

**REPORT TO JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, SEPTEMBER 16, 2014**

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**SUBJECT**      **OFFICIAL COMMUNITY PLAN AND ZONING AMENDMENT APPLICATION  
FOR LOT 1, DISTRICT LOT 147, MALAHAT DISTRICT, PLAN 22170**

**ISSUE**

The applicant proposes an amendment to the Malahat Official Community Plan (OCP), Bylaw No. 3721 and an amendment to the Malahat Land Use Bylaw, 1981, Bylaw No. 980 to permit the operation of an animal shelter.

**BACKGROUND**

The Victoria Humane Society is proposing to operate an animal shelter to temporarily house and care for rescued animals for placement in foster care pending permanent adoption. The 4.86 ha property that is the subject of this report is located at 3932 Trans Canada Highway in the Malahat area (Appendix 1). The property is zoned Tourist Commercial - Campground (CT2) in the Malahat Land Use Bylaw, 1981, Bylaw No. 980. The property is adjacent to parcels zoned Greenbelt 3 to the north, east and south and the Trans Canada Highway to the west. There is currently one house on the property.

The property is designated as Settlement Area in the Malahat OCP and this designation denotes the predominant land use is for residential purposes and does not permit an 'animal shelter' use.

Staff has prepared proposed Bylaw No. 3978, which would rezone Lot 1, District Lot 147, Malahat District, Plan 22170 from Tourist Commercial - Campground (CT2) to a new Animal Shelter (AS1) zone (Appendix 2). Staff has prepared proposed Bylaw No. 3979 which would amend the Malahat OCP to include 'animal shelter' as a permitted use in the Settlement Area designation.

**ALTERNATIVES**

1. Recommend to the Capital Regional District (CRD) Board that proposed Bylaw No. 3978, "Malahat Land Use Bylaw, 1981, Amendment Bylaw No. 146, 2014" and proposed Bylaw No. 3979, "Official Community Plan for Malahat, Bylaw No. 1, 2012, Amendment Bylaw No. 1, 2014" be referred to a public information meeting and to appropriate CRD departments and agencies for comment.
2. Recommend that the CRD Board not refer proposed Bylaw Nos. 3978 and 3979.
3. Request more information be provided by staff.

**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. As the amendment 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 (LUC) on land use planning matters referred to them relating to Part 26 of the *LGA*; however, the Malahat Advisory Planning Commission is inactive. Staff proposes holding a public information meeting to obtain community comments on proposed Bylaw Nos. 3978 and 3979.

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/tenants 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 CRD website.

### **REGIONAL GROWTH STRATEGY AND OFFICIAL COMMUNITY PLAN IMPLICATIONS**

In the evaluation of a zoning amendment, consideration must be given to the CRD's RGS Bylaw No. 2952 and Malahat OCP Bylaw No. 3721. The proposed animal shelter is not a permitted use in the Settlement Area designation; therefore, an amendment to the OCP is required.

An amendment to the Malahat OCP, Bylaw No. 3721, has been prepared and will be considered pursuant to the rezoning process outlined in the Juan de Fuca Electoral Area Development Procedures Bylaw (Bylaw No. 3110). As proposed Bylaw No. 3979 amends an OCP, it will be referred to the full CRD Board for determination of consistency with the Regional Growth Strategy (RGS).

### **PLANNING ANALYSIS**

The Victoria Humane Society intends to establish an animal shelter on the site which would temporarily house and care for rescued animals including dogs, cats, birds and other animals. The shelter prepares animals for placement in foster homes or for permanent adoption. The Society's long term plan is to provide multi-faceted services on site including a rehabilitation centre, a veterinary clinic, dog kennel, aviary, cattery, stables and other related uses as well as two single family dwellings for staff and a caretaker (Appendix 3).

The proposed site is located adjacent to the Trans Canada Highway and lies adjacent to two Greenbelt 3 parcels each about 5.7 ha in size. The Greenbelt 3 zone is a large rural parcel zone which permits agriculture, intensive agriculture, dog boarding and breeding kennels, aviaries and ancillary uses. In addition, the parcel is about 90 metres west of Aspen Road and at a higher grade than the smaller rural residential parcels along the road.

The existing Tourist Commercial – Campground zone on the parcel and the Greenbelt 3 zone on adjacent parcels do not permit this use. Due to the unique uses proposed on the site, a new Animal Shelter zone is proposed.

The property is designated as Settlement Area which denotes the predominant land use is for residential purposes with additional uses being neighbourhood commercial and tourism development activities. The proposed 'animal shelter' is a commercial use which will provide service well beyond the local neighbourhood and therefore is not consistent with the Settlement Area land uses. Therefore an amendment to the Malahat OCP is proposed to add 'animal shelter' as an additional use in the Settlement Area.

In support of the application, the Victoria Humane Society provided information about the Society as well as a protocol on addressing noise complaints (Appendix 4).

Staff recommends referring proposed Bylaw Nos. 3978 and 3979 to agencies and to a public information meeting for comment.

**CONCLUSION**

The applicant has proposed to locate an animal shelter on Lot 1, District Lot 147, Malahat District, Plan 22170. This will require an amendment to the Malahat OCP to permit this use in the Settlement Area designation. The property will need to be rezoned from Tourist Commercial - Campground (CT2) to a new Animal Shelter (AS1) zone for the purposes of establishing an animal shelter.

**RECOMMENDATION**

That the Land Use Committee recommends to the CRD Board that:

1. Proposed Bylaw No. 3978, “Malahat Land Use Bylaw, 1981, Amendment Bylaw No. 146, 2014”, as included in Appendix 2, and proposed Bylaw No. 3979, “Official Community Plan for Malahat, Bylaw No. 1, 2012, Amendment Bylaw No. 1, 2014”, as included in Appendix 3, be referred to a public information meeting and to appropriate CRD departments and the following agencies for comment:

|                                     |   |
|-------------------------------------|---|
| BC Hydro                            | District of Highlands                         |
| City of Langford                    | Island Health                                 |
| Cowichan Tribes                     | Malahat Fire Department                       |
| Cowichan Valley Regional District   | Ministry of Transportation and Infrastructure |
| Cowichan Valley School District #79 | RCMP  |

2. Proposed Bylaw No. 3979, “Official Community Plan for Malahat, Bylaw No. 1, 2012, Amendment Bylaw No. 1, 2014”, as included in Appendix 3, be referred to the full CRD Board for a determination of consistency with the Regional Growth Strategy in accordance with the Juan de Fuca Development Procedure Bylaw No. 3110.

**\*\*ORIGINAL SIGNED\*\***

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June Klassen, MCIP, RPP  
Manager, Local Area Planning

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Kevin Lorette, P.Eng., MBA  
General Manager,  
Planning and Protective Services  
Concurrence

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Robert Lapham, MCIP, RPP  
Chief Administrative Officer  
Concurrence

- Appendix 1: Site Location
- Appendix 2: Proposed Bylaw No. 3978
- Appendix 3: Proposed Bylaw No. 3979
- Appendix 4: Long Term Animal Shelter Land Uses
- Appendix 5: Victoria Humane Society Information

Appendix 1: Site Location



**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 3978**

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**A BYLAW TO AMEND  
BYLAW NO. 980, "MALAHAT LAND USE BYLAW, 1981"**

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

1. Bylaw No. 980 being the "Malahat Land Use Bylaw, 1981" is hereby amended:
  - A. SCHEDULE A, Table of Contents**
    - a) By inserting a new heading before Section 3.1 which reads as follows:  
"Section 3.0 Zones"
    - b) By adding a new Section 4.4 as follows:  
"Section 4.4 Animal Shelter (AS1)"
  - B. SCHEDULE A, SECTION 1.2 Definitions**
    - a) By adding a new definition of "ANIMAL SHELTER" after the definition of "ANIMAL HOSPITAL" as follows:  
"ANIMAL SHELTER means a use which provides for the temporarily housing and care for rescued animals for placement in foster care pending permanent adoption, and may include but is not limited to a rehabilitation centre, veterinary clinic, dog homes, kennels, aviary, cattery, stables, retail sales, office space and chicken coops."
  - C. SCHEDULE A, SECTION 1.3, Administration and Enforcement**
    - a) Amend Section 1.3.09 Zones by adding the words "AS1 Animal Shelter" after the words "AG3 Agriculture 3".
  - D. SCHEDULE A, SECTION 3.0 Zones**
    - a) By adding a new Animal Shelter AS1 zone which states:  
**"Section 4.4 Animal Shelter AS1**  
**4.4.01 Permitted Use**  
In addition to the uses permitted in Section 2.1.10 of this Bylaw, the following uses and no others shall be permitted in the Animal Shelter (AS1) Zone:
      - (1) One-family dwelling
      - (2) Retail sales
      - (3) Offices including reception, event venue and volunteer and education rooms
      - (4) Animal rehabilitation centre
      - (5) Animal hospital
      - (6) Veterinary clinic
      - (7) Dog homes
      - (8) Kennels
      - (9) Aviary
      - (10) Cattery

- (11) Stables,
- (12) Small Animal Facilities
- (13) Animal Maternity Facilities
- (14) Chicken coop
- (15) Animal exercise runs, gym and pool
- (16) Pet crematorium
- (17) Memorial garden
- (18) Parking
- (19) Accessory buildings and uses

**4.4.02 Number of Residential Buildings**

There shall be no more than two single-family dwellings on the lot.

**4.4.03 Height of Buildings**

The height of a building shall not exceed 12 m.

**4.4.04 Minimum Parcel Requirement**

The minimum parcel size shall be 4 ha.

**4.4.05 Yard Requirements**

- (1) A front yard shall be provided of not less than 7.5 m in depth.
- (2) Side yards shall be provided of not less than 3 m in width.
- (3) A rear yard shall be provided of not less than 10 m in depth.
- (4) Notwithstanding Subsections (1), (2) and (3), buildings and structures which will shelter animals shall not be less than 30 m from the front lot line and not less than 15 m from any other lot line.

**4.4.06 Lot Coverage**

The maximum lot coverage shall be 10% of the lot.

**4.4.07 General**

The relevant provisions of Section 2.1 of this Bylaw shall apply. “

**E. Map 1: Malahat Zoning**

- a) By deleting from the Tourist Commercial – Campground (CT2) zone and adding to the Animal Shelter (AS1) zone, Lot 1, District Lot 147, Malahat District, Plan 22170, as shown on Plan No.1, attached to and forming part of this bylaw.

- 2. This bylaw may be cited as Bylaw No. 3978, “Malahat Land Use Bylaw, 1981, Amendment Bylaw No. 146, 2014”.

|   |      |        |      |
|---|------|--------|------|
| READ A FIRST TIME   | THIS | DAY OF | 2014 |
| READ A SECOND TIME  | THIS | DAY OF | 2014 |
| READ A THIRD TIME   | THIS | DAY OF | 2014 |
| APPROVED by the Minister of Transportation and Infrastructure | THIS | DAY OF | 2014 |
| ADOPTED   | THIS | DAY OF | 2014 |

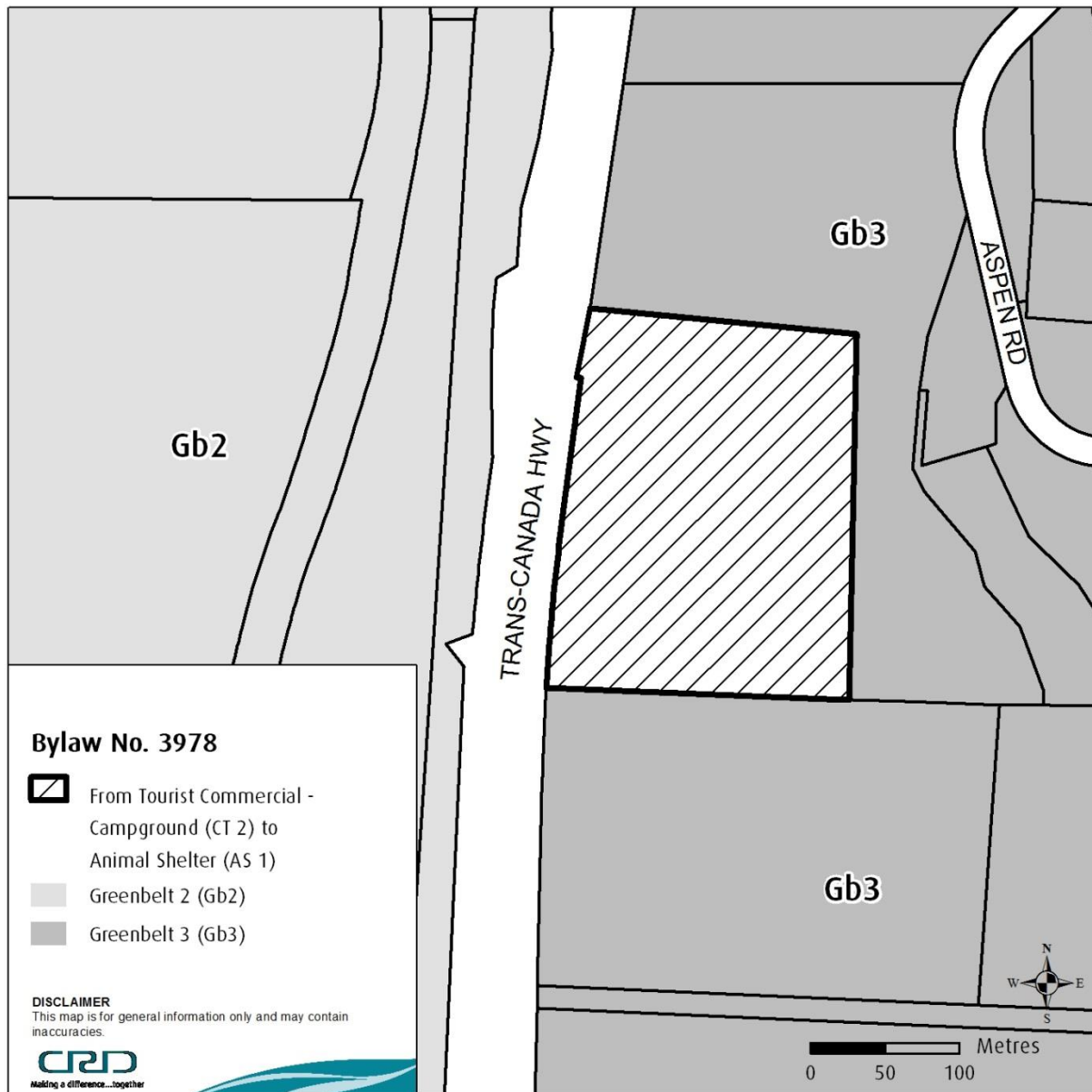
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CHAIR

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CORPORATE OFFICER

Plan No. 1 – Bylaw No. 3978



**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 3979**

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**A BYLAW TO AMEND  
BYLAW NO. 3721, "MALAHAT OFFICIAL COMMUNITY PLAN"**

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

1. Bylaw No. 3721 being the "Malahat Official Community Plan" is hereby amended:

**A. SCHEDULE A, Part 4.0 LAND-USE POLICES AND DESIGNATIONS**

a) By Amending Section 4.2 Land Use Designation, Subsection 4.2.1 Settlement Area Designation item 4.2.1.1 Preamble by adding a new item "c" which states:

"c. Animal shelter as defined as a use which provides for the temporarily housing and care for rescued animals for placement in foster care pending permanent adoption, and may include but is not limited to a rehabilitation centre, veterinary clinic, dog homes, kennels, aviary, cattery, stables, retail sales, office space and chicken coops."

2. This bylaw may be cited as Bylaw No. 3979, "Official Community Plan for Malahat Bylaw No. 1, 2012, Amendment Bylaw No. 1, 2014".

|   |      |        |      |
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CHAIR

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CORPORATE OFFICER



Appendix 4: Long Term Animal Shelter Land Uses



The Victoria Humane Society would like to submit a rezoning application which would allow any of the following facilities to be built in the future on this property.

- Rehabilitation centre
- Vet clinic
- Kennels
- Two single family dwellings (one for caretaker)
- Aviary
- Cattery
- Stables
- Gym
- Rehab pool
- Memorial gardens – should we include crematorium
- Reception area
- Volunteer rooms
- Small animal facility
- Education rooms
- Dog homes
- Maternity facilities
- Laundry rooms
- Storage
- Event facility
- Merchandise store
- Office space
- Exercise runs
- Chicken coops
- Parking

Appendix 5: Victoria Humane Society Information



## About The Victoria Humane Society

### "Let the Love Begin"

The Victoria Humane Society is a community-based, registered charity where animals and their needs come first.

The Victoria Humane Society brings a dynamic and fresh new approach to animal welfare. Executive Director Penny Stone brings a compassionate, experienced team of volunteers to provide a safe haven and new hope for sick, injured or homeless B.C. animals.

Collectively this team has of decades of experience in rescuing, rehabilitating and finding new homes for animals in need with a specific focus on assisting animals in rural and remote communities.

Well-known animal welfare individuals involved with the administration, organization and hands-on work of the Victoria Humane Society include: Cory Bond, Marty Mezeros, Melissa Medve and Ivana Halliday. Read more down below about our collective experience in saving animals.

Many others are rallying with these committed individuals, brought together by a love for animals and an intense focus on one guiding principle: "What is the right thing for these animals?"

Daily we are asked to assist more and more animals. The Victoria Humane Society will have a shelter in the future but a location hasn't been chosen yet. At time time, rescued animals are being placed in foster homes until adopted. Our current network of foster homes is doing an amazing job of caring for these animals in need, but being without a facility means that we are limited in the services we can provide. It is urgent that we locate a site for a Victoria Humane Society facility soon, and we ask for the input and assistance of Greater Victoria residents and corporate supporters in finding an appropriate location.

Volunteers and donors are the heart, soul and life-blood of the Victoria Humane Society – we literally could not do this work without you.

Thank you for considering opening your heart, home or wallet to help a cat or dog in need. Their healthy and happiness are in our hands, and together we can give so many of them the bright and happy futures they deserve.



#### Our Values

- To provide safe refuge, compassionate care and forever homes for B.C. animals in need.
- To think differently about animal welfare, led by this guiding principle: "Are we doing the right thing for these animals?"
- To foster community understanding of the issues of responsible pet ownership, animal neglect and abuse, and overpopulation, through education and advocacy.
- To respect and honor the heart and soul of our organization -- our volunteers.
- To operate our programs with integrity and transparency, in a manner that secures a financially viable future through a strong commitment to fundraising, volunteer and membership development.

#### Our Objectives for 2014

- To secure an appropriate facility site in the Greater Victoria region
- To secure financial sustainability by developing new sources of funding and expanding existing funding sources
- To expand our volunteer base
- To improve animal care education in our community through information sessions and through the media.



### **Addressing the Issue of Noise Complaints**

At the Victoria Humane Society we are looking for long term collaborative relationship with our neighbours and will endeavour to work in good faith to create an environment that works for all parties.

We have been asked about barking dogs and their impact on the neighborhood. We believe a barking dog is an unhappy dog and we strive to ensure our dogs are happy, tired and content in their new environment. That means volunteers and staff spending the days training, rehabilitating and keeping them company to get them used to living as they would in a family environment.

We would have all dog homes fully insulated and soundproofed. We would have no dogs outside between the hours of 9pm and 8am.

We would have someone on site 24/7 so that we can always be in tune with any problems that may arise and we will also post a phone number on all our outside gates (this phone will be manned 24/7) so we can be contacted at all times for immediate response.

As an example, we have had up to 25 dogs at Calmfort Kennels (when we have done seizures or responded to a cull) and although the Kennel had had a lot of noise complaints in previous years, there have been no complaints since we have been housing our dogs there. Not one. As stated previously, we want to ensure are dogs are happy and content. Many have come from abusive and/or neglectful situations and we want this to be a quiet serene place for them to heal in.