



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, JANUARY 15, 2013**

SUBJECT **ZONING AMENDMENT APPLICATION FOR LOT 1, SECTION 31, OTTER DISTRICT,
PLAN 25582 EXCEPT PART IN PLAN VIP63956**

ISSUE

The applicants operate a dog breeding kennel and propose to rezone their property to permit this use.

BACKGROUND

The 4.66 ha parcel is located in Otter Point at 2276 Kemp Lake Road (Appendix 1). The parcel is surrounded by residential parcels. The property is designated Settlement Area in the Official Community Plan (OCP) for Otter Point, Bylaw No. 3719 and is subject to a Steep Slopes and a Watercourses, Wetlands and Riparian development permit area. The property is zoned Rural Residential 3 (RR-3) in the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040. There is a single family dwelling, a hay stall, a garage and a barn on the property (Appendix 2).

The applicants are the subject of a bylaw enforcement complaint as they are operating a dog kennel on a parcel zoned RR-3 which does not permit a kennel use. The applicants wish to rezone the property to legalize the existing kennel use.

Staff has prepared Bylaw No. 3872 which would rezone the parcel from RR-3 to a new Rural Residential 3 Kennel (RR-3K) zone (Appendix 3).

ALTERNATIVES

1. Proceed with referral of the proposed Bylaw No. 3872, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 116, 2013" to agencies for comment.
2. Deny the application and do not proceed with referral.
3. Refer the application back to staff for more information.

LEGISLATIVE IMPLICATIONS

Pursuant to Section 879 of the *Local Government Act (LGA)*, an amendment to a zoning bylaw requires that the local government provide one or more opportunities for consultation it considers appropriate to the persons, organizations and authorities the local government considers may be affected by the adoption, repeal or amendment of a zoning bylaw.

Pursuant to Section 881 of the *LGA*, a proposed amendment to a zoning bylaw must be referred to the school district. Where an amendment or new land use and subdivision bylaw will apply to land within 800 m of a controlled access highway, the bylaw must be referred to the Ministry of Transportation and Infrastructure.

PUBLIC CONSULTATION IMPLICATIONS

The Advisory Planning Commissions were established to make recommendations to the Land Use Committee on land use planning matters referred to them relating to Part 26 of the *LGA*, therefore, the proposal should be referred to the Otter Point Advisory Planning Commission.

Should the proposal proceed, a public hearing pursuant to Section 890 of the *LGA* will be required subsequent to the amendments passing second reading by the CRD Board. Property owners within 500 m of the subject property will be sent a notice of the proposed bylaw amendments and it will be advertised in the local paper and on the website.

REGIONAL GROWTH STRATEGY AND OFFICIAL COMMUNITY PLAN IMPLICATIONS

In the evaluation of a zoning amendment, consideration must be given to the CRD's Regional Growth Strategy (RGS) Bylaw No. 2952 and Otter Point OCP Bylaw No. 3719. The proposal to rezone for the purpose of permitting a kennel use as an accessory use to a principal residential use is compatible with the OCP; however, proposals must still be reviewed to ensure consistency with the RGS.

PLANNING ANALYSIS

Bylaw No. 2040 defines kennel to be a lot where more than four dogs and/or cats are kept, trained, cared for, bred and/or boarded and where a kennel license has been approved under Capital Regional District Animal Regulation and Impounding Bylaw No. 1465. The applicants have more than four dogs on the property and have operated a breeding kennel for Miniature Schnauzers for the past six years. The dogs are kept in the house as well as in the garage behind the house and there is a fenced pen for the dogs.

The property is zoned RR-3 which permits a residence, agricultural uses, home based business, farm buildings, veterinary clinic and animal hospitals and suites. Kennels are allowed in zones which permit intensive agriculture including Rural A, Rural A-1, Agricultural (AG) and Agricultural 1 (AG-1).

The new RR-3K zone would permit a dog kennel as an accessory use to principal residential use of the property. The new zone has all the provisions of the RR-3 zone with the addition of kennel as a permitted use and a yard requirement for kennel buildings has been added.

Staff have not received any complaints from adjacent neighbours. The bylaw enforcement complaint which prompted this rezoning application was made by a resident of Sooke who is questioning all kennel operations in the area. Furthermore, the applicants have provided letters of support from adjacent neighbours.

While the property is subject to development permit areas, no new developments are proposed at this time. Should additional development be considered, a development permit will be required at that time.

As the kennel has been in operation for several years with no complaints from neighbours, staff recommends that the proposed bylaw be referred to agencies for comment.

CONCLUSION

The applicants have been operating a kennel on the property for several years and wish to legalize the use. Staff has prepared a proposed RR-3K zone which would permit a kennel as an accessory use to the principal residential use of the property. Staff recommends referring the proposed bylaw to relevant CRD departments, the Otter Point Advisory Planning Commission, and other agencies for comment.

RECOMMENDATION

That the Juan de Fuca Land Use Committee recommend to the CRD Board:

1. That proposed Bylaw No. 3872 for Lot 1, Section 31, Otter District, Plan 25582 except part in Plan VIP63956, to the appropriate CRD departments and the following agencies for comment:

BC Hydro
District of Sooke
Ministry of Transportation and
Infrastructure
Otter Point Advisory Planning Commission

Otter Point Fire Department
RCMP
Sooke School District #62
T'Sou-ke First Nation
Vancouver Island Health Authority

Original Signed

June Klassen
Manager, Local Area Planning

Original Signed

Robert Lapham, MCIP
General Manager, Planning & Protective Services

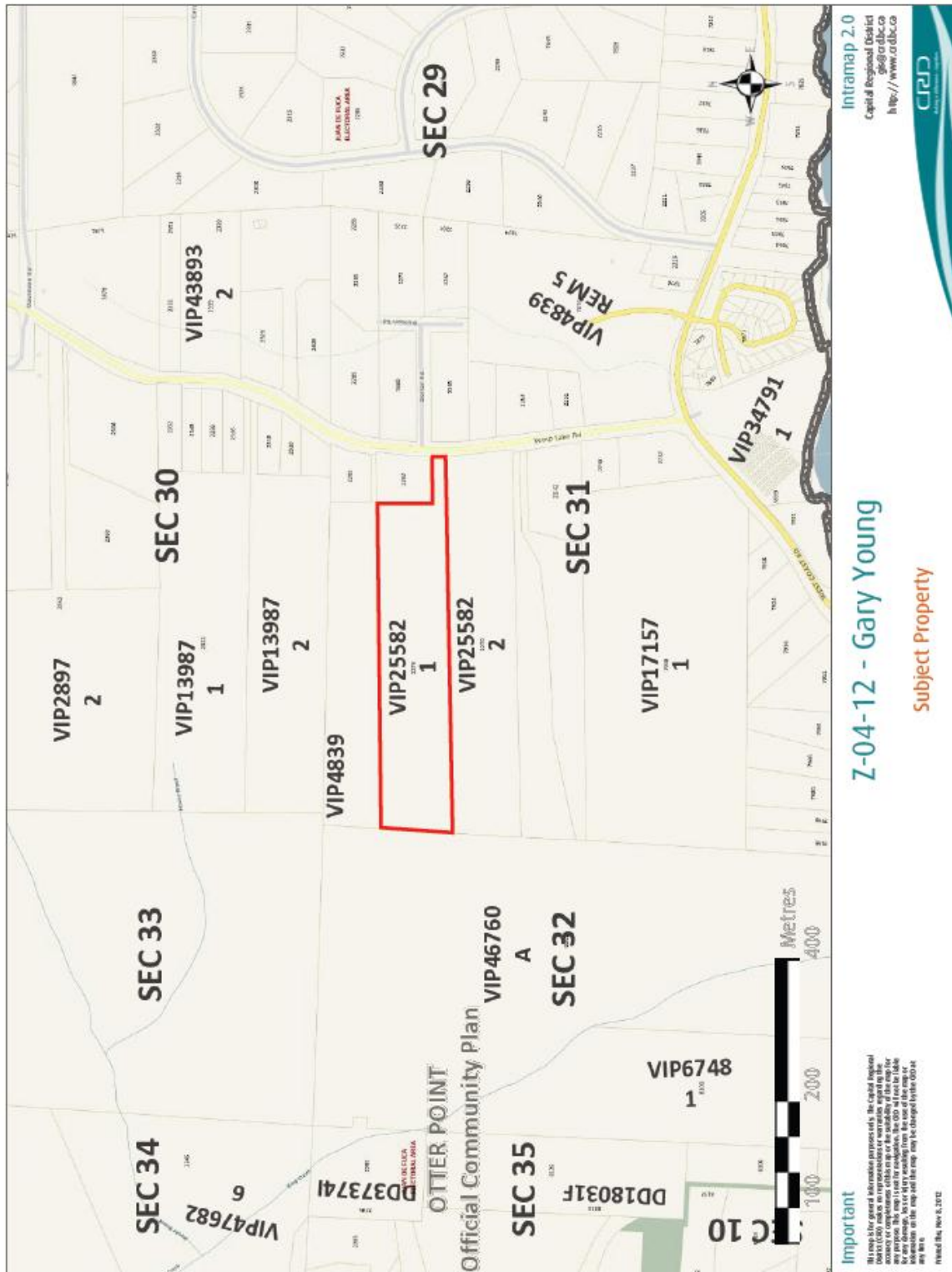
Original Signed

Kelly Daniels
Chief Administrative Officer
Concurrence

Appendices:

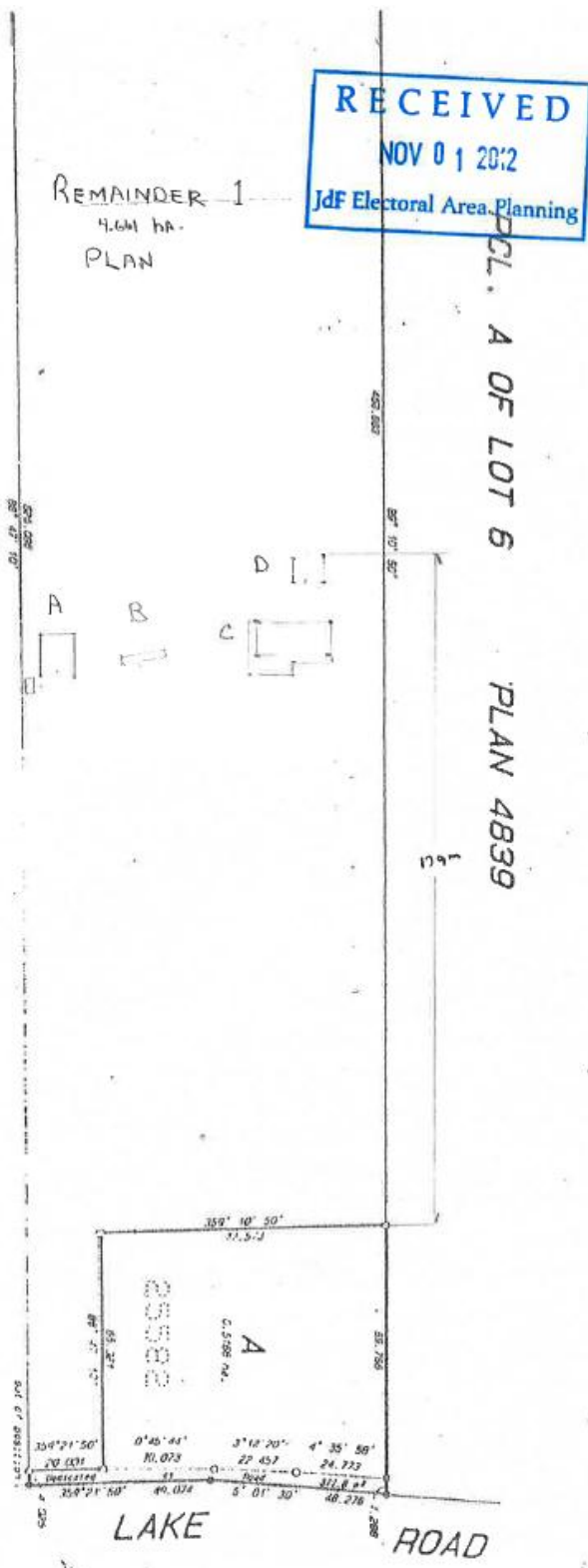
1. Location
2. Site Plans
3. Proposed Bylaw No. 3872

Appendix 1: Location



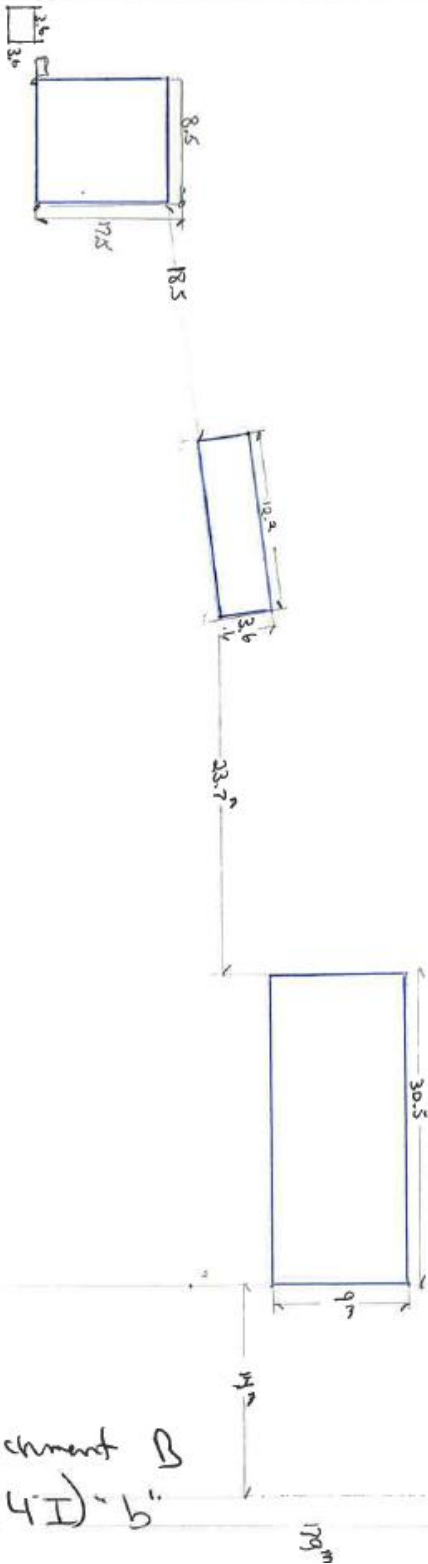
Appendix 2: Site Plans

- BARN 38x31' - A
 - HAY STALL 8x40' - B
 - House 28x66' - C
 - GARAGE 18x18' - D
- LOT 2



Attachment KEMP
4 (VI) "a"
ALE 40

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JdF Electoral Area Planning



Attachment B
4 (4.I) - b"

1 SCALE

CAPITAL REGIONAL DISTRICT

BYLAW NO. 3872

A BYLAW TO AMEND BYLAW NO. 2040, THE "JUAN DE FUCA LAND USE BYLAW, 1992"

The Capital Regional District Board, in open meeting assembled, enacts as follows:

1. Bylaw No. 2040 being the "Juan de Fuca Land Use Bylaw, 1992" is hereby amended:
 - (a) Part 1, TABLE OF CONTENTS, PART 2 – ZONING DISTRICTS add the following:
 - i. By adding "Rural Residential 3 Kennel RR-3K" after "Rural Residential 3"
 - (b) Part 1, 3.0 ADMINISTRATION AND ENFORCEMENT, Section 3.07 ZONES
 - i. By adding "RR-3K Rural Residential 3 Kennel" to the list of zones after "RR-3 Rural Residential 3"
 - (c) Part 2 – ZONING DISTRICTS
 - i. By creating a new zone, Rural Residential 3 Kennel (RR-3K), to be inserted after Section 7.0, and to read as follows:

7A.0 RURAL RESIDENTIAL 3 KENNEL ZONE - RR-3K

7A.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others are permitted in the Rural Residential 3 RR-3 Zone:

- (a) One-family dwelling;
- (b) Two-family dwelling;
- (c) Home Based Business Categories One, Two and Three;
- (d) Agriculture;
- (e) Two Boarders or Lodgers;
- (f) Farm buildings on farms;
- (g) Veterinary Clinics and Animal Hospitals;
- (h) Secondary suite pursuant to Part 1, Subsection 4.19;
- (i) Detached Accessory Suites pursuant to Part 1, Subsection 4.20; and
- (j) Kennel on parcels 4ha or larger

7A.02 Minimum Lot Size for Subdivision Purposes

- (a) Minimum lot size shall be 2 ha

7A.03 Number of Residential Buildings

One one-family dwelling or one two-family dwelling is permitted per lot

7A.04 Height

Maximum height shall be 9 m.

7A.05 Lot Coverage

Maximum lot coverage shall be 15 percent

7A.06 Maximum Size of Residential Buildings

Provided applicants having either met the *Sewerage System Regulation* (e.g., a filing) or acceptance by VIHA via referral. Residential buildings and structures shall not exceed a Floor Area Ratio of 0.45.

7A.07 Yard Requirements

- (a) Front yards shall be a minimum of 7.5 m;
- (b) Side yards shall be a minimum of 6 m; except where residential uses exceed a Total Floor Area of 418 m², minimum side yards shall be 15m each side;
- (c) Flanking yards shall be a minimum of 6 m CTS;
- (d) Rear yards shall be a minimum of 10 m.

7A.08 Yard Requirements for Buildings and Structures for Livestock or Keeping of Animals

- (a) Front yards shall be a minimum of 90 m;
- (b) Side, flanking and rear yards shall be a minimum of 30 m each.

7A.09 Yard Requirements – Kennel and Other Farm Buildings

- (a) Front yards shall be a minimum of 30 m;
 - (b) Side, flanking and rear yards shall be a minimum of 15 m.
- (d) By deleting from the Rural Residential 3 (RR-3) zone, and adding to the Rural Residential 3 Kennel (RR-3K) zone, for the purpose of permitting a kennel on Lot 1, Section 31, Otter District, Plan 25582 except Plan VIP63956, as shown on Plan No.1, attached to and forming part of this bylaw.
2. This bylaw may be cited as Bylaw 3872, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 116, 2013".

READ A FIRST TIME THIS	day of	, 2013.
READ A SECOND TIME THIS	day of	, 2013.
READ A THIRD TIME THIS	day of	, 2013.
APPROVED by the Minister of Transportation and Infrastructure		
THIS	day of	, 2013.
ADOPTED THIS	day of	, 2013.

CHAIR

CORPORATE OFFICER

Plan No. 1 of Bylaw 3872

Lot 1, Section 31, Otter District, Plan 25582 except Plan VIP63956 shown on this plan attached to and forming part of this bylaw.

