

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** J. Zaffino, Interim Chief Administrative Officer  
**DATE:** November 16, 2023  
**RE:** Temporary Use Permit Application – Electoral Area “F” (F2023.028-TUP)

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## Administrative Recommendation:

**THAT Temporary Use Permit No. F2023.028-TUP, to allow residential use of a recreational vehicle at 8200 Princeton-Summerland Road, be denied.**

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Legal: Lot D, Plan KAP28315, District Lot 2893, ODYD Folio: F-07241.041

OCP: Small Holdings (SH) Zone: Small Holdings Faulder (SH6)

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## Proposed Development:

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

In support of this proposal, the applicant has stated that:

- *RV to be used as living accommodations due to [lack of] availability of low-income housing.*
- *RV will not be hooked to septic as occupant will be using the facilities in the existing dwelling.*
- *RV will not be hooked to water.*
- *RV will have electricity as is being used.*
- *Reason for use: housing crisis.*

## Site Context:

The subject property is approximately 2.9 ha in area and is situated on the north side of Princeton-Summerland Road and the east side of Fish Lake Road. It is understood that the parcel is comprised of a single detached dwelling and various accessory structures.

The surrounding pattern of development is generally characterised by similarly sized small holdings parcels that have been developed with single detached dwellings.

## 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 4, 1977, and has been classified the property as “Residential” (Class 01) by BC Assessment.

Available Regional District records indicate that building permits for a single detached dwelling (1980) and a foundation (1980) have previously been issued for this property.

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## Official Community Plan

Under the Electoral Area “F” Official Community Plan (OCP) Bylaw No. 2790, 2018, the subject property is currently designated Small Holdings (SH), and is the subject of an Environmentally Sensitive Development Permit (ESDP) Area designation.

The subject property is also located within the Faulder Community Water System Local Service Area. The Faulder/ Meadow Valley local area policies of the Area “F” OCP do not support the construction of accessory dwellings or secondary suites in this area.

Section 22.3.4 of Electoral Area “F” 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;
- 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.

## Zoning Bylaw

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Small Holdings Faulder (SH6). In June 2023, this zone was amended to restrict subdivision of land and prohibit secondary or accessory dwelling uses due to water supply and quality concerns in the Faulder area.

The Zoning Bylaw defines a “dwelling unit” as “one or more habitable rooms constituting one self-contained unit which has a separate entrance, and which contains washroom facilities, and not more than one set of cooking facilities (unless a secondary suite is permitted in the applicable zone), and which is designed to be used for living and sleeping purposes”.

The Zoning Bylaw further requires that “only recreational vehicles, to a maximum of one (1), belonging to the owner or occupier of a principal single detached dwelling on a parcel may be stored or parked on the same parcel.”

The temporary placement of an RV on a property must be in relation to a building permit issued for the construction of a new dwelling, or by a guest or visitor of the owner for a period not exceeding 90 days. The residential use of an RV is otherwise prohibited in all zones.

RVs are otherwise permitted within a campground for the short-term accommodation of the travelling public, but require a 2.0 ha parcel size and connection to community water and sewer systems.

## Bylaw Enforcement

In February 2021, a Stop Work Notice was placed on the property for “constructing two cabins without a building permit”. It was later determined that the buildings were smaller than 10m<sup>2</sup> and

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therefore did not require a building permit. It was noted at the time that these structures are permitted for use as accessory buildings, but that the zoning bylaw does not authorize the use of these structures as cabins.

In May 2023, the Regional District received written complaints regarding “the storage and use of four (4) recreational vehicles on the property and an advertisement for tenancy of two cabins on the property”.

On May 19 2023, a Bylaw Enforcement Officer inspected the property and found four RVs and two small accessory structures on the property. Of the four RVs, two were unsuitable for occupancy and used for storage. One RV was found to be suitable for occupancy and is purportedly for visiting family and friends, while the final RV was found to be occupied. The accessory structures on the property were not serviced and were not being used as cabins at that time.

#### Health Hazard Regulation

The health and safety of rental accommodation is regulated by the *Health Hazard Regulation* pursuant to the *Public Health Act*. According to this regulation, all rental units must be provided with a source of potable water, at least 11m<sup>3</sup> of airspace per tenant and a window that may be opened by tenants of the rental unit. Rental units that do not meet these requirements are prescribed as a public health hazard.

#### **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 considering this proposal, Administration notes that the Zoning Bylaw’s prohibition on the long-term residential use of recreational vehicles is in recognition that RVs are generally unsuitable and unhealthy for long term occupancy.

For this reason, RVs are limited to short-term occupancy and permitted only where adequate potable water and sewage disposal can be provided.

#### Health and Safety

Dwelling units permitted 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 well as for the protection of the environment from hazardous conditions (e.g. proper sewage disposal).

For this reason, dwelling units are regulated by the zoning bylaw to include an independent entrance, washroom facilities and cooking facilities, and are regulated by the BC Building Code to address other health and safety considerations associated with building construction.

The residential use of RVs is not permitted because they generally do not include the facilities prescribed for dwelling units by zoning and because they are not subject to inspection or certification under the BC Building Code to ensure the health and safety of permanent residential occupants.

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Interior Health has previously provided guidance regarding “healthy housing”, which it considers to be attainable, stable, high quality, in a location meeting residents’ needs and supporting health and well-being.

Administration supports the following comment from Interior Health in relation to this application, which indicates that RVs do not meet this standard:

*It is important to understand that RVs are designed to accommodate people while pursuing short duration recreational activities (e.g. camping), and do not meet quality standards for living-in longer-term... RVs pose significant safety hazards. The more time a person spends in the RV the higher the chances of being exposed to a hazard(s), which significantly increases the risk of harm or poor health outcome. The following are examples of potential hazards associated with RVs:*

- *Gastro-intestinal illness due to unsafe drinking water, improper/inadequate (warm) food storage, or cross-contamination from touching sewage/wastewater on the ground or while servicing holding tanks;*
- *Burns, physical trauma or death from fire and carbon monoxide and propane poisoning, especially while using heating, electrical and cooking appliances;*
- *Mental health impacts or physical trauma or death from exposure to extreme heat or cold.*

The applicant has indicated that this Temporary Use Permit is being sought because there is a lack of affordable housing due to the housing crisis and Interior Health acknowledges that there are also health hazards associated with homelessness.

However, administration does not consider the authorization of inadequate and unsafe housing to be an appropriate measure to address housing affordability or availability.

### Rural Development

While the RV is not proposed to be attached to the community water system or to the on-site septic system, it will still add residential density that would place additional demand on the water system and for this reason the proposal is not seen to align with the OCP or Zoning Bylaw.

Affordable housing supply in the South Okanagan is an ongoing issue that is unlikely to be resolved in the near future. Because the applicant has referenced the housing crisis as justification for this proposal, administration is concerned that the proposed residential use is not clearly temporary in nature.

While the occupancy of an RV may seem insignificant, administration has serious concerns that the ongoing housing crisis will prompt the submission of further ad hoc applications for this type of land use leading to the proliferation of “rural sprawl”.

Incremental development of inadequate residential uses in rural areas will, over time, erode and undermine the land use framework established by the Regional Growth Strategy and the Electoral Area OCPs, which direct residential development to areas that have adequate services to support additional growth. The result would be poorly planned development in urban fringe areas that negatively impacts the character of rural areas.

### Summary

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In summary, the proposal is seen to undermine public health and safety, Electoral Area "F" OCP policies, and regional rural growth objectives. For these reasons, administration does not support the proposal and is recommending denial.

**Alternatives:**

1. THAT the Board of Directors approve Temporary Use Permit No. F2023.028-TUP.

**Respectfully submitted:**

*Ben Kent*

Ben Kent, Planner I

**Endorsed By:**



C. Garrish, Senior Manager of Planning

**Attachments:** No. 1 – Agency Referral List

No. 2 – Site Photo (RV)

No. 3 – Site Photo (RV)

No. 4 – Site Photo (RV)

No. 5 – Aerial Photo

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , prior to the Board considering adoption of Temporary Use Permit No. F2023.028-TUP.

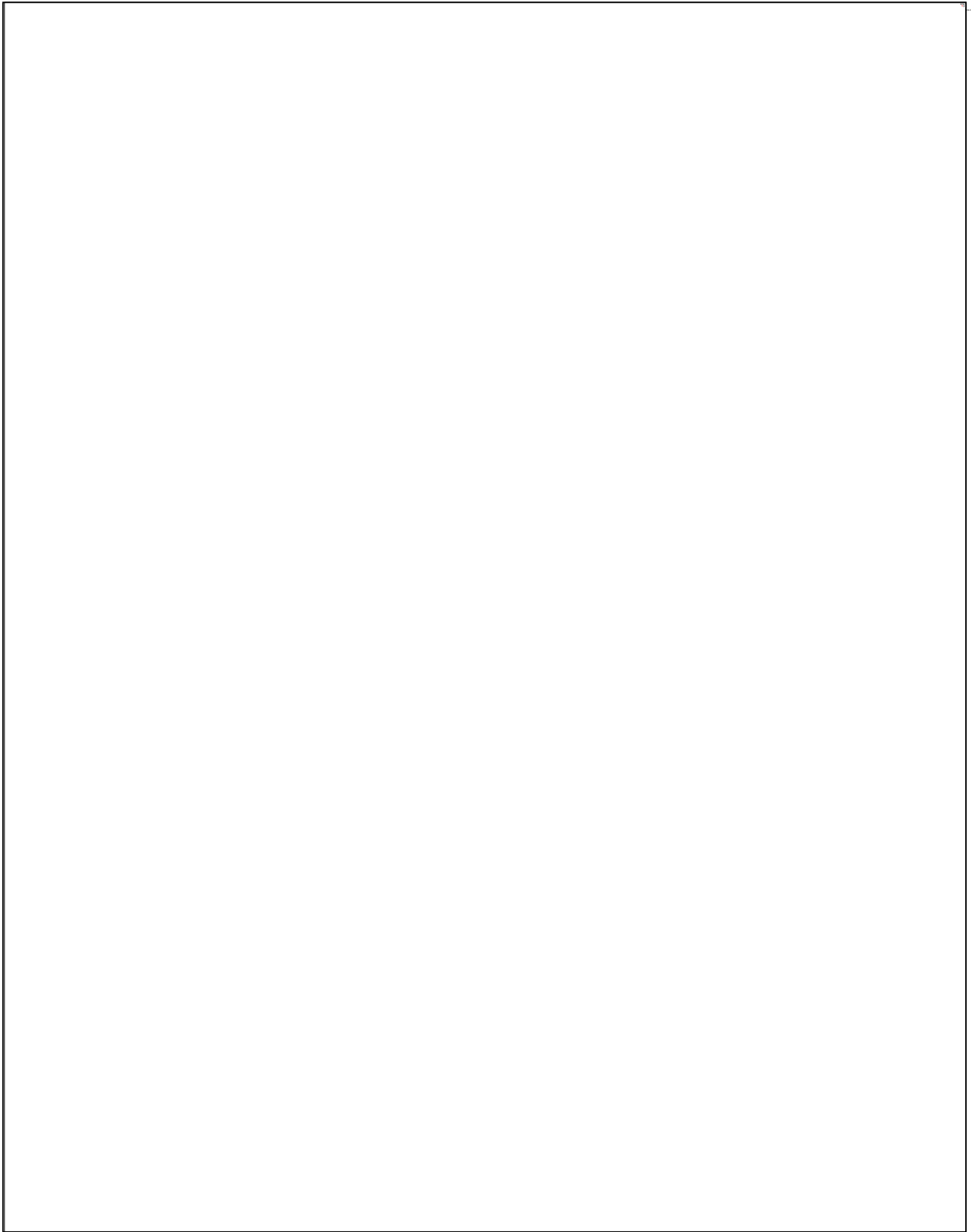
<input type="checkbox"/>	Agricultural Land Commission (ALC)	<input type="checkbox"/>	Fortis
<input checked="" type="checkbox"/>	Interior Health Authority (IHA)	<input type="checkbox"/>	City of Penticton
<input type="checkbox"/>	Ministry of Agriculture	<input type="checkbox"/>	District of Summerland
<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 type="checkbox"/>	Volunteer Fire Department	<input type="checkbox"/>	

Attachment No. 2 – Site Photo (RV)



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Attachment No. 3 – Site Photo (RV)





Attachment No. 4 – Site Photo (RV)



Attachment No. 5 – Site Photo (RV)

