

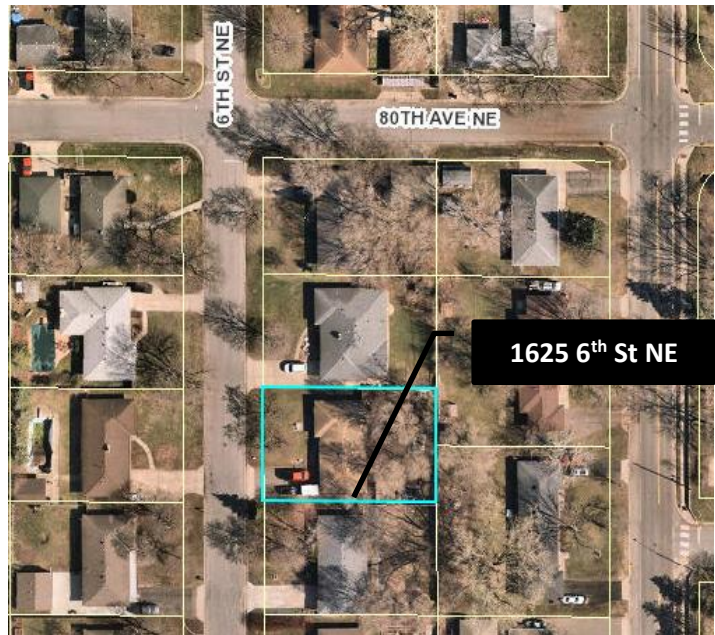
# Memorandum

**To:** Mayor Nelson and Members of the City Council  
**From:** Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer  
**Date:** October 30, 2023  
**Subject:** Staff Report for 7925 6<sup>th</sup> St NE CUP request

Applicant Alexandra Rivera Cedeno (“Applicant”) is requesting a Conditional Use Permit for her property at 7925 6<sup>th</sup> St NE to allow 4 dogs in her single-family home. It is the definition of a “Kennel-Private” in the ordinance that is triggering the CUP:

“A place where a dog owner keeps three or more dogs over six months of age on property occupied by the dog owner for residential purposes and where the keeping of such dogs is incidental to the occupancy of the premises and may include breeding and selling of dogs as a hobby. A conditional use permit is required for three or more dogs.”

The property is in a residential neighborhood between 80<sup>th</sup> Avenue NE and 79<sup>th</sup> Avenue NE.



## Planning Issues Discussion

1. *Comprehensive Plan and Zoning.* The property is guided Single Family Residential in the 2040 Comprehensive Plan. It is zoned R-1, Single Family Residential, in the zoning code. Allowed uses include single-family dwellings, family daycares, and limited home-based businesses.
2. *Application.* The Applicant is requesting a CUP for the housing of one additional do on the residential parcel.
  - a. Building: single family dwelling, 1 story
  - b. Fence: application states backyard is fenced in. Approximately 75 feet by 45 feet.

- c. Detrimental effects: applications states no effect on others use and enjoyment of other properties in immediate vicinity.
  - d. Odor and noise nuisance: application states no odor and noise nuisance.
  - e. Other notes: One pet has been with the family for 13 years with the other three pets rescued from a bad situation. Also notes that applicant takes care of son's pets when he is on drill.
3. *Licensing.* Chapter 9.12 of the Code of Ordinance requires kennels to be licensed. This applies to any person who owns more than three dogs over the age of six months. Additionally, each individual dog is required to be licensed and registered with the City.
4. *Conditional Uses.* SLPC 16.04.060 of the Zoning Code outlines the requirements to approve a conditional use permit. The application has been analyzed with respect to those requirements, listed below:
- a. **The proposed use at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.**  
While the proposed use does not contribute to the general welfare of the neighborhood or community since it is a private residence, a private kennel with the proposed five dogs should not impede on the community's general welfare if it is in compliance with applicable licensing requirements for individual dogs and a kennel.
  - b. **The use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity.**  
The dogs shall remain contained within the existing fenced yard to avoid interactions with members of the public
  - c. **The proposed use will comply with the regulations specified in this chapter for the district in which the proposed use is to be located.**  
No changes related to this proposed CUP will challenge regulations in the R-1 Single Family Residential district.
  - d. **The use is one of the conditional uses specifically listed for the district in which it is to be located.**  
The requirement for a Conditional Use Permit is contained in the definition of a Kennel-Private.
  - e. **The proposed use shall not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity.**  
The applicant states the proposed use will not affect others. However, any grouping of dogs may bark. The owner shall maintain up to date and compliance licenses for a kennel and individual dogs.
  - f. **The use will not lower property values or impact scenic views in the surrounding area.**  
Dogs contained at a private residence will have no impact on property values. The CUP is not triggering any physical changes to the single-family lot and therefore will not impact scenic views surrounding the property.

- g. Existing streets and highways and proposed access roads will be adequate to accommodate anticipated traffic.**  
If the owner maintains compliance with their license for a private kennel, no additional traffic is anticipated.
- h. Sufficient off-street parking and loading space will be provided to service the proposed use.**  
As a private kennel, no customers shall be driving to and parking at the site.
- i. The use includes adequate protection for the natural drainage system and natural topography.**  
The proposed private kennel does not trigger a change in drainage of natural topography.
- j. The proposed use includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance.**  
The owner shall take appropriate steps to clean up the yard at regular intervals through the entire year to eliminate smell for adjacent neighbors.
- k. The proposed use will not stimulate growth incompatible with prevailing density standards.**  
The issuance of a license for a private kennel will required the number of dogs be maintained at the number (4) proposed in this CUP.

The Planning Commission held a public hearing on the application at its meeting on Monday, October 23, 2023. No one, beside the applicant, spoke on the application.

### **Recommendation**

The Planning Commission reviewed and ultimately approved a recommendation to the City Council to approve a CUP to allow a Kennel-Private in the R-1 Single Family Residential district with the following conditions:

1. The owner shall keep up-to-date licenses for the Kennel and individual dogs.
2. The owner shall take appropriate steps to clean up the yard at regular intervals through the entire year to eliminate smell for adjacent neighbors.
3. The dogs shall be contained within a fenced yard.
4. All actions necessary shall be taken to reduce incessant dog barking outside.

If you have any questions, please do not hesitate to contact me at 763-784-6491.