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City of Prineville

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT FINAL DECISION

January 24 th , 2014	
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PROJECT NUMBER: MOD-2013-100

APPLICANT: John Snyder

BUSINESS OWNER:

John Snyder 1568 NE Alabama Way Prineville, OR 97754

BUSINESS LOCATION:

Prineville, OR 97754

STAFF:

Joshua Smith Senior Planner

280 NE 13th St.

APPLICABLE CRITERIA: City land use code, Ordinance 1180, section 153.259.030

FINDINGS OF FACT:

- 1. LOCATION OF BUSINESS: 280 NE 13th St.
- 2. **ZONING:** Previous zoning M1 (light industrial), current zoning C2 (general commercial).
- 3. **RELATED:** MISC-2013-100, SPR-95-116 as amended in 1997 (attached).
- 4. **PROPOSAL:** The applicant is requesting the modification of the approved conditional use permit for a dog kennel SPR-95-16 issued in 1995 and amended in 1997. The applicant is specifically requesting modifications to conditions 3 & 4 of the 1997 decision and the elimination of Planning Commission review of initial noise complaints.
- 5. **SITE DESCRIPTION:** The site is shown in the image below. It sits in a valley along the Hudspeth drainage bordered by an old batch plant and County Road Department to the north, commercial property and homes to the south, a few homes far to the east and a single home to the west.

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6. **HEARING SUMMARY:** Staff gave a brief presentation of the purpose of the modification and the proposed changes to the previously amended decision in 1997. The Commission asked a few questions of staff to clarify the purpose of one of the conditions and then asked for the applicant's presentation.

The applicant's attorney (Lisa Klemp) also gave a brief presentation of the purpose of the modification application and generally agreed with staff's recommended conditions. However, Lisa did express some concern with the vagueness of the proposed condition 4 with regard to what constitutes harassment. She felt that harassment should be defined and interference with business practices should be part of that definition. She then asked the Commission for a decision at this meeting before leaving the podium.

There were no comments in support or opposition. The hearing was then closed for Commission deliberations. During deliberations the Commission discussed making clarification changes to conditions 2, 3 and 4. At the end of deliberations condition 3 was changed to clarify that a <u>supervisor</u> shall be on site during walking and exercise times.

Ron Cholin made a motion to approve the modification with the changes as discussed, Tim Harris seconded the motion and the motion passed unanimously.

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Conditions of Approval:

Based on the Findings stated above, and public hearings for application MISC-2013-100 held on August 20, 2013 and September 3, 2013 and this public hearing, application MOD-2013-100 is <u>APPROVED</u>. Application SPR-95-16 as amended in 1997 shall be replaced to read as follows:

- 1. A sight obscuring barrier shall be maintained along the south and southerly sections of the outdoor kennel runs.
- 2. No animal shall be allowed to be "tied out", "staked out" or otherwise be visible outside of the kennels or runs in such a manner as to invite disturbances among the animals being boarded at this facility.
- 3. Exercise or walking times shall be restricted to the hours between 7:00 a.m. and 8:00 p.m. Dogs creating excessive noise shall be placed inside with the kennel door shut. During exercise and walking times the animals shall have a supervisor on site.
- 4. The applicant shall provide updated contact information on their signage to provide neighbors with a clear path of communication to express concerns. This however does not allow neighbors to abuse this communication to the point of harassment. Any complaints concerning the business shall be processed and mitigated for according to City ordinances through the City's code enforcement officer.

Marty Bailey____

____ Date:___

Planning Commission Chair