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## Fact Brief

### December 13, 2022

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To: City Council  
From: Community Development Department  
Subject: Horse Boarding in Bell Canyon Acres  
(Community #22)

CA02092022-0006266  
SD(R-1-30A)

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Per the request of Administration, our staff has assembled some additional clarity and information on certain items regarding the staff's recommendations on horse boarding within Bell Canyon Acres:

- Horse boarding activity is currently categorized as a [Commercial Animal Kennel](#) in existing land use code.
- This use is not allowed in any residential areas, and is not allowed to be licensed as a home occupation (see [21-11-5\(g\)\(5\)](#)). It is only allowed in [certain commercial areas](#).
  - "Animal kennel, commercial, means an establishment boarding, breeding, raising, treating, or training small, medium, or large farm animals or household pets for commercial gain."
- A new definition of limited horse boarding is proposed for only this SD Zone.
  - "Horse Boarding means a private stable and related facilities for the keeping of horses located on a single-family lot that is used for the housing, daily care, and maintenance of horses that are not owned by the homeowner or resident."
  - Permitted only as ancillary to the primary use. "Ancillary use means a use conducted on the same lot as the primary use of the structure to which it is related; a use which is clearly incidental to and customarily found in connection with such primary use." This proposed use is incidental to residential use within an equestrian focused development.
  - Not the same use or impact as Commercial Animal Kennel.
  - Essentially would function as though they are housing their own animals with negligible increased land use impact with no net increase of allowed animals or structures on the property.
  - Boarding is not new to this area and several property owners are currently engaged in this type of use. While staff receives code complaints regarding them, it's not over land use impacts. It's typically just from lack of compliance with the current ordinance.
  - Would not allow for many commercial services typically found in other commercial stables or kennels (no signage, riding lessons, classes, events, clinics, training, or veterinarian care would be allowed).
  - Limited to owner occupied properties and commercially owned properties couldn't engage in the use.
  - Could not obtain a business license. This limits scope and scale of any private stable operation. The use and potential impact are confined to operate like a hobby rather than a full-blown commercial business.
  - Limitations would prevent commercial entities from purchasing properties with the intent to operate a larger scale commercial kennel or stable within this neighborhood thus minimizing any undue burdens or impacts from the use.

- Enforcement Issues –
  - Simplify enforcement on horses to focus on land use impacts rather than ownership of the horses. So long as the property has not exceeded the number of horses allowed and keeping these horses in a non-nuisance manner, boarding alone should not generate a negative impact.
  - Focus enforcement officers' time to root out negative impacts created from improper care of horses, rather than whether they are boarded or not.
  - This is consistent with neighboring cities enforcement practices relating to keeping farm animals.
- A business license is not recommended by staff.
  - Home occupation licensing standards are established to set limits of business activities that create material impacts that exceed that of the primary use.
  - Current [home occupation ordinance](#) does exempt certain business types from licensure by the City, in particular where the material impacts are limited or non-existent (see 21-11-5(d)(19)).
  - Staff finds no material impacts that would be generated from this type of limited boarding use. If there are no material differences between homeowner horses and those boarded, then there is no need for a business license to limit the land use impacts.
  - By licensing the use as a home occupation, these could create more visible commercial operations (signage would be allowed), which would not be allowed under staff's recommendation.
- Permitting horse boarding outside of Bell Canyon Acres is not recommended.
  - This area is unique from other animal right properties in the city.
  - This area is established with a central purpose of catering to horses.
  - Bridle path networks were established with the plat (no other subdivisions in the city have this feature).
  - Unique proximity and access to Dimple Dell Park (equestrian rider activated street crossing on Dimple Dell Road (10600 South Street) which contains miles of riding trails without need of trailers.
  - This proximity limits the need for trailering horses and storage of trailers.

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