



STAFF REPORT

Date: November 6, 2015

File No.: 6500-20 Dog Sitting Regulations

To: Gabriola Island Local Trust Committee
For the meeting of November 26, 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 proposed amendments to the Temporary Use Permit policies in the Gabriola Island Official Community Plan (Bylaw No. 166).

Project Objectives

The overall objective of this project is to review bylaw policies and regulations related to the issue of dog sitting on Gabriola.

The following are social goals within the Gabriola Island Official Community Plan (OCP) and are relevant when considering allowing a dog sitting 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 OCP general land use objectives are relevant to the issue of dog sitting:

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:

Temporary Use Permit Objectives

1. *To give consideration to allowing certain types of commercial and/or industrial uses to be located in the planning area which may by the nature of the proposed activity, be deemed to be a temporary and not a permanent use; and*
2. *to ensure that the integrity of an existing neighbourhood would not be adversely disrupted should an application for a temporary commercial or industrial uses permit be approved.*

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. A general survey form was distributed on Gabriola in August and a memo summarizing the results of the survey was presented at the September 10, 2015 meeting.

In October, the LTC considered a draft bylaw amending the Home Occupation regulations in the Land Use Bylaw. Following discussion, the LTC requested staff to alternatively explore the use of Temporary Use Permits as a regulatory tool for dog sitting.

Staff Comments

Temporary Use Permits as a regulatory tool

The Local Government Act (LGA) enables local governments to issue a temporary use permit to allow a use that is not otherwise permitted by a zoning bylaw, to specify conditions under which the temporary use may be carried out, and to allow and regulate the construction of buildings and structures in respect of the use. Temporary use permits are issued for a maximum of three years and may be renewed, at the discretion of the local government, for an additional three year term.

Dog Sitting as a Temporary Use

Reviewing the objectives stated in the Gabriola Island OCP, early public input, input from Islands Trust and the Regional District of Nanaimo bylaw enforcement staff, and approaches to addressing this issue by other local governments, Staff has prepared language for a draft amendment bylaw for the Guidelines subsection of the Gabriola Island OCP Temporary Use Permits section. The draft language is as follows:

“For dog sitting operations, the following guidelines apply:

- i. the Local Trust Committee may consider issuance of a temporary use permit for a dog sitting operation if the proposal does not alter the character of the surrounding neighbourhood;
- ii. the Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all temporary use permits issued for dog sitting operations;
- iii. the Local Trust Committee should require mitigating measures to address concerns in regards to noise;
- iv. the Local Trust Committee should require mitigating measures to address concerns in regards to screening and fencing;
- v. the Local Trust Committee should require mitigating measures to address concerns in regards to disposal of pet waste, so that the intended use will not adversely affect local well water or the quality of the natural environment (including the marine environment);
- vi. the Local Trust Committee should consider any other concerns deemed applicable with respect to the specific application;
- vii. the landowner should be required to provide proof that the property is able to accommodate a minimum of two vehicles in addition to those owned by residents;
- viii. the operator should be required to be available by telephone 24 hours/day, seven days a week;
- ix. a condition of the permit should limit the number of dogs on the lot at any one time to a particular maximum, which would include dogs permanently residing on the lot;
- x. a condition of the permit should require that the dogs be housed in the primary dwelling unit only;
- xi. a condition of the permit should require designated quiet hours;
- xii. a condition of the permit should require that the operator must provide owners of all adjacent properties, and landowners within a 100 metres radius of the dog sitting operation, with the operator’s phone number, and a copy of the temporary use permit;
- xiii. a condition of the permit should restrict the maximum number of signs advertising the dog sitting operation to one sign.”

Temporary Use Permit Guidelines in the Land Use Bylaw

In accordance with Section 920.2 of the *Local Government Act*, either “an Official Community Plan or zoning bylaw may designate areas where temporary uses may be allowed and may specify general conditions regarding the issue of temporary use permits in those areas.” Staff identifies this bylaw amendment project as an opportunity to move the specific guidelines for Temporary Use Permits from the Official Community Plan to the Land Use Bylaw. The rationale for this move is to place these more specific regulatory guidelines into the Land Use Bylaw, which is the bylaw where most all detailed land use regulation resides. It will also allow for better flexibility in the future to more readily make bylaw amendments if necessary. This would be similar to the work done in 2014 to move the guidelines for Development Permits from the OCP to the Land Use Bylaw.

Comments from Island Health regarding dog waste

Staff enquired to Island Health about any health concerns regarding dog waste. Island Health staff confirmed that the agency does not have set standards, regulations, or best practices explicitly regarding pet waste. A 30 metre setback from wells was suggested for any dog waste disposal system, akin to the setbacks required for human waste disposal systems.

Project Charter, Scope, and Timeline

A revised Project Charter reflecting timeline revisions is included as Attachment 1.

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 and Trustees continue to solicit public input from the community on this matter. All written comments made to Staff or Trustees become part of the public record.

Next Steps

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

Option #1: Revise draft language

Should the LTC wish to revise major aspects of the TUP draft language, the LTC could request Staff to work on revising specific issues that require further research or technical work and return to the LTC at a later date with revised draft bylaw language.

Option #2: Request Staff to prepare Draft Bylaws No. 281 and No. 282 for First Reading

Should the LTC wish to proceed with an amendment bylaw to the TUP section of the OCP, the LTC should request Staff to prepare both a draft bylaw for the OCP (No. 282) to add dog sitting

as a TUP designation, and a draft bylaw for the LUB (No. 281) to add definitions and include TUP guidelines.

Option #3: Proceed no further with the Temporary Use Permit option

Should the LTC decide upon reviewing these presented draft provisions that bylaw amendments to the OCP Temporary Use Permits section is inappropriate, the LTC can choose to proceed no further . Should the LTC choose this option, it should indicate to Staff whether it wishes to re-visit the home occupation option, another option, or proceed no further with the project.

Summary of Planning Recommendations

Staff recommends that the LTC request Staff to prepare both a draft bylaw for the OCP (No. 282) to add dog sitting as a TUP designation, and a draft bylaw for the LUB (No. 281) to add definitions and include TUP guidelines.

RECOMMENDATIONS:

That the Gabriola Island Local Trust Committee:

1. Request Staff to prepare both a draft bylaw for the OCP (No. 282) to add dog sitting as a TUP designation and a draft bylaw for the LUB (No. 281) to add definitions and include TUP guidelines; and,
2. Endorse the revised Project Charter as presented.

Prepared and Submitted by:

Aleksandra Brzozowski

November 9, 2015

Aleksandra Brzozowski
Island Planner

Date

Concurred in by:

Ann Kjerulf

November 10, 2015

Ann Kjerulf, RPP MCIP
Regional Planning Manager

Date

Attachments:

1. Dog Sitting Regulations Project Charter, revised in November 2015

Dog Sitting Regulations - Project Charter

Gabriola Local Trust Committee

Date: May 12, 2015
Revised: November 9, 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 the Gabriola OCP and LUB.

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 | July 23, 2015 |
| Early consultation with the community soliciting comments on the issue | September 10, 2015 |
| Report to LTC with regulatory options and language | October—November 2015 |
| Report to LTC with draft bylaw amendment for First Reading | January 2016 |
| Referral to agencies. | January—February 2016 |
| Report to LTC with proposed bylaw for Second Reading | March 2016 |
| Community Information Meeting and Public Hearing | April 2016 |
| Report to LTC with proposed bylaw for Third Reading | May 2016 |
| Submission of proposed bylaw to Executive Committee | May 2016 |
| Adoption of bylaw | July 2016 |

Project Team

| | |
|--|-----------------|
| Aleksandra Brzozowski, Island Planner | Project Manager |
| Ann Kjerulf, Regional Planning Manager | Team member |
| Barb Dashwood, GIS technician | Mapping support |
| Becky McErlean, A/ Legislative Clerk | Clerk support |
| Mike Richards & Emily Kozak, Office Admin Assistants | Admin Support |

A/RPM Approval: Aleksandra Brzozowski
Date: July 10, 2015
RPM Approval: Ann Kjerulf
Date: November 10, 2015

Budget

Budget Source: 2015/2016 Special Projects

| Fiscal | Item | Cost |
|---------|----------------|---------|
| 2015/16 | Public Hearing | \$1,000 |
| 2015/16 | Communications | \$ 500 |
| | | |
| | Total | \$1,500 |

LTC Endorsement:

Resolution #: GB-2015-080 **Date:** July 23, 2015
Resolution #: