

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES March 16, 2023

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The Board of Planning Commissioners of Box Elder County, Utah met in the Box Elder County Commission Chambers at 7:00 p.m. The following members were present by a roll call, constituting a quorum:

*Roll Call*

Mellonee Wilding	Excused
Jared Holmgren	Vice-Chair
Lonnie Jensen	Member
Steven Zollinger	Excused
Bonnie Robinson	Member
Jed Pugsley	Member
Jennifer Jacobsen	Member
Vance Smith	Alternate/Member

*the following Staff was present:*

Scott Lyons	Comm Dev Director
Marcus Wager	County Planner
Destin Christiansen	County Planner
Stephen Hadfield	County Attorney
Boyd Bingham	Excused
Diane Fuhriman	Excused

Vice-Chair Jared Holmgren called the meeting to order at 7:00 p.m.

The Invocation was offered by Commissioner Jed Pugsley.  
Pledge was led by Commissioner Jared Holmgren.

**The following citizens were present & signed the attendance sheet**

*See Attachment No. 1 – Attendance Sheet.*

The Minutes of the February 16, 2023 meeting were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by Commissioner Jed Pugsley to approve the minutes as written. The motion was seconded by Commissioner Jennifer Jacobsen and passed unanimously.

**UNFINISHED BUSINESS**

**VALLEY VIEW ESTATES PH. 3, SS22-024, Request for preliminary approval of an 8-lot subdivision located at approximately 550 West 7150 South in the South Willard area of Unincorporated Box Elder County. ACTION**

Staff said this application was tabled on September 15, 2022 for up to three (3) months to allow time for the applicant to come into compliance with the conditions set forth. On December 15, 2022 the item was tabled again for up to three (3) months due to the applicant not submitting an

updated plat. On March 1, 2023 staff met with, and received an email with updates the applicant has been working on with regards to this subdivision. The applicant is working on connecting to a road which leads to the highway. There are existing residents along the road that would be able to connect into the South Willard Water system if the road were to become a public road. Since it is a private road, South Willard Water will not allow them to connect. If the road is acquired, there would be a 50 ft. right-of-way. County standard is 60 ft. so they will need to apply for a variance. Staff explained the preliminary subdivision plat does not comply with the preliminary subdivision regulations of Box Elder County. Modifications to the proposed preliminary plat may be made to bring it into conformance with county code.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to table application SS22-024, a preliminary plan for the Valley View Estates Phase 3 Subdivision for up to 12 months to bring the application into compliance with Box Elder County LUM&DC subdivision regulations and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Jed Pugsley** and passed unanimously.

**CONDITIONS:**

1. Compliance with all comments from County staff.
2. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
3. Compliance with Chapter 6-1, Subdivisions, of the Box Elder County Land Use Management & Development Code.
4. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.
5. Drainage easements need to be dedicated to the South Willard Flood Control District and the frontage on Lot 1 addressed.

**TRIPLE S STORAGE SITE PLAN & CUP, SP18-004, Request for an extension of approval for a Site Plan & CUP for a storage facility located at approximately 9200 South HWY 89 in Unincorporated Box Elder County. ACTION**

Staff explained this item originated in 2018. The project is located in South Willard where Highway 89 converges on the south end, across from the Rocky Point gravel pit, and east of Smith & Edwards. A Site Plan and Conditional Use Permit have 2 years to become substantially completed or it expires. In March of 2021, the applicant had been working with UDOT and the South Willard Water Company to facilitate the construction of the facility and asked for an extension of 2 additional years. Per county code, the total extension can be up to 2 times as long as the original time frame, which was 2 years, so they are eligible for 2 more years until March 2025.

The request was submitted in writing and also clarified all the work that has been done.

- Completed negotiations and installation of water and electrical services to the project site.
- Secured UDOT agreement and have completed the construction of the facility entrance.
- Updated the geotechnical report outlining design criteria.
- Completed electrical design for gate and first building.
- Negotiated with point-of-sale transaction vendors to provide related infrastructure for facility operation.
- Compiled construction drawings for bidding purposes.

- Solicited bids for building procurement and construction services.
- Awarded contract to Cleary Building Corp.
- Issuance of down payment to Cleary Building Corp.
- Provided documentation and support for structural engineering.

Staff stated construction for the first building is scheduled for May 2023. The project is continuously making progress forward and is very near a major development threshold represented by the first building. The extension would allow the applicant until March of 2025 to have the project substantially completed as outlined in county code. Based on staff's review, staff recommends granting the extension.

**MOTION:** A motion was made by **Commissioner Jed Pugsley** to grant the request for extension for application SP18-004 a Site Plan & CUP for a storage facility and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Vance Smith** and passed unanimously.

## **PUBLIC HEARINGS**

Vice-Chair Jared Holmgren explained public hearings provide an opportunity for the public to voice their concerns or approval on an item.

### **CONDITIONAL USE PERMIT, CUP23-001, Request for a Conditional Use Permit for a Recreational Vehicle Park located at approximately 20755 North 6000 West in the Plymouth area of Unincorporated Box Elder County.**

Staff stated the applicant is requesting a Conditional Use Permit for an RV park and a future phase of residential dwellings on property located at 20755 North 6000 West in the Plymouth area. The site would consist of 21 RV spots and 13 future single family dwellings with a laundry and shower facility in the middle.

Staff explained there are 12 standards for reviewing Conditional Use Permits in Section 2-2-100 of county code, none of which should really have an impact. However staff is still waiting to hear from the County Fire Marshal regarding #10 -"Insufficient emergency fire service and emergency vehicle access as determined by the County Fire Marshall."

Staff said Section 3-6-040 outlines the development standards for Recreational Vehicle Parks. This development conforms to those standards. In Section 3-6-090, F5 states Sidewalks: Thirty-six (36) inch minimum width sidewalks shall be installed on all main roadways within the development, if required by the Planning Commission. The Planning Commission will need to decide if they want sidewalks to be required.

The public hearing was then opened for comments. There were no comments.

Hearing no comments, a motion was made by **Commissioner Jed Pugsley** to close the public hearing on Conditional Use Permit, CUP23-001. The motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

## **ACTION**

Staff said they are still waiting on utility letters for power, gas, water and the health department. The commissioners discussed the requirement for sidewalks.

**MOTION:** A Motion was made by **Commissioner Jed Pugsley** to table application CUP23-001, a Conditional Use Permit for a Recreational Vehicle Park for up to 6 months based on needing a rendering of the area that includes a 36" minimum sidewalk installed on all main roadways within the development as well as obtaining the utility will-serve letters. The motion was seconded by **Commissioner Vance Smith** and passed unanimously.

### **ZONING MAP AMENDMENT, Z23-002, Request for a zone change of 391.91 acres from MU-40 (Multiple Use 40 acre) to MG-EX (Mining, Quarry, Sand & Gravel Excavation) zone located at approximately 50375 W Highway 30 in the Park Valley area of Unincorporated Box Elder County.**

Staff stated the applicant is requesting parcel 07-011-0049 (391.41 acres) be rezoned from MU-40 (Multiple Use 40 acres) to the MG-EX (Mining, Quarry, Sand & Gravel Excavation) zone. The parcel is in the Park Valley area. The surrounding land use is Agricultural and the surrounding zoning is MU-40.

Staff read Section 2-2-080-E which outlines the standards for reviewing zoning map amendments as they apply to this application:

**A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan;** In the Natural Resources Section the General Plan states: We conserve our natural resources, which have inherent value and contribute to our quality of life in Box Elder County.

**B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;** The area is a combination of mainly agricultural uses with some residential scattered. The Planning Commission needs to decide if an MG-EX zone could be considered harmonious.

**C. The extent to which the proposed amendment may adversely affect adjacent property;** This is unknown. The public hearing process may bring forth additional information.

**D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.** It is unknown what the adequacy of facilities is in this area for the MG-EX zone.

The public hearing was then opened for comments.

Carisa Hipwell, applicant, said she and her husband bought the gravel pit in Park Valley and would like to re-open it. However, she found out the property was not zoned correctly from the beginning. She is trying to get it zoned correctly.

Hearing no further comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on Zoning Map Amendment Z23-002. The motion was seconded by **Commissioner Lonnie Jensen** and passed unanimously.

### **ACTION**

**Commissioner Bonnie Robinson** asked about water for dust suppression and about a reclamation plan. Rich Hipwell, applicant, stated there are two springs and they have a detention pond for reclaiming that same water. Carisa Hipwell said there has been so much gravel in that spot, nothing grows there. The Hereford association grazes on the land, once they are finished with the gravel, they will revert to a feedlot.

**MOTION:** A Motion was made by **Commissioner Jed Pugsley** to forward a recommendation of approval to the County Commission for application Z23-002 a request for a zone change from MU-40 to MG-EX and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

### **CONDITIONS:**

1. Compliance with Section 2-2-080, Zoning Map and Text Amendments, of the Box Elder County Land Use Management & Development Code.
2. Compliance with Chapter 3-9, Mining, Quarry, Sand, & Gravel Excavation Zone, of the Box Elder County Land Use Management & Development Code.
3. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
4. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

### **ORDINANCE TEXT AMENDMENT, Z23-003 Request for a text amendment to Section 5-6-060 to change the height requirement for Accessory Dwelling Units in the Box Elder County Land Use Management & Development Code.**

**Commissioner Vance Smith** recused himself from this agenda item due to a conflict of interest.

Staff said the applicant is proposing a text amendment to amend Section 5-6-060(M), Development Standards for Accessory Dwelling Units. Specifically regarding maximum height regulations for both internal and detached ADUs. Currently ADUs are limited to “one story”. It is proposed that “the maximum height of ADUs or IADUs shall be no taller, in elevation, than the roof of the primary structure.” This would potentially allow for two-story ADUs. The applicant suggests the increased flexibility in height will allow for different building configurations and allow for more affordable housing opportunities.

Staff read Section 2-2-080 of county code which outlines the standards for reviewing zoning text amendments as they apply to this request as follows:

**A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan;** The proposed amendment is consistent with the County's General Plan. The county has a Moderate Income Housing Plan adopted as part of the General Plan. The MIH Plan encourages the allowance of ADUs and IADUs as an affordable housing tool. The proposed amendment may increase the affordability and use of ADUs in the county.

**B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;** This text amendment would apply to all areas of unincorporated Box Elder County that allow single family residential dwellings.

**C. The extent to which the proposed amendment may adversely affect adjacent property;** The goal of the proposed amendment is to allow for greater flexibility regarding the height of ADUs. Staff cannot think of adverse effects on adjacent properties. The public hearing process may shed additional light on this subject.

**D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.** The proposed text amendment should not have a greater effect on the adequacy of facilities and services from the height standard.

The public hearing was then opened for comments. There were no comments.

Hearing no comments, a motion was made by **Commissioner Jed Pugsley** to close the public hearing on the Ordinance Text Amendment, Z23-003. The motion was seconded by **Commissioner Bonnie Robinson** and passed unanimously.

### **ACTION**

Staff explained the most common ADUs are barndominiums. It has been 9 years since the original language was created and passed. Barndominiums have become significantly more popular so a change for more flexibility makes sense.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval to the County Commission for application Z23-003, for a text amendment to Section 5-6-060 to change the height requirement for ADU's and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Jed Pugsley** and passed unanimously.

### **CONDITIONS:**

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.

2. Compliance with Article 2-2-080, Zoning Map and Text Amendments, of the Box Elder County Land Use Management & Development Code.
3. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

*(See Attachment No. 2 – Proposed Text ADUs.)*

**ORDINANCE TEXT AMENDMENT, Z23-004, Request for a text amendment to create Chapter 5-8: Kennels, and to amend any affected chapters of the Box Elder County Land Use Management & Development Code.**

Staff said the applicant is requesting a text amendment to create Chapter 5-8: Kennels, and to amend any affected chapters of the Box Elder County Land Use Management & Development Code. This chapter creation is to provide application requirements for kennels for unincorporated Box Elder County.

Box Elder County Land Use Management & Development Code section 2-2-080 outlines the following standards for review for zoning text amendments.

**A. Whether the proposed amendment is consistent with goals, objectives and policies of the County’s General Plan;** The County’s General Plan states that future land use decisions will consider the following: promoting development patterns consistent with, and sensitive to, resident preferences; and balancing private property rights with public interests.

**B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;** This text amendment would apply to all areas of unincorporated Box Elder County that would allow for the creation and operation of kennels. The Planning Commission needs to decide if this amendment would be harmonious.

**C. The extent to which the proposed amendment may adversely affect adjacent property;** The proposed amendment should not adversely affect adjacent property. The public hearing process may shed additional light on this subject.

**D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.** The proposed text amendment should not have an effect on the adequacy of facilities.

The public hearing was then opened for comments. There were no comments.

Hearing no comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on the Ordinance Text Amendment, Z23-004. The motion was seconded by **Commissioner Jennifer Jacobsen** and passed unanimously.

## **ACTION**

**Commissioner Bonnie Robinson** asked for clarification if noise, smells, and flies etc. constitute a nuisance as stated in 5-8-020.E “All kennels must be located and operated in a manner that does not create a nuisance to neighboring properties.” Staff noted a definition of nuisance needs to be added to the text amendment.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to forward a recommendation of approval to the County Commission for application Z23-004, an ordinance text amendment to create Chapter 5-8: Kennels, and to amend any affected chapters of the Box Elder County Land Use Management & Development Code, and to include the definition of a nuisance. The motion was seconded by **Commissioner Vance Smith** and passed unanimously.

### **CONDITIONS:**

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Article 2-2-080, Zoning Map and Text Amendments, of the Box Elder County Land Use Management & Development Code.
3. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

*(See Attachment No. 3 – Proposed Text Kennels.)*

## **NEW BUSINESS**

### **SURPLUS PROPERTY DISPOSAL, SPD23-01, Request for an exchange of property located at approximately 49 South and 950 West in Brigham City. ACTION**

Staff said Brigham City has proposed an exchange of property with Box Elder County located at approximately 49 South and 950 West to facilitate the Forest Street overpass project and maintain a north/south roadway connection on the west side of the railroad tracks along 950 West and American Way (900 West). The County Commission has directed staff to start the request through the surplus property disposal process.

Staff explained the Planning Commission’s responsibility on surplus property disposal requests is to see if the request is in-line with, or in opposition to, the General Plan, Land Use Code, or other ordinances the Planning Commission administers. This property is within Brigham City limits so the county has no jurisdiction. The recommendation made to the County Commission would not be whether or not the Planning Commission supports the project but rather if any plans, codes, or ordinances apply.

**MOTION:** A Motion was made by **Commissioner Jed Pugsley** to forward a recommendation to the County Commission that the County General Plan, the County Land Use Code, and any other applicable ordinances they are aware of are not applicable to this proposal. The motion was seconded by **Commissioner Lonnie Jensen** and unanimously carried.

## WORKING REPORTS

### S-3 Sign Overlay Zone

Staff read an email received in December 2022 from Tom Stephens, an advisor to Scenic Utah.

*“We very much recommend that your S-3 Sign Overlay Zone be amended to prohibit billboards – and we suggest that this be an urgent issue, as billboard companies continually search for willing property owners to do business with, especially along our interstates, and they find them.*

*”Realities in dealing with billboards:*

*“1. Municipalities earn very little or no direct tax revenue from billboards, as they are taxed as business personal property and are fully depreciated down to zero value at the end of 20 years.*

*“2. Billboards here in Utah are essentially permanent structures, as state code governing outdoor advertising grants numerous super rights to billboard companies that preempt local decision-making, making it next to impossible to get rid of a billboard once a sign permit application has been received by your office.*

*“3. Due to state code eminent domain language favoring billboards, neither the County nor the owner/lessor of the land will ever be able to remove a billboard without paying hundreds of thousands of tax or private dollars to the billboard owner. I can offer a recent, documented experience of one Utah municipality as to the exorbitant cost of a billboard removal, if you would like.*

*“4. billboard land lease provisions makes terminating a lease very difficult – if not impossible. Even when the lease is successfully terminated, the billboard owner has the right to move the billboard to any commercial or industrial zone (regardless of whether billboards are prohibited in that zone), within a mile of its original location.*

*“5. The County’s conditional use permit requirement offers zero protection. State code conditional use language effectively makes it impossible to deny a billboard conditional use permit.*

*“6. Perhaps most important, large billboards detract from the scenic beauty Box Elder County residents and visitors would otherwise enjoy.”*

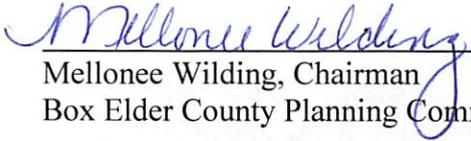
Staff explained Mr. Stephens recommends Box Elder County eliminate billboards from county code altogether. Staff has not had problems with billboards but that can change quickly. Currently billboards are only allowed in the S-3 zone only along the two Interstates north of Brigham.

The commissioners discussed the need for billboards in the county. Commissioner Jennifer Jacobsen would like to see them eliminated completely. Commissioner Jed Pugsley stated he sees a need for them to support local businesses. Staff was directed to send the commissioners the email and a map of what is currently in place to review for further discussion.

**PUBLIC COMMENTS - NONE**

**ADJOURN**

**MOTION:** A Motion was made by Commissioner Bonnie Robinson to adjourn commission meeting. The motion was seconded by Commissioner Jed Pugsley and the meeting adjourned at 8:30 p.m.

  
Mellonee Wilding, Chairman  
Box Elder County Planning Commission



## **PROPOSED TEXT AMENDMENT**

### **5-6-060. Development Standards.**

- A. The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit, the ADU, or IADU as their permanent residence. Applications for an ADU or IADU shall include evidence of owner occupancy as defined in section 5-6-040 of this chapter.
- B. ADUs or IADUs shall not be sold separately from the main unit.
- C. ADUs or IADUs shall not be rented on a transient basis (periods less than 30 days).
- D. Only one (1) ADU or IADU may be created per lot or property in zones that allow single-family dwellings.
- E. The design and size of the ADU or IADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.
- F. Installing separate utility meters and separate addresses for the ADU or IADU is prohibited.
- G. The total area of the ADU shall be less than forty percent (40%) of the square footage of the primary residence.
- H. The occupants of the ADU or IADU shall be related to each other by blood, marriage, or adoption; or up to two (2) unrelated individuals who are living as a single housekeeping unit. The Occupants of the ADU or IADU shall not sublease any portion of the ADU or IADU to other individuals.
- I. The minimum lot size required for construction of an ADU or IADU in all zones that allow single-family dwellings shall be twenty thousand (20,000) square feet.
- J. ADUs or IADUs shall not be located in a front or corner lot side yard and shall meet the same setbacks as required for the primary residence in the zone.
- K. ADUs or IADUs and the main dwelling must be on the same parcel and may not be subdivided.
- L. ADUs shall be compatible with the exterior color and materials of the surrounding area. IADUs shall be designed in a manner that does not change the appearance of the primary dwelling as a single family dwelling.
- M. The maximum height for ADUs or IADUs ~~is limited to one story.~~ shall be no taller, in elevation, than the roof of the primary structure.
- N. A minimum of one (1) off street parking space must be provided for the ADU or IADU.
- O. Where an existing subdivision has CC&Rs in place that govern ADUs the more restrictive regulation shall govern the use and development of that subdivision.
- P. The planning commission may place other appropriate or more stringent conditions deemed necessary in approving ADUs as per the standards found in Section 2-2-100, Conditional Use Permit.
- Q. Multi-family homes, mobile homes, RV's, trailers, campers, tents, and/or any other temporary structure and/or vehicle shall not qualify as an ADU or IADU.

**Proposed Text Amendments:**

***Chapter 5-8 – Kennels***

- 5-8-010. Purpose.**
- 5-8-020. General Regulations.**
- 5-8-030. Definitions.**
- 5-8-040. Conditional Use Permit Required.**
- 5-8-050. Development Standards.**
- 5-8-060. Inspections and Enforcement.**

**5-8-010. Purpose.**

The purpose of this chapter is to establish and set forth rules and regulations pertaining to the keeping of dogs and cats within the county. It is in the best interest of the county and its residents to establish certain rules and regulations concerning the rights and responsibilities of persons within the county having dogs and cats. The purposes of the kennel standards of this code are to:

- A. Allow opportunities for property owners to board, keep, breed, buy, groom, let for hire, train for profit, or sell dogs or cats to provide social, mental, or personal support for county residents.
- B. Preserve the character of the county, in accordance with the General Plan, by providing standards governing kennels and their establishment.
- C. To establish clear standards for the humane keeping of dogs and cats in Box Elder County.
- D. To promote and protect the public health, safety and general welfare of Box Elder County residents.

**5-8-020. General Regulations.**

- A. Except as provided in this Code, no kennel shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified.
- B. All kennels hereafter erected in Box Elder County shall comply with the current standards of this chapter, and all other codes and ordinances adopted by Box Elder County.
- C. All kennels shall be maintained in good condition.
- D. No owner may engage in the operation of any kennel for profit without a valid County business license.
- E. All kennels must be located and operated in a manner that does not create a nuisance to neighboring properties.

**5-8-030. Definitions.**

**Adult Cat:** Any cat six (6) months of age or older.

**Adult Dog:** Any dog six (6) months of age or older.

**Commercial Kennel:** An establishment having eleven (11) or more adult dogs or adult cats for the purpose of boarding, breeding, buying, grooming, letting for hire, selling, or training for profit.

**Dog Run:** Any enclosed area (by fencing or solid structure) designed for the secure containment and exercise of any off-leash dog(s).

**Home-Based Kennel:** An establishment having five (5) but not more than ten (10) adult dogs or adult cats for the purpose of boarding, breeding, buying, grooming, keeping, letting for hire, selling, or training for profit.

**Owner:** Any person who alone, jointly or severally with others, or in a representative capacity (including without limitation, an authorized agent, executor or trustee) has legal or equitable title to any property.

#### **5-8-040. Conditional Use Permit and/or Site Plan Required.**

A kennel meeting the regulations and standards, as specified in this chapter, may be allowed in any unzoned areas and zoned areas as set forth in the use tables after approval of a conditional use permit (§2-2-100) and/or site plan (§2-2-120).

#### **5-8-050. Development Standards.**

- A. **Kennel Location.** Before a permit can be issued, the following location standards must be met:
1. The location where the dogs or cats are kept, raised, housed or boarded must be at least two hundred feet (200') away from any neighboring house; and
  2. Must be at least one hundred fifty feet (150') from any road right-of-way line.
- B. **Minimum Standards.** The following minimum standards shall be met to obtain and maintain a kennel permit:
1. Adequate ventilation shall be maintained and an appropriate temperature provided as required by the specific breed of animal housed therein.
  2. Each animal enclosure shall have sufficient space for the animal to stand up, lie down and turn around without touching the sides or tops.
  3. Dog runs shall provide an adequate exercise area and protection from the weather. A securely fenced backyard is acceptable as a dog run.
  4. All animal kennels and dog runs are to be kept clean, dry and in a sanitary condition. Animal waste is to be disposed of properly.
  5. Food shall be free of contamination, palatable and of sufficient nutritive value as to meet the normal daily requirements for the condition and size of the animal.
  6. Fresh water is to be available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and be of the removable

- type.
7. Animals will be kept in an insulated, enclosed building between the hours of 10 PM and 6 AM.
  8. Only one (1) kennel may be created per lot or parcel.
  9. The minimum lot size required for construction of a kennel in all zones where permitted shall be 1 acre.
  10. The design and size of the kennel shall conform to all standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.
  11. All kennels shall have a posted sign which will include the kennel name and operating contact number. Signs shall be no larger than six (6) square feet in size.
  12. The Land Use Authority may place other appropriate or more stringent conditions deemed necessary in approving kennels as per the standards found in Section 2-2-100, Conditional Use Permit and/or Section 2-2-120, Site Plan Review.

**5-8-060. Inspections and Enforcement.**

**Inspections.** Prior to the issuance of a conditional use permit and/or site plan, the Zoning Administrator of Box Elder County shall meet with the proposed kennel owner and inspect the proposed kennel to ensure that all required improvements meet the provisions of this chapter, the conditions of the conditional use permit, and/or site plan.

**Enforcement.** Upon receipt of a complaint or to ensure compliance with this chapter, the Zoning Administrator may investigate reported violations of this chapter and regulations, including failure to obtain a conditional use permit and/or site plan as a kennel operator, as required under this chapter and impose any enforcement action pursuant to Chapter 2-4 (Enforcement) of the Box Elder County Land Use Management and Development Code.

**Chapter 3-2 – Multiple Use, Agricultural, and Rural Residential District**

		MU 160	MU 80	MU 40	A 20	A 1/2	RR 10	RR 5	RR 2	RR 1
3-2-070-5	Home-Based Kennel	C	C	C	C	-	C	C	C	C

**Chapter 3-4 – Commercial & Manufacturing**

3-4-070-8	SERVICES
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		C-N	C-S	C-H	C-G	M-FP	M-G	C-E
3-4-070-8.41	Commercial Kennel	-	-	C	C	-	-	C

### 1-3-040. Definitions.

**Adult Cat:** Any cat six (6) months

of age or older. **Adult Dog:** Any

dog six (6) months of age or older.

**Commercial Kennel:** An establishment having eleven (11) or more adult dogs or adult cats for the purpose of boarding, breeding, buying, grooming, letting for hire, selling, or training for profit.

**Dog Run:** Any enclosed area (by fencing or solid structure) designed for the secure containment and exercise of any off-leash dog(s).

**Home-Based Kennel:** An establishment having five (5) but not ~~or~~ more than ten (10) adult dogs or adult cats for the purpose of boarding, breeding, buying, grooming, keeping, letting for hire, selling, or training for profit.