



County of Wetaskiwin No. 10

Recreational Vehicle Usage

June 27, 2012

Buck Lake Community Center

Legislative Framework – Provincial Safety Codes Act



The County of Wetaskiwin Council, Administration and the Provincial Government work in partnership to address issues that affect all ratepayers.

Safety Codes Act (SCA)– Administered by Alberta Municipal Affairs .

Establishes regulations for building, accessibility, fire, plumbing/private sewage, gas, electrical, elevator devices, pressure vessels, amusement rides and ski lifts for the Province of Alberta.

The Safety Codes Act allows for local authorities (i.e. municipalities, corporations) to become accredited to administer the Act in part or entirely for their jurisdiction including safety codes officers, permits, inspections etc.

For non-accredited areas, like the County of Wetaskiwin, Municipal Affairs administers the Act by contracting with accredited agencies to provide services such as safety codes officers, for that jurisdiction.

Municipal Bylaws

A municipality may not make a bylaw that regulates a matter already regulated by the Safety Codes Act. There are some exceptions, and for non-accredited areas, bylaws may be made for maintenance standards of buildings and structures and to unsightly or derelict buildings and structures.

Legislative Framework – Provincial Safety Codes Act



Recreational Vehicles are not residential buildings under the Alberta Building Code and the standards for RVs are not regulated by the Safety Codes Act. As a result, the local authority may pass bylaws affecting the use of RV's within its jurisdiction, on such matters as zoning or land use.

Canadian Standards Association (CSA) standards describe RVs as “a vehicular type unit that is primarily designed to provide temporary living quarters for recreational, camping, travel or seasonal use...”

If, in the opinion of a safety codes officer responsible for providing services in the county's jurisdiction, the use or proposed use of an RV is so similar to that of a residential building, the safety codes officer may make a determination that the RV is now a residential building and subject to the requirements of the Safety Codes Act including permits and inspections.

The Safety Codes Act does not determine land use – the local authority through bylaw determines land use. The Safety Codes Act sets out requirements for minimum safety standards for construction and installation with respect to that land use.



Legislative Framework – Provincial Safety Codes Act

RVs and other temporary occupancies typically do not meet safety code requirements for fire rating, insulation, private sewage treatment (if not hooked up to the municipal line) and other construction code requirements if used as a residential occupancy.

The risk posed to life safety and property protection substantially increases where greater numbers of RVs or temporary dwellings such as Park Model Trailers are sited and used as residential occupancies, either mixed with code compliant residential buildings or as a separate community.

The Province of Alberta has taken steps to enhance fire protection for residential buildings to mitigate the effects of high intensity residential fires. A concentration of RVs or temporary dwellings that exist as a more permanent community would create a double standard along with a substantial risk to life safety and property protection

Municipal Government Act – Regulates County Bylaws and Policies.

Section 201(1) – A council is responsible for developing and evaluating the policies and programs of the municipality.

Section 202(2) – Only a Council may pass bylaws.

Section 617 – the Purpose of Land Use Planning is to achieve the orderly, economical and beneficial development, use of land and patterns of human settlement, and to maintain and improve the quality of the physical environment within which patterns of human settlement are situated in Alberta, without infringing on the rights of individuals for any public interest except to the extent that is necessary for the overall greater public interest.

Section 632(1) – A council of a municipality with a population of 3500 or more must by bylaw adopt a municipal development plan.

Section 639 – **Every municipality must pass a land use bylaw.**

The Land Use Bylaw cannot authorize a use that is not allowed by Federal or Provincial legislation.

Land Use planning requires a Council to consider the long term effects of Bylaws and Policies.



Restrictive Covenants

Section 651.1(1) – means a negative condition or covenant under which land, or any specified portion of land, is NOT to be built on, or is NOT to be used in a particular manner, or any other negative condition or covenant running with or capable of being legally annexed to land.

Restrictive covenants on private developments are often registered at the time of subdivision by the landowner and ARE NOT reviewed, approved or enforced by the County of Wetaskiwin but are required to be dealt with in a court of law by the affected landowners.

Restrictive covenants cannot authorize something that is not legally allowed by either provincial legislation or municipal bylaw.

It is the landowners responsibility to know and understand what your property is zoned as and how that relates to development you are wishing to undertake.





Land Use Bylaw Districts (Zoning)

The County's Land Use Bylaw 95/54 establishes all Land Use Districts (also known as Zoning) and lists the Permitted and Discretionary Land Uses for each district. A land use not listed is neither Permitted or Discretionary.

Land Use Districts within the Buck Lake Area include:

Urban Residential (does not list Recreation Vehicles as a Permitted or Discretionary Land Use)

Lakeshore Residential (does not list Recreation Vehicles as a Permitted or Discretionary Land Use)

Country Residential (does not list Recreation Vehicles as a Permitted or Discretionary Land Use)

Recreational (lists Recreation Vehicle Park and Campgrounds as Discretionary Land Uses)

Recreation Resort Holdings (lists several commercial uses along with Recreation Vehicles as a Discretionary Land Use)

Environmental/Municipal Reserves – are properties under the direction and control of the Municipality that are restricted by statute or law for specific types of public uses and cannot be developed for private use.



Steps to Rezoning Property (after an approval of an Area Structure Plan for multi-lot subdivisions)

1. County receives an application from landowner(s) which includes their land use zoning request.
2. Application referred out to applicable Federal, Provincial and local jurisdictions.
3. Council holds public hearing.
4. Council makes decision.
5. Council decisions can only be appealed for errors in law or jurisdiction.

The County holds public hearings to rezone land at the request of a landowner. It is the landowner/developer that indicates on their application based on their planning report what zoning is appropriate.



Can I store my recreational vehicle on my property?

There are no provisions in the Land Use Bylaw that restricts the storage of your recreational vehicle. The Bylaw would only be in effect if the storage included storage of external units (not owned by landowner) or the use of the unit as a recreational accommodation.

Is my Recreational Vehicle considered a residence (Safety Codes Act)?

The first step in determining the appropriate use of the RV will be compliance with land use bylaws. For a safety codes officer, an evaluation to determine that an RV is being used as a residential building may include but not limited to:

- permanently remaining on site
- evidence of a foundation
- extent of utility connections
- fixed renovations such as decks, fireplaces, handrails, new levels, joining of additional units and corridors
- removal of wheels and modes for transport
- private sewage systems



Has the County Changed its Policy?

No, the County has not changed its policy regarding Recreational Vehicles being used in place of residential dwellings.

The Council resolution on March 10, 2011 did not change a Bylaw, only reaffirmed the enforcement of existing Bylaw 95/54 passed in 1995. The resolution required the removal of a Recreational Vehicle in the Hamlet of Alder Flats on property zoned Urban Residential.

The County has dealt with unauthorized land uses on a complaint basis and will continue to respond to land use violations as a service to its citizens and ratepayers.

Has the County Changed its Policy?...



Land Use Bylaw 95/54 has been in effect since 1995 containing the land use districts Lakeshore Residential, Country Residential and Urban Residential and within those districts, Recreation Vehicles have not been listed as either Permitted or Discretionary Land Uses and neither did the previous Land Use Bylaw from 1986.

In 2012, Council began an information campaign to the Real Estate industry reminding them of the status of Recreation Vehicles in relation to Residential Land districts to ensure prospective buyers were being provided with accurate information. The direction from Council was:

“Moved by Council to thank the Subdivision and Development Appeal Board for their support and advise them regarding some of the current direction provided in the Business Plan for Planning and Development as follows:

...4. Educate realtors regarding Municipal Reserve & Environmental Reserve uses and development regulations. This includes the selling of lands in districts zoned where recreational vehicles are not allowed. Through the educational process, Council hopes to reduce the number of parcels sold under false pretense regarding the allowed uses including lakefront properties where Environmental and Municipal Reserves exist.”



Is the County wishing to “Ban” or “Remove” all Recreational Vehicles?

No, the County is not “on a mission to ban” Recreational Vehicles.

The County is concerned with the safety and improper use of Recreational Vehicles within those Residential land use districts that do not allow for a Recreational Vehicle to be used or occupied on a Residential lot in place of a residential dwelling.

Recreation Resort Holding and Recreation zoned properties allow for the discretionary use of Recreational Vehicles. There are properties in the County of Wetaskiwin that currently have the appropriate zoning for recreational use.

All permits that may have been issued for either RV’s or Park Model trailers by the County include conditions that require the applicant to comply with the Alberta Building Code requirements.

If I own property, can I invite family to stay overnight in their RV?

The County recognises the importance of this question and will be gathering information including comments from this Open House and investigating options to this question which will involve addressing related matters including safety, compliance with bylaws, the number of units (ie; should it be limited to one recreation unit?) and length of time (ie; one night, two nights or two weeks?).

As well, the County will be asking Safety Services to provide information relating to the safety aspects of this activity.

Finally, within the Council business plans, Bylaw Enforcement traditionally has been done on a reactionary case by case basis through the complaint process.



Where to from here?

As mentioned previously, Council has asked Administration to gather information from Safety Services staff, neighboring municipalities, legal counsel and of course tonight's open house.

Council has already heard from a delegation of concerned citizens on May 1, 2012 at a regular meeting of Council, open to the public. As well, many suggestions for possible directions have already been provided. Further written submissions will be accepted until July 20, 2012.

Council is very interested in exploring all of the possible options and gathering as much information as possible in order to make the best decision not only for the Buck Lake area, but the County as a whole for the long term sustainability and benefit of the County and it's residents.

Administration will provide Council with all the requested information this fall. From there, if Council directs Administration to prepare an amendment to the Land Use Bylaw, there will be a public hearing which will be advertised and posted on the County website.



Any updates through Council will be posted on the County website. All public hearing requirements will be advertised through the Pipestone Flyer and the County website.



Thank you for your time tonight, we look forward to a positive evening to gather public input to help investigate solutions for the future.

Website:

www.county.wetaskiwin.ab.ca

Written submissions will be accepted until July 20, 2012. Please send your submission to:

County of Wetaskiwin No. 10
Box 6960
Wetaskiwin, Alberta
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Attn: Rod Hawken

Or email at:

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