

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: April 20, 2023
RE: Temporary Use Permit Application – Electoral Area “H” (H2023.009-TUP)

Administrative Recommendation:

THAT Temporary Use Permit No. H2023.009-TUP, to allow the use of a recreational vehicle as a dwelling at 116 Missezula Lake Road, be denied.

Legal: Lot 18, Plan KAP29782, District Lot 1909, KDYD Folio: H-01033.635
OCP: Low Density Residential (LR) Zone: Residential Single Family One (RS1)

Proposed Development:

The applicant has moved a Park Model recreational vehicle onto a single-family lot without a permit, was issued a Stop Work Order and is now applying for a Temporary Use Permit (TUP) to formalize the use.

In support of this proposal, the applicant has stated that the temporary use permit is “to leave park model on property until ready to build.”

Site Context:

The property is 1,195 m² in area and is situated on the south side of Missezula Lake Road, approximately 600 metres south of Missezula Lake. The parcel is comprised of a recreational vehicle (Park Model trailer), a power shed and three other accessory structures (sheds).

The surrounding pattern of development is generally characterised by similarly sized residential parcels that have been developed with single detached dwellings to the north, east and west and a larger vacant lot to the south.

Background:

The property was created on March 12, 1979, while available Regional District records indicate that building permits have not previously been issued for this property.

The property is designated Low Density Residential (LR). It is zoned Residential Single Family One (RS1), which permits a single detached dwelling or “mobile home” (CSA Z240 Mobile Home Series Standard) as a principal use, but prohibits the use of a recreational vehicle (RV) as a dwelling type.

The Area “H” OCP 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.

The property has been the subject of a Stop Work Notice for a Park Model trailer (the subject of this application) which was placed on the property without a building permit. BC Assessment has classified the property as “Residential” (Class 01).

Analysis:

Dwelling units are defined in the Building Code taking into account health and safety standards for occupants (e.g. adequate ventilation, heating, etc.) as well as environmental health (e.g. proper sewage disposal).

In its referral comments, the Interior Health Authority (IHA) has noted that safe housing includes insuring all “quality standards are met...electrical, heating/cooling and fuel systems” are operating properly, “fire and carbon monoxide monitors are installed and emergency exits are operable and are tested regularly ...”

IHA further notes that recreational vehicles (RVs) “do not meet quality standards for living in long-term and may be susceptible to potential health hazards... [as] most recreational vehicles are not intended, designed or constructed to be a permanent form of housing.”

Recreational vehicles, such as the one proposed, also do not meet the standards established in the Building Code for a permanent residential use. As such, RVs cannot be inspected or certified to the standards noted above and therefore, the health and safety of occupants for year-round residential use may be compromised.

While it is recognized that the Electoral Area “H” zoning bylaw does allow for the use of RVs (e.g. travel trailers) as a dwelling unit in certain zones, this is long-standing and reflects the recreational development of properties at Eastgate, Missezula Lake, and Alison Lake by property owners from the Lower Mainland who would vacation over the summer months in campers and RVs and was not originally intended to facilitate the year-round occupation of such vehicles.

The placement of a CSA Z240 mobile home would meet the minimum requirements of the Code, but not a Park Model.

Should the application be approved, authorization for the use of an RV as a dwelling unit through a TUP will ensure that the vehicle is not retained on the property permanently. Further, the RV could be connected to the on-site septic system and to the Missezula Lake water system.

Alternatives:

1. THAT the Board of Directors approve Temporary Use Permit No. H2023.009-TUP.

Respectfully submitted:

Fiona Titley

Fiona Titley, Planner II

Endorsed By:

CG

C. Garrish, Planning Manager

Attachments: No. 1 – Agency Referral List

No. 2 – Applicant’s Site Plan

No. 3 – Applicant’s Site Plan (February 2023)

No. 4 – Site Photo

Attachment No. 1 – Agency Referral List

Referrals to be sent to the following agencies as highlighted with a , prior to the Board considering adoption of Temporary Use Permit No. H2023.009-TUP

<input checked="" 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 / OIB / USIB / LSIB (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 checked="" type="checkbox"/>	Missezula Lake Water System
<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 checked="" type="checkbox"/>	Missezula Lake Volunteer Fire Department		

Attachment No. 3 – Applicant’s Site Plan (February 2023)



Attachment No. 4 – Site Photo (August 10, 2022)

