

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** J. Zaffino, Chief Administrative Officer  
**DATE:** January 18, 2024  
**RE:** Temporary Use Permit Application – Electoral Area “E” (E2023.021-TUP)

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## Administrative Recommendation:

**THAT Temporary Use Permit No. E2024.021-TUP, to allow an accessory dwelling in the form of recreational vehicle at 2844 Gammon Road, Naramata, be denied.**

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Legal: Lot 2, Plan KAP44573, District Lot 207, SDYD Folio: E-02087.121  
OCP: Low Density Residential (LR) Zone: Low Density Residential Three (RS3)

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## Proposed Development:

This application is seeking to allow an accessory dwelling in the form 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:

*We are seeking approval to use a Tiny Home (CSA Z240 RV) as an accessory dwelling, on a parcel that is .24 ha, to provide affordable housing for our family. This opportunity will enable us to continue to live, work, volunteer, and participate in our community, as well as for our children to continue to attend Naramata Elementary School.*

*The home is situated on the North East corner of the property and occupies 10 feet by 40 feet of space. The property to the North is agriculture with no home, the parcel to the East currently has no development, and we are the last house within an RS2 zoned area. The Tiny House is situated along the back and side lot line. The overall impact to the environment and lot coverage is minimal.*

*Although the Tiny Home draws power from the main home it does have the capability to go off-grid. At present time, the home receives water from the main home. The Tiny House does not tie into the existing septic system and has the gray/ black water bins emptied as needed. The Tiny Home is not used as a rental of any kind, and will not be.*

## Site Context:

The subject property is approximately 2,504 m<sup>2</sup> in area and is situated on the east side of Gammon Road. It is understood that the parcel is comprised of a single detached dwelling, an accessory building and a recreational vehicle.

The subject property is bounded to the north and east by a laneway under the jurisdiction of the Ministry of Transportation and Infrastructure (MoTI).

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The surrounding pattern of development is generally characterised by similarly sized residential parcels to the east and south, and agricultural land to the north and west.

**Background:**

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on February 12, 1991.

Available Regional District records indicate that building permits for a single detached dwelling (1990), renovations to the single detached dwelling (2017), a detached garage (2018), conversion of the garage to a commercial building (2018) and a deck addition to the single detached dwelling (2021) have previously been issued for this property.

BC Assessment has classified the property as “Residential” (Class 01).

Official Community Plan

Under the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 2458, 2023, the subject property is currently designated Low Density Residential (LR).

Section 22.3.4 of Electoral Area “E” 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 Low Density Residential Three (RS3) which lists accessory dwelling as a permitted accessory use, subject to the requirement that accessory dwellings on parcels less than 1.0 ha in area be connected to a community sewer system.

The Zoning bylaw permits two types of manufactured homes to be used as accessory dwellings: Canadian Standards Association (CSA) A277 model, which is defined as a “modular home” use, and CSA Z240 model, which is defined as a “mobile home” use and is only permitted on parcels 1.0 hectare in area and greater.

CSA Z240-RV model manufactured homes are defined as a “recreational vehicle” use and are not permitted to be used as an accessory dwelling.

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. Stored recreational vehicles “shall not be connected to a sewage disposal system, water system or power source”.

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The temporary occupation 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 campgrounds for the short-term accommodation of the travelling public, but this use requires a 2.0 ha parcel size and connection to community water and sewer systems.

#### “1.0 ha Policy”

The Zoning Bylaw’s use of regulations prohibiting accessory dwellings on parcels less than 1.0 hectare unless connected to a community sewer system is intended to comply with the Okanagan Basin Water Board (OBWB) interpretation of the “1.0 Hectare Policy”.

Amongst other things, the “1.0 Hectare Policy” requires that municipalities applying to the OBWB for a Sewerage Facilities Assistance Grant have in place zoning bylaws prohibiting accessory dwellings on lots less than 1.0 hectare that are not serviced by community sewers.

OBWB has previously indicated that a Regional District’s grant eligibility will be affected if it does not comply with the “1.0 Hectare Policy”.

#### BC Building Code

The BC Building code does not apply to recreational vehicles and therefore the residential use of recreational vehicles is not subject to inspection or certification for health and safety.

While CSA certified RVs, such as the CSA Z240-RV model, are subject to health and safety standards they do not generally meet standards prescribed by the BC Building Code for use as a permanent dwelling.

#### Sewerage System Regulation

The disposal of “domestic sewage”, defined as including “human excreta and waterborne waste from the preparation and consumption of food and drink, dishwashing, bathing, showering, and general household cleaning and laundry” is regulated by the *Sewerage System Regulation* pursuant to the *Public Health Act*.

Under this regulation, all domestic sewage must be disposed into a sewerage system designed and installed by an “authorized person” (e.g. a professional engineer or a registered onsite wastewater practitioner).

The applicant has indicated that sewage disposal from the RV is provided in the form of “gray/ black water bins”. Interior Health has provided comments indicating that it does not support the continued use of “bins” as a form of domestic sewerage disposal.

#### Enforcement

The property has been subject to Stop Work Notices for the placement of an accessory dwelling on the property and a kitchen renovation to the single detached dwelling without building permits (2021) and a deck addition to the single detached dwelling without building permits (2021).

Building permits have been issued for the deck addition and this Stop Work Notice was lifted. The Stop Work Notice for the kitchen renovation and placement of an accessory dwelling remains active.

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The Regional District has received written complaints regarding “the placement of a tiny home on the subject property without a building permit”.

### MoTI Laneway

The applicant has indicated that the RV will be located approximately 1.52 metres from the north parcel line and 3.0 metres from the east parcel line. However, aerial images of the subject property appear to indicate that the RV is encroaching into the laneway.

RDOS Utilities staff have advised that RDOS community water infrastructure is located in this laneway and the RV should be relocated if it is encroaching into the laneway.

The setbacks proposed by the applicant have been included as conditions of the temporary use permit and if approved, the RV must be sited in accordance with the permit.

### **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:**

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 (e.g. a campground).

This is further reinforced by the Zoning Bylaw’s prohibition on accessory dwelling on parcels less than 1.0 hectare and serviced by an on-site septic system is in recognition of OBWB’s 1.0 ha policy.

### 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 BC Building Code to address health and safety considerations associated with building construction.

Interior Health has 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 comments submitted by Interior Health in relation to this application, which indicate that RVs do not meet standards for “healthy housing” and may be susceptible to potential health hazards.

### 1.0 Hectare Policy

An accessory dwelling is not a permitted use on the subject property because the property is serviced by an on-site septic system and is less than 1.0 hectare in area.

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Administration has concerns that the issuance of this temporary use permit would be in contravention of OBWB's "1.0 Hectare Policy" and may jeopardize future sewerage grant funding.

Rural Growth

Administration has concerns that demand for housing will prompt the submission of further ad hoc applications for the residential use of RVs, leading to the proliferation of "rural sprawl".

Incremental development of quasi-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. This could result in poorly planned development in urban fringe areas that negatively impacts the character of rural areas.

TUP Criteria

The proposed temporary use is not seen to be consistent with the TUP approval criteria listed in the Electoral Area "E" OCP because the use is clearly not temporary or transitional in nature.

Alternative

While the current method of sewage disposal may create a nuisance to neighbouring properties given the small size of adjacent parcels, the applicant *may* be able to address this deficiency by following the recommendations provided by Interior Health.

Accordingly, if the Board wishes to approve the proposed temporary use, the draft permit includes conditions requiring the applicant to demonstrate that Interior Health's recommendations have been satisfied within six (6) months of approval.

Summary

In summary, Administration has concerns related to the health and safety of the proposed use, the potential loss of OBWB grant funding, and the consistency of the proposal with RDOS land use policies.

For these reasons, administration is recommending that the proposed temporary use be denied

**Alternatives:**

1. THAT the Board of Directors approve Temporary Use Permit No. E2023.021-TUP.

**Respectfully submitted:**

Ben Kent  
Ben Kent, Planner II

**Endorsed By:**

  
C. Garrish, Senior Manager of Planning

Attachments: No. 1 – Agency Referral List

No. 2 – Site Photo

No. 3 – 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. E2023.021-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 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 checked="" 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 – Site Photo



Attachment No. 3 – Aerial Photo

