



Staff Report to the Ogden Valley Planning Commission

Synopsis

Application Information

Application Request: Consideration and action on a Conditional Use Permit (CUP) 2014-16 for a dog kennel in the Agricultural (AV-3) Zone.
Agenda Date: Tuesday, August 26, 2014
Applicant: Stacey Bowmen
File Number: CUP 2014-16

Property Information

Approximate Address: 5784 East 2300 North
Project Area: 3 acres
Zoning: Agricultural (AV-3) Zone
Existing Land Use: Agricultural/Residential
Proposed Land Use: Residential dwelling with a dog kennel
Parcel ID: 22-309-0003
Township, Range, Section: T7N, R1E, Section 35

Adjacent Land Use

North:	Agricultural	South:	Agricultural
East:	Agricultural	West:	Agricultural

Staff Information

Report Presenter: Jim Gentry
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801-399-8767
Report Reviewer: SW

Applicable Ordinances

- Weber County Land Use Code Title 104 Zones Chapter 6 Agricultural (AV-3)
- Weber County Land Use Code Title 108 Standards Chapter 4 (Conditional Uses)
- Weber County Land Use Code Title 108 Standards Chapter 7 (Supplementary and Qualifying Regulations)
- Weber County Land Use Code Title 110 Signs Chapter 2 (Ogden Valley Signs)

Type of Decision

Administrative Decisions: When the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has much less discretion. Examples of administrative applications are design reviews, flag lots, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria.

Background

The applicant is requesting approval of a Conditional Use Permit for a Pet Vacation Station (dog kennel) on a 3 acre lot in the AV-3 Zone. The Agricultural AV-3 zone allows dog breeding, dog kennels, or dog training schools on a minimum of three acres as a conditional use, with the following requirements:

- The number of dogs cannot exceed 10 dogs of more than 10 weeks old, per acre, at any time.
- Buildings or enclosures for animals shall be located not less than 100 feet from a public street and not less than 50 feet from any rear or side property line.

The kennel site is located on a 3-acre subdivision lot in Country Gardens Subdivision Phase 1. The lot has 244 feet of frontage with the proposed structure being at least 100 feet from 2300 North. The building, common area, and

outdoor kennel will be located in the middle of the property. The lot also has an existing house with an outbuilding. The kennel will be located more than 40 feet from the house. The proposal is to have between 2 and 20 dogs. The applicant is proposing a 30 foot by 50 foot air conditioned building for the dogs. There will be dog runs to the east of the building with pea gravel. A fenced common area that will be grassed will be to the north of the building. The applicant is proposing to plant trees in this area. The applicant is also proposing an asphalt drive from 2300 North to the building, and will have two parking stalls. The applicant is considering placing signs at the entrance of the asphalt drive to identify the entrance points to the dog day care. No business signs are being proposed at this time. Any signs will have to meet Title 110 Signs Chapter 2 (Ogden Valley Signs), and be approved by Planning Staff. The hours of operation will be 8:00 AM to 6:00 PM daily.

Summary of Planning Commission Considerations

- Does the proposed use meet the requirements of applicable County Ordinances?
- Are there any potentially detrimental effects that can be mitigated by imposing conditions of approval, and if so, what are the appropriate conditions?

In order for a conditional use permit to be approved it must meet the requirements listed under “Criteria for Issuance of Conditional Use Permit.” The Planning Commission needs to determine if the proposed use meets these requirements.

Sec. 108-4-4 Criteria for issuance of conditional use permit:

Conditional uses shall be approved on a case-by-case basis. The Planning Commission shall not authorize a conditional use permit unless evidence is presented to establish:

1. Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke, or noise.
2. That the proposed use will comply with the regulations and conditions specified in the Land Use Code and other applicable agency standards for such use.

After reviewing this conditional use request staff has determined that the criteria listed above have been met in the following ways:

1. The potential detrimental effects of this kennel relating to noise, smell, and loose dogs have been reasonably mitigated. Noise is mitigated by the size of the lot, location of the building, the hours of operation, and the commitment to house excessively noisy dogs inside a building. The potential for foul smells is mitigated by removal of animal waste by double bagging with normal trash removal and the urine will be sprayed daily. Loose dogs have been mitigated by having a secure outdoor kennel, play area, and a building to secure the dogs.

2. The Ogden Valley Architectural, Landscape, and Screening Design Standards, Parking and Loading Space Vehicle Traffic and Access Regulations, and Ogden Valley Lighting code do not apply because under section 108-2-3 Applicability “single-family residential use and its approved accessory shall be exempt”. The Agricultural AV-3 states “dog kennels are allowed as an accessory use to a single family dwelling”, therefore the only applicable standards in the Land Use Code that apply to this case are: setback for animals, which is 100 feet from a public street; 50 feet from the side or rear property lines; number of dogs (cannot exceed 10 dogs of more than 10 weeks old, per acre, at any time); and the area requirement of 3-acres. The applicant meets or exceeds these standards.

However, the applicant is proposing to do additional improvements as follows:

- No signs have been proposed except two entrance signs to identify the entrance location.
- The applicant is willing to providing an asphalt drive with two parking stalls at the building.
- The applicant is willing to construct a metal building with sound proofing insulation that will be air conditioned for the comfort of the dogs. The metal building will be painted the same color as the house.
- A grassed area of 420 square feet with 2 quaking aspens and an evergreen tree will be provided for the dogs.

Conformance to the General Plan

The proposed use complies with applicable County Ordinances and the Ogden Valley General Plan.

Conditions of Approval

- Requirements of the Weber County Engineering Division
- Requirements of the Weber-Morgan Health Department
- Requirements of the Weber County Building Inspection Division
- Requirements of the Weber Fire District
- Requirements of Weber County Animal Services

Staff Recommendation

Staff recommends approval of CUP 2014-16 for a dog kennel in the AV-3 Zone, subject to staff and review agency requirements. This recommendation is based on the proposed kennel complying with applicable Land Use Code standards as listed in this staff report.

The decision of the Planning Commission may be appealed to the County Commission by filing such appeal within 15 days after the written decision of the Planning Commission.

Exhibits

- A. Location Map
- B. Site plan
- C. Applicant's narrative
- D. Additional information