



# REGIONAL DISTRICT OF NORTH OKANAGAN

## BOARD of DIRECTORS MEETING

Wednesday, August 15, 2012

4:00 pm

## PUBLIC HEARING AGENDA

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**A. CALL PUBLIC HEARING TO ORDER**

**B. INTRODUCTION OF BYLAWS**

**1. RAUSER, Lyle**

**7432 Pleasant Valley Road, Electoral Area "B" [File No. 09-0125-B-RZ]**

- Staff report dated July 20, 2012

**Bylaw 2546, 2012 – Zoning Text Amendment**

**Purpose:** to amend the text of *Zoning Bylaw No. 1888, 2003* to allow a Dog Accommodation and Dog Day-Care Facility in the Residential Single Family Zone [R.1] for the property legally described as Lot 5, Section 23, Township 8, ODYD, Plan 2728, Except Plans 16975, 21405, 28462 and H433 and located at 7432 Pleasant Valley Road, Electoral Area "B".

**C. PUBLIC PRESENTATIONS**

**D. CLOSE PUBLIC HEARING**





**REGIONAL DISTRICT  
of  
NORTH OKANAGAN**

# REPORT

File No.: 09-0125-B-RZ

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**TO:** Board of Directors  
**FROM:** Planning Department  
**DATE:** July 20, 2012  
**SUBJECT:** Zoning Bylaw Text Amendment No. 2546, 2012 [Rauser]

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**RECOMMENDATION:**

That following consideration of comments received at the Public Hearing, Zoning Bylaw Text Amendment No. 2546, 2012 which proposes to amend the text of *Zoning Bylaw No. 1888, 2003* to allow a Dog Accommodation and Dog Day-Care Facility in the Residential Single Family Zone [R.1] for the property legally described as Lot 5, Section 23, Township 8, ODYD, Plan 2728, Except Plans 16975, 21405, 28462 and H433 and located at 7432 Pleasant Valley Road, Electoral Area "B", be considered for Third Reading.

**BACKGROUND/HISTORY:**

At the Regular Meeting of September 16, 2009 the Board of Directors gave First and Second Readings to Rezoning Bylaw No. 2416 to allow a Dog Accommodation and Dog Day-Care Facility in the General Commercial Zone [C.1] and to rezone the subject property from the Residential Single Family Zone [R.1] to the General Commercial Zone [C.1].

A Public Hearing for Rezoning Bylaw No. 2416 was held on September 7, 2011. After the Public Hearing, the Board of Directors requested that the applicant clarify how the business is proposed to operate and directed staff to look at alternative text amendments to the bylaw. In response to the Board's request, staff outlined alternative text amendments to the bylaw and at the Regular Meeting of January 18, 2012 the Board resolved that staff be directed staff to prepare a site specific text amendment which would permit Dog Accommodation and Dog Day-Care as an additional permitted use within the Residential Single Family Zone [R.1] on the subject property only and require that such use be required to comply with the Commercial Zone requirements for off-street parking, screening and landscaping. This option involved changes to the uses that would be permitted under Bylaw No. 2416, which in turn requires further hearings.

At the Regular Meeting of March 21, 2012, the Board resolved to waive the fees for an additional Public Hearing. At the Regular Meeting of May 16, 2012, the Board decided to abandon Rezoning Bylaw No. 2416 and gave Zoning Bylaw Text Amendment No. 2546, 2012 First and Second Readings and forwarded the new Text Amendment Bylaw to a Public Hearing.

The Board of Directors at their Regular Meeting on July 18, 2012 resolved to amend Zoning Text Amendment Bylaw No. 2546, 2012 to include language that allows dogs to roam outdoors during the day and be confined at night and that 89 dogs or less per hectare (36 dogs per acre) be allowed.

The applicant has submitted a Development Notification Certificate which confirms that on July 4, 2012, a Development Notice was posted on the subject property in accordance with the *Regional District of North Okanagan Development Application Procedures and Administrative Fees Bylaw No. 2315, 2008*. The Public Hearing for the application and associated Bylaw has been advertised in the local newspapers and the adjacent land owners have been notified by letter of the Public Hearing, all in accordance with the *Regional District Development Application Procedures and Administrative Fees Bylaw* and the provisions of the *Local Government Act*.

**DISCUSSION:**

The Planning Department recommends that upon consideration of comments received at the Public Hearing, Bylaw No. 2546 be considered for Third Reading. It was previously resolved at the May 16, 2012 Board of Directors meeting that adoption of Bylaw No. 2546 be withheld until the applicant has:

1. provided a letter of undertaking to register a Section 219 Covenant to prohibit fee-simple or bare land strata subdivision of the property in accordance with Rural Vernon Official Community Plan;
2. satisfied the conditions of the Ministry of Transportation and Infrastructure with regard to road dedication for Pleasant Valley Road;
3. confirmed that the proposed parking area has been paved in accordance with the requirements of the Zoning Bylaw.

In this regard, the applicant would still be required to provide a letter of undertaking to register a Section 219 Covenant to prohibit subdivision of the property, to confirm that the proposed parking area has been paved in accordance with the requirements of the Zoning Bylaw and to confirm that the road dedication requirement for Pleasant Valley Road has been met.

**SUMMARY:**

As no conditions are required to be met prior to Public Hearing of Zoning Bylaw Text Amendment No. 2546, it is recommended that upon consideration of comments received at the Public Hearing, Bylaw No. 2546 be considered for Third Reading. Adoption of Bylaw No. 2546 will be withheld until the applicant has fully satisfied the Board's conditions of approval of this application and Bylaw No. 2546 has been signed by the Ministry of Transportation and Infrastructure.

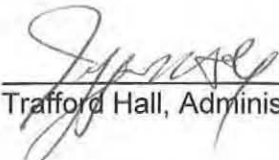
Submitted by:

  
\_\_\_\_\_  
Jennifer deGroot, B.Sc.  
Planning Assistant

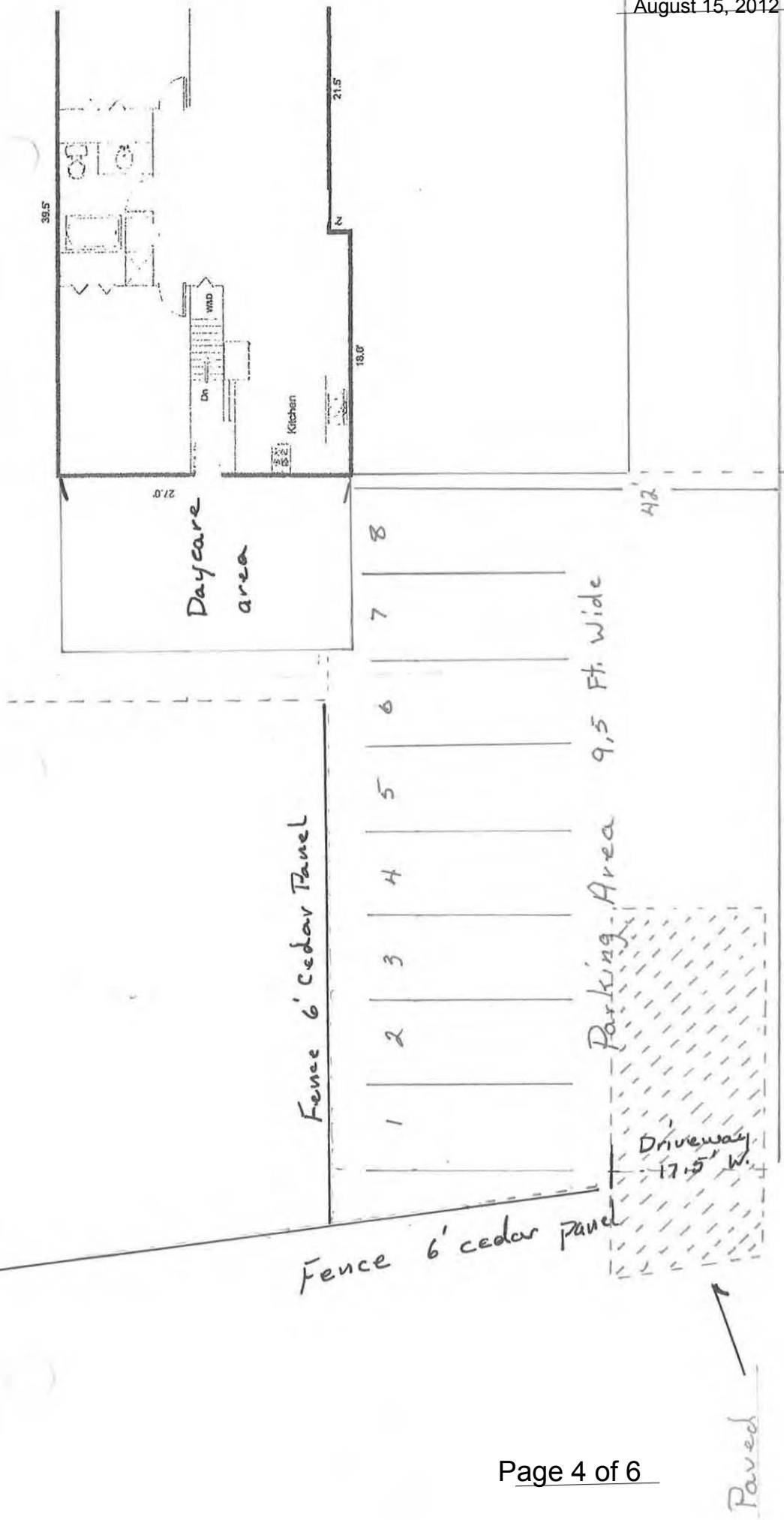
**Approved For Inclusion:**

Endorsed by:

  
\_\_\_\_\_  
Rob Smailes, MCIP  
General Manager, Planning and Building

  
\_\_\_\_\_  
Trafford Hall, Administrator





69'

Parking space for 7 1/2 Vehicles at 9.5' per.  
1 Parking space for staff, 6.5 for customers  
Proposal is to complete paving  
of Parking area upon acceptance  
of Rezoning

## REGIONAL DISTRICT OF NORTH OKANAGAN

### BYLAW No. 2546

A bylaw to amend the text of Zoning Bylaw No. 1888 to allow a Dog Accommodation and Dog Day-Care Facility as a permitted use on the subject property

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**WHEREAS** pursuant to Section 903 [Zoning bylaws] of the *Local Government Act*, R.S.B.C., 1996, Chapter 323, as amended, and Regulations passed pursuant thereto, the Board of the Regional District of North Okanagan may, by Bylaw, divide the whole or part of the Regional District into zones, name each zone, establish boundaries for the zones and regulate uses within those zones;

**AND WHEREAS** the Board has created zones, named each zone, established boundaries for these zones and regulated uses within those zones by Bylaw No. 1888 being the "*Regional District of North Okanagan Zoning Bylaw No. 1888, 2003*" and amendments thereto;

**AND WHEREAS**, pursuant to Section 895 [*Development approval procedures*] of the *Local Government Act*, the Board must, by bylaw, define procedures under which an owner of land may apply for an amendment to a Zoning Bylaw and must consider every application for an amendment to the bylaw;

**AND WHEREAS** the Board has enacted the "*Regional District of North Okanagan Development Application Procedures and Administrative Fees Bylaw No. 2315, 2008 and amendments thereto*" to establish procedures to amend an Official Community Plan, a Zoning Bylaw, or a Rural Land Use Bylaw, or to issue a Permit:

**AND WHEREAS** the Board is desirous to amend the text of Zoning Bylaw No. 1888 to allow a Dog Accommodation and Dog Day-Care Facility as a permitted use on the subject property;

**NOW THEREFORE**, the Board of the Regional District of North Okanagan, in open meeting assembled, enacts as follows:

#### GENERAL

1. This Bylaw may be cited as "***Zoning Bylaw Text Amendment No. 2546, 2012***".

#### GENERAL TEXT AMENDMENTS

2. Amend Division Seven, Section 701, Residential Single Family Zone (R.1) of Zoning Bylaw No. 1888, 2003 by adding the following:

701.10.d Notwithstanding the permitted uses listed under Section 701(1) and subject to the commercial requirements of Schedule B - Off-Street Parking and Schedule F - Screening and Landscaping of this bylaw, Dog Accommodation and a Dog Day-Care Facility shall be permitted on that property legally described as Lot 5, Section 23, Township 8, ODYD, Plan 2728, Except Plans 16975, 21405, 28462 and H433 and located at 7432 Pleasant Valley Road, Electoral Area 'B'.

Dog Accommodation and Dog Day-care means a use providing for the daytime and overnight boarding of dogs. ~~Every business shall be conducted within a completely enclosed building, except during the daytime whereby dogs may roam outdoors within the property, without being confined to kennels. During the daytime dogs may roam outdoors within the property, without being confined to kennels. Dogs will be enclosed within a confined area of the property during the night time.~~ The boarding of dogs is permitted in concentrations of ~~79~~ 89 dogs or less per hectare (~~32~~ 36 dogs per acre).

**Read a First and Second time**

this 16th day of May, 2012

Advertised on

this day of , 2012, and

this day of , 2012

Public Hearing held pursuant to the provisions of Section 890 of the *Local Government Act* on

this day of , 2012

**Read a THIRD Time**

this day of , 2012

**APPROVED by Ministry of Transportation & Infrastructure**  
(Transportation Act, Sec. 52(3))

this day of , 2012

**ADOPTED**

this day of , 2012

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Chair

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Corporate Officer