



Planning & Zoning Department
Before The Planning & Zoning Commission
September 27, 2016

Staff Report – Public Hearing #2

Applicant: Robin Grissom
File No: CUP 043-16

Prepared By: Norman L. Holm
Date: September 19, 2016

Requested Action: Conditional Use Permit
Purpose: For Non-Commercial Kennel to Keep 3 Dogs

GENERAL INFORMATION

Status of Applicant: Owner

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

Zoning & Planning History: The applicant has been keeping three dogs on their property. When they requested and obtained their dog licenses City Animal Control notified the P&Z Department. We then notified the applicant of the Conditional Use Permit requirement.

Location: 2107 W. Moose Creek Dr.

Size of Parcel: .194 acres or 8,473 sq. ft.

Surrounding Land Use and Zoning:

North- Single family residential, RS 6
South- Single family residential, RS 6
East- Single family residential, RS 6
West- Single family residential, RS 6

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 3 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 primarily single family residential use.

Proposed Land Uses: Keeping of 3 dogs in connection with a single-family dwelling.

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

Three neighboring property owners or residents have provided the attached letters opposing the granting of the CUP for keeping the 3 dogs on the property.

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 lot is landscaped compatible with other lots in the area. The outdoor yard area is completely fenced.

STAFF FINDINGS & DISCUSSION

The applicant is requesting approval to maintain the 3 dogs on the property via a C.U.P.

City code now allows for consideration of more than two dogs to be given for those persons who seek such 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 Permit hearing item:

1. That the location, size, design and operating characteristics of the proposed keeping of 3 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 3 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 3 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.

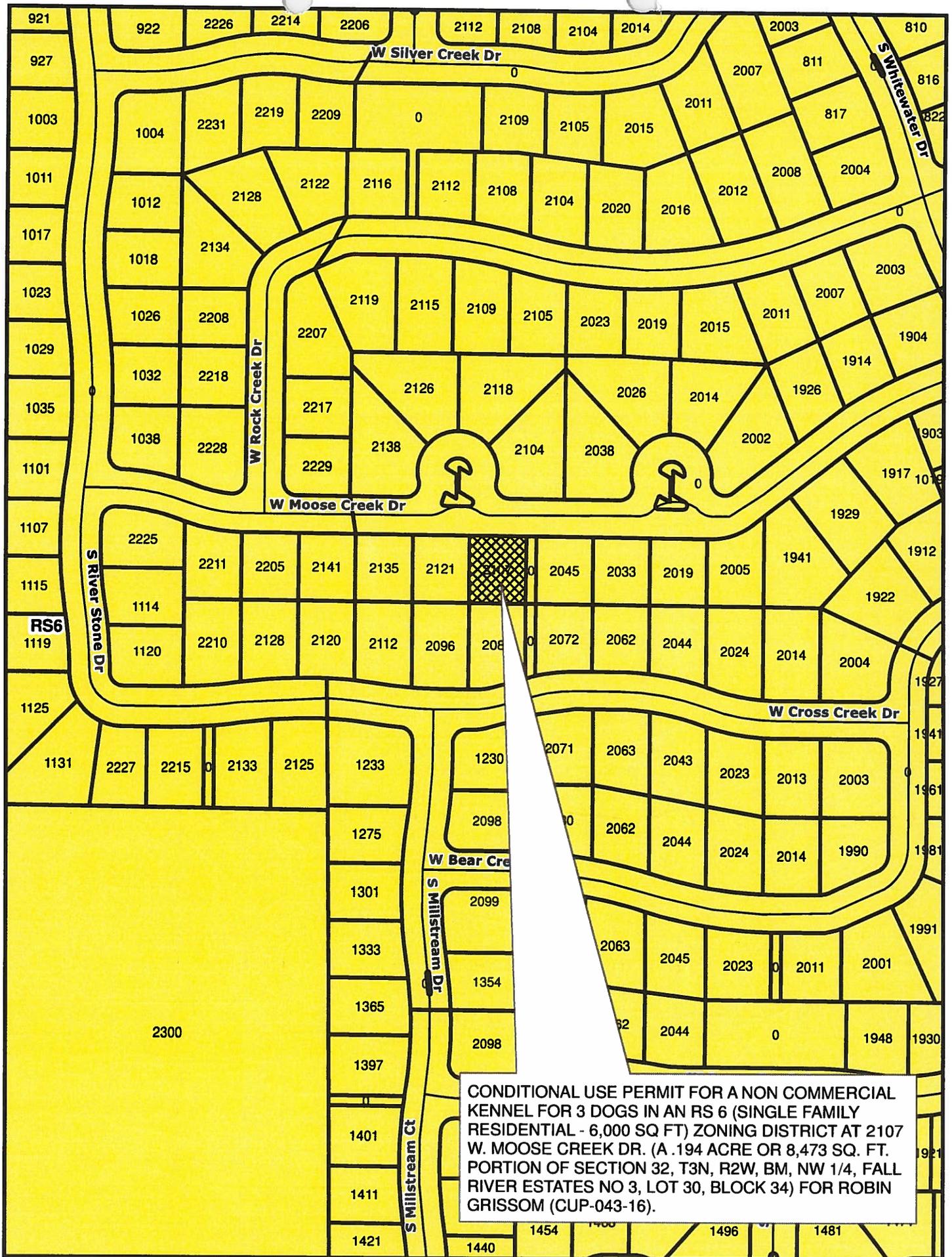
SUGGESTED CONDITIONS OF APPROVAL

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

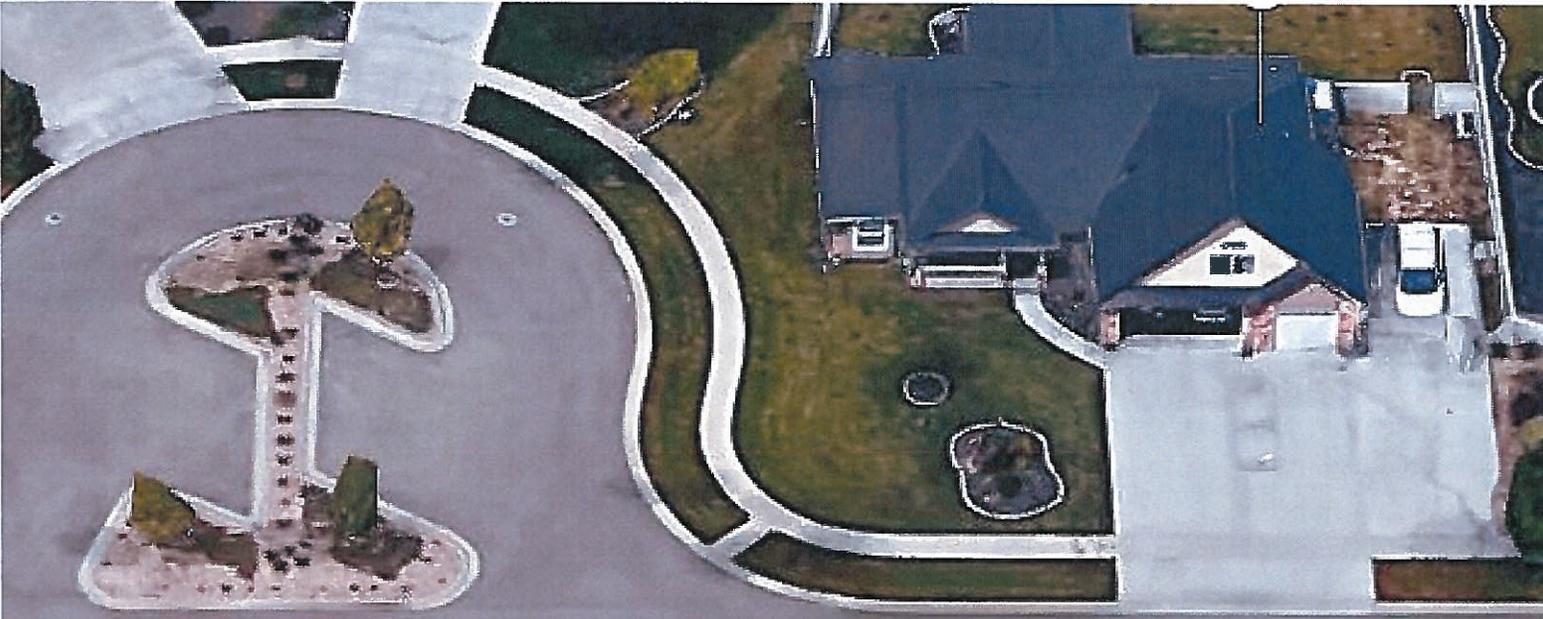
1. That the applicant maintains their yard free from the accumulation of dog feces.
2. That the applicant prevents the dogs from excessively barking so as to constitute a nuisance to the neighbors.
3. That three or more citations issued against the applicant by Animal Control officers be considered sufficient 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 photographs of location
Application and letter
Rabies certificate(s)
Opposition letters from neighbors
Department other correspondence



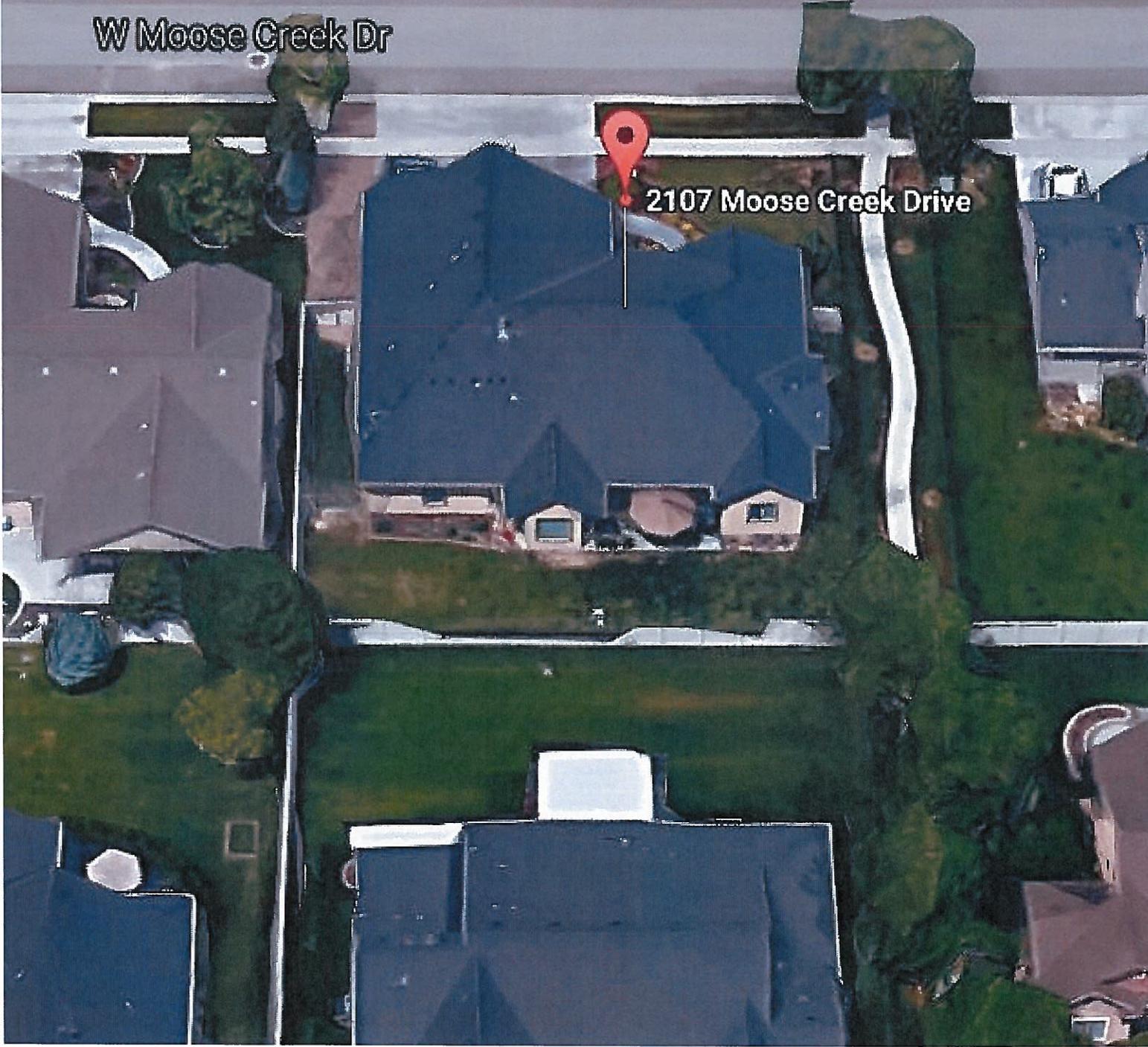
CONDITIONAL USE PERMIT FOR A NON COMMERCIAL
 KENNEL FOR 3 DOGS IN AN RS 6 (SINGLE FAMILY
 RESIDENTIAL - 6,000 SQ FT) ZONING DISTRICT AT 2107
 W. MOOSE CREEK DR. (A .194 ACRE OR 8,473 SQ. FT.
 PORTION OF SECTION 32, T3N, R2W, BM, NW 1/4, FALL
 RIVER ESTATES NO 3, LOT 30, BLOCK 34) FOR ROBIN
 GRISSOM (CUP-043-16).



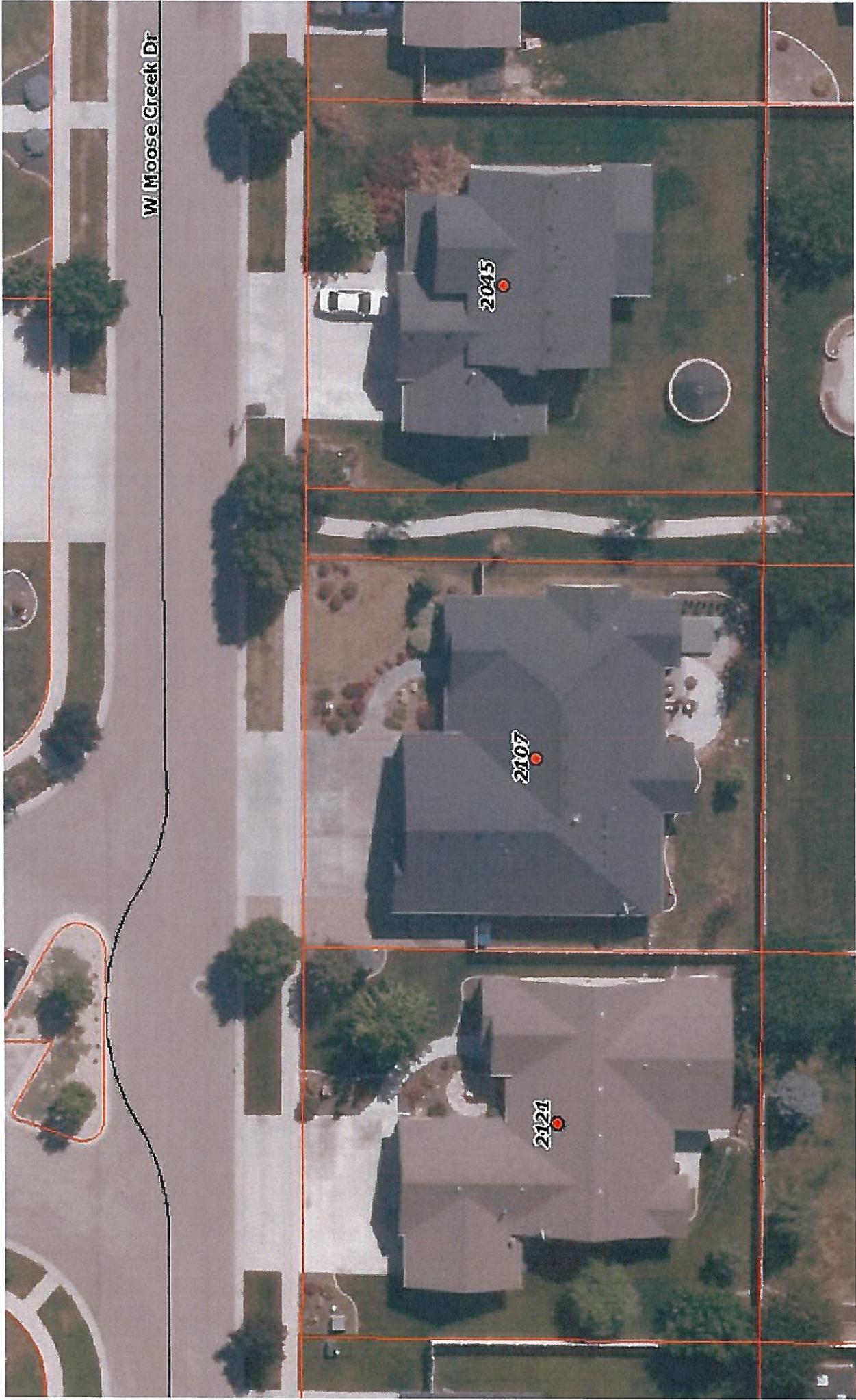
W Moose Creek Dr



2107 Moose Creek Drive



W Moose Creek Dr





Application for Conditional Use Permit

City of Nampa, Idaho

9/27 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: Robin Grissom Phone: 208-250-1801

Address: 2107 W. Moose Creek Dr. City: Nampa State: ID Zip Code: 83686

Applicant's interest in property: (circle one) Own Rent Other _____

Owner Name: _____ Phone: _____

Address: _____ City: _____ State: _____ Zip Code: _____

Address of subject property: 2107 W. Moose Creek Dr., Nampa, ID 83686

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 Subdivision #3
Fall River Estates Lot 30 Block 14 Book 36 Page 1
32-3N-2W NW

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: _____

Please see attached letter

Length of time requested for the Conditional Use Permit: _____ Months and/or _____ Years.

Date conditional use is expected to begin after permit is granted: ASAP

Please note: *Conditional use permits expire if not used within six (6) months after granting.*

Dated this 30 day of August, 20 16

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.

For Office Use Only:

File Number: CUP 043 -20 16 Project Name: Grissom - 3 dogs

2107 W. Moose Creek Dr.
Nampa, ID 83686
August 30, 2016

City of Nampa
Planning and Zoning Department
411 Third Street South
Nampa, ID 83651

RE: Application for Conditional Use Permit (3 dogs)
2107 W. Moose Creek Dr., Nampa, ID 83686

To Whom It May Concern:

I received notification from your office that I am required to file an Application for Conditional Use Permit because I have three dogs in my home in Nampa.

I do have three dogs and all three dogs are registered with the City in accordance with the appropriate city ordinance. I have two elderly miniature Australian Shepherds and a soft coated Wheaten Terrier. The three dogs are all current with shots (as evidenced by the attached veterinary records and the fact that the dogs are registered with the City of Nampa) and all three dogs have regular veterinary visits with the Idaho Veterinary Hospital in Nampa. All three dogs are spayed/neutered and they are simply family dogs. Although the dogs are generally in the house, my back yard is completely fenced so when the dogs are outside, they are completely contained on my property. My dogs are not allowed out of my yard unless they are being walked on a leash. My home and my yard are well-kept and pose no issues to my community or neighbors.

I am requesting a Conditional Use Permit for my property (I own my home) so that I can keep the three dogs until such time as one of the dogs dies. As the mini aussies are older and my male is experiencing some health issues, I do not anticipate that I will need the Conditional Use Permit for an extended period of time.

Enclosed with my application, please find the following:

- 1) Affidavit of Legal Interest
- 2) Check in the amount of \$234.00 made out to the City of Nampa
- 3) Copy of the Warranty Deed indicating that I am the owner of the residence
- 4) Copy of veterinary record for each dog indicating they are current with shots.

I understand that once a Conditional Use Permit is issued, that I will be required to file for a yearly Kennel License for as long as I own the three dogs.

If you have any questions or should you require additional information, please feel free to contact me at the phone number listed on my permit application or by email at trgrissom@yahoo.com.

Sincerely yours,



Robin Grissom

Idaho Veterinary Hospital
1420 N. Midland Blvd.
Nampa, ID 83651
(208) 466-4614

Rabies Certificate

Client ID: 25174
Client Name: Robin Grissom
Address: 2107 W. Moose Creek
Nampa, ID 83686
Phone: (208)250-1801

Patient ID: 25174-50
Patient Name: Mo
Species: Canine
Breed: Australian Shepherd
Sex: Neutered Male
Color: Red Merle
Markings: Mini Aussie
Birthday: 09/21/2006
Weight: 48.04 pounds on 4/19/2016
Microchip ID: 482836275D

Tag Number: 6244
Lot Number: 18097A
Rabies (IMRAB3)
Producer: Merial
K / MLV / R: Killed Virus

Vaccination Date: 3/21/2014
Expiration Date: 3/21/2017

Staff Name: Samantha M. Cavender D.V.M.
License Number: V-4240

Reminder Letter Report

Sorted by Client ID

Client ID	Client Name	Patient ID	Patient Name	Item ID/Description	Type	Date
25174	Grissom, Robin					
Phone:	(208) 250-1801					
		25174-50	Mo	5396 Senior Exam	L	10/19/2016
				6563 Idexx Senior Screen w/T4 and U/A	L	1/22/2017
				5113 Distemper Parvo 3yr	L	3/21/2017
				5109 Rabies 3yr. K9	L	3/21/2017
				5107 Bordetella Injection 1 Year	L	4/19/2017
				5030 License Neutered Male 1yr	L	4/19/2017
				1712 Heartworm Preventative	L	5/1/2017

* Dates shown are when vaccines are next due

Idaho Veterinary Hospital
1420 N. Midland Blvd.
Nampa, ID 83651
(208) 466-4614

Rabies Certificate

Client ID: 25174
Client Name: Robin Grissom
Address: 2107 W. Moose Creek

Nampa, ID 83686

Phone: (208)250-1801

Patient ID: 25174-51
Patient Name: Misty
Species: Canine
Breed: Australian Shepherd
Sex: Spayed Female
Color: Blue Merle
Markings: Mini Aussie
Birthday: 09/21/2006
Weight: 37.05 pounds on 4/19/2016
Microchip ID: AVID098366802

Tag Number: 6208
Lot Number: 18097A
Rabies (IMRAB3)
Producer: Merial
K / MLV / R: Killed Virus

Vaccination Date: 3/21/2014
Expiration Date: 3/21/2017

Staff Name: Samantha M. Cavender D.V.M.
License Number: V-4240

Reminder Letter Report

Sorted by Client ID

Client ID	Client Name	Patient ID	Patient Name	Item ID/Description	Type	Date
25174	Grissom, Robin					
Phone:	(208) 250-1801					
		25174-51	Misty	5396 Senior Exam	L	10/19/2016
				5109 Rabies 3yr. K9	L	3/21/2017
				5113 Distemper Parvo 3yr	L	3/21/2017
				5107 Bordetella Injection 1 Year	L	4/19/2017
				5026 License Spayed Female 1yr	L	4/19/2017
				1712 Heartworm Preventative	L	5/1/2017

* Dates shown are when vaccines are next due.

Idaho Veterinary Hospital
1420 N. Midland Blvd.
Nampa, ID 83651
(208) 466-4614

Rabies Certificate

Client ID: 25174
Client Name: Robin Grissom
Address: 2107 W. Moose Creek

Nampa, ID 83686

Phone: (208)250-1801

Patient ID: 25174-53
Patient Name: **Bella**
Species: Canine
Breed: Terrier
Sex: Spayed Female
Color: Wheaten
Markings:
Birthday: 11/29/2010
Weight: 37.00 pounds on 4/18/2016
Microchip ID: *007*345*343

Tag Number: 3467
Lot Number: 18281
Rabies (IMRAB3)
Producer: Merial
K / MLV / R: Killed Virus

Vaccination Date: 4/18/2016
Expiration Date: 4/18/2019

Staff Name: Samantha M. Cavender D.V.M.
License Number: V-4240

Reminder Letter Report

Sorted by Client ID

Client ID	Client Name	Patient ID	Patient Name	Item ID/Description	Type	Date
25174	Grissom, Robin					
Phone:	(208) 250-1801					
		25174-53	Bella	5107 Bordetella Injection 1 Year	L	4/18/2017
				5100 Canine Wellness Examination	L	4/18/2017
				1712 Heartworm Preventative	L	5/1/2017
				5113 Distemper Parvo 3yr	L	4/14/2018
				2688 Idexx Snap Heartworm test (in house	L	4/14/2018
				5109 Rabies 3yr. K9	L	4/18/2019
				5027 License Spayed Female 3yr	L	4/18/2019

* Dates shown are when vaccines are next due.

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: September 2, 2016

Rev:

Re: CUP – Keep 3-dogs on premises

Applicant: Robin Grissom

Property Address: 2107 W. Moose Creek Drive, Nampa, Idaho 83686

CUP 00043-16 for the September 27, Planning and Zoning Meeting

Applicant's request is to have 3 dogs permanently in residence on premises and be granted a non-commercial kennel license.

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



Shellie Lopez

CUP 043-2516

From: Greg Goodman
Sent: Friday, September 02, 2016 10:19 AM
To: Shellie Lopez
Subject: CUP for 3 dogs at 2107 W MOOSE CREEK DR.

No violations at this time.



GREG GOODMAN, Officer II
Code Compliance & Community Relations
O: 208.468.5464
2112 W. Flamingo Rd., Nampa, ID 83651
[City of Nampa – Like us on Facebook](#)

NAMPA Proud

Notice: All communication transmitted within the City of Nampa Email system may be a public record and may be subject to disclosure under the Idaho Public Records Act (Idaho Code 74-101 et seq.) and as such may be copied and reproduced by members of the public. In addition, archives of all City emails are generally kept for a period of two years and are also subject to monitoring and review.

Norm Holm

From: Eddy Thiel <eddy@nampahighway1.com>
Sent: Monday, September 19, 2016 8:09 AM
To: Norm Holm
Subject: FW: Public Hearing Notice City Council
Attachments: DAMO06-16ExhibitsMap.pdf; CUP43-16ExhibitsMap.pdf; CUP44-16ExhibitsMap.pdf

Good Morning Norman,

The Nampa Highway District #1 has no objection to the items listed in this email as none of the affected properties are within the Highway District's jurisdiction.

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

Thank you,

Eddy

From: Christopher Daly [<mailto:dalyc@cityofnampa.us>]
Sent: Friday, September 16, 2016 10:14 AM
To: awestfall@nsd131.org; bocc@canyonco.org; Kristen.baumchen@vallivue.org; gwiles@nampachristianschools.com; pnilsson@canyonco.org; bob.parsons@phd3.idaho.gov; Tim.Wright@phd3.idaho.gov; bhamlin@designwestid.com; cmiller@compassidaho.org; djohnston@idahopower.com; lbishop@idahopower.com; cgrant@nmid.org; nmid@nmid.org; mark@pioneerirrigation.com; deerflat@fws.gov; eddy@nampahighway1.com; Nick@nampahighway1.com; chopper@canyonhd4.org; Jessica.mansell@intgas.com; Monica.taylor@intgas.com; Ben.melody@intgas.com; Ron Johnson; Melissa Close; Brent Hoskins; Reggie Edwards; Richard Davies; Eric Skoglund; Jennifer Yost; Phillip Roberts; malandt@idahopower.com; eric@nampahighway1.com
Subject: Public Hearing Notice City Council

NOTICE OF PUBLIC HEARINGS BEFORE THE CITY OF NAMPA, IDAHO

Notice is hereby given that on September 27, 2016 at 7:00 p.m. (or as soon after 7:00 p.m. as each matter may be heard), in the City Hall Council Chambers, 411 3rd Street South, Nampa, Canyon County, Idaho, public hearings on the following will be held before the Nampa Planning & Zoning Commission:

- 1) Modification of Annexation/Zoning Development Agreement between Retail Property Acquisition, LLC and City of Nampa recorded 7/14/1998 as Inst. No. 9826075 amending Commitment Number 4a reducing the required off-street parking ratio of 1 space per 200 sq. ft. to 1 space per 250 sq. ft. of net floor area for property located at 2100 12th Ave Rd (A 31.51 acre portion of the SW 1/4, Section 24, T3N, R2W, BM) for Wal-Mart Real Estate Business Trust (DAMO-006-16).
- 2) **Conditional Use Permit** for a Non Commercial Kennel for 3 Dogs in an RS 6 (Single Family Residential - 6,000 sq ft) zoning district at 2107 W. Moose Creek Dr. (A .194 acre or 8,473 sq. ft. portion of Section 32, T3N, R2W, BM, NW 1/4, Fall River Estates No 3, Lot 30, Block 34) for Robin Grissom (CUP-043-16).
- 3) Conditional Use Permit for a Dwelling Combined with an Online Floral Sales Business in a BC (Community Business) zoning district at 432 Caldwell Blvd (A .948 acre portion of Section 16, T3N, R2W, BM, SW 1/4, Home Subdivision, Tax 32-A, Block 6) for Michelle Hemenway (CUP-044-16).

Details of the above hearing items are available for review in the Planning & Zoning Department of City Hall during normal business hours. Copies of staff reports on the individual applications will be available upon

2125 W Cross Creek Drive
Nampa, Idaho 83686

September 14, 2016

Planning & Zoning Department
City of Nampa
411 Third Street South
Nampa ID 83651

Attention: Norman L. Holm, Planning Director

We received the City of Nampa Notice of Public Hearing concerning the request for "Conditional Use Permit for a Non Commercial Kennel for 3 dogs in an RS 6 (Single Family Residential - 6,000 sq ft) zoning district at 2107 W Moose Creek Dr (A. 194 acre or 8, 473 sq ft portion of Section 32, T3N, R2W, BM, NW 1/4, Fall River Estates No 3, Lot 30, Block 34) for Robin Grissom (CUP-043-16)."

We are homeowners within 300 feet of the subject property listed above. We are located at R3210330400.

We strongly object to the granting of this conditional use permit for the following reasons:

1. It would be against our property owners' covenants.
2. The property is located along a public path, with a wrought iron fence, thus making the back yard visible to the neighborhood. This would be a visible issue to the neighbors.
3. Three dogs is too many, both for city and subdivision regulations.
4. Dogs located outside, along a public path and visible to it, would be a noise problem.

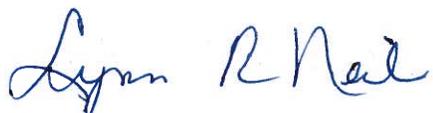
We request that the Planning & Zoning Department deny this request.

Sincerely,



9/14/2016

Ralph E. Neil, Homeowner



9-14-16

Lynn R. Neil, Homeowner

2138 W. Moose Creek Dr.
Nampa, ID 83686

September 15, 2016

Planning & Zoning Department
City of Nampa
411 Third Street South
Nampa, ID 83651

Attn. Norman Holm, Planning Director

Dear Mr. Holm:

Thank you for your September 9, 2016 letter advising us of a Notice of Public Hearing for a Conditional Use Permit for a Non Commercial Kennel for 3 dogs in an RS 6 zoning district at 2107 W. Moose Creek Dr., Fall River Estates No. 3, for Robin Grissom.

As homeowners within 300 feet of the proposed Conditional Use Permit location, we would like to comment on the proposal. Our home, situated at R3210322700, 2138 W. Moose Creek Dr., is diagonally across the street from the proposed location.

We are opposed to the granting of the Conditional Use Permit for several reasons:

1. The CC&Rs for Fall River Estates Homeowners' Association expressly forbid maintaining in excess of two (2) household pets.
2. Granting an allowance for three dogs would set a precedent for other homeowners to submit requests for additional pets as well.
3. The two dogs this particular homeowner already owns are extremely vocal and aggressive any time we walk our dogs (yes, we own two) on the public pathway beside their yard.
4. Adding another dog to the existing two would increase that vocal and aggressive behavior.
5. Would the additional dog add to the potential for increased sanitation or odor problems for adjoining neighbors?

Again, we oppose the proposed Conditional Use Permit and strongly urge you to deny the request.

Thank you for allowing us to express our opinion.

Sincerely,




David and Phyllis Rudeen
Homeowners

2120 W. Cross Creek Dr.
Nampa, Idaho 83686

September 16, 2016

Planning & Zoning Department
City of Nampa
411 Third Street South
Nampa, Idaho 83651

Attention: Norman L. Holm, Planning Director

We have received the City of Nampa Notice of Public Hearing concerning the request for "Conditional Use Permit for a Non-Commercial Kennel for 3 dogs in an RS 6 (Single Family Residential - 6,000 sq. ft) zoning district at 2107 W Moose Creek Dr. (A. 194 acre or 8,473 sq ft portion of Section 32, T3N, R2W, BM, NW 1/4, Fall River Estates No 3, Lot 30, Block 34) for Robin Grissom (CUP-043-16)."

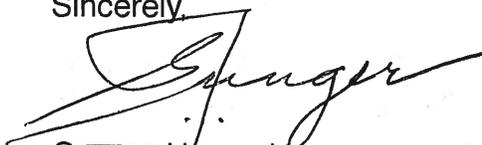
We are homeowners within 300 feet of the subject property listed above. We are located at R3210334700.

We strongly object to the granting of this conditional use permit for the following reasons:

1. It would be against our property owners' covenants.
2. The property is located along a public path with a wrought-iron fence, thus making the back yard visible to the neighborhood . This would be a visible issue to the neighbors.
3. Three dogs are too many , both for city and subdivision regulations.
4. Dogs located outside can be a noise problem. Less than a year ago a dog was in the yard very close to the above subject and it barked and whined for several days until it was removed. This was extremely annoying to those living in the neighborhood.

We request that the Planning & Zoning Department deny this request.

Sincerely,


George Unger, Homeowner


Frances Unger, Homeowner