



BOARD REPORT

TO:

Chair and Directors

File No: TUP830-12
PL20220027

SUBJECT:

Electoral Area F: Temporary Use Permit No. 830-12

DESCRIPTION:

Report from Laura Gibson, Planner II, dated May 9, 2022.
7551 Klondike Trail, Anglemont

RECOMMENDATION:

THAT: In accordance with Section 493 of the Local Government Act, Temporary Use Permit No. 830-12 for Lot 1 Section 15 Township 23 Range 9 West of the 6th Meridian Kamloops Division Yale District Plan EPP81642, be authorized for issuance this 19th day of May, 2022, for use of a campsite on the subject property during construction of the single family dwelling;

AND THAT: issuance be withheld until:

- (a) The owners provide the CSR D with a financial security in the amount of \$5,000 in the form of a bank draft, certified cheque, or irrevocable letter of credit, compelling the owners to remove the recreational vehicle if the single family dwelling is not completed by October 31, 2022;
- (b) A building permit is issued for the proposed single family dwelling; and,
- (c) Proof is received that the on-site sewerage system (holding tank) has been installed.

SHORT SUMMARY:

The subject property is located at 7551 Klondike Trail in Anglemont of Electoral Area F. The owners are proposing to temporarily use the property as a campsite for one recreational vehicle (RV) during construction of the single family dwelling. The current zoning only allows for a campsite when a single family dwelling is existing as the principal use on the property. If approved, this Temporary Use Permit will allow the campsite use on the property from May 19, 2022, to October 31, 2022. A financial security of \$5,000 is recommended by staff as a condition of issuance of the TUP, to help ensure that the RV is removed from the property if construction of the single family dwelling is not completed by October 31, 2022.

VOTING:

Unweighted
Corporate

☐

LGA Part 14
(Unweighted)

☒

Weighted
Corporate

☐

Stakeholder
(Weighted)

☐

BACKGROUND:

ELECTORAL AREA:
F

LEGAL DESCRIPTION:

Lot 1 Section 15 Township 23 Range 9 West of the 6th Meridian Kamloops Division Yale District Plan EPP81642

PID:

030-473-781

CIVIC ADDRESS:

7551 Klondike Trail, Anglemont

SURROUNDING LAND USE PATTERN:

North = Residential (single family dwelling)

South = Klondike Trail, Residential (single family dwelling)

East = Residential (vacant)

West = Residential (vacant)

CURRENT USE:

Vacant

PROPOSED USE:

Use property for a campsite (one RV) during construction of the single family dwelling

PARCEL SIZE:

0.29 ha (0.73 ac)

DESIGNATION:

Electoral Area F Official Community Plan Bylaw No. 830

SSA – Secondary Settlement Area

ZONE:

Anglemont Zoning Bylaw No. 650

R1 – Residential 1

AGRICULTURAL LAND RESERVE:

0%

BYLAW ENFORCEMENT:

Yes – camping on the property prior to construction of a single family dwelling. To resolve the non-compliance, they have applied for a building permit for a single family dwelling and have applied for a Temporary Use Permit to allow the RV to be used during construction of the single family dwelling.

POLICY:

See attached “TUP830-12_BL650_BL830_Excerpts.pdf”.

[Electoral Area F Official Community Plan Bylaw No. 830](#)

- Section 14 - Temporary Use Permits

[Anglemont Zoning Bylaw No. 650](#)

- Part 1 – Definitions

- Part 3 – General Regulations
 - 3.14 Campsite
- Part 5 – Zones
 - 5.6 RS-1 Residential Zone

FINANCIAL:

There are no financial implications to the CSRD as a result of this application at this time. If the property owners recommence camping without a single family dwelling being constructed on the property, or without an approved TUP allowing camping during construction of the single family dwelling, bylaw enforcement may need to take further action to address the issue.

KEY ISSUES/CONCEPTS:Background

The subject property owners have previously camped on the property in contravention of Anglemont Zoning Bylaw No. 650 (Bylaw No. 650), which only permits a campsite when a single family dwelling is existing as the principal use on the property. CSRD Bylaw Enforcement staff commenced enforcement in June 2021 and the RV was subsequently removed by the owners. The owners have now applied for a Temporary Use Permit (TUP) to seek approval for the campsite use during construction of the single family dwelling.

Proposal

The applicants are proposing to use an RV on the subject property while the single family dwelling is constructed. The RV will be serviced by an on-site sewerage system (holding tank) and a connection to the CSRD Anglemont Waterworks System. The applicants have a building permit application submitted to the CSRD. The building permit has not yet been issued by the CSRD as there are outstanding documents required. The applicant's engineer is working on submitting the outstanding information to the CSRD.

Financial Security

Development Services (DS) staff recommend that a financial security of \$5,000 be a condition of issuance for this TUP to help ensure that if the single family dwelling is not constructed, that the campsite use is discontinued on the property. This financial security could be submitted as a bank draft, certified cheque, or irrevocable letter of credit. The financial security will be returned either when the single family dwelling construction is complete (an Occupancy Permit has been issued by the Building Official), or the campsite use is discontinued (RV removed). DS staff had initially recommended a financial security of \$10,000 to the applicant. This is consistent with what was required for a temporary placement of a modular home on another property for TUP850-15. The applicants submitted a letter to the CSRD requesting that the financial security amount be reduced to \$1000 due to their limited fixed income (see attached "TUP830-12_Applicant_Letter_Redacted.pdf"). The applicants state in their letter that the other costs associated with developing the property have been well over their budget, and even \$1000 would be stretching them to their limits. They state they could not handle a \$10,000 security. Staff revaluated the \$10,000 financial security amount and concluded that \$5000 is appropriate as an RV is easier to remove from the property than a modular home.

Policy

Through the authority of the Local Government Act, the Regional District may consider issuing TUPs. A TUP may allow a use not permitted by a zoning bylaw and specify conditions under which the temporary use may be carried on. Electoral Area F Official Community Plan Bylaw No. 830 allows TUPs in all

designations. For all temporary use permits, the applicants must demonstrate how the proposed use will not markedly impact adjacent residents, local services and the environment. There are no further detailed policies in the OCP for TUPs for campsites, but there are more detailed criteria for TUPs for vacation rentals. Although this TUP application is not for vacation rental use, the following criteria are appropriate to consider for this TUP application for camping:

- Demonstrate that the proposed use will not alter the general character of the neighbourhood;
- Screen, fence or provide vegetative buffers between the proposed use and adjacent properties for greater privacy and noise reduction;
- Show proof of adequate servicing (water & sewer) for the proposed use at maximum capacity for the entire duration of the permit. This may include a required inspection by a registered professional;
- Demonstrate adequate parking. Generally, one parking space should be provided per let bedroom;

In addition to a campsite needing to be located on the same parcel as a single family dwelling, Bylaw No. 650 also states in the General Regulations that the maximum area of a campsite may be 45 m² and that a maximum of one campsite is permitted on a parcel. The definition of campsite is use of land for one camping unit for rent-free accommodation on a non-commercial basis. One camping unit is defined as one RV or one camping tent.

CSRD Building and Bylaw Enforcement Referral Response

CSRD Building staff have confirmed that BC Building Code does not apply to an RV as it is not defined as a building, therefore, the Building Regulation Bylaw No. 660 does not apply in this circumstance. In the summer of 2021, Bylaw Enforcement staff were heavily utilized as a direct result of receiving considerable resident complaints of RVs in this area without first having established a single family home on the property as required by zoning regulations. In this particular circumstance, TUP approval with security will allow the landowners to utilize their RV for temporary accommodation while building their house and once the house is built temporary use of the RV will continue to be permitted by zoning. Long term habitation of the RV will continue to not be permitted.

Analysis

The subject property owners have applied for this TUP to seek approval of the campsite use while their single family dwelling is constructed. The single family dwelling will be a modular home and a building permit application has been made. An on-site sewerage system (holding tank) is proposed to be installed before the campsite use will recommence on the property, for which the Record of Sewerage System has been accepted by Interior Health. Connection of the RV to the on-site sewerage system (holding tank) is included as a condition of this TUP. The property is connected to the Anglemont Waterworks System. The property owners have complied with Bylaw Enforcement staff by applying for a TUP to seek approval for the camping use while they are constructing the single family dwelling.

Staff do not expect that the camping use should have significant negative impacts to neighbouring properties. The site plan indicates that the trailer will be situated 3 m from the rear parcel line. Bylaw No. 650 requires a minimum setback of 6 m for a single family dwelling, guest accommodation and home business uses, and 3 m for accessory uses. Although the campsite use may be considered the principal use while the single family dwelling is under construction, if the RV is located 6 m from the rear parcel line it may conflict with the construction of the single family dwelling. The applicants have stated that they only cleared the middle of the property for the proposed single family dwelling and that perimeter of the property is still treed. With the RV being located near the rear parcel line and the trees providing vegetative buffer along the side parcel lines, the RV should be as inconspicuous as is possible for the subject property, limiting its alteration to the general character of the neighbourhood. Staff do not

recommend that a fence be required to screen the campsite use as the use is proposed to be short-term.

A campsite is a permitted use when a single family dwelling is existing as the principal use on the parcel. The TUP is only required to allow the use prior to completion of the single family dwelling. A condition of the TUP is to have the building permit issued before the campsite use can commence, to help ensure everything is in order for the single family dwelling to be constructed in a timely manner. Once the single family dwelling is completed, the campsite use will be in compliance with Bylaw No. 650. The applicants have requested that issuance of a building permit not be a condition of the TUP. However, staff believe the applications should be linked because the purpose of the TUP is to allow the campsite use only while constructing the single family dwelling, and linking the applications ensures that the applicants focus on completing the outstanding requirements for their building permit application promptly.

The single family dwelling (modular home) is proposed to be placed on the property this summer, therefore, the camping use is proposed to be short-term. Although a TUP may allow for an otherwise unpermitted use for up to 3 years, staff recommend the subject TUP be set to expire on December 31, 2022. The campsite use will need to discontinue as of October 31, 2022. The reason for the difference in timing for the campsite use to discontinue and the expiry of the TUP is so that should there be unforeseen circumstances that arise and prevent the single family dwelling (modular home) being constructed on the property this summer, the applicants may apply for a renewal for one more season. A TUP renewal may be delegated to the Manager of Development Services if the renewal application is made at least 3 months prior to the expiry of the TUP and if there have been no complaints received about the use. If the TUP is renewed it will allow the campsite use from March 31 to October 31. This is consistent with other CSRD zoning bylaws where camping is permitted as a primary use. The CSRD is unable to authorize full time residential use of a recreational vehicle because RVs do not comply with BC Building Code, which has requirements in place to protect health and safety (i.e. required insulation, ventilation, heating, and snow loads, which are of particular importance as the CSRD is subject to harsher climates.)

SUMMARY:

The property owners are proposing to temporarily use the property as a campsite while the single family dwelling is being constructed. If approved, the Temporary Use Permit will allow the campsite use from May 19 to October 31, 2022. Staff recommend approval of TUP830-12 for the following reasons:

- The applicants have submitted a building permit for their single family dwelling, they are actively working to complete the conditions to have it issued, and it is anticipated the single family dwelling will be constructed prior to October 31, 2022;
- The subject property is connected to the Anglemont Water System and will connect to an on-site sewerage system;
- The financial security will help ensure that the campsite use is discontinued if the single family dwelling is not constructed as proposed;
- It is not expected that the use of the RV on the property will have significant negative impacts to the neighbouring properties or significantly alter the character of the neighbourhood.

Staff recommend issuance be withheld until:

- (a) The owners provide the CSRD with a financial security in the amount of \$5,000 in the form of a bank draft, certified cheque, or irrevocable letter of credit, compelling the owners to remove the recreational vehicle if the single family dwelling is not completed by October 31, 2022;
- (b) A building permit is issued for the proposed single family dwelling; and,
- (c) Proof is received that the on-site sewerage system (holding tank) has been installed.

IMPLEMENTATION:

If the Board chooses to authorize issuance of this TUP, the owner will be notified of the Board's decision and upon fulfillment of the conditions described above, the TUP will be issued and registered on title for the subject property.

Prior to the expiration of TUP830-12 (December 31, 2022), if there are unforeseen circumstances that delay construction of the single family dwelling, the owners have the option to apply for a one-time renewal to allow the campsite use for another season. The renewal, if applied for more than 3 months prior to the expiration of the TUP and if no complaints have been received related to the campsite use, may be delegated to the Manager of Development Services to permit the campsite use for another season, from March 31, 2023 to October 31, 2023.

COMMUNICATIONS:

Public Notice

The CSRD is in receipt of photographs verifying that a notice of application sign was posted on the subject property on April 12, 2022, in accordance with the Development Services Procedures Bylaw No. 4001, as amended. Further, in accordance with the Local Government Act, notices of the TUP application will be sent to owners and tenants in occupation of properties within 100 m of the subject property at least 10 days prior to the Board meeting. A newspaper ad informing the local residents about the application will be published seven days prior to the Board consideration of this TUP along with ads posted on the CSRD website and social media platforms.

As of the date of this report, no written submissions regarding TUP830-12 have been received. Any written submissions received by the Tuesday, May 17, 2022, 4:00 PM deadline will be added to the revised Board agenda.

Referral to Interior Health Authority

A referral regarding the proposed camping use was sent to Interior Health Authority. At the time, the owners had proposed to use an existing composting toilet for sewage and a holding tank for greywater. Interior Health responded that these may be permitted with the appropriate filing for the composting toilet and construction permit for the holding tank (see attached "TUP830-12_IH_Referral_Response.pdf"). The property owners did not provide the necessary filing for the composting toilet but have now proposed to have a Type 1 sewerage system (holding tank) installed on the property prior to commencing the camping use on the property. Staff are in receipt of a Record of Sewerage System (RSS) accepted by Interior Health for the proposed sewerage system, which will support the RV use. Ben Boileau, ROWP, First Choice Septic & Contracting, has confirmed that once the single family dwelling is in place, the Type 1 system will be removed and replaced with a Type 2 sewerage system.

DESIRED OUTCOMES:

That the Board endorse the staff recommendation.

BOARD'S OPTIONS:

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

Report Approval Details

Document Title:	2022-05-19_Board_DS_TUP830-12.docx
Attachments:	<ul style="list-style-type: none">- TUP830-12_Redacted.pdf- TUP830-12_Applicant_Letter_Redacted.pdf- TUP830-12_BL830_BL650_Excerpts.pdf- TUP830-12_IH_Referral_Response.pdf- TUP830-12_Maps_Plans_Photos.pdf
Final Approval Date:	May 10, 2022

This report and all of its attachments were approved and signed as outlined below:



Corey Paient



Gerald Christie



Jennifer Sham



Jodi Pierce