



Planning & Zoning Department
Before The Planning & Zoning Commission
July 12, 2016

Staff Report – Public Hearing #4

Applicant: Kimberly Callaghan
File No: CUP 038-16

Prepared By: Norman L. Holm
Date: July 5, 2016

Requested Action: Conditional Use Permit
Purpose: To Permanently Keep 3 Dogs and Occasionally Keep 4 Dogs for a total of 7 Dogs

GENERAL INFORMATION

Status of Applicant: Renter

Existing Zoning: RS 6 (Single Family Residential – 6,000 sq. ft.)

Zoning & Planning History: The applicant indicates that she currently owns two small dogs and her resident daughter (Kaitlyn Callaghan) owns 1 small dog. All three are permanently at this property. She indicates that on occasion she keeps her mother's 2 dogs (Carol Hartwell, property owner) while she is on vacation or in Washington State for medical appointments. She also indicates that on occasion she keeps her son's (Alexander Hartwell) 2 dogs when he is traveling for work, attending school, or on vacation. She indicates that when keeping her mother's and son's dogs the duration of the stay is usually for more than one week.

Location: 1115 S Elder Street

Size of Parcel: .42 acres or 18,328 sq ft

Surrounding Land Use and Zoning:
North- Single family residential, RD
South- Single family residential, RD
East- Single family residential, RD
West- Single family residential, RD

Comprehensive Plan Designation: Medium Density Residential.

Applicable Regulations: Chapter 25 provides Conditional Use Permit regulations and criteria. Animal regulations are found in Table 10-3-2 in the zoning ordinance as well as in Chapter 21. These criteria essentially require that the proposed keeping of more than 2 dogs be compatible with and not adversely affect the livability or appropriate development of the surrounding neighborhood.

Description of Existing Land Uses: The neighborhood surrounding the lot is question is single family residential in use.

Description of Proposed Conditional Use: Permanently keep 3 dogs and occasionally keep 4 dogs for a total of 7 dogs. According to the applicant all of the dogs are licensed, sterilized, have current rabies vaccinations. None of the dogs are used for breeding purposes, and none of the dogs have ever been impounded.

Application History & Citizen Input: Code Enforcement has not indicated any active violations concerning the dogs on the property or other recent visible code violations.

SPECIAL INFORMATION

Public Utilities: All available in the adjoining streets.

Public Services: All available.

Physical Site Characteristics: Existing single-family residential lot.

Environmental: the property is not situated in a 100-year flood area.

Aesthetics/Landscaping: The yard area is landscaped compatible with other lots in the area. The backyard is completely fenced with 5' high wood fencing.

STAFF FINDINGS & DISCUSSION

The applicant is requesting approval to permanently keep 3 dogs and occasionally keep 4 dogs for a total of 7 dogs via the requested conditional use permit.

City code now allows for consideration of more than two dogs to be given for those persons who seek approval. Staff would suggest that in considering this request that the applicant and any neighbors that attend the hearing be asked about the following:

1. Any past problems respecting limiting accumulation of solid waste on the premises (Title 3-4-7)
2. Any past problems with barking, chasing vehicles, bothering pedestrians, or trespassing onto private property.

City code requires the following Conclusions of Law for the conditional use permits:

1. That the location, size, design and operating characteristics of the proposed keeping more than two dogs will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage and density, to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the development.
2. That the location, design and site planning of the proposed keeping of more than two dogs will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrants.
3. That the proposed keeping of more than 2 dogs will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region.

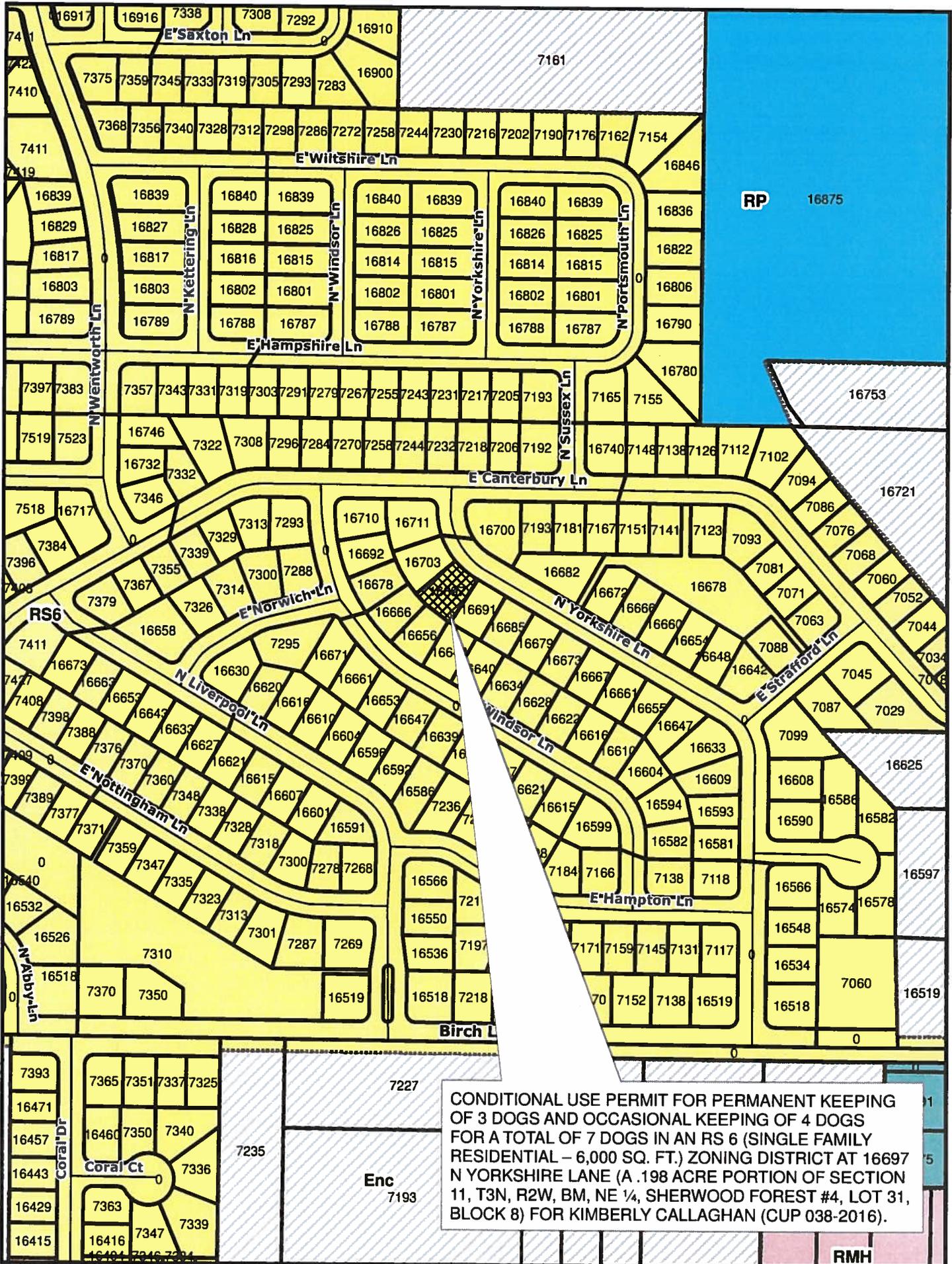
SUGGESTED CONDITIONS OF APPROVAL

If the Commission votes to grant a conditional use permit the following conditions are recommended to be attached:

1. That the applicant maintains their yard free from the accumulation of dog feces.
2. That the applicant prevents the dogs from excessively barking so as to constitute a nuisance to the neighbors.
3. That three or more citations issued against the applicant by Animal Control officers be considered sufficient grounds to revoke the Conditional Use Permit and that such will be considered null and void upon receipt of the third citation.
4. That the animals be restricted so as to not run at large off the property. This shall include completion and maintenance of adequate fencing at a condition and height to keep the dogs from getting away when let outside.
5. Any other conditions determined necessary by the Planning Commission following the public hearing.

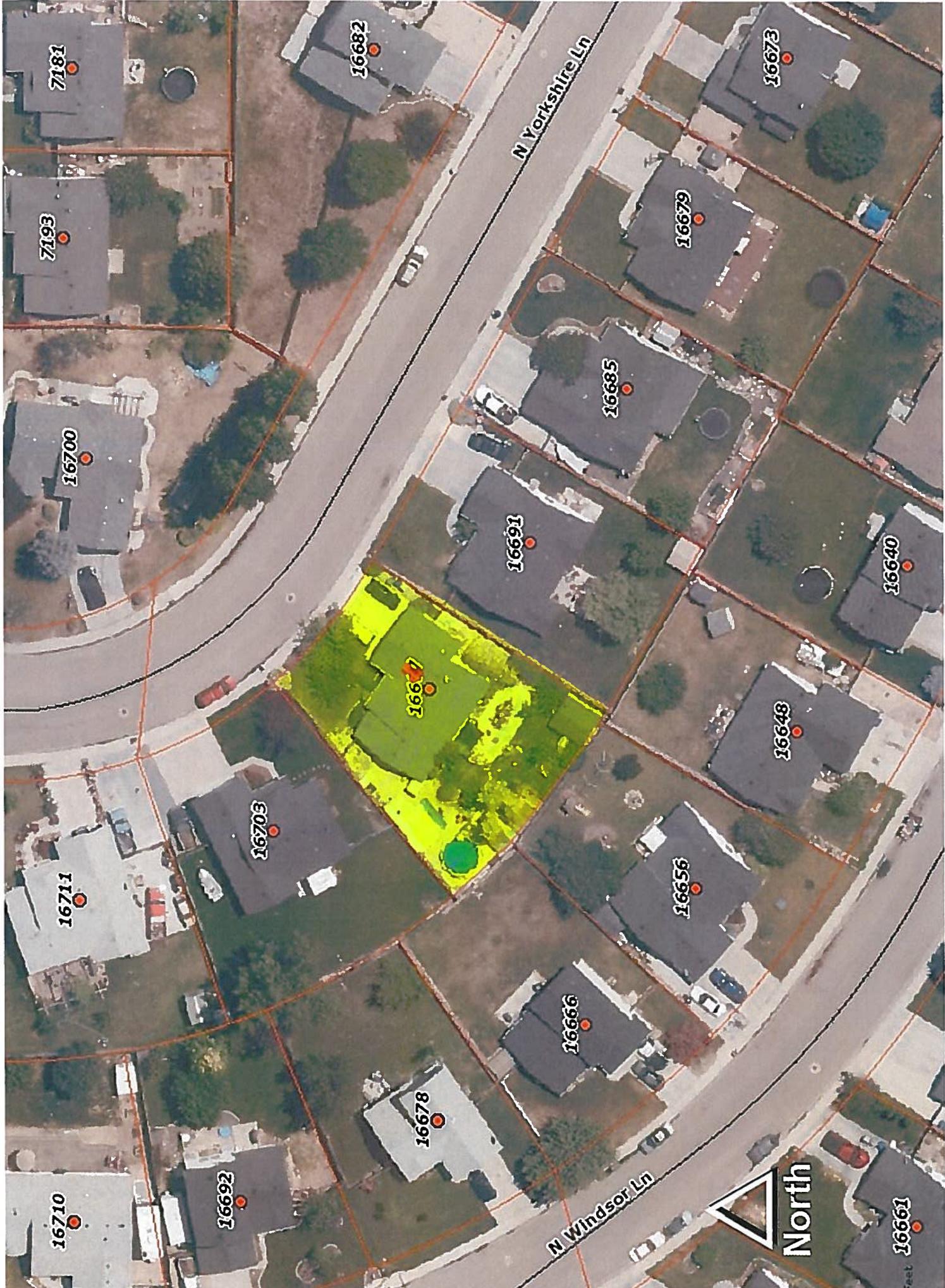
ATTACHMENTS

- Zoning and location map
- Aerial photograph of location
- Front view of property
- Application and letter
- Dog licenses and shot records
- Department other correspondence



CONDITIONAL USE PERMIT FOR PERMANENT KEEPING OF 3 DOGS AND OCCASIONAL KEEPING OF 4 DOGS FOR A TOTAL OF 7 DOGS IN AN RS 6 (SINGLE FAMILY RESIDENTIAL – 6,000 SQ. FT.) ZONING DISTRICT AT 16697 N YORKSHIRE LANE (A .198 ACRE PORTION OF SECTION 11, T3N, R2W, BM, NE ¼, SHERWOOD FOREST #4, LOT 31, BLOCK 8) FOR KIMBERLY CALLAGHAN (CUP 038-2016).

RMH



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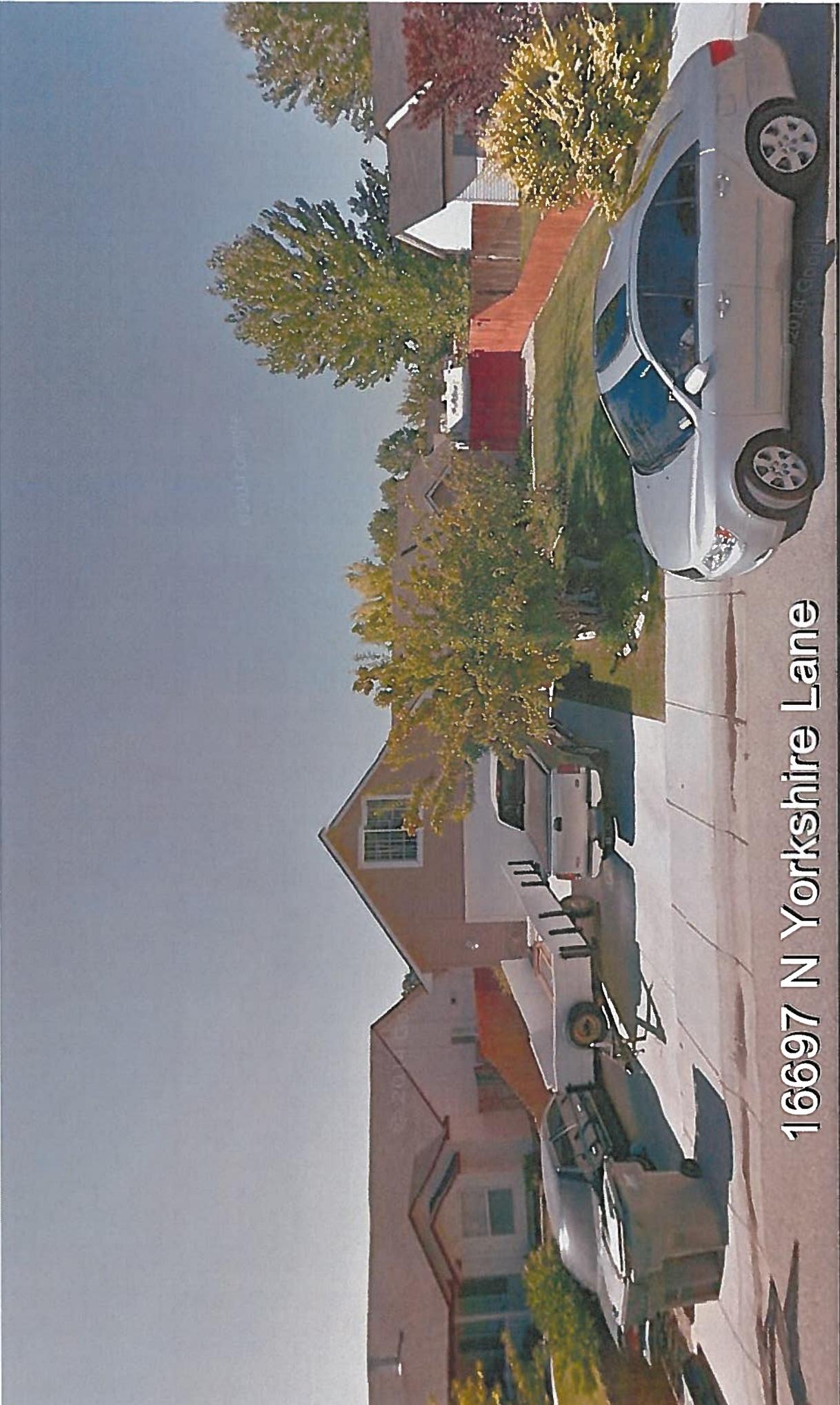
16640

16661



North

Feet



166697 N Yorkshire Lane



Application for Conditional Use Permit

City of Nampa, Idaho

1/2 PZ
NORM

This application must be filled out in detail and submitted to the office of the Planning Director for the City of Nampa, Idaho, accompanied by the appropriate fee of \$234.00 (1 acre or less) or \$463.00 (more than 1 acre).

Name of Applicant/Representative: KIMBERLY CALLAGHAN Phone: 208-899-7957
Address: 116697 N. YORKSHIRE LANE City: NAMPA State: ID Zip Code: 83687
Applicant's interest in property: (circle one) Own (Rent) Other LEASE TO OWN/DAUGHTER
Owner Name: CARDL HARTWELL Phone: 206-799-5025
Address: 116384 N FRANKLIN Blvd City: NAMPA State: ID Zip Code: 83684
APT D-8
Address of subject property: 116697 N YORKSHIRE LANE NAMPA ID 83687

Is a copy of one of the following attached? (circle one) Warranty Deed Proof Of Option Earnest Money Agreement.

Subject Property Information
(Please provide the following REQUIRED DOCUMENTATION to complete the CUP):

- Original Legal description of property AND a legible WORD formatted document. (Must have for final recording)
Old or illegible title documents will need to be retyped in a WORD formatted document
- OR, Subdivision 11-3N-2W NE SHERWOOD FOREST Lot 31 Block 08 Book _____ Page _____
#44
- A sketch drawing of the site and any adjacent property affected, showing all existing and proposed locations of streets, easements, property lines, uses, structures, driveways, pedestrian walks, off-street parking and off-street loading facilities and landscaped areas, preliminary or final building plans and building elevations, together with any other information considered pertinent to the determination of this matter.

Project Description

State (or attach a letter stating) the reason for the proposed Conditional Use Permit: Kennel license
Letter attached
Conditional use permit for 3 dogs residing on
property & possible 4 more visiting for care while family
Length of time requested for the Conditional Use Permit: _____ Months and/or 2 Years. members are gone.

Date conditional use is expected to begin after permit is granted: _____/_____/_____
Please note: Conditional use permits expire if not used within six (6) months after granting.

Dated this 20th day of June, 2016

Kimberly Callaghan
Signature of applicant

Notice to Applicant

This application will be referred to the Nampa Planning Commission for its consideration. The Planning Commission shall hold a public hearing on the application and it shall be granted or denied. Notice of public hearing must be published in the Idaho Press-Tribune 15 days prior to said hearing. Notice shall also be posted on the premises not less than 1 week prior to the hearing. Hearing notices will also be mailed to property owners or purchasers of record within 300 feet of the subject property. You will be given notice of the public hearing and should be present to answer any questions.

If a Conditional Use Permit is granted by the Planning Commission it shall not become effective until after an elapsed period of 15 days from the date of Planning Commission action. During this time any interested person may appeal the action to the City Council. You will be notified of any pending appeals.

If the conditional use permit is denied by the Planning Commission, you may appeal the decision to the City Council within 15 days from the date such action is taken by the Planning Commission. At the time the Conditional use permit becomes effective you will be sent a document which constitutes an official "Conditional Use Permit". This document will enumerate the conditions attached to the issuance of the permit and state the consequences of failure to comply.

Acceptance by the City of this application does not exempt an applicant's need to comply with all other civil, local, state or federal agency laws, covenants or standards that may appertain to the proposed Conditional Use, including, where applicable, Home Owners' Association Board approval and compliance with private Covenants, Conditions and Restrictions.

For Office Use Only:

File Number: CUP 032 -2016 Project Name: to allow 3 dogs + watch 4 additional

City of Nampa Planning Commission

411 3rd St S.
Nampa, ID 83651

19th June 2016

Members of Planning and Zoning Nampa Idaho ,

I am submitting this request for a Conditional Use Permit in order to obtain a kennel licence. I currently own two small dogs and my daughter (Kaitlyn Callaghan) who also resides here owns 1 small dog . All three of them are permanently at this property. We are only allowed 2 dogs unless we obtain a kennel licence. On occasion I keep my mothers 2 dogs (Carol Hartwell, property owner) while she is on vacation or in Washington state for medical appointments. Also on occasion keep my sons(Alexander Hartwell) 2 dogs when he is traveling for work, attending school, or on vacation. When I am keeping my mother's dogs and my sons dogs, the duration of the stay is usually for more than one week. All of the dogs that are here are licensed, sterilized, have current rabies vaccinations, and see a Veterinarian one or more times per year. None of the dogs are or will be used for breeding purposes. None of the dogs have ever been impounded. Their veterinarian is All Valley Animal Clinic/Hospital in Meridian Idaho. We have lived in this home since December of 2001. The yard is very secure and fully fenced. I received a ticket from Animal control one time because 2 of them had gotten out and they were not licensed. I reported at the time that we did have 5 small dogs at our home, two of which were my mothers.. That is what prompted the request for a kennel license. It was the day that my husband was leaving with the military for his year deployment overseas. He did not close the side gate tight enough when he was loading his gear and the smallest dogs escaped. They were not impounded and I went and had them licensed. A few months back there was a complaint because of dogs barking. I immediately purchased bark collars to keep them from barking excessively. I am a stay at home mom and typically I am here with the dogs most of the day and all of the night. When I do leave there is usually someone else at home or the dogs are indoors for a little while I am gone. Prior to and since the one event the dogs have not gotten out when we have not been home and I am very attentive to all of them. Attached are the licenses and shot records for all 5 dogs.

Thank you very much for your time and consideration on this matter,

Kimberly Callaghan

208-899-7957

16697 N Yorkshire Ln. Nampa Idaho 83687

License Contract - Jun 17 2016

Tel.: 208-455-5920



Kaitlyn Callaghan
16697 N Yorkshire Lane
Nampa, Idaho 83687 USA

West Valley Humane Society
5801 Graye Lane
Caldwell, Idaho 83607 USA
director@canyoncountyshester.org
www.westvalleyhumanesociety.org

Person ID: P25064069
Tel:208-899-7957 Ext.

Animal Information

Animal ID: A31929040	Name: Cosmo	Types: Dog	Gender: Male
ARN:	DOB: 6/17/2015	Breeds: Terrier, Yorkshire/Pomeranian	Altered: No
Chip #:	Current Age: 1 y 0 m 0 d	Colors: Black/White	Size: Medium
Type:	Age Group: Young Adult	Pattern:	Weight:

License Number	License Type	Issuer	Price	Late Fee	Issue Date	Length	Expire Date
9156	1YR LICENSE UNSTERILIZED- NAMPA	City of Nampa	\$12.00		06/17/2016	1 year(s)	06/17/2017



License Contract - Jun 17 2016

Tel.: 208-455-5920



Kaitlyn Callaghan
16697 N Yorkshire Lane
Nampa, Idaho 83687 USA

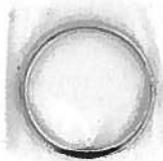
West Valley Humane Society
5801 Graye Lane
Caldwell, Idaho 83607 USA
director@canyoncountyshester.org
www.westvalleyhumanesociety.org

Person ID: P25064069
Tel:208-899-7957 Ext.

Animal Information

Animal ID: A31929197	Name: Thor	Types: Dog	Gender: Male
ARN:	DOB: 6/17/2012	Breeds: Pomeranian/Mix	Altered: No
Chip #:	Current Age: 4 y 0 m 0 d	Colors: White	Size: Small
Type:	Age Group: Young Adult	Pattern:	Weight:

License Number	License Type	Issuer	Price	Late Fee	Issue Date	Length	Expire Date
9184	1YR LICENSE UNSTERILIZED- NAMPA	City of Nampa	\$12.00		06/17/2016	1 year(s)	06/17/2017



License Contract - Jun 14 2016

Tel.: 208-455-5920



Carol Hartwell
16384 N Franklin Boulevard
Nampa, Idaho 83687 USA

West Valley Humane Society
5801 Graye Lane
Caldwell, Idaho 83607 USA
director@canyoncountyshelter.org
www.westvalleyhumanesociety.org

Person ID: P25043723
Tel:206-799-5025 Ext.

Animal Information

Animal ID: A31899795	Name: Saturn	Types: Dog	Gender: Female
ARN:	DOB: 6/14/2014	Breeds: Terrier, Yorkshire	Altered: Yes
Chip #:	Current Age: 2 y 0 m 3 d	Colors: Tan/White	Size: Small
Type:	Age Group: Adult	Pattern: Bicolor	Weight:

License Number	License Type	Issuer	Price	Late Fee	Issue Date	Length	Expire Date
8983	1YR LICENSE STERILIZED - NAMPA	City of Nampa	\$12.00		06/14/2016	1 year(s)	06/14/2017

Rabies Vaccination	Vaccination Date	Revaccination Date	Provider
Rabies 1yr	06/14/2016	06/14/2017	Lee Hammerquist DVM
Lot #	Lot Expiration Date	Manufacturer	Product
s10417a	12/27/2016	Merck Animal Health	Nobivac 1-Rabies

License Contract - Jun 14 2016

Tel.: 208-455-5920



Carol Hartwell
16384 N Franklin Boulevard
Nampa, Idaho 83687 USA

West Valley Humane Society
5801 Graye Lane
Caldwell, Idaho 83607 USA
director@canyoncountyshelter.org
www.westvalleyhumanesociety.org

Person ID: P25043723
Tel:206-799-5025 Ext.

Animal Information

Animal ID: A31899834	Name: Gizmo	Types: Dog	Gender: Male
ARN:	DOB: 6/14/2012	Breeds: Pomeranian	Altered: Yes
Chip #:	Current Age: 4 y 0 m 3 d	Colors: White/Tan	Size: Small
Type:	Age Group: Young Adult	Pattern: Solid	Weight:

License Number	License Type	Issuer	Price	Late Fee	Issue Date	Length	Expire Date
8979	1YR LICENSE STERILIZED - NAMPA	City of Nampa	\$12.00		06/14/2016	1 year(s)	06/14/2017

Rabies Vaccination	Vaccination Date	Revaccination Date	Provider
Rabies 1yr	06/14/2016	06/14/2017	Lee Hammerquist DVM
Lot #	Lot Expiration Date	Manufacturer	Product
s107417a	12/27/2016	Merck Animal Health	Nobivac 1-Rabies

Shellie Lopez

From: Neil Jones
Sent: Monday, June 27, 2016 8:12 AM
To: Shellie Lopez
Cc: Bret Caulder
Subject: RE: Conditional Use Permit for Permanent Keeping of 3 Dogs and Occasional Keeping of 4 Dogs in an RS-6 / CUP 038 16

Building Department has no conditions.

Neil Jones

Plans Examiner Supervisor

P: 208.468.5492 F: 208.468.4494

[Department of Building Safety](#), [Like us on Facebook](#)

From: Shellie Lopez
Sent: Tuesday, June 21, 2016 10:55 AM
To: Amanda Morse <morsea@cityofnampa.us>; Beth Ineck <ineckb@cityofnampa.us>; Brent Hoskins <hoskinsb@cityofnampa.us>; Carl Miller <CMiller@compassidaho.org>; Craig Tarter <tarterc@cityofnampa.us>; Daniel Badger <BadgerD@cityofnampa.us>; Don Barr <barrd@cityofnampa.us>; Eric Skoglund <skoglundl@cityofnampa.us>; Jennifer Yost <yostj@cityofnampa.us>; Jim Brooks <brooks@cityofnampa.us>; Michael Fuss <fussm@cityofnampa.us>; Neil Jones <jonesn@cityofnampa.us>; Patrick Sullivan <sullivanw@cityofnampa.us>; Ray Rice <ricer@cityofnampa.us>; Robin Collins <collinsrr@cityofnampa.us>; Soyla Reyna <reynas@cityofnampa.us>; Sylvia Mackrill <mackrill@cityofnampa.us>; Tina Fuller <tfuller@compassidaho.org>; Tom Laws <tlaws@compassidaho.org>; Vickie Holbrook <holbrookv@cityofnampa.us>
Subject: Conditional Use Permit for Permanent Keeping of 3 Dogs and Occasional Keeping of 4 Dogs in an RS-6 / CUP 038 16

Good Morning!

CUP 00038-16:

Kimberly Callaghan has requested a Conditional Use Permit for Permanent Keeping of 3 Dogs and Occasional Keeping of 4 Dogs for a total of 7 Dogs in an RS 6 (Single Family Residential - 6,000 sq. ft.) zoning district at 16697 N Yorkshire Lane (A .198 acre portion of Section 11, T3N, R2W, BM, NE ¼, Sherwood Forest #4, Lot 31, Block 8).

The applicant will go before the Planning & Zoning Commission as a public hearing item on the July 12, 2016 agenda.

Please find attached the CUP 00038-16 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than July 04, 2016.

Thank you & have a great day!

Norm Holm

From: Eddy Thiel <eddy@nampahighway1.com>
Sent: Tuesday, June 28, 2016 9:06 AM
To: Norm Holm
Subject: CUP 038-2016

Good Morning Norman,

The Nampa Highway District #1 has no objection to the Conditional Use Permit for Permanent Keeping of 3 Dogs and Occasional Keeping of 4 Dogs for a total of 7 Dogs in an RS 6 zoning district at 16697 N. Yorkshire Ln for Kimberly Callaghan as it is not within the Highway District's Jurisdiction.

If you have any questions or comments feel free to contact us.

Thank you,

Eddy

Eddy Thiel
ROW
eddy@nampahighway1.com
4507 Highway 45. • Nampa, id 83686
TEL 208.467.6576 • FAX 208.467.9916

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Memorandum

To: Planning and Zoning

Cc: Tom Points, P.E., City Engineer

Cc: Daniel Badger, P.E., Staff Engineer

Cc: Michael Fuss, P. E., Nampa City Public Works Director

From: Jim Brooks – Engineering Division

Date: June 28, 2016

Rev:

Re: CUP – Keep 3-dogs and occasionally 4 additional for total of 7

Applicant: Kimberly Callaghan

Property Address: 16697 Nor. Yorkshire Lane, Nampa, Idaho 83687

CUP 00038-16 for the July 12, 2016 Planning and Zoning Meeting

Applicant's request is to have a 3 dogs permanently in residence on premises and to be granted a kennel license. Additionally the applicant's request is to allow, on occasion, the ability to keep 4 additional dogs for a total of 7 dogs at various times

The Engineering Division does not oppose the granting of this conditional use permit.