

Report

Date

October 4, 2023

File: 3360-20 22.15

Subject

Zoning Amendment Bylaw No. 3927 for first and second reading

PURPOSE

To introduce Zoning Amendment Bylaw No. 3927, which proposes to amend Zoning Bylaw 1995, No. 2950 to add a definition of "Animal Shelter" and add "Animal Shelter" as a site-specific permitted use at 7550 Bell McKinnon Road in the Rural Zone (A2).

BACKGROUND

Property Details

The subject property is 2.0 ha (4.94 acres) in area, is designated in the Official Community Plan as "Agriculture, Forestry & Conservation," and is located within the Agricultural Land Reserve (ALR). The subject property is zoned Rural Zone (A2). The location and orthophoto of the subject property are identified in Attachment 1 & 2. A zoning map is provided in Attachment 3.

Land Use Context

Lands surrounding the subject property are primarily forested, with agricultural lands within the ALR to the north and east and rural residential uses to the south. The Trans Canada highway borders the subject property to the west.

Proposal

The BC SPCA is a not-for-profit organization serving sick, neglected, abused and homeless animals, and their mission is to protect and enhance the quality of life for domestic, farm and wild animals in BC. The Cowichan location of the BC SPCA has operated at the existing location at 7550 Bell McKinnon Road since 1997, prior to the adoption of Zoning Bylaw 2950, 1997 (the 'current zoning bylaw'). The three buildings on the site include a two-storey shelter building, a dog kennel building, and a storage shed. The BC SPCA notes that the existing buildings are aging and can no longer serve the community as intended.

The BC SPCA would like to replace the aging buildings by constructing a new animal shelter at 7550 Bell McKinnon Road to support animals and better serve the community. The new shelter building, as proposed, will maintain the same functionality as the existing shelter by providing space for dogs, cats and small animals, along with administration spaces to provide animal welfare services. This branch will also be the BC SPCA's first purpose-built centre for animals with behavioural challenges, acting as a transition space for dogs and cats from neglected homes to prepare them for adoption. The new facility is proposed to be a single-storey 917 m² building designed with sustainability in mind.

However, the scale and range of uses of the proposed Cowichan SPCA exceed the intent of the definition of the “kennel” use under which these uses had previously been permitted (prior to the adoption of the current zoning bylaw) as the proposed uses include reception, offices, multi-purpose rooms, a real-life room, storage, delivery, and medical intake. Additionally, a kennel is intended for dogs only, while the Cowichan SPCA will include dogs, cats, and small animals. For clarity:

“kennel” means a structure on and/or a use of land for the purpose of sheltering, boarding, and/or breeding four or more dogs [Part 3 Definitions; section 12, Zoning Bylaw 2950]

To align the existing and proposed uses of the BC SPCA, an amendment to the current Zoning Bylaw is proposed that would add a new definition for “animal shelter” and then apply this new use to the A2 zone at the site-specific location at 7550 Bell McKinnon Road.

The current A2 zone is provided in Attachment 4. The proponent’s letter of intent (Rationale) and Site Plan are provided in Attachments 5 and 6. Site Photos are provided in Attachment 7.

DISCUSSION

Official Community Plan (OCP)

The property is designated as “Agriculture, Forestry & Conservation” in the Official Community Plan. The Cowichan SPCA has a unique position as a not-for-profit that provides a resource for the area by assisting in the care and well-being of the region’s vulnerable animals. While not specified within the Official Community Plan, an animal shelter is compatible with rural uses, assists in providing diverse rural activities and opportunities, and provides a necessary community resource.

The following sections of the OCP include policies in support of the proposed “animal shelter” use:

Section 3.2.16 The undeveloped rural and natural character of these areas remains fundamentally intact; however, in addition to farming and forestry, there are opportunities for other rural development activities that provide economic opportunity on the rural land base. These may include roadside produce stands, home-based businesses, or localized commercial and light industrial activities authorized through a temporary use permit or site-specific zoning amendment. Smaller parcels within the designation are well-suited to small-scale and part-time farming. Further subdivision of parcels within the Rural designation is strongly discouraged, but opportunities that support agricultural and rural economic activity are supported, as are housing options that allow rural landowners to accommodate family and farm labour or generate a modest income to support the upkeep of rural land.

Section 3.2.17 d. Allow small-scale neighbourhood commercial uses such as general stores, farm restaurants, pubs, equestrian uses, agricultural support services, community halls, or small tool repair shops consistent with this designation and consistent with ALR regulation (where relevant). Zoning changes may only be permitted where rural character is maintained, and the impacts on residents and the natural environment is comparable to other uses and activities permitted within the Rural designation.

Zoning Bylaw: Proposed Permitted Use & Setbacks (A2 Zone)

Proposed Animal Shelter Use

The A2 Rural Zone permits a wide range of land uses that fit within rural locations. While not currently included in the zone, many permitted land uses are similar to an animal shelter. For example, land uses of an animal-related nature (i.e., agriculture, kennel, riding stable) and land uses that provide a community service (i.e., assisted living, community care facility) are permitted within the A2 zone. However, the BC SPCA can be readily defined as an animal shelter, and the “animal shelter” use could be applied to other properties by Council as may be needed in the future. The following land use is proposed to be defined in the Zoning Bylaw:

“animal shelter” - means a facility providing shelter and care for animals awaiting placement.

The “animal shelter” land use is proposed to be added to the A2 Rural Zone but permitted only as a site-specific amendment at 7550 Bell McKinnon Road.

Proposed Setbacks – Building & Outdoor Land Uses

The minimum permitted building setback proposed for an animal shelter is 20 metres from all property lines to facilitate the site layout of the BC SPCA buildings as proposed (see Attachment 6 - Site Plan).

Outdoor enclosures, such as runs, pens, and cages, will be subject to a setback requirement of 30 metres from residentially zoned properties and will be reviewed during the building permit process. Currently, there are no additional dog runs proposed for the site.

The BC SPCA intends to redevelop the site, maintaining a naturalized approach and preserving as many trees as possible. The maintenance of mature trees and natural forested areas provides a better acoustic buffer, stabilizes the hillside, and provides infiltration opportunities for stormwater drainage.

Agriculture Land Reserve

The property is located within the Agriculture Land Reserve. Feedback provided by the Agriculture Land Commission (ALC) confirmed that the existing and proposed land use of the Cowichan SPCA is considered a “Permitted Non-Farm Use” as per Part 3, Section 23 of the Agriculture Land Reserve Regulations.

Additionally, ALC staff noted that the proposed building and related site development may require approval by the ALC for soil removal/fill placement and a Notice of Intent (NOI) application to the ALC by the applicant. Municipal development and building permit approvals require that the ALC soil removal and fill placement requirements are fulfilled prior to municipal permit issuance.

Servicing & Infrastructure

Staff are satisfied that water, septic, and stormwater services can be supplied for or on the subject property for the proposed land use. Specific to septic service, the applicant has provided an assessment conducted by a Registered Onsite Wastewater Practitioner, confirming that the site and soil conditions are suitable for the installation of a system to serve the proposed development in conformance with the BC Standard Practice Manual.

Draft Zoning Amendment Bylaw 3927 is provided in Attachment 8.

Future Development Approvals

A development proposal on the subject property could require a development permit for the protection of aquifer vulnerability (DPA-3 Natural Environment).

Development approvals must be obtained before building permits are issued. Infrastructure works are provided at the building permit stage.

CONCLUSION

The BC SPCA has proposed a new building to replace the existing shelter buildings at 7550 Bell McKinnon Road. The scale and range of use require an amendment to the Zoning Bylaw; thus, a new definition for "Animal Shelter" and a site-specific amendment is proposed.

Staff recommend the draft zoning amendment bylaw as presented (Attachment 8) as it provides the Municipality with a robust definition of "Animal Shelter" for the Zoning Bylaw, permits the animal shelter use at 7550 Bell McKinnon Road (application ZB000192), and it could apply to other parcels in the future should the land use be required by Council in time. Additionally, the requested land use of the Animal Shelter is consistent with the OCP's Agriculture, Forestry & Conservation designation. Approval of the zoning amendment application is recommended.

OPTIONS

1. **(Recommended Option)**

THAT Council:

- (1) give first and second reading to Zoning Amendment Bylaw No. 3927, 2023; and
- (2) authorize a public hearing for Zoning Amendment Bylaw No. 3927, 2023.

2. (Alternative Option)

THAT Council deny zoning amendment application ZB000192 to permit animal shelter use in the A2 zone at 7550 Bell McKinnon Road.

IMPLICATIONS

Should Council deny this application, the existing uses of the building and land by the BC SPCA would continue as lawful non-conforming use. However, buildings on the site could not be replaced or expanded. A new building with enhanced animal shelter uses (within the building or on the land) would not comply with the current zoning bylaw and, therefore, would not be permitted.

Should Council approve the zoning amendment bylaw, the "Animal Shelter" use would be a formalized land use within the Zoning Bylaw and would be applied to the subject property at 7550 Bell McKinnon Road. The BC SPCA could apply for Development and Building Permits for the proposed new facility.

RECOMMENDATION

THAT Council:

- (1) give first and second reading to Zoning Amendment Bylaw No. 3927, 2023; and
- (2) authorize a public hearing for Zoning Amendment Bylaw No. 3927, 2023.

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Approved to be forwarded to Council:



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Attachments:

- (1) Location Map
- (2) Orthophoto
- (3) Zoning Map
- (4) Current A2 Zone
- (5) Rationale
- (6) Site Plan
- (7) Site Photos
- (8) Draft Zoning Amendment Bylaw No 3927, 2023