



## Minutes of the Gabriola Island Advisory Planning Commission

- Date of Meeting:** Thursday February 25, 2016
- Location:** Islands Trust Office  
700 North Road, Gabriola, BC
- APC Members Present:** Madeleine Ani, Chair  
Megan Walker, Deputy Chair  
Stuart Denholm, Secretary  
Bob Andrew  
Ann Landry  
Kees Langereis  
Jim Prunty
- Staff Present:** Aleksandra Brzozowski, Island Planner  
Sonja Zupanec, Island Planner/Recorder
- Others Present:** Heather O’Sullivan, Local Trustee  
Melanie Mamoser, Local Trustee  
1 member from the local media

### 1. CALL TO ORDER

Chair Ani called the meeting to order 6:31pm.

### 2. APPROVAL OF AGENDA

**By general consent**, the agenda was approved.

### 3. MINUTES

#### 3.1 Gabriola Advisory Planning Commission Draft Minutes dated January 6, 2016

The following amendments to the minutes were presented for consideration:

- Pg. 1 Anne Landry’s name has an ‘e’ at the end of Anne
- Pg. 2 renumber section 2 ‘Prioritizing Recommendations’ to #5 and correct spelling of ‘recommendations’ in section title.
- Pg 2 section 5 ‘Prioritizing Recommendations’ in last paragraph replace last sentence with “It was agreed that the APC would focus discussion on prioritizing the top three of items #7 through #13.”

- Pg 2 section 4.2 second paragraph: add quotes around “housing agreements”.
- Pg 3 very bottom and top of Pg 4 add titles of each item for #8: Explore multi dwelling housing options and densification in specified areas; #10: Support social cohesion by diversifying single target multi dwelling development permits; and #11: Permit secondary suites in residential zones.
- Pg 4 titles of numbered options are not consistent with page 3. Use #: instead of #(xxx).
- Pg 4 very bottom #11 replace first bullet with “creating these suites on Gabriola may be more realistic in new construction.”

**Request that minutes be circulated by email to Advisory Planning Commission members as soon as draft minutes are available**

**By general consent**, the minutes were adopted as amended.

#### **4. OBJECTIVE & REFERRAL QUESTION**

- 4.1 To advise Trustees on the proposed TUP guidelines for dog care – which if adopted will amend the OCP and LUB**
- 4.2 Local Trust Committee Referral – Proposed Bylaws 281 and 282 (Dog Care Regulations) – Staff Presentation**

Planner Brzowski presented the slides from the Dog Care Workshop held February 24 2016. Presentation included information on the origins of the review project, background research and options considered as well as a review of the proposed bylaws and temporary use permit guidelines currently being considered.

#### **4.3 Member Discussion**

Advisory Planning Commission members discussed whether or not the referral includes examining the viability of the Temporary Use Permit option; or just a review of the guidelines being considered. It was agreed that the referral included both a review of the viability of the option and guidelines presented.

##### **4.3.1 Technical Questions**

Members asked Planner Zupanec questions regarding:

- the origins of this particular bylaw review;
- clarification on previous options considered by the LTC;
- the technical aspects of temporary use permits such as renewal options and maximum number of dogs that can be regulated;
- the volume of potential land owners or operators who are hoping to apply for such a change in land use;

- the types of criteria used to evaluate neighbour's concerns;
- the length of staff time required to review potential applications; and
- the process to investigate complaints and enforce the conditions of a permit.

Trustee Mamoser arrived 7:15 pm and Trustee O'Sullivan left at 7:15 pm.

#### 4.3.2 Round Table

Members did a round table on whether they felt the use of temporary use permits was a viable option to regulate and permit dog care operations on small lots less than 5 acres in size.

The following comments were expressed:

- Concerns that the use is not a good fit for small lots;
- Need to see the controlling measures in more detail to regulate the adverse effects;
- Lot size of 5 acres or more better fit for this type of land use;
- Can't see how you can draft a guideline to mitigate noise concerns;
- Advantage to this temporary use permit option is that it at least allows for a process to look at proposals on a case by case basis so that if a proposal does meet the requirements and neighbours are OK with it they can proceed;
- Need to come up with something that minimizes staff and elected official time and attention to this matter which affects such a small number of people;
- Cost of TUP may not reflect the amount of staff time devoted to reviewing it unlike a rezoning application;
- Dog sitters can go to owners' homes in small lot subdivisions as a business model instead of boarding in their own house;
- Only appropriate exception would be a small lot surrounded by large parcels;
- In a small lot subdivision dog boarding is not a compatible land use and it might be best to stay with existing zoning;
- Does not seem practical to enforce the guidelines, regardless of how restrictive or clear they are;
- Appears to be a need on the island for dog sitting and need to promote home based businesses and if you can make your way through the process you should be able to operate this type of business;
- The proposed approach seems complicated but is the complexity enough to take it off the table and proceed no further;
- Don't wish to prevent people from making a living but there are significant concerns about annoying neighbours.
- TUP seems to be only feasible instrument to address the use but still doesn't seem like a good fit; and
- There are probably dog care operations occurring now on small lots and until someone complains it is a non-issue.

#### 4.3.3 Review of Bylaw 281 Guidelines:

Members discussed changes to the guidelines that could be recommended should the Local Trust Committee decide to proceed with this option.

*1. the Local Trust Committee may consider issuance of a temporary use permit for a dog care operation if the proposal does not negatively alter the character of the surrounding neighbourhood;*

- Appears subjective and unclear.
- Too general and can't base a decision on it.
- Does give neighbours opportunity to address issues.

*2. the Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for dog care operations;*

- This guideline overlaps with number 1;
- What is cumulative?
- Language comes out of OCP home occupations but does turn your mind to the issues.

*3. the Local Trust Committee should require significant preventive measures to address concerns in regards to noise;*

- Use MUST instead of 'should' and define significant;
- Maybe use performance based measures;
- Similar to #11 guideline so be more prescriptive or clarify decibal levels;
- Who is doing monitoring and enforcement?
- Too many concerns related to addressing noise effectively.

*4. the Local Trust Committee should require a screening and fencing site plan for approval;*

- No comments

*5. the Local Trust Committee should require 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 riparian areas and marine environments);*

- Remove "concerns in regards to".
- Replace "pet" with "dog" and be consistent throughout guidelines whether referring to the pets in the home or dogs in care.
- Consider consistency in language between 'plan' vs. 'measures' and ensure we're describing the final product expected to be submitted by applicant adequately;

*6. any other considerations deemed applicable with respect to the specific application;*

- "other considerations" is broad but might capture things like considering odor problems with urine build up in summer months.

7. *the landowner should be required to provide a plan to adequately accommodate additional parking needed for pet drop off and pick up;*

- Change to “LTC should require the land owner to provide...”
- Ensure ‘dog’ vs. ‘pet’ terminology is cleaned up.

8. *the operator or a representative should be reasonably available to answer concerns from neighbours while caring for dogs, and be required to follow up on those concerns directly and in a timely manner;*

- Consider “operator or representative of the operator”;
- ‘while caring for dogs’ in not necessary;
- Consider adding “LTC should require...”
- “directly and in timely manner” could be expressed more succinctly.

9. *the operator should be required to supervise dogs when outside;*

- Difficult to enforce;
- Add “dogs are” before “outside”

10. *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;*

- Change to “include dogs that permanently reside on the lot”;
- Change to “a condition of the permit must limit...”

11. *a condition of the permit should set a limit on the noise allowed from the property, inclusive of noise generated by pet dogs permanently residing on the lot;*

- Clarify that permit should set a limit on the “dog noise” allowed.

12. *a condition of the permit should require that the dogs be housed in the primary dwelling unit only;*

- No comments.

13. *a condition of the permit should require designated quiet hours; and,*

- very difficult to enforce or set parameters;
- many concerns with applicability of designated quiet hours with reality of how people use residential lots during all hours;
- possible to blend #13 with #11.

14. *a condition of the permit should require that the operator must provide neighbours within a 100 metres radius of the dog care operation with the operator’s phone number, and a copy of the temporary use permit.”*

- change meters to ‘meter’;
- drop the ‘must’ in this case and simply state “operator provide”
- Remove quotes at end;

#### 4.3.4 Review of Definitions:

**Dog Care:**

*dog care means a commercial activity in which dogs belonging to others are housed for commercial purposes, predominantly in the principal dwelling unit.*

OCP and LUB are different and should match.

- Consider 'commercial activity' instead of 'commercial purposes';
- 'predominantly' is misleading;
- Allow in dwelling unit with periodic access to outdoors;
- What is difference between housing and boarding.

**Kennel:**

*kennel means an establishment in which dogs or cats are housed, groomed, boarded, trained, bred, or sold, for commercial purposes.*

- Definition is broader in this bylaw then current regulations but perhaps was not intentional.

#### 4.3.5 Closing Comments:

Members expressed the following closing comments:

- Temporary use permit option is not a good idea and although dog care operations may be occurring under the radar it might be on a smaller scale with no impact on the neighbourhood.
- Reluctance towards bureaucratizing and commercializing this land use and drawing attention to it through this temporary use permit application review process or application process.
- Would prefer to be more case by case basis if needed than to make it a very prescriptive system.
- Should be taken care of in a more Gabriolan fashion.
- Uphill battle to make this a success. If neighbours are in support a business owner won't bother with the process and if they are not in support it would be hard to meet the requirement of guidelines but the process allows for the opportunity to try;
- Uncomfortable with amount of bureaucracy for this legitimate business that may be best accommodated on larger lots;
- Not in favour of proposal as presented and this process won't work but will be a hassle;
- No apparent guidelines on how to vet neighbours concerns;
- Willingness to continue with proposed process to give people opportunity to go through this type of process to allow the use on small lots.

**5. PRIORITIZING RECOMENDATIONS**

**GB-APC-2016-03**

**It was MOVED and SECONDED,**

THAT the Gabriola Island Advisory Planning Commission recommend that the Gabriola Local Trust Committee Trustees review the Advisory Planning Commission minutes of the Feb 25<sup>th</sup> meeting with particular attention to the closing comments.

**CARRIED**

**6. ADJOURNMENT**

**By general consent**, the meeting was adjourned at 9:09 pm.

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Madeleine Ani, Chair

Certified Correct:

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Sonja Zupanec, Recorder