



STAFF REPORT

Date: December 6, 2015

File No.: 6500-20 Dog Care Regulations

To: Gabriola Island Local Trust Committee
For the meeting of January 14, 2016

From: Aleksandra Brzozowski, Island Planner

CC: Ann Kjerulf, Regional Planning Manager

Re: Dog Care as a Temporary Use

Supplemental Report

The purpose of this report is to introduce two draft bylaws to amend the Gabriola Island Official Community Plan (Bylaw No. 166) and Land Use Bylaw (Bylaw No. 177) to enable the Local Trust Committee (LTC) to consider dog care as a temporary use.

Project Objectives

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

For specific existing social and economic goals and objectives in Bylaws No. 166 and No. 177 that are relevant to dog care, please see previous staff reports.

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 care. Draft language for such amendments was considered and commented upon at the November 26, 2015 and the LTC requested staff to prepare draft bylaws for First Reading.

Staff Comments

Temporary Use Permits as a regulatory tool

The Local Government Act (LGA) enables local governments to issue a Temporary Use Permit (TUP) 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 once, at the discretion of the local government, for an additional three years.

Draft Bylaws No. 281 and No. 282

Reviewing the objectives stated in Gabriola's Official Community Plan, continued 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 Bylaws No. 281 and No. 282 for the LTC's consideration.

In addition to the Draft Bylaws (Attachments 1 and 2), the Policy Directives Checklist (Attachment 3) has been reviewed by Staff to ensure compliance with the Islands Trust Policy Statement. This standard checklist is presented to the LTC for confirmation at the time of First Reading.

Details of Draft Bylaw No. 282

Draft Bylaw No. 282 amends Gabriola Island's Official Community Plan. It adds dog care as a use eligible for a Temporary Use Permit.

It also moves the guidelines for all Temporary Use Permits to the Land Use Bylaw (No. 177). This approach is consistent with the recent LTC decision to move all Development Permit guidelines to the Land Use Bylaw.

Details of Draft Bylaw No. 281

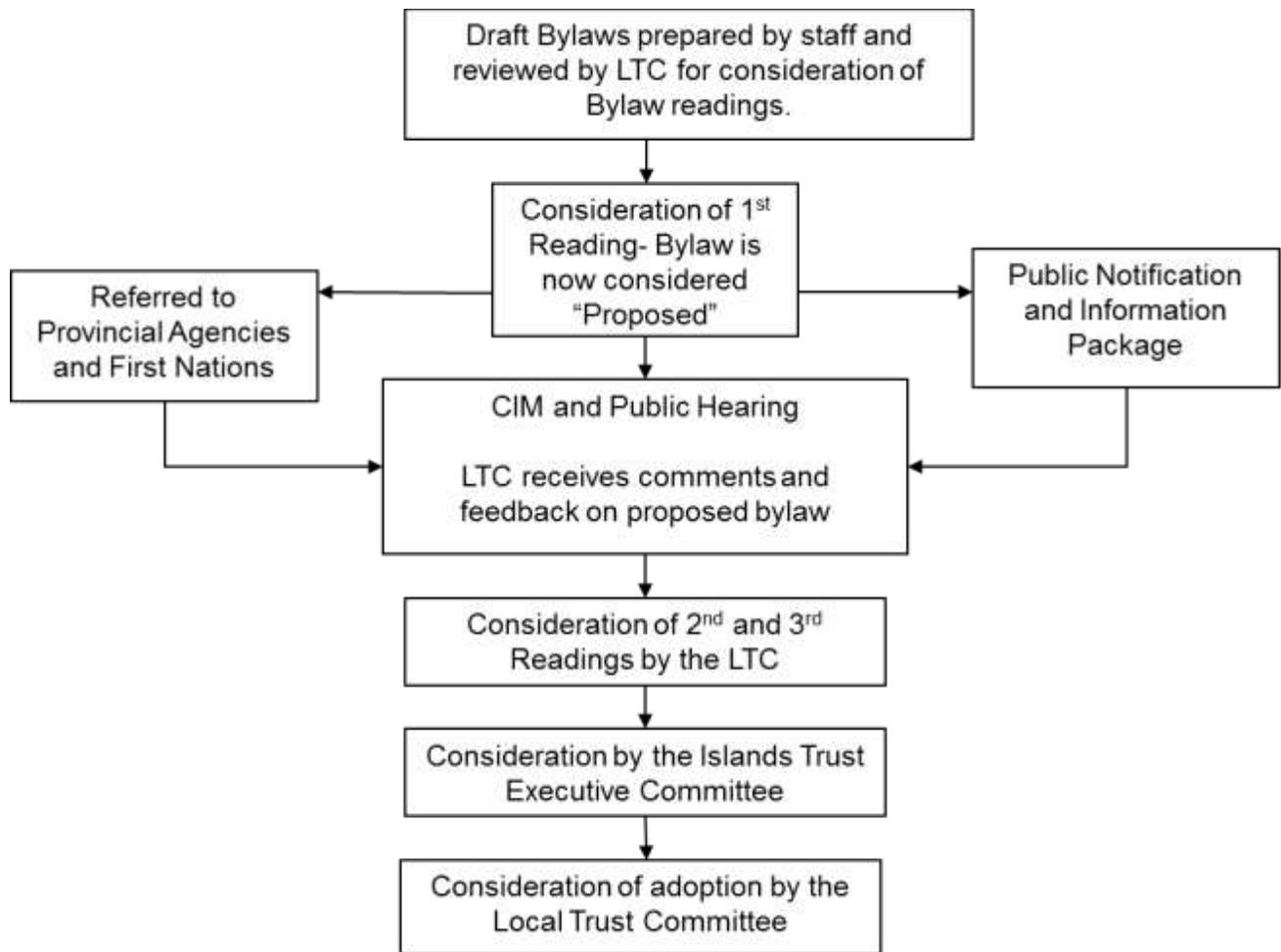
A definition of the term "kennel" has never been specified in Bylaw No. 177 and members of the community seek clarity on any distinction between the term "kennel" and "dog care". Definitions for both "kennel" and "dog care" have been drafted and comprise the first portion of Draft Bylaw No. 281. Guidelines for Dog Care TUPs are included in Draft Bylaw No. 281 as Subsection G.5.

No changes have been made to the other TUP guidelines as this is not within the scope of this project.

Project Charter, Scope, and Timeline

The scope of this project and anticipated timeline are defined in the Project Charter endorsed at the November 26, 2015 LTC meeting. The project remains generally on schedule.

The process for considering this matter will follow the legislated 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 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.

There has been a fair amount of written comment submitted to date by concerned citizens; this input is critical and necessary for the LTC to make an informed decision on this project. That said, this formal procedure is somewhat limited in its ability to foster dialogue on the details of guidelines. A structured discussion of the TUP draft guidelines could assist in negotiation involved for this topic. To that end, Staff identifies two avenues for soliciting input on the draft guidelines.

1. Refer the bylaws to the Advisory Planning Commission (APC). A referral to the APC could garner focused review of the draft guidelines. As such, the LTC may wish to target its referral request to the APC by identifying which aspects of the issue (e.g. noise, screening, the number of permitted dogs) or draft guidelines require detailed consideration.
2. Staff to facilitate an interactive public workshop to discuss the draft Temporary Use Permit guidelines. A facilitated workshop could comprise breakout groups discussing specific aspects of the guidelines or small groups working together through a series of questions. Given the contentious nature of the issue, staff advises that considerable staff time and resources are required to both prepare for and facilitate a public workshop.

The LTC may choose to pursue either or both of these options. Alternatively, the LTC may seek a different course of action with respect to public consultation. Please note, it is recommended that the bylaws be referred to the APC, in addition to other noted agencies and First Nations.

Next Steps

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

Option #1: Give First Reading to Draft Bylaws No. 281 and No. 282 (with or without amendments)

Upon consideration of the Draft Bylaws No. 281 and No. 282, the LTC may proceed with First Reading. The LTC can also make amendments to the Draft Bylaws prior to First Reading.

Next steps after First Reading are referral to agencies, First Nations with consultative interests in the area, and the public (see process graphic earlier in the report).

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

Option #2: Request Revisions to Draft Bylaws No. 281 and No. 282

The LTC may choose to revise major aspects of the Draft Bylaws. In this case, it should pass a resolution requesting Staff to undertake further research or technical work and return to the LTC at a later date with revised Draft Bylaws.

Option #3: Proceed no further

Upon consideration of the Draft Bylaws, the LTC may decide to proceed no further. Should the LTC choose this option, it should indicate to Staff whether it wishes to re-visit other options or proceed no further with the project.

Summary of Planning Recommendations

Staff recommends that the LTC make any desired amendments at this meeting, and then give First Reading to Draft Bylaws No. 281 and No. 282.

RECOMMENDATIONS:

- 1) That the Gabriola Local Trust Committee give first reading to Bylaw No. 281 cited as “Gabriola Island Official Community Plan, 1997, Amendment No. 1, 2015” and Bylaw No. 282 cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 2, 2015”

- 2) That the Gabriola Local Trust Committee refer Bylaw No. 281 cited as “Gabriola Island Official Community Plan, 1997, Amendment No. 1, 2015” and Bylaw No. 282 cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 2, 2015” to:
 - Gabriola Island Advisory Planning Commission
 - Islands Trust – Bylaw Enforcement
 - Regional District of Nanaimo – Bylaw Enforcement
 - Island Health
 - Penelakut Tribe
 - Snuneymuxw First Nations
 - Cowichan Tribes
 - Halalt First Nation
 - Hul'qumi'num Treaty Group
 - Stz'uminus First Nation
 - Lake Cowichan First Nation
 - Lyackson First Nation
 - Semiahmoo First Nation

- 3) That staff facilitate a public workshop to discuss the draft Temporary Use Permit guidelines and present a summary of public and referral agency input to the LTC.

Prepared and Submitted by:

Aleksandra Brzozowski

December 18, 2015

Aleksandra Brzozowski
Island Planner

Date

Concurred in by:

Ann Kjerulf

December 21, 2015

Ann Kjerulf, RPP MCIP
Regional Planning Manager

Date

Attachments:

1. Draft Bylaw No. 281
2. Draft Bylaw No. 282
3. Policy Directives Checklist