



# STAFF REPORT

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**Date:** February 26, 2016

**File No.:** 6500-20 Dog Care Regulations

**To:** Gabriola Island Local Trust Committee  
For the meeting of March 10, 2016

**From:** Aleksandra Brzozowski, Island Planner

**CC:** Ann Kjerulf, Regional Planning Manager

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**Re: Dog Care as a temporary use**

## Supplemental Report

The purpose of this report is to summarize community feedback on Proposed Bylaws 281 and 282 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

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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

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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.

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 critical discussion, the LTC requested staff to alternatively explore the use of Temporary Use Permit guidelines 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 read the Draft Bylaws a first time on January 14, 2016 and referred the bylaws out to the community for comment.

## **Summary of Community Feedback Received**

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Staff hosted a Community Information Meeting and scenarios workshop on February 24, 2016. Materials for the workshop and minutes of the meeting are attached to this staff report (Attachments 1 and 2). The following evening, the Gabriola Advisory Planning Commission (APC) met to review the proposed TUP guidelines (Attachment 3). Staff also received correspondence on the issue; all correspondence to date on the temporary use permit guidelines is attached to this staff report (Attachment 4).

Comments made at the community workshop expressed continued concern about noise disturbance, particularly on small lots. At the other end of the comment spectrum, there was continued concern about the limits of the word 'reasonable' when discussing availability to neighbours. Questions were raised about the goal of the parking guideline and groups suggested rewording it to provide clarity. The topic of mitigating escapes was also raised as a possible addition, as was a requirement that the first permit be set at one year maximum. Another comment raised was that if proactive monitoring was not one of the permit conditions, neighbours would feel obligated to monitor the operation.

Opinion was divided about neighbour support. Comments were raised on the one side about whether neighbour support should carry strong weight, noting that lack of support often is not related to the proposed operation itself. Comments on the other side felt that letters of support pit neighbour against neighbour.

At their meeting, the APC provided detailed comments on each of the guidelines and spent the remainder of their meeting discussing the viability of the proposed temporary use permit (TUP) option. Opinions were split on the merit of offering a TUP option; some felt that the likelihood of applications for such a TUP did not warrant the careful thought required for appropriate guidelines, while others felt that it at least provided small lot owners a window of opportunity to lawfully run a business sought after by dog owners. Some APC members felt that TUPs would only be appropriate in instances where small lots were surrounded by large lots, rather than in subdivisions comprised completely of small lots. The practical implementation and enforceability of the guidelines were noted as concerns.

## **Staff Comments**

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The results of the initial 2015 survey indicated a decent amount of interest to provide dog care opportunities depending on the details of the regulations; however, comments received about the TUP guidelines have focused on the TUP option itself and comments have been fairly polarized. Staff recognizes that the prospect of a contentious community information meeting may have deterred participation, but written input on the temporary use guidelines has also been lacking.

It is reasonable that should the LTC continue to consider a TUP option, that it will keep guidelines open for flexibility. A concern of staff and similarly raised by the APC is that this Temporary Use Permit application process will require staff and the LTC to mediate and adjudicate social contract issues more so than reviewing land use issues. The community, the APC, and Islands Trust Bylaw Enforcement have also noted concern about the practical implementation and monitoring of any temporary use permit conditions regarding noise nuisance.

An option to address these concerns would be to require a Good Neighbour Agreement as a key application requirement. Good Neighbour Agreements have been used by municipalities to prevent harmful or disruptive behaviour and to promote positive behaviour in the community. These agreements set out reasonable behaviour and responsibilities by which the parties agree to abide. They also outline how all parties will deal with complaints. Typically, BC municipalities have implemented Good Neighbour Agreements for liquor-licensed establishments and transition housing facilities located in residential neighbourhoods.

Requiring a draft Good Neighbour Agreement that addresses the social contract concerns currently noted in the proposed guidelines (noise nuisance measures, maximum number of dogs, appropriate communication procedures, designation of quiet hours, procedures for pick up /drop off) in advance of an application would ensure that the permit would reasonably accommodate both the needs of the dog care operator and the neighbours. In addition to a formal neighbour agreement, land use concern requirements such as measures to address fencing, screening, and pet waste would still need to be submitted for a technical review by planning staff.

If a formal neighbour agreement is an option the LTC wish to take, staff recommends that, in recognition that such an application requirement would require a fair amount of up-front negotiation by the applicant, that the LTC lower the fee for a dog care temporary use permit. The Islands Trust *Policy 5.6.1 Application Processing Services* provides policy direction on appropriate application fees including direction that fees can be adjusted by up to 20% from the Trust Council Model Fee Schedule. Executive Committee may consider requests for adjustments greater than 20%.

## **Project Scope and Timeline**

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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 on schedule.

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

## **Resources and Roles**

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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**

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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**

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

## **Next Steps**

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Staff presents the following four options to pursue as a Next Step for the LTC on this project.

Option #1: Add a Good Neighbour Agreement requirement to Proposed Bylaw No. 281, to be presented for Second Reading

Should the LTC wish to revise the guidelines to include a Good Neighbour Agreement requirement, it can request staff to suggest wording to amend the guidelines. A revised Proposed Bylaw could be read a second time before the referral to external agencies and Public Hearing. (A Public Hearing can be held between Second and Third Reading.)

Option #2: Revise details of Proposed Bylaw No. 281, to be presented for Second Reading

Should the LTC wish to simply revise detailed aspects of Proposed Bylaw No. 281, it can request staff to make specific revisions, including incorporation of any comments made by the APC and by the community. A revised Proposed Bylaw could be read a second time before the referral to external agencies and Public Hearing. (A Public Hearing can be held between Second and Third Reading.)

Option #3: Authorize a Public Hearing for Proposed Bylaws No. 281 and 282

Should the LTC wish to move forward to Public Hearing, it can authorize the scheduling of a public hearing and make changes to the bylaw after the comment period has ended before Second and Third Reading. Note that once the Public Hearing is closed, no further information on the matter can be received or solicited by the LTC on the proposed bylaws.

Option #4: Abandon the Temporary Use Permit Option

Should the LTC decide upon reviewing the community feedback that the temporary use permit option is fundamentally inappropriate, the LTC can pass a resolution to formally abandon Proposed Bylaws No. 281 and 282.

## **Summary of Planning Recommendations**

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Planning staff does not recommend any specific option.

### **RECOMMENDATIONS:**

That the Gabriola Island Local Trust Committee:

1. Request staff to amend Proposed Bylaws No. 281 and 282, to present to the LTC for Second Reading;
- OR**
2. Request staff to schedule a Community Information Meeting and Public Hearing for Bylaws No. 281 and 282, cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No.2, 2015” and “Gabriola Island Official Community Plan, 1997, Amendment No. 1, 2015” respectively.

**OR**

3. Proceed no further with Proposed Bylaws No. 281 and 282, cited as “Gabriola Island Land Use Bylaw, Bylaw 177, 1999, Amendment No. 2, 2015” and “Gabriola Island Official Community Plan, 1999, Amendment No. 1, 2015” respectively.

Prepared and Submitted by:

*Aleksandra Brzozowski*

*February 29, 2016*

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Aleksandra Brzozowski  
Island Planner

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Date

Concurred in by:

*Ann Kjerulf*

February 29, 2016

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Ann Kjerulf, RPP MCIP  
Regional Planning Manager

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Date

Attachments:

1. February 24, 2016 workshop materials
2. Minutes of February 24, 2016 workshop
3. Minutes of February 25, 2016 Advisory Planning Commission meeting
4. Correspondence from December 18, 2015 to February 29, 2016