

## CITY PLANNING COMMISSION HEARING BRIEF

Tuesday, August 20<sup>th</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, Kim Kambak

**Commission Members Not Present:** None

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

**Provided Testimony:** Lisa Kemp, John Snyder, Bill Krausch, John Pierson, Jeff Talbert, Denise Smith, Chet Peterson, David Sumner, Kirsten Caraway, Dave, Freitag, David Hensley, David Kaneaster, Gary Clader, Ron Harrah, Rita Willard

### **CALL TO ORDER:**

Planning Commission Chair Marty Bailey called the Commission to order.

### **PUBLIC HEARING:**

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

Staff gave a brief presentation of the issue. The presentation began stating that the purpose of the hearing is to determine whether there is a credible nuisance complaint to warrant review of the conditional use. The presentation went through the history of the application from 1995 to present, the reasoning it is before the Commission today, who was noticed and potential issues with the 1997 decision.

The complainant was then allowed to speak. Don Sangston explained that at times the dogs from the kennel disturb him from 8:00 a.m. to 6:00 or 7:00 at night and that he doesn't know if anyone is there between those hours. He stated that he can hear the dogs barking whether they are inside or out. He feels that something needs to be done so he can enjoy his back yard. He has called the owner multiple times as well as the police department and then the Planning Department.

The business owner's attorney was then allowed to speak. Lisa Klemp spoke about the legalities of the application, explaining that she does not believe the complaint gives rise to the level of a nuisance. Part of the reason is that the kennel was originally approved in an industrial zone which was then changed to a commercial zone. As an industrial zone, a certain level of noise is implied. She commented on the complexity of determining what a valid complaint is without a definition and that there is only one complainant and no evidence has been presented, such as audio or video of the nuisance. She commented about the responsibilities of home owners to do their due diligence prior to purchasing next to a kennel. She noted that she has 73 signatures in support of the business and several letters of support. She would like the record held open to submit those signatures and letters and feels strongly that any change to this approval should be done through a modification process with a new application.

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. He believes the claims in the complainant's letter are unfounded and that much of the noise is coming from other neighborhood dogs.

The hearing was then opened up for public comment. Thirteen people spoke in favor of the kennel. Some were neighbors, others were customers and some were both. Most praised the owners of the kennel and consistently repeated that it is not the dogs in the kennel causing the nuisance but privately owned dogs in the surrounding area.

Lisa Klemp made her closing statement and Don Sangston was provided a rebuttal. Mr. Sangston explained that it was not his intention to shut down the kennel but to find a way to keep the dogs quiet. His only suggestion was to convert to an all indoor kennel or he would have to start calling again every time the noise persisted.

The Planning Commission made a motion to leave the record open and continue the hearing to their September 3<sup>rd</sup> meeting. Kim Kambak made the motion, Ron Cholin seconded and the motion passed unanimously.

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**B. TSP hearing for recommendation to City Council.**

Staff and the City's consultants gave a presentation of the draft transportation plan including process and conclusions. There was no public comment. The Commission had a brief discussion about different aspects of the plan. The Commission decided to continue the meeting to provide further comment. Ron Cholin made the motion, Deb Harper seconded and the motion passed unanimously.

**C. AM-2013-102 UGB expansion.**

This hearing was a continuation from the August 6<sup>th</sup> joint City/County meeting. The reason for the continuation was to allow the County time for their required second hearing. Staff explained that the County held their second hearing on the 14<sup>th</sup> of August and recommended approval of the expansion to the County Court unchanged. There was no additional public comment and no discussion by the Planning Commission. Kim Kambak made the motion to recommend approval of the expansion to City Council. Ron Cholin seconded the motion and the motion passed unanimously.

**CONSENT AGENDA ITEMS:**

**A. Colleen Subdivision.**

The Colleen subdivision was approved at the August 6<sup>th</sup> meeting with two additional conditions. The first was to add a reference to the recorded OID easement and the second was to resolve the access issue on lot 14. Both items were resolved by adding conditions 8 and 20 and the Commission consented to the final decision as written.

**NEW BUSINESS ITEMS:**

A. None

**PLANNING COMMISSION MATTERS:**

A. New Commissioner recommendation

**DIRECTORS REPORT:**

A. The Planning Director spoke about the upcoming meetings

**Meeting Adjourned:**

Next meeting will be held on September 3<sup>rd</sup> at 6:30 p.m.