

**MINUTES OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD
MAY 16, 2023, IN THE THOMAS M. REES JUSTICE CENTER COMMUNITY ROOM**

PRESENT: Ammon Allen, Kent Shelton, Trish Hatch, Jay Thomas, George Winn, and Catherine Paquette-Richardson. Matt Quinney was excused.

STAFF: Scott Langford Larry Gardner, Tayler Jensen, Duncan Murray, Julie Davis, Paul Brockbank

The pre-meeting was called to order by Ammon Allen, with a quorum present. The agenda was reviewed. Duncan Murray provided training on types of decisions and recommendations.

The meeting was called to order by Ammon Allen at 6:00 p.m., with a quorum present.

1. Approve Minutes from May 2, 2023

MOTION: Trish Hatch moved to approve the Minutes from May 2, 2023. The motion was seconded by Jay Thomas and passed 6-0 in favor. Matt Quinney was absent.

2. Truck Ranch; 9204 South 5600 West; Amended Site Plan; SC-3 Zone; Truck Ranch/Jadon Wagner (applicant) [#28362; parcel 26-02-426-003]

Larry Gardner said that the Truck Ranch preliminary site plan and subdivision plat were approved by the Planning Commission last year, but due to economic constraints the site has been redesigned. The lot size has been reduced to 6.7 acres and lot 2 was enlarged. There is no change to road dedication on the plat. The building looks very similar, but the second story was removed. Staff wanted to bring this change to the Commission so they were aware and to have them reapprove the changes. Most of the 10,000 square feet that were removed are with the second story, but the footprint was reduced by about one bay due to the change in road location. The final site plan is being reviewed by staff.

Staff recommended approval of the Preliminary Site Plan and Preliminary Subdivision Plat for Truck Ranch; 9204 South 5600 West in the SC-3 Zone.

Site Plan Requirements of Approval

1. The development shall meet all requirements of the Engineering and Fire departments.
2. All outstanding preliminary application redline corrections shall be corrected to staff's satisfaction prior to final site plan application submittal.
3. An approved preliminary site plan shall remain valid for one year following the date of the approval.
4. The proposed development shall meet all applicable 2009 City Code requirements.

Subdivision Requirements of Approval

1. All outstanding preliminary application redline corrections shall be corrected to staff's satisfaction prior to final subdivision application submittal.

2. The preliminary subdivision plat must meet all requirements of Engineering and Fire Departments.
3. The preliminary subdivision plat shall meet all applicable 2009 City Code requirements.
4. The preliminary subdivision plat shall meet all applicable Zoning Ordinance requirements.
5. The preliminary subdivision approval shall remain valid for one year following the date of approval (14-3-8).

Ammon Allen said he was glad that the applicant is still able to go forward with the project.

George Winn said he was good with approving the changes, and he asked if there had been any inquiries on the other lots.

Larry Gardner said there had been a lot of interest in Lot 2. Once development starts there will be more interest in the other lots.

Catherine Richardson asked if the landscaping had changed at all and if the site plans for the other lots will come to the planning commission when they develop.

Larry Gardner said the landscaping did not change, and all site plans will come to the commission.

MOTION: Kent Shelton moved, based on the information and findings and requirements of approval set forth in the staff report and upon the evidence and explanations received today, to approve the Preliminary Site Plan and Subdivision Plat for Truck Ranch at 9204 South 5600 West. The motion was seconded by George Winn and passed 6-0 in favor. Matt Quinney was absent.

3. **Golden Healer Service Dogs; 1902 West 7800 South; Conditional Use Permit for Pet Boarding and Veterinary Service; SC-2 (ZC) Zone; Golden Healer Service Dogs, Inc./Mike Carlson (applicant) [#29830; parcel 21-27-377-025]**

Mike Carlson, owner and founder, said they are a non-profit and have outgrown their facility in Draper. Their service dogs are for every type of disability except for seeing eye dogs. He explained the model of the business. Their business started in 2019 and they now provide therapy dogs and emotional support animals with training and education for the community. With the increased cost of travel and the need for more volunteers, they have decided to open this therapy dog center where people come to them. The proposed space has already been utilized for dog boarding, so it has some ready amenities. They prepare dogs to become facility dogs to provide emotional support and comfort to those in crisis situations. They are also partnering with facility dogs for alcohol and drug treatment centers. They hope to bring groups into the center, such as first responders, veterans, and schools.

Mr. Carlson responded to questions from the Commissioners. Fees will be charged to visit the center and to work with therapists. There are currently about ten dogs in training for service work, but they are looking to have more. There are 15 on the therapy dog team that includes dogs at their own facility and volunteer therapy dog handlers located throughout the state. Regarding any state or federal regulations, he wasn't aware of any. And there are no required certifications or credentials.

Mr. Carlson explained that there won't be staff overnight at the facility at this time. However, there will be someone at the facility until 10 p.m. when the dogs are let outside for the last time. There will be security cameras to be able to check on the dogs. After a busy day of sessions, the dogs are exhausted and will sleep well all night. Even at a typical boarding facility with dogs unfamiliar with each other, there is no overnight staff.

He said there will be minimal outside activities right now, but that could change as the business grows. They try to have only one dog at a time go outside, but puppies will usually go out in groups. Currently they have limited staff, so he would take out as many as possible at one time. There will always be one or two handlers in the yard when the dogs are out. He has been able to manage 15-20 dogs by himself in a residential area without complaints from the neighbors. They also hope to help people train their own therapy dogs.

Mike Carlson said they breed their dogs and get some from a kennel in Arizona. He explained the difference between service dogs and therapy dogs. He pointed out the outdoor area on the north side of the building that will be fenced. He said that there will not be excessive barking, and he did not anticipate any complaints due to barking. Waste is cleaned up immediately, is put in a container, and the container is put in the trash. The Animal Welfare Act requires 10 square feet of space per dog, so the boarding area would allow for up to 120 dogs. Parking requirements were reviewed.

Taylor Jensen clarified that when the notices were mailed it included a request for indoor recreation, but that is no longer being considered and is not needed. He reviewed the site plan and the fenced outdoor area on the north. A neighboring property owner was concerned that the outdoor area might be on the south end. The parking code requires one parking stall for 250 square feet of boarding area, which would be five stalls. Seventy-four parking spaces are provided, which would allow the business to grow quite a bit before meeting that number. If the veterinary service use grows, it could take a large amount of the available parking.

Staff recommended that the Planning Commission approve the Conditional Use Permit for Golden Healer Service Dogs, located at 1902 West 7800 South in an SC-2 zone, with the conditions and City Code Requirements listed in this report.

Conditions and Requirements of Approval:

Staff recommended the following conditions of approval to address reasonably anticipated detrimental effects of this use. If the Planning Commission disagrees with Staff's analysis and/or identifies any additional reasonably anticipated detrimental effects of the use, and which would comply with existing law, such information should be clearly included in any motion made by and subsequent decision of the Planning Commission relative to the Application. Any Planning Commission decision will supersede any conflicting analysis or opinions of the Staff stated in this Report or otherwise presented to the Planning Commission.

Recommended Conditions

1. Kennels shall be structurally sound and maintained in good repair to protect animals from injury.
2. All enclosure shall meet (or exceed) Animal Welfare Act (AWA) standards.
3. No dog shall be left alone, unattended for more than 24 hours.
4. No dogs shall be allowed outside alone without staff present.
5. Quiet Time (no dogs outside, except to potty) from 10:00 PM to 6:00 AM

City Code Requirements

1. The business activities shall be substantially consistent with the submitted application, letter of intent and site plan. Deviations from these documents shall be reviewed by all pertinent departments of the City of West Jordan.
2. Obtain and maintain a valid West Jordan Business License.
3. Obtain a Building Permit for any interior construction work, as required by the West Jordan Building & Safety Department.
4. A permit shall be obtained for any new exterior signage. The business shall adhere to all City sign requirements.
5. The Conditional Use Permit is subject to review and/or revocation, in accordance with §13-7E-10 of the 2009 West Jordan City Code.

George Winn thought that noise would be a minimal issue, but he asked if that would be handled by code enforcement if it did become a problem.

Tayler Jensen said yes.

Ammon Allen appreciated that the business is small at this time and is looking to grow over time in the same building. He asked how that expansion is going to be supervised at a staff level and if inspections are performed.

Tayler Jensen said the animal services division will do periodic checks to make sure the facility is providing a healthy environment for the animals. Those inspections will help to identify any conditions that need attention. He also explained that the veterinary services might not come on board at this time, but the applicant wanted to be up front in saying they would like to have those services in the future.

Mike Carlson said a boarding facility typically does not have a veterinarian on site. They have one on their board and she has agreed to check the dogs every month for good health, but she will not be on staff full time. However, they have talked about offering vet clinics from time to time.

Ammon Allen opened the public hearing.

Paul Brockbank, West Jordan Fire Marshal, said this was a former education building that has a full fire suppression and fire alarm system that will be inspected annually, which will provide protection for the dogs when no staff is present.

Ammon Allen noted that the Commission had received an email from resident Jeff Judge concerning noise abatement.

George Winn felt that the noise issue had been adequately addressed.

Further public comment was closed at this point for this item.

Jay Thomas asked if each dog needs to be registered and/or licensed with the city.

Mike Carlson said typically dogs that are owned are licensed. These dogs are in training to become service dogs for someone else. According to state law, a service dog does not need to be licensed. There is a unique type of facility. He said that if the city requires it then they will comply. However, it was his understanding that it was not required.

Taylor Jensen said City Requirements #1 states they have to comply with all city department requirements. So, if animal control determines licenses are needed then they would be required.

MOTION: Trish Hatch moved, based on the information and findings set forth in the staff report and upon the evidence and explanations received today, to approve the Conditional Use Permit for Pet Boarding and Veterinary Services (small animals only) for Golden Healer Service Dogs, located at 1902 West 7800 South in an SC-2 zone, with the Conditions and City Code Requirements listed in the staff report. The motion was seconded by Jay Thomas and passed 6-0 in favor. Matt Quinney was absent.

Ammon Allen noted in the record that the conditions recommended by staff had been reviewed and were deemed appropriate.

MOTION: George Winn moved to adjourn.

The meeting was adjourned at 6:46 p.m.


AMMON ALLEN
Chair

ATTEST:


JULIE DAVIS
Executive Assistant
Community Development Department



Approved this 6 day of June, 2023

Julie Davis

From: Tayler Jensen
Sent: Tuesday, May 16, 2023 11:28 AM
To: Julie Davis
Subject: FW: Golden Healer conditional use permit

Julie,

Here is a comment I received from a property owner adjacent to the Golden Healer project, do we do anything to make sure the commission sees this? Should I forward it to them?

Thanks in advance,



Tayler Jensen
Senior Planner
City of West Jordan
Phone: 801.569.5064
Email: Tayler.Jensen@WestJordan.utah.gov

Tayler Jensen

From: Jeff Judge <judjework@yahoo.com>
Sent: Tuesday, May 16, 2023 11:21 AM
To: Tayler Jensen <Tayler.Jensen@westjordan.utah.gov>
Subject: Golden Healer conditional use permit

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Tayler Jensen,

My name is Jeff Judge and my address is 7780 s 1920 w in West Jordan. I'm writing with my concerns regarding the conditional use permit applied for by Golden Healer Service Dogs. As per our conversation, my only real concern is noise mitigation as this facility is directly behind my back fence. You are welcome and encouraged to share my concerns with the comity and the applicant as I am unlikely to comment in person at this evenings public hearing. Thank you for addressing my concerns today during our phone conversation.

Regards, Jeff Judge

Type of Land Use Application	Type of Power/Duty	Type of Decision or Recommendation	Level of Discretion; and Criteria for Approval, Denial, or Recommendation
<u>Preliminary Subdivision Plat</u> *	<i>Land Use Authority</i>	<i>Administrative</i> (Final) <u>Decision</u> *	Ministerial (review and apply all relevant criteria of the City Code, especially Section 14-3-7); and make findings
<u>Preliminary Site Plan</u> *	<i>Land Use Authority</i>	<i>Administrative</i> (Final) <u>Decision</u> *	Ministerial (review and apply all relevant criteria of the City Code, especially Section 13-7B-4); and make findings
Conditional Use Permit *	<i>Land Use Authority</i>	<i>Administrative</i> (Final) <u>Decision</u> *	Ministerial (review and apply all relevant criteria of the City Code, especially Section 13-7E-8); and make findings , incl. identifying reasonably anticipated detrimental effects and imposing reasonable conditions to mitigate detrimental effects
Temporary Use Permit * (for 31 to 150 days)	<i>Land Use Authority</i>	<i>Administrative</i> (Final) <u>Decision</u> *	Ministerial (review and apply all relevant criteria of the City Code, especially Sections 13-7F-5 and -6); and make findings
Official Study assigned to P. C.* (Non-General Plan/Master Plan)	<i>Land Use Authority</i>	<i>Administrative</i> (Final) <u>Decision</u> *	Ministerial (review and apply all relevant criteria of the City Code; see Section 15-2-3F); and make findings
Master Development Plan or Preliminary Development Plan **	<i>Planning Commission</i>	<i>Legislative Recommendation</i> ** (to the City Council)	Discretionary (review and apply all relevant criteria , incl. criteria in City Code Sections 13-7I-1 to 13-7I-5)
Land Use Regulation Text Amendment ** (Titles 5, 8-15, 17; and Engineering Design Standards)	<i>Planning Commission</i>	<i>Legislative Recommendation</i> ** (to the City Council)	Discretionary (review and apply all relevant criteria , incl. criteria in City Code Section 13-7D-6B for regular text amendments and in Sec. 8-3A-3C for Eng. Design Standards)
Zoning Map Amendment ** (Zone Change)	<i>Planning Commission</i>	<i>Legislative Recommendation</i> ** (to the City Council)	Discretionary (review and apply all relevant criteria , incl. criteria in City Code Section 13-7D-6A)
General Plan Amendment , incl. G. P. Elements, Master Plans, and Future Land Use Map Amendments**	<i>Planning Commission</i>	<i>Legislative Recommendation</i> ** (to the City Council)	Discretionary (review and apply all relevant criteria , incl. criteria in City Code Section 13-7C-6)

* **The Planning Commission**, as a Land Use Authority, makes a *final decision* regarding each *Preliminary Subdivision Plat*, *Preliminary Site Plan*, Conditional Use Permit, and Temporary Use Permit (31-150 days), as well as any “official study” assigned to it, which is not a general plan element or master plan. **City Staff** makes a *final decision* regarding each *Final Subdivision Plat*, *Final Site Plan*, “*Administrative CUP*”, and Temporary Use Permit (1-30 days).

** After **the Planning Commission** makes a *recommendation*, **the City Council** makes a *final decision* regarding each *Master* or *Preliminary Development Plan* [which is a land use regulation if adopted with a Development Agreement pursuant to Utah Code Section 10-9a-532(2)(a)(iii)], Text Amendment (Land Use Titles of City Code, Engineering Design Guidelines, General Plan, G. P. Element, or Master Plan), and Map Amendment (Zoning Map Amendment or Future Land Use Map Amendment). **The City Council** also makes a *final decision* regarding each Master Development Agreement or other **Development Agreement** (including Deferral, Reimbursement, or Pioneering Agreements, etc.). Engineering Design Guidelines may be temporarily adopted by the City Council without a Planning Commission recommendation [Utah Code Section 10-9a-103(33)(c)(ii)].

Note: Currently, in the City of West Jordan, the Planning Commission is never an “Appeal Authority” (City Code Sections 15-5-1 through 15-5-6 inclusive).

General Rules of Utah Land Use Law for Land Use Authorities:

1. If the Planning Commission, as a Land Use Authority making an administrative (final) decision, finds that the land use application complies with all the provisions of state law and the City’s land use regulations in effect at the time the application was submitted, then the Planning Commission ***must*** approve of the application, as per Utah Code Section 10-9a-509(1)(a)(ii); and
2. The Planning Commission, as a Land Use Authority, ***may*** deny a land use application if the Planning Commission finds that the land use application does ***NOT*** comply with specific, applicable provisions of state law and/or City regulations in effect at the time it was submitted (by citing and explaining the specific, applicable provisions); otherwise, the Planning Commission ***may NOT*** deny an application; and
3. “Pending Regulation Exception Rule”: For a given land use application, the Planning Commission, as a Land Use Authority, ***may*** consider a “pending regulation,” but the Planning Commission ***may NOT*** consider a regulation which is ***NOT*** “pending,” as per Utah Code Section 10-9a-509(1)(a)(ii)(B).