

PLANNING AND DEVELOPMENT SERVICES

TO: Municipal Planning Commission
Development Authority
DIVISION: 5

DATE: July 14, 2021
APPLICATION: PRDP20211850

FILE: 05333064

SUBJECT: Kennel / Discretionary use, with no Variances

APPLICATION: Kennel (boarding, daycare, and training) for up to 20 dogs within the existing dwelling, single-detached.

GENERAL LOCATION: Located approximately 0.20 kilometres (1/8 mile) east of Range Road 284 and 0.20 kilometres (1/8 mile) south of Township Road 260.

LAND USE DESIGNATION: Residential, Rural District (R-RUR)

EXECUTIVE SUMMARY: This application is for a Kennel, Doggyville Daycare, which includes boarding, daycare, and training for up to 20 dogs. Three resident employees oversee the business, which generates two daily vehicle visits to the property. There are no dedicated kennel buildings or outdoor dog runs; the Kennel operates out of the existing dwelling and backyard. The Applicant will pre-screen to weed out aggressive and/or noisy dogs, prior to acceptance as clients. However, the application does not identify any physical noise barriers or soundproofing measures to help minimize impacts to adjacent neighbors.

The subject property is located in a rural compact subdivision in close proximity to other residences, but there has been no consideration for noise mitigation measures. As such, Administration is of the opinion that a 20-dog kennel may cause undue impacts to adjacent lands. If Municipal Planning Commission (MPC) wishes to approve the application, it is recommended that the maximum number of dogs be reduced to lessen the noise impact.

This application is the result of enforcement action. One letter of opposition has been submitted by an adjacent neighbor and is included in Attachment B.

ADMINISTRATION RECOMMENDATION: Administration recommends refusal in accordance with Option #2.

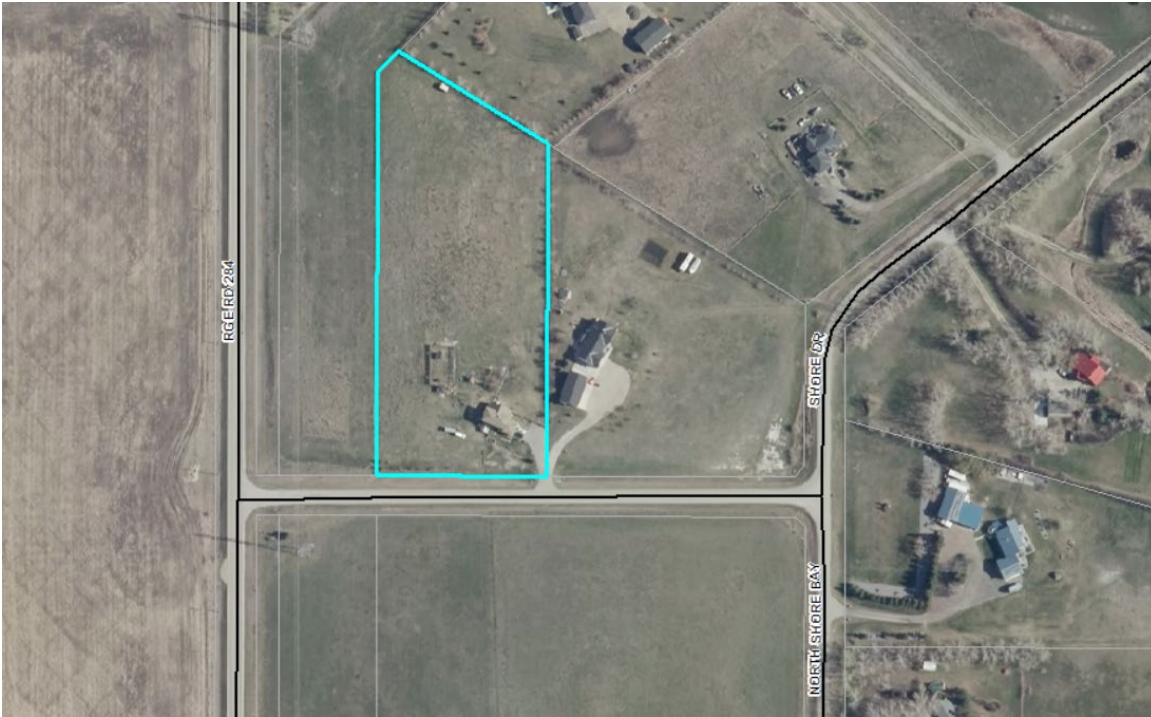
OPTIONS:

- Option #1: THAT Development Permit Application PRDP20211580 be approved with the conditions noted in Attachment 'A'.
- Option #2: THAT Development Permit Application PRDP20211850 be refused for the following reasons:
1. In the opinion of the Development Authority, the development would generate excessive or unacceptable increases in noise within the neighbourhood and/or immediate area.
 2. In the opinion of the Development Authority, the development would unduly interfere with the amenities of the neighbourhood and materially interferes with and affects the use, enjoyment, and value of neighbouring parcels of land.

Administration Resources

Sandra Khouri, Planning & Development Services

AIR PHOTO & DEVELOPMENT CONTEXT:



APPLICATION EVALUATION:

The application was evaluated based on the technical reports submitted with the application and the applicable policies and regulations.

<p>APPLICABLE POLICY AND REGULATIONS:</p> <ul style="list-style-type: none"> • <i>Municipal Government Act;</i> • Subdivision and Development Regulations; • Municipal Development Plan; • Land Use Bylaw; and • County Servicing Standards. 	<p>TECHNICAL REPORTS SUBMITTED:</p> <ul style="list-style-type: none"> • N/A
<p>PERMITTED USE:</p> <p>A Kennel is a discretionary use in the R-RUR district</p>	<p>DEVELOPMENT VARIANCE AUTHORITY:</p> <p>Municipal Planning Commission</p>

Additional Review Considerations

Parking

- *The minimum number of parking stalls required is as per table 5 (LUB).*
 - **Required:** Kennel: 1 stall per 100 sq. m of gross floor area
 - Unknown gross floor area
 - **Prior to Release:** Site Plan required

Restrictive Covenant

- 991 340 081 – Between Prairie Royale Developments Ltd. and Prairie Royale Developments Ltd.:
“That no lot located in the said lands shall be used for any trade or business or otherwise than for residential purposes...”
- The County is not a named party within in the Restrictive Covenant; therefore, it is not in the Development Authority’s jurisdiction to enforce the regulations of the Restrictive Covenant.

CONCLUSION:

Subject to the proposed conditions of approval, the application is recommended for refusal.

Respectfully submitted,

Concurrence,

“Brock Beach”

“Kent Robinson”

Acting Executive Director
Community Development Services

Acting Chief Administrative Officer

SK/llt

ATTACHMENTS:

ATTACHMENT ‘A’: Development Permit Report Conditions
ATTACHMENT ‘B’: Maps and Other Information

ATTACHMENT 'A': DEVELOPMENT PERMIT REPORT CONDITIONS**Description:**

1. That a *Kennel* (boarding, daycare, and training) for up to 20 dogs within the existing dwelling, single detached may operate on the subject property in accordance with the application details.

Prior to Release:

2. That prior to release of this permit, the Applicant/Owner shall submit a site plan, to the satisfaction of the County, identifying the following:
 - i. The total area of the dwelling being used in the kennel;
 - ii. Outdoor dog runs;
 - iii. A parking plan;
 - iv. A landscaping plan;
 - v. Any noise mitigation measures being implemented;
 - vi. Fencing;
 - vii. Signage details, type, location, and dimensions.
3. That prior to release of this permit, the Applicant/Owner shall submit payment of the Transportation Offsite Levy, in accordance with Bylaw C-8007-2020, for the total gross area associated with the proposed kennel operation. The Applicant/Owner shall be required to submit a revised site plan identifying the total development area of the proposal.
 - i. The development area refers to the portion of lands utilized directly for development purposes, and includes: the driveway access, all structures (buildings), the storage and display areas directly associated to the use, and the parking area.

Permanent:

4. That any dogs that cause a nuisance by barking shall be kept indoors at all times.
5. That all dogs residing on-site in the kennel operation shall not run outside at large, at any time.
6. That all dogs shall be kept indoors between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 9:00 a.m. on weekends, in order to adhere to the County's Noise Control Bylaw C-8067-2020.
7. That all waste shall be stored in solid metal or plastic containers and shall be disposed of off-site.
8. That all water used for cleaning of runs and washing of animals shall be collected and disposed of in accordance with Provincial regulations.
9. That the kennel area containing outside runs shall be enclosed with fencing (permanent wire containment fence/chain link) to ensure the dogs are contained and shall be maintained at all times.
10. That all outdoor lighting shall be fully cut-off (shielded) light fixtures that direct light downward and designed to minimize light pollution, glare, and light trespass onto adjacent properties, while maintaining night-time, on-site safety, and security during evening operating hours.
11. That upon request from the County, the Applicant/Owner shall submit a Noise Impact Assessment, prepared by a qualified professional, to understand the Sound Transmission Class (STC) of the existing space and address the noise generated from the business operations. The assessment should include noise control recommendations that will eliminate or reduce noise impacts to adjacent properties and the surrounding area, to the satisfaction of the County.

12. That a separate development permit application shall be obtained for any additional onsite or offsite identification or directional business signage.
13. That the subject land shall be maintained in a clean and tidy fashion at all times and all waste material shall be deposited and confined in an appropriate enclosure. All waste material shall be regularly removed from the property to prevent any debris from blowing onto adjacent property or roadways. That all garbage and waste shall be stored in weatherproof and animal-proof containers and be in a location easily accessible to containerized garbage pickup.
14. That the Applicant/Owners shall be responsible for rectifying any adverse effect on adjacent lands from drainage alteration.
15. That any plan, technical submission, agreement, matter, or understanding submitted and approved as part of the application or in response to a Prior to Release condition shall be implemented and adhered to in perpetuity.
16. That if the development authorized by this Development Permit is not commenced with reasonable diligence within twelve (12) months from the date of issue, and completed within twenty-four (24) months of the issue, the permit is deemed to be null and void unless an extension to this permit shall first have been granted by the Development Officer.
17. That if this Development Permit is not issued by **January 31, 2022**, or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.

Advisory:

18. That the County's Animal Control Bylaw C-5758-2003 shall be adhered to at all times.
19. That any personally owned dogs of the Applicant/Owner shall be registered and licensed with the County, as per the County's Animal Control Bylaw.
20. That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.

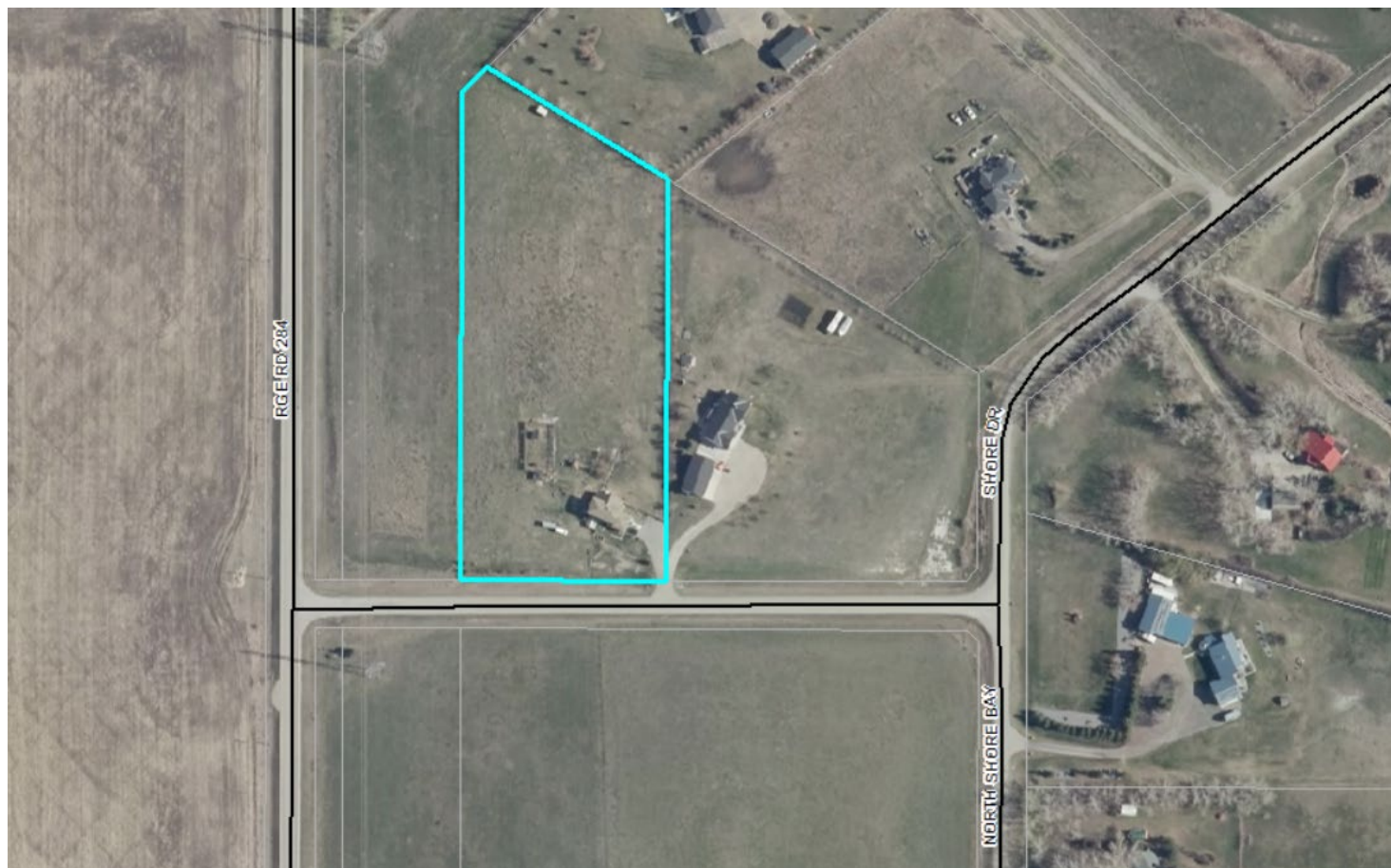
ATTACHMENT 'B': MAPS AND OTHER INFORMATION

APPLICANT: Stacey Hodess	OWNER: Harwinder & Harbinder Tiwana
DATE APPLICATION RECEIVED: April 28, 2021	DATE DEEMED COMPLETE: May 14, 2021
GROSS AREA: ± 1.63 hectares (± 4.03 acres)	LEGAL DESCRIPTION: Lot:1 Block:2 Plan:9913200; NW-33-25-28-W04M
APPEAL BOARD: Subdivision and Development Appeal Board	
HISTORY: <i>July 7, 2000:</i> Building permit (2000-BP-13707) issued for a single family dwelling	
PUBLIC & AGENCY SUBMISSIONS: The application was also circulated to a number of internal and external agencies and, where appropriate, conditions of approval have been proposed based on these comments.	

Location & Context

Development Proposal

Kennel (boarding, daycare, and training) for up to 20 dogs within the existing dwelling



Division: 5
Roll: 05333064
File: PRDP20211850
Printed: June 3, 2021
Legal: Lot:1 Block:2
Plan:9913200 within NW-33-
25-28-W04M

Site Photos

Development Proposal

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Development Proposal

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Legend

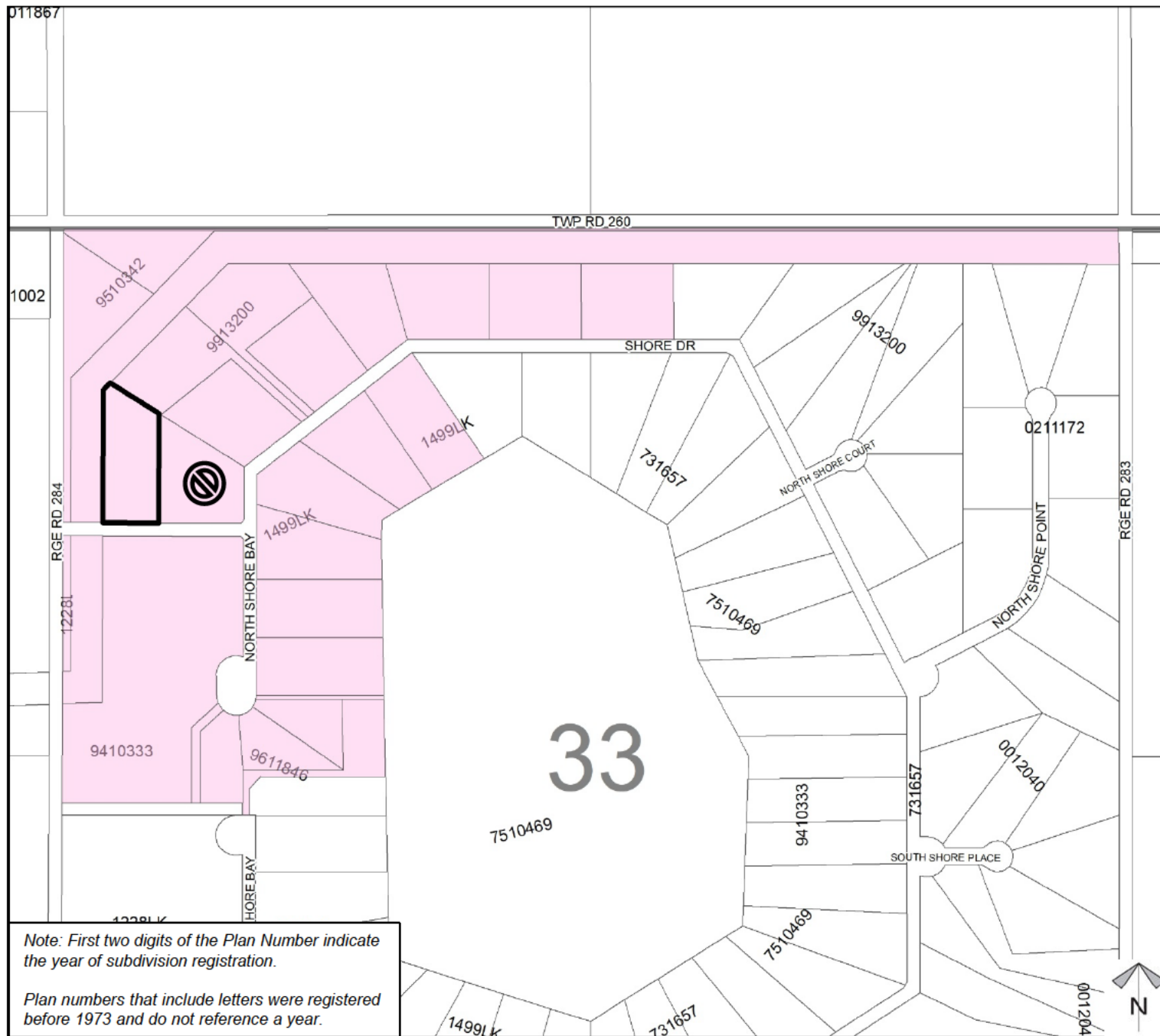
Support



Not Support



Division: 5
Roll: 05333064
File: PRDP20211850
Printed: June 3, 2021
Legal: Lot:1 Block:2
Plan:9913200 within NW-33-
25-28-W04M



From: [REDACTED]
To: [Sandra Khouri](#)
Subject: [EXTERNAL] - FW: File PRDP20211850
Date: May 10, 2021 7:24:53 AM
Attachments: [image001.jpg](#)
[image002.png](#)
[20210506_111524.jpg](#)

Do not open links or attachments unless sender and content are known.

Kathy Reinhart



Please note our office is closed on Fridays.



From: Kathy Reinhart
Sent: Friday, May 07, 2021 9:20 PM
To: 'skhouri@rockyview.ca' <skhouri@rockyview.ca>
Subject: File PRDP20211850

Good Evening Sandra,

I just wanted to express my concerns regarding the Business License applied for at 560 Shore Drive for a dog training facility.

On any given day there can be anywhere from 10-20 dogs running around the property. If we go out into our back yard they are all at the fence barking and bearing teeth. At times there is zero supervision of these dogs and they will literally bark continuously until they go into the house. Due to the pandemic I am working from home and cannot leave the windows open in my home because of the constant barking. The applicant has been charged in Calgary in 2020 for negligence in the same type of business.



When we address the barking we just receive snide comments, confrontations have gotten ugly. For a day or two things are better but then ultimately the barking returns. We just want to be able to enjoy our backyard without a bunch of dogs that are not being looked after barking at us.

Please accept this as an objection to the business license.

Thank you

Kathy Reinhart



Please note our office is closed on Fridays.



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