

Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on Conditional Use Permit 2013-24 for a dog kennel in the A-1

Zone

Agenda Date: Tuesday, November 12, 2013
Applicant: Jeffrey & Monica Bailey

File Number: CUP 2013-24

Property Information

Approximate Address: 4440 West 1150 South

Project Area: 5.3 acres

Zoning: Agricultural Zone-1 (A-1)

Existing Land Use: Residential

Proposed Land Use: Residential dwelling with a dog kennel

Parcel ID: 15-055-0065

Township, Range, Section: T6N, R2W, Section 20

Adjacent Land Use

North:AgricultureSouth:AgricultureEast:Agriculture/ResidentialWest:Agriculture

Staff Information

Report Presenter: Iris Hennon

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801-399-8762

Report Reviewer: SW

Applicable Ordinances

- Weber County Land Use Code Title 104 (Zones) Chapter 5 (A-1 Zone)
- Weber County Land Use Code Title 108 (Standards) Chapter 1 (Design Review)
- 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 108 (Standards) Chapter 8 (Parking and Loading Space)

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 applicants are requesting approval of a Conditional Use Permit to allow a personal dog kennel on a 5.3 acre lot in the A-1 Zone. The A-1 Zone allows dog breeding, dog kennels, or dog training schools on a minimum of two 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 is not intended for commercial purposes, though it can be used commercially in the future. The kennel will be located in the existing dwelling, which meets the setbacks standards, and the applicants are asking for a maximum of 10 dogs. Most of the dogs will be their own, but occasionally dogs may be brought in temporarily from their veterinary clinic. The property is completely fenced and the nearest dwelling is approximately 450 feet to the east. Mature landscaping is

already in place and there is no additional signage or lighting. A large asphalt parking area is also available to meet parking requirements if there is visiting clientele in the future. The kennel was first proposed to be located in a barn on the property, but it did not meet the 50 foot rear yard setback. Therefore, the kennel is located in the dwelling as mentioned previously.

County review agencies have responded with the following comments:

- Weber County Animal Services: A kennel license is required.
- Weber-Morgan Health Department: The kennel is approved with restrictions due to this kennel being on a septic system. If a new septic system is needed for a washout area it should be separate from the house and should meet all septic requirements.
- Weber County Engineering Division: No concerns with this project.
- Weber Fire District: No concerns with this project.

Summary of Planning Commission Considerations

- Does the proposed use meet the requirements of applicable County Codes?
- 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. The applicant has provided a response to the criteria below which is attached as Exhibit B.

Title 108 Chapter 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 Zoning 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 relate primarily to noise and smell. Noise is mitigated by the size of the lot (5.3 acres), the number of potential dogs (10), and the kennel being located inside the dwelling. The potential for foul smells is mitigated by the waste management plan to clean daily and to double bag and remove waste on a regular basis.
- 2. This application complies with the regulations and conditions specified in the Zoning Ordinance and other applicable agency standards in the following ways:
- The proposed site (5.3 acres) is larger than the required two acres.
- The proposed number of dogs meets the requirements of the A-1 Zone.
- The kennel location meets the required setbacks of the A-1 Zone.
- Landscaping, signage, and parking standards have been met.
- A plan for removal of animal waste has been submitted to the Health Department.

Conformance to the General Plan

The proposed use complies with applicable County codes and the West Central Weber County 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 2013-24 for a dog kennel in the A-1 Zone, subject to staff and review agency requirements. This recommendation is based on the proposed kennel being in compliance with applicable County Codes as listed previously in this staff report.

Exhibits

- A. Site plan
- B. Applicant's narrative

Map 1

