

Date: October 8, 2015

File No.: 6500-20 Dog Sitting Regulations

To: Gabriola Island Local Trust Committee
For the meeting of October 22, 2015

From: Aleksandra Brzozowski, Island Planner

CC: Ann Kjerulf, Regional Planning Manager

Re: Dog Sitting as a permitted use

Supplemental Report

The purpose of this report is to introduce the first draft version of a bylaw amending the Home Occupations bylaw provisions in 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 and how such activities should be allowed on Gabriola Island.

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.*

Project Background

On October 2, 2014, the LTC added to the projects list a "new definition of in-house dog boarding". Please refer to the Staff Report presented at the June 11, 2015 LTC meeting for background information and the review of relevant policy and land use considerations.

In June, the LTC requested early public input on dog sitting to assess the spectrum of community comment on this matter. A general survey form was distributed on Gabriola in the month of August and a memo summarizing this early public input was presented at the September 10, 2015 meeting.

Staff Comments

Reviewing the objectives stated in Gabriola's Official Community Plan, early input from the public, input from bylaw enforcement agencies with both the Islands Trust and the Regional District of Nanaimo, and practical approaches to this issue pursued in a variety of municipalities, Staff has prepared Draft Bylaw No. 281 for the LTC's consideration.

In addition to the Draft Bylaw (Attachment 1), the Policy Directives Checklist has been reviewed by Staff to ensure compliance with the Islands Trust Policy Statement (Attachment 2). This standard checklist is presented to the LTC for confirmation at the time of First Reading.

Comments on the details of Draft Bylaw No. 281 follow below.

Definitions

A definition of the term "kennel" has never been specified in Bylaw No. 177 and members of the community seek clarity on any distinction between the term "kennel" and "dog sitting".

A definition for both "kennel" and "dog sitting" have been drafted and comprise the first portion of the Draft Bylaw.

Dog Sitting as a Home Occupation

Following a discussion regarding the September 10, 2015 memorandum, the LTC confirmed its preference to explore dog sitting as an addition to the list of permitted Home Occupations on Gabriola.

Home Occupations have a set of general provisions applicable to all activities designated as home occupations, and adding “dog sitting” to the list of permitted home occupations immediately regulates this activity in the same manner as other home occupations. The following existing bylaw provisions in particular would offer regulations that could address concerns regarding noise, visual impacts, odour, and dog waste disposal:

- *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;*
- *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;*
- *No home occupations may produce vibration, smoke, dust, odour, litter, electrical interference, fire hazard, effluent or glare detectable outside the boundaries of the lot;*
- *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;*

Staff has also modified and added to these general provisions for dog sitting; these additional clauses are included in Draft Bylaw No. 281.

Number of dogs permitted

Stemming from public input, current practices elsewhere and, in particular, input from bylaw enforcement, Staff advises that the number of dogs permitted be limited for properties where dog sitting would take place as a Home Occupation. Staff presents a Draft Bylaw that sets this limit at three dogs on the property at one time; this would include any dogs belonging to the dog sitter.

Lot Size Considerations

Home occupations are intended to take place within the home; if dog sitting is to be operated as a home occupation, it will take place predominantly in the single family dwelling on the lot.

The first policy regarding Home Occupations in Gabriola’s Official Community Plan is that “*a home occupational use is permitted in all land use designations where a single-dwelling residential use is permitted.*” This can be modified if the LTC determines that limiting lot size is integral to mitigating the impacts of a particular home occupation.

The outstanding question regarding lot size, then, is whether there will be difference in the impacts (in particular the noise impacts) resulting from a dog sitting operation on a 2.0 hectare lot versus a 0.4 hectare lot or a 0.2 hectare lot that cannot be addressed through other regulations. Staff has drafted Draft Bylaw No. 281 from the position that if the bylaw provisions concerning noise impact and the number of dogs permitted on a property are adequate, they will provide a more direct manner to mitigate the impacts of dog sitting than lot size.

Project Scope and Timeline

The scope of the project and anticipated timeline are defined in the Project Charter endorsed at the June 11, 2015 LTC meeting. The project remains generally on schedule.

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

Resources and Roles

Financial and staff resources currently allocated for this project are adequate at this time.

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

Communications

Staff would like to take this opportunity to note that as this project moves forward through the legislative process (draft bylaws, referrals, public comment, public hearing), all written comments made to Staff or Trustees become part of the public record. Further details on this matter are summarized in a memorandum to be presented at the October 22, 2015 LTC meeting.

Project Charter

The Project Charter does not require amendment or revision at this time.

Next Steps

The LTC has the following three options to pursue as a Next Step on this project.

Option #1: Revise Draft Bylaw No. 281

Should the LTC wish to revise aspects of Draft Bylaw No. 281, the LTC should make such amendments before giving First Reading to the Draft Bylaw. Such amendments can be made by the LTC at this or a future LTC meeting; alternatively, the LTC could pass a resolution requesting Staff to work on revising specific issues that require further research or technical work and return to the LTC at a later date with a second draft of the bylaw.

Option #2: Consider Draft Bylaw No. 281 for First Reading

Should no modifications to Draft Bylaw No. 281 be required by the LTC at this time, Staff recommends that the LTC give First Reading to Draft Bylaw No. 281.

A bylaw given First Reading can still be modified before Second and/or Third Reading, and referral and comment periods can last as long as the LTC deems necessary.

Next steps after First Reading are referral to agencies, First Nations with consultative interests in the area, and the public.

Option #3: Abandon Draft Bylaw No. 281

Should the LTC decide upon reviewing these presented draft provisions that such an amendment bylaw is fundamentally inappropriate, the LTC can pass a resolution to formally abandon Draft Bylaw No. 281.

Summary of Planning Recommendations

Should the LTC wish to modify Draft Bylaw No. 281 at this time, Staff recommends that the LTC make such amendments before giving First Reading.

Should no modifications be suggested at this time, Staff recommends that the LTC give First Reading to Draft Bylaw No. 281.

RECOMMENDATIONS:

That the Gabriola Island Local Trust Committee:

1. Amend Draft Bylaw No. 281 in advance of First Reading;
OR
2. Give First Reading to Draft Bylaw No. 281 cited as "Gabriola Island Land Use Bylaw, Bylaw 177, 1999, Amendment No. 2, 2015"; and,
3. Refer Proposed Bylaw No. 281 to the public for formal public comment, as well as the following agencies: *Islands Trust – Bylaw Enforcement, Regional District of Nanaimo – Bylaw Enforcement, Island Health, and relevant First Nations.*

Prepared and Submitted by:

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October 9, 2015

Aleksandra Brzozowski
Island Planner

Date

Concurred in by:

Ann Kjerulf

October 9, 2015

Ann Kjerulf, RPP MCIP
Regional Planning Manager

Date

Attachments:

1. Draft Bylaw No. 281
2. Policy Directives Checklist
3. Project Charter, endorsed June 11, 2015