



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

SUBJECT **ZONING AMENDMENT APPLICATION FOR LOT 28, SECTION 15, OTTER DISTRICT,
PLAN VIP87643**

ISSUE

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

BACKGROUND

The 1.01 ha parcel is located in Otter Point at 3312 Otter Point Road (Appendix 1). The parcel is located south of Otter Point Road and adjacent to a rural residential parcel to the west and east and by industrial land to the south (Appendix 2). The property is designated Settlement Containment Area in the Official Community Plan (OCP) for Otter Point, Bylaw No. 3719. The property is zoned Rural Residential A (RR-A) in the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040. There is a single family dwelling on the property (Appendix 3). The parcel is subject to a building scheme that prohibits dog kennels but the developer who has the authority to waive the disclosure statement and building scheme has provided written confirmation to waive this provision.

The applicants are the subject of a bylaw enforcement complaint as they are operating a dog kennel on a parcel zoned RR-A 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. 3873 which would rezone the parcel from RR-A to a new Rural Residential A Kennel (RR-AK) zone (Appendix 4).

ALTERNATIVES

1. Proceed with referral of the proposed Bylaw No. 3873, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 117, 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 "It's Over Rover", a dog training business, for over three years and would like to expand the business and operate a dog daycare facility.

The property is zoned RR-A which permits a residence, home based business, bed and breakfast, accessory buildings 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-AK 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-A zone with the addition of kennel as a permitted use and the addition for yard requirement for kennel buildings.

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.

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 dog training business on the property for several years and wish to legalize the use. Staff has prepared a proposed RR-AK 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. 3873 for Lot 28, Section 15, Otter District, Plan VIP87643, be referred 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

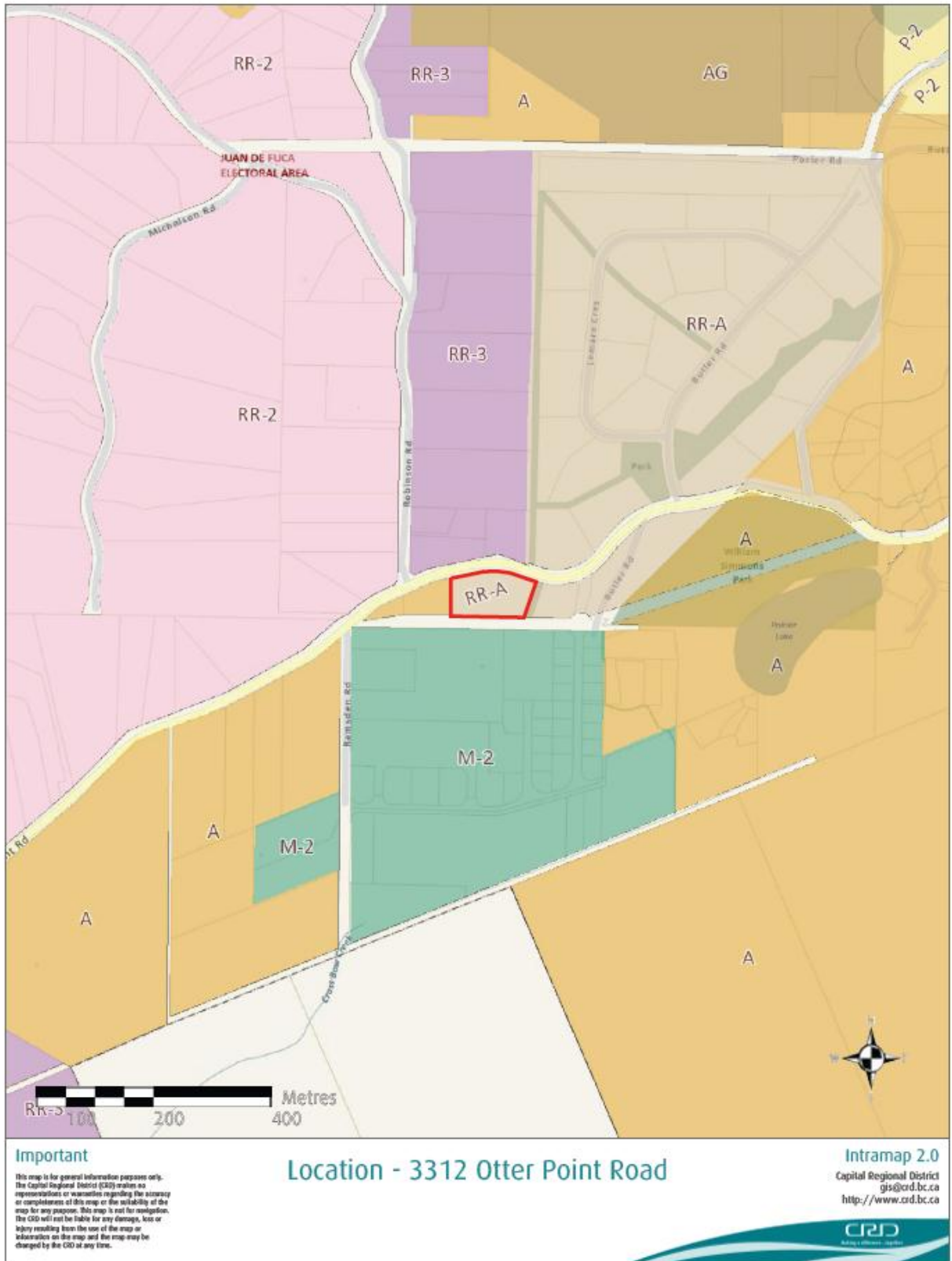
Original Signed
Robert Lapham, MCIP
General Manager, Planning & Protective Services

Original Signed
Kelly Daniels
Chief Administrative Officer
Concurrence

Appendices:

1. Location
2. Ortho Map
3. Site Plan
4. Proposed Bylaw No. 3873

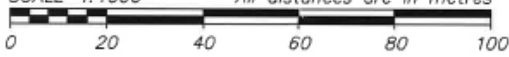
Appendix 1: Location



Appendix 2: Ortho Map



**PROPOSED FOUNDATION POSITION
 UPON LOT 28, SECTION 15, OTTER
 DISTRICT, PLAN VIP87643.**

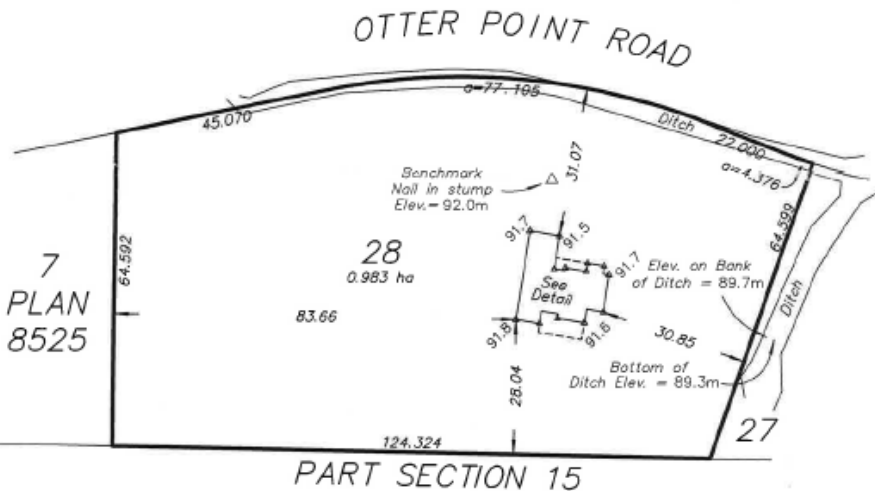
SCALE=1:1000 All distances are in metres


NOTE: Building positioned as per client instructions.
 Building position must be confirmed by approving authorities
 prior to construction.

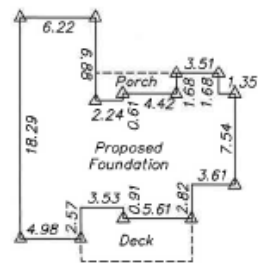
The parcel is subject to charges:
 Easement EX149695 & FA147548
 Covenant FB329653
 Statutory Building Scheme FB336862

△ Denotes spike set July 16, 2010.

Ditches surveyed previously
 Elevations are based upon an assumed datum.



DETAIL
 SCALE=1:400



File: W147-READ-LO	Zoning: RR-A
Date: July 28, 2010	Minimum Set-backs
Island Land Surveying Ltd. 1-15 Cadillac Avenue Victoria, B.C. V8Z 1T3 Tel 250.475.1515 Fax 250.475.1516 www.islandsurveying.ca	Front: 7.5m
	Rear: 10.0m
	Side: 7.5m

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 3873**

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 A Kennel" after "Rural Residential A"
 - (b) Part 1, 3.0 ADMINISTRATION AND ENFORCEMENT, Section 3.07 ZONES
 - i. By adding "4A.01 Rural Residential A Kennel" to the list of zones after "4A.0 Rural Residential A"
 - (c) Part 2 – ZONING DISTRICTS
 - i. By creating a new zone, Rural Residential A Kennel – RR-AK, to be inserted after Section 4A.0, and to read as follows:

4A.01 RURAL RESIDENTIAL A KENNEL ZONE - RR-AK

4A.01.01 Permitted Uses

The following uses and no others are permitted in an RR-AK Zone:

- (a) Dwelling Unit.

Permitted accessory uses and buildings on any parcel include the following:

- (b) Home Based Business;
- (c) Bed and Breakfast;
- (d) Accessory buildings and structures ancillary to a permitted use;
- (e) Secondary suites pursuant to Part 1, Subsection 4.19;
- (f) Detached Accessory Suites pursuant to Part 1, Subsection 4.20; and
- (g) Kennel

4A.01-02 Minimum Lot Size for Subdivision Purposes

- (a) Minimum lot size shall be 0.82 ha;
- (b) For Section 946(4) of the *Local Government Act* purposes, the minimum parcel size of the remainder parent parcel is 0.82 ha.

4A.01-03 Number of Residential Buildings

One one-family dwelling is permitted on a lot

4A.01-04 Height

Maximum height permitted shall be 9 m.

4A.01-05 Lot Coverage

Maximum lot coverage shall be 20 percent

Plan No. 1 of Bylaw 3873

Lot 28, Section 15, Otter District, Plan VIP87643 shown on this plan attached to and forming part of this bylaw.

