

# ADMINISTRATIVE REPORT



**TO:** Advisory Planning Commission  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** September 20, 2022  
**RE:** Temporary Use Permit – Electoral Area “C”

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**Purpose:** To allow for the use of a Recreational Vehicle (Park Model) as a temporary accessory dwelling

**Civic:** 8026 Highway 979                      **Legal:** Lot 2, Block A, Plan KAP1819, District Lot 2450S, SDYD

**OCP:** Agriculture (AG)                      **Zone:** Agriculture One (AG1)                      **Folio:** C-05193.000

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## **Proposed Development:**

This application is seeking approval to formalize the use a Park Model as an accessory dwelling unit in order to provide accommodation for an elderly relative (parent) on the subject property through the issuance of a Temporary Use Permit (TUP).

In support of this proposal, the applicant has stated that “the application is made in order to provide a safe and happy home for my 90-year-old father to live in...the residence will certainly be temporary, as once my dad passes, it will be sold off as part of his estate...”

## **Site Context:**

The subject property is approximately 3.2 ha in area and is situated on the North side of Highway 97 approximately 45metres west of the Okanagan River Channel and 2.8km north of the Town of Oliver. It is understood that the parcel is comprised of a single detached dwelling, a Park Model trailer (the subject of this application), a farm storage building, chicken coop, two animal shelters, and active farm land (alfalfa, orchard, etc.).

The surrounding pattern of development is generally characterised by similar agriculture one parcels and the Okanagan River Channel to the east.

## **Background:**

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on May 4, 1922, while available Regional District records indicate that a building permits for a Single Family dwelling (1981).

Under the Electoral Area “C” Official Community Plan (OCP) Bylaw No. 2452, 2008, the subject property is currently designated Agriculture (AG).

Section 20.3.4 of Electoral Area “C” 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 Electoral Area “C” Zoning Bylaw No. 2800, 2022, the property is currently zoned Agriculture One (AG1) which permits one principal dwelling and accessory dwelling with a maximum gross floor area of 125.0 m<sup>2</sup>.

Under Section 8.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with Okanagan River Channel.

The property has been the subject of a Stop Work Notice for the placement of a Z241 Park Model Trailer without a building permit.

The property is within the Agricultural Land Reserve (ALR) and has been assessed as part “Farm” and part “Residential” by BC Assessment.

### **Analysis:**

In considering this proposal, Administration has concerns regarding the use of a vehicle as a dwelling unit as permanent residential dwelling.

Administration considers that the types of dwelling units 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.

Administration further considers that other options are available to the applicant, namely the development of a secondary suite in the existing principal dwelling, or the construction of an accessory 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.

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.

As well, it is noted that the RV is located on an existing RV pad on the property which has connections for septic and well water. In addition, authorization of an RV accessory dwelling unit through a TUP will ensure that the vehicle is not retained on the property permanently.

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It is not known, however, if the existing septic system has the capacity to support the additional volume of wastewater from the RV.

In summary, Administration is not supportive of the use of a recreational vehicle for the purposes of an accessory dwelling and is recommending that this application be denied.

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**Administrative Recommendation:**

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

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**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*

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Fiona Titley, Planner II

**Endorsed By:**

*CG*

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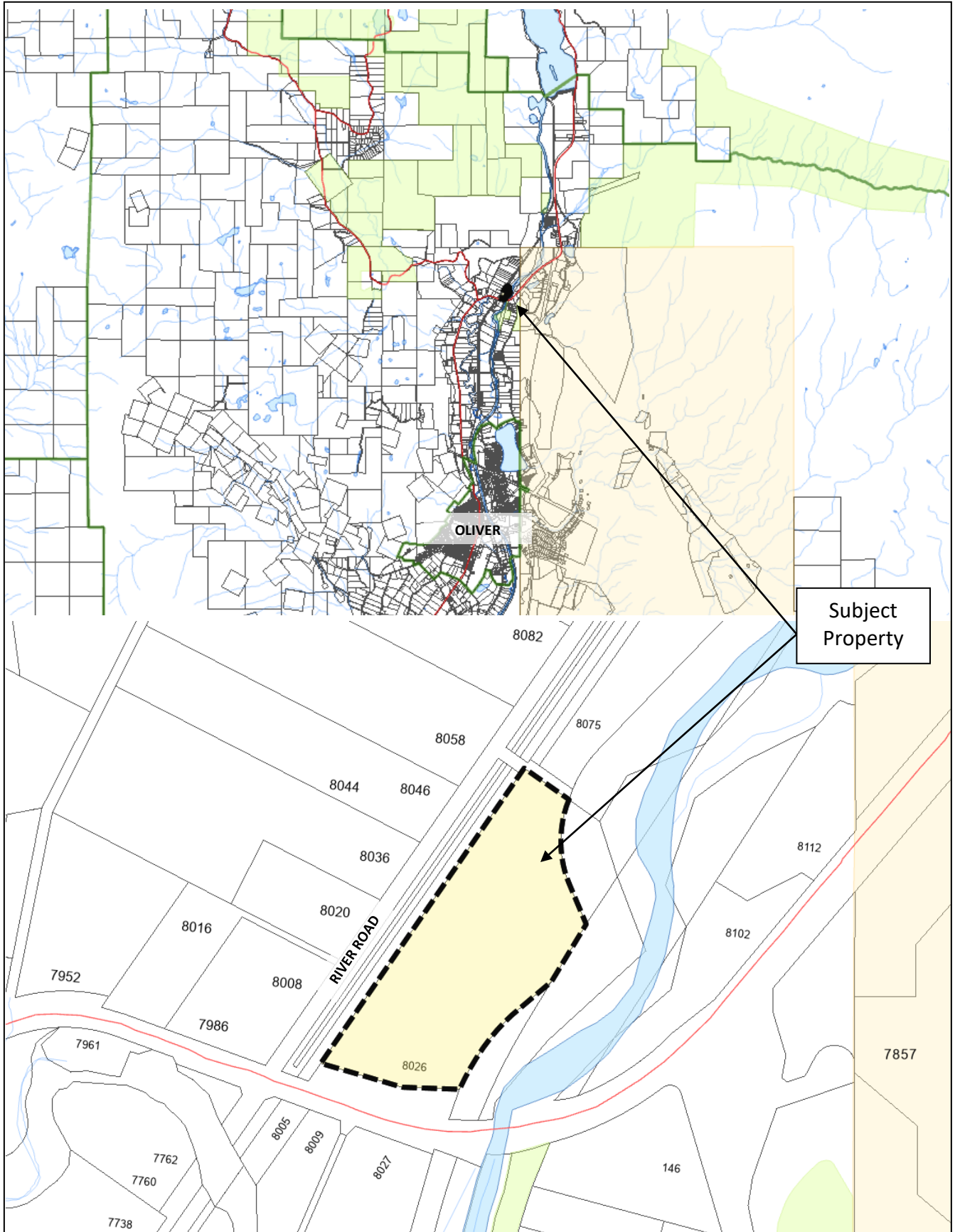
C. Garrish, Planning Manager

Attachments: No. 1 – Context Maps

No. 2 – Applicant’s Site Plan

No. 3 – Site Photo (September 2021)

Attachment No. 1 – Context Maps



Attachment No. 2 – Applicant’s Site Plan



Attachment No. 3 – Site Photo (September 2021)

