

# River Heights City

---

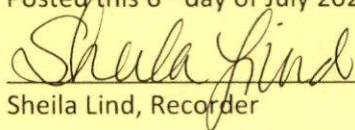
## River Heights City PLANNING COMMISSION AGENDA

**Tuesday, July 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. Public Hearing to Discuss a Kennel Conditional Use Permit Request from Zane Oreolt, of 541 E 700 S
- 7:05 p.m. Further Discussion on State Code on Home Based Micro-Education Entities
- 7:25 p.m. Report on Subdivision Code Upgrades
- 7:30 p.m. Adjourn

Posted this 6<sup>th</sup> day of July 2024

  
Sheila Lind, Recorder

To join the Zoom meeting:  
<https://us02web.zoom.us/j/84753796901>

Attachments for this meeting and previous meeting minutes can be found on the State's Public Notice Website ([pmn.utah.gov](http://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  
July 9, 2024

Present: Commission members: Noel Cooley, Chairman  
Heather Lehnig  
Cindy Schaub  
Troy Wakefield

Councilmember Blake Wright  
Recorder Sheila Lind  
Tech Staff Councilmember Chris Milbank

Excused Commissioner Keenan Ryan

Others Present: Zane Oreolt, Zac and Hayley Cunningham

## Motions Made During the Meeting

### Motion #1

Commissioner Wakefield moved to “approve the minutes of June 25, 2024, with adjustments as discussed, as well as the evening’s agenda.” Commissioner Schaub seconded the motion, which carried with Cooley, Lehnig, Schaub, and Wakefield in favor. No one opposed. Ryan was absent.

### Motion #2

Commissioner Lehnig moved to “approve Zane Oreolt’s Request for a Kennel Conditional Use Permit with the following conditions: 1) The yard needs to be fenced, 2) Clean up needs to be taken care of, 3) The barking stays within a reasonable level, and 4) The permit goes away if he moves. Commissioner Wakefield seconded the motion which carried with Cooley, Lehnig, Schaub, and Wakefield in favor. No one opposed. Ryan was absent.

## Proceedings of the Meeting

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

### Pledge of Allegiance

Adoption of Prior Minutes and Agenda: Minutes for the June 25, 2024, Planning Commission Meeting were reviewed and a couple minor changes made.

Commissioner Wakefield moved to “approve the minutes of June 25, 2024, with adjustments as discussed, as well as the evening’s agenda.” Commissioner Schaub seconded the

45 **motion, which carried with Cooley, Lehnig, Schaub, and Wakefield in favor. No one opposed. Ryan**  
46 **was absent.**

47 Public Comment on Land Use: There was none.

48 Public Hearing to Discuss a Kennel Conditional Use Permit Request from Zane Oreolt, of 541 E  
49 700 S: Zane Oreolt explained that when he got his third dog, he was made aware that he would need  
50 a Kennel Conditional Use Permit. He said he takes good care of his dogs and had no desire to breed  
51 them. Commissioner Schaub asked if there had been complaints. Ms. Lind said there were barking  
52 complaints when he first moved in. Mr. Oreolt said he fixed all the fencing and got bark collars for  
53 the dogs. Now, they don't bark more than once while the collars are on. Ms. Lind agreed he did a lot  
54 of work and there hadn't been any problems with the dogs or barking since then. They each weigh  
55 close to 100 pounds and all are neutered. He works all day and gets home at 4:00pm. His dogs can  
56 go in and out on their own, however he had a fence inside a fence in his back yard to keep the dogs  
57 away from the perimeter of his yard.

58 **Commissioner Lehnig moved to "approve Zane Oreolt's Request for a Kennel Conditional**  
59 **Use Permit with the following conditions: 1) The yard needs to be fenced, 2) Clean up needs to be**  
60 **taken care of, 3) The barking stays within a reasonable level, and 4) The permit goes away if he**  
61 **moves. Commissioner Wakefield seconded the motion which carried with Cooley, Lehnig, Schaub,**  
62 **and Wakefield in favor. No one opposed. Ryan was absent.**

63 Further Discussion on State Code on Home Based Micro-Education Entities: Commissioner  
64 Cooley reviewed the draft he came up with. He proposed making a new section to insert in the code:  
65 10-13-27: Requirements for Home Based Microschool and Micro-education Entity. In his draft he  
66 addressed: following state code, parking distance from another school, a sufficient length of drop-off  
67 area, and hours of operation. He also added definitions, taken directly from the state code.

68 Commissioner Lehnig felt it was a great start but wanted some time to mull it over.

69 Commissioner Schaub wondered if they should be more specific on the classrooms.

70 Commissioner Cooley noted that state code spelled out those requirements.

71 Commissioner Cooley suggested looking at what Providence City was going to present to their  
72 public.

73 Councilmember Wright said he didn't see anything in the state code which would prohibit a  
74 microschool from being on the same street as another school. He agreed it would be redundant to  
75 have the state code repeated in the city code, and suggested the city could help applicants  
76 understand the state code.

77 Discussion was held on how much distance they wanted between microschools. They decided  
78 on 600 feet.

79 Councilmember Wright asked if a micro-education entity would need to follow the same rules  
80 in River Heights. If so, it should be addressed with the microschool.

81 Report on Subdivision Code Upgrades: Commissioner Cooley pointed out the Memo of  
82 Understanding (MOU) with Landmark Design to revise the city's subdivision ordinance to comply with  
83 state code. Landmark had already done this for Tremonton City. The MOU gave a step list of what  
84 they would do, including presenting the revisions to the Commission. The city had signed and made a  
85 commitment with them.

86 Commissioner Cooley informed that state code had turned subdivision reviews and approvals  
87 over to a design review committee. Planning commissioners and city council members were not  
88 allowed to serve on the committee. He noted the city's subdivision code would need to be very tight.

80 Commissioner Cooley proposed meeting again on the 30<sup>th</sup>, rather than the 23<sup>rd</sup>. On the next  
91 agenda, the commission would hold a public hearing on a conditional use permit (CUP) application  
92 from Chaiya Wimber, who wanted to hold a Halloween Festival Event in the City Park. The City  
93 Council had discussed her request twice and then sent her to the Commission for a CUP. Ms. Wimber  
94 requested 60 vendors and up to 400 cars throughout the day. Councilmember Wright said the  
95 council was basically in favor of the event but was getting bogged down with the details.  
96 Councilmember Milbank pointed out that the city's code on temporary uses (10-13-18) stated an  
97 event like this would need City Council approval. However, the Land Use Chart in section 1-12,  
98 showed a farmers market as needing a CUP in a residential zone.

98 Commissioner Cooley said Millville City had scheduled a festival on private property which  
99 would be about the size of the one Ms. Wimber was requesting. They could attend and see if they  
100 had any concerns.

101 The meeting adjourned at 7:20 p.m.  
102  
103

104  
105  
106   
107 \_\_\_\_\_  
108 Noel Cooley, Commission Chair

  
\_\_\_\_\_  
Sheila Lind, Recorder

Public hearing date: July 9

# River Heights City Kennel Conditional Use Permit Application

The Keeping of Three or More Dogs

Name of Dog Owner: Zane Orloff Date: 6-17-24

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

Address: 541 E 700 S 02-028-0033

Number of dogs requested: 3 Property for animal support (sq ft): a quarter of a acre  
about 1/2 acre

Description of shelter provided, care of animals, etc: Solid fully fenced  
with steel poles on all sides. 6 1/2 feet tall  
on all sides. Shelter so dogs can go in  
to out of house. Shaded cover along house. Fence  
surround against house so it keeps dogs away from  
neighbors. 3 Garmin bark collars that count how  
many times dog barks. Ifs near more than 1 <sup>once</sup>  
in an 8 hour period. I have absolutely no desire <sup>2nd</sup>

Application fee is \$100 and is nonrefundable. to get more than 3 dogs. Not breeding  
them.

Date paid 6/17/24 Check number cash By Zane Orloff  
S/O

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.



June 28, 2024

Dear Resident,

Zane Oreolt, of 541 E 700 S, River Heights, has applied for a Kennel Conditional Use Permit to keep 3 dogs on his property.

His application states his yard is fully fenced with a 6.5-foot solid fence. The dogs can go out of the house through a doggy door and into a smaller fenced area in the back yard, which prevents them from approaching the fence around the perimeter of the yard. Each dog has a Garmin bark collar which counts how many times they bark. Since wearing the collars, they haven't ever registered more than one bark during an 8-hour period. He has no desire to get a fourth dog and won't ever breed them.

Because you own property within 300 feet of his property, you are invited to a public hearing scheduled for Tuesday, July 9<sup>th</sup> at 6:30 p.m., where the Planning Commission will hear comments and decide whether the permit will be granted. The meeting will be held at the River Heights City Building, 520 South 500 East. Written comments can be addressed to Commissioner Noel Cooley and will be accepted up until noon on the date of the hearing.

Sincerely,

River Heights City

July 7, 2024

Commissioner Cooley -

I have no problem with granting a Kennel Use Permit to Zane Oreolt.

Kathryn Pannell  
505 E. 700 S.

Don and Susan Rice  
527 E 700 S  
River Heights, Ut 84321  
July 6, 2024

Commissioner Noel Cooley  
River Heights City Corporation  
520 S 500 E  
River Heights, Utah 84321-5516

Re: Zane Oreolt's Kennel Conditional Use Permit

Dear Commissioner Cooley:

We are Zane Oreolt's next-door neighbors to his west. We support giving Zane at 541 E 700 S, River Heights, Ut the kennel conditional use permit that he has applied for to keep his three dogs. He has worked very hard to make his property and his dogs safe and to keep them from barking. Susan is retired and home during the day and rarely if ever hears Zane's dogs barking. Once again, we support giving Zane Oreolt a Kennel Conditional Use Permit to keep his three dogs on his property.

Sincerely,

*Don Rice*  
*Susan Rice*

Don and Susan Rice

To whom it may concern,

09-Jul-2024

I received a notice of a request for a kennel permit by my neighbor Zane. In my experience over the past few years, I have found Zane to be a responsible pet owner. He has a strong fence in place and has worked to maintain the security. I am in support of his request to continue housing his 3 dogs who have not been a problem for me. Zane is a great neighbor and much appreciated.

Regards,  
Barbara Hoth  
534 E 700 S  
River Heights, UT 84321

## 10-13-27: Requirements for Home Based Microschool and Micro-education Entity

Purpose: A Home-based microschool is allowed in all zones as long as it meets the requirements of State Code 10-9a-305 and meets the definition of State Codes 53G-6-201 53G-6-212. This section defines the requirements for a Home-based microschool located in River Heights City to be approved by the City zoning administrator.

Requirements: The following shall be considered requirements before any applications are approved.

- A. All conditions with the state codes shall be met.
- B. Parking: One off-street parking space for each employee.
- C. Distance from any public school or other micro-based building: A minimum of ~~2~~ 600 feet from another micro-based facility. No micro-based facility will be allowed on any street where a public school is located.
- D. A drop-off area of sufficient length shall be provided that does not interfere with adjoining neighbors.
- E. Hours of operation shall be between 8:00 – 4:30 p.m. Monday thru Friday.

### Definitions:

**Home-based Microschool:** Means an individual or association of individuals that:  
(i) registers as a business entity in accordance with state and local laws; and  
(ii) for compensation, provides kindergarten through grade 12 education services to 16 or fewer students from an individual's residential dwelling, accessory dwelling unit, or residential property.

**Micro-education entity:** means a person or association of persons that:  
(i) registers as a business entity in accordance with state and local laws; and  
(ii) for compensation, provides kindergarten through grade 12 education services to 100 students or fewer.



Mayor Jason Thompson  
River Heights City  
520 South 500 East  
River Heights, Utah 84321  
435-752-2646 Ext 3  
435-278-8169 (cell)  
jasonthompson@riverheights.org

29 June 2024



**Landmark Design**  
LANDSCAPE ARCHITECTURE & PLANNING

Artspace Solar Gardens  
850 South 400 West | Studio 104  
Salt Lake City, Utah 84101  
801.474.3300  
www.ldi-ut.com

## Memo of Understanding and Agreement for Landmark Design to Provide Subdivision Ordinance Technical Assistance to River Heights City

Dear Mayor Thompson

Landmark Design looks forward to assisting River Heights City update the municipal subdivision ordinance in order to ensure they meet recent changes required by the State of Utah. To summarize, Senate Bill 174, 2023 General Session of the Utah State Legislature, created a new process for subdivision review and approval. The State Legislature appropriated funding to the Department of Workforce Services (DWS) Division of Housing and Community Development for the purpose of providing legal and planning services to those municipalities to ensure that by the specified dates all the municipalities have adopted subdivision ordinances in compliance with state code. The primary goal of these services is to help cities and towns to access legal and planning services to revise their ordinances within the time frame outlined in the Statute. Landmark Design is one of several contractors that have been approved to provide such services.

The following is the proposed scope of work and general tasks that we proposed for meeting the intent of the project.

### **PROPOSED SCOPE OF WORK**

Landmark Design will assist River Heights City make the requisite changes to its municipal code to ensure it is aligned with the requirements of Utah Code Title 10, Chapter 9a, Part 6. Such services shall include the following general tasks:

1. Subdivision ordinance review;
2. Ordinance preparation;
3. Meeting/consulting with the municipality, as necessary (including travel);
4. Making presentations to Planning Commission, City Council or both, as necessary;
5. Preparing public notices and attending hearings on the Subdivision Ordinance, if necessary; and
6. Expense tracking and reporting.

Utah State Statute requires that ordinances must be updated by specified deadlines. It requires "Specified Municipalities" to complete these ordinances by December 31, 2024. "Specified Municipalities" are defined as:

*A city of the first, second, third or fourth class; a city of the fifth class with a population of 5,000 or more, if the city is located in a county of the first, second, or third class; or a metro township with a population of 5,000 or more.*

According to our understanding River Heights City is a fifth class city. In addition to meeting the end-of-year deadline, the services provided by Landmark Design may not exceed \$14,000 of assistance for services provided by a planner or attorney in the consultant pool.

We look forward to working with River Heights City on this project, beginning with the preparation of a detailed work plan and delivery schedule once we are under contract. Please feel free to contact me if you have any questions or require additional clarification.

Yours Sincerely,



Mark Vlasic, AICP  
Principal Planner / Project Manager  
markv@ldi-ut.com  
(801) 718.4353 – cell