

## CITY PLANNING COMMISSION HEARING BRIEF

Tuesday, September 3<sup>rd</sup>, 2013 at 6:30 p.m.

Full audio is available on the City Web site [www.Cityofprineville.com](http://www.Cityofprineville.com)

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**Commission Members Present:** Marty Bailey, Bob Orlando, Deb Harper, Ron Cholin, Tim Harris

**Commission Members Not Present:** Kim Kambak

**Staff Present:** Scott Edelman, Josh Smith

**Provided Testimony:** Lisa Kemp, John Snyder, Don Sangston, Andrea Sangston, Bill Krausch, Darlene Harpster, Dian Muffley

**CALL TO ORDER:**

Planning Commission Chair Marty Bailey called the Commission to order.

**PUBLIC HEARING:**

A. Continuation of hearing for MISC-2013-100 to determine if complaints received about an approved dog kennel business (SPR-95-16) are credible and warrant action.

Staff acknowledged the continuation of the previous meeting and the additional written testimony submitted by both sides as well as video documentation from the complainant. The commission chose to watch the video prior to additional testimony. One video was from July 7<sup>th</sup>, 2013 that demonstrated sustained dog barking but no visual evidence it was coming from the kennel. The other video was from September 2<sup>nd</sup>, 2013 that demonstrated no noise.

The complainant was then allowed to speak. Don Sangston spoke several times throughout the meeting, first discussing the video and a belief that the dogs can be controlled better as evidenced by the video taken in September that demonstrated no noise. He later stated that the business has been built up and has more clientele that contributes to the additional noise. When asked what he considers to be a nuisance he stated 15 minutes of sustained barking. When asked what he has done to help alleviate the noise he only stated that he has planted trees. The Commission asked several other questions about the severity of the barking and what times of day it is the most severe. Andrea Sangston also discussed the video and was asked similar questions.

The business owner's attorney was then allowed to speak. Lisa Klemp presented staff with video evidence and read a letter from a neighbor on Loper Ave. that stated they were misled into signing the complaint petition. Lisa questioned that the complainant has not stated any viable alternatives. She reiterated what was stated several times at the previous hearing about neighboring dogs barking as well. She stated that the barking is mostly during normal business hours and that the owner has not changed his operation since the notice was sent. She closed with the understanding that the City has an ordinance that 30 minutes of sustained barking is considered a nuisance. Staff acknowledged that this was their understanding as well but could not cite the ordinance.

The hearing was then opened up for public comment. Three people spoke in favor of the dog kennel. The first described how we all live with animals and that this should not be any different. The second described the excessive noises from other businesses in the area as well as neighboring dogs and that the business owners were doing everything they could to mitigate noise. The third was a relative that acknowledged that there will be noise from a kennel and that the owner has not changed his operation since the notice of this hearing as the complainant has presumed.

The Business owner then chose to speak. John Snyder spoke about how his business operates and the steps he takes to be considerate to his neighbors. The video presented earlier was then played to demonstrate the noise from neighboring dogs and other sources in the area. It also demonstrated how difficult it would be to hear the dogs from Mariposa Ave.

The Planning Commission Chair closed the public hearing for deliberations. During deliberations the Commission mentioned that there is a nuisance but that it is not extensive and that conditions 3 & 4 of the 1997 decision are not reasonable and need to change. The Commission felt 30 minutes of barking would be excessive but that the owner was doing the best he could to limit noise and it appears they have the ability to control the dogs when it becomes excessive. It was also mentioned that they don't want to hinder the business while also acknowledging that there may be excessive barking from time to time. Deb Harper made a motion that there is no substantive nuisance and that the applicant is to stay under the 1997 decision unless a

modification is applied for. During discussion of the motion a 30 day time period to apply for a modification was added to the motion. The motion was seconded by Bob Orlando and the motion passed unanimously.

**B. Continuation of hearing to recommend the Transportation Systems plan (TSP) to City Council.**

Staff presented a list of changes due to comments received from the previous meeting. The Commission did not have any issues with the changes as described but stated they were not willing to vote for a recommendation until they can review the final document. Ron Cholin made a motion to continue the hearing in order to review the final document, Deb Harper seconded the motion and the motion passed unanimously.

**CONSENT AGENDA ITEMS:**

A. None

**NEW BUSINESS ITEMS:**

A. None

**PLANNING COMMISSION MATTERS:**

A. Discussion of the impact and restrictions of micro homes.

Staff gave a presentation describing how the City currently regulates small manufactured homes versus large manufactured homes and how that compares to stick built homes. Several examples of micro homes were presented and the Commission had a brief question and answer period. No decisions or recommendations were made, the discussion was for information purposes only.

**DIRECTORS REPORT:**

A. The Planning Director spoke about upcoming meetings, scheduling of freight depot tours and the turn out at the hospital open house.

**Meeting Adjourned:**

Next meeting will be held on October 1<sup>st</sup> at 6:30 p.m.