Educational letter sent to Real Estate agents – Feb 2012

February 29, 2012 ****Important***

Name
Address
Municipality, Alberta
Postal Code

Attention: Name

Dear Name,

Re: Status of "Recreational Vehicles" & "Park Models" usage within the County of Wetaskiwin Jurisdiction

The issue and questions about RVs and Park Models is becoming more prevalent and the County is beginning an information campaign regarding this matter to advise landowners and the real estate industry of this information so that informed decisions can be made.

We have had many inquiries regarding Recreational Vehicles (RVs) and Park Models and we believe the following information may be of help in your discussions with prospective purchasers of land who may have questions regarding these uses. In this letter, we will help to outline what a RV and a Park Model is, and discuss the appropriate use of RVs and Park Models in relation to the County's land use districting (also known as zoning), also known as the Land Use Bylaw.

This letter is not intended to go in depth into the details of the following standards as a full interpretation of the Safety and Building Codes and Canadian Standards Association details since these should be provided by the related governing bodies that administer these areas of expertise; however, we believe the following information provides some basis of understanding the industry standards and codes related to the matter.

- CSA A277, "Procedure for Factory Certification of Buildings" – Manufactured homes
- CAN/CSA-Z240 MH Series, "Mobile Home" – Mobile Homes
- **CAN/CSA-Z240 RV Series, "Recreation Vehicles" – RVs**
- **CAN/CSA-Z241Series, "Park Model Trailers" – Park Model Trailers**

The two categories we are focusing on are the last two series.

A RV is defined within the Canadian Standards Association as CAN/CSA-Z240 RV Series, "Recreational Vehicles" and Park Model Trailers are defined within CAN/CSA-241 Series,

"Park Model Trailers", which under the Alberta Safety Codes Act do not meet the basic criteria to be used as a residential dwelling. In this regard, a RV and a Park Model will not be recognized as or issued an approval as a dwelling, whether seasonal, weekend, or year round usage, as they do not meet the minimum requirements of construction under Part Nine of the Building Code which is a necessary code requirement for residential dwelling construction.

In this regard, the County's Land Use Bylaw 95/54 only defines, lists, and allows approval, as a land use, RVs and Park Model Trailers in two of the thirty four land use districts in our Bylaw. These districts are the "Recreational District (R)" and the "Recreational Resort Holdings District (RRH)". Land must undergo Area Structure Plan (ASP), zoning, and other approvals prior to being granted either of these two zonings. The County must be contacted to verify what lands have been districted under either of these two "Recreational" districts. It should be noted that very few lands have been granted these two zonings and that the vast majority of lands abutting the County's lakes are under either "Agricultural" or a residential type of district (i.e. "Lakeshore Residential", "Country Residential", "Urban Residential", etc.), "Watershed Protection", or a commercial type zoning and are not recreational and do not allow for RVs or Park Models as a land use.

Since RVs including Park Model Homes do not meet minimum code requirements for use as a residential dwelling, and are neither listed as either a permitted nor discretionary land use, they should not be recognized or issued a development permit to be used as a residential dwelling. Discussions have been held with the manufacturing industry and Alberta Safety Codes and the question of whether these units can be converted to become a residence resulted in the answer that they are not constructed to be and cannot be converted to become a structure approved for residential purpose. Manufacturers have also advised that warranties for RVs and Park Models may be voided should they be used for residential purposes.

The question has been asked as to what point does a Recreational Vehicle including Park Model Trailer go beyond the intended use as a RV and at what point are they being used similarly as a residence? We can best define such a use when one or more of the following occurs with a RV or Park Model Trailer when:

- It is used as a primary residence by the owner or occupant;
- It is used as a temporary, seasonal, weekend residence by the owner or occupant;
- The vehicle or trailer has become fixed to the land either by permanent or semi-permanent pilings, foundations, or pads;
- Structures such as decks, secondary roof tops, shelters or additions are attached or built around or on top of the vehicle or trailer; or
- The connection of utilities which may include water, sewer, and/or power, to the vehicle or trailer have occurred.

Note: that neither a Development Permit from the County nor a Building Permit from an Accredited Safety Codes Agency should be issued for a Recreation Vehicle or a Park Model Trailer to be used as a residence unless significant work is done to the unit to meet Part Nine of the Building Code. We are not aware of any Recreation Vehicle or a Park Model Trailer being brought up to this standard. This confirms both industry manufacturers and Code administrators

statements that such units are not intended nor can they be brought up to meet the minimum requirements to be used as a residential dwelling.

Related to the above discussion, a resolution of County of Wetaskiwin No. 10 Council confirms the County's position regarding Recreation Vehicles including Park Model Trailers being used in residential districts as a dwelling as defined in paragraph six (6) of this letter. This resolution is as follows:

> *Resolution No. PD20110310.1015 - MOVED that Council maintain the County's position that recreational vehicles are neither permitted or discretionary in the residential land use districts of Land Use Bylaw 95/54 that do not list recreational vehicles as permitted or discretionary uses and that Administration deny any requests made by individuals proposing recreational vehicle use in those districts.*

Reasons for this decision are as follows:

The introduction of Recreation Vehicles can not be properly controlled in relation to the defined type or quality of unit;

1. That subdivisions which have been approved for traditional residential construction have been done so with the expectation of a level of service for traditional built dwellings with respective assessment to support the services necessary for the subdivision while the occupation of lots by Recreation Vehicles does not allow for the assessment necessary to support the services required for such subdivisions; and

1. Persons who have built traditional dwellings in subdivision approved for that purpose have done so with the expectation that other lots will be occupied by similar development.

The above Resolution was more directly related to urban circumstances that have come before the County, however, the rationale for not allowing RVs and Park Models on lands other than Recreational or Resort Recreational Holdings districted lands remain the same. In these cases, the same Building Code and CSA standards would apply as mentioned above regardless of the size of the parcel. Potential purchasers of properties that have questions regarding Recreation Vehicles including Park Models should be made aware of the above information.

Please be aware that grandfathering of the use of RVs and Park Models on lands is not applicable unless there have been written approvals granted by the County for a specific unit in the past. If there are RVs or Park Models being used or a past use within the County, these are more likely unauthorized uses which may create problems for the landowner.

A copy of Land Use Bylaw 95/54 can also be viewed on-line through our website: www.county.wetaskiwin.ab.ca or in person at the County office during regular office hours.

If your client is a purchaser of land or a current landowner and is planning to add development (for example: a house; garage; shed; a shop; a business; adding a sign, some signs are exempt), we will be happy to assist in completing the necessary applications and to provide information about development in the County. Please be aware that there may be restrictive covenants on title that were added by the developer of a subdivision, to be enforced by the developer and/or the landowners within the subdivision, which may further restrict development.

In addition, when buying or selling land, we highly recommend for the landowner to obtain a zoning compliance certificate from the County to provide to the purchasers so that he or she can be aware of outstanding issues regarding structures before completing the sale.

In the event that cases arise where the above information has not been followed, the County may contact the Alberta Real Estate Board to assist with an appropriate solution.

We look forward to working with you and your clients to enhancing the County of Wetaskiwin with approved development.

If any of the above requires further clarification, please contact the undersigned.

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Kind regards,

County of Wetaskiwin No. 10

Shelley Der (Extension 290)
Development Officer

cc Director of Planning and Ec. Development
Municipal Affairs - Chief Building Inspector