



Municipal District of Bighorn No. 8

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DECISION OF THE SUBDIVISION/DEVELOPMENT APPEAL BOARD

APPEAL AGAINST D/P 38/08, 19 SEPT 08 (RAVENDALE RANCHE KENNELS)

This is to advise that a hearing of the appeal of Rick and Ursula Reynolds (the Appellants), against the September 19th, 2008 Notice of Decision on Development Permit 38/08, Ravendale Ranche Kennel, was held by the SUBDIVISION/DEVELOPMENT APPEAL BOARD (S/DAB) on October 28th, 2008. Development Permit 38/08 had been issued, by the Municipal Planning Commission, for the operation of a dog kennel and related services business, on a portion of SW Section 26-26-6-W5M. The Appellants were seeking to have a condition added to the Development Permit, being "a much improved noise management program be required". As a result of October 28th, 2008 hearing, the S/DAB has decided that the MPC issuance of Development Permit #38/08 to Ravendale Ranche Kennel be upheld, with the following change to Condition #8:

-Condition #8: change to read "...this development approval is subject to cancellation if adverse noise issues cannot be resolved, to the satisfaction of the Development Officer."

FINDINGS OF FACT:

Upon hearing and considering the representations and submissions presented at the above-noted hearing, the Subdivision/Development Appeal Board finds the facts in the matter to be as follows:

-there was insufficient evidence produced to show there was a significant noise problem generated by barking dogs, at Ravendale Ranche Kennel.

REASONS FOR DECISION:

- The S/DAB believes that the conditions imposed by the MPC (with one modification to Condition #8) are sufficient to address any concerns with respect to noise.
- The S/DAB notes that Section 12.24 of Land Use Bylaw 19/96 provides conditions and regulations with respect to the issuance of development permits for kennel operations, and that Development Permit 38/08 references this Land Use Bylaw Section, in the conditions of approval.

A decision of the Subdivision/Development Appeal Board is final and binding on all parties and persons subject only to an appeal upon, or questions of jurisdiction or law pursuant to, Section 688 of The Municipal Government Act, SA 2000, as amended. An application for leave to appeal to the Appellate Division of the Court of Alberta shall be made to a judge of the Appellate Division within THIRTY (30) days after the issue of the order, decision, permit or approval sought to be appealed.

29 October 08
DATE


CHAIRMAN,
SUBDIVISION/DEVELOPMENT APPEAL BOARD