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Notice of Decision

PEACE REGIONAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD

NOTICE OF DECISION

**IN THE MATTER OF APPEAL FILES NO. 26PRSDAB001-A TO 26PRSDAB001-E
AND IN THE MATTER OF DEVELOPMENT PERMIT NO. 2026-02**

**Peace Regional SPCA (Applicant)
Town of Peace River (Development Authority)**

File Number: 26PRSDAB001-A TO 26PRSDAB001-E
Decision Date: August 27, 2026

Hearing held at: Town of Peace River Office (Council Chambers)
Date of Hearing: August 12, 2026

Board Members Present: Denis Boisvert (Chair)
John Croken
Mercedes Doiron

Clerk: Pearl Luken

Appellant 1: Rick Dostaler, represented by Samantha Stokes (File No. 26PRSDAB001-A)
Appellant 2: Anjil Shimoon (File No. 26PRSDAB001-B)
Appellant 3: Frederick Castelino (File No. 26PRSDAB001-C)
Appellant 4: Todd Telawsky and Mona Bouchard (File No. 26PRSDAB001-D)
Appellant 5: Jeanne Kalyn (File No. 26PRSDAB001-E)

Applicant: Peace Regional SPCA, represented by Penny Steffen
Development Authority: Town of Peace River, represented by Tobi Adeniyi

Background:

- [1] On June 2, 2026, the Municipal Planning Commission, acting as the Development Authority for the Town of Peace River, approved Development Permit No. 2026-02 for a Veterinary Services – Animal Care Facility/Shelter on lands legally described as Lot 15, Block 15, Plan 2520440 and municipally addressed as 9510 - 94 Avenue, Peace River, Alberta.
- [2] Five separate notices of appeal were filed against the decision between June 18 and June 24, 2026. As all five appeals concern the same development permit and raise overlapping issues, they were heard together by the Peace Regional Subdivision and Development Appeal Board (the “Board”).
- [3] The hearing was initially scheduled for July 15, 2026. It was adjourned because the Board was unable to achieve quorum. Notice of the adjourned hearing was subsequently provided, and the hearing proceeded on August 12, 2026. The hearing opened at 5:12 p.m. and concluded at 8:08 p.m.



- [4] The hearing was conducted through written submissions and oral presentations. The Board received the following exhibits before the hearing:
- Exhibit 1 – Notice of Appeal (Appellant 1), received June 18, 2026
 - Exhibit 2 – Detailed Submission from Appellant 1, received July 8, 2026
 - Exhibit 3 – Notice of Appeal (Appellant 2), received June 22, 2026
 - Exhibit 4 – Detailed Submission from Appellant 2, received July 8, 2026
 - Exhibit 5 – Notice of Appeal (Appellant 3), received June 23, 2026
 - Exhibit 6 – Notice of Appeal (Appellant 4), received June 24, 2026
 - Exhibit 7 – Detailed Submission from Appellant 4, received July 8, 2026
 - Exhibit 8 – Notice of Appeal (Appellant 5), received June 24, 2026
 - Exhibit 9 – Detailed Submission from the Development Authority, received July 25, 2026
 - Exhibit 10 – Detailed Submission from the Applicant, received July 8, 2026
 - Exhibit 11 – Detailed Submission from Appellant 3, received August 4, 2026

Preliminary Matters

- [5] At the outset of the hearing, the Chair confirmed that quorum was present. No Board member declared a conflict of interest or other reason for not participating, and no party objected to the composition of the panel.
- [6] There was no request to adjourn or postpone the August 12, 2026 hearing. The Clerk confirmed that notice of the adjourned hearing had been provided to the Applicant, Development Authority, Appellants, and affected landowners, and that the hearing package had been circulated to the parties.
- [7] The Chair explained the hearing process and the order of presentations. No party raised an objection to the procedure.

Summary of Hearing

A. Position of the Development Authority

- [8] The Development Authority submitted that the proposed use was properly reviewed as “Veterinary Services” under the Town of Peace River Land Use Bylaw and that the definition includes animal shelters. Veterinary Services is a discretionary use in the Commercial-Residential (C-R) District and, accordingly, the application was referred to the Municipal Planning Commission for a decision.
- [9] The Development Authority described the C-R District and surrounding area as mixed-use, with residential and non-residential development. It submitted that the Municipal Planning Commission considered surrounding land uses, public comments, the Land Use Bylaw, the Municipal Development Plan and the *Municipal Government Act* before approving the application.
- [10] The Development Authority acknowledged that adjacent landowners raised noise concerns. It did not require a technical acoustic study, but considered that setbacks, landscaping and the design of the proposed facility would mitigate those concerns. Odour concerns were said to be addressed through the proposed ventilation system.



- [11] Ultimately, the Development Authority asked the Board to uphold the Municipal Planning Commission's approval decision.

B. Position of Appellant 1 – Rick Dostaler

- [12] Appellant 1, through Samantha Stokes, argued that although "Veterinary Services" is listed as a discretionary use in the C-R District, the Board must assess the actual type, character and intensity of the proposed animal shelter and its compatibility with neighbouring residential uses.
- [13] Appellant 1 submitted that the principal unresolved planning impact is noise, particularly barking associated with long-term animal housing, indoor/outdoor kennels, reactive dogs and outdoor exercise areas. Appellant 1 argued that the Development Authority approved the application without objective acoustic evidence demonstrating that noise could be adequately mitigated.
- [14] Appellant 1 submitted that the Animal Care Operations Plan and Good Neighbour Policy contain useful mitigation commitments but are operational promises unless made enforceable through permit conditions. If the permit were upheld, Appellant 1 requested stronger conditions addressing outdoor hours, kennel occupancy, fencing, sustained barking and an independent acoustic assessment.
- [15] Appellant 1 also objected to the landscaping relaxation and argued that buffering should not be reduced where noise is a principal compatibility concern. The requested remedy was revocation of the development permit, or alternatively substantial additional mitigation conditions.

C. Position of Appellant 2 – Anjil Shimoon

- [16] Appellant 2 opposed the development primarily on the basis of noise, neighbourhood compatibility, use and enjoyment of residential property, parking and the long-term effect of locating an animal shelter in the area.
- [17] Appellant 2 described her experience with barking when the former shelter operated nearby and expressed concern that the removal of mature vegetation would reduce buffering. She submitted that the Municipal Development Plan promotes compatible development, walkability and residential quality of life in and near the downtown area.
- [18] Appellant 2 also raised concerns about property values and consultation. During questioning, no expert appraisal or valuation evidence was provided to establish a measurable impact on property values.

D. Position of Appellant 3 – Frederick Castelino

- [19] Appellant 3 questioned whether the proposed SPCA facility should be characterized as Veterinary Services and argued that an animal shelter has distinct functions and impacts. He submitted that the surrounding area has evolved toward a more residential character and that the proposed use is not appropriate at this location.



- [20] Appellant 3 raised concerns respecting the nearby outreach school, including parking, bus access, pedestrian safety and possible disturbance to classes and examinations from barking. He also submitted that alternative sites should have been more fully considered.
- [21] Appellant 3 emphasized that he was not opposed to the SPCA as an organization, but believed the facility should be located at a site better separated from residential and school uses.

E. Position of Appellant 4 – Todd Telawsky and Mona Bouchard

- [22] Appellant 4 raised concerns regarding site compatibility, the variances granted with the approval, noise, parking, traffic, landscaping and the absence of enforceable conditions requiring compliance with the Applicant's Good Neighbour Policy and Operations Plan.
- [23] Appellant 4 submitted that a formal noise assessment had not been completed and that the hours and management of outdoor kennels were unclear. They relied on Land Use Bylaw provisions concerning Veterinary Services, Small Animal Boarding and protection of the use and enjoyment of neighbouring properties.
- [24] Appellant 4 requested that either the permit be revoked or be subject to conditions requiring a noise study, binding operational limits and enforceable compliance with the Applicant's mitigation plans.

F. Position of Appellant 5 – Jeanne Kalyn

- [25] Appellant 5 argued that the historical mixed-use character of the area has changed and that many higher-impact uses have relocated to industrial areas. She submitted that animal shelters in other municipalities are commonly located in industrial districts because of noise, odour and nuisance considerations.
- [26] Appellant 5 raised concerns regarding noise, the number of animals proposed, consultation, the landscaping and parking variances, the proximity of residential uses, and whether the application satisfied the Land Use Bylaw requirement not to unduly interfere with neighbouring use and enjoyment.
- [27] Appellant 5 also raised matters relating to alternative sites and the conduct of a Municipal Planning Commission member. The Board treated those matters only to the extent they were relevant to the planning merits and jurisdiction of the development appeal.

G. Position of the Applicant – Peace Regional SPCA

- [28] The Applicant submitted that the proposed facility was purpose-designed over several years with professional input to improve animal welfare, reduce noise and improve compatibility with neighbouring properties. Design measures include higher windows to reduce visual stimulation, improved insulation, a lower roof profile, separate low-stress and isolation kennels, relocation of outdoor dog areas away from neighbouring residences, fencing and landscaping.



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- [29] The Applicant stated that the facility would have a maximum normal capacity of approximately 20 dogs, with other animal capacity primarily consisting of cats. It submitted that daily cleaning, waste removal and a modern ventilation system would address odour concerns.
- [30] The Applicant submitted that parking demand is relatively low. It identified five on-site parking stalls and additional street parking and referred to short-term traffic observations showing generally low vehicle demand during public hours.
- [31] The Applicant explained that the landscaping variance arose in part from utility constraints preventing tree planting in the front yard, and that shrubs and hedges would nevertheless provide screening.
- [32] The Applicant relied on its Animal Care Operations Plan and Good Neighbour Policy as evidence of its intention to manage noise and other impacts. It asked the Board to uphold the Development Authority's approval.

H. Positions of Affected Parties

- [33] No affected person other than the five Appellants made a separate presentation in support of or opposition to the development at the hearing.

Decision

- [34] The appeals **ARE ALLOWED IN PART**. The decision of the Development Authority approving Development Permit No. 2026-02 is **CONFIRMED AS TO THE APPROVAL OF THE USE**, but is **VARIED** by the addition of the conditions set out below. These conditions shall form part of the Development Permit approval conditions and shall be adhered to by the Applicant. All other conditions of Development Permit No. 2026-02 shall remain in full force and effect.

Additional Conditions Imposed by the Peace Regional Subdivision and Development Appeal Board

1. Prior to commencement of the approved use, the Applicant shall submit to the Development Authority an Acoustic Noise Impact Assessment prepared by a qualified professional with expertise in acoustical assessment. The assessment shall evaluate anticipated noise generated by the approved development, including animal vocalizations and outdoor animal activity, and shall evaluate the noise-mitigation measures forming part of the approved development, having regard to adjacent residential properties and other noise-sensitive uses, the factors identified in section 3.2 of Town of Peace River Noise Bylaw No. 1939, and section 19.3 of Schedule B of Land Use Bylaw No. 2178.

The assessment shall identify any additional physical noise-attenuation measures necessary to give effect to the noise-mitigation measures forming part of the approved development. Such measures shall be installed prior to commencement of the approved use and thereafter maintained for the duration of the use, provided that they are consistent with the approved use and approved plans.



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2. Animals shall be housed indoors outside the Applicant's regular staff hours of **8:30 a.m. to 5:00 p.m.**, except where reasonably necessary for animal intake, emergency response, or activities associated with the Applicant's 24-hour animal control services.
3. All outdoor animal activity on the subject property shall be scheduled, limited in duration, and directly supervised by staff or volunteers at all times. Animals taken off-site for walks shall be kept on a leash and under the direct supervision and control of staff or volunteers at all times, except when using a designated off-leash area, where they shall remain under the direct supervision of staff or volunteers.
4. Regular public access to the facility shall be limited to the hours of **12:00 p.m. to 5:00 p.m., seven days a week**, except for access by appointment, animal intake, emergency response, and activities associated with the Applicant's 24-hour animal control services.

Reasons for Decision:

- [35] The Board considered the appeals as a fresh review of the development permit on the planning merits, having regard to the *Municipal Government Act*, the Town of Peace River Land Use Bylaw, the Municipal Development Plan, the evidence before the Board, and the submissions of the parties. The Board did not treat matters outside the development appeal jurisdiction as determinative.
- [36] The Board finds that the proposed animal care facility/shelter falls within the Land Use Bylaw definition of "Veterinary Services" under section 17.2. The definition expressly includes a development used for the temporary accommodation, care, treatment, or impoundment of animals and identifies animal shelters as an included form of Veterinary Services. Veterinary Services is listed as a discretionary use in the C-R District. The Board therefore finds that the proposed use may be considered as a discretionary use within the C-R District.
- [37] The Board's task is to determine whether the proposed development is appropriate on the subject lands under the existing C-R zoning and applicable planning framework. The Board is not determining whether the subject lands should have a different zoning designation or whether another property would be a preferable location. Evidence about alternative sites was therefore given little weight.
- [38] The Board did not rely on the former shelter use as establishing an entitlement to the present approval. The former facility had ceased operation and had been demolished. The Board assessed Development Permit No. 2026-02 on the current application, site information, current Land Use Bylaw and evidence presented at the hearing.
- [39] The Board finds that the proposed development is not inherently incompatible with the C-R District. The district contains both residential and non-residential uses, and Veterinary Services is expressly listed as a discretionary use. The proposed purpose-built facility, as shown on the approved plans, incorporates design, siting, fencing, landscaping and ventilation measures directed toward reducing impacts on neighbouring properties, together with proposed operational measures intended to further mitigate those impacts. On the evidence as a whole, the Board was not persuaded that the permit should be revoked solely on compatibility grounds.



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- [40] The Board considered the applicable policies of the Town of Peace River Municipal Development Plan. The MDP identifies minimizing incompatible land uses as one of its purposes and expressly provides direction to the Subdivision and Development Appeal Board in making land-use decisions. The Board also considered the MDP's direction to maintain an appropriate balance between residential, commercial and industrial development, encourage sensitively designed and properly scaled mixed-use development at appropriate locations, and ensure redevelopment within established neighbourhoods is sensitive to its surroundings. The Board finds that these policies require careful consideration of compatibility but do not prohibit non-residential development within or adjacent to established residential areas. Having considered the mixed-use character contemplated by the C-R District, the nature and design of the proposed development, the evidence respecting surrounding uses, and the mitigation measures incorporated into the approval as varied by this decision, the Board finds the development to be consistent with the applicable direction of the MDP.
- [41] Noise was the most substantial planning concern raised in the appeals. Several Appellants gave evidence based on their experience with the former shelter and expressed concerns regarding barking, outdoor exercise areas, overnight animal accommodation and the proximity of residential properties and the nearby school. The Applicant presented evidence of design and operational measures intended to reduce noise, including the location and design of animal areas, fencing, insulation and measures intended to reduce visual stimulation. No formal site-specific acoustic assessment had been completed.
- [42] The Board considered the provisions of the Land Use Bylaw respecting nuisance and compatibility, including section 19.3 of Schedule B, which identifies noise as a potential development impact and contemplates acoustical analysis and noise measurements as means of assessing such impacts. The Board also considered Town of Peace River Noise Bylaw No. 1939. Section 3.1 prohibits loud, unnecessary or unusual noise that annoys or disturbs persons or detracts from their comfort, repose, health, peace or safety. Section 3.2 identifies relevant considerations including the time of day, proximity to residential or commercial sleeping facilities, duration and volume of the noise, and whether the noise is recurrent, intermittent or constant. Section 5.2 specifically addresses disturbances caused by barking, howling or other animal noise.
- [43] Having considered the evidence as a whole, the Board finds that the proposed use is appropriate within the C-R District and that the potential for noise does not warrant refusal of the Development Permit. The Board nevertheless finds that, given the nature of the use and its proximity to residential properties and other noise-sensitive uses, additional technical assessment to inform the implementation of the noise-mitigation measures forming part of the approved development is warranted. The Board has therefore imposed a condition requiring a professional acoustic assessment to evaluate anticipated noise generated by the approved development and identify any additional physical noise-attenuation measures necessary to give effect to those mitigation measures.
- [44] The Board considered the evidence and submissions concerning the applicable nuisance and compatibility provisions of the Land Use Bylaw and section 687(3) of the *Municipal Government Act*. Having regard to the nature of the proposed use, the surrounding development, the mitigation incorporated into the proposed facility, the additional conditions imposed by this decision, including the operational restrictions respecting animal housing, outdoor animal activity and public access, and the existing municipal noise-control framework, the Board is satisfied that the development can be



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appropriately accommodated without unduly interfering with the amenities of the neighbourhood or materially interfering with or affecting the use, enjoyment or value of neighbouring parcels.

- [45] The Board considered the Applicant's Animal Care Operations Plan and Good Neighbour Policy as evidence of its proposed operational practices, including measures relating to noise management, animal housing, outdoor exercise and supervision, hours of operation, cleaning, waste removal, odour control and response to neighbouring concerns. In particular, the Animal Care Operations Plan states that regular staff hours are 8:30 a.m. to 5:00 p.m., regular public hours are 12:00 p.m. to 5:00 p.m., animals are returned to indoor housing at the end of the day, outdoor exercise is supervised and limited in duration, animals taken off-site are kept on a leash, and use of an off-leash area is supervised by a staff member or volunteer. The Board gives the Applicant's operational documents some evidentiary weight in assessing the proposed development, but limited weight as independent regulatory safeguards because they are internally prepared operational documents and do not independently establish municipal development standards. The Board has therefore relied upon the applicable statutory and regulatory framework in assessing the potential impacts of the development and has incorporated specific operational measures proposed by the Applicant into the conditions of the Development Permit where the Board considers those measures necessary to address potential noise and compatibility impacts.
- [46] The Board considered the Appellants' concerns that the landscaping relaxation reduced buffering. The Applicant explained that utility infrastructure limits tree planting in the front yard and that shrubs and hedges are proposed instead. The Board finds that the landscaping relaxation does not warrant refusal of the Development Permit. The Board further finds that potential noise impacts associated with the development are appropriately addressed through the mitigation measures forming part of the approved development, the operational restrictions imposed by this decision, and the Acoustic Noise Impact Assessment required to inform the technical implementation of those measures.
- [47] The Board acknowledges that the Applicant's traffic information was limited in duration and therefore assigns it modest weight. However, the evidence indicated generally low vehicle demand during ordinary public hours, on-site parking is provided, and the surrounding streets are public streets available for lawful public use. The Board did not receive persuasive evidence establishing that traffic or parking generated by the development would materially interfere with neighbouring land uses. The Board therefore does not require a separate traffic impact assessment as a condition of this approval.
- [48] The Board considered concerns regarding student safety, bus activity, parking and potential disturbance to classes and examinations. The evidence did not establish that animals would be uncontrolled along the road or sidewalk, and the proposed kennel and play areas are contained on the development site. The Board therefore did not find a demonstrated student-safety impact that warrants refusal. The Board considers potential noise effects on the nearby school to form part of the broader noise-impact concerns for which the Board has imposed the Acoustic Noise Impact Assessment condition.
- [49] The Board heard concerns that the development could adversely affect residential property values. The Board recognizes that the potential effect of a development on the use, enjoyment or value of neighbouring parcels is a relevant consideration under section 687(3)(d) of the *Municipal Government Act*. However, no appraisal, market analysis or other expert valuation evidence was presented to



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establish that the proposed development would materially affect residential property values. The Board therefore gives the generalized concern regarding property-value impacts little weight.

- [50] The Board heard concerns regarding the adequacy and character of consultation and the weight that should be given to letters of support. The Board's decision is based on the planning merits of the application and the evidence before it, rather than the number of persons supporting or opposing the project. The Board was satisfied that the statutory appeal process provided the Appellants and affected parties a full opportunity to present their concerns.
- [51] The Board did not rely on issues such as municipal taxation, donor relations, whether another site would be preferable, generalized "NIMBY" characterizations, or alleged misconduct by a Municipal Planning Commission member as reasons for its decision. Those matters were either unsupported by planning evidence or outside the Board's jurisdiction in this development appeal.
- [52] Considering the evidence as a whole, the Board finds that the proposed Veterinary Services – Animal Care Facility/Shelter is an appropriate discretionary use at this location and is compatible with the mixed commercial-residential context contemplated by the C-R District. The Board finds that the potential noise impacts do not warrant refusal of the Development Permit, but that additional professional acoustic assessment and operational restrictions respecting animal housing, outdoor animal activity and public access are appropriate safeguards given the nature of the use and its proximity to residential properties and other noise-sensitive uses. The Board therefore declines to revoke Development Permit No. 2026-02 and varies the approval by imposing the additional conditions set out above.

Issued this 27th day of August, 2026 for the Peace Regional Subdivision and Development Appeal Board.

Per: 

Denis Boisvert, Panel Chair
Peace Regional Subdivision and Development Appeal Board

IMPORTANT NOTICE:

Appeals:

Pursuant to section 688 of the Municipal Government Act, an appeal from a decision of the Subdivision and Development Appeal Board lies to the Alberta Court of Appeal on a question of law or jurisdiction. An application for permission to appeal must be filed and served within thirty (30) days after the issue of this decision.

Enforcement:

When a decision has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Municipality.