

River Heights City

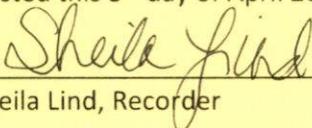
River Heights City PLANNING COMMISSION AGENDA

Tuesday, April 9, 2024

Notice is hereby given that the River Heights Planning Commission will hold its regular meeting beginning at **6:30 p.m.**, anchored from the River Heights City Office Building at 520 S 500 E. Attendance can be in person or through Zoom.

- 6:30 p.m. Pledge of Allegiance
- 6:32 p.m. Adoption of Previous Minutes and Agenda
- 6:35 p.m. Public Comment on Land Use
- 6:40 p.m. Amend the JV Lawn Care Conditional Use Permit of February 27, 2024
- 6:50 p.m. Revisit a Kennel Conditional Use Permit Application Submitted by Fiorella Razzeto
- 7:15 p.m. Adjourn

Posted this 5th day of April 2024



Sheila Lind, Recorder

To join the Zoom meeting:
<https://us02web.zoom.us/j/81803199278>

Attachments for this meeting and previous meeting minutes can be found on the State's Public Notice Website (pmn.utah.gov)

In compliance with the American Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Sheila Lind, (435) 770-2061 at least 24 hours before the meeting.

River Heights City

River Heights City Planning Commission
Minutes of the Meeting
April 9, 2024

Present: Commission members: Heather Lehnig, Vice-Chair
Keenan Ryan
Cindy Schaub
Troy Wakefield
Noel Cooley, electronic
Recorder Sheila Lind
Tech Staff Councilmember Chris Milbank

Excused Councilmember Blake Wright

Also Present Melinda Rodrigues
Electronically Present: Fiorella Razetto, JC

Motions Made During the Meeting

Motion #1

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

Motion #2

Commissioner Schaub moved to “Amend the Conditional Use Permit from February 27, 2024, to include “One employee will be allowed to come to their home in the morning to pick up a truck and trailer and return it in the evening.”” Commissioner Wakefield seconded the motion which carried with Cooley, Lehnig, Ryan, Schaub, and Wakefield in favor. No one opposed.

Motion #3

Commissioner Wakefield moved to “deny Fiorella Razzeto’s Kennel Conditional Use Permit request.” Commissioner Cooley seconded the motion, which carried with Cooley, Lehnig, Ryan, Schaub, and Wakefield in favor. No one opposed.

Proceedings of the Meeting

The River Heights City Planning Commission met at 6:30 p.m. in the Ervin R. Crosbie Council Chambers on April 9, 2024.

Pledge of Allegiance

44 Adoption of Prior Minutes and Agenda: Minutes for the March 26, 2024, Planning
45 Commission Meeting were reviewed.

46 **Commissioner Wakefield moved to “approve the minutes of the March 26, 2024,**
47 **Commission Meeting with corrections, as well as the evening’s agenda.” Commissioner Ryan**
48 **seconded the motion, which carried with Cooley, Lehnig, Ryan, Schaub, and Wakefield in favor. No**
49 **one opposed.**

50 Public Comment on Land Use: There was none.

51 Amend the JV Lawn Care Conditional Use Permit of February 27, 2024: Melinda Rodrigues
52 asked for an amendment to the JV Lawn Care Conditional Use Permit from February 27 to include the
53 allowance of an additional employee to come to their house to pick up a truck and trailer in the
54 morning and return it by 7:00 pm.

55 **Commissioner Schaub moved to “Amend the Conditional Use Permit from February 27,**
56 **2024, to include “One employee will be allowed to come to their home in the morning to pick up a**
57 **truck and trailer and return it in the evening.”” Commissioner Wakefield seconded the motion**
58 **which carried with Cooley, Lehnig, Ryan, Schaub, and Wakefield in favor. No one opposed.**

59 Revisit a Kennel Conditional Use Permit Application Submitted by Fiorella Razzeto: Discussion
60 was held on Ms. Razzeto’s dog being a service dog, as noted by the certificate she provided to the
61 city. Commissioner Cooley was confused on why the dog would be bolting from the house if it was a
62 service dog. He thought service dogs were trained to stay with the person they were serving.

63 Commissioner Schaub looked up service animal online and read that a service animal shall be
64 under the control of the handler by voice or hand signals.

65 Commissioner Lehnig read from state law which said that emotional support animals are not
66 included in the state’s definition of ‘service animals.’

67 Commissioner Ryan read from the certificate Ms. Razzeto submitted, which stated, “Service
68 animals are individually trained to do work or perform tasks for people with disabilities. This
69 certificate confirms that the owner’s information is on file at www. . .”

70 Commissioner Ryan noted that in the city code definitions of Vicious Dog (5-2-1:C) it stated,
71 “Any dog which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal
72 on public or private property.” The code also stated in 5-2-8, that if there weretwo or more violations
73 within 12 months, the Kennel Conditional Use Permit would be revoked. Commissioner Wakefield
74 noted that Ms. Razzeto’s dog had endangered other animals.

75 Discussion was held on emotional support animals versus service animals. Emotional support
76 animals can get a certificate online by paying a fee. They are not individually trained to perform tasks
77 so they wouldn’t qualify as being a service animal. Service dogs go through a training protocol.

78 Fiorella Razzeto attended the meeting electronically. She explained that she had fixed the
79 fencing and kept two types of cords on the dogs collar, in case one broke, which included mountain
80 climbing clips. She had posted the dog for adoption on KSL and Cache Humane Society. She’d had a
81 couple people interested from KSL but they fell through, and the humane society was full so they
82 wouldn’t accept her. She didn’t know what else to do.

83 Commissioner Schaub asked if she had a fully fenced yard for the dog now. Ms. Razzeto said
84 she did, but the dog could figure out how to get out. Ms. Razzeto said they are being extra cautious
85 by double chaining her. They supervise her time outside and then bring her right back in. She was
86 very concerned about her children and friends leaving the front door open and the dog bolting out.

87 Commissioner Schaub brought up that on March 20 her dog was picked up again. She asked Ms. Razzeto if the dog had gotten out beyond that date? Ms. Razzeto said, "No."

89 Commissioner Schaub asked if she had tried any Husky clubs to help rehome the dog. Ms. Razzeto explained that she had tried and it hadn't worked out.

91 Commissioner Cooley asked if she had contacted any dog trainers. Ms. Razzeto said she received advice from Pet Smart. They said husky's like to run away and they couldn't guarantee that training would prevent this from happening.

94 Commissioner Lehnig asked if she had tried to advertise the dog through KVNU radio. They had a spot in the day where they would advertise for free, called the Mail Bag.

96 Commissioner Wakefield couldn't see how they could approve a Kennel Conditional Use Permit based on the knowledge they had. The dog had gotten loose at least 3 times and had several citations, which he felt they couldn't overlook. The other commissioners felt the same way. Commissioner Ryan reviewed some of the things they'd heard and was concerned about Ms. Razzeto's financial situation and how the dog continued to cost her more money. He said he couldn't approve the permit request with a good conscious.

102 Commissioner Cooley said the dog obviously needed to be rehomed or put down. Ms. Razzeto understood Utah was a no kill state. The Commission said they couldn't tell her to put her dog down.

105 Ms. Razzeto explained that Deputy Packer had been called to Mr. Call's location three times concerning her dog being at his home. She was frustrated that he wouldn't just call her so she could go pick up her dog. The first time the dog went to his property, he had his chickens out. The city's code said that chickens need to be kept in a predator-free area. None of his property was fenced, and he lets his dog roam the neighborhood. She immediately gave him \$300 for the death of his chickens. On the second offence of her dog showing up at Mr. Call's home her son was right behind the dog. She talked to Mr. Batt (the head of the animal control department) today about the situation. She said Deputy Packer was very uniformed about dogs. She accused Ms. Razzeto of not feeding her dog enough and giving her enough attention. She also talked down to her.

114 Commissioner Lehnig said she and the commission were very sorry that all of this was going on with her neighbor.

116 **Commissioner Wakefield moved to "deny Fiorella Razzeto's Kennel Conditional Use Permit request." Commissioner Cooley seconded the motion, which carried with Cooley, Lehnig, Ryan, Schaub, and Wakefield in favor. No one opposed.**

119 Commissioner Schaub suggested Ms. Razzeto could try a Facebook Cache Valley Pets group and the classifieds to try to rehome the dog for free. The commissioners discussed how to use the radio service. Councilmember Milbank suggested Four Paws in Millville.

122 The meeting adjourned at 7:15 p.m.

126 _____
Sheila Lind, Recorder

128 _____
Heather Lehnig, Commission Vice-Chair

Conditional Use Permit Agreement

THIS CONDITIONAL USE AGREEMENT is made by and between Juan Valdovinos of 658 Summerwild Avenue, River Heights, Utah (Permittee) and River Heights City (City), a Utah municipal corporation.

WHEREAS, Permittee desires to run a lawn care business from his home, and

WHEREAS, the City requires a Conditional Use for the desired request, and

WHEREAS, a public hearing was held by the Planning Commission on February 27, 2024;

THEREFORE, the City voted to grant Permittee a Conditional Use Permit with the following conditions:

- 1. The home business is for administrative use only.
- 2. One administrative employee will come to the home during the week.
- 3. Five personal vehicles allowed, two of which can be used for business.
- 4. This Conditional Use Permit is for lawn care business only.
- 5. No signage on the property.
- 6. All chemicals need to be stored off-site and not on the property.
- 7. At the end of the lawn care season all non-residential trucks and equipment will be stored off site (does not include family vehicles).
- 8. Lawn care trucks used by employees will be kept off site.
- 9. Upon moving from the property, the CUP expires.
- 10. No maintenance of equipment on the property.
- 11. No equipment visible from the street.
- 12. Hours of operation: 7:00am-7:00pm

* →

Dated this 12th day of March, 2024.

* One employee allowed to come to the home in the morning to pick up a truck and trailer and return it again in the evening.

RIVER HEIGHTS CITY:

Blake Wright, Council Member

Noel Cooley, Commission Chair

PERMITTEE (Signature must be notarized):

Juan Valdovinos

Date

State of Utah)
County of Cache)

Sworn and subscribed to before me this ___ day of _____ 2024 by _____.

Notary Public

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: 1094 S 600 E River Heights UT 84321

Number of dogs requested: 3 Property for animal support (sq ft): Over 1 acre

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

Back yard, double fenced.

3 kennels (1g)

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, 1 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:

On 3/20/24, I responded to yet another call about Fiorella's dog being loose and back at the Call's residence at around 10 pm. I arrived and Nate explained that he was in his office when he noticed the dog on their porch dragging a broken lead. He and his wife were able to contain the dog by tying the lead to the fence.

They do not believe that the dog got into their chickens again, but were concerned that the dog was back at all. The Call's are worried for the safety of their animals as well as the neighbors. Nate and his wife also voiced concern about their children being in the yard and what would happen if this husky showed up. I explained that I did not believe that they needed to be concerned about the dog being aggressive towards their kids, only the chickens and neighbor's rabbits (small prey animals).

As we were speaking, Fiorella was driving by and saw my truck. I took the dog over to her and advised that the broken lead that she had used to restrain the dog was not going to hold a husky. It was too small and flimsy for a dog of that size and strength. So she asked if she needed a larger chain, I said that she would need a stronger cord/chain if that was how she was going to restrain the dog.

I explained to her that I was concerned about her dog's current body weight as she is fairly skinny with little muscle mass. I would give her a Body Condition Score of 2, which means that she has little to no muscle and you can easily see the bones of this dog. She immediately became defensive and said that if I dare to accuse her of malnourishing her dog, that she could prove me wrong with one call to her vet tomorrow. That she just bought another big bag of dog food from Tractor Supply yesterday. I only explained that if she is feeding her dog regular dog food, perhaps it is not enough. That maybe she could consider feeding puppy food as there is more protein in it that would take more time to burn through for a high energy dog like a husky.

I also mentioned that the shedding of the dog could be increased by stress. It seemed that the dog was shedding out her winter coat, but shedding of that amount could be influenced by stress as well. I advised that it seemed that the dog was stressed and appeared to crave human interaction. Fiorella was not happy about this either and showed me googled pictures of shedding huskies. I explained that I am aware of the amount of hair that huskies lose, I am just pointing out that her dog appears to be stressed out and anxious.

In the end, I issued Fiorella a citation for third offense of dog at large. I was told that the dog had been out at least one other time, but I only have it reported for this specific occasion, though I wouldn't be surprised if the dog has been out more.

Again, let me know if there is anything else you need from me.

-Animal Control Deputy Packer



Service Dog Registration



This confirms that

Akaila

has been included in Service Dog Registration's
self-reported service dog database by

Fiorella Razzeto

as of November 21, 2022



Service animals are individually trained to do work or perform tasks for people with disabilities. Under the ADA, disabled people accompanied by a trained service animal have equal access rights to all public accommodations. This certificate confirms that the owner's information is on file at www.servicedogregistration.org