



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, APRIL 16, 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 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. Staff have prepared Bylaw No. 3873 which would rezone the parcel from RR-A to a new Rural Residential A Kennel (RR-AK) zone (Appendix 4).

At the February 13, 2013 Capital Regional District (CRD) Board meeting the Board directed the proposed rezoning amendment bylaw, Bylaw No. 3873 be referred to the following agencies for comment.

- | | |
|---|-----------------------------------|
| BC Hydro | RCMP |
| District of Sooke | Sooke School District #62 |
| Ministry of Transportation and Infrastructure | T'Sou-ke First Nation |
| Otter Point Advisory Planning Commission | Vancouver Island Health Authority |
| Otter Point Fire Department | |

Comments have been received from seven agencies and the proposal was considered at the Otter Point Advisory Planning Commission (APC) meeting of March 11, 2013.

ALTERNATIVES

1. Approve proposed Bylaw No. 3873, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 117, 2013" and proceed to the CRD Board for first and second readings and onto a public hearing.
2. Not approve proposed Bylaw No. 3873, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 117, 2013" and recommend the CRD Board deny the application.
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

Should the proposal proceed, a public hearing pursuant to Section 890 of the LGA will be required subsequent to the amendment 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 amendment 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 the Otter Point Official Community Plan (OCP) Bylaw No. 3719. The parcel lies within the Rural/Rural Resource Lands RGS designation, which includes rural and rural residential uses and isolated commercial and industrial uses in areas of predominately rural character. The kennel use is accessory to principal residential use and is therefore not inconsistent with the RGS. The Otter Point OCP designates the parcel as Settlement Containment Area which signifies the predominant land use is for residential purposes but with more intensive development. Home-based businesses may be considered within this designation. As the kennel is accessory to the principal residential use the use is compatible with the OCP.

REFERRAL COMMENTS

Comments were received from BC Hydro, the RCMP, the District of Sooke, T'Sou-ke First Nation, the Ministry of Transportation and Infrastructure, Sooke School District #62 and the Vancouver Island Health Authority. Comments were to be submitted by March 14, 2013 and any outstanding comments received from Otter Point Fire Department will be presented at the LUC meeting.

No objections to the proposed bylaw were raised by the referral agencies (Appendix 5). Vancouver Island Health Authority outlined its standard requirements for disposal into an approved system as defined in the *Sewerage System Regulation*.

The Otter Point APC considered the proposal at their meeting of March 11, 2013 and several questions raised by community members were addressed. It was noted that through the CRD Animal Regulation and Impounding Bylaw, Bylaw No. 1, 1986, the Animal Care office monitors the kennel operation. It was also noted that through the Noise Suppression Bylaw (Juan de Fuca) No. 1, 2006, Bylaw Enforcement Officers respond to noise complaints. The APC passed a motion in support of the rezoning property from Rural Residential A (RR-A) to Rural Residential A Kennel (RR-AK) (Appendix 6).

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 CRD 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. They would now like to expand the business and operate a dog daycare facility.

The property is zoned RR-A which permits a residence, home based businesses, a 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.

The referral agencies did not identify any concerns, and the Otter Point APC supported the rezoning. Further, concerns regarding the operation of the kennel will be addressed through the Animal Regulation and Impounding Bylaw and through the Noise Suppression Bylaw. Therefore, as the kennel has been in operation for several years with no complaints from neighbours, staff recommends that the proposed bylaw proceed for approval.

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. As no objections were received from referral agencies and the Otter Point APC supports the proposal, staff recommends that the proposed bylaw proceed for approval.

RECOMMENDATION

That the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

1. That proposed Bylaw No. 3873, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 117, 2013" be introduced and read a first time, read a second time; and
2. That in accordance with the provisions of Section 890 and 891 of the *Local Government Act*, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to proposed Bylaw No. 3873, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 117, 2013".

****ORIGINAL SIGNED****

June Klassen, MCIP, RPP
Manager, Local Area Planning

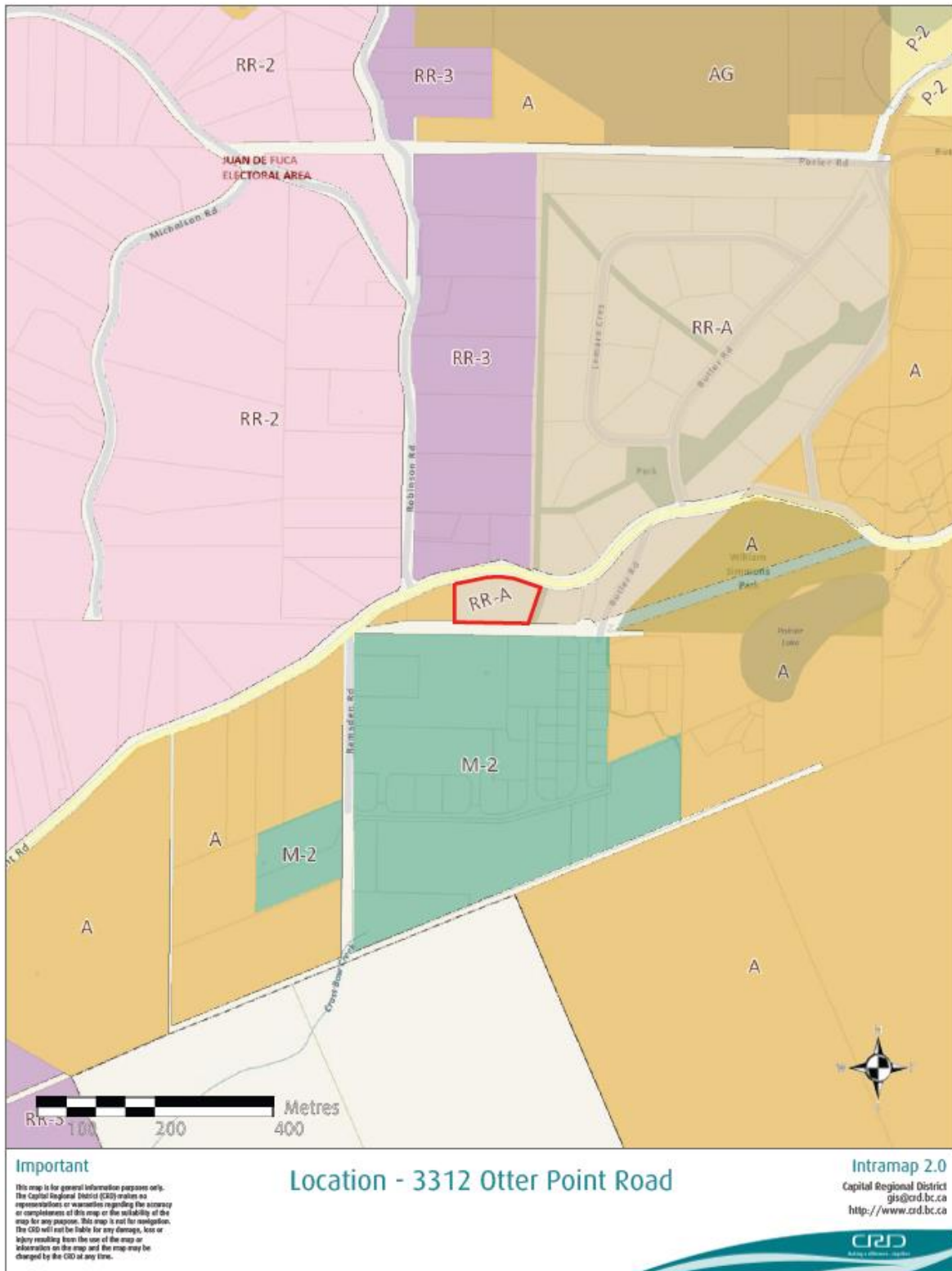
Marg Misek-Evans, MCIP, RPP
Acting General Manager
Planning & Protective Services
Concurrence

Robert Lapham, MCIP, RPP
Chief Administrative Officer
Concurrence

Appendices:

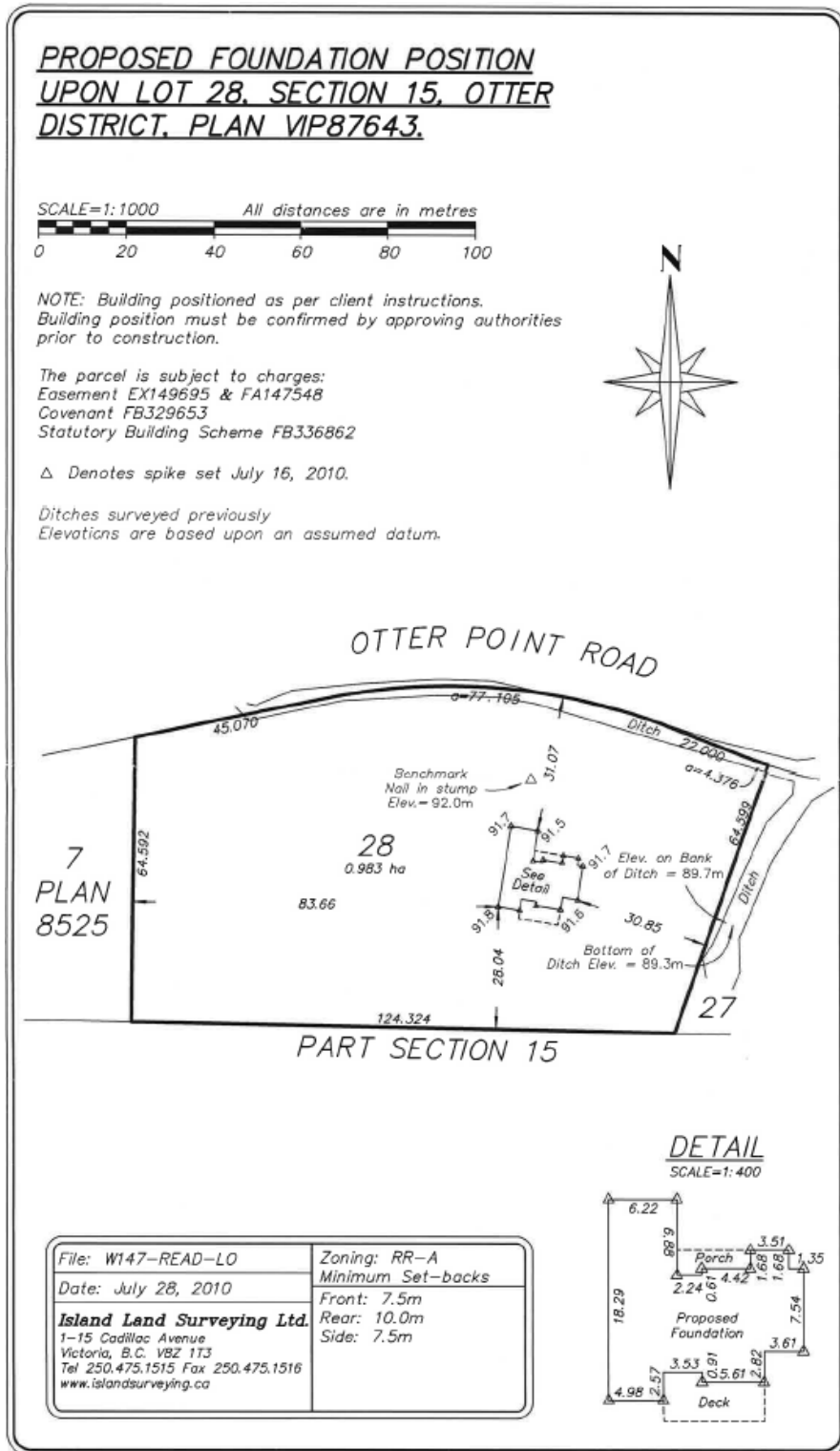
1. Location
2. Ortho Map
3. Site Plan
4. Proposed Bylaw No. 3873
5. Referral Comments
6. Otter Point Advisory Planning Commission Minutes March 11, 2013

Appendix 1: Location



Appendix 2: Ortho Map





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.

CRD Bylaw No. 3873

2

4A.01-04 Height

Maximum height permitted shall be 9 m.

4A.01-05 Lot Coverage

Maximum lot coverage shall be 20 percent.

4A.01-06 Yard Requirements

Except as otherwise specifically permitted in this bylaw, no building or structure shall be located within:

- (a) 7.5 m of a front parcel line;
- (b) 7.5 m of a side parcel line; and
- (c) 10 m of a rear parcel line.

4A.01-07 Additional Requirements

Refer to Part 4, General Regulations, for provisions that apply to all zones; and

4A.01-08 Yard Requirements – Kennel 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) Schedule B ZONING MAPS

i. By amending Map 2: Otter Point Zoning to incorporate the amendment as shown on Map 1 attached to and forming part of this bylaw.

(e) By deleting from the Rural Residential A (RR-A) zone, and adding to the Rural Residential A Kennel (RR-AK) zone, for the purpose of permitting a kennel on Lot 28, Section 15, Otter District, Plan VIP87643, as shown on Plan No.1, attached to and forming part of this bylaw.

2. This bylaw may be cited as Bylaw No. 3873, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 117, 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

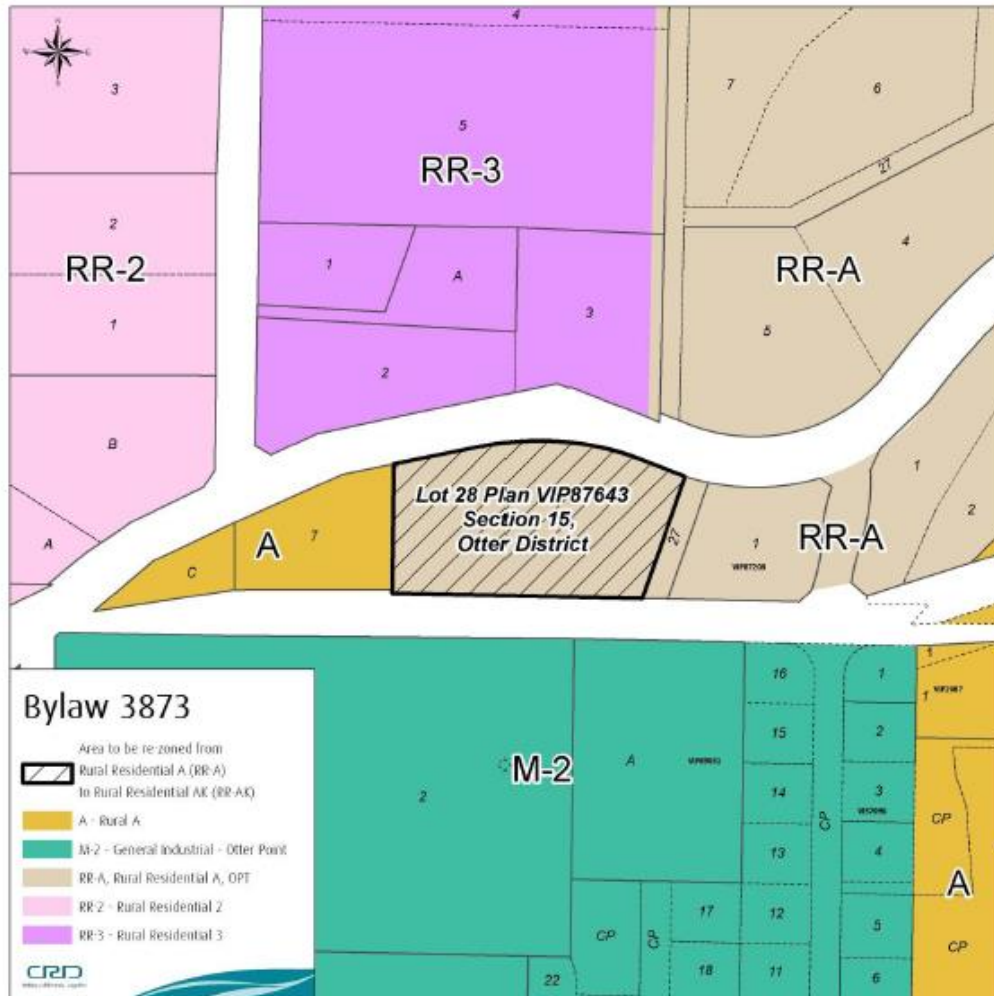
CORPORATE OFFICER

CRD Bylaw No. 3873

3

Plan No. 1 of Bylaw No. 3873

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



RESPONSE SUMMARY – Z-06-12

Interest Affected by Proposal for Reasons Outlined Below

Interest Unaffected by Proposal

Comments:

BC Hydro interests are unaffected by this Rezoning Proposal. BC Hydro has no
Statutory Right of Way charges registered over this property.


Signed Rita Brom

Property Coordinator
Title

March 12, 2013
Date

BC Hydro - Property Rights Services
Agency task 1078619

Wendy Miller

From: Stephen Wright <stephen.wright@rcmp-grc.gc.ca>
Sent: Thursday, February 14, 2013 1:36 PM
To: Wendy Miller
Subject: Re: Rezoning Application Z-06-12

No issues.

Steve

Wendy Miller

From: Bonnie English <benglish@tsoukenation.com>
Sent: Monday, March 04, 2013 2:44 PM
To: Wendy Miller
Subject: FW: Rezoning Application Z-06-12
Attachments: PPS-JDF-2013-01-15-Z-06-12-LUCReport_WithOutSignature.pdf; PPS-JDF-2013-02-14-Z-06-12-T'Sou-ke Nation.pdf

Hi Wendy,

Thank you for sending the attached referral.
T'Sou-ke has no comment at this time.

Bonnie English

Wendy Miller

From: Tara Johnson <tjohnson@sooke.ca>
Sent: Tuesday, February 19, 2013 11:28 AM
To: Wendy Miller
Cc: Gerard LeBlanc
Subject: RE: Rezoning Application Z-06-12

Thank you Wendy for sending us this referral.

After review, no concerns have been noted.

Kind regards,

Tara Johnson, MCIP, RPP
Planner II- District of Sooke
2205 Otter Point Road, Sooke BC V9Z 1J2
Email: tjohnson@sooke.ca
(250) 642-1628 Fax: (250) 642-0541

Wendy Miller

From: Evanoff, Ryan TRAN:EX <Ryan.Evanoff@gov.bc.ca>
Sent: Thursday, February 14, 2013 3:17 PM
To: Wendy Miller
Subject: RE: Rezoning Application Z-06-12

Categories: Orange Category

Wendy,
Please accept this email as official response to the rezoning referral outlined below.

The Ministry has no objections to the proposed rezoning of 3312 Otter Point Road, as presented, and has no additional requirements for approval. The Ministry file number for this referral is 2013-00711.

If you require any additional information please feel free to contact myself.

Thank you,

RYAN EVANOFF | DISTRICT DEVELOPMENT TECHNICIAN | BC MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE | VANCOUVER ISLAND DISTRICT | 240-4460 CHATTERTON WAY, VICTORIA, BC V8X 5J2 |
T: 250.952.4495 | F: 250.952.4508
WEBSITE FOR DEVELOPMENT APPROVALS:
www.th.gov.bc.ca/Development_Approvals/home.htm | MINISTRY WEBSITE: <http://tranbc.ca/>

RESPONSE SUMMARY – Z-06-12

Interest Affected by Proposal for Reasons Outlined Below

Interest Unaffected by Proposal

Comments:

NO CONCERNS.

A series of horizontal lines for writing, with a large diagonal line drawn through them from the top left to the bottom right.

P. Godan
Signed

DIRECTOR OF FACILITIES
Title

March 7, 2013
Date

School District #62
Agency

RESPONSE SUMMARY – Z-06-12

Interest Affected by Proposal for Reasons Outlined Below

Interest Unaffected by Proposal

Comments:

Provided all structures that generate domestic sewage are disposed into an approved system as defined in the Sewerage System Regulation.

Signed Roy Bore Title Ed EHO
Date Feb 20, 2013 Vancouver Island Health Authority Agency

Appendix 6: Otter Point Advisory Planning Commission Minutes March 11, 2013

MOVED by Bud Gibbons, **SECONDED** by Sandy Sinclair that the APC support the rezoning of Lot 28, Section 15, Otter District, Plan VIP87643 from Rural Residential A (RR-A) to a new Rural Residential A Kennel (RR-AK) zone. **CARRIED**