



# Planning Commission

**TO:** Planning Commission

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**SUBJECT:** Public hearing review of proposed zoning code text change to allow dog kennels to include day care functions, and establish limits on the number of dogs allowed if approved by Clark County Animal Control staff.

**HEARING DATE:** 6/13/2023

**REPORT DATE:** 6/1/2023

**RECOMMENDATION:** Approve zoning text change.

## I. Background and review process:

The Growth Management Act requires Comprehensive Plan changes to be reviewed collectively and no more than once per year. Zoning map or text changes that do not require a Comprehensive Plan change may be reviewed at any time and independent of one another if needed. This item was reviewed at a May 23, 2023 Planning Commission workshop. Notice of the June 13, 2023 Planning Commission public hearing was provided through publication in the *Columbian* newspaper. A SEPA Determination of Non-significance (DNS) was published in the *Columbian* and circulated on May 26.

## II. Proposal:

Commercial dog keeping is currently regulated in the City of Vancouver through two sections of the Vancouver Municipal Code. Zoning standards under Title 20 address land use considerations with a general focus on impacts to surrounding properties and uses, while Section 8.24 contains more detailed standards focused on facility features and operation, with a general focus on the conduct and operations and the welfare and safety of the animals. A zoning code text change application has been submitted by Josh Oliva to allow for the siting of a new Dogtopia facility with capacity for up to 175 dogs with both overnight boarding and day care options in an existing building space at 2100 SE 164<sup>th</sup> Avenue, in the CG zoning district. Current CG district standards allow both dog day care and overnight boarding uses, but as separate uses with day care capacity limited to 40 dogs or less.

The proposed code change would allow non-ancillary dog day care activities within a kennel facility, and would allow facilities with capacity for up to 175 dogs subject to review and approval by Clark County Animal Control staff. Breeding would be prohibited. Current kennel standards do not limit the number of dogs allowed. As with any zoning text changes, amendments to kennel provisions would apply at eligible sites throughout the City, not just the particular location envisioned by the application.

### Existing Standards

#### Title 20: Kennels

- [VMC 20.160.020.E.3](#) defines kennels/shelters as for overnight boarding of unspecified numbers of dogs, cats and other animals, exclusive of dog day care and veterinary facilities.
- [VMC 20.895.020](#) requires a 50-foot building setback from property lines, with opportunities for waiver if adequate sound proofing is provided.
- Also required are auto and truck access, parking and loading to minimize hazards and congestion, and compliance with VMC [20.935](#) VMC, Off-Site Impacts.
- Kennels/shelters are allowed in the CC, CG, IL and IH zoning districts.

#### Title 20: Dog Day Care

- [VMC 20.160.020.E.6](#) defines dog day care for day keeping of dogs, but with no overnight boarding, breeding, sales, or rental functions.
- Dog day care facilities are allowed in the multi-family residential, commercial, and all industrial districts.
- Under [VMC 20.850](#), all require compliance with VMC 8.24 animal standards, sound transmission class (STC) walls, partitions, and floors separating the facilities from adjacent residential uses, and outdoor area fencing that is site obscuring and prevents escape of the dogs.
- In the multi-family residential zones, up to 30 dogs are allowed with operating hours from 6 a.m. to 9 p.m., on sites of at least one-acre. In the commercial zones, up to 40 dogs are allowed from 6 a.m. to 10 p.m. Industrial area dog day care facilities similarly limit operation to 6 a.m. to 10 p.m. but do not limit the number of dogs allowed.

#### VMC 8.24 Non-Land Use Standards for Animals in general

- An annual license with fee (\$150 flat fee for day care facilities, \$200 for kennels) is required, along with contact information, an allowance for on-site inspection by County Animal Control officers, and indication of maximum number of animals envisioned. The license is revocable if the facility does not comply with chapter 8.24.
- Facilities must be structurally sound, maintained, designed to prevent injury, and provide adequate standing, resting, turning space for each animal. Food, bedding and refrigeration is required to avoid contamination or perishing. Provisions are required for removal of waste, bedding, and debris. Washroom facilities are required, as are provisions for separating sick or injured animals. Feeding is required twice daily, along with daily exercise consistent with the age and species of the dog.

Indoor facilities require adequate heat, ventilation, light, interior walls, drainage, and overall cleanliness.

- Outdoor facilities require protection from excessive sun and weather, adequate space for exercise, suitable drainage, and separation from other animals. On site employees are required.

Proposed new standards:

- VMC 20.160.020  
*E.3 Animal Kennel/Shelters. Animal kennel and shelter facilities for the overnight boarding and day care of dogs, cats and other domestic pets. Excludes breeding, dog day care (see subsection (E)(6) of this section, Dog Day Care); and veterinary clinics (see subsection (C)(6)(e) of this section, General Office).*
- VMC 20.895.020  
A. *Defined. The development standards in subsection B of this section apply to any facility that falls within the use classification for Animal Kennels/Shelters, pursuant to VMC 20.160.020(E)(3) as reviewed during site plan review, as governed by Chapter 20.270 VMC.*  
B. *Site requirements. Where allowed, kennels and shelters shall be located not less than 50 feet from any property line. Kennels providing adequate sound-proofing pursuant to the off-site noise provisions of Chapter 20.935 VMC may have said setback wholly or partially waived to no less than the extent of any main or accessory building setbacks as may also be applicable. Such facilities shall provide automobile and truck ingress and egress; and shall also provide parking and loading spaces so designed as to minimize traffic hazards and congestion. Applicants shall demonstrate compliance with all of the requirements of Chapter 20.935 VMC, Off-Site Impacts, and VMC 8.24, Animals. Capacity shall be no more than 175 animals at one time, provided that the Animal Control Agent has the authority to limit proposed facilities to lower capacity levels where necessary to achieve full compliance with all applicable standards. Dog day care activities within kennels shall comply with VMC 20.850, except that limits on the number of dogs shall be*

Although not subject to Planning Commission review and recommendation under City Code, staff also envisions developing proposed updates to VMC 8.24 for City Council consideration in the following areas:

- Updates to kennel fees to scale according to the number of dogs rather than the current flat fee
- Potential minimum staffing requirements for kennels
- Other Animal Control issues not related to kennels – individual dog citation appeal provisions, and rabies reporting provisions

### III. Analysis, findings, and recommendation

Staff finds that the proposed zoning code text change is consistent with VMC [20.285.070](#) approval criteria for Comprehensive Plan and Zoning text amendments, and recommends that the Planning Commission forward a recommendation of approval to the City Council.

The proposed change of the definition of animal kennels and shelters in VMC 20 to no longer exclude dog day care activities recognizes changing market trends, and the benefits of allowing related dog services in a single facility in commercial and industrial zones, subject to review by Clark County Animal Control staff, consistent with Comprehensive Policy CD-2, Efficient Development Patterns, and CD-10, Complimentary Uses.

The proposed code change furthers the public interest by allowing for overnight boarding and day care activities at a single site, and establishing a limit for the number of dogs allowed in kennels. The requirement that Animal Control officials must approve proposals and can establish lower limits on the number of dogs allowed can help ensure kennel facilities are appropriately designed and operated to ensure animal safety and welfare.

Staff recommends approval of proposed zoning code text changes to VMC 20.160.020 and 20.895.020 as described in this staff report.

#### Links:

[May 9, 2023 Planning Commission workshop memorandum](#) also containing the original application narrative, an informal inventory of local facilities, and a summary of regulations in other jurisdictions.

[Vancouver zoning code](#)

[Vancouver Comprehensive Plan](#)

[Vancouver Strategic Plan](#)