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## Oakley City Planning Commission

### STAFF REPORT

**To:** Oakley City Planning Commission

**Report Date:** June 11, 2019

**Meeting Date:** June 13, 2019

**Author:** Amy Rydalch, City Planner

**Title:** Conditional Use Permit

**Type of Item:** Administrative – affirm/clarify or revoke conditional use permit

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#### EXECUTIVE SUMMARY:

Badlands Ranch LLC, Nancy Heigl, was granted a conditional use permit by the planning commission on February 27, 2017 for a kennel license. The purpose of the permit is for a commercial kennel, an allowable use for the zoning A-40. The kennel houses rescued shelter dogs and prepares them for adoption. This is a private non-profit adoption facility. There is no commercial/retail type use, such as boarding or daycare.

#### A. Project Description

- **Project Name:** Kennel License Conditional Use Permit
- **Applicant(s):** Badlands Ranch LLC, Nancy Heigl
- **Owner(s):** Nancy Heigl
- **Location:** 575 East Boulderville Road
- **Parcel Number(s):** OTBV-262 and OTBV-262-AB
- **Size:** 10 acres per parcel
- **Zone District:** A-40
- **Adjacent Land Uses:** Residential/Agricultural
- **Adjacent Land Zoning:** A-5 and RR-@ Residential

#### B. Background

Applicant was granted a conditional use permit on February 27, 2017. From the staff report dated February 23, 2017 and the minutes from the planning commission meeting February 27, 2017 it appears that the conditions set forth for the permit were the following:

- Existing barn and structures are to be used- no new construction

- Commercial/retail use (boarding/daycare) is prohibited
- Approved for approximately 10 animals with the intention of coming back to the planning commission to seek approval for additional animals if needed.

There is some ambiguity as to the actual conditions set forth as there is no formal record of a letter/permit issued to the applicant stating the conditions of approval. The applicant applied for a building permit with Oakley City on September 5, 2017 and received a building permit for a dog kennel on September 11, 2017. The city did not indicate at that this was in violation of the conditional use permit as there is no record on file. This dog kennel has been constructed and is in use. It currently houses 10 dogs and the applicant is in compliance with all other conditions.

C. **Ordinances and Statues that Apply:**

Oakley Land Management & Development Code – Chapters: 7-16,7-17, 7-18, and 10-7C.

D. **Staff Findings:**

- There has been construction of an accessory building(kennel) since the approval of the conditional use permit. A copy of the building permit for this additional accessory building is on file in the Oakley City offices.
- A kennel license is an acceptable use under the existing city code for this property and associated zone.
- A surprise inspection was conducted by Summit County Animal Control on April 22, 2019. No violations of county ordinances were noted. Ten dogs were on the premise at the time of inspection.
- A second inspection was conducted by Oakley city planner on May 30, 2019. Ten dogs were on the premises. The kennel in which the dogs were housed was exceptionally clean and all dogs were wearing bark collars.

E. **Staff Recommendation:**

Positive – Staff recommends clarifying the conditions of the permit as there is no record on file of the applicant being notified of said conditions from February 27, 2017. And allowing the applicant to utilize the newer kennel facility as it is very similar if not an improvement from the older facility with minimal if any impact to neighboring properties.

Initial facility:

- Building is approximately one mile from the public road
- Indoor kennel, heated/drains/washing facilities for dishes and fabrics
- Two large training/play areas with physical fencing and invisible electric fencing
- Dogs are crated at night and when not out for exercise
- Secure indoor arena for training/exercise

Newer facility:

- Building is setback an additional 100 feet from existing facility
- Indoor kennel, heated/drains/washing facilities/vet room
- 14 Dog runs with indoor and outdoor kennel space (6'x4' outdoor)
- Dogs are not crated
- Two outdoor training/play areas that are comparable in size to the existing areas.
- Soundproofing is currently being installed