

Date: July 30, 2017

To: Rob Helmick  
Larimer County Planning Department

From: John C. Rehberg  
Effected Party

Re: The letter and comments from the Dept. Health & Environment for the Public Hearing of 16-ZONE2038, as dated July 24, 2017, by Lea Schneider

The Health Department's comments are appropriate in general, and with respect to many subjects. However, I must take exception to certain comments on the Noise issue. The author for the Department is correct when restating the Noise Impact Study conclusion that the Day/ Night maximum sound level standards are met at all borders except the North property border. The north border is shared by the USFS and D-Dart Ranch. Much of this boundary is predicted to be effected by 53 dBA noise. However, since the sound level standards in Section 5 of the Noise Ordinance is defined as being in effect for the boundaries with residential properties only, it does not apply. Just a clarification of why the statement was correct.

In the first complete paragraph of page 2 of the Health Department comments, the author writes **"Based on the neighborhood comments regarding noise, I expect that the proximity of the WOLF II property to more residences than the previous location will be a challenge. We have found that noise levels below those specified in the ordinance can still be bothersome to neighbors, as noise is subjective. When noise complaints occur they are very difficult to resolve."**

It appears as if the understanding to the Noise Ordinance No. 97-03 may often be limited to that of Section 5. Maximum Permissible Noise Levels. I concede that the standards of Section 5 are met, as stated in my first paragraph.

There is much more contained in Ordinance No. 97-03 that is directly applicable here.

Let me direct everyone to Section 3.c.2 in the definition of **"Noise Disturbance"**, **"any sound which is or may be of such volume, frequency and/or intensity that it unreasonably interferes with the enjoyment of life, quiet, comfort or outdoor recreation of an individual of ordinary sensitivity and habits."** This theme is repeated in the Ordinance.

Also, let me direct attention to **Section 4. Noise Disturbance Prohibited: "No person shall permit, make, cause to be made or continue any noise disturbance, nor shall any person or individual make any unreasonable noise in excess of the levels provided in Section 5 and measured as provided in Section 6 below:"** The prohibition of a Noise Disturbance is mentioned before the application of a Maximum Sound Level, yet the Maximum Sound Level is the most often applied at the near exclusion of the other.

Thirdly, please consider **Section 6.d "For the purposes of the Ordinance, a noise not in violation of the parameters specified in Section 5 constitutes a noise disturbance in violation of Section 4 when, in the reasonable discretion of Larimer County Sheriff's officers, public health officials or zoning administrators, the noise constitutes an unreasonable interference with enjoyment of life, quiet, comfort or outdoor recreation of**

**an individual or individuals of ordinary sensitivity or habits [who are] present at the time the noise is made.”**

The author’s experiences with people complaining about bothersome sounds below the maximum levels of Section 5 is the very definition of “Noise Disturbance” in the ordinance and is clearly prohibited. If you accept that, and it is hard not to, the residents that live near the current location have endured “Noise Disturbances” repeatedly for years. Therefore, the larger number of residences in proximity to WOLF II will be forced to endure “Noise Disturbances” often, and for years into the future.

These “Noise Disturbances”, are not subjective when ordinary people living near WOLF in Rist Canyon with ordinary sensitivity have complained for years about the racket made by these dogs. Increasing the number of the ordinary people with ordinary sensitivity being subjected to these “Noise Disturbances” at the new location, does not constitute serious application of sound public policy.

I submit to you that WOLF has violated Section 6.d and therefore Section 4. of the Noise Ordinance every day of their existence. However, those familiar with Section 6-77 of the Animal Code will be aware that being designated a “Pet Animal Facility” under State and Federal statutes provides WOLF, at its current location, complete and total exemption to Larimer County’s Noise Ordinance No. 97-03.

The WOLF II Application seeking Special Use approval by the Board of County Commissioners is asking, among other things, for that same exemption from the “Noise Disturbance” constraints of the County Noise Ordinance. A decision to grant approval would mean the residential neighbors would be effectively told to hand over any legal recourse and forced to suffer these “Noise Disturbances” forever.

It is a pity that the originators of WOLF did not understand the intricacies of siting such a facility. But they are there and they have their approvals and “Pet Animal Facility” status. The current neighbors have suffered terribly. WOLF has a number of objectives in their effort to relocate. I can see that the new location under consideration here, will meet their needs and desires. Conspicuous public access, room to grow, etc.

It appears WOLF II does not include the objective to be completely harmonious and compatible with the neighborhood and community that they wish to enter. Otherwise they would not have purchased prior to obtaining permits, or would have sought a location that offered all they needed without the nearby population density. Whether that is caused by their dreams clouding reality or lack of concern on their part is unknown. It is the Health Department, Planning Department, as well as each and every County Commissioner’s obligation to see to it that the objective of a completely harmonious and compatible project is achieved. Licensing indiscriminate Noise Disturbances is the antithesis of Harmonious and Compatible. Without complete harmony and compatibility this application should be denied.

The objectives of WOLF, while admirable as they may be, ought not be confused with the objectives of the County. This is not an airport, not a waste-treatment Plant, not a new road or vital electric transmission line. This is not an imminent domain public infrastructure project. Existing neighbors are not supposed to be injured in any way. Moving a problem to make a bigger problem is not sound defensible decision making.

This Special Use Application should be denied simply on the grounds of the endless “Noise Disturbance” violations it would create.