

River Heights City

River Heights City Planning Commission
Minutes of the Meeting
March 12, 2024

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6 Present: Commission members: Heather Lehnig, vice chair
7 Keenan Ryan
8 Cindy Schaub
9 Troy Wakefield
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11 Recorder Sheila Lind
12 Tech Staff Councilmember Chris Milbank
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14 Excused Commissioner Noel Cooley (joined electronically at the end of the
15 meeting)
16 Councilmember Blake Wright
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18 Others Present: Fiorella Razzeto, Dane Ryan, Danny Petersen
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Motions Made During the Meeting

Motion #1

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24 Commissioner Wakefield moved to “approve the minutes of the February 27, 2024,
25 Commission Meeting with corrections as discussed, as well as the evening’s agenda.” Commissioner
26 Ryan seconded the motion, which carried with Lehnig, Ryan, Schaub, and Wakefield in favor. No one
27 opposed.
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Proceedings of the Meeting

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32 The River Heights City Planning Commission met at 6:30 p.m. in the Ervin R. Crosbie Council
33 Chambers on March 12, 2024.

Pledge of Allegiance

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35 Adoption of Prior Minutes and Agenda: Minutes for the February 27, 2024, Planning
36 Commission Meeting were reviewed. Recorder Lind asked for clarification on the motion for JV Lawn
37 Care’s Conditional Use Permit. Discussion was had and changes made to reflect their intent.

38 **Commissioner Wakefield moved to “approve the minutes of the February 27, 2024,
39 Commission Meeting with corrections as discussed, as well as the evening’s agenda.”
40 Commissioner Ryan seconded the motion, which carried with Lehnig, Ryan, Schaub, and
41 Wakefield in favor. No one opposed.**

42 Public Comment on Land Use: Danny Petersen, of 365 S 700 E, informed that he’d been
43 looking into planned unit developments (PUD) and homeowner associations. He noted that there
44 were none currently in River Heights but he understood that it had been recently added to the code.

45 He said no one forced Heritage into purchasing their property and now they were trying to push the
46 city into allowing them a PUD. He said River Heights wasn't the place for a PUD. He cautioned that
47 everything with Heritage should be in writing prior to starting the project to prevent them from doing
48 something different than agreed. He discussed the 20' setback that was recently added to the code
49 and noted that a full-sized truck can't fit within 20 feet. He said getting emergency vehicles in and
50 out of the development was going to be a problem. He suggested they think about it more and talk
51 to the council members about whether they wanted to allow it because once it was done it couldn't
52 be undone. He would support a 55 and Over community or larger single-family lots.

53 Public Hearing to Discuss a Kennel Conditional Use Permit Request from Fiorella Razzeto, of
54 694 S 600 E: Commissioner Lehnig opened the discussion. Commissioner Wakefield expressed
55 concern over the animal control deputy's comments on the recent incidences of Ms. Razzeto's husky
56 getting out and killing a neighbor's chickens. Commissioner Schaub agreed.

57 Commissioner Wakefield noted that dogs do get out sometimes and run down the street,
58 however, this dog didn't have a current license and wasn't up to date on his shots.

59 Fiorella Razzeto joined by Zoom and was asked by Commissioner Lehnig how long she'd had
60 her dogs and not had them registered. Ms. Razzeto answered that she'd had the husky since
61 November 2022. She mentioned a second dog and that they got their short-haired labradoodle
62 puppy 4 months ago. She hadn't worried about a kennel license because she thought the limit was
63 four dogs.

64 Commissioner Wakefield asked if the dogs had been licensed. Ms. Razzeto said two are
65 licensed and the third would be licensed after receiving a kennel conditional use permit. She thought
66 by getting the dogs chipped and their rabies shots it meant they were licensed. She had since learned
67 otherwise.

68 Commissioner Schaub asked how long they had rented their home. Ms. Razzeto said they
69 moved in in 2021. Ms. Schaub asked if she had worked on the fence since the incident. Ms. Razzeto
70 responded by detailing the additional fencing and gates they had purchased. The current fence had
71 been slowly breaking. Last week a neighbor's trampoline blew into their yard and ruined additional
72 fence. The landlord said he was going to fix it but hadn't. She said she would need to spend another
73 \$1,000 on fencing but was worried about spending a lot of money, having the dog get out again, and
74 then she'd be in trouble again. She noted that when she got the dog she was aware that it often got
75 loose, but thought by adopting the dog she was helping it out. She said it could squeeze through very
76 small holes. She reviewed the trouble she's been through since the dog got out and killed some
77 chickens. The owner of the chickens had been harassing her through texts, even after she paid him
78 \$300 in compensation.

79 Commissioner Wakefield agreed it was a difficult situation. He expressed sympathy that she
80 had spent so much money to keep the dog in but still felt worried that it would get out again. He
81 suggested they could issue the permit but revoke it if the dog got out one more time.

82 Commissioner Ryan agreed. He referred to the deputy's report which said the dogs were not
83 vaccinated and they seemed vicious. It sounded to him like Ms. Razzeto had tried to be responsible
84 and do the right thing.

85 Ms. Razzeto asked if the Commission could force residents to forfeit their animal.

86 Commissioner Wakefield said if the animal was causing problems in the neighborhood, it would be a
87 possibility.

88 Commissioner Schaub asked if the dog had run away since the deputy's last report and if she
90 would be willing to install an adequate fence to keep the dog in, within 30 days. Ms. Razzeto
91 responded that the dog hadn't gotten out since then and that she was very concerned that she kept
92 getting into trouble and was just trying to be a good dog owner and neighbor. The Commission
93 pulled up a view of the property.

94 Commissioner Lehnig suggested putting the permit on hold until the yard was fenced well
95 enough to hold the dogs. She asked Ms. Razzeto if the dogs were currently licensed and had their
96 shots. She responded that two dogs were registered and all had their shots.

97 M. Razzeto was unsure why, when other dogs got loose, their owners didn't get in trouble,
98 but she did. Commissioner Ryan reminded that her dog killed chickens when it was out. He agreed
99 to the idea of revisiting the request in a month. To Ms. Razzeto's credit, he had walked the sidewalk
100 in front of her house numerous times and had never seen or heard dogs barking. Ms. Razzeto
101 assured he was a very nice dog to humans, just not chickens.

102 Commissioner Wakefield expressed understanding the bonds between dogs and owners are
103 strong, however, he felt if the permit they issued wasn't followed the dog could be taken away.

104 Ms. Razzeto asked if her dog killed chickens again if she would receive a misdemeanor. She
105 was stressed at the thought of having to spend time in jail. The Commission said that would be up to
106 the animal control officer.

107 Commissioner Schaub asked if there had been other issues prior to the chicken incident. Ms.
108 Razzeto said her dog had escaped before but not killed any animals. She noted that when her house
109 door was left open the dog would bolt out. They had installed a double gated in the backyard and
110 were thinking about doing it in the front yard.

111 They asked Recorder Lind if there had been any other complaints or incidences regarding this
112 dog. Ms. Lind said she had heard from the neighbor about his chickens, but that there was nothing
113 additional.

114 Commissioner Lehnig reminded of a previous permit they approved with a condition to install
115 the proper fencing within 30 days.

116 Commissioner Ryan felt the previous situation was different because the residents at that
117 time were fencing their whole yard. He also didn't know how they would enforce the definition of a
118 "suitable fence."

119 Ms. Razzeto was asked if the landlord was planning to help with the fencing. She responded
120 that he had no intention of fixing it and wanted her to do it. Commissioner Schaub noted that the
121 owner of record needed to sign her permit application.

122 Commissioner Schaub noted that if she only had two dogs, she wouldn't need to get a permit.

123 Commissioner Lehnig noted that there needed to be one place that was completely fenced in.
124 Ms. Razzeto said there was currently an area in the backyard that was fenced, but the dog was still
125 trying to get out. They needed to come up with something else. She had thought of a large chain link
126 fenced kennel but expressed that she needed to think about the options and discuss it with her
127 partner.

128 Commissioner Lehnig suggested tabling the kennel permit application for 30 days. She asked
129 Ms. Razzeto to review 5-2-8 of the city code.

129 Commissioner Cooley spoke up on Zoom and agreed to their decision to table the request. He
130 noted that Ms. Razzeto seemed quite concerned about the husky continually getting her in trouble.

131 He stated that they, as a commission, needed to make sure they didn't allow a dog to stay in the
132 neighborhood who was causing problems.

133 The meeting adjourned at 7:30 p.m.

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Heather Lehnig, Commission Vice-Chair



Sheila Lind, Recorder

Public hearing date: Mar 12, 2024

River Heights City
Kennel Conditional Use Permit Application
The Keeping of Three or More Dogs

Name of Dog Owner: Fionella Razzeto Date: 02/26/23

Phone #: _____ Email: _____

Address: 694 S 600 E River Heights UT 84321

Number of dogs requested: 3 Property for animal support (sq ft): Quarter acre

Description of shelter provided, care of animals, etc: _____

Back yard, double fenced ..
3 kennels (lg)
1 service dog "Husky" = "still in training" > so far one year.
All our house dogs, we only take them out to go potty, then back in house
(2 med dogs, 1 small mini dog & sm dog & one med. dog are over several years old, fully trained)

Application fee is \$100 and is nonrefundable.

Date paid 02/26/23 Check number VISA By Sfund

After receipt of the application and fee, the city will schedule a public hearing with the Planning Commission, within one month. Neighbors within 300 feet of your property will be notified of your request, intent and of the hearing.

If granted, the conditional use permit shall be on indefinite duration, non-transferrable but subject to revocation for violation of City Code or regulation, or failure to meet imposed conditions. Revocation will be only by majority vote of the River Heights City Council after written notice to the permit holder has been served and a hearing has been held.

Planning Commission of River Heights City,

During the period of 2/21/24-current (3/7/24), we have taken three calls for incidents relating to a husky that is owned by Fiorella Razzeto Perez. Each time the dog has been out and running at large throughout the city and even into Providence.

On 2/21/24, I received a call about a husky attacking/killing chickens. Fiorella's husky had escaped from their yard and been running for about an hour (according to Fiorella) before this incident happened. The dog had run into the yard of 823 S and was digging at the fence to reach the rabbit in the yard of 827 S. The dog then proceeded to the yard of 564 E 800 S (home of Nate Call) and went into the chicken coop and attacked the chickens. Three were killed with another two injured. One of the injured was taken to the vet the next day and cost around \$120 to have the bird looked at.

When I arrived Fiorella had already placed her dog in the car to keep her contained. After discussing what could be done, Fiorella agreed to reimburse the Call's for their chickens and I went to her home to see how the dog was escaping. I noticed a fence in the backyard that was just wire for part of it and knew it would not be sufficient to contain a husky. I gave her some suggestions to contain the dog i.e., a perimeter collar, fixing the fence, using a martingale collar on the dog.

She did admit that the dog has escaped several times, but she had been able to bring her home. On this day she did not expect the dog to have gone south of their home as she usually goes to the north east. Fiorella said that the dog has never attacked chickens before today, so she was surprised by this event.

Fiorella advised that she had two dogs, though it sounded like possibly more, but I could not see them. I asked about licensing with the city and she said that they were not. I explained how to do that and warned her to fix the fence and keep the dog contained because in my experience, once a husky has killed one thing, it will keep going back/keep attacking those animals.

On 2/23/24, I was not on duty, but I was made aware of another incident of Fiorella's husky escaping and running around. The dog had taken off and run down 600 E into Providence and was not contained until the dog was around 200 N 150 E. The dog was being chased by Fiorella's son, but they advised that once the dog is out, she is difficult to contain. The dog and son were taken back to their residence (694 S 600 E).

On 3/3/24, I was again not on duty, but contacted by Nate Call, who was advising that Fiorella's husky was back at his house and he was worried she would get back into their chickens. I had the Deputy handling the issue impound the dog at the Cache County Animal Services as this was the third time in 11 days (that I have a record of) for the dog being loose. Fiorella was contacted and she did pick-up her dog shortly after it was impounded.

Due to the number of incidents and the obvious lack of ability to contain the dog after being given numerous suggestions/options; I issued Fiorella a citation for a dog at large (x2), no dog license, no current tags attached to the collar, unvaccinated dog, and dangerous/vicious dog.

Fiorella was upset with the citation and did not understand why she was receiving it as she had paid the Call's for the chickens her dog had killed. I explained that it was clear she could not contain her dog and it was becoming a public nuisance and that was why I was issuing her a citation.

In the beginning, Fiorella had told Nate that the reason the fence was so bad at her house is because she has asked the landlord to fix it and they haven't. So she had been placing the dog on a chain outside, but with the dog continuing to escape she had to buy larger and larger chain sizes. With the size she was explaining to me, it would be unsuitable and detrimental to the animal to have it restrained by a chain of that size.

If you need any further information on this matter, please let me know.

Deputy K. Packer