



STAFF REPORT

Date: May 8, 2015

File No.: 6500-20 Dog Sitting Regulations

To: Gabriola Island Local Trust Committee
For the meeting of June 11, 2015

From: Aleksandra Brzozowski, Island Planner

CC: Courtney Simpson, Regional Planning Manager

Re: Dog Sitting as a permitted use

Preliminary Report

The purpose of this preliminary report is to introduce the process for reviewing the Gabriola Island Land Use Bylaw (Bylaw No. 177) to explicitly address dog sitting on Gabriola Island.

Project Objectives

The overall objective of this project is to review Bylaw No. 177's definitions and regulations related to the issue of dog sitting, and to consider where such activities should be allowed on Gabriola Island.

Project Background

In the latter half of 2014, bylaw enforcement on the issue of a dog sitting business taking place in a Small Rural Residential (SRR) zone raised requests from community members to review relevant bylaw definitions and regulations. On October 2, 2014, the LTC added to the projects list a "new definition of in-house dog boarding".

On January 22, 2015, the LTC placed the following project as the #3 Top Priority Project for its work program: "In-House dog boarding definition" with the aim to consider allowing this use in the Small Rural Residential (SRR) zone.

Relevant Policy and Land Use Considerations

Trust Council Strategic Plan

This project does not conflict with any items in the Trust Council Strategic Plan, nor does it expressly align with any items in the Trust Council Strategic Plan.

Islands Trust Policy Statement

5.7.1 Trust Council holds that economic opportunities should be compatible with the conservation of resources and protection of community character.

5.7.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

Official Community Plan

The following are social goals within the Gabriola Island Official Community Plan (OCP) and are relevant when considering dog sitting as a permitted land use on Gabriola:

Social Goals

1. *To preserve the rural character and atmosphere of the Gabriola Planning Area and ensure that the community remains a viable, healthful place in which to live, providing for a variety of lifestyles in harmony with the natural environment.*
2. *To ensure that access and opportunity, now and in the future, are provided for the public to enjoy and appreciate the Gabriola Planning Area in harmony with the natural environment and existing communities.*
3. *To ensure that options for future generations to make land use decisions are not jeopardized.*
7. *To recognize that small, locally owned and home-based businesses contribute significantly to the character and sustainability of island life.*

The following general land use objectives in the OCP are relevant to the issue of dog sitting on Gabriola:

General Land Use Objectives

1. *To support land uses that provide for a variety of lifestyles which are in keeping with Gabriola's rural character;*
2. *To promote the preservation of land that has social, environmental and cultural significance;*
3. *To ensure development is undertaken in a manner which minimizes negative community and environmental impact; and*
4. *To limit development to a level that is compatible with the Community Plan and the object of the Islands Trust.*

The following OCP objectives and policies could also be relevant to the issue of dog sitting on Gabriola:

Home Occupational Use Objectives

1. *To support home occupational uses so as to encourage greater community self-reliance and provide a source of employment for local residents; and*
2. *To ensure home occupational uses do not adversely affect the residential character of the neighbourhood or cause environmental harm.*

Home Occupational Policies

- a) *A home occupational use is permitted in all land use designations where a single-dwelling residential use is permitted.*

- b) *The zoning bylaw shall specify general conditions of use including defining in broader detail the range of uses permitted as home occupational uses, the maximum area of a building which may be used for a home occupational use, signs, noise, etc. The following specific conditions of use criteria shall also be established:*
- i. *the use is an accessory use to a principal single-dwelling residential use on a parcel;*
 - ii. *the use is conducted by a resident on the parcel and the zoning bylaw may specify a limit on the number of non-resident persons who may be employed on the parcel, based on the size of the parcel;*
 - iii. *the use shall not involve the exterior storage of any material or equipment used directly or indirectly in the processing of any product unless screened;*
 - iv. *adequate off street parking shall be provided.*

Land Use Bylaw

Boarding and breeding kennels are permitted accessory uses on Large Rural Residential (LRR), Agricultural (AG), and Resource (R) zones, provided the lots are 2 hectares (5 acres) or larger. Kennels are not allowed in the Small Rural Residential (SRR) zone.

There is currently no definition for “kennel” in the bylaw.

The following home occupation regulations are also relevant to this topic:

B.3.2 General Provisions for Home Occupations

- B 3.2.1 Despite the uses permitted in Article B.3.2.1, or any other provision in this Bylaw, the following must be complied with for a home occupation to be permitted:*
- a. *Home occupations must be accessory to the principal residential use of the property;*
 - b. *Home occupations must be entirely enclosed within a single family dwelling or a non-residential accessory building or both, providing the combined total floor area for the home occupation does not exceed 95 square metres (1,023 square feet); excepting lots greater than 2.0 hectares (4.94 acres), where the total combined floor area of the home occupation may not exceed 150 square metres (1,615 square feet);*
 - c. *There must be no exterior indication of the existence of a home occupation, either by stored materials, displays, lighting or by any other variation from the customary residential character of the lot, dwelling unit, or accessory building, with the exception of signs permitted by this Bylaw;*
 - d. *No home occupations may produce vibration, smoke, dust, odour, litter, electrical interference, fire hazard, effluent or glare detectable outside the boundaries of the lot;*
 - e. *No home occupation may create or permit noise which disturbs persons, or is clearly audible, off the lot on which the home occupation is conducted;*
 - f. *No home occupation may result in contamination of any soil or surface water by solvents, glues, chemicals or other substances deleterious to human and environmental health and safety;*
 - g. *Signage is permitted for all home occupations in accordance with Section B.4 of this Bylaw;*

Islands Trust Fund

This topic is not referenced in any Trust Fund Board policies, or relevant to the Regional Conservation Plan.

Bylaw Enforcement:

This issue was brought forward to the LTC as a result of a bylaw violation matter. As this process moves forward, early referral to Bylaw Enforcement is recommended.

Climate Change Mitigation and Adaptation

No potential issues are identified at this time.

Sensitive Ecosystem, Hazard, Shoreline, or Archaeological Resources

No potential issues are identified at this time.

Analysis

Kennels are currently allowed on approximately 600 lots on Gabriola. A definition of the term “kennel” is not specified in Bylaw No. 177, and members of the community seek clarity on any distinction between the term “kennel” and “dog sitting”. The LTC has indicated an interest in specifying differences between “kennel” and “dog sitting” in the LUB, and that consideration be made about whether “dog sitting” as defined could be considered for lots under 2 hectares. More specifically, consideration should be made about whether dog sitting could be permitted for lots under 0.4 hectares (1 acre) which comprise the vast majority of SRR lots on Gabriola.

It is best practice to develop definitions in tandem with the regulation they will serve to define. In order to deliberate on possible regulations relevant to dog sitting as a permitted use, the LTC should analyze and discuss the following issues:

- Noise considerations
- Lot size considerations
- Potential restrictions such as number of dogs, hours of operation, inside/outside, etc.

Noise Considerations

Noise is one of the main problems related to commercial use of a residential property. Approaches to dealing with noise typically include noting specific acceptable decibel levels, prohibiting noises to be heard across property lines, or limiting hours of operation.

Establishing a decibel level provides a clear objective test for its breach; however, such an approach is difficult to enforce with dog sitting operations that have intermittent and inconsistent noise levels. It is also an approach that requires expensive equipment that is not currently used by the Islands Trust’s Bylaw Enforcement team. Staff does not recommend considering such an approach to mitigating noise concerns.

A more typical approach to mitigating noise concerns is prohibiting noise loud enough to be heard off the property. This sort of restriction is what currently occurs in Bylaw No. 177’s home

occupation regulations. It is a given that animal noises will travel across property lines from time to time; however, placing the onus on the individual to conduct the operation with a cautious approach and consider the impact on their neighbours may be the most straightforward manner in which to address the issue.

Limiting hours of operation could be a possibility, and could be useful if considering whether to allow overnight dog sitting. Further information would be needed to see if setting particular hours would be appropriate for dog sitting operations. It would need to be explored what typical business hours would be for dog sitting on Gabriola and, conversely, if there are particular hours when there is higher potential for neighbours to be disturbed by dog noise.

Lot Size Considerations

Kennels (a term undefined in Bylaw No. 177) are allowed on lots larger than 2 hectares (5 acres) in the Large Rural Residential, Agricultural, and Resource zones. Staff was not able to find archived information about the reason for the lot size specification; it is reasonable to assume that the lot size requirement aims to mitigate disturbance from barking dogs. Perhaps also the LTC anticipated that kennels could include runs and outbuildings, requiring a generous parcel of land to ensure privacy and low disturbance to neighbours.

This lot size restriction is likely what precipitated the decision to not allow kennels in Small Rural Residential (SRR) zones, as no SRR lots are over 2 hectares. The vast majority (91%) of the 2444 SRR lots on Gabriola are under 0.4 hectares (1 acre), and 60% are under 0.2 hectares (half acre).

The key questions to answer when considering lot size are whether “dog sitting” as it will be defined would be appropriate on lots smaller than 2 hectares and, if yes, how small a lot could be and still be appropriate to allow a dog sitting operation.

It is Staff's opinion that the space needed for dog sitting would be different than the amount of space needed for kennels that use runs and outbuildings, but that the concern about noise remains.

Other Restrictions

Many animal control bylaws set a limit on how many dogs are allowed to be cared for at one time; the most common bylaw provision is a maximum of either 3 or 4 dogs allowed on a property. The Regional District of Nanaimo's Animal Control bylaw does not set such a maximum. Restricting the number of dogs on a property is an advisable provision for possible regulations regarding dog sitting operations.

Another consideration is whether provisions should restrict dogs in care to either inside or outside spaces. In Bylaw No. 177's home occupation provisions, child care home occupations are allowed to use outdoor space for play areas. Staff advises that a similar approach could be taken for dog sitting operations.

One last consideration identified by Staff is the use of outbuildings for dog sitting. Home occupations allow the use of outbuildings as sites for home occupations, and kennels are only allowed as a use accessory to residential use. Staff advises that dog sitting, on the other hand, be restricted to operating in the principal dwelling unit so that the operator is most likely to be in close proximity to the dogs and better able to respond to noise disturbance.

Options

Regarding the regulatory approach to reviewing this matter, there are four potential options to address this issue.

Approach #1: Consider Dog Sitting as a Home Occupation

The LTC could consider including dog sitting as a permitted home occupation. Home occupations have a set of general provisions established in the LUB that address a number of the issues noted with dog sitting.

Planning staff researched the details of the Home Occupations Review conducted between 2005-2009, and did not find any discussion or considerations of in-house dog sitting. Staff believes that this issue was simply not on anyone's radar at that time.

It is possible to restrict certain home occupations to parcels of a particular size. However, as Staff has noted earlier, the vast majority of SRR lots are smaller than 0.4 hectares (1 acre). In addition, the OCP contains a policy recommending that home occupations should be available on all lots where residential is the principal use. As such, staff advises the LTC to initially consider whether dog sitting could be a home occupation on all residential lots.

Staff recommends this as the preferred approach.

Approach #2: Consider Dog Sitting as a zone-specific permitted use

The LTC could consider adding dog sitting to the list of permitted uses in certain zones. This approach could take into consideration lot type and size, and regulations could be determined specific to each zone.

Pragmatically, as kennels are already allowed on large lots in the LRR, AG, and R zones, and most SRR lots are under 0.4 hectares (1 acre), the key question to answer in this approach is whether "dog sitting" as defined would be permitted on lots smaller than 0.4 hectares.

Should the LTC find the home occupation provisions fundamentally inappropriate for this proposed use, or if the LTC would like to establish different dog sitting regulations for different zones, then Staff would find this the preferred approach.

Approach #3: Define Kennels to include dog sitting activities

Because the term "kennel" has not yet been defined in the LUB, a definition could be drafted that includes dog sitting as an activity within the definition of "kennel". Should the LTC decide that dog sitting is not an appropriate use for lots smaller than 0.4 hectares, this would be the most expedient approach to providing clarity in the bylaw on dog sitting.

Approach #4: Include Dog Sitting as a potential Temporary Use

Should the LTC wish to consider dog sitting operations more on a case-by-case basis, it could consider amending the bylaw to allow for dog sitting operations to be requested as an allowed temporary use, as opposed to considering permitting this activity generally.

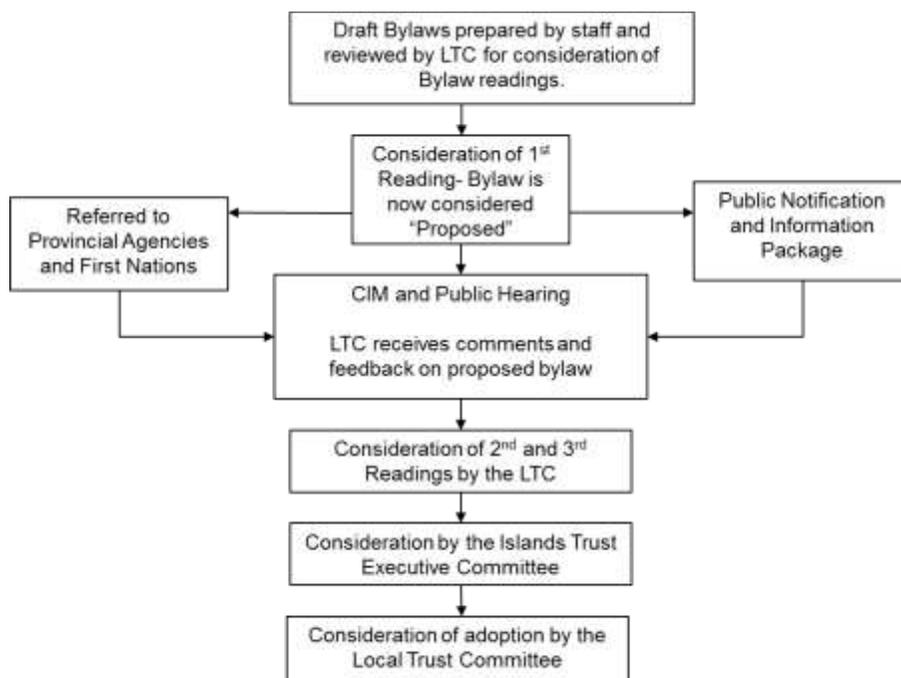
This approach would require establishing detailed guidelines in order to be transparent and unbiased in how operations would be considered. This would need to be amended in the Official

Community Plan, and would entail significant resources in staff time, community consultation, and LTC deliberation. In addition, applications themselves would require significant resources and consideration.

Staff does not recommend this approach. Case-by-case decisions of this nature are better left as site-specific rezoning applications put forward by an applicant with application fees to offset the time and resources required.

Project Scope and Timeline

The process for this matter will follow the standard bylaw amendment process.



Resources and Roles

No financial resources have been allocated for this priority project; however, a legislative process for a bylaw amendment such as this typically costs an average of \$1,500. Staff suggests the budget be drawn from Special Projects.

Regarding roles, community engagement at the information and consultation level will be the joint role of Planning Staff and the LTC.

Communications

Community input on this matter thus far has been in reaction to a specific situation; a more general land use discussion with opportunity for all members of the community to contribute their input on this matter is important. That said, Staff understands that the LTC would like this project to be completed quickly and this goal may also influence the level of public participation

desired for this project; as the level of consultation increases, so do the time and resources needed to properly implement such consultation.

Depth and breadth of public participation falls across a spectrum that moves across according to level of public impact (Figure 1).

Table 1: Spectrum of Public Participation (developed by the International Association for Public Participation)

INCREASING LEVEL OF PUBLIC IMPACT					
	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.	To obtain public feedback on analysis, alternatives and/or decision.	To work directly with the public throughout the process to ensure that public issues and concerns are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and issues are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.
EXAMPLE TOOLS	<ul style="list-style-type: none"> • Fact sheets • Websites • Open houses 	<ul style="list-style-type: none"> • Public comment • Focus groups • Surveys • Public meetings 	<ul style="list-style-type: none"> • Workshops • Deliberate polling 	<ul style="list-style-type: none"> • Citizen Advisory committees • Consensus-building • Participatory decision-making 	<ul style="list-style-type: none"> • Citizen juries • Ballots • Delegated decisions

As a general rule, the level of public participation should be determined by the anticipated level of public impact. Table 2 helps to determine level of public impact. Staff identifies the anticipated level of public impact for this project as Low Impact, Island-Wide. As such, consultation goals would focus on informing and consulting property owners regarding the options for this matter.

Table 2: Determination of Level and Scope of Public Impact

Level & Scope of Impact	Description and examples	Appropriate Levels of Consultation
HIGH IMPACT & ISLAND WIDE	<ul style="list-style-type: none"> • High level of real or perceived impact or risk across Gabriola. • A significant impact on attributes considered to be of high value to the whole of Gabriola, such as sensitive ecosystems. • An impact on the health, safety or well-being of the Gabriola community. • Potential high degree of controversy or conflict. 	<ul style="list-style-type: none"> • Inform • Consult • Involve • Collaborate • Empower (only to be used in rare circumstance)

	<ul style="list-style-type: none"> • Potential high level of interest across Gabriola. • Potential high impact on provincial or national strategies or directions. 	
HIGH IMPACT & LOCALIZED	<ul style="list-style-type: none"> • High level of real or perceived impact or risk on a local area, small community or user group(s) of a specific land use. • The loss of or significant change to any land use to a local community. • Potential high degree of controversy or conflict at the local level. 	<ul style="list-style-type: none"> • Inform • Consult • Involve
LOW IMPACT & ISLAND WIDE	<ul style="list-style-type: none"> • Lower, although still some real or perceived impact or risk across Gabriola. • Potential for some controversy or conflict. • Potential for some impact, although not significant, on provincial or national strategies or direction. 	<ul style="list-style-type: none"> • Inform • Consult • Involve
LOW IMPACT & LOCALIZED	<ul style="list-style-type: none"> • Lower level of real or perceived impact or risk on local area, small community or user group(s) of a specific facility or service. • Only a small change or improvement to facility or service at the local level. • Low to moderate controversy or conflict at the local level. 	<ul style="list-style-type: none"> • Inform • Consult

Staff recommends that communications comprise information continually provided on the Islands Trust website, an online public survey circulated prior to drafting the amendment, and one Community Information Meeting during the legislative process. Social media may also be an appropriate forum for promoting the online survey to a wide range of Gabriola residents.

Project Charter

Attached is a draft Project Charter. The charter outlines the objectives, milestones, and budget for this bylaw amendment process. Staff seeks the LTC's comments on the draft Project Charter in particular regarding the proposed Objectives and Scope.

Next Steps

Next steps will be for the LTC to amend and endorse the Project Charter, provide feedback on any preferred approaches to this project, and to provide feedback on the public communications and consultation recommended by Staff.

Following this, staff will prepare communications to consult with the public on this topic, which will inform an analysis and draft amendment bylaw to be presented at a future LTC meeting.

Summary of Planning Recommendations

This report outlines four possible approaches for amending the Gabriola Land Use Bylaw to either clarify the land use of dog sitting as part of the currently permitted kennel use, or to expand the use of dog sitting to other areas where a kennel is not currently a permitted use:

1. Consider Dog Sitting as a Home Occupation
2. Consider Dog Sitting as a zone-specific permitted use
3. Define Kennels to include dog sitting activities
4. Include Dog Sitting as a potential Temporary Use

The LTC is requested to consider whether dog sitting is an appropriate use for lots smaller than 0.4 hectares, where kennels are not currently permitted, and what conditions should be placed on the use such as maximum number of dogs; the request from the public to undertake this project was based on the desire of one property owner in the SRR zone to continue her dog sitting business after she was contacted by bylaw enforcement telling her that her business was not permitted on her lot. This report outlines considerations for the LTC's review including noise, and lot size.

RECOMMENDATIONS:

That the Gabriola Island Local Trust Committee:

1. provide Staff with direction on the desired approach(es) for the Dog Sitting Regulations project; and,
2. Make any necessary revisions to the Project Charter for the Dog Sitting Regulations and endorse the document as amended.

Prepared and Submitted by:

Aleksandra Brzozowski

May 29, 2015

Aleksandra Brzozowski
Island Planner

Date

Concurred in by:

Courtney Simpson

June 2, 2015

Courtney Simpson, RPP MCIP
Regional Planning Manager

Date

Attachments:

1. Draft Project Charter May 12, 2015

Dog Sitting Regulations - Draft Project Charter

Gabriola Island Local Trust Committee

Date: May 12, 2015

Purpose To review Bylaw No. 177's definitions and regulations related to dog care, and to consider whether and where such activities should be allowed on Gabriola Island.

Background Bylaw enforcement on the issue of a dog sitting business taking place in a Small Rural Residential (SRR) zone raised requests from community members to review relevant bylaw definitions and regulations. The LTC identified this project as a Top Priority in January 2015.

Objectives

- To meet the changing needs of the Gabriola community while respecting their diverging opinions.
- To offer pet caregivers better opportunities to come into compliance with Bylaw 177.

In Scope

- Defining "kennel" and defining "dog sitting" in Bylaw No. 177
- Considering issues pertaining to dog sitting
- Determining appropriate regulations for dog sitting on Gabriola.
-

Out of Scope

- Review of existing regulations related to kennels
- Review of other home occupations
-

Workplan Overview

Deliverable/Milestone	Date
Preliminary report to LTC presenting analysis of situation	June 11, 2015
Early consultation with the community soliciting comments on the issue	July - August 2015
Report to LTC with draft bylaw amendment for First Reading	September 10, 2015
Referral to agencies.	September - October 2015
Community Information Meeting and Public Hearing	October 2015
Report to LTC with proposed bylaw for Second and Third Reading	October 22, 2015
Submission of proposed bylaw to Executive Committee	November 2015

Project Team

Aleksandra Brzozowski	Project Manager
Courtney Simpson	Project Sponsor
Becky McErlean	Admin Support
Barb Dashwood	GIS technician

Budget

Budget Source: \$1,500 (2015/2016 Special Projects)

Fiscal	Item	Cost
2015-2016	Communications & Meetings	\$500
2015-2016	Public Hearing	\$1,000
	Total	\$1,500

RPM Approval:

Date:

LTC Endorsement:

Resolution #: