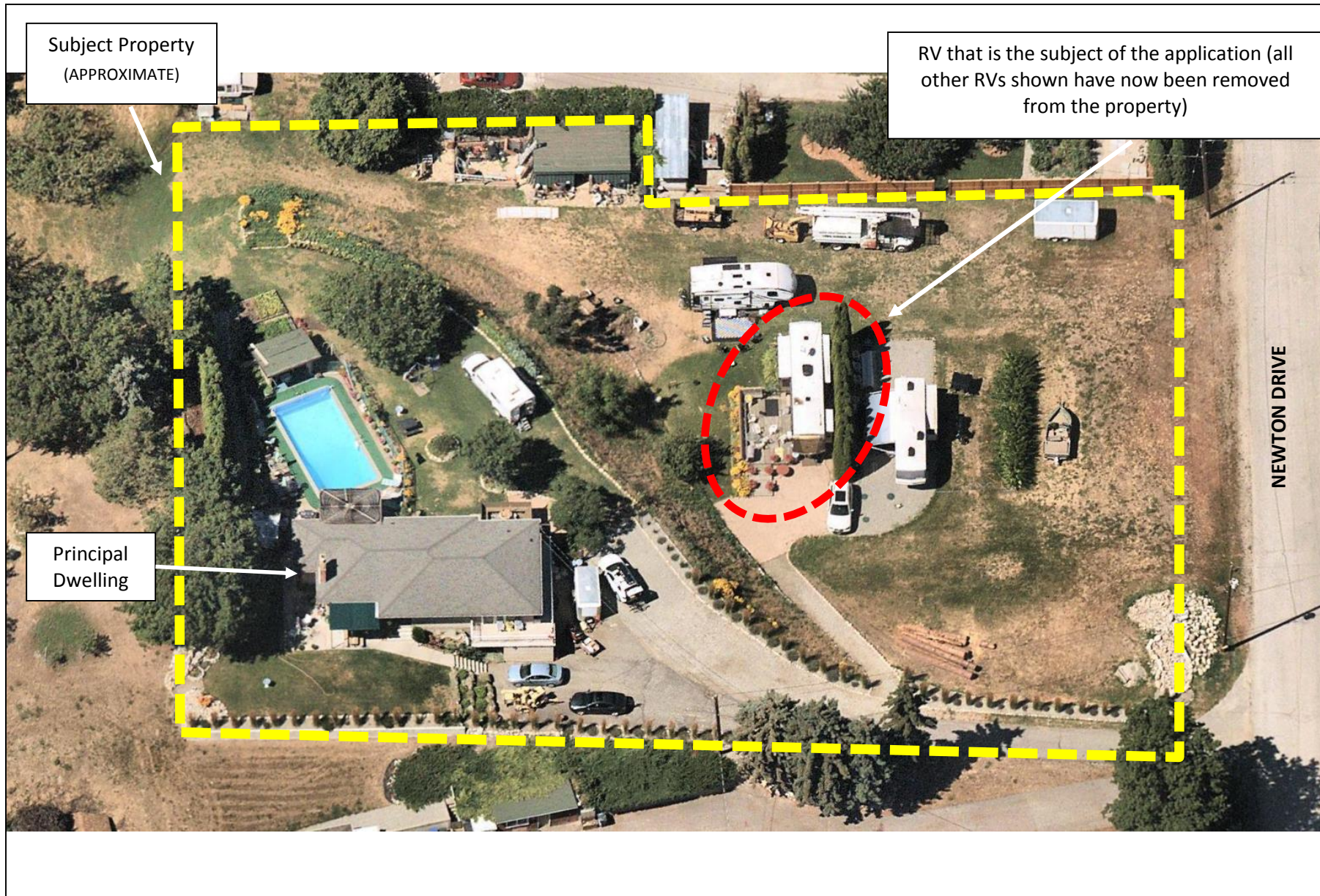
No. 3 – Applicant’s Site Photo

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , regarding Temporary Use Permit F2023.011-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 Lands, Water and Resource Stewardship	<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"/>	ONA / PIB (via NationsConnect)
<input type="checkbox"/>	Ministry of Transportation and Infrastructure	<input type="checkbox"/>	Environment Canada
<input type="checkbox"/>	Integrated Land Management Bureau	<input type="checkbox"/>	Fisheries and Oceans Canada
<input type="checkbox"/>	BC Parks	<input type="checkbox"/>	Canadian Wildlife Services
<input type="checkbox"/>	School District #53 (Areas A, B, C, D & G)	<input type="checkbox"/>	OK Falls Irrigation District
<input type="checkbox"/>	School District #58 (Area H)	<input type="checkbox"/>	Kaleden Irrigation District
<input type="checkbox"/>	School District #67 (Areas D, E, F, I)	<input type="checkbox"/>	Vaseux Lake Irrigation District
<input type="checkbox"/>	Keremeos Irrigation District	<input type="checkbox"/>	Irrigation District / improvement Districts / etc.
<input type="checkbox"/>	Central Okanagan Regional District	<input type="checkbox"/>	Kootenay Boundary Regional District
<input type="checkbox"/>	Thompson Nicola Regional District	<input type="checkbox"/>	Fraser Valley Regional District
<input type="checkbox"/>	Penticton Fire Department		

Attachment No. 2 – Aerial Photo (2022)



Attachment No. 3 – Applicant’s Site Photo

