



Board Report

Date of Report: December 22, 2023
Date & Type of Meeting: January 18, 2024, Board Meeting
Author: Zachari Giacomazzo, Planner
Subject: BYLAW AMENDMENT
File: Z2210J – Pejski
Electoral Area/Municipality J

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to present the public hearing minutes for a proposed amendment to RDCK Zoning Bylaw No. 1675, 2004. The subject property is located at 5383 Allendale Crescent in Electoral Area ‘J’.

The Zoning Bylaw Amendment requested by this application is to facilitate the development of a Kennel as an accessory use on a property where the Zoning Bylaw currently prohibits the use of a Kennel.

Following the Board approval of first and second reading to the amending bylaws on October 19, 2023, a public hearing was held on December 6, 2023.

Staff recommend that Amending Bylaw No. 2872, 2022 being a bylaw to amend Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 be given THIRD reading, as amended by content and that adoption be considered at the February 15, 2024 Board Meeting.

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION

Property Owner: Christopher Ronald Hallam and Tara Renee Pejski

Property Location: 5383 Allendale Crescent

Legal Description: LOT 3 DISTRICT LOTS 4599 AND 14972 KOOTENAY DISTRICT PLAN 11552 (PID 012-727-253)

Property Size: 2 hectares (5 acres)

Current Zoning: Rural Residential (R3) in RDCK Zoning Bylaw No. 1675, 2004

Current Official Community Plan Designation: Rural Residential (RR) in Kootenay-Columbia Rivers Official Community Plan No. 1157, 1996

SURROUNDING LAND USES

North: Rural Resource (R4) (Crown Land)

East: Rural Residential (R3)

South: Suburban Residential (R1)

West: Rural Residential (R3)

Background and Site Context

The subject property is located approximately 13 km west of the City of Castlegar in Electoral Area 'J'. The property is 2 hectares in size and was created by a subdivision application in 1978. The lot has been improved with a one-family dwelling and uses accessory to a residential use (detached garage, gazebo, chicken coop). The lot is surrounded by 2 hectare residential lots to the east and west, and a large tract of Crown Land to the north.

DVP No Longer Required

A Development Variance Permit (DVP) Application to reduce the minimum required setback for a kennel building from 30 metres to 7.5 metres was required when the applicants were originally proposing to rezone the property from R3 to R4. Now that the proposal is to rezone the property to a site specific R3 zone and the R3 zone does not contain a regulation that specifies a minimum setback for a kennel, a DVP application is no longer required. Staff are proposing a revision to the DRAFT Bylaw that was previously presented at the October RAC and Board meetings in order to incorporate the 7.5 metre kennel setback into the draft amending bylaw. The intention is that the applicants are bound to the setback that was originally considered.

Land Use Bylaw Amendment Proposed

The proposal is to permit a "Kennel" as an accessory use on the subject property. This use must be in place in order to have more than four adult dogs on a property. The application was originally submitted to rezone the property from R3 to R4, which would have had the effect of permitting a kennel as a principal use with no restrictions on the number of dogs. At that time, referral responses received from neighbours expressed concerns related to noise, overall disturbance and the fact that there was no limit on the number of dogs that could be kept on the property. A public information meeting was hosted by the applicant to solicit additional feedback and they have since revised the proposal to seek a site-specific R3 zone that will allow a kennel as an accessory use with a maximum of 9 dogs to be kept at the kennel at any one time.

1. Amendment to Zoning Bylaw Specific to this lot

Amend Zoning from "Rural Residential (R3)" to "Rural Residential (R3) site specific" in order to permit a Kennel with a maximum of 9 dogs as an accessory use and to permit a setback for a kennel structure to be 7.5 metres from the interior lot line for this lot only.



Figure 1 - Location map of the subject property

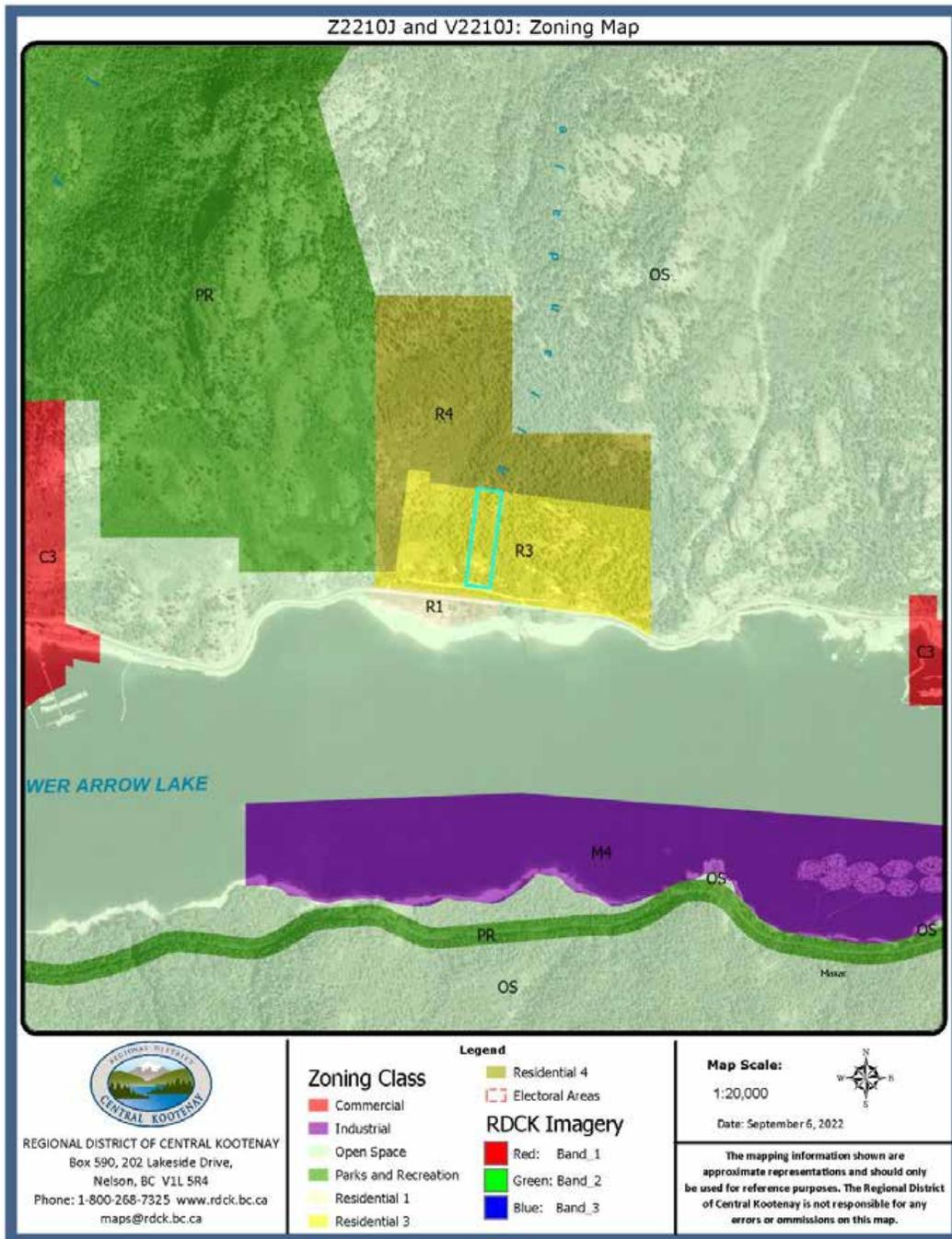


Figure 2 - Zoning map

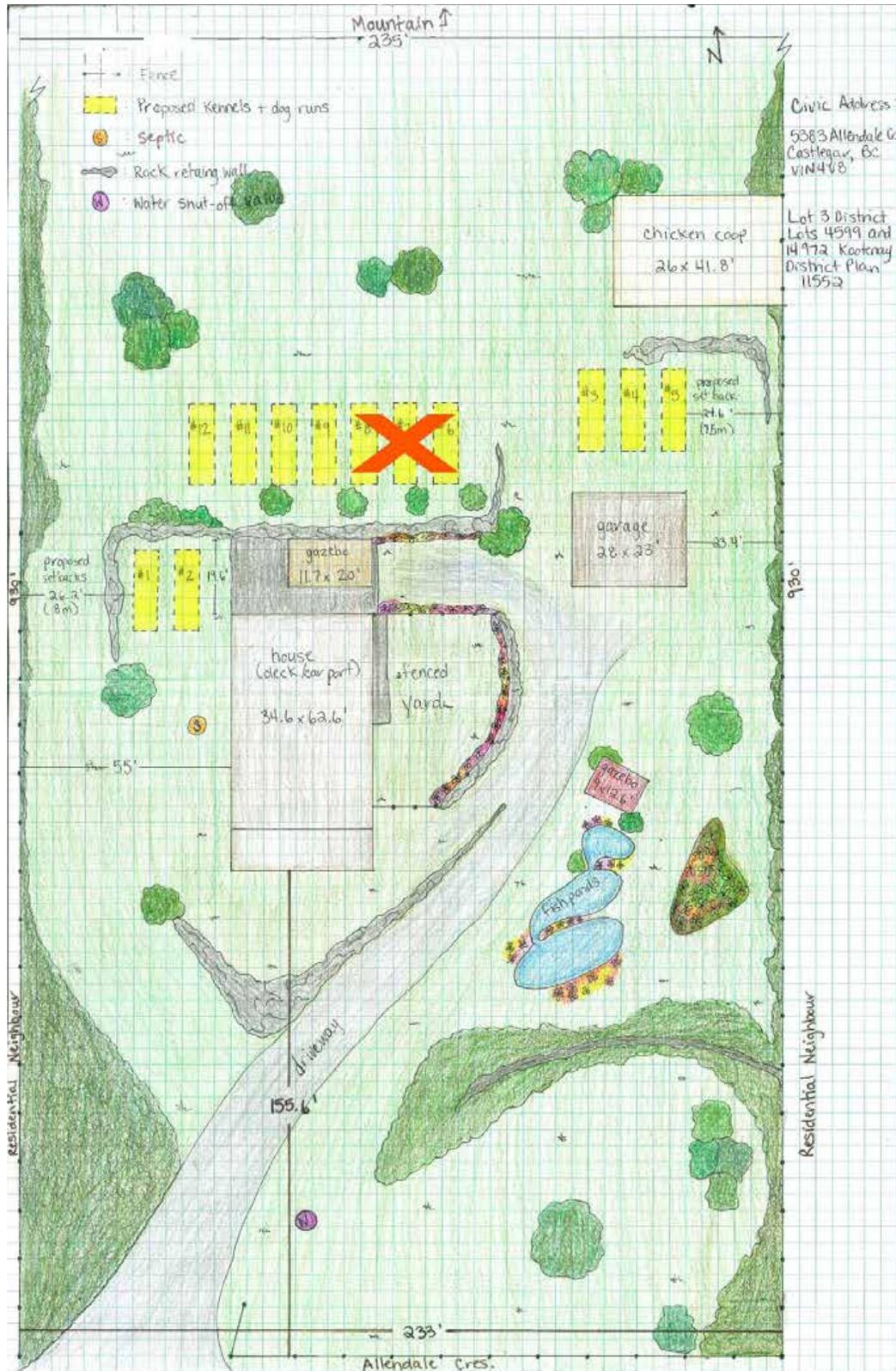


Figure 3 - Site Plan showing the location of the proposed kennel structures. Note that kennel structures #6-8 are no longer being propose.



Figure 4: Looking north to the proposed location of the first 3 kennel structures beyond the tree, adjacent to the rock retaining wall



Figure 5: Looking west to the proposed location of the first 3 kennel structures



Figure 6: Additional kennel structures may be located in the grassed area to the rear of the existing dwelling

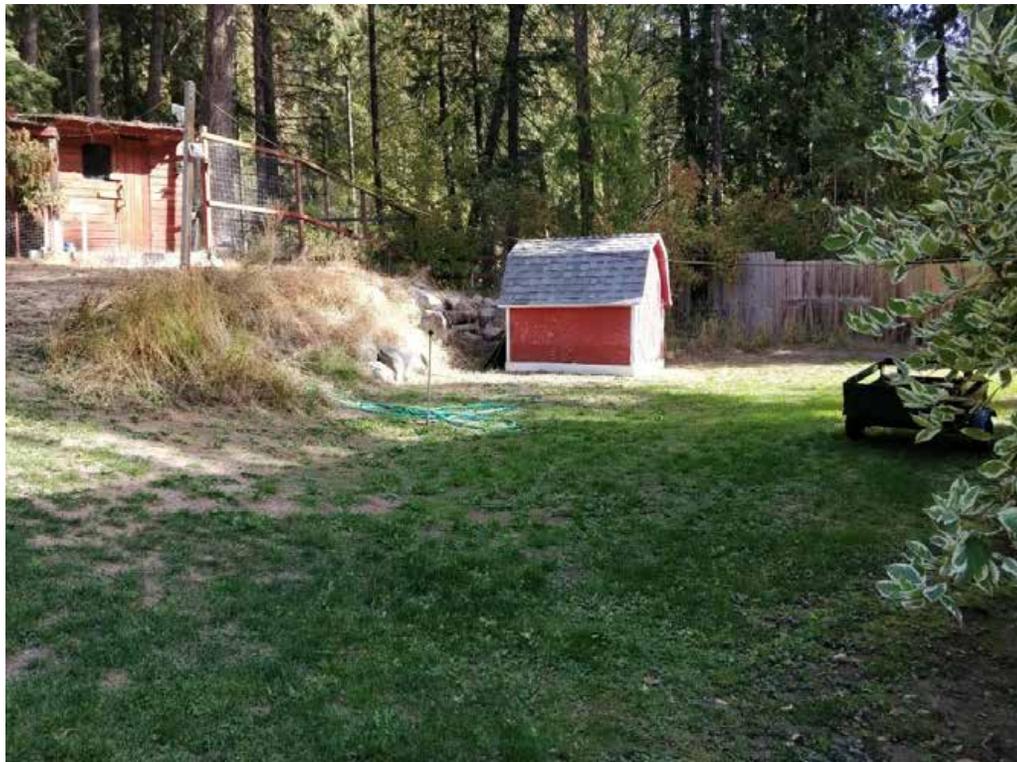


Figure 7: Additional kennel structures may also be located in the foreground of the small red garden shed.

Planning Policy

Kootenay-Columbia Rivers Official Community Plan No. 1157, 1996

3.2.5 Rural Residential Policies (As shown on Schedule 'B' - Land Use Designations)

- 3.2.5.1 The principal use shall be residential or agricultural.
- 3.2.5.2 One dwelling unit shall be permitted per lot and one additional dwelling shall be permitted for every two (2) hectares of lot area over two (2) hectares.
- 3.2.5.3 The average lot size for subdivision of Rural Residential land shall be at least two (2) hectares.
- 3.2.5.4 Within this designation a number of different zones may be applied allowing differing levels of uses accessory to residential uses.
- 3.2.5.5 The clustering of development in either single detached or multi-residential dwellings subject to the maintenance of buffers on non-agricultural lands will be considered and encouraged by the Board of the Regional District.

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: Yes No Financial Plan Amendment: Yes No
Debt Bylaw Required: Yes No Public/Gov't Approvals Required: Yes No

The application fee was paid in full pursuant to Planning Procedures and Fees Bylaw No. 2457, 2015.

3.2 Legislative Considerations (Applicable Policies and/or Bylaws):

The proposal is for a kennel to be permitted as an accessory use. This means that it must remain secondary, incidental and accessory to the principal residential use. Only an amendment to the Zoning Bylaw is required as the OCP does not contain any policies or objectives related to Kennels.

3.3 Environmental Considerations

None anticipated.

3.4 Social Considerations:

A Notice of Public Hearing was mailed to a total of 15 households that included neighbouring residents and individuals who indicated they had an interest in the proposed zoning bylaw amendment. The Notice of Public Hearing was also advertised in the November 23rd and November 30th editions of the Castlegar News. Three (3) written submissions in opposition of the proposed amendment and 1 written submission in support of the application were received prior to the Public Hearing.

A written notice of the revised proposal was mailed to 14 neighbouring property owners on July 24, 2023. A total of seven (7) opposition letters were received. The written responses opposing the application have been included as Attachment "B". Seven (7) letters of support have been received and these responses are included as Attachment "C". The concerns raised by neighbours are mostly related to:

1. Noise from barking dogs
2. Disruption in quality of life
3. Disturbance of peace and tranquility

3.5 Economic Considerations:

The proposal to permit a kennel with a maximum of 9 dogs would make the business economically viable for the property owners.

3.6 Communication Considerations:

The application was sent to 14 neighbouring property owners, relevant government agencies and First Nations.

The following responses were received from government agencies and First Nations:

Ktunaxa National Council – Guardianship Referrals Administrator – Lands & Resources

The Ktunaxa has no concerns with this Bylaw.

Penticton Indian Band – Referrals Coordinator

The Penticton Indian Band issued their Conditional Approval of the application on September 28, 2023 subject to the following:

1. The proposed activity does not have deleterious lasting effect on the environment.
2. The proposed activity does not adversely impact syilx culture, resources, environment, or archaeology.
3. The PIB will continue to be meaningfully engaged.
4. The referrals fee of \$500.00 is paid.

RDCK Bylaw Enforcement Department – Bylaw Enforcement Officer

I have reviewed the proposal and the main concern would be the noise impact. As electoral area J is in the service area of the RDCK Noise Control Bylaw regulations, it is a concern even though noise mitigations measure may be used by the proponent. However, during the warmer and hotter months, ventilation is required for kenneled dog so it is anticipated noise (barking etc.) may not be sufficiently addressed.

The area in question is becoming increasingly populated, so this could increase the bylaw department's response to any noise complaints that may be received.

In closing, this is preliminary input and will require public/neighboring properties support as proposed.

Ministry of Forests – Archaeology Branch – Archaeology Information Administrator

If land-altering activities (e.g., home renovations, property redevelopment, landscaping, service installation) are planned on the subject property, a Provincial heritage permit is not required prior to commencement of those activities.

However, a Provincial heritage permit will be required if archaeological materials are exposed and/or impacted during land-altering activities. Unpermitted damage or alteration of a protected archaeological site is a contravention of the *Heritage Conservation Act* and requires that land-altering activities be halted until the contravention has been investigated and permit requirements have been established. This can result in significant project delays.

Therefore, the Archaeology Branch strongly recommends engaging an eligible consulting archaeologist prior to any land-altering activities. The archaeologist will review the proposed activities, verify archaeological records, and possibly conduct a walk-over and/or an archaeological impact assessment (AIA) of the project area to determine whether the proposed activities are likely to damage or alter any previously unidentified archaeological sites.

Please notify all individuals involved in land-altering activities (e.g., owners, developers, equipment operators) that if archaeological material is encountered during development, they **must stop all activities immediately** and contact the Archaeology Branch for direction at 250-953-3334.

Interior Health Authority – Team Leader, Health Community Development

An initial review has been completed and no health impacts associated with this proposal have been identified. As such, our interests are unaffected by this proposal.

Ministry of Transportation and Infrastructure – District Technician

No concerns.

Electoral Area ‘J’ Advisory Planning and Heritage Commission (comments are from the approved minutes of August 2, 2023 meeting):

That the Area J Advisory Planning Commission SUPPORT the Zoning Bylaw Amendment to Tara Pejski for the property located at 5383 Allendale Crescent, Rural Castlegar and legally described as LOT 3 DISTRICT LOTS 4599 AND 14972 KOOTENAY DISTRICT PLAN 11552 (PID: 012-727-253) to rezone the property from Rural Residential (R3) to a site specific Rural Residential (R3) that will permit a Kennel with a maximum of 9 dogs.

That the Area J Advisory Planning Commission SUPPORT the Development Variance Permit to Tara Pejski for the property located at 5383 Allendale Crescent, Rural Castlegar and legally described as LOT 3 DISTRICT LOTS 4599 AND 14972 KOOTENAY DISTRICT PLAN 11552 (PID: 012-727-253) to permit a setback of 7.5 metres for a Kennel.

The following was discussed:

- *Commissioner expressed that main concern was and still is around neighbourhood / community and noise*
- *Applicant gave an overview of the application and explained what has changed since the initial application*
- *Applicant explains that there have not been any concerns or complaints from neighbours since the operations have been running with 2-3 dogs at a time*

FortisBC – Property Services

Land Rights Comments

- *There are no immediate concerns or requests for additional land rights, however there may be additional land rights requested stemming from changes to the existing FortisBC Electric (FBC(E)) services, if required.*

Operational & Design Comments

- *There are FortisBC Electric (FBC(E)) primary distribution facilities along Allendale Crescent*
- *All costs and land right requirements associated with changes to the existing servicing are the responsibility of the applicant.*
- *The applicant and/or property owner are responsible for maintaining safe limits of approach around all existing electrical facilities within and outside the property boundaries.*
- *For any changes to the existing service, the applicant must contact an FBC(E) designer as noted below for more details regarding design, servicing solutions, and land right requirements.*

BC Hydro – Property Coordinator

We have reviewed the application and we have no concerns with the proposed use.

3.7 Staffing/Departmental Workplace Considerations:

Should the Board choose to give the amending bylaw Third reading, adoption of the bylaw would then be considered at the February 15, 2024 Board Meeting.

3.8 Board Strategic Plan/Priorities Considerations:

Not applicable.

SECTION 4: OPTIONS

Planning Discussion

As noted earlier in this report, the purposed of the proposed bylaw amendment is to add a kennel with a maximum of 9 dogs as a permitted accessory use on the subject property. The property is currently zoned Rural Residential (R3) and is 2 hectares (5 acres) in size. It is located in a Rural Area of Electoral Area 'J' and is adjacent to similarly sized lots on Allendale Crescent. There are a number of smaller residential lots south of Broadwater Road and adjacent to Arrow Lake.

The application being considered is:

Amendment to Zoning Bylaw Specific to this lot: Amend Zoning from “Rural Residential (R3)” to “Rural Residential (R3) site specific” in order to permit a Kennel with a maximum of 9 dogs as an accessory use and to permit a setback for a kennel structure to be 7.5 metres from the interior lot line for this lot only.

The proposed kennel would permit a maximum of 9 dogs at any one time and would only be permitted as an accessory use to the principal residential use. This means that the kennel business would need to remain secondary or incidental to the residential use, and the property could not be used principally for a commercial kennel.

Throughout the referral period and Public Hearing process concerns were raised by neighbours related to the size of the property and the proximity of the proposed Kennel use to surrounding residential uses. Neighbouring land owners have indicated that they have significant concerns related to the impact of noise and the overall disturbance that the proposed kennel will have in their rural area.

Despite the concerns that have been raised by some of the neighbours, staff support this proposal for the following reasons:

- The applicant has made an effort to consider the concerns and feedback from surrounding residents and have revised their proposal to limit the maximum number of dogs to nine (9).
- If the application proceeds as submitted, the kennel will only be permitted as an accessory use. This means that the principal use of the property must remain as residential and the kennel must be related to and incidental to the residential use of the property.
- Over a period of approximately 8 months the proponent has cared for up to 3 dogs at her home and has demonstrated that potential noise and the overall impact of the proposed use can be managed without disturbing surrounding landowners.
- The size of the property is consistent with the requirements for kennel uses as permitted in the Rural Resource (R4) zone.

Public Hearing

A public hearing was held on December 6, 2023. Members of the public attended as did the applicant, and this is noted in the DRAFT public hearing minutes attached to this report. Written submissions received are noted in those minutes and attached to this report as Attachment 'B'. There were no verbal submissions made at the public hearing. The majority of the comments and concerns that were discussed at the Public Hearing were related to:

- The noise impact generated by the proposed use.
- The overall disturbance that may be caused by introducing a Kennel with up to 9 dogs on the subject property.
- The impact of the proposed kennel on neighbours' peace, tranquility and enjoyment of the use of their property.
- The finality of the approval of the proposed bylaw amendment and lack of recourse to "reel back" this approval.

Option 1

That Regional District of Central Kootenay Zoning Amendment Bylaw No. 2872, 2022 being a bylaw to amend the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 is hereby given THIRD reading, as amended by content.

That the consideration of adoption BE REFERRED for Regional District of Central Kootenay Zoning Amendment Bylaw No. 2872, 2022 to the February 15, 2024 Board Meeting.

Option 2

That further consideration of Regional District of Central Kootenay Zoning Amendment Bylaw No. 2872, 2022 being a bylaw to amend the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 BE REFERRED to the February 15, 2024 Board Meeting.

Option 3

That no further action be taken with respect to Regional District of Central Kootenay Zoning Amendment Bylaw No. 2872, 2022 being a bylaw to amend the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004.

SECTION 5: RECOMMENDATIONS

That Regional District of Central Kootenay Zoning Amendment Bylaw No. 2872, 2022 being a bylaw to amend the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 is hereby given THIRD reading, as amended by content.

That the consideration of adoption BE REFERRED for Regional District of Central Kootenay Zoning Amendment Bylaw No. 2872, 2022 to the February 15, 2024 Board Meeting.

Respectfully submitted,
Zachari Giacomazzo, Planner

CONCURRENCE

Planning Manager – Nelson Wight

Approved

Manager of Development and Community Sustainability – Sangita Sudan

Approved

Chief Administrative Officer – Stuart Horn

Approved

ATTACHMENTS:

Attachment A – Amendment Bylaw No. 2872, 2022

Attachment B – Public Hearing Submissions

Attachment C – DRAFT Public Hearing Minutes (December 6, 2023)

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2872, 2022

A Bylaw to amend RDCK Zoning Bylaw No. 1675, 2004

WHEREAS it is deemed expedient to amend the RDCK Zoning Bylaw No. 1675, 2004, and amendments thereto.

NOW THEREFORE the Board of the Regional District of Central Kootenay, in open meeting assembled, HEREBY ENACTS as follows:

APPLICATION

1. That Schedule 'A' of Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 be amended by changing the Zoning Designation of LOT 3 DISTRICT LOTS 4599 AND 14972 KOOTENAY DISTRICT PLAN 11552 (PID 012-727-253) from Rural Residential (R3) to Rural Residential (R3) Site Specific as shown on Schedule 'A' which is attached hereto and forms part of this bylaw:

A. Division 1500, Rural Residential (R3) Permitted Uses by ADDING the following:

Site Specific – LOT 3 DISTRICT LOTS 4599 AND 14972 KOOTENAY DISTRICT PLAN 11552 (PID 012-727-253)

- Accessory Uses:
 - Kennel

SUBJECT TO:

1. The kennel being limited to a maximum of nine (9) dogs, AND;
2. Kennel structures being a minimum of 7.5 metres from interior lot lines.

2. This Bylaw shall come into force and effect upon its adoption.

CITATION

3. This Bylaw may be cited as **“Regional District of Central Kootenay Zoning Amendment Bylaw No. 2872, 2022.”**

READ A FIRST TIME this 18th day of October, 2023.

READ A SECOND TIME this 18th day of October, 2023.

WHEREAS A PUBLIC HEARING was held this 6th day of December , 2023.

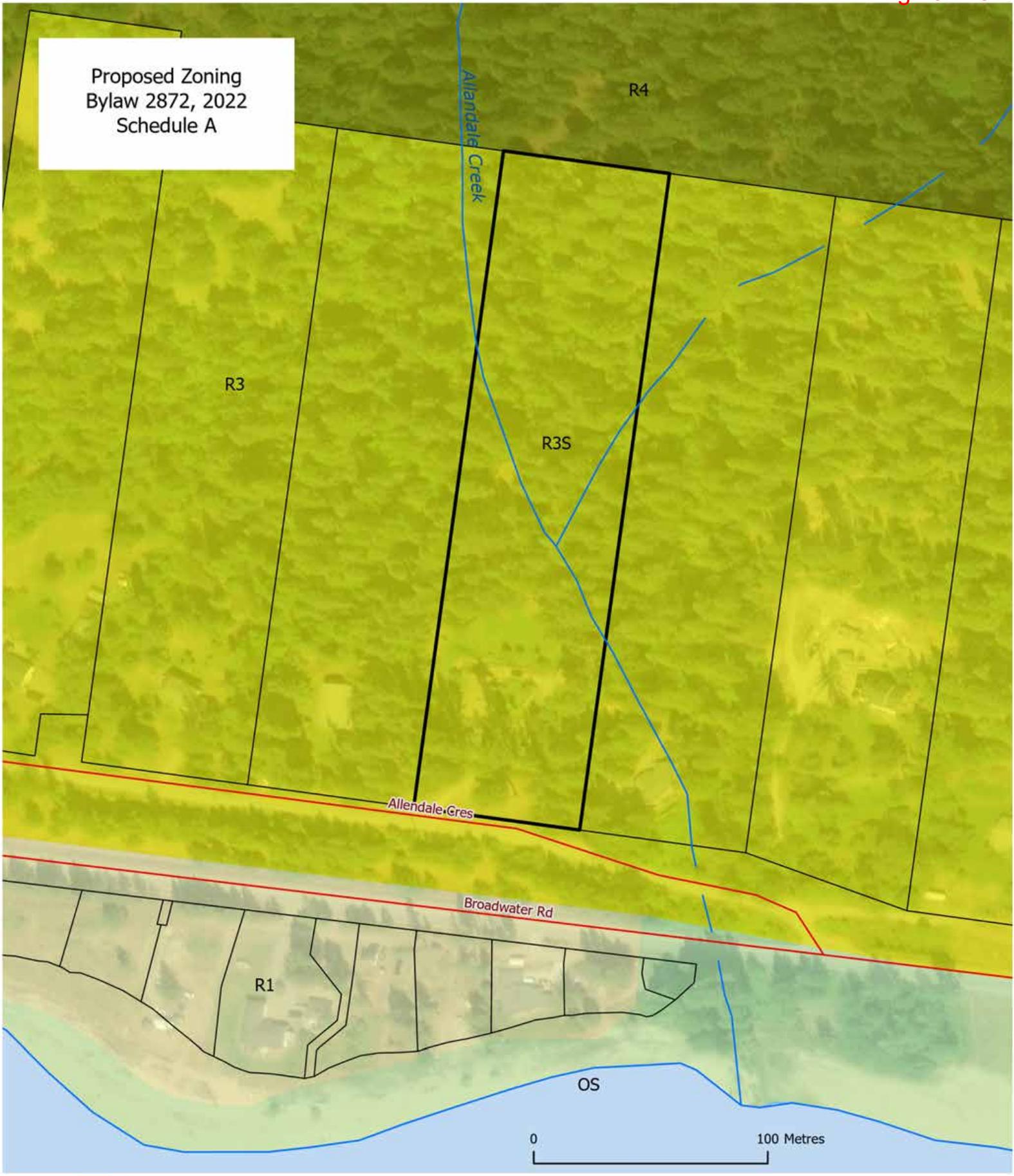
READ A THIRD TIME this [Date] day of [Month] , 20XX.

ADOPTED this [Date] day of [Month] , 20XX.

[Name of Board Chair], Board Chair

[Name of CO], Corporate Officer

Proposed Zoning
Bylaw 2872, 2022
Schedule A



- Subject Property
- Lot Lines
- Road
- Stream

186

- Zoning Class**
- Open Space
 - Residential 1
 - Residential 3
 - Residential 4

Scale: 1:2,069
 PCS: NAD 1983 UTM Zone 11N
 Date: 9/22/2023

The mapping information shown are approximate representations and should only be used for reference purposes.

Regional District Central Kootenay
Att. Zachari Giacomazzo
Box 590, 202 Lakeside Drive
Nelson, BC V1L 5R4

Castlegar November 30.2023

File Z2210J

To whom it may concern

We are writing to you with our objection towards the rezoning application for files Z2210J applicant Tara Pejski,.

We the family at 5375 Allendale Crescent are the direct neighbours to Tara Pejski and are strongly against the proposal to add a dog kennel to our quiet and rural neighbourhood.

One of the reasons we moved to Allendale Crescent 17 years ago was due to the peacefulness the neighbourhood entails. Due to the location of our home and the mountainside acoustics the noise that would come from a proposed dog kennel would significantly disrupt the quietness of the neighbourhood and our daily lives.

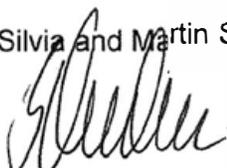
We have many wild animals within our neighbourhood which would easily trigger dogs and cause excessive noise throughout both the day and night especially for dogs who are in an unfamiliar environment.

As well, the traffic and noise associated with the dogs being picked up and dropped off on our small neighbourhood street.

We would ask you to please consider the excessive noise and disruption this proposed kennel would instill onto our quiet and peaceful neighbourhood. Please feel free to contact us if you need further clarification and please keep us updated on any public consultation meetings or important information regarding this proposed development.

Kind Regards,

Silvia and Martin Scheulin



From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Fw: File: Z2210J and V2210J Tara Pejski
Date: November 8, 2023 4:32:24 PM
Attachments: [Outlook-ltqzsmn.png](#)
[Outlook-b1f5pvre.png](#)

CAUTION This email originated from outside the organization. Please proceed only if you trust the sender.

Hi Zachary

I'm very concerned and confused about your reply to Jeremy Lodge regarding the Pajeski case.

We have not been contacted about this.

We feel that the situation has not been handled appropriately at this point.

How is it possible that the case received reading and approval without the input from all of the affected parties

I and all the affected parties strongly disagree with the operation of a dog kennel in our area and I am quite sure all of the previous submissions stand .

Regards

Brian Allarie [REDACTED]

[REDACTED]



Please consider the environment before printing this email.

Did you like our service? [Please rate us on Google.](#)

From: [REDACTED]
Sent: Wednesday, November 8, 2023 2:16 PM
To: [REDACTED]
Subject: Re: File: Z2210J and V2210J Tara Pejski

I am not sure to be honest.

I don't know how they could approve this with all of our letters. That is classified as a public hearing in my opinion if everyone submitted their letters.

Thanks

On Wed, Nov 8, 2023 at 1:59 PM Brian Allarie [REDACTED] wrote:

Hi Jeremy

Do we need to resend all the emails that we have previously sent?

Brian

Brian Allarie | [REDACTED]

[REDACTED]

From: [REDACTED]
To: [REDACTED]
Subject: File: Z2210J and V2210J Tara Pejski
Date: August 3, 2023 1:43:15 PM

CAUTION This email originated from outside the organization. Please proceed only if you trust the sender.

Good afternoon Zachari,

My name is Jeremy Lodge and I own the property located at 5386 Broadwater rd. Zachari, I would like to thank you for keeping myself and neighbours up to date on the application as well as Tara for inviting us all over to discuss her business plan and the communities concern. I understand the change in the application to have a site variance to allow for a maximum of 9 dogs within 7.5meters of a setback. For the time that I have been out at my property, I did witness dogs barking and the echo through the valley and water was extremely noticeable. I purchased my property due to the natural beauty, ruralness, and zoning requirements. This email is to comment on my **Disapproval of this Re-Zoning and Variance.**

The reasons for my disapproval are as follows

- The location of the property is not appropriate for this type of business, hence why it is currently zoned Rural Residential R3.
- The property is too narrow for this business and will disrupt the quality of life of their neighbours with the 30 meter distance from the neighbours
- The property is too narrow for this business and will disrupt the quality of life of their neighbours with the variance to 7.5 meters from their property line.
- The property is not large enough to facilitate this type of business;
- Rural Residential Zone R3 properties are not to be used for dog kennels. People bought their properties expecting this quality of life.
- Disruption in quality of life
- Potential Stress

Allowing a dog kennel at 5383 Allendale would be disruptive in multiple aspects. Firstly, Tara Pejski's property (5383 Allendale) is located in a valley with mountains on both sides and a lake in the middle. This mountainous terrain allows sound waves to be "funneled" and therefore concentrated and intensified. The sound waves will travel extremely far distances when being located in such a valley as where I live. Additionally, dogs have a loud bark that is measured in decibels. A dog's bark can reach a decibel level of 115 db when in a kennel (Environmental Health and Safety, 2013 and Malone, 2022). A dog's bark can be louder than a factory due to its decibel rating (Odd news, 2004) . On a side note, British Columbia's Occupational Health and Safety requires hearing protection for any workers exposed to noise over 85 decibels. This shows how loud a dog's bark can be. As you could imagine, the multiple dogs barking up to 115 decibels while being located in a mountainous valley with a lake that carries the sound to extreme distances would be disruptive to myself, my neighbours and our quality of life. I work shift work that includes working between day shift/night shift and this would put a lot of stress on myself that could potentially put me at risk while working due to lack of sleep.

There are multiple bylaws and guidelines from other jurisdictions that discuss the minimum

setbacks and minimum sized lot to allow a dog kennel. Another good article describes how far a kennel must be from homes to resolve the noise impact that was written by Community & Environmental Defense Services. Here is a quote from their website. "Noise declines an average of six decibels for every doubling of distance. If the noise level is 100 dB at a distance of 50 feet from an outside dog run, then the level from an outside run with no noise abatement measures would be 81 dB at the outside of a home 400 feet away and 74 dB at 1,000 feet.". As you can tell, there have been multiple studies completed and this would have a direct impact on all neighbours.

For instance, the Niagara Escarpment Commission - Dog Kennel Guidelines says "A dog kennel shall not be established on any property that has less than a minimum lot size of 10.0 hectares (25.0 acres). as well as "A minimum setback distance of 150 m (492 ft) is required from all kennel- related facilities (including any outdoor runs or other areas to be used by the dogs) to the nearest dwelling located on a separate lot (<https://escarpment.org/wp-content/uploads/2021/05/Dog-Kennel-Guidelines.pdf>). These articles, bylaws, and guidelines all indicate that a minimum of 400-500 feet is required from an adjacent lot to reduce the impact of noise to their neighbours.

I invite you to come to my property during the day and the night to test the decibel rating of a dog at 115 db and to hear how far the sound travels.

Thank you for your time.

Sincerely

Jeremy Lodge

Resources:

Community & Environmental Defense Services. Dog Kennel's & Other K-9 Facilities.
<https://ceds.org/kennels/>

Environmental Health and Safety (2013) Inside a kennel: Chorus of barking dogs can reach 115 decibels
<https://www.ishn.com/articles/95001-inside-a-kennel-chorus-of-barking-dogs-can-reach-115-decibels>

Odd news (2004) Dog barks can be louder than a factory
https://www.upi.com/Odd_News/2004/03/21/Dog-barks-can-be-louder-than-a-factory/32851079887846/

Malone Maureen (2022) Decibel Level of a Barking Dog
<https://www.cuteness.com/blog/content/decibel-level-of-a-barking-dog>

Zachari Giacomazzo

From: Elroy Switlishoff [REDACTED]
Sent: August 7, 2023 4:37 PM
To: Zachari Giacomazzo
Subject: RE: RDCK Files Z2210J and V2210J

CAUTION

This email originated from outside the organization. Please proceed only if you trust the sender.

Hi Zachari,

I received a letter the other day regarding the files referenced above with notice that the applicant submitted a revised application seeking a site-specific rezoning to allow a kennel with up to nine dogs, and a reduction in the setback from 30 meters to 7.5 meters. I am opposed to the site-specific rezoning request.

My children were visiting earlier this summer and staying in a tent on my property. They complained they were woken up by barking dogs at around 6:30-7 AM, and the barking appeared to be coming from the other side of Broadwater Road. The applicant's property is on the other side of Broadwater Road from mine.

I note also that several households in the surrounding area have dogs. I have observed that when dogs hear other dogs barking, especially unfamiliar dogs, they tend to bark in return. Of course, most responsible dog owners discourage their dogs from barking needlessly, but this may not be the case for dogs being lodged in a kennel. The likelihood of a chorus of barking dogs would increase dramatically with a kennel of nine random dogs, unfamiliar with each other, or with the other dogs in the neighbourhood.

Finally, I have observed a large number of people enjoying the beaches to the east ("Sandy Beach") and west of my property. It is quite common on sunny weekend in July and August to see 20, 30 and even 40 cars parked alongside Broadwater Road to get access to these beaches. These beaches have no official designation nor patrols or posted rules of any kind. As a result, these beaches attract dog owners that allow their dogs to run off leash. This is not good conduct, but with no posted rules or enforcement, there is nothing to prevent this conduct. Again, I have observed that barking dogs attract other dogs, and with the number of beach-goers' dogs running off leash, it is only a matter of time that an unleashed dog attempts to cross Broadwater Road and gets hit by traffic, endangering both the dog and the public. The speed limit in this area of Broadwater Road is 80 km/h, and drivers would have no time to react to a dog darting across the road from in between the congested parking situation.

Thank you for the opportunity to comment.

Elroy Switlishoff

[REDACTED]
 [REDACTED] (phone & fax)
 [REDACTED] (cell)

From: Zachari Giacomazzo [mailto:ZGiacomazzo@rdck.bc.ca]

Sent: July 21, 2023 2:03 PM

To: [REDACTED]

Cc: [REDACTED]

From: [REDACTED]
To: [REDACTED]
Subject: RDCK PlanningFile No.Z2210J
Date: November 30, 2023 8:25:28 PM

CAUTION This email originated from outside the organization. Please proceed only if you trust the sender.

Dear Mr. Giacomazzo, Planner RDCK

My name is Rosemary Enefer, and I am writing to express my full support for Tara Pejski's proposal for a nine-dog kennel at 5383 Allendale Crescent.

As a neighbour sharing a property line with Tara that the current kennels are located beside, I feel compelled to share my positive experiences with the current kennels. Despite their presence, there has been no increase in noise, and I am confident that the proposed expansion will maintain the peaceful atmosphere of our neighbourhood.

Our community is already pet-friendly, with five out of eight homes on Allendale Crescent having dogs, and some residents even keeping chickens. Various sounds, such as barking dogs, crowing roosters, and children's laughter, contribute to our neighbourhood charm. Tara's current kennel has seamlessly blended into this soundscape.

Tara Pejski is not only a responsible neighbour but also a kind and considerate individual. She has consistently kept me informed about her plans, actively seeking input from the neighbourhood, and addressing all questions and concerns. Tara's open communication and willingness to adapt her plans in response to community feedback demonstrates her commitment to maintaining positive relationships with her neighbors.

As the longest-standing resident in this neighbourhood, I have seen many changes, including the development of beachfront homes that have notably increased noise levels. Interestingly, no one sought our opinion on these changes. In contrast, Tara's proposal for a well-maintained kennel run by a responsible family represents a small change, and I believe that such a change would positively impact our community.

In conclusion, I wholeheartedly support Tara Pejski's nine-dog kennel proposal and appreciate the opportunity to express my views on this matter.

Thank you for considering my viewpoint.

Sincerely,

Rosemary Enefer
[REDACTED]



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REGIONAL DISTRICT OF CENTRAL KOOTENAY

PUBLIC HEARING MINUTES

AMENDMENT BYLAW NO. 2872

A Public Hearing for Bylaw No. 2872, a proposed amendment to Zoning *Bylaw No. 1675, 2004*, was held on Wednesday, December 6 at 6:00 p.m. in-person and remotely via Webex (Hybrid Model) in Castlegar, BC. The Hearing commenced at 6:00 p.m. There were 5 members of the public in attendance including the applicants (2).

PRESENT

Henny Hanegraaf
Zachari Giacomazzo
Laura Christie

Chair of Public Hearing
Planner
Public Hearing Secretary

CALL TO ORDER

Director Hanegraaf called the meeting to order at 6:15 p.m.

INTRODUCTIONS

Director Hanegraaf introduced herself and the RDCK staff to the public.

OVERVIEW OF PROPOSAL

Zachari Giacomazzo gave an overview of the proposal.

PRESENTATION BY APPLICANT

The applicant made a presentation of the proposal.

QUESTIONS and ANSWERS

The public asked questions which were answered by the Chair, Zachari Giacomazzo and the applicant.

Questions and concerns are summarized as follows:

Q: Concerned to hear that there is interest in the kennel service. Neighbour stated that 9 dogs is significantly more than the 3 dogs kenneled in the trial period. Stated that his visiting adult children

<p>were woken up by barking dogs across the road. Concerned that an increase from 3 to 9 would create a noise issue.</p> <p>What is the process to 'reel back' the number if there are issues? Concerned that once the application is approved that there is an onerous process to roll it back. Concerned that the onus of the situation (if there is one) is put on the neighbours if the kennel is an issue to neighbours. Agrees that the service is needed in the area but the area is not suitable, as noted by the original zoning.</p> <p>What is the process if neighbours want to reverse this decision?</p>
<p>A: The actions that neighbours could take would be limited to submitting complaints to the RDCK Bylaw enforcement department. Neighbours are not allowed to rezone a property that they do not own. It is always the property owners decision to rezone their property, their consent is needed if a rezoning application is submitted. There is no specific process if the neighbours wanted to reverse zoning bylaw amendment.</p>
<p>Supplemental Response: This disadvantages neighbouring residents and their quality of life.</p>
<p>Q: Would like to echo what the other guest said. Concern is noise and property values. Property wasn't zoned for this and he doesn't want to go down this path. Concern that the only recourse for this is noise complaint. If noise is an ongoing issue, would fines be used?</p>
<p>A: The bylaw department can issue fines if there are many complaints.</p>
<p>Q: Stated that he has other concerns that are outlined in his previously submitted letter. Resident is concerned about proximity of the proposed kennels to 'Sandy Beach'.</p>
<p>A: How people are behaving at 'Sandy Beach' should not be a reflection of this application. Sandy Beach and the application have anything to do with each other.</p>
<p>Supplemental Comment: The uncontrolled dogs (at Sandy Beach) are a triggering mechanism for the dogs in the kennel. The interaction between dogs in the two places are related. Until the issues at Sandy Beach are resolved, it has an impact on this application. False perception to think that the two are not related. Not having vision that the two are related, is not considering the impact of this application.</p>
<p>Planner: Asks one of the neighbours in attendance if he would like his referral response letter included as a written formal submission for this Public Hearing.</p>
<p>Applicant's Response to Questions:</p> <p>Applicant noted that through the night and into the morning, the dogs are inside.</p> <p>Applicant stated that she does not take the dogs in her care to 'sandy beach'.</p> <p>Applicant (stated that it is the owner's responsibility to deal with their own dogs (in ref to Sandy Beach).</p> <p>Applicant states that they share the concerns about the barking dogs and don't want a property with unnecessary, uncontrolled noise.</p>
<p>Planner reminded attendees that no new information can be submitted after this meeting. Stated that this is a good time to make comments as this is the final opportunity for submissions.</p>
<p>Q: Have all of the directors have read the submissions?</p>
<p>A: The submissions were attached to staff report that was presented to the Rural Affairs Committee and the Board, however staff cannot confirm whether or not all of the directors have read them.</p>

The Director thanked the applicants and public in attendance.

FORMAL SUBMISSIONS FOR OR AGAINST PROPOSED BYLAW No. 2872

Written Formal Submissions received prior to the Public Hearing are attached and form part of these minutes:

Silvia & Martin Scheulin	<p>We are writing to you with our objection towards the rezoning application for files Z2210J applicant Tara Pejski.</p> <p>We the family at 5375 Allendale Crescent are the direct neighbours to Tara Pejski and are strongly against the proposal to add a dog kennel to our quiet and rural neighbourhood.</p> <p>One of the reasons we moved to Allendale Crescent 17 years ago was due to the peacefulness the neighbourhood entails. Due to the location of our home and the mountainside acoustics the noise that would come from a proposed dog kennel would significantly disrupt the quietness of the neighbourhood and our daily lives. We have many wild animals within our neighbourhood which would easily trigger dogs and cause excessive noise throughout both the day and night especially for dogs who are in an unfamiliar environment.</p> <p>As well, the traffic and noise associated with the dogs being picked up and dropped off on our small neighbourhood street.</p> <p>We would ask you to please consider the excessive noise and disruption this proposed kennel would instill onto our quiet and peaceful neighbourhood. Please feel free to contact us if you need further clarification and please keep us updated on any public consultation meetings or important information regarding this proposed development.</p>
Jeremy Lodge	<p>My name is Jeremy Lodge and I own the property located at 5386 Broadwater rd.</p> <p>Zachari, I would like to thank you for keeping myself and neighbours up to date on the application as well as Tara for inviting us all over to discuss her business plan and the communities concern.</p> <p>I understand the change in the application to have a site variance to allow for a maximum of 9 dogs within 7.5meters of a setback. For the time that I have been out at my property, I did witness dogs barking and the echo through the valley and water was extremely noticeable. I purchased my property due to the natural beauty, ruralness, and zoning requirements. This email is to comment on my <u>Disapproval of this Re-Zoning and Variance.</u></p> <p>The reasons for my disapproval are as follows</p> <ol style="list-style-type: none"> 1. The location of the property is not appropriate for this type of business, hence why it is currently zoned Rural Residential R3. 2. The property is too narrow for this business and will disrupt the quality of life of their neighbours with the 30 meter distance from the neighbours 3. The property is too narrow for this business and will disrupt the quality of life of their neighbours with the variance to 7.5 meters from their property line.

4. The property is not large enough to facilitate this type of business;
5. Rural Residential Zone R3 properties are not to be used for dog kennels. People bought their properties expecting this quality of life.
6. Disruption in quality of life
7. Potential Stress

Allowing a dog kennel at 5383 Allendale would be disruptive in multiple aspects. Firstly, Tara Pejski's property (5383 Allendale) is located in a valley with mountains on both sides and a lake in the middle. This mountainous terrain allows sound waves to be "funneled" and therefore concentrated and intensified. The sound waves will travel extremely far distances when being located in such a valley as where I live. Additionally, dogs have a loud bark that is measured in decibels. A dog's bark can reach a decibel level of 115 db when in a kennel (Environmental Health and Safety, 2013 and Malone, 2022). A dog's bark can be louder than a factory due to its decibel rating (Odd news, 2004) . On a side note, British Columbia's Occupational Health and Safety requires hearing protection for any workers exposed to noise over 85 decibels. This shows how loud a dog's bark can be. As you could imagine, the multiple dogs barking up to 115 decibels while being located in a mountainous valley with a lake that carries the sound to extreme distances would be disruptive to myself, my neighbours and our quality of life. I work shift work that includes working between day shift/night shift and this would put a lot of stress on myself that could potentially put me at risk while working due to lack of sleep.

There are multiple bylaws and guidelines from other jurisdictions that discuss the minimum setbacks and minimum sized lot to allow a dog kennel. Another good article describes how far a kennel must be from homes to resolve the noise impact that was written by Community & Environmental Defense Services. Here is a quote from their website. "Noise declines an average of six decibels for every doubling of distance. If the noise level is 100 dB at a distance of 50 feet from an outside dog run, then the level from an outside run with no noise abatement measures would be 81 dB at the outside of a home 400 feet away and 74 dB at 1,000 feet.". As you can tell, there have been multiple studies completed and this would have a direct impact on all neighbours.

For instance, the Niagara Escarpment Commission - Dog Kennel Guidelines says "A dog kennel shall not be established on any property that has less than a minimum lot size of 10.0 hectares (25.0 acres). as well as "A minimum setback distance of 150 m (492 ft) is required from all kennel-related facilities (including any outdoor runs or other areas to be used by the dogs) to the nearest dwelling located on a separate lot (<https://escarpment.org/wp-content/uploads/2021/05/Dog-Kennel-Guidelines.pdf>). These articles, bylaws, and guidelines all indicate that a

	<p>minimum of 400-500 feet is required from an adjacent lot to reduce the impact of noise to their neighbours.</p> <p>I invite you to come to my property during the day and the night to test the decibel rating of a dog at 115 db and to hear how far the sound travels.</p> <p>Thank you for your time.</p>
Elroy Switlishoff	<p>I received a letter the other day regarding the files referenced above with notice that the applicant submitted a revised application seeking a site-specific rezoning to allow a kennel with up to nine dogs, and a reduction in the setback from 30 meters to 7.5 meters. I am opposed to the site-specific rezoning request.</p> <p>My children were visiting earlier this summer and staying in a tent on my property. They complained they were woken up by barking dogs at around 6:30-7 AM, and the barking appeared to be coming from the other side of Broadwater Road. The applicant's property is on the other side of Broadwater Road from mine.</p> <p>I note also that several households in the surrounding area have dogs. I have observed that when dogs hear other dogs barking, especially unfamiliar dogs, they tend to bark in return. Of course, most responsible dog owners discourage their dogs from barking needlessly, but this may not be the case for dogs being lodged in a kennel. The likelihood of a chorus of barking dogs would increase dramatically with a kennel of nine random dogs, unfamiliar with each other, or with the other dogs in the neighbourhood.</p> <p>Finally, I have observed a large number of people enjoying the beaches to the east ("Sandy Beach") and west of my property. It is quite common on sunny weekend in July and August to see 20, 30 and even 40 cars parked alongside Broadwater Road to get access to these beaches. These beaches have no official designation nor patrols or posted rules of any kind. As a result, these beaches attract dog owners that allow their dogs to run off leash. This is not good conduct, but with no posted rules or enforcement, there is nothing to prevent this conduct. Again, I have observed that barking dogs attract other dogs, and with the number of beach-goers' dogs running off leash, it is only a matter of time that an unleashed dog attempts to cross Broadwater Road and gets hit by traffic, endangering both the dog and the public. The speed limit in this area of Broadwater Road is 80 km/h, and drivers would have no time to react to a dog darting across the road from in between the congested parking situation.</p> <p>Thank you for the opportunity to comment.</p>
Brian Allarie	<p>Hi Zachary</p> <p>I'm very concerned and confused about your reply to Jeremy Lodge regarding the Pajeski case. We have not been contacted about this. We feel that the situation has not been handled appropriately at this point.</p>

	<p>How is it possible that the case received reading and approval without the input from all of the affected parties? I and all the affected parties strongly disagree with the operation of a dog kennel in our area and I am quite sure all of the previous submissions stand .</p> <p>Regards</p>
Rosemary Enefer	<p>My name is Rosemary Enefer, and I am writing to express my full support for Tara Pejski's proposal for a nine-dog kennel at 5383 Allendale Crescent.</p> <p>As a neighbour sharing a property line with Tara that the current kennels are located beside, I feel compelled to share my positive experiences with the current kennels. Despite their presence, there has been no increase in noise, and I am confident that the proposed expansion will maintain the peaceful atmosphere of our neighbourhood.</p> <p>Our community is already pet-friendly, with five out of eight homes on Allendale Crescent having dogs, and some residents even keeping chickens. Various sounds, such as barking dogs, crowing roosters, and children's laughter, contribute to our neighbourhood charm. Tara's current kennel has seamlessly blended into this soundscape.</p> <p>Tara Pejski is not only a responsible neighbour but also a kind and considerate individual. She has consistently kept me informed about her plans, actively seeking input from the neighbourhood, and addressing all questions and concerns. Tara's open communication and willingness to adapt her plans in response to community feedback demonstrates her commitment to maintaining positive relationships with her neighbors.</p> <p>As the longest-standing resident in this neighbourhood, I have seen many changes, including the development of beachfront homes that have notably increased noise levels. Interestingly, no one sought our opinion on these changes. In contrast, Tara's proposal for a well-maintained kennel run by a responsible family represents a small change, and I believe that such a change would positively impact our community.</p> <p>In conclusion, I wholeheartedly support Tara Pejski's nine-dog kennel proposal and appreciate the opportunity to express my views on this matter.</p> <p>Thank you for considering my viewpoint.</p>

VERBAL and WRITTEN formal submissions received during the Public Hearing:

There were no formal submissions received during the Public Hearing.

ADJOURNMENT OF PUBLIC HEARING

The hearing was adjourned at 7:10 p.m.

Henny Hanegraaf, Director
Electoral Area 'J'

Zachari Giacomazzo, Planner