

## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** September 22, 2022  
**RE:** Temporary Use Permit Application – Electoral Area “E” (E2022.013-TUP)

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### Administrative Recommendation:

**THAT Temporary Use Permit No. E2022.013-TUP, to allow the use of a recreational vehicle as a temporary accessory dwelling at 3305 McGibney Road, be denied.**

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Legal: Lot 10, Plan KAP9727, District Lot 210, SDYD      Folio: E-02183.000  
OCP: Low Density Residential (LR)      Zone: Low Density Residential Two (RS2)

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### Proposed Development:

This application is seeking approval to formalise the use of a recreational vehicle (RV) as an accessory dwelling on a parcel less than 1.0 ha in an area that is not connected to a community sewer system.

In support of this proposal, the applicant has stated that the application is “to allow [her] RV to be on the property so [she] can help care for [her] mother...allowing her to stay home and not a care facility.”

### Site Context:

The subject property is approximately 1,440 m<sup>2</sup> ha in area and is situated on the west side of McGibney Road, in Naramata. It is understood that the parcel is comprised of a single detached dwelling.

The surrounding pattern of development is generally characterised by orchards to the south, a cemetery to the east and similar residential parcels to the north and west.

### Background:

The property was created on November 17, 1958, while available Regional District records indicate that a building permit for an addition (1975) has previously been issued for this property.

Under the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 2458, 2008, the subject property is currently designated Low Density Residential (LR).

The western two thirds of the property is identified under the GG Runka Soil Stability report as having hazards of slumps and slides.

Section 22.3.4 of Electoral Area “E” OCP Bylaw establishes the following criteria in evaluating a Temporary Use Permit application:

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- 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.

The property is currently zoned Low Density Residential Two (RS2) which permits a principal dwelling and accessory dwelling on the parcel only if there is a connection to a community sewer system. Since the property is on a septic system and it is under 1.0 ha in size, an accessory dwelling is not permitted on the parcel under Section 7.2.4.

The property has been the subject of enforcement related to the residential occupancy of the recreational vehicle. BC Assessment has classified the property as “Residential” (Class 01).

**Public Process:**

On August 10, 2022, a Public Information Meeting (PIM) was held online via Webex and was attended by approximately one (1) members of the public.

At its meeting of August 8, 2022, the Electoral Area “E” Advisory Planning Commission recommended that the development application be approved, subject to the following conditions;

- THAT the RV cease to be a residence once the principle dwelling home owner moves into a care home.*
- THAT the RV occupant is responsible for emptying the black and grey water bins of the RV regularly and does not use the onsite septic system.*
- THAT the RV occupant moves into the principal dwelling during the period between November 15 to February 15 annually.*
- THAT the RV is not to be used as a vacation rental or short-term rental.*

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 concern with this application is the use of a vehicle as a dwelling unit as well as allowing an accessory dwelling on an inadequately serviced parcel (e.g. absence of a community sewer connection).

Dwelling unit types 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).

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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 occupants of such units.

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.

The development of a secondary suite in the existing principal dwelling, as this is permitted by the zoning bylaws could be an option and would be subject to compliance with the BC Building Code.

Servicing:

With regard to the servicing of the proposed RV dwelling unit, the Regional District previously updated the Electoral Area zoning bylaws to prohibit accessory dwellings on parcels less than 1.0 ha in area serviced by a septic system.

This change was at the direction of the Okanagan Basin Water Board (OBWB) who advised that such a restriction would need to be in place if the Regional District wished to continue to qualify for grant funding from the OBWB for infrastructure projects such as the Okanagan Falls Sewer Treatment Plant and Osoyoos Lake Northwest Sewer Extension.

As there is currently no community sewer system servicing the community of Naramata or private sewer system in the vicinity of the subject property that the applicant could connect to, they are not able to meet this requirement.

Alternative:

Should the alternative to authorize an RV to be used as an accessory dwelling unit through a TUP be approved, the TUP could provide the ability to review the application annually to ensure that the vehicle is not retained on the property permanently.

While the applicant has indicated that currently they retain Superior Septic to pump out the black and grey water from the RV on a monthly basis, a dwelling unit should formally be connected to a sewer system. In this case, that would be the septic system associated with the principal dwelling unit and has included this as a condition in the permit.

It is not known, however, if the existing septic system has the capacity to support the additional volume of wastewater from the RV and it is likely that an upgraded or new septic system may be required to support this use.

**Alternatives:**

1. THAT Temporary Use Permit No. E2022.013-TUP be approved.

**Respectfully submitted:**

*Fiona Titley*

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**Endorsed By:**



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Attachments: No. 1 – Agency Referral List

No. 2 – Site Photo (May 2020)

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. E2022.013-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 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"/>	X Irrigation District / improvement Districts / etc.
<input checked="" type="checkbox"/>	Naramata Fire Department	<input checked="" type="checkbox"/>	Public Works (Water Area D)

Attachment No. 2 – Site Photo (May 2022)

