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Supplemental Memorandum

March 21, 2024

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

CA02262024-0006721
CA02092022-0006266

Per the request of Councilmember Sharkey, our staff has assembled some additional information regarding the proposed home occupation amendments (see file CA02262024-0006721) and horse boarding. This issue was discussed and addressed in detail during the Bell Canyon Acres SD Zone Code Amendments (see file CA02262024-0006721, and ordinance 22-18 for the full details of that amendment and associated review process).

- Horse boarding activity is categorized as a [Commercial Animal Kennel](#) in existing land use code. *Animal kennel, commercial*, means an establishment boarding, breeding, raising, treating, or training small, medium, or large farm animals or household pets for commercial gain.
- 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](#).
- A new definition of limited horse boarding was adopted for the Bell Canyon Acres SD Zone (an equestrian focused development) and only applies to that zone district (see Section Sec. 21-19-34(3)(a)) and is not applicable or permissible in any other area of the city:
 - *Horse Boarding*. This use may be permitted as an ancillary use only if the home is owner occupied. The use will not be regulated as a business or a home occupation. This use is not allowed if operated by a commercial entity or property renter. All other kenneling or boarding of any other animal is expressly prohibited.
 - Permitted only as ancillary to the primary use essentially functions 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. Ancillary use is defined as follows:
 - 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.
 - Limited to owner occupied properties. Commercially owned properties couldn't legally operate a boarding facility.
 - Could not obtain a business license. This limits scope and scale of any private stable operation. The use and potential impact are confined to operating as a hobby rather than a full-blown commercial business.
 - Boarding is not new to the Bell Canyon Area and has been in use by various owners for decades.

- This defined limited use does not have the same impact as Commercial Animal Kennel as this does 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).
- Limitations in the code 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.
- 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 are 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 was established with the 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, a major equestrian riding area which contains miles of riding trails. Residents can access the park without need of trailers. The city has even provided an equestrian rider activated street crossing on Dimple Dell Road (10600 South Street).
 - This proximity limits the need for trailering horses and storage of trailers.
- Positive Code Enforcement Impact.
 - We have seen a drastic reduction in the number of code complaints received in the Bell Canyon Acres Subdivision since the code was adopted in February 2023. Before the code amendment we averaged almost 9 boarding related code cases a year. Since adoption there has been one case that was resolved by the owner applying for a special use permit and are now in compliance.
 - This has simplified enforcement on reported issues to focus on land use impacts rather than ownership of the horses. We can focus on the number of horses kept on a property and keeping these horses in a non-nuisance manner. We have found that boarding alone has not generated a negative impact.
 - Code Enforcement officers' time has been freed up to address issues in other areas of the city, rather than spending a disproportionate time in the Bell Canyon Subdivision.



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