



REQUEST FOR DECISION

Agenda Item Number: 8.2

Meeting Date: 10/10/2023

Author: L. Pellegrino, Planning Manager

TO: Mayor and Council
FROM: Planning and Development
SUBJECT: TUP 23-01 Temporary Use Permit for RV occupancy at 4124 Beach Avenue

RECOMMENDATION:

THAT Council deny TUP 23-01, a request for a Temporary Use Permit to occupy an RV in the *R1 Single Detached Residential* zone at 4124 Beach Avenue.

PURPOSE

A request for a Temporary Use Permit (TUP) to allow occupancy of a recreational vehicle (RV) in the *R1 Single Detached Residential* zone at 4124 Beach Avenue (Lot 8, DL220, ODYD, Plan 10665).

COUNCIL AUTHORITY/PREVIOUS DECISIONS

OCP 2220, §7.0 provides for the application of TUPs in all areas of the District in unique circumstances. *Local Government Act (LGA) Part 14, Division 8 (§492)* grants local governments the ability to designate areas where temporary uses may be allowed.

CHIEF ADMINISTRATIVE OFFICERS COMMENTS

I support issuing a temporary use permit to resolve this issue given the history. The current owners of the property have been using the property with their RV for several years. This year we received a citizen complaint that the RV should not be allowed on the site as it is not permissible within the current zoning. That is the only complaint that I'm aware of for this property. Our Bylaw Enforcement Officer then followed up with the property owners and advised they could no longer place their RV on site and live in it. In discussions with the property owners, they advised they had approval from Mayor Waldo and 2 former District staff. Mayor Waldo and staff did not have the authority to allow a RV onsite that is contrary to the land use bylaw 20 plus years ago, only Council through passing a resolution has that authority. I was able to discuss this with a former employee who confirmed to me that in fact the District did give the property owners approval to place an RV on site and live in it during the summer. The former employee said without question there should be paperwork allowing the RV on site. Our files do not have any correspondence that gives permission allowing the RV on site. The property is serviced with water and sewer. Therefore, if Council wishes to approve a Temporary Use Permit, there is an alternate recommendation at the end of the report for Council's consideration. I support issuing a TUP.

REPORT

BACKGROUND

Subdivision Plan 10665, approved in May 1960, created 74 lots between 13th street and Trepanier Creek. Victor and Sheila MacDonald of Langley BC (property owners) purchased the 0.25-acre vacant Lot 8 on March 8, 1988. It remains vacant to this day.

Existing on-site improvements include a black chain link fence along the south (Beach Avenue) and north (Lake Avenue) boundaries, fencing along both east and west boundaries, District of Peachland water and sewer services, BC Hydro

service, an unpaved driveway from Lake Avenue, and a grassed lot except for a gravel RV pad.

On September 14, 2022, in response to a complaint received about occupancy of an RV on the lot, the District Bylaw Enforcement Officer sent a letter to the property owner informing them of the zoning violation and requesting the cessation of on-site camping.



DISCUSSION

In response to the violation letter, the property owner is applying for a Temporary Use Permit (TUP) to occupy their RV on this lot. In their application, they state Mayor George Waldo¹ personally allowed them to “park” their RV on this lot and use it indefinitely for 2-week periods between May and September. They go on to state that Mayor Waldo also gave approval for water, sewer, and electrical connections. They have indicated that they have no intention of building on the property and request that permissions granted in the past continue indefinitely.

¹ Mayor Waldo served as mayor for 14 years between 1980-1994 and again for 5 years between 1997-2002.

OCP and Zoning Review

The lot is in the *Gateway* area of the *Beach Avenue Neighbourhood* and designated *Mixed Use* in the OCP. This neighbourhood is characterized by fully built out residential neighbourhood of primarily detached single family dwellings.

The lot is currently zoned *R1 Single Detached Residential (Zoning Bylaw 2400)*. The *R1* zone permits one single detached dwelling per lot as a permitted principal use and a bed-and-breakfast, a minor home-based business, and either a secondary or garden suite as accessory uses. Currently, and historically, while it is possible to park an RV on a residential lot in Peachland (for storage), occupancy of an RV is classified as a *Campground* use. Notwithstanding anything that may have occurred in the past, occupancy of a RV in Peachland is a zoning violation.

Occupancy of RVs in Peachland is an annually recurring and time-consuming issue. The Bylaw Enforcement Officer receives approximately 8 - 10 calls annually related to RV occupancy on both private and public lands. The Zoning Bylaw exists to protect property owners and the community as a whole. Council—acting as a body—has the authority to create, amend, and vary zoning regulations.

Technical Review

Driveway Permit. A Driveway Access Permit was neither approved nor issued for this lot.

Utility Connections. On file is an unsigned application for sewer service at 4124 Beach Avenue. Sewer Permit #406 was issued and approved a temporary 4" diameter 60-foot-long sewer line on September 27, 2001. The connection is not recognized as a permanent connection. Temporary sewer permits are issued based on an expected forthcoming building permit application and billing is instigated upon completion of a building. The permit was issued as a "rough-in" and therefore was never "finalized". A building permit application for this lot has never been submitted (nor has the property owner expressed an interest in submitting one in the future) and billing for the sewer service did not commence until 2022 when the District realized that the connection is still in place and is being utilized. It was never intended as a permanent connection. The District does not permit seasonal use of the sanitary sewer system. Residents either have a home on the lot, pay the connection/inspection fee and associated utility bills year-round, or do not qualify for the service at all. A connection to the municipal sewer system for urban camping is dangerous. The gases off a sewer connection and sewer main can make their way back into the RV and may be deadly. A permanent home has a very different connection design that protects off-gassing. Despite no approval for the water connection, billing commenced with the installation of the water meter on August 29, 2008. Solid waste billing started in 2019.

Fortis, Telus, and BC Hydro all had not objections to the proposed use.

Public Comments. A Development Proposal sign was posted onsite, and a notice of the Council meeting was mailed to all property owners within 100 metres of the lot. As of the writing of this report, one written comment was submitted that expressed opposition to the temporary use.

IMPLICATIONS/RELATED ISSUES/RISK

Approval of this TUP could lead to the submission of more applications to permit campground uses in established residential neighbourhoods, which may also impact the visual appeal and character of neighbourhoods.

STRATEGIC DIRECTION

Increase Housing Choice

There is no doubt that RVs are versatile in providing both temporary and permanent housing solutions for a variety of purposes and lifestyles, but impacts vary widely and must be considered further. While it is within the discretion of Council to direct staff to look into allowing RV occupancy as a housing option (*i.e.* accessory dwelling units) or as a short-term rental tourist option, many changes would need to occur

to the OCP and Zoning Bylaw in order to make it happen. In the meantime, RV occupancy should only continue (either permanently or temporarily) within sanctioned recreational campgrounds (of which there are currently none in Peachland) and could be studied further as festival or event accommodations (*i.e.* music festivals, *etc.*), a solution to homelessness or seniors housing (*i.e.* RV / Tiny Home Parks), or as disaster relief shelters (temporary or transitional housing for those displaced by natural disasters such as wildfires, earthquakes).

CONCLUSION

Occupancy of an RV outside of a campground is currently, and has historically, been a zoning violation. Circumstances are not unique as to warrant a TUP for occupancy on this site and negative impacts may affect not only surrounding properties, but the entire character of the beach front and overall Peachland community. The property owner has owned the property for 35 years. They are strongly encouraged to build and occupy a detached single-family home on this site or sell it if they do not desire to use the property for its intended and permitted use(s).

ALTERNATE RECOMMENDATION

THAT Council approve TUP 23-01, a request for a Temporary Use Permit to occupy an RV in the *R1* zone at 4124 Beach Avenue, subject to the following conditions:

1. The temporary use permit is valid for a (3) year term from the date of issuance.
2. Occupancy of the RV shall be limited to Victor and Sheila MacDonald.
3. Occupancy may occur from May 1 through September 30 only, during the duration of the TUP.
4. Occupancy shall be limited to no more than two (2) week periods. All occupancy periods must be followed by two (2) weeks of vacancy.
5. This Permit does not run with the land and is not transferrable in any way.
6. The RV sanitary system shall only be connected to the municipal sewer system while emptying the full holding tanks of the RV. The sanitary service connection should be capped at all other times to prevent stormwater, soil, or any other foreign materials from entering the system and to protect against harmful gasses that may be released.
7. Retroactively pay for water and sewer service back to January 1, 2016, if applicable.

SUPPORTING DOCUMENTATION

- A. Public Comments

REVIEWED & APPROVED BY Darin Schaal, Director of Planning and Development Services